

# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District, CENAN-OP-R  
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-2007-1258-WBR  
Issue Date: May 12, 2008  
Expiration Date: June 10, 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 construction of an elevated, pile-supported walkway with attached floating dock and a paved sitting area; and the installation of new timber piles with an associated discharge of fill material to facilitate the development of a public recreational facility.

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 KEVIN BRUCE AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO [Kevin.j.bruce@usace.army.mil](mailto:Kevin.j.bruce@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-2007-1258-WBR

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 New York State Office of Parks, Recreation, and Historic Preservation's (SHPO) GIS based historic resource maps for properties listed or eligible for listing in the National Register of Historic Places, the site lies within the Athens Lower Village Historic District. By letter dated February 22, 2007, SHPO stated that the project would have NO Adverse Effect upon properties in or eligible for inclusion in the State and National Registers of Historic Places.

We concur that the proposed activity would have No Adverse Effect on properties. 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, 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 the applicant has obtained or requested the following governmental authorization for the activity under consideration:

New York State Department of Environmental Conservation and New York State Office of General Services

The Department of State issued a determination on March 17, 2008 that the proposal met the Department's general coastal zone consistency concurrence criteria.

CENAN-OP-RW  
PUBLIC NOTICE NO. NAN-2007-1258-WBR

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 Kevin Bruce of this office at (518) 266-6358. 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, Village of Athens, has requested a Department of the Army permit to discharge fill material and install structures in the Hudson River to facilitate the development of a public access and recreational facility. This work would include the installation of timber piles, construction of an elevated pile supported walkway, a floating dock, paved sitting area, and associated discharges of fill material. The project site is located on the Hudson River, in the Village of Athens, Greene County, New York.

The work would involve: The construction of an elevated wood-deck walkway supported by piles that would extend approximately 45 feet beyond the Mean High Tide Line (MHTL) and the construction of a 100 square-foot paved sitting area, of which 85 square feet would be located beyond the MHTL. To support the sitting area and match the proposed walkway elevation, approximately 16 cubic yards of mixed stone fill and 7.75 cubic yards of riprap would be discharged, of which 8 cubic yards and 3.75 cubic yards, respectively, would be discharged below the MHTL, resulting in a total filled area of 240 square feet beyond the MHTL. The fill would be discharged behind 32 linear feet of new vertical timber piles installed immediately land-side of existing deteriorated timber piles at the northeast corner of the site.

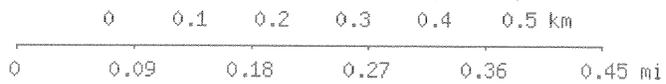
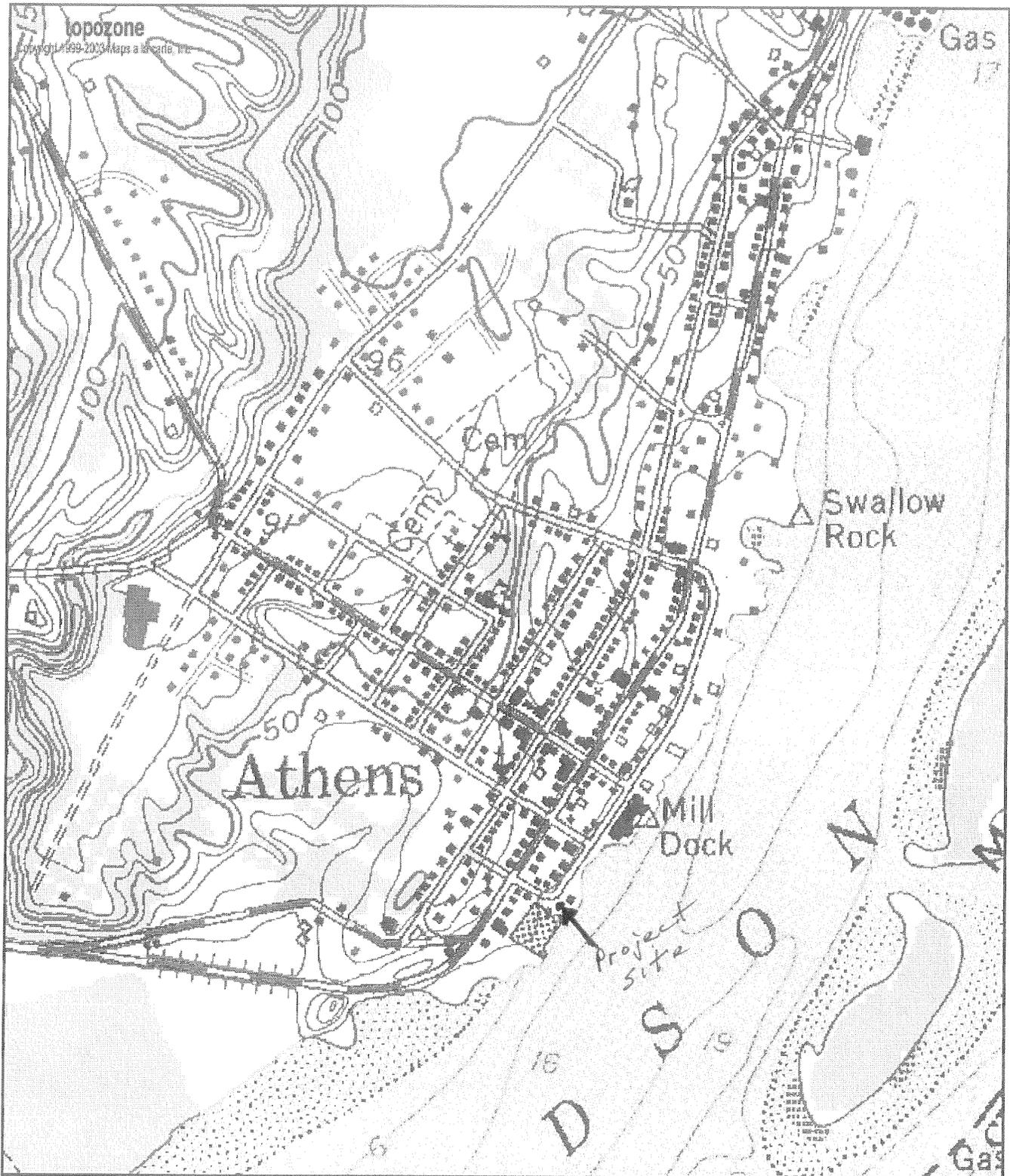
The installation of a 13'4" X 20' seasonal floating, modular dock to provide a launch area for canoes and kayaks that would be accessible during low tide.

The installation of approximately 15 linear feet of new timber piles land-side of existing, deteriorated piles at the southeastern corner of the site. Approximately 9.5 cubic yards of riprap would be placed below the MHTL behind the proposed new timber wall to stabilize the bank.

Approximately 17.57 cubic yards of riprap would be discharged within two additional areas. Of this amount, 4.3 cubic yards would be discharged below the MHTL. The applicant stated that the riprap, labeled as "habitat rock" on the attached drawings, is necessary to provide bank stabilization in the designated areas and that it would provide macroinvertebrate habitat, as well as be consistent with existing habitat along most of the Hudson River Estuary Shoreline.

Additional components of the project proposed for construction in adjacent uplands include a 500 square-foot paved plaza area connecting to Fourth Street and serving as a pedestrian area for benches, kayak racks and lighting; construction of an informational kiosk; construction of a 30 linear-foot retaining wall to support grade changes between the water and plaza; fencing to separate public and private facilities; and the installation of a "River Garden" consisting of landscape plantings to provide a natural screen from adjacent buildings.

The stated purpose of this project is to provide the public with a facility to launch canoes and kayaks and provide a resting and information area for river travelers and users of the launch facility.



42.2624°N, 73.8108°W (NAD27)

**Athens, USGS Hudson North (NY) Quadrangle**  
 Projection is UTM Zone 18 NAD83 Datum



M=-14.06  
 G=0.8

Sheet 1 of 5-Site Location  
 Village of Athens  
 NAN-2007-1258-WBR



# KAATERSKILL ASSOCIATES

SURVEYORS, ARCHITECTS LANDSCAPE ARCHITECTS AND ENGINEERS

CAROL, NY (518)622-2627

TANNERSVILLE, NY (518)839-3244

DELAWARE, NY (518) 434-7790

FOURTH STREET LAUNCH - PHASE 2 - KAYAK - CANOE LAUNCH

## VILLAGE OF ATHENS

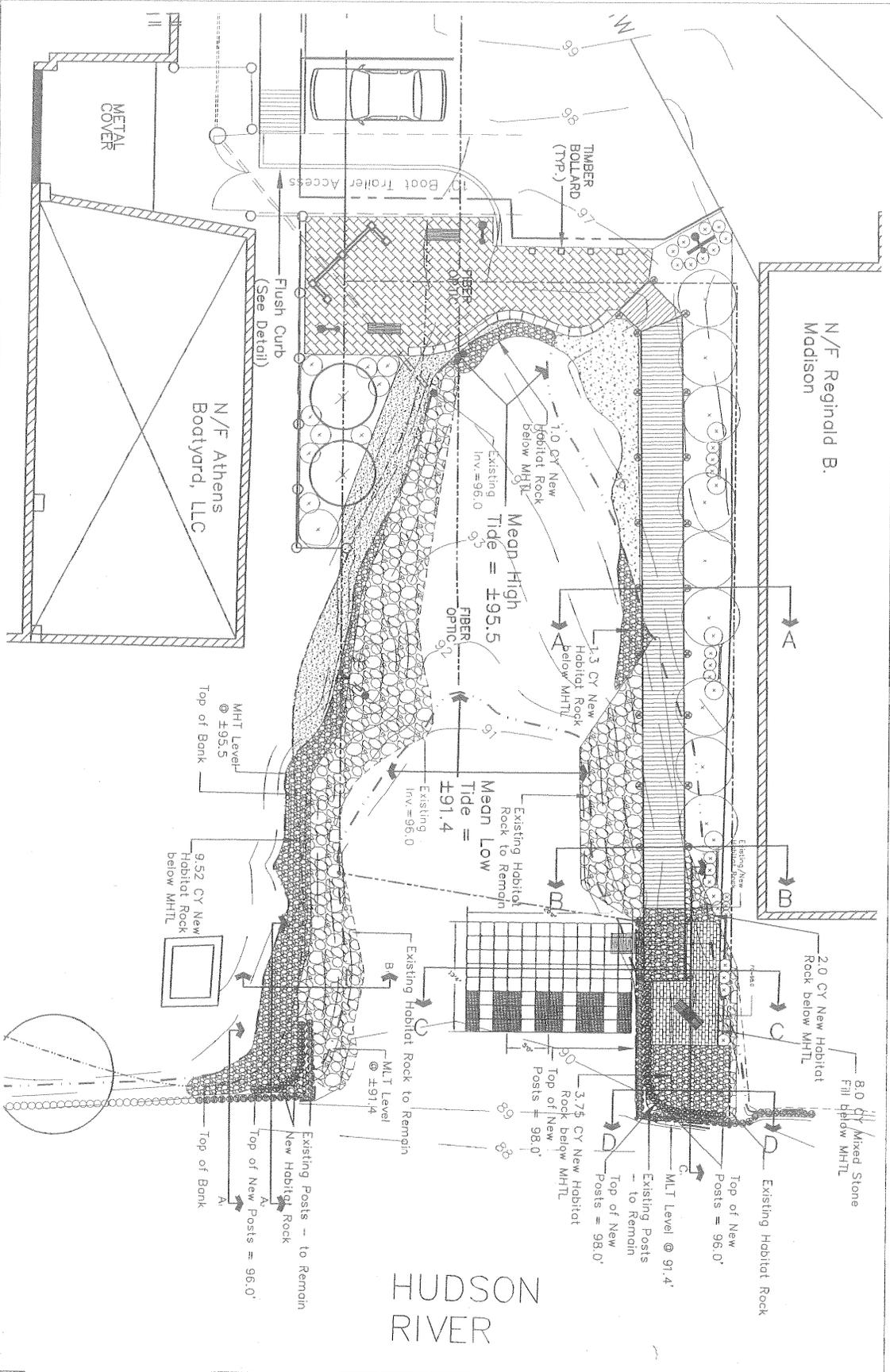
FOURTH STREET & WATER STREET

VILLAGE OF ATHENS

KAYAK - CANOE LAUNCH PLAN

OSWEGO COUNTY, NY

SP-05A



Sheet 2 of 5  
 Village of Athens  
 NAN-2007-1258-WBR



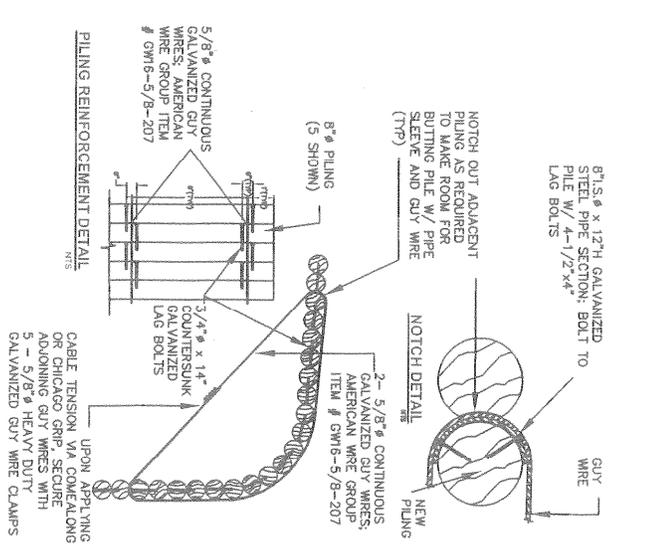
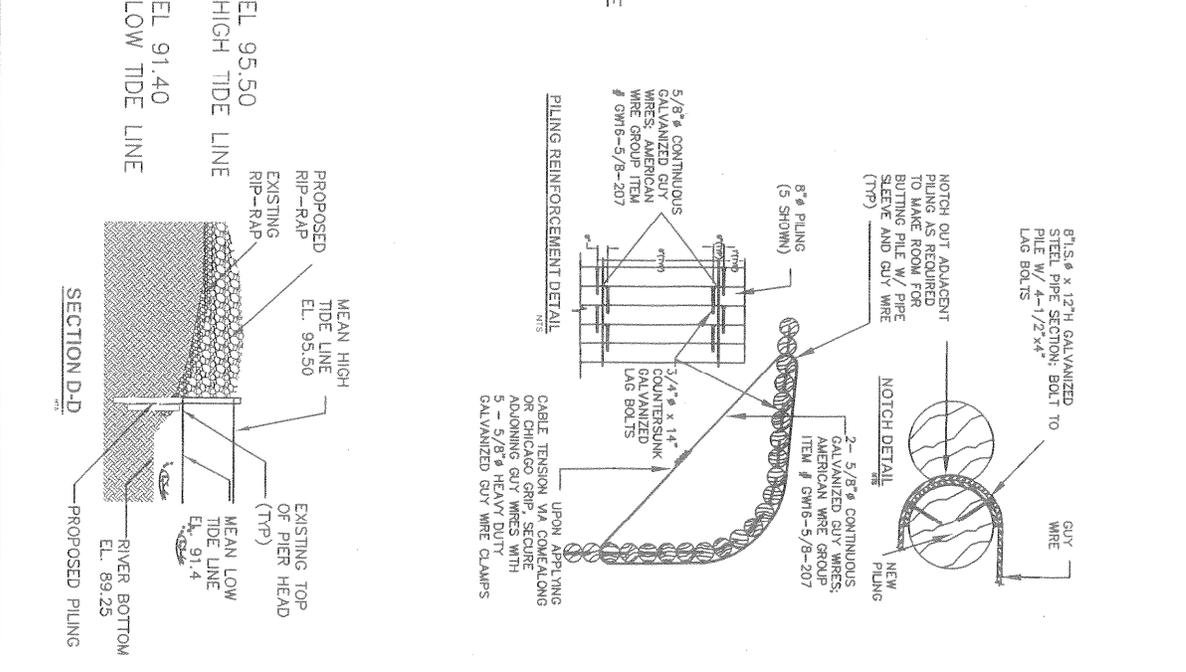
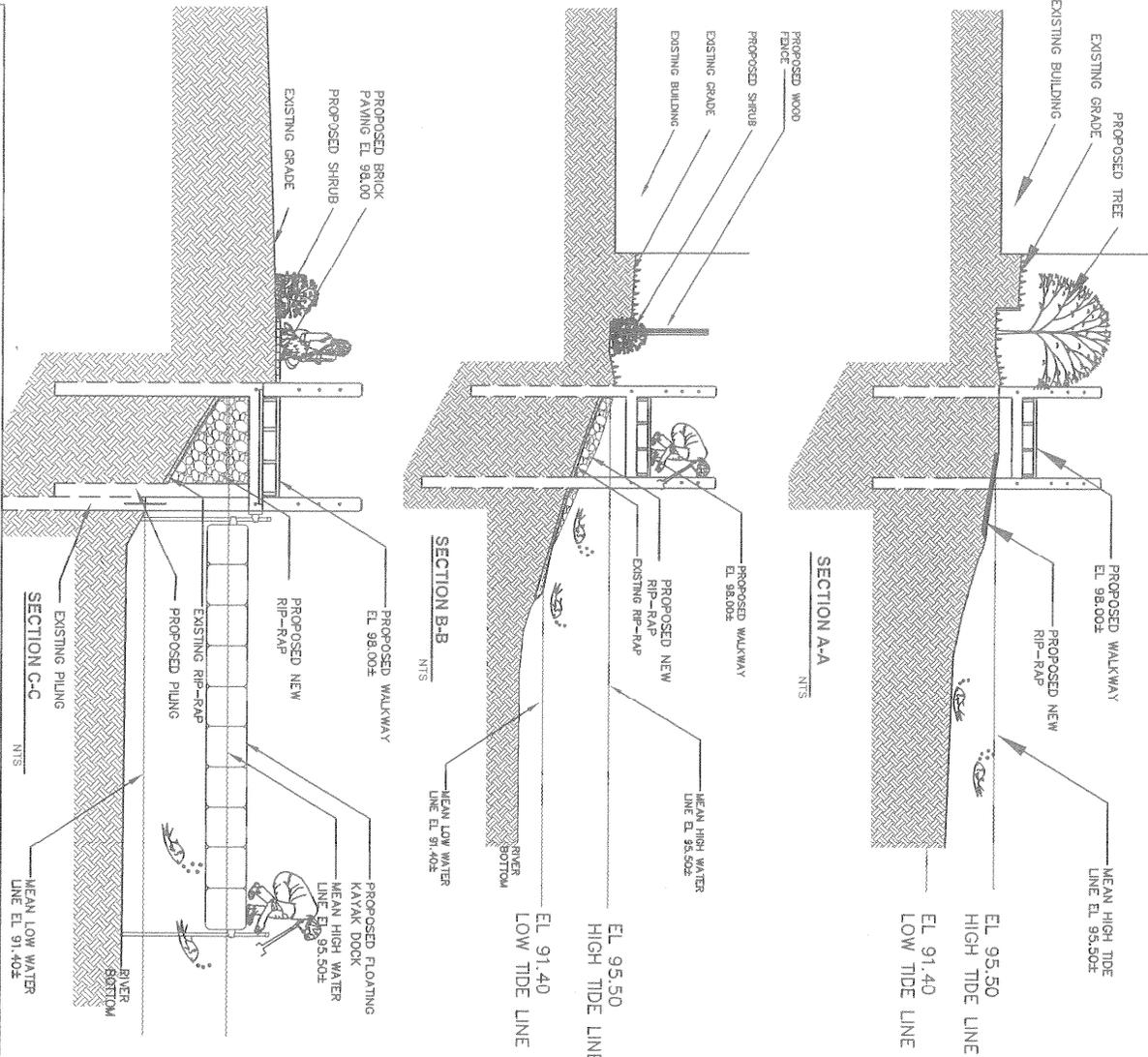
# KAATERSKILL ASSOCIATES

SURVEYORS, ARCHITECTS LANDSCAPE ARCHITECTS AND ENGINEERS

CARMO, NY (518)822-9877

TANNERSVILLE, NY (518)899-3934

DELMAR, NY (518) 439-7790



FOURTH STREET LAUNCH - PHASE 2 - KAYAK - CANOE LAUNCH

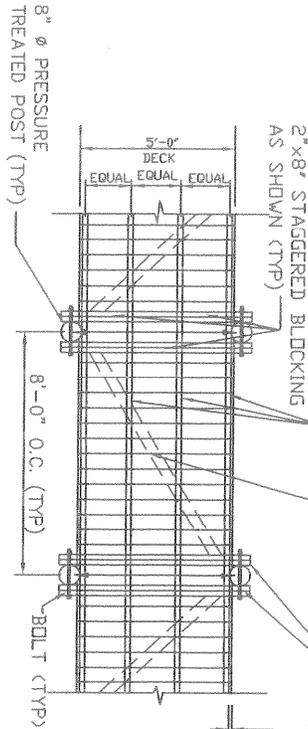
## VILLAGE OF ATHENS

FOURTH STREET & WATER STREET  
 KAYAK - CANOE LAUNCH PLAN

SP-05B

2"x8" PRESSURE TREATED STRINGER  
LAG SCREWED TO POST AND TOE  
NAILED TO CROSS BRACING AS  
REQUIRED (TYP)

PRESSURE TREATED 2x4 DIAGONAL  
BRACE UNDERNEATH LAG SCREWED  
TO POSTS (TYP)



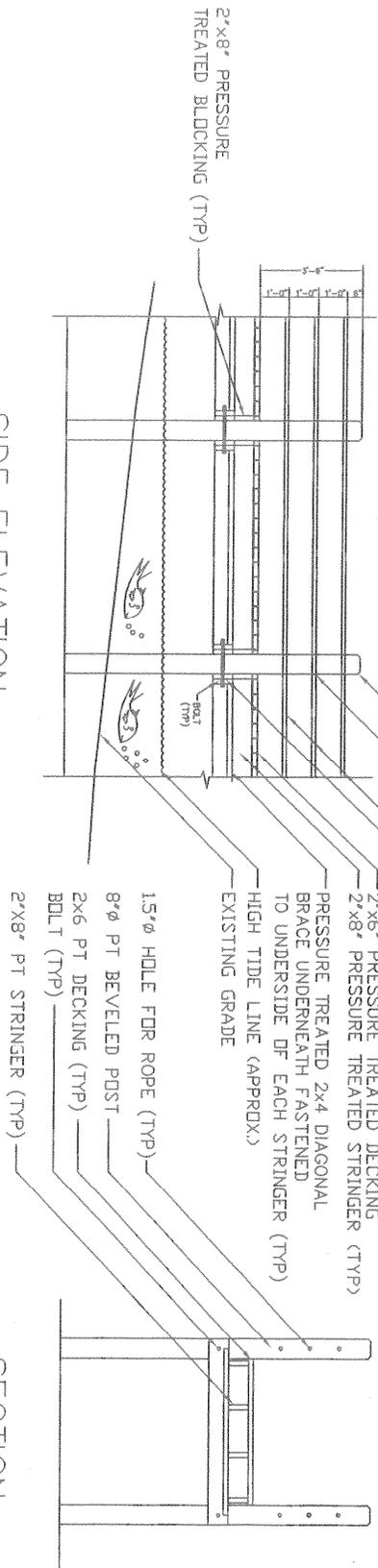
PLAN VIEW

2-2"x8" ND. 2 DENSE SOUTHERN PINE PRESSURE TREATED  
BRACING LAG BOLTED TOGETHER THROUGH 8" Ø POST  
W/ (3) EQUALLY SPACED COUNTERSUNK GALVANIZED  
5/8"Øx14" CARRIAGE BOLTS W/ FLAT WASHER @ HEAD &  
FLAT WASHER & LOCK WASHER @ NUT END (TRIM  
EXCESS BOLT) (TYP)

1" OVERHANG  
(TYP)

1" - 45° BEVEL (TYP)

DRILL 1.5" Ø HOLE FOR ROPE  
THROUGH EACH POST (TYP)



SIDE ELEVATION

SECTION

**KAATERSKILL ASSOCIATES**

SURVEYORS, ARCHITECTS LANDSCAPE ARCHITECTS AND ENGINEERS

CARRO, NY (518)622-9467

TANNERSVILLE, NY (518)939-2934

DELMAR, NY (518) 453-7790

FOURTH STREET LAUNCH - PHASE 2 - KAYAK - CANOE LAUNCH

**VILLAGE OF ATHENS**

VILLAGE OF ATHENS

FOURTH STREET & WATER STREET

ORANGE COUNTY, NY

KAYAK - CANOE LAUNCH PLAN

05/09

SP-05C



# KAATERSKILL ASSOCIATES

SURVEYORS, ARCHITECTS, LANDSCAPE ARCHITECTS AND ENGINEERS

CAIRO, NY (518) 622-2467

TANNERSVILLE, NY (518) 588-3834

DELMAR, NY (518) 438-7730

FOURTH STREET LAUNCH - PHASE 2 - KAYAK - CANOE LAUNCH

## VILLAGE OF ATHENS

VILLAGE OF ATHENS

FOURTH STREET & VANDER STREET

KAYAK - CANOE LAUNCH PLAN

04/08

GENESE COUNTY, NY

SP-05D

