



# 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-2020-01261-EMI**  
Issue Date: **July 9, 2021**  
Expiration Date: **August 9, 2021**

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: Avalon Bay Communities, Inc.  
8 South Service Road, Suite 303  
Melville, New York 11747

ACTIVITY: Construction of a New Marina and Kayak Launch

WATERWAY: Wreck Lead Channel

LOCATION: 7 Washington Avenue, Harbor Isle, Town of 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 EMAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,

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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 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. 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 is 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,

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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. Please send all comments and questions concerning this application to [Christopher.W.Minck@usace.army.mil](mailto: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>.

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

Enclosures

**CENAN-OP-RE  
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**WORK DESCRIPTION**

The permit applicant, Avalon Bay Communities, Inc., has requested Department of the Army (DA) authorization to construct a new thirty-one (31) slip marina and kayak launch in Wreck Lead Channel at 7 Washington Avenue, Harbor Isle, Town of Hempstead, Nassau County, New York.

The proposed work would involve the following:

From the upland area, install an approximately five-foot-wide by 38-linear foot-long “U” shaped ramp leading to an approximately 25-foot-wide by 31-foot-long fixed timber pier.

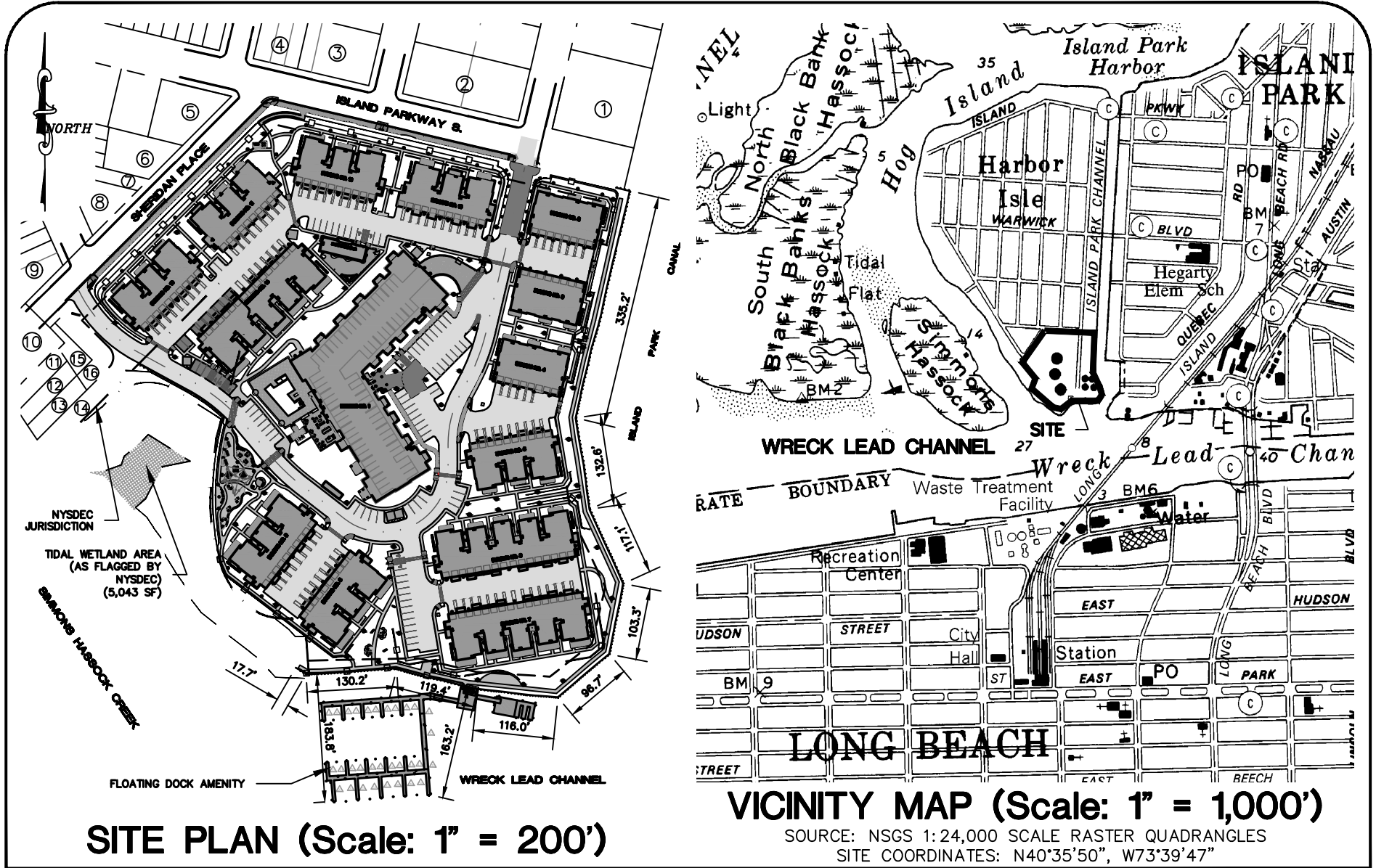
From the east side of the timber pier, install an approximately six-foot-wide by 35-foot-long ramp secured by two (2) 12-inch diameter timber piles, leading to an approximately 24-foot-wide by 30-foot-long float and a 8-foot-wide by 26-foot-long kayak launch platform secured by a approximately (11), 12-inch diameter timber piles.

From the west side of the timber pier, install an approximately six-foot-wide by 35-foot-long ramp leading to an irregularly shaped approximately eight-foot-wide by 34-foot-long section of landing float. Heading west from the landing float, install an approximately six-foot-wide by 141.5-foot-long float with five (5) approximately four-foot-wide by 20-foot-long finger floats. Heading south from the landing float install an approximately six-foot-wide by 100-foot-long float leading to an approximately six-foot-wide by 146-foot-long section of float in an “L” configuration. Five (5) approximately four-foot-wide by 20-foot-long finger floats will be installed on the north side of the 146-foot-long section of float and five (5) four-foot-wide by 30-foot-long finger floats will be installed on the south side of the 146-foot-long section of float.

The entire marina float will be secured by approximately thirty-six (36) 12-inch diameter timber piles and approximately fourteen (14) 12-inch diameter timber mooring piles will be installed to separate the slips within the finger piers. The applicant indicates constructing structures in 2 phases; 6 slips and the kayak launch in Phase 1 and 25 slips in Phase 2.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by using a jet pump to install piles to minimize underwater noise.

The purpose for this project is to provide safe recreational access and mooring for the homeowners at the new upland residential development.



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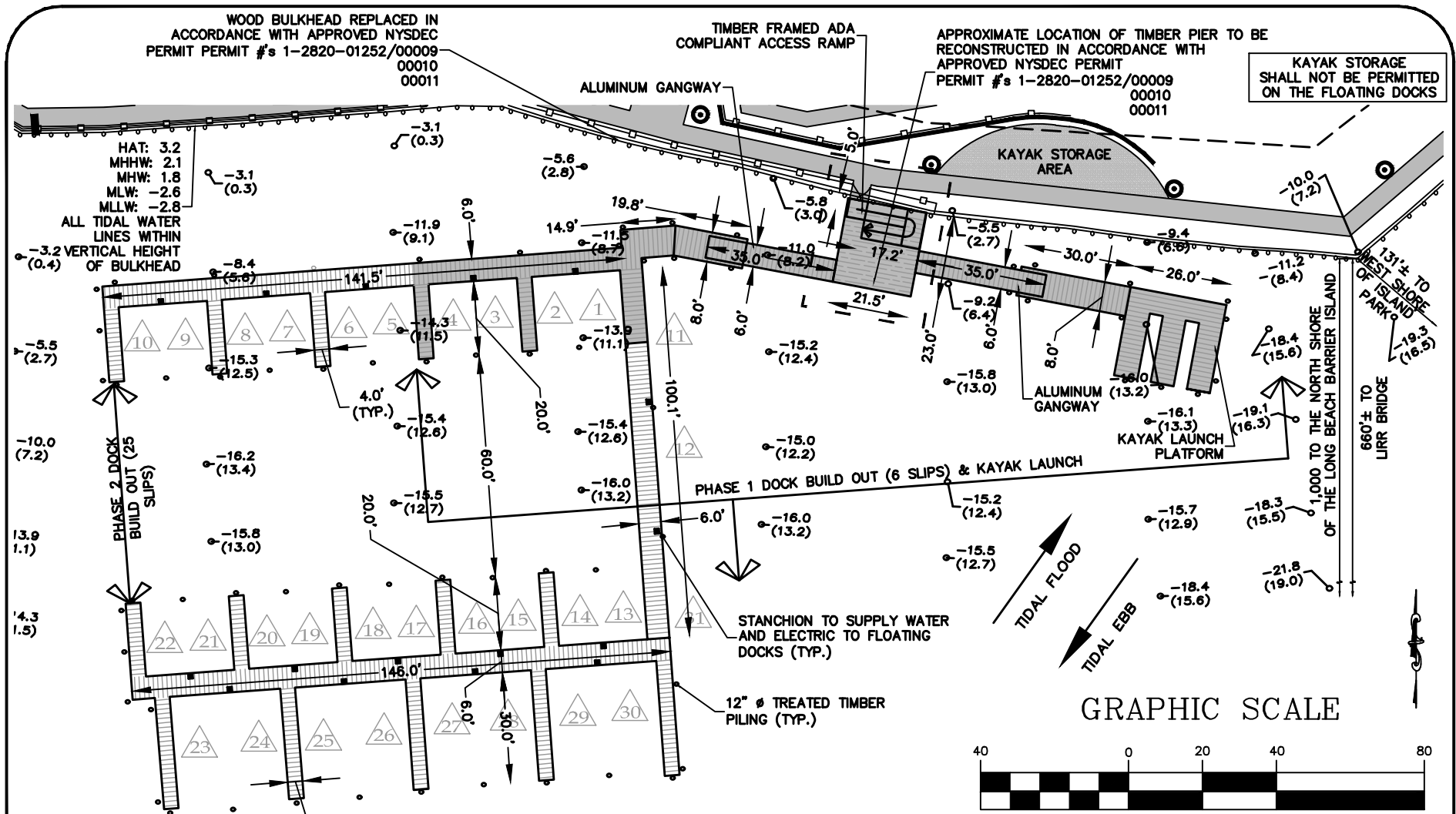
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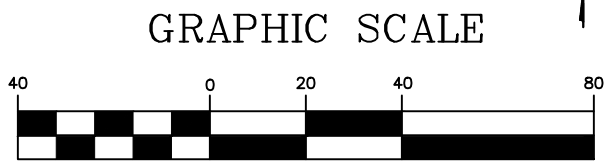
FIGURE NO.

1



**NOTES**

-18.4 (15.6) WATER DEPTHS TAKEN BY BBV, P.C. NUMBER IN PARENTHESIS REFERS TO DEPTH OF WATER BELOW MEAN LOWER LOW WATER (MLLW). UPPER NUMBER REFERS TO ELEVATION IN N.A.V.D. 1988. LOCAL MLLW = -2.8 N.A.V.D. 1988.



( IN FEET )  
HORIZ. 1 inch = 40 ft.



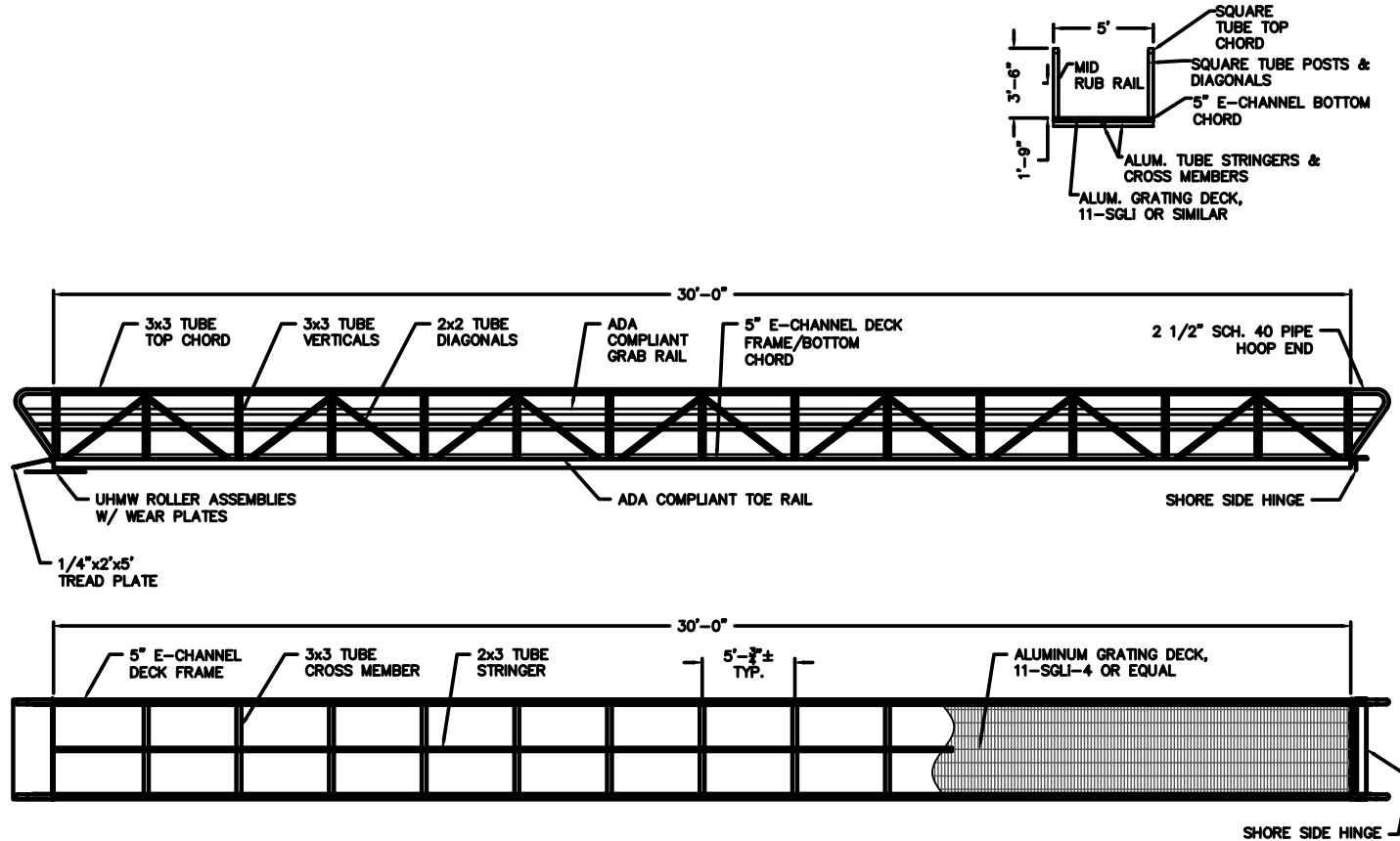
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February 3, 2020 May 17, 2021, Rev. 2  
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FIGURE NO.  
**2**



# PREFABRICATED ALUMINUM GANGWAY RAMP

SCALE: NTS



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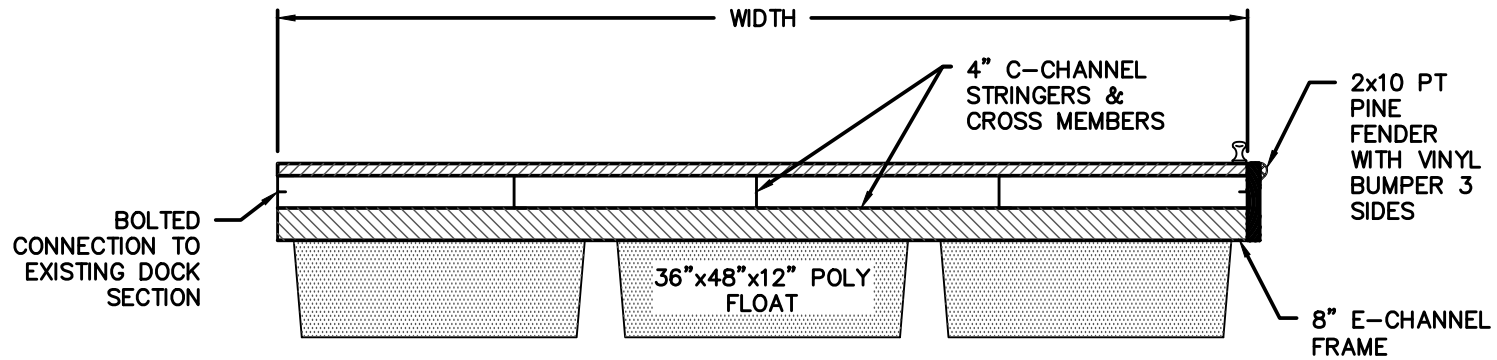
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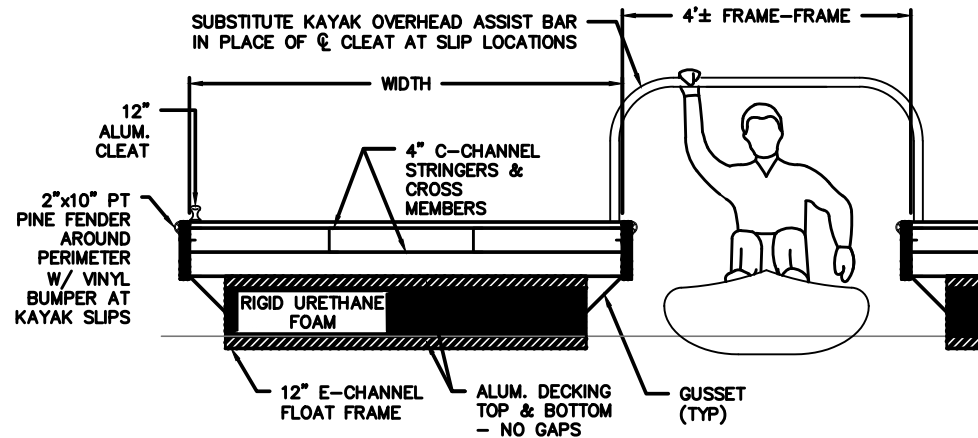
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FIGURE NO.

3



SECTION



**PREFABRICATED FLOATING DOCK - KAYAK LAUNCH**

SCALE: NTS



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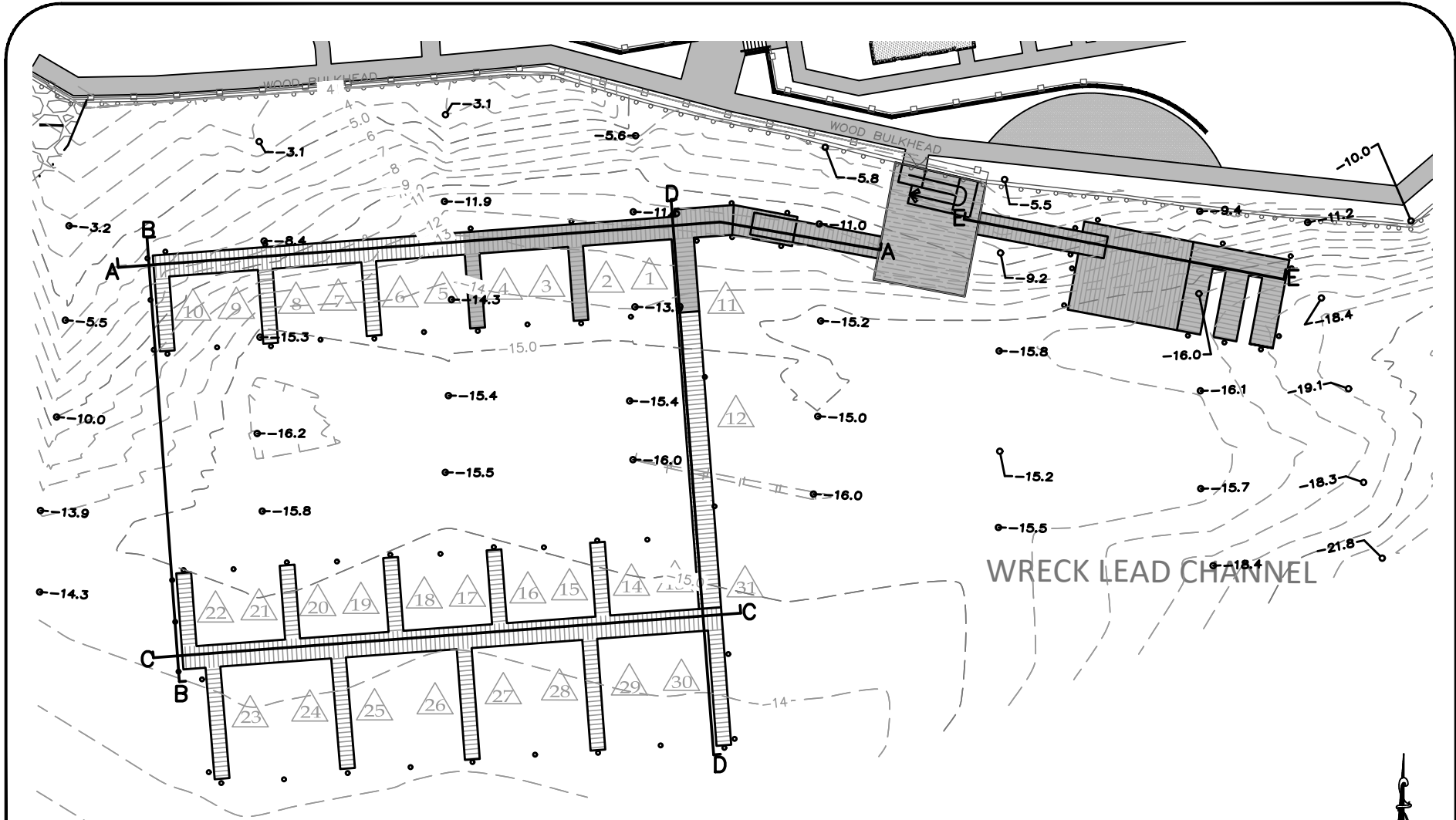
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FIGURE NO.

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**PLAN ILLUSTRATION OF SECTIONS AND WATER DEPTHS**

NOTE: ALL ELEVATIONS ARE IN NAVD 1988 DATUM  
SEE SHEETS 8-12 FOR CROSS VIEWS



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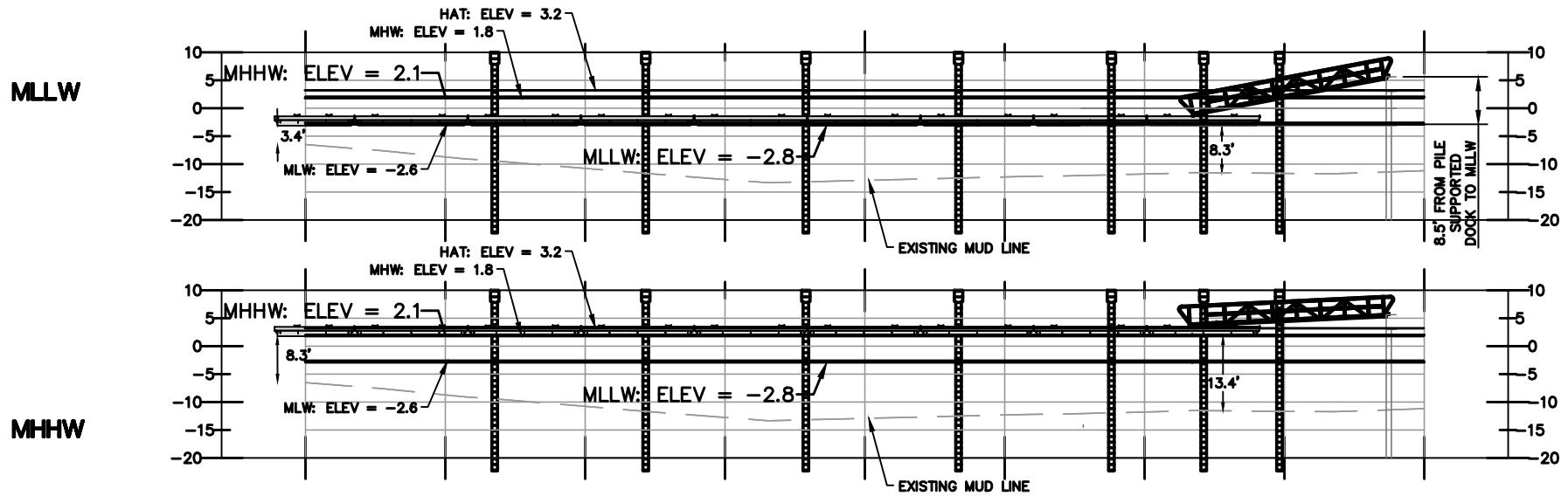
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FIGURE NO.

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**SECTION A-A**

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HORIZONTAL SCALE: 1"=30'  
VERTICAL SCALE: 1"=30'



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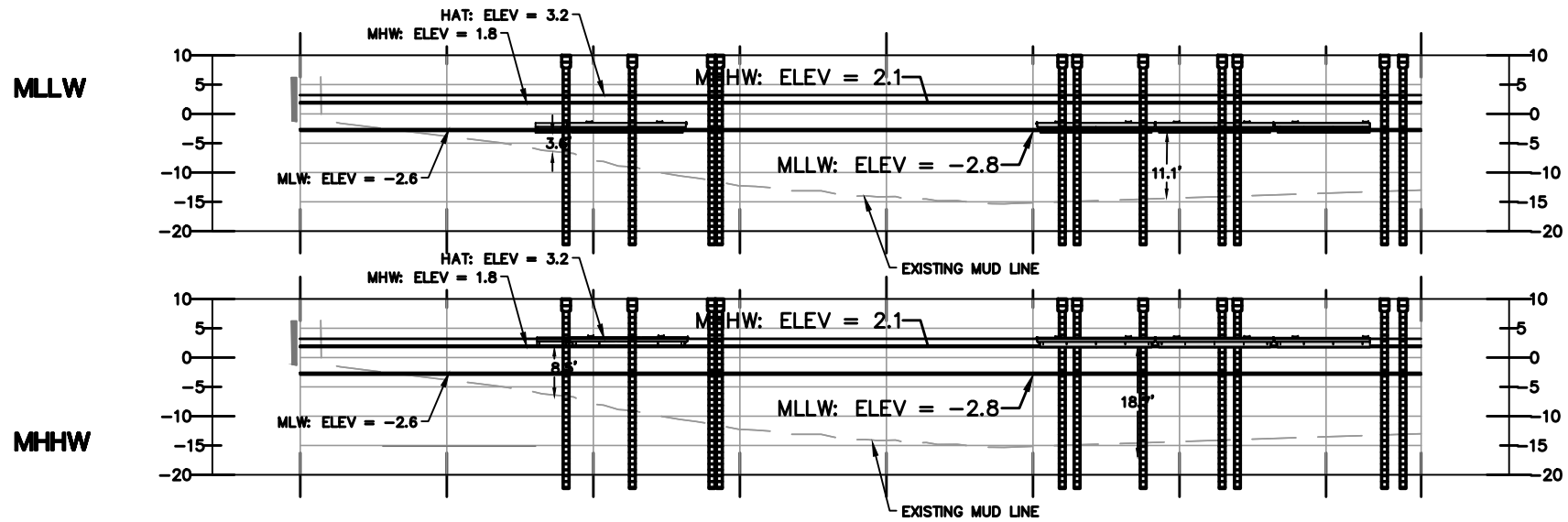
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FIGURE NO.

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**SECTION B-B**

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 VERTICAL SCALE: 1"=30'



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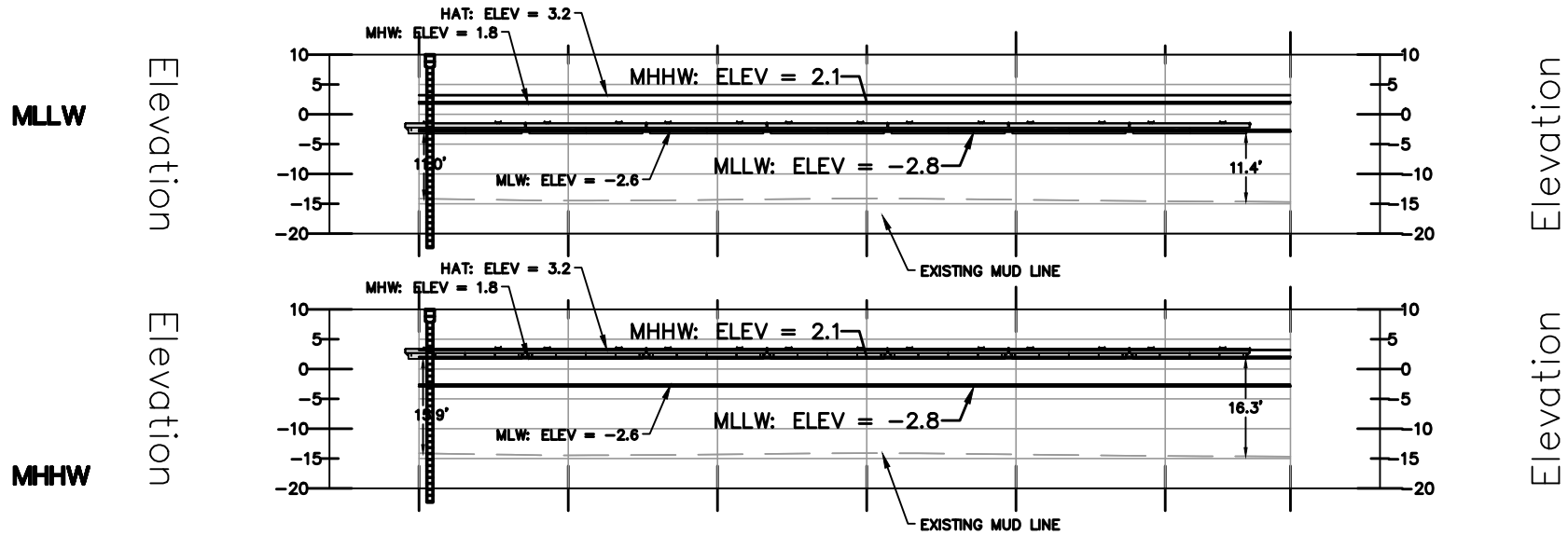
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FIGURE NO.

9



**SECTION C-C**

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VERTICAL SCALE: 1"=30'



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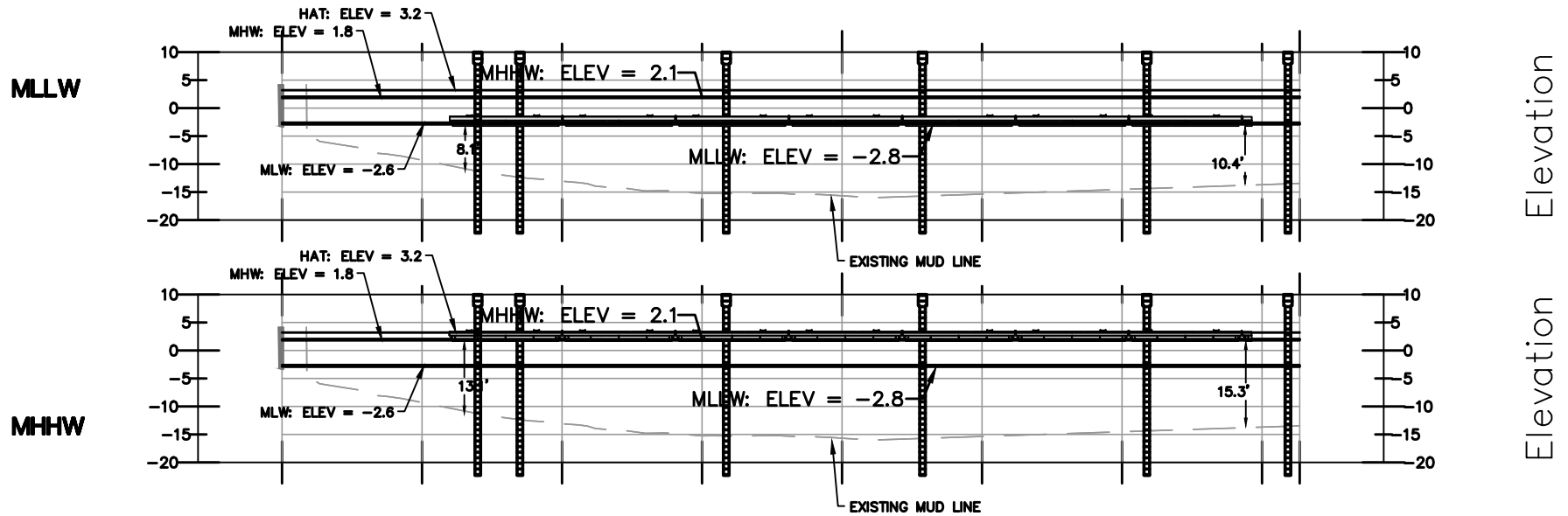
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FIGURE NO.

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**SECTION D-D**

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HORIZONTAL SCALE: 1"=30'  
VERTICAL SCALE: 1"=30'



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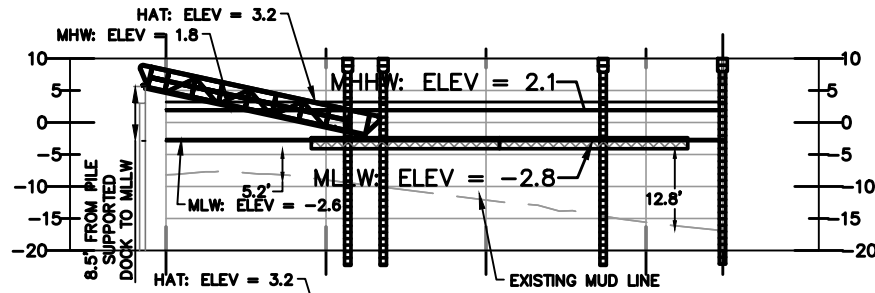
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FIGURE NO.

11

MLLW

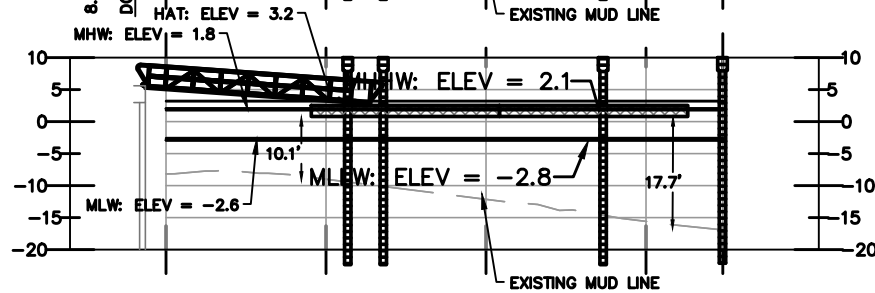
Elevation



Elevation

MHHW

Elevation



Elevation

**SECTION E-E**

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VERTICAL SCALE: 1"=30'



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FIGURE NO.

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