



# 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-2011-01445-ESP  
Issue Date: February 6, 2012  
Expiration Date: March 6, 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: The Creek, Inc.  
ATTN: Robert Stein  
General Manager  
P.O. Box 427  
Locust Valley, N.Y. 11560

ACTIVITY: Provide beach nourishment

WATERWAY: Long Island Sound

LOCATION: Lattingtown, 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. Comments provided will become a part of the public record for this action.

CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2011 -01445-ESP

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.

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, 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:

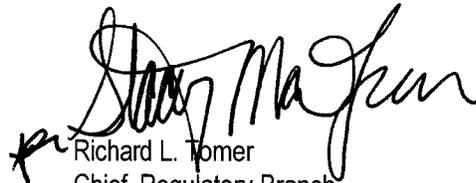
- New York State Department of Environmental Conservation permit

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>

CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2011 -01445-ESP

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) 790-8522 and ask for Craig Spitz.

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

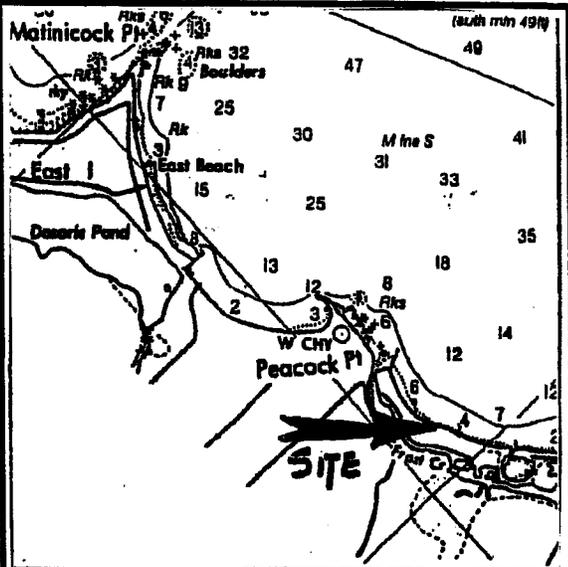
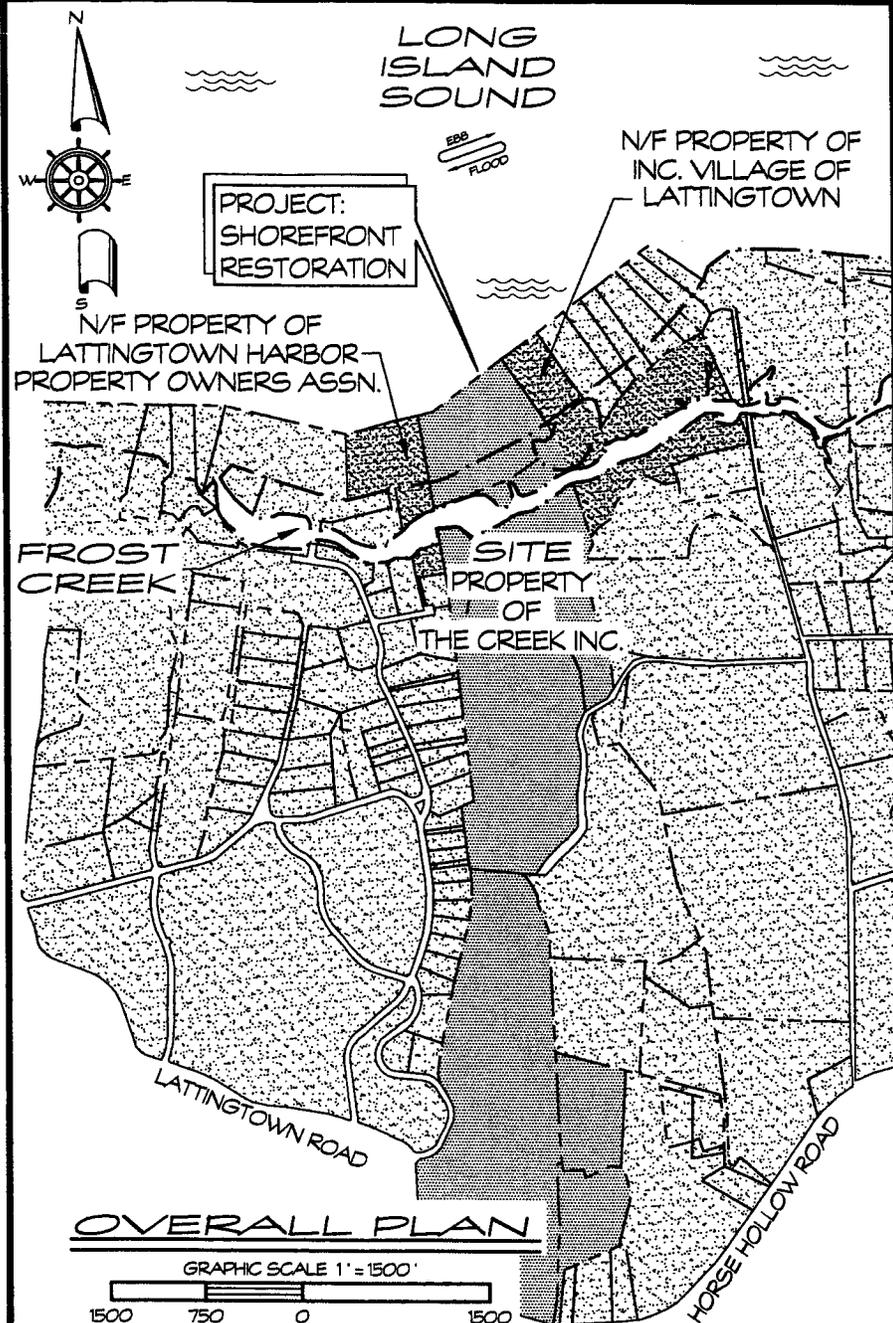
**WORK DESCRIPTION**

The applicant, the Creek, Inc. has requested Department of the Army authorization to provide beach nourishment in Long Island Sound at Lattingtown, Town of Oyster Bay, Nassau County, New York.

The work would involve the discharge, above the plane of spring high water, of approximately 3,000 cubic yards (45,000 square feet) of sand to be trucked in from an upland source with the intent of having wave and wind action redistribute the sand along the beach below the spring high water line.

The stated purpose of this project is to replace sand lost during storm events.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by minimizing, as much as possible, the amount of discharge necessary to restore the beach and matching, as close as possible, the grain size of the sand that already exists at the site.



- NOTES:**
- ELEVATION DATUM IS MEAN LOW WATER. CONTOURS AND ELEVATIONS ARE BASED ON MEAN LOW WATER REFERENCED TO NGVD29.
  - TIDE DATA IS TAKEN FROM THE 2000 NOAA TIDE TABLES, REFERENCE GLEN COVE AND OYSTER BAY (SPRING HTL EL 9.2± MHW EL 7.3)
  - PROJECT DESCRIPTION:** MODIFICATION OF ARMY PERMIT 2009-01139 TO PLACE ADDITIONAL 3,000±CY OF REPLENISHMENT BEACH SAND OVER AN AREA OF 45,000±SF LANDWARD OF THE SPRING HIGH WATER LINE ON THE WEST BEACH.
  - PROJECT PURPOSE:** THE PROPOSED WORK IS FOR BEACH SAND REPLACEMENT ON BEACH AND PRIVATE PROPERTY UTILIZED AS A BEACH CLUB SINCE 1922.
  - THESE APPLICATION DRAWINGS REPRESENT A COMPILATION SURVEY FOR PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT DOCUMENTS.
  - THIS APPLICATION REPRESENTS WORK TO SUPPLEMENT SAND REPLENISHMENT ACCOMPLISHED UNDER PERMIT 2009-01139

**6. ADJOINING PROPERTY OWNERS:**

**WEST:**  
 LATTINGTOWN HARBOR PROPERTY OWNERS ASSOCIATION INC.  
 c/o RICHARD B. KELLY, ESQ.  
 7 GREAT MEADOW ROAD  
 LOCUST VALLEY, NEW YORK 11560

**EAST:**  
 VILLAGE OF LATTINGTOWN  
 VILLAGE HALL  
 LATTINGTOWN ROAD  
 LATTINGTOWN, NEW YORK 11560

DEC. PERMIT 1-2824-00402/00015 AMENDMENT

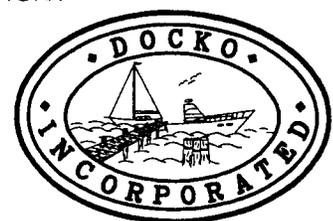


REVISED 3-16-10 DEC DESCRIPTION  
 REVISED 12-6-11 ACOE PROJECT DESCRIPTION

**PROJECT:** SHOREFRONT RESTORATION

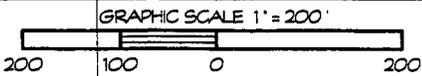
**LOCATION:** THE CREEK VILLAGE OF LATTINGTOWN  
 NASSAU COUNTY, NEW YORK  
**WATERWAY:** LONG ISLAND SOUND  
**DATE:** JUNE 26, 2008  
**APPLICANT:** THE CREEK INC.

**AGENT:** SHEET 1 OF 4  
**DOCKO, INC.**  
 Keith B. Neilson, PE  
 Mystic, CT 06355  
 860 572 8939 FAX 860 572 7569  
 EMAIL: docko@snet.net

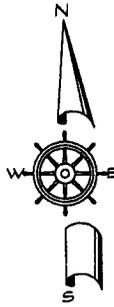


DWG 98-04-862

**OVERALL PLAN**



LONG ISLAND SOUND



APPROXIMATE LOCATION OF PROPERTY LINE

\* NOTE: THE COASTAL EROSION HAZARD AREA LIMITS HAVE BEEN TRANSPROSED FROM THE VILLAGE OF LATTINGTOWN COASTAL EROSION HAZARD AREA MAP DATED 12/5/88.

ADDITIONAL BEACH SAND REPLENISHMENT 3,000±CY OVER 45,000±SF - SEE SHEETS 3 & 4

BEACH COMPLEX

GROIN

FLOAT

BEACH

BRUSH

10th FAIRWAY

10th GREEN

11th TEE

APPROXIMATE LIMIT OF LITTORAL DEVELOPMENT RIGHTS

POOL

BEACH

BRIDGE

FLOOD

11th GREEN

FROST CREEK

12th GREEN

MARSH

N/V PROPERTY OF LATTINGTOWN HARBOR PROPERTY OWNERS ASSN.

PARKING

12th TEE

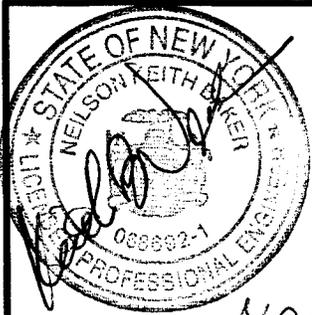
12th FAIRWAY

GOLF COURSE

FROST CREEK

APPROXIMATE COASTAL EROSION HAZARD LIMIT: VILLAGE OF LATTINGTOWN

SURVEY: by RESOURCE MANAGEMENT & MAPPING



REVISED 3-16-10 DEC STORM DAMAGE

PROJECT: SHOREFRONT RESTORATION

LOCATION: THE CREEK, VILLAGE OF LATTINGTOWN NASSAU COUNTY, NEW YORK

WATERWAY: LONG ISLAND SOUND

DATE: JUNE 26, 2008

APPLICANT: THE CREEK INC.

AGENT: SHEET 2 OF 4

**DOCKO, INC.**

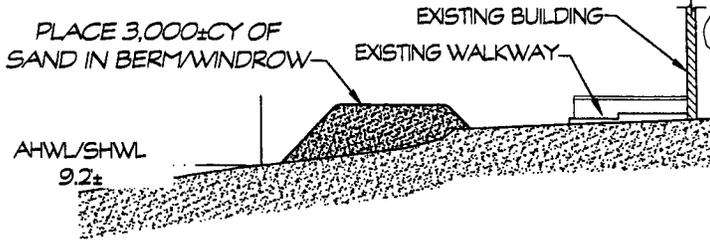
Keith B. Neilson, PE  
Mystic, CT 06355  
860 572 8939 FAX 860 572 7569  
EMAIL: docko@snet.net



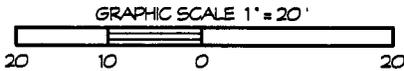
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LONG ISLAND SOUND



**BERM PROFILE**



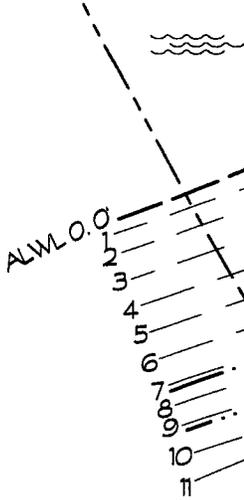
PLACE ADDITIONAL 3,000±CY OF REPLENISHMENT BEACH SAND OVER 45,000±SF

APPROXIMATE LIMIT OF LITTORAL DEVELOPMENT RIGHTS - LIMIT OF BEACH REPLENISHMENT 380±FT FROM JETTY

APPARENT HIGH WATER LINE 9.2 (SPRING HIGH TIDE)

MEAN HIGH WATER LINE 7.3

APPARENT LOW WATER LINE 0.0 SEE NOTE



APPROXIMATE PROPERTY LINE

**NEW GRADE**



N/F PROPERTY OF LATTINGTOWN HARBOR PROPERTY OWNERS ASSN.

CHAIN LINK FENCE

EXISTING GRADE (TYP)

SECTION BB (SEE SHEET 5)

SECTION CC (SEE SHEET 5)

PLACE 3,000±CY OF SAND IN BERM/WINDROW

FRAME BUILDING CABANNAS

BEACH CLUB COMPLEX

TIDE LINE NOTE: EXTENSIVE EROSION HAS BEEN NOTED AFTER SIGNIFICANT STORMS. CONDITIONS AND TIDE LINES VARY WEEKLY

SITE PROPERTY OF THE CREEK CLUB

NAN-2011-01445-ESP

NYS DEC PERMIT 1-2824-00402/00015 AMENDMENT SURVEY by BLADYKAS & PANETTA



- REVISED 2-17-10 DEC TIDE LINES
- REVISED 3-16-10 DEC STORM DAMAGE
- REVISED 8-2-10 DI SECTIONS, CONTOURS, SAND REPLENISHMENT AREA, CALLOUTS
- REVISED 1-7-11 DEC CALLOUTS & DIM.
- REVISED 2-1-11 DEC BERM PROFILE

PROJECT: SHOREFRONT RESTORATION

LOCATION: THE CREEK, VILLAGE OF LATTINGTOWN NASSAU COUNTY, NEW YORK

WATERWAY: LONG ISLAND SOUND

DATE: JUNE 26, 2008

APPLICANT: THE CREEK INC.

AGENT: SHEET 3 OF 4

**DOCKO, INC.**

Keith B. Nelson, PE  
Mystic, CT 06355  
860 572 8939 FAX 860 572 7569  
EMAIL: docko@snet.net



DWG 98-04-862

**SECTION A-A**

GRAPHIC SCALE 1" = 20'

HISTORIC BEACH PROFILE - PRE 2000  
 ANTICIPATED UNIFORM GRADIENT of BEACH  
 AFTER WAVES and TIDES DISPERSE and  
 SPREAD ADDITIONAL 3,000±CY of  
 WINDROWED BEACH NORISHMENT SAND  
 REQUESTED IN THIS APPLICATION

NEW 3,000±CY BEACH  
 REPLENISHMENTSAND  
 DEPOSITED/WINDROWED  
 LANDWARD OF THE SPRING  
 HIGH WATER LINE (TYP)

BEACH SAND  
 REPLENISHMENT 3,500±CY  
 NYS DEC PERMIT 1-2824-00402/00015  
 ARMY PERMIT 2009-01139  
 AMENDED 3/11/2011

APPROXIMATE BEACH GRADE  
 PRIOR TO STORMS OF  
 10/28/06 AND 4/15/07  
 3000±CY OF SAND LOST

AHWL (SPRING HIGH TIDE) 9.2±  
 MHWL 7.3'

ALWL 0.0'

NEW GRADE APPROXIMATELY 10:1

ANTICIPATED UNIFORM GRADIENT of BEACH  
 AFTER WAVES and TIDES DISPERSE and  
 SPREAD 3,000±CY of WINDROWED BEACH  
 NORISHMENT SAND PLACED UNDER PERMIT  
 1-2824-00402/00015 AS AMENDED

APPROXIMATE BEACH  
 PROFILE RESULTING  
 FROM STORMS OF  
 12/16/10 AND 10/29/11

BEACH MATERIALS  
 FINE TO COARSE SAND

**SECTION B-B**

GRAPHIC SCALE 1" = 20'

HISTORIC BEACH PROFILE - PRE 2000  
 ANTICIPATED UNIFORM GRADIENT of BEACH  
 AFTER WAVES and TIDES DISPERSE and  
 SPREAD ADDITIONAL 3,000±CY of  
 WINDROWED BEACH NORISHMENT SAND  
 REQUESTED IN THIS APPLICATION

NEW 3,000±CY BEACH  
 REPLENISHMENT SAND  
 DEPOSITED/WINDROWED  
 LANDWARD OF SPRING  
 HIGH WATER (TYP)

BEACH SAND REPLENISHMENT 3,500±CY  
 NYS DEC PERMIT 1-2824-00402#00015  
 ARMY PERMIT 2009-01139  
 AMENDED 3/11/2011

APPROXIMATE BEACH GRADE PRIOR TO  
 STORM OF 10/28/06 AND 4/15/07  
 3000±CY OF SAND LOST

AHWL (SPRING HIGH TIDE) 9.2±  
 MHWL 7.3'

ALWL 0.0'

NEW GRADE APPROXIMATELY 10:1

ANTICIPATED UNIFORM GRADIENT of BEACH  
 AFTER WAVES and TIDES DISPERSE and  
 SPREAD 3,000±CY of WINDROWED BEACH  
 NORISHMENT SAND PLACED UNDER PERMIT  
 1-2824-00402/00015 AS AMENDED

APPROXIMATE BEACH  
 PROFILE RESULTING  
 FROM STORMS OF 12/16/10  
 AND 10/29/11

BEACH MATERIALS  
 FINE TO COARSE SAND

**SECTION C-C**

GRAPHIC SCALE 1" = 20'



HISTORIC BEACH PROFILE - PRE 2000  
 ANTICIPATED UNIFORM GRADIENT of BEACH  
 AFTER WAVES and TIDES DISPERSE and  
 SPREAD ADDITIONAL 3,000±CY of  
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 REQUESTED IN THIS APPLICATION

NEW 3,000±CY BEACH  
 REPLENISHMENT SAND  
 DEPOSITED/WINDROWED  
 LANDWARD OF SPRING  
 HIGH WATER LINE (TYP)

BEACH SAND REPLENISHMENT 3,500±CY  
 NYS DEC PERMIT 1-2824-00402#00015 AND  
 ARMY PERMIT 2009-01139  
 AMENDED 3/11/2011

APPROXIMATE BEACH GRADE  
 PRIOR TO STORMS OF  
 10/28/06 AND 4/15/07  
 3000±CY OF SAND LOST

AHWL (SPRING HIGH TIDE) 9.2±  
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 NORISHMENT SAND PLACED UNDER PERMIT  
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 AMENDED

APPROXIMATE BEACH  
 PROFILE RESULTING  
 FROM STORMS OF 12/16/10  
 AND 10/29/11

BEACH MATERIALS  
 FINE TO COARSE SAND

PERMIT 1-2824-00402/00015 AMENDMENT

PROJECT: SHOREFRONT RESTORATION

LOCATION: THE CREEK, VILLAGE OF LATTINGTOWN  
 NASSAU COUNTY, NEW YORK

WATERWAY: LONG ISLAND SOUND  
 DATE: JUNE 26, 2008  
 APPLICANT: THE CREEK INC.

AGENT: SHEET 4 OF 4

**DOCKO, INC.**

Keith B. Neilson, PE  
 Mystic, CT 06355  
 860 572 8939 FAX 860 572 7569  
 EMAIL: docko@snet.net



DWG 98-04-862

REVISED 1-17-10  
 CALLOUTS DELETED

REVISED 2-17-10 DEC  
 TIDE LINES

REVISED 3-16-10 ACOE  
 STORM DAMAGE

REVISED 5-24-10 DEC  
 PROFILES

REVISED 5-24-10 DEC  
 PROFILES, CALLOUTS

REVISED 1-7-11 DEC  
 PROFILES, CALLOUTS

