



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: 2004-00144-L4
Issue Date: 20 SEP 2004
Expiration Date: 19 OCT 2004

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), and Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Richard A. Gibbs
431 East Lake Drive
Montauk, NY 11954

ACTIVITY: Repair existing bulkhead and install a new bulkhead, dredge with ten years maintenance

WATERWAY: Lake Montauk, Block Island Sound

LOCATION: Village of Montauk, Town of East Hampton, 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 benefits 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, historical properties, fish and wildlife values, 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, consideration 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

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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 of 1996 (Public Law 104-267), requires all agencies to consult with the National Marine Fisheries Service (NMFS) on all 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.

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 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:

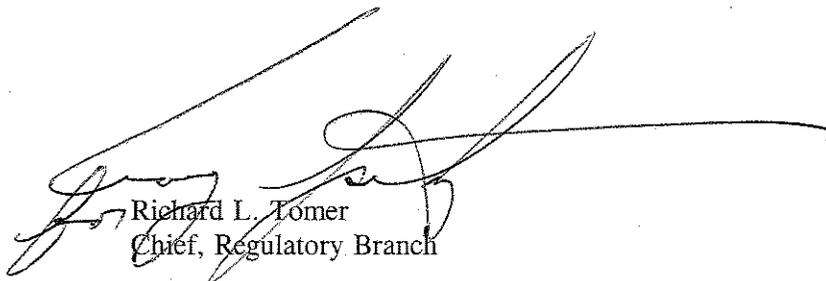
- New York State Department of Environmental Conservation
- Town of East Hampton

It is requested that you communicate the foregoing information concerning the activity to any persons

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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 (212) 264-3912 and ask for Russell C Smith.

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

Enclosures

WORK DESCRIPTION

The applicant, Richard A. Gibbs, has requested Department of the Army authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to reconstruct an existing bulkhead, construct a new bulkhead, and dredge, with ten years maintenance, in Lake Montauk, a tributary of Block Island Sound, Village of Montauk, Town of East Hampton, Suffolk County, New York with upland disposal.

The proposal includes dredging, with ten (10) years maintenance, approximately 1,000 cubic yards of material from an area of approximately 62,000 square feet to a depth of 6 feet below the plane of mean low water. Dredging would be performed using a barge mounted clamshell bucket. The dredged material would be used as backfill behind the reconstructed and newly constructed bulkheads. Following the initial dredging, the applicant estimates an additional 1,000 cubic yards of material would need to be dredged over the next ten (10) years, with each dredge event removing approximately 100 cubic yards of material.

The work would also involve removal and in-place reconstruction of 380 linear feet of an existing timber bulkhead, and 32 feet of timber return at the northern-end of the bulkhead. Additionally, the project would involve constructing a new 32 linear foot bulkhead from the return to the neighboring bulkhead.

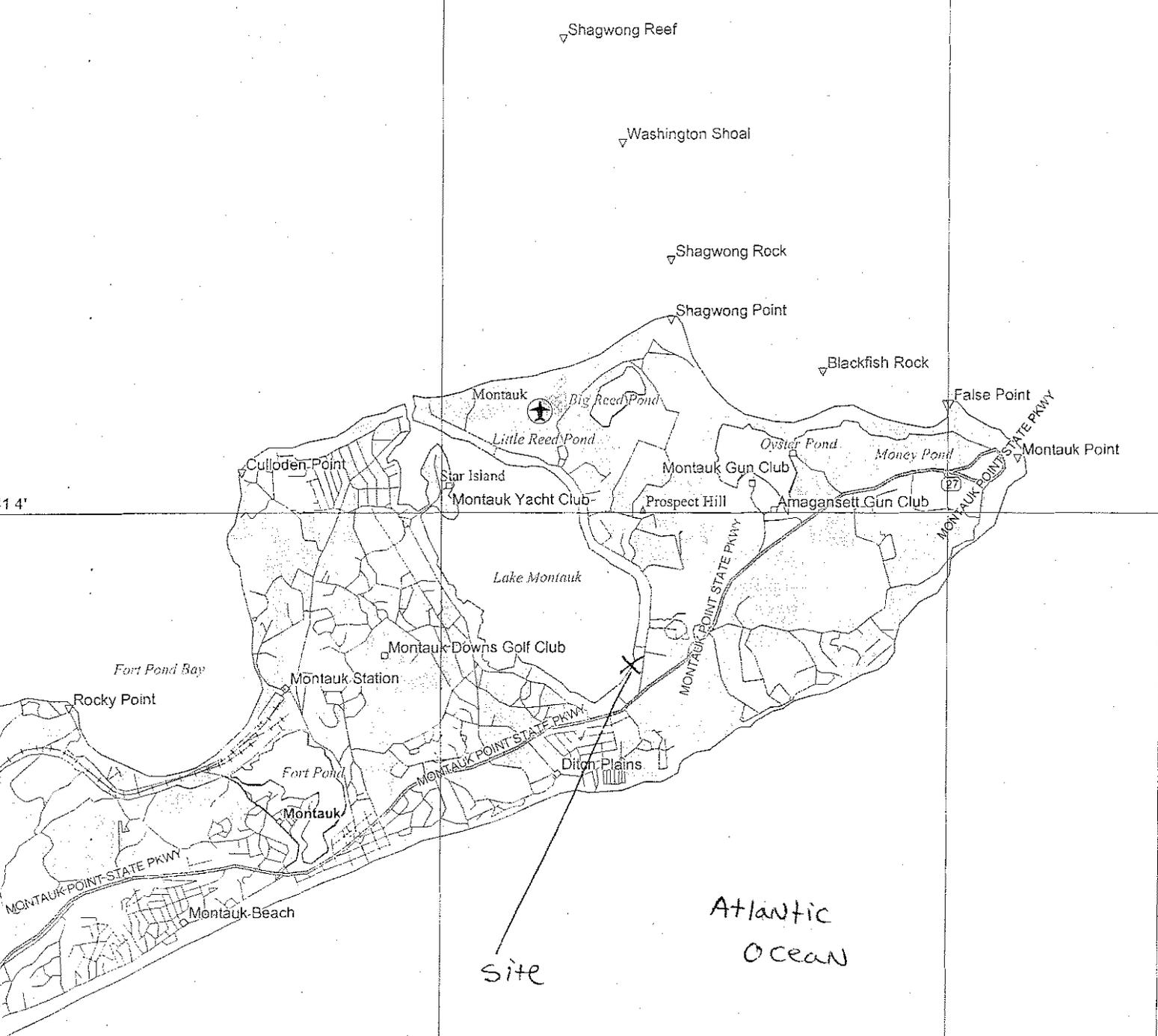
The stated purpose of this project is prevent erosion, and provide the applicant with a safe mooring area.

Richard A. Gibbs
2004-00144

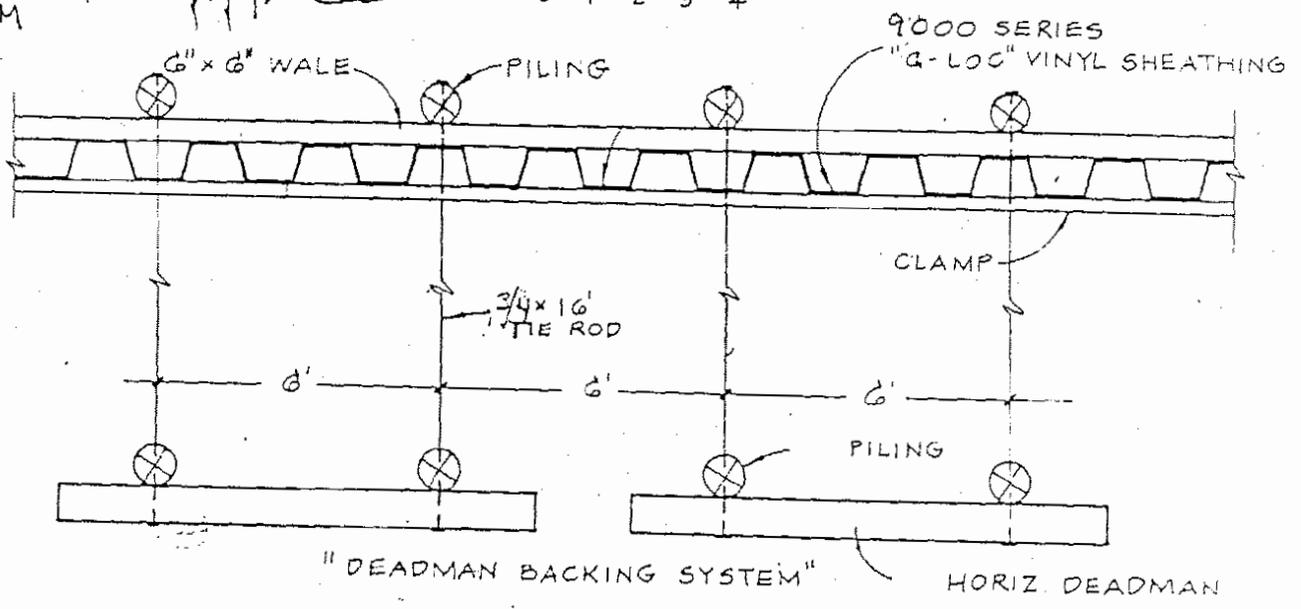
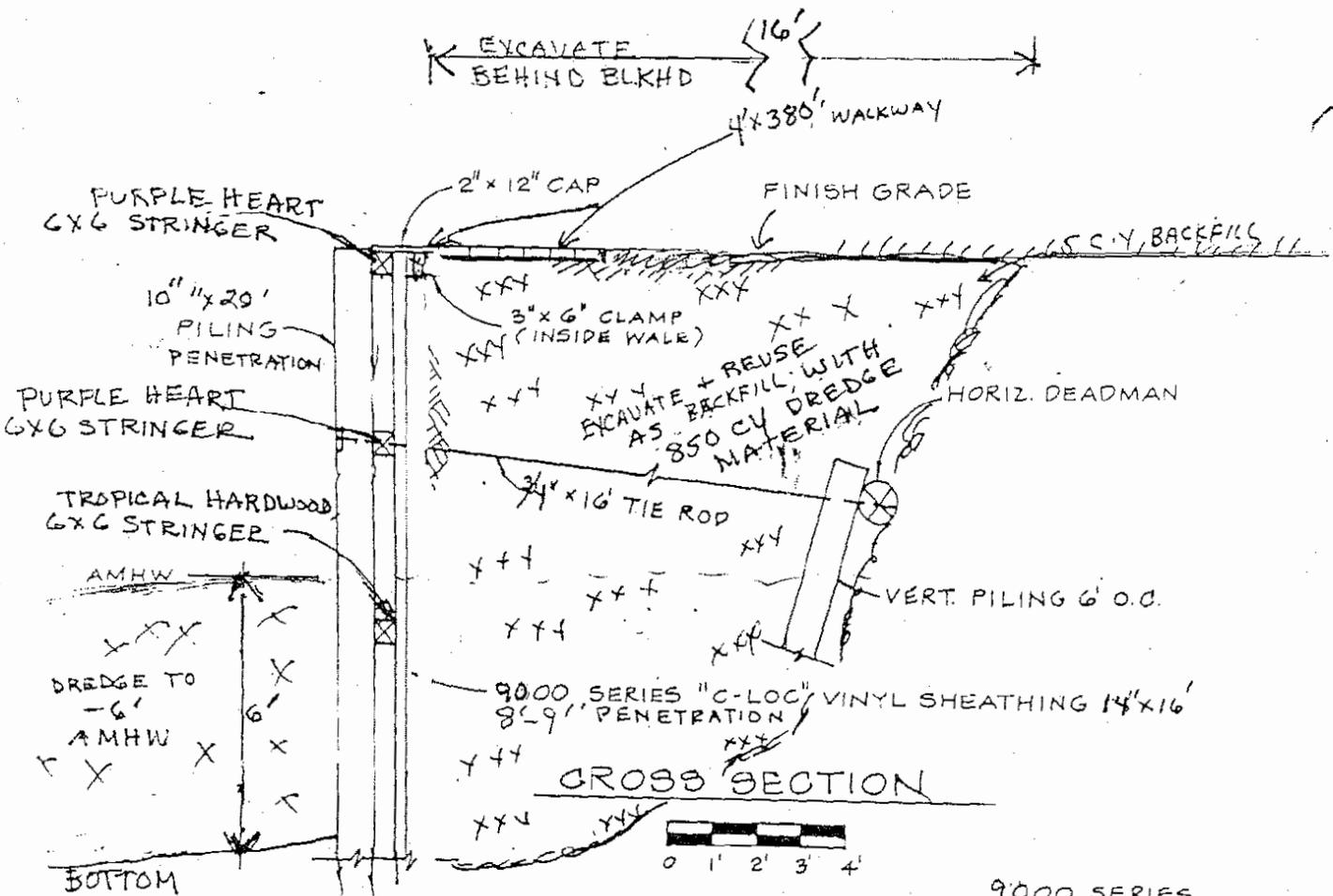
71 56'

71 52'

Block Island Sound



11 4'



APPLICANT:

RICHARD A. GIBBS
 CRABBY COWBOY
 431 EAST LAKE DRIVE
 MONTAUK, NY 11954
 COUNTY OF SUFFOLK

RECONSTRUCT BULKHEAD
 AND WALKWAY. MAINTENANCE
 DREDGE