



# Public Notice

**Applicant:**  
Cuba Lake Yacht Club

**Date:**  
**Published:** February 6, 2004  
**Expires:** February 20, 2004

**U.S. Army Corps  
of Engineers**

**Buffalo District CELRB-TD-R RE: 2002-02509(1) Section: NY 404**

**In Reply Refer To:**

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

The Cuba Lake Yacht Club, Rural Route #1, Box 15, Black Creek, New York 14714, proposes the construction of a beach along the shoreline of, and extending into, Cuba Lake. The proposed beach will measure approximately 95 feet in width and extend approximately 38 feet below the summer high water level of the lake. Additionally, the applicant proposes the reinforcement of 40 feet of existing wooden breakwall, via the installation of steel-piping driven in front of the existing walls. Finally, the applicant will remove existing wooden docks and a 95 foot section of existing wooden breakwall, in order to accommodate the proposed beach. The proposed project is located at 283 West Shore Road, in the Town of Cuba, Allegany County, New York.

The project consists of the following:

- a. 40 feet of existing wooden breakwall will be reinforced by driving 2-7 foot long, 4 inch diameter, pipe pilings in front of the existing breakwalls.
- b. A 1,140 square foot area of upland, located behind an existing wooden breakwall, will be excavated to a depth of approximately 3 feet. The upland excavation will not entail the discharge of fill material into a water of the United States, and therefore, will not be jurisdictional. The removed material will be disposed of at an upland location.
- c. Upon completion of the upland excavation, existing dock structures will be removed from in front of an existing breakwall. A 95 foot wide section of existing breakwall will then be removed and disposed of at an upland location.
- d. Upon removal of the 95 foot section of existing breakwall, the lake bed will be excavated to a depth of approximately 1 foot. The excavated area will measure approximately 95 feet in width by 30 feet in length (i.e., from the base of the removed breakwall), and the excavated material will be disposed of at an upland location.
- e. The material removed during the beach excavation phase of the project will be replaced with a layer of geotextile fabric, overlain by a layer of pea gravel, and then topped by a layer of sand. The

replacement material will achieve the original bottom elevation of the lake.

**NOTE: Item "e" above is the only activity requiring Department of the Army authorization (i.e., entailing the discharge of fill material into a Section 404 waterbody). Items "a" through "d," although non-jurisdictional, have been included in the body of this public notice for clarification purposes. Also note that the proposed beach construction work, which will extend out into Cuba Lake, will be accomplished, "in the dry" when Cuba Lake water levels are drawn down during the winter.**

The purpose of the proposed project is to create a small beach for recreational purposes.

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

Questions pertaining to the work described in this notice should be directed to Joseph W. Krawczyk, who can be contacted by calling (716) 879-4186, or by e-mail at: joseph.w.krawczyk@usace.army.mil

The following authorization(s) may be required for this project:

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

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

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 should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Joseph W. Krawczyk, or by e-mail at: joseph.w.krawczyk@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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.

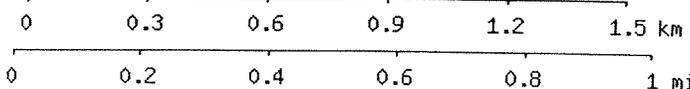
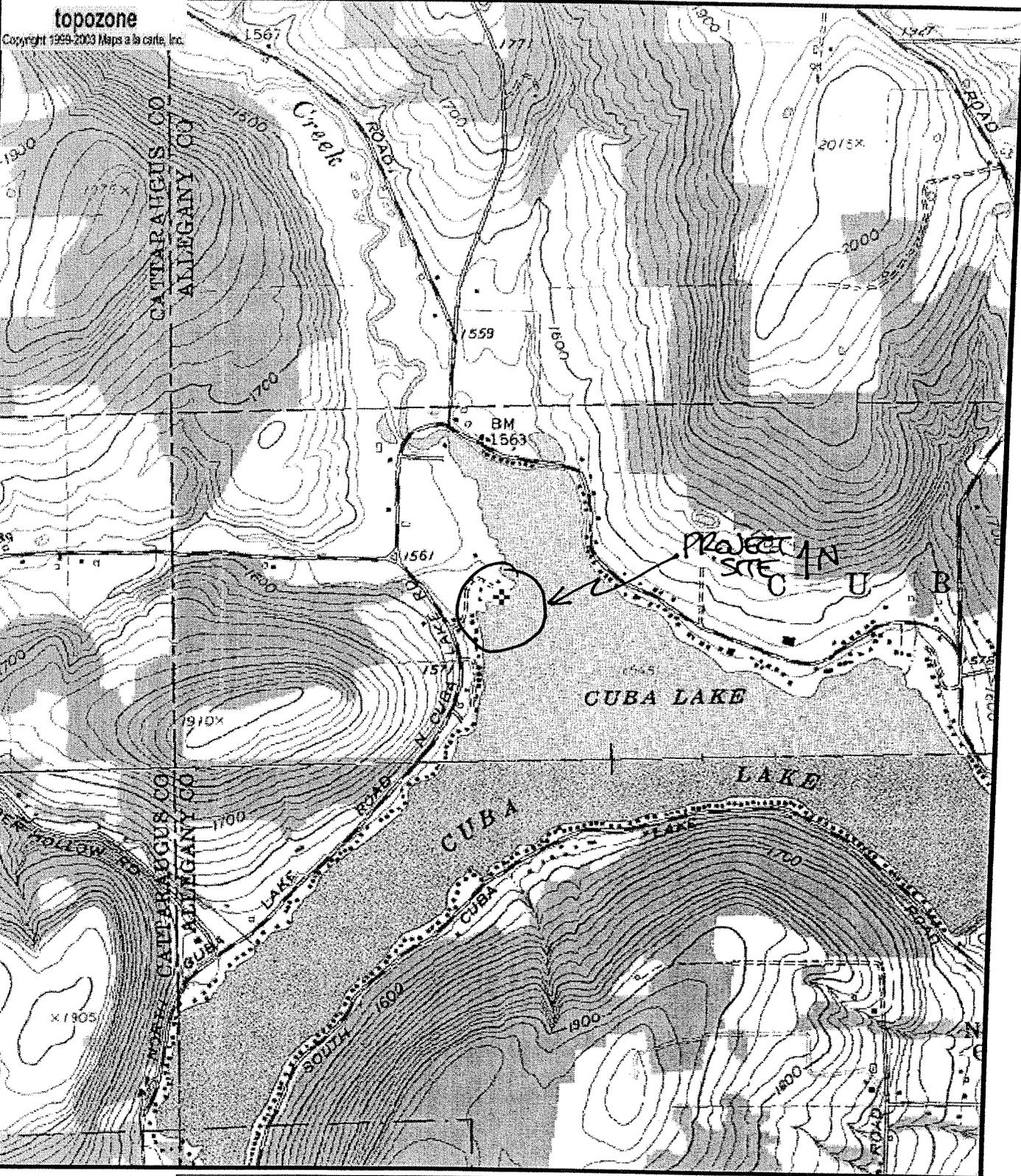
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information 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.

  
for Philip D. Frapwell  
Acting Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 15 days from the date of issuance.



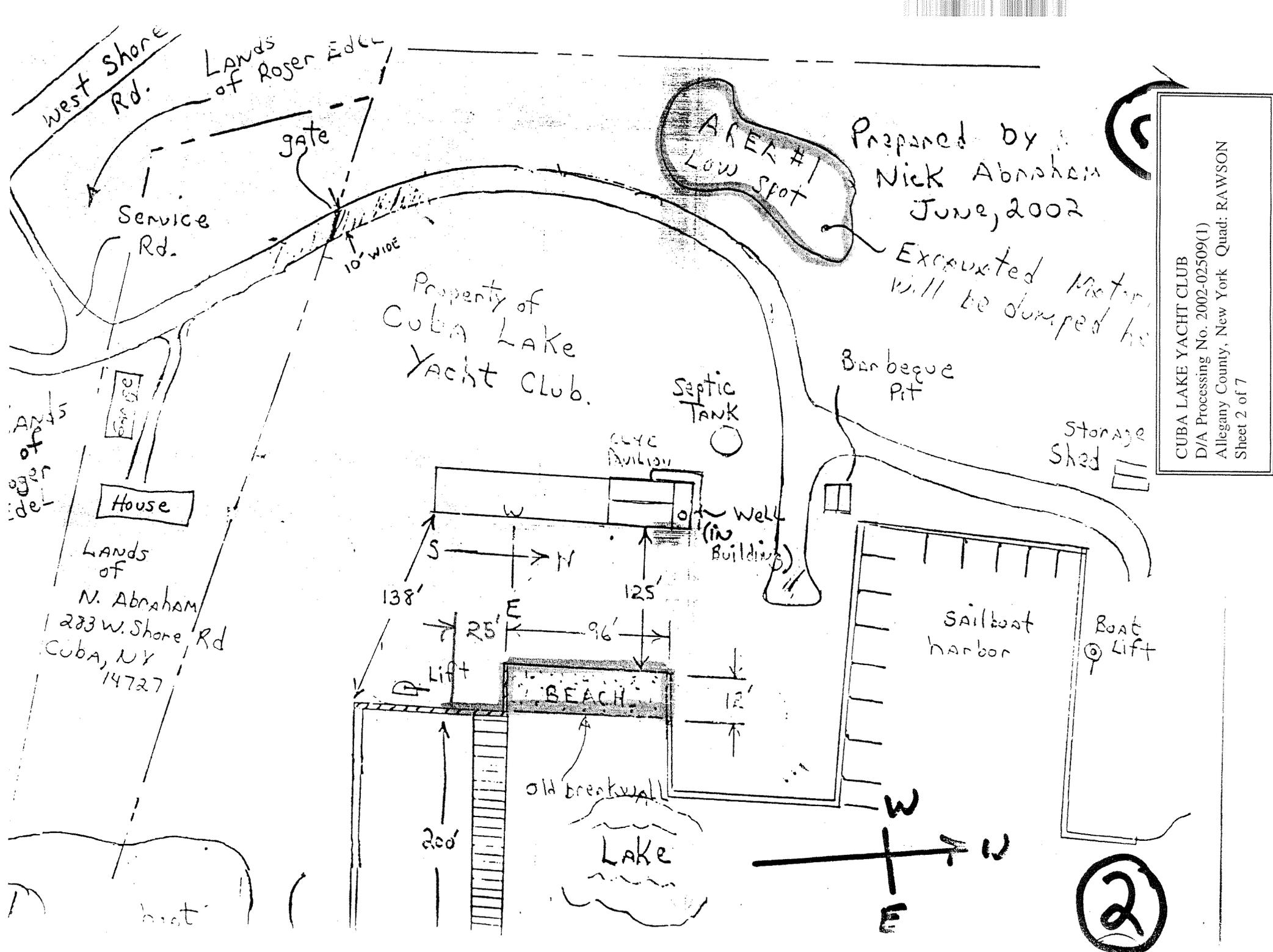
Map center is 42° 15' 19"N, 78° 17' 46"W (WGS84/NAD83)

**Rawson** quadrangle - TopoZone Pro elevation display

Projection is UTM Zone 17 NAD83 Datum

M\*  
 G  
 M=-10.959  
 G=1.82

CUBA LAKE YACHT CLUB  
 D/A Processing No. 2002-02509(1)  
 Allegany County, New York Quad: RAWSON  
 Sheet 1 of 7



Prepared by  
 Nick Abraham  
 June, 2002

Excavated material  
 will be dumped here

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 Sheet 2 of 7

West Shore Rd.

Lands of Rosen Edell

Service Rd.

gate

10' wide

AREA #1  
 Low Spot

Property of  
 Cuba Lake  
 Yacht Club.

Septic Tank

Barbeque Pit

Storage Shed

House

CLYC Pavilion

Well (in Building)

Lands of  
 N. Abraham  
 233 W. Shore Rd  
 Cuba, NY  
 14727

138'

25'

125'

96'

Lift

BEACH

12'

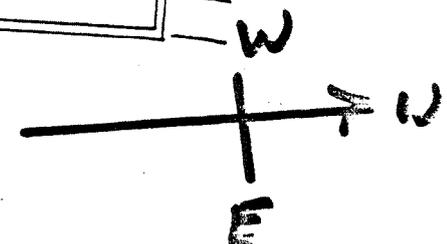
Sailboat harbor

Boat Lift

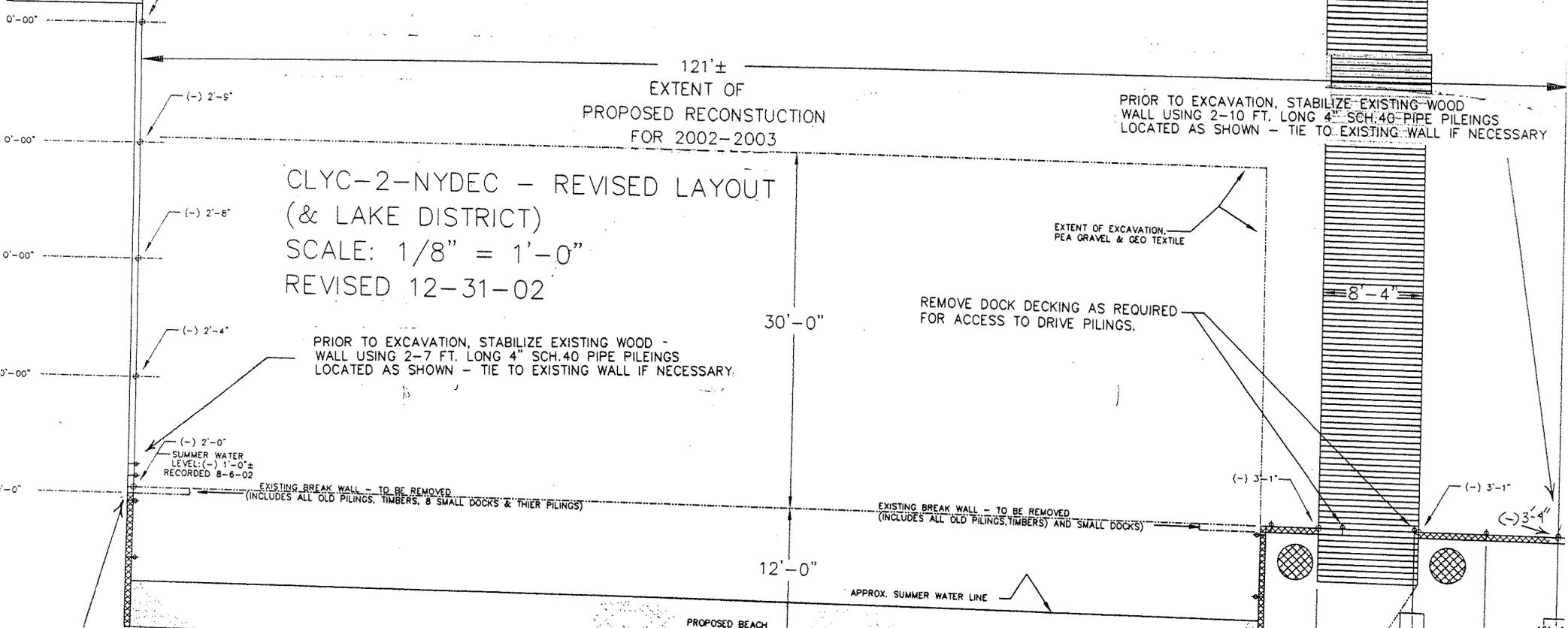
old breakwall

LAKE

200'



2



CLYC-2-NYDEC - REVISED LAYOUT  
 (& LAKE DISTRICT)  
 SCALE: 1/8" = 1'-0"  
 REVISED 12-31-02

PRIOR TO EXCAVATION, STABILIZE EXISTING WOOD WALL USING 2-7 FT. LONG 4" SCH.40 PIPE PILEINGS LOCATED AS SHOWN - TIE TO EXISTING WALL IF NECESSARY.

EXTENT OF EXCAVATION, PEA GRAVEL & GEO TEXTILE

REMOVE DOCK DECKING AS REQUIRED FOR ACCESS TO DRIVE PILING.

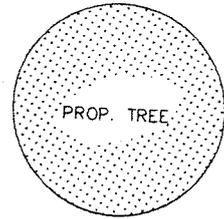
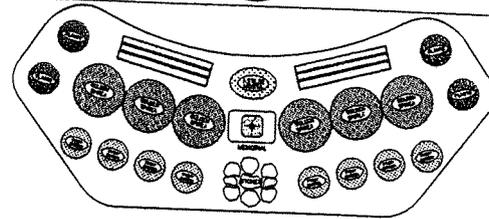
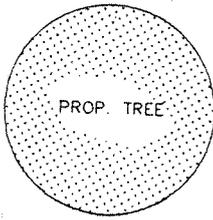
EXISTING BREAK WALL - TO BE REMOVED (INCLUDES ALL OLD PILING, TIMBERS, & SMALL DOCKS & THEIR PILING)

EXISTING BREAK WALL - TO BE REMOVED (INCLUDES ALL OLD PILING, TIMBERS) AND SMALL DOCKS

APPROX. SUMMER WATER LINE

PROPOSED BEACH

EXTENT OF PROPOSED BEACH (APPROX. 96'-0")



(TYP.)  
 6'-0" (PILING CENTERS)  
 12'-0" (TYP.) (DEADMEN)

(MIN. EXTENT OF SPLICE)  
 (MAX. EXTENT OF SPLICE)

EXTENT OF 9 COURSE HIGH WALL (-) 49-1/2"

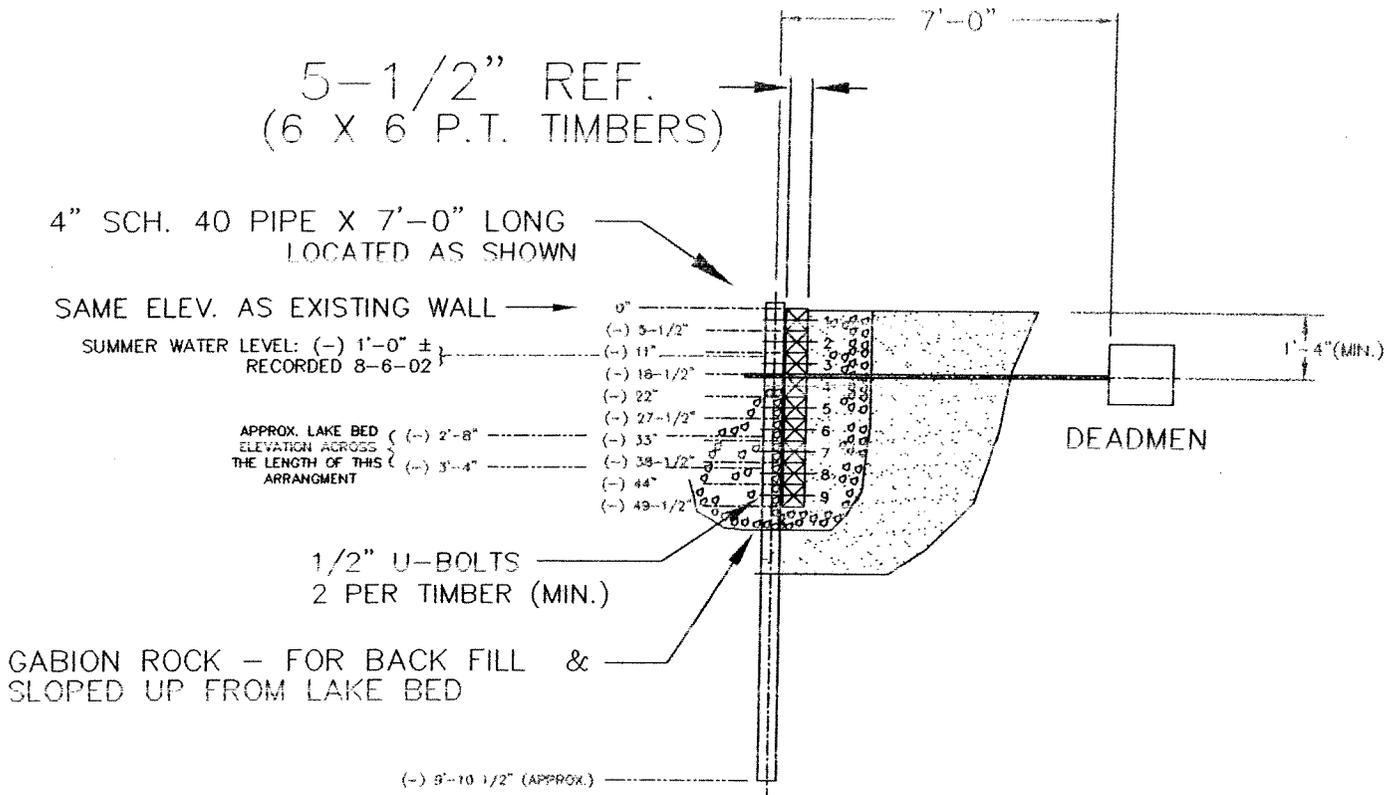
120V CABLE (REQUIRED)  
 6" TO 18" BELOW GRADE

REVISED 1-19-04  
 NICK ABRAHAM FOR USACE



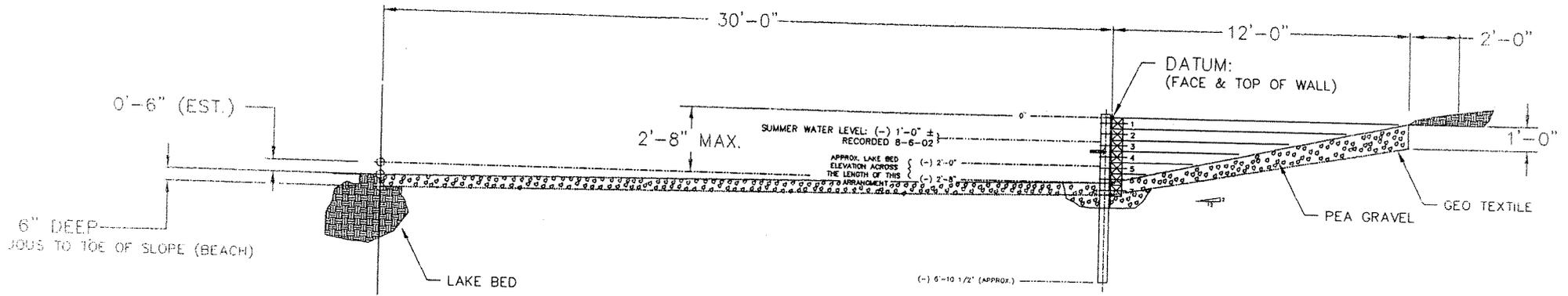
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 Allegany County, New York Quad: RAWSON  
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TO EXISTING WALL



9 COURSE (49-1/2") HIGH RETAINING WALL DETAIL  
 SPLICE ALL UNSUPPORT JOINTS WITH 2 X 6 X 3'-0"  
 LONG P.T. BOARDS AND TWO 1/2" BOLTS ON EACH SIDE JOINT

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GRADE DETAIL FOR BEACH

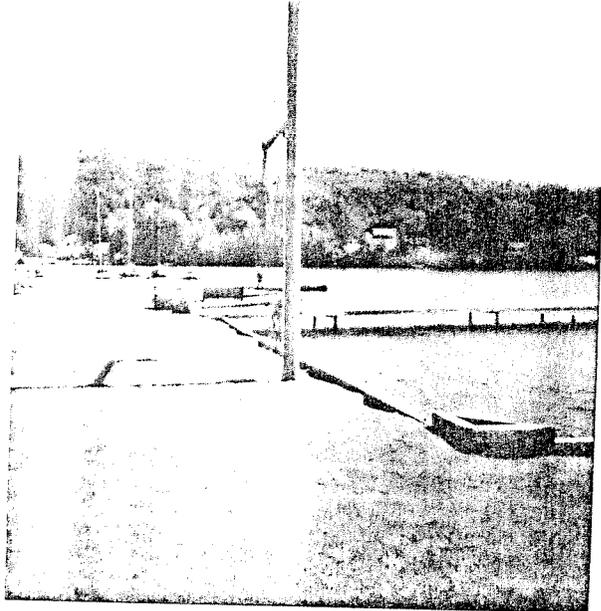
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Looking South towards the house and lands of Nick Abraham. The entire length of the breakwall project is shown.

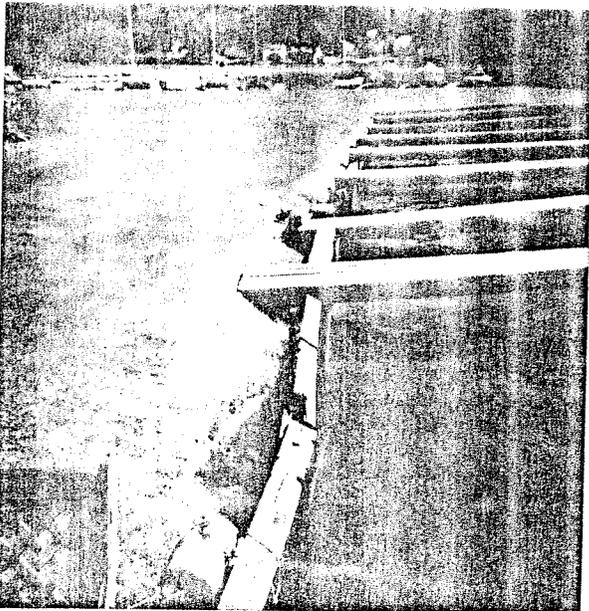
*Aug. 29, 2002*



Looking North towards the Yacht Club boat harbor. The entire length of the breakwall project is again shown.



Looking North showing damaged breakwall. The harbor of the Yacht club is in the background.



Looking West at the breakwall project. The pavilion is in mid-frame. A portion of the large dock is shown. The border line defining the lands of Nick Abraham would be just outside the left edge of the photo.



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**WINTER  
WATER  
LEVEL**

↖ PROPOSED WORK  
AREA

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