



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-2013-00872-EST
Issue Date: August 16, 2013
Expiration Date: September 16, 2013

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).

APPLICANT: Joseph Holland
1 Orama Drive
Sands Point, NY 11050

ACTIVITY: Maintenance dredging and storm protection.

WATERWAY: Great South Bay and North Canal

LOCATION: Town of Oyster Bay, Nassau County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA-FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

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 occurs. 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 Permit

In order for us to better serve you, please complete our Customer Service Survey located at: <http://per2.nwp.usace.army.mil/survey.html>.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office a (917) 790-8533 and ask for Leo Strogach.

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


Jodi M. McDonald
for Chief, Regulatory Branch

Enclosures

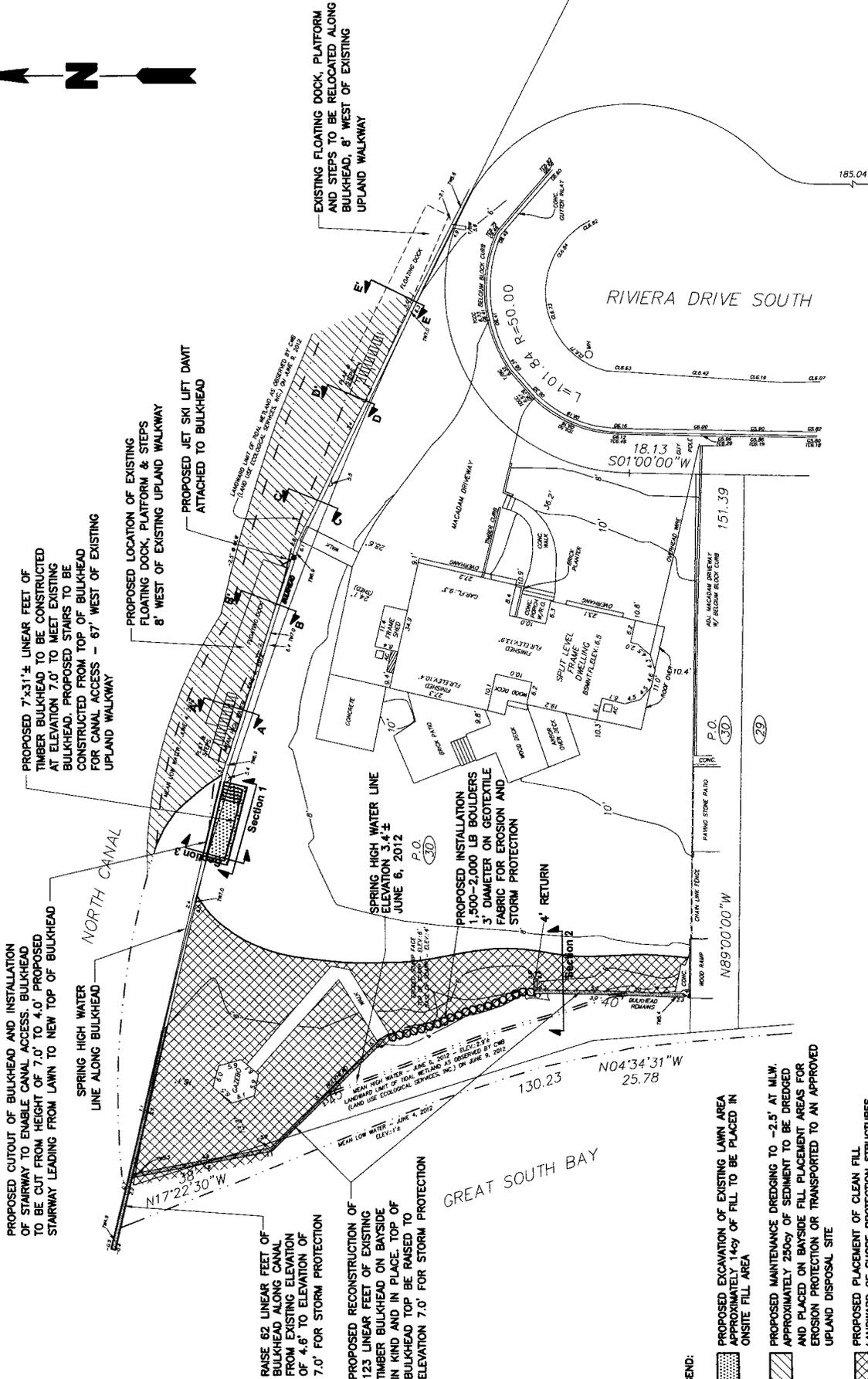
WORK DESCRIPTION

The applicant, Joseph Holland, has requested Department of the Army authorization for maintenance dredging and storm protection activities in the area of connection of Great South Bay with the entrance to North Canal. The proposed project site is located in the Town of Oyster Bay, Nassau County, New York.

The work would involve: Reconstruction in-kind and in-place of a 38-foot-long, a 45-foot-long, and a 40-foot-long with a 4-foot-long return bulkheads on the bay side of the property and a 62-foot-long bulkhead along the North Canal. All bulkheads would be elevated to 7 feet above mean low water (MLW) elevation. Installation of 1,500 to 2,000 lbs of 3-inch-diameter boulders above spring high water (SHW) elevation for erosion protection to close the breach between the 45-foot-long and 40-foot-long bulkheads. Maintenance dredging of a 20-foot-wide by 140-foot-long shoal in the North Canal to the depth of 2.5 feet below MLW with placement of approximately 250 cubic yards of dredged material together with 140 cubic yards of clean fill behind the reconstructed bulkhead line to match the top of the reconstructed bulkhead. Removal of a 31-foot-long section of the existing bulkhead to the elevation of 4 feet above MLW to create a 7-foot-wide by 31-foot-long access platform with a 7-foot-wide by 7-foot-long stairs. Relocation of the existing 7-foot-wide by 47-foot-long floating dock with a 4-foot-wide by 4-foot-long platform and a 3-foot-wide by 14-foot-long ramp and installation of jet ski davit.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by stabilizing the eroding shoreline. Most of the impacts associated with this project are temporary and would be offset by implementing best management practices to minimize impacts.

The stated purpose of this project is maintenance dredging of the North Canal bulkhead area to enhance safe navigation with bulkhead reconstruction for storm protection on the Great South Bay side of the property.



SITE PLAN	
Compiled by: K.R.	Date: DEC 17, 2012
Prepared by: R.K.	Scale: AS NOTED
Project Mgr: K.R.	Project: HOLLAND
Rev: 07-18-13, 07-24-13, 07-30-13	DRAWING NO. 1 OF 5

PREPARED FOR:	JOSEPH AND DEBORAH HOLLAND
AT:	364 RIVIERA DRIVE SOUTH MASSAPEQUA, NY 11758
LAND USE ECOLOGICAL SERVICES, INC	
570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400	

PROPOSED CUTOFF OF BULKHEAD AND INSTALLATION OF STAIRWAY TO ENABLE CANAL ACCESS. BULKHEAD TO BE CUT FROM HEIGHT OF 7.0' TO 4.0'. PROPOSED STAIRWAY LEADING FROM LAWN TO NEW TOP OF BULKHEAD

SPRING HIGH WATER LINE ALONG BULKHEAD

PROPOSED 7'-31"± LINEAR FEET OF TIMBER BULKHEAD TO BE CONSTRUCTED AT ELEVATION 7.0' TO MEET EXISTING BULKHEAD. PROPOSED STAIRS TO BE CONSTRUCTED FROM TOP OF BULKHEAD FOR CANAL ACCESS - 67' WEST OF EXISTING UPLAND WALKWAY

PROPOSED LOCATION OF EXISTING FLOATING DOCK, PLATFORM & STEPS 8' WEST OF EXISTING UPLAND WALKWAY

PROPOSED JET SKI LIFT DAM ATTACHED TO BULKHEAD

EXISTING FLOATING DOCK, PLATFORM AND STEPS TO BE RELOCATED ALONG BULKHEAD, 8' WEST OF EXISTING UPLAND WALKWAY

RAISE 62 LINEAR FEET OF BULKHEAD ALONG CANAL FROM EXISTING ELEVATION OF 4.6' TO ELEVATION OF 7.0' FOR STORM PROTECTION

PROPOSED RECONSTRUCTION OF 123 LINEAR FEET OF EXISTING TIMBER BULKHEAD ON BAYSIDE IN KIND AND IN PLACE. TOP OF BULKHEAD TOP BE RAISED TO ELEVATION 7.0' FOR STORM PROTECTION

SPRING HIGH WATER LINE ELEVATION 3.4 ± JUNE 6, 2012

PROPOSED INSTALLATION 1,500-2,000 LB BOULDERS 3' DIAMETER ON GEOTEXTILE FABRIC FOR EROSION AND STORM PROTECTION

4' RETURN

PROPOSED EXCAVATION OF EXISTING LAWN AREA APPROXIMATELY 14cy OF FILL TO BE PLACED IN ONSITE FILL AREA

PROPOSED MAINTENANCE DREDGING TO -2.5' AT M.L.W. APPROXIMATELY 250cy OF SEDIMENT TO BE DREDGED AND PLACED ON BAYSIDE FILL PLACEMENT AREAS FOR EROSION PROTECTION OR TRANSPORTED TO AN APPROVED UPLAND DISPOSAL SITE

PROPOSED PLACEMENT OF CLEAN FILL LANDWARD OF SHORE PROTECTION STRUCTURES TO MEET EXISTING 7.0' ELEVATION CONTOUR. APPROXIMATELY 390cy OF FILL TO BE PLACED. FILL TO BE OBTAINED FROM CANAL DREDGING OR FROM AN UPLAND SOURCE. PLEASE REFER TO PLANTING PLAN FOR REVEGETATION SPECIFICATIONS

LEGEND:

- PROPOSED EXCAVATION OF EXISTING LAWN AREA APPROXIMATELY 14cy OF FILL TO BE PLACED IN ONSITE FILL AREA
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NOTES:

1. SITE PLAN BASED ON SURVEY PREPARED BY FAUSER ASSOCIATES, P.C., DATED 6-8-12 AND LAST REVISED 7-26-12.
2. LANDWARD LIMIT OF TIDAL WETLANDS EQUIVALENT TO MHW AS OBSERVED BY W.P. BOWMAN, LAND USE ECOLOGICAL SERVICES INC. ON 6-8-12.



PROPOSED CUTOFF OF BULKHEAD AND INSTALLATION OF STAIRWAY TO ENABLE CANAL ACCESS. BULKHEAD TO BE CUT FROM HEIGHT OF 7.0' TO 4.0'. PROPOSED STAIRWAY LEADING FROM LAWN TO NEW TOP OF BULKHEAD

SPRING HIGH WATER LINE ALONG BULKHEAD

NORTH CANAL

PROPOSED 7'X31'± LINEAR FEET OF TIMBER BULKHEAD TO BE CONSTRUCTED AT ELEVATION 7.0' TO MEET EXISTING BULKHEAD. PROPOSED STAIRS TO BE CONSTRUCTED FROM TOP OF BULKHEAD FOR CANAL ACCESS - 67' WEST OF EXISTING UPLAND WALKWAY

PROPOSED LOCATION OF EXISTING 47'X7' FLOATING DOCK, 4'X4' PLATFORM & 3'X14' STEPS 8' WEST OF EXISTING UPLAND WALKWAY

PROPOSED JET SKI LIFT DAVIT ATTACHED TO BULKHEAD 5' WEST OF EXISTING UPLAND WALKWAY

EXISTING FLOATING DOCK, PLATFORM AND STEPS TO BE RELOCATED ALONG BULKHEAD, 8' WEST OF EXISTING UPLAND WALKWAY

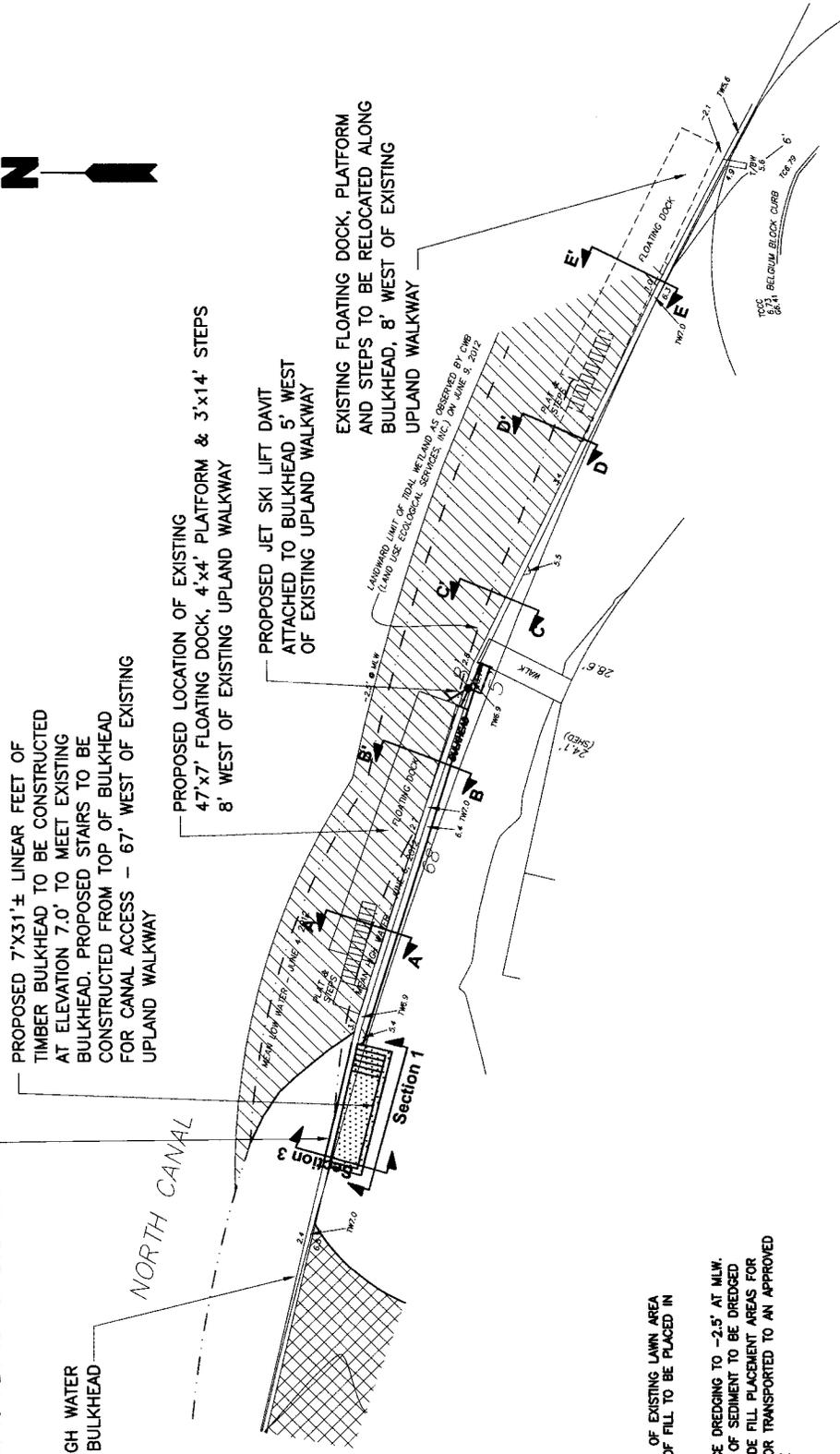
LEGEND:

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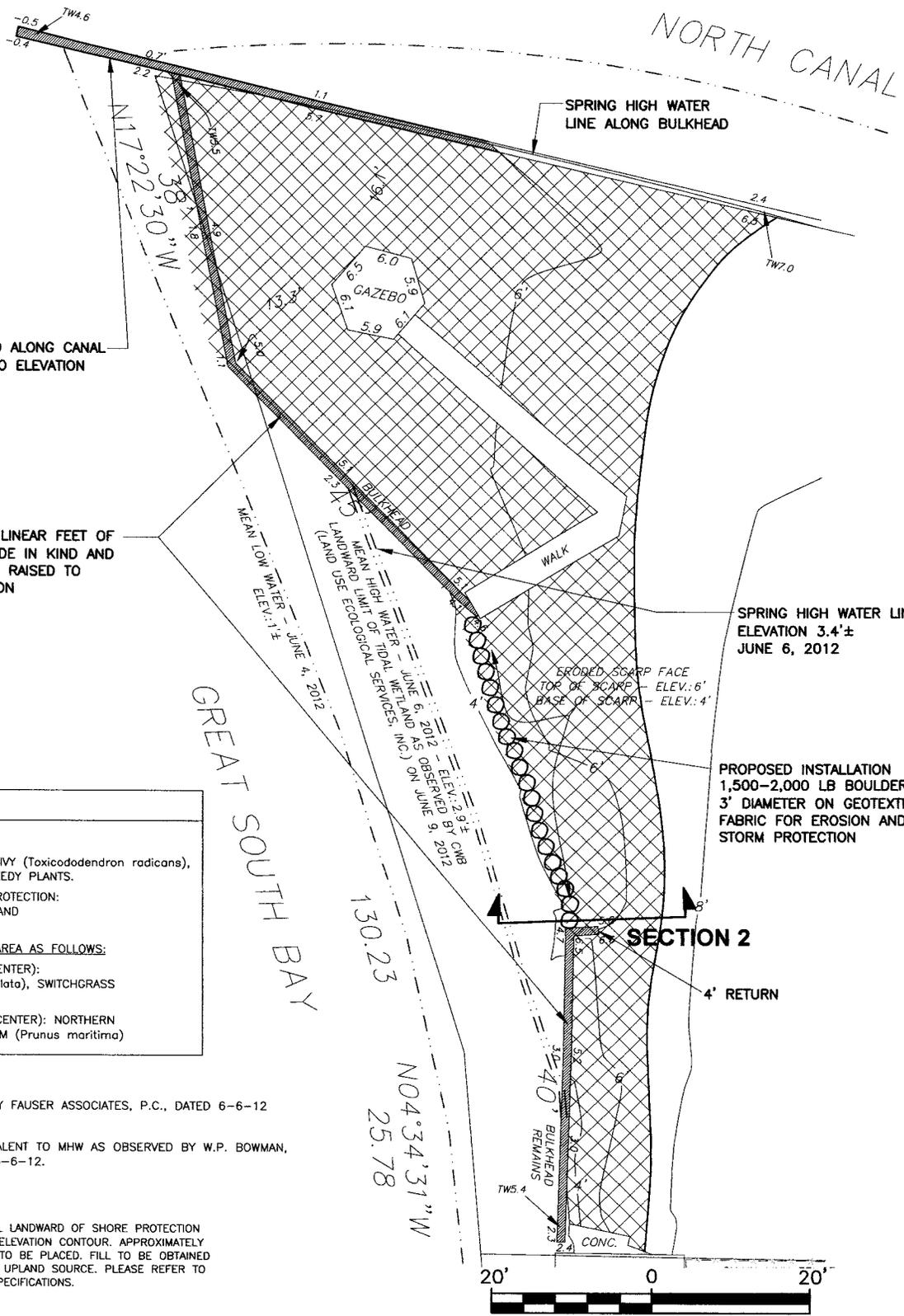
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2. LANDWARD LIMIT OF TIDAL WETLANDS EQUIVALENT TO MHW AS OBSERVED BY W.P. BOWMAN, LAND USE ECOLOGICAL SERVICES INC. ON 6-6-12.



PREPARED FOR: JOSEPH AND DEBORAH HOLLAND AT: 364 RIVIERA DRIVE SOUTH MASSAPEQUA, NY 11758	SITE PLAN, ENLARGED	
	Date: DEC 17, 2012 Scale: AS NOTED Project: HOLLAND	Date: DEC 17, 2012 Scale: AS NOTED Project: HOLLAND
LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400	Completed by: K.R. Prepared by: R.K. Project Mgr: K.R.	Date: DEC 17, 2012 Scale: AS NOTED Project: HOLLAND
	Rev: 07-18-13, 07-24-13, 07-30-13, 08-01-13	Tax Map #: MASSAU 65-228-42 Drawing No. 2 OF 5



RAISE 62 LINEAR FEET OF BULKHEAD ALONG CANAL FROM EXISTING ELEVATION OF 4.6' TO ELEVATION OF 7.0' FOR STORM PROTECTION

PROPOSED RECONSTRUCTION OF 123 LINEAR FEET OF EXISTING TIMBER BULKHEAD ON BAYSIDE IN KIND AND IN PLACE. TOP OF BULKHEAD TOP BE RAISED TO ELEVATION 7.0' FOR STORM PROTECTION

SPRING HIGH WATER LINE ELEVATION 3.4'± JUNE 6, 2012

PROPOSED INSTALLATION 1,500-2,000 LB BOULDERS 3' DIAMETER ON GEOTEXTILE FABRIC FOR EROSION AND STORM PROTECTION

RE--VEGETATION SPECIFICATIONS
EXISTING VEGETATION TO BE REMOVED MULTIFLORA ROSE (<i>Rosa multiflora</i>), POISON IVY (<i>Toxicodendron radicans</i>), MUGWORT (<i>Artemisia vulgaris</i>) AND OTHER WEEDY PLANTS.
EXISTING VEGETATION TO BE FLAGGED FOR PROTECTION: NORTHERN BAYBERRY (<i>Morella pensylvanica</i>) AND EASTERN RED CEDAR (<i>Juniperus virginiana</i>)
PROPOSED REVEGATION OF FILL PLACEMENT AREA AS FOLLOWS:
HERBACEOUS SPECIES (2" PLUGS, 18" ON CENTER): AMERICAN BEACH GRASS (<i>Ammophila breviligulata</i>), SWITCHGRASS (<i>Panicum virgatum</i>)
SHRUB SPECIES (3 GAL. CONTAINER, 6' ON CENTER): NORTHERN BAYBERRY (<i>Morella pensylvanica</i>), BEACH PLUM (<i>Prunus maritima</i>)

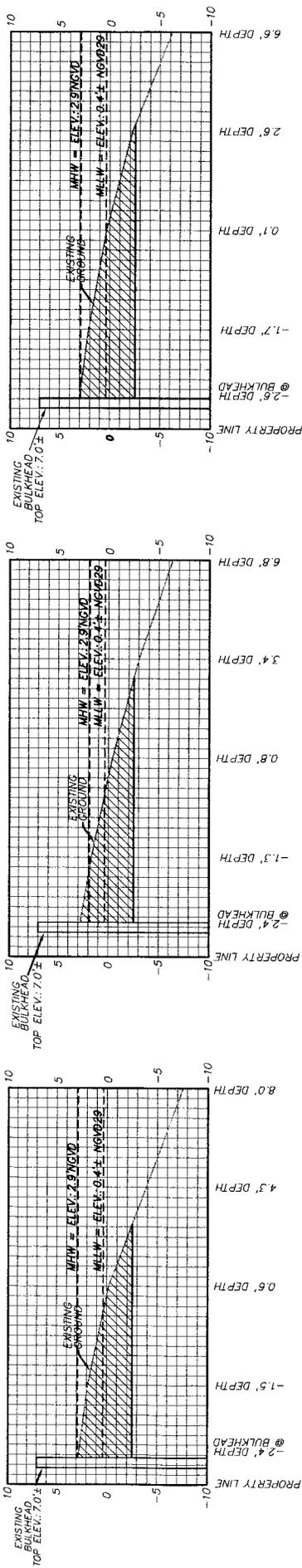
- NOTES:
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LEGEND:

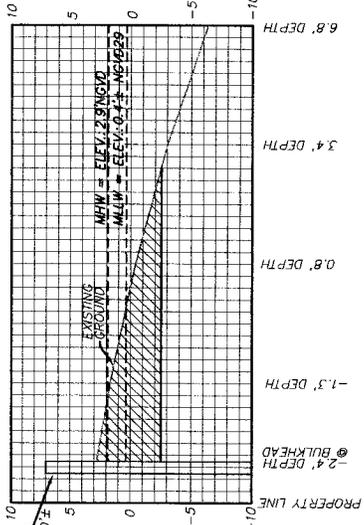
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PREPARED FOR: JOSEPH AND DEBORAH HOLLAND AT: 364 RIVIERA DRIVE SOUTH MASSAPEQUA, NY 11758	TITLE: SITE PLAN, ENLARGED
LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400	Compiled by: K.R. Date: DEC 17, 2012 Prepared by: R.K. Scale: AS NOTED Project Mgr: K.R. Project: HOLLAND Rev: 07-18-13, 07-30-13
	TAX MAP#: NASSAU 65-228-42 DRAWING NO. 3 OF 5

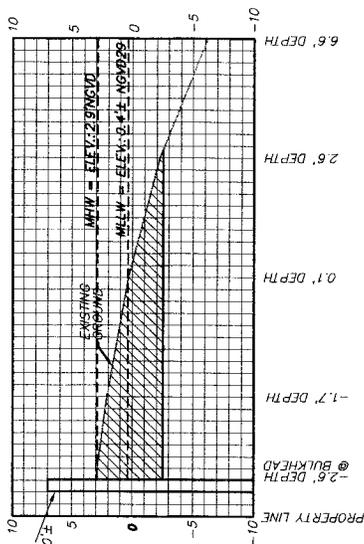
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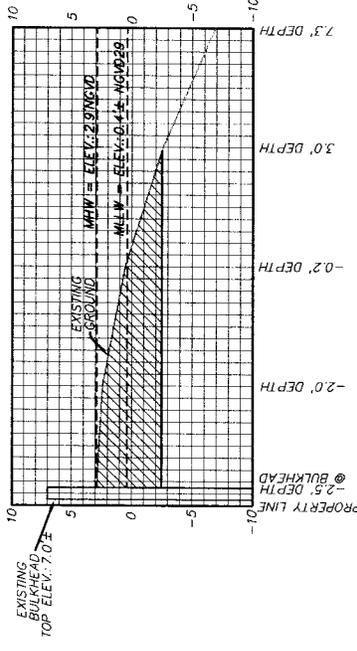
PROFILE A-A'



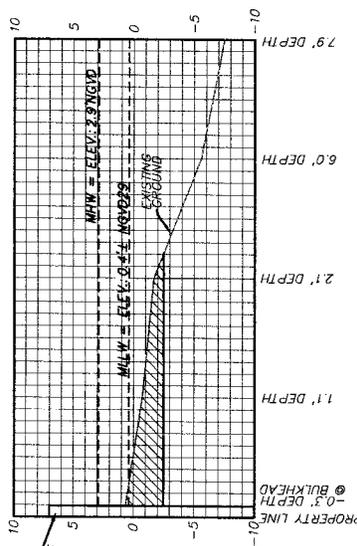
PROFILE B-B'



PROFILE C-C'



PROFILE D-D'



PROFILE E-E'

PROPOSED MAINTENANCE DREDGING TO -2.5' AT MLW. APPROXIMATELY 250cy OF SEDIMENT TO BE DREDGED AND PLACED ON BAYSIDE FILL PLACEMENT AREAS FOR EROSION PROTECTION

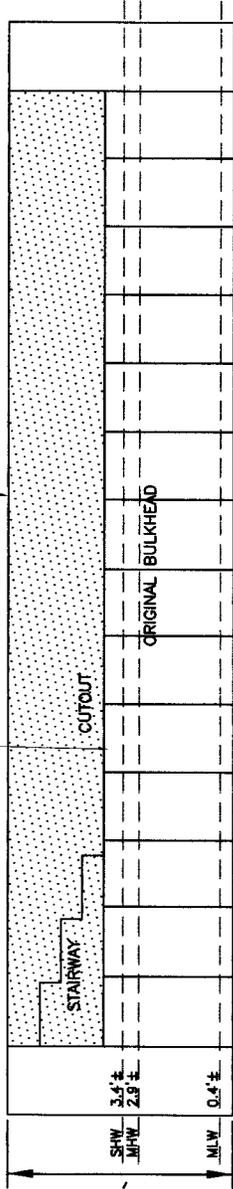


PREPARED FOR: JOSEPH AND DEBORAH HOLLAND AT: 364 RIVIERA DRIVE SOUTH MASSAPEQUA, NY 11758	TITLE: DETAILS AND PROFILE SHEET	
	Compiled by: K.R. Date: DEC 17, 2012 Prepared by: R.K. Scale: AS NOTED Project Mgr: K.R. Project: HOLLAND Rev: 07-18-13, 07-24-13	TAX MAP#: NASSAU 65-228-42 DRAWING NO. 4 OF 5
LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400		

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PROPOSED 31± LINEAR FEET OF
TIMBER BULKHEAD TO BE CONSTRUCTED
AT ELEVATION 7.0' TO MEET EXISTING
BULKHEAD. PROPOSED STAIRS TO BE
CONSTRUCTED FROM TOP OF BULKHEAD
FOR CANAL ACCESS

SIDE VIEW



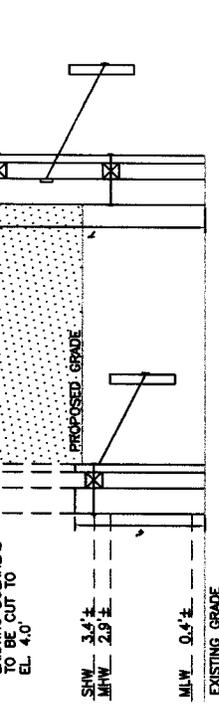
SECTION 1

SCALE: 1" = 6'

PROPOSED CUTOUT OF BULKHEAD AND INSTALLATION
OF TIMBER TO ENABLE CANAL ACCESS. BULKHEAD
TO BE CUT FROM HEIGHT 0.7' TO 4.0'. PROPOSED
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PROPOSED INSTALLATION
1,500-2,000 LB BOULDERS
3" DIAMETER ON GEOTEXTILE
FABRIC FOR EROSION AND
STORM PROTECTION



SECTION 3

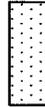
SCALE: 1" = 6'

SHW 3.4' ±
MHW 2.9' ±

SECTION 2

SCALE: 1" = 6'

LEGEND:



PROPOSED EXCAVATION OF EXISTING LAWN AREA
APPROXIMATELY 14-cy OF FILL TO BE PLACED IN
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PREPARED FOR: JOSEPH AND DEBORAH HOLLAND 364 RIVIERA DRIVE SOUTH MASSAPEQUA, NY 11758	SECTION VIEW	
	TITLE:	Compiled by: K.R. Date: DEC 17, 2012 Prepared by: R.K. Scale: AS NOTED Project Mgr: K.R. Project: HOLLAND Rev: 07-18-13, 07-24-13
LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400	TAX MAP#: NASSAU 65-228-42	DRAWING NO. 5 OF 5