

# 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-2017-00200-ESW  
Issue Date: December 19, 2017  
Expiration Date: January 18, 2018

**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:** Helen G. Russell Living Trust  
920 South Long Beach Ave  
Freeport, NY 11520

**ACTIVITY:** Close a boat slip; and remove and replace, in-place, existing bulkhead and existing fixed piers

**WATERWAY:** Randall Bay, a tributary of Hempstead Bay

**LOCATION:** 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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**CENAN-OP-RE**  
**PUBLIC NOTICE NO. NAN-2017-00200-ESW**

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. Comments provided will become part of the public record for this permit application. All written comments, including contact information, 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 work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations 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.

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. The applicant has obtained a water quality certificate from the New York State Department of Environmental Conservation in accordance with Section 401 of the Clean Water Act prior to a permit decision, Permit ID 1-2820-01134/00003.

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

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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, One Commerce Plaza, 99 Washington Avenue, 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 the required water quality certificate and coastal zone management program concurrence, the applicant has obtained authorization for the activity under consideration from the New York State Department of Environmental Conservation, Permit ID 1-2820-01134/00003.

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 Ms. Kendall Miller at (917) 790-8533.

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, Helen G. Russell Living Trust c/o Chester Wasniewski, has requested Department of the Army authorization to close a boat slip and remove and replace, in-place, existing bulkhead and fixed pier structures. The project is located in Randall Bay, a tributary of Hempstead Bay, in the Village of Freeport, Town of Hempstead, Nassau County, New York.

**The work would involve:**

a) Construction of new bulkhead – construct 14-linear feet of new bulkhead in line with existing bulkhead to close the existing 14-foot-wide by 24-foot-long boat slip.

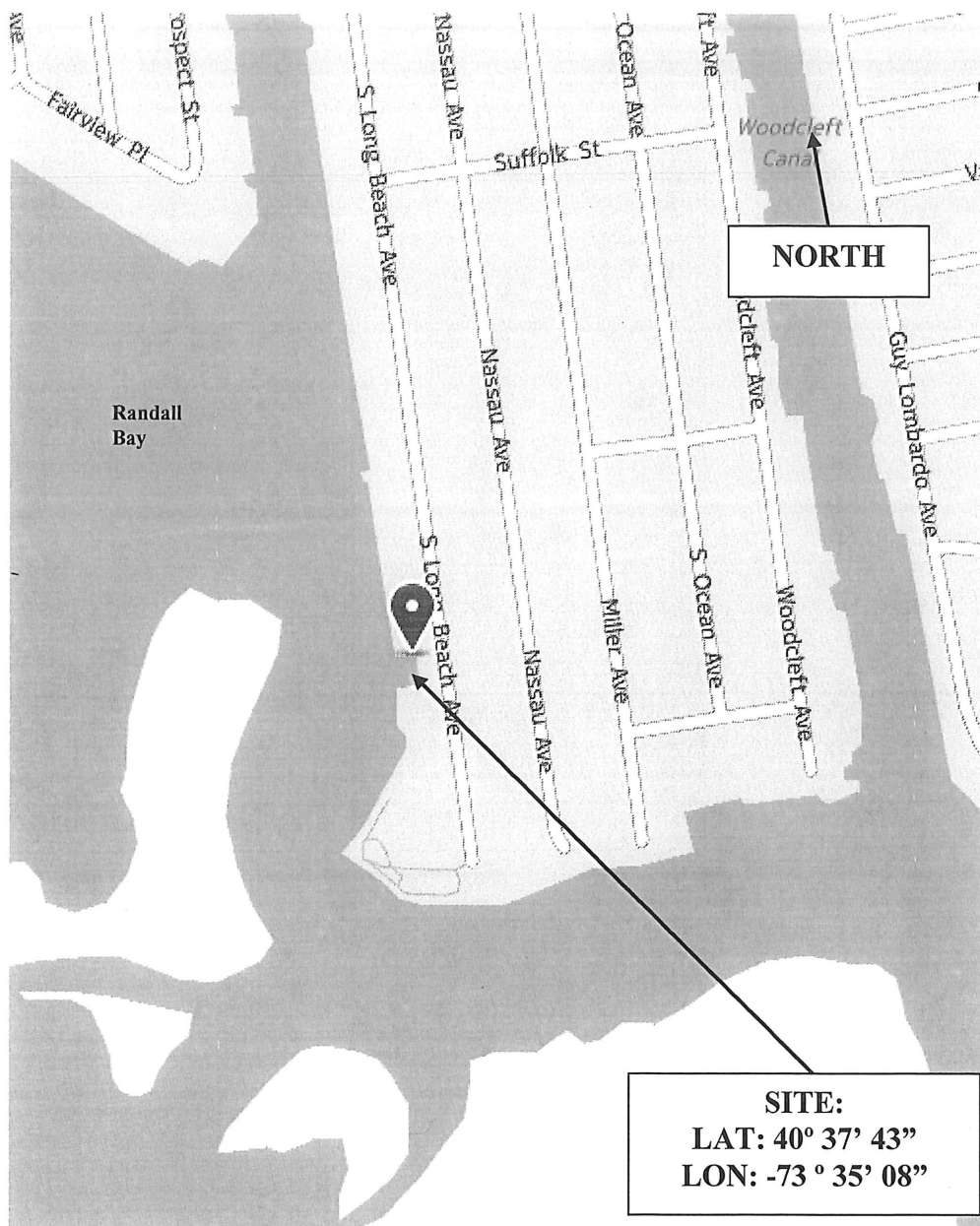
b) Placement of fill – discharge 72 cubic yards of fill below the plane of Spring High Water behind the new 14-linear foot bulkhead to close the boat slip.

c) Removal and replacement of existing structures – remove and replace, in-place, approximately 26-linear feet of existing bulkhead with vinyl sheeting navy-style bulkhead with 12-inch-diameter timber piles and construct two new 6-foot returns, 18-inches higher than existing. Place clean fill from an upland source behind bulkhead as backfill.

Remove and replace, in-place, one 40-foot-long pier ranging from 4-feet-wide to 6-feet-wide at the terminus supported by approximately eight 12-inch-diameter timber piles; and one 3.5-foot-wide by 22-foot-long fixed pier supported by approximately four 12-inch-diameter timber piles.

The applicant has stated that they have avoided, minimized, and mitigated for proposed impacts to the maximum extent practicable by placing the minimal amount of fill necessary to close the bulkhead and replacing all structures in-place.

The stated purpose of this project is to close an existing boat slip to create uplands and maintenance to existing structures for bank stabilization and recreational water access.

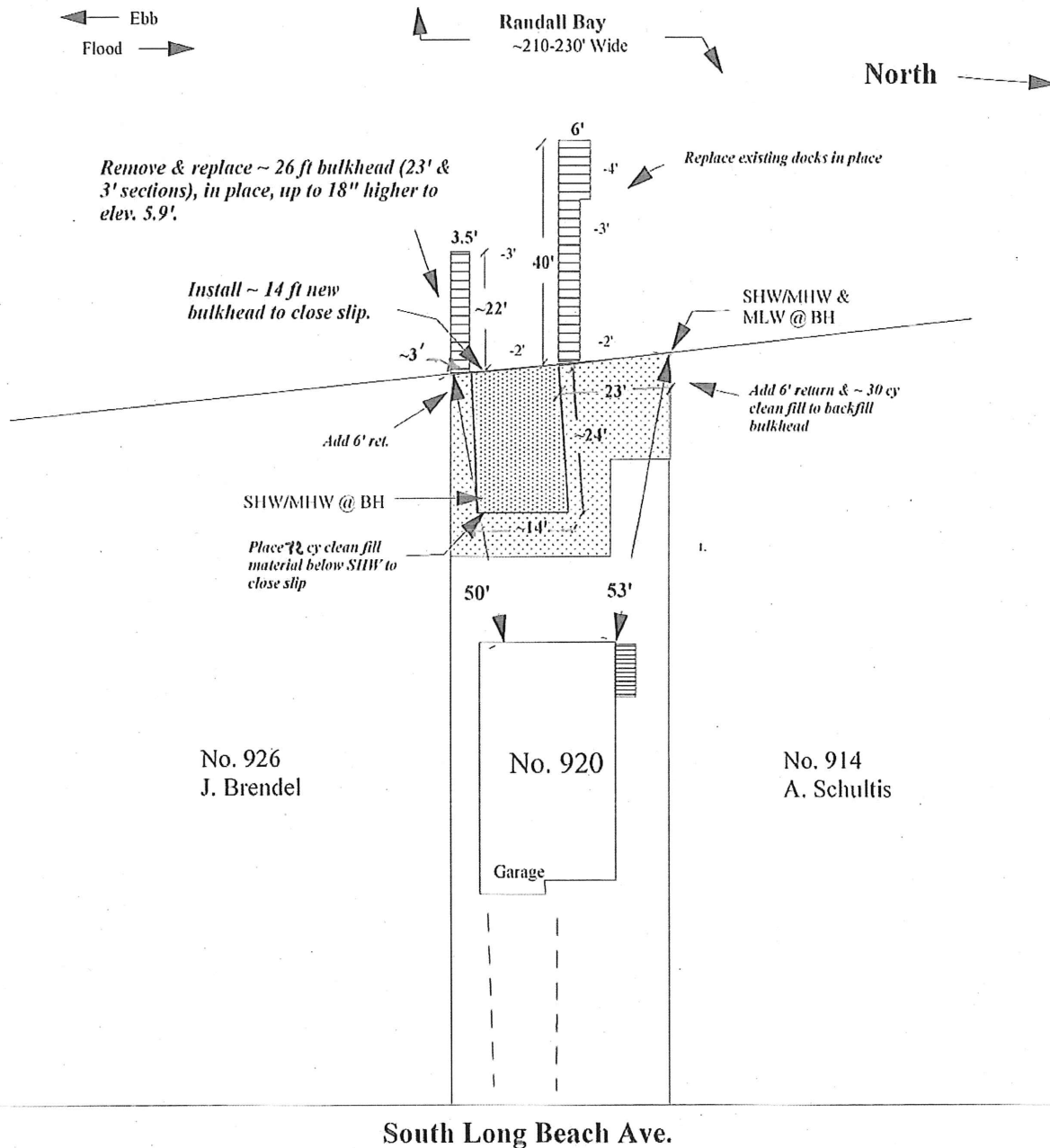


**PAGE 3 OF 3**  
**PROPOSED BULKHEAD, CLOSE SLIP**

**Scale: 1 inch = 500ft**

**H. Russell Trust**  
**920 Long Beach Ave.**  
**FREEPORT, NY**

## SITE PLAN FOR BULKHEAD REPLACEMENT



Applicant: Helen G. Russell Living Trust  
920 South Long Beach Ave  
Freeport, NY 11520

NCTM: Sec 62 Blk 156 Lot 547

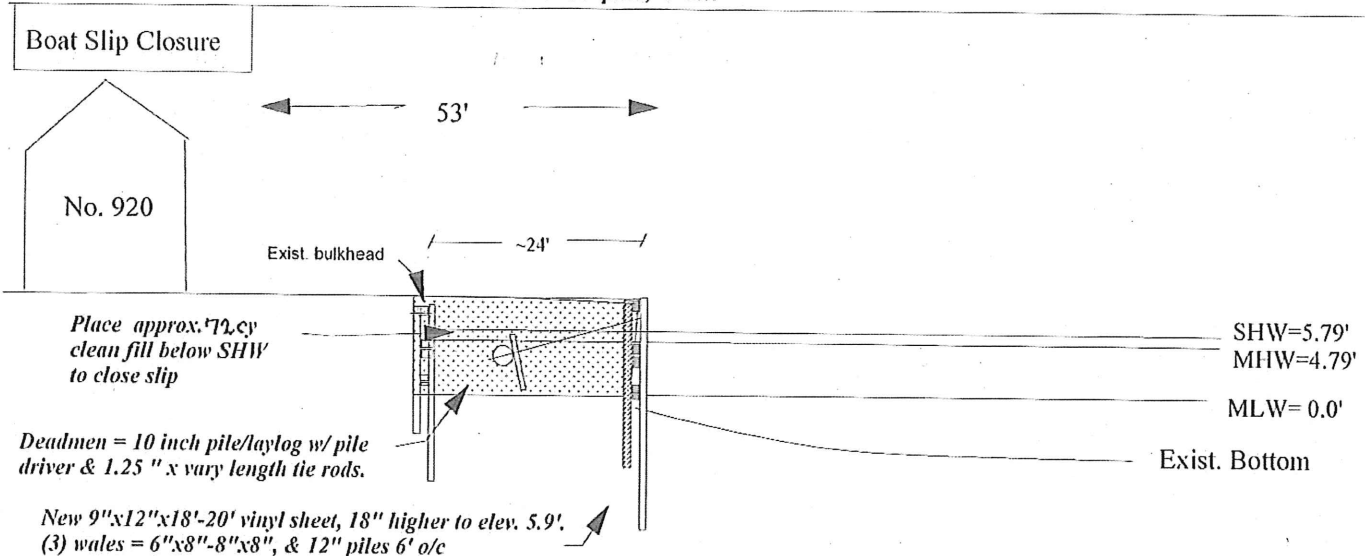
Datum: Mean Low Water

Scale: One Inch = Thirty Feet

Proposed bulkhead in Randall Bay,  
New York

Appl. By: Ocean Consulting  
262 Weidner Ave.  
Oceanside, NY 11572  
(516) 764-8534

Date: 3-JUN-16 REV: 20-MAY-17  
25-AUG-17



Not detailed for construction. Contractor to determine all materials specifications and dimensions in the field prior to construction.

Date: 3-JUN-16 REV: 20-MAY-17  
25-AUG-17

**Scale: One Inch = Twenty Feet**