



# PUBLIC NOTICE

US Army Corps of Engineers  
New York District  
Upstate Regulatory Field Office  
1 Buffington Street, Bldg. 10, 3<sup>rd</sup> Floor  
Watervliet, New York 12189-4000

**In replying refer to:**  
Public Notice Number: NAN-2006-00394-WFI  
Issue Date: October 30, 2008  
Expiration Date: December 1, 2008

**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 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S. C. 1344).

APPLICANT: East Greenbush Marina, LLC  
1698 Central Ave.  
Albany, New York 12205

ACTIVITY: Dredge with upland disposal and discharge fill material below the mean high water elevation of the Hudson River to facilitate the construction of a marina facility .

WATERWAY: Hudson River

LOCATION: Town of East Greenbush, Rensselaer 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 HEIDI FIRSTENCEL AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO [heidi.x.firstencel@usace.army.mil](mailto:heidi.x.firstencel@usace.army.mil) TO REACH THIS OFFICE BY 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.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the NOAA Fisheries Service to determine the presence of and potential impacts to the Shortnose sturgeon (*Acipenser brevirostrum*), which is a listed species that could be found within the project area.

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 NOAA Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A preliminary review of the proposal and information submitted by the applicant indicates that there is little overall potential for impact on EFH managed species in that only the Summer Flounder larvae could occur in the tidal freshwater salinity zone (0.5% salinity). According to the EFH report submitted by the applicant, these larvae have not been reported upstream of Tarrytown, which is over 100 miles downstream of the proposed project. Based upon the foregoing, this office has made the preliminary determination that there would be no adverse effects on EFH from the construction and operation of the proposed project.

Based upon a review of the latest published version of the National Register of Historic Places, and other resources, there is an archeological site in or adjacent to the project area. This office is currently undergoing consultation to ensure compliance with the requirements of Section 106 of the National Historic Preservation Act. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

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.

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, 99 Washington Ave., Suite 1010, 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 any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Town of East Greenbush

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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 Heidi Firstencel of this office at (518) 266-6353.

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 applicant, East Greenbush Marina, LLC, has requested Department of the Army authorization for the following: to dredge with upland disposal; to install two floating pier assemblies; and to discharge fill material below the mean high water elevation of the Hudson River to facilitate the construction of a marina facility. The site consists of 24.95 acres, including 7.59 acres below the mean high water elevation of the Hudson River, and is located on the eastern shore of the Hudson River in the Town of East Greenbush, Rensselaer County, New York.

To obtain adequate depths to effectively launch and remove recreational vessels from the Hudson River at the proposed marina, the applicant is proposing to dredge a total of 6,800 cubic yards of material from a 0.578-acre area by means of a closed clamshell bucket to a maximum depth of 8 feet below mean low water. A turbidity curtain would be installed around the entire work area attached to posts driven into the riverbank. In order to off-load the dredged material, a temporary offloading causeway would be constructed adjacent to a proposed 436-foot long sheet-pile wall. The causeway for the off-loading would be constructed with flexi-floats and/or floating mats. Dredging is to occur in two areas to the west of the current high water elevation of 5 feet (Dredge Area #1 and #2) in accordance with the requirements of the New York State Department of Environmental Conservation (NYSDEC). In addition, one adjacent area that is currently above the high water mark would be excavated to create an area for lifting boats (Excavation Area).

Dredge Area #1 consists of approximately 240 feet along the low water mark of 0 feet elevation and extending approximately 150 feet westward into the bay. Dredge Area #1 will be dredged to a maximum -8 feet elevation. Dredge Area #1 would generate approximately 2,200 cubic yards of material. As it is dredged, the material would be placed into barges to settle. The discharge of decant water from the holding barges back into the river, would be authorized, subject to the requirements of the NYSDEC. After settling, sediments would be removed from the barges using either a crane-mounted material handler or similar equipment. The offloaded sediments would then be transferred to on-site dump trucks which would then transfer the material to a temporary, lined, settling basin where it would be allowed to settle for a 24 hour period. After this period, the excess water would then be pumped back into the river through bag filters. An appropriate construction water management plan to handle the dewatering would be utilized according to the requirements of the NYSDEC. Once dewatering is complete, this material would then be trucked offsite and used as daily cover in an approved landfill.

Dredge Area #2 shares the eastern edge of Dredge Area #1 at the existing low water mark of 0 feet elevation and would be dredged to -8 feet elevation easterly for approximately 30 feet to the high water mark of approximately 5 feet elevation. Dredge Area #2 would generate approximately 4,600 cubic yards of material. This material would be placed onsite, dewatered and would then be beneficially reused as fill onsite, all in accordance with NYSDEC requirements. It is anticipated the filled area would be paved with asphalt for construction of a parking lot.

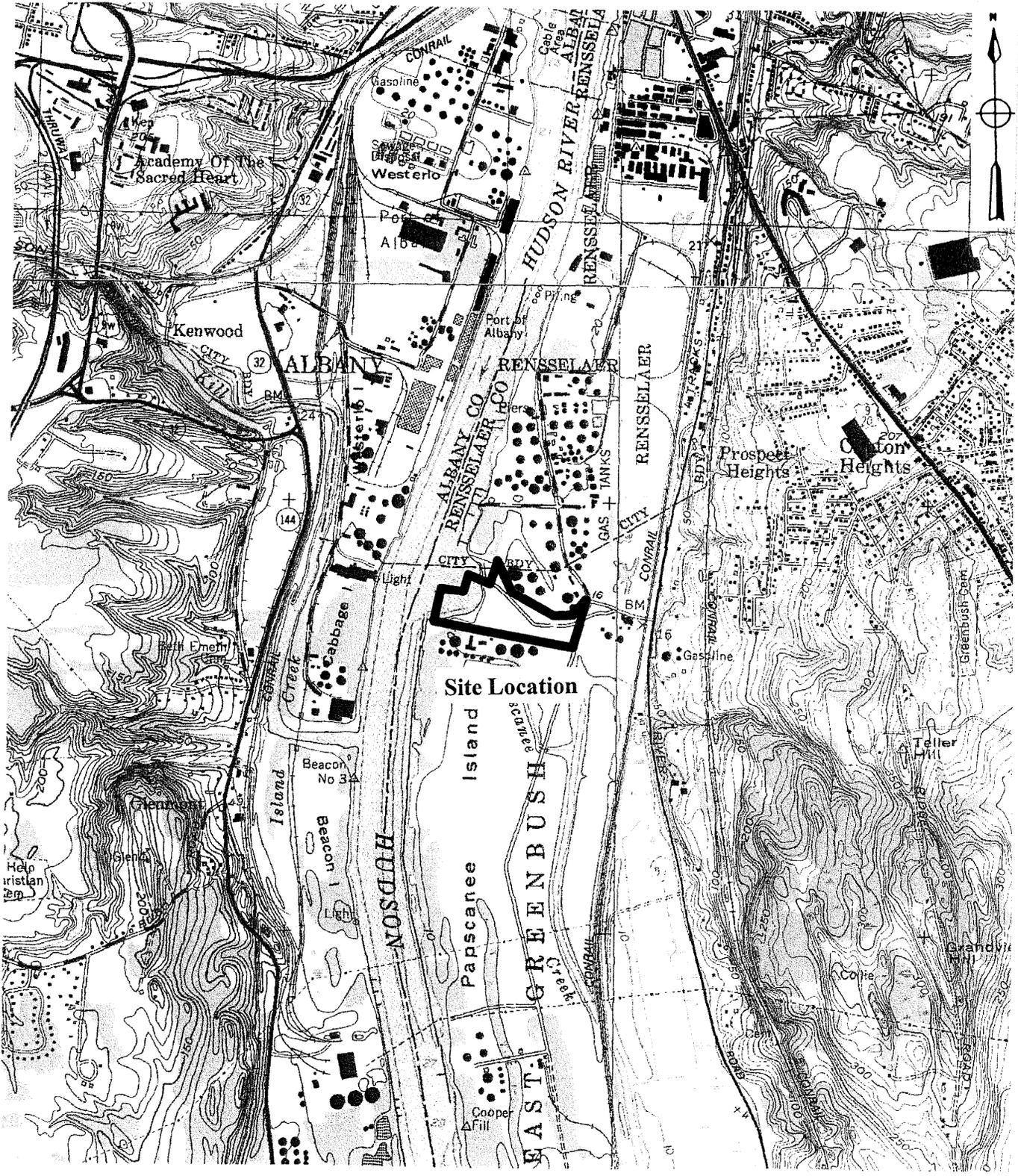
The Excavation Area shares the eastern edge of the northerly 90 feet of Dredge Area #2 and extends easterly beyond the current high water mark. The sheet pile bulkhead would be driven first to stabilize the shoreline and to create the area for two boat lift wells. Then, the material on the riverside of the bulkheads would be excavated to a depth of -8 feet to match the depth of Dredge Area #2. This excavation would generate approximately 1,900 cubic yards of material which would then be used on-site as fill.

The proposed marina facility would include two loading/lift bays with a 20 foot by 96-foot service dock; boat slips; two launch ramps for trailered boats for public use; 3 buoys; and two floating pier assemblies with a total of 84 boat slips. The northern pier would be approximately 148 feet in length and 8 feet wide, consisting of 10 finger piers, each 23 feet long by 8 feet wide. The longer southern pier would be approximately 575 feet in length and 8 feet wide, consisting of 32 finger piers, varying in lengths from 21, 31, and 41 feet. Sewage pump-out service would be provided. The westward end of the southern pier would be approximately 218 feet from the Federal Navigation Channel.

In addition, 130 linear feet of the shoreline would be rip-rapped with 15 cubic yards of material per linear foot discharged below mean high water, and 630 cubic yards of material would be discharged below mean high water to facilitate construction of the boat ramps. Additional bank stabilization would occur along two sections of the shoreline along a total of 445 linear feet where the applicant is proposing to install Coir Logs and vegetative plantings.

Activities occurring on the upland portion of the site would include a mechanical maintenance shop; parking; boat/rv storage; an observation deck; a clubhouse; a parts store; and other associated amenities, with parking for 149 vehicles.

The stated purpose of this project is to create a full-scale marina facility for use by recreational boaters.



Base Map: USGS Delmar 7.5' Quadrangle, Rensselaer County, NY.

Scale: 1" = 2,000'

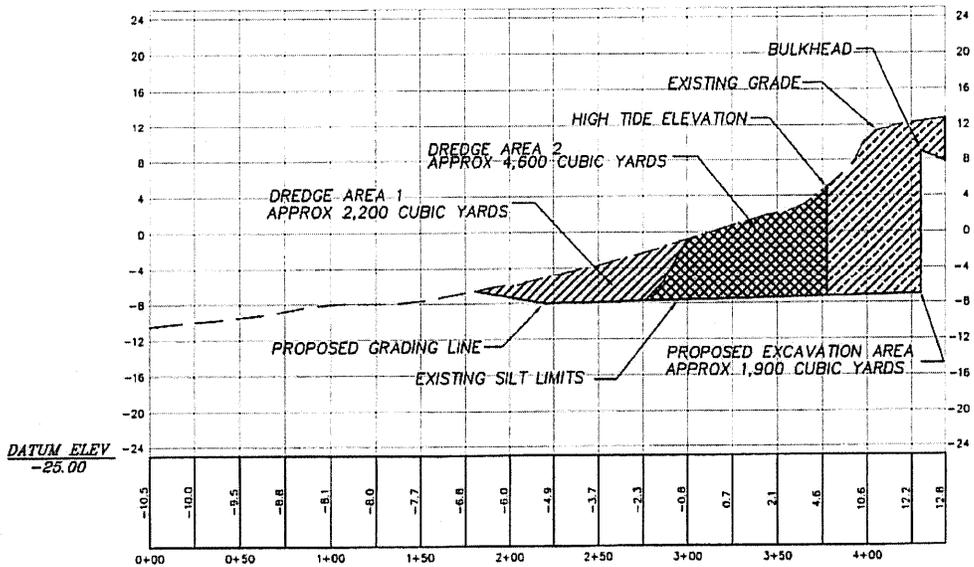
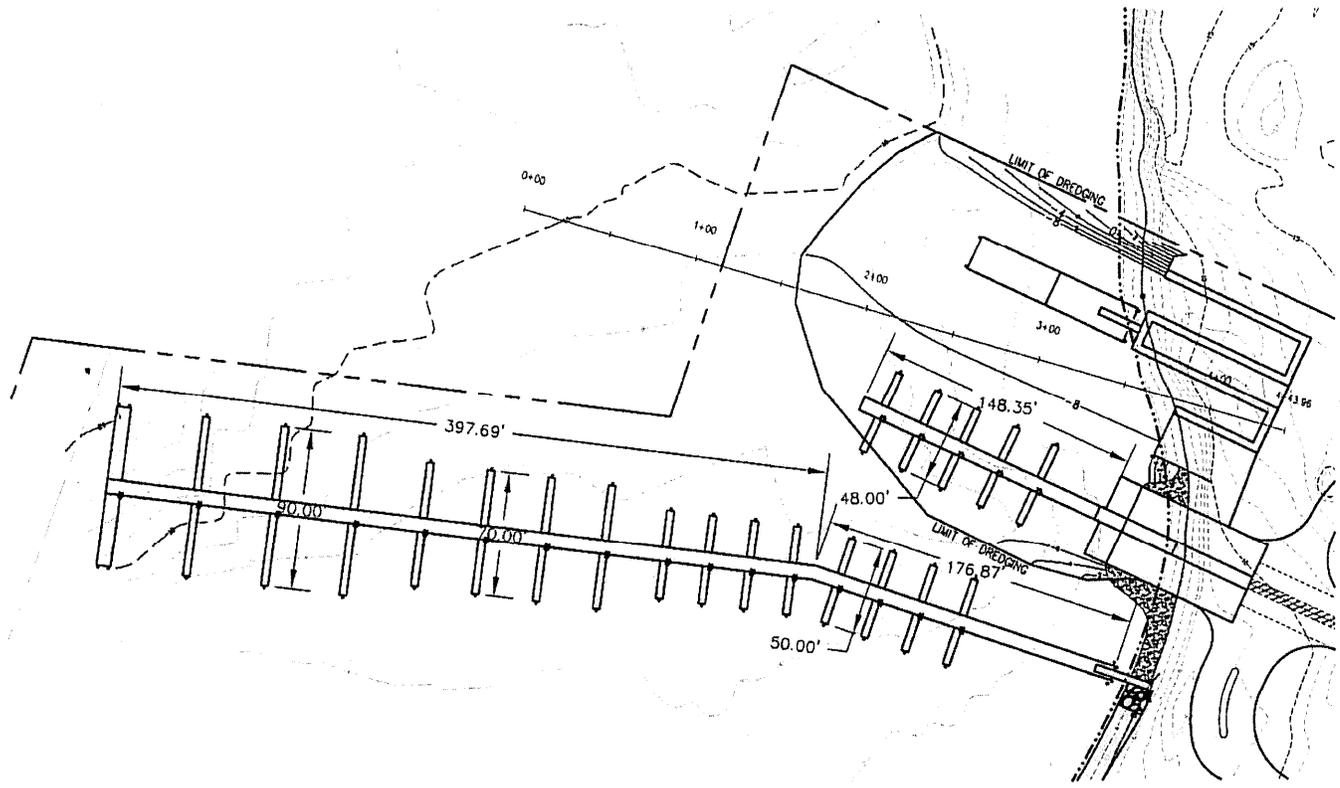
North Country Ecological Services, Inc. *2006-00394*  
 132 West Main Street *East Greenbush*  
 Johnstown, NY 12095 *Marina*  
*Fig. 1 of 4*

FIGURE 1- Site Location Map





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2006-00394 East Greenbush Marina Fig 4. of 4

**CHAS. H. SELLS, INC.**  
 Consulting Engineers, Surveyors & Photogrammetrists  
 CIVIL, STRUCTURAL AND TRANSPORTATION ENGINEERING  
 7 WASHINGTON SQUARE  
 ALBANY, NEW YORK 12205  
 518-452-3545 FAX 518-452-3755

Unauthorized alteration or addition to this map is a violation of section 7209, sub-division 2 of the New York State Education Law. Only copies from the original of this map bearing an original signature and the embossed seal of the preparer shall be considered to be true and valid copies.  
 Michael I. Groff, P.L.S.  
 N.Y.S. Lic. No. 49,454

**SITE LAYOUT PLAN - REV.2**  
**EAST GREENBUSH MARINA**  
 TOWN OF EAST GREENBUSH \* RENSSELAER COUNTY \* NEW YORK

Date: OCT. 22, 2008 Scale: 1" = 100' Cadd: publicnotice2