

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-2012-00489
Issue Date: September 28, 2012
Expiration Date: October 29, 2012

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).

APPLICANT: Mooney Bay Marina LLC
15 Mooney Bay Drive
Plattsburgh, NY 12901

ACTIVITY: To maintain, as previously completed, an existing marina expansion

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

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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.

According to the Clinton County list of Federally-listed species on the website for the New York Field Office of the U.S. Fish and Wildlife Service one endangered species, the Indiana bat (*Myotis sodalis*), may occur in the vicinity of the project site. However, because the project site is located well over 30 miles from the closest known Indiana bat hibernaculum, and the proposal would not involve the removal of any trees on the site, our determination is that the activity for which authorization is sought herein will not affect Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), 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.

Based upon a review of the GIS resources map on the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) website, there are no known sites eligible or included in the National Register of Historic Places (NRHP) within the Permit Area.

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

- Docks, Moorings or Platforms permit from New York State Department of Environmental Conservation
- Underwater Land Use permit from New York State Office of General Services

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

<http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>

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>


For and in behalf of
Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Mooney Bay Marina LLC, has requested a Department of the Army permit to maintain, as previously completed, the expansion of an existing marina. The site is located at 15 Mooney Bay Drive, in the Town of Beekmantown, Clinton County, New York.

In the early 1980's, a previous land owner established the Haylett Marina, including 4 floating piers with docking slips, mooring buoys and 2 floating tire breakwater structures, in Lake Champlain. The Haylett Marina was established within an approximately 475' by 650' area of the Lake, and had a total mooring capacity of approximately 130 vessels.

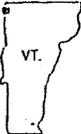
The project would maintain a previously completed expansion, including 5 floating piers with docking slips, and 2 floating steel wave attenuator structures. The marina expansion was established within an approximately 515' by 745' area of the Lake, and increased the total mooring capacity of the former Haylett Marina by approximately 100 vessels. Further, the applicant proposes to establish and maintain an authorized reconfiguration perimeter to authorize the future maintenance and potential reconfiguration of the floating docking facilities and gangways within the proposed wave attenuators to maintain a maximum docking potential of 230 boat slips.

The stated purpose of the project is to maintain an existing marina and marina services.

ROAD CLASSIFICATION

Heavy-duty _____ Light-duty _____
 Medium-duty _____ Unimproved dirt _____
 Interstate Route U.S. Route State Route

Heavy-duty _____ Light-duty _____
 Medium-duty _____ Unimproved dirt _____
 U.S. Route



QUADRANGLE LOCATION

BEEKMANTOWN, N.Y. - VT.

SW/4 ROUSES POINT 15' QUADRANGLE
N4445-W7322.5/7.5

1966

AMS 6373 IV SW-SERIES V821

Map photoinspected 1972
No major culture or drainage changes observed

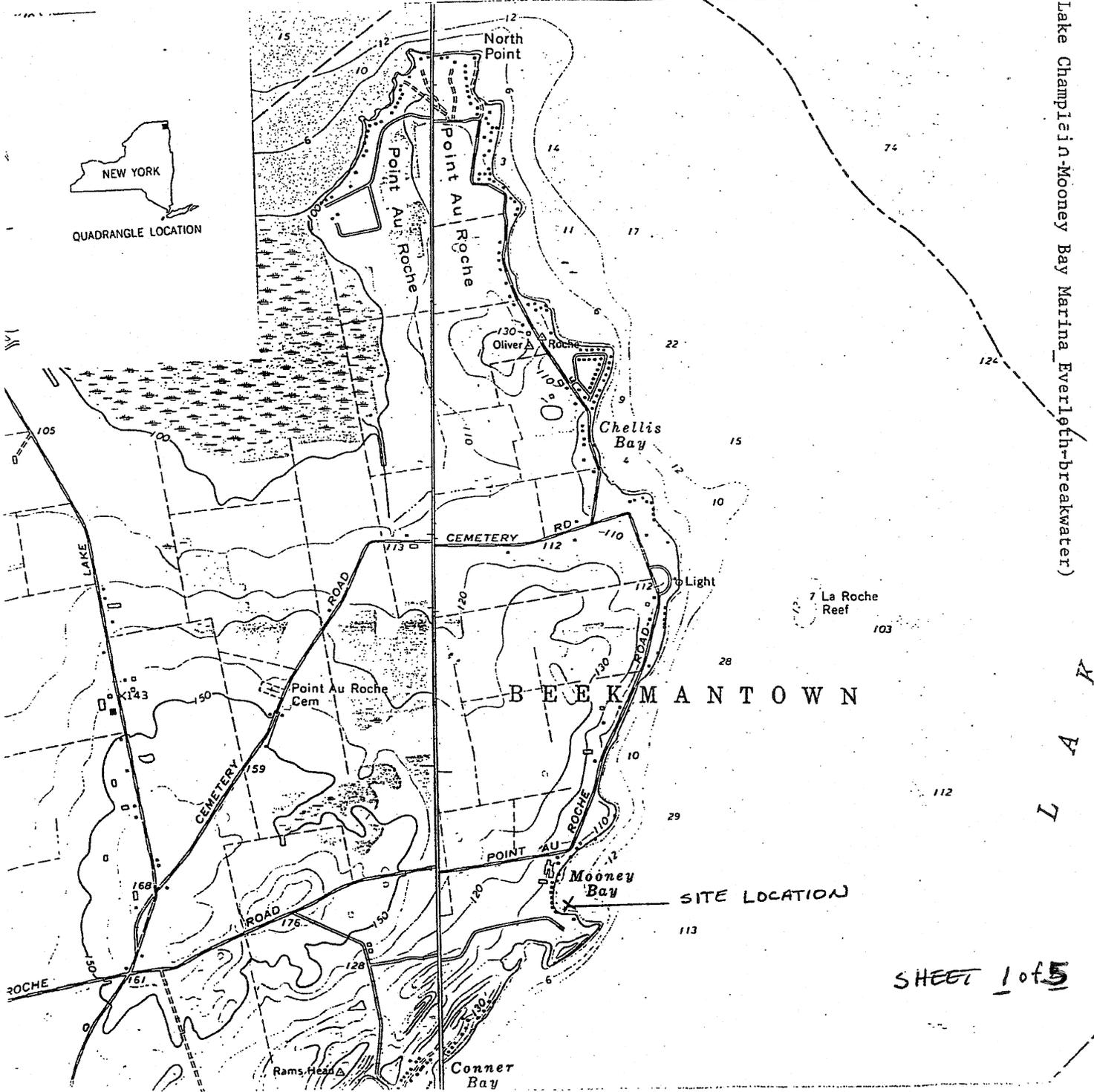
NORTH HERO, VT. - N.Y.

SE/4 ROUSES POINT 15' QUADRANGLE
N4445-W7315/7.5

1966

PHOTOINSPECTED 1972
AMS 6373 IV SE-SERIES V813

1145-2-303b (Lake Champlain-Mooney Bay Marina Everlath-breakwater)



SHEET 1 of 5

RMS

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

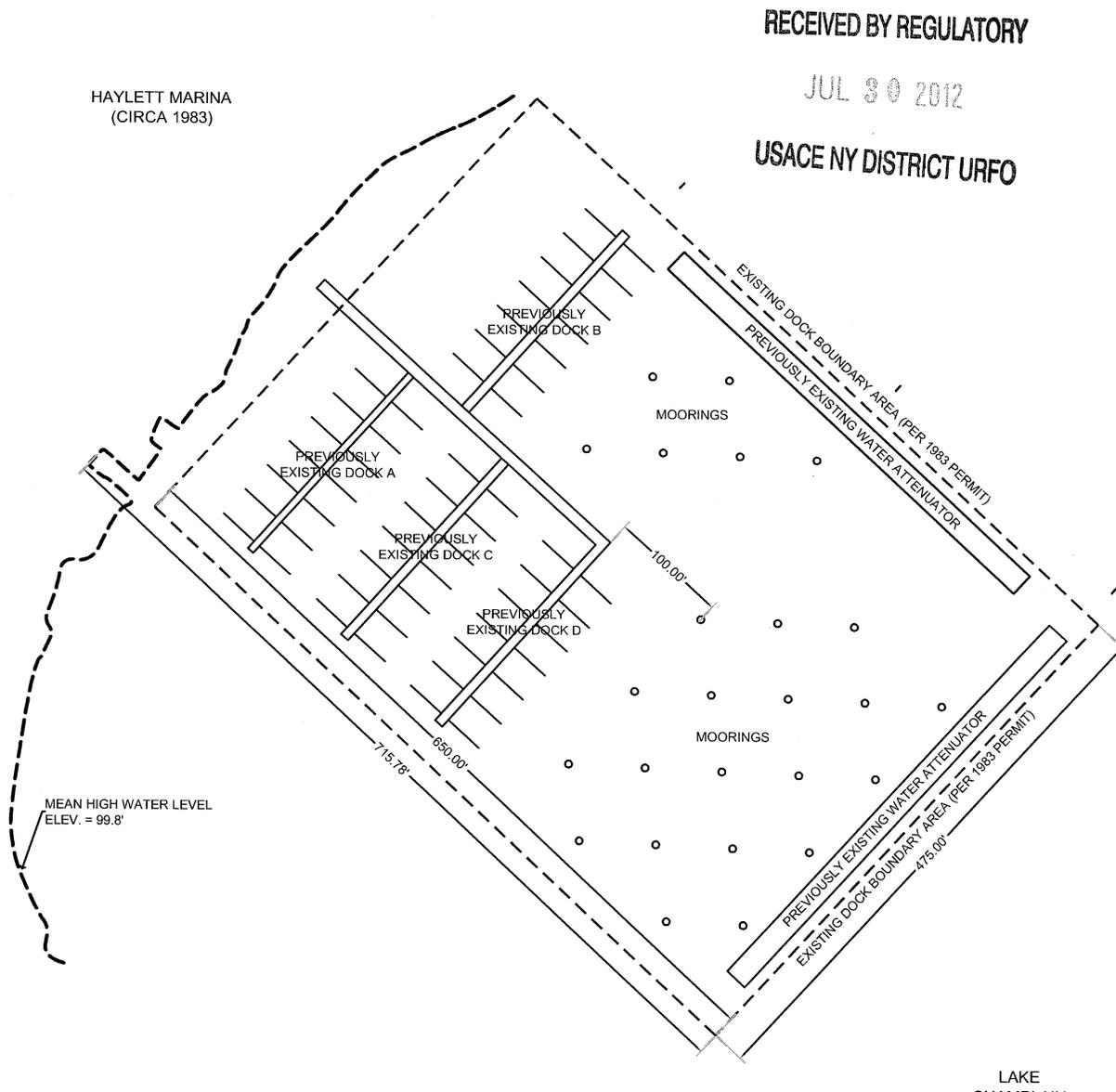
JOB Mooney Bay Marina: Existing (1983)

SHEET NO. 1 OF 4

CALCULATED BY KF DATE 7/27/12

CHECKED BY AJO DATE 7/27/12

SCALE 1" = 150'



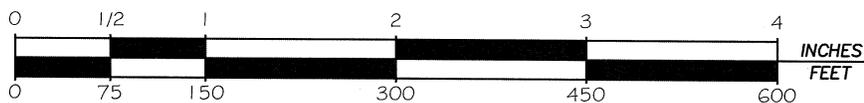
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HAYLETT MARINA
(CIRCA 1983)

LAKE
CHAMPLAIN



Scale: 1 Inch = 150 Feet

SHEET 2 OF 5

RMS

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

JOB Mooney Bay Marina: Existing (2012)

SHEET NO. 2 OF 4

CALCULATED BY KF DATE 7/27/12

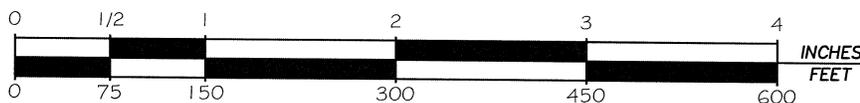
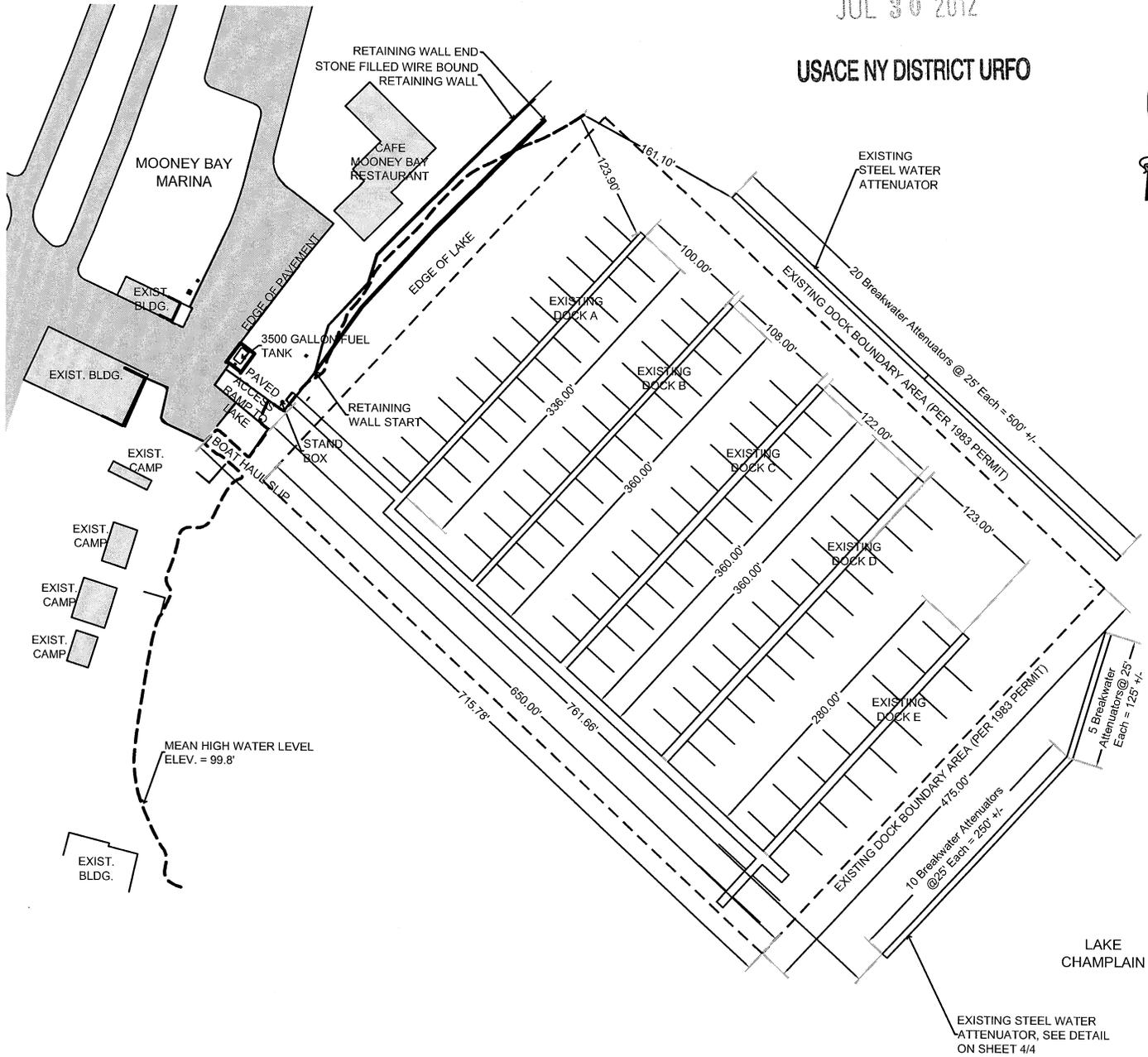
CHECKED BY AJO DATE 7/27/12

SCALE 1" = 150'

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Scale: 1 Inch = 150 Feet

Sheet 3 of 5

RMS

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

JOB Mooney Bay Marina: Existing (2012)

SHEET NO. 3 OF 4

CALCULATED BY KF DATE 7/27/12

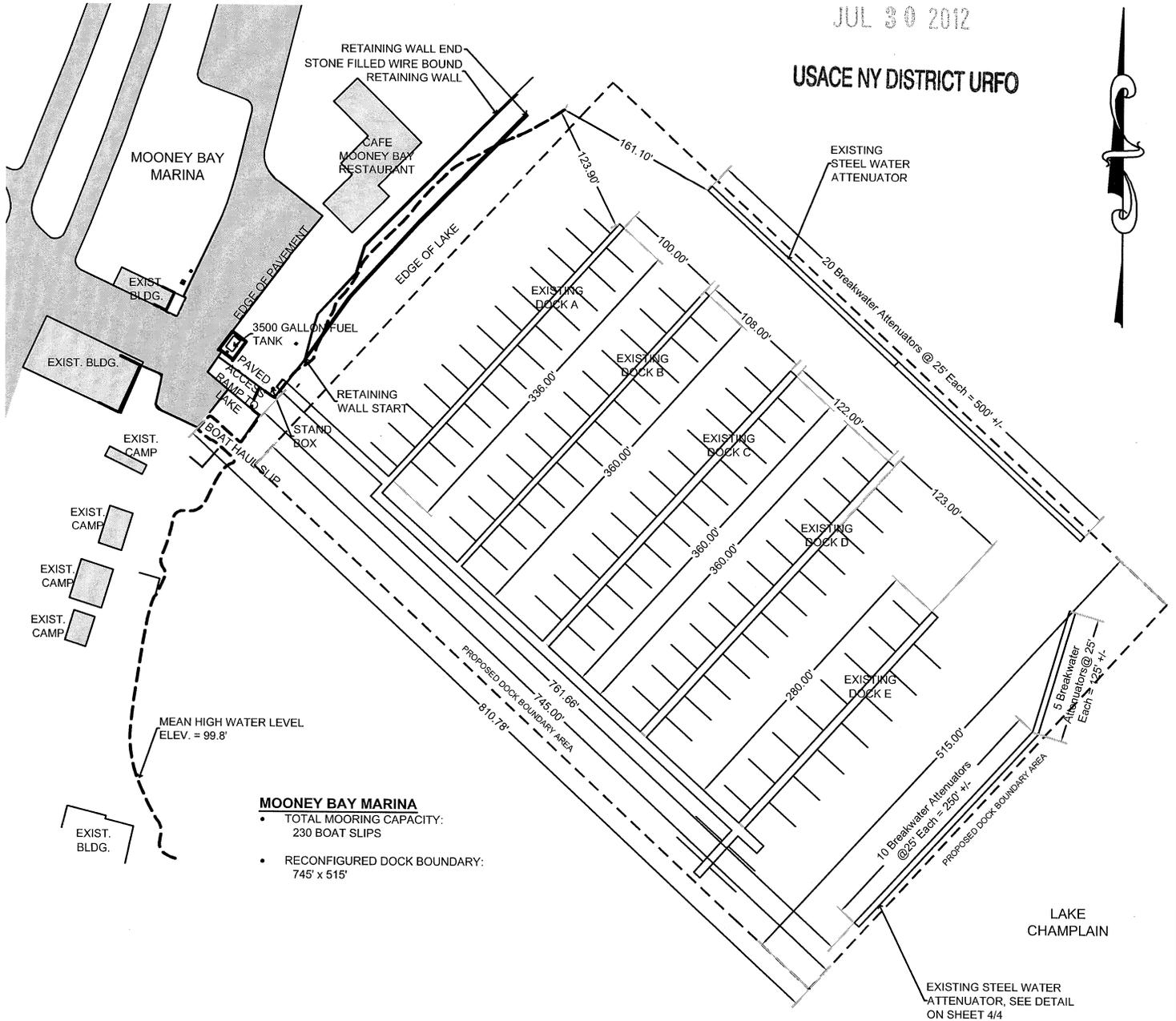
CHECKED BY AJO DATE 7/27/12

SCALE 1" = 150'

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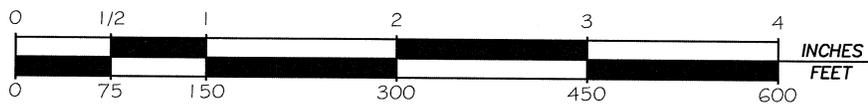
JUL 30 2012

USACE NY DISTRICT URFO



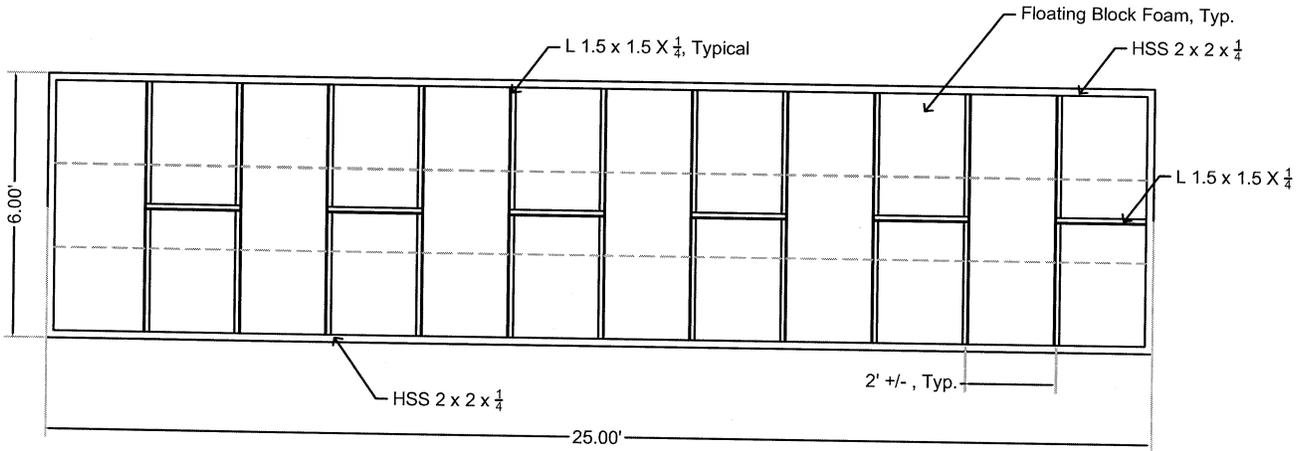
- MOONEY BAY MARINA**
- TOTAL MOORING CAPACITY: 230 BOAT SLIPS
 - RECONFIGURED DOCK BOUNDARY: 745' x 515'

MEAN HIGH WATER LEVEL ELEV. = 99.8'

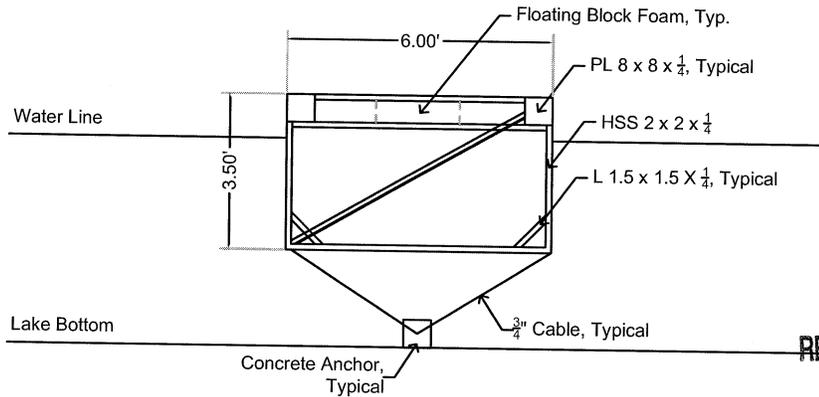


Scale: 1 Inch = 150 Feet

SHEET 4 OF 5



PLAN VIEW

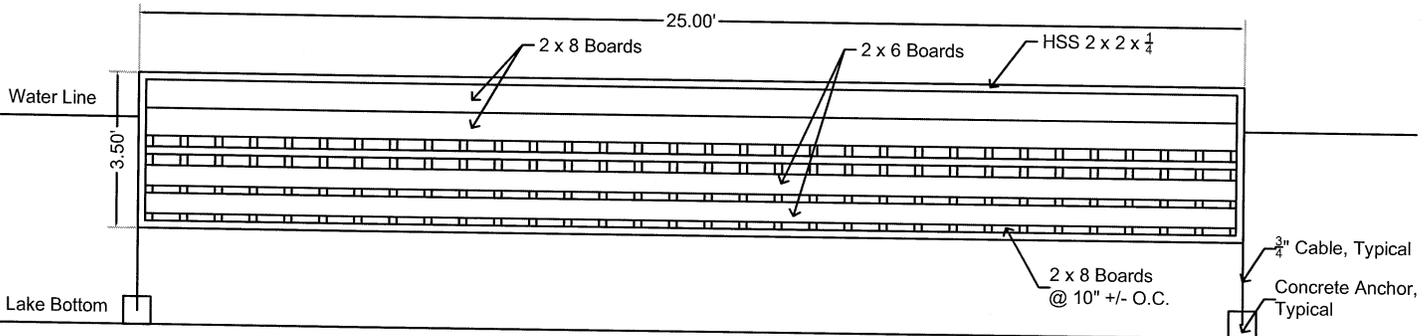


SIDE ELEVATION

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APR 30 2012

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FRONT ELEVATION

FLOATING BREAKWATER DETAIL

SHEET 5 OF 5