



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-2017-00468-ERO**
Issue Date: **August 4, 2017**
Expiration Date: **September 3, 2017**

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: Barry Lampert
275 South Main Street
Freeport, New York 11520

ACTIVITY: Construction of a bulkhead to close an existing boat slip and discharge of fill within Waters of the United States

WATERWAY: Freeport Creek, a tributary of Hempstead Bay

LOCATION: 265 South Main Street, Village of Freeport, 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.

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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 submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments, including names and addresses, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 (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 proposed construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit application.

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.

Review 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 permit 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 application 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

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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 occurs. For activities within the coastal zone of New York, the applicant's certification and accompanying information is available from the New York State Department of State Division of Coastal Resources, Coastal Management Program, 99 Washington Avenue – Suite 1010, Albany, New York 12231-0001, 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

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) 790-8521 and ask for Seika E. Robinson.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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


For and in behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

The applicant, Barry Lampert, has requested Department of the Army (DA) authorization to close off the existing boat slip to create upland and reconstruct an existing bulkhead in Freeport Creek, a tributary of Hempstead Bay in the Village of Freeport, Town of Hempstead, Nassau County, New York.

The work would involve:

In-line with the existing bulkhead, construct 25-feet of new bulkhead with one (1) 10-foot-long return on the north end of the bulkhead; place 60 cubic yards of clean, upland fill below Spring High Water to close off an existing 18-foot-wide by 19-foot-long boat slip; remove the existing 64-feet of bulkhead within the boat slip; install a 24-foot-wide by 35-foot-long deck over the filled boat slip area.

The applicant has stated that they have avoided, minimized, and mitigated for proposed impacts to the maximum extent practicable by designing the proposed project with the minimum amount of disturbance necessary to close the boat slip and performing the work within the confines of a turbidity curtain.

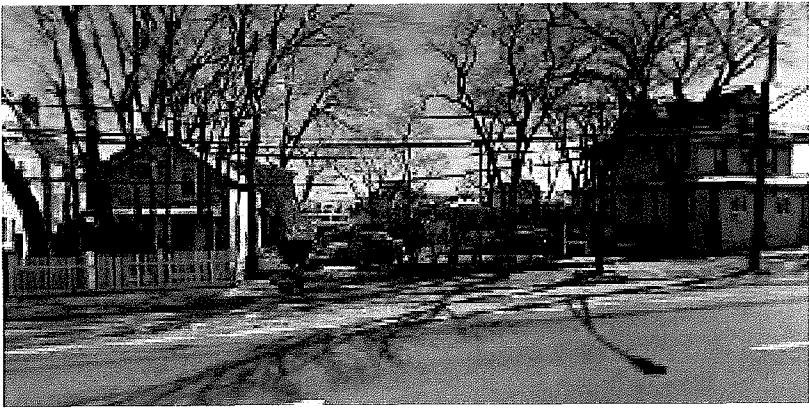
The stated purpose of this project is to stabilize the shoreline while protecting integrity of the upland residence.

Google Maps 265 S Main St

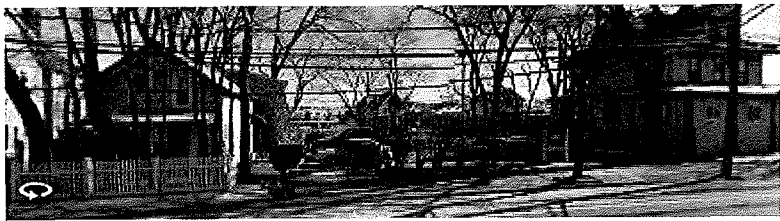
USACE FILE: NAN-2017-00468-ERO



Map data ©2017 Google United States 2000 ft



265 S Main St
Freeport, NY 11520



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NOTES:
 BULKHEAD TO BE INSTALLED AT SAME HEIGHT AS
 EXISTING & ADJACENT

EXISTING BULKHEAD TO BE REMOVED AFTER
 CONSTRUCTION OF NEW

FILL IN BOAT SLIP WITH 120 CY OF CLEAN
 GRANULAR FILL FROM AN APPROVED UPLAND
 SOURCE

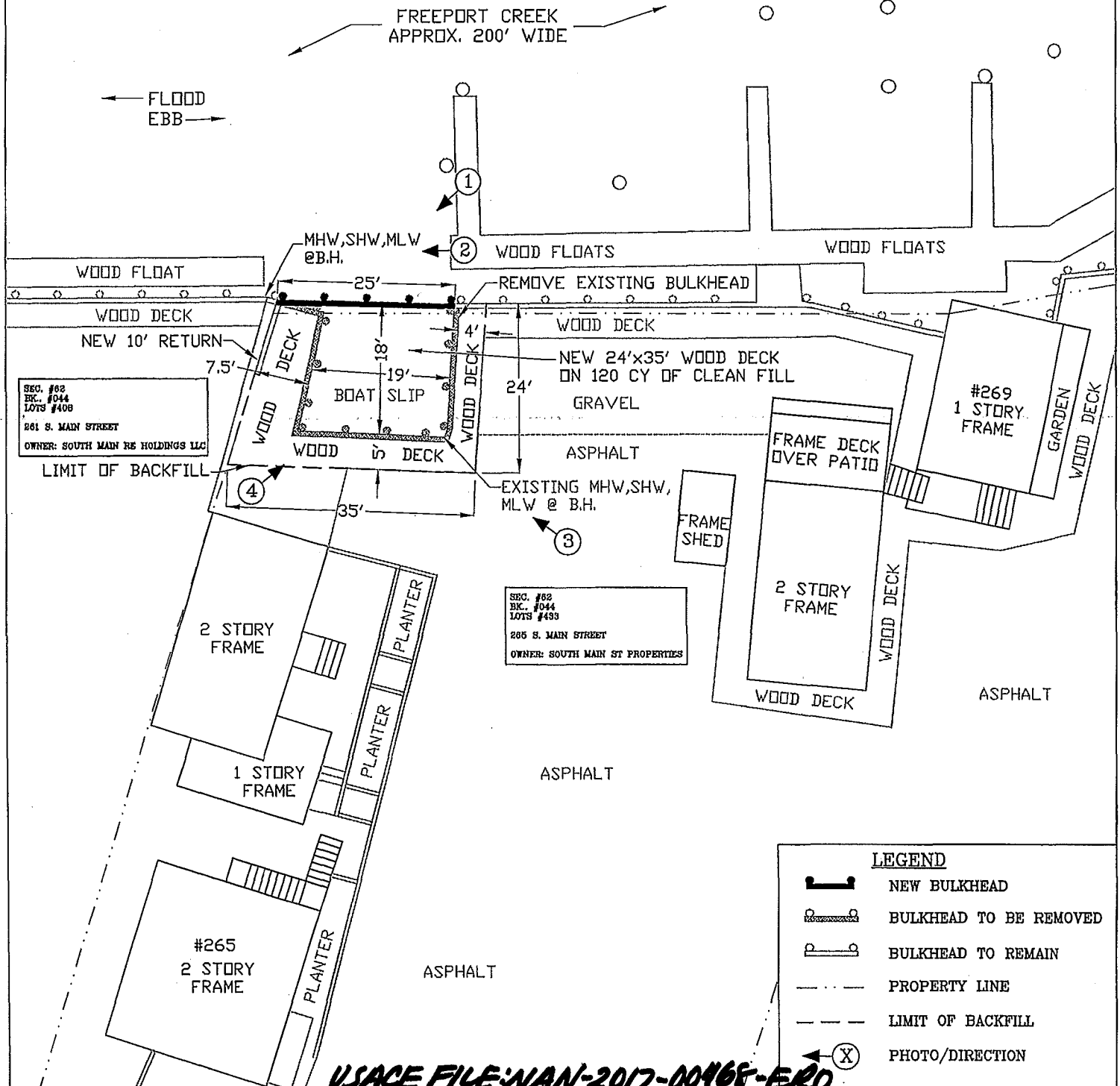
CONSTRUCT NEW DECKING OVER BOAT SLIP AREA

EXISTING WOOD DECKS & FLOATS TO REMAIN

NO DREDGING

DATUM: NAVD88
 PROPOSED TBH MAX EL. 6.0
 SHW EL. 2.6
 MHW EL. 2.1
 MLW EL. -1.2
 EXIST. CANAL BOTTOM EL. -1.2

WATER COLUMN IS TIDAL WETLANDS
 KNOWN AS LITTORAL ZONE (LZ)



SEC. #62
 BK. #044
 LOTS #408
 261 S. MAIN STREET
 OWNER: SOUTH MAIN RE HOLDINGS LLC
 LIMIT OF BACKFILL

SEC. #62
 BK. #044
 LOTS #493
 265 S. MAIN STREET
 OWNER: SOUTH MAIN ST PROPERTIES

LEGEND	
	NEW BULKHEAD
	BULKHEAD TO BE REMOVED
	BULKHEAD TO REMAIN
	PROPERTY LINE
	LIMIT OF BACKFILL
	PHOTO/DIRECTION

USACE FILE: NAN-2017-00468-ERD

SITE PLAN
 PREPARED BY BEN TERZULLI
 ON APRIL 7, 2017
 REVISED ON JUNE 19, 2017

SOUTH MAIN ST. PROPERTIES LLC
 265 S. MAIN STREET
 FREEPORT, NY 11520

JOB NO:
 DRAWN BY: BTJ
 DESIGNED BY: BTJ
 CHECKED BY: SP
 DATE: APRIL 2017
 SCALE: 1" = 40'-0"
 DRAWING NO:

NOTES:

BULKHEAD TO BE INSTALLED AT SAME HEIGHT AS EXISTING & ADJACENT

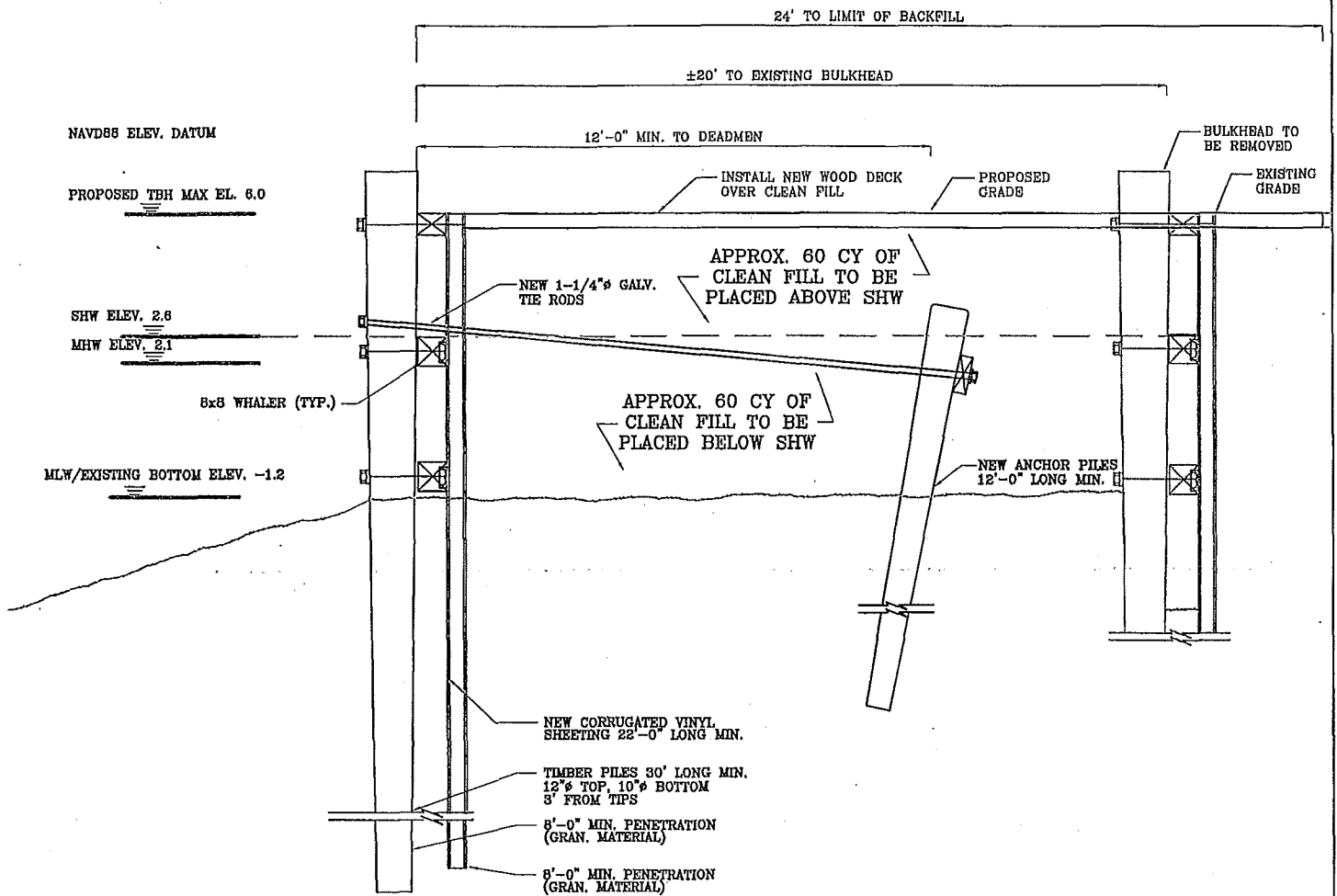
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EXISTING WOOD DECKS & FLOATS TO REMAIN

NO DREDGING



SECTION A - A'

SCALE: N.T.S.

USACE FILE: NAN-2017-00468-ERO

CROSS VIEW PREPARED
 BY BEN TERZULLI
 ON APRIL 7, 2017
 REVISED ON JANUARY 19, 2017

SOUTH MAIN ST. PROPERTIES LLC
 265 S. MAIN STREET
 FREEPORT, NY 11520

JOB NO:
 DRAWN BY: BJT
 DESIGNED BY: BJT
 CHECKED BY: JR
 DATE: APRIL 2017
 SCALE: AS SHOWN
 DRAWING NO: