

# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

**In replying refer to:**  
Public Notice Number: NAN-2016-01186-WOM  
Issue Date: October 21, 2016  
Expiration Date: November 20, 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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Metro-North Commuter Railroad  
420 Lexington Avenue  
New York, New York 10170

ACTIVITY: Construction of a temporary access road along the Metro-North Harlem Line to facilitate the replacement of two (2) railroad bridges.

WATERWAY: East Branch Croton River

LOCATION: Town of Pawling, Dutchess County and Town of Patterson, Putnam 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 REACH THIS OFFICE BEFORE 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

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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 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.

There is a known National Historic Landmark within the permit area. A Section 106 review by the New York State Office of Parks, Recreation and Historic Preservation under the National Historic Preservation Act has been conducted.

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.

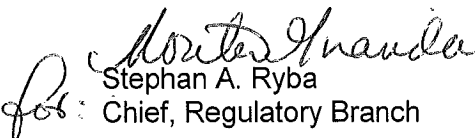
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

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 (917) 790-8417 and ask for Melanie O'Meara.

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>.

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

  
Stephan A. Ryba  
for: Chief, Regulatory Branch

Enclosures

### **WORK DESCRIPTION**

The applicant, Metro-North Commuter Railroad, has requested Department of the Army authorization to construct a temporary access road and perform bridge replacement activities at two sites along the Metro-North Harlem Line. The work would occur in the Town of Pawling, Dutchess County, and the Town of Patterson, Putnam County, New York.

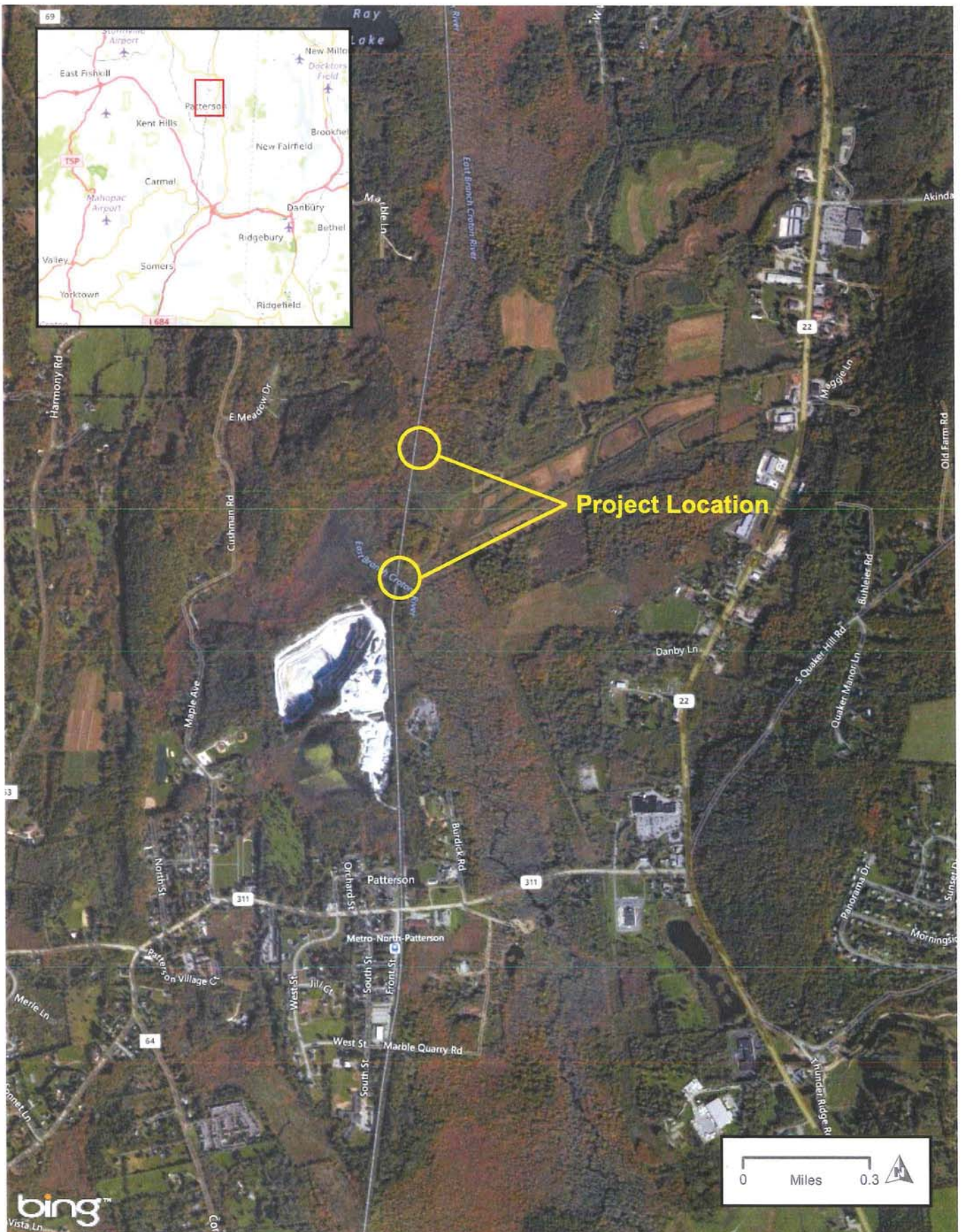
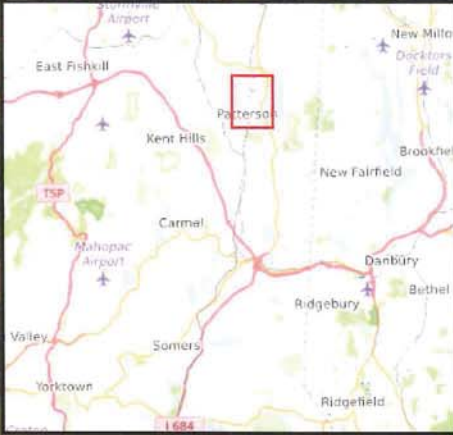
The work would involve installation of a temporary access road, consisting of ballast stone and lined by a retaining wall, from north of Route 311 in Patterson, New York, along the Harlem Line, to the location of each of the bridge replacement sites, resulting in a maximum of 1.1 acre of temporary fill within the on-site waters. Brush and trees would be cleared in the area. Then silt fencing and turbidity curtains would be installed and sheet piles would be driven to confine the work area. Next, the area would be backfilled and graded by truck with stone to create the temporary access road. Cranes would then be used to remove the existing bridges and install the prefabricated new bridges, while temporary equipment access bridges are in place. At the conclusion of the bridge replacement work, the access road would be removed and the waters would be restored to preconstruction elevations and re-seeded in all areas outside of existing open water.

The bridge replacements would not result in any permanent impacts to waters. The existing abutments would be removed to below the mudline and the new supports would consist of micropiles in upland areas behind the current abutment locations.

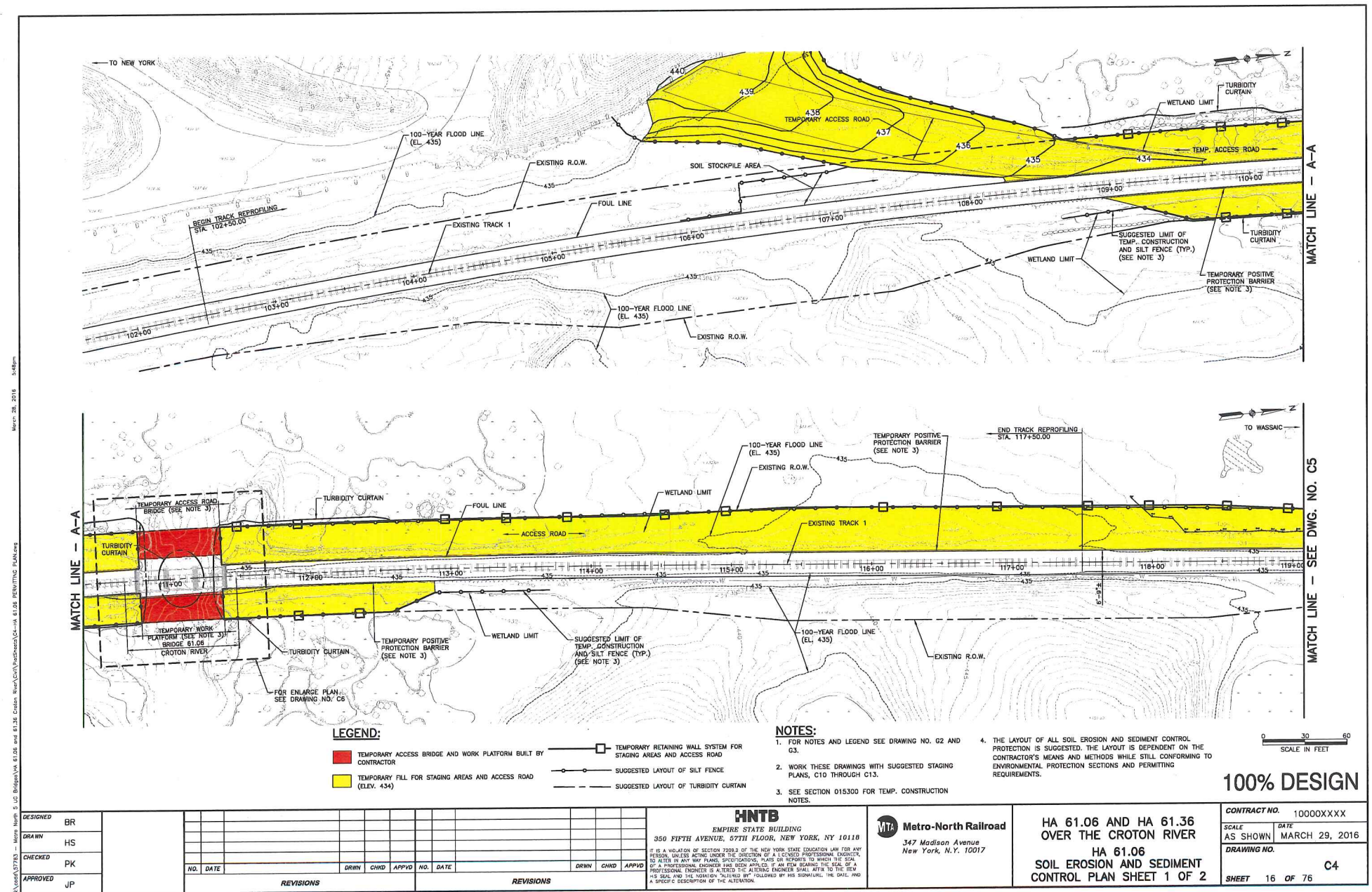
Turbidity curtains and silt fences would be utilized during construction for sedimentation and erosion control. Filter bags would be used to treat any water trapped or accumulating inside the outer barrier walls of the temporary access roadway. Excess water within the work area would be pumped through filter bags prior to discharge. All movement of construction equipment, vehicles and personnel would be within the limits of the silt fencing. Any water used for construction activities would not be taken from the waterway. Erosion and sedimentation controls would not be removed until any water inside the fence is of the same clarity as ambient waters surrounding the work area.

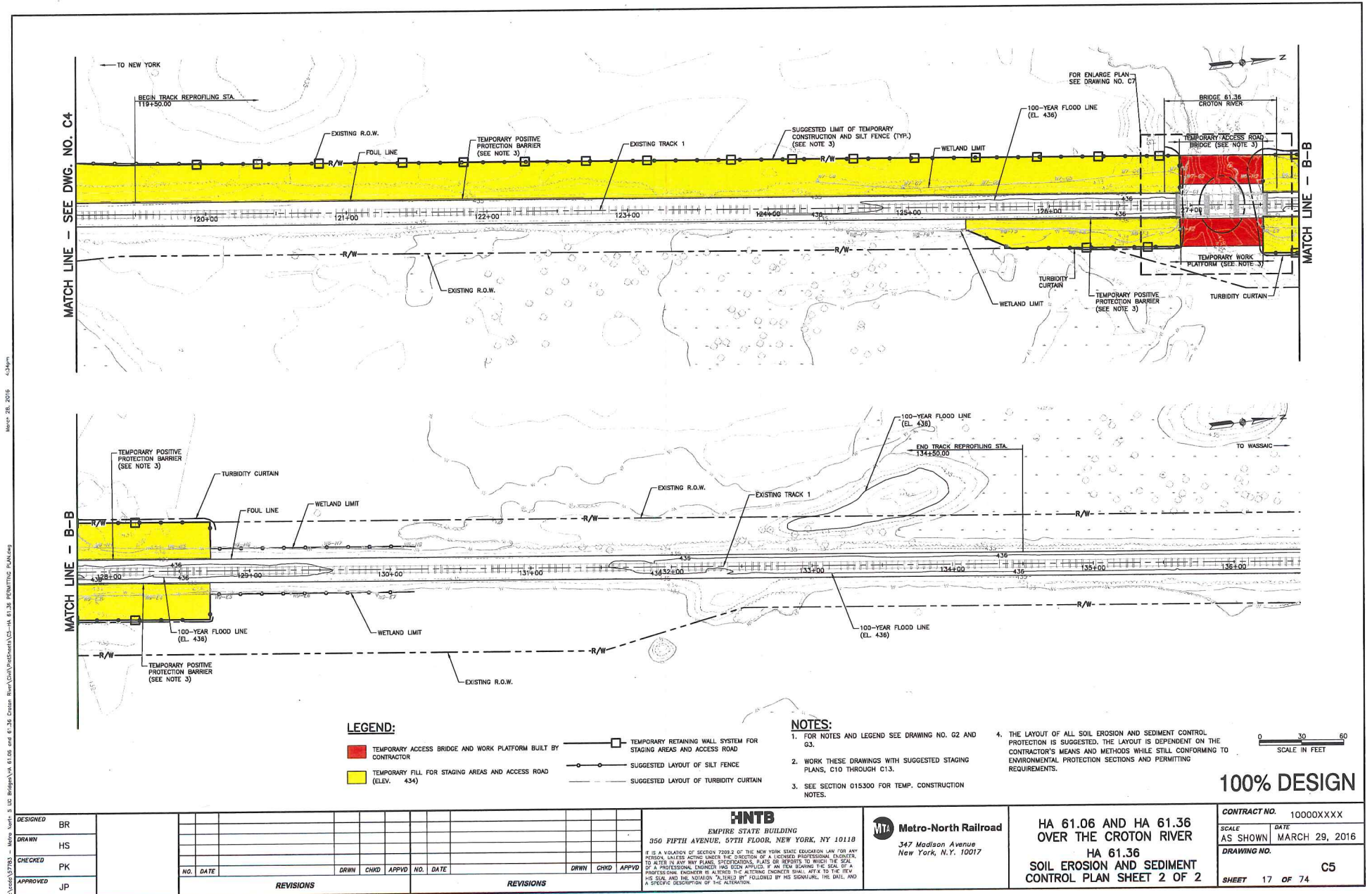
The stated purpose of this project is to provide safe and uninterrupted use of the two outdated single-span rail bridges over the East Branch Croton River on the Metro-North Harlem Line.













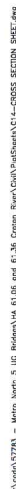








**SECTION A-A**  
ON DWG NO. C12



**SECTION B-B**  
ON DWG NO. C12

**LEGEND:**

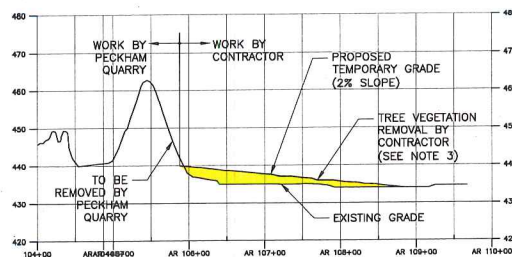
-  TEMPORARY FILL FOR STAGING AREAS AND ACCESS ROAD  
TO BE REMOVED UPON COMPLETION.

NOTES:

1. FOR SUGGESTED CONSTRUCTION SEQUENCE, SEE DRAWING NO. S28 AND S29.
2. REFER TO GENERAL NOTES AND LEGEND ON DRAWING NO. G2 AND G3.
3. SEE SECTION 015300 FOR TEMPORARY CONSTRUCTION NOTES.
4. SEE SOIL EROSION AND SEDIMENT CONTROL DRAWINGS.
5. SEE SECTION 327000 FOR WETLANDS RESTORATION NOTES.

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TEMPORARY ACCESS RAMP PROFILE  
ON DWG NO. C10

**LEGEND:**

-  TEMPORARY FILL FOR STAGING AREAS AND ACCESS ROAD  
TO BE REMOVED UPON COMPLETION.

NOTES:

1. FOR SUGGESTED CONSTRUCTION SEQUENCE, SEE DRAWING NO. 528 AND 529.
2. REFER TO GENERAL NOTES AND LEGEND ON DRAWING NO. G2 AND G3.
3. SEE SECTION 015300 FOR TEMP . CONSTRUCTION NOTES.
4. SEE SOIL EROSION AND SEDIMENT CONTROL DRAWINGS.
5. SEE SECTION 327000 FOR WETLANDS RESTORATION NOTFS.

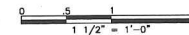
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1. DRAINAGE FILL SHALL BE PLACED BENEATH THE BOTTOM COURSE OF WALL UNITS WITH ITS TOP SURFACE LEVEL TO SATISFACTION OF THE ENGINEER.
2. THE USE OF SHIMS WILL NOT BE ALLOWED TO CORRECT FOR IMPROPER OR INCORRECT PLACEMENT OF LEVELING PAD AND/OR POOR CONSTRUCTION PRACTICES. SHIMS WILL BE ALLOWED TO CORRECT FOR MINOR FABRICATION IRREGULARITIES.
3. WALL CONSTRUCTION AT ALL STAGES SHALL BE TRUE TO LINE AND GRADE. ANY DEVIATION FROM LINE AND GRADE WHICH IS EITHER DANGEROUS TO THE STABILITY OR DETRACTS FROM THE APPEARANCE OF THE WALL SHALL BE CORRECTED BY THE CONTRACTOR AT HIS OWN EXPENSE.
4. TOLERANCES SHALL NOT EXCEED THOSE PROVIDED IN THE SPECIFICATION.



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