

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-2015-00417-UDA

Issue Date: July 19, 2016

Expiration Date: August 18, 2016

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:

Port Albany Ventures, LLC

140 Port Road South

Albany, New York 12202-1063

ACTIVITY:

Dredge, with 10-year maintenance and upland disposal with return flow back to

the waterway. In addition, sheetpile would be used to repair and extend an

existing timber bulkhead.

WATERWAY:

Hudson River

LOCATION:

Port of Albany, Town of Bethlehem, Albany 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 ANDREW DANGLER AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO andrew.c.dangler@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.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 may effect, but is not likely to adversely 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 (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). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

A cultural resources survey has been conducted. Based on the information provided in the survey report, the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) has determined that the proposed activity will have no effect on cultural resources in or eligible for inclusion in the National Register of Historic Places.

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, One Commerce Plaza, 99 Washington Avenue, 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 - Article 15, Title 5
 Excavation & Fill in Navigable Waters

In order for us to better serve you, please complete our Customer Service Survey located at:

http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx

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 Andrew Dangler of this office at (518) 266-6356.

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

Stephan A. Ryba

Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

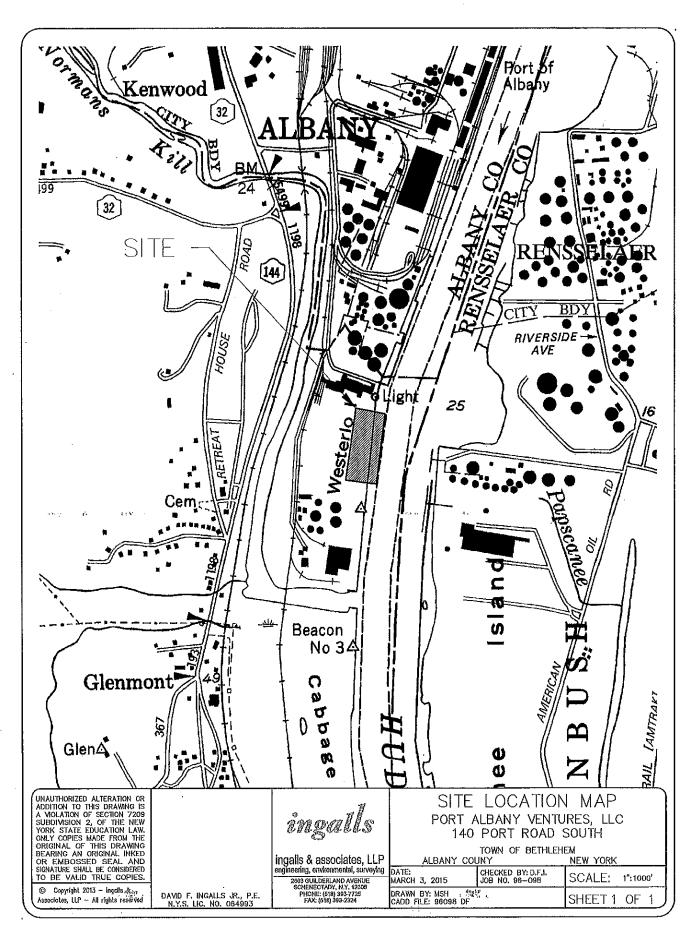
The applicant, Port Albany Ventures, LLC, has requested a Department of the Army (DA) permit to facilitate dredging activities at an existing docking facility located approximately 100 feet from the Federal Navigation Channel along the western shoreline of the Hudson River, at 140 Port Road South, in the Town of Bethlehem, Albany County, New York. Dredging at the site, with 10-year maintenance was previously authorized under DA Permit NAN-2004-00050, which expired on December 22, 2014.

The work would involve dredging, with 10-years maintenance, of a 89,931 square foot area at an existing terminal facility to a maximum elevation of 32 feet below the plane of mean low water, with a 1-foot allowable overdredge. The proposed dredging area extends approximately 850 feet north and south and 100 feet east and west. expected maximum volume of dredge material to be removed from the dredging area is 14,530 cubic yards. The applicant proposes to maintain these depths over the ten year life of the permit, which would occur every 3-5 years. Due to the work area's close proximity to the Federal Navigation Channel, some equipment may need to operate in the channel to facilitate the proposed work. The material to be removed consists primarily of sand and gravel. The dredging would be accomplished mechanically, using a bargemounted crane equipped with a clamshell bucket. In addition, a weighted turbidity curtain will be installed around the active work area for the duration of the dredging. No barge overflow is proposed. The dredge material would be loaded onto a scow, pushed to shore and allowed to settle for a 24-hour period. Dump trucks will be utilized to transfer the sediment to the on-site dewatering and temporary stockpile area. The material will be dewatered with return flow to the river. The material will be utilized as urban fill at off-site locations in accordance with the Beneficial Use Determination (BUD No. 1237-4-01) issued by the New York State Department of Environmental Conservation on January 21, 2016.

The applicant has stated that they have avoided and minimized proposed dredging impacts to the maximum extent practicable by utilizing an environmental bucket and turbidity curtain during dredging, proposing no barge overflow and adhering to in water work windows to minimize fisheries impacts.

In addition to the dredging activities, the applicant proposes to replace approximately 450 linear feet of sheetpile along the face of an existing timber bulkhead located south of the high level dock and install an additional 195 linear feet of sheetpile within voids between the timber bulkhead north of the high level dock.

The stated purpose of this project is to maintain safe navigable water depths and dockage for vessels that utilize the facility.



PORT ALBANY VENTURES, LLC

MAINTENANCE DREDGE

LAST REVISED MARCH 29, 2016

ingalls & associates, LLP engineering, environmental, surveying 2803 GUILDERLAND AVENUE SCHEMECTADY, NY, 12306 PHONE; (519) 393-2324

TAX MAP ID: 87,03-3-4.1

OWNER/APPLICANT: PORT ALBANY VENTURES, LLC 140 PORT ROAD SOUTH ALBANY, NY 12202

SCHEDULE OF DRAWINGS		
SHEET NO.	DRAWING TITLE	
1	COVER SHEET	
2-9	EXISTING CONDITIONS MAP	
10-17	SEDIMENT SAMPLING PLAN	
18-23	DREDGE PLAN	
24-28	REPAIR PLAN	
29-35	DEWATERING DETAILS	

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 720B SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES MADE FROM THE ORIGINAL OF THIS DRAWING BEARING AN ORIGINAL INKED OR EMBOSSED SEAL AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES,

○ Copyright 2015 — Ingalia & Associates, LLP — All rights reserved

ingalls

ingalls & associates, LLP engineering, environmental, surveying

2603 GUILDERLAND AVENUE SCHENECTADY, N.Y. 12368 PHONE: (518) 393-7725 FAX: (518) 393-2324

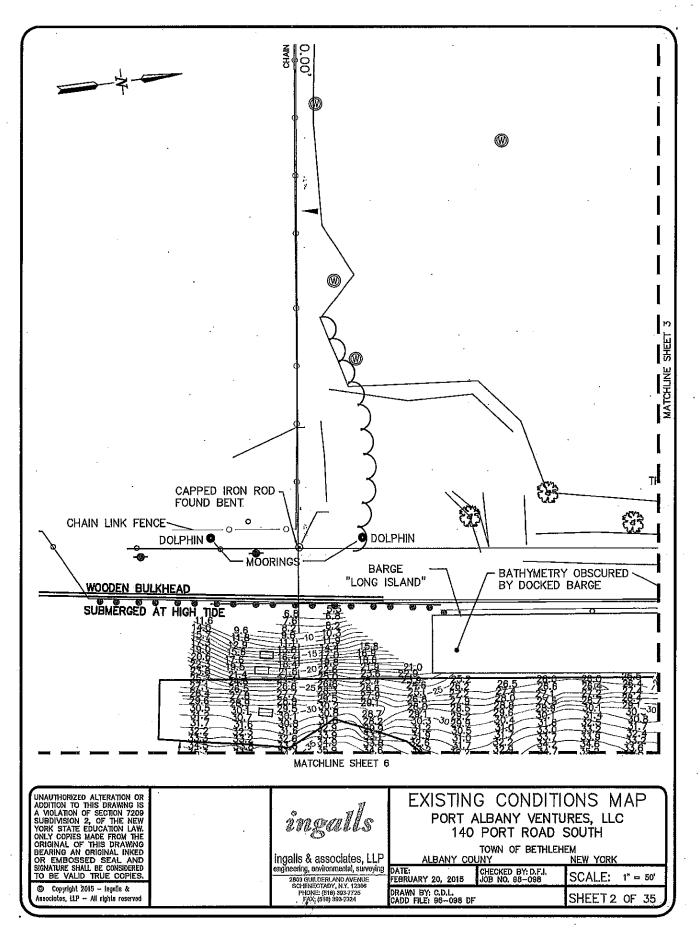
COVER SHEET PORT ALBANY VENTURES, LLC HUDSON RIVER (MI. 141.5)

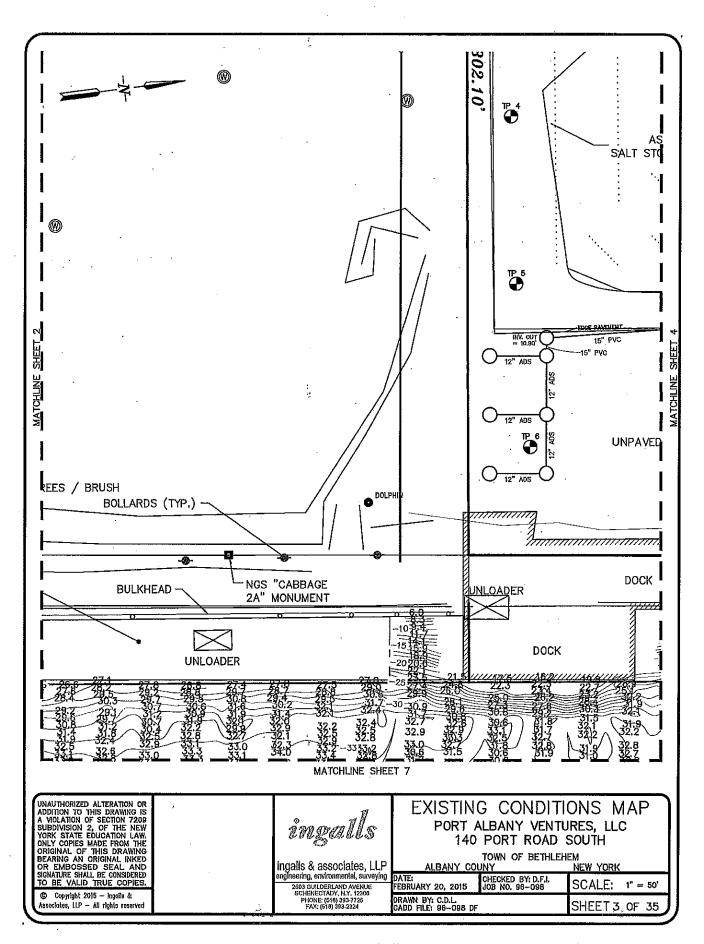
TOWN OF BETHLEHEM

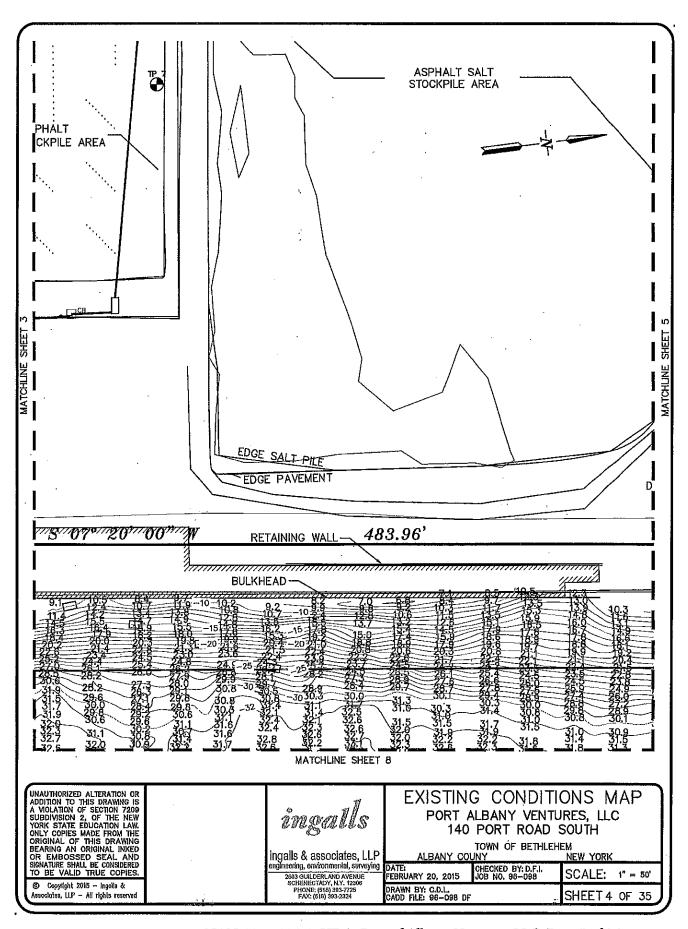
NEW YORK

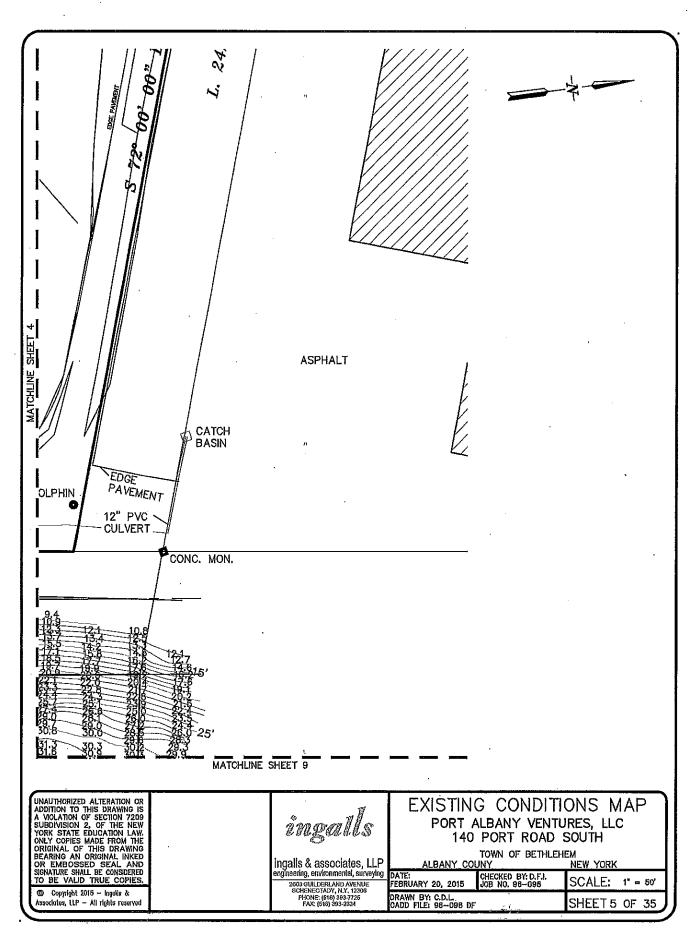
DATE: NOVEMBER 18, 2015

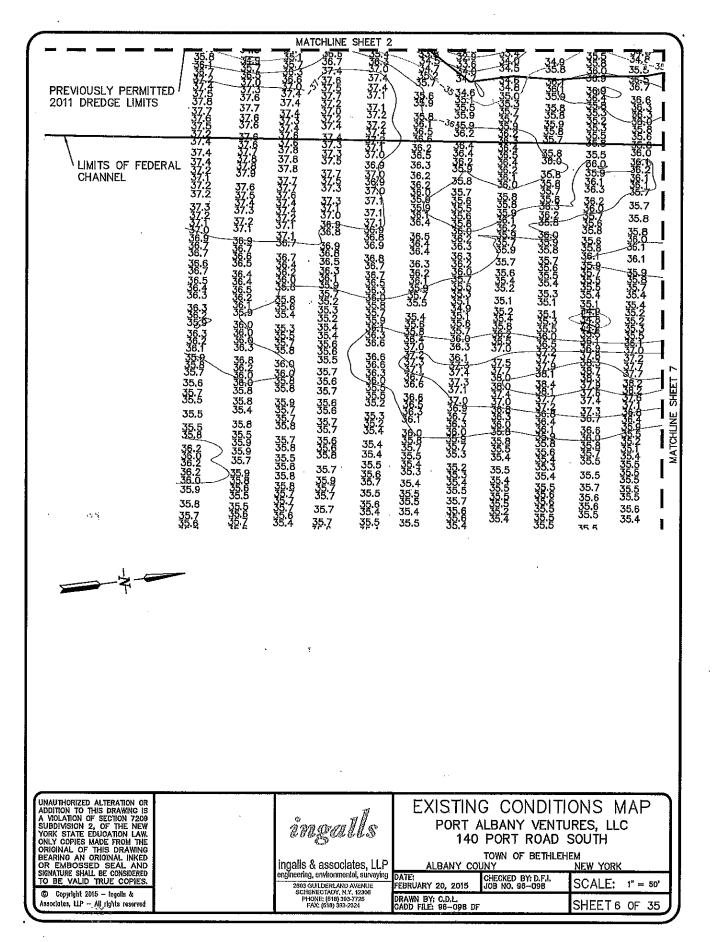
SCALE: N.T.S. SHEET 1 OF 35

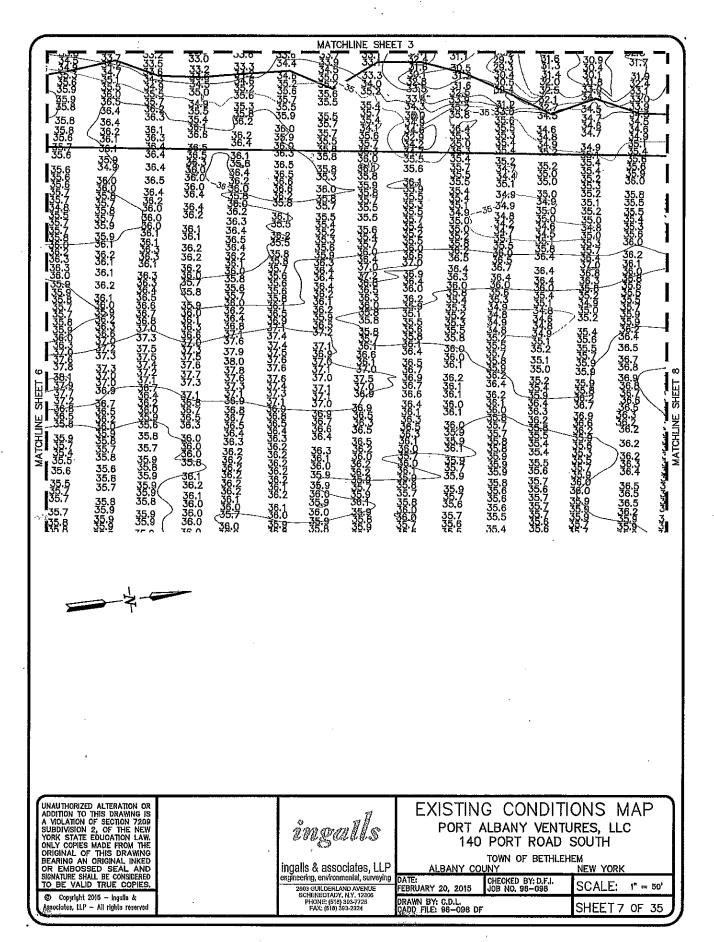


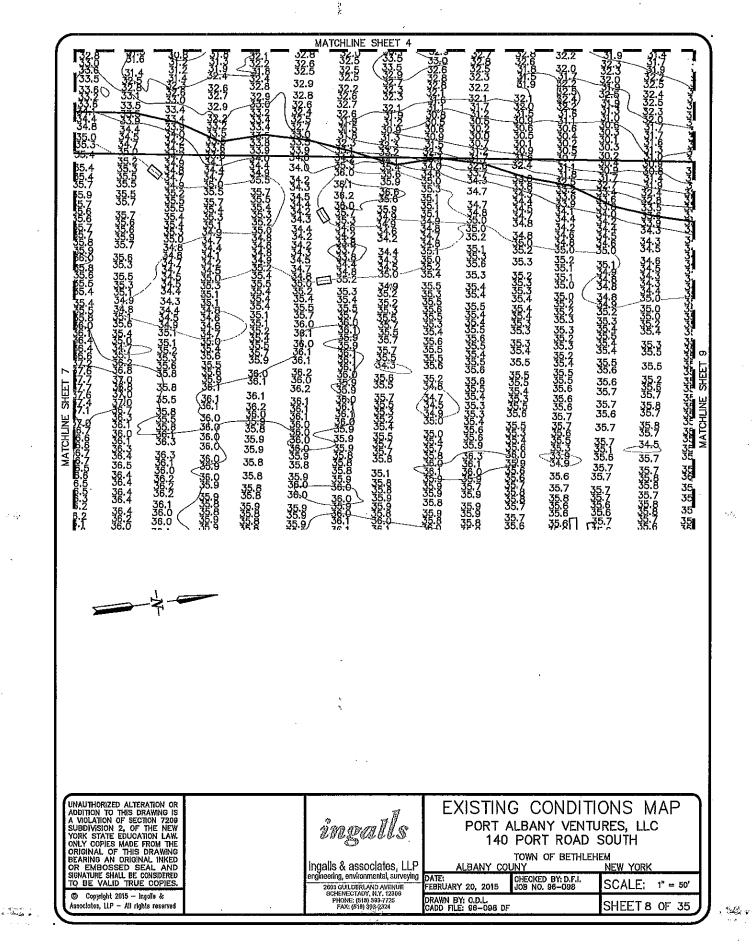


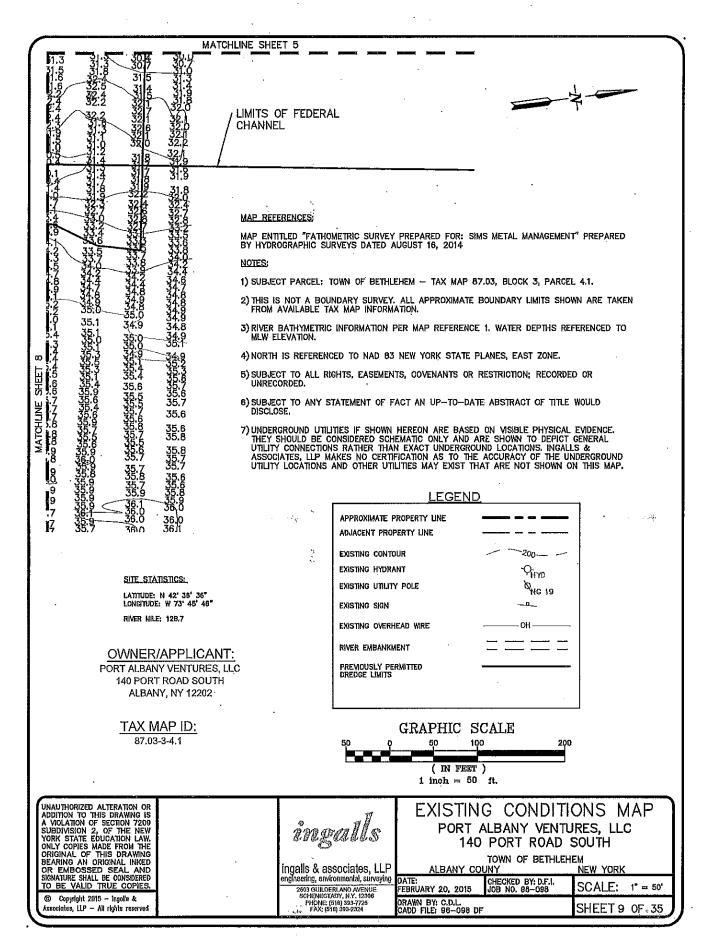


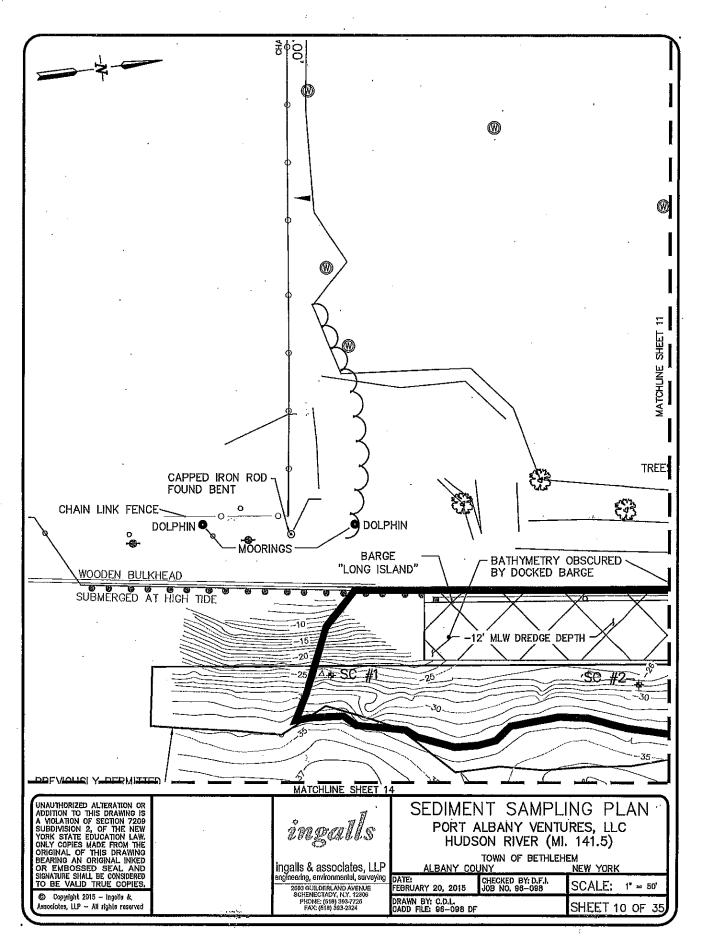


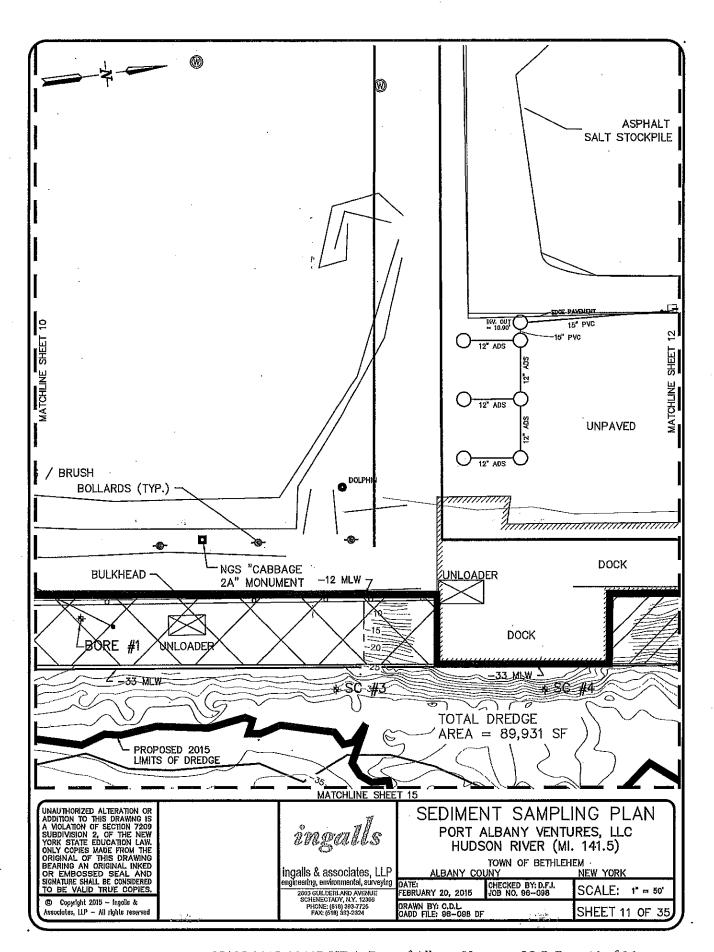


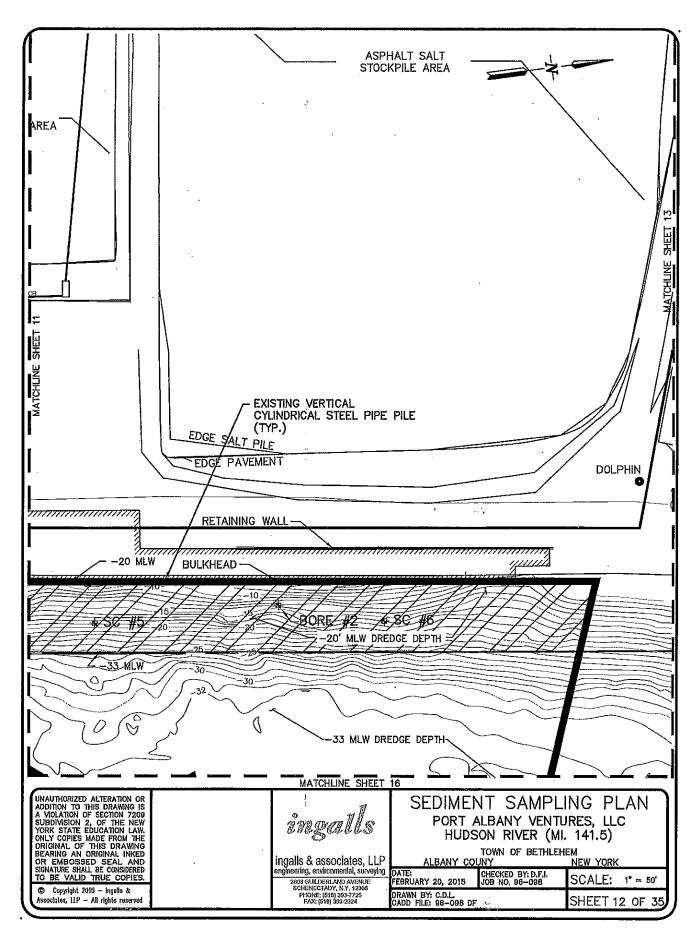


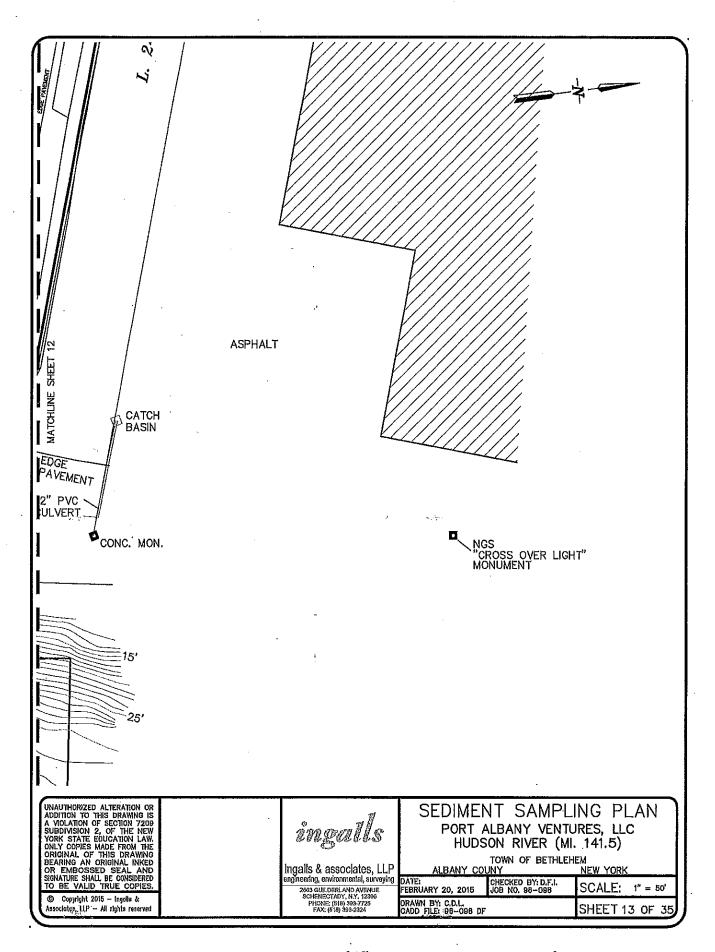


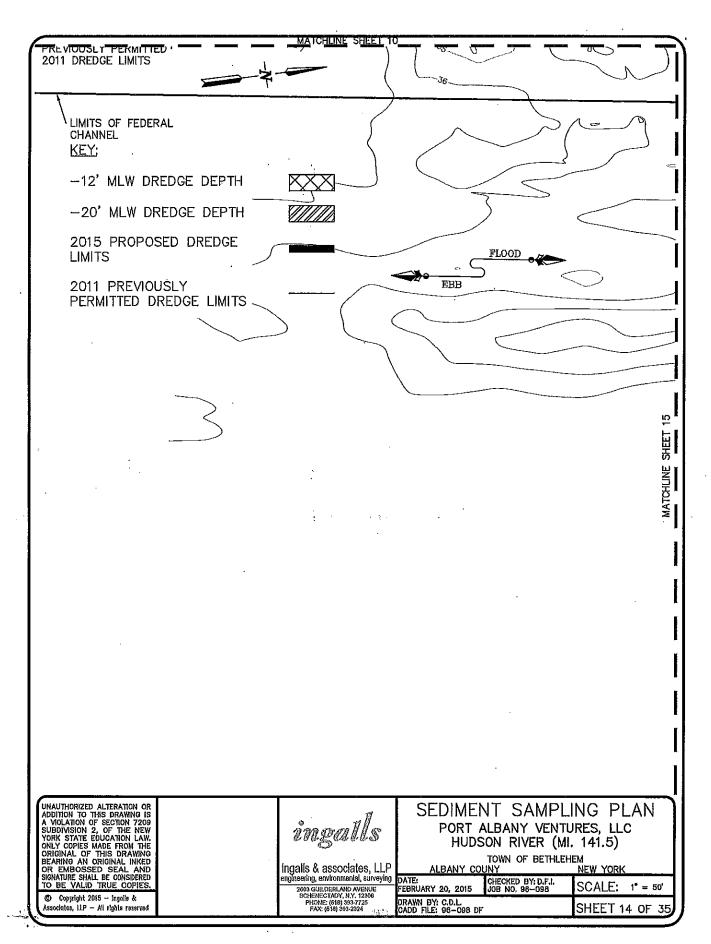


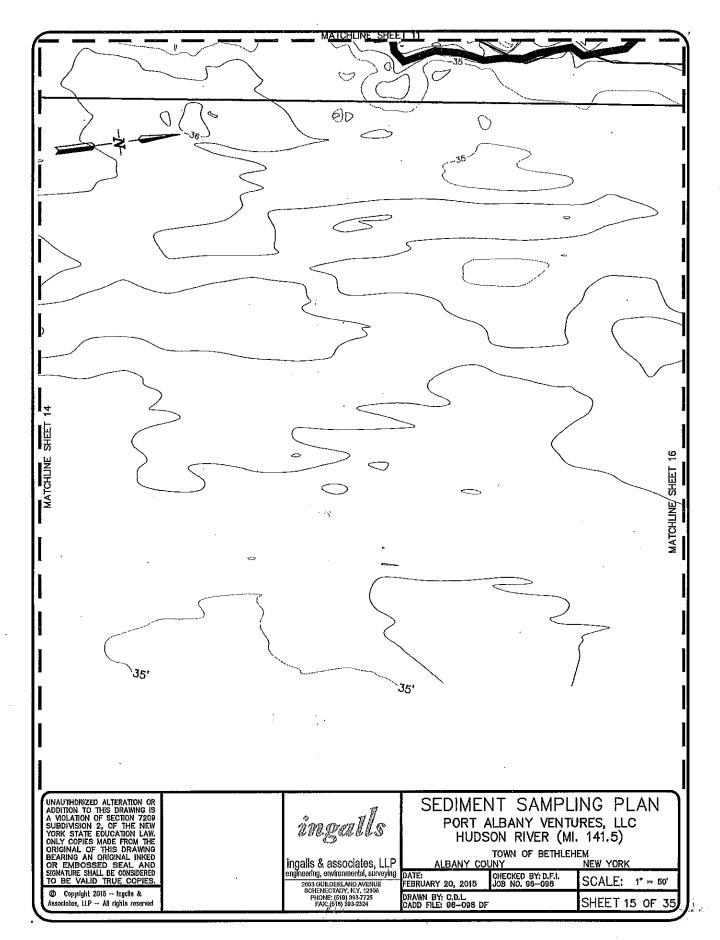


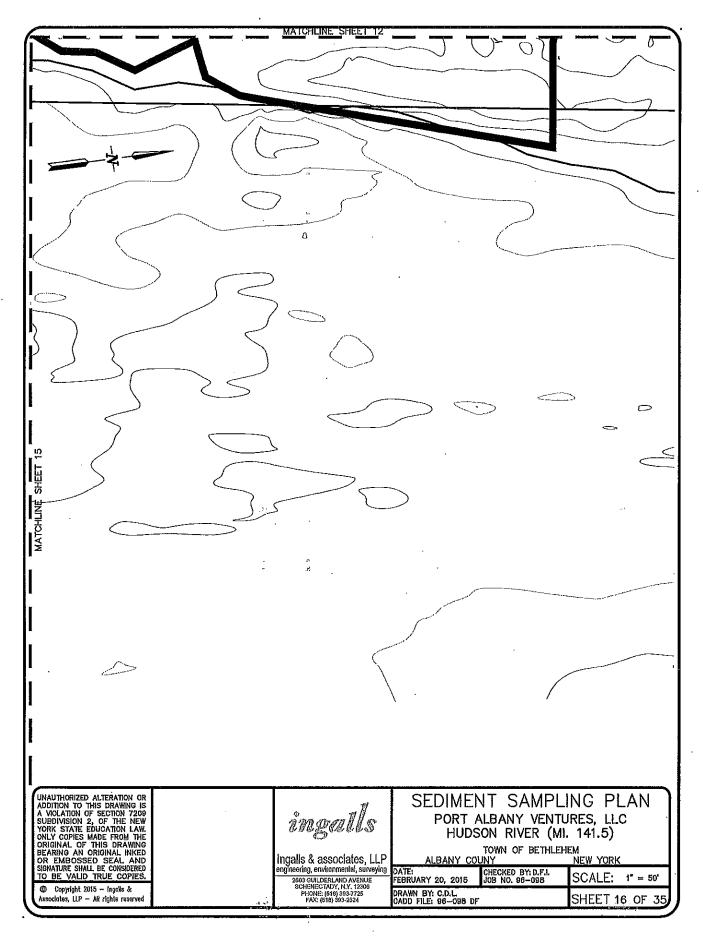


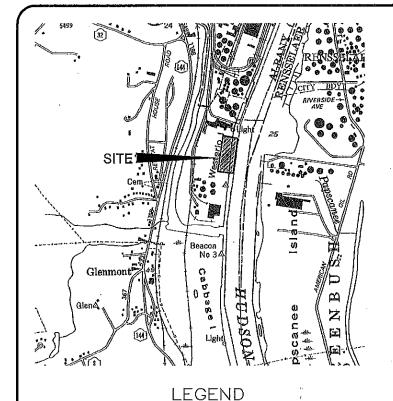












APPROXIMATE PROPERTY LINE ADJACENT PROPERTY LINE EXISTING CONTOUR EXISTING SIGN EXISTING CATCH BASIN EXISTING SANITARY MANHOLE EXISTING SANITARY SEWER EXISTING STORM SEWER EXISTING OVERHEAD WIRE RIVER EMBANKMENT PROPOSED DREDGE LIMITS SC #1

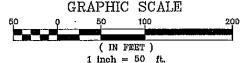
SEDIMENT SAMPLING NOTES:

- 1.) SEDIMENT SAMPLING SHALL BE CONDUCTED IN ACCORDANCE WITH THE USEPA'S METHOD FOR COLLECTION, STORAGE, AND MANIPULATION OF SEDIMENTS FOR CHEMICAL AND TOXICOLOGICAL ANALYSIS MANUAL, DATED 2002.
- 2.) SUB-SURFICIAL SEDIMENT SAMPLES WILL BE COLLECTED USING EITHER A VIBRACORE-BARREL AND/OR OTHER CORING DEVICE, AND WILL BE PROGRESSED (WHERE POSSIBLE) TO A DEPTH 6" BELOW THE PROPOSED DREDGE ELEVATION OF -33' MLW.
- 3.) SIX IN—SITU SEDIMENT SAMPLES WILL BE COLLECTED. SEDIMENT CORES #1 THROUGH #4 WILL BE COMPOSITED INTO SAMPLES FOR ANALYSIS, PROVIDED THE COMPOSITED CORES ARE OF SIMILAR GRAIN SIZE. LIKEWISE, SEDIMENT CORES #5 AND #6 WILL BE COMPOSITED INTO ONE SAMPLE. PROVIDED THE CORES ARE OF SIMILAR GRAIN SIZE AND COMPOSITION. THE BOTTOMMOST 6" OF SEDIMENT (6" BELOW THE PROPOSED BOTTOM ELEVATION) OF ALL CORES WILL BE ARCHIVED FOR POTENTIAL FUTURE ANALYSIS.
- 4.) REFER TO THE "SEDIMENT SAMPLING PLAN" REPORT PREPARED BY INGALLS & ASSOCIATES, LLP, DATED JANUARY, 2015, REVISED FEBRUARY 2015 AND APPROVED BY NYSDEC FEBRUARY 18, 2015.
- 5.) IT IS THE RESPONSIBILITY: OF THE CONTRACTOR TO COMPLY WITH ALL NAVIGATIONAL REQUIREMENTS ASSOCIATED WITH BARGE ACTIVITY.

SITE STATISTICS:

LATITUDE: N 42' 36' 36" LONGITUDE: W 73' 45' 46"

RIVER MILE: 141.5



OWNER/APPLICANT:

PORT ALBANY VENTURES, LLC 140 PORT ROAD SOUTH ALBANY, NY 12202

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209 SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES MADE FROM THE ORIGINAL OF THIS DRAWING BEARING AN ORIGINAL INKED OR EMBOSSED SEAL AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

© Copyright 2015 → Ingalls & Associatos, LLP — All rights reserved ingalls

Ingalls & associates, LLP engineering, environmental, surveying 2003 GUILDERLAND AVENUE

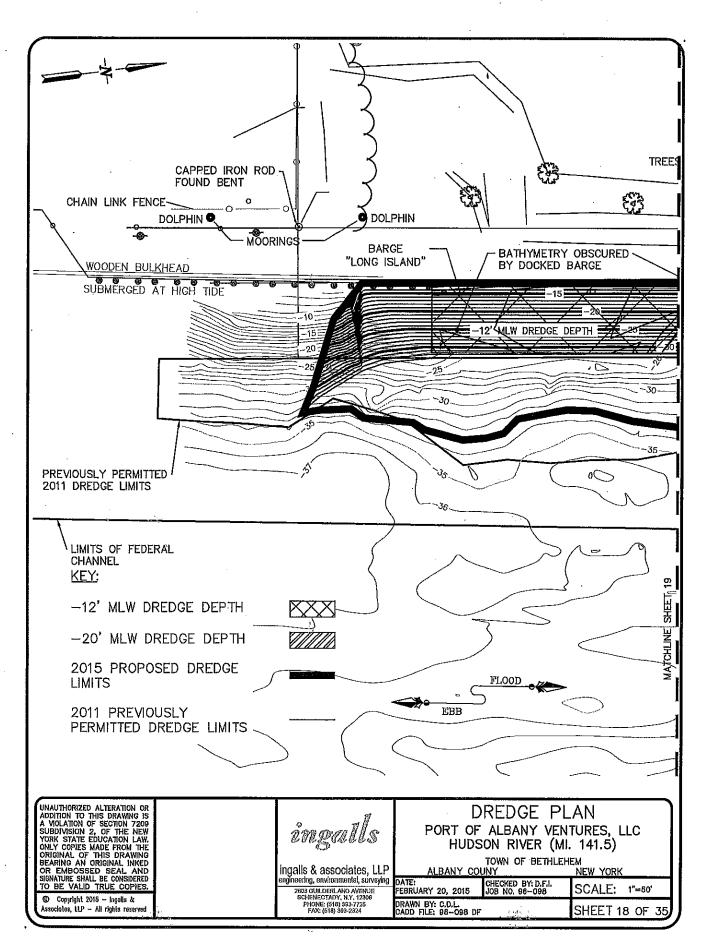
ineering, environmental, surveying 2603 GUILDERLAND AVENUE SCHENECTADY, N.Y. 12306 PHONE: (518) 383-7725 FAX: (618) 393-2324 SEDIMENT SAMPLING PLAN PORT ALBANY VENTURES, LLC HUDSON RIVER (MI. 141.5)

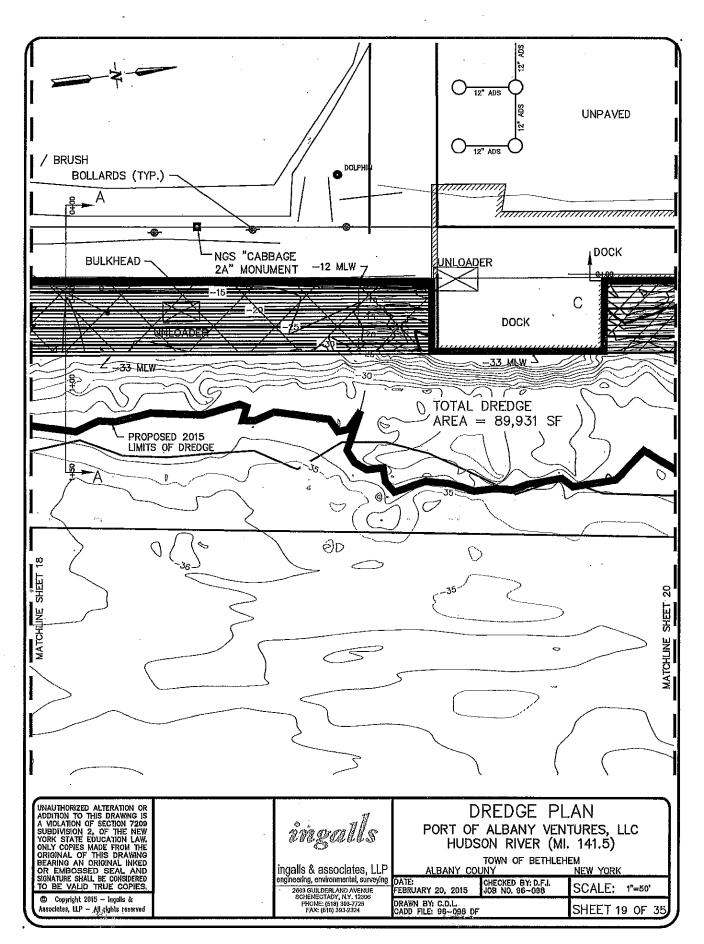
TOWN OF BETHLEHEM

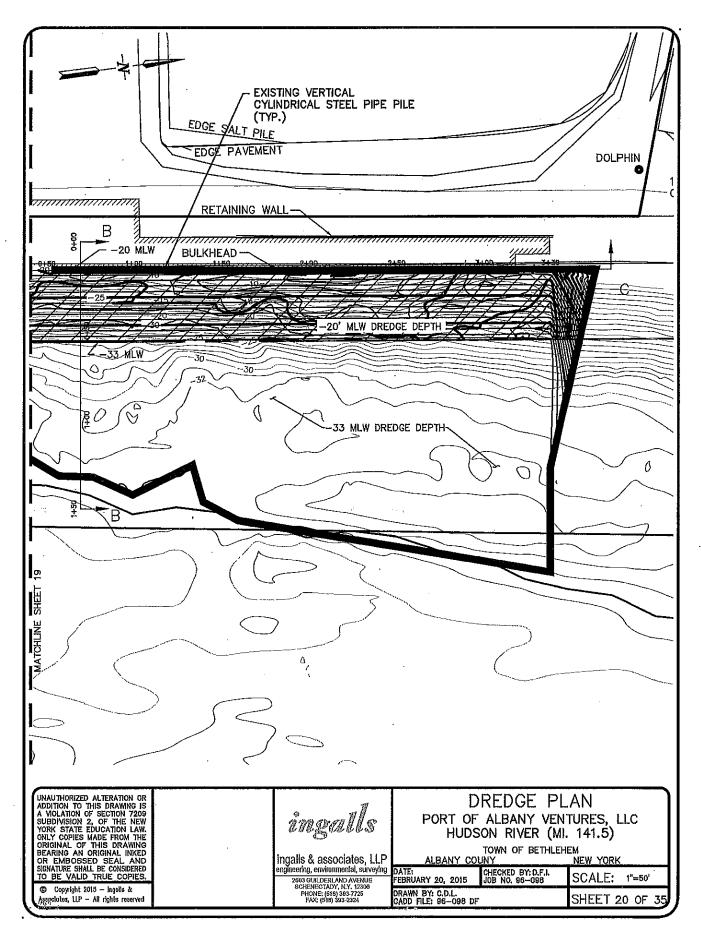
ALBANY COUNY NEW YORK

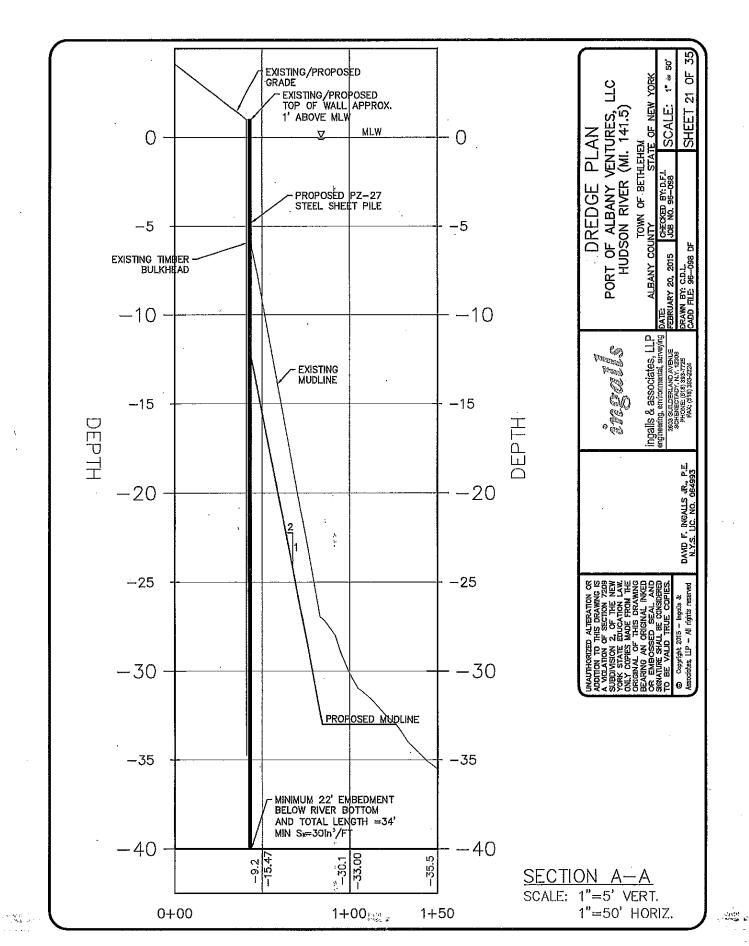
DATE:
FEBRUARY 20, 2015 CHECKED BY: D.F.I.
JOB NO. 96-098 SCALE: 1" = 50'

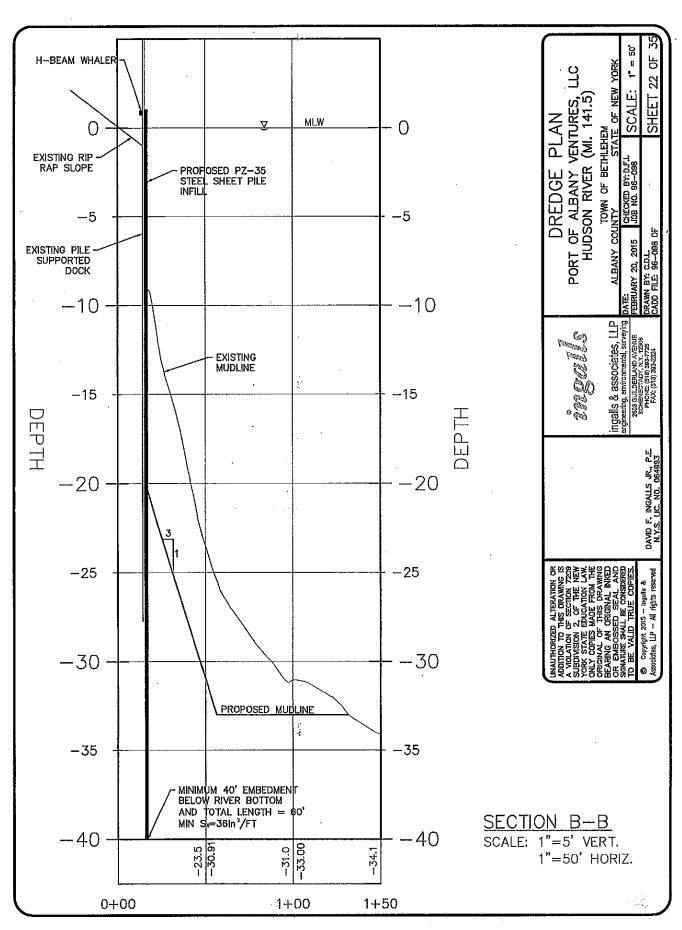
DRAWN BY: C.D.L.
CADD FILE: 96-098 DF SHEET 17 OF 38











NAN-2015-00417-UDA, Port of Albany Ventures, LLC, Page 23 of 36

DREDGE STATISTICS				
AREA				
DREDGE AREA	89,931 SF			
VOLUME	,			
CLASS A/B VOLUME				
-12 FT	3,914 CY			
-20 FT	5,125 CY			
-33 FT	5,491 CY			
TOTAL DREDGE VOLUME	14,530 CY			

SITE STATISTICS:

LATITUDE: N 42' 36' 36" LONGITUDE: W 73' 45' 46"

RIVER MILE: 141.5

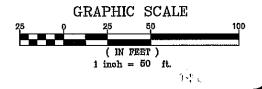
IMPACTS TO WATERS OF THE UN	ITED STATES
IMPACT	IMPACT
SHEET PILE WALL (NATIONWIDE PERMIT #3)	490 LF
TOTAL	490 LF

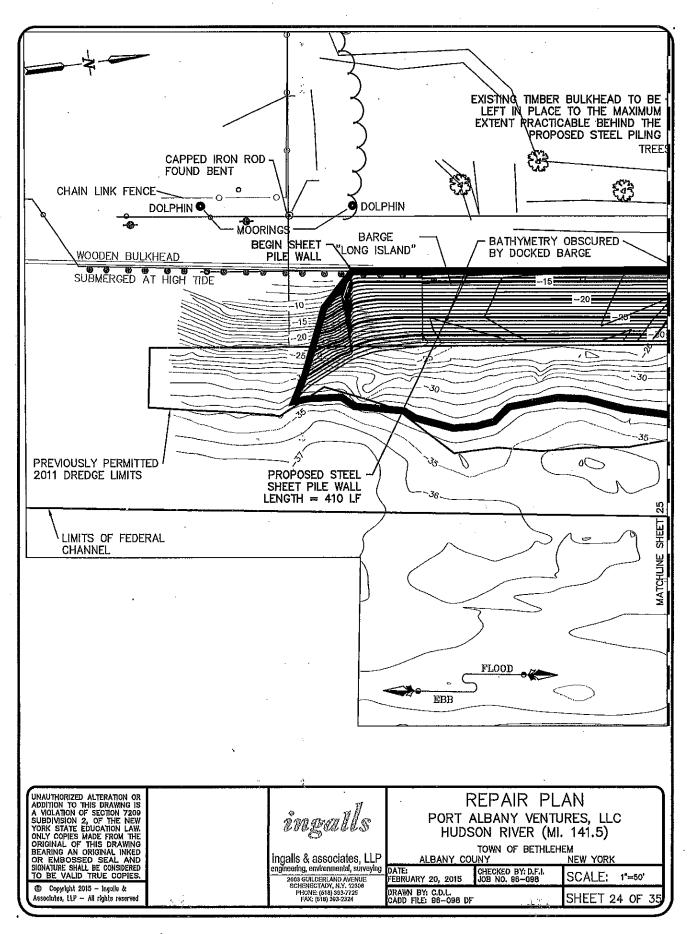
APPROXIMATE CHANNEL LIMITS APPROXIMATE PROPERTY LINE ADJACENT PROPERTY LINE **EXISTING CONTOUR** EXISTING HYDRANT EXISTING UTILITY POLE EXISTING SIGN **(B)** EXISTING CATCH BASIN EXISTING SANITARY MANHOLE EXISTING SANITARY SEWER EXISTING STORM SEWER – W -EXISTING WATERMAIN EXISTING OVERHEAD WIRE - OH -RIVER EMBANKMENT PROPOSED DREDGE LIMITS PROPOSED SEDIMENT CORE LOCATION

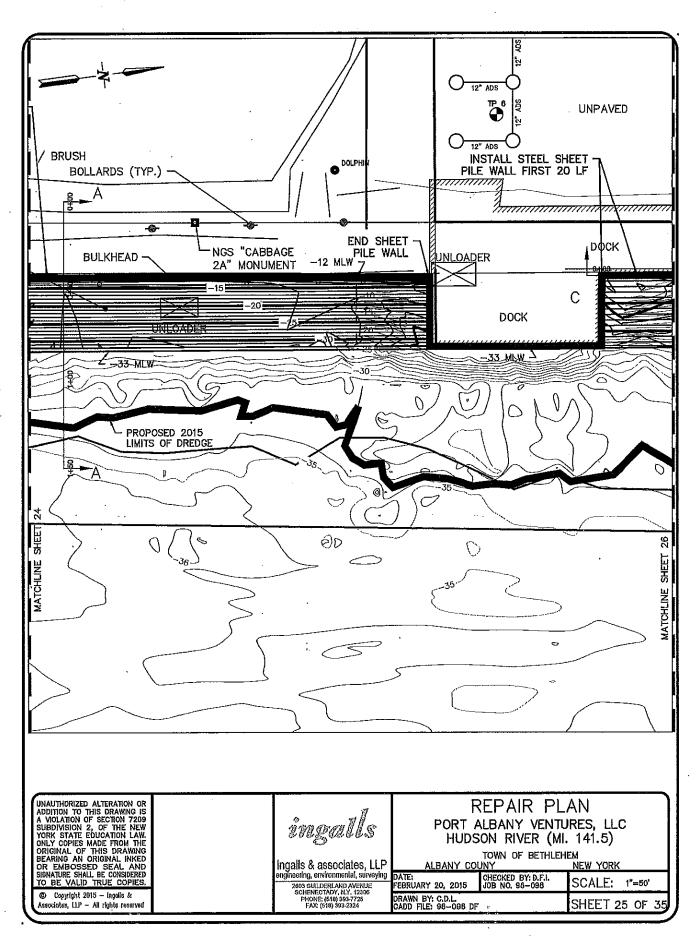
LEGEND

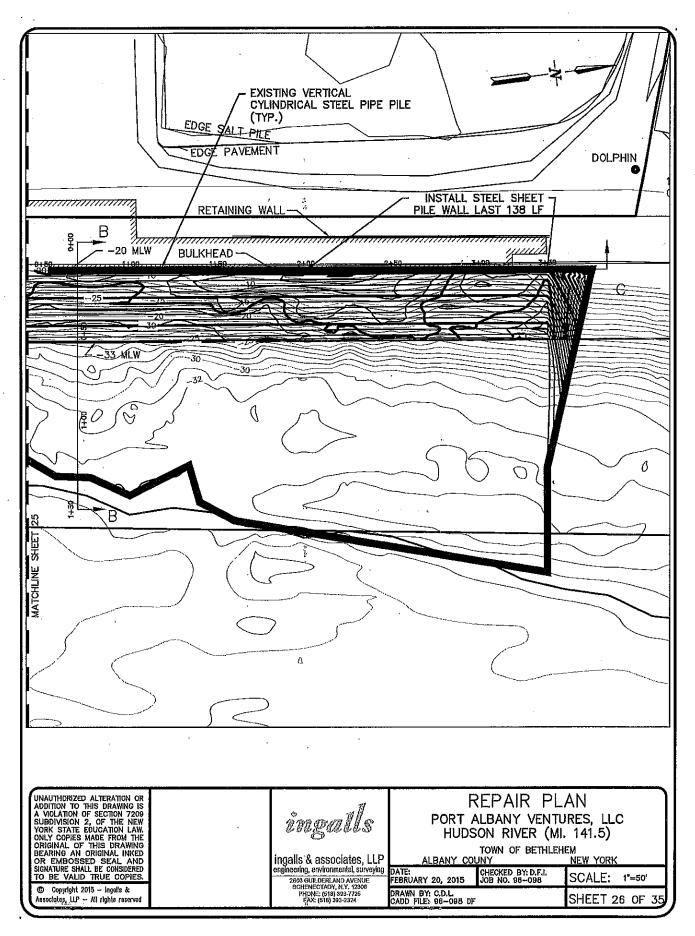
OWNER/APPLICANT:

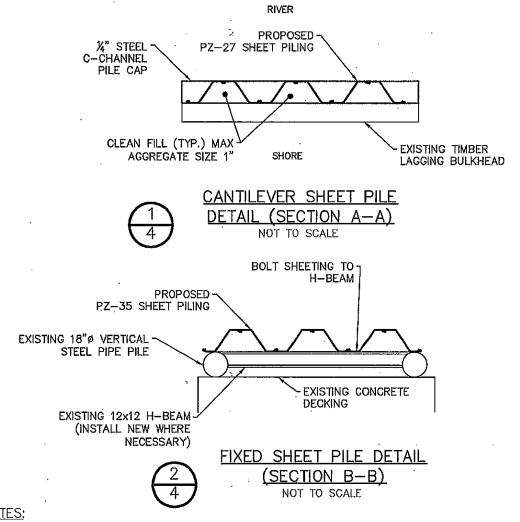
PORT ALBANY VENTURES, LLC 140 PORT ROAD SOUTH ALBANY, NY 12202







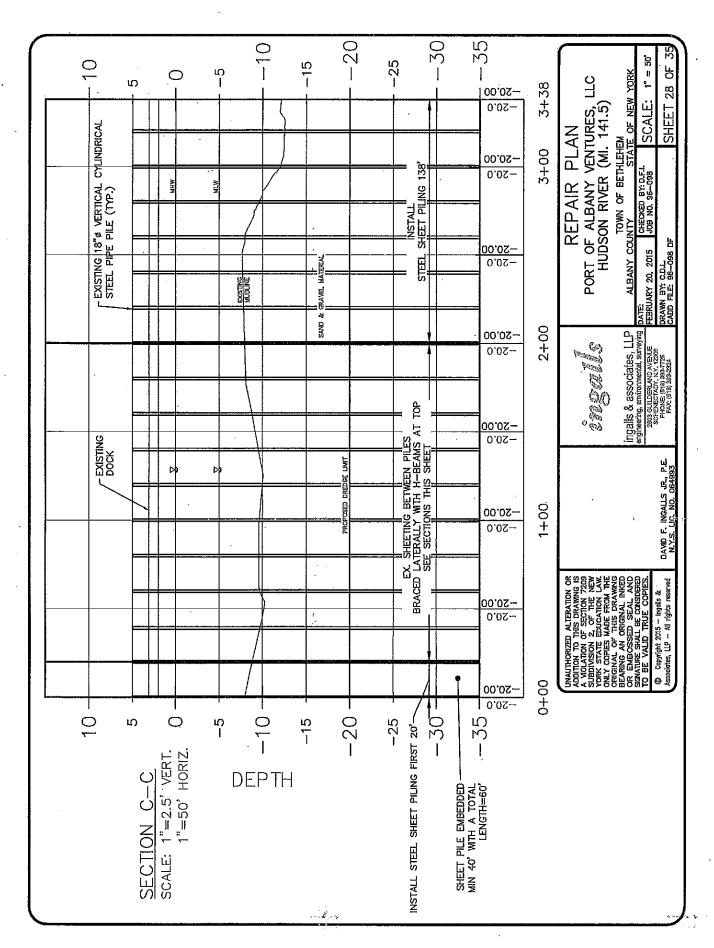


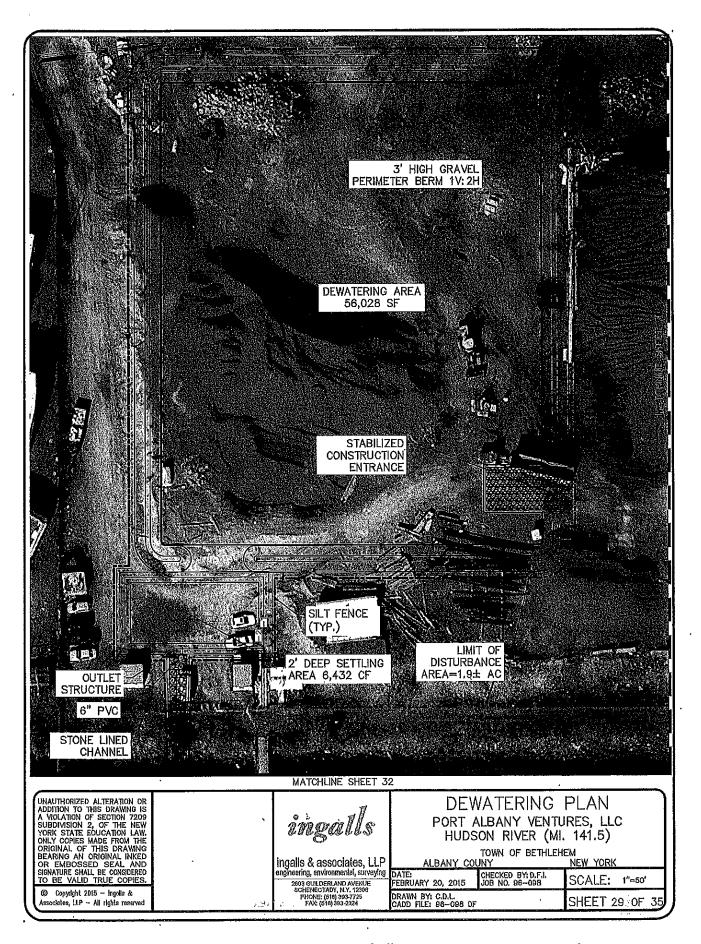


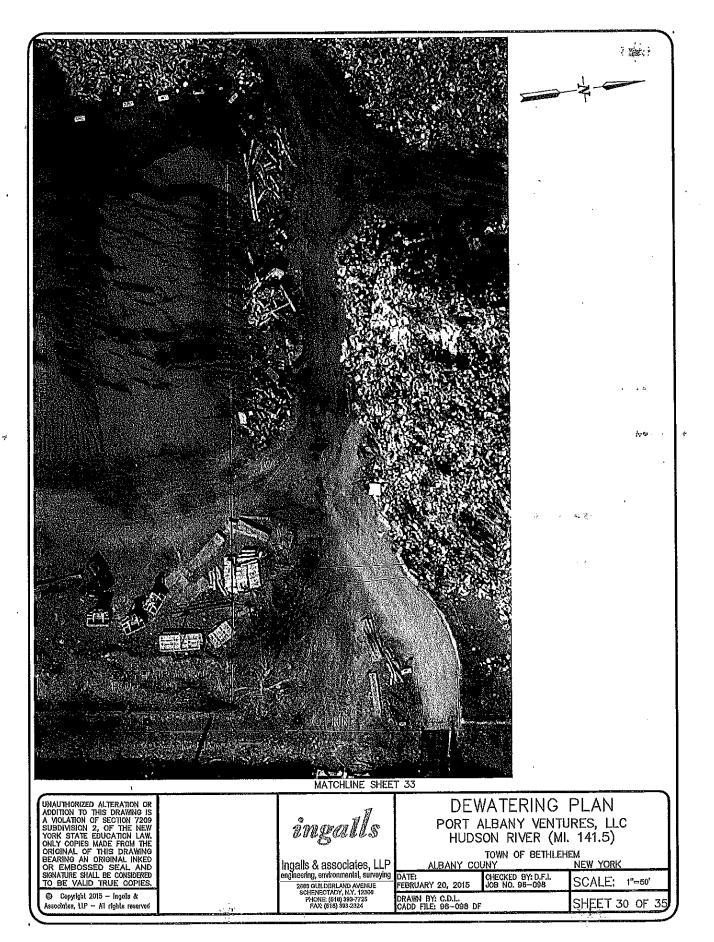
NOTES:

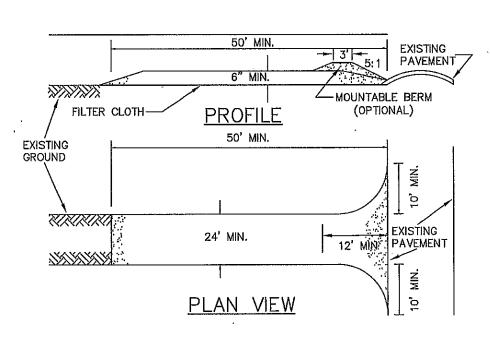
- 1.) ANY SUBSURFACE SOIL CONDITIONS DIFFERING FROM THAT SHOWN HEREON SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER IMMEDIATELY.
- 2.) ASSUME EXISTING SHEET PILE AND STEEL PIPE PILES ARE DRIVEN APPROXIMATELY 60' INTO RIVER BOTTOM PER OWNERS ASSERTION
- 3.) SUBSURFACE SOIL INVESTIGATION WAS PERFORMED BY ATLANTIC TESTING LABORATORIES IN AUGUST 2015. SEE BORING LOGS FOR SOIL PROFILE,
- 4.) SECTION B-B SHEET PILING SHALL HAVE A MINIMUM Sx=36 IN3/FT WALL.
- 5.) ALL SHEET PILING SHALL BE CLEANED AND COATED WITH AC80 MARINE EPOXY OR APPROVED EQUAL TO 5 FEET BELOW THE MUD LINE.
- 6.) ALL STEEL PILING SHALL BE ASTM A572, GRADE 50











CONSTRUCTION SPECIFICATIONS

- STONE SIZE USE 2" STONE, OR RECLAIMED" OR RECYCLED CONCRETE EQUIVALENT.
- LENGTH NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FEET MINIMUM LENGTH WOULD APPLY).
- 3. THICKNESS NOT LESS THAN SIX (6) INCHES.
- 4. WIDTH TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS, TWENTY FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
- 5, FILTER CLOTH -- WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- 6. SURFACE WATER ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CON-STRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5: 1 SLOPES WILL BE PERMITTED.
- 7. MAINTENANCE THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS OF WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS OF WAY MUST BE REMOVED IMMEDIATELY.
- 8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

(3	1
7	5	フ

م والمعالمة ع

\$e.

STABILIZED CONSTRUCTION ENTRANCE

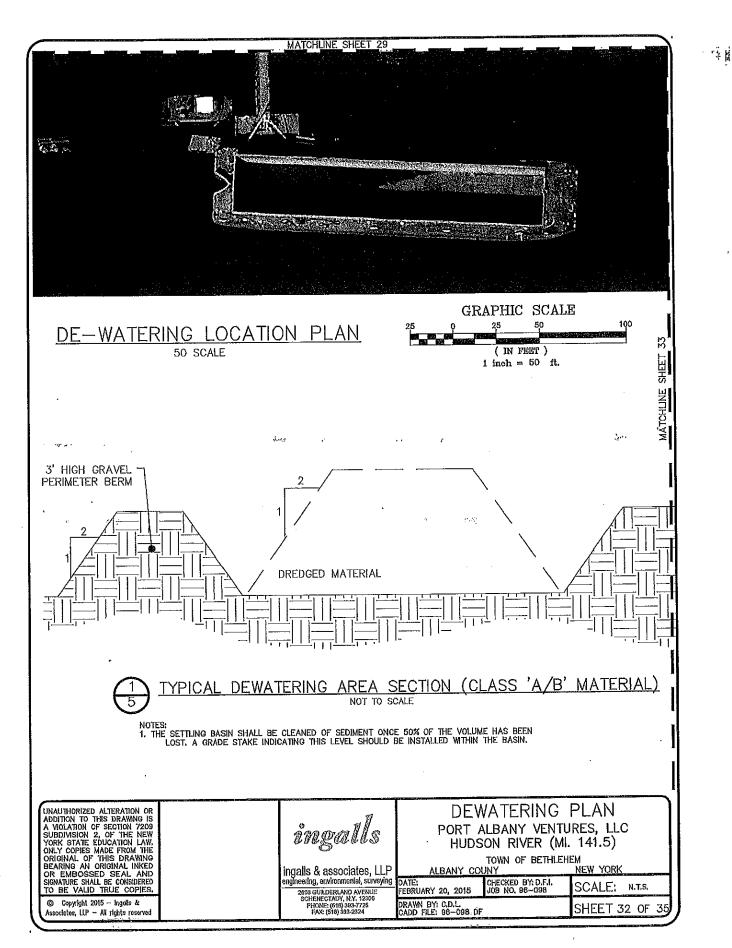
NOT TO SCALE

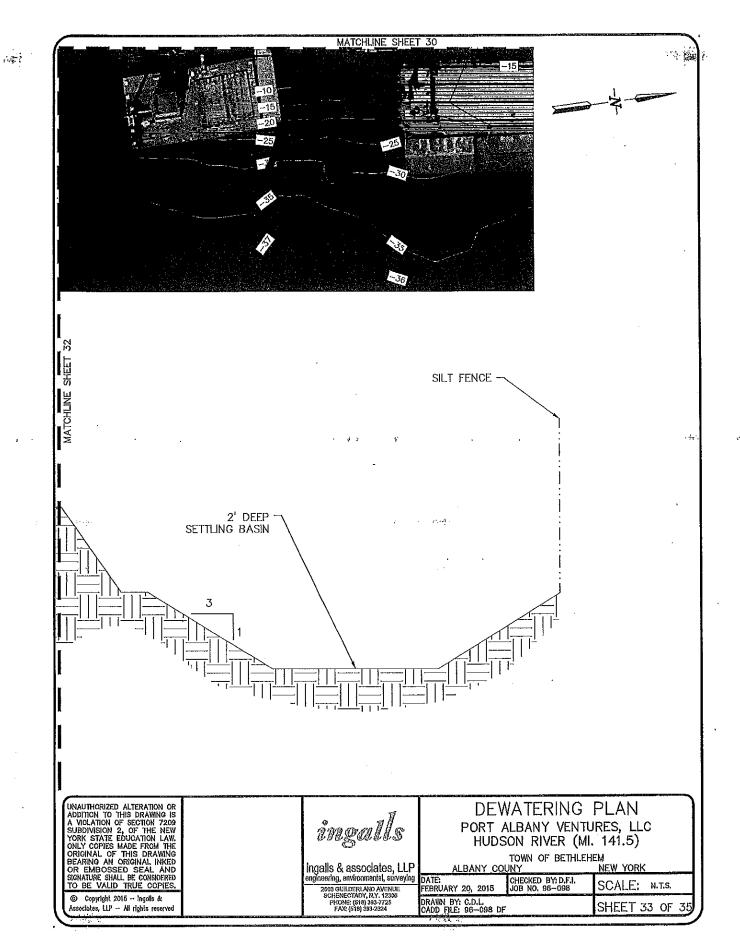
				•
PLAN TURES, LLC SOUTH	HEHEM STATE OF NEW YORK	SCALE: 1" = 50'	SHEET 31 OF 35	
DEWATERING PLAN PORT OF ALBANY VENTURES, LLC 140 PORT ROAD SOUTH	TOWN OF BETE ALBANY COUNTY	DATE: FEBRUARY 20, 2015 JOB NO. 96-098	DRAWN BY: C.D.L. CADD FILE: 96-098 DF	
a SINGUL	ingalls & associates, LLP	engineering, environmental, surveying zeos edit. Deritand Avanue	PHONE: (518) 393-7725 FAX: (518) 393-7725	
			DAVID F. INGALLS JR., P.E. N.Y.S. LIC. NO. 064993	
MNG IS NZCOS N 72COS N TAK	AND	SIDERED SOPIES.	is & reserved	

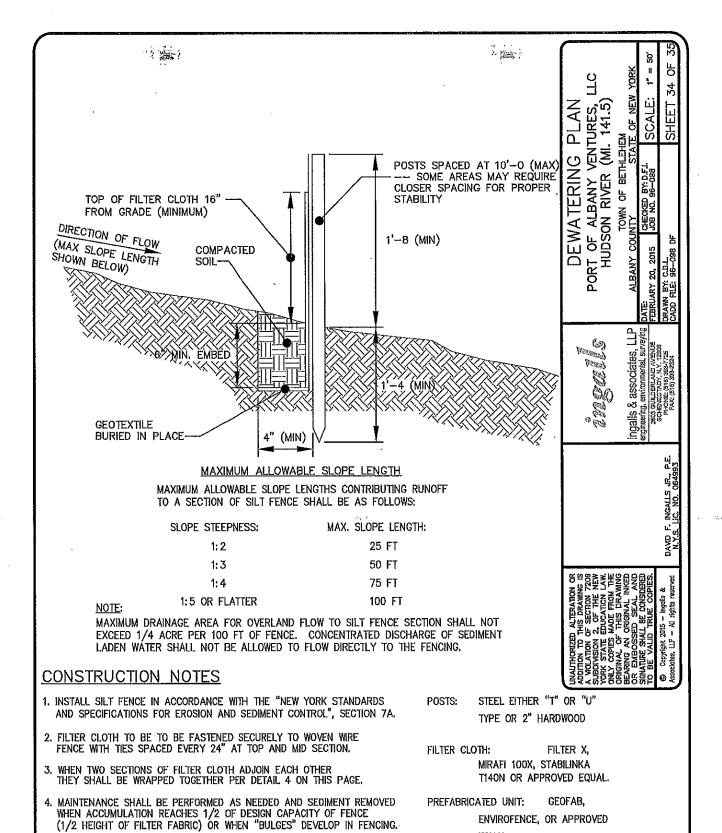
UNAUTHORIZED ALTERATION OR AUDITION TO THIS DRAWING IS A WOLATION OF SECTION 7209 SUBDIVISION 2, OF THE REW THE ORIGINAL INVEDORS AND OR THIS DRAWING BEARING AN OPTIMISE DRAWING BEARING AN OPTIMISE SEAL AND SCANTIFE SHALL BE CONSIDERED TO BE VALLD THOLE COPPLES.

© COPYMENT - MI rights reserved Associotes, LIP - All rights reserved

ء العف ه

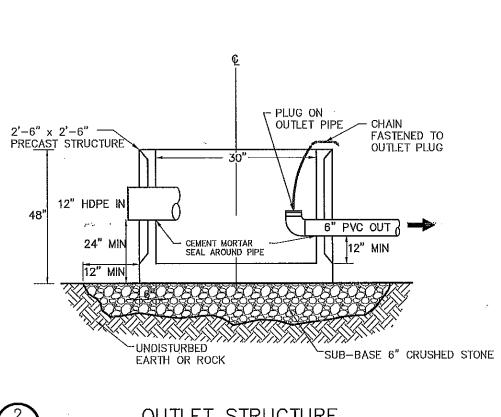






LT FENCE NOT TO SCALE EQUAL.

-4.3



. 7

1 7



UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A WOLATION OF SECTION 7209 SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW, ONLY COPIES MADE FROM THE ORIGINAL OF THIS DRAWING BEARING AN ORIGINAL INKED OR EMBOSSED SEAL AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

© Copyright 2015 - Ingelis & Associates, ILP - All rights reserved

DEWATERING PLAN
PORT ALBANY VENTURES, LLC
HUDSON RIVER (MI. 141.5)
TOWN OF BETHLEHEM
ALBANY COUNY
NEW YORK

OATE:
PEBRUARY 20, 2015
DRAWN BY: C.D.L
CADD FILE: 98-098 DF

SHEET 35 OF 35