



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-2019-01150-M2**
Issue Date:
Expiration Date:

The New York District, Corps of Engineers has received a request to modify 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: Nassau County Department of Public Works
1194 Prospect Avenue
Westbury, New York 11590

ACTIVITY: Install two (2) temporary trestles to support construction of a new sewer force main,

WATERWAY: Hempstead Bay (Reynolds Channel, Hog Island Channel, East Rockaway Channel, Broad Channel, Swift Creek) and adjacent wetlands

LOCATION: City of Long Beach & 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 Christopher.W.Minck@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.

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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.

The Office of Resilient Homes and Community (RHC), formerly the Governor's Office of Storm Recovery (GOSR), acting on behalf of the U.S. Department of Housing and Urban Development (HUD) has been the lead federal agency for compliance with the National Environmental Policy Act (NEPA). RHC has determined that the proposed modification did not warrant reopening NEPA review.

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). 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.

A Phase IA Historical Documentary Report and Archaeological Assessment was completed for the proposed project. No historic properties, including archaeological and/or historic resources, will be affected by this undertaking. Pursuant to Section 106 of the Historic Preservation Act, the Governor's Office of Storm Recovery, as the lead federal agency, consulted with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) for the project's potential effects on the historic properties. In a letter dated February 4, 2020, the OPRHP concurred with the GOSR's determination that no historic properties, including archaeological and/or historic resources, would be affected by this undertaking. 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 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. In a letter dated February 26, 2021, New York State Department of State issued a Coastal Zone Management Concurrence with Consistency Certification, F-2020-0750, for the proposed

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work.

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

The applicant has stated that they have avoided, minimized and mitigated for impacts proposed to the maximum extent practicable by utilizing horizontal directional drilling, replanting temporary disturbance areas with native vegetation, and implementing sediment and erosion controls.

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 Christopher Minck of this office at 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

On April 14, 2022, this office issued a permit to Nassau County Department of Public Works (NCDPW), for the construction of an approximately 11,500 linear foot, 24-inch diameter HDPE force main sewer pipe across Hempstead Bay, Reynolds Channel, Black Banks Creek, East Rockaway Channel and Swift Creek between the Long Beach Water Pollution Control Plant and the Bay Park Sewage Treatment Plant. The construction of this force main also included temporary and permanent impacts to jurisdictional wetlands on Black Banks and Pearsall's Hassock. Enhancement and restoration activities following construction completion were also authorized in the subject permit.

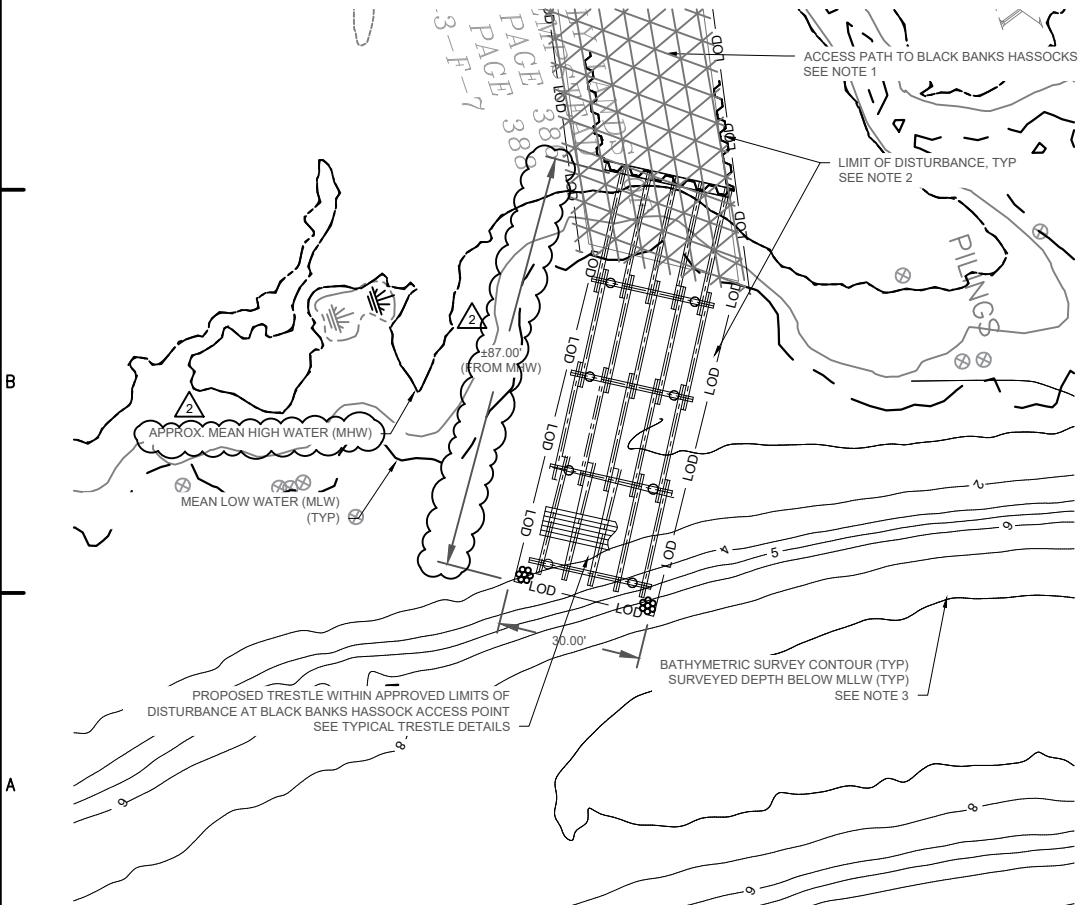
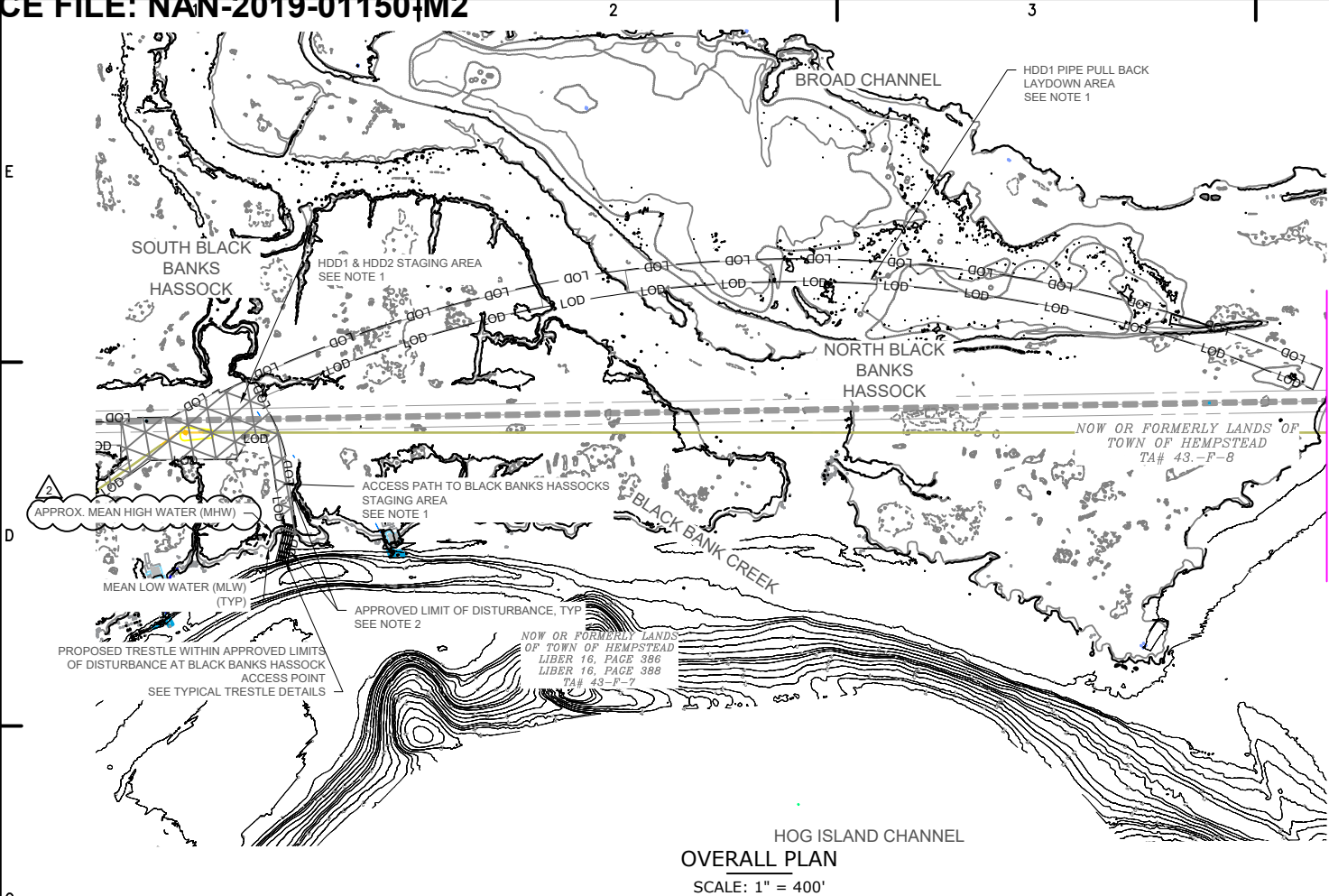
On April 5, 2024, this office approved a permit modification NAN-2019-01150-M1, which authorized the temporary discharge of additional fill material (approximately 11,150 cubic yards of gravel) and a Geogrid Earth Retention System (GERS) wall basked lined with geotextile fabric to be placed atop of the temporary construction marsh mats in select locations within the authorized temporary disturbance and construction areas (approximately 2.3 acres).

On August 5, 2024, the permittee requested a permit modification for additional work. The additional work requested is described below:

Install temporary trestles in two locations in the Hassock Islands of Hempstead Bay to reduce risk and better facilitate delivery of equipment and materials to be used in the force main installation sections. Specifically, NCDPW requested to install an approximately 30-foot-wide by 70-foot-long trestle on the shoreline of South Black Banks Hassock supported by eight (8) 24-inch diameter steel pipe piles and install an approximately 30-foot-wide by 75-foot-long trestle on the shoreline of Pearsall's Hassock supported by eight (8) 24-inch diameter steel pipe piles. To access each trestle, approximately 40 cubic yards of clean fill will be discharged within the existing limit of disturbance to create access ramps to the trestles.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable. Any temporary potential impacts would be offset by implementing best management practices including utilizing a vibratory hammer as practicable and utilizing a soft start. The proposed trestle structures are proposed to minimize impacts to benthic habitat as well as crew safety. Following completion of construction of the project, all structures would be removed via vibratory methods.

The stated purpose of this project is to enhance coastal resiliency and improve water quality in the Western Bays.

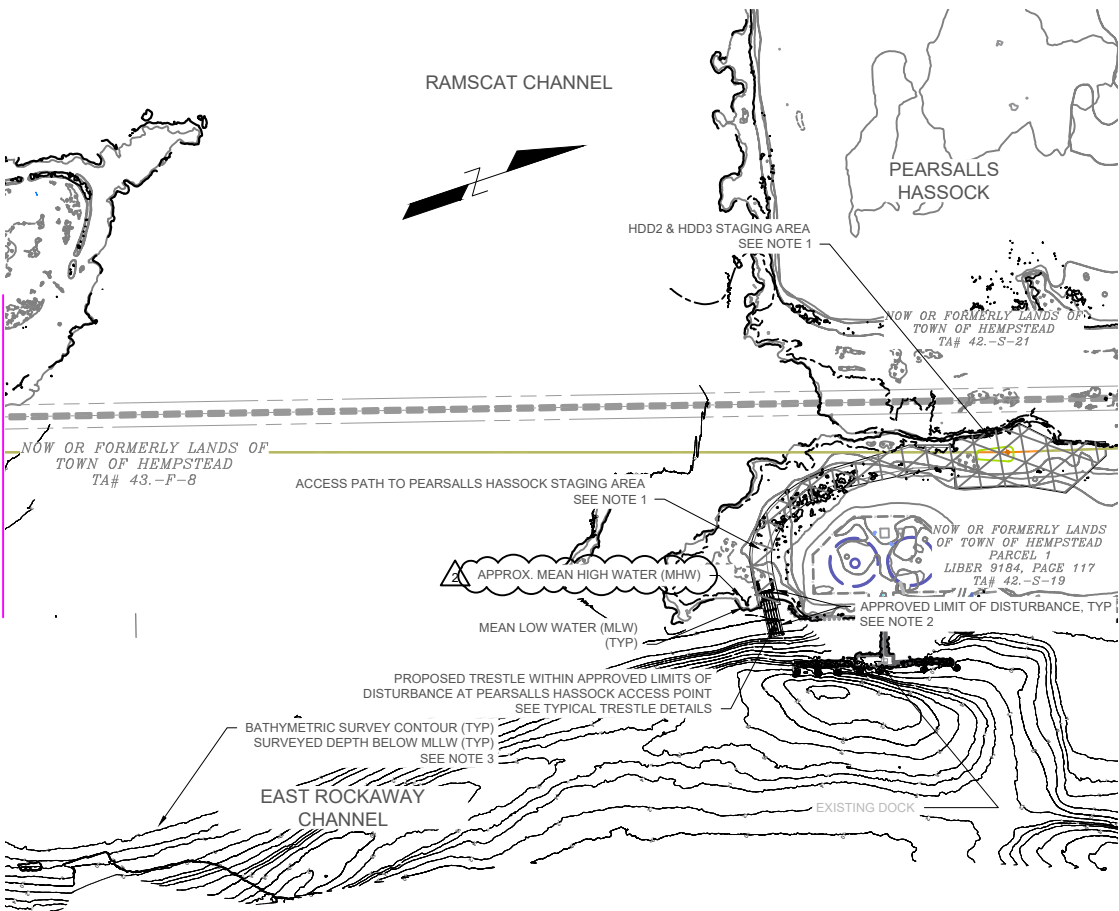


- NOTES:
1. ACCESS PATHS AND STAGING AREAS ARE AS SHOWN ON DRAWINGS INCLUDED WITH USACE PERMIT NO. NAN-2019-01150 AND NYSDEC PERMIT 1-2820-05050/00010.
 2. LIMITS OF DISTURBANCE AREAS ARE AS SHOWN ON DRAWINGS INCLUDED WITH USACE PERMIT NO. NAN-2019-01150 AND NYSDEC PERMIT 1-2820-05050/00010.
 3. BATHYMETRIC CONTOURS AND DEPTHS TAKEN FROM SURVEY DRAWINGS PREPARED BY STEEL ASSOCIATES MARINE CONSULTANTS, LLC, DATED 05-31-2023. PER THE SURVEY DRAWINGS, DEPTHS ARE SHOWN FROM MEAN LOW WATER (MLW) EL. -2.7, THEREFORE NAVD88 ELEVATIONS ARE CALCULATED AS (DEPTH) - 2.7FT.
 4. TIDAL ELEVATIONS, PER NCDPW LONG BEACH WPCP CONSOLIDATION FORCE MAIN HAZEN ARCADIS DRAWING G-002, NO. A, DATED 3/2023:
SHW: 3.15
MHW: 1.77
MLW: -2.85

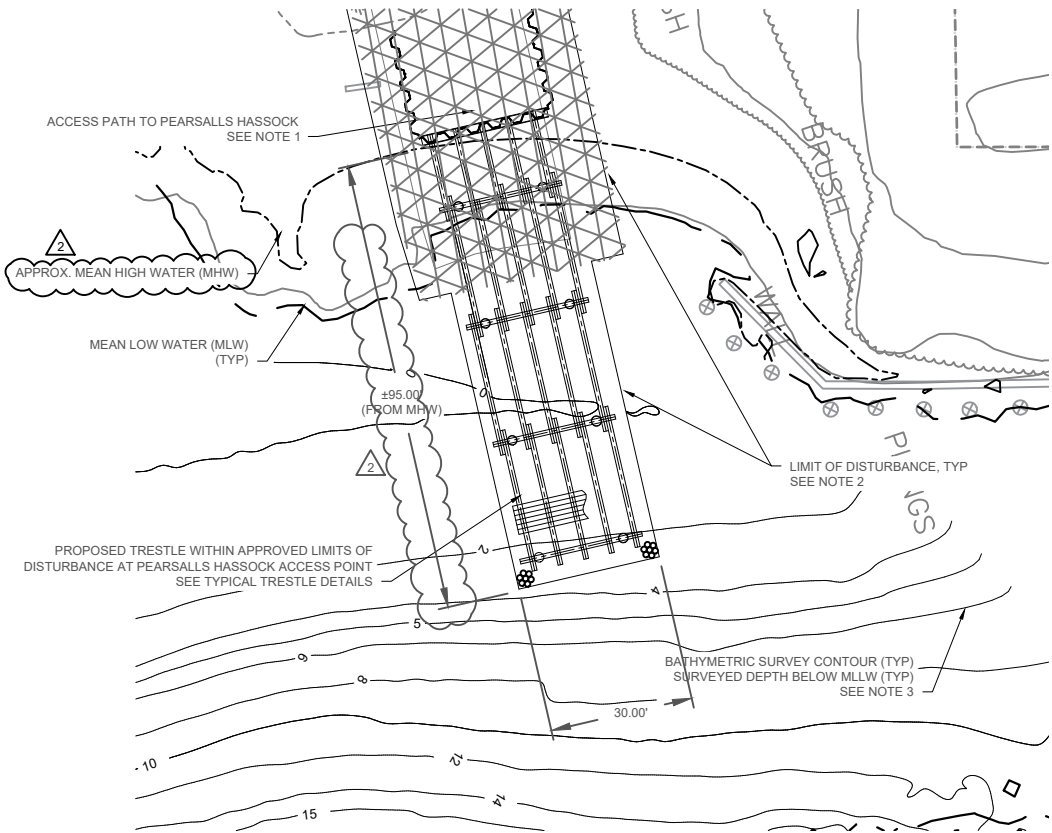
MHW CONTOUR LINE PER POSILICCO DATA FROM SURVEY PERFORMED IN 8/2023.
 5. AREA PREVIOUSLY APPROVED FOR THE PLACEMENT OF ADDITIONAL FILL MATERIAL PER USACE PERMIT NUMBER NAN-2019-01150-M1 AND NYSDEC PERMIT NUMBER 1-2820-05050/00010 MODIFICATION APPROVED 5/2/2024 IS INDICATED BY HATCHED AREA.



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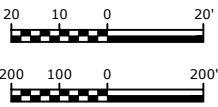
OVERALL PLAN
SCALE: 1" = 400'



TRESTLE LOCATION- PEARSALLS
SCALE: 1" = 40'

SCALE: 1" = 40'

SCALE: 1" = 400'



SEALS

COUNTY OF NASSAU, NEW YORK
DEPARTMENT OF
PUBLIC WORKS

LONG BEACH WPCP
CONSOLIDATION FORCE MAIN

2	8/22/24	USACE CLARIFICATIONS	CG
1	8/12/24	ADDED TRESTLE DIMS	CG
NO.	DATE	ISSUED FOR	BY

COPYRIGHT:

DATE: 6/12/2024

PROJECT NO.: S35109-01S

FILE NAME:

DESIGNED BY:

DRAWN BY:

CHECKED BY:

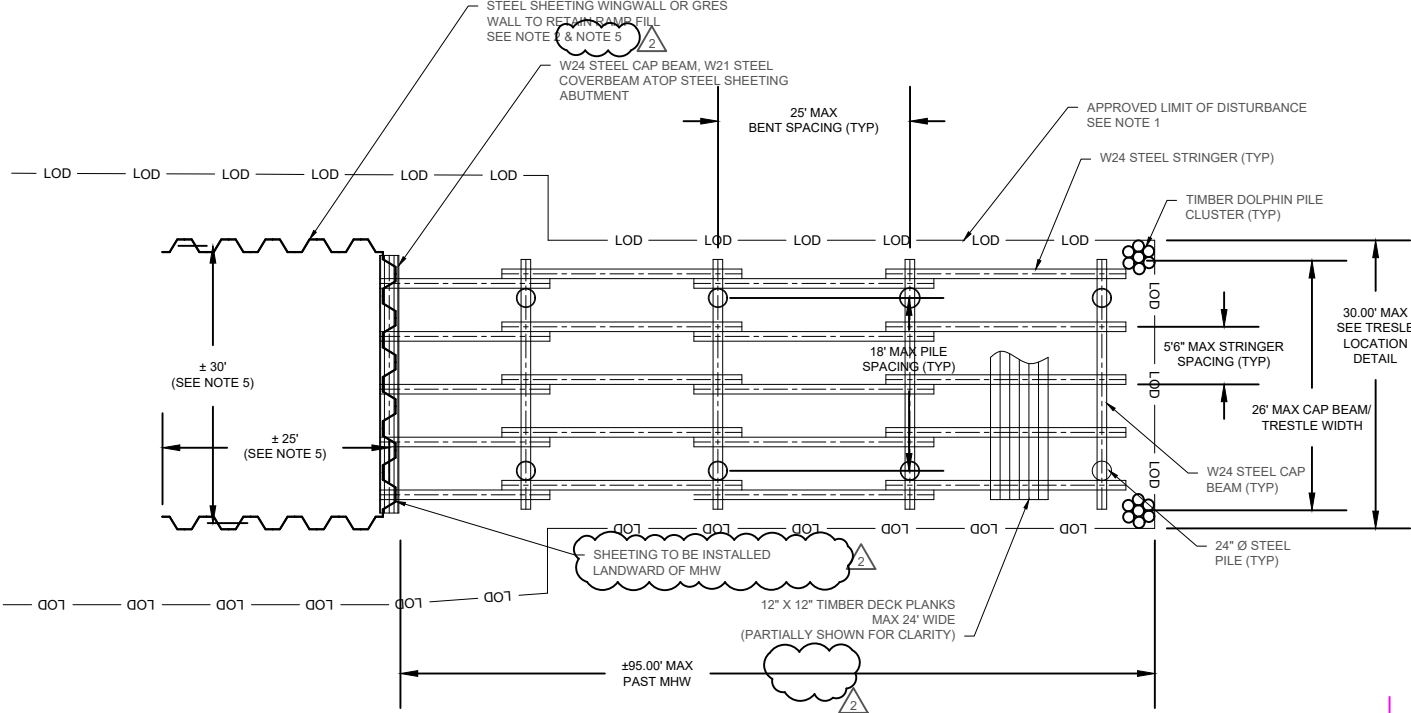
SHEET TITLE

PROPOSED
PERMIT
MODIFICATION

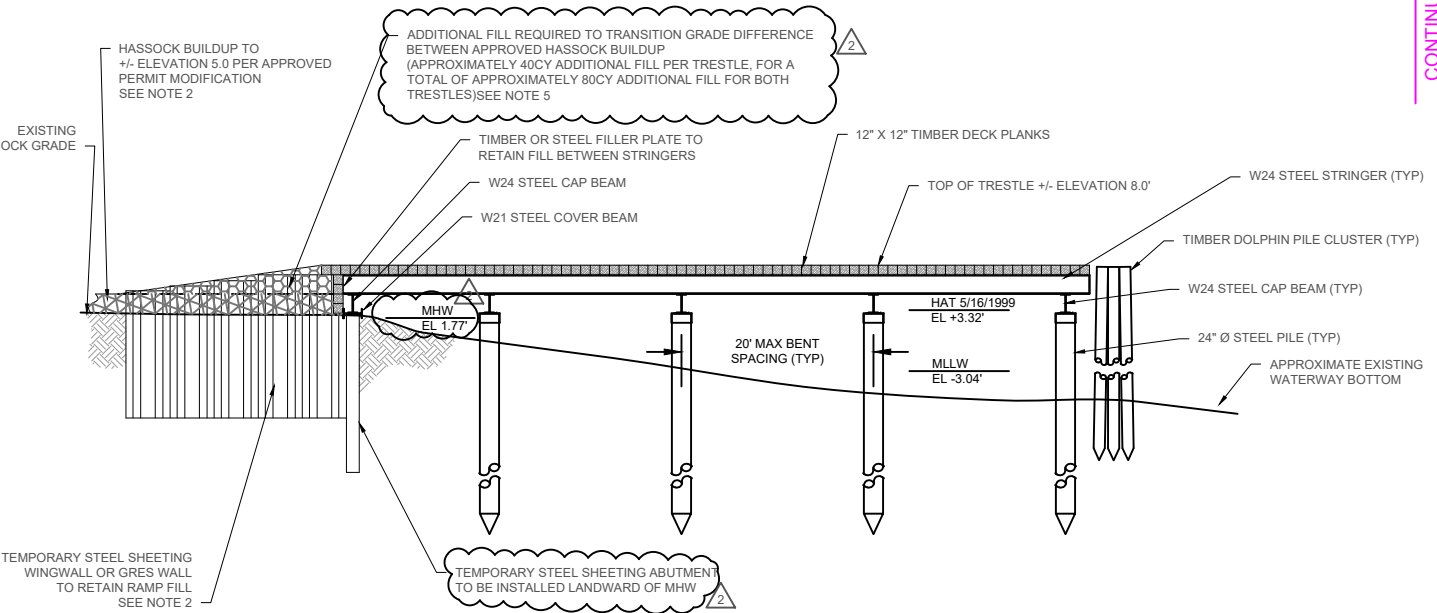
TEMPORARY
TRESTLES FOR
HASOCK
ACCESS PLAN

IF SHEET IS LESS THAN 8.5"x11" IT IS
A REDUCED PRINT, SCALE ACCORDINGLY.

SHEET 1 OF 2

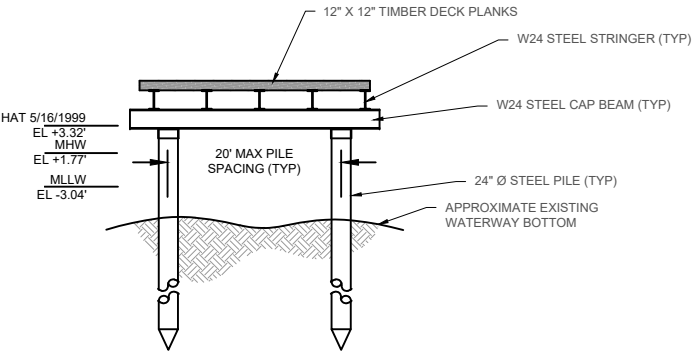


TYPICAL TRESTLE PLAN
SCALE: 1" = 20'



TYPICAL TRESTLE SIDE ELEVATION
SCALE: 1" = 20'

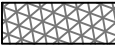
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TYPICAL TRESTLE SECTION
SCALE: 1" = 20'

- NOTES:
- 1. TEMPORARY TRESTLE TO BE CONSTRUCTED WITHIN APPROVED LIMITS OF DISTURBANCES AS SHOWN ON DRAWINGS INCLUDED WITH USACE PERMIT NO. NAN-2019-01150 AND NYSDEC PERMIT 1-2820-05050/00010.
 - 2. HASSECK BUILDUP CONSISTS OF 3/4" COARSE AGGREGATE TO ASTM #57 GRADATION ATOP MARSH MATS PLACED ON EXISTING GRADE, IN ACCORDANCE WITH THE NYSDEC APPROVED MODIFICATION TO PERMIT 1-2820-05050/10 DATED 5/2/24, AND USACE APPROVED MODIFICATION TO PERMIT NAN-2019-01150 DATED 4/5/24.
 - 3. TEMPORARY TRESTLES TO BE REMOVED IN THEIR ENTIRETY UPON COMPLETION OF THE PROJECT
 - 4. ELEVATIONS SHOWN ARE IN NAVD 1988

BUILDUP INDICATED BY HATCHED AREA:



2

- 5. ADDITIONAL TEMPORARY FILL REQUIRED TO TRANSITION GRADE DIFFERENCE BETWEEN APPROVED HASSECK BUILDUP (+/- ELEVATION 5.0) AND PROPOSED TOP OF TRESTLE (+/- ELEVATION 8.0) INDICATED BY HATCHED AREA :



APPROXIMATELY 40CY ADDITIONAL FILL PER TRESTLE, FOR A TOTAL OF APPROXIMATELY 80CY ADDITIONAL FILL FOR BOTH TRESTLES.

FILL MATERIAL TO CONSIST OF SAME 3/4" COARSE AGGREGATE TO ASTM #57 GRADATION APPROVED IN NYSDEC AND USACE PERMIT MODIFICATIONS.

- 6. ALL TEMPORARY FILL AND STRUCTURE WILL BE REMOVED IN THEIR ENTIRETY UPON COMPLETION OF THE PROJECT. STRUCTURES WILL BE REMOVED WITH VIBRATORY METHODS.

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SEALS

COUNTY OF NASSAU, NEW YORK
DEPARTMENT OF
PUBLIC WORKS

LONG BEACH WPCP
CONSOLIDATION FORCE MAIN

2	8/22/24	USACE CLARIFICATIONS	CG
1	8/12/24	ADDED TRESTLE DIMS	CG
NO.	DATE	ISSUED FOR	BY

COPYRIGHT:

DATE: 6/12/2024
PROJECT NO.: S35109-01S
FILE NAME:
DESIGNED BY:
DRAWN BY:
CHECKED BY:

SHEET TITLE

PROPOSED
PERMIT
MODIFICATION

TEMPORARY
TRESTLES FOR
HASSECK
ACCESS DETAILS

IF SHEET IS LESS THAN 8.5"x11" IT IS
A REDUCED PRINT, SCALE ACCORDINGLY.