



# 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-2018-01465-EHA  
Issue Date: May 9, 2019  
Expiration Date: June 10, 2019

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:** Crystal Antico  
60 South Bay Drive  
Massapequa, New York 11758

**ACTIVITY:** Construct a new bulkhead and place fill up to 4-feet waterward of the existing bulkhead to create upland, remove an existing bulkhead section and excavate to create open water, dredge.

**WATERWAY:** Canal Number 8, tributary of South Oyster Bay

**LOCATION:** 60 South Bay Drive, Massapequa, 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.

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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 would not affect 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 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 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, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding

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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>.



**For and In behalf of**

Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, Crystal Antico, has requested Department of the Army authorization for construction of a new bulkhead and place fill up to 4-feet waterward of the existing bulkhead to create upland, removal of an existing bulkhead and excavation to create open water, and dredging in Canal Number 8, tributary of South Oyster Bay, at 60 South Bay Drive, Massapequa, Town of Oyster Bay, Nassau County, New York.

The work would involve:

Replace 1.5-feet of existing bulkhead in place.

Construct 38-feet of new bulkhead up to 4-feet waterward of the existing bulkhead to create upland. Place approximately 55 cubic yards of excavated upland material and dredged material landward of the new bulkhead to fill in open waters over approximately 156 square feet.

Excavate an approximately 208 square foot area, construct a new 20.5-foot bulkhead section and a 9.5-foot bulkhead section, in line with the new 38-foot bulkhead. Remove the existing 10-foot and 17.75-foot bulkhead sections to create approximately 208 square feet of open water.

Dredge approximately 15 cubic yards of material from a 42-foot long by 6-foot wide area waterward of the new bulkhead to a depth of approximately 4-feet below the plane of Mean Low Water. Place the dredged material landward of the new bulkhead, as described above.

The applicant has stated they have avoided, minimized and mitigated for proposed impacts by excavating approximately 208 square feet of upland area to create open water.

The stated purpose of this project is to provide additional mooring along the bulkhead.



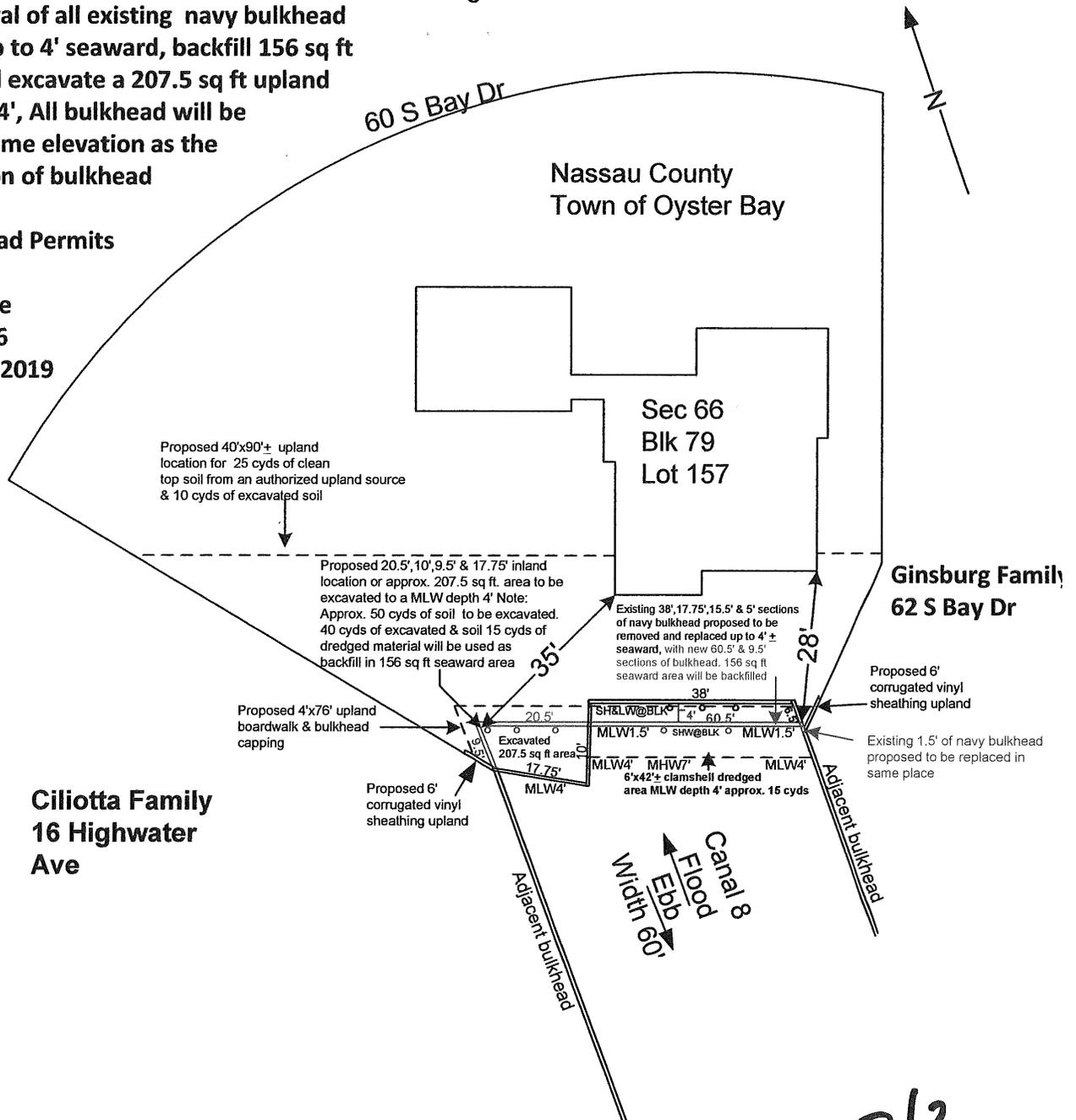
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Lat-Long:  
40°39'19.68"N  
73°26'20.52"W

**Applicant: Crystal Antico**  
**60 S Bay Dr, Massapequa , NY 11758**  
**Proposed: Removal of all**  
**existing navy bulkhead**  
**& replacement up to 4' seaward,**  
**backfill 156 sq ft seaward area and excavate a**  
**207.5 sq ft upland area MLW depth 4' , all**  
**bulkhead will be installed at same elevation as**  
**Existing 38' section of bulkhead**  
**Prepared: Bulkhead Permits**  
**by Gary inc**  
**2 Whaleneck Drive**  
**Merrick, NY 11566**  
**Revised February 20, 2019**

**Applicant: Crystal Antico**  
**Project Site: 60 S Bay Dr, Massapequa, NY 11758**  
**Proposed: Removal of all existing navy bulkhead & replacement up to 4' seaward, backfill 156 sq ft seaward area and excavate a 207.5 sq ft upland area MLW depth 4', All bulkhead will be installed at the same elevation as the existing 38' section of bulkhead**  
**Scale: 1" = 30'**  
**Prepared: Bulkhead Permits by Gary Inc**  
**2 Whaleneck Drive**  
**Merrick, NY 11566**  
**Revised March 4, 2019**



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**Note: All bulkhead will be installed at same elevation as existing 38' section of bulkhead**

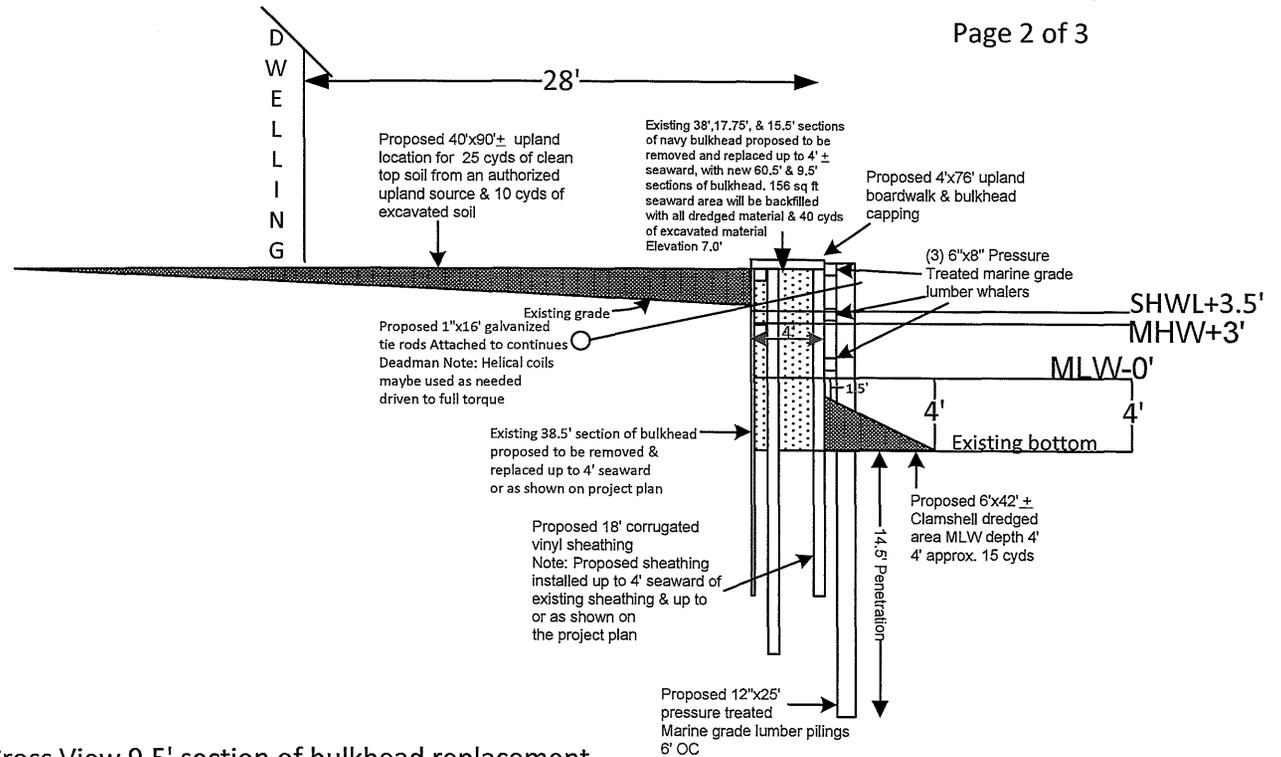
Cross View 60.5' sections of bulkhead  
 Installed up to 4' seaward or 156 sq ft area  
 & 1.5' section of navy bulkhead replaced in K&P

**Applicant: Crystal Antico**  
**60 S Bay Dr, Massapequa, NY 11758**

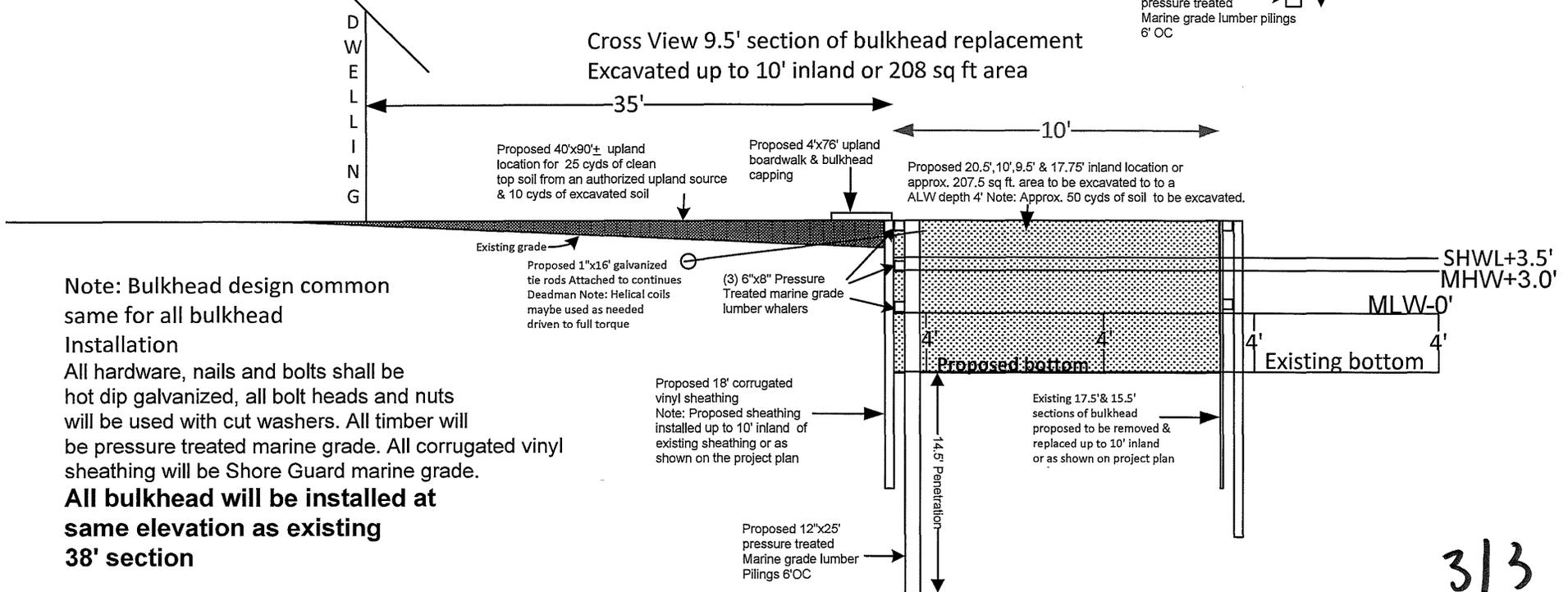
**Proposed: Removal of all existing navy bulkhead & replacement up to 4' seaward, backfill 156 sq ft seaward area and excavate a 207.5 sq ft upland area MLW depth 4', all bulkhead will be installed at same elevation as Existing 38' section of bulkhead**

**Scale: 1" = 10'**

**Prepared: Bulkhead Permits by Gary inc**  
**2 Whaleneck Drive Merrick, NY 11566**  
**Revised February 20, 2019**



**Cross View 9.5' section of bulkhead replacement**  
 Excavated up to 10' inland or 208 sq ft area



**Note: Bulkhead design common same for all bulkhead**

**Installation**

All hardware, nails and bolts shall be hot dip galvanized, all bolt heads and nuts will be used with cut washers. All timber will be pressure treated marine grade. All corrugated vinyl sheathing will be Shore Guard marine grade.

**All bulkhead will be installed at same elevation as existing 38' section**