



# PUBLIC NOTICE

**PLEASE USE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE**

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-2008-00115-EET  
Issue Date: November 7, 2008  
Expiration Date: December 8, 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 ) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Belvedere Property Management, LLC  
1251 Avenue of Americas, 17<sup>th</sup> Floor  
New York, NY 10020

ACTIVITY: Reorganize an existing rock jetty

WATERWAY: Cutchogue Harbor

LOCATION: New Suffolk, 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 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 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 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 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.

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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

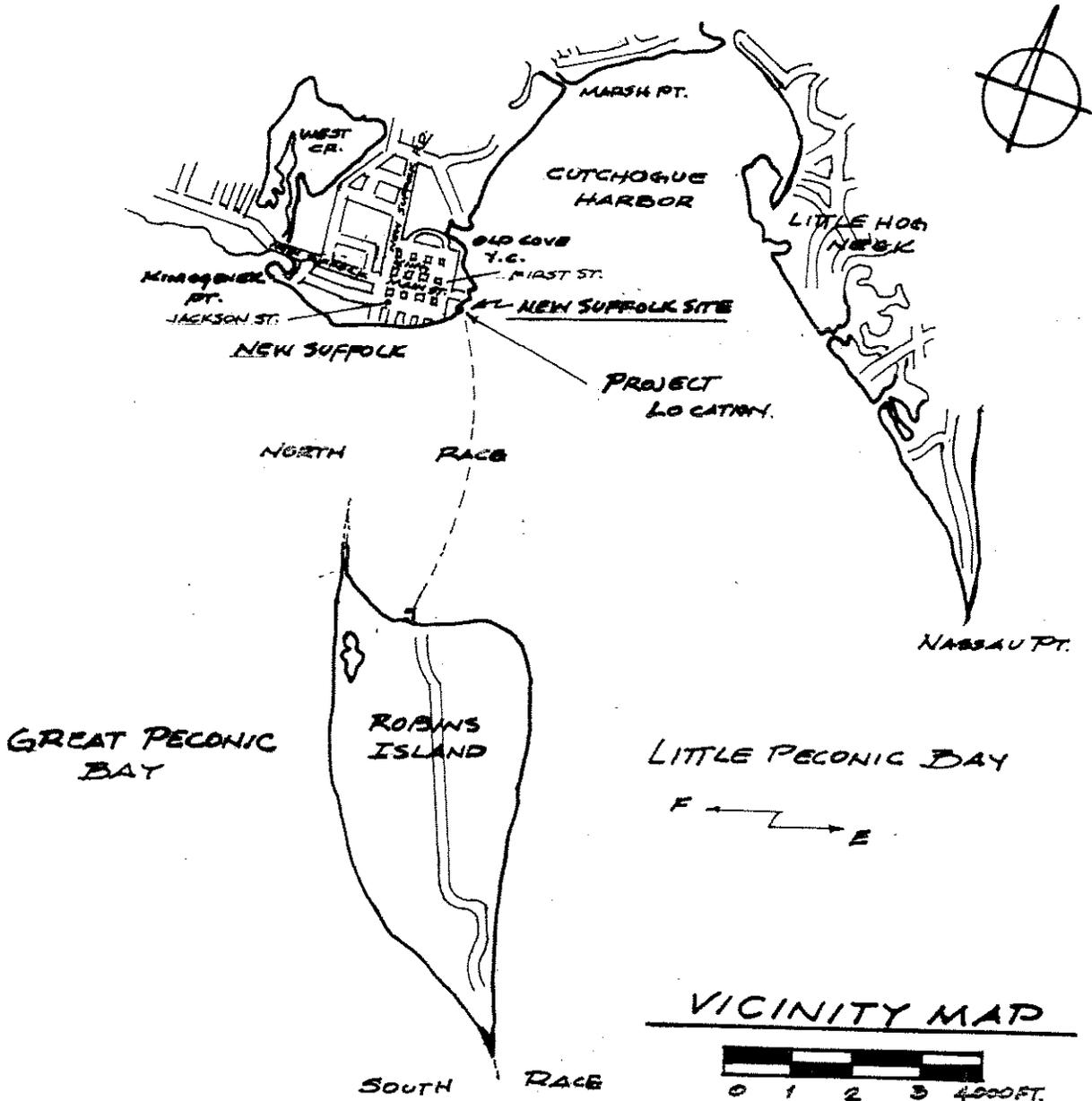
Enclosures

**WORK DESCRIPTION**

The applicant, Belvedere Property Management, LLC, has requested Department of the Army authorization to reorganize an existing rock jetty in Cutchogue River, New Suffolk, Suffolk County, New York.

The work would involve reorganization of approximately 540 linear feet of an existing jetty rocks and adding 1-3 ton additional rocks as required to raise top elevation to 6 feet above Mean Low Water. The total volume of stone to be placed below Spring High Tide is approximately 38 cubic yards out of a total volume of approximately 600 cubic yards.

The stated purpose of this project is to protect adjoining beach from erosion.



**VICINITY MAP**

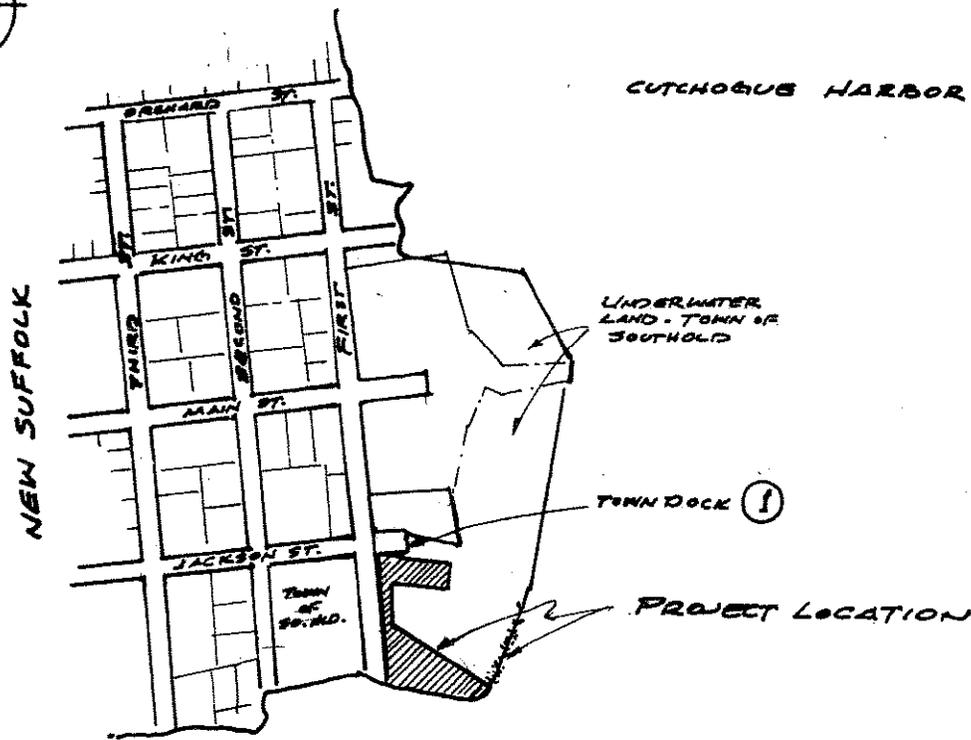
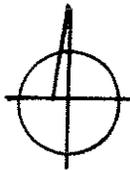
**PROPOSED:** REORGANIZE 540'± OF EXISTING JETTY ROCKS AND SUPPLEMENT WITH 1-3TON ADDITIONAL ROCKS AS REQUIRED TO RAISE TOP ELEVATION TO +6.0' ABOVE MEAN LOW WATER. RESTORE BEACH AREA WITH DEWATERED AND DRIED SPOIL FROM MAINTENANCE DREDGING PROJECT. REVEGETATE AREA WITH CAPE AMERICAN BEACH GRASS 12" O.C.

**ACCESS:** BY WATER USING BARGE/CRAANE AND BY LAND THROUGH APPLICANTS PROPERTY

**APPLICANT**  
**BELVEDERE PROPERTY MGMT LLC**  
 1251 AVENUE OF THE AMERICAS  
 NEW YORK, N.Y. 10020-1104  
 ROBINS ISLAND, SECOND, N.Y.

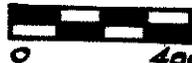
**PREPARED BY:**  
**OSTOLLO MARINE CONTRACTING CORP.**  
 P.O. BOX 2124 GREENPORT, N.Y. 11944  
 (631) 477-1199

SCTM. 1000-117-8+20  
 JUNE 25, 2008 NOV. 30, 2007  
 NOV. 7, 2007 SEPT. 28, 2007



NORTH FACE

NEW SUFFOLK SITE  
LOCATION MAP



0 400 FT.  
40°59'00"N 72°28'00"W

ADJACENT PROPERTY OWNER:

① TOWN OF SOUTHOLD  
53095 MAIN ROAD  
SOUTHOLD, N.Y. 11971

APPLICANT

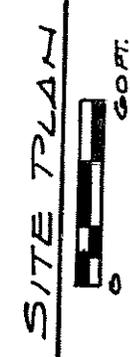
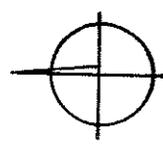
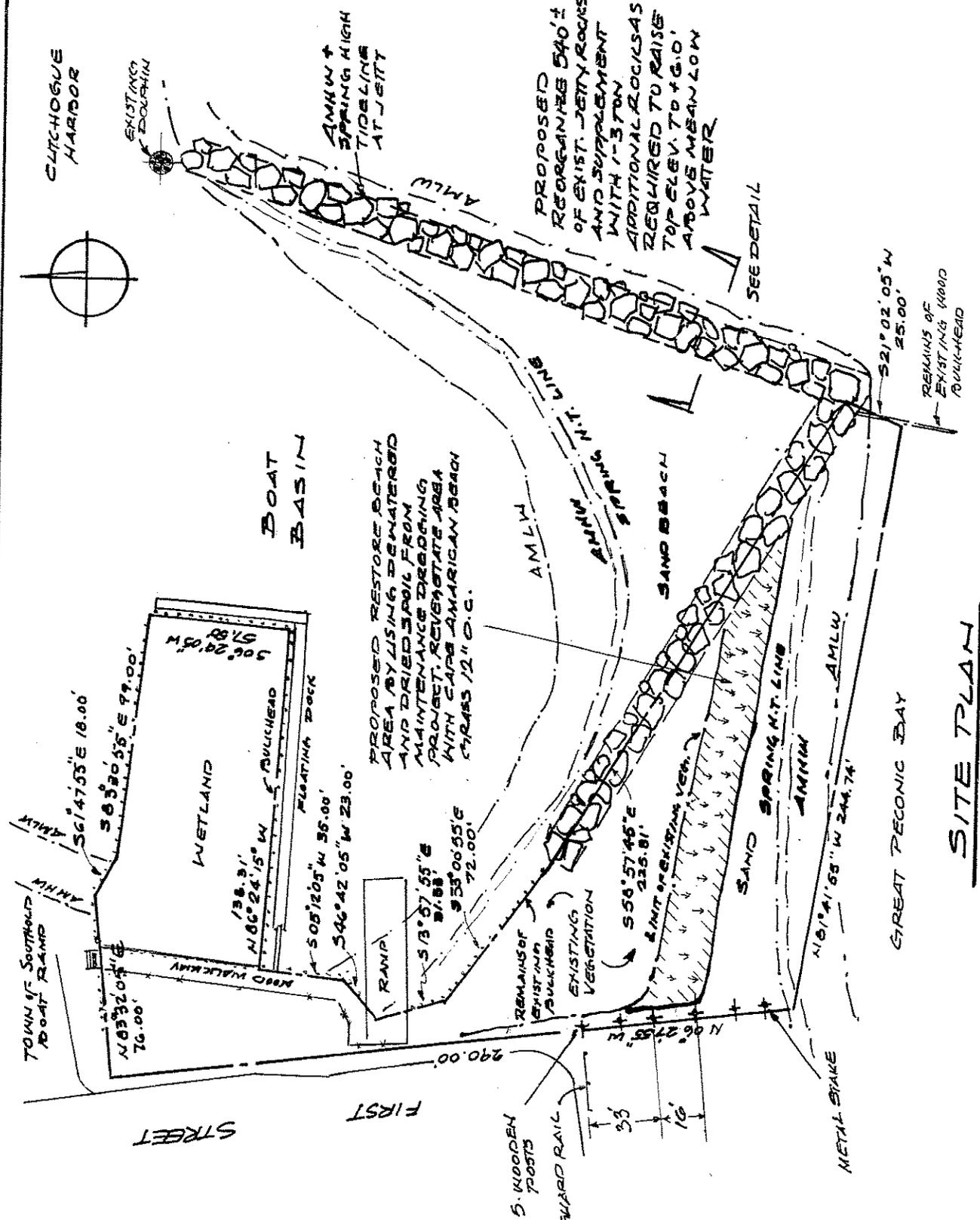
BELVEDERE PROPERTY MGMT LLC  
1251 AVENUE OF THE AMERICAS  
NEW YORK, N.Y. 10020-1104  
ROBINS ISLAND, SOUTHOLD, N.Y.

SCMA.1000-117-B-20

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CUTCHOGUE MARINE CONTRACTING CORP.  
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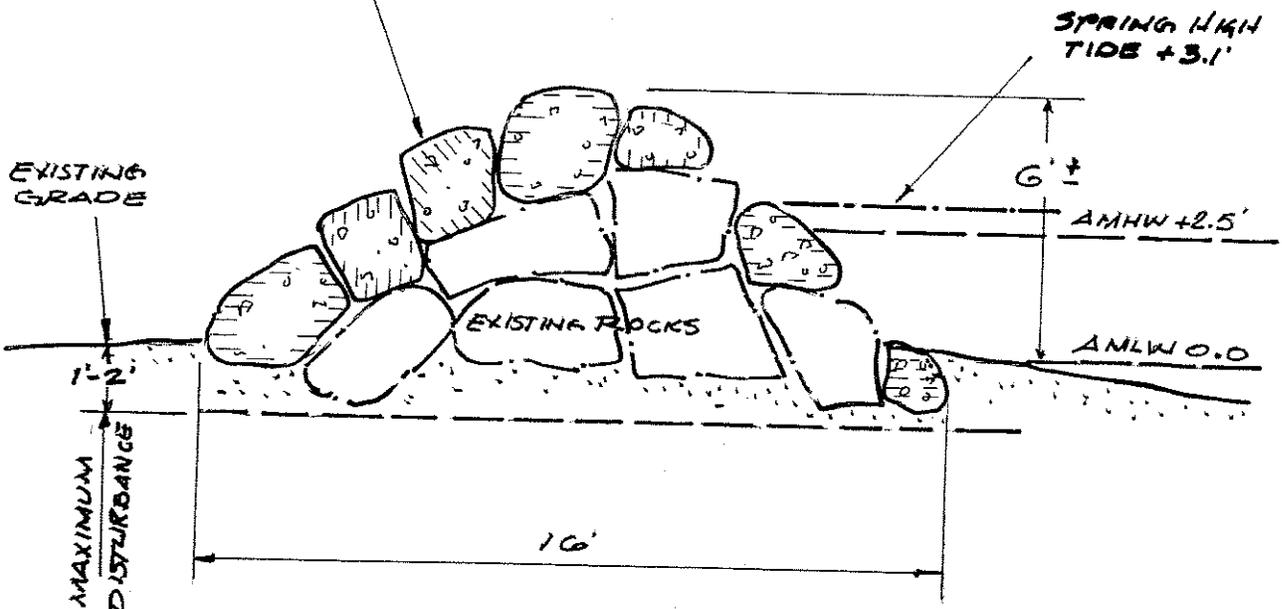
**SITE PLAN**

**APPLICANT**

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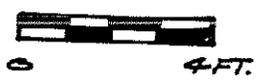
PREPARED BY:  
 COSTELLO MARINE CONTRACTING CORP.  
 P.O. Box 2124 GREENPORT, N.Y. 11944  
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REORGANIZE EXISTING  
ROCK STRUCTURE AND  
SUPPLEMENT WITH  
1-3.5 TON ADDITIONAL  
ROCKS AS REQUIRED



DATUM  
NAVD 29

DETAIL - STONE JETTY

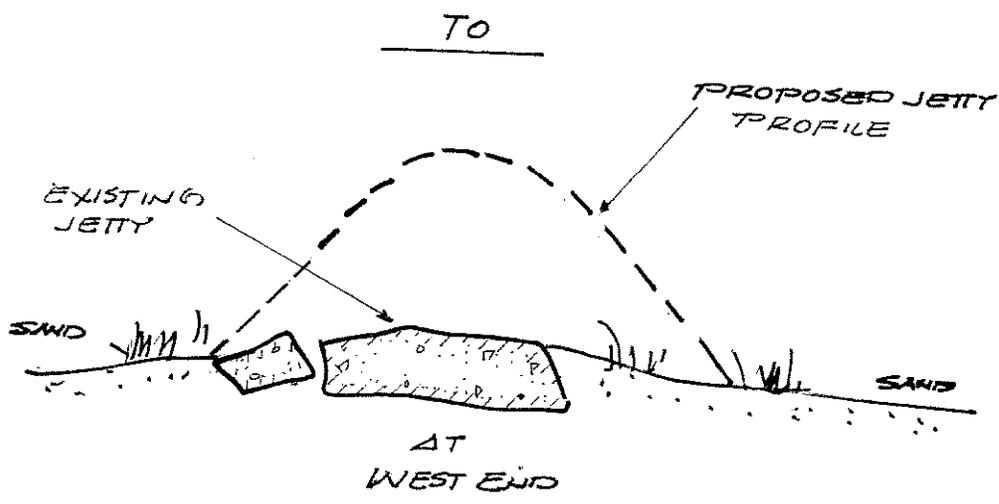
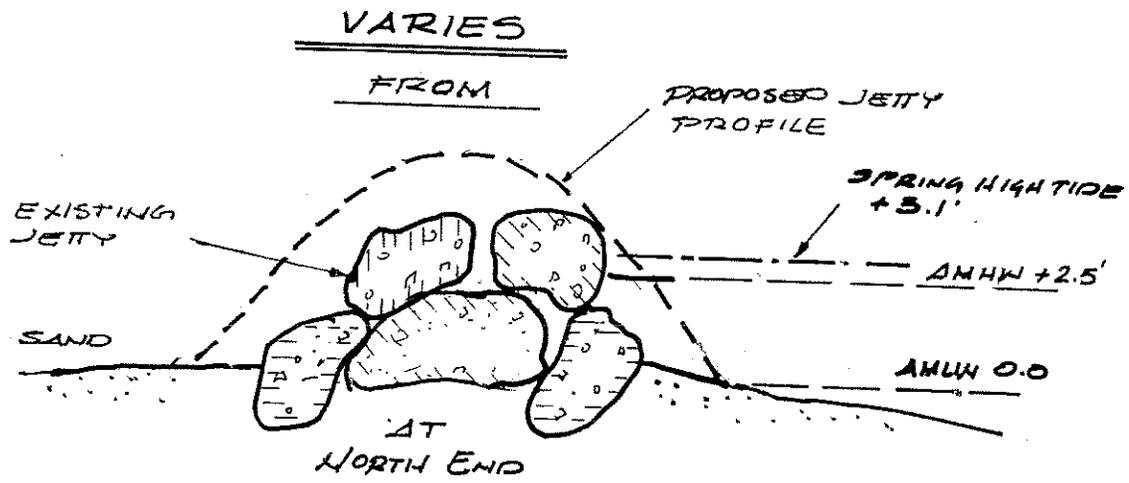


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PROFILE SHOWING EXISTING JETTY



NOTE PROFILES CONSTRUCTED  
FROM PHOTOS TAKEN 9-10-07  
ACTUAL CONDITIONS MAY  
VARY SLIGHTLY

APPLICANT

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125 AVENUE OF THE AMERICAS  
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