



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-2019-01012-WOR
Issue Date: August 29, 2019
Expiration Date: September 30, 2019

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: Cornwall Yacht Club
175 Shore Road
Cornwall-on-Hudson, New York 12520

ACTIVITY: Construction of one stone breakwater within the footprint of an existing, sunken barge.

WATERWAY: Hudson River

LOCATION: Village of Cornwall-on-Hudson, Orange 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.

**CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2019-01012-WOR**

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 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 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 and coordination with the New York State Historic Preservation Office (SHPO), there is one site considered to be eligible for inclusion in the Register within the permit area, specifically, a sunken barge known as the Armistead. Our preliminary determination is that the activity for which authorization is sought herein will have an adverse effect upon the barge, as it would be filled with stone in order to construct the breakwater. Consultation with SHPO is being conducted and will be concluded prior to the final decision. Presently unknown archeological, scientific, prehistoric, 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. The New York State Department of Environmental Conservation issued Permit Number 3-3324-00037/26, which includes a water quality certificate in accordance with Section 401 of the Clean Water Act.

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. In a letter dated November 22, 2017,

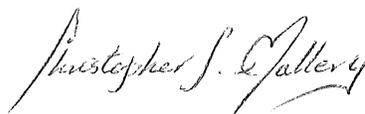
**CENAN-OP-RW
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the state concurred with the applicant's certification. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State 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.

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) 790-8413 and ask for Brian Orzel.

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
Chief, Regulatory Branch



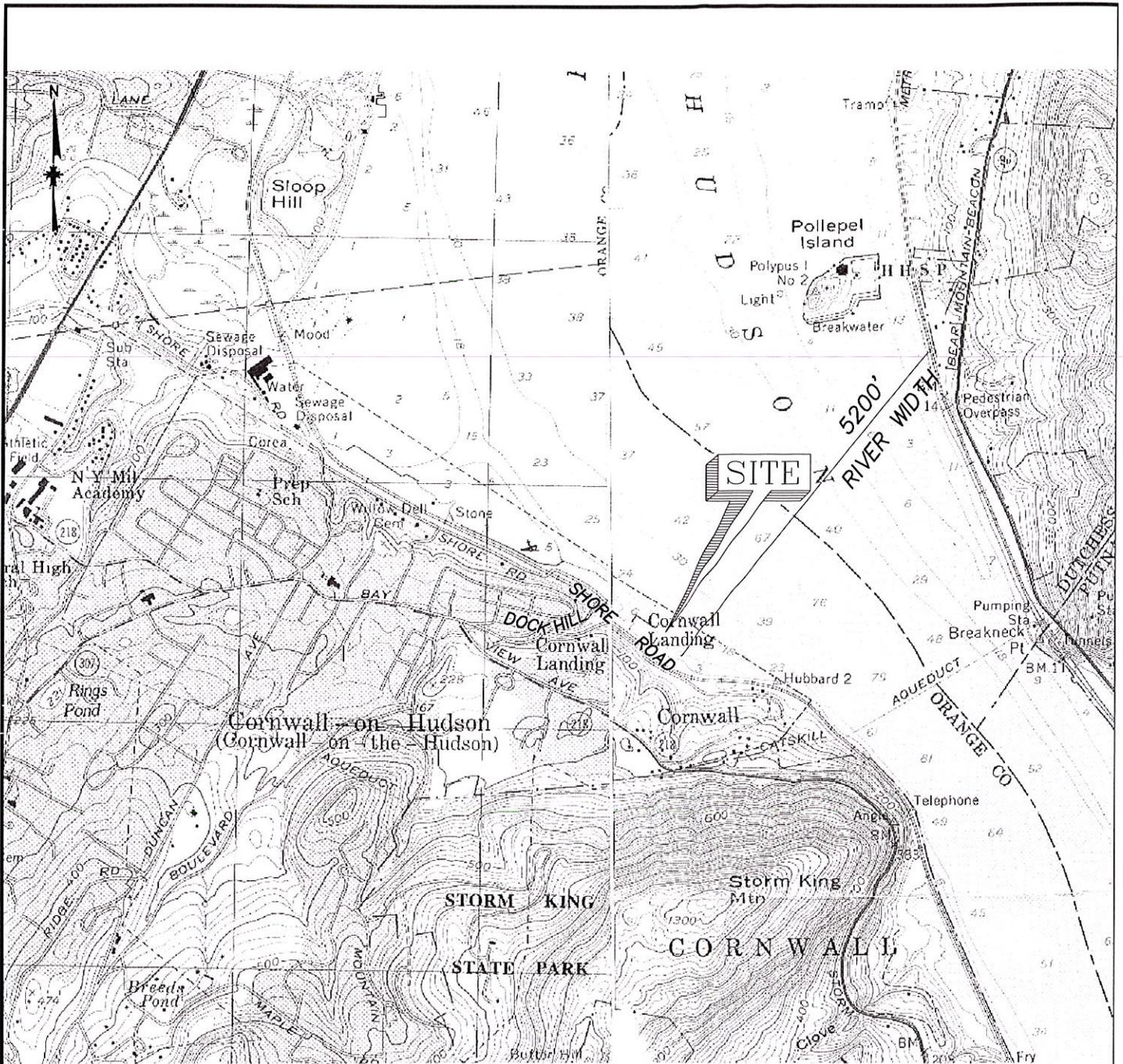
Enclosures

WORK DESCRIPTION

The applicant, Cornwall Yacht Club, has requested Department of the Army authorization for the construction of one stone breakwater in the Hudson River, Village of Cornwall-on-Hudson, Orange County, New York.

The proposed breakwater would be approximately 220 feet long, 33 feet wide and 28 feet high, extending approximately 3 feet above Mean High Water (MHW). The breakwater would be constructed by discharging approximately 3,500 cubic yards of stone fill below MHW, placed within the footprint of one sunken barge. Two 48-inch diameter pipes would be placed within the breakwater to allow circulation between the marina and the river. Deteriorated wood and metal from the existing barge would be removed as necessary.

The stated purpose of this project is to protect the existing marina, as the existing sunken barge breakwater is deteriorated and no longer adequately protects the marina.



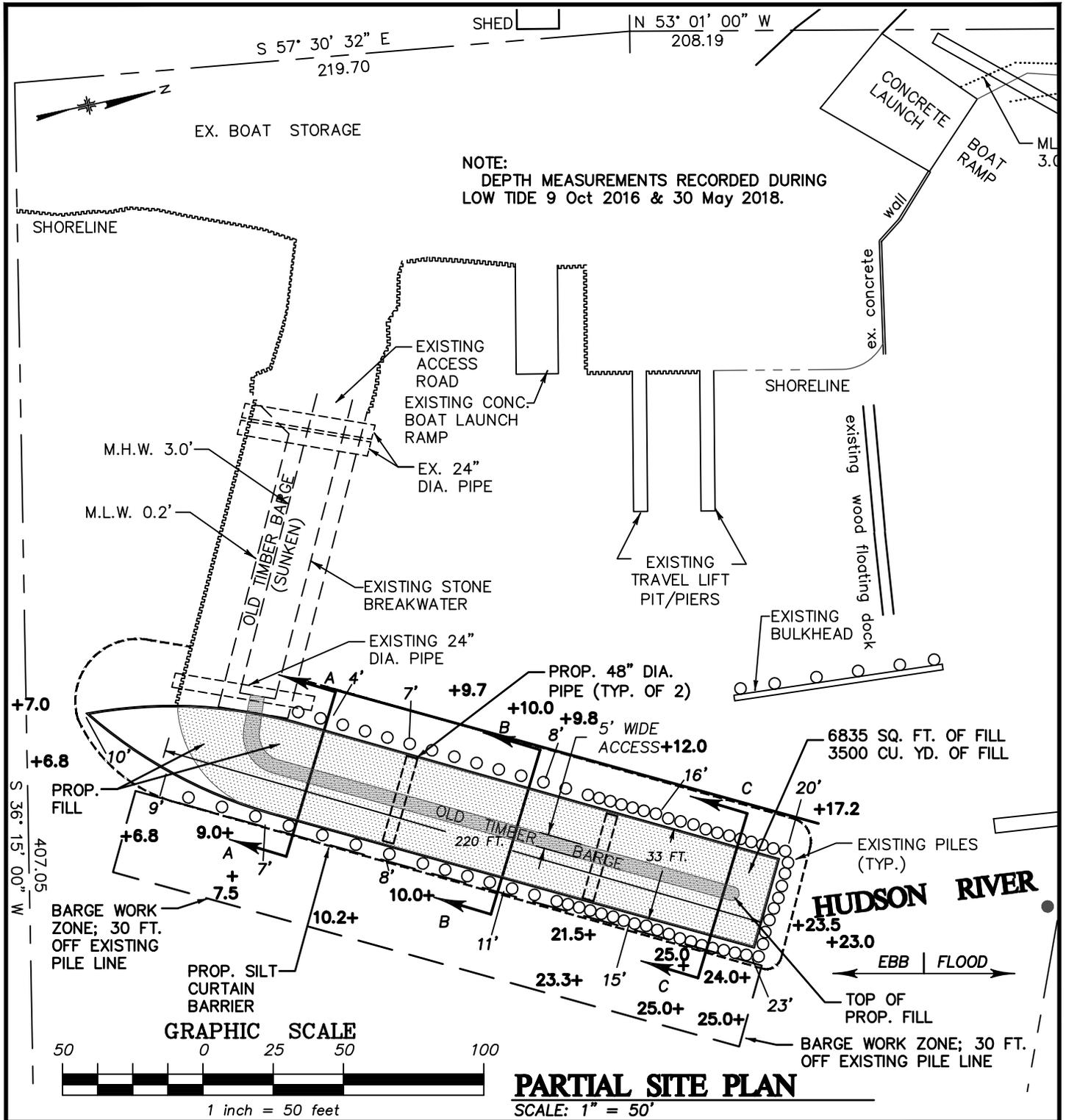
CORNWALL-ON-HUDSON & WEST POINT QUADRANTS:

SCALE: 1" = 2000'

41° 26' 30" N. LAT.

74° 00' 00" W LONG.:

PURPOSE:	BARGE FILL PROJECT	
DATUM:	NATIONAL GEODETIC VERTICAL DATUM OF 1929	IN: HUDSON RIVER - WEST SHORE - RIVER MILE 56
ADJACENT PROPERTY OWNERS:	1. VILLAGE OF CORNWALL ON HUDSON (NORTH) 325 HUDSON STREET CORNWALL-ON-HUDSON, NEW YORK 10520 2. C.S.X.TRANSPORTATION (WEST) 500 WATER STREET, SC J180 JACKSONVILLE, FLORIDA 32202-4467	AT: CORNWALL YACHT CLUB VILLAGE OF CORNWALL-ON-HUDSON, COUNTY OF ORANGE, STATE OF NEW YORK APPLICATION BY: CORNWALL YACHT CLUB
	SHEET: 1 of 6	Date: 11 October 2018



PURPOSE: BARGE FILL PROJECT

DATUM: NATIONAL GEODETIC VERTICAL
DATUM OF 1929

ADJACENT PROPERTY OWNERS:

- VILLAGE OF CORNWALL ON HUDSON (NORTH)
325 HUDSON STREET
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- C.S.X. TRANSPORTATION (WEST)
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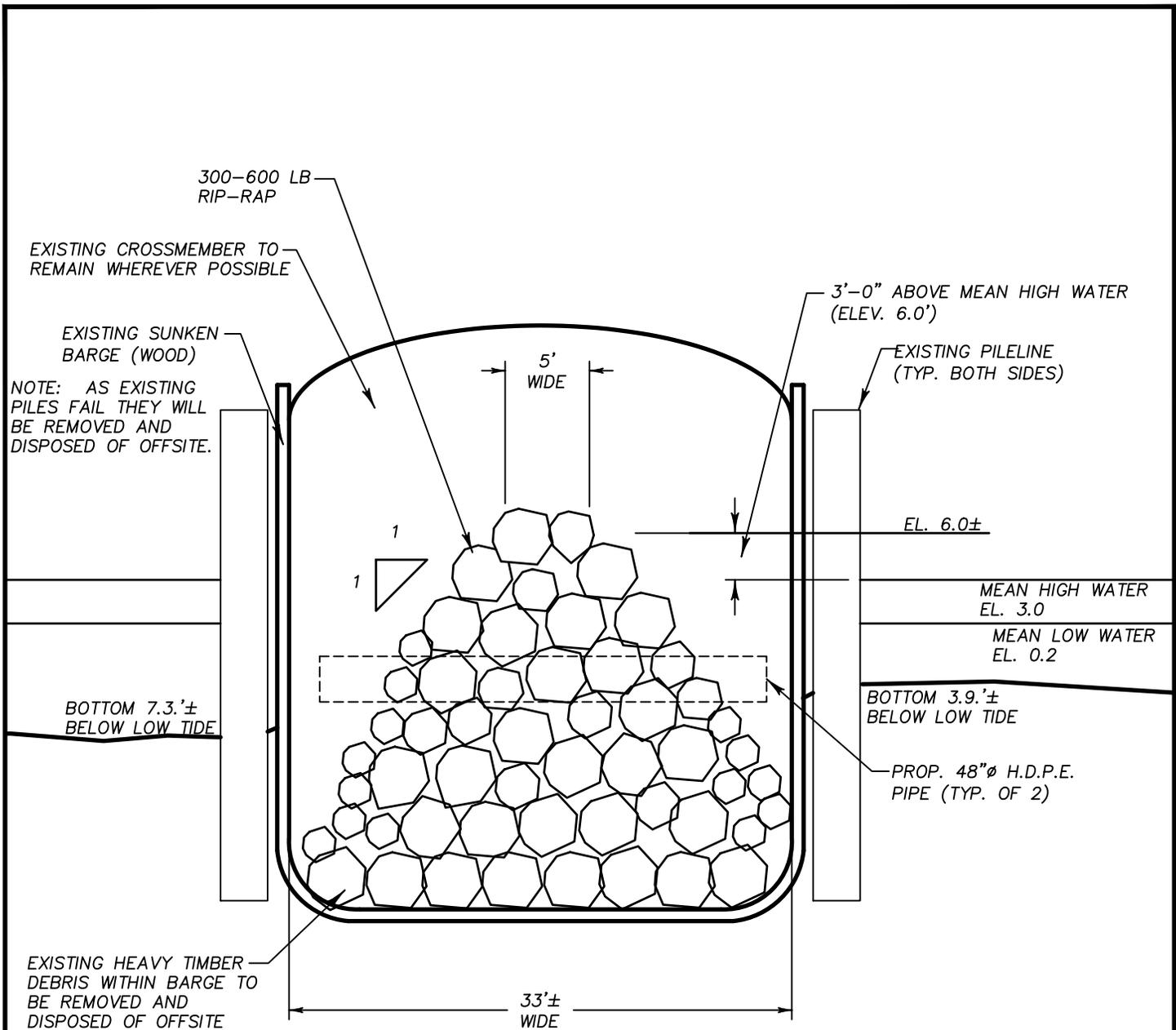
IN: HUDSON RIVER - WEST SHORE - RIVER MILE 56

AT: CORNWALL YACHT CLUB

VILLAGE OF CORNWALL-ON-HUDSON,
COUNTY OF ORANGE,
STATE OF NEW YORK

APPLICATION BY: CORNWALL YACHT CLUB

SHEET: 3 of 6 Date: 11 October 2018



SECTION A-A

SCALE: 1" = 10'

* DEPTH MEASUREMENTS RECORDED DURING LOW TIDE 9 Oct 2016 & 30 May 2018.

PURPOSE: BARGE FILL PROJECT

DATUM: NATIONAL GEODETIC VERTICAL DATUM OF 1929

ADJACENT PROPERTY OWNERS:

1. VILLAGE OF CORNWALL ON HUDSON (NORTH)
325 HUDSON STREET
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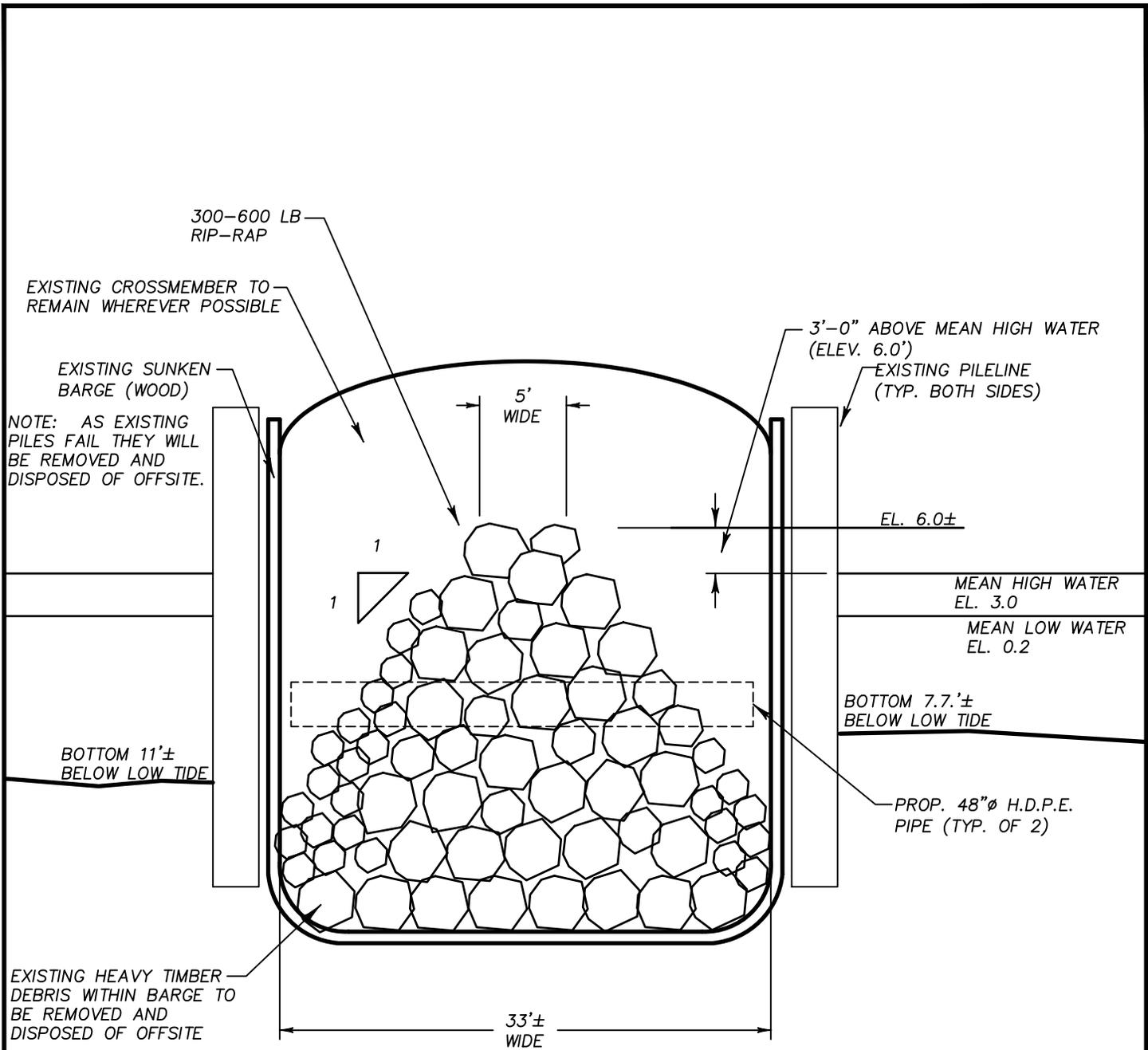
IN: HUDSON RIVER - WEST SHORE - RIVER MILE 56

AT: CORNWALL YACHT CLUB

VILLAGE OF CORNWALL-ON-HUDSON,
COUNTY OF ORANGE,
STATE OF NEW YORK

APPLICATION BY: CORNWALL YACHT CLUB

SHEET: 4 of 6 Date: 11 October 2018



SECTION B-B

SCALE: 1" = 10'

* DEPTH MEASUREMENTS RECORDED DURING LOW TIDE 9 Oct 2016 & 30 May 2018.

PURPOSE: BARGE FILL PROJECT

DATUM: NATIONAL GEODETIC VERTICAL
DATUM OF 1929

ADJACENT PROPERTY OWNERS:

- VILLAGE OF CORNWALL ON HUDSON (NORTH)
325 HUDSON STREET
CORNWALL-ON-HUDSON, NEW YORK 10520

- C.S.X.TRANSPORTATION (WEST)
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IN: HUDSON RIVER - WEST SHORE - RIVER MILE 56

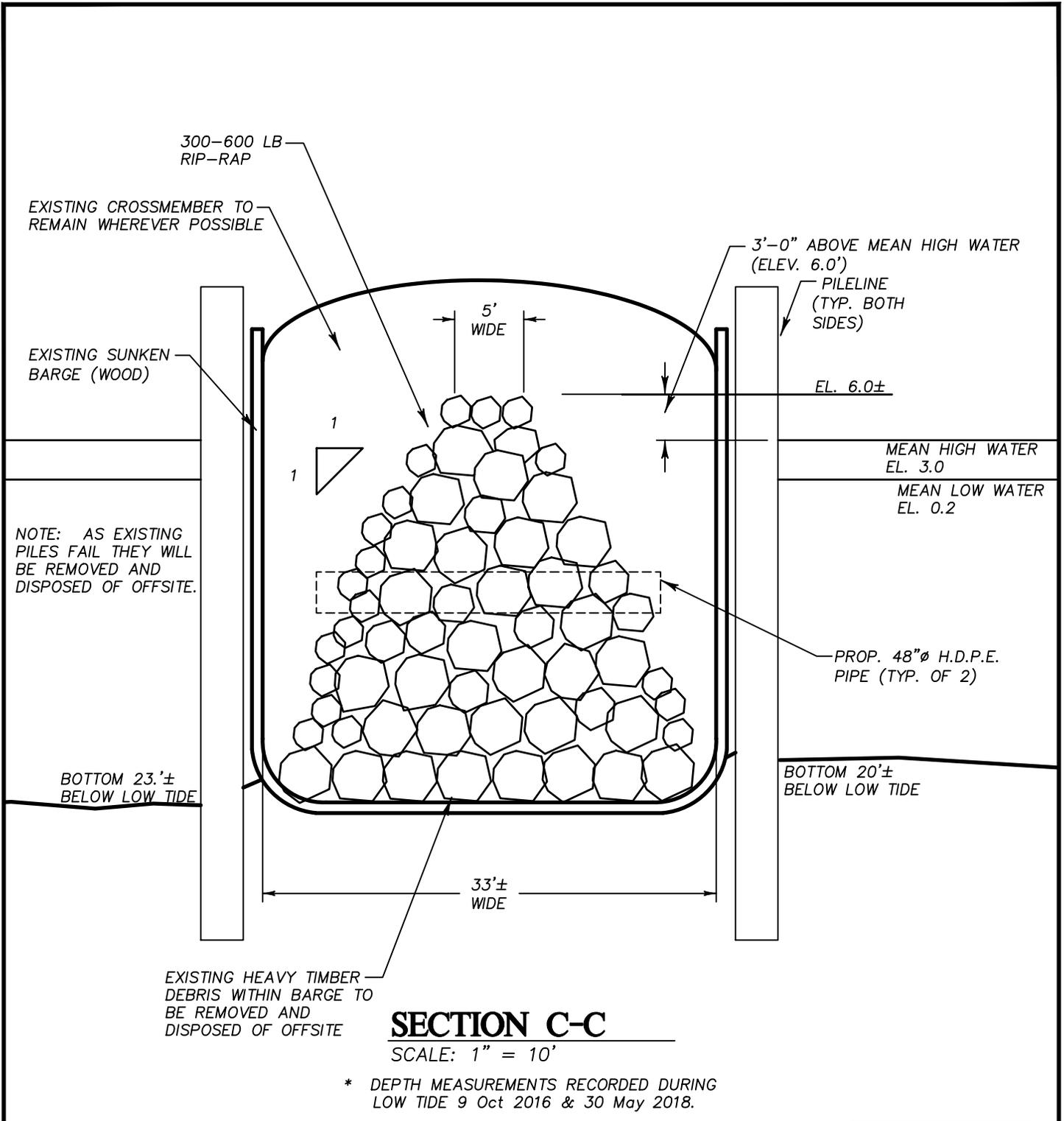
AT: CORNWALL YACHT CLUB

VILLAGE OF CORNWALL-ON-HUDSON,
COUNTY OF ORANGE,
STATE OF NEW YORK

APPLICATION BY: CORNWALL YACHT CLUB

SHEET: 5 of 6 Date: 11 October 2018

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PURPOSE:	BARGE FILL PROJECT	
DATUM:	NATIONAL GEODETIC VERTICAL DATUM OF 1929	IN: HUDSON RIVER - WEST SHORE - RIVER MILE 56
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		SHEET: 6 of 6 Date: 11 October 2018