



PUBLIC NOTICE

US Army Corps
of Engineers
New York District, CENAN-OP-R
Upstate Regulatory Field Office
1 Buffington Street, Bldg. 10, 3rd Floor
Watervliet, New York 12189-4000

In replying refer to:

Public Notice Number: NAN-2015-00616-UCO
Issue Date: NOV 20 2015
Expiration Date: DEC 18 2015

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Mooney Bay Marina, LLC
15 Mooney Bay Drive
Plattsburgh, New York 12901

ACTIVITY: The accomplishment of work, including the discharge of fill material, in navigable waters of the United States to expand and extend an existing rock breakwater structure.

WATERWAY: Lake Champlain

LOCATION: Town of Beekmantown, Clinton 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 THE ATTENTION OF John Connell AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO john.r.connell@usace.army.mil, TO REACH THIS OFFICE BY THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Comments provided will become a part of the public record for this action.

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 applicant has indicated that no trees would be cleared for this undertaking. Therefore our determination is that the activity for which authorization is sought herein will have no effect on any Federally endangered or threatened species or their critical habitat. However, if new information warrants, the District Engineer will consult with the appropriate Federal agency to determine the presence of and any potential impacts to listed species or their critical habitat in the project area.

By letter dated October 29, 2015, the N.Y.S. Office of Parks, Recreation and Historic Preservation indicated that no sites eligible for, or included in, the National Register of Historic Places will be affected by this undertaking. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

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

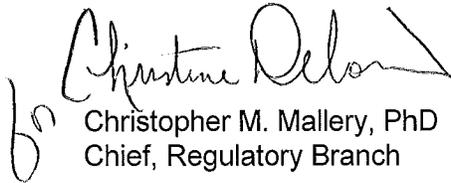
- Article 15, Title 5 Excavation and Fill in Navigable Waters permit from the New York State Department of Environmental Conservation

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>

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 John R. Connell of this office at (518) 266-6357.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Christopher M. Mallery, PhD
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Mooney Bay Marina, LLC, has requested Department of the Army permit for work, including the discharge of fill material, in Lake Champlain to reinforce and extend an existing rock breakwater structure, in the Town of Beekmantown, Clinton County, New York.

The work would involve the discharge of 7,650 cubic yards of fill material, including 150 cubic yards of large rock to armor the existing breakwater and 6,500 cubic yards of large rock and stone below the ordinary high water mark of Lake Champlain, into 0.26 acres of the Lake to extend the structure approximately 230 linear feet in a northeasterly direction from the easterly terminus of the breakwater. The extended breakwater would be 12 feet wide at its crest, and have a navigation light reinstalled at its northern terminus.

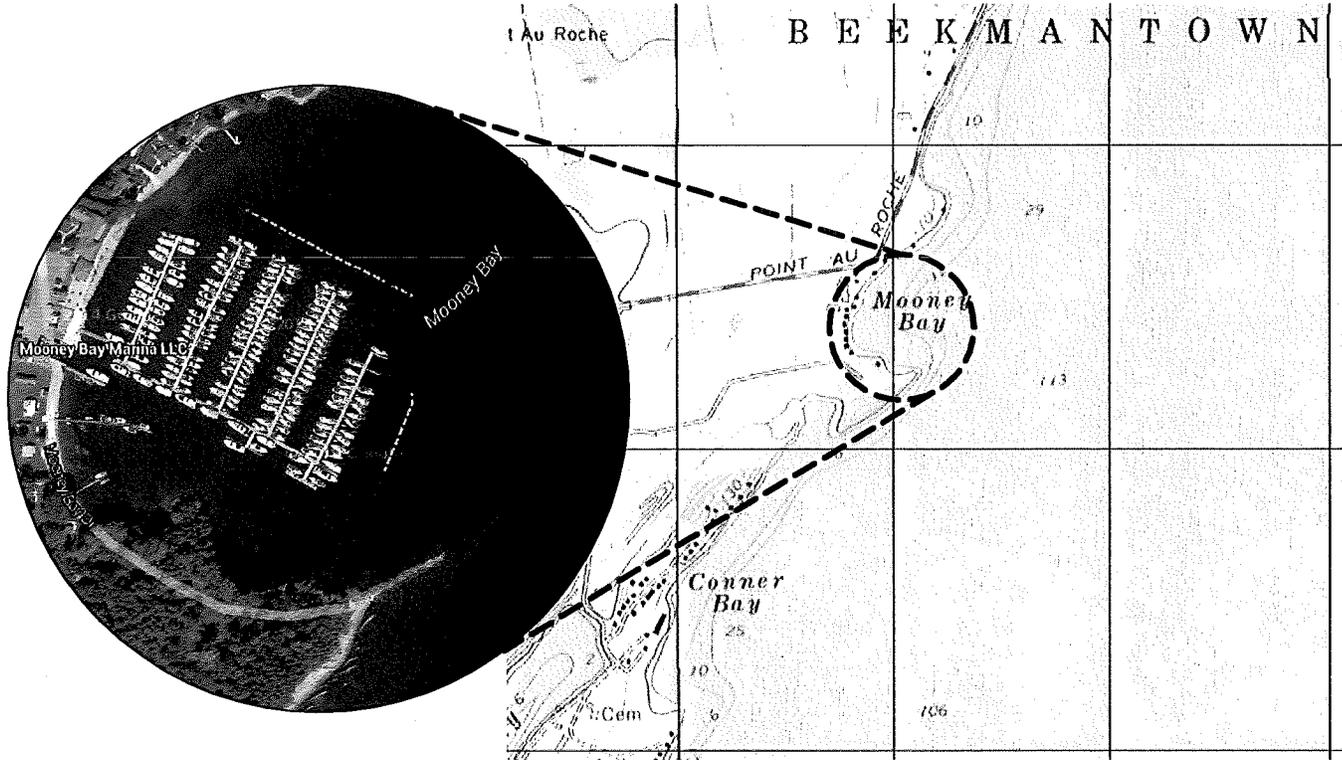
The applicant has stated that they have avoided and minimized proposed impacts to the maximum extent practicable by considering utilizing floating breakwater structures to avoid the placement of additional fill. However, the applicant has indicated the floating structures do not provide adequate wave attenuation to protect moored vessels from damage due to wave action at the marina facility. The applicant would also avoid impacts to wetlands by utilizing an existing trail to access the work site.

The stated purpose of this project is to protect vessels at the existing marina facility from damage due to wave action.

RMS

ROBERT M. SUTHERLAND P.C.
ENGINEERS - PLANNERS - SURVEYORS
SOIL & MATERIAL TESTING

JOB Mooney Bay Marina
SHEET NO. 5-01 INDEX AND VICINITY MAP
CALCULATED BY DJG DATE 03/24/15
CHECKED BY AJO DATE 03/24/15
SCALE NA SHEET 1 OF 9



DRAWING INDEX FOR 3/24/2015

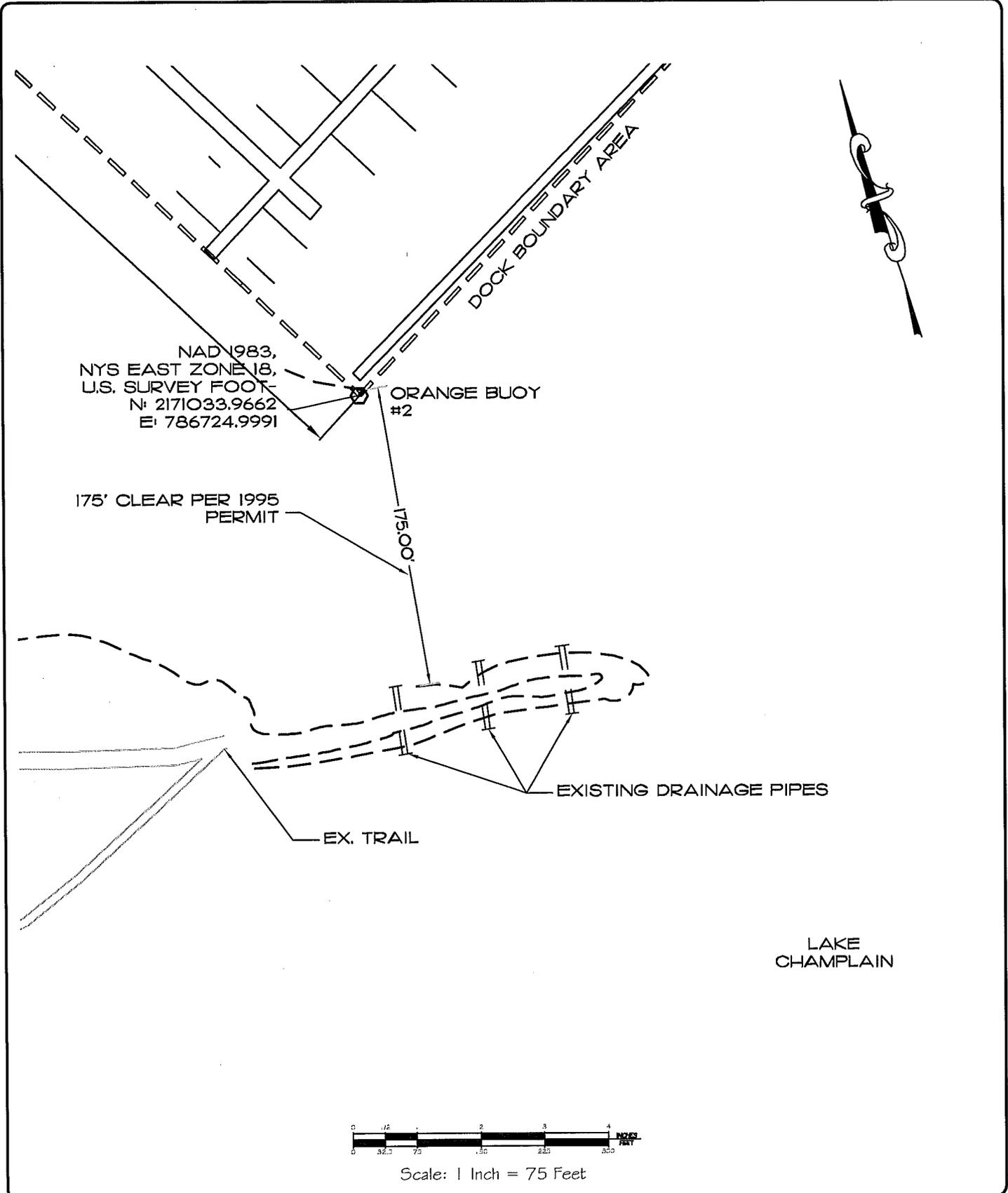
- S-01 - VICINITY MAP & DRAWING INDEX
- S-02 - EXISTING CONDITIONS SITE PLAN
- S-02A - EXISTING CONDITIONS SITE PLAN PROJECT AREA
- S-03 - PROPOSED SITE PLAN
- S-03A - PROPOSED SITE PLAN - BREAKWATER EXTENSION
- S-03B - PROPOSED SITE PLAN - ACCESS ROAD
- S-03C - PROPOSED SITE PLAN - ACCESS ROAD CLOSE UP
- S-04 - BREAKWATER CROSS SECTION (AA)
- S-05 - SILT FENCE DETAIL

1145-2-303b (Richelieu River Basin / Lake Champlain / Mooney Bay Marina LLC / fill, breakwater)

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JOB Mooney Bay Marina
SHEET NO. S-02A EX. SITE PLAN PROJECT AREA
CALCULATED BY DJG DATE 03/24/15
CHECKED BY AJO DATE 03/24/15
SCALE 1" = 75' SHEET 3 OF 9

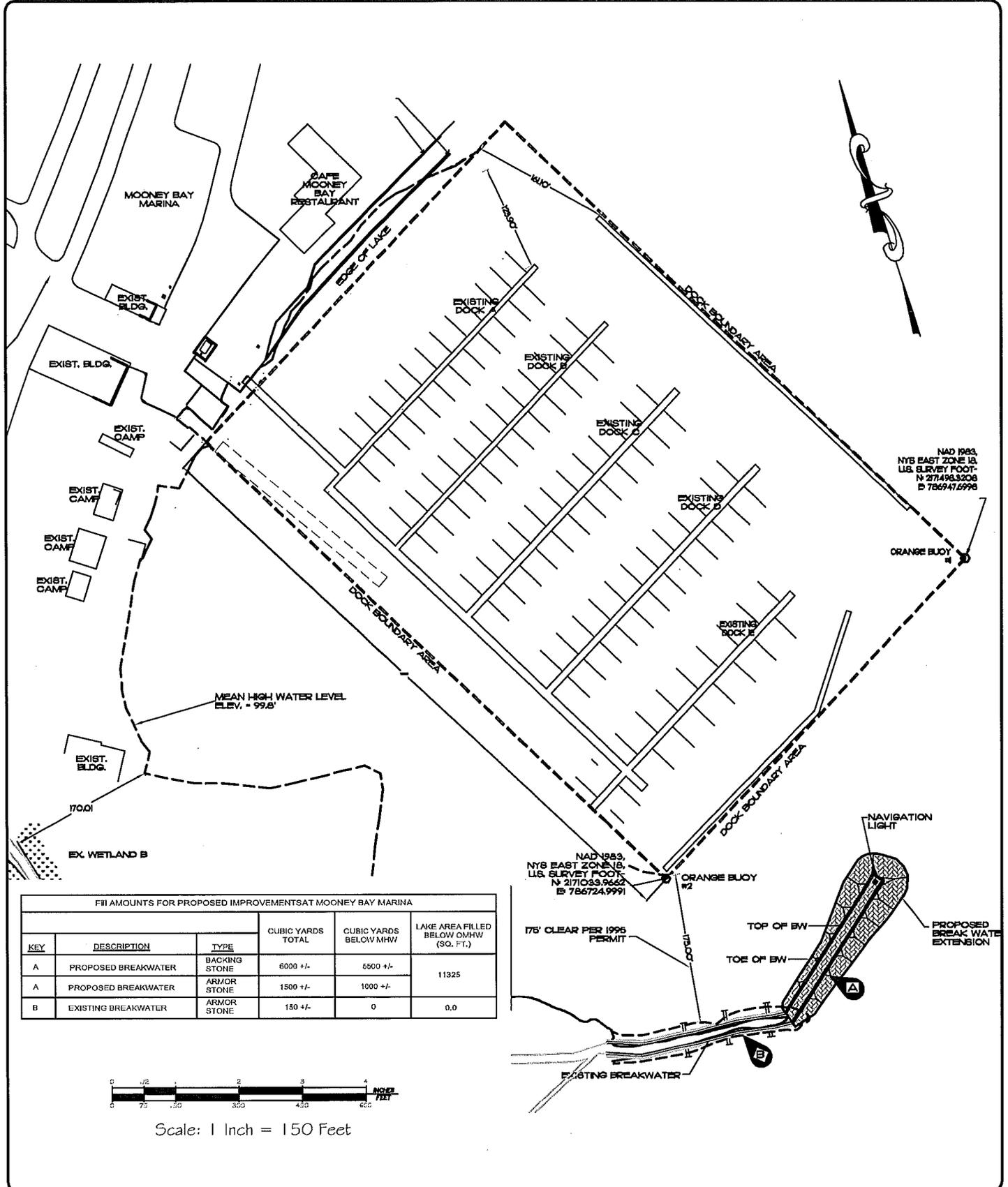


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JOB Mooney Bay Marina
 SHEET NO. S-03 PROPOSED SITE PLAN
 CALCULATED BY DJG DATE 03/24/15
 CHECKED BY AJO DATE 03/24/15
 SCALE 1" = 150' SHEET 4 OF 9

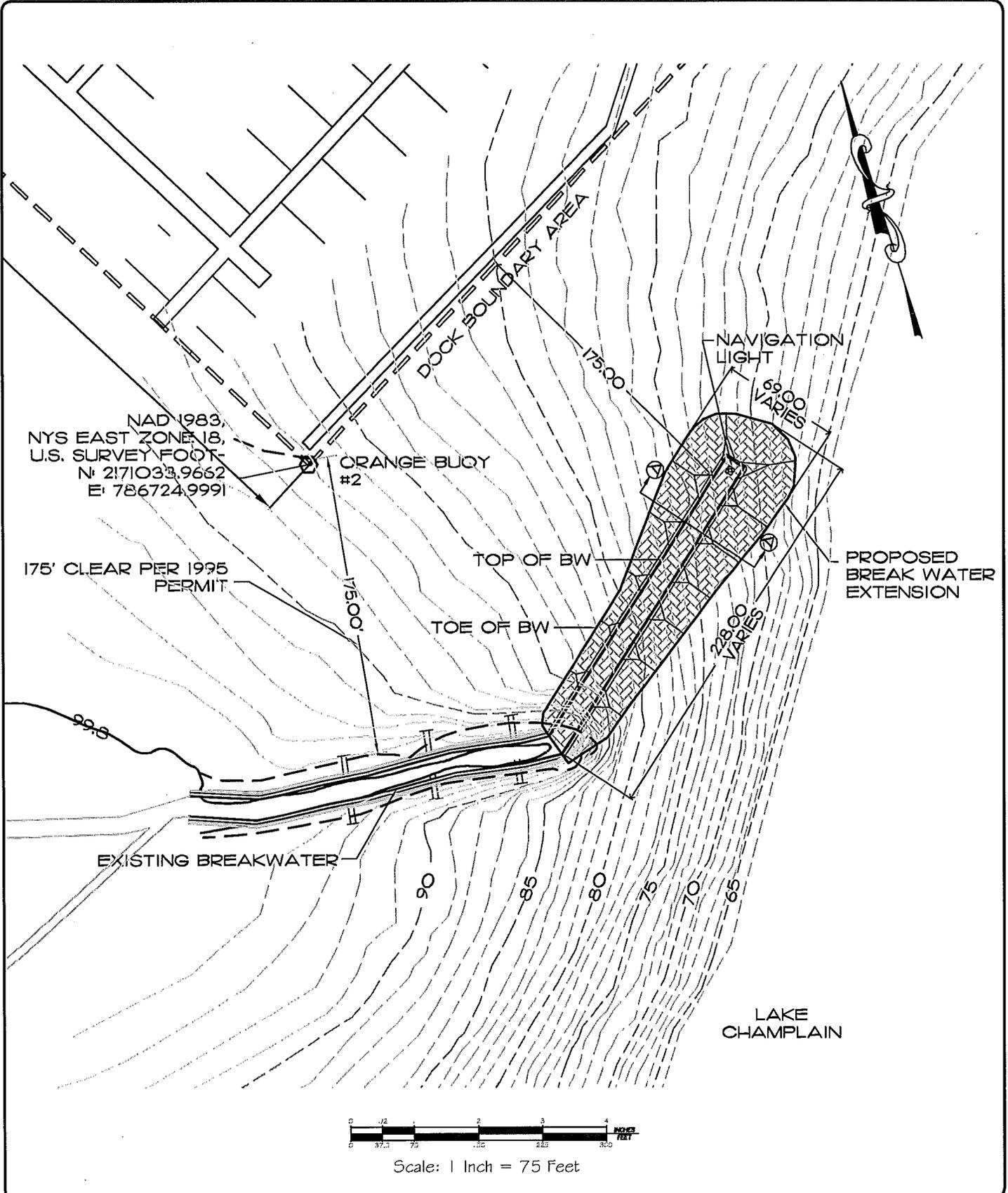


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JOB Mooney Bay Marina
 SHEET NO. 5-03A PR. SITE PLAN - BREAKWATER
 CALCULATED BY DJG DATE 03/24/15
 CHECKED BY AJO DATE 03/24/15
 SCALE 1" = 75' SHEET 5 OF 9



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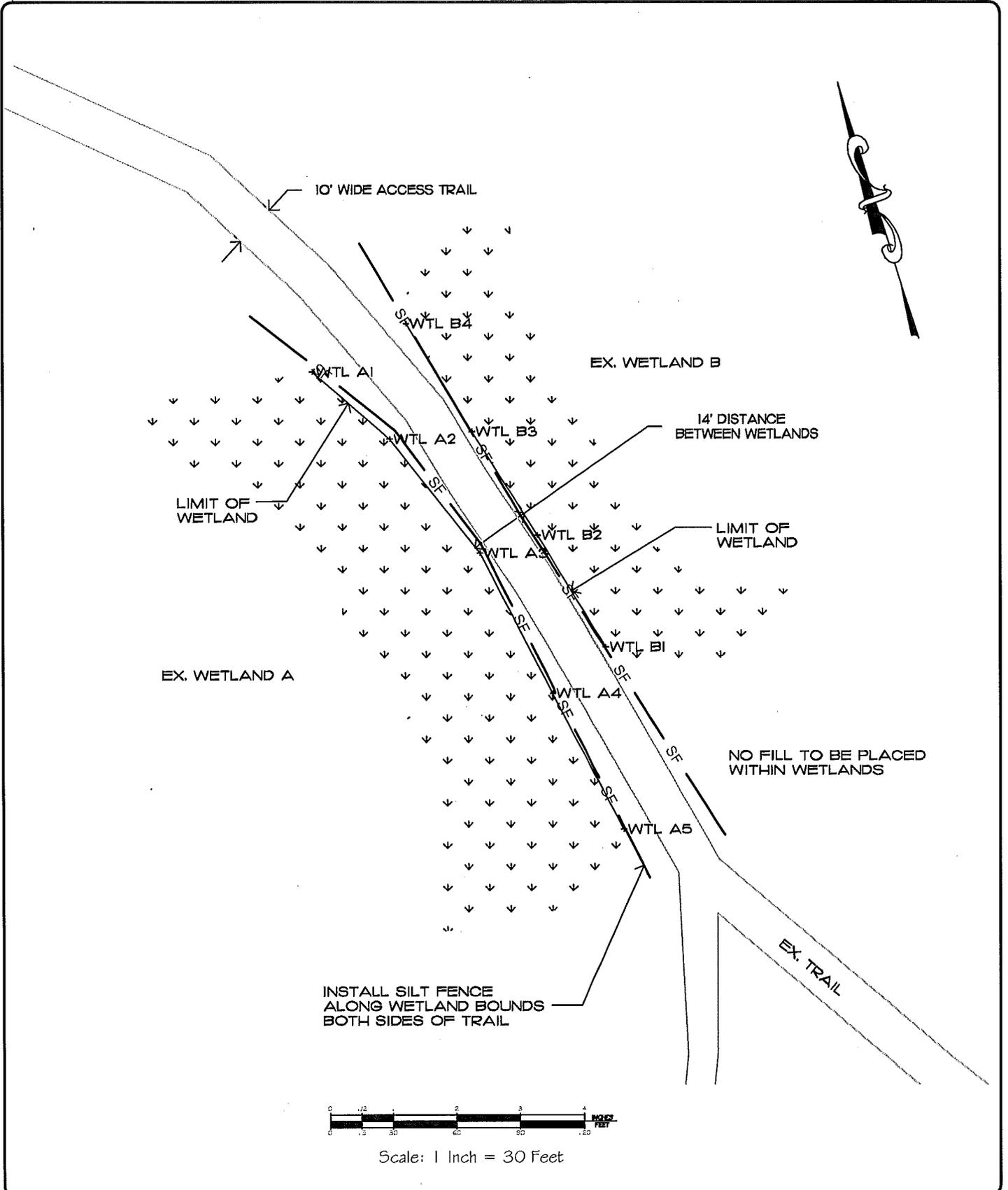
JOB Mooney Bay Marina

SHEET NO. 9-03C PR. SITE PLAN - ACCESS ROAD

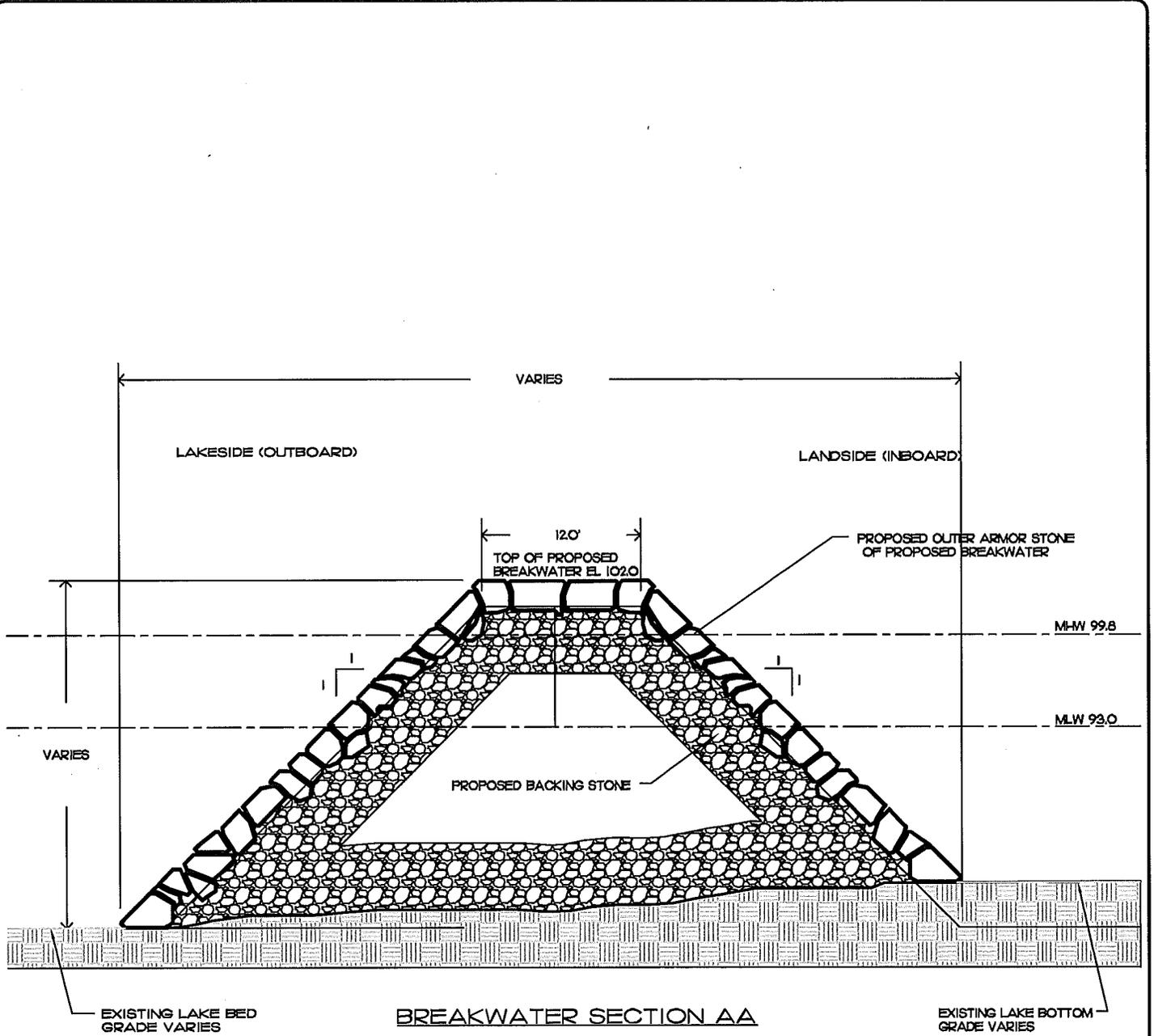
CALCULATED BY DJG DATE 03/24/15

CHECKED BY AJO DATE 03/24/15

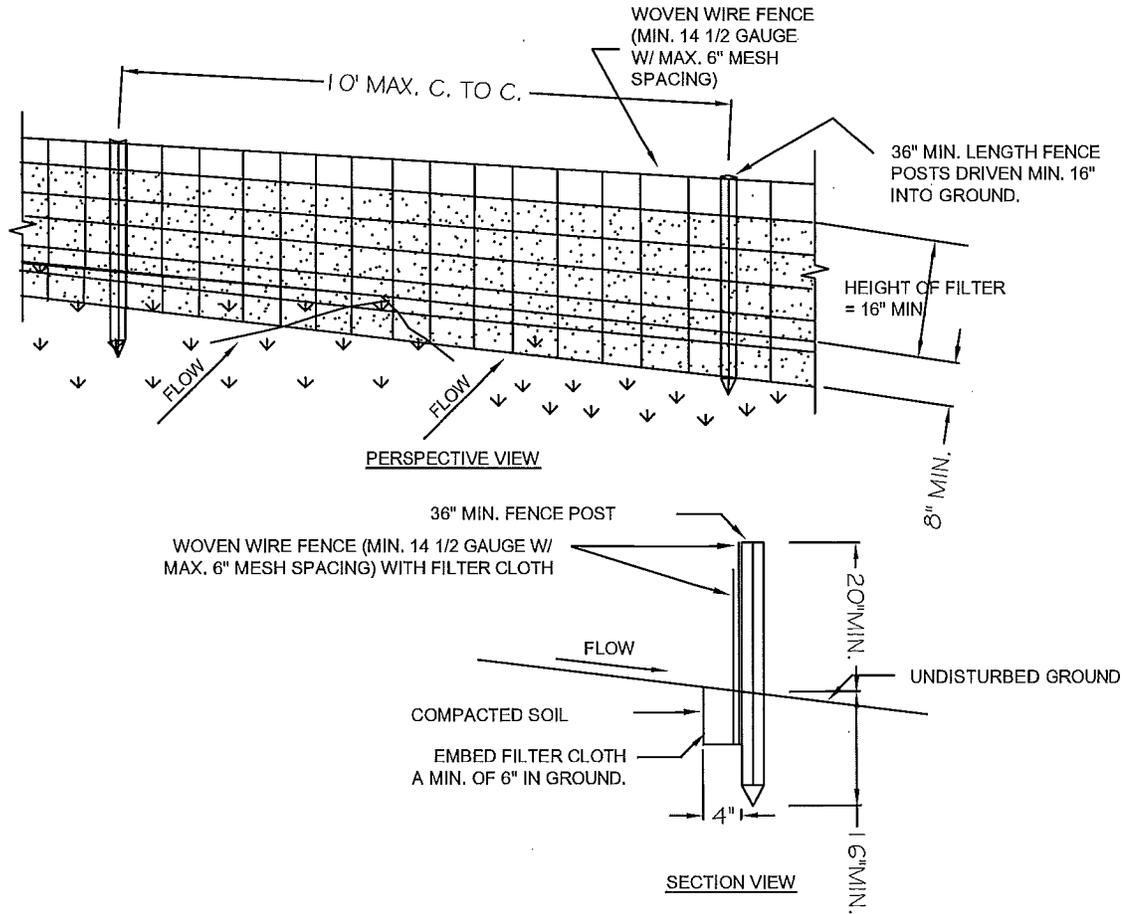
SCALE 1" = 30' SHEET 7 OF 9



1145-2-303b (Richelieu River Basin / Lake Champlain / Mooney Bay Marina LLC / fill, breakwater)



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CONSTRUCTION SPECIFICATIONS

1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE DETAIL

NTS

1145-2-303b (Richelieu River Basin / Lake Champlain / Mooney Bay Marina LLC / fill, breakwater)