



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-2011-01287-EST
Issue Date: February 2, 2012
Expiration Date: March 5, 2012

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: John P. Murphy
67 West Shore Drive
Massapequa, NY 11758

ACTIVITY: Bulkhead reconstruction with dredging and excavated material placement behind the constructed structure.

WATERWAY: Unqua River

LOCATION: Village of Massapequa, the 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.

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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.

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 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://www.nan.usace.army.mil/business/buslinks/regulat/index.php?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 a (917) 790-8533 and ask for Leo Strogach.

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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>



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

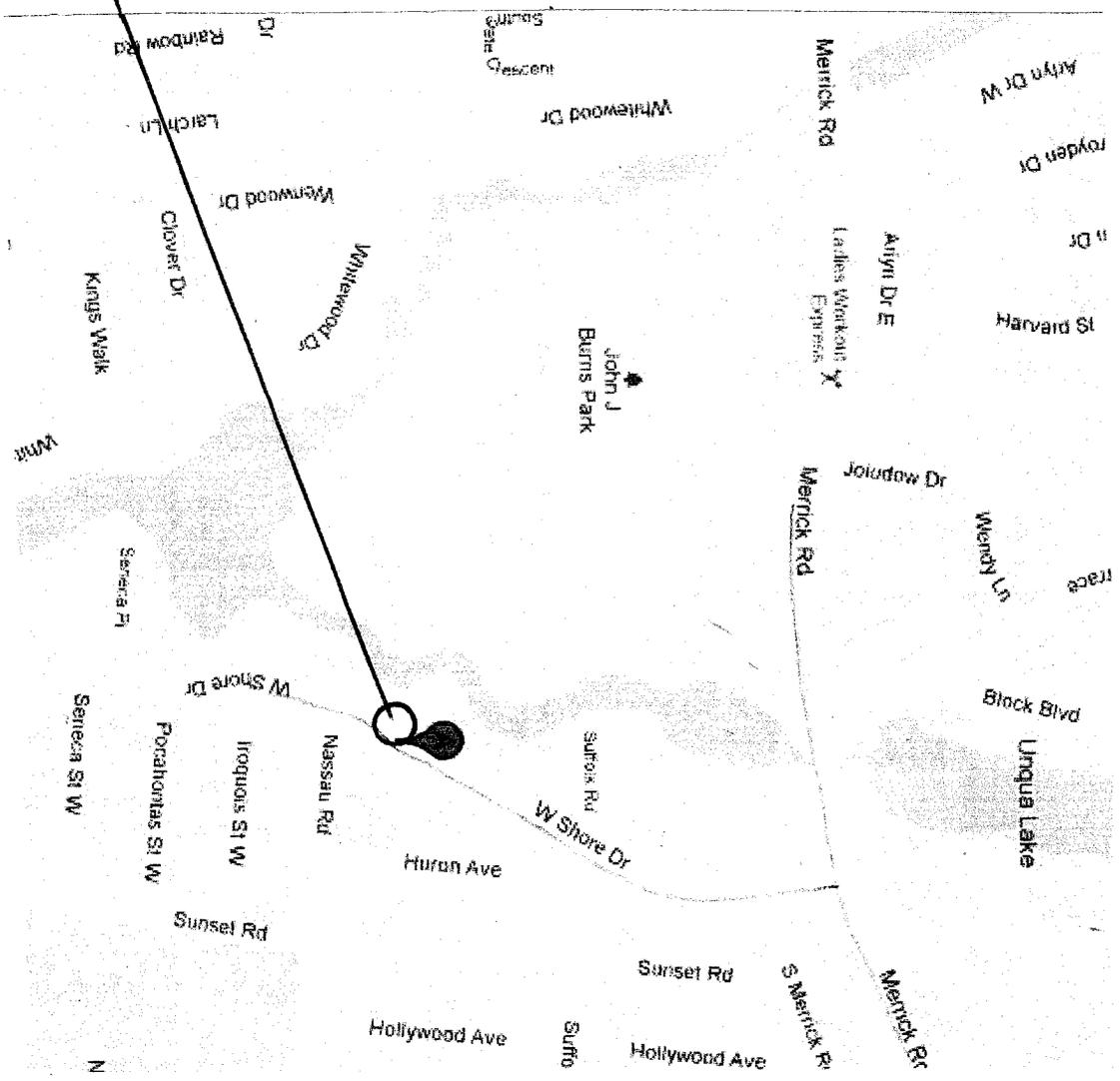
The applicant, John P. Murphy, has requested Department of the Army authorization for bulkhead reconstruction with dredging and excavated material placement behind the constructed structure. The project site is located in Unqua River, in the Town of Oyster Bay, Nassau County, New York.

The work would involve replacement of an existing 73.6-foot-long timber flushface bulkhead in-place with vinyl bulkhead elevated 1 foot above the existing structure, installation of an 11-foot-long bulkhead to close the 11-foot-wide by 30-foot-deep boat ramp for a total continuous 84.6-foot-long bulkhead; installation of two (2) 6-foot-long returns; dredging of a 10-foot-wide area in front of the bulkhead to 4 feet below mean low water (MLW) with removal of approximately 15 cubic yards of dredged material with further placement of dredged material together with additional 75 cubic yards of clean fill behind the reconstructed structure with approximately 25 cubic yards to be placed below spring high water (SHW) elevation at boat ramp area.

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 proposed project are temporary and would be offset by implementing best management practices.

The stated purpose of this project is maintenance of the existing structure and shoreline stabilization.

VICINITY MAP



LAT 40° 39' 46.4646 " N
 LONG 73° 26' 39.6846 " W

GOOGLE MAP



PURPOSE: REPAIR AND MAINTENANCE

DATUM: MLW= 0.00'
 MHW = 1.50'
 HTL = SPRING TIDE = 2.00'

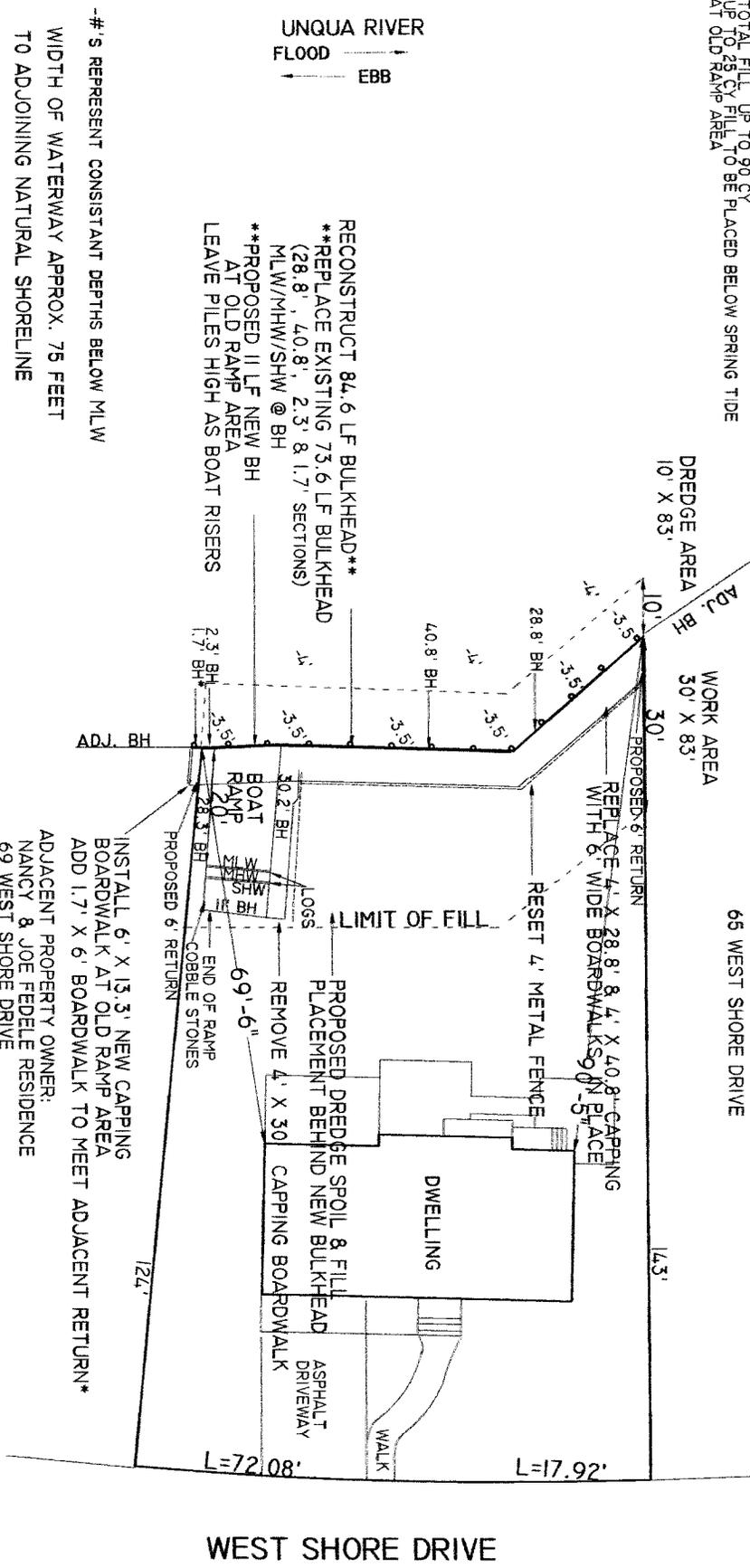
PREPARED BY
 SHORE SOLUTIONS - DM
 32 LINCOLN AVE
 MASSAPEQUA, NY 11758
 Revised 1/5/2012
 Added adj. bulkhead.

NCTM#S SD 23 / SEC 66 / BLK 93
 LOT 37
 FOR: JOHN P. MURPHY
 AT: 67 WEST SHORE DRIVE
 MASSAPEQUA, NY 11758
 TOWN OF OYSTER BAY
 NASSAU COUNTY
 ON: UNQUA RIVER

Handwritten: App/RE 2011-012877-ESU

PROJECT PLAN SITE PLAN VIEW

RECOVERY DREDGE : CLAM SHELL BUCKET DREDGE TO A 4' DEPTH BELOW MLW AND 10' SEAWARD OF BULKHEAD TO MAINTAIN A NAVIGABLE DEPTH- REMOVING UP TO 15 CY DREDGE SPOIL - PLACE RESULTANT DREDGE SPOIL BEHIND BULKHEAD - BACKFILL TO LEVEL GRADE TRUCK IN UP TO 75 CY CLEAN FILL TOTAL FILL UP TO 90 CY UP TO 29 CY FILL TO BE PLACED BELOW SPRING TIDE AT OLD RAMP AREA



-#'s REPRESENT CONSISTANT DEPTHS BELOW MLW
WIDTH OF WATERWAY APPROX. 75 FEET
TO ADJOINING NATURAL SHORELINE

TRUCK AWAY RIP OUT TO AN APPROVED UPLAND SITE

PURPOSE: REPAIR AND MAINTENANCE

PROPOSED: REMOVE/REPLACE 73.6 LF TIMBER FLUSHFACE BULKHEAD (28.8', 40.8', 2.3' & 1.7' SECTIONS) WITH VINYL NAVY BULKHEAD - IN PLACE / INSTALL 11 LF NEW BULKHEAD AT OLD RAMP AREA TO CLOSE OFF 11' X 30' DIRT BOTTOM BOAT RAMP - MAKING ONE CONTINUOUS 84.6 LF BULKHEAD AT SAME HEIGHT / RAISE TOP OF BULKHEAD UP TO 1' TO MEET WITH BULKHEAD TO SOUTH / INSTALL TWO 6' RETURNS / REPLACE 4' X 28.8' & 4' X 40.8' WITH 6' CAPPING BOARDWALKS (28.8' & 40.8' SECTIONS) / INSTALL NEW 6' X 13.3' & 6' X 1.7' CAPPING BOARDWALK AT OLD RAMP AREA TO MEET WITH THE EXISTING RETURN THAT IS 1.7 FEET SOUTH OF THE MAP LINE / RESET-REPLACE FENCE / RECOVERY DREDGE / ADD FILL

*1.7 FEET OF BULKHEAD TO BE INSTALLED ON ADJACENT PROPERTY SO NEW BULKHEAD SHEATHING WILL MEET WITH ADJACENT BULKHEAD INSTALLED 1.7' SOUTH OF MAP LINE (SEE AUTHORIZATION LETTER)

INSTALL 6' X 13.3' NEW CAPPING BOARDWALK AT OLD RAMP AREA
ADD 1.7' X 6' BOARDWALK TO MEET ADJACENT RETURN*
ADJACENT PROPERTY OWNER:
NANCY & JOE FEDELE RESIDENCE
69 WEST SHORE DRIVE

ADJACENT PROPERTY OWNER:
JANICE YEVOLI RESIDENCE
65 WEST SHORE DRIVE

PREPARED BY SHORE SOLUTIONS INC.
10/7/2011 BY D. MYERS
REVISED 1/5/2012 ADDED ADJ BULKHEAD

SCALE 1" = 30'

NCTM#S SD 23 / SEC 66 / BLK 93 / LOTS 37
67 WEST SHORE DRIVE
MASSAPEQUA, NY 11758

MLW = 0.00'
MHW = 1.50'
SHW = 2.00'

LAT 40° 39' 46.4646"
LONG 73° 26' 39.6846"

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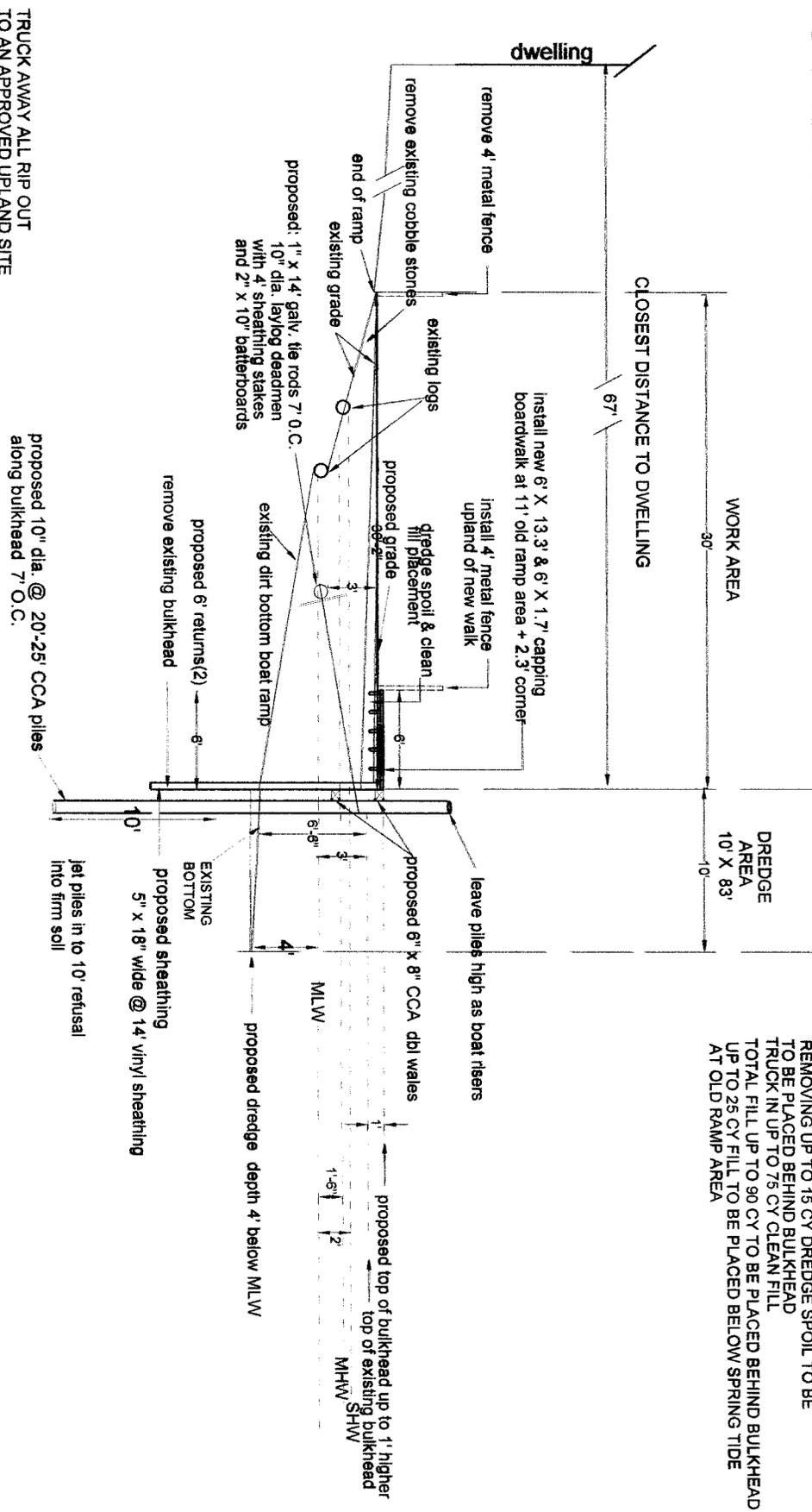
FOR: JOHN P. MURPHY

John P. Murphy - 01287-ESY

PROJECT PLAN CROSSVIEW # 2 - CLOSE OFF BOAT RAMP

BOARDWALK CONSTRUCTION:
 2" X 8" CCA STRINGERS - 18" O.C.
 2" X 6" ACQ DECKING

RECOVER DREDGE ALONG BULKHEAD TO MAINTAIN A NAVIGABLE DEPTH - CLAM SHELL BUCKET DREDGE TO A 4' BELOW MLW DEPTH - AND 10' SEAWARD REMOVING UP TO 15 CY DREDGE SPOIL TO BE PLACED BEHIND BULKHEAD TRUCK IN UP TO 75 CY CLEAN FILL TOTAL FILL UP TO 90 CY TO BE PLACED BEHIND BULKHEAD UP TO 25 CY FILL TO BE PLACED BELOW SPRING TIDE AT OLD RAMP AREA



PURPOSE: REPAIR AND MAINTENANCE
 PROPOSED: INSTALL 11 LF SECTION OF BULKHEAD TO CLOSE OFF DIRT BOTTOM BOAT RAMP MAKING ONE CONTINUOUS 84.6 LF BULKHEAD AT SAME HEIGHT LEAVE PILES HIGH AS BOAT RISERS / RAISE TOP OF BULKHEAD UP TO 1' TO MEET WITH BULKHEAD TO THE SOUTH
 INSTALL NEW 6' X 13.3' & 6' X 1.7' CAPPING BOARDWALK AT OLD RAMP AREA TO MEET WITH THE EXISTING RETURN THAT IS 1.7' SOUTH OF THE MAP LINE
 RESET-REPLACE FENCE / RECOVERY DREDGE / ADD FILL

MLW= 0.00' MHW = 1.50' SHW = 2.00'	LAT 40° 39' 46.4646 " N LONG 73° 26' 39.6846 " W	PAGE 4 OF 4	PREPARED BY SHORE SOLUTIONS INC 10/7/2011 REVISED 1/5/2012 ADDED ADJ BH	SCALE 1" = 10'	NCTM#S: SD 23 / SEC 66 / BLK 93 / LOT 37 AT: 67 WEST SHORE DRIVE MASSAPEQUA, NY 11758 FOR: JOHN P. MURPHY
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Handwritten signature and notes:
 JPM
 2011-01287-ES1