



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In reply to:

Public Notice Number: NAN-2012-00048-EST

Issue Date: November 19, 2012

Expiration Date: December 19, 2012

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Michael R. Maklary
59 Lake Avenue
Center Moriches, NY 11934

ACTIVITY: Waterfront reconfiguration.

WATERWAY: Senix Creek

LOCATION: Village of Center Moriches, the Town of Brookhaven, Suffolk County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA-FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Permit

In order for us to better serve you, please complete our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office a (917) 790-8533 and ask for Leo Strogach.

CENAN-OP-RE

PUBLIC NOTICE NO.NAN-2012-00048-EST

For more information on New York District Corps of Engineers programs, visit our website at
<http://www.nan.usace.army.mil>.



Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

CENAN-OP-RE
PUBLIC NOTICE NO.NAN-2012-00048-EST

WORK DESCRIPTION

The applicant, Michael R. Maklary, has requested Department of the Army authorization for placement of fill while creating new waters of U.S. during property profile reconfiguration. The proposed project site is located in the Senix Creek, in the Village of Center Moriches, the Town of Brookhaven, Suffolk County, New York.

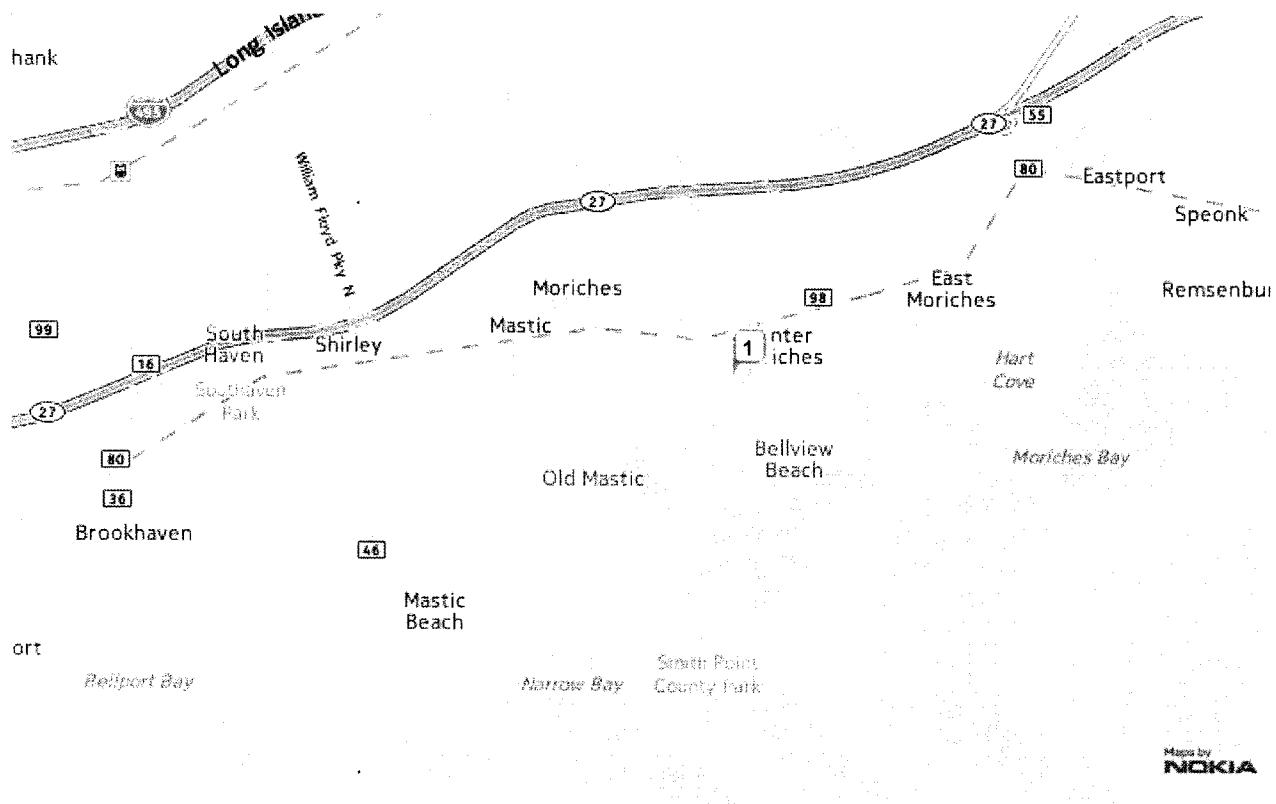
The work would involve: Removal of an 119-foot-long multiple sections bulkhead; construction of a 72-foot-long and a 5.5-foot-long bulkheads with two (2) 10-foot-long returns by vibrating them in-place; excavation of a 15-foot-wide by 16-foot-long and a 13-foot-wide by 16-foot-long upland areas to 4 feet below mean low water (MLW) elevation with removal of 86.5 cubic yards and 72.5 cubic yards of material respectively with further placement of the excavated material behind the constructed bulkhead; dredging of a 10-foot-wide by 38-foot-long area in front of the bulkhead to 4 feet below MLW with removal of approximately 26 cubic yards of dredged material with its further placement together with 50 cubic yards of clean fill behind the constructed bulkhead; installation of a 15-foot-long bulkhead to support northerly neighbor's slip bulkhead wall; installation of a 6-foot-wide by 20-foot-long float; installation of two (2) mooring piles and repositioning of two (2) mooring piles. A total of 103.5 cubic yards of fill would be placed behind the constructed bulkhead below spring high water (SHW) elevation.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by maintaining a silt screen barrier during the performance of the proposed work. Most of the impacts associated with this project are temporary and would be offset by implementing best management practices to minimize impacts.

The stated purpose of this project is to access waters of the U.S. and to appreciate and enhance the wetlands.

YAHOO! MAPS

**59 Lake Ave, Center Moriches, NY
11934-2529**



When using any driving directions or map, its a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

Appl# 2012-00048-Est

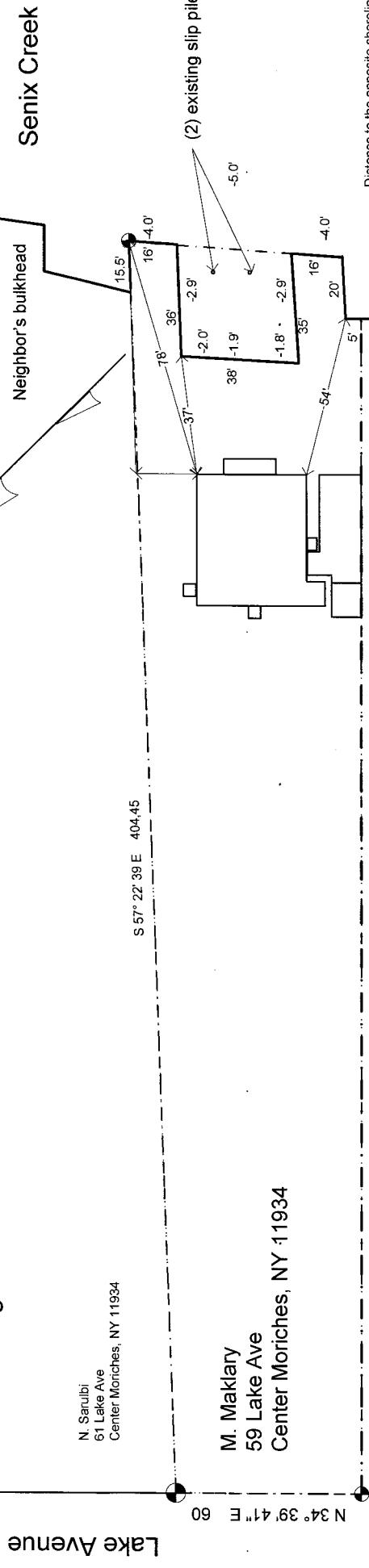
SITE PLAN

Existing conditions

N. Sarulbi
61 Lake Ave
Center Moriches, NY 11934

M. Maklary
59 Lake Ave
Center Moriches, NY 11934

S. Buriel
57 Lake Ave
Center Moriches, NY 11934



PHASE ONE:

1. As detailed on project plan 2, 77.5' of vinyl Navy style "C-loc" bulkhead will be vibrated in place matching existing southerly neighbor's bulkhead with two 10' returns on either side.
2. Excavate AREA A: 16' X 15.5' X 9.4'; (86.5 cys.) and area B: 13' X 16' to 9.4'; (72.5 cys.) will be excavated to 4' MLW.
- The resultant evacuated soil (159 cys.) will be placed in area D behind proposed 77.5' bulkhead.
- Dredge AREA C 10' X 38' to -4' MLW will be dredged and the resultant dredge material (26 cys.) will be placed in AREA D.
- Place as needed in AREA D 50 cys. of clean fill and level to grade.
- Remove 119' of existing bulkhead which surrounds AREAS A and B.

PHASE TWO:

1. Install a 5' X 72' boardwalk with a 5' X 15' walkway landward of proposed bulkhead with red slate chips or (natural stones).
3. Install a 15' bulkhead to support to northerly neighbor's slip bulkhead wall.
4. Install (1) 6' X 20' float with (4) mooring piles and (2) mooring piles. Re-position two existing slip piles as mooring piles.
5. Install one safety ladder.

Total volume of soil both excavated and dredged equals 185 cys.

Total volume of soil placed behind the 77.5' proposed bulkhead equals 192 cys.

The net loss in land is 7 cys. or 1 square yard of surface area

Total volume of seawater displaced behind the 77.5' proposed bulkhead equals 111 cys.
Total volume of seawater added seaward of the 77.5' proposed bulkhead equals 127.25 cys.
The net gain in seawater is 16.25 cys.

Project area will be surrounded with a silt screen barrier and all dredging will be conducted at MLW



All resultant dredge material to remain on site.
SHW, MHW & MLW was observed at the bulkhead.

Application By:
ENVIRONMENTAL PERMITS INC.
12 Beecher St.
Coram, NY 11727
631-375-4534
698-0229 fax
Enviropermits@yahoo.com
by Clay Colefield

Job Site:
59 Lake Ave
Center Moriches, NY 11934

Applicant:
Michael R. Maklary
59 Lake Ave
Center Moriches, NY 11934

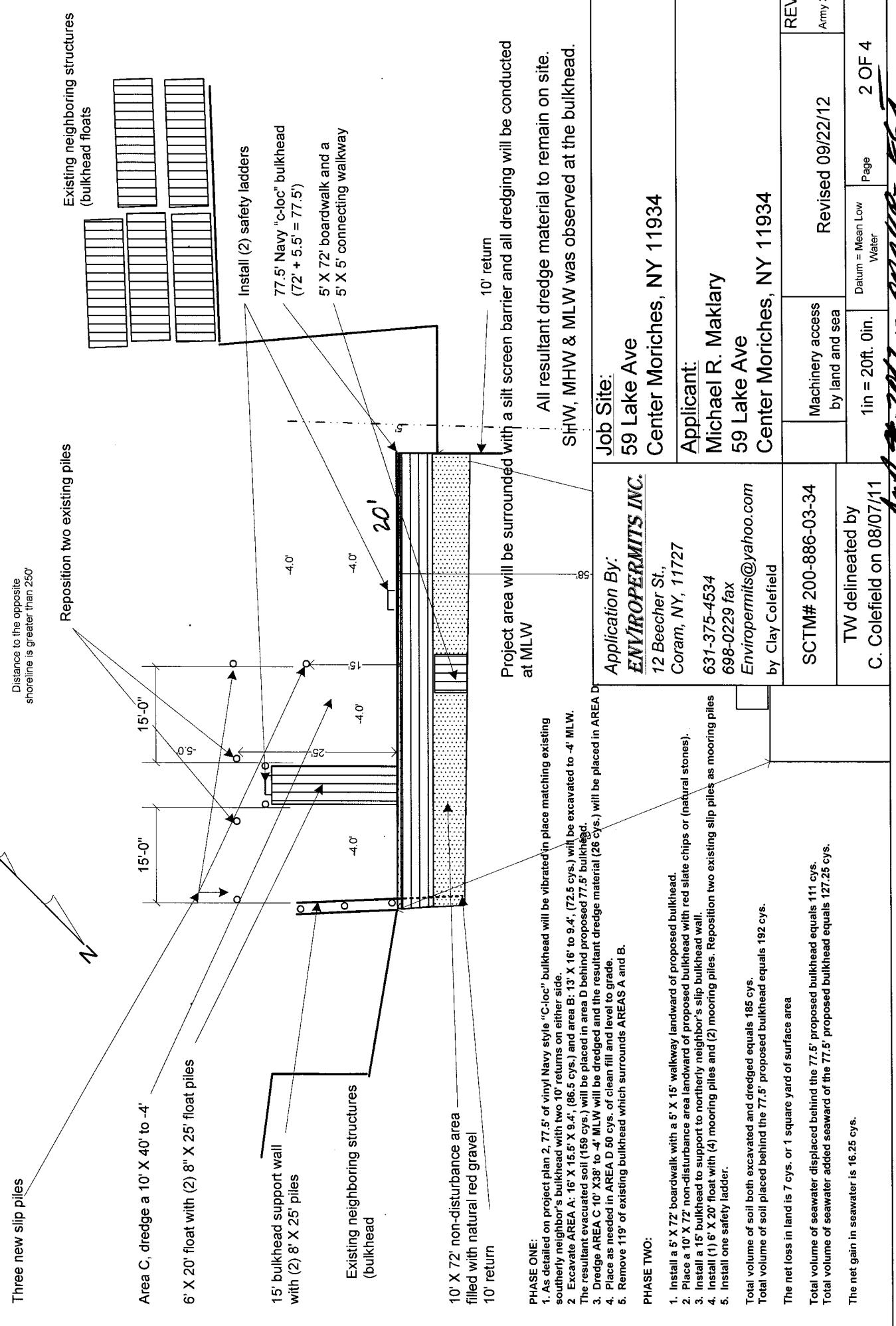
REV	Army 2
Revised 09/22/12	
Datum = Mean Low Water	Page
1in = 50ft. 0in.	1 OF 4

Dredging and fill areas
Reflected in Excavation plan

Project Plan

Proposed Structures

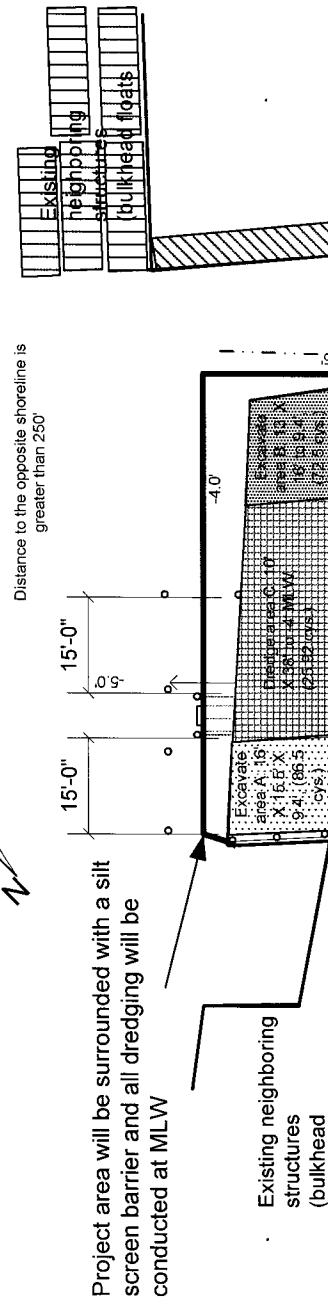
Senix Creek



EXCAVATION PLAN

Dredging and fill areas

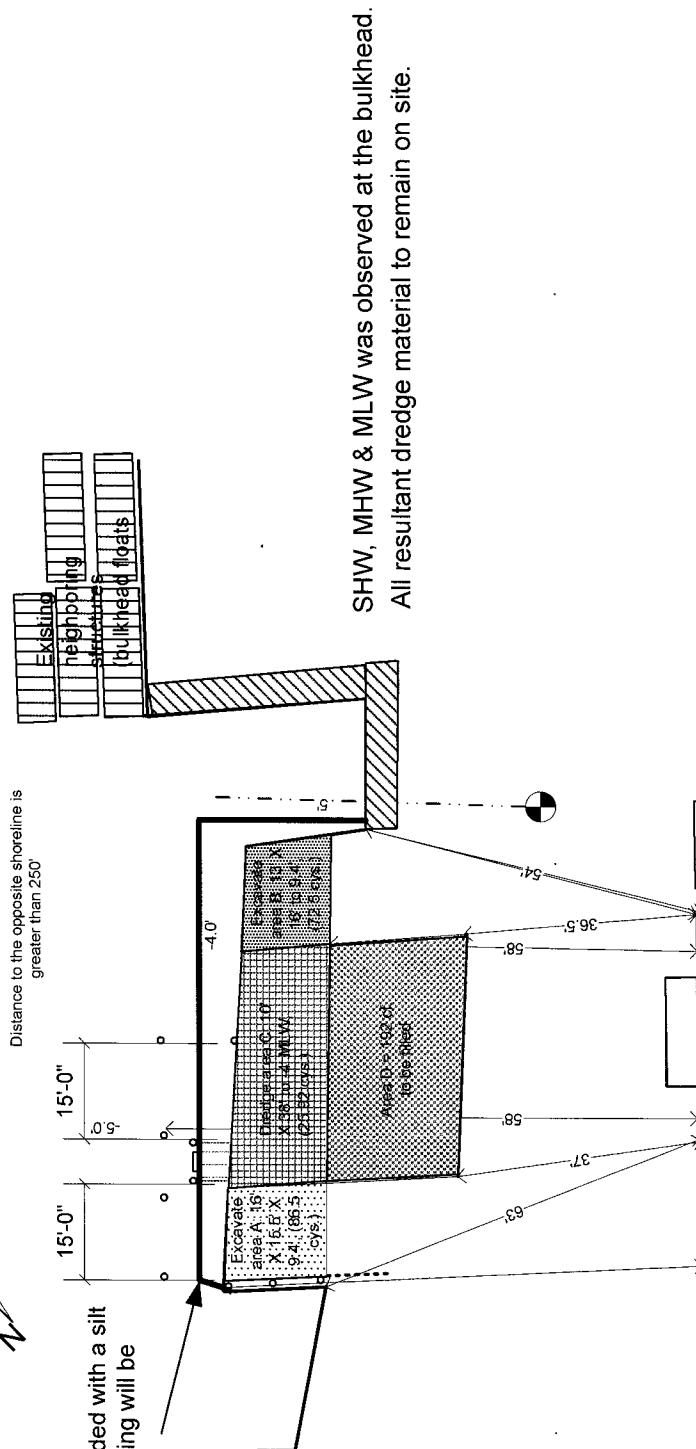
Senix Creek



PHASE ONE:
1. As detailed on project plan 2.775' of vinyl Navy style "C-loc" bulkhead will be vibrated in place matching existing southerly neighbor's bulkhead with two 10' returns on either side.
2. Excavate AREA A: 16' x 15' x 9.4' (86.5 cys.) and area B: 13 x 16' to 9.4' (72.5 cys.) will be excavated to -4' MLW.
The resultant excavated soil (158 cys.) will be placed in area D behind proposed 77.5' bulkhead.
3. Dredge AREA C 10' x 38' to -4' MLW will be dredged and the resultant dredge material (26 cys.) will be placed in AREA D.
4. Place as needed in AREA D 50 cys. of clean fill and level to grade.
5. Remove 119' of existing bulkhead which surrounds AREAS A and B.

PHASE TWO:

1. Install a 5' x 72' boardwalk with a 5' x 15' walkway landward of proposed bulkhead.
 2. Place a 10' x 72' non-disturbance area landward of proposed bulkhead with red slate chips or (natural stones).
 3. Install a 15' bulkhead to support to northerly neighbor's ship bulkhead wall.
 4. Install (1) 6' x 20' float with (4) mooring piles and (2) mooring piles. Reposition two existing slip piles as mooring piles.
 5. Install one safety ladder.
- Total volume of soil both excavated and dredged equals 185 cys.
Total volume of soil placed behind the 77.5' proposed bulkhead equals 192 cys.
The net loss in land is 7 cys. or 1 square yard of surface area
Total volume of seawater displaced behind the 77.5' proposed bulkhead equals 111 cys.
Total volume of seawater added seaward of the 77.5' proposed bulkhead equals 127.25 cys.
The net gain in seawater is 16.25 cys.



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5. Remove 119' of existing bulkhead which surrounds AREAS A and B.

PHASE TWO:
1. Install a 5' x 72' boardwalk with a 5' x 15' walkway landward of proposed bulkhead.

2. Place a 10' x 72' non-disturbance area landward of proposed bulkhead with red slate chips or (natural stones).

3. Install a 15' bulkhead to support to northerly neighbor's ship bulkhead wall.

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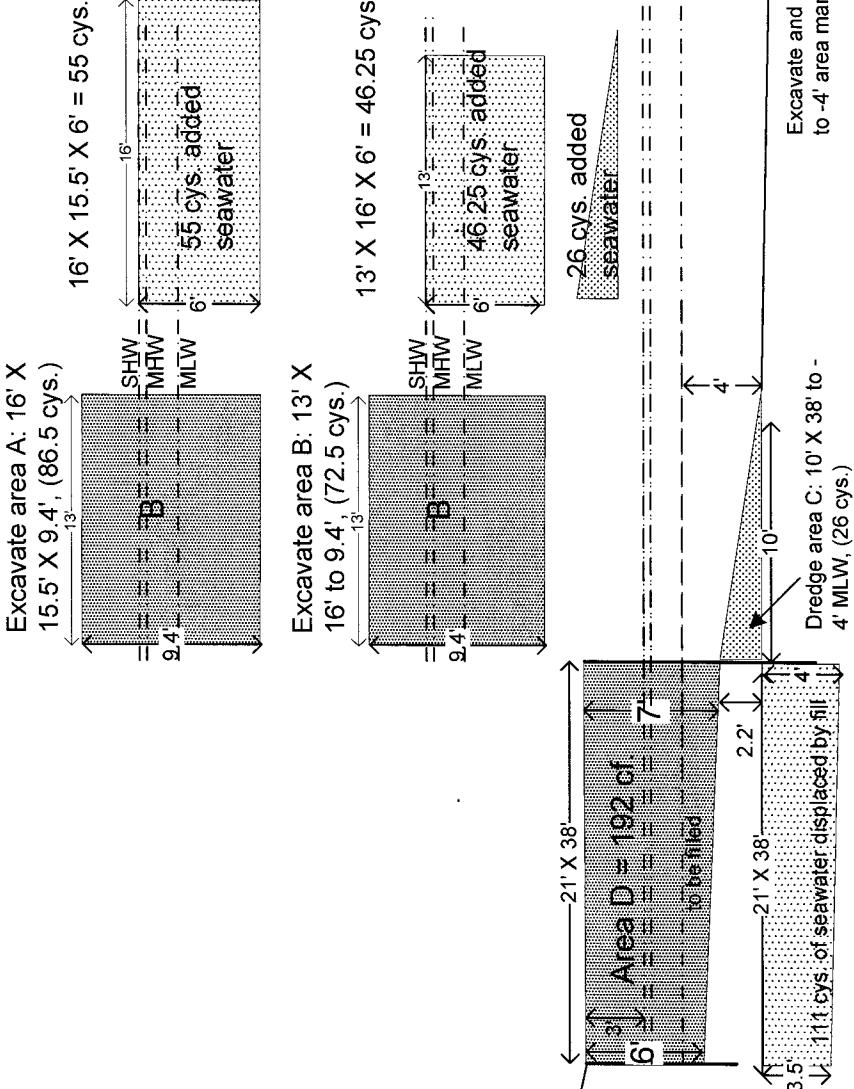
Job Site:
59 Lake Ave
Center Moriches, NY 11934

Applicant:
Michael R. Maklary
59 Lake Ave
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Application By: <i>ENVIROPERMITS INC.</i>	Job Site: 59 Lake Ave Center Moriches, NY 11934	REV
12 Beecher St., Coram, NY 11727		Army 2
631-375-4534 698-0229 fax Enviropemits@yahoo.com by Clay Colefield		
SCTM# 200-886-03-34	Machinery access by land and sea	
TW delineated by C. Colefield on 08/07/11	1in = 30ft. Oin.	Datum = Mean Low Water
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CROSSVIEW

OF DREDGING ACTIVITIES



PHASE ONE:
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4. Place as needed in AREA D 50' of clean fill and level to grade.

5. Remove 119' of existing bulkhead which surrounds AREAS A and B.

PHASE TWO:

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4. Install (1) 6' X 20' float with (4) mooring piles and (2) mooring piles. Reposition two existing slip piles as mooring piles.
5. Install one safety ladder.

Total volume of soil both excavated and dredged equals 195 cys.
The net loss in land is 7 cys. or 1 square yard of surface area

Total volume of seawater displaced behind the 77.5' proposed bulkhead equals 111 cys.

Total volume of seawater added seaward of the 77.5' proposed bulkhead equals 127.25 cys.

The net gain in seawater is 16.25 cys.

SHW, MHW & MLW were observed the bulkhead

Project area will be surrounded with a silt screen barrier and all dredging will be conducted at MLW

All resultant dredge material to remain on site.

Excavate and dredge to 16' X 20' to -4' area marked as A & B

Excavate and dredge to 16' X 20' 0 ft. 6 ft. 10 ft. 20 ft.

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SCTM# 200-886-03-34	Machinery access by land and sea	Revised 09/12/12	REV
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