



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: 2004-00199-Y5

Issue Date: DEC 23 2004

Expiration Date: JAN 21 2005

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).

APPLICANT: Theresa A. Padavona
159-28 85th Street
Jamaica, NY 11414

ACTIVITY: Marina Expansion, Floating Piers, Ramps, Piles

WATERWAY: Shell Bank Creek off Jamaica Bay

LOCATION: Howard Beach, Borough of Queens, Queens 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, 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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PUBLIC NOTICE NO. 2004-00199-Y5

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 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 Essential Fish Habitat (EFH). A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to not be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

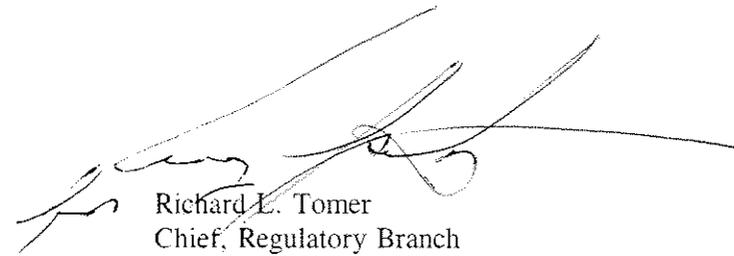
Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

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 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 (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

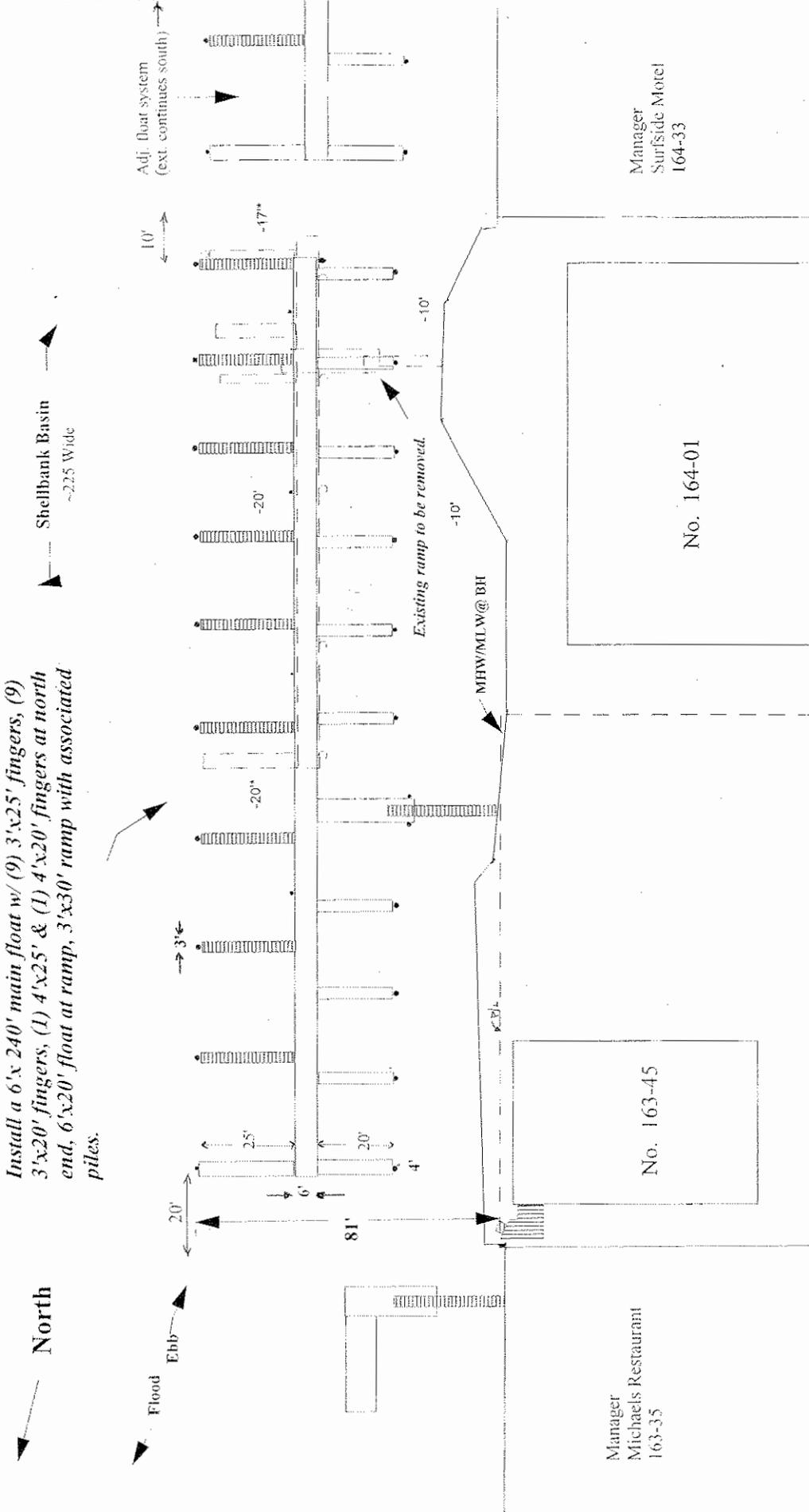
The applicant, Theresa A. Padavona, has requested Department of the Army authorization for a marina expansion, the installation of new floating piers, one ramp, and guide piles. The site is in Shellbank Creek off in Jamaica Bay, located at 163-45 and 164-01 Cross Bay Boulevard, Howard Beach, Borough of Queens, Queens County, New York City, New York. The proposed work would involve removing the existing ramp and float assembly to facilitate the installation of:

- One (1) 3' x 30' ramp leading to one (1) 6' x 20' access float;
- One (1) 6' x 240' main float;
- Nine (9) 3' x 25' finger floats;
- Nine (9) 3' x 20' finger floats;
- One (1) 4' x 25' finger float and one (1) 4' x 20' finger float;
- Twenty-seven (27) 10" diameter guide piles.

The stated purpose of this project is to enhance and expand a commercial mooring facility.

SITE PLAN FOR FLOATING DOCK INSTALLATION

Install a 6'x240' main float w/ (9) 3'x25' fingers, (9) 3'x20' fingers, (1) 4'x25' & (1) 4'x20' fingers at north end, 6'x20' float at ramp, 3'x30' ramp with associated piles.



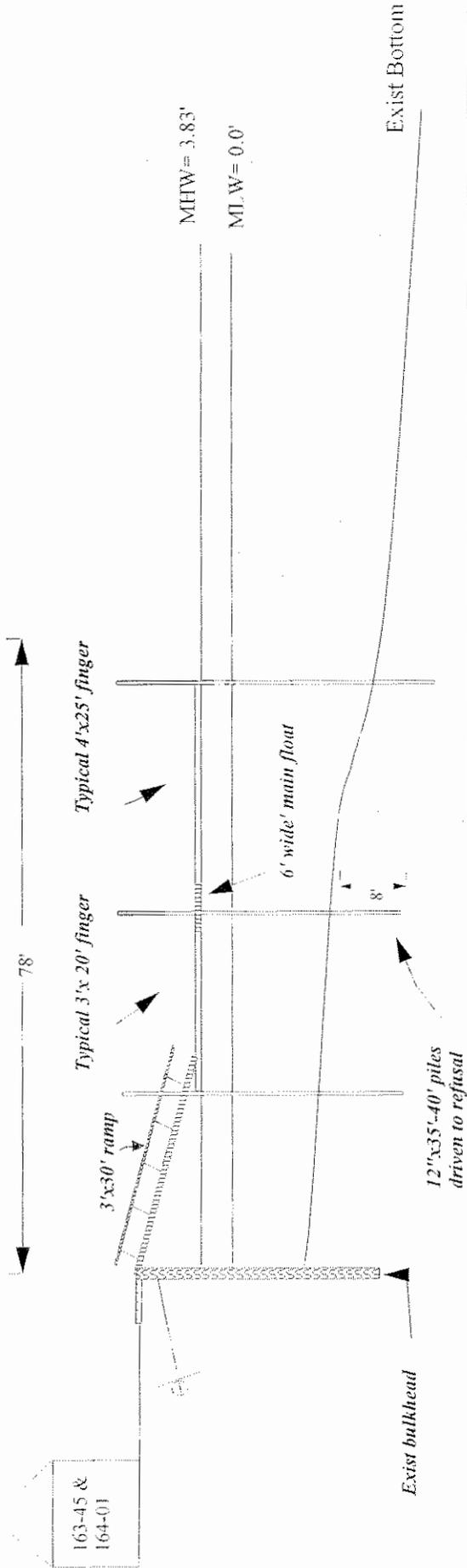
<p>Applicant: Theresa A. Padavona</p> <p>Proposal: Floating dock installation</p> <p>Date: 20-JAN-04 REV: 1-MAY-04</p> <p>Location: 163-45 & 164-01 Cross Bay Blvd. Howard Beach, NY 11414</p>	<p>At: Howard Beach, NY</p> <p>App. By: Ocean Consulting 262 Weidner Ave. Oceanside, NY 11572 (516) 764-8534</p> <p>Tax map: Sec: 58 Blk: 14201 Lot: 82</p> <p>Datum: Mean Low Water</p> <p>Scale: One inch = Forty feet</p>
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* Approx. depths at MLW (on 17-JAN-04 @ 13:30 hrs. by J. Enrico)

PROFILE THROUGH FLOAT ASSEMBLY INSTALLATION

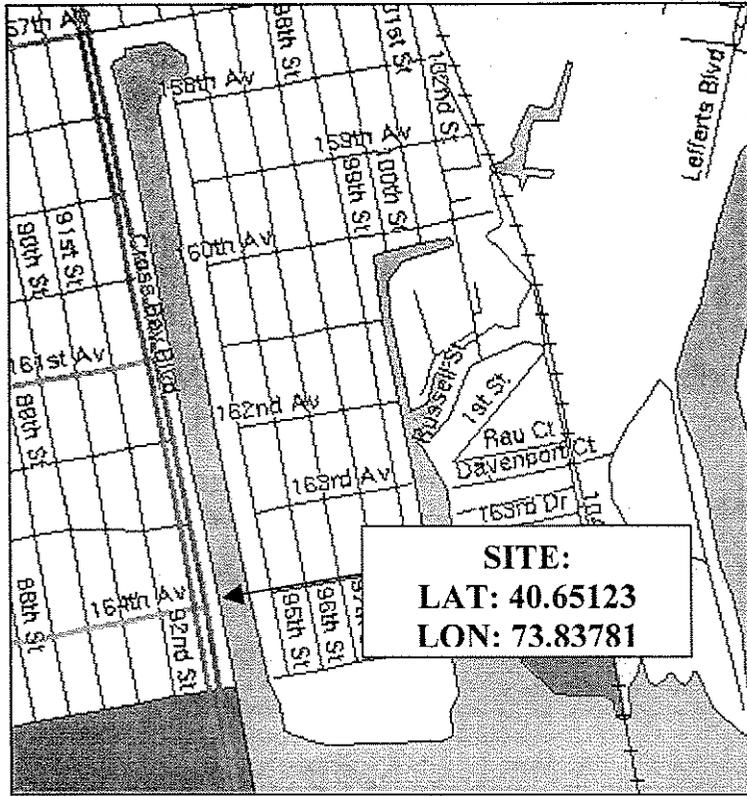
Shellbank Creek
~225' wide

Install new floating dock assembly



Purpose: Enhance mooring facility	Proposed new float assembly in Shellbank Creek
Location: 163-45 & 164-01 Howard Beach, NY 11414	Appl. By: Ocean Consulting 262 Weidner Ave. Oceanside, NY 11572 (516) 764-8534
Date: 20-JAN-04 REV: 1-MAY-04	Tax Map: Sec: 58, Blk 14201, Lot: 82
Scale: One inch = Twenty feet	Datum: Mean Low Water

Notes:
All timber material CCA & Hardware hot-dip galv.
Not for Construction



PAN/BY:

FULL SCREEN

HALF SCREEN

ZOOM FAR IN

ZOOM IN

ZOOM OUT

ZOOM FAR OUT

BLACK&WHITE

0.2 MI CENTER: -73 83325 40.65493

Map by Maps On Us (R)
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**SITE LOCATION MAP FOR
 THERESA PADAVONA
 163-45 & 164-01 CROSS BAY BLVD
 HOWARD BEACH, NY 11414**