

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-2021-00049-EMI**
Issue Date: **October 21, 2021**
Expiration Date: **November 20, 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) and Section 404 of the Clean Water Act (33 U.S. C. 1344).

APPLICANT: NBD Holdings, LLC
333 Jericho Turnpike, Suite 126
Jericho, New York 11753

ACTIVITY: Construction of a Marina, Bulkhead Maintenance and Outfall Construction

WATERWAY: Woodcleft Canal/Long Creek

LOCATION: 447 Woodcleft Avenue, Village of Freeport, 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

**CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2021-00049-EMI**

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 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

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2021-00049-EMI

the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

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.

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.

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 permit applicant, NBD Holdings, LLC, has requested Department of the Army (DA) authorization to construct a new marina and an outfall and perform bulkhead maintenance in Woodcleft Canal/Long Creek at 447 Woodcleft Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York.

The proposed work would involve the following:

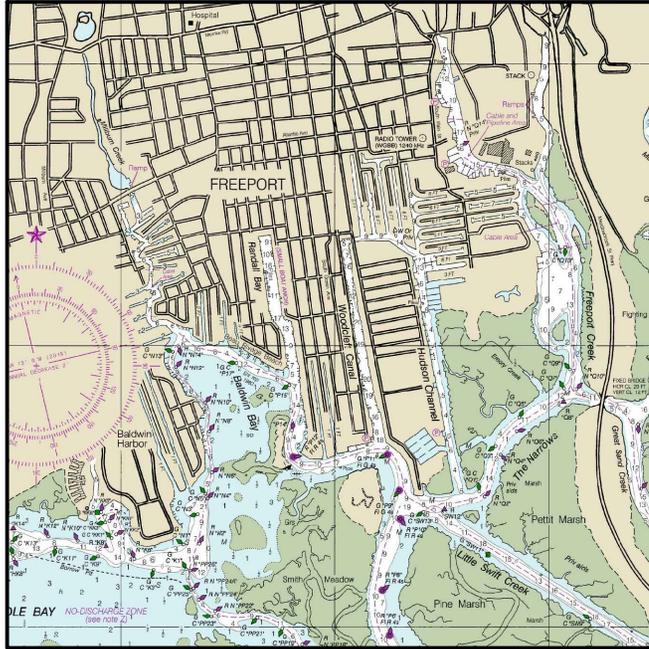
Remove all existing storm damaged floating docks, gangways, and timber anchor piles. Remove the existing deteriorated bulkhead and replace, in-place or landward of existing, approximately 482 linear feet of bulkhead around the existing property and backfill with approximately 406 cubic yards of clean fill below the plane of Spring High Water over approximately 3,610 square feet. Additionally, install one (1) 12-inch diameter outfall through the new bulkhead.

Along the bulkhead on the east side of the property, install an approximately 5,690 square foot dock assembly to be used for a marina. The configuration will consist of the following:

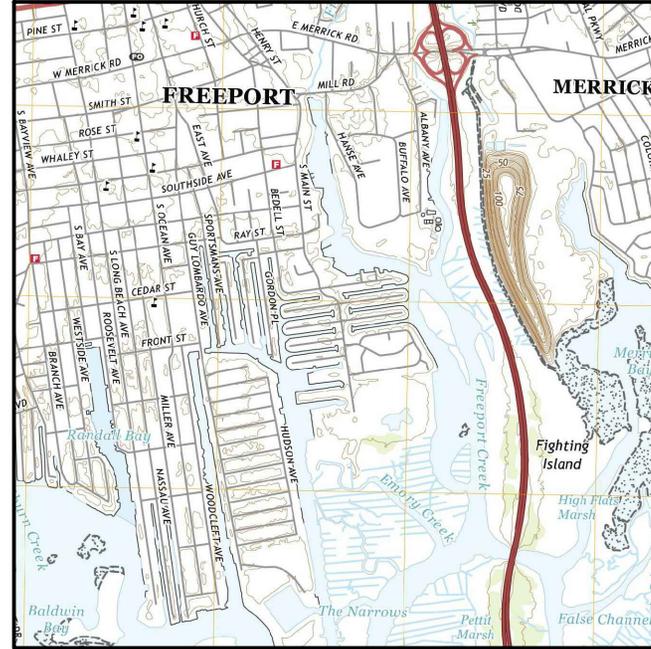
From north to south, install an approximately 17-foot-wide by 16-foot-long float, a 17-foot-wide by 24-foot-long float, an irregularly "L" shaped float ranging from 8-17 foot-wide by 24-foot-long, five (5) eight-foot-wide by 24-foot-long floats, a 13-foot-wide by 14-foot-long float, three (3) eight-foot-wide by 24-foot-long floats, and an eight-foot-wide by 32-foot-long float, turning west install a four-foot-wide by 36-foot-long float, turning south install two (2) eight-foot-wide by 24-foot-long floats, turning west install a four-foot-wide by 15-foot-long float, turning south install three (3) eight-foot-wide by 24-foot-long floats, and finally perpendicular to the last eight-foot-wide by 24-foot-long float, install three (3) six-foot-wide by 24-foot-long floats in a "T" formation. An additional four-foot-wide by eight-foot-long landing platform and a four-foot-wide by 32-foot-long ramp will be installed along the bulkhead above the 13-foot-wide by 14-foot-long float. Perpendicular to the floats, eleven (11) four-foot-wide by 32-foot-long finger floats will be installed to create slips. The float configuration will be secured by approximately seventy-five (75) 12-inch diameter timber piles. The marina would accommodate a maximum of 35 vessels.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by using a turbidity curtain around the project area and replacing sections of bulkhead landward to avoid discharging fill into the waterway.

The purpose for this project is to stabilize the shoreline and provide safe public and recreational access to the waterway.



LOCATION MAP

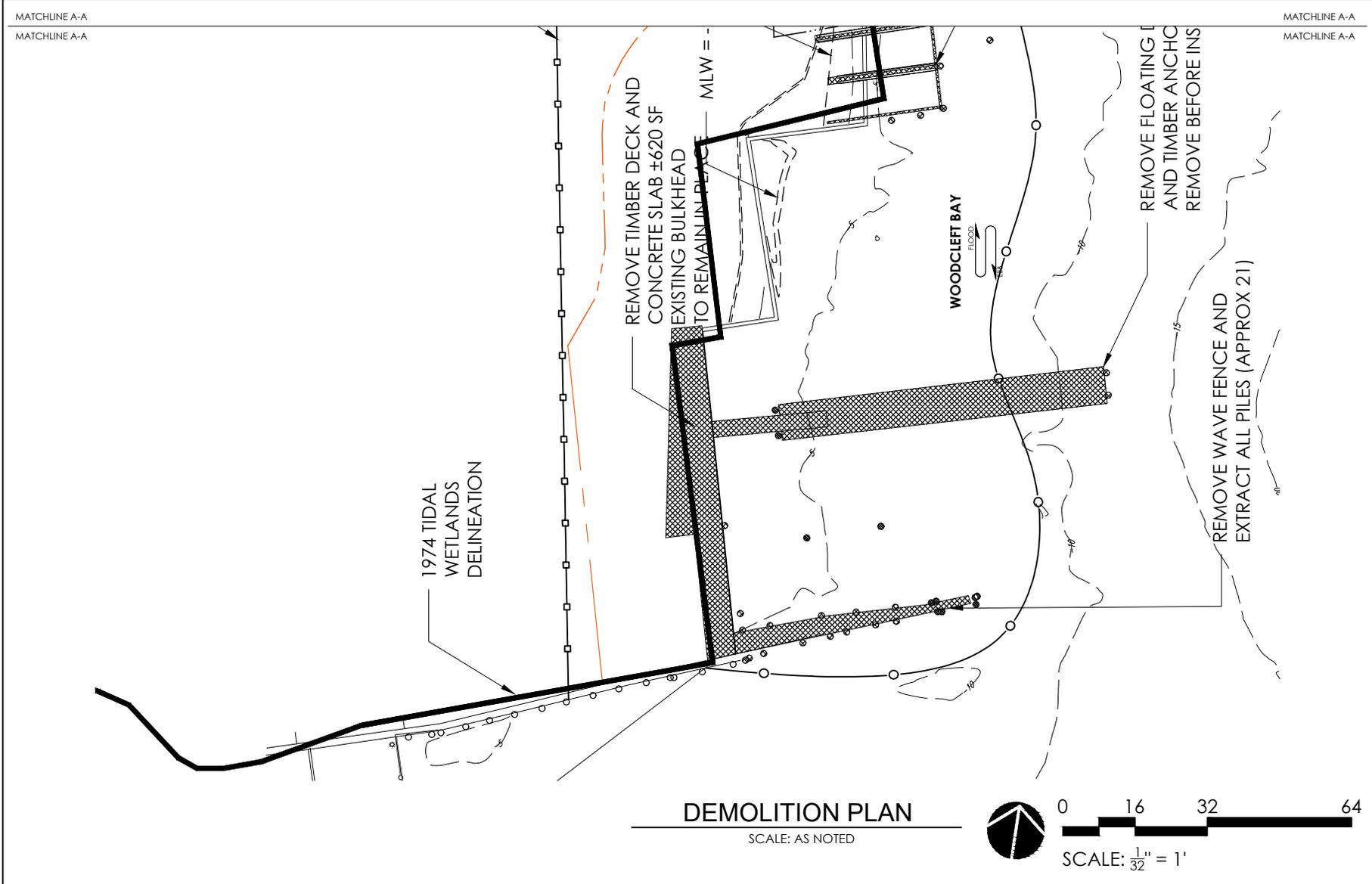


VICINITY MAP

LOCATION & VICINITY MAP

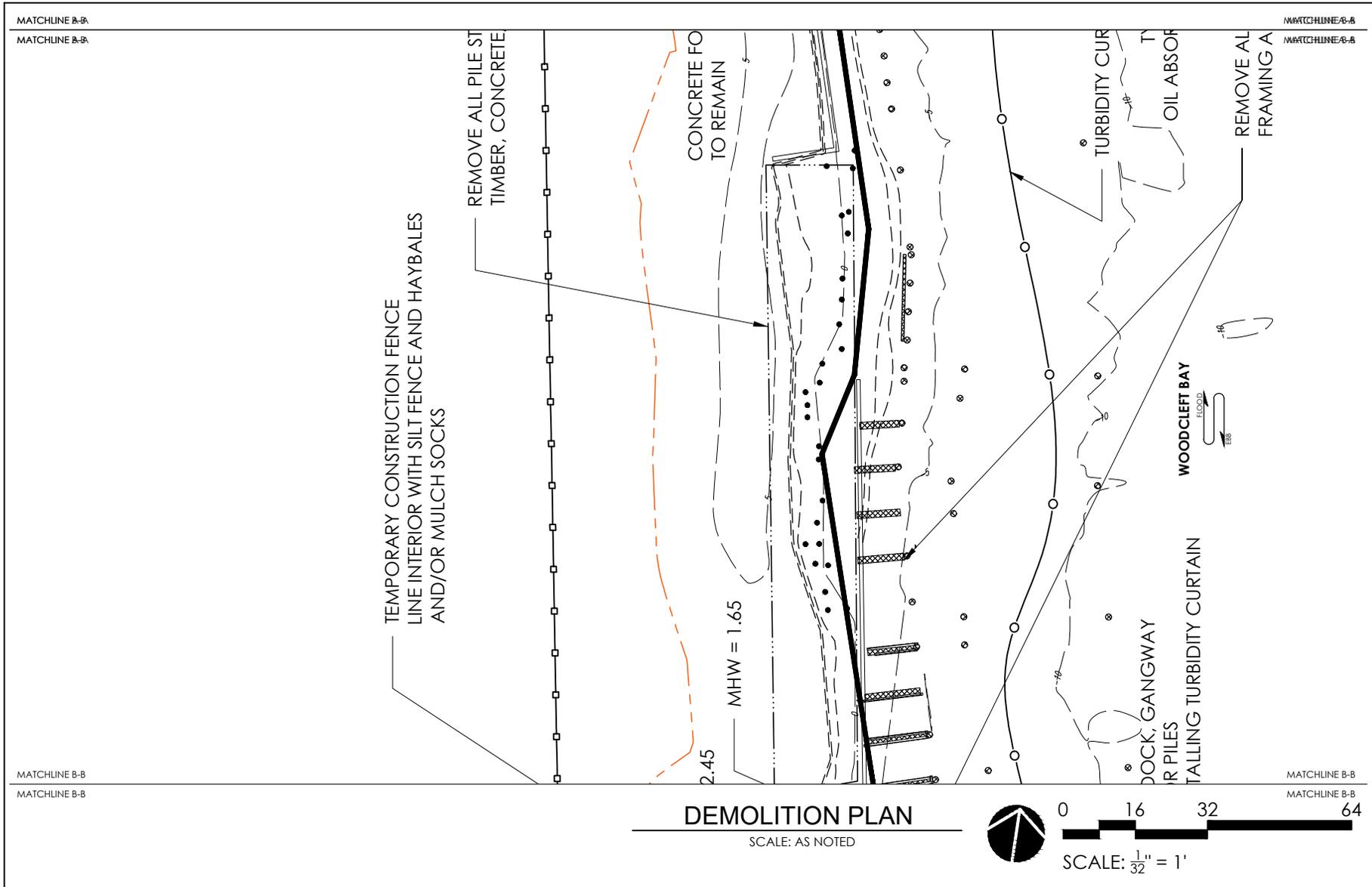
SCALE: N.T.S.

<p>PURPOSE: SHORELINE REHAB DATUM: NAVD88 ADJACENT OWNERS:</p>	<p>435 WOODCLEFT AVE WATERFRONT REHAB APPLICANT: NBD HOLDINGS, LLC 333 JERICHO TURNPIKE, STE. 126 JERICHO, NY 11753 AGENT: TMS WATERFRONT 247 W. 35TH STREET, 10TH FLOOR NEW YORK, NY 10001</p>	<p>IN: WOODCLEFT CANAL AT: WOODCLEFT, NY COUNTY OF: NASSAU STATE: NY DATE: 07/06/2021 SHT 1 OF 18</p>
<p>1. VILLAGE OF FREEPORT</p>		

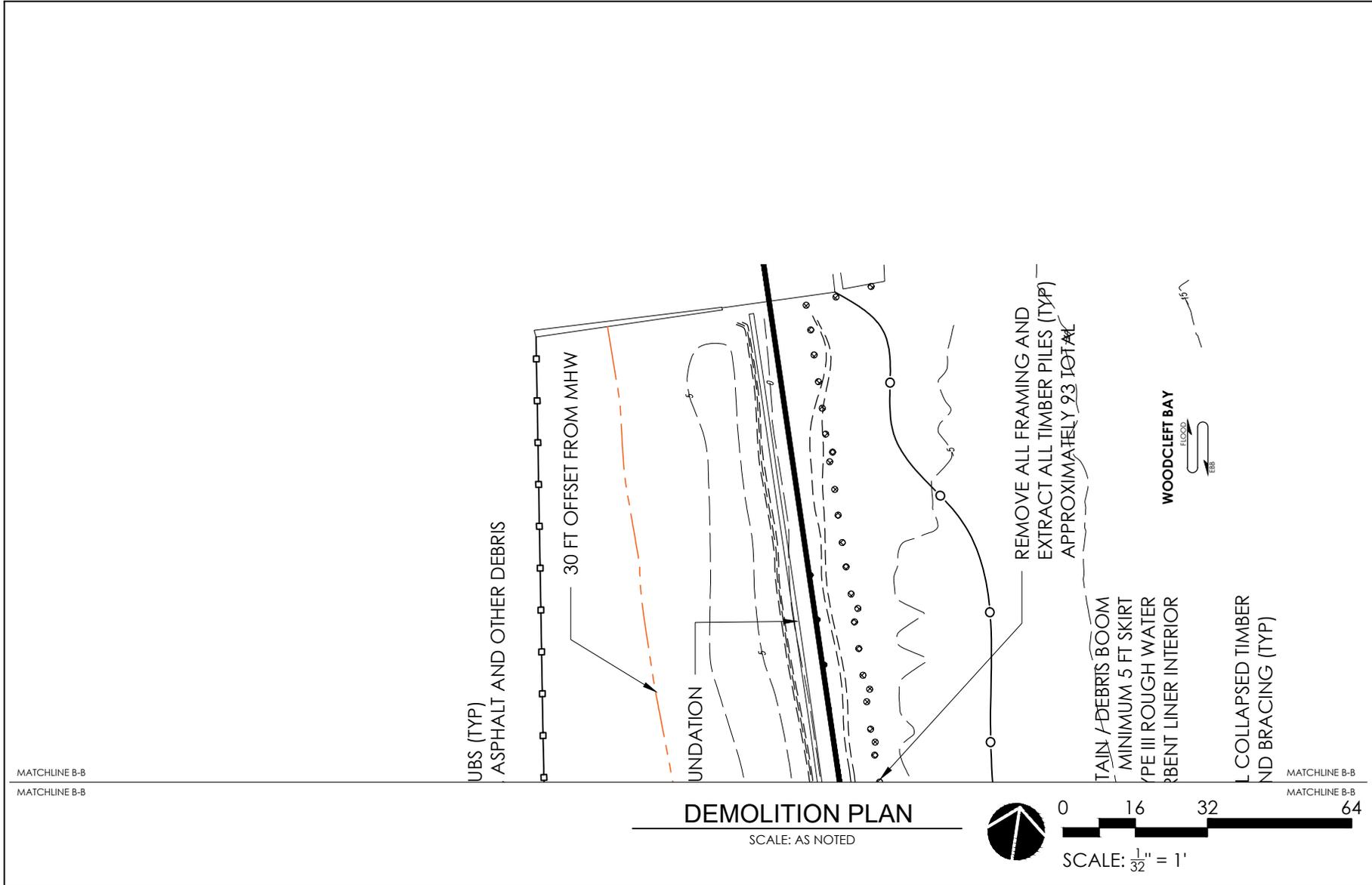


<p>PURPOSE: SHORELINE REHAB</p> <p>DATUM: NAVD88</p> <p>ADJACENT OWNERS:</p> <p>1. VILLAGE OF FREEPORT</p>	<p>435 WOODCLEFT AVE WATERFRONT REHAB</p> <p>APPLICANT: NBD HOLDINGS, LLC 333 JERICHO TURNPIKE, STE. 126 JERICHO, NY 11753</p> <p>AGENT: TMS WATERFRONT 247 W. 35TH STREET, 10TH FLOOR NEW YORK, NY 10001</p>	<p>IN: WOODCLEFT CANAL</p> <p>AT: WOODCLEFT, NY</p> <p>COUNTY OF: NASSAU STATE: NY</p> <p>DATE: 07/06/2021</p> <p>SHT 7 OF 18</p>
--	---	---

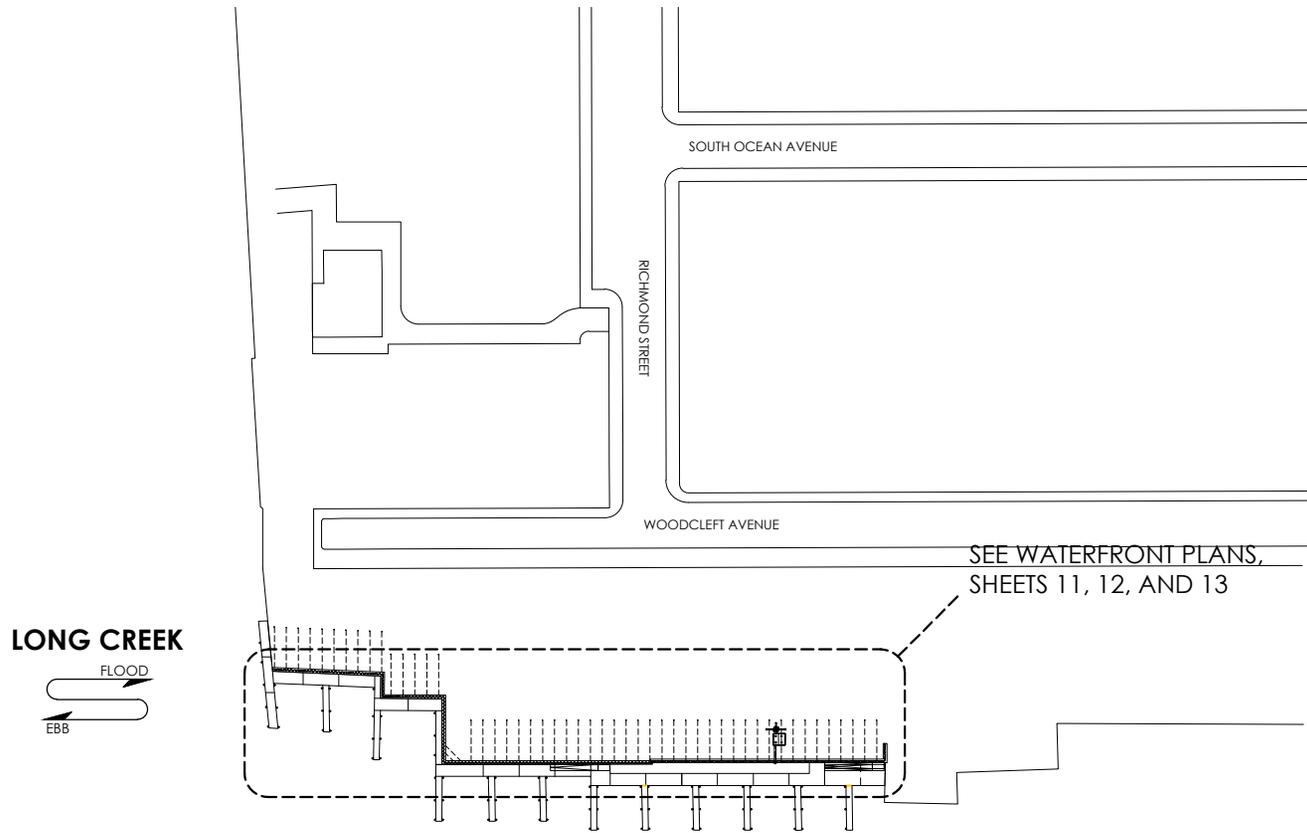
USACE FILE: NAN-2021-00049-EMI



<p>PURPOSE: SHORELINE REHAB</p> <p>DATUM: NAVD88</p> <p>ADJACENT OWNERS:</p> <p>1. VILLAGE OF FREEPORT</p>	<p>435 WOODCLEFT AVE WATERFRONT REHAB</p> <p>APPLICANT: NBD HOLDINGS, LLC 333 JERICHO TURNPIKE, STE. 126 JERICHO, NY 11753</p> <p>AGENT: TMS WATERFRONT 247 W. 35TH STREET, 10TH FLOOR NEW YORK, NY 10001</p>	<p>IN: WOODCLEFT CANAL AT: WOODCLEFT, NY</p> <p>COUNTY OF: NASSAU STATE: NY</p> <p>DATE: 07/06/2021</p> <p>SHT 8 OF 18</p>
--	---	--



<p>PURPOSE: SHORELINE REHAB DATUM: NAVD88 ADJACENT OWNERS: 1. VILLAGE OF FREEPORT</p>	<p>435 WOODCLEFT AVE WATERFRONT REHAB APPLICANT: NBD HOLDINGS, LLC 333 JERICHO TURNPIKE, STE. 126 JERICHO, NY 11753 AGENT: TMS WATERFRONT 247 W. 35TH STREET, 10TH FLOOR NEW YORK, NY 10001</p>	<p>IN: WOODCLEFT CANAL AT: WOODCLEFT, NY COUNTY OF: NASSAU STATE: NY DATE: 07/06/2021 SHT 9 OF 18</p>
--	---	---

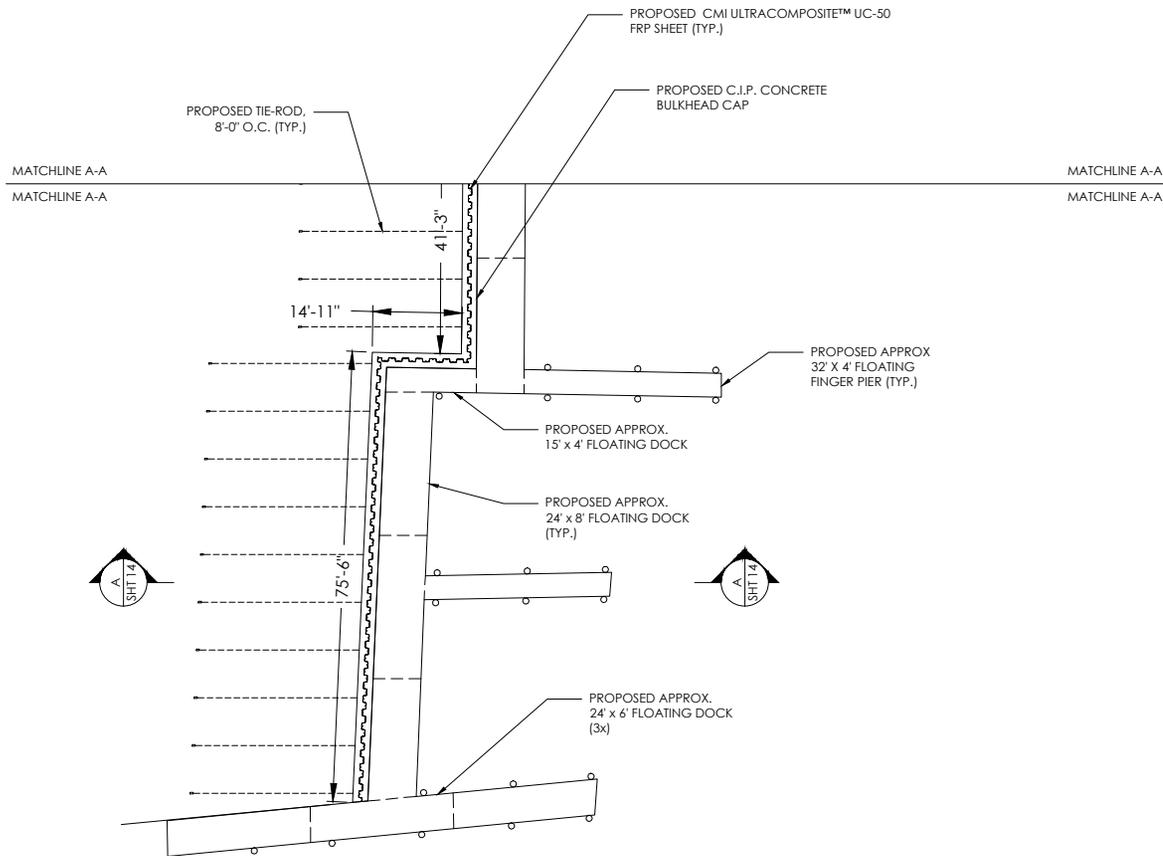


LOCATION & VICINITY MAP

SCALE: 1" = 128'



<p>PURPOSE: SHORELINE REHAB DATUM: NAVD88 ADJACENT OWNERS: 1. VILLAGE OF FREEPORT</p>	<p>435 WOODCLEFT AVE WATERFRONT REHAB APPLICANT: NBD HOLDINGS, LLC 333 JERICHO TURNPIKE, STE. 126 JERICHO, NY 11753 AGENT: TMS WATERFRONT 247 W. 35TH STREET, 10TH FLOOR NEW YORK, NY 10001</p>	<p>IN: WOODCLEFT CANAL AT: WOODCLEFT, NY COUNTY OF: NASSAU STATE: NY DATE: 07/06/2021 SHT 10 OF 18</p>
--	---	--



PROPOSED WATERFRONT PLAN - SOUTH

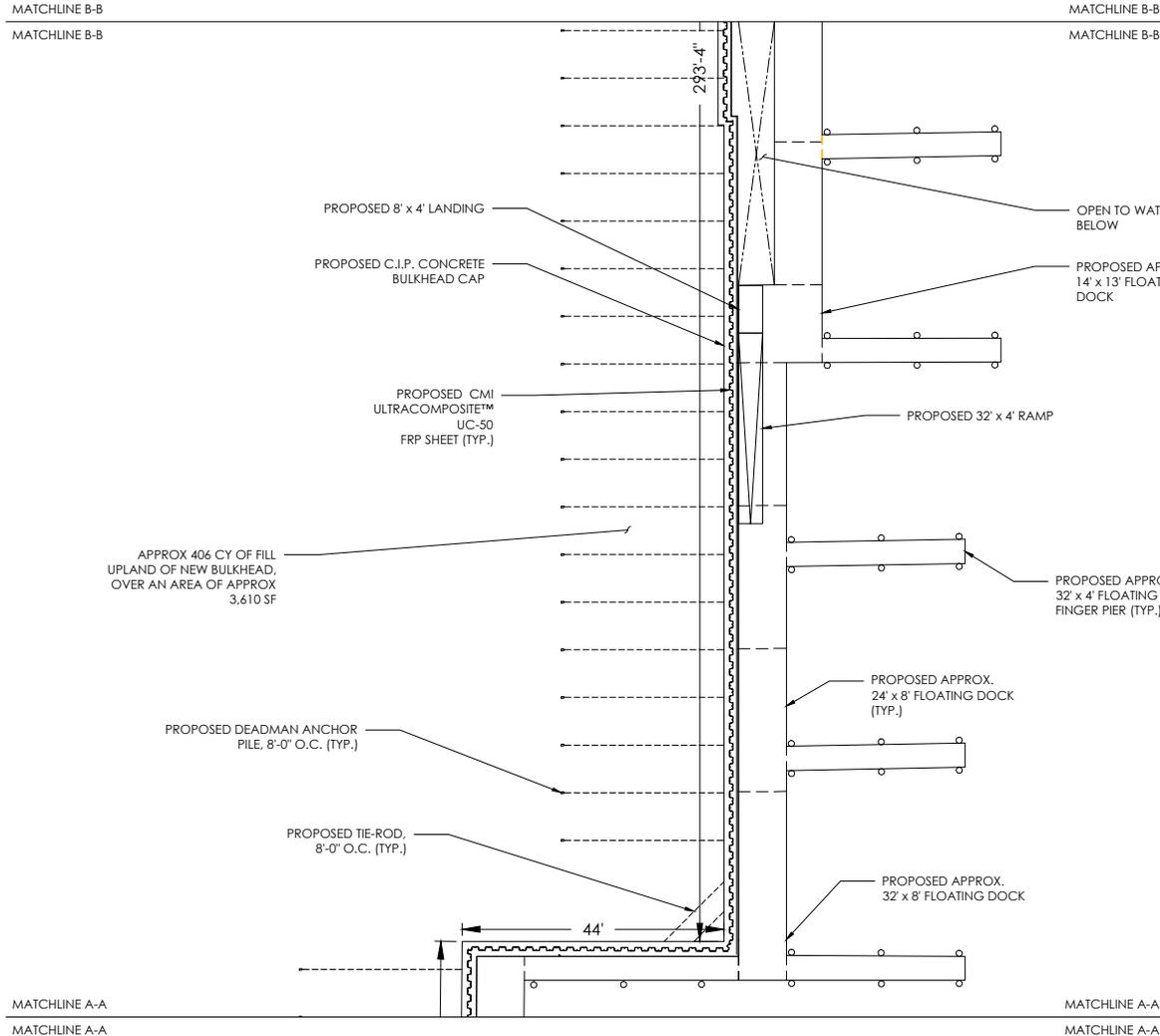
SCALE: AS NOTED



SCALE: $\frac{1}{32}$ " = 1'

<p>PURPOSE: SHORELINE REHAB DATUM: NAVD88 ADJACENT OWNERS: 1. VILLAGE OF FREEPORT</p>	<p>435 WOODCLEFT AVE WATERFRONT REHAB APPLICANT: NBD HOLDINGS, LLC 333 JERICHO TURNPIKE, STE. 126 JERICHO, NY 11753 AGENT: TMS WATERFRONT 247 W. 35TH STREET, 10TH FLOOR NEW YORK, NY 10001</p>	<p>IN: WOODCLEFT CANAL AT: WOODCLEFT, NY COUNTY OF: NASSAU STATE: NY DATE: 07/06/2021 SHT 11 OF 18</p>
--	---	--

USACE FILE: NAN-2021-00049-EMI



APPROX 406 CY OF FILL
UPLAND OF NEW BULKHEAD,
OVER AN AREA OF APPROX
3,610 SF

PROPOSED WATERFRONT PLAN - CENTER

SCALE: AS NOTED



SCALE: $\frac{1}{32}'' = 1'$

PURPOSE: SHORELINE REHAB

DATUM: NAVD88

ADJACENT OWNERS:

1. VILLAGE OF FREEPORT

435 WOODCLEFT AVE WATERFRONT REHAB

APPLICANT: NBD HOLDINGS, LLC
333 JERICHO TURNPIKE, STE. 126
JERICHO, NY 11753

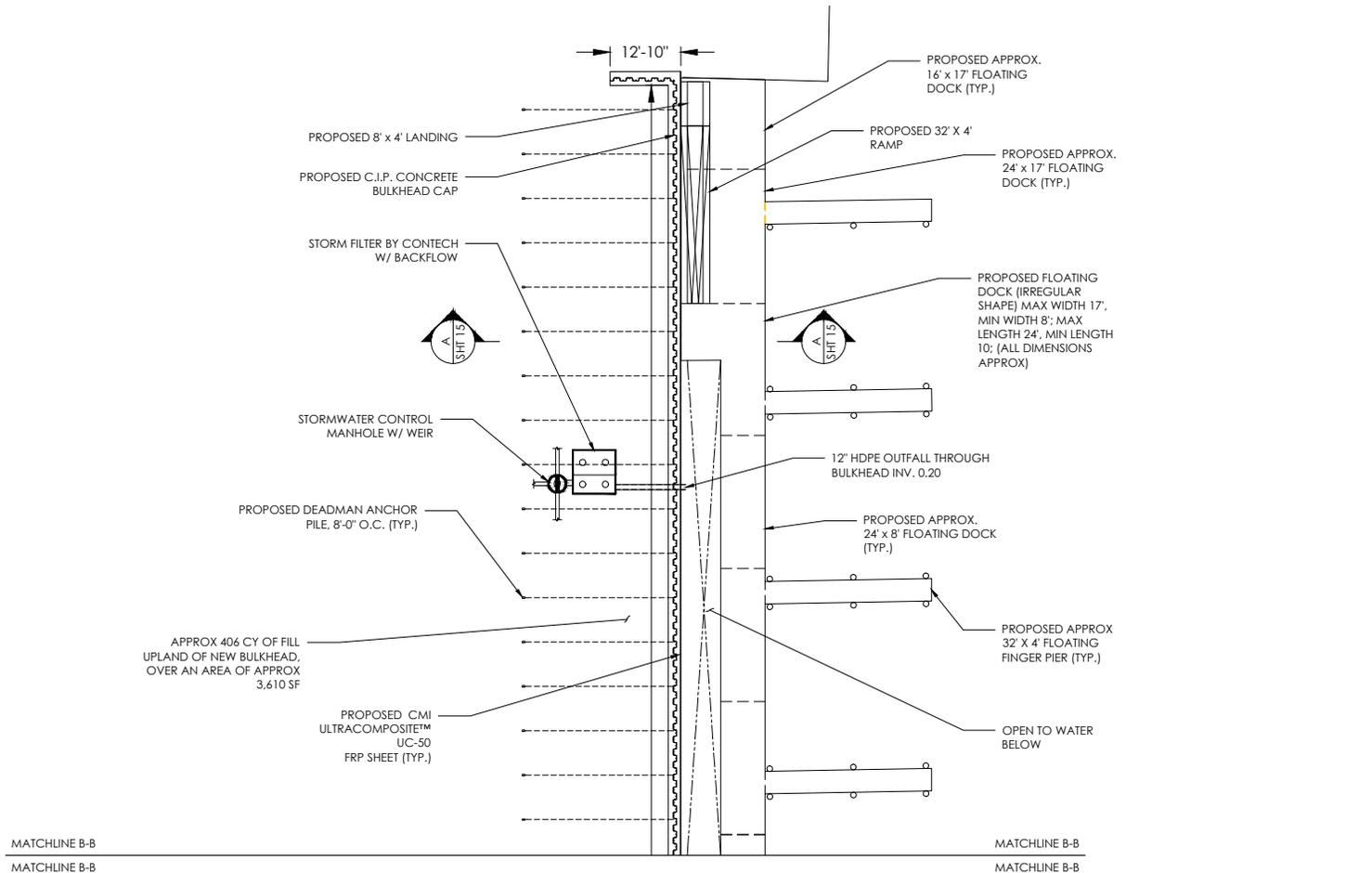
AGENT: TMS WATERFRONT
247 W. 35TH STREET, 10TH FLOOR
NEW YORK, NY 10001

IN: WOODCLEFT CANAL
AT: WOODCLEFT, NY

COUNTY OF: NASSAU STATE: NY

DATE: 07/06/2021

SHT 12 OF 18



PROPOSED WATERFRONT PLAN - NORTH

SCALE: AS NOTED



SCALE: 1/32" = 1'

PURPOSE: SHORELINE REHAB

DATUM: NAVD88

ADJACENT OWNERS:

- 1. VILLAGE OF FREEPORT

435 WOODCLEFT AVE WATERFRONT REHAB

APPLICANT: NBD HOLDINGS, LLC
333 JERICHO TURNPIKE, STE. 126
JERICHO, NY 11753

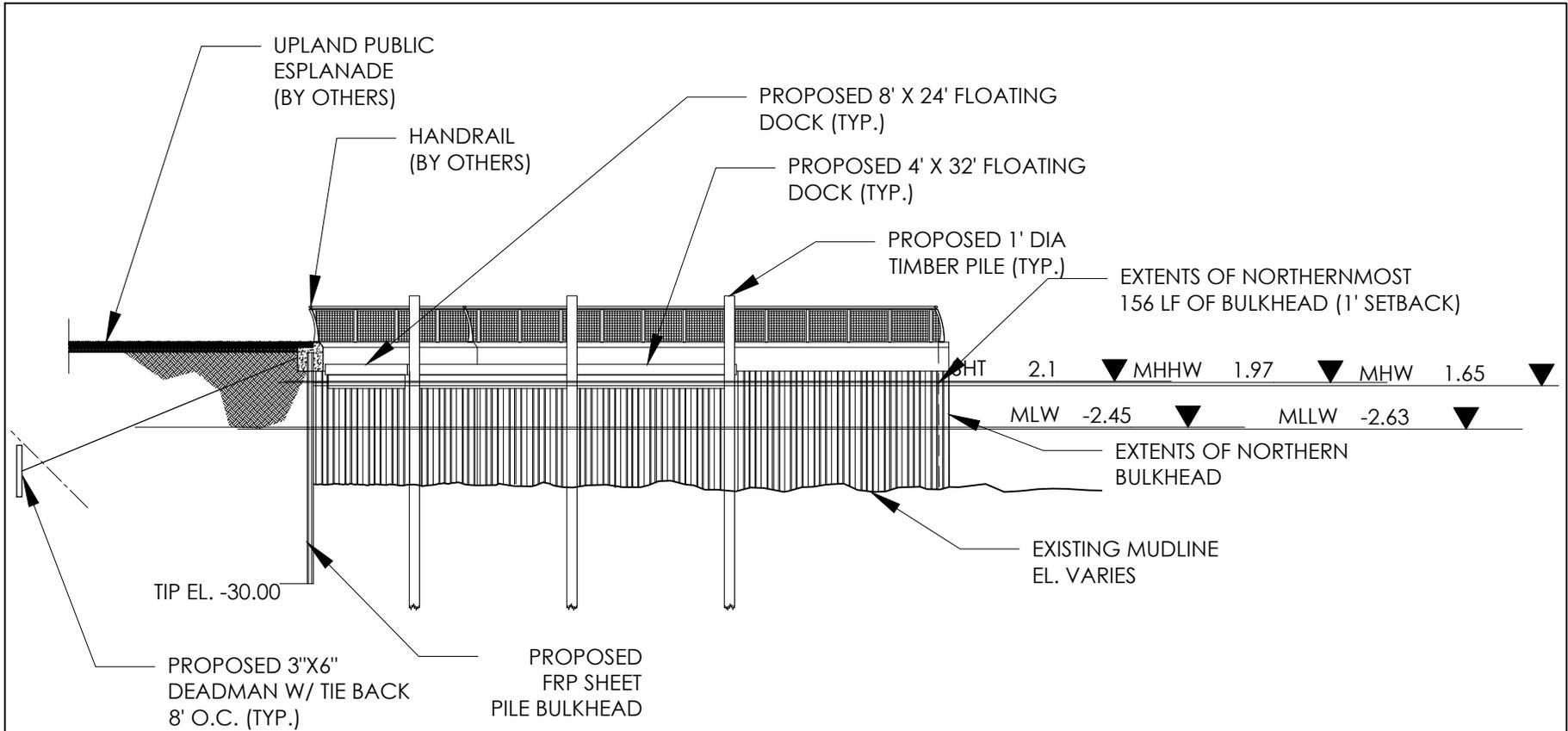
AGENT: TMS WATERFRONT
247 W. 35TH STREET, 10TH FLOOR
NEW YORK, NY 10001

IN: WOODCLEFT CANAL
AT: WOODCLEFT, NY

COUNTY OF: NASSAU STATE: NY

DATE: 07/06/2021

SHT 13 OF 18



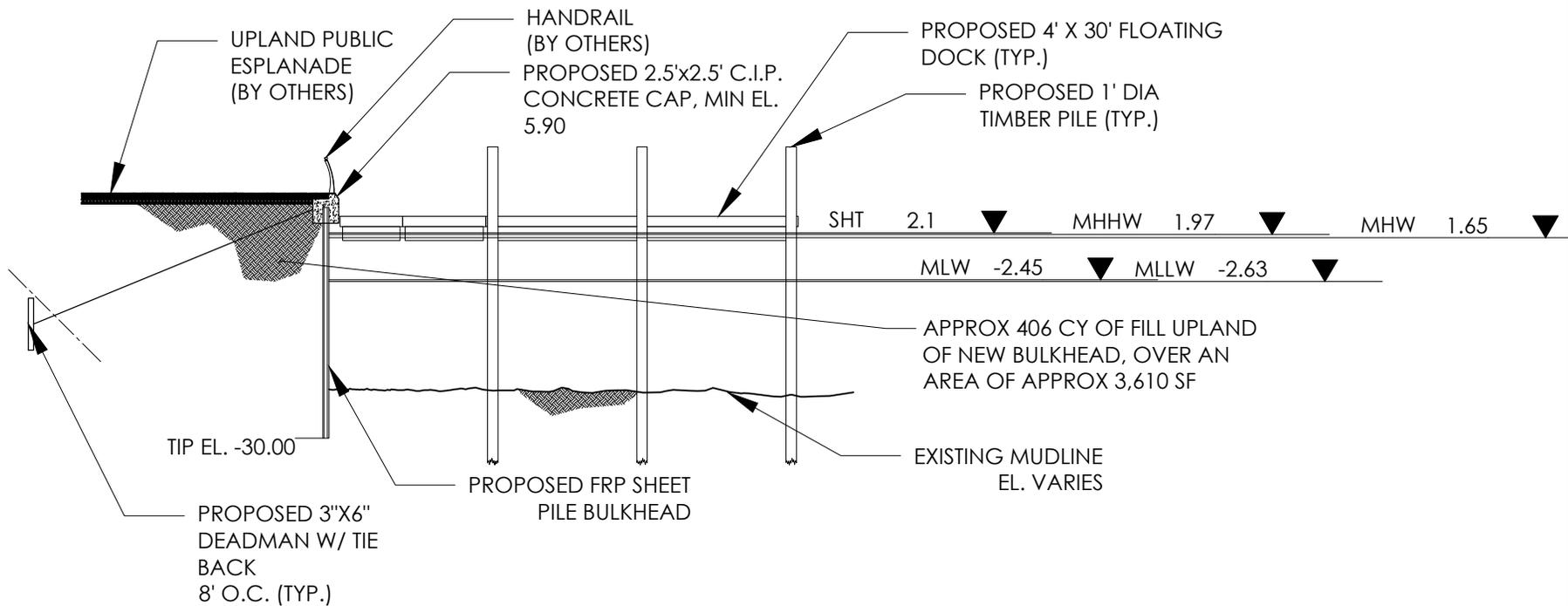
A SOUTHERN BULKHEAD CROSS SECTION

- NOTES:**
- DATUMS REFERENCE NAVD88. DATUMS BASED ON DATA PROVIDED BY NOAA TIDES AND CURRENTS STATION 8516501, PARSONNAGE COVE, NY. DATUMS WERE LOCALIZED TO THE SITE AND CONVERTED FROM MLLW TO NAVD88 USING NOAA'S ONLINE VDATUM SOFTWARE.
 - FRP SHEETS ARE CMI ULTRACOMPOSITE™ UC-50 DRIVEN TO A MINIMUM TIP ELEVATION OF -30.

PROPOSED SECTION - I
SCALE: AS NOTED



<p>PURPOSE: SHORELINE REHAB DATUM: NAVD88 ADJACENT OWNERS: 1. VILLAGE OF FREEPORT</p>	<p>435 WOODCLEFT AVE WATERFRONT REHAB APPLICANT: NBD HOLDINGS, LLC 333 JERICHO TURNPIKE, STE. 126 JERICHO, NY 11753 AGENT: TMS WATERFRONT 247 W. 35TH STREET, 10TH FLOOR NEW YORK, NY 10001</p>	<p>IN: WOODCLEFT CANAL AT: WOODCLEFT, NY COUNTY OF: NASSAU STATE: NY DATE: 07/06/2021 SHT 14 OF 18</p>
--	---	--

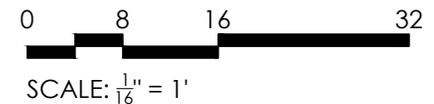


A **NORTHERN BULKHEAD CROSS SECTION**
MR-205

- NOTES:**
- DATUMS REFERENCE NAVD88. DATUMS BASED ON DATA PROVIDED BY NOAA TIDES AND CURRENTS STATION 8516501, PARSONNAGE COVE, NY. DATUMS WERE LOCALIZED TO THE SITE AND CONVERTED FROM MLLW TO NAVD88 USING NOAA'S ONLINE VDATUM SOFTWARE.
 - FRP SHEETS ARE CMI ULTRACOMPOSITE™ UC-50 DRIVEN TO A MINIMUM TIP ELEVATION OF -30.

PROPOSED SECTION - II

SCALE: AS NOTED



<p>PURPOSE: SHORELINE REHAB DATUM: NAVD88 ADJACENT OWNERS:</p> <p>1. VILLAGE OF FREEPORT</p>	<p>435 WOODCLEFT AVE WATERFRONT REHAB APPLICANT: NBD HOLDINGS, LLC 333 JERICHO TURNPIKE, STE. 126 JERICHO, NY 11753 AGENT: TMS WATERFRONT 247 W. 35TH STREET, 10TH FLOOR NEW YORK, NY 10001</p>	<p>IN: WOODCLEFT CANAL AT: WOODCLEFT, NY COUNTY OF: NASSAU STATE: NY DATE: 07/06/2021 SHT 15 OF 18</p>
---	--	--