

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-2018-00342-EBR
Issue Date: May 6, 2019
Expiration Date: June 5, 2019

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: Peter Jablonski
32 Milton Road
Babylon, NY 11702

WATERWAY: Great South Bay

LOCATION: 32 Milton Road, Village of Babylon, Town of Babylon, Suffolk County, New York

ACTIVITY: Installation of a bulkhead section with associated backfill, the in-place replacement of an existing bulkhead and maintenance dredging.

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.

Comments submitted in response to this notice will be fully considered during the public interest

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review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, 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 adversely 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.

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, One Commerce Plaza, 99 Washington Avenue, 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

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the activity under consideration:

- New York State Department of Environmental Conservation
- New York State Department of State

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) 790-8516 and ask for William Bruno.

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, Peter Jablonski, has requested Department of the Army authorization to perform one-time maintenance dredging, the installation of a new bulkhead section with associated backfill and the replacement of existing sections of bulkhead. The project is located in Great South Bay at 32 Milton Road, Village of Babylon, Town of Babylon, Suffolk County, New York.

The work would include:

The installation of a new 12-linear-foot section of bulkhead with the discharge of approximately 100-cubic-yards (CY) of fill to close off an existing 12-foot-wide by 40-foot-long boat slip (480 square feet). Approximately 85 CY of the fill material will be sourced from an upland source and approximately 15 CY of the fill material will be obtained from a one-time maintenance dredging event. Approximately 55 CY of the total volume of fill material will be discharged below Spring High Water (SHW) behind the new section of bulkhead where the existing boat slip currently resides.

Also proposed is the replacement, in-place, of an approximately 5-linear-foot section of bulkhead located west of the existing boat slip, a 23-linear-foot section of existing bulkhead located east of the existing boat slip and an 8.5-linear-foot section of existing bulkhead located on the easternmost edge of the property, raised 18-inches in height.

One-time maintenance dredging of approximately 25 cubic yards of material to a depth of four (4) feet below the plane of Mean Low Water immediately seaward of the bulkhead over an area of 400 square feet with placement of the dredged material behind the bulkhead. Approximately 15 CY of the dredged material will be discharged behind the new 12-linear-foot section of bulkhead and approximately 10 CY of the dredged material will be placed upland behind the newly replaced sections of existing bulkhead.

The applicant has stated that they have avoided, minimized, and mitigated for proposed impacts to the maximum extent practicable replacing the majority of the existing bulkhead in-place, conducting the minimum dredging necessary for safe mooring and navigation and conducting the proposed dredging and discharges of fill material within the confines of a turbidity curtain.

The stated purpose of this project is to close the existing boat slip and create new land.



VICINITY MAP

Name: Peter and Rose Jablonski

REF #: NAN-2018-00342

Project Name: Bulkhead Replacement Permit

Address: 32 Milton Road, Babylon, NY 11702

County: Suffolk

Town: Babylon

Latitude: 40.674969

Longitude: -73.335876

1.7 miles distance to Babylon Village

4.5 miles distance to Babylon Town Hall 200 Sunrise Hwy, Lindenhurst, NY 11757

Milton Road

Project Plan

Applicant: Peter Jablonski
Project Site: 32 Milton Road
Babylon, NY 11702
Proposed: 28' of navy bulkhead replacement in same place as existing smooth face bulkhead with an 18" increase in elevation for flood control;
12' of navy bulkhead to close boat slip and dredging

Prepared by:
GreenTawk Engineering, PLLC
4046 Hudson Avenue
Seaford, NY 11783
April 14, 2019

Scale 1" = 16'

John Sparagano
36 Milton Road
Babylon, NY 11702

Joe Scalera
30 Milton Road
Babylon, NY 11702

Existing 12' x 40' boat slip proposed to be removed and not replaced and backfilled with approximately 15 cyds of dredged material and approximately 85 cyds of clean soil fill from authorized source to close boat slip.
Note: existing 40' and 12' sections of bulkhead will be removed.

Fill below SHW to backfill boatslip approx. 55cyds

Proposed 8' corrugated vinyl sheetpiling upland return

Proposed 23' of navy bulkhead replacement in same place as existing with an 18" increase in elevation for flood control

Adjacent bulkhead

Proposed 12' of navy bulkhead to close boat slip

Flood
Ebb

Great South Bay
Width - 2 Miles

Proposed 23' of navy bulkhead replacement in same place as existing with an 18" increase in elevation for flood control

Proposed 8' corrugated vinyl sheetpiling upland return

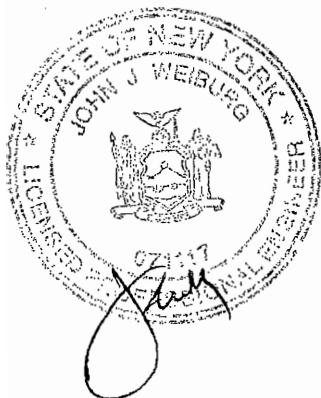
Proposed 8' x 20' island location for approximately 10 cyds of dredged material

Proposed 8' x 40' timber upland bulkhead

Proposed 10' x 40' clamshell dredged area approximately 25 feet ALM depth 4'

Proposed 8.5' of navy bulkhead replacement in same place as existing with an 18" increase in elevation for flood control

Adjacent bulkhead



CROSS VIEW

Navy Bulkhead Installation
Applicant: Peter Jablonski
32 Milton Road
Babylon, NY 11702

Prepared by:
GreenTawk Engineering, PLLC
4046 Hudson Avenue
Seaford, NY 11783

All hardware, nails and bolts shall be hot dip galvanized, all bolt heads and nuts will be used with cut washers. All timber will be cca treated marine grade. All sheathing corrugated vinyl marine grade

