

**From:** Justin Ferrazzano  
**Sent:** Wednesday, November 6, 2024 1:59 AM  
**To:** brian.a.orzel@usace.army.mil  
**Cc:** Justin Wagner; ecolsol@aol.com  
**Subject:** 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 23<sup>rd</sup> 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

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