



PUBLIC NOTICE

US Army Corps
of Engineers
New York District, CENAN-OP-R
Upstate Regulatory Field Office
1 Buffington Street, Bldg. 10, 3rd Floor
Watervliet, New York 12189-4000

In replying refer to:

Public Notice Number: NAN-2013-00266
Issue Date: June 13, 2014
Expiration Date: July 12, 2014

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S. C. 1344).

APPLICANT: Peckham Industries, Inc.
845 Schoharie Turnpike
Athens, New York 12015

ACTIVITY: The discharge of fill material into waters of the United States to facilitate the expansion of a rail siding at an existing storage and transfer facility.

WATERWAY: Wetlands associated with an unnamed tributary to Murderer's Creek, in the Hudson River Basin

LOCATION: Town of Athens, Greene County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO THE ATTENTION OF ANDREW DANGELR AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO Andrew.C.Dangler@usace.army.mil, TO REACH THIS OFFICE BY THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Comments provided will become a part of the public record for this action.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein will not affect Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), if new information warrants, the District Engineers will consult with the appropriate Federal agency to determine the presence of and potential impacts to listed species or their critical habitat in the project area.

Based upon a review of the GIS resources map on the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) website, the project site is located within areas identified by the SHPO as "Archeo Sensitive Areas". Further consultation with SHPO, the Stockbridge – Munsee Community, Band of Mohicans and Saint Regis Mohawk Tribe regarding these "Archeo Sensitive Areas" is being conducted and will be concluded prior to the final decision.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:


- New York State Department of Environmental Conservation Article 24 Freshwater Wetlands Permit

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact Andrew Dangler of this office at (518) 266-6356.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


for Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

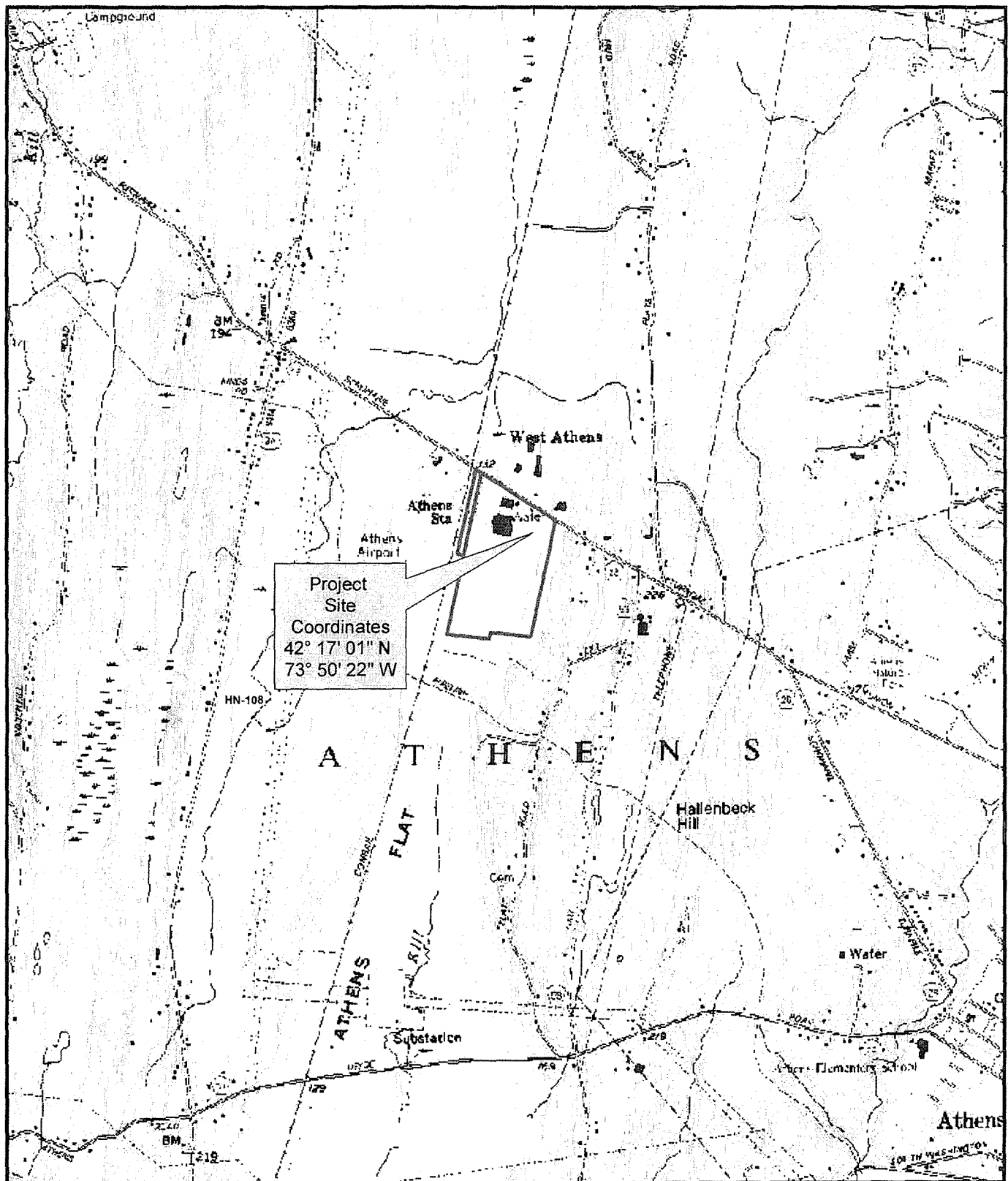
The applicant, Peckham Industries, Inc., has requested a Department of the Army permit for the discharge of fill material into waters of the United States to facilitate the expansion of a rail siding located within an existing storage and transfer facility. The site is located in along the east side of U.S. Route 9W, in the Town of Athens, Greene County, New York.

The work would involve the discharge of fill material into 0.43 acres of wetland and 139 linear feet of intermittent stream to facilitate the construction of 350 feet of additional track at the southern rail siding at the Athens facility. To mitigate for the proposed impacts to aquatic resources, the applicant proposes to enhance approximately 1.65 acres of wet meadow wetland through the planting of native woody tree and shrub species and by establishing a seasonally inundated emergent marsh area. The applicant also proposes to secure a restrictive covenant over a total of 13.38 acres of non-impacted, existing wetland and 0.97 acre of adjacent upland at the project site. In addition to the proposed permanent wetland impacts, a total of 0.61 acre of wetland would be temporarily impacted during the construction of the proposed track and the wetland enhancement area. The temporarily impacted areas would be restored to pre-construction contours, properly stabilized and re-vegetated.

A previous permit (NAN-2008-00374) was issued at the site by the New York District on August 11, 2008. This permit authorized the discharge of fill material into 0.26 acres of wetland and 237 linear feet of intermittent stream channel, with mitigation, to facilitate the construction of the rail siding that would be expanded as a part of this project. The past and current impacts to waters of the United States area being reviewed cumulatively and have a total acreage of 0.69 acres.

The applicant has stated that they have avoided and minimized proposed impacts to the maximum extent practicable by limiting the proposed track expansion to the minimal length utilizing existing utilities, and is proposing mitigation for the functions to be impacted by the project, including the restoration of 1.65 acres of wet meadow wetland and preserving a total of existing 13.38 acres and 0.97 acre of existing wetland and upland buffer, respectively.

The stated purpose of this project is to increase the length of the current rail siding to provide increased capacity for the rail cars at the Athens facility.



Peckham Industries, Inc.
Athens Facility Rail Expansion Project



2,000 1,000 0 2,000
Feet

Figure 1





Site Location Map Town of Athens, Greene County, New York

Prepared by: Greene County Industrial Development Agency and
Delaware Engineering, P.C., February 2008
Source: NYS DOT Digital Raster Quads:
Hudson North (V48) 1995 w/USGS 10' Contours, 1953

Figure 2
Peckham Rail Siding Expansion
Project Area And Existing Conditions



Legend

-  Non RPW Existing Drainage Swale
-  USACOE Jurisdictional Wetlands
-  Project Area Peckham Rail Expansion
-  NYSDEC Wetlands Greene Co

Prepared By Delaware Engineering October 2012

Sources:

NYSGIS Clearinghouse 2009 Orthoimagery
NYSDOT Hudson North Quadrangle Raster Topography
NYSDEC GIS Wetlands CUGIR 2011
Bagdon Environmental Travco Industrial Park Redevelopment Wetlands, 2008

200 100 0 200 Feet

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Peckham Industries, Inc.



Figure 3
Alternative 1
Peckham Rail Expansion Permanent and Temporaray Impacts
And Mitigation Area

Permanent Wetland Impacts 0.434 Acres.
 Temporary Wetland Impacts 0.612 Acres.
 Non-RPW Impacts 139 Linear Feet.
 Wetland Enhancement Area 1.65 Acres.
 Easement Area 16 Acres Including Wetland Enhancement Area.

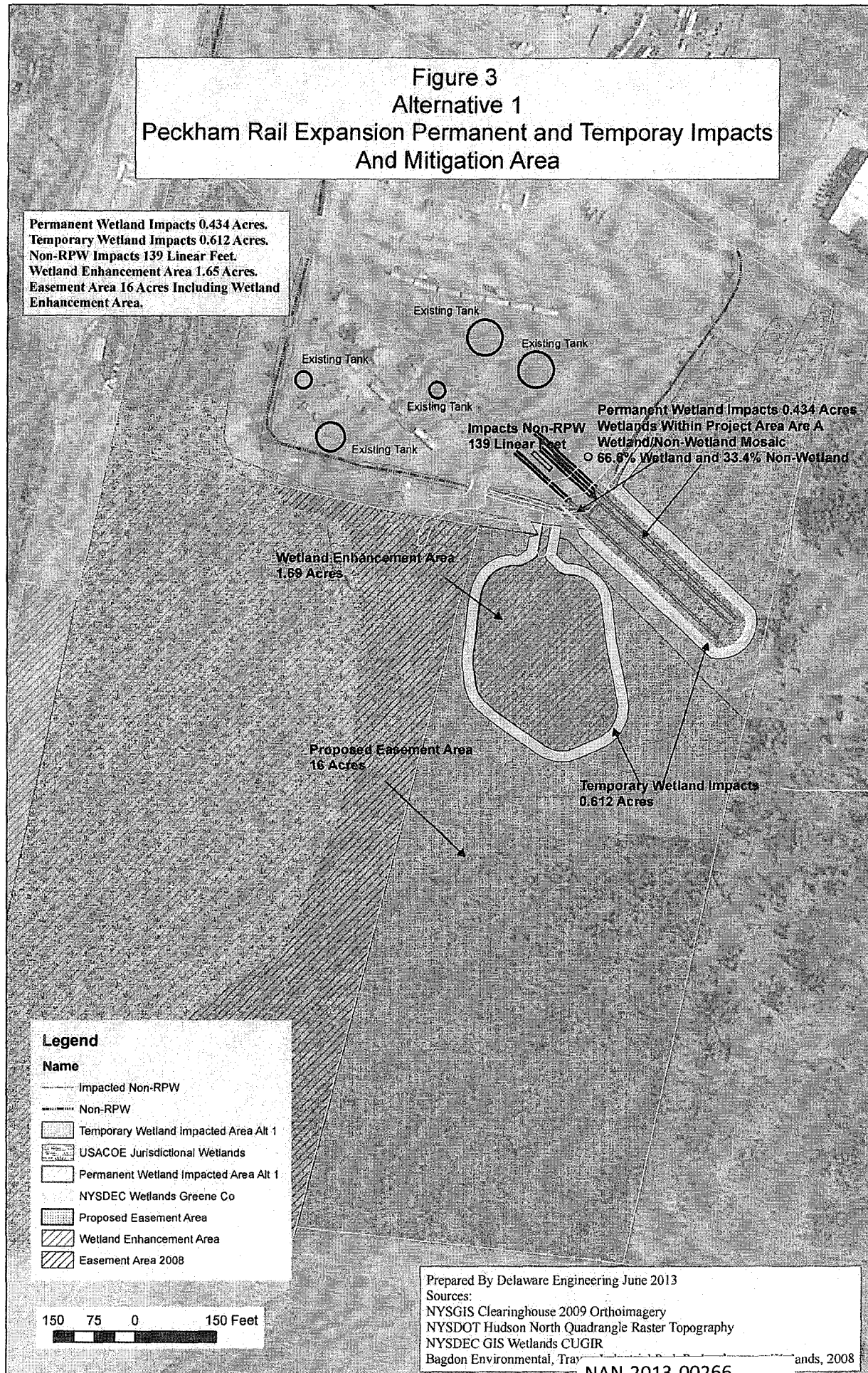
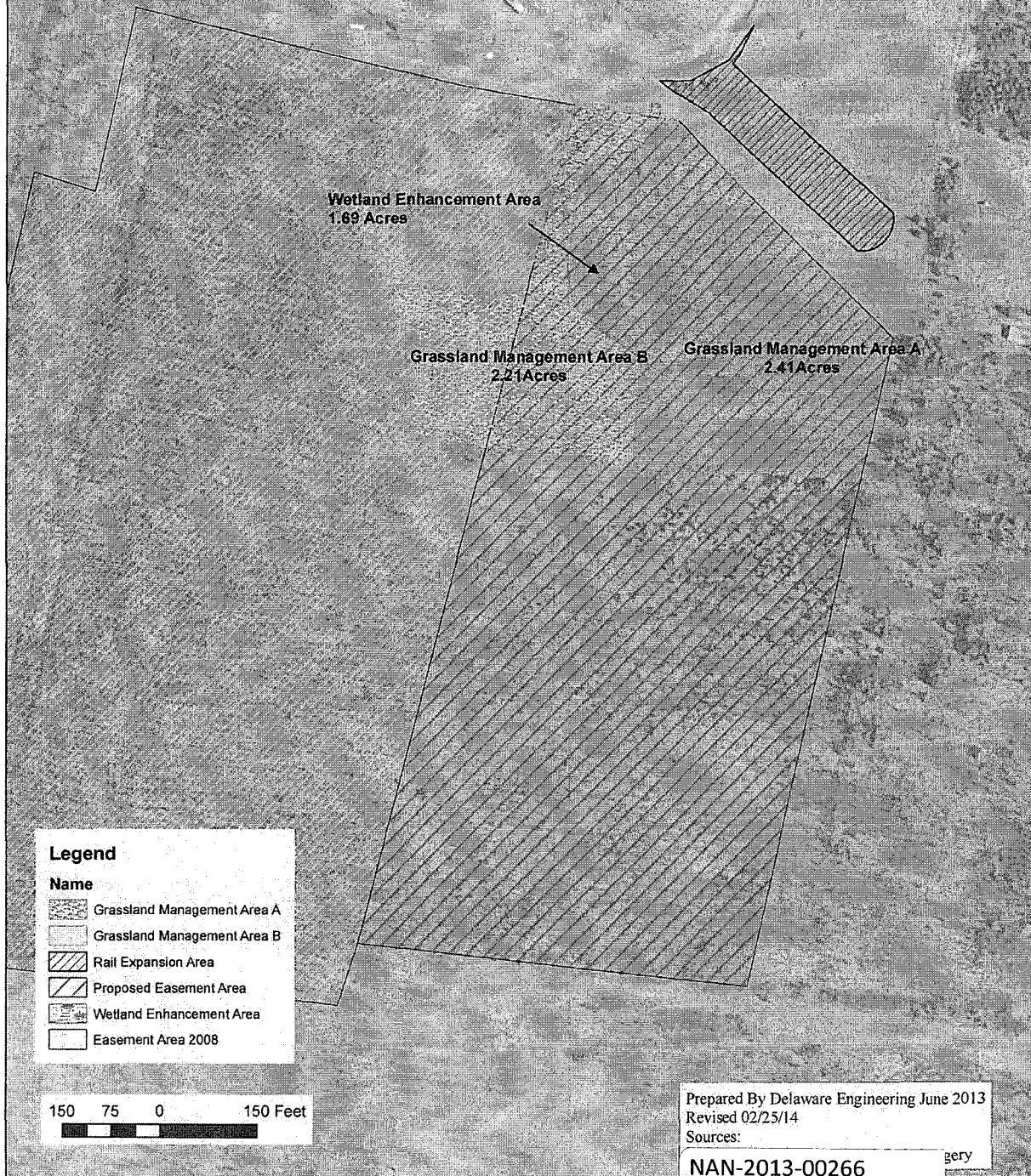
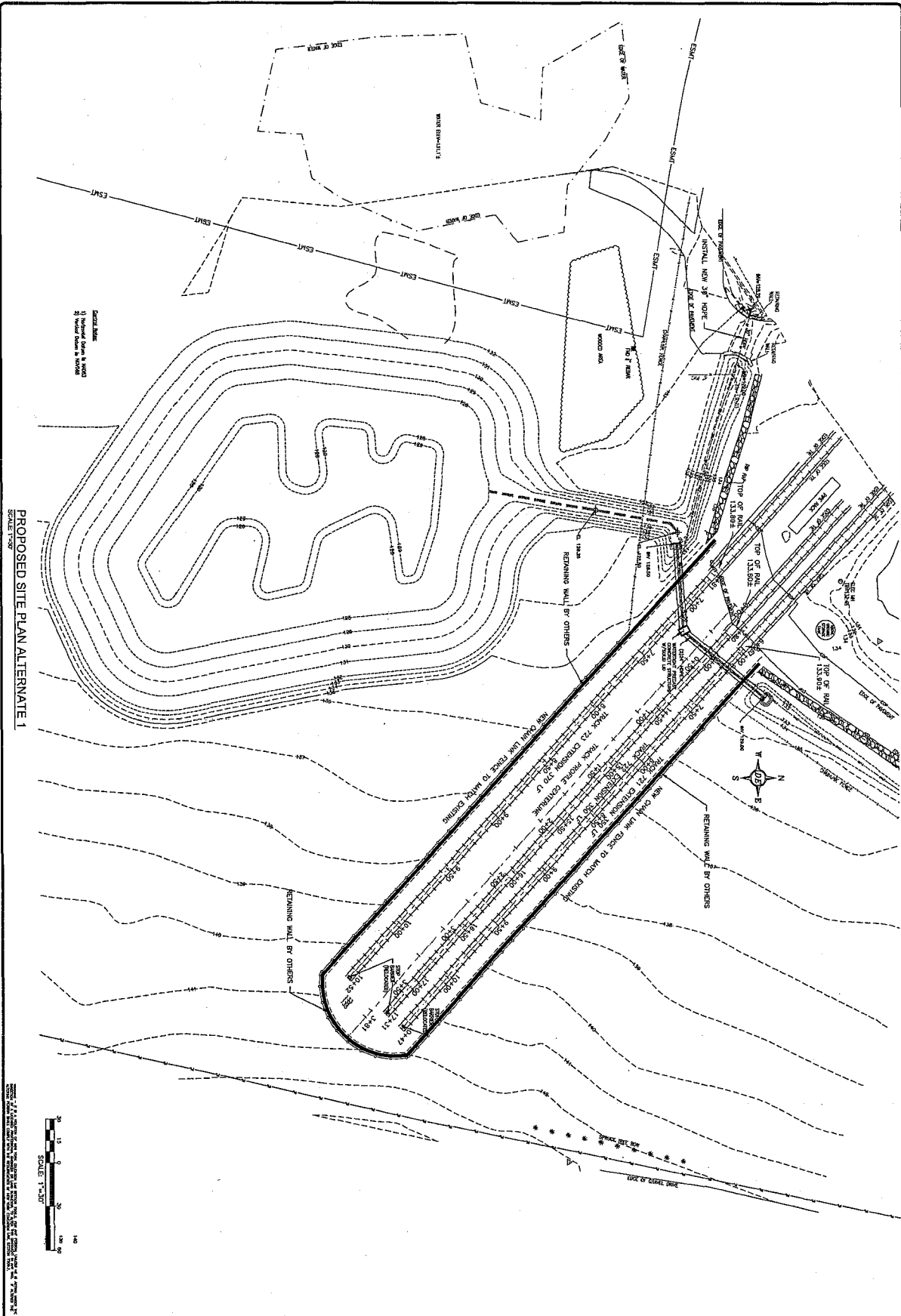


Figure 5
Peckham Industries, Inc.
845 Schoharie Turnpike, Athens, NY Facility
Grassland Management Area

Grassland Area A and Area B will be mowed every three years on a rotating basis with the mowing of each area separated by two years

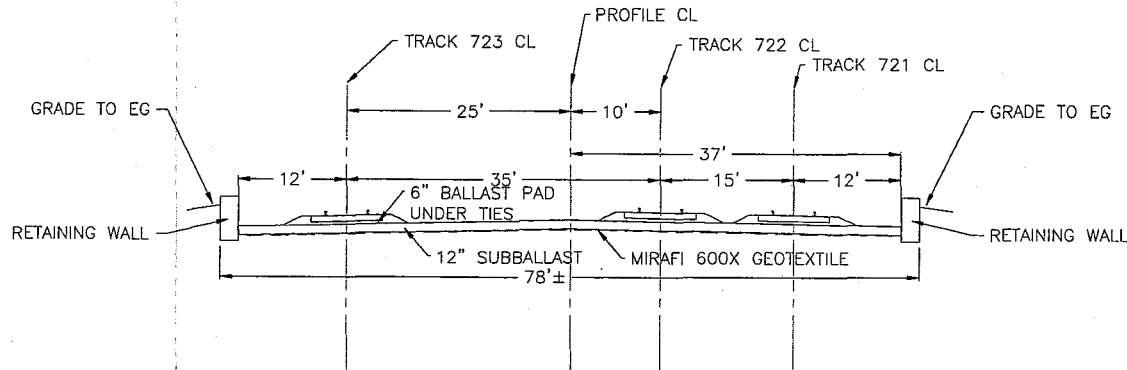




PROPOSED SITE PLAN ALTERNATE 1
SCALE: 1"=50'

THIS PLAN AND THE SPECIFICATIONS HERETO, TOGETHER WITH THE CONTRACT DOCUMENTS, SHALL BE READ AND UNDERSTOOD IN CONNECTION WITH THE STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF PUBLIC WORKS, LATEST EDITION, AS ADOPTED BY THE BOARD OF SUPERVISORS OF THE TOWN OF ATHENS, NEW YORK.

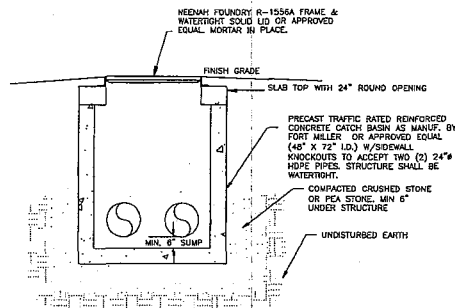
SHEET: G2	PROPOSED SITE PLAN ALTERNATE 1	RAIL EXPANSION PECKHAM INDUSTRIES TOWN OF ATHENS GREENE COUNTY, NY	<table border="1"> <thead> <tr> <th colspan="3">REVISIONS</th> </tr> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REVISIONS			NO.	DATE	DESCRIPTION																	<p>DELAWARE ENGINEERING, P.C. CIVIL AND ENVIRONMENTAL ENGINEERING</p>	DATE: 9/12 DRAWN BY: TJ SCALE: AS SHOWN LGR 12-577
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NO.	DATE	DESCRIPTION																									
28 MAR 2013 9:12 AM			NAN-2013-00266 Peckham Industries, Inc. Page 6 of 9																								



TYPICAL TRACK BED CROSS SECTION
SCALE: NTS

NOTES:

ALL UNSUITABLE FILL WILL BE REMOVED PER CSX TRANSPORTATION'S "STANDARD SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PRIVATE SIDE TRACKS" SECTION GRADING; D) - UNSUITABLE MATERIAL, PG 47. UNSUITABLE MATERIAL WILL BE REPLACED WITH STRUCTURAL FILL.

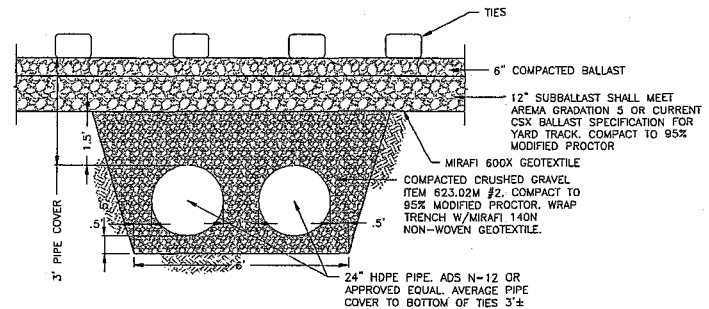


STORM STRUCTURE DETAIL
SCALE: NTS

MINIMUM RECOMMENDED COVER BASED ON RAILWAY LOADING CONDITIONS

PIPE DIAM.	COVER
UP TO 24"	24"
30"-36"	36"
42"-60"	48"

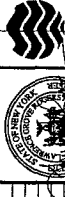
COVER IS MEASURED FROM TOP OF PIPE TO BOTTOM OF RAILWAY TIE.
E-60 COVER REQUIREMENTS, ARE ONLY APPLICABLE TO ASTM F 2309 PIPE.



STORM PIPE TRENCH DETAIL
SCALE: NTS

DATE: 8/12
DRAWN BY: TJ
SCALE: AS SHOWN
REVIEWED BY: LBL

DELAWARE
ENGINEERING, P.C.
CIVIL AND ENVIRONMENTAL ENGINEERING



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Greene County IDA
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REVISIONS	DESCRIPTION
NO.	DATE

RAIL EXPANSION
PECKHAM INDUSTRIES
TOWN OF ATHENS
GREENE COUNTY, NY

DETAILS

SHEET:
D2

