



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: 2004-00254-L5
Issue Date: 17 April 2004
Expiration Date: 17 May 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 U.S.C. 1344).

APPLICANT: W. Cyril Davis
33 Clearwater Ave.
Massapequa, NY 11758

ACTIVITY: Replace a bulkhead and dredge with upland disposal.

WATERWAY: Unnamed Canal , a tributary of South Oyster Bay

LOCATION: 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 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

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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:

- a permit from the New York State Department of Environmental Conservation.

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) 264-3912 and ask for Vincent J. Monaster.

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


FOR Richard L. Tomer
Chief, Regulatory Branch

Enclosures

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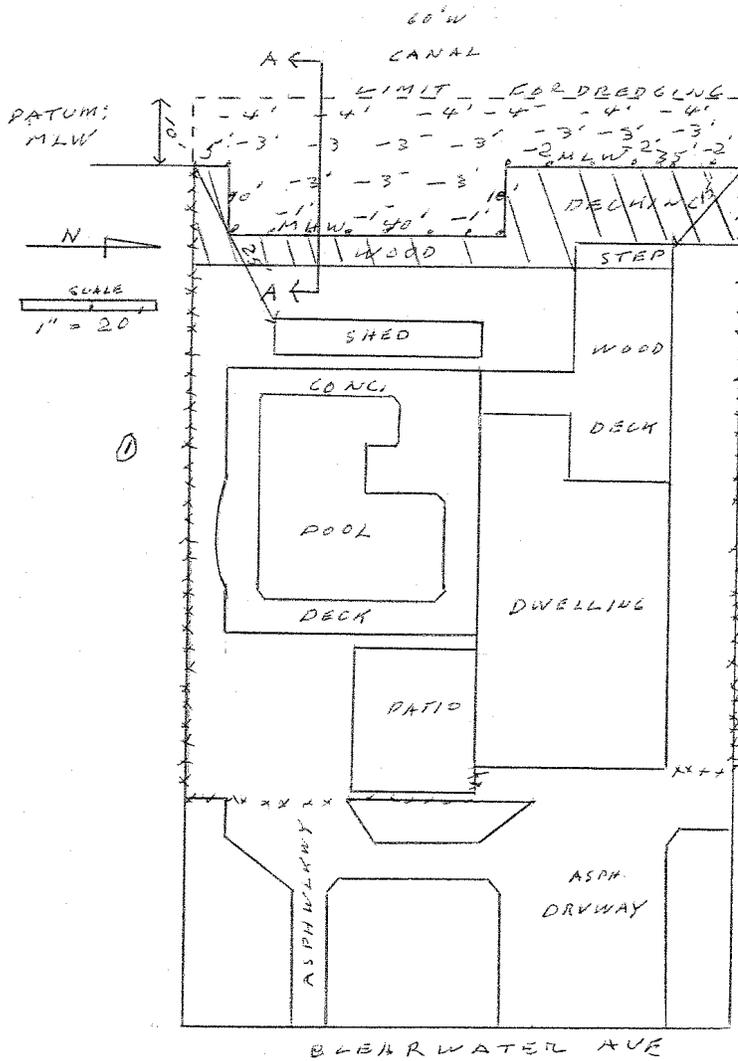
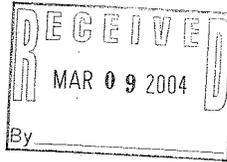
WORK DESCRIPTION

The applicant, Cyril Davis, has requested Department of the Army authorization to replace bulkhead and dredge in an Unnamed Canal, a tributary to South Oyster Bay in the Town of Oyster Bay, Nassau County, New York.

The work would involve the removal of approximately 100 feet of timber bulkhead and replacement with a vinyl sheathed bulkhead. The applicant would also dredge approximately 55 cubic yards of material, from an area of approximately 1200 square feet, extending approximately 10 feet seaward of the bulkhead, to a depth of 4 feet below the plane of mean low water. All dredged material would be disposed of upland, with return flow to the waterway.

The stated purpose of this project is to replace the deteriorated bulkhead, recover eroded material, and prevent further erosion.

The proposed work would cause noise and turbidity, which may have an adverse impact on Essential Fish Habitat (EFH) and EFH-managed species. However, it is expected that this impact would be short term and that fish would flee the area of disturbance during the construction period.



NOTES: xxx = WOOD FENCE; o o o = PILES; |||| = FILL AREA; --- = LIMIT FOR DREDGING

- Adjoining property owners
- 1-Mr. James Covello
35 Clearwater Ave.
Massapequa, NY 11758
 - 2-Mr. Sanford Wasserman
31 Clearwater Ave.
Massapequa, NY 11758

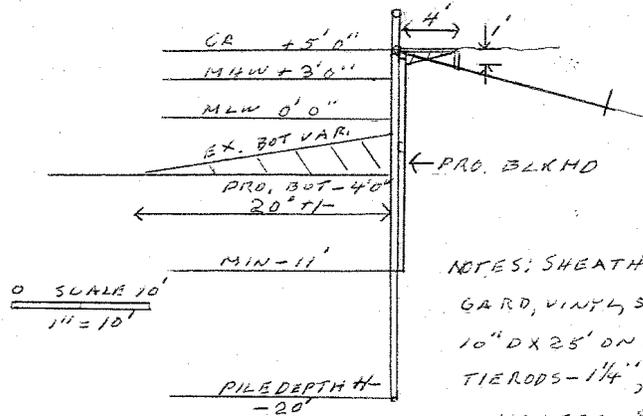
Project: Remove & replace 100' of bulkhead in place with Navy type, remove & replace in place & in kind adjoining boardwalk, dredge with clamshell to 4' below MLW & 10' seaward of bulkhead about 55 cu yds, use spoil as fill landward of bulkhead.

For: Mr. Cyril Davis
33 Clearwater Ave.
Massapequa, NY 11758

By: Jack Foehrenbach
(631) 563-1682

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CROSS SECTION A-A



NOTES: SHEATHING - SHORE
GARD, VINYL 550; PILING -
10" DX 25' ON 6' CENTERS;
TIER RODS - 1/4" 16' ON 6' CENTERS;
WHALERS - 8" X 8" @ 6';
PLANKING FOR BRD-
WLK - PLASTIC/COMPOSITE



NASSAU CTY HARBOR #29

Project: Remove & replace 100' of bulkhead in place with Navy type, remove & replace in place & in kind adjoining boardwalk, dredge with clamshell to 4' below MLW & 10' seaward of bulkhead about 55 cu yds, use spoil as fill landward of bulkhead.

For: Mr. Cyril Davis
33 Clearwater Ave.
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By: Jack Foehrenbach
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