

PUBLIC NOTICE

U.S. Army Corps
of Engineers
New York District, CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington Street, Bldg. 10, 3rd Fl. North
Watervliet, New York 12189-4000

In replying refer to:

Public Notice Number: NAN-2016-00016-UDE
Issue Date: March 13, 2017
Expiration Date: April 11, 2017

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: New York State Canal Corporation
200 Southern Boulevard
P.O. Box 189
Albany, New York 12201-0189

ACTIVITY: Conduct dredging, with ten years maintenance, upland disposal and return flow to the waterway, of accumulated sediment within a 22.75 mile portion of the Champlain Canal to restore and maintain the State navigation channel to its previously approved width and depth.

WATERWAY: Champlain Canal (Lake Champlain Watershed)

LOCATION: Towns of Fort Ann, Fort Edward, Hartford, Kingsbury and Whitehall, and Villages of Fort Ann, Fort Edward and Whitehall in Washington 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 Christine Delorier AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO christine.delorier@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 submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 may affect, but is not likely to adversely affect any Federally endangered or threatened species or their critical habitat, specifically Indiana bats and northern long-eared bats. 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.

Based upon a review of the latest published version of the National Register of Historic Places, the Champlain Canal, which is a component of the National Register listed New York State Barge Canal System, is within the permit area. The proposed activities are intended to restore the Champlain Canal. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

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:

- None

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 Christine Delorier of this office at (518) 266-6354.

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

A handwritten signature in cursive script, appearing to read "Amy L. Mitchell".

For and in behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, the New York State Canal Corporation, has requested a Department of the Army permit to conduct dredging, with ten years maintenance, upland disposal and return flow to the waterway, of accumulated sediment within a 22.75 mile portion of the Champlain Canal. The project site is located in the Towns of Fort Ann, Fort Edward, Hartford, Kingsbury and Whitehall, and Villages of Fort Ann, Fort Edward and Whitehall, in Washington County, New York.

The work would involve dredging, either mechanically or hydraulically, within the navigable limits of the Champlain Canal, from Fort Edward to Whitehall. A total of approximately 176,125 cubic yards of sediment would be dredged from 13 specific sites that total 2.7 miles long within the 22.75 mile portion of the Canal. The total area to be dredged is approximately 27.59 acres. All dredging would occur within the established navigation channel, which ranges in width from 75 feet to 100 feet within this section of the Champlain Canal. Each specific site would be dredged to restore the established navigation channel depth of 12 feet below normal pool elevation, plus 2 feet of allowable over-depth if authorized by the U.S. Army Corps of Engineers. The attached drawings identify the location and amount of proposed dredging for each of the 13 sites.

The method of dredging to be used at a site is mainly dependent on equipment, staff and Upland Disposal Site (UDS) availability. Hydraulic dredging is typically only used when the dredge site is within 1 mile of an available UDS as it is pumped directly to the UDS. Wet or dry mechanical dredging would otherwise be used to conduct the proposed dredging, with wet dredging occurring most frequently. Wet dredging means that the dredging would occur during the navigation season. Dry dredging means that the dredging would occur when the canal is closed and de-watered, and is typically used when dredging the site is a priority and equipment is only available at this time. Mechanical dredging would typically be accomplished with a derrick boat, but land-based cranes or other equipment may be used in special circumstances. With mechanical dredging, the material would be transported to the UDS for disposal, mainly by barge, with no barge overflow allowed. Regardless of the transport measures used to bring the sediment to the UDS, appropriate precautions would be employed to assure that the sediment is contained.

The sediment to be dredged has not been tested recently to determine its grain size or whether it is contaminated and requires special handling and disposal requirements. Before any site is dredged, the sediment would be tested to determine whether it is Class A, B or C sediment as defined in the State's Technical & Operational Guidance Series (TOGS) 5.1.9, and the dredging and disposal plan is approved by the New York State Department of Environmental Conservation (NYSDEC) in accordance with their Clean Water Act Section 401 water quality certificate.

The applicant proposes to dispose of all the dredged material at UDS's 1-22, 1-25 and 1-26, which are identified on the attached drawings. All three of these UDS's are established and have been recently used. Minor maintenance of these UDS's are proposed, including repairs to the inlet and outlet structures and earthwork necessary to ensure adequate retention time of water before it's returned to the waterway. The footprint of the UDS's would not change. The twenty additional UDS's identified on the attached drawings may be used if needed, and if approved by the U.S. Army Corps of Engineers through a permit modification. These 20 sites have not been used since 1995

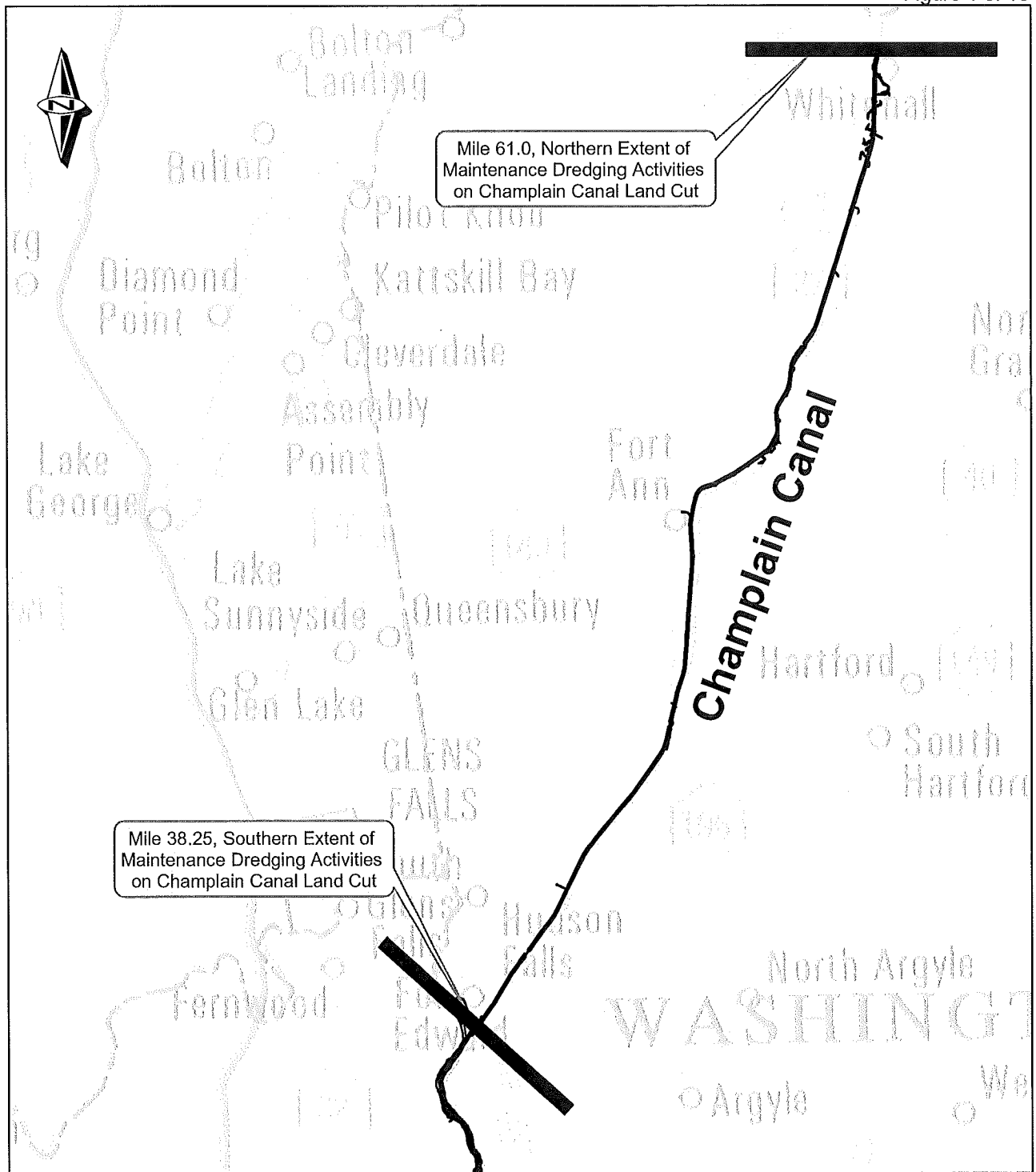
and would require a delineation to determine if waters of the United States are present and if they would be impacted to reestablish the UDS. The use of these 20 sites may require compensatory mitigation, and an evaluation to determine whether using the inactive UDS sites could affect any other resources of concern.

The applicant seeks a permit to conduct the proposed dredging, and to maintain each of the 13 specific dredge sites for a period of ten years. Each of the identified sites would be dredged between 1 and 5 times during the proposed permit term. The volume of any subsequent maintenance dredging at a single site after its initial dredging is not expected to exceed the volume of material identified on the attached drawings. However, should the need arise to dredge more than any volume identified, the applicant would seek a permit modification from this office.

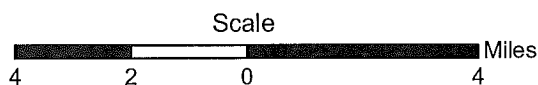
If needed, the applicant also seeks authorization to dredge sites within the subject 22.75 mile section of the Champlain Canal that are not identified on the attached drawings. The New York State Canal Corporation proposes to obtain a site specific permit modification from the New York District, U.S. Army Corps of Engineers to conduct dredging at any additional locations.

The applicant has stated that they have avoided and minimized proposed impacts to the maximum extent practicable by: prohibiting overflow of dredged material from scows, ensuring all scows are sealed to prevent spillage or leakage of dredged material while in route for disposal, ensuring the piping used to transfer dredged sediments from the hydraulic dredge to the UDS are sealed at the joints to prevent spillage or leakage, and by adhering to requirements imposed by the NYSDEC water quality certificate for return flow. Compensatory mitigation is not proposed by the applicant for this project.

The stated purpose of this project is to restore and maintain the State navigation channel to its previously approved width and depth.

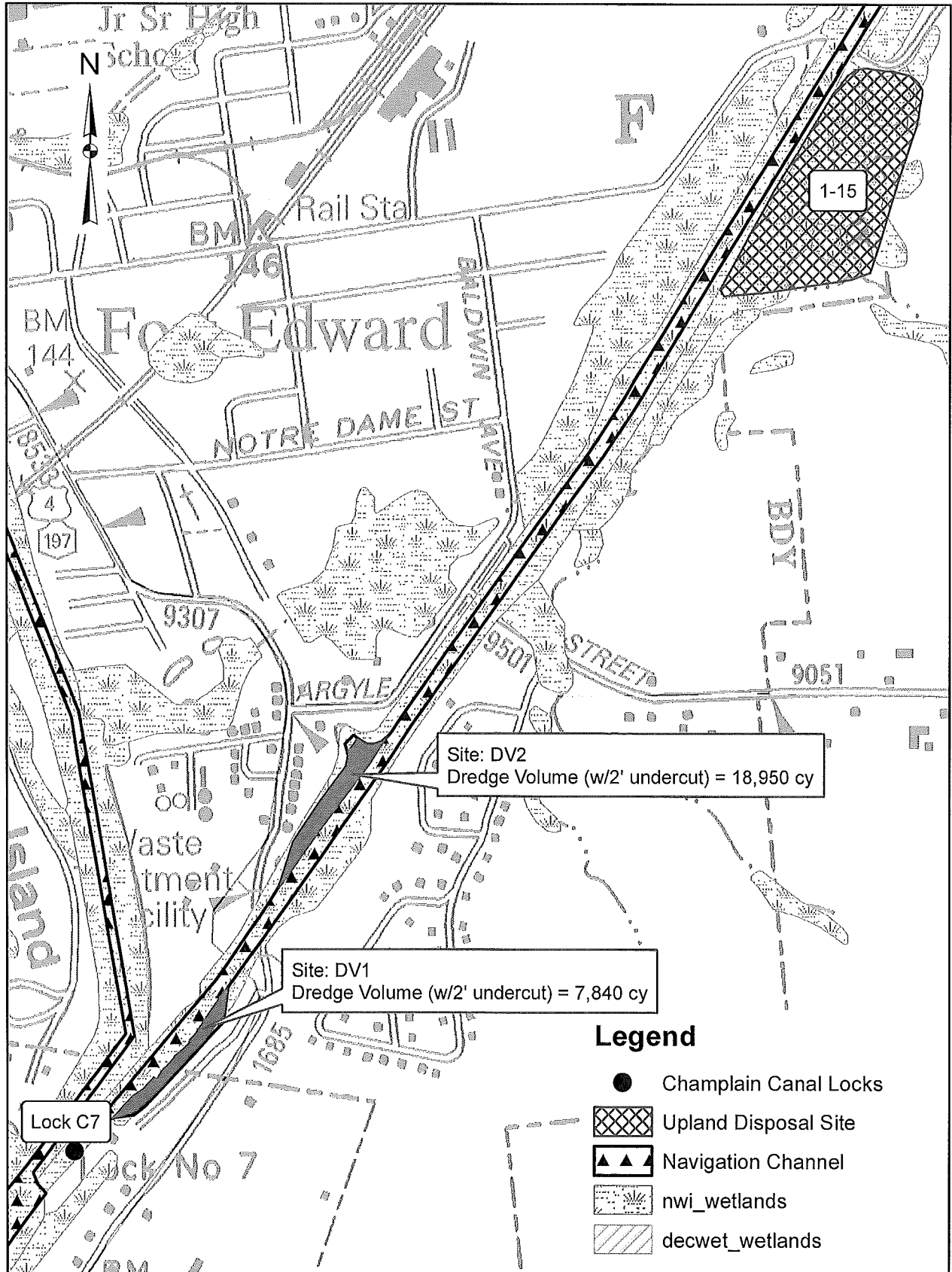


This figure presents the extents of the proposed navigation dredging areas in Champlain Canal land line between Fort Edward and Whitehall, NY. A list of owner names and mailing addresses adjacent to the Champlain Canal land line is presented in Table 1 of this application.



Limits of Champlain Canal Land Cut
Regional Maintenance Dredging
 New York State Canal Corporation
 Albany Division, Section 1

Dredge Volumes & Upland Disposal Sites



0 0.0426.085 0.17 0.255 0.34 Miles

Figure 2
 Dredge Volumes &
 Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites

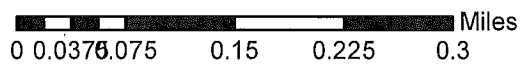
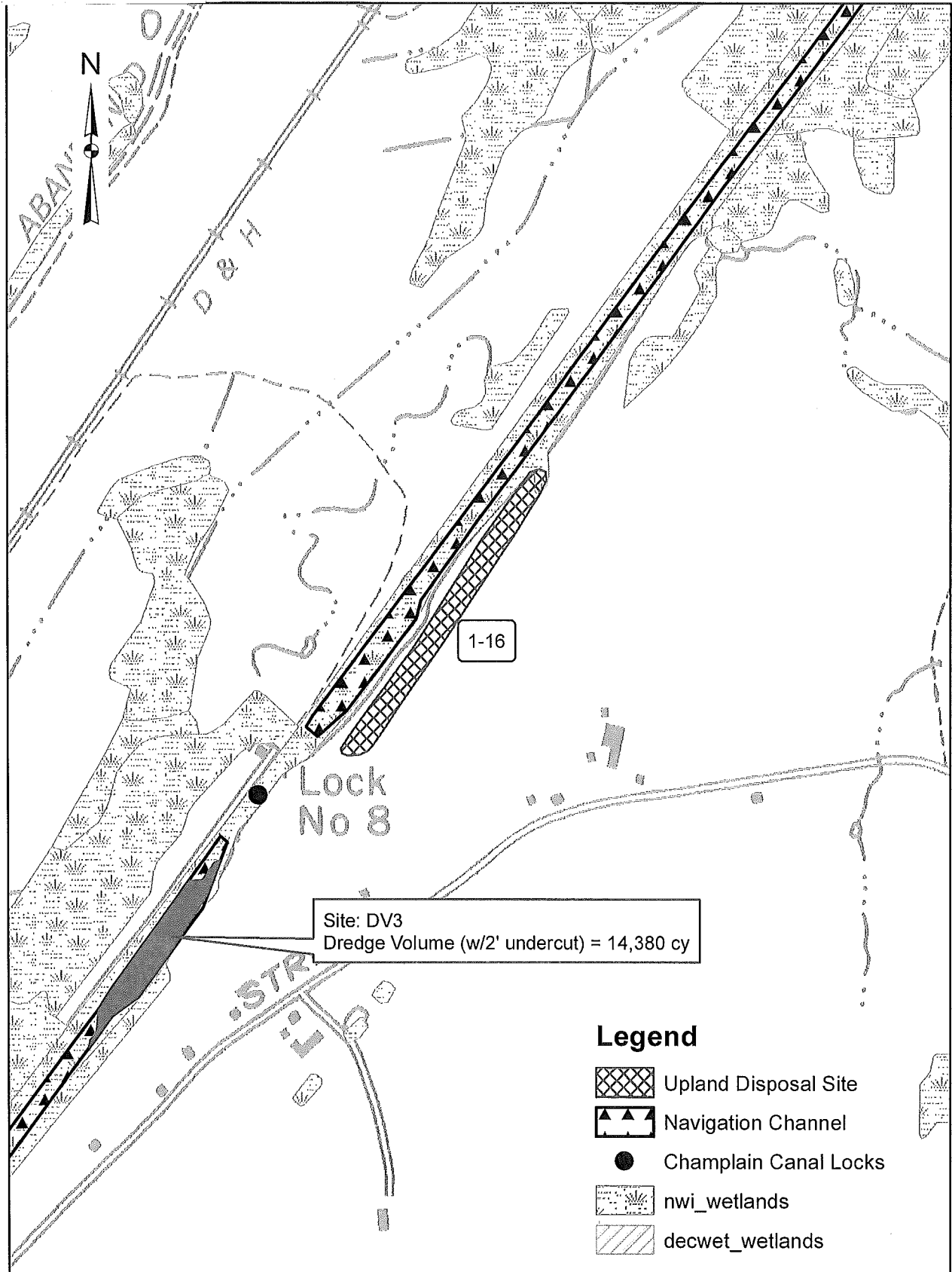
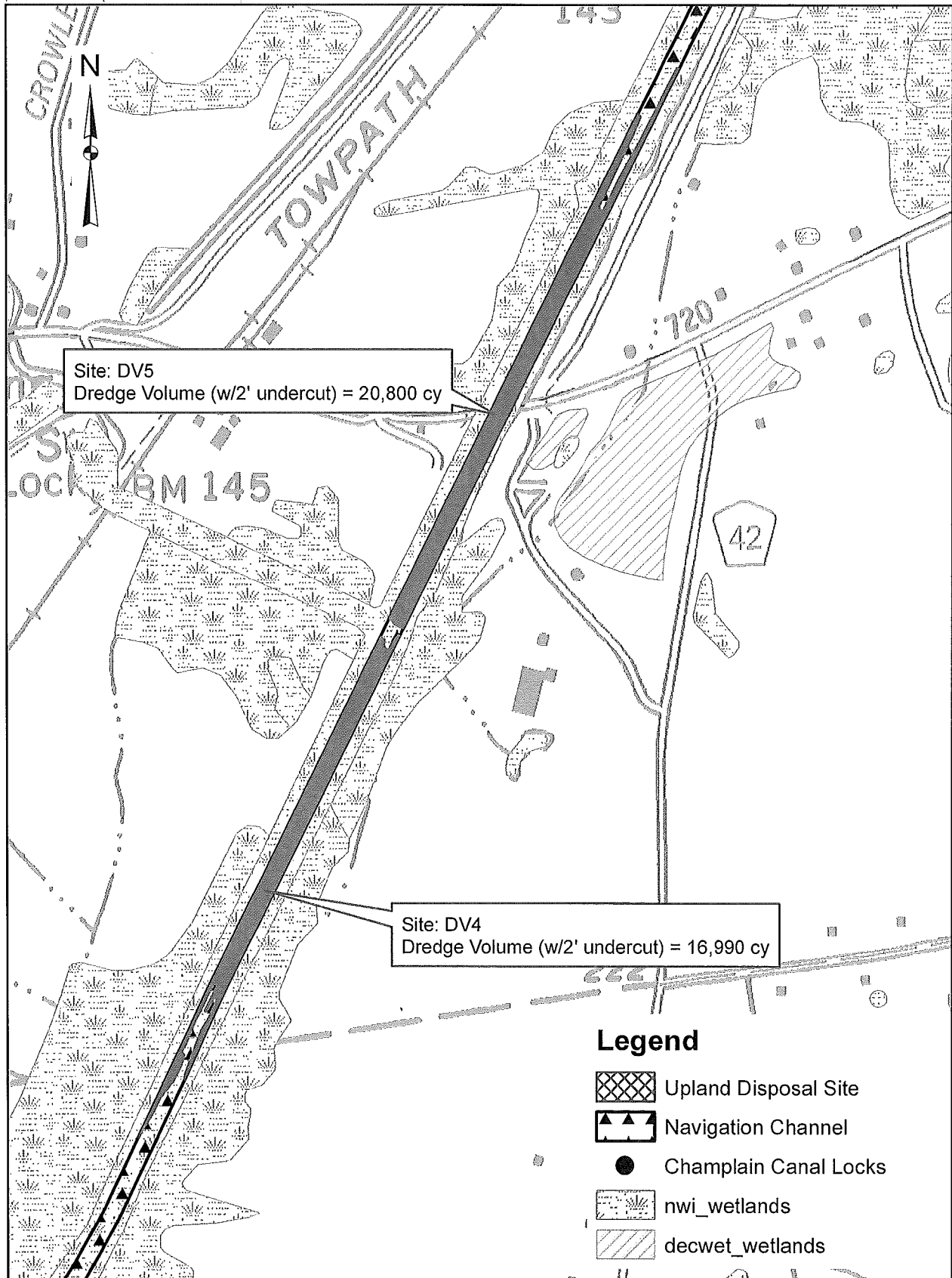


Figure 3
Dredge Volumes &
Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites



Legend

-  Upland Disposal Site
-  Navigation Channel
-  Champlain Canal Locks
-  nwi_wetlands
-  decwet_wetlands

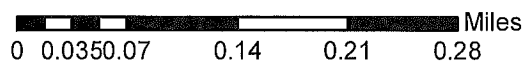


Figure 4
Dredge Volumes &
Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites

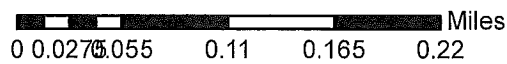
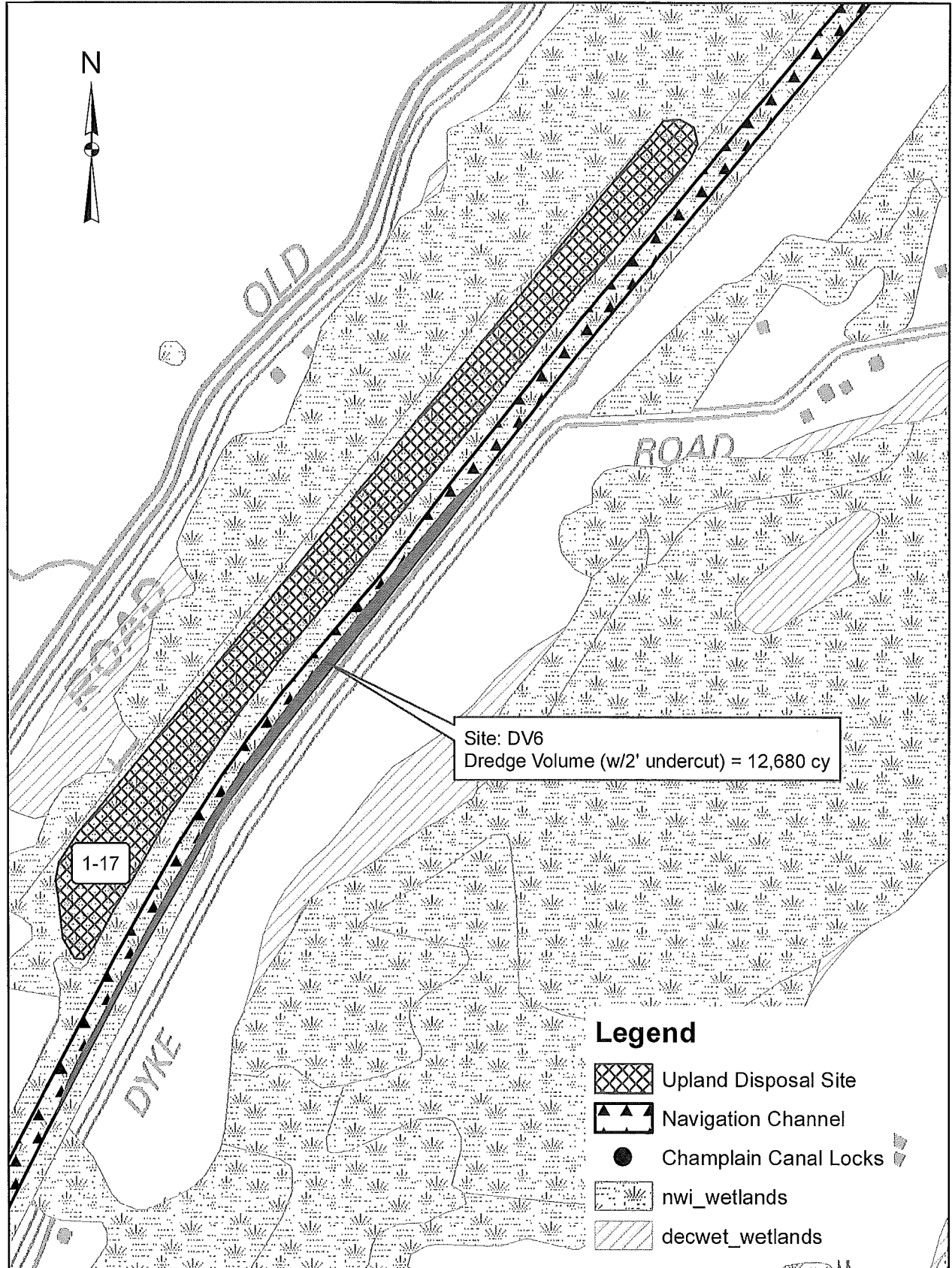


Figure 5
Dredge Volumes &
Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites

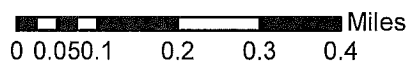
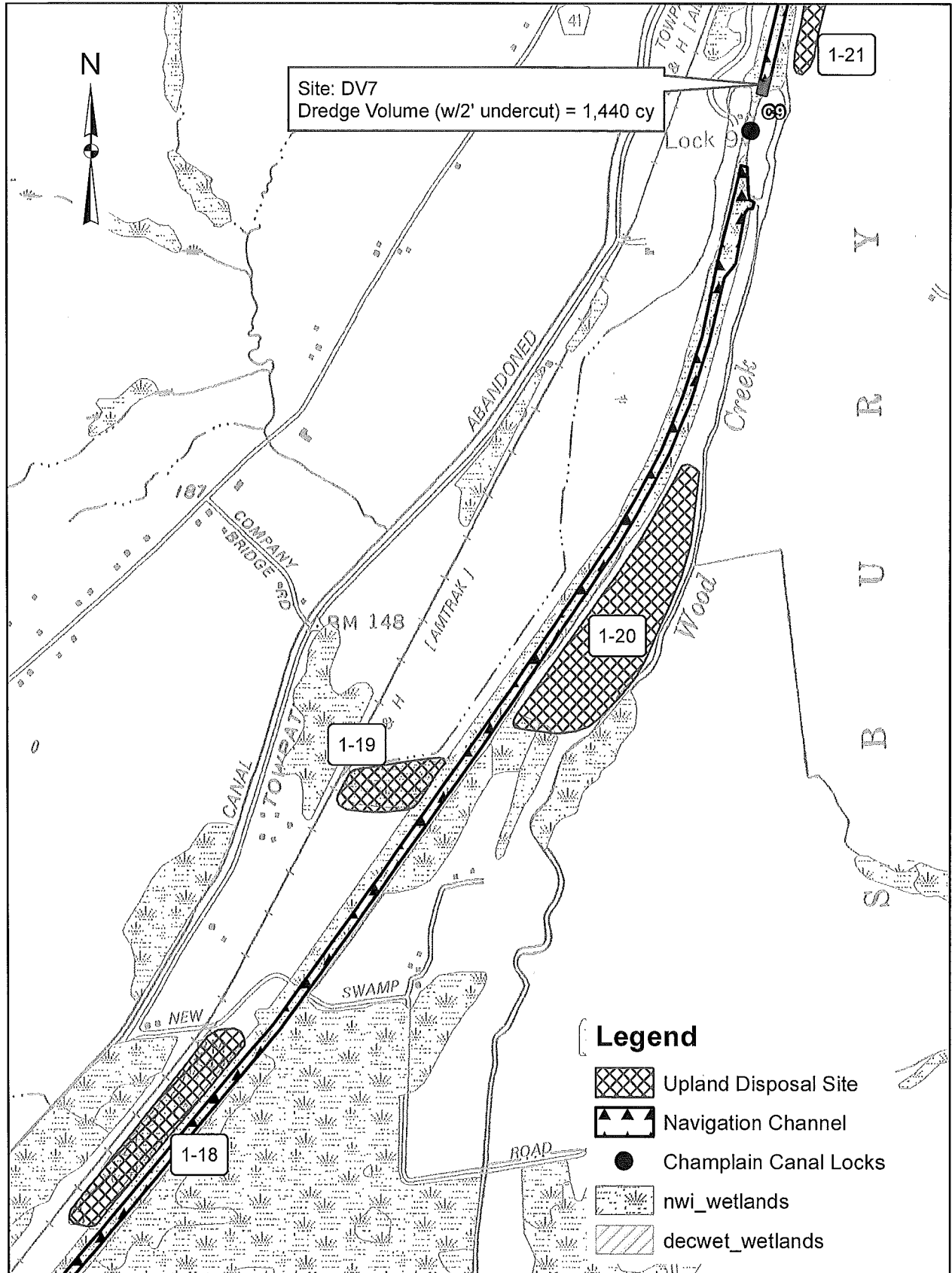
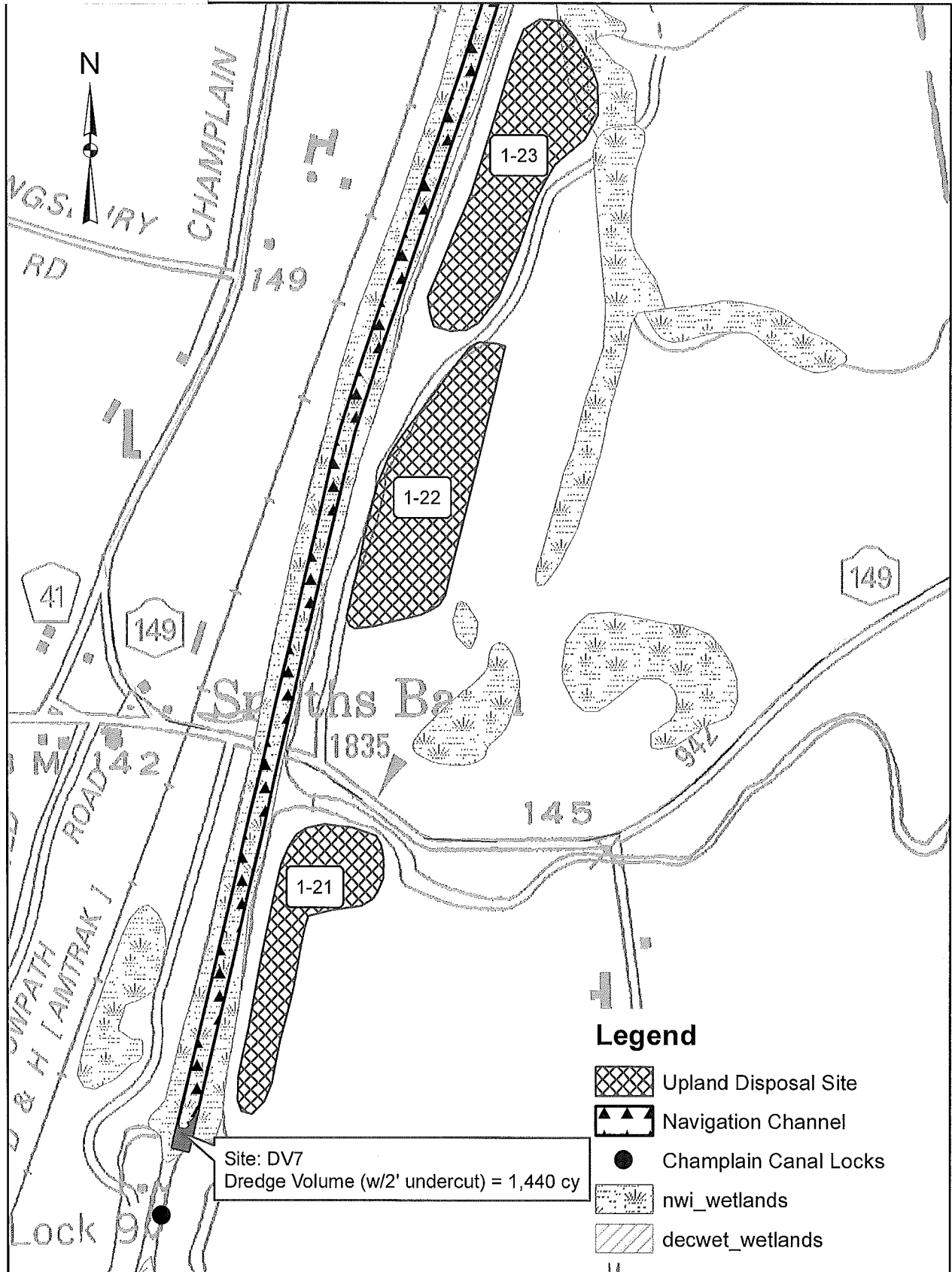


Figure 6
 Dredge Volumes &
 Upland Disposal Sites

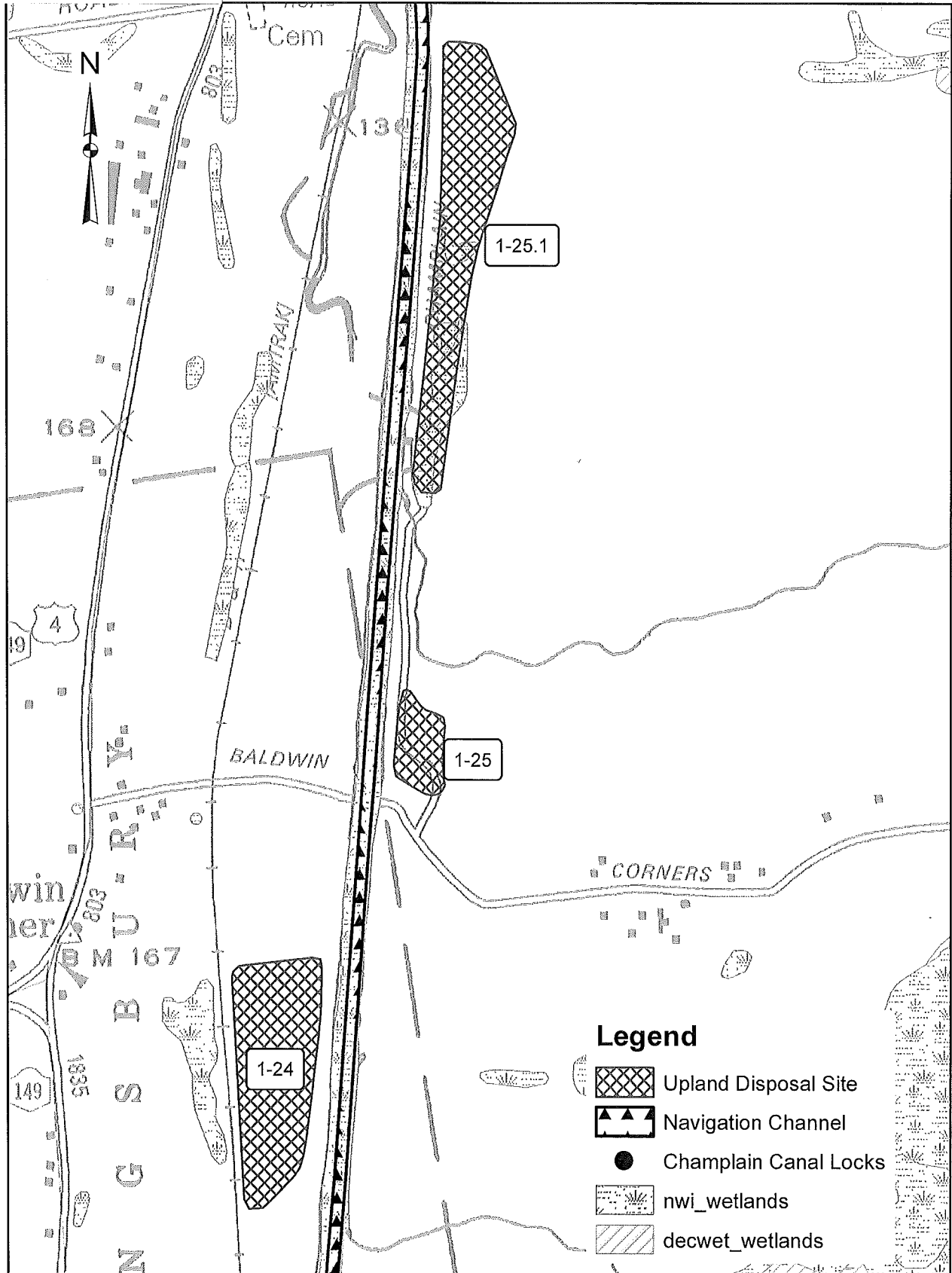
Dredge Volumes & Upland Disposal Sites



0 0.0375 0.075 0.15 0.225 0.3 Miles

Figure 7
 Dredge Volumes &
 Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites



- Legend**
- Upland Disposal Site
 - Navigation Channel
 - Champlain Canal Locks
 - nwi_wetlands
 - decwet_wetlands



0 0.05 0.1 0.2 0.3 0.4 Miles

Figure 8
Dredge Volumes &
Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites

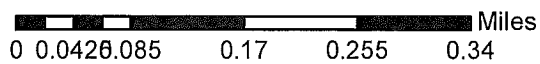
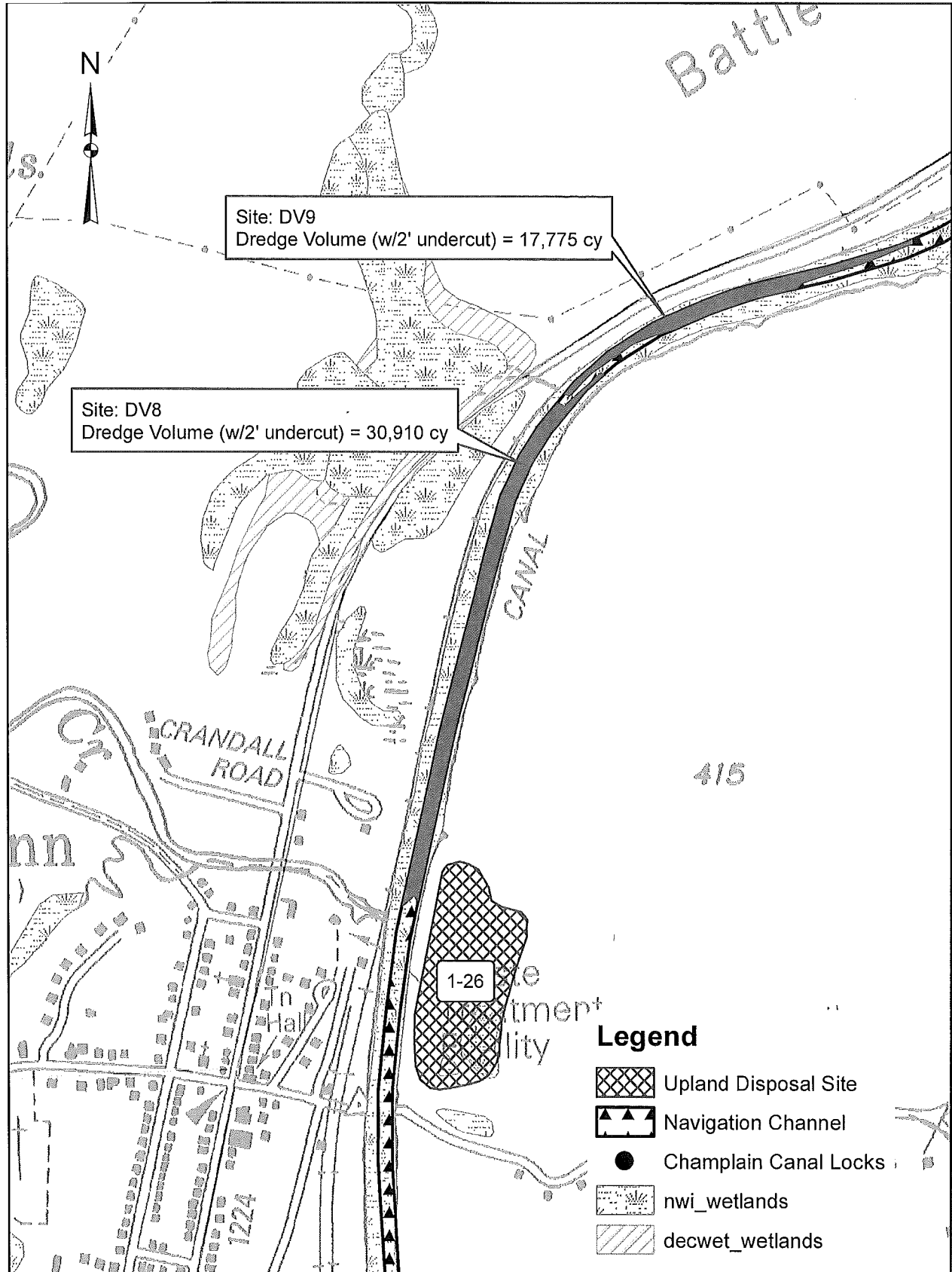


Figure 9
 Dredge Volumes &
 Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites

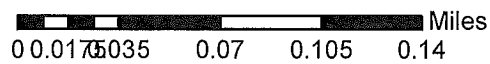
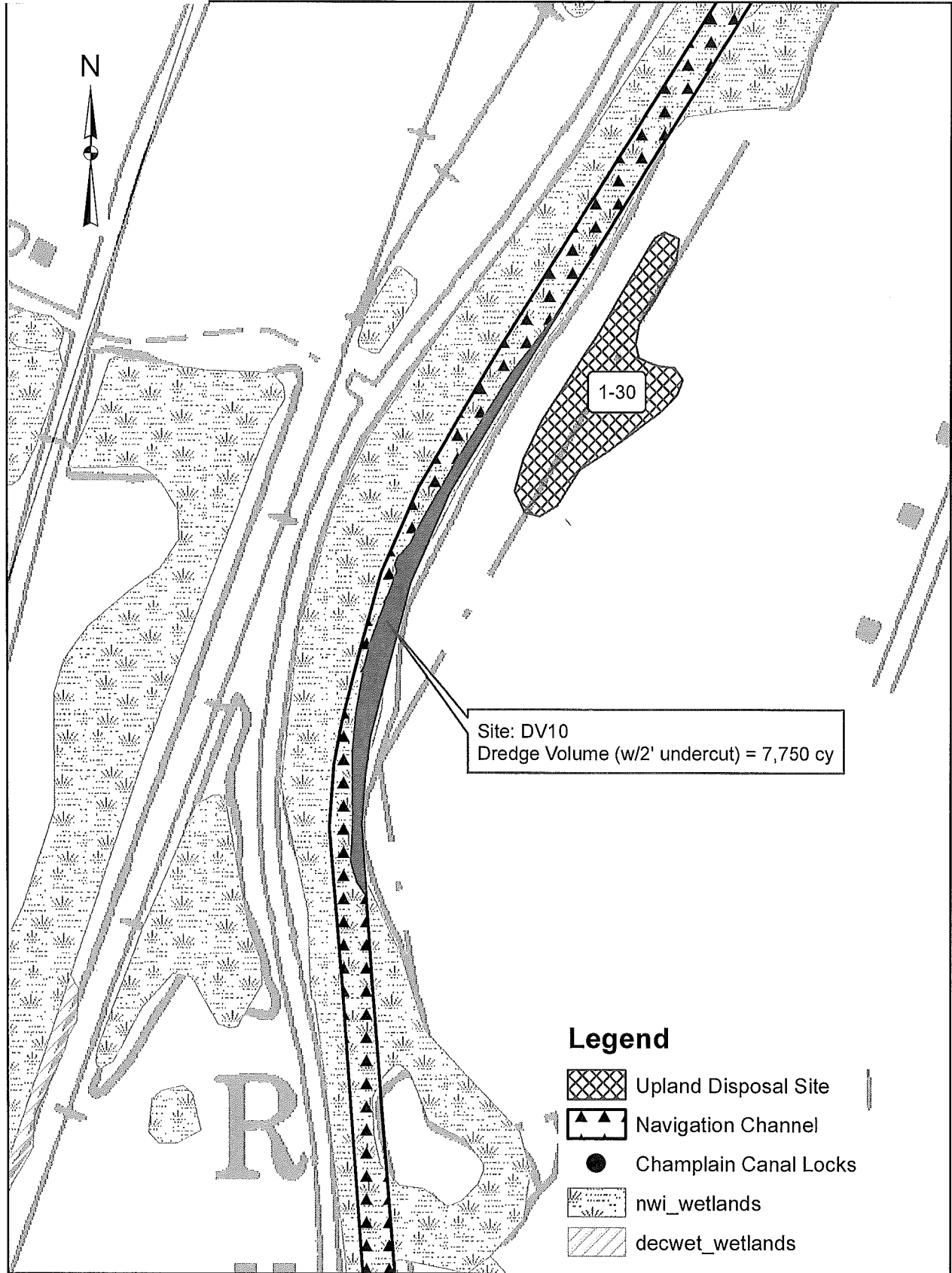
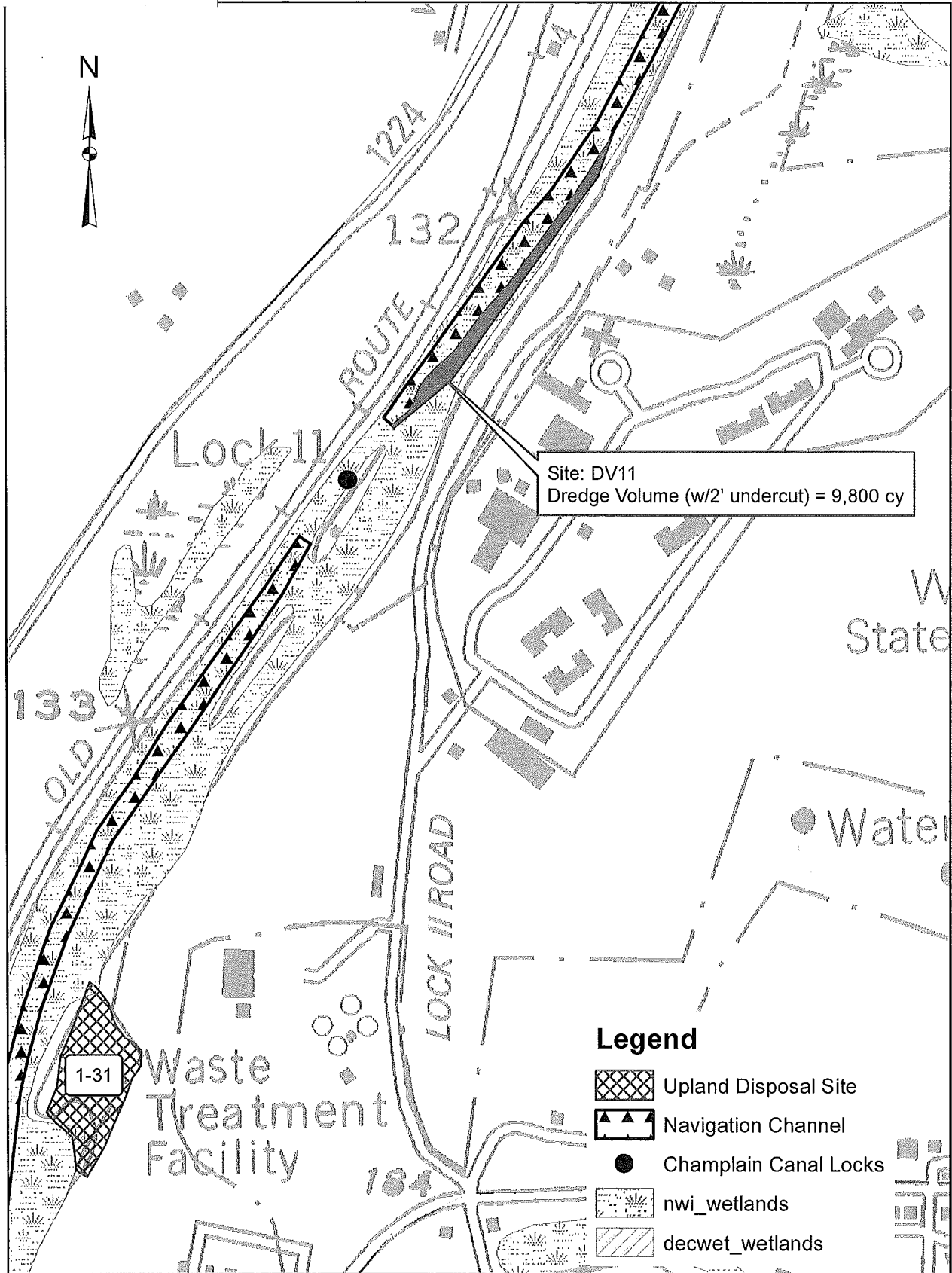


Figure 10
Dredge Volumes &
Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites

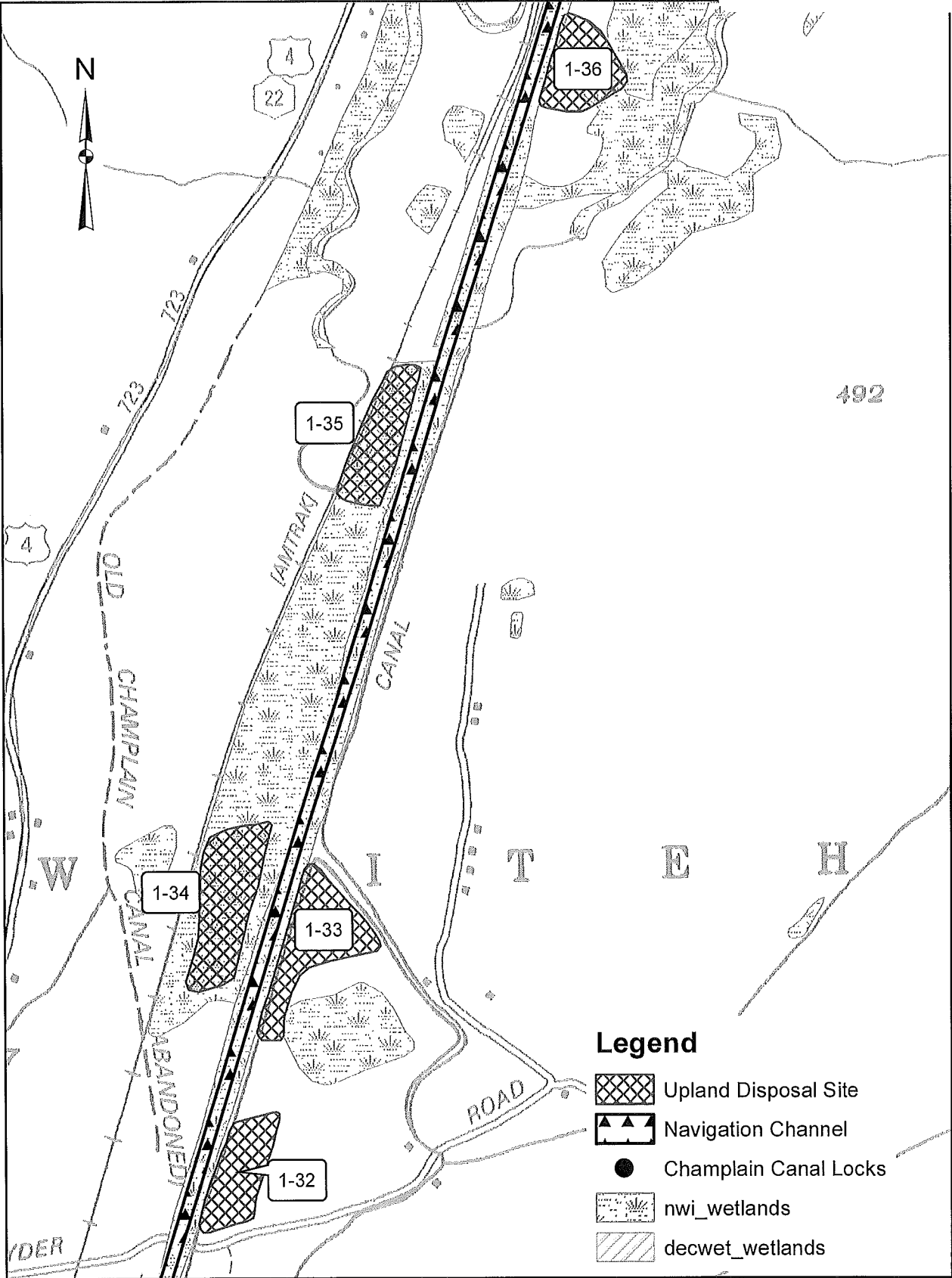


Site: DV11
 Dredge Volume (w/2' undercut) = 9,800 cy



Figure 11
 Dredge Volumes &
 Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites



0 0.05 0.1 0.2 0.3 0.4 Miles

Figure 12
Dredge Volumes &
Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites

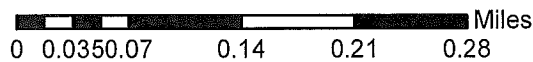
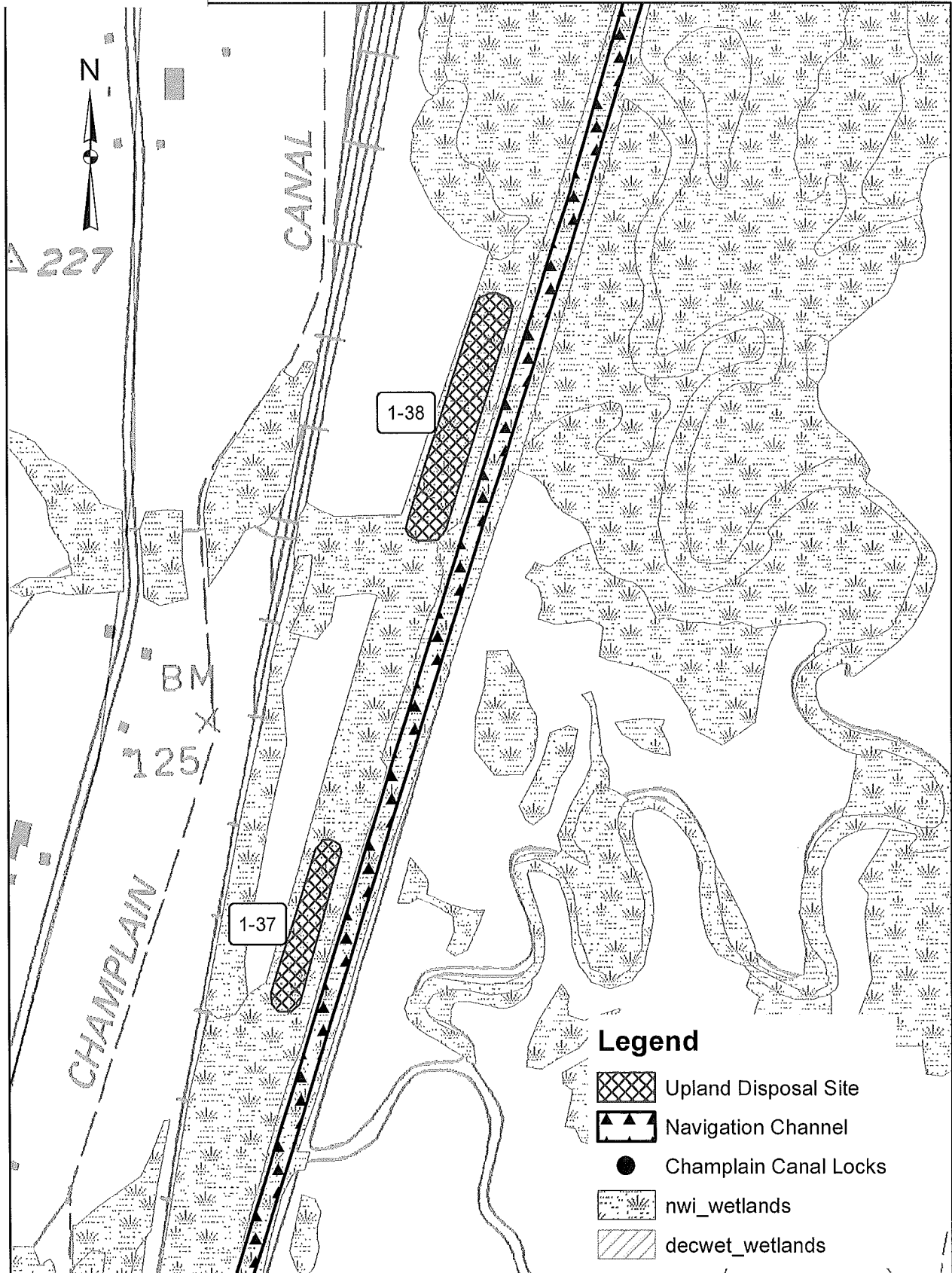


Figure 13
Dredge Volumes &
Upland Disposal Sites

Dredge Volumes & Upland Disposal Sites

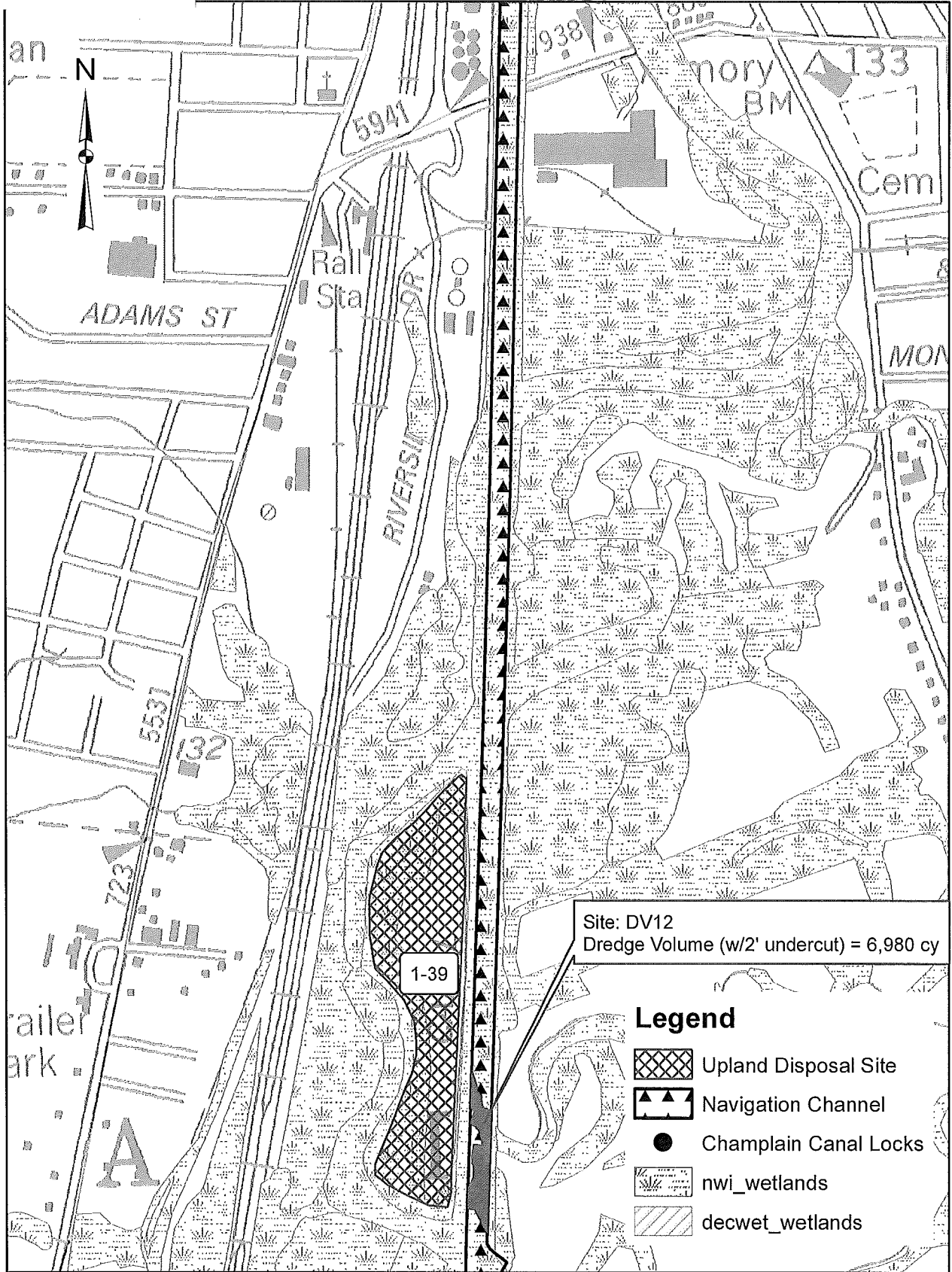


Figure 14
 Dredge Volumes &
 Upland Disposal Sites



Dredge Volumes & Upland Disposal Sites

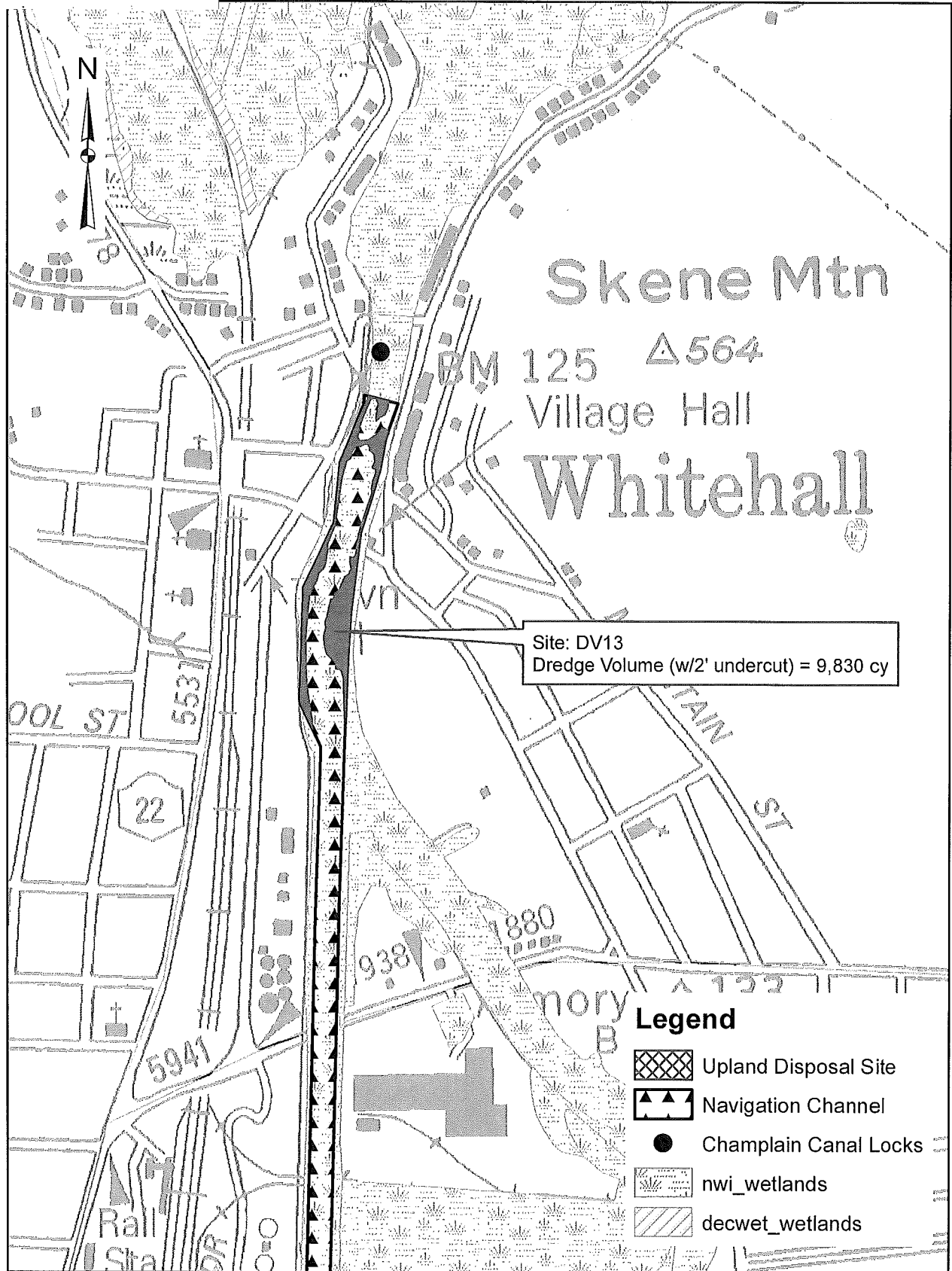


Figure 15
 Dredge Volumes &
 Upland Disposal Sites

