



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: 2004-00050-YN
Issue Date: 1 October 2004
Expiration Date: 1 November 2004

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 USC 403).

APPLICANT: Port Terminal Limited
140 Port Road South
Albany, NY 12202

ACTIVITY: Dredge with ten years maintenance and upland disposal

WATERWAY: Hudson River

LOCATION: Town of Bethlehem, 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 benefits 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, historical properties, fish and wildlife values, 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, consideration 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.

CENAN-OP-RW
PUBLIC NOTICE NO. 2004-00050-YN

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 the Federally endangered short-nose sturgeon (Acipenser brevirostrum) 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 of 1996 (Public Law 104-267), requires that all Federal activities to consult with the National Marine Fisheries (NMFS) on all, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A complete description of the proposed project is given in the attached Work Description. The District Engineer has made a preliminary determination that the site-specific activity will not have a substantial adverse effect upon EFH. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

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 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, 41 State Street, 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.

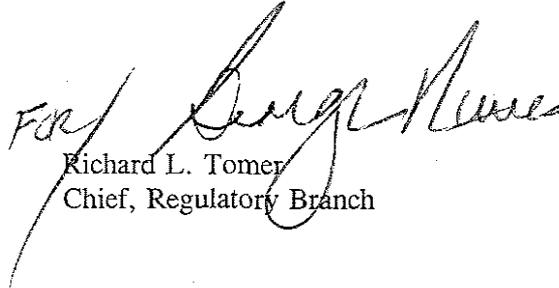
In addition to the coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

New York State Department of Environmental Conservation - Article 15 Permit

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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 (212) 264-0184 and ask for Mark Roth.

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


Richard L. Tomer
Chief, Regulatory Branch

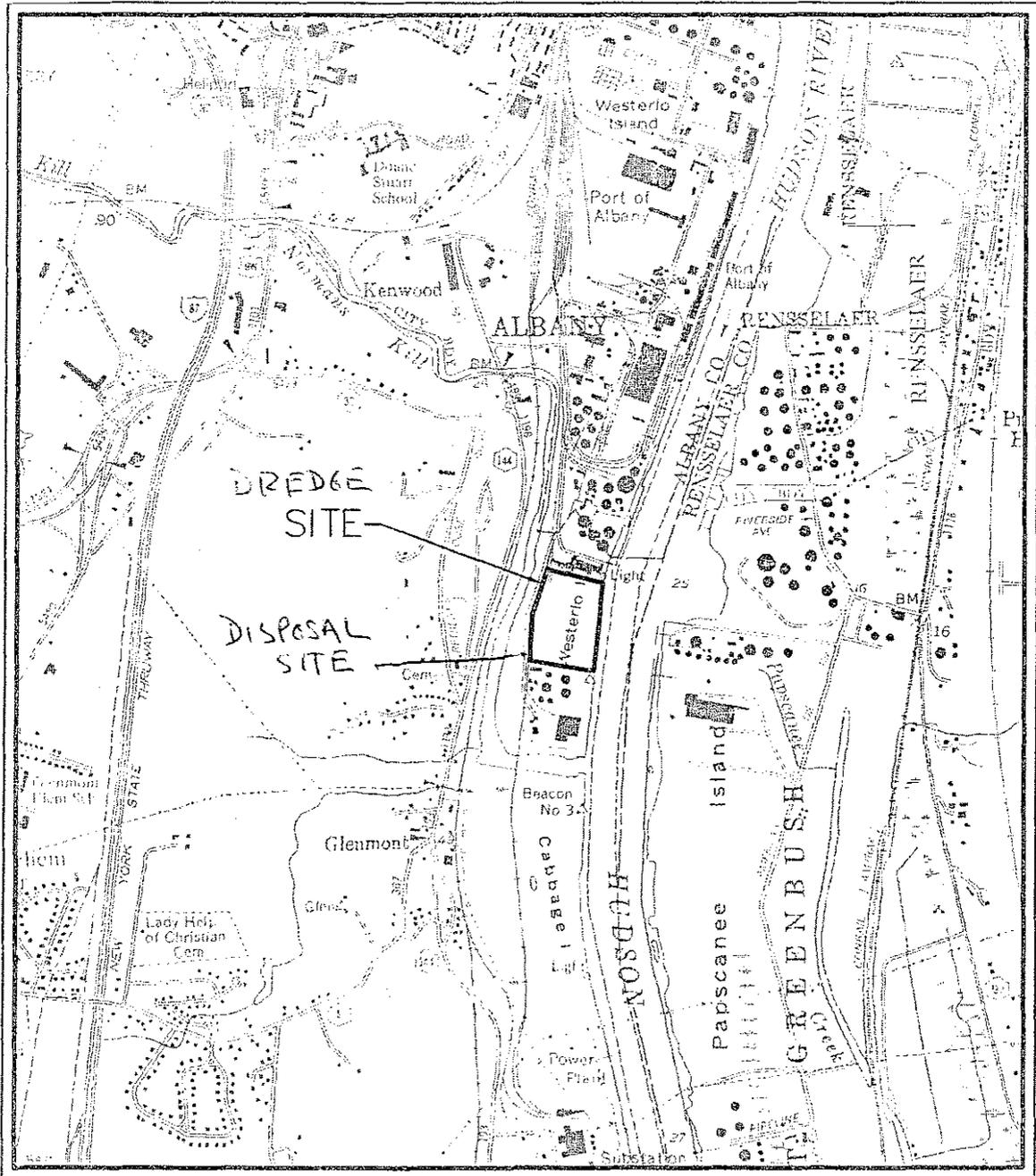
Enclosures

WORK DESCRIPTION

The applicant, Port Terminal Limited, has requested Department of the Army authorization to mechanically dredge with ten years maintenance and upland disposal without return flow to the waterway along the Hudson River in the City of Albany, Albany County, New York.

The work would involve the mechanical dredging of an area approximately 140,000 square feet in size (approximately 1,000 feet long ranging from 40 to 140 feet wide) to a maximum depth of 32 feet below the plane of the Mean Low Water and a maximum allowable overdepth of one foot. Approximately 6,130 cubic yards of material would be removed from the area. All dredged material would be disposed at a state approved, on-site disposal area without barge overflow or return flow to the waterway.

The stated purpose of the dredging is to provide sufficient depth for a wider range of commercial vessels to be loaded and off-loaded at existing docking facilities at the Port of Albany.



SITE LOCATION MAP

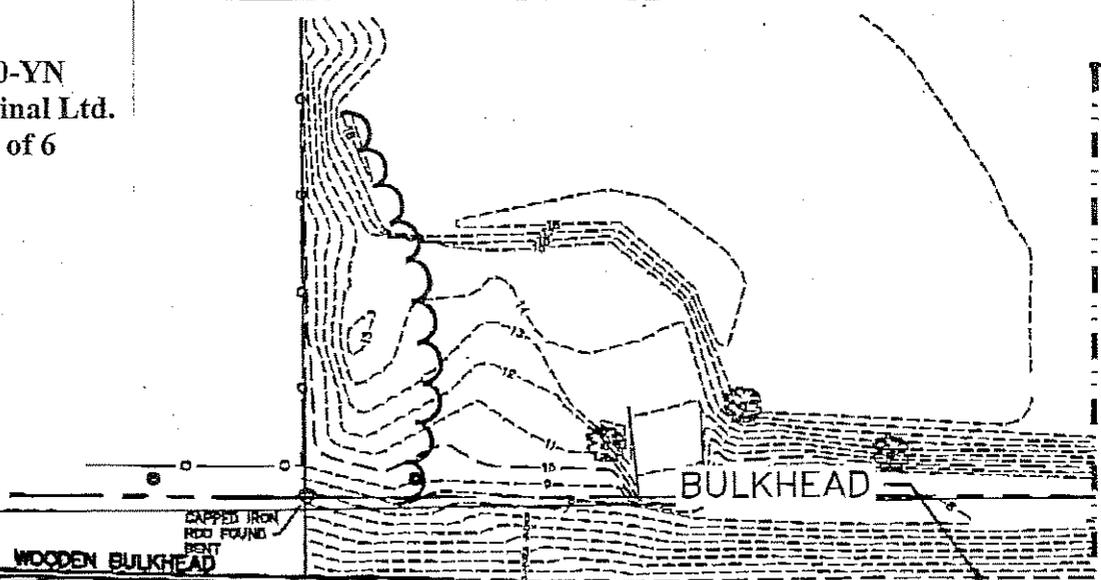
Port Terminal Ltd., Albany, NY

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Sheet 1 of 6

SCALE: 1"=2000'

2004-00050-YN
 Port Terminal Ltd.
 Drawing 2 of 6



SUBMERGED AT HIGH TIDE				CHANNEL LINE 150'±				BARGE "LONG ISLAND"				TUG			
11.0	12.9	6.3	6.6	6.9	6.5	6.0	7.1	27.6	29.2	28.8	29.4	31.6	31.7	30.1	30.1
13.1	14.5	7.8	7.7	7.5	8.3	8.3	10.0	29.7	30.9	30.9	31.0	31.6	31.7	28.5	28.5
13.9	15.6	11.6	11.2	11.9	11.6	11.6	13.7	30.2	31.4	31.4	31.0	31.6	31.7	29.2	29.2
15.7	18.9	14.6	13.4	15.3	15.1	15.1	16.4	30.9	31.9	31.9	31.4	31.6	31.7	29.7	29.7
18.0	20.7	19.0	19.2	19.2	18.2	18.2	19.2	31.1	31.9	31.9	31.4	31.6	31.7	30.1	30.1
23.6	22.7	20.9	20.9	21.1	21.1	21.1	23.0	31.9	31.9	31.9	31.4	31.6	31.7	30.6	30.6
25.9	27.2	27.2	27.1	27.1	27.1	27.1	25.8	32.6	32.6	32.6	31.4	31.6	31.7	31.1	31.1
28.1	27.9	29.5	29.4	29.4	29.4	29.4	28.1	33.0	33.0	33.0	31.4	31.6	31.7	31.1	31.1
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28.1	31.7	32.0	32.0	32.0	32.0	32.0	28.1	34.2	34.2	34.2	31.4	31.6	31.7	31.1	31.1
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28.1	35.8	35.8	35.8	35.8	35.8	35.8	28.1	36.2	36.2	36.2	31.4	31.6	31.7	31.1	31.1
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LEGEND



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 PORT OF ALBANY

TOWN OF BETHLEHEM
 COUNTY OF ALBANY STATE OF NEW YORK

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 CADD FILE: PORT_1578.dwg

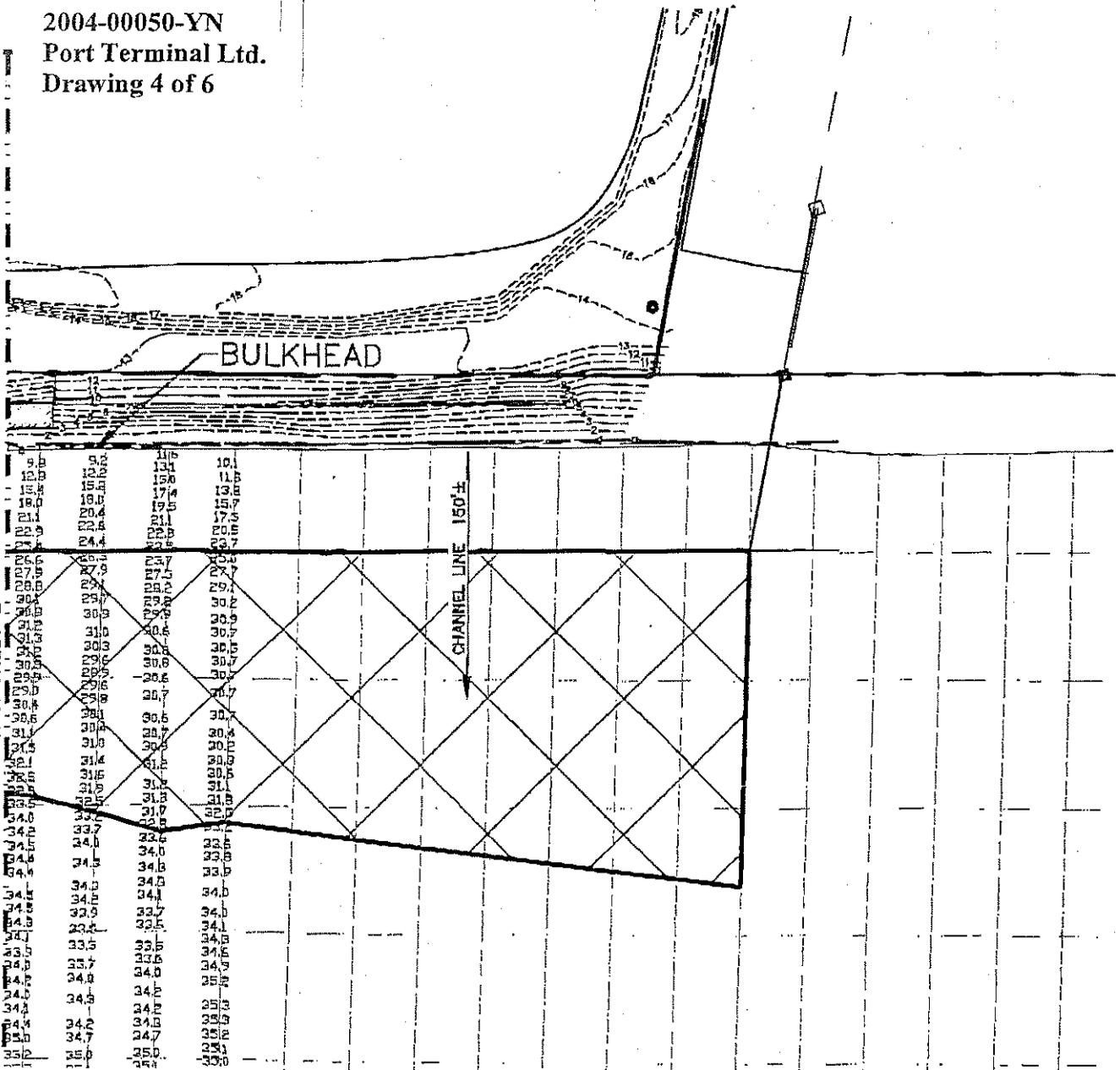
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SCALE: 1" = 50'

DATE: SEPTEMBER 25, 2003

Sheet 2 of 6

2004-00050-YN
 Port Terminal Ltd.
 Drawing 4 of 6



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TOWN OF BETHLEHEM
 COUNTY OF ALBANY STATE OF NEW YORK

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 CAD FILE:

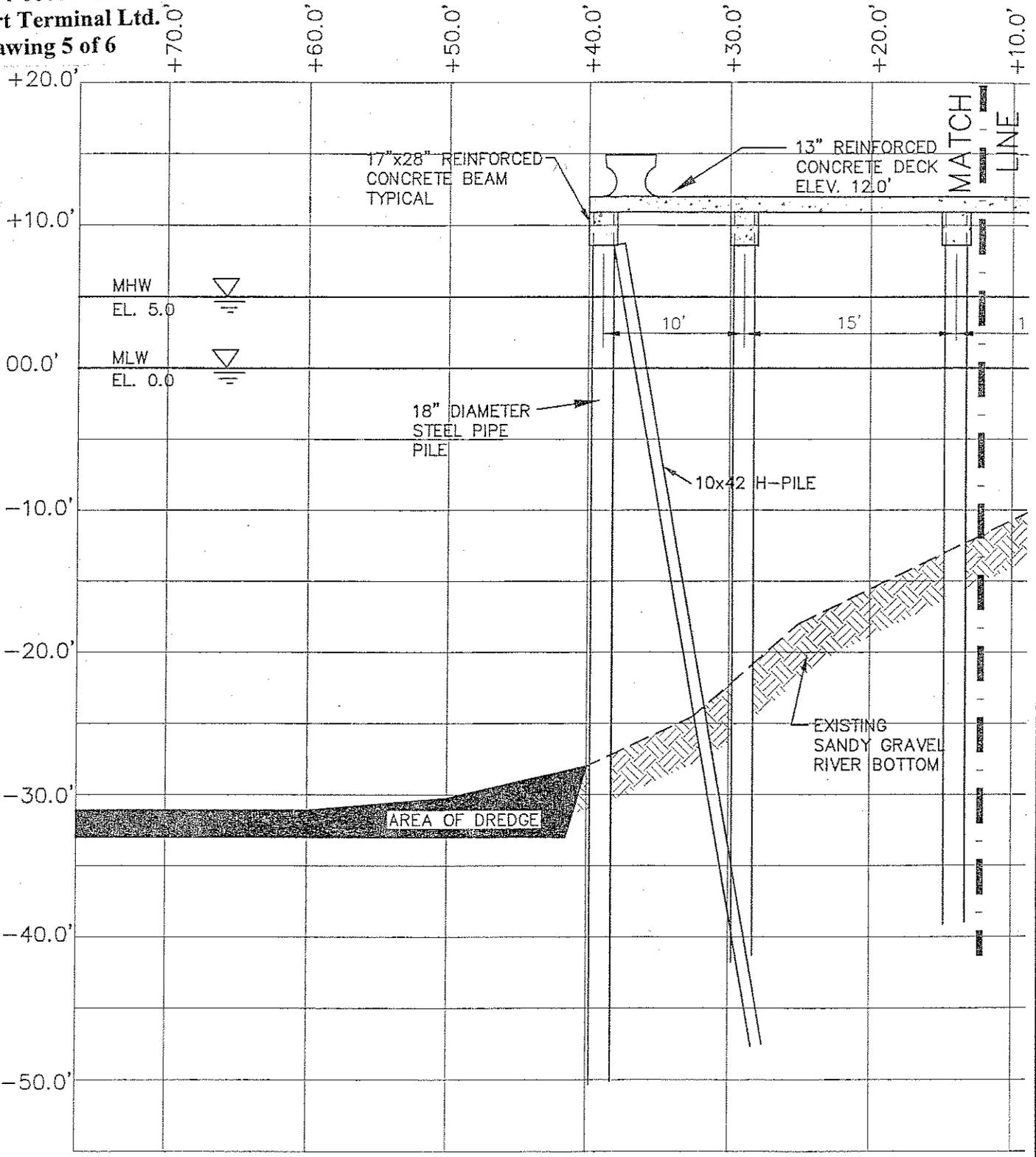
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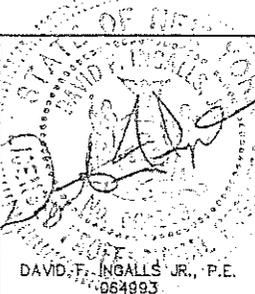
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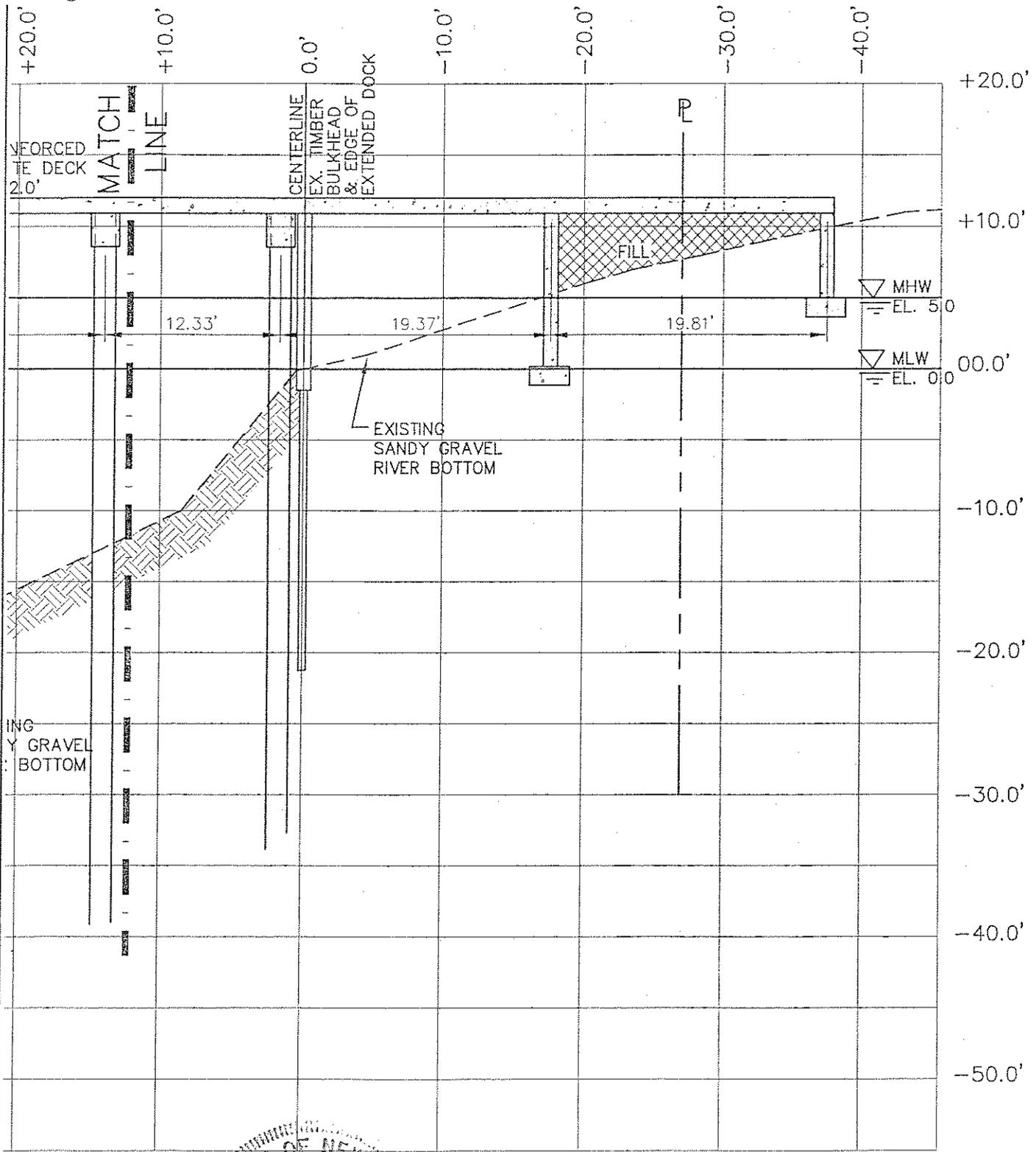
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SECTION A-A - HIGH LEVEL DOCK
 HUDSON RIVER - PORT TERMINAL LIMITED
 PORT OF ALBANY
 TOWN OF BETHLEHEM
 COUNTY OF ALBANY STATE OF NEW YORK

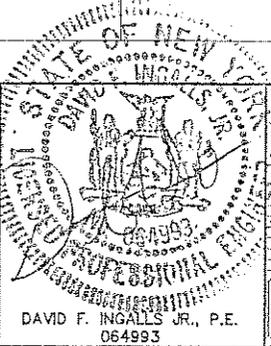
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SECTION A-A - HIGH LEVEL DOCK
 HUDSON RIVER - PORT TERMINAL LIMITED
 PORT OF ALBANY
 TOWN OF BETHLEHEM
 COUNTY OF ALBANY STATE OF NEW YORK

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Sheet 6 of 6