



# 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: 1998-04040-1-L2  
Issue Date: May 11, 2007  
Expiration Date: June 9, 2007

### 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 USC 403).

APPLICANT: Donald Zergebel  
14 The Mast  
Islip, NY 11730-2930

ACTIVITY: Dredge with ten years maintenance and upland disposal

WATERWAY: Champlins Creek, Great South Bay

LOCATION: 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

**CENAN-OP-RE**  
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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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the NOAA Fisheries Service (NOAAFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is 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.

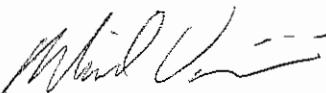
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application 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 occur. 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, 41 State Street, 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  
Town of Islip Permit

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) 790-8514 and ask for Sophie Ettinger.

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

  
Richard L. Tomer  
Chief, Regulatory Branch

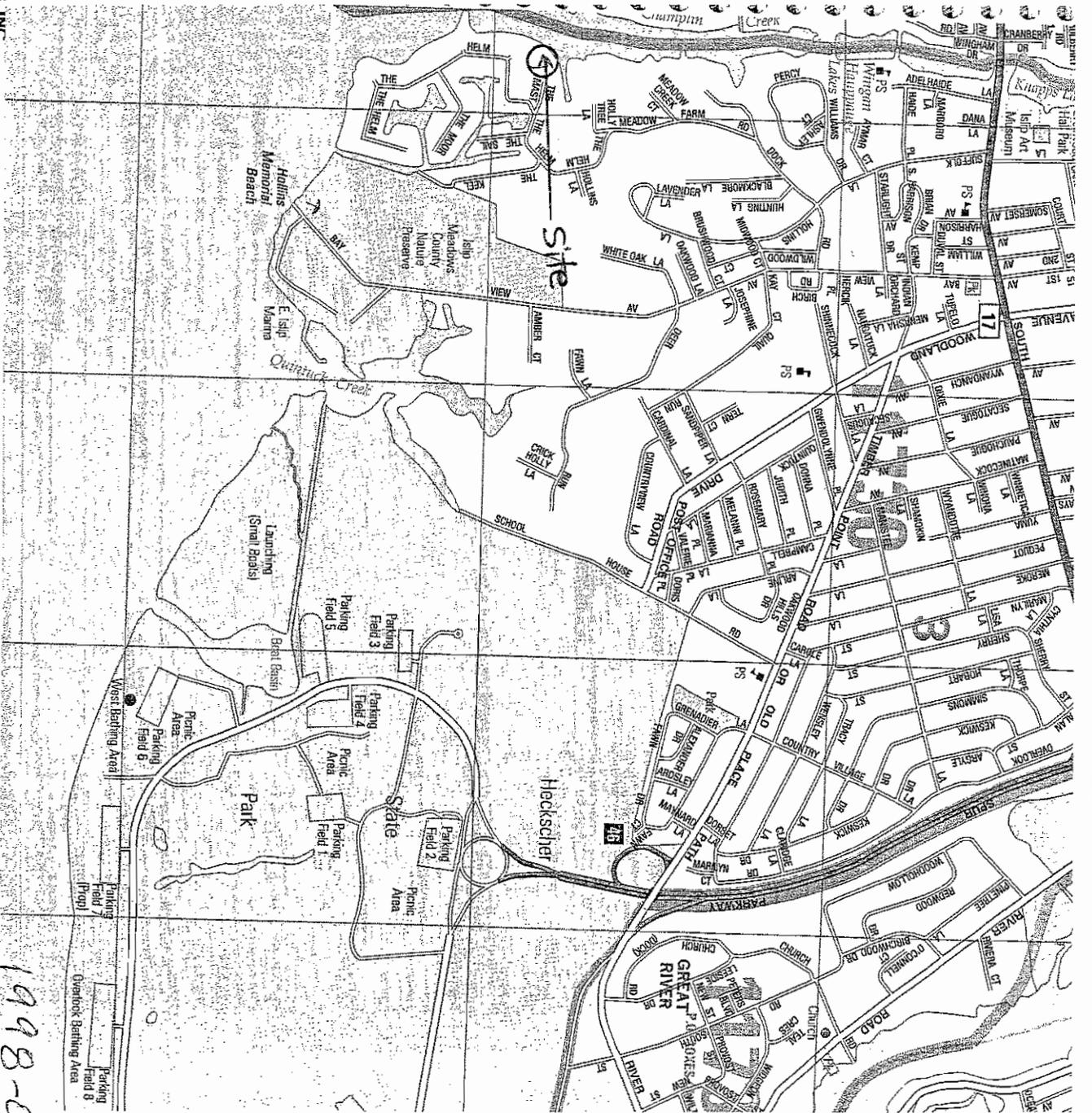
**WORK DESCRIPTION**

The applicant, Donald Zergebel, has requested Department of the Army authorization to dredge material from Champlins Creek, Great South Bay at East Islip, Town of Islip, Suffolk County, New York.

The work would involve dredging, by clamshell, with ten years maintenance, of an area around an existing pier to a maximum depth of 4 feet below mean low water. Approximately 340 yards of material would be removed initially, with approximately 340 cubic yards of material to be removed during each additional event anticipated 3 times over the ten-year life of a permit. All dredged material would be placed on an upland area at the site or would be placed on a barge and transported to an upland disposal site. Dredge material would be suitably retained as to prevent reentry into any waterway. Barge overflow would not be authorized.

The stated purpose of this project is to provide safe access to the owner's mooring area.

# LOCATION MAP



Zergabel-14 The Mast, East Islip

1998-04010-1

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LAND USE ECOLOGICAL SERVICES, INC.

PO BOX 1060 VILLAGE DOCK

RIVERHEAD, NY 11901  
(631) 727-2400 • FAX (631) 727-2605

FLOOD

EBB

CREEK

CHAMPLINS  
WIDTH OF WATERWAY 300'+

N 01° 05' 07" E  
37.43'

N 42° 18' 01" E  
118.77'

N 42° 18' 01" E  
118.77'

N 55° 42' 04" E  
67.25'

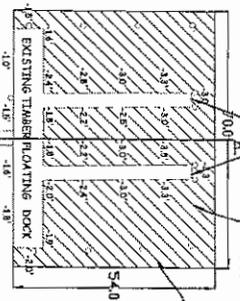
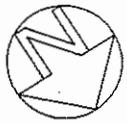
N 01° 30' 00" E  
10.00'

N 26° 01' 00" E  
126.38'

N 49° 10' 00" E  
157.98'

N 89° 38' 42" W  
53.00'

N/F  
MARTY RACANELLI  
71 THE HELM  
E ISLIP, NY 11730



EXISTING 4" X 4" TIMBER FLOATS  
-340 QUINS OF FILL TO BE REMOVED VIA QJM SHELL BUCKET OR EQUIVALENT  
FILL TO BE BROUGHT TO AN OFFSITE LOCATION  
PROPOSED FINISHED SHEDGE DEPTH (4'1")

CONSERVATION EASEMENT TO TOWN OF ISLIP

EDGE OF LAWN TO BE MAINTAINED

PROPRANE TANK

258.44' METAL FENCE 14.3'S

10.2'S FE 2.2'S FE  
N 00° 21' 18" E  
43.73' FE 3.2' W

S 00° 21' 16" W  
216.79'

LOT 4

S 70° 12' 00" E  
33.53' 57.37' 0.65'

FENCE TREE LINE  
0.8'S FE 0.8'S FE

HOT TUB

METAL FENCE

NOTES:  
- SOUNDINGS REFERENCED TO MLLW  
- TIDAL WETLANDS LINE SYNCHRONOUS WITH THE EDGE OF LAWN  
- AREA AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC.  
ON 1-10-06.

PLAN VIEW:  
SCALE: 1" = 40'

LAND USE ECOLOGICAL SERVICES INC.

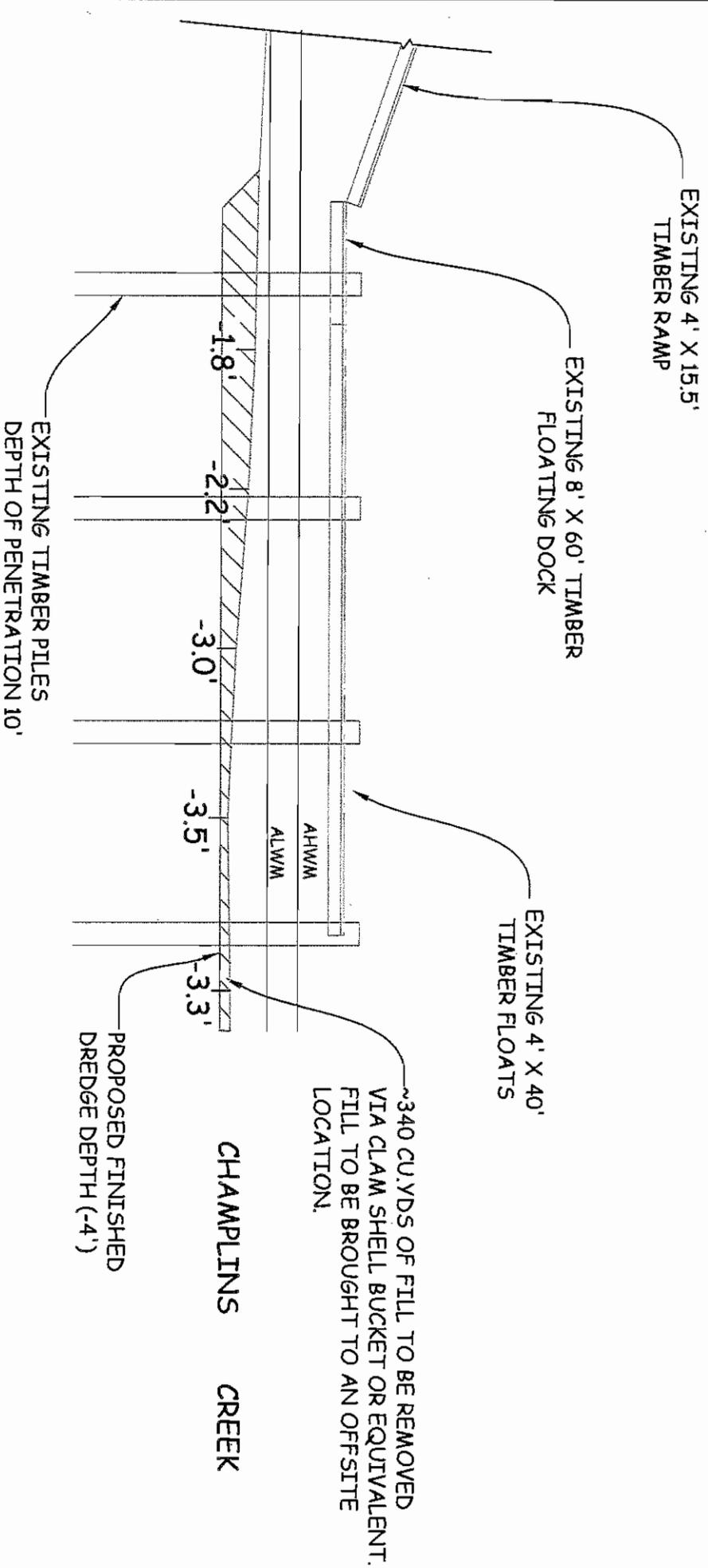
PROPOSED: MAINT. DREDGING  
PURPOSE:  
AT: 14 THE MAST  
E. ISLIP, NY 11730  
APPLICANT: DONALD ZERGERBEL

DATE: 03-24-06

TAX MAP # 500-445-1-5.6

SHEET 1 OF 2

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NOTES:  
 -SOUNDINGS REFERENCED TO MLW  
 -TIDAL WETLANDS LINE SYNONYMOUS WITH THE EDGE OF LAWN AREA AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 1-10-06.

<b>PLAN VIEW:</b>		PROPOSED MAINT. DREDGING
SCALE: 1" = 10'		PURPOSE: AT: 14 THE MAST E. SLIP, NY 11730
LAND USE ECOLOGICAL SERVICES INC.		APPLICANT: DONALD ZERGEBEL
PO BOX 1000 RIVERHEAD, N.Y. 11801 PHONE: (631) 727-2400 FAX: (631) 727-2605	DATE: 03-24-06	TAX MAP # 500-445-1-5.6
		SHEET 2 OF 2

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