

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: NAN-2015-01391-WOM Issue Date: August 3, 2016

Expiration Date: September 2, 2016

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: Giocondo DiPietro

54 Old Mount Kisco Road Armonk, New York 10504

ACTIVITY: Construction of a single-family residence on an approximately 2-acre lot, as well

as a bridge/culvert crossing of the Mianus River, a gravel access driveway and

parking court, and a septic area.

WATERWAY: Mianus River

LOCATION: Town of North Castle, Westchester 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. Comments submitted in response to this notice will be fully considered during the public interest review for

CENAN-OP-RW PUBLIC NOTICE NO. NAN-2015-01391-WOM

this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to adversely 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 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

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) 790-8417 and ask for Melanie O'Meara.

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.

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

. Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

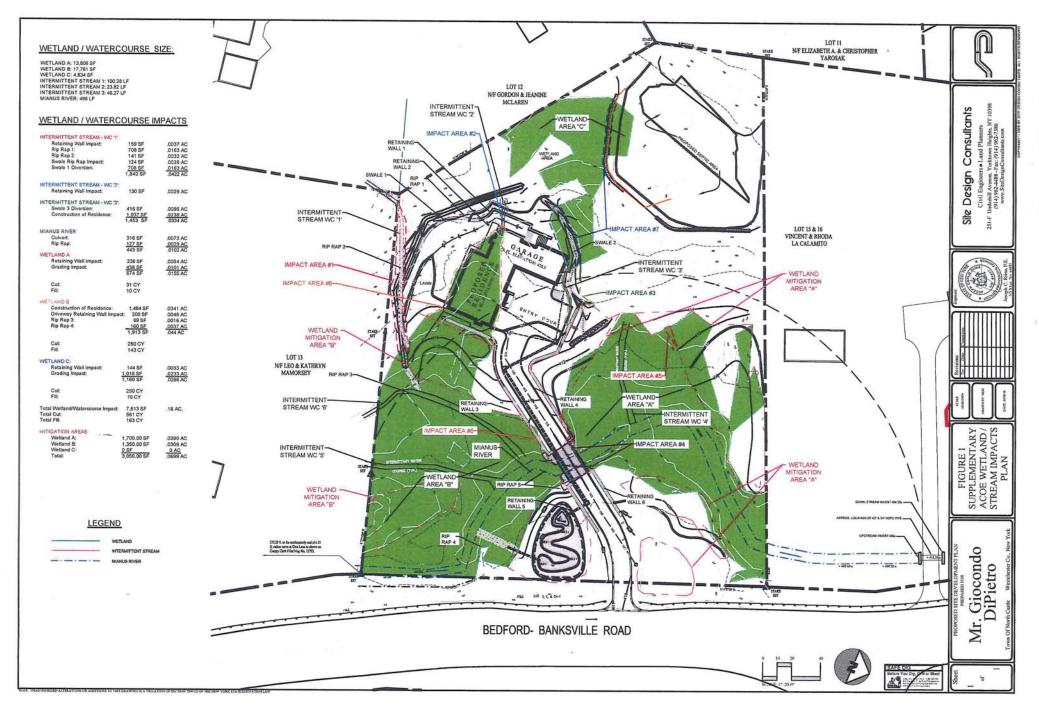
The applicant, Giocondo DiPietro, has requested Department of the Army authorization for a single-family residential development in the Mianus River watershed, in the Town of North Castle, Westchester County, New York.

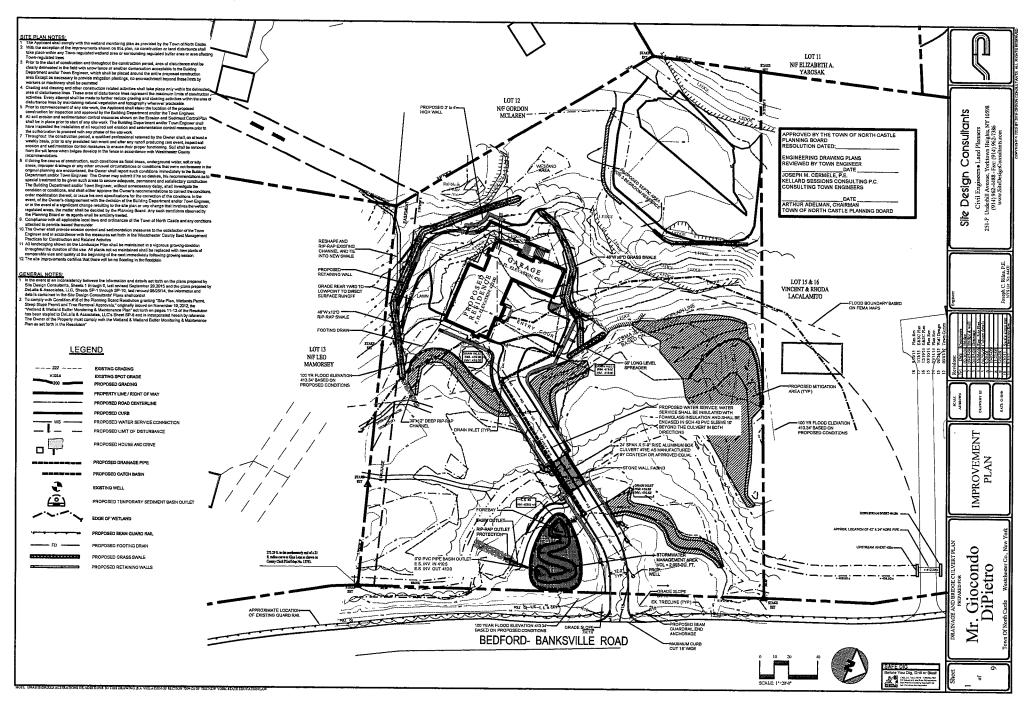
The work would involve construction of a single-family residence on an approximately 2 acre lot, resulting in approximately 0.21 acres of permanent fill within the on-site waters. There are approximately 0.83 acres of wetland and approximately 415 linear feet of intermittent streams on the project site, which drain to the Mianus River, as well as a 496-foot-long portion of the Mianus River itself. The proposal includes the construction of a new residence, a bridge/culvert crossing of the Mianus River, a gravel access driveway and parking court, and a septic area. The proposed impact resulting from the crossing of the Mianus River would total approximately 0.01 acres and include the placement of a 24-foot-wide box culvert/bridge over the river and rip-rap along the banks. Wetland impacts would include construction of the residence, as well as retaining walls and grading for the driveway and septic area, and rip-rap at drainage outlets, and would result in a total of 0.16 acres of impact. Finally, impacts to the intermittent streams would total approximately 0.08 acres, and consist of diversion for the construction of the residence, residence and driveway retaining walls, and rip-rap along drainage areas.

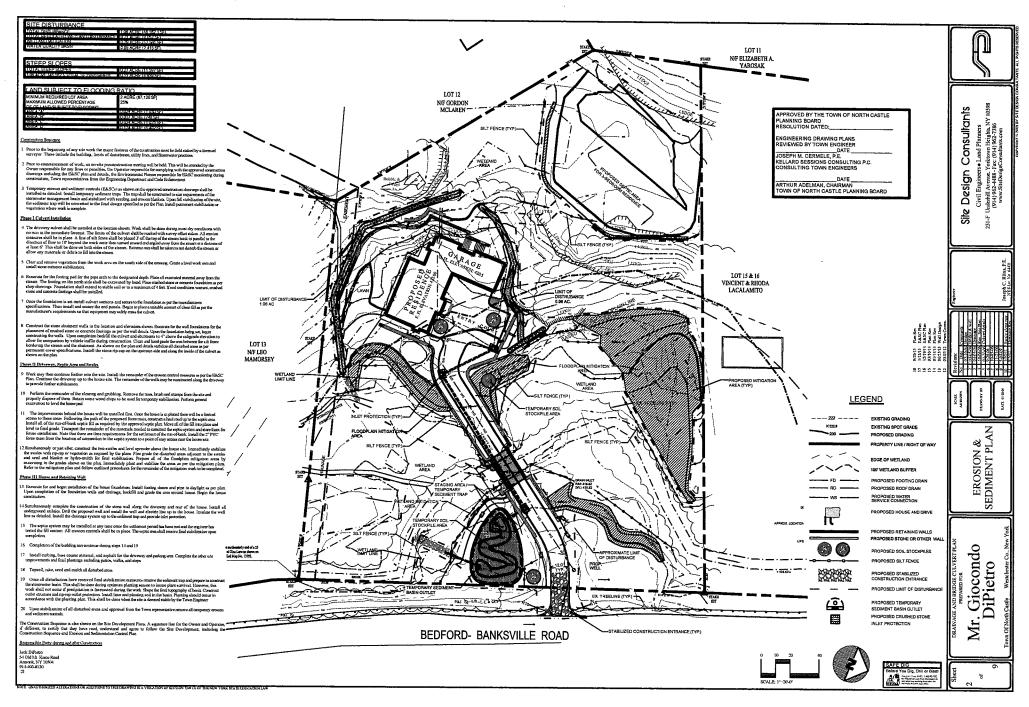
Approximately 8,500 square feet (0.2 acres) of expanded and enhanced vegetative buffers along the edges of the wetland and the Mianus River, and restoration of previously disturbed areas, would be established as mitigation.

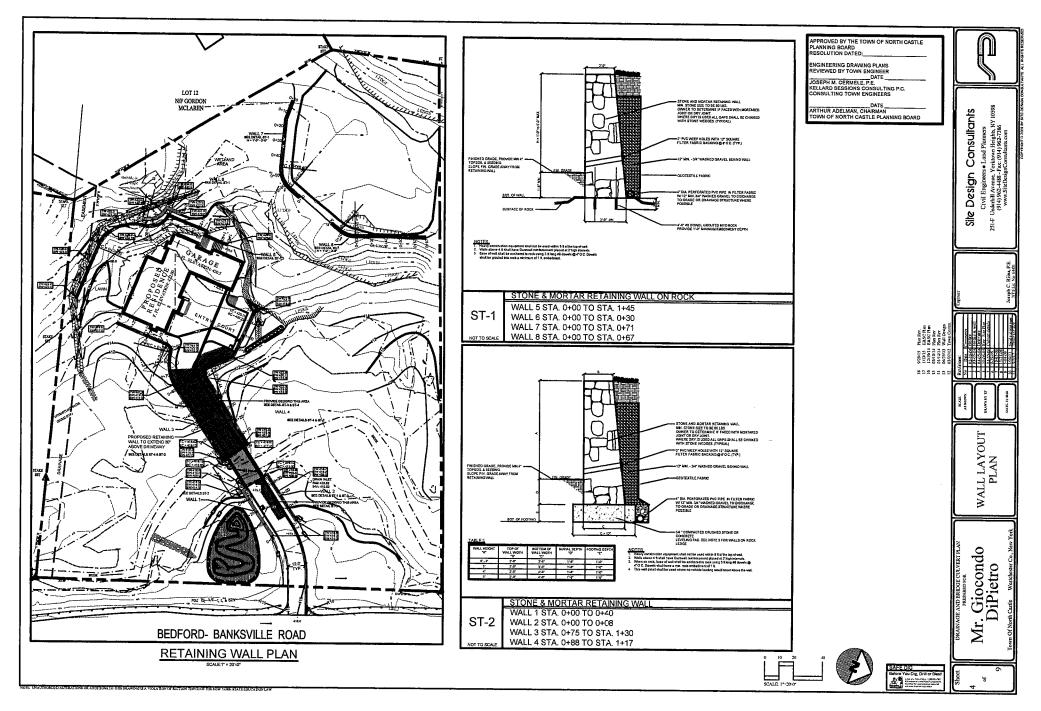
This project was previously authorized under Permit Number NAN-2006-385-EJE on June 4, 2008, and modified to include a time extension of the original permit (NAN-2006-00385-M1) on January 21, 2010. Work was not completed prior to either of the permit and extension expiration dates. Proposed impacts have not changed since the prior authorization.

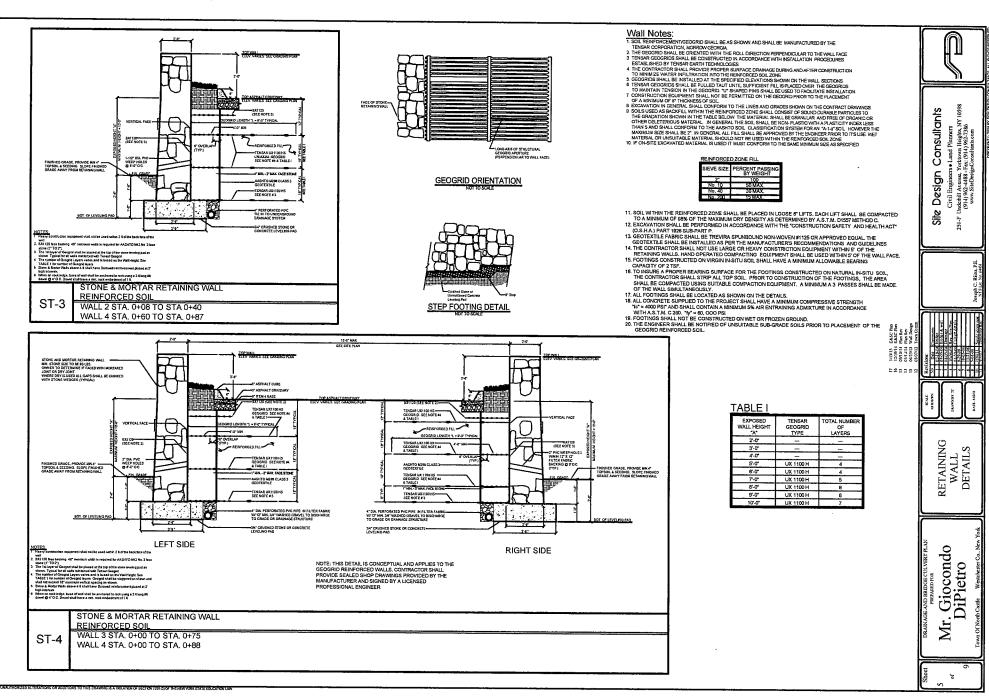
The stated purpose of this project is to provide single family housing on the site.











DiPietro

