



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-2013-00536-EBO
Issue Date: July 31, 2013
Expiration Date: August 30, 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: Gulfway Marine
76 Shore Road
Port Washington, NY 11050

ACTIVITY: Dredge with ten years maintenance

WATERWAY: Sheets Creek tributary to Manhasset Bay

LOCATION: Hamlet of Port Washington, Town of North Hempstead, 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

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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 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, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8516 and ask for Leslie Bowles-Early.

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>.

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



Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Gulfway Marine, has requested Department of the Army authorization to perform 10- year maintenance dredging within an existing marina basin off of Sheets Creek, tributary to Manhasset Bay and store the dredged material in a contained and stabilized upland area in the Hamlet of Port Washington, Town of North Hempstead, Nassau County, New York.

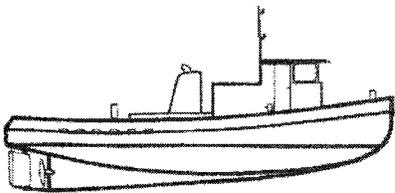
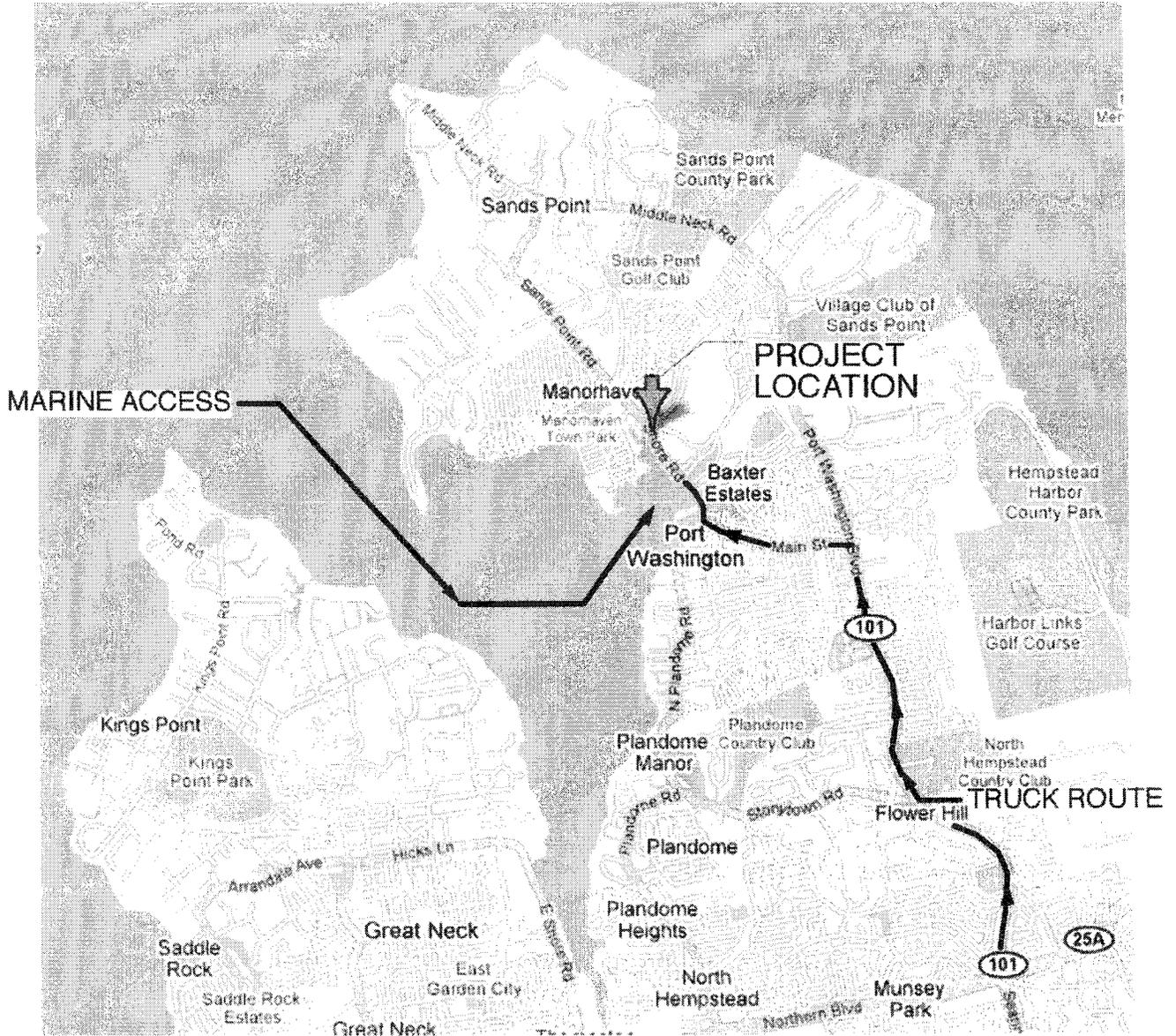
The work would involve the use of clamshell dredge or equivalent closed bucket equipment to remove approximately 980 cubic yards of material from an existing marina basin. The dredged material consists of sand and silt.

The proposed maintenance dredging area is within a designated 13,250 square foot area to a depth of 4 feet below AMLW. The proposed active work area would be enclosed within a floating boom for the extent of the dredging process. All of the dredged material would be stored upland within hay-bail sealed containment zone for material stabilization and to prevent runoff. Once the material is stabilized it would be stored on site and used to stabilize upland areas.

The applicant has stated that they have avoided, minimized, and mitigated for proposed impacts to the maximum extent practicable. Most of the impacts associated with this maintenance dredging project are temporary and would be offset by implementing best management practices. In order to minimize impacts, the applicant has proposed to employ angled areas of repose tapering from existing conditions into the active dredge area.

The applicant's stated purpose for this regulated work is to allow for continued access with adequate depth.

PROJECT MAP AND ACCESS ROUTE



MELROSE
MARINE SERVICE, INC.

PROJECT NAME:
Gulfway Marine Maintenance Dredging

PROJECT LOCATION:
Gulfway Marine
76 Shore Road
Port Washington, NY
Nassau County Tax Map:
Sec. 4, Block 1, Lot 321 & 322

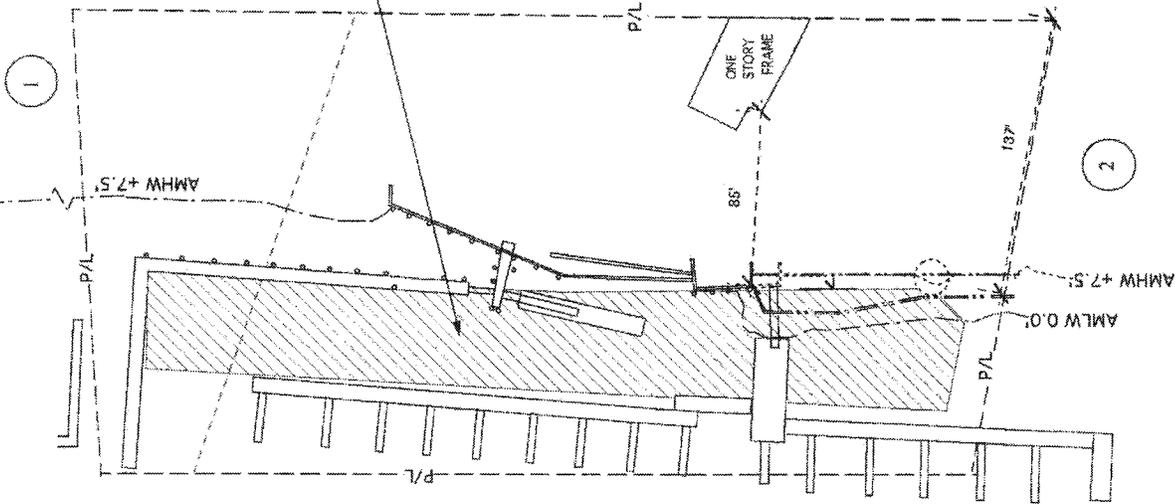
**OVERALL PLAN VIEW
AND VICINITY MAP**

SCALE: 1" = 90'

PROPOSED:
MAINTENANCE DREDGING TO ALLOW FOR CONTINUED
ACCESS TO MOORING FACILITY.

AREA OF PROPOSED DREDGING

SHORE ROAD



ADJACENT PROPERTY OWNERS:
1. RENTAL/CONDOMINIUMS
78 SHORE ROAD
SEC. 4 BLK. NO1 LOT 333
2. THE INCORPORATED VILLAGE OF
PORT WASHINGTON NORTH
SEC. 4 BLK. NO1 LOT 1/2

NASSAU COUNTY TAX MAP #;
SECT. 4, BLOCK 1, LOT 321&322.

NASSAU COUNTY TAX ID #
11-2296497

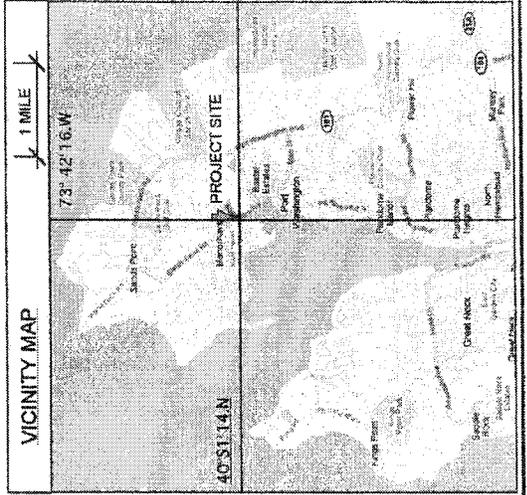
DATUM: AMLW 0.0

GWM-021113

VICINITY MAP

1 MILE

73'-42'16.0"

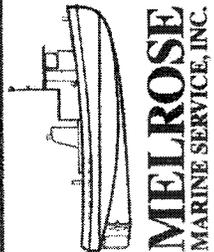


PROPOSED: MAINTENANCE DREDGING TO ALLOW FOR CONTINUED ACCESS
TO MOORING FACILITY.

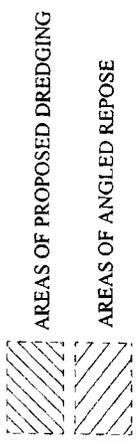
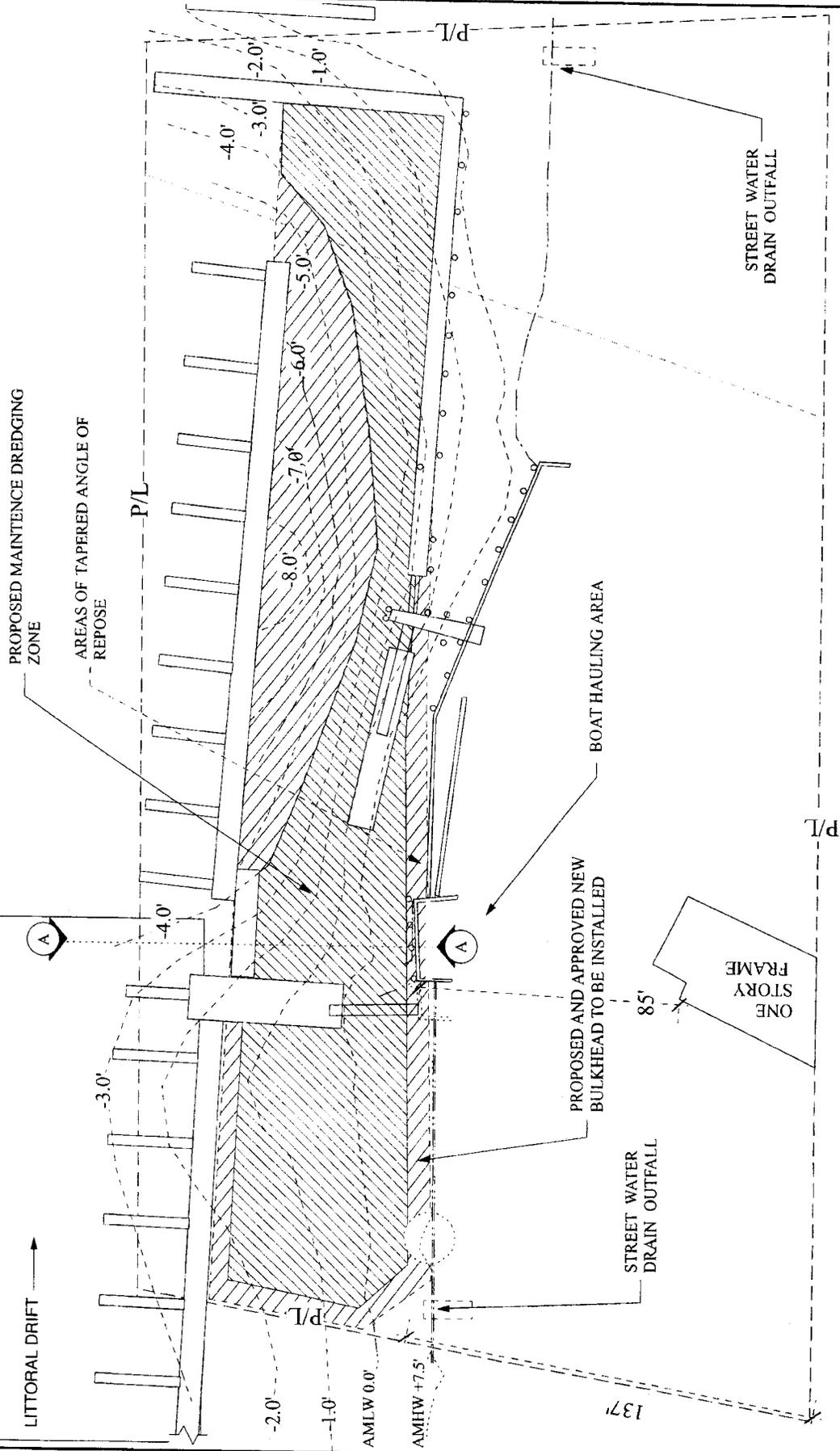
ON: SHEETS CREEK CHANNEL AT: PORT WASHINGTON NORTH
COUNTY: NASSAU STATE: NY APPLICATION BY: GULFWAY MARINE
SHEET: 1 OF 4 DATE: FEBRUARY 2013

PREPARED BY:

MELROSE
MARINE SERVICE, INC.
500 ROBINSON ROAD
GREENPORT,
NEW YORK 11944
631-477-1546
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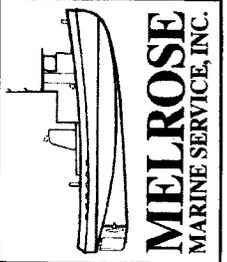


**PLAN VIEW
PROPOSED
SCALE: 1" = 20'**



PROPOSED: MAINTENANCE DREDGING TO ALLOW FOR CONTINUED ACCESS TO MOORING FACILITY.
 ON: SHEETS CREEK CHANNEL AT: PORT WASHINGTON NORTH
 COUNTY: NASSAU STATE: NY APPLICATION BY: GULFWAY MARINE
 SHEET: 3 OF 4 DATE: FEBRUARY 2013

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GWM-032013

**PLAN VIEW
EXISTING CONDITIONS
SCALE: 1"=60'**

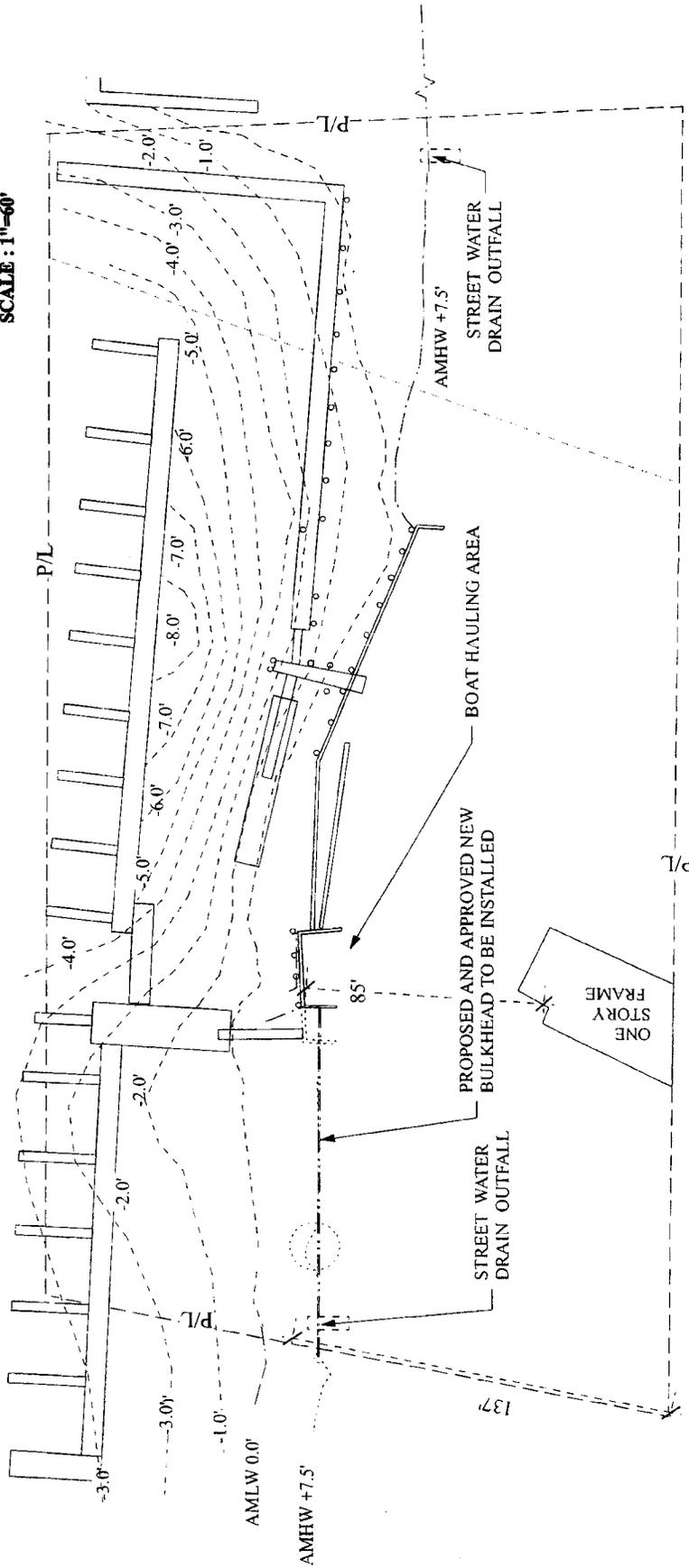
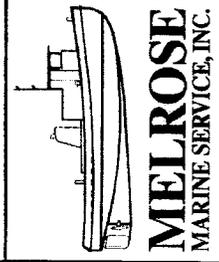


PHOTO-DOCUMENTATION AND BAROMETRIC SURVEY CONDUCTED FEBRUARY 7, 2013 AT LOW WATER 3:22PM AND ADJUSTED ACCORDINGLY (-0.8' OF TIDE AT 15% VISIBLE MOON WITH NO WINDS.)

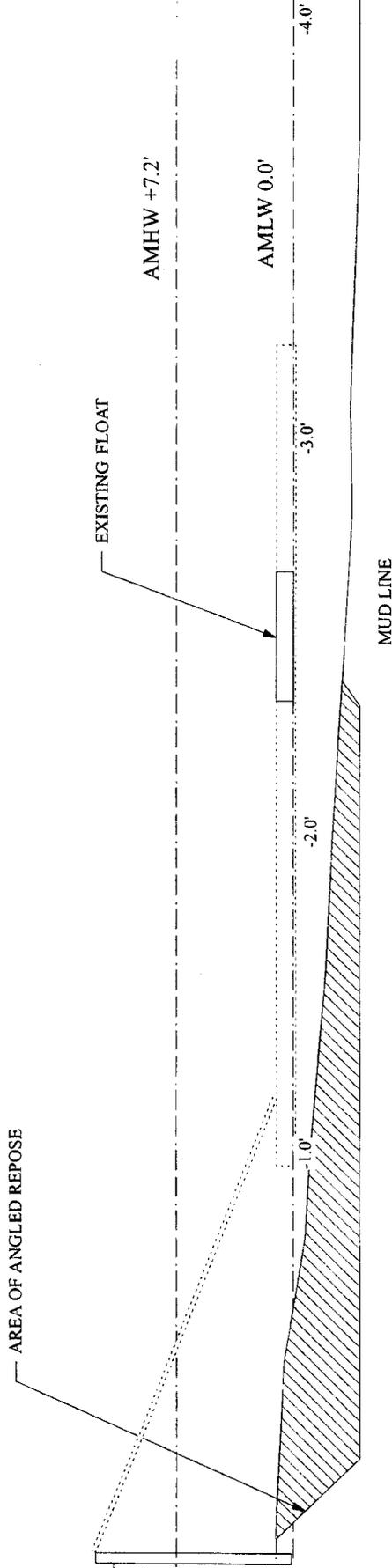
PROPOSED: MAINTENANCE DREDGING TO ALLOW FOR CONTINUED ACCESS TO MOORING FACILITY.
 ON: SHEETS CREEK CHANNEL AT: PORT WASHINGTON NORTH
 COUNTY: NASSAU STATE: NY APPLICATION BY: GULFWAY MARINE
 SHEET: 2 OF 4 DATE: FEBRUARY 2013

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GWM-032013

SECTION A-A
SCALE: 3/16" = 1'



NOTES:

Maintenance dredging within the designated area of a maximum of 980 cubic yards of material to the depth of 4.0 feet below AMLW with no over dredging.

Clamshell dredge or equivalent closed bucket equipment.

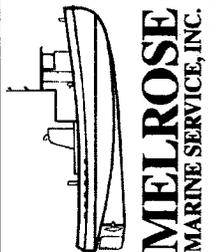
Spoils to consist of mostly sand and some silt.

The active work area is to be enclosed within a floating boom for the extent of dredging process.

All material to be stored upland contained and stabilized.

Once completely decanted and stabilized the material will be stored on site and used to stabilize upland areas.

All work to be conducted during approved DEC window.



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PROPOSED: MAINTENANCE DREDGING TO ALLOW FOR CONTINUED ACCESS TO MOORING FACILITY.
ON: SHEETS CREEK CHANNEL AT: PORT WASHINGTON NORTH
COUNTY: NASSAU STATE: NY APPLICATION BY: GULFWAY MARINE
SHEET: 4 OF 4 DATE: FEBRUARY 2013

GWM-021113