



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 2007-300-2RA~~
Issue Date: **JUN 22 2007**
Expiration Date: **JUL 23 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 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

APPLICANT: New York State Dept. of Environmental Conservation
Bureau of Marine Resources
205 North Belle Mead Road, Suite One
East Setauket, NY 11733

ACTIVITY: Create, maintain, and expand artificial reefs with 10-year maintenance

WATERWAY: Great South Bay and Atlantic Ocean

LOCATION: Various locations at Nassau and Suffolk Counties, 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, 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 adversely affect any Federally endangered or threatened various species of sea turtles and whales, 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 (NOAA/FS) 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 NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the properties listed or eligible for listing in the latest available version of the National Register of Historic Places, there appears to be no sites included in the Register within the permit area. Presently unknown archaeological, scientific, pre-historic or historical data may be lost by work accomplished under the required permit.

Review 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

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) 790-8518 and ask for Rosita Rama.

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

JUN 22 2007

WORK DESCRIPTION

The applicant, New York State Department of Environmental Conservation (NYSDEC), Bureau of Marine Resources, has requested a ten-year Department of the Army (DA) authorization for creation, expansion, or maintenance of artificial reefs in Great South Bay and the Atlantic Ocean, at various locations off Nassau and Suffolk Counties, New York.

The applicant has proposed the discharge of fill material at seven (7) different locations, one located in Great South Bay and the remainder in the Atlantic Ocean (See Sheet 2 of 10). The work would involve the completion of construction on six (6) existing reef sites, expansion of the footprint of two (2) eastern reef sites, and creation of one new site.

The boundaries of the existing reef sites "Fishing Line", "Hempstead", "Fisherman", and "Fire Island" will be the same. "Moriches" and "Shinnecock" reef sites will be significantly expanded from current areas 14 and 35 acres, respectively, to 413 acres, to accommodate deployment of additional reef materials. The proposed "Twelve Mile" reef site would be the largest (850 acres) and the deepest (123 to 143 feet). On Sheet 3 of 10, a table illustrates the proposed characteristics of the reef sites, current and proposed materials, and material estimates.

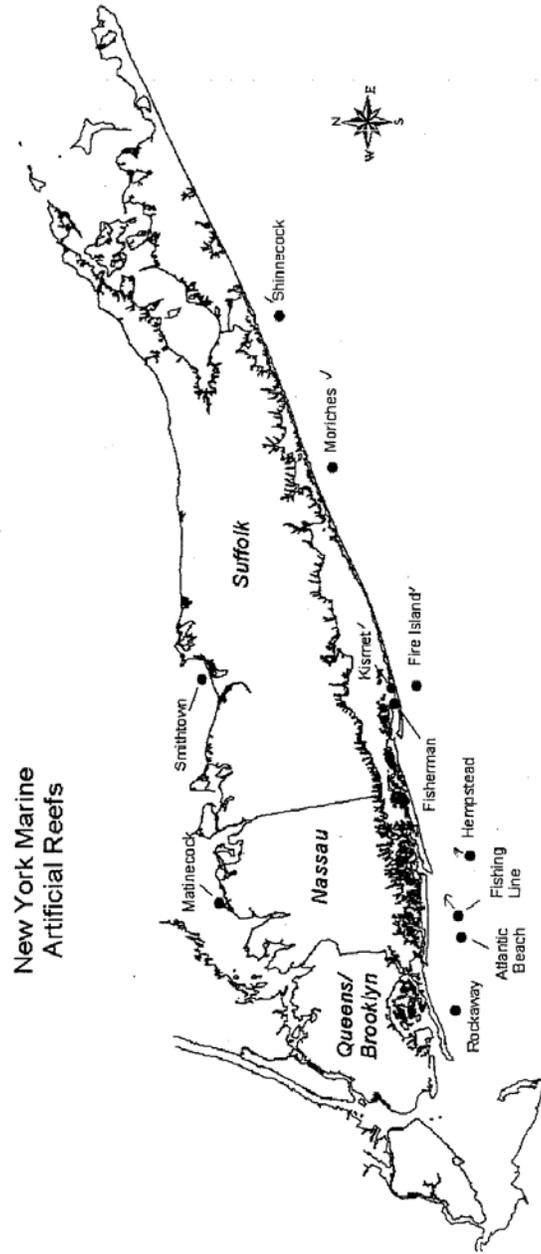
The NYSDEC Artificial Reef Program was previously permitted under DA Permit No. 91-0871, which activated "Atlantic Beach", "Fire Island", "Fisherman", "Fishing Line", "Hempstead", "Moriches", and "Shinnecock" reef sites.

Anticipated reef materials would include, but are not limited to, large volumes of rock from Corps of Engineers harbor deepening projects, large surplus steel vessels, surplus commercial fishing vessels, volumes of scrap concrete, ReefBalls, and surplus naval vessels. Rock, concrete, and steel structures are considered to be appropriate reef substrate by providing a stable and durable base for the establishment and development of successful reef communities.

The Reef Program employs the "patch reef method" of construction where individual or groupings of material are deployed on a site leaving an open buffer area between materials. All work would be performed in accordance to the guidelines and policies of the Generic Environmental Impact Statement and Plan for the Development and Management of Artificial Reefs in New York's Marine and Coastal District (GEIS/Reef Plan). Potential reef materials are inspected for suitability by Reef Program Staff, and the materials are prepared according to the guidelines established in the GEIS/Reef Plan and the NYSDEC Marine Artificial Reefs Materials Preparation Criteria and Special Conditions.

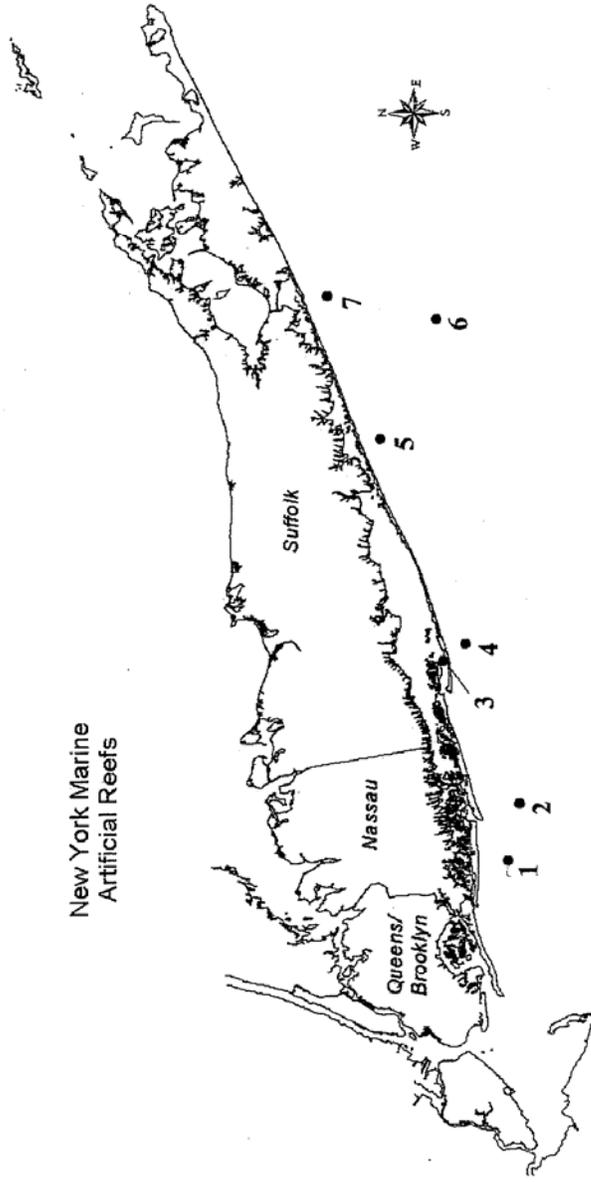
The stated purpose of the artificial reefs is to provide additional fishing and diving opportunities through enhancement, restoration, and management of reef-associated fishery resources and their habitat.

FIGURE 1 Locator Map of the Current New York Artificial Reef Sites



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FIGURE 2 2006 Artificial Reef Sites



NOTE: See Table 4 for Site Specific Information.

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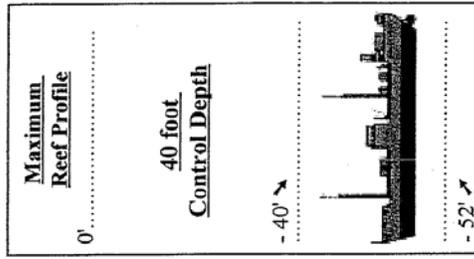
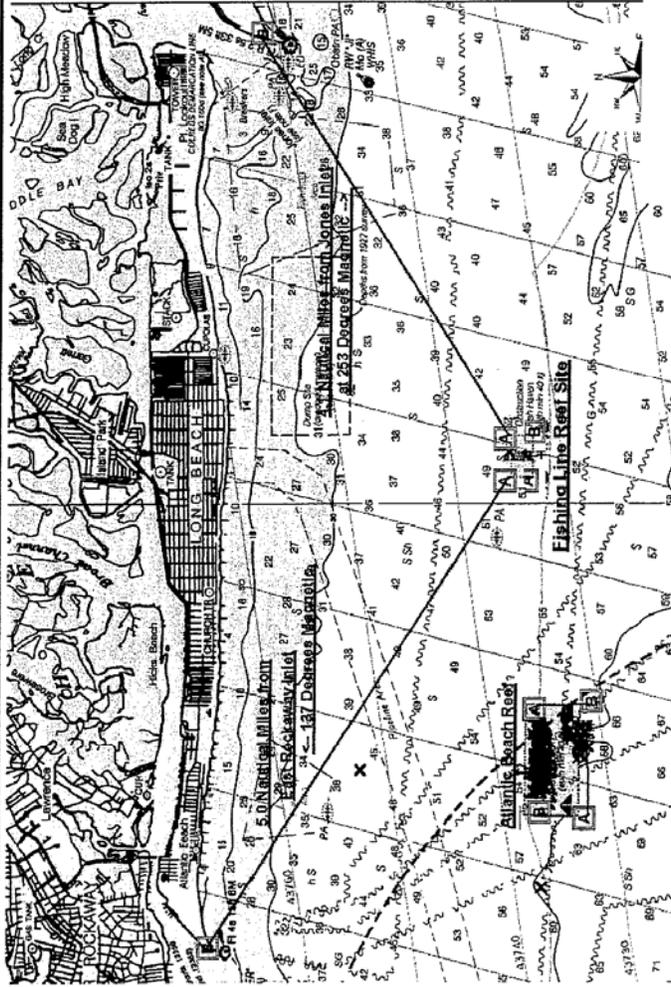
TABLE 4 Proposed Reef Site Characteristics, Materials Present and Estimates of Additional Material Placements (Reference Table for Figure 2)

Map Reference	Reef Site	Current size (acres)	Proposed size (acres)	Site Depths (feet)	Controlling depth (feet)	Materials present	Materials planned
1	Fishing Line	115	115	45 - 52	40	10,000 cubic yards rock, concrete; 6 vessels	100,000 cubic yards rock, concrete and steel vessels
2	Hempstead Town	744	744	50 - 70	40	15,000 cubic yards concrete; 10 vessels; 15 armored vehicles	1.5 million cubic yards rock, concrete and steel vessels
3	Fisherman	7	7	20 - 40	15	3 vessels; 86 concrete pipe	5 vessels; 500 concrete pipe
4	Fire Island	744	744	61 - 71	40	20,000 cubic yards rock, concrete; 18 vessels; 15 armored vehicles	1.5 million cubic yards rock, concrete and steel vessels
5	*Moriches	14	413	69 - 83	50	10 vessels; 115 concrete pipe; 40 armored vehicles	250,000 cubic yards rock, concrete and steel vessels
6	*12 Mile	NEW	850	123-143	60	none	U.S. Navy ship; 1.5 million cubic yards rock, concrete and steel vessels
7	*Shinnecock	35	413	77 - 84	50	5,000 cubic yards rock, concrete; 7 vessels; 40 armored vehicles	250,000 cubic yards rock, concrete and steel vessels

* Highlighted boxes note existing reef site expansions (Moriches and Shinnecock Reefs) or a new site (Twelve Mile Reef).

FIGURE 3 Fishing Line Reef Site

Reef Corner	Latitude	Longitude	Reef Site Specifications
Northeast	40° 32.300' N	73° 39.200' W	Boundary Dimensions 92.5 yards by 600 yards (11.5 acres)
Northwest	40° 32.300' N	73° 39.700' W	Depth Range 45 to 52 feet
Southeast	40° 32.100' N	73° 39.200' W	Distances 4.1 NM from Jones Inlet, 5.0 NM from East Rockaway Inlet 3.85 NM from the Shipping Lanes.
Southwest	40° 32.100' N	73° 39.700' W	Compass Headings 253° mag. from Jones Inlet; 137° mag. from East Rockaway Inlet 180 degrees magnetic to the Shipping Lanes.



APPROACHES TO NEW YORK FIRE ISLAND LIGHT TO SEA GIRT
 Chart Name: 12226
 Chart ID: 40° 32' 2" N 73° 45' 40" W
 Top Left: 40° 30' 44" N 73° 34' 0" W
 Bottom Right:

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FIGURE 4 Hempstead Reef Site

Reef Corner	Latitude	Longitude	Reef Site	Specifications
Northeast	40° 31.500' N	73° 31.370' W	Boundary Dimensions	3,000 yards by 1,200 yards (744 acres)
Northwest	40° 31.250' N	73° 33.350' W	Depth Range	50 to 70 feet
Southeast	40° 30.920' N	73° 31.550' W	Distances	3.3 nautical miles from Jones Inlet 1.5 nautical miles from the Shipping Lanes
Southwest	40° 30.670' N	73° 33.520' W	Compass Heading	176 degrees magnetic from Jones Inlet 184 degrees magnetic to the Shipping Lanes

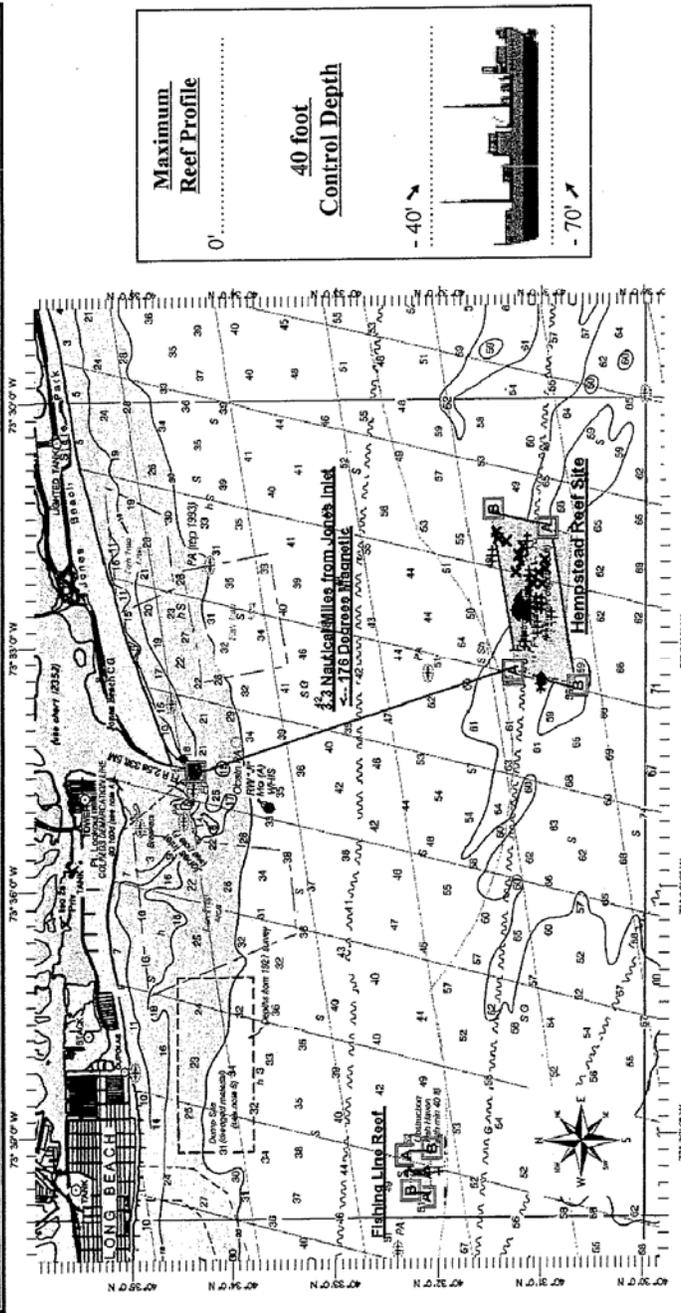


Chart Name: APPROACHES TO NEW YORK FIRE ISLAND LIGHT TO SEAGIRT
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FIGURE 5 Fisherman Reef Site

Reef Corner	Latitude	Longitude	Reef Site Specifications
Northeast	40° 38.051' N	73° 14.354' W	Boundary Dimensions 400 yards by 85 yards (7 acres)
Northwest	40° 37.954' N	73° 14.595' W	Depth Range 20 to 40 feet
Southeast	40° 38.016' N	73° 14.327' W	Distances 1.0 nautical mile from the Fire Island Watertower 2.6 nautical miles from Democrat Point
Southwest	40° 37.918' N	73° 14.569' W	Compass Headings 253 degrees magnetic to the Fire Island Watertower 279 degrees magnetic to Democrat Point

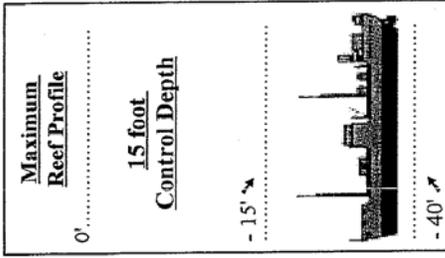


Chart Name: SOUTH LOYSTER BAY TO GREAT SOUTH BAY LONG ISLAND NY
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 Bottom Right: 40° 37' 6" N 73° 12' 43" W

Corps #: *MAN-2007-30-ERA*
 Project Name: *NYSDEC Artificial Reef*
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FIGURE 6 Fire Island Reef Site

Reef Corner	Latitude	Longitude	Reef Site	Specifications
Northeast	40° 36.100' N	73° 11.500' W	Boundary Dimensions	3,000 yards by 1,200 yards (744 acres)
Northwest	40° 36.100' N	73° 13.500' W	Depth Range	61 to 71 feet
Southeast	40° 35.600' N	73° 11.500' W	Distances	3.9 nautical miles from Fire Island Inlet 1.8 nautical miles from Fire Island Lighthouse
Southwest	40° 35.600' N	73° 13.500' W	Compass Headings	122 degrees magnetic from Fire Island Inlet 194 degrees magnetic from Fire Island Lighthouse

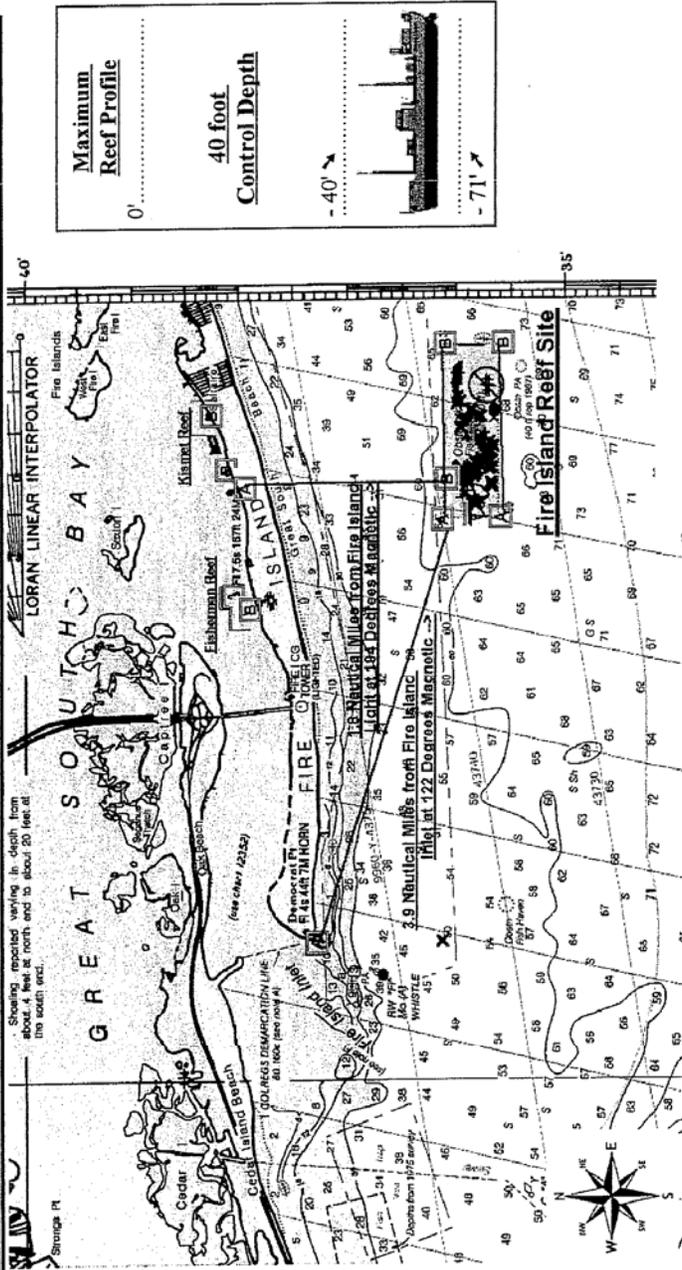


Chart Name: 12278
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 Bottom Right: 40° 35' 10" N 73° 10' 26" W

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Corps #: N1AN-2007-30-ERA
 Project Name: NYSDOT Artificial Reef
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FIGURE 7 Moriches Reef Site

Reef Corner	Latitude	Longitude	Reef Site Specifications
Northeast	40° 43.625' N	72° 45.380' W	Boundary Dimensions 2,000 yards by 1,000 yards (413 acres)
Northwest	40° 43.625' N	72° 46.700' W	Depth Range 69 to 83 feet
Southeast	40° 43.115' N	72° 45.380' W	Distance 2.1 nautical miles from Moriches Inlet
Southwest	40° 43.115' N	72° 46.700' W	Compass Heading 200 degrees magnetic from Moriches Inlet

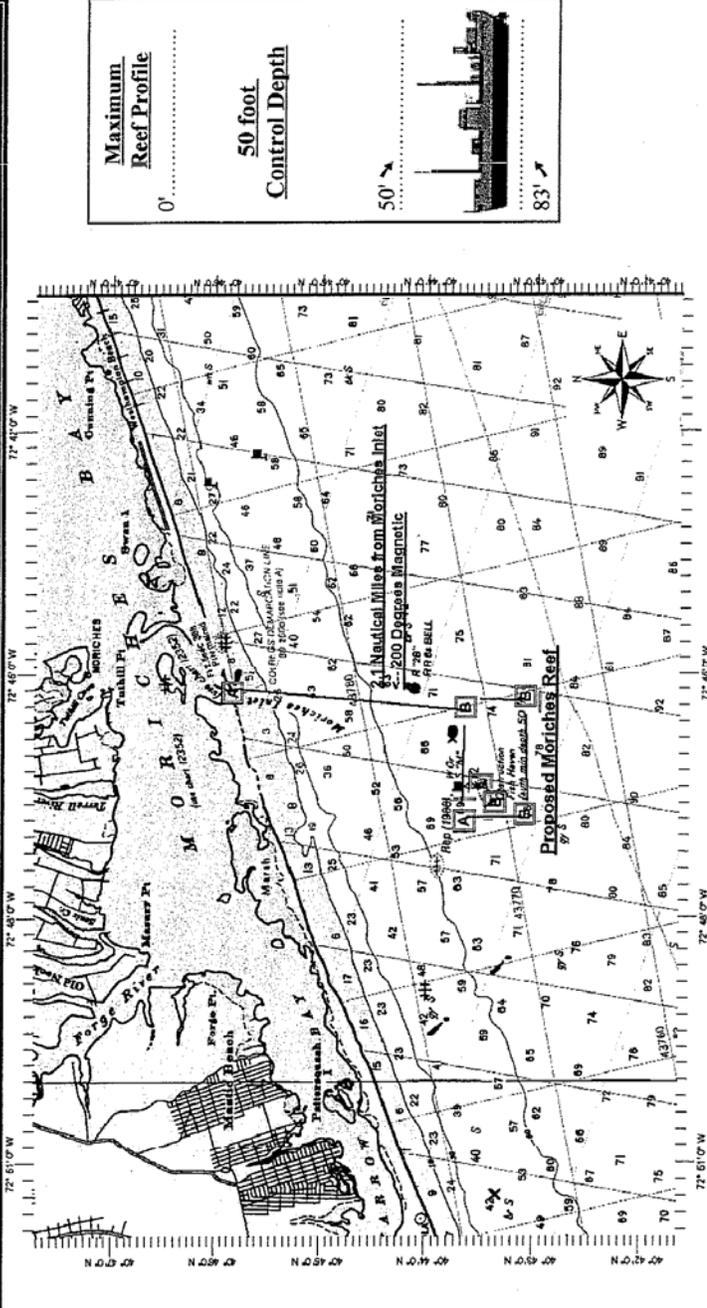


Chart Name: SHINNECOCK LIGHT TO FIRE ISLAND LIGHT
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 Bottom Right: 40° 41' 38" N 72° 40' 15" W

Corps #: *MAN-2007-30-ERA*
 Project Name: *NYSDEC Artificial Reef*
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FIGURE 8 Twelve Mile Reef Site

Reef Corner	Latitude	Longitude	Reef Site	Specifications
Northeast	40° 37.250' N	72° 30.930' W	Boundary Dimensions	2,027 yards by 2,027 yards (850 acres)
Northwest	40° 37.250' N	72° 32.250' W	Depth Range	123 to 143 feet
Southeast	40° 36.250' N	72° 30.930' W	Distances	13.0 nautical miles from Moriches and Shinnecock Inlets
Southwest	40° 36.250' N	72° 32.250' W	Compass Headings	145 degrees magnetic from Moriches Inlet 203 degrees magnetic from Shinnecock Inlet

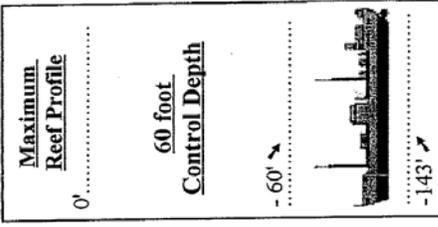
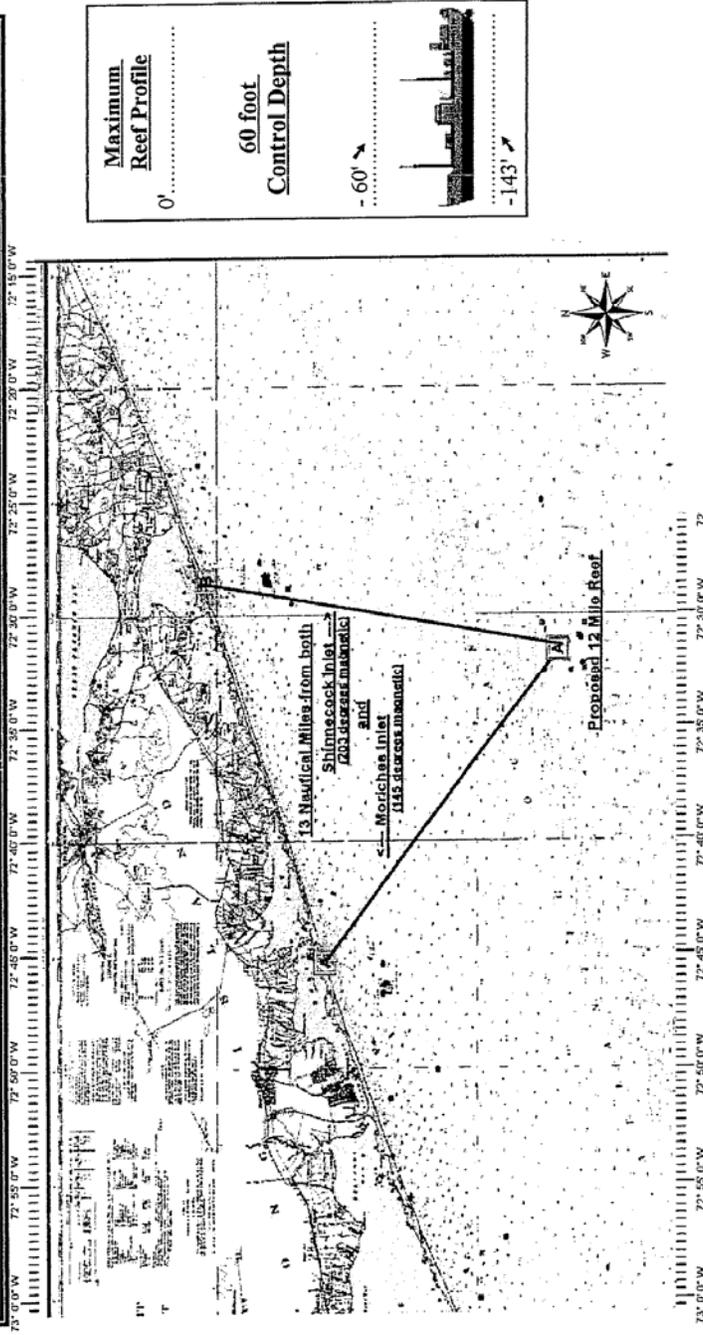


Chart Name: SHINNECOCK LIGHT TO FIRE ISLAND LIGHT
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Corps #: *NAN-2007-30-EPA*
 Project Name: *NYSDEC Artificial Reef*
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FIGURE 9 Shinnecock Reef Site

Reef Corner	Latitude	Longitude	Reef Site Specifications
Northeast	40° 48.360' N	72° 27.680' W	Boundary Dimensions 2,000 yards by 1,000 yards (413 acres)
Northwest	40° 48.360' N	72° 29.000' W	Depth Range 77 to 84 feet
Southeast	40° 47.855' N	72° 27.680' W	Distance 2.0 nautical miles from Shinnecock Inlet
Southwest	40° 47.855' N	72° 29.000' W	Compass Heading 194 degrees magnetic from Shinnecock Inlet

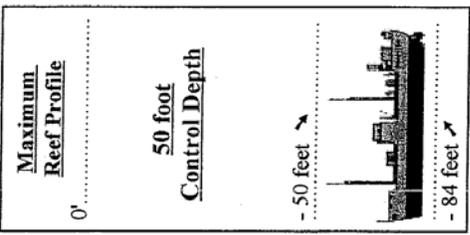
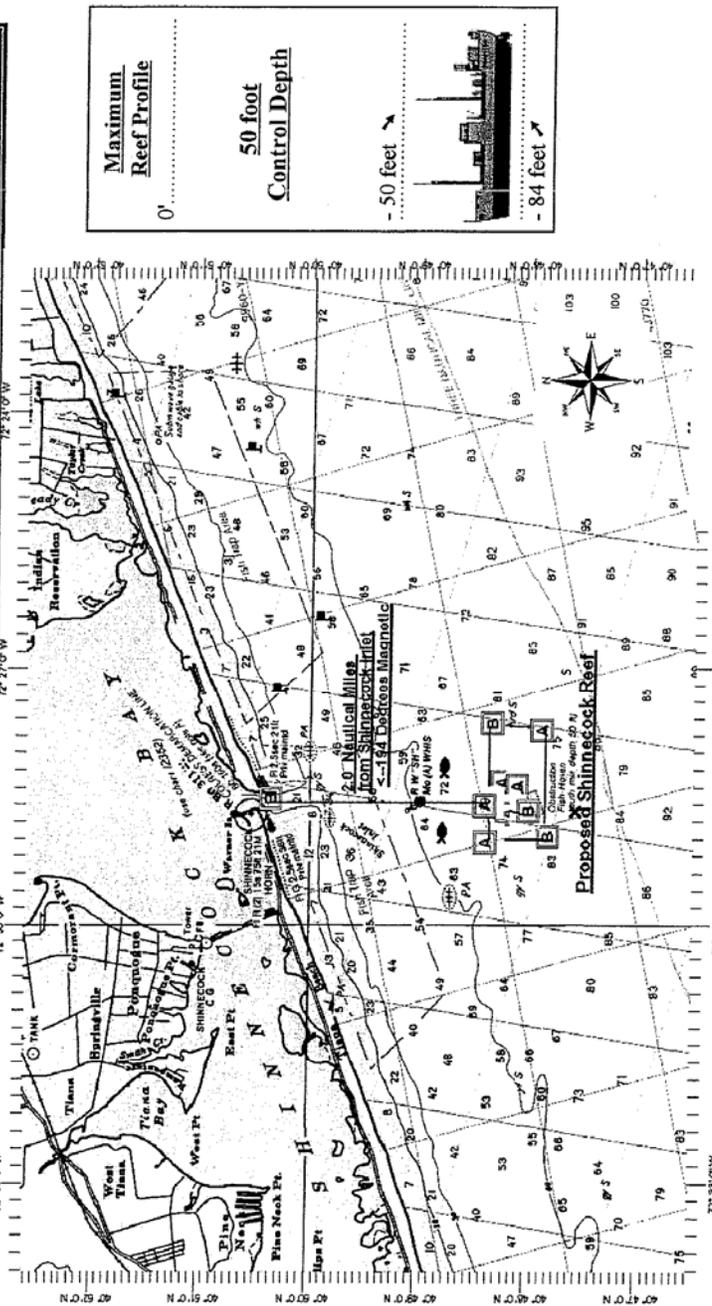


Chart Name: SHINNECOCK LIGHT TO FIRE ISLAND LIGHT
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Corps #: *NAN-2007-30-ERA*
 Project Name: *NYSDEC Artificial Reef*
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