



# 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-2010-00969-ESP**  
Issue Date: June 29, 2012  
Expiration Date: July 28, 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: Town of Hempstead  
350 Front Street  
Hempstead, N.Y. 11550

ACTIVITY: Maintain, as completed, a new bulkhead and extension to an outfall pipe

WATERWAY: Bedell Creek, Hempstead Bay

LOCATION: Oceanside, Town of Hempstead, Nassau County, N.Y.

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-2010 -00969-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 completed activity for which authorization is sought herein will 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 completed work, fully described in the attached work description, did not cause the disruption of habitat for the various lifestages of EFH-designated species. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is 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 completed activity complies with, and has been 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:

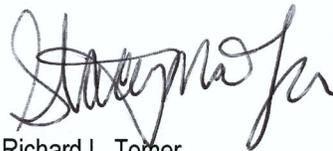
- New York State Department of Environmental Conservation permit

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.

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-2010-00969-ESP

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

A handwritten signature in black ink, appearing to read "Richard L. Tomer".

Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

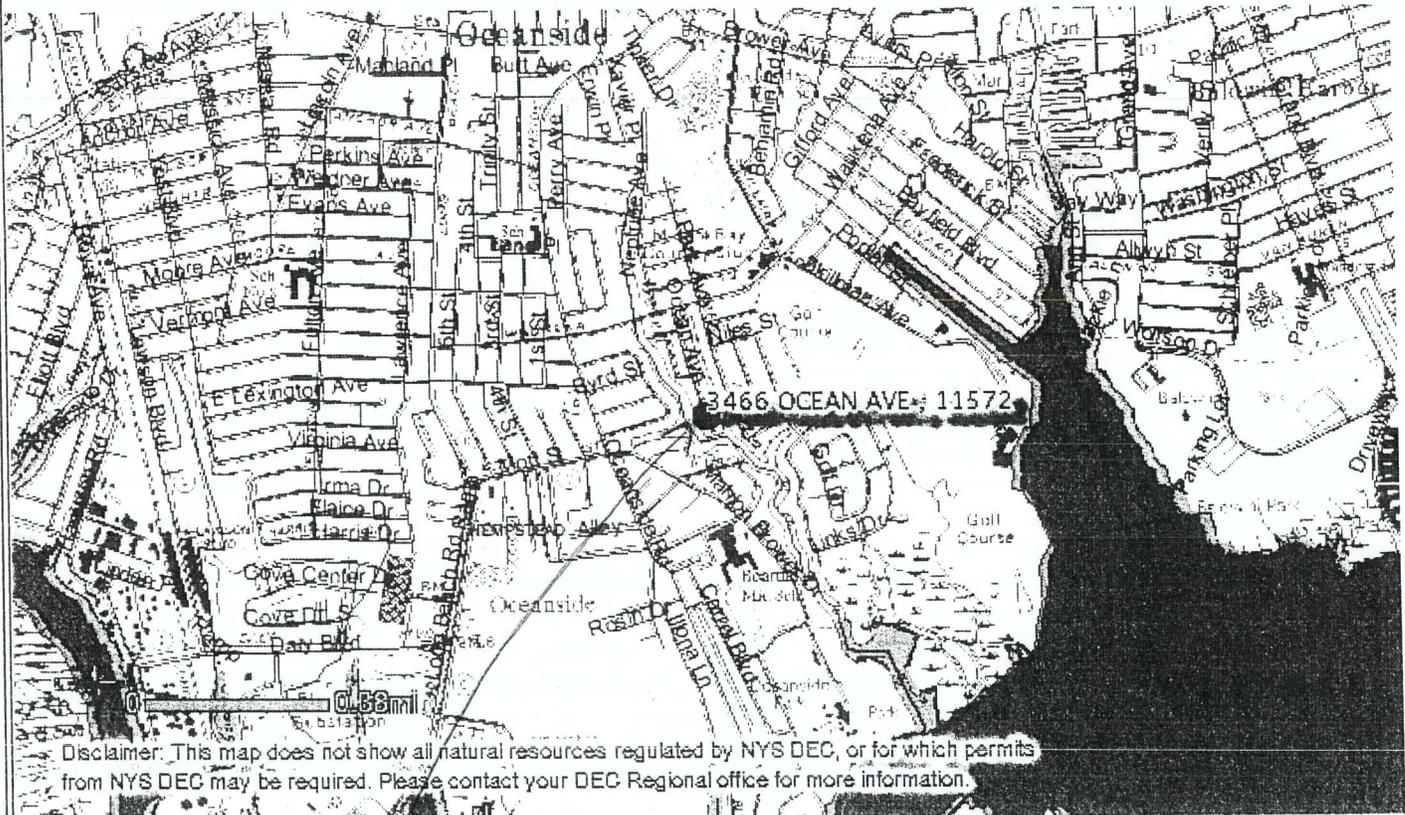
The applicant, the Town of Hempstead, has requested Department of the Army authorization to maintain, as completed, a new bulkhead and outfall pipe extension in Bedell Creek, Hempstead Bay at Oceanside, Town of Hempstead, Nassau County, New York.

The work involved the construction of approximately 55 linear feet of new bulkhead at the toe of an existing concrete/asphalt lined slope and backfilling with approximately 85 cubic yards of material below the plane of spring high water. An existing 18-inch diameter outfall pipe was extended through the bulkhead.

The stated purpose of the completed activity is to prevent erosion of the upland area and ensure continual structural integrity of the existing adjacent town road.

Please set your printer orientation to "Landscape".

### Ocean Avenue



MinX: 613543, MaxX: 618140, MinY: 4499627, MaxY: 4496989

*PROJECT SITE*

Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.

*1 of 5*

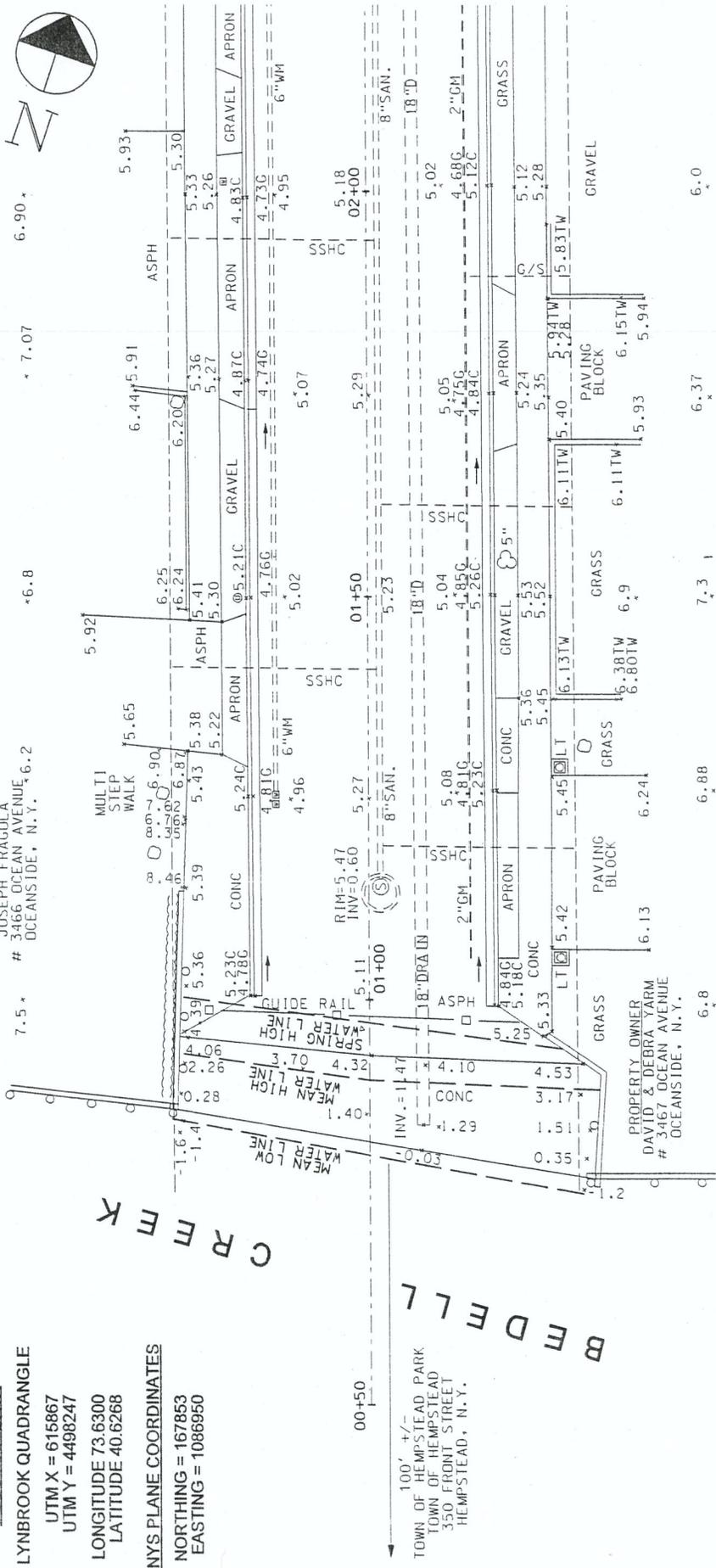
*NAN-2010-00969-ESP*

**USGS MAP DATA**  
 LYNBROOK QUADRANGLE  
 UTM X = 615867  
 UTM Y = 4498247  
 LONGITUDE 73.6300  
 LATITUDE 40.6268

**NYS PLANE COORDINATES**  
 NORTHING = 167863  
 EASTING = 1086950

PROPERTY OWNER  
 JOSEPH FRAGOLA  
 3466 OCEAN AVENUE  
 OCEANSIDE, N.Y. 6.2

# 3460  
 \* 7.07  
 6.90



# OCEAN AVENUE

# 3461

Scale:	1" = 20'
Date:	MAY 2009
File No.:	
Dwg No.:	
Sheet No.:	2 of 5

**OCEAN AVENUE  
 EXISTING CONDITIONS PLAN**  
**BULKHEAD AND OUTFALL REPAIRS  
 AT VARIOUS LOCATIONS  
 OCEANSIDE, N.Y.**

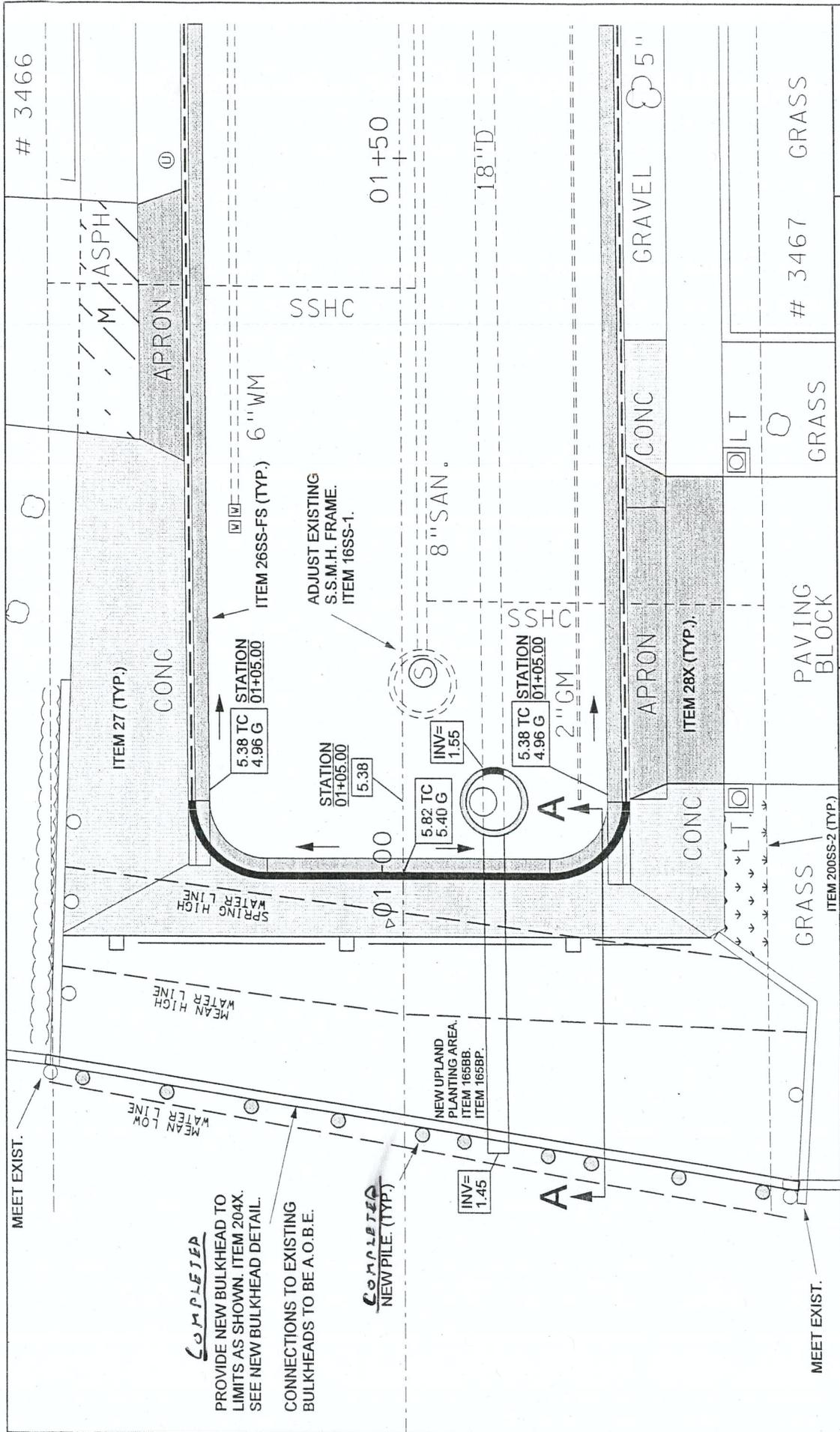
- NOTES:**
- EXISTING CONDITIONS SHOWN AS OF AUGUST 2007.
  - UNDERGROUND UTILITIES SHOWN ARE BASED UPON LIMITED SCHEMATIC INFORMATION PROVIDED BY OTHERS. NOT ALL EXISTING UNDERGROUND UTILITY BRANCHES AND SERVICES ARE SHOWN. PRIVATE UTILITIES, IF EXISTING, ARE NOT SHOWN OR INDICATED.
  - NEW CENTERLINE AND EXISTING CENTERLINE OF ROADWAY SHOWN IN PROFILE.
  - NEW CROSS SECTION OF ROADWAY SHALL BE PARABOLIC IN SHAPE EXCEPT WHEN WARPING TO MEET VALLEY GUTTERS AND WHERE NEW PAVEMENT MEETS EXISTING PAVEMENT. NEW CROWN SHALL BE LOCATED AT CENTERLINE OF ROADWAY.
  - HORIZONTAL AND VERTICAL CONTROL INDICATED IS IN NASSAU COUNTY DATUM. VERTICAL CONTROL INDICATED IS NAD83 (1996) US SURVEY FEET.

*MAN-2010-00969-ESP*

In Charge:	W.H.R.
Compiler:	J.H.W.
Design:	J.H.W.
Drawn:	J.A.P.
Checked:	J.M.T.
Reviewed:	W.H.R.

Department of Engineering





# 3466

Scale: 1" = 10'  
 Date: MAY 2009  
 File No.:  
 Dwg No.:  
 Sheet No.: 4 of 5

OCEAN AVENUE  
 10 SCALE CONSTRUCTION PLAN  
 BULKHEAD AND OUTFALL REPAIRS  
 AT VARIOUS LOCATIONS  
 OCEANSIDE, N.Y.

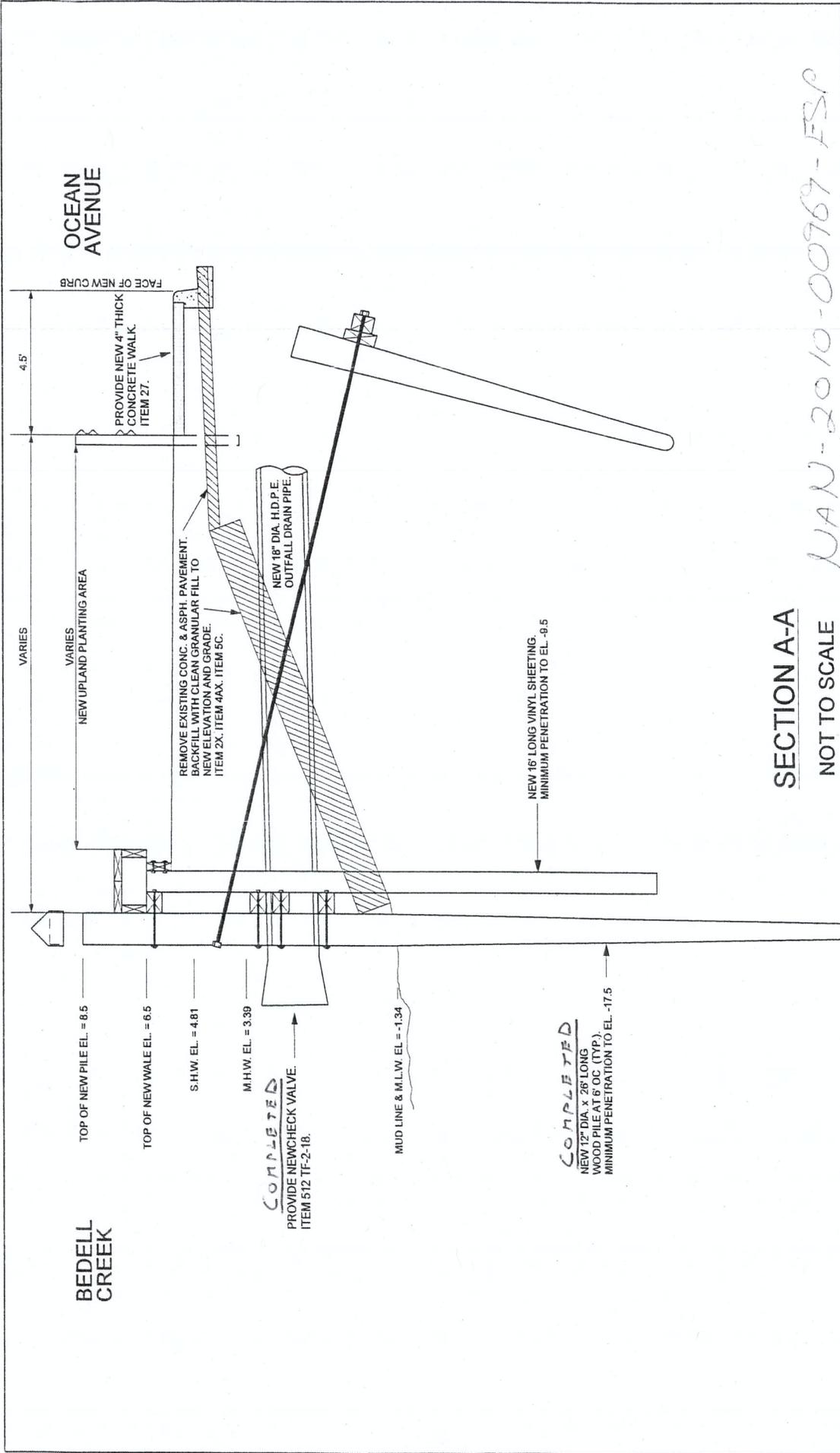
- RESTORE MASONRY WALK ITEM 2755-MW
- RESTORE GRAVEL ITEM 1655-DG
- RESTORE CONC. ITEM 27
- RESTORE DIRT OR GRAVEL DRIVEWAY ITEM 28X
- RESTORE ASPHALT DRIVEWAY ITEM 36SS
- RESTORE MASONRY DRIVEWAY ITEM 2855-MD
- REPLACE EXIST. APRON ITEM 28X
- RESTORE WITH NEW SOD ITEM 200SS-2
- REPLACE EXISTING CURB OR CURB AND GUTTER WITH NEW CONC. CURB & GUTTER ITEM 2655 OR 2155-FS



In Charge: W.H.R.  
 Compilation: J.H.W.  
 Design: J.H.W.  
 Drawn: J.A.P.  
 Checked: J.M.T.  
 Reviewed: W.H.R.

Department of Engineering

WAN-2010-00969-FSP



**SECTION A-A**

NOT TO SCALE

*MAN-2010-00767-FSP*

Scale:	NONE
Date:	MAY 2009
File No.:	
Dwg No.:	
Sheet No.:	5 of 5

OCEAN AVENUE  
SECTION A-A

**COMPLETED**  
BULKHEAD AND OUTFALL REPAIRS  
AT VARIOUS LOCATIONS  
OCEANSIDE, N.Y.

- NOTES:
- EXISTING CONDITIONS SHOWN AS OF AUGUST 2007.
  - UNDERGROUND UTILITIES SHOWN ARE BASED UPON LIMITED SCHEMATIC INFORMATION PROVIDED BY OTHERS. NOT ALL EXISTING UNDERGROUND UTILITY BRANCHES AND SERVICES ARE SHOWN. PRIVATE UTILITIES, IF EXISTING, ARE NOT SHOWN OR INDICATED.
  - NEW CENTERLINE AND EXISTING CENTERLINE OF ROADWAY SHOWN IN PROFILE.
  - NEW CROSS SECTION OF ROADWAY SHALL BE PARABOLIC IN SHAPE EXCEPT WHEN SET BY KEY CUTTERS AND WHERE NEW PAVEMENT MEETS EXISTING PAVEMENT. NEW CROWN SHALL BE LOCATED AT CENTERLINE OF ROADWAY.
  - HORIZONTAL AND VERTICAL CONTROL INDICATED IS IN MASSAUI COUNTY DATUM. VERTICAL CONTROL INDICATED IS NAVD (1929) FEET.

In Charge:	W.H.R.
Compilation:	J.H.W.
Design:	J.H.W.
Drawn:	J.A.P.
Checked:	J.M.T.
Reviewed:	W.H.R.

Department of Engineering