



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: 2004-01187-L6

Issue Date: January 2, 2007

Expiration Date: January 31, 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: W. B. Land Management
31 Baker Place
Patchogue, NY 11772

ACTIVITY: Marina Reconstruction

WATERWAY: Patchogue River, Great South Bay

LOCATION: Town of Brookhaven, Snffolk 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

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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.

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.

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 not be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final 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 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>

Enclosures


for Richard L. Tomer
Chief, Regulatory Branch

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Richard L. Tomer
Chief, Regulatory Branch

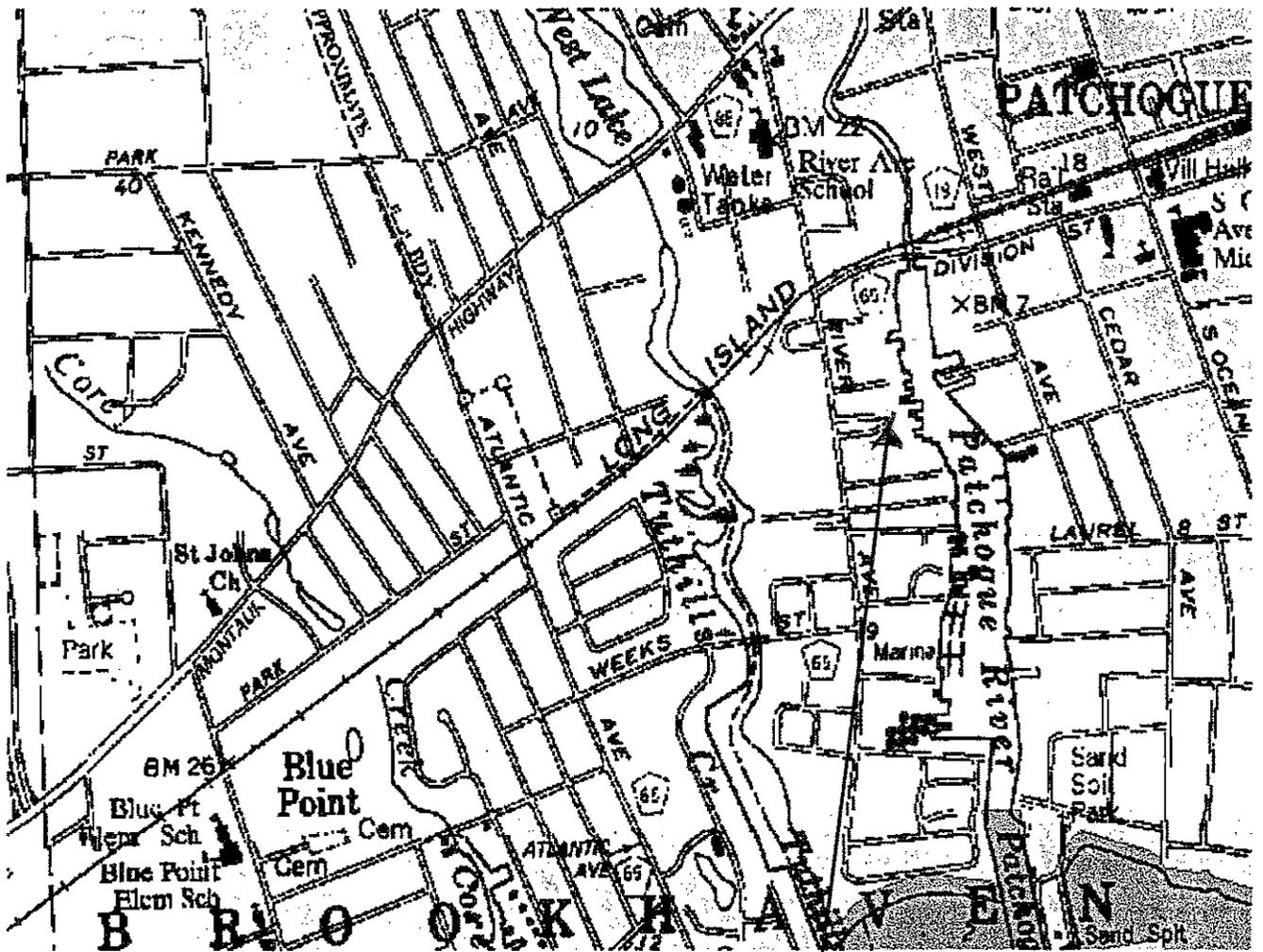
WORK DESCRIPTION

The applicant, W.B. Land Management, has requested Department of the Army authorization to construct a new marina at the site of a former marina in Patchogue River, Great South Bay at Town of Brookhaven, Suffolk County, New York.

The work would involve:

1. Dredging up to a maximum of 6 feet below mean low water, removing approximately 1,427 cubic yards of material of which 850 cubic yards to be used as fill for 28 foot wide by 90 foot long (2,520 square feet) former boat slip with remainder to be used as backfill behind replacement bulkhead.
2. Installation of a 6 foot wide by 45 foot long float and two 6 foot wide by 10 foot long ramps leading to two proposed 6 foot wide by 100 foot long floats.
3. Installation of approximately 155 feet of new bulkhead, replacement of approximately 188 linear feet of bulkhead within 18 inches of the existing bulkhead and 18 inches higher in elevation.
4. Replacement of an existing 1.5 foot wide by 77 foot long pier with 4 foot wide by 77 foot long pier and demolition of two solid fill piers, removing approximately 337 linear feet of bulkhead and 1,489 cubic yards of material.

The stated purpose of this project is to construct a new marina at the site of a former marina.



Coords: -73.0243,



COORDINATES NAD83
N 712521.4 FT.
E 4123353.2 FT.

PROJECT LOCATION

WEST BANK MARINA + YACHT CLUB

31 BAKER PLACE, PATCHOGUE, N.Y. 11772 SCALE 1"=1000'

VICINITY MAP - FROM NYS GIS CLEARINGHOUSE - PATCHOGUE QUAD.

IN PATCHOGUE CREEK @ PATCHOGUE

COUNTY OF SUFFOLK

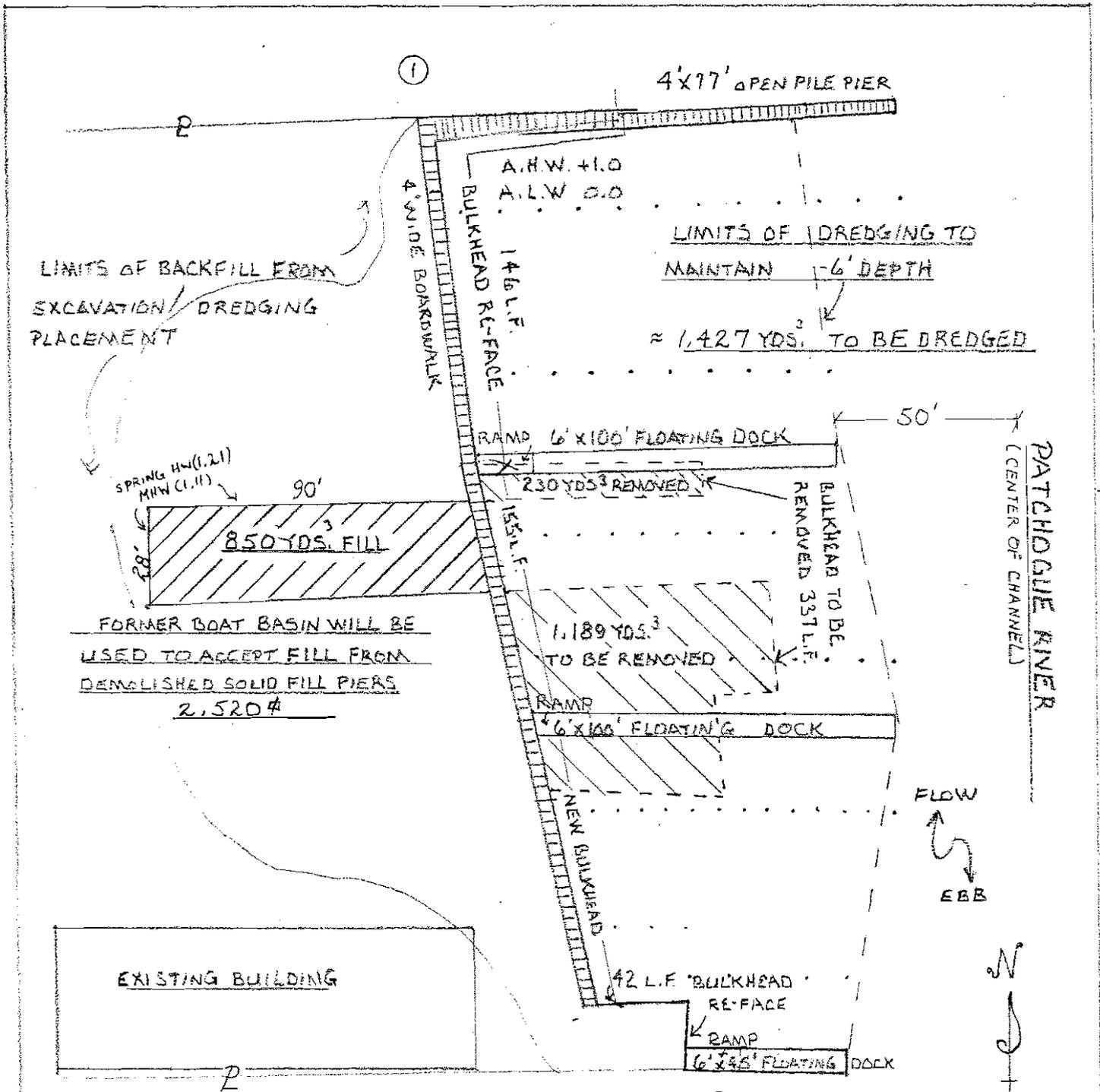
STATE OF NEW YORK

APPLICATION BY STUDIO ONE OF N.Y. D/B/A WEST BANK LAND MANAGEMENT

WEST BANK MARINA + YACHT CLUB

DATED: 5/6/05 BY: MARINE PERMIT SERVICE SHEET 1 OF 4

2004-01187



PURPOSE: CONSTRUCT NEW MARINA @ SITE OF A FORMER MARINA

SCALE 1" = 40'

ADJACENT PROPERTY OWNERS:

1. PATCHOGUE RIVER REALTY

2. JOSEPH BUONO

DATUM: MEAN SEA LEVEL

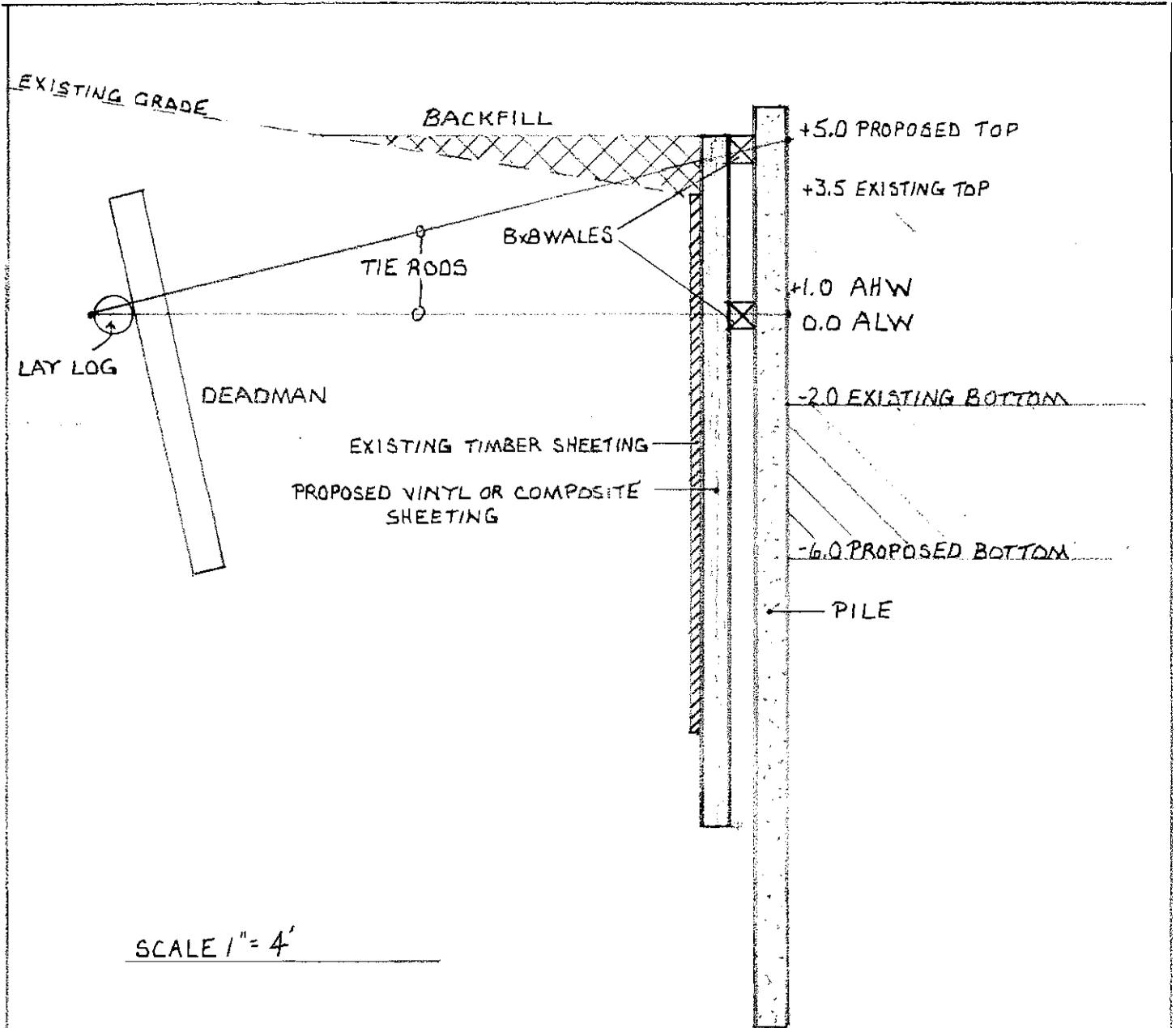
BY: MARINE PERMIT SERVICE

TAX MAP # 0204-016-01-014, 18, 2 & 3

APPLICATION BY STUDIO PLAN VIEW
 ONE OF NY, D/B/A WEST BANK LAND MANAGEMENT
 WEST BANK MARINA & YACHT CLUB
 DATED: 5/6/05

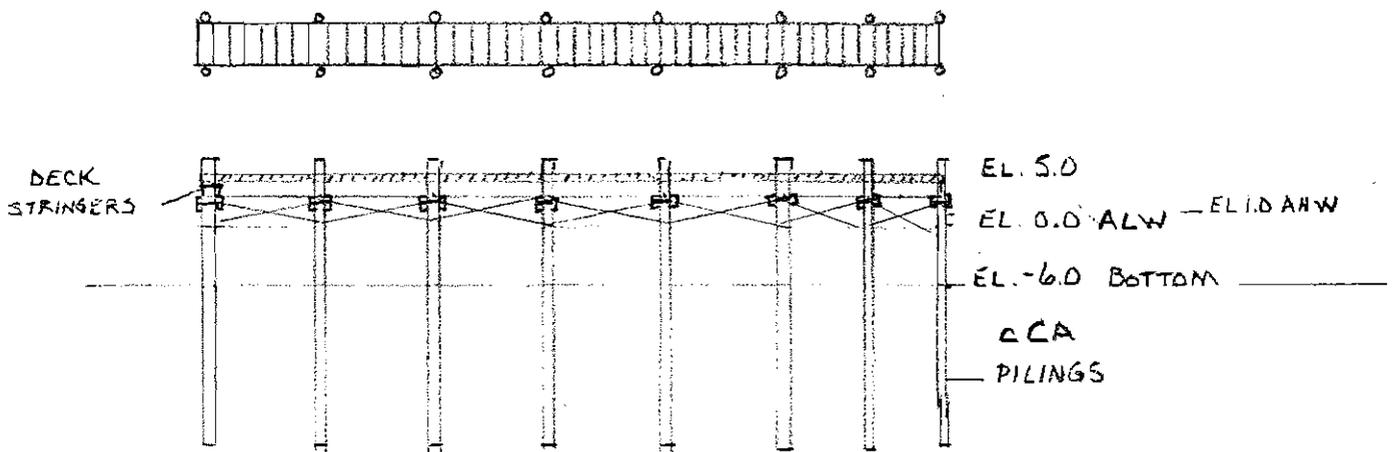
IN PATCHOGUE CREEK @ PATCHOGUE COUNTY OF SUFFOLK STATE OF NEW YORK
 SHEET 2 OF 4

2004-01187

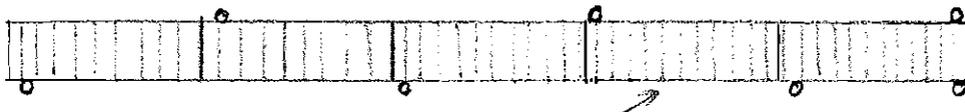


SCALE 1" = 4'

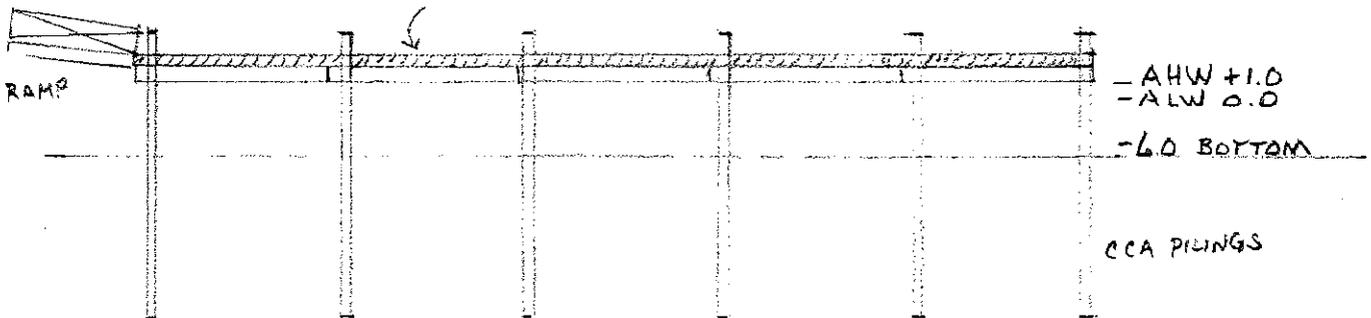
TYPICAL X-SEC
IN PATCHOGUE CREEK @ PATCHOGUE
COUNTY OF SUFFOLK - STATE OF N.Y.
APPLICATION BY STUDIO ONE OF N.Y.
D/B/A WEST BANK LAND MANAGEMENT
WEST BANK MARINA & YACHT CLUB
DATE: 10/18/04
PREPARED BY: MARINE PERMIT SERVICE
TAX MAP # 0204-016-01-014.18.2+18.3
SHEET 3 OF 4



4' x 77' OPEN PILE PIER



FLOATING DOCK SECTIONS



6' x 100' FLOATING DOCK

1" = 20'

OPEN PILE PIER AND FLOATING DOCKS
 IN PATCHOGUE CREEK @ PATCHOGUE
 COUNTY OF SUFFOLK - STATE OF N.Y.
 APPLICATION BY STUDIO ONE OF N.Y.
 D/B/A WEST BANK LAND MANAGEMENT
 WEST BANK MARINA & YACHT CLUB
 DATE: 5/6/05
 PREPARED BY: MARINE PERMIT SERVICE
 SHEET 4 OF 4