



# 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-2013-01505-ESW

Issue Date: January 24, 2014

Expiration Date: February 23, 2014

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Karen Quick  
46 Alhambra Road  
Massapequa, New York 11758

ACTIVITY: Repair and replace existing bulkhead, close and fill existing boat slip, maintenance dredge adjacent to the new bulkhead and install cantilever, ramp and float.

WATERWAY: Massapequa River, South Oyster Bay

LOCATION: Village of Massapequa, 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.

**CENAN-OP-RE**  
**PUBLIC NOTICE No. NAN-2013-01505-ESW**

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

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

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

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

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

In order for us to better serve you, please complete our Customer Service Survey located at:  
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

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) 790-8618 and ask for Amanda Switzer.

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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>



*Stephen A. Ryle*  
for

Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

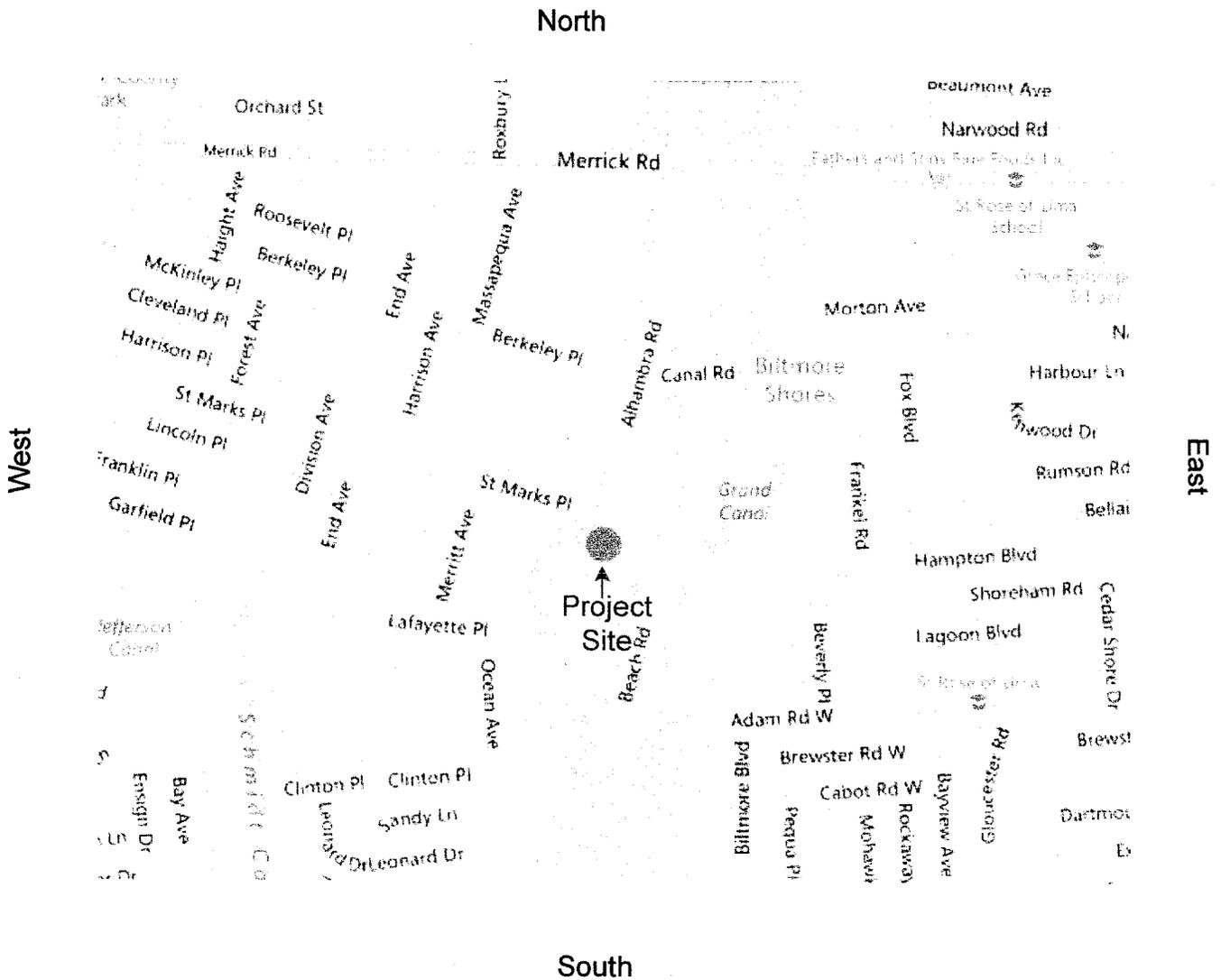
**WORK DESCRIPTION**

The applicant, Karen Quick, has requested Department of the Army authorization to conduct bulkhead maintenance activities, close an existing boat slip, install a cantilever, ramp and float and perform minor dredging adjacent to project site. The site is located in the Massapequa River at 46 Alhambra Road, in the Village of Massapequa, Town of Oyster Bay, Nassau County, New York.

The new bulkhead will close 27 linear feet of the existing boat slip entrance for a total length of 85.5 linear feet of continuous navy bulkhead to an additional height of 8 inches. In addition to closing the existing slip, the existing 3-foot-long by 3-foot-wide corner adjacent to the slip and the property line will be excavated, removed and not replaced. Directly adjacent to the existing boat slip area, immediately seaward of the new bulkhead is proposed dredging of an area 10-feet-wide by 30-feet-long to a depth of 4 feet below the plane of Mean Low Water yielding approximately 20 cubic yards of material to be placed upland in the proposed boat slip closure area. An additional 60 cubic yards of material from an upland source will be used to close the remainder of the boat slip area. The applicant also proposes to install a new 4-foot-wide by 6-foot-long cantilever leading to a 2-foot-wide by 16-foot-long ramp and 6-foot-wide by 20-foot-long float.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable. Most of the impacts associated with the bulkhead replacement, dredging and installation of recreational structures are temporary. The permanent loss of waters resulting from the closure of the boat slip is necessary due to the need to prevent future flooding.

The stated purpose of this regulated work is to perform maintenance, reduce flood risk, and maintain safe recreational navigation through an active waterway.



Applicant: Karen Quick  
 Project Site: 46 Alhambra Rd  
 Massapequa, NY 11758  
 Proposed: 27' of New Bulkhead,  
 with a 8" increase in elevation,  
 dredging and approx. 60 cyds of  
 clean soil backfill from authorized  
 upland source, Replace 3'  
 section of existing navy bulkhead  
 and install up to 3' inland excavate  
 2 cyds of soil, install 6'x20'  
 mooring float and dredging  
 Prepared by Bulkhead Permits  
 by Gary Inc  
 2 Whaleneck Dr  
 Merrick NY 11566  
 August 2, 2013

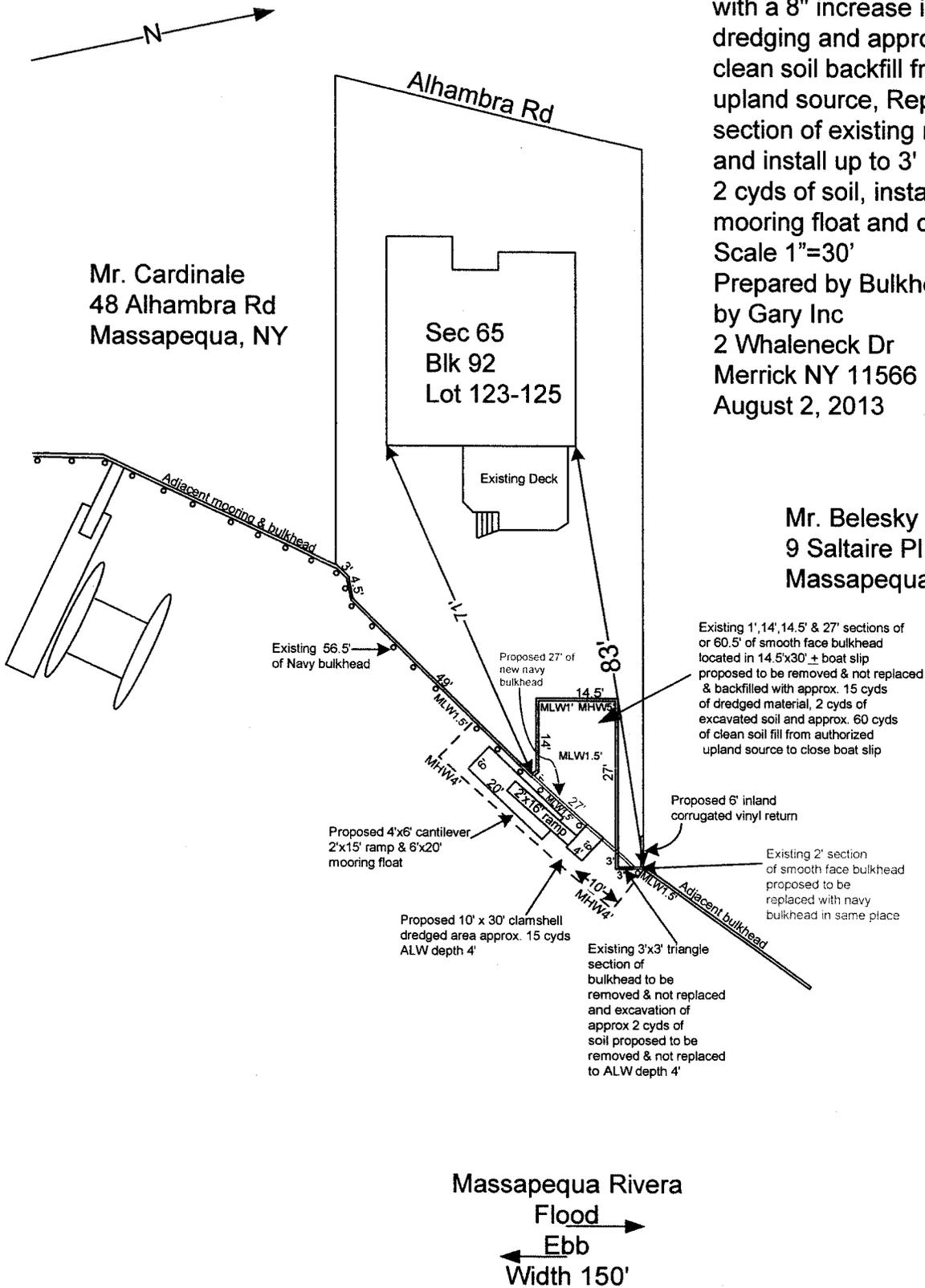
Latitude 40°39'34.89"N  
 Longitude 73°28'16.35"W

**DRAWING 1 of 3**

**NAN-2013-01505-ESW**

**Project Plan  
Closing of Boat Slip**

Applicant: Karen Quick  
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 with a 8" increase in elevation,  
 dredging and approx. 60 cyds of  
 clean soil backfill from authorized  
 upland source, Replace 3'  
 section of existing navy bulkhead  
 and install up to 3' inland excavate  
 2 cyds of soil, install 6'x20'  
 mooring float and dredging  
 Scale 1"=30'  
 Prepared by Bulkhead Permits  
 by Gary Inc  
 2 Whaleneck Dr  
 Merrick NY 11566  
 August 2, 2013



Mr. Belesky  
 9 Saltaire Pl  
 Massapequa, NY

Existing 1', 14', 14.5' & 27' sections of  
 or 60.5' of smooth face bulkhead  
 located in 14.5'x30' ± boat slip  
 proposed to be removed & not replaced  
 & backfilled with approx. 15 cyds  
 of dredged material, 2 cyds of  
 excavated soil and approx. 60 cyds  
 of clean soil fill from authorized  
 upland source to close boat slip

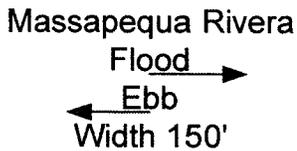
Proposed 6' inland  
 corrugated vinyl return

Existing 2' section  
 of smooth face bulkhead  
 proposed to be  
 replaced with navy  
 bulkhead in same place

Proposed 4'x6' cantilever  
 2'x15' ramp & 6'x20'  
 mooring float

Proposed 10' x 30' clamshell  
 dredged area approx. 15 cyds  
 ALW depth 4'

Existing 3'x3' triangle  
 section of  
 bulkhead to be  
 removed & not replaced  
 and excavation of  
 approx 2 cyds of  
 soil proposed to be  
 removed & not replaced  
 to ALW depth 4'



**DRAWING 2 OF 3**

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