



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-2017-00601-WPI**
Issue Date: **July 21, 2017**
Expiration Date: **August 21, 2017**

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), Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 103 of the Marine Protection, Research & Sanctuaries Act of 1972, as amended (33 U.S.C. 1413).

APPLICANT: Sprague Operating Resources, LLC
2 International Drive
Portsmouth, New Hampshire 03801

ACTIVITY: Perform dredging with ten (10) year maintenance with upland disposal, a total volume of approximately 25,000 cubic yards within a previously dredged area of the de-authorized federal navigation channel.

WATERWAY: Eastchester Creek (Hutchinson River Watershed)

LOCATION: City of Mount Vernon, Westchester 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 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 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/FIS) 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/FIS regarding EFH impacts and conservation recommendations 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.

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

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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.

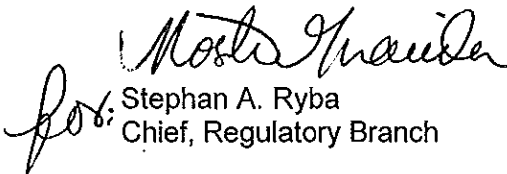
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation
- New York State Department of State Coastal Consistency

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) 790-8520 and ask for Katherine Pijanowski.

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: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

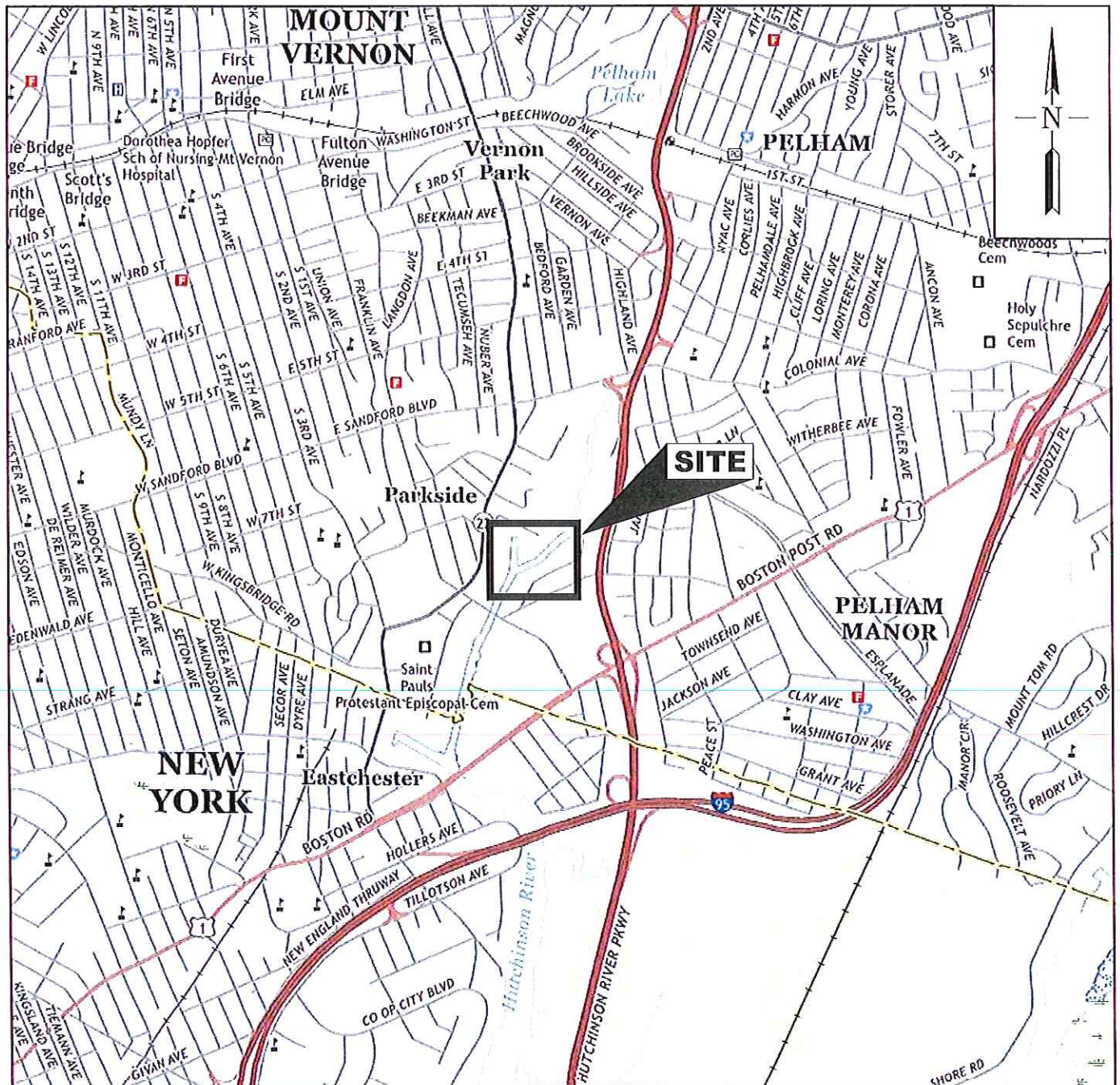
WORK DESCRIPTION

The applicant, Sprague Operating Resources, LLC, has requested Department of the Army authorization to perform dredging with ten (10) years maintenance with upland disposal in Eastchester Creek, City of Mount Vernon, Westchester County, New York.

The proposed regulated work would involve a total of five (5) dredging events within 1.5 acres of Eastchester Creek to remove a total of approximately 25,000 cubic yards of material over a period of ten (10) years. The area would be dredged to an authorized depth of -8 feet below MLLW, plus an overdepth of 1-foot (-9 feet below MLLW). This area was last dredged in 2010 by the US Army Corps of Engineers to a depth of -8 feet below MLLW. Approximately 12,500 cubic yards would be dredged in the initial dredge event, and approximately 3,125 cubic yards of sediment would be dredged in the four (4) subsequent dredge events. Each dredging event is expected to last between two (2) and four (4) weeks. Dredging will primary be performed using a mechanical dredge with an environmental clamshell bucket. In cases where the environmental clamshell bucket hits refusal due to the presence of sand and gravel, the applicant proposes to use an open bucket.

The dredged material is proposed to be placed in a sealed scow for a minimum of 24 hours and excess decanted water to be returned either back to the dredging site in accordance with New York State Department of Environmental Conservation Water Quality Certification. Dewatered dredge material would be placed at a state approved upland facility in either New York or New Jersey and the applicant would obtain either a Beneficial Use Determination from NYSDEC or an Acceptable Use Determination from NJDEP, based upon the location of the facility.

The stated purpose of this project is to restore operational depths to ensure safe navigation.



TAKEN FROM MAPTECH
OFFSHORE NAVIGATOR
VERSION 5.07d

VICINITY MAP

0 2000 4000 FT.



SCALE 1"=2000'-0"

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

USACE FILE NO.
NAN-2017-00601
Sheet 1 of 3

DATUM: M.L.L.W.
APPLICATION BY: SPRAGUE OPERATING
RESOURCES LLC
APPLICATION NO.:
AGENT: OCEAN & COASTAL
CONSULTANTS ENGINEERING, P.C.

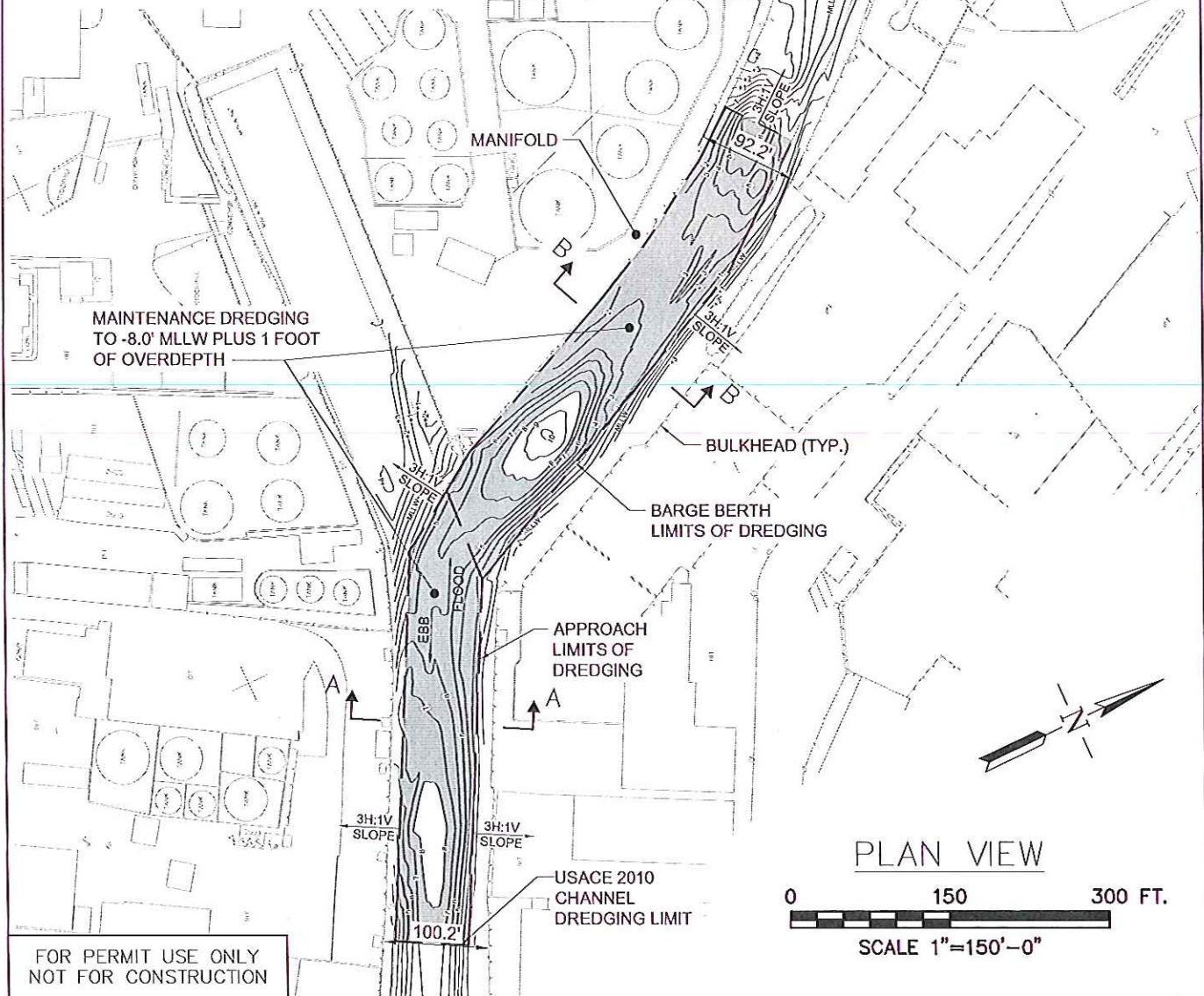
PROPOSED SPRAGUE MT. VERNON
MAINTENANCE DREDGING
IN EAST CHESTER CREEK WATERWAY
TOWN OF MOUNT VERNON
COUNTY OF WESTCHESTER
STATE OF NEW YORK

DATE: 4-21-17

SHEET 1 OF 3

GENERAL NOTES:

1. BASEMAP PROVIDED BY USACE, VH-114, SHEET 14 OF 14, DATED 08/21/2013 (4001 EAST CHESTER - SHT 14).
2. DREDGING LIMITS SHOWN REPRESENT TOE OF DREDGE AREA. ALL SLOPES SHALL BE 1V:3H UNLESS NOTED OTHERWISE.
3. SURVEY DATA COLLECTED ON FEBRUARY 16, 2017 BY HYDROGRAPHIC SURVEYS INC. OF SEWELL, NJ AND CAN ONLY REPRESENT THE CONDITIONS AT THE TIME OF THE SURVEY. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
4. UNLESS OTHERWISE SHOWN, TIDAL DATUMS ARE LOCATED AT FACE OF BULKHEAD.



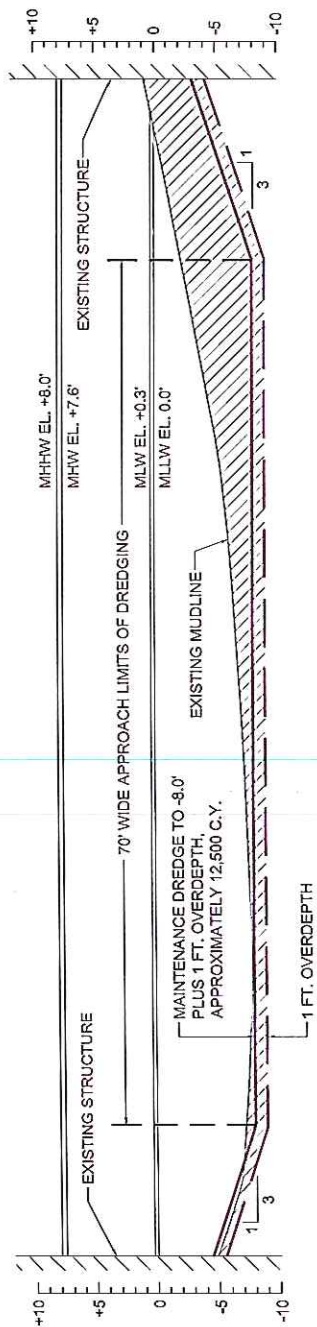
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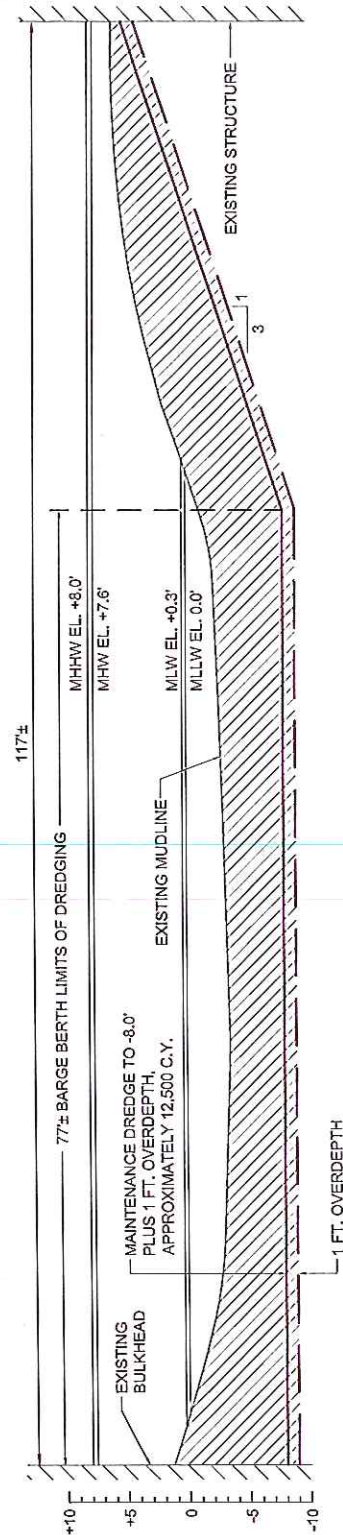
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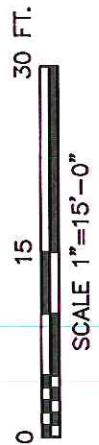
SHEET 2 OF 3



SECTION A-A



SECTION B-B



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Sheet 3 of 3

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MAINTENANCE DREDGING
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