Appendix N

USACE Permit Application Public Notice
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-2019-01262-EME
Issue Date: 11 OCT 2019
Expiration Date: 11 NOV 2019

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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: New York State Department of Parks, Recreation and Historic Preservation.

ACTIVITY: Proposed discharge of fill material into Waters of the United States as part of the overall Hempstead Lake State Park Hurricane Recovery Project

WATERWAY: Hempstead Lake and Northern Ponds, Tributary to Hempstead Bay

LOCATION: Hempstead Lake State Park, 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 MAILED 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 mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

The activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat, including Northern Long Eared Bat. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Governor's Office of Storm Recovery, as the lead federal agency, completed consultation with the United States Fish and Wildlife Service on October 20, 2017.

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 project area is not EFH; therefore, no consultation is necessary.

There are three properties listed, or eligible for listing in the National Register of Historic Places (NHRP) within the permit area, including Hempstead Lake State Park, Hempstead Lake Dam Gatehouse and South Pond Inlet Gatehouse. 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 June 21, 2017, the OPRHP concurred the proposed work would have "No Adverse Effect" on the above properties. Several other known sites eligible for inclusion in the NRHP are located in or near Hempstead Lake State Park; however, there are no other known sites within the permit area. Presently unknown archeological, scientific, pre-historical, or historical data may be lost by work accomplished under the required permit.

The permit area is located landward/outside of the coastal area boundary as defined by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program; therefore, a coastal zone management program concurrence is not required pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)].

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.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation for Freshwater Wetlands;
- New York State Department of Environmental Conservation for Dams and Impoundment Structures.

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 this office at (917) 790-8428 and ask for Lisa Grudzinski.

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.

\[Signature\]
Stephan A. Ryba
Chief, Regulatory Branch.

Enclosures
WORK DESCRIPTION

The permit applicant, New York State Office of Parks, Recreation & Historic Preservation, has requested Department of the Army authorization to discharge regulated fill materials pursuant to Section 404 of the Clean Water Act for flood risk management and habitat enhancement at Hempstead Lake State Park, in Hempstead Lake, South Pond and the Northern Ponds, in the Town of Hempstead, Nassau County, New York.

The following are components of the permit applicant’s overall “Rebuild by Design-Living with the Bay/ Hempstead Lake State Park Project.” The components would include lake and stream bank stabilization, the construction of two new stormwater detention basins, replacement of existing stormwater culverts, installation of new stormwater culverts, wetland channel excavation portions of vegetated wetlands to improve water circulation, and the replacement of an existing low level dam/weir which was significantly damaged during Hurricane Sandy.

The regulated work would result in the proposed permanent loss of a total of approximately 2.36-acres of waters of the United States, including approximately 1.289-acres of vegetated wetlands, conversion of approximately 0.56-acre of existing scrub-shrub wetlands to emergent wetland types, and approximately 0.62-acre of temporary impacts as a result of construction work, soil excavation and equipment access. The permit applicant’s mitigation proposal is summarized at the end of this work description.

has proposed on-site compensatory mitigation to off-set these impacts to waters of the United States.

The proposed work is described as follows:

MILL CREEK

Mill Creek Channel Bank Stabilization and Erosion Control (see sheets C201 – Proposed Site Plan Key Map; C203 - Detail Area 2; C305 – Alignment Location Map; C306 – Channel Section; C502 – Grading Detail Area 1 & 2; C901 - Details; L105 – Landscape Plan Detail Area Channel Structure)

Install an open cell, pre-cast concrete grid mattress, 25-feet wide by 32-feet long, filled with approximately 5.1 cubic yards (CY) of gravel, below the Ordinary High Water Mark (OHWM) of Mill Creek. The proposed work would result in permanent impacts to approximately 0.018-acre of open water.

Northeast (NE) Floatables Catcher w/ Concrete Open Channel Structure (see sheets C201 – Proposed Site Plan Key Map; C202 & C203 - Detail Area 1 & 2; C305 – Alignment Location Map; C306 – Channel Section; C502 – Grading Detail Areas 1 & 2, C904 & C905 – Open Channel Structure Details; L105 – Landscape Plan Detail Area Channel Structure)

Install a floatsables catcher, 25-feet wide and three-feet high, and pre-cast concrete structure to secure the floatables catcher system, 25-feet wide by 67-feet long, into Mill Creek, approximately 250-feet upstream of the Northeast Pond. Install riprap, approximately 25 to 50 feet wide by 50-feet long at the channel outlet.

The proposed work for the pre-cast concrete structure and riprap would result in permanent impacts to approximately 0.031-acre of open water and approximately 0.04-acre of open water, respectively. Removal of the existing brick and timber structures and grading/excavation would result in proposed
temporary impacts to the Mill Creek channel.

**NORTHEAST (NE) POND**

"New Wetland B" (In-Pond Filtering Emergent Wetland/Detention Basin) (see sheets C201 – Proposed Site Plan Key Map; C204 – Proposed Detail Area 3; C301 - Alignment Location Map, C302 – Alignment BB1; C303 & C304 Section B1 thru B8; C503 – Grading Detail Area 3; C902 – Culvert Details; C911 Observation Deck; L103 – Landscape Plan Detail Area Wetland “B")

Construct "New Wetland B", an approximately 4.2-acre emergent wetland detention basin, in the southeast portion of the NE Pond adjacent to the Southern State Parkway, by discharging a total of approximately 44,000 cubic yards of clean, imported fill material (soil, clay and sand) into open water (5.54-acres) and emergent wetland (0.05-acres) to form an earthen berm, approximately 80-feet wide (at the base) by 1,300-feet long, and to raise the existing bottom elevation of the pond within the newly enclosed area by six-feet to encourage development of emergent vegetation. Approximately 3.0-acres of open water would be converted to emergent wetland as a result of placing fill to raise the bottom elevation of the pond.

Construct a new pre-cast concrete twin pipe arch culvert (Culvert C), consisting of two pipes, each four-feet wide by three-feet tall by 60-feet long and filled with six-inches of gravel, with an inlet riprap apron 32-feet wide by 19-feet long and outlet apron with trapezoidal shape maximum 42-feet wide by 43-feet long (0.02-acre).

The proposed work would result in the proposed permanent loss of approximately 1.03-acres of open water and 0.05-acre of emergent wetland. Other permanent impacts would include 0.02-acre of open water from the Culvert C riprap outlet apron, 0.29-acre of open water resulting from the construction of the berm, and 0.22-acre of existing emergent wetland that would be located inside the new detention basin. Inside the proposed berm area, fill would be placed in approximately 4.03-acre of open water and 0.17-acre of emergent wetland in order to raise the elevation of the pond bottom.

**Northern Linear Wetland Culvert Replacement** (Culvert A) (see sheets C201 – Proposed Site Plan Key Map; C206 - Proposed Detail Area 6 & 7; C505 – Grading Detail Area 6 & 7, C902 – Details Culvert A & Culvert B; L102 – Landscape Plan Detail Area Culverts A and B)

Replace a historic culvert with two new concrete elliptical culverts (Culvert A), each approximately eight and one-half feet wide, five-feet high, and 125-linear feet long. Install riprap aprons at the culvert inlet, approximately 40-feet wide, 8-feet long, and three-feet deep, and at the culvert outlet, approximately 54-feet wide, 30-feet long, and three-feet deep.

The proposed work would result in the permanent loss of approximately 0.04-acres of scrub shrub wetland and temporary impacts to approximately 0.03-acres of open water.

**New Culvert Between NE Pond and NW Pond (Culvert B)** (see sheets C201 – Proposed Site Plan Key Map; C206 - Proposed Detail Area 6 & 7; C505 – Grading Detail Area 6 & 7, C902 – Details Culvert A & Culvert B; L102 – Landscape Plan Detail Area Culverts A and B)

Install a new elliptical pipe culvert (Culvert B), 10-feet wide by six and one-half feet tall, and 150-feet long through upland from the western side of NE Pond to the northeast corner of NW Pond to
connect NE Pond and NW Pond. Install riprap aprons and backfill at the culvert inlet, approximately 36-feet wide, 38-feet long, and 2-3-feet deep, and at the culvert outlet, approximately 50-feet wide, 23-feet long, and 2-3-feet deep.

The proposed work would result in the permanent loss of approximately 0.02-acre of emergent wetland, permanent impacts to 0.02-acre of open water, and temporary impacts to approximately 0.02-acre of emergent wetland.

NORTHWEST (NW) POND

NW Wetland Detention Basin with Floatables Catcher and Maintenance Access Ramp (see sheets C201 – Proposed Site Plan Key Map; C205 - Proposed Detail Area 4; C307 – Alignment Location Map, C308 (Sections DD) & C309 (Sections D1-D8), C504 – Grading Detail Area 4, C910 – NW Pond Floatables Catcher Details; L104 – Landscape Plan Detail Area NW SW Wetland Detention Basin)

Construct a 0.93-acre wetland detention basin and maintenance access ramp on the northwest side of the NW Pond at capture flow from an existing 96-inch pipe outfall. The NW Wetland Detention Basin would be segmented from the NW Pond by constructing an earthen berm, a total of approximately 54-feet wide at the base and 12-feet wide at the crest by 450-feet long, by placing approximately 3,900 CY of imported fill below the OHWM and within wetlands.

A section of the berm would consist of a spillway, approximately 64-feet wide by 86-feet long, which includes a gabion and Reno mattress approximately 64-feet wide by 86-feet long, and riprap apron, approximately 70-feet wide by 20-feet long, placed at the spillway outlet for stabilization.

Install a floatables catcher within the NW Wetland Detention Basin, at the existing 96-inch pipe outfall. The floatables catcher would consist of a steel mesh floatation boom, approximately 75-feet long, angled across the basin.

Construct an access ramp for maintenance equipment, a total of approximately 15-feet wide by 300-linear feet long, from the western shore of the NW Pond to the earthen berm on the southwest side of the NW Wetland Detention Basin. The end of the ramp would include a wider turn-around area, approximately 75-feet wide by 75-feet long. The last 100-linear feet of the access ramp, also including the turn-around, would be located on fill placed in waters of the United States.

Construction of the NW Wetland Detention Basin, also including the earthen berm/spillway, would result in the proposed permanent loss of a total of approximately 1.17-acres of waters of the United States waters of the United States, including 0.02-acre of open water, 0.32-acre of emergent wetland, and 0.13-acre of scrub shrub wetland as the result of the discharge of dredged and fill material to construct the earthen berm; 0.33-acre of scrub shrub wetland and 0.06 acres of emergent wetland located within the detention basin due to conversion to open water; and approximately 0.31-acre of scrub shrub wetlands to construct the maintenance access ramp. Other proposed permanent impacts to waters of the United States include the conversion of approximately 0.19-acre of existing scrub shrub wetland to emergent wetland within the basin, and 0.15-acre of existing emergent wetland as the result of being located within the detention basin,
which would be periodically dredged.

**NW Pond New Wetland Channel** (see sheets C201 – Proposed Site Plan Key Map; C205 - Proposed Detail Area 4; C504 – Grading Detail Area 4; L104 – Landscape Plan Detail Plan Wetland Channel and Typical Cross Section)

Create a new channel through the existing emergent wetland by dredging approximately 640 cubic yards of soil from an area approximately 20-feet wide by 1,000-feet long, and 18-inches-deep (0.46-acre), in order to connect the NW Pond Wetland Detention Basin spillway to the existing, open water channel in the southern area of the NW Pond. The work would be conducted using small, low-ground pressure equipment working atop wetland construction mats.

The proposed work would result in proposed temporary impacts to approximately 0.46-acre of emergent wetland from excavation and equipment operation. The disturbed area would be replanted with native emergent vegetation upon completion of the new channel.

**NW Pond Dam (weir) Replacement** (See sheets C201 – Proposed Site Plan Key Map; NWP-3 thru NWP 6, NWP-8 thru NWP-9).

Replace the existing, failed NW Pond Dam with a new dam in the same location. The existing dam would be removed and replaced with a new steel sheet pile dam, approximately nine-inches wide by 230-feet long with a concrete cap, 19-inches wide, and step weir, 40-feet wide. The new dam would be located within the footprint of the existing dam, with the spillway set at elevation 21-feet with a top elevation of 25 feet to remain consistent with the existing surface water elevation. Place rip-rap along the back side of the new dam, approximately 30-feet wide by 190-feet long.

The proposed work would result in the permanent loss of approximately 0.004-acre of open water and 0.029-acre of emergent wetland; permanent impacts to 0.037-acre of emergent wetland; and temporary impacts to approximately 0.14-acre of emergent wetland.

**Hempstead Lake Pedestrian Bridge** (see sheets TC-3, TC-4, TC-7 and TC-8)

Remove existing twin culverts, approximately seven-feet wide by five-feet high by 20-feet long, and replace with a full-span pedestrian bridge, 12-feet wide by 30-feet long, to restore the area to a stone lined open channel, approximately 24-feet wide by 32-feet long below OHWM.

**SOUTH POND DAM**

**South Pond Dam Tree Removal and Dam Repair** (see sheets TR-3, GR-1 and E&S-2)

Re-grade the dam surface to remove ruts and eroded areas in order to create a consistent dam crest and to restore the dam slopes. The dam re-grading would result in the proposed permanent loss of approximately 0.017-acre of open water. Trees proposed to be removed on the dam are located above the OHWM of South Pond and would not result in the placement of dredged or fill material below the OHWM, as regulated under Section 404 of the Clean Water Act; therefore, a Department of the Army authorization is not required for the tree removal work.
PERMIT APPLICANT’S STATEMENT OF AVOIDANCE, MINIMIZATION AND MITIGATION

The permit applicant has stated that they have avoided, minimized and mitigated for proposed impacts to waters of the United States to the maximum extent practicable by reducing the scope and size of the proposed work to avoid all impacts to forested wetlands, by minimizing the footprint of proposed in-water elements also including sizing earthen berms for the new detention areas to the smallest footprint necessary for maintenance access and safety, and for compensating for unavoidable impacts to wetlands.

The permit applicant’s compensatory mitigation proposal includes re-establishment and creation of wetlands from dry land, and enhancement of existing wetlands. Compensatory mitigation would occur on-site, within the Northeast and Northwest Ponds. Emergent, scrub-shrub, and forested wetlands would be re-established through excavation of sediments and accumulated floatables. Emergent wetlands would be created as a result of proposed project work at the Northwest Pond dam/weir and the Northwest Pond detention basin. Existing emergent, scrub-shrub, and forested wetlands would be enhanced through active removal of invasive vegetation and establishment of native species. All temporary impacts would be restored to pre-project conditions upon completion of the subject activity, including re-graded and/or replanted with native wetland vegetation, as necessary.

The stated purpose of this project is to improve flood resiliency and lake water quality.
NEW YORK STATE
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

HEMPSTEAD LAKE STATE PARK
NASSAU COUNTY    NEW YORK

RESTORATION OF NORTHEAST AND NORTHWEST PONDS
STORMWATER REMEDIATION PROJECT

CONTRACT NUMBER _____

SEPTEMBER 2019

APPROVED BY:
GEORGE GLADYSZ, P.E.
SENIOR VICE PRESIDENT
CASHIN ASSOCIATES, P.C.

APPROVED BY:
SCOTT FISH, P.E.
CAPITAL FACILITIES REGIONAL MANAGER II

APPROVED BY:
JAMES GLADYSZ, P.E.
REGIONAL DIRECTOR

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90% SET

PAGE 1 OF 44
EXISTING SURFACE PROFILES OF ALIGNMENT BB1 - CENTERLINE WETLAND "B" BERM

PROPOSED FILL AREA, SEE TYPICAL SOIL PLACEMENT SECTION DETAIL DWG. C901

PROPOSED PEDESTRIAN PATH
ELEVATION 30'

MEET EXISTING SURFACE

PROPOSED EXCAVATION AREA

ELEVATION 30' @ STATION 1+21.35
ELEVATION 31' @ STATION 0+54

4.62%

UPLAND LIMITS OF USACE WETLANDS

ORDINARY HIGH WATER MARK

EXISTING SURFACE

ELEVATION 30' @ STATION 13+08.40

35.7733.7731.77 37.77 39.77 41.77 44.0

4%

PROPOSED EXCAVATION AREA
PROPOSED FILL AREA, SEE TYPICAL SOIL PLACEMENT SECTION DETAIL DWG. C901

PROFILE OF ALIGNMENT BB1 - CENTERLINE WETLAND "B" BERM

X:\STATE OF NEW YORK\14014-021 Hempstead Lake Mapping\SET\95% Sub Redesign\P_00_Profiles Xsect.dwg Last Modified: Oct 01, 2019 - 4:43pm Plotted on: Oct 02, 2019 - 4:42pm By lsouthard

MAY 2019
NYSP-1503
REVIEWED BY:
DRAWN BY:
DESIGNED BY:
PROJECT #:
DATE:
CHECKED BY:
DRAWING #
SHEET TITLE
CONTRACT
HEMPSTEAD LAKE STATE PARK
90% SUBMISSION

Revisions

1
2
3
4
5

Project Title
PHASE

CONSULTANTS:

SEAL

NYSP

WORK ORDER: LI-022
CONTRACT: D004472
COA: 1290350/30377/33001/PRK 4559

"ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL IS ILLEGAL"

SHEET #

USACE FILE: NAN-2019-01262-EME

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PROFILE OF ALIGNMENT DD - CENTERLINE OF NW SW WETLAND DETENTION BASIN ACCESS RAMP AND EMBANKMENT

PROFILE OF ALIGNMENT DD
CENTERLINE OF NW SW WETLAND DETENTION BASIN ACCESS RAMP AND EMBANKMENT
RENO MATTRESS Assembly, Inc.

Pair wire mesh strips to be laced to each other,  to top of endrobes and to top of endrobes (Bias Lacing Detail)

INSTALLATION NOTES:

1. After Assembly, the mattresses are placed in their proper location and securely attached to adjacent units.
2. For structural integrity, all adjoining units should be connected by means of lacing wire or ring fasteners along all the edges of their contact surfaces.
3. 1/8" Type B 304 Stainless Steel is recommended to ensure stability and durability.
4. Ring fasteners should be laced at the width perpendicular to the splice, except for very small splices.
5. Splicing should be placed securely around the wire and tied in place.
6. Ring fasteners can be used instead of or to complement lacing wires.
7. Spacing of the rings shall not exceed 6 inches.

NOTE: ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL IS ILLEGAL
WETLAND "B" ELEVATION RANGE

- Alternately Flooded: 26.0 to 26.5
- Wetland: 26.5 to 26.5
- Low Flow Channel: < 25.0

NOTES:
1. See planting details and plant list drawings L081 thru L093
2. Align forebay with pipe outfalls; final location to be determined in field.
3. Wetland and alternately flooded areas have 0.5' contour intervals
LEGEND:

- [Description of elements related to the pond and landscape]

NOTES:

1. PROPOSED DAM IS LOCATED APPROXIMATELY 10 FT EAST OF EXISTING CONCRETE SLAB.
2. SEE SHEET WM-2 FOR RESTORATION PLANTING SCHEDULE.
3. SEE SHEET WM-1 FOR SITE PLAN AND MP-1 MAP DETAILS.