

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-2022-00161-EKO**
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).

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

ACTIVITY: Ten-Year Maintenance Dredging with Upland Disposal and No Return Flow to the Waterway

WATERWAY: North Canal, a tributary of South Oyster Bay

LOCATION: Riviera Drive S, 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

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AND EMAILED TO Zachary.J.Kocsik@usace.army.mil 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 adversely 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), but the effects are not likely to be substantial. 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

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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 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 Zachary.J.Kocsik@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

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WORK DESCRIPTION

The permit applicant, Richard Lenz, Town of Oyster Bay DPW Commissioner, has requested Department of the Army (DA) authorization to conduct dredging, with ten-years maintenance with placement of all resultant dredged material at an upland disposal area with no return flow to the waterway. The project is located at Riviera Drive S in North Canal, Massapequa, Town of Oyster Bay, Nassau County, New York.

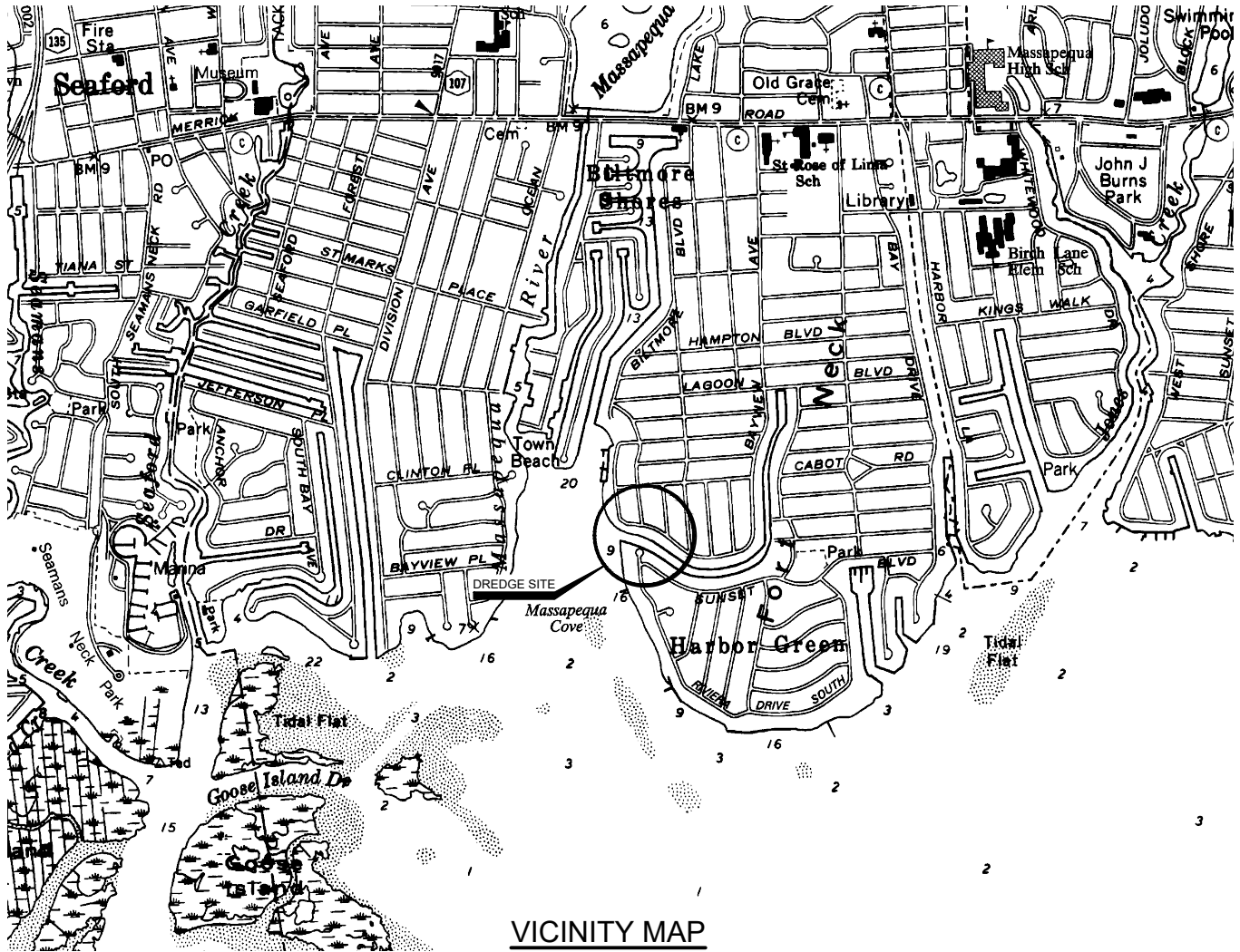
The proposed work would involve the following:

Maintenance dredge with ten-years maintenance, by mechanical clam shell or closed-bucket land-based excavator, approximately 2,800-cubic yards (CY) of material from an approximately 36,888 square foot irregularly shaped area and extend to a depth of 6 feet below the plane of Mean Low Water (MLW) with no over-dredge. The dredged material would be placed at Tobay Beach area for storage and dewatering with no return flow to the waterway. The dewatered material will be disposed of at an approved upland disposal site.

The applicant plans to conduct two (2) additional dredging events within the ten-year maintenance dredging period removing similar volumes of material within the same dredging area with disposal at the same upland site.

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, using and a mechanical clamshell or land-based excavator when mechanically dredging, and preventing barge overflow of dredged material.

The purpose of this project is to maintain safe navigation within the canal for recreational marine vessels.



VICINITY MAP

SCALE : 1" = 2,000'



NOTES:

1. SOURCE: NYSDOT PLANIMETRIC INDEX MAP I151
2. LATITUDE: 40° 39' 12.48" N, LONGITUDE: 73°28' 06.22" W
3. VERTICAL DATUM (DREDGE CONTOURS): MEAN LOW WATER
VERTICAL DATUM (MHW, MLW, SHW): NAVD88
4. MEAN HIGH WATER (MHW) = 0.77
MEAN LOW WATER (MLW) = -1.21
SPRING HIGH WATER (SHW) = 0.77
5. TIDAL REFERENCE: GREEN ISLAND, GREAT SOUTH BAY
6. ADJACENT PROPERTIES:
364 S RIVIERA DRIVE, MASSAPEQUA: 15 FT SOUTH OF DREDGE SITE
298 BAYVIEW AVENUE, MASSAPEQUA: 50 FT NORTH OF DREDGE SITE
296 BAYVIEW AVENUE, MASSAPEQUA: 50 FT NORTH OF DREDGE SITE
294 BAYVIEW AVENUE, MASSAPEQUA: 50 FT NORTH OF DREDGE SITE
292 BAYVIEW AVENUE, MASSAPEQUA: 50 FT NORTH OF DREDGE SITE
290 BAYVIEW AVENUE, MASSAPEQUA: 50 FT NORTH OF DREDGE SITE
7. ADJACENT ROADS:
RIVIERA DRIVE S: 60 FT SOUTH OF DREDGE SITE
BAYVIEW AVENUE: 150 FT NORTH OF DREDGE SITE
8. APPROXIMATELY 36,888 SF; 29,000 CY OF MATERIAL IS PROPOSED TO BE DREDGED OVER A 10-YEAR PERIOD. 2,800 CY OF WHICH IS TO BE REMOVED DURING AN INITIAL DREDGE EVENT.

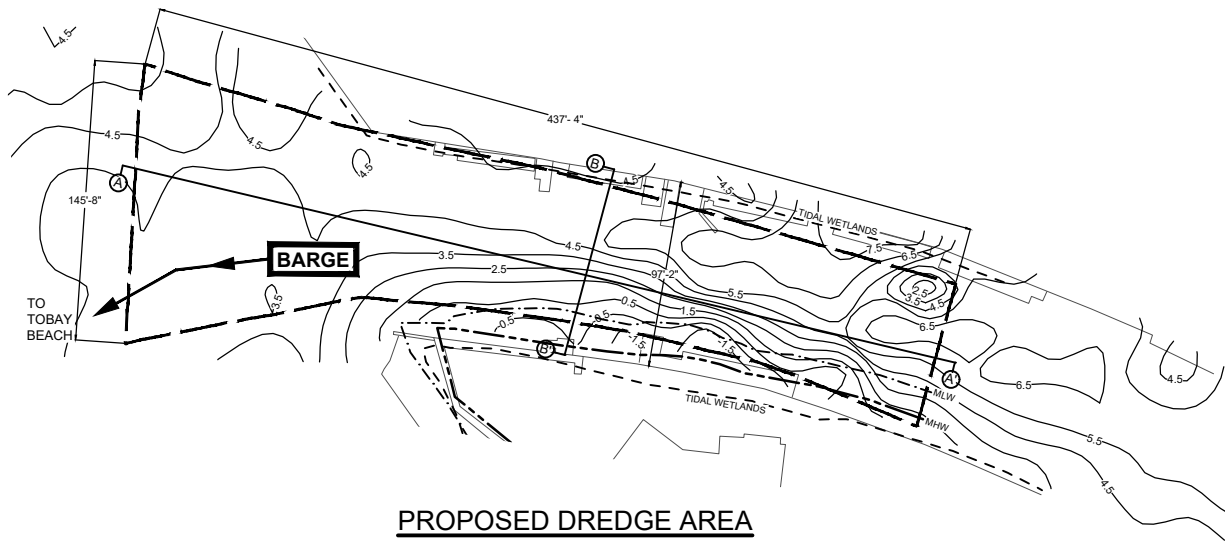


NORTH CANAL DREDGE PLAN

VICINITY MAP

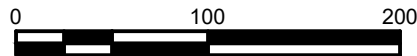
NORTH CANAL
MASSAPEQUA, NY

Project:	OYS2103
Designed by:	AJL
Approved by:	AJL
Drawn by:	HS
Date:	07/20/2022



PROPOSED DREDGE AREA

SCALE: 1" = 100'



SCALE: 1" = 100'

NOTES:

1. HORIZONTAL DATUM: NAD83
VERTICAL DATUM (DREDGE CONTOURS): MEAN LOW WATER
VERTICAL DATUM (MHW, MLW, SHW): NAVD88
2. BATHYMETRIC CONTOURS MEASURE SEDIMENT DEPTH BELOW MEAN LOW WATER AND ARE BASED ON A FIELD SURVEY PERFORMED BY PWGC, DATED JULY 21, 2021.
3. DREDGE MATERIAL TO BE TRANSPORTED VIA HOPPER BARGE TO TOBAY BEACH FOR STORAGE AND DEWATERING PRIOR TO DISPOSAL OR REUSE.
4. DREDGING WILL BE PERFORMED VIA MECHANICAL DREDGING.
5. PROPOSED DREDGE DEPTH IS 6' ELOW MEAN LOW WATER.
6. APPROXIMATELY 29,000 CY OF MATERIAL IS PROPOSED TO BE DREDGED OVER A 10-YEAR PERIOD. 2,800 CY OF WHICH IS TO BE REMOVED DURING AN INITIAL DREDGE EVENT.
7. THERE IS NO RETURN FLOW TO THE WATERWAY.

LEGEND

	PROPOSED DREDGE AREA	±36,888 SF
	MEAN LOW WATER (MLW)	-1.21
	MEAN HIGH WATER/ SPRING HIGH WATER	0.77
	TIDAL WETLANDS BOUNDARY	

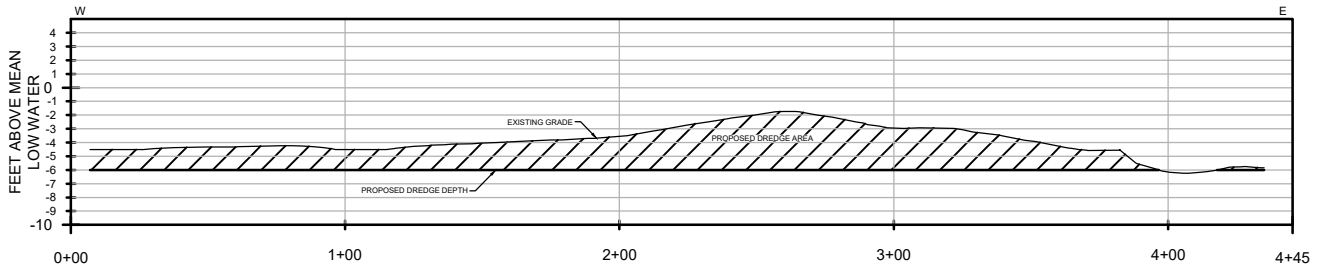


NORTH CANAL DREDGE PLAN

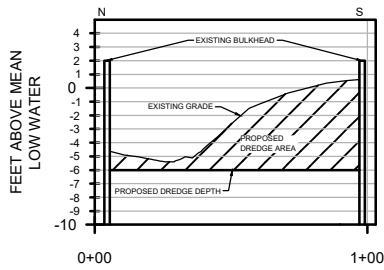
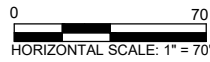
SITE PLAN

NORTH CANAL
MASSAPEQUA, NY

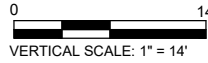
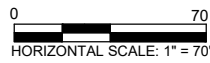
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NORTH CANAL PROFILE A-A'



NORTH CANAL PROFILE B-B'



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LEGEND

- EXISTING GRADE
- PROPOSED DREDGE DEPTH = 6FT BMLW
- PROPOSED DREDGE AREA



NORTH CANAL DREDGE PLAN

CROSS SECTIONS

NORTH CANAL
MASSAPEQUA, NY

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Designed by:	AJL
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