

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-2014-00075-WOR

Issue Date: May 25, 2017

Expiration Date: June 26, 2017

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: City of Middletown
16 James Street
Middletown, New York 10940

ACTIVITY: Discharge of fill material into approximately 0.12 acres, including 352 linear feet, of waters of the United States, in association stream fill and stabilization activities.

WATERWAY: Monhagen Brook (Walkill River Watershed)

LOCATION: City of Middletown, Orange 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.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2014-00075-WOR

Comments submitted in response to this notice will be fully considered during the public interest review for 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 affect any Federally endangered or threatened species or their critical habitat, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531).

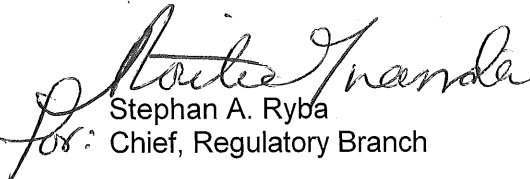
In a letter dated January 30, 2014, the New York State Office of Parks Recreation and Historic Preservation (NYSOPRHP) stated that the project would have No Impact on cultural resources listed or eligible for listing on the National Register of Historic Places. Presently unknown archeological, scientific, 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.

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) 790-8413 and ask for Brian A. Orzel.

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>.


Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, the City of Middletown, has requested Department of the Army authorization for the discharge of fill material into approximately 0.12 acres, including 352 linear feet, of waters of the United States, in association stream fill and stabilization activities. The project area is located within Monhagen Brook, between the intersection of Monhagen Avenue and California Avenue and the intersection of Mill Street and Harding Street in the City of Middletown, Orange County, New York.

This segment of Monhagen Brook was heavily damaged by Hurricanes Irene and Lee in August and September of 2011. Existing culverts that were damaged by the storms were replaced and some were extended. Approximately 0.10 acres of the overall 0.12 acres and approximately 274 linear feet of the overall 352 linear feet of Monhagen Brook were authorized by the New York District Corps of Engineers under the Nationwide General Permit program.

At this time, an 80-foot-long section of Monhagen Brook, located between two existing culverts, is open to the air. Concrete block walls were installed on either side of the brook, above the Ordinary High Water (OHW) mark of the brook, to replace walls that had been damaged by the storms. Since their installation in 2015, Monhagen Brook has begun to erode them from beneath. The City has explored its options and has decided that the 80-foot-long by 12-foot-wide section of the brook needs to be paved with concrete in order to save the walls from collapse.

This additional fill disqualifies the work within this section of Monhagen Brook from further consideration under the Nationwide General Permit program, as the overall perennial stream loss would exceed 300 linear feet, the maximum allowed under the Nationwide General Permits.

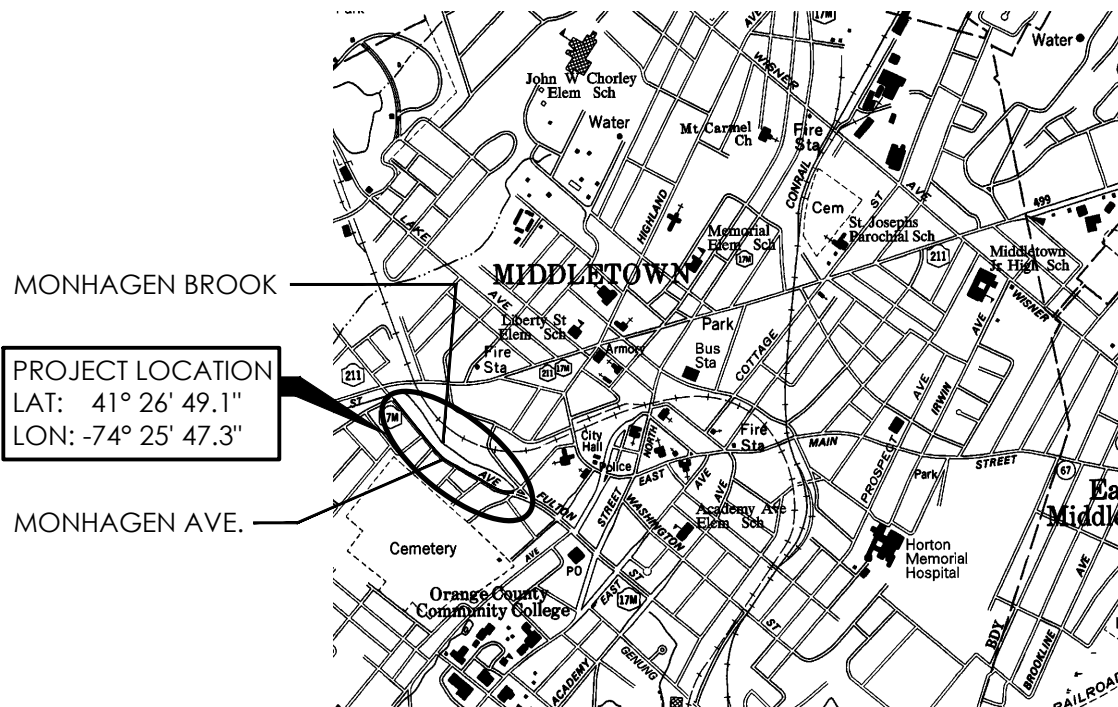
As mitigation for the additional proposed stream fill, the applicant proposes approximately 800 square feet of streamside plantings.

The stated purpose of this work is to protect the existing City of Middletown maintenance facility located in close proximity to the proposed stream work.

MONHAGEN DRAINAGE CHANNEL US ARMY CORPS OF ENGINEERS APPLICATION

MAY 8, 2017

LOCATION MAP:



DRAWING INDEX:

TITLE SHEET
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WETLAND IMPACT AREAS - PLAN 01
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WETLAND IMPACT AREAS - PLAN 04
IMPACT AREA 1A - PLAN
IMPACT AREA 1A - PROFILE
IMPACT AREA 1A - CHANNEL BOTTOM DETAIL

ATTACHMENT 1
SITE PLANS
SHEET 1 OF 9



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DESIGN PROFESSIONALS
50 FRONT STREET
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DATE: 05/08/2017
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SCALE: NONE
PROJ. #: 12693.00

TITLE SHEET

MONHAGEN DRAINAGE CHANNEL
US ARMY CORPS OF ENGINEERS APPLICATION
CITY OF MIDDLETOWN, NEW YORK

ORIGINAL PERMIT APPLICATION AREAS (COMPLETED UNDER NWP PROGRAM)						
IMPACT AREA	STATION RANGE	PREVIOUS STREAM IMPACT		NWP ORIGINALLY APPLIED FOR	CONSTRUCTED IN 2014-15	SHEET NO.
		(LF)	(ACRES)			
1A	1+10 - 1+90	0	0	3	Yes	3 OF 9
1B	1+90 - 4+50	*N/A	*N/A	3	Yes	3 OF 9
1C	4+50 - 6+25	*N/A	*N/A	3	Yes	4 OF 9
ORIGINAL PERMIT APPLICATION (NWP 3)		0	0			
2	9+04 - 10+76	172+/-	0.07	39	Yes	5 OF 9
3	15+50 - 16+50	100+/-	0.03	39	Yes	6 OF 9
ORIGINAL PERMIT APPLICATION (NWP 39) - WORK ACCOMPLISHED		272+/-	0.10			

NEW PROPOSED IMPACT AREAS						
IMPACT AREA	STATION RANGE	PROPOSED STREAM IMPACT		NWP ORIGINALLY APPLIED FOR	CONSTRUCTED IN 2014-15	SHEET NO.
		(LF)	(ACRES)			
1A	1+10 - 1+90	80+/-	0.02	NA	PROPOSED ADDITION OF CONCRETE CHANNEL BOTTOM	7 OF 9 8 OF 9 9 OF 9

TOTAL PROPOSED IMPACTS		
352+/-	0.12	

*DAMAGED CULVERT SECTION REPLACED. NO FILL WITHIN WATERS.

NOTE:
REFER TO DRAWING 5 OF 9 FOR PROPOSED MITIGATION.

SHEET 2 OF 9

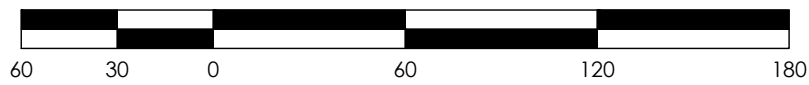
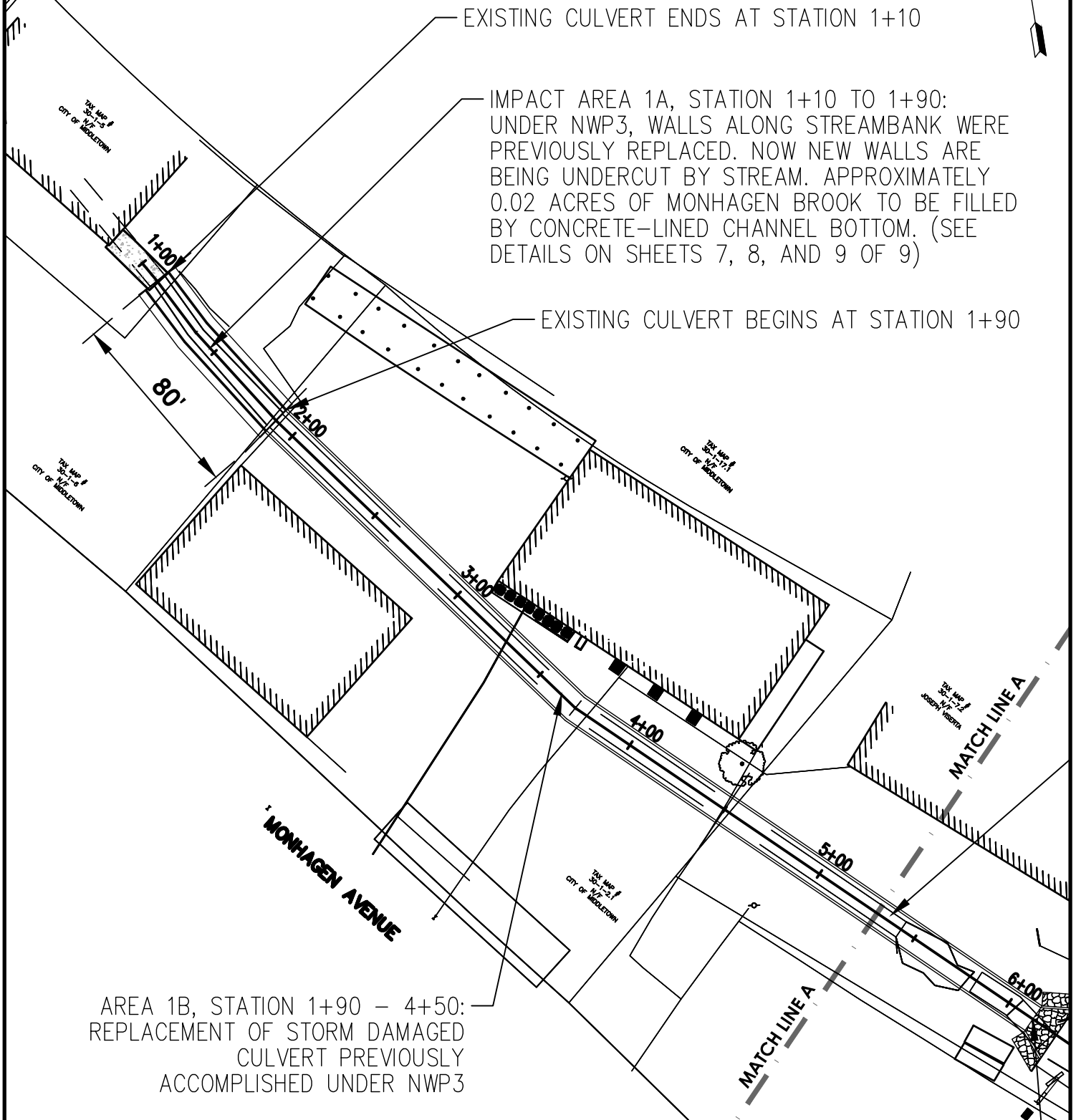


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WETLAND IMPACT AREAS - SUMMARY

MONHAGEN DRAINAGE CHANNEL
US ARMY CORPS OF ENGINEERS APPLICATION
CITY OF MIDDLETOWN, NEW YORK



SHEET 3 OF 9



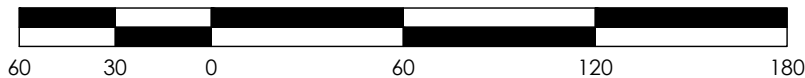
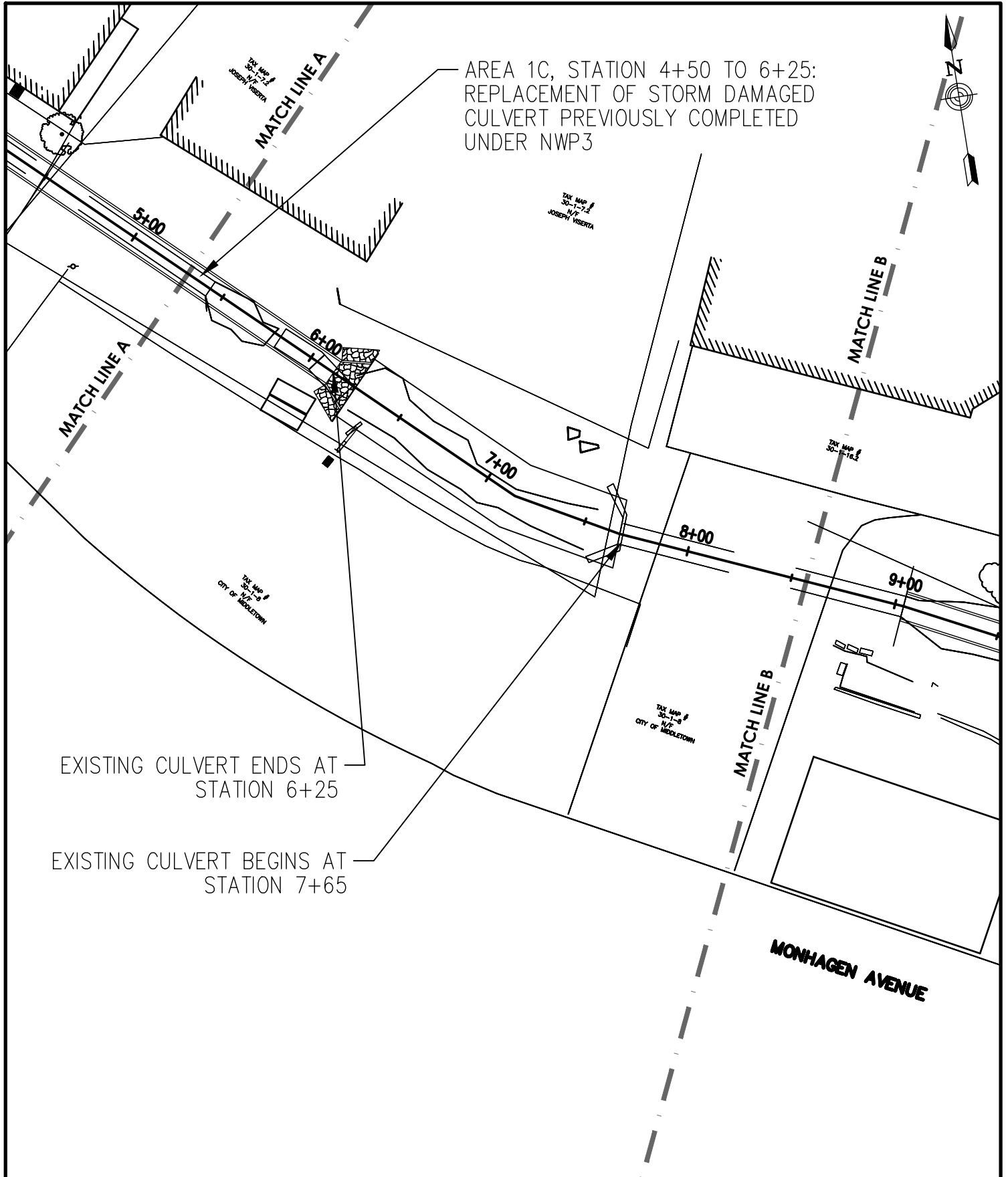
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WETLAND IMPACT AREAS - PLAN 01

MONHAGEN DRAINAGE CHANNEL
US ARMY CORPS OF ENGINEERS APPLICATION
CITY OF MIDDLETOWN, NEW YORK

Drawing Name: J:\PROJECTS\City of Middletown\FEMA LG PROJ DSH CONST\Design\ACAD\Civil\2016 Individual Permit Drawings\ACOE-TS AND IMPACT AREAS.dwg
Date last accessed: 5/8/2017 11:42 AM
Date last plotted: 5/8/2017 11:52 AM
Plotted By: Domenic Enfilio



SHEET 4 OF 9

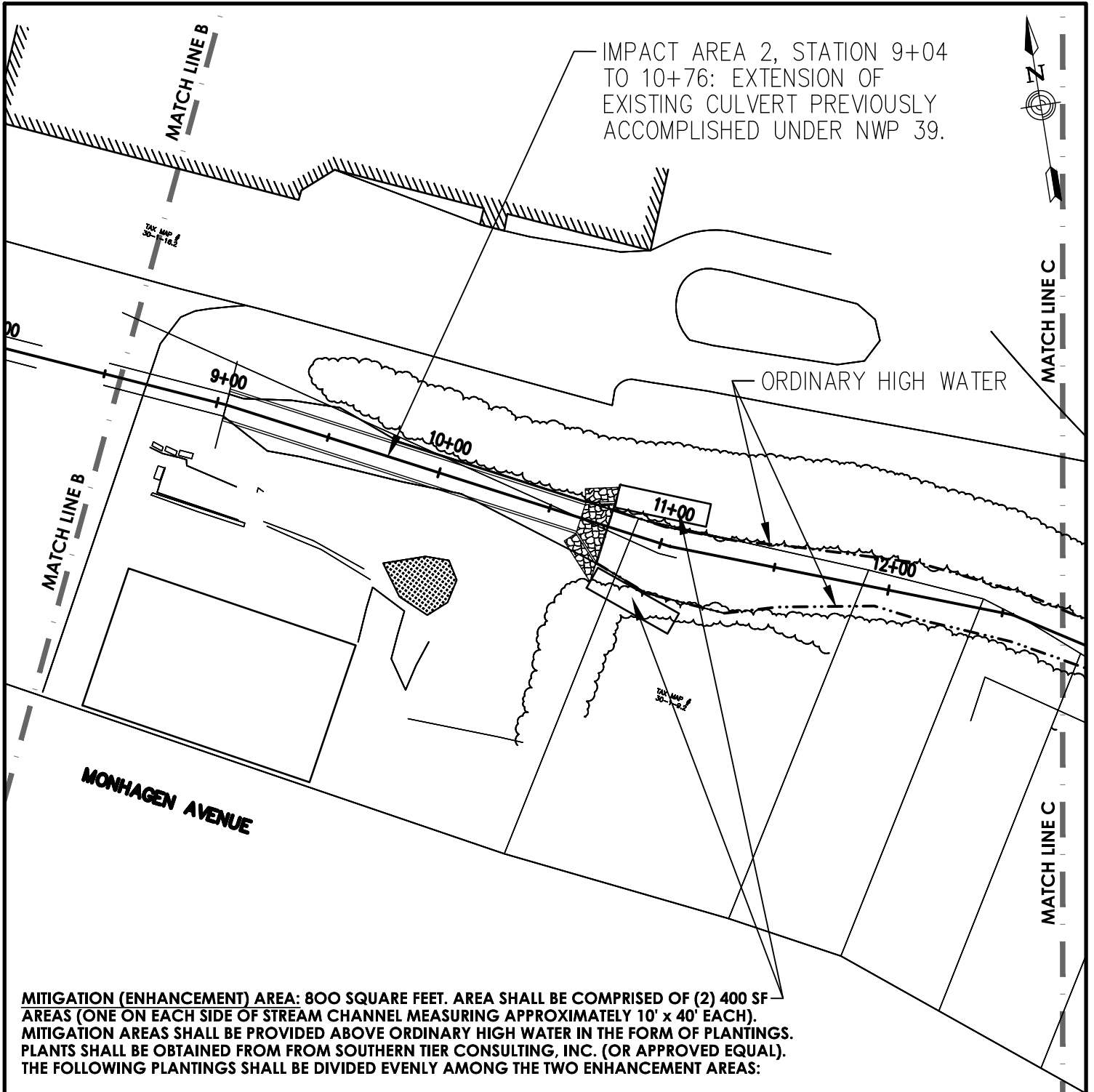


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WETLAND IMPACT AREAS - PLAN 02

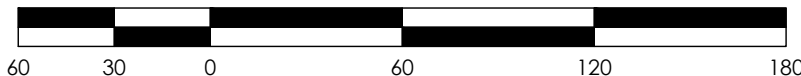
MONHAGEN DRAINAGE CHANNEL
US ARMY CORPS OF ENGINEERS APPLICATION
CITY OF MIDDLETOWN, NEW YORK



MITIGATION (ENHANCEMENT) AREA: 800 SQUARE FEET. AREA SHALL BE COMPRISED OF (2) 400 SF AREAS (ONE ON EACH SIDE OF STREAM CHANNEL MEASURING APPROXIMATELY 10' x 40' EACH). MITIGATION AREAS SHALL BE PROVIDED ABOVE ORDINARY HIGH WATER IN THE FORM OF PLANTINGS. PLANTS SHALL BE OBTAINED FROM SOUTHERN TIER CONSULTING, INC. (OR APPROVED EQUAL). THE FOLLOWING PLANTINGS SHALL BE DIVIDED EVENLY AMONG THE TWO ENHANCEMENT AREAS:

	COMMON NAME	SCIENTIFIC NAME	TYPE/SIZE	QUANTITY
1.	SILKY DOGWOOD (FACW)	CORNUS AMOMUM	24" LIVE STAKE (1/4" - 5/8" Ø)	30
2.	PUSSY WILLOW (FACW)	SALIX DISCOLOR	24" LIVE STAKE (1/4" - 5/8" Ø)	30
3.	STREAM-CO WILLOW (FACW+)	SALIX PURPUREA	24" LIVE STAKE (1/4" - 5/8" Ø)	20
4.	BLUE Vervain	VERBENA HASTATA	2" PLUGS	64

ALL PLANTS SHALL BE INSTALLED AT A RANDOM PATTERN THROUGHOUT THE ENHANCEMENT AREAS WITH ONE STAKE PLACED EVERY 4'±, AS CONDITIONS ALLOW; AND A MINIMUM OF ONE BLUE Vervain PLANT PER 8 SQUARE FEET. ONCE PLANTED, THE ENHANCEMENT AREAS SHALL BE MULCHED WITH HAY AND MAINTAINED UNTIL VEGETATION IS ESTABLISHED.



SHEET 5 OF 9



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WETLAND IMPACT AREAS - PLAN 03

MONHAGEN DRAINAGE CHANNEL
US ARMY CORPS OF ENGINEERS APPLICATION
 CITY OF MIDDLETOWN, NEW YORK



MATCH LINE C

MATCH LINE C

13+00

14+00

HARDING ST.

15+00

IMPACT AREA 3, STATION
15+50 TO 16+50: EXTENSION
OF EXISTING CULVERT
PREVIOUSLY ACCOMPLISHED
UNDER NWP 39

24' WIDE
30'-1'-0"

24' WIDE
30'-1'-0"

24' WIDE
30'-1'-0"

24' WIDE
30'-1'-0"

24' WIDE
30'-1'-0"

24' WIDE
30'-1'-0"

24' WIDE
30'-1'-0"

24' WIDE
30'-1'-0"

MILL ST.

FULTON ST.

16+98



SHEET 6 OF 9

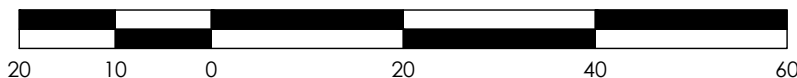
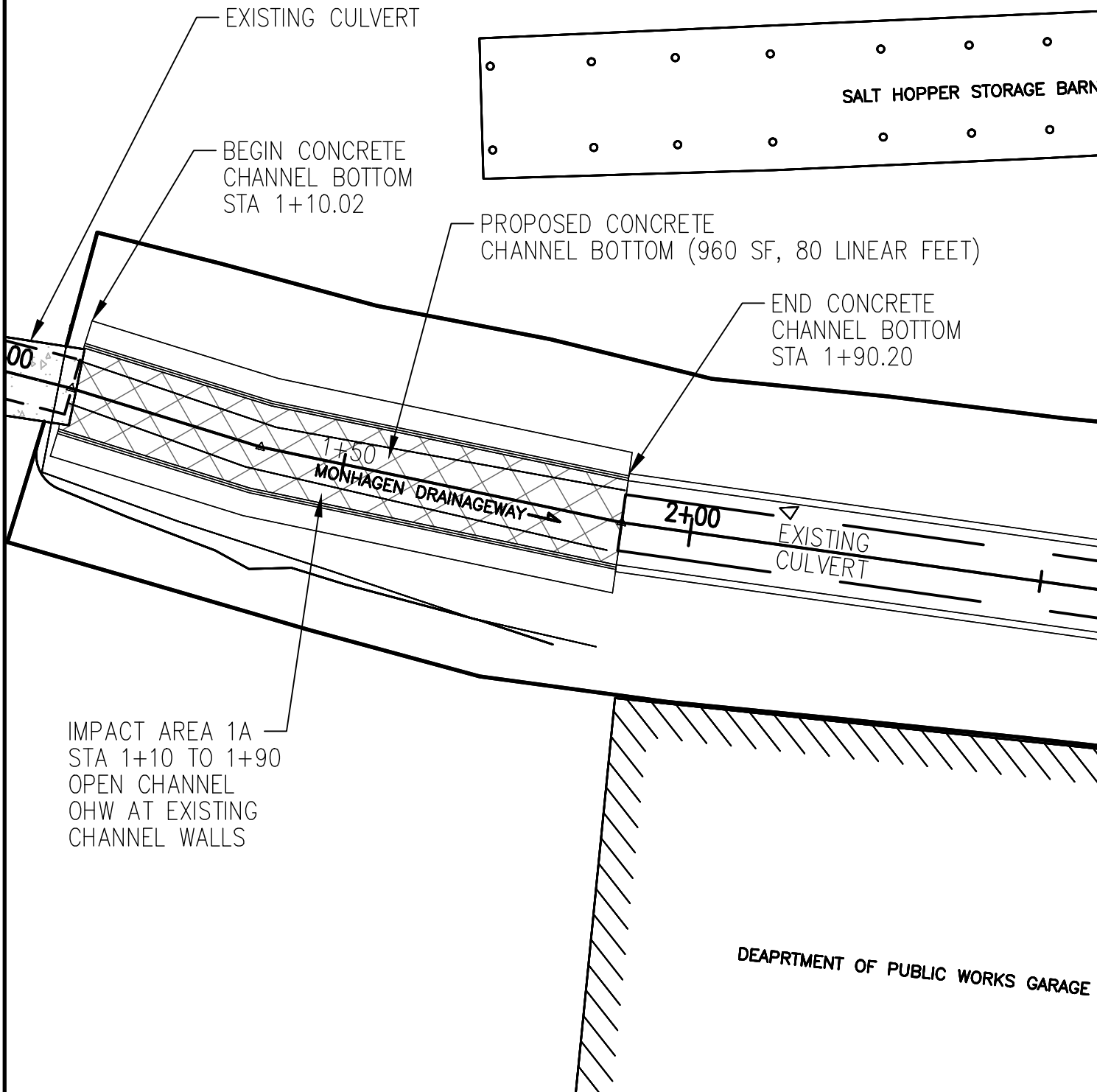
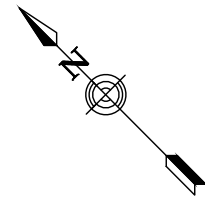


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WETLAND IMPACT AREAS - PLAN 04

MONHAGEN DRAINAGE CHANNEL
US ARMY CORPS OF ENGINEERS APPLICATION
CITY OF MIDDLETOWN, NEW YORK



SHEET 7 OF 9

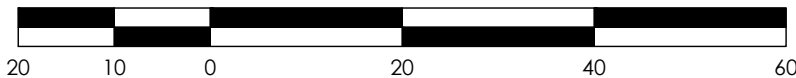
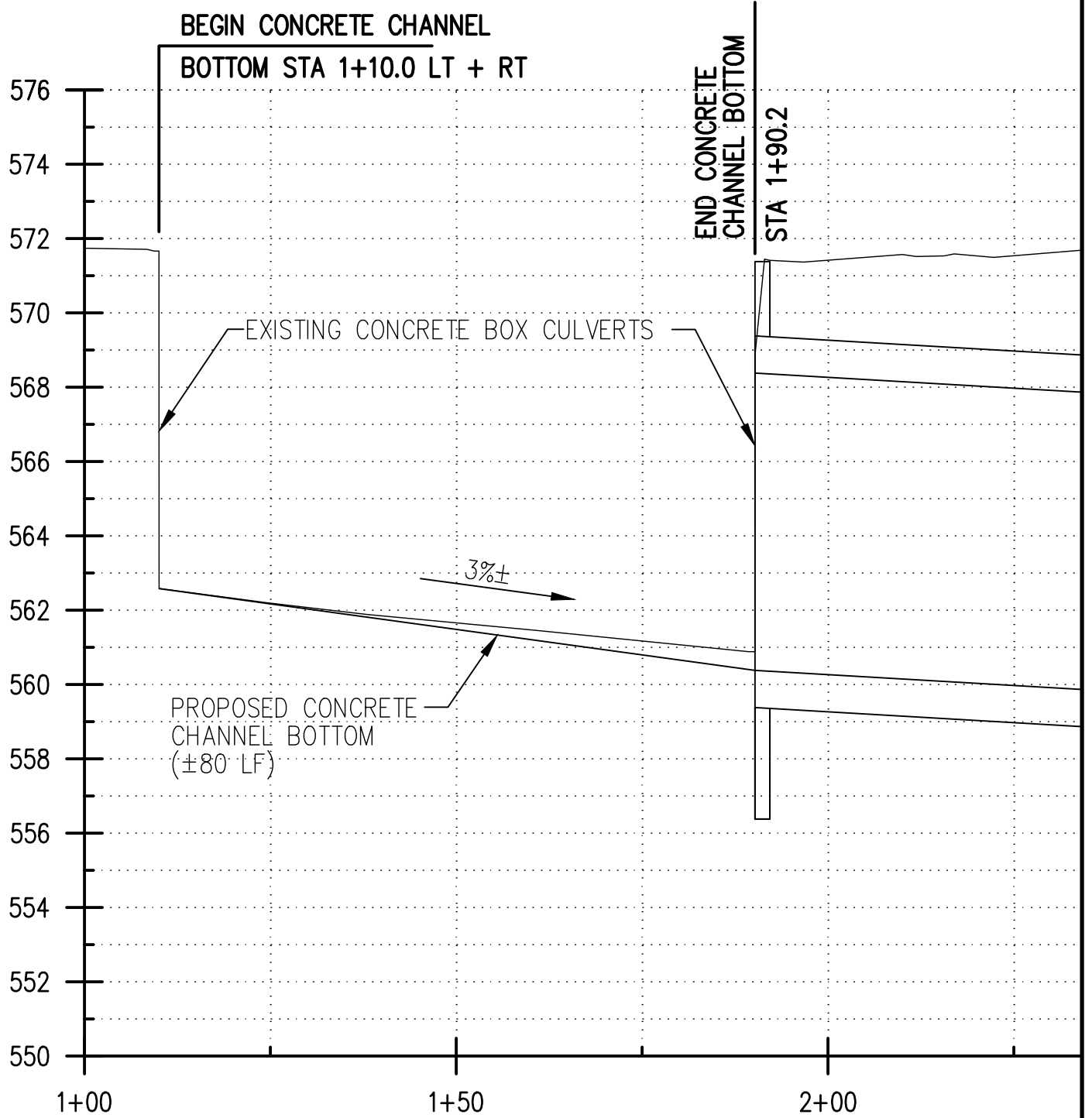


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IMPACT AREA 1A PLAN

MONHAGEN DRAINAGE CHANNEL
 US ARMY CORPS OF ENGINEERS APPLICATION
 CITY OF MIDDLETOWN, NEW YORK



SHEET 8 OF 9



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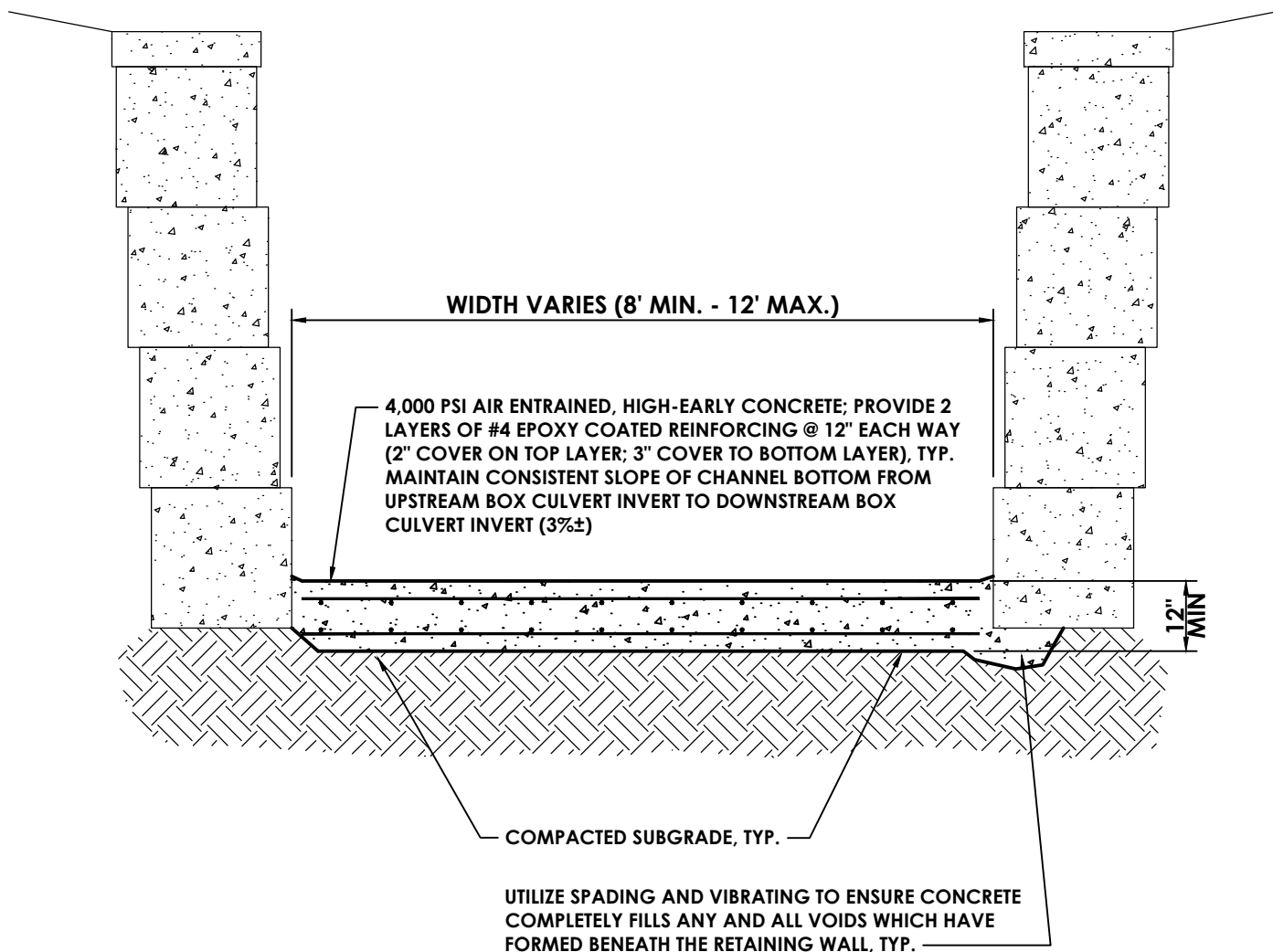
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IMPACT AREA 1A PROFILE

MONHAGEN DRAINAGE CHANNEL
US ARMY CORPS OF ENGINEERS APPLICATION
CITY OF MIDDLETOWN, NEW YORK

NOTES:

1. PROVIDE DEWATERING AS REQUIRED SO ALL WORK IS PERFORMED IN THE DRY.
2. DEWATERING SHALL BE MAINTAINED FOR A MINIMUM OF 24 HOURS (OR A.O.B.E) AFTER CONCRETE PLACEMENT TO ALLOW PROPER CURE TIME FOR THE CONCRETE.
3. ADMIXTURES MAY BE USED WITH PRIOR APPROVAL BY THE ENGINEER IN ORDER TO REDUCE THE DEWATERING TIME PERIOD.



SHEET 9 OF 9



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IMPACT AREA 1A CHANNEL BOTTOM DETAIL

MONHAGEN DRAINAGE CHANNEL
 US ARMY CORPS OF ENGINEERS APPLICATION
 CITY OF MIDDLETOWN, NEW YORK