



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: 2004-00095-YN
Issue Date: MAY 18, 2004
Expiration Date: JUNE 18, 2004

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: Frank J. Parillo
215 Ballard Rd
Gansevoort, NY 12831-1356

ACTIVITY: Dredge with ten year maintenance and upland disposal

WATERWAY: Dunham Brook, a tributary to Lake George (Lake Champlain Basin)

LOCATION: Town of Queensbury, Warren 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 benefits 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, historical properties, fish and wildlife values, 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, consideration 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.

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

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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.

Our preliminary determination is that the activity 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 archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

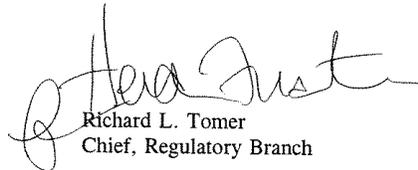
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or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

In addition to 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
 - Article 15 Permit, Protection of Waters
 - Article 24 Permit, Freshwater Wetlands
- Adirondack Park Agency

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 (518) 273-7420 and ask for Kevin Bruce.

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



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RW
PUBLIC NOTICE NO. 2004-00095-YN**

WORK DESCRIPTION

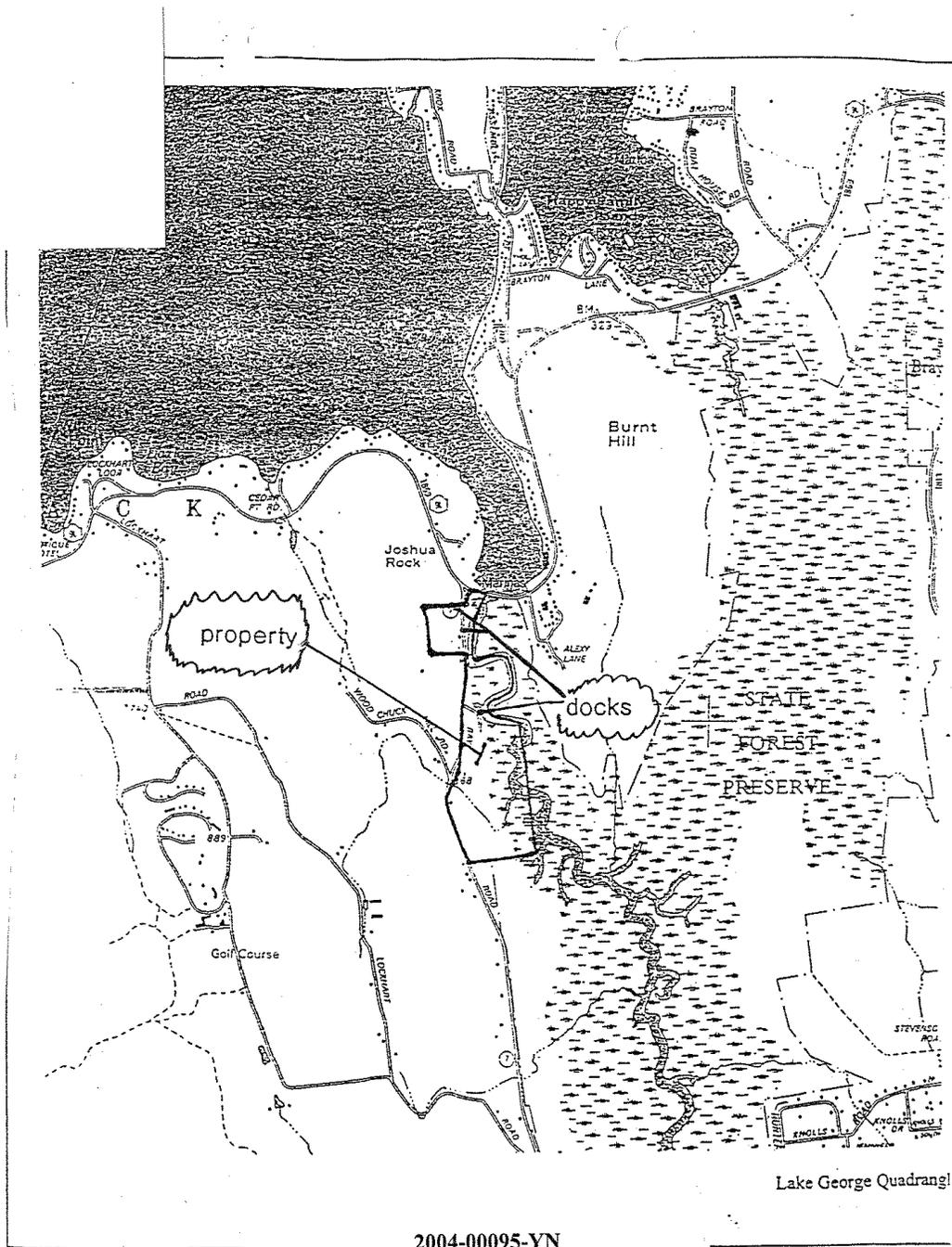
The applicant, Frank J. Parillo, has requested Department of the Army (DA) authorization to mechanically dredge with ten years maintenance and upland disposal to facilitate boat access to existing piers at Ellsworth Marina. The site is located south of the New York State Route 9L bridge that crosses over the outlet of Dunham Bay Brook, in the Town of Queensbury, Warren County, New York.

The proposed work would involve the mechanical dredging of approximately 150 cubic yards of materials from four areas (Areas 1 through 4) over the 0.44 acre site where the existing wooden piers are located. The area would be dredged to a maximum depth of two feet below the ordinary high water mark. Scattered areas of emergent and submerged vegetation exist in the area to be dredged, however, a two-foot wide band along the 1,015 feet of shoreline would remain undisturbed. The work would be performed by an excavator operating from shore and using a "skeleton bucket" that would allow some water to drain before placing the materials into dump trucks for transport to the dewatering site. The dredged materials would be dewatered in two upland areas which are a minimum of 700 feet away from the dredging area. After dewatering, the dredged materials will be spread out over the site and seeded with grass. The applicant has indicated there will be no return flow to the waterway.

A previous dredging operation was conducted under DA Permit No. 2000-00142. The operation removed materials from between the docks but not from under the docks. The materials from beneath the docks has since settled into the previous dredged areas, creating difficulty in navigating for boats and lake turbidity from the disturbance of bottom sediment by boat hulls and propellers.

In order to maintain a 2-foot depth, the applicant anticipates a maximum of three additional dredge operations over the ten year life of a permit.

The stated purpose of this project is to maintain water depths throughout the entire marina at the level authorized under the previous permit, to allow boat access and to reduce lake bottom disturbance caused by boat hulls and propellers.



Lake George Quadrangle

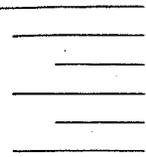
2004-00095-YN
 Frank J. Parillo
 Drawing 1 of 7

Site Location Map



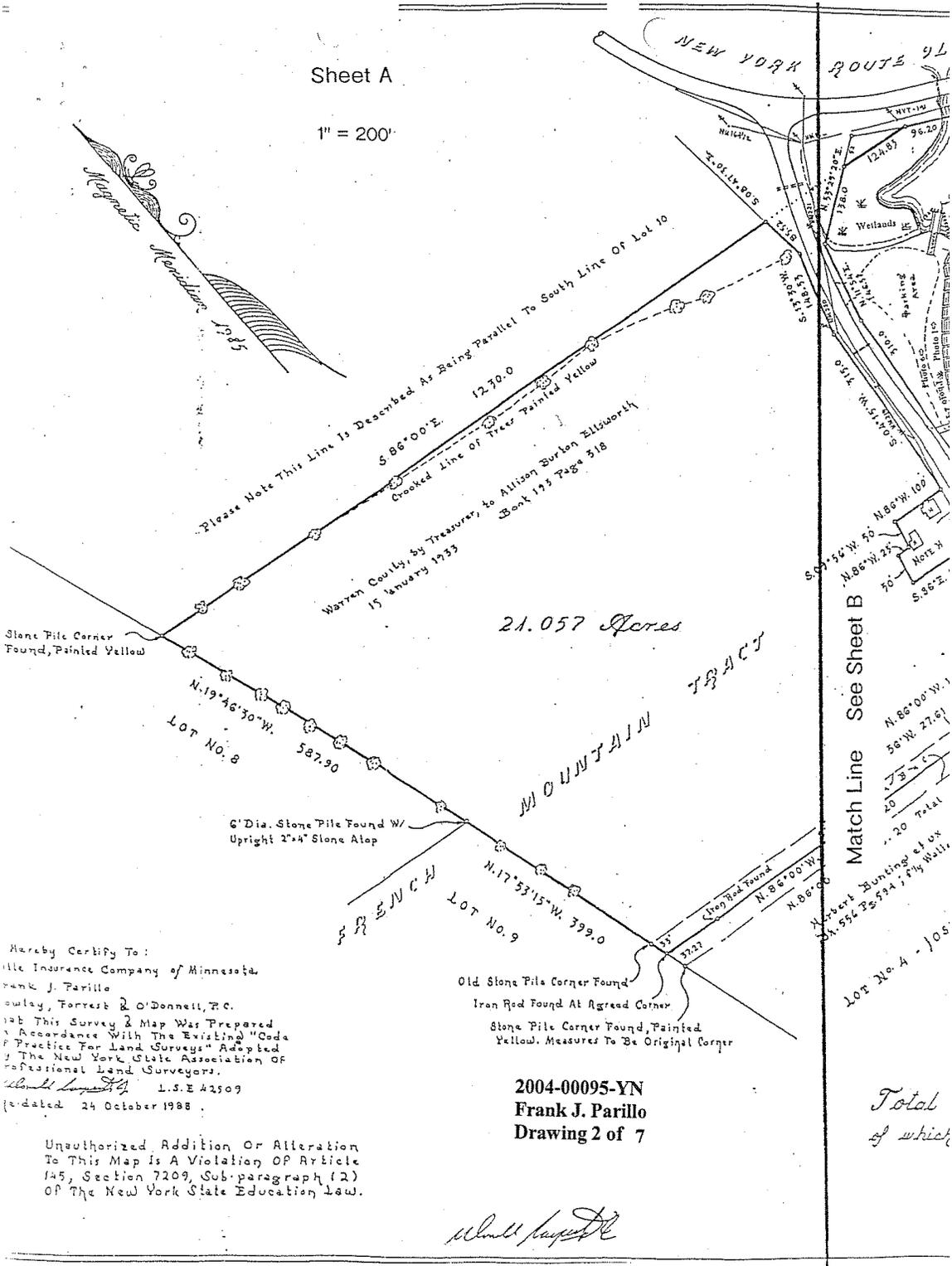
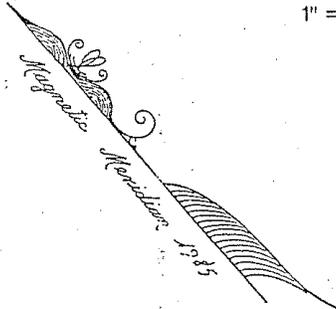
the LA group
 Landscape Archit
 and Engineering, P

40 Long Alley
 Saratoga Springs
 New York 12068
 518/587-0100
 Telefax 518/587-0100



Sheet A

1" = 200'



Hereby Certify To:
The Insurance Company of Minnesota
Frank J. Parillo
Lawley, Forrest & O'Donnell, P.C.
That This Survey & Map Was Prepared
in Accordance With The Existing "Code
of Practice For Land Surveys" Adopted
By The New York State Association of
Professional Land Surveyors.
L.S.E #2509
dated 24 October 1988.

Unauthorized Addition Or Alteration
To This Map Is A Violation Of Article
145, Section 7209, Sub-paragraph (2)
Of The New York State Education Law.

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Frank J. Parillo
Drawing 2 of 7

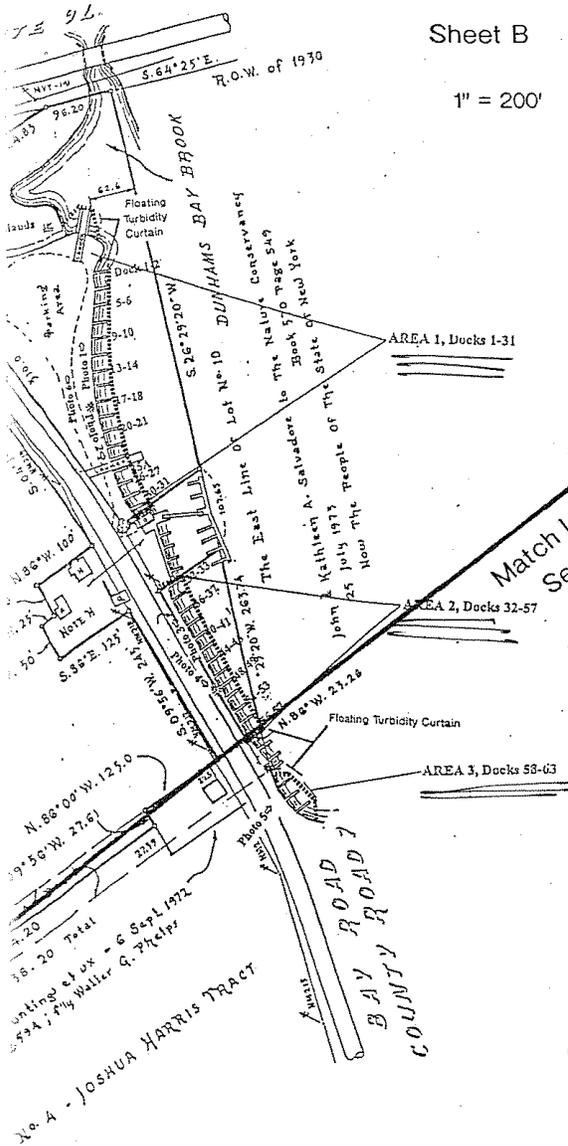
Alison Burten Ellsworth

Match Line See Sheet B
N.86°00'W. 1
58' W. 27.61
20
20
Total
Robert Bunting et ux
M. 554 Pg. 544, 545
LOT No. 4 - 105
Total
of which

Sheet B

NOTATIONS of INTEREST

1" = 200'



- A. Line of Agreement Referred To In A Deed Recorded In Book 334, Page 79, And Shown On A "Map Showing Practical Location Of Boundaries Between Lands of George R. Crandall - Allison B. Ellsworth, & Mabel Ellsworth, And Walter G. Phelps" Dated Jan. 20, 1954, Made By Leslie W. Coulter, & Filed In Book 4 of Maps At Page 21 In The Warren County Clerk's Office.
- B. This Line Measures To Be The True Lot Line, But For Some Reason (?) Failed To Take Precedence In The Eyes Of Others For Occupation.
- C. This Line, Evidenced By A Yellow Painted "Trail", An Old (20+ Years) Smooth Wire Fence, And An Old Line Of Blazed Traces, Obviously Was The Physical South bounds Of Allison B. Ellsworth, And Therefore Taken As The South bounds Of Lot No. 10.
- D. Note That The South Line Of Lot No. 10, Listed In The Original Field Book Of The French Mountain Tract, As 12.70 ch. Does Not Match The Length Of Lot No. 4 (44.72 ch.) Less Lot No. 9 (32.40 ch.) By 0.38 ch.; Not Unusual In Old Survey Field books.
- E. Since Is Made To N.Y.S. DRW. Map No. 53 ABCD Dated Dec. 8, 1930 For The Fort George - Brayton County Highway (Now N.Y. Route 9L, S.H. 1869) Filed In The Warren County Highway Department.
- F. There Are No Appropriations For This Portion Of Bay Road, County Road 7, And Right-Of-Way Is Considered By The County As Three Roads.
- G. The Entirety Of The Subject Creek, Known As Dunham's Bay Inlet, May Be Seen On A Map Of "Dunham's Bay Wetlands" Dated Nov. 23 1974, Rev. Mar. 1 1977, Made By Coulter & McCormack, L.S.'s, For The New York State Department Of Environmental Conservation, Map No. 9212, And Filed In The Warren County Clerk's Office.
- H. Marina Complex Acquired By Frank J. Parillo From Robert Ellsworth In 1985.

ELLSWORTH MARINA
PROPOSED MAINTENANCE DREDGING

*A Survey & Map of lands of
Allison B. Ellsworth
to be conveyed to
Frank J. Parillo*

*Total Area: 24.195 Acres
of which 1.4 acres is drowned land*

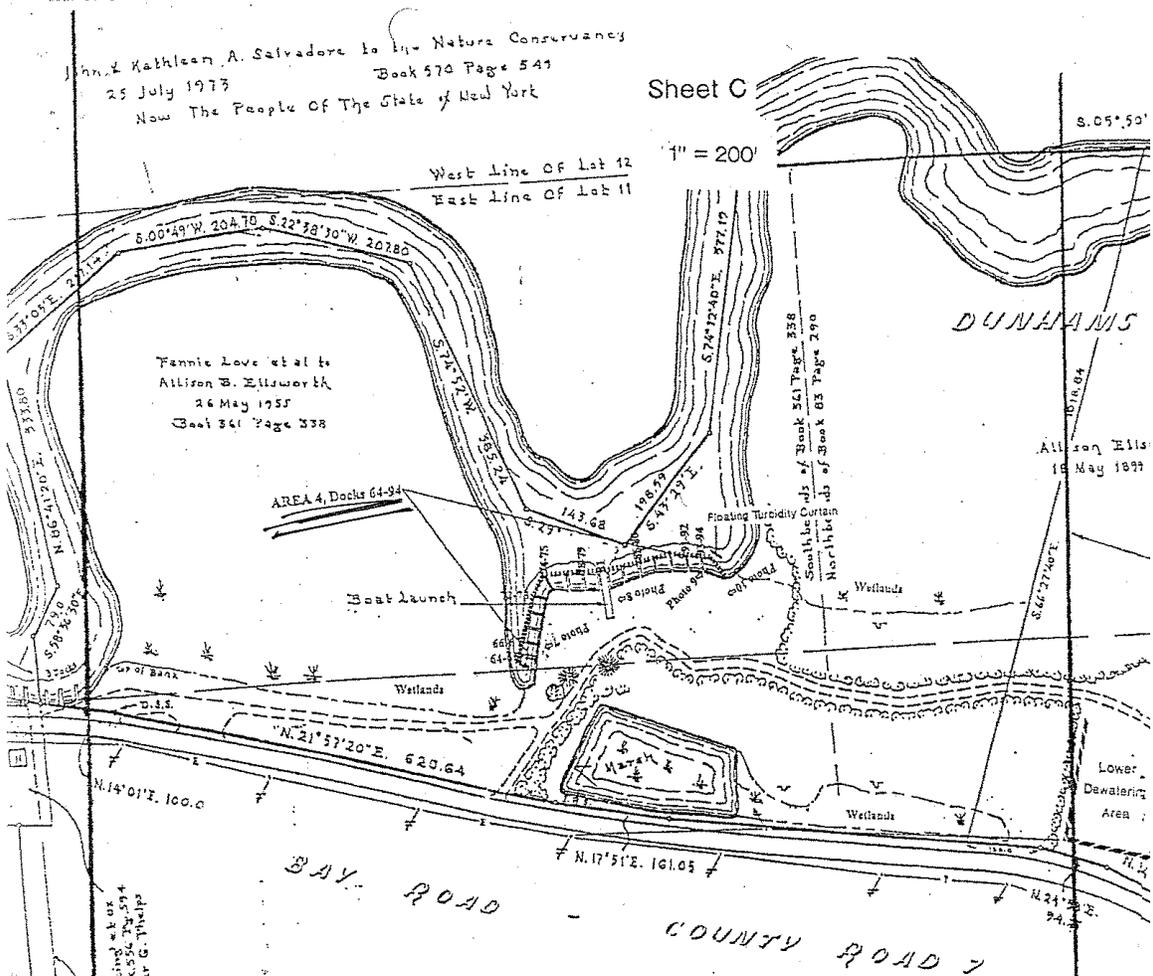
2004-00095-YN
Frank J. Parillo
Drawing 3 of 7

*New York
June 198*

Ann. Kathleen A. Salvadore to the Nature Conservancy
 Book 570 Page 549
 25 July 1973
 Now The People Of The State of New York

Sheet C

1" = 200'



Fannie Love et al to
 Allison B. Ellsworth
 26 May 1955
 Book 361 Page 338

DUNHAM'S

Allison Hills
 18 May 1897

Area: 65.182 Acres

NOTES

1. There Are No Highway Appropriations For This Portion Of Bay Road, County Road 7, And Right-Of-Way Is Considered By The County As 3-Roads.
2. Reference Is Made To A Map Entitled "Dunhams Bay Wetlands" Dated Nov. 23, 1974, Rev. March 1, 1977, Made By Coulter & M. Cormack, L.S.'s, For The New York State Department Of Environmental Conservation, Map No. 9212, And Filed In The Warren County Clerk's Office.

Match Line See Sheet B

Match Line See Sheet D

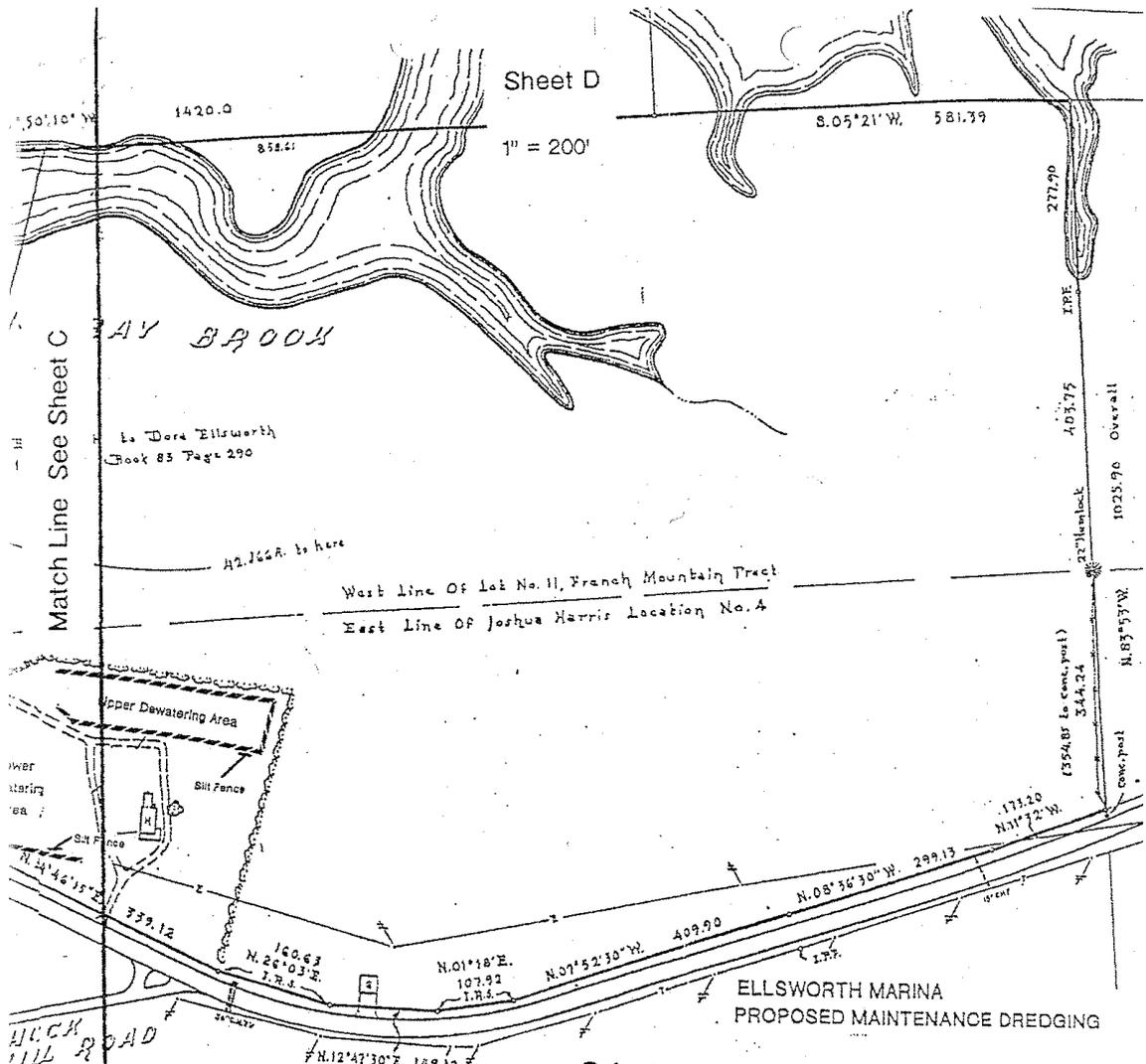


2004-00095-YN
 Frank J. Parillo
 Drawing 4 of 7

1964 A. Lot Created And
 44ed March 1971 100.00

Handwritten signature

That I
 in R
 of P
 by T
 Prof.
Handwritten signature



Sheet D

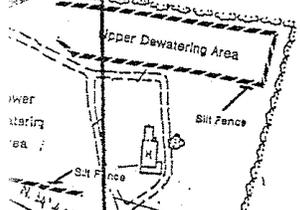
1" = 200'

Match Line See Sheet C

To Dora Ellsworth
Book 85 Page 290

A2.162A. to here

West Line Of Lot No. 11, French Mountain Tract
East Line Of Joshua Harris Location No. 4



HICK ROAD

ELLSWORTH MARINA
PROPOSED MAINTENANCE DREDGING



- I.P.F. Iron Pipe Found
- I.R.S. Iron Rod Set
- D.S.S. Dock Spike Set

*A Survey & Map of lands of
Allison B. Ellsworth
to be conveyed to
Frank J. Parillo*

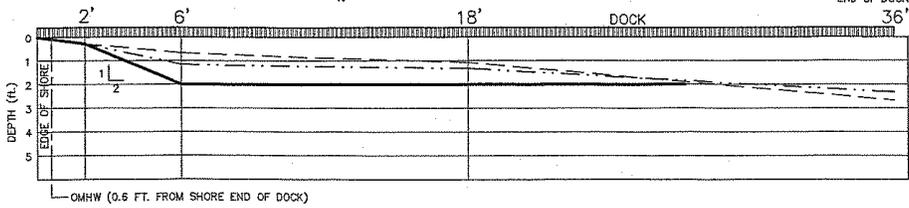
2004-00095-YN
Frank J. Parillo
Drawing 5 of 7

*Situate In
Warren County, New York
September 1988*

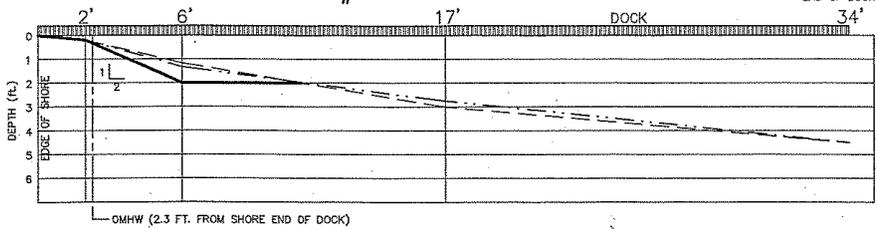
Surveyed by
C. Donald Carpenter, Jr., L.S.E. 42509 - Gaiway, N.Y.

Drawn To:
Frank J. Parillo
The Insurance Company of Minnesota
c/o, Farrell & O'Donnell, P.C.
This Survey & Map Was Prepared
in Accordance With The Existing
Practices For Land Surveys Adopted
By The New York State Association
Of Professional Land Surveyors.
L.S.E. 42509 Re dated
24 October 1988

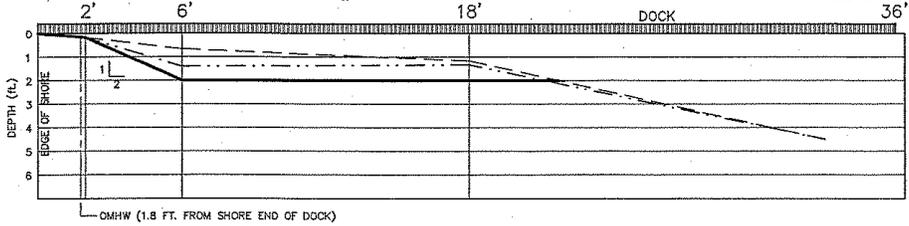
DOCK AREA No.1 – DOCK #22



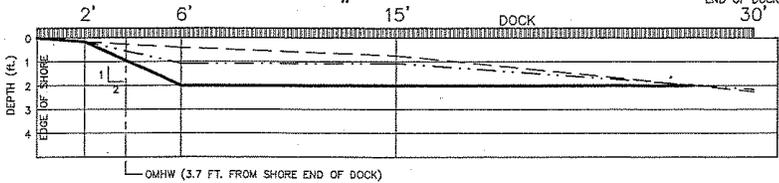
DOCK AREA No.2 – DOCK #41



DOCK AREA No.3 – DOCK #61



DOCK AREA No.4 – DOCK #67



LEGEND:

- OMHW = Ordinary Mean High Water = 320.2 ft.
- 1999 Bottom Profile
- · - · - Existing (2003) Bottom Profile
- Previously Permitted (Proposed) Bottom Profile

Note:
No dredging to occur within 2' of shoreline.

2004-00095-YN
Frank J. Parillo
Drawing 6 of 7



the LA group
Landscape Architecture
and Engineering, P.C.

40 Long Alley
Saratoga Springs
New York 12868
518/587-8100
Telefax 518/587-0180

Ellsworth Marina Maintenance Dredging
D.E.C. No. 5-5234-00431/00001
A.C.O.E. 2000-00142 YN
A.P.A. 99-266

CAD: 3166mma.dwg

Date: 12/2/03

rev. 1/20/04

Figure

TYPICAL SECTIONS

1

Ellsworth Marina 2003 Estimate of Dredge Material

EXISTING AVERAGE DEPTH (INCHES) FOR DOCKS WHERE DEPTH <24"							
Area	6 Feet from Shore	Midpoint	Dock End				
Area 1	12.4	15.4	29.8				
Area 2	19.6	35.2	53.6				
Area 3	15.0	21.7	33				
Area 4	13.0	16.1	26.3				
AVERAGE DEPTH OF DREDGING TO OBTAIN 24 INCHES OF WATER DEPTH							
Area 1	6 Feet (Inches)	(feet)	Middle (in.)	(feet)	Dock End		
Area 1	11.6	0.96	8.6	0.71	N/A		
Area 2	4.4	0.37	N/A	N/A	N/A		
Area 3	9.0	0.75	2.3	0.19	N/A		
Area 4	11.0	0.92	7.9	0.66	N/A		
LENGTH OF DOCK AREAS (FT.)							
Area 1	350						
Area 2	240						
Area 3	75						
Area 4	350						
VOLUME (FT3) OF DREDGE MATERIAL (AVERAGE DEPTH TO OBTAIN 24 INCHES X LENGTH OF DOCK AREA)							
Area 1	336						
Area 2	88.8						
Area 3	56						
Area 4	322						
SUM (FT3)	803						
SUM(YD3)	29.7						
TOTAL AMOUNT OF MATERIAL = 48 YD3 OF IN-PLACE SEDIMENT OR APPROXIMATELY 150 YD3 DREDGE MATERIAL							

2004-00095-YN
 Frank J. Parillo
 Drawing 7 of 7