

# 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-2016-01006-EHA  
Issue Date: May 31, 2017  
Expiration Date: June 30, 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: Brian Kahane  
1098 Old Country Road  
Plainview, New York 11803

ACTIVITY: Place fill to close boatslip and create upland area, reconstruct existing bulkhead, dredge

WATERWAY: South Bay Inlet

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 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.

Comments submitted in response to this notice will be fully considered during the public interest

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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 would have no effect on any Federally endangered or threatened species 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 with the use of the following best management practices, the proposed work would have no effect on EFH and managed species:

a. Within Essential Fish Habitat, if any work is proposed within areas supporting anadromous fish migration and spawning, sediment removal and pile and sheet pile/cofferdam installation and removal shall be avoided from March 1 to June 30 of any year. Work within cofferdams can proceed any time during the year provided that the cofferdams are installed or removed outside of the seasonal work restriction.

b. Within Essential Fish Habitat, if any work is proposed within areas identified as EFH for winter flounder eggs and larvae, in-water work shall be avoided from January 15 to May 31 of any year.

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

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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 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) 790-8523 and ask for Naomi Handell.

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>.

  
MAY 24 2017  
Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, Brian Kahane, has requested Department of the Army authorization to close off an existing boat slip to create upland, reconstruct an existing bulkhead and dredge in South Bay Inlet, Town of Oyster Bay, Nassau County, New York.

The work would involve:

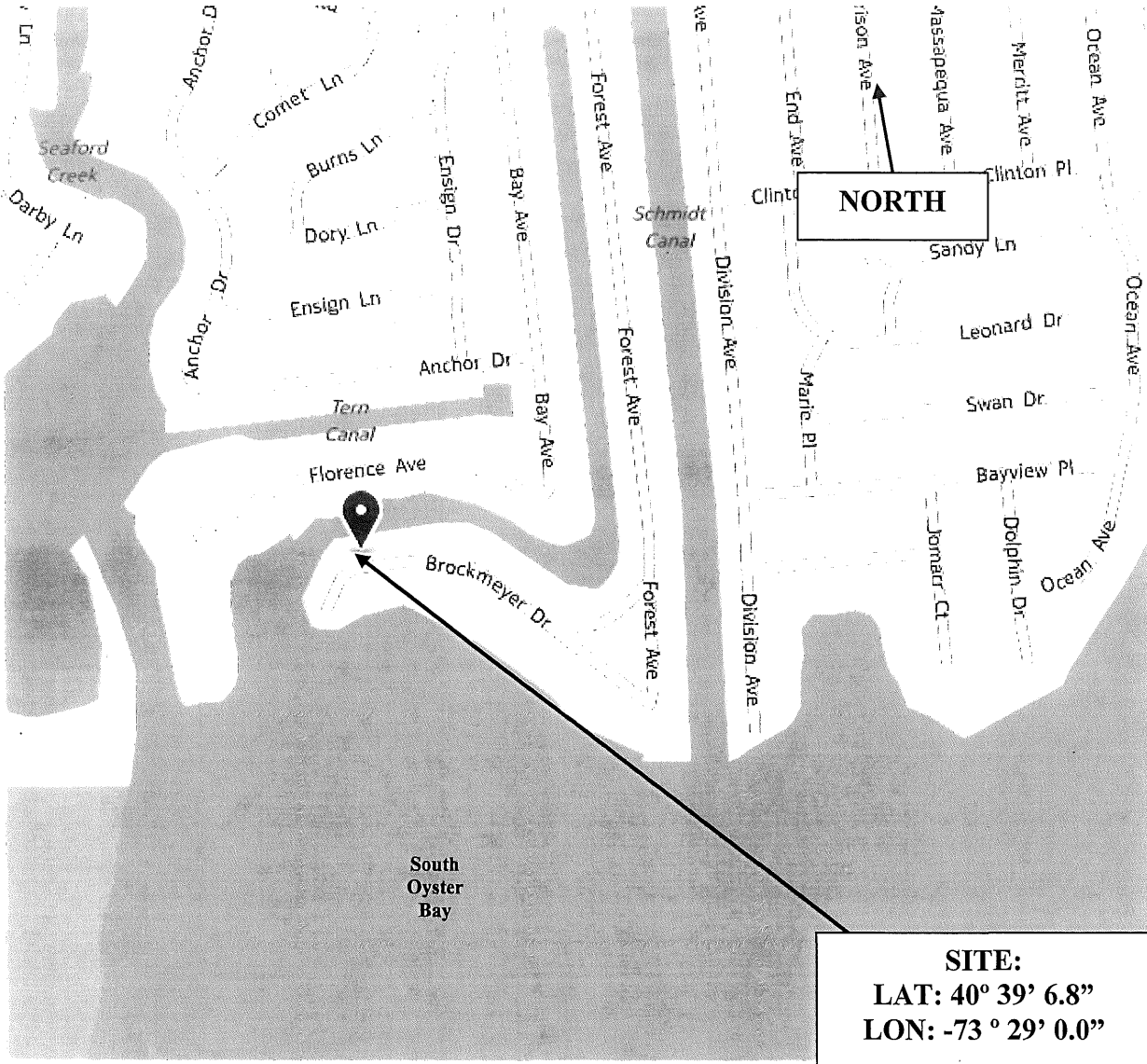
Construct 30-feet of new bulkhead and place 60 cubic yards of clean, upland fill to close off an existing 30-foot long by 14-foot wide boat slip.

Remove and replace, in-place approximately 140-feet of existing bulkhead with an 18-inch increase in elevation.

Dredge approximately 25 cubic yards of sediment from an 140-foot long by 10-foot wide area immediately waterward of the bulkhead to a depth of 4-feet below the plane of mean low water. Place dredged material and 50 cubic yards of clean, upland material landward of the bulkhead.

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 create upland in the location of the existing boatslip, restore safe water depth for safe navigation, and maintain the existing bulkhead.



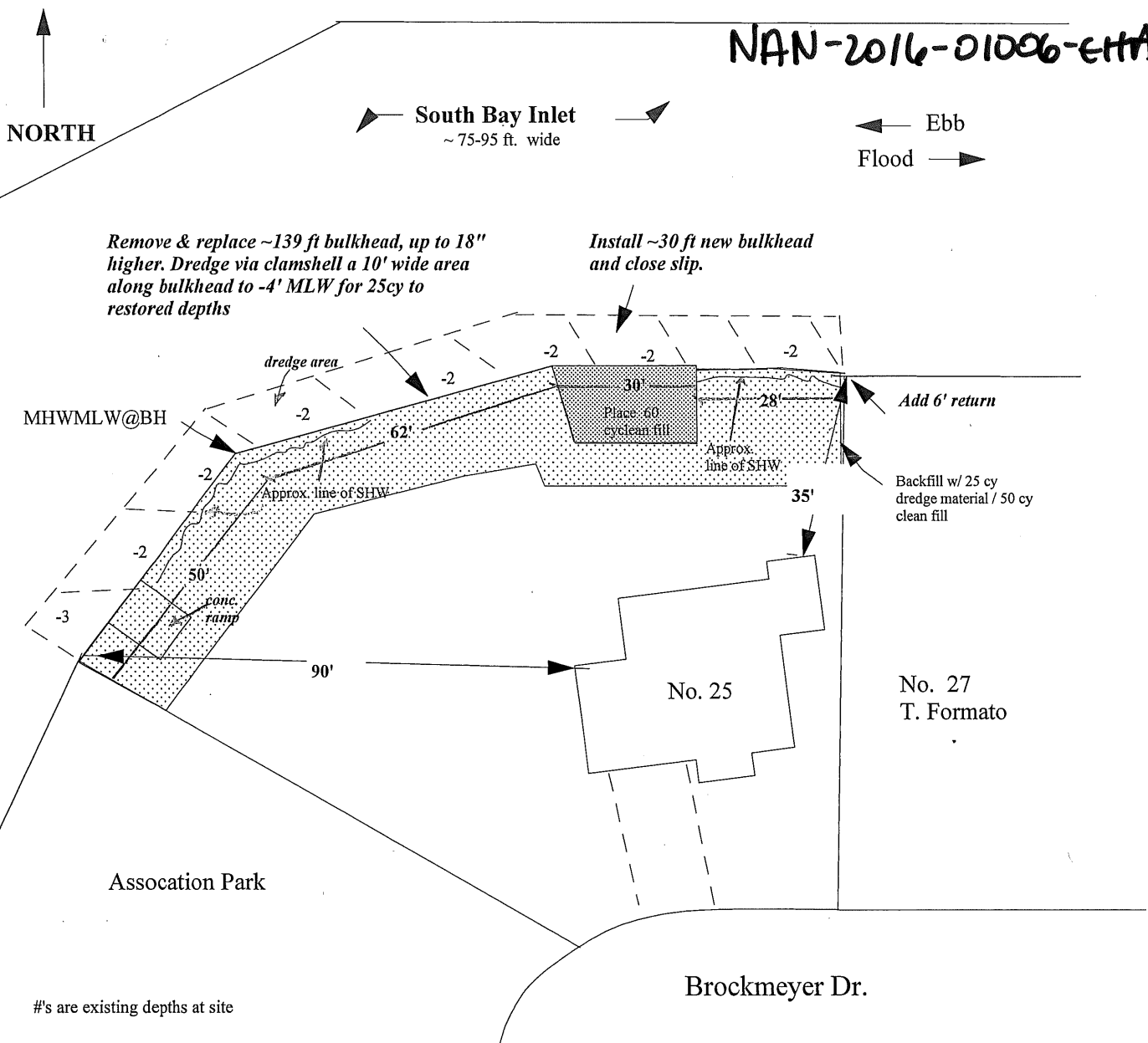
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**PROPOSED BULKHEAD, MINOR DREDGING**

**Scale: 1 inch = 500ft**

**B. KAHANE**  
**25 BROCKMEYER DR**  
**MASSAPEQUA, NY**

# SITE PLAN FOR BULKHEAD REPLACEMENT

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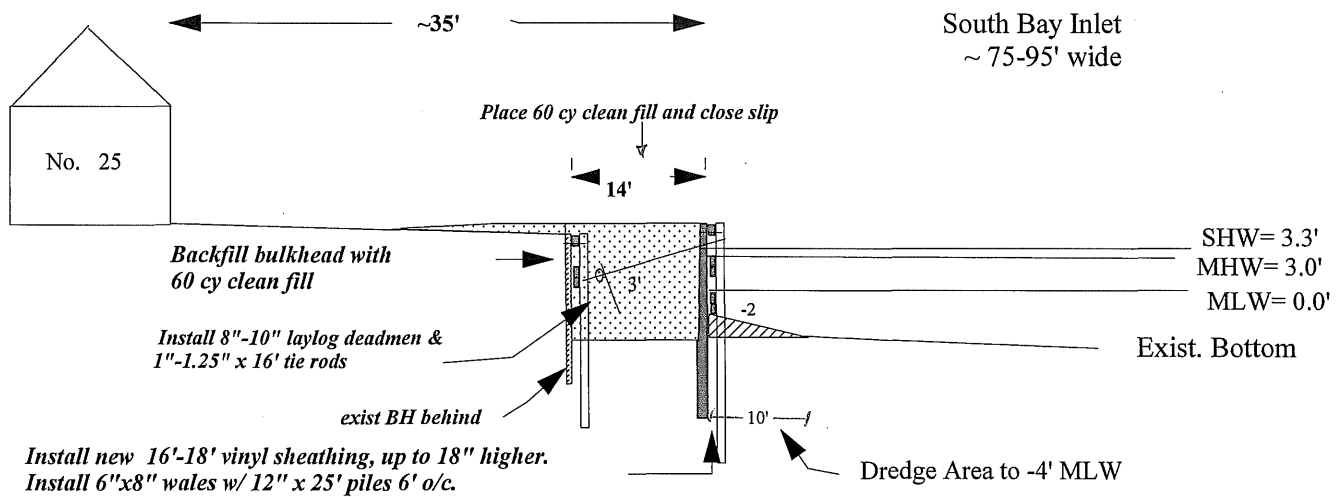
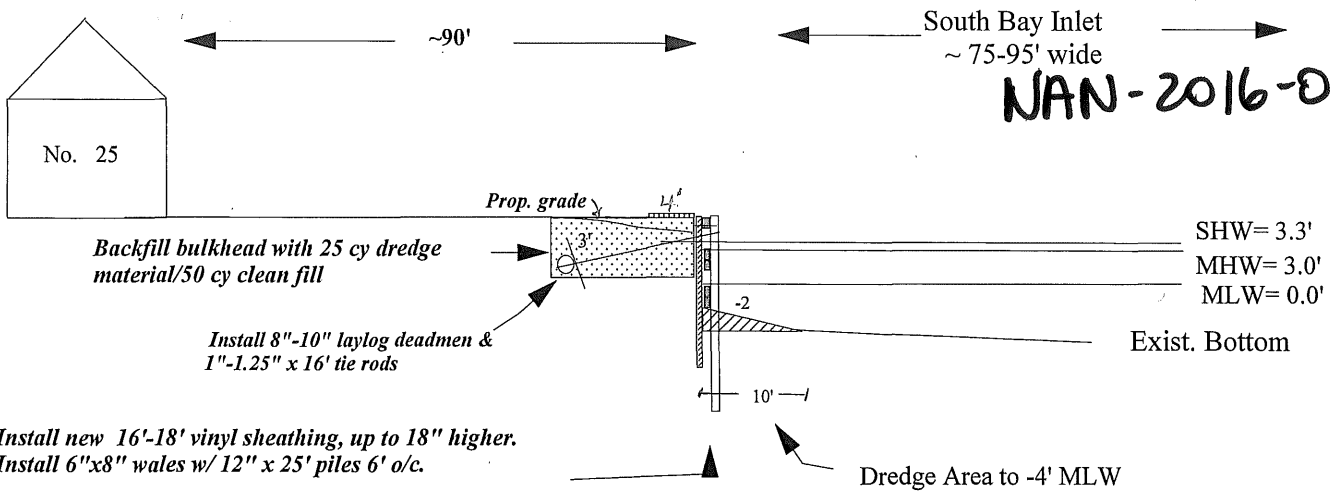


#s are existing depths at site

<p><b>Applicant:</b> Brian Kahane 25 Brockmeyer Dr. Massapequa, NY 11758</p> <p><b>NCTM:</b> Sec 65 Blk 1601 Lot 351</p> <p><b>Datum:</b> Mean Low Water</p> <p><b>Scale:</b> One Inch = Thirty Feet</p>	<p><b>Proposed bulkhead in South Bay Inlet, New York</b></p> <p><b>Appl. By:</b> Ocean Consulting 262 Weidner Ave. Oceanside, NY 11572 (516) 764-8534</p> <p><b>Date:</b> 12-JUN-16 REV: 26-SEP-16</p>
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# PROFILE THROUGH BULKHEAD REPLACEMENT



**Notes:**

All timber material CCA & Hardware hot-dip galv.  
Dredge material mostly sand & silt.  
Not detailed for construction. Contractor to determine all materials specifications and dimensions prior to work.

**Applicant:** Brian Kahane  
25 Brockmeyer Dr.  
Massapequa, NY 11758

**NCTM:** Sec 65 Blk 1601 Lot 351

**Purpose:** Shoreline stabilization

**Scale:** One Inch = Twenty Feet

**Proposed bulkhead in South Bay Inlet, New York**

**At:** Massapequa, NY

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

**Date:** 12-JUN-16 RE: 26-SEP-16