

From: [Louise Kobiliak](#)
To: [Maura Weissleder](#)
Subject: FW: [Non-DoD Source] Regarding the Teatown Dredge Application
Date: Tuesday, December 19, 2023 11:12:26 AM
Attachments: [image001.png](#)

From: Tim Judge <judgetk@bestweb.net>
Sent: Tuesday, December 19, 2023 11:04 AM
To: Dan Ciarcia <dciarcia@yorktown.org>; Louise Kobiliak <louise@yorktownny.org>
Cc: Michelle Gilbert <mgilbert@yorktownny.org>; Jenna Belcastro <jbelcastro@yorktownny.org>; Alan Sorkin <asorkin@teatown.org>; Danielle Begley-Miller <dbegley-miller@teatown.org>
Subject: Fwd: [Non-DoD Source] Regarding the Teatown Dredge Application

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Dear Dan and Louise:

The United States Army Corps of Engineers (USACE) has reviewed the Joint Application submitted for the Teatown Lake Dredge Project, and have concluded that no permit is required from the USACE. I am forwarding my email exchange with Brian Orzel of the USACE for your records and review.

Thank You and Best for the Holidays and New Year,

Tim

----- Forwarded Message -----

Subject: RE: [Non-DoD Source] Regarding the Teatown Dredge Application
Date: Mon, 18 Dec 2023 14:14:00 +0000
From: Orzel, Brian A CIV USARMY CENAN (USA) <Brian.A.Orzel@usace.army.mil>
To: Tim Judge <judgetk@bestweb.net>
CC: Danielle Begley-Miller <dbegley-miller@teatown.org>

Tim,

If the return water indeed does not include suspended solids, then there would be no discharge of fill material and would not require a permit.

If you are content to use this email to proceed with your project, I'm ok with that.

In fact, I'm so inundated with work right now, if you want formal authorization, it might take a while.

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: Tim Judge <judgetk@bestweb.net>
Sent: Thursday, December 7, 2023 12:08 PM
To: Orzel, Brian A CIV USARMY CENAN (USA) <Brian.A.Orzel@usace.army.mil>
Cc: Danielle Begley-Miller <dbegley-miller@teatown.org>
Subject: Re: [Non-DoD Source] Regarding the Teatown Dredge Application

Hi Brian:

Teatown would be happy to avoid having a permit, however, as we understand it, the sediment free water from the Geotubes has to go back to the lake.

All of the sediments are retained within the Geotube and the water decants from the surface of the bag. The decanted water falls to a temporary collection sheet on the ground. This water runs on the sheet and is pitched to a temporary pipe that conveys the water to the lake. When this method was used to dredge the Philipse Manor Beach Club Marina (NAN-2016-01481-WCA) it was noted during a visit by a NYSDEC biologist that the water returning to the Pocantico River was clearer than the river itself. The water will have less suspended solids than the water in the lake and is not changing the height of the bottom as described in the document (Part 323) you provided.

Could this water be considered to be the equivalent as the incidental return of water when using a clam shell to mechanically dredge?

None of the dredged solids are going back into the lake, and this is least impactful on the environment and the ecology.

If this work does require a permit I will get you a cross section drawing of the area to be dredged around Wild Flower Island and the area under the floating boardwalk.

Are there additional documents you will require for the review? My goal is to assist you in having a transparent and timely review of the application so that Teatown can get to work dredging the area around Wild Flower Island.

Thanks,

Tim

On 12/5/2023 10:27 AM, Orzel, Brian A CIV USARMY CENAN (USA) wrote:

Tim,

1. Return flow of water to the lake is considered to be a discharge of fill material under Section 404 of the CWA. Judging from the distance that you showed them from the lake, I thought that the return flow of water to the lake seemed unlikely.
2. If someone doesn't need a permit from this office, they don't need a letter stating so.

Given my current workload, if someone insists on asking for a letter that states that we have no jurisdiction, it could take months.

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

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From: Tim Judge <judgetk@bestweb.net>

Sent: Tuesday, December 5, 2023 9:16 AM

To: Orzel, Brian A CIV USARMY CENAN (USA) <Brian.A.Orzel@usace.army.mil>

Cc: Danielle Begley-Miller <dbegley-miller@teatown.org>

Subject: Re: [Non-DoD Source] Regarding the Teatown Dredge Application

Hi Brian:

Thanks for getting back to me. Rosie had forwarded your email.

I read over the materials you sent, and have a couple of questions.

1) Using Geotubes to retain the sediments does have a return flow of water to the lake. Is my understanding that the return flow is not considered a discharge of fill into the Waters of the United States correct?

2) Is a letter stating that no permit is required provided to the applicant and to involved agencies such as NYSDEC R3 and Town of Yorktown?

While a cross section of the proposed dredge area was not included, a bathymetric survey is included in the Joint Application, Section D, page 2 of 10 as Figure 1. Should you require the cross section we can provide one.

Much appreciate your assistance.

Tim

On 12/4/2023 6:00 PM, Orzel, Brian A CIV USARMY CENAN (USA) wrote:

Tim,

Did you get the attached email?

It includes guidance as to what constitutes a discharge of fill material into waters of the United States. If there would be a discharge of fill material into waters, you would need some sort of permit under Section 404 of the CWA. If you can avoid a discharge of fill material into waters, there would be no permit required.

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

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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: Tim Judge <judgetk@bestweb.net>
Sent: Friday, December 1, 2023 10:14 AM
To: Orzel, Brian A CIV USARMY CENAN (USA) <Brian.A.Orzel@usace.army.mil>
Cc: Danielle Begley-Miller <dbegley-miller@teatown.org>
Subject: [Non-DoD Source] Regarding the Teatown Dredge Application

Hi Brian:

I see that there is a glitch with communications. My email address was incorrect in the email you sent to me on 11/24, it was missing one letter (t). Rosie forwarded the email to me.

My correct email is:

judget@alum.rpi.edu

Please let me know that you received this and if we could set a time to speak.

Many thanks,

Tim

--

Timothy K Judge



EcoAssessment, LLC
436 Benedict Ave.
Tarrytown, NY 10591

845-222-6135
judget@alum.rpi.edu

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Timothy K Judge



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