

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-2017-00257-ESW**

NAN-2017-00259-ESW

Issue Date: **August 9, 2017**

Expiration Date: **September 9, 2017**

To Whom It May Concern:

The New York District, Corps of Engineers has received two (2) applications for Department of the Army permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

APPLICANT: New York State Marine Highway Transportation Company
P.O. Box 1216
Troy, New York 12181

ACTIVITY: Construction of two (2) new commercial mooring points/buoys

WATERWAY(S): Hudson River and Hempstead Harbor

LOCATION(S): Hudson River South of the Troy Federal Lock in the Town of Germantown,
Columbia County, New York
Hempstead Harbor in the Town of Rye, Westchester County, New York

A detailed description and plans of the permit 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

*****PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH
THIS OFFICE*****

CENAN-OP-RE
MEMORANDUM FOR THE RECORD

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. Comment in writing could be mailed to US Army Corps of Engineers, New York District – ATTN: Regulatory Branch, 26 Federal Plaza, Room 1937, New York, N.Y. 10278.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments, including names and addresses, 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 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 life stages 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.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

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,

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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

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) 970-8618 and ask for Amanda Regan.

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>.



For and In behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

The permit applicant, New York State Marine Highway Transportation Company, has requested Department of the Army authorization to construct two (2) new commercial mooring points/buoys.

- 1) Hudson River, Town of Germantown, Columbia County, New York
- 2) Hempstead Harbor, Town of Rye, Westchester County, New York

The permit applicant's stated purpose for this work is to provide two (2) new mooring points/buoys for the staging of both empty and full aggregate barges during the course of normal transportation business.

Specifically, the proposed work would involve:

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Hudson River, Town of Germantown, Columbia County, New York

Installation of a seasonal single 58-inch-diameter steel mooring buoy, a 10,000-lbs navy stockless anchor and associated hardware adjacent to and east of the Federal navigation channel in the Hudson River downstream of the Troy Federal Lock and Dam. Associated hardware includes but is not limited to 99-feet of 2-inch stud link chain, shackle(s), connecting links, swivel(s), and two (2) 100-foot-length pendants. On scene water depth is 26-feet. The barges would measure 35-foot-wide by 195-foot-long or 52.5-foot-wide by 250-foot-wide. The barge configuration would be three (3) abreast by two (2) astern. The maximum size would be 250-feet-length by 52.2-feet-beam by 12-foot-depth. The scope would be 43-yards. The watch circle would be 42.4-yards. The swing radius would be 159-yards. The mooring buoy would be removed during the winter months when the river would freeze, and reinstalled when the weather permits.

Anchor Position 42° 09' 27.17" N 73° 53' 25.22" W
NOAA Chart 12347

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Hempstead Harbor, Town of Rye, Westchester County, New York

Installation of a single 58-inch-diameter steel mooring buoy, a 10,000-lbs navy stockless anchor and associated hardware adjacent to and east of the Federal navigation channel in Hempstead Harbor. Associated hardware includes but is not limited to 99-feet of 2-inch stud link chain, shackle(s), connecting links, swivel(s), and two (2) 100-foot-length pendants. On scene water depth is 21-feet. The barges would measure 35-foot-wide by 195-foot-long or 52.5-foot-wide by 250-foot-wide. The barge configuration would be two (2) abreast by two (2) astern. The maximum size would be 250-feet-length by 52.5-feet-beam by 12-foot-depth. The scope would be 30-yards. The watch circle would be 29.2-yards. The swing radius would be 196-yards.

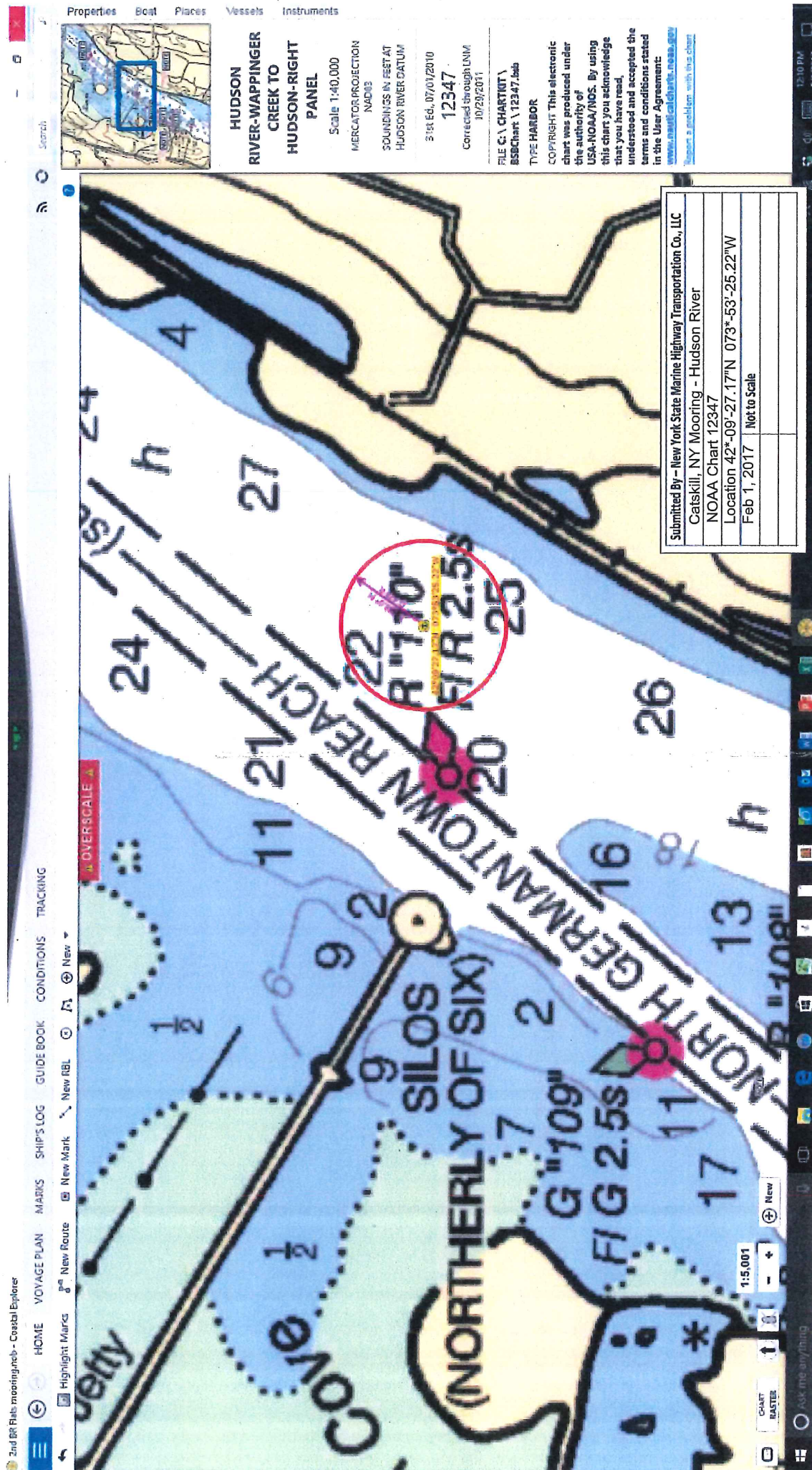
Anchor Position 40° 56' 55.11" N 73° 39' 59.41" W
NOAA Chart 12366

Note:

Watch Circle = the square root of (length of scope² minus water depth²)

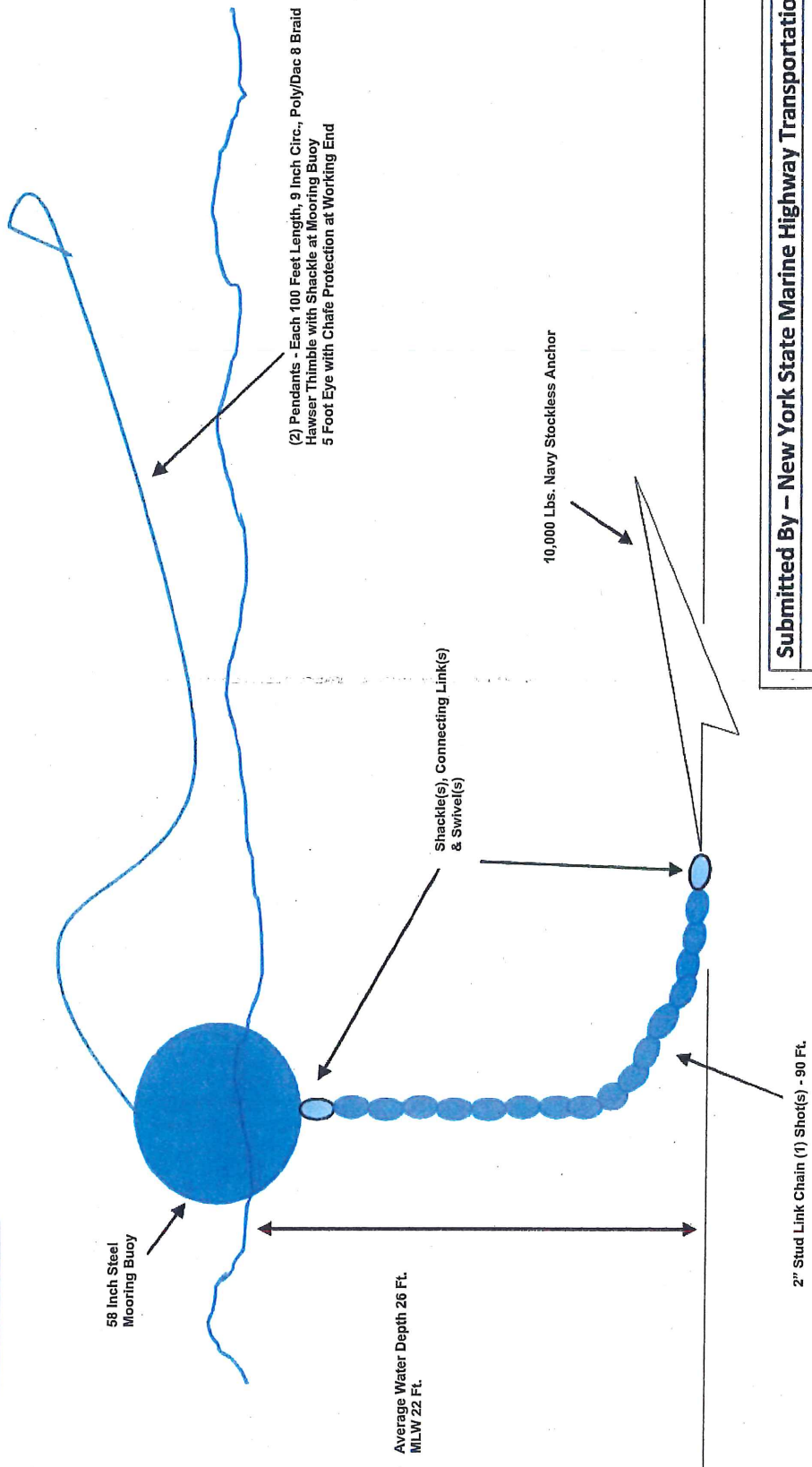
Swing Radius = Watch Circle + Barge(s) Length Astern + Pendant Length(s)

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MOORING HARDWARE DIAGRAM
PROPOSED LOCATION - HUDSON RIVER - CATSKILL



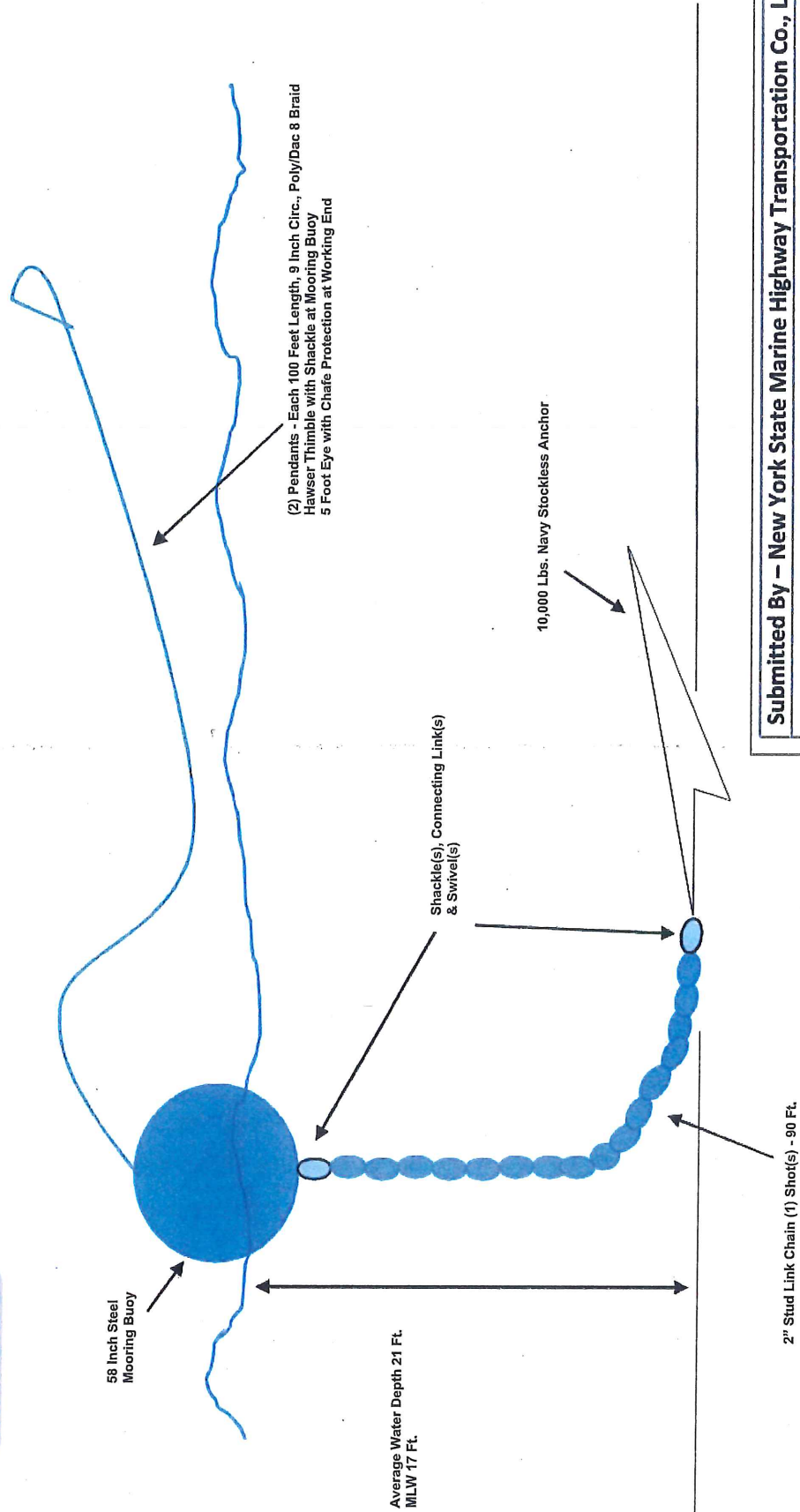
Submitted By - New York State Marine Highway Transportation Co., LLC	
Mooring Location-NOAA Chart 12347 - Hudson River - Wappinger Creek to Hudson, NY	
42°-09'-27.17"N 073°-53'-25.22"W	
Date: 1 February 2017	Not to Scale
Revised:	

2nd BR Flats moving.mob - Coastal Explorer





**MOORING HARDWARE DIAGRAM
PROPOSED LOCATION - HEMPSTEAD HARBOR**



Submitted By - New York State Marine Highway Transportation Co., LLC	
Mooring Location-NOAA Chart 12366 - Long Isl Snd & E Rvr-Hempstead Hbr to Tallman Isl	
40°-56'-55.11"N 073°-39'-51.49"W	
Date: 1 February 2017	Not to Scale
Revised:	