

PUBLIC NOTICE

US Army Corps
of Engineers
New York District, CENAN-OP-R
Upstate Regulatory Field Office
1 Buffington Street, Bldg. 10, 3rd Floor
Watervliet, New York 12189-4000

In replying refer to:
Public Notice Number: NAN-2006-3124-WSH
Issue Date: June 6, 2008
Expiration Date: July 5, 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: Village of Athens
2 First Street
Athens, New York 12015

ACTIVITY: The installation of structures and the discharge of fill material below the mean high tide elevation of the Hudson River to facilitate the rehabilitation of the Village's waterfront park.

WATERWAY: Hudson River

LOCATION: Village of Athens, 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 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 BRAD SHERWOOD AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO Brad.Sherwood@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.

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 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 Oceanic and Atmospheric Administration-Fisheries Service (NOAA-FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the proposed activity is given in the enclosed work description. The Corps of Engineers has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NOAA-FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the GIS resources map on the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) website, the project site is located within areas identified by the SHPO as "Archeo Sensitive Areas". In a letter dated October 26, 2007, SHPO requested a Phase IA Survey be undertaken and submitted. Further consultation with SHPO regarding these "Archeo Sensitive Areas" is being conducted and will be concluded prior to the final decision.

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 occurs. 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 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:

New York State Department of Environmental Conservation

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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 (518) 266-6355 and ask for Brad Sherwood.

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, the Village of Athens, has requested Department of the Army authorization to install structures and discharge fill material below the mean high tide elevation of the Hudson River to facilitate the rehabilitation of the Village's waterfront park. The project site is located along Water Street, in the Village of Athens, Greene County, New York.

The work would involve the discharge of fill material below the mean high tide elevation of the Hudson River to facilitate the replacement and installation of a bulkhead, the discharge of habitat stone, and the installation of seasonal pier assemblies. First, 210 total linear feet of existing deteriorated wood bulkhead would be removed (20 linear feet to remain with new structure built landside of it). The existing bulkhead would be replaced with steel sheet piling. A total of 525 linear feet of new bulkhead would be installed at a maximum of 10 feet waterward of the existing bulkhead, with the exception of the above 20'. Fill material would be discharged into a total of 2,659 square feet of intertidal area and 1,281 square feet of open water to facilitate the replacement of the bulkhead. In addition, a total of 187 cubic yards of ± 300 kg sized rock (NYSDOT heavy stone) would be discharged below the mean high tide elevation of the Hudson River to provide fish habitat and scour protection along a 270 (250 feet plus 20 feet at northeast corner of project site) linear foot section at the base of the new bulkhead.

In addition, the applicant proposes to install seasonal pier assemblies in the river to provide a maximum of 12 mooring spaces. The first assembly would be 240 feet long by 8 feet wide and lie parallel to the riverfront bulkhead. Two, 25 feet long by 4 feet wide gangways would provide access to the piers. The second assembly would be 60 feet long by 8 feet wide and lie along the south side of the existing ferry slip. One 20 foot long by 4 foot wide gangway would provide access to the piers. Each assembly would be secured in place by stabilizer braces connected to the proposed bulkhead. Seasonal use of the assemblies would be provided from May to October each year.

To assure that the project is not likely to adversely affect the endangered Shortnose sturgeon (*Acipenser brevirostum*), the applicant proposes to complete the in-water bulkhead removal and installation work between October and March of any calendar year. Turbidity curtains would be installed to provide erosion and sediment control. This work would be conducted in one (1) phase to further minimize effects.

Mitigation for the loss of intertidal and open water area is not proposed at this time.

Other work proposed that does not require a Department of the Army permit includes all of the park improvements described, including promenade, kiosk, concrete plaza, and improve 450 feet of Water Street.

Although the plans show a dry hydrant in the river, it would be maintained as is. No new work in the river or extension of the structure is needed.

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USGS Athens, New York, United States 01 Jul 1980

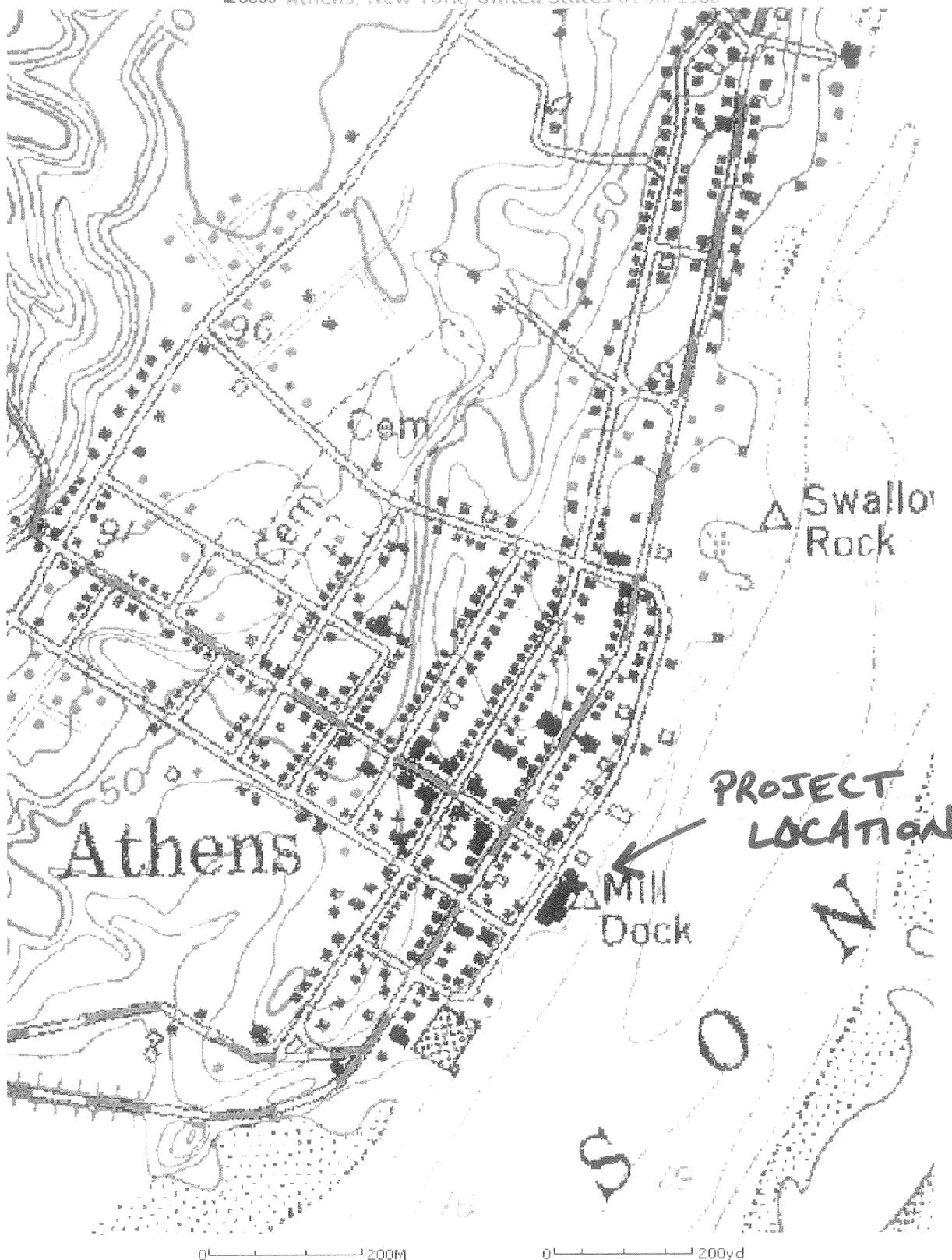
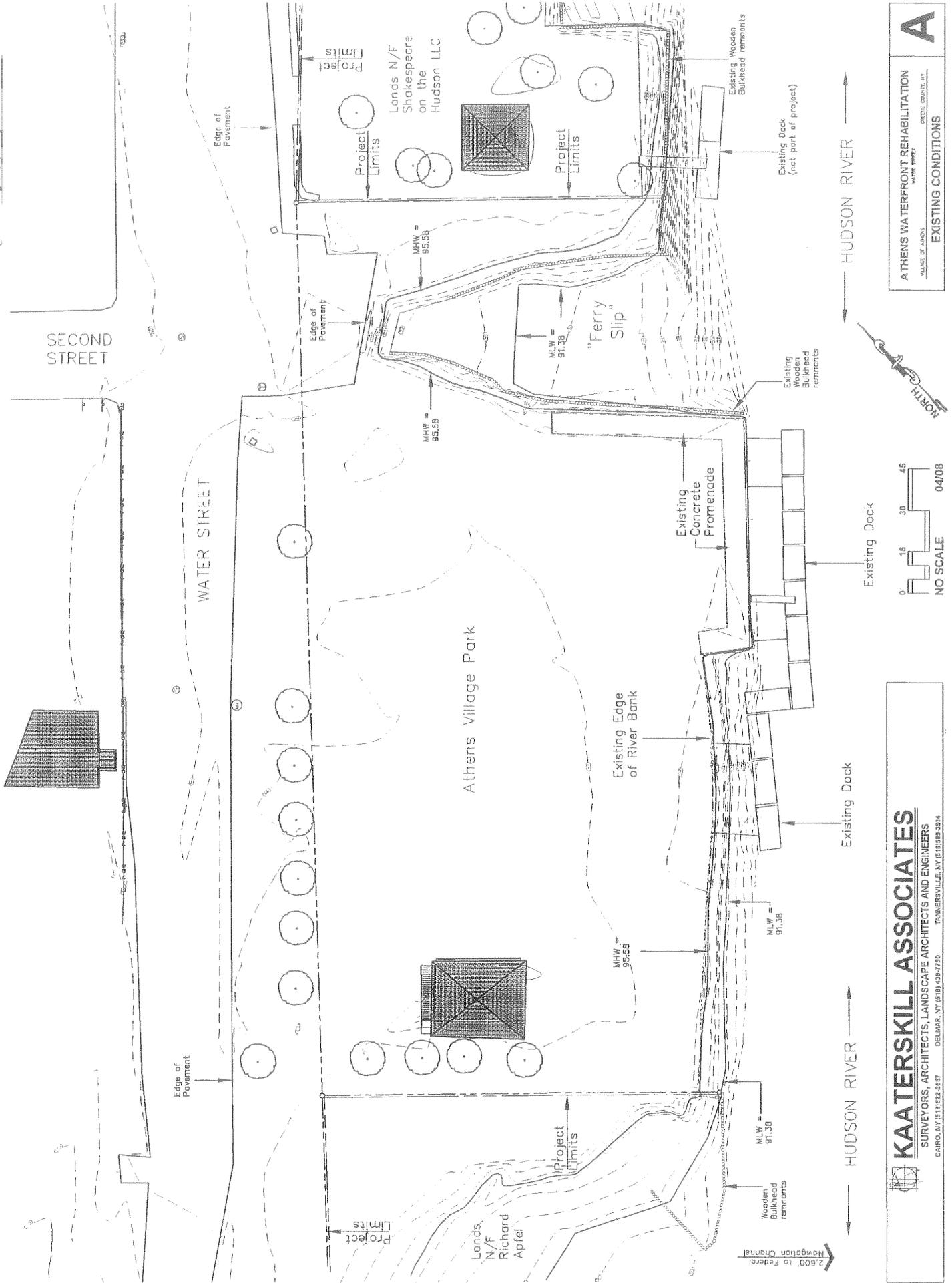
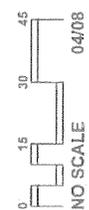


Image courtesy of the U.S. Geological Survey

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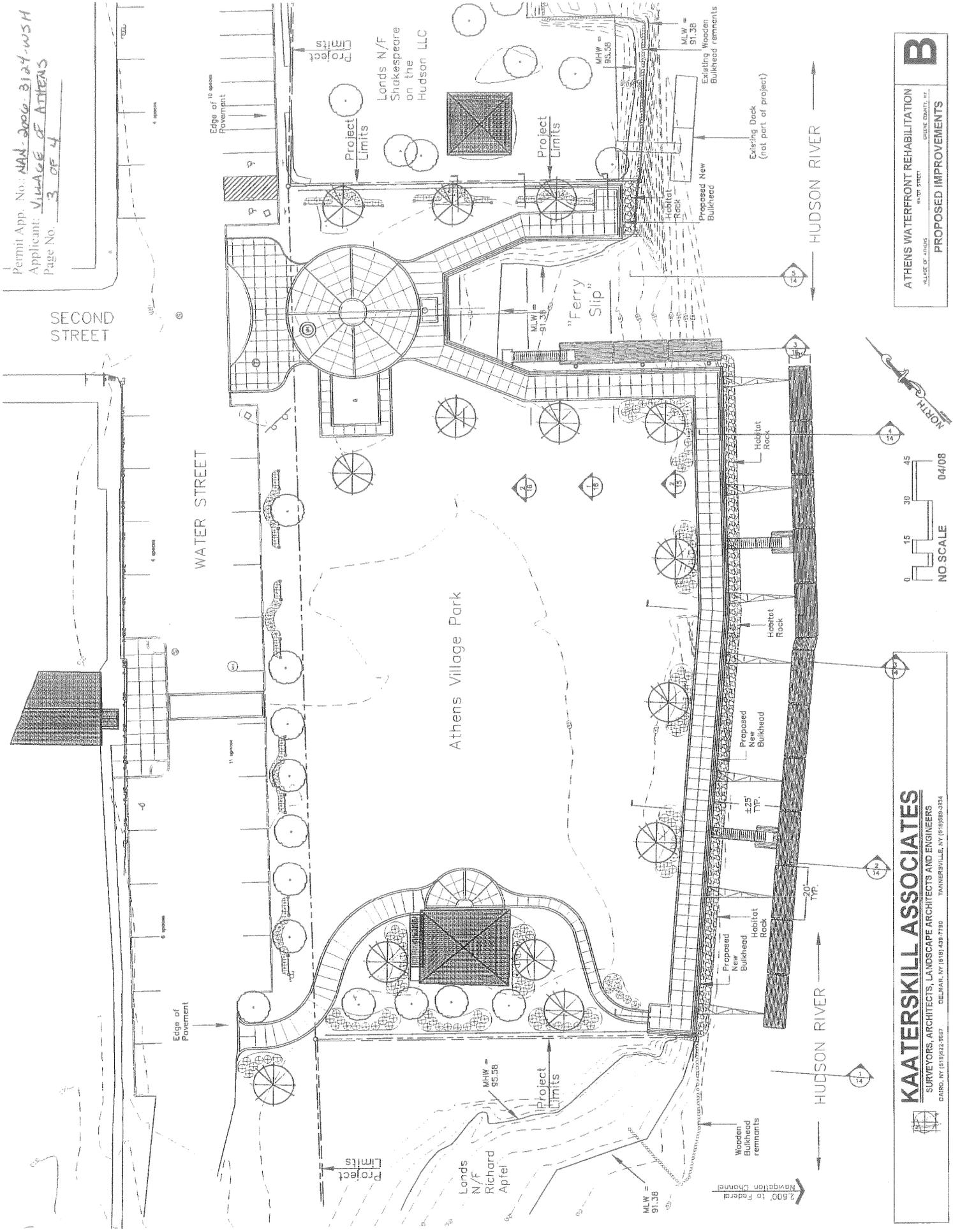


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 ATHENS WATERFRONT REHABILITATION
 WATER STREET
 VILLAGE OF ATHENS
 TOWN OF ATHENS, NY
 EXISTING CONDITIONS



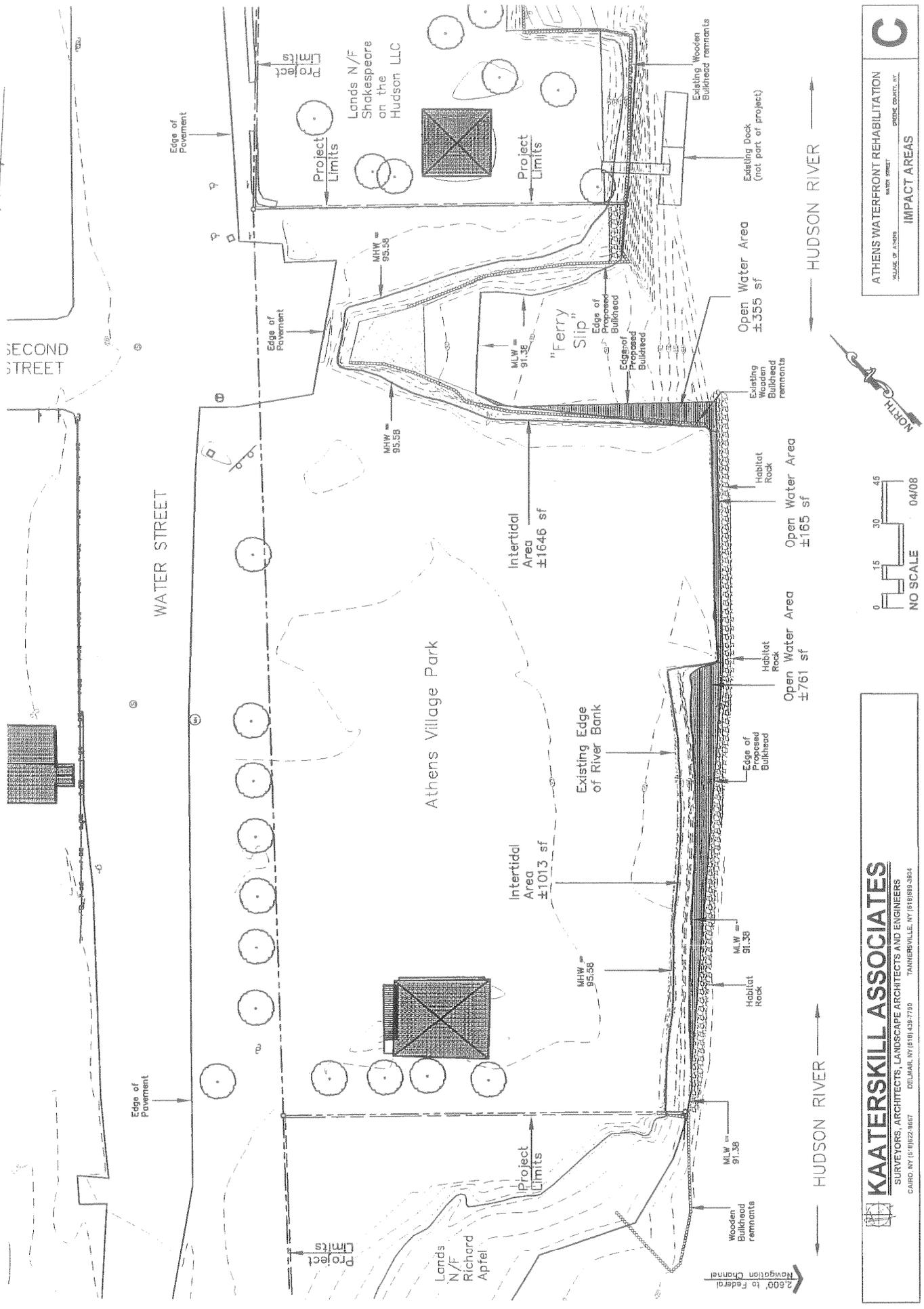
KAATERSKILL ASSOCIATES
 SURVEYORS, ARCHITECTS, LANDSCAPE ARCHITECTS AND ENGINEERS
 CARO, NY (516)222-5887 DELMAR, NY (516) 438-7750 TANNERSVILLE, NY (615)885-3214

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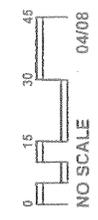
B
 ATHENS WATERFRONT REHABILITATION
 WATER STREET
 DELAWARE COUNTY, PA
 VILLAGE OF ATHENS
 PROPOSED IMPROVEMENTS

KAATERSKILL ASSOCIATES
 SURVEYORS, ARCHITECTS, LANDSCAPE ARCHITECTS AND ENGINEERS
 CAROL, NY (518) 522-8617 DELAWARE, NY (610) 437-7795 TANNERSVILLE, NY (518) 580-0244
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C

ATHENS WATERFRONT REHABILITATION
 WATER STREET
 VILLAGE OF ATHENS
 DELMAR, NY
 IMPACT AREAS



KAATERSKILL ASSOCIATES
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 CARO, NY (518)222-8667 DELMAR, NY (618)438-7790 TANNERSVILLE, NY (518)589-3824