

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-2021-00232-WRY
Issue Date: March 26, 2021
Expiration Date: April 25, 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).

APPLICANT: Matthew Donn
302 River Road
Grand View-on-Hudson, NY 10960

ACTIVITY: Construct fixed pier with associated ramp, float, and boatlift.

WATERWAY: Hudson River (Hudson River Watershed)

LOCATION: Town of Orangetown, Rockland 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 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-2021-00232-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 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 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 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, the project would occur within a building district which is eligible for inclusion in the Register. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit. However, there is previous ground disturbance associated with the former pier, and the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), the District Engineer is consulting with the New York State Office of Parks, Recreation and Historic Preservation to determine the potential impacts to eligible historic resources.

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

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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.

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 Docks, Platforms & Moorings

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 Miss Alexandra Ryan of this office at alexandra.ryan@usace.army.mil.

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

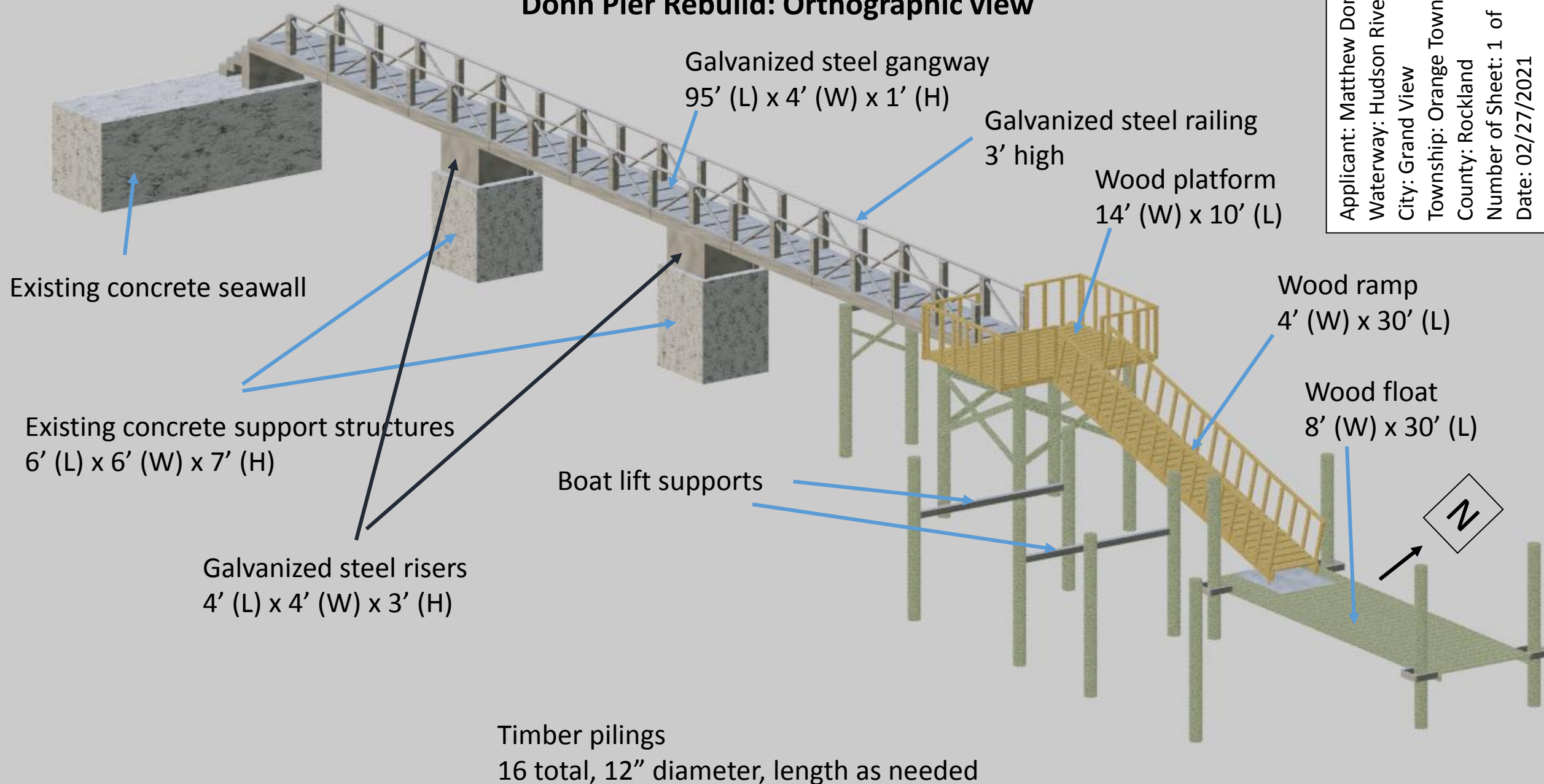
WORK DESCRIPTION

The applicant, Matthew Donn, has requested Department of the Army authorization for the construction of a fixed pier with associated ramp, float, and boatlift in the Hudson River, Town of Orangetown, Rockland County, New York.

The work would involve the installation of a 95-foot (ft) long by four-ft wide prefabricated galvanized steel pier. The pier would be supported by two galvanized steel risers, measuring four-ft long by four-ft wide by three-ft high, secured on top of the existing concrete piles, which remain in-place from the former pier. Additionally, the project would install 10-ft long by 14-ft wide timber platform, a 30-ft long by four-ft wide timber ramp, a 30-ft long by eight-ft wide floating dock, and a boat lift. The platform, float, and boat lift would be supported by a total of 16 timber pilings with 12-inch diameter, installed via vibratory methods. The length of the structure would extend approximately 159-ft into the Hudson River. The proposed pier would be longer than the length of the former pier to reach navigable water depths, which have reduced due to accumulated sediments and debris pile from the former cribbing structure.

The stated purpose of this project is to restore safe access to the waterway for recreational use.

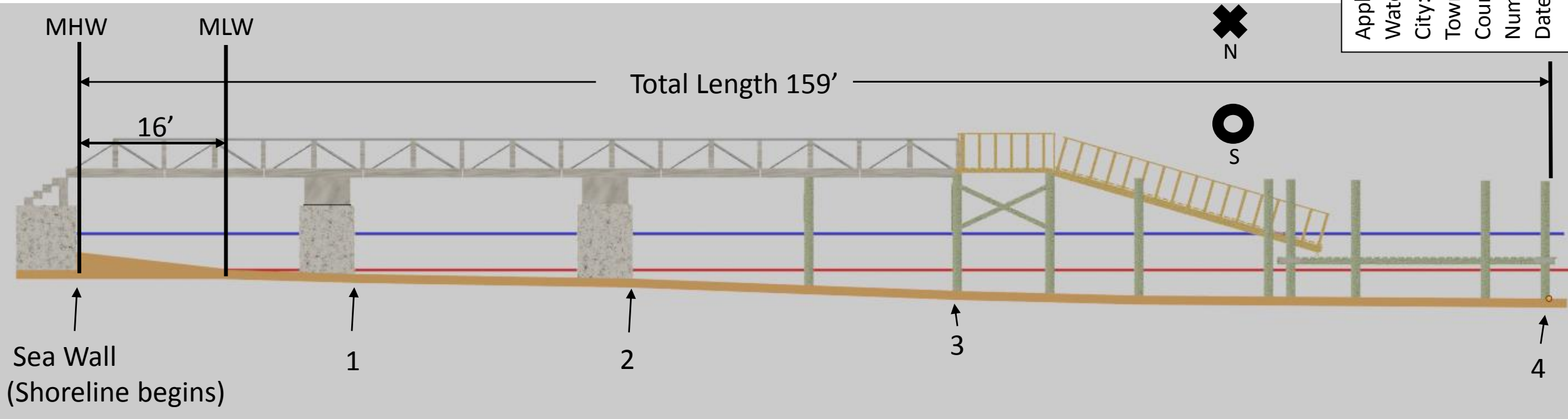
Donn Pier Rebuild: Orthographic view



Applicant: Matthew Donn
Waterway: Hudson River
City: Grand View
Township: Orange Town
County: Rockland
Number of Sheet: 1 of 3
Date: 02/27/2021

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- Mean high tide water level
- Mean low tide water level
- Riverbed



Mean Low Tide Water Depth
Sea Wall: 0"
1: 5"
2: 11"
3: 2' 3"
4: 3'

Mean High Tide Water Depth
Sea Wall: 1' 11"
1: 4' 4"
2: 4' 10"
3: 6' 2"
4: 6' 11"

Scale: 10 ft

Donn Pier Rebuild: Plan view of proposed pier overlaid at location site

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