



# 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-2007-555-EJE  
Issue Date: May 24, 2007  
Expiration Date: June 24, 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 U.S.C. 403).

APPLICANT: Wilcox Farms Property Owners Association  
c/o J. Volkman  
PO Box 773  
Center Moriches, NY 11934

ACTIVITY: Marina installation

WATERWAY: Old Neck Creek, tributary to Forge River and Moriches Bay

LOCATION: Town of Brookhaven, 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

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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 may affect the Federally listed as endangered or threatened sea turtles, or their habitat. 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.

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:

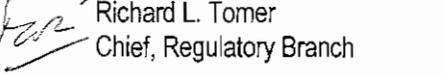
- New York State Department of Environmental Conservation

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) 790-8420 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. Tomer  
Chief, Regulatory Branch

Enclosures

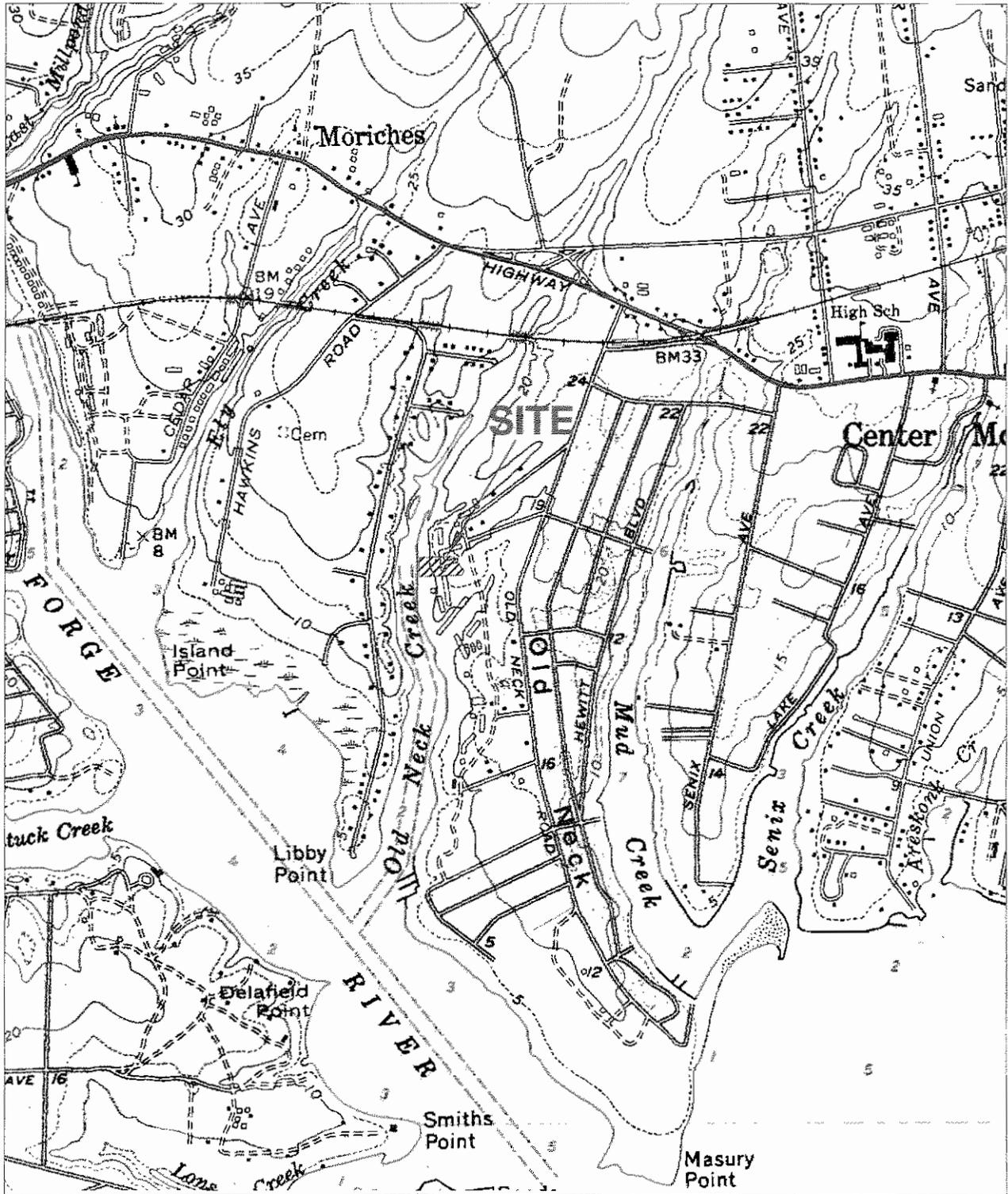
WORK DESCRIPTION

The applicant, Wilcox Farms Property Owners Association, has requested Department of the Army authorization for the construction of a shared 15-slip private boat access facility on the applicant's only waterfront access parcel. The slips would be situated perpendicular to the shoreline along proposed sections of floating docks (10-foot-long by 6.67-foot-wide), cumulatively totaling 150-feet in length. The floating docks would be accessed by a proposed 105-foot-long by 4-foot-wide fixed pier and two (2) 15-foot-long by 4-foot-wide aluminum ramps. The pier would be elevated 4-feet above a Phragmites-dominated marsh and supported by sixteen (16) 6-inch posts (10-feet on center) to mean low water, beyond which twenty-six (26) 8-inch piles (10-feet on center) would be used to support the remainder of the structure and floating docks. An additional seventeen (17) 8-inch piles are proposed to demarcate the seaward sides of the boat slips.

The project is located in Old Neck Creek, tributary to Forge River and Moriches Bay, Town of Brookhaven, Suffolk County, New York. The purpose of this project is to provide the applicant with a safe mooring area for recreational use.

# FIGURE 1

## LOCATION MAP



Source: USGS Topographic Map, Moriches Quadrangle  
Scale: 1" = 1,600'



**FIGURE 2**

**AERIAL PHOTOGRAPH WITH PICTURE INDEX**



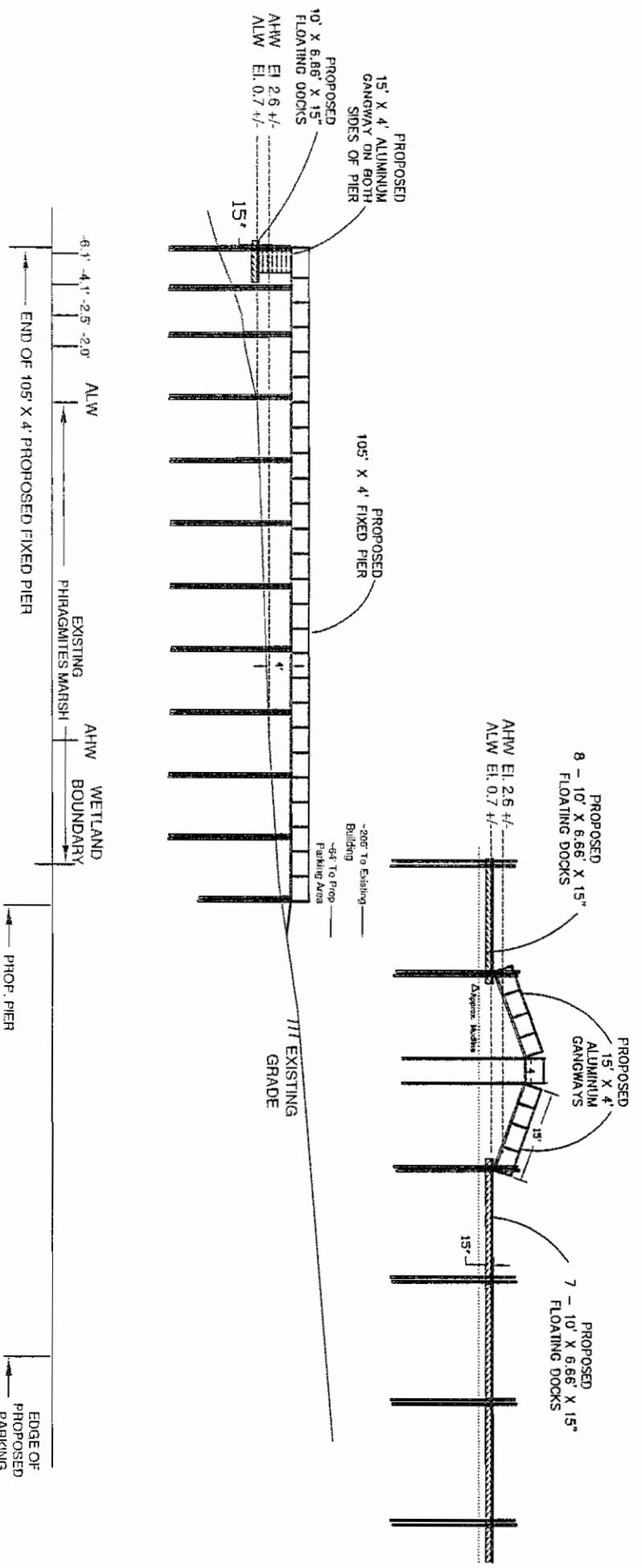
Source: NYSGIS Orthophotoimagery Program, Spring 2004

Scale: 1" = 100'

NORTH







**CROSS-SECTION DETAIL**  
SCALE: 1" = 25'

2007-555 Wilcox Farms

**SITE INFORMATION:**  
AREA OF SITE: +/- 1.90 ACRES  
SCTM #200-885-6-10  
HAMPTON DRIVE  
CENTER MORICHES, NY 11934

**APPLICANT/OWNER:**  
WILCOX FARMS PROPERTY OWNERS ASSOC.  
P.O. BOX 773  
CENTER MORICHES, NY 11934

**WORK NOTES:**  
PRIVATE RECREATIONAL PIER AND 15-SLIP BOAT ACCESS FACILITY IS PROPOSED TO SERVICE THE WILCOX FARMS POA. COMPONENTS OF THE 105' RECREATIONAL PIER (4' IN WIDTH) TO BE CONSTRUCTED USING HARDWOOD OR PRESSURE TREATED LUMBER AND GALVANIZED STEEL HARDWARE. A TOTAL OF 16 - 6" X 6" POSTS (10' O.C.) ON CONCRETE FOOTINGS WILL BE USED TO SUPPORT THE PIER OVER THE PHRAGMITES MARSH VEGETATION.  
TWO (2) 15' X 4' PREFABRICATED ALUMINUM GANGWAYS WITH HANDRAILS WILL EXTEND FROM THE NORTH AND SOUTH SIDE OF THE PIER ONTO A SERIES OF 15 - 10' X 6.67' X 15" FLOATING DOCKS (ROTMOLDED POLYETHYLENE CONSTRUCTION). THE FLOATING DOCKS AND END OF THE FIXED PIER TO BE SECURED BY 26 PROPOSED PILING (8" DIAM.) AN ADDITIONAL 7 PILING ARE PROPOSED TO DEMARCATe BOAT SLIPS.  
ALL DEBRIS FROM CONSTRUCTION WILL BE COMPLETELY REMOVED FROM THE ADJACENT AREA TO AN APPROVED UPLAND LOCATION FOR DISPOSAL. NO DEBRIS WILL REMAIN WITHIN THE TIDAL WETLANDS.  
CONSTRUCTION MATS AND LOW GROUND PRESSURE EQUIPMENT WILL BE UTILIZED TO MINIMIZE COMPACTION OF MARSH SOILS DURING CONSTRUCTION.  
THE WETLAND PERMIT PLAN IS A PERMIT PLAN ONLY; TYPICAL MATERIAL AND CONSTRUCTION SPECIFICATIONS ARE DEPICTED; THIS IS NOT AN ENGINEERING DESIGN PLAN.

No.	DATE	REVISION
<b>WETLAND PERMIT PLAN</b>		
Wilcox Farms Pier SITuated AT <b>CENTER MORICHES</b>		
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK		
SCTM DETECT 0200 SECTIC# 8200 BLOCK 0250 LOT 07000		
<b>NELSON, POPE VOORHIS, LLC</b>		
ENVIRONMENTAL PLANNING CONSULTING 1111 W. 11TH ST. SUITE 200 ROCHESTER, NY 14620 PHONE (716) 487-5800 FAX (716) 487-5800		
DATE	BY	SD
3/6/07		
CHK'D BY		CO
DATE		
JOB No.	02002	
FILE No.		
CADD	INTERC	
SCALE	1" = 30'	