



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-2019-00912-WPI
Issue Date: **NOV 08 2019**
Expiration Date: **DEC 08 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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Timothy and Linda McLaughlin
65 Bryant Avenue
Roslyn, New York 11576

ACTIVITY: To fill in an existing wetland, place approximately 316 cubic yards of clean, upland fill over an approximately 8,730 square foot freshwater wetland in order to construct a 3-lot residential subdivision.

WATERWAY: Hempstead Harbor tributary of Long Island Sound

LOCATION: 65 Bryant Avenue, Village of Roslyn, Town of North 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.

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, would not affect EFH or managed species.

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 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

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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>.


Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Timothy and Linda McLaughlin, has requested Department of the Army authorization to place fill in a wetland and provide compensatory mitigation in a freshwater wetland adjacent to Hempstead Harbor, Town of North Hempstead, Nassau County, New York.

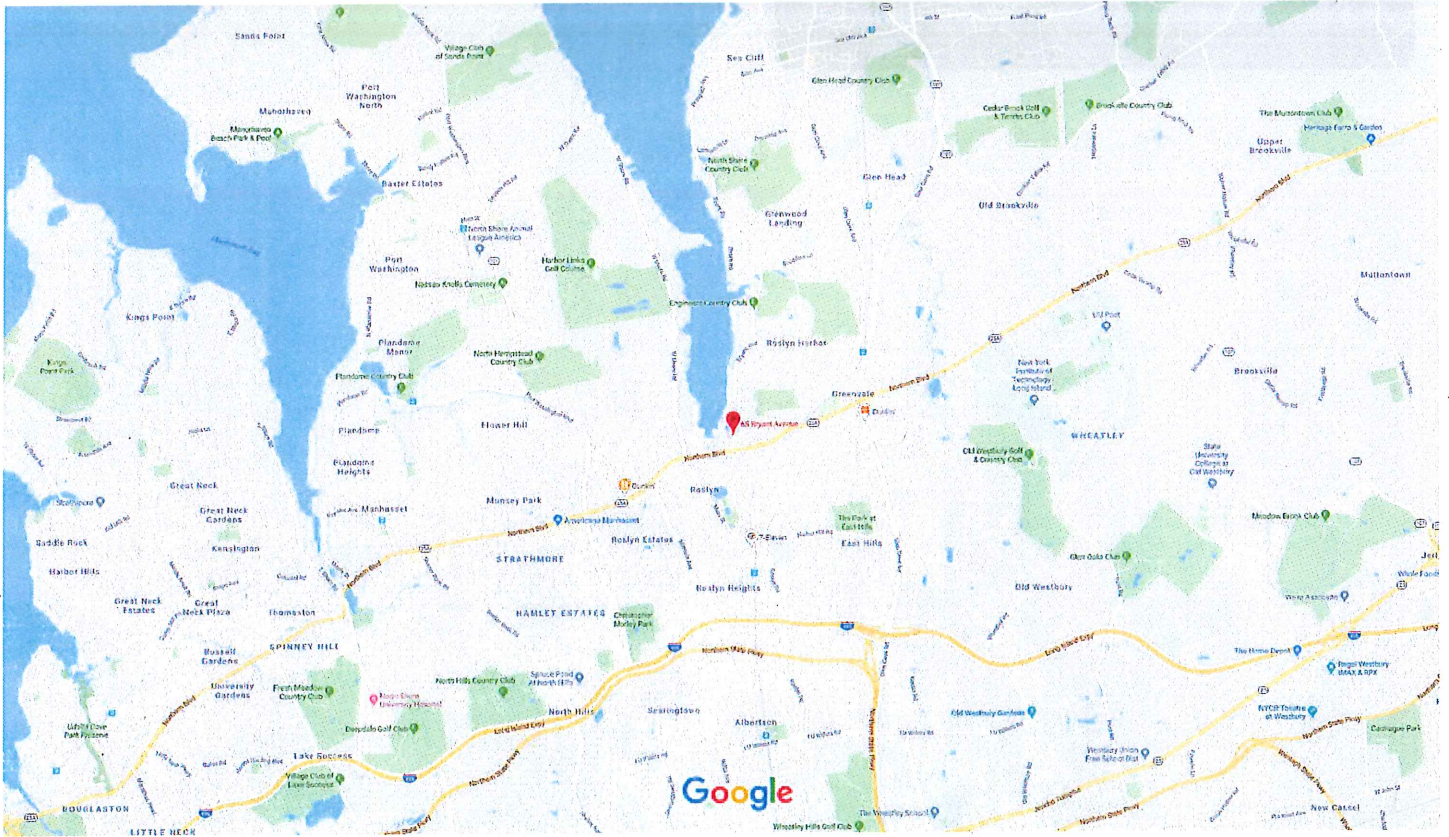
The work would involve:

The applicant proposes to place approximately 316 cubic yards of clean, upland fill in an approximately 8,730 square foot freshwater wetland (see Sheet 2 of 4) in order to construct a 3-lot residential subdivision.

As compensatory mitigation, the applicant proposes to remove an invasive porcelain berry within an approximately 8,860 square foot area on the northernmost portion of the property. This species of berry is outcompeting the wetland vegetation found in this area. The berry will be removed by hand prior to seed set in order to prevent flowering in subsequent seasons. Any vines unable to be removed will be cut as close to the ground as possible. All plant material removed will be transported to an approved upland location in closed containers. The area will be monitored and additional cutting will occur twice per growing season for a minimum of three years. If the first method does not achieve the intended results, limited herbicide would be used. If the cut plants re-sprout, it would be treated in early fall with triclopyr and glyphosphate. Basal bark applications with triclopyr formulated for use with penetrating oil have been successful, but caution would be taken not to harm other species of plant. In addition, a portion of wetland vegetation in the area has been lost; a mix of native wetland plantings will be added to supplement natural vegetation. Plants include northern spicebush, common winterberry, and cinnamon fern.

The applicant has stated that they have avoided, minimized and mitigated for impacts proposed to the maximum extent practicable by placing the minimum amount of fill necessary to achieve the project purpose and providing compensatory mitigation as described above.

The stated purpose of this project is to fill the existing wetland on the subject property to construct a residential subdivision.



Map data ©2019 2000 ft



65 Bryant Ave

Roslyn, NY 11576



Directions



Save



Nearby



Send to your phone



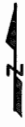
Share



R943+88 Roslyn Harbor, North Hempstead, NY

Photos

USACE File: NAN-2019-00912-EHA



PROPOSED MITIGATION AREA A
±8,860 SF

UPDATED LIMIT
OF WETLANDS
DELINEATED BY NP&V
FEBRUARY 2013

CALCULATIONS

**PROPOSED
FILL AREA WITHIN WETLAND**

PARCEL C: 1,175.2 SF 40 CY
1,060.8 SF 36 CY
6,490.6 SF 240 CY
TOTAL: 8,726.6 SF 316 CY

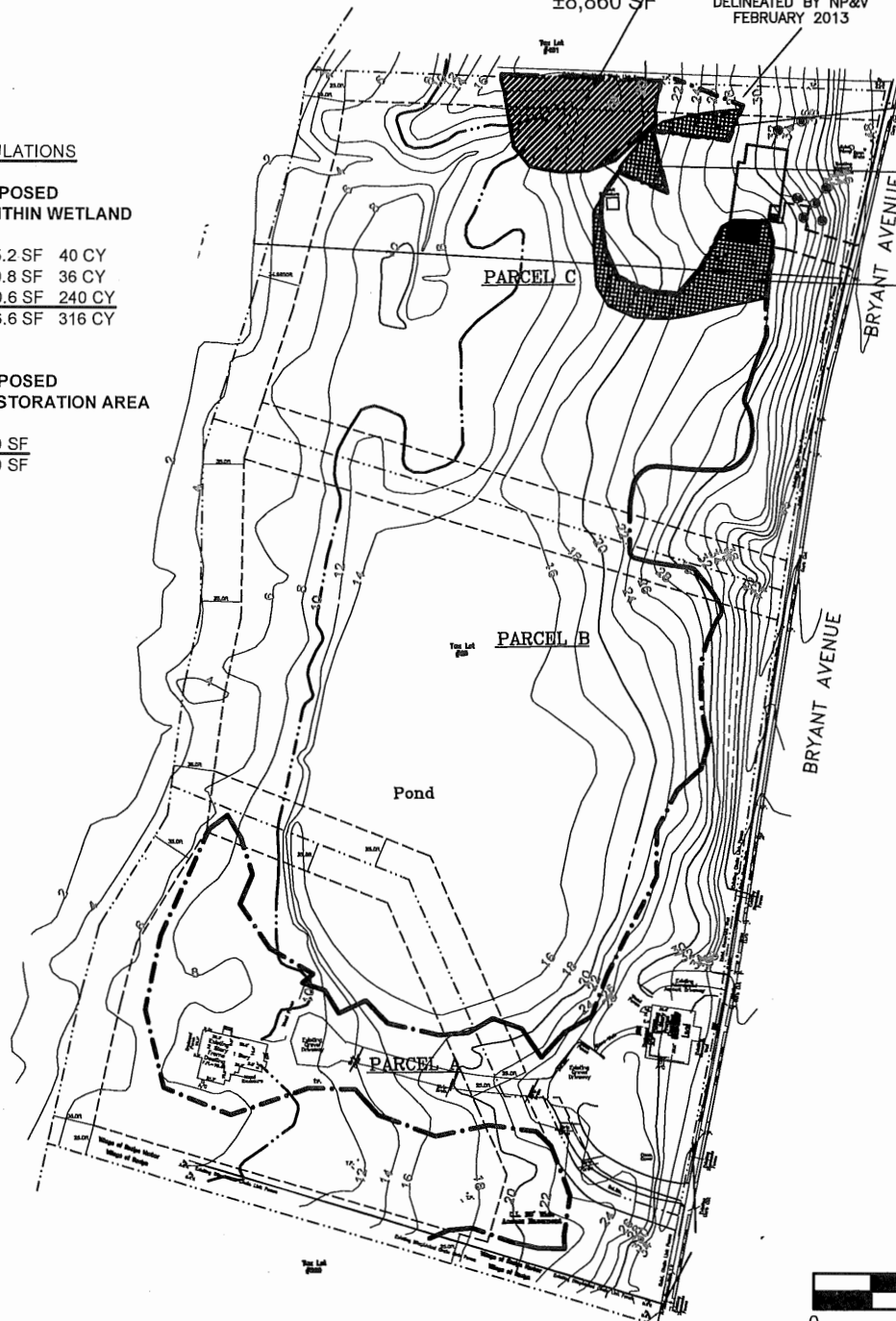
**PROPOSED
MITIGATION/RESTORATION AREA**

PARCEL C: 8,860 SF
TOTAL: 8,860 SF

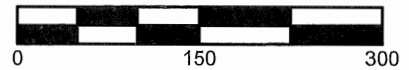
PROPOSED FILL
1,175.2 SF

PROPOSED FILL
1,060.8 SF





PROPOSED FILL
6,490.6 SF



SCALE: 1" = 150'



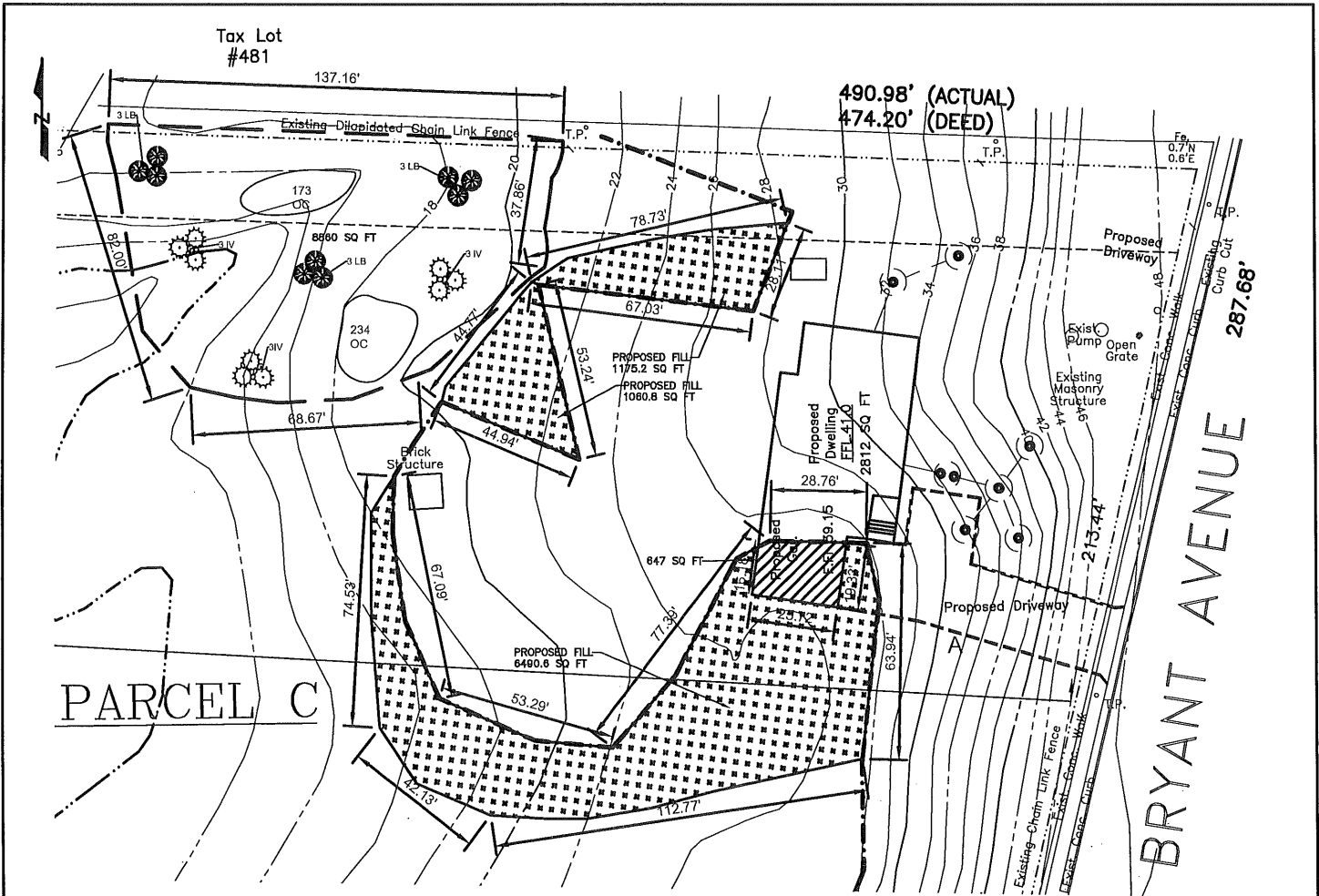
Legend

-  PROPOSED COMPENSATORY MITIGATION AREAS (±8,860 SF)
-  EXISTING WETLAND TO BE FILLED (± 8,726.6 SF)
-  24' EXISTING GRADE
-  DELINEATED WETLAND BOUNDARY

NOTES:
1. SURVEY ADAPTED FROM BLADYKAS AND PANETTA L.S. & P.E., P.C. DATED 10/2/2010 LAST REVISED 10/20/2016

3	8/26/2019	PER ACOE LETTER AUGUST 20TH, 2019	CCS/NK
2	2/11/2019	PROPOSED BUILDING REVISION	AC/CV
1	2/8/2019	REVISION	AC/CV
No.	DATE	REVISION	BY
<p>MCLAUGHLIN RESIDENCE WETLAND MITIGATION PLAN SITUATED AT 65 BRYANT AVE ROSLYN HARBOR TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK NCTM DISTRICT 20 BLOCK A LOT 25</p>			<p>DWN. BY: HE/CC DATE: 10/30/17 CHK'D BY: CV DATE: JOB No.: 11126 FILE No.:</p>
<p>NELSON, POPE & VOORHIS, LLC ENVIRONMENTAL PLANNING CONSULTING 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747-2188 (631) 427-5665</p>			<p>CADD: 11126- MIT SCALE: 1" = 150' SHEET: 1 of 4</p>

USACE File: NAN-2019-00912-EHA



AREA A PLANTING SCHEDULE

PLANTING SCHEDULE						
	ID	QUA	SYM	BOTANICAL NAME	COMMON NAME	SIZE/SP
SHRUBS & HERBACEOUS	LB	9		LINDERA BENZOIN	NORTHERN SPICEBUSH	#3 CONT. - 6' O.C.
	IV	9		ILEX VERTICILLATA	COMMON WINTERBERRY	#3 CONT. - 6' O.C.
	OC	407		OSMUNDA CINNAMOMEA	CINNAMON FERN	2" PLUG - 18" O.C.

MITIGATION NOTES:

1. ALL PLANT MATERIAL GUARANTEED FOR A PERIOD OF 5 YEARS FOLLOWING ACCEPTANCE BY OWNER.
2. THERE WILL BE NO PLANT SUBSTITUTIONS UNLESS AUTHORIZED BY THE ECOLOGIST.
3. MONITOR MITIGATION AREA A MINIMUM OF TWICE PER SEASON FOR A MINIMUM OF FIVE YEARS FOR INVASIVE SPECIES. IF GROWTH OF INVASIVE SPECIES OCCURS, CONSULT WITH SITE ECOLOGIST ON APPROPRIATE REMOVAL METHODS.

SCALE: 1" = 50'



Legend

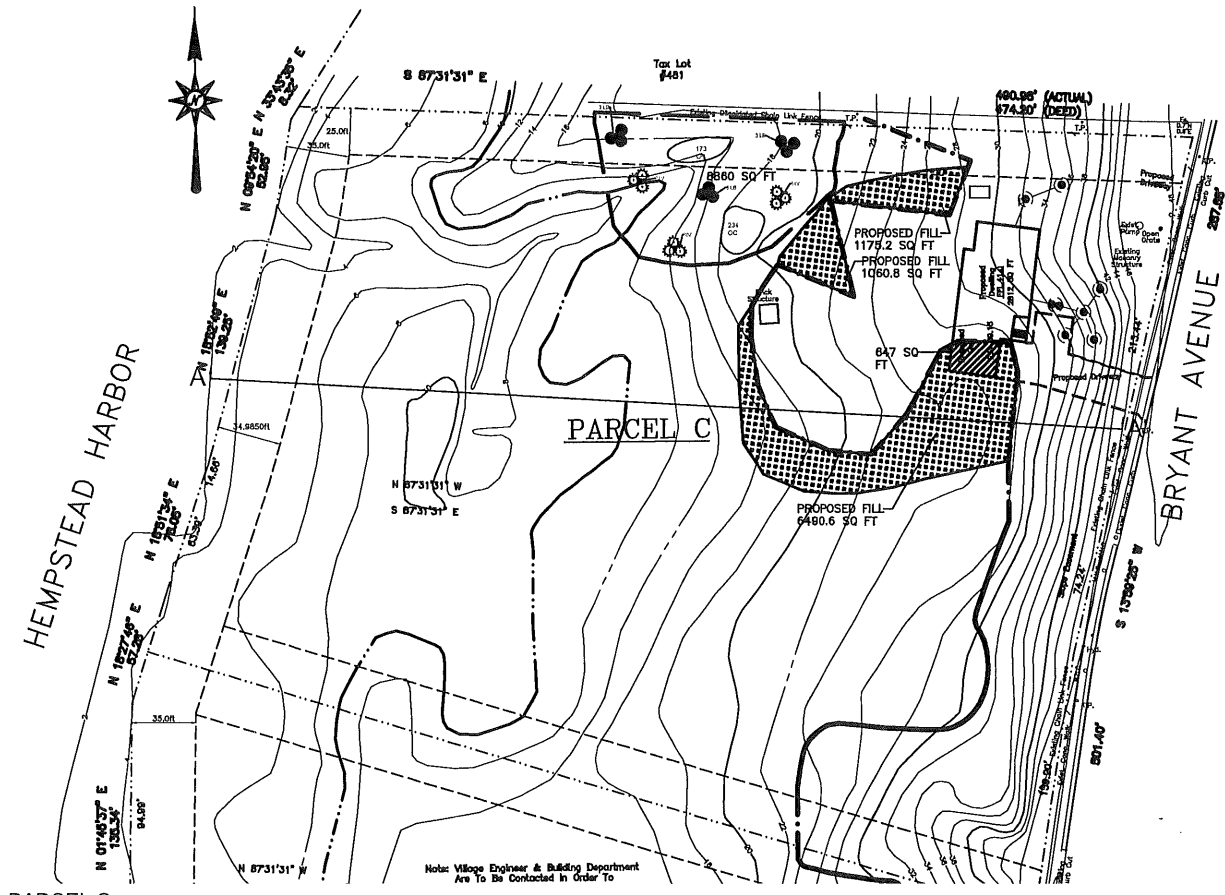
- PROPOSED COMPENSATORY MITIGATION AREAS (±8,860 SF)
- DELINEATED WETLAND BOUNDARY
- EXISTING WETLAND TO BE FILLED (±8,726.6 SF)
- EX. WETLAND UNDER STRUCTURE TO BE FILLED (647 SF)
- 24- EXISTING GRADE
- (24)- PROPOSED GRADE

NOTES:

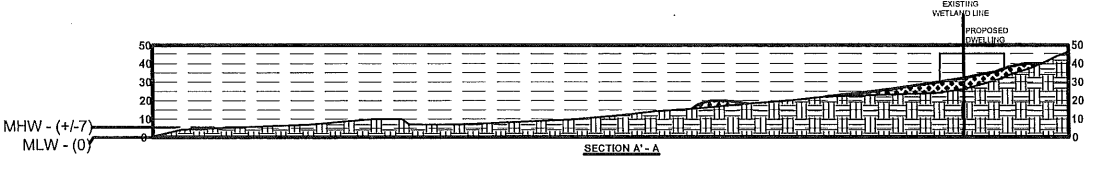
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3	8/26/2019	PER ACCE LETTER AUGUST 20TH, 2019	CCS/NK
2	2/11/2019	PROPOSED BUILDING REVISION	ACC/V
1	2/6/2019	REVISION	ACC/V
No.	DATE	REVISION	BY
MCLAUGHLIN RESIDENCE WETLAND MITIGATION PLAN SITUATED AT 65 BRYANT AVE ROSLYN HARBOR TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK NCTM DISTRICT 20 BLOCK A LOT 25			DWN. BY: HE/CC DATE: 10/30/2017 CHK'D BY: CV DATE: JOB No.: 11126 FILE No.: CADD: 11126-MIT SCALE: 1" = 50' SHEET: 2 of 4
NELSON, POPE & VOORHIS, LLC ENVIRONMENTAL PLANNING CONSULTING 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747-2188 (631) 427-5665 FAX (631) 427-5620			

USACE File: NAN-2019-00912-EHA



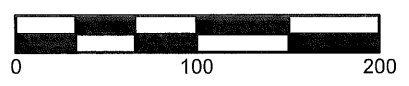
PARCEL C
SCALE: 1"=100'



CROSS-SECTION OF PARCEL C
SCALE: 1"=100'

- MITIGATION NOTES:**
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 2. THERE WILL BE NO PLANT SUBSTITUTIONS UNLESS AUTHORIZED BY THE ECOLOGIST.
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SCALE: 1" = 100'



Legend

- DELINEATED WETLAND BOUNDARY
- EXISTING SOIL
- EXISTING WETLAND TO BE FILLED (±8,726.6 SF)
- 24' EXISTING GRADE
- (24') PROPOSED GRADE

- NOTES:**
1. SURVEY ADAPTED FROM BLADYKAS AND PANETTA L.S. & P.E., P.C. DATED 10/2/2010 LAST REVISED 10/20/2016
 - 2.

3	8/26/2019	PER ACCE LETTER AUGUST 20TH, 2019	CCS/NK
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No.	DATE	REVISION	BY
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USACE File: NAN-2019-00912-EHA

AREA A PLANTING SCHEDULE

PLANTING SCHEDULE						
	ID	QUA	SYM	BOTANICAL NAME	COMMON NAME	SIZE/SP
SHRUBS & HERBACEOUS	LB	9		LINDERA BENZOIN	NORTHERN SPICEBUSH	#3 CONT. - 6' O.C.
	IV	9		IILEX VERTICILLATTA	COMMON WINTERBERRY	#3 CONT. - 6' O.C.
	OC	407		OSMUNDA CINNAMOMEA	CINNAMON FERN	2" PLUG - 18" O.C.

GENERAL MITIGATION NOTES:

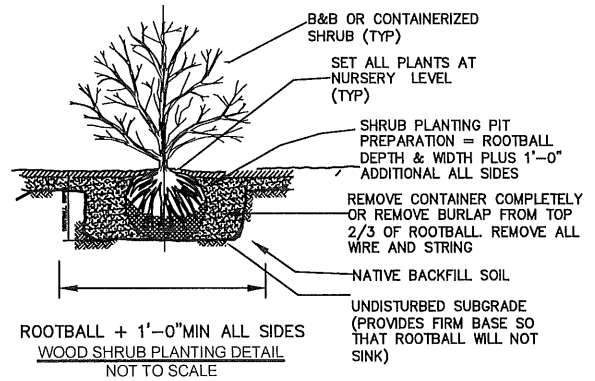
1. LIGHT REGRADING OF AREAS TARGETED FOR WETLAND CREATION/MITIGATION WILL OCCUR PRIOR TO PLANTING TO ASSURE THAT MITIGATION AREAS WILL POSSES WETLAND HYDROLOGY.
2. ALL SOILS REMOVED TO ALLOW FOR REGRADING (CUT) WILL BE DISPOSED OF IN AN APPROVED UPLAND LOCATION.
3. HYDROLOGIC SOILS ARE PRESENT THROUGHOUT THE PROJECT SITE; THEREFORE, THE ADDITION OF HYDROLOGIC SOILS IS NOT NECESSARY FOR THE MITIGATION PROJECT,
4. ALL PLANT MATERIAL GUARANTEED FOR A PERIOD OF 5 YEARS FOLLOWING ACCEPTANCE BY OWNER.
5. THERE WILL BE NO PLANT SUBSTITUTIONS UNLESS AUTHORIZED BY THE ECOLOGIST.
6. MONITOR MITIGATION AREA A MINIMUM OF TWICE PER SEASON FOR A MINIMUM OF FIVE YEARS FOR INVASIVE SPECIES. IF GROWTH OF INVASIVE SPECIES OCCURS, CONSULT WITH SITE ECOLOGIST ON APPROPRIATE REMOVAL METHODS.

MITIGATION AREA A: 8,860 SF
INVASIVE SPECIES MANAGEMENT AND WETLAND RESTORATION

AMPELOPSIS BREVIDEDUNCULATA MANAGEMENT

1. AMPELOPSIS BREVIDEDUNCULATA (PORCELAINBERRY) WILL BE REMOVED BY HAND PRIOR TO SEED SET TO PREVENT FLOWERING IN THE SUBSEQUENT GROWING SEASON.
2. LARGE VINES UNABLE TO BE REMOVED WILL BE CUT CLOSE TO THE GROUND.
3. ALL CUTTINGS WILL BE REMOVED IN A CLOSED CONTAINER AT TRANSPORTED TO AN APPROVED UPLAND LOCATION.
4. SUBSEQUENT CUTTING WILL OCCUR A MINIMUM OF TWO TIMES PER YEAR DURING THE GROWING SEASON (APRIL AND OCTOBER).
5. PORCELAINBERRY MANAGEMENT TO OCCUR FOR A MINIMUM OF FIVE YEARS.
6. AS AN ALTERNATIVE, FOLIAGE RESPROUTED FROM CUTTING CAN BE TREATED IN EARLY FALL WITH TRICLOPYR OR GLYPHOSATE. PRECAUTION SHOULD BE TAKEN TO NOT HARM OTHER WOODY SPECIES NEARBY ("INVASIVES PLANTS OF THE UPPER MIDWEST" BY ELIZABETH J. CZARAPATA).

A MIX OF APPROPRIATE NATIVE WETLAND PLANTINGS WILL BE ADDED TO SUPPLEMENT EXISTING WETLAND VEGETATION AS A PORTION OF THE EXISTING VEGETATION HAS BEEN LOST DUE TO THE INVASION OF THE INVASIVE VINE.



3	8/26/2019	PER ACOE LETTER AUGUST 20TH, 2019	CC/SNK
2	2/11/2019	PROPOSED BUILDING REVISION	AC/IV
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