

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-2019-00386-WNE
Issue Date: August 1, 2019
Expiration Date: August 31, 2019

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: Manitou Point Preserve, LLC
100 Mystery Point Road
Garrison, NY 10524

ACTIVITY: Installation of a 4-foot wide by 51-foot long fixed wooden pier and a 12-foot long by 15-foot wide fixed wooden pierhead, with a 3-foot wide by 22-foot long aluminum gangway down to a 12-foot wide by 16-foot long wooden float. The pier head will support a kayak lift with an electronic winch. The gangway will have a gallows frame with electric winch. The pier structure will be supported by eight (8) 18-inch diameter steel, concrete filled piles and accessed by 3.5-foot by 4-foot by 8-foot wooden stairs. The float will be supported by four (4) 12-inch diameter steel, concrete filled, piles.

WATERWAY: Hudson River (Quassaic Creek-Hudson River Watershed)

LOCATION: Town of Phillipstown, Putnam 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.

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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 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. 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 (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) 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 as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations 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

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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, One Commerce Plaza, 99 Washington Avenue, 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 applied for the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Protection of Waters Stream Disturbance Permit pursuant to Article 15, Title 5 of the Environmental Conservation Law
- New York State Department of Environmental Conservation Excavation and Fill in Navigable Water Permit pursuant to Article 15, Title 5 of the Environmental Conservation Law

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 Brendan Newell.

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, Manitou Point Preserve, LLC, has requested Department of the Army authorization to construct a new pier structure for private, recreational use. The project site is located in the Hudson River, Town of Phillipstown, Putnam County, New York.

The proposed structure consists of a 4-foot wide by 51-foot long fixed wooden pier, leading to a 12-foot long by 15-foot wide fixed wooden pierhead, connected to a 3-foot wide by 22-foot long aluminum gangway down to a 12-foot wide by 16-foot long wooden float. The pier head will support a kayak lift with an electric winch. The gangway will have a gallows frame with electric winch to allow the gangway to be raised when not in use. The pier structure will be supported by eight (8) 18-inch diameter steel concrete-filled piles and accessed by a new 3.5-foot by 4-foot by 8-foot wooden stairs. The float will be supported by four (4) 12-inch diameter steel, concrete-filled piles.

The pier structure will extend approximately 49.7-feet waterward of the Mean High Water Line. The float will be constructed so there is a minimum clearance from the bottom of 8-feet from Mean Low Water Line. In total, the proposed structure will extend over an area of 622 square feet (0.014 acres) waterward of the Mean High Water Line. All of the piles and two (2) of four (4) concrete foundations for the stairs are proposed below the Spring High Tide Line, resulting the total discharge of 25.3 square feet (0.0006 acres) of fill material into waters of the United States.

All pile holes will be drilled in bedrock and the piles will be grouted in the holes. Work will be completed from a barge mounted with drilling and pile driving equipment.

This project is approximately 57 feet east of the authorized Federal navigation channel in the Hudson River.

The stated purpose of this project is to allow for private recreational swimming, fishing, and motorized and non-motorized boating access to the Hudson River.

MANITOU POINT PRESERVE, LLC PROPOSED PIER

DRAWING LIST	
DRAWING No.	DRAWING TITLE
1	TITLE SHEET & GENERAL NOTES
2	VICINITY MAP
3	EXISTING SITE PLAN
4	EXISTING PARTIAL PLAN
5	EXISTING SECTION A-A
6	PROPOSED PARTIAL PLAN
7	PROPOSED SECTION A-A
8	PROPOSED SECTION B-B

GENERAL NOTES:

1. THE PURPOSE OF THESE DRAWINGS ARE FOR REGULATORY REVIEW ONLY.
2. VICINITY MAP TAKEN FROM PEEKSKILL QUADRANGLE, NEW YORK, 7.5-MINUTE SERIES, PEEKSKILL, NY 2016.
3. ELEVATIONS REFERENCE NAVD88, UNLESS NOTED OTHERWISE.
4. THIS SITE INFORMATION HAS BEEN TAKEN FROM A DRAWING TITLED "TOPOGRAPHIC SURVEY", PREPARED FOR MANITOU PRESERVE LLC, BY BADEY & WATSON SURVEY & ENGINEERING, P.C., DATED 12/3/2018.
5. SUPPLEMENTARY INFORMATION OBTAINED BY RACE COASTAL ENGINEERING, P.C. ON 12/6/2018 AND ONLY REPRESENT THE SITE CONDITIONS AT THAT TIME.
6. TIDAL ELEVATION DATA HAS BEEN TAKEN FROM BENCH MARK SHEET FOR BEACON HUDSON RIVER, NY 8518934 FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TIDES AND CURRENTS WEBSITE.
7. LATITUDE 41°21'24", LONGITUDE 73°57'50"

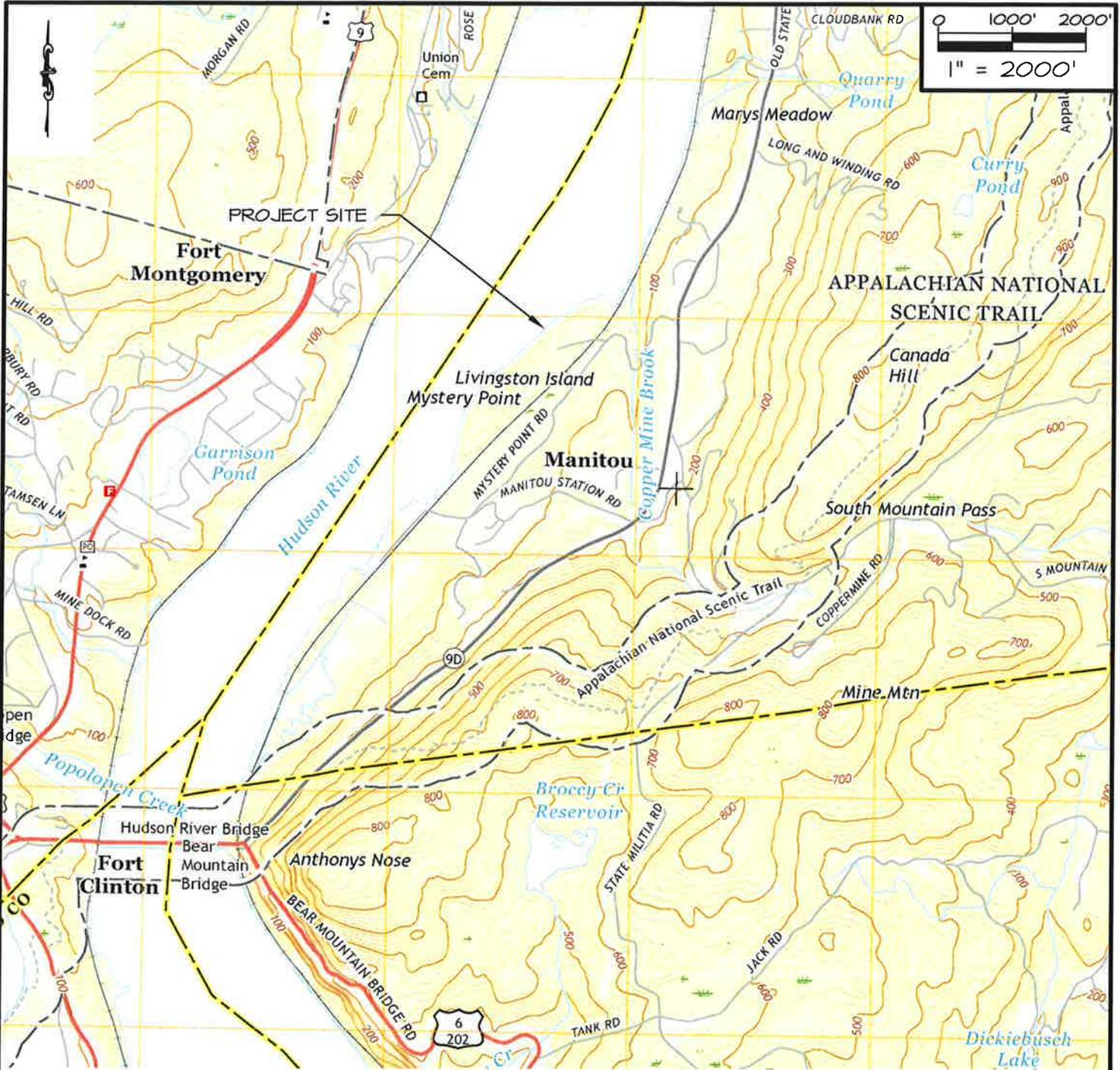
PROJECT TIDAL ELEVATIONS:

DATUM	NAVD 88 (FT)	NGVD 29 (FT)	MLW (FT)
SPRING HIGH TIDE (SHT)	+2.86	+3.96	+4.53
MEAN HIGHER HIGH WATER (MHHW)	+2.0	+3.1	+3.67
MEAN HIGH WATER (MHW)	+1.7	+1.8	+3.32
NAVD 88	0.0	+1.1	+1.65
NGVD 29	+1.1	0.0	+0.54
MEAN LOW WATER (MLW)	-1.45	-35	0.0
MEAN LOWER LOW WATER (MLLW)	-1.64	-0.54'	-0.19

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DRAWN BY: CBK CHECKED BY: ADS DATUM: N/A SCALE: N/A DATE: 3/1/2019 REV. 3: 7/15/2019 PROJECT #: 2018124	SEAL: 	PROJECT: PROPOSED PIER HUDSON RIVER 100 MYSTERY POINT ROAD PUTNAM COUNTY GARRISON, NY 10524 <hr/> APPLICANT: MANITOU POINT PRESERVE, LLC 100 MYSTERY POINT ROAD GARRISON, NY 10524	 RACE COASTAL ENGINEERING <hr/> 611 Access Road Stratford, CT 06615 Tel: 203-377-0663 www.racecoastal.com
NOT VALID WITHOUT ENGINEER'S SEAL		DRAWING NO. 1 of 8	

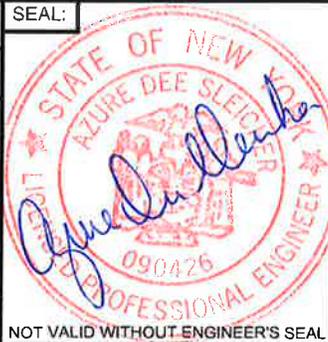


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VICINITY MAP

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DRAWN BY:	CBK
CHECKED BY:	ADS
DATUM:	N/A
SCALE:	~1"-2,000'
DATE:	3/1/2019
REV. 1:	4/17/2019
PROJECT #:	2018124



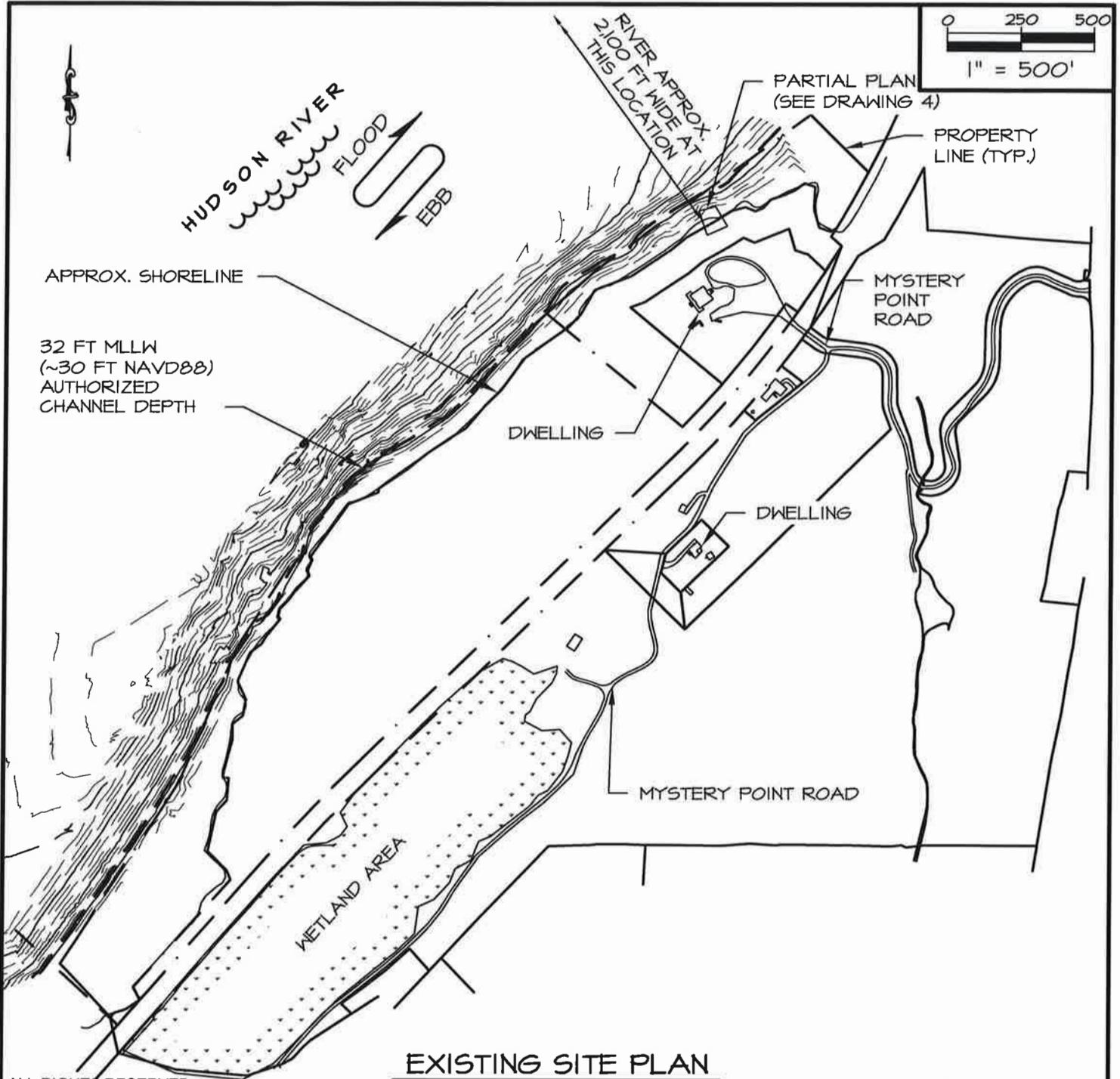
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APPLICANT:	MANITOU POINT PRESERVE, LLC 100 MYSTERY POINT ROAD GARRISON, NY 10524

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DRAWING NO. 2 of 8

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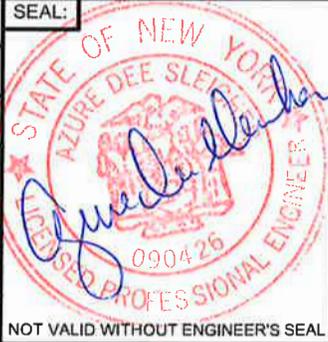


EXISTING SITE PLAN

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DATUM:	NAVD88
SCALE:	1"=500'
DATE:	3/1/2019
REV. 2:	6/27/2019
PROJECT #:	2018124



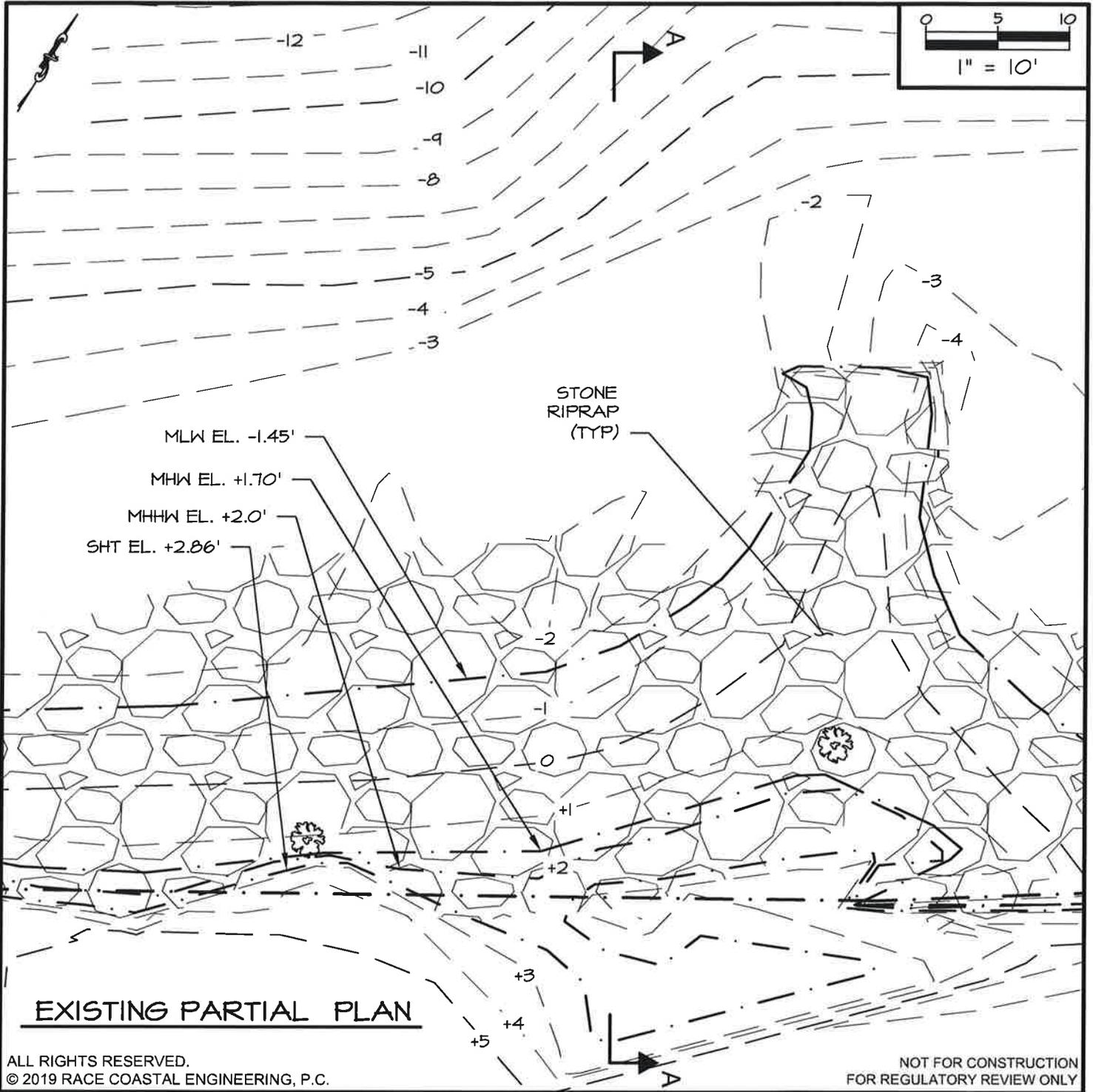
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APPLICANT:	MANITOU POINT PRESERVE, LLC 100 MYSTERY POINT ROAD GARRISON, NY 10524

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DRAWN BY: CBK	SEAL:
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DATUM: N/A	
SCALE: N/A	
DATE: 3/1/2019	
REV. 3: 7/15/2019	
PROJECT #: 2018124	

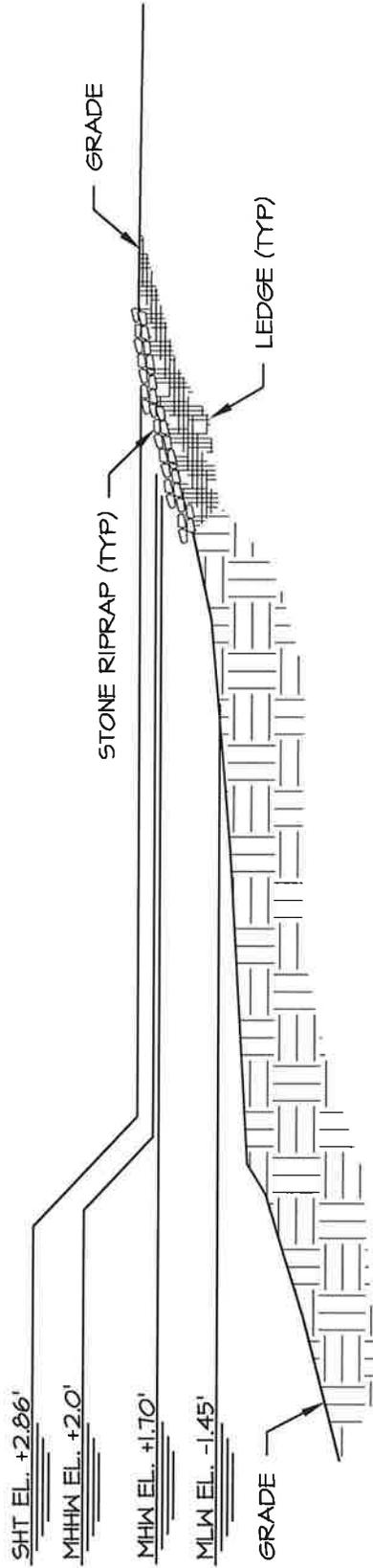
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APPLICANT:	MANITOU POINT PRESERVE, LLC 100 MYSTERY POINT ROAD GARRISON, NY 10524

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EXISTING SECTION A-A

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PROJECT:
PROPOSED PIER
HUDSON RIVER
100 MYSTERY POINT ROAD
PUTNAM COUNTY
GARRISON, NY 10524

APPLICANT:
MANITOU POINT PRESERVE, LLC
100 MYSTERY POINT ROAD
GARRISON, NY 10524

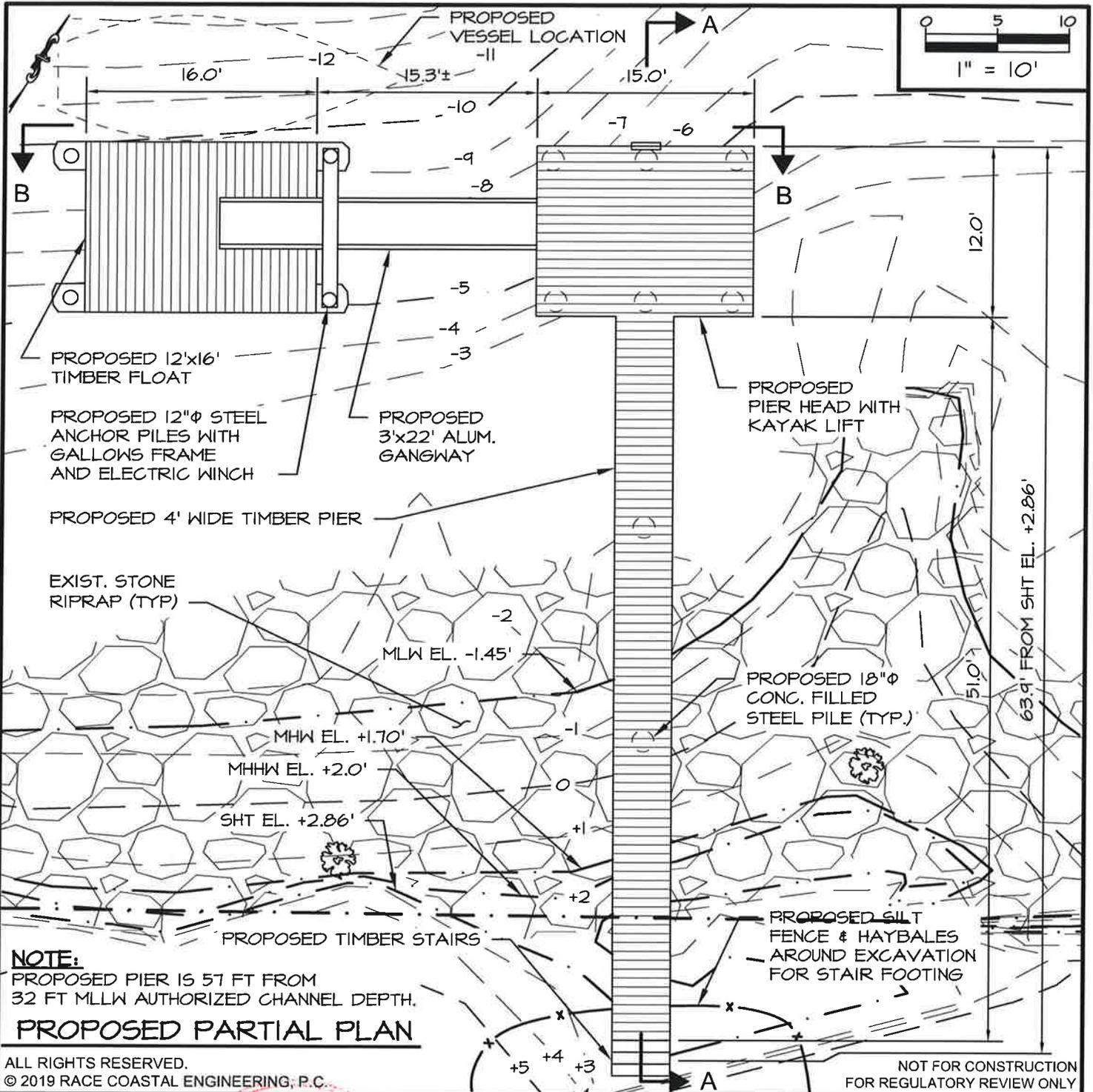
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DATUM:	NAVD88
SCALE:	1"=10'-0"
DATE:	3/1/2019
REV. 3:	7/15/2019
PROJECT #:	2018124

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1" = 10'



NOTE:
 PROPOSED PIER IS 57 FT FROM
 32 FT MLLW AUTHORIZED CHANNEL DEPTH.
PROPOSED PARTIAL PLAN

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DATUM:	N/A
SCALE:	N/A
DATE:	3/1/2019
REV. 3:	7/15/2019
PROJECT #:	2018124



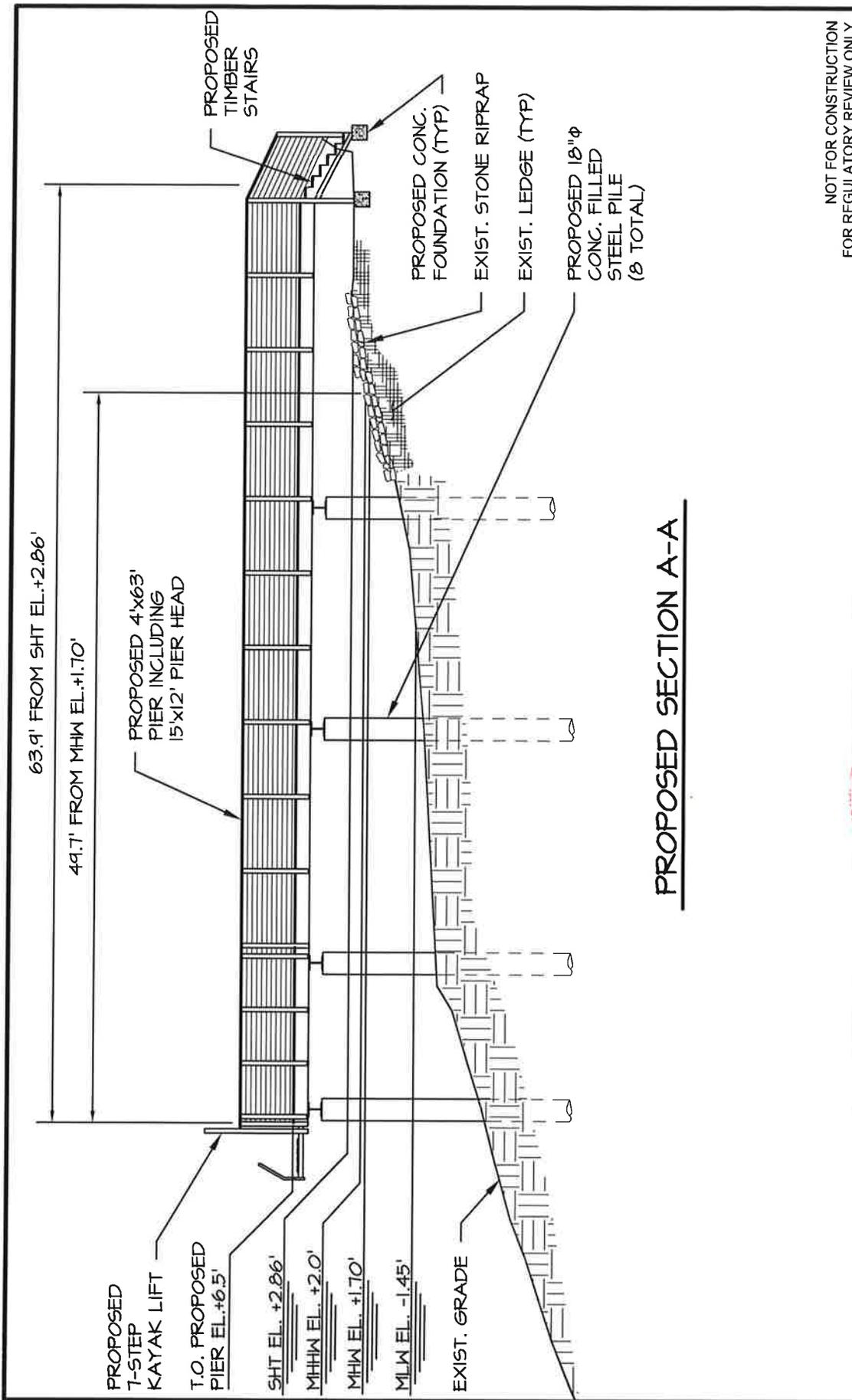
PROJECT:
 PROPOSED PIER
 HUDSON RIVER
 100 MYSTERY POINT ROAD
 PUTNAM COUNTY
 GARRISON, NY 10524

APPLICANT:
 MANITOU POINT PRESERVE, LLC
 100 MYSTERY POINT ROAD
 GARRISON, NY 10524

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DRAWING NO. 6 of 8



PROPOSED SECTION A-A

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DRAWING NO. 7 of 8

PROJECT: PROPOSED PIER HUDSON RIVER
100 MYSTERY POINT ROAD
PUTNAM COUNTY
GARRISON, NY 10524

APPLICANT: MANITOU POINT PRESERVE, LLC
100 MYSTERY POINT ROAD
GARRISON, NY 10524

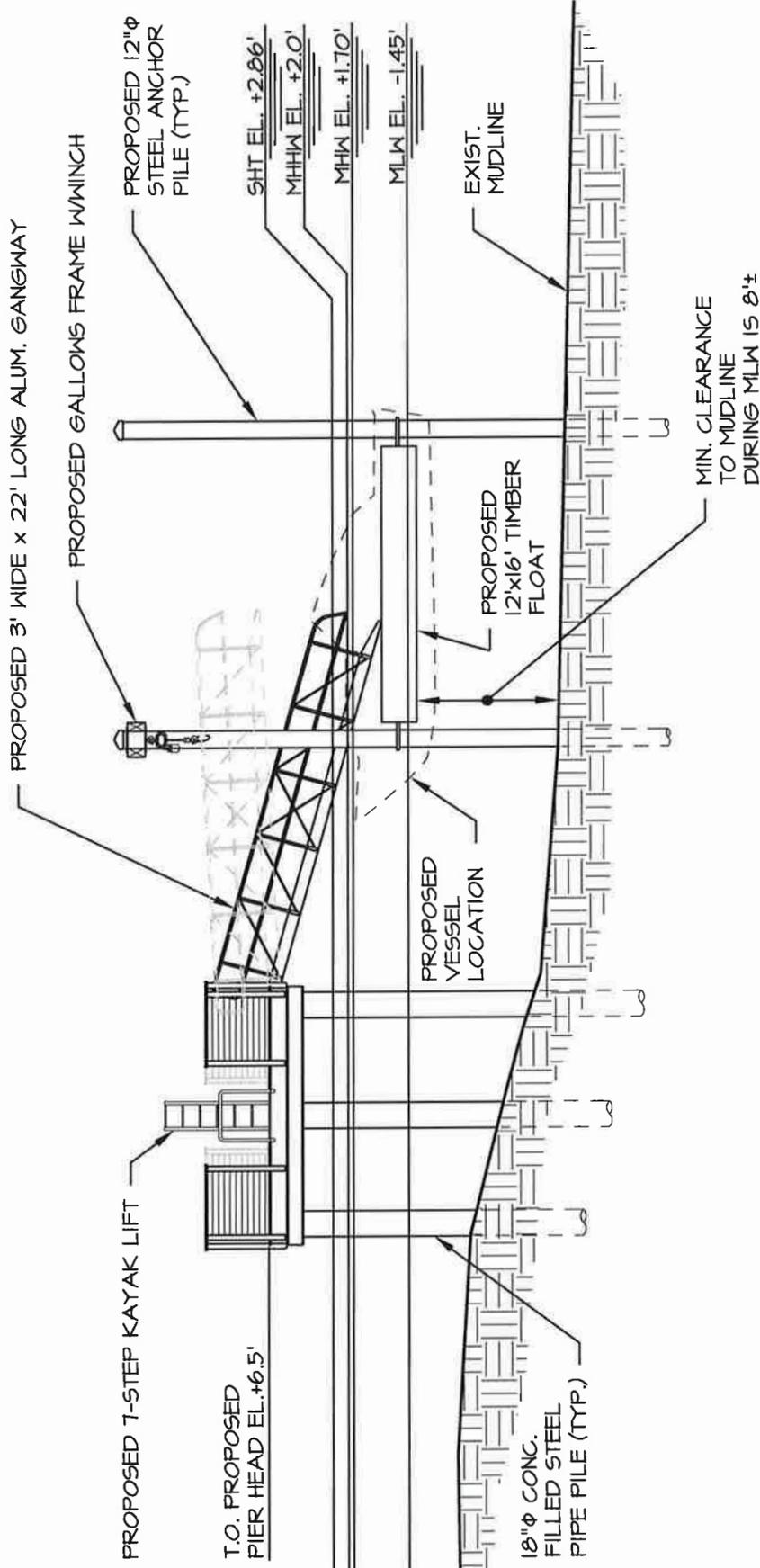
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DATUM:	NAVD88
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REV. 3:	7/15/2019
PROJECT #:	2018124

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0 5 10
1" = 10'



PROPOSED SECTION B-B

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PROJECT:
PROPOSED PIER
HUDSON RIVER
100 MYSTERY POINT ROAD
PUTNAM COUNTY
GARRISON, NY 10524

APPLICANT:
MANITOU POINT PRESERVE, LLC
100 MYSTERY POINT ROAD
GARRISON, NY 10524

STATE OF NEW YORK
JEFFREY D. SLEETER
LICENSED PROFESSIONAL ENGINEER
090429

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DATUM:	NAVDB88
SCALE:	1"=10'-0"
DATE:	4/17/2019
REV. 2:	7/15/2019
PROJECT #:	2018124

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1" = 10'

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