



# 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-2022-00311-EMI**  
Issue Date:  
Expiration Date:

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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 Babylon  
1023 North Indiana Ave  
Lindenhurst, New York 11757

ACTIVITY: Ten-Year Maintenance Dredging, Bulkhead Replacement with Backfilling, and Breakwater Reconstruction

WATERWAY: Grand Canal & Great South Bay

LOCATION: Lindenhurst, Town of Babylon, Suffolk 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**  
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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 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

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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 [Christopher.W.Minck@usace.army.mil](mailto: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, Town of Babylon, has requested Department of the Army (DA) authorization to reconstruct a bulkhead, conduct dredging, with ten-years maintenance with upland placement of dredged material or placement behind a new bulkhead, and construction of new breakwater structures. The project is located at Grand Canal, in the Town of Babylon, Suffolk County, New York.

The proposed work would involve the following:

### **Breakwaters:**

Construct two (2) new vinyl sheeting breakwaters extending seaward into Great South Bay at the entrance to Grand Canal. The breakwater on the western side will consist of approximately 94 linear feet of slotted breakwater around the circular portion of the canal entrance and approximately 130 linear feet of continuous vinyl sheet breakwater extending into Great South Bay. On the eastern side approximately 67 linear feet of slotted breakwater will be installed around the circular portion of the canal entrance and approximately 125.5 linear feet of vinyl sheet breakwater will be installed extending into Great South Bay. A five (5) pile dolphin will be installed at the seaward end of each breakwater.

### **Rialto Island Bulkhead:**

Remove and replace, in-place approximately 132 linear feet of existing deteriorated bulkhead around the octagonal Rialto Island and backfill with approximately 220 cubic yards (CY) using clean fill or suitable dredged material over approximately 1,290 square feet of which approximately 151 CY would be placed below the plane of Spring High Water.

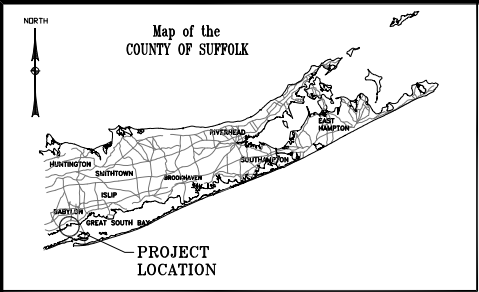
### **Dredging:**

Dredge, with ten-years maintenance, via hydraulic dredge, approximately a total of 1,625 cubic yards of material from an approximately 29,775 square foot area within Grand Canal around Rialto Island to a depth of six feet below the plane of Mean Low Water. The dredged material would be disposed of at an approved upland facility or within the Rialto Island.

The applicant plans to conduct five (5) dredge events within the ten-year maintenance dredging period removing a maximum of approximately 325 CY from within the same dredging area at each dredge event with placement at an approved upland facility.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation of Grand Canal. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a hydraulic dredge and floating pipeline. The use of a hydraulic dredge and floating pipeline would provide the cleanest and least obtrusive method for sediment removal and transport, minimizing to the greatest extent possible any potential adverse effects to the aquatic environment. Additionally, a turbidity curtain will be utilized around construction areas, as practicable.

The stated purpose of this project is to maintain safe navigable depths for vessel use in the waterway, restore the local historic Rialto Island and protect the canal channel.



THIS PROJECT IS LOCATED ON WEST LIDO PROMENADE,  
LINDENHURST

PREPARED AND  
RECOMMENDED BY:

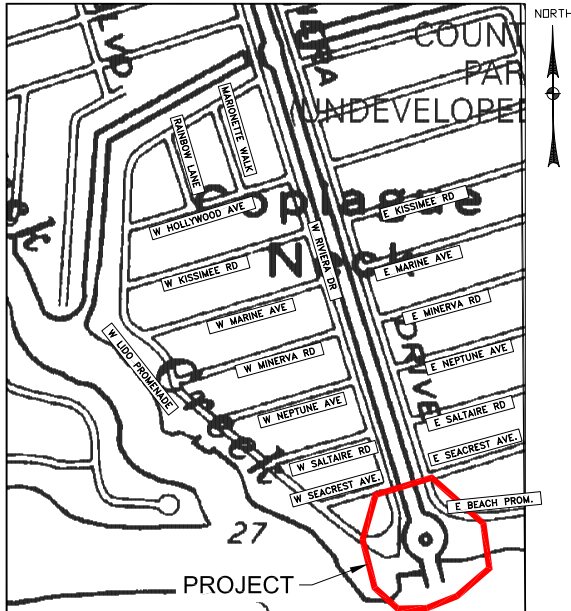
RAYMOND DIBIASE, P.E. — NYSPE Lic. No. 56985      DATE: \_\_\_\_\_  
**LKMA** L. K. McLEAN ASSOCIATES, P.C.  
CONSULTING ENGINEERS    437 SOUTH COUNTRY RD., BROOKHAVEN, NY 11719

LETTING DATE: \_\_\_\_\_  
CONTRACTOR: \_\_\_\_\_  
ENGINEER IN CHARGE: \_\_\_\_\_  
COMPLETION DATE: \_\_\_\_\_

DESIGNED BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
COMPARED BY: \_\_\_\_\_



TOWN OF BABLYON  
PRELIMINARY PLANS FOR  
CONTRACT NO. XXXX  
  
PERMIT PLANS  
RIALTO ISLAND IMPROVEMENTS  
  
JULY 2022



LOCATION MAP  
0 300  
SCALE IN FEET

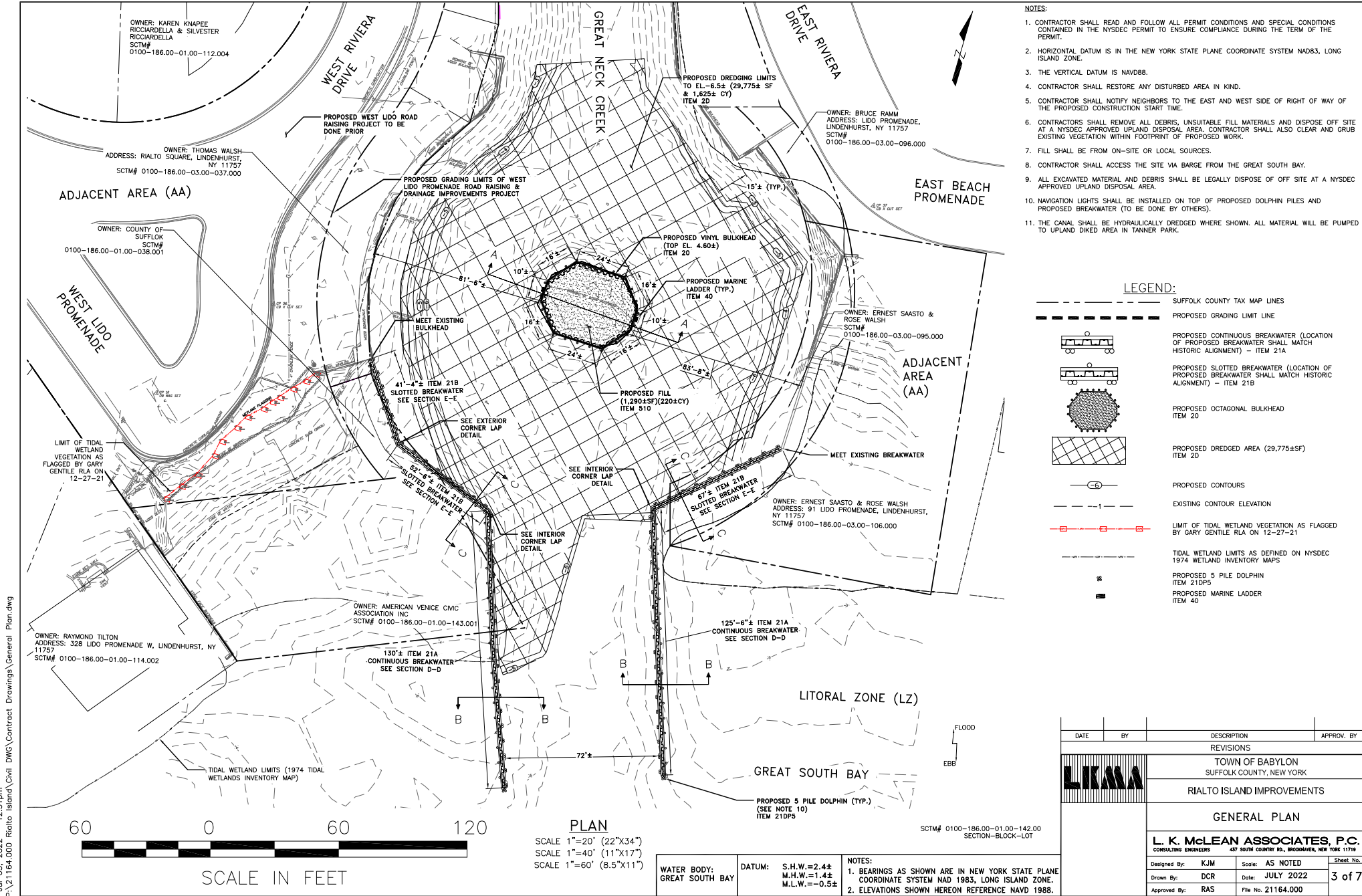
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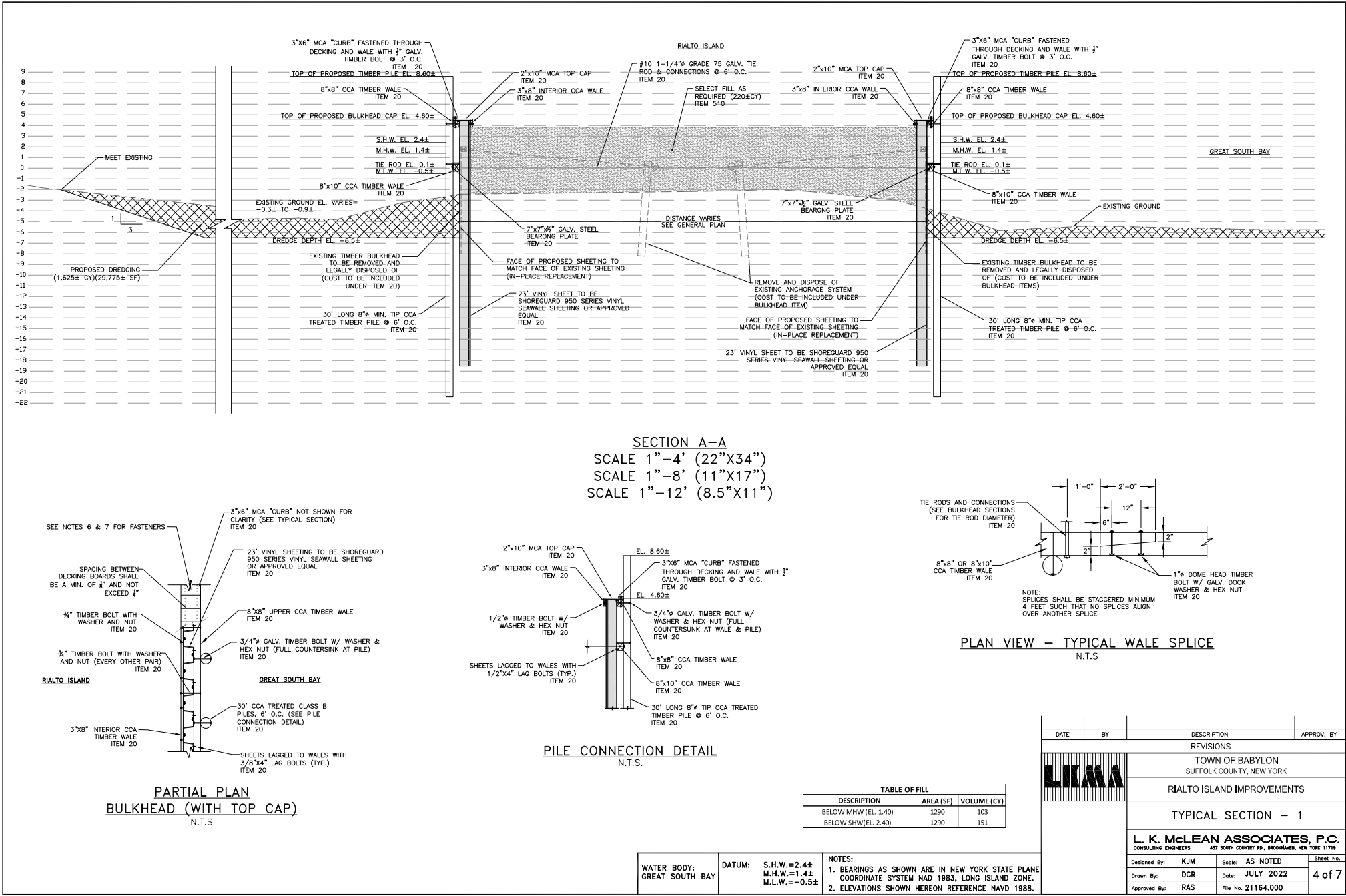
- 1-COVER SHEET
- 2-EXISTING CONDITIONS PLAN
- 3-GENERAL PLAN
- 4-TYPICAL SECTION - 1
- 5-TYPICAL SECTION - 2
- 6-TYPICAL SECTION - 3
- 7-MISCELLANEOUS DETAILS

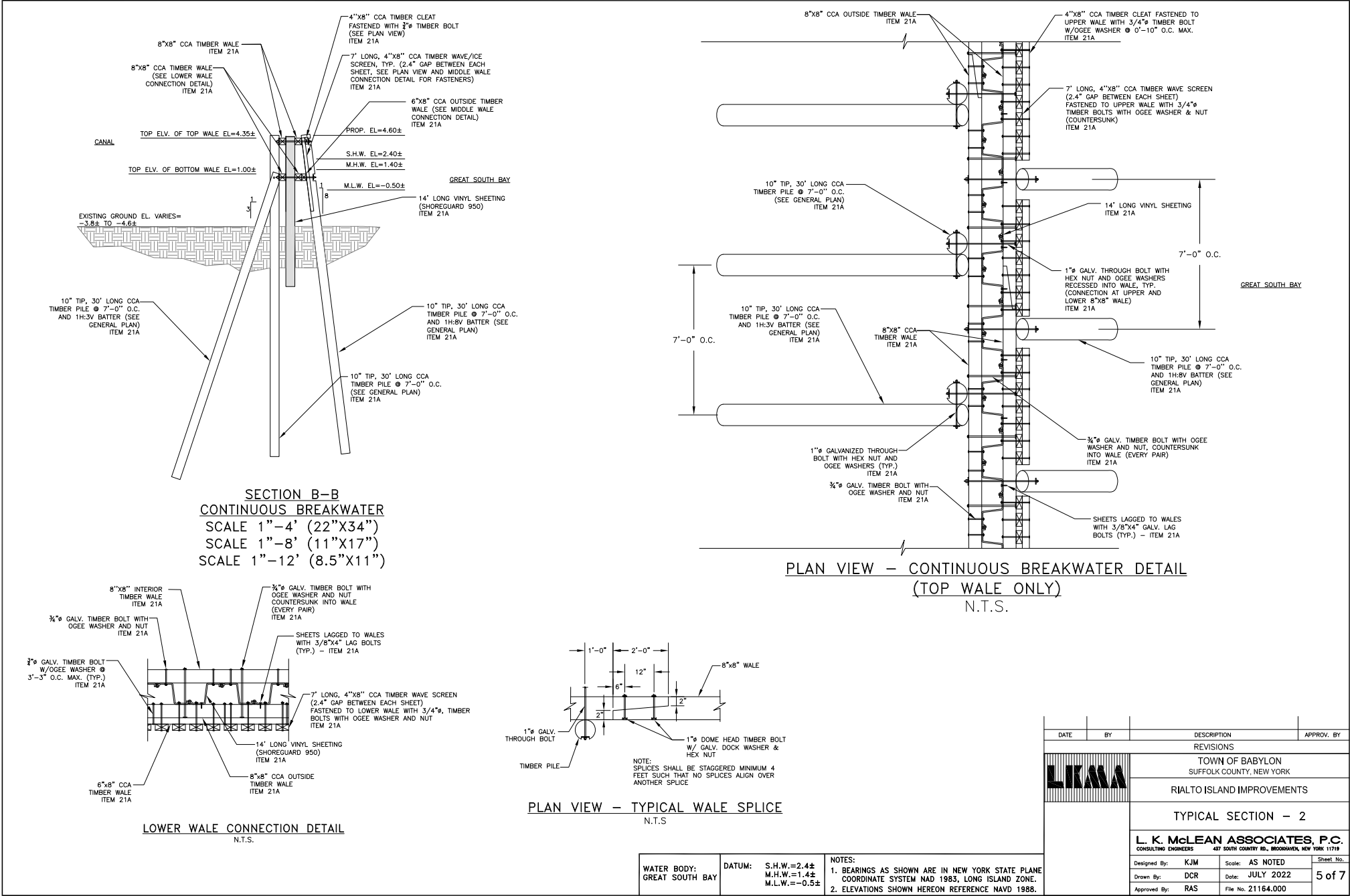
Prepared under Article 6 – Section 116 of the Highway Law

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
VINCENT PICCOLI, COMMISSIONER

THE EDUCATION LAW OF THE STATE OF NEW YORK PROHIBITS ANY PERSON FROM ALTERING ANYTHING ON THE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATIONS, UNLESS IT'S UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, WHERE SUCH ALTERATIONS ARE MADE, THE PROFESSIONAL ENGINEER MUST SIGN AND SEAL, DATE AND DESCRIBE THE FULL EXTENT OF THE ALTERATION ON THE DRAWING AND/OR IN THE SPECIFICATION (NYS ED. LAW SECTION 7209-2).

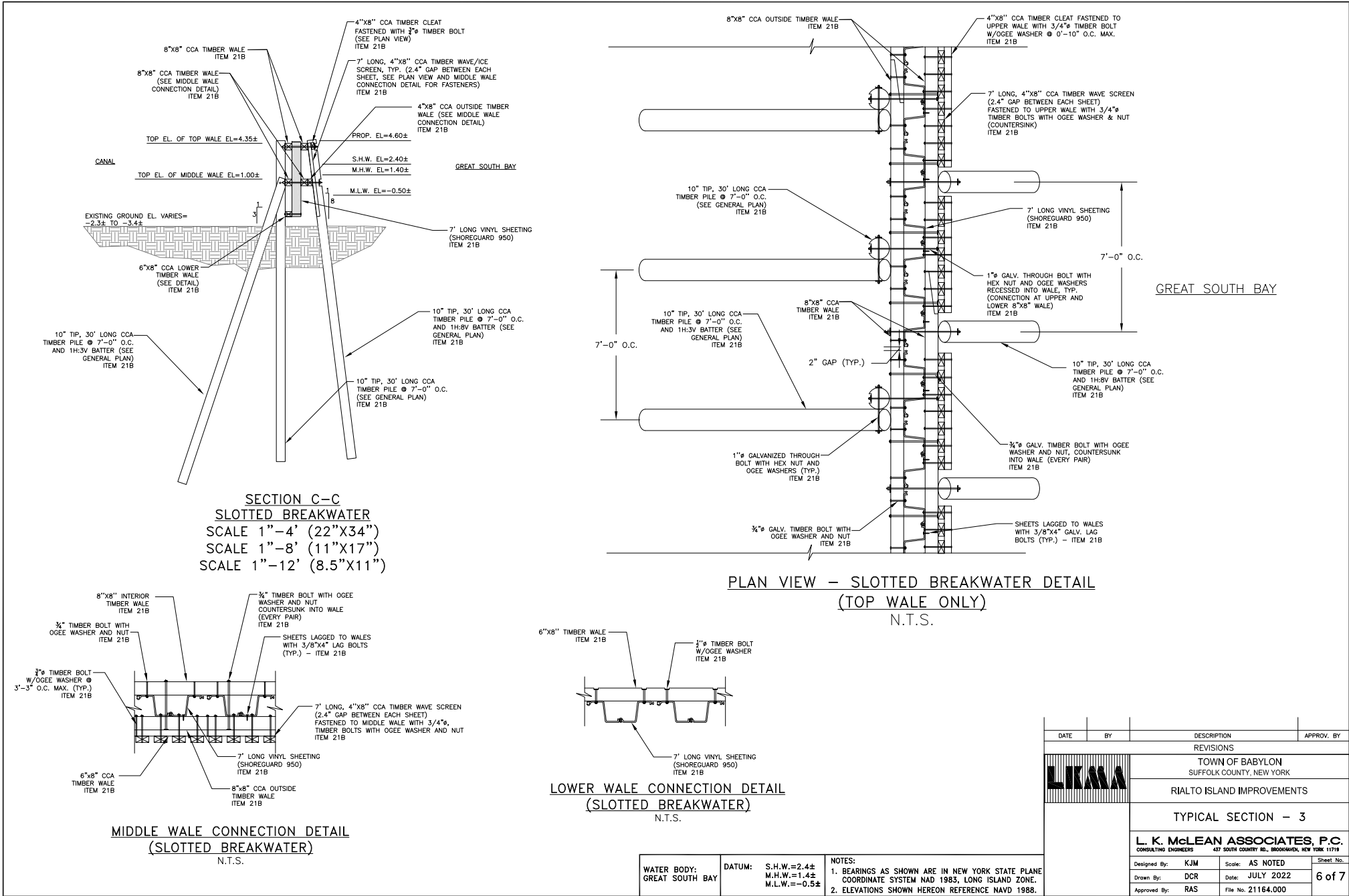






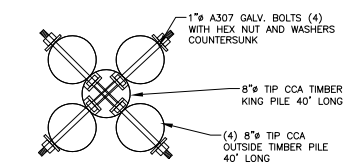
Jul 05, 2022 - 11:48am  
P:\21164.000 Rialto Island\Civil DWG\Contract Drawings\Miscellaneous Details.dwg



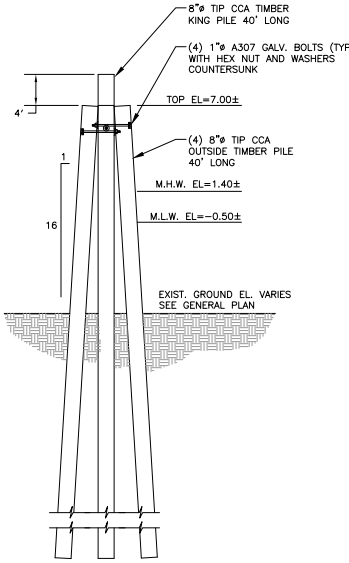


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DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
TOWN OF BABYLON SUFFOLK COUNTY, NEW YORK			
RIALTO ISLAND IMPROVEMENTS			
TYPICAL SECTION - 3			
L. K. McLEAN ASSOCIATES, P.C. CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11718			
Designed By: KJM	Scale: AS NOTED	Sheet No.	
Drawn By: DCR	Date: JULY 2022	6 of 7	
Approved By: RAS	File No: 21164.000		

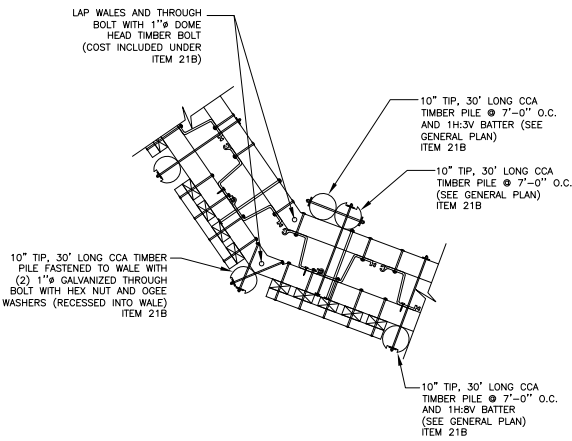


PLAN  
N.T.S.

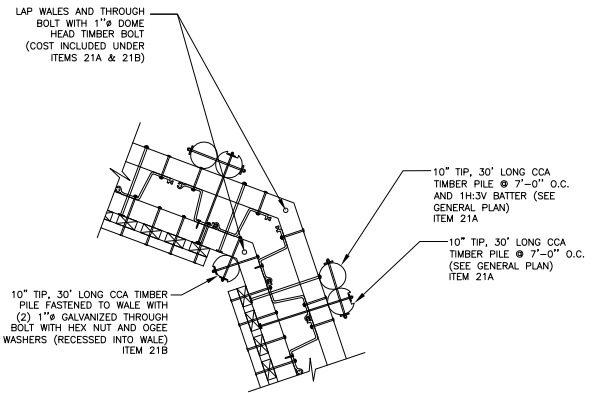


ELEVATION  
N.T.S.

FIVE PILE DOLPHIN  
ITEM 21DP5  
N.T.S.



EXTERIOR CORNER LAP DETAIL  
N.T.S.



INTERIOR CORNER LAP DETAIL  
(CONNECTION BETWEEN CONTINUOUS  
AND SLOTTED BREAKWATER)  
N.T.S.

WATER BODY: GREAT SOUTH BAY	DATUM:	S.H.W.=2.4±	NOTES: 1. BEARINGS AS SHOWN ARE IN NEW YORK STATE PLANE COORDINATE SYSTEM NAD 1983, LONG ISLAND ZONE. 2. ELEVATIONS SHOWN HEREON REFERENCE NAVD 1988.
		M.H.W.=1.4± M.L.W.=-0.5±	

DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
TOWN OF BABYLON SUFFOLK COUNTY, NEW YORK			
RIALTO ISLAND IMPROVEMENTS			
MISCELLANEOUS DETAILS			
L. K. McLEAN ASSOCIATES, P.C. CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11718			
Designed By: KJM	Scale: AS NOTED	Sheet No. 7 of 7	
Drawn By: DCR	Date: JULY 2022		
Approved By: RAS	File No. 21164.000		

Jul 05, 2022 - 11:52am  
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