



## 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-2009-01172-EST  
Issue Date: July 16, 2012  
Expiration Date: August 15, 2012

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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: William Allison  
310 Bay Drive  
Massapequa, NY 11758

ACTIVITY: To maintain previously constructed marine structure.

WATERWAY: Great South Bay

LOCATION: Village of Massapequa, the Town of South 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-2009-01172-EST**

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://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.

**CENAN-OP-RE**  
**PUBLIC NOTICE NO.NAN-2009-01172-EST**

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

*for*   
Michael Scarano  
Deputy Chief, Regulatory Branch

Enclosures

**CENAN-OP-RE**

**PUBLIC NOTICE NO. NAN-2009-01172-EST**

**WORK DESCRIPTION**

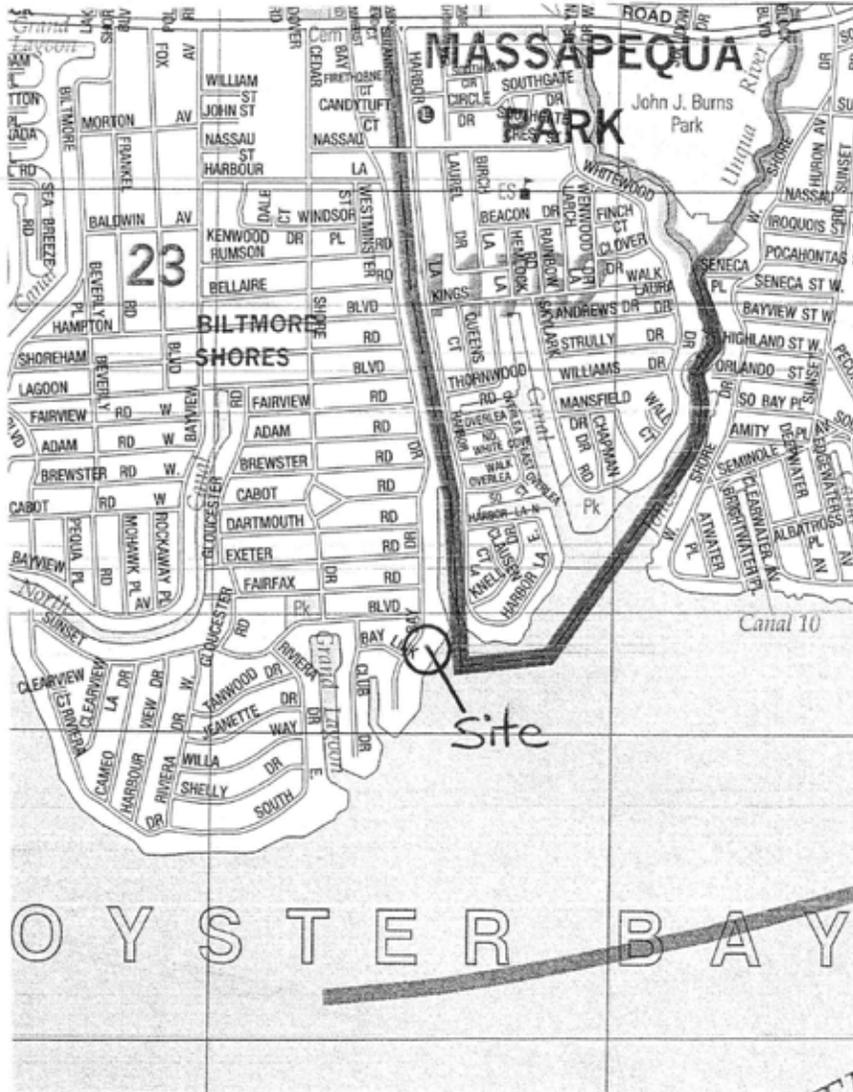
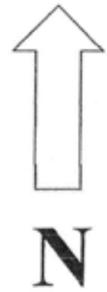
The applicant, William Allison, has requested Department of the Army authorization for maintenance of previously constructed bulkhead/deck structure with fill placement below spring high water (SHW) elevation. The project site is located in Great South Bay, in the Village of Massapequa, the Town of South Oyster Bay, Nassau County, New York.

The work would involve: maintenance of previously constructed 34-foot-long lower bulkhead and a 122-foot-long base bulkhead with placement of 55 cubic yards of fill in the formed cavity (20 cubic yards to be placed below SHW elevation); maintenance of previously constructed 22-foot-long deck supporting bulkhead with placement of 30 cubic yards landward of the structure with 15 cubic yards to be placed below SHW elevation; maintenance of previously constructed 305 square feet deck; and

Proposed construction of a 4-foot-wide by 4-foot-long stairs, a 4-foot-wide by 128-foot-long catwalk, a 3-foot-wide by 25-foot-long ramp, and a 6-foot-wide by 20-foot-long float; installation of a 1.5-foot-wide by 16-foot-long boatlift and a 16.5-foot-wide by 18.5-foot-long jet ski float.

The stated purpose of this project is to provide shore protection together with providing applicant with water access.

Allison – 310 Bay Drive, Massapequa, NY



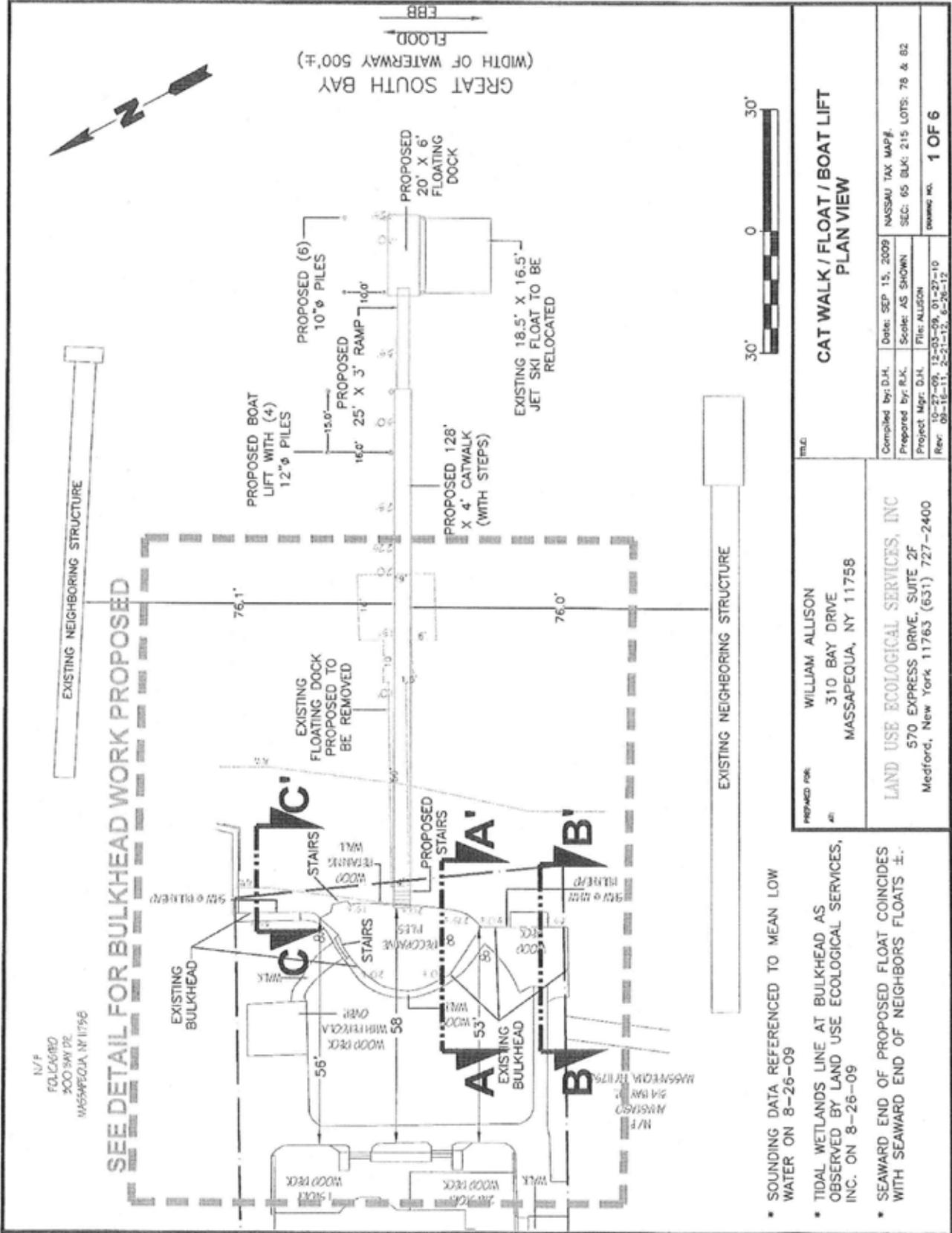
Quadrangle: Amityville

Land Use Ecological Services, Inc.  
 PO Box 1060  
 Riverhead, NY 11901  
 Tel. 631-727-2400 Fax.631-727-2605

Location map taken from Nassau County Atlas, Hagstrom.  
 40°39'07.06" North (coordinates are center of project site)  
 73°27'18.61" West

App # 2009-01172-EST

APP# 2009-0172-ESX



N/P  
FOLCAREO  
300 BAY DR  
MASSAPEQUA, NY 11756

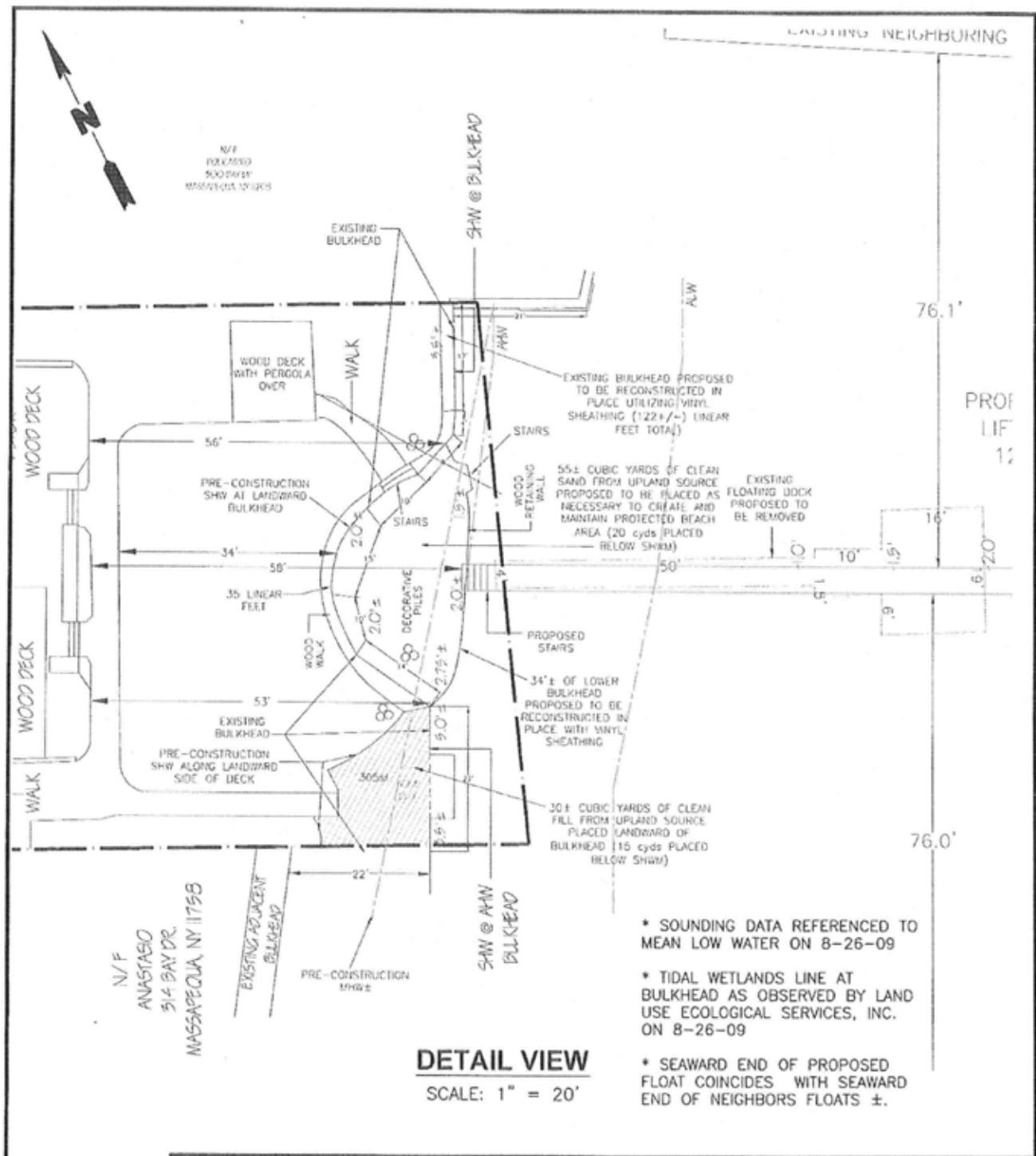
SEE DETAIL FOR BULKHEAD WORK PROPOSED



- SOUNDING DATA REFERENCED TO MEAN LOW WATER ON 8-26-09
- TIDAL WETLANDS LINE AT BULKHEAD AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 8-26-09
- SEAWARD END OF PROPOSED FLOAT COINCIDES WITH SEAWARD END OF NEIGHBORS FLOATS ±.

PREPARED FOR: <b>WILLIAM ALLISON</b> 310 BAY DRIVE MASSAPEQUA, NY 11758	<b>CAT WALK / FLOAT / BOAT LIFT</b> <b>PLAN VIEW</b>	
	TITLE:	DATE: SEP 15, 2009 PROJECT: 65 BLK: 215 LOTS: 78 & 82 DRAWING NO: 1 OF 6
LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (631) 727-2400		COMPILED BY: D.J.H. PREPARED BY: R.K. PROJECT MGR: D.J.H. REV: 01-27-09, 12-03-09, 01-27-10, 08-19-11, 2-21-12, 6-26-12
MASSAU TAX MAP#: SEC: 65 BLK: 215 LOTS: 78 & 82		FILE: ALLISON

APR 1 # 2009-01172-EST

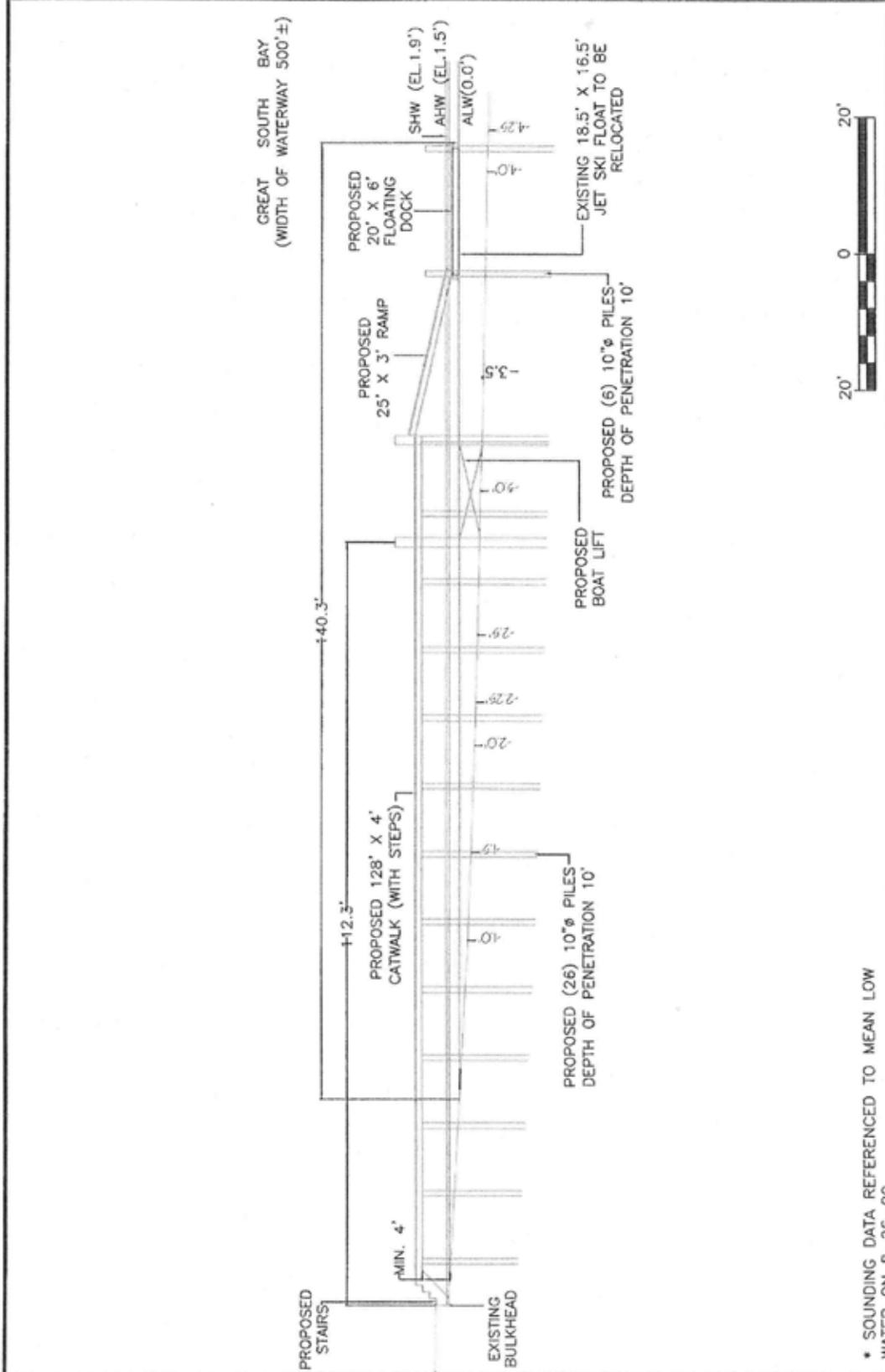


**DETAIL VIEW**  
SCALE: 1" = 20'

- \* SOUNDING DATA REFERENCED TO MEAN LOW WATER ON 8-26-09
- \* TIDAL WETLANDS LINE AT BULKHEAD AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 8-26-09
- \* SEAWARD END OF PROPOSED FLOAT COINCIDES WITH SEAWARD END OF NEIGHBORS FLOATS ±.

PREPARED FOR: <b>WILLIAM ALLISON</b> 310 BAY DRIVE MASSAPEQUA, NY 11758	TITLE: <b>CAT WALK / FLOAT / BOAT LIFT          DETAIL VIEW</b>		
	LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (631) 727-2400	Compiled by: D.H. Prepared by: R.K. Project Mgr: D.H. Rev: 10-27-09, 12-03-09, 01-27-10, 09-16-11, 2-21-12, 6-26-12	Date: SEP 15, 2009 Scale: AS SHOWN File: ALLISON

REVISED 11/11/09 - 01172-ES1



PROJECT NO: 08-03-09, 01-27-10, 02-27-09, 10-03-09, 6-26-12  
 REV: 3-21-12, 6-26-12

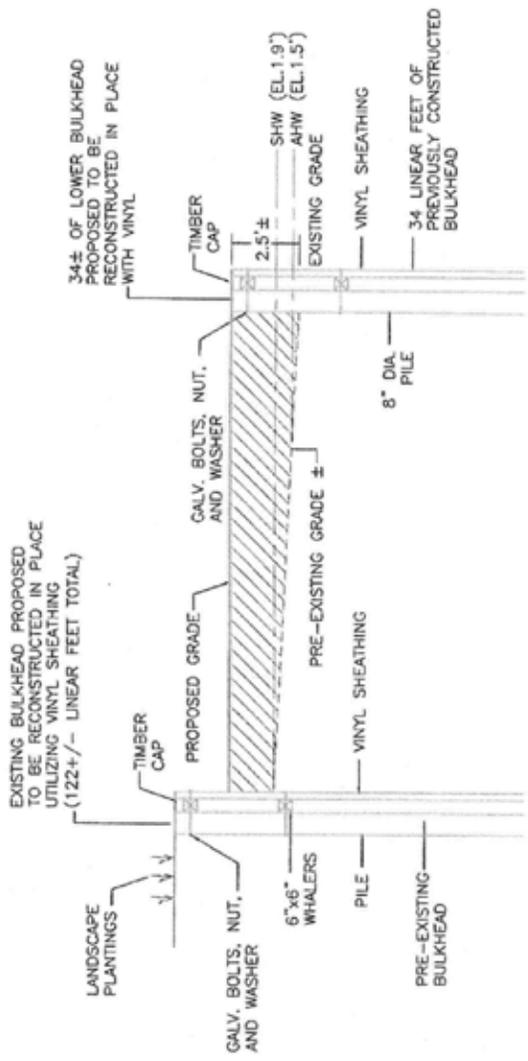
Compiled by: D.H.	Date: SEP 15, 2009	MASSAU TAX MAP#.
Prepared by: R.K.	Scale: AS SHOWN	SEC: 65 BLK: 215 LOTS: 78 & 82
Project Mgr: D.H.	File: ALLISON	DRAWING NO. 3 OF 6

PROPOSED FOR: WILLIAM ALLISON  
 310 BAY DRIVE  
 MASSAPEQUA, NY 11758

LAND USE ECOLOGICAL SERVICES, INC  
 570 EXPRESS DRIVE, SUITE 2F  
 Medford, New York 11763 (631) 727-2400

- \* SOUNDING DATA REFERENCED TO MEAN LOW WATER ON 8-26-09
- \* TIDAL WETLANDS LINE AT BULKHEAD AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 8-26-09
- \* SEAWARD END OF PROPOSED FLOAT COINCIDES WITH SEAWARD END OF NEIGHBORS FLOATS ±.

157-2110-6001 / 11/11  
 2009-0172-ESA



**SECTION VIEW A - A'**  
 SCALE: 1" = 4'

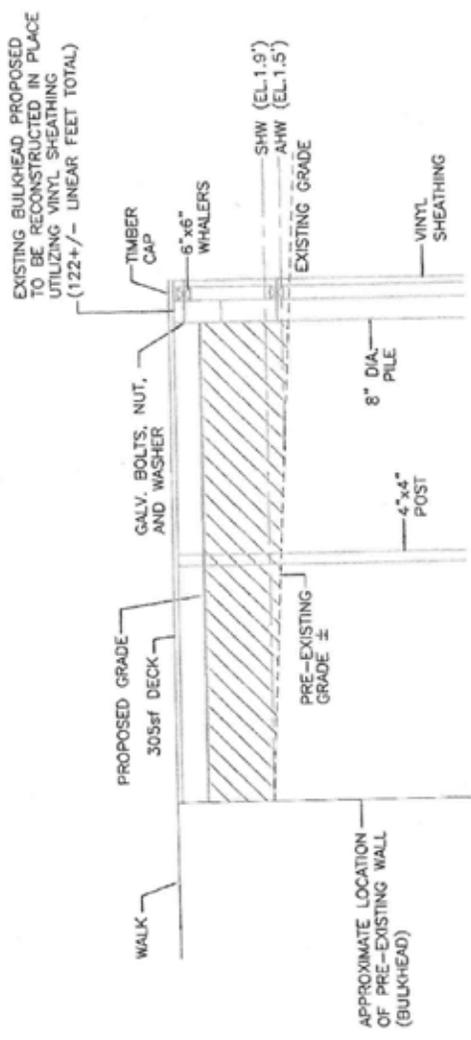
**LEGEND**

55± CUBIC YARDS OF CLEAN SAND FROM UPLAND SOURCE PLACED TO CREATE PROTECTED BEACH AREA (20 CYDS PLACED BELOW SHWM)

- \* SOUNDING DATA REFERENCED TO MEAN LOW WATER ON 8-26-09
- \* TIDAL WETLANDS LINE AT BULKHEAD AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 8-26-09
- \* SEAWARD END OF PROPOSED FLOAT COINCIDES WITH SEAWARD END OF NEIGHBORS FLOATS ±.

PREPARED FOR: WILLIAM ALLISON 310 BAY DRIVE MASSAPEQUA, NY 11758	<b>CATWALK / FLOAT / BOAT LIFT          SECTION VIEW</b>
<b>LAND USE ECOLOGICAL SERVICES, INC</b> 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (631) 727-2400	
Compiled by: D.H.    Date: SEP 15, 2009    NASSAU TAX MAP#: Prepared by: B.K.    Scale: AS SHOWN    SEC: 65 BLK: 215 LOTS: 78 & 82 Project Mgr: D.H.    File: ALLISON Rev: 10-27-09, 12-03-09, 01-27-10, 09-16-11, 2-21-12, 6-26-12    DRAWING NO.    4 OF 6	

App # 2009-0172-ES1



**SECTION VIEW B - B'**  
SCALE: 1" = 4'

**LEGEND**

30± CUBIC YARDS OF CLEAN FILL AREA  
UPLAND SOURCE (15± CUBIC YARDS MAX  
PLACED BELOW SHWM)



- \* SOUNDING DATA REFERENCED TO MEAN LOW WATER ON 8-26-09
- \* TIDAL WETLANDS LINE AT BULKHEAD AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 8-26-09
- \* SEAWARD END OF PROPOSED FLOAT COINCIDES WITH SEAWARD END OF NEIGHBORS FLOATS ±.
- \* PRE-CONSTRUCTION AHW/SHWM IN SIMILAR LOCATIONS AS EXISTING.

PROPOSED FOR: <b>WILLIAM ALLISON</b> 310 BAY DRIVE MASSAPEQUA, NY 11758		<b>CATWALK / FLOAT / BOAT LIFT</b> <b>SECTION VIEW</b>	
LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (631) 727-2400		Date: SEP 15, 2009 Scale: AS SHOWN Project Mgr: D.H. Rev: 09-15-11, 12-03-09, 01-27-10, 09-15-11, 3-21-10, 6-28-12	NASSAU TAX MAP#: SEC: 65 BLK: 215 LOTS: 78 & 82 drawing no. <b>5 OF 8</b>

153-2210-6002 #/M/J



**SECTION VIEW C - C'**  
SCALE: 1" = 4'

- \* SOUNDING DATA REFERENCED TO MEAN LOW WATER ON 8-26-09
- \* TIDAL WETLANDS LINE AT BULKHEAD AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 8-26-09
- \* SEAWARD END OF PROPOSED FLOAT COINCIDES WITH SEAWARD END OF NEIGHBORS FLOATS ±.
- \* PRE-CONSTRUCTION AHW/SHWM IN SIMILAR LOCATIONS AS EXISTING.

PREPARED FOR: WILLIAM ALLISON 310 BAY DRIVE MASSAPEQUA, NY 11758	<b>CATWALK / FLOAT / BOAT LIFT SECTION VIEW</b>	
	FILED:	Date: SEP 15, 2009 Scale: AS SHOWN File: ALLISON
LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESS DRIVE, SUITE 2F Medford, New York 11763 (531) 727-2400	NASSAU TAX MAPS: SEC: 65 BLK: 215 LOTS: 76 & 82	Drawn No: 6 OF 6
COMPLETED BY: D.H. PREPARED BY: R.H. PROJECT MGR: D.H. REV: 10-27-09, 12-03-09, 01-27-10, 09-16-11, 2-21-12, 6-26-12	Date: SEP 15, 2009 Scale: AS SHOWN File: ALLISON	NASSAU TAX MAPS: SEC: 65 BLK: 215 LOTS: 76 & 82 Drawn No: 6 OF 6