



# 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: 2004-00981-YS  
Issue Date: September 29, 2004  
Expiration Date: October 8, 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).

APPLICANTS: NY Waterway  
Pershing Road  
Weehawken, NJ 07087

and

City of Beacon  
Office of City Administration  
One Municipal Plaza  
Beacon, NY 12508

ACTIVITY: The modification of an existing pile-supported pier and the installation of floats, piles and gangways for the purpose of establishing ferry service between the Cities of Beacon and Newburgh.

WATERWAY: Hudson River

LOCATION: City of Newburgh, Orange County, New York and City of Beacon, 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 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.

**CENAN-OP-RW  
PUBLIC NOTICE NO. 2004-00981-YS**

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.

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 affect the shorinose sturgeon (Acipenser brevirostrum) or its critical habitat. The activity is not likely to affect any other Federally endangered or threatened species 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 all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions or proposed actions, that are either permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Based upon a review of the "Guide to Essential Fish Habitat Designations in the Northeastern United States," issued by the National Oceanic and Atmospheric Administration/National Marine Fisheries Service, the EFH for several aquatic species and their life stages could potentially be impacted by the proposed work. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final decision on the application.

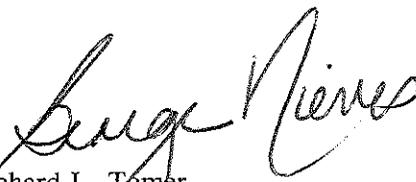
Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

**CENAN-OP-RW**  
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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.

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) 264-0183 and ask for Brian A. Orzel.

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

*For*   
Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

### WORK DESCRIPTION

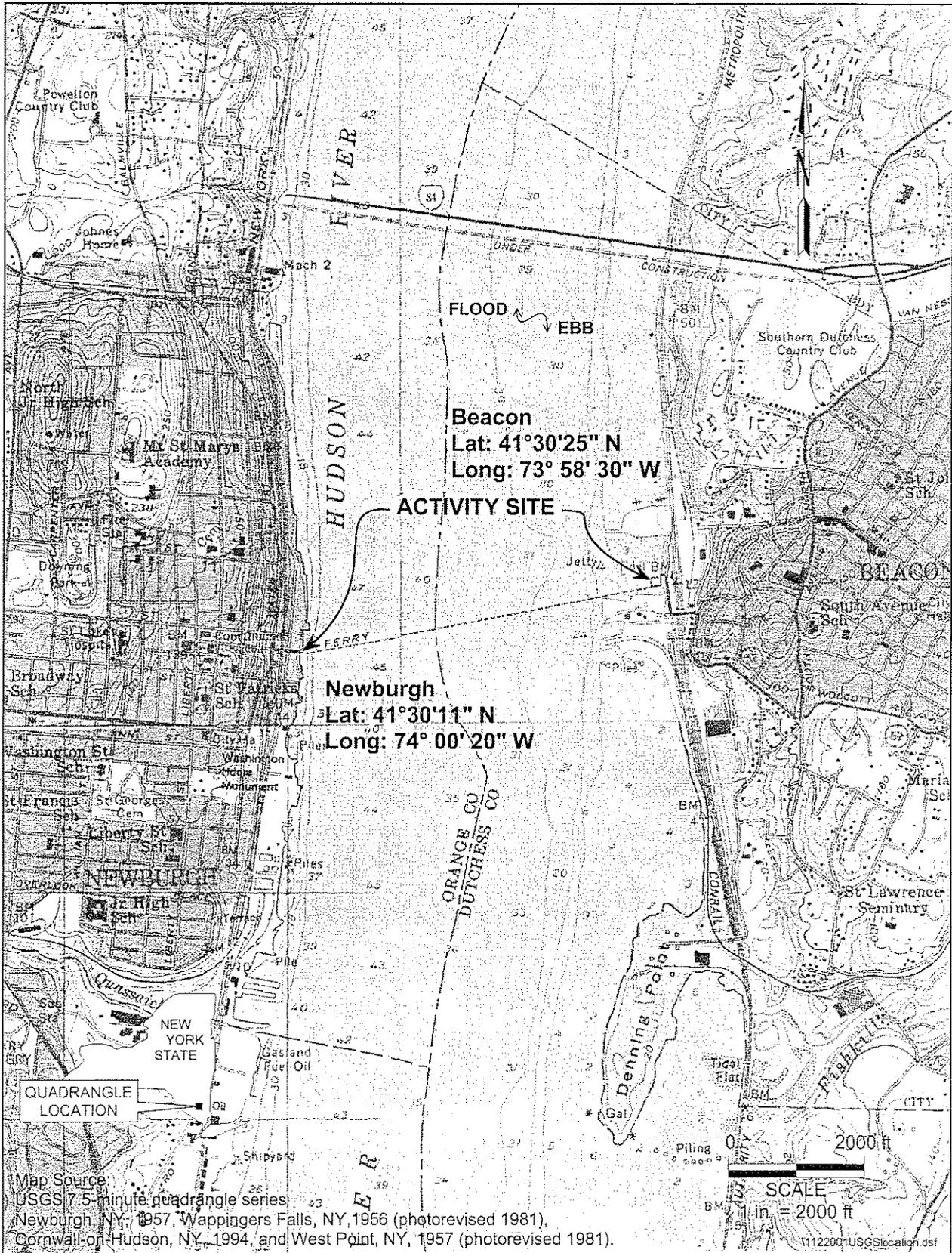
The applicants, the City of Beacon and NY Waterway, have requested Department of the Army authorization for the modification of an existing pile-supported pier located in the City of Beacon, and the installation of floats, piles and gangways within the Hudson River in the City of Newburgh, Orange County, New York and in the City of Beacon, Dutchess County, New York.

Under Permit Number 1995-10190-YS, the City of Beacon constructed a pile-supported pier. The western-most extent of the northern portion of the pier tapers from 17 feet wide, down to approximately 2 feet wide. The permittee proposes to modify its permit to allow the installation of five (5) additional piles and the construction of approximately 180 square feet of additional decking such that the pier would be 17 feet wide for its entire length. The City of Beacon also proposes the installation of two (2) 50-foot by 12-foot steel floats, supported by four (4) steel piles, joined to the pile-supported pier by a gangway approximately 48 feet long and 5 feet 6 inches wide.

It should be noted that, the existing pile-supported pier in the City of Beacon differs slightly from the configuration approved under Permit Number 1995-10190-YS. Additional bracing and approximately 344.5 square feet of additional decking were constructed. The New York District Corps of Engineers, having reviewed the matter, has declined at this time to initiate legal proceedings for construction of the pier in the current configuration since the permittee is seeking the appropriate authorization from this office. The decision concerning approval rests with a determination of the probable impact on the public interest of allowing the deviation to remain.

NY Waterway proposes the installation of a new ferry pier assembly in the City of Newburgh. They propose the installation of two (2) 50-foot by 12-foot steel floats, supported by four (4) steel piles, joined to an existing bulkhead by a gangway approximately 48 feet long and 8 feet 6 inches wide. The length of the ferry vessel to be used would range from 65 to 80 feet and draw approximately four feet of water. The Newburgh ferry pier would be installed in a location currently occupied by American Dock Corporation. Three barges, a total of approximately 14,320 square feet in size, are currently permanently moored at the facility and have been there for approximately 20 years. To facilitate the installation of the ferry pier, and to mitigate the effects of the proposed piers on aquatic habitat, these barges would be removed from the waterway to an upland location.

The stated purpose of this project is to establish passenger ferry service between the Cities of Beacon and Newburgh. It should be noted that the City of Beacon was previously issued a permit to construct the existing pile-supported pier, which was proposed to facilitate ferry operations. Since that time, the operating principles under which ferry service is conducted has changed. As such, the applicants (the City of Beacon and NY Waterway) state that they now propose to install floats in order to conduct ferry operations safely in accordance with the requirements of the Americans with Disabilities Act.



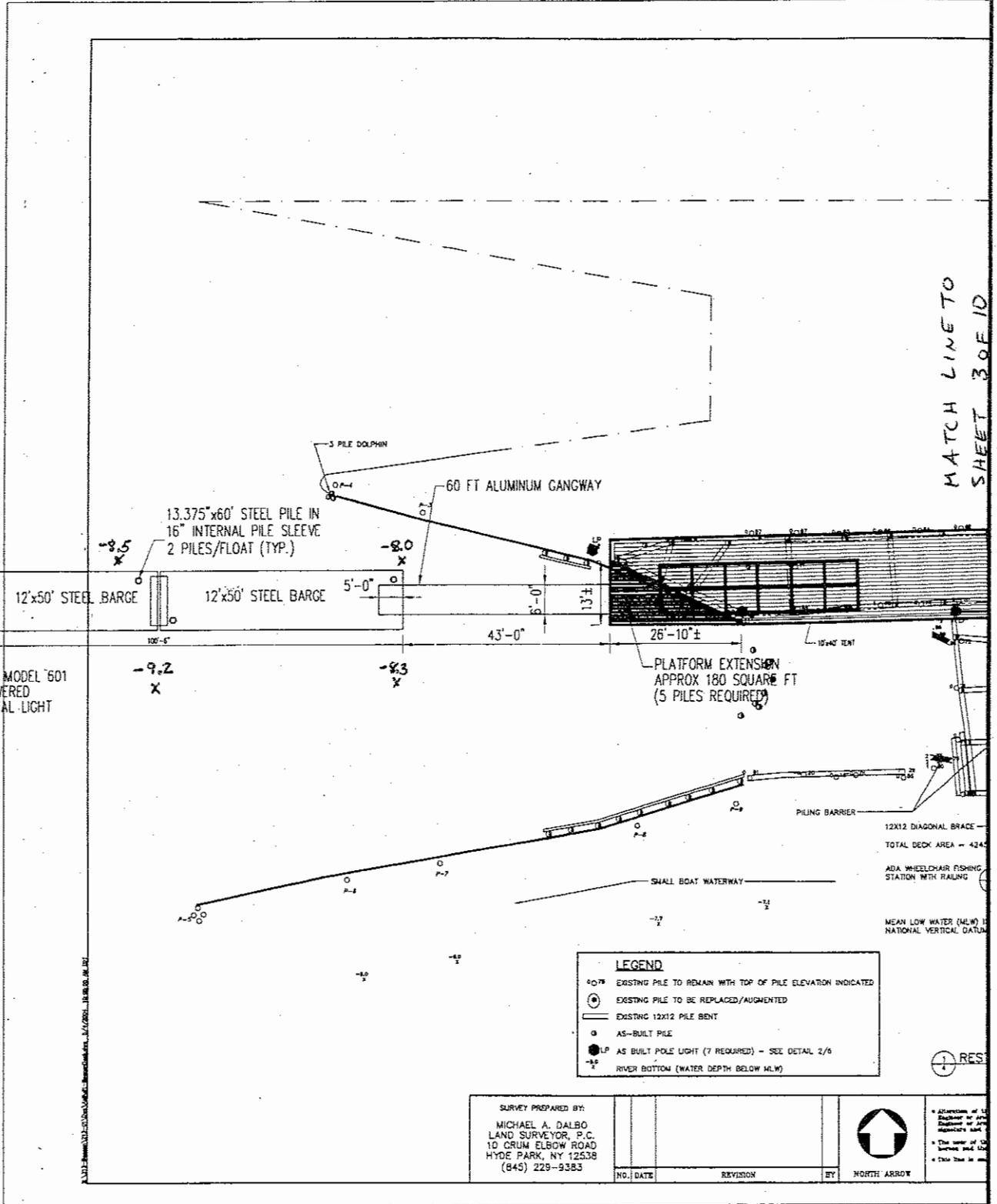
**LMS** Lawler, Matusky & Skelly Engineers LLP  
 One Blue Hill Plaza • Pearl River, New York 10965  
 ENVIRONMENTAL SCIENCE & ENGINEERING CONSULTANTS

**Project Location**  
 Newburgh-Beacon Ferry Line  
 Cities of Newburgh and Beacon - Orange and Dutchess Counties, NY

Sheet  
 1 of 10

FILE NAME: C:\cadd\104\353\Current\1.0 Beacon Layout.dwg PLOT TIME: Fri, 24 Sep 2004 - 8:54am LAST SAVE: Thu, 23 Sep 2004 - 4:41pm BY: Curti

HUDSON RIVER



**LEGEND**

- Pile to remain with top of pile elevation indicated
- ⊕ Existing pile to be replaced/augmented
- ⊖ Existing 12x12 pile bent
- AS-BUILT PILE
- ⊙ AS BUILT POLE LIGHT (7 REQUIRED) - SEE DETAIL 2/6
- ⊕ RIVER BOTTOM (WATER DEPTH BELOW MLW)

SURVEY PREPARED BY:  
 MICHAEL A. DALBO  
 LAND SURVEYOR, P.C.  
 10 CRUM ELBOW ROAD  
 HYDE PARK, NY 12538  
 (845) 229-9383

NO.	DATE	REVISION	BY	NORTH ARROW



ATTENTION: ALL  
 DIMENSIONS ARE  
 UNLESS OTHERWISE  
 SPECIFIED IN  
 THIS DRAWING.

email: mgmclaren@mgmclaren.com  
 100 Snake Hill Road, West Nyack, NY 10994  
 Tel. (845) 353-6400 Fax. (845) 353-6509

SHEET TITLE  
**PROPOSED SITE PLAN  
 BEACON**

PROJECT  
**NEWBURGH - BEACON**

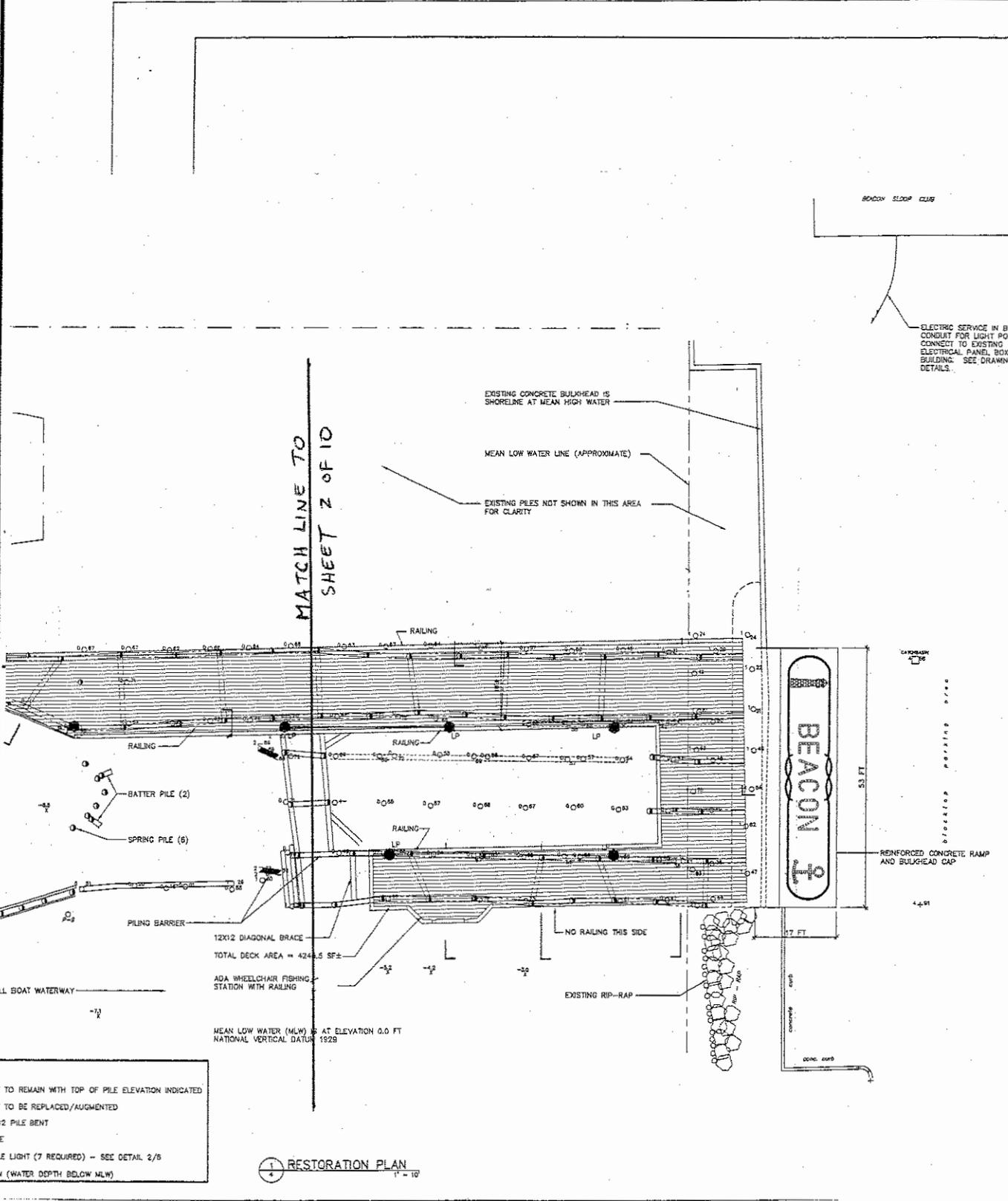
**NEWBURGH - BEACON, NEW YORK**

PROJ. NO.	104353
SCALE	AS NOTED
DATE	09/24/04
DRAWN BY	RVC
CHECKED BY	SET

DRAWING NO

**2 OF 10**

FILE NAME: D:\cadd\104\104353\Current\1.0 Beacon Layout.dwg PLOT TIME: Fri, 24 Sep 2004 - 8:54am LAST SAVE: Thu, 23 Sep 2004 - 4:41pm BY: Curt



TO REMAIN WITH TOP OF PILE ELEVATION INDICATED  
 TO BE REPLACED/AUGMENTED  
 12 PILE BENT  
 E LIGHT (7 REQUIRED) - SEC DETAIL 2/6  
 J (WATER DEPTH BELOW MLW)

RESTORATION PLAN  
 1" = 10'

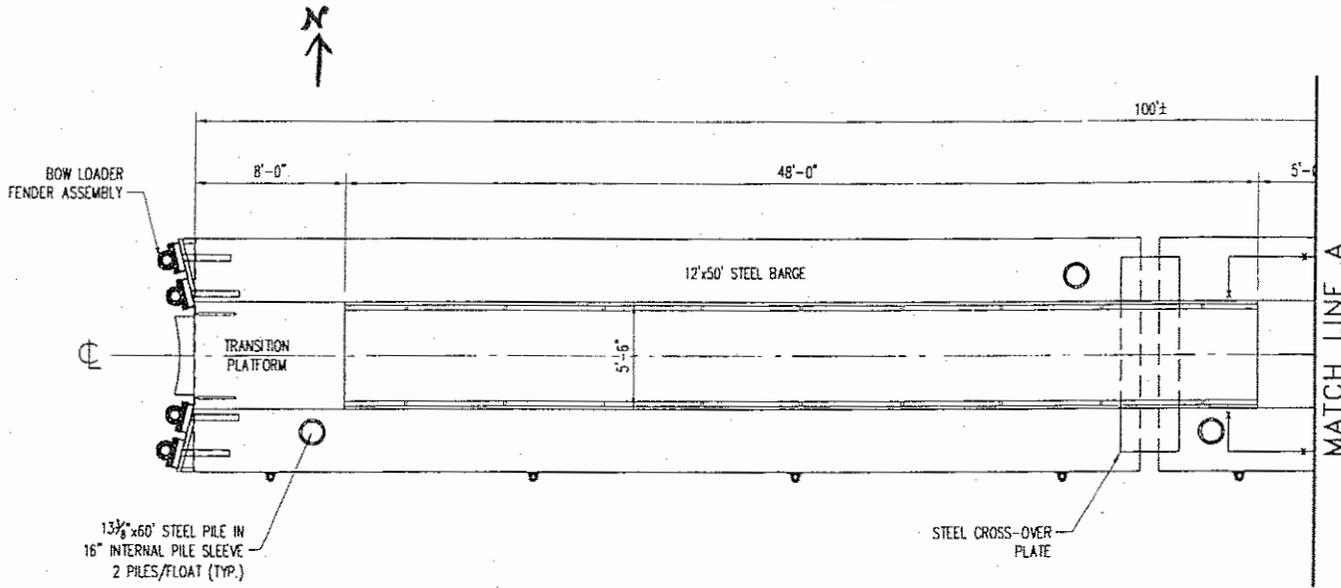
**McLaren**  
 ENGINEERING GROUP  
 email: mgmclaren@mgmclaren.com  
 100 Snake Hill Road, West Nyack, NY 10994  
 Tel. (845) 353-6400 Fax. (845) 353-6509

SHEET TITLE	<b>SITE PLAN BEACON</b>	
PROJECT	<b>NEWBURGH - BEACON</b>	
	<b>NEWBURGH - BEACON, NEW YORK</b>	

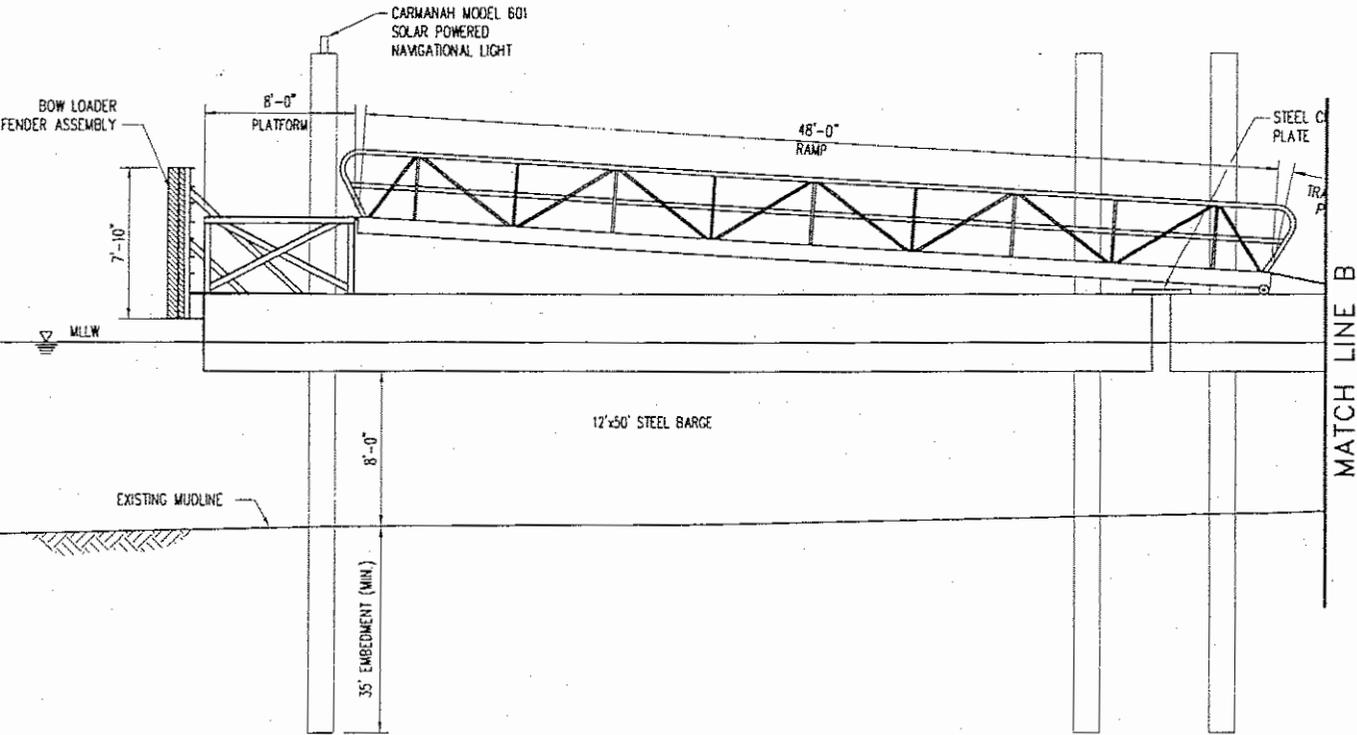
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DATE	09/24/04
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CHECKED BY	SET

DRAWING NO  
 3 OF 10

FILE NAME: Q:\Cadd\104\353\Current\4.0 Beacon Barge.dwg PLOT TIME: Fri, 24 Sep 2004 - 9:59am LAST SAVE: Fri, 24 Sep 2004 - 9:55am BY: Curti



**BARGE PLAN - BEACON**  
1"=10'



**A ELEVATION**  
4.00 1"=10'

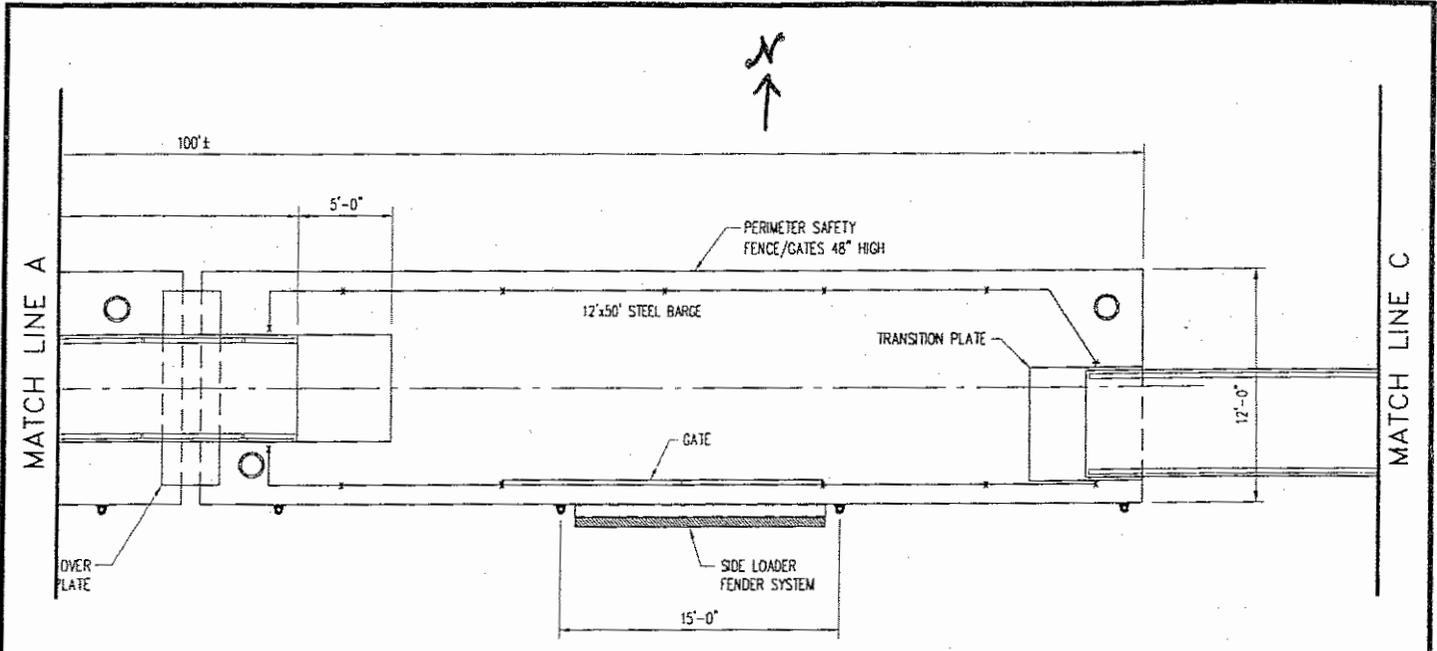
email: mgmclaran@mgmclaran.com  
100 Snake Hill Road, West Nyack, NY 10994  
Tel. (845) 353-6400 Fax. (845) 353-6509

SHEET TITLE	<b>BEACON BARGE PLAN AND ELEVATION-1</b>	
PROJECT	<b>NEWBURGH - BEACON</b>	
	<b>NEWBURGH - BEACON, NEW YORK</b>	

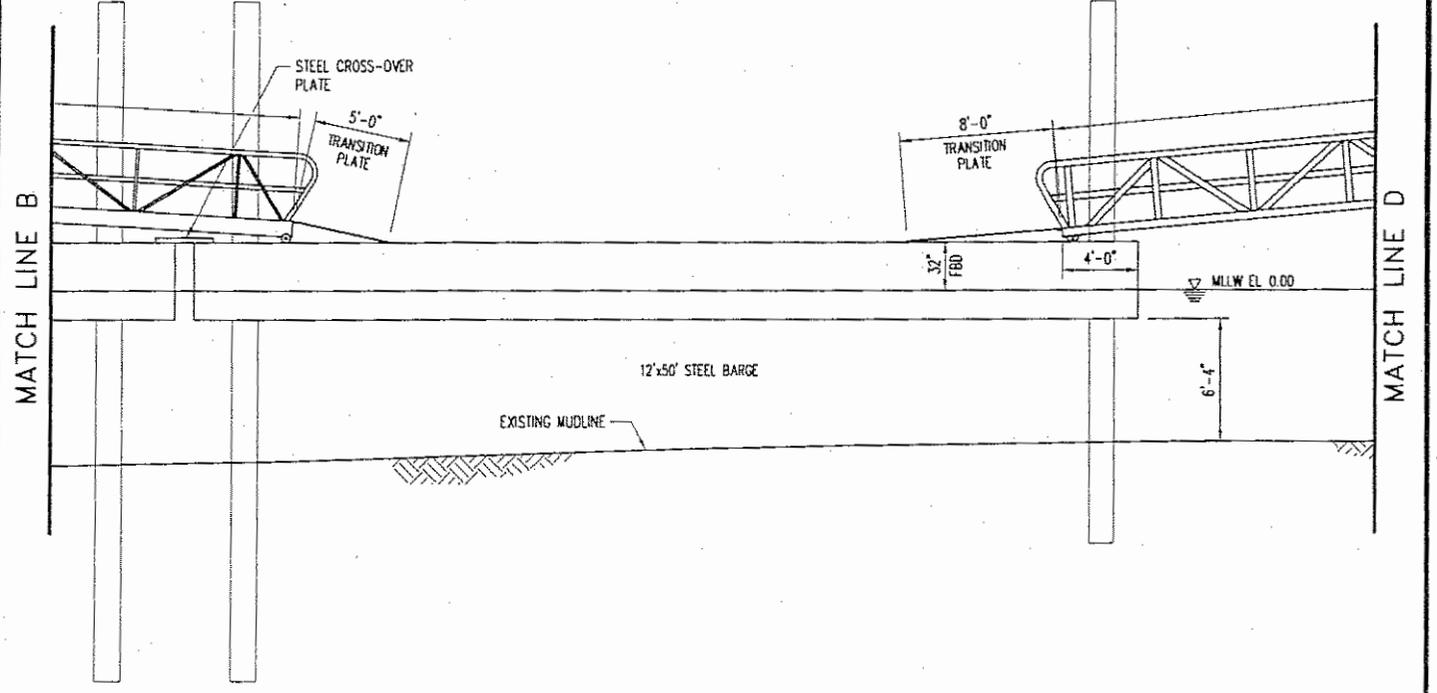
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DATE	09/24/04
DRAWN BY	RVC
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DRAWING NO.	<b>4</b> of 10
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**BARGE PLAN - BEACON**  
1"=10'



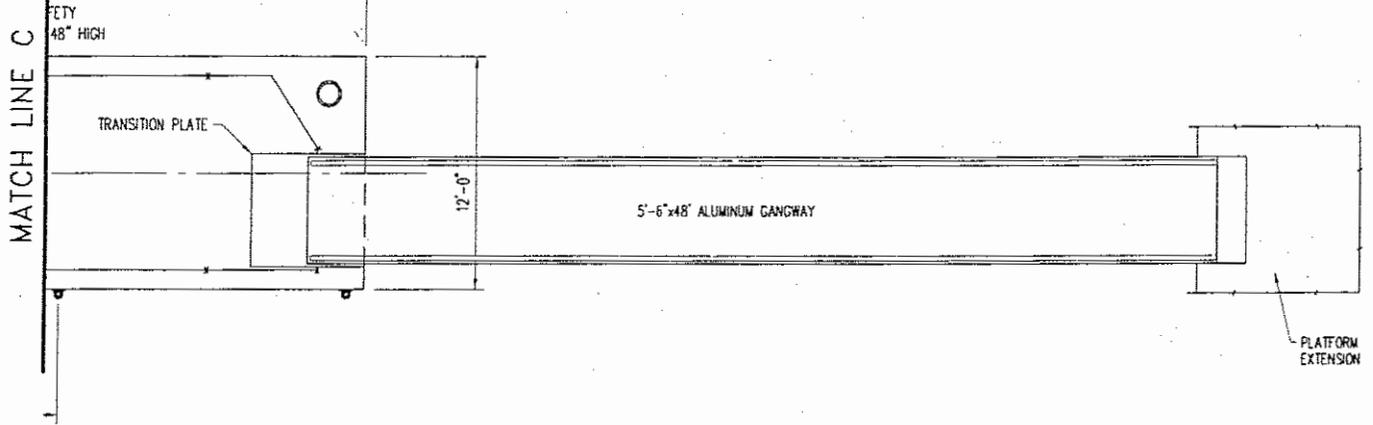
**A ELEVATION**  
4.01 1"=10'



SHEET TITLE	<b>BEACON BARGE PLAN AND ELEVATION-2</b>	
PROJECT	<b>NEWBURGH - BEACON</b>	
	<b>NEWBURGH - BEACON, NEW YORK</b>	

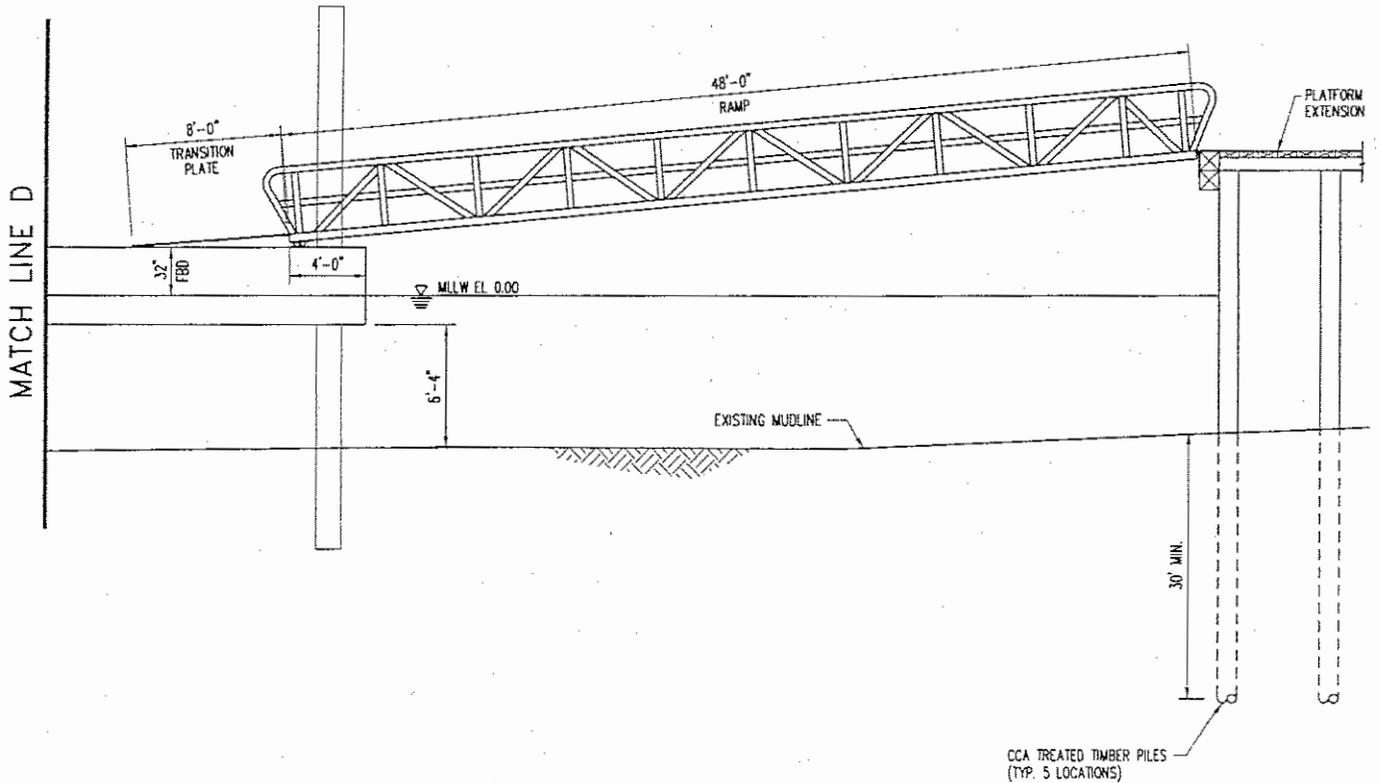
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DATE	09/24/04
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DRAWING NO.	
	<b>5 OF 10</b>



**BARGE PLAN - BEACON**

1"=10'



**A ELEVATION**  
4.02 1"=10'

FILE NAME: Q:\Cadd\104\104353\Current\A.O. Beacon Barge.dwg PLOT TIME: Fri, 24 Sep 2004 - 10:25am LAST SAVE: Fri, 24 Sep 2004 - 10:00am BY: Curti



email: mgmclaren@mgmclaren.com  
100 Snake Hill Road, West Nyack, NY 10994  
Tel. (845) 353-6400 Fax. (845) 353-6509

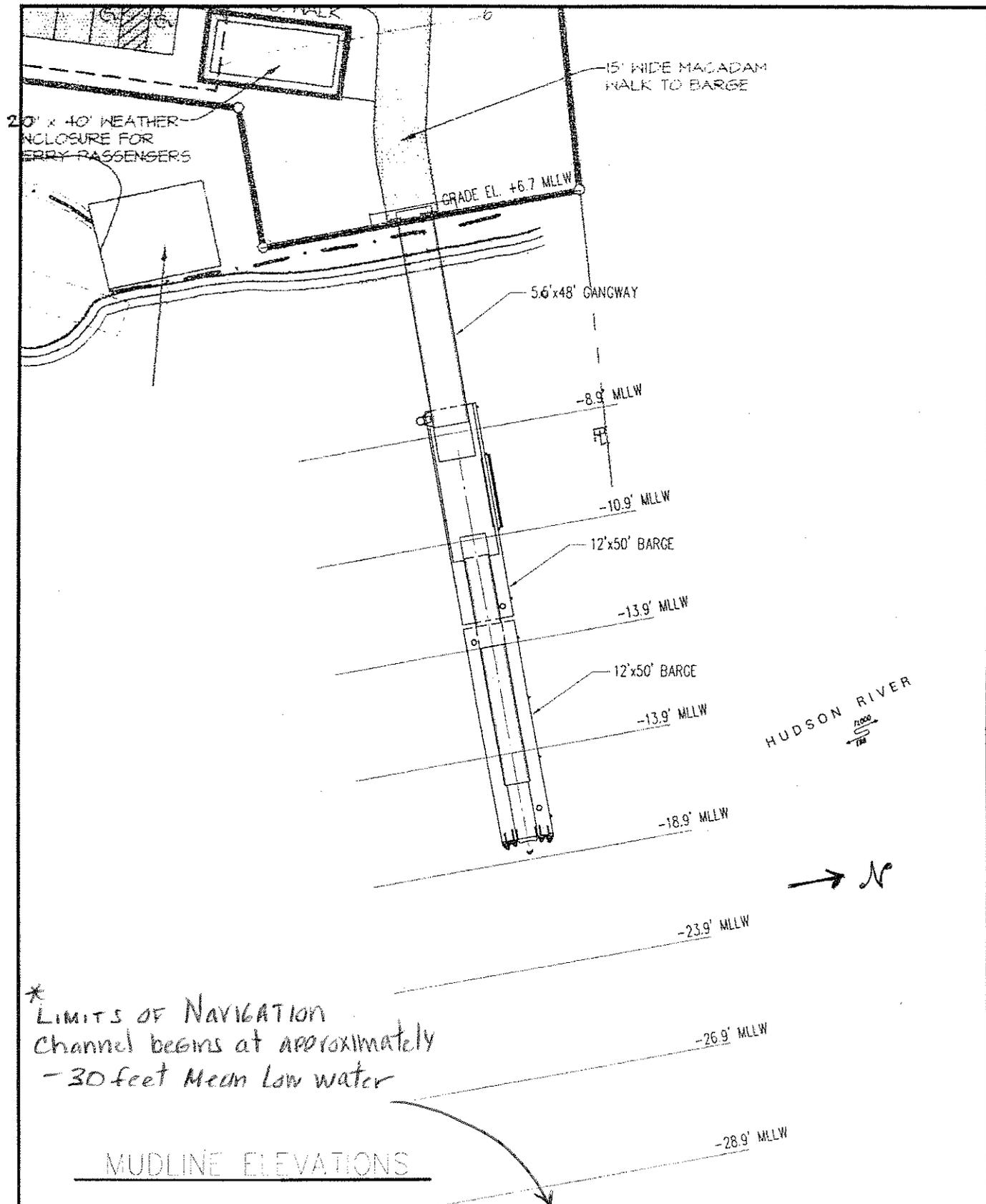
SHEET TITLE  
**BEACON BARGE PLAN AND ELEVATION-3**

PROJECT  
**NEWBURGH - BEACON**

**NEWBURGH - BEACON, NEW YORK**

PROJ. NO. 104353  
SCALE AS NOTED  
DATE 09/24/04  
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DRAWING NO.  
**6 OF 10**



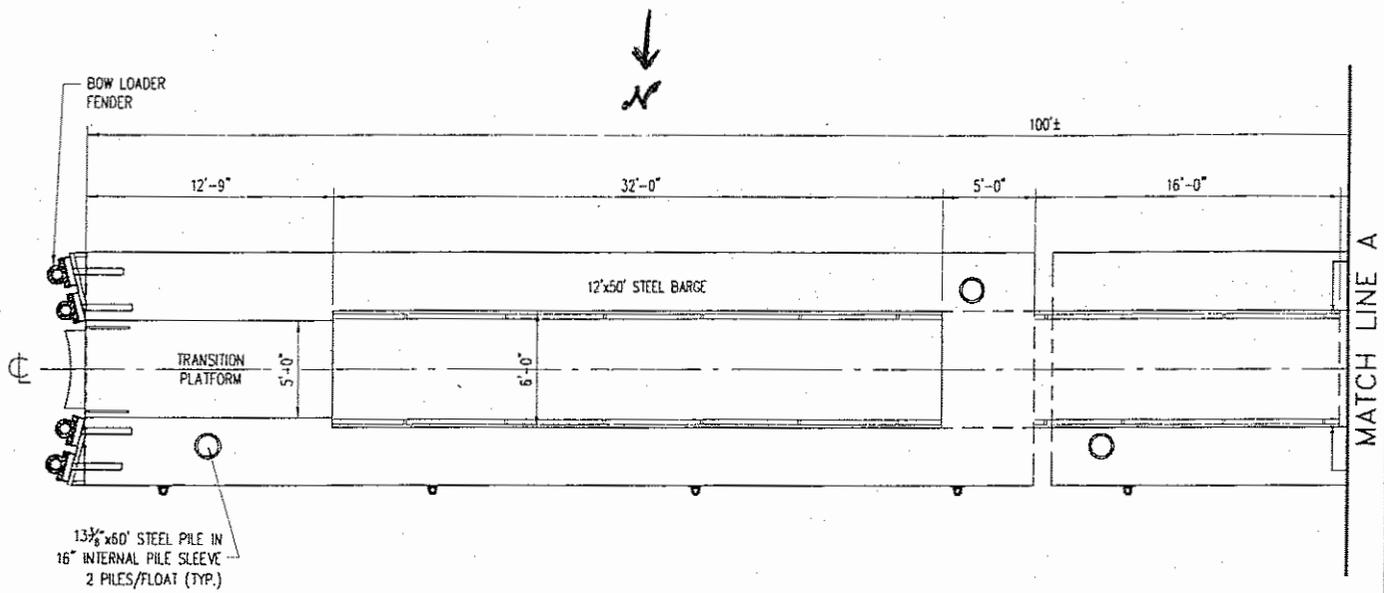
**McLaren**  
ENGINEERING GROUP

email: mgmclaren@mgmclaren.com  
100 Snake Hill Road, West Nyack, NY 10994  
Tel. (845) 353-6400 Fax. (845) 353-6509

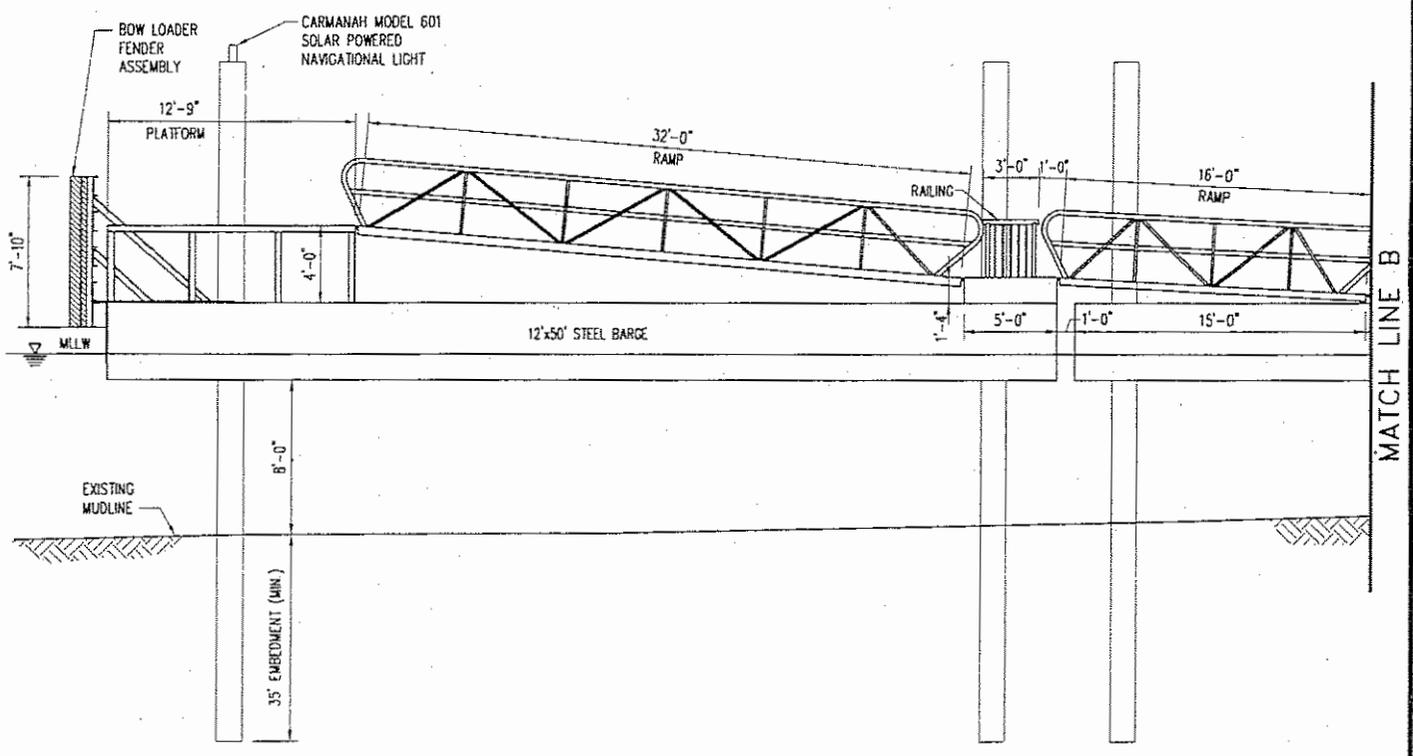
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PROJECT	NEWBURGH - BEACON  NEWBURGH - BEACON, NEW YORK

PROJ. NO.	104353
SCALE	1" = 30'
DATE	09/24/04
DRAWN BY	RVC
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DRAWING NO.	7 OF 10
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**BARGE PLAN - NEWBURGH**  
1"=10'



**A ELEVATION**  
3.00 1"=10'

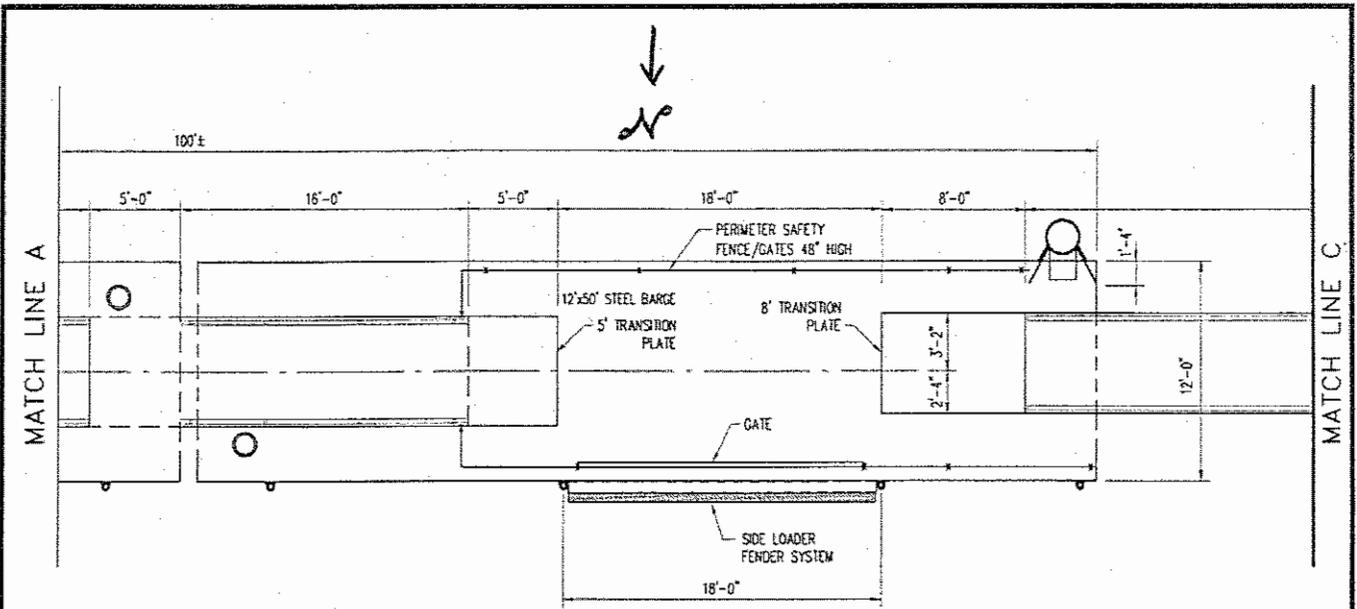
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**McLaren**  
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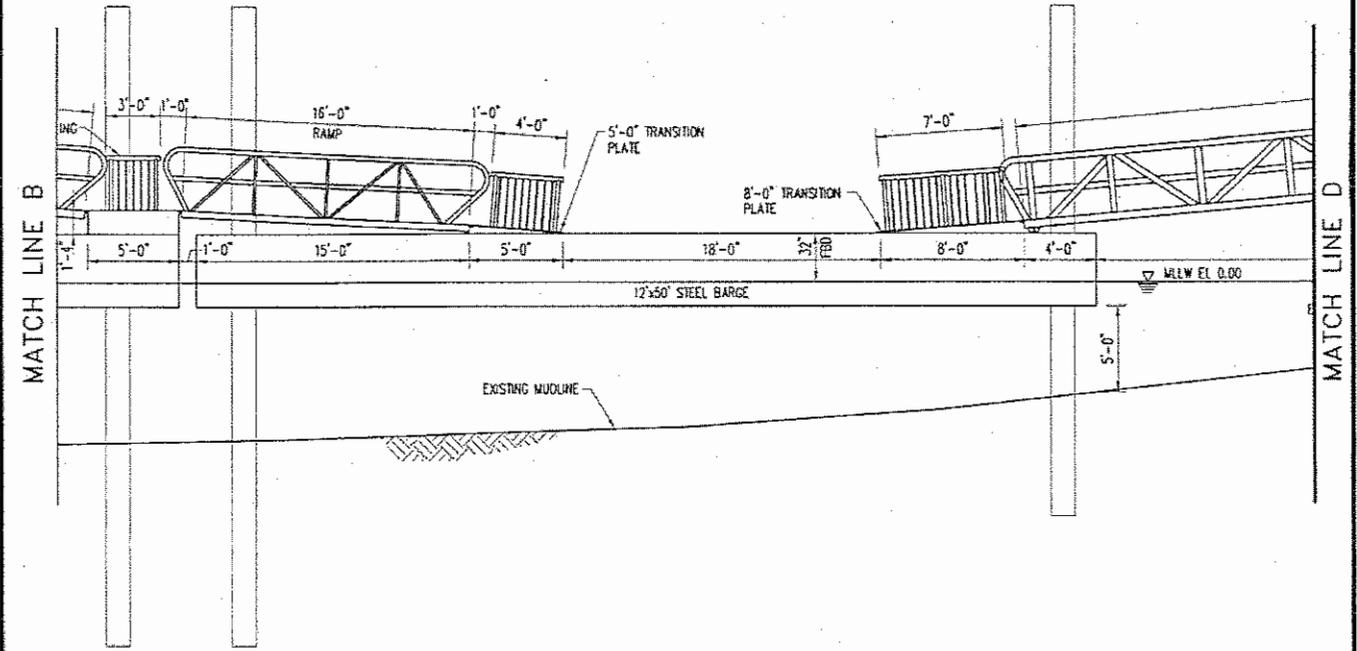
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PROJECT	<b>NEWBURGH - BEACON</b>	
	<b>NEWBURGH - BEACON, NEW YORK</b>	

PROJ. NO.	104353
SCALE	AS NOTED
DATE	09/24/04
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DRAWING NO.	
	<b>8 OF 10</b>



BARGE PLAN - NEWBURGH  
1"=10'



(A) ELEVATION  
3.01 1"=10'

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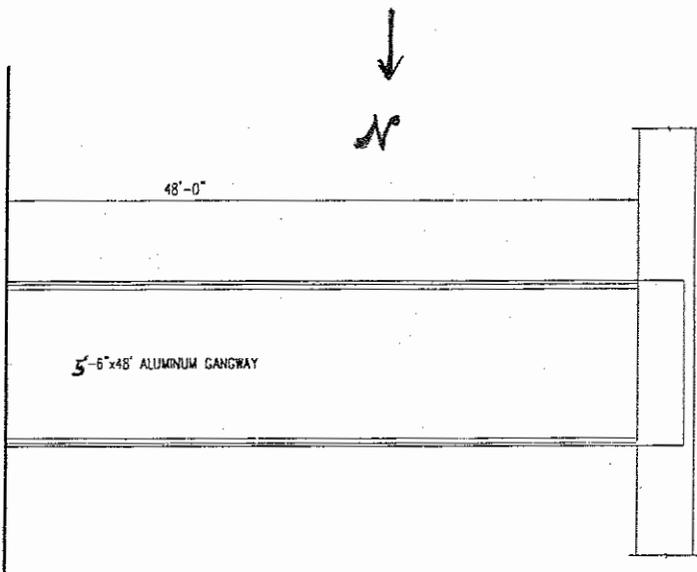
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**NEWBURGH BARGE PLAN AND ELEVATION-2**

PROJECT  
**NEWBURGH - BEACON**  
**NEWBURGH - BEACON, NEW YORK**

PROJ. NO. 104353  
SCALE AS NOTED  
DATE 09/24/04  
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**9 OF 10**

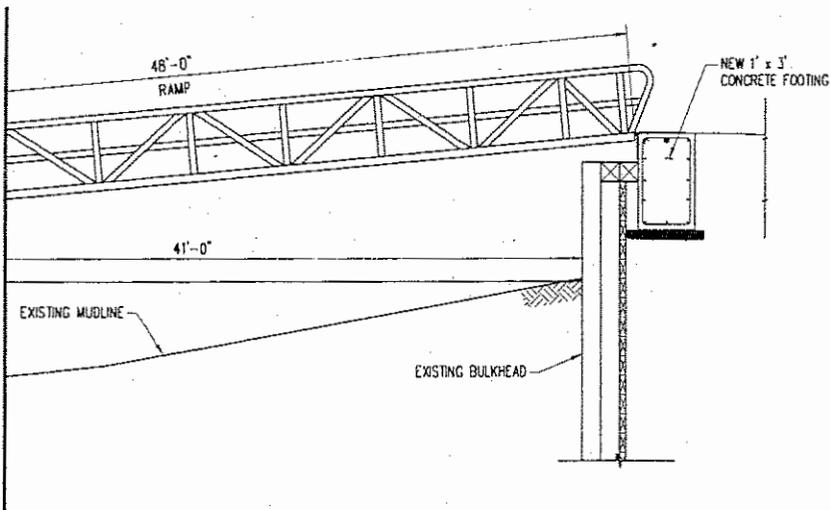
MATCH LINE C



### BARGE PLAN - NEWBURGH

1"=10'

MATCH LINE D



### A ELEVATION

3.02

1"=10'

FILE NAME: O:\cadd\104353\Current\104353\NEWBURGH.dwg PLOT TIME: Fri, 24 Sep 2004 - 10:01am LAST SAVE: Fri, 24 Sep 2004 - 9:27am BY: Curti



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SHEET TITLE

## NEWBURGH BARGE PLAN AND ELEVATION-3

PROJECT

### NEWBURGH - BEACON

### NEWBURGH - BEACON, NEW YORK

PROJ. NO.

104353

SCALE

AS NOTED

DATE

09/24/04

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10 OF 10