

PUBLIC NOTICE

U.S. Army Corps
of Engineers
New York District, CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington Street, Bldg. 10, 3rd Fl. North
Watervliet, New York 12189-4000

In replying refer to:

Public Notice Number: NAN-2017-01520-UCO
Issue Date: August 7, 2018
Expiration Date: September 6, 2018

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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Essex Legacy Trust
2775 Lake Shore Road
Essex, NY 12936

ACTIVITY: Place structures and discharge fill material in navigable waters of the United States to construct a boathouse and associated docking facilities

WATERWAY: Lake Champlain

LOCATION: Town of Essex, Essex 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 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.

This undertaking will not involve the clearing of any trees, and the applicant has proposed to incorporate design measures to minimize impacts to bats, including using downward-facing, full cut-off lens lights on the outside of the boathouse and on the floating pier assembly, and directing proposed outside lighting away from any potentially suitable habitat in the vicinity, therefore our preliminary 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.

By letter dated November 27, 2017, N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) indicated the project is located within the Essex Village Historic District, which is a site eligible for, or included in, the National Register of Historic Places. The letter dated November 27, 2017, also indicated it was the SHPO's opinion that the proposed project would have no adverse effect on Register-eligible sites. 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:

- Article 15, Title 5, Excavation and Fill in Navigable Waters permit from the New York State Department of Environmental Conservation
- State Owned Lands Under Water authorization for Docks, Moorings or Platforms from the N.Y.S. 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/Missions/Regulatory/CustomerSurvey.aspx>

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 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>

A handwritten signature in black ink, appearing to read "Stephan A. Ryba".

For and in behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Essex Legacy Trust, has requested Department of the Army permit for work, including dredging, the placement of structures, and the discharge of fill material, in Lake Champlain, in the Town of Essex, Essex County, New York.

The work would involve dredging of 44 cubic yards of existing lake bed sediments to a depth no more than four (4) feet below the existing bed, within 400 square feet of the Lake below its ordinary high water mark (OHWM), to provide a level base for the proposed placement of structural fill material. The dredging would be performed with a long-reach excavator operating from the bank and in the dry, therefore no return flow to the waterway is proposed. No dredged material would be stockpiled, dewatered and/or disposed of in waters or wetlands. A DOT type 2 floating turbidity curtain would be installed and maintained in the waterway approximately 15 feet from the limits of the dredging area during all proposed dredging and fill activities in order to minimize turbidity in the waterway from all proposed lake bed disturbance activities.

The work would also involve the construction of a 12 feet wide by 24 feet long wooden boathouse in the Lake, consisting of an enclosed non-motorized storage building with attached lakeside cantilevered platform, and attached to the shoreline by a wooden stairway and ramp. The stairway and ramp would be secured by four (4) wooden posts driven into the lake bed. The structure would be supported by a concrete base measuring approximately 17 feet wide by 19 feet long at its base. The concrete base, consisting of 81 cubic yards of concrete fill material, 56 cubic yards of which is below the OHWM, would be poured in the dry within 323 square feet of the 400 square feet dredging area. The boathouse structure would extend approximately 26 feet into the waterway from the line at which the OHWM of the Lake intercepts the bank of the waterway.

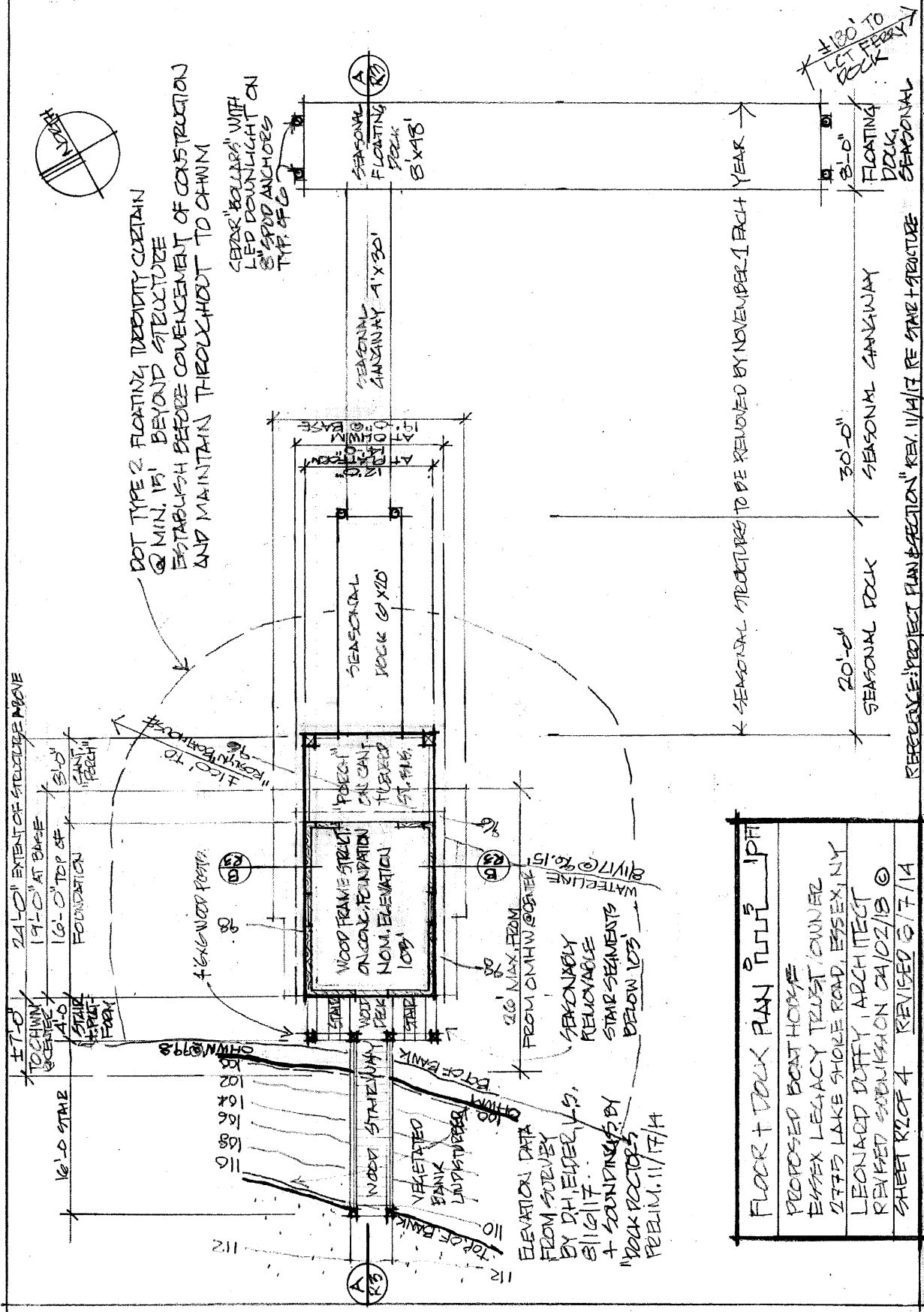
In addition, the work would involve the seasonal placement of an 'L'-shaped pier assembly attached to the lakeward platform, consisting of a six (6) feet wide by twenty (20) feet long dock, attached to a gangway. The proposed gangway would be four (4) feet wide by thirty (30) feet long, and attach the 20-foot dock to a terminal dock that would be oriented perpendicular to the gangway. The terminal dock would be eight (8) feet wide by forty-eight (48) feet long. The pier assembly would extend approximately 60 feet from the lakeward face of the proposed boathouse, and be located approximately 150 feet northwest of the existing Lake Champlain Ferry terminal pier at its closest point. The assembly would also be secured to the lake bed by six (6) 8" diameter spud anchors.

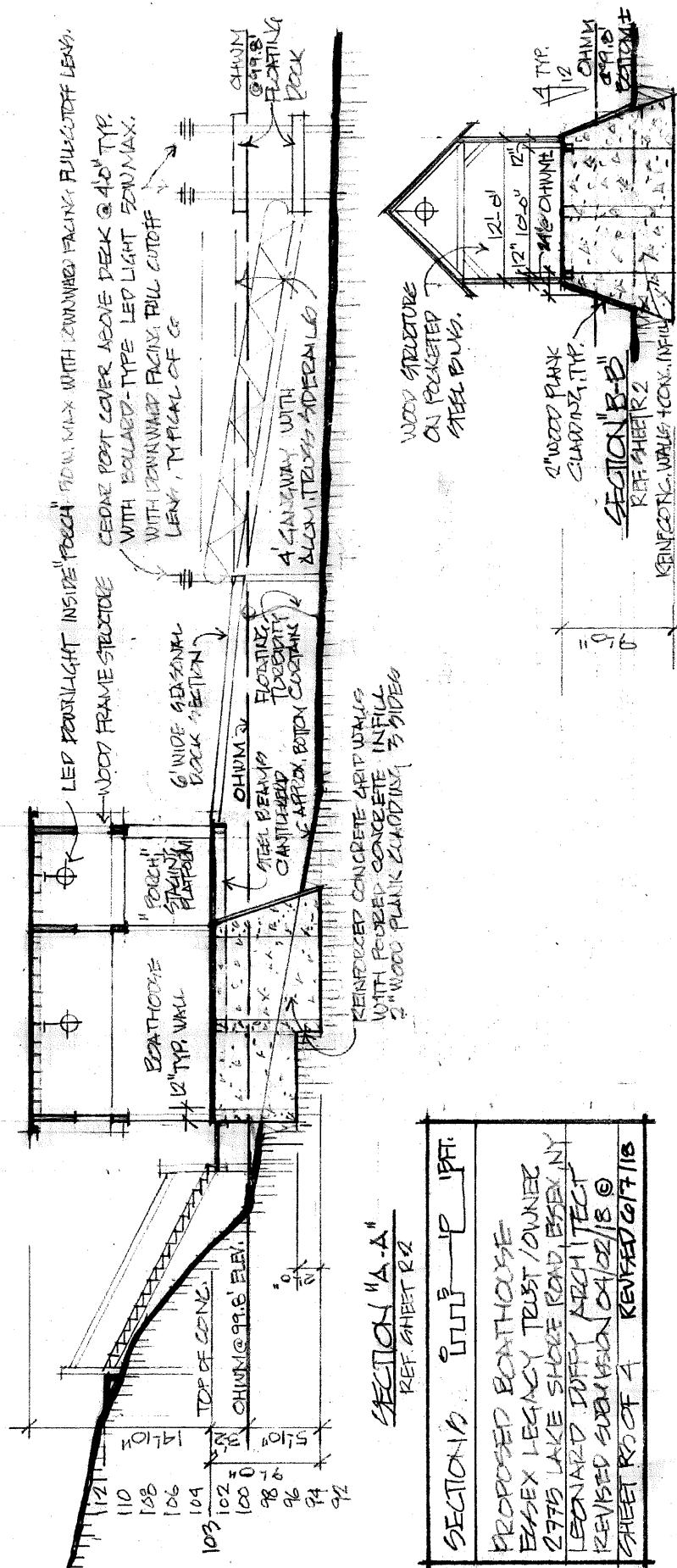
The applicant has stated that they have avoided and minimized proposed impacts to the maximum extent practicable by revising the proposed structural foundation plan to minimize the extent of proposed permanent fill in the waterway.

The stated purpose of this project is to provide storage and seasonal docking facilities for non-motorized vessels for personal recreational uses.

RECEIVED
ENVIRONMENTAL PERMITS

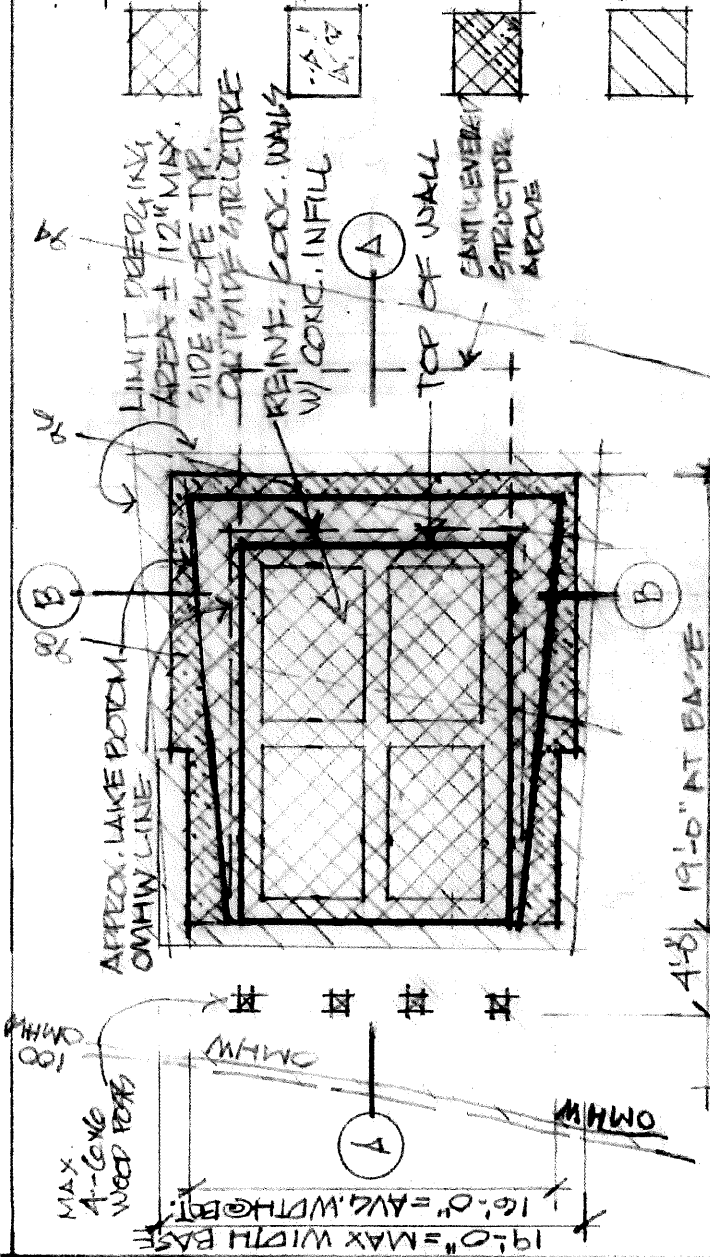
NYSDEC - REGION 5
RAY BROOK





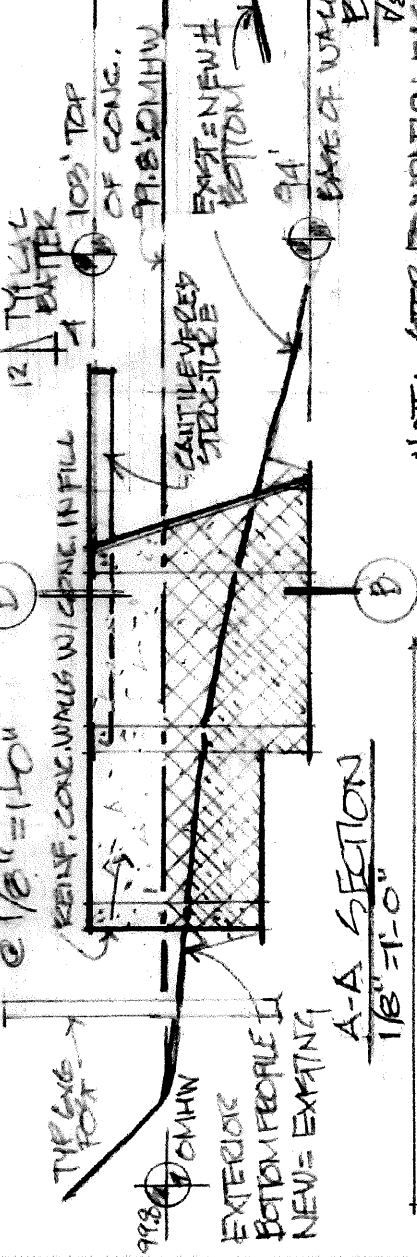
WORK DESCRIPTION REVISED 5/6/18

1. FILL POLYGON
18'-0" X 15'-0" AT BOTTOM = 270 SF
19'-0" X 17'-0" AT BASE = 323 SF
2. CONCRETE STRUCTURE
ABOVE CMHWN = ± 25 CUBIC YDS
3. CONCRETE STRUCTURE
BELOW CMHWN = ± 56 CUBIC YDS
TOTAL CONCRETE = 181 CUBIC YDS
4. REMOVAL/DREDGING AREA
WITH SIDE SLOPE = ± 400 S.F.
③ AVG. DEPTH ± 3' = ± 44 CUBIC YDS



FOUNDATION PLAN

② 18'-0" = 17'-0"



A-A SECTION

18'-0" = 17'-0"

NOTE: STEP FOUNDATION BASE

MAX. 24" ±

18'-0" = 17'-0"

REMOVE CUT MATERIAL FROM SITE TO UPLAND LOCATION, ALL DREDGING TO BE PERFORMED BY LONG-REACH EXCAVATOR LOCATED ON TOP OF BANK LOADING DIRECTLY INTO VEHICLE FOR TRANSIT.

PLAN SECTION	10	12	14	81
PROPOSED BOAT HOUSE				
ESSEX LEGACY TRUST / OWNER				
2775 LAKE SHORE ROAD, ESSEX, NY				
LEONARD DUFFY ARCHITECTS				
REVISED SUBMISSION 05/17/18				
REPLACEMENT SHEET KR104				
REVISED 5/18/18, 6/7/18				