

# JOINT PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

State of Connecticut  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 01606-5127

US Army of Engineers  
New England District  
696 Virginia Road  
Attn: Ms. Diane M. Ray  
Concord, MA 01742-2751

## **In replying refer to:**

Public Notice Number: NAN-2013-00173-WSC  
Issue Date: March 1, 2013  
Expiration Date: March 21, 2013

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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 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

**APPLICANT** City of Rye Municipal Boat Basin  
650 Milton Road  
Rye, New York 10580

**ACTIVITY:** Maintenance dredge with placement of the dredged material in the Western Long Island Sound Disposal Site. Barge overflow at the dredging site is not proposed.

**WATERWAY:** Milton Harbor

**LOCATION:** City of Rye, Westchester County, New York.

Independent evaluations of various aspects of the proposed project will be performed by the US Army Corps of Engineers, New York District, US Army Corps of Engineers, New England District, the State of Connecticut, and the State of New York in accordance with applicable federal and state laws.

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 the 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.

Any person may request, by writing to the District Engineer 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 Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267) (16 U.S.C. 1801 et seq.), requires federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 114,303 square feet of Essential Fish Habitat (EFH) for the species and their life stages as shown in the attached table. Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect those species listed in the attached table. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged material disposal is proposed for the Western Long Island Sound Disposal Site. This is an open water site, which provides Essential Fish Habitat for the attached table of species and life stages. Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect those species listed on the attached table. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Our preliminary determination is that the dredging and disposal of dredged material 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.

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 archaeological, 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 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, 41 State Street, 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.

The Connecticut Department of Environmental Protection, Office of Long Island Sound Programs will review the applicant's dredged material placement proposal for consistency with Connecticut's water quality standards. Subsequent issuance of the Section 401 Water Quality Certificate from the state agency will indicate concurrence with the coastal area management plan.

Barge overflow of dredged material will not occur during the dredging of this proposed project, therefore, the only Section 404 activity involved in this application is the placement of the dredged material at one of the designated disposal sites in Long Island Sound.

Comments related to water quality issues should be submitted both to this office and to the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, 79 Elm Street, Hartford, Connecticut 06106-5127. For more information about the water quality certification, please contact Connecticut's Office of Long Island Sound Programs at (860) 424-3034.

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:

**Navigable Waters Permit from New York State Department of Environmental Conservation.**

It is requested that you communicate the foregoing information concerning the proposed work 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) 790-8417 and ask for Steven A. Schumach. For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

  
Jodi M. McDonald  
for Chief, Regulatory Branch

Attachments

### DESCRIPTION OF WORK

The applicant, the City of Rye Municipal Boat Basin, has requested Department of the Army authorization to maintenance dredge approximately 15,000 cubic yards from an area of approximately 114,303 square feet in Milton Harbor in the City of Rye, Westchester County, New York. The work consists of:

- The maintenance dredging of approximately 12,000 cubic yards from an area of approximately 110,303 square feet to depths of 6 and 8 feet below the plane of mean low water in the Milton Harbor Federal Navigation Channel leading to the boat basin and within the boat basin as shown on the attached drawings.
- The maintenance dredging of approximately 3,000 cubic yards of material from an area of approximately 4,000 square feet at the Blind Brook side of the boat basin to restore a sediment deposition basin to a depth of 10 feet below the plane of mean low water.

The dredging would be performed by using a clamshell or excavator dredge. No barge overflow is proposed. The dredged material consisting of silt and sand material and would be placed at the Western Long Island Sound Disposal Site (WLIS).

The applicant proposes to dredge from April 15 to May 30, which is prior to the boating season and between potential spawning periods of winter flounder and shellfish. The stated purpose of the proposed maintenance dredging is to restore safe navigation depths at the entrance channel to the boat basin and within the boat basin. The shoaling has resulted since the area was last dredged in 2008-2009 and especially from the recent severe storm and flooding events in the Blind Brook watershed.

#### Sampling and Testing:

The applicant has sampled and tested the area to be dredged in accordance with an approved sampling and testing plan. Based on an evaluation of the data that characterize the material proposed to be dredged, the Corps of Engineers finds that the data provided sufficient information to satisfy the evaluation and testing requirements of the appropriate regulations. The testing showed that the dredged material is suitable for placement in WLIS.

The Western Long Island Sound Disposal Site is frequently used for disposal of bottom sediments from various harbors along the eastern New York, northern Long Island, and central and western Connecticut coasts. An average of approximately 125,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) have been deposited at this site annually. The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Areas outside the disposal site have not been found to be affected by sediment deposited within the site.

The applicant has performed an analysis of alternative placement sites for the dredged material. These included upland placement, amendment of the dredged material and reuse, and openwater disposal. The analysis showed that no onsite and offsite upland placement locations were available or that site development would result in excessive costs. To process the dredged material and then transport it for possible beneficial use was not found to be practicable due to the excessive costs involved. The placement of the dredged material in WLIS is the applicant's preferred alternative.

The dredged material has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

**Summary of Essential Fish Habitat (EFH) Designation**

**10' x 10' Square Coordinates: Dredge Site**

Boundary	North	East	South	West
Coordinate	41° 00.0' N	73° 40.0' W	40° 50.0' N	73° 50.0' W

**Square Description (i.e. habitat, landmarks, coastline markers):** The waters within the square within the Hudson River estuary on the north shore of Long Island, affecting the following: north of Manhasset Neck, Port Washington, NY., Berker Pt., Sands Pt., and Mott Pt., the tip of Hewlett Pt. on the north of Great Neck, north of Manhasset, NY., and Douglastown, NY. Also, the waters within Long Island Sound south of mainland New York from Port Chester, NY., and Rye, NY., to Westchester, NY., on East Chester Bay, along with south of the following: Harrison, NY., Mamaroneck, NY., Larchmont, NY., Pelham, NY., New Rochelle, NY., Pelham Manor, NY., and East Chester, NY. Also, around the following islands and features: Hart, City, Davids, Pea, Hen, Glen, Hunter and Huckleberry, the Scotch Caps, Middle Gorund, Execution Rocks, Gangway Rocks, Porgy Shoal and Hen and Chickens Rocks, along with the Hutchinson River, Mamaroneck Harbor, Milton Harbor, and Larchmont Harbor.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod ( <i>Gadus morhua</i> )			X	X
pollock ( <i>Pollachius virens</i> )			X	X
red hake ( <i>Urophycis chuss</i> )	X	X	X	X
winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X
windowpane flounder ( <i>Scopthalmus aquosus</i> )	X	X	X	X
Atlantic sea herring ( <i>Clupea harengus</i> )		X	X	X
bluefish ( <i>Pomatomus saltatrix</i> )			X	X
Atlantic butterfish ( <i>Peprilus triacanthus</i> )		X	X	X
Atlantic mackerel ( <i>Scomber scombrus</i> )			X	X
summer flounder ( <i>Paralichthys dentatus</i> )		X	X	X
scup ( <i>Stenotomus chrysops</i> )	X	X	X	X
black sea bass ( <i>Centropristus striata</i> )	n/a		X	X

king mackerel ( <i>Scomberomorus cavalla</i> )	X	X	X	X
Spanish mackerel ( <i>Scomberomorus maculatus</i> )	X	X	X	X
cobia ( <i>Rachycentron canadum</i> )	X	X	X	X
sand tiger shark ( <i>Odontaspis taurus</i> )		X		

**Summary of Essential Fish Habitat (EFH) Designation**

**Western Long Island Sound Disposal Site**

**10' x 10' Square Coordinates:**

Boundary	North	East	South	West
Coordinate	41° 00.0' N	73° 20.0' W	40° 50.0' N	73° 30.0' W

**Square Description (i.e. habitat, landmarks, coastline markers):** Atlantic Ocean waters within the square within Long Island Sound affecting the following: on the north shore of Long Island from just north of Northport, NY., to Cooper Bluff, NY. on Cove Neck, west of Cold Spring Harbor, NY. These waters are north of the following: Northport., NY, Eatons Neck, Northport Bay, Little Neck, East Neck, West Neck, and Lloyd Neck, Huntington, NY., Greenlawn, NY., Centerport, NY., Woodbury, NY., and Huntington Bay. Also, there is a discontinued dumping ground along with a present disposal area, both on the northern boundary of the square, south of Noroton Heights, CT. and South Norwalk, CT.

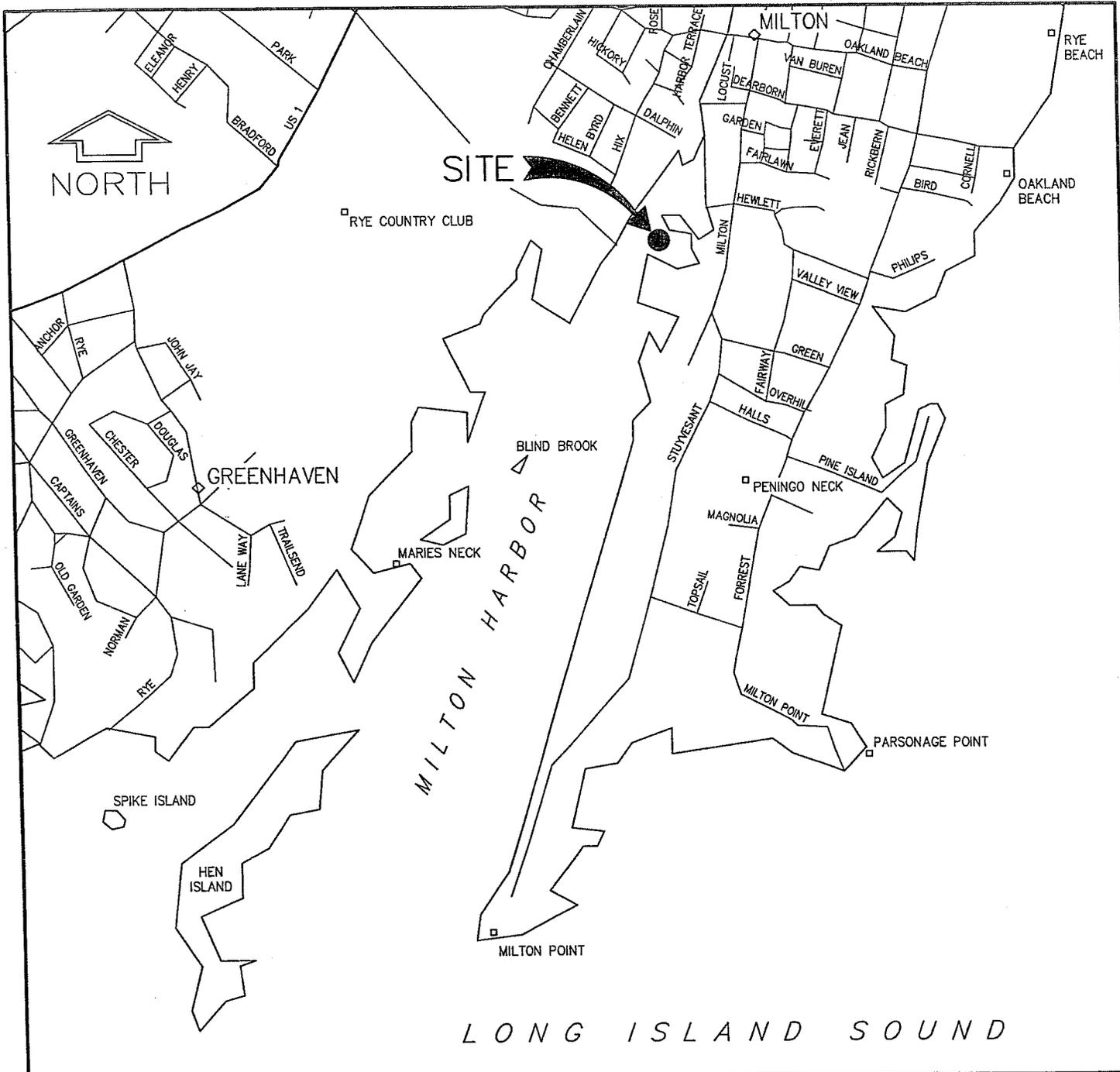
Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon ( <i>Salmo salar</i> )			X	X
Atlantic cod ( <i>Gadus morhua</i> )				
haddock ( <i>Melanogrammus aeglefinus</i> )				
pollock ( <i>Pollachius virens</i> )			X	X
whiting ( <i>Merluccius bilinearis</i> )				
offshore hake ( <i>Merluccius albidus</i> )				

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red hake ( <i>Urophycis chuss</i> )	X	X	X	X
white hake ( <i>Urophycis tenuis</i> )				
redfish ( <i>Sebastes fasciatus</i> )	n/a			
witch flounder ( <i>Glyptocephalus cynoglossus</i> )				
winter flounder ( <i>Pseudopleuronectes americanus</i> )	X	X	X	X
yellowtail flounder ( <i>Limanda ferruginea</i> )				
windowpane flounder ( <i>Scophthalmus aquosus</i> )	X	X	X	X
American plaice ( <i>Hippoglossoides platessoides</i> )				
ocean pout ( <i>Macrozoarces americanus</i> )				
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )				
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )				
Atlantic sea herring ( <i>Clupea harengus</i> )			X	X
monkfish ( <i>Lophius americanus</i> )				
bluefish ( <i>Pomatomus saltatrix</i> )			X	X
long finned squid ( <i>Loligo pealeii</i> )	n/a	n/a		
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a		
Atlantic butterfish ( <i>Peprilus triacanthus</i> )				
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
summer flounder ( <i>Paralichthys dentatus</i> )			X	

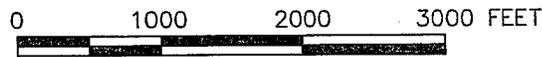
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scup ( <i>Stenotomus chrysops</i> )	X	X	X	X
black sea bass ( <i>Centropristis striata</i> )	n/a		X	
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a		
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a		
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a		
tilefish ( <i>Lopholatilus chamaeleonticeps</i> )				
king mackerel ( <i>Scomberomorus cavalla</i> )	X	X	X	X
Spanish mackerel ( <i>Scomberomorus maculatus</i> )	X	X	X	X
cobia ( <i>Rachycentron canadum</i> )	X	X	X	X
sand tiger shark ( <i>Carcharias taurus</i> )		X		



TAKEN FROM DeLORME MAPEXPERT  
WINDOWS V2.0

**VICINITY MAP**



SCALE

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

DATUM: MEAN LOW WATER  
APPLICATION BY: CITY OF RYE  
APPLICATION NO.:  
AGENT: OCEAN & COASTAL  
CONSULTANTS ENGINEERING, P.C.

PROPOSED CHANNEL AND BASIN DREDGING

MILTON HARBOR  
CITY OF RYE  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

DATE: 1/21/13

SHEET 1 OF 7

FEDERAL CHANNEL COORDINATES

POINT	NORTHING	EASTING
7	N 287,245.42	E 1,068,580.84
8	N 287,187.10	E 1,068,662.07
11	N 288,302.87	E 1,069,340.01
12b	N 288,543.59	E 1,069,462.85
12c	N 288,462.09	E 1,069,359.12
13a	N 288,484.70	E 1,069,953.49
14a	N 288,435.06	E 1,069,947.53
15a	N 288,491.48	E 1,069,477.46
15b	N 288,453.04	E 1,069,428.54
16	N 288,221.41	E 1,069,400.73
17a	N 288,091.40	E 1,069,790.51
17b	N 288,105.13	E 1,069,815.20
18	N 288,328.97	E 1,069,868.48
19	N 288,317.39	E 1,069,917.12
20a	N 288,058.95	E 1,069,855.60
20b	N 288,026.13	E 1,069,796.59
21	N 288,160.60	E 1,069,393.42
22	N 288,135.31	E 1,069,342.82
D1	N 288,193.63	E 1,069,261.58
D2	N 287,395.11	E 1,068,688.30
D3	N 287,336.79	E 1,068,769.54

SEDIMENTATION BASIN COORDINATES

POINT	NORTHING	EASTING
S1	N 288,491.69	E 1,069,466.81
S2	N 288,571.14	E 1,069,476.21
S3	N 288,565.27	E 1,069,525.86
S4	N 288,485.82	E 1,069,516.46

EXISTING SITE PLAN



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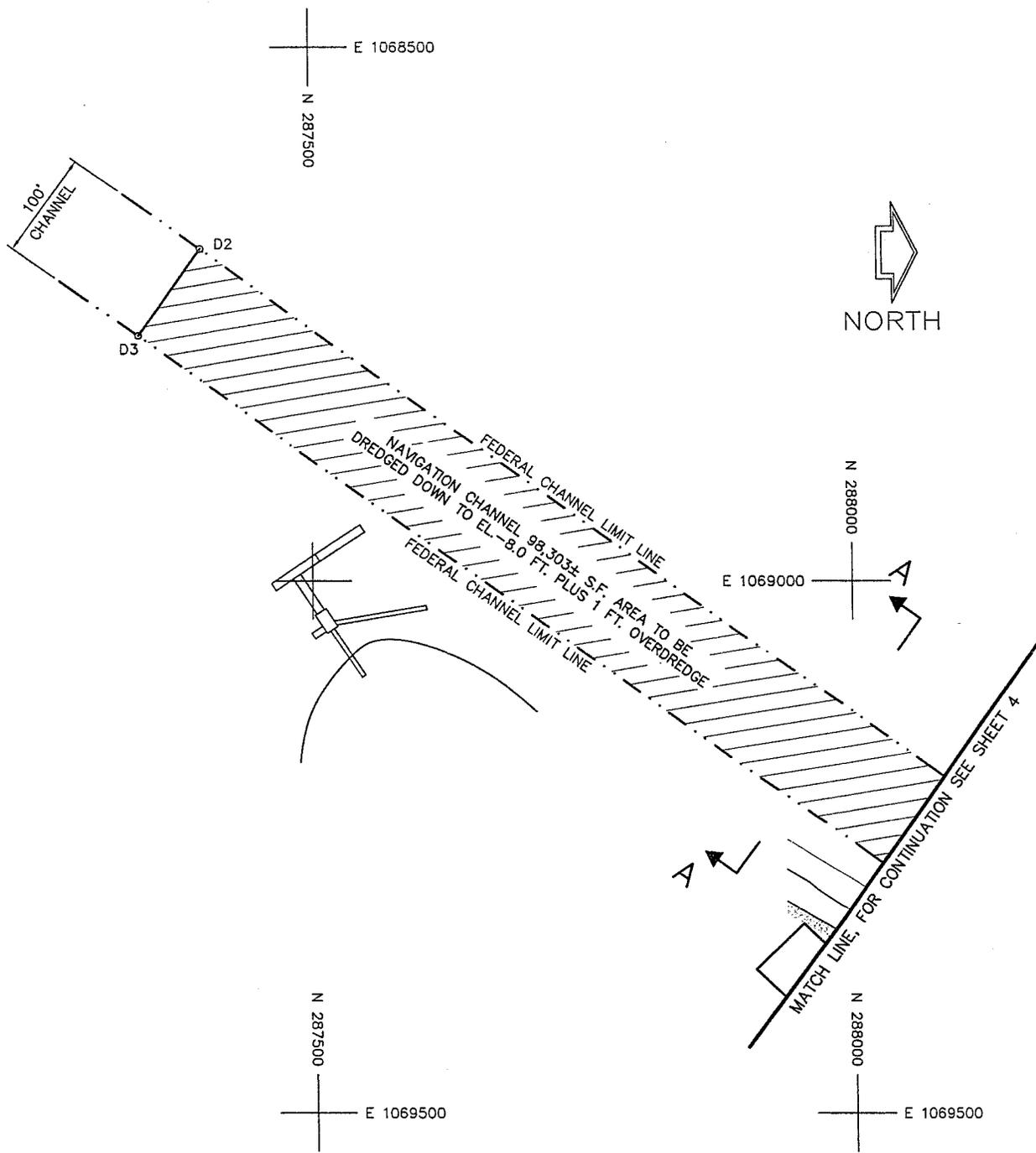
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APPLICATION BY: CITY OF RYE  
APPLICATION NO.:  
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CONSULTANTS ENGINEERING, P.C.

PROPOSED CHANNEL AND BASIN DREDGING

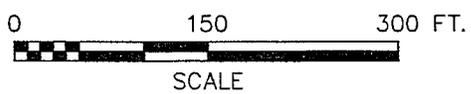
MILTON HARBOR  
CITY OF RYE  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

DATE: 1/21/13

SHEET 2 OF 7



**PROPOSED DREDGING PLAN – SHEET 1 OF 2**



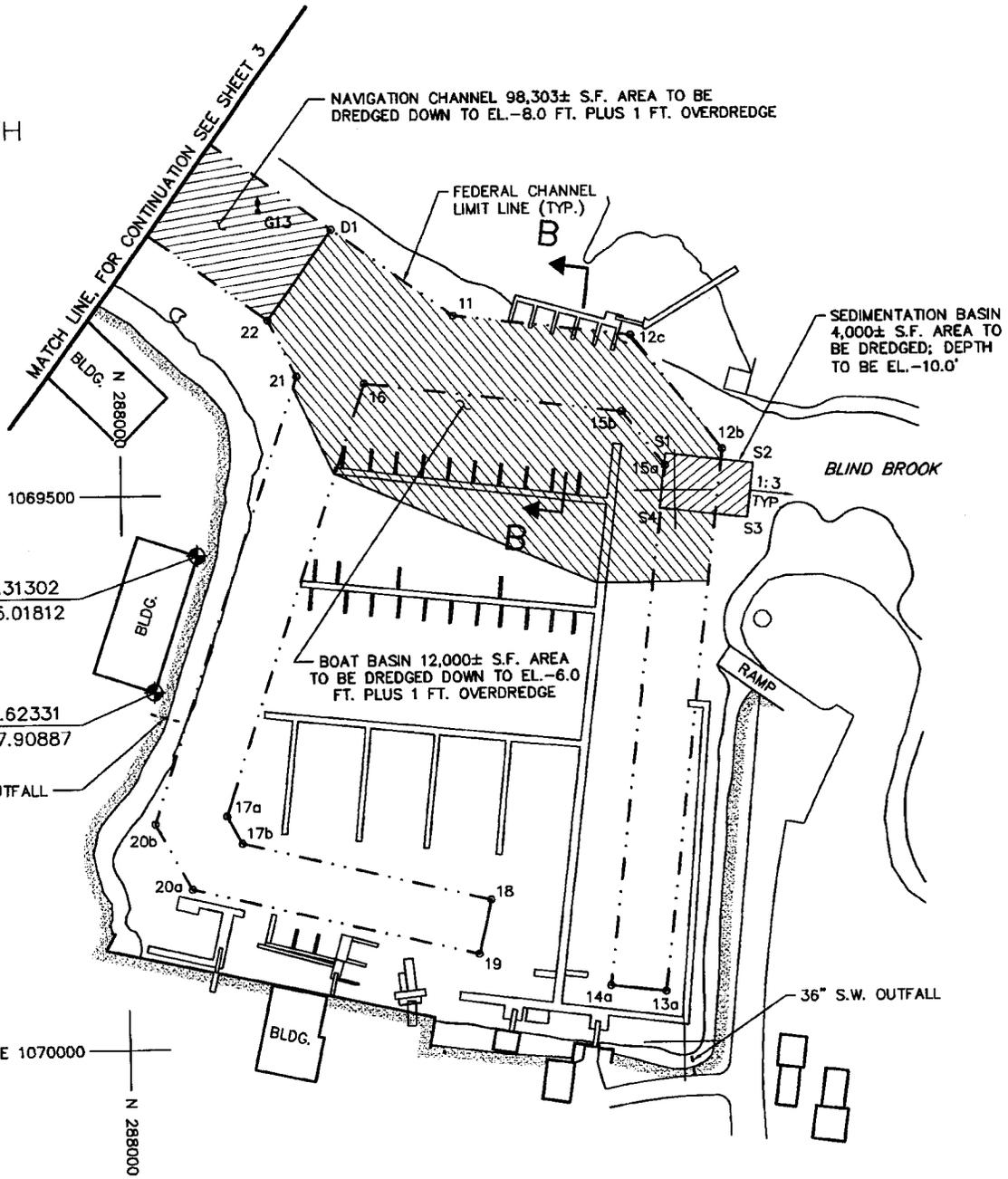
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PROPOSED CHANNEL AND BASIN DREDGING  
MILTON HARBOR  
CITY OF RYE  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

DATE: 1/21/13

SHEET 3 OF 7



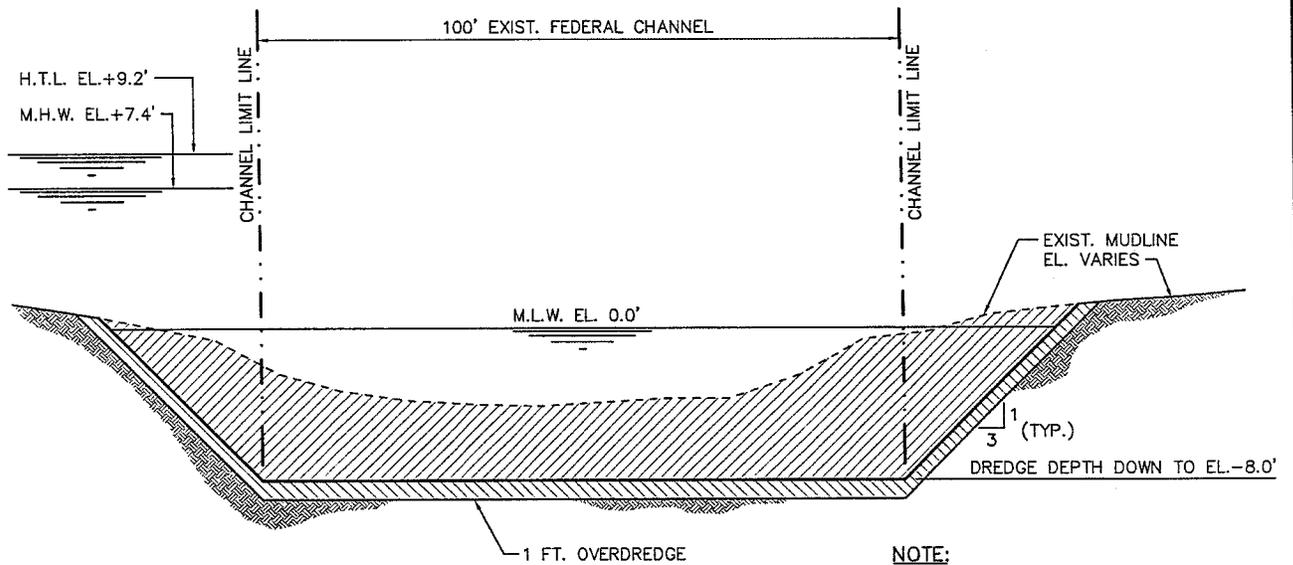
**PROPOSED DREDGING PLAN - SHEET 2 OF 2**



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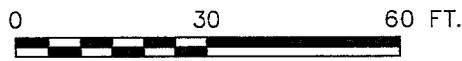
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PROPOSED CHANNEL AND BASIN DREDGING  
MILTON HARBOR  
CITY OF RYE  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK  
DATE: 1/21/13 SHEET 4 OF 7



**NOTE:**  
 EXISTING MUDLINE SHOWN DEPICTED FROM USACE SOUNDINGS TAKEN ON 19-20 OCTOBER 2012 AND CAN ONLY REFLECT CONDITIONS AS THEY EXISTED AT THE TIME OF THE SURVEY.

**SECTION A-A**



HORIZONTAL SCALE



VERTICAL SCALE

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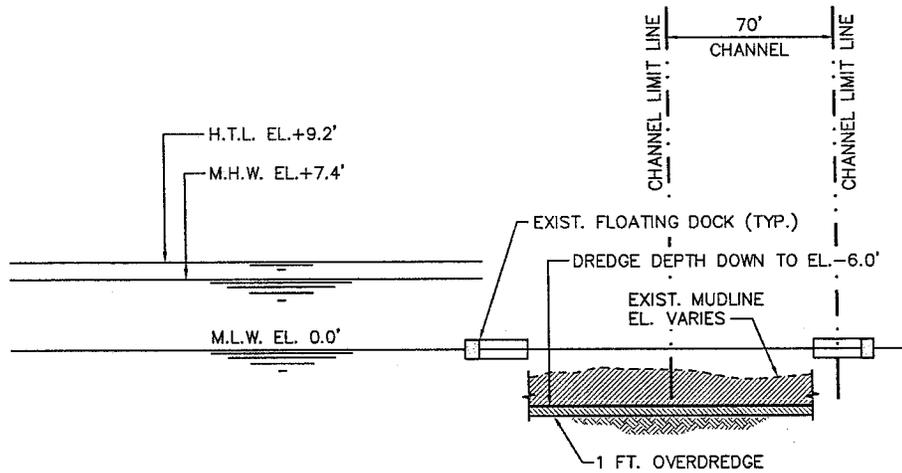
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PROPOSED CHANNEL AND BASIN DREDGING

MILTON HARBOR  
 CITY OF RYE  
 COUNTY OF WESTCHESTER  
 STATE OF NEW YORK

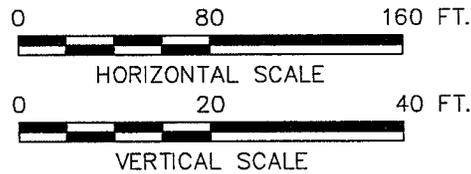
DATE: 1/21/13

SHEET 5 OF 7



**NOTE:**  
 EXISTING MUDLINE SHOWN DEPICTED FROM LIMITED USACE SOUNDING INFORMATION TAKEN ON 19-20 OCTOBER 2012 AND CAN ONLY REFLECT CONDITIONS AS THEY EXISTED AT THE TIME OF THE SURVEY.

### SECTION B-B



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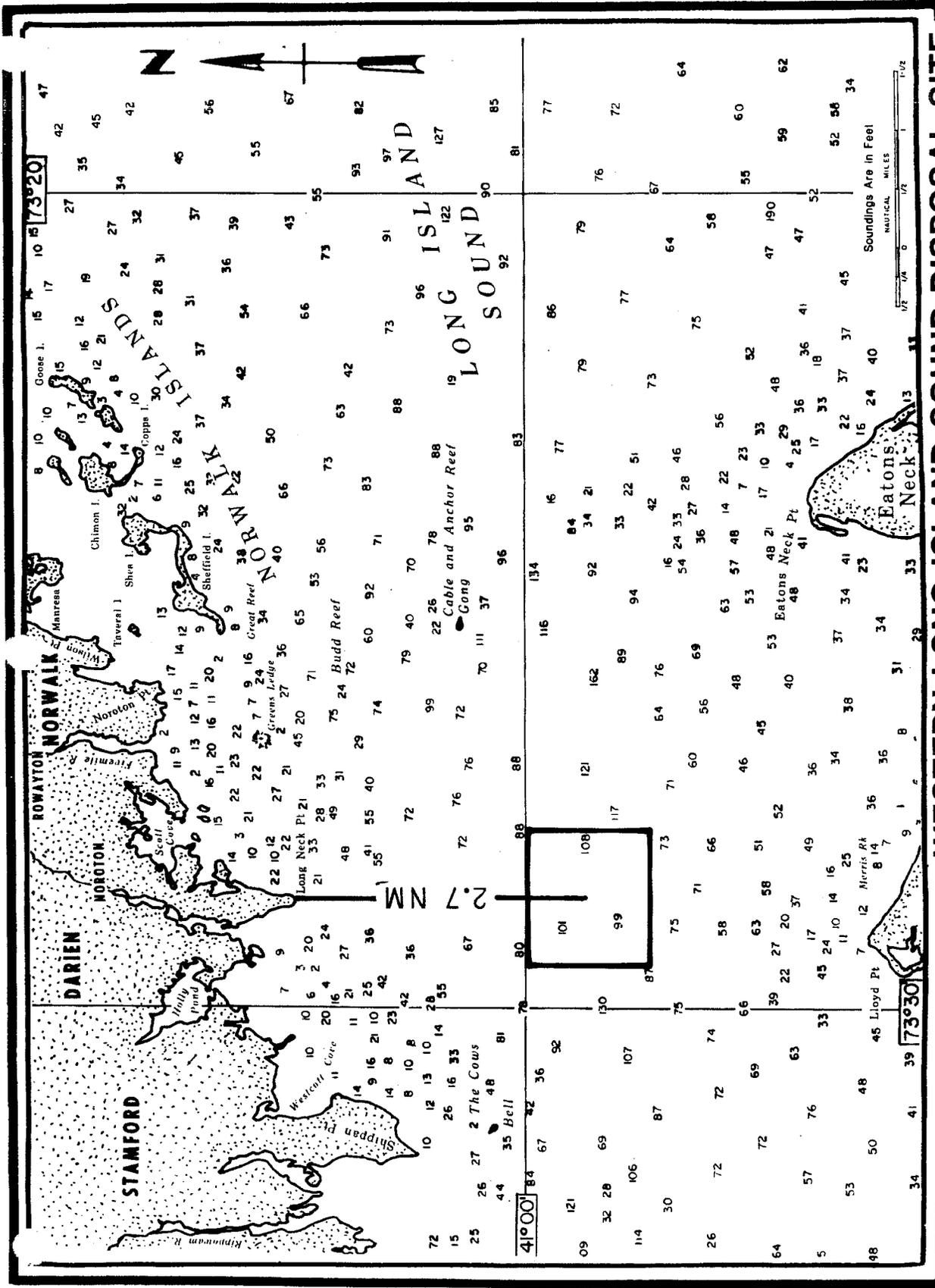
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PROPOSED CHANNEL AND BASIN DREDGING

MILTON HARBOR  
 CITY OF RYE  
 COUNTY OF WESTCHESTER  
 STATE OF NEW YORK

DATE: 1/21/13

SHEET 6 OF 7



Description: A one-nautical-mile-square area with its center at 40°-59.4'N, 73°-28.7'W. From the center, Cable and Anchor Reef Lighted Gong Buoy R "24C" bears true 66° at 5,600 yards, and The Cows Lighted Bell Buoy R "32" bears true 291° at 4,400 yards. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents that also restrict site approach and departure to specified lanes. Depth Range: 79 to 113 feet MLW.

NOTE: The map depicts the disposal site's location in relation to landmarks. It is not intended for use in navigation. Sheet 7 of 7