



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

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**Applicant:**  
Jerome Feder  
Fair Harbor Beach Erosion  
Control District

**Published:**  
**Expires:**

**New York District  
Permit Application No. NAN-2025-000137-MBR**

**TO WHOM IT MAY CONCERN:** The New York District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403), as amended (33 U.S.C. 1413). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Jerome Feder  
Fair Harbor Beach Erosion Control District  
789 Knollwood Terrace  
Westfield, NJ 07090

**AGENT:** Kelly Risotto  
Land Use Ecological Service, Inc.  
570 Expressway Drive South  
Medford, NY 11763

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with Great South Bay. The project/review area is located on the shallows and beach areas between Fifth and Cranberry Walks in the Hamlet of Fair Harbor, Town of Islip, Suffolk County, New York.

**EXISTING CONDITIONS:** Shallows and beach areas in a residential area

## **PROJECT PURPOSE:**

**Overall:** The purpose of the project is to provide erosion and flood protection for the community and the provide a safe bayside swim area for the community.

**PROPOSED WORK:** The applicant requests authorization for ten-year maintenance dredging with beach placement and living shoreline at 40.641694, -73.183111, Hamlet of Fair Harbor, Town of Islip, Suffolk County, New York.

The proposed work would involve ten-year maintenance dredging with mechanical arm over the three following areas:

Area 1 or “Swim area,” approximately 970 cubic yards (CY) of sand from an approximately 16,400 square foot (SF) area to a depth of four feet below the plane of Mean Low Water (MLW).

Area 2 or “Town dock,” approximately 142 CY of sand from an approximately 3,800 SF area.

Area 3 or “Private dock,” approximately 140 CY of sand from an approximately 4,700 SF area.

The applicant has three additional dredge events planned over the life of the permit. Future dredged material will be transported off site for disposal at an approved facility. Dredged material (from the initial dredging event) will be immediately placed on site behind boulders breakwaters with marsh sills and planted with native plant material to create two (2) living shorelines with intertidal marsh.

The first living shoreline, “East of Fifth Walk,” will consist of 395 cubic yards (CY) boulders and 400 CY of sand discharged over a 521-foot-long and six-foot-wide area. The second shoreline, “West of Cranberry Walk,” will consist of 105 CY of boulders and 220 CY of sand discharged over a 184-foot-long by six-foot-wide area. Intertidal marsh will be planted with *Spartina alterniflora*, high marsh will be planted with *Spartina patens*, and upland buffer will be planted with *Ammophila breviligulata* and *Solidago sempervirens*. The remaining 632 CY of dredged material will be transported off-site and disposed of at an upland facility by a regulated contractor.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has avoided, minimized, and mitigated for impacts by designing the living shoreline as far landward as possible, limiting fill and encroachment into the waterway. The applicant will also be restoring the shoreline with native plantings in the intertidal and immediate upland area. The applicant will use appropriate erosion control features such as a turbidity curtain around the work area.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: there are no permanent impacts to the aquatic environment proposed as a result of the project.

**CULTURAL RESOURCES:**

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps’ program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that: No historic properties (i.e., properties listed in or eligible for inclusion in

the National Register of Historic Places) are present within the Corps' permit area therefore, there will be no historic properties affected.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and/or the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** 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.

**COASTAL ZONE MANAGEMENT ACT:** 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.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**OTHER AUTHORIZATIONS:** 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

**COMMENTS:** The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Jeffrey Branham at [Jeffrey.J.Branham@usace.army.mil](mailto:Jeffrey.J.Branham@usace.army.mil). Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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.

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

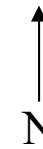
For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

**FOR AND IN BEHALF OF**

Stephan A. Ryba

Chief, Regulatory Branch

**Fair Harbor Bayside Stabilization Project**  
Great South Bay Shoreline | Fair Harbor, Fire Island

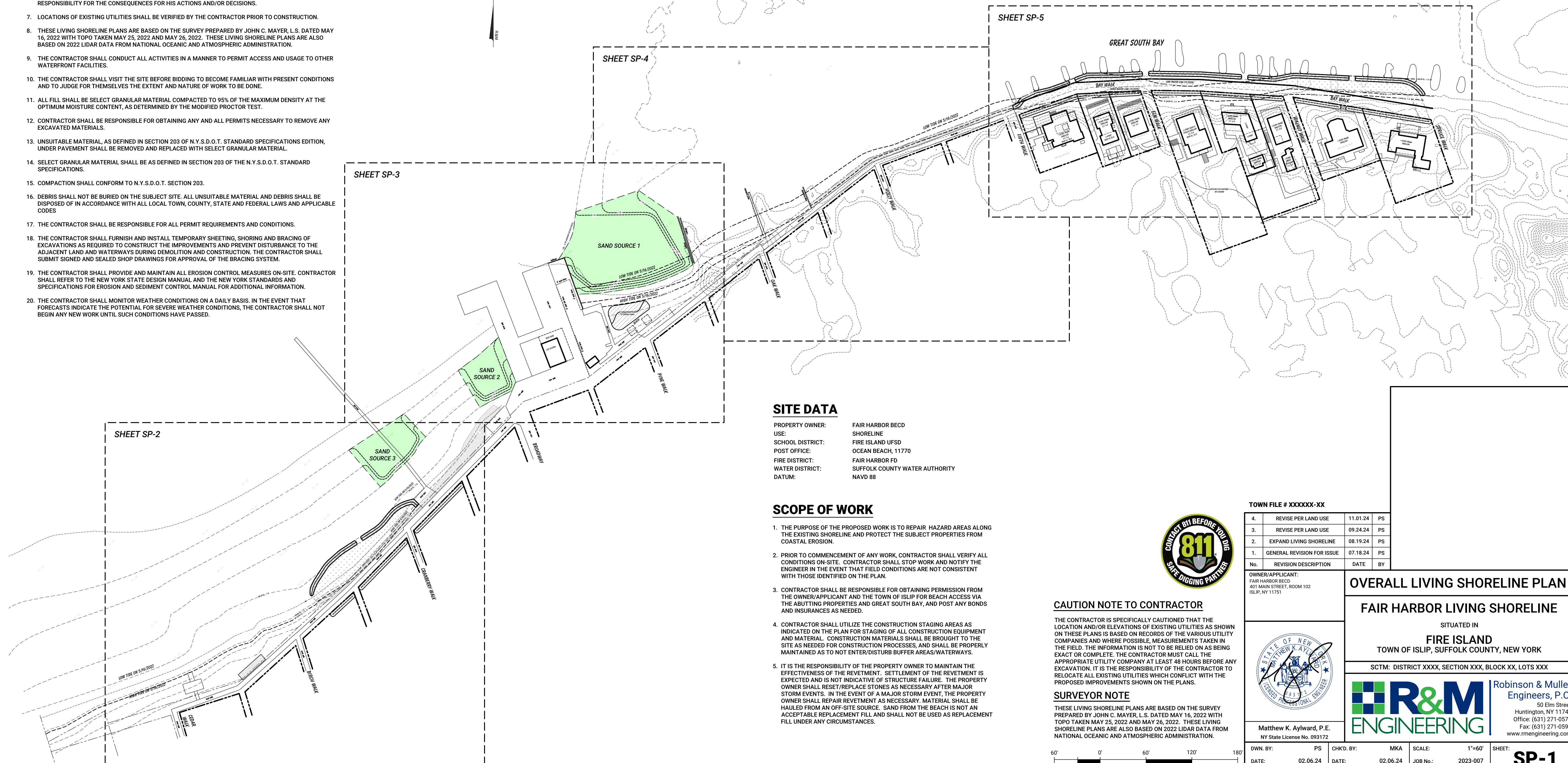
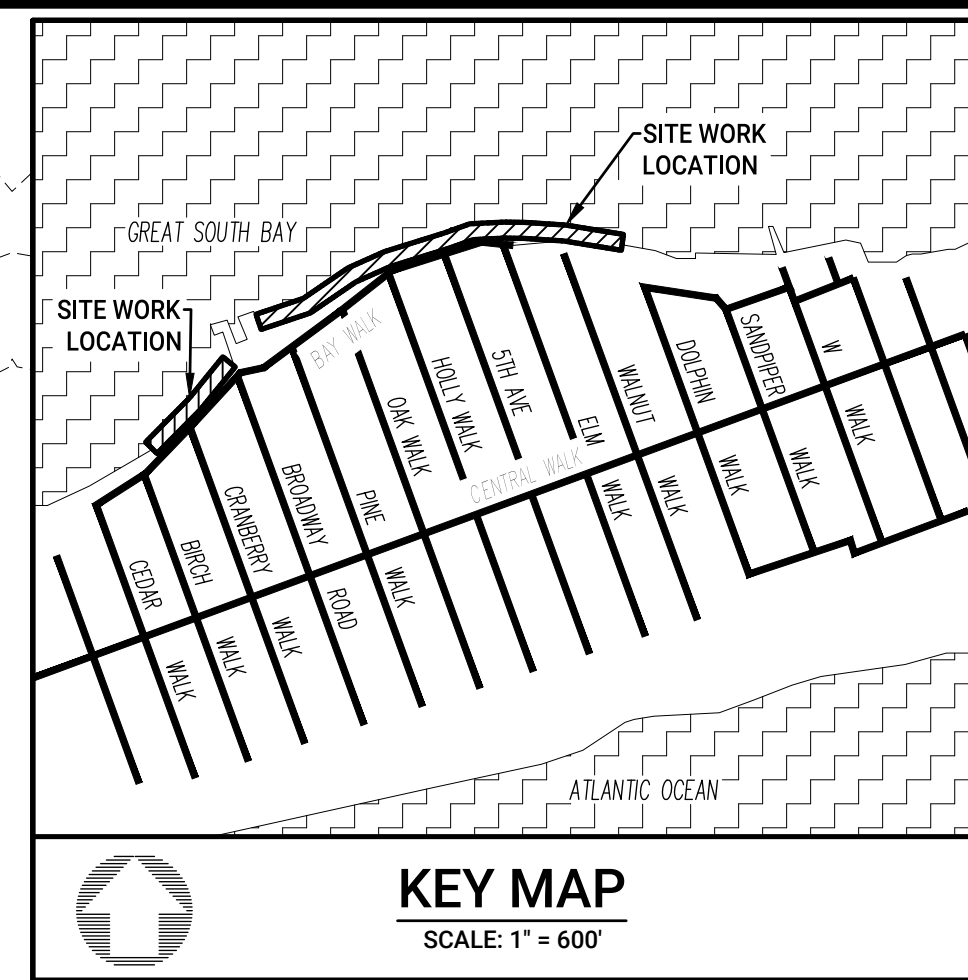


Land Use Ecological Services, Inc.  
570 Expressway Drive South, Suite 204  
Medford, NY 11763  
Tel. 631-727-2400 Fax.631-727-2605

Location map taken from Google Maps ([www.google.com](http://www.google.com)).  
Latitude 40 38 30.12 N | Longitude -73 10 59.22 W



1. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND THE SAFETY AND IMPLEMENTATION OF MEASURES FOR THE PROTECTION OF THE PUBLIC, WORKERS, OWNERS' AND ENGINEER'S REPRESENTATIVES, PRIVATE AND PUBLIC PROPERTY, ADJACENT WATERWAYS, AND NEW AND EXISTING FACILITIES.
2. CONTRACTOR SHALL IMPLEMENT SUCH MEASURES AS NECESSARY TO DELINEATE AND IDENTIFY THE CONSTRUCTION AREA, INCLUDING BUT NOT LIMITED TO TEMPORARY SIGNING, AND WARNING LIGHTING.
3. DISPOSAL OF DEMOLISHED MATERIALS OR DEBRIS SHALL BE IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.
4. CONTRACTOR SHALL OBTAIN ALL BONDING, INSURANCE AND CERTIFICATES NECESSARY TO COMPLETE THE WORK AS SHOWN ON THE DRAWINGS OR SPECIFIED.
5. ALL ELEVATIONS RELATIVE TO NORTH AMERICAN VERTICAL DATUM (NAVD 88).
6. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING CONSTRUCTION AND SHALL NOTIFY THE ENGINEER OF ANY AMBIGUITIES OR DISCREPANCIES BEFORE PROCEEDING WITH THE WORK. IF ANY QUESTIONS ARISE BEFORE OR DURING CONSTRUCTION AS TO THE DETAILS OF THE DRAWINGS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER FOR CLARIFICATION AND OR INSTRUCTIONS. IF THE CONTRACTOR FAILS TO FOLLOW THE ABOVE PROCEDURE, HE SHALL ASSUME RESPONSIBILITY FOR THE CONSEQUENCES FOR HIS ACTIONS AND/OR DECISIONS.
7. LOCATIONS OF EXISTING UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
8. THESE LIVING SHORELINE PLANS ARE BASED ON THE SURVEY PREPARED BY JOHN C. MAYER, L.S. DATED MAY 16, 2022 WITH TOPO TAKEN MAY 25, 2022 AND MAY 26, 2022. THESE LIVING SHORELINE PLANS ARE ALSO BASED ON 2022 LIDAR DATA FROM NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.
9. THE CONTRACTOR SHALL CONDUCT ALL ACTIVITIES IN A MANNER TO PERMIT ACCESS AND USAGE TO OTHER WATERFRONT FACILITIES.
10. THE CONTRACTOR SHALL VISIT THE SITE BEFORE BIDDING TO BECOME FAMILIAR WITH PRESENT CONDITIONS AND TO JUDGE FOR THEMSELVES THE EXTENT AND NATURE OF WORK TO BE DONE.
11. ALL FILL SHALL BE SELECT GRANULAR MATERIAL COMPACTED TO 95% OF THE MAXIMUM DENSITY AT THE OPTIMUM MOISTURE CONTENT, AS DETERMINED BY THE MODIFIED PROCTOR TEST.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS NECESSARY TO REMOVE ANY EXCAVATED MATERIALS.
13. UNSUITABLE MATERIAL, AS DEFINED IN SECTION 203 OF N.Y.S.D.O.T. STANDARD SPECIFICATIONS EDITION, UNDER PAVEMENT SHALL BE REMOVED AND REPLACED WITH SELECT GRANULAR MATERIAL.
14. SELECT GRANULAR MATERIAL SHALL BE AS DEFINED IN SECTION 203 OF THE N.Y.S.D.O.T. STANDARD SPECIFICATIONS.
15. COMPACTION SHALL CONFORM TO N.Y.S.D.O.T. SECTION 203.
16. DEBRIS SHALL NOT BE BURIED ON THE SUBJECT SITE. ALL UNSUITABLE MATERIAL AND DEBRIS SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL TOWN, COUNTY, STATE AND FEDERAL LAWS AND APPLICABLE CODES
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMIT REQUIREMENTS AND CONDITIONS.
18. THE CONTRACTOR SHALL FURNISH AND INSTALL TEMPORARY SHEETING, SHORING AND BRACING OF EXCAVATIONS AS REQUIRED TO CONSTRUCT THE IMPROVEMENTS AND PREVENT DISTURBANCE TO THE ADJACENT LAND AND WATERWAYS DURING DEMOLITION AND CONSTRUCTION. THE CONTRACTOR SHALL SUBMIT SIGNED AND SEALED SHOP DRAWINGS FOR APPROVAL OF THE BRACING SYSTEM.
19. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL EROSION CONTROL MEASURES ON-SITE. CONTRACTOR SHALL REFER TO THE NEW YORK STATE DESIGN MANUAL AND THE NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL MANUAL FOR ADDITIONAL INFORMATION.
20. THE CONTRACTOR SHALL MONITOR WEATHER CONDITIONS ON A DAILY BASIS. IN THE EVENT THAT FORECASTS INDICATE THE POTENTIAL FOR SEVERE WEATHER CONDITIONS, THE CONTRACTOR SHALL NOT BEGIN ANY NEW WORK UNTIL SUCH CONDITIONS HAVE PASSED.



PROPERTY OWNER:	FAIR HARBOR BECD
USE:	SHORELINE
SCHOOL DISTRICT:	FIRE ISLAND UFSD
POST OFFICE:	OCEAN BEACH, 11770
FIRE DISTRICT:	FAIR HARBOR FD
WATER DISTRICT:	SUFFOLK COUNTY WATER AUTHORITY
DATUM:	NAVD 88

1. THE PURPOSE OF THE PROPOSED WORK IS TO REPAIR HAZARD AREAS ALONG THE EXISTING SHORELINE AND PROTECT THE SUBJECT PROPERTIES FROM COASTAL EROSION.
2. PRIOR TO COMMENCEMENT OF ANY WORK, CONTRACTOR SHALL VERIFY ALL CONDITIONS ON-SITE. CONTRACTOR SHALL STOP WORK AND NOTIFY THE ENGINEER IN THE EVENT THAT FIELD CONDITIONS ARE NOT CONSISTENT WITH THOSE IDENTIFIED ON THE PLAN.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING PERMISSION FROM THE OWNER/APPLICANT AND THE TOWN OF ISLIP FOR BEACH ACCESS VIA THE EXISTING DRIVEWAY AND GREAT SOUTH BAY, AND POST ANY BONDS AND INSURANCES AS NEEDED.
4. CONTRACTOR SHALL UTILIZE THE CONSTRUCTION STAGING AREAS AS INDICATED ON THE PLAN FOR STAGING OF ALL CONSTRUCTION EQUIPMENT AND MATERIAL. CONSTRUCTION MATERIALS SHALL BE BROUGHT TO THE SITE AS NEEDED FOR CONSTRUCTION PROCESSES, AND SHALL BE PROPERLY MAINTAINED AS TO NOT ENTER/DISTURB BUFFER AREAS/WATERWAYS.
5. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN THE EFFECTIVENESS OF THE REVESTMENT. SETTLEMENT OF THE REVESTMENT IS EXPECTED AND IS NOT INDICATIVE OF STRUCTURE FAILURE. THE PROPERTY OWNER SHALL REVESTMENT THE BEACH AS NECESSARY AFTER MAJOR STORM EVENTS. IN THE EVENT OF A MAJOR STORM EVENT, THE PROPERTY OWNER SHALL REPAIR REVESTMENT AS NECESSARY. MATERIAL SHALL BE HAULED FROM AN OFF-SITE SOURCE. SAND FROM THE BEACH IS NOT AN ACCEPTABLE REVESTMENT FILL AND SHALL NOT BE USED AS REPLACEMENT FILL UNDER ANY CIRCUMSTANCES.



THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATIONS OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

THESE LIVING SHORELINE PLANS ARE BASED ON THE SURVEY PREPARED BY JOHN C. MAYER, L.S. DATED MAY 16, 2022 WITH TOPO TAKEN MAY 25, 2022 AND MAY 26, 2022. THESE LIVING SHORELINE PLANS ARE ALSO BASED ON 2022 LIDAR DATA FROM NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

TOWN FILE # XXXXXX-XX			
4.	REVISE PER LAND USE	11.01.24	PS
3.	REVISE PER LAND USE	09.24.24	PS
2.	EXPAND LIVING SHORELINE	08.19.24	PS
1.	GENERAL REVISION FOR ISSUE	07.18.24	PS
No.	REVISION DESCRIPTION	DATE	BY

**OWNER/APPLICANT:**  
FAIR HARBOR BECD  
401 MAIN STREET, ROOM 10  
ISLIP, NY 11751



Matthew K. Aylward, P.E.  
NY State License No. 093172

DWN. BY:	PS
DATE:	02 06 24

SITUATED IN  
**FIRE ISLAND**  
TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK

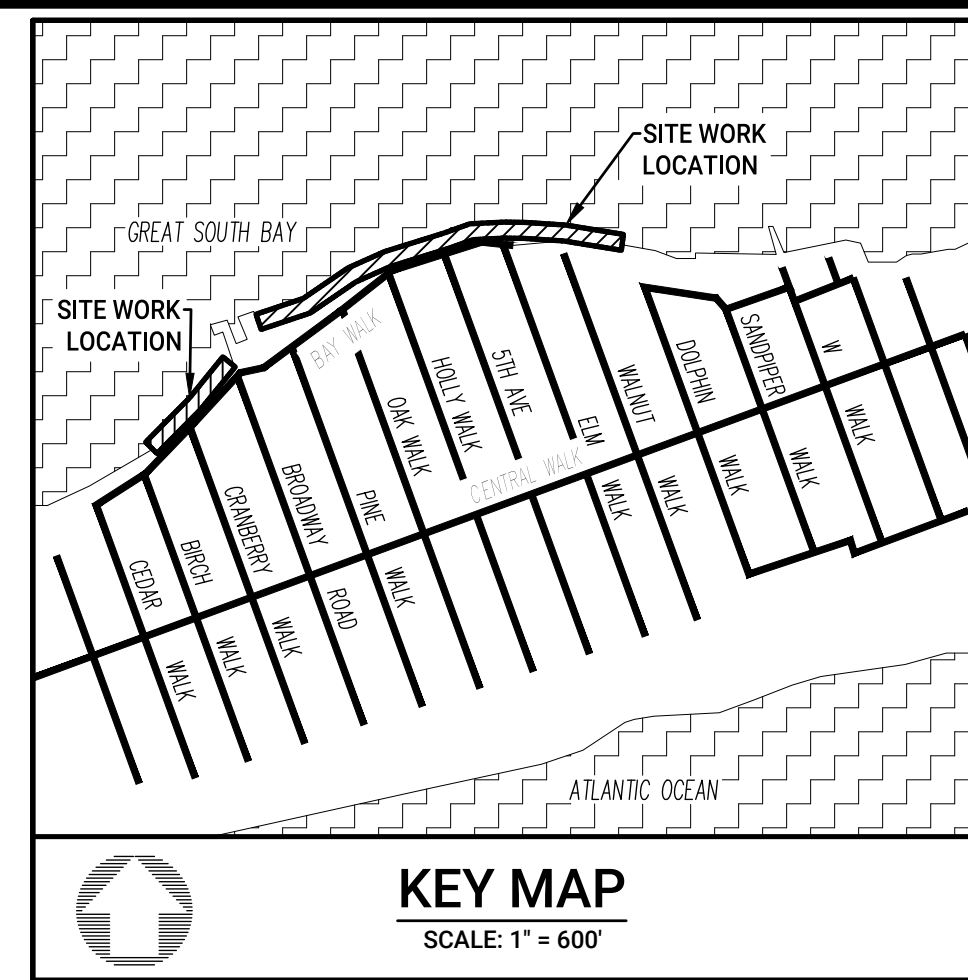
SCTM: DISTRICT XXXX, SECTION XXX, BLOCK XX, LOTS XXX



**Robinson & Muller**  
**Engineers, P.C.**  
50 Elm Street  
Huntington, NY 11743  
Office: (631) 271-0576  
Fax: (631) 271-0592  
[www.rmengineering.com](http://www.rmengineering.com)

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1. APPARENT HIGH WATER (AHW) LEVEL (ELEV. 1.0) AND APPARENT LOW WATER (ALW) LEVEL (ELEV. (-)1.0) ARE BASED ON THE SURVEY PREPARED BY JOHN C. MAYER L.S. DATED MAY 6, 2022.

2. CONTRACTOR SHALL TRANSPORT AND INSTALL APPROXIMATELY :  
 - 105 CUBIC YARDS NOMINAL 2' SIZE STONE (1-1.5 TON MIX / LINEAR FT STONE)  
 - 220 CUBIC YARDS OF DREDGE SPOIL.

NOTE: ALL STONE SHALL BE FROM A LOCAL QUARRY.

## (WESTERN SHORELINE)

<i>MATERIAL</i>	<i>QUANTITY</i>
TOE ARMOR STONE	105 CUBIC YARDS
DREDGE SPOIL	220 CUBIC YARDS

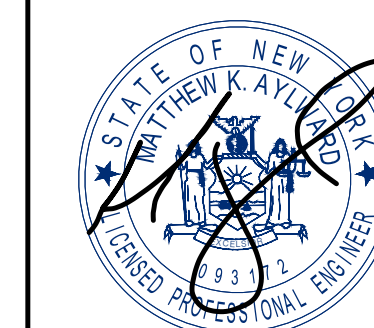


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**OWNER/APPLICANT:**  
FAIR HARBOR BECD  
401 MAIN STREET, ROOM 102  
ISLIP, NY 11751



Matthew K. Aylward, P.E.  
NY State License No. 093172

SITUATED IN  
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SUFFOLK COUNTY, NEW YORK

SCTM: DISTRICT XXXX, SECTION XXX, BLOCK XX, LOTS XXX



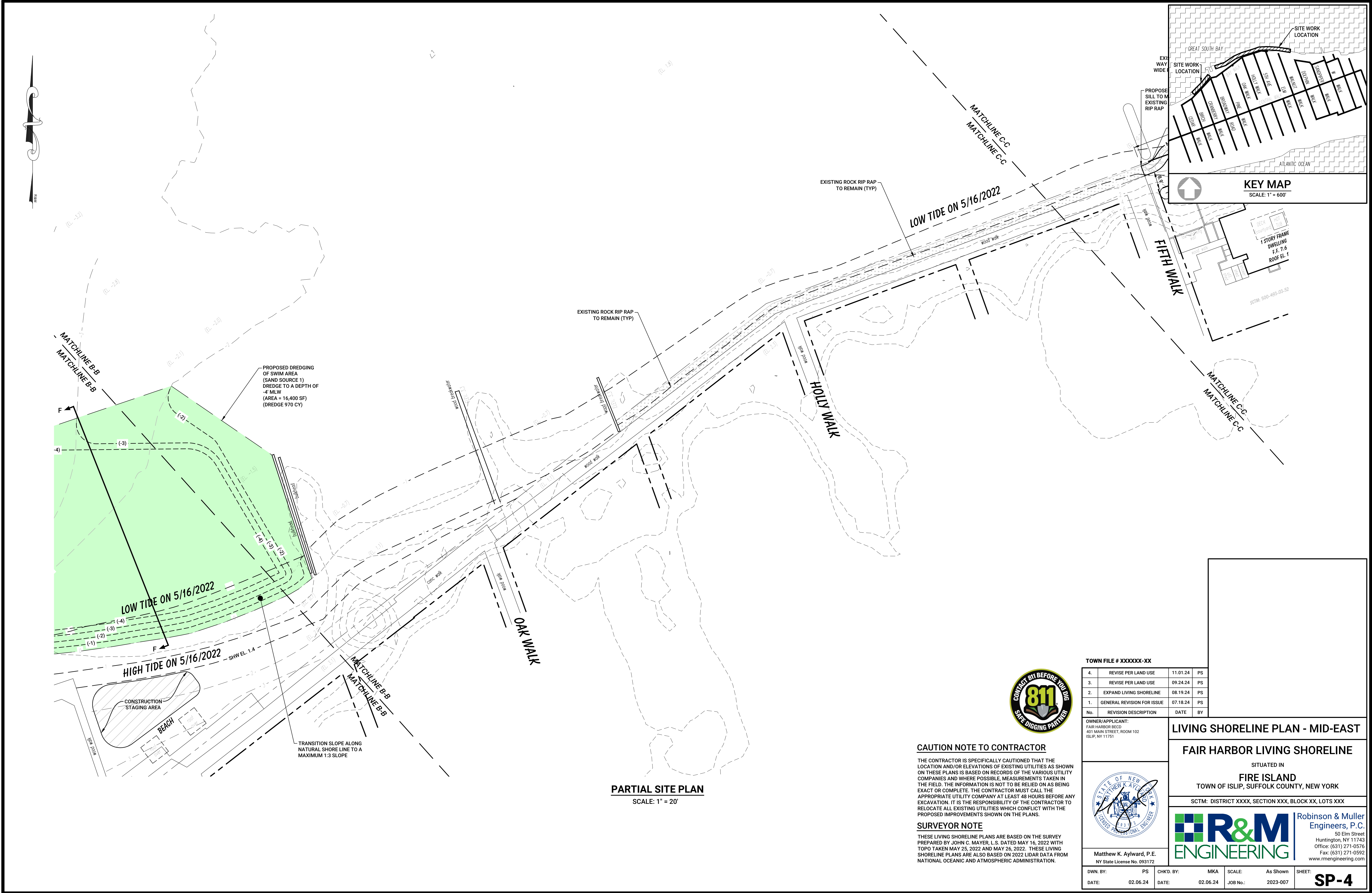
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DWN. BY:	PS	CHK'D. BY:	MKA	SCALE:	As Shown	SHEET: <b>SP-2</b>
DATE:	02.06.24	DATE:	02.06.24	JOB No.:	2023-007	







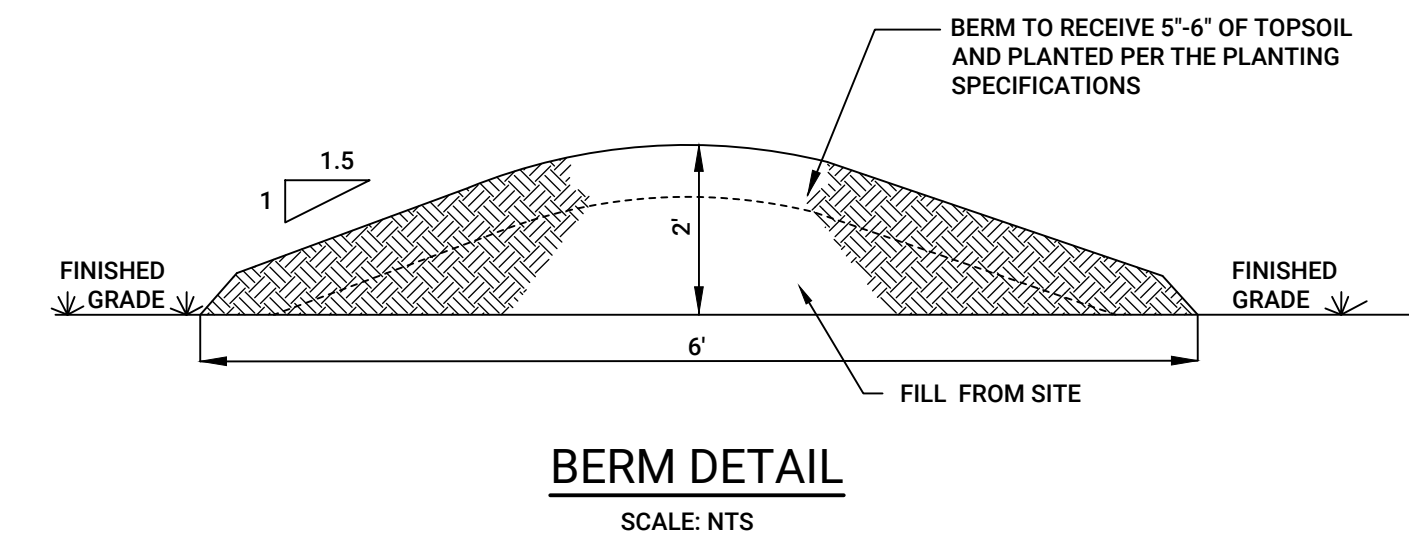
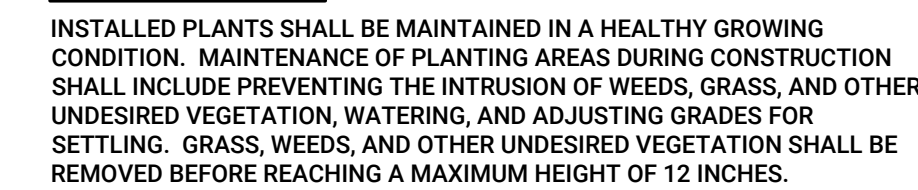


Drawing Name: FA-2023-00137-MBR-2024-11-01 - 2023-007 - Living Shoreline Plan (Rev. 4/16/2024) Last Modified: Nov 01, 2024 - 2:13pm Printed on: Nov 01, 2024 - 2:13pm by: gavin













CHK'D. BY:	MKA	SCALE:	As Shown	SHEET:	<b>SP-7</b>
DATE:	02.06.24	JOB No.:	2023-007		