Public Notice

Applicant:
Gerald H. Higgins

Date:
Published: April 18, 2001
Expires: May 18, 2001

U.S. Army Corps of Engineers
Buffalo District **CELRB-CO-R** **In Reply Refer To:** **RE:** 95-871-152(2) **Section:** NY 10 and 404

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).

Gerald H. Higgins, 34851 County Route 7, Cape Vincent, New York 13618, has applied for Department of the Army authorization to perform work within Millens Bay in the Saint Lawrence River. The project is located in the Town of Cape Vincent, Jefferson County, New York.

The applicant is proposing to install a timber crib dock which is 72 linear feet. The dock will be configured in an "L" shape and be supported by four rock-filled timber cribs. The cribs will be 6 feet wide on each side. The applicant also seeks authorization to install a portable roll-out dock in the marine. The dock is 6 feet wide and 20 feet long and will be removed during the winter months.

In addition to the proposed dockage, the applicant is also seeking After-the-Fact authorization for an additional timber crib dock on the south side of the marina. The dock was installed in 1999 without proper authorization from the Department of the Army. The unauthorized timber crib dock consists of a 50 linear foot extension from a previously authorized crib and three associated 20 linear foot floating docks which are also unauthorized. Four 6 foot by 6 foot rock filled cribs support the unauthorized section of dock. The applicant wishes to replace the existing unauthorized floating dock located at the waterward terminus with a 20 foot long by 6 foot wide timber crib dock supported by one 6 foot by 6 foot rock filled timber crib. The remaining floating docks will be removed.

The dockage will provide additional private mooring capacity for patrons of the applicant's mobile home park. The mobile home park is located immediately adjacent to Millens Bay.

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 Harold T. Keppner, who can be contacted by calling (716) 879-4120, or by e-mail at: harold.t.keppner@usace.army.mil

The applicant has certified that the proposed activity complies with New York's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

Ms. Diana Boos
New York Department of State
Division of Coastal Resources
Consistency Coordinator
Coastal Management Program
41 State Street
Albany, New York 12231-0001
Telephone (518) 486-3200

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 Harold T. Keppner, or by e-mail at: harold.t.keppner@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. 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,

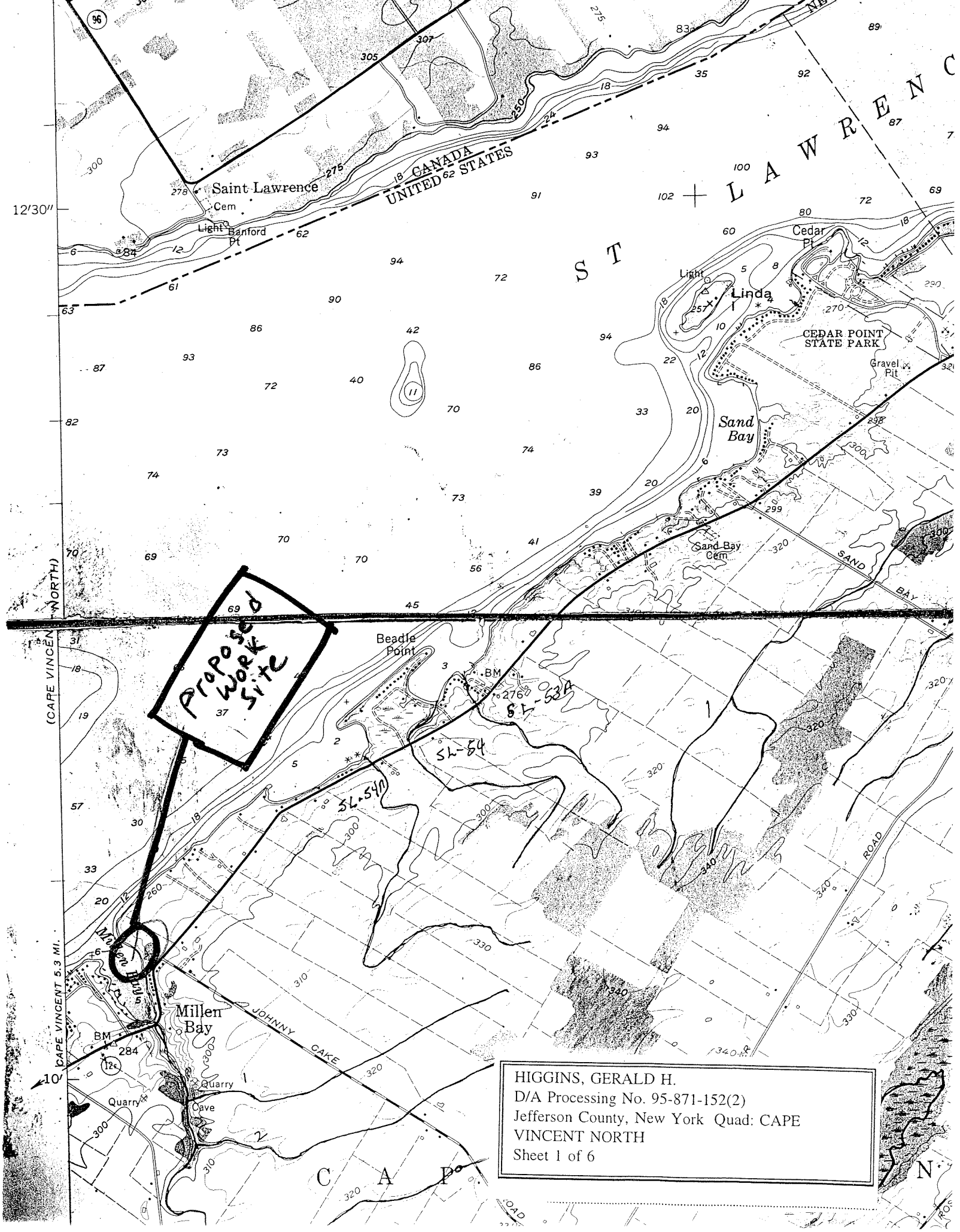
general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, 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 Arthur G. Marks

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



HIGGINS, GERALD H.
D/A Processing No. 95-871-152(2)
Jefferson County, New York Quad: CAPE VINCENT NORTH
Sheet 1 of 6

HIGGINS, GERALD H.
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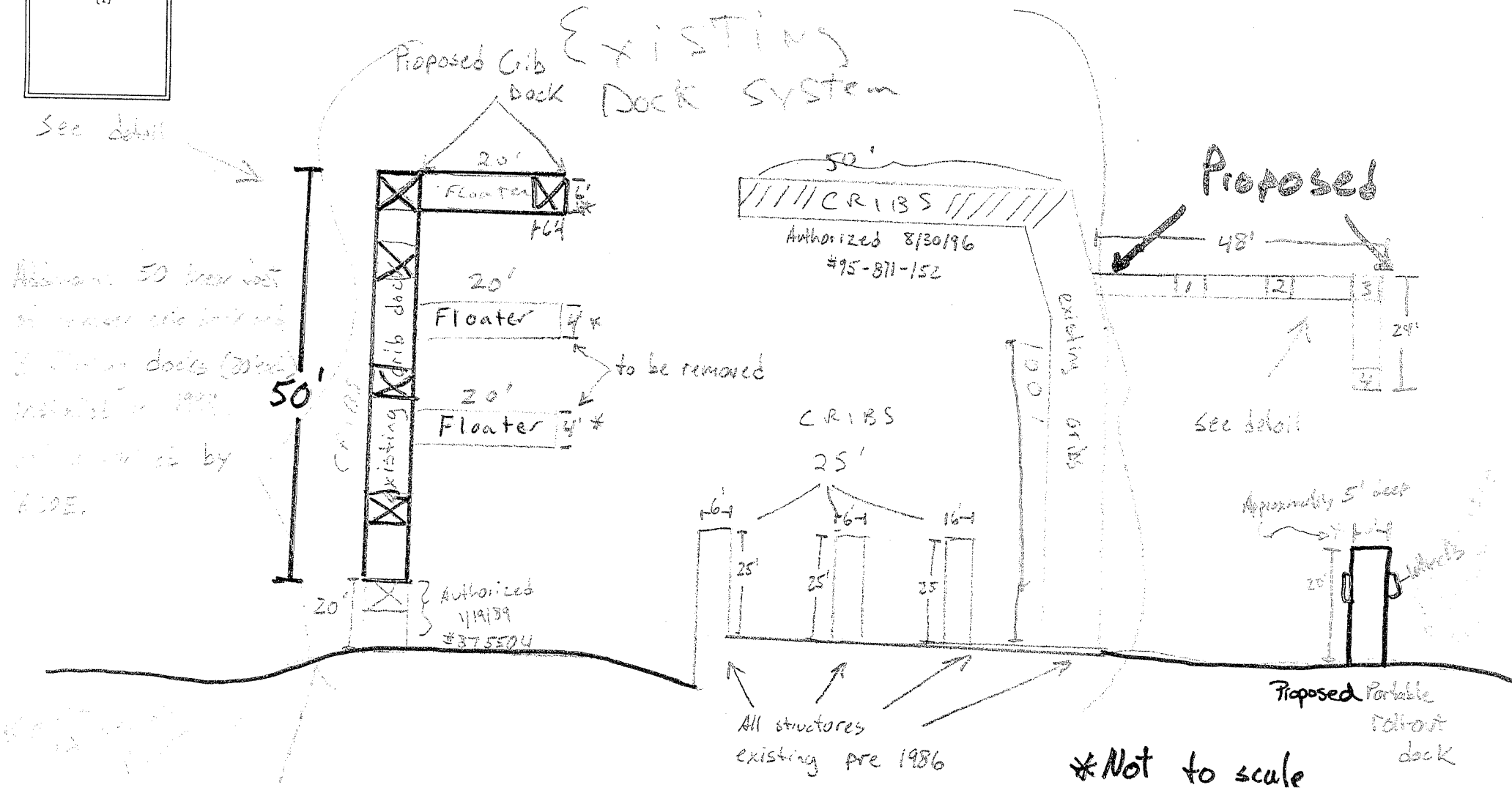
Jefferson County, New York Quad: CAPE
VINCENT NORTH
Sheet 2 of 6

*2 Floating Docks to be removed. Dock on terminus replaced w/ timber crib structure.

N



D.E.C. Permit
#6-2228-00050-00015

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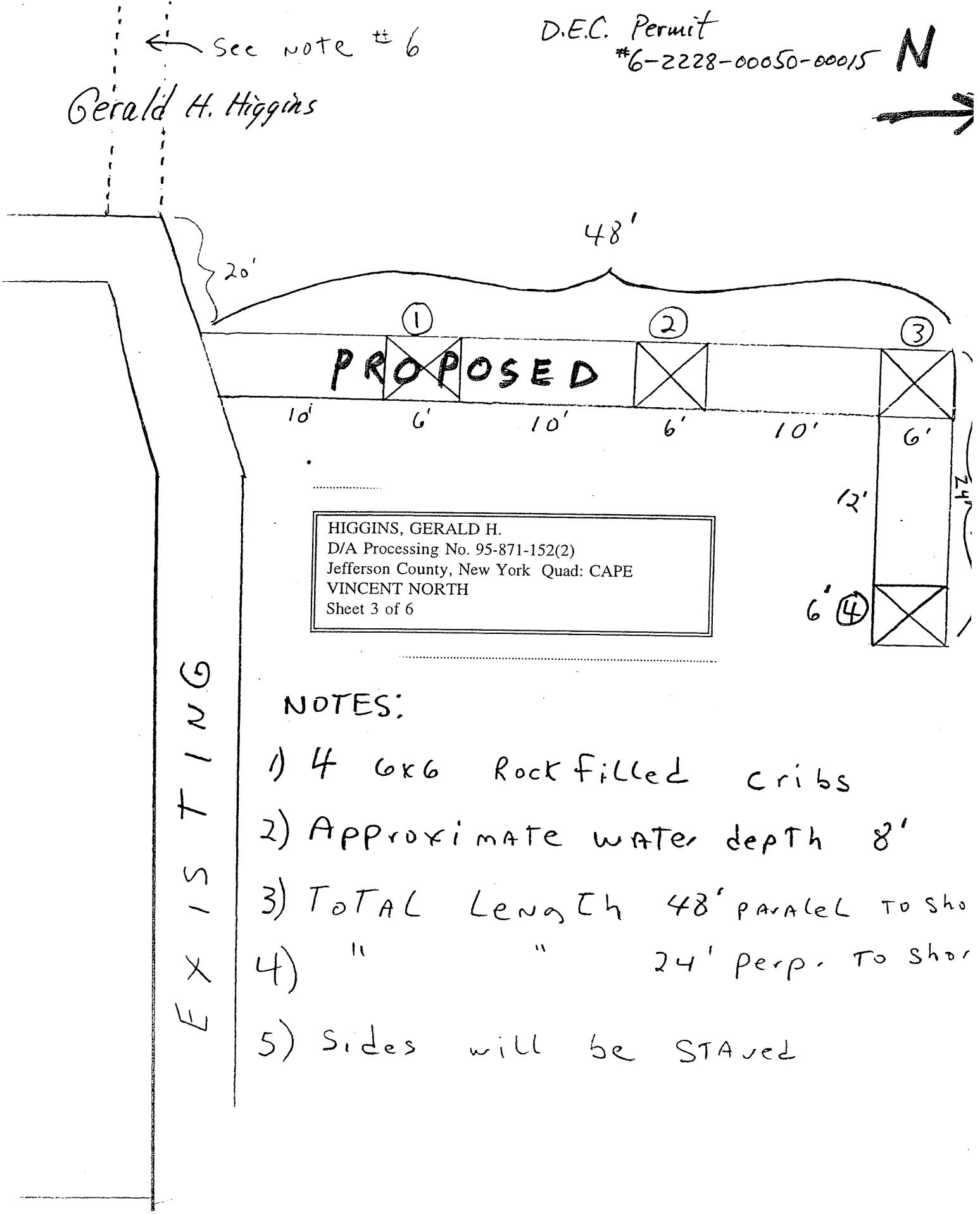

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NOTES:

1) 4 6x6 Rock filled cribs
2) Approximate water depth 8'
3) Total Length 48' parallel to sho
4) " " 24' perp. to shor
5) Sides will be stayed

MILLENS BAY MARINA

100'+

LAWRENCE RIVER

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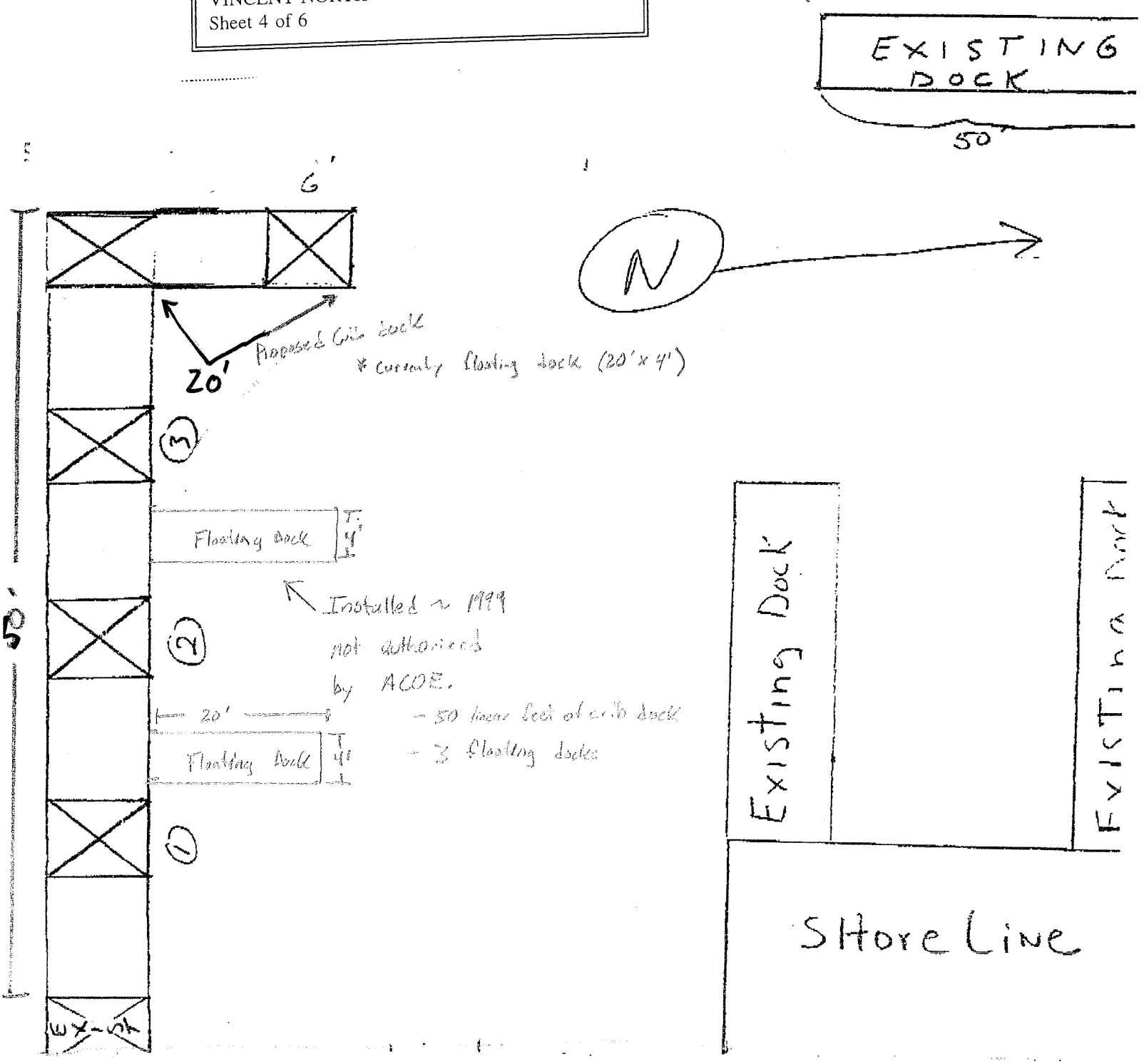

D.E.C. Permit
#6-2228-00050-00015

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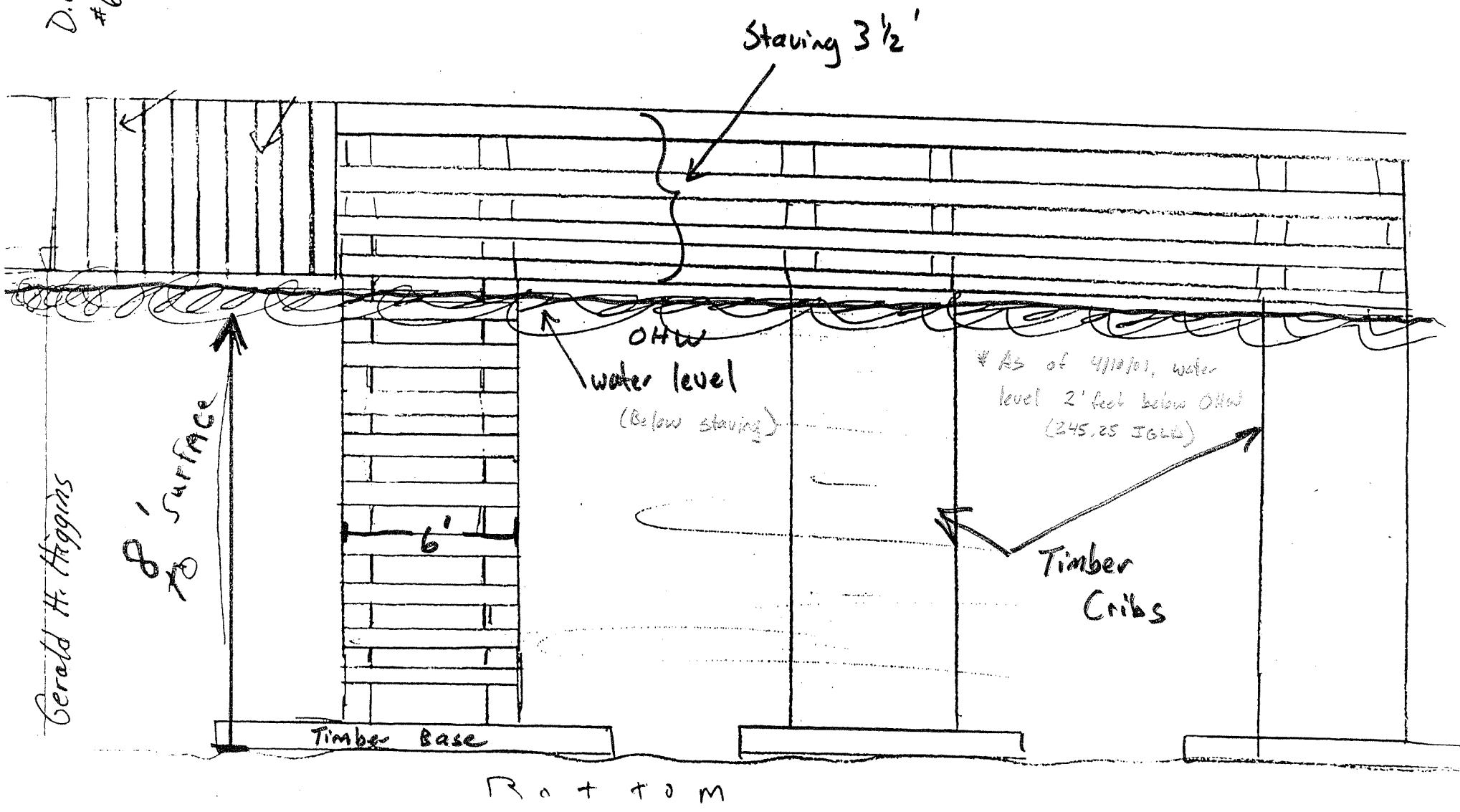
Proposed



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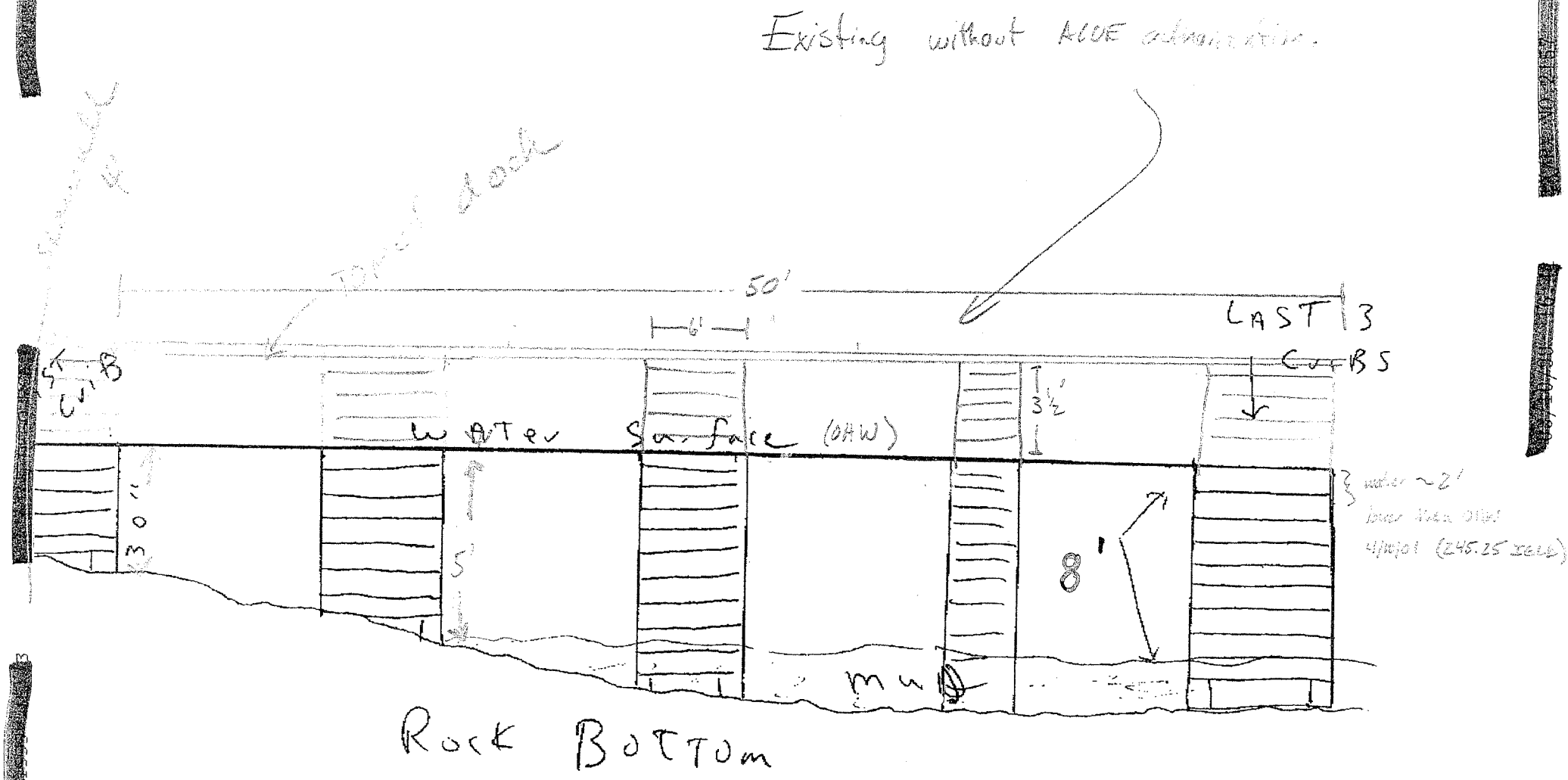
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