

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-2021-00352-WRY
Issue Date: April 26, 2021
Expiration Date: May 26, 2021

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: Thomas Hamilton
211 Stuyvesant Avenue
Rye, NY 10580

ACTIVITY: Construct a new pile-supported timber pier with a boat lift and seasonal boat dock.

WATERWAY: Long Island Sound

LOCATION: City of Rye, 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 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-2021-00352-WRY. The email inbox for written comments is: alexandra.ryan@usace.army.mil.

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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 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 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

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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 obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation (NYSDEC) – Tidal Wetlands
- NYSDEC – Coastal Erosion Management
- NYSDEC – Excavation and Fill in Navigable Waters

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 Alexandra Ryan, of this office, by phone at (917) 790-8518 or by email at alexandra.ryan@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

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

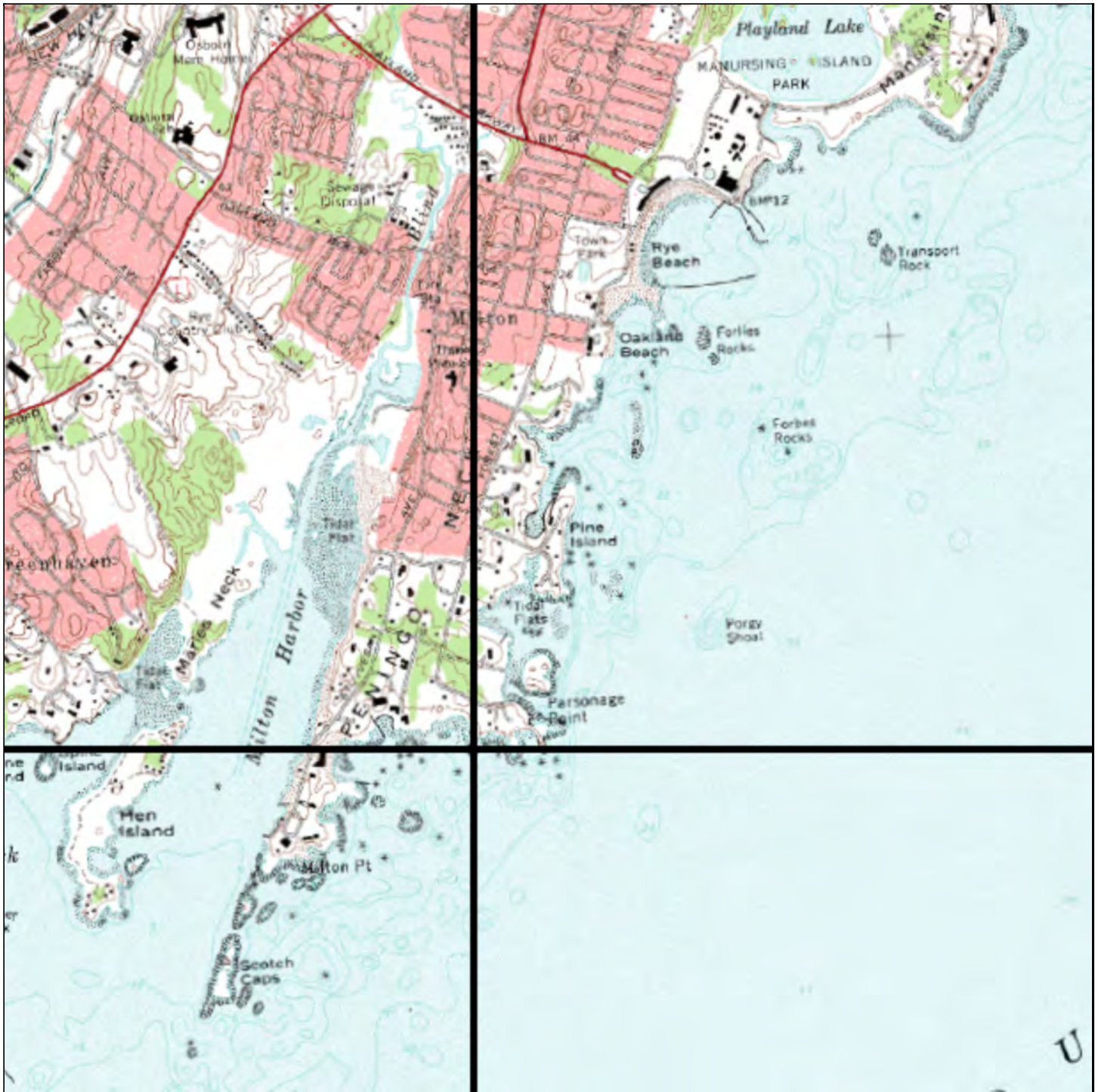
Enclosures

WORK DESCRIPTION

The applicant, Thomas Hamilton, has requested Department of the Army authorization for the construction of a new pile-supported timber pier with a boat lift and seasonal boat dock. The project site is located in the Long Island Sound, in the City of Rye, Westchester County, New York.

The work would involve the construction of a 4-foot wide by 130-foot long fixed timber pier, supported by nine 16-inch diameter concrete-filled steel pipe piles. A 3.5-foot wide by 40-foot long aluminum gangway would connect the pier to an 8-foot by 25-foot seasonal timber float, anchored with four 12-inch diameter concrete-filled steel pipe piles. Float skids would be used to ensure the float maintains a minimum of 2.5-feet above the existing substrate at all stages of the tide. Two 12-inch diameter concrete-filled steel pipe piles would support a boat lift on the western side of the pier. All piles would be installed via drilling from work barge and a total of 22.5 cubic yards of concrete would be discharged to fill the piles. The structure would extend approximately 165 feet into the waterway from the plane of Mean High Water.

The stated purpose of this project is to provide private access to the waterway for recreational boating.



VICINITY MAP

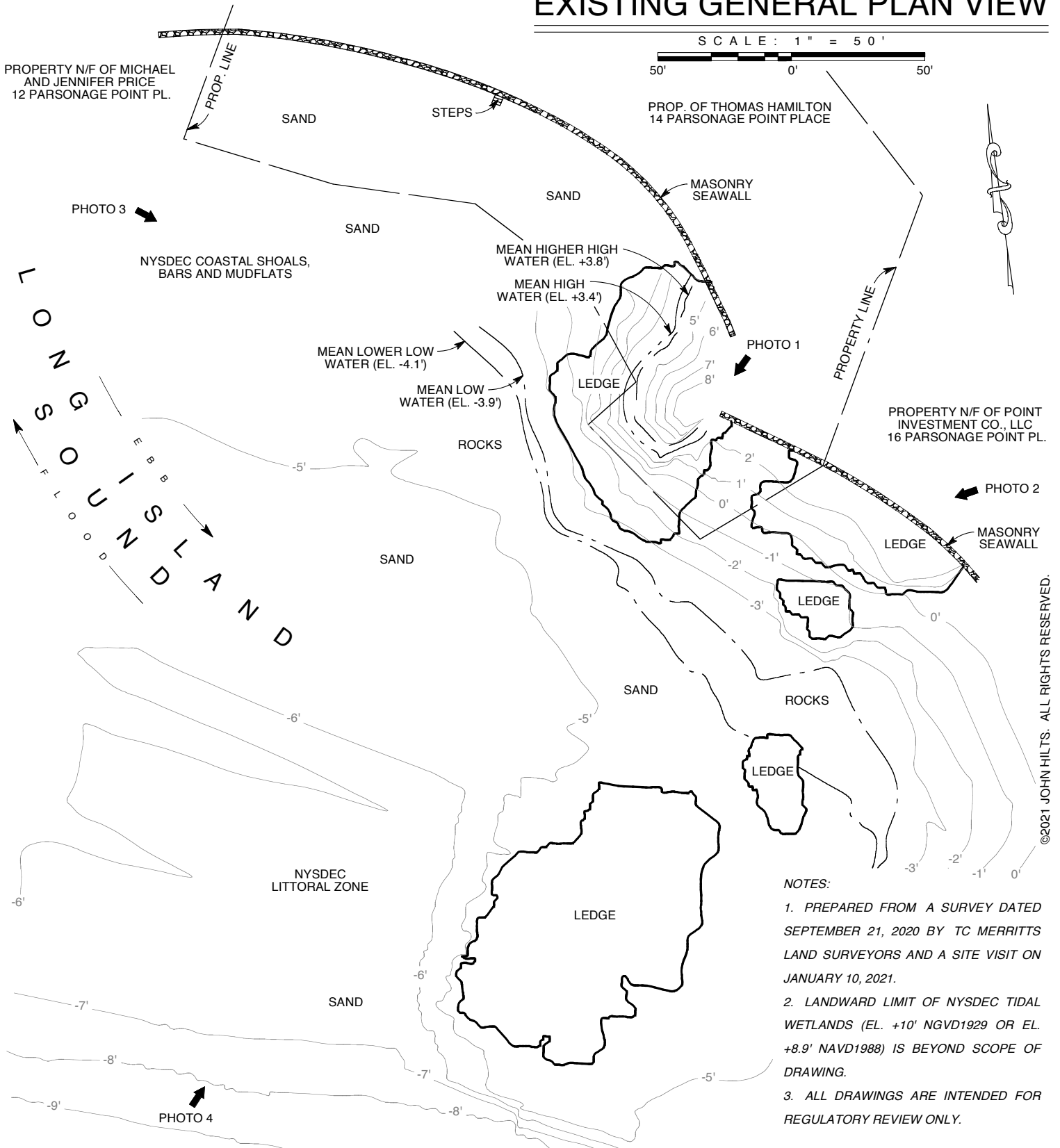
FROM U.S.G.S. MAMARONECK QUADRANGLE MAP

SCALE: 1:24000

PURPOSE: SEASONAL RECREATIONAL BOAT DOCKING
 DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988
 ADJ. OWNERS: POINT INVESTMENT CO., LLC; MICHAEL AND JENNIFER PRICE
 APPLICATION PREPARED BY: JOHN HILTS P.O. BOX 47, ROWAYTON, CT 06853

PROPOSED PIER, RAMP AND FLOATING DOCK IN LONG ISLAND SOUND AT 14
 PARSONAGE POINT PLACE, CITY OF RYE, WESTCHESTER COUNTY, NEW YORK
 APPLICATION BY: MR. THOMAS HAMILTON
 DATE: 3/21/21 SHEET 1 OF 4 REVISION NUMBER: DATE:

EXISTING GENERAL PLAN VIEW



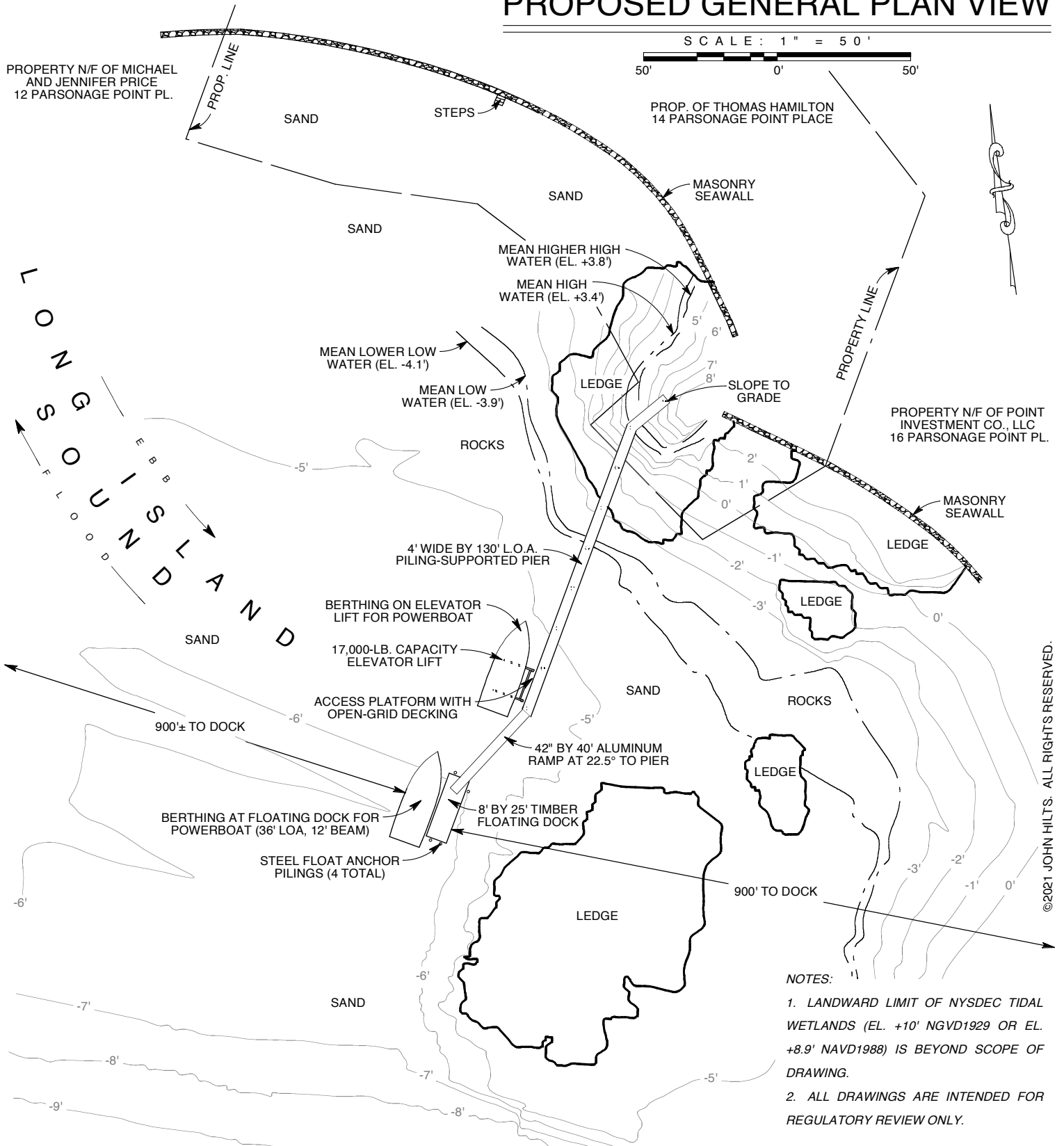
- NOTES:**
1. PREPARED FROM A SURVEY DATED SEPTEMBER 21, 2020 BY TC MERRITTS LAND SURVEYORS AND A SITE VISIT ON JANUARY 10, 2021.
 2. LANDWARD LIMIT OF NYSDEC TIDAL WETLANDS (EL. +10' NGVD1929 OR EL. +8.9' NAVD1988) IS BEYOND SCOPE OF DRAWING.
 3. ALL DRAWINGS ARE INTENDED FOR REGULATORY REVIEW ONLY.

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 DATE: 3/21/21 SHEET 2 OF 4 REVISION NUMBER: DATE:

PROPOSED GENERAL PLAN VIEW

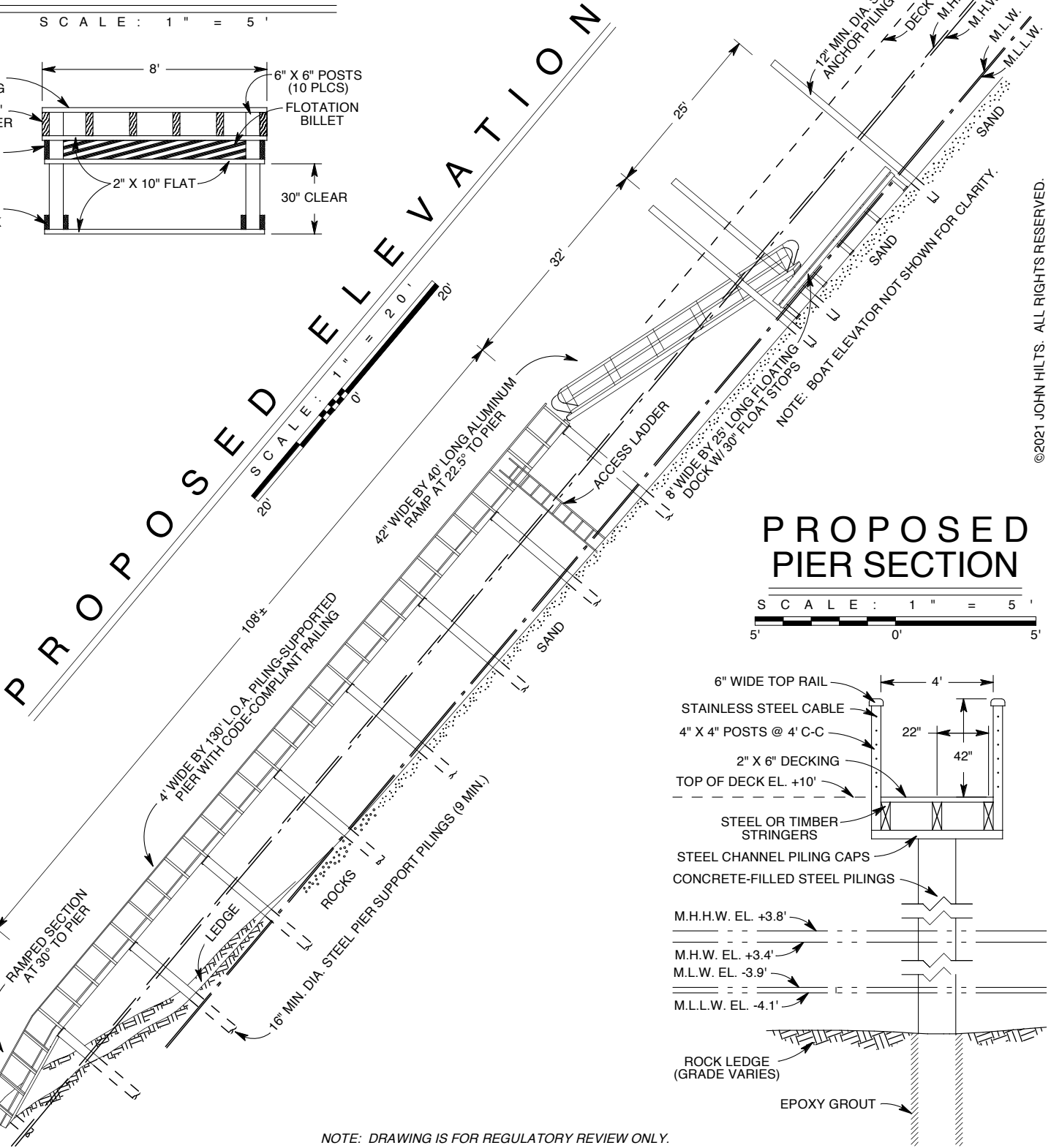
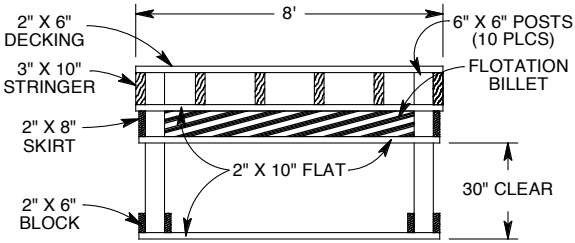


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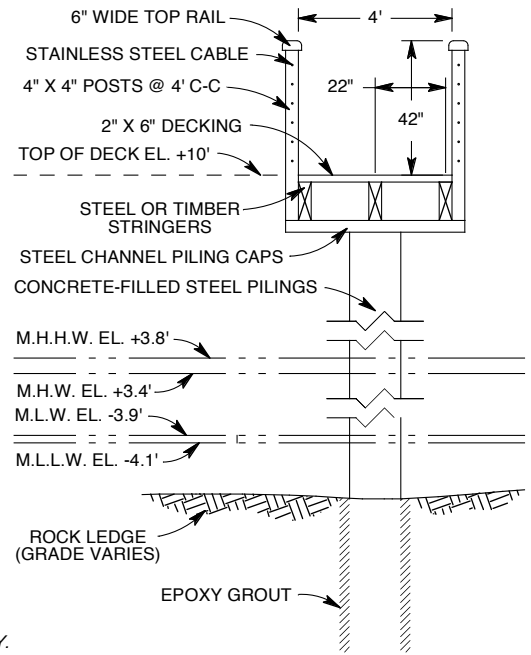
PROPOSED FLOATING DOCK SECTION

SCALE: 1" = 5'



PROPOSED PIER SECTION

SCALE: 1" = 5'



NOTE: DRAWING IS FOR REGULATORY REVIEW ONLY.

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