



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-2015-01090-UCO
Issue Date: June 30, 2020
Expiration Date: July 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: Marimac LLC d/b/a Monty's Bay Marina
37 Idlewild Road
South Hero, Vermont 05486-4110

ACTIVITY: Maintain structures as previously placed, and perform new work, including dredging, with return flow and upland disposal, and the placement of new structures, including piers, moorings, and wave attenuators, in navigable waters of the United States to expand an existing marina with associated docking facilities and services

WATERWAY: Lake Champlain (Richelieu River watershed)

LOCATION: Town of Chazy, Clinton 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.

According to the list of Federally-listed species on the Information for Planning and Conservation website for the New York Field Office of the U.S. Fish and Wildlife Service no endangered species are expected to occur in the vicinity of the project site. 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. 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 August 14, 2015, N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) indicated it was the SHPO's opinion that no historic properties would be affected by the proposed undertaking. 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 also 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>

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.L.1229965162

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Date: 2020.06.25 16:15:58
-04'00'

For and on Behalf of
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Marimac LLC d/b/a Monty's Bay Marina, has requested Department of the Army permit for work, including the maintenance of structures, as previously completed, and the placement of additional structures, in Lake Champlain, at 562 Lake Shore Road in the Town of Chazy, Clinton County, New York.

According to submitted information, the marina facility, known as Monty's Bay Marina (MBM), has been operating at the project site for several years. In the late 1970's and early 1980's, a previous land owner, Mr. David Sweet, was issued Department of the Army (DA) permit no. 11167 to perform work in Lake Champlain, including dredging, the discharge of fill material, and the installation of floating piers, moorings and a floating breakwater structure, all to facilitate the establishment of the MBM facility. DA permit 11167 authorized a total permanent mooring capacity of approximately 200 vessels, including docking slips for up to 100 vessels, and an additional 100 moorings. DA permit no. 90-0611 was issued to Mr. Steven Bechard in 1994 to perform work in the Lake, including the placement of a 'T'-shaped pier, with pump-out service, attached to the shoreline and the installation of 20 moorings, all at a parcel immediately to the south of the MBM parcel. In 1995, DA permit 90-0611 was transferred to Mr. Gerald Everleth, who at the time was also operating the MBM facility. The applicant has indicated that at the time they purchased the MBM facility in 2006, it was being operated with the structures and moorings authorized in DA permit 11167, as well as the moorings authorized in DA permit 90-0611, which was later transferred to Mr. Everleth, although the sale of the marina to the applicant did not include the upland parcel associated with the Bechard permit. The applicant has indicated that prior to their purchase of MBM in 2006, the previous land owners had realigned and maintained the structures and moorings constituting MBM at the same approximate alignment and location as they exist today. The applicant has also indicated that, with the exception of the proposed expansion area, they will continue to maintain MBM substantially within the authorized limits of the marina facility as it existed at the time of its purchase.

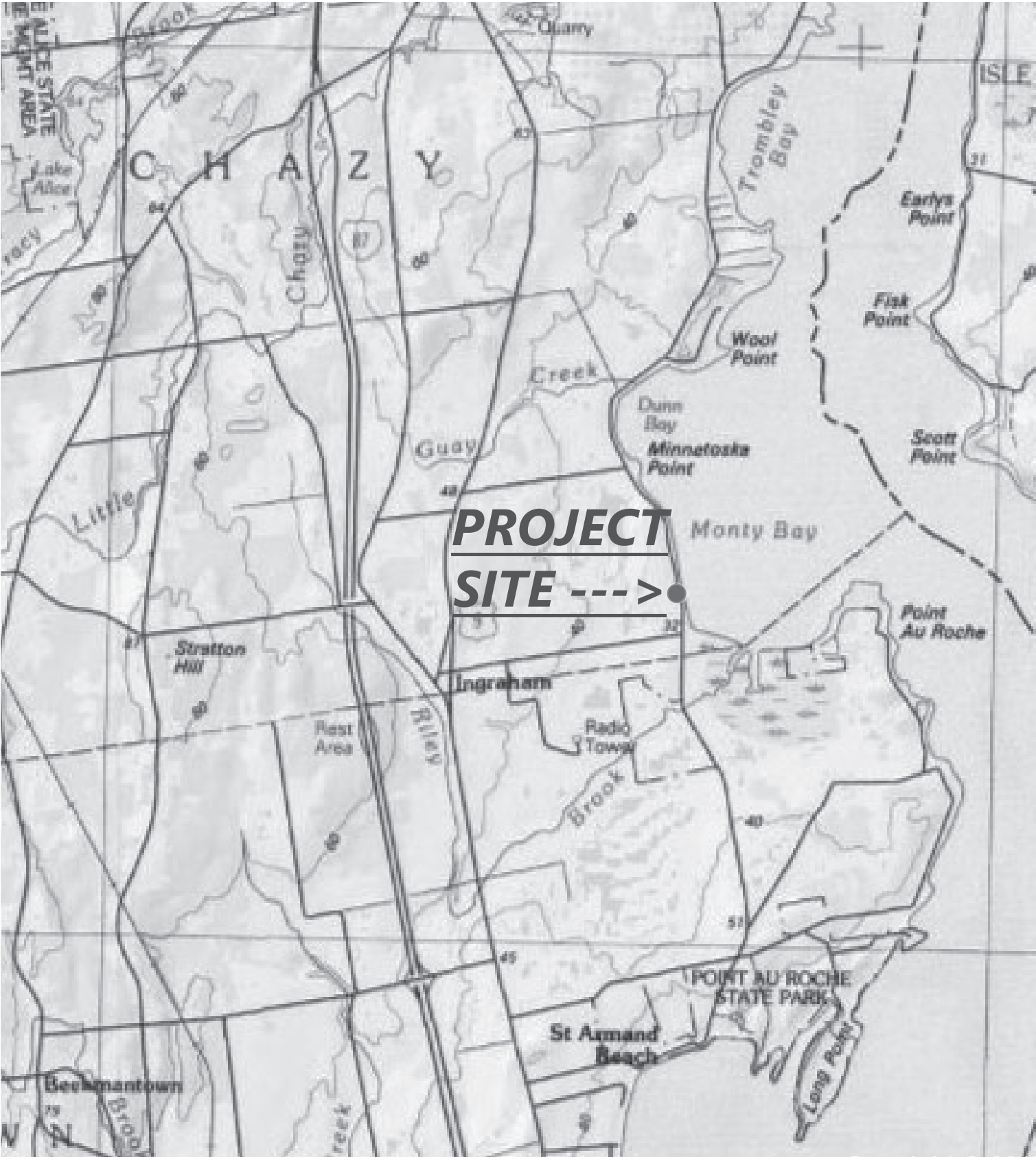
The proposed work would involve the expansion and partial realignment of seasonal docking and mooring facilities at the existing marina. The docking facilities would include the addition of a third main pier, with fingers, attached to the southern side of the existing double floating pier assembly by an eight (8) feet wide by one hundred eighty-two feet long 'cross-over' pier. The third main pier would be four hundred fourteen (414) feet long by eight (8) feet wide, with twenty-four (24) finger piers, each being four (4) feet wide by thirty-six (36) feet long, and an eight (8) feet wide by eighty (80) feet long terminal pier attached to its eastern end. The slips created by the addition of fingers would include the same access to electrical power and water services, as at the existing facilities. The proposed expansion would also add an eight (8) feet wide by one hundred twenty (120) feet long extension to the existing twenty-four (24) feet long dinghy dock. The proposed third main pier assembly and dinghy dock extension would add a total area of 8,752 square feet of floating wooden piers to the existing 16,425 square feet of pier structures in the existing docking facilities. The expanded docking facilities, which would total 25,177 square feet of floating wooden structures, would continue to be maintained within the limits authorized in DA permit 11167, moored by anchor blocks to the bed of the Lake, and attached by ramps to the shoreline.

The proposed work would also involve the placement of two (2) floating wave attenuator structures located immediately to the east of the docking facilities, and moored by anchor blocks to the bed of the Lake. The attenuator structures would be six (6) feet wide, and of different lengths with one being sixty-four (64) feet long, and the other ninety-six (96) feet

long. In addition, the proposed expansion would involve the realignment and rehabilitation of an existing tire breakwater structure along the northern boundary of the marina. The proposal involves the reconstruction of the breakwater structure, including adding identification tags to each tire. In addition, the applicant proposes the realignment and maintenance of the existing mooring field. The applicant has previously maintained up to sixty (60) moorings within an area of the Lake generally to the east and south of the existing docking facilities. The expansion proposal would establish an authorized mooring capacity at the marina of two hundred sixty-two (262) vessels, including one-hundred sixty (160) docking slips and one hundred two (102) moorings. The proposal would also establish an approximately 760 feet wide reconfiguration perimeter that extends into the Lake from shore at its ordinary high water mark approximately 1,956 feet from the northern boundary of the applicant's parcel and approximately 1,186 feet from the southern boundary of the adjacent parcel located immediately south of the applicant's parcel. The proposed marina would continue to be operated only on a seasonal basis, such that all floating docks, wave attenuators and moorings would be completely removed from the waterway prior to the end of each year, and reinstalled in the spring. The tire breakwater would continue to be deployed on a year-round basis, subject to the proposed annual inspection and maintenance plan. The expanded docking facilities would also continue to include access to boat lift, fuel, and pump-out services, as well as additional on-shore marina services.

The work would also involve dredging, with upland disposal and return flow to the waterway, of approximately 424 cubic yards of sediment from the bed of the waterway in order to re-establish and modify a navigation channel to an existing boat lift area at the marina. The proposed dredging would establish a 5 feet wide channel to a depth of approximately -2 feet from the existing lakebed (or at elevation 87') and extending approximately 440 feet into the waterway from the boat lift well. The dredging would also deepen an approximately 4,000 square feet basin in front of the boat lift well to a depth of approximately -2 feet from the existing lakebed (or at elevation 87'). The dredged material would be disposed of in uplands on the west of Lake Shore Road on the applicant's parcel, and in a manner as to prevent re-entry into waters and/or wetlands.

The stated purpose of this project is to maintain and expand commercial docking facilities for recreational vessels, and provide protection from wave action for the floating pier facilities.



DHL

Dean H. Lashway, L.S., P.C.

Boundary Surveys - Residential & Commercial Subdivisions
Topographic & Construction Surveying
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Altona, New York 12910
Phone: 518-236-9333 FAX: 518-236-7025
Email - DHLsurveying@AOL.com

JOB Monty's Bay Marina
Sheet No. 6 Of 20
Drawn By JOG Date 08/15/15
Checked By DHL Date 05/25/16
Scale 1" = 250 ft.

Existing Combined Mooring Plan for Permit Nos. 78-581 & 90-0611 Areas



GRAPHIC SCALE

(IN FEET)
1 inch = 250 ft.



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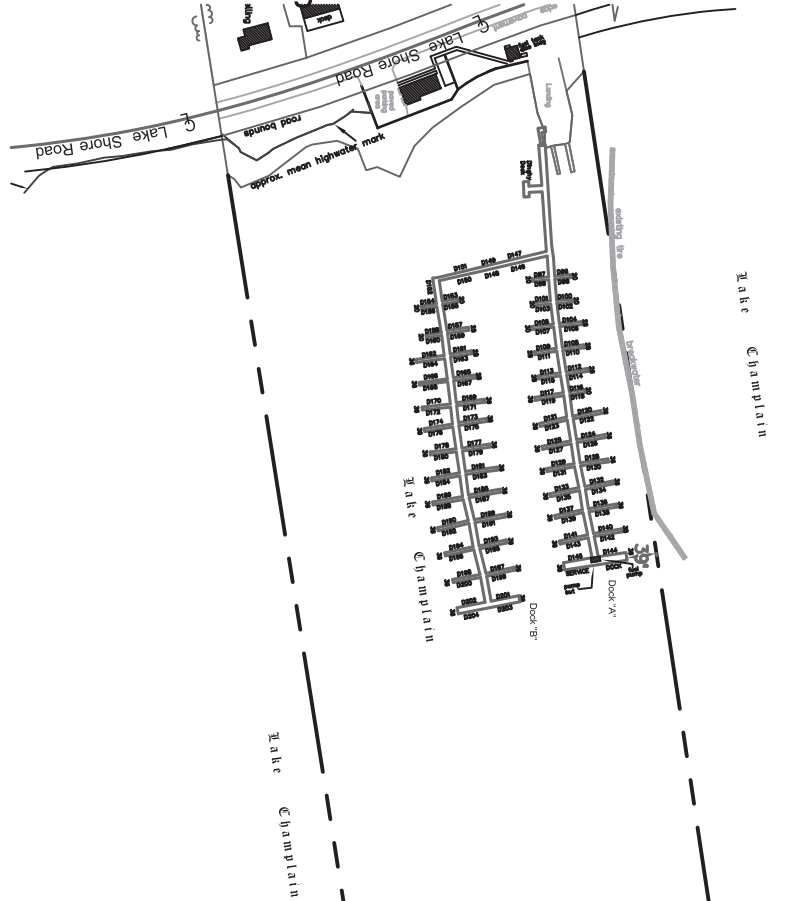
Sheet No. 5 Of 20

Drawn By JOG Date 08/15/15

Checked By DHL Date 05/25/16

Scale 1" = 250 Ft.

1978 Mooring Plan for Permit No. 78-581 Area



GRAPHIC SCALE



(IN FEET)
1 inch = 250 ft.

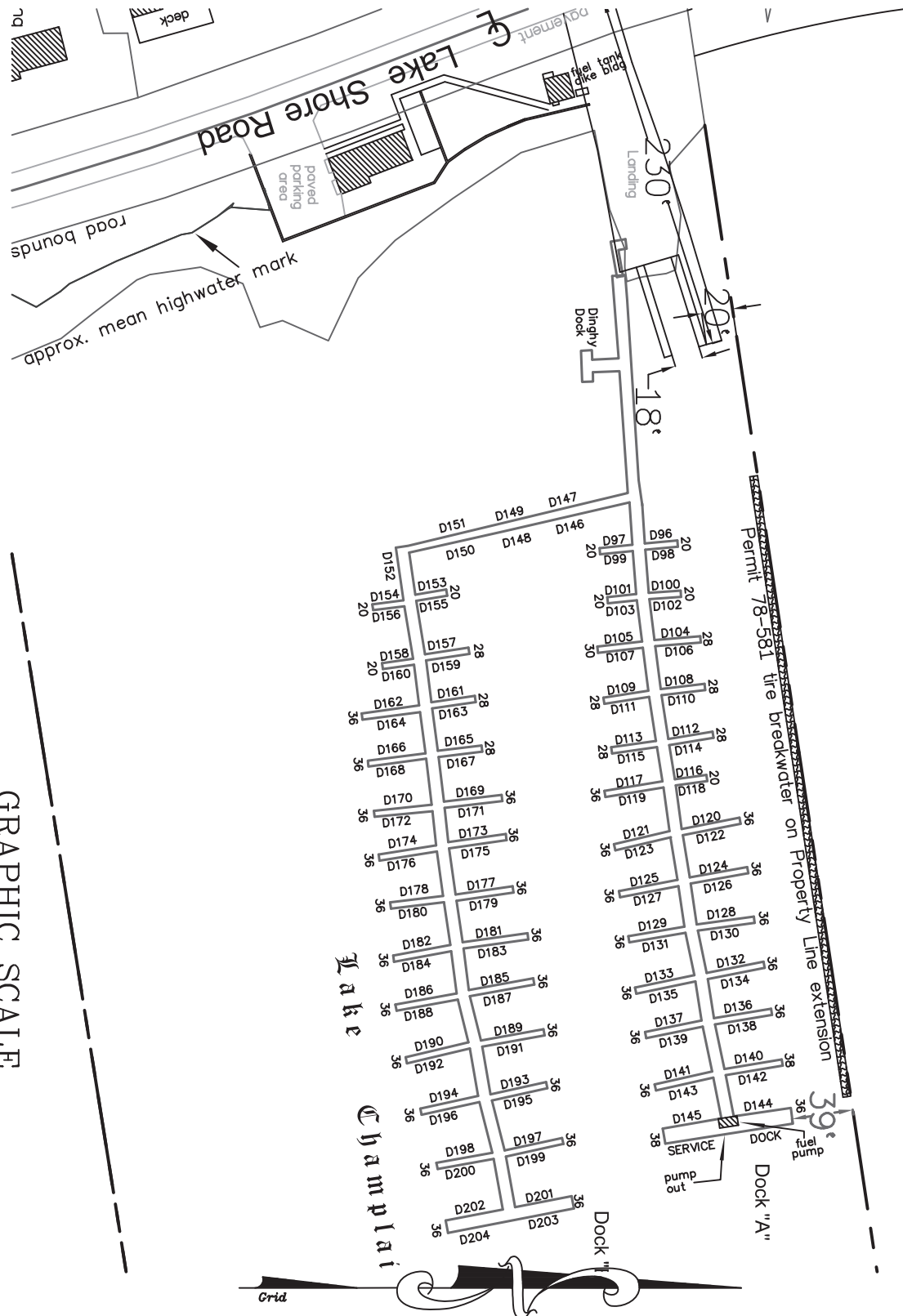
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1978 Tire Breakwater Plan - Permit No. 78-581



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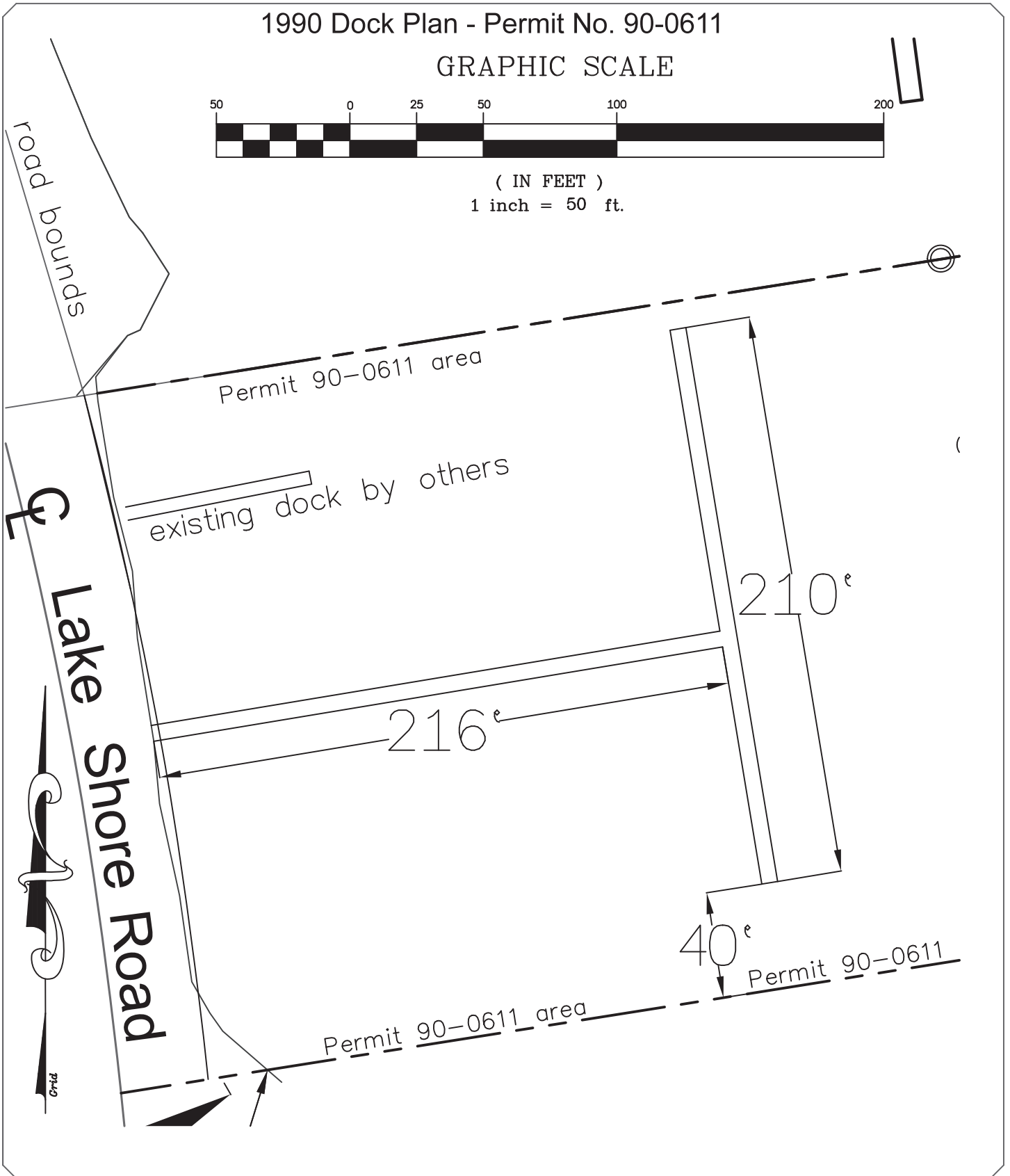
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Sheet No. 7 Of 20
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Scale 1" = 50 Ft.

1990 Dock Plan - Permit No. 90-0611

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



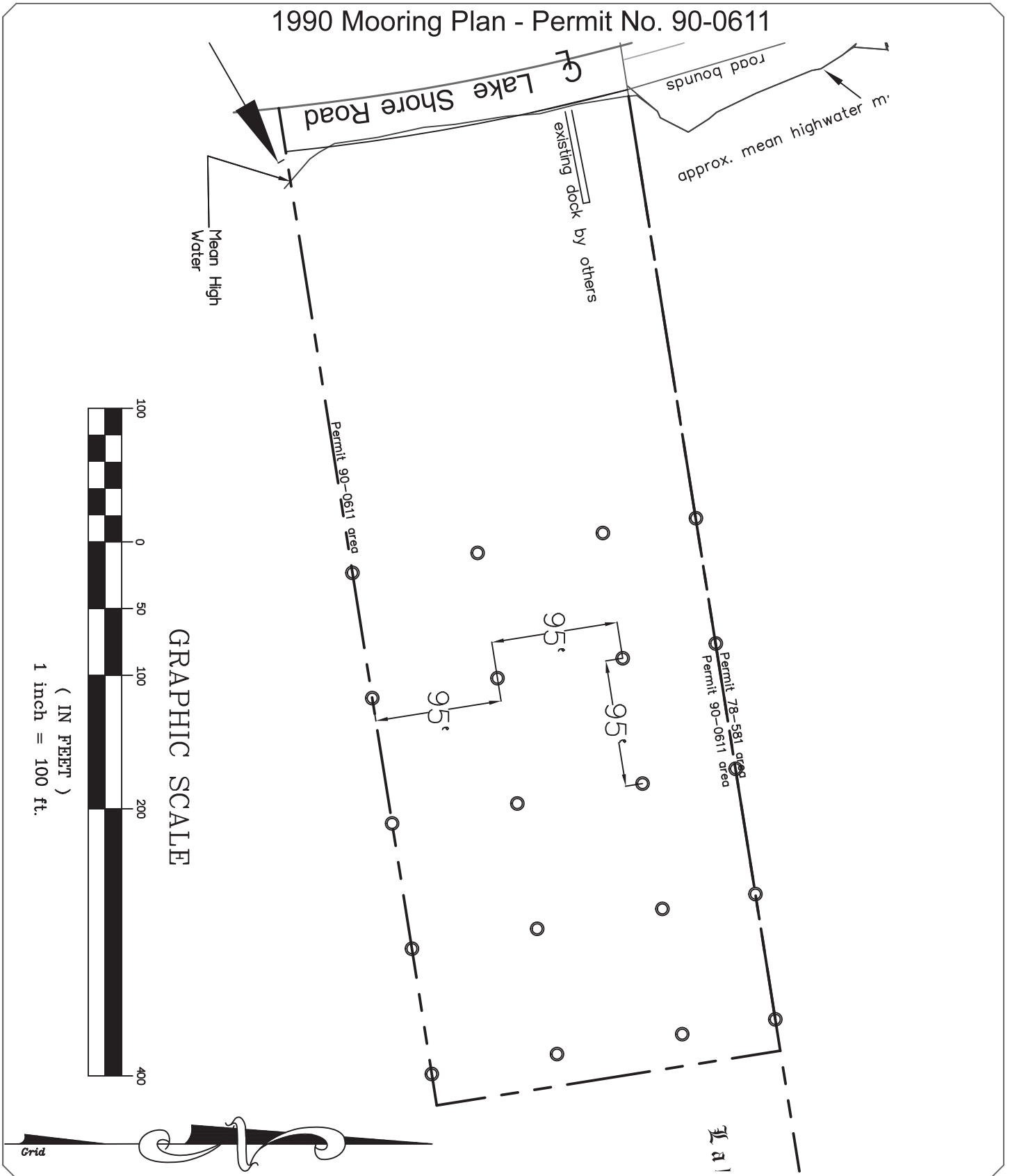
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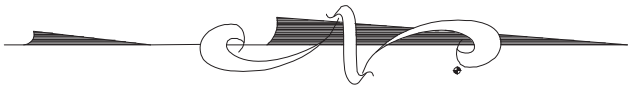
1990 Mooring Plan - Permit No. 90-0611



Monty's Bay Marina

Drawing 9A 4/16/19
 Revised 8/5/19

Based on DHL Drawing:
 Monty's Bay Marina
 Sheet No. 9, dated 8/15/15



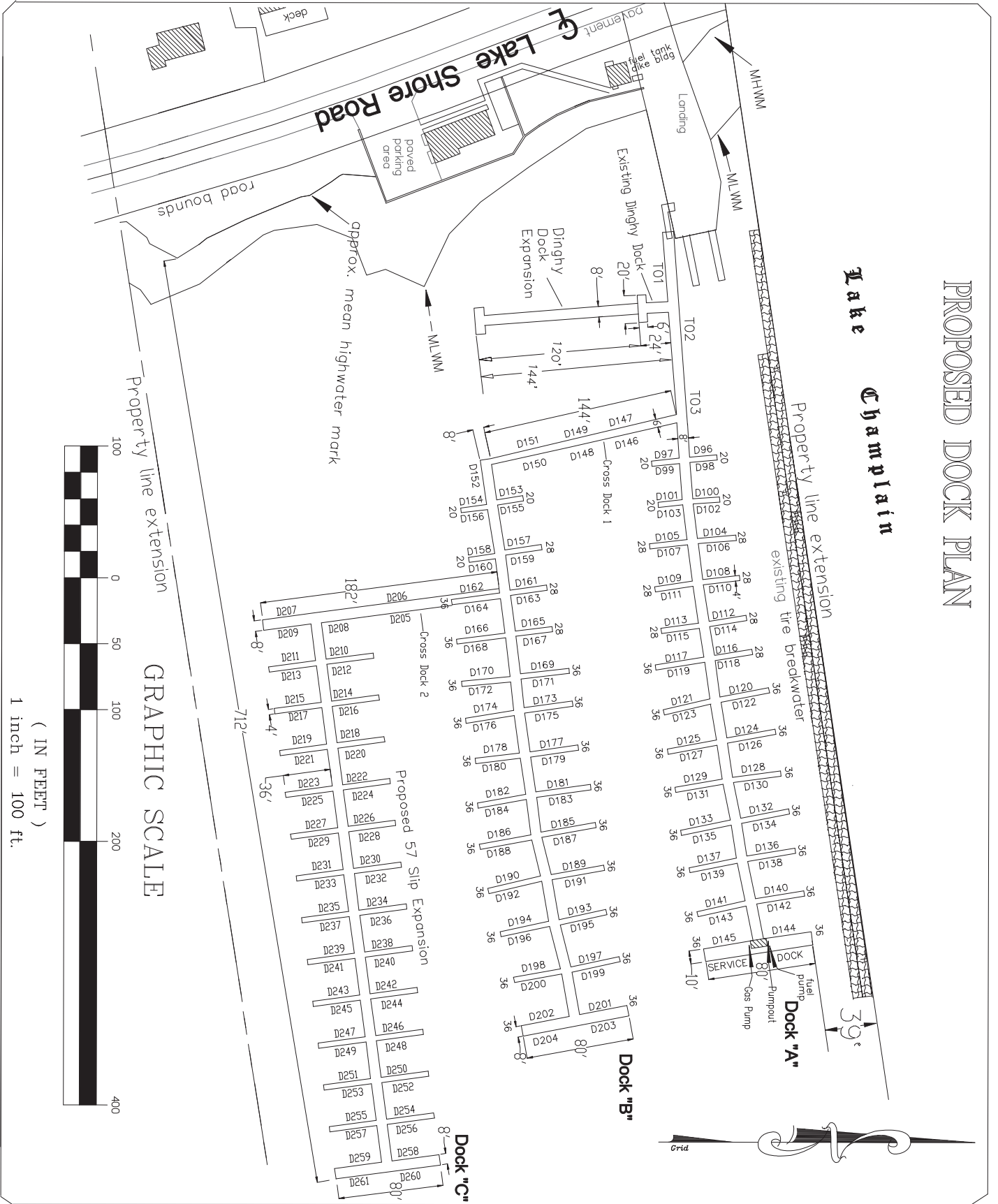
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Sheet No.	10	Of	20
Drawn By	JOG	Date	08/15/15
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Revised By	RFM	Date	04/20/20

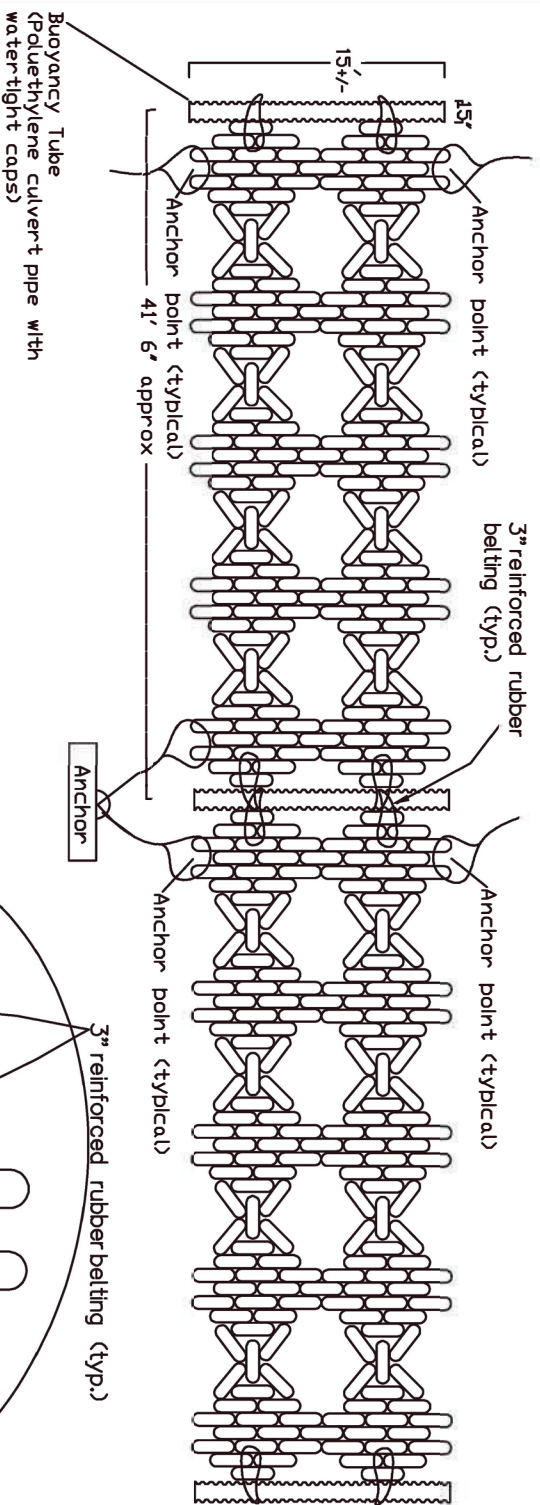
Appl. No. NAN-2015-01090-UCO by Marimac



Monty's Bay Marina

Breakwater Improvement and Maintenance Plan

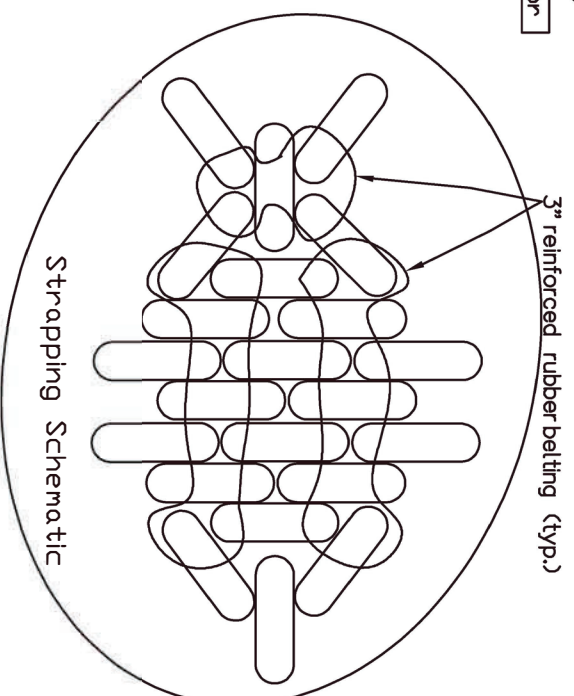
Revised 4/19/19, 8/5/19



Add Buoyancy Tubes to existing Breakwater.

Annual Maintenance Plan

1. Wash out tires, as necessary.
2. Aerate tires with compressed air, as necessary.
3. Inspect and replace tires and/or straps, as necessary.
4. Retrieve any loose tires in the marina operating area.
5. Respond immediately to any reports made to us about loose tires on the lake or lakeshore, in our vicinity, and retrieve same, regardless of location or ownership.



Monty's Bay Marina

562 Lake Shore Road
West Chazy, NY 12992
Phone: 518-846-7900

Sheet Breakwater Tire ID Tag

Drawn By R. F. McCormick

Date 08/15/15

Stamped Aluminum Disc



Nylon Push Rivet, Barked

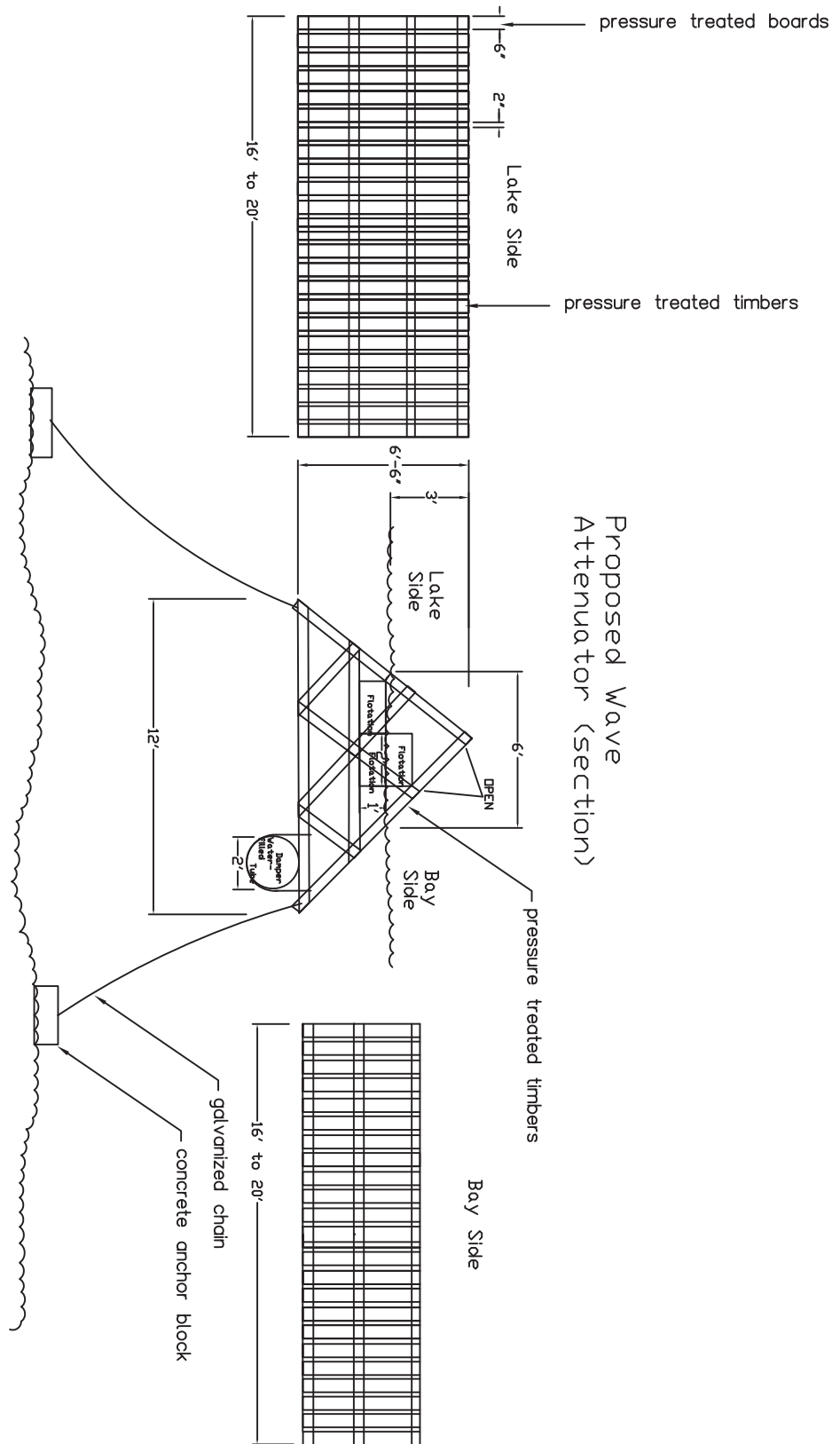


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Scale None



Proposed Wave Attenuator (section)

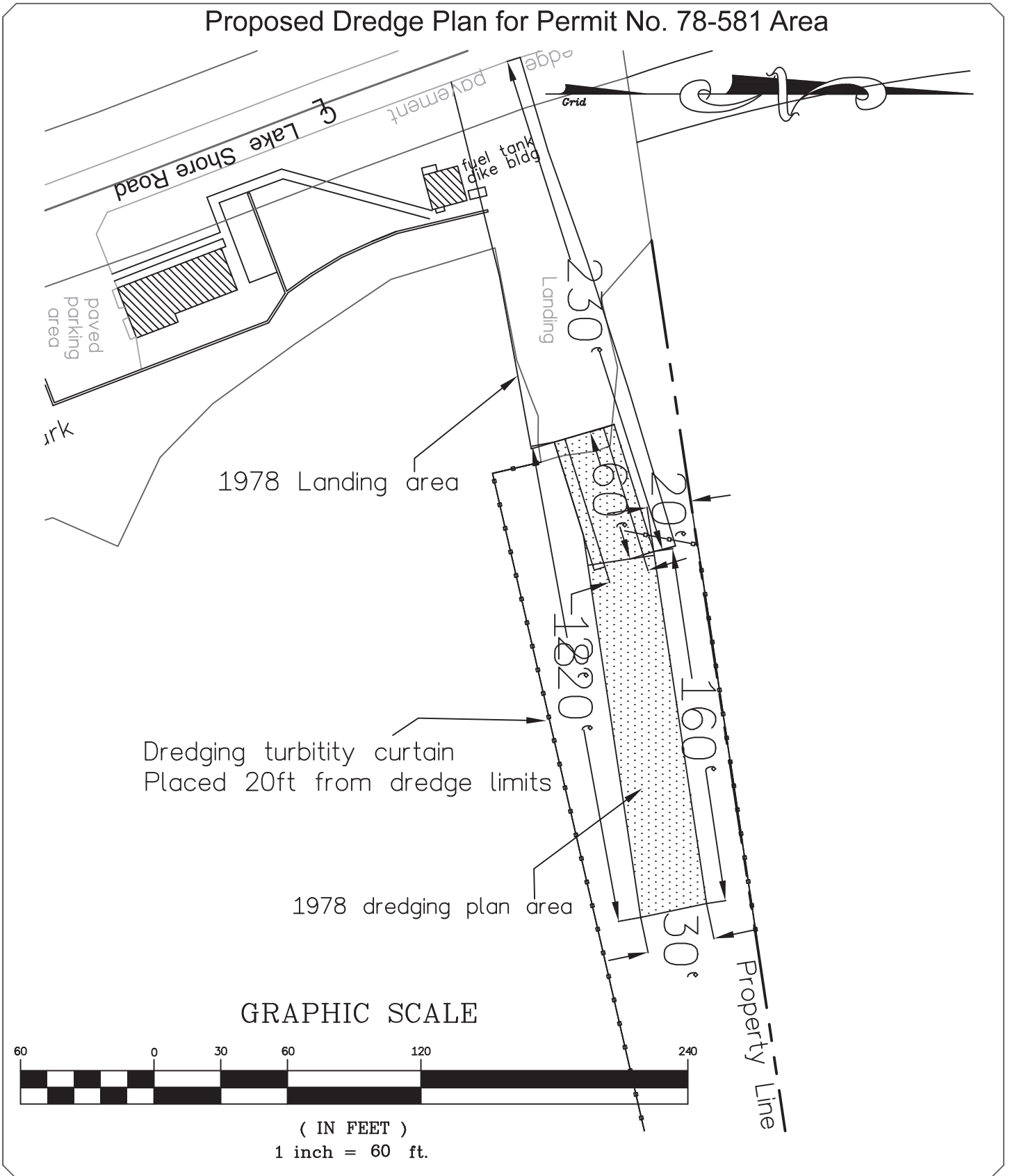
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Scale 1" = 60 Feet

Proposed Dredge Plan for Permit No. 78-581 Area

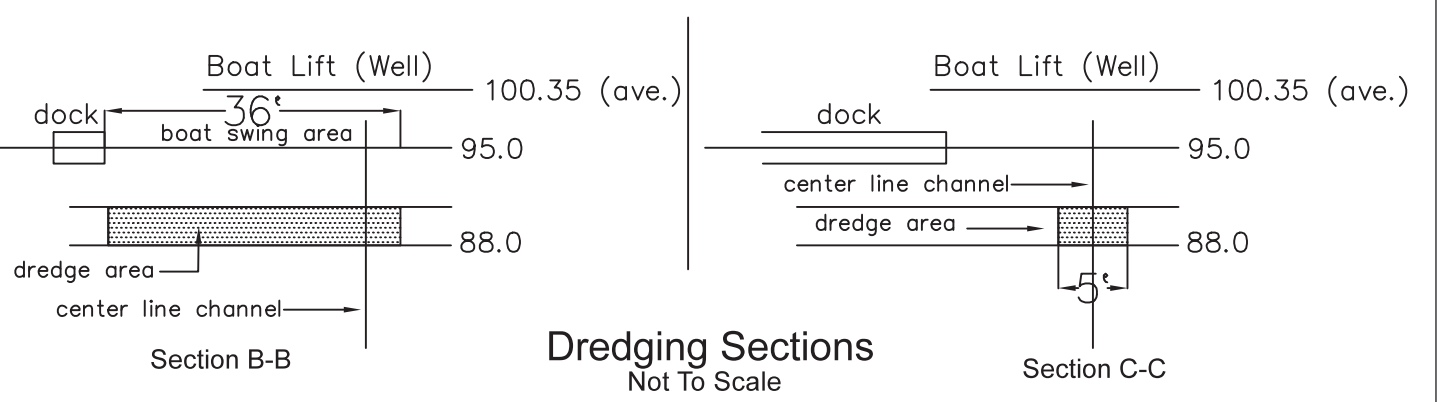
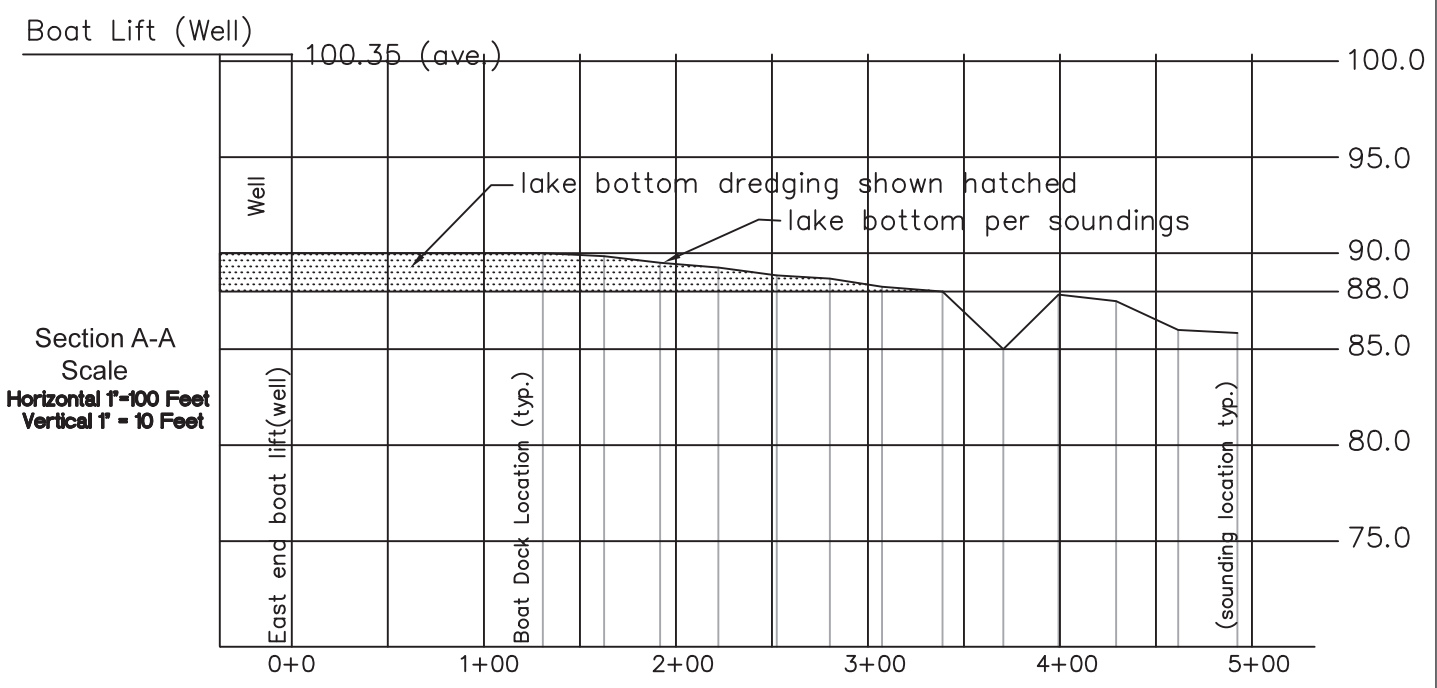
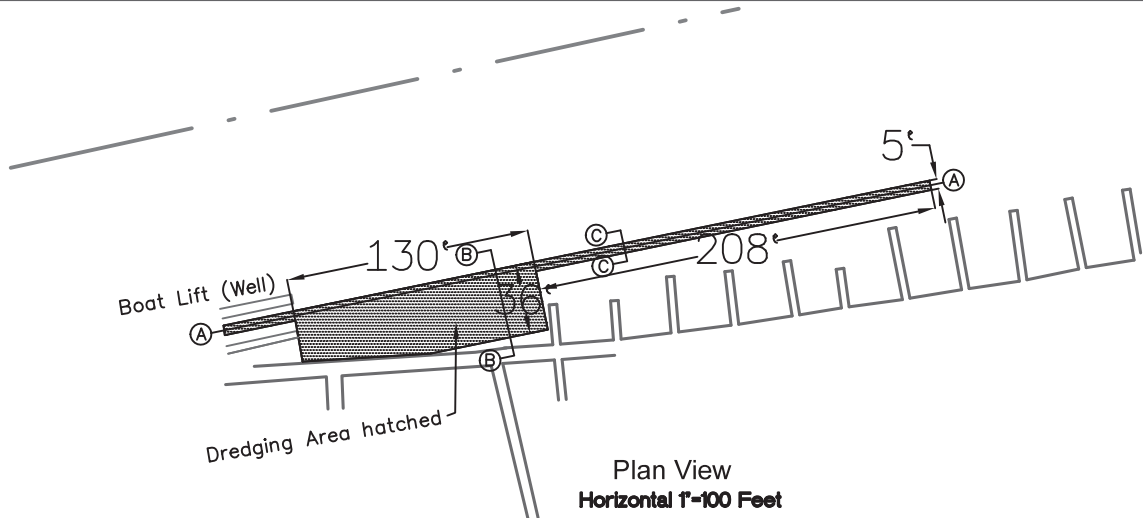


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JOB Monty's Bay Marina Dredging Plan

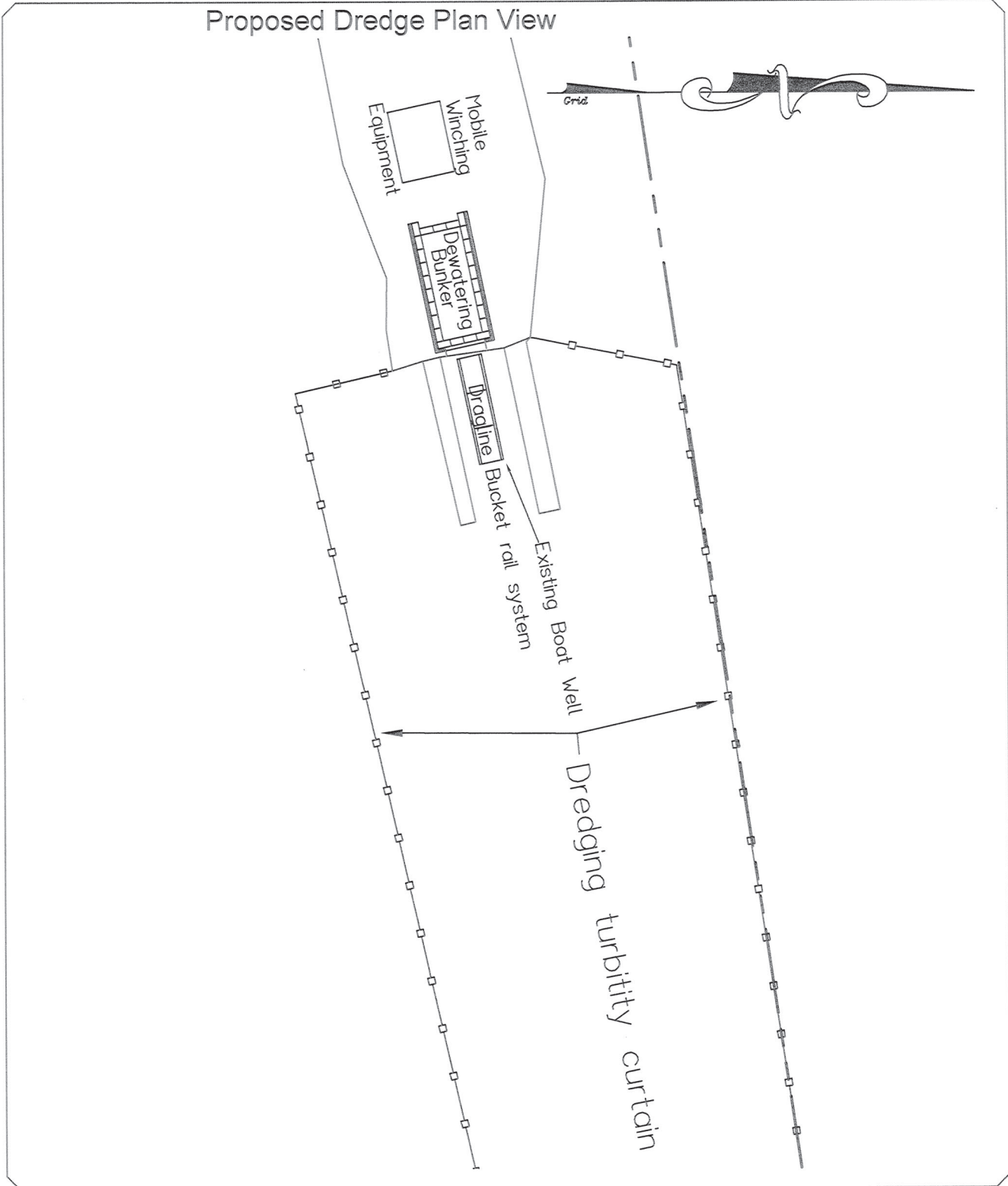
Sheet No. 2 Of 5

Drawn By JOG Date 08/08/16

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Scale 1" = 30 Feet

Proposed Dredge Plan View



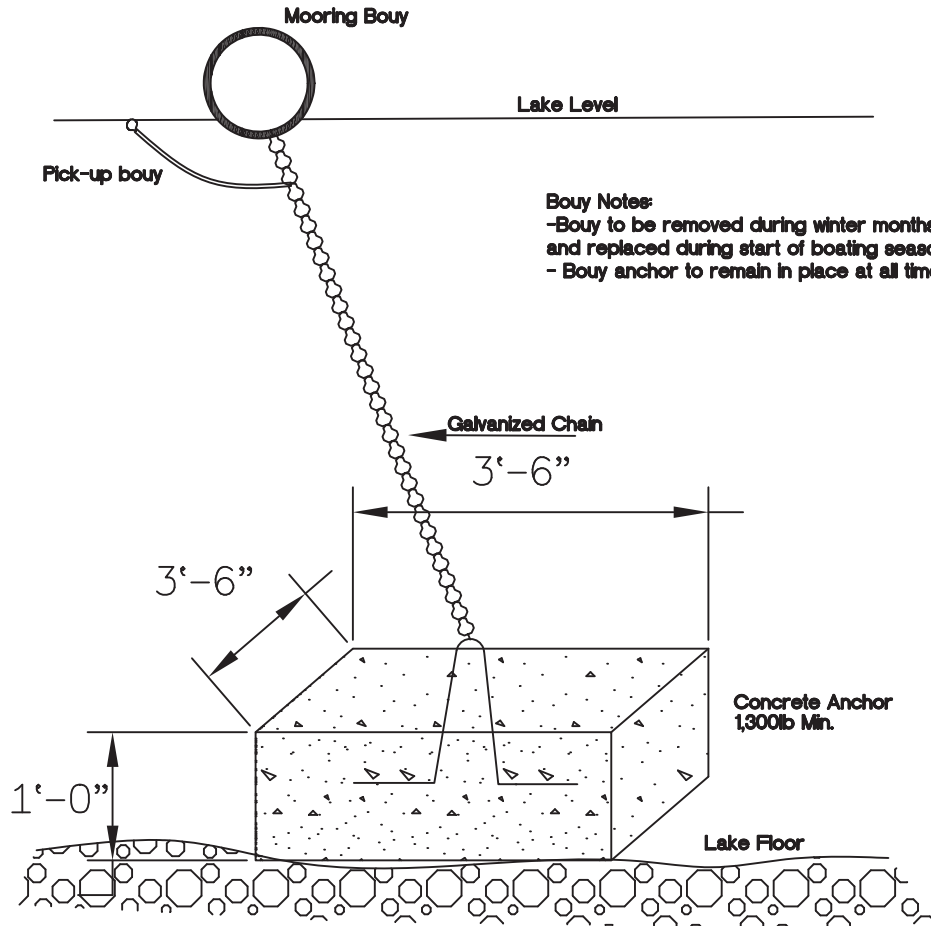
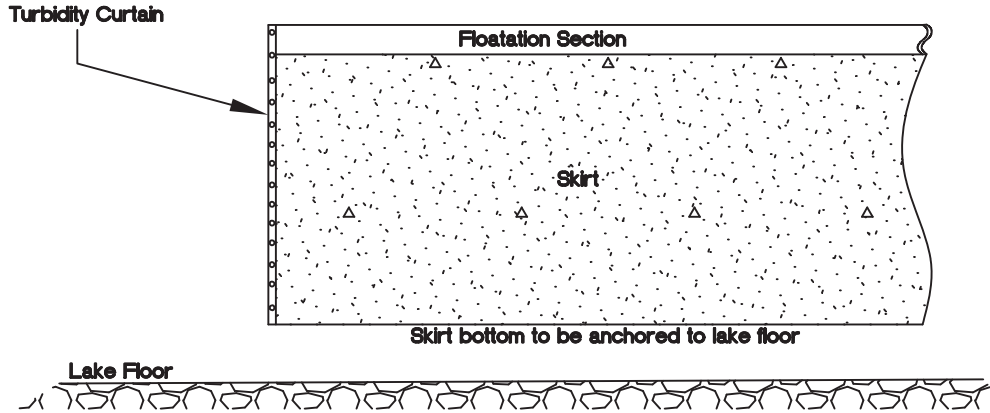
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Proposed Dredging Turbidity Curtain Detail



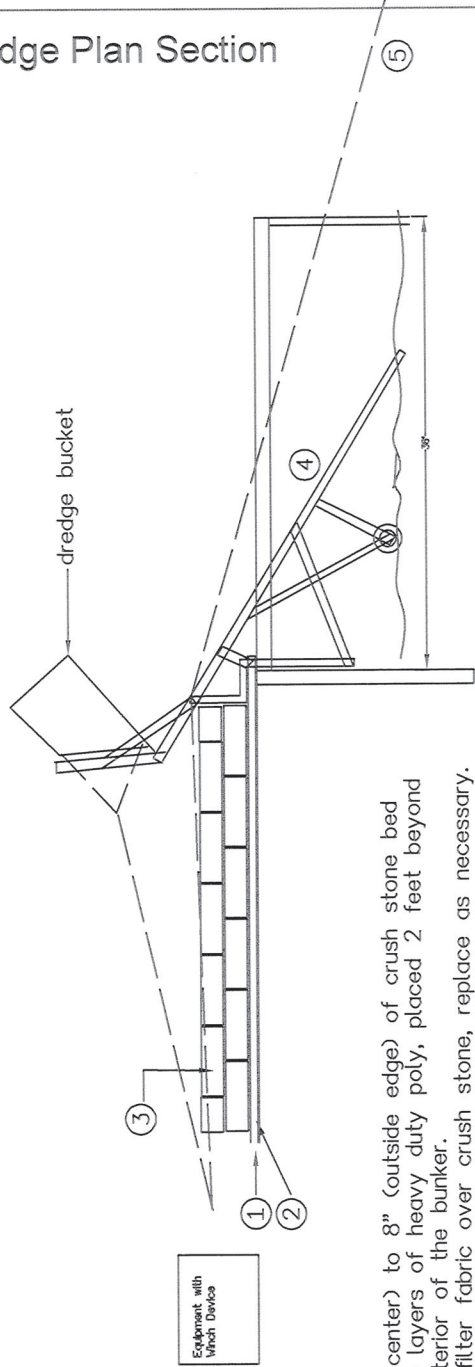
Bouy Notes:
 -Bouy to be removed during winter months and replaced during start of boating season
 - Bouy anchor to remain in place at all times.

Mooring Plan Detail


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Proposed Dredge Plan Section



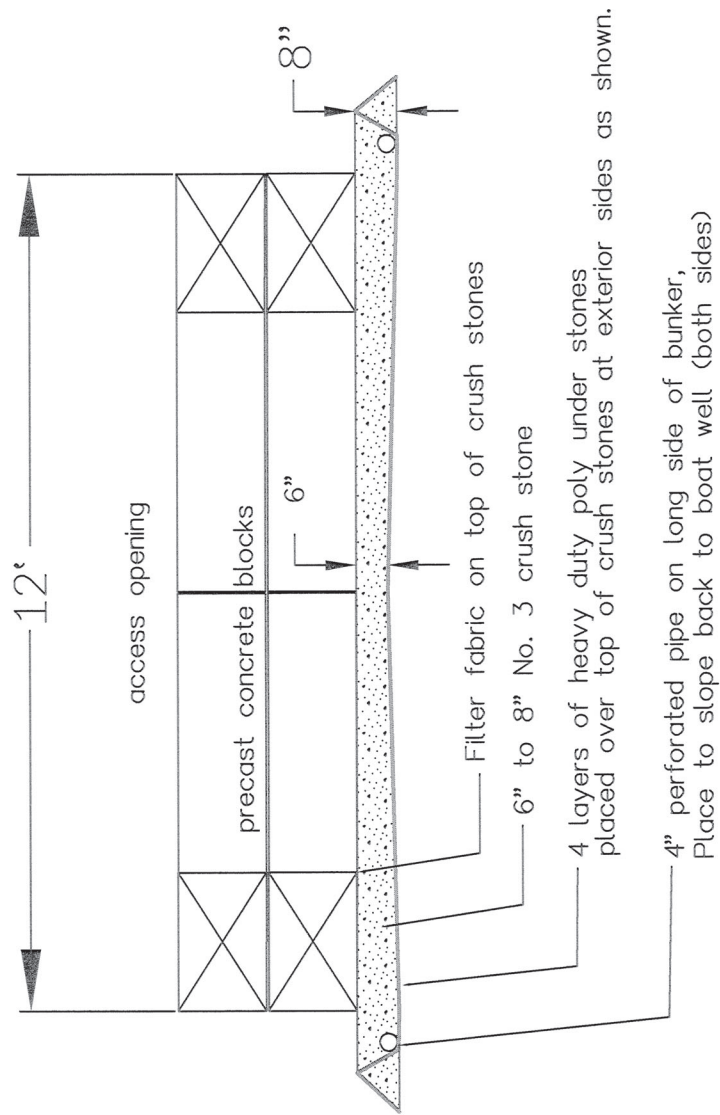
- ① 6" (in center) to 8" (outside edge) of crush stone bed over 4 layers of heavy duty poly, placed 2 feet beyond the exterior of the bunker. Place filter fabric over crush stone, replace as necessary.
- ② 4" diam. perforated poly pipe along side bunker perimeter set to drain back to boat well
- ③ Precast concrete blocks, west end to be used as access for spoil material removal.
- ④ Steel Rail structure for dredge bucket
- ⑤ Barge to be used to set dragline bucket in place prior to dredging

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Checked By DHL Date 08/09/16
Scale NTS

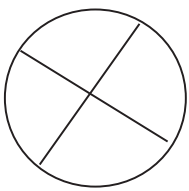
Proposed Dredge Plan Section



James Carter
Deed Instrument No. 1998-103486

66 feet wide
Easement to
New York State
Electric & Gas Corp.
Liber 634 Page 1152

Easement to
New York State
Electric & Gas Corp.
Liber 634 Page 1148



Spoils Disposal Area
Approximate Location
Center Point:
Lat 44.819587
Lon -73.404307

boat storage area
fire storage area
for boat breakwater

David Bechtol & Jennifer Lamberton-Bechtol
Deed Instrument No. 2010-236801

Lands To Be Retained
30,002 sq.ft.
0.699 acres

See Blow Up Detail

