



# PUBLIC NOTICE

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

**In replying refer to:**

Public Notice Number: NAN-2014-00648-UDA  
Issue Date: February 25, 2015  
Expiration Date: March 26, 2015

**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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S. C. 1344).

**APPLICANT:** Mr. Joseph Martin  
479 South Pearl Street  
Albany, New York 12202

**ACTIVITY:** Construction of a new, full-service marina

**WATERWAY:** Hudson River

**LOCATION:** City of Albany, Albany 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 DANGLER AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO [Andrew.c.dangler@usace.army.mil](mailto: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 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/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

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 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.

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 occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, 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:

- City of Albany: Various local permits and approvals
- New York State Department of Environmental Conservation: Excavation & Fill in Navigable Waters – Under Article 15 and Docks, Platforms & Moorings – Under Article 15.

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 and in behalf of**  
Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

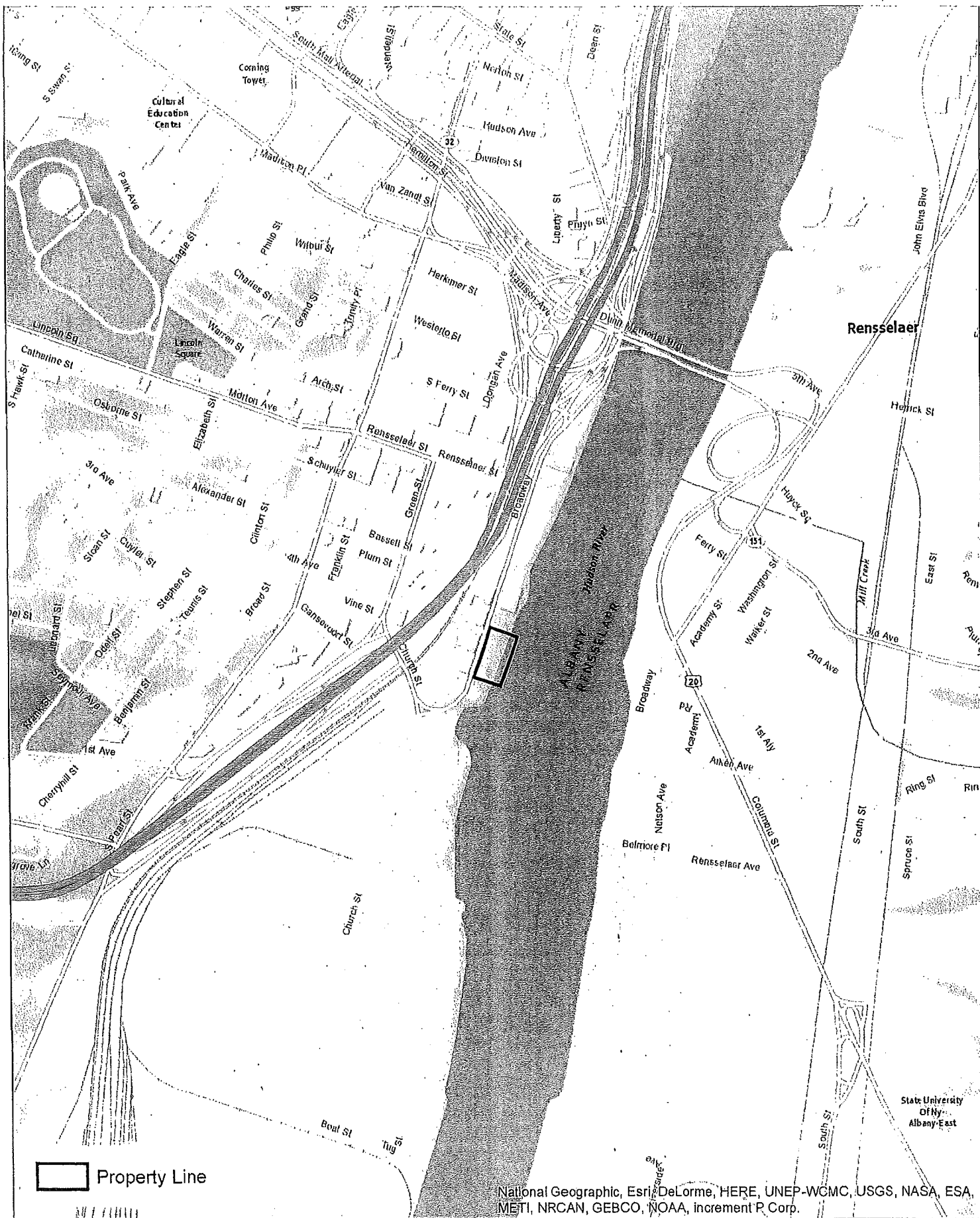
## **WORK DESCRIPTION**

The applicant, Joseph Martin, has requested Department of the Army permit to facilitate the establishment of a full-service marina within the Hudson River, in the City of Albany, Albany County, New York.

The work would involve the mooring of a 90 foot by 30 foot barge and the installation of a 222 foot long by 8 foot wide floating dock assembly oriented parallel to the shoreline, with two (2) 88 foot long by 6 foot wide and one (1) 66 foot long by 6 foot wide sections of dock oriented perpendicular to the shoreline. The assemblies would support a total of twenty (20) 20 foot long by 4 foot wide individual sections of floating docks oriented parallel to the shoreline. Two (2) sections of 6 foot wide by 77 foot long dock would be installed on either side of the proposed boat ramp. These structures would be anchored to the bed of the river with 14-inch diameter steel heavy wall pipe anchors, and to the shoreline by three (3) sections of 8 foot wide by 36 foot long gangways and two (2) stay boom and concrete anchor posts. The barge would be utilized to tie-up and service larger boats that can be accommodated at the floating docks. The docks and barge would be installed within the river on or about April 1<sup>st</sup> and removed by December 1<sup>st</sup> of each year. As proposed, at their nearest point, the barge and dock assembly would be located a minimum of 308 and 276 linear feet from the limits of the federal navigation channel, respectively. In addition, the applicant proposes to discharge approximately 1,330 cubic yards of stone and place 13 cubic yards of precast concrete below the mean high tide line (MHTL) of the Hudson River to facilitate the construction of a 40 foot wide by 60 foot long two-car boat ramp.

The applicant has stated that they have avoided and minimized proposed impacts to the maximum extent practicable by limiting the size of the proposed marina to the smallest area practicable and by minimizing the amount of proposed fill within the Hudson River to include only that which is necessary to establish the proposed two-car boat ramp.

The stated purpose of this project is to establish a full service marina that is capable of providing a total docking capacity of approximately 20 vessels.



**BAGDON Environmental**  
 25 Delaware Avenue  
 Delmar, New York 12054  
 (518) 439-8588

0 250 500 1,000 Feet  
 [Scale bar with tick marks]

**Figure 1. Site Location**

Proposed Marina  
 City of Albany, Albany County NY



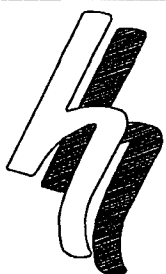
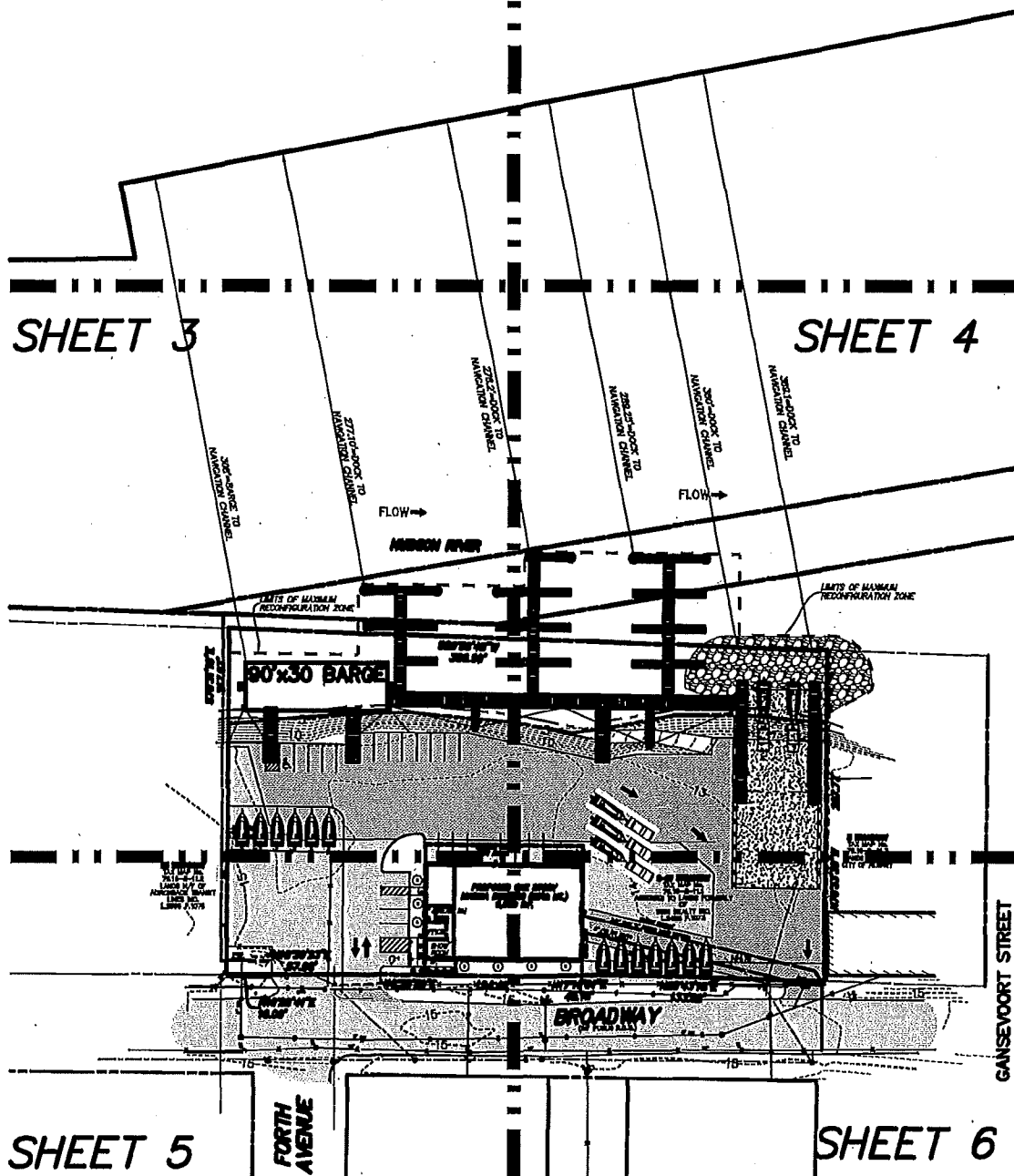


SHEET 1

SHEET 2

SHEET 3

SHEET 4



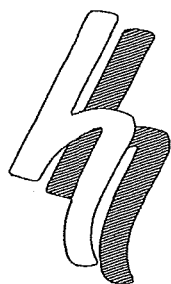
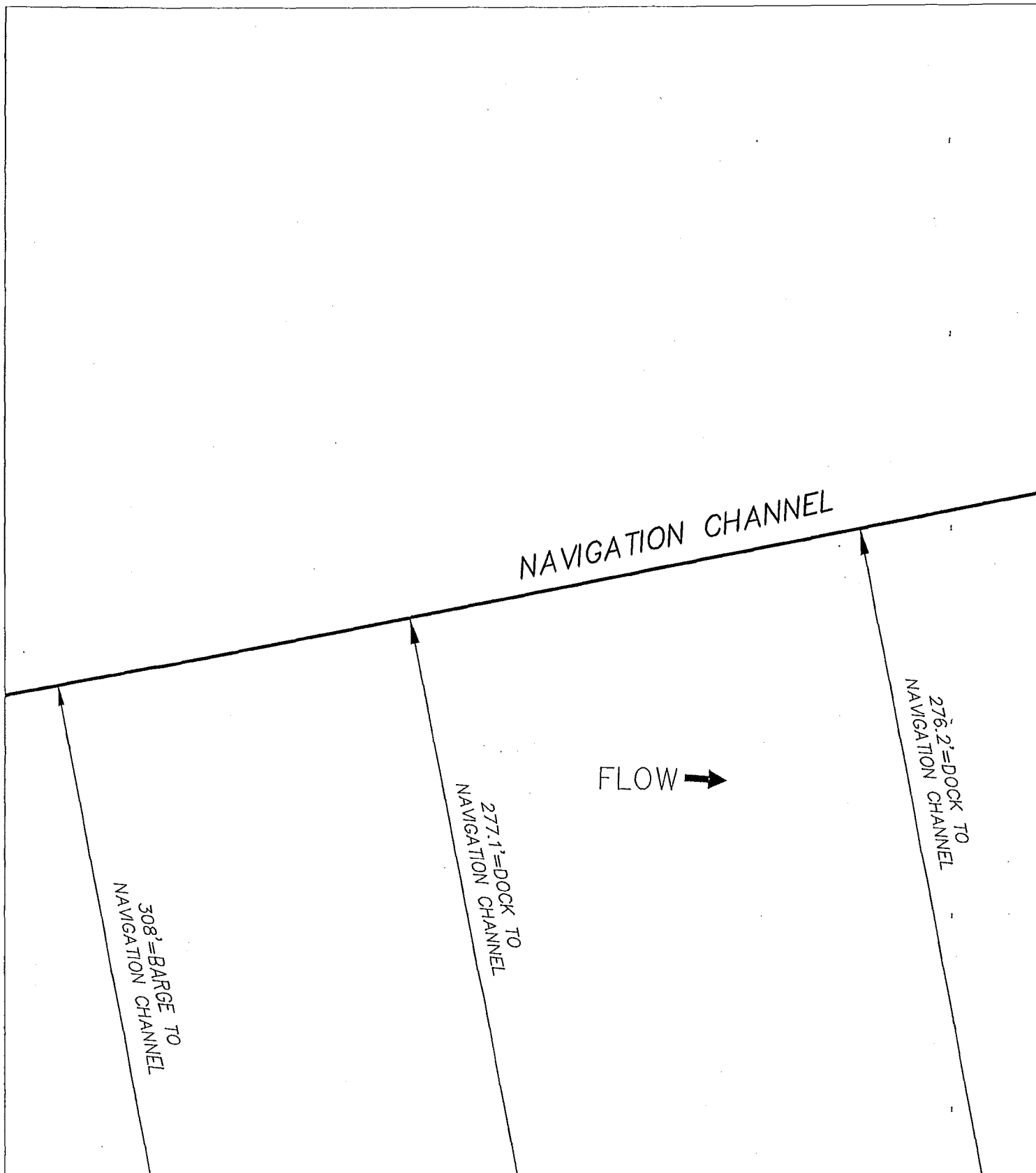
**HERSHBERG**  
**HERSHBERG**

and Land Surveyors  
18 Locust Street  
Albany, New York 12203

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**PROPOSED MARINA AND**  
**SERVICE BARGE**  
**No. 5-27 BROADWAY**  
**ALBANY, NEW YORK**



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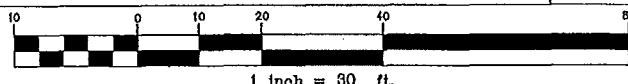
*Consulting Engineers  
and Land Surveyors*

18 Locust Street  
Albany, New York 12203

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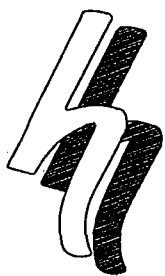
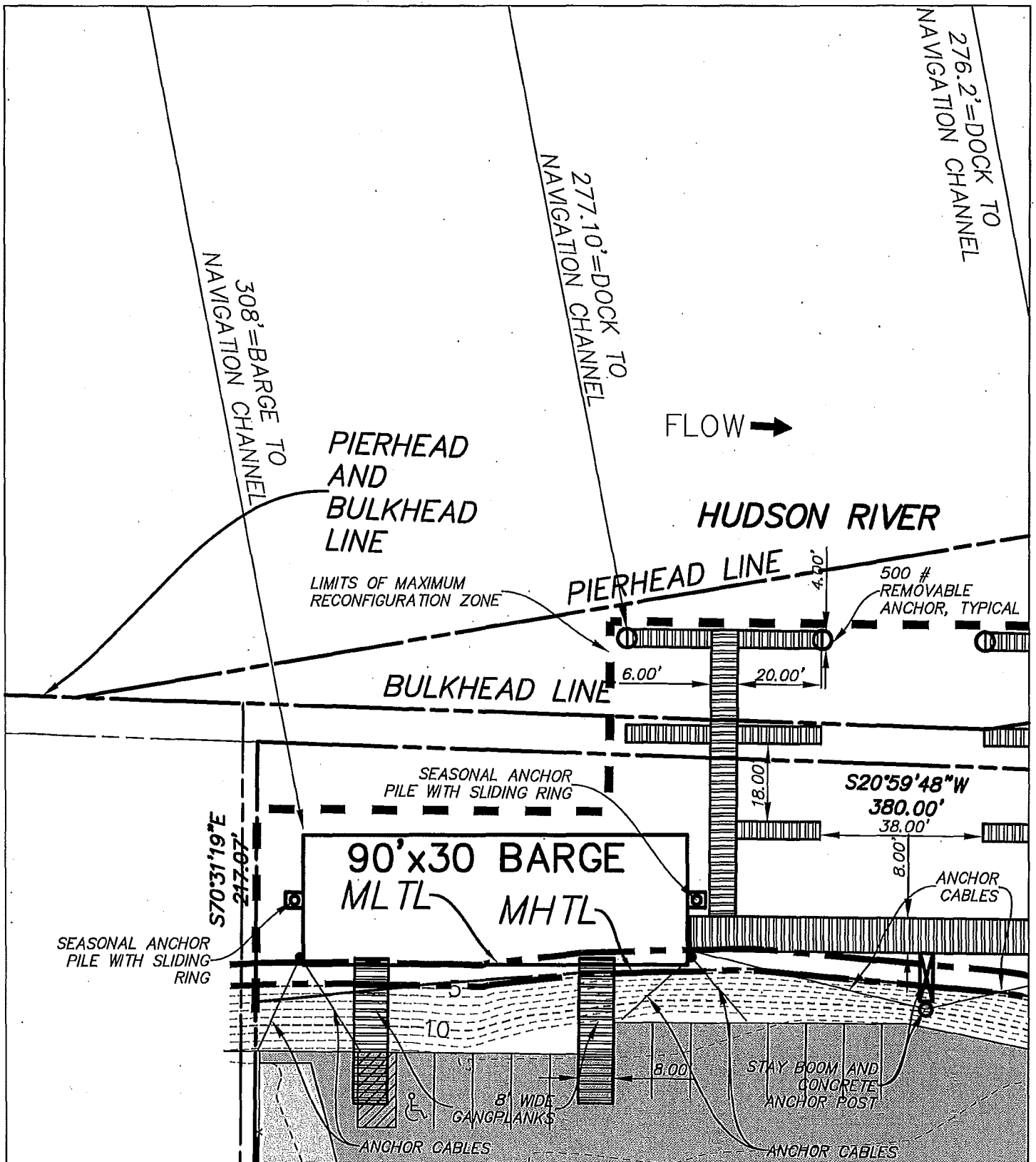


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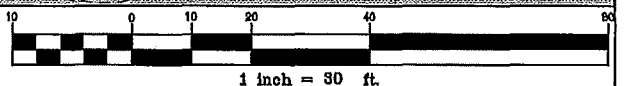




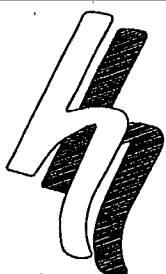
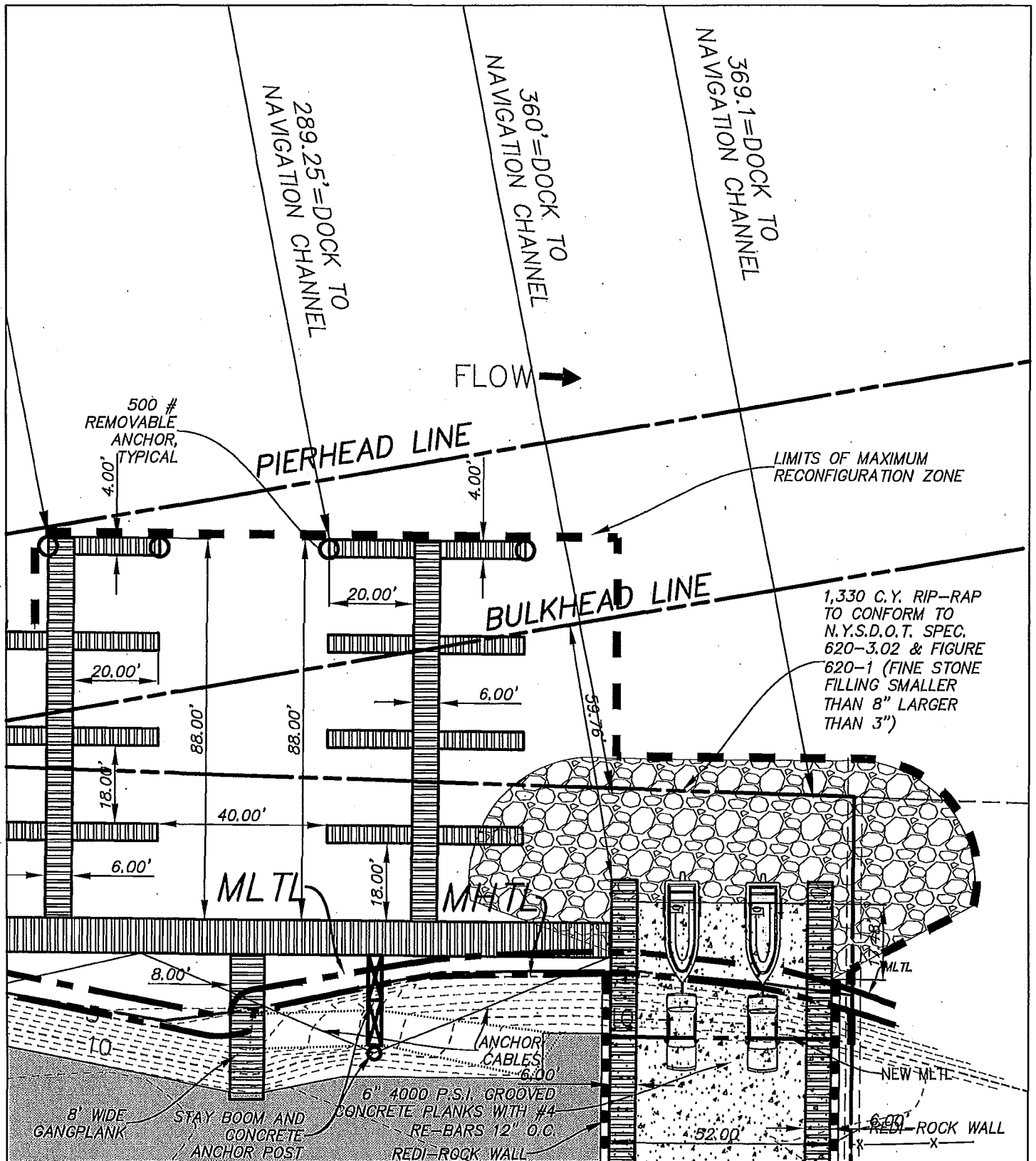
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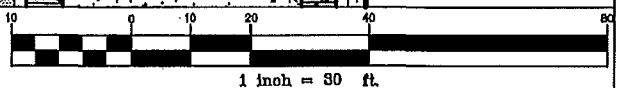
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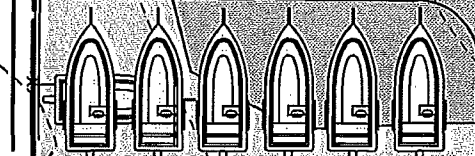
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**PROPOSED MARINA AND  
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No. 5-27 BROADWAY  
ALBANY, NEW YORK**

33 BROADWAY  
TAX MAP No.  
76.19-2-11.2  
LANDS N/F OF  
ADIRONDACK TRANSIT  
LINES INC.  
L.2506 P.1076

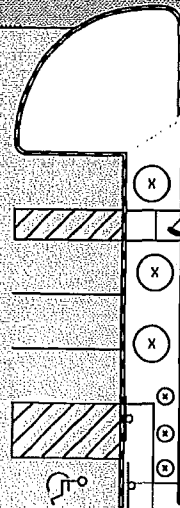


pump station  
up w/ elec. meter

N18°39'23"E  
57.98'

N19°28'41"E  
19.00'

gate



PROPOSED  
MARINA BUILD  
6,000

80,305 S.F.  
1.84 Acres

N19°38'59"E  
124.42'

FORTH  
AVENUE



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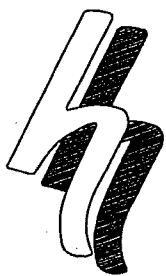
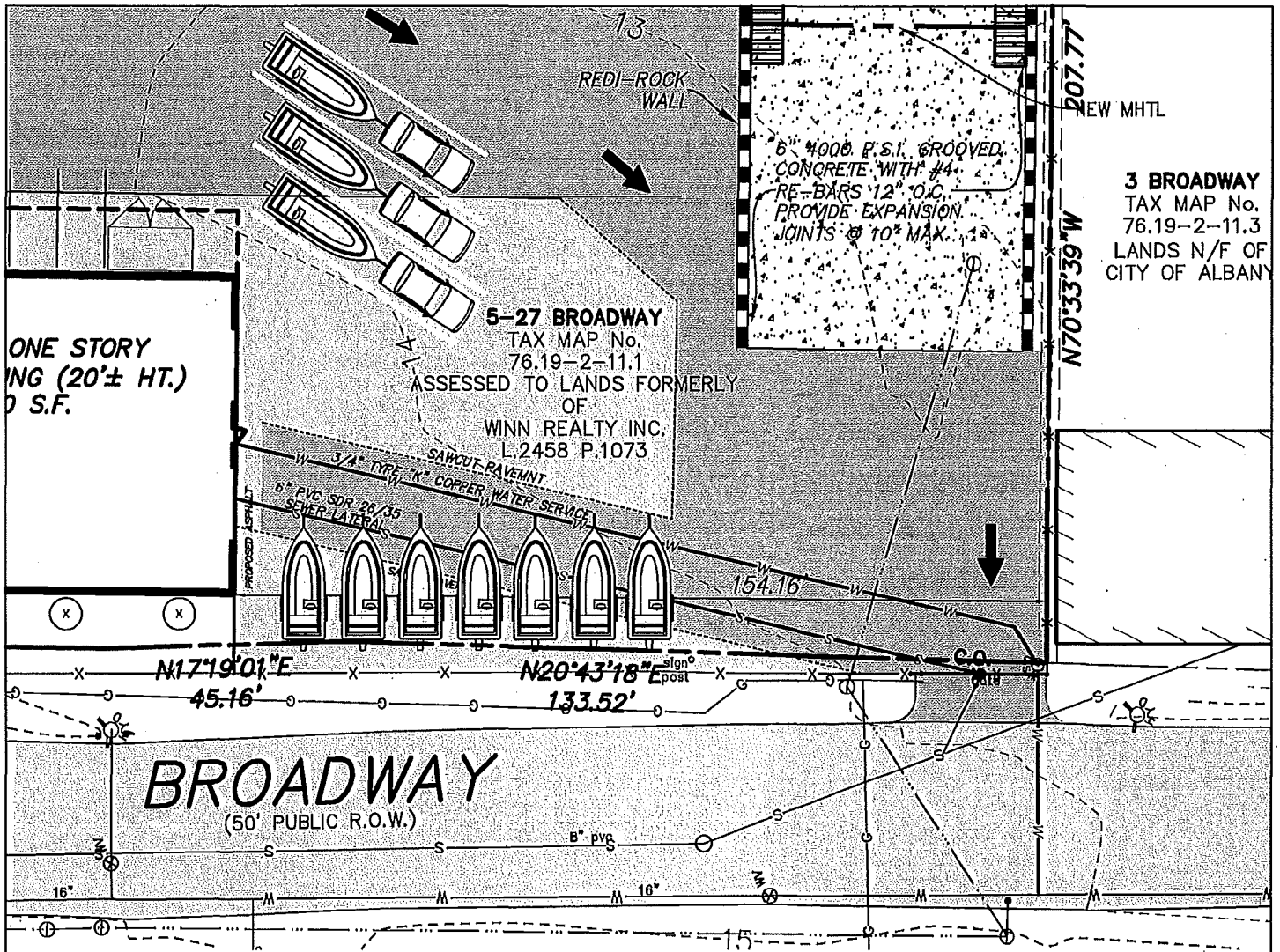
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1 inch = 80 ft.

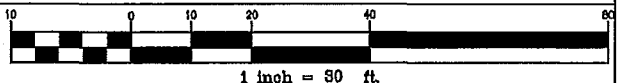
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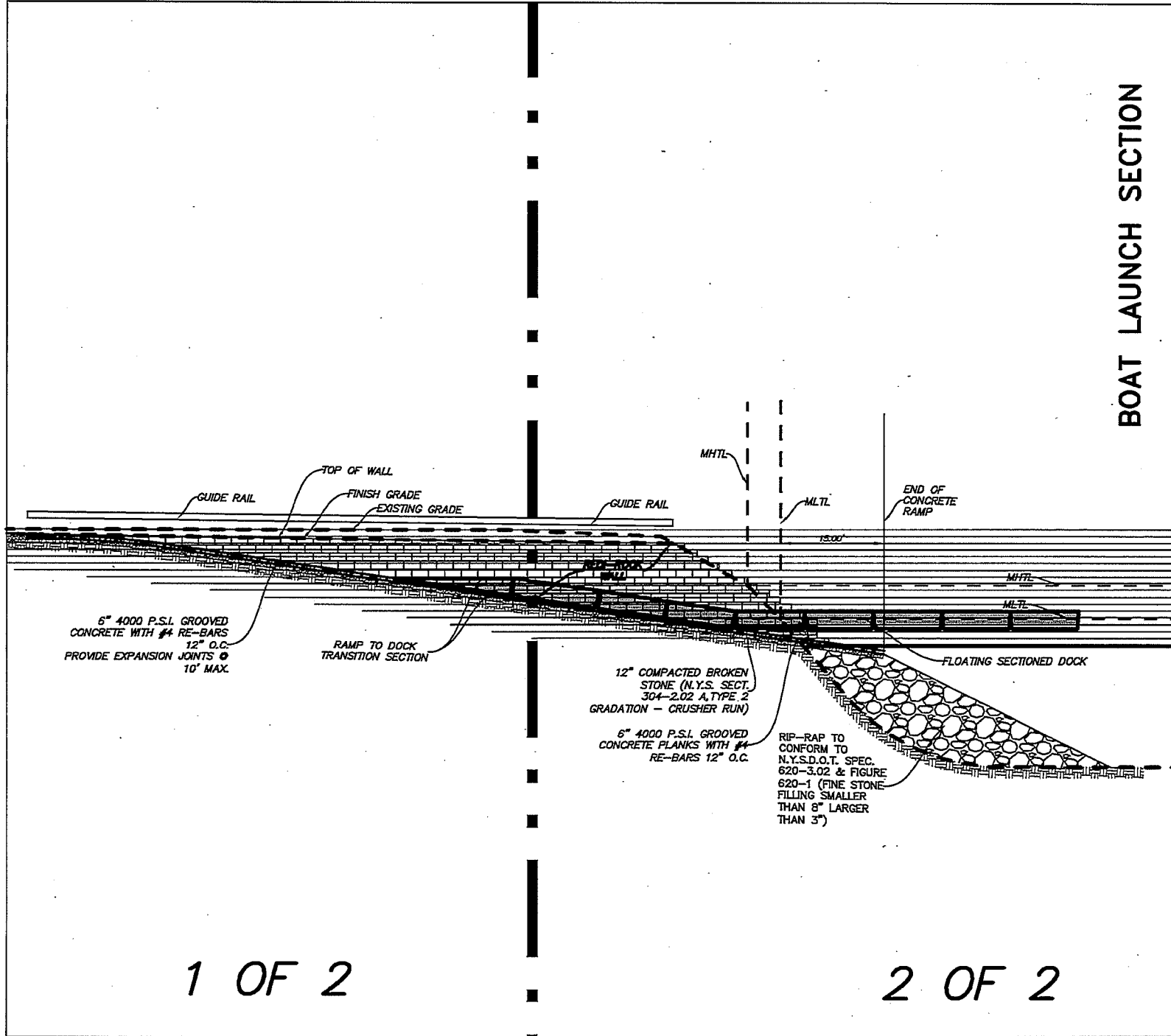
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# BOAT LAUNCH SECTION

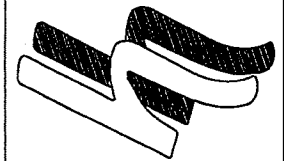
## INDEX SHEET

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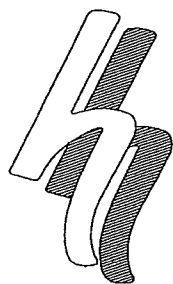
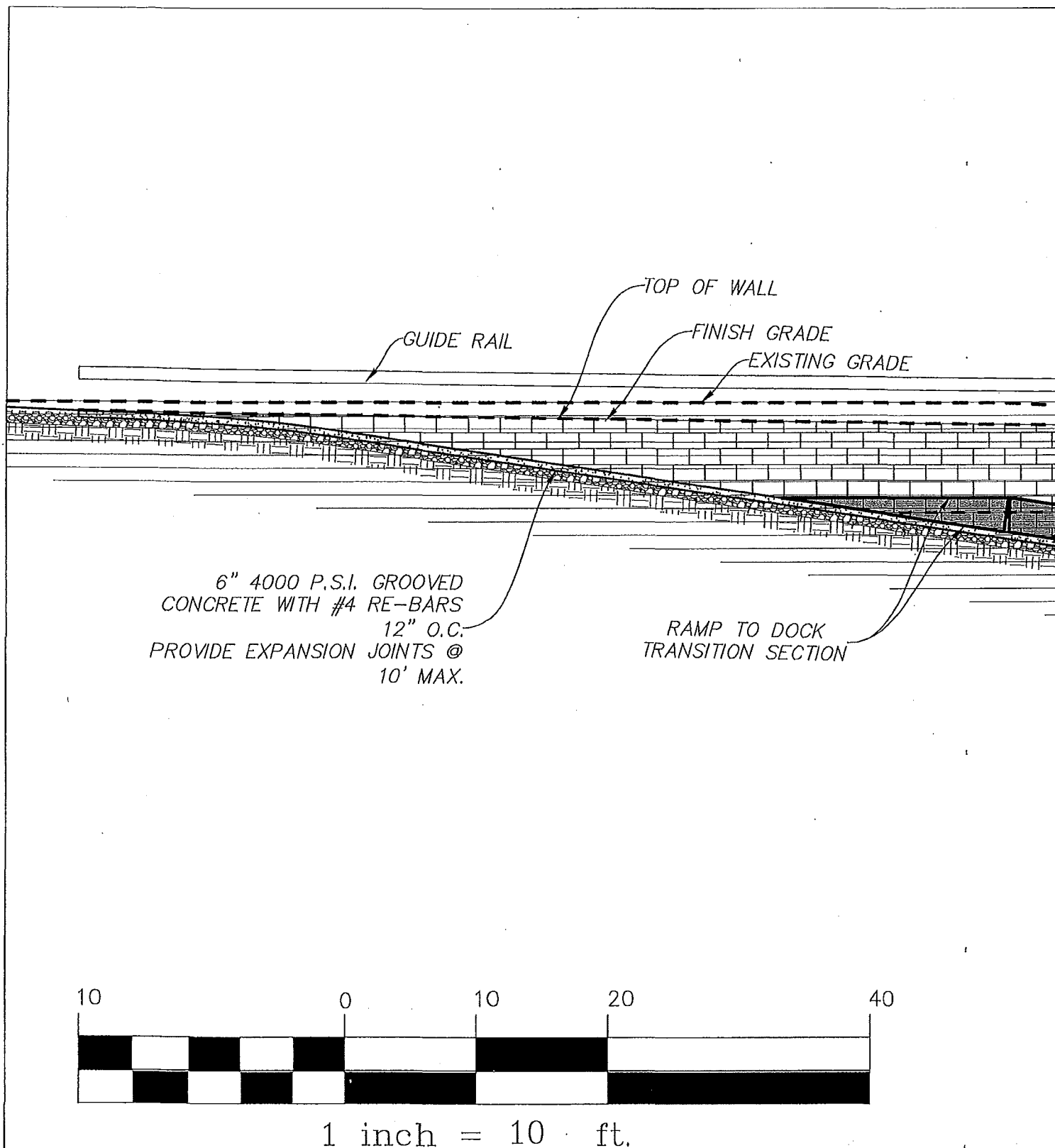
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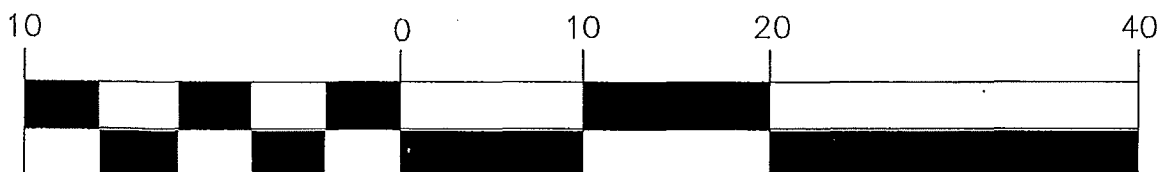
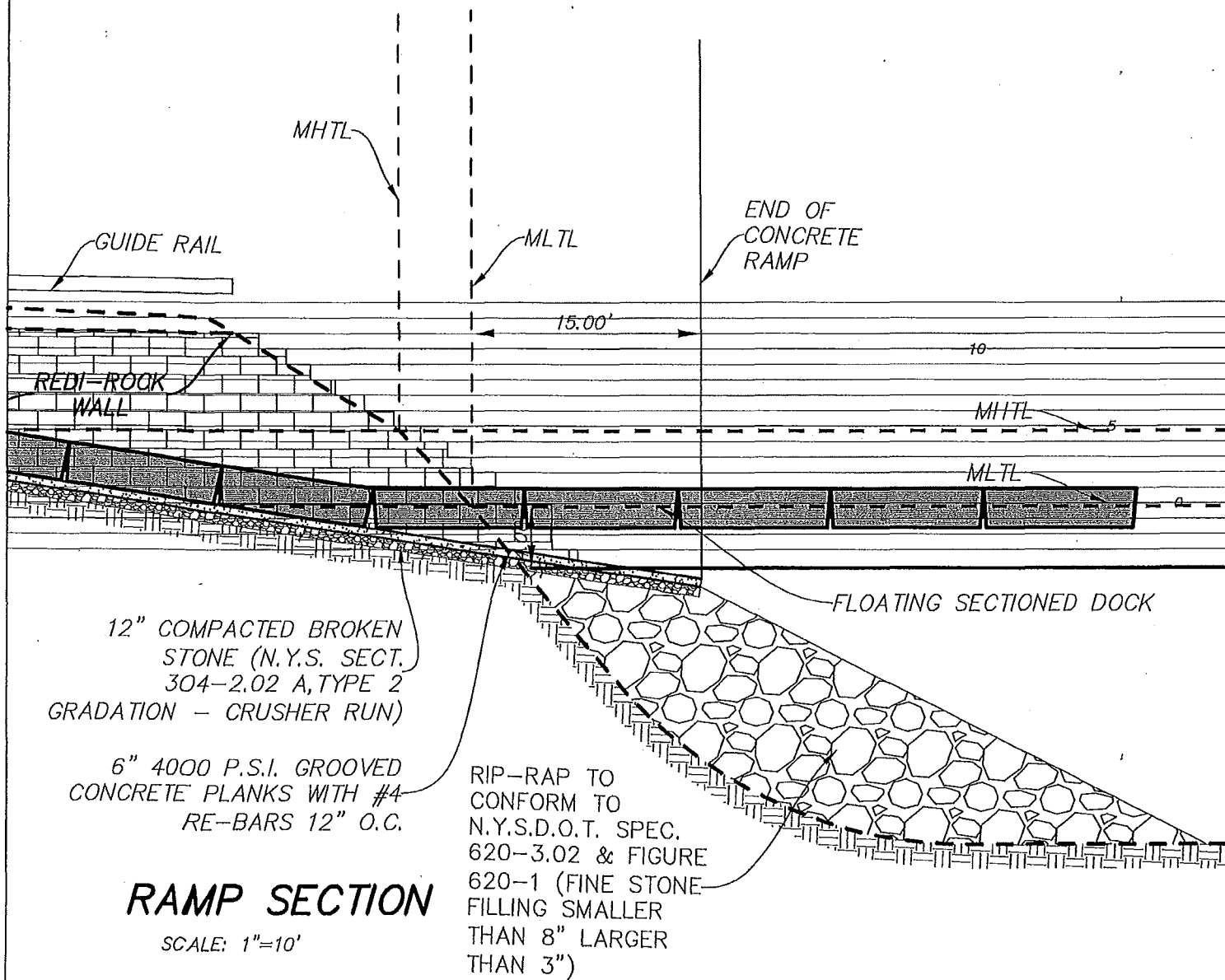
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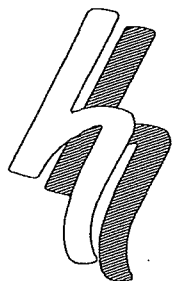


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1 inch = 10 ft.



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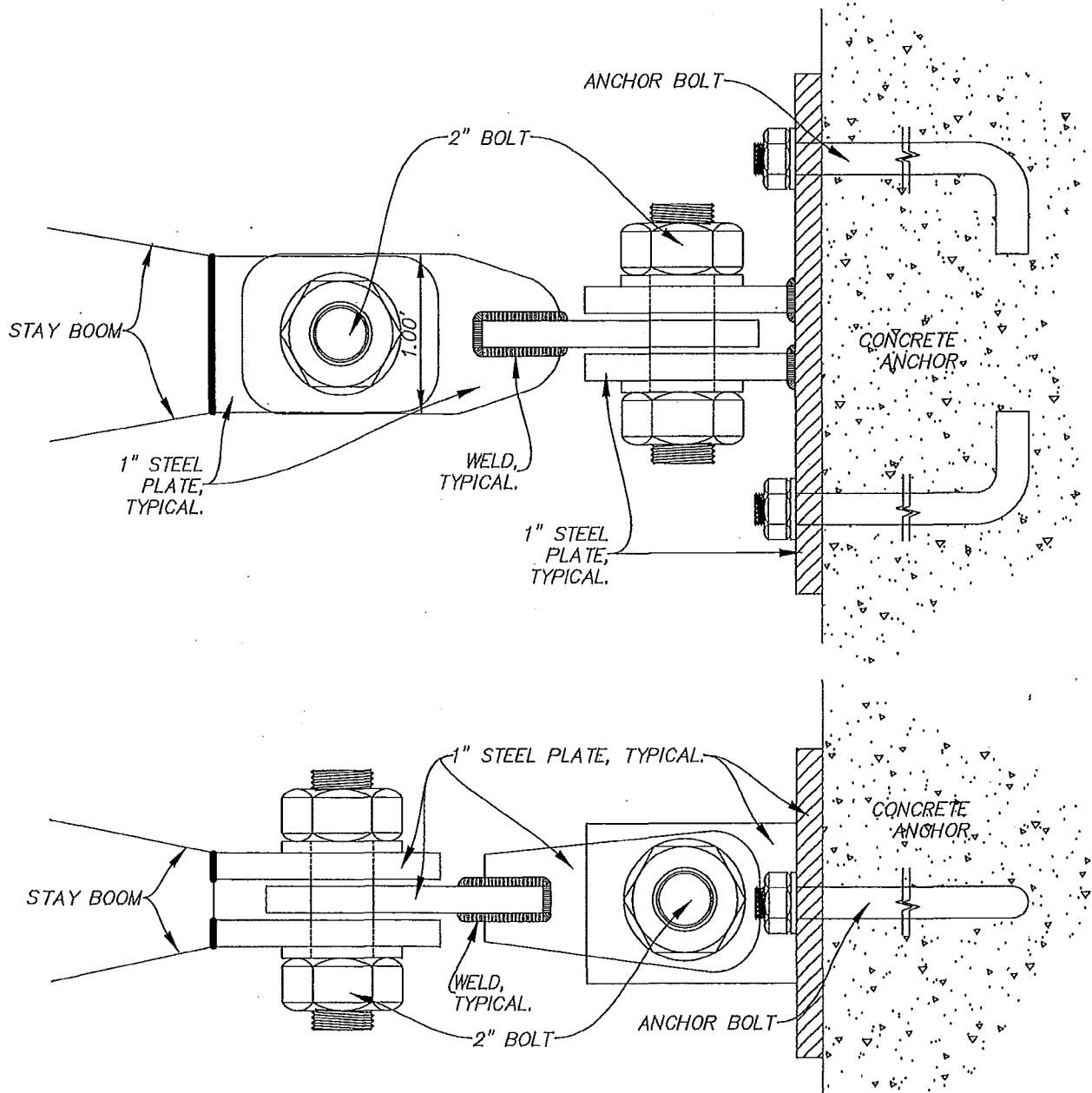
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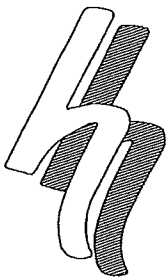
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NOTE: PROVIDE SHOP DRAWINGS FOR APPROVAL

## ARTICULATING STAY CONNECTION DETAIL

SCALE: NOT TO SCALE



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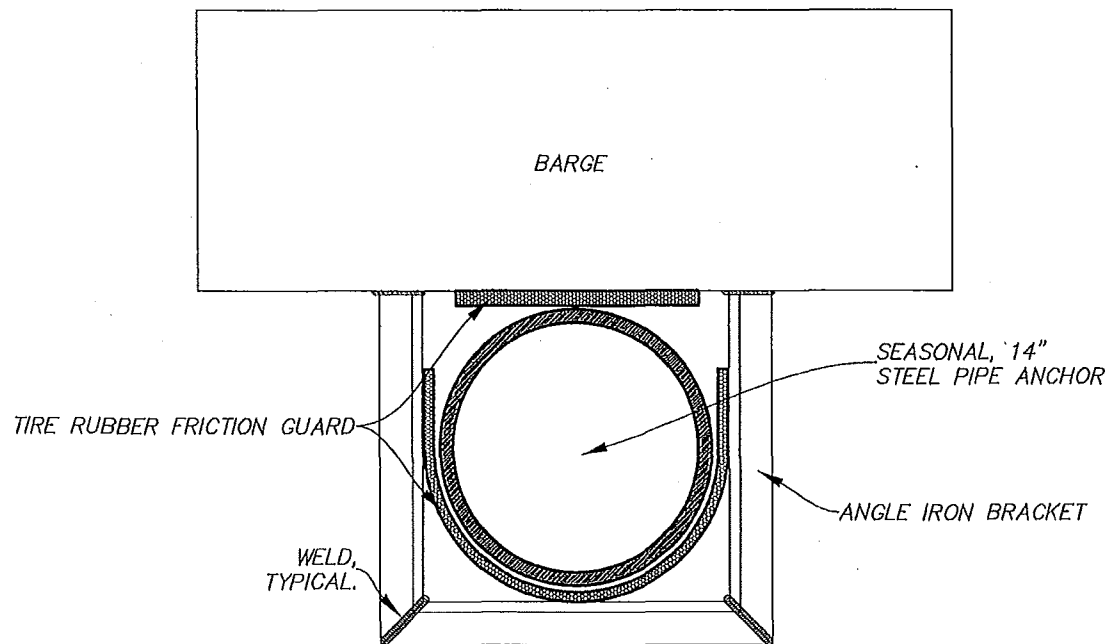
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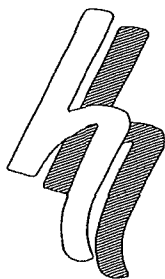




NOTE: PROVIDE SHOP DRAWINGS FOR APPROVAL

## FLOATING BARGE SLIDING ANCHOR BRACKET DETAIL

SCALE: NOT TO SCALE



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