

# 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-2018-01327-WOR  
Issue Date: February 10, 2020  
Expiration Date: March 11, 2020

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: Todd Berland  
171 West 71<sup>st</sup> Street, Apartment 11C  
New York, New York 10023

ACTIVITY: The installation of a floating pier assembly and swim float, on a seasonal basis.

WATERWAY: Hudson River

LOCATION: Town of Philipstown, 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.

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-2018-01327-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 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.

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 life stages 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, prehistoric, or historic 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. The New York State Department of Environmental Conservation issued Permit Number 3-3726-00322/5, which includes a water quality certificate in accordance with Section 401 of the Clean Water Act.

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. In a letter dated December 6, 2019, the state concurred with the applicant's certification. 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

**CENAN-OP-RW  
PUBLIC NOTICE NO. NAN-2018-01327-WOR**

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.

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 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>.

  
for: Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, Todd Berland, has requested Department of the Army authorization for the installation of a floating pier assembly and swim float in the Hudson River, Town of Philipstown, Putnam County, New York.

The floating pier assembly would consist of one main float section, approximately 30-feet-long by 8-feet-wide, connected to an existing pile supported pier by a gangway 24-feet-long by 4-feet-wide. Two 4-foot by 4-foot pre-cast cement anchor blocks would be placed on the river bottom and chained to the pier assembly for stability. The entire floating pier assembly would extend a total of approximately 74 feet water-ward of the Mean High Water line.

Two floating jet-ski ramps would be attached to the north side of the main float section, each approximately 12-feet-long by 5-feet-wide.

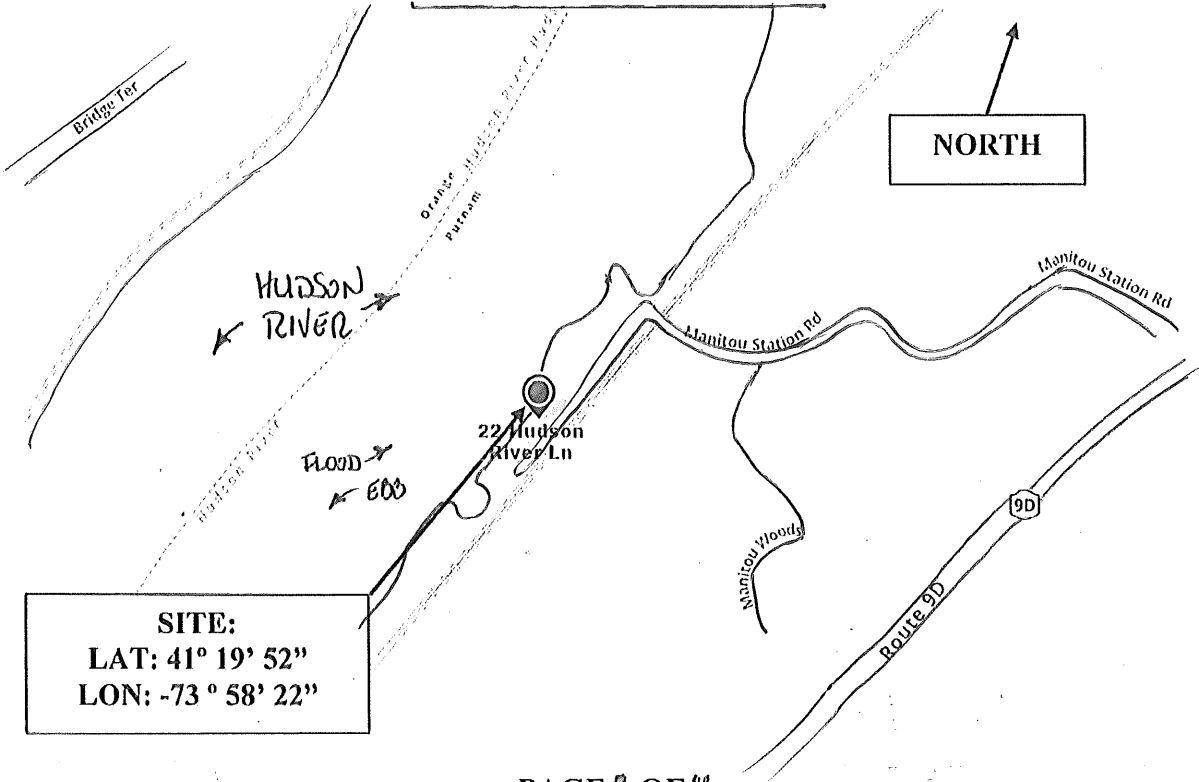
In addition, one swim float, approximately 8-feet by 8-feet, would be installed, held in place by one 400-pound mushroom anchor.

The existing pile-supported pier is approximately 20-feet-long by 12-feet-wide and would be reduced in size to 20-feet-long by 8-feet-wide.

It should be noted that the existing, pile-supported pier was constructed without prior Department of the Army authorization. The New York District Corps of Engineers, having reviewed the matter, has declined at this time to initiate legal proceedings for the undertaking of the unauthorized work. The decision concerning approval of a permit rests with a determination of the probable impact on the public interest of allowing the structure to remain.

The stated purpose of this project is to provide recreational access to the river for one existing home.

MAP FROM MAPQUEST.COM



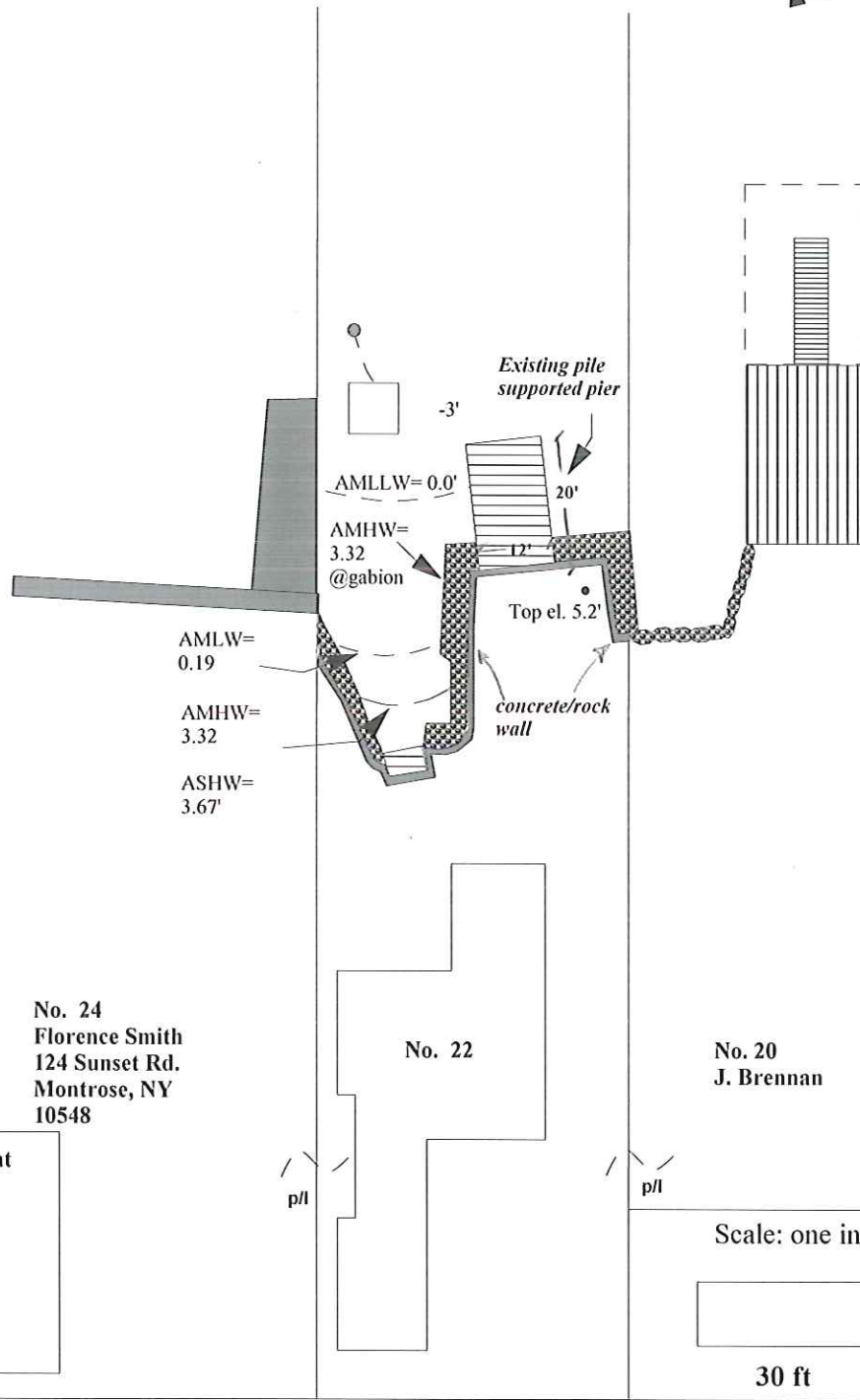
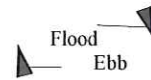
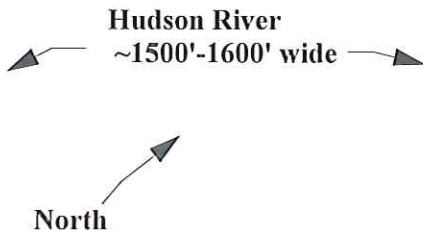
**SITE:**  
**LAT: 41° 19' 52"**  
**LON: -73 ° 58' 22"**

**PAGE 1 OF 4**  
**PROPOSED FLOAT AND JET SKI FLOAT INSTALLATION**

**Scale: 1 inch = 500ft**

**T. Berland**  
**22 Hudson River Lane**  
**Garrison, NY**

# SITE PLAN FOR FLOAT INSTALLATION-Existing Conditions: Page 2 of 4



## Hudson River Lane

**Applicant:** Todd Berland  
22 Hudson River Lane  
Garrison, NY 10524

**PCTM:** Sec: 89.7 Blk 1 Lot 11

**Datum:** Mean Low Water

**Scale:** One Inch = Thirty Feet

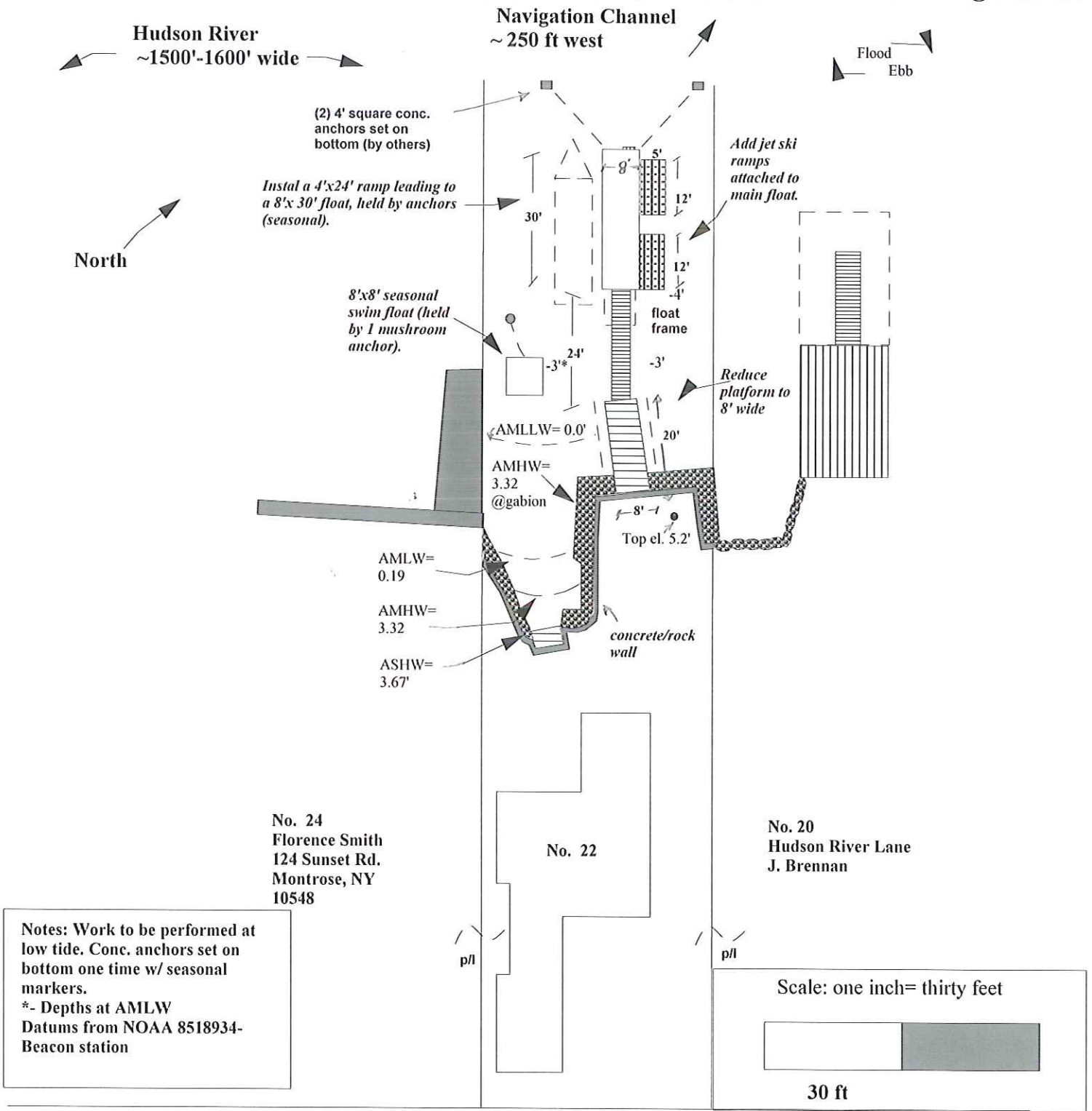
**Proposed float/swim float installation in  
Hudson River, Putnam County**

**At:** Garrison, New York

**Appl. By:** Ocean Consulting  
262 Weidner Ave.  
Oceanside, NY 11572  
(516) 764-8534

**Date:** 11-FEB-19, REV: 1-MAY-19, 24-NOV-19

# SITE PLAN FOR FLOAT INSTALLATION- Proposed Conditions: Page 3 of 4



## Hudson River Lane

**Applicant:** Todd Berland  
22 Hudson River Lane  
Garrison, NY 10524

**PCTM:** Sec: 89.7 Blk 1 Lot 11

**Datum:** Mean Low Water

**Scale:** One Inch = Thirty Feet

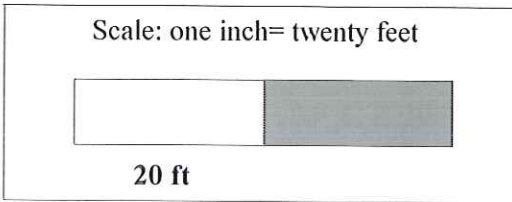
**Proposed float/swim float installation in Hudson River, Putnam County**

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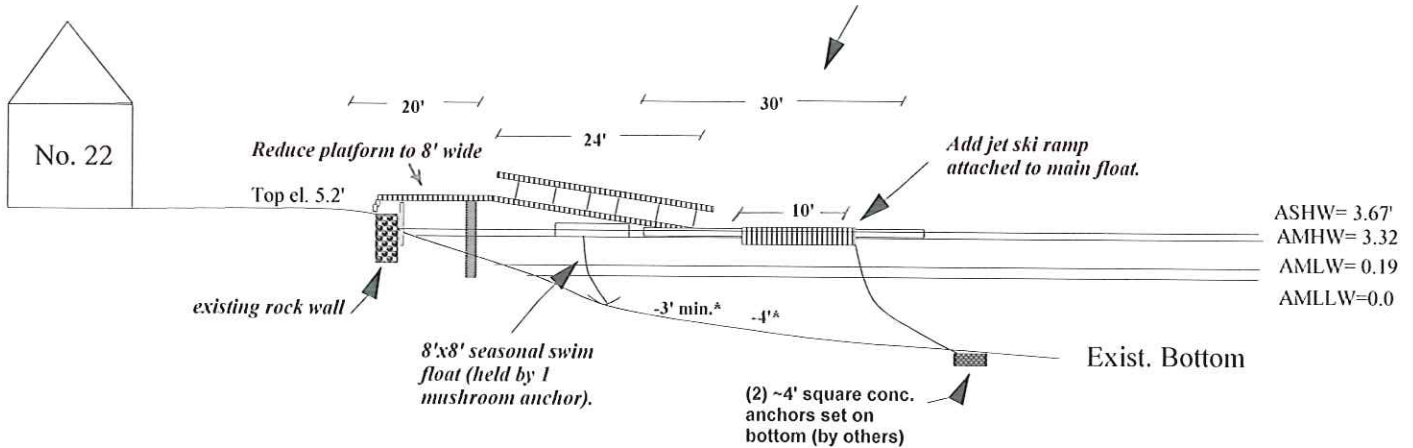
**Date:** 5-SEP-18 REV: 11-FEB-19, 1-MAY-19, 11-OCT-19, 24-NOV-19

# PROFILE THROUGH FLOATS INSTALLATION- Page 4 of 4

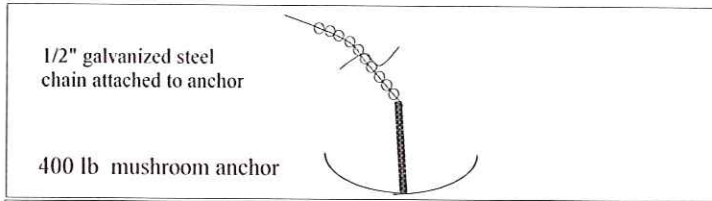


Hudson River  
~ 1500'-1600' wide

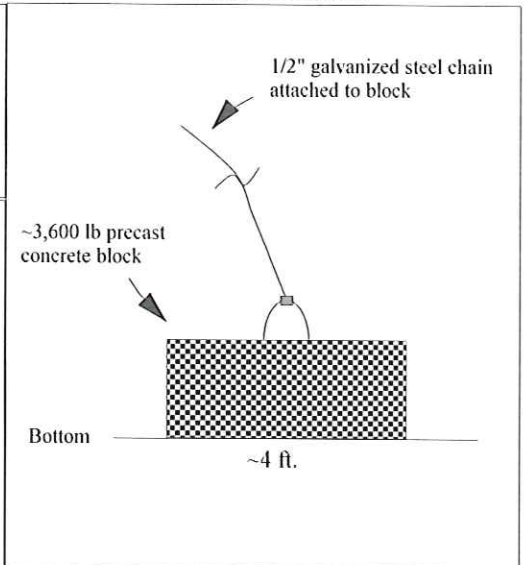
Install 4'x24' ramp leading to a 8'x30' float, held by conc. anchors



Section thru anchor for swim float



Section thru blocks



**Notes:**  
 Not specified for construction. Contractor and engineer to verify all materials & dimensions in field. Not designed for construction.  
 All hardware hot dipped galvanized.  
 All timber material CCA or equiv.  
 Work to be performed at low tide. \* -depths at MLW  
 Datums from NOAA 8518934- Beacon NY

**Applicant:** Todd Berland  
 22 Hudson River Lane  
 Garrison, NY 10524

**PCTM:** Sec: 89.7 Blk 1 Lot 11

**Purpose:** Enhance recreational mooring

**Datum:** Mean Low Water

**Scale:** One Inch = Twenty Feet

**Proposed float installation in Hudson River**

**At:** Garrison, New York

**Appl. By:** Ocean Consulting  
 262 Weidner Ave.  
 Oceanside, NY 11572  
 (516) 764-8534

**Date:** 5-SEP-18 REV: 11-FEB-19, 1-MAY-19, 11-OCT-19, 24-NOV-19