



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

MAR 26 2019

REGULATORY BRANCH

SUBJECT: Permit File Number NAN-2018-01009-EME by the New York State Department of Environmental Conservation (NYSDEC) for activities associated with site remediation in Willets Creek and Lake Capri, in the Town of West Islip, Suffolk County, New York.

1. PERMITTEE:

New York State Department of Environmental Conservation  
Attn: Sarah Saucier  
625 Broadway Street  
Albany, NY 12233  
(518) 402-9675

2. On July 25, 2018, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization for the following work:

Remediation of a former industrial site, including Operable Units 3 (OU3) and 4 (OU4), in order to remove cadmium and chromium contaminated sediment and soil, under the direction of the New York State Department of Environmental Conservation. The overall project work would remove up to a total of 12,200 cubic yards of contaminated material from approximately six-acres of Willets Creek, and adjacent wetlands, and up to 18,400 cubic yards of material from approximately eight-acres of Lake Capri and adjacent wetlands. The depth of sediment to be removed is an average of 30-inches. During the soil excavation work, Willets Creek would be temporarily diverted using pumps. Dredged material would be dewatered in a contained, upland location near the project area, stabilized, and transported to a DEC-approved off-site disposal area. Impacts to waters of the United States resulting from the excavation include a total of approximately 8.63-acres, including 1.05-acres of wetland, 4,128-linear feet of stream in Willets Creek, and 7.58-acres of open water in Lake Capri.

Under Nationwide Permit No. 38 (CLEANUP OF HAZARDOUS AND TOXIC WASTE), re-establish the stream channel and wetlands permanently impacted by the remediation work. Upon completion of the removal of contaminated material, approximately 10,500 cubic yards of certified clean material will be imported from a commercial source and placed below the Ordinary High Water (OHW) in order to facilitate re-establishment of 4,128-linear feet of Willets Creek and 0.6-acre of forested wetland. The project would result in temporary impacts to 1.05-acres of wetland and 4,128-linear feet of stream, and the permanent loss of approximately 0.45-acres of wetland, including 0.09-acre of

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forested wetland and 0.36-acre of emergent wetland.

The project is located in Willets Creek/Lake Capri, tributary of Great South Bay, at the former Dzus Fastener Company site at 425 Union Boulevard, in the Town of West Islip, Suffolk County, New York.

3. The specific applicant-provided details are as shown on the attached permit drawings, titled "Dzus Fastener Company, Inc. Restoration and Remediation of Willets Creek and Lake Capri", dated January 2019 and December 2018, prepared by EA Engineering, Science, and Technology, Inc. PBC, and "Dzus Fastener Company, Inc. (152033) Operable Unit 3-Willets Creek Area, Operable Unit 4-Lake Capri, Phase II Non-Tidal Wetland/Waterways Mitigation Plan, West Islip, New York", dated March 2019, prepared by EA Engineering, P.C and its affiliate EA Science, and Technology.
4. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.
5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. **It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit No. 38 (CLEANUP OF HAZARDOUS AND TOXIC WASTE), in accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344).** The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal Register dated January 6, 2017 (82 FR 1860). The subject work may be performed without further authorization from this office provided it complies with Sections B through C for NWP Number 38 (CLEANUP OF HAZARDOUS AND TOXIC WASTE); New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.
6. Other than the work-specific Special Conditions listed below, the 2017 nationwide general permits in the State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

[www.nan.usace.army.mil/Portals/37/docs/regulatory/publicnotices/Regional%20Gen%20Permit/PN-RB%20NAN%20FinalRegionalConditionsWQC%20CZMforNYdated%2021-MAR-2017.pdf](http://www.nan.usace.army.mil/Portals/37/docs/regulatory/publicnotices/Regional%20Gen%20Permit/PN-RB%20NAN%20FinalRegionalConditionsWQC%20CZMforNYdated%2021-MAR-2017.pdf)

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-

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8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

7. Work-specific Special Conditions:

- (A) The permittee shall sign and submit the attached compliance certification form to this office within 30 days of COMPLETION of the regulated activity authorized by this permit and any mitigation work required by Special Conditions of this DA authorization.
- (B) The permittee shall not remove any trees >3-inches diameter (at breast height) between June 1st and July 31st of any year in order to avoid impacts to summer habitat for the ESA-listed Northern long-eared bat.
- (C) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. All exposed soils shall be re-vegetated in a timely manner to further reduce potential effects. The permittee shall also fence off all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.
- (D) The permittee shall ensure that all synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, are completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade after time, may be used as permanent measures, or if used temporarily, may be abandoned in place.
- (E) The permittee shall mitigate impacts to waters through site restoration, including successful re-establishment of 0.6-acre of forested wetlands and 4,128-linear feet of Willets Creek within the project area, as described and depicted on the attached permit drawings and in the report "Dzus Fastener Company, Inc. (152033) Operable Unit 3-Willets Creek Area, Operable Unit

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4-Lake Capri, Phase II Non-Tidal Wetland/Waterways Mitigation Plan, West Islip, New York", dated March 2019, prepared by EA Engineering, P.C and Its Affiliate EA Science, and Technology, Inc. The permittee shall ensure that the newly established wetlands meet the federal wetland technical guidance and indicators outlined in the following documents (or current versions): U.S. Army Corps of Engineers. 2011. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0), ed. J.S. Wakeley, R.W. Lichvar, C.V. Noble, and J.F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center; and Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, US Army Engineer Waterways Experiment Station, Vicksburg, MS.

- (F) The permittee shall ensure that all proposed wetland and stream mitigation plantings have an eighty-five (85) percent survival rate and all established wetland areas in conjunction with the compensatory mitigation shall have an eighty-five (85) percent coverage of hydrophytic plants (those with a regional indicator status of FAC, FACW, or OBL as outlined in the document, Lichvar, R.W. 2012. The National Wetland Plant List. ERDC/CRREL TR-12-11. Hanover, NH: U.S. Army Corps of Engineers, Cold Regions Research and Engineering Laboratory).
- (G) The permittee shall ensure that the vegetation in the newly established wetlands and within the stream mitigation areas do not consist of more than a total of 5% areal coverage of common reed (*Phragmites australis*), purple loosestrife (*Lythrum salicaria*), reed canary grass (*Phalaris arundinacea*), Japanese knotweed (*Polygonum cuspidatum*), Tartarian honeysuckle (*Lonicera tatarica*), Eurasian water-milfoil (*Myriophyllum spicata*), and/or other invasive species.
- (H) The permittee shall provide to this office annual reports, in hard copy, on the status of the wetland mitigation activities no later than October 31 of each year over a 5-year period. If this office determines that the success criteria outlined in Special Conditions (E) through (G) above has not been met for at least three

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consecutive years, this period will be extended and the permittee shall continue to submit monitoring reports every year until this office determines that the success criteria has been met for three consecutive years. Your responsibility to complete the required mitigation as set forth in Special Conditions (E) through (G) will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from this office. These reports shall include the following at a minimum:

1. A list of dominant plant species, along with their estimated relative frequency and percent aerial cover, shall be identified by using plots measuring 10 feet by 10 feet with at least one representative plot located in each of the cover types within the mitigation site. The location of each plot shall be identified on the plan view engineering drawing;
2. Vegetation cover maps, at a scale of one inch equals 100 feet, or larger scale, shall be prepared for each growing season;
3. Photographs showing all representative areas of the mitigation site shall be taken at least once each reporting year during the period between June 1 and August 15;
4. A Corps of Engineers approved wetland delineation data sheet for all representative areas of the mitigation site;
5. Surface water and groundwater elevations in representative areas of the mitigation site shall be recorded twice a month during April through September of each year. The location of the monitoring well or gauge shall be shown on the plan view engineering drawing.
6. A remedial plan, if necessary, outlining all practicable steps taken or proposed to be taken to ensure the success criteria outlined in Special Conditions (E) through (G) above are met by the specified due date of the next monitoring report.

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7. If the stream mitigation activities are causing new scour or deposition in the stream above, within, or below the project area, or causing an impediment to the upstream and downstream movement of the aquatic species through the reach, provide a description of any corrective measures necessary to assure the stability of the channel as well as a schedule for implementing these measures. The corrective measures shall not be undertaken until they are approved by the New York District, U.S. Army Corps of Engineers.
8. A written description of existing conditions in the project vicinity, including the condition of the restored sections of channel, conditions upstream and downstream from the permit area, observed usage by fish and wildlife, and how the restored and enhanced sections of stream channel and associated features are accomplishing the primary goals of improving water quality and habitat.
  - (I) All grading, planting and seeding in conjunction with the wetlands and stream mitigation work shall be completed prior to one year from the date of this authorization. Also, within 30 days of the completion of the grading within the wetland establishment area, the permittee shall install at least two groundwater monitoring wells on the site within the wetland establishment area and submit to the New York District Corps of Engineers, Regulatory Branch, Eastern Section an as-built drawing and photographs of the site. This as-built shall consist of a field-surveyed drawing, at 1" = 50' scale, with one-foot contours and appropriate spot elevations, in addition to showing the submitted photograph locations, installed monitoring wells and gauge locations.
  - (J) The permittee shall ensure that no mowing of the mitigation areas shall occur.
  - (K) The permittee shall assume all liability for accomplishing the corrective work should the New York District determine that the mitigation has not been fully satisfactory. If the New York District does not find the mitigation satisfactory,

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an extension of monitoring time may be required to cover any necessary remedial work.

- (L) All reports and correspondence shall indicate the DA permit number and be mailed to the following address:

U.S. Army Corps of Engineers - New York District  
Attn: Regulatory Branch, Room 1937  
26 Federal Plaza  
New York, NY 10278-0090

8. Please note that this nationwide permit (NWP) verification is based on a preliminary jurisdictional determination (JD). A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 16-01, which can be found at:

[http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl\\_16-01\\_app1-2.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl_16-01_app1-2.pdf)

9. **This verification is valid until March 18, 2022**, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid until March 18, 2022, if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

11. In order for us to better serve you and others, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

12. If any questions should arise concerning this authorization, please contact Ms. Lisa Grudzinski, of my staff, at (917)790-8428. If you have general questions or require a specific paper copy, please contact our Regulator-of-the-Day at (917)790-8511 to request

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Sincerely,

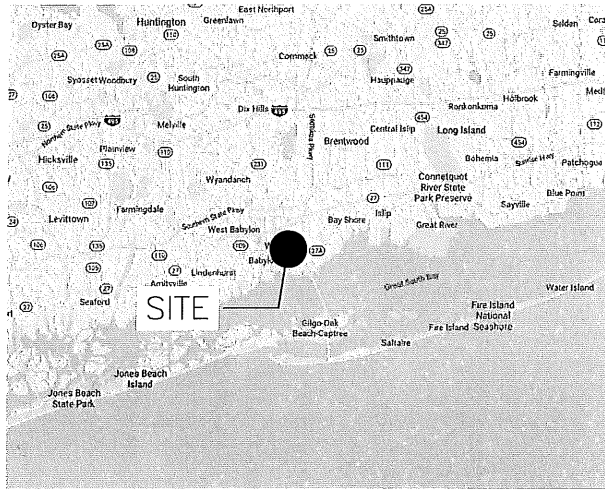


Ronald R. Pinzon  
Chief, Eastern Section

Enclosures



# DZUS FASTENER CO., INC. REMEDATION & RESTORATION OF WILLETTS CREEK AND LAKE CAPRI



**VICINITY MAP**  
NTS



**SITE MAP**  
NTS

## IMPACTS SUMMARY

SYSTEM	IMPACT TYPE	IMPACT AMOUNT (ACRES)	MITIGATION PROPOSED (ACRES)
WETLAND A	FORESTED WETLAND	0.15	0.54
WETLAND B	FORESTED WETLAND	0.04	0.06
WETLAND C	FORESTED WETLAND	0.09	0.00
WETLAND D	FORESTED WETLAND	0.05	0.00
WETLAND E	FORESTED WETLAND	0.36	0.00
WETLAND F	EMERGENT WETLAND	0.36	0.00
WETLAND G	EMERGENT WETLAND	0.00	0.00
WETLAND H	FORESTED WETLAND	0.00	0.00
LAKE CAPRI	OPEN WATER	7.58	7.58
STREAM #1	PERENNIAL STREAM	4,128 LF	4,128 LF
TOTAL IMPACTS = 8.63 ACRES			TOTAL RESTORATION PROPOSED = 8.18 ACRES
CUMULATIVE WETLAND IMPACTS = -0.45 ACRES			
EXISTING PERENNIAL STREAM = 4.128 LINEAR FEET (LF)			
PROPOSED PERENNIAL STREAM – 4.128 LF			
CUMULATIVE PERENNIAL STREAM IMPACT = 0 LF			



EA Engineering, Science,  
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DZUS FASTENER CO., INC.  
REMEDATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES

WEST ISLIP, SUFFOLK COUNTY, NEW YORK

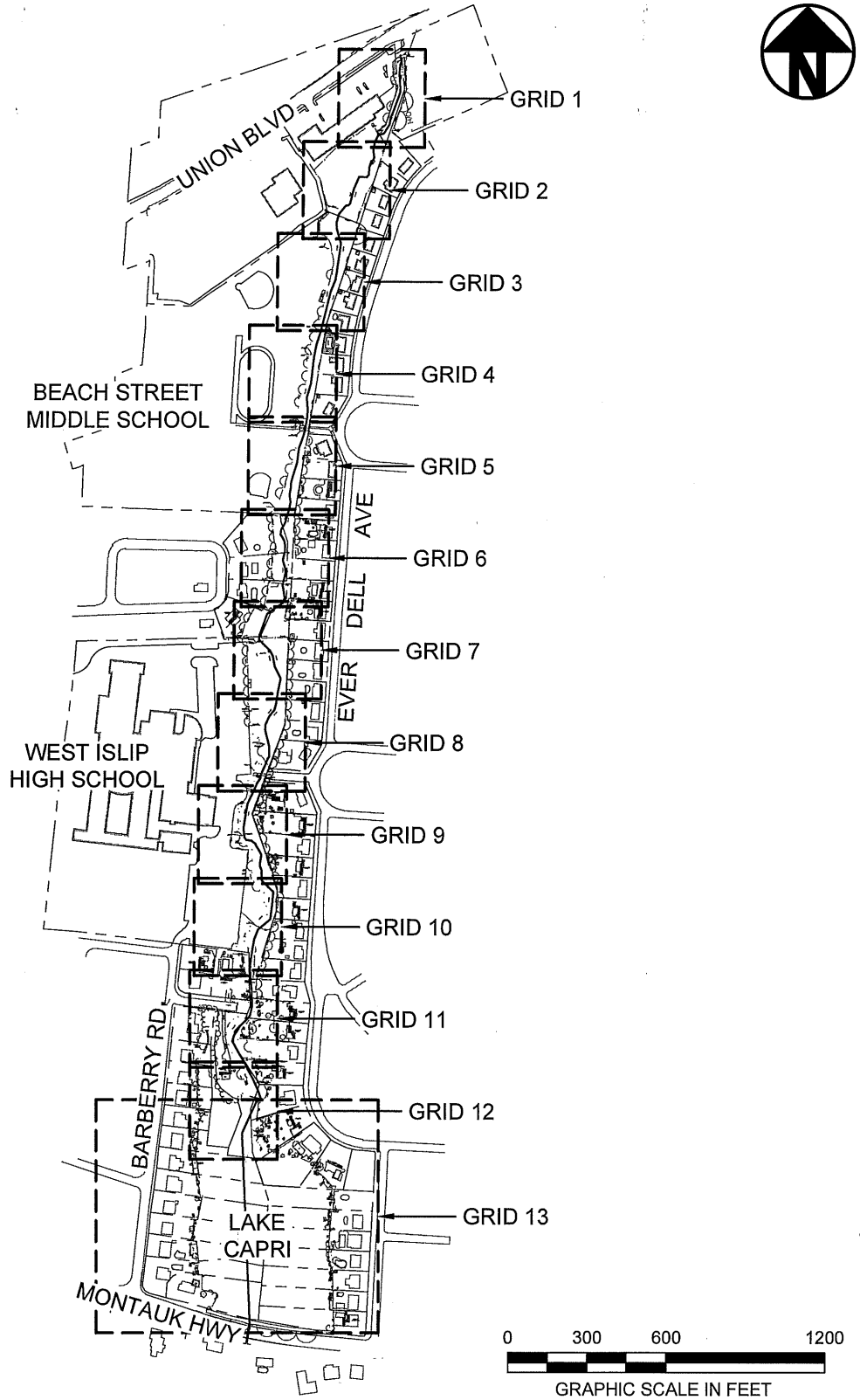
TITLE SHEET

DESIGNED BY: AE	DRAWN BY: STAFF	CHECKED BY: RC	PROJECT MGR.: FD	DATE: JANUARY 2019	PROJECT NUMBER: 14907.39	SHEET NUMBER: 1 OF 15	FIGURE: 1
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**DZUS FASTENER CO., INC.  
REMEDIATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES**

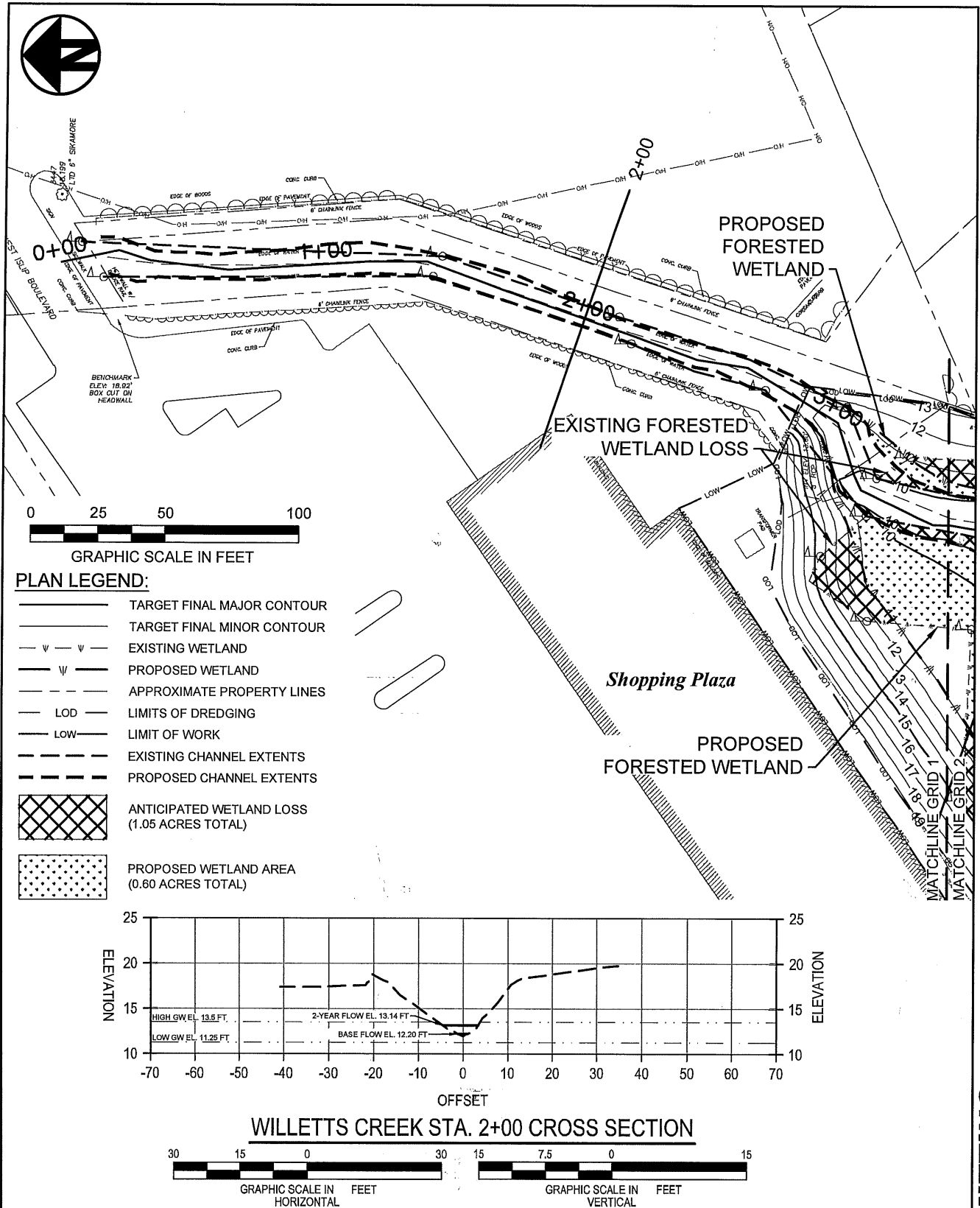
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KEY SHEET

DESIGNED BY: AE	DRAWN BY: STAFF	CHECKED BY: RC	PROJECT MGR.: FD	DATE: DECEMBER 2018	PROJECT NUMBER: 14907.39	SHEET NUMBER: 2 OF 15	FIGURE: 2
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MAR 26 2019

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DZUS FASTENER CO., INC.  
 REMEDIATION & RESTORATION OF WILLETTS CREEK  
 AND LAKE CAPRI PERMITTING FIGURES  
 WEST ISLP, SUFFOLK COUNTY, NEW YORK

GRID 1  
 STA. 2+00

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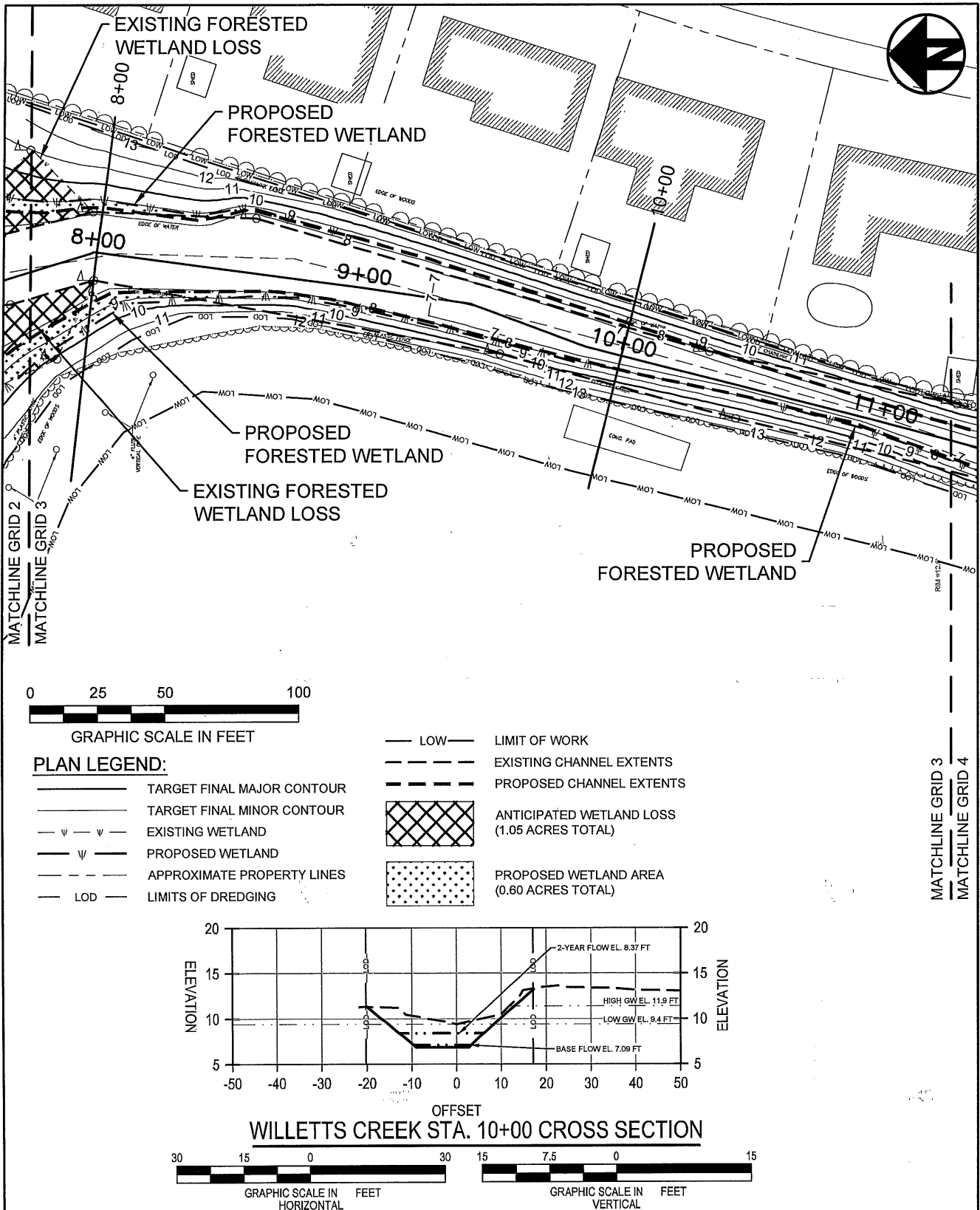
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and Technology, Inc., PBC

DZUS FASTENER CO., INC.  
REMEDIATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES

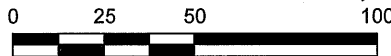
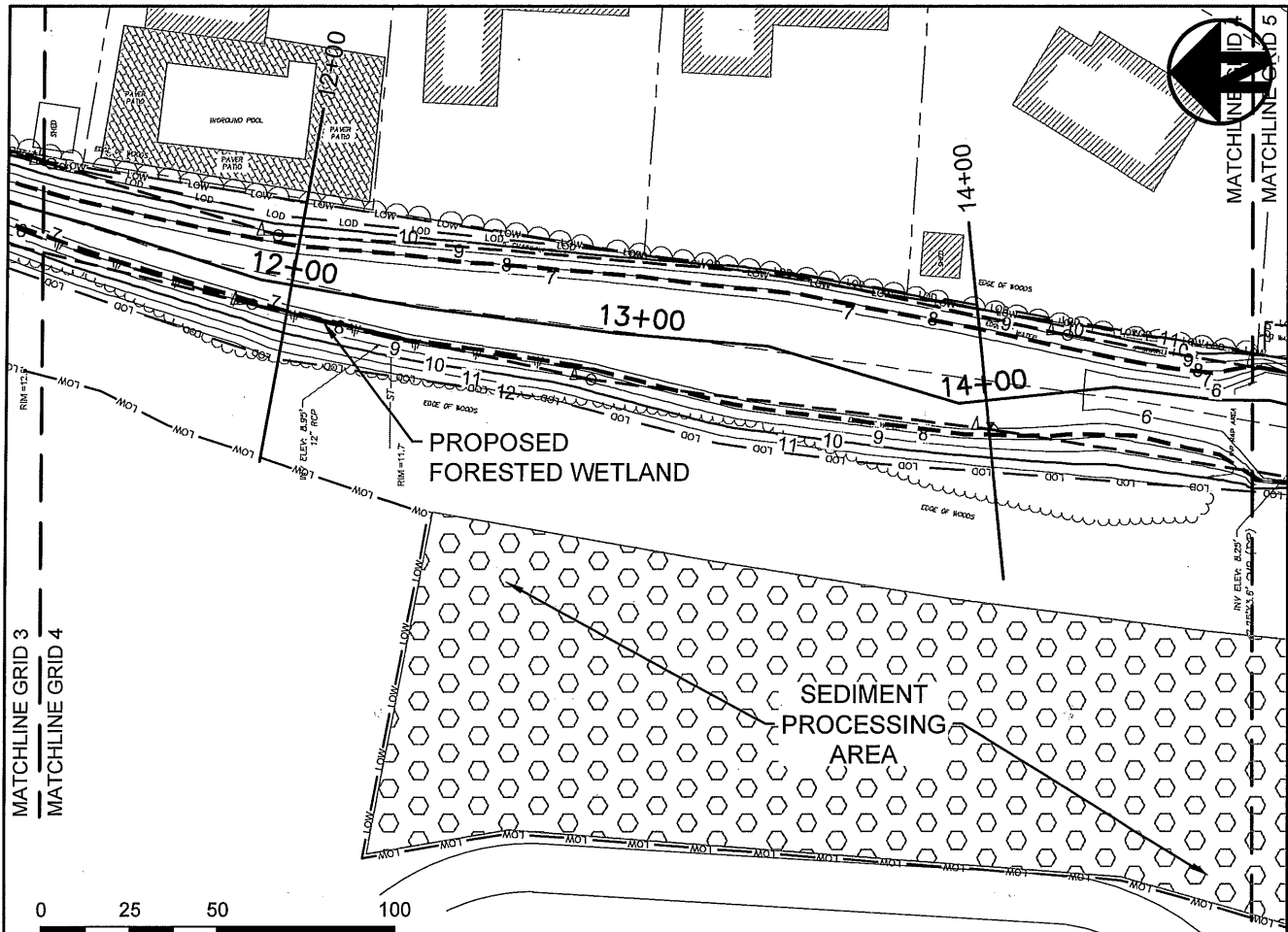
WEST ISLIP, SUFFOLK COUNTY, NEW YORK

GRID 3  
STA. 10+00

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MAR 26 2019

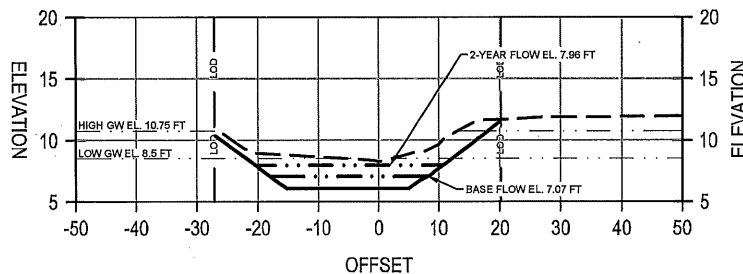
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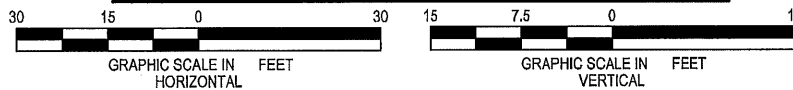
GRAPHIC SCALE IN FEET

**PLAN LEGEND:**

- |     |                            |               |   |               |
|-----|----------------------------|---------------|---|---------------|
| —   | TARGET FINAL MAJOR CONTOUR | —             | LOW   | LIMIT OF WORK |
| --- | TARGET FINAL MINOR CONTOUR | ---           | EXISTING CHANNEL EXTENTS                    |               |
| ψ   | EXISTING WETLAND           | ---           | PROPOSED CHANNEL EXTENTS                    |               |
| ψ   | PROPOSED WETLAND           | [Cross-hatch] | ANTICIPATED WETLAND LOSS (1.05 ACRES TOTAL) |               |
| --- | APPROXIMATE PROPERTY LINES | [Dotted]      | PROPOSED WETLAND AREA (0.60 ACRES TOTAL)    |               |
| --- | LOD                        |               |   |               |
| --- | LIMITS OF DREDGING         |               |   |               |



WILLETTS CREEK STA. 14+00 CROSS SECTION



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REMEDATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES

WEST ISLIP, SUFFOLK COUNTY, NEW YORK

GRID 4  
STA. 14+00

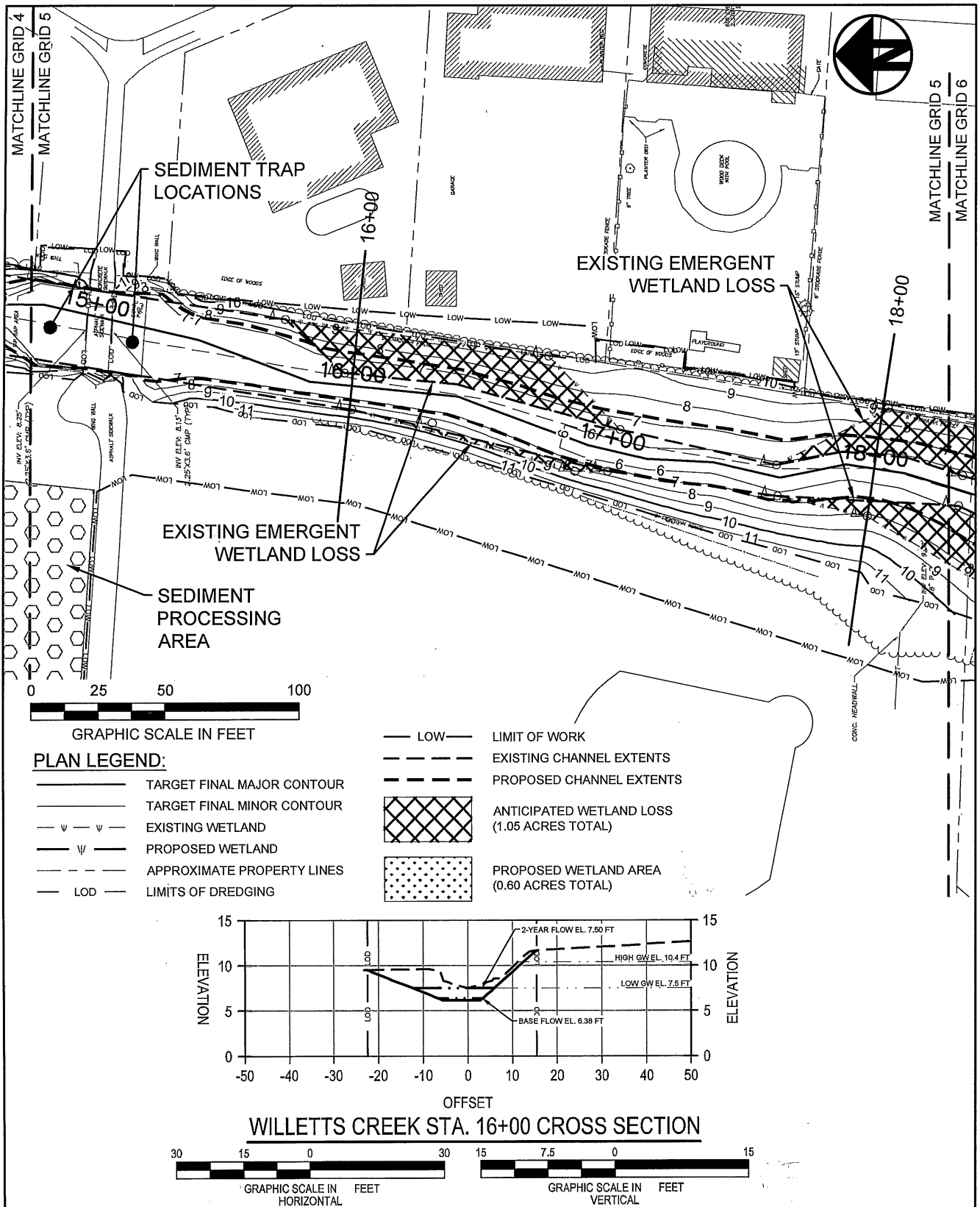
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MAR 26 2019

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EA Engineering, Science, and Technology, Inc., PBC

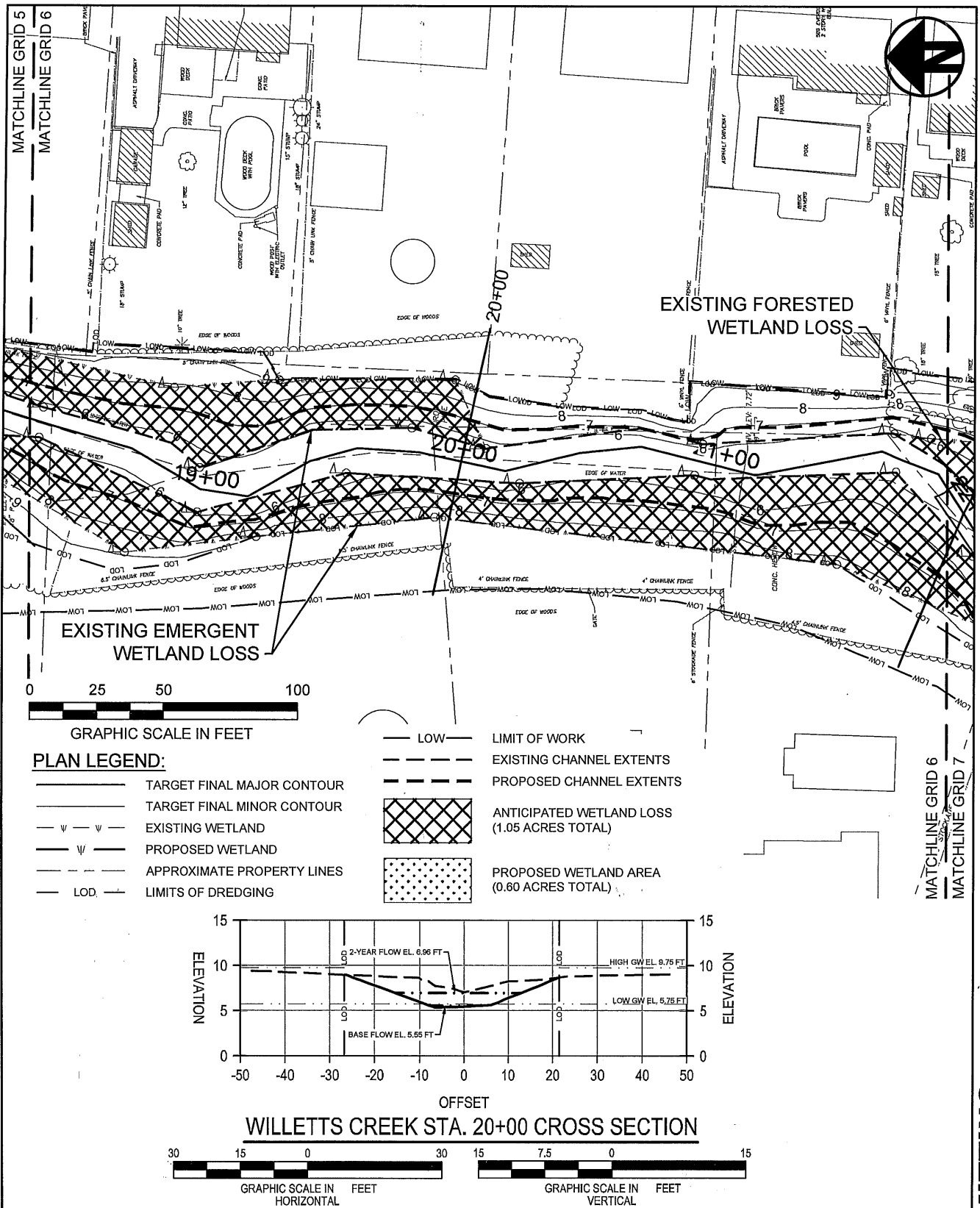
DZUS FASTENER CO., INC.  
REMEDATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES

WEST ISLIP, SUFFOLK COUNTY, NEW YORK

GRID 5  
STA. 16+00

DESIGNED BY: AE	DRAWN BY: STAFF	CHECKED BY: RC	PROJECT MGR.: FD	DATE: DECEMBER 2018	PROJECT NUMBER: 14907.39	SHEET NUMBER: 7 OF 15	FIGURE: 7
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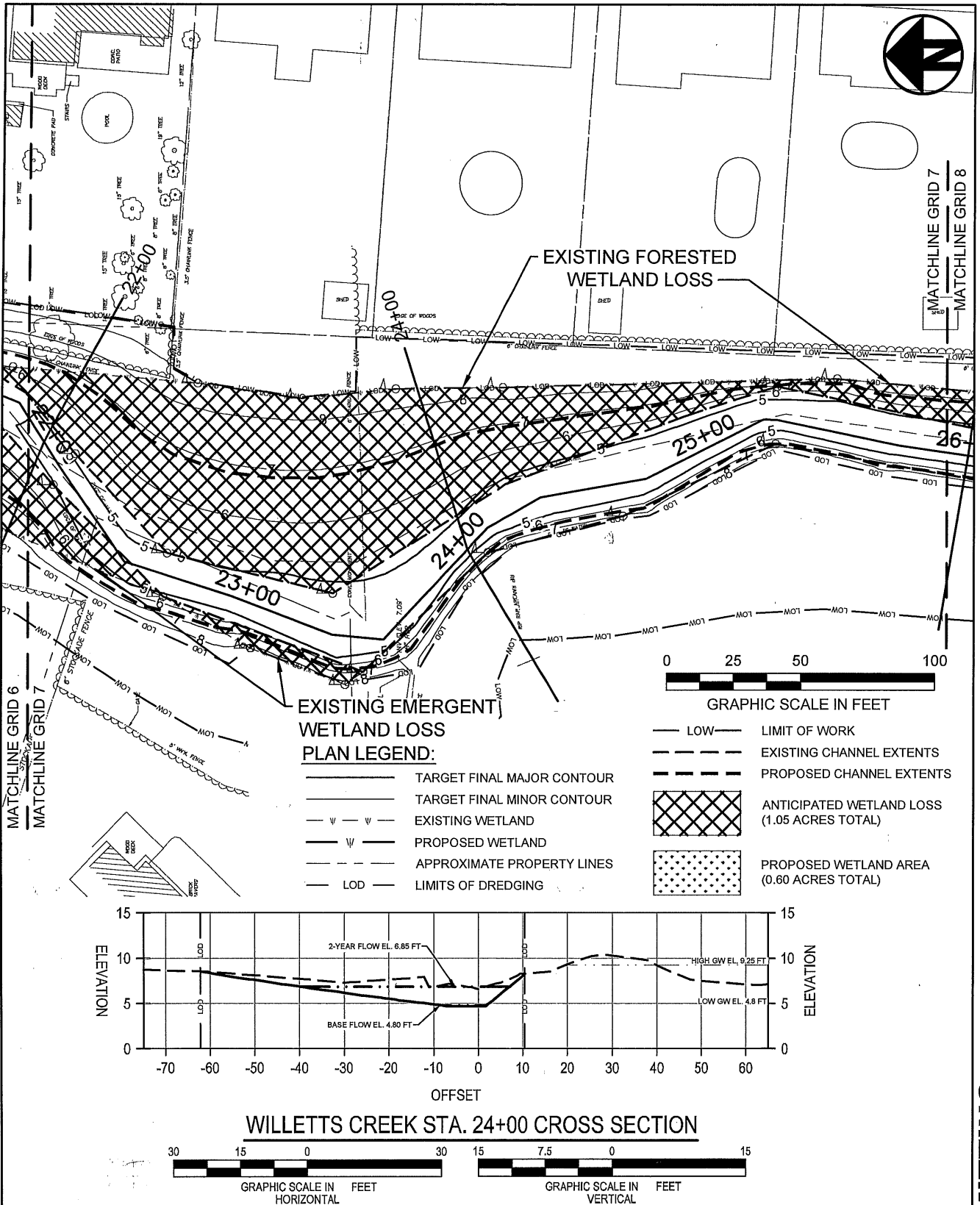


<b>EA</b> EA Engineering, Science, and Technology, Inc., PBC		DZUS FASTENER CO., INC. REMEDIATION & RESTORATION OF WILLETTS CREEK AND LAKE CAPRI PERMITTING FIGURES WEST ISIP, SUFFOLK COUNTY, NEW YORK			GRID 6 STA. 20+00		
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FOR PERMITTING



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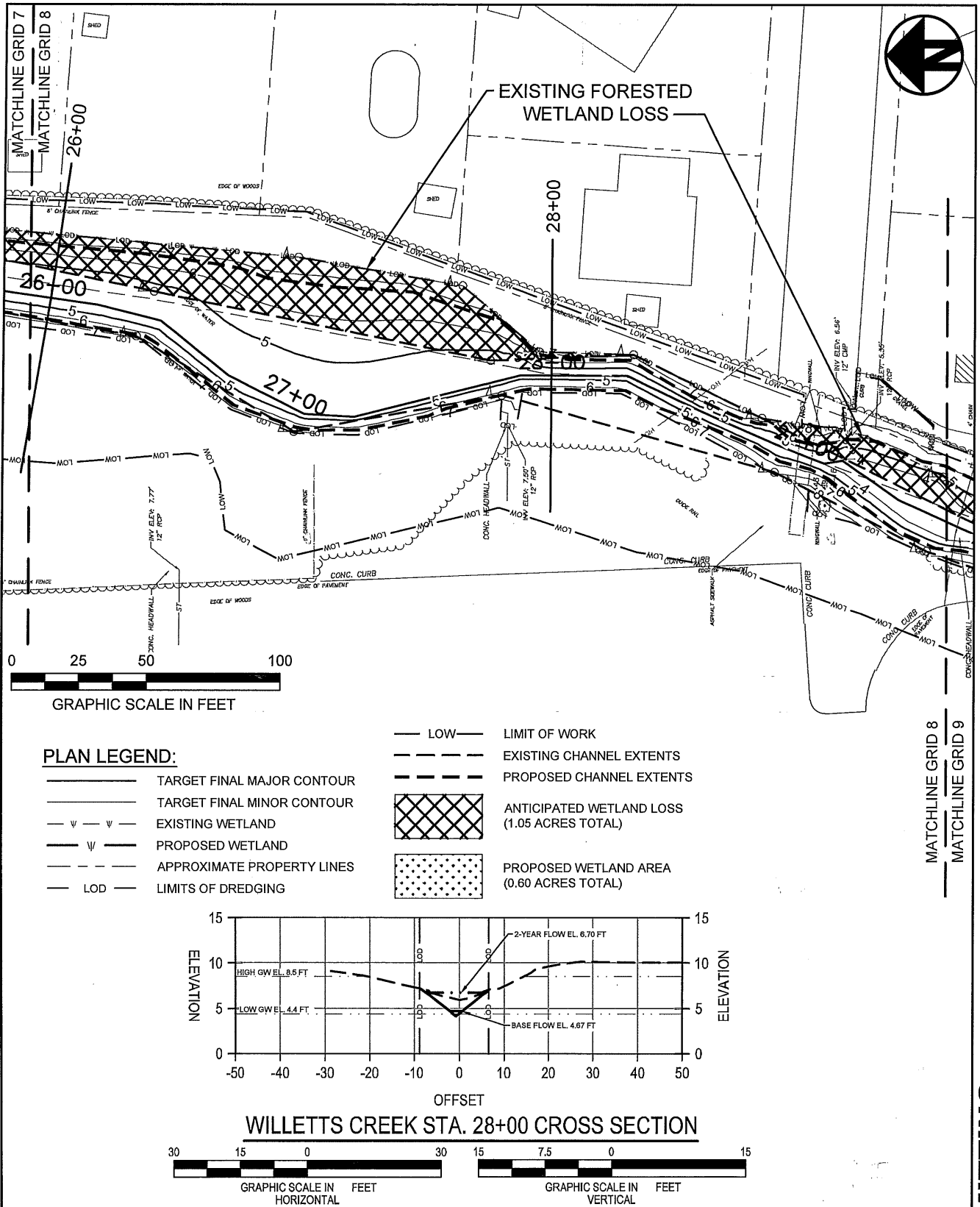
WEST ISLIP, SUFFOLK COUNTY, NEW YORK

GRID 7  
STA. 24+00

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MAR 26 2019

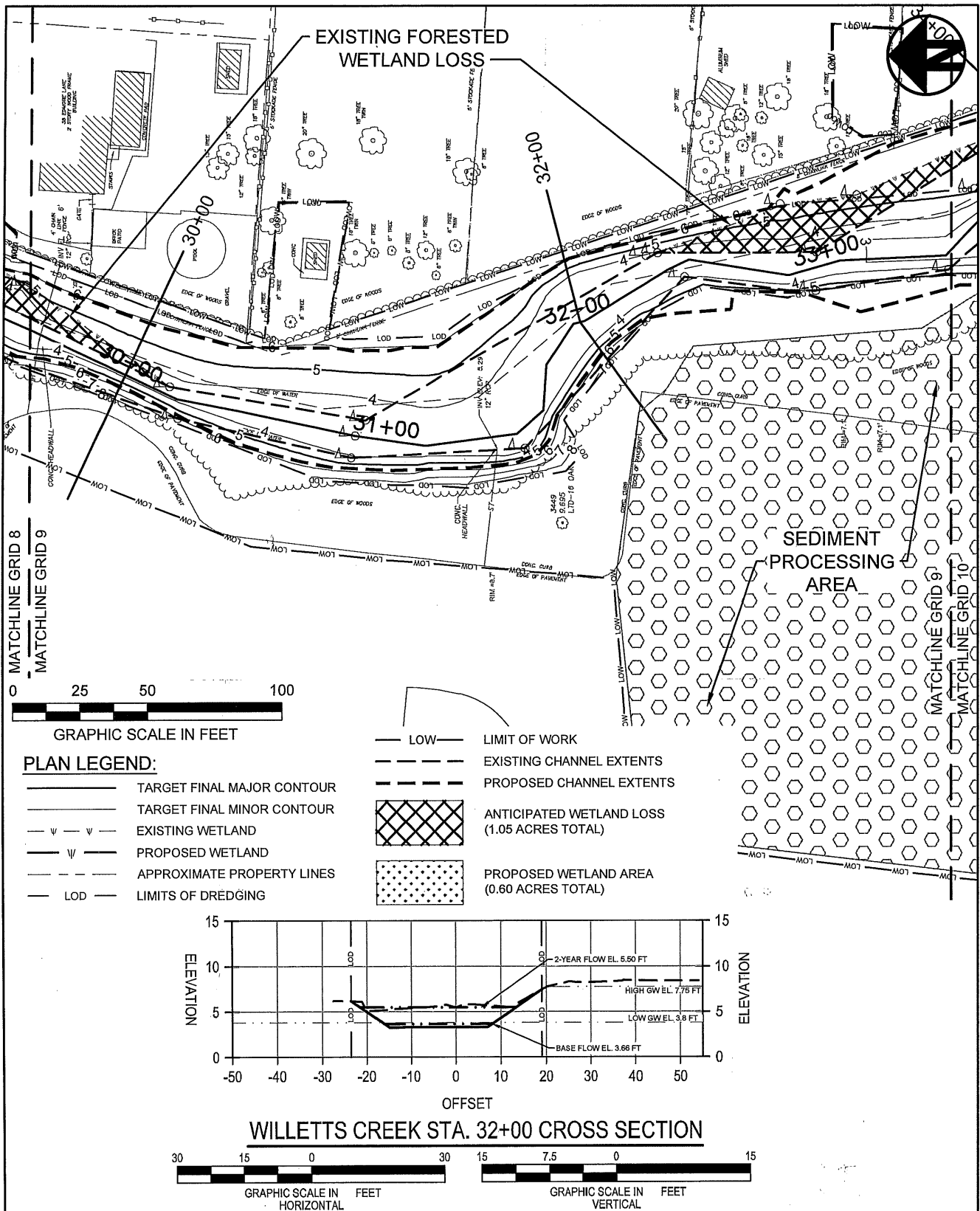
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<b>EA</b> EA Engineering, Science, and Technology, Inc., PBC		DZUS FASTENER CO., INC. REMEDIATION & RESTORATION OF WILLETTS CREEK AND LAKE CAPRI PERMITTING FIGURES WEST ISLIP, SUFFOLK COUNTY, NEW YORK			GRID 8 STA. 28+00		
DESIGNED BY:	DRAWN BY:	CHECKED BY:	PROJECT MGR.:	DATE:	PROJECT NUMBER:	SHEET NUMBER:	FIGURE:
AE	STAFF	RC	FD	DECEMBER 2018	14907.39	10 OF 15	10

FOR PERMITTING

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DZUS FASTENER CO., INC.  
REMEDIATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES

WEST ISIP, SUFFOLK COUNTY, NEW YORK

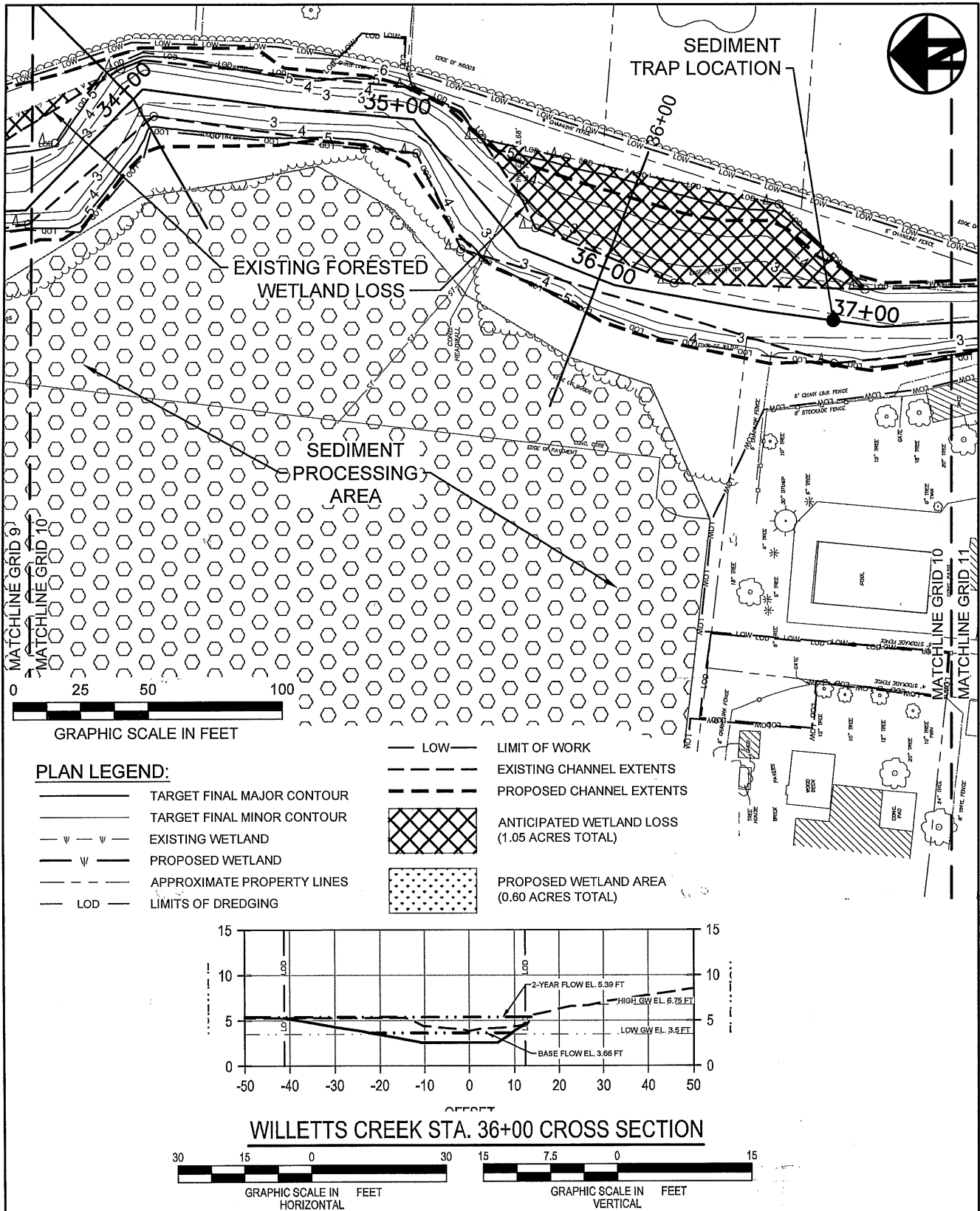
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STA. 32+00

DESIGNED BY: AE	DRAWN BY: STAFF	CHECKED BY: RC	PROJECT MGR.: FD	DATE: DECEMBER 2018	PROJECT NUMBER: 14907.39	SHEET NUMBER: 11 OF 14	FIGURE: 11
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MAR 26 2019

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REMEDATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES

WEST ISIP, SUFFOLK COUNTY, NEW YORK

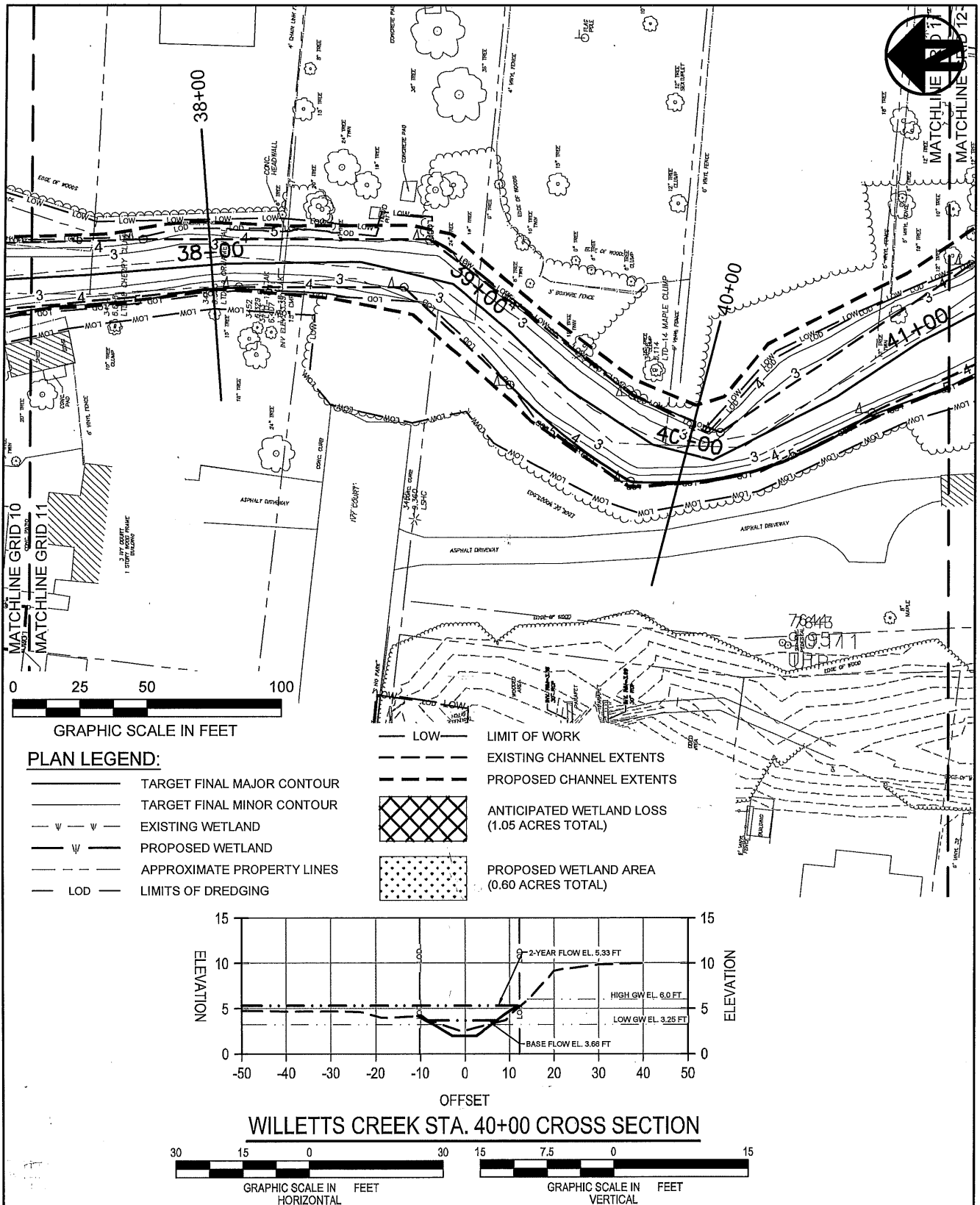
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DESIGNED BY: AE	DRAWN BY: STAFF	CHECKED BY: RC	PROJECT MGR.: FD	DATE: DECEMBER 2018	PROJECT NUMBER: 14907.39	SHEET NUMBER: 12 OF 15	FIGURE: 12
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MAR 26 2019

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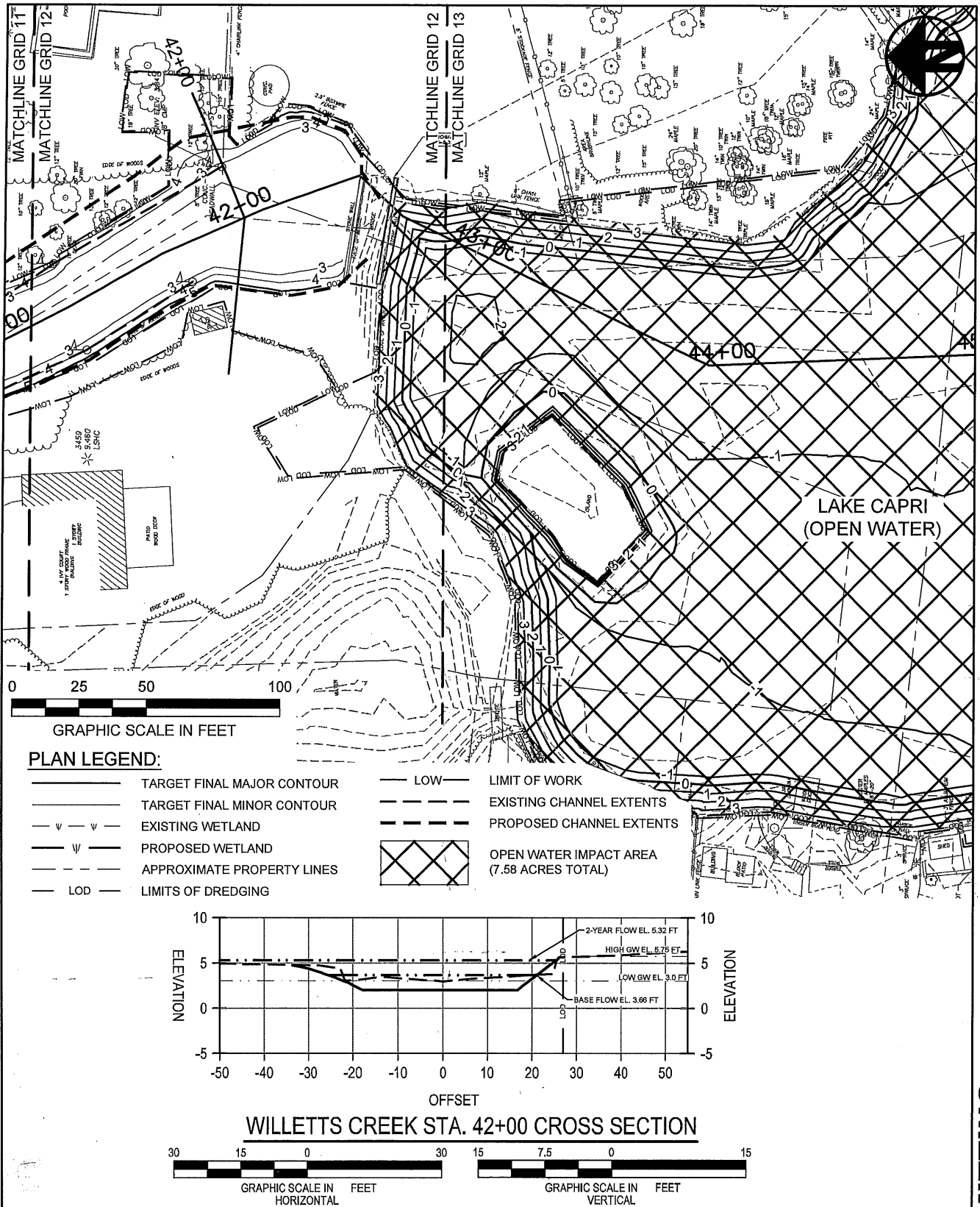


<b>EA</b> EA Engineering, Science, and Technology, Inc., PBC		DZUS FASTENER CO., INC. REMEDIATION & RESTORATION OF WILLETTS CREEK AND LAKE CAPRI PERMITTING FIGURES WEST ISLIP, SUFFOLK COUNTY, NEW YORK				GRID 11 STA. 40+00	
DESIGNED BY:	DRAWN BY:	CHECKED BY:	PROJECT MGR.:	DATE:	PROJECT NUMBER:	SHEET NUMBER:	FIGURE:
AE	STAFF	RC	FD	DECEMBER 2018	14907.39	13 OF 15	13

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MAR 26 2019

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REMEDIATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES

WEST ISIP, SUFFOLK COUNTY, NEW YORK

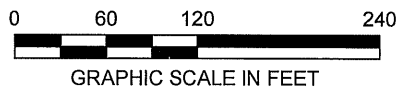
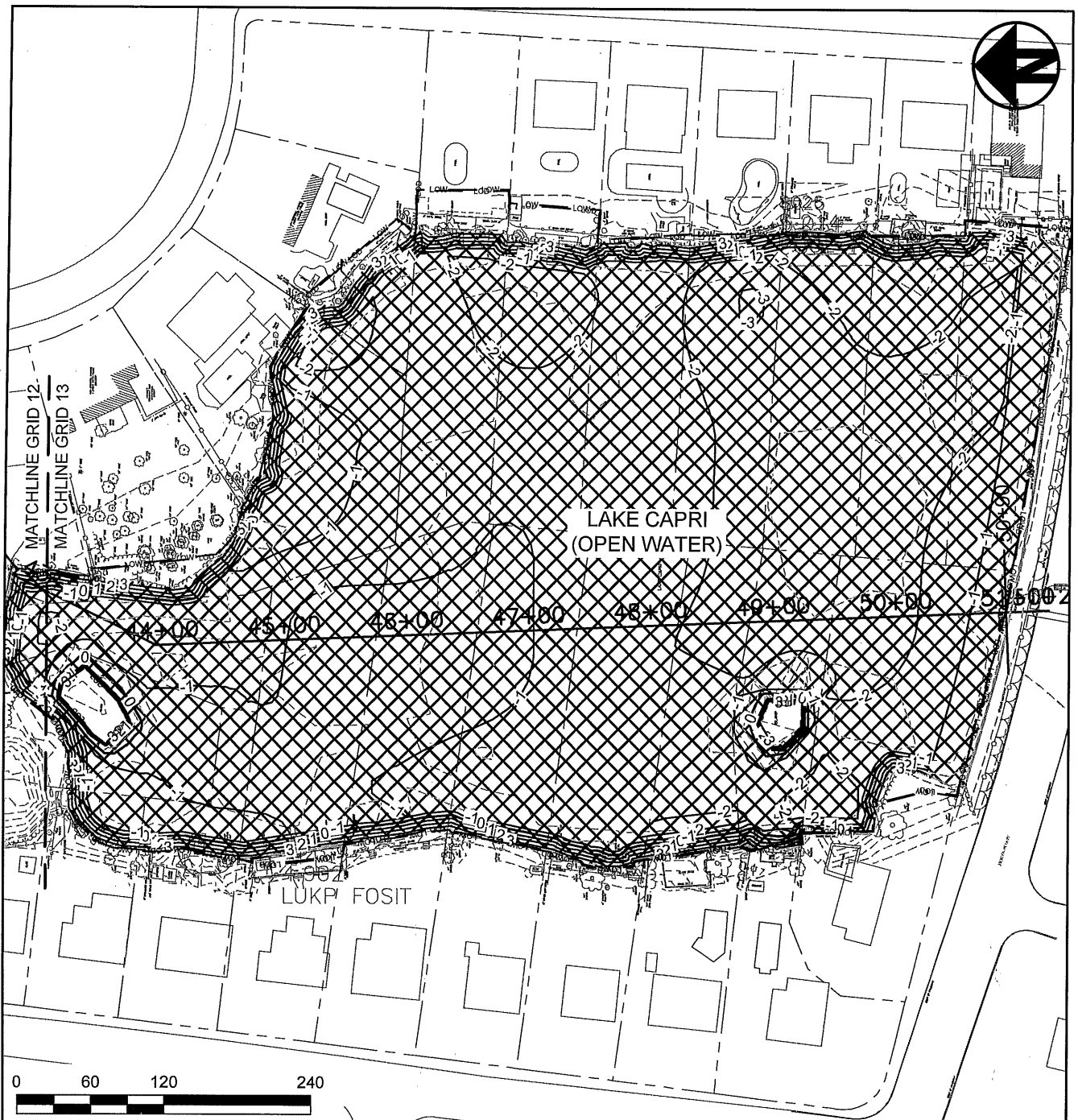
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STA. 42+00

DESIGNED BY: AE	DRAWN BY: STAFF	CHECKED BY: RC	PROJECT MGR.: FD	DATE: DECEMBER 2018	PROJECT NUMBER: 14907.39	SHEET NUMBER: 14 OF 15	FIGURE: 14
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MAR 26 2019

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**PLAN LEGEND:**

- TARGET FINAL MAJOR CONTOUR
- TARGET FINAL MINOR CONTOUR
- EXISTING WETLAND
- PROPOSED WETLAND
- APPROXIMATE PROPERTY LINES
- LOD LIMITS OF DREDGING
- LOW LIMIT OF WORK
- OPEN WATER IMPACT AREA (7.58 ACRES TOTAL)



EA Engineering, Science,  
and Technology, Inc., PBC

DZUS FASTENER CO., INC.  
REMEDIATION & RESTORATION OF WILLETTS CREEK  
AND LAKE CAPRI PERMITTING FIGURES

WEST ISLIP, SUFFOLK COUNTY, NEW YORK

GRID 13  
LAKE CAPRI

DESIGNED BY: AE	DRAWN BY: STAFF	CHECKED BY: RC	PROJECT MGR.: FD	DATE: DECEMBER 2018	PROJECT NUMBER: 14907.39	SHEET NUMBER: 15 OF 15	FIGURE: 15
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MAR 26 2019

**FOR PERMITTING**

**NATIONWIDE GENERAL PERMIT**  
**COMPLIANCE CERTIFICATION**  
**AND REPORT FORM**

Permit File Number: NAN-2018-01009-EME

Permittee: New York State Department of Environmental Conservation

Location: 425 Union Boulevard, in the Town of West Islip, Suffolk County, New York

Date Permit Letter Issued: MAR 26 2019

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.  
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLACE  
STAMP  
HERE**

**DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
ATTN: CENAN-OP-RE  
NEW YORK, NEW YORK 10278-0090**