

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 reply to:
Public Notice Number: **NAN-2021-00121-EMC**
Issue Date:
Expiration Date:

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), Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Town of Oyster Bay
Attn: Richard Lenz
150 Miller Place
Syosset, NY 11791

ACTIVITY: Placement of dredged material for beach nourishment

WATERWAY: Atlantic Ocean

LOCATION: Tobay Center, Ocean Facility, 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 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.

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 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 life stages 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. The applicant has obtained a water quality certificate, Permit ID 1-2824-02056/00027 with an effective date of June 24, 2021 from New York State Department of Environmental Conservation (NYSDEC) in accordance with Section 401 of the Clean Water Act .

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. The applicant obtained New York State Department of State Concurrence with Consistency Certification on May 19, 2021, Number F-2021-0073. 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,

CENAN-OP-RE

PUBLIC NOTICE NO. NAN-2021-00121-EMC

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 the activity under consideration:

- NYSDEC Coastal Erosion Management - Permit ID 1-2824-02056/00025
- NYSDEC Excavation & Fill in Navigable Water - Permit ID 1-2824-02056/00026
- NYSDEC Tidal Wetlands - Permit ID 1-2824-02056/00028

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. Please send all comments and questions concerning this application to Reegan.A.McCaulley@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>.

FOR AND IN BEHALF OF

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Town of Oyster Bay, has requested Department of the Army authorization to place dredged material as beach nourishment at designated beach placement areas in the Atlantic Ocean at Tobay Center, Ocean Facility, Massapequa, Town of Oyster Bay, Nassau County, New York.

The proposed dredged material source is from the Fire Island Inlet Federal Channel.

The work will include the placement of approximately 263,000 Cubic Yards (CY) of dredged material as beach nourishment along approximately 2.0 miles (approximately 68 acres) of Tobay Beach of which approximately 90,075 CY of material will be placed below the Plane of Spring High Water over approximately 29 acres. The remaining 172,925 CY of dredged material will be placed landward of Spring High Water over approximately 38 acres.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by performing work at low tide, where practicable, to minimize turbidity in the project area.

The stated purpose of this project is to renourish Tobay Beach to provide erosion and flood protection.

TOWN OF OYSTER BAY

DEPARTMENT OF PUBLIC WORKS

NASSAU COUNTY, NEW YORK

TOBAY BEACH NOURISHMENT MASSAPEQUA, NY

JOSEPH S. SALADINO
TOWN SUPERVISOR

TOWN BOARD



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LOUIS B. IMBROTO
THOMAS P. HAND
Town Clerk
JEFFREY P. PRAVATO

STEVE LABRIOLA
LAURA L. MAIER
VICKI WALSH
Receiver of Taxes
RICHARD LAMARCA

JUNE 2021



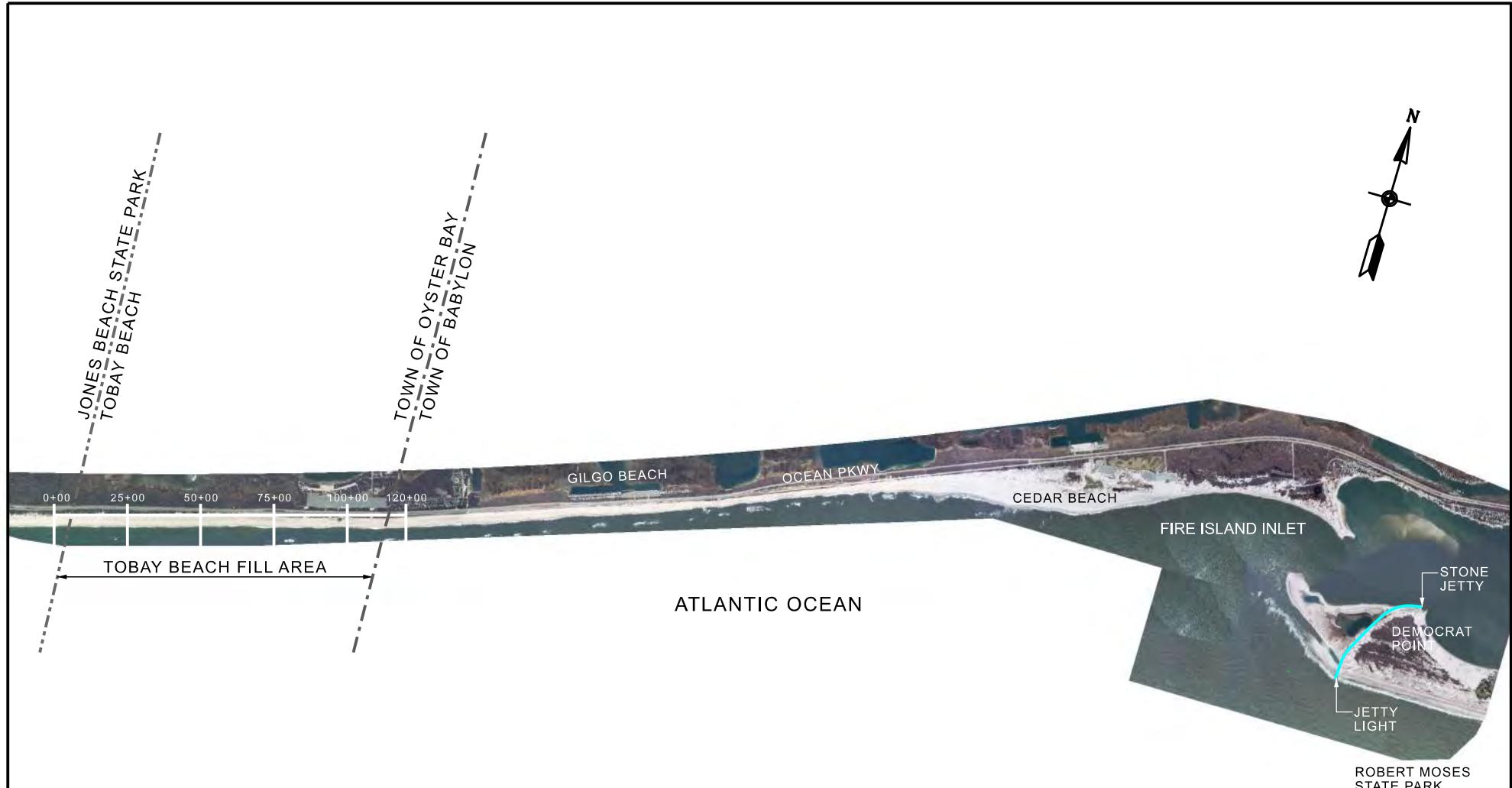
ROBERT W. DE BRUIN, NYSPE #62942

de BRUIN ENGINEERING, P.C.

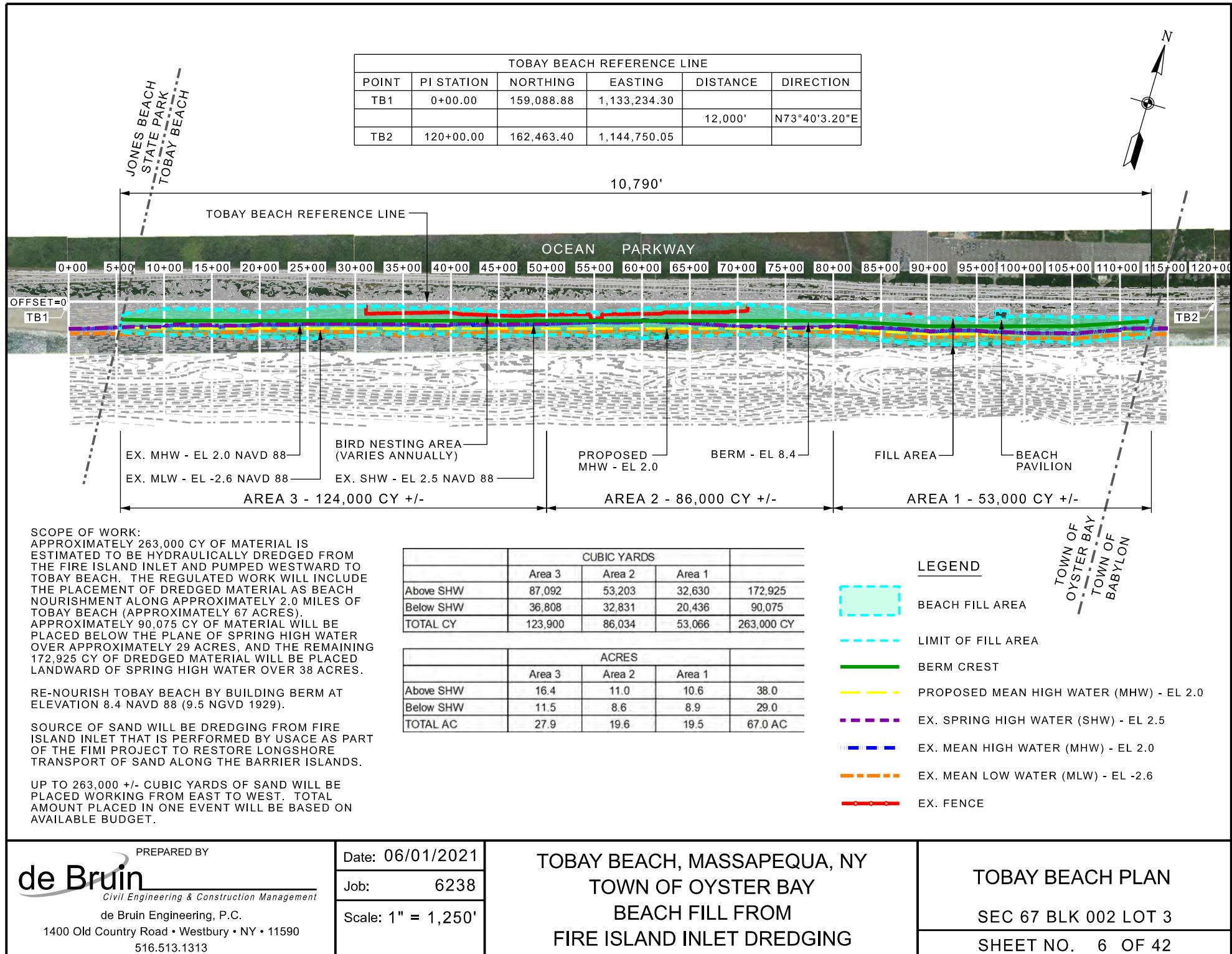
CIVIL ENGINEERING & CONSTRUCTION MANAGEMENT
1400 Old Country Road, Ste.106
Westbury • New York • 11590
516.513.1313

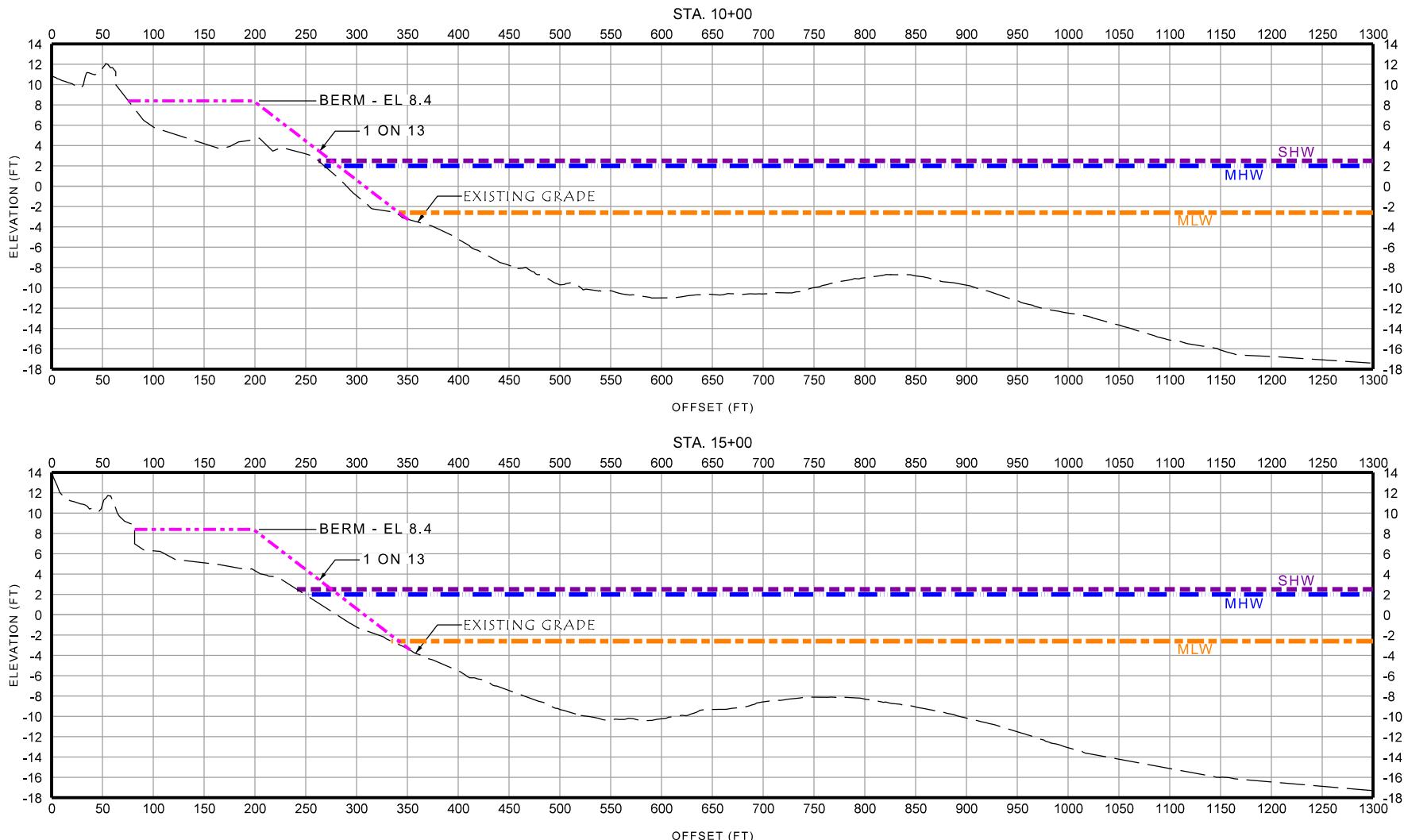
06/01/2021
Date

SHEET INDEX	
SHEET NO.	TITLE
1	OVERALL SITE PLAN
2	FIRE ISLAND INLET GENERAL PLAN AND NOTES
3	FIRE ISLAND INLET EBB SHOAL DREDGE SHEET
4	FIRE ISLAND INLET CHANNEL DREDGE PLAN SHEET - STA. 0+00 TO STA. 35+00
5	FIRE ISLAND INLET CHANNEL DREDGE PLAN SHEET - STA. 35+00 TO STA. 92+00
6	TOBAY BEACH PLAN
7	SECTION - STA. 10+00 TO STA. 15+00
8	SECTION - STA. 20+00 TO STA. 25+00
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12	SECTION - STA. 60+00 TO STA. 65+00
13	SECTION - STA. 70+00 TO STA. 75+00
14	SECTION - STA. 80+00 TO STA. 85+00
15	SECTION - STA. 90+00 TO STA. 95+00
16	SECTION - STA. 100+00 TO STA. 105+00
17	SECTION - STA. 110+00 TO STA. 115+00
18	PLAN - STA. 5+00 TO STA. 10+00
19	PLAN - STA. 10+00 TO STA. 15+00
20	PLAN - STA. 15+00 TO STA. 20+00
21	PLAN - STA. 20+00 TO STA. 25+00
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23	PLAN - STA. 30+00 TO STA. 35+00
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35	PLAN - STA. 90+00 TO STA. 95+00
36	PLAN - STA. 95+00 TO STA. 100+00
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40	PHOTO INDEX SHEET
41	SITE PHOTOS
42	SITE PHOTOS



de Bruin <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	PREPARED BY	Date: 06/01/2021 Job: 6238 Scale: 1" = 5,000'	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	OVERALL SITE PLAN
				SEC 67 BLK 002 LOT 3
				SHEET NO. 1 OF 42



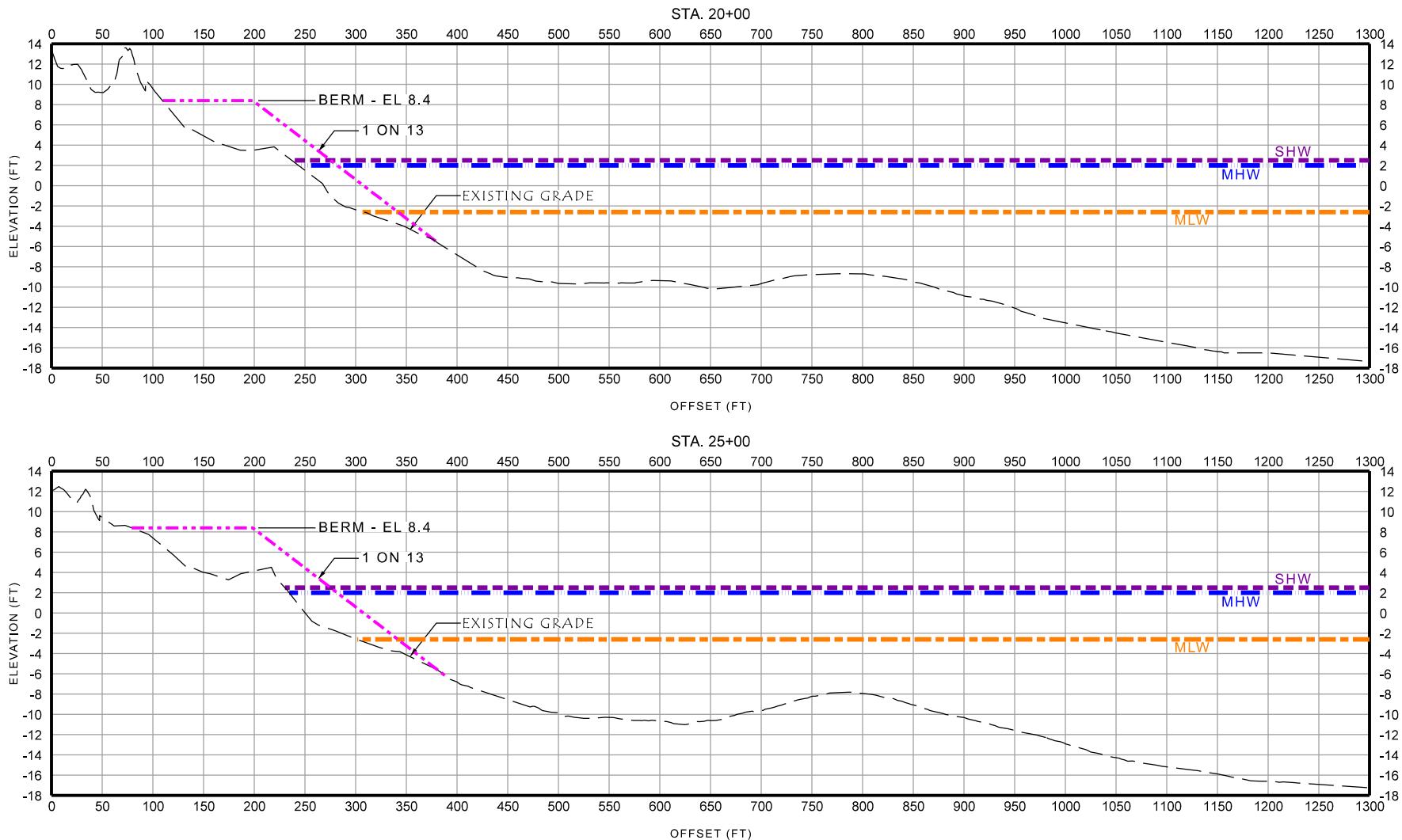


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 Scale: 1" = 150' H
 1" = 15' V

TOBAY BEACH, MASSAPEQUA, NY
 TOWN OF OYSTER BAY
 BEACH FILL FROM
 FIRE ISLAND INLET DREDGING

SECTIONS
 STA 10+00 AND STA 15+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 7 OF 42

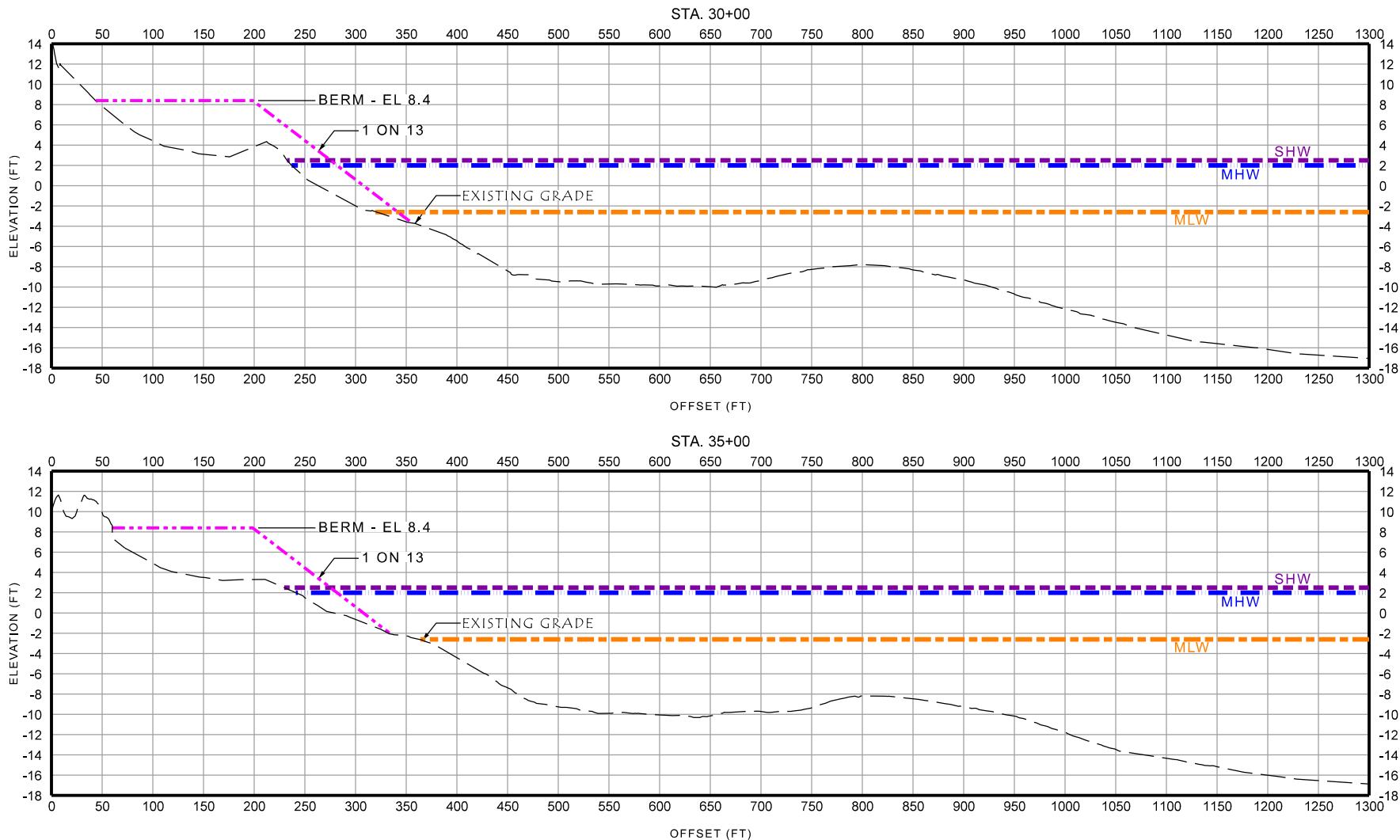


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SECTIONS
 STA 20+00 AND STA 25+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 8 OF 42

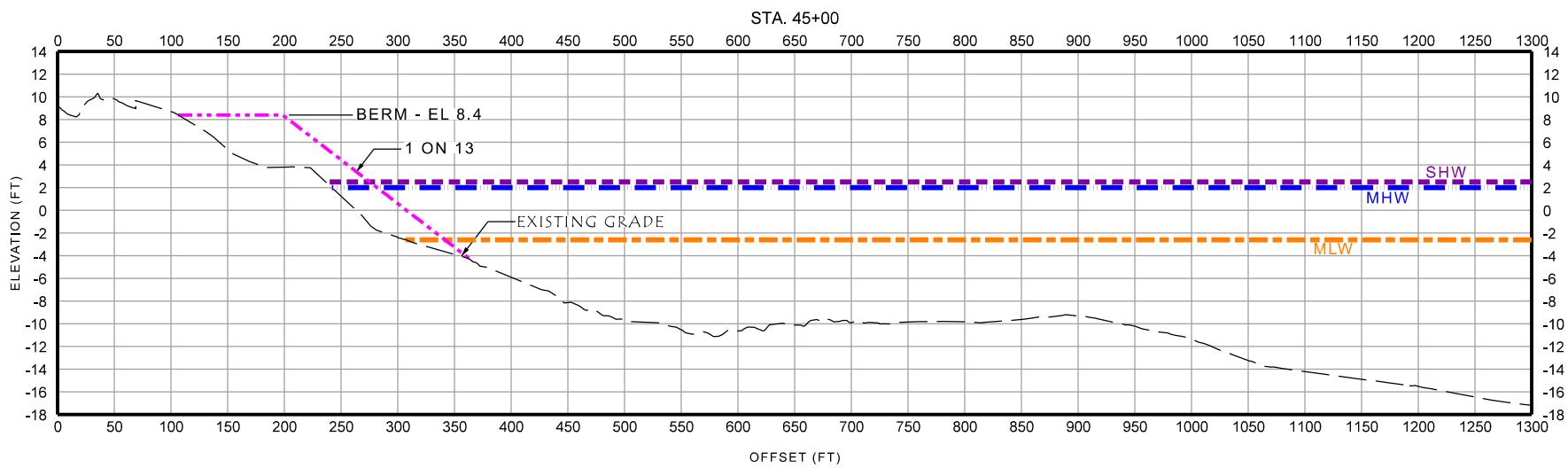
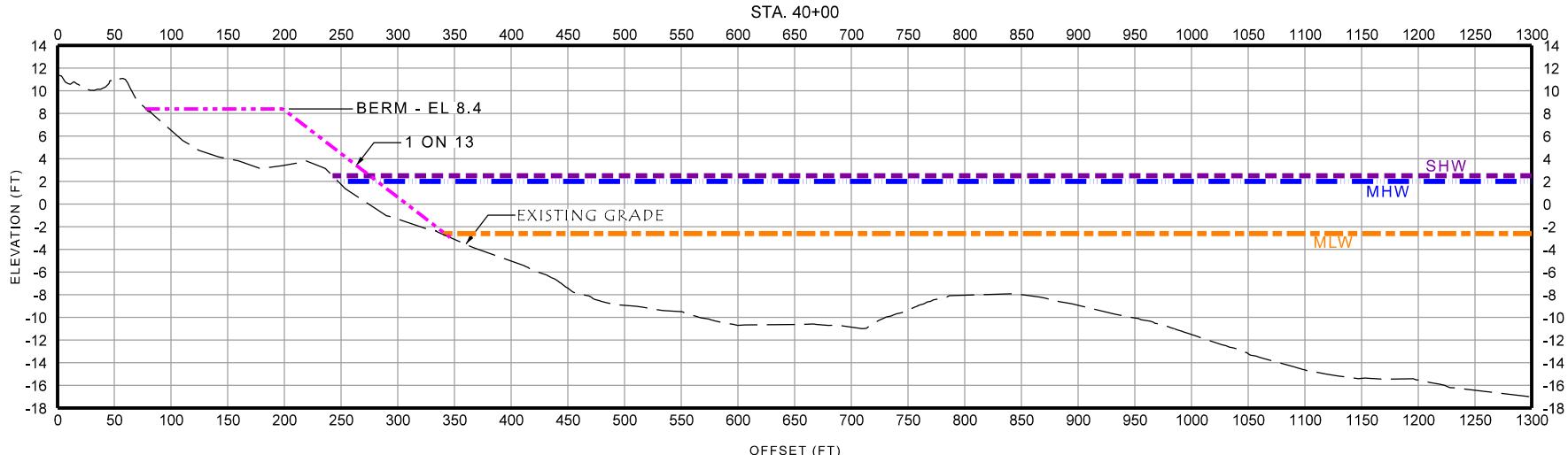


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SECTIONS
 STA 30+00 AND STA 35+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 9 OF 42

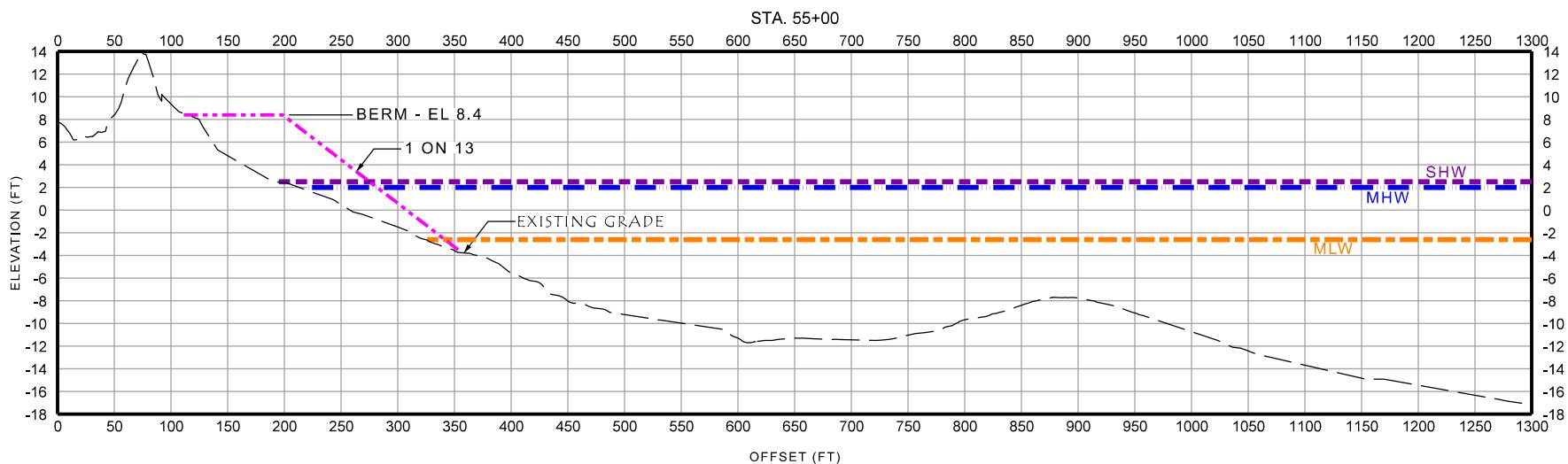
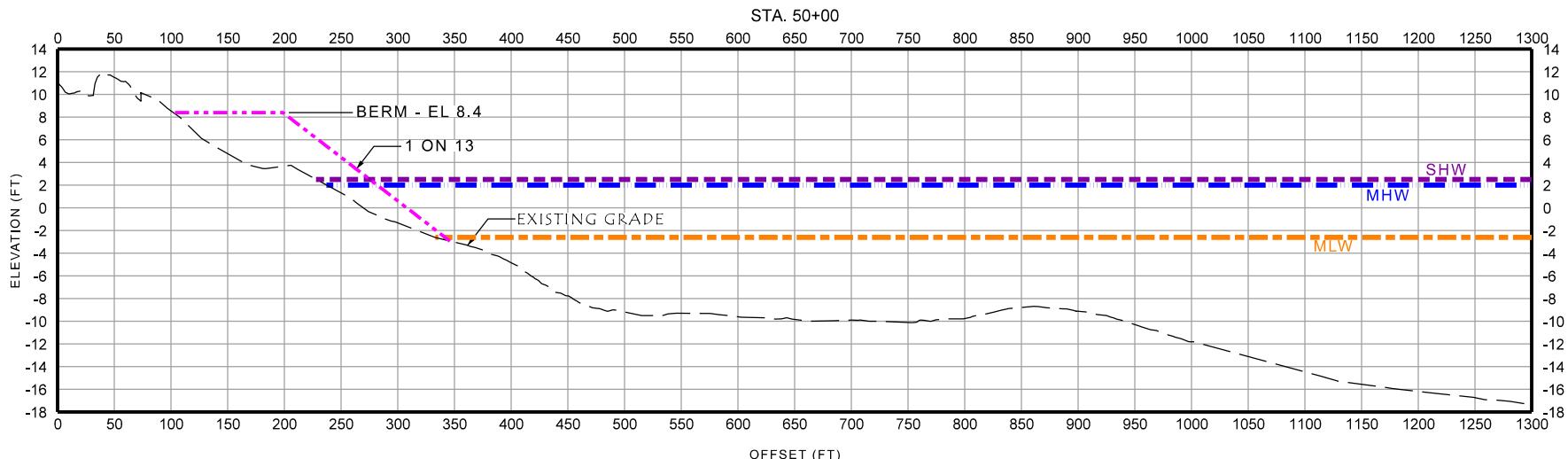


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SECTIONS
 STA 40+00 AND STA 45+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 10 OF 42

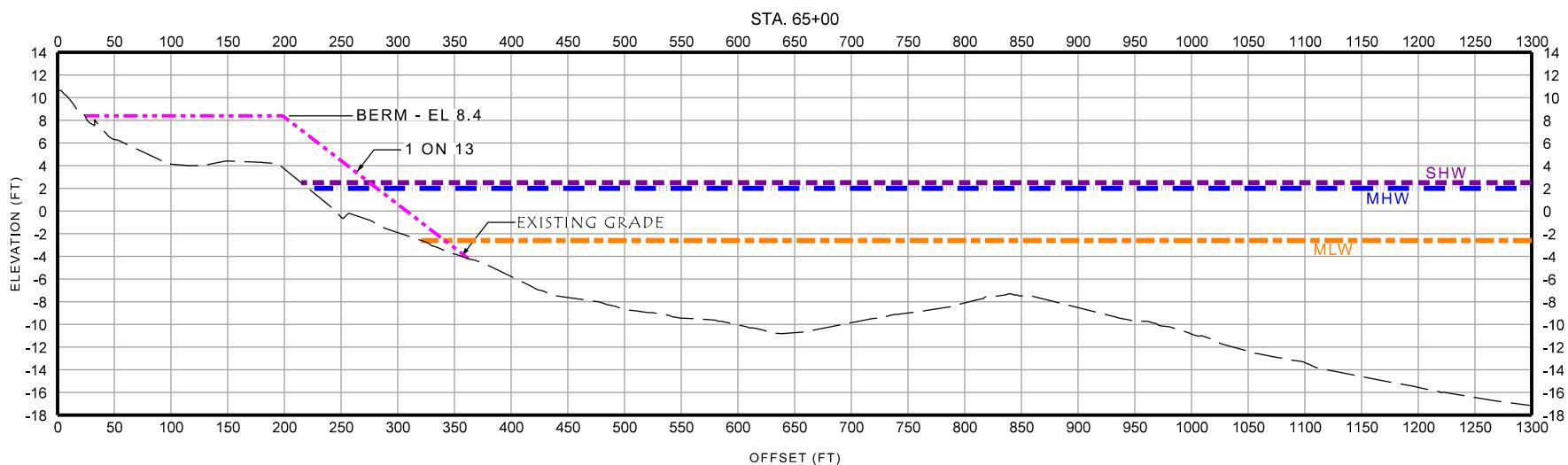
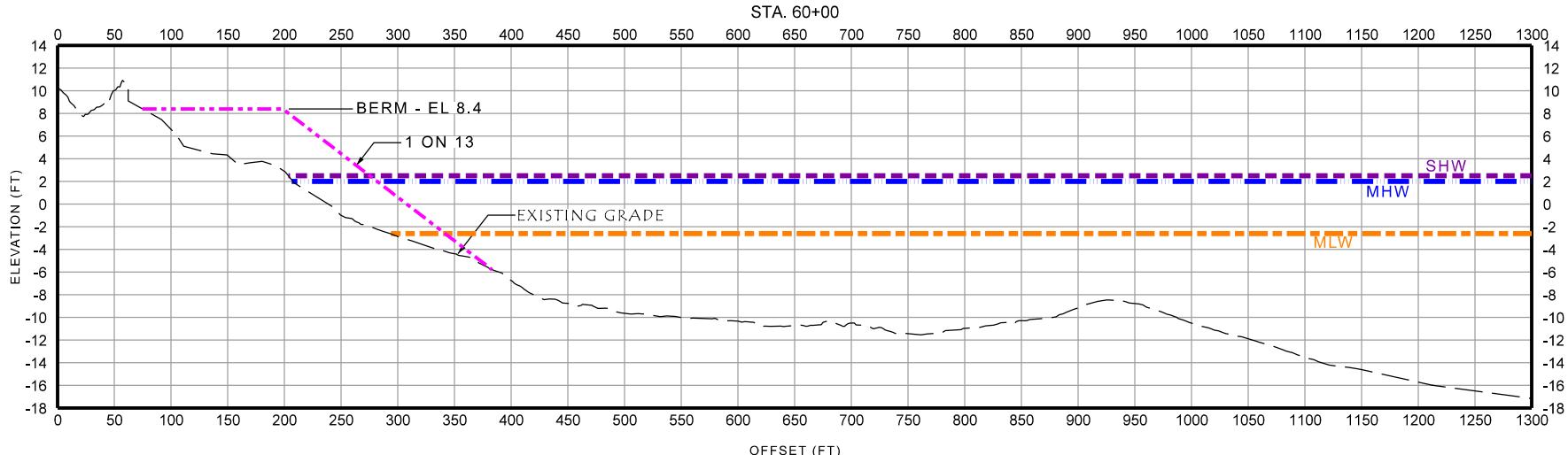


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SECTIONS
 STA 50+00 AND STA 55+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 11 OF 42

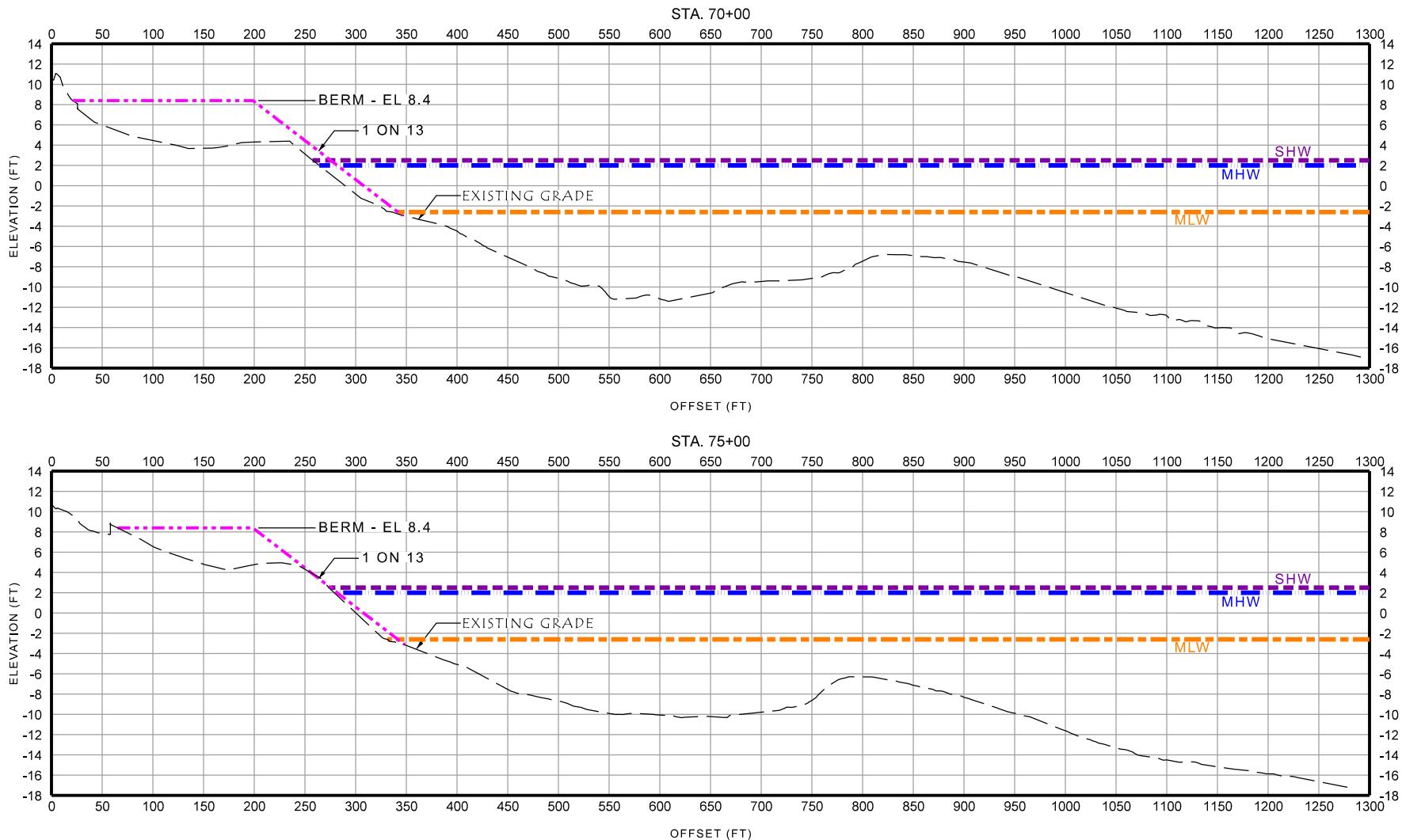


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SECTIONS
 STA 60+00 AND STA 65+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 12 OF 42

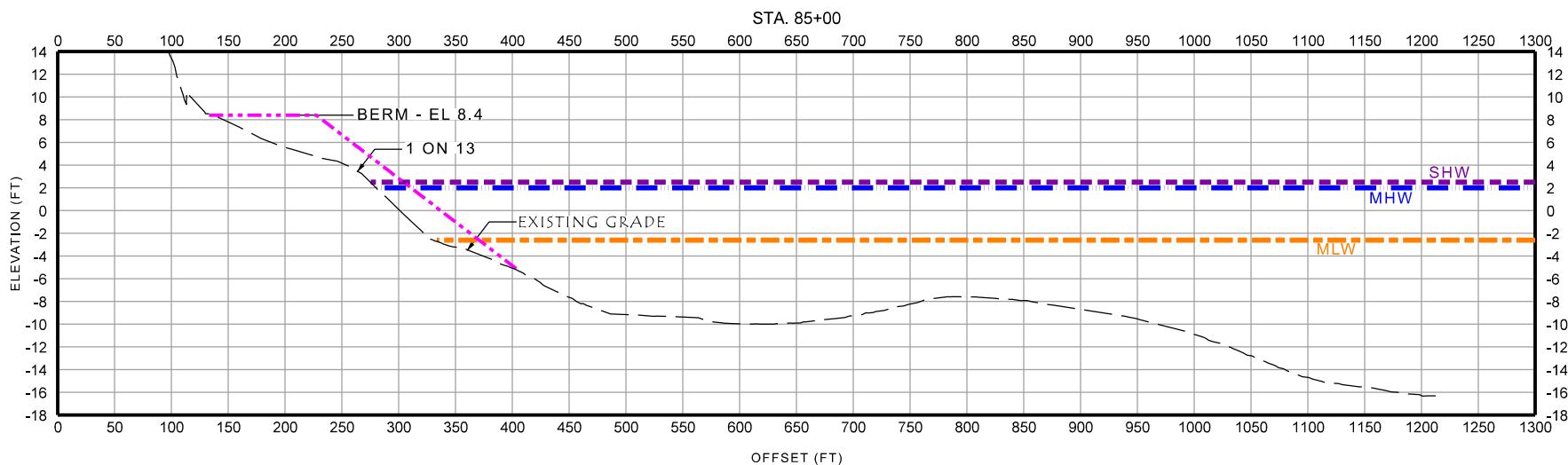
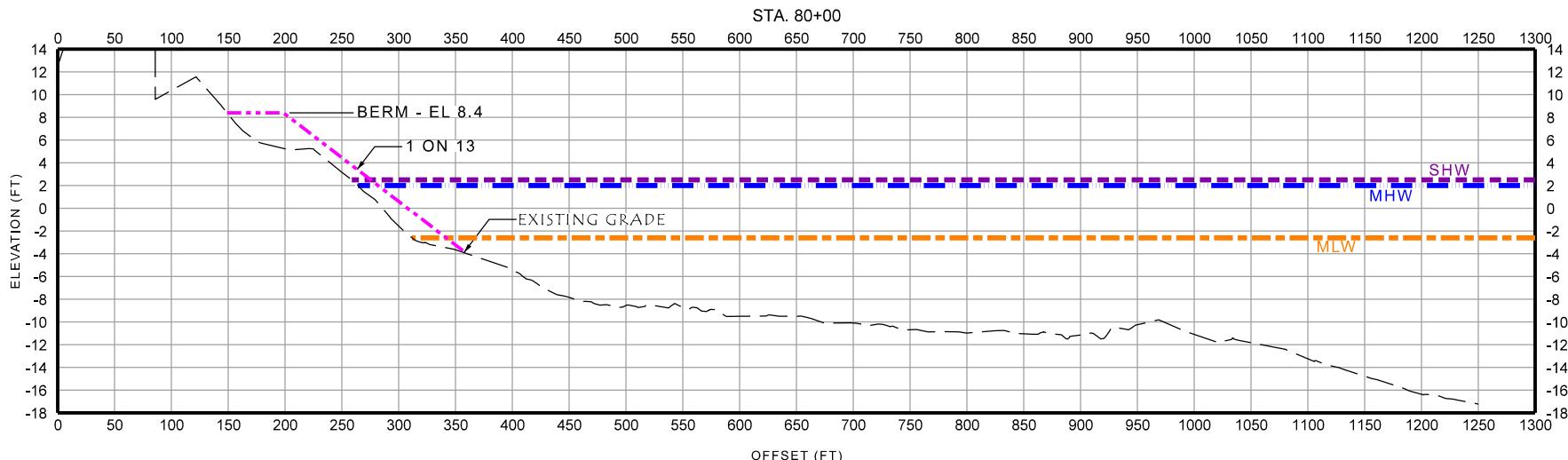


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SECTIONS
 STA 70+00 AND STA 75+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 13 OF 42

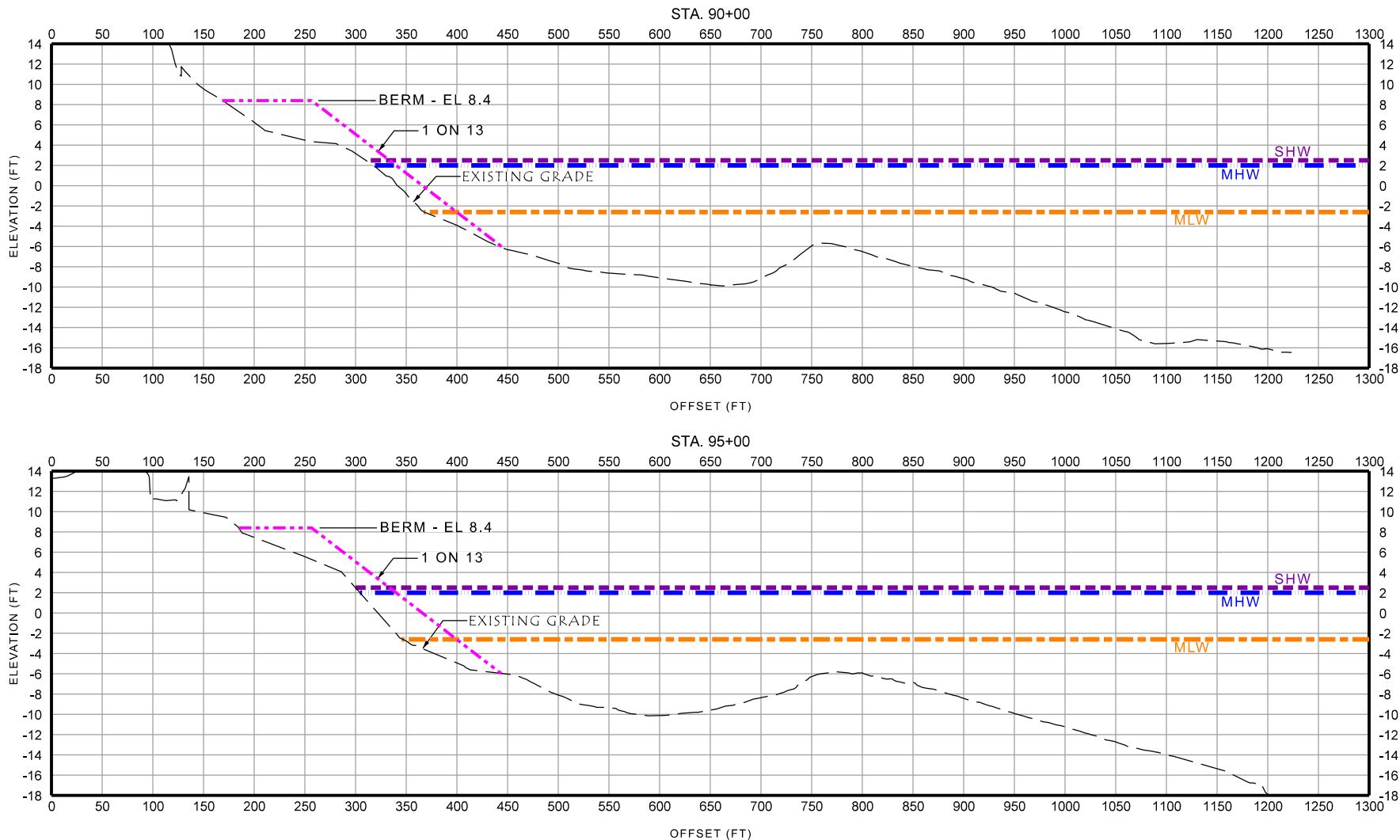


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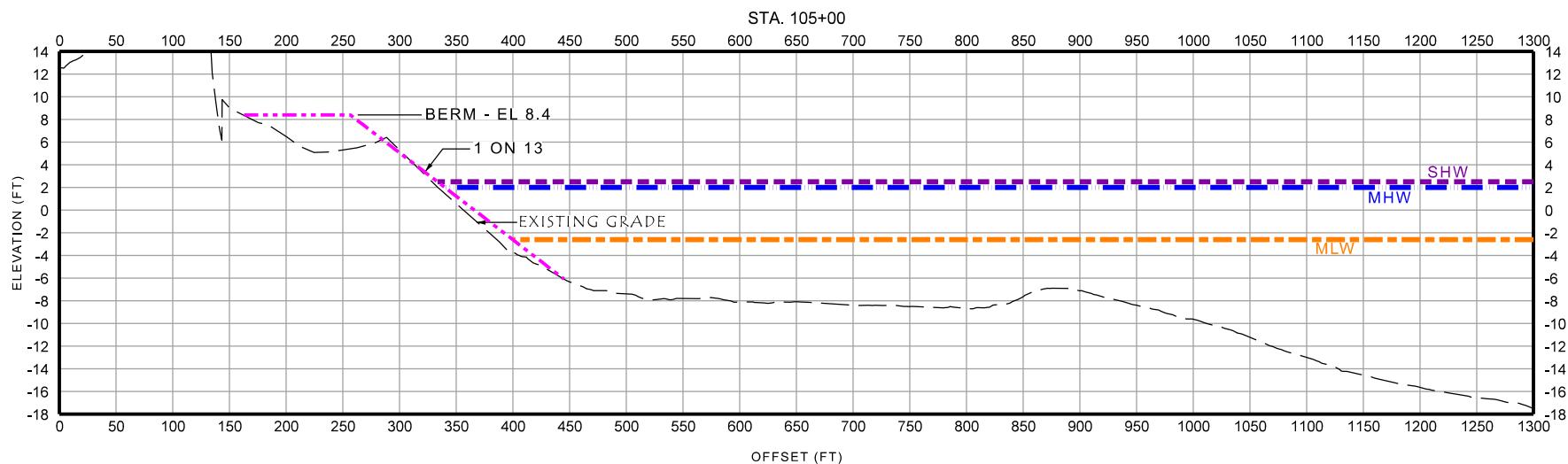
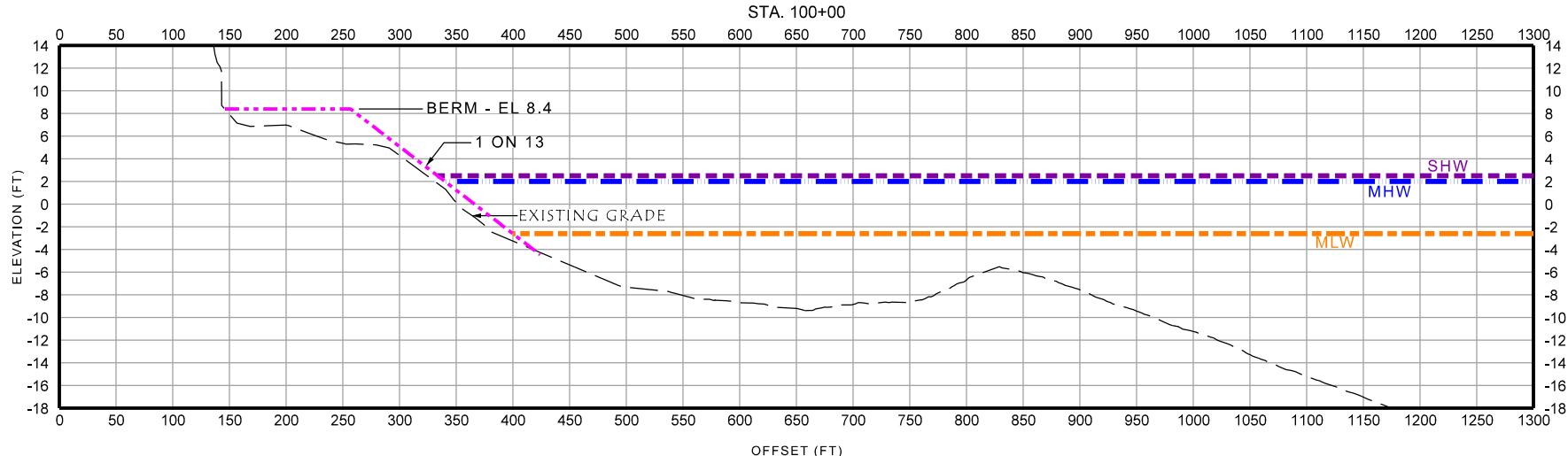
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TOBAY BEACH, MASSAPEQUA, NY
 TOWN OF OYSTER BAY
 BEACH FILL FROM
 FIRE ISLAND INLET DREDGING

SECTIONS
 STA 80+00 AND STA 85+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 14 OF 42



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	Job: 6238		
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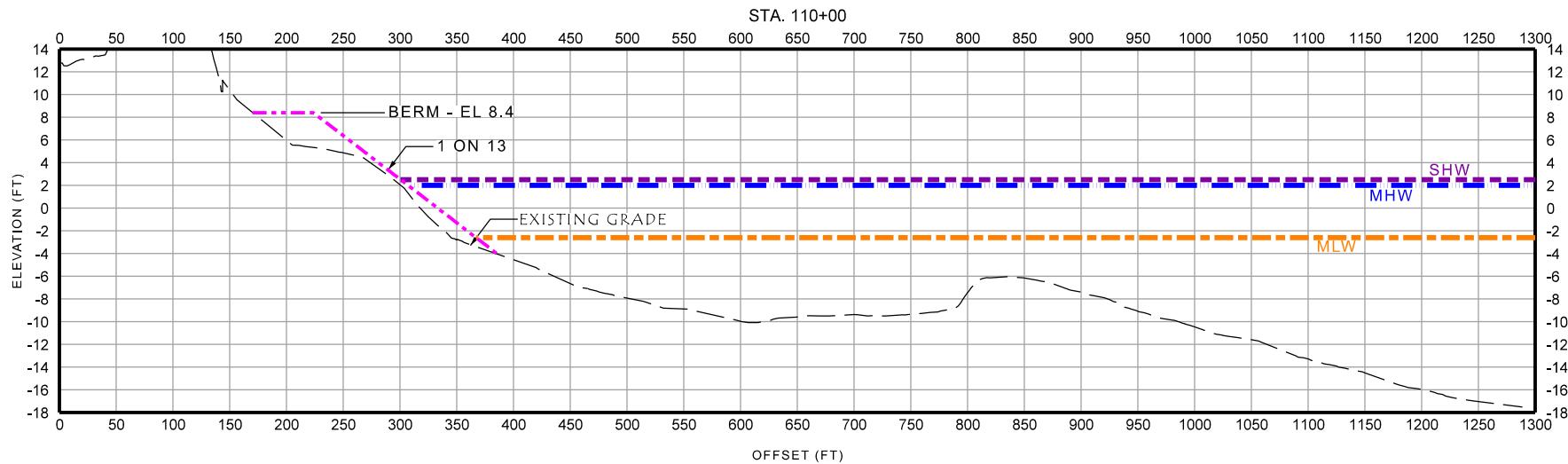


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TOBAY BEACH, MASSAPEQUA, NY
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 BEACH FILL FROM
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SECTIONS
 STA 100+00 AND STA 105+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 16 OF 42

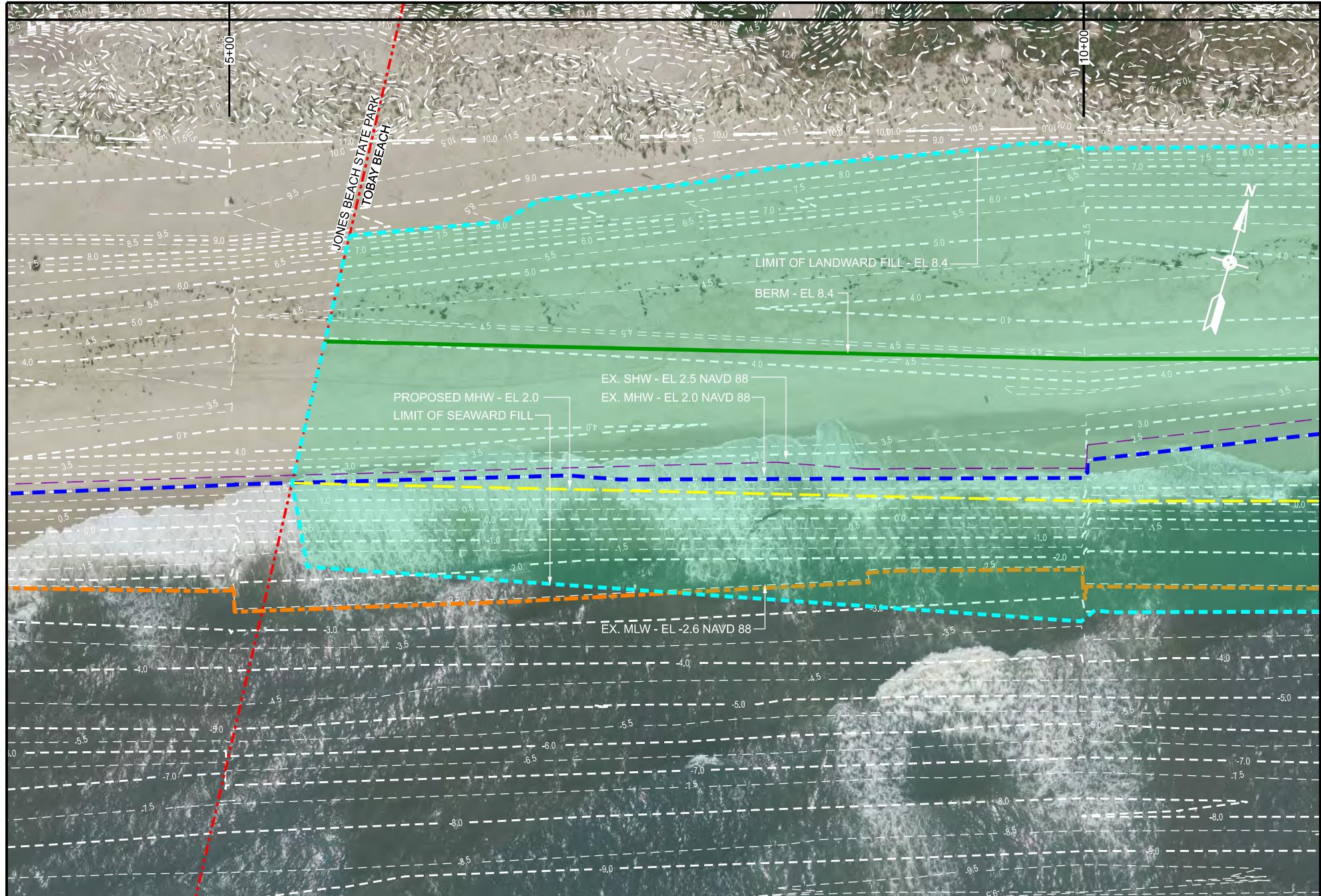


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SECTION
 STA 110+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 17 OF 42



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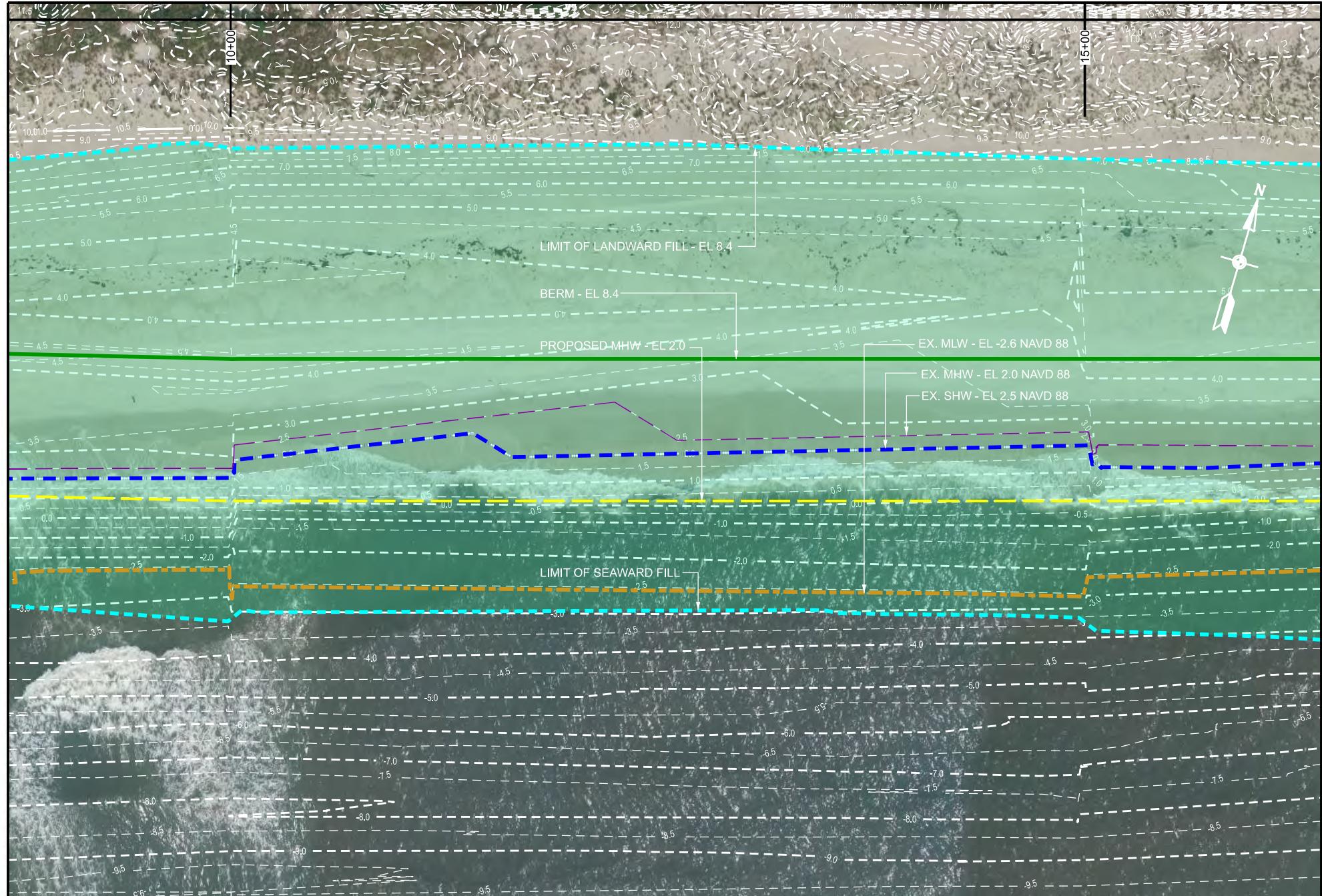
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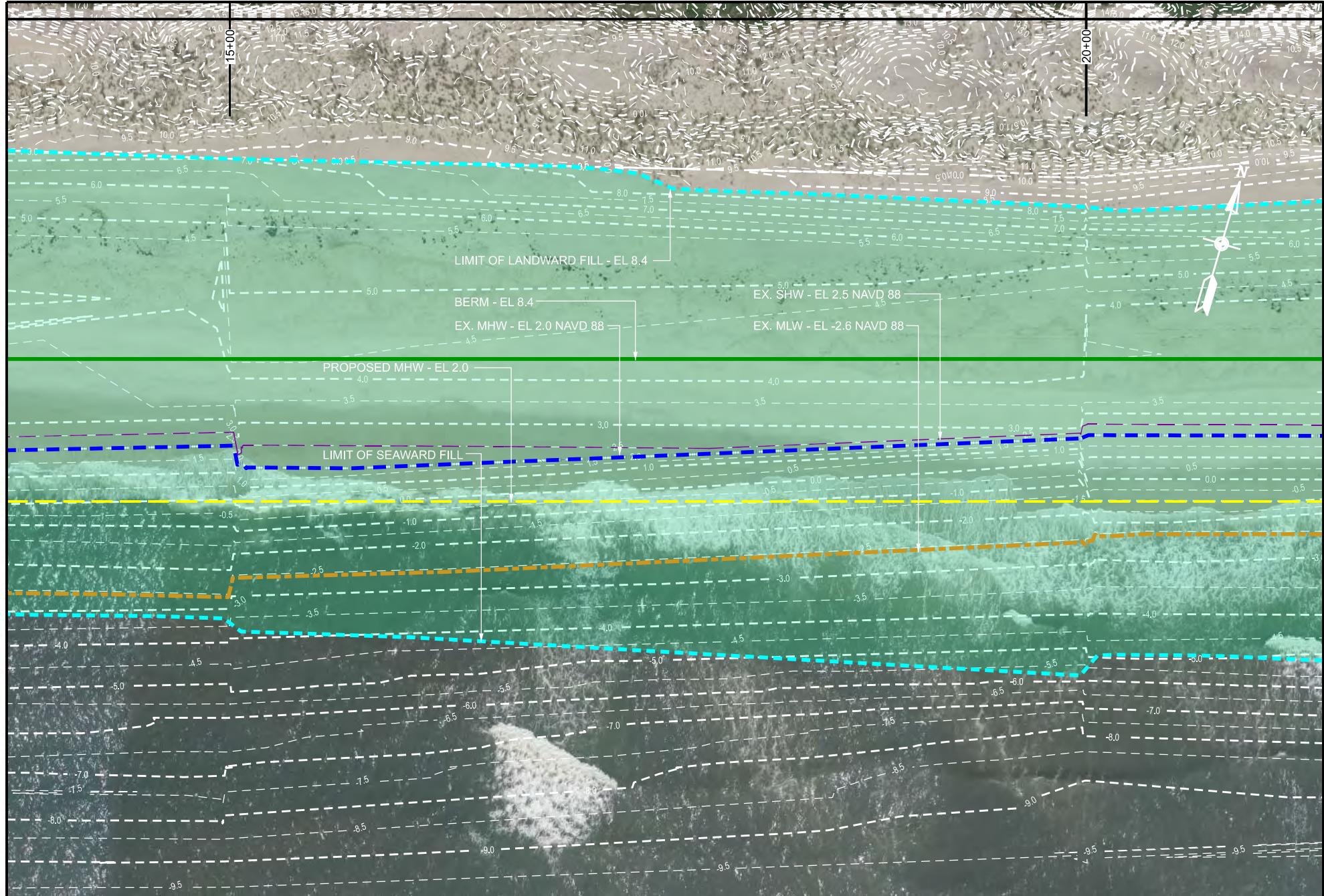
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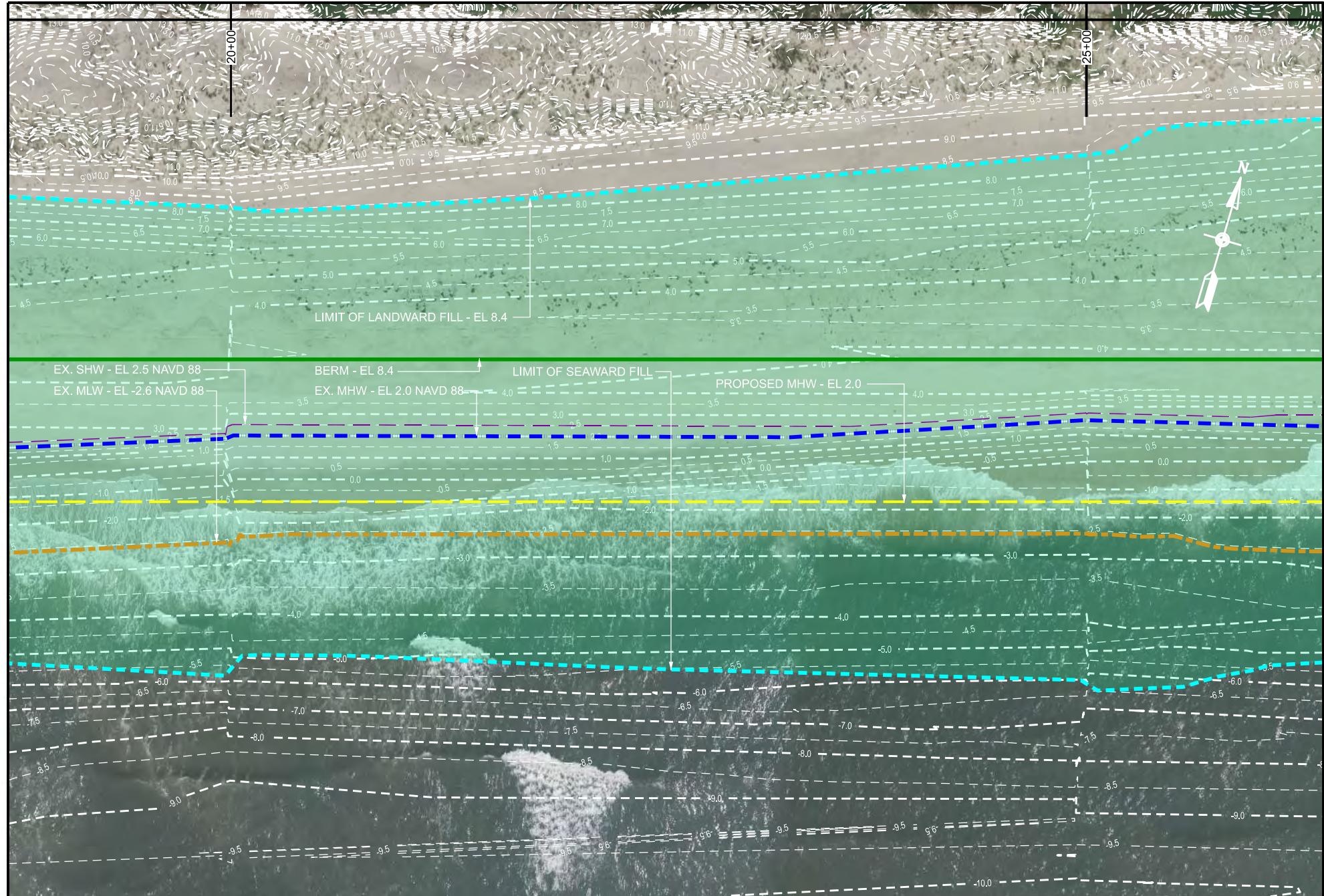
TOBAY BEACH, MASSAPEQUA, NY
TOWN OF OYSTER BAY
BEACH FILL FROM
FIRE ISLAND INLET DREDGINGPLAN
STA 5+00 TO STA 10+00
SEC 67 BLK 002 LOT 3
SHEET NO. 18 OF 42



PREPARED BY de Bruin Civil Engineering & Construction Management de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021 Job: 6238 Scale: 1" = 150'	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 10+00 TO STA 15+00 SEC 67 BLK 002 LOT 3 SHEET NO. 19 OF 42
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PREPARED BY de Bruin Civil Engineering & Construction Management de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021 Job: 6238 Scale: 1" = 150'	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 15+00 TO STA 20+00 SEC 67 BLK 002 LOT 3 SHEET NO. 20 OF 42
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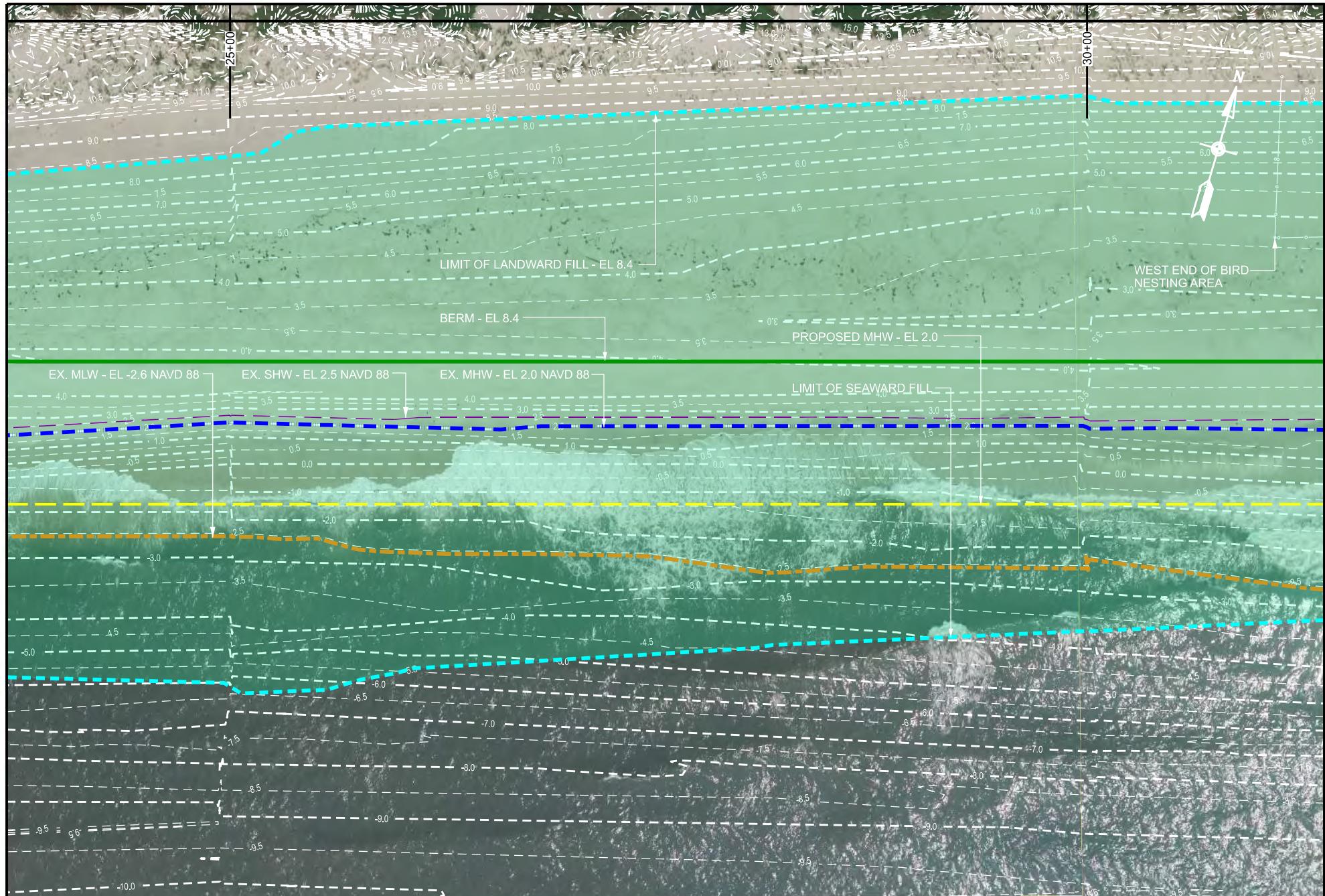


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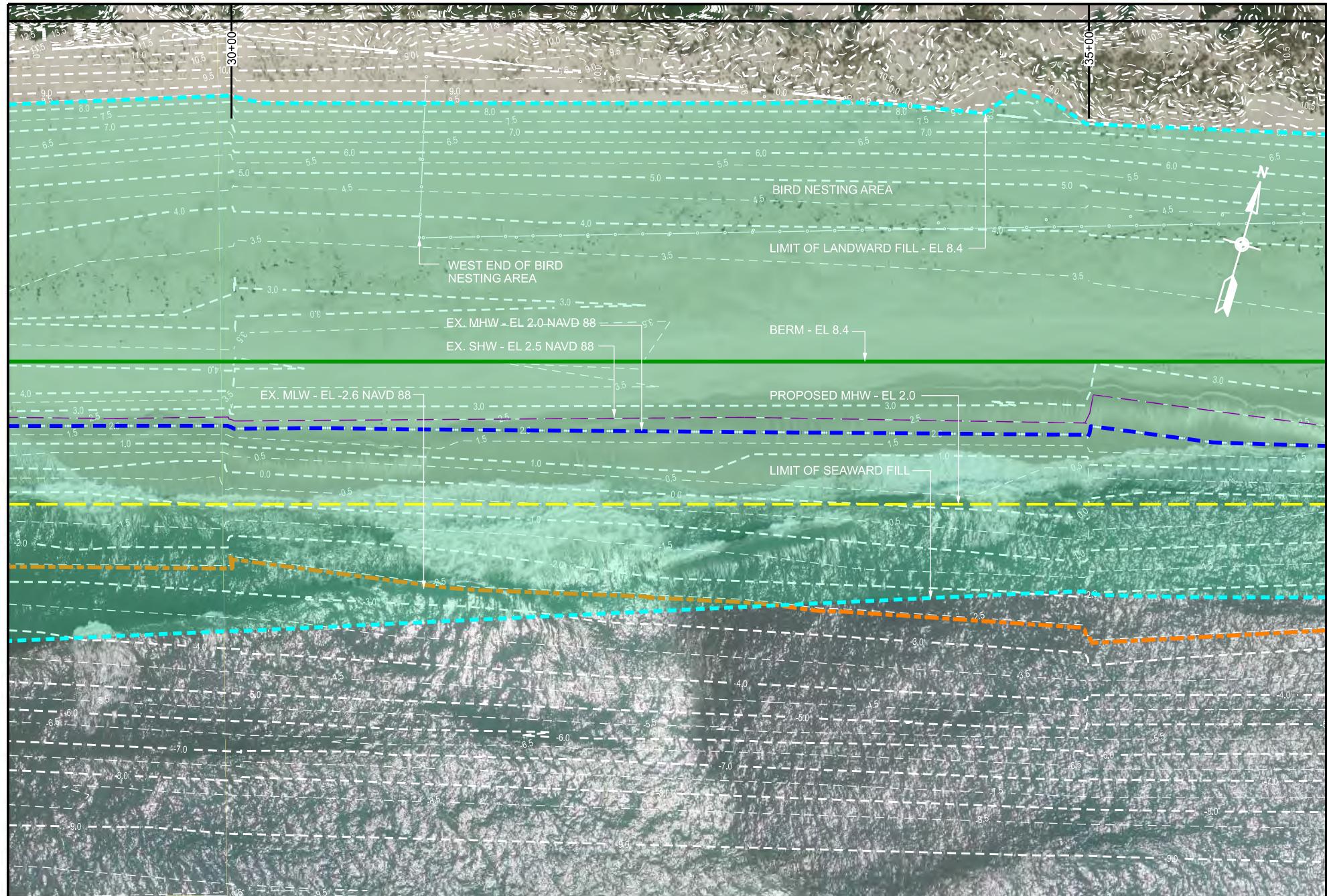
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TOBAY BEACH, MASSAPEQUA, NY
 TOWN OF OYSTER BAY
 BEACH FILL FROM
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PLAN
 STA 20+00 TO STA 25+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 21 OF 42



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	Job:	6238		
	Scale:	1" = 150'		



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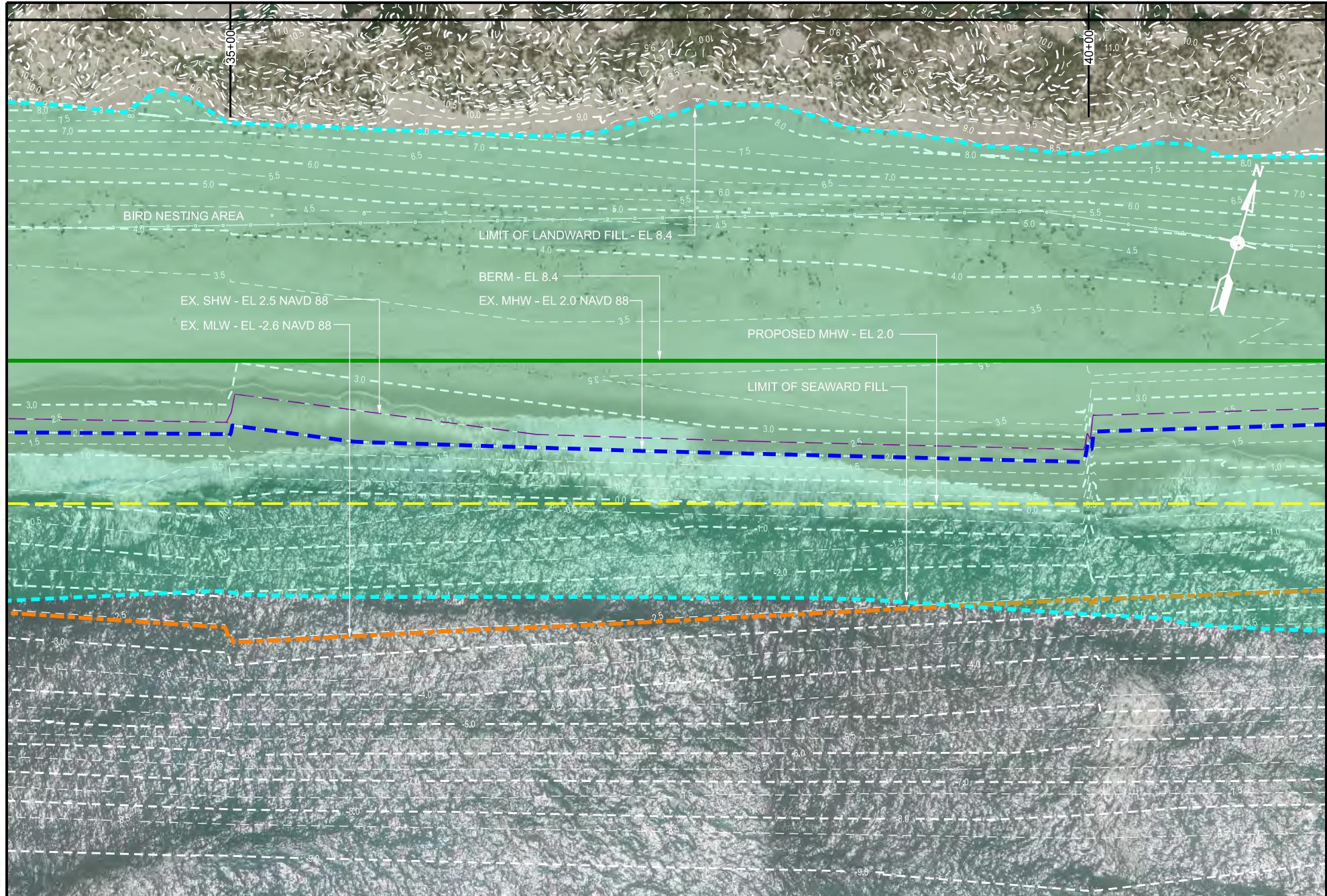
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PLAN
STA 30+00 TO STA 35+00
SEC 67 BLK 002 LOT 3
SHEET NO. 23 OF 42

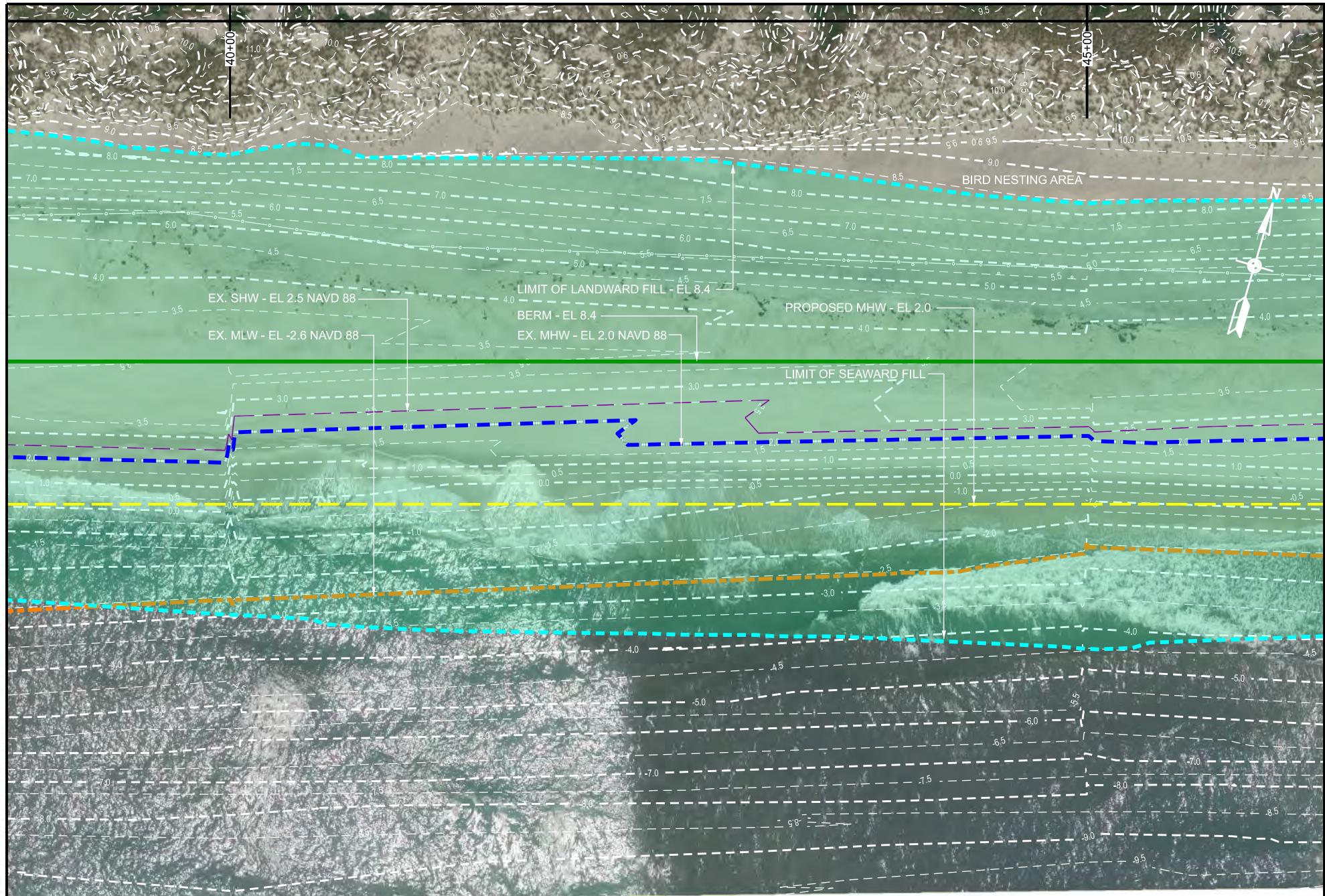


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 Civil Engineering & Construction Management
 de Bruin Engineering, P.C.
 1400 Old Country Road • Westbury • NY • 11590
 516.513.1313

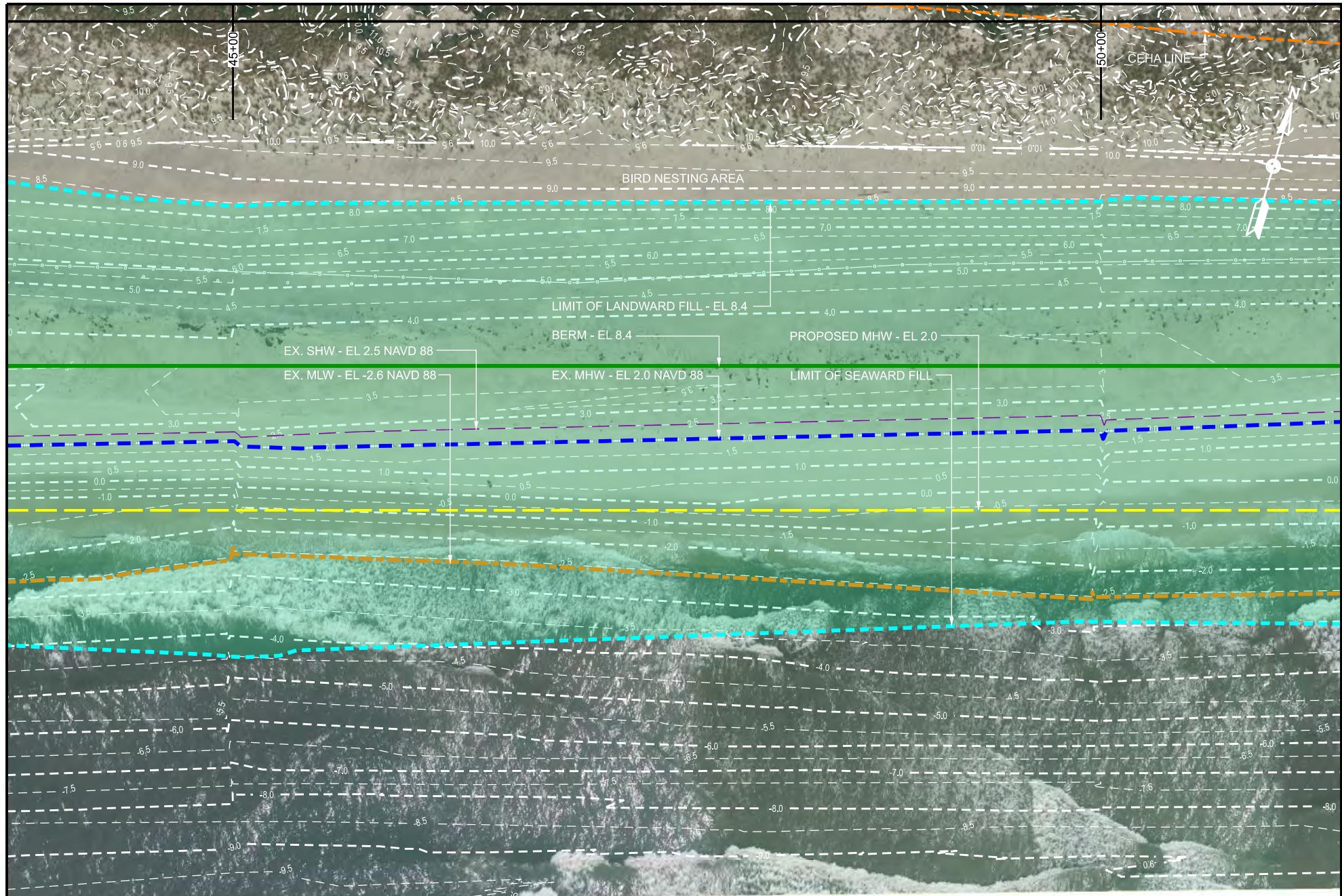
Date: 06/01/2021
 Job: 6238
 Scale: 1" = 150'

TOBAY BEACH, MASSAPEQUA, NY
 TOWN OF OYSTER BAY
 BEACH FILL FROM
 FIRE ISLAND INLET DREDGING

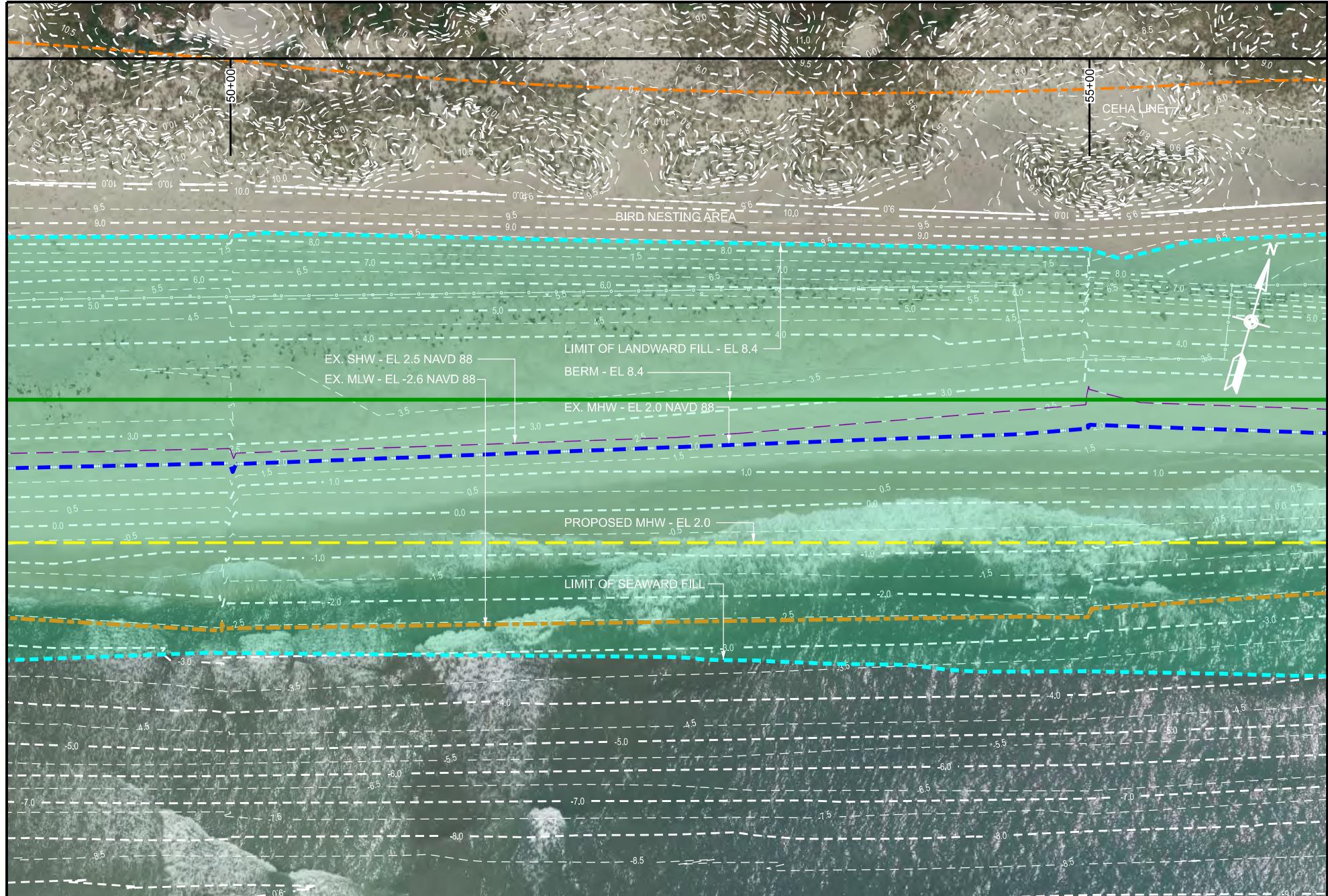
PLAN
 STA 35+00 TO STA 40+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 24 OF 42



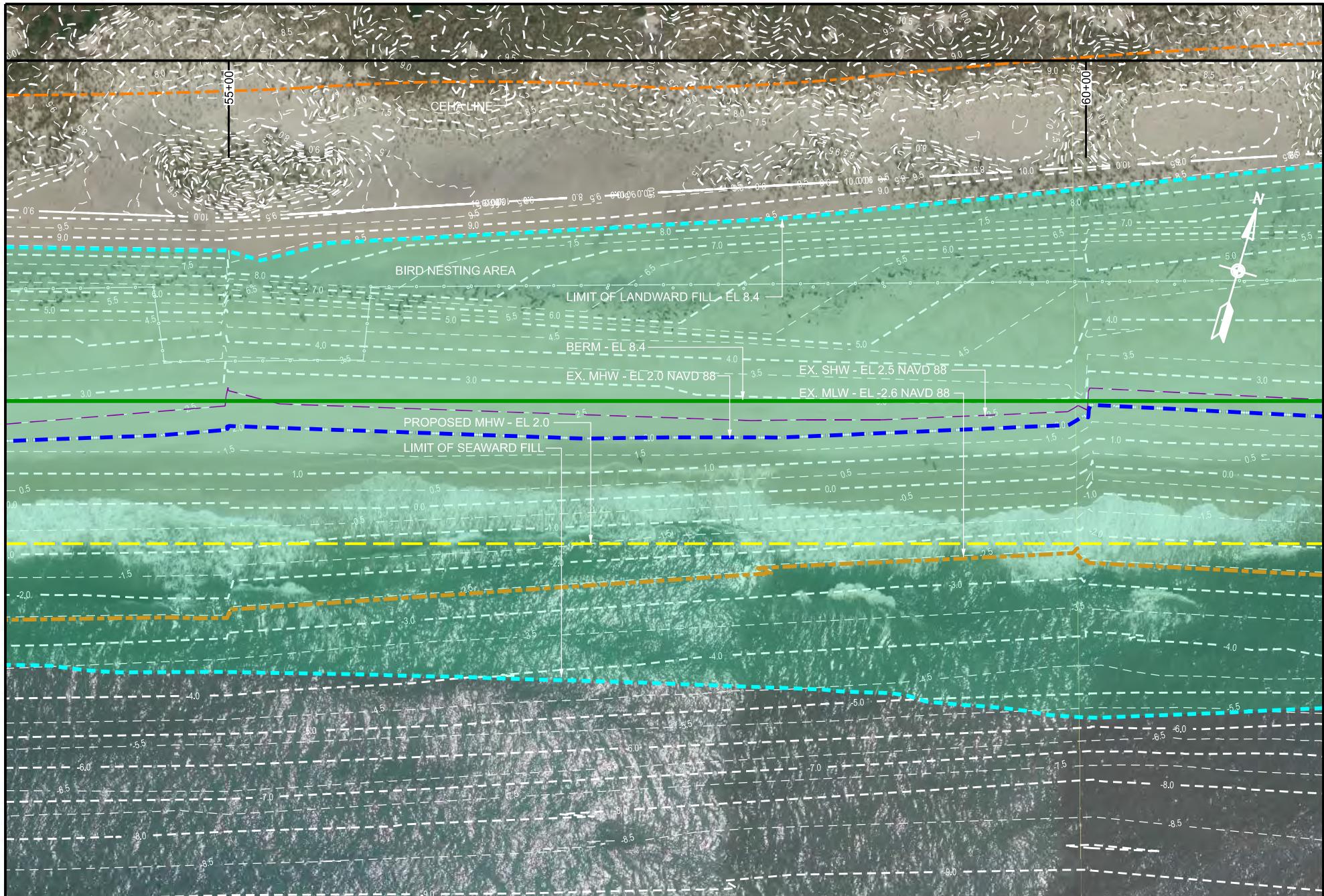
PREPARED BY de Bruin <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 40+00 TO STA 45+00 SEC 67 BLK 002 LOT 3 SHEET NO. 25 OF 42
	Job: 6238		
	Scale: 1" = 150'		



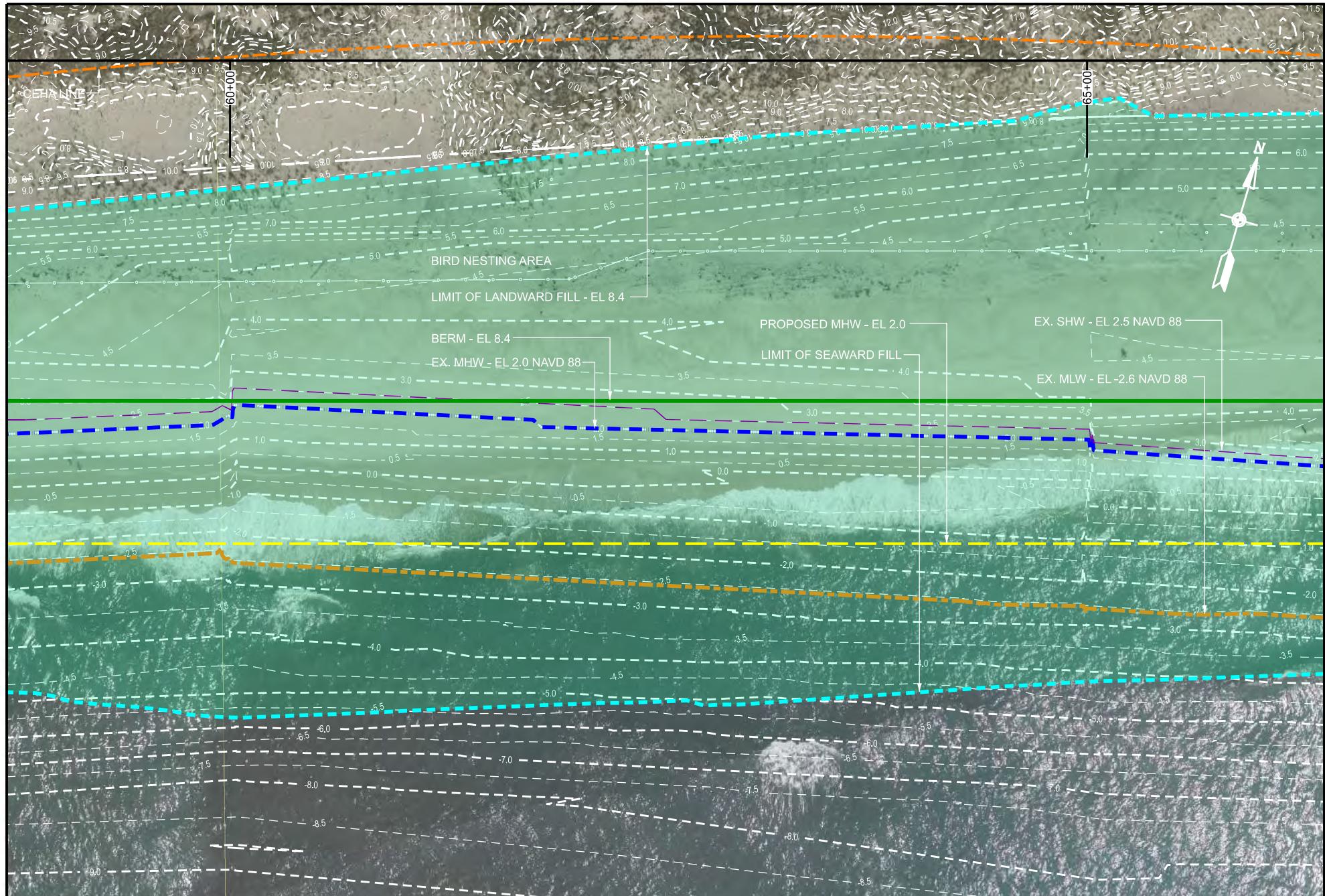
PREPARED BY de Bruin <small>Civil Engineering & Construction Management</small> <small>de Bruin Engineering, P.C.</small> <small>1400 Old Country Road • Westbury • NY • 11590</small> <small>516.513.1313</small>	Date: 06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 45+00 TO STA 50+00 SEC 67 BLK 002 LOT 3 SHEET NO. 26 OF 42
	Job: 6238		
	Scale: 1" = 150'		



PREPARED BY de Bruin Civil Engineering & Construction Management de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021 Job: 6238 Scale: 1" = 150'	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 50+00 TO STA 55+00 SEC 67 BLK 002 LOT 3 SHEET NO. 27 OF 42
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PREPARED BY de Bruin <small>Civil Engineering & Construction Management</small> <small>de Bruin Engineering, P.C.</small> <small>1400 Old Country Road • Westbury • NY • 11590</small> <small>516.513.1313</small>	Date: 06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 55+00 TO STA 60+00 SEC 67 BLK 002 LOT 3 SHEET NO. 28 OF 42
	Job: 6238		
	Scale: 1" = 150'		

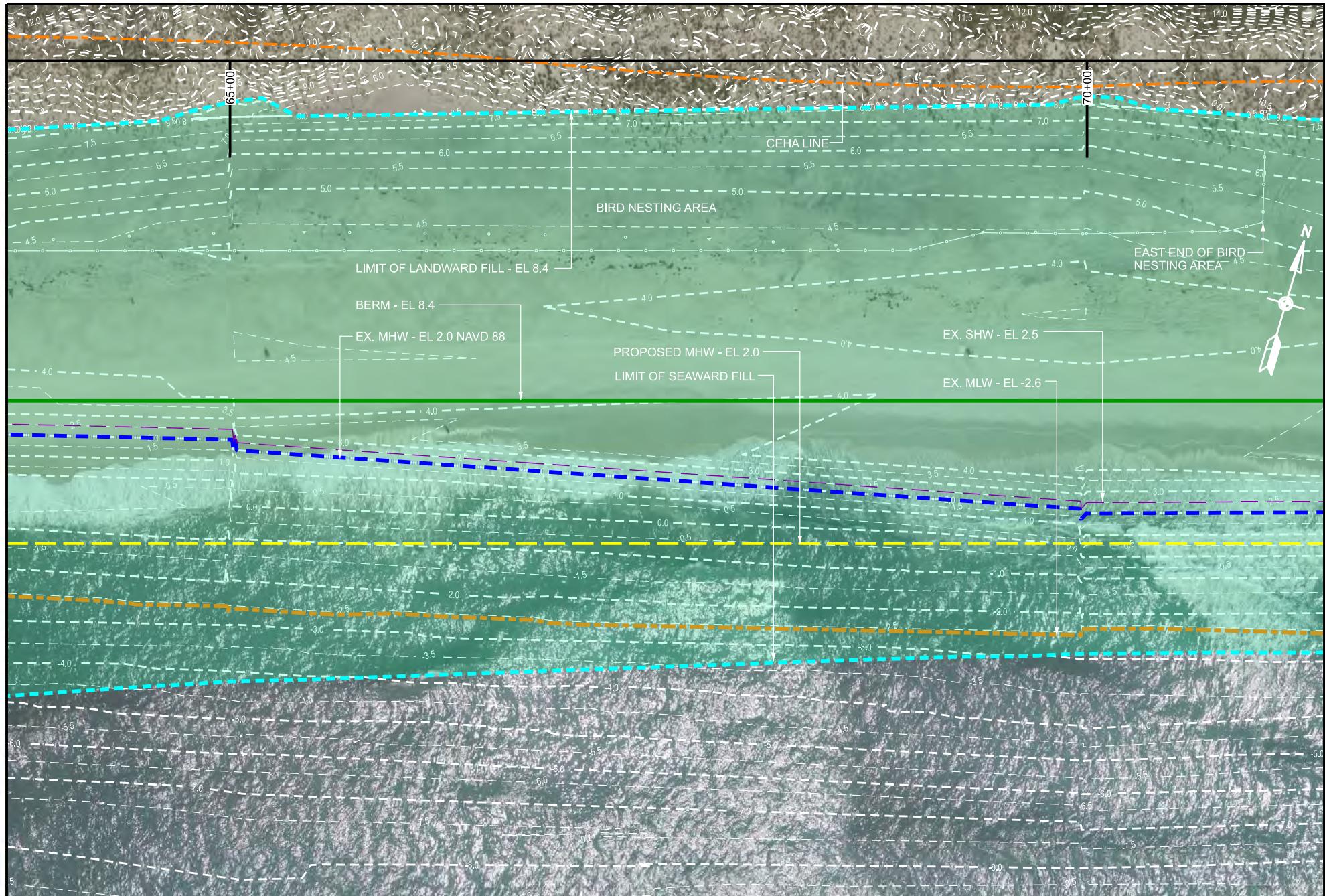


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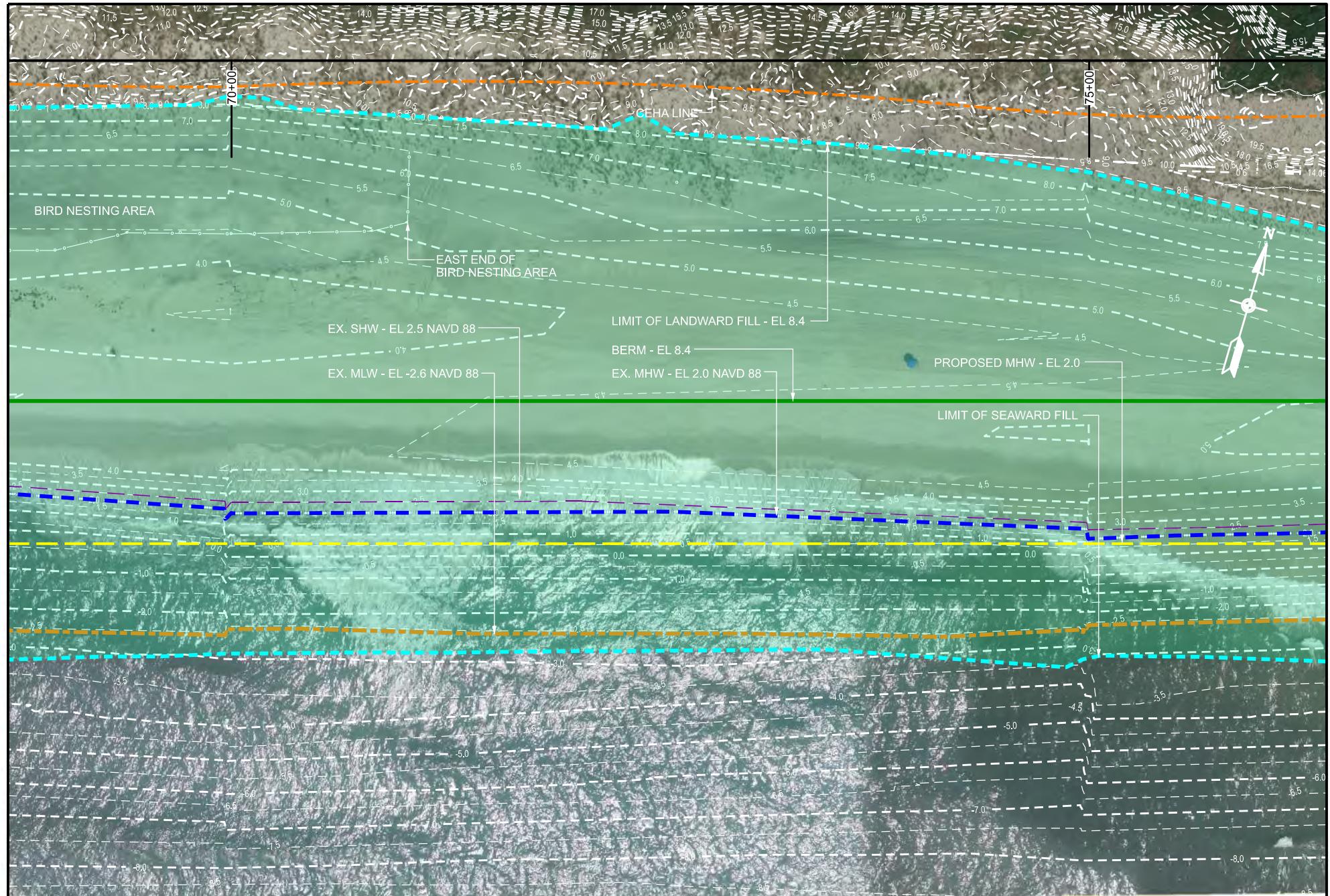
Date: 06/01/2021
 Job: 6238
 Scale: 1" = 150'

TOBAY BEACH, MASSAPEQUA, NY
 TOWN OF OYSTER BAY
 BEACH FILL FROM
 FIRE ISLAND INLET DREDGING

PLAN
 STA 60+00 TO STA 65+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 29 OF 42



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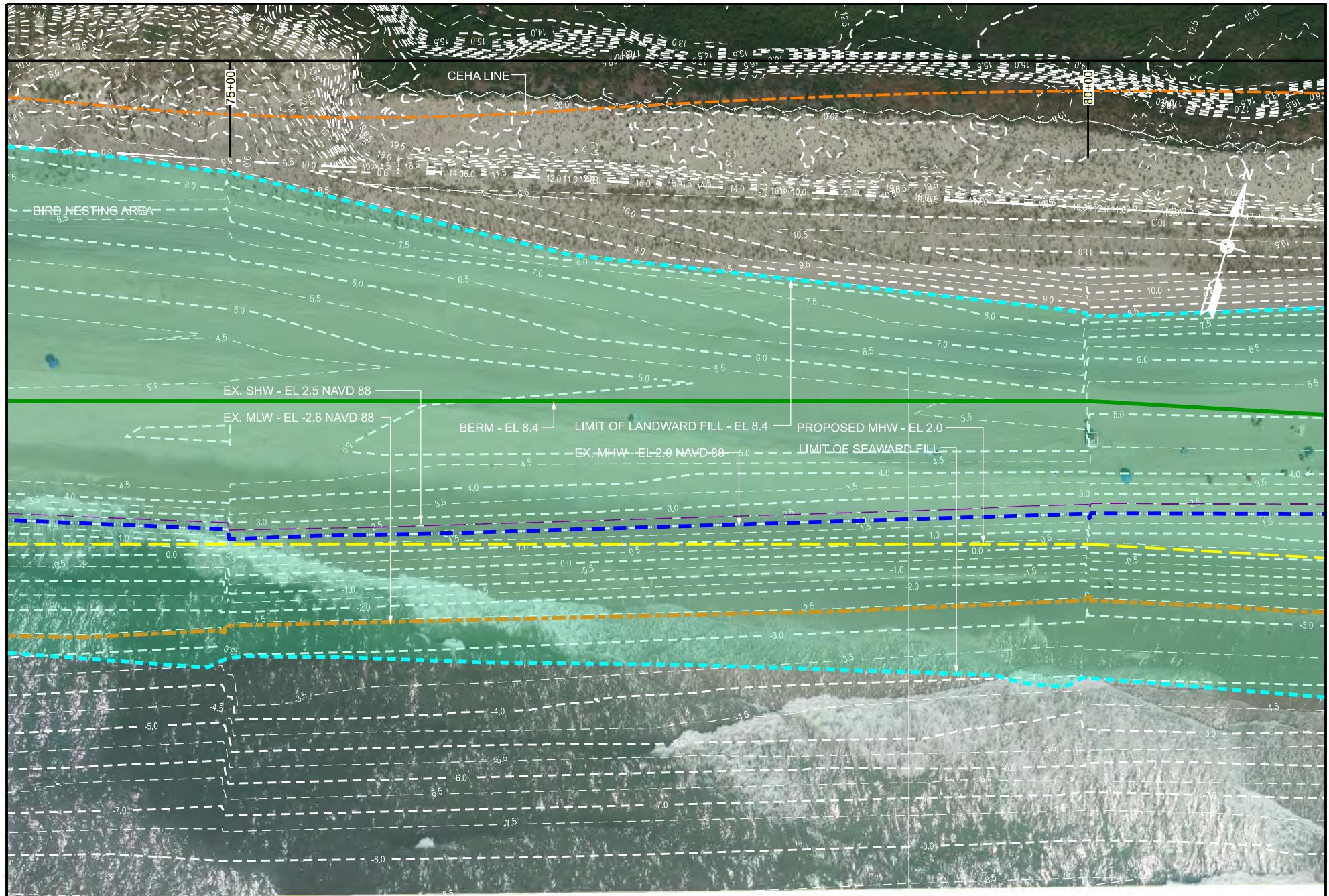


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Date: 06/01/2021
 Job: 6238
 Scale: 1" = 150'

TOBAY BEACH, MASSAPEQUA, NY
 TOWN OF OYSTER BAY
 BEACH FILL FROM
 FIRE ISLAND INLET DREDGING

PLAN
 STA 70+00 TO STA 75+00
 SEC 67 BLK 002 LOT 3
 SHEET NO. 31 OF 42



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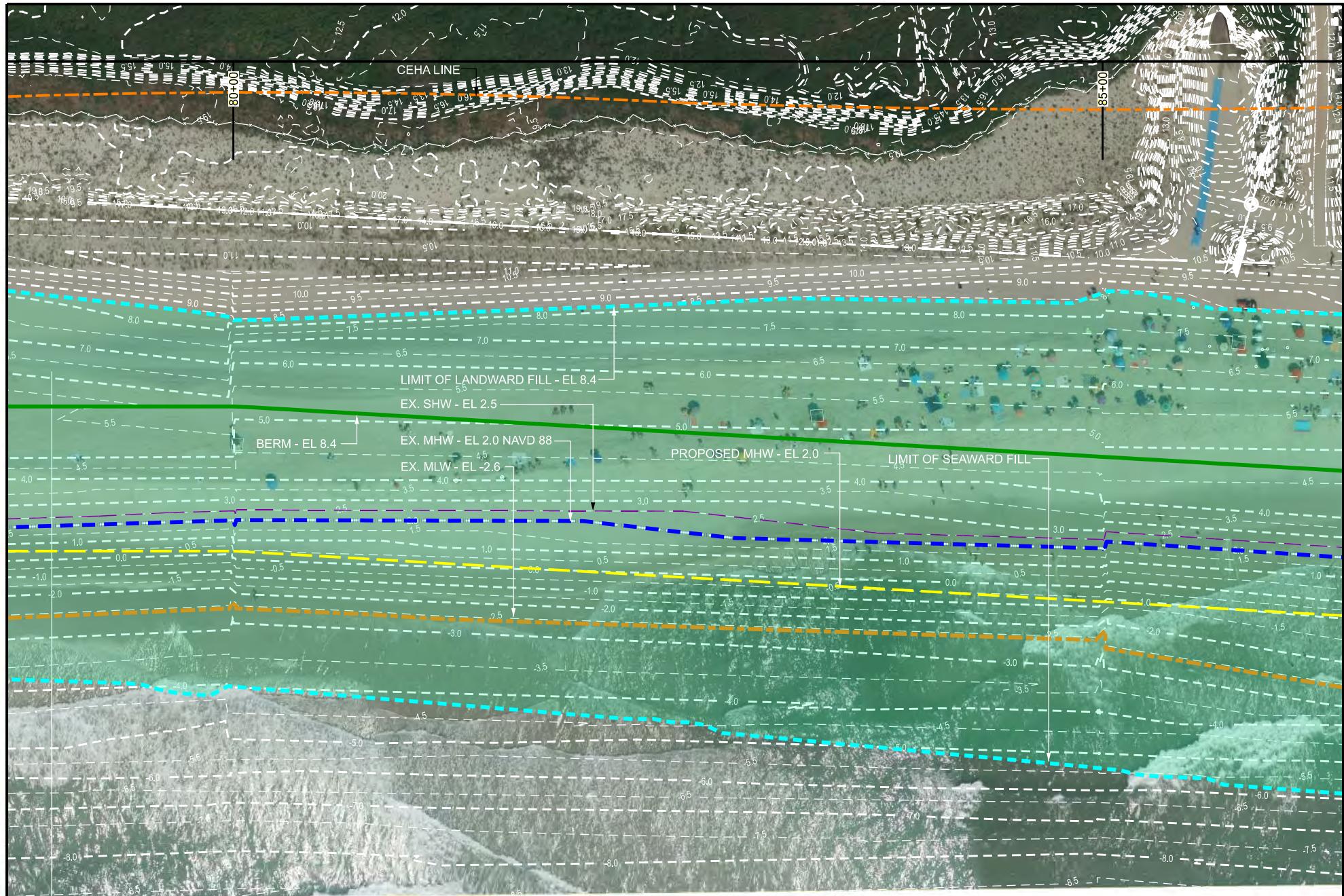
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Job: 6238

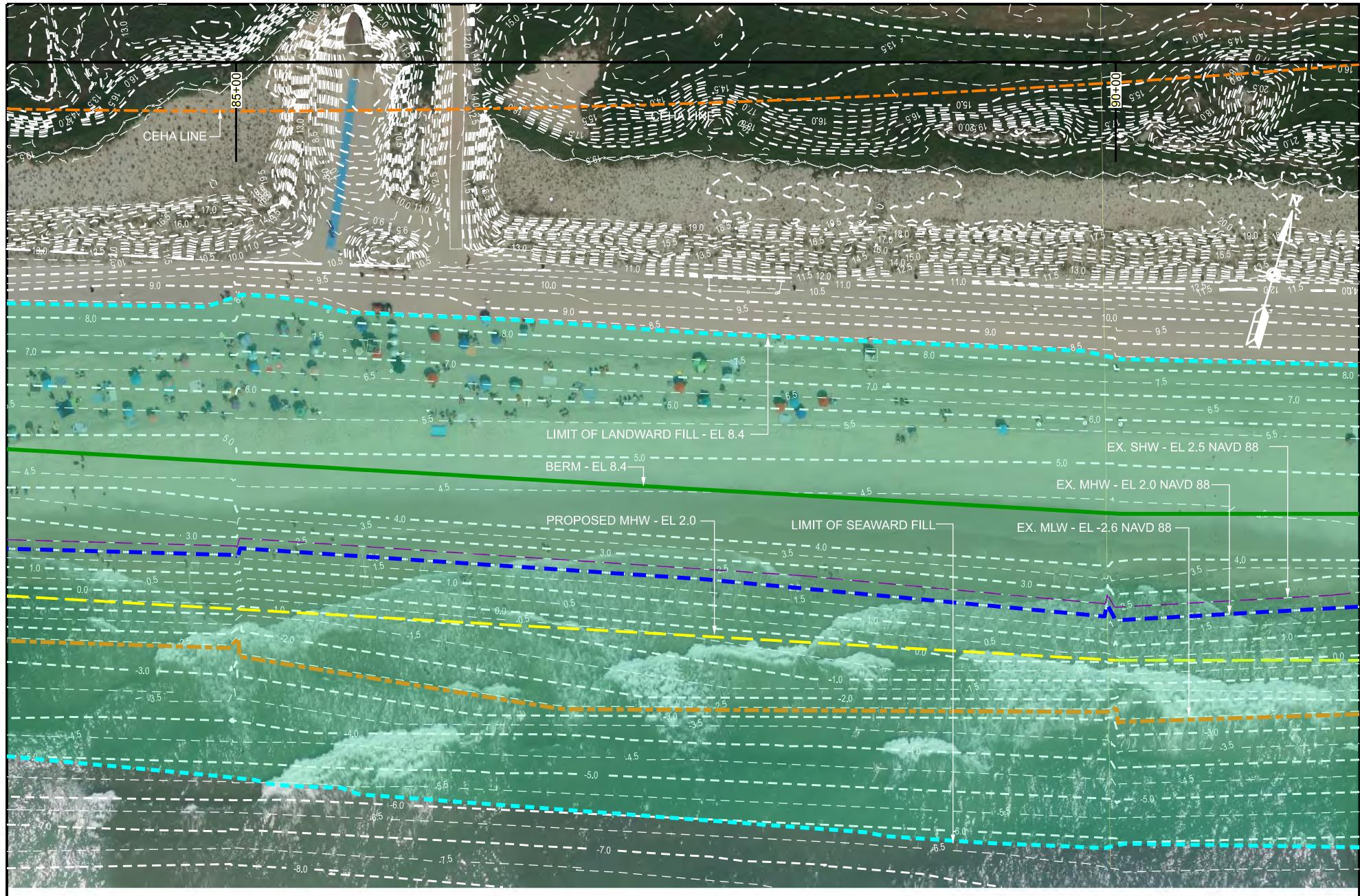
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**TOBAY BEACH, MASSAPEQUA, NY
TOWN OF OYSTER BAY
BEACH FILL FROM
FIRE ISLAND INLET DREDGING**

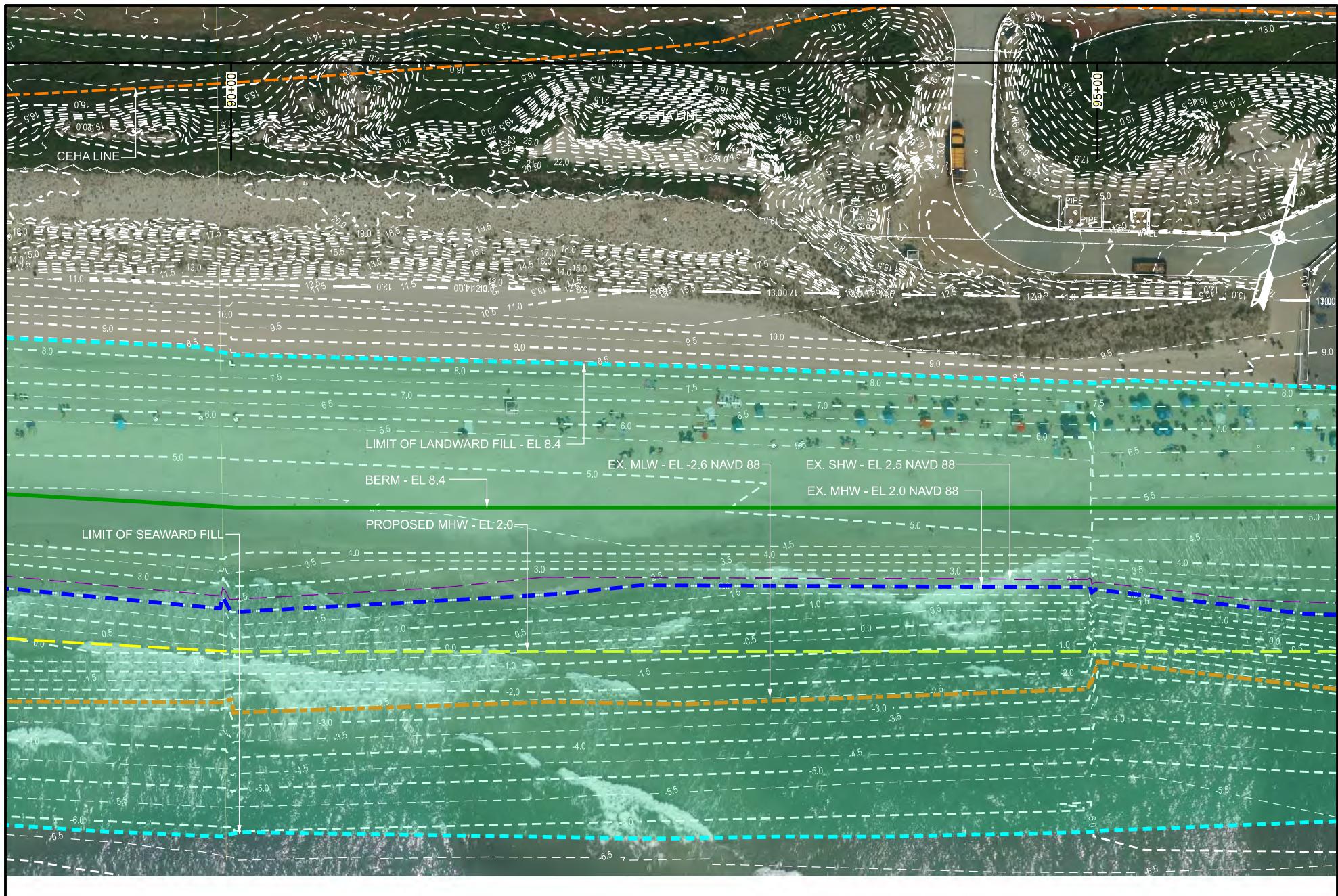
**PLAN
STA 75+00 TO STA 80+00
SEC 67 BLK 002 LOT 3
SHEET NO. 32 OF 42**



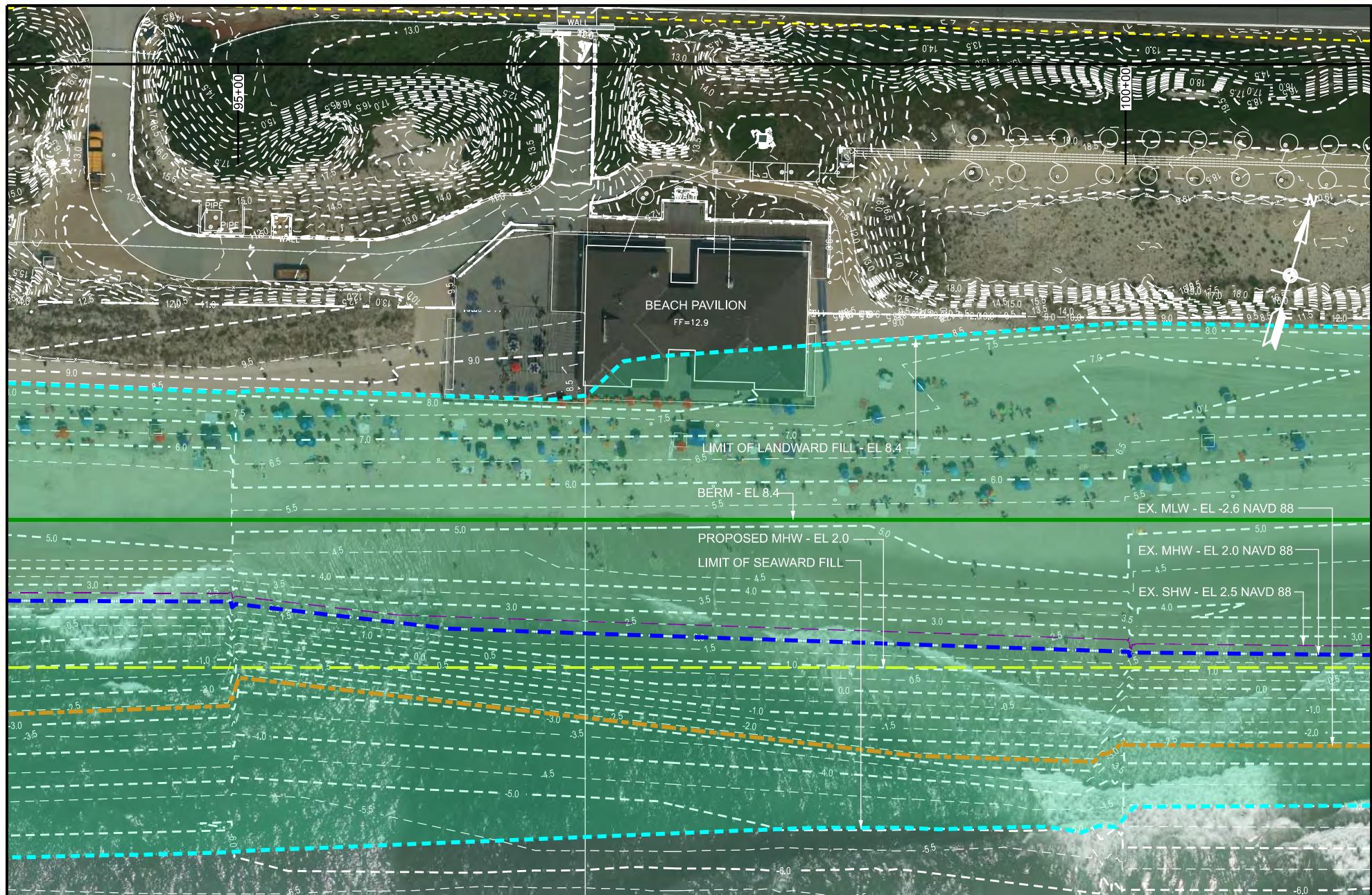
PREPARED BY de Bruin <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date:	06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 80+00 TO STA 85+00 SEC 67 BLK 002 LOT 3 SHEET NO. 33 OF 42
	Job:	6238		
	Scale:	1" = 150'		



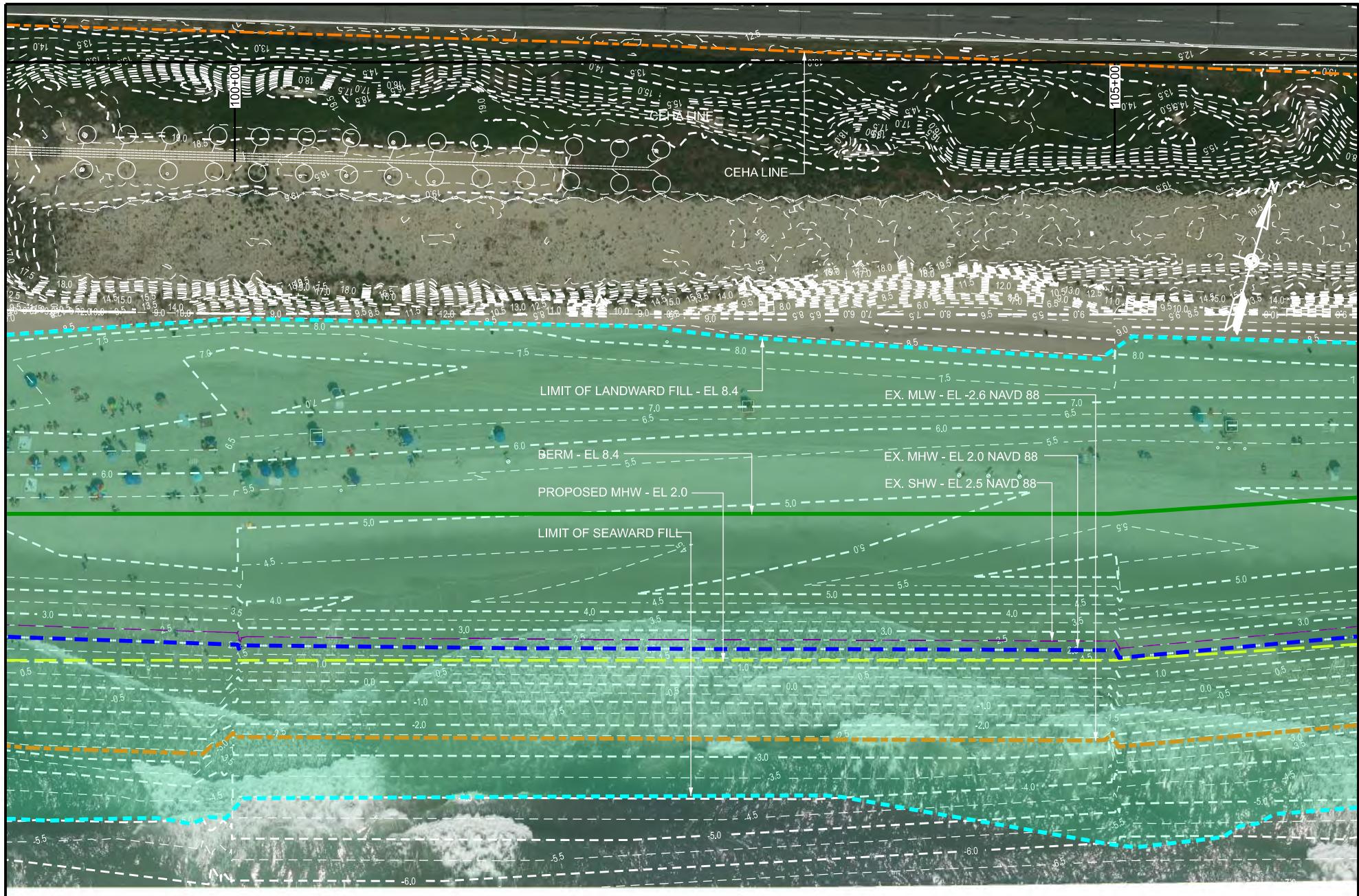
PREPARED BY de Bruin <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 85+00 TO STA 90+00 SEC 67 BLK 002 LOT 3 SHEET NO. 34 OF 42
	Job: 6238		
	Scale: 1" = 150'		



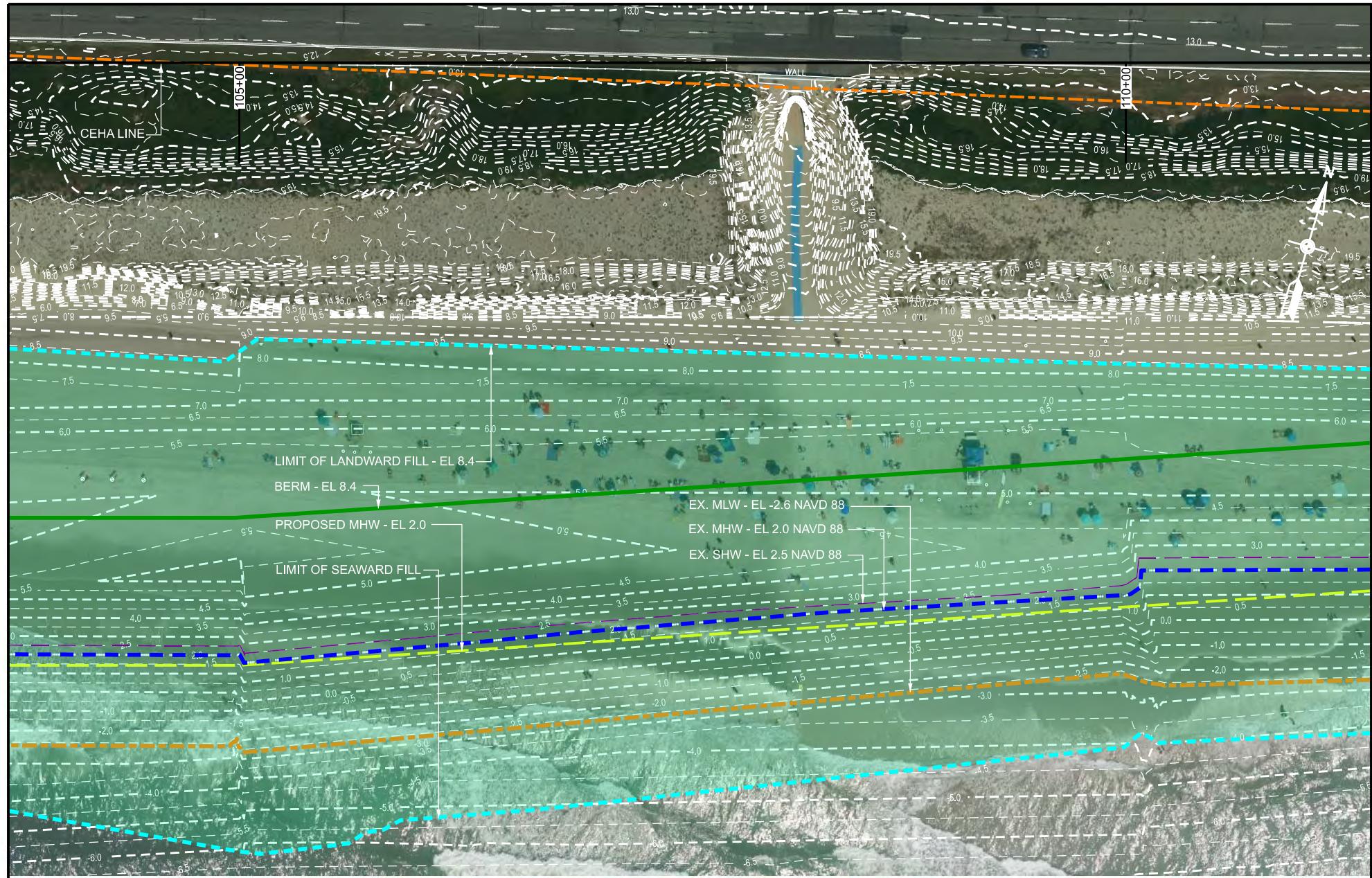
PREPARED BY  <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 90+00 TO STA 95+00 SEC 67 BLK 002 LOT 3 SHEET NO. 35 OF 42
	Job: 6238		
	Scale: 1" = 150'		



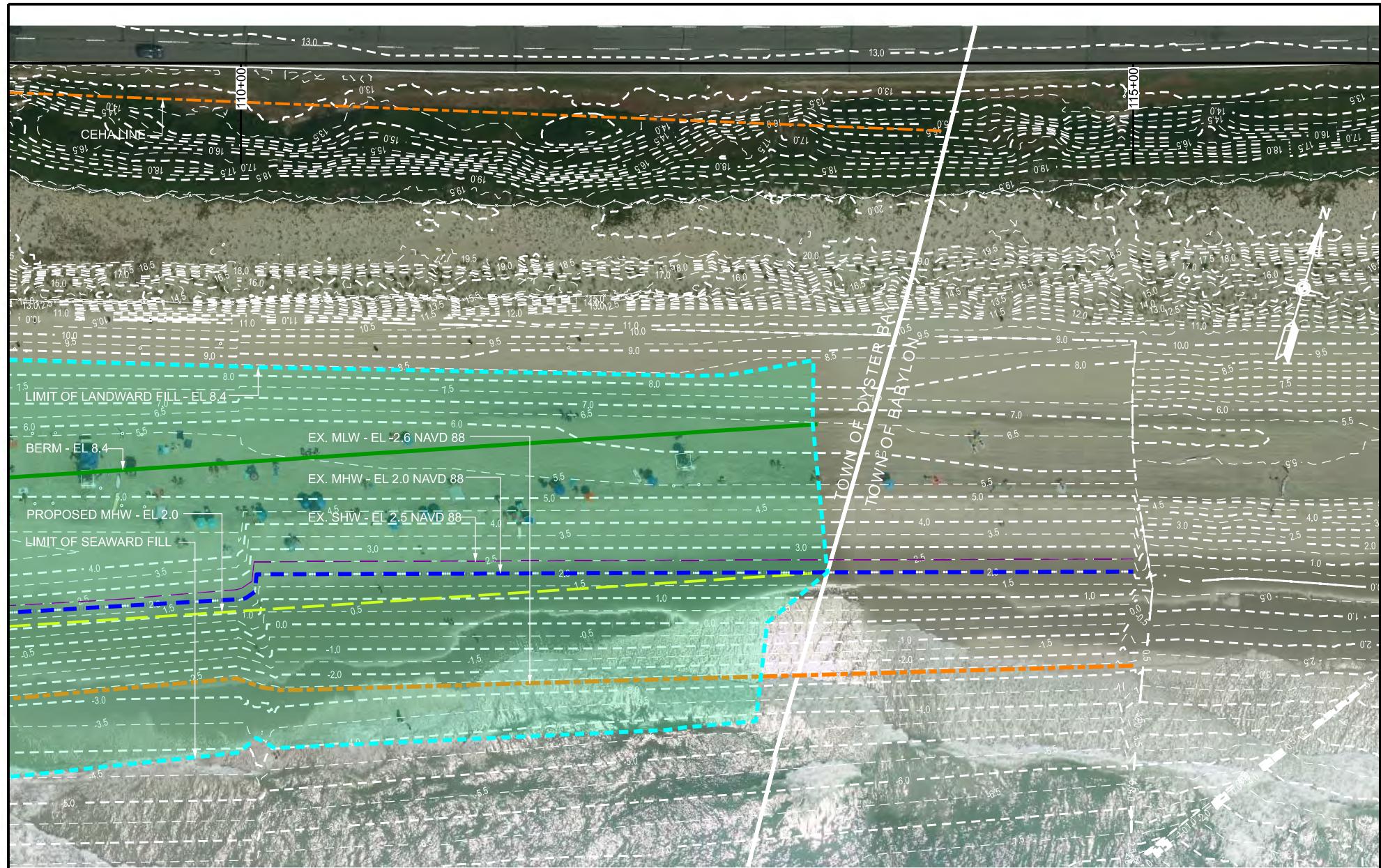
PREPARED BY de Bruin <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 95+00 TO STA 100+00 SEC 67 BLK 002 LOT 3 SHEET NO. 36 OF 42
	Job: 6238		
	Scale: 1" = 150'		



PREPARED BY  <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021 Job: 6238 Scale: 1" = 150'	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 100+00 TO STA 105+00 SEC 67 BLK 002 LOT 3 SHEET NO. 37 OF 42
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PREPARED BY de Bruin <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 105+00 TO STA 110+00 SEC 67 BLK 002 LOT 3 SHEET NO. 38 OF 42
	Job: 6238		
	Scale: 1" = 150'		



PREPARED BY de Bruin <i>Civil Engineering & Construction Management</i> de Bruin Engineering, P.C. 1400 Old Country Road • Westbury • NY • 11590 516.513.1313	Date: 06/01/2021	TOBAY BEACH, MASSAPEQUA, NY TOWN OF OYSTER BAY BEACH FILL FROM FIRE ISLAND INLET DREDGING	PLAN STA 110+00 TO STA 115+00 SEC 67 BLK 002 LOT 3 SHEET NO. 39 OF 42
	Job: 6238		
	Scale: 1" = 150'		