



# 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-2016-00718-ESW**  
Issue Date: **September 13, 2017**  
Expiration Date: **October 12, 2017**

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: Michael Mobyed  
27 Bayfair Drive  
Shirley, New York 11967

ACTIVITY: Construction of a bulkhead, dredging, wetland restoration and discharge of fill within Waters of the United States and tidal wetlands

WATERWAY: Unnamed Canal and Moriches Bay

LOCATION: 27 Bayfair Drive, 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

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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.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments, including names and addresses, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 (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 construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit application.

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.

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 permit 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 application 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

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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, the applicant's certification and accompanying information is available from the New York State Department of State Division of Coastal Resources, Coastal Management Program, 99 Washington Avenue – Suite 1010, Albany, New York 12231-0001, 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) 790-8521 and ask for Seika E. Robinson.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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



**For and In behalf of**

Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

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**WORK DESCRIPTION**

The applicant, Michael Mobyed, has requested Department of the Army authorization for construction of a new bulkhead and discharge of fill within Waters of the United States and tidal wetlands in an Unnamed Canal and Moriches Bay, Town of Brookhaven, Suffolk County, New York.

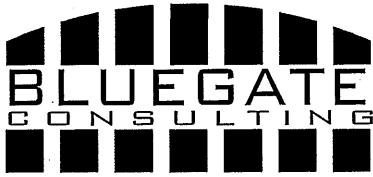
The work would involve:

Remove 197 linear feet of existing collapsed bulkhead structure. Install, in-place, approximately 198 linear feet of bulkhead with one (1) 10-foot-long landward return, on the western end of the bulkhead, and one (1) 20-foot-long landward return, on the southern end of the bulkhead, up to 18-inches higher than existing; install a 10-foot-wide by 12-foot-long boat lift on the northern side of the bulkhead.

One-time maintenance dredging of approximately 30 cubic yards of material to a depth of four-feet below the plane of Mean Low Water immediately seaward of the northern side of the bulkhead over an area of 240 square feet. The resultant dredged material and approximately 100 cubic yards of clean upland fill will be placed behind the bulkhead under Spring High Water and within approximately 0.04 acres of tidal wetlands.

After the fill has been placed behind the bulkhead, native wetland plant species, which includes salt grass (*Distichlis spicata*), black grass (*Juncus gerardii*), and various other native salt grasses, will be planted immediately 10-feet behind the bulkhead over an area of 1,980 square feet.

The stated purpose of this project is for shoreline stabilization and to provide access to the waterway for recreational boating and dockage.



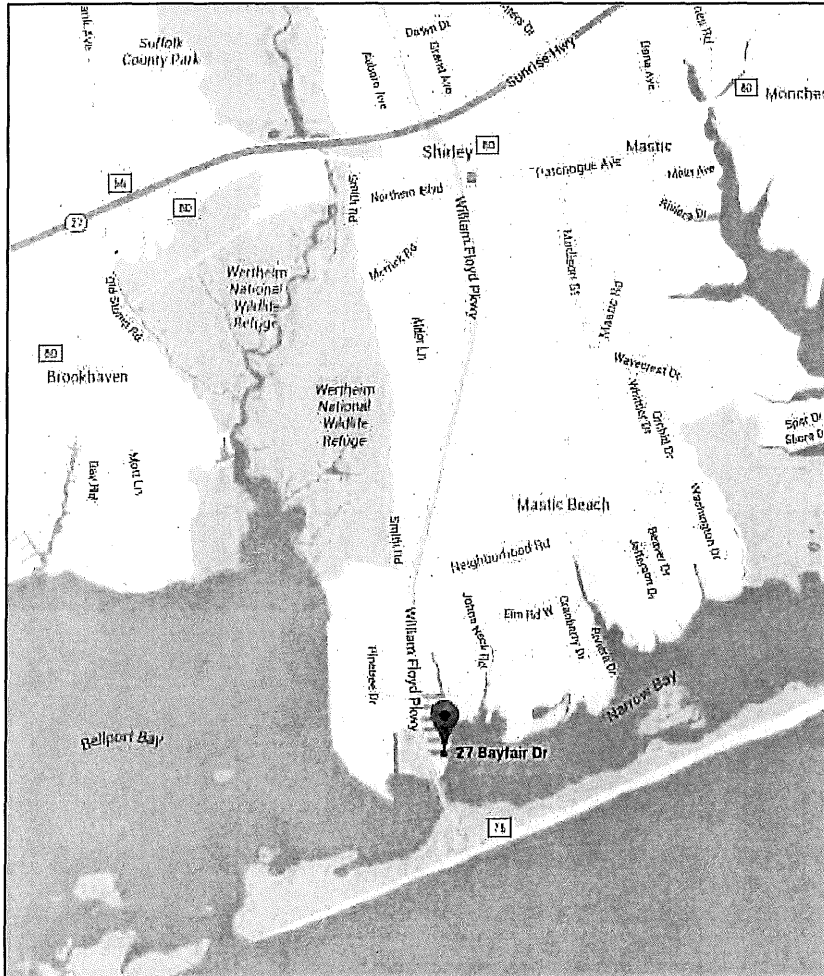
BLUEGATE CONSULTING  
P.O. BOX 327  
MASSAPEQUA, NEW YORK 11758  
(516) 798-4845 (TEL.)  
(516) 797-5992 (FAX)  
BLUEGATECONSULT@AOL.COM

PROJECT: MOBYED PROPERTY

ADDRESS: 27 BAYFAIR DR  
SHIRLEY, NY 11967

DATE: 4/15/17 SH #: 1 OF 3

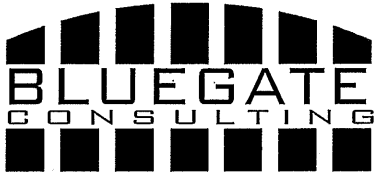
NAME: MOBYED



40°38'26.30" N  
73°34'40.54" W

LOCATION PLAN  
SCALE: NTS

PROPERTY OWNER: MICHAEL MOBYED  
ADDRESS: 27 BAYFAIR DR, SHIRLEY, NY 11967  
TOWN: TOWN OF BROOKHAVEN  
COUNTY: SUFFOLK  
SUFFOLK COUNTY TAX MAP #: 0200-9852-01-008



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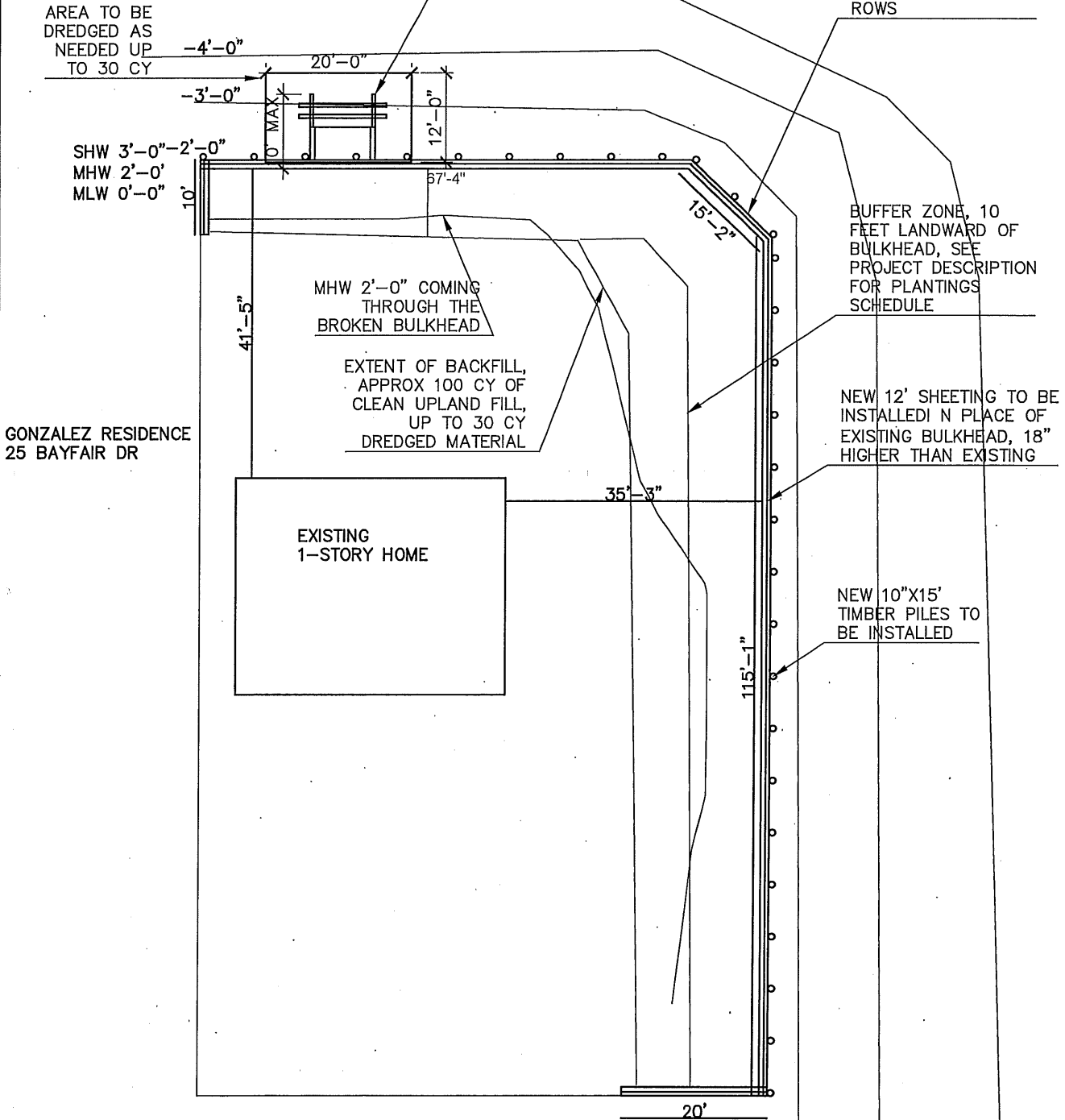
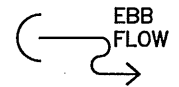
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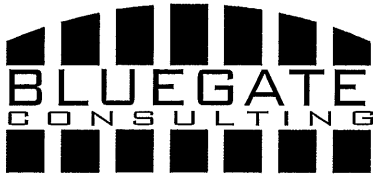
NAME: MOBYED

EXISTING  
PLOT PLAN

SCALE: 1"=20'

MORICHES BAY - 85' WIDE





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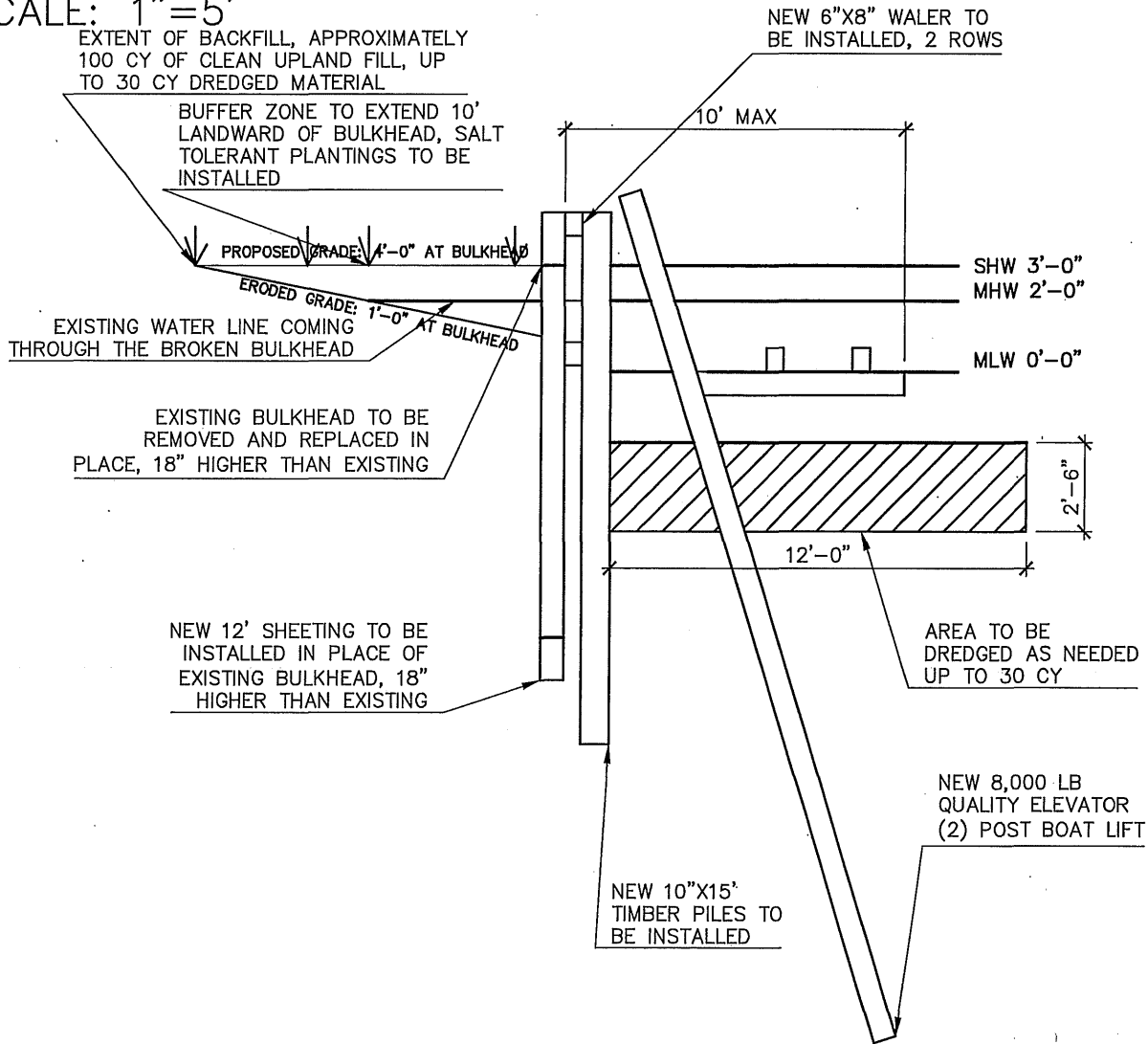
ADDRESS: 27 BAYFAIR DR  
 SHIRLEY, NY 11967

DATE: 4/15/17 SH #: 3 OF 3

NAME: MOBYED

# CROSS SECTION

SCALE: 1"=5'



**PROJECT:**

1. INSTALL NEW 8,000 LB QUALITY (2) POST ELEVATOR BOAT LIFT \*LIFT TO STICK OUT INTO THE CANAL NOT MORE THAN 10'
2. DREDGE 12' WIDE X 20' LONG X 2.5' DEEP NEAR NEW BOATLIFT, UP TO 30 CY AS NEEDED, DREDGED MATERIAL TO BE USED AS FILL ON SITE
3. REMOVE AND REPLACE 197 LF OF BULKHEAD AND INSTALL (1) 20' RETURN ON THE SOUTH SIDE OF THE PROPERTY AND (1) 10' RETURN ON THE WEST SIDE OF THE PROPERTY
4. BACKFILL PROPERTY WITH APPROXIMATELY 100 CY OF CLEAN SAND. APPROXIMATELY 30 CY OF THE FILL IS TO BACKFILL THE SITE WITHIN THE HIGH WATER PLANE THAT CURRENTLY PENETRATES THE BROKEN BULKHEAD
5. BUFFER ZONE TO EXTEND 10' LANDWARD OF THE BULKHEAD EXCEPT IN THE AREA OF THE BOAT LIFT TO MAINTAIN ACCESS TO THE LIFT. (350) *Distichlis spicata* (500) *Juncus gerardi* (500) Salt GRASS PLANTS TO BE PLANTED IN THE BUFFER ZONE

**MATERIALS:**

- 10"X15' PILES 6' O.C.
- 6"X8" TIMBER WALERS 2 ROWS
- ESP 3.1 X 12' VINYL SHEETS
- 5/8 " GALVANIZED TIMBER BOLTS