



# NEW YORK STATE & US ARMY CORPS OF ENGINEERS

## **JOINT APPLICATION**

### **APPLICANT:**

Lynn Kroll  
Proposed Pier, Gangway and Dock  
18 Parsonage Point, Rye, NY

April 2020

Prepared By:



611 Access Road  
Stratford, CT 06615  
Tel: (203) 377-0663  
Fax: (203) 375-6561

Project No. 2020013

**Section**    **Description**

1.      New York State / US Army Corps of Engineers Joint Application for Permit NYSDEC Form 95-19-3 and Supplement D-2
2.      Location Maps
3.      Project Plans
4.      Photographs
5.      Short Environmental Assessment Form For Unlisted Actions and EAF Mapper Summary Report
6.      Permission to Inspect Property Statement
7.      Federal Consistency Assessment Form
8.      US Army Corps of Engineers Environmental Questionnaire
9.      NOAA Fisheries EFH and ESA



## **SECTION 1**

# NYSDEC JOINT APPLICATION





JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:
>NYS Department of Environmental Conservation
Check all permits that apply: Stream Disturbance, Dams and Impoundment Structures, Tidal Wetlands, Water Withdrawal, Excavation and Fill in Navigable Waters, 401 Water Quality Certification, Wild, Scenic and Recreational Rivers, Long Island Well, Docks, Moorings or Platforms, Freshwater Wetlands, Coastal Erosion Management, Incidental Take of Endangered / Threatened Species.
>US Army Corps of Engineers
Check all permits that apply: Section 404 Clean Water Act, Section 10 Rivers and Harbors Act.
Is the project Federally funded? Yes No
If yes, name of Federal Agency:
General Permit Type(s), if known:
Preconstruction Notification: Yes No
>NYS Office of General Services
Check all permits that apply: State Owned Lands Under Water, Utility Easement (pipelines, conduits, cables, etc.), Docks, Moorings or Platforms.
>NYS Department of State
Check if this applies: Coastal Consistency Concurrence

2. Name of Applicant
Taxpayer ID (if applicant is NOT an individual)
Mailing Address
Post Office / City State Zip
Telephone Email
Applicant Must be (check all that apply): Owner Operator Lessee

3. Name of Property Owner (if different than Applicant)
Mailing Address
Post Office / City State Zip
Telephone Email

For Agency Use Only Agency Application Number:

**4. Name of Contact / Agent**

Mailing Address  Post Office / City  State  Zip

Telephone  Email

**5. Project / Facility Name**  Property Tax Map Section / Block / Lot Number:

Project Street Address, if applicable  Post Office / City  State  Zip

Provide directions and distances to roads, intersections, bridges and bodies of water

Town  Village  City County  Stream/Waterbody Name

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:  
Latitude: ° ' " Longitude: ° ' "

**6. Project Description:** Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

b. Description of current site conditions:

c. Proposed site changes:

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

f. Is tree cutting or clearing proposed?  Yes If Yes, explain below.  No  
Timing of the proposed cutting or clearing (month/year):   
Number of trees to be cut:  Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

h. Describe the planned sequence of activities:

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

j. Erosion and silt control methods that will be used to prevent water quality impacts:

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

l. Proposed use:  Private  Public  Commercial

m. Proposed Start Date:  Estimated Completion Date:

n. Has work begun on project?  Yes If Yes, explain below.  No

o. Will project occupy Federal, State, or Municipal Land?  Yes If Yes, explain below.  No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below.  No

**7. Signatures.**

Applicant and Owner (If different) must sign the application.

Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

**Signature of Applicant**

*Lynn K. Kroll*

Date

5/1/20

Applicant Must be (check all that apply):  Owner  Operator  Lessee

Printed Name

Lynn Kroll

Title

**Signature of Owner (if different than Applicant)**

Date

Printed Name

Title

**Signature of Contact / Agent**

*Jill Pietropaolo*

Date

5/6/2020

Printed Name

Jill Pietropaolo

Title

Project Manager, RACE

**For Agency Use Only**

**DETERMINATION OF NO PERMIT REQUIRED**

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date

***d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill materials, structures below ordinary/mean low water, etc.):***

The Applicant is proposing to install a 4' x 82' pier with a steel frame and timber deck and guardrail and 8'x20' timber floating dock. These structures will be supported by (4)-26" steel piles which will cover 33 SF of benthic area. A 3'x40' aluminum gangway will connect the pier and floating dock. (4)- 12" piles will be drilled to secure the floating dock. The Applicant proposes to install a timber framed support system to the floating dock to allow for the dock to maintain a minimum of 30" above the existing substrate during all tides.

***g. Work methods and type of equipment to be used:***

It is anticipated that the contractor will perform work from the upland and by water as tides permit. Due to the presence of exposed ledge at the site, it is anticipated that the piles will be drilled using a barge mounted rig during periods of sufficient high water to avoid grounding of the barge. A barge-mounted crane will be used to deliver and install the gangway. Once the pier is constructed, the floating dock will be floated to the site during a period of high water and secured in place by laborers using hand tools. The barge will be utilized during periods of high water or as the tide allows. At no time will the barge be allowed to rest on the substrate. Work in the tidal range, including portions of the pier, will be performed as tides allow.

It is anticipated that the contractor will install (4) 26" diameter steel piles using a barge mounted drill rig. The landward portion of the pier will be supported by a concrete foundation. The superstructure of the pier, which includes the pile caps and stringers, will be lifted into place by the crane and secured by laborers. The decking and guardrails will then be installed by laborers.

The contractor will use a land based excavator to remove portions of the existing stone wall to sound material in order to adequately secure the concrete foundation. Laborers will dowel bars into the stone wall and place form work. Approximately two cubic yards of concrete will be placed for the pier foundation.

The site currently has tidal vegetation near the proposed timber pier. Prior to construction, the contractor will install a construction fence with a minimum of 1' offset from the vegetation and maintain the fence throughout the length of the project. The Contractor will be notified that if a barge is used for this project, the barge shall not rest on the substrate at any time.

***h. Describe the planned sequence of activities:***



It is anticipated that the piles will be drilled first, and then the substructure of the pier will be constructed. Once the substructure is in place, the deck and guardrail of the pier will be installed as tides and weather permit. A barge-mounted crane will be used to deliver and install the gangway. Once the pier is constructed, the floating dock will be floated to the site during a period of high water and secured in place by laborers using hand tools.

Work will begin as soon as the required state, federal, and local permits have been obtained. There are no time of year restrictions proposed by the applicant. It is anticipated that the project will take 10 weeks to complete.

***i. Pollution control methods and other actions proposed to mitigate environmental impacts:***

The barge will be utilized during periods of high water or as the tide allows. At no time will the barge be allowed to rest on the substrate. Work in the tidal range, including portions of the pier and seawall work, will be performed during periods of lower water as tides allow. Pile driving will have only minimal disturbance to the bottom. Prior to construction, the contractor will install a construction fence with a minimum of 1' offset from the vegetation and maintain the fence throughout the length of the project.

***j. Erosion and silt control methods that will be used to prevent water quality impacts:***

Erosion control measures including haybales and silt fences will be utilized for sedimentation and erosion control as required for the partial demolition/excavation of the seawall and installation of the land side pier footing. Pile installation will have only minimal, localized disturbance to the bottom and typically does not require sediment control.

***k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:***

1. "Do Nothing" - This alternative would result in the Applicant not installing a pier. It would not give the Applicant safe access to Long Island Sound. As such this Alternative was rejected.
2. "Alternative Layout" - Three alternative pier locations were considered. These alternatives were rejected for a number of reasons including needing to increase the length of the pier to achieve a similar water depth and/or creating additional impacts to the rock ledge and other resources. As such these other locations on site were rejected.
3. "Chosen Alternative" - The chosen alternative discussed above, is the preferred alternative as it optimized the length of the pier versus the water depth of the float, limiting the impacts to resources while providing reasonable access.



# SECTION 2

## LOCATION MAP



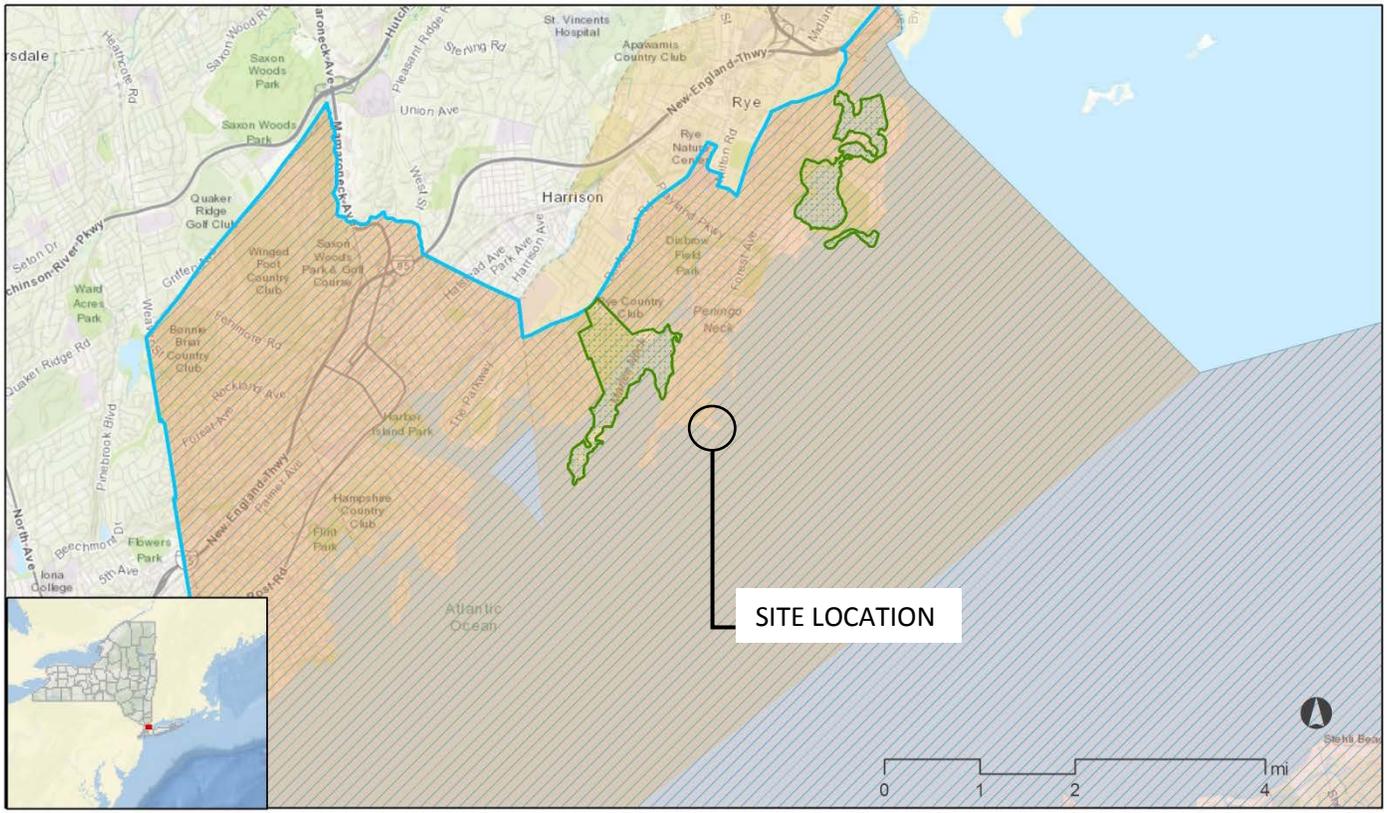


Figure 1: Location Map from USGS Mamaroneck Quadrangle 7.5 Minute Series





Figure 2: Aerial Image from Google Earth



- Significant coastal fish & wildlife habitats - NYS Dept of State
- Long\_Island\_Sound\_Program
- Coastal\_Boundary\_Polyline\_update
- NativeAmericanLands
- Local Waterfront Revitalization Program [LWRP] Community Boundaries, Approved
- CoastalBoundary\_Polygon\_March2017

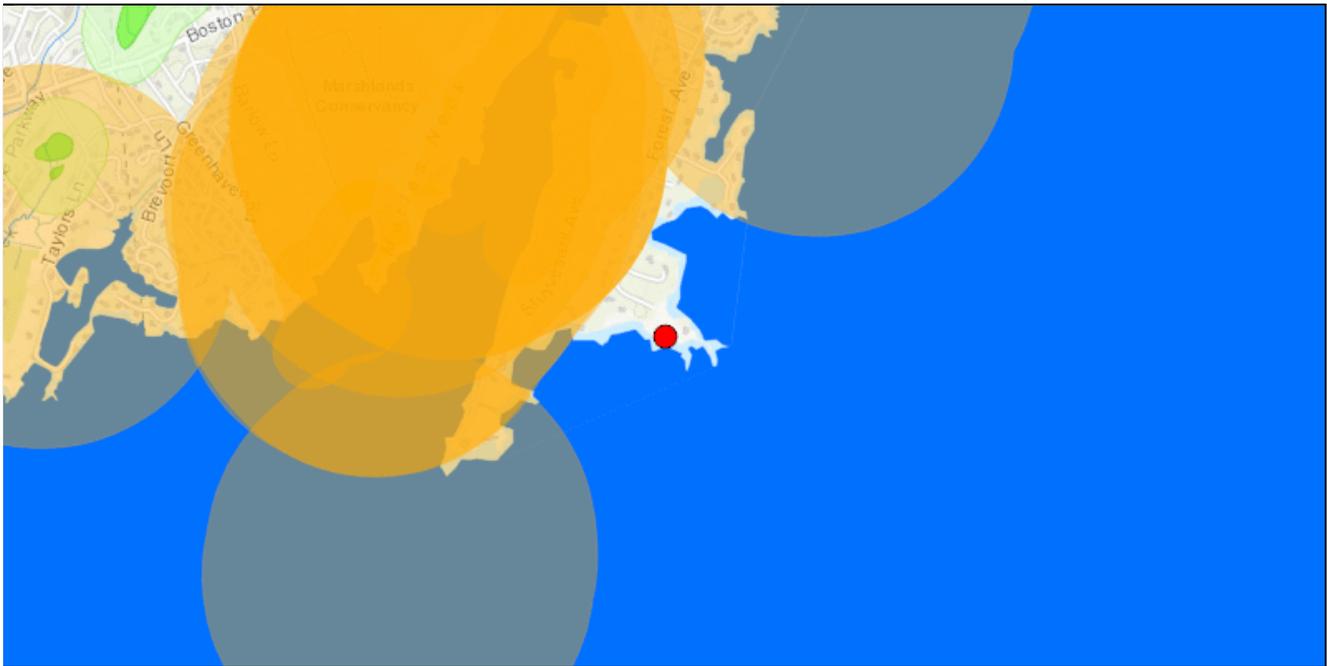


The New York Department of State (DOS) gives no warranty, expressed or implied, as to the accuracy, reliability, or completeness of data shown on this map product. DOS does not assume responsibility for the use or application of any information represented on this map nor responsibility for any error, omission or other discrepancy between the electronic and printed versions of documents.

Figure 3: New York DOS Coastal Boundary Map



## Environmental Resource Mapper



The coordinates of the point you clicked on are:

**UTM 18**

**Easting:** 610548.7848702272

**Northing:** 4533426.062611747

**Longitude/Latitude**

**Longitude:** -73.68665080132581

**Latitude:** 40.94450478822013

The approximate address of the point you clicked on is:

18 Parsonage Pt, Rye, New York, 10580

**County:** Westchester

**City:** Rye

**USGS Quad:** MAMARONECK, NY-CONN

### DEC Region

#### Region 3:

(Lower Hudson Valley) Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties. For more information visit <http://www.dec.ny.gov/about/607.html>.

### National Wetlands Inventory

**Attribute:** undefined

**Type:** undefined

**Acres:** undefined

**Attribute:** undefined

**Type:** undefined

**Acres:** undefined

For more information about the National Wetlands Inventory wetlands visit <http://www.fws.gov/wetlands/>

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

**Disclaimer:** If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

# **SECTION 3**

## **PROJECT PLANS**



# LYNN KROLL 18 PARSONAGE POINT PIER

DRAWING LIST	
DRAWING No.	DRAWING TITLE
1	TITLE SHEET & GENERAL NOTES
2	VICINITY MAP
3	SITE PLAN
4	EXISTING PARTIAL SITE PLAN
5	PROPOSED PARTIAL PLAN
6	EXISTING AND PROPOSED SECTIONS A-A

## GENERAL NOTES

1. THE PURPOSE OF THESE DRAWINGS ARE FOR REGULATORY REVIEW ONLY.
2. VICINITY MAP TAKEN FROM USGS 7.5 MINUTES SERIES, NEW YORK- CONNECTICUT MAMARONECK QUADRANGLE.
3. ELEVATIONS REFERENCE NAVD88, UNLESS NOTED OTHERWISE.
4. THIS SITE INFORMATION HAS BEEN TAKEN FROM A DRAWING TITLED "TOPOGRAPHIC SURVEY", PREPARED BY ARISTOTLE BOURNAZOS, P.C., DATED 4-23-2004, AND REVISED ON 4-25-2004.
5. SUPPLEMENTARY INFORMATION OBTAINED BY RACE COASTAL ENGINEERING, PC ON 02-17-2020 AND ONLY REPRESENT THE SITE CONDITIONS AT THAT TIME.
6. TIDAL ELEVATION DATA HAS BEEN TAKEN FROM BENCH MARK SHEET FOR RYE BEACH, AMUSEMENT PARK, NY 8518091 FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TIDES AND CURRENTS WEBSITE.
7. TIDAL WETLANDS DATA HAS BEEN TAKEN FROM NYDEC TIDAL WETLANDS MAP 610-532.

PROJECT TIDAL ELEVATIONS:			
DATUM	NAVD 88 (FT)	NGVD 29 (FT)	MLW (FT)
HIGH TIDE LINE (HTL)	+5.2	+6.3	+9.1
MEAN HIGHER HIGH WATER (MHHW)	+3.75	+4.85	+7.65
MEAN HIGH WATER (MHW)	+3.4	+4.5	+7.3
NAVD 88	0.0	+1.1	+3.9
NGVD 29	-1.1	0.0	+2.8
MEAN LOW WATER (MLW)	-3.9	-2.8	0.0
MEAN LOWER LOW WATER (MLLW)	-4.1	-3.0	-0.2

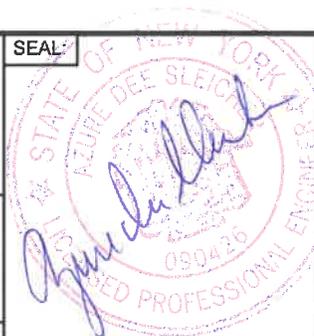


611 Access Road Stratford, CT 06615  
Tel: 203-377-0663 racecoastal.com

Prepared For:  
**LYNN KROLL  
20 PARSONAGE POINT PLACE  
RYE, NY 10580**

Project:  
**18 PARSONAGE POINT PIER  
18 PARSONAGE POINT  
RYE, NY 10580**

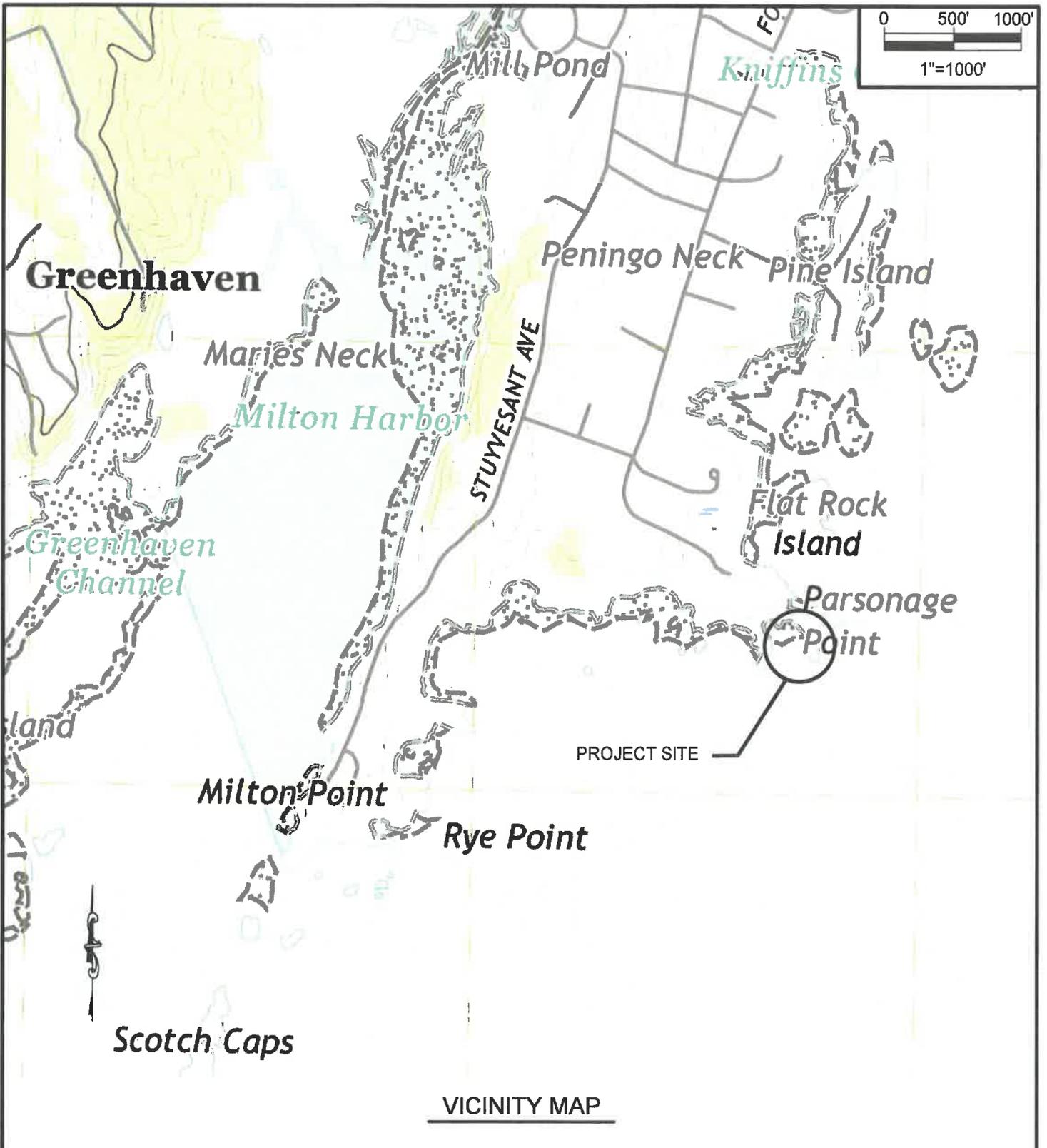
SEAL:



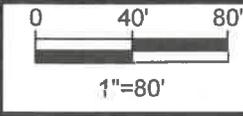
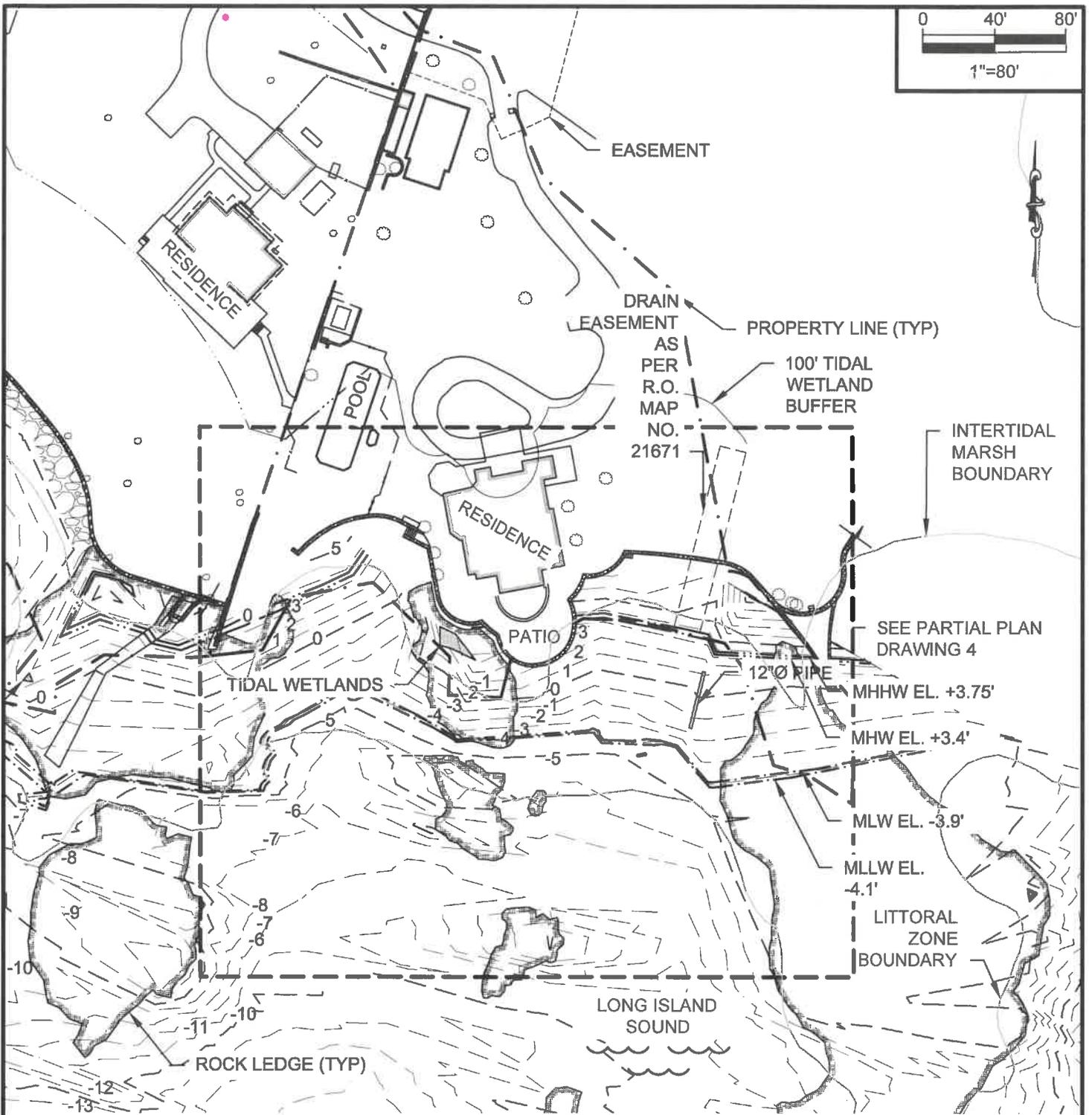
Date:	3-19-2020	Rev.:	
Drawn By:	SLB	Checked By:	JAP
Datum:	NAVD88	Scale:	N/A
Project No.:	2020013	Drawing No.:	1 of 6

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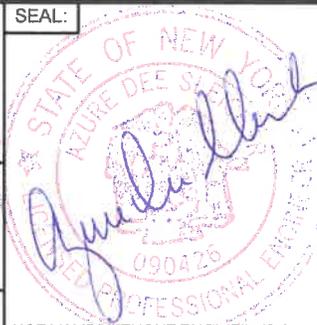
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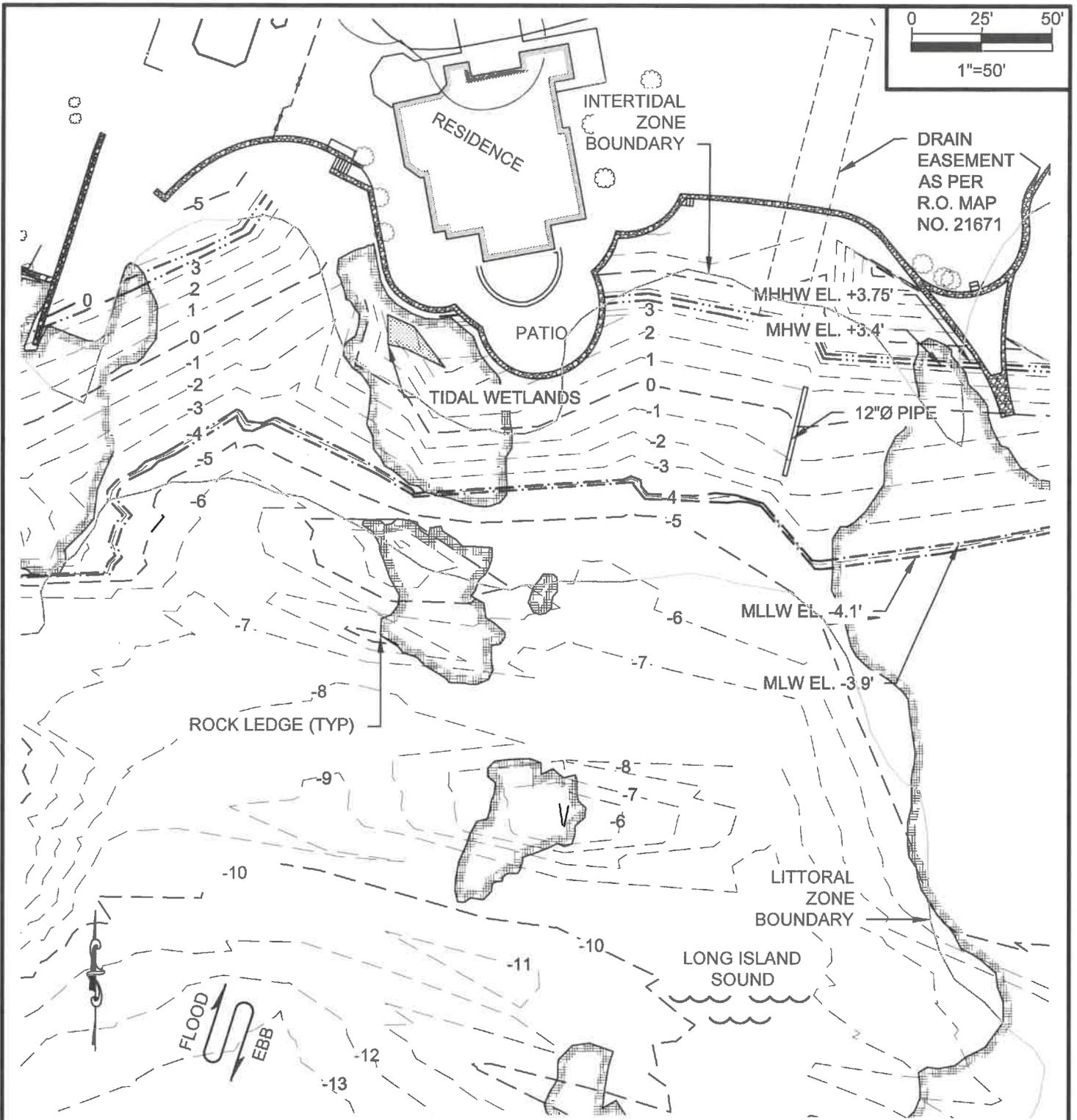


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	Project: <b>18 PARSONAGE POINT PIER</b> <b>18 PARSONAGE POINT</b> <b>RYE, NY 10580</b>	Drawn By: <b>SLB</b>	Checked By: <b>JAP</b>	Datum: <b>NAVD88</b>	Scale: <b>1"=1000'</b>
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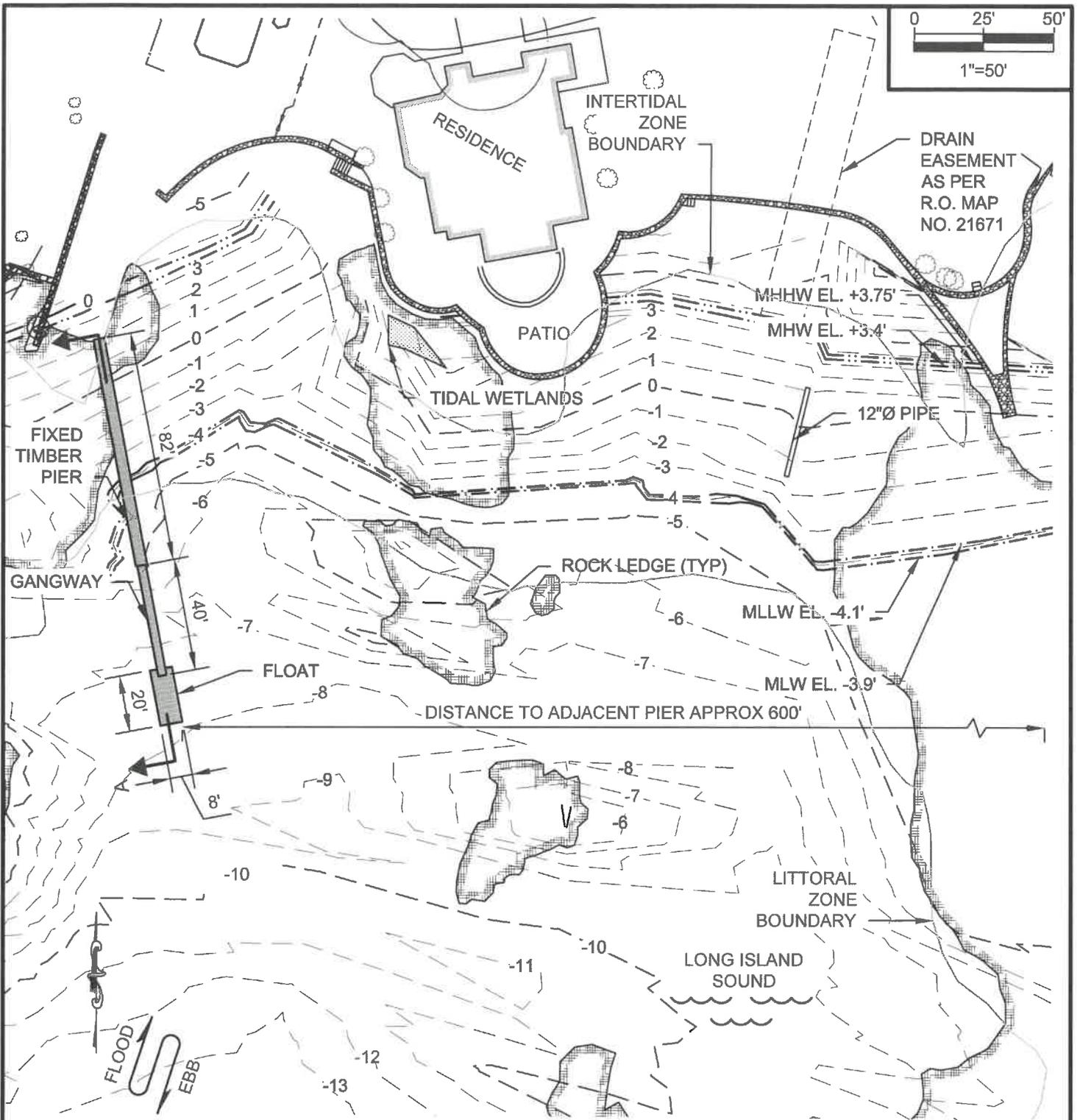
**EXISTING SITE PLAN**

 <p><b>RACE</b> COASTAL ENGINEERING</p> <p>611 Access Road Stratford, CT 06615 Tel: 203-377-0663 racecoastal.com</p>	<p>Prepared For:</p> <p><b>LYNN KROLL</b> 20 PARSONAGE POINT PLACE RYE, NY 10580</p>	<p>SEAL:</p> 	<p>Date:</p> <p>3-19-2020</p>	<p>Rev.:</p>	
	<p>Project:</p> <p><b>18 PARSONAGE POINT PIER</b> 18 PARSONAGE POINT RYE, NY 10580</p>		<p>Drawn By:</p> <p>SLB</p>	<p>Checked By:</p> <p>JAP</p>	
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		<p>NOT VALID WITHOUT ENGINEER'S SEAL</p>		<p>Project No.:</p> <p>2020013</p>	<p>Drawing No.:</p> <p><b>3</b> of 6</p>



**EXISTING PARTIAL SITE PLAN**

<p><b>RACE</b> COASTAL ENGINEERING</p> <p>611 Access Road Stratford, CT 06615 Tel: 203-377-0663 racecoastal.com</p>	Prepared For:	LYNN KROLL 20 PARSONAGE POINT PLACE RYE, NY 10580	SEAL:	STATE OF NEW YORK AZURE DEE SLEIGHT 090426 REGISTERED PROFESSIONAL ENGINEER	Date:	3-19-2020	Rev.:	
	Project:	18 PARSONAGE POINT PIER 18 PARSONAGE POINT RYE, NY 10580			Drawn By:	SLB	Checked By:	JAP
					Datum:	NAVD88	Scale:	1"=50'
					Project No.:	2020013	Drawing No.:	4 of 6
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**PROPOSED PARTIAL SITE PLAN**

<p>611 Access Road Stratford, CT 06615 Tel: 203-377-0663 racecoastal.com</p>	<p>Prepared For:</p> <p><b>LYNN KROLL</b> 20 PARSONAGE POINT PLACE RYE, NY 10580</p>	<p>SEAL:</p>	Date:	Rev.:
	<p>Project:</p> <p><b>18 PARSONAGE POINT PIER</b> 18 PARSONAGE POINT RYE, NY 10580</p>		3-19-2020	
			Drawn By:	Checked By:
			SLB	JAP
			Datum:	Scale:
			NAVD88	1"=50'
			Project No.:	Drawing No.:
			2020013	<b>5</b> of 6

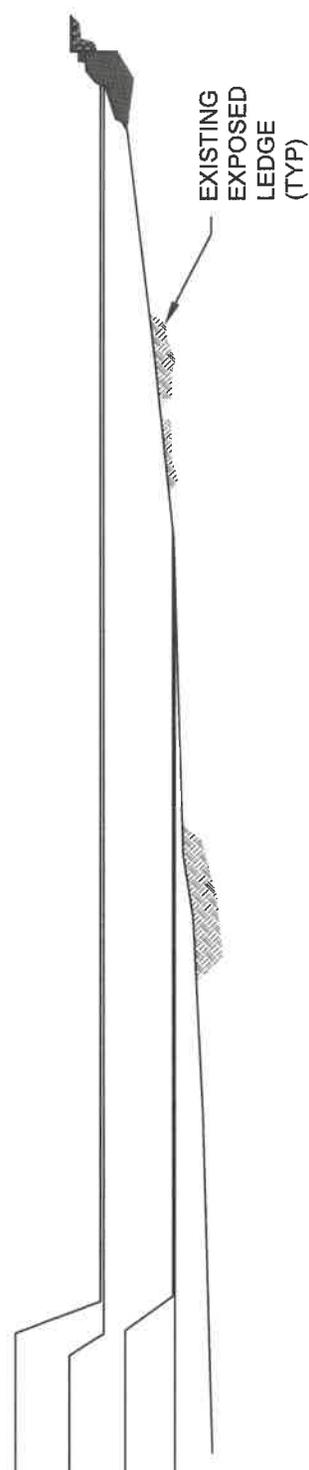
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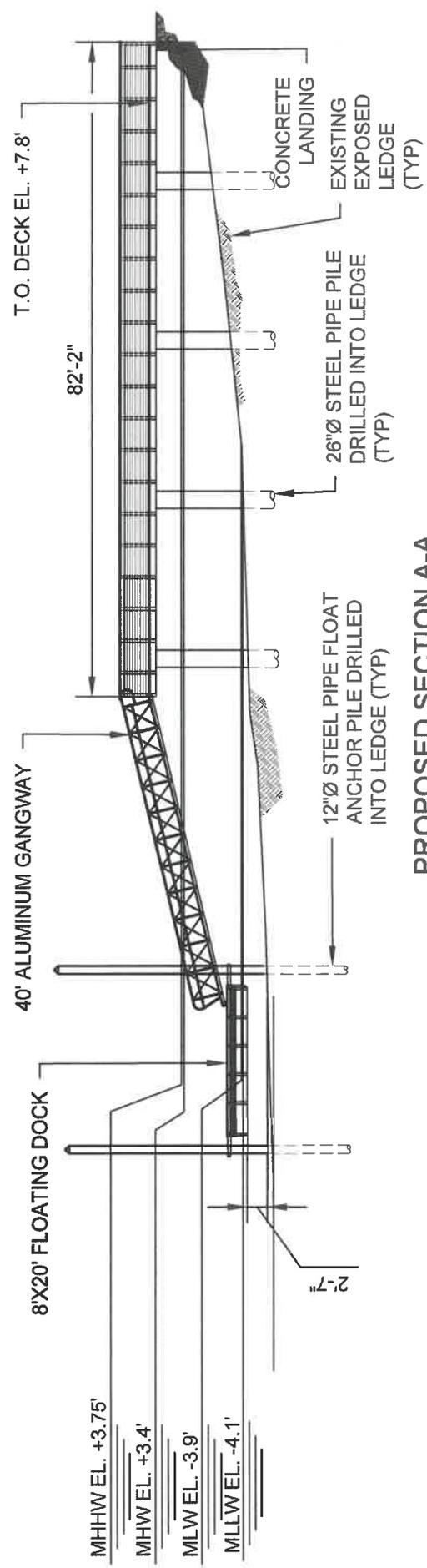
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MHHW EL. +3.75'  
 MHW EL. +3.4'  
 MLW EL. -3.9'  
 MLLW EL. -4.1'

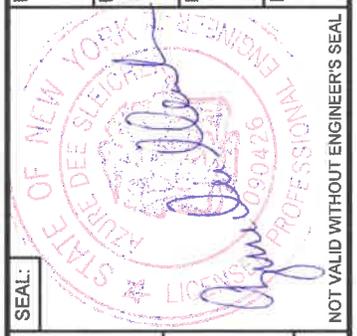


**EXISTING SECTION A-A**



**PROPOSED SECTION A-A**

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	Project: <b>18 PARSONAGE POINT PIER</b> <b>18 PARSONAGE POINT</b> <b>RYE, NY 10580</b>	Drawn By: <b>SLB</b>	Checked By: <b>JAP</b>
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# **SECTION 4**

## **SITE PHOTOGRAPHS**





*Figure 1: Existing Stone Masonry Seawall, Tidal Vegetation and Rock Ledge, Looking Southeast, 2/17/2020*



*Figure 2: Property Line adjacent to 20 Parsonage Point, 2/17/2020*



*Figure 3: Proposed Pier Location looking West, 2/17/2020*



*Figure 4: Existing Pipe, 2/17/2020*



*Figure 5: Existing Stone Seawall and Beach Looking Northwest, 2/17/2020*

**SECTION 5**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM  
AND MAPPER SUMMARY**



# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5.     Urban           Rural (non-agriculture)           Industrial           Commercial           Residential (suburban)			
<input type="checkbox"/> Forest     Agriculture                           Aquatic           Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline    Forest    Agricultural/grasslands    Early mid-successional

Wetland    Urban    Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: Lynn K. Kroll Date: 5/1/20

Signature: LYNN K. KROLL Title: OWNER



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Long Island Sound, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

**SECTION 6**  
**PERMISSION TO INSPECT PROPERTY**  
**STATEMENT**





By signing this permission form for submission with an application for a permit(s) to the Department of Environmental Conservation ("DEC"), the signer consents to inspection by DEC staff of the project site or facility for which a permit is sought and, to the extent necessary, areas adjacent to the project site or facility. This consent allows DEC staff to enter upon and pass through such property in order to inspect the project site or facility, without prior notice, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. If DEC staff should wish to conduct an inspection at any other times, DEC staff will so notify the applicant and will obtain a separate consent for such an inspection.

Inspections may take place as part of the application review prior to a decision to grant or deny the permit(s) sought. By signing this consent form, the signer agrees that this consent remains in effect as long as the application is pending, and is effective regardless of whether the signer, applicant or an agent is present at the time of the inspection. In the event that the project site or facility is posted with any form of "posted" or "keep out" notices, or fenced in with an unlocked gate, this permission authorizes DEC staff to disregard such notices or unlocked gates at the time of inspection.

The signer further agrees that during an inspection, DEC staff may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, soils and vegetation (taking samples for analysis), and may make drawings and take photographs.

Failure to grant consent for an inspection is grounds for, and may result in, denial of the permit(s) sought by the application.

Permission is granted for inspection of property located at the following address(es):

18 PARSONAGE POINT PLACE, RYE, NY 10500

By signing this form, I affirm under penalty of perjury that I am authorized to give consent to entry by DEC staff as described above. I understand that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.\*

LYNN K. KROLL

Print Name and Title

*Lynn K. Kroll*

Signature

5/1/20

Date

- \*The signer of this form must be an individual or authorized representative of a legal entity that:
- owns fee title and is in possession of the property identified above;
  - maintains possessory interest in the property through a lease, rental agreement or other legally binding agreement; or
  - is provided permission to act on behalf of an individual or legal entity possessing fee title or other possessory interest in the property for the purpose of consenting to inspection of such property.

## **SECTION 7**

# FEDERAL CONSISTANCY ASSESSMENT FORM



NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: Lynn Kroll
2. Address: 20 Parsonage Point Place, Rye, NY 10580
3. Telephone: Area Code (  ) 914-967-4995

B. PROPOSED ACTIVITY

1. Brief description of activity:

The applicant is proposing to construct a 4' by 82' pier and 20' by 8' floating dock connected by a 40' long aluminum gangway.

2. Purpose of activity:

The proposed pier will allow for the Applicant to enjoy water dependent uses such as swimming, fishing, and boating on Long Island Sound.

3. Location of activity:

<u>Westchester</u>	<u>Rye</u>	<u>18 Parsonage Point</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: NY DEC/USACE

5. Federal application number, if known: \_\_\_\_\_

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

NY DEC

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES / NO

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) . . . . . | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) . . . . .                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) . . . . .  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) . . . . .   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) . . . . .  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) . . . . .       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Siting of a facility essential to the generation or transmission of energy? (27) . . . . .  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) . . . . .  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) . . . . .  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) . . . . .  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) . . . . .   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) . . . . .  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES / NO

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| a. State designated freshwater or tidal wetland? (44) . . . . .                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,) . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. State designated significant fish and/or wildlife habitat? (7) . . . . .                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d. State designated significant scenic resource or area? (24) . . . . .                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. State designated important agricultural lands? (26) . . . . .                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. Beach, dune or barrier island? (12) . . . . .   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) . . . . .                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h. State, county, or local park? (19, 20) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i. Historic resource listed on the National or State Register of Historic Places? (23) . . . . .   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

3. Will the proposed activity require any of the following: YES / NO

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| a. Waterfront site? (2, 21, 22) . . . . .  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) . . . . . | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) . . . . .                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. State water quality permit or certification? (30, 38, 40) . . . . .   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e. State air quality permit or certification? (41, 43) . . . . .   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document) . . . . .

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document\*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Jill Pietropaolo, RACE Coastal Engineering

Address: 611 Access Road, Stratford, CT 06615

Telephone: Area Code (203) 377-0663

Applicant/Agent's Signature:  Date: 5/6/2020

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue - Suite 1010, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

\*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

Reference is made to the policies described within the City of Rye Local Waterfront Revitalization Program (LWRP). Based upon questions in the COASTAL ASSESSMENT section, Policies potentially affected by the proposed work include:

- Policy 2
- Policy 7
- Policy 11
- Policy 12
- Policy 17
- Policy 21
- Policy 22
- Policy 30
- Policy 38
- Policy 40
- Policy 44

**POLICY 2- Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.**

This site is a residential facility with proposed plans to extend water dependent uses, including swimming, boating, and wildlife viewing. As such, the residential use of these water dependent activities is evaluated below and considered consistent with Policy 2.

**POLICY 7- Significant coastal fish and wildlife habitats, as identified on the coastal area map shall be protected, preserved and, where practical, restored so as to maintain their viability as habitats.**

This project is not located within a significant fish and wildlife habitat, as seen on the NY DOS Coastal Boundary map and is not anticipated to impact such habitats. As such, the proposed project is consistent with this policy.

**POLICY 11- Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.**

The pier will be designed to industry standards (New York State Building Code, FEMA, and USACE) to minimize damage to property and endangering human lives caused by flooding and erosion. The floating dock will be removed seasonally and maintained after storm events. As such, the proposed project is consistent with this policy.

**POLICY 12- Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.**

Proposed work to the existing seawall and the impact to existing protective features will be minimal. The proposed pier and floating dock will be designed and constructed for stability under prescribed load cases including base flood. As such, the proposed project is consistent with this policy.

**POLICY 17- Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (1) the set back of buildings and**



structures; (2) the planting of vegetation and the installation of sand fencing and draining; (3) the reshaping of bluffs; and (4) the flood-proofing of buildings or their elevation above the base flood level.

Not Applicable - the proposed pier will not impact flooding and erosion at the site.

**POLICY 21- Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related used along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.**

The proposed project will not adversely impact water-dependent uses on other sites. The proposed project will extend recreational water-dependent facilities for the residents. As such, the proposed project is consistent with this policy.

**POLICY 22- Development, when located adjacent to the shore, will provide for water related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.**

The water-front work and dock will provide recreational access to the residents. The proposed project will not adversely impact water-dependent uses on other sites. As such, the proposed project is consistent with this policy.

**POLICY 30- Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.**

Not Applicable - Toxic and hazardous substances will not be discharged.

**POLICY 38- The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.**

The proposed work will not adversely affect or harm the groundwater or surface water supplies.

**POLICY 40- The state coastal policy regarding effluent discharged from major steam electric generating and industrial facilities is not applicable to the City of Rye.**

The project site is a residential site therefore no discharge associated with generating electric steam from industrial facilities is expected to occur at the site. As such, the proposed project is consistent with this policy.

**POLICY 44- Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.**

There are no long-term adverse impacts to the tidal wetlands associated with the proposed work. Existing tidal wetland vegetation will be preserved. As such, the proposed project is consistent with this policy.



## **SECTION 8**

# US ARMY COPRS OF ENGINEERS ENVIRONMENTAL QUESTIONNAIRE



### **ENVIRONMENTAL QUESTIONNAIRE**

***This is intended to supplement ENG Form 4345, Application for Department of the Army Permit, or the Joint Application for Permit used in the State of New York. Please provide complete answers to all questions below which are relevant to your project. Any answers may be continued on separate sheet(s) of paper to be attached to this form.***

### **PRIVACY ACT STATEMENT**

***The purpose of this form is to provide the Corps of Engineers with basic information regarding your project. This information will be used to facilitate evaluation of your permit application and for public dissemination as required by regulation. Failure to provide complete information may result in your application being declared incomplete for processing, thereby delaying processing of your application.***

### **GENERAL--APPLICABLE TO ALL PROJECTS**

#### **1. Explain the need for, and purpose of, the proposed work.**

The proposed project will support access to Long Island Sound and recreational boating for the homeowner.

#### **2. Provide the names and addresses of property owners adjacent to your work site (if not shown on the application form or project drawings).**

***(Please note that depending upon the nature and extent of your project, you may be requested to provide the names and addresses of additional property owners proximate to your project site to ensure proper coordination.)***

Parsonage Investment Co.  
16 Parsonage Point  
Rye, NY 10508

Parsonage Investment Co.  
20 Parsonage Investment Co.  
Rye, NY 10508



**3. Photographs of the project site should be submitted. For projects in tidal areas, photographs of the waterway vicinity should be taken at low tide. Using a separate copy of your plan view, indicate the location and direction of each photograph as well as the date and time at which the photograph was taken. Provide a sufficient number of photographs so as to provide a clear understanding of conditions on and proximate to your project site.**

Please see Section 4 of the Joint application.

**4. Provide a copy of any environmental impact statement, or any other environmental report which was prepared for your project.**

Please see Section 9 of the Joint Application.

**5. Provide a thorough discussion of alternatives to your proposal. This discussion should include, but not necessarily be limited to, the "no action" alternative and alternative(s) resulting in less disturbance to waters of the United States. For filling projects in waters of the United States, including wetlands, your alternatives discussion should demonstrate that there are no practicable alternatives to your proposed filling and that your project meets with current mitigation policy (i.e. avoidance, minimization and compensation).**

1. "Do Nothing" - This alternative would result in the Applicant not installing a pier. It would not give the Applicant Safe access to Long Island Sound. As such this Alternative was rejected.

2. "Alternative Layout" - Three alternative pier locations were considered. These alternatives were rejected for a number of reasons including needing to increase the length of the pier to achieve a similar water depth and/or creating additional impacts to the rock ledge and other resources. As such this Alternative was rejected.

3. "Chosen Alternative" - The chosen alternative discussed above, is the preferred alternative as it optimized the length of the pier versus the water depth of the float, limiting the impacts to resources.

#### **DREDGING PROJECTS**

**Answer the following if your project involves dredging.**

**1. Indicate the estimated volume of material to be dredged and the depth (below mean low water) to which dredging would occur. Would there be overdepth dredging?**

N/A

**2. You can apply for a ten-year permit for maintenance dredging. If you wish to apply for a ten-year permit, please provide the number of additional dredging events during the ten-year life of the permit and the amount of material to be removed during future events.**

N/A

**3. Indicate of your drawings the dewatering area (if applicable) and disposal site for the dredged material (except landfill sites). Submit a sufficient number of**



***photographs of the dewatering and disposal sites as applicable so as to provide a clear indication of existing conditions. For ten-year maintenance dredging permits, indicate the dewatering/disposal sites for future dredging events, if known.***

N/A

***4. Describe the method of dredging (i.e. clamshell, dragline, etc.) and the expected duration of dredging.***

N/A

***5. Indicate the physical nature of the material to be dredged (i.e. sand, silt, clay, etc.) and provide estimated percentages of the various constituents if available. For beach nourishment projects, grain size analysis data is required.***

N/A

***6. Describe the method of dredged material containment (i.e. hay bales, embankment, bulkhead, etc.) and whether return flow from the dewatering/disposal site would reenter any waterway. Also indicate if there would be any barge overflow.***

N/A

### **MOORING FACILITIES**

***Answer the following if your project includes the construction or rehabilitation of recreational mooring facilities.***

***1. It is generally recommended that any fixed piers and walk ramps be limited to four feet in width, and that floats be limited to eight feet in width and rest at least two feet above the waterway bottom at mean low water. Terminal floats at private, noncommercial facilities should be limited to 20 feet in length. If you do not believe your proposal can meet with these recommendations, please provide the reason(s).***

The Applicant is proposing to install a float frame to keep the float elevated 2.5' above the substrate. The proposed fixed pier is limited to 4' in width and the proposed floating dock is 8'X20'.

***2. Using your plan view, show to scale the location(s), position(s) and size(s) (including length, beam and draft) of vessel(s) to be moored at the proposed facility, including those of transient vessel(s) if known.***

Please see Section 3 of the Joint application.

***3. For commercial mooring sites such as marinas, indicate the capacity of the facility and indicate on the plan view the location(s) of any proposed fueling***



***and/or sewage pumpout facilities. If pumpout facilities are not planned, please discuss the rationale below and indicate the distance to the nearest available pumpout station.***

N/A

***4. Indicate on your plan view the distance to adjacent marine structures, if any are proximate and show the locations and dimensions of such structures.***

Please see Section 3 of the Joint application.

***5. Discuss the need for wave protection at the proposed facility. Please be advised that if a permit is issued, you would be required to recognize that the mooring facility may be subject to wave action from wakes of passing vessels, whose operations would not be required to be modified. Issuance of a permit would not relieve you of ensuring the integrity of the authorized structure(s) and the United States would not be held responsible for damages to the structure(s) and vessel(s) moored thereto from wakes from passing vessels.***

N/A

#### ***BULKHEADING/BANK STABILIZATION/FILLING ACTIVITIES***

***Answer the following if your project includes construction of bulkheading (also retaining walls and seawalls) with backfill, filling of waters/wetlands, or any other bank stabilization fills such as riprap, revetments, gabions, etc.***

***1. Indicate the total volume of fill (including backfill behind a structure such as a bulkhead) as well as the volume of fill to be placed into waters of the United States. The amount of fill in waters of the United States can be determined by calculating the amount of fill to be placed below the plane of spring high tide in tidal areas and below ordinary high water in non-tidal areas.***

N/A

***2. Indicate the source(s) and type(s) of fill material.***

N/A

***3. Indicate the method of fill placement (i.e. by hand, bulldozer, crane, etc.). Would any temporary fills be required in waterways or wetlands to provide access for construction equipment? If so, please indicate the area of such waters and/or wetlands to be filled, and show on the plan and sectional views. The foregoing requests basic information on the most common types of projects requiring Department of the Army permits. It is intended to obviate or reduce the need for requesting additional information; however, additional information may be requested above and beyond what is requested in this form.***



N/A

***Please feel free to add any additional information regarding your project which you believe may facilitate our review.***



## **SECTION 9**

# NOAA FISHERIES EFH AND ESA



**EFH Data Notice:** Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional Fishery Management Councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

[Greater Atlantic Regional Office](#)  
[Atlantic Highly Migratory Species Management Division](#)

### Query Results

Degrees, Minutes, Seconds: Latitude = 40°56'36" N, Longitude = 74°18'53" W  
 Decimal Degrees: Latitude = 40.94, Longitude = -73.69

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

### \*\*\* WARNING \*\*\*

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

### EFH

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	
			Winter Flounder	Eggs Juvenile Larvae/Adult	New England	A M
			Little Skate	Juvenile Adult	New England	A
			Atlantic Herring	Juvenile Adult	New England	A H
			Pollock	Adult Juvenile	New England	A

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council
					N
			Red Hake	Adult Eggs/Larvae/Juvenile	New England N
			Windowpane Flounder	Adult Larvae Eggs Juvenile	New England N
			Winter Skate	Adult Juvenile	New England A
			Sand Tiger Shark	Neonate/Juvenile	Secretarial A C
			Scup	Larvae Eggs Juvenile Adult	Mid-Atlantic S
			Longfin Inshore Squid	Juvenile Adult Eggs	Mid-Atlantic A
			Atlantic Mackerel	Eggs Larvae Juvenile Adult	Mid-Atlantic A
			Bluefish	Adult Juvenile	Mid-Atlantic

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	
			Atlantic Butterfish	Eggs Larvae Adult Juvenile	Mid-Atlantic	A
			Summer Flounder	Juvenile Adult	Mid-Atlantic	S
			Black Sea Bass	Juvenile	Mid-Atlantic	S

### HAPCs

Show	Link	Data Caveats	HAPC Name	Management Council
			Summer Flounder	MAFMC

### EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.

\*\*For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)

Mid-Atlantic Council HAPCs,  
No spatial data for summer flounder SAV HAPC.

## **NOAA Fisheries Greater Atlantic Regional Fisheries Office Essential Fish Habitat (EFH) Assessment & Fish and Wildlife Coordination Act (FWCA) Worksheet**

This worksheet is your essential fish habitat (EFH) assessment. It provides us with the information necessary to assess the effects of your action on EFH under the Magnuson Stevens Fishery Conservation and Management Act and on NOAA trust resources under the Fish and Wildlife Coordination Act (FWCA). Consultation is not required if:

1. there is no adverse effect on EFH or NOAA trust resources (see page 10 for more info).
2. no EFH is designated and no trust resources may be present at the project site.

### **Instructions**

Federal agencies or their non-federal designated lead agency should email the completed worksheet and necessary attachments to [nmfs.gar.efh.consultation@noaa.gov](mailto:nmfs.gar.efh.consultation@noaa.gov). Include the public notice (if applicable) or project application and project plans showing:

- location map of the project site with area of impact.
- existing and proposed conditions.
- all waters of the U.S. on the project site with mean low water (MLW), mean high water (MHW), high tide line (HTL), and water depths clearly marked.
- sensitive habitats mapped, including special aquatic sites (submerged aquatic vegetation, saltmarsh, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges), hard bottom or natural rocky habitat areas, and shellfish beds.
- site photographs, if available.

We will provide our EFH conservation recommendations and recommendations under the FWCA, as appropriate, within 30 days of receipt of a complete EFH assessment (60 days if an expanded consultation is necessary). Please submit complete information to minimize delays in completing the consultation.

This worksheet provides us with the information required<sup>1</sup> in an EFH assessment:

1. A description of the proposed action.
2. An analysis of the potential adverse effects on EFH and the federally managed species.
3. The federal agency's conclusions regarding the effects of the action on EFH.
4. Proposed mitigation, if applicable.

Your analysis **should focus on impacts that reduce the quality and/or quantity of the habitat or result in conversion to a different habitat type** for all life stages of species with designated EFH within the action area.

Use the information on the [HCD website](#) and [NOAA's EFH Mapper](#) to complete this worksheet. If you have questions, please contact the appropriate [HCD staff member](#) to assist you.

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<sup>1</sup> The EFH consultation process is guided by the requirements of our EFH regulation at 50 CFR 600.905.

## EFH ASSESSMENT WORKSHEET

### General Project Information

Date Submitted:

Project/Application Number:

Project Name:

Project Sponsor/Applicant:

Federal Action Agency (if state agency acting as delegated):

Fast-41 or One Federal Decision Project:                      Yes                      No

Action Agency Contact Name:

Contact Phone:    Contact Email:

Latitude:    Longitude:

Address, City/Town, State:

Body of Water:

Project Purpose:

Project Description:

Anticipated Duration of In-Water Work or Start/End Dates:



	<b>Habitat Type</b>	<b>Total impact (sq ft/acres)</b>	<b>Impacts are temporary</b>	<b>Restored to pre-existing conditions</b>	<b>Permanent conversion of all or part of habitat</b>
	Rocky/hard bottom <sup>4</sup> :				
	Sand				
	Shellfish beds or oyster reefs				
	Mudflats				
	Submerged aquatic vegetation (SAV) <sup>5</sup> , macroalgae, epifauna				
	Diadromous fish (migratory or spawning habitat)				

Indicate type(s) of rocky/hard bottom habitat (pebble, cobble, boulder, bedrock outcrop/ledge) and species of SAV:

### Project Effects

<b>Select all that apply</b>	<b>Project Type/Category</b>
	Hatchery or Aquaculture
	Agriculture
	Forestry
	Military (e.g., acoustic testing, training exercises)
	Mining (e.g., sand, gravel)
	Restoration or fish/wildlife enhancement (e.g., fish passage, wetlands, beach renourishment, mitigation bank/ILF creation)

<sup>4</sup> Indicate type(s). The type(s) of rocky habitat will help you determine if the area is cod HAPC.

<sup>5</sup> Indicate species. Provide a copy of the SAV report and survey conducted at the site, if applicable.

Select all that apply	Project Type/Category
	Infrastructure/transportation (e.g., culvert construction, bridge repair, highway, port)
	Energy development/use
	Water quality (e.g., TMDL, wastewater, sediment remediation)
	Dredging/excavation and disposal
	Piers, ramps, floats, and other structures
	Bank/shoreline stabilization (e.g., living shoreline, groin, breakwater, bulkhead)
	Survey (e.g., geotechnical, geophysical, habitat, fisheries)
	Other

Select all that apply	Potential Stressors Caused by the Activity	Select all that apply and if temporary or permanent		Habitat alterations caused by the activity
		Temp	Perm	
	Underwater noise			
	Water quality/turbidity/contaminant release			Water depth change
	Vessel traffic/barge grounding			Tidal flow change
	Impingement/entrainment <sup>6</sup>			Fill
	Prevent fish passage/spawning			Habitat type conversion
	Benthic community disturbance			Other:
	Impacts to prey species			Other:

<sup>6</sup> Entrainment is the voluntary or involuntary movement of aquatic organisms from a water body into a surface diversion or through, under, or around screens and results in the loss of the organisms from the population. Impingement is the involuntary contact and entrapment of aquatic organisms on the surface of intake screens caused when the approach velocity exceeds the swimming capability of the organism.

*Details: project impacts and mitigation*

The level of detail that you provide should be commensurate with the magnitude of impacts associated with the proposed project. Attach supplemental information if necessary.

Describe how the project would impact each of the habitat types selected above. Include temporary and permanent impact descriptions and direct and indirect impacts.

What specific measures will be used to avoid impacts, including project design, turbidity controls, acoustic controls, and time of year restrictions? If impacts cannot be avoided, why not?

The barge will be utilized during periods of high water or as the tide allows. At no time will the barge be allowed to rest on the substrate. Work in the tidal range, including portions of the pier and seawall work, will be performed during periods of lower water as tides allow. Pile driving will have only minimal disturbance to the bottom. Prior to construction, the contractor will install a construction fence with a minimum of 1' offset from the vegetation and maintain the fence throughout the length of the project.

What specific measures will be used to minimize impacts?

Erosion control measures including haybales and silt fences will be utilized for sedimentation and erosion control as required at the seawall for the land side concrete landing. Pile installation will have only minimal disturbance to the bottom and typically does not require sediment control.

Is compensatory mitigation proposed?

Yes

No

If no, why not? If yes, describe plans for mitigation and how this will offset impacts to EFH. Include a conceptual compensatory mitigation and monitoring plan, if applicable.

It is not anticipated that there will be any significant long term impacts. As such, compensatory mitigation is not proposed.

<b>Federal Action Agency's EFH determination (select one)</b>	
	There is no adverse effect <sup>7</sup> on EFH or EFH is not designated at the project site. EFH Consultation is not required. This is a FWCA-only request.
	The adverse effect <sup>7</sup> on EFH is not substantial. This means that the adverse effects are no more than minimal, temporary, or can be alleviated with minor project modifications or conservation recommendations.  This is a request for an abbreviated EFH consultation.
	The adverse effect <sup>7</sup> on EFH is substantial.  This is a request for an expanded EFH consultation. We will provide more detailed information, including an alternatives analysis and NEPA document, if applicable.

### **EFH and HAPC designations<sup>8</sup>**

Use the [EFH mapper](#) to determine if EFH may be present in the project area and enter all species and lifestages that have designated EFH. Optionally, you may review the EFH text descriptions linked to each species in the EFH mapper and use them to determine if the described habitat is present. We recommend this for larger projects to help you determine what your impacts are.

<b>Species</b>	<b>EFH is designated/mapped for:</b>				<b>Habitat present based on text description (optional)</b>
	<b>EFH: eggs</b>	<b>EFH: larvae</b>	<b>EFH: juvenile</b>	<b>EFH: adults/spawning adults</b>	

<sup>7</sup> An **adverse effect** is any impact that reduces the quality and/or quantity of EFH. Adverse effects may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components. Adverse effects to EFH may result from actions occurring within EFH or outside of EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

<sup>8</sup> Within the Greater Atlantic Region, EFH has been designated by the New England, Mid-Atlantic, and South Atlantic Fisheries Management Councils and NOAA Fisheries.



## HAPCs

Select all that are in your action area.

	Summer flounder: SAV <sup>9</sup>		Alvin & Atlantis Canyons
	Sandbar shark		Baltimore Canyon
	Sand Tiger Shark (Delaware Bay)		Bear Seamount
	Sand Tiger Shark (Plymouth-Duxbury-Kingston Bay)		Heezen Canyon
	Inshore 20m Juvenile Cod		Hudson Canyon
	Great South Channel Juvenile Cod		Hydrographer Canyon
	Northern Edge Juvenile Cod		Jeffreys & Stellwagen
	Lydonia Canyon		Lydonia, Gilbert & Oceanographer Canyons
	Norfolk Canyon (Mid-Atlantic)		Norfolk Canyon (New England)
	Oceanographer Canyon		Retriever Seamount
	Veatch Canyon (Mid-Atlantic)		Toms, Middle Toms & Hendrickson Canyons
	Veatch Canyon (New England)		Washington Canyon
	Cashes Ledge		Wilmington Canyon

<sup>9</sup> Summer flounder HAPC is defined as all native species of macroalgae, seagrasses, and freshwater and tidal macrophytes in any size bed, as well as loose aggregations, within adult and juvenile summer flounder EFH. In locations where native species have been eliminated from an area, then exotic species are included. Use local information to determine the locations of HAPC.

## More information

The [Magnuson-Stevens Fishery Conservation and Management Act \(MSA\)](#) mandates that federal agencies conduct an [essential fish habitat \(EFH\) consultation](#) with NOAA Fisheries on any actions they authorize, fund, or undertake that may adversely affect EFH. An **adverse effect** is any impact that reduces the quality and/or quantity of EFH. Adverse effects may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components. Adverse effects to EFH may result from actions occurring within EFH or outside of EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

We designed this worksheet to help you to prepare EFH assessments. It is important to remember that an adverse effect determination is a trigger to consult with us. It does not mean that a project cannot proceed as proposed, or that project modifications are necessary. It means that the effects of the proposed action on EFH must be evaluated to determine if there are ways to avoid, minimize, or offset adverse effects.

This worksheet should be used as your EFH assessment or as a guide to develop your EFH assessment. At a minimum, you should include all the information required to complete this worksheet in your EFH assessment. The level of detail that you provide should be commensurate with the magnitude of impacts associated with the proposed project. If your answers in the worksheet and supplemental information you attach do not fully evaluate the adverse effects to EFH, we may request additional information to complete the consultation.

You may need to prepare an expanded EFH assessment for more complex projects to fully characterize the effects of the project and the avoidance and minimization of impacts to EFH. While the EFH assessment worksheet may be used for larger projects, the format may not be sufficient to incorporate the extent of detail required, and a separate EFH assessment may be developed. However, regardless of format, you should include an analysis as outlined in this worksheet for an expanded EFH assessment, along with any additional necessary information. This additional information includes:

- the results of on-site inspections to evaluate the habitat and site-specific effects.
- the views of recognized experts on the habitat or the species that may be affected.
- a review of pertinent literature and related information.
- an analysis of alternatives that could avoid or minimize the adverse effects on EFH.

Please contact our Greater Atlantic Regional Fisheries Office, [Protected Resources Division](#) regarding potential impacts to marine mammals or threatened and endangered species.

## Useful Links

[National Wetland Inventory Maps](https://www.fws.gov/wetlands/)

<https://www.fws.gov/wetlands/>

[EPA's National Estuary Program \(NEP\)](https://www.epa.gov/nep/local-estuary-programs)

<https://www.epa.gov/nep/local-estuary-programs>

[Northeast Regional Ocean Council \(NROC\) Data Portal](https://www.northeastocean.org/)

<https://www.northeastocean.org/>

Mid-Atlantic Regional Council on the Ocean (MARCO) Data Portal

<http://portal.midatlanticocean.org/>

## Resources by State

### Maine

[Maine Office of GIS Data Catalog](https://geolibrary-maine.opendata.arcgis.com/datasets#data)

<https://geolibrary-maine.opendata.arcgis.com/datasets#data>

[Town shellfish information including shellfish conservation area maps](https://www.maine.gov/dmr/shellfish-sanitation-management/programs/municipal/ordinances/towninfo.html)

<https://www.maine.gov/dmr/shellfish-sanitation-management/programs/municipal/ordinances/towninfo.html>

[State of Maine Shellfish Sanitation and Management](https://www.maine.gov/dmr/shellfish-sanitation-management/index.html)

<https://www.maine.gov/dmr/shellfish-sanitation-management/index.html>

[Eelgrass maps](https://www.maine.gov/dmr/science-research/species/eelgrass/index.html)

<https://www.maine.gov/dmr/science-research/species/eelgrass/index.html>

[Casco Bay Estuary Partnership](https://www.cascobayestuary.org/)

<https://www.cascobayestuary.org/>

[Maine GIS Stream Habitat Viewer](https://www.arcgis.com/home/item.html?id=5869c2d20f0b4c3a9742bdd8abef42cb)

<https://www.arcgis.com/home/item.html?id=5869c2d20f0b4c3a9742bdd8abef42cb>

### New Hampshire

[NH's Statewide GIS Clearinghouse, NH GRANIT](http://www.granit.unh.edu/)

<http://www.granit.unh.edu/>

[NH Coastal Viewer](http://www.granit.unh.edu/nhcoastalviewer/)

<http://www.granit.unh.edu/nhcoastalviewer/>

[State of NH Shellfish Program](https://www.des.nh.gov/organization/divisions/water/wmb/shellfish/)

<https://www.des.nh.gov/organization/divisions/water/wmb/shellfish/>

### Massachusetts

[MA Shellfish Sanitation and Management Program](https://www.mass.gov/shellfish-sanitation-and-management)

<https://www.mass.gov/shellfish-sanitation-and-management>

[MassGIS Data, Including Eelgrass Maps](http://maps.massgis.state.ma.us/map_ol/oliver.php)

[http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php)

[MA DMF Recommended TOY Restrictions Document](https://www.mass.gov/files/documents/2016/08/ry/tr-47.pdf)

<https://www.mass.gov/files/documents/2016/08/ry/tr-47.pdf>

[Massachusetts Bays National Estuary Program](https://www.mass.gov/orgs/massachusetts-bays-national-estuary-program)

<https://www.mass.gov/orgs/massachusetts-bays-national-estuary-program>

[Buzzards Bay National Estuary Program](http://buzzardsbay.org/)

<http://buzzardsbay.org/>

[Massachusetts Division of Marine Fisheries](https://www.mass.gov/orgs/massachusetts-division-of-marine-fisheries)

<https://www.mass.gov/orgs/division-of-marine-fisheries>

[Massachusetts Office of Coastal Zone Management](#)

<https://www.mass.gov/orgs/massachusetts-office-of-coastal-zone-management>

### Rhode Island

[RI Shellfish and Aquaculture](#)

<http://www.dem.ri.gov/programs/fish-wildlife/marine-fisheries/shellfish-aquaculture.php>

[RI Shellfish Management Plan](#)

<http://www.shellfishri.com/>

Eelgrass Maps

<http://edc.maps.arcgis.com/apps/View/index.html?appid=db52bb689c1e44259c06e11fd24895f8>

[RI GIS Data](#)

<http://ridemgis.maps.arcgis.com/apps/webappviewer/index.html?id=87e104c8adb449eb9f905e5f18020de5>

[Narragansett Bay Estuary Program](#)

<http://nbep.org/>

[Rhode Island Division of Marine Fisheries](#)

<http://www.dem.ri.gov/programs/fish-wildlife/marine-fisheries/index.php>

[Rhode Island Coastal Resources Management Council](#)

<http://www.crmc.ri.gov/>

### Connecticut

[CT Bureau of Aquaculture](#)

<https://www.ct.gov/doag/cwp/view.asp?a=3768&q=451508&doagNav=>

[CT GIS Resources](#)

[https://www.ct.gov/deep/cwp/view.asp?a=2698&q=323342&deepNav\\_GID=1707](https://www.ct.gov/deep/cwp/view.asp?a=2698&q=323342&deepNav_GID=1707)

[Natural Shellfish Beds in CT](#)

<https://cteco.uconn.edu/viewer/index.html?viewer=aquaculture>

[Eelgrass Maps](#)

[https://www.fws.gov/northeast/ecologicalservices/pdf/wetlands/2012\\_CT\\_Eelgrass\\_Final\\_Report\\_11\\_26\\_2013.pdf](https://www.fws.gov/northeast/ecologicalservices/pdf/wetlands/2012_CT_Eelgrass_Final_Report_11_26_2013.pdf)

[Long Island Sound Study](#)

<http://longislandsoundstudy.net/>

[CT GIS Resources](#)

<http://cteco.maps.arcgis.com/home/index.html>

[CT DEEP Office of Long Island Sound Programs and Fisheries](#)

<https://www.ct.gov/deep/site/default.asp>

[CT River Watershed Council](#)

<https://www.ctriver.org/>

### New York

[Eelgrass Report](#)

[http://www.dec.ny.gov/docs/fish\\_marine\\_pdf/finalseagrassreport.pdf](http://www.dec.ny.gov/docs/fish_marine_pdf/finalseagrassreport.pdf)

[Peconic Estuary Program](#)

<https://www.peconicestuary.org/>

[NY/NJ Harbor Estuary](#)

<https://www.hudsonriver.org/estuary-program>

### New York GIS Clearinghouse

<https://gis.ny.gov/>

### New Jersey

[Submerged Aquatic Vegetation Mapping](http://www.crssa.rutgers.edu/projects/sav/)

<http://www.crssa.rutgers.edu/projects/sav/>

[Barnegat Bay Partnership](https://www.barnegatbaypartnership.org/)

<https://www.barnegatbaypartnership.org/>

[NJ GeoWeb](https://www.nj.gov/dep/gis/geoweb splash.htm)

<https://www.nj.gov/dep/gis/geoweb splash.htm>

[NJ DEP Shellfish Maps](https://www.nj.gov/dep/landuse/shellfish.html)

<https://www.nj.gov/dep/landuse/shellfish.html>

### Pennsylvania

[Delaware River Management Plan](https://www.fishandboat.com/Fish/Fisheries/DelawareRiver/Documents/delaware_river_plan_exec_draft.pdf)

[https://www.fishandboat.com/Fish/Fisheries/DelawareRiver/Documents/delaware\\_river\\_plan\\_exec\\_draft.pdf](https://www.fishandboat.com/Fish/Fisheries/DelawareRiver/Documents/delaware_river_plan_exec_draft.pdf)

[PA DEP Coastal Resources Management Program](https://www.dep.pa.gov/Business/Water/Compacts%20and%20Commissions/Coastal%20Resources%20Management%20Program/Pages/default.aspx)

<https://www.dep.pa.gov/Business/Water/Compacts%20and%20Commissions/Coastal%20Resources%20Management%20Program/Pages/default.aspx>

[PA DEP GIS Mapping Tools](https://www.dep.pa.gov/DataandTools/Pages/GIS.aspx)

<https://www.dep.pa.gov/DataandTools/Pages/GIS.aspx>

### Delaware

[Partnership for the Delaware Estuary](http://www.delawareestuary.org/)

<http://www.delawareestuary.org/>

[Center for Delaware Inland Bays](http://www.inlandbays.org/)

<http://www.inlandbays.org/>

[Delaware FirstMap](http://delaware.maps.arcgis.com/home/index.html)

<http://delaware.maps.arcgis.com/home/index.html>

### Maryland

[Submerged Aquatic Vegetation Mapping](http://web.vims.edu/bio/sav/)

<http://web.vims.edu/bio/sav/>

[MERLIN](http://dnrweb.dnr.state.md.us/MERLIN/)

<http://dnrweb.dnr.state.md.us/MERLIN/>

[Maryland Coastal Bays Program](https://mdcoastalbays.org/)

<https://mdcoastalbays.org/>

### Virginia

[Submerged Aquatic Vegetation mapping](http://www.mrc.virginia.gov/regulations/Guidance_for_SAV_beds_and_restoration_final_approved_by_Commission_7-22-17.pdf)

[http://www.mrc.virginia.gov/regulations/Guidance\\_for\\_SAV\\_beds\\_and\\_restoration\\_final\\_approved\\_by\\_Commission\\_7-22-17.pdf](http://www.mrc.virginia.gov/regulations/Guidance_for_SAV_beds_and_restoration_final_approved_by_Commission_7-22-17.pdf)

[VDGIF Time of Year Restrictions \(TOYR\) and Other Guidance](https://www.dgif.virginia.gov/wp-content/uploads/VDGIF-Time-of-Year-Restrictions-Table.pdf)

<https://www.dgif.virginia.gov/wp-content/uploads/VDGIF-Time-of-Year-Restrictions-Table.pdf>