



# 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-2007-37-EBU  
Issue Date: 11 April 2007  
Expiration Date: 11 May 2007

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: Mesick Corp.  
479 Reina Road  
Oceanside, New York 11572

ACTIVITY: Create boat basin, install floating docks, ramps, pilings, bulkheads, and dredge with ten years maintenance with upland disposal

WATERWAY: East Rockaway Channel

LOCATION: Oceanside, Town of 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 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.

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 (16 U.S.C. 1855 (b)), requires all federal agencies to consult with the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service 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 proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the site specific adverse effects are not likely to be substantial. Further consultation with NOAA Fisheries Service regarding EFH impacts and conservation recommendations will be concluded prior to the final permit 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.

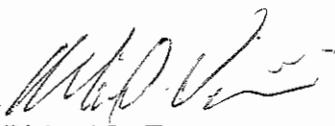
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the 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:

- Town of Hempstead
- 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 (917) 790-8513 and ask for Denise Butts.

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, Mesick Corporation, has requested Department of the Army authorization to construct a boat basin, construct bulkheads, place fill and install floats, ramps, pilings and dredge with ten years maintenance and upland disposal in East Rockaway Channel located in Oceanside, Town of Hempstead, Nassau County, New York.

The work would involve the creation of a boat basin by removing an irregularly-shaped concrete approximately 60 linear foot seawall and the following:

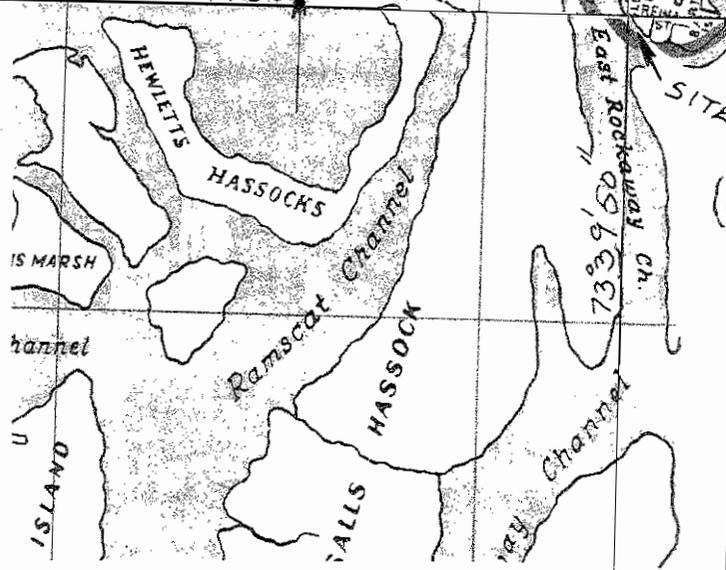
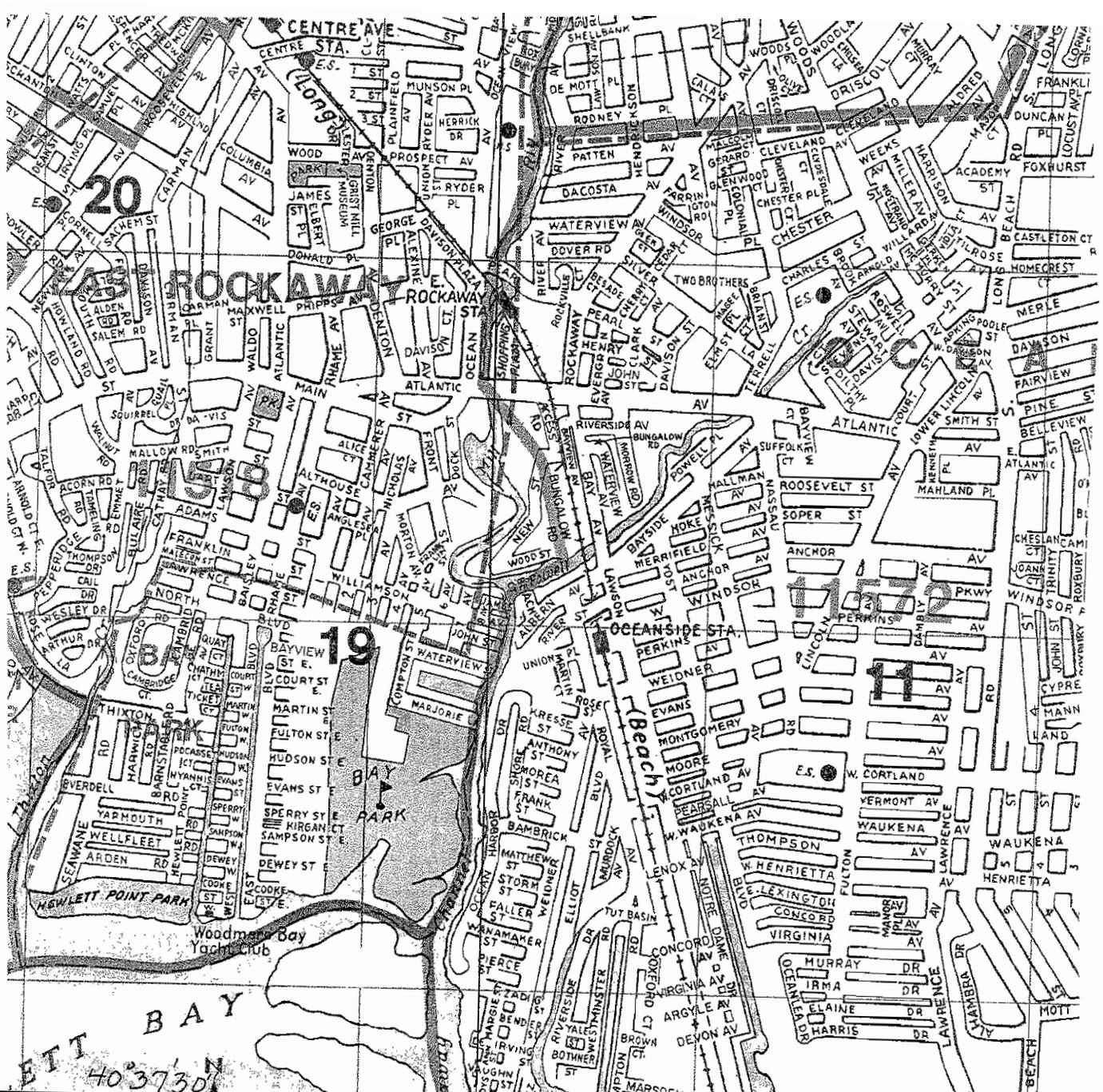
On north side of the proposed basin, construct a 97.5 foot bulkhead which would entail filling of a 500 square foot area below mean high water and creating a 240 square foot water area by excavating above current line of mean high water. The new north bulkhead would be attached to the existing bulkhead to the west.

On the east side construct an approximately 67.5 linear foot new bulkhead directly waterward of the concrete seawall, which would be removed, and replace, 11-foot and a 22-foot timber bulkhead sections within 18-inches, the 22-foot basin on the north side of the section would be attached to the proposed bulkhead replacement to the east. A total of 37 cubic yards of fill material would be placed waterward of the mean high water line. Install a 5-foot wide by 95-foot long floating dock along the north side of the basin accessed by a 5-foot wide by 5-foot long fixed platform, a 3-foot wide by 20-foot long hinged ramp resting upon a 5-foot wide by 6-foot long float attached to the main section, (4) 2.5-foot wide by 20-foot long finger floats each secured by (1) piling and (9) slip pilings would be installed.

On south side of the basin, install 8-foot wide by 100-foot long floating dock accessed by 5-foot wide by 7-foot long platform and a 3-foot wide by 20 foot long hinged ramp, (3) 2.5-foot wide by 20-foot long finger floats, each float secured by one piling and (8) slip pilings would be installed on the north side of the main float and (3) 3-foot wide by 30-foot long finger floats secured by pilings plus 18 slip pilings would be installed on the south side of the main float.

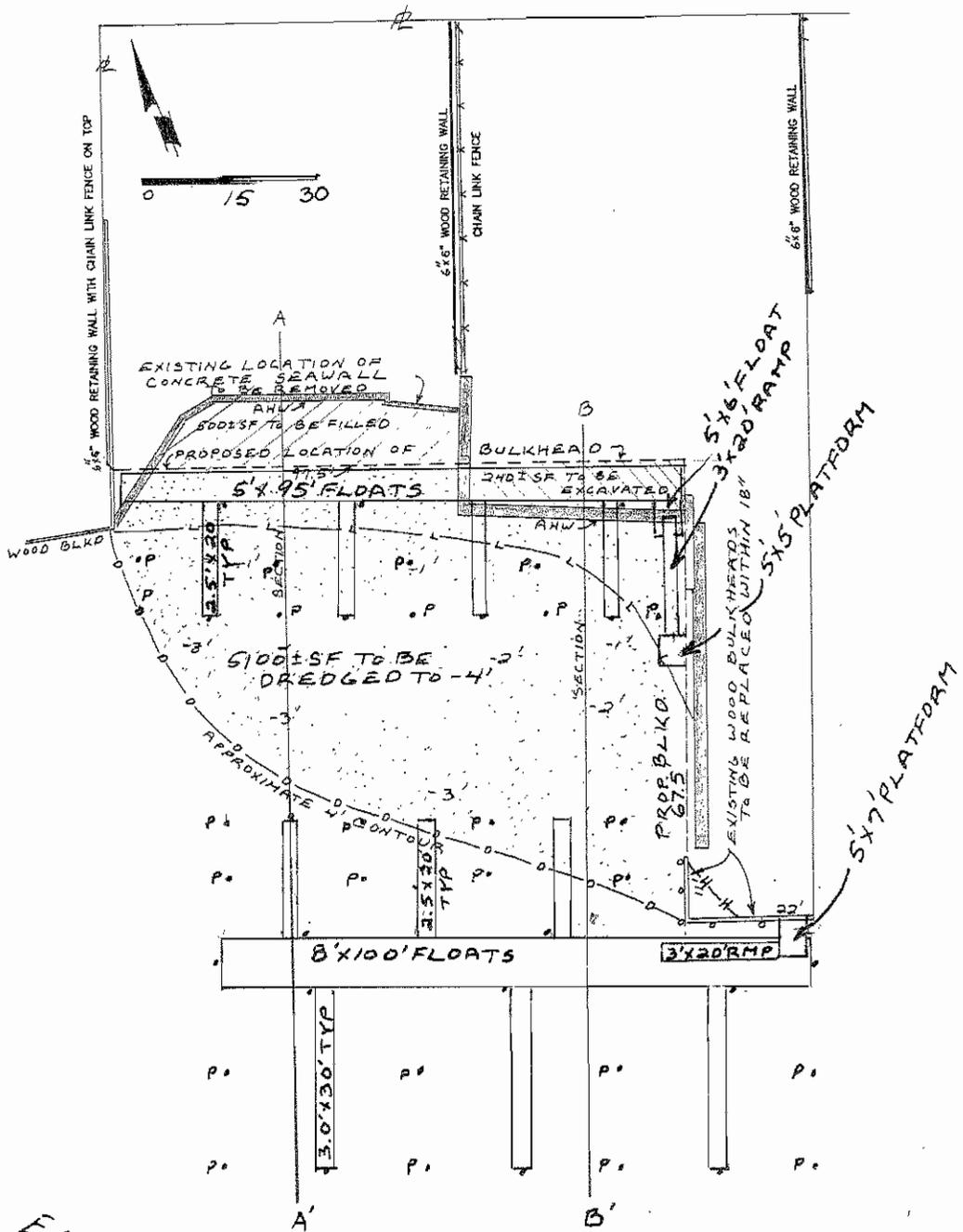
Dredge with a barged mounted crane an irregular shaped area to a maximum depth of four feet below mean low water and place 5,100 cubic yards of sandy-gravel material on owner's upland property. Subsequent maintenance dredging would occur approximately once every 4 to 5 years approximately 100 cubic yards per event material would be placed on the adjacent upland area.

The stated purpose of the project is to convert commercial waterfront parcel into a safe recreational boating facility.



PROPOSED BULKHEAD, SEA  
 WALL REMOVAL, DOCKS &  
 DREDGING FOR  
 MESICK CORP.  
 ON EAST ROCKAWAY CHNL.  
 AT OCEANSIDE, NASSAU CO.  
 N.Y.  
 SHEET 1 OF 4 10/9/06  
 NAN-2007-37-EBU

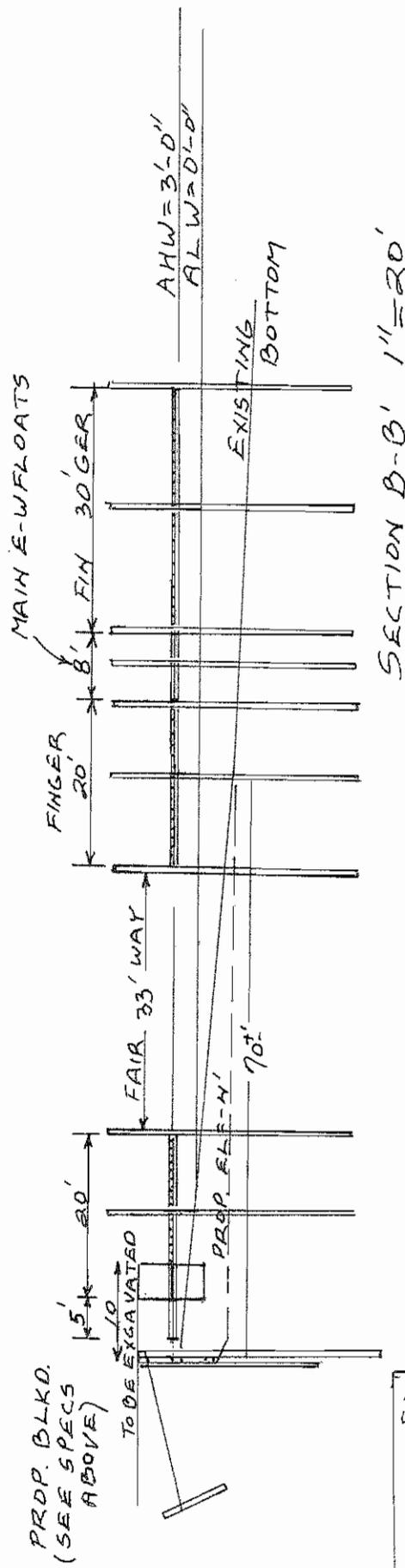
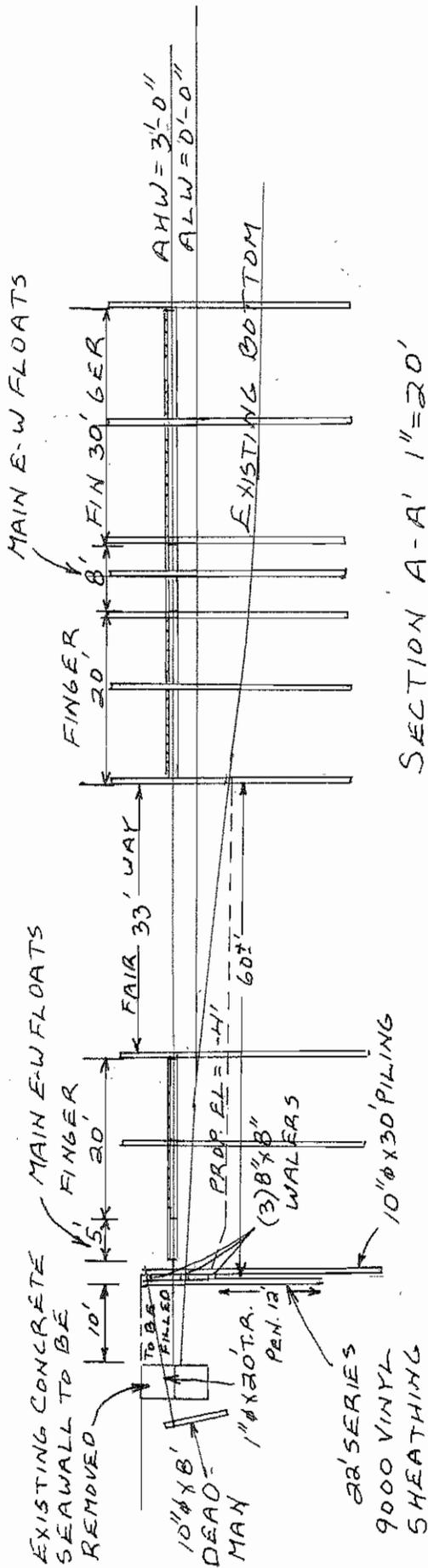
REINA ROAD UTILITY POLE  
 CURB  
 CHAIN LINK FENCE



EAST ROCKAWAY CHANNEL

EN-CONSULTANTS INC.  
 1319 NORTH SEA RD.  
 SOUTHAMPTON, N.Y. 11968  
 631-283-6360

PROPOSED BULKHEAD, SEA WALL REMOVAL, DOCKS & DREDGING FOR  
 MESICK CORP.  
 ON EAST ROCKAWAY CHNL.  
 AT OCEANSIDE, NASSAU CO.  
 N.Y.  
 SHEET 2 OF 4 10/9/06  
 NAN-2007-37-EBU

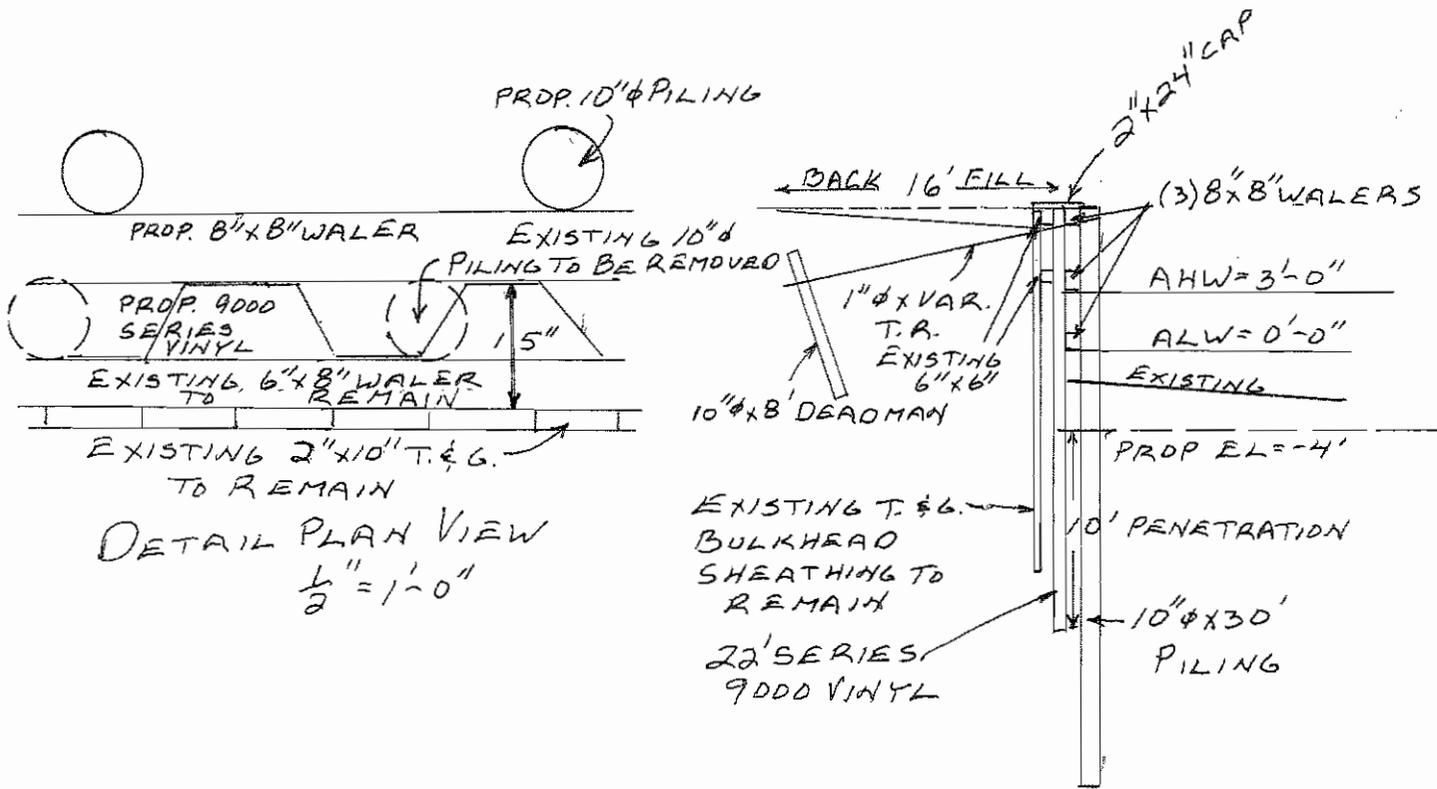


EN-CONSULTANTS INC.  
 1319 NORTH SEA RD.  
 SOUTHAMPTON, N.Y. 11968  
 631-283-6360

NAN-2007-37-CB4

PROPOSED BULKHEAD, SEA WALL REMOVAL, DOCKS & DREDGING FOR MESICK CORP. ON EAST ROCKAWAY CHNL. AT OCEANSIDE, NASSAU CO. N.Y.

SHEET 3 OF 4 10/9/06



DETAIL PLAN VIEW  
 $\frac{1}{2}'' = 1'-0''$

PROFILE OF BULKHEAD  
 REPLACEMENT IN SE CORNER  
 $1'' = 10'$

NOTES:  
 DATUM: ALW  
 PURPOSE: EROSION CONTROL & RECREATIONAL BOAT DOCKAGE WALL TO BE CCA-TREATED WOOD  
 500±SF TO BE FILLED  
 240±SF UPLAND TO BE EXCAVATED  
 SLIGHTLY SANDY/GRAVELLY SPOIL TO BE REMOVED TO -4' MAX AND SPREAD ON APPLICANT'S UPLAND  
 WORK SITE: 749 REINA ROAD OCEANSIDE  
 NCTM # 43-236-7 to 12  
 ADJACENT OWNERS  
 1. BAY PARK YACHT HARBOR  
 2. HENRY SHESHENE

EN-CONSULTANTS INC.  
 1319 NORTH SEA RD.  
 SOUTHAMPTON, N.Y. 11988  
 631-283-6360

NAN-2007-37-EBU  
 PROPOSED BULKHEAD, SEA WALL REMOVAL, DOCKS & DREDGING FOR  
 MESICK CORP.  
 ON EAST ROCKAWAY CHNL.  
 AT OCEANSIDE, NASSAU CO.  
 N.Y.  
 SHEET 4 OF 4      10/9/06