



# PUBLIC NOTICE

**In replying refer to:**

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

Public Notice Numbers: NAN-2017-01013-EBR  
NAN-2017-01565-EBR  
NAN-2017-01566-EBR  
NAN-2017-01567-EBR

**Issue Date: March 6, 2018**  
**Expiration Date: April 5, 2018**

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To Whom It May Concern:

The New York District, Corps of Engineers has received four applications for individual Department of the Army permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

**APPLICANT:** Town of Oyster Bay Dept. of Public Works  
Attn: Richard Lenz  
150 Miller Place  
Syosset, New York 11791

**ACTIVITY:** Ten-year maintenance dredging.

**WATERWAYS:** South Bay Inlet, Massapequa River, Jomarr Basin and Gene Williams Canal, all tributaries of South Oyster Bay.

**LOCATIONS:** Entrance of South Bay Inlet west of Brockmeyer Drive, (Latitude 40.650978, Longitude -73.484411) (NAN-2017-01013-EBR); waters of the Massapequa River at the eastern end of Lafayette Place, (Latitude 40.658014, Longitude -73.473056) (NAN-2017-01565-EBR); entrance of Jomarr Basin east of Division Avenue (Latitude 40.650289, Longitude -73.477158) (NAN-2017-01566-EBR); and the entrance of Gene Williams Canal, east of Sunset Boulevard (Latitude 40.652625, Longitude -73.454417) (NAN-2017-01567-EBR). The material will be dewatered at the eastern end of the parking lot at the Town owned property of Tobay Beach. All projects are located within Massapequa, Town of Oyster Bay, Nassau County, New York (Sheet 1 of 8).

**WORK DESCRIPTION**

The applicant, the Town of Oyster Bay Dept. of Public Works, has requested Department of the Army authorization for ten-year maintenance dredging of South Bay Inlet, Massapequa

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River, Jomarr Basin and Gene Williams Canal. The proposed maintenance dredging activities are being reviewed concurrently under separate project numbers.

**South Bay Inlet**

NAN-2017-01013-EBR: Dredging of South Bay Inlet, a tributary to South Oyster Bay (Latitude 40.650978, Longitude -73.484411) Massapequa, Town of Oyster Bay, Nassau County, New York (Sheet 2 of 8): Maintenance dredge via clamshell bucket a 1.0 acre area at the mouth of South Bay Inlet to a depth of 6-feet below the plane of Mean Low Water (MLW) with one (1) foot over depth. The resultant approximately 2,400 cubic yards of dredged material would be placed on a barge and transported to a dewatering site (Sheets 6-8) located at an applicant-owned upland facility to dewater for twelve weeks and then transported via truck to a state-approved upland disposal facility. One (1) additional dredging event is anticipated with the removal of up to approximately 2,500 cubic yards of dredged material, with the dredged material dewatered and placed at a state approved upland disposal facility.

The stated purpose of this project is to provide safe water depths for mooring and navigation.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable, by limiting the dredging area to the minimum area required for safe and reasonable navigation of South Bay Inlet at South Oyster Bay. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a mechanical clamshell dredge.

**Massapequa River**

NAN-2017-01565-EBR: Dredging of Massapequa River, a tributary to South Oyster Bay (Latitude 40.658014, Longitude -73.473056) Massapequa, Town of Oyster Bay, Nassau County, New York (Sheet 3 of 8): Maintenance dredge via clamshell bucket a 0.05 acre area at the eastern edge of Lafayette Place to a depth of 4-feet below the plane of Mean Low Water (MLW) with one (1) foot over depth. The resultant approximately 100 cubic yards of dredged material would be placed on a barge and transported to a dewatering site (Sheets 6-8) located at an applicant-owned upland facility to dewater for twelve weeks and then transported via truck to a state-approved upland disposal facility. One (1) additional dredging event is anticipated with the removal of up to approximately 100 cubic yards of dredged material, with the dredged material dewatered and placed at a state approved upland disposal facility.

The stated purpose of this project is to remove accumulated sediments around a partially blocked 36-inch diameter reinforced concrete outfall pipe.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable, by limiting the dredging area to the minimum area required to remove accumulated sediments around a partially blocked 36-

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inch diameter reinforced concrete outfall pipe in the Massapequa River at South Oyster Bay. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a mechanical clamshell dredge.

**Jomarr Basin**

NAN-2017-01566-EBR: Dredging of Jomarr Basin, a tributary to South Oyster Bay (Latitude 40.650289, Longitude -73.477158) Massapequa, Town of Oyster Bay, Nassau County, New York (Sheet 4 of 8): Maintenance dredge via clamshell bucket a 0.55 acre area at the mouth of Jomarr Basin to a depth of 6-feet below the plane of Mean Low Water (MLW) with one (1) foot over depth. The resultant approximately 1,700 cubic yards of dredged material would be placed on a barge and transported to a dewatering site (Sheets 6-8) located at an applicant-owned upland facility to dewater for twelve weeks and then transported via truck to a state-approved upland disposal facility. One (1) additional dredging event is anticipated with the removal of up to approximately 2,000 cubic yards of dredged material, with the dredged material dewatered and placed at a state approved upland disposal facility.

The stated purpose of this project is to provide safe water depths for mooring and navigation.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable, by limiting the dredging area to the minimum area required for safe and reasonable navigation of Jomarr Basin at South Oyster Bay. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a mechanical clamshell dredge.

**Gene Williams Canal**

NAN-2017-01567-EBR: Dredging of Gene Williams Canal, a tributary to South Oyster Bay (Latitude 40.652625, Longitude -73.454417) Massapequa, Town of Oyster Bay, Nassau County, New York (Sheet 5 of 8): Maintenance dredge via clamshell bucket a 0.75 acre area at the mouth of Gene Williams Canal to a depth of 6-feet below the plane of Mean Low Water (MLW) with one (1) foot over depth. The resultant approximately 1,900 cubic yards of dredged material would be placed on a barge and transported to a dewatering site (Sheets 6-8) located at an applicant-owned upland facility to dewater for twelve weeks and then transported via truck to a state-approved upland disposal facility. One (1) additional dredging event is anticipated with the removal of up to approximately 2,000 cubic yards of dredged material, with the dredged material dewatered and placed at a state approved upland disposal facility.

The stated purpose of this project is to provide safe water depths for mooring and navigation.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable, by limiting the dredging area to the minimum area required for safe and reasonable navigation of Gene Williams Canal at South Oyster Bay. Any potential impacts would be temporary and would be offset by implementing

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best management practices associated with the proposed use of a mechanical clamshell dredge.

**PURPOSE OF NOTICE:**

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. 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 provided will become part of the administrative record and may be available to the public under the Freedom of Information Act and 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.

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. Public comments are used to evaluate the project in accordance with the National Environmental Policy Act and to assess impacts on endangered species, historic properties, water quality, general environmental effects and public interest factors.

**PRELIMINARY EVALUATION:**

Our preliminary determination is that the activity is not likely to adversely affect any Federally endangered or threatened species or their critical habitat managed by the U.S. Fish and Wildlife Service and by the National Oceanic and Atmospheric Administration.

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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 is 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 not any 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 performed under the required permit.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], this federal action is subject to federal consistency review. No permit decision will be made until we receive the State's concurrence with, objection to, or waiver of the applicant's request for federal coastal consistence. 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. Please provide the New York State Department of State with copies of any letters to this office commenting upon this proposal.

Consultation with Tribes must occur if the activities requiring Department of the Army (DA) authorization, have the potential to significantly (i.e., materially) affect protected tribal resources, tribal rights (including treaty rights) and tribal lands. It is unlikely that the proposed action will significantly affect protected tribal resources.

The proposed action is not within a designated Wild and Scenic River or a river proposed for such designation.

The proposed action does not appear to be proposed within a Special Aquatic Site as defined in 40 CFR 230.40 through 230.45.

The permit area of the proposed action is directly adjacent to a Federal Navigation Channel. Coordination will be undertaken to determine if the project will require permission under

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Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy or use a Corps Civil Works project.

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) 970-8516 and ask for William T. Bruno.

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>.

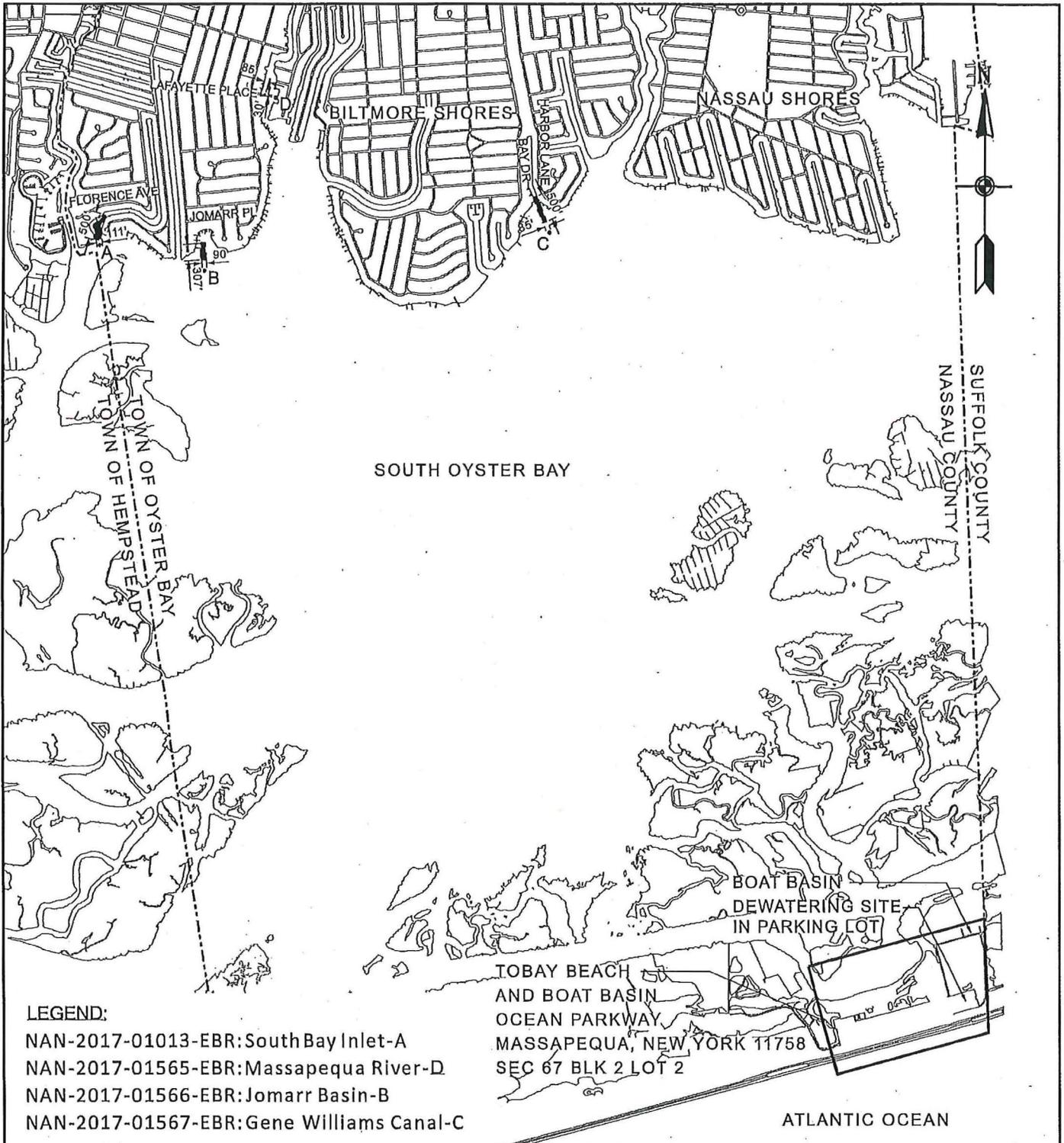
For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

pp: *Melanie Symes*

Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

MAR 02 2018



**PURPOSE:**  
 MAINTENANCE DREDGING  
 FOR NAVIGATION

**DATUM NOTE:**  
 ALL ELEVATION ARE IN NAVD 88.  
 BATHYMETRIC DATA IS FROM A  
 SURVEY DATED AUGUST 2016.

**OVERALL  
 LOCATION PLAN**

0      2500      5000  
  
 1" = 2500'

**TOWN OF OYSTER BAY  
 DEPARTMENT OF PUBLIC WORKS**  
 150 MILLER PLACE  
 SYOSSET, NY 11791

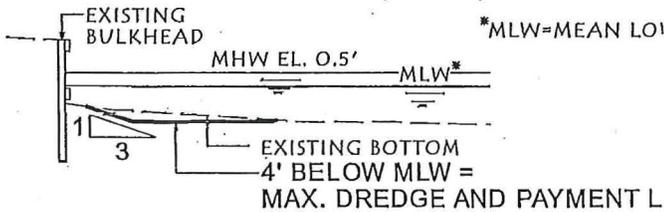
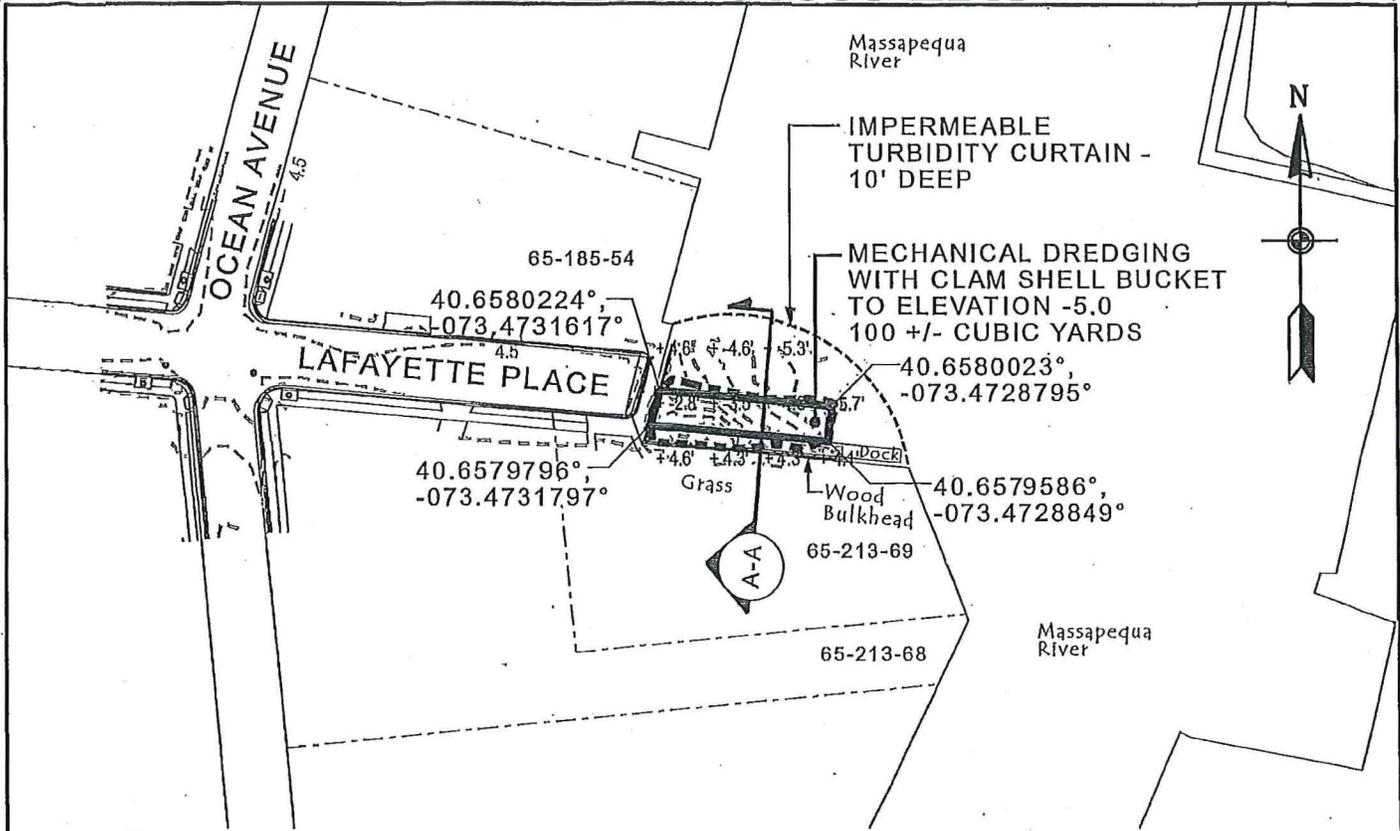
**SOUTH OYSTER BAY  
 CANAL MOUTH DREDGING**

IN: SOUTH OYSTER BAY  
 AT: MASSAPEQUA  
 COUNTY OF: NASSAU  
 STATE: NEW YORK  
 APPLICATION BY:      DATE: 07/12/2017

de Bruin Engineering, P.C.  
 11 Union Avenue • Bethpage • New York • 11714  
 516.513.1313 • 516.579.2574 Fax

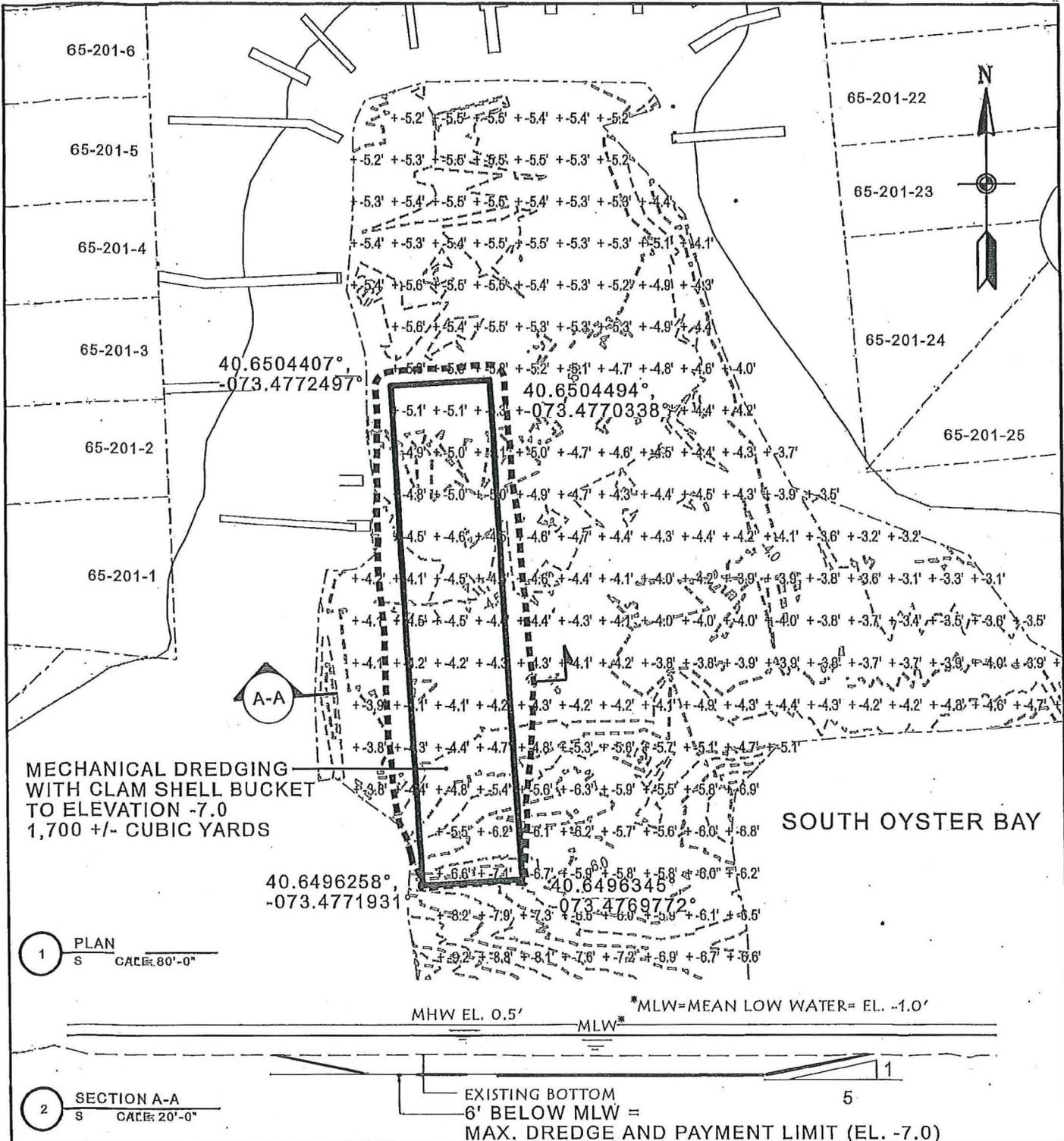


# NAN-2017-01565-EBR



<p><b>PURPOSE:</b> REMOVAL OF ACCUMULATED SEDIMENTS AROUND AN OUTFALL STRUCTURE</p>	<p style="text-align: center;"><b>MASSAPEQUA RIVER</b></p> <p style="text-align: center;">0                      80                      160</p> <p style="text-align: center;">1" = 80'</p> <p style="text-align: center;">TOWN OF OYSTER BAY DEPARTMENT OF PUBLIC WORKS 150 MILLER PLACE SYOSSET, NY 11791</p>	<p style="text-align: center;">SOUTH OYSTER BAY CANAL MOUTH DREDGING</p> <p>IN: SOUTH OYSTER BAY AT: MASSAPEQUA COUNTY OF: NASSAU STATE: NEW YORK APPLICATION BY:                      DATE: 07/12/2017</p>
<p><b>LEGEND:</b> LIMITS OF PROPOSED DREDGING AREAS</p> <p><b>DATUM NOTE:</b> ALL ELEVATION ARE IN NAVD 88. BATHYMETRIC DATA IS FROM A SURVEY DATED AUGUST 2016.</p>		<p style="text-align: center;">de Bruin Engineering, P.C. 11 Union Avenue • Bellpage • New York • 11714 516.513.1313 • 516.579.2574 Fax</p> <p style="text-align: right;">2</p>

# NAN-2017-01566-EBR



**PURPOSE:**  
MAINTENANCE DREDGING FOR NAVIGATION

**LEGEND:**  
LIMITS OF PROPOSED DREDGING AREAS

**DATUM NOTE:**  
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**JOMARR BASIN**

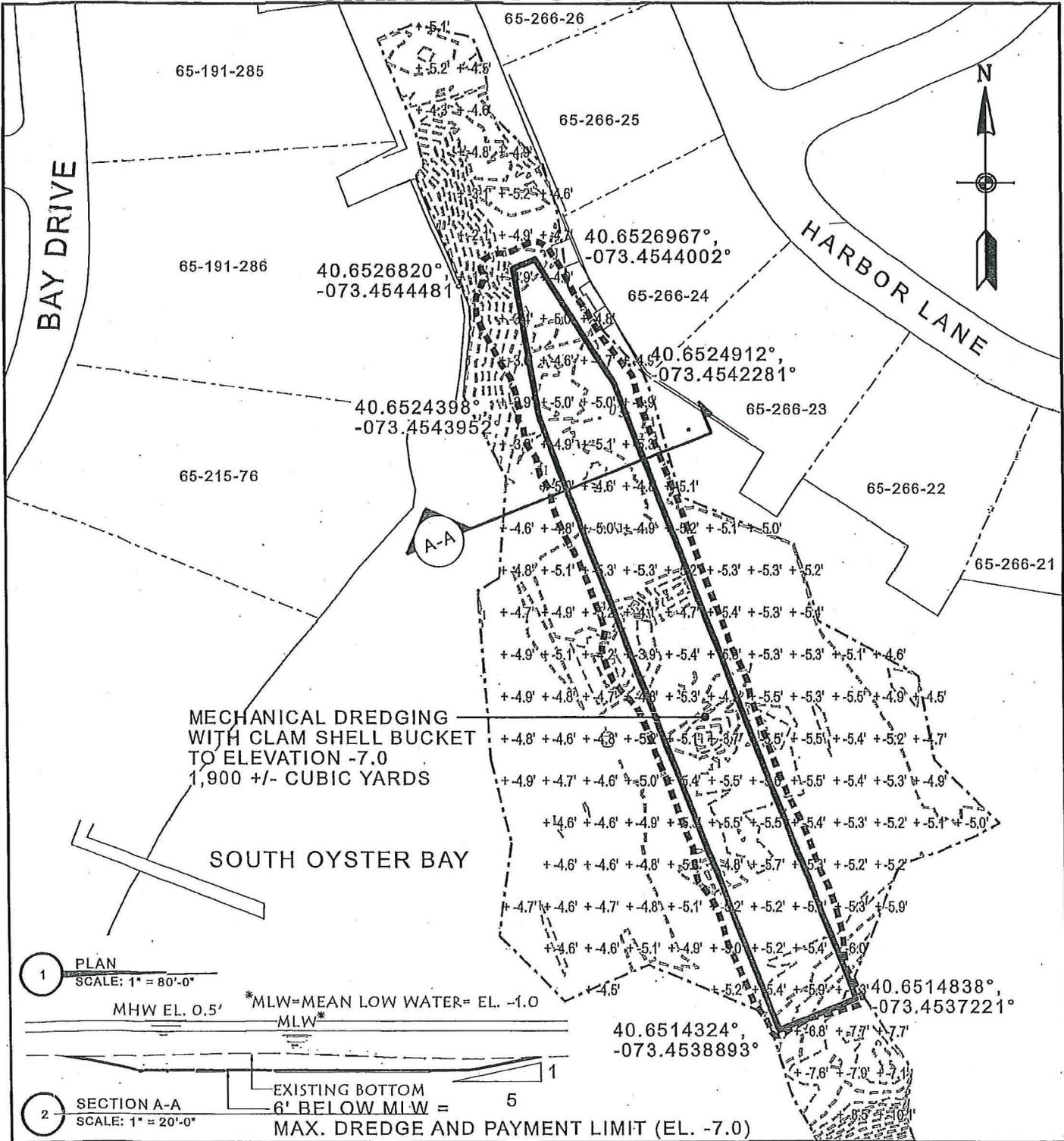
TOWN OF OYSTER BAY  
DEPARTMENT OF PUBLIC WORKS  
150 MILLER PLACE  
SYOSSET, NY 11791

0 80 160  
1" = 80'

**SOUTH OYSTER BAY CANAL MOUTH DREDGING**

IN: SOUTH OYSTER BAY  
AT: MASSAPEQUA  
COUNTY OF: NASSAU  
STATE: NEW YORK  
APPLICATION BY: DATE: 07/12/2017

de Bruin Engineering, P.C.  
11 Union Avenue • Bethpage • New York • 11714  
516.513.1313 • 516.579.2574 Fax



MECHANICAL DREDGING  
WITH CLAM SHELL BUCKET  
TO ELEVATION -7.0  
1,900 +/- CUBIC YARDS

SOUTH OYSTER BAY

1 PLAN  
SCALE: 1" = 80'-0"

MHW EL. 0.5' \*MLW=MEAN LOW WATER= EL. -1.0

2 SECTION A-A  
SCALE: 1" = 20'-0"

EXISTING BOTTOM  
6' BELOW MLW =  
MAX. DREDGE AND PAYMENT LIMIT (EL. -7.0)

**PURPOSE:**  
MAINTENANCE DREDGING  
FOR NAVIGATION

**LEGEND:**  
LIMITS OF PROPOSED  
DREDGING AREAS

**DATUM NOTE:**  
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GENE WILLIAMS CANAL

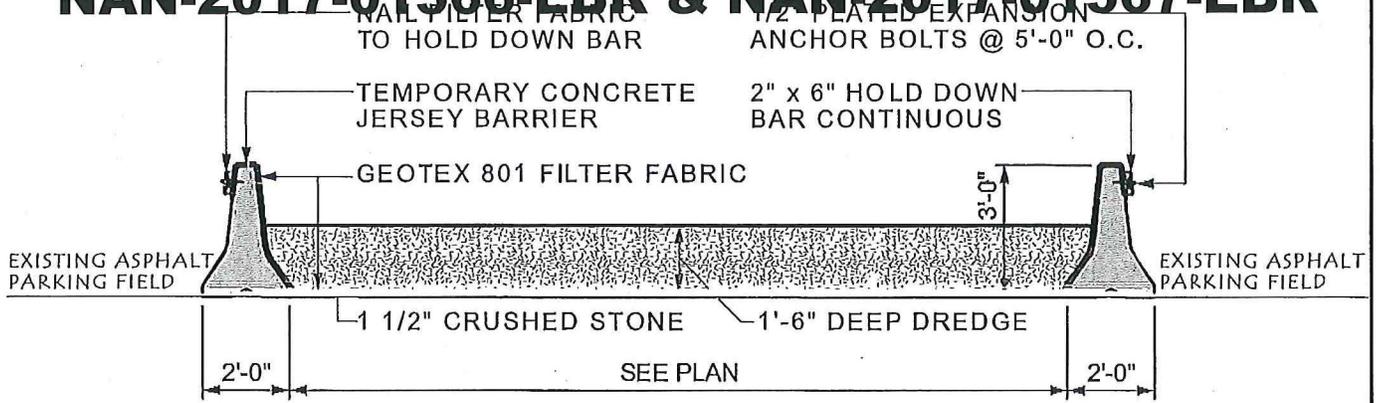
TOWN OF OYSTER BAY  
DEPARTMENT OF PUBLIC WORKS  
150 MILLER PLACE  
SYOSSET, NY 11791

SOUTH OYSTER BAY  
CANAL MOUTH DREDGING

IN: SOUTH OYSTER BAY  
AT: MASSAPEQUA  
COUNTY OF: NASSAU  
STATE: NEW YORK  
APPLICATION BY: DATE: 07/12/2017

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**NAN-2017-01013-EBR, NAN-2017-01565-EBR,  
 NAN-2017-01566-EBR & NAN-2017-01567-EBR**



ALL PROPOSALS ARE SUBJECT TO THE APPROVAL OF THE ENGINEER AND MAY REQUIRE MODIFICATION TO REGULATORY PERMITS.

DEWATERING AREA SECTION  
 SCALE: 1/2" = 1'-0"

PURPOSE:  
 MAINTENANCE DREDGING  
 FOR NAVIGATION

LEGEND:

**DETAILS**

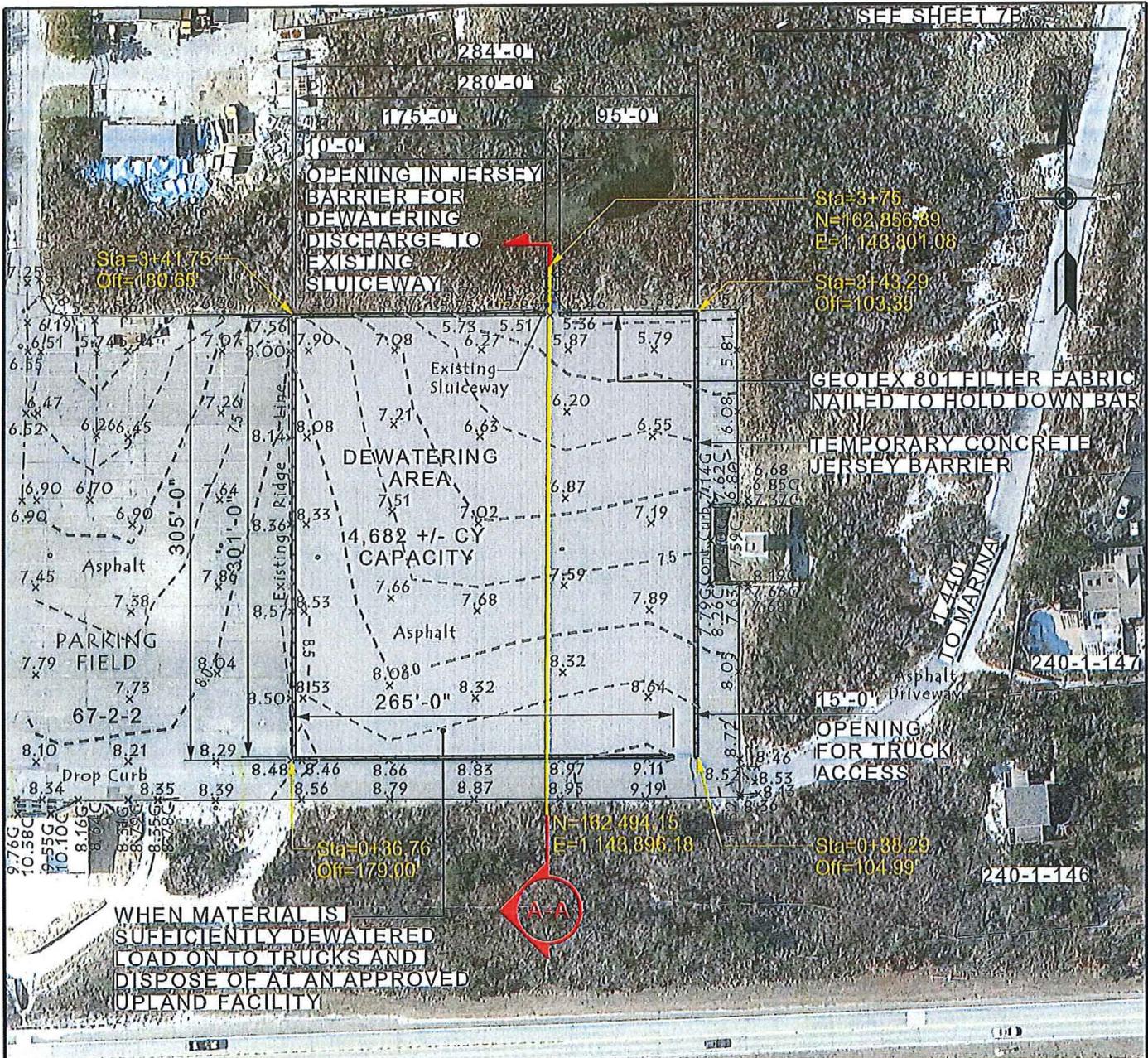
TOWN OF OYSTER BAY  
 DEPARTMENT OF PUBLIC WORKS  
 150 MILLER PLACE  
 SYOSSET, NY 11791

SOUTH OYSTER BAY  
 CANAL MOUTH DREDGING

IN: SOUTH OYSTER BAY  
 AT: MASSAPEQUA  
 COUNTY OF: NASSAU  
 STATE: NEW YORK

APPLICATION BY: de Bruin Engineering, P.C.  
 DATE: 07/12/2017

11 Union Avenue • Belhpage • New York • 11714  
 516.513.1313 • 516.579.2574 Fax



WHEN MATERIAL IS SUFFICIENTLY DEWATERED LOAD ON TO TRUCKS AND DISPOSE OF AT AN APPROVED UPLAND FACILITY

**NOTES:**

NO VEGETATION ADJACENT TO MARINA, TRUCK ACCESS ROUTE, OR PARKING FIELD/DEWATERING AREA SHALL BE DISTURBED AND/OR THAT ALL DISTURBANCE SHALL OCCUR ON EXISTING PAVED SURFACES.

**LEGEND:**

65-1601-353 SECTION-BLOCK-LOT

**PURPOSE:**  
MAINTENANCE DREDGING FOR NAVIGATION

**ADDRESS:**  
TOBAY BEACH AND BOAT BASIN OCEAN PARKWAY MASSAPEQUA, NEW YORK 11758

**DATUM NOTE:**  
ALL ELEVATION ARE IN NAVD 88. BATHYMETRIC DATA IS FROM A SURVEY DATED AUGUST 2016.

**TOBAY BEACH PARK DEWATERING AREA PLAN**

0 100 200  
1" = 100'

TOWN OF OYSTER BAY  
DEPARTMENT OF PUBLIC WORKS  
160 MILLER PLACE  
SYOSSET, NY 11791

**SOUTH OYSTER BAY CANAL MOUTH DREDGING**

IN: SOUTH OYSTER BAY  
AT: MASSAPEQUA  
COUNTY OF: NASSAU  
STATE: NEW YORK  
APPLICATION BY: DATE: 07/12/2017  
de Bruin Engineering, P.C.  
11 Union Avenue • Bethpage • New York • 11714  
516.513.1313 • 516.579.2574 Fax



**NOTES:**

NO VEGETATION ADJACENT TO MARINA, TRUCK ACCESS ROUTE, OR PARKING FIELD/DEWATERING AREA SHALL BE DISTURBED AND/OR THAT ALL DISTURBANCE SHALL OCCUR ON EXISTING PAVED SURFACES.

**LEGEND:**

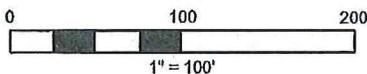
65-1601-353 SECTION-BLOCK-LOT

**PURPOSE:**  
MAINTENANCE DREDGING FOR NAVIGATION

**ADDRESS:**  
TOBAY BEACH AND BOAT BASIN  
OCEAN PARKWAY  
MASSAPEQUA, NEW YORK 11758

**DATUM NOTE:**  
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**TOBAY BEACH PARK  
DEWATERING AREA  
PLAN**



TOWN OF OYSTER BAY  
DEPARTMENT OF PUBLIC WORKS  
150 MILLER PLACE  
SYOSSET, NY 11791

**SOUTH OYSTER BAY  
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