



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: 2004-00248-L1
Issue Date: 20 April 2004
Expiration Date: 20 May 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).

APPLICANT: The Island Boatyard
PO Box 938
Shelter Island, NY 11964

ACTIVITY: Install new pier

WATERWAY: Menantic Creek, a tributary to West Neck Harbor, of Shelter Island Sound

LOCATION: Town of Shelter Island, 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 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

CENAN-OP-RE
PUBLIC NOTICE NO. 2004-00248-L1

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 federal agencies to consult with the National Marine Fisheries Service (NMFS) 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
- Town of Shelter Island

CENAN-OP-RE
PUBLIC NOTICE NO. 2004-00248-L1

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>


for Richard L. Tomer
Chief, Regulatory Branch

Enclosures

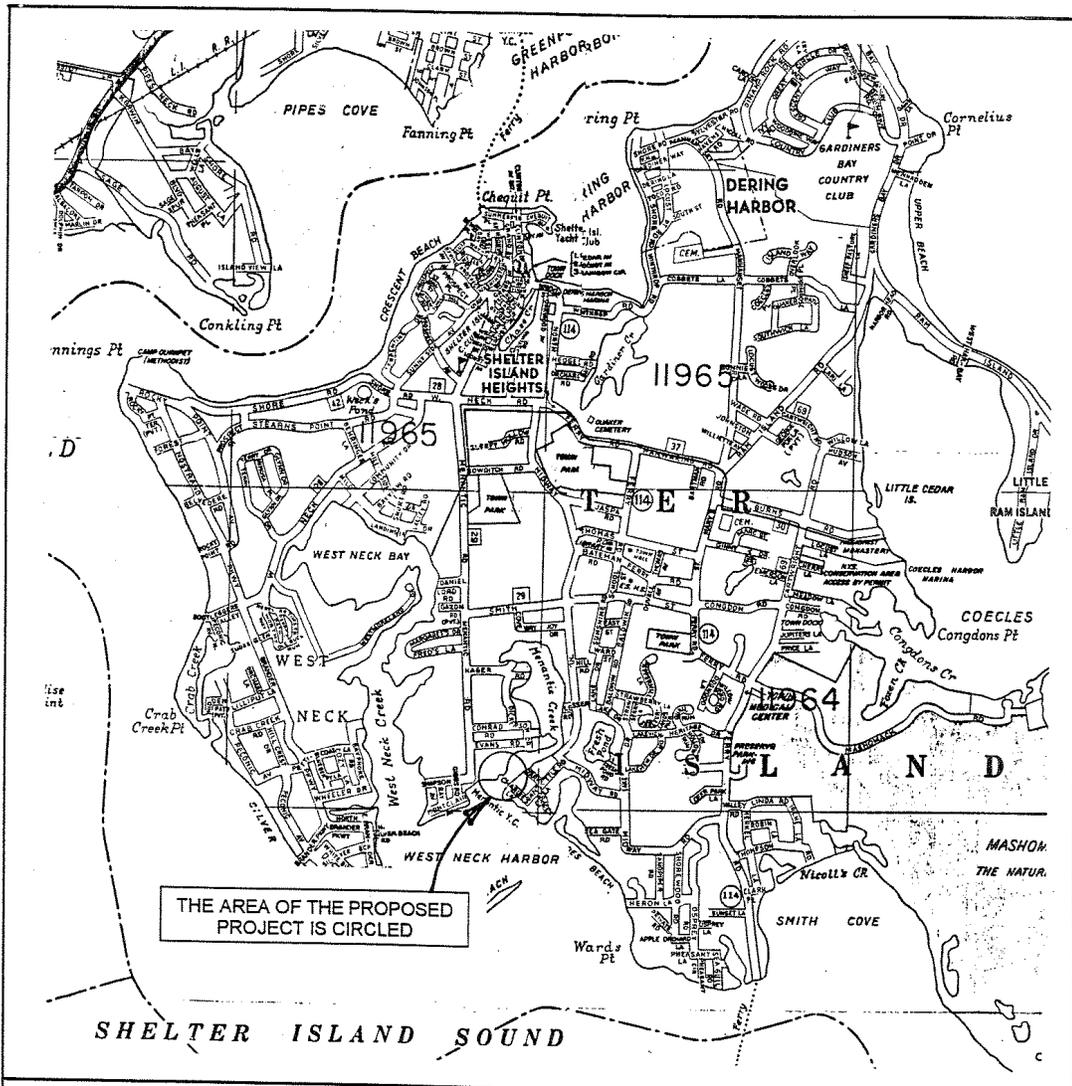
WORK DESCRIPTION

The applicant, The Island Boatyard, has requested Department of the Army authorization to install additional piers in an existing marina located in Menantic Creek a tributary to West Neck Harbor, and a sub-tributary to Shelter Island Sound, in the Town of Shelter Island, Suffolk County, New York.

The work would involve construction of a pier built in a "T" configuration, consisting of a 4 foot wide by 22 foot long float, and a 6 foot wide by 38 foot long float secured to two (2) piles. The proposed structure would allow a maximum of four (4) more vessels to dock at the marina which presently has the capacity to moor 78 boats.

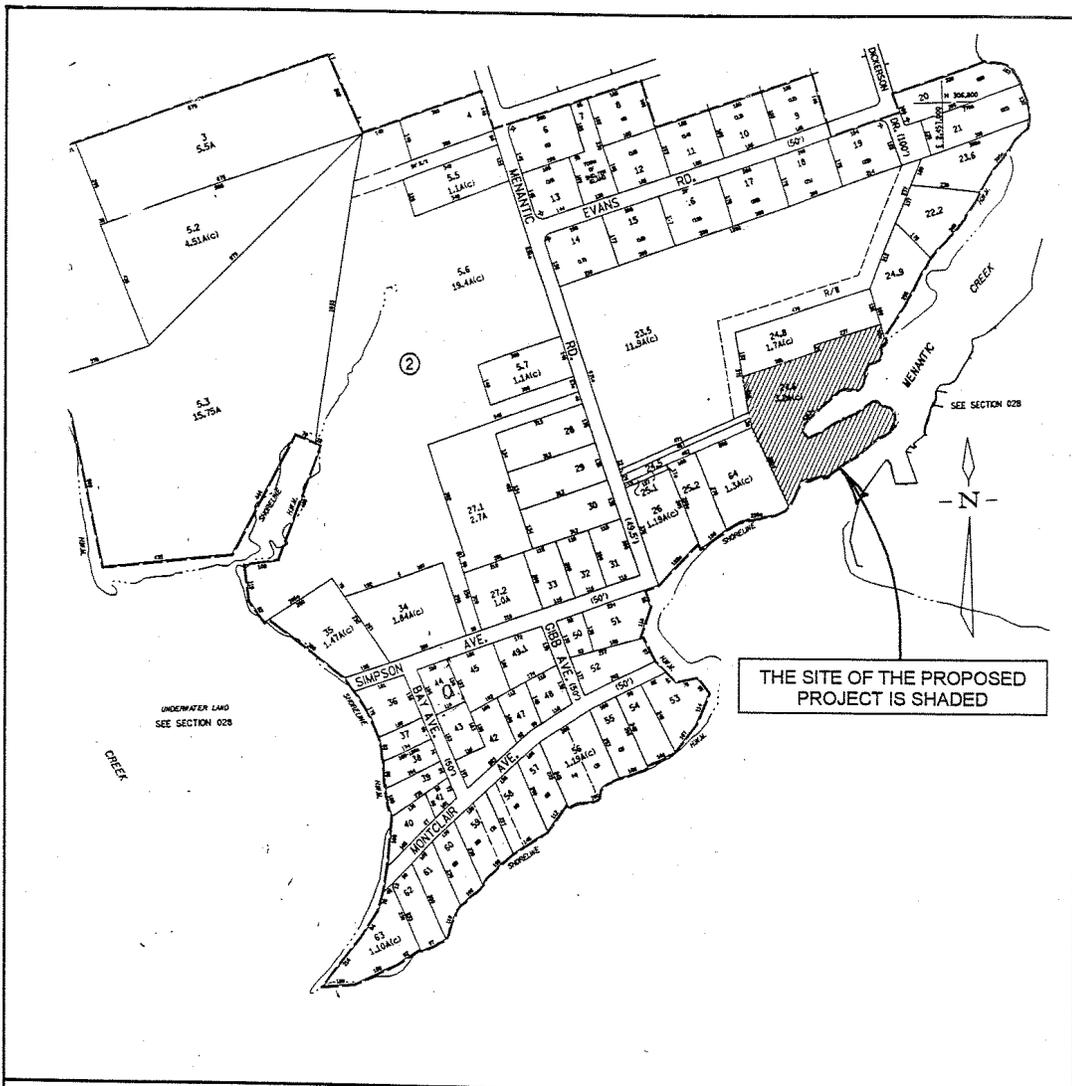
The proposed work could have a minor adverse impact on Essential Fish Habitat (EFH) and EFH-managed species as a result of a temporary increase in turbidity during construction. Although this may adversely affect the feeding success of some EFH-managed species or their prey, it is expected that fish populations would avoid the area of disturbance during construction.

The stated purpose of this project is to meet the anticipated increase in demand for additional mooring spaces at the marina.



THE AREA OF THE PROPOSED PROJECT IS CIRCLED

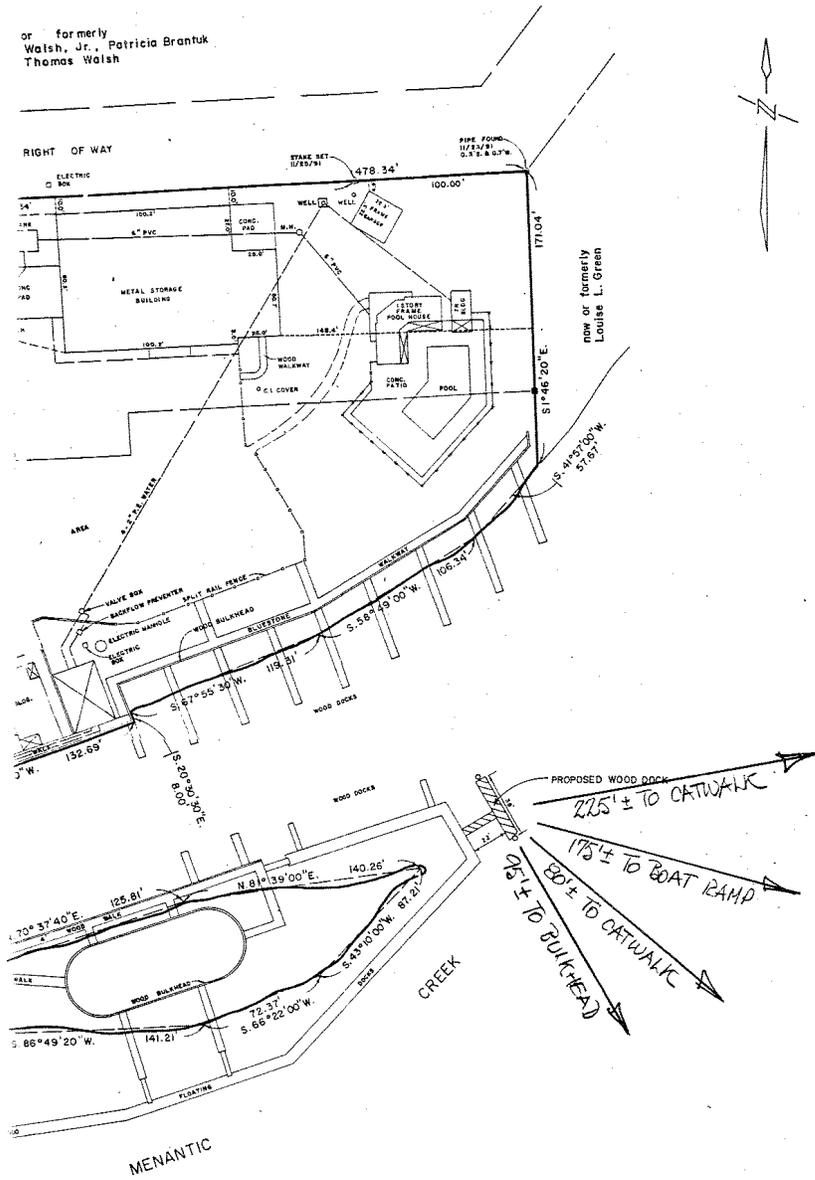
VICINITY MAP
 Application regarding the property of
 The Island Boatyard, SCTM #0700-22-2-24.6
 Represented by
 PROPER-T PERMIT SERVICES
 P.O. Box 617, Cutchogue, NY 11935
 James E. Fitzgerald, Jr. 631-734-5800
 February 12, 2004



THE SITE OF THE PROPOSED PROJECT IS SHADED

TAX MAP
 Application regarding the property of
 The Island Boatyard, SCTM #0700-22-2-24.6
 Represented by
 PROPER-T PERMIT SERVICES
 P.O. Box 617, Cutchogue, NY 11935
 James E. Fitzgerald, Jr. 631-734-5800
 February 12, 2004

or formerly
 Walsh, Jr., Patricia Brantuk
 Thomas Walsh



CORPS OF ENGINEERS DATA

PURPOSE: Install additional floating dock in existing commercial marina.

IN: Menantic Creek
COUNTY: Suffolk

DATUM: MLW
AT: Shelter Island
STATE: New York

PROXIMATE MARINE STRUCTURES

Application regarding the property of
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 Represented by
 PROPER-T PERMIT SERVICES
 P.O. Box 617, Cutchogue, NY 11935
 James E. Fitzgerald, Jr. 631-734-5800
 February 27, 2004

PROPERTY INFORMATION

Street Address of Project Site
 63 South Menantic Road
 Shelter Island, NY 11964

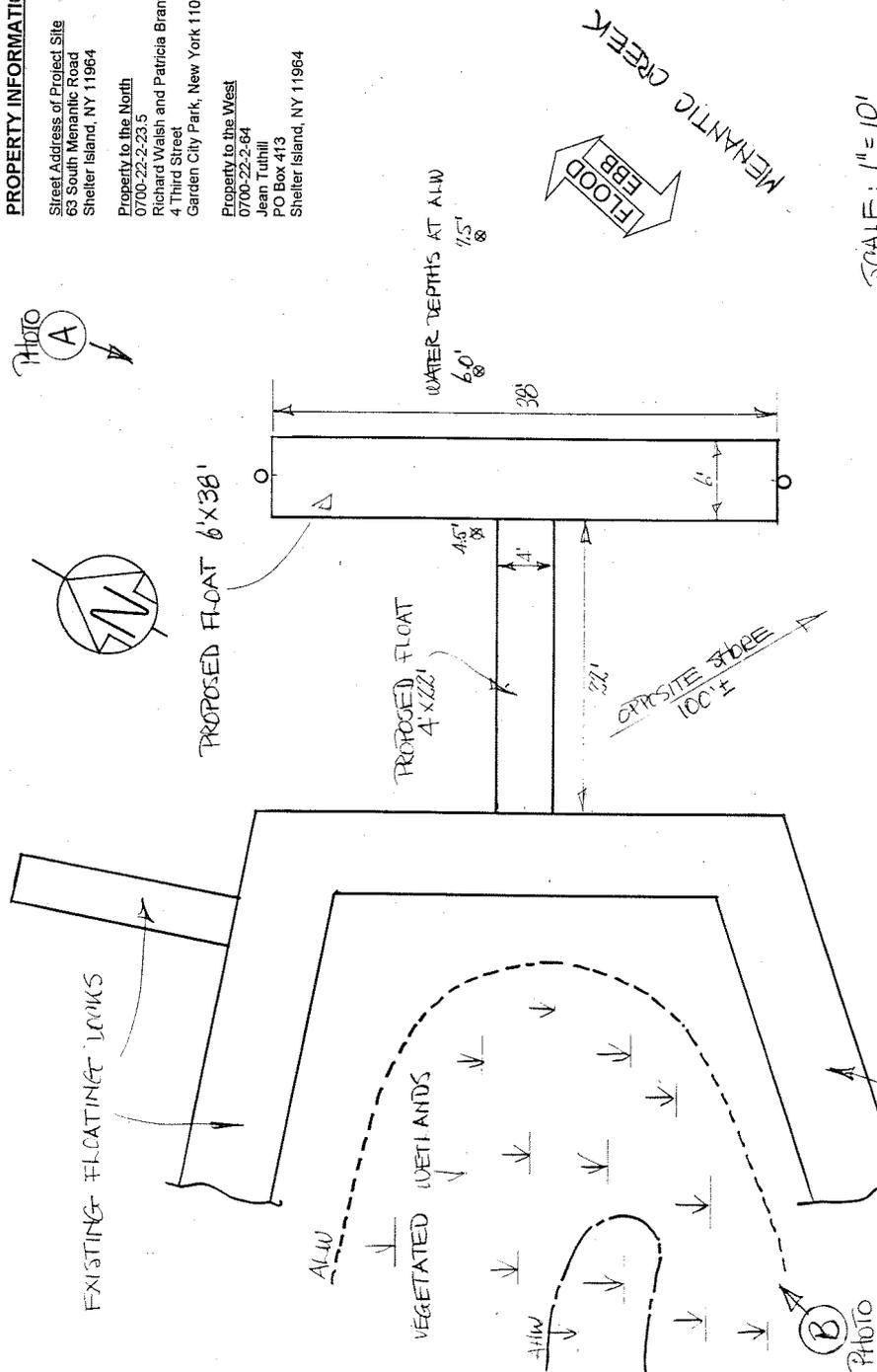
Property to the North
 0700-22-2-23.5
 Richard Walsh and Patricia Brantuk
 4 Third Street
 Garden City Park, New York 11040

Property to the West
 0700-22-2-84
 Jean Tullihill
 PO Box 413
 Shelter Island, NY 11964

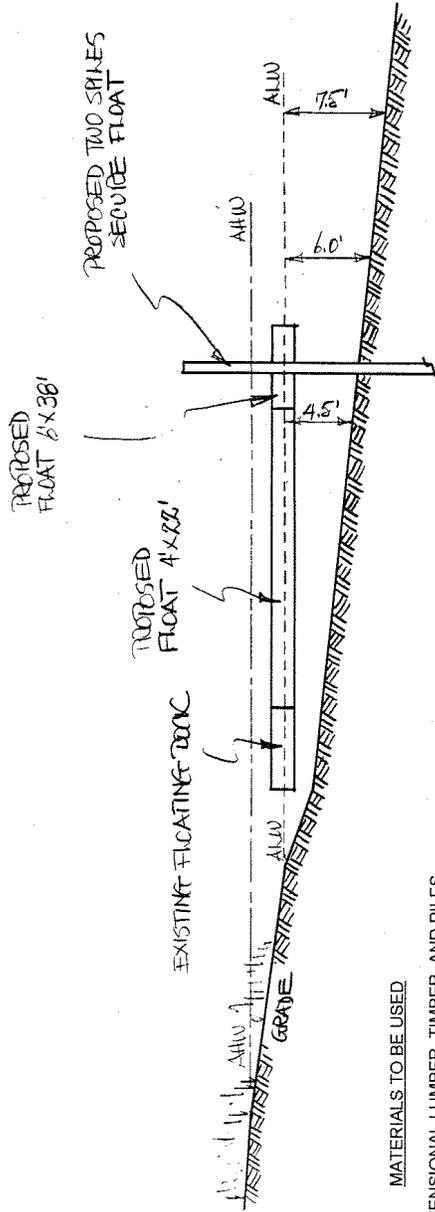
PROJECT PLAN
 Application regarding the property of
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CORPS OF ENGINEERS DATA
PURPOSE: Install additional floating dock in
 existing commercial marina.

DATUM: MLW
A.T.: Shelter Island
COUNTY: Suffolk
STATE: New York



SCALE: 1" = 10'



MATERIALS TO BE USED

ALL DIMENSIONAL LUMBER, TIMBER, AND PILES ARE CCA-TREATED. ALL HARDWARE IS GALVANIZED STEEL. DOW FOAM FLOTATION.

SCALE: 1" = 10'

CORPS OF ENGINEERS DATA

PURPOSE: Install additional floating dock in existing commercial marina.

IN: Menantic Creek
COUNTY: Suffolk
DATUM: MLW
AT: Shelter Island
STATE: New York

SECTION VIEW

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 February 12, 2004