

Justin Wagner

From: Orzel, Brian A CIV USARMY CENAN (USA) <Brian.A.Orzel@usace.army.mil>
Sent: Thursday, November 21, 2024 3:51 PM
To: Justin Ferrazzano
Cc: Justin Wagner; ecolsol@aol.com
Subject: RE: PCN - NWP #39 Neelytown Park - Town of Montgomery
Attachments: NWP Regulations FR 13JAN21.pdf; NWP Regional Conditions PN 08MAR21.pdf

This Message originated outside your organization.

Justin,

We received the pre-construction notification for NWP 39 for the above referenced project on September 22, 2024.

Due to my excessive workload, I was unable to provide a written determination within 45 days of its submission.

In accordance with the current nationwide general permit regulations (Federal Register dated January 13, 2021, pages 2744 to 2877), if the Corps of Engineers district does not respond to a pre-construction notification within 45 days of receipt, then the applicant may proceed with the project as proposed.

That means that you must perform the work as proposed in your pre-construction notification. Any substantive changes to the project would require you to submit a new notification to this office.

If you have any questions, let me know.

Brian

Brian A. Orzel
Senior Regulatory Project Manager, Civil Engineer
NY District US Army Corps of Engineers
Regulatory Branch
26 Federal Plaza, Room 16-406
New York, New York 10278-0090

Please note in order to ensure our continuity of operations and improve the timeliness of permit application reviews, the New York District, U.S. Army Corps of Engineers is requiring that all new permit applications be submitted to the New York District electronically at CENAN-R-Permit-App@usace.army.mil. Until further notice, the New York District will no longer process any paper permit applications.

From: Justin Ferrazzano
Sent: Wednesday, November 6, 2024 1:59 AM
To: Orzel, Brian A CIV USARMY CENAN (USA)
Cc: Justin Wagner ; ecolsol@aol.com
Subject: [Non-DoD Source] PCN - NWP #39 Neelytown Park - Town of Montgomery

Good morning Brian,

I am reaching out on behalf of our client regarding the referenced Project located in the Town of Montgomery, Orange County, New York. Michael Nowicki submitted our PCN for authorization under the 2021 Nationwide Permit 39 via email on September 22, 2024 – as this was a Sunday we are considering Monday, September 23rd as “Day 1”. We were notified that you were assigned as the reviewer for this project. We have not received an application number or any correspondence from your office since our submission.

As stated in General Condition 32(a) of the NWP Program, the USACOE must determine if our PCN is complete within 30 calendar days of receipt. As stated in General Condition 32(a)(2), if 45 calendar days have passed since the Corps’ receipt of the complete PCN and written approval has not been received, the proposed activity may begin. Because we did not hear from the USACOE within 30 days that our application was not complete, we assume it is considered a complete application. Because we submitted a complete PCN 45 days ago, and we have documented the project’s “no effect” to federally listed threatened or endangered species and the project’s “no effect” to cultural resources, it is our understanding that our proposed work can proceed without written authorization.

Please feel free to give me a call if you would like to discuss.

Thank you,

Justin Ferrazzano

Senior Project Manager | Associate | Civil/Site

justin.ferrazzano@collierseng.com

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