



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-2019-00232-EME
Issue Date: October 25, 2019
Expiration Date: November 25, 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: The Creek, Inc.

ACTIVITY: Ten Year Maintenance Dredging of a Private Facility with Beach Placement of Dredged Material, Deposition of Imported Sand for Beach Nourishment

WATERWAY: Long Island Sound

LOCATION: The Creek Beach Facility, 1 Horse Hollow Road, 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 review for this permit application. Comments provided will become part of the public record for

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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, pre-historical, 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.

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. Lisa Grudzinski of my staff at lisa.a.grudzinski@usace.army.mil or (917) 970-8428.

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, The Creek, Inc., has requested Department of the Army authorization for maintenance dredging with beach placement, and deposition of imported sand for beach nourishment in Long Island Sound at The Creek Beach Facility, 1 Horse Hollow Road, Town of Oyster Bay, Nassau County, New York.

The work would involve the following:

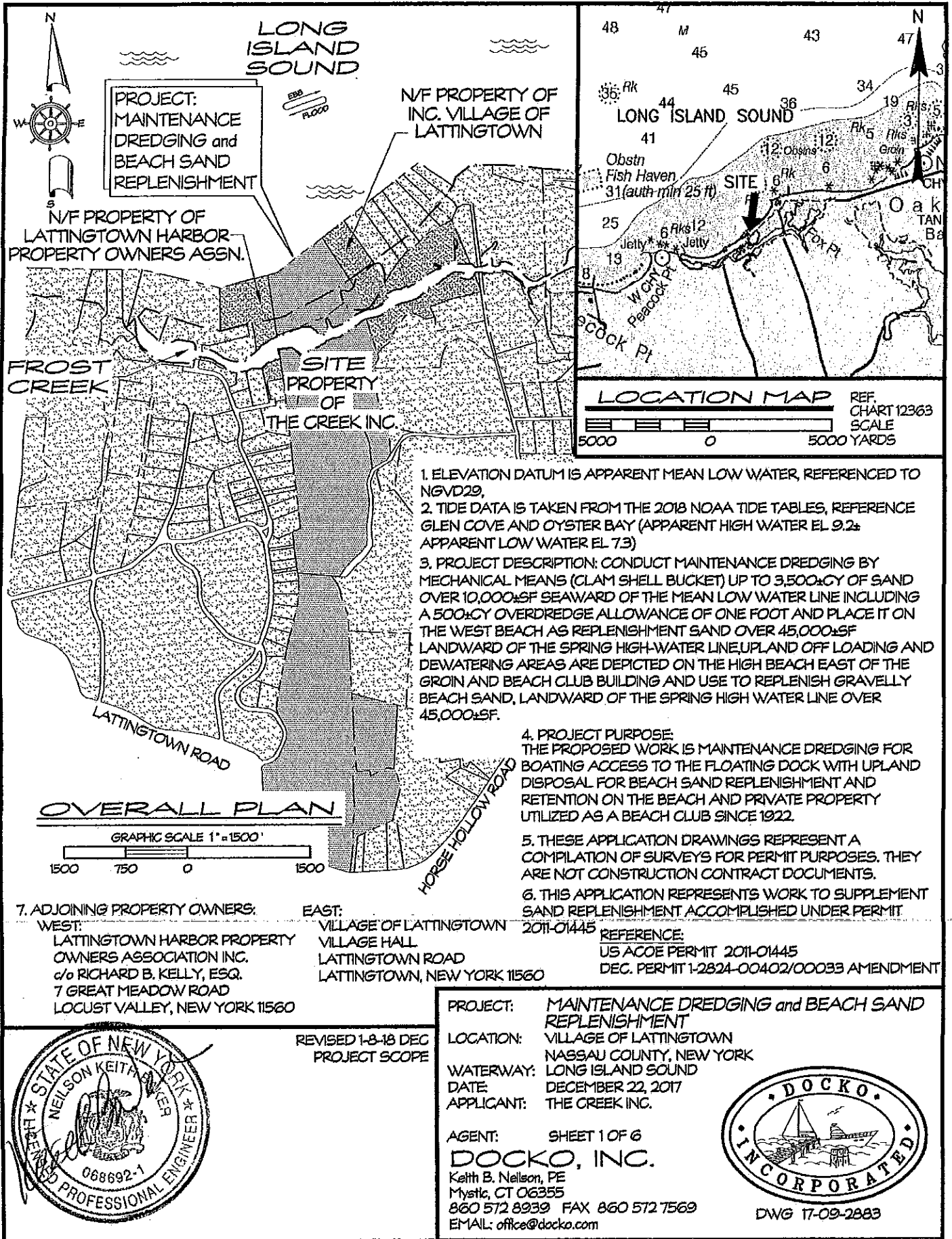
Dredge with ten-year maintenance via clamshell working from a barge, approximately 1,300 cubic yards of sand annually, up to a total of approximately 3,500 cubic yards over the life of the permit, from an area approximately 8,000 square feet to a maximum depth of approximately five-feet below mean low water (removing approximately 40-inches of material), in order to maintain access to an existing, seasonal floating dock at a private beach facility. The work barge would be situated between the shore and the dredge area. Dredging would occur annually as needed, not to exceed one dredging event per calendar year. Dredged material would be placed on the adjacent beach in an area approximately 20-feet wide by 400-feet long (8,000 square feet), located approximately 200-feet southwest of the dredging area, within five-feet of the plane of Spring High Water (SHW), with the intent of allowing the sand to redistribute below the plane of SHW to nourish the beach through natural processes over an area approximately 45,000 square feet in size. Dredged material off-loading, dewatering and staging would occur in upland, landward of the plane of SHW, adjacent to the placement area. The dredged material is coarse, gravelly sand which has eroded from the adjacent beach.

In addition, approximately 1,500 cubic yards of clean imported sand per year, up to a total of approximately 15,000 cubic yards over the life of the 10-year permit, would be placed on the beach in the same location as the dredged material. The imported sand would be placed with the intent of allowing the sand to redistribute below the plane of SHW to nourish the eroding beach through natural processes over an area approximately 45,000 square feet in size.

The applicant has stated that they have avoided, minimized and mitigated for impacts proposed to the maximum extent practicable by creating a temporary sand berm around the dewatering area to ensure return water does not enter the waterway.

The project area is located within the Oyster Bay National Wildlife Refuge. The beach placement of imported sand (no dredging) was previously authorized by Department of the Army Permit No. NAN-2011-01445, which has expired.

The applicant's stated purpose of this project is to conduct maintenance dredging around the existing floating dock in order to maintain a viable access, and replenish the beach sand on property owned by the applicant by importing clean sand and by utilizing reclaimed sand from the dredging activity.



1. ELEVATION DATUM IS APPARENT MEAN LOW WATER, REFERENCED TO NGVD29,
 2. TIDE DATA IS TAKEN FROM THE 2018 NOAA TIDE TABLES, REFERENCE GLEN COVE AND OYSTER BAY (APPARENT HIGH WATER EL. 9.2; APPARENT LOW WATER EL. 7.3)
 3. PROJECT DESCRIPTION: CONDUCT MAINTENANCE DREDGING BY MECHANICAL MEANS (CLAM SHELL BUCKET) UP TO 3,500 CY OF SAND OVER 10,000 SF SEAWARD OF THE MEAN LOW WATER LINE INCLUDING A 500 CY OVERDREDGE ALLOWANCE OF ONE FOOT AND PLACE IT ON THE WEST BEACH AS REPLENISHMENT SAND OVER 45,000 SF LANDWARD OF THE SPRING HIGH-WATER LINE UPLAND OFF LOADING AND DEWATERING AREAS ARE DEPICTED ON THE HIGH BEACH EAST OF THE GROIN AND BEACH CLUB BUILDING AND USE TO REPLENISH GRAVELLY BEACH SAND, LANDWARD OF THE SPRING HIGH WATER LINE OVER 45,000 SF.

4. PROJECT PURPOSE: THE PROPOSED WORK IS MAINTENANCE DREDGING FOR BOATING ACCESS TO THE FLOATING DOCK WITH UPLAND DISPOSAL FOR BEACH SAND REPLENISHMENT AND RETENTION ON THE BEACH AND PRIVATE PROPERTY UTILIZED AS A BEACH CLUB SINCE 1922.

5. THESE APPLICATION DRAWINGS REPRESENT A COMPILATION OF SURVEYS FOR PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT DOCUMENTS.

6. THIS APPLICATION REPRESENTS WORK TO SUPPLEMENT SAND REPLENISHMENT ACCOMPLISHED UNDER PERMIT

7. ADJOINING PROPERTY OWNERS:

WEST:
 LATTINGTOWN HARBOR PROPERTY OWNERS ASSOCIATION INC.
 c/o RICHARD B. KELLY, ESQ.
 7 GREAT MEADOW ROAD
 LOCUST VALLEY, NEW YORK 11560

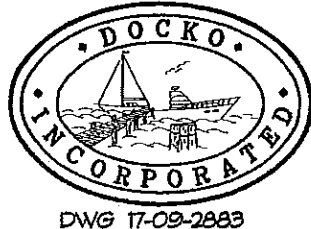
EAST:
 VILLAGE OF LATTINGTOWN 2011-01445
 VILLAGE HALL
 LATTINGTOWN ROAD
 LATTINGTOWN, NEW YORK 11560

REFERENCE:
 US ACOE PERMIT 2011-01445
 DEC. PERMIT 1-2824-00402/00033 AMENDMENT

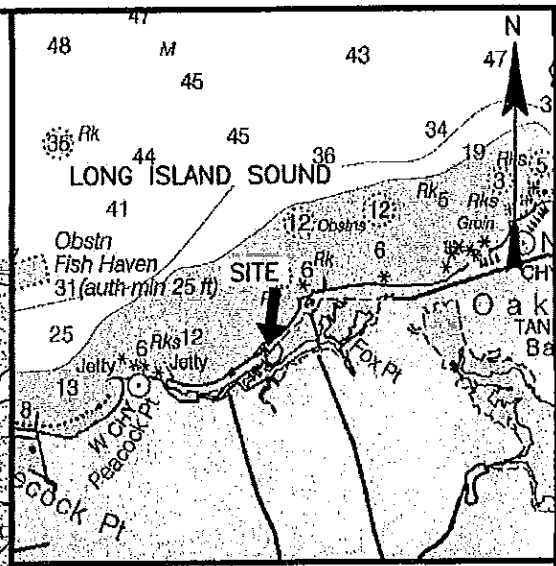
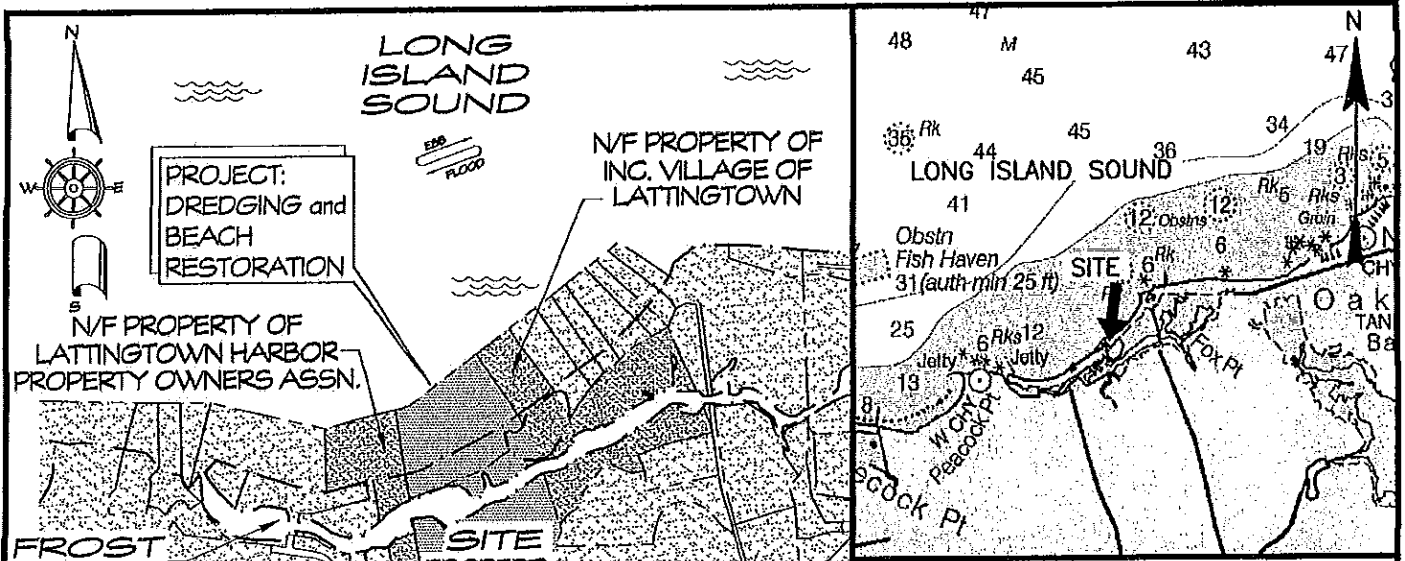


REVISED 1-8-18 DEC PROJECT SCOPE

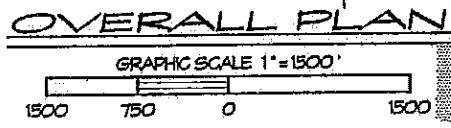
PROJECT: MAINTENANCE DREDGING and BEACH SAND REPLENISHMENT
LOCATION: VILLAGE OF LATTINGTOWN NASSAU COUNTY, NEW YORK
WATERWAY: LONG ISLAND SOUND
DATE: DECEMBER 22, 2017
APPLICANT: THE CREEK INC.
AGENT: SHEET 1 OF 6
DOCKO, INC.
 Keith B. Nelson, PE
 Mystic, CT 06355
 860 572 8939 FAX 860 572 7569
 EMAIL: office@docko.com



DWG 17-09-2883



1. ELEVATION DATUM IS APPARENT MEAN LOW WATER, REFERENCED TO NGVD29.
2. TIDE DATA IS TAKEN FROM THE 2019 NOAA TIDE TABLES, REFERENCE GLEN COVE AND OYSTER BAY (APPARENT HIGH WATER EL 9.2 & APPARENT LOW WATER EL 7.3)
3. PROJECT DESCRIPTION: DREDGE BY MECHANICAL MEANS (CLAM SHELL BUCKET) UP TO 3,500±CY OF SAND OVER 8,000±SF SEAWARD OF THE MEAN LOW WATER LINE INCLUDING A 500±CY OVERDREDGE ALLOWANCE OF ONE FOOT AND BERM IT ON THE WEST BEACH OVER 8,000, SF IN A 400±LF BERM 20 FEET WIDE, LANDWARD OF THE SPRING HIGH WATER LINE FOR BEACH SAND REPLENISHMENT OVER 45,000±SF SEAWARD OF THE SPRING HIGH WATER LINE, REPLENISH 15,000±CY OF GRAVELLY BEACH SAND WITH IMPORTED SAND, IN A BERM 400±LF BY 20 FEET WIDE LANDWARD OF THE SPRING OR APPARENT HIGH WATER LINE FOR BEACH SAND REPLENISHMENT OVER 45,000±SF SEAWARD OF THE SPRING HIGH WATER LINE. UPLAND OFF LOADING AND DEWATERING AREAS FOR DREDGED SAND ARE DEPICTED ON THE HIGH BEACH EAST OF THE GROIN AND BEACH CLUB BUILDING.
4. PROJECT PURPOSE: THE REPLENISHMENT OF BEACH SAND ON PRIVATE PROPERTY UTILIZED AS A BEACH CLUB SINCE 1922.
5. THESE APPLICATION DRAWINGS REPRESENT A COMPILATION OF SURVEYS FOR PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT DOCUMENTS.



7. ADJOINING PROPERTY OWNERS:
 WEST:
 LATTINTOWN HARBOR PROPERTY EAST:
 OWNERS ASSOCIATION INC.
 c/o RICHARD B. KELLY, ESQ.
 7 GREAT MEADOW ROAD
 LOCUST VALLEY, NEW YORK 11560

6. THIS APPLICATION REPRESENTS WORK TO SUPPLEMENT SAND REPLENISHMENT ACCOMPLISHED UNDER PERMIT 2011-01445

REFERENCE:
 US ACOE PERMIT 2011-01445
 DEC. PERMIT 1-2824-00402/00033 AMENDMENT



REVISED 9-13-19 ACOE PROJECT DESCRIPTION

PROJECT: BEACH SAND REPLENISHMENT

LOCATION: VILLAGE OF LATTINTOWN
 NASSAU COUNTY, NEW YORK

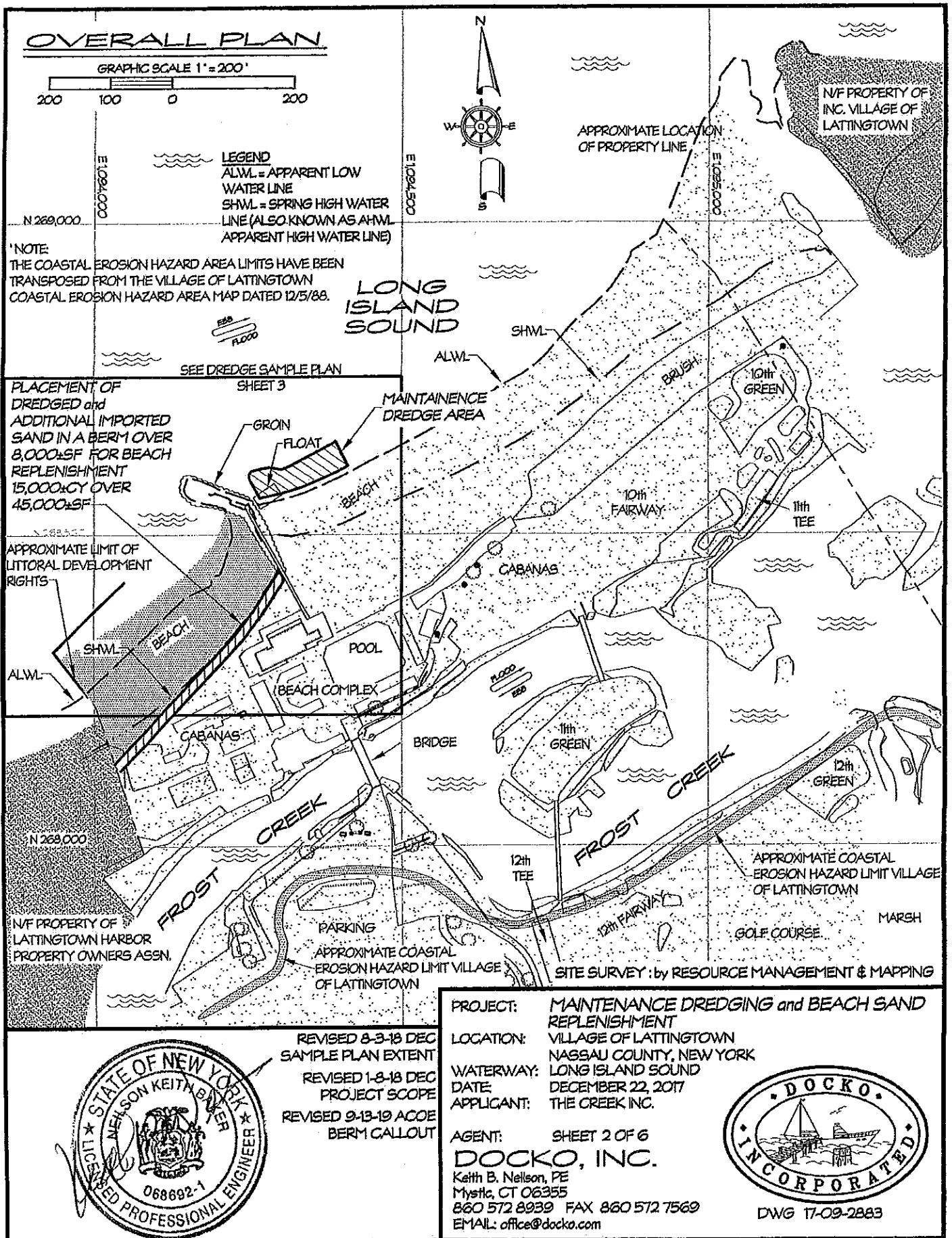
WATERWAY: LONG ISLAND SOUND

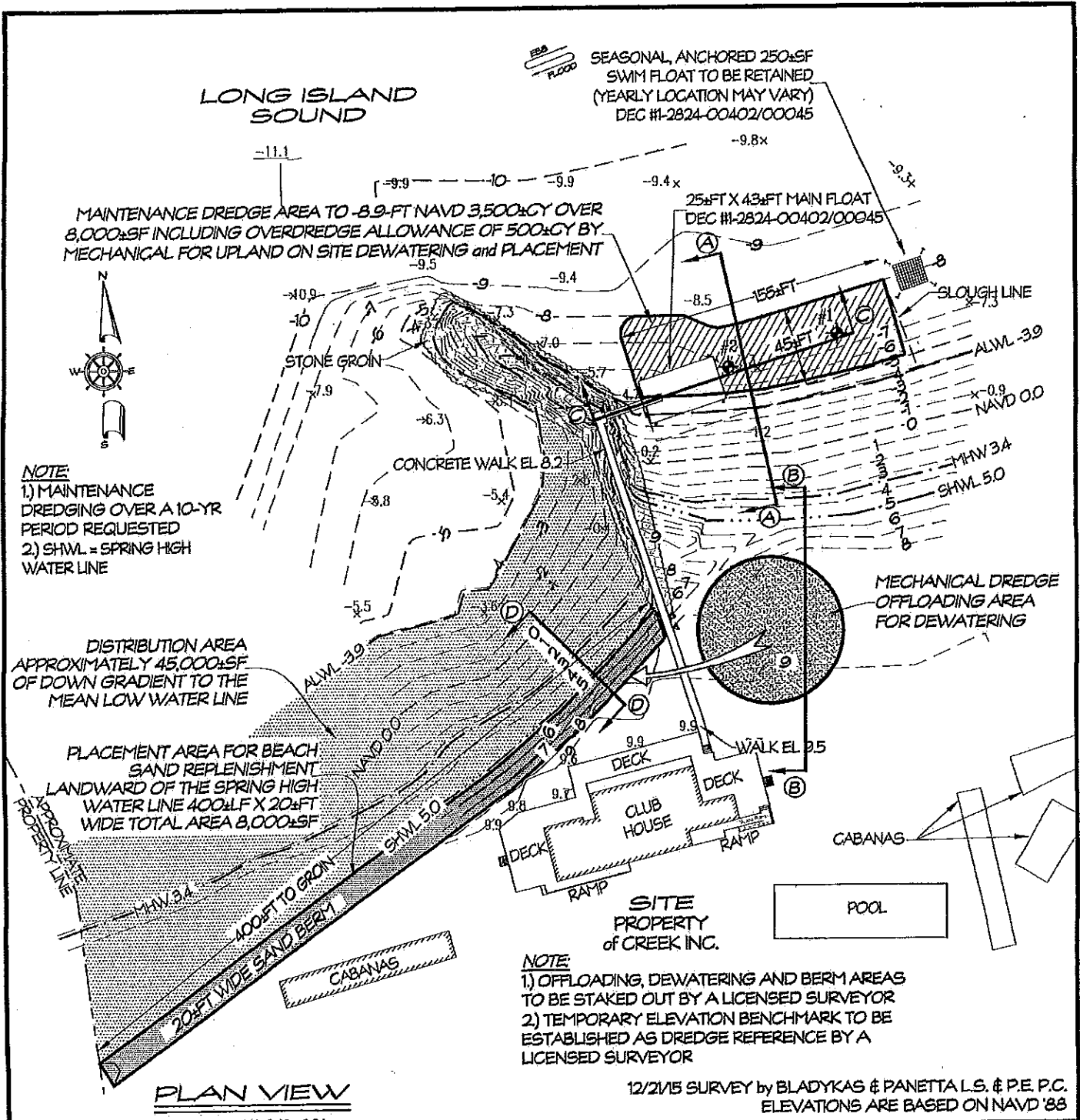
DATE: MARCH 28, 2019

APPLICANT: THE CREEK, INC

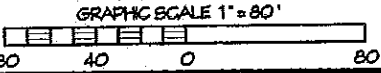
AGENT: SHEET 1 OF 4
DOCKO, INC.
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PLAN VIEW



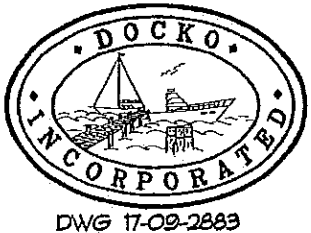
NOTE
 1) OFFLOADING, DEWATERING AND BERM AREAS TO BE STAKED OUT BY A LICENSED SURVEYOR
 2) TEMPORARY ELEVATION BENCHMARK TO BE ESTABLISHED AS DREDGE REFERENCE BY A LICENSED SURVEYOR

12/21/15 SURVEY by BLADYKAS & PANETTA L.S. & P.E. P.C.
 ELEVATIONS ARE BASED ON NAVD '88

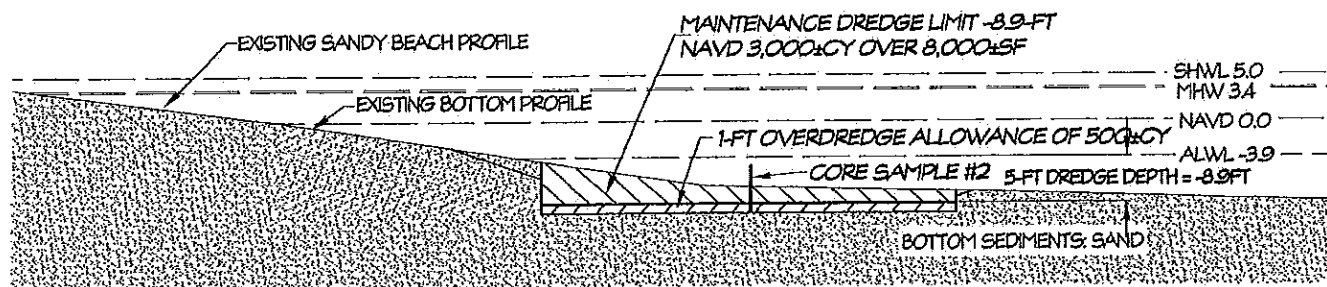


REVISED 9-13-19 SAND BERM DISTRIBUTION
 REVISED 4-18-18 DEC DWG. SCALE & DREDGE SAMPLE LOCATIONS
 REVISED 8-3-18 DEC DREDGE SAMPLE LOC. & DREDGE AREA DIMS.
 REVISED 11-8-18 DEC DREDGE DISPOSAL AREAS, NOTE & RELABELLED SECTIONS

PROJECT: MAINTENANCE DREDGING and BEACH SAND REPLENISHMENT
LOCATION: VILLAGE of LATTINGTOWN NASSAU COUNTY, NEW YORK
WATERWAY: LONG ISLAND SOUND
DATE: DECEMBER 22, 2017
APPLICANT: THE CREEK, INC
AGENT: SHEET 3 OF 6
DOCKO, INC.
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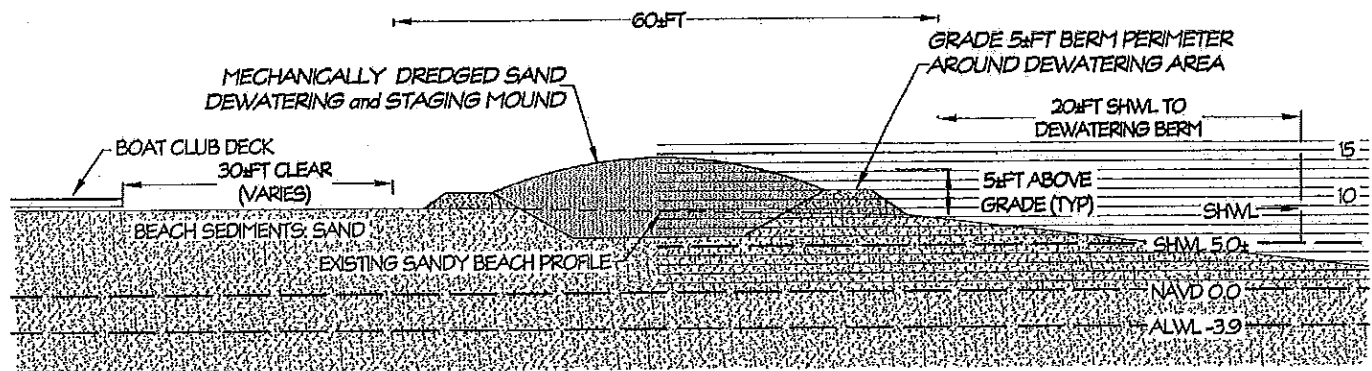


DWG 17-09-2883



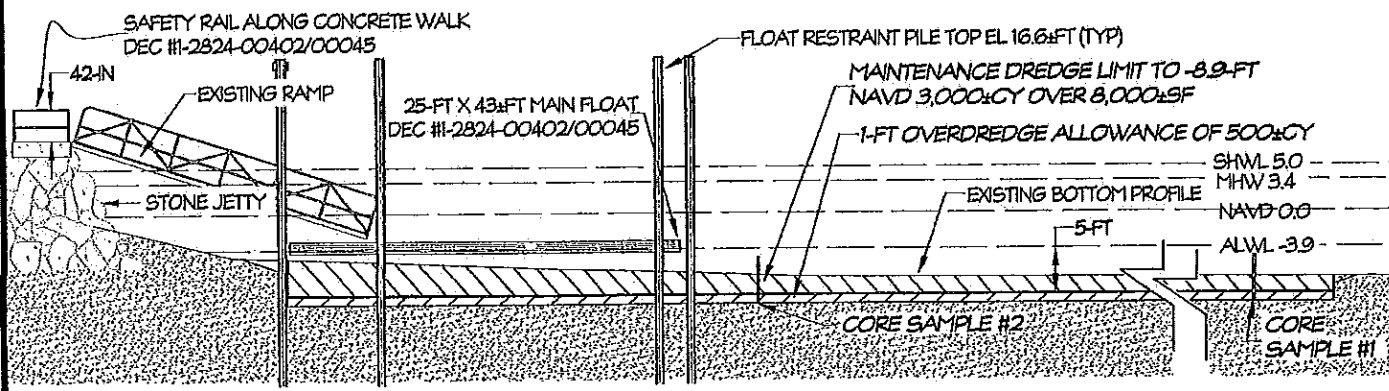
SECTION A-A
GRAPHIC SCALE 1" = 20'

SHWL = SPRING HIGH WATER LINE



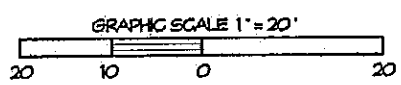
SECTION B-B
GRAPHIC SCALE 1" = 20'

SHWL = SPRING HIGH WATER LINE



SECTION C-C
GRAPHIC SCALE 1" = 20'

SHWL = SPRING HIGH WATER LINE



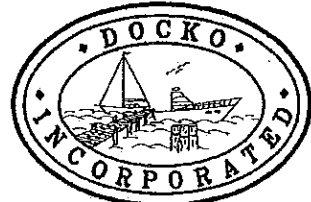
ELEVATIONS ARE BASED ON NAVD '88



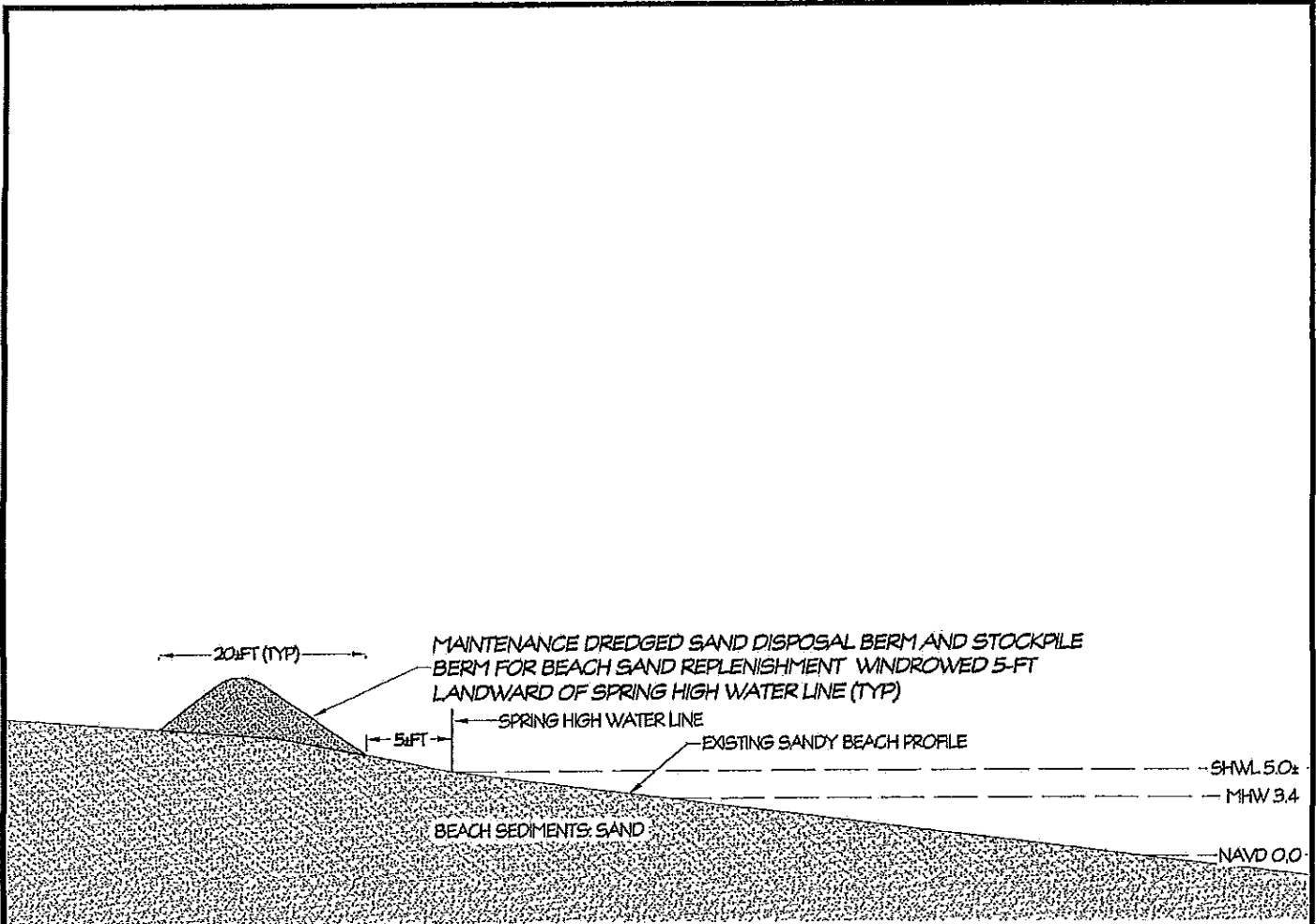
REVISED 4-18-18 DEC DWG. SCALE & DREDGE SAMPLE LOCATIONS
 REVISED 8-3-18 DEC DREDGE SAMPLE LOC.
 REVISED 11-8-18 DEC RELABELED SECTIONS

PROJECT: MAINTENANCE DREDGING and BEACH SAND REPLENISHMENT
LOCATION: VILLAGE of LATTINGTOWN, NASSAU COUNTY, NEW YORK
WATERWAY: LONG ISLAND SOUND
DATE: DECEMBER 22, 2017
APPLICANT: THE CREEK, INC

AGENT: SHEET 4 OF 6
DOCKO, INC.
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 Mystic, CT 06355
 860 572 8939 FAX 860 572 7569
 EMAIL: office@docko.com



DWG 17-09-2883



SECTION D-D

GRAPHIC SCALE 1" = 10'



SHWL = SPRING HIGH WATER LINE

ELEVATIONS ARE BASED ON NAVD '88



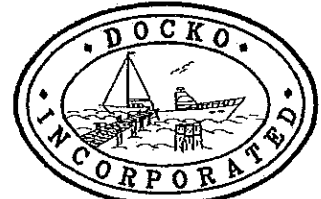
REVISED 11-8-18 DEC
NEW SHEET

REVISED 9-8-13-19 ACOE
BERM CALLOUT

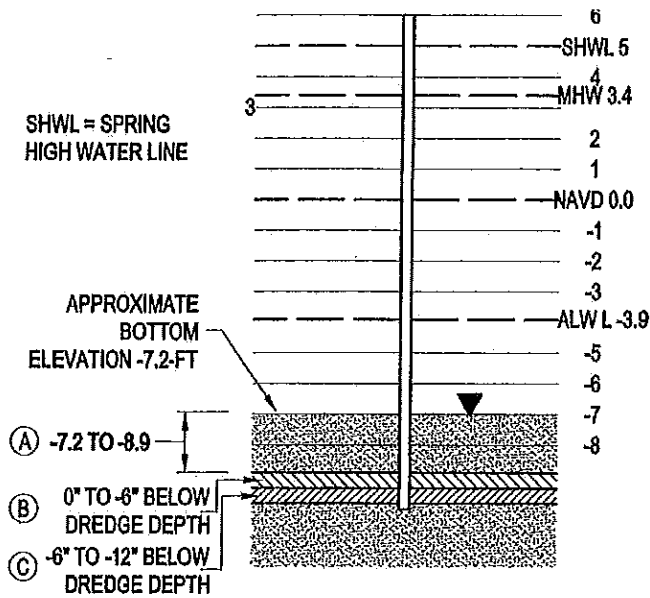
PROJECT: MAINTENANCE DREDGING and BEACH SAND REPLENISHMENT
 LOCATION: VILLAGE of LATTINGTOWN, NASSAU COUNTY, NEW YORK
 WATERWAY: LONG ISLAND SOUND
 DATE: DECEMBER 22, 2017
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AGENT: SHEET 5 OF 6
DOCKO, INC.

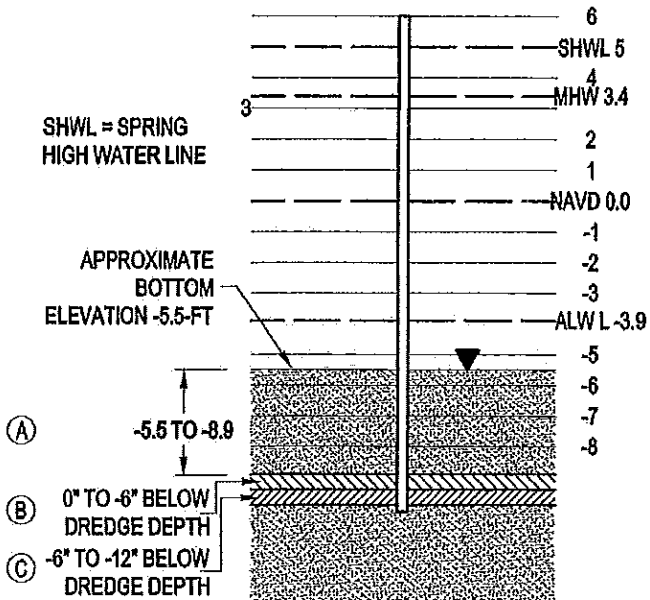
Keith B. Neilson, PE
 Mystic, CT 06355
 860 572 8939 FAX 860 572 7569
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DWG 17-09-2883



SEDIMENT SAMPLE CC-1



SEDIMENT SAMPLE CC-2

ELEVATIONS ARE BASED ON NAVD '88



REVISED 6-14-18 DEC
ADDITIONAL SHEET &
SHEET SET

REVISED 8-3-18 DEC
SHEET NUMBER
ADDIT. CORE
SAMPLES

REVISED 11-8-18 DEC
SHEET NUMBER &
CORE SAMPLES

PROJECT: MAINTENANCE DREDGING and BEACH SAND REPLENISHMENT

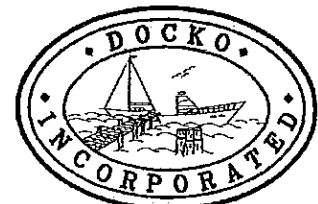
LOCATION: VILLAGE of LATTINGTOWN
NASSAU COUNTY, NEW YORK

WATERWAY: LONG ISLAND SOUND

DATE: DECEMBER 22, 2017

APPLICANT: THE CREEK, INC

AGENT: SHEET 6 OF 6
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