

# 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-2011-01327  
Issue Date: March 30, 2012  
Expiration Date: April 30, 2012

**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 City Department of Environmental Protection  
Bureau of Engineering Design and Construction  
96-05 Horace Harding Expressway, 5<sup>th</sup> Floor  
Corona, New York 11368

**ACTIVITY:** Construction of a 2.3-mile-long bored tunnel, 600 feet beneath the Hudson River. The new tunnel segment would bypass a leaking section of the existing Delaware Aqueduct Rondout-West Branch Tunnel.

**WATERWAY:** Hudson River

**LOCATION:** Town of Newburgh, Orange County, New York and Town of Wappinger, Dutchess 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.

CENAN-OP-RW  
PUBLIC NOTICE NO. NAN-2011-01327

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.

In a letter dated March 3, 2011, the U.S. Fish and Wildlife Service indicated that the project may affect, but is not likely to adversely affect the Federally-listed endangered Indiana bat (*Myotis sodalis*), and that the project would have no effect upon other Federally-listed species or their critical habitat.

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.

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 Review Unit, New York State Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Suite 1010, 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.

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) 790-8413 and ask for Brian A. Orzel.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>

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

  
Richard L. Tomer  
FM Chief, Regulatory Branch  
29 MAR 2012

Enclosures

**WORK DESCRIPTION**

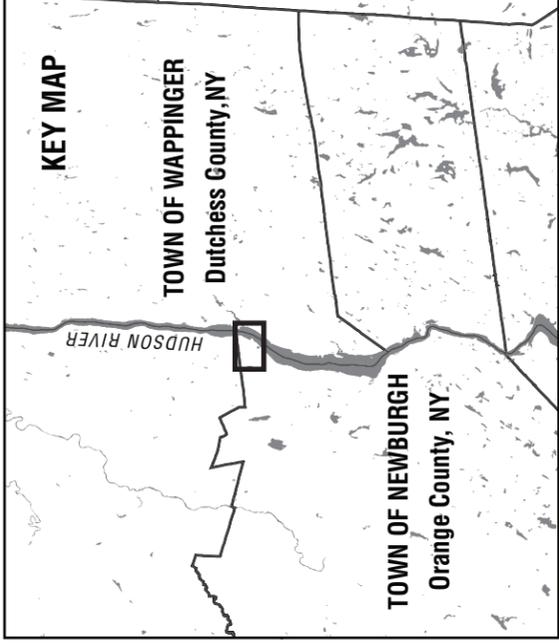
The applicant, the New York City Department of Environmental Protection, has requested Department of the Army authorization for the construction of a 2.3-mile-long bypass tunnel, beneath the Hudson River, between the Town of Newburgh, Orange County, New York and the Town of Wappinger, Dutchess County, New York. The new tunnel segment would bypass a leaking section of the existing Delaware Aqueduct Rondout-West Branch Tunnel, so it can be repaired.

The new tunnel segment would be constructed under the river approximately 1,700 feet north of the existing aqueduct tunnel, using a tunnel boring machine. The new tunnel segment would be approximately 600 feet below the Mean High Water (MHW) mark of the Hudson River, and approximately 14 feet in diameter.

Two vertical shafts would be excavated, one at the West Connection Site in the Town of Newburgh and the other at the East Connection Site in the Town of Wappinger. No waters of the United States, including wetlands would be impacted in association with construction and staging activities on the East Connection Site. One wetland, (Wetland B on Sheet 2 of 5) approximately 0.09 acres in size, has been found to be isolated and not jurisdictional under Section 404 of the Clean Water Act. It would be impacted by construction and staging activities on the West Connection Site.

In addition, in order to provide a way to dewater the aqueduct tunnel for construction and repair work, a 20-inch dewatering forcemain would be built, extending from the West Connection Site, a distance of approximately 13,000 feet, to a new outfall structure to be located on the west side of the Hudson River. The forcemain would cross under six (6) separate water courses or wetlands, by the jacking and boring method, resulting in no impacts to those waters and wetlands. The new outfall structure would include a rip rap apron, impacting approximately 0.04 acres of jurisdictional waters, to prevent erosion of the river bank.

The stated purpose of this project is to bypass a portion of the existing Delaware Aqueduct Rondout-West Branch Tunnel, which is leaking.

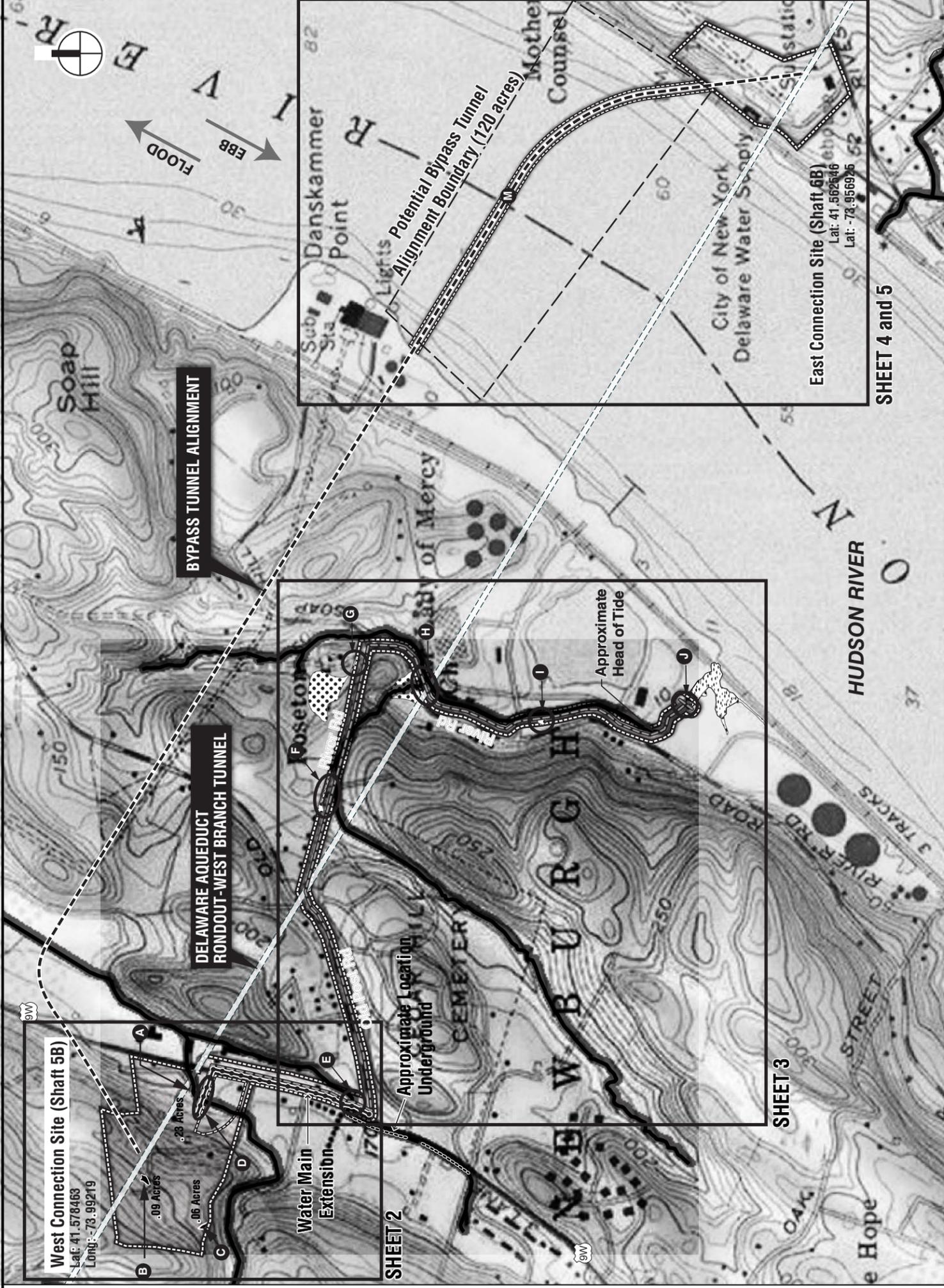


**Legend**

- Project Boundary (59 acres)
- Bypass Tunnel Alignment
- Dewatering Pipeline/Force Main
- Water Main Extension
- Potential Impact Areas
- Delineated Wetland (.38 acres)
- NWI Wetlands

**Additional Map and Water Features**

- Delaware Aqueduct
- Streams (Class C)
- Other Streams:
- Approximate Location Underground
- Approximate Wetland Area Based on Field Reconnaissance and Aerial Photographs



NEW YORK CITY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Vicinity Map

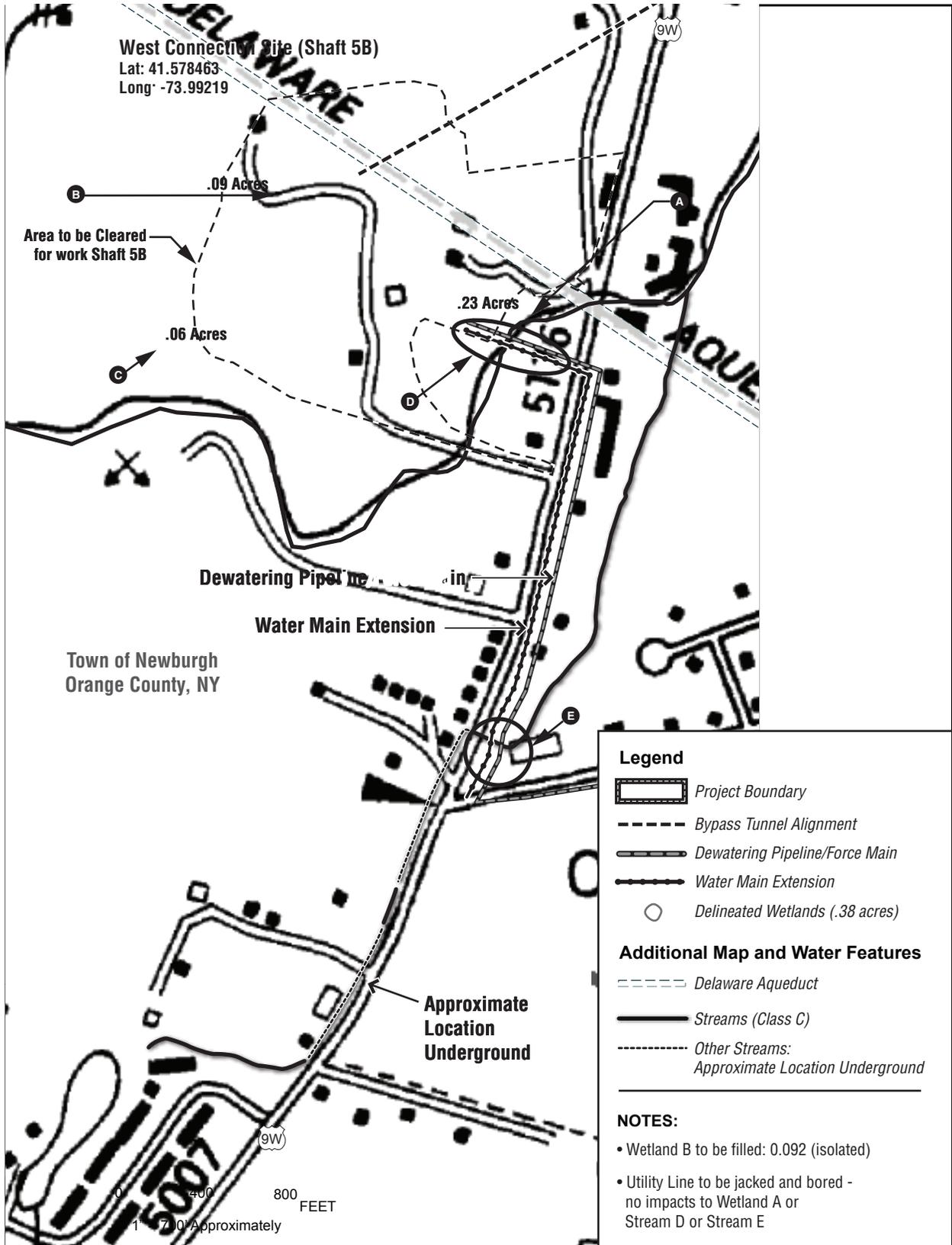
MARCH 12, 2012

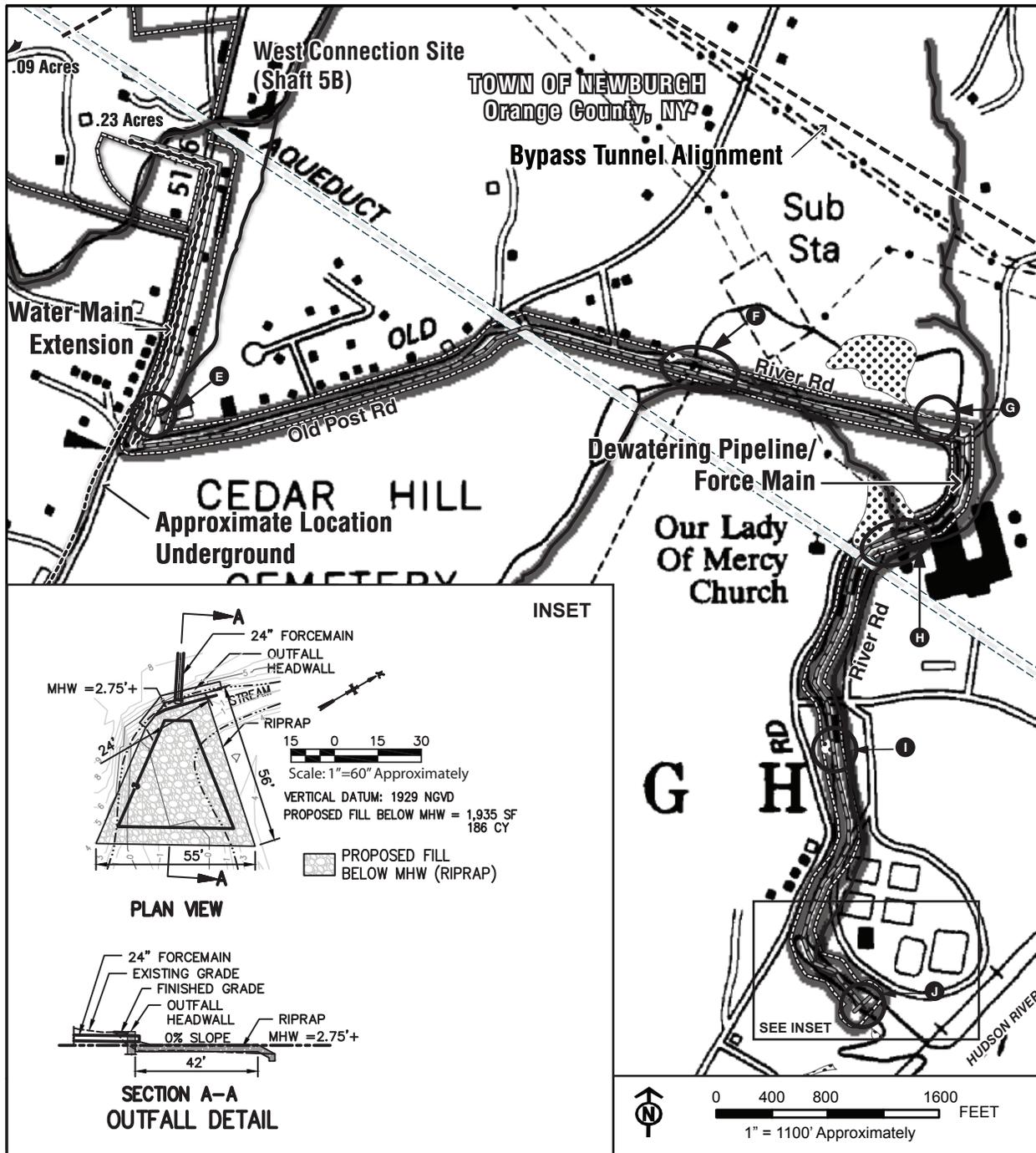
Bureau of Engineering Design and Construction

Water for the Future, Delaware Aqueduct Rondout-West Branch Tunnel Repair,  
Hudson River Mile 65, Orange and Dutchess Counties, New York

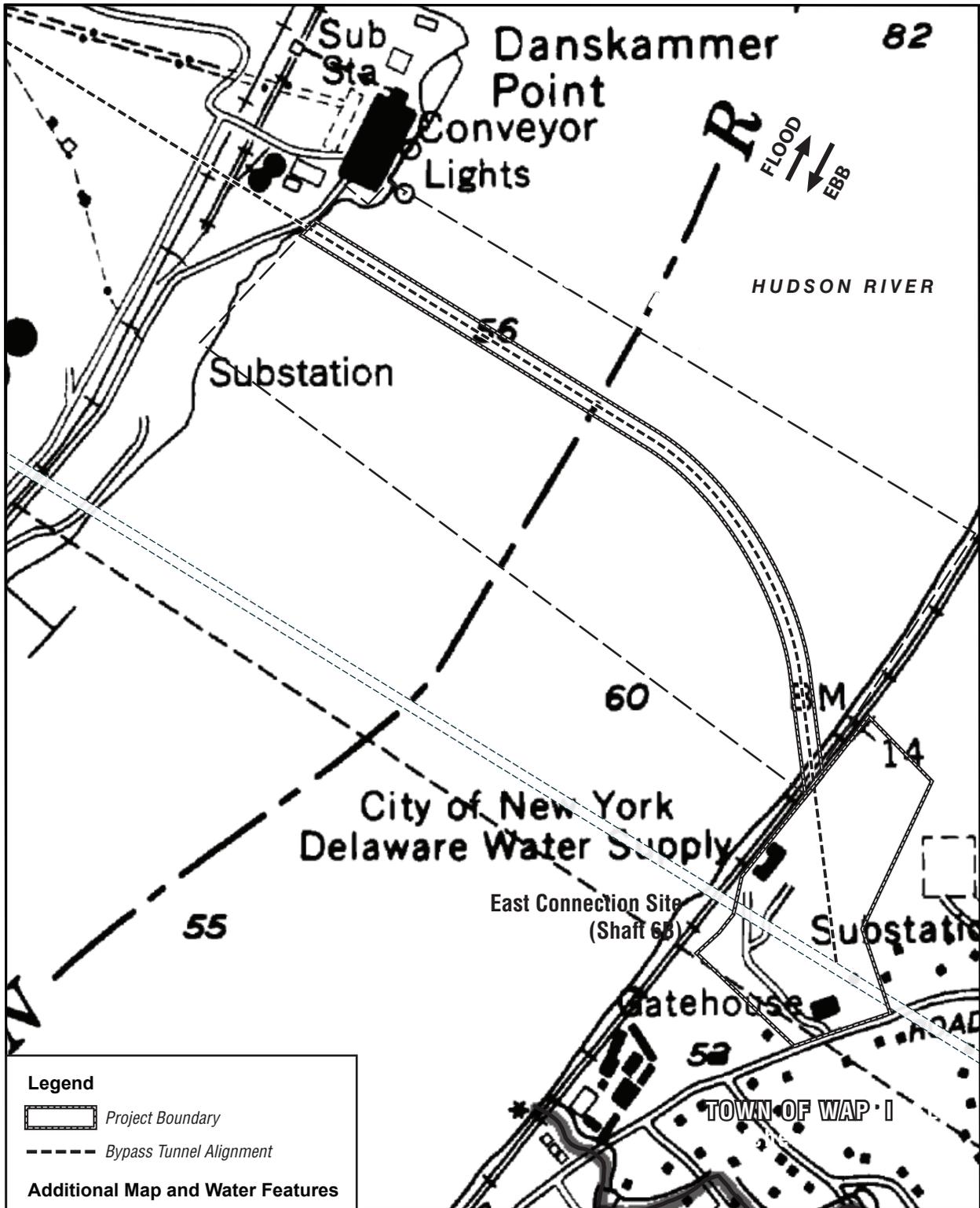
SHEET  
1 OF 5







<p> Project Boundary</p> <p> Bypass Tunnel Alignment</p> <p> Dewatering Pipeline /Force Main</p> <p> Water Main Extension</p> <p> Approximate Wetland Area Based on Field Reconnaissance and Aerial Photographs</p>	<p><b>Additional Map and Water Features</b></p> <p> Delaware Aqueduct</p> <p> Streams (Class C)</p>	<p><b>NOTES:</b></p> <ul style="list-style-type: none"> <li>• Utility Line to be jacked and bored - no impacts to Wetlands F, G, H, or I</li> </ul>	
<p><b>HMM</b>  <b>PIRNIE</b>  <b>MAKIE</b></p>	<p>NEW YORK CITY  <b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>    Bureau of Engineering Design and Construction</p>	<p>Water for the Future, Delaware Aqueduct Rondout-West Branch Tunnel Repair, Water Main Extension and Force Main Roseton Area of Town Newburgh</p>	<p>MARCH 12, 2012    SHEET    3 OF 5</p>

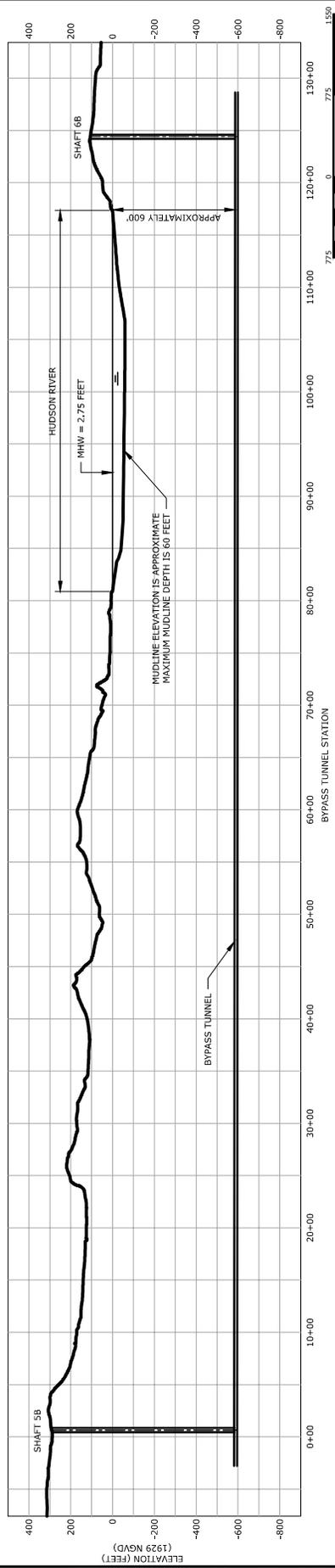
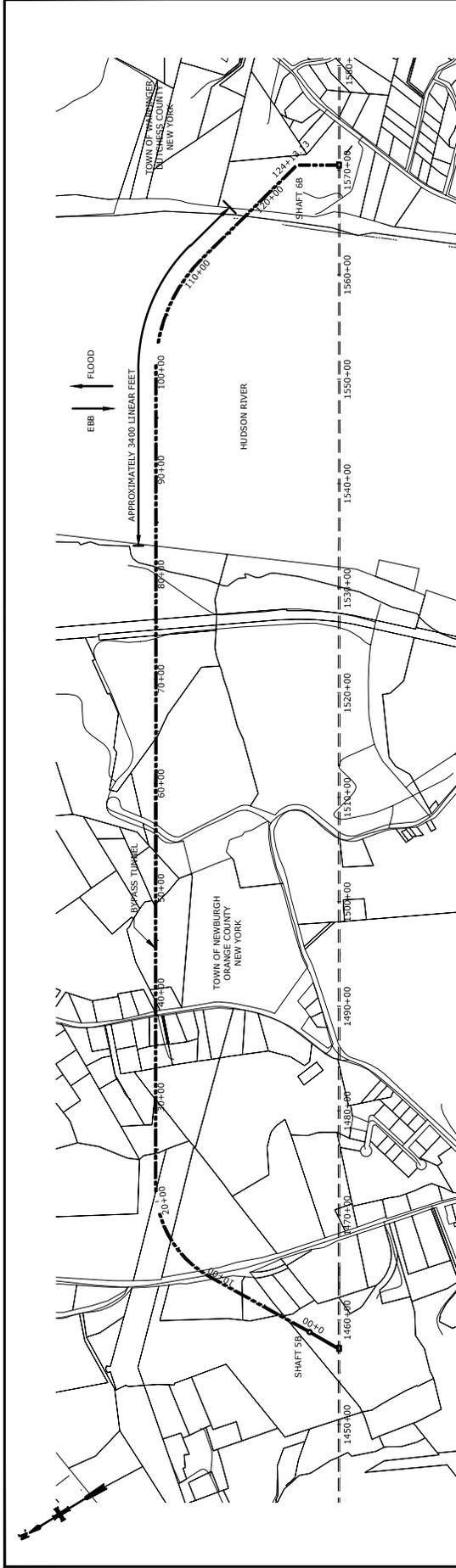


**Legend**

- Project Boundary
- Bypass Tunnel Alignment

**Additional Map and Water Features**

- Delaware Aqueduct
- Streams (Class C)



NEW YORK CITY  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**BUREAU OF ENGINEERING  
 DESIGN AND CONSTRUCTION**

WATER FOR THE FUTURE DELAWARE AQUEDUCT  
 RONDOUT - WEST BRANCH TUNNEL REPAIR  
 BYPASS TUNNEL PLAN AND PROFILE  
 HUDSON RIVER MILE 65

March 12, 2012

SHEET 5 OF 5