



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Incorporated Village of Baxter  
Estates

Published: June 2, 2025  
Expires: July 2, 2025

---

**New York District  
Permit Application No. NAN-2025-00153-TREC**

**TO WHOM IT MAY CONCERN:** The New York District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Incorporated Village of Baxter Estates  
315 Main Street  
Port Washington, New York 11050

**AGENT:** Meredith A. Byers  
D&B Engineers and Architects  
330 Crossways Park Drive  
Woodbury, New York 11797

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with Manhasset Bay. The project/review area is located along the west side of Shore Road, between Harbor Road and Central Drive at Latitude 40.834627° and Longitude -73.700028°; in the Village of Baxter Estates, Nassau County, New York.

**EXISTING CONDITIONS:** The site spans approximately 800 linear feet along the eastern shoreline of Manhasset Bay. An existing sidewalk is present for pedestrian use and connects an intermunicipal system of waterfront parks in the area. The area contains a narrow, sandy beach with little vegetation as well as deteriorating shoreline protection structures. The proposed project area is subject to flooding, which often overtops the existing roadway.

**PROJECT PURPOSE:**

**Overall:** The Applicant's stated purpose for the project is to restore the shoreline at Baxter Estates Beach to prevent its continued erosion and eliminate the risk to the adjacent sidewalk and roadway. Additionally, the purpose is to enhance public access to Manhasset Bay by continuing a pedestrian park system along the shoreline.

**Basic:** The basic project purpose is shoreline stabilization and recreation.

**PROPOSED WORK:** The applicant requests authorization for:

Shoreline Protection: Construct an approximately 460 linear foot living shoreline, which would involve the permanent discharge of 280 cubic yards (CY) of stone within 945 square feet (sq ft) of Manhasset Bay below the Spring High Water (SHW) elevation to create stone marsh sill. Additionally, construct two concrete stairs, involving the discharge of 13 CY of concrete within 90 sq ft below SHW, to facilitate beach access for recreation. Native species would be planted upland of SHW.

Stone Revetment: Discharge approximately 175 CY of stone within 675 sq ft below SHW to replace the existing riprap rock structure and stone gabion wall.

Pedestrian Boardwalk: Construct a 12-ft wide by 650-ft long pile-supported fixed pier, including a 170-ft long overlook bench and two round observation areas, each with a 20-ft radius. The boardwalk structure would be approximately 8.75 ft above the plane of Mean High Water (MHW), as measured from the bottom of the stringers, have a total area of 11,000 square feet (0.25 acre) over MHW, and be supported by 596 12-inch diameter timber piles.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed project was designed to sufficiently address the shoreline erosion without requiring substantial fills within the waterway. Additionally, the proposed design is expected to withstand the tidal fluctuations of the area without the need for frequent repairs or additional disturbances.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: the project would involve restoration, enhancement and preservation of the wetlands. The intent of the project is to enhance the shoreline and create an area where the wetland, as a habitat, may thrive.

**CULTURAL RESOURCES:**

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

Common Name	Scientific Name	Status	Agency
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	USFWS
Piping Plover	<i>Charadrius melodus</i>	Endangered	USFWS
Roseate Tern	<i>Sterna dougallii dougallii</i>	Endangered	USFWS
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	USFWS
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	USFWS
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	USFWS
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened	USFWS and NMFS
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered	USFWS and NMFS
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered	USFWS and NMFS
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened	USFWS and NMFS
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	NMFS
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	NMFS

Pursuant to Section 7 ESA, any required consultation with the Services will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** 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.

**COASTAL ZONE MANAGEMENT ACT:** 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, 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.

**OTHER AUTHORIZATIONS:** 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 (NYSDEC) Tidal Wetlands, Excavation and Fill in Navigable Waters, and Docks, Moorings or Platforms permits.

**NOTE**This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION**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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until July 2, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Alexandra Ryan at [alexandra.ryan@usace.army.mil](mailto:alexandra.ryan@usace.army.mil). Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a

public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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.

In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-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 IN BEHALF OF**  
Stephan A. Ryba  
Chief, Regulatory Branch

**MAYOR**  
NORA HAAGENSON

**DEPUTY MAYOR**  
CHARLES COMER

**TRUSTEES**  
MARIA BRANCO  
JEFFREY ELUTO  
ALICE PECKLIS

# VILLAGE OF BAXTER ESTATES

315 MAIN STREET, PORT WASHINGTON, NY 11050

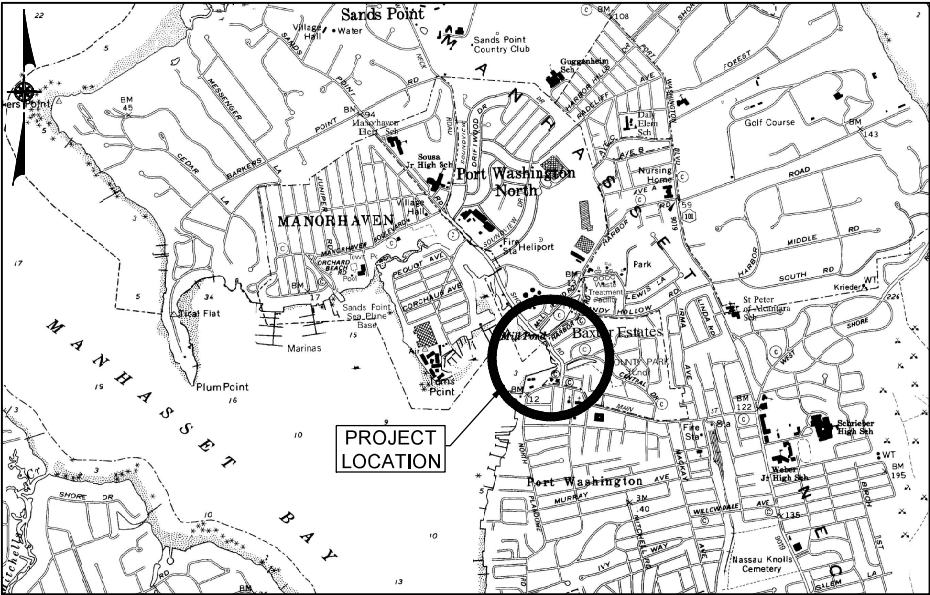


## SHORELINE STABILIZATION & BOARDWALK DESIGN

MARCH 2025

**LIST OF DRAWINGS**

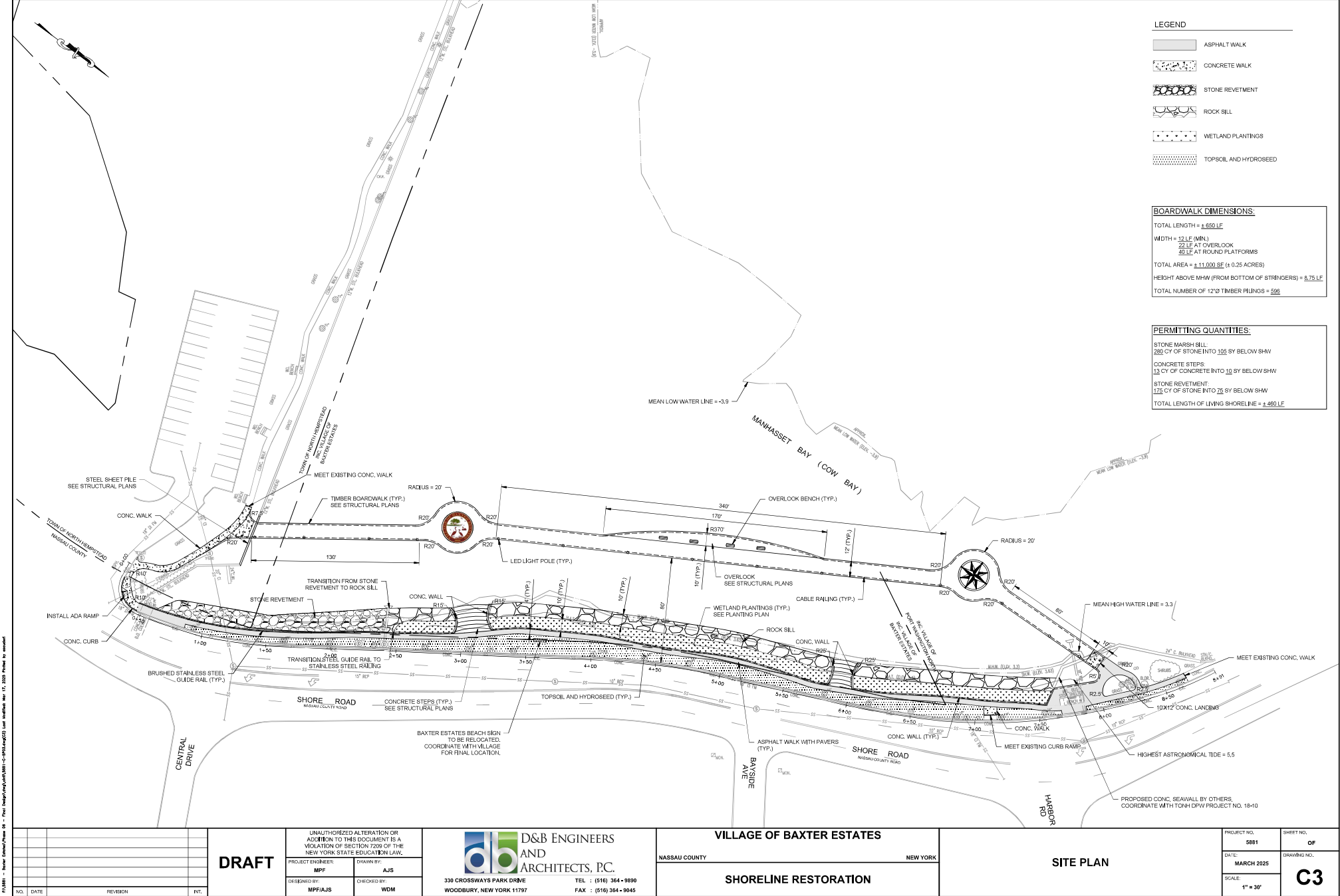
DRAWING #	DRAWING TITLE
<b>CIVIL</b>	
---	COVER
G1	NOTES, SYMBOLS, & ABBREVIATIONS
C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	SITE PLAN
C4	GRADING & DRAINAGE PLAN
C5	PLANTING PLAN
C6	EROSION AND SEDIMENT CONTROL PLAN
C7	PROFILES I
C8	PROFILES II
C9	DETAILS
C10	NYS DOT GUIDE RAIL DETAILS
C11	EROSION AND SEDIMENT CONTROL DETAILS
<b>STRUCTURAL</b>	
S1	STRUCTURAL NOTES
S2	STRUCTURAL LAYOUT
S3	STRUCTURAL DETAILS
S4	STRUCTURAL DETAILS



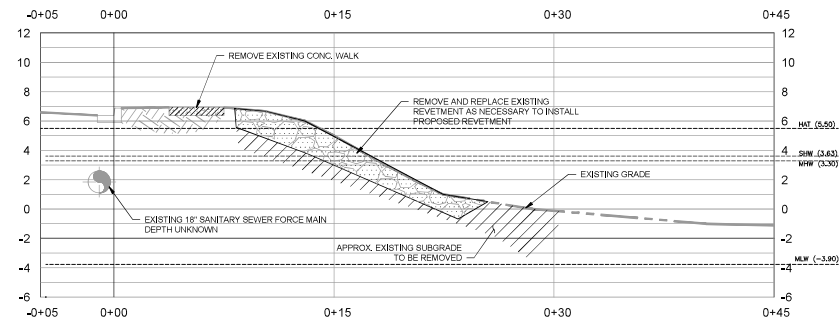
LOCATION MAP  
N.T.S.



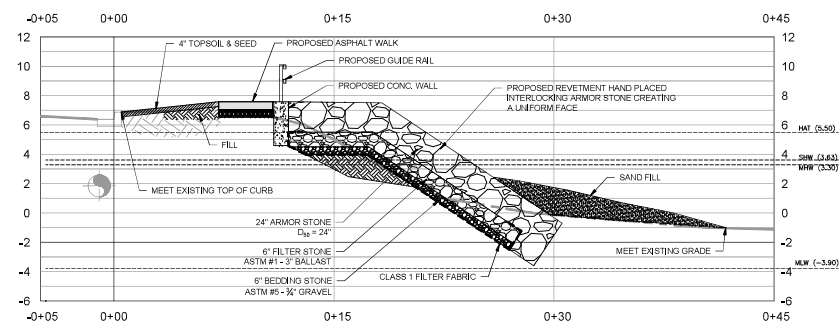
330 CROSSWAYS PARK DRIVE  
WOODBURY, NEW YORK 11793  
TEL: (516) 364-0890 FAX: (516) 364-0045







2 EXISTING CROSS SECTION (STA 1+74)  
C4 SCALE: 1" = 4'



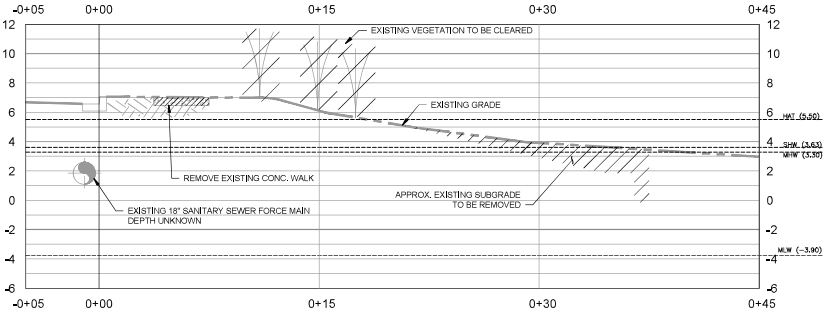
2 PROPOSED CROSS SECTION (STA 1+74)  
C4 SCALE: 1" = 4'

1"=4'-0"

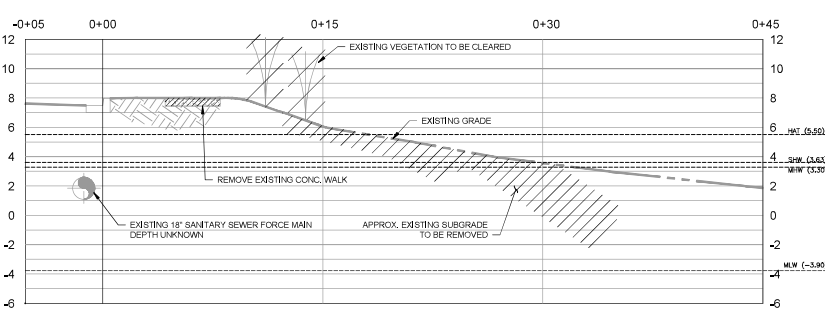
SCALE: VERTICAL AND HORIZONTAL

				<div>DRAFT</div>	UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.		<div><div><div><div></div><div></div></div><div></div></div><div>D&amp;B ENGINEERS AND ARCHITECTS, P.C.</div><div>330 CROSSWAYS PARK DRIVE WOODBURY, NEW YORK 11797</div><div>TEL : (516) 364 - 0890 FAX : (516) 364 - 9045</div></div>	VILLAGE OF BAXTER ESTATES				PROJECT NO.	SHEET NO.
					PROJECT ENGINEER:	DRAWN BY:		NASSAU COUNTY		NEW YORK	PROFILES I	5881	OF
					MPF	AJS							
					DESIGNED BY:	CHECKED BY:						DATE:	DRAWING NO.
					MPF/AJS	WDM						MARCH 2025	
NO.	DATE	REVISION	INT.					SHORELINE RESTORATION			SCALE:	C7	
										1" = 4'			

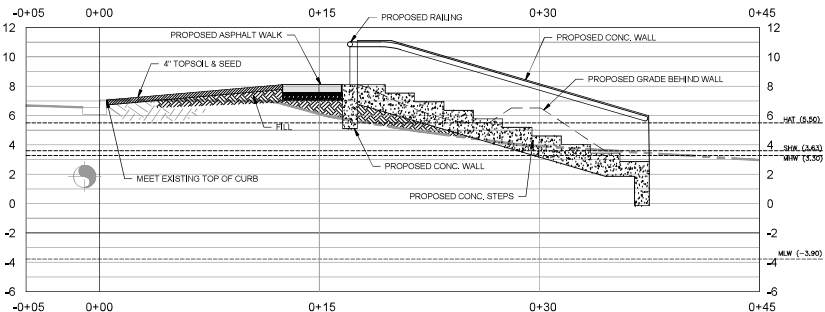
LEGEND	
HAT	HIGHEST ASTRONOMICAL TIDE
SHW	SPRING HIGH WATER
MHW	MEAN HIGH WATER
MLW	MEAN LOW WATER



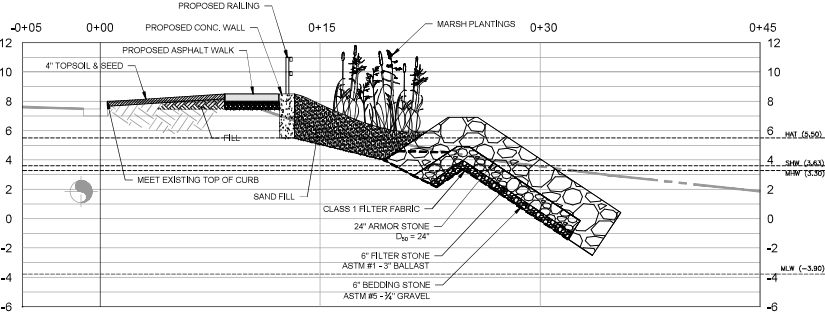
3  
C4  
EXISTING CROSS SECTION (STA 3+07)  
SCALE: 1" = 4'



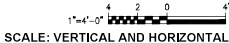
4  
C4  
EXISTING CROSS SECTION (STA 4+47)  
SCALE: 1" = 4'



3  
C4  
PROPOSED CROSS SECTION (STA 3+07)  
SCALE: 1" = 4'



4  
C4  
PROPOSED CROSS SECTION (STA 4+47)  
SCALE: 1" = 4'



F:\31811 - Baxter Estates\Drawn 04 - Final\Drawings\04\0401-0-0070.dwg(04) User: jharriss Date: 01-20-2025 Printed by: jharriss

NO.	DATE	REVISION	INT.

<b>DRAFT</b>	
UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.	
PROJECT ENGINEER: MPF	DRAWN BY: AJS
DESIGNED BY: MPF/AJS	CHECKED BY: WDM



**D&B ENGINEERS  
AND  
ARCHITECTS, P.C.**

330 CROSSWAYS PARK DRIVE  
WOODBURY, NEW YORK 11797

TEL : (516) 364-9890  
FAX : (516) 364-9045

VILLAGE OF BAXTER ESTATES	
NASSAU COUNTY	NEW YORK
SHORELINE RESTORATION	

PROFILES II	
PROJECT NO. 5881	SHEET NO. OF
DATE: MARCH 2025	DRAWING NO.
SCALE: 1" = 4'	<b>C8</b>