

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-2022-00799-EKO**
Issue Date: **June 7, 2023**
Expiration Date: **July 7, 2023**

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: Ocean Hampton LLC
3564 Hampton Road
Oceanside, NY 11572

ACTIVITY: Ten-Year Maintenance Dredging

WATERWAY: Strum Channel

LOCATION: 3564 Hampton Road, Oceanside, Town of Hempstead, Nassau County, New York

Dredge Location: Strum Channel

Dredge Material Placement Location: Upland on 3564 Hampton Road

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

June 7, 2023

**CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2022-00799-EKO**

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 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.

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.

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

June 7, 2023

**CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2022-00799-EKO**

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, 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>.

 Digitally signed by
Rosita Miranda

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

Enclosures

WORK DESCRIPTION

The permit applicant, Ocean Hampton LLC, 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 return flow to the waterway. The project is located at 3564 Hampton Road, Oceanside, Town of Hempstead, Nassau County, New York.

The proposed work would involve the following:

Maintenance dredge with ten-years maintenance, by mechanical clam shell, approximately 4,100-cubic yards (CY) of material from an approximately 25,184 square foot irregularly shaped area and extend to a depth of 15.0 feet below the plane of Mean Low Water (MLW).

The applicant plans to conduct two (2) additional dredging events within the ten-year maintenance dredging period removing between 1,500 - 2,000 CY of material within the same dredging area with disposal at the same upland site.

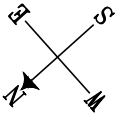
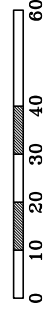
The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by doing dredging and dredged material placement at low tide, utilization of a turbidity curtain around the project area, and preventing barge overflow of dredge material.

The purpose of this project is to maintain safe navigation and to accommodate the drafts of sea barges that need to be berthed and loaded from the upland property within the waterway.

OCEAN HAMPTON LLC, PROPERTY.

3564 HAMPTON ROAD, OCEANSIDE, NY 11572
 SECTION: 43, BLOCK: 248, LOT(S): 160,161,171,173,174
 SCALE: AS NOTED ~ DRAWN BY: R.K.H. ~ DATE: 03-23-2021
 PREPARED BY: TAPLOW CONSULTING, LTD.
 72 PROSPECT ROAD, CENTERPORT NY 11721
 E-MAIL: TAPLOWCONSULTING@GMAIL.COM
 CELL: (631) 835-8792

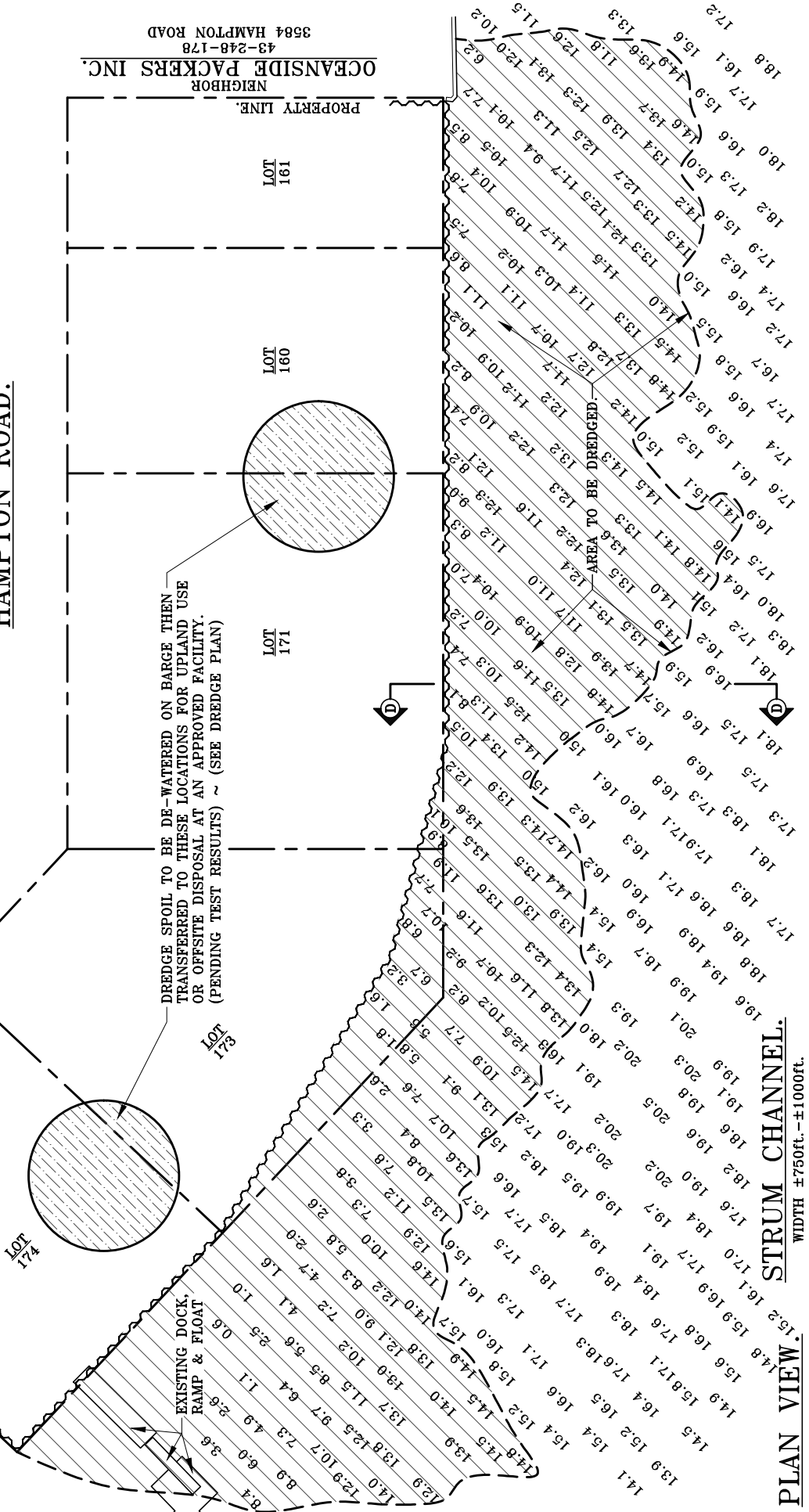
NOTE:
 -BAROMETRIC SURVEY INFORMATION AS PER OTHERS,
 DATED MARCH 15, 2019.



NEIGHBOR
DURBA
 43-248-175
 HAMPTON ROAD

HAMPTON ROAD.

NEIGHBOR
OCEANSIDE PACKERS INC.
 43-248-178
 3584 HAMPTON ROAD



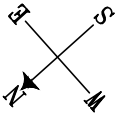
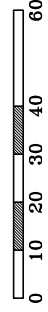
PLAN VIEW
 WIDTH ±750ft. ±1000ft.
 SCALE: 1"=40'

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3564 HAMPTON ROAD, OCEANSIDE, NY 11572
 SECTION: 43, BLOCK: 248, LOT(S): 160,161,171,173,174
 SCALE: AS NOTED ~ DRAWN BY: R.K.H. ~ DATE: 10-24-2021
 PREPARED BY: TAPLOW CONSULTING, LTD.
 72 PROSPECT ROAD, CENTERPORT NY 11721
 E-MAIL: TAPLOWCONSULTING@GMAIL.COM
 CELL: (631) 835-8792

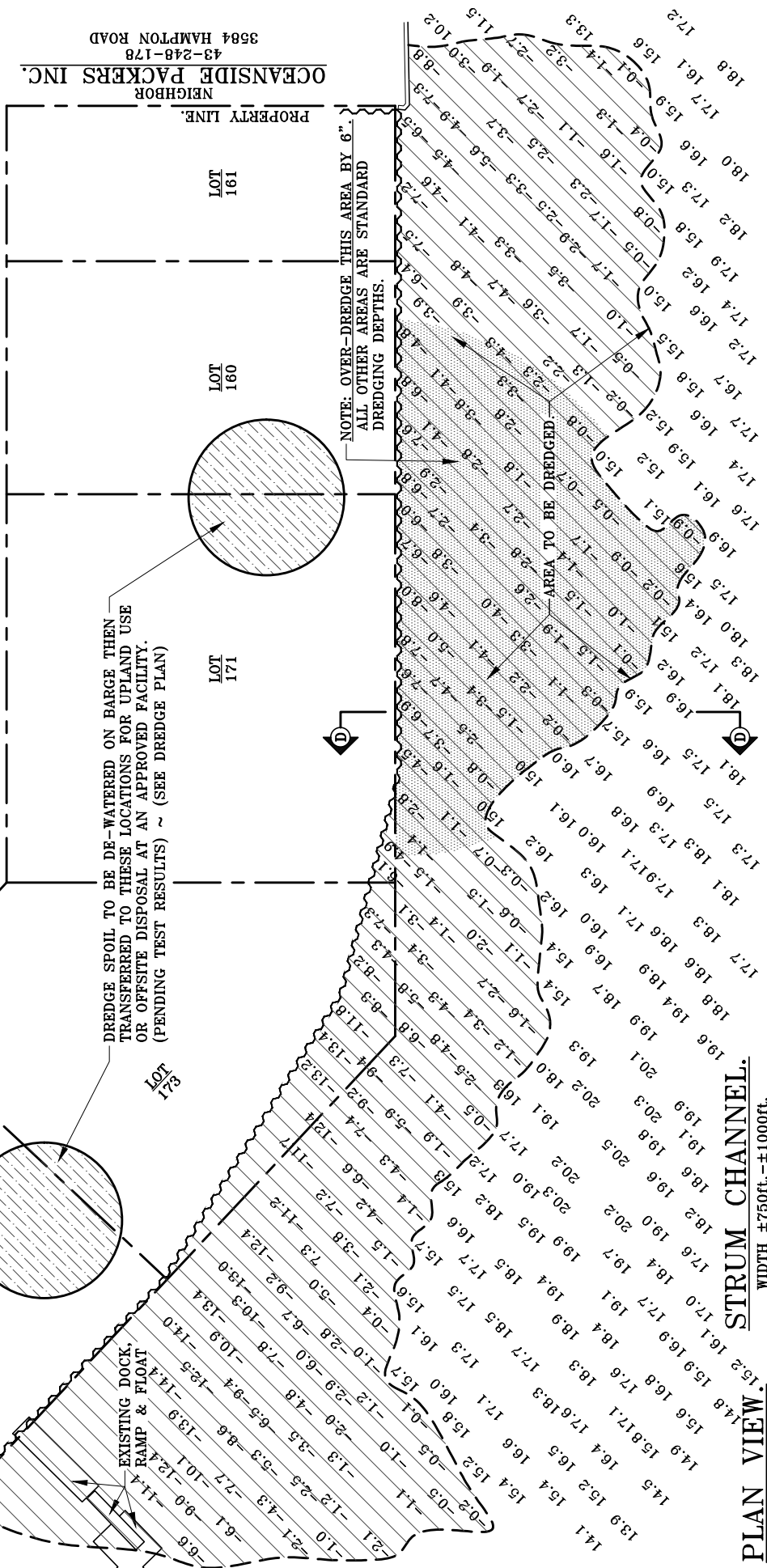
NOTE:
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 DATED MARCH 15, 2019.

NOTES:
 -NEGATIVE VALUES REPRESENT QUANTITY OF SEDIMENT TO BE REMOVED.
 -FINAL DEPTH IS TO BE AT EL.15.0.



NEIGHBOR
DURBA
 43-248-175
 HAMPTON ROAD

HAMPTON ROAD.



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 CELL: (631) 835-8792

NOTES:

- EXISTING DILAPIDATED METAL BULKHEAD TO BE REMOVED IN ITS ENTIRETY.
- EXISTING STONE AND DEBRIS TO BE REMOVED.
- EXISTING WOOD DOCKS, METAL RAMP, FLOATING DOCK AND WOOD PILINGs TO BE REMOVED IN THEIR ENTIRETY.
- EXISTING FRAME SHED, METAL CONTAINER AND METAL TRAILER ALL TO BE REMOVED AND REPLACED.

El.5.5

PROPOSED CORRUGATED SHEET METAL PANELS. EXISTING DILAPIDATED METAL BULKHEAD.

PROPOSED AREA TO BE DREDGED.

El.15.0

SECTION D-D.

SCALE: 1"=10'

EXISTING FRAME SHED, METAL CONTAINER, METAL TRAILER ALL TO BE REMOVED AND REPLACED.

PROPOSED 2ft. WIDE x 6ft. DEEP POURED CONCRETE FOOTING WITH 3/8" Ø EPOXY COATED REBAR THROUGHOUT. BACK-FILL WITH CLEAN SOIL FROM A UPLAND SOURCE.

EXISTING STONE AND DEBRIS TO BE REMOVED.

PROPOSED 1 1/4" Ø x 18' GALVANIZED TIE RODS. PROPOSED 10" x 10" H-BEAM. PROPOSED STEEL PLATE.

35.0ft. LONG CORRUGATED SHEET METAL PANELS, (SKZ 38) AND DOUBLE BEND LOCKS ON THE SLIDES.

2ft.

El.5

El.5.5

SHWL
MHW
MLW

2ft.

El.5

El.5.5

SHWL
MHW
MLW

PROPOSED 1 1/4" Ø x 18' GALVANIZED TIE RODS. PROPOSED 10" x 10" H-BEAM. PROPOSED STEEL PLATE.

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EXISTING DILAPIDATED METAL BULKHEAD TO BE REMOVED IN ITS ENTIRETY.

2ft.

El.5

El.5.5

SHWL
MHW
MLW

SECTION A-A.

SCALE: 1"=10'

SECTION B-B.

SCALE: 1"=10'

SECTION C-C.

SCALE: 1"=10'