



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-2020-00129-WCA

Issue Date: February 28, 2020

Expiration Date: March 30, 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: Beaumere, LLC
22 Walnut Avenue
Larchmont, New York 10538

ACTIVITY: Construct and install, within navigable waters of the United States, a floating pier and associated access way. Additional regulated activities would include the rehabilitation of an existing seawall and gazebo.

WATERWAY: Larchmont Harbor, Long Island Sound

LOCATION: Village of Larchmont, Town of Mamaroneck, 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.

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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. 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. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is 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 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.

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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 Water Quality Certification)

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) 890-8412 and ask for Jim Cannon.

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, Beaumere, LLC, has requested Department of the Army authorization to construct and install within navigable waters of the United States, a floating pier with an associated access way. Additional regulated activities would include the rehabilitation of an existing seawall and gazebo foundation. The project site is located within Larchmont Harbor (Long Island Sound), in the Village of Larchmont (Town of Mamaroneck), Westchester County, New York.

The regulated activities would include the construction and installation of a 50-foot long by 16-foot wide floating pier and associated 38-foot long by 4-foot wide aluminum access way. The floating pier would be retained by four (4) mushroom anchors with an associated 40-foot long chain, and the floating pier access way would extend from a proposed rehabilitated gazebo. The applicant stated that the upper structure of the gazebo had previously existed on the site prior to 2013 while the foundation was fully in place in 2016. The foundation has been deteriorating since, but is still largely intact. The floating pier had previously existed on the project site at the proposed location prior to 2016. The floating pier has since been placed in storage.

Additional activities would include the rehabilitation of approximately 1,250 linear feet of an existing concrete and stone seawall that surrounds the property. An 18-foot portion of the seawall would be rehabilitated to include new stone steps that would lead from the water to uplands. An existing and deteriorated, approximately 25-foot in diameter octagon gazebo (538 square feet) and its associated stone foundation, would also be rehabilitated. Approximately 462 linear feet of the existing stone seawall in the northern portion of the site would be repaired and rehabilitated, and 210 linear feet would be removed from the waterway. The associated uplands located landward of the removed seawall would be regraded and terraced to establish approximately 0.022 acres of mudflats and 0.070 acres of tidal wetlands (below the Spring High Water (SHW) elevation of 3.9-feet, North American Vertical Datum, 1988). A total of approximately 227 cubic yards of fill material would be discharged into approximately 0.050 acres of waters of the United States to facilitate the rehabilitation of the existing seawall and associated activities, and the deteriorated gazebo. Approximately 447 cubic yards of material would be removed from waters of the United States to facilitate the creation of the mudflat and tidal vegetation as well as debris removed from the deteriorated pier and gazebo. All material removed from the waterway as part of the seawall and gazebo rehabilitation activities would be disposed of at a state approved upland site.

The purpose of the project is to install a recreational floating pier and repair and rebuild the existing seawall and gazebo.