



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: 2005-01285-YS
Issue Date: January 27, 2006
Expiration Date: February 27, 2006

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: National Park Service
Attn: David J. Hayes
Eleanor Roosevelt National Historic Site
4097 Albany Post Road
Hyde Park, NY 12538

ACTIVITY: Dredging with Resultant Discharge

WATERWAY: Val-Kill Pond, a tributary of Fall Kill Creek, Hudson River Basin

LOCATION: Town of Hyde Park, 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.

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.

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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.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any 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 Eleanor Roosevelt National Historic Site is listed on the National Register of Historic Places. Comments are being requested from the State Historic Preservation Officer and the National Park Service under Section 106 of the National Historic Preservation Act regarding the proposed work.

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: Freshwater Wetlands Permit from the New York State Department of Environmental Conservation.

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) 790-8417 and ask for Steven A. Schumach.

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

FOR: [Signature]
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, The National Park Service, has requested Department of the Army authorization for dredging of historic Val-Kill Pond, a tributary of Fall Kill Creek, Hudson River Basin located at the Town of Hyde Park, Dutchess County, New York.

The work would involve the restoration of historic Val-Kill Pond by dredging, with resultant discharge, approximately 28,000 cubic yards of sediment from the open water portion of Val-Kill Pond that is generally 6 to 8 feet deep with depths of up to 11 feet in some areas. As a result of dredging/clearing activities, approximately 0.3 acres of emergent aquatic vegetation and 0.5 acres of aquatic bed habitat would be converted to non-vegetated open water, thereby increasing the amount of open water surface (pond size) from 2.3 acres to 3.1 acres.

The entire acreage of the Val-Kill Pond wetland is approximately 14 acres, as shown in the wetland determination for the site in Figure 6. Much of this acreage is emergent with pockets of aquatic bed and scrub-shrub wetland types. Historically, the pond and entire wetland complex were predominantly open water. The proposed project would increase the open water coverage in the pond and wetland complex by approximately 13 and 6 percent, respectively. This conversion would increase the interspersion and complexity of wetland habitats overall, supporting a higher diversity of wildlife species, as the predominant emergent and aquatic plants removed would include purple loosestrife (*Lythrum salicaria*), smartweed (*Polygonum punctatum*), yellow pond-lily (*Nuphar lutea*), and common reed (*Phragmites australis*), which are all common plant species. Purple loosestrife and common reed are also considered undesirable nuisance species. These habitats would be replaced by non-vegetated open water. Purple loosestrife would be removed along the shoreline, while emergent beds in the middle of the northern portion of the pond would remain relatively untouched.

Sediment would be removed from the majority of the open water portion of the pond through hydraulic dredging. The dredge would consist of a barge outfitted with a pump and a low turbidity section cutterhead or suction dredge. A Mud Cat model 815 hydraulic dredge, or similar model, would be used. Once deployed into the pond, the hydraulic dredge would slowly work its way from the northeast corner of the southern portion of the pond to the outflow, cutting and sucking up sediment and pumping it via modular piping to the adjacent hayfield. Approximately 1,000 linear feet of 8 inch high density polyethylene pipe would be used to transfer the slurry directly into geotextile tubes, located on the adjacent hayfield for the purposes of dewatering.

The dredging of approximately 28,000 cubic yards of sediment from the majority of the open water portion of the pond would increase the storage capacity of the pond by approximately 17.4 acre feet and would prolong the life of the open water areas in the pond. This increase could possibly minimally attenuate peak flows during storm events and reduce the frequency and magnitude of flooding to riparian and floodplain communities downstream of the pond. Aquifer recharge associated with major flood events could also potentially be minimally reduced in these areas.

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All dredged sediment would be pumped directly into high-strength geotextile tubes located on the adjacent hayfield, for dewatering. Upon completion of dredging activities, the sediment would be distributed evenly across the hayfield by a bulldozer. Sediment would be spread to a maximum depth of 10 inches. Permanent mulching and critical area planting of the field would begin upon the completion of limestone application and disking. The entire field would be planted with deep rooted crops, such as alfalfa, clover, or legumes for at least two growing seasons in order to establish a root system in the soil and minimize erosion.

All work would be performed in the summer or fall months, when Fall Kill flows are low, weather patterns are generally stable, and air temperatures remain above the freezing mark (thus allowing sediment dewatering to occur). Prior to commencing sediment removal activities, a National Park Service (NPS) biologist would survey for turtles in and around the pond, and would relocate all turtles discovered during the survey away from the restoration activities until activities are completed.

The purpose of this project is to restore Val-Kill Pond to more closely reflect its historic condition and preserve the cultural landscape of Eleanor Roosevelt NHS in accordance with its enabling legislation and management direction.

Background: NPS has stated that Val-Kill Pond is one of the defining landscape features of Eleanor Roosevelt NHS. The Pond was formed around 1930, when Fall Kill, a perennial stream that drains into the Hudson River, was dredged, creating an area of open water from the bridge and dam, past the elbow in the stream, and around the north side of the Factory. Val-Kill Pond was originally about 6 to 7 acres in size. The Roosevelt family used the pond for swimming, boating, and fishing. Rapid silt deposition of the pond prompted President Roosevelt to have the pond periodically dredged. In 1937, the pond was enlarged, creating a roughly circular area of open water connected to the existing elliptical pond by a narrow neck. This was the last known major dredging of the pond; maintenance of the pond thereafter consisted of "mowing" the pond once a year to control the growth of wetland vegetation by towing sickle bars behind a small motorboat. Since the last known dredging, siltation and sedimentation have occurred in the pond, reducing the depth of the pond and resulting in the establishment of emergent aquatic plants (both native and exotic species). Consequently, the amount of open water has been reduced, which is gradually altering the character of the historic landscape at the site. Based on a hydrographic and sediment survey of the pond conducted in 2004, surface water area has been reduced to approximately 4 acres (which includes open water, floating bed, and some emergent habitats), with an estimated normal pool water volume of 4.1 acre-feet. Sediment thickness in the majority of the pond is between 6 and 8 feet deep; however, in some areas, sediments are up to 11+ feet deep. Average water depth throughout the pond is slightly more than 1 foot deep.

The loss of open water has caused the cultural landscape of the site to become a less and less accurate portrayal of historic conditions. The NPS indicated that is mandated to preserve cultural landscapes at historic sites, and the Eleanor Roosevelt NHS general management plan (GMP), cultural landscape report, and enabling legislation direct the maintenance of the historic character of the site.

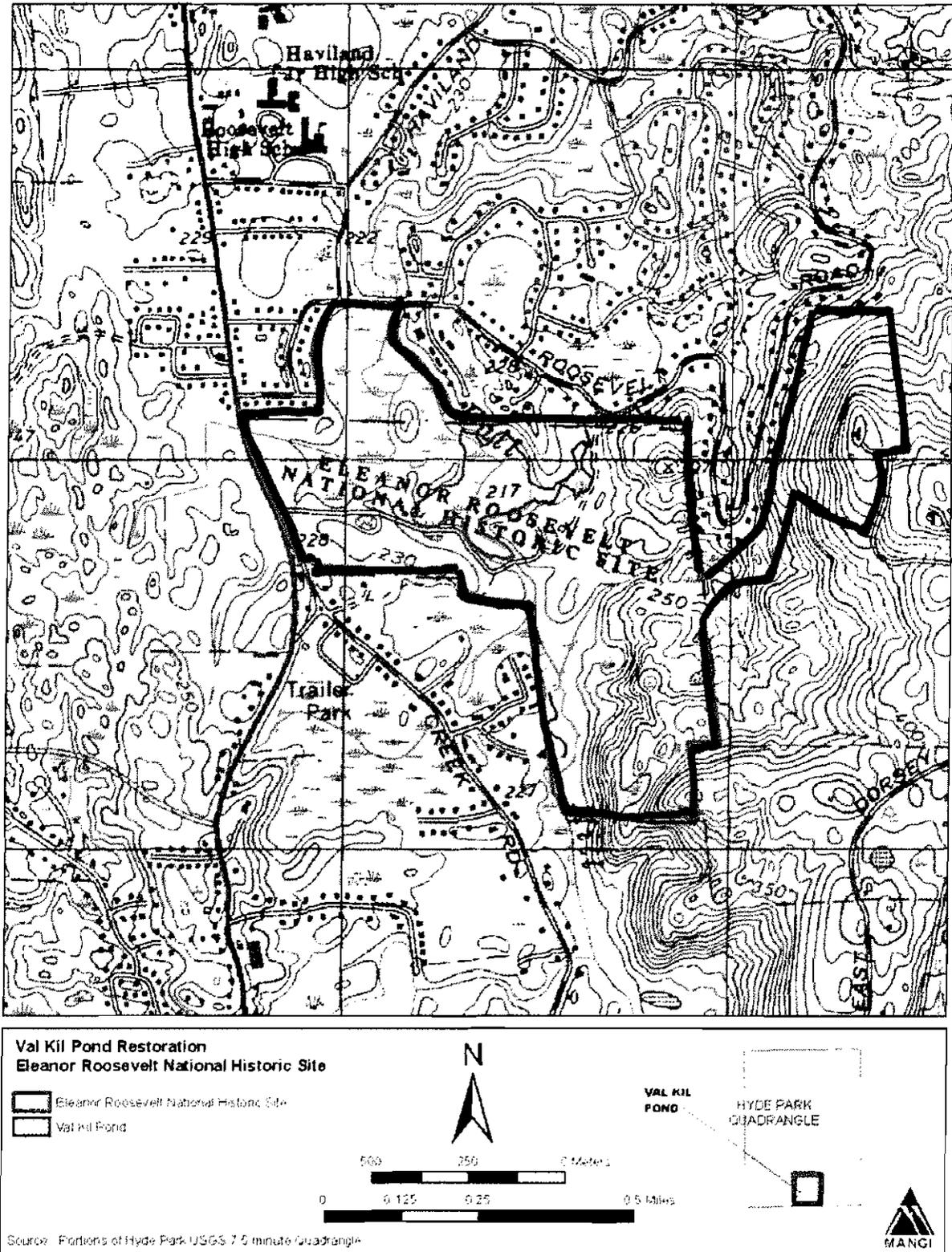


Figure 1 Project Location on USGS Quad Map

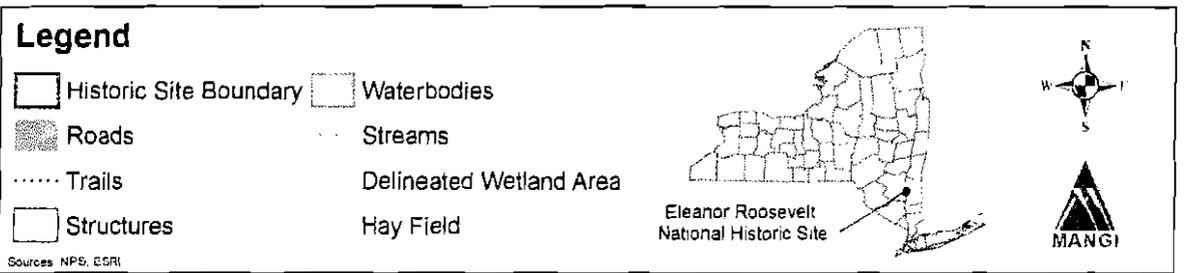
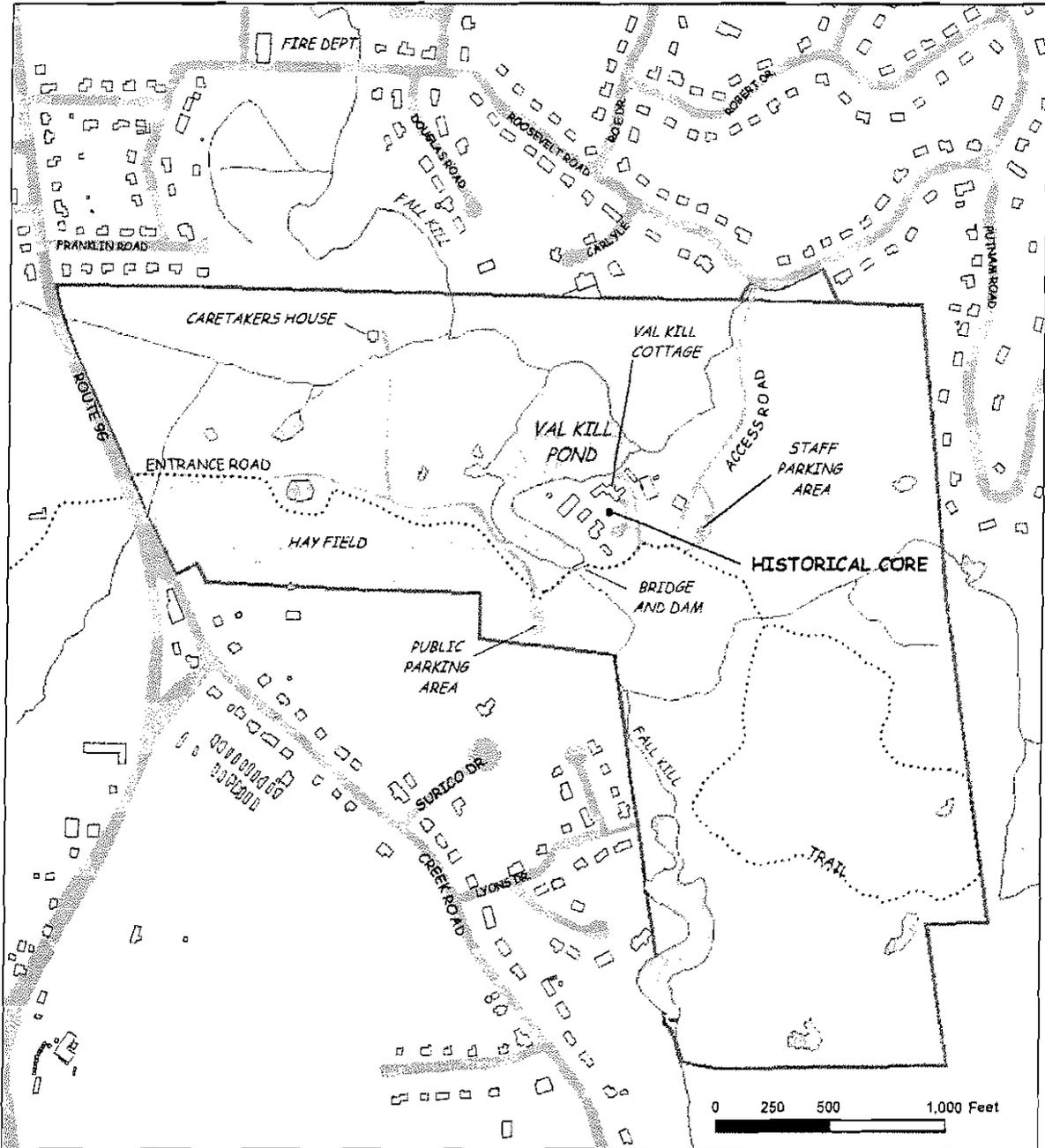


Figure 2 Project Area Vicinity Map

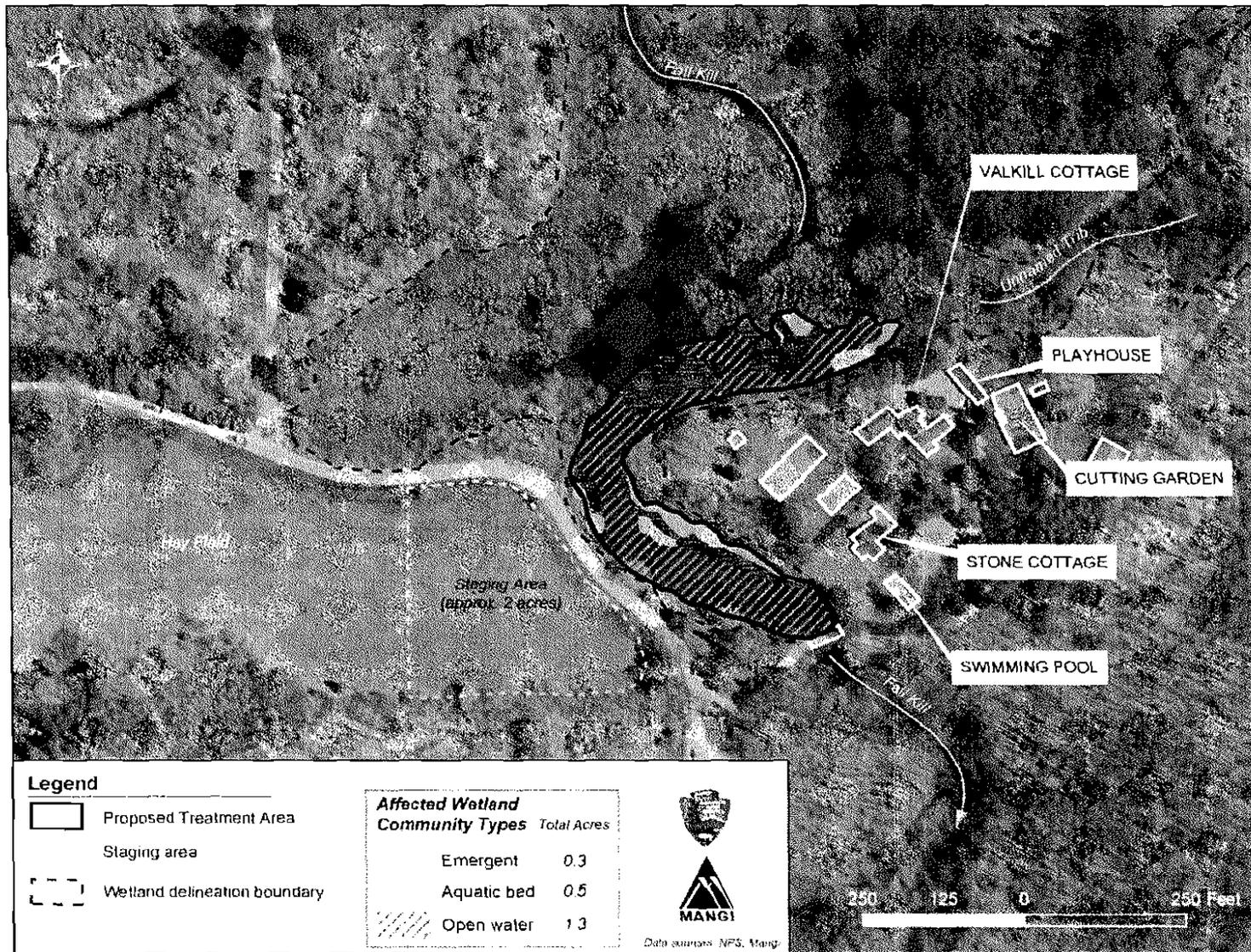


Figure 3 Proposed Project/Treatment Area

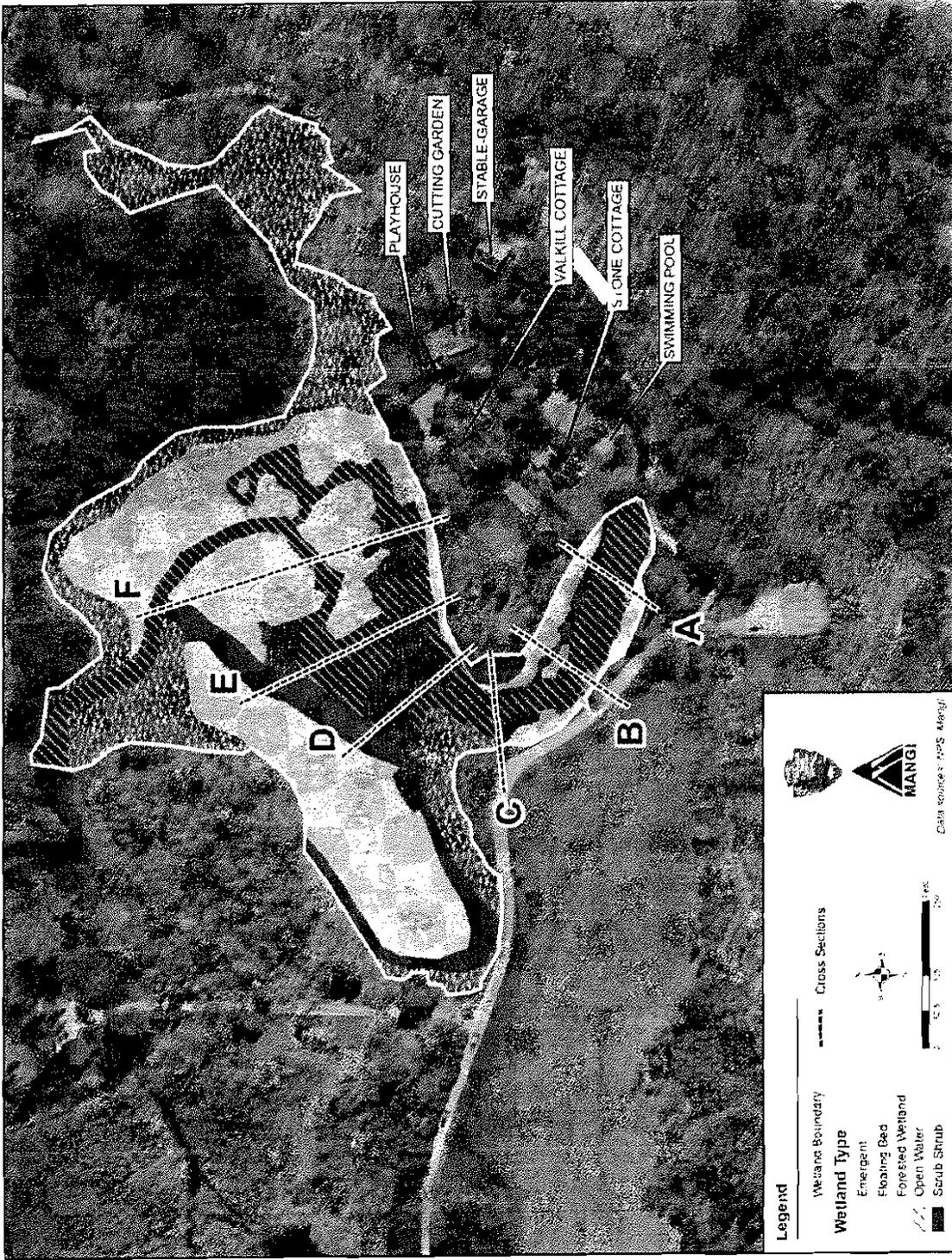


Figure 4 Project Cross-Sectional Locations

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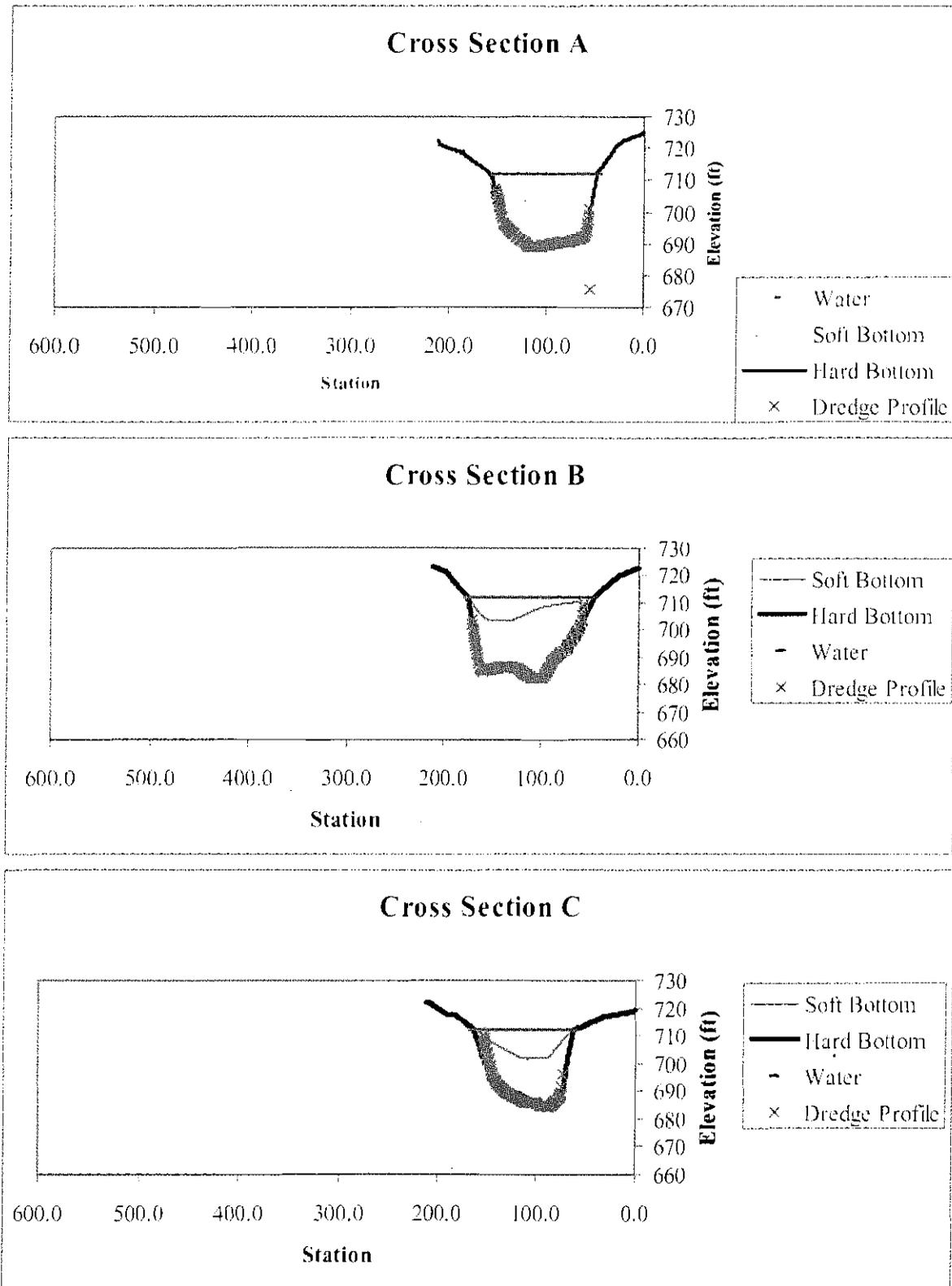


Figure 5 Project Cross-Sections

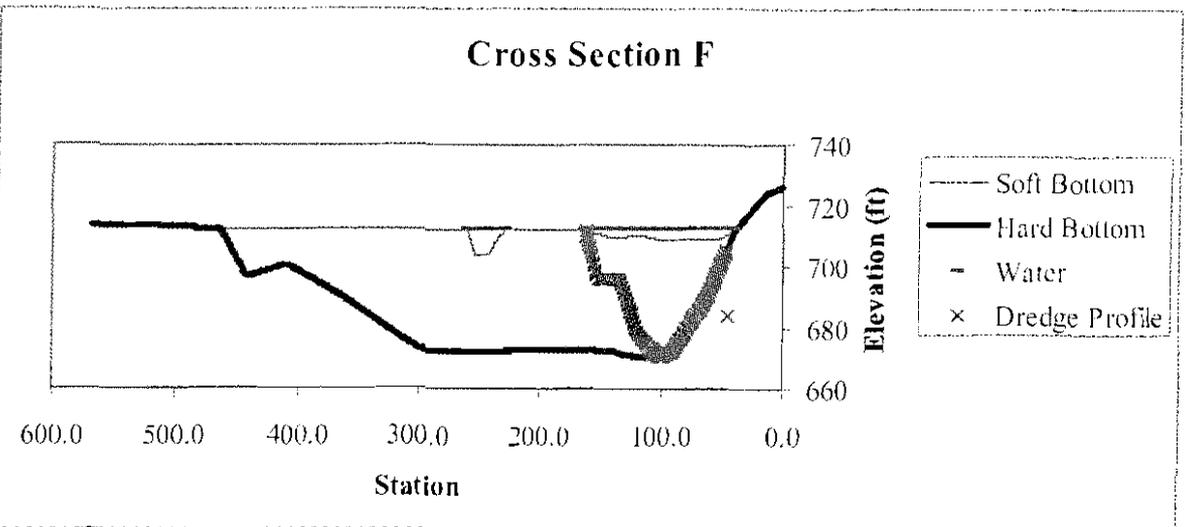
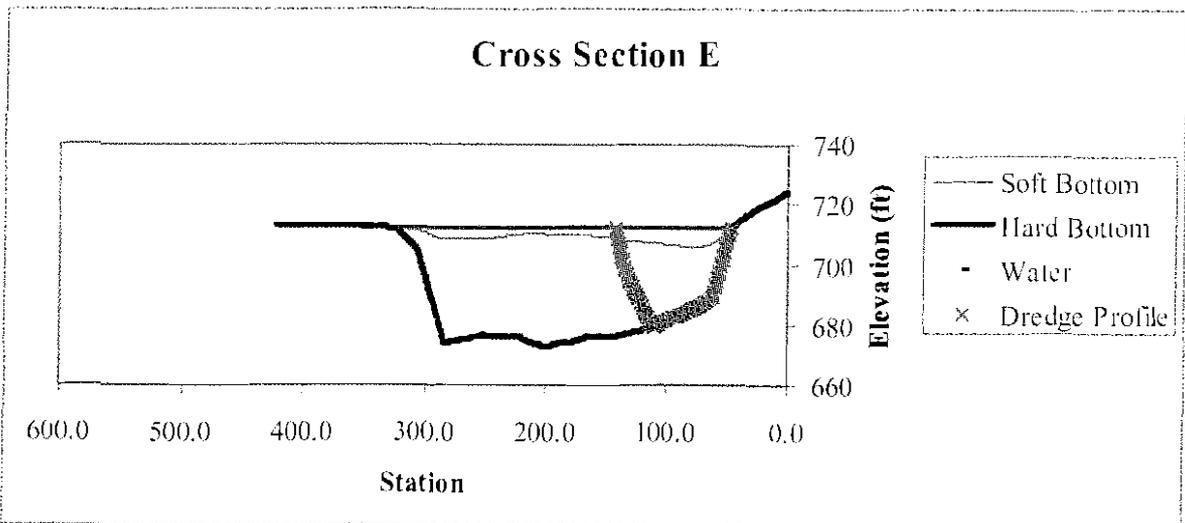
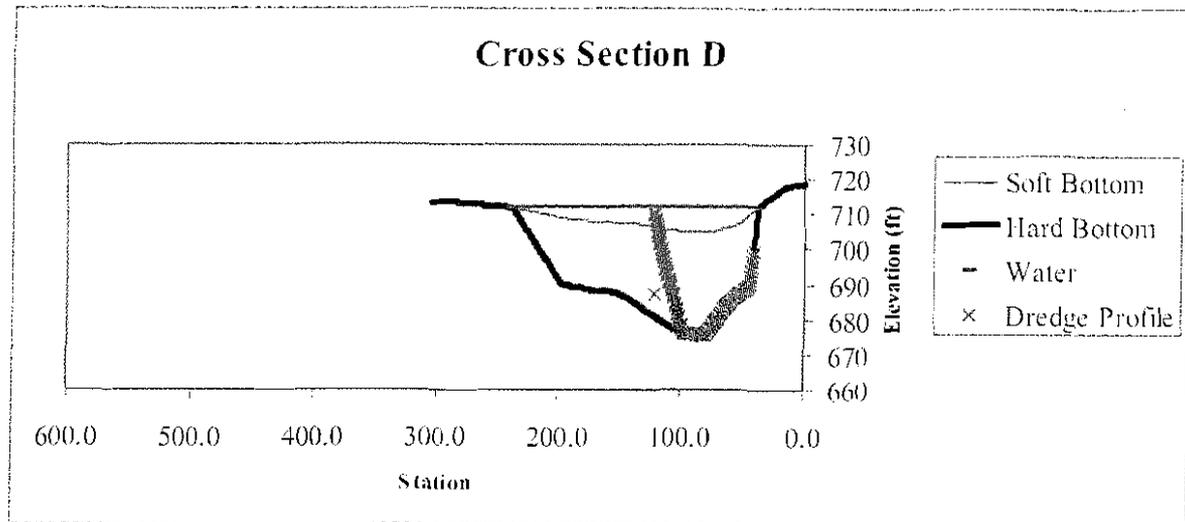


Figure 5 Project Cross-Sections (Continued)



Figure 6 Val-Kill Jurisdictional Wetlands