



# 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-2007-459  
Issue Date: March 19, 2007  
Expiration Date: April 19, 2007

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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), Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 103 of the Marine Protection, Research & Sanctuaries Act of 1972, as amended (33 U.S.C. 1413).

APPLICANT: John Downey  
c/o Richard Downey  
42 Waters Edge Court  
Babylon, NY 11702

ACTIVITY: Bulkhead replacement, new bulkhead installation, placement of fill to close off an unneeded boat ramp, and dredging within a boat slip.

WATERWAY: Carls River

LOCATION: Town of Babylon, 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

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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 (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration 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). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. 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 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.

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) 790-8420 and ask for Stacey M. Jensen.

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For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

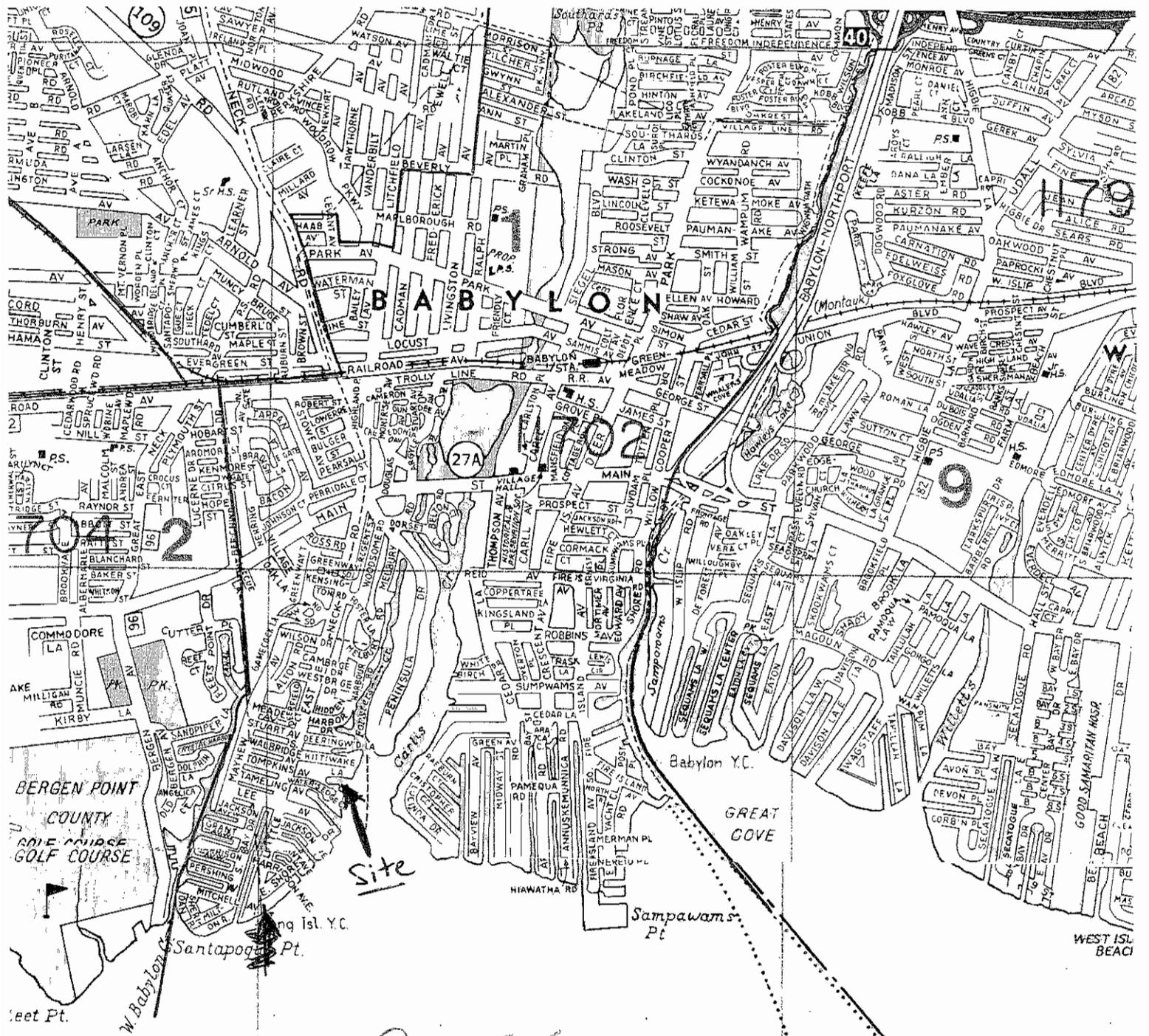
  
For Richard L. Torner  
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, John Downey, has requested Department of the Army authorization for the construction of a 28-foot-long and 12-foot-long section of bulkhead to close off an unneeded indented boat ramp area and to backfill with 140 cubic yards of clean sand fill from an upland source; to construct a new 9-foot 6-inch wavebreak off the northeast corner of the property; to dredge within the boat slip to a maximum depth of -4-feet below ALW, with the resultant 40 cubic yards of spoil to be used as backfill. Furthermore, to replace within 18-inches the 10-foot 9-inch bulkhead; to remove and replace in same location and configuration the 30-foot 10-inch west wall of the boat slip and the 5-foot-wide walkway; to replace within 18-inches the 29-foot 2-inch bulkhead of the boat slip and the 5-foot-wide walk; to remove and replace within 18-inches the 43-foot 3-inch east wall of the boat slip and the 5-foot-wide walk; to replace within 18-inches the 54-foot 5-inch bulkhead and the 5-foot-wide walk; to remove 123-foot curved bulkhead and replace within 18-inches with two (2) straight sections of 60-foot 6-inches and 62-foot 5-inches and a 5-foot-wide walk; new bulkhead will attach to existing bulkhead on adjacent parcel to the south; to remove and replace two (2) mooring pilings within the boat slip. All bulkheads are proposed to be 2-feet higher and backfilled with 200 cubic yards of clean fill from an upland source. The project would occur in Carlls River, Town of Babylon, Suffolk County, New York.

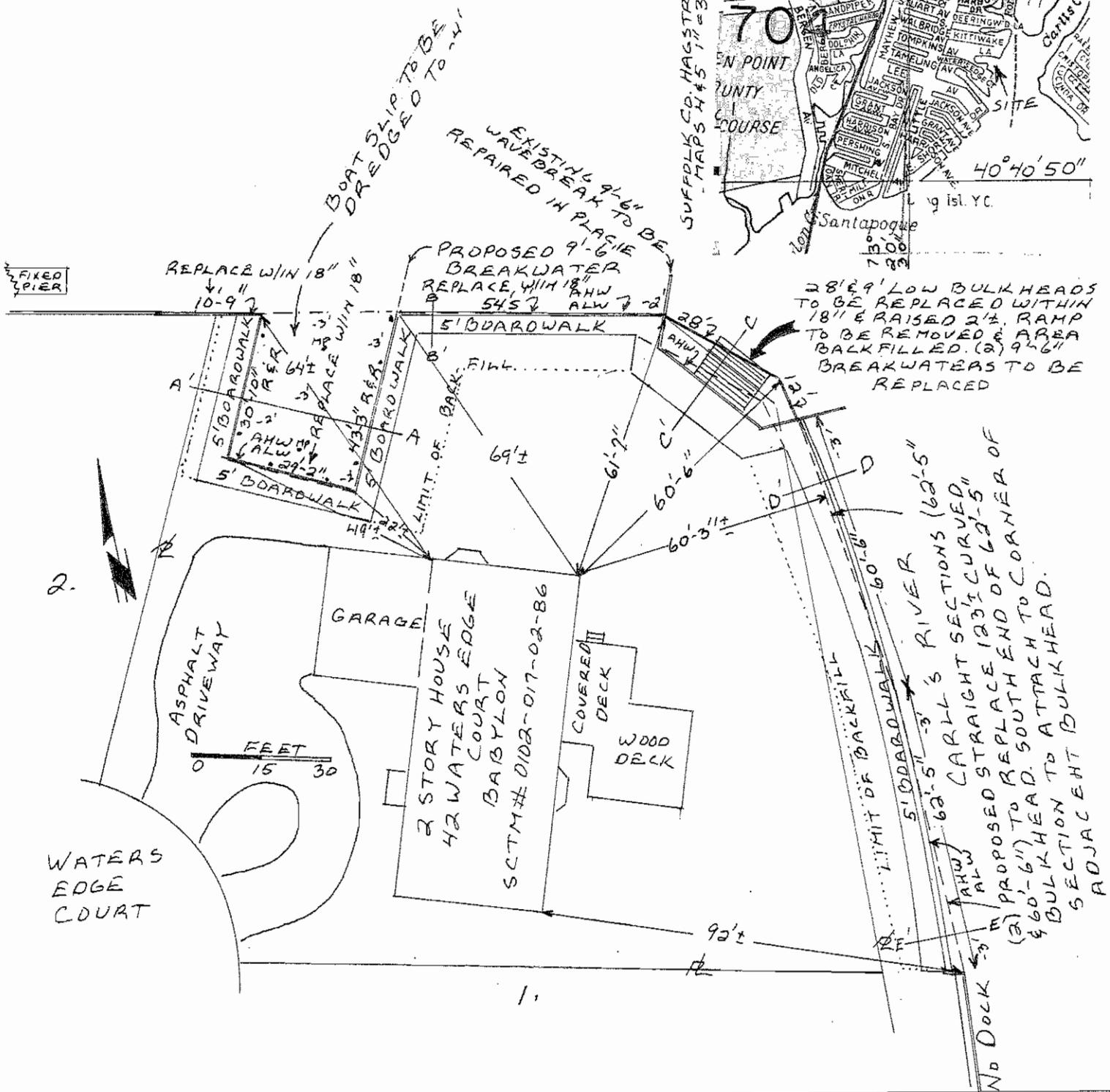
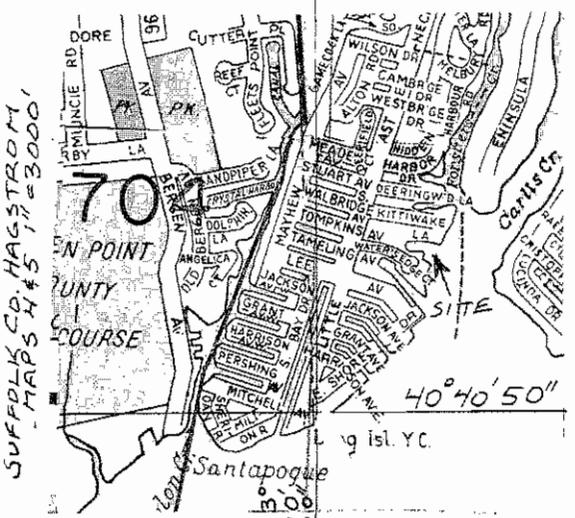
The stated purpose of this project is to prevent shoreline erosion and to provide the applicant with a safe mooring area.



*OK*

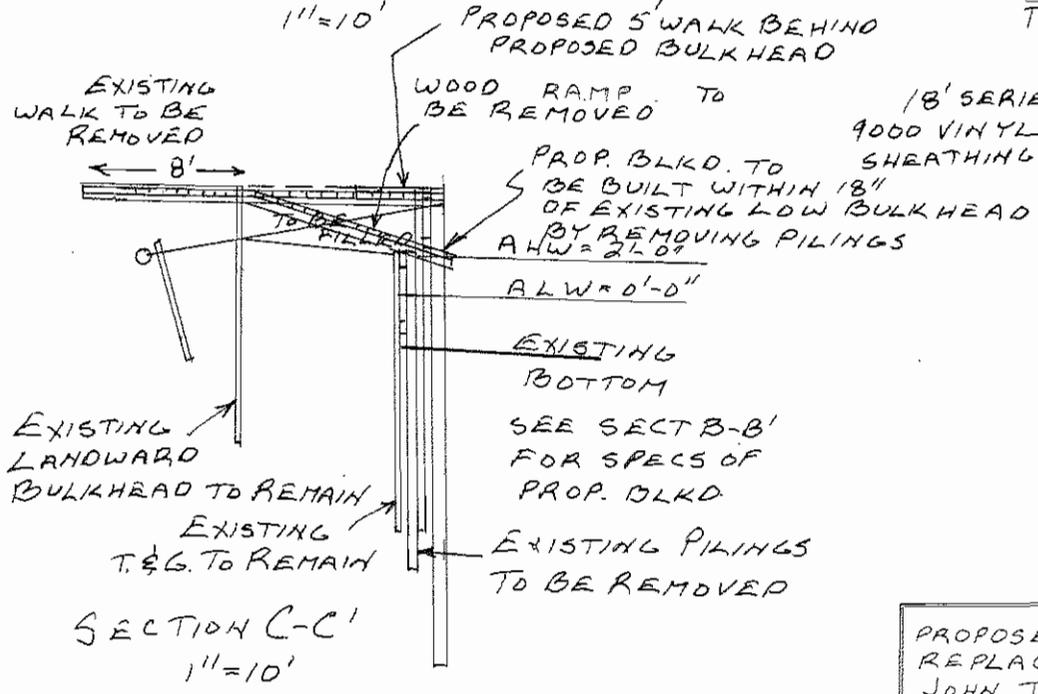
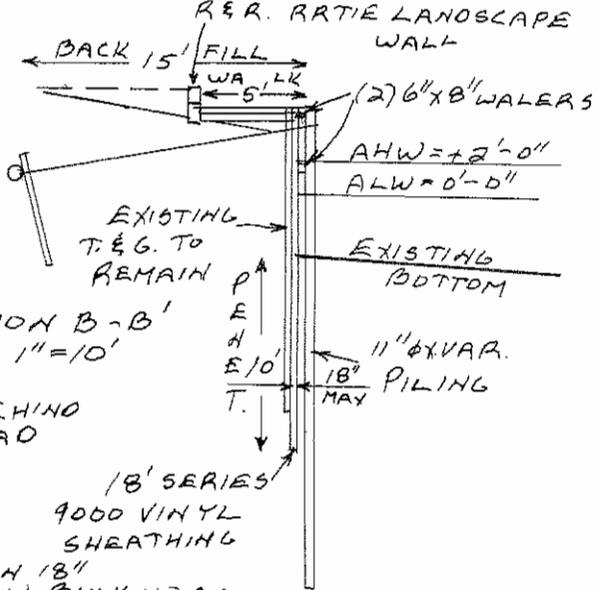
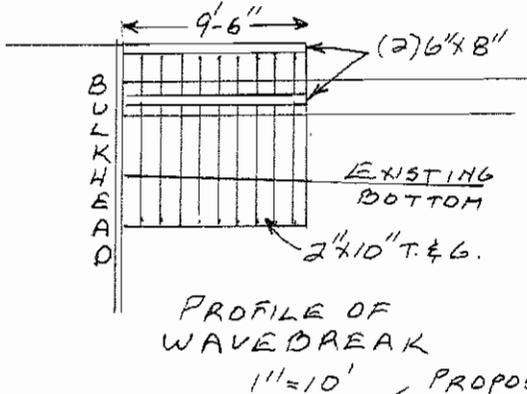
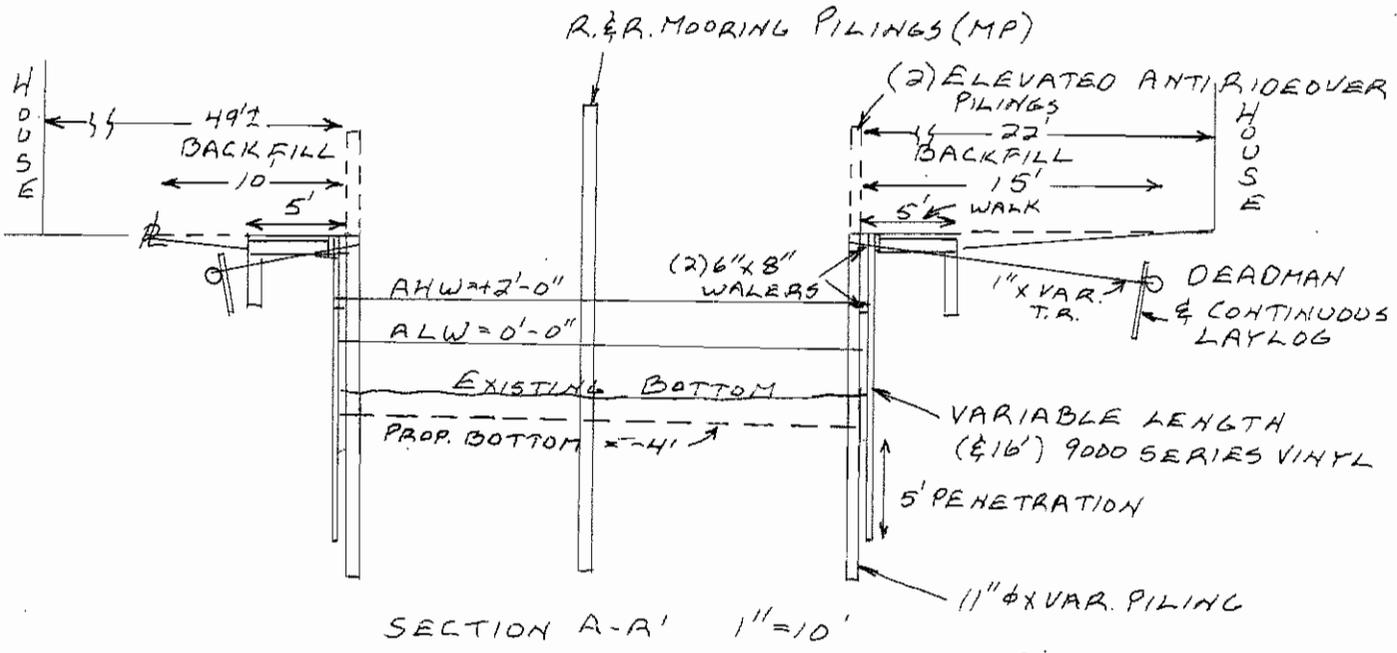
T H B A Y

2007-459 Richard Downey



PROPOSED BULKHEAD REPLACEMENT FOR JOHN T. DOWNEY ON CARLLS RIVER AT BABYLON, SUFFOLK CO., SHEET 1 OF 3 N.Y. 3/25/06 5/16/06 2007-459

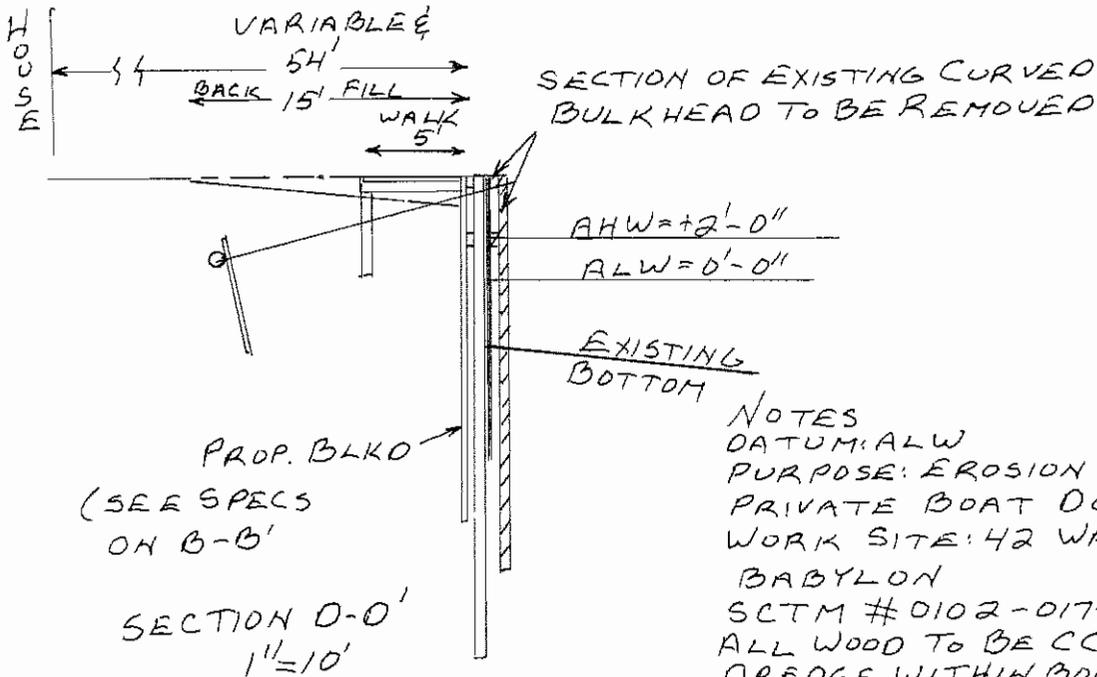
EN-CONSULTANTS INC.  
1319 NORTH SEA RD.  
SOUTHAMPTON, N.Y. 11968  
631-283-6360



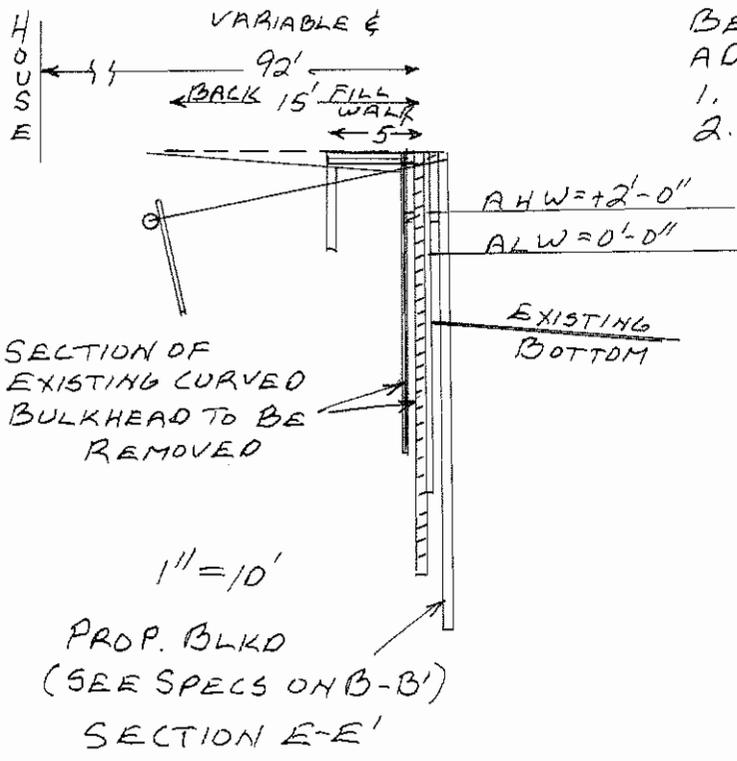
PROPOSED BULKHEAD REPLACEMENT FOR JOHN T. DOWNEY ON CARLLS RIVER AT BABYLON, SUFFOLK CO., SHEET 20A3 N.Y. 5/16/06

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NOTES  
 DATUM: ALW  
 PURPOSE: EROSION CONTROL &  
 PRIVATE BOAT DOCK  
 WORK SITE: 42 WATERS EDGE CT.  
 BABYLON  
 SCTM # 0102-017-02-86  
 ALL WOOD TO BE CCA-TREATED,  
 DREDGE WITHIN BOAT SLIP TO -4'  
 MAX. USE RESULTANT HOPEY OF  
 SANDY-SILTY SPOIL FOR BACKFILL  
 REMAINDER OF BACKFILL WILL  
 BE BARGED OR TRUCKED IN  
 ADJACENT OWNERS:  
 1. DACOL, D + L  
 2. CHARLES, L + E



PROPOSED BULKHEAD  
 REPLACEMENT FOR  
 JOHN T. DOWNEY ON  
 CARLLS RIVER AT  
 BABYLON, SUFFOLK CO.,  
 SHEET 3 OF 3 N.Y.

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5/16/06