



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-2023-00398-WOR

Issue Date: December 5, 2023

Expiration Date: January 5, 2024

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: 1001 Forest Avenue Rye, LLC
1001 Forest Avenue
Rye, New York 10580

ACTIVITY: Construct pier assembly, including pile-supported pier, grout-filled steel piles and floats.

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 THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RW
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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 life stages 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. The applicant obtained a water quality certificate (Permit ID 3-5514-00174/00005) from the New York State Department of Environmental Conservation on April 12, 2023. 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, it will so notify such other state, 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).

CENAN-OP-RW
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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 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.

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. Please send all comments and questions concerning this application to Brian.A.Orzel@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>.

 Digitally signed
by Rosita Miranda

FOR AND IN BEHALF OF

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, 1001 Forest Avenue Rye, LLC, has requested Department of the Army authorization for the construction of a pier assembly, including a pile-supported pier, grout-filled steel piles and floats. The proposed work would be located in Long Island Sound, in the City of Rye, Westchester County, New York.

The work would involve the following:

Construction of a 4-foot-wide by 103-foot-long pier with an aluminum, open-grate deck, supported by five 18-inch diameter hollow steel piles. Each pile would be drilled and grouted into place, then filled with concrete.

Installation of an 8-foot-wide by 25-foot-long timber floating pier, held in place by four 12-inch-diameter hollow steel piles. Each pile would be drilled and grouted into place, then filled with concrete. Float braces would be attached to each of the four piles to prevent the floating pier from resting on the bottom at low tide.

The floating pier would be connected to the pile supported pier by a 3-foot-wide by 36-foot-long aluminum ramp.

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

1001 FOREST AVENUE RYE LLC RESIDENTIAL PIER & DOCK

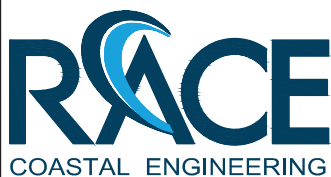
DRAWING LIST	
DRAWING No.	DRAWING TITLE
1	TITLE SHEET & GENERAL NOTES
2	VICINITY MAP
3	EXISTING SITE PLAN
4	EXISTING PARTIAL PLAN
5	PROPOSED PARTIAL PLAN
6	EXISTING AND PROPOSED SECTIONS A-A
7	PROPOSED SECTION B-B

GENERAL NOTES

1. THE PURPOSE OF THESE DRAWINGS ARE FOR REGULATORY REVIEW ONLY.
2. VICINITY MAP TAKEN FROM USGS TOPOGRAPHY MAMARONECK QUADRANGLE, NEW YORK - CONNECTICUT 7.5-MINUTE SERIES, MAMARONECK, NY, CT, 2019.
3. ELEVATIONS REFERENCE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), UNLESS NOTED OTHERWISE.
4. THIS SITE INFORMATION HAS BEEN TAKEN FROM A DRAWING TITLED "1001 FOREST", PREPARED BY THE MUNSON COMPANY, DATED 03/29/2021.
5. SUPPLEMENTARY INFORMATION OBTAINED BY RACE COASTAL ENGINEERING, LLC ON 08/16/2021 AND ONLY REPRESENT THE SITE CONDITIONS AT THAT TIME.
6. TIDAL ELEVATION DATA HAS BEEN TAKEN FROM BENCH MARK SHEET FOR RYE BEACH, AMUSEMENT PARK, NY 8518091 FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TIDES AND CURRENTS WEBSITE.

PROJECT TIDAL ELEVATIONS:

DATUM	NAVD 88 (FT)	NGVD 29 (FT)	MLW (FT)
HIGH TIDE LINE (HTL)	+5.2	+6.3	+9.1
MEAN HIGH WATER (MHW)	3.40	+4.5	+7.3
NAVD 88	0.0	+1.1	+3.9
NGVD 29	-1.1	0.0	+2.8
MEAN LOW WATER (MLW)	-3.9	-2.8	0.0
MEAN LOWER LOW WATER (MLLW)	-4.1	-3.0	-0.2



611 Access Road Stratford, CT 06615
Tel: 203-377-0663 racecoastal.com

Prepared For:
1001 FOREST AVENUE RYE LLC
1001 FOREST AVE
RYE, NY 10580

Project:
RESIDENTIAL DOCK
1001 FOREST AVE
RYE, NY 10580

SEAL:



Date:	Rev.:
10-28-2022	2 6-5-2023
Drawn By:	Checked By:
SLB/CLW	ADS
Datum:	Scale:
NAVD88	N/A
Project No.:	Drawing No.:
2022063	1 of 7

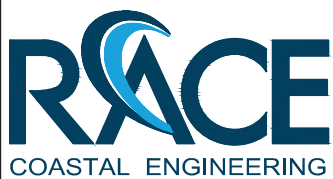
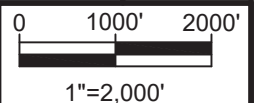
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VICINITY MAP



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1001 FOREST AVE
RYE, NY 10580

Project:
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1001 FOREST AVE
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SEAL:

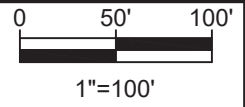


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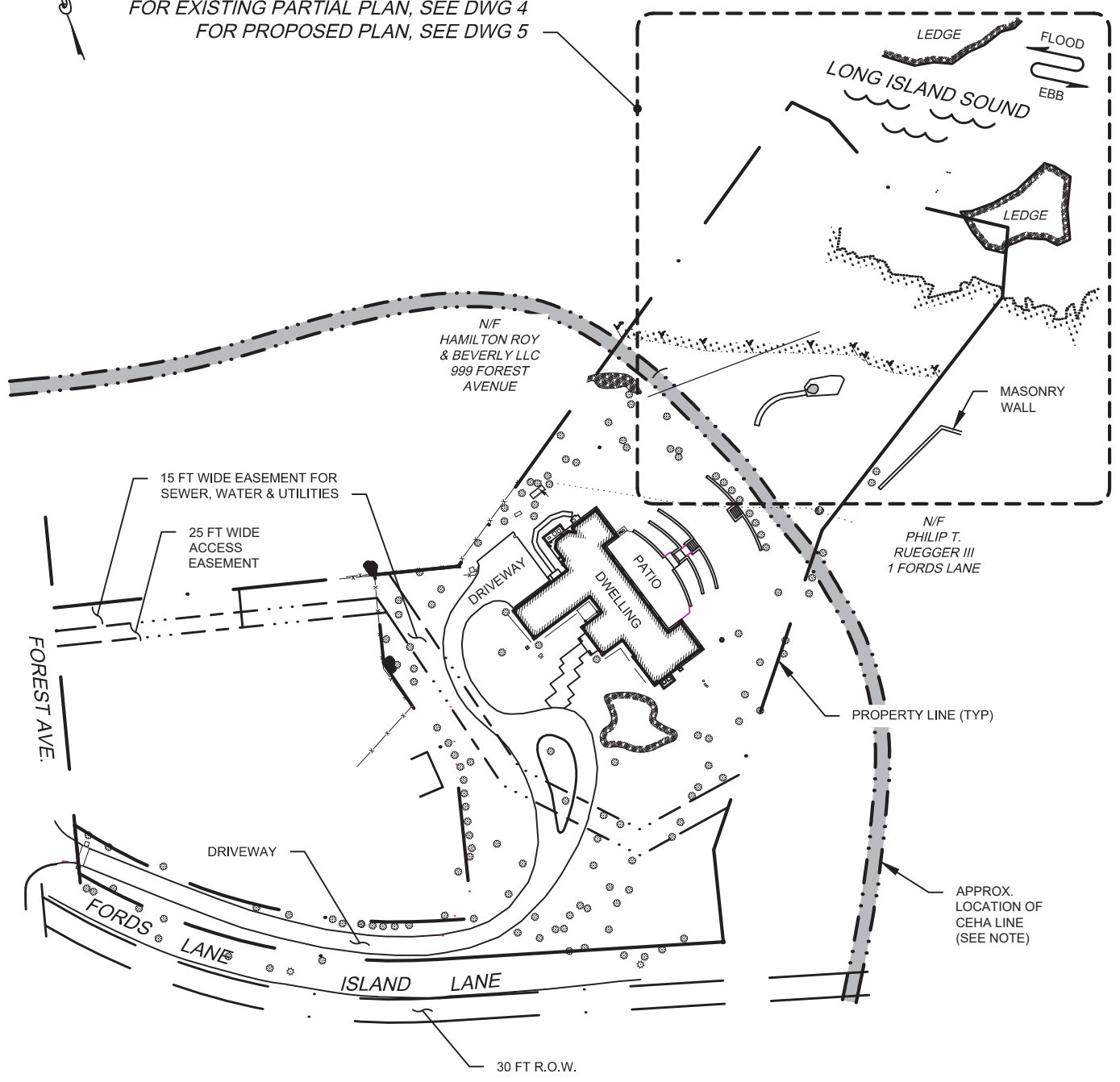
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FOR EXISTING PARTIAL PLAN, SEE DWG 4
FOR PROPOSED PLAN, SEE DWG 5



NOTE(S):
DEC TIDAL WETLANDS INFORMATION
TAKEN FROM MAP 610-532.

EXISTING SITE PLAN

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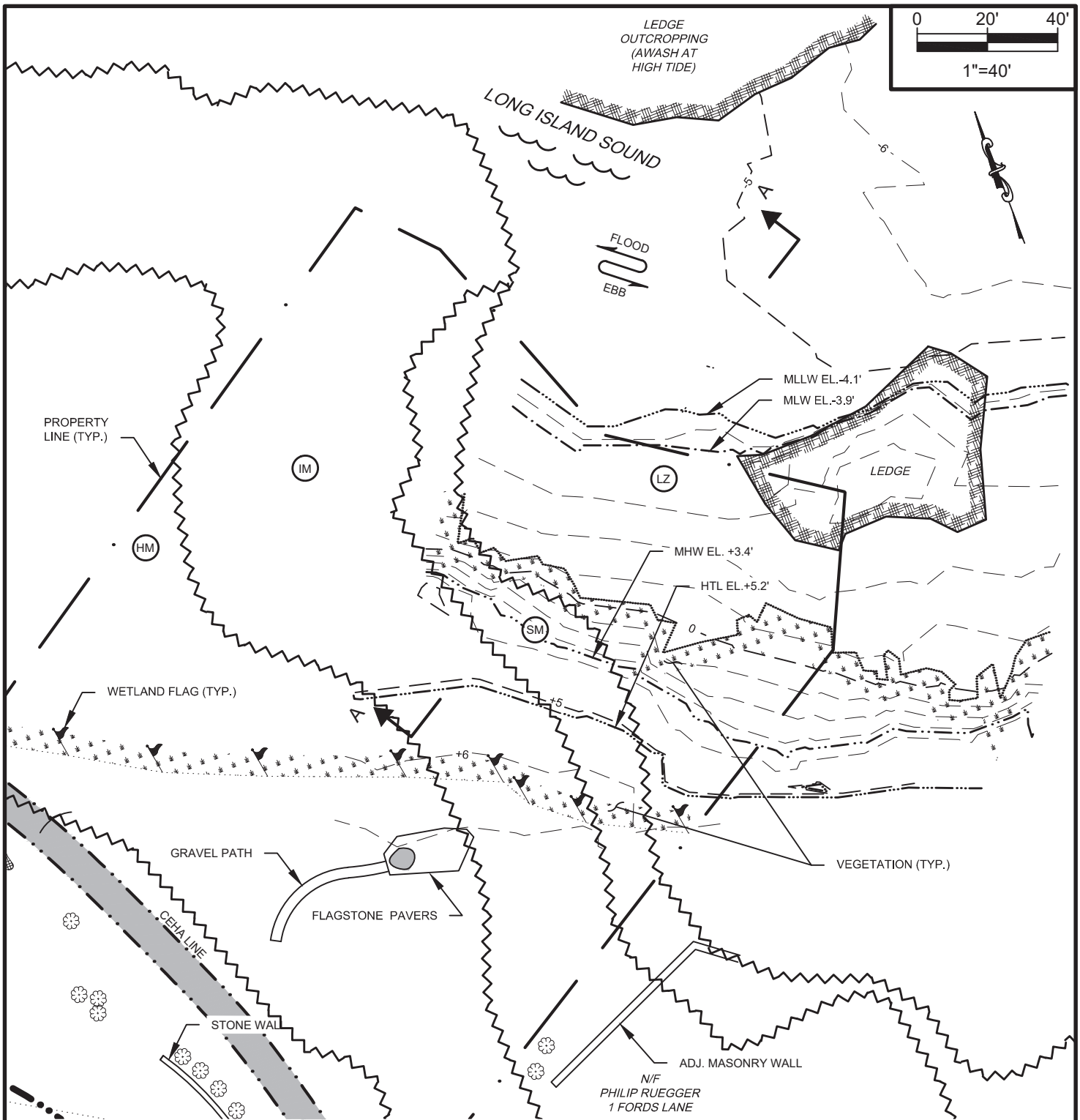
Prepared For:
1001 FOREST AVENUE RYE LLC
1001 FOREST AVE
RYE, NY 10580

Project:
RESIDENTIAL DOCK
1001 FOREST AVE
RYE, NY 10580

SEAL:

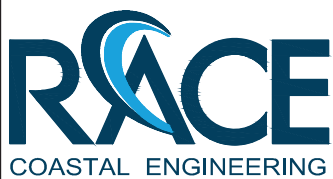
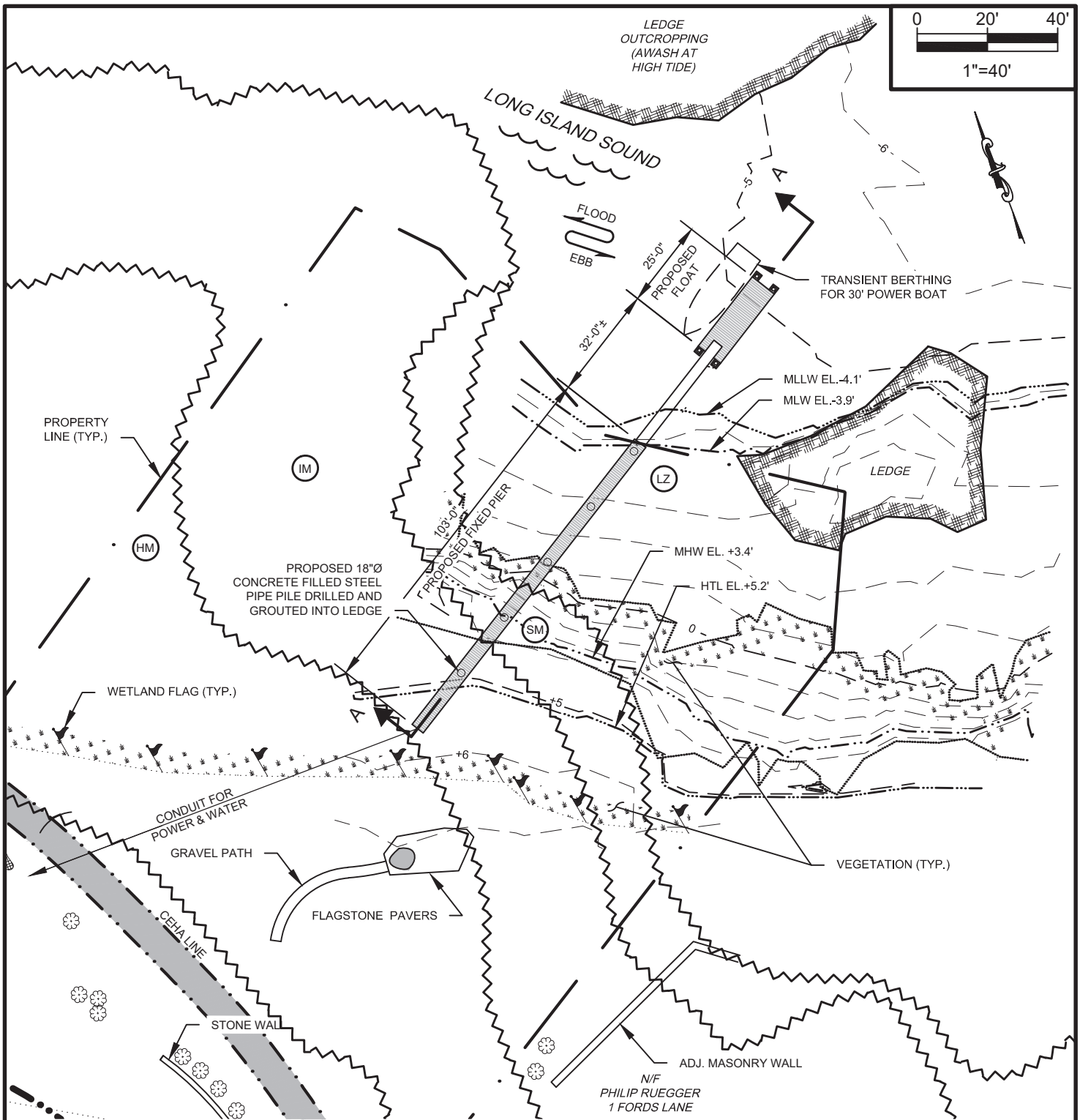
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NAVD88	1"=60'
Project No.:	Drawing No.:
2022063	3 of 7



EXISTING PARTIAL SITE PLAN

 <p>611 Access Road Stratford, CT 06615 Tel: 203-377-0663 racecoastal.com</p>	Prepared For: 1001 FOREST AVENUE RYE LLC 1001 FOREST AVE RYE, NY 10580	SEAL: 	Date: 10-28-2022	Rev.: 2 6-5-2023
	Project: RESIDENTIAL DOCK 1001 FOREST AVE RYE, NY 10580		Drawn By: SLB/CLW	Checked By: ADS
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			Project No.: 2022063	Drawing No.: 4 of 7



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Prepared For:
1001 FOREST AVENUE RYE LLC
1001 FOREST AVE
RYE, NY 10580

Project:
RESIDENTIAL DOCK
1001 FOREST AVE
RYE, NY 10580

SEAL:

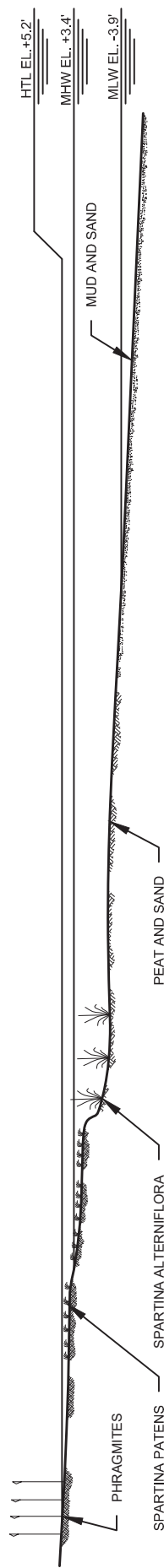


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Drawn By:	Checked By:
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Datum:	Scale:
NAVD88	1"=40'
Project No.:	Drawing No.:
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Technical drawing of a pier and dock structure. The drawing shows a plan view of the structure with various dimensions and labels.

Dimensions:

- Overall length: 160'
- Section 1: 103'
- Section 2: 32'
- Section 3: 25'

Labels and Components:

- EXIST. PHRAGMITES
- EXIST. SPARTINA PATENS
- EXIST. SPARTINA ALTERNIFLORA
- 18"Ø STEEL CONCRETE FILLED PIPE PILE DRILLED AND GROUTED INTO LEDGE (TYP)
- EXIST. PEAT AND SAND
- 2'-0"
- EXIST. MUD AND SAND
- MLW EL. -3.9'
- MHW EL. +3.4'
- HTL EL. +5.2'
- 3' WIDE ALUMINUM RAMP
- 4' WIDE PIER WITH OPEN-GRID DECKING ALLOWING 50% LIGHT PENETRATION
- 4'-0"
- 8' X 25' TIMBER FLOATING DOCK
- FLOAT BRACES (SEE NOTE)
- 12"Ø STEEL CONCRETE FILLED PIPE PILE FLOAT ANCHOR PILE DRILLED AND GROUTED INTO LEDGE (TYP)

PROPOSED SECTION A-A

1. FLOAT BRACES WILL BE ATTACHED TO THE ANCHOR PILES FOR THE FLOAT TO REST ON DURING PERIODS OF LOW WATER.
2. FLOAT FRAME WILL MAINTAIN 2'-6" OF CLEARANCE FROM FLOAT TO SUBSTRATE.
3. FOUNDATION AND ANCHOR PILES WILL COVER AN AREA OF APPROXIMATELY 12 SQUARE FEET.

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Date: _____

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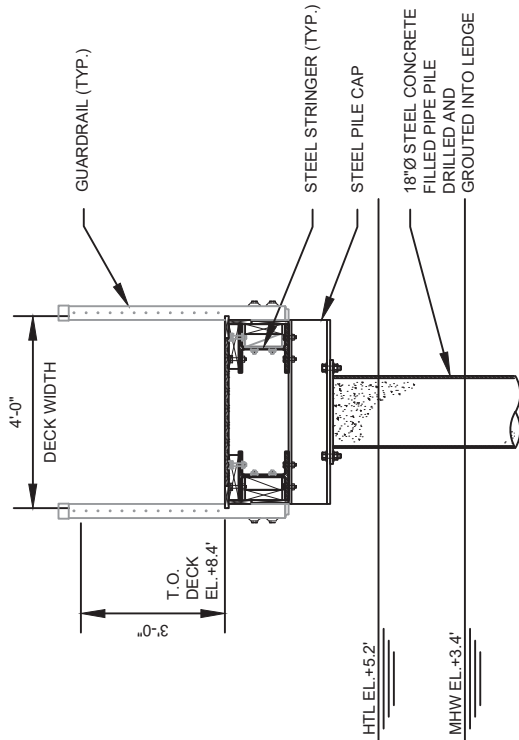
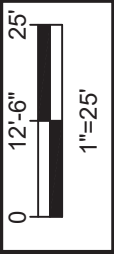
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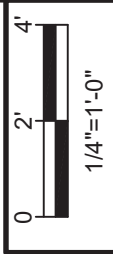
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PROPOSED SECTION B-B



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