



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:2002-00643-L5
Issue Date: July 8, 2004
Expiration Date: August 6, 2004

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 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Brian and Vanessa Rogan
9 Plum Beach Point Road
Port Washington, NY 11050-1313

ACTIVITY: Fixed Timber Pier, Ramp, Float, Guide Piles, Seawall, Fill.

WATERWAY: Manhasset Bay

LOCATION: Village of Sands Point, Town of North Hempstead, 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 benefits 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, historical properties, fish and wildlife values, 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, consideration 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,

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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.

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.

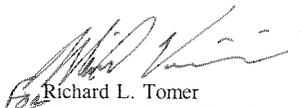
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application 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 Department of Environmental Conservation Permit
- Town of North Hempstead Permit
- Village of Sands Point 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 (212) 264-3813 and ask for Zarife Koko Cronin.

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

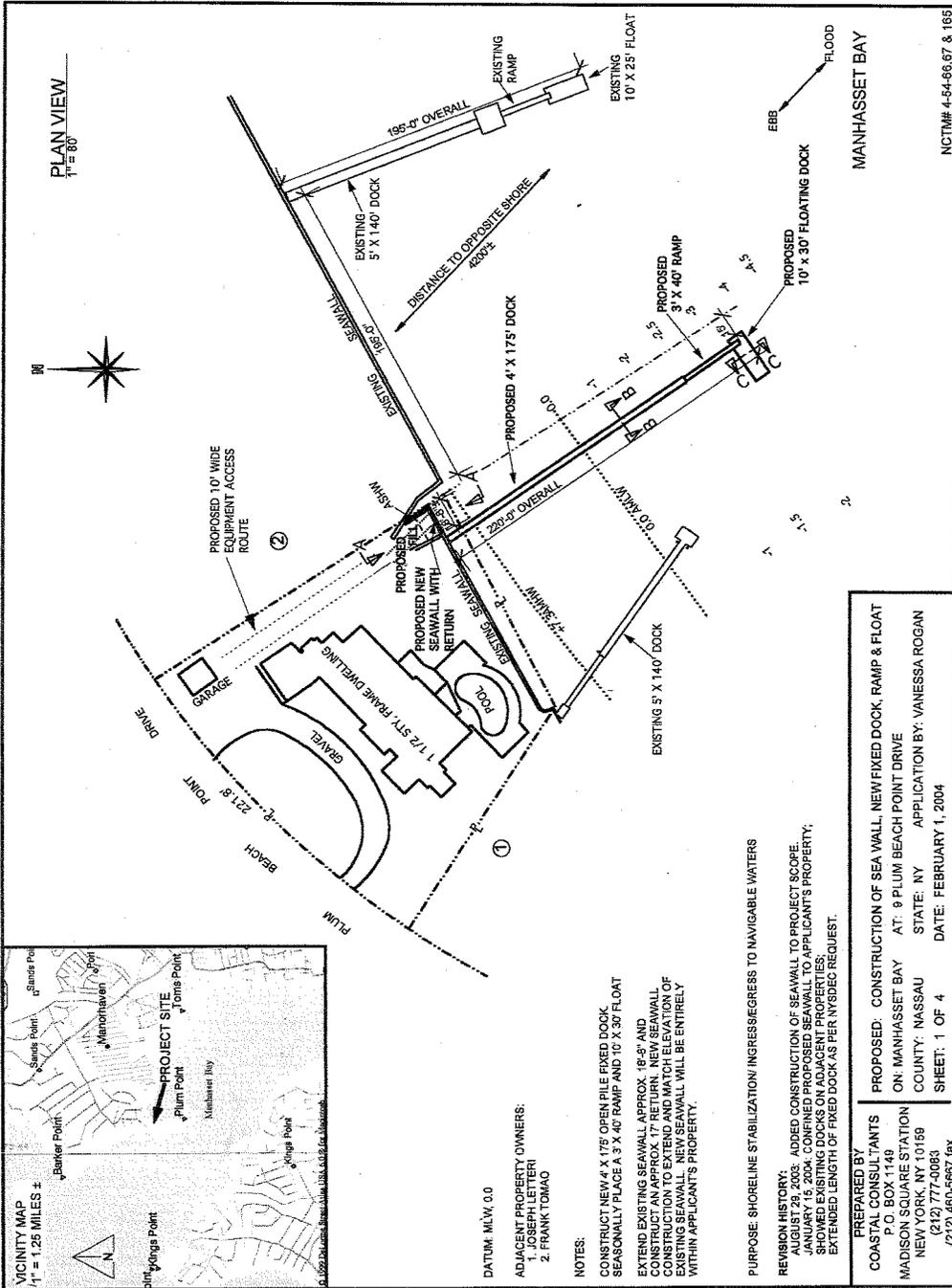
The applicants, Vanessa and Brian Rogan, have requested Department of the Army authorization to construct a fixed timber pier assembly, extend a seawall to close a boat ramp, and to fill the boat ramp with clean fill. The site is in Manhasset Bay, at the Village of Sands Point, Town of North Hempstead, Nassau County, New York.

The proposed work would involve constructing a 4' x 175' fixed timber pier, with bilateral rails, supported by thirty-six (36) 12" diameter pilings set on ten-foot centers with six sets of cross-supports shown on sheet 2 of 4 of the attached drawings. Also proposed is a 3' x 40' ramp and a 10' x 30' float secured by four (4) guide piles. Additionally, the applicant proposes to extend an existing seawall by approximately 22 linear feet to close a portion of the boat ramp on the applicant's property, then place approximately 25 cubic yards of clean upland fill into waters of the United States for use as backfill behind the proposed seawall extension. The stated purpose of this project is to provide water access for the applicants and their family and to close the boat ramp.

The project would involve less than 0.03 acres of Essential Fish Habitat (EFH) for all life stages of Red Hake (*Urophycis chuss*), Winter Flounder (*Pleuronectes americanus*), Windowpane Flounder (*Scophthalmus aquosus*), Atlantic Mackerel (*Scomber scombrus*), and Scup (*Stenotomus chrysops*); larval, juvenile and adult life stages of Atlantic Sea Herring (*Clupea harengus*), Atlantic Butterfish (*Peprius triacanthus*), and Summer Flounder (*Paralichthys dentatus*); juvenile and adult stages of Atlantic Cod (*Gadus morhua*), Pollock (*Pollachius virens*), Bluefish (*Pomatomus saltratrix*), and Black Sea Bass (*Centropristus striata*); and larval stages of the Sand Tiger Shark (*Odontaspis taurus*). Although the following species are migratory in nature, all life stages of King Mackerel (*Scomberomorus cavalla*), Spanish Mackerel (*Scomberomorus maculatus*), and Cobia (*Rachycentron canadum*) are found in shallow, sandy coastal areas. Habitat at the site may be described as sandy-rocky bottom substrate.

The species listed prey upon small benthic invertebrates, such as crustaceans, polychaetes, shrimp, mollusks, other suspended microscopic invertebrates in addition to other small marine vertebrate species. Closing the boat ramp would reduce EFH, however, the area is inundated by the tide only during spring high tide phases. Pile-driving for the pier may affect the habitat suitability with respect to reproduction and feeding success of the EFH-managed species, but this would likely be a temporary effect and limited to the immediate area. Turbidity and mechanical structures associated with construction may impact feeding of juveniles and adults, but populations present at the time of construction will likely move to waters where disturbances are fewer. This project would minimally impact the habitat for reproductive and feeding success of the aforementioned EFH-managed species. In addition, the proposed structure would provide attachment surfaces for encrusting organisms, which could increase the forage base for EFH-managed species or their prey and may provide additional ecological functions.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect EFH. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.



VICINITY MAP
1" = 1.25 MILES



PLAN VIEW
1" = 80'



DATUM: M.L.W. 0.0

ADJACENT PROPERTY OWNERS:
1. JOSEPH LETTERI
2. FRANK TOMAO

NOTES:

- CONSTRUCT NEW 4' X 175' OPEN PILE FIXED DOCK SEASONALLY PLACE A 3' X 40' RAMP AND 10' X 30' FLOAT
- EXTEND EXISTING SEAWALL APPROX. 18'-8" AND CONSTRUCT AN APPROX. 17' RETURN. NEW SEAWALL CONSTRUCTION TO EXTEND AND MATCH ELEVATION OF EXISTING SEAWALL. NEW SEAWALL WILL BE ENTIRELY WITHIN APPLICANT'S PROPERTY.

PURPOSE: SHORELINE STABILIZATION/INGRESS/EGRESS TO NAVIGABLE WATERS

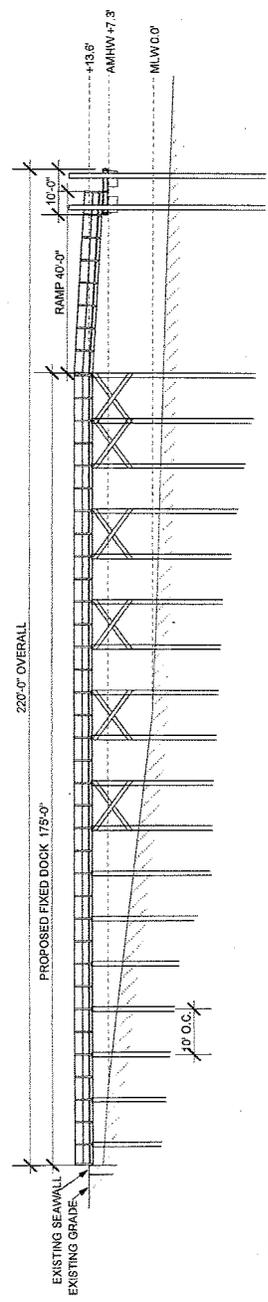
REVISION HISTORY:
AUGUST 28, 2003: ADDED CONSTRUCTION OF SEAWALL TO PROJECT SCOPE.
JANUARY 15, 2004: CONFIRMED PROPOSED SEAWALL TO APPLICANT'S PROPERTY;
SHOWED EXISTING DOCKS ON ADJACENT PROPERTIES;
EXTENDED LENGTH OF FIXED DOCK AS PER NYSDEC REQUEST.

PREPARED BY
COASTAL CONSULTANTS
P.O. BOX 1140
MADISON SQUARE STATION
NEW YORK, NY 10169
(212) 777-0083
(212) 450-5667 FAX

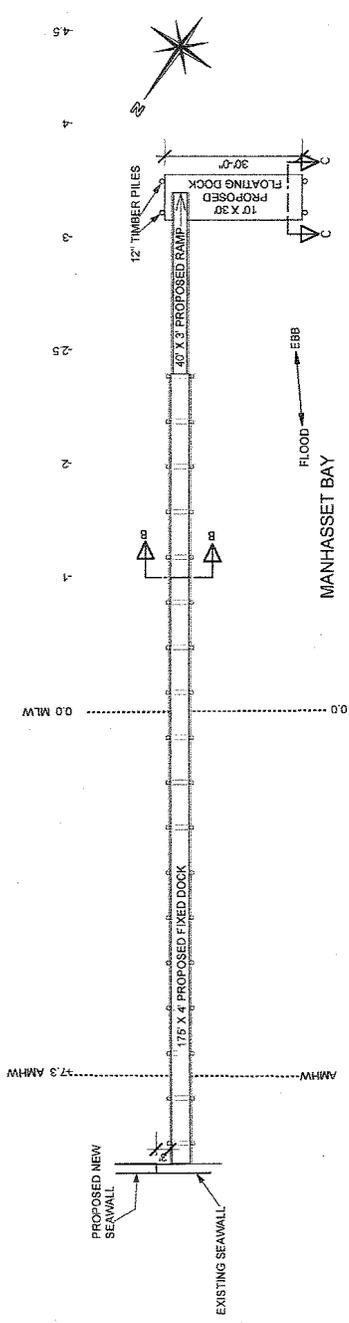
PROPOSED: CONSTRUCTION OF SEA WALL, NEW FIXED DOCK, RAMP & FLOAT
ON: MANHASSET BAY AT: 9 PLUM BEACH POINT DRIVE
COUNTY: NASSAU STATE: NY APPLICATION BY: VANESSA ROGAN
SHEET: 1 OF 4 DATE: FEBRUARY 1, 2004

NCTM# 4-54-66,67 & 165

ELEVATION
1" = 30'



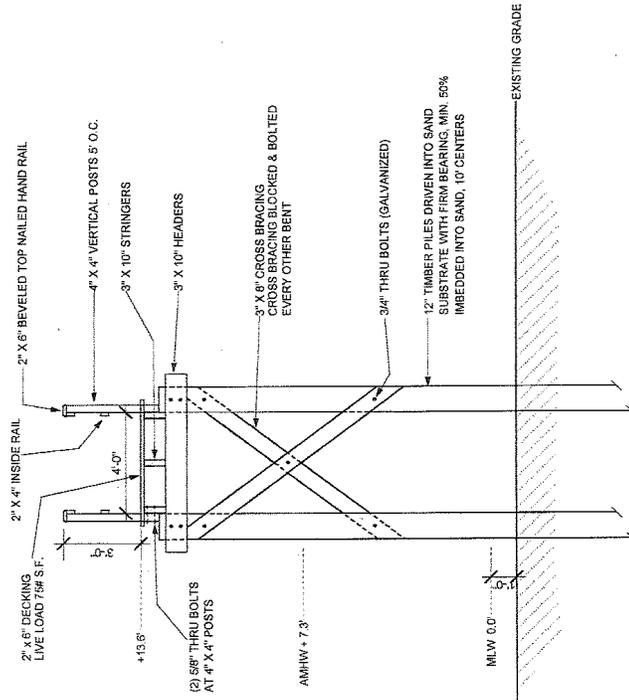
PLAN VIEW
1" = 30'



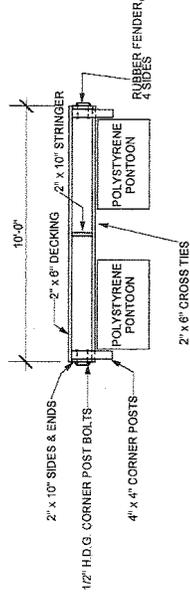
PREPARED BY
COASTAL CONSULTANTS
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MADISON SQUARE STATION
NEW YORK, NY 10159
(212) 777-0083
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PROPOSED: CONSTRUCTION OF SEA WALL, NEW FIXED DOCK, RAMP & FLOAT
ON: MANHASSET BAY AT: 9 PLUM BEACH POINT DRIVE
COUNTY: MASSAU STATE: NY APPLICATION BY: VANESSA ROGAN
SHEET: 2 OF 4 DATE: FEBRUARY 1, 2004

SECTION B-B
3/16" = 1'



SECTION C-C
3/16" = 1'



PREPARED BY
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(212) 460-5687 fax

PROPOSED: CONSTRUCTION OF SEA WALL, NEW FIXED DOCK, RAMP & FLOAT
ON MANHASSET BAY AT 9 PLUM BEACH POINT DRIVE
COUNTY: NASSAU STATE: NY APPLICATION BY: VANESSA ROGAN
SHEET: 3 OF 4 DATE: FEBRUARY 1, 2004

