

# DEPARTMENT OF THE ARMY PERMIT

Permittee: Marcia Saunders  
410 Illington Road  
Ossining, NY 10562

Permit Number: NAN-2019-01516-WRY

Date Issued: \_\_\_\_\_

Issuing Office: U.S. Army Corps of Engineers, New York District

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 the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

## Project Description:

The following activities are authorized by this permit for the rehabilitation of a dam and sediment basin:

**Dam Work:** Remove existing concrete and stone debris from the existing dam and discharge 375 cubic yards (CY) of concrete to facilitate the construction of a new eight-foot tall, 76-foot long and 13-foot wide dam with a 33-foot long by 10-foot wide spillway. Discharge approximately 112 CY of riprap for the spillway apron and boulder vane. Install 50-foot long, 12-inch diameter PVC drain down pipe and valve.

**Pond/Impoundment:** Excavate four-feet below existing debris to re-create a 246-foot long by 148-foot wide impoundment, covering 0.91 acres. Excavate approximately 2,930 CY soil from the former impoundment area for reuse on-site and upland disposal.

**Stabilization and Additional Features:** Place 1,487 CY of the excavated material around the pond to facilitate construction of an earthen berm. Stabilize western pond bank with 138 CY of riprap along 75 linear feet. Construct a 61-foot long by 76-foot wide by five-foot deep sediment forebay with a 14-foot wide riprap weir (382 CY) between the forebay and pond. The pond perimeter will be planted with native species as depicted on Sheet SY4, titled "Pond Planting Plan" prepared by P.W. Scott Engineering & Architecture, P.C., dated 08 November 2019 and last revised 24 August 2020.

**Temporary Construction Features:** Discharge 98 CY riprap over 105-feet of stream for a temporary bypass channel used to divert flows past the dam and spillway construction area. Discharge 30 CY riprap within stream for temporary driveway access to the southern project area.

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**All work shall be performed in accordance with the attached drawings and special conditions (A) through (J) and the New York State Department of Environmental Conservation Section 401 Water Quality Certification (Permit ID 3-5554-00340/00001 WQ), dated September 28, 2020, which are hereby made a part of this permit.**

**Project Location:           IN: Unnamed Tributary to New Croton Reservoir**  
**AT: Town of Yorktown, Westchester County, New York**

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized ends on \_\_\_\_\_. 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 one month before the above 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 in compliance with General Condition 4 below. 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. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. 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.

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**Special Conditions**

- (A) The permittee and their designated contractors shall be responsible for, and shall comply with, all of the conditions and stipulations contained within the attached New York State Department of Environmental Conservation Section 401 Water Quality Certification (Permit ID 3-5554-00340/00001 WQ), dated September 28, 2020, and all amendments thereto.**
- (B) The permittee and their designated contractors shall be responsible for, and shall comply with, all of the conditions and stipulations contained within the attached New York City Department of Environmental Protection Crossing, Piping or Diversion Permit (Illington Dam Repair CPDP), dated November 20, 2020, and all amendments thereto.**
- (C) The permittee and their designated contractors shall post a copy of this permit onsite, including all general and special conditions herein, at all times during the authorized activity.**
- (D) The permittee and their designated contractors shall avoid tree clearing from April 1 to October 31 of any calendar year.**
- (E) The permittee and their designated contractors shall post signage and establish a minimum 10-foot buffer area beyond the cemetery stone wall using construction fencing to protect the cemetery area during construction.**
- (F) The permittee shall submit a copy of construction plans noted with the protected area as well as photographs of the erected fencing with signage to John Bonafide, john.bonafide@parks.ny.gov, of the New York State Historic Preservation Office.**
- (G) The permittee and their designated contractors shall install siltation prevention measures, such as silt fencing, sediment traps, or settling basins during the course of the work to prevent the movement of silt and turbid waters into any watercourse, stream, waterbody or wetland.**
- (H) The permittee and their designated contractors shall ensure sufficient water flows are maintained at all times during construction in order to sustain aquatic life downstream.**
- (I) The permittee and their designated contractors shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. The permittee shall use all practicable measures during construction (e.g. silt fences, hay bales, erosion control netting, vegetative stabilization) to stabilize all exposed soils immediately upon the completion of each phase of the grading activities in all areas.**

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**(J) The permittee shall submit a copy of the annual monitoring reports regarding water quality and onsite wetlands to Seika Robinson and Marco Finocchiaro of the United States Environmental Protection Agency Region 2, at Robinson.Seika@epa.gov and Finocchiaro.Marco@epa.gov.**

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

(X) Section 404 of the Clean Water Act (33 U.S. Code 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this 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.

3. Limits of 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 a 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.

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

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not

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contrary to the public interest was made in reliance on the information you provided.

5. **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 this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 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.

6. **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.

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

**Marcia Saunders**

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
(DISTRICT ENGINEER)

\_\_\_\_\_  
(DATE)

**FOR AND IN BEHALF OF**  
**Matthew W. Luzzatto**  
**Colonel, U.S. Army**  
**District Engineer**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of the permit signed by the transferee should be sent to this office.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)