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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-2011-00099 Issue Date: May 15, 2012 Expiration Date: June 4, 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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Erie Boulevard Hydropower, L. P. 399 Big Bay Road Queensbury, New York 12804

ACTIVITY: Discharge of fill material, including excavation, to construct a temporary work pad and cofferdam; and install riprap to facilitate the construction of a draft tube extension and outlet structure

WATERWAY: Sacandaga River

LOCATION: Town of Hadley, Saratoga 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 KEVIN BRUCE AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO <u>kevin.j.bruce@usace.army.mil</u>, 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.

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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.

The Federal Energy Regulatory Commission (FERC) is the designated lead Federal agency for environmental documentation under the National Environmental Policy Act of 1969 (NEPA) and has completed a Final Environmental Assessment (EA) for the overall project, which, along with the aforementioned activity, includes the construction of a new powerhouse and base-flow turbine-generator to be constructed immediately downstream of the existing powerhouse, in uplands. The EA concluded that the approval of a license amendment would not constitute a major federal action significantly affecting the quality of the human environment. As lead agency, FERC is coordinating with involved State and Federal agencies, as well as Native American Tribes to ensure the project complies with State and Federal regulations.

FERC has concluded that the activity for which authorization is sought herein will not affect Federally threatened or endangered species or their critical habitat. This office concurs with this determination. In addition, the EA states that the applicant has coordinated with the U.S. Fish and Wildlife Service (FWS) in the development of a Bald Eagle Protection Plan that follows FWS construction guidelines for the proposed activity.

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. The applicant received a letter dated March 23, 2011, from the New York State Office of Parks, Recreation, and Historic Preservation, stating that the proposed work would have No Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places.

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.

The applicant has obtained or requested the following governmental authorization for the activity under consideration:

- Federal Energy Regulatory Commission (FERC) license amendment; FERC No. 2047
- NYSDEC Water Quality Certification issued on December 15, 2011

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

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 Kevin Bruce of this office at (518) 266-6358.

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

Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

The applicant, Erie Boulevard Hydropower, L.P., has requested Department of the Army authorization for the discharge of fill material associated with the installation of a new draft tube extension discharge tunnel and outlet structure in the Sacandaga River. The construction of these components would facilitate the operation of a proposed base-flow powerhouse and penstock that would be constructed in uplands. The site is located at the Stewarts Bridge Hydroelectric Facility, in the Town of Hadley, Saratoga County, New York.

The work would involve the construction of a temporary equipment access road to access the work area, extending from the existing power house parking area to the eastern bank of the Sacandaga River, above the ordinary high water mark (OHWM). A work pad would be constructed above the OHWM by excavating approximately 500 cubic yards of gravel to lower the elevation of the existing parking area. Standard earth moving equipment would operate from the work pad to begin excavation below the OHWM. A sheet-pile cofferdam would be constructed in the tailrace area using a dive crew, as needed, to assist in the installation and removal of the cofferdam components. A 55-foot section of sheet-pile cofferdam would be anchored to the existing concrete tailrace training wall on one end and to a 23-foot diameter, single-circular coffer cell on the other end. Sheet-piles would rest on the river-bottom and be sealed using neoprene or other appropriate sealants. A 45-foot double sheet-pile cofferdam section constructed between the circular coffer cell and driven into the existing embankment would contain the remaining work area perimeter. Approximately 700 cubic vards of material excavated from the tailrace embankment area, approximately half removed from below the OHWM, would be used to fill the cofferdam. After the construction of the cofferdam is complete, the work area would be dewatered by pumping into settling basins in uplands prior to being discharged back into the river.

Once dewatered, approximately 500 cubic yards of riverbed materials, including boulders and cobbles, would be excavated from a 1,900 square foot area of the riverbed. Excavated materials would be held in the excavator bucket to allow the water to drain behind the cofferdam and subsequently placed into gated dump trucks for transport to the staging area on adjacent uplands.

The discharge tunnel and outlet structure would consist of a 16-foot wide by 9-foot high by 45-foot long pre-cast concrete structure on a cast-in-place concrete foundation. The 500 cubic yards of boulders and cobbles, excavated previously from the construction area, would be discharged below the OHWM as backfill to encase and cover the discharge tunnel and outlet structure. In addition, the 700 cubic yards of material previously removed from the river embankment and used to fill the cofferdam, would be used to restore the shoreline protection materials removed at the onset of the work.

Upon the completion of the work, the cofferdam and all other temporary fills and materials would be removed from the river and all remaining excavated materials would be disposed in an upland location.

The applicant stated that they have avoided and minimized proposed impacts to the maximum extent practicable by isolating/dewatering the work area, using appropriate sediment and erosion controls, minimizing the removal of riverbed material and areas of disturbance, maintaining adequate flows downstream of the worksite, and monitoring for turbidity during construction.

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The stated purpose of this project is to facilitate the operation of a new base flow turbine-generator. The new facility would allow the applicant to meet the requirements of their license issued by the Federal Energy Regulatory Commission by maintaining an instantaneous base flow below the Stewarts Bridge Dam.

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