



# 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-2006-459-EBU  
Issue Date: 9 January 2008  
Expiration Date: 8 February 2008

## 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).

APPLICANT: George & Carolyn Viskovich and Joseph & Carole Hankin  
837 & 839 Dune Road  
Westhampton Dunes, New York 11978

ACTIVITY: Install a walkway over wetlands

WATERWAY: Moriches Bay

LOCATION: Westhampton Dunes, Town of Southampton, 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 of 1996 (16 U.S.C. 1855(b)), requires all federal agencies to consult with the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service 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 proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the proposed work may affect EFH. Further consultation with NMFS regarding EFH impacts and conservation recommendation is being conducted and will be conducted 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, prehistorically, 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 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, 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.

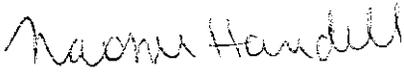
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation
- Town of Southampton

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) 790-8513 and ask for Ms. Denise Butts.

CENAN-OP-RE  
Application No. 2006-459-EBU

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

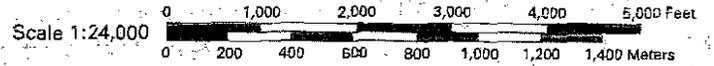
The applicants, George & Carolyn Viskovich and Joseph & Carole Hankin, have requested a Department of the Army permit for the extension to an existing 4-foot wide by 147-foot long timber walkway by adding a 4-foot wide by 220-foot long timber walkway with 3-foot wide by 4-foot long step-down steps located directly landward of wetlands leading down to existing grade, a 4-foot wide by 296-foot long of geogrid to be installed at ground level and a 10.5 foot long molded fiberglass grating to be installed 6-inches above the drainage ditches, areas of unstable soil and areas of Spartina alterniflora. The site is in Moriches Bay located in Westhampton Dunes, Town of Southampton, Suffolk County, New York.

The applicant's stated purpose and need for this project is to provide access to the waterway while protecting and preserving the wetlands vegetation in the area by utilizing geogrid and open grate decking to prevent shading.

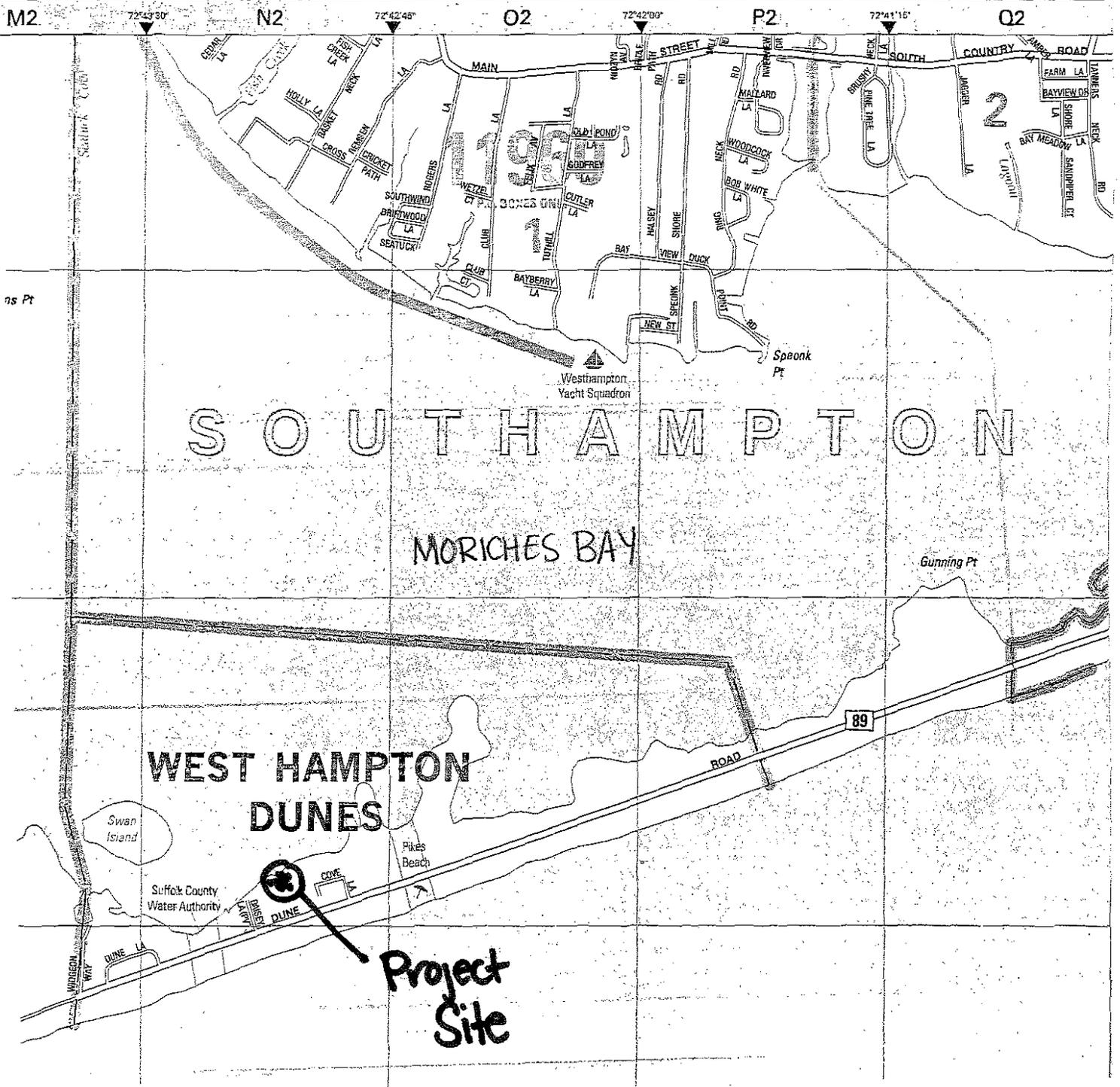
# Hankin/Viskovich – Westhampton Dunes



ate distance:  
nts approximately  
y 0.86 mil .vertically



Joins Map 38

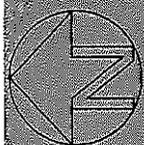


Land Use Ecological Services, Inc.  
PO Box 1060  
Riverhead, NY 11901  
Tel. 631-727-2400 Fax.631-727-2605

Location map taken from Suffolk County Atlas, Hagstrom, 2004.  
Property located at Lat: N 40° 46' 32."  
Long: W 72° 42' 57.58"

NAN-2006-459-ERB4

# MORICHES BAY



(WIDTH OF WATERWAY 500')



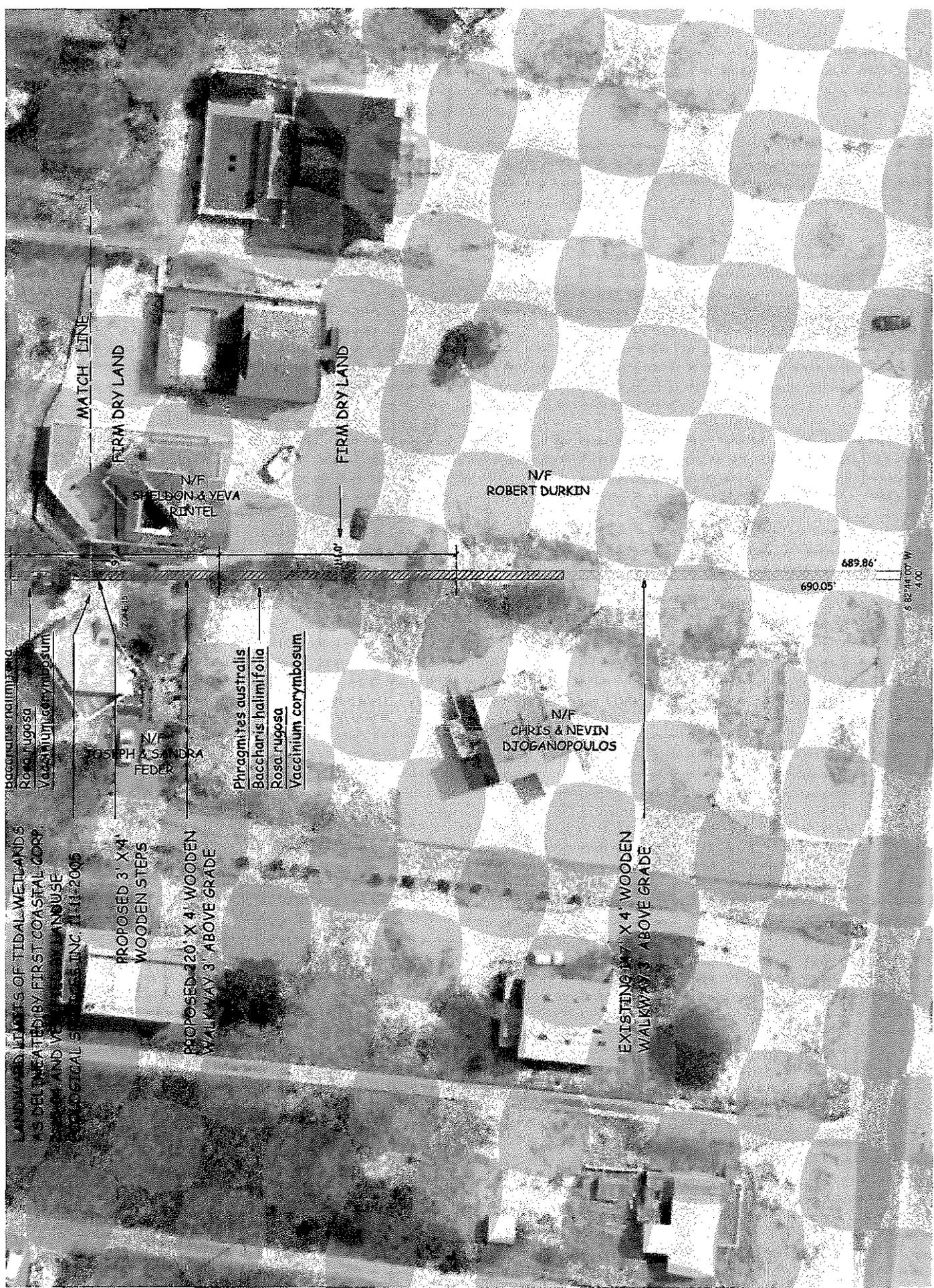
NAN-2006-489-ERU

**PLAN VIEW:**  
 SCALE: 1" = 80'  
 LAND USE ECOLOGICAL SERVICES INC  
 PROJECT NO: 04-05-06  
 DATE: 04-05-06  
 SHEET 1 OF 3

**WALKWAY KEY:**  
 0222 - PROPOSED 68' X 4' MESH WALKWAY  
 0223 - PROPOSED 85' X 4' GRATE WALKWAY  
 0224 - PROPOSED 98' X 4' MESH WALKWAY  
 0225 - PROPOSED 2' X 4' GRATE WALKWAY  
 0226 - PROPOSED 30' X 4' MESH WALKWAY

**PLANT KEY:**  
 1. *Spartina alterniflora*  
 2. *Spartina patens*  
 3. *Distichlis spicata*  
 4. *Limonium carolinianum*  
 5. *Baccharis halimifolia*  
 6. *Phragmites australis*  
 7. *Rorippa*  
 8. *Yucca*

LANDWARD LIMITS OF TIDAL WETLANDS AS DELINEATED BY FIRST COASTAL CDRP 2-15-04 AND VERIFICATION OF USE ECOLOGICAL SERVICES INC. 11-14-2006



LANDSCAPE ARCHITECTS OF TIDAL WETLANDS  
 AS DELINEATED BY FIRST COASTAL CORP.  
 AND WETLAND HOUSE  
 ECOLOGICAL SERVICES INC. 11/11/2005

PROPOSED 3' X 4'  
 WOODEN STEPS

PROPOSED 20' X 4' WOODEN  
 WALKWAY 3' ABOVE GRADE

EXISTING 14'7" X 4' WOODEN  
 WALKWAY 3' ABOVE GRADE

*Baccharis halimifolia*  
*Rosa rugosa*  
*Vaccinium corymbosum*

N/F  
 JOSEPH & SANDRA  
 FEDER

*Phragmites australis*  
*Baccharis halimifolia*  
*Rosa rugosa*  
*Vaccinium corymbosum*

N/F  
 CHRIS & NEVIN  
 DJOGANOPOULOS

N/F  
 ROBERT DURKIN

MATCH LINE

FIRM DRY LAND

FIRM DRY LAND

N/F  
 SHELDON & YEVA  
 RIVTEL

690.05'

689.86'

6-82' @ 100' W  
 400'

WALKWAY KEY:  
 [Symbol] Proposed  
 [Symbol] Existing

PLANT KEY:  
 [Symbol] *Baccharis halimifolia*  
 [Symbol] *Rosa rugosa*  
 [Symbol] *Vaccinium corymbosum*

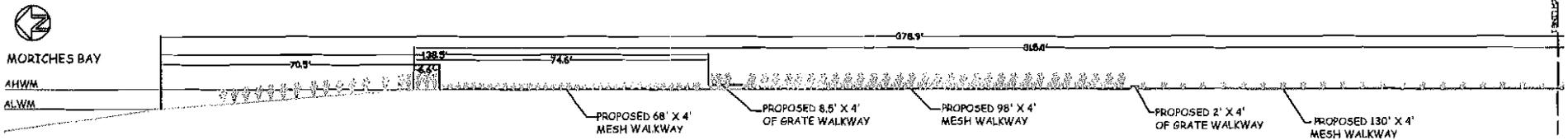
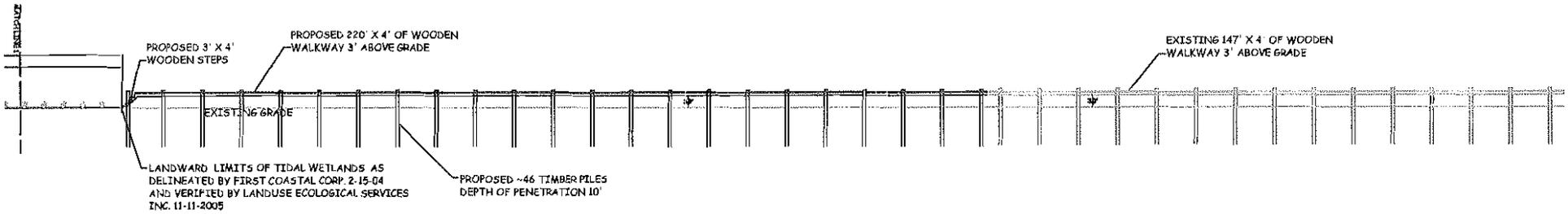
PROPOSED  
 AS DELINEATED BY FIRST COASTAL CORP.  
 AND WETLAND HOUSE  
 ECOLOGICAL SERVICES INC. 11/11/2005

SCALE 1" = 60'

LAND USE ECOLOGICAL  
 SERVICES INC.  
 137 ROCKY HILL  
 04-05-06  
 09-11-08 11-02-06

NO. 1007  
 09-05-05-128 & 907-002-03-18  
 SHEET 2 OF 3

ANN-2006-459-EBV



**SECTION VIEW:**  
 SCALE: 1" = 40'  
 LAND USE ECOLOGICAL SERVICES INC  
 PO BOX 100  
 1000 BAYVIEW BLVD  
 MORTCHES BAY, N.S.  
 B01 1A0  
 TEL: 902-453-1100  
 FAX: 902-453-1101  
 WWW.LUES.COM

TITLE: 04-05-06  
 REV: 09-11-06, 11-02-06

TAX MAP # 997-002-01-29 & 907-002-03-19  
 SHEET 3 OF 3

**WALKWAY KEY:**

▨ MESH WALKWAY - TENSAR TEG GEGRID TO BE INSTALLED AT GROUND LEVEL WITH PROPOSED LOCATION

▨ GRATE WALKWAY - 1/2" X 1/2" X 1/4" MOLDED FIBREGLASS GRATING MATERIAL TO BE INSTALLED 6" ABOVE GRADE LEVEL OVER CHANNELS, SPILL AND DRAINAGE DITCHES

▨ PROPOSED WOODEN WALKWAY

▨ EXISTING WOODEN WALKWAY

**PLANT KEY:**

☼ *Spartina alterniflora*

☼ *Sp. patens*

NAN-2006-459-ERU

**Vegetation Transect—Hankin—Westhampton Dunes**

Date: 11/11/2005

Time: 9:45 – 10:30am

| <u>Distance from Low water line</u> | <u>Vegetation Present</u>   | <u>Ground Conditions</u>                            |  |
|-------------------------------------|---|---|--|
| 0'-5'                               |   | Very soft mudflat                                   |  |
| 5'-13'                              | <i>Spartina alterniflora</i>  | Soft mudflat  |  |
| 13'-42'                             | <i>Spartina alterniflora</i>  | Mud/sand, firm                                      |  |
| 42'-45.5'                           |   | Ditch—muddy bottom with standing water              |  |
| 45.5'-50'                           | <i>Spartina alterniflora</i>  | Mud, firm   |  |
| 50'-128'                            | <i>Spartina patens</i><br><i>Distichlis spicata</i><br><i>Limonium carolinianum</i>                                 | 93-103' very wet w/surface water, all else firm mud |  |
| 128'-30'                            | <i>Spartina alterniflora</i>  | Firm mud  |  |
| 130'-133'                           |   | Ditch—muddy bottom with standing water              |  |
| 133'-136.5'                         | <i>Spartina alterniflora</i>  | Firm mud  |  |
| 136.5'-180.5'                       | <i>Spartina alterniflora</i><br><i>Spartina patens</i><br><i>Distichlis spicata</i>                                 | Mud firm and soft with surface water (interspersed) |  |
| 180.5'-227.5'                       | <i>Spartina patens</i><br><i>Distichlis spicata</i><br><i>Limonium carolinianum</i><br><i>Baccharis halimifolia</i> | Mud, firm in places, surface water in others        |  |
| 227.5'-229.5'                       |   | Ditch—muddy bottom with standing water              |  |
| 229.5'-251.5'                       | <i>Spartina patens</i><br><i>Distichlis spicata</i><br><i>Limonium carolinianum</i>                                 | Mud, firm   |  |
| 251.5'-323.5'                       | <i>Phragmites australis</i><br><i>Baccharis halimifolia</i>   | firm  |  |
| 323.5'-420.5'                       | <i>Phragmites australis</i><br><i>Baccharis halimifolia</i><br><i>Rosa rugosa</i><br><i>Vaccinium corymbosum</i>    | Firm  |  |
| 420.5'-531.5'                       | Same veg. as above, but more sparse   |   |  |

NAN-2006-459-EBU