



JOINT PUBLIC NOTICE

US Army Corps of Engineers New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090
Attn: Regulatory Branch

State of Connecticut – Department of
Energy and Environmental Protection
79 Elm Street
Hartford, CT 01606-5127

US Army Corps of Engineers New England District
696 Virginia Road
Concord, MA 01742-2751
Attn: Regulatory Division

In replying refer to:
PN Number: NAN-2021-01466-EBR
Issue Date: March 9, 2022
Expiration Date: April 8, 2022

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), Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408):

APPLICANT: City of Rye
1051 Boston Post Road
Rye, New York 10580

ACTIVITY: Perform maintenance dredging of the Milton Harbor access channel from Long Island Sound to the City's municipal marina boat basin and the City's municipal marina boat basin.

WATERWAY : Dredging: Milton Harbor, a tributary of Long Island Sound

Dredged Material Placement: Upland state-approved site and Long Island Sound designated dredged material placement site

LOCATION: City of Rye, Westchester County, New York

Independent evaluations of various aspects of the proposed project will be performed by the US Army Corps of Engineers-New York District, US Army Corps of Engineers-New England District, the State of Connecticut, and the State of New York in accordance with applicable federal and state laws.

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 the 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 William.Bruno@usace.army.mil BEFORE 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, by writing to the District Engineer 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.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also 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/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended.

The activities proposed herein will also require review by the Corps pursuant to 33 U.S.C. 408 if it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project known as Milton Harbor, New York Federal Navigation Project. The proposed alteration involves maintenance dredging to a narrower width and shallower depth. The proposed alteration is located within the existing Federal Navigation Channel. A permit pursuant to Section 10/404/103 would not be granted until the Section 408 review is complete. Through this public notice we are soliciting information necessary to inform the Corps evaluation and review.

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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 963,000 square feet of EFH for the attached list of species and their life stages. Habitat at this site can be described as silty mud interspersed with sand. Loss of this habitat may adversely affect any of the attached list of species. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the NMFS regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Dredged material disposal is proposed for the Western Long Island Sound Disposal Site (WLDS). This is an open water site, which provides EFH for the listed species and their life stages as shown on the attached table. Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect any of the species listed on the attached sheet. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with NMFS regarding EFH 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 Boston Post Road Historic District is located within the permit area. Presently unknown archaeological, scientific, 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 certificates or waivers from the appropriate state agencies in accordance with Section 401 of the Clean Water Act prior to a permit decision. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York and Connecticut, it will so notify such other state(s), the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

Barge overflow of dredged material is not requested however, decanting of excess water at the dredging site is proposed. New York State Department of Environmental Conservation will review the applicant's dredged material decant proposal for consistency with New York's water quality standards for issuance of a Section 401 Water Quality Certification.

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, approved state coastal zone management programs. By this public notice, we are requesting states 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.

The Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, will review the applicant's dredged material placement proposal for

consistency with Connecticut's water quality standards. Subsequent issuance of the Section 401 Water Quality Certificate from the state agency will indicate concurrence with the coastal area management plan.

Comments related to water quality issues should be submitted both to this office and to the Connecticut Department of Environmental Protection, Land and Water Resources Division, 79 Elm Street, Hartford, Connecticut 06106-5127. For more information about the water quality certification, please contact Connecticut's Office of Long Island Sound Programs at (860) 424-3019.

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
State of Connecticut Department of Energy and Environmental Protection**

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) 790-8516 and ask for William T. Bruno, or email William.Bruno@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey 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 permit applicant, the City of Rye, Westchester County, New York has requested Department of the Army authorization to perform maintenance dredging of the Milton Harbor access channel from Long Island Sound to the City's municipal marina boat basin; as well as, the City's municipal marina boat basin.

The regulated work consists of maintenance dredging of a total of approximately 63,600 cubic yards (CYs) of dredged material from a total area of approximately 963,000 square feet (22.11 acres) including the municipal boat basin and the Milton Harbor access channel. Approximately 43,000 CYs of dredged material from the municipal boat basin will be disposed of upland at a state-approved site. Approximately 21,000 CYs of dredged material from the Milton Harbor access channel would be disposed of in Long Island Sound at the Western Long Island Sound (dredged material) Disposal Site (WLDS) in Connecticut state waters off of Stamford, Connecticut.

Maintenance dredging of the municipal boat basin, as shown on the attached permit application drawings, will consist of clamshell bucket dredging in an irregularly-shaped area of approximately 280,000 square feet (6.42 acres) to a depth of 6 feet below the plane of Mean Lower Low Water (MLLW) Datum with a one-foot allowable overdepth. The dredged material would be loaded into scow barges and offloaded at the shoreline for truck transport to a state-approved upland site. Excess water in the scow barge will be decanted and returned into the waters of the dredging site.

Maintenance dredging of the Milton Harbor access channel from Long Island Sound, as shown on the attached permit application drawings, will remove by mechanical clamshell bucket dredge approximately 21,000 CYs of dredged material restoring a channel 75 feet wide at its base with 1 on 3 side slopes; and approximately 5,000 feet long to a depth of 5 feet below the plane of Mean Lower Low Water (MLLW) Datum with no allowable overdepth. This area of dredging is approximately 683,000 square feet (15.68 acres).

The approximate 21,000 CYs of dredged material from the access channel would be placed in bottom-opening dump scow barges for transport and placement at the open-water Western Long Island Sound (dredged material) Disposal Site (WLDS) in Connecticut state waters off of Stamford, Connecticut. Excess water in the scow barge will be decanted and returned into the waters of the dredging site.

The permit applicant's channel restoration dredging will be within the footprint of the Congressionally authorized Federal Milton Harbor, New York Federal Navigation Channel.

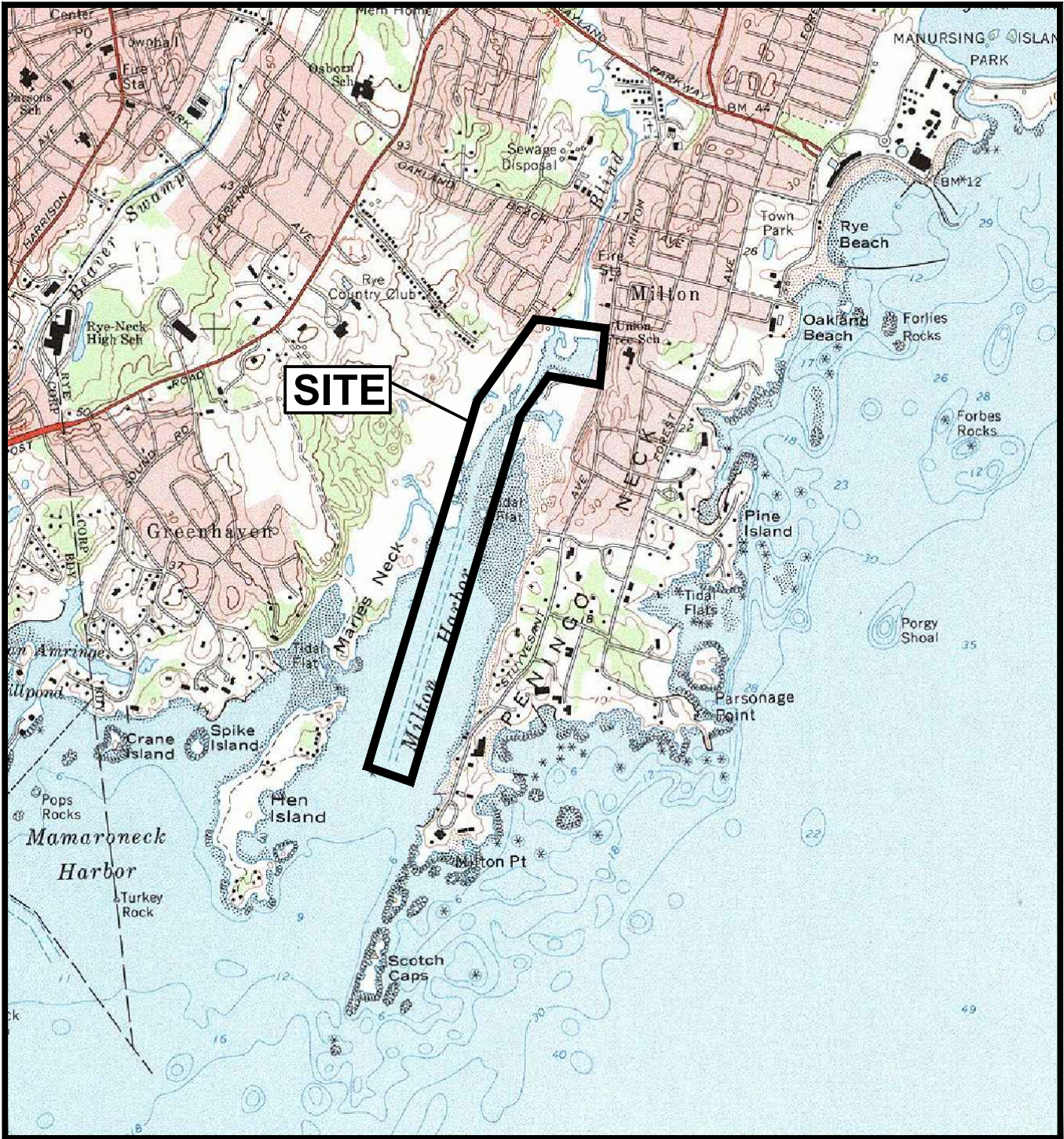
The permit applicant's stated purpose for this regulated work is to restore safe navigation depths in the harbor access channel and within the City's municipal marina.

The permit applicant has stated that they have avoided, minimized, and mitigated for potential impacts, to the maximum extent practicable, by limiting the dredging area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed dredging equipment and open-water dredged material placement.

Sampling and Testing:

Based on an evaluation of the data that characterize the material proposed to be dredged, the applicant has sampled and tested the areas to be dredged. The Corps of Engineers finds that the data provided sufficient information to satisfy the evaluation and testing requirements of the appropriate regulations. The Corps finds that placement at the WLDS would be suitable.

The dredged material has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. It is our preliminary determination that the material is acceptable for disposal at a Long Island Sound dredged material placement site.



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57-B East Industrial Road, Branford, CT 06405
(203) 433-4486

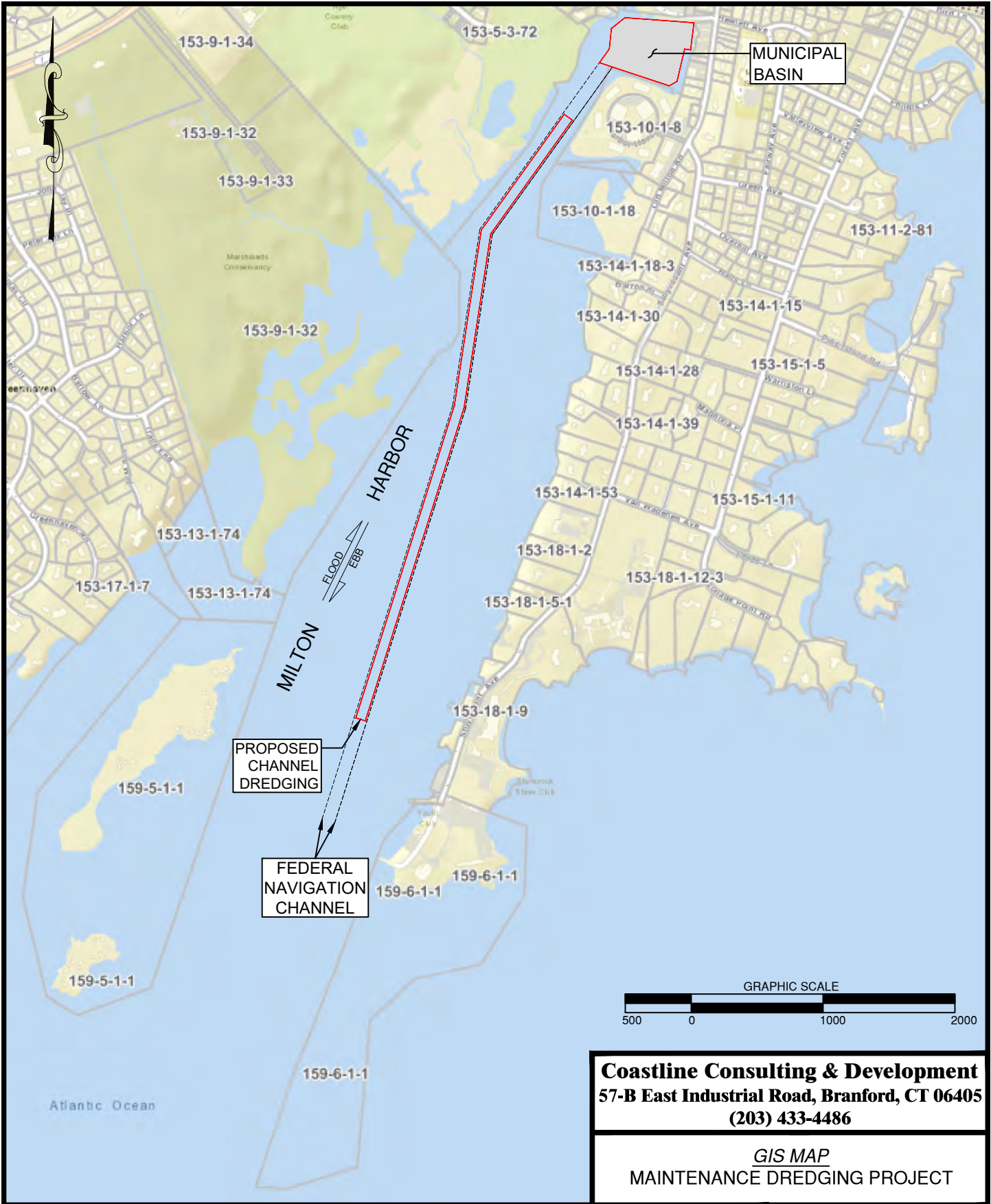
SITE LOCATION MAP
MAINTENANCE DREDGING PROJECT

MILTON HARBOR NAVIGATION CHANNEL
& MUNICIPAL BOAT BASIN
RYE, NEW YORK

NOTE: REFER TO NOTES FOR THIS SHEET IN
APPLICATION DRAWING NOTES ON SHEET 13 OF 13.

10-5-2021 | SCALE: 1 = 24,000 | SHEET 1 OF 13

USACE FILE: NAN-2021-01466-EBR



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GIS MAP
 MAINTENANCE DREDGING PROJECT

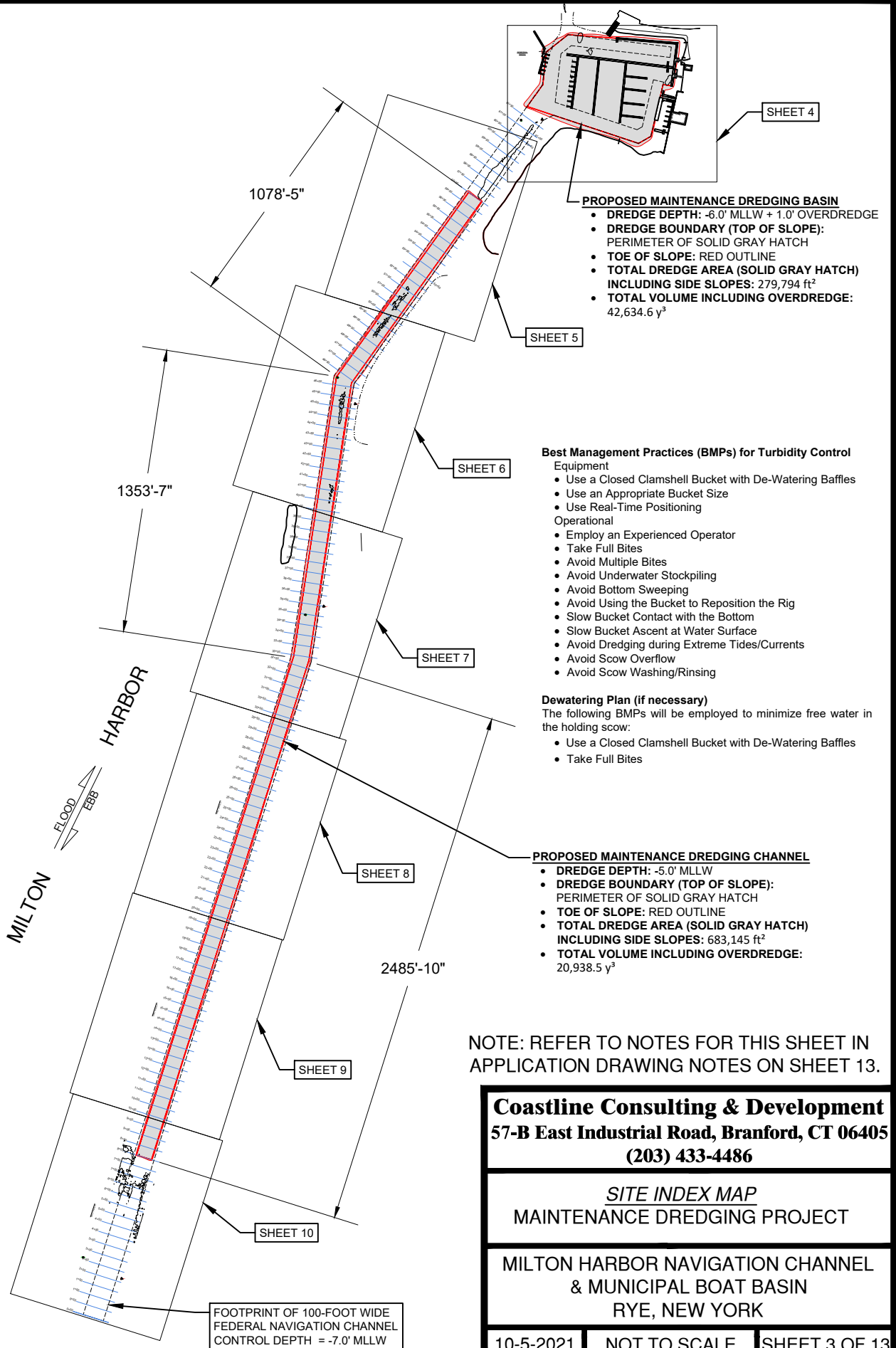
MILTON HARBOR NAVIGATION CHANNEL
 & MUNICIPAL BOAT BASIN
 RYE, NEW YORK

10-5-2021 | SCALE: 1" = 1000' | SHEET 2 OF 13

NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 13 OF 13.

USACE FILE: NAN-2021-01466-EBR

NY STATE PLANE COORDINATE SYSTEM (NAD 83)



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SITE INDEX MAP
 MAINTENANCE DREDGING PROJECT

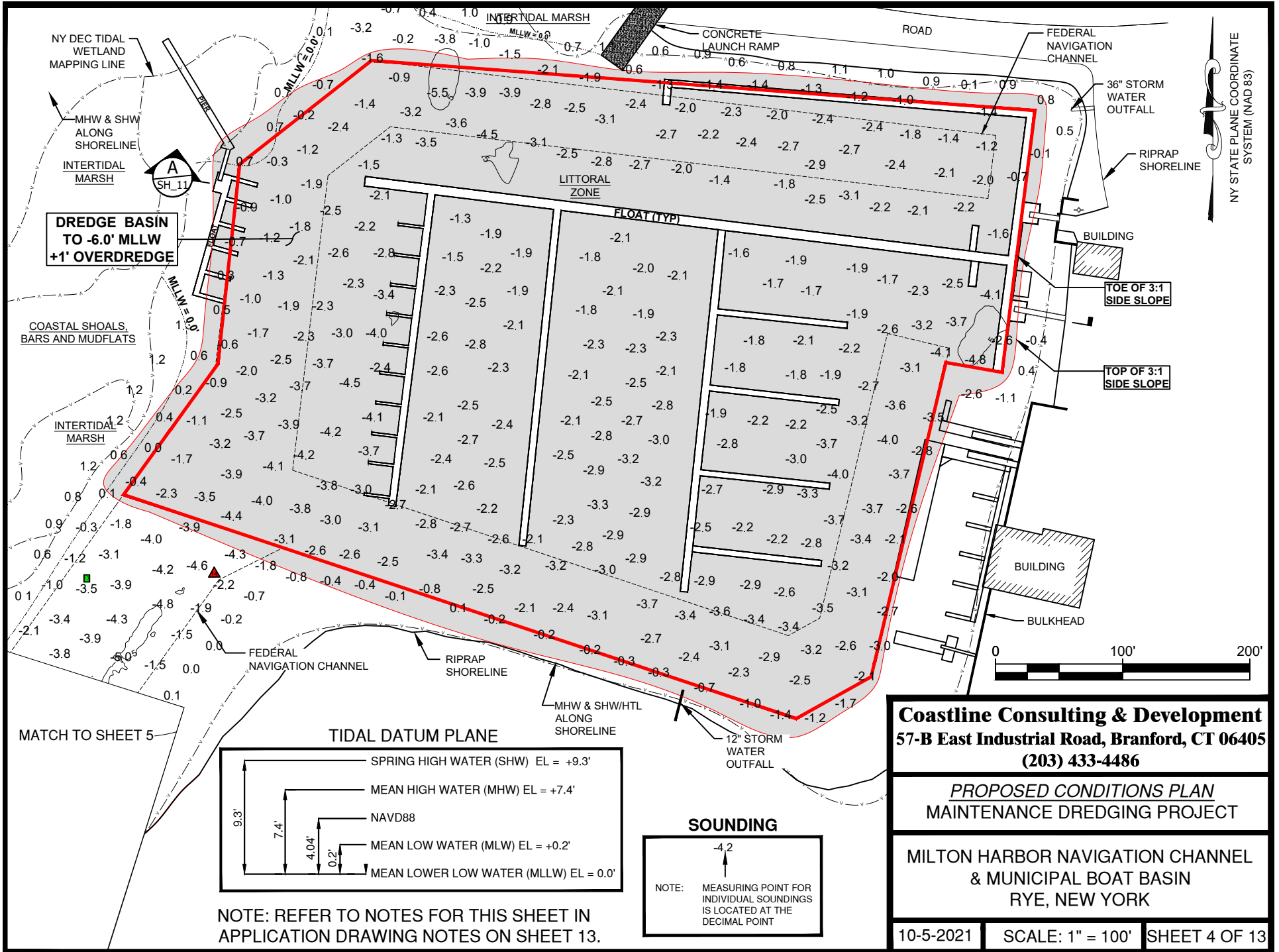
MILTON HARBOR NAVIGATION CHANNEL
 & MUNICIPAL BOAT BASIN
 RYE, NEW YORK

10-5-2021

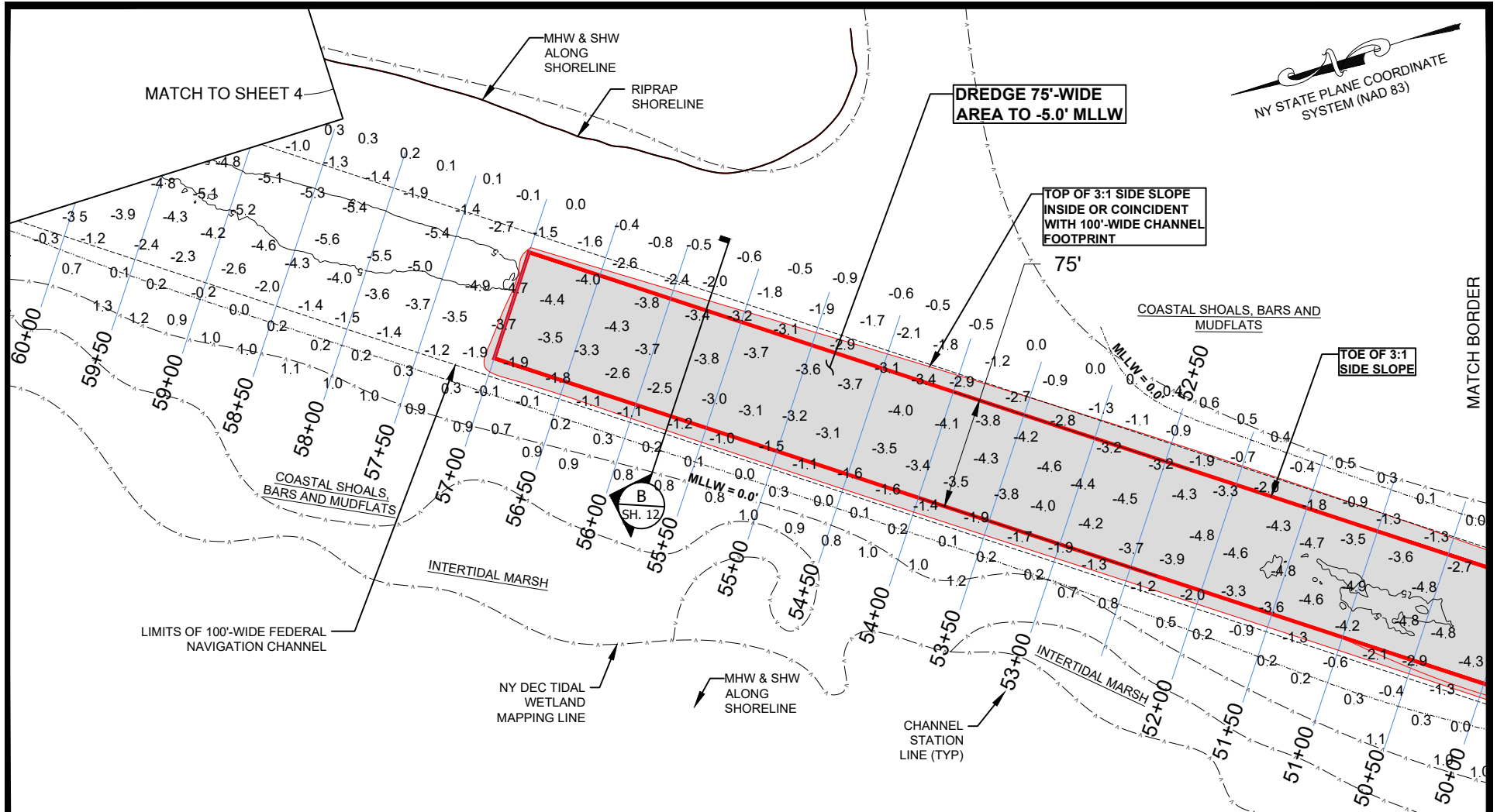
NOT TO SCALE

SHEET 3 OF 13

USACE FILE: NAN-2021-01466-EBR



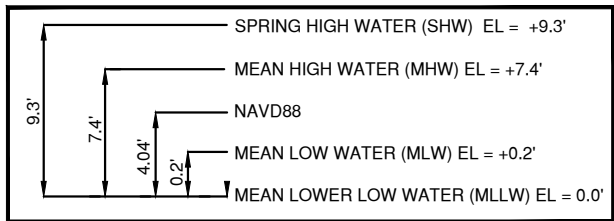
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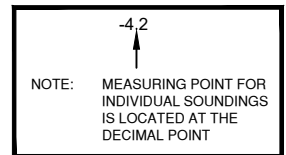
MATCH TO SHEET 4

MATCH BORDER

TIDAL DATUM PLANE



SOUNDING



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 13.

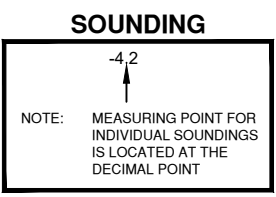
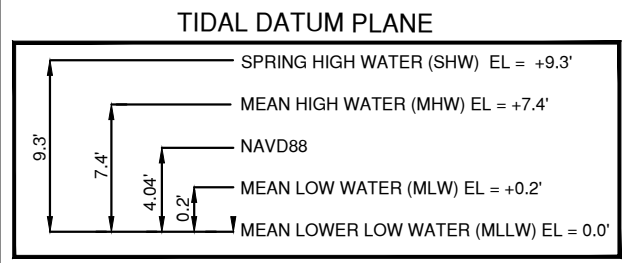
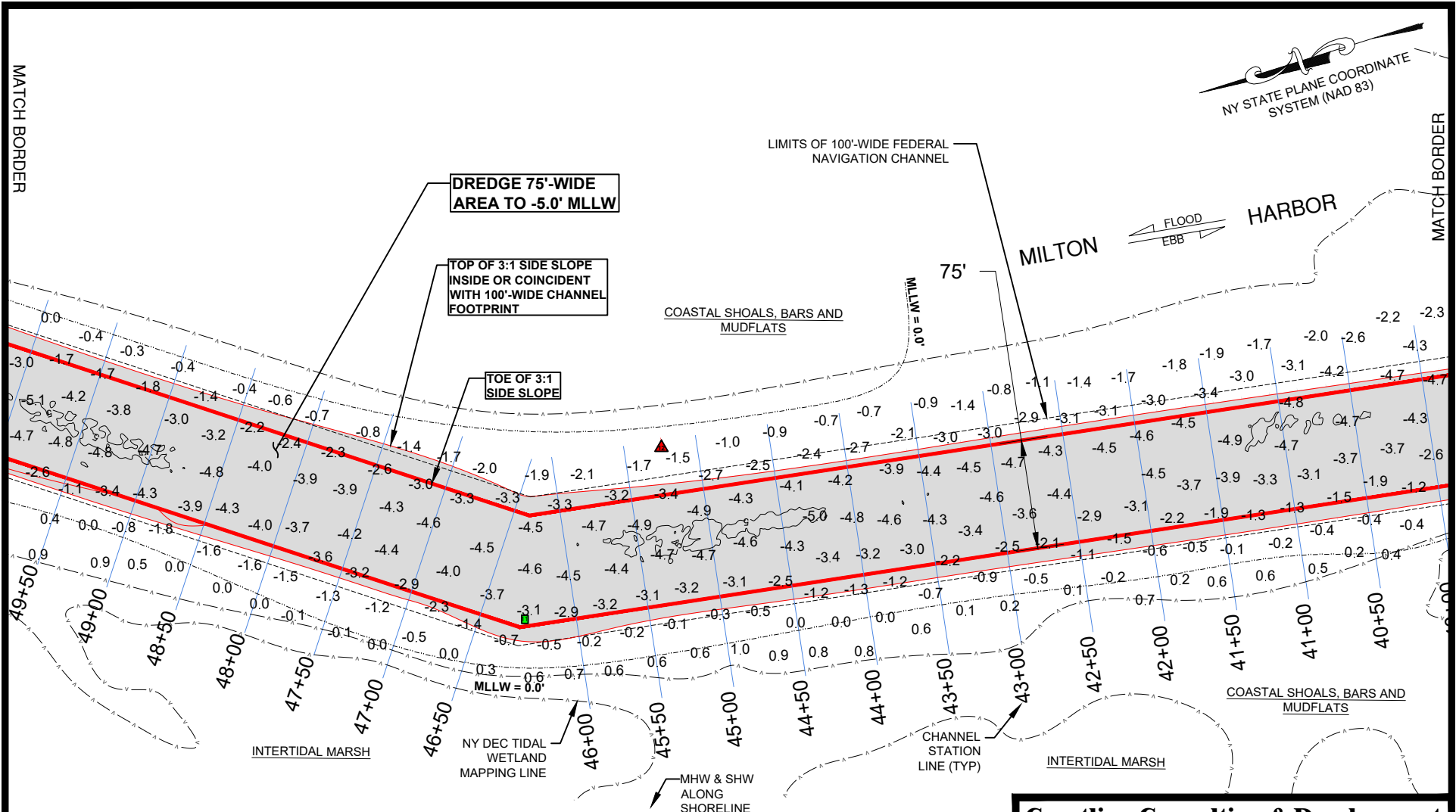
Coastline Consulting & Development
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 (203) 433-4486

PROPOSED CONDITIONS PLAN
 MAINTENANCE DREDGING PROJECT

MILTON HARBOR NAVIGATION CHANNEL
 & MUNICIPAL BOAT BASIN
 RYE, NEW YORK

10-5-2021 | SCALE: 1" = 100' | SHEET 5 OF 13

USACE FILE: NAN-2021-01466-EBR



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 13.

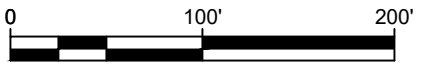
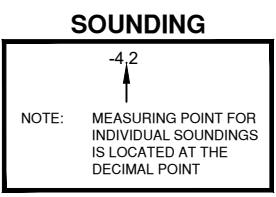
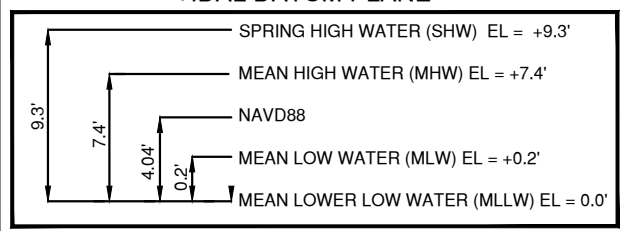
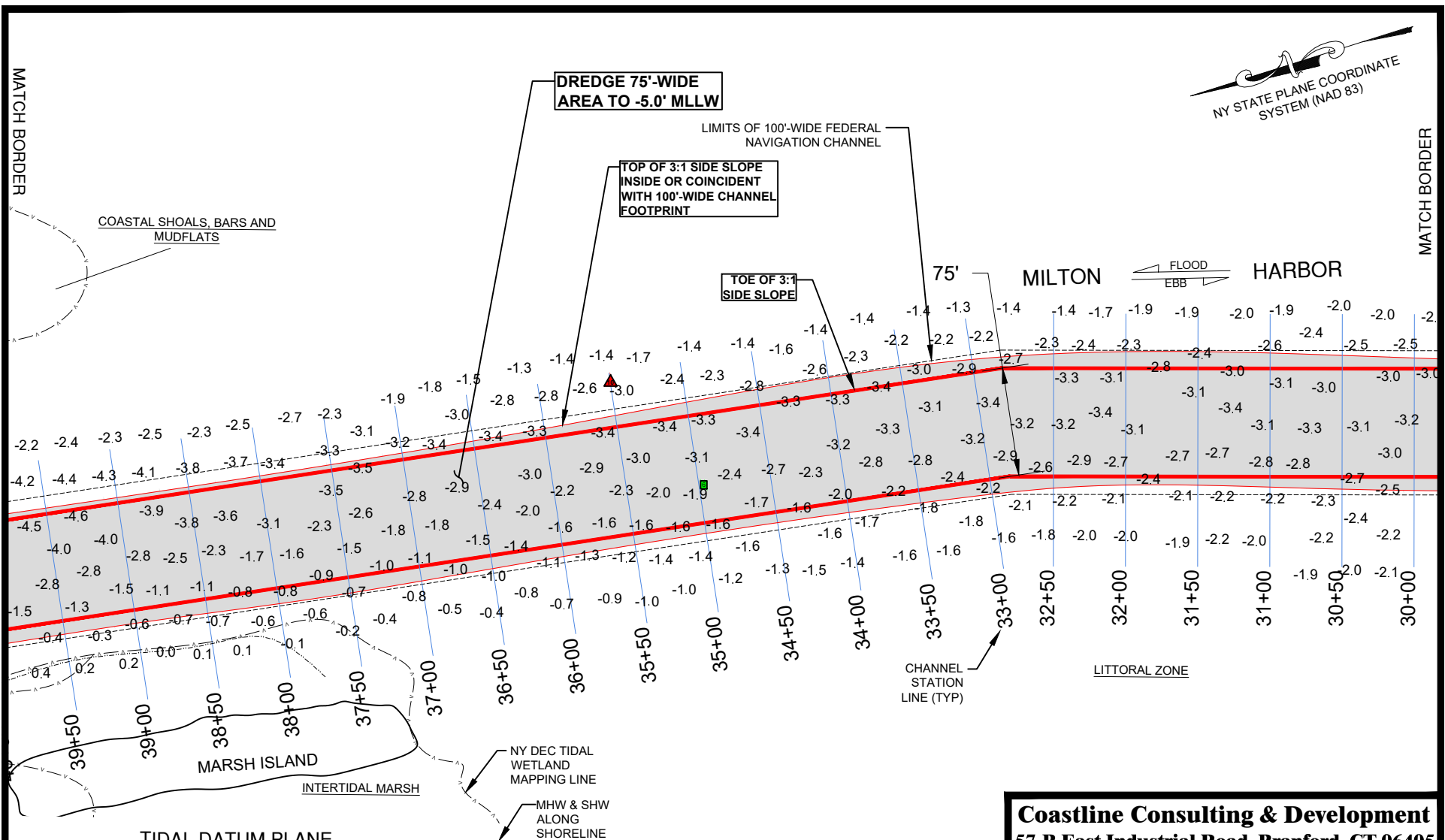
Coastline Consulting & Development
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PROPOSED CONDITIONS PLAN
 MAINTENANCE DREDGING PROJECT

MILTON HARBOR NAVIGATION CHANNEL
 & MUNICIPAL BOAT BASIN
 RYE, NEW YORK

10-5-2021 | SCALE: 1" = 100' | SHEET 6 OF 13

USACE FILE: NAN-2021-01466-EBR



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 13.

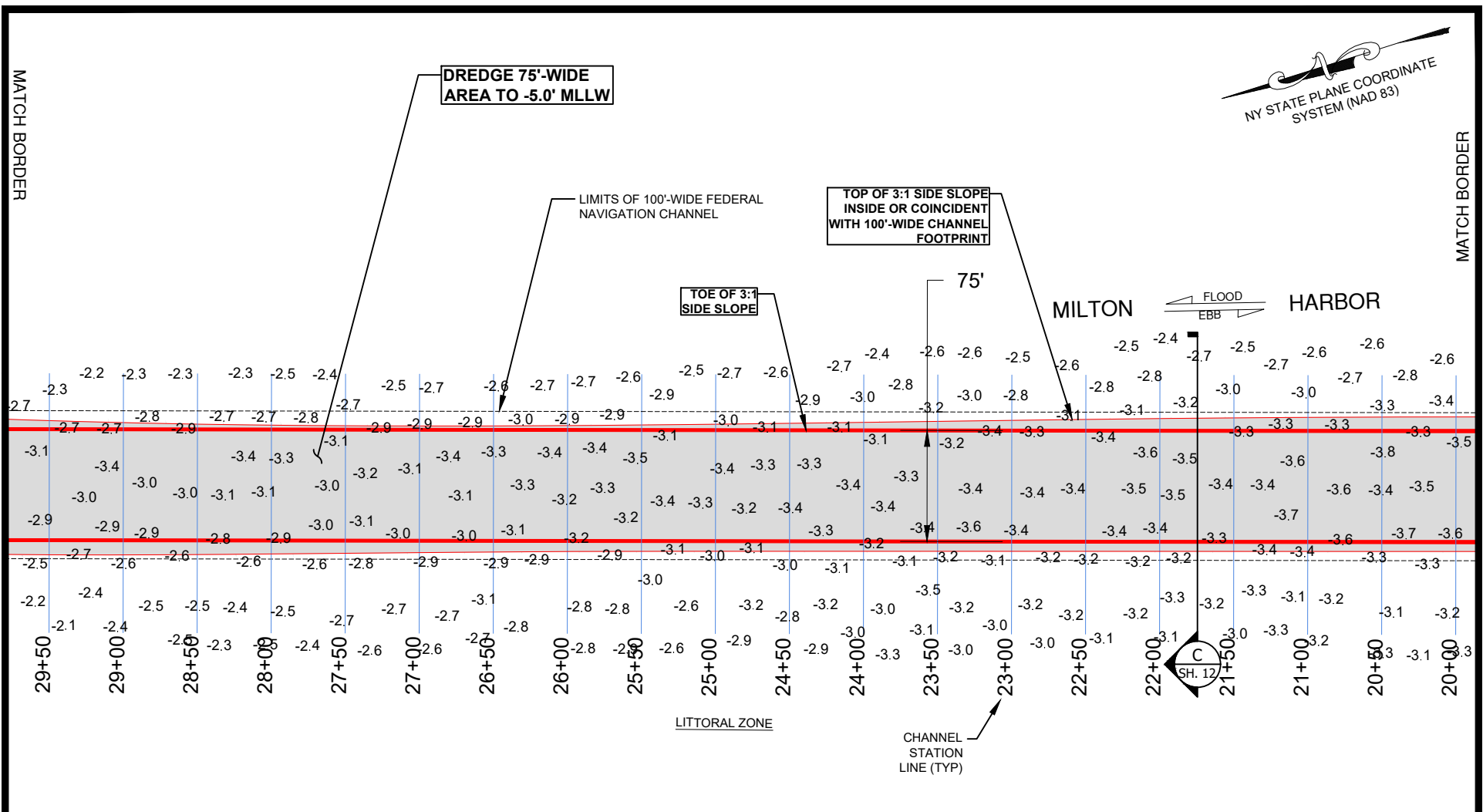
Coastline Consulting & Development
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PROPOSED CONDITIONS PLAN
 MAINTENANCE DREDGING PROJECT

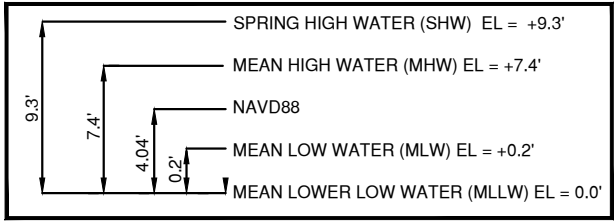
MILTON HARBOR NAVIGATION CHANNEL
 & MUNICIPAL BOAT BASIN
 RYE, NEW YORK

10-5-2021 | SCALE: 1" = 100' | SHEET 7 OF 13

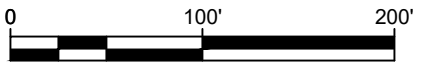
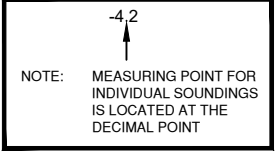
USACE FILE: NAN-2021-01466-EBR



TIDAL DATUM PLANE



SOUNDING



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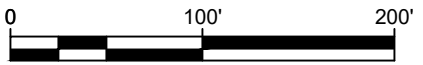
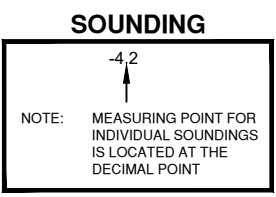
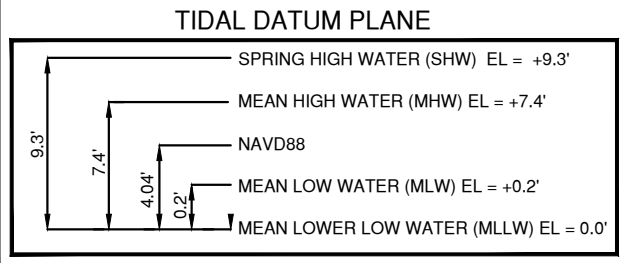
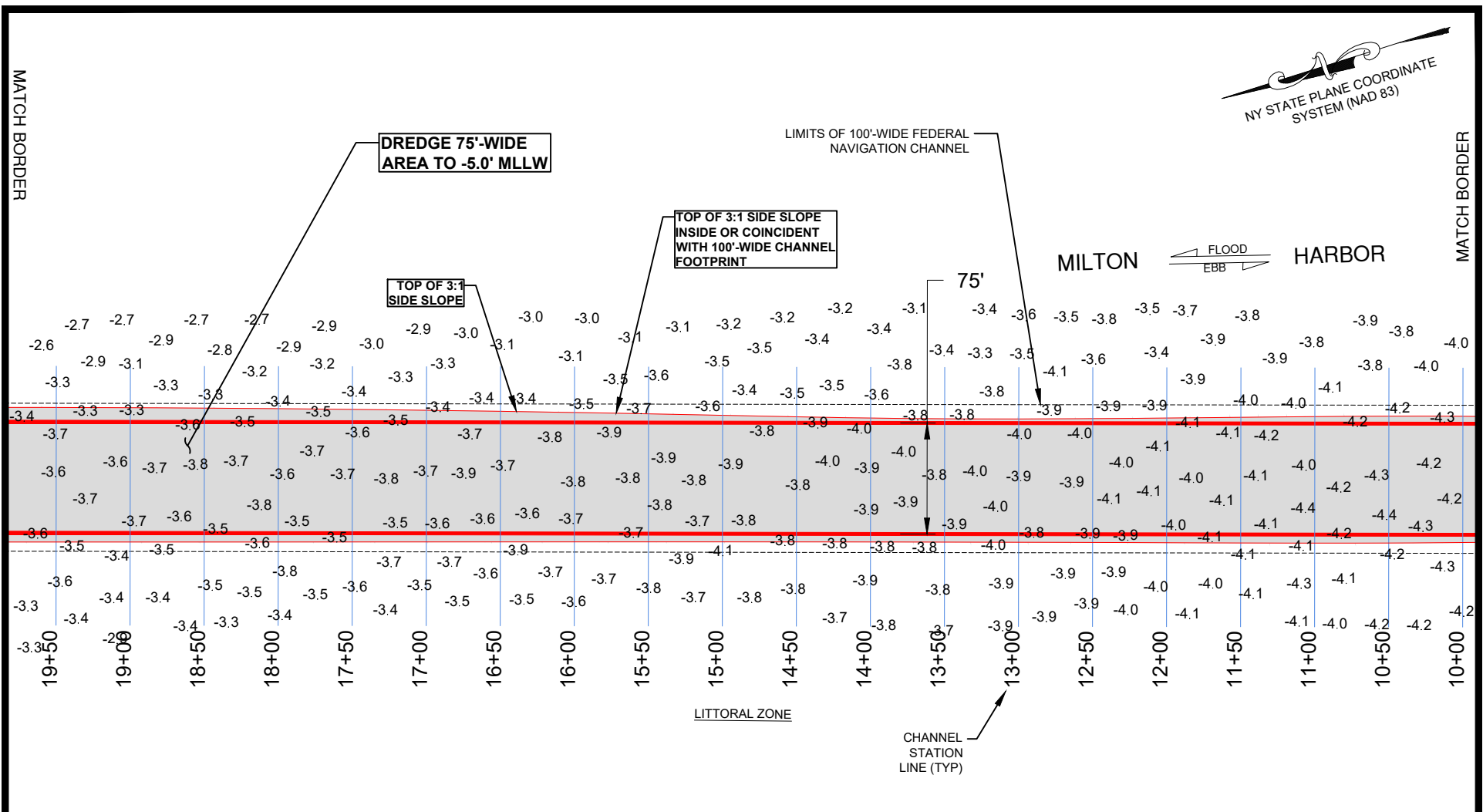
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PROPOSED CONDITIONS PLAN
 MAINTENANCE DREDGING PROJECT

MILTON HARBOR NAVIGATION CHANNEL
 & MUNICIPAL BOAT BASIN
 RYE, NEW YORK

10-5-2021 | SCALE: 1" = 100' | SHEET 8 OF 13

USACE FILE: NAN-2021-01466-EBR



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 13.

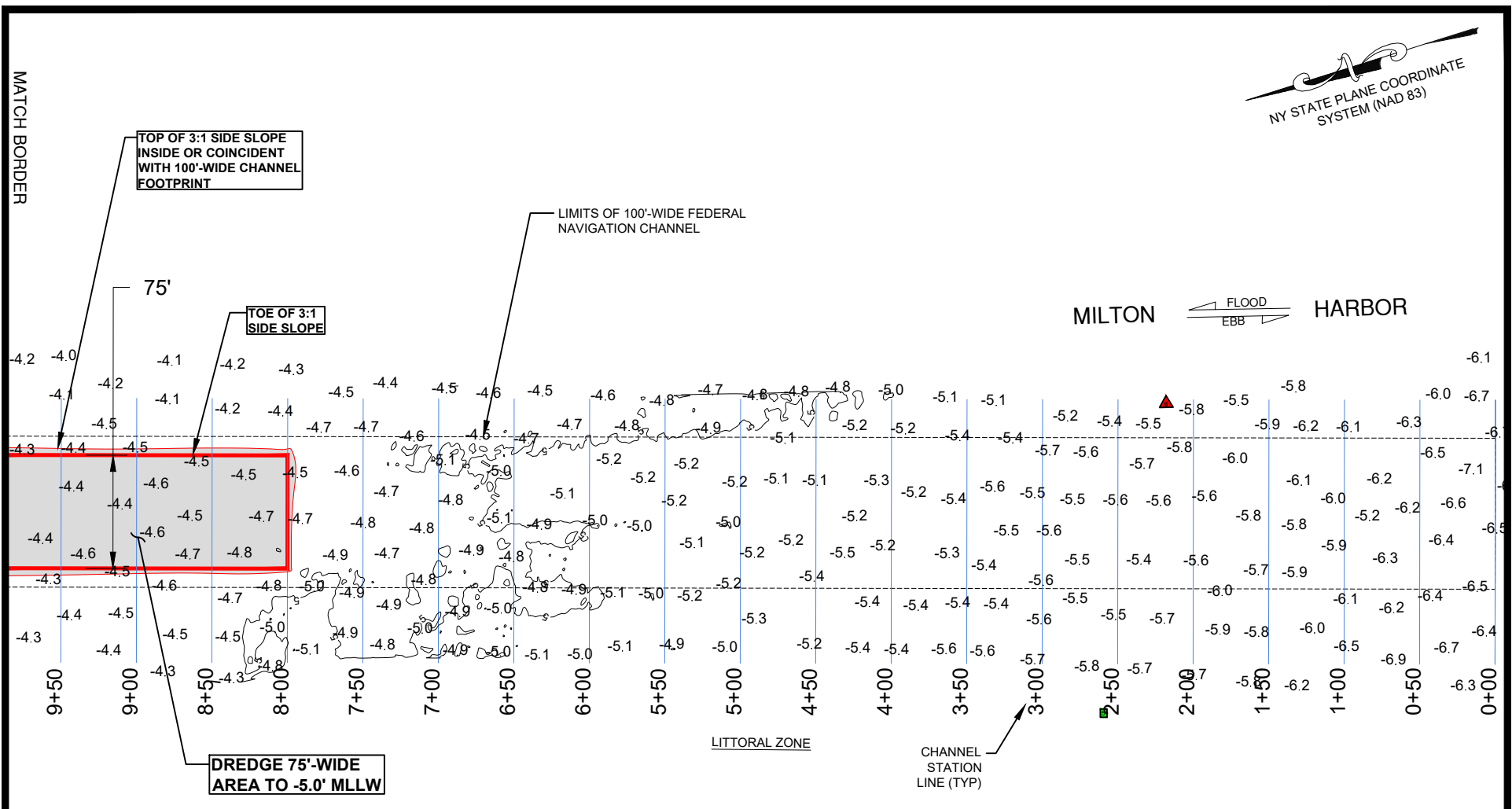
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PROPOSED CONDITIONS PLAN
 MAINTENANCE DREDGING PROJECT

MILTON HARBOR NAVIGATION CHANNEL
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 RYE, NEW YORK

10-5-2021 SCALE: 1" = 100' SHEET 9 OF 13

USACE FILE: NAN-2021-01466-EBR



TOP OF 3:1 SIDE SLOPE
INSIDE OR COINCIDENT
WITH 100'-WIDE CHANNEL
FOOTPRINT

TOE OF 3:1
SIDE SLOPE

LIMITS OF 100'-WIDE FEDERAL
NAVIGATION CHANNEL

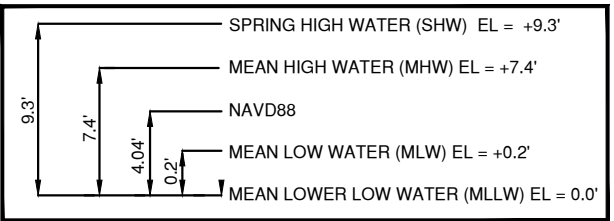
MILTON FLOOD
EBB

DREDGE 75'-WIDE
AREA TO -5.0' MLLW

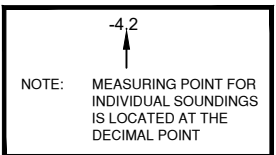
LITTORAL ZONE

CHANNEL STATION
LINE (TYP)

TIDAL DATUM PLANE



SOUNDING



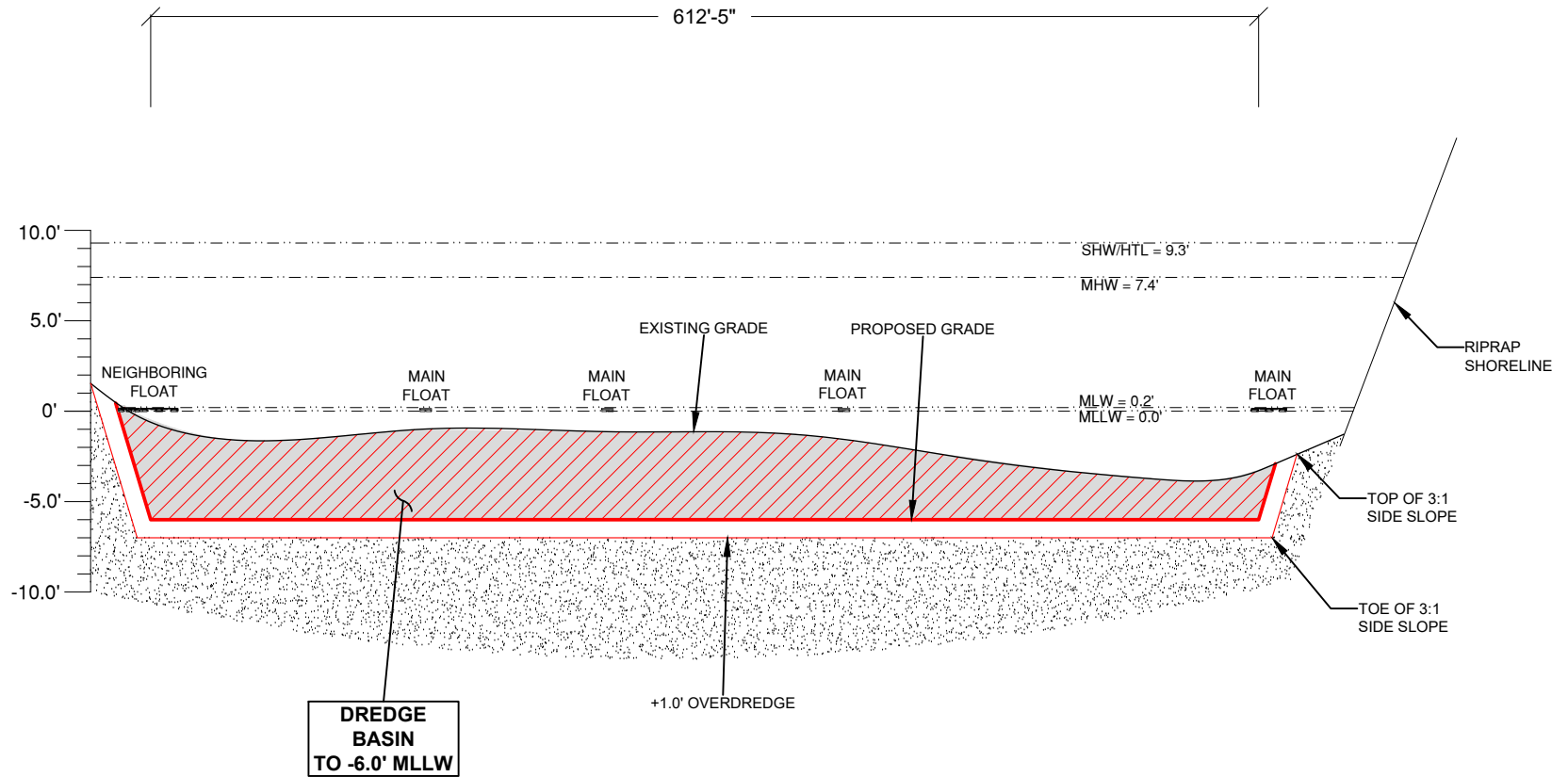
NOTE: REFER TO NOTES FOR THIS SHEET IN
APPLICATION DRAWING NOTES ON SHEET 13.

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PROPOSED CONDITIONS PLAN
MAINTENANCE DREDGING PROJECT

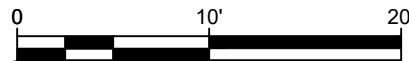
MILTON HARBOR NAVIGATION CHANNEL
& MUNICIPAL BOAT BASIN
RYE, NEW YORK

10-5-2021 | SCALE: 1" = 100' | SHEET 10 OF 13

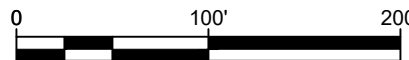


CROSS SECTION A

VERTICAL



HORIZONTAL



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 13.

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CROSS SECTION A
 MAINTENANCE DREDGING PROEJCT

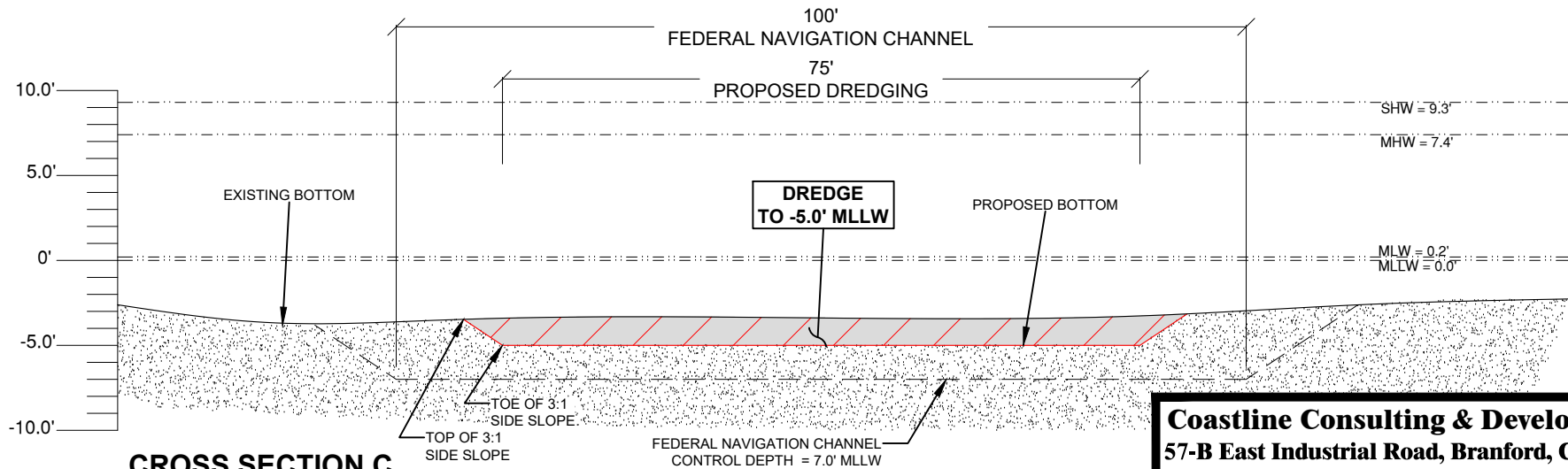
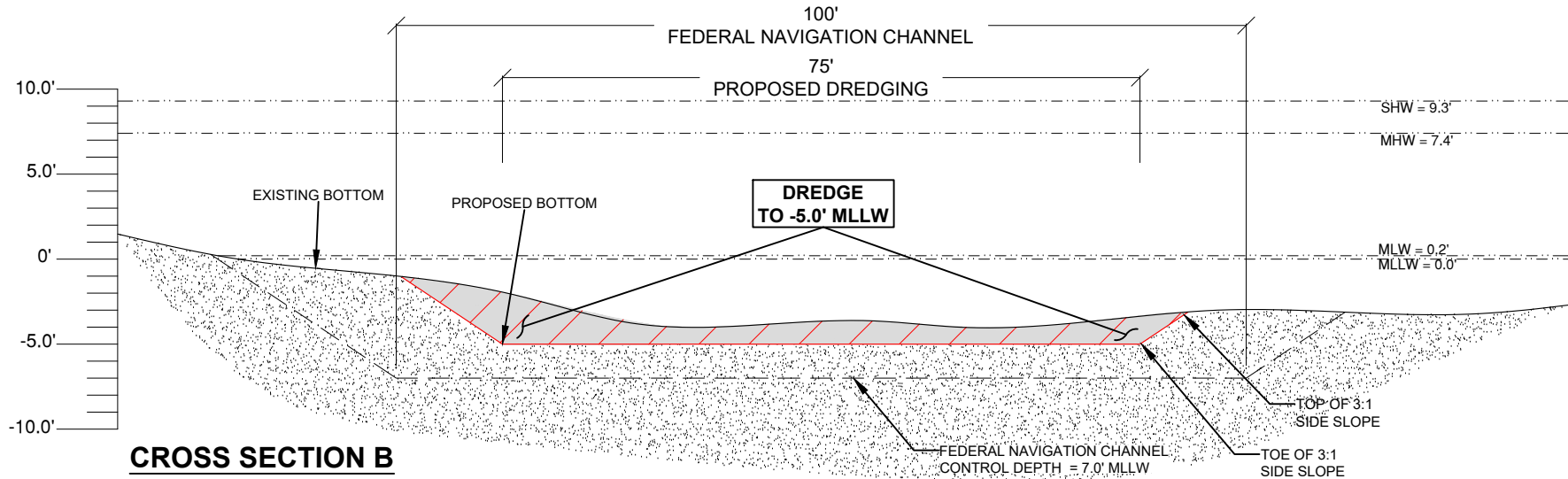
MILTON HARBOR NAVIGATION CHANNEL
 & MUNICIPAL BOAT BASIN
 RYE, NEW YORK

10-5-2021

SCALE: 1" = 100' HOR.
 1" = 10' VER.

SHEET 11 OF 13

USACE FILE: NAN-2021-01466-EBR



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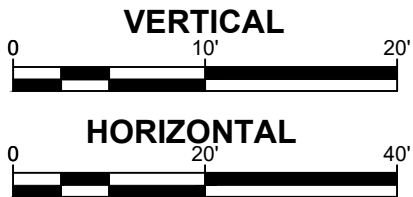
CROSS SECTIONS B & C
MAINTENANCE DREDGING PROJECT

MILTON HARBOR NAVIGATION CHANNEL
& MUNICIPAL BOAT BASIN
RYE, NEW YORK

10-5-2021

SCALE: 1" = 20' HOR.
1" = 10' VER.

SHEET 12 OF 13



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 13.

APPLICATION DRAWING NOTES

SHEET 1 OF 13 SITE LOCATION MAP

1. MAP TAKEN FROM TOPO, INC., 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE GLENVILLE, NEW YORK, QUADRANGLE, 1960 (PHOTO INSPECTED 1976, PHOTO REVISED 1984).

SHEET 2 OF 13 GIS MAP

1. RYE, NY GIS MAPPING TAKEN FROM <http://municipality5.com/connect/#Start=Map&Location=RyeCity&Step=1> ON JUNE 19, 2017.

SHEETS 3 - 12 OF 13 SITE INDEX MAP, PROPOSED CONDITIONS PLANS & CROSS SECTIONS

1. THESE DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, OTHER MAPS, FIELD OBSERVATIONS AND OTHER SOURCES.
2. REFERENCE IS MADE TO THE FOLLOWING SURVEY: "HYDROGRAPHIC SURVEY, MILTON HARBOR NAVIGATION CHANNEL & RYE BOAT BASIN", DATED JUNE 9, 2021, SCALE 1" = 40' AND PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC, (TIMOTHY MCCARTHY, CERTIFIED HYDROGRAPHER #296).
3. ELEVATIONS ARE REFERENCED TO THE MEAN LOWER LOW WATER TIDAL DATUM.
4. THESE DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR BID DOCUMENTS, STRUCTURAL DESIGN, OR CONSTRUCTION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.
5. SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR.
6. ANY UNDERGROUND AND/OR UNDERWATER UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED AND/OR NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE LOCATIONS OF WHICH ARE UNKNOWN TO COASTLINE CONSULTING & DEVELOPMENT, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION.

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APPLICATION DRAWING NOTES
MAINTENANCE DREDGING PROJECT

MILTON HARBOR NAVIGATION CHANNEL
& MUNICIPAL BOAT BASIN
RYE, NEW YORK

10-5-2021

FILE NO.:
13-077

SHEET 13 OF 13

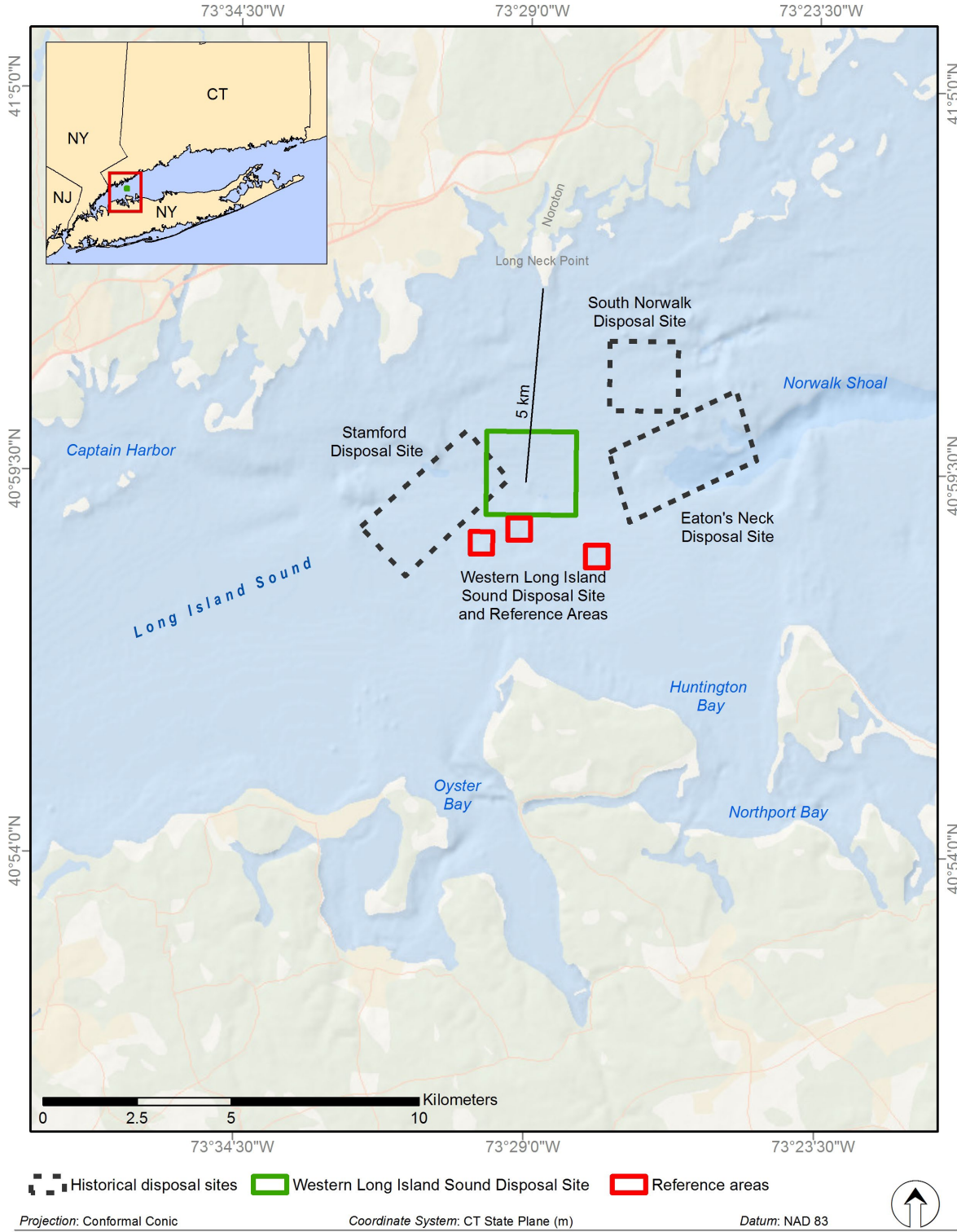


Figure 1-1. Location of WLDS in Long Island Sound and nearby Disposal Sites and features.