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# Public Notice

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Applicant:  
Daniel C. Bower

Published: May 4, 2012  
Expires: May 24, 2012

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U.S. Army Corps  
of Engineers  
Buffalo District  
CELRB-TD-R

Application No: 2012-00304  
Section: NY

All written comments should reference the above Application No. and be addressed to:  
U.S. Army Corps of Engineers  
(Attn: Margaret Crawford)  
7413 County House Road  
Auburn, New York 13021

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

**Application for Permit under Authority of  
Section 10 of the Rivers and Harbors Act of 1899 and  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Daniel C. Bower, 108 Grace Boulevard, Painted Post, New York 14870

WATERWAY & LOCATION: Former Shangri-La Harbor, at the south end of Seneca Lake, at 1 North Franklin Street, City of Watkins Glen, Schuyler County, New York.

LATITUDE & LONGITUDE: Latitude North: 42.38495  
Longitude West: -76.87602

EXISTING CONDITIONS: According to the applicant, the Shangri-La Harbor is a bay of 13 rental slips that allow boater access to Seneca Lake. The harbor has been in place for over 100-years. Currently several of the boat slips are unusable as the boater water depth has been compromised by material that has washed into the bay.

PROPOSED WORK: The applicant proposes to rehabilitate the marina in three elements:

- 1) to install metal sheet piling to replace the existing wall structures and rock/stone breakwall.
  - a) Approximately 455 linear feet of existing walls will be replaced with sheeting installed directly in front of the existing walls.
  - b) The existing breakwall has a footprint of approximately 975 square feet and includes approximately 130 wood piles at various levels of decomposition. The proposed breakwater would be protected by steel sheeting, and would have a footprint of 865 square feet. Rocks from

- the existing breakwall would be placed along the easterly bottom of the piling to protect the piling, dissipate the wave action and create fish habitat (15 cubic yards).
- 2) dredge to restore the historic depth of the marina, to a depth of 6-9 feet.
    - a) Approximately 2,200 cubic yards would be dredged from the basin. The material would be temporarily disposed of on-site, in a previously developed area. Once dewatered, some of the material would be used to level the site, and the remaining material would be hauled off-site, at a location yet to be determined.
  - 3) replace the existing dock and pilings, in the same location, to the same dimension.
    - a) The existing 670 square feet of dockage will be replaced in kind. The main north-south dock that parallels the breakwater is 4 feet wide and the individual finger docks are 3 feet wide.
    - b) the two existing boathouses would remain in place

## PROJECT PURPOSE

Basic: To construct a marina.

Overall: To rehabilitate an existing marina in Watkins Glen, New York.

Water Dependency Determination (*describe only if project affecting Special Aquatic Site*): The project is not affecting a Special Aquatic Site, and therefore a water dependency determination has not been done.

Avoidance and Minimization Information: The applicant is not proposing to increase the size of the marina but rather proposes to rehabilitate and reconstruct existing features within the marina that are no longer serviceable.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Margaret Crawford, who can be contacted at the above address, by calling (315) 255-8090, or by e-mail at: [margaret.a.crawford@usace.army.mil](mailto:margaret.a.crawford@usace.army.mil) A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

The project is located within an archaeologically sensitive area identified by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP). However, due to the scope of the work proposed, the Corps has determined that the project will result in No Effect to listed or eligible historic resources. The Corps is consulting with the NYSOPRHP and hereby requests the NYSORPHP to concur with this determination.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Leedy's roseroot and to ensure that the proposed activity is not likely to jeopardize its continued existence or result in the destruction or adverse modification of critical habitat. Available evidence indicates that the proposed work will not affect Leedy's roseroot, due to the lack of habitat on site.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is 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 individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request 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 the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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.

Diane C. Kozlowski  
Chief, Regulatory Branch

**NOTICE TO POSTMASTER:** It is requested that this notice be posted continuously and conspicuously for 20 days from the date of issuance.