



# 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-2019-00589-WPI

Issue Date:

**NOV 04 2019**

Expiration Date:

**DEC 04 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), Section 404 of the Clean Water Act (33 U.S.C. 1344).

**APPLICANT:** Sean Murphy  
36 Howell Avenue  
Larchmont, New York 10538

**ACTIVITY:** Landward bulkhead replacement, dredging, and the placement of fill in a tidally influenced pond.

**WATERWAY:** Little Seatuck Creek River (Shinnecock Bay-Atlantic Ocean Watershed)

**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.

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 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 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

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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.

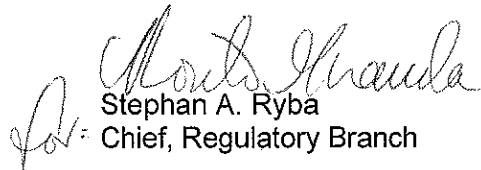
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- 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) 790-8520 or Katherine.Pijanowski@usace.army.mil and ask for Katherine Pijanowski.

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>.

  
Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, Sean Murphy has requested Department of the Army authorization for landward bulkhead replacement, dredging, and the placement of fill in a tidally influenced pond in Little Seatuck Creek, Town of Brookhaven, Suffolk County, New York.

The work would involve the removal of 93 linear feet of existing bulkhead and place a new bulkhead 5 feet landward, remove 27 linear feet of existing bulkhead on the northern portion of the property, remove 21 linear feet of existing bulkhead and replace with 32 linear feet of bulkhead on an angle as shown on plans.

Excavate 1,090 square feet of existing upland to an elevation of 4 feet below the pane of Mean Low Water. Clamshell dredge 25 cubic yards of sediment in front of the existing bulkhead to an elevation of 4 feet below the pane of Mean Low Water (1,270 square feet).

Dredged material would be placed in a 2,652 square foot tidally influenced pond. The remainder of the pond would be filled with clean soil. This pond commences 6-feet inland of the Little Seatuck Creek and is currently connected to the waterway through a 1-foot by 2-foot timber box.

The stated purpose of this project is to enhance a residential yard and maintain a serviceable bulkhead.

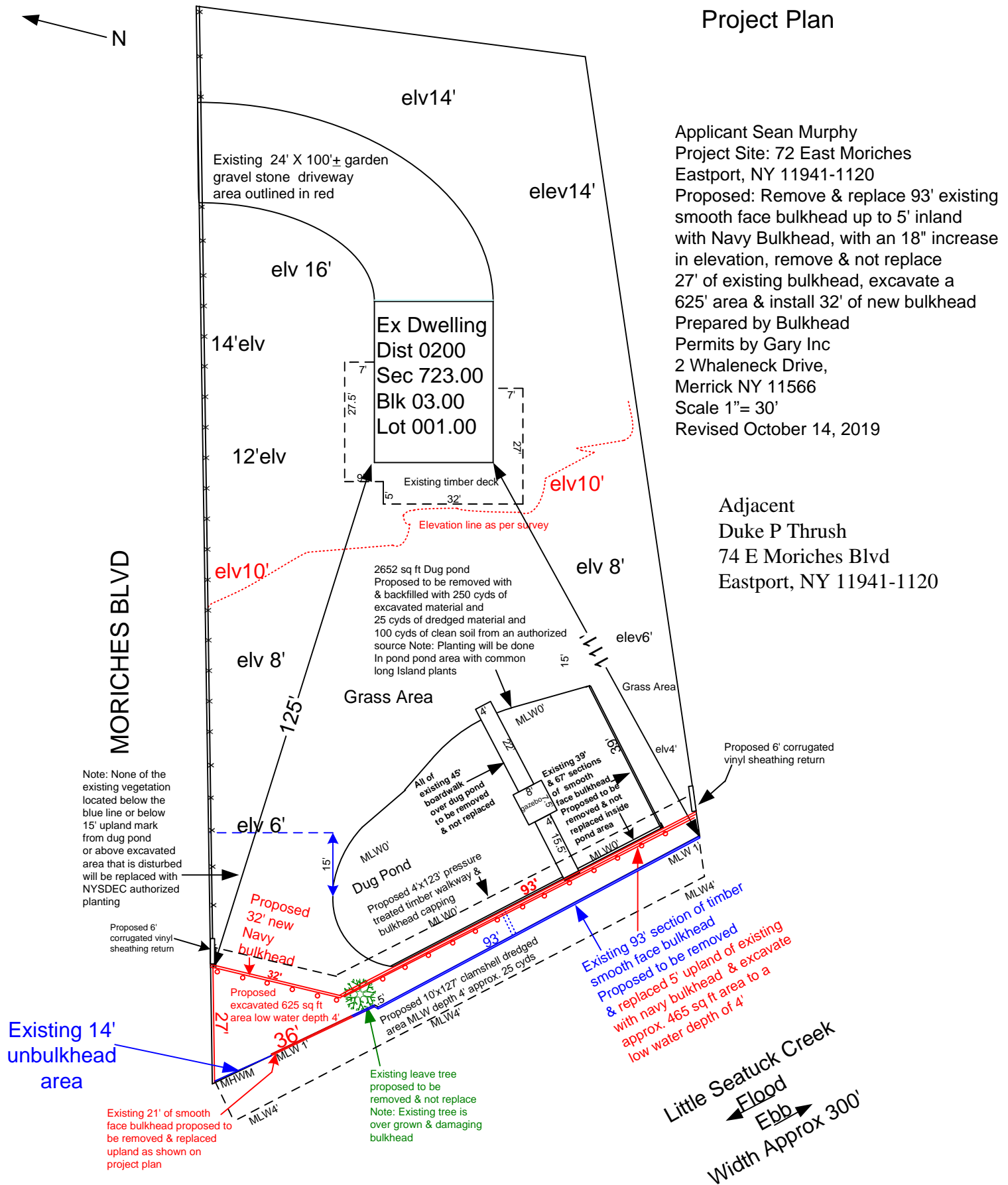


72 E Moriches Blvd  
Eastport, NY 11941

- Directions
- Save
- Nearby
- Send to your phone
- Share

Photos

## Project Plan



D  
W  
E  
L  
L  
I  
N  
G

2652 sq ft Dug pond  
Proposed to be removed with  
& backfilled with 250 cyds of  
excavated material and  
25 cyds of dredged material and  
100 cyds of clean soil from an authorized  
source Note: Planting will be done  
in pond pond area with common  
long Island plants elevation 5'

**MLW-0'** Existing Bottom

Proposed (2) top  
bottom  
6"x8" Pressure  
treated  
timber whalers

SHTL+3.0'  
MHW+2.5'

MLW-0'

Proposed 10"x  
pressure treated  
Marine grade l  
Pilings 6'OC

Proposed 10' x126'  
clamshell dredged  
area to a MLW depth  
4' approx. 25 cyds  
or as shown on project  
plan

Cross View 32' section of new bulkhead  
& excavation 132 CYDS up to 27' inland  
or 625 sq ft area

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Proposed 4'x126'  
inland pressure  
treated timber  
boardwalk &  
bulkhead capping  
or as shown on  
project plan

Proposed or 625 sq ft area  
excavated approx. 135 yds of soil

Proposed 1"x16'  
galvanized tie rods  
attached to continuous  
deadman

Proposed (2) top  
bottom  
6"x8" Pressure  
treated  
timber whalers

Proposed 18' corrugated vinyl sheathing

Proposed 10"x25'  
pressure treated  
Marine grade lumber  
Pilings 6'OC

-SHTL+3.0'  
-MHW2.5'

MLW-0'

Proposed bottom

**Existing bottom**

Remove and not replace 27  
of smooth face bulkhead —

Proposed 10' x126'  
clamshell dredged  
area to a MLW depth  
4' approx. 25 cyds  
or as shown on project  
plan

Applicant Sean Murphy  
Project Site: 72 East Moriches  
Eastport, NY 11941-1120  
Proposed: Remove & replace 93' existing  
smooth face bulkhead up to 5' inland  
with Navy Bulkhead, with an 18" increase  
in elevation, remove & not replace  
27' of existing bulkhead, excavate a  
625' area & install 32' of new bulkhead  
Prepared by Bulkhead  
Permits by Gary Inc  
2 Whaleneck Drive,  
Merrick NY 11566  
Scale 1"= 10'  
Revised October 14, 2019

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