

STATE OF NEW YORK
DEPARTMENT OF STATE

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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
ACTING SECRETARY OF STATE

March 9, 2016

RECEIVED

MAR 17 2016

BUILDING DEPT.

Peter Wepler
Chief, Environmental Analysis Branch
U.S. Department of the Army
Corps of Engineers/New York District
26 Federal Plaza
New York, NY 10278

Re: F-2016-0092 (DA) – U.S. Army Corps of Engineers – New York District Channel modifications, retaining walls, bridge removal and replacement, a culvert under the railroad parking lot, trapezoidal cuts along the rivers, and nonstructural measures potentially applied to a maximum of eight residences and one non-residential building. Mamaroneck and Sheldrake Rivers, Village of Mamaroneck, Westchester County

Dear Mr. Wepler:

On January 29, 2016, the Department of State (DOS) received the New York District, U.S. Army Corps of Engineers' (Corps) letter constituting the Corps' negative determination regarding the above matter.

Procedurally, DOS must object to the negative determination because a negative determination pursuant to 15 CFR Part 930.35 must be based on a determination that a federal agency activity has no effects, on any coastal use or resource, including foreseeable direct and indirect effects. In the Coastal Management Program consistency statement included in your January 29, 2016 letter, the Corps clearly describes effects of the proposed activities and consistency with the enforceable policies of the New York State Coastal Management Program (CMP). Additionally, after review of the included drawings and draft Environmental Impact Statement (EIS) it is apparent that the proposed activities will have foreseeable direct and indirect effects. Therefore, DOS does not agree that the proposed flood risk management project would not affect any coastal use or resource. Finally, the Corps' letter did not contain all the information and data necessary for a consistency determination.

Pursuant to 15 CFR Part 930.35(c), the Corps may, in response to DOS's objection to its negative determination, submit a consistency determination. This determination should include a statement indicating whether the proposed activities will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the Village of Mamaroneck Local Waterfront Revitalization Program and a description of the proposed activities' coastal effects pursuant to 15 CFR Part 930.39.



**Department
of State**

If you have any questions or need any other assistance regarding this matter, please contact me at (518) 474-6000.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Zappieri".

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Office of Planning and Development

cc: Village of Mamaroneck – Cindy Goldstein, Harbor and Coastal Zone Management *Commission*