

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: 2004-00910-YN
Issue Date: February 28, 2005
Expiration Date: March 28, 2005

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: Greene County Industrial Development Agency
285 Main Street
P.O. Box 645
Catskill, NY 12414

ACTIVITY: Discharge fill material into waters of the United States to facilitate the construction of a shovel-ready business park to be known as the "Kalkberg Commerce Park".

WATERWAY: Unnamed tributaries to Cocksackie Creek and adjacent wetlands (Hudson River Basin)

LOCATION: Towns of New Baltimore and Cocksackie, Greene 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. 2004-00910-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 site may support habitat that could be utilized by the Federally listed as endangered Indiana bat (*Myotis sodalis*). 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 this listed species in the project area and its critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites included in the Register within the permit area. There are, however, archaeological resources that are eligible for inclusion in the Register within the project area which may be impacted by the proposed activities. The New York District, U.S. Army Corps of Engineers is currently coordinating with the New York State Office of Parks, Recreation and Historic Preservation (SHPO) to ensure that the requirements of Section 106 of the National Historic Preservation Act of 1966 are satisfied.

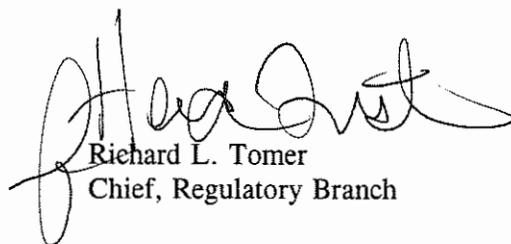
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or 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:

New York State Department of Environmental Conservation - Article 24, SPDES and Sewer permits
New York State Department of Transportation - Highway Work permit
New York State Department of Health - Municipal Water approval
Town of New Baltimore - Subdivision, Site Plan, Special Use, Municipal Sewer and Water approvals
Town of Coxsackie - Subdivision and Site Plan approvals
Village of Coxsackie - Municipal Sewer and Water approvals

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 (518) 273-7420 and ask for Christine Delorier.

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, Greene County Industrial Development Agency, has requested Department of the Army authorization to discharge fill material into waters of the United States to facilitate the construction of a shovel-ready business park to be known as the "Kalkberg Commerce Park". The 147 acre site is located along the east side of Route 9W in the Towns of New Baltimore and Cossackie, Greene County, New York.

The work would involve the discharge of fill material into 6.58 acres of wetlands and 701 linear feet of an unnamed intermittent tributary to the Cossackie Creek to develop a 73.5 acre portion of the property so that it is ready to be marketed for economic development. The wetlands to be permanently impacted include 0.17 acre of forested wetlands and 6.11 acres of emergent/meadow wetlands. Proposed development includes site grading to have building lots ready for construction, constructing a new 1,600 linear foot cul-de-sac public roadway through the site, providing improvements at the intersections of the new road and Route 9W and Houghtaling Road, installing water, sewer, and electric connections, and constructing stormwater management basins. The site work is designed to provide 750,000 square feet of office, commercial, light industrial, manufacturing, technology based industry and warehouse/distribution space. Building sizes would range between 20,000 and 50,000 square feet near Route 9W, and two lots would be designated for larger facilities of 200,000 to 250,000 square feet. In addition to the permanent impacts described above, the applicant proposes to temporarily disturb 10 linear feet of a perennial tributary to the Cossackie Creek to facilitate modifications to the headwall and wingwalls of an existing culvert located where a new turning lane from Route 9W to the business park is proposed.

Several activities are proposed as mitigation for the impacts to waters of the United States. On-site, the applicant proposes to establish 4.15 acres of wet clay meadow wetlands that would be located within two stormwater quantity attenuation basins. Trees and shrubs would be established along the perimeter of each mitigation area. The applicant states that future maintenance within these basins would not be required. Within Wetland Mitigation Area #2, 1.22 acres of existing wetlands would be enhanced by removing surface impacts from prior agricultural activities and by increasing their duration of saturation. Also on-site, the applicant proposes to enhance 1,300 linear feet of a perennial tributary to the Cossackie Creek by placing rock check dams and low gradient weirs at several locations in the stream to raise the water surface elevation and encourage aggradation of the channel profile. The stream is currently down-cutting. The increase in surface water elevation is also intended to improve the hydrology of 8.0 acres of existing wetlands located adjacent to the stream. The applicant proposes to further enhance these wetlands by establishing micro-topography. Shallow excavations would occur to establish emergent wetlands, and the spoil would be placed to create low mounds that would be planted with tall reeds and sedges. Planting of seedlings, plugs and woody shrubs would also be a primary component of the enhancement plans. Finally, the applicant proposes to preserve the remaining 73.5 acres of the site, including the mitigation areas described above, in perpetuity. The preservation area also includes approximately 8,021 linear feet of existing streams, including a portion of the Cossackie Creek, and 15 additional acres of existing wetlands. Within the preservation area, the applicant proposes to establish a 4,000 foot long by 50 foot wide wooded buffer immediately to the east and south of the proposed business park.

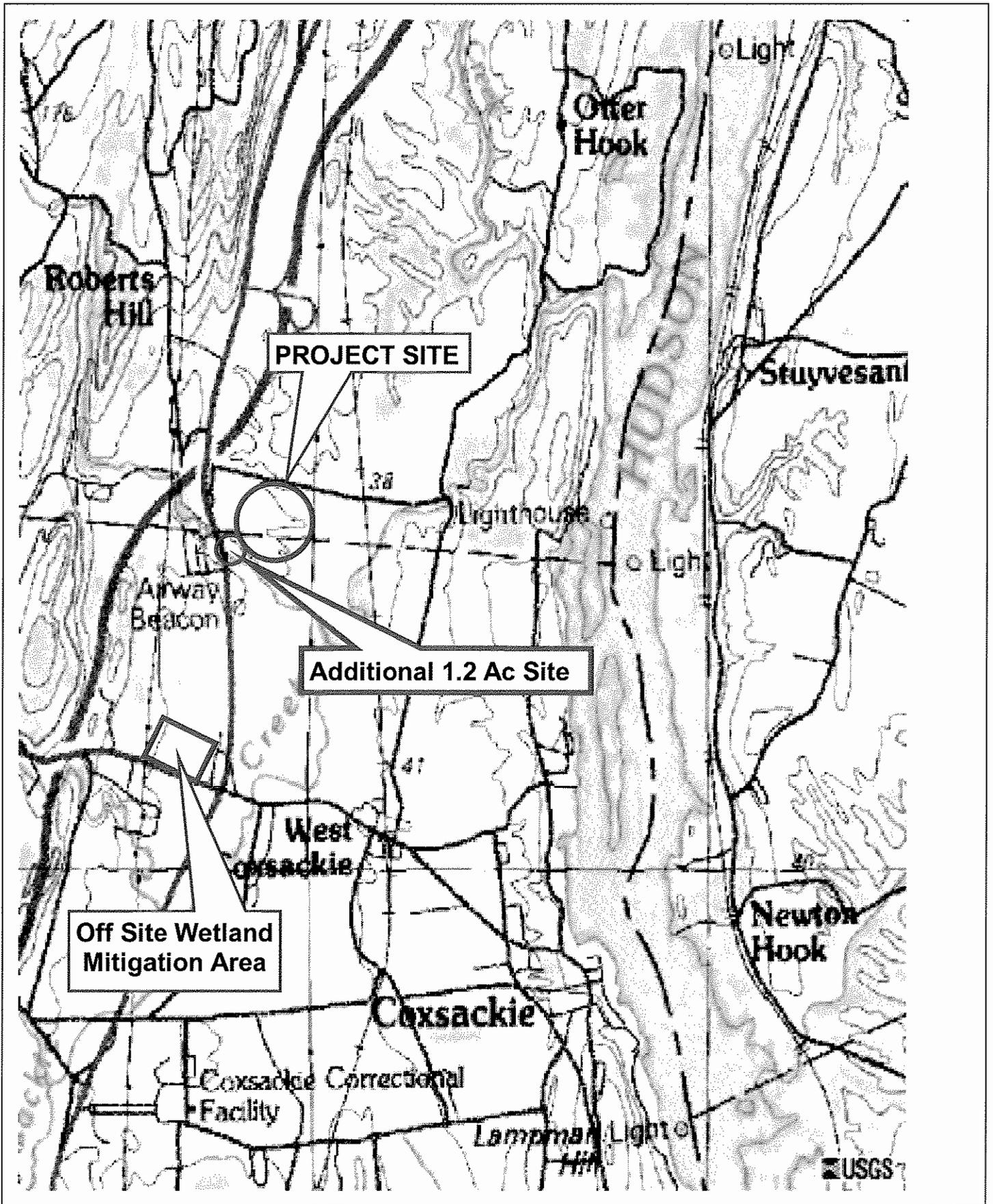
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The applicant also proposes off-site mitigation on a 7.8 acre portion of a 30.6 acre parcel located along the northern side of Route 81, less than 2 miles southwest of the project site. The applicant proposes to establish 2.43 acres of wetlands from uplands, to enhance 4.24 acres of existing wetlands, and to enhance 1.13 acres of existing uplands that would provide habitat diversity and buffering. The established wetlands would include 1.61 acres of wet clay meadow, 0.68 acre of shallow emergent wetlands, and 0.14 acre of shrub scrub wetlands. The total proposed wetland area of 6.67 acres, which includes the enhancement area, would be graded or lightly tilled and planted, to result in a wetland complex that includes 0.54 acre of open water, 0.83 acre of shallow emergent wetlands, 0.47 acre of forested wetlands, 0.27 acres of shrub scrub wetlands, and 4.56 acres of wet clay meadow. Spoil from the excavation work would be placed in portions of the existing uplands to become a berm. A 0.45 acre portion of the existing uplands would become an island within the wetlands, to provide habitat diversity. The 7.8 acre mitigation site would be preserved in perpetuity.

Invasive species control is proposed at both sites. The applicant proposes to release four species of beetles and weevils on an annual basis for a period of three years to help reduce the occurrence of purple loosestrife (*Lythrum salicaria*). Their effectiveness would be monitored at established plots for a period of ten years, and releases after three years may occur depending on the monitoring data received.

To date, comprehensive mitigation plans have not been finalized for all of the proposed mitigation activities. The applicant proposes to develop these plans in consultation with this office and the New York State Department of Environmental Conservation. The mitigation activities described above are also intended to mitigate impacts to the Northern harrier hawk (*Circus cyaneus*), a State listed threatened species. In addition, a 1.2 acre parcel that abuts the project site would be preserved, after site improvements are made. Ownership of the entire on-site preservation area, as well as the two off-site mitigation areas, would be transferred to the Upper Hudson-Northern Catskills Natural Resource Trust. The sites would be managed in accordance with the "Grassland Habitat Protection Plan" that was established in 2003 in consultation with Federal and State agencies, and other interested parties.

It should be noted that the proposed activities would also cause the loss of 0.17 acre of isolated wetlands which do not meet the current criteria of waters of the United States, and are therefore not subject to Section 404 of the Clean Water Act. The project area also contains 13.5 acres of a designated prime farmland soil (Elmridge sandy loam). Half of this area would be disturbed by the proposed on-site activities, and the remaining half would be within the preservation area. The soils in the disturbance area would be utilized at the on-site wetland mitigation areas and wherever quality topsoil is needed. Last, it should also be noted that there is no current proposal to implement improvements at the intersection of Routes 9W and 385/81. However, when the constructed square footage of the proposed business park, the neighboring Greene Business and Technology Park, or a combination of the two, reaches 600,000 square feet, the applicant proposes to update the traffic analysis at this intersection and undertake any upgrades determined to be necessary at that time.



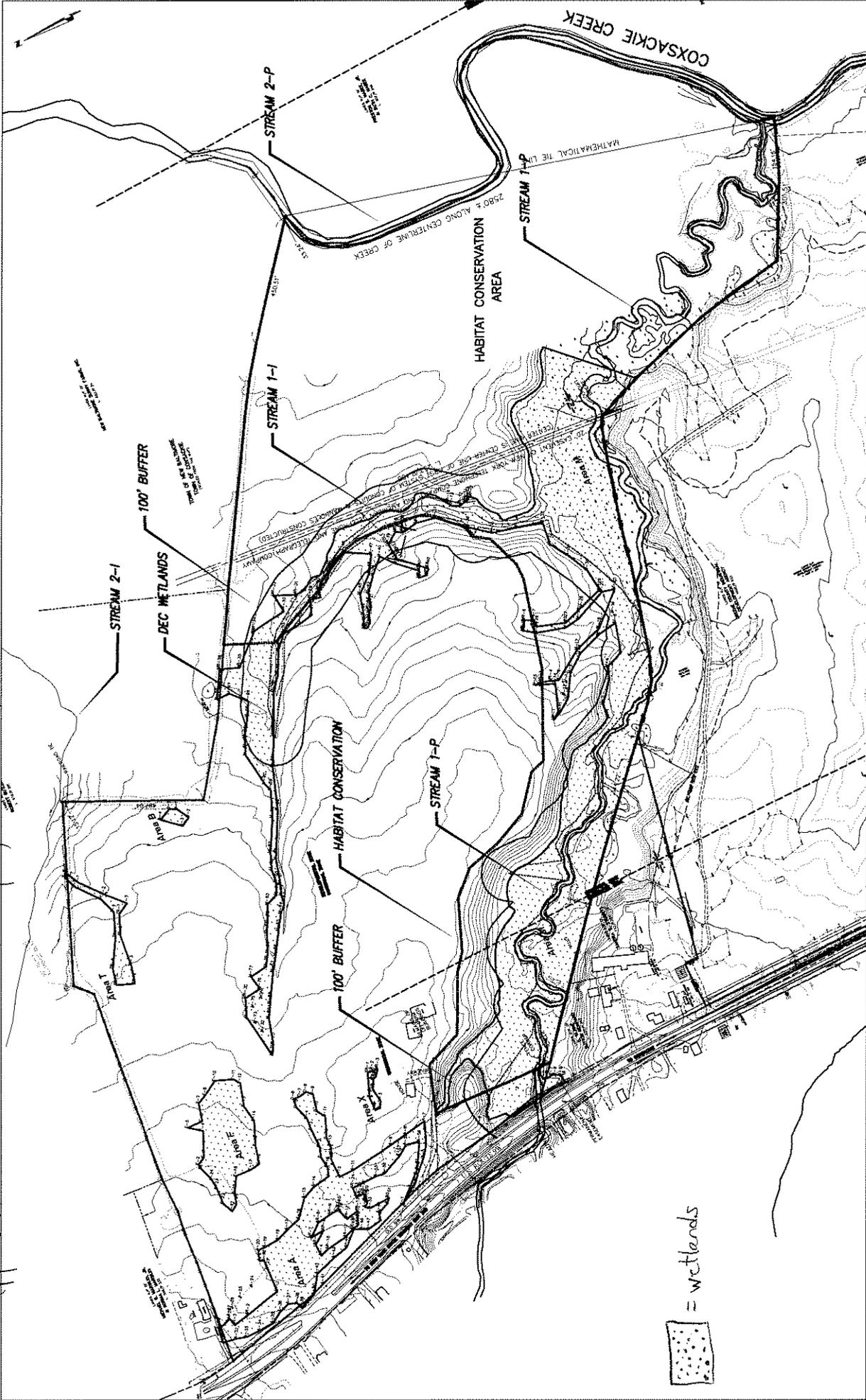
Greene County Soil & Water
Conservation District
907 County Office Building
Cairo NY 12413
Phone (518) 622-3620
Fax (518) 622-0344

Greene County Industrial Development Agency
Joint Application for Permit
Kalkberg Commerce Park Location Map
USGS Hudson North 7.5 Minute Topographical Map
Not to scale

**FIGURE
S1-1**

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Application No. 2004-00910-yn, Sheet 2 of 10



**GREENE COUNTY SOIL & WATER
CONSERVATION DISTRICT**



BOX 807 GREENE COUNTY OFFICE BUILDING, CAIRO, NY 12413
PHONE (518) 672-3020
FAX (518) 522-0244

**CHA CLOUGH, HARBOUR
& ASSOCIATES LLP**
ENGINEERS SURVEYORS PLANNERS
& LANDSCAPE ARCHITECTS

III WINNERS CIRCLE - ALBANY, NEW YORK - 12205
518-453-4500

Scale 1" = 500'

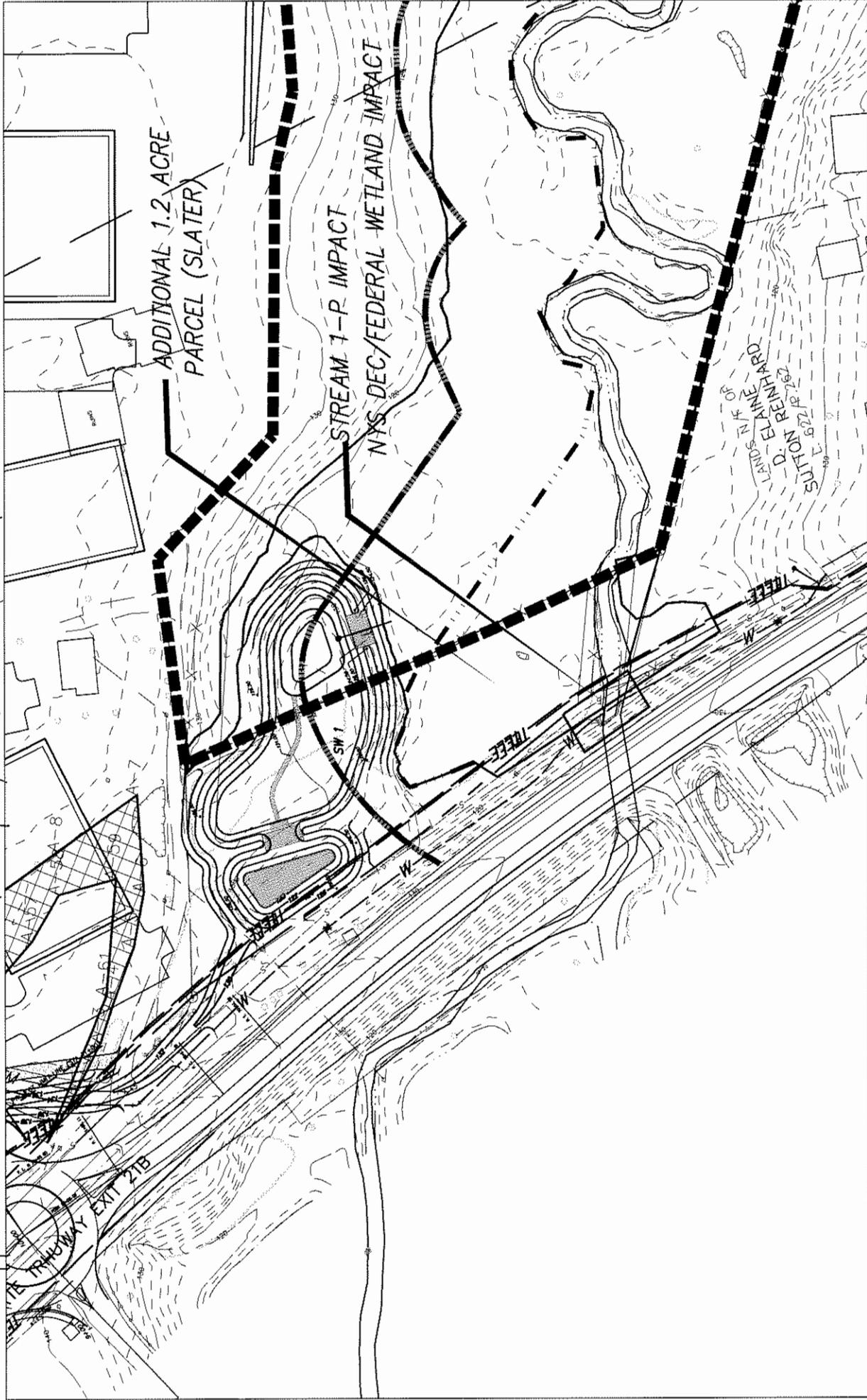
DATE: 12-30-2004

Existing Condition
Wetland and Water Resources

Greene County IDA-Kalberg Commerce Park

S1-2

Application No. 2004-00910-YN, Sheet 4 of 10



GREENE COUNTY SOIL & WATER
CONSERVATION DISTRICT



BOX 667 GREENE COUNTY OFFICE BUILDING, CARO, NY 12413
PHONE (518) 622-2626
FAX (518) 622-2644

CHA CLOUGH, HARBOUR & ASSOCIATES LLP
ENGINEERS, SURVEYORS, PLANNERS
& LANDSCAPE ARCHITECTS
III WINNERS CIRCLE - ALBANY, NEW YORK - 12205
518-453-4500

Scale 1" = 120'

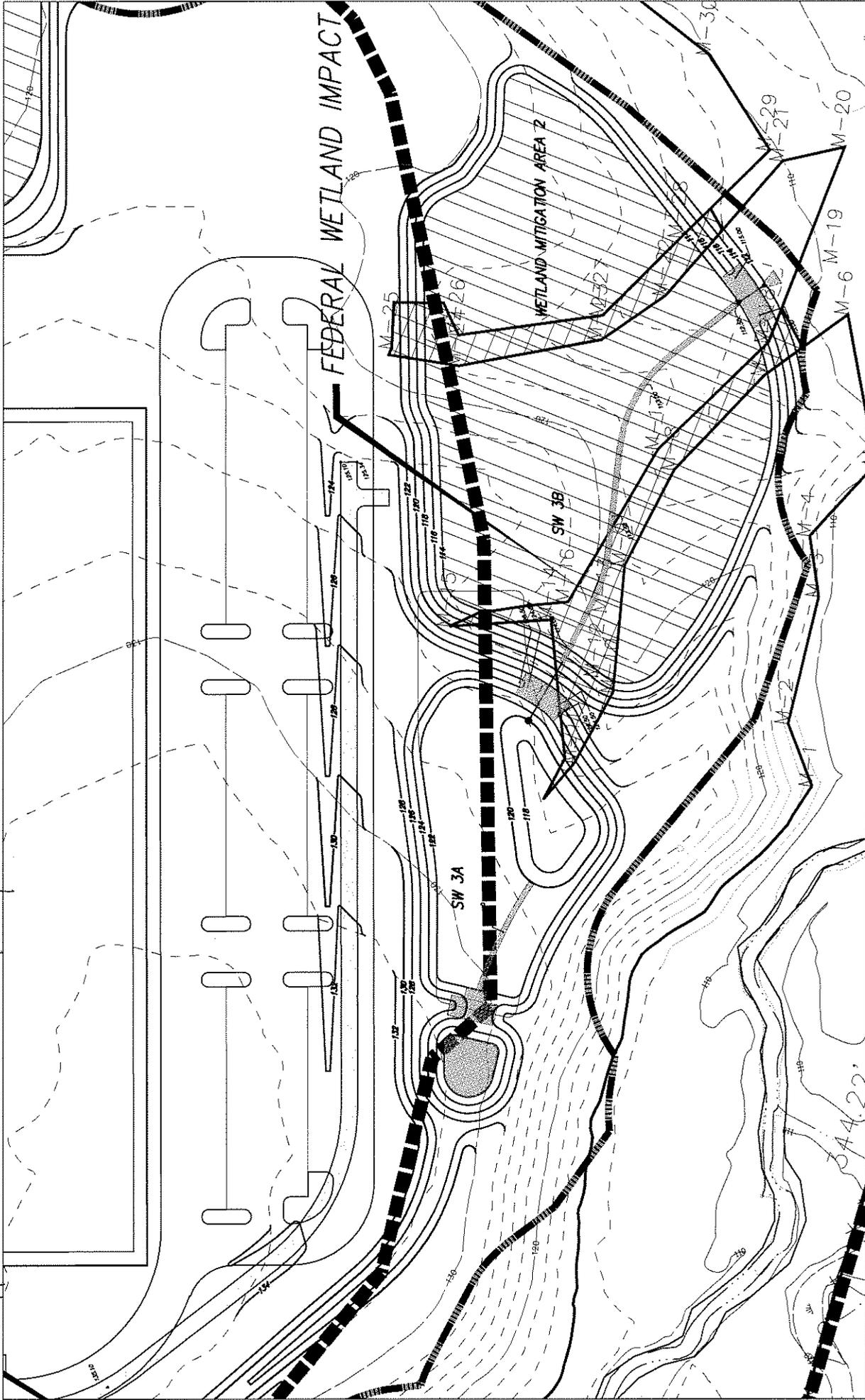
DATE: 12-30-2004

Proposed Impact Area 1

Wetland and Water Resources
Greene County IDA-Kalberg Commerce Park

S1-4

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**GREENE COUNTY SOIL & WATER
CONSERVATION DISTRICT**



BOX 897 GREENE COUNTY OFFICE BUILDING, CAIRO, NY 13613
PHONE (518) 522-2600
FAX (518) 522-2644

CHA
ENGINEERS, SURVEYORS, PLANNERS
& LANDSCAPE ARCHITECTS
III WINNERS CIRCLE - ALBANY, NEW YORK - 12205
518-453-4500

Scale 1" = 100'

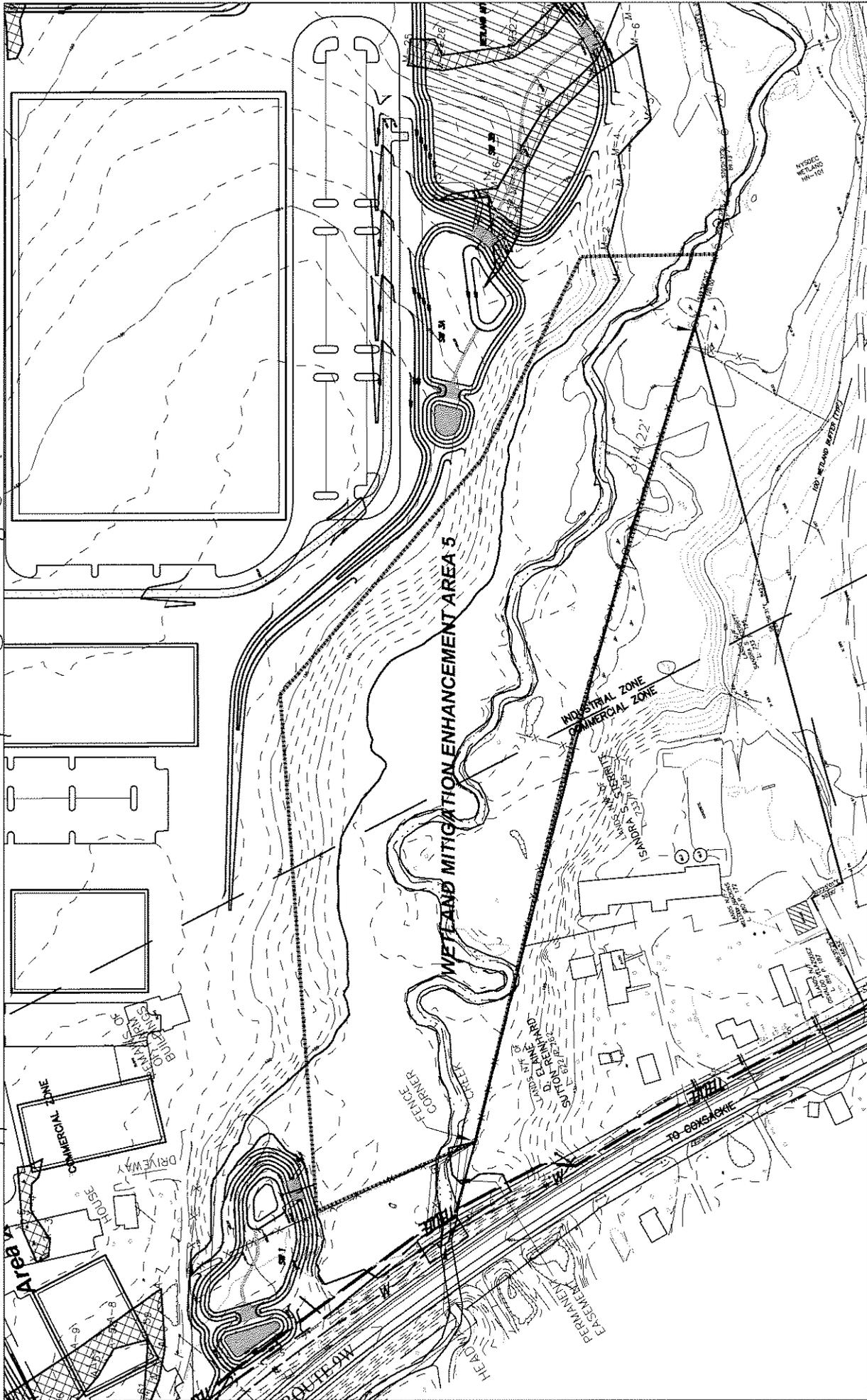
DATE: 12-30-2004

Proposed Impact Area 2

Wetland and Water Resources
Greene County IDA-Kalberg Commerce Park

S1-5

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Wetland Mitigation Enhancement Area 5
 Wetland and Water Resources
 Greene County IDA-Kalberg Commerce Park

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 ENGINEERS, SURVEYORS, PLANNERS & LANDSCAPE ARCHITECTS
 III WINNERS CIRCLE - ALBANY, NEW YORK - 12205
 518-453-4500

GREENE COUNTY SOIL & WATER CONSERVATION DISTRICT

BOX 907 GREENE COUNTY OFFICE BUILDING, CARO, NY 12413
 PHONE (518) 537-3300
 FAX (518) 532-0344

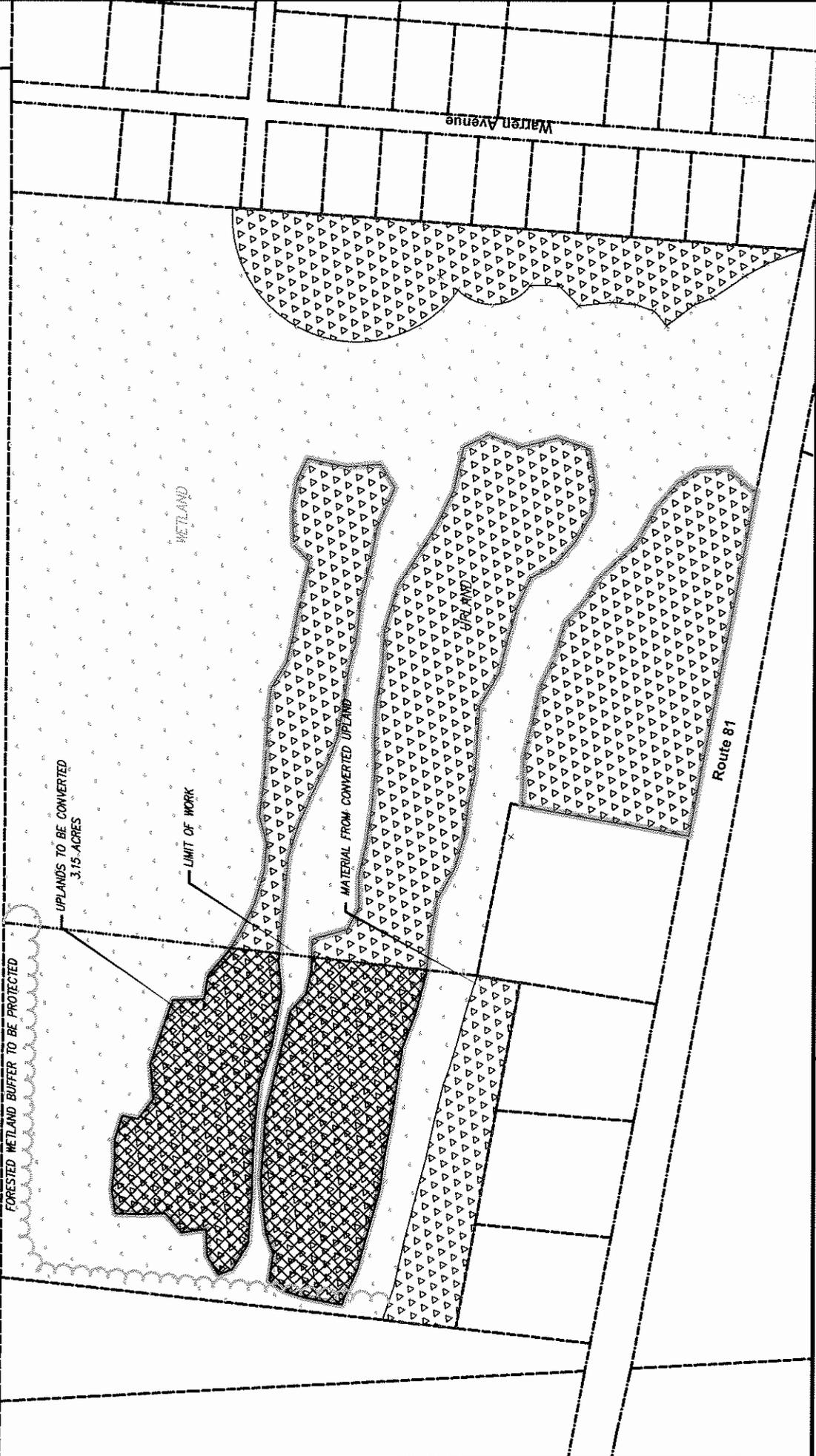


S1-8

Scale 1" = 200'

DATE: 12-30-2004

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Offsite Mitigation Area
 Wetland and Water Resources
 Greene County IDA-Kalkberg Commerce Park

S1-10

CHA CLOUGH, HARBOUR & ASSOCIATES LLP
 ENGINEERS SURVEYORS PLANNERS
 & LANDSCAPE ARCHITECTS
 III WINNERS CIRCLE - ALBANY, NEW YORK - 12205
 518-453-4500

DATE: 12-30-2004

**GREENE COUNTY SOIL & WATER
 CONSERVATION DISTRICT**

BOX 907 GREENE COUNTY OFFICE BUILDING, CAIRO, NY 13413
 PHONE (518) 522-3620
 FAX (518) 522-0344



Scale 1" = 240'