

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM
Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: Alvi & Brenda Abuaf
2. Address: 401 E 84th Street, New York, NY 10028
3. Telephone: Area Code () 917-294-9400

B. PROPOSED ACTIVITY

1. Brief description of activity:

Proposed walkway and recreational dock facility.

Please refer to the attached Project Description.

2. Purpose of activity:

Proposed walkway and recreational dock facility for safe mooring and shoreline access.

3. Location of activity:

<u>Suffolk</u>	<u>Westhampton Beach</u>	<u>16 Fanning Drive</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: USACE
5. Federal application number, if known: USACE # NAN-2023-00763
6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:
NYSDEC # 1-4736-01702/00003

Abuaf – 16 Fanning Drive, Westhampton Beach

Project Description:

The Applicant is proposing a 4'x110' natural woodchip path; 4'x160' open grate catwalk (walkway) supported by 4"x4" posts and elevated 2' over grade. 4'x58' open grate catwalk (dock) supported by (14) 8" diameter piles and elevated 4' over MHW and Tidal Wetlands. A 3'x15 ramp (seasonal) is proposed leading to a 6' x 20' float (seasonal) supported by (4) 12" piles, and chocked 24" above grade. All timber will be non-chemically treated. Please refer to project plans for configuration proposed.

- C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

- | | | |
|--|----------|----------|
| 1. Will the proposed activity <u>result</u> in any of the following: | YES | NO |
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) | — | <u>x</u> |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) | — | <u>x</u> |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) | — | <u>x</u> |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) | — | <u>x</u> |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) | — | <u>x</u> |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) | — | <u>x</u> |
| g. Siting of a facility essential to the generation or transmission of energy? (27) | — | <u>x</u> |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) | — | <u>x</u> |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) | — | <u>x</u> |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) | — | <u>x</u> |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) | — | <u>x</u> |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) | — | <u>x</u> |
| 2. Will the proposed activity <u>affect</u> or be <u>located</u> in, on, or adjacent to any of the following: | YES | NO |
| a. State designated freshwater or tidal wetland? (44) | <u>x</u> | — |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,) | <u>x</u> | — |
| c. State designated significant fish and/or wildlife habitat? (7) | <u>x</u> | — |
| d. State designated significant scenic resource or area? (24) | — | <u>x</u> |
| e. State designated important agricultural lands? (26) | — | <u>x</u> |
| f. Beach, dune or barrier island? (12) | — | <u>x</u> |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) | — | <u>x</u> |
| h. State, county, or local park? (19, 20) | — | <u>x</u> |
| i. Historic resource listed on the National or State Register of Historic Places? (23) | — | <u>x</u> |
| 3. Will the proposed activity <u>require</u> any of the following: | YES | NO |
| a. Waterfront site? (2, 21, 22) | <u>x</u> | — |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) | — | <u>x</u> |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) | — | <u>x</u> |
| d. State water quality permit or certification? (30, 38, 40) | <u>x</u> | — |
| e. State air quality permit or certification? (41, 43) | — | <u>x</u> |
| 4. Will the proposed activity <u>occur within</u> and/or <u>affect</u> an area covered by a State approved local waterfront revitalization program? (see policies in local program document) | — | <u>x</u> |

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Dan Hall/Land Use Ecological Services, Inc.

Address: 570 Expressway Dr. South, Suite 2F, Medford, NY 11763

Telephone: Area Code (631) 727-2400

Applicant/Agent's Signature: _____ Date: November 29, 2023

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the New York State Department of State, Division of Coastal Resources, 41 State Street - 8th Floor, Albany, New York 12231.
 - a. Copy of original signed form.
 - b. Copy of the completed federal agency application.
 - c. Other available information which would support the certification of consistency.
2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.
3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

Abuaf - Response to Coastal Policies

POLICY #2: This project is the proposed construction of an open grate access walkway and a dock facility for water recreation access; this activity is considered a water dependent use. Thus this proposed project will comply with this policy.

POLICY #7: The State designated Significant Fish and Wildlife Habitat of Moneybogue Bay will be protected during construction of the proposed activities. The walkway and dock location and design have been designed to minimize any potential disturbance.

POLICY #11: No buildings are proposed for this project and no human lives will be endangered and therefore this project will comply with this policy.

POLICY #12: No flooding and/or erosion will occur as a result the proposed activities or during the construction phase of same.

POLICY #17: The project involves construction of an open grate walkway and recreational dock, and any natural resources will be protected during times of construction and any seasonal installation/removal. Therefore the project will comply with this policy.

POLICY #21: This proposed project is considered a water dependent use and will encourage water related activities at this site, thus this project will comply with this policy.

POLICY #22: This project will provide for access to water related recreation, as water related recreation is the primary purposes for this development, and as such this project will comply with this policy.

POLICY #30: This policy is not applicable as there is no discharge of any kind proposed.

POLICY #38: The quality and quantity of surface water and ground water supplies will not be affected by this proposed project. Only during construction activities might the quality of surface water be temporarily adversely affected by siltation and disturbance associated with construction activities.

POLICY #40: This policy does not apply to this project.

POLICY #44: This project will be undertaken in such a manner so as to protect and preserve the tidal wetlands and the benefits derived from these areas whenever and wherever possible. Only during construction activities might the proposed project have any potential temporary negative effects on any adjacent tidal wetlands.



September 18, 2023

Regulatory Branch, Eastern Section
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, NY 10278

Re: Application for Permit
Renewal of Permit NAN-2020-00435-EVI
Abuaf – Westhampton Beach, NY

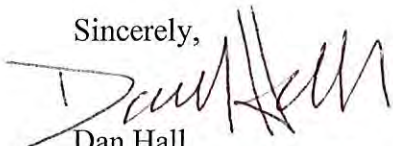
Dear Sir/Madam:

Enclosed please find an application package to renew permit NAN-2020-00435-EVI for the above referenced project, which includes the following items:

- 1.) Copy of permit NAN-2020-00435-EVI (expired 8-6-2023)
- 2.) Environmental Questionnaire
- 3.) Joint Application for Permit
- 4.) Short Environmental Assessment Form
- 5.) (1) Copy of Plans (8.5"x11")
- 6.) (1) Survey.
- 5.) Copy of the NYSDOS Concurrence with Consistency Certification.
- 7.) Photographs
- 8.) Location Map
- 9.) Authorization Letter

Should there be any questions or if additional information is required, please don't hesitate to contact our office.

DH
Enc.
Email Only

Sincerely,

Dan Hall
Land Use Ecological Services, Inc.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

August 6, 2020

SUBJECT: Department of the Army Permit Number NAN-2020-00435-EVI
by Alvi and Brenda Abuaf for Installation of Fixed Pier and Dock Structures

Alvi and Brenda Abuaf
401 E 84th Street PHC
New York, New York 10028

Dear Mr. Abuaf:

We have completed our review of Application Number NAN-2020-00435-EVI.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

ACTIVITY: Install a four-foot-wide by 160-foot-long section of a fixed pier leading to a four-foot-wide by 58-foot-long section of a fixed pier leading to a three-foot-wide by 15-foot-long seasonal ramp and a six-foot-wide by 20-foot-long seasonal float supported by four (4) 12-inch diameter pilings.

The fixed pier will be a minimum of four feet above tidal vegetative grade as measured from the bottom of the stringers and will extend approximately 74-linear feet from the plane of Mean Low Water into the waterway.

The purpose of this project is to provide safe recreation access to the waterway.

WATERWAY: Moneybogue Bay, a tributary of Quantuck Bay

LOCATION: 16 Fanning Drive, Westhampton Beach, Town of Southampton, Suffolk County, New York

The activity authorized herein must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity.

This authorization is conditional on the permittee's receipt of the required coastal zone management concurrence or waiver from the New York State

SUBJECT: Department of the Army Permit Number NAN-2020-00435-EVI
by Alvi and Brenda Abuaf for Installation of Fixed Pier and Dock Structures

- 2 -

Department of State (NYSDOS). No work may be accomplished until required approval from the NYSDOS has been obtained.

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Stephan A. Ryba
Chief, Regulatory Branch
New York District Corps of Engineers
26 Federal Plaza, Room 16-406
New York, New York 10278-0090

In order for a RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by **October 5, 2020**. It is not necessary to submit a RFA form to the District Office if you do not object to the permit decision in this letter.

The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins. All work shall be done in accordance with the attached plans, subject to Special Conditions A and B, which are hereby made part of this permit.

Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

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>.

REGULATROY BRANCH

August 6, 2020

SUBJECT: Department of the Army Permit Number NAN-2020-00435-EVI
by Alvi and Brenda Abuaf for Installation of Fixed Pier and Dock Structures

- 3 -

If any questions should arise concerning this matter, please contact Robert T. Vietri, of my staff, at (917) 790-8379.

Sincerely,



Digitally signed by
PINZON. RONALD.R.1252323453
Date: 2020.08.06 16:56:20 -04'00'

FOR AND IN BEHALF OF
Matthew W. Luzzatto
Colonel, U.S. Army
Commander and District Engineer

Enclosures

PERMIT CONDITIONS:

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

- A. **The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.**

- B. The permittee shall utilize best management practices to minimize turbidity during all in-water work activities as well as prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.**

Further Information:

1. Limits of authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

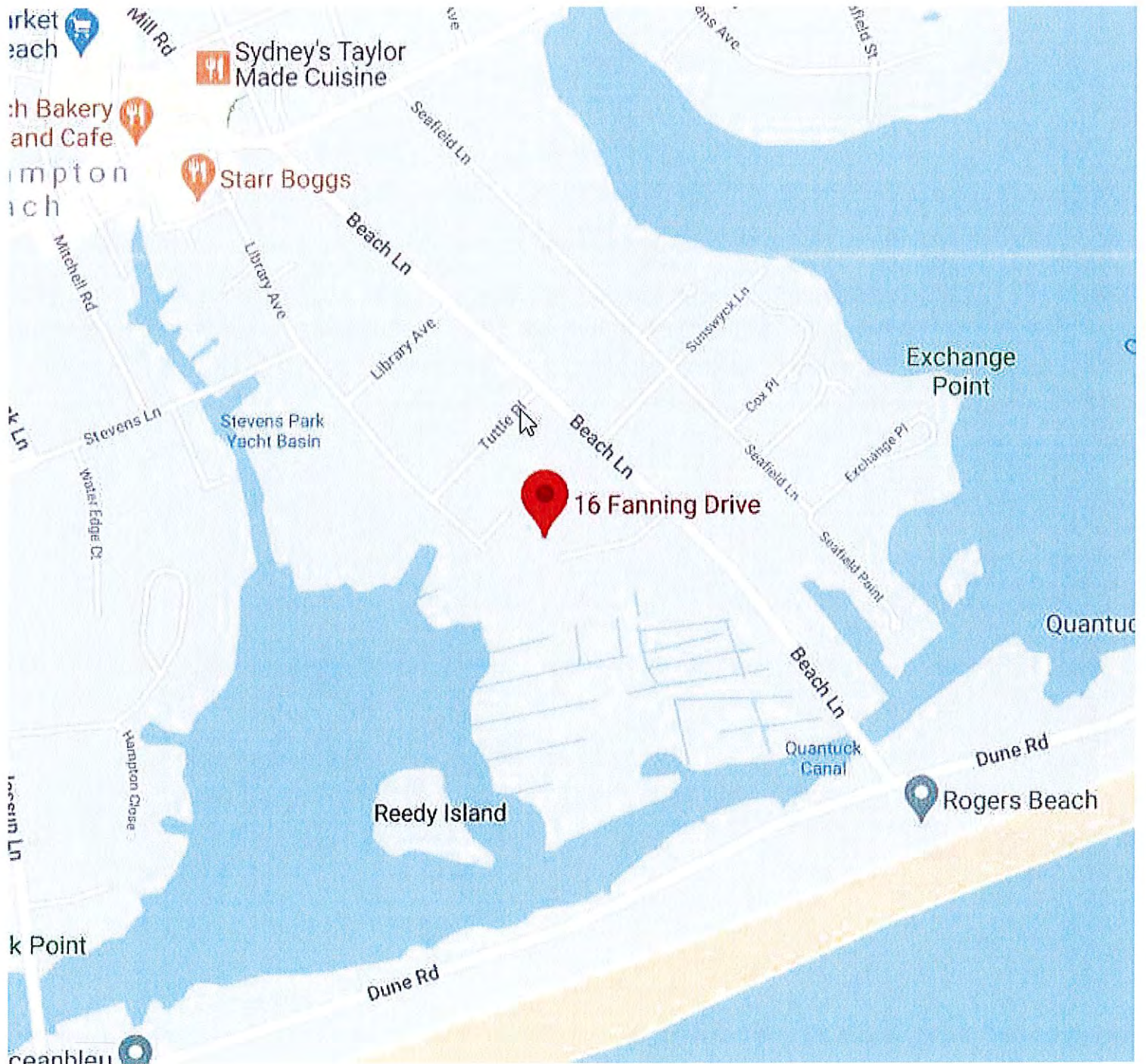
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

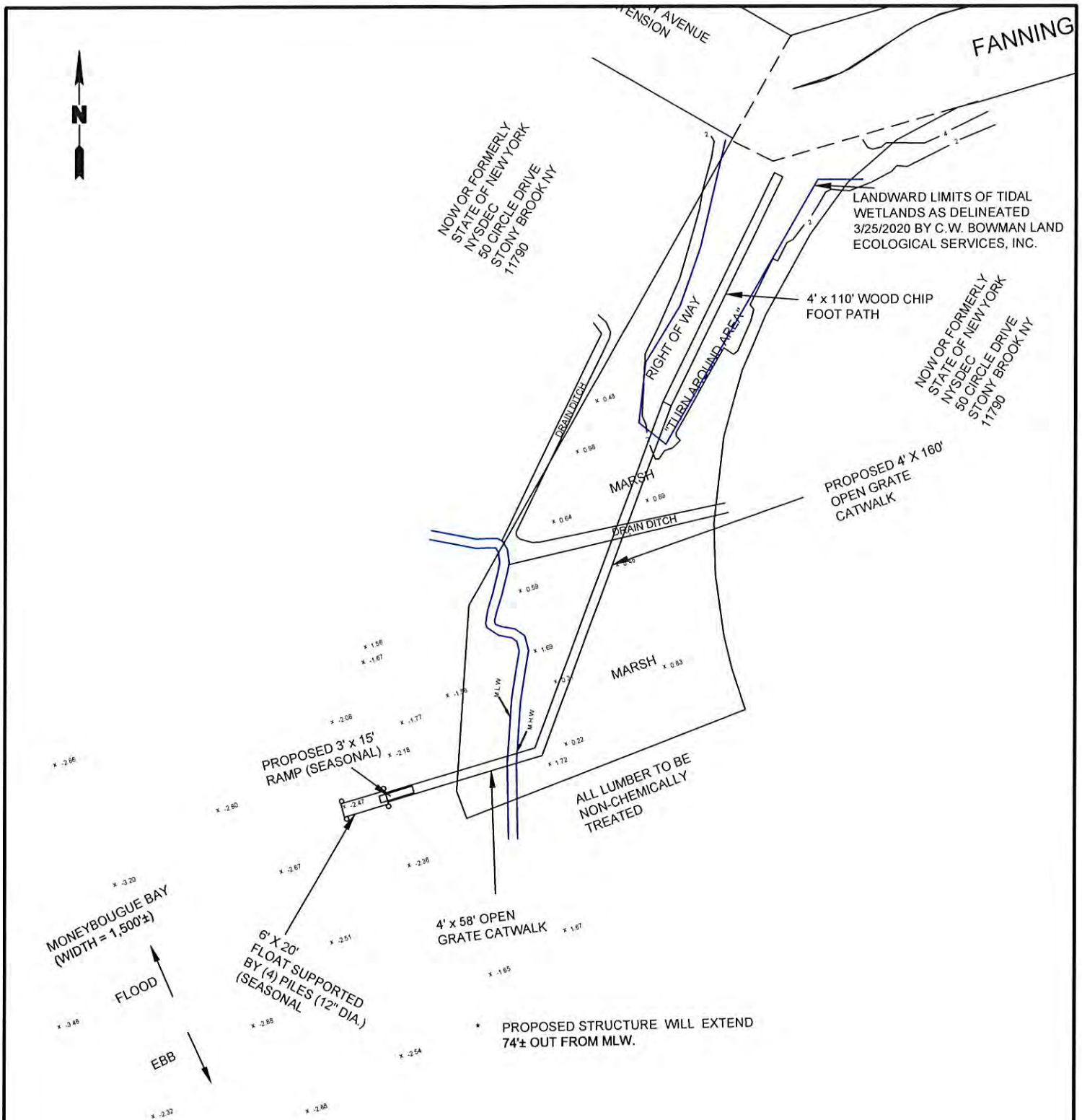
4. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of the permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

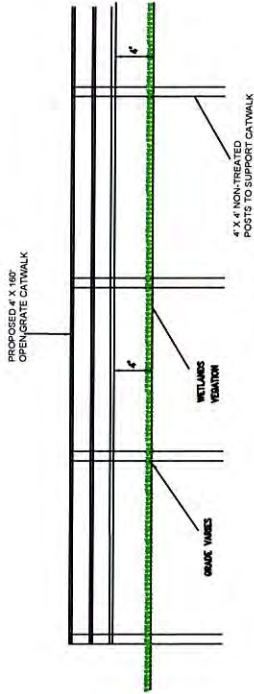




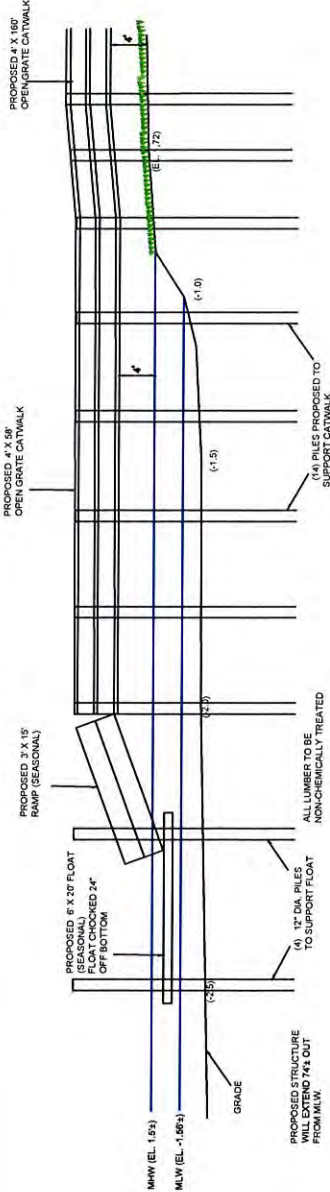
NOTES:

THIS PLAN IS REFERENCED TO THE SURVEY PREPARED BY FOX LANDSURVERING DATED 1/3/20.

<p>PREPARED FOR: ABUAF</p> <p>AT: 16 FANNING DRIVE WESTHAMPTON BEACH, NY</p>	<p>TITLE: SITE PLAN</p>		
<p>LAND USE ECOLOGICAL SERVICES, INC</p> <p>570 EXPRESSWAY DRIVE SOUTH, SUITE 2F</p> <p>Manhasset Neck, New York 11763 (631) 727-2400</p> <p>August 6, 2020</p>	<p>Compiled by: C.B.</p>	<p>Date: 3/23/20</p>	<p>SUFFOLK COUNTY TAX MAP#:</p>
	<p>Prepared by: A.V.</p>	<p>Scale: AS SHOWN</p>	<p>905-15-2-7</p>
	<p>Project Mgr: C.B.</p> <p>Rev: - 5/12/20</p>	<p>File: 16 FANNING DRIVE</p>	<p>DRAWING NO. 2 of 3</p>



SECTION VIEW (CATWALK OVER MARSH (TYP))
SCALE: 1" = 20'



SECTION VIEW

SCALE: 1" = 20'

PREPARED FOR:

ABUAF

16 FANNING DRIVE
WESTHAMPTON BEACH, NY

AT:

SECTION VIEW

LAND USE ECOLOGICAL SERVICES, INC
570 EXPRESSWAY DRIVE SOUTH, SUITE 2F
Medford, New York 11763 (631) 727-2400

Compiled by: C.B. Date: 3/23/20

Prepared by: A.V. Scale: AS SHOWN

Project Mgr: C.B. File: 16 FANNING DRIVE

Rev: 5/12/20

SCTM#

905-15-2-7

DRAWING NO.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Regulatory Branch at the above address prior to commencement of any work authorized under the permit.

Permittee: Alvi and Brenda Abuaf Permit No. NAN-2020-00435-EVI

Date Permit Issued: August 6, 2020 Expiration Date: August 6, 2023

Waterway: Moneybogue Bay, a tributary of Quantuck Bay

Project Location: 16 Fanning Drive, Westhampton Beach, Town of Southampton, Suffolk County, New York

Work will commence on or about: _____

Name, Address & Telephone Number of Contractor:

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp
Here

USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Regulatory Branch at the above address following completion or cancellation of work authorized under the permit.

Permittee: Alvi and Brenda Abuaf Permit No. NAN-2020-00435-EVI

Date Permit Issued: August 6, 2020 Expiration Date: August 6, 2023

Waterway: Moneybogue Bay, a tributary of Quantuck Bay

Project Location: 16 Fanning Drive, Westhampton Beach, Town of Southampton, Suffolk County, New York

Check and complete applicable item(s) listed below:

- ☐ Work was completed on _____
- ☐ Work will not be performed on the project.
- ☐ Deviation from work authorized in permit is explained below.
- ☐ Other (explain) _____

- ☐ For dredging projects, list the volume of material dredged, and the amount placed at each disposal location (if more than one).
- _____ cubic yards placed at _____
- _____ cubic yards placed at _____
- _____ cubic yards placed at _____

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp
Here

USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Alvi and Brenda Abuaf	File Number: NAN-2020-00435-EVI	Date: August 6, 2020
Attached is:		See Section below
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Stephan A. Ryba
Chief, Regulatory Branch (CENAN-OP-R)
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278

If you only have questions regarding the appeal process you may also contact:

James W. Haggerty, Regulatory Program Manager
North Atlantic Division, U.S. Army Engineer Division
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, NY 11252-6700
Telephone number: (347) 786-1434

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:

>NYS Department of Environmental Conservation ☒ Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:

☐ Stream Disturbance

☐ Excavation and Fill in
Navigable Waters

☒ Docks, Moorings or
Platforms

☐ Dams and Impound-
ment Structures

☐ 401 Water Quality
Certification

☐ Freshwater Wetlands

☒ Tidal Wetlands

☐ Wild, Scenic and
Recreational Rivers

☐ Coastal Erosion
Management

☐ Water Withdrawal

☐ Long Island Well

☐ Incidental Take of
Endangered /
Threatened Species

>US Army Corps of Engineers

☒ Check here to confirm you sent this form to USACE.

Check all permits that apply: ☐ Section 404 Clean Water Act

☐ Section 10 Rivers and Harbors Act

Is the project Federally funded? ☐ Yes ☒ No

If yes, name of Federal Agency:

General Permit Type(s), if known:

Preconstruction Notification:

☐ Yes ☐ No

>NYS Office of General Services

☐ Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:

☐ State Owned Lands Under Water

☐ Utility Easement (pipelines, conduits, cables, etc.)

☐ Docks, Moorings or Platforms

>NYS Department of State

☒ Check here to confirm you sent this form to NYSDOS.

Check if this applies: ☒ Coastal Consistency Concurrence

2. Name of Applicant

Alvi and Brenda Abuaf

Taxpayer ID (if applicant is NOT an individual)

Mailing Address

401 E. 84th Street PHC

Post Office / City

New York

State Zip

NY

10028

Telephone 917-294-9400

Email alviabuaf@gmail.com

Applicant Must be (check all that apply): ☒ Owner ☐ Operator ☐ Lessee

3. Name of Property Owner (if different than Applicant)

Same As Applicant

Mailing Address

Post Office / City

State Zip

Telephone

Email

For Agency Use Only

Agency Application Number:

Abuaf – 16 Fanning Drive, Westhampton Beach

Project Description:

The Applicant is proposing a 4'x110' natural woodchip path; 4'x160' open grate catwalk (walkway) supported by 4"x4" posts and elevated 2' over grade. 4'x58' open grate catwalk (dock) supported by (14) 8" diameter piles and elevated 4' over MHW and Tidal Wetlands. A 3'x15 ramp (seasonal) is proposed leading to a 6' x 20' float (seasonal) supported by (4) 12" piles, and chocked 24" above grade. All timber will be non-chemically treated. Please refer to project plans for configuration proposed.

4. Name of Contact / Agent

Dan Hall / Land Use Ecological Services, Inc.

Mailing Address

570 Expressway Drive South, Suite 2F

Post Office / City

Medford

State Zip

NY

11763

Telephone 631-727-2400

Email dhall@landuse.us

5. Project / Facility Name

Abuaf - Westhampton Beach

Property Tax Map Section / Block / Lot Number:

905-15-2-7

Project Street Address, if applicable

16 Fanning Drive

Post Office / City

Westhampton Beach

State Zip

NY

11978

Provide directions and distances to roads, intersections, bridges and bodies of water

Please see location map.

☐ Town ☒ Village ☐ City

County

Stream/Waterbody Name

Westhampton Beach

Suffolk

Moneybogue Bay

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: 40 ° 48 ' 09.60 N " Longitude: 72 ° 38 ' 08.53 W "

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

Shoreline access and safe recreational mooring.

b. Description of current site conditions:

Existing residence, driveway, pool, walkways, decks, patios, cleared and landscaped areas.

c. Proposed site changes:

proposed open grate walkway and dock facility.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

Proposed 4'x110' natural wood chip path, 4'x160' open grate catwalk (walkway) supported by 4"x4" posts. 4'x58' open grate catwalk (dock) supported by (14) 8" diameter piles and elevated 4' over TWL & MHW. A 3'x15 ramp (seasonal) is proposed leading to a 6' x 20' float (seasonal) supported by (4) 12" piles, and chocked 24" above grade. All timber will be non-chemically treated. Please refer to project plans for configuration

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

None proposed.

f. Is tree cutting or clearing proposed? ☐ Yes If Yes, explain below. ☒ No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut:

Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

Open grate walkway to be installed by hand, dock to be installed via barge during higher tides via small crane or excavator.

h. Describe the planned sequence of activities:

Measures for protection of the wetlands to be implemented first. Posts for walkway and piles for dock installed prior to decking in sections at a time to limit and reduce any potential for possible negative impacts.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

Best management practices will be utilized, all equipment and materials will be stored in upland areas or on a barge.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

Piles will be hammered or vibrated in, no jetting will occur.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

No alternatives have been considered that would meet the goals of this project. Project has been designed to minimize any potential for possible minimal impacts to the wetlands areas.

l. Proposed use: ☒ Private ☐ Public ☐ Commercial

m. Proposed Start Date: ASAP Estimated Completion Date: ASAP

n. Has work begun on project? ☐ Yes If Yes, explain below. ☒ No

o. Will project occupy Federal, State, or Municipal Land? ☒ Yes If Yes, explain below. ☐ No

Underwater lands of the State of New York and Town of Southampton.

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

USACE # NAN-2020-00435-EVI (expired 8-6-2023)
NYS DOS F-2020-0303
NYS DEC # 1-4736-01702/00003 (Pending)

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

☒ Yes If Yes, list below. ☐ No

NYS DEC, USACE, NYSDOS, and Town of Southampton Trustees

7. Signatures.

Applicant and Owner (If different) must sign the application.

Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant

Date



9/8/23

Applicant Must be (check all that apply): ☒ Owner ☐ Operator ☐ Lessee

Printed Name

Title

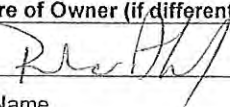
Acir ABUAF

Owner

Signature of Owner (if different than Applicant)

SAME

Date



9/8/23

Printed Name

Title

BRENDA ABUAF

Signature of Contact / Agent

Date



9/10/2023

Printed Name

Title

DanHall / Land use Ecological Services, Inc.

Agent

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date

ENVIRONMENTAL QUESTIONNAIRE

This is intended to supplement ENG Form 4345, Application for Department of the Army Permit, or the Joint Application for Permit used in the State of New York. Please provide complete answers to all questions below which are relevant to your project. Any answers may be continued on separate sheet(s) of paper to be attached to this form.

PRIVACY ACT STATEMENT

The purpose of this form is to provide the Corps of Engineers with basic information regarding your project. This information will be used to facilitate evaluation of your permit application and for public dissemination as required by regulation. Failure to provide complete information may result in your application being declared incomplete for processing, thereby delaying processing of your application.

GENERAL--APPLICABLE TO ALL PROJECTS

1. Explain the need for, and purpose of, the proposed work.

Shoreline access and safe recreational mooring.

2. Provide the names and addresses of property owners adjacent to your work site (if not shown on the application form or project drawings).

NW & SE : State of New York, NYSDEC, 50 Circle Drive, Stony Brook, NY 11790.

(Please note that depending upon the nature and extent of your project, you may be requested to provide the names and addresses of additional property owners proximate to your project site to ensure proper coordination.)

3. Photographs of the project site should be submitted. For projects in tidal areas, photographs of the waterway vicinity should be taken at low tide. Using a separate copy of your plan view, indicate the location and direction of each photograph as well as the date and time at which the photograph was taken. Provide a sufficient number of photographs so as to provide a clear understanding of conditions on and proximate to your project site. Photographs are attached.

4. Provide a copy of any environmental impact statement, or any other environmental report which was prepared for your project. None prepared.

5. Provide a thorough discussion of alternatives to your proposal. This discussion should include, but not necessarily be limited to, the "no action" alternative and alternative(s) resulting in less disturbance to waters of the United States. For filling projects in waters of the United States, including wetlands, your alternatives discussion should demonstrate that there are no practicable alternatives to your proposed filling and that your project meets with current mitigation policy (i.e. avoidance, minimization and compensation).

No alternatives have been considered that would meet the goals for this project. Project is designed to minimize any potential disturbance to the wetlands areas.

DREDGING PROJECTS N/A

Answer the following if your project involves dredging.

1. Indicate the estimated volume of material to be dredged and the depth (below mean low water) to which dredging would occur. Would there be overdepth dredging?

N/A

2. You can apply for a ten-year permit for maintenance dredging. If you wish to apply for a ten-year permit, please provide the number of additional dredging events during the ten-year life of the permit and the amount of material to be removed during future events.

N/A

3. Indicate of your drawings the dewatering area (if applicable) and disposal site for the dredged material (except landfill sites). Submit a sufficient number of photographs of the dewatering and disposal sites as applicable so as to provide a clear indication of existing conditions. For ten-year maintenance dredging permits, indicate the dewatering/disposal sites for future dredging events, if known.

N/A

4. Describe the method of dredging (i.e. clamshell, dragline, etc.) and the expected duration of dredging.

5. Indicate the physical nature of the material to be dredged (i.e. sand, silt, clay, etc.) and provide estimated percentages of the various constituents if available. For beach nourishment projects, grain size analysis data is required.

N/A

6. Describe the method of dredged material containment (i.e. hay bales, embankment, bulkhead, etc.) and whether return flow from the dewatering/disposal site would reenter any waterway. Also indicate if there would be any barge overflow.

N/A

MOORING FACILITIES

Answer the following if your project includes the construction or rehabilitation of recreational mooring facilities.

1. It is generally recommended that any fixed piers and walk ramps be limited to four feet in width, and that floats be limited to eight feet in width and rest at least two feet above the waterway bottom at mean low water. Terminal floats at private, non-commercial facilities should be limited to 20 feet in length. If you do not believe your proposal can meet with these recommendations, please provide the reason(s).

The proposed activities will adhere to these recommendations

2. Using your plan view, show to scale the location(s), position(s) and size(s) (including length, beam and draft) of vessel(s) to be moored at the proposed facility, including those of transient vessel(s) if known. unknown at this time.

3. For commercial mooring sites such as marinas, indicate the capacity of the facility and indicate on the plan view the location(s) of any proposed fueling and/or sewage pumpout facilities. If pumpout facilities are not planned, please discuss the rationale below and indicate the distance to the nearest available pumpout station.

This is a residential site and no fueling or pumpout facilities are proposed.

4. Indicate on your plan view the distance to adjacent marine structures, if any are proximate and show the locations and dimensions of such structures.

Similar structures exist throughout Moneybogue Bay, none exist immediately adjacent to the project site.

5. Discuss the need for wave protection at the proposed facility. Please be advised that if a permit is issued, you would be required to recognize that the mooring facility may be subject to wave action from wakes of passing vessels, whose operations would not be required to be modified. Issuance of a permit would not relieve you of ensuring the integrity of the authorized structure(s) and the United States would not be held responsible for damages to the structure(s) and vessel(s) moored thereto from wakes from passing vessels.

The activities proposed have been designed to withstand any tidal and/or wave action which might be generated in the vicinity of the project site.

BULKHEADING/BANK STABILIZATION/FILLING ACTIVITIES N/A

Answer the following if your project includes construction of bulkheading (also retaining walls and seawalls) with backfill, filling of waters/wetlands, or any other bank stabilization fills such as riprap, revetments, gabions, etc.

1. Indicate the total volume of fill (including backfill behind a structure such as a bulkhead) as well as the volume of fill to be placed into waters of the United States. The amount of fill in waters of the United States can be determined by calculating the amount of fill to be placed below the plane of spring high tide in tidal areas and below ordinary high water in non-tidal areas.

N/A

2. Indicate the source(s) and type(s) of fill material.

N/A

3. Indicate the method of fill placement (i.e. by hand, bulldozer, crane, etc.). Would any temporary fills be required in waterways or wetlands to provide access for construction equipment? If so, please indicate the area of such waters and/or wetlands to be filled, and show on the plan and sectional views.

N/A

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

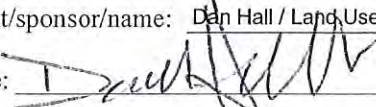
Part 1 – Project and Sponsor Information			
Abuaf - 16 Fanning Drive, Westhampton Beach, NY 11978			
Name of Action or Project: Abuaf - Westhampton Beach			
Project Location (describe, and attach a location map): 16 Fanning Drive, Westhampton Beach, NY 11978			
Brief Description of Proposed Action: Proposed Walkway and Dock. Please see project description.			
Name of Applicant or Sponsor: Alvi & Brenda Abuaf		Telephone: 917-294-9400 E-Mail: alviabuaf@gmail.com	
Address: 401 E 84th Street PHC			
City/PO: New York		State: NY	Zip Code: 10028
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDEC, USACE, NYSDOS, Southampton Trustees			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.05 +/- acres	
b. Total acreage to be physically disturbed?		<.15+/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.05+/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

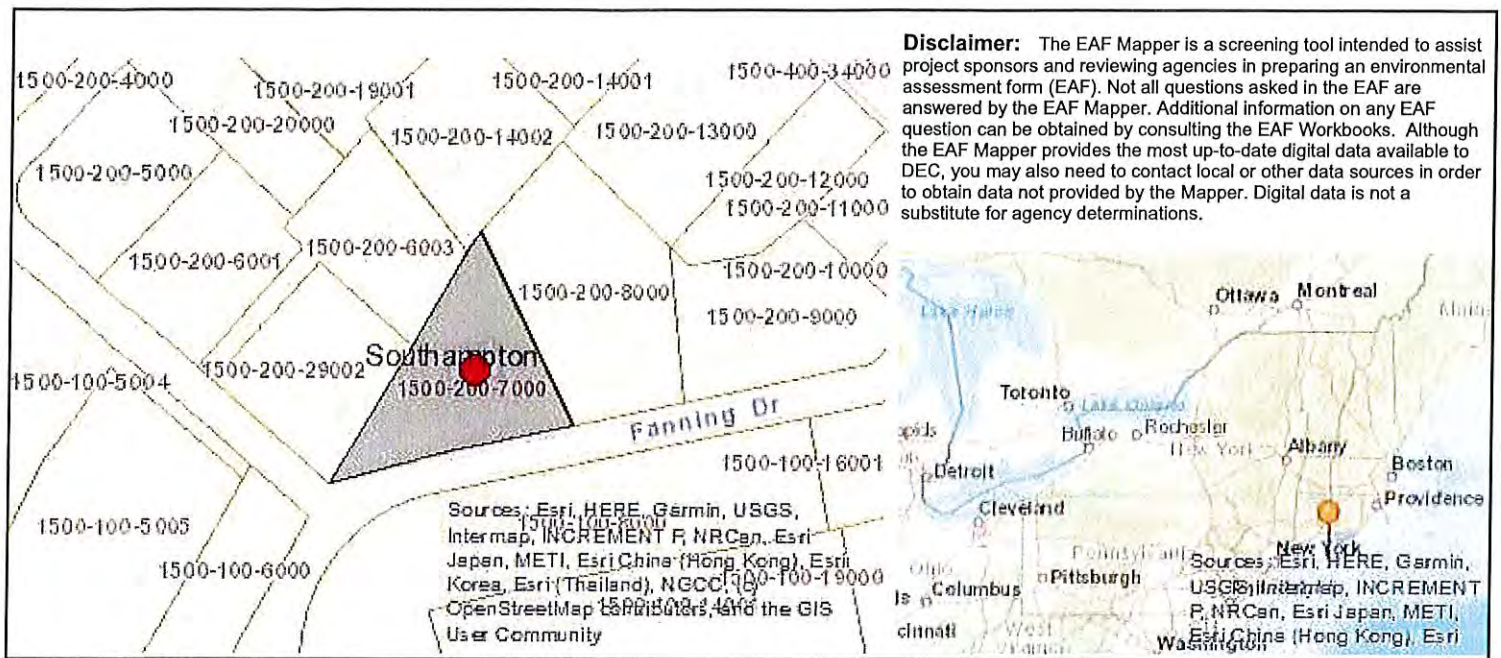
Abuaf – 16 Fanning Drive, Westhampton Beach

Project Description:

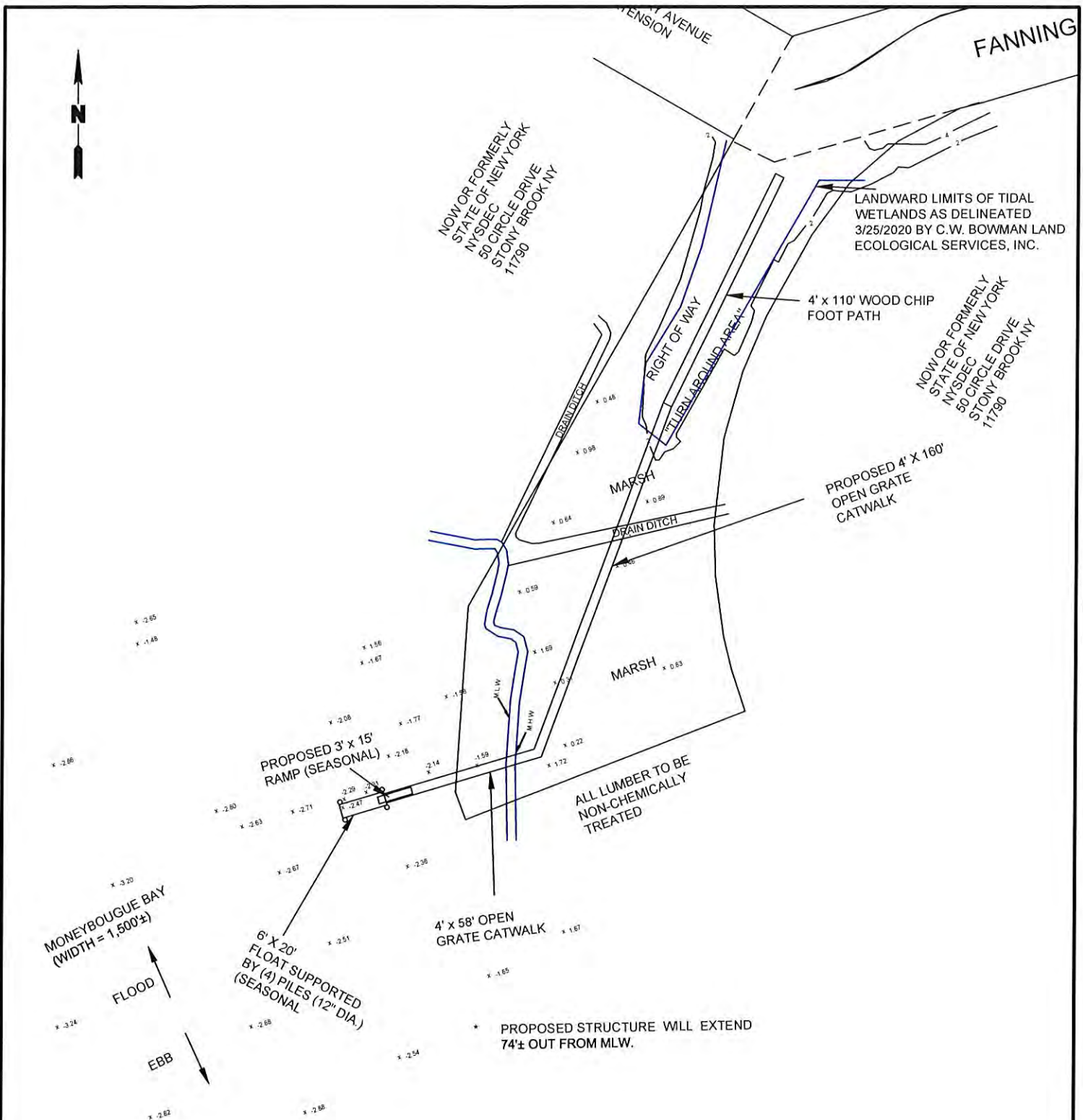
The Applicant is proposing a 4'x110' natural woodchip path; 4'x160' open grate catwalk (walkway) supported by 4"x4" posts and elevated 2' over grade. 4'x58' open grate catwalk (dock) supported by (14) 8" diameter piles and elevated 4' over MHW and Tidal Wetlands. A 3'x15 ramp (seasonal) is proposed leading to a 6' x 20' float (seasonal) supported by (4) 12" piles, and chocked 24" above grade. All timber will be non-chemically treated. Please refer to project plans for configuration proposed.

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
Where applicable this project will meet or exceed state energy code requirements.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____			
If applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____			
Pumpout facilities exist at existing marinas in the vicinity of the project site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
Walkway / dock facility. Please see project description.			

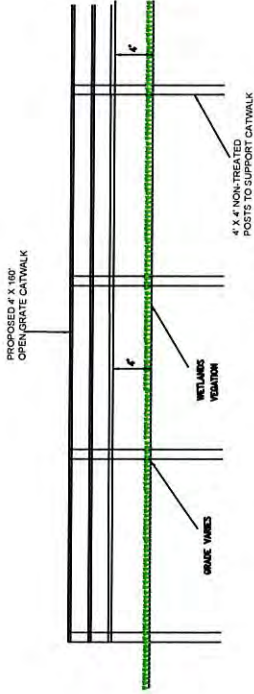
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Piping Plover, Least Tern	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ N/A to the activities proposed.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Dan Hall / Land Use Ecological Services, Inc.</u> Date: <u>9/7/23</u> Signature: <u></u> Title: <u>Agent</u>		



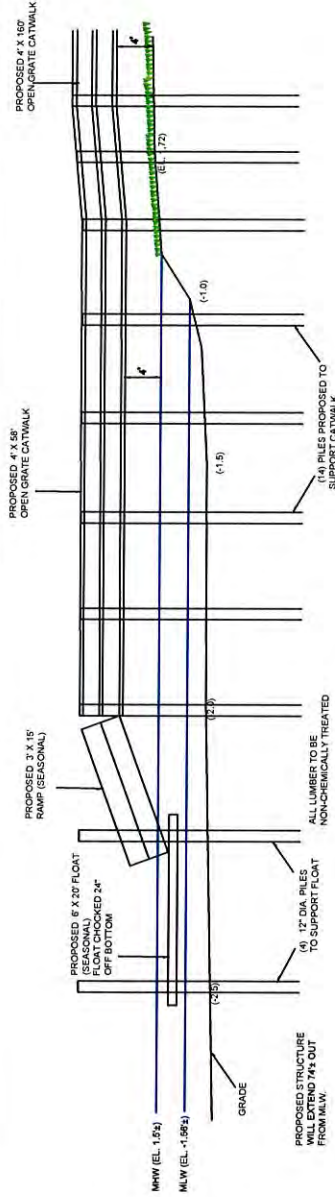
Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Piping Plover, Least Tern
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



<p>PREPARED FOR:</p> <p>ABUAF</p> <p>AT:</p> <p>16 FANNING DRIVE WESTHAMPTON BEACH, NY</p>	<p>TITLE:</p> <p>SITE PLAN</p>		
<p>LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400</p>	<p>Compiled by: C.B.</p>	<p>Date: 3/23/20</p>	<p>SUFFOLK COUNTY TAX MAP#:</p>
	<p>Prepared by: A.V.</p>	<p>Scale: AS SHOWN</p>	<p>905-15-2-7</p>
	<p>Project Mgr: C.B.</p>	<p>File: 16 FANNING DRIVE</p>	<p>DRAWING NO. 2 OF 2</p>
	<p>Rev: - 5/12/20, 6/29/20</p>		



SECTION VIEW (CATWALK OVER MARSH (TYP))
SCALE: 1" = 20'



SECTION VIEW

SCALE: 1" = 20'

PREPARED FOR:

ABUAF

AT:

16 FANNING DRIVE
WESTHAMPTON BEACH, NY

SECTION VIEW

LAND USE ECOLOGICAL SERVICES, INC
570 EXPRESSWAY DRIVE SOUTH, SUITE 2F
Medford, New York 11763 (631) 727-2400

Compiled by: C.B. Date: 3/23/20

SCTM#

Prepared by: A.V. Scale: AS SHOWN

905-15-2-7

Project Mgr: C.B. File: 16 FANNING DRIVE

Rev: 5/12/20

DRAWING NO.

2 OF 2

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

February 11, 2021

Dan Hall
Land Use Ecological Services, Inc.
570 Expressway Drive South, Suite 2F
Medford, NY 11763

Re: F-2020-0303
U.S. Army Corps of Engineers/ New York District
Permit Application NAN-2020-00435-EVI
NYS DEC Region 1 Application #-4736-01702
Installation of a 4'x110' woodchip path in Right of
Way; a 4'x160' open grate catwalk supported by
4"x4" posts and elevated 2' over grade; a 4'x58' open
great catwalk supported by (14) 8" diameter piles,
elevated 4' over MHW; and a 3'x15' seasonal ramp
and a 6'x20' seasonal float supported by (4) 12" piles,
chocked off 24" above grade.
16 Fanning Drive, Town of Southampton, Suffolk
County, Moneybogue Bay
**Concurrence with Consistency Certification –
Proposal Modified**

Dear Mr. Hall:

The Department of State received your modified proposal for the above referenced proposal. The modified proposal involves installing the open grate catwalks at an elevation of 4' over grade where tidal wetlands vegetation is present.

Pursuant to 15 CFR § 930.62, and based upon the project information submitted, the Department of State concurs with your consistency certification for the modified activity. This concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes. Specifically, it appears that you may require authorization from the New York State Department of Environmental Conservation (DEC). Please contact the DEC Region 1 office to determine if their authorization is required. If any changes are required from DEC, please inform DOS so it can be determined if the modification needs to be reviewed further.

When communicating with us regarding this matter, please contact Hannah Willey at hannah.willey@dos.ny.gov or (518) 474-2813 and refer to our file #F-2020-0303.

Sincerely,



Gregory L. Capobianco
Office of Planning, Development and
Community Infrastructure

GLC/MM/HW

cc: COE/ New York District – Robert Viertri (NAN-2020-00435-EVI)
DEC Region 1 – Danielle Stango-Torre (1-4736-010702/00003)
Applicant – Alvi and Brenda Abuaf



**Department
of State**

Abuaf – 16 Fanning Drive, Westhampton Beach

(3-25-2020)

Looking southwest at project site from terminus area of Fanning Drive.



Project site looking south at project site towards Bay.



Abuaf – 16 Fanning Drive, Westhampton Beach (3-25-2020)

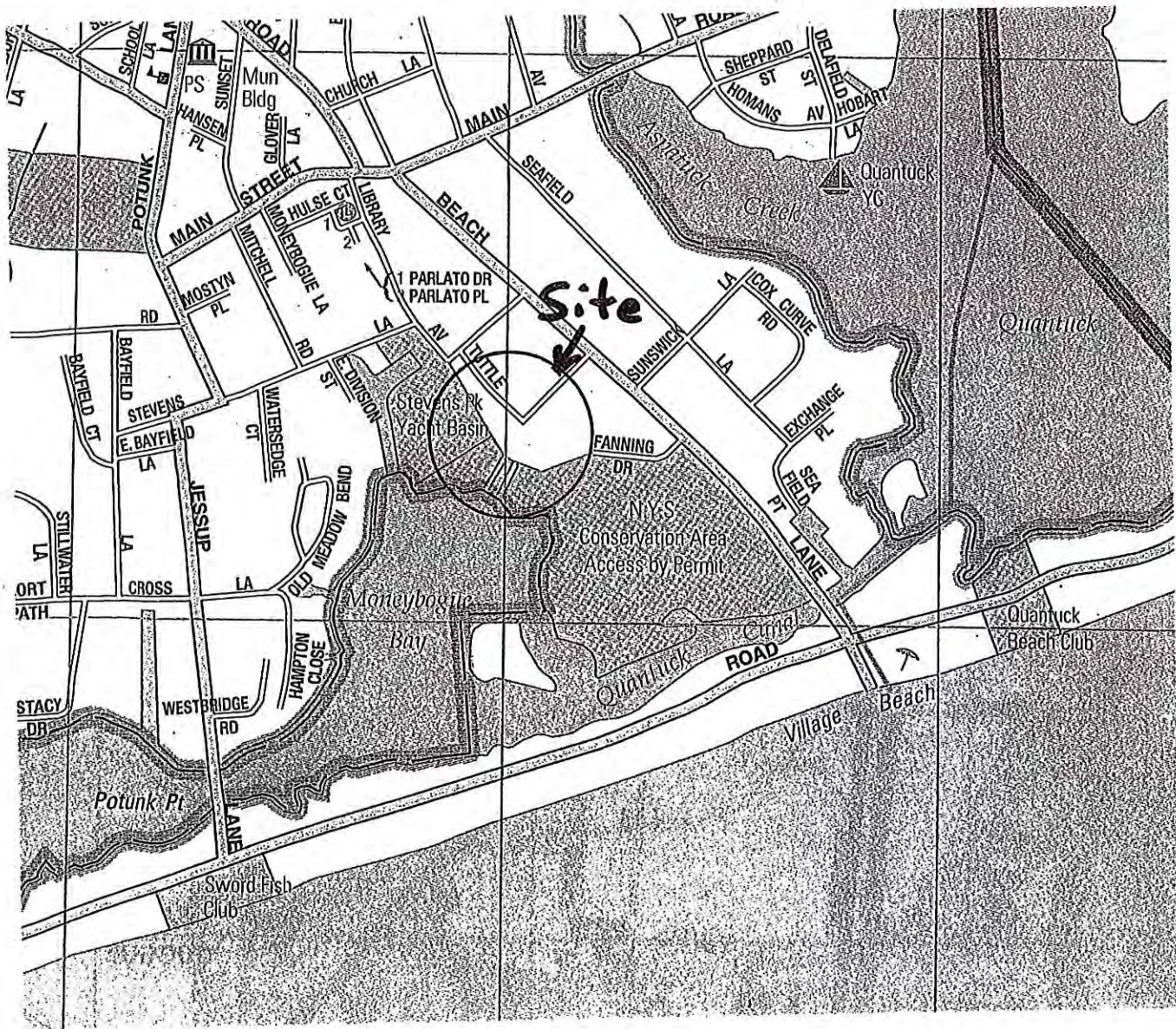
Looking
southwest
at area of
proposed
dock at
site.



Looking
northeast
towards
upland at
project
site.



Abuaf – 16 Fanning Drive, Westhampton Beach



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

Lat: 40 48 09.60N
Long: 72 38 08.53W



To All Regulatory Agencies:

Please be advised that I have retained Land Use Ecological Services, Inc. to act as AGENT for all applications and correspondence pertaining to my project.

[Signature]
Signature
ALV ABUAF
Print Name
Owner
Title (Owner, President, Manager, etc.)
9/8/23
Date