



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

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Applicant:

Jeffrey Martocci  
American Yacht Club

Published:

Expires:

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**New York District and  
New England District  
Permit Application No. NAN-2025-00538-MMI**

TO WHOM IT MAY CONCERN: The New York District of the US Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Jeffrey Martocci  
American Yacht Club  
499 Stuyvesant Avenue  
Rye, New York 10580

**AGENT:** Suzy Bradford  
RACE Coastal Engineering  
611 Access Road  
Stratford, Connecticut 06615

**WATERWAY AND LOCATION:** The project is located at 499 Stuyvesant Avenue in the City of Rye, Westchester County, New York in Milton Harbor with proposed disposal of dredged material in the Long Island Sound.

**EXISTING CONDITIONS:** The proposed work area consists of an existing commercial marina at the mouth of Milton Harbor and has been in operation since the late 1800s. The Milton Harbor Federal Navigation Channel is located adjacent to the marina.

**PROJECT PURPOSE:** To maintain safe depths within and adjacent to the marina to ensure safe navigation.

**PROPOSED WORK:** The applicant requests authorization to mechanically dredge approximately 17,600 cubic yards of material over approximately 139,000 square feet to depths ranging from six to ten feet below the plane of Mean Low Water with one-foot of over dredge depth. Approximately 1,000 cubic yards of dredged material is proposed to be dredged, temporarily stockpiled onsite in uplands and dewatered with return flow to the waterway. Once dry, the material will be spread and placed along an on-site beach area over approximately 36,000 square feet of which approximately 29,000 square feet is located below Mean High Water. The remaining 16,600 cubic yards of material has been found suitable for unconfined disposal at the Western Long Island Sound Site

(WLDS)in Connecticut state waters. The dredged material to be disposed of at the WLDS will be placed into bottom-opening dump scow barges for transport and placement at the open-water location.

#### 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 or the CLDS 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.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant will utilize best management practices during dredging and disposal operations to minimize turbidity and impacts to the waterway.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: there are no permanent impacts associated with the proposed work.

#### **CULTURAL RESOURCES:**

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the State Historic Preservation Office (SHPO) and/or Tribal Historic Preservation Officers (THPOs).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPOs, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation, National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other species listed under the Endangered Species Act (ESA) or critical habitat will be affected by the proposed action.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

Common Name	Scientific Name	Status	Agency
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	USFWS
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	USFWS
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	USFWS
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened	USFWS and NMFS
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered	USFWS and NMFS
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered	USFWS and NMFS
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened	USFWS and NMFS
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	NMFS
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	NMFS

This notice serves as request to the USFWS and NMFS for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the NMFS. The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NMFS.

**NAVIGATION:** The proposed dredging is located adjacent to the Milton Harbor Federal Navigation Channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** 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.

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.

**COASTAL ZONE MANAGEMENT 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. 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.

**OTHER AUTHORIZATIONS:** 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

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System at <https://rrs.usace.army.mil/rrs> or to Christopher Minck at Christopher.W.Minck@usace.army.mil. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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.

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


AMERICAN YACHT CLUB  
MARINA DREDGING

DRAWING LIST	
DWG No.	DRAWING TITLE
1	TITLE SHEET & GENERAL NOTES
2	VICINITY MAP
3	EXISTING SITE PLAN
4	PARTIAL SITE PLAN 1
5	PARTIAL SITE PLAN 2
6	PARTIAL DREDGE PLAN 1
7	PARTIAL DREDGE PLAN 2
8	SECTION 1 & 2
9	SECTION 3 & 4
10	BEACH RELOCATION PLAN & SECTION 5
11	DREDGE COORDINATE PLAN

GENERAL NOTES

- 1. THE PURPOSE OF THESE DRAWING ARE FOR REGULATORY REVIEW PURPOSES ONLY.
- 2. VICINITY MAP TAKEN FROM USGS TOPO MAP MAMARONECK QUADRANGLE, NEW YORK-CONNECTICUT, 7.5-MINUTE SERIES, MAMARONECK, NY-CT, 2016.
- 3. ELEVATIONS REFERENCE MEAN LOWER LOW WATER (MLLW), UNLESS NOTED OTHERWISE.
- 4. THIS SITE INFORMATION TAKEN FROM A DRAWING TITLED " TOPOGRAPHIC SURVEY OF PROPERTY SITUATE IN THE CITY OF RYE WESTCHESTER COUNTY NEW YORK" PREPARED FOR AMERICAN YACHT CLUB BY ROLAND K. LINK, P.L.L.C. DATED MARCH 18 , 2001.
- 5. HYDROGRAPHIC SURVEY PERFORMED BY RACE COASTAL ENGINEERING, P.C. (RACE) ON AUGUST 25, 2022 AND CAN ONLY REPRESENT SITE CONDITIONS WHICH EXISTED AT THAT TIME.
- 6. SUPPLEMENTAL INFORMATION OBTAINED BY RACE ON JUNE 25, 2024.
- 7. TIDAL DATUMS PER FROM NOAA VDATUM. HTL IS THE HIGHEST PREDICTED TIDE IN 2024 FOR NOAA STATION RYE BEACH, AMUSEMENT PARK, NY 8518091.

PROJECT TIDAL ELEVATIONS (MLLW)	
DATUM	ELEVATION (FT)
HIGH TIDE LINE (HTL)	+9.4
MEAN HIGHER HIGH WATER (MHHW)	+8.0
MEAN HIGH WATER (MHW)	+7.6
NAVD 88	+4.2
NGVD 29	+3.1
MEAN LOW WATER (MLW)	+0.3
MEAN LOWER LOW WATER (MLLW)	0.0



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


Prepared For:

AMERICAN YACHT CLUB  
499 STUYVESANT AVE  
RYE, NY 10580

Project:

AMERICAN YACHT CLUB  
MARINA DREDGING  
499 STUYVESANT AVE  
RYE, NY 10580

SEAL:



Date:

12-23-2024

Drawn By:

CBK

Datum:

NAVD 88

Project No.:

2022083

Rev.:

Checked By:

SCS

Scale:

N/A

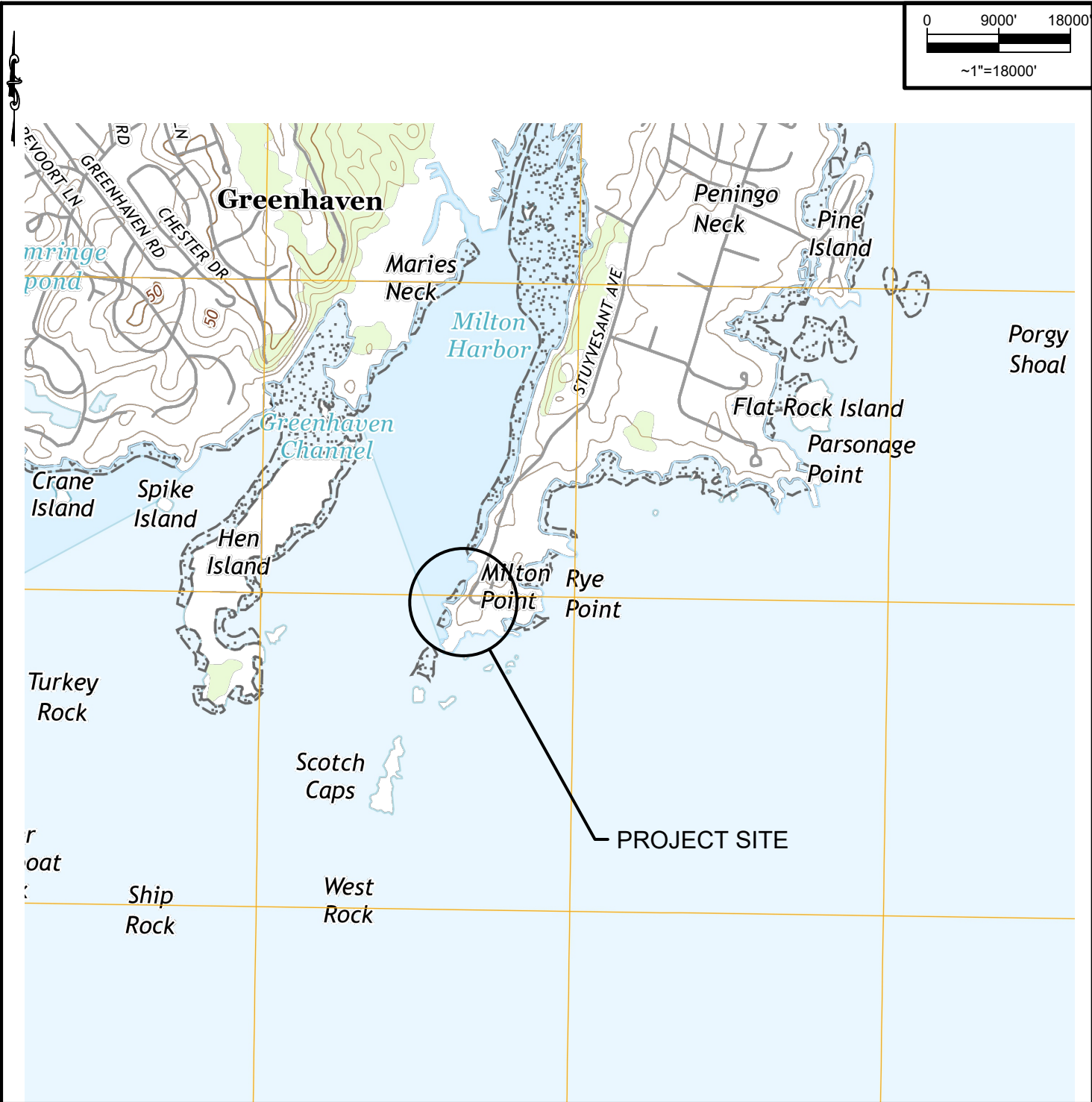
Drawing No.:

1 of 11



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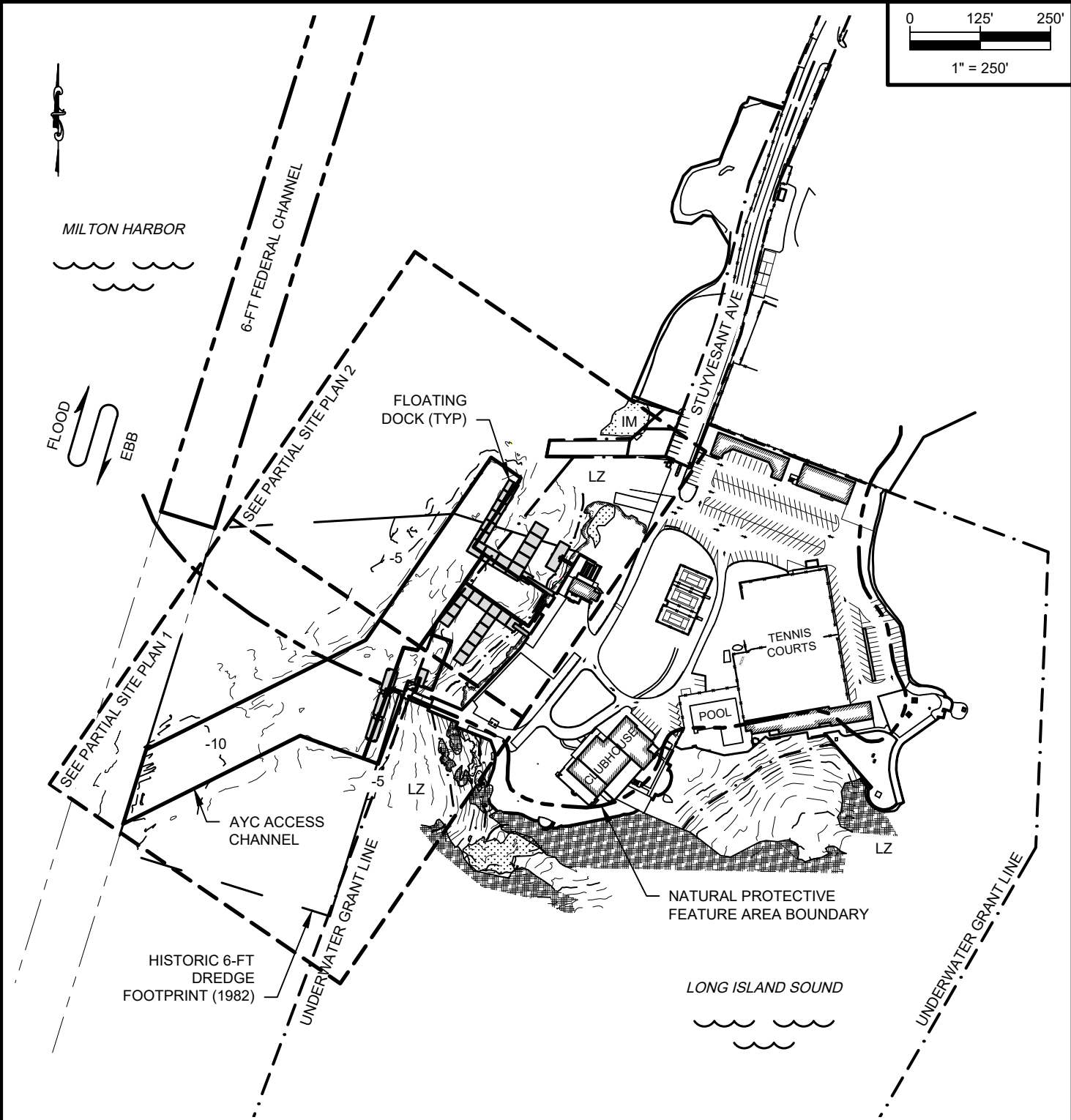
VICINITY MAP

 611 Access Road Stratford, CT 06615 Tel: 203-377-0663 racecoastal.com	Prepared For: AMERICAN YACHT CLUB 499 STUYVESANT AVE RYE, NY 10580		Date: 12-23-2024	Rev.:	
	Project: AMERICAN YACHT CLUB MARINA DREDGING 499 STUYVESANT AVE RYE, NY 10580		Drawn By: CBK	Checked By: SCS	
			Datum: NAVD 88	Scale: ~1"=18000'	
			Project No.: 2022083	Drawing No.: 2 of 11	
			NOT VALID WITHOUT ENGINEER'S SEAL		



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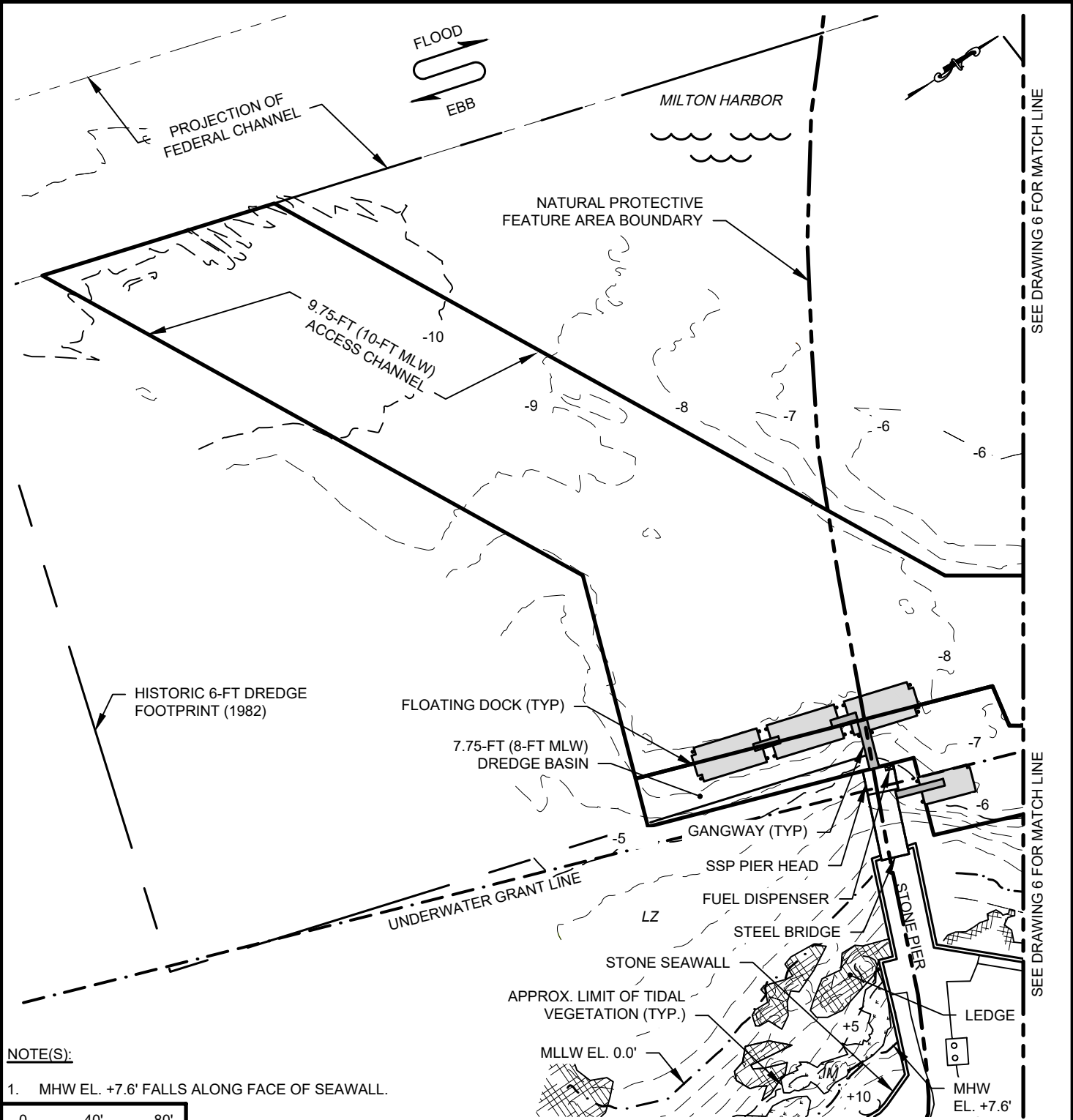
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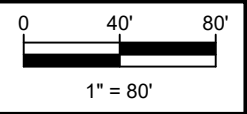
EXISTING SITE PLAN

 <p>611 Access Road Stratford, CT 06615 Tel: 203-377-0663 racecoastal.com</p>	Prepared For: AMERICAN YACHT CLUB 499 STUYVESANT AVE RYE, NY 10580		Date: 12-23-2024	Rev.:
	Project: AMERICAN YACHT CLUB MARINA DREDGING 499 STUYVESANT AVE RYE, NY 10580		Drawn By: CBK	Checked By: SCS
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			Project No.: 2022083	Drawing No.: 3 of 11
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NOTE(S):

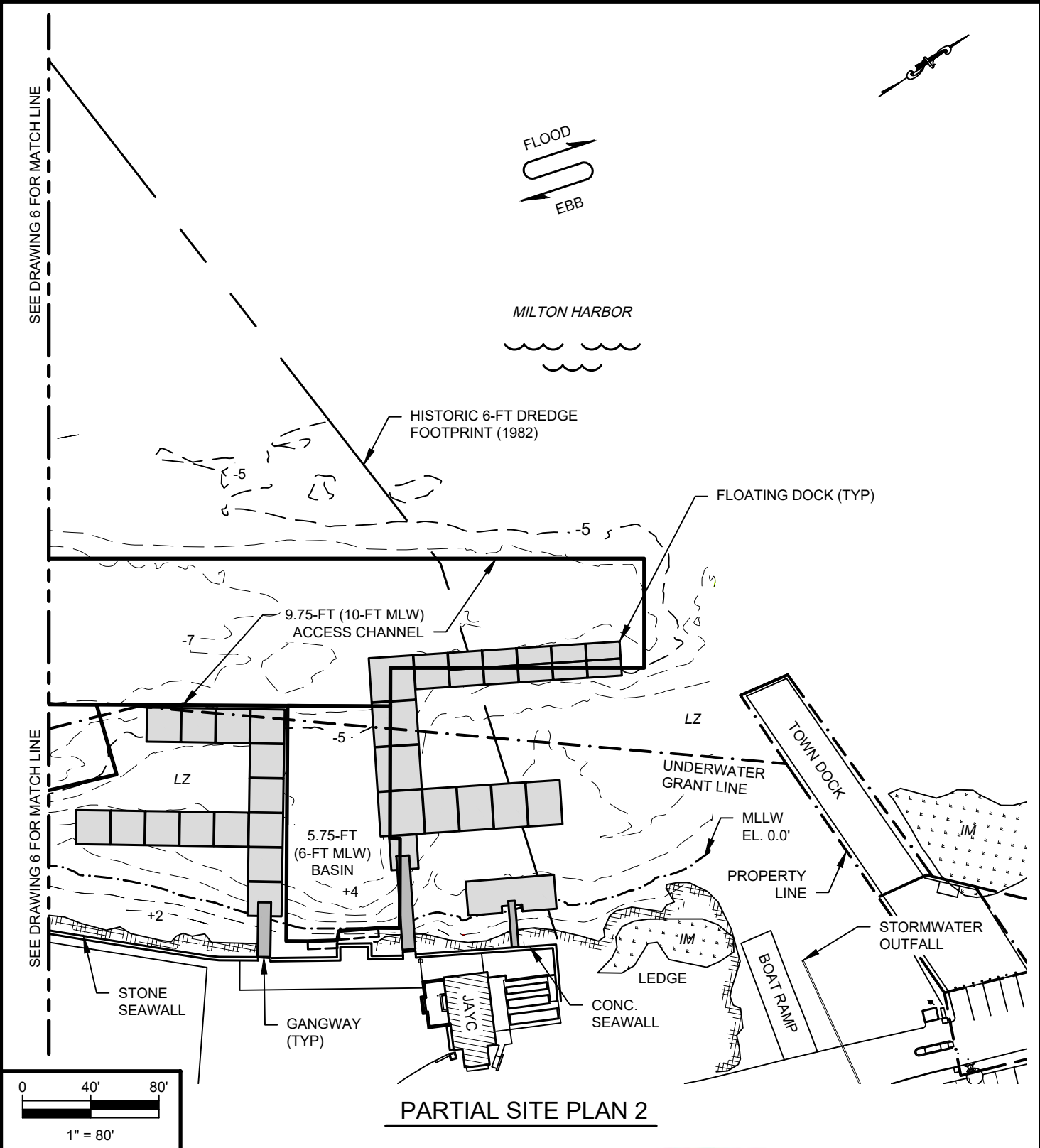
- 1. MHW EL. +7.6' FALLS ALONG FACE OF SEAWALL.




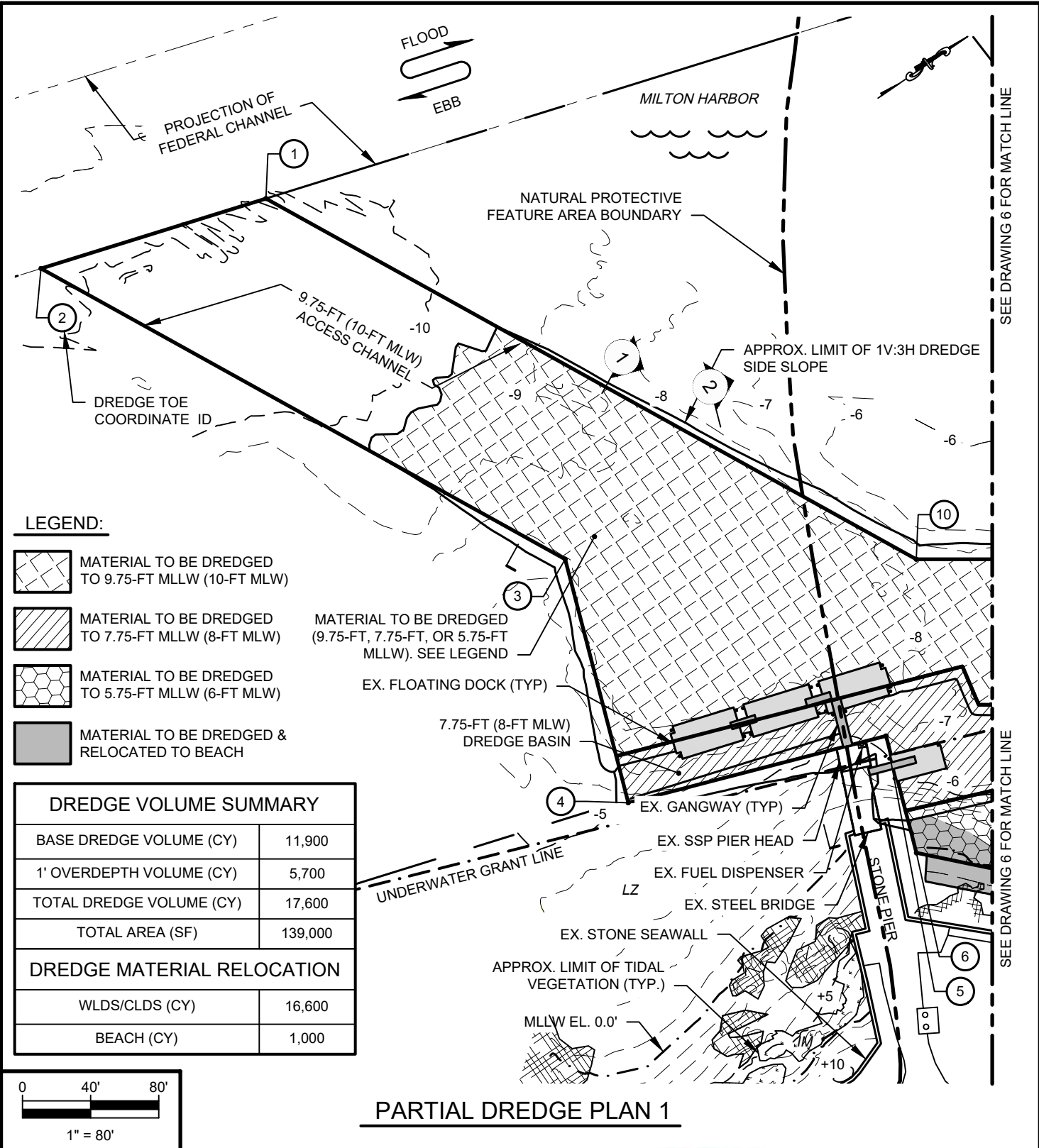
PARTIAL SITE PLAN 1

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	Project:	AMERICAN YACHT CLUB MARINA DREDGING 499 STUYVESANT AVE RYE, NY 10580			Drawn By:	CBK	Checked By:	SCS
					Datum:	NAVD 88	Scale:	1"=80'
					Project No.:	2022083	Drawing No.:	4 of 11

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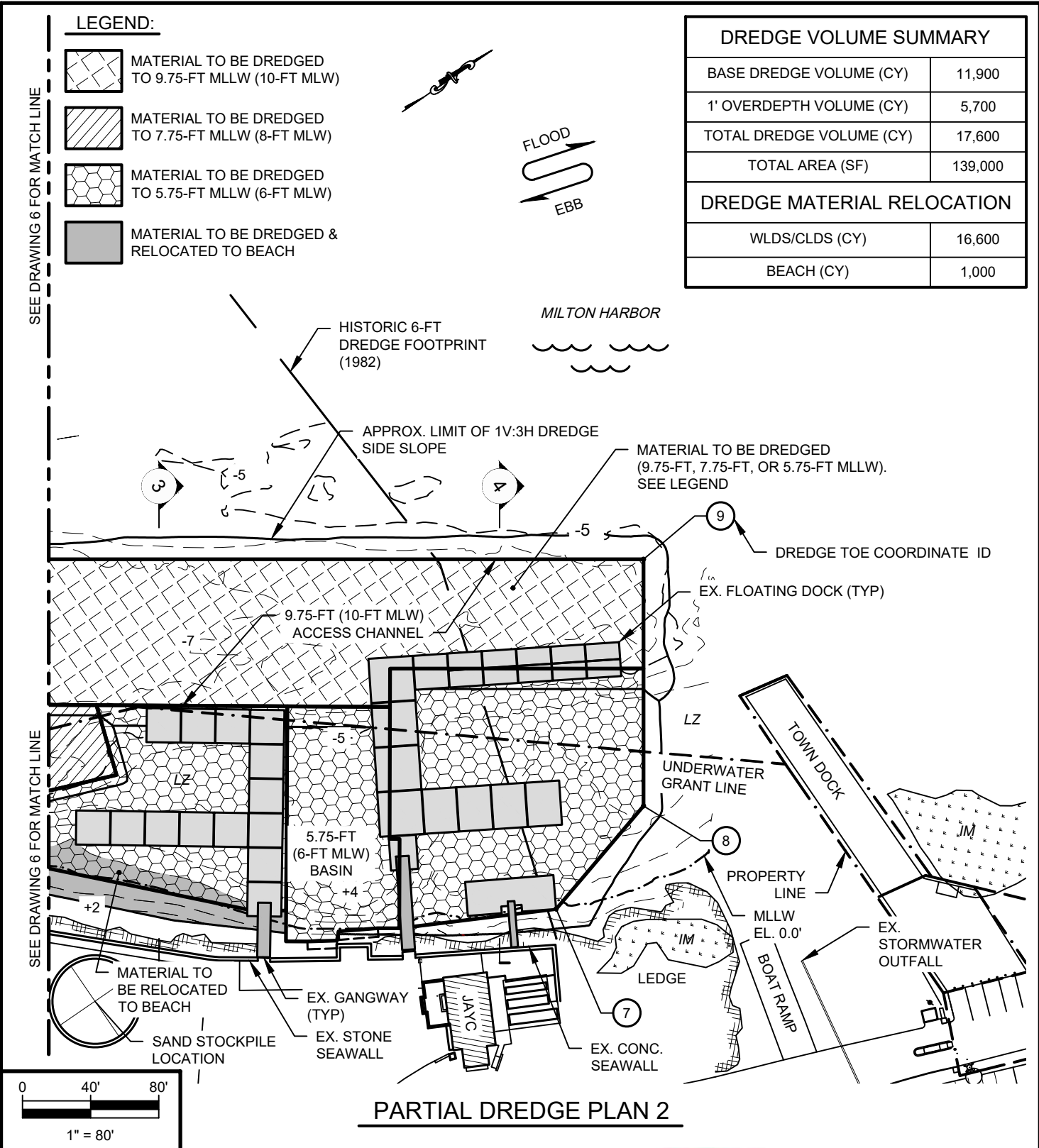


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DREDGE VOLUME SUMMARY	
BASE DREDGE VOLUME (CY)	11,900
1' OVERDEPTH VOLUME (CY)	5,700
TOTAL DREDGE VOLUME (CY)	17,600
TOTAL AREA (SF)	139,000
DREDGE MATERIAL RELOCATION	
WLDS/CLDS (CY)	16,600
BEACH (CY)	1,000



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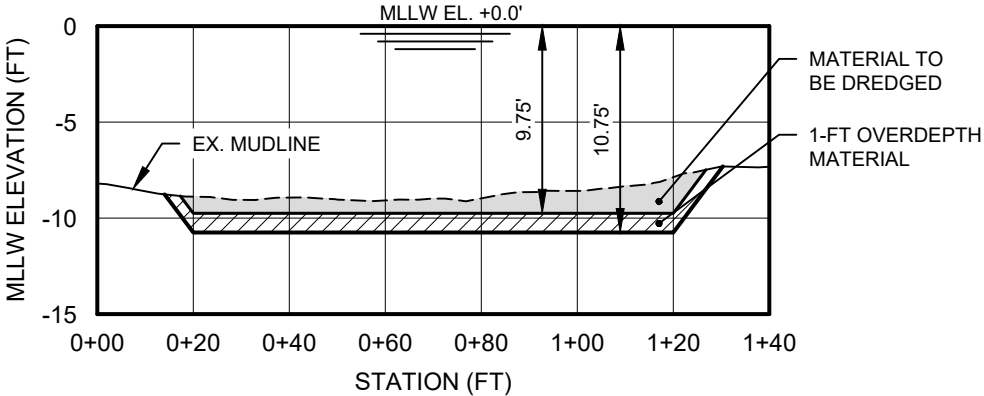
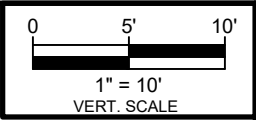
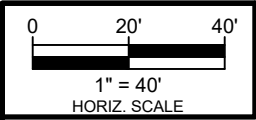


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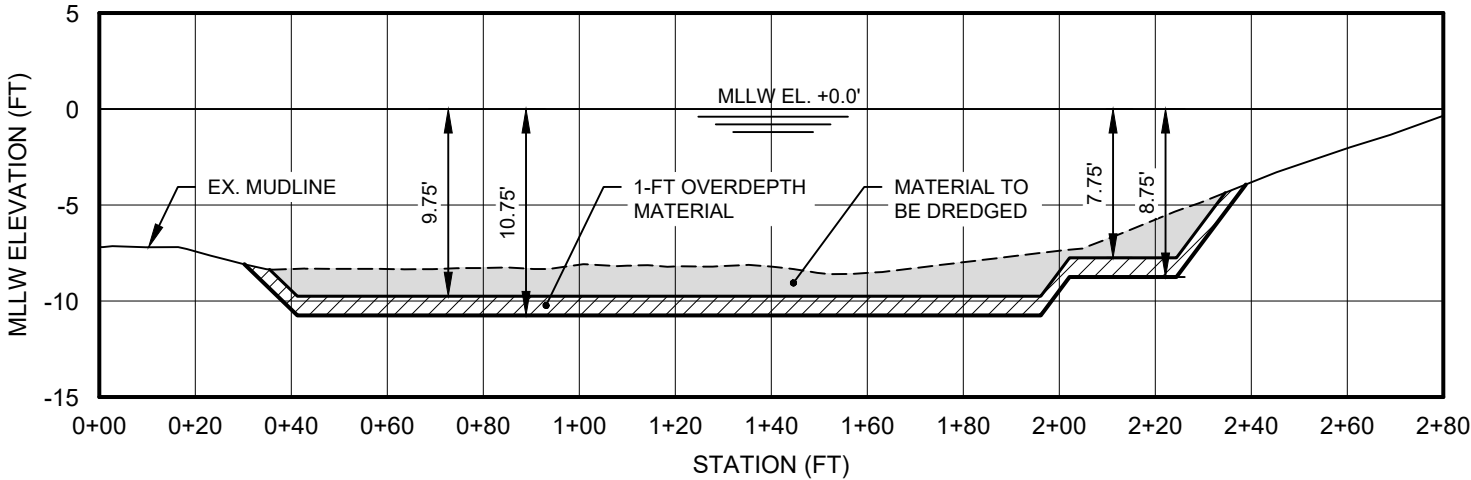
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Datum:	Scale:
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Project No.:	Drawing No.:
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SECTION 1



SECTION 2



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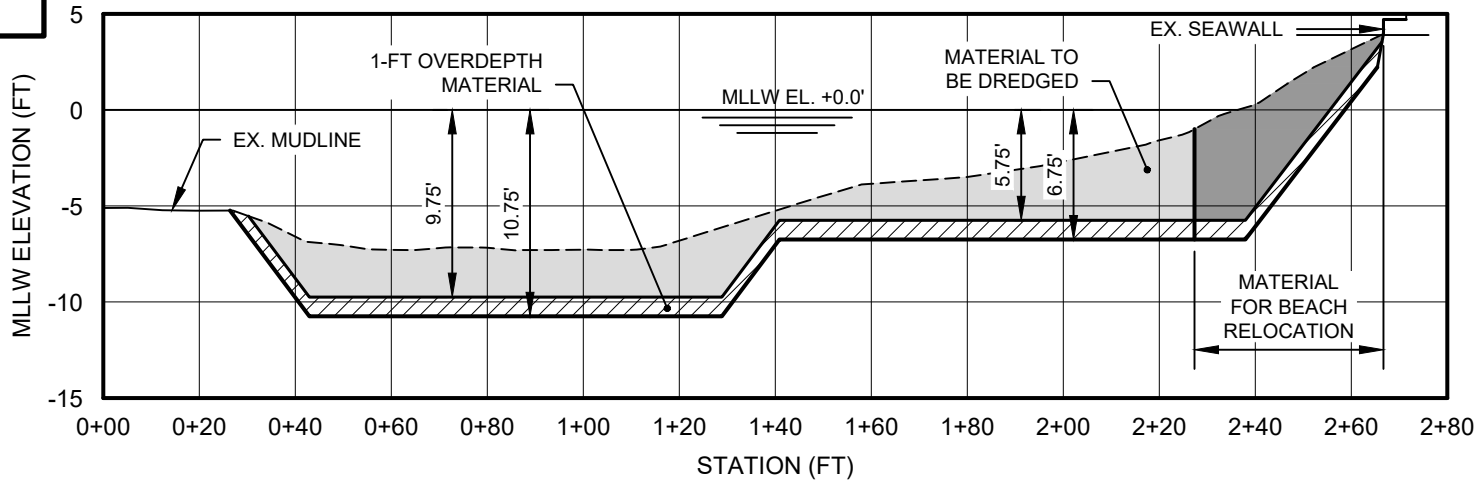
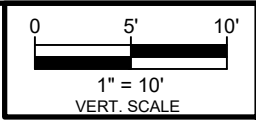
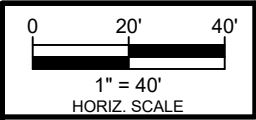
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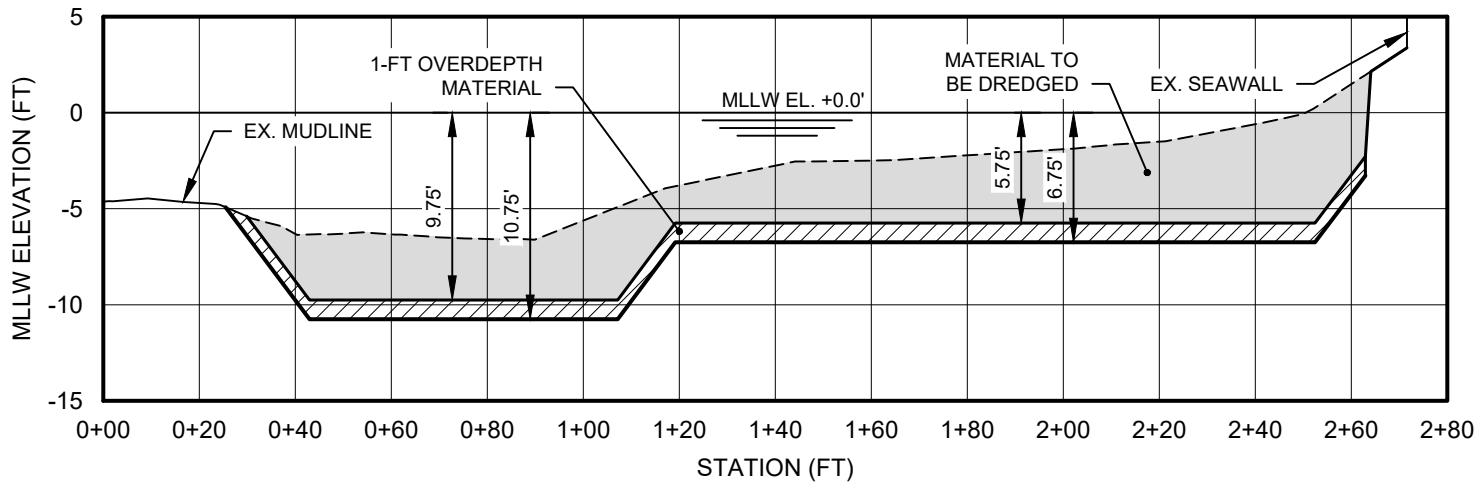
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SECTION 3



SECTION 4



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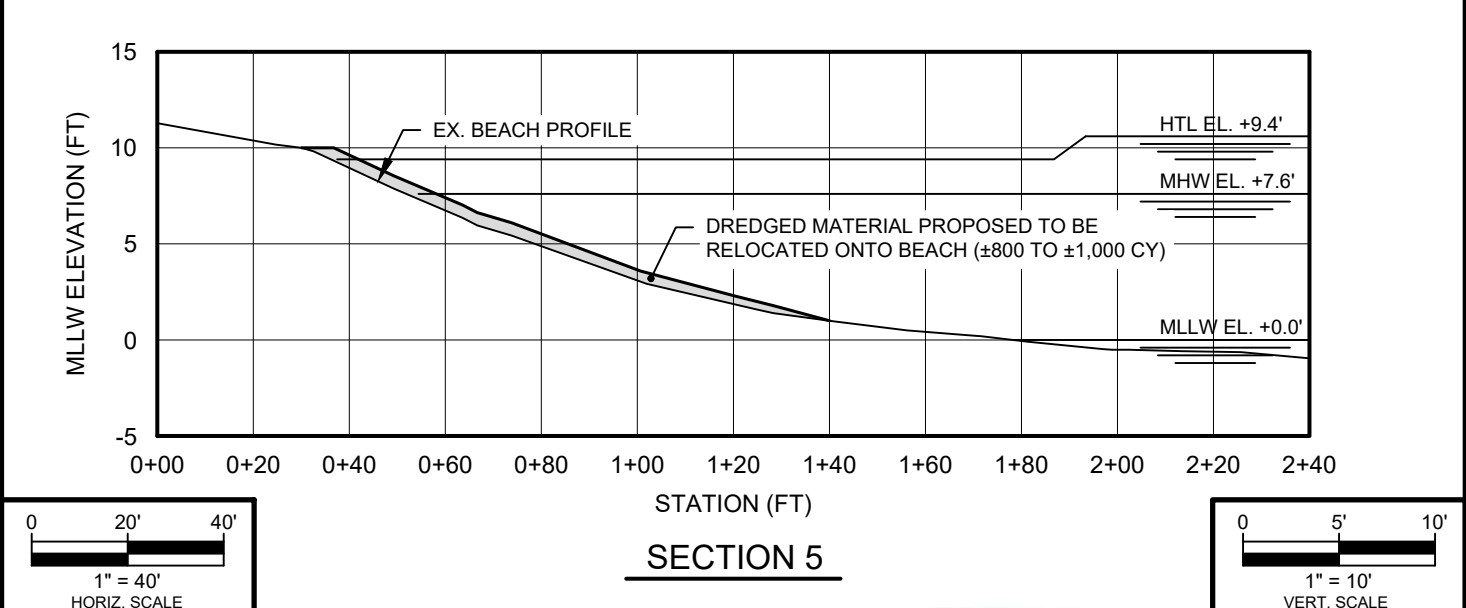
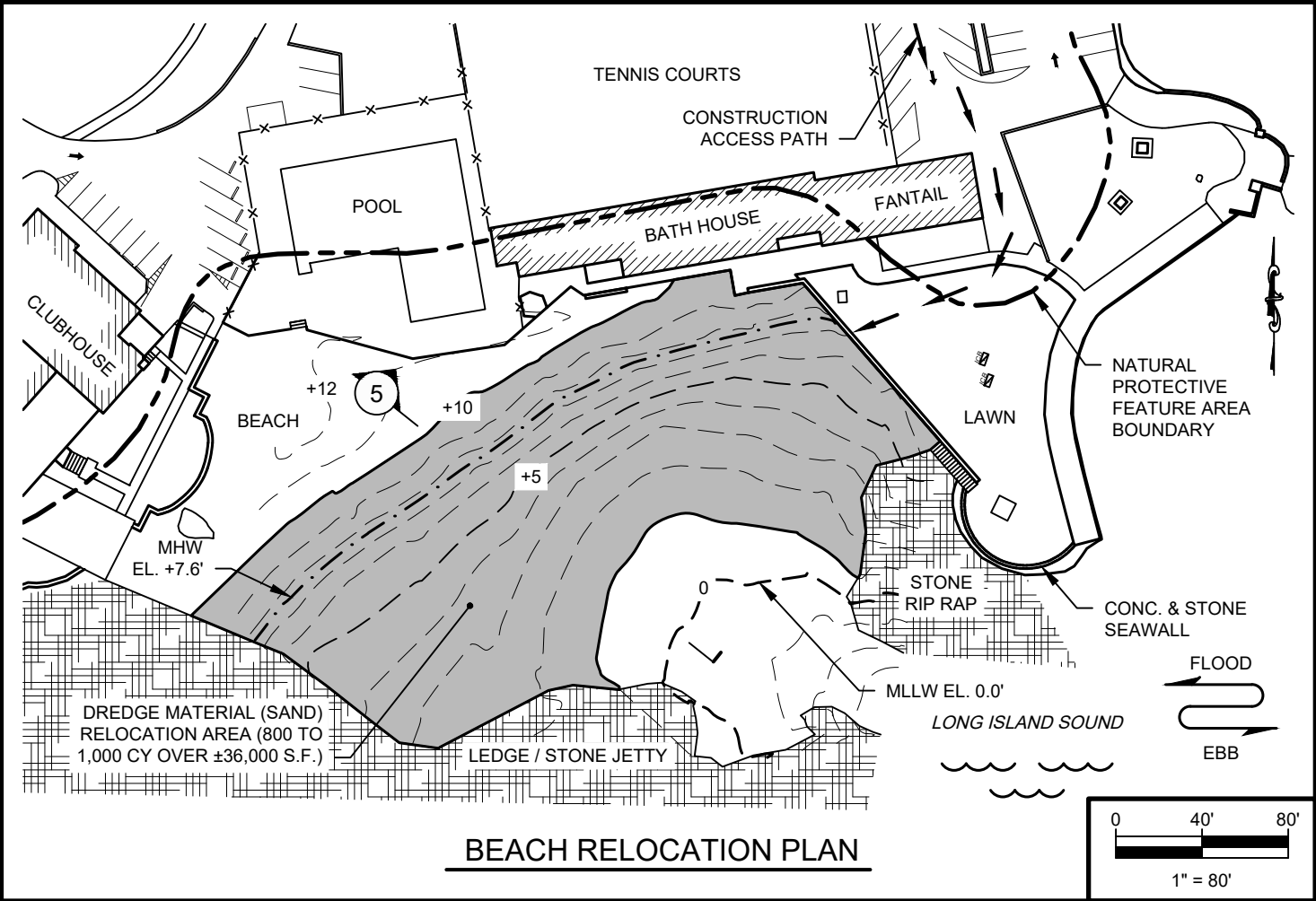
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DREDGE TOE COORDINATES		
(NY STATE PLANE EAST - NAD 83)		
POINT #	NORTHING (Y)	EASTING (X)
1	768492.79	713122.32
2	768360.65	713081.43
3	768517.72	713396.35
4	768467.35	713535.18
5	768614.30	713588.50
6	768590.14	713655.21
7	768853.83	713876.23
8	768930.39	713855.35
9	769012.36	713735.95
10	768687.66	713513.02



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