



# 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-2021-01449-TREC  
Issue Date: January 25, 2024  
Expiration Date: February 24, 2024

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:** Town of North Hempstead  
Department of Public Works  
285 Denton Avenue  
New Hyde Park, New York 11040

**ACTIVITY:** Install Rip-Rap Revetment and Construct Low Marsh Tidal Wetland

**WATERWAY:** Hempstead Harbor

**LOCATION:** 175 West Shore Road, Port Washington, Town of North 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 SENT VIA ELECTRONIC MAIL TO [Brad.Sherwood@usace.army.mil](mailto:Brad.Sherwood@usace.army.mil), OR PREPARED IN WRITING AND MAILED TO THE ATTENTION OF BRAD SHERWOOD AT THE ABOVE ADDRESS, TO REACH THIS OFFICE BY 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 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, 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 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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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, 41 State Street, 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:

- 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. If you have any questions concerning this application, you may contact Brad Sherwood at (518) 487-0382, or at [Brad.Sherwood@usace.army.mil](mailto:Brad.Sherwood@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/business/buslinks/regulat/index.php?survey>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Jon T. Coleman

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

Enclosures

**WORK DESCRIPTION**

The applicant, Town of North Hempstead Department of Public Works, has requested Department of the Army authorization to install a rip-rap revetment and construct a low marsh wetland. The project is located at 175 West Shore Road, within Hempstead Harbor, Port Washington, in the Town of North Hempstead, Nassau County, New York.

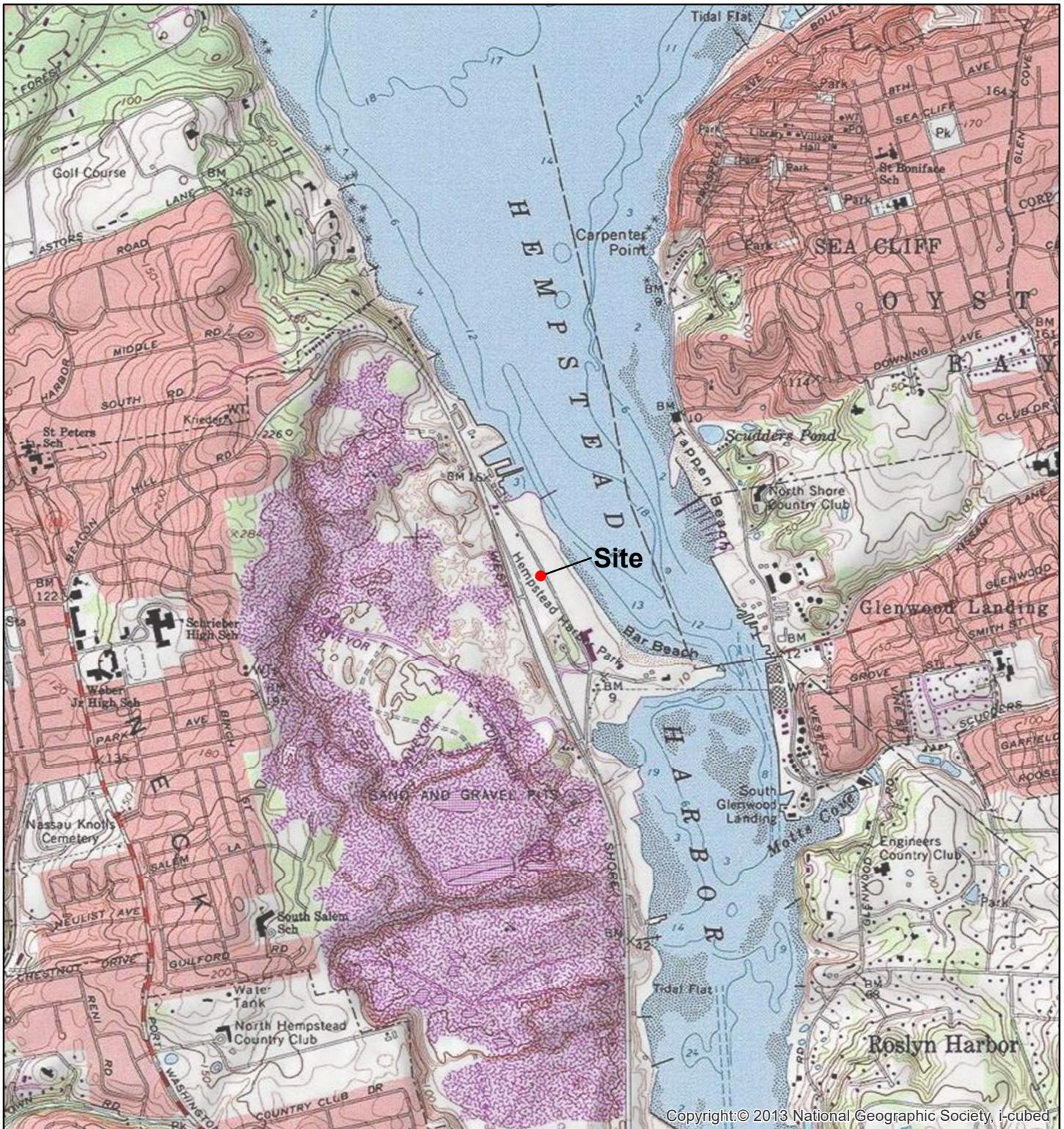
The work would involve the following:

Excavate approximately 5,995 cubic yards (CY) of material along an existing bulkhead to allow for the construction of an approximately 0.83 acre engineered riprap revetment with associated wetland plantings and breakwater structures. The revetment would be approximately 15-feet-wide with an approximately 1.5:1 slope. Seaward of the revetment an approximately 0.31 acre irregularly shaped low marsh area would be established at elevation 1.0 NAVD88 and planted with *Spartina alterniflora* (Saltmarsh cordgrass). Seaward of the low marsh would be a series of approximately eight (8) offshore breakwater riprap sills. Each breakwater would be approximately 12-feet wide and approximately 85-feet long with a crest height of 4.5 feet NAVD88. The breakwaters would be spaced apart with an approximately eight-foot-wide by 20-foot-long opening to allow for tidal flushing. Along the southern boundary of the project, an existing stone jetty approximately 10-feet-wide by 90-foot-long, would be restored with riprap stone within its original footprint.

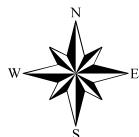
In total, approximately 7,302 CY of stone riprap will be discharged to create the revetment and restore the existing jetty, of which approximately 4,926 CY will be discharged below the plane of Spring High water over 0.48 acres.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the proposed work area to the minimum area necessary for the protection of the shoreline at North Hempstead Beach Park. To offset the approximately 0.83 acres of fill for the riprap revetment, the applicant has proposed to establish an approximately 1.34-acre wetland area by excavating an upland parking lot to create a tidal marsh. Approximately 0.83 acres of *Spartina alterniflora*, approximately 0.06 acres of *Spartina patens*, 612 linear feet of *Iva frutescens*, approximately 0.06 acres of *Juncus Girardi*, and 0.21 acres of *Panicum virgatum* and *Solidago sempervirens* would be planted with approximately 0.03 acres of shrubs, such as *Baccharis halimifolia*, *Myrica pensylvanica*, and *Prunus maritima*.

The stated purpose of this project is to provide shoreline protection to the North Hempstead Beach Park.



U.S.G.S. 7.5 Mintue Quadrangle: Sea Cliff, NY



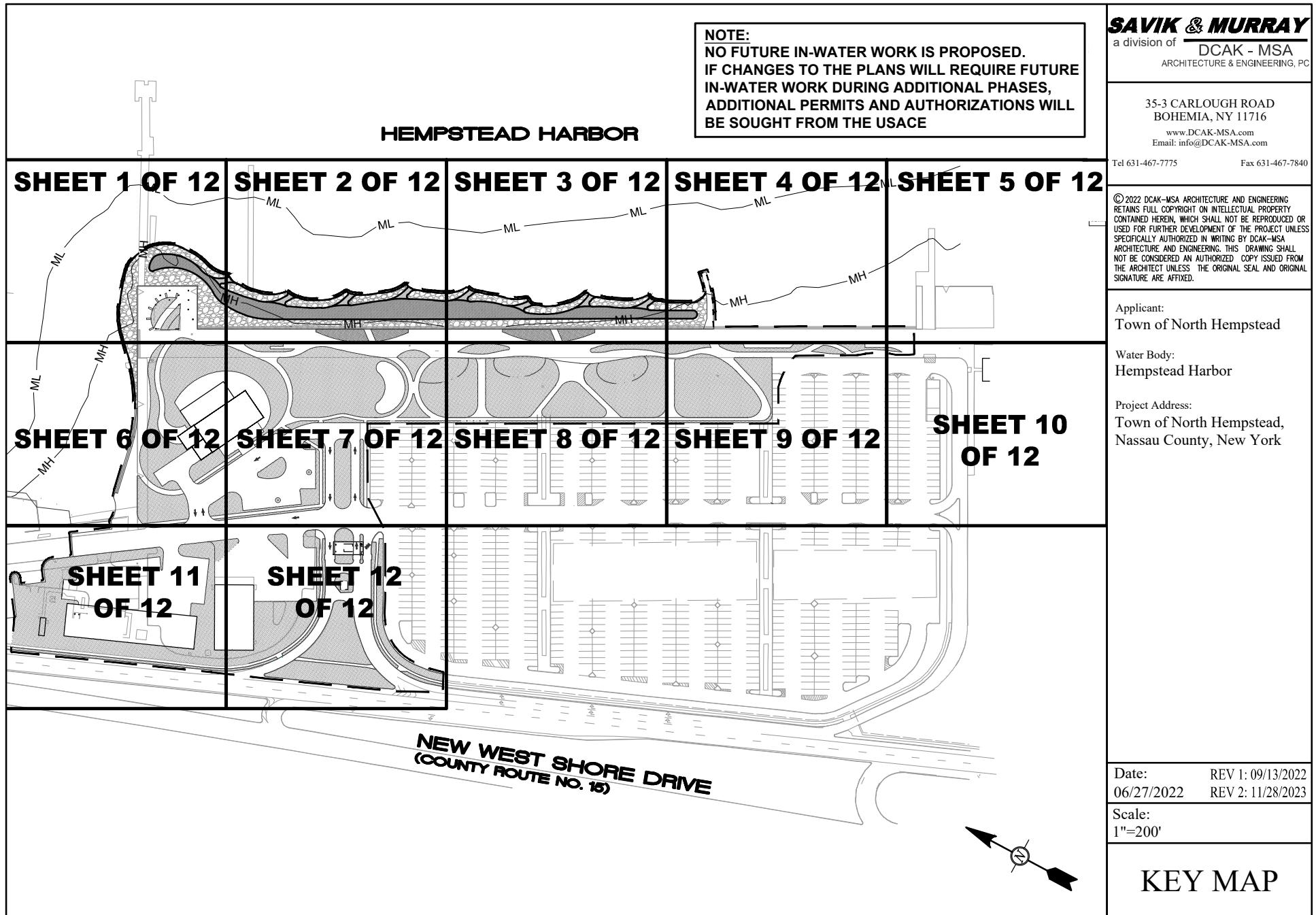
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## Site Location Map

175 West Shore Road  
SBL: 6-53-1007 & 6-53-1035  
Port Washington, New York 11050

Capital #20046

# Figure 1



# HEMPSTEAD HARBOR

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Town of North Hempstead

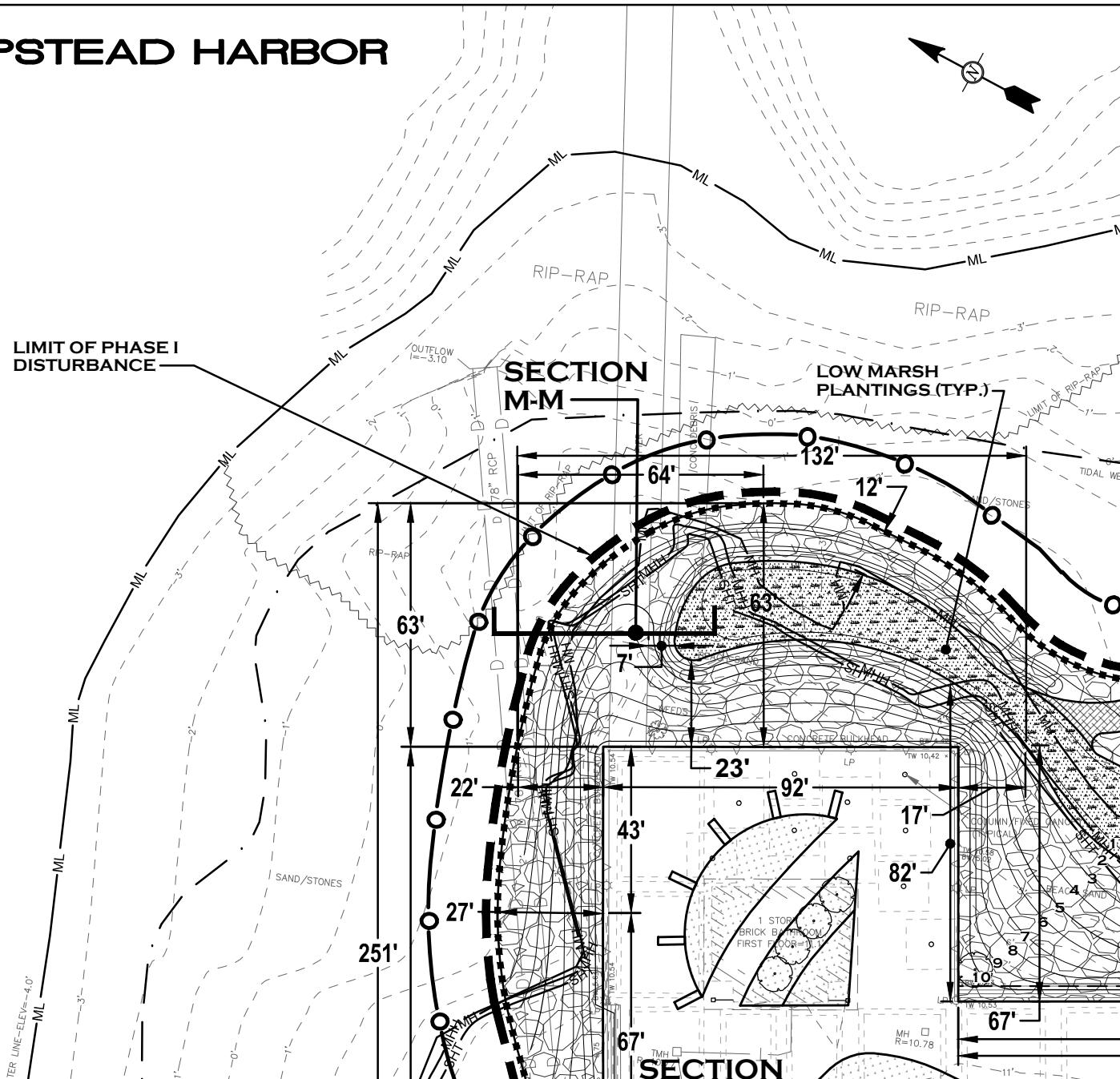
Water Body:  
Hempstead Harbor

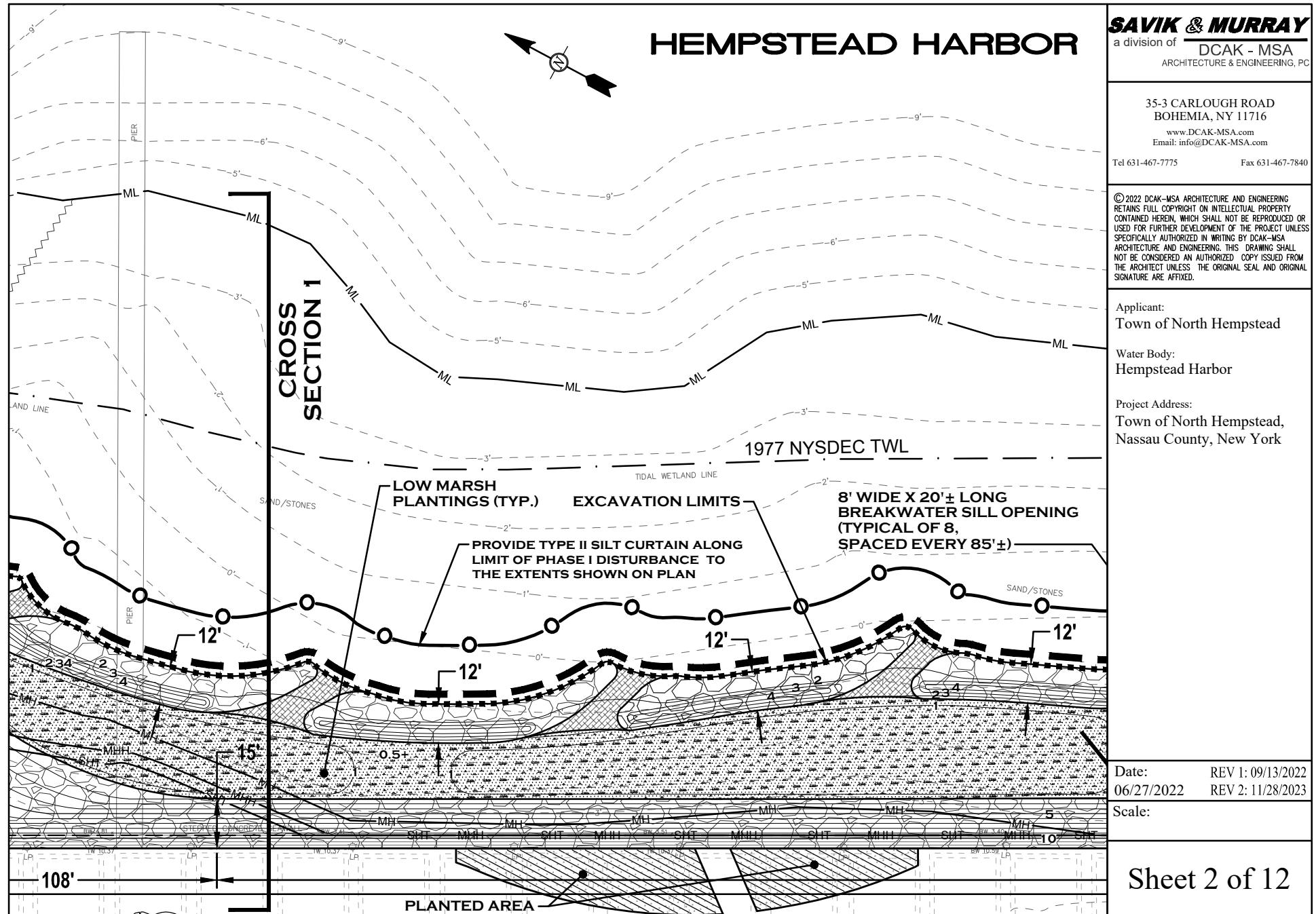
Project Address:  
**Town of North Hempstead,  
Nassau County, New York**

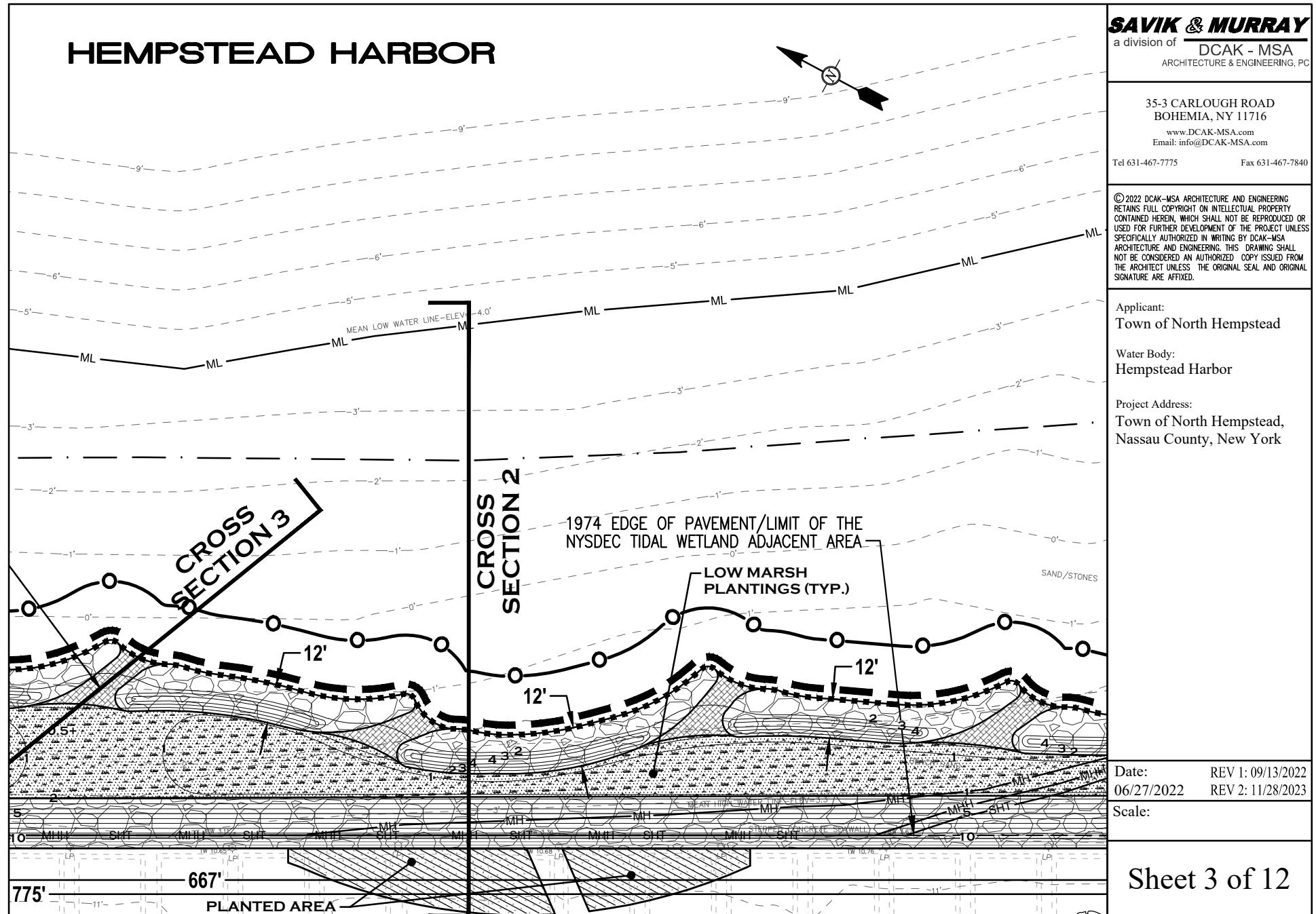
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06/27/2022 REV 2: 11/28/2023

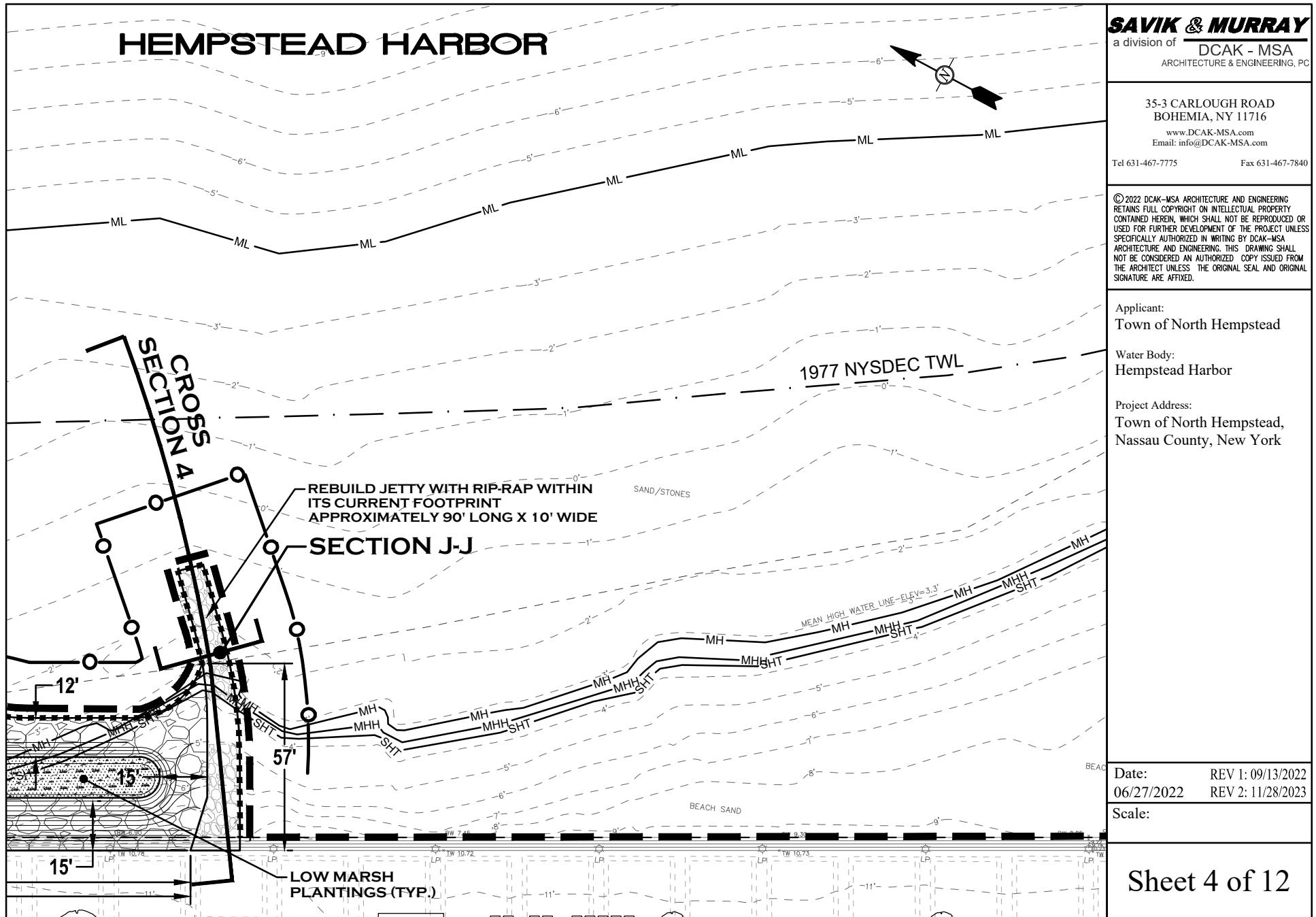
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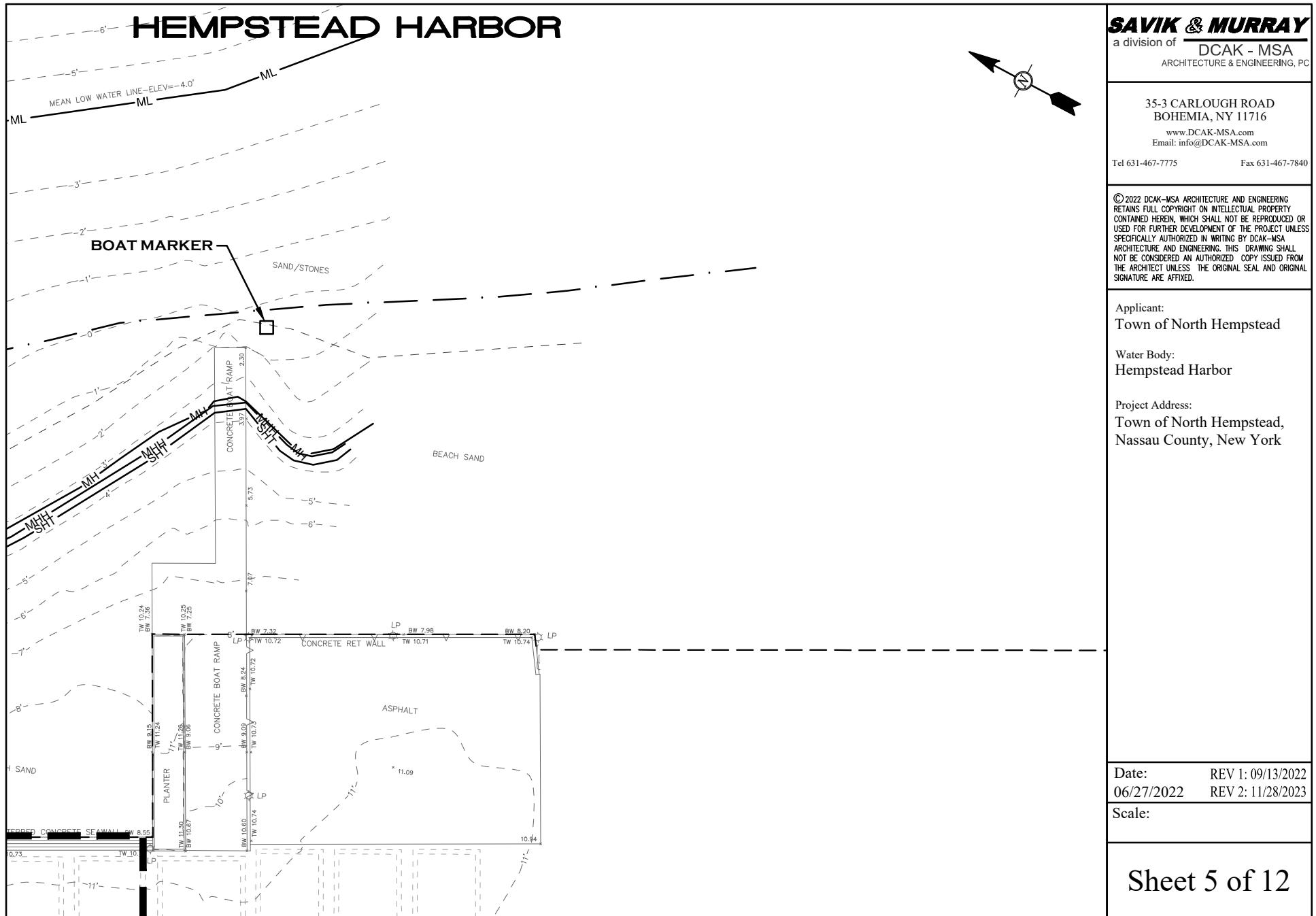
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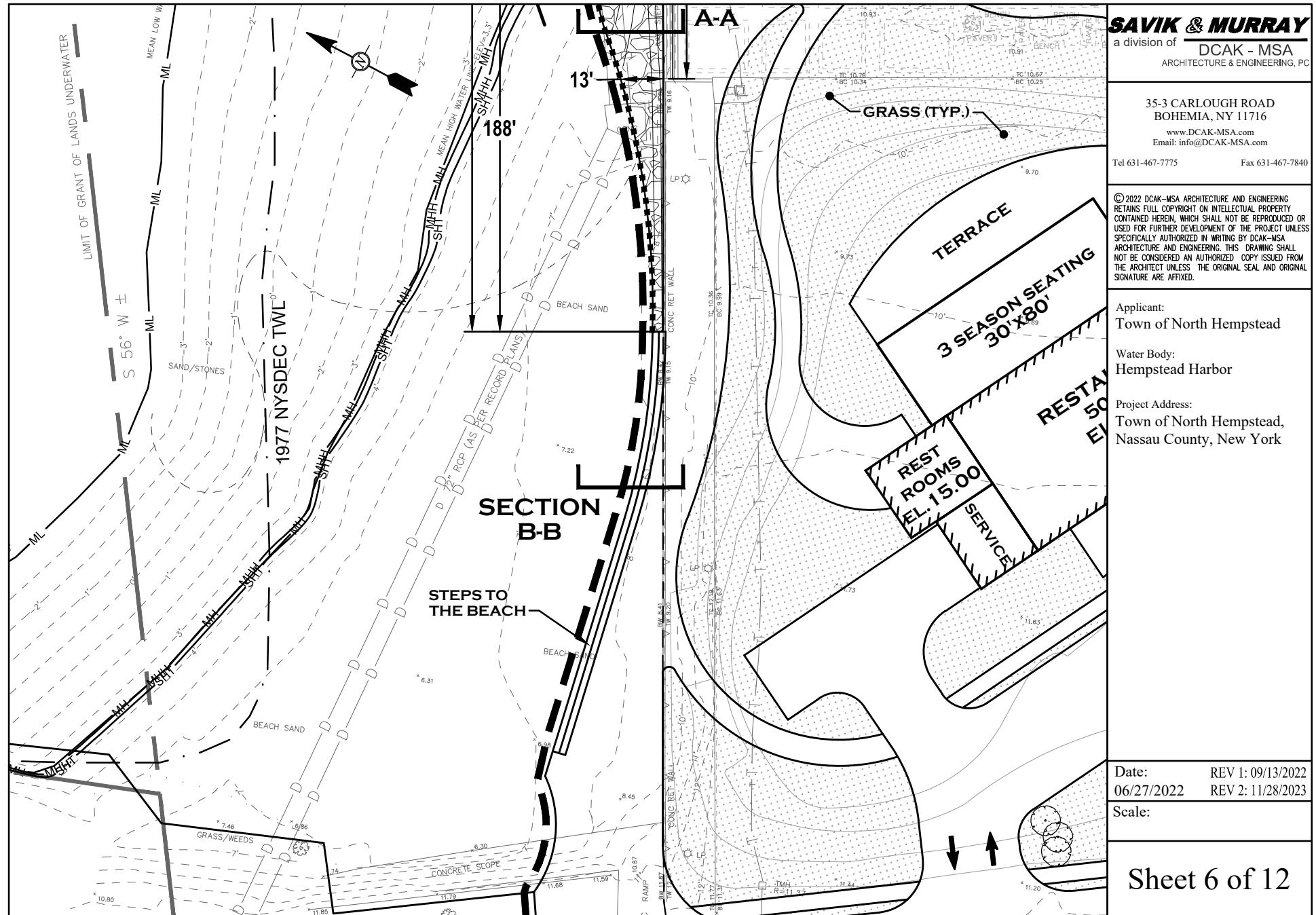


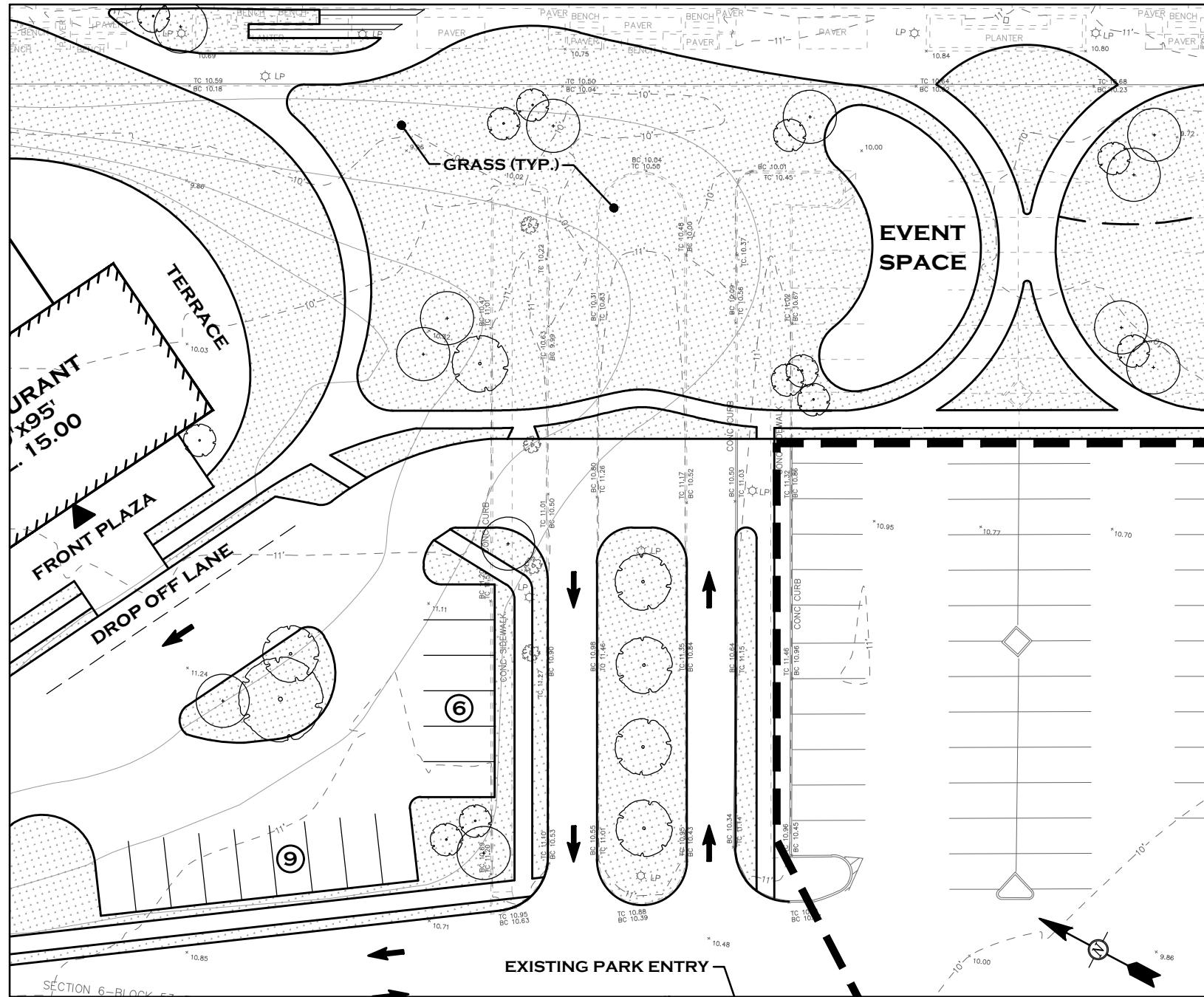












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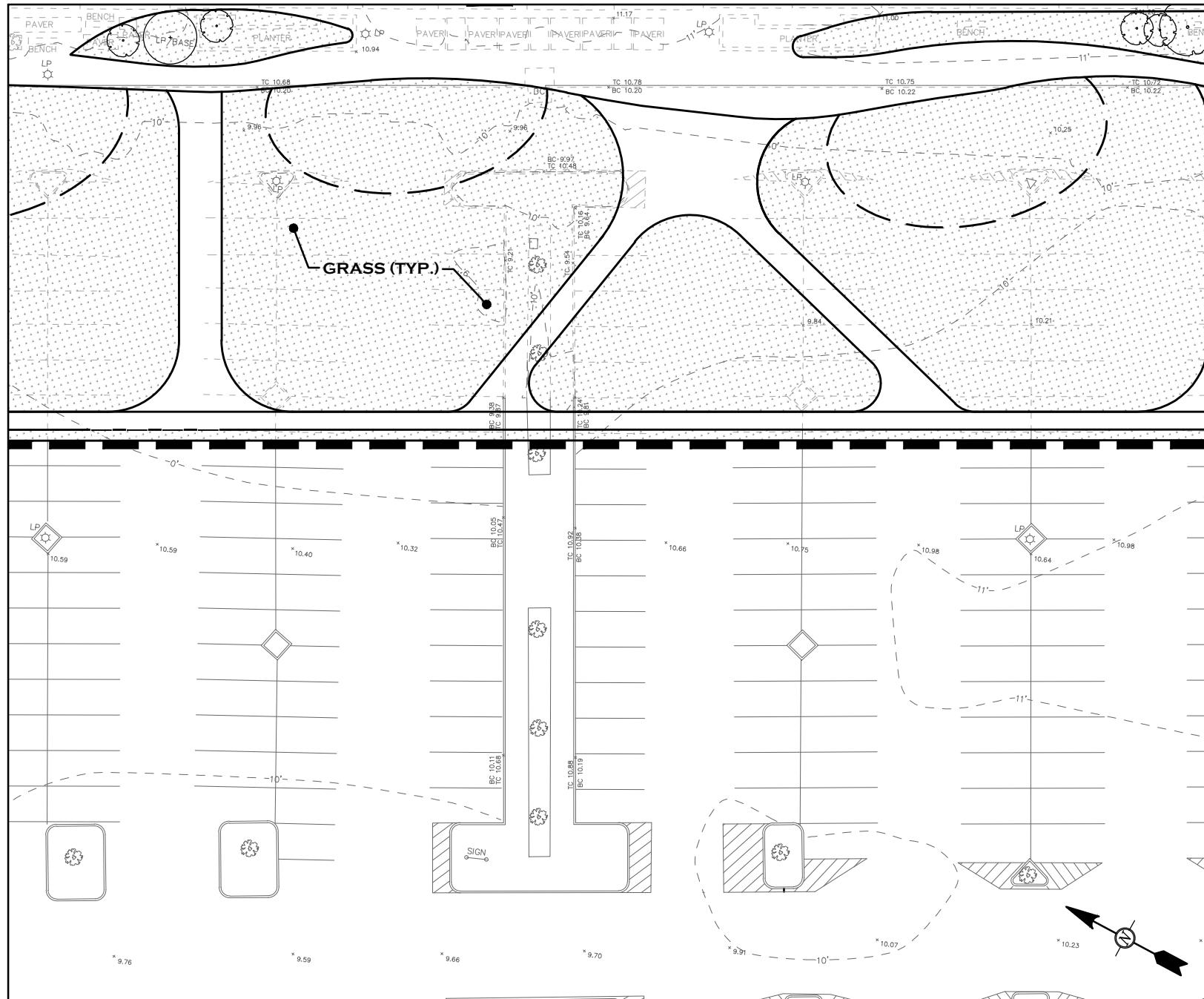
Water Body:  
Hempstead Harbor

Project Address:  
Town of North Hempstead,  
Nassau County, New York

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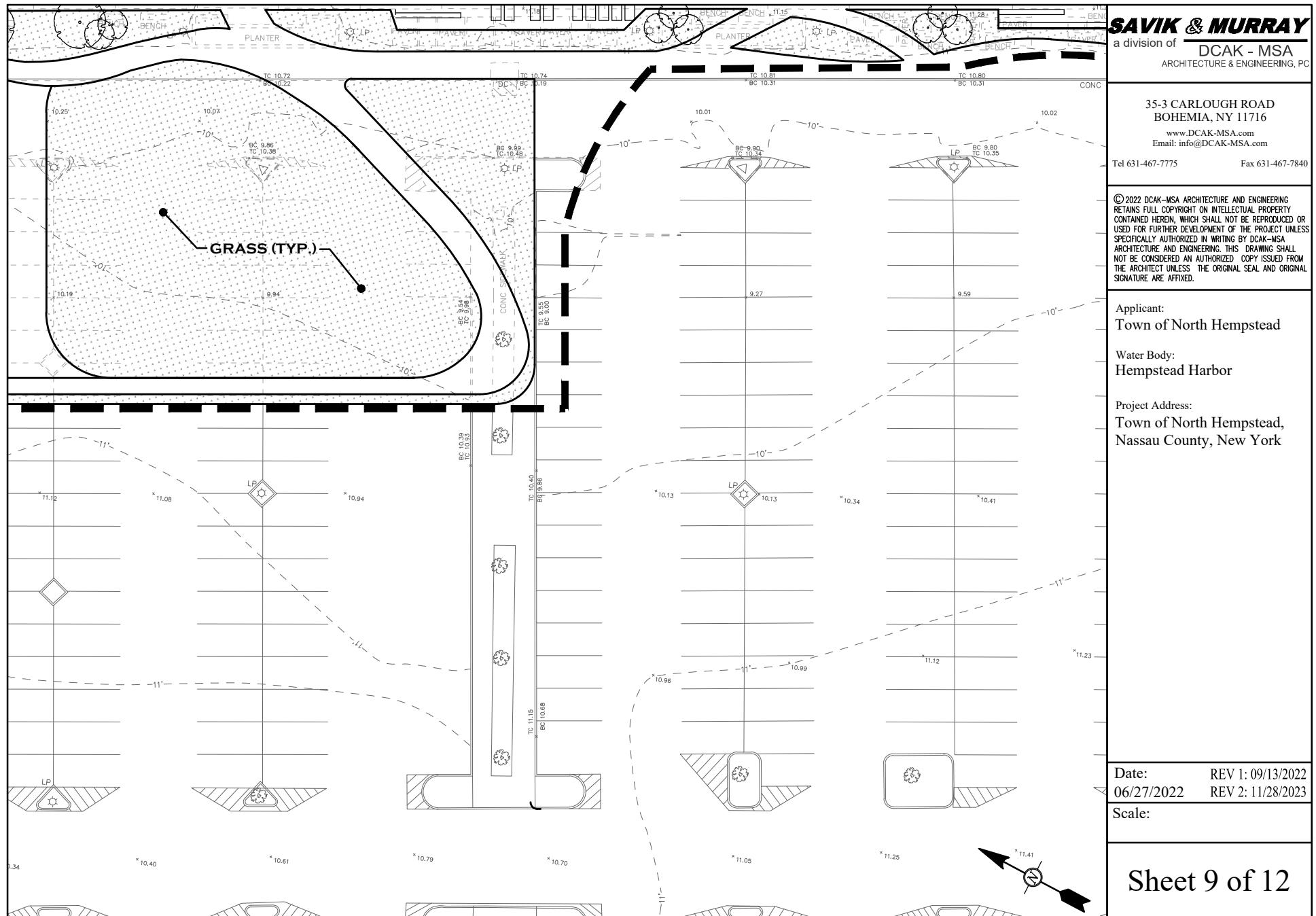
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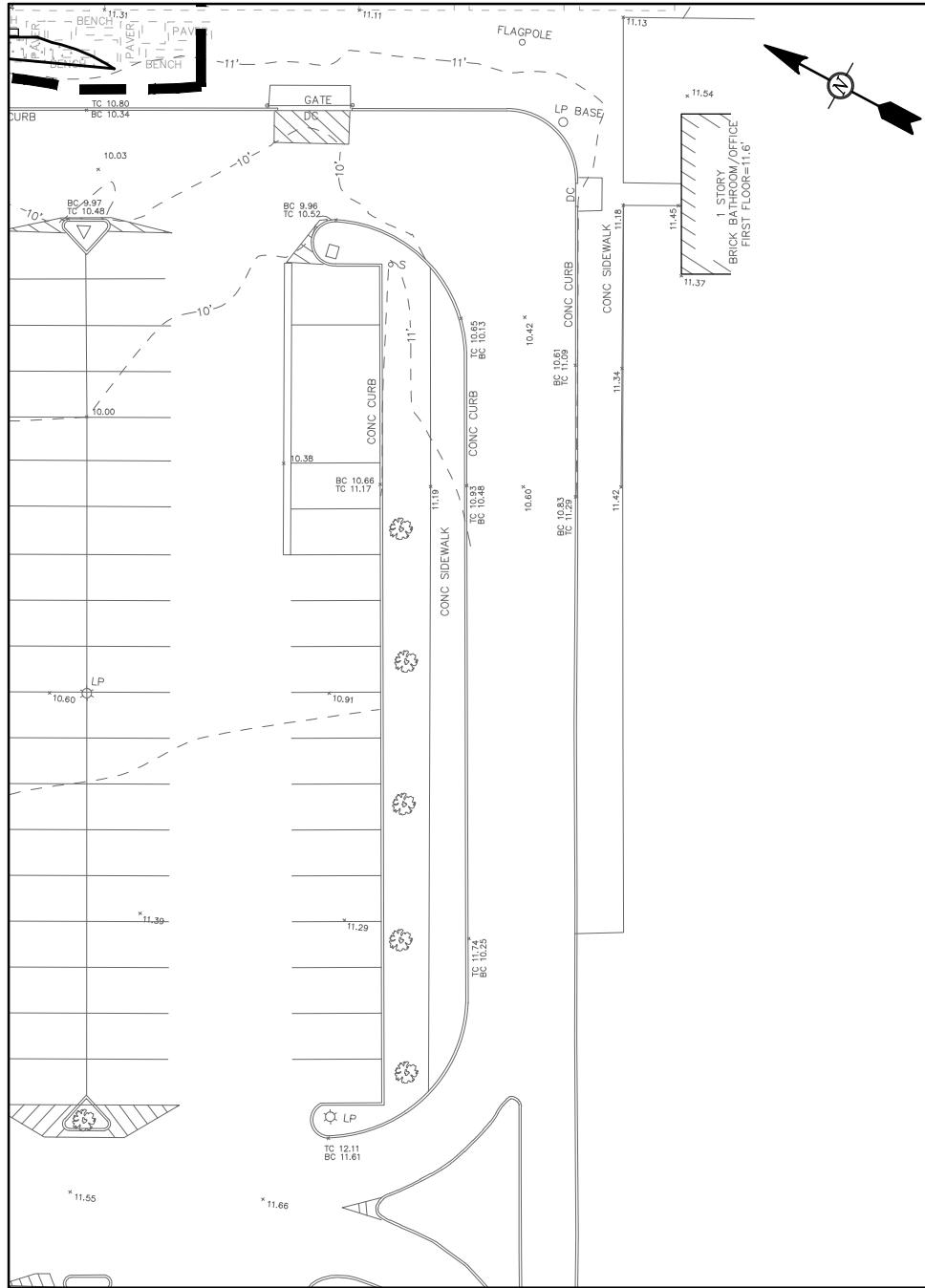
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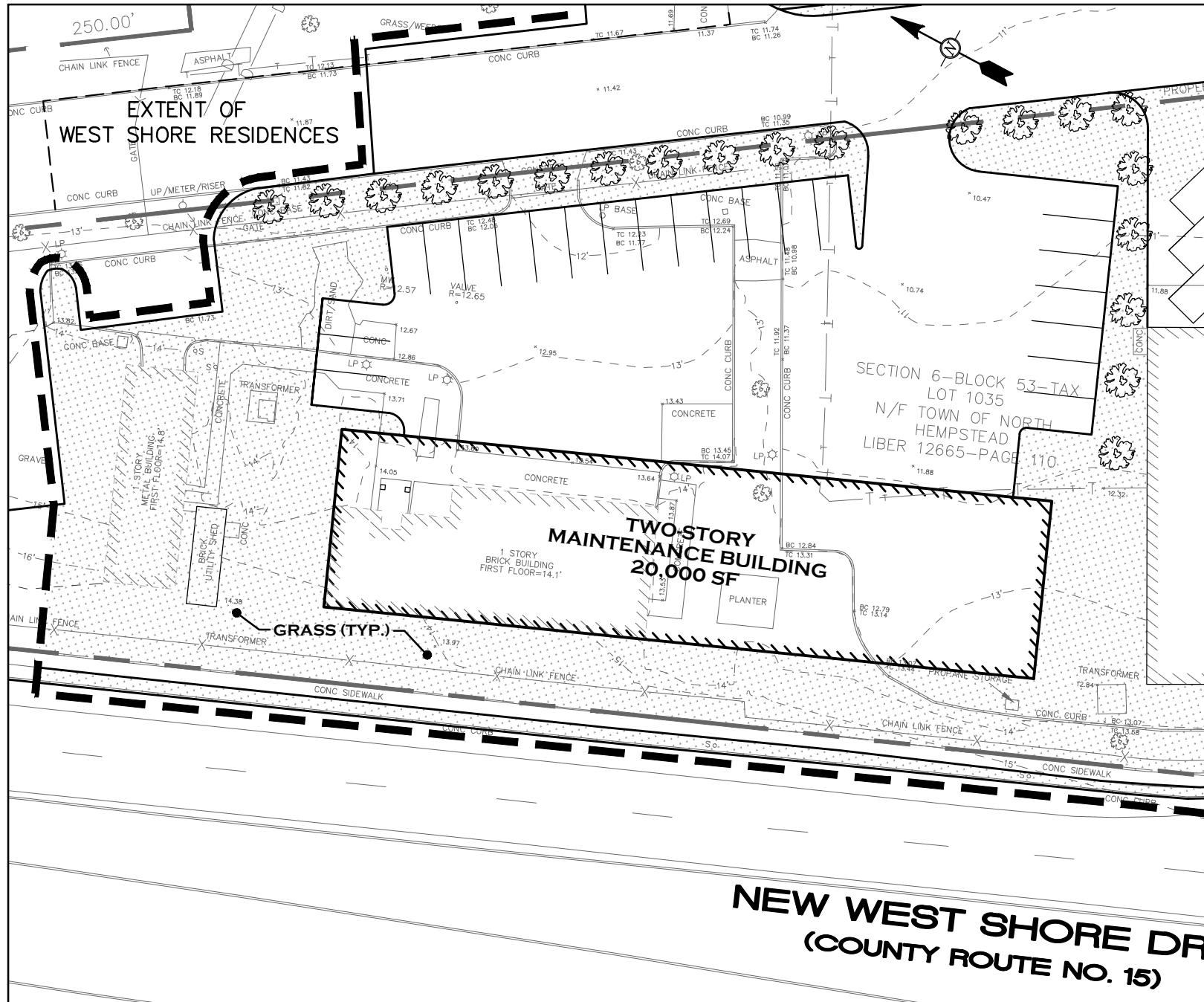
Applicant:  
Town of North Hempstead

Water Body:  
Hempstead Harbor

Project Address:  
Town of North Hempstead,  
Nassau County, New York

Date:	REV 1: 09/13/2022
06/27/2022	REV 2: 11/28/2023

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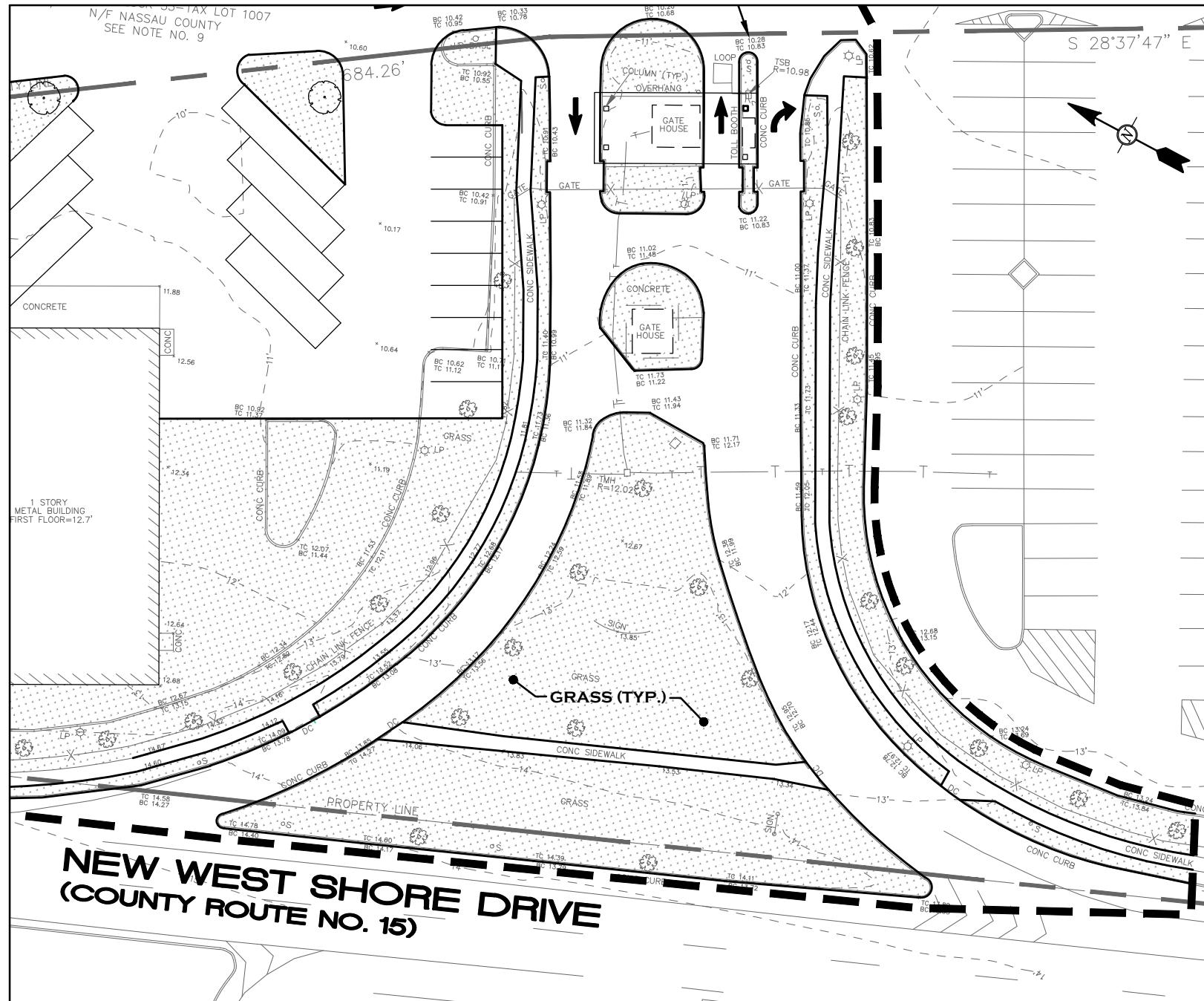
## Water Body: Hempstead Harbor

Project Address:  
Town of North Hempstead,  
Nassau County, New York

Date: REV 1: 09/13/2022  
06/27/2022 REV 2: 11/28/2023

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Sheet 11 of 12



The logo for SAVIK & MURRAY, featuring the company name in a bold, black, sans-serif font. The ampersand (&) is stylized with a small crown or star above it. Below the main name, the words "a division of" are written in a smaller, black, sans-serif font. To the right of this text is a thin vertical line, followed by the letters "DCAK - MSA" in a large, bold, black, sans-serif font. At the bottom, the words "ARCHITECTURE & ENGINEERING, PC" are written in a smaller, black, sans-serif font.

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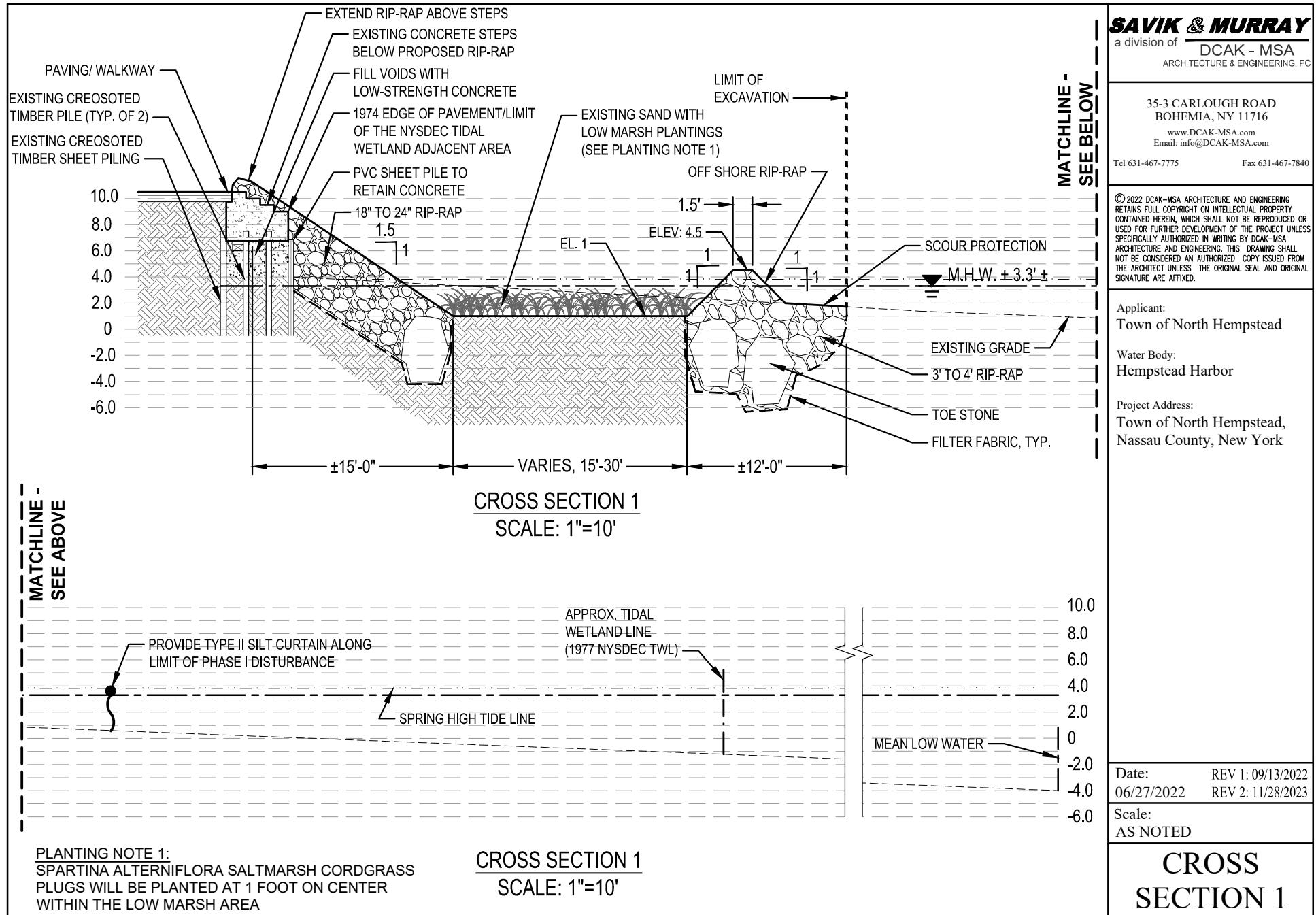
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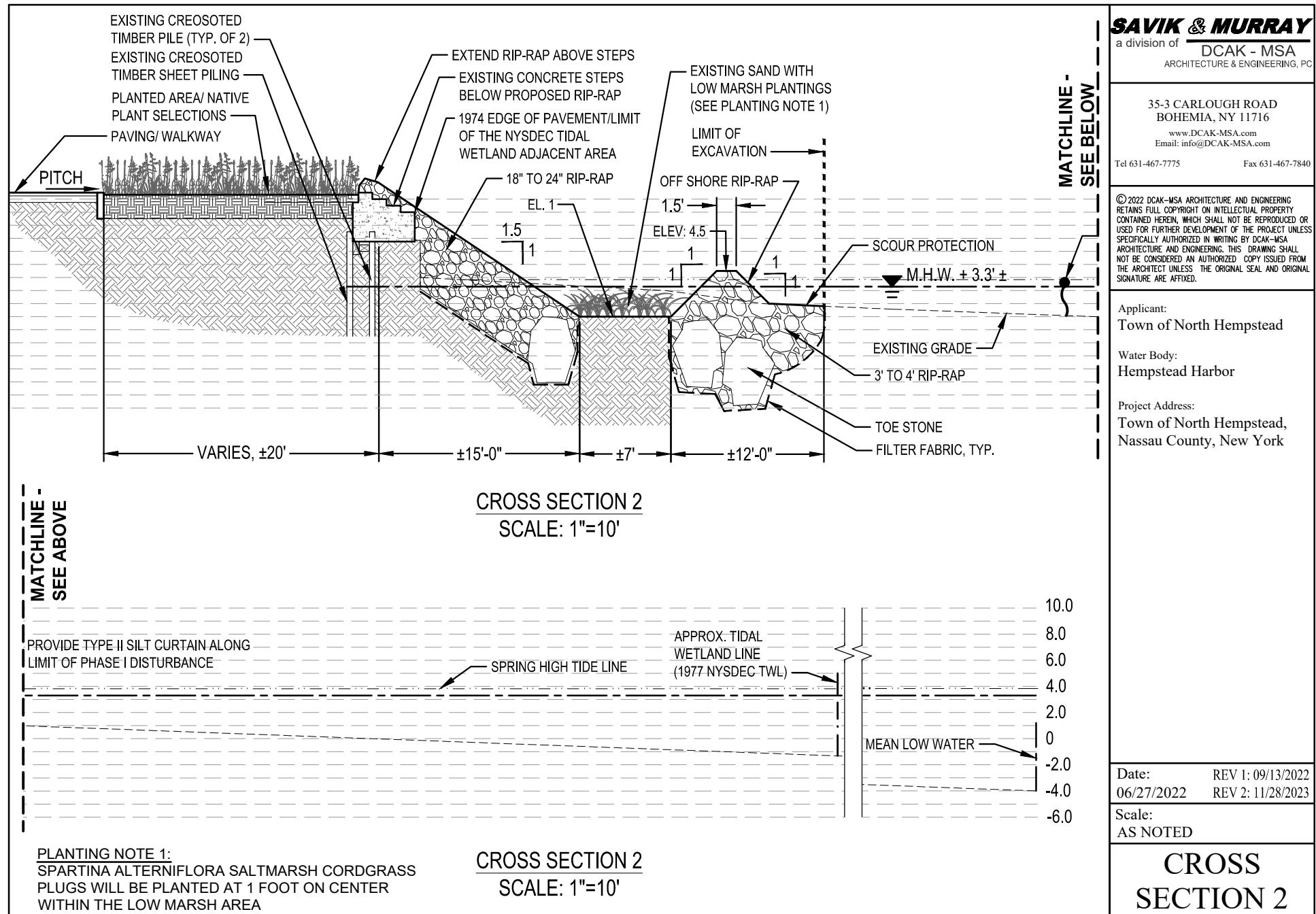
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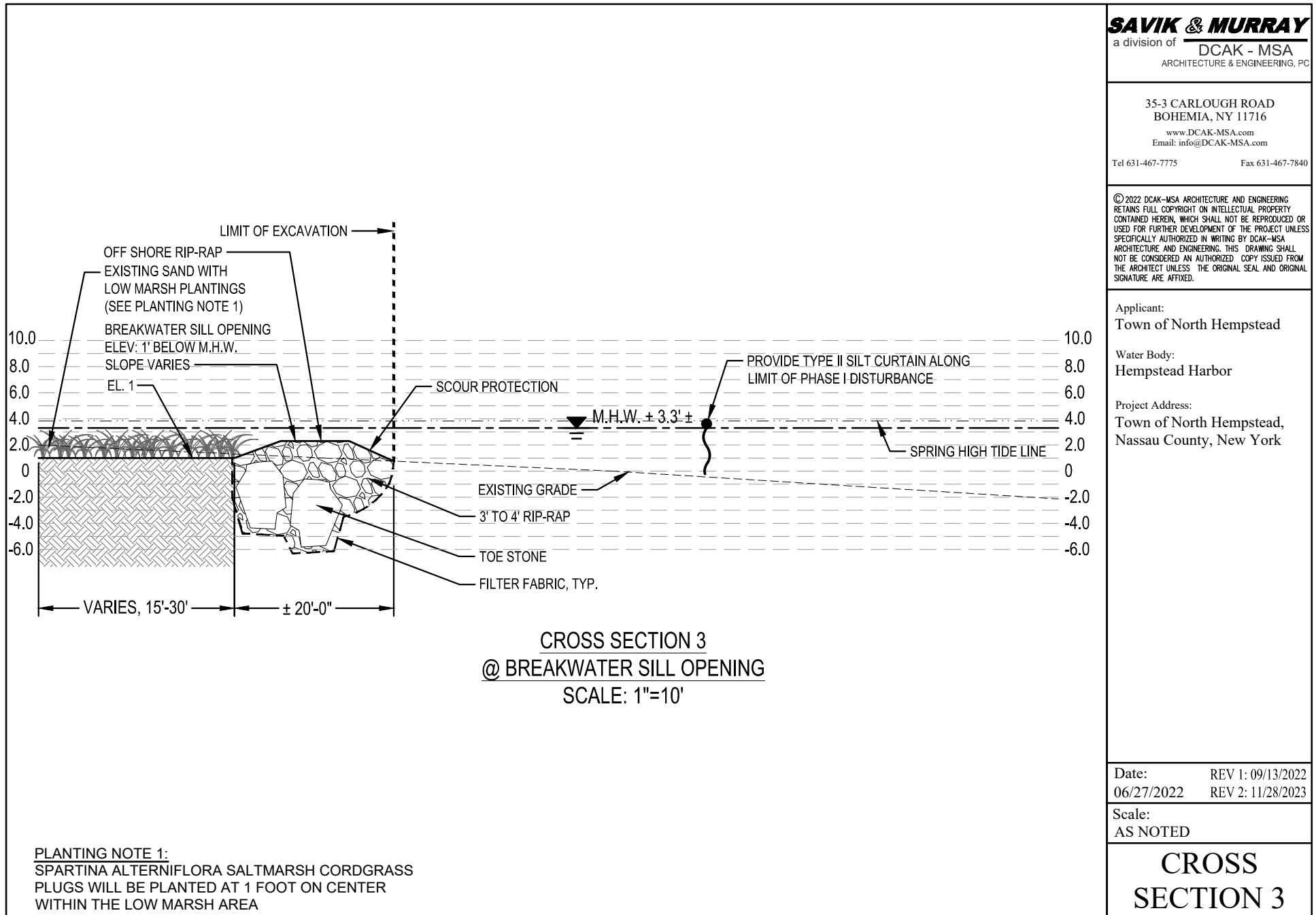
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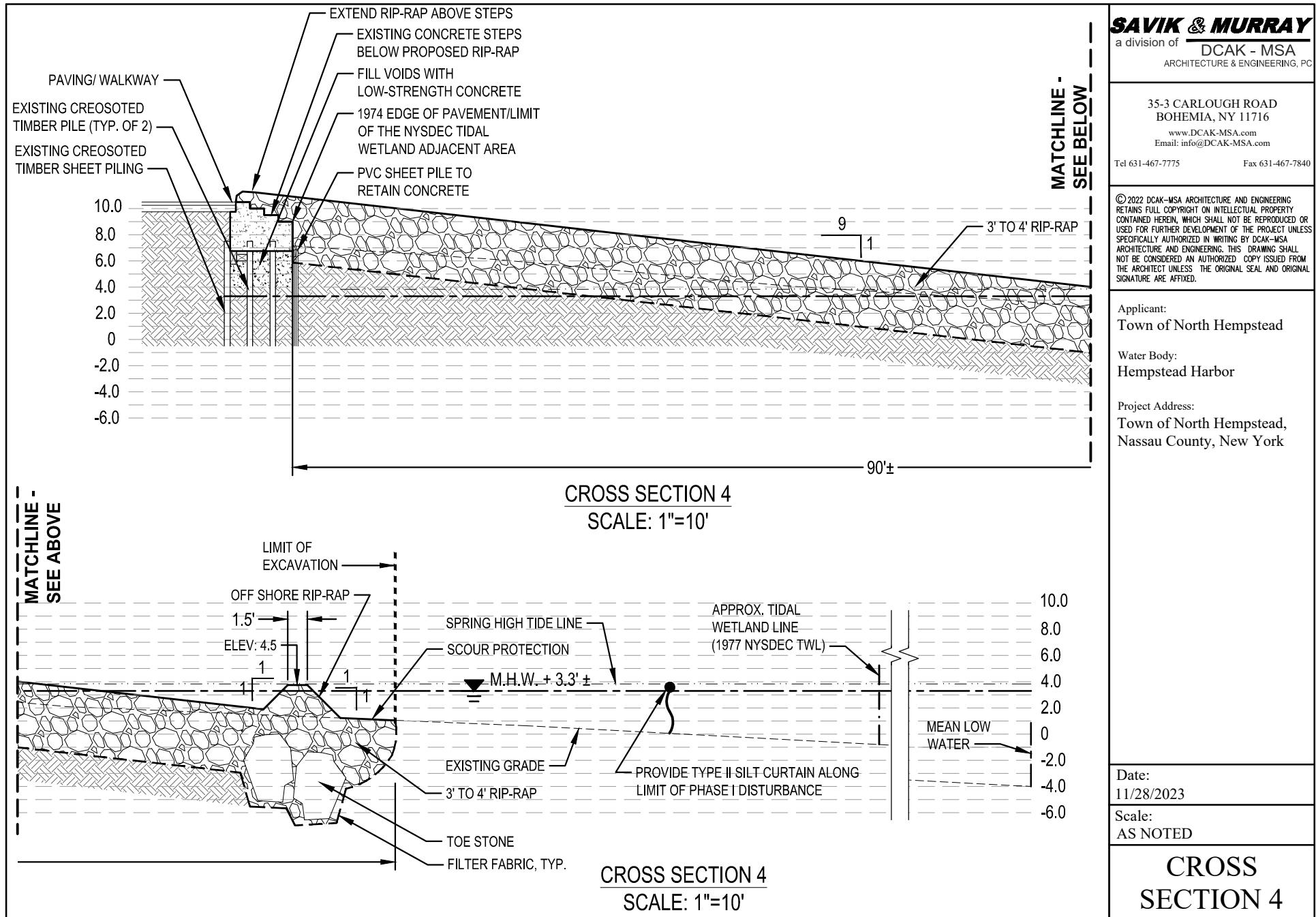
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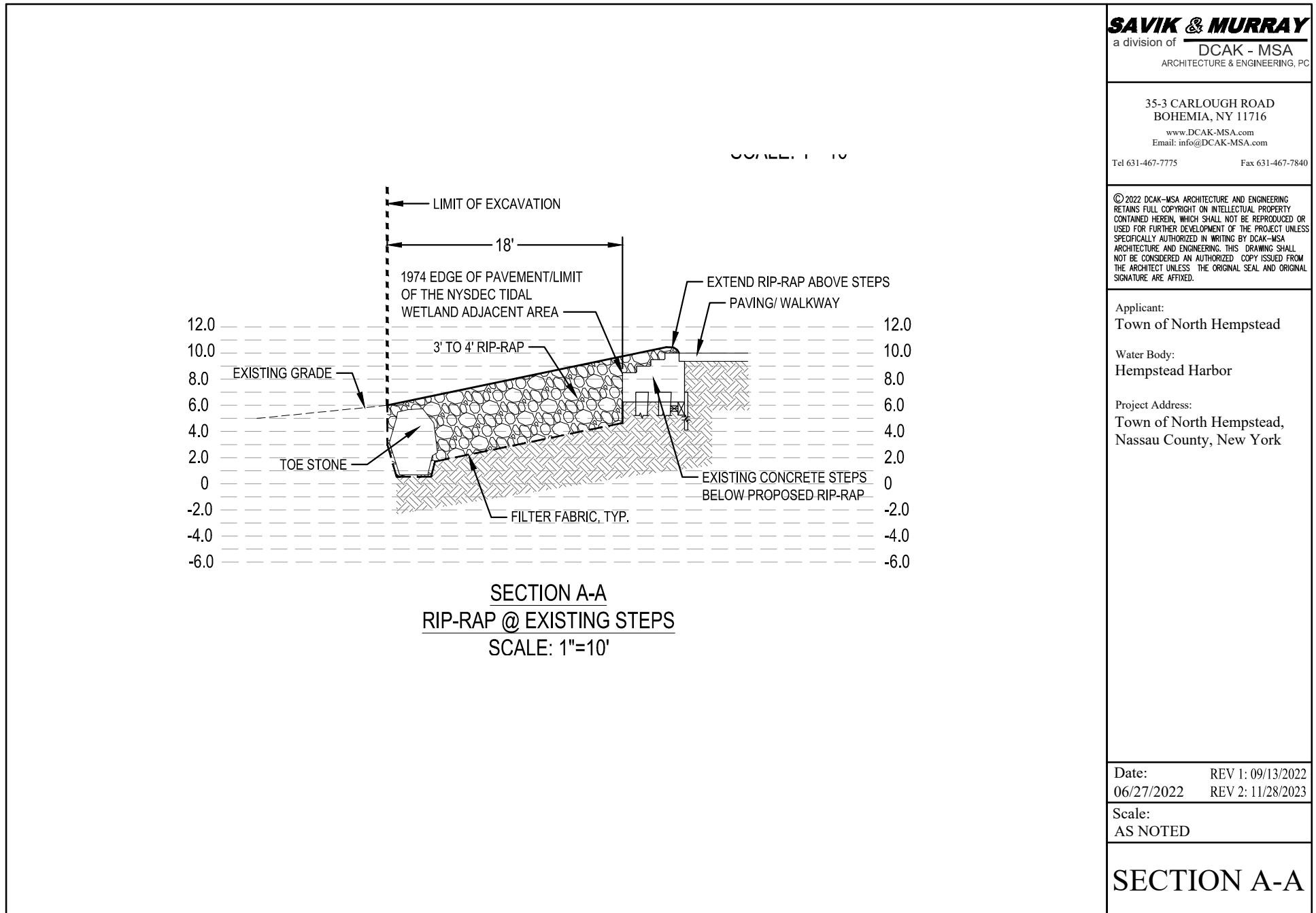
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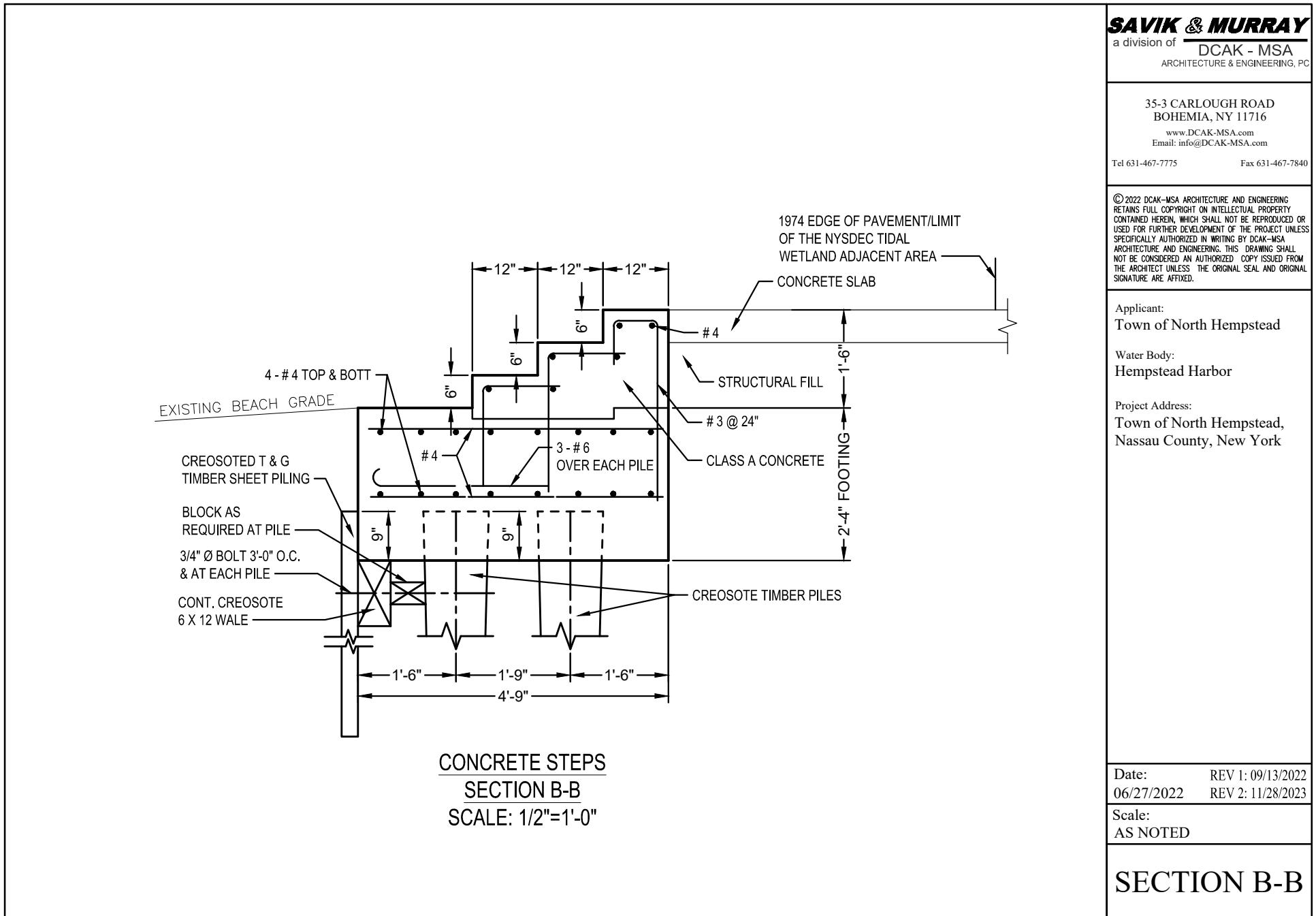


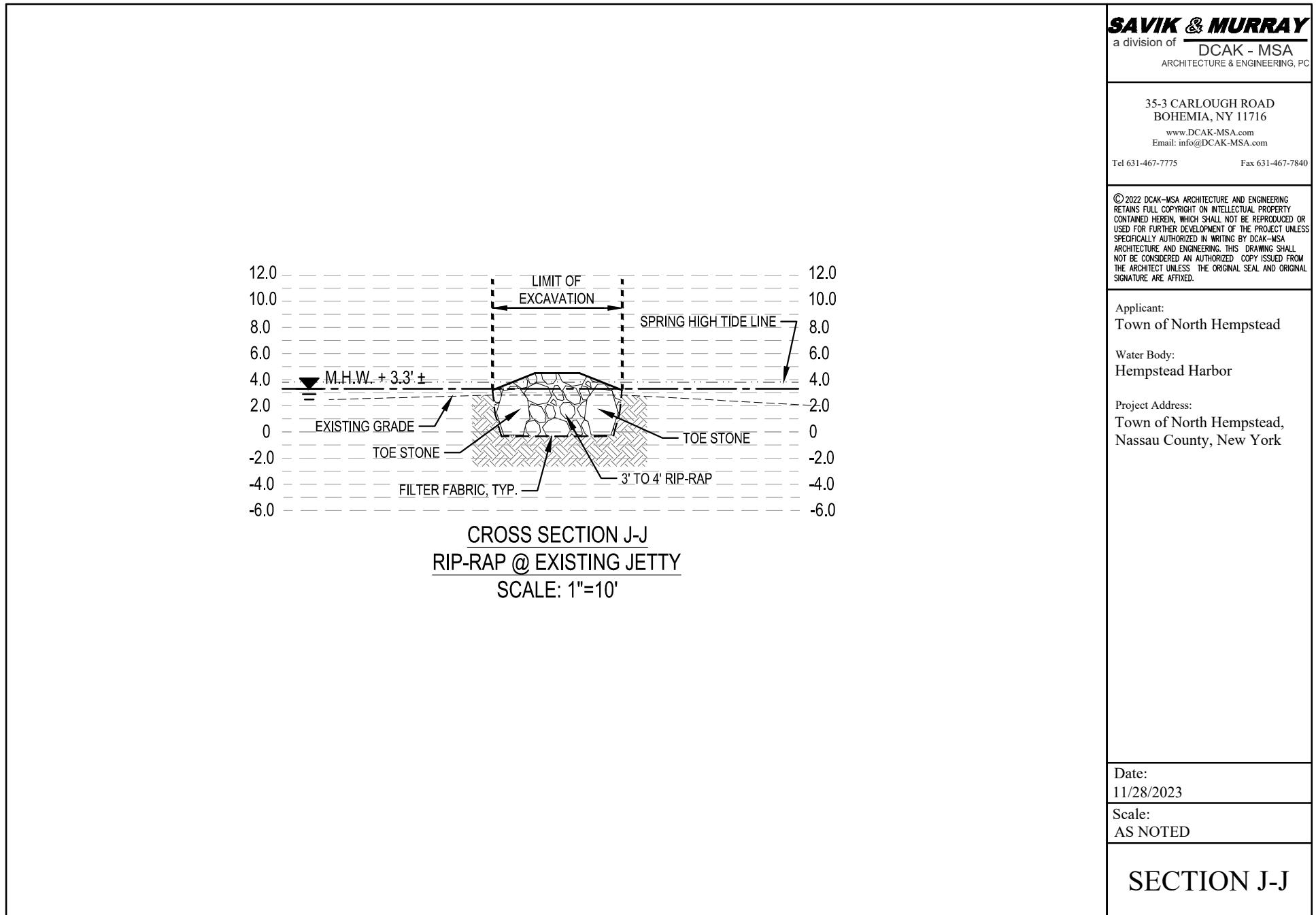


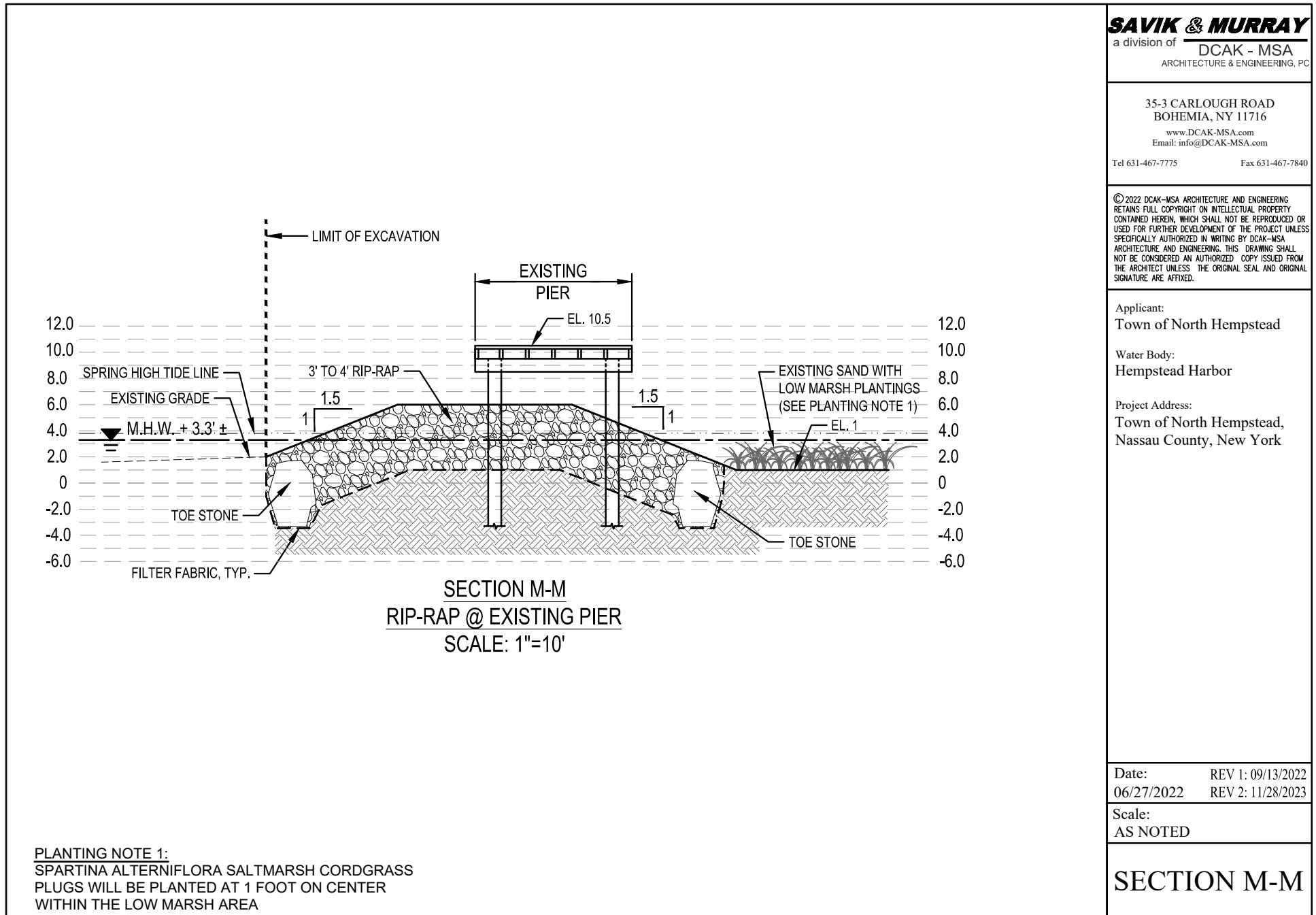


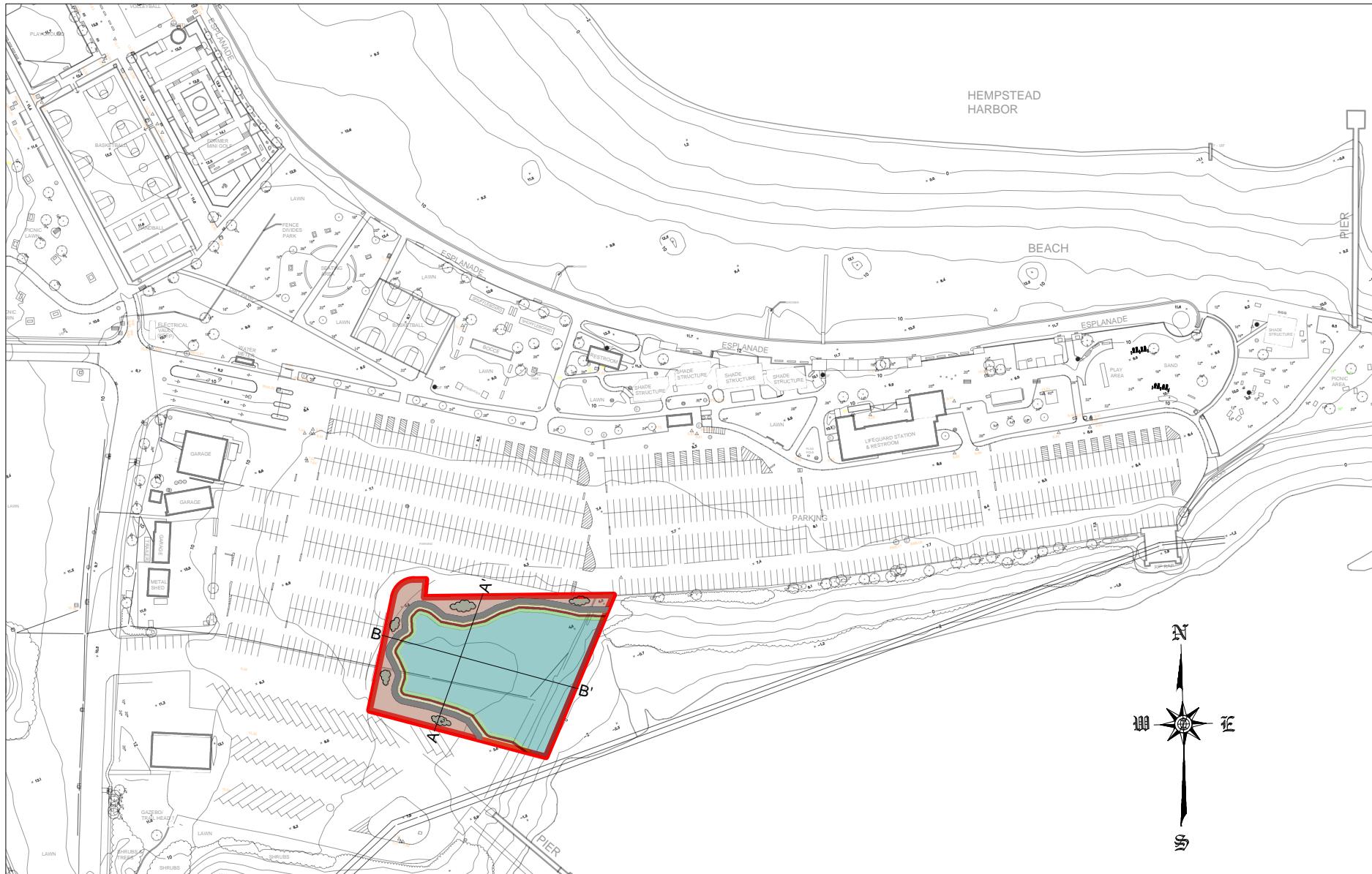












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Drawing Title  
**SHEET 1 OF 5  
CONCEPTUAL MITIGATION PLAN  
INSET MAP**

Drawn By LM  
Checked By KD

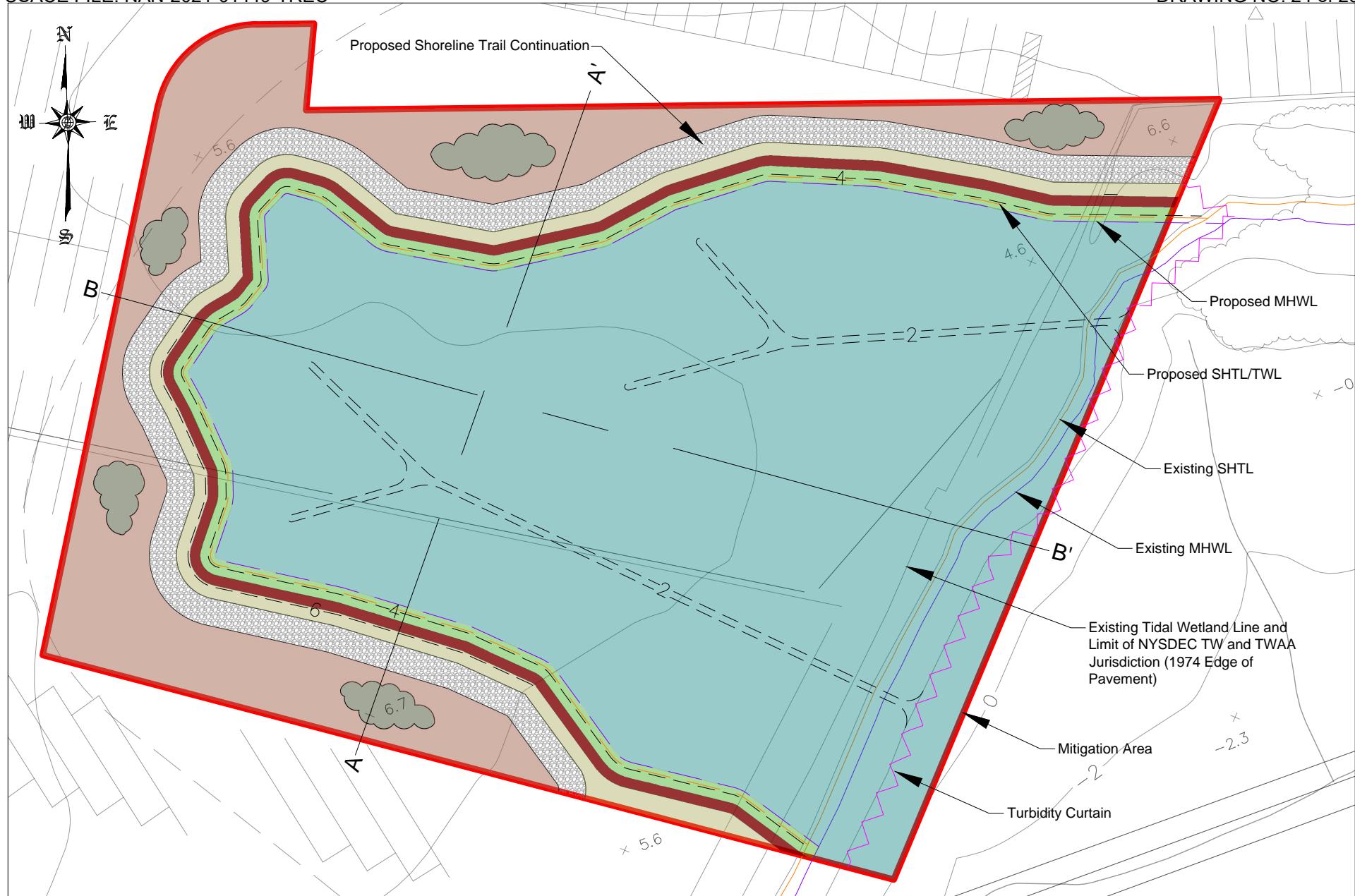
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**CMP1**

Date 6/3/2022  
Scale AS NOTED

Rev. 7/15/22

**NORTH HEMPSTEAD BEACH PARK  
175 WEST SHORE ROAD  
PORT WASHINGTON, NEW YORK  
SBL:6-53-1007 & 6-53-1035**





Drawing Title  
SHEET 2 OF 5  
CONCEPTUAL MITIGATION PLAN  
MITIGATION PLAN

Drawn By LM  
Checked By KD

Drawing No.  
CMP2

Date 6/3/2022  
Scale AS NOTED

Rev. 7/15/22

NORTH HEMPSTEAD BEACH PARK  
175 WEST SHORE ROAD  
PORT WASHINGTON, NEW YORK  
SBL:6-53-1007 & 6-53-1035



**Legend**

- Mitigation Area (58,192 SF)
- — — Proposed Spring High Tide Line (SHTL) and Tidal Wetland Line (TWL) - el. 3.8'
- — — Proposed Mean High Water Line (MHWL) - el. 3.3'
- — — Proposed Contour
- Existing SHTL
- Existing MHWL
- ~ ~ ~ ~ ~ Proposed Turbidity Curtain
- ~~~~~ Proposed Shoreline Trail Continuation

**Mitigation**

Smooth Cordgrass (*Spartina alterniflora*)  
(35,803 SF) - 35,803 plugs  
2" plugs spaced 1' on center, alternating rows, five feet apart, aligned with the natural shoreline contours. Plugs to be protected by goose exclusion fencing.

Salt Hay (*Spartina patens*) (0.5 lbs/MSF)  
(2,727 SF) - 1.36 lbs

Marsh Elder (*Iva frutescens*) (1 per 10 LF)  
(612 LF) - 61 Shrubs

Black Grass (*Juncus girardii*) (0.5 lbs/MSF)  
(2,577 SF) - 1.29 lbs

Switchgrass (*Panicum virgatum*) (0.5 lbs/MSF)  
(9,312 SF) - 4.66 lbs.

Seaside Goldenrod (*Solidago sempervirens*)  
One allon conta ner t total

Shrub Clusters  
(24" height, 1/25 SF)  
(1,340 SF) - 54 total  
Groundsel Bush (*Baccharis halimifolia*) - 18 shrubs  
Northern Bayberry (*Myrica pensylvanica*) - 18 shrubs  
Beach Plum (*Prunus maritima*) - 18 shrubs



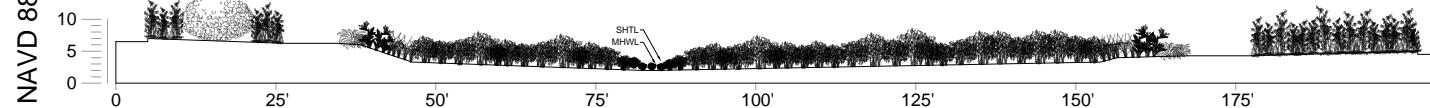
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Checked By	KD	
Drawing No.	CMP3	Date 6/3/2022
		Scale AS NOTED

Rev. 7/15/22

NORTH HEMPSTEAD BEACH PARK  
175 WEST SHORE ROAD  
PORT WASHINGTON, NEW YORK  
SBL:6-53-1007 & 6-53-1035

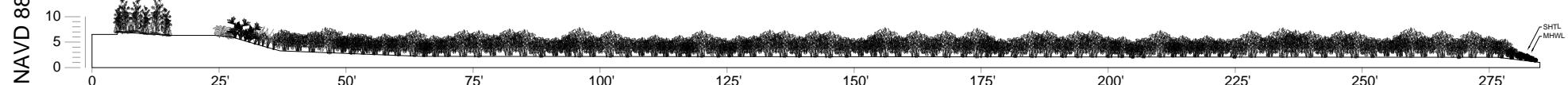


NAVD 88

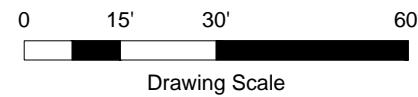


SECTION A - A'

NAVD 88



SECTION B - B'



Drawing Title	SHEET 4 OF 5 CONCEPTUAL MITIGATION PLAN CROSS-SECTIONS	Drawn By	LM
Checked By	KD		
Drawing No.	CMP4	Date	6/3/2022
		Scale	AS NOTED
	Rev. 7/15/22		

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