

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: 2005-00293-YR
Issue Date: August 23, 2006
Expiration Date: September 23, 2006

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: Michael Simboli
143 River Road
Nyack, NY 10960

ACTIVITY: Construct a pier supported by timber and stone cribbing

WATERWAY: Hudson River

LOCATION: Grandview, Town of Orangetown, Rockland 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 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

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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.

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.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species. However, the District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

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.

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.

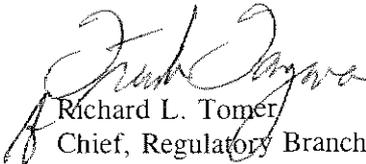
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation permit

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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 (917) 790-8522 and ask for Craig Spitz.

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

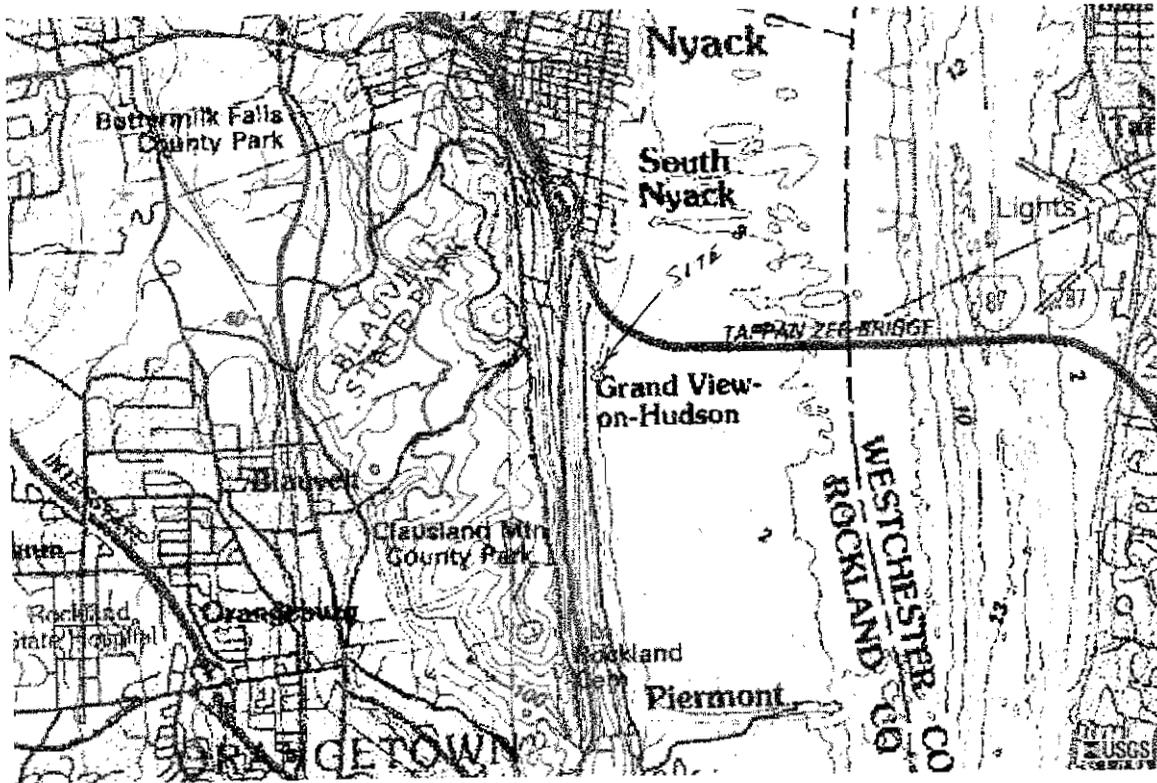
Enclosures

WORK DESCRIPTION

The applicant, Michael Simboli, has requested Department of the Army authorization to construct a pier to be supported by timber and stone cribbing in the Hudson River at Grandview, Town of Orangetown, Rockland County, New York.

The work would involve the construction of an 8-foot wide "L" shaped pier consisting of two (2) sections measuring 100-feet and 17-feet long respectively. Approximately 66 cubic yards of stone material would be placed below the plane of spring high water for the construction of timber and stone cribbing to support the pier.

The stated purpose of the proposed work is to provide adequate mooring for the applicant's 29-foot long sailing vessel and to allow for the transfer of heavy stores.



PROJECT LOCATION MAP

RED SYMBOL MARKS THE LOCATION OF PROJECT:

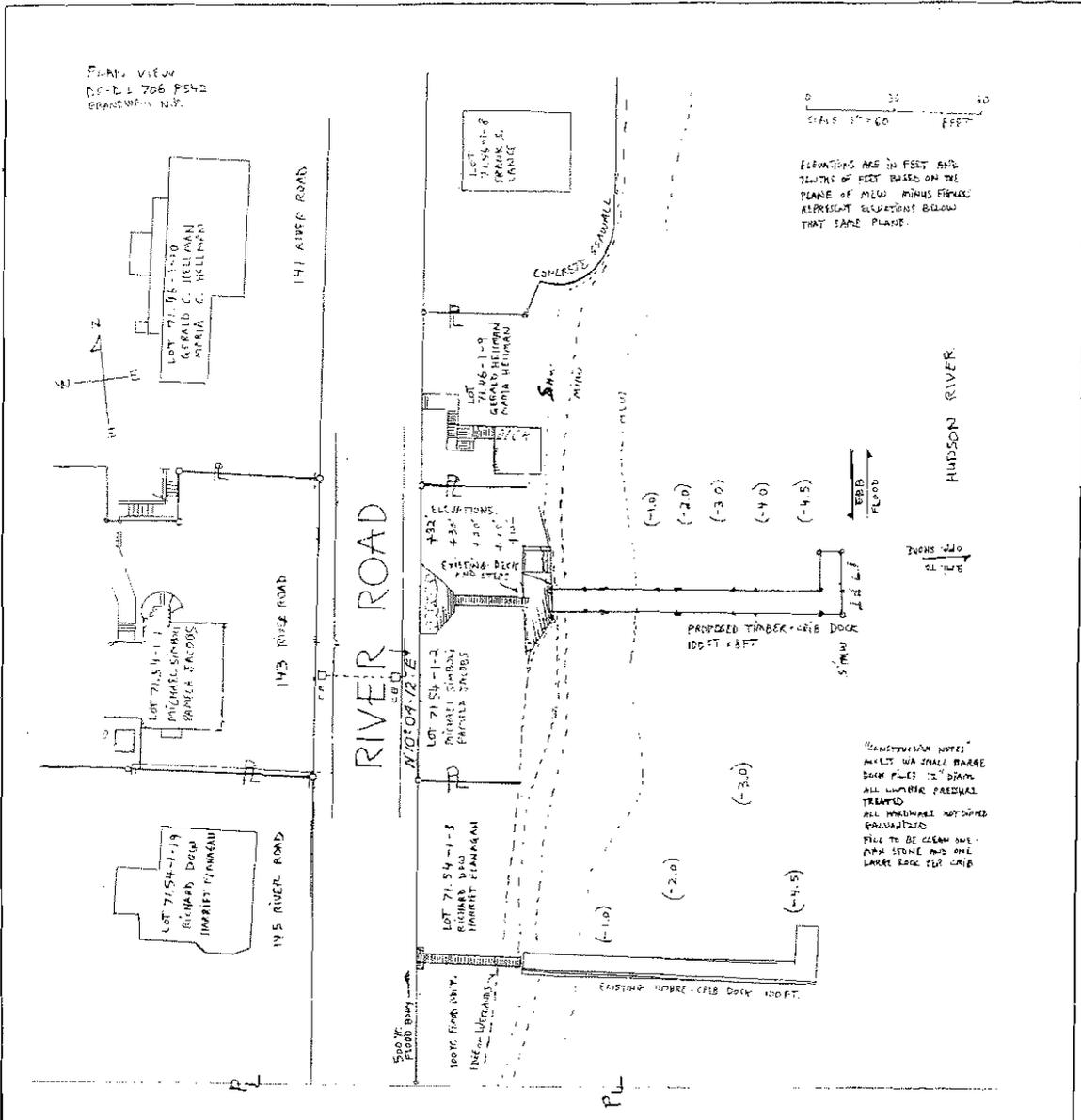
144 RIVER ROAD
GRANDVIEW, N.Y. 10960

USGS: NYACK QUAD

041073a8

ORANGETOWN: TAX MAP #

71.54-1-2



PURPOSE: CONSTRUCT TIMBER
PIER: BOAT DOCK

DATUM: MLLW = 0.0
MHW = 3.7
SHLL = 4.5
TIDE RANGE = 3.7

LATITUDE N 41 03 52
LONGITUDE W 73 55 14

PLAN VIEW

APPLICATION BY:
MICHAEL SIMBOLI
143 RIVER ROAD
GRANDVIEW N.Y.

**PROPOSED TIMBER PIER, ROCK
CRIBBING AND PILING.**

IN: HUDSON RIVER
AT: GRANDVIEW, ROCKLAND CO.,
NEW YORK.

DATE: NOV. 2005
SHEET 1 OF 3



PROFILE DETAILS OF PROPOSED TIMBER PIER

ELEVATIONS ARE IN FEET AND TENTHS OF FEET BASED ON THE PLANE OF MLW. MINUS FIGURES REPRESENT ELEVATIONS BELOW THAT SAME PLANE

CONSTRUCTION NOTES

ACCESS VIA SMALL BARGE

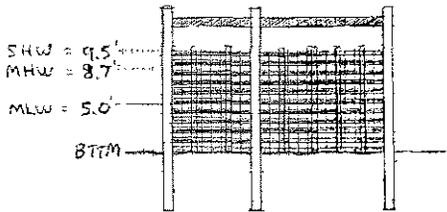
DECK PILES 12" DIAMETER

DRIVEN TO 20 TON BEARING CAPACITY

ALL LUMBER SYP PRESSURE TREATED

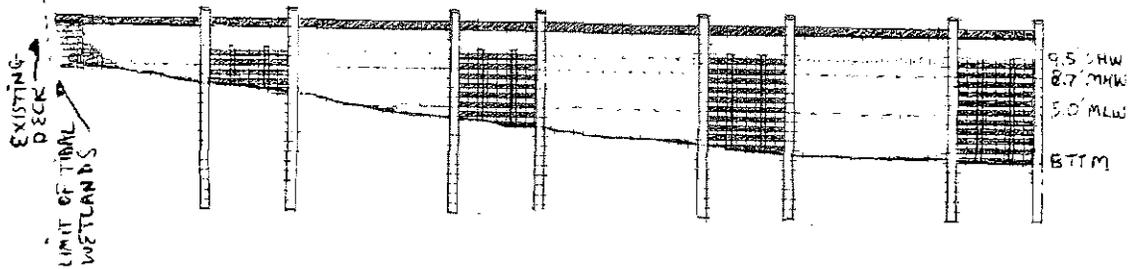
ALL HARDWARE TO BE HOT DIPPED GALVANIZED

PIER PROFILE FROM EAST



FILL TO BE CLEAN ONE MAN STONE AND ONE LARGE ROCK PER CRIB.

LONGITUDINAL PIER PROFILE FROM SOUTH 100 FT X 8 FT (MIN. 6' FT ABVGR.)



PURPOSE: BOAT DOCKING
 DATUM MLW = 0.0
 MHW = 3.7
 TIDAL RANGE = 3.7

LATITUDE N 41 03 52
 LONGITUDE W 73 55 14

PROFILE DETAILS OF PROPOSED TIMBER PIER

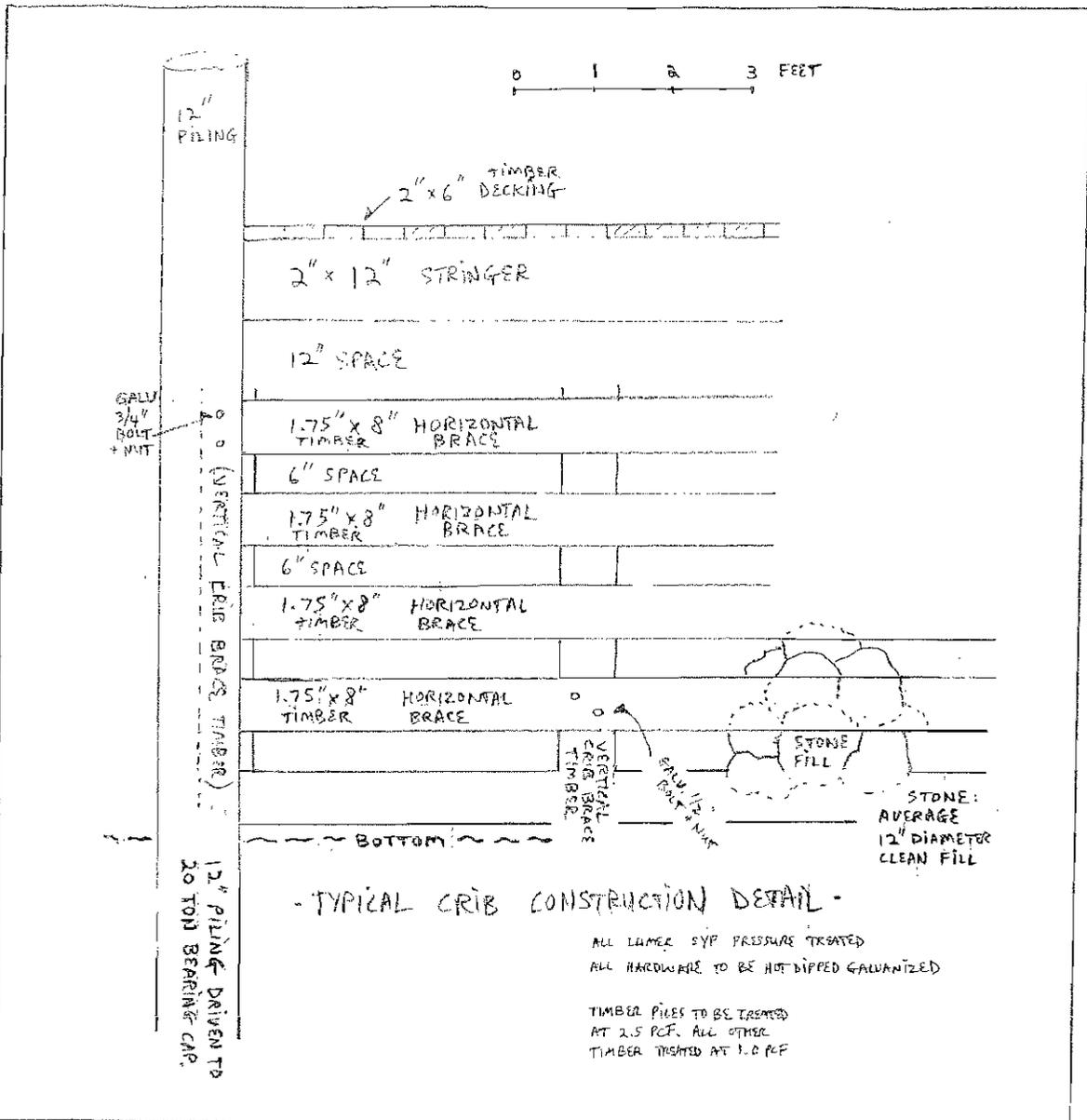
APPLICATION BY:

MICHAEL SIMBOLI
 143 RIVER ROAD
 GRANDVIEW, NEW YORK

PROPOSED TIMBER PIER, ROCK CRIBBING AND PILING.

IN: HUDSON RIVER
 AT: GRANDVIEW ROCKLAND COUNTY, NEW YORK.

DATE: NOV 2005 SHEET 2 OF 3



PURPOSE: BOAT DOCKING

CROSS SECTION OF
PROPOSED TIMBER
PIER

APPLICATION BY:
MICHAEL SIMBOLI
143 RIVER ROAD
GRANDVIEW, NEW YORK

PROPOSED TIMBER PIER, ROCK
CRIBBING AND PILING.

IN: HUDSON RIVER
AT: GRANDVIEW ROCKLAND
COUNTY, NEW YORK.

DATE: NOV. 2005 SHEET 3 OF 3