

# 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-2022-00851-EVI

Issue Date:

Expiration Date:

---

**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:** Neal & Marguerite Griffin  
15 Rockaway Ave  
Garden City, NY 11530

**WATERWAY:** Fish Creek a tributary of Moriches Bay

**LOCATION:** 14 Cricket Path, Remsenburg, Town of Southampton, Suffolk County,  
New York

**ACTIVITY:** Bulkhead Maintenance and Closure of Existing Boat Slip

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.

**CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2022-00851-EVI**

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED TO [Robert.T.Vietri@usace.army.mil](mailto:Robert.T.Vietri@usace.army.mil) 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. 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 life stages 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

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. NAN-2022-00851-EVI**

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 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) 790-8379 and ask for Robert T. Vietri.

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

**CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2022-00851-EVI**

**WORK DESCRIPTION**

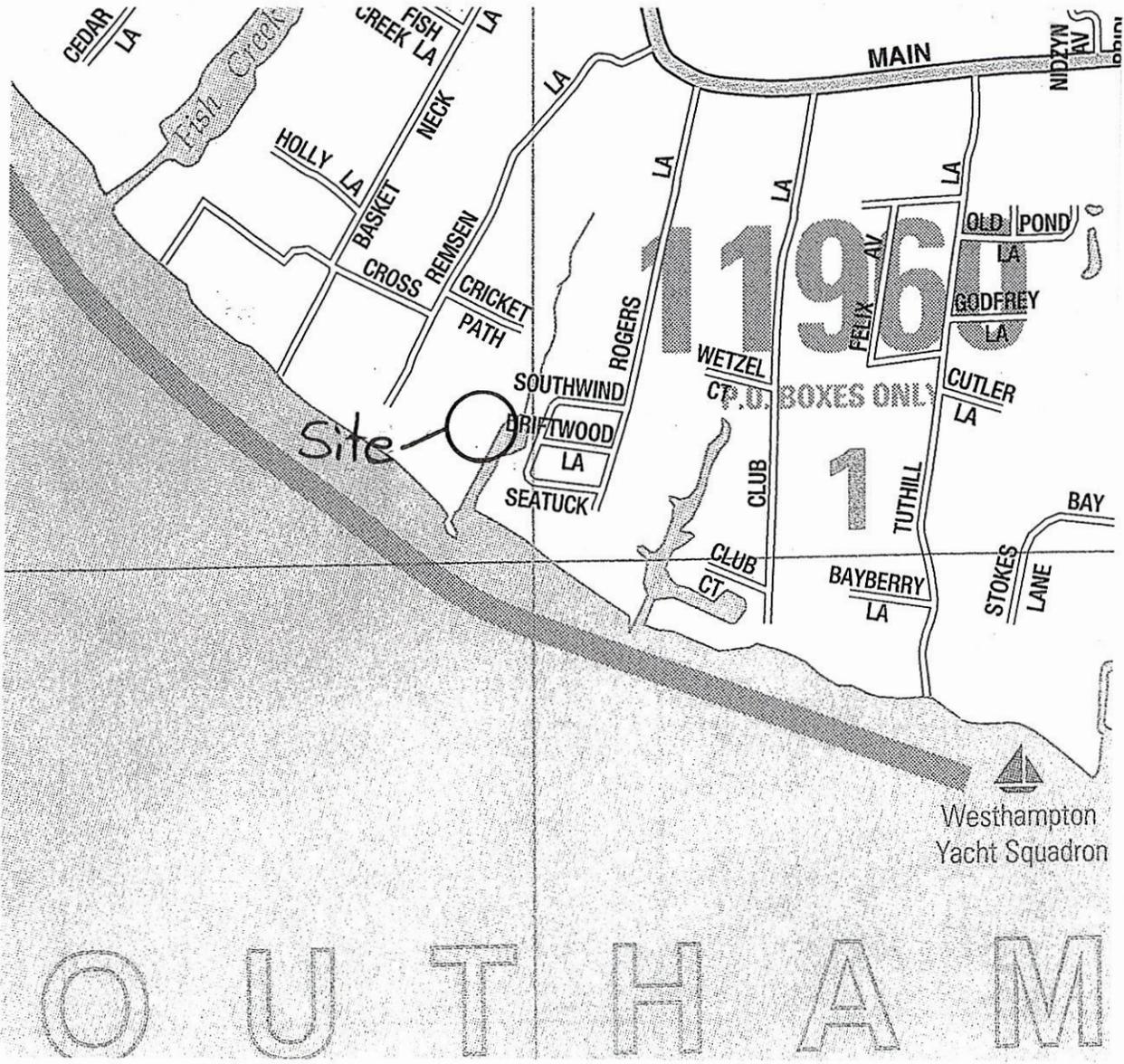
The applicant, Neal & Marguerite Griffin, has requested Department of the Army (DA) authorization to remove and replace, in-place an existing approximately 94 linear foot bulkhead with a new approximately 94 linear foot vinyl style bulkhead and two (2), 10-foot returns.

In addition, in order to close off an existing boat slip, place approximately 300 cubic yards of clean fill within an approximately 1,646 square foot area below the plane of Spring High Water. A new 26 linear foot vinyl style bulkhead will be installed in line with the proposed 94 linear foot bulkhead.

The applicant has avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by installing the new bulkhead section first to limit turbidity during the backfilling of the boat slip.

The stated purpose of this project is to stabilize the shoreline and close off a dilapidated boat slip.

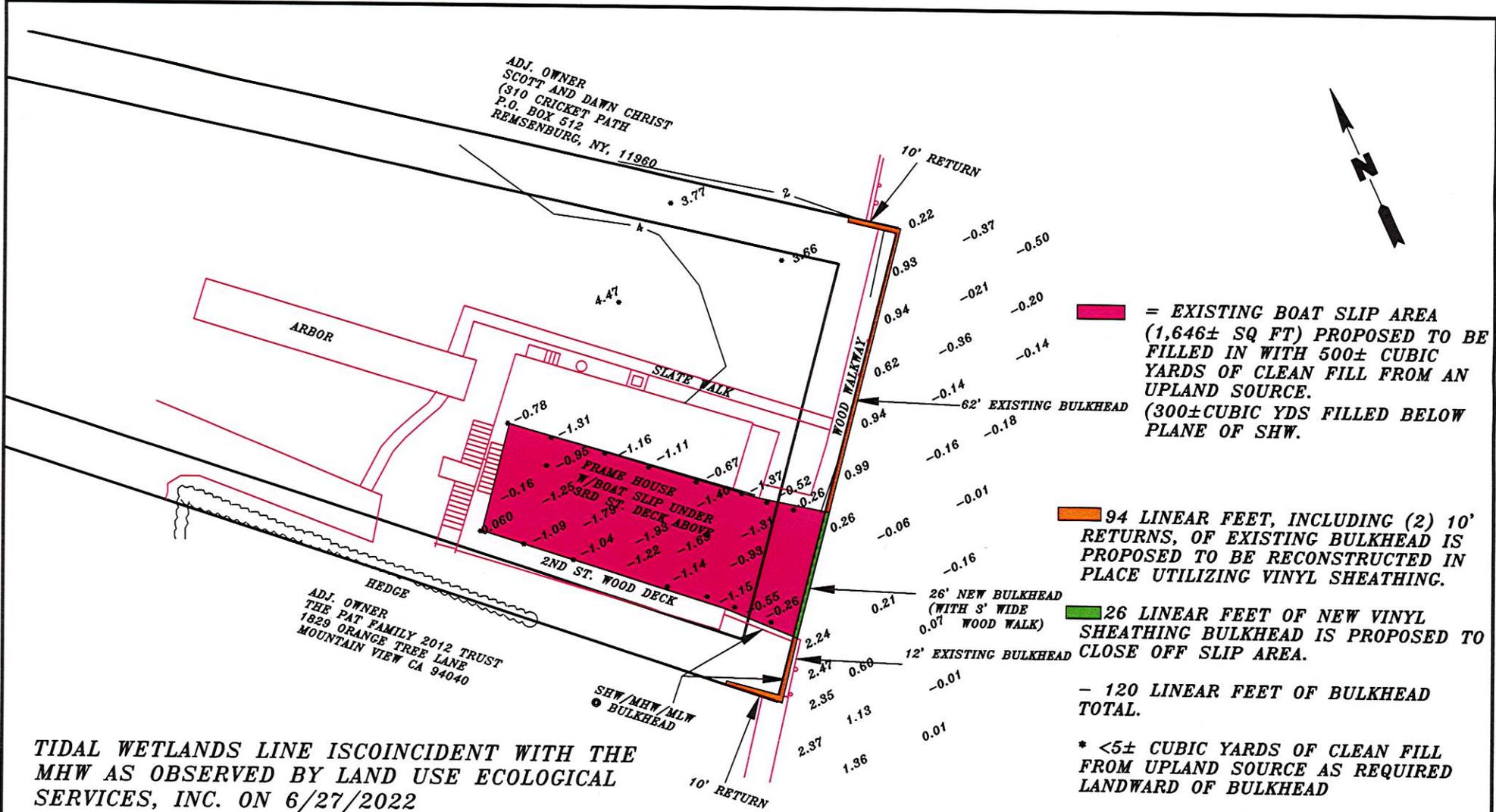
Griffin – 14 Cricket Path, Remsenburg, NY 11960



Quadrangle: Eastport

Land Use Ecological Services, Inc.  
570 Expressway Drive South, Suite 2F  
Medford, NY 11763  
Tel. 631-727-2400 Fax.631-727-2605

Location map taken from Suffolk County Hagstrom (Atlas)  
Lat: 40 48 07.25N  
Long: 72 42 47.33W



**EXISTING BOAT SLIP AREA**  
 (1,646± SQ FT) PROPOSED TO BE  
 FILLED IN WITH 500± CUBIC  
 YARDS OF CLEAN FILL FROM AN  
 UPLAND SOURCE.  
 (300±CUBIC YDS FILLED BELOW  
 PLANE OF SHW.

**94 LINEAR FEET, INCLUDING (2) 10'  
 RETURNS, OF EXISTING BULKHEAD IS  
 PROPOSED TO BE RECONSTRUCTED IN  
 PLACE UTILIZING VINYL SHEATHING.**

**26 LINEAR FEET OF NEW VINYL  
 SHEATHING BULKHEAD IS PROPOSED TO  
 CLOSE OFF SLIP AREA.**

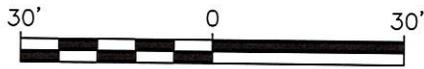
**- 120 LINEAR FEET OF BULKHEAD  
 TOTAL.**

**\* <5± CUBIC YARDS OF CLEAN FILL  
 FROM UPLAND SOURCE AS REQUIRED  
 LANDWARD OF BULKHEAD**

**ALL CONSTRUCTION MATERIALS SHALL  
 BE NON-TREATED LUMBER.**

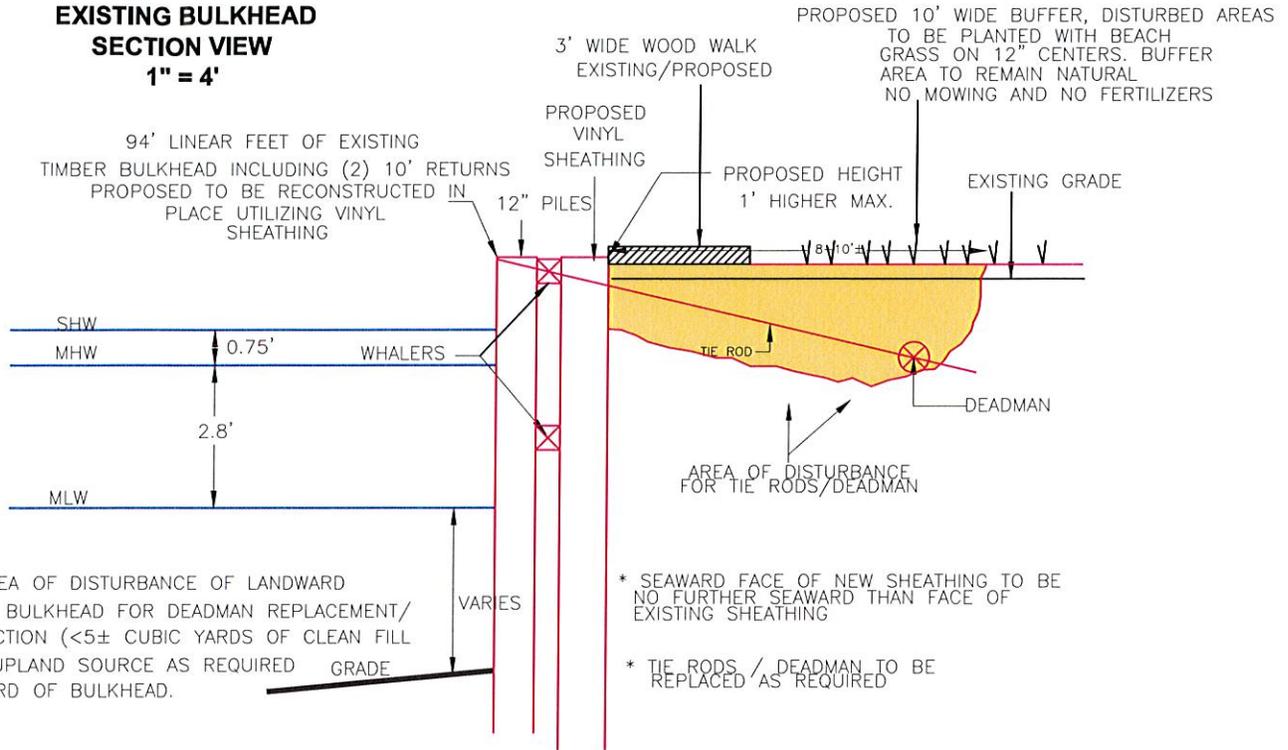
TIDAL WETLANDS LINE IS COINCIDENT WITH THE  
 MHW AS OBSERVED BY LAND USE ECOLOGICAL  
 SERVICES, INC. ON 6/27/2022

THIS PLAN IS REFERENCED TO THE SURVEY  
 PREPARED BY FOX LAND SURVEYING LAST  
 DATED 4/20/22.

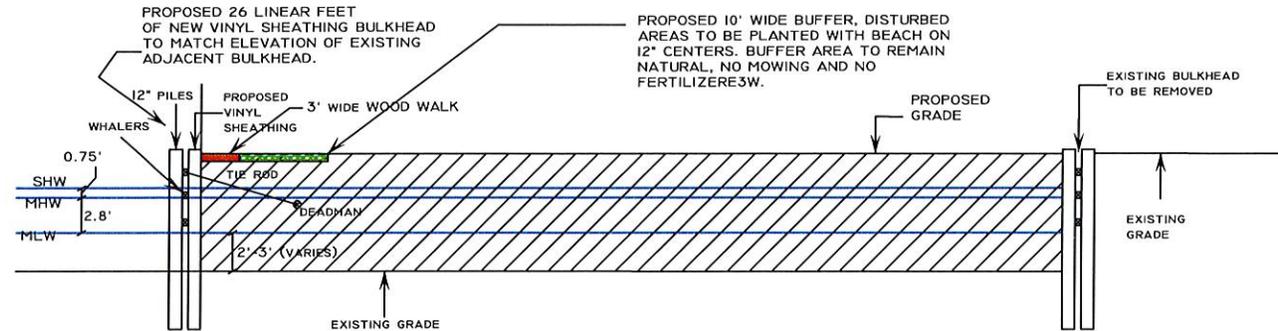


PREPARED FOR: NEAL AND MARGUERITE GRIFFIN		TITLE: SITE PLAN	
AT: 14 CRICKET PATH REMSENBERG, NY 11960			
 <b>LAND USE ECOLOGICAL SERVICES, INC</b> 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400		Compiled by: D.H.    Date: 6/24/22 Prepared by: A.V.    Scale: AS SHOWN Project Mgr: D.H.    File: GRIFFIN Rev:	SCTM# 900-380-1-37.01 DRAWING NO. 1 OF 2

**EXISTING BULKHEAD SECTION VIEW**  
1" = 4'



1,646 SF TO BE FILLED WITH 500 ± CYDS CLEAN FILL FROM UPLAND SOURCE TO MATCH EXISTING ADJACENT GRADE. 300± CYDS FILLED BELOW THE PLANE OF SHW.



**BOAT SLIP REMOVAL SECTION VIEW**  
1" = 15'

**NOTES:**

ALL CONSTRUCTION MATERIALS SHALL BE NON-TREATED LUMBER.

TIDAL WETLANDS LINE IS COINCIDENT WITH THE MHW @ BULKHEAD AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 6/27/22.

PREPARED FOR: NEAL AND MARGUERITE GRIFFIN	TITLE: <b>SECTIONS</b>		
AT: 14 CRICKET PATH REMSENBURG, NY 11960	Compiled by: D.H.	Date: 6/24/22	SUFFOLK COUNTY TAX MAP#:
LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400	Prepared by: A.V.	Scale: AS SHOWN	900-380-1-37.01
	Project Mgr: D.H.	File: GRIFFIN	DRAWING NO. <b>2 OF 2</b>
	Rev: -		