



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-2023-00406-MCC**
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: Margaret and Bradley Tolkin
6 Charlie's Lane
Shelter Island, New York 11964

ACTIVITY: Ten-Year Maintenance Dredging with Upland Disposal

WATERWAY: Menantic Creek

LOCATION: Dredge Location: Existing Boat Basin and Menantic Creek, Town of Shelter Island, 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 EMAILED TO carolyn.m.courtien@usace.army.mil 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 can also be submitted through the USACE Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notice>.

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 email 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 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.

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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If

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such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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 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. Please send all comments and questions concerning this application to carolyn.m.courtien@usace.army.mil.

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

WORK DESCRIPTION

The permit applicants, Margaret and Bradley Tolkin, have requested Department of the Army (DA) authorization to conduct dredging, with ten-years maintenance of an existing boat basin and adjacent channel area. The material will be removed via barge mounted clamshell dredge, with all spoils contained within a dredge box on the barge. The material will then be transferred to trucks for disposal at an approved upland site. The project is located at Menantic Creek, in the Town of Shelter Island, Suffolk County, New York.

The proposed work would involve the following:

Remove accumulated sediment by dredge with ten-years maintenance, via barge mounted clamshell dredge, approximately 160 cubic yards (CY) of material from an approximately 1,354 square foot area (0.031 acres) of an existing boat basin and adjacent channel area to a depth of -5-feet below the plane of Mean Low Water (MLW). The dredged material would be placed on barge, contained within a dredge box, for transportation. The dredged material would be transferred by clamshell dredge to trucks for transfer to an approved upland site.

The applicant plans to conduct five (5) additional dredging events within the ten-year maintenance dredging period removing a maximum of approximately 160 CY per event, from within the same dredging area and disposal at an approved upland site.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation of Menantic Creek. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a barge mounted clamshell dredge. The use of a barge mounted clamshell dredge would provide the cleanest and least obtrusive method for sediment removal and transport, minimizing to the greatest extent possible any potential adverse effects to the aquatic environment.

The stated purpose of this project is to maintain safe navigable depths for vessel use in the waterway.



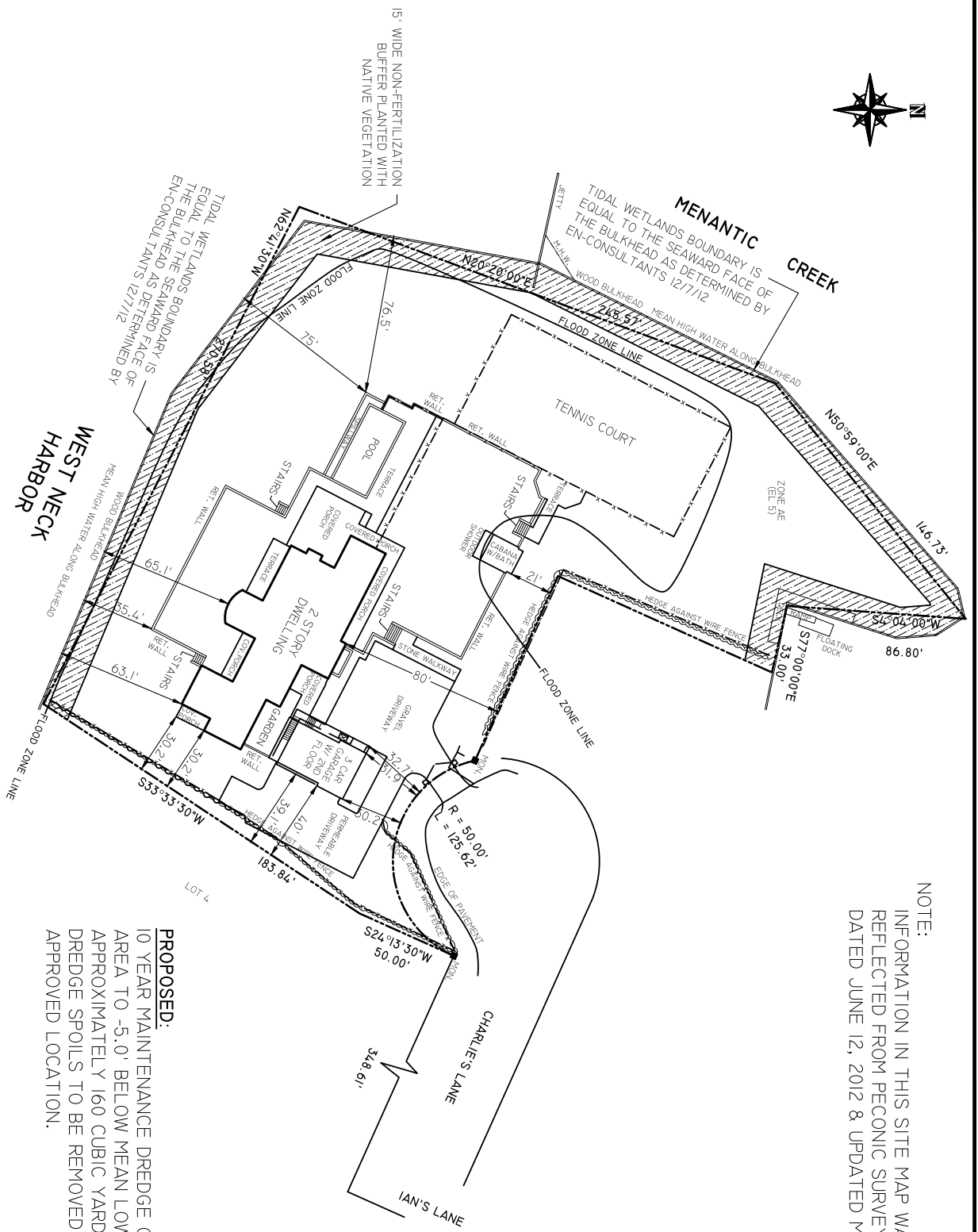
PREPARED BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631)777-1199

VICINITY MAP

N41° 5' 6" W72° 20' 35"

(SHEET 1 OF 6)

APPLICANT: BRADLEY & MARGARET TOLKIN
ADDRESS: 1000 S. POINTE DRIVE, APT. 2602
MIAMI BRACH, FL 33139
JOB SITE: 6 CHARLES LANE
SHELTER ISLAND, NY 11964
SCTM#: 700-23-1-24.6
DATE: 04/19/23



NOTE:
 INFORMATION IN THIS SITE MAP WAS
 REFLECTED FROM PECONIC SURVEYORS, P.C.
 DATED JUNE 12, 2012 & UPDATED MAY 3, 2013

PROPOSED:
 10 YEAR MAINTENANCE DREDGE OF AN 1,354 SQ.FT.
 AREA TO -5.0' BELOW MEAN LOW WATER REMOVING
 APPROXIMATELY 160 CUBIC YARDS OF MATERIAL. ALL
 DREDGE SPOILS TO BE REMOVED OFF SITE TO AN
 APPROVED LOCATION.

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

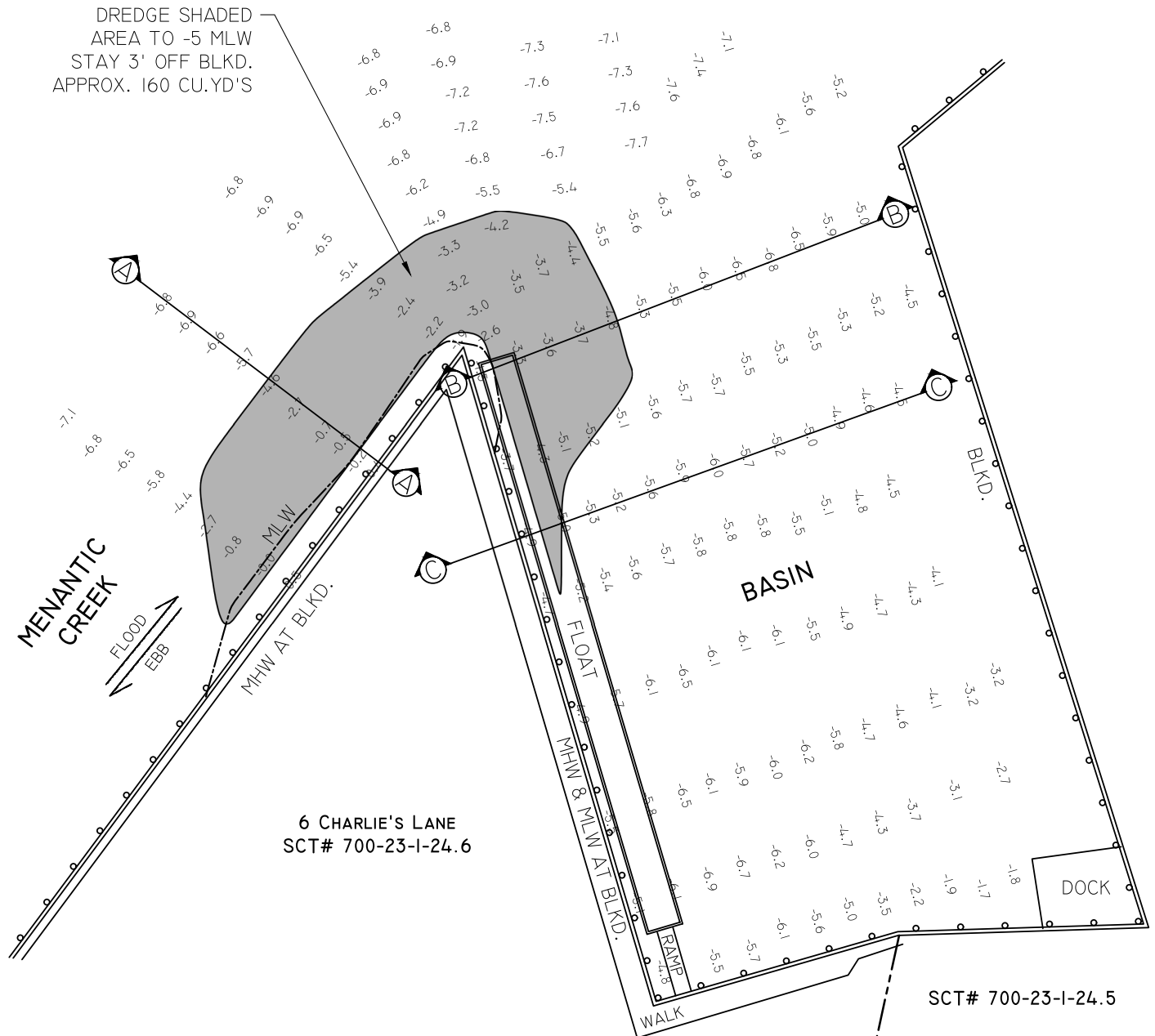
SITE MAP



(SHEET 4 OF 6)

APPLICANT: BRADLEY & MARGARET TOLKIN
ADDRESS: 1000 S. POINTE DRIVE, APT. 2602
 MIAMI BRACH, FL 33139
JOB SITE: 6 CHARLES LANE
 SHELTER ISLAND, NY 11964
SCTM#: 700-23-1-24.6
DATE: 04/19/23

USACE FILE: NAN-2023-00406-MCC

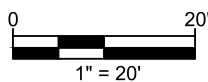


NOTE:
-5 IS MEASURED IN FEET WHEN MLW EQUALS 0.0 BY ROBERT H. FOX ON 10 MAY 2022.

PROPOSED:
10 YEAR MAINTENANCE DREDGE OF AN 1,354 SQ.FT. AREA TO -5.0' BELOW MEAN LOW WATER REMOVING APPROXIMATELY 160 CUBIC YARDS OF MATERIAL. ALL DREDGE SPOILS TO BE REMOVED OFF SITE TO AN APPROVED LOCATION.

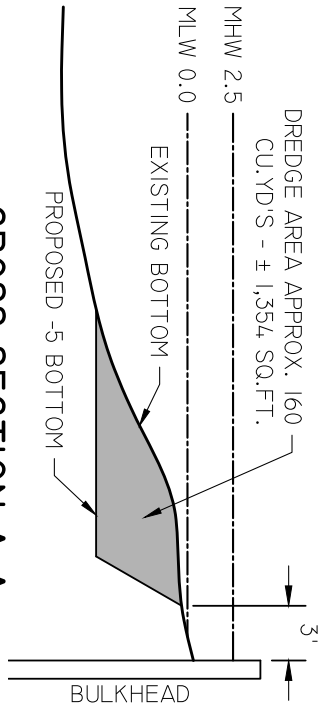
PREPARED BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631)477-1199

SITE PLAN

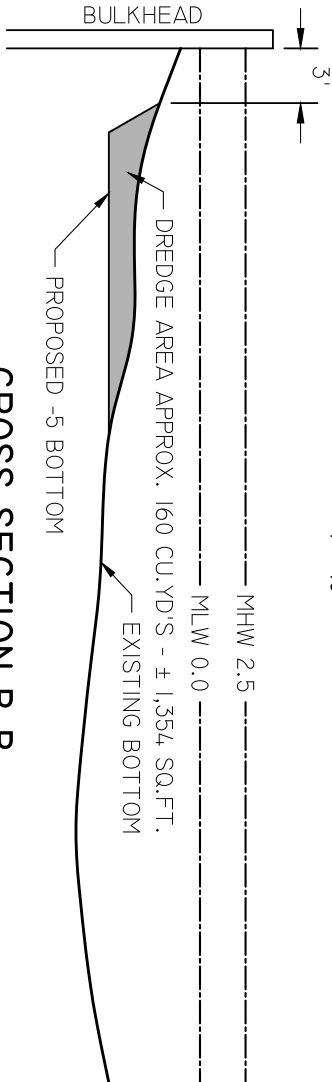
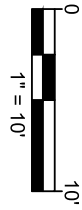


(SHEET 5 OF 6)

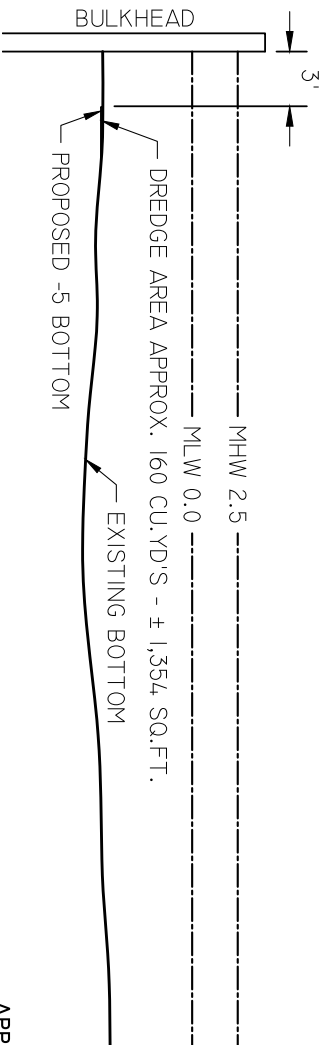
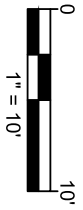
APPLICANT: BRADLEY & MARGARET TOLKIN
ADDRESS: 1000 S. POINTE DRIVE, APT. 2602
MIAMI BRACH, FL 33139
JOB SITE: 6 CHARLIE'S LANE
SHELTER ISLAND, NY 11964
SCTM#: 700-23-1-24.6
DATE: 04/19/23



CROSS SECTION A-A



CROSS SECTION B-B



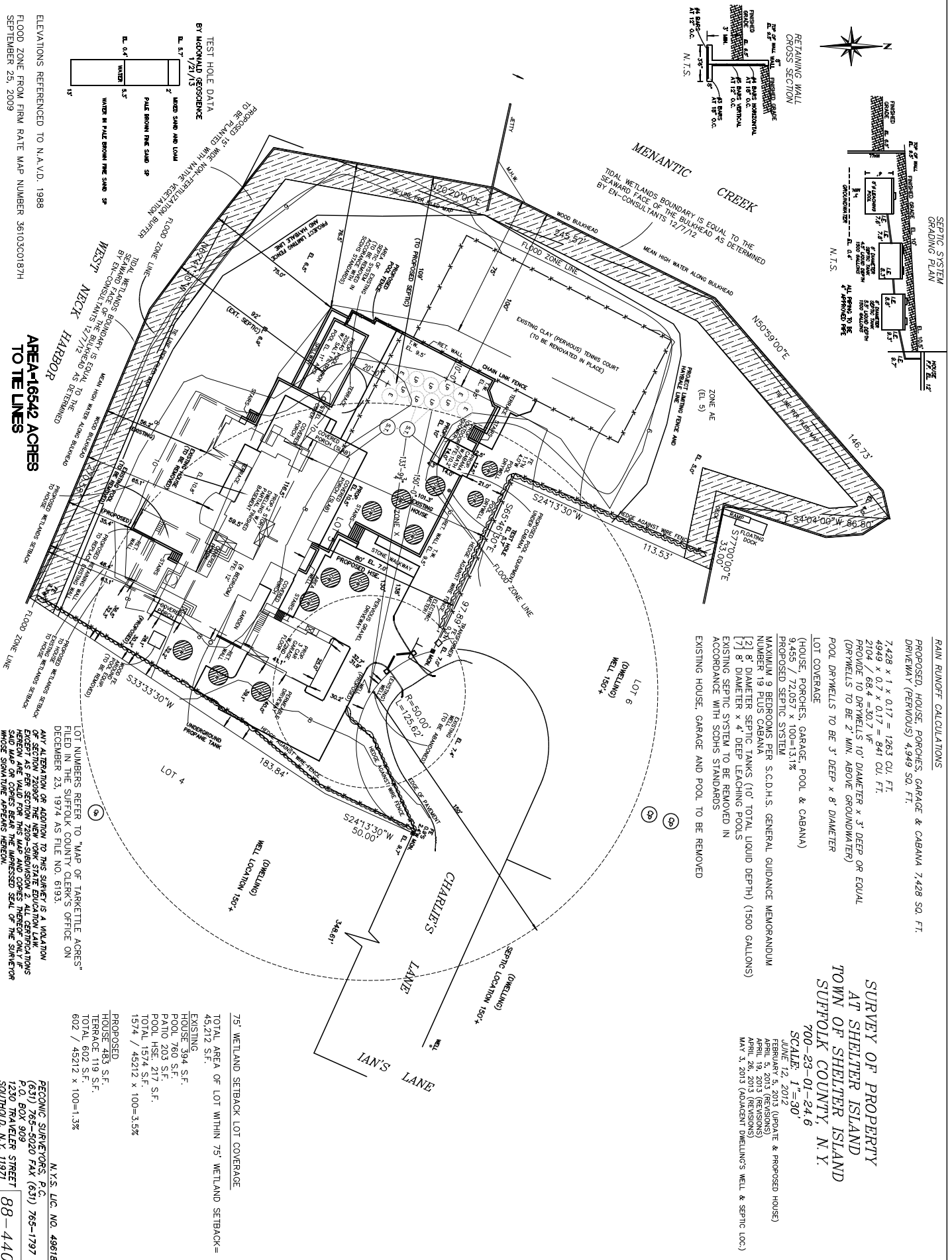
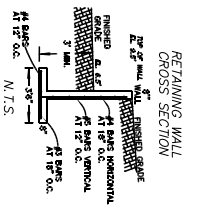
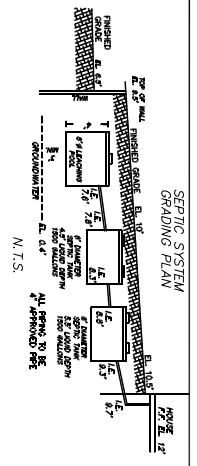
CROSS SECTION C-C



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

(SHEET 6 OF 6)

APPLICANT: BRADLEY & MARGARET TOLKIN
 ADDRESS: 1000 S. POINTE DRIVE, APT. 2602
 MIAMI BRACH, FL 33139
 JOB SITE: 6 CHARLES LANE
 SHELTER ISLAND, NY 11964
 SCTM#: 700-23-1-24.6
 DATE: 04/19/23



RAIN RUNOFF CALCULATIONS

PROPOSED HOUSE, PORCHES, GARAGE & CABANA 7,428 SQ. FT.
 DRIVEWAY (PERVIOUS) 4,949 SQ. FT.

7,428 x 1 x 0.17 = 1263 CU. FT.
 4,949 x 0.7 x 0.17 = 841 CU. FT.
 2104 / 68.4 = 30.7 V²
 PROVIDE 10 DRYWELLS 10' DIAMETER x 3' DEEP OR EQUAL
 (DRYWELLS TO BE 2' MIN. ABOVE GROUNDWATER)
 POOL DRYWELLS TO BE 3' DEEP x 8' DIAMETER

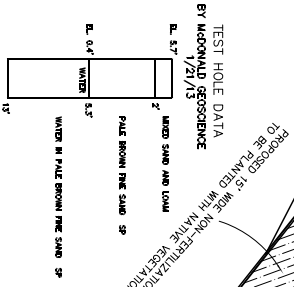
LOT COVERAGE

(HOUSE, PORCHES, GARAGE, POOL & CABANA)
 9,455 / 72,057 x 100=13.1%
 PROPOSED SEPTIC SYSTEM
 MAXIMUM 9 BEDROOMS PER S.C.D.H.S. GENERAL GUIDANCE MEMORANDUM
 NUMBER 19 PLUS CABANA
 [2] 8' DIAMETER SEPTIC TANKS (10' TOTAL LIQUID DEPTH) (1500 GALLONS)
 [7] 8' DIAMETER x 4' DEEP LEACHING POOLS
 EXISTING SEPTIC SYSTEM TO BE REMOVED IN
 ACCORDANCE WITH SCDHS STANDARDS
 EXISTING HOUSE, GARAGE AND POOL TO BE REMOVED

SURVEY OF PROPERTY
AT SHELTER ISLAND
TOWN OF SHELTER ISLAND
SUFFOLK COUNTY, N. Y.
 700-23-01-24.6
 SCALE: 1"=30'

JUNE 12, 2012
 FEBRUARY 5, 2013 (UPDATE & PROPOSED HOUSE)
 APRIL 15, 2013 (REVISIONS)
 APRIL 26, 2013 (REVISIONS)
 MAY 3, 2013 (ADJACENT DWELLING'S WELL & SEPTIC LOC.)

ELEVATIONS REFERENCED TO N.A.V.D., 1988
 FLOOD ZONE FROM FIRW RATE MAP NUMBER 361030187H
 SEPTEMBER 25, 2009



AREA-16542 ACRES
TO THE LINES

LOT NUMBERS REFER TO "MAP OF TACKETT ACRES" FILED IN THE SUFFOLK COUNTY CLERK'S OFFICE ON DECEMBER 23, 1974 AS FILE NO. 0193.
 ANY ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 220 OF THE SURVEYING AND MAPPING LAW. THIS SURVEY IS VALID FOR THIS MAP AND COPIES THEREOF ONLY IF WHOSE SIGNATURE APPEARS HEREON.

75' WETLAND SETBACK LOT COVERAGE

TOTAL AREA OF LOT WITHIN 75' WETLAND SETBACK= 45,212 S.F.

EXISTING

HOUSE 994 S.F.
 HOUSE 720 S.F.
 PATIO 203 S.F.
 POOL HSE 217 S.F.
 TOTAL 1574 S.F.
 1574 / 45212 x 100=3.5%

PROPOSED

HOUSE 483 S.F.
 TERRACE 119 S.F.
 TOTAL 602 S.F.
 602 / 45212 x 100=1.3%

PERCONE SURVEYORS, P.C.
 (631) 765-5020 FAX (631) 765-1797
 P.O. BOX 909
 1230 TRAVELER STREET
 SOUTHOLD, N.Y. 11971

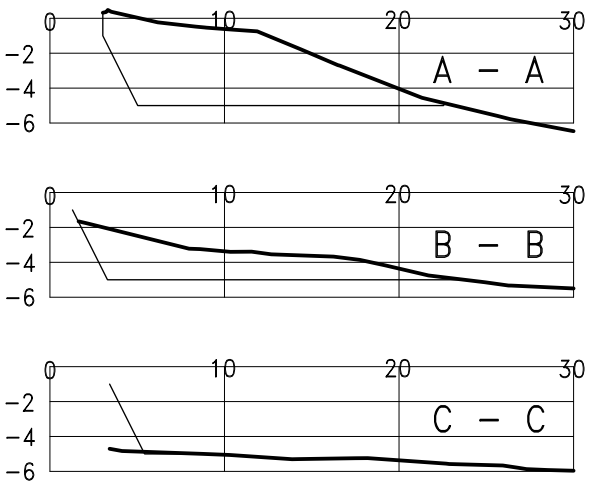
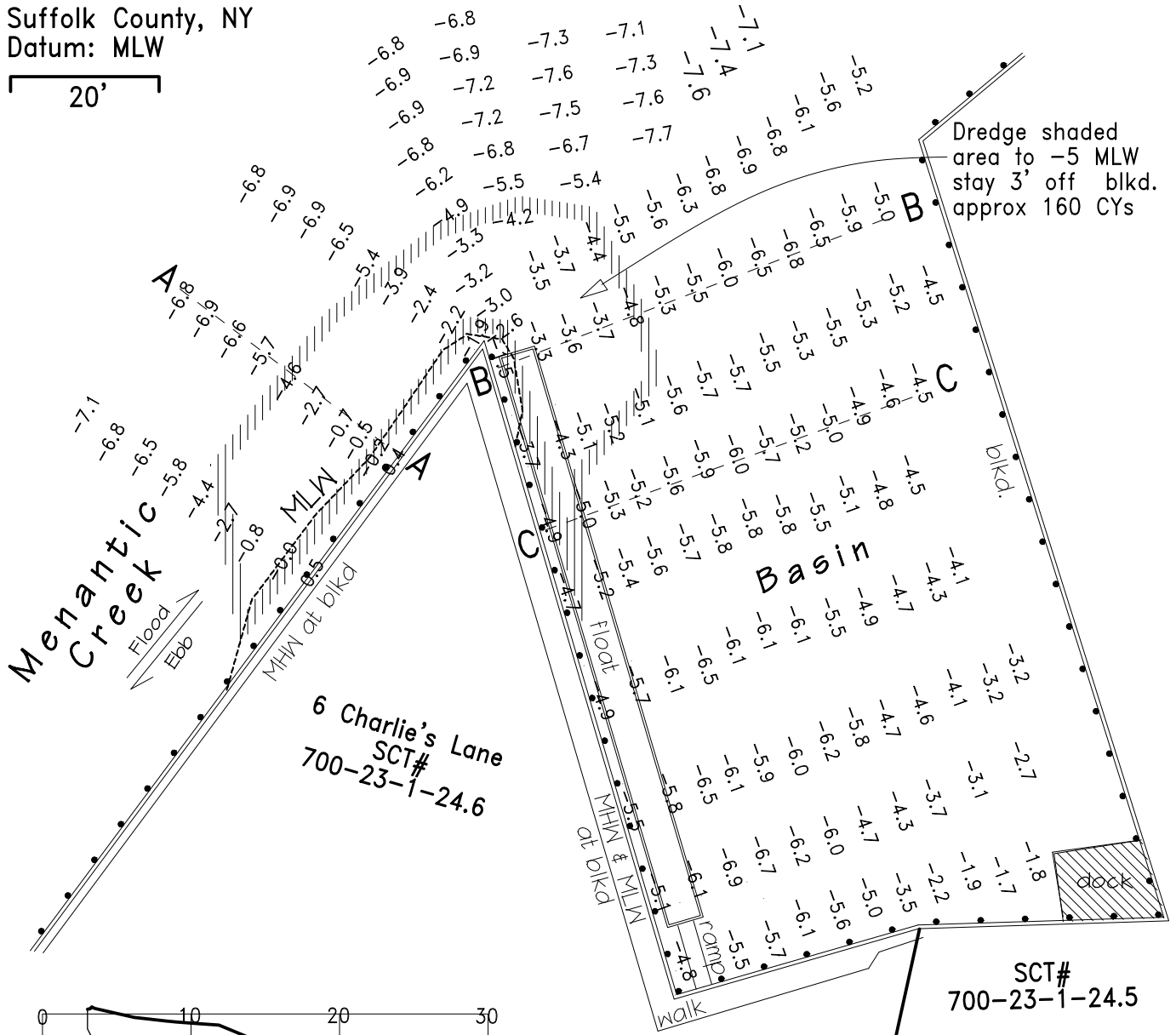
88-440

Hydrographic Map

Surveyed: 10 May 2022
 Situate: Menantic Creek
 Town: Shelter Island
 Suffolk County, NY
 Datum: MLW



20'



Dredge shaded area to -5 MLW stay 3' off blkd. approx 160 CYs

ROBERT H. FOX
 NYS PLS # 50197
 P. O. BOX 366
 AQUEBOGUE, NY 11931