



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: **NAN-2014-00486-EYR**
Issue Date: **June 25, 2014**
Expiration Date: **July 25, 2014**

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

APPLICANT: MCI Communications Services, Inc.
2400 North Glenville Drive
Richardson, TX 75082

ACTIVITY: Replacement of an existing 2-inch diameter, 13,500-foot long telecommunications cable beneath the Hudson River.

WATERWAY: Hudson River and Tarrytown Harbor

LOCATION: Village of Nyack, Rockland County, NY to Village of Tarrytown, Westchester County, NY

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 REACH THIS OFFICE BEFORE 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 is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FIS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FIS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit application.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York, the applicant's certification and accompanying information is available from the New York State Department of State Division of Coastal Resources, Coastal Management Program, 99 Washington Avenue – Suite 1010, Albany, New York 12231-0001, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

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 this office at (917) 790-8512 and ask for Mr. Robert Youhas.

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>.

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



Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicant, MCI Communications Services, Inc., has requested Department of the Army authorization to replace a 2-inch diameter, 13,500-foot long telecommunications cable beneath the Hudson River from the Village of Nyack, Rockland County, NY to the Village of Tarrytown, Westchester County, NY. Within the Federally-authorized limits in the Hudson River, the cable will be buried to a depth of -32-vertical feet Mean Lower Low Water (MLLW); within the Federally-authorized limits in Tarrytown Harbor to -20-vertical feet MLLW; and outside the Federally-authorized limits in the Hudson River to -5-vertical feet beneath the present river bed.

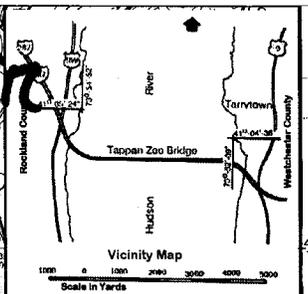
The permit applicant's stated purpose for replacing the existing, damaged cable beneath the Hudson River is to restore vital telecommunications services utilized by national, state, and local government agencies, in addition to serving the health and safety interests of the regional population.

NAN-2014-00486-0470

Proposed Submarine Cable Crossing
 Location: Hudson River
 Nyack - Tarrytown
 Counties of Rockland / Westchester
 State of New York
 Sheet 1 of 1, date: 3/11/2014

Application By:
 MCI Communications Services, Inc
 2400 North Glenville Drive
 Richardson, Texas, 75082

Plan View
 From NOAA Chart 12343
 Hudson River, New York to
 Wappinger Creek
 (SOUNDINGS IN FEET)



TARRYTOWN HARBOR CHANNEL DEPTHS
 TITULATED FROM SURVEYS BY THE CORPS OF ENGINEERS REPORT OF SEP 2013

NAME OF CHANNEL	LEFT OUTSIDE QUANTER	MIDDLE QUANTER	RIGHT QUANTER	DATE OF SURVEY	DEPTH IN FEET	LENGTH IN FEET	DEPTH IN FEET	DEPTH IN FEET
REACH A - SOUTH CHANNEL	7.6	8.1	7.7	7-13	150	34	12	
REACH B - CHANNEL ALONG WAPPINGER CREEK	5.5	5.7	5.7	7-13	250	38	12	
REACH C - NORTH CHANNEL	8.5	8.9	9.7	7-13	150	36	12	

NOTE: CONSULT THE CORPS OF ENGINEERS FOR CHANGES SUBSEQUENT TO THE ABOVE INFORMATION.

AT HUDSON RIVER DATUM
 (Mean lower low water during lowest river stages)

TIDAL INFORMATION

PLACE	HEIGHT REFERRED TO DATUM OF SOUNDINGS (MLLW)	
NAME	Mean High Water	Mean Low Water
Haverstraw	3.7	3.4
Peekskill	2.8	3.2
Newburgh	2.1	2.9

Dashes (- - -) located in datum columns indicate unavailable datum values for a tide station. Real-time water levels, tide predictions and tidal current predictions are available on the Internet from <http://tidesandcurrents.noaa.gov>.



UNITED STATES - EAST COAST
 NEW YORK - NEW JERSEY

HUDSON RIVER

NEW YORK TO WAPPINGER CREEK

