



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278-0090

Western Section

SUBJECT: Department of the Army Permit Number NAN-2022-00186

Gianna Krey
561 Lawn Terrace
Mamaroneck, NY 10543

Dear Ms. Krey:

We have completed our review of Application Number NAN-2022-00186-WRY.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

ACTIVITY: Install an 8-foot (ft) wide by 25-ft long timber floating dock and associated 3.5-ft by 35-ft long aluminum ramp. Install three (3) 12-inch diameter steel pipe anchor piles via vibratory methods at low tide. Construct a concrete landing integrated into the existing seawall measuring 3.5-ft by 3-ft by 6-ft, above the plane of Spring High Water.

All work shall be done in accordance with the attached plans, subject to Special Conditions (A) through (G), which are hereby made part of this permit.

WATERWAY: East Basin Mamaroneck Harbor

LOCATION: Town of Mamaroneck, Westchester County, New York

The activity authorized herein must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity.

SUBJECT: Department of the Army Permit Number NAN-2022-00186 for Gianna Krey in the Town of Mamaroneck, Westchester County, New York.

Please note that the above authorization verification is based on a preliminary jurisdictional determination (JD). A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 16-01, which can be found at: <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll9/id/1256>

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Stephan A. Ryba
Chief, Regulatory Branch
New York District Corps of Engineers
26 Federal Plaza, Room 16-406
New York, New York 10278-0090

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by _____. It is not necessary to submit an RFA form to the District Office if you do not object to the permit decision in this letter.

The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins.

Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to ensure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

SUBJECT: Department of the Army Permit Number NAN-2022-00186 for Gianna Krey in the Town of Mamaroneck, Westchester County, New York.

If any questions should arise concerning this matter, please contact Alexandra Ryan, of my staff, at alexandra.ryan@usace.army.mil or at (917) 790-8518.

Sincerely,

FOR AND IN BEHALF OF
MATTHEW W. LUZZATTO
Colonel, U.S. Army
Commander and District Engineer

Enclosures

PERMITTEE: Gianna Krey
PERMIT NO.: NAN-2022-00186

PERMIT CONDITIONS:

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

- (A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

PERMITTEE: Gianna Krey
PERMIT NO.: NAN-2022-00186

- (B) The permittee and their designated contractors shall use a “soft-start” when pile driving to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. Vibratory pile driving shall be initiated for 15 seconds at reduced energy followed by a one-minute waiting period. This sequence of 15 seconds of reduced energy driving with one-minute waiting period shall be repeated two additional times, followed immediately by pile driving at full rate and energy. In addition to using a soft-start at the beginning of the work-day for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer.
- (C) The permittee, and project contractors, shall maintain vessels operating within the action area to speed limits below 10 knots.
- (D) At least 14 days prior to starting operations, the permittee shall email the following information, at a minimum, to the First Coast Guard District, D01-SMB-LNM@uscg.mil, and Sector New York, SECTORNYWWM@uscg.mil, for publication in the Local Notice to Mariners:
- a. Date of submission:
 - b. Name, phone number, and email address of project point of contact:
 - c. Company Name:
 - d. Type of Work:
 - e. Waterway and Location where work will be done:
 - f. Latitude & Longitude of work area (Degrees, Minutes, Thousandths of seconds):
 - g. Work Start & Stop dates and Hours of Operation:
 - h. Equipment on scene:
 - i. Passing Arrangements / Time to move vessels to not impede navigation:
 - j. VHF Radio Channel monitored:
 - k. Disposal Site (if used):
 - l. NOAA Chart Number for the area:
- (E) The permittee shall notify the National Oceanic and Atmospheric Administration of the project completion and specifications so they may initiate the appropriate chart and Coast Pilot corrections. This notification must be submitted by email to ocs.ndb@noaa.gov, and shall include: a copy of Department of the Army Permit NAN-2022-00186, as-built drawings, and a completed NOAA Permit/Public Notice Status Report form, available online at:

PERMITTEE: Gianna Krey
PERMIT NO.: NAN-2022-00186

<https://nauticalcharts.noaa.gov/charts/docs/charts-updates/Permit-Public-Notice.pdf>;

(F) The permittee shall ensure that any current or future outdoor lighting is located or shielded so that it is not confused with any aids to navigation. If installed, the lights must be white and non-flashing.

(G) The permittee, and designated contractors, shall avoid in-water activities associated with steel pile installation from January 1 through June 30 of any calendar year to minimize impacts to winter flounder early life stage essential fish habitat (1/1 to 5/31) and migrating anadromous fish (3/1 to 6/30).

Further Information:

1. Limits of authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

PERMITTEE: Gianna Krey
PERMIT NO.: NAN-2022-00186

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

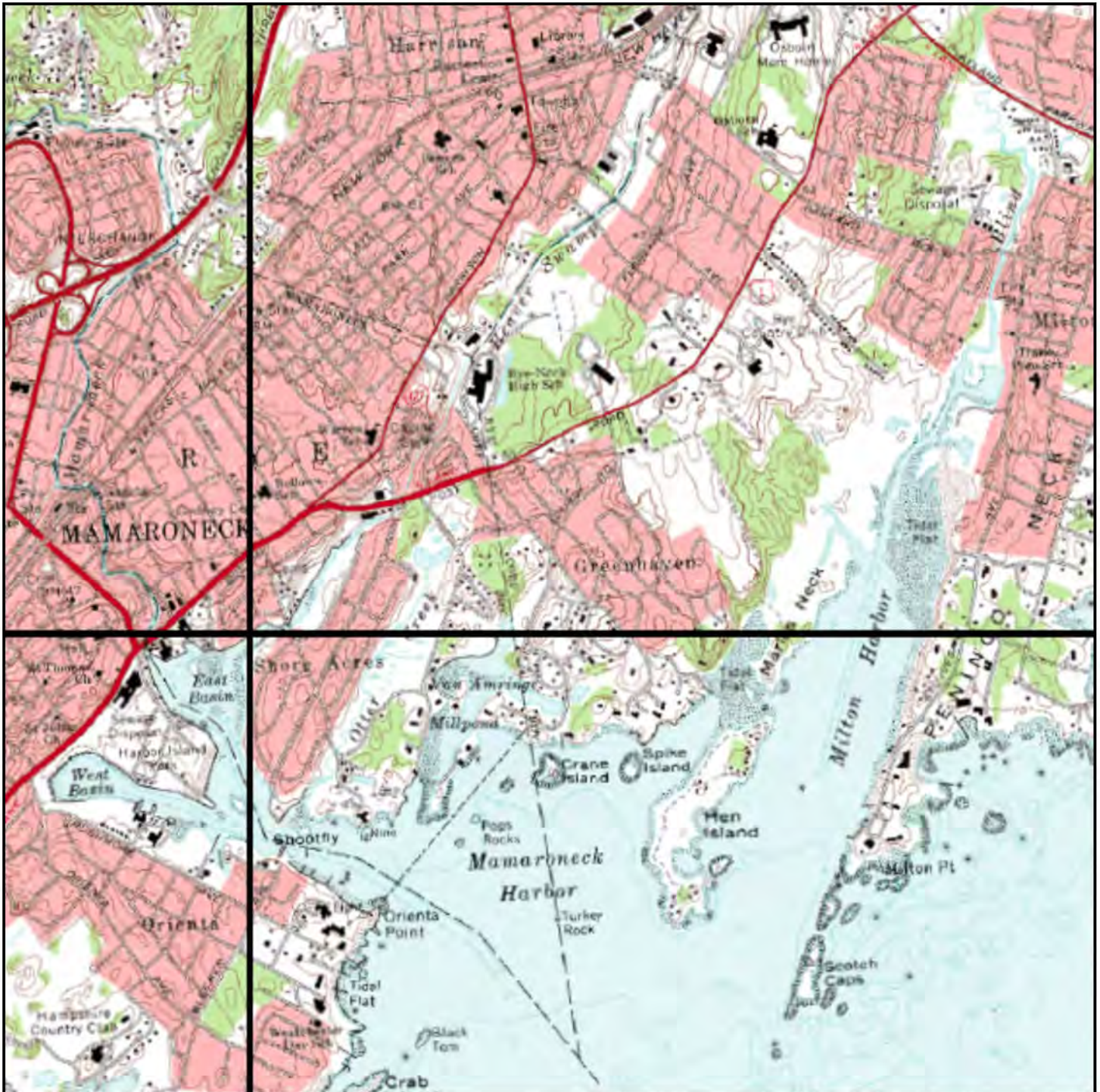
a. You fail to comply with the terms and conditions of the permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



VICINITY MAP

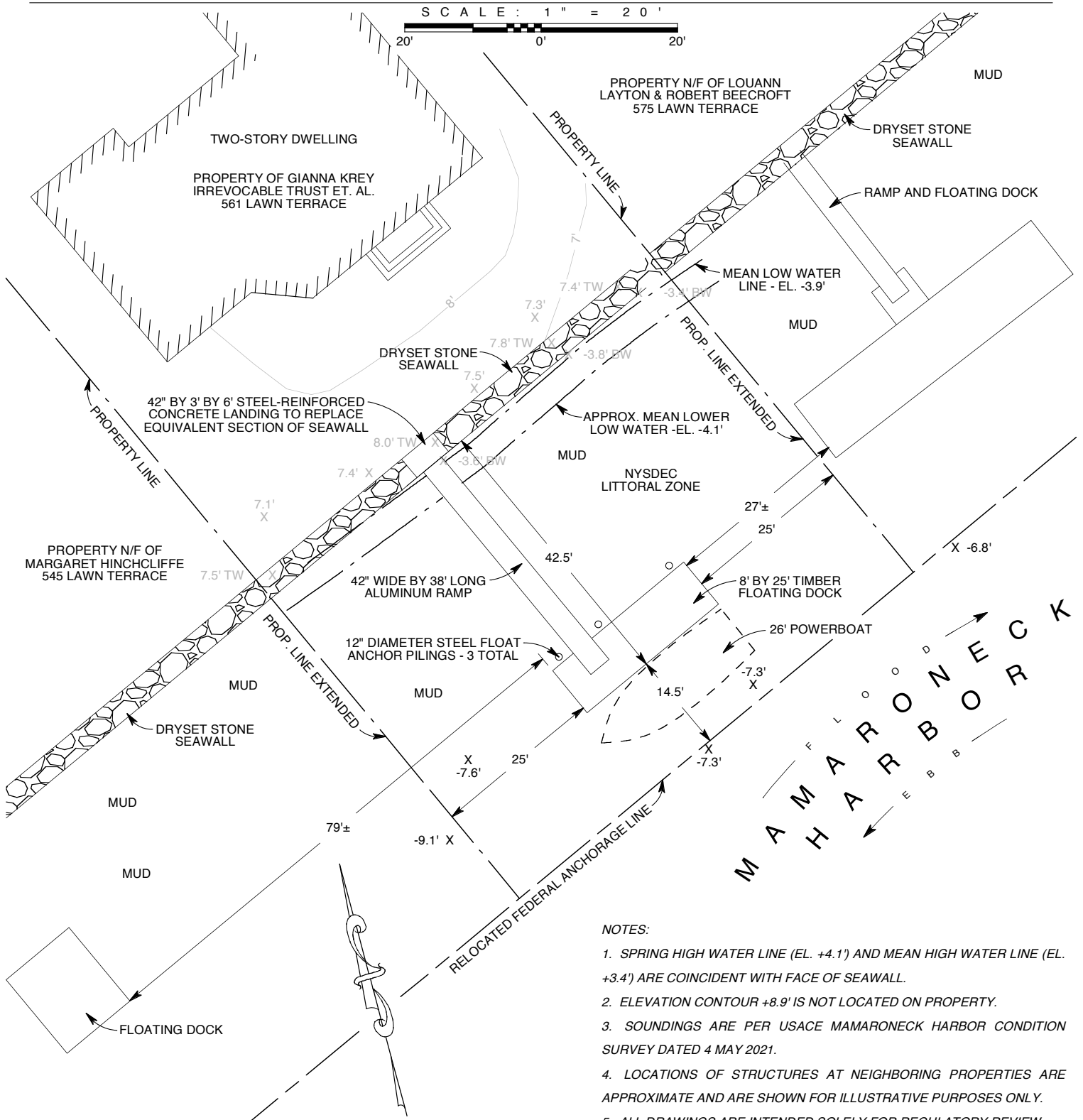
FROM U.S.G.S. MAMARONECK QUADRANGLE MAP

SCALE: 1:24000

PURPOSE: PRIVATE RECREATIONAL BOAT DOCKING
 DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988
 ADJ. OWNERS: MARGARET HINCHCLIFFE; LOUANN LAYTON & ROBERT BEECROFT
 APPLICATION PREPARED BY: JOHN HILTS P.O. BOX 47, ROWAYTON, CT 06853

PROPOSED LANDING, RAMP AND FLOATING DOCK IN MAMARONECK HARBOR AT
 561 LAWN TERRACE, VILLAGE OF MAMARONECK, WESTCHESTER CTY., NY
 APPLICATION BY: GIANNA KREY IRREVOCABLE TRUST
 DATE: 202/22 SHEET 1 OF 4 REVISION NUMBER: DATE:

PROPOSED GENERAL PLAN VIEW



NOTES:

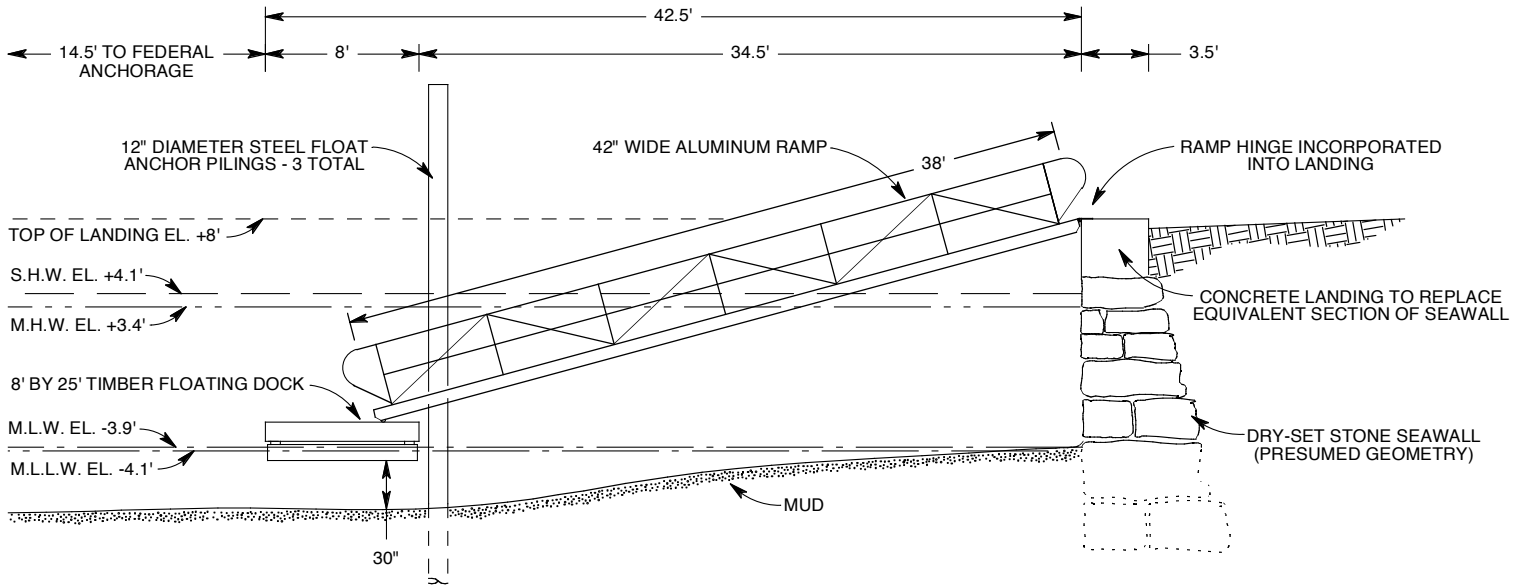
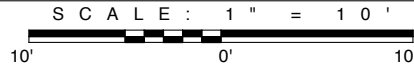
1. SPRING HIGH WATER LINE (EL. +4.1') AND MEAN HIGH WATER LINE (EL. +3.4') ARE COINCIDENT WITH FACE OF SEAWALL.
2. ELEVATION CONTOUR +8.9' IS NOT LOCATED ON PROPERTY.
3. SOUNDINGS ARE PER USACE MAMARONECK HARBOR CONDITION SURVEY DATED 4 MAY 2021.
4. LOCATIONS OF STRUCTURES AT NEIGHBORING PROPERTIES ARE APPROXIMATE AND ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
5. ALL DRAWINGS ARE INTENDED SOLELY FOR REGULATORY REVIEW.

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PURPOSE: PRIVATE RECREATIONAL BOAT DOCKING
DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988
ADJ. OWNERS: MARGARET HINCHCLIFFE; LOUANN LAYTON & ROBERT BEECROFT
APPLICATION PREPARED BY: JOHN HILTS P.O. BOX 47, ROWAYTON, CT 06853

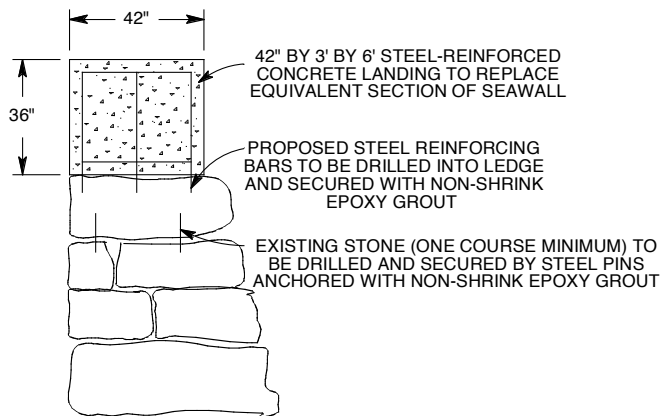
PROPOSED LANDING, RAMP AND FLOATING DOCK IN MAMARONECK HARBOR AT
561 LAWN TERRACE, VILLAGE OF MAMARONECK, WESTCHESTER CTY., NY
APPLICATION BY: GIANNA KREY IRREVOCABLE TRUST
DATE: 2/02/22 SHEET 3 OF 4 REVISION NUMBER: 1 DATE: 4/07/22

PROPOSED ELEVATION



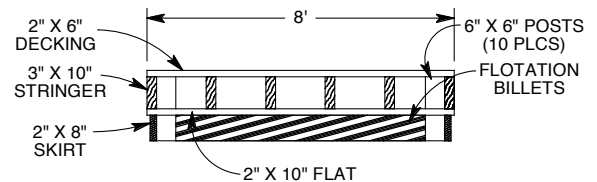
LANDING SECTION

SCALE: 1" = 5'



FLOATING DOCK SECTION

SCALE: 1" = 5'



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NOTE: DRAWING IS FOR REGULATORY REVIEW ONLY.

PURPOSE: PRIVATE RECREATIONAL BOAT DOCKING
 DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988
 ADJ. OWNERS: MARGARET HINCHCLIFFE; LOUANN LAYTON & ROBERT BEECROFT
 APPLICATION PREPARED BY: JOHN HILTS P.O. BOX 47, ROWAYTON, CT 06853

PROPOSED LANDING, RAMP AND FLOATING DOCK IN MAMARONECK HARBOR AT
 561 LAWN TERRACE, VILLAGE OF MAMARONECK, WESTCHESTER CTY., NY
 APPLICATION BY: GIANNA KREY IRREVOCABLE TRUST
 DATE: 2/02/22 SHEET 4 OF 4 REVISION NUMBER: 1 DATE: 4/07/22

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J.
RODRIGUEZ
ACTING SECRETARY OF STATE

June 3, 2022

Army Corps New York District
Rosita Miranda
26 Federal Plaza
New York, NY 10278

John Hilts
PO Box 47
Rowayton, CT 06853

Re: **F- 2022-0108**
U.S. Army Corps of Engineers/New York District Permit
NYS DEC Region 3 Permit – Gianna Krey Irrevocable
Trust Et. Al.
Application – **NAN-2022-00186** – Construct an 8 foot by
25 foot timber floating dock and associated 3.5 foot by 35
foot long aluminum ramp. Install three 12 inch diameter
steel pipe anchor piles via vibratory methods at low tide.
Construct a concrete landing integrated into the existing
seawall measuring 3.5 feet by 6 feet, above the plane of
Spring High Water.
East Basin Mamaroneck Harbor, 561 Lawn Terrace, Town
of Mamaroneck, Westchester County
Letter of Permission

Dear Rosita Miranda:

The Department of State received and reviewed your letter dated March 16, 2022 eligibility of the above-referenced proposal for authorization by a Corps of Engineers Letter of Permission.

Based upon the submitted information, the Department of State has no objection to the authorization of this proposal by Letter of Permission. Further review of this proposal and concurrence with the applicant's consistency certification by the Department of State is not required.

Sincerely,



Tanna LeGere
Coastal Resources Specialist
Office of Planning, Development and
Community Infrastructure

cc: DEC/Region 3 - Ellen M Hart (App# 3-5548-00283/00003)



**Department
of State**



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Regulatory Branch at the above address prior to commencement of any work authorized under the permit.

Permittee: _____ Permit No. _____

Date Permit Issued: _____ Expiration Date: _____

Waterway: _____

Project Location: _____

Work will commence on or about: _____

Name, Address & Telephone Number of Contractor:

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp
Here

USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Regulatory Branch at the above address following completion or cancellation of work authorized under the permit.

Permittee: _____ Permit No. _____

Date Permit Issued: _____ Expiration Date: _____

Waterway: _____

Project Location: _____

Check and complete applicable item(s) listed below:

_____ Work was completed on _____

_____ Work will not be performed on the project.

_____ Deviation from work authorized in permit is explained below.

_____ Other (explain) _____

_____ For dredging projects, list the volume of material dredged, and the amount placed at each disposal location (if more than one).

_____ cubic yards placed at _____

_____ cubic yards placed at _____

_____ cubic yards placed at _____

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp
Here

USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Stephan A. Ryba
Chief, Regulatory Branch (CENAN-OP-R)
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278

If you only have questions regarding the appeal process you may also contact:

Ms. Amanda M. Regan
Regulatory Appeals Review Officer
U.S. Army Corps of Engineers
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, New York 11252-6700
Telephone number: 917-831-9105

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number: