PUBLIC NOTICE

May 15, 2020

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-2019-01516-WRY
Issue Date: May 15, 2020
Expiration Date: June 14, 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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Marcia Saunders
410 Illington Road
Ossining, NY 10562

ACTIVITY: Replace a Failed Dam and Sediment Basin

WATERWAY: Unnamed Tributary of New Croton Reservoir

LOCATION: Town of Yorktown, 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.

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, would occur at a location with no mapped presence of EFH-designated species at any life-stage. The New York District has made the preliminary determination that there would be no site-specific adverse effects because fish populations are not expected to be present in the action area. 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, the permit area is located within a listed National Register Building Site for the Taconic State Parkway. Presently unknown archeological, scientific, pre-historical, 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 concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- Town of Yorktown Town Board

ALL COMMENTS REGARDING THIS PERMIT APPLICATION MUST BE PREPARED IN WRITING AND E-MAILED TO THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Emailed comments must include this public notice's number, NAN-2020-00462-WRY.

The email inbox for written comments is: Cenan.publicnotice@usace.army.mil

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) 790-8518 and ask for Alexandra Ryan.

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 AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Marcia Saunders, has requested Department of the Army authorization to replace a failed dam and sediment basin in an unnamed tributary of New Croton Reservoir, Town of Yorktown, Westchester County, New York.

The submittals entitled "Illington Dam Repair" by P.W. Scott Engineering & Architecture, P.C. dated April 4, 2020 indicate the work would involve removing and replacing a failed dam, stabilizing the stream bank, and excavating a ponding area upstream of the dam. A total of 586 linear feet of stream would be impacted as a result of the proposed work. The proposed activities include a total permanent discharge of 2,450 CY and a temporary discharge of 128 CY during construction.

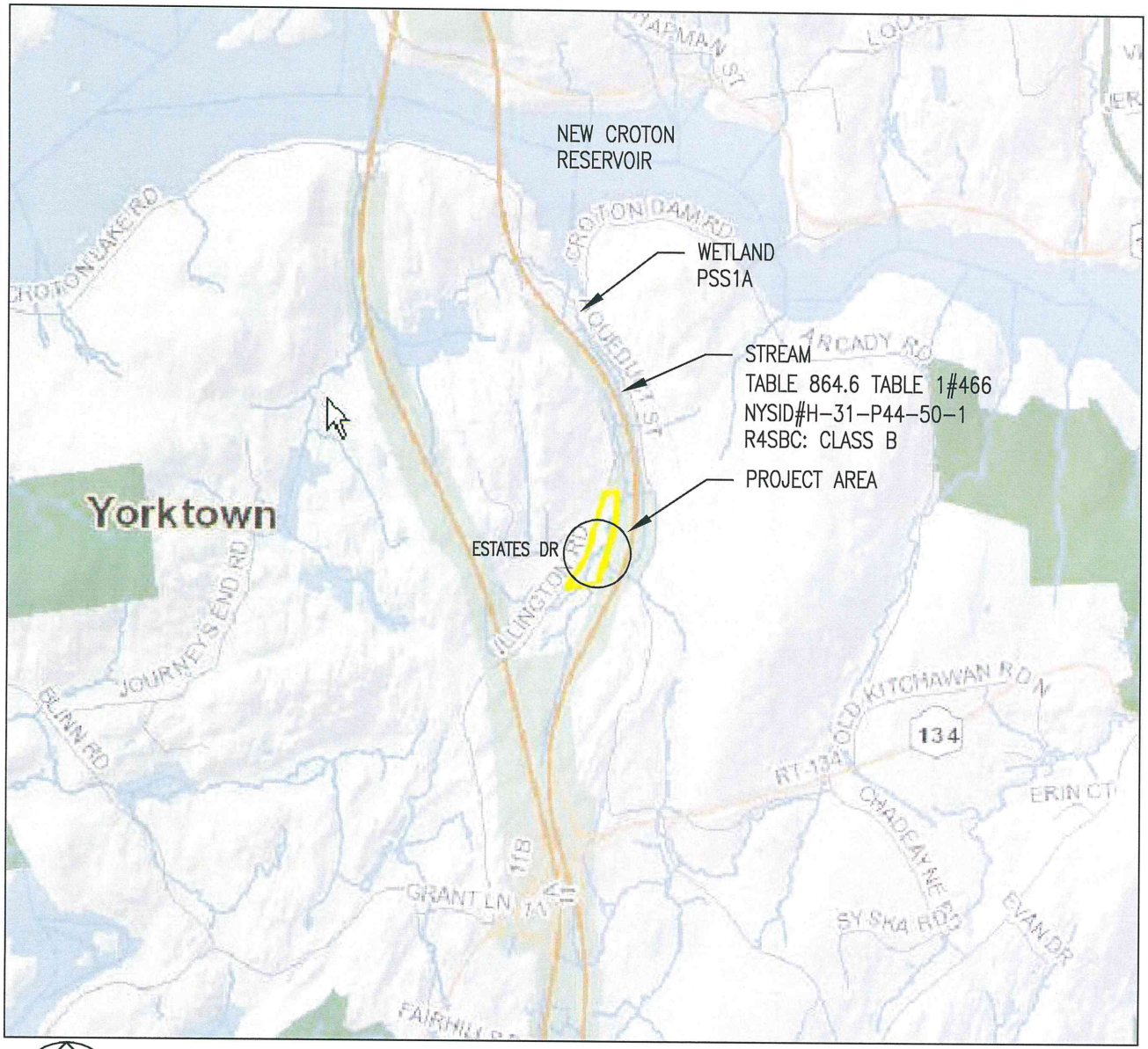
Concrete and stone debris from the failed dam would be removed and the proposed concrete dam would be built in-place. The new dam would be eight-feet tall, 76-feet long and 13-feet wide with a 33-foot long by 10-foot wide spillway. The dam and spillway would require a discharge of 375 cubic yards (CY) of concrete into the stream channel. There would be an additional discharge of 112 CY of rip-rap for the spillway apron and boulder vane. A 50-foot long, 12-inch diameter PVC drain down pipe and valve would be installed beneath the western portion of the dam. A temporary rip-rap bypass channel, involving 98 CY over 105-feet, would be used to divert the stream past the dam and spillway construction area. Once the eastern side of the dam is constructed and the drain down piping is installed, then the bypass channel would be removed and the water shall flow through the drain down pipe, allowing the west portion of the dam to be constructed. This diversion would take place in late August and September, during periods of low precipitation.

The wetland area upstream would be excavated approximately four-feet below the existing debris to re-create a ponding area. The proposed pond would be 246-feet long by 148-feet wide, covering 39,700 square feet (0.91 acre). The bottom of the pond is proposed at elevation 330.0 feet North American Vertical Datum of 1988 (NAVD88). The proposed water surface elevation would be 336.0 feet NAVD88, with 217,000 gallons of storage capacity. Approximately 2,930 CY of soil would be excavated, of which 1,443 CY would be placed around the pond to create an earth berm. The remaining 1,487 CY would be stored and dewatered on the southern portion of the site. Once appropriate soil density is achieved, the excess soil would be trucked off-site for disposal. The western pond bank would be stabilized with 138 CY of rip-rap along 75-feet. The pond design would also include a 61-foot long by 76-foot wide by 5-foot deep sediment forebay. A 14-foot wide rip-rap weir would be installed between the forebay and the larger ponding area, involving a discharge of 382 CY.

Silt fencing, hay wattles, and a sediment trap are proposed to be used. Construction would require a temporary 12-foot gravel driveway for access to the southern portion of the pond, near the forebay, requiring 30 CY of rip-rap be placed in the stream temporarily. If water is present during concrete pouring, a dewatering pump would be used to maintain dry conditions around the dam. Approximately 26 white oak and red maple trees, with diameters up to 24", are proposed to be cleared in association with this activity. Tree clearing would be avoided from April 1 to October 31.

Maintenance of the dam would include annual inspections by NYSDEC. Each year the drain down valve would be exercised, debris from the dam face would be removed, the downstream channel would be inspected for displaced rocks and/or erosion, and the concrete surface would be inspected for cracks and/or discoloration. Additionally, the stone dam and leak detection pipes would be inspected for evidence of displacement and seepage in both the spring and fall of each year.

The stated purpose of this project is to maintain water quality standards by containing sediments which are generated by steep gradient streams extending through highly erodible soils upstream of the site.



VICINITY MAP

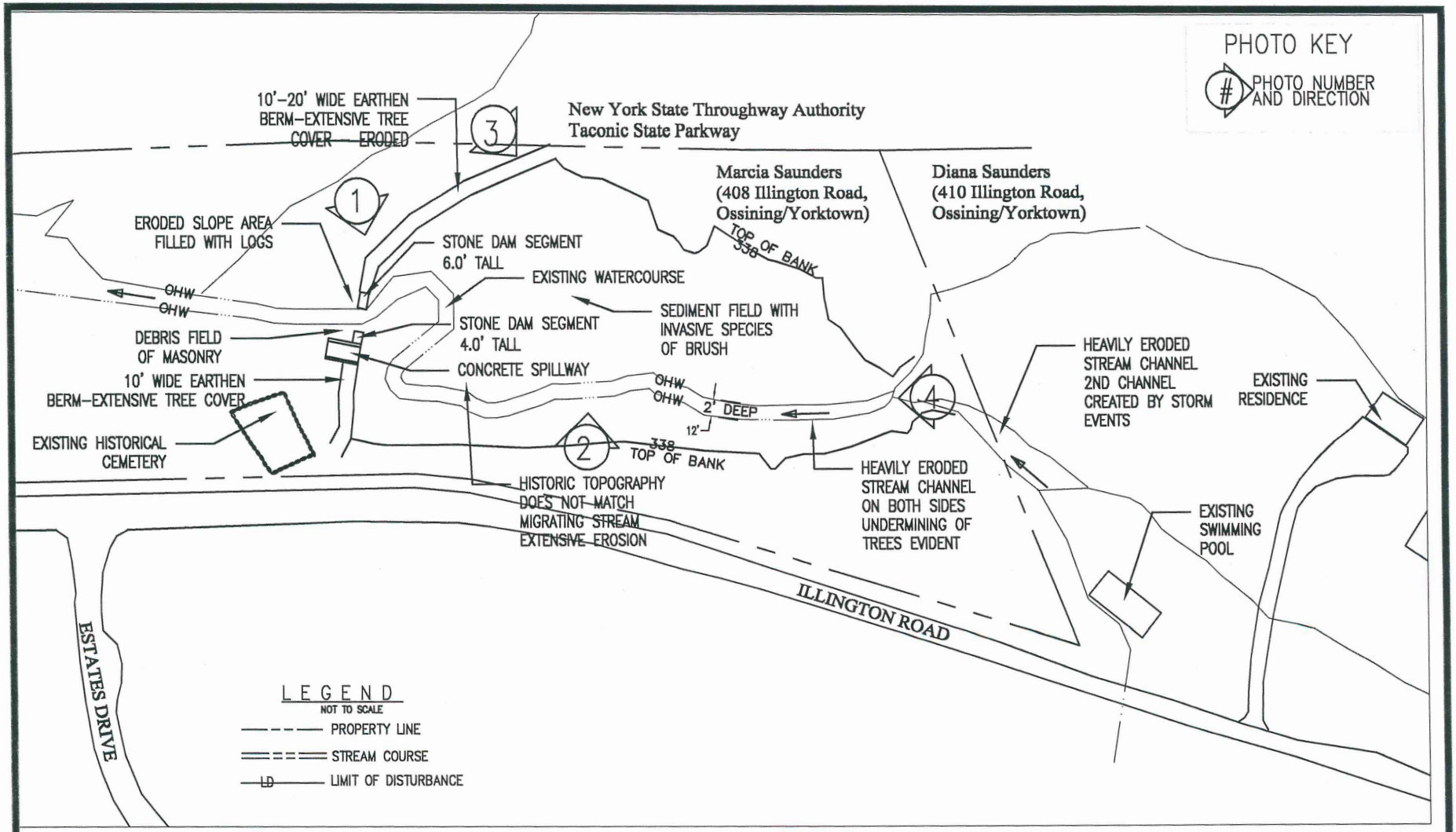
GRAPHIC SCALE

2000 1000 0 (IN FEET) 1 inch = 2000ft. 2000 4000

LOCATION: 408 ILLINGTON ROAD, TOWN OF YORKTOWN

PARCEL ID: TOWN OF YORKTOWN 69.08-11

REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD, TOWN OF YORKTOWN
SHEET # 2 OF # 11 DATE: April 4, 2020



P. W. SCOTT
ENGINEERING + ARCHITECTURE, P.C.
3871 ROUTE 6
BREWSTER, NY 10509 845-278-2110

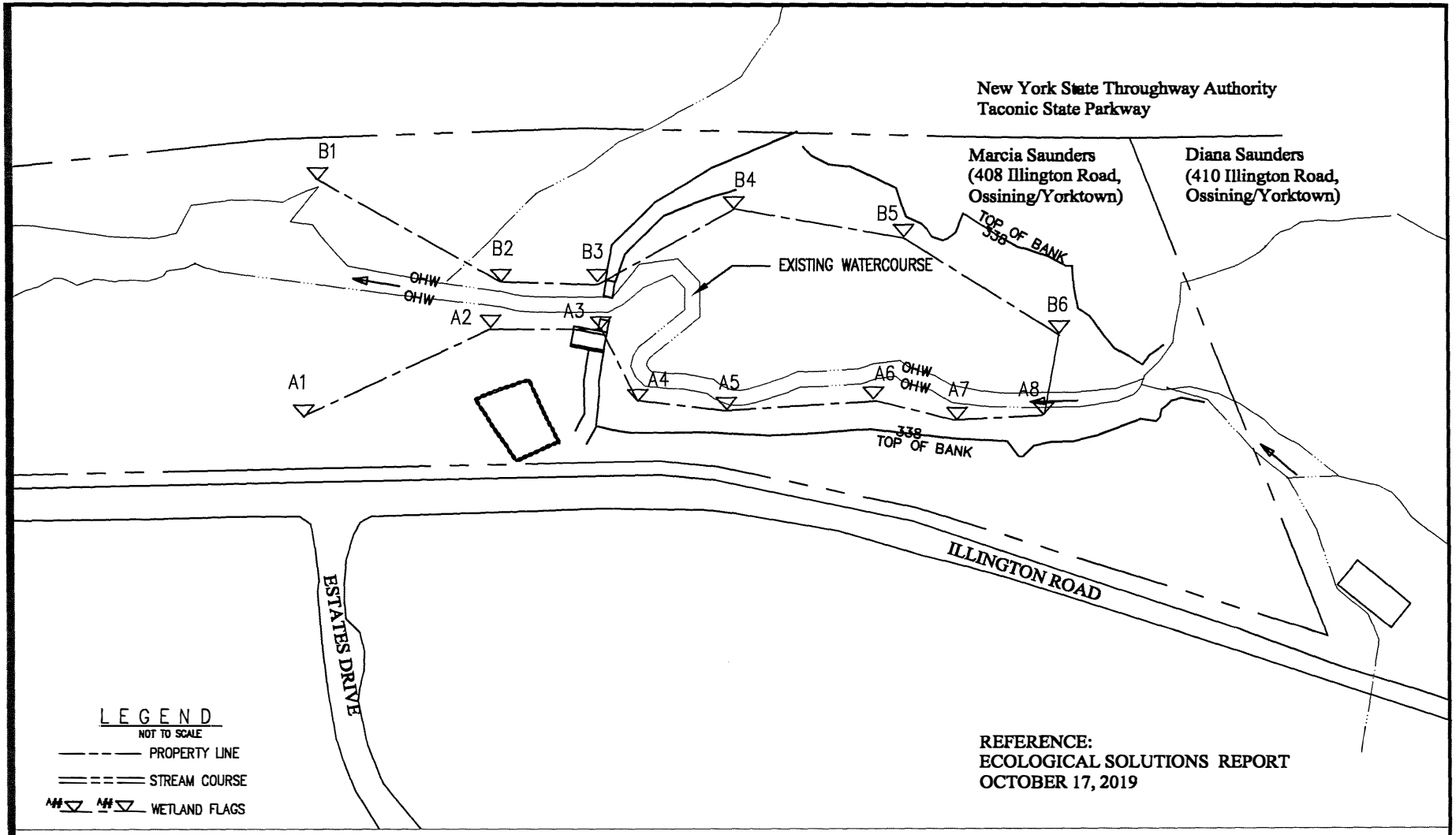
EXISTING CONDITIONS

GRAPHIC SCALE
100 50 0 (IN FEET) 100 200
1 inch = 100 ft.

REFERENCE: NAN -2019-01516
APPLICANT: Marcia Saunders
ADJACENT PROPERTY OWNERS:
Diana Saunders(410 Illington Road, Ossining/Yorktown)
New York State Throughway Authority

LOCATION: 408 ILLINGTON ROAD, TOWN OF YORKTOWN
LAT/LONG: 73-48-32.544/41-13-29.1

PROPOSED PROJECT:Illington Dam Repair
IN WATERBODY: 864.1-466: NYSDEC #H-31-P44-50-1
NEAR/AT: YORKTOWN
IN: WESTCHESTER
STATE: NY
SHEET # 1 OF # 11
DATE: April 4, 2020



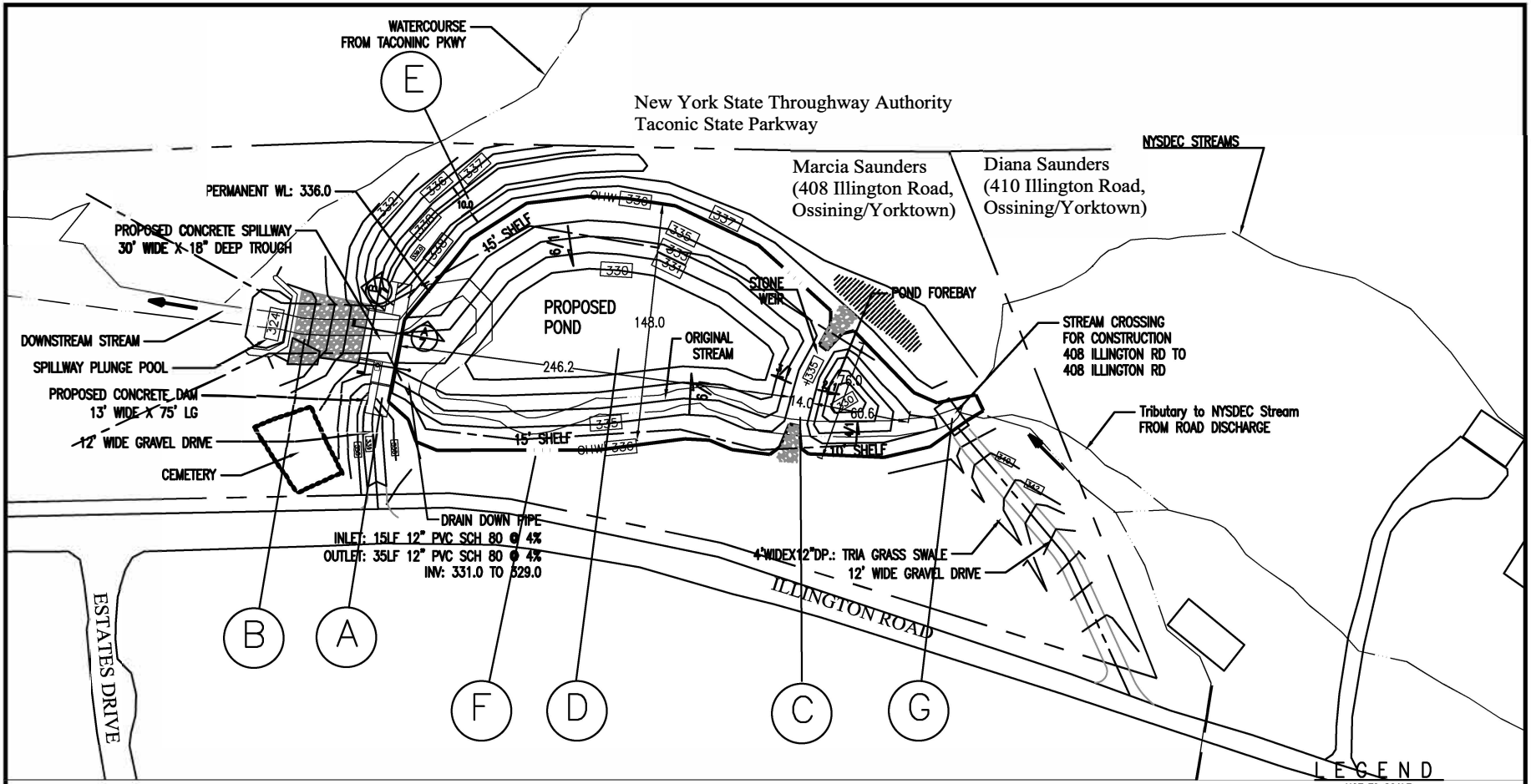
WETLAND FLAGS

GRAPHIC SCALE

100 50 0 (IN FEET) 100 200

1 inch = 100 ft.

REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD,
TOWN OF YORKTOWN
SHEET # 1A OF # 11 DATE: April 4, 2020



TREE CLEARING RESTRICTION: April 1 and October 31– NO REMOVAL OR CUTTING OF TREES, Unless a site inspection by a certificed Biologist and a permit is issued from the US Fish and Wildlife Service and NYSDEC.

Topography: Vertical Datum is NAVD88.
Length of stream impact: 586 lf

Site Excavation Volume Table: CY Unadjusted

Cut	Fill	Net	Method
2930	1443	1486 (C) Offsite	Grid

PROPOSED CONDITIONS

GRAPHIC SCALE
100 50 0 (IN FEET) 100 200
1 inch = 100 ft.

FILL & EXCAVATION CHART

A- CONCRETE DAM: 375 CY CONCRETE

B- RIP-RAP SPILLWAY APRON & BOULDER VANE: 112 CY RIP-RAP

C- FOREBAY WEIR: 382 CY RIP-RAP

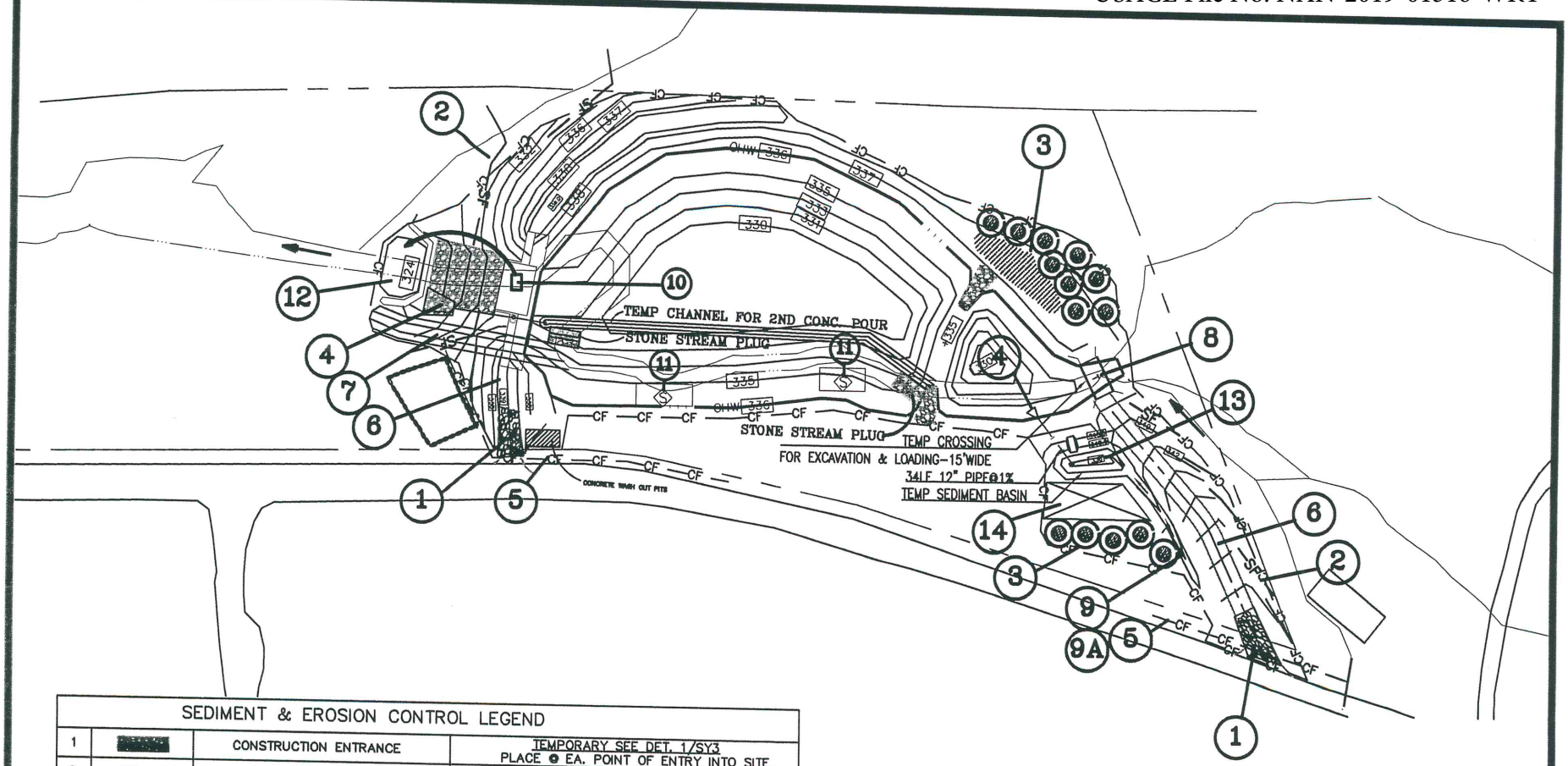
D- POND EXCAVATION: 2930 CY- EARTH

E- POND BERM FILL: 1443 CY- EARTH

F- BANK STABILIZATION: 138 CY RIP-RAP

G- TEMP GRAVEL CROSSING: 30 CY-RIP RAP

REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD, TOWN OF YORKTOWN
SHEET # 3 OF # 11 DATE: April 4, 2020 - rev 4/28/20



SEDIMENT & EROSION CONTROL LEGEND			
1		CONSTRUCTION ENTRANCE	TEMPORARY SEE DET. 1/SY3 PLACE ● EA. POINT OF ENTRY INTO SITE
2	—SF— —SF—	SILT FENCE	TEMPORARY SEE DET. 2/SY3 PLACE PARALLEL TO GRADE
3		TOPSOIL STOCKPILE AREA	TEMPORARY SEE DET. 3/SY3 RING WITH SILT FENCE
4		RIPRAP OUTLET PROTECTION VELOCITY DISSIPATION DEVICE	PERMANENT SEE DET. 4/SY3
5		CONSTRUCTION FENCE	TEMPORARY SEE DET. 5/SY3
6	ACCESS	ACCESS DRIVEWAY DETAIL	PERMANENT STABALIZATION DETAIL SEE DET. 6/SY3
7		RIP-RAP BI-PASS SWALE PAST THE DAM SITE	TEMPORARY SEE DET. 7/SY3
8A,B,C		TEMP ACCESS STREAM CROSSING	TEMPORARY SEE DET. 8A,8B,&8C AS OPTIONS/SY3
9		TEMPORARY SWALE DETAIL	TEMPORARY SEE DET. 9/SY3
9A		PERMANENT SWALE DETAIL	PERMANENT SEE DET. 9A/SY3
10		DE WATERING DETAIL	TEMPORARY SEE DET. 10/SY3
11		STREAM BANK PROTECTION AND POND BANK PROTECTION	PERMANENT SEE DET. 11/SY3
12		BOULDER STREAM VANE	PERMANENT SEE DET. 12/SY3
13		SEDIMENT BASIN	TEMPORARY SEE DET. 13/SY3
14		TEMPORARY STAGING AREA	TEMPORARY
15	LD LD	LIMIT OF DISTURBANCE	TEMPORARY

EROSION CONTROL PLAN

GRAPHIC SCALE

100 50 0 (IN FEET) 100 200

1 inch = 100 ft.

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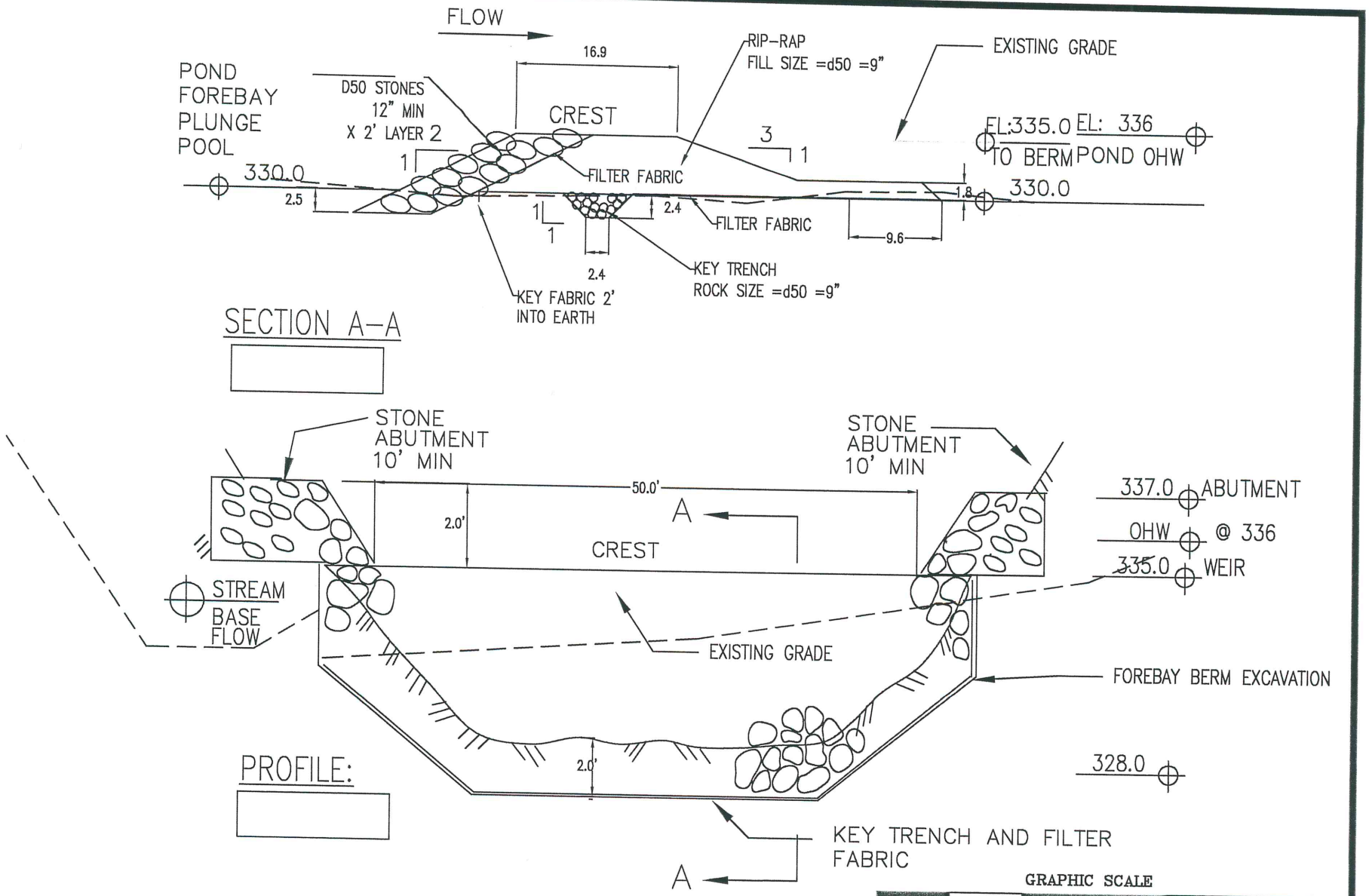
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD,
TOWN OF YORKTOWN
SHEET # 4 OF # 11 DATE: April 4, 2020

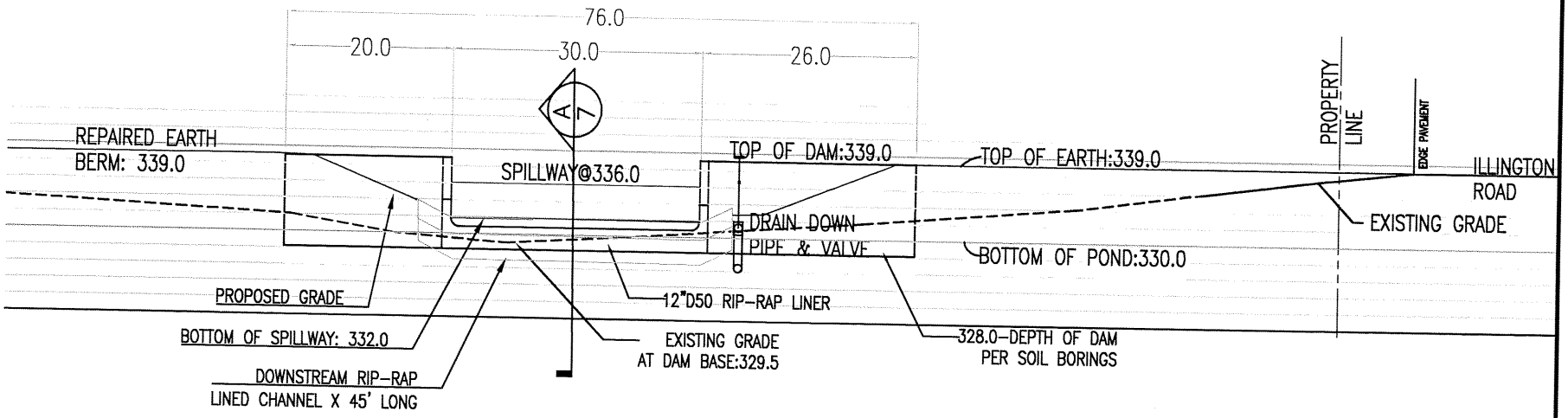


POND FOREBAY WEIR CONSTRUCTION DETAIL

AVE LENGTH: 29.0 FEET
RIP-RAP FILL: 382 CY.

REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD, TOWN OF YORKTOWN
SHEET # 5 OF # 11 DATE: April 4, 2020

ELEVATION LOOKING UPSTREAM

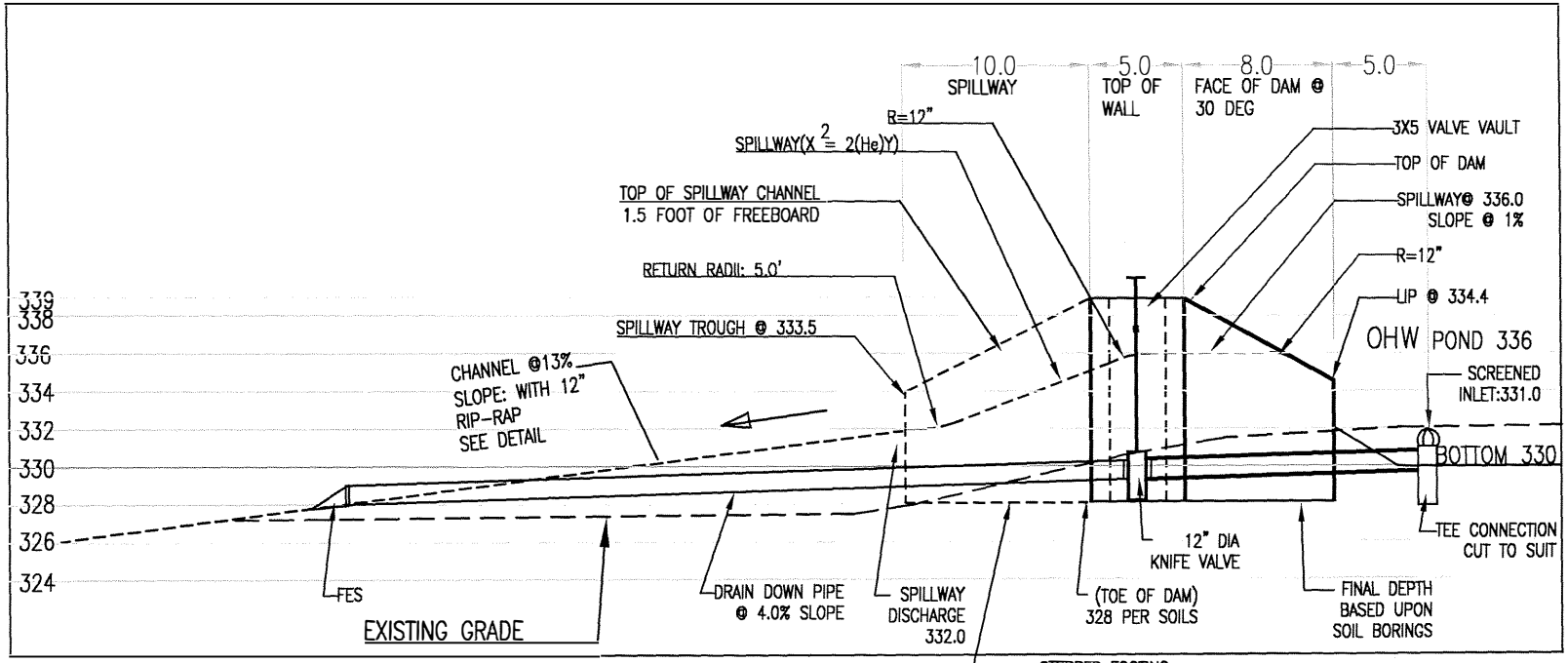


Concrete Dam Description
76' long x 13' wide with
spillway: 33' long x 10' wide
Concrete fill: 375 cy.

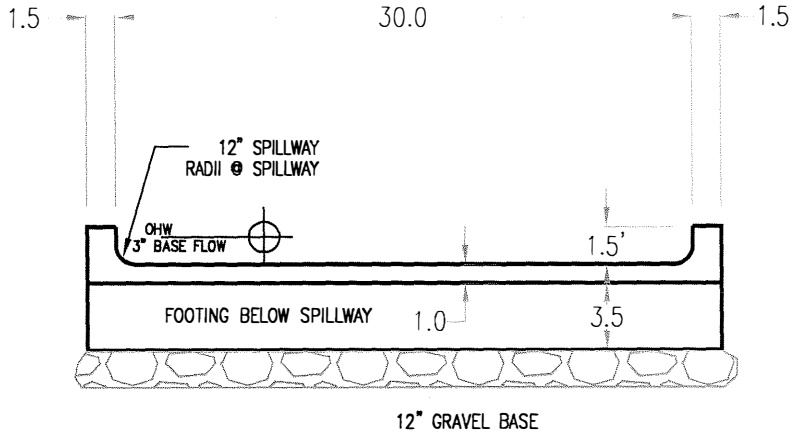
GRAPHIC SCALE
20 10 0 (IN FEET) 20 40
1 inch = 20 ft.

CONCRETE DAM
AND SPILLWAY
ELEVATION

REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD,
TOWN OF YORKTOWN
SHEET # 6 OF # 11 DATE: April 4, 2020



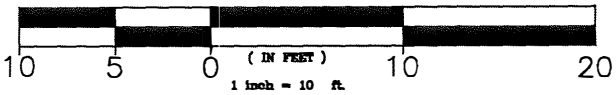
DAM SECTION: A–A



SPILLWAY SECTION: B–B

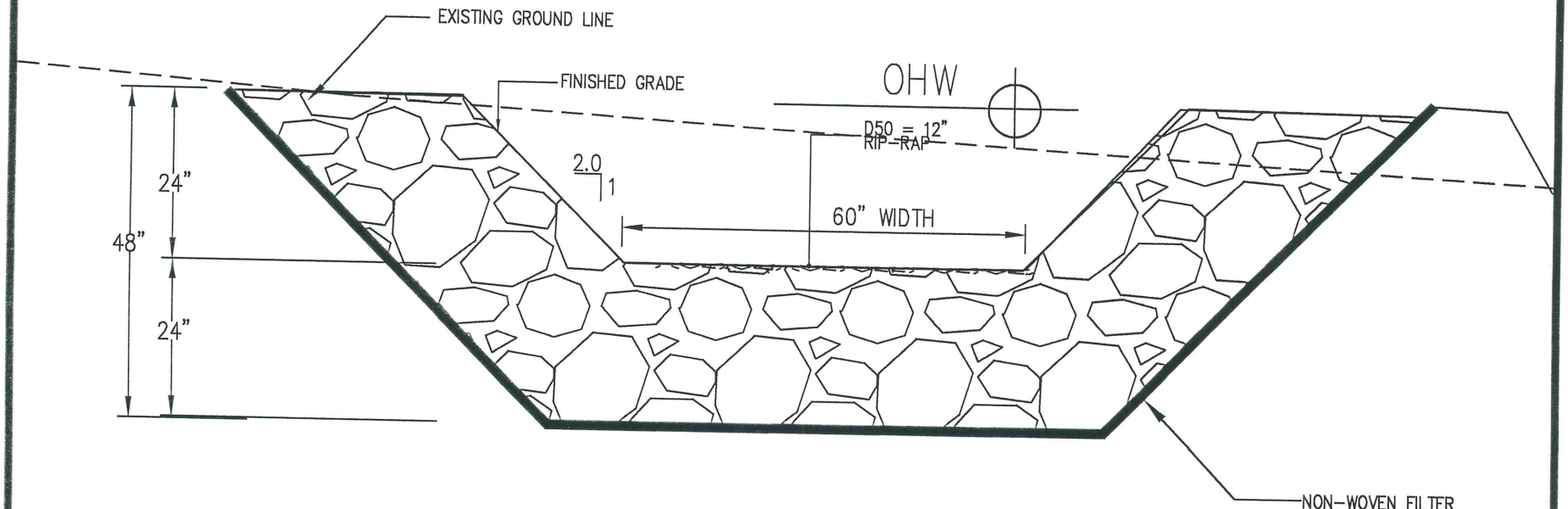
Concrete Dam Description
76' long x 13' wide with
spillway: 33' long x 10' wide
Concrete fill: 375 cy.

GRAPHIC SCALE



REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD,
TOWN OF YORKTOWN
SHEET # 7 OF # 11 **DATE: April 4, 2020**

SECTION LOOKING DOWNSTREAM



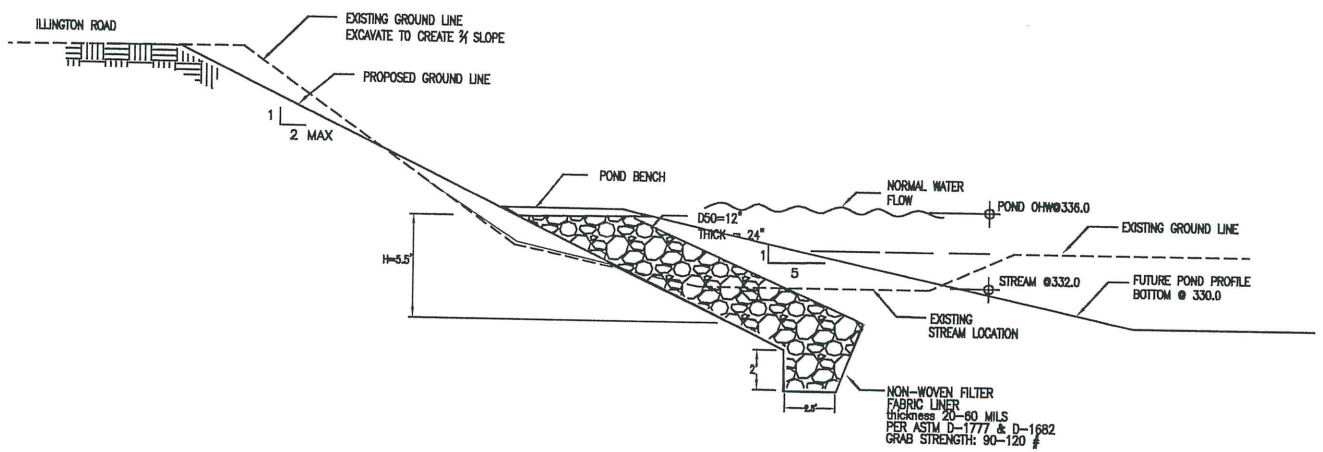
OVERALL LENGTH: 105.0 FEET
D50- 12" RIP-RAP FILL: 98 CY.

GRAPHIC SCALE
2 1 0 (IN FEET) 2 4
1 inch = 2 ft.

TEMPORARY RIP-RAP BI-PASS CHANNEL

REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD, TOWN OF YORKTOWN
SHEET # 8 OF # 11 DATE: April 4, 2020

SECTION LOOKING DOWNSTREAM



OVERALL LENGTH: 75.0 FEET
D50– 12" RIP–RAP FILL: 138 CY.

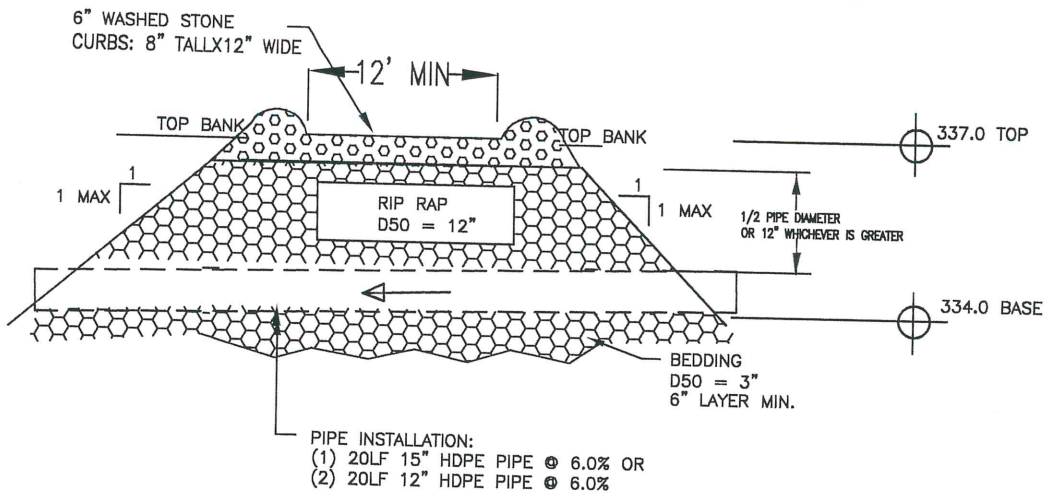
GRAPHIC SCALE

10 5 0 (IN FEET) 10 20
1 inch = 10 ft.

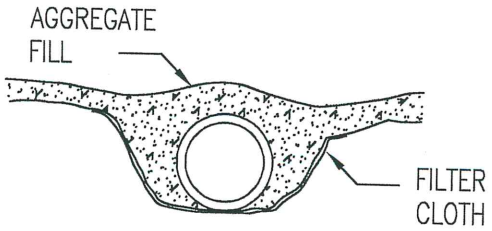
RIP–RAP POND BANK PROTECTION DETAIL AT ILLINGTON RD

REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD, TOWN OF YORKTOWN
SHEET # 9 OF # 11 DATE: April 4, 2020

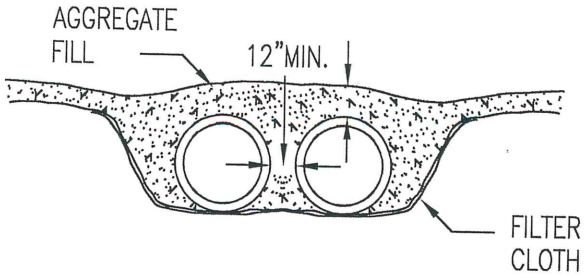
SECTION LOOKING DOWNSTREAM



Q2 YEAR STORM EVENT FLOW: 6.0 CFS
SLOPE @ 6.0%
PIPE OPTIONS: 15" HDPE@6.0%
PIPE OPTIONS: (2) 12" HDPE @ 6.0%



OPTION 1



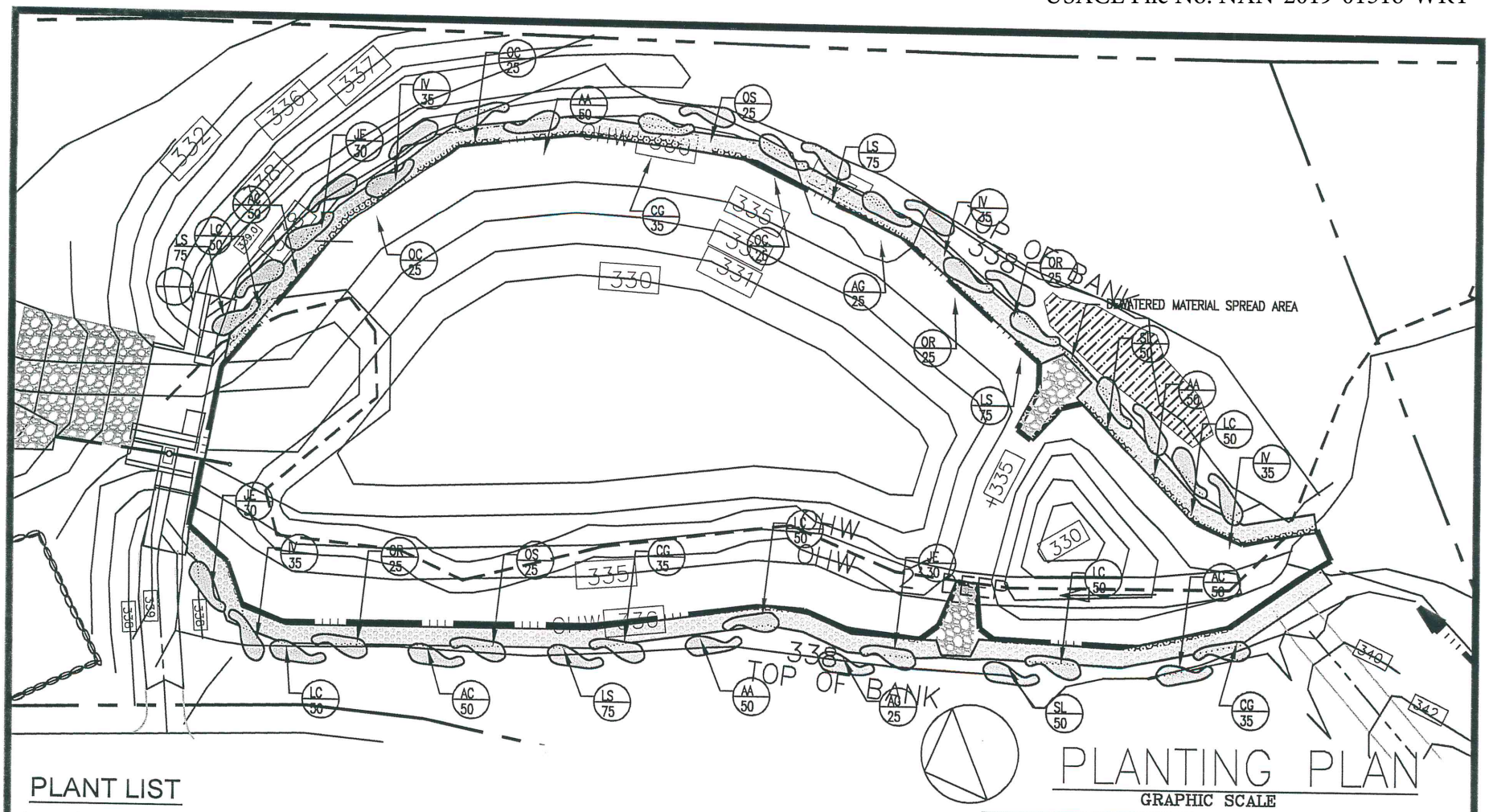
OPTION 2

OVERALL LENGTH: 18.0 FEET
D50– 12" RIP–RAP FILL: 30 CY.

TEMPORARY
STREAM CROSSING
DETAIL

SCALE: NONE

REFERENCE: Marcia Saunders
APPLICANT NAME: P.W. Scott Engineering & Architecture, P.C.
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD,
TOWN OF YORKTOWN
SHEET # 10 OF # 11 DATE: April 4, 2020



PLANTING PLAN

GRAPHIC SCALE

50 25 0 (IN FEET) 50 100

1 inch = 50 ft.

SPECIES

PA 1

QUANTITY

INVASIVES REMOVAL AREA (TO 40'FROM POND EDGE)

WETLAND SEED MIX AREA (TO 5' FROM POND EDGE)

PLANTING BEDS

NO MOW MIX ON DEWATERED MATERIAL
OVERFLOW AREA IS STANDARD SEED MIX

PLANT LIST

SYM	QUANT.	BOTANICAL NAME	COMMON NAME	SIZE/CONT.	SPACING	REMARKS
HERBACEOUS PLANTS					O.C.	
AC	150	ACORUS AMERICANUS	SWEET FLAG	3" PLANT	1.5'	
AA	150	ARUNCUS AETHUSIFOLIUS	GOAT'S BEARD	3" PLANT	1.5	
AG	50	ATHYRIUM 'GHOST'	GHOST FERN	3" PLANT	3'	
CG	105	CHELONE GLABRA	TURTLEHEAD	3" PLANT	2'	
IV	140	IRIS VERSICOLOR	BLUE FLAG IRIS	3" PLANT	2'	
JE	90	JUNCUS EFFUSUS	COMMON RUSH	3" PLANT	2.5'	
LC	250	LOBELIA CARDINALS	CARDINAL FLOWER	3" PLANT	1.5'	
LS	300	LOBELIA SIPHILITICA	GREAT BLUE LOBELIA	3" PLANT	1'	
OC	75	OSMUNDA CINNAMONEA	CINNAMON FERN	3" PLANT	3'	
OR	75	OSMUNDA REGALIS	ROYAL FERN	3" PLANT	3'	
OS	50	ONOCLEA SENSIBILIS	SENSITIVE FERN	3" PLANT	3'	
SL	100	SAGITARIA LATIFOLIA	COMMON ARROWHEAD	3" PLANT	1.5'	
TOTAL	1535					

SEED MIXES						
CODE	QTY.	SEED TYPE		APPLIC. RATE		
nerm	A.R.	NEW ENGLAND EROSION CONTROL/RESTORATION MIX	(FOR WET AREAS OF POND PERIMETER)	1 lb/1245 sf		

NOTE: NO MOW SEED MIX ACROSS DEWATERED MATERIAL SPREADING AREA. PLACE SLOPE BLANKET OVER SEEDED MATERIAL.
A.R.- AS REQUIRED

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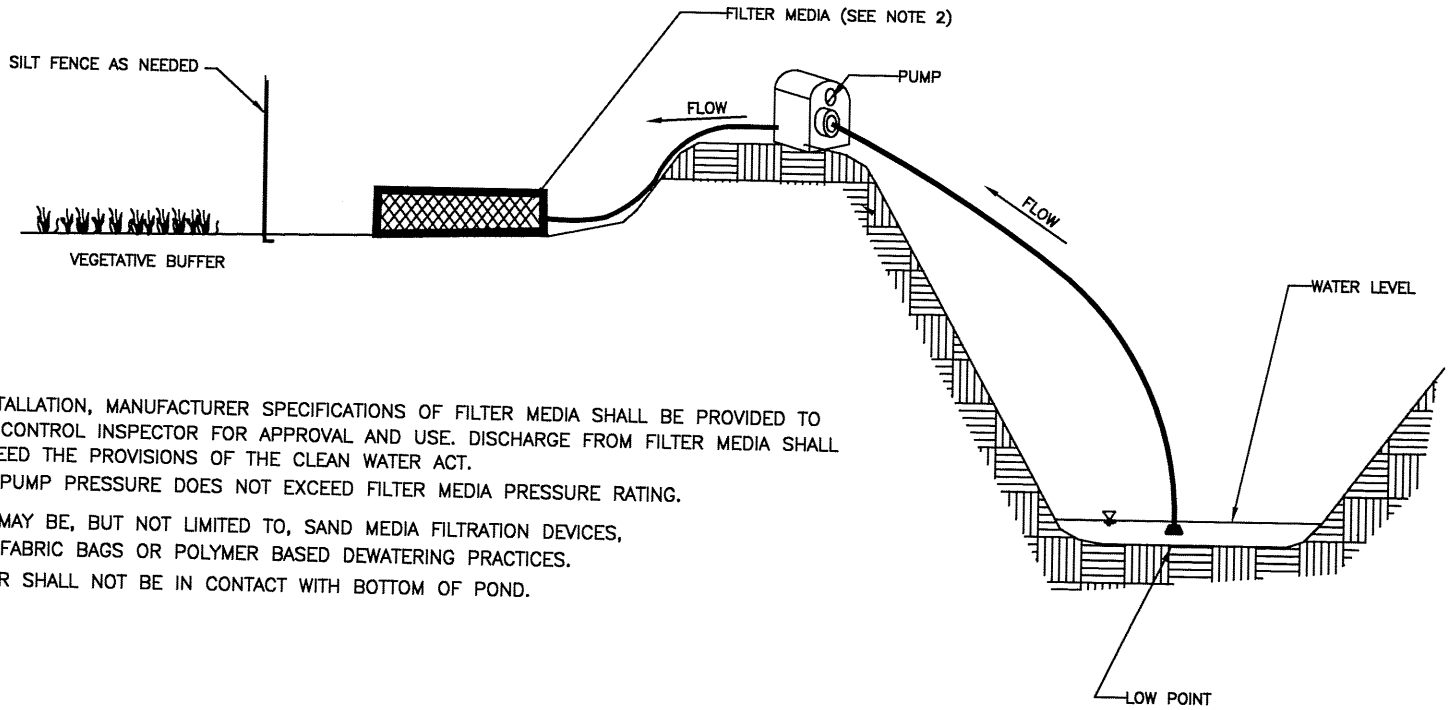
PROPOSED PROJECT: Illington Dam Repair
LOCATION: 408 ILLINGTON ROAD, TOWN OF YORKTOWN
SHEET # 11 OF # 11 DATE: April 4, 2020

SY3



NOTE:

1. PRIOR TO INSTALLATION, MANUFACTURER SPECIFICATIONS OF FILTER MEDIA SHALL BE PROVIDED TO THE EROSION CONTROL INSPECTOR FOR APPROVAL AND USE. DISCHARGE FROM FILTER MEDIA SHALL MEET OR EXCEED THE PROVISIONS OF THE CLEAN WATER ACT.
2. ENSURE THAT PUMP PRESSURE DOES NOT EXCEED FILTER MEDIA PRESSURE RATING.
3. FILTER MEDIA MAY BE, BUT NOT LIMITED TO, SAND MEDIA FILTRATION DEVICES, RATED FILTER FABRIC BAGS OR POLYMER BASED DEWATERING PRACTICES.
4. PUMP STRAINER SHALL NOT BE IN CONTACT WITH BOTTOM OF POND.

CON

1. S

2. R

3. E

4. R

10
SY3

POND DEWATERING DETAIL

N.T.S.

11
SY3