

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-2018-01654-EMI**
Issue Date: **July 29, 2020**
Expiration Date: **August 28, 2020**

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).

APPLICANT: Town of Oyster Bay
150 Miller Place
Oyster Bay, New York 11791

ACTIVITY: Installation of Dock Structures and Aquaculture Structures

WATERWAY: Oyster Bay Harbor

LOCATION: Western Waterfront Park, West End Avenue, 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 EMAILED 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 email 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, and an increase in underwater noise and overwater shading. 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.

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

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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. All comments and questions concerning this application, should be sent via email to Christopher.W.Minck@usace.army.mil.

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>.

Enclosures

FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

WORK DESCRIPTION

The permit applicant, Town of Oyster Bay, has requested Department of the Army authorization to install dock and aquaculture structures in Oyster Bay Harbor, at Western Waterfront Park, West End Avenue, Town of Oyster Bay, Nassau County, New York.

The regulated work would involve the installation of an approximately six-foot-wide by 80-foot-long gangway leading to a six-foot-wide by 130-foot-long “L” shaped floating dock (80-foot-long section heading north and a 50-foot-long section heading west). Fifteen (15) 12-inch diameter timber support piles will be installed adjacent to the dock approximately 20-feet apart.

Within the “L” shaped floating dock, twelve (12) 13-foot-wide by 13-foot-long Floating Upwelling Systems (FLUPSY) will be installed in four rows of three, over an area of approximately 4,000 square feet. The twelve (12) FLUPSY’s will cultivate hard-shell clam (*Mercenaria mercenaria*) and Eastern oyster (*Crassostrea virginica*).

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by minimizing shading by extending the gangway to a point that allows a four-foot separation from the bottom of the floating dock to sand at low tide and using a vibratory hammer to install piles. Additionally, best management practices and appropriate pollution controls will be utilized.

The stated purpose of this project is to facilitate shellfish culture techniques for replenishing oyster and clam populations in Oyster Bay.



**CAMERON ENGINEERING
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www.Cameronengineering.com

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PROJECT NAME:
WESTERN WATERFRONT PARK

PROJECT LOCATION:
WESTERN WATERFRONT PARK
OYSTER BAY, NY 11771

DRAWING TITLE:
LOCATION PLAN

DISCIPLINE:
CIVIL

PROJECT NO:
CE2812

DATE:
MARCH 2019

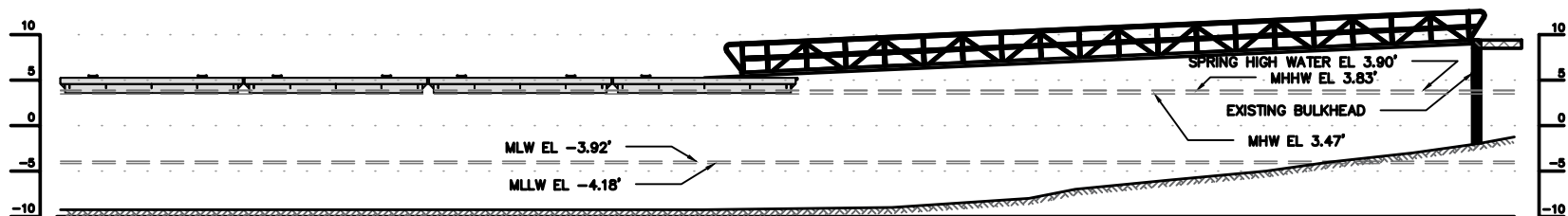
FIGURE NO.
E-1

1 OF 1

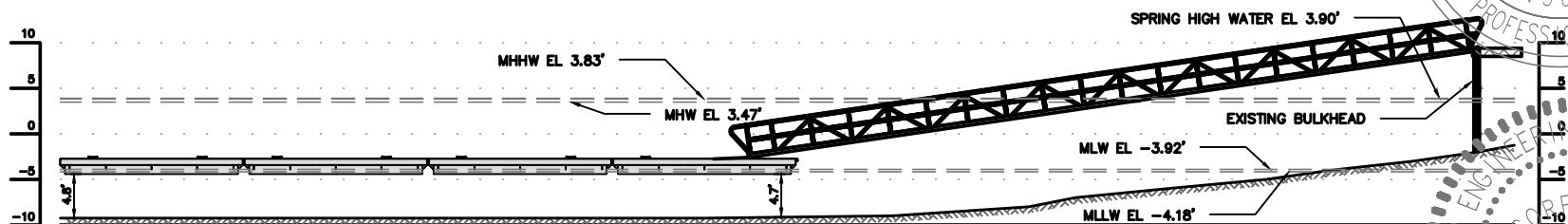


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PROFILE AT HIGH-HIGH-TIDE

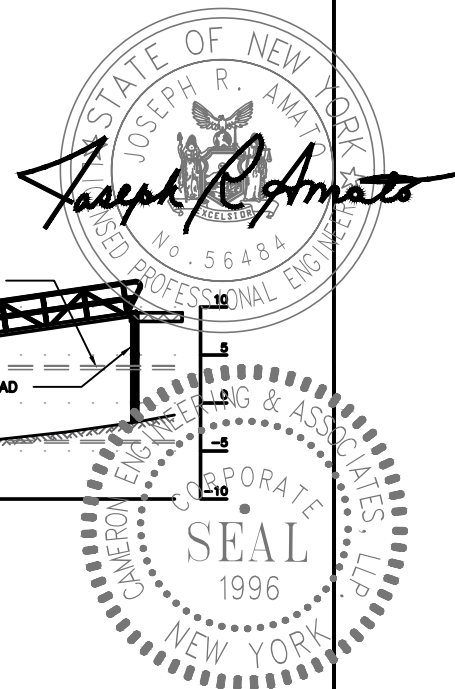


PROFILE AT MEAN LOW-TIDE

SECTION B-B: FLOATING DOCK & GANGWAY PROFILE

SCALE: 1"=20'

*NOTE: ELEVATIONS REFER TO NAVD 88 DATUM



o:\ce2812 - abww east side\design\c-2 details.dwg



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PROJECT NAME:
WESTERN WATERFRONT PARK

PROJECT LOCATION:
WESTERN WATERFRONT PARK
OYSTER BAY, NY 11771

DRAWING TITLE:
SECTION B-B

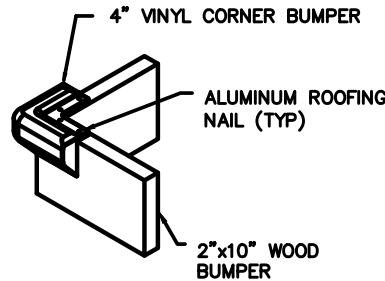
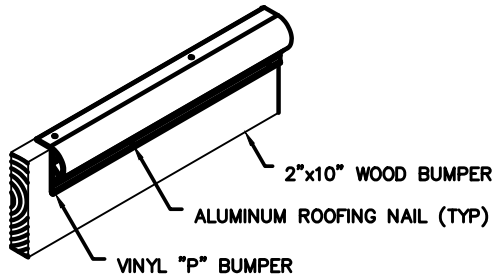
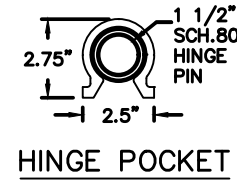
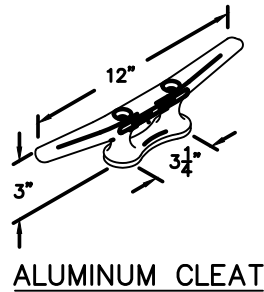
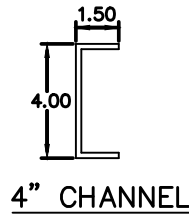
DISCIPLINE:
CIVIL

PROJECT NO:
CE2812

DATE:
MARCH 2019
6/01/2020 - REV. 4

FIGURE NO.
C-3

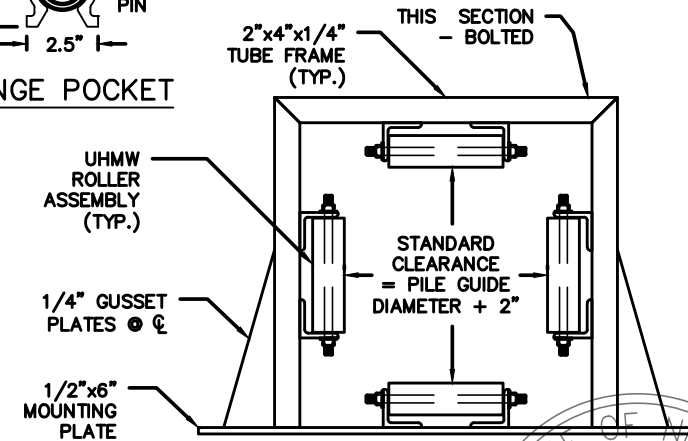
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32**



VINYL BUMPER ON WOOD

* NAILS ARE STAGGERED 6" BETWEEN TOP AND BOTTOM ROW.

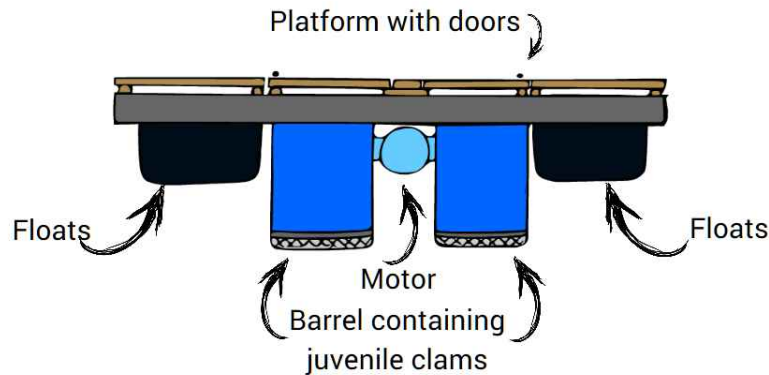
4" CORNER BUMPER



4-ROLLER PILE GUIDE

PREFABRICATED FLOATING DOCK COMPONENT DETAILS

SCALE: N.T.S.



TYPICAL FLUPSY SECTION

SCALE: N.T.S.



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PROJECT NAME:
WESTERN WATERFRONT PARK

PROJECT LOCATION:
WESTERN WATERFRONT PARK
OYSTER BAY, NY 11771

DRAWING TITLE:
SITE DETAILS

DISCIPLINE:
CIVIL

PROJECT NO:
CE2812

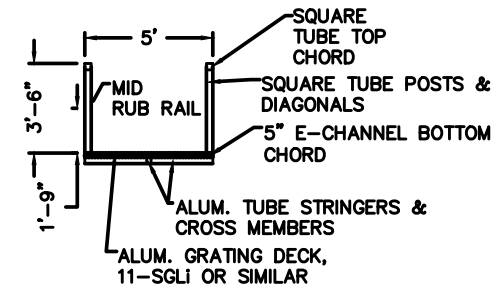
DATE:
MARCH 2019

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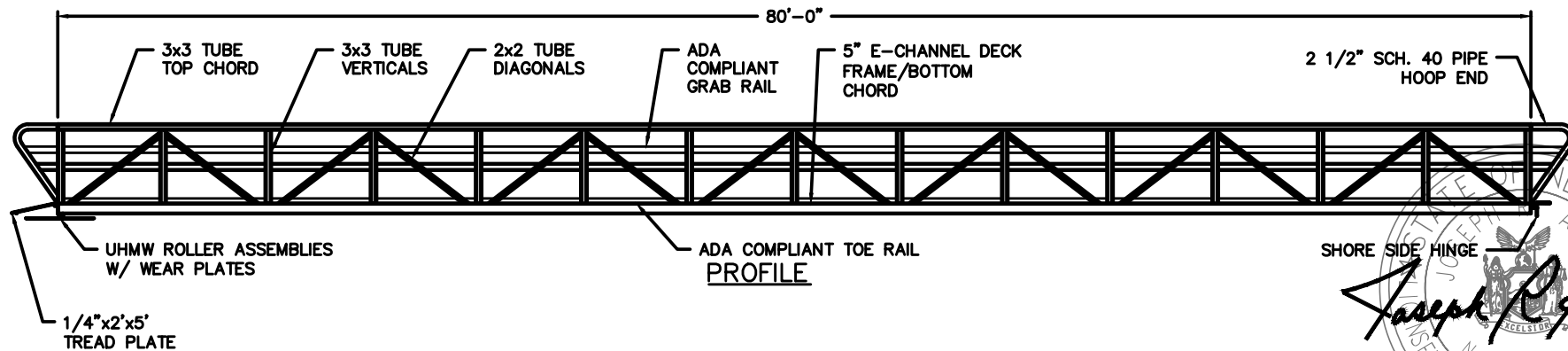
FIGURE NO.

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SECTION



PLAN

PREFABRICATED ALUMINUM GANGWAY RAMP

SCALE: NTS



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SITE DETAILS

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DATE:
MARCH 2019

6/01/2020 - REV. 4

FIGURE NO.

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