



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-2006-3271-WCO
Issue Date: February 21, 2008
Expiration Date: March 24, 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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Montgomery County Industrial Development Agency
 9 Park Street
 Fonda, New York 12068

ACTIVITY: Discharge fill material into waters of the United States, which would impact 1.19 acres of wetlands and intermittent streams, with mitigation, to construct a manufacturing plant within an existing business park

WATERWAY: unnamed tributaries to the Mohawk River (Hudson River Watershed)

LOCATION: Town of Florida, Montgomery 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 MR. JOHN CONNELL AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO john.r.connell@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.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2006-3271-WCO

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.

Based on a review of the U.S. Fish and Wildlife Service, Northeast Field Office website, except for occasional transient individuals, no Federally-endangered or threatened species, or currently designated or proposed critical habitat, are known to exist within Montgomery County. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer will continue to consult, if necessary, with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

By transmittal letter dated December 11, 2007, the applicant's representatives forwarded to the New York State Office of Parks, Recreation and Historic Preservation (SHPO) the results of a survey conducted on the project site, which reviewed potential sites in or eligible for inclusion in the National Register of Historic Places. This office will continue to consult with the SHPO, if necessary, to ensure the requirements of Section 106 of the National Historic Preservation Act are met.

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 approval under the State Pollutant Discharge Elimination System (SPDES)

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) 266-6350 and ask for John Connell.

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

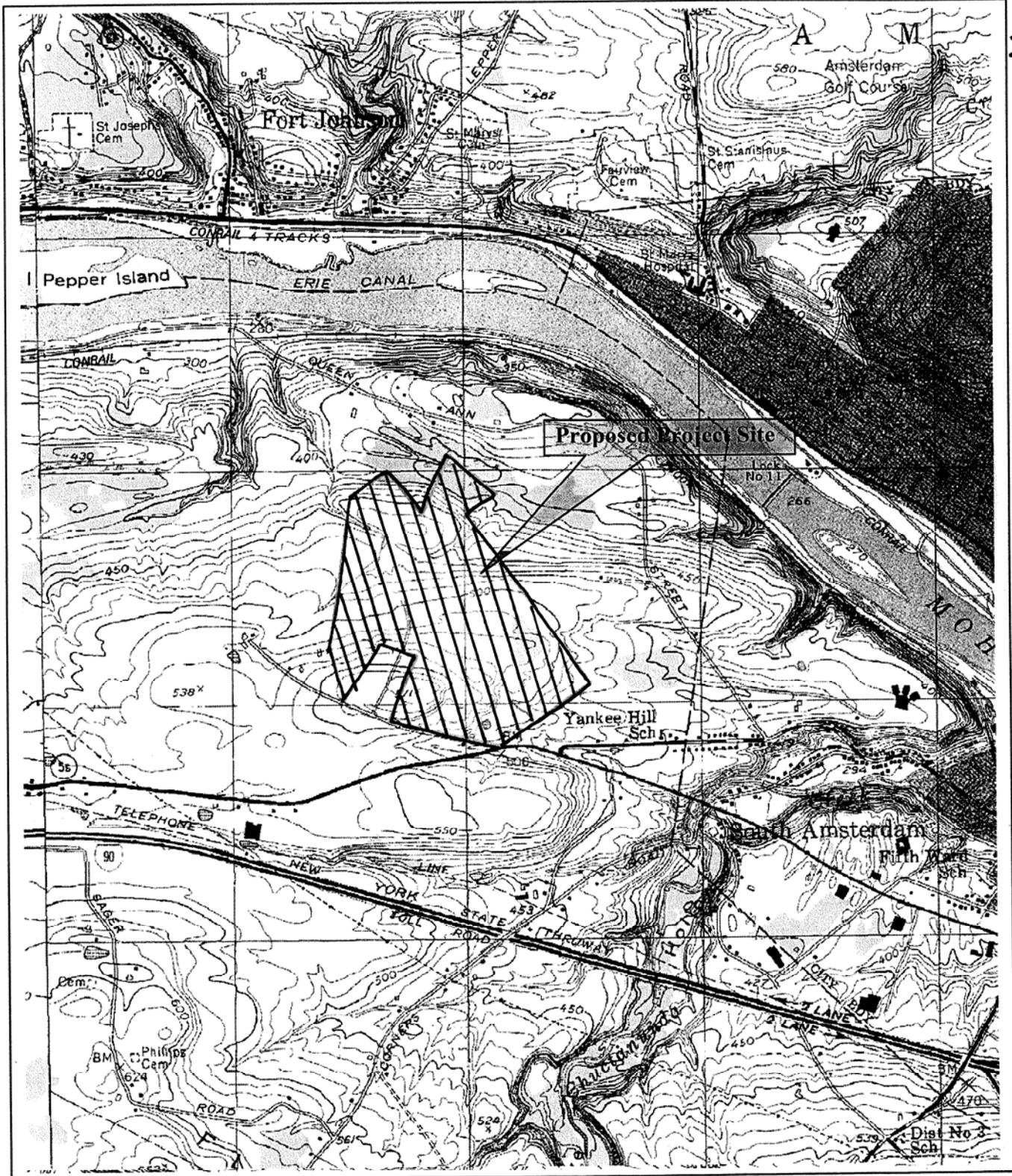
WORK DESCRIPTION

The applicant, Montgomery County Industrial Development Agency, is requesting authorization to discharge fill material into waters of the United States, which would cause impacts to 1.03 acres of wetlands and 0.16 acres (1198 linear feet) of intermittent streams, to facilitate the construction of a new manufacturing plant known as the "Hero/Beechnut Facility" and attendant features, at an existing development known as the "Florida Business Park". The 1.03 acres of wetlands areas to be impacted would include 0.14 acres of forested wetlands and 0.85 acres of scrub-shrub wetlands. The proposed discharge of fill material into wetlands and streams would involve the placement of fill into 0.90 acres of waters of the United States, including wetlands and 648 linear feet of intermittent streams, for a building pad and parking facilities for the proposed facility, as well as indirect impacts to 0.29 acres of waters of the United States, including wetlands and 550 linear feet of intermittent streams. The indirect impacts from the redirection of all upstream surface hydrology away from these areas, which are not proposed to be filled, would cause adverse impacts to the aquatic resource functions of these wetlands and streams.

As mitigation for the proposed impacts to aquatic resources, the applicant would establish 1.6 acres of wetlands from uplands, including 0.6 acres of scrub-shrub wetlands and 1.0 acre of wet meadow wetlands, at two locations on the project site; donate an in-lieu-fee (ILF) of \$80,000 to the Montgomery County Soil and Water Conservation District (MCSWCD) to implement local stream restoration projects; preserve approximately 47 acres of lands in a conservation easement, including remaining wetlands and streams, the two proposed wetland mitigation areas, and some historic sites, all on parcels adjacent to the project site; and develop and implement a grassland habitat management plan on portions of the preserved parcels. MCSWCD would use the ILF donation to fund restoration projects on private and public parcels in Montgomery County, including the following practices; fencing to exclude livestock from streams, development of alternative water supplies, installation of vegetated buffers or filter strips, stream bank stabilization, installation of stream crossings for livestock and machinery, development of travel corridors to direct livestock to specific crossing areas through sensitive areas, protection of heavy use areas (on a limited basis), and/or stream bank and buffer area plantings.

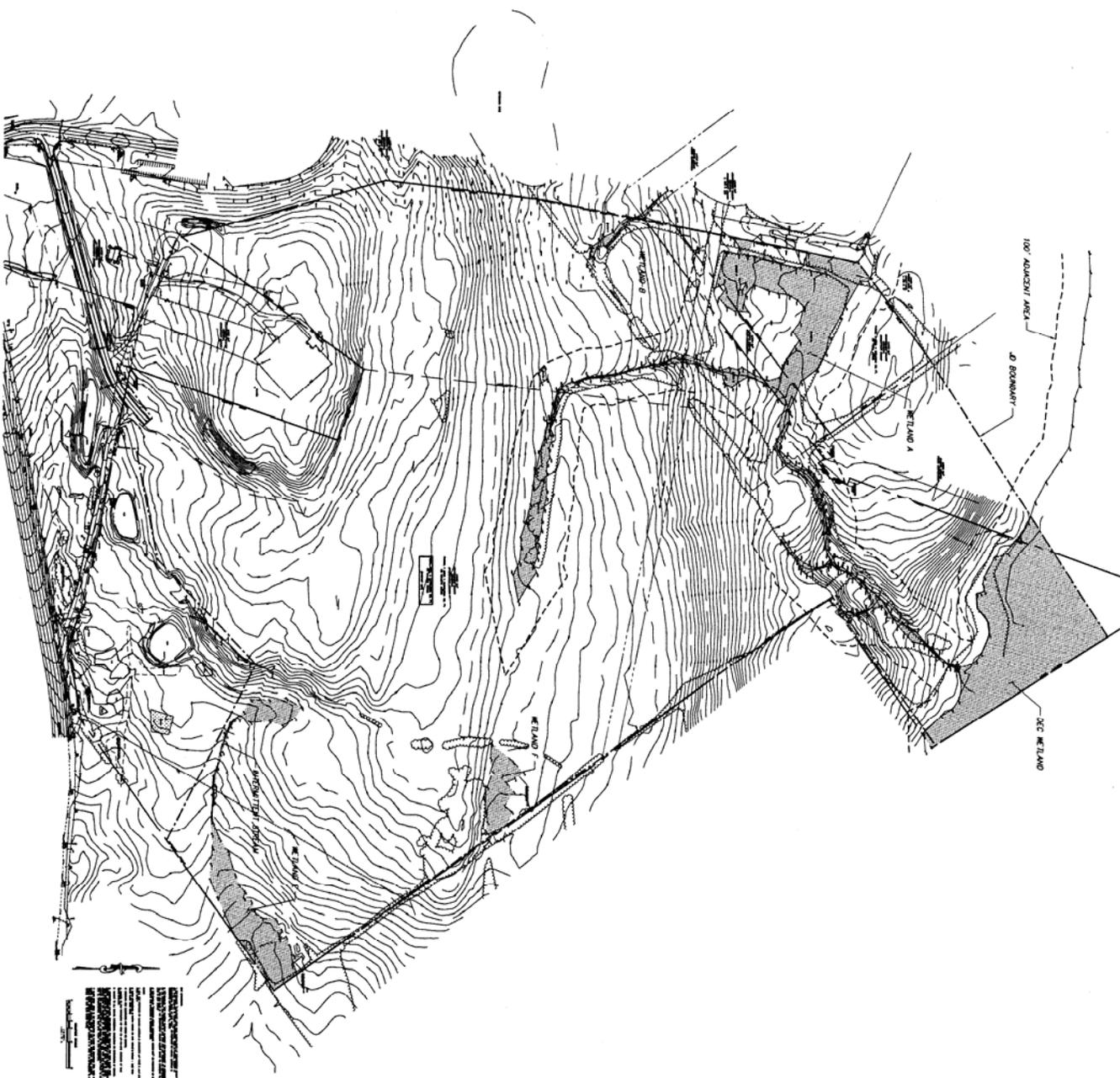
The applicant previously discharged fill material in 7.13 acres of waters of the United States, including wetlands and 1,150 linear feet of swales, to construct the initial phases of the Florida Business Park development on lands immediately adjacent to the western boundary of the proposed Beech-Nut project site. The previous phases involved the construction of the "Target Distribution Center", and attendant features. As mitigation for the previous impacts to aquatic resources, the applicant established 8.00 acres of wetlands from uplands, and relocated the swales that were filled, all on the previous project site, and preserved 147.25 acres of adjacent lands, including wetlands, streams and upland buffer areas.

The stated purpose of the project is to replace the existing Beech-Nut facility that is currently located in Canajoharie, New York.



	 CLOUGH HARBOUR & ASSOCIATES LLP	Project Location Map Figure 1	
	Scale 1" = 2000'	CHA File No: 17079.4000.1106	Proposed Beech-Nut Facility Town of Florida, Montgomery County, NY

Appl. No. 2006-3271 by Montgomery Co. IDA SHEET 2 OF 14



NOTES:
 1. THIS MAP WAS PREPARED FOR THE MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY (IDA) AND IS TO BE USED ONLY FOR THE PURPOSES SPECIFIED IN THE APPLICABLE PERMITTING AGENCIES' REGULATIONS.
 2. THE IDA IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY THE APPLICANT.
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 10. THE IDA IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY THE APPLICANT.

LEGEND

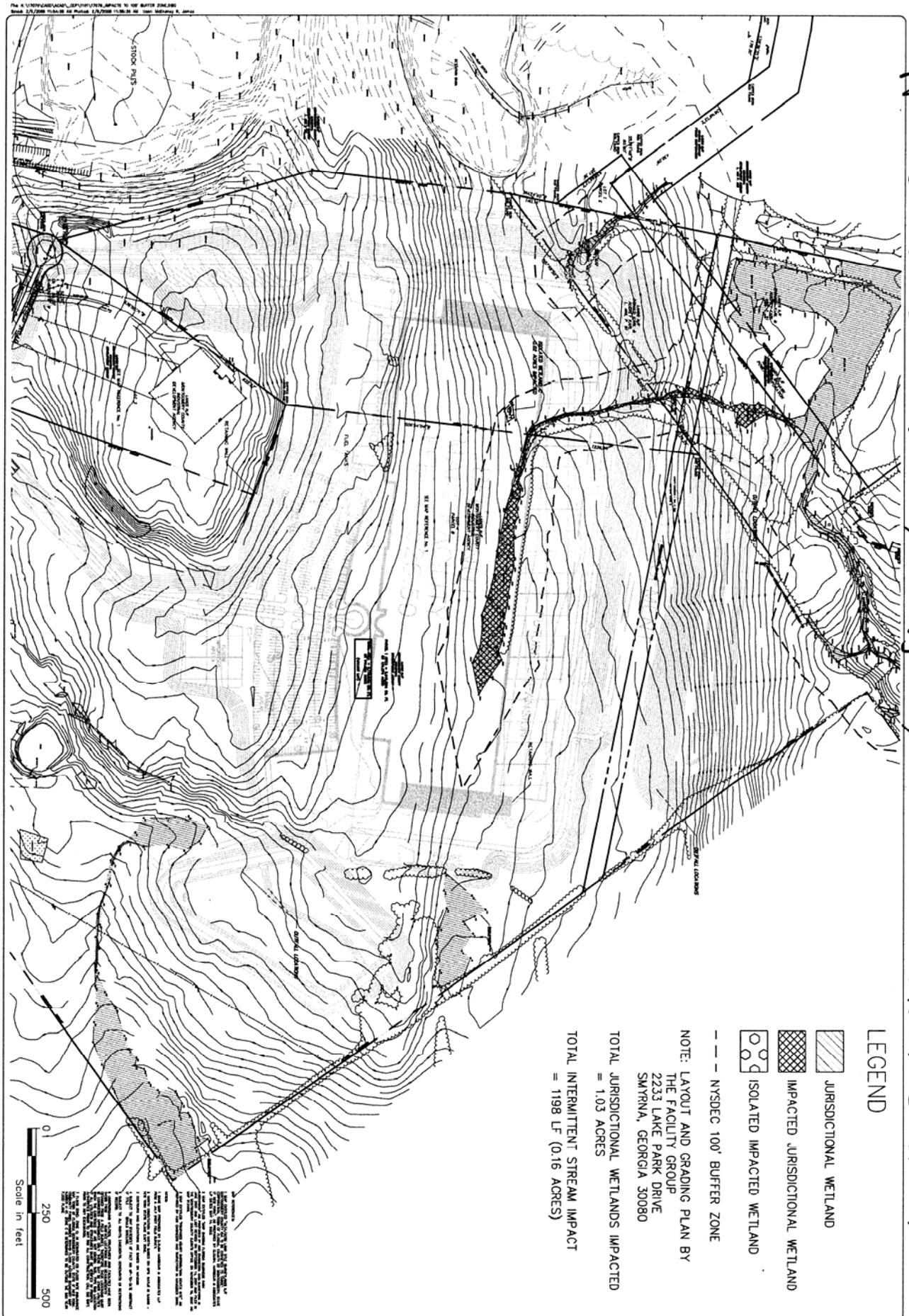
- ADJACENT WETLAND
- WETLAND
- STREAM CHANNEL
- BOUNDARY
- ADJACENT AREA

AREA WITHIN 20 BOUNDARY

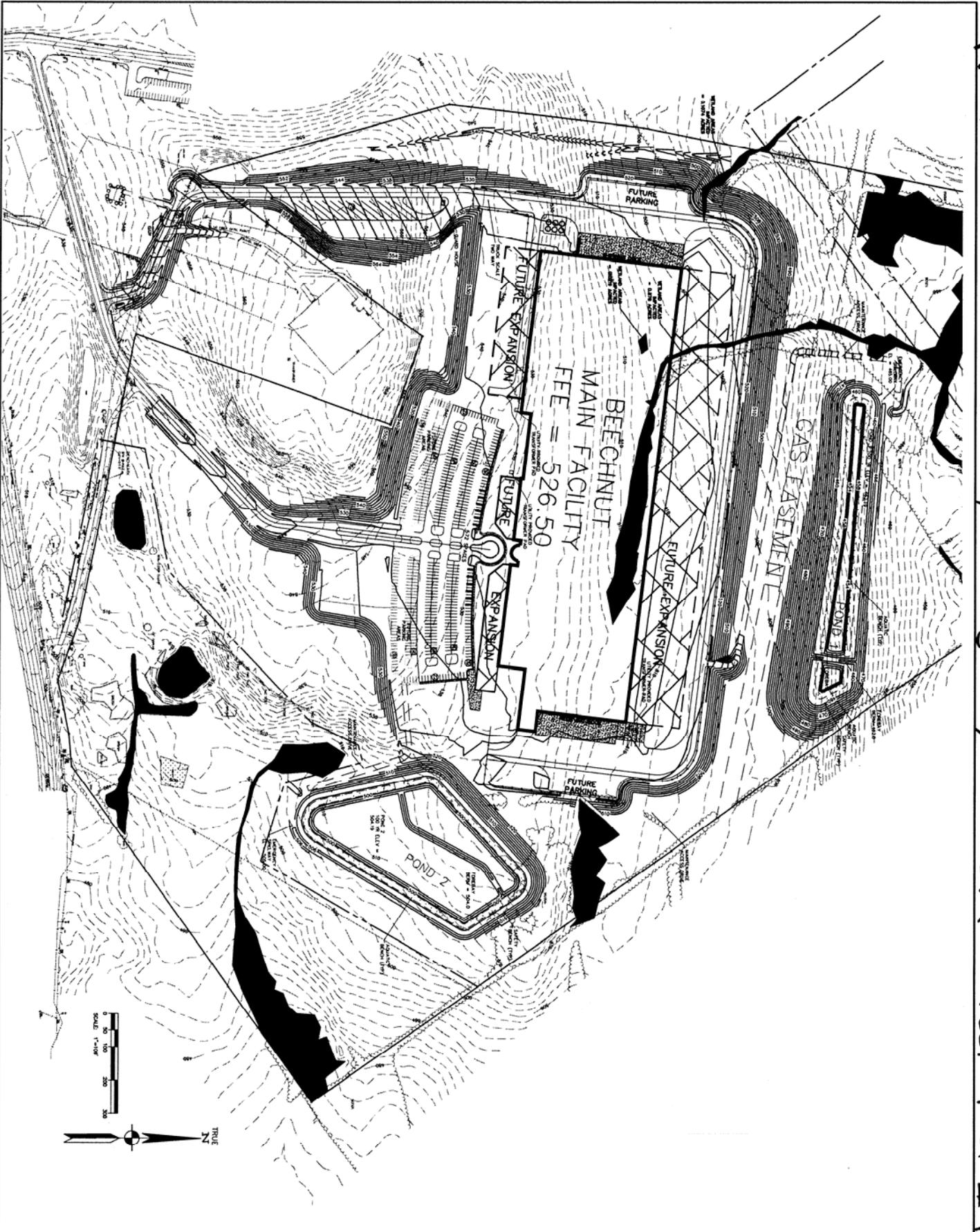
- AREA OF WETLAND A = 1,211 acres
- AREA OF WETLAND B = 1,211 acres
- AREA OF WETLAND C = 1,211 acres
- AREA OF WETLAND D = 1,211 acres
- AREA OF WETLAND E = 1,211 acres
- AREA OF WETLAND F = 1,211 acres
- AREA OF WETLAND G = 1,211 acres
- AREA OF WETLAND H = 1,211 acres
- AREA OF WETLAND I = 1,211 acres
- AREA OF WETLAND J = 1,211 acres
- AREA OF WETLAND K = 1,211 acres
- AREA OF WETLAND L = 1,211 acres
- AREA OF WETLAND M = 1,211 acres
- AREA OF WETLAND N = 1,211 acres
- AREA OF WETLAND O = 1,211 acres
- AREA OF WETLAND P = 1,211 acres
- AREA OF WETLAND Q = 1,211 acres
- AREA OF WETLAND R = 1,211 acres
- AREA OF WETLAND S = 1,211 acres
- AREA OF WETLAND T = 1,211 acres
- AREA OF WETLAND U = 1,211 acres
- AREA OF WETLAND V = 1,211 acres
- AREA OF WETLAND W = 1,211 acres
- AREA OF WETLAND X = 1,211 acres
- AREA OF WETLAND Y = 1,211 acres
- AREA OF WETLAND Z = 1,211 acres



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Appl. No. 2006 - 3271 by Montgomery Co. IDA SHEET 4 OF 14



PROJECT NO.	06363
SHEET NO.	C-140
GRADING AND DRAINAGE PLAN	
SHEET TITLE	
SCALE: 1" = 40'	
DATE: 11/10/06	
DRAWN BY: [REDACTED]	
CHECKED BY: [REDACTED]	
APPROVED BY: [REDACTED]	



GREENFIELD PROJECT
 BEECH-NUT NUTRITION CORPORATION
 HERO - USA
 MONTGOMERY COUNTY, NEW YORK



FACILITY ENGINEERS NEW YORK
 2233 LAKE PARK DRIVE
 SMYRNA, GA 30080
 (770)-437-2700

5
C-5-6

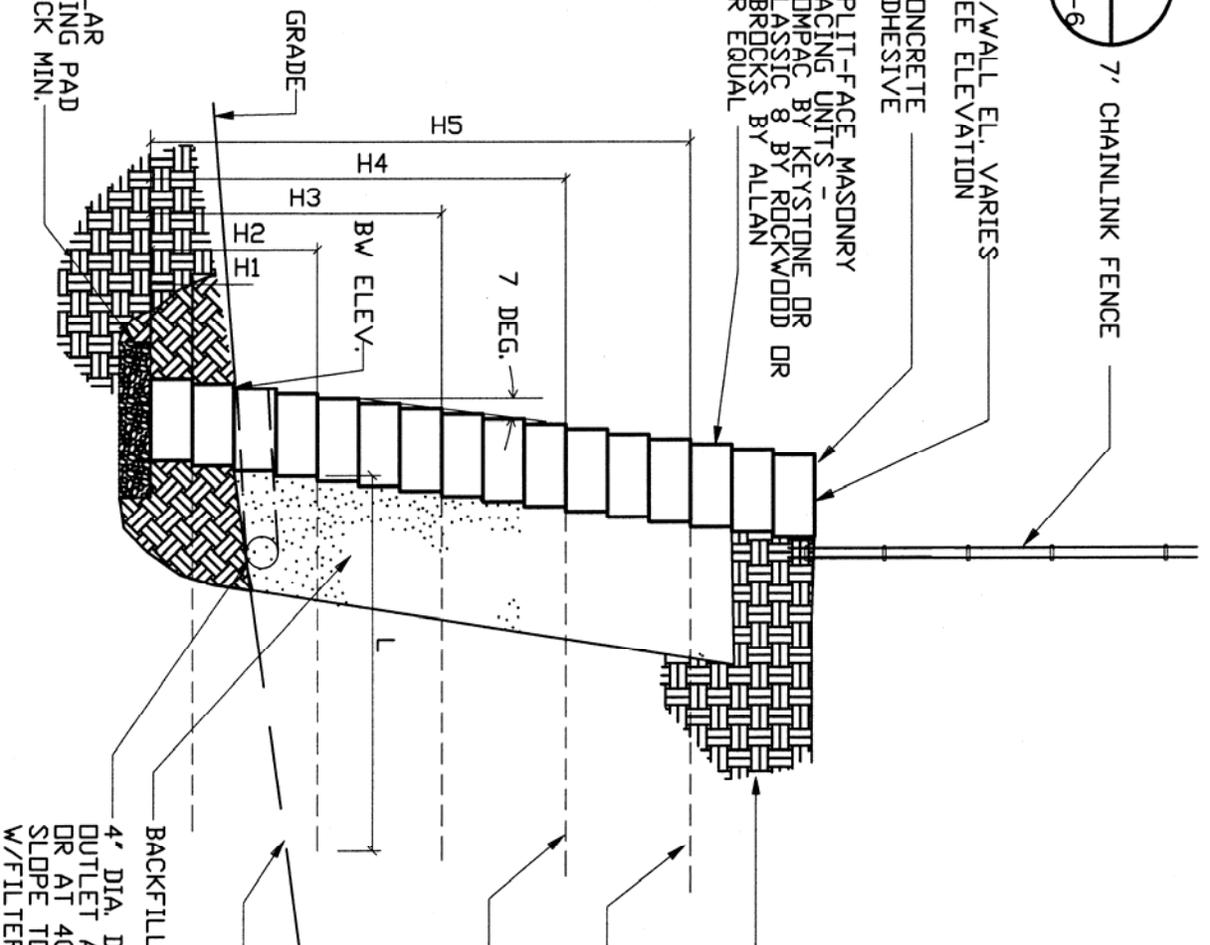
7' CHAINLINK FENCE

T/WALL EL. VARIES
SEE ELEVATION

CONCRETE
ADHESIVE

SPLIT-FACE MASONRY
FACING UNITS
COMPAC BY KEYSTONE DR
CLASSIC 8 BY ROCKWOOD DR
ABROCKS BY ALLAN
DR EQUAL

GRANULAR
LEVELING PAD
6" THICK MIN.



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by Montgomery Co. IDA
SHEET 5 OF 14

REINFORCED BACKFILL
COMPACTED 95% OF
MAXIMUM STANDARD
PROCTOR DENSITY

ADD 1' TO LENGTH OF
TOP MOST GRID LAYER

GEOSYNTHETIC REINFORCEMENT,
VENDOR TO INDICATE EXTENT ON
STAMPED DRAWINGS
SUBMITTED FOR APPROVAL.

APPROX.
EXIST. GRADE

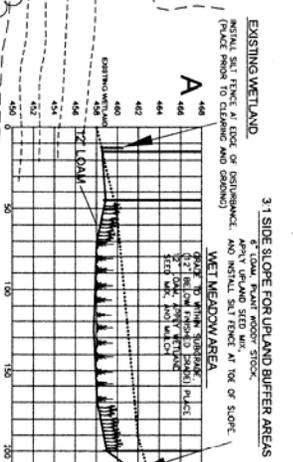
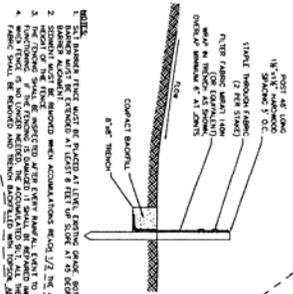
BACKFILL W/WASHED STONE
4" DIA. DRAIN PIPE
OUTLET AT END OF WALL
DR AT 40' CENTERS MAX.
SLOPE TO DRAIN (1/8" / FT.)
W/FILTER FABRIC

1
C-5-6

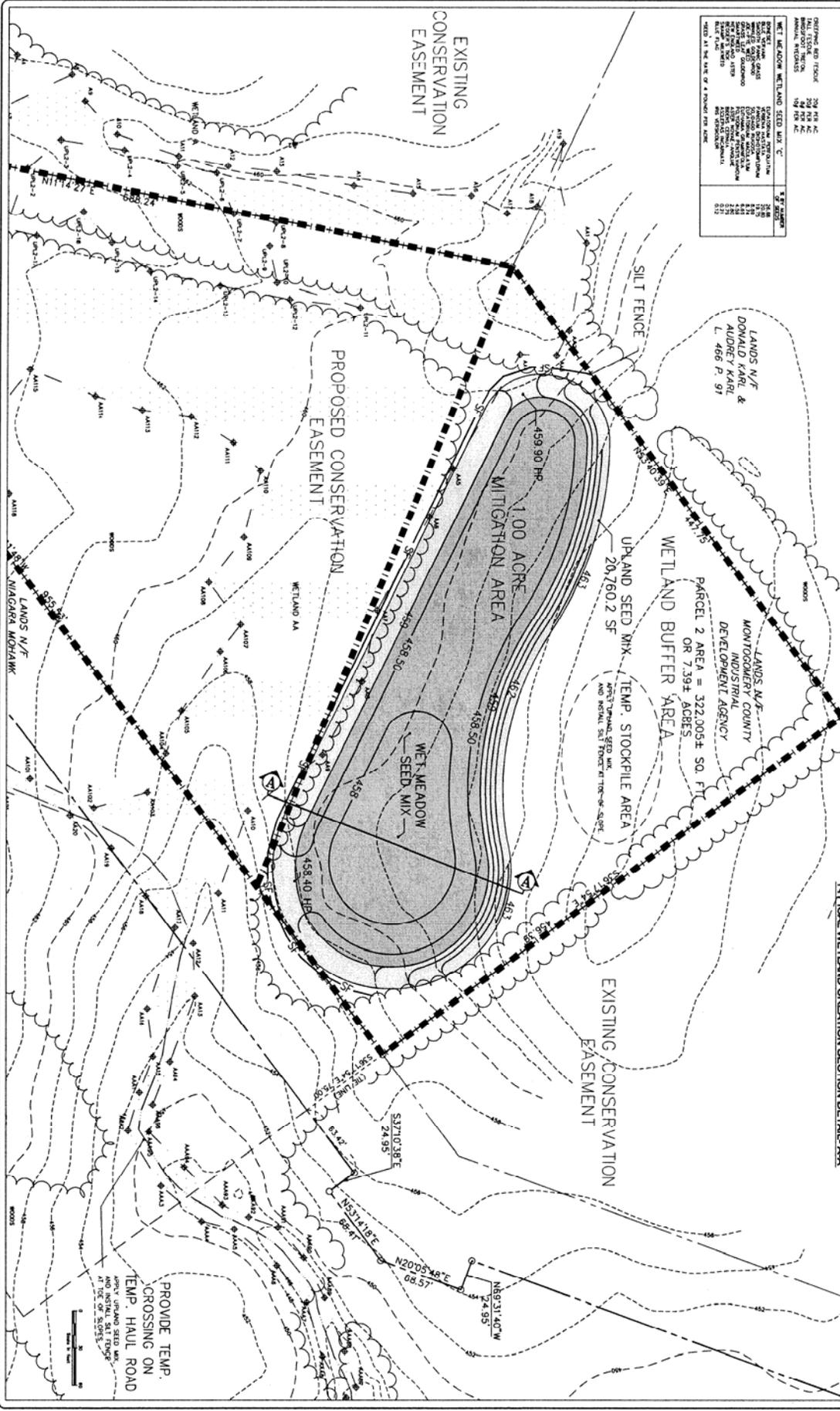
MODULAR BLOCK RETAINING WALL DETAIL

SCALE: NTS

- GRADING NOTES:** Wetland Creation
1. ALL FENCE SHALL BE INSTALLED PRIOR TO GRADING AND GRADING.
 2. ALL EXISTING GRASS SHALL BE RESEED WITH PERennial GRASS MIXTURE.
 3. ALL EXISTING GRASS SHALL BE RESEED WITH PERennial GRASS MIXTURE.
 4. ALL EXISTING GRASS SHALL BE RESEED WITH PERennial GRASS MIXTURE.
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 9. ALL EXISTING GRASS SHALL BE RESEED WITH PERennial GRASS MIXTURE.
 10. ALL EXISTING GRASS SHALL BE RESEED WITH PERennial GRASS MIXTURE.



WETLAND TYPE	AREA (ACRES)	% OF TOTAL
WETLAND A	1.00	100%
WETLAND B	0.00	0%
WETLAND C	0.00	0%
WETLAND D	0.00	0%
WETLAND E	0.00	0%
WETLAND F	0.00	0%
WETLAND G	0.00	0%
WETLAND H	0.00	0%
WETLAND I	0.00	0%
WETLAND J	0.00	0%
WETLAND K	0.00	0%
WETLAND L	0.00	0%
WETLAND M	0.00	0%
WETLAND N	0.00	0%
WETLAND O	0.00	0%
WETLAND P	0.00	0%
WETLAND Q	0.00	0%
WETLAND R	0.00	0%
WETLAND S	0.00	0%
WETLAND T	0.00	0%
WETLAND U	0.00	0%
WETLAND V	0.00	0%
WETLAND W	0.00	0%
WETLAND X	0.00	0%
WETLAND Y	0.00	0%
WETLAND Z	0.00	0%



<p>FIG 2</p>	<p>HERO GROUP, INC.</p> <p>PROPOSED WETLAND MITIGATION</p> <p>Issue Date: 12/18/07 Project No: 13079 Scale: 1" = 200'</p>	<p>CHA</p> <p>CLAYTON HANCOCK & ASSOCIATES LLP</p> <p>100 South Street, 10th Floor, New York, NY 10038</p> <p>Phone: (212) 486-1000 Fax: (212) 486-1001</p> <p>Designed: RDT Drawn: JTM Checked: RDT</p>	<p>Beech-Nut</p> <p>GREENFIELD PROJECT</p> <p>BECHMANN METROPLEX CORPORATION</p> <p>HERO-USA</p> <p>MONTGOMERY COUNTY, NEW YORK</p>	<p>THE FACILITY GROUP</p> <p>FACILITY ENGINEERS NEW YORK</p> <p>2243 LAKE PARK DRIVE</p> <p>SARATOGA, CA 95040 (770) 437-2700</p>	<p>North Arrow</p>	<table border="1"> <tr> <td>1</td> <td></td> </tr> <tr> <td>2</td> <td></td> </tr> <tr> <td>3</td> <td></td> </tr> <tr> <td>4</td> <td></td> </tr> <tr> <td>5</td> <td></td> </tr> <tr> <td>6</td> <td></td> </tr> <tr> <td>7</td> <td></td> </tr> <tr> <td>8</td> <td></td> </tr> <tr> <td>9</td> <td></td> </tr> <tr> <td>10</td> <td></td> </tr> </table>	1		2		3		4		5		6		7		8		9		10	
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10																										
<p>APPROVED FOR CONSTRUCTION BY THE STATE OF NEW YORK</p> <p>DATE: 12/18/07</p>																										

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EXISTING WETLAND

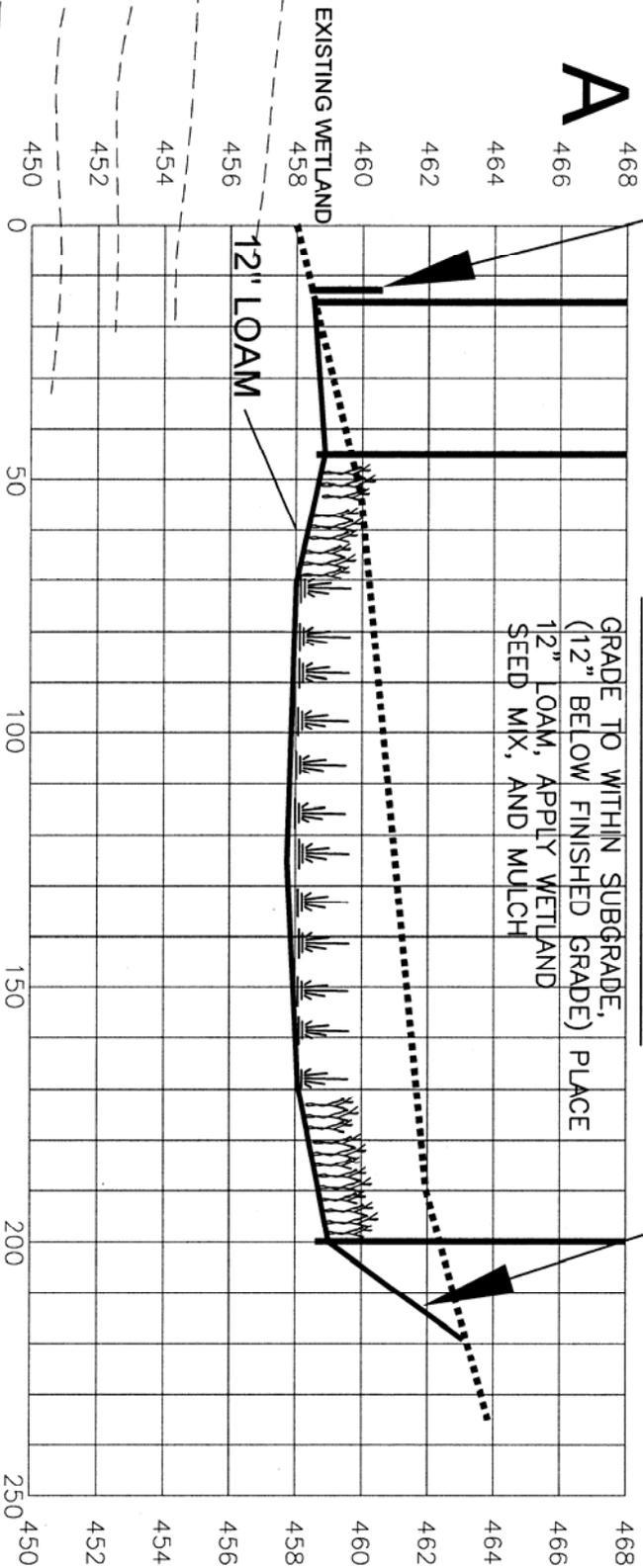
3:1 SIDE SLOPE FOR UPLAND BUFFER AREAS

INSTALL SILT FENCE AT EDGE OF DISTURBANCE.
(PLACE PRIOR TO CLEARING AND GRADING)

6" LOAM, PLANT WOODY STOCK,
APPLY UPLAND SEED MIX,
AND INSTALL SILT FENCE AT TOE OF SLOPE.

WET MEADOW AREA

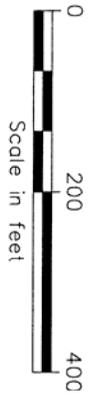
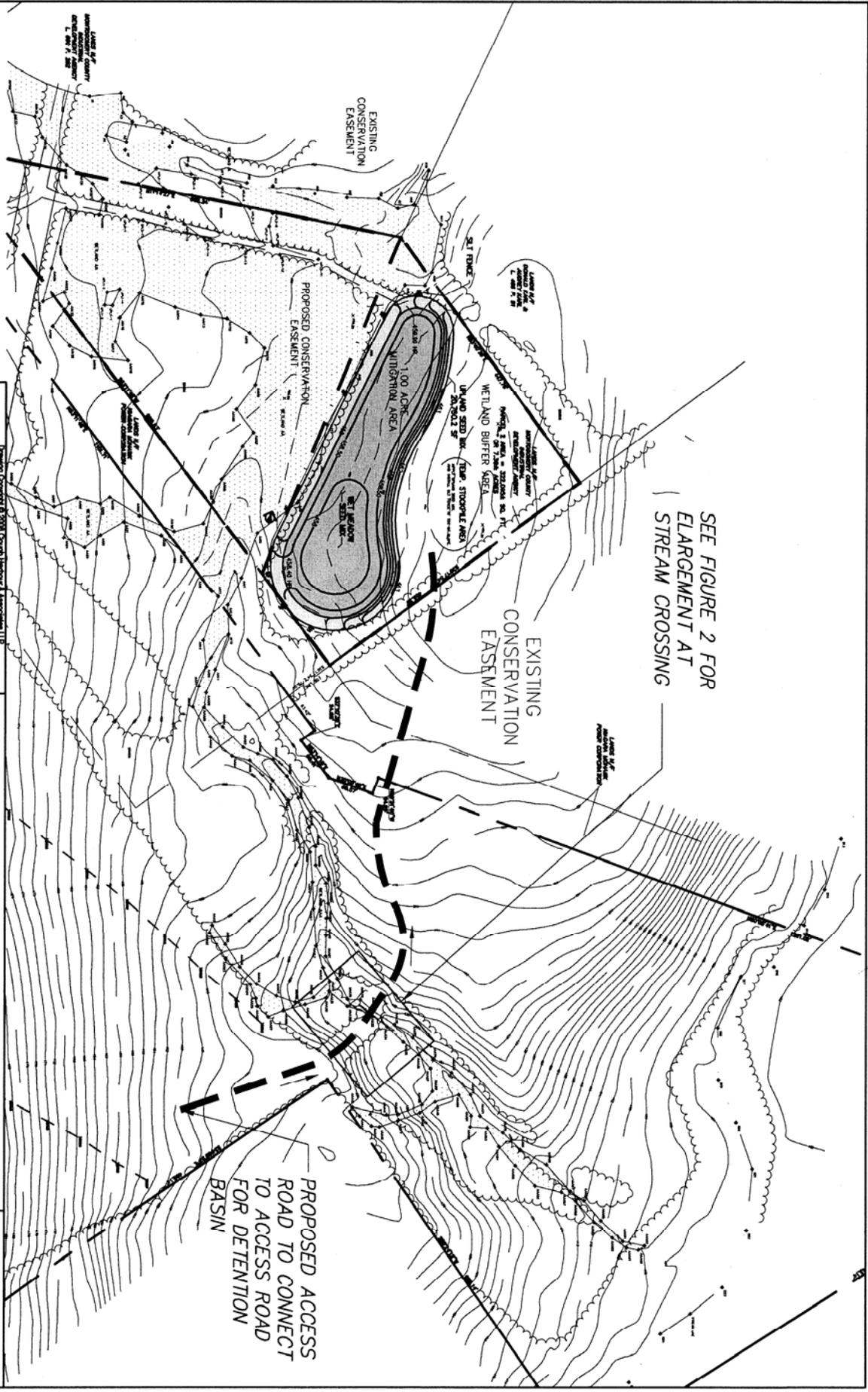
GRADE TO WITHIN SUBGRADE,
(12" BELOW FINISHED GRADE) PLACE
1/2" LOAM, APPLY WETLAND
SEED MIX, AND MULCH



TYPICAL WETLAND CREATION SECTION DETAIL- A-A'

LAND
NIAGARA
POWER CC

SEE FIGURE 2 FOR
ELARGEMENT AT
STREAM CROSSING




 CLOUGH HARBOUR & ASSOCIATES LLP
 Drawing Copyright © 2008 Clough Harbour & Associates LLP

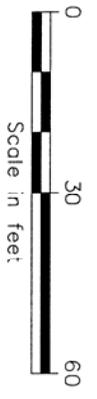
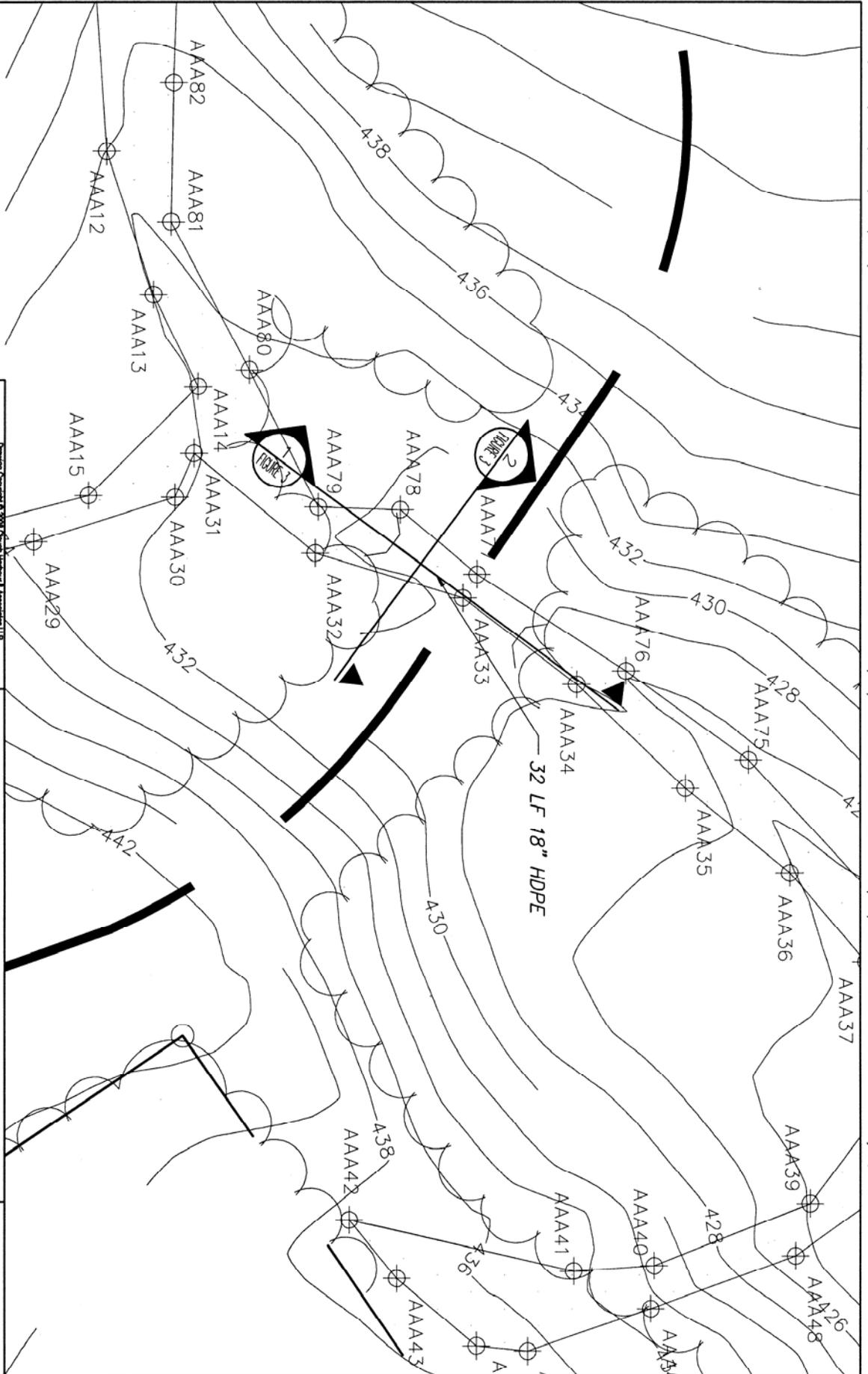
HERO GROUP, INC.
MITIGATION AREA CONSTRUCTION ACCESS

PROJECT NO.	17079
DATE:	01/23/07
FIGURE	1

PROPOSED ACCESS
ROAD TO CONNECT
TO ACCESS ROAD
FOR DETENTION
BASIN

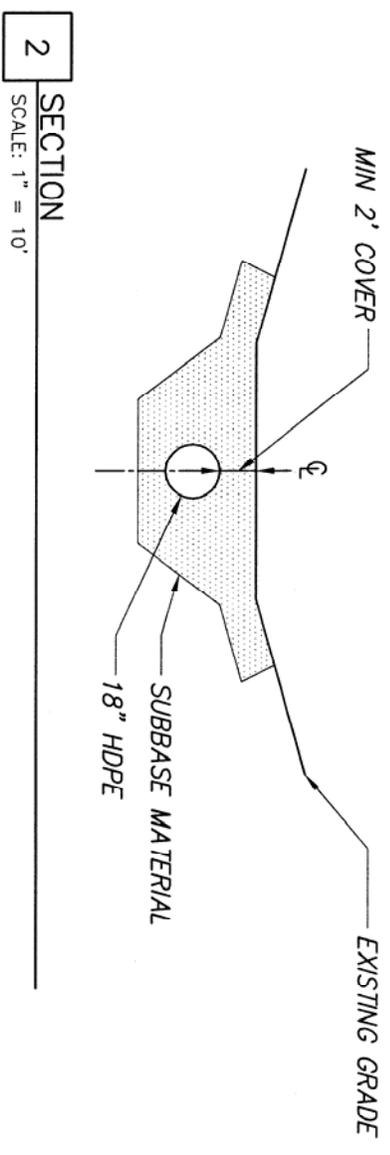
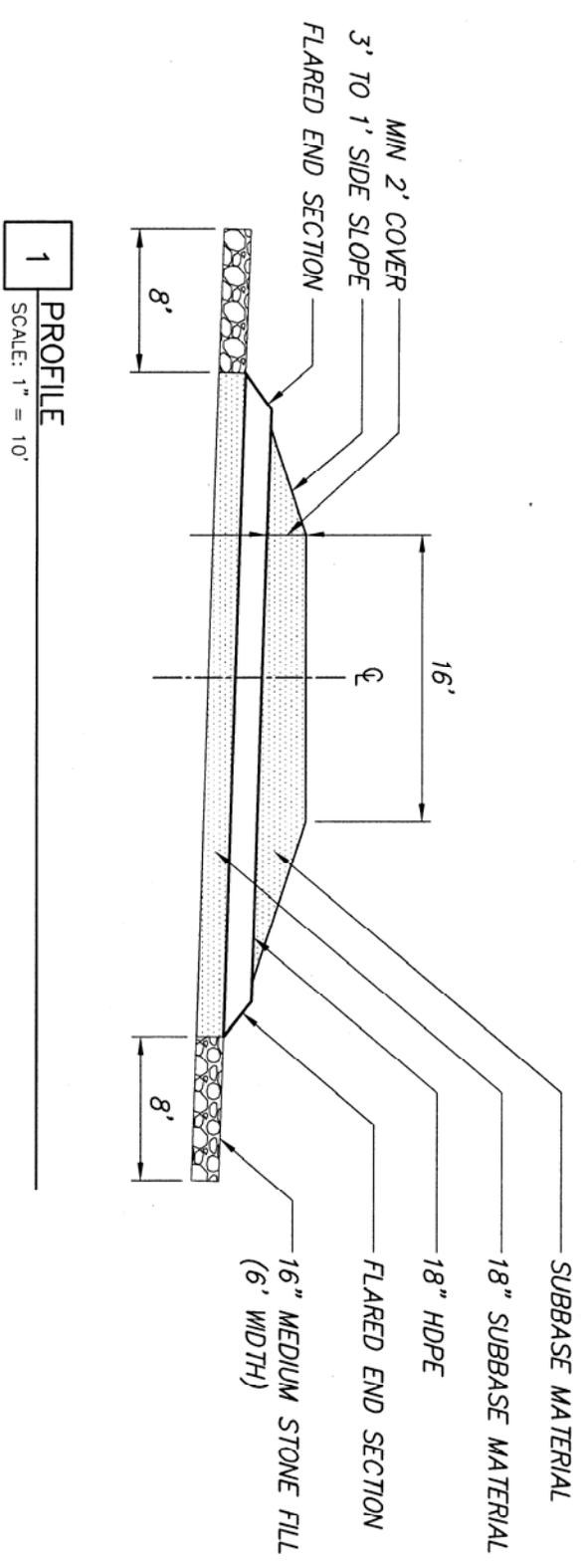
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File: K:\17079\CADD\ACAD_CEP\1101\17079_MITIGATION AREA CONSTRUCTION ACCESS.DWG Saved: 1/23/2008 1:07:06 PM Plotted: 1/23/2008 1:25:06 PM User: McEnaney III, James



HERO GROUP, INC.
CULVERT REPLACEMENT PLAN VIEW

PROJECT NO.
17079
DATE: 01/23/07
FIGURE 2



HERO GROUP, INC.
 CULVERT REPLACEMENT DETAILS

PROJECT NO. 17079
DATE: 01/23/07
FIGURE 3

UPLAND SEED MIX 'B'
 CREEPING RED FESCUE 20# PER AC.
 TALL FESCUE 20# PER AC.
 BIRDSFOOT TREFOIL 8# PER AC.
 ANNUAL RYEGRASS 10# PER AC.

WETLAND SEED MIX 'C'	% BY NUMBER OF SEEDS
BONESET	26.66
BLUE VERVAIN	20.80
SMOOTH PANIC GRASS	19.75
WINKLED GOLDENROD	8.89
JOE-PYE WEED	8.74
GRASS LEAF GOLDENROD	6.65
SMARTWEED	4.59
NEW ENGLAND ASTER	2.80
BEGGER'S TICK	0.79
SWAMP MILKWEED	0.21
BLUE FLAG	0.12
EUPATORIUM PERFOLIATUM	
VERBENA HASTATA	
PANICUM DICHOTOMIFLORUM	
SOLIDAGO RUGOSA	
EUPATORIUM MACULATUM	
EUTHAMIA GRAMINIFOLIA	
POLYGONUM PENNSYLVANICUM	
ASTER NOVAE-ANGLIAE	
BIDENS CERNUA	
ASCLEPIAS INCARNATA	
IRIS VERSICOLOR	

*SEED AT THE RATE OF 4 POUNDS PER ACRE



2 DITCH EROSION BLANKET DETAIL
 NO SCALE

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 by Montgomery Co. IDA
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TYPICAL UPLAND BUFFER PLANTINGS

Sym.	Scientific Name / Common Name	Size	No.
AS	Acer saccharinum/ Silver maple	> 1.5" caliper	8
FP	Fraxinus pennsylvanica/ Green ash	≥ 1.5" caliper	3
AC	Acer rubrum/ Red maple	> 1.5" caliper	3
QB	Quercus bicolor/ Swamp white oak	≥ 1.5" caliper	10
CO	Carya ovata/ Shagbark hickory	≥ 1.5" caliper	11
PS	Prunus serotina/ Black cherry	≥ 1.5" caliper	22
WP	Pinus strobus/ White Pine	4 - 5'	24
CA	Cornus amomum/ Silky dogwood	18"-24"	62
CS	Cornus sericea/ Red-osier dogwood	18"-24"	56
IV	Ilex verticillata/ Winterberry	18"-24"	40
LB	Lindera benzoin/ Spicebush	18"-24"	33
VT	Viburnum trilobum/ American cranberry	18"-24"	78
SC	Sambucus canadensis/ Common elderberry	18"-24"	36
VD	Viburnum dentatum/ Arrowwood	18"-24"	42
VL	Viburnum lentago/ Nannyberry	18"-24"	84

TYPICAL SCRUB SHRUB WETLAND

Sym.	Scientific Name / Common Name	Size	No.
CA	Cornus amomum/ Silky dogwood	2'-3'	60
CS	Cornus sericea/ Red-osier dogwood	2'-3'	60
IV	Ilex verticillata/ Winterberry	2'-3'	60
LB	Lindera benzoin/ Spicebush	2'-3'	60
SA	Salix alba/ White willow	2'-3'	60
SL	Salix lucida/ Shining willow	2'-3'	60
VT	Viburnum trilobum/ American cranberry	2'-3'	60
SC	Sambucus canadensis/ Common elderberry	2'-3'	60
VD	Viburnum dentatum/ Arrowwood	2'-3'	60
VL	Viburnum lentago/ Nannyberry	2'-3'	60

TYPICAL WET SHRUB ZONE

Sym.	Scientific Name / Common Name	Size	No.
BB	Cephalanthus occidentalis/ Buttonbush	18"-24"	90