

# 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 replying refer to:**  
Public Notice Number: NAN-2012-00545-EST  
Issue Date: October 3, 2012  
Expiration Date: November 2, 2012

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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: Fair Harbor BECD  
c/o Erica Fried  
789 Knollwood Terrace  
Westfield, NJ, 07090

ACTIVITY: Placement of fill to provide erosion protection for Bay Walk.

WATERWAY: Great South Bay

LOCATION: Village of Fair Harbor, the Town of Islip, 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 life stages 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.

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.

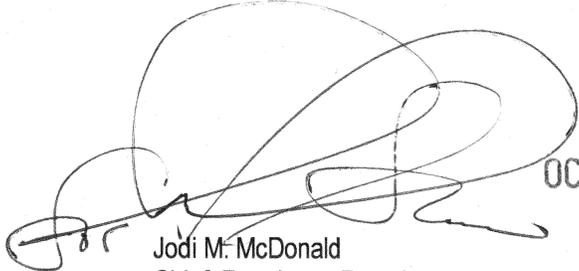
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- 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 at (917) 790-8533 and ask for Leo Strogach.

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



OCT 02 2012

Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

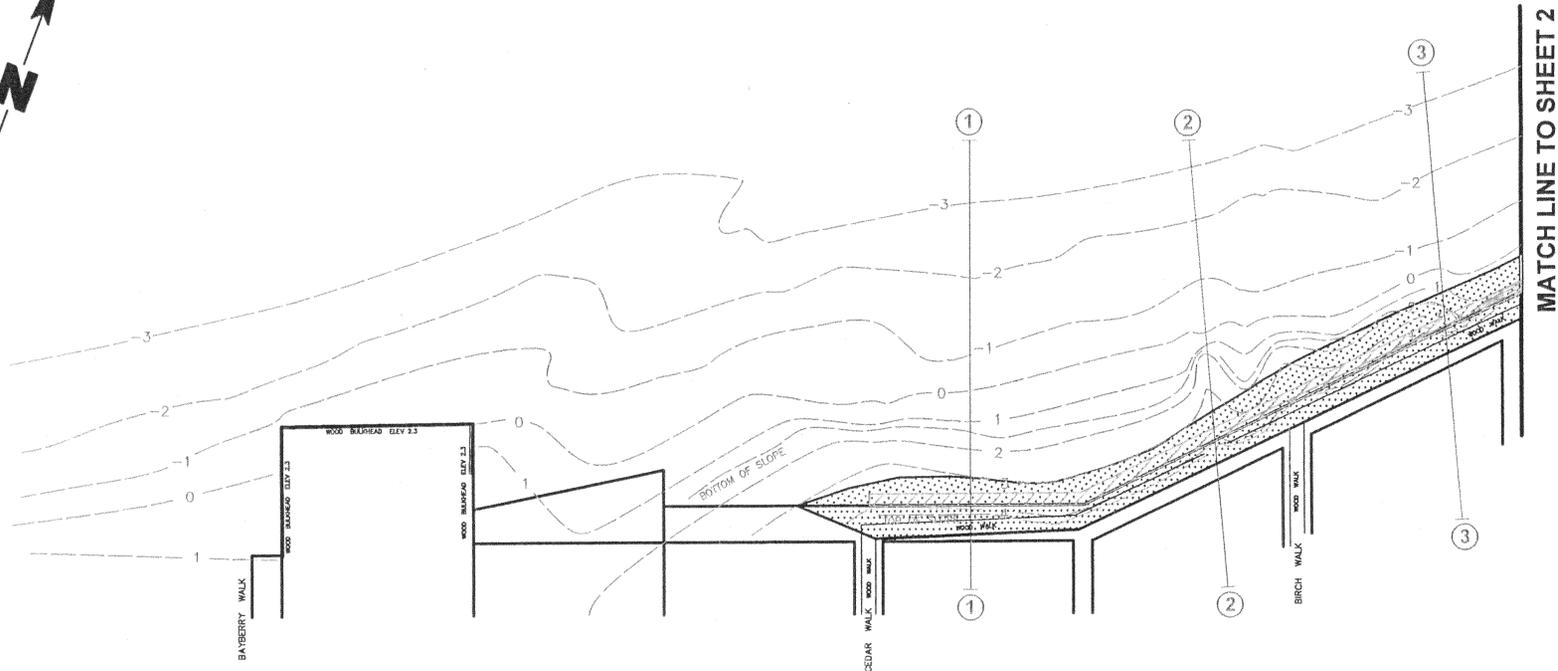
WORK DESCRIPTION

The applicant, Fair Harbor BECD, has requested Department of the Army authorization for placement of fill to provide erosion protection for Bay Walk. The proposed project site is located in the Great South Bay, in the Village of Fair Harbor, the Town of Islip, Suffolk County, New York.

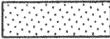
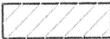
The work would involve placement of 215 cubic yards of boulders in a 289-foot-long area between Oak Walk and Fifth Walk with 70 cubic yards to be placed below spring high water (SHW) elevation and 1,700 cubic yards of clean sand obtained from an approved upland disposal site in a 1,176-foot-long area between Cedar Walk and Fifth Walk with 680 cubic yards to be placed below SHW elevation for erosion protection of the Bay Walk.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by restricting dredging during the October 1<sup>st</sup> through January 31<sup>st</sup> period. Most of the impacts associated this project are temporary and would be offset by implementing best management practices to minimize impacts.

The stated purpose of this project is to provide shore protection the Bay Walk area.

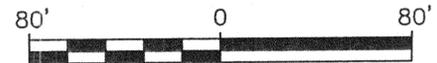


**LEGEND**

-  PROPOSED PLACEMENT OF 1,700±cy OF COMPATIBLE SAND FROM AN UPLAND SOURCE
-  TO BE PLANTED WITH AMERICAN BEACH GRASS, *Ammophila breviligulata*, 2" PLUGS 18" ON CENTER.

**NOTES:**

1. SITE PLANS BASED ON SURVEYS PREPARED BY JOHN MAYER, LS, ON 2-22-12.
2. LANDWARD LIMIT OF TIDAL WETLANDS IS EQUIVALENT TO MHW AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC.
3. TOTAL PROPOSED FILL VOLUMES (SAND) 1176 LINEAR FEET  
 LANDWARD OF SHW: 1,020±cy  
 SHW TO MHW: 290±cy  
 SEAWARD OF MHW: 390±cy
4. TOTAL PROPOSED FILL VOLUME (BOULDERS) 289 LINEAR FEET  
 ABOVE SHW ELEVATION: 145cy  
 BELOW SHW ELEVATION: 70cy



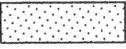
PREPARED FOR: FAIR HARBOR BECD TOWN OF ISLIP	TITLE: <b>SHORELINE STABILIZATION AND RESTORATION PROJECT PLAN VIEW</b>	
AT: FAIR HARBOR BAYSIDE SHORELINE WEST OF CEDAR WALK TO FIFTH AVENUE	Compiled by: K.R.    Date: MAR 9, 2012 Prepared by: R.K.    Scale: AS SHOWN Project Mgr: K.R.    File: FAIR HARBOR Rev: 6-18-12, 7-12-12	SUFFOLK COUNTY TAX MAP#: - DRAWING NO. 1 OF 7
<b>LAND USE ECOLOGICAL SERVICES, INC</b> 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (631) 727-2605		

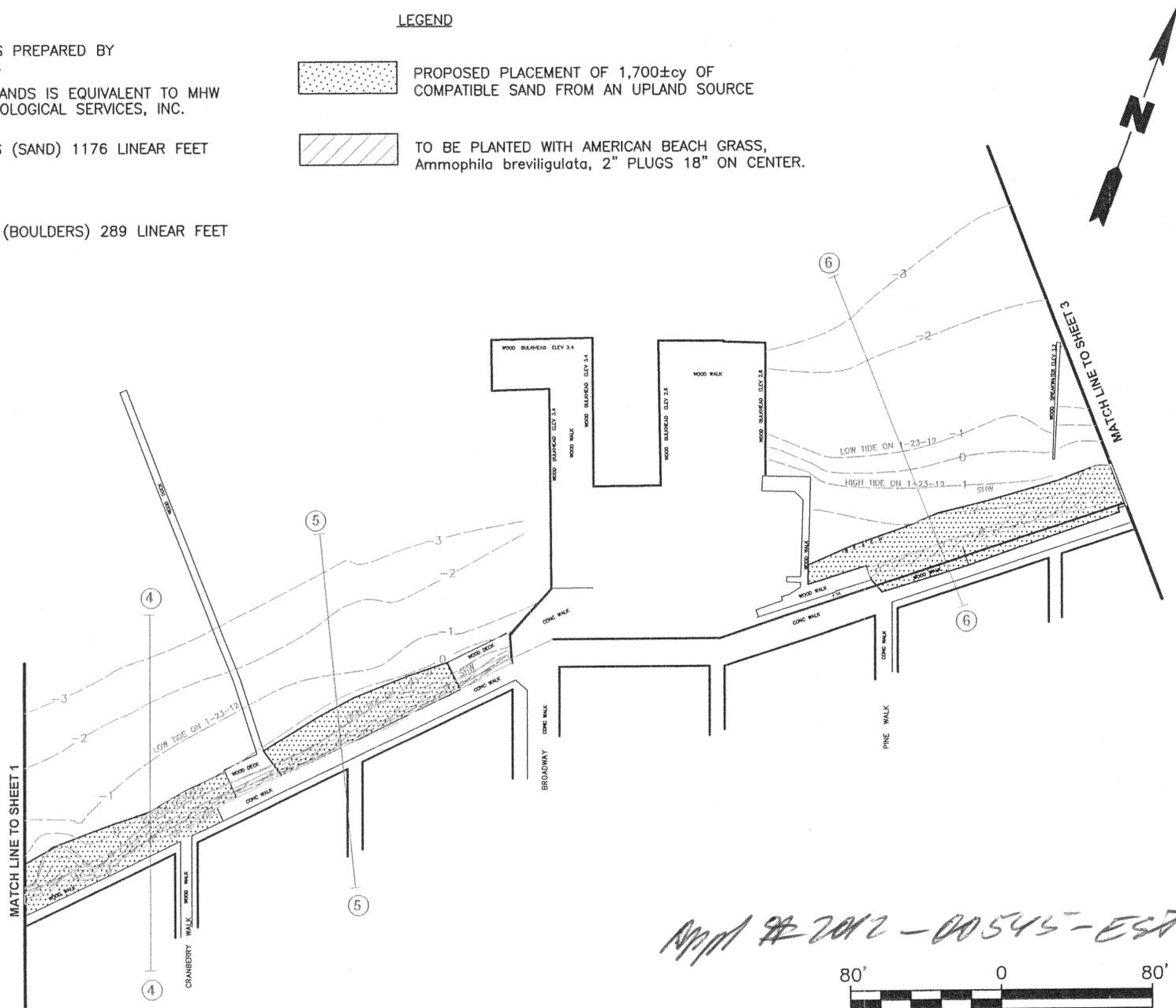
*Handwritten signature and date: A. M. 2/12/12*

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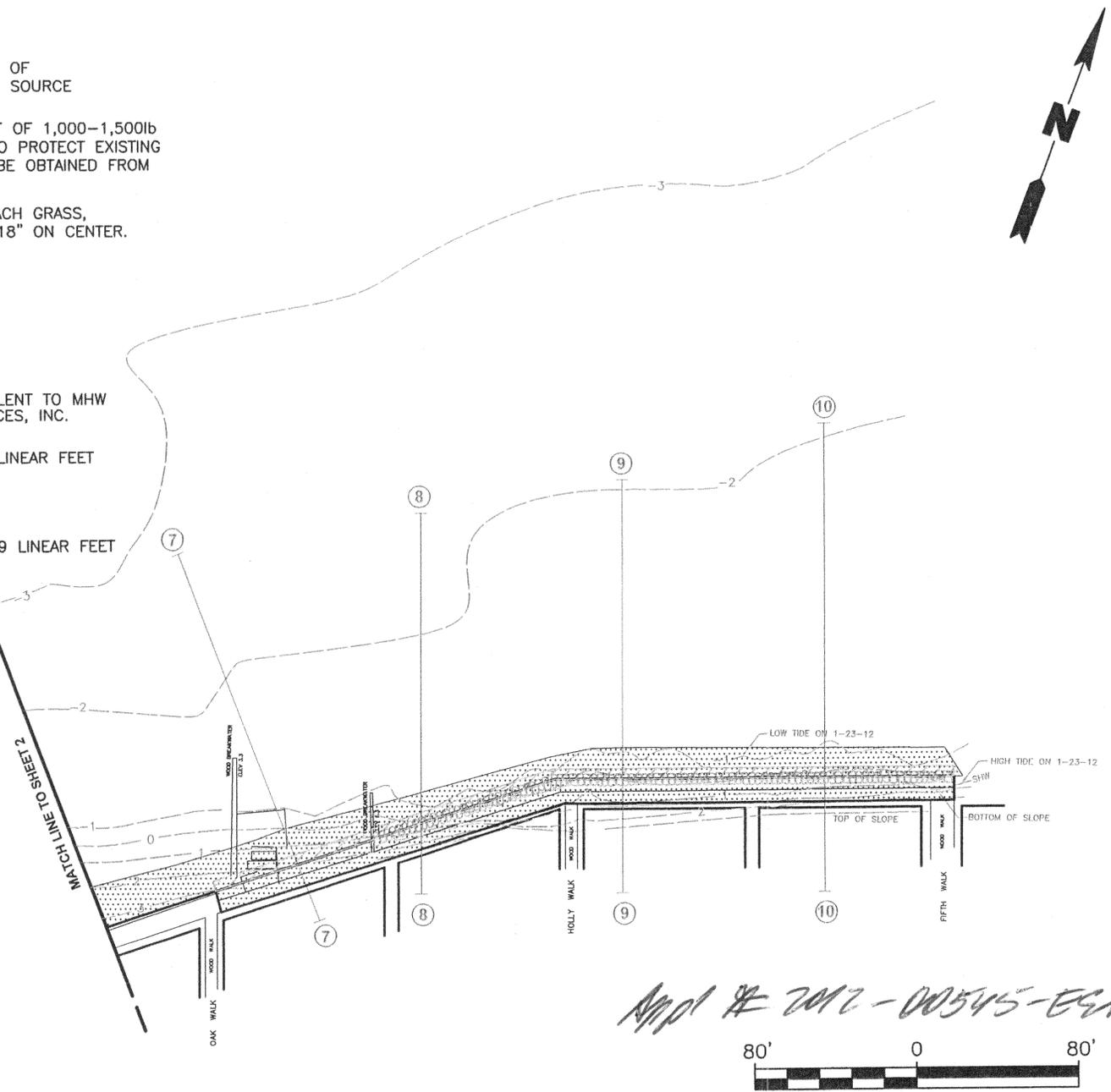
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**LEGEND**

-  PROPOSED PLACEMENT OF 1,700±cy OF COMPATIBLE SAND FROM AN UPLAND SOURCE
-  PROPOSED PLACEMENT OF 215cy OF OF 1,000-1,500lb BOULDERS ON GEOTEXTILE FABRIC TO PROTECT EXISTING PUBLIC BOARDWALK. BOULDERS TO BE OBTAINED FROM AN UPLAND SOURCE.
-  TO BE PLANTED WITH AMERICAN BEACH GRASS, *Ammophila breviligulata*, 2" PLUGS 18" ON CENTER.

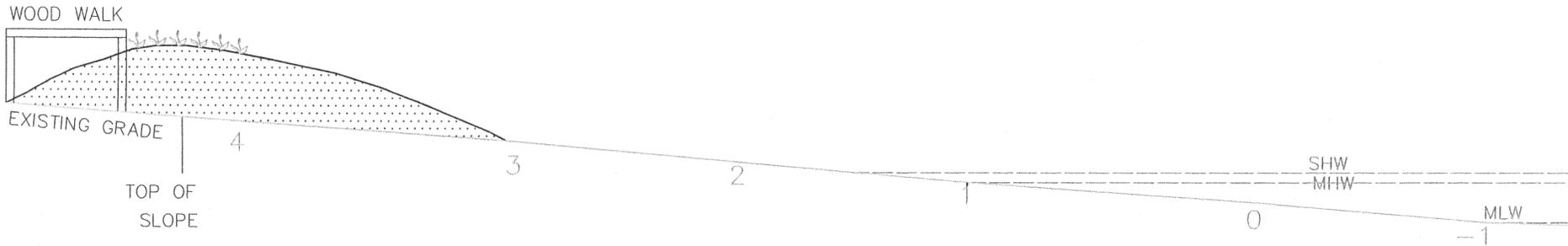
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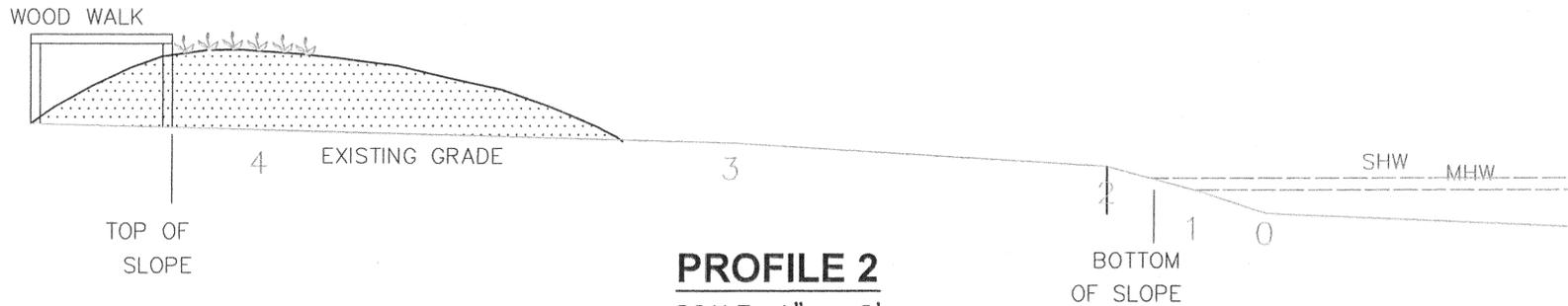
*App # 2012-00545-EGT*

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LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (631) 727-2605		
Rev: 6-18-12, 7-12-12		



**PROFILE 1**

SCALE: 1" = 8'



**PROFILE 2**

SCALE: 1" = 8'

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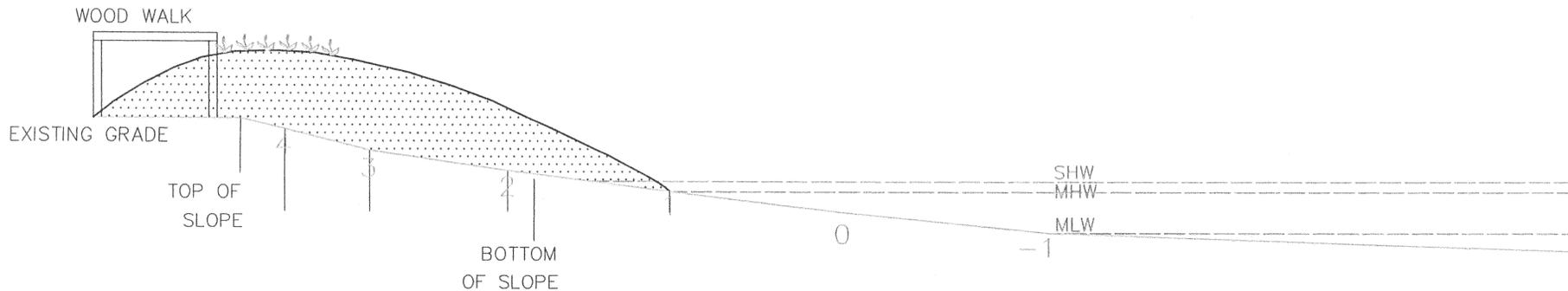
PROPOSED PLACEMENT OF 1,700±cy OF COMPATIBLE SAND FROM AN UPLAND SOURCE



TO BE PLANTED WITH AMERICAN BEACH GRASS, *Ammophila breviligulata*, 2" PLUGS 18" ON CENTER.

*APR 2012 - 00545 - EST*

PREPARED FOR: FAIR HARBOR BECD TOWN OF ISLIP AT: FAIR HARBOR BAYSIDE SHORELINE WEST OF CEDAR WALK TO FIFTH AVENUE	TITLE: <b>SHORELINE STABILIZATION AND RESTORATION PROJECT PROFILE VIEW</b>	
<b>LAND USE ECOLOGICAL SERVICES, INC</b> 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (631) 727-2605	Compiled by: K.R.    Date: MAR 9, 2012    SUFFOLK COUNTY TAX MAP#:	-
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	Rev: 6-18-12, 7-12-12	



**PROFILE 3**

SCALE: 1" = 8'



**PROFILE 4**

SCALE: 1" = 8'

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LEGEND



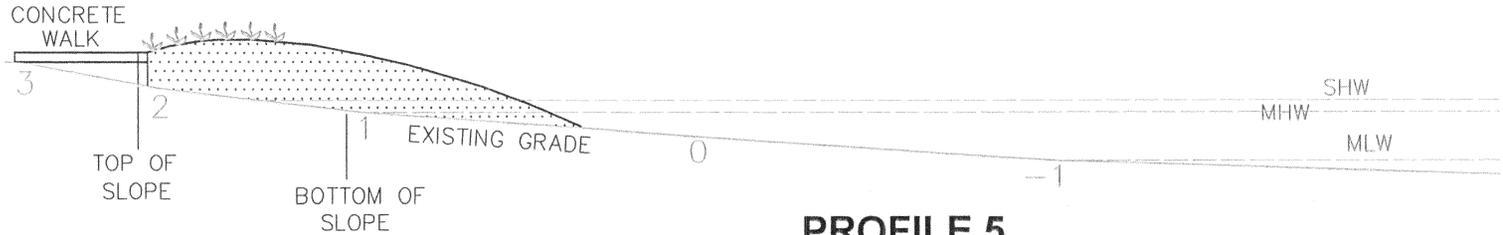
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*ADD # 2012-00541-ESA*

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<b>LAND USE ECOLOGICAL SERVICES, INC</b> 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (631) 727-2605	SUFFOLK COUNTY TAX MAP#: - DRAWING NO. <b>5 OF 7</b>	



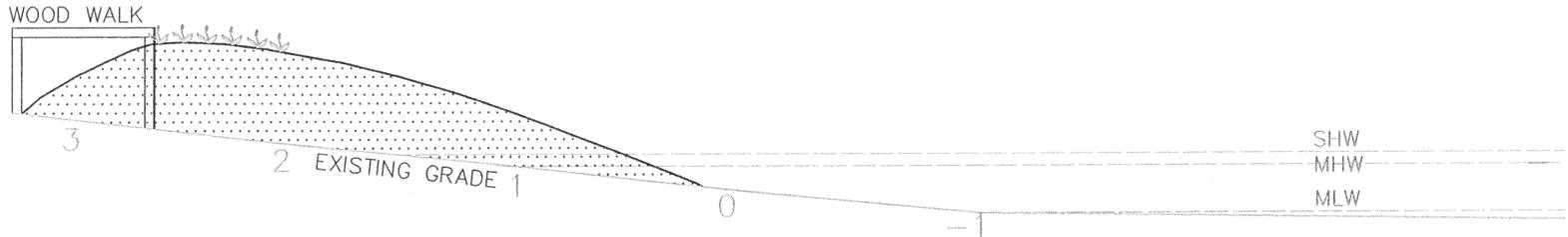
**PROFILE 5**

SCALE: 1" = 8'



**PROFILE 6**

SCALE: 1" = 8'



**PROFILE 7**

SCALE: 1" = 8'

**LEGEND**



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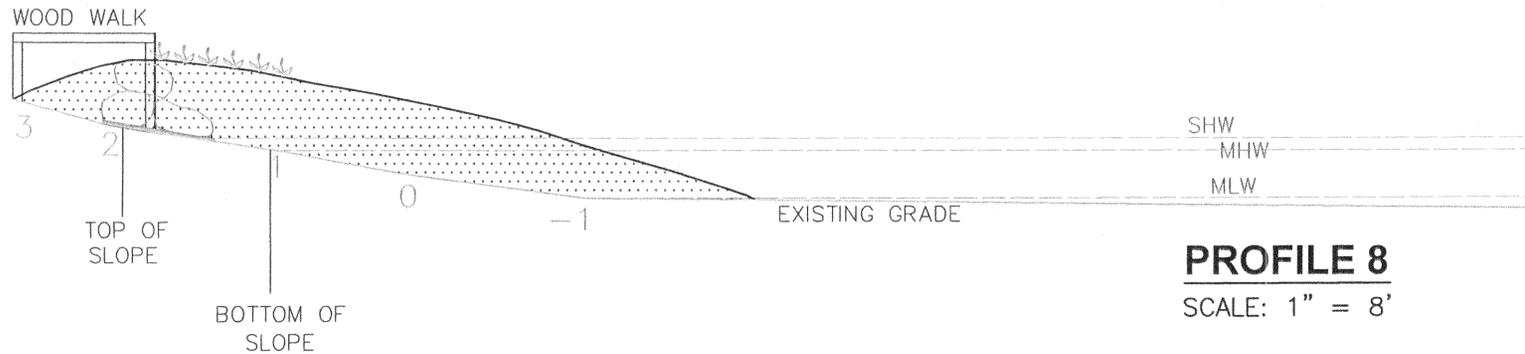
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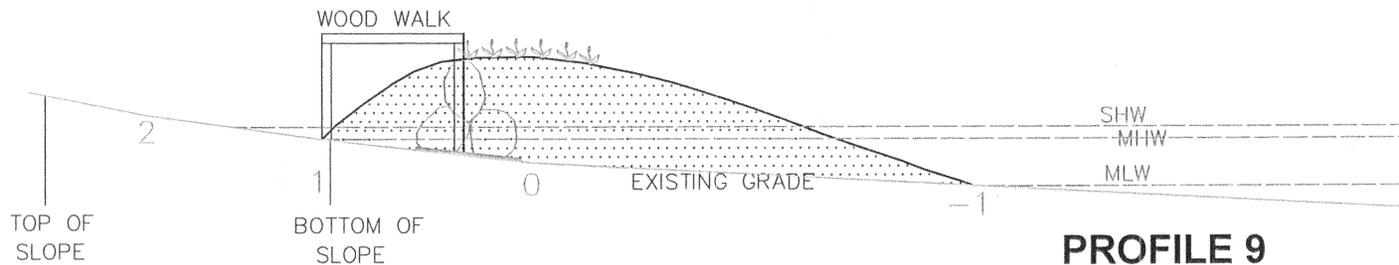
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*ADD # 2012-00545-ESD*

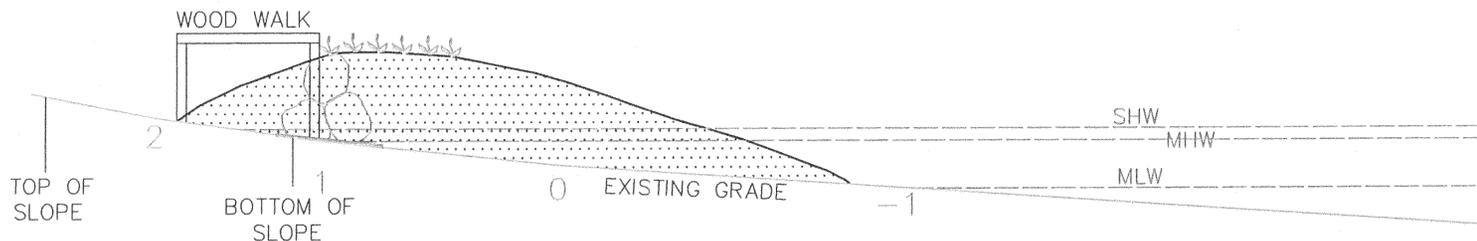
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		DRAWING NO. 6 OF 7	



**PROFILE 8**  
SCALE: 1" = 8'



**PROFILE 9**  
SCALE: 1" = 8'



**PROFILE 10**  
SCALE: 1" = 8'

**LEGEND**



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PROPOSED PLACEMENT OF 215cy OF 1,000-1,500lb BOULDERS ON GEOTEXTILE FABRIC TO PROTECT EXISTING PUBLIC BOARDWALK. BOULDERS TO BE OBTAINED FROM AN UPLAND SOURCE.



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*Handwritten signature and number: R.M. # 2012-00545-ES1*

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