



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-2023-00350-MCC
Issue Date:
Expiration Date:

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: Eastcliff Properties, LLC
c/o Mr. TH Mangassarian
5 Guion Road
Rye, NY 10580

ACTIVITY: Modification to existing dock structures

WATERWAY: Long Island Sound

LOCATION: 5 Guion Road, 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 EMAILED TO carolyn.m.courtien@usace.army.mil TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Comments can also be submitted through the USACE Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notice>.

Comments submitted in response to this notice will be fully considered during the public interest

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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 has obtained a water quality certificate from the appropriate state agency in accordance with Section 401 of the Clean Water Act.

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. The New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program has issued a general concurrence and indicated it had no objection to authorization of the proposed activity.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained the following governmental authorization for the activity

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under consideration:

- New York State Department of Environmental Conservation

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 Carolyn M. Courtien of this office at (917) 790-8422 or carolyn.m.courtien@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 AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

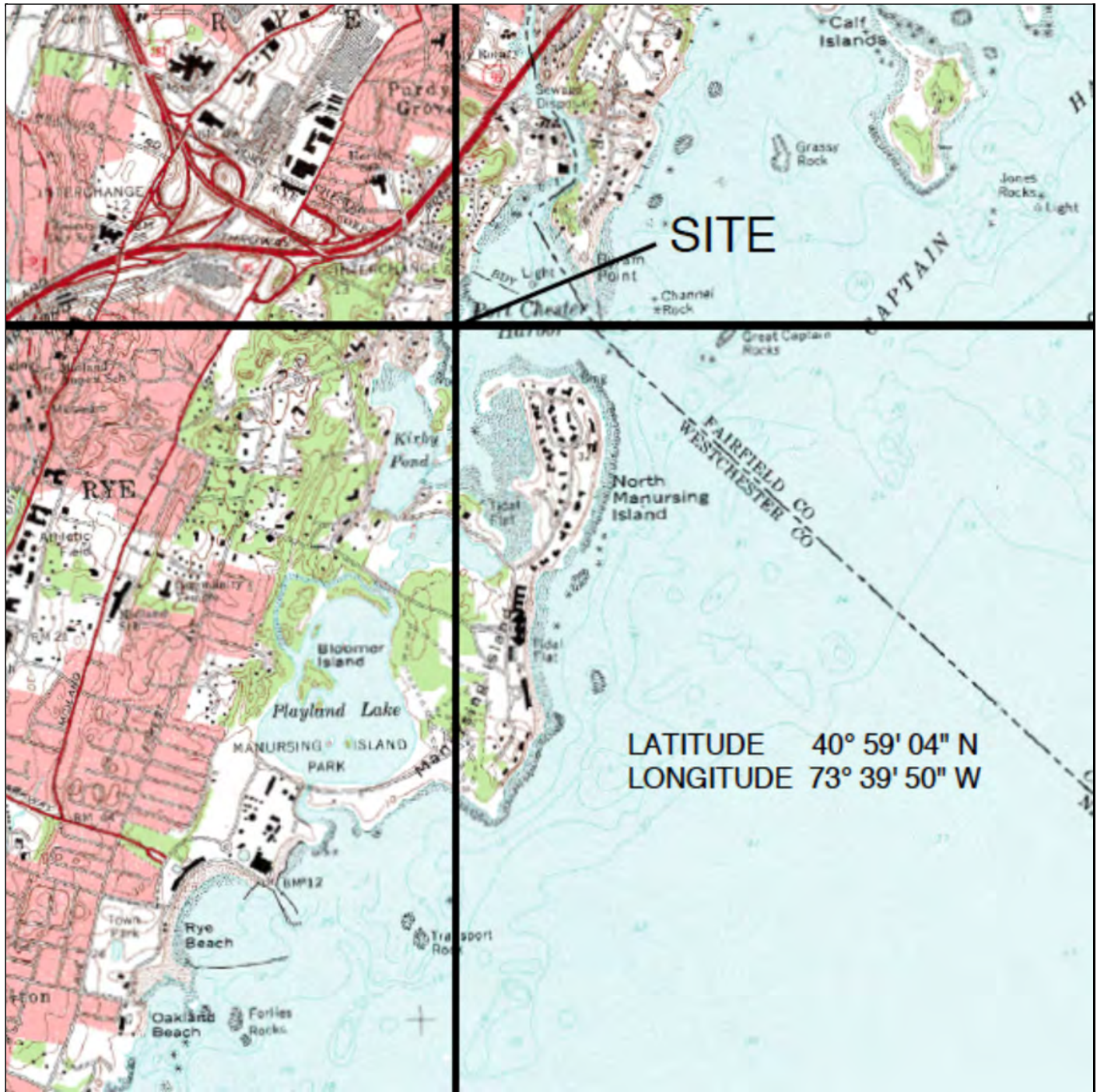
WORK DESCRIPTION

The applicant, Eastcliff Properties, LLC, has requested Department of the Army authorization for modification to an existing fixed pier, ramp and floating platform assembly. The site is located in the Long Island Sound, adjacent to 5 Guion Road, Rye, Westchester County, New York. The proposed work would include the following:

The four (4) anchors, and associated chains, used to support the 10-foot by 30-foot floating platform will be removed and replaced with four (4) 12.75-inch diameter by 0.5-inch wall concrete filled, steel anchor piles. The total area occupied by the four (4) piles is 4-square feet, and approximately six (6) cubic yards of concrete will be used.

The applicants have stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by conducting pile drilling at low tide to minimize turbidity and any vessels associated with the work will be berthed in an area of sufficient water depths to prevent grounding.

The stated purpose of this project is to improve an existing recreational boat berthing.



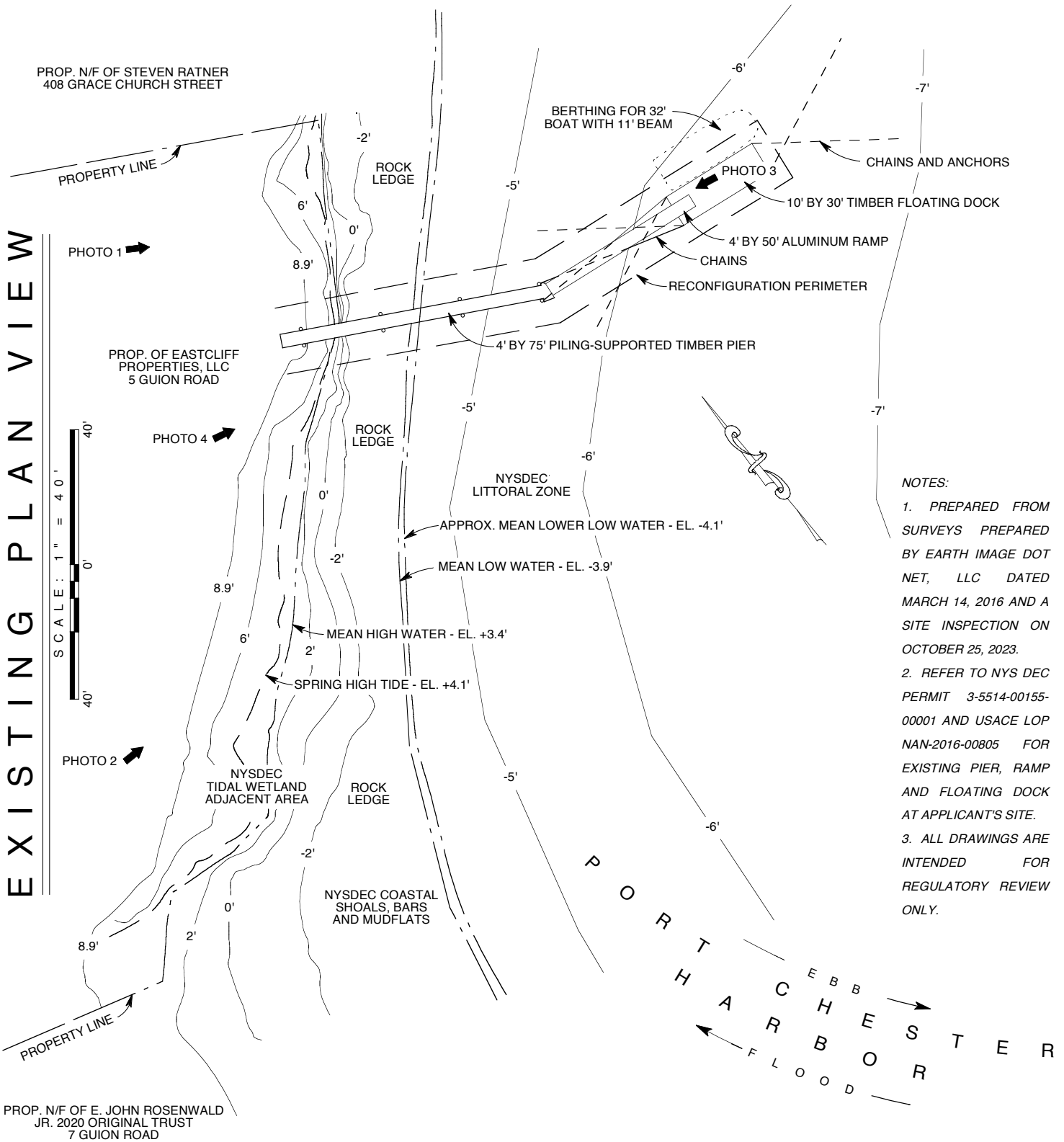
VICINITY MAP

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

SCALE: 1:24000

PURPOSE: IMPROVED RECREATIONAL BOAT DOCKING
DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988
ADJ. OWNERS: E. JOHN ROSENWALD JR. 2020 ORIGINAL TRUST; STEVEN RATNER
APPLICATION PREPARED BY: JOHN HILTS P.O. BOX 47, ROWAYTON, CT 06853

PROPOSED REPLACEMENT OF ANCHORS WITH PILINGS IN PORT CHESTER HARBOR AT 5 GUION ROAD, CITY OF RYE, WESTCHESTER COUNTY, NEW YORK
APPLICANT: EASTCLIFF PROPERTIES, LLC
DATE: 2/19/24 SHEET 1 OF 4 REVISION NUMBER: DATE:

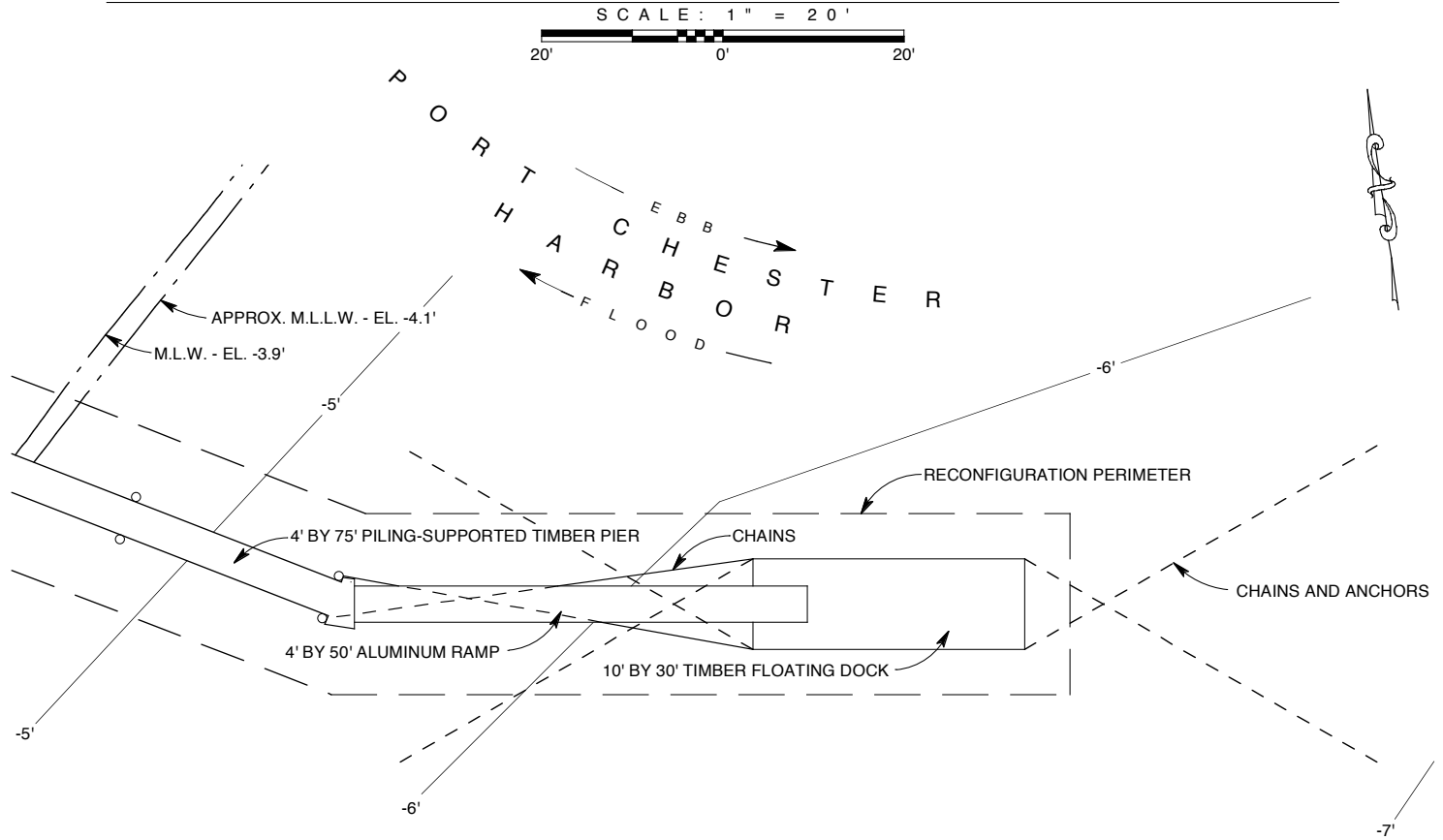


- NOTES:**
1. PREPARED FROM SURVEYS PREPARED BY EARTH IMAGE DOT NET, LLC DATED MARCH 14, 2016 AND A SITE INSPECTION ON OCTOBER 25, 2023.
 2. REFER TO NYS DEC PERMIT 3-5514-00155-00001 AND USACE LOP NAN-2016-00805 FOR EXISTING PIER, RAMP AND FLOATING DOCK AT APPLICANT'S SITE.
 3. ALL DRAWINGS ARE INTENDED FOR REGULATORY REVIEW ONLY.

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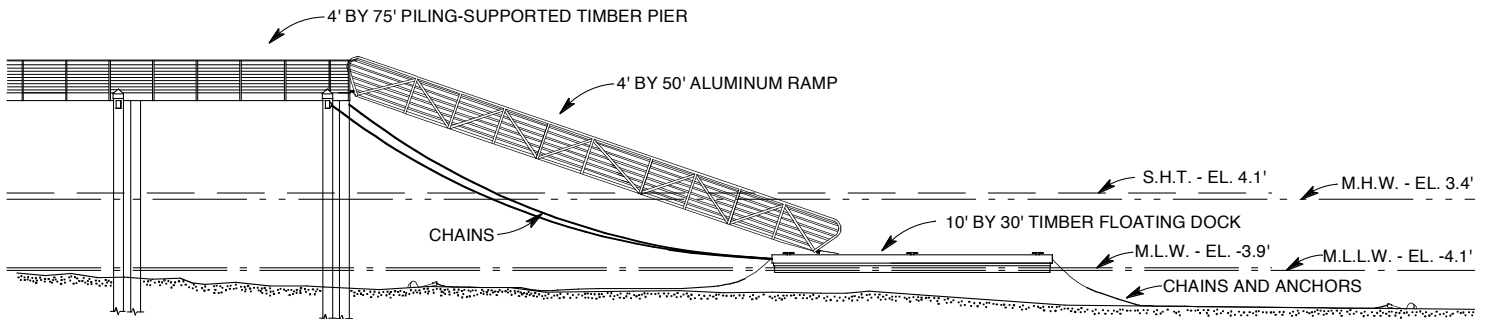
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EXISTING DETAIL PLAN VIEW



EXISTING SOUTH ELEVATION DETAIL

SCALE: 1" = 20'



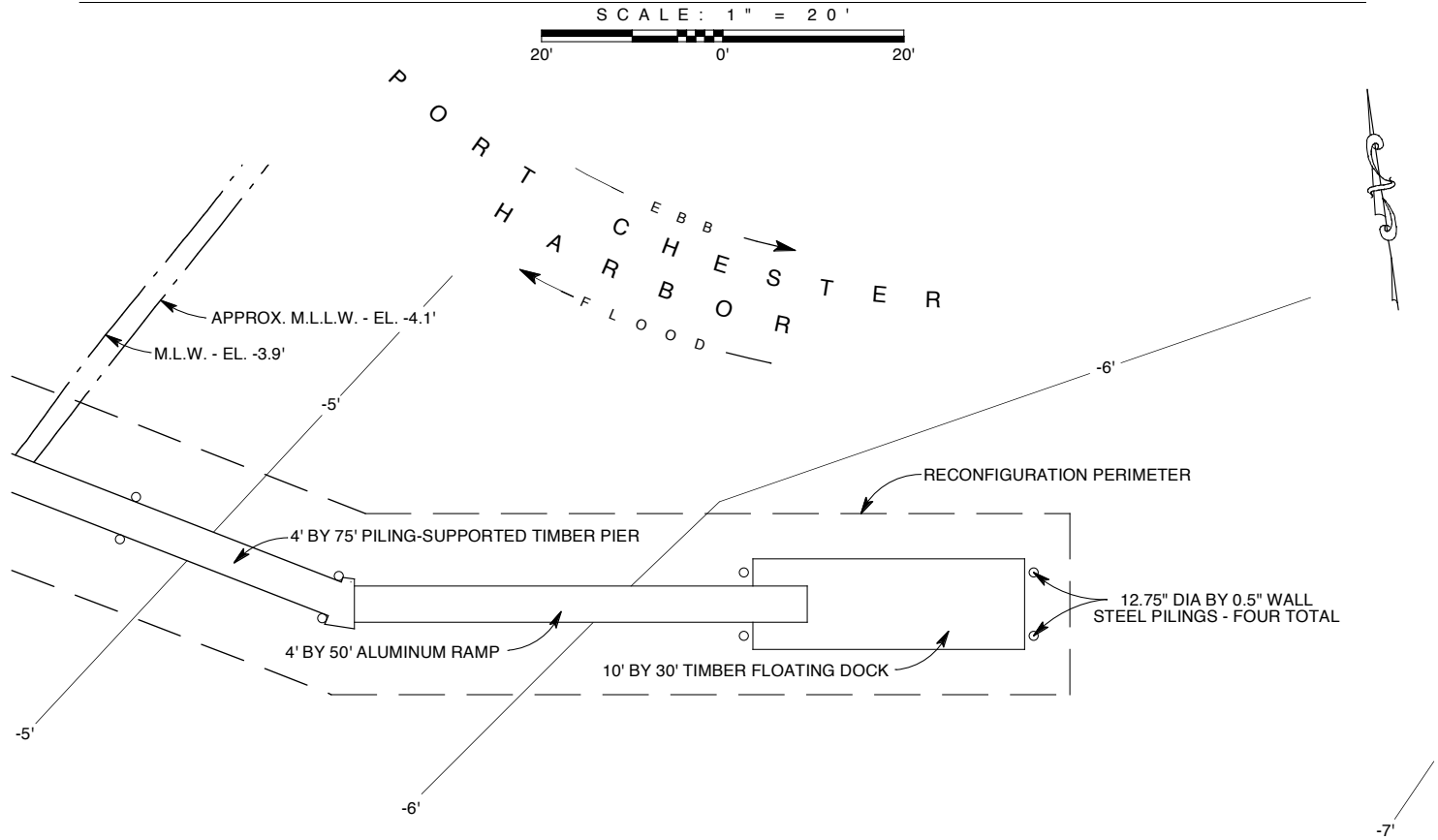
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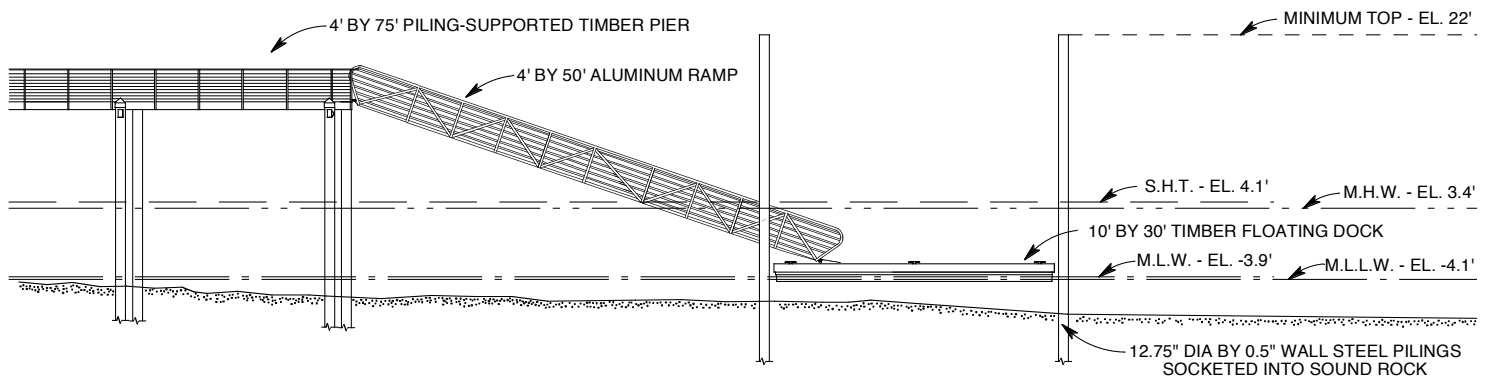
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PROPOSED DETAIL PLAN VIEW



PROPOSED SOUTH ELEVATION DETAIL

SCALE: 1" = 20'



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