

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-2018-00749-WNE
Issue Date: February 14, 2019
Expiration Date: March 18, 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: New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561

ACTIVITY: The installation of a pile-supported pier and a floating pier assembly.

WATERWAY: Tivoli Bay (Hudson River)

LOCATION: Town of Red Hook, Dutchess 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.

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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, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531).

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 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. In a letter dated August 13, 2015, the New York State Office of Parks Recreation and Historic Preservation stated that the project would have No Adverse Effect upon 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. The New York State Department of Environmental Conservation issued Permit Number 3-1348-00140/3, 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. A general concurrence letter was issued by the New York State Department of State on November 4, 2014. 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

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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 A. 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>.


For: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

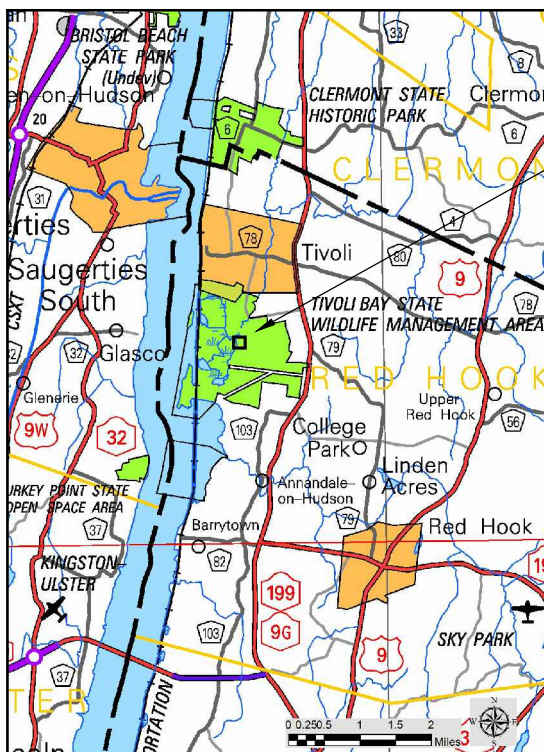
The applicant, the New York State Department of Environmental Conservation, has requested Department of the Army authorization for the installation of a pile-supported pier and a floating pier assembly, within Tivoli Bay, in the Hudson River, Town of Red Hook, Dutchess County, New York.

The pile-supported pier would be approximately 45-feet-long by 8-feet-wide, connected to an existing walkway located in uplands. From the water-ward end of the fixed pier, a 4-foot-wide gangway would extend approximately 30 feet into a tidal creek, connecting to a 45-foot by 8-foot floating pier. The floating pier would include 2-foot-long stilts, so that the floats will not rest on the bottom at low tide. Two timber crib deadman anchors would be installed to provide stability, resulting in approximately 63 square feet of fill within the tidal wetland.

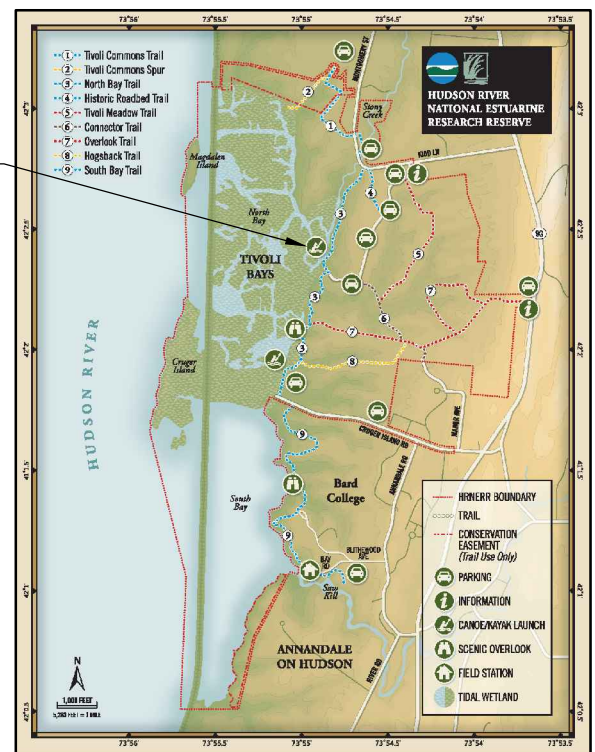
Each deadman anchor would include a 2.5-ton cement cube, which would be poured into a watertight form.

The stated purpose of this project is to improve public recreational boat access to Tivoli Bay.

-PROJECT LOCATION
42.038972 LAT.
-73.915020 LONG.



PROJECT-LOCATION



1. TITLE SHEET
2. EXISTING SITE PLAN
3. NEW SITE PLAN
4. NEW SITE PROFILE 1
5. NEW SITE PROFILE 2
6. DETAILS



**Department of
Environmental
Conservation**

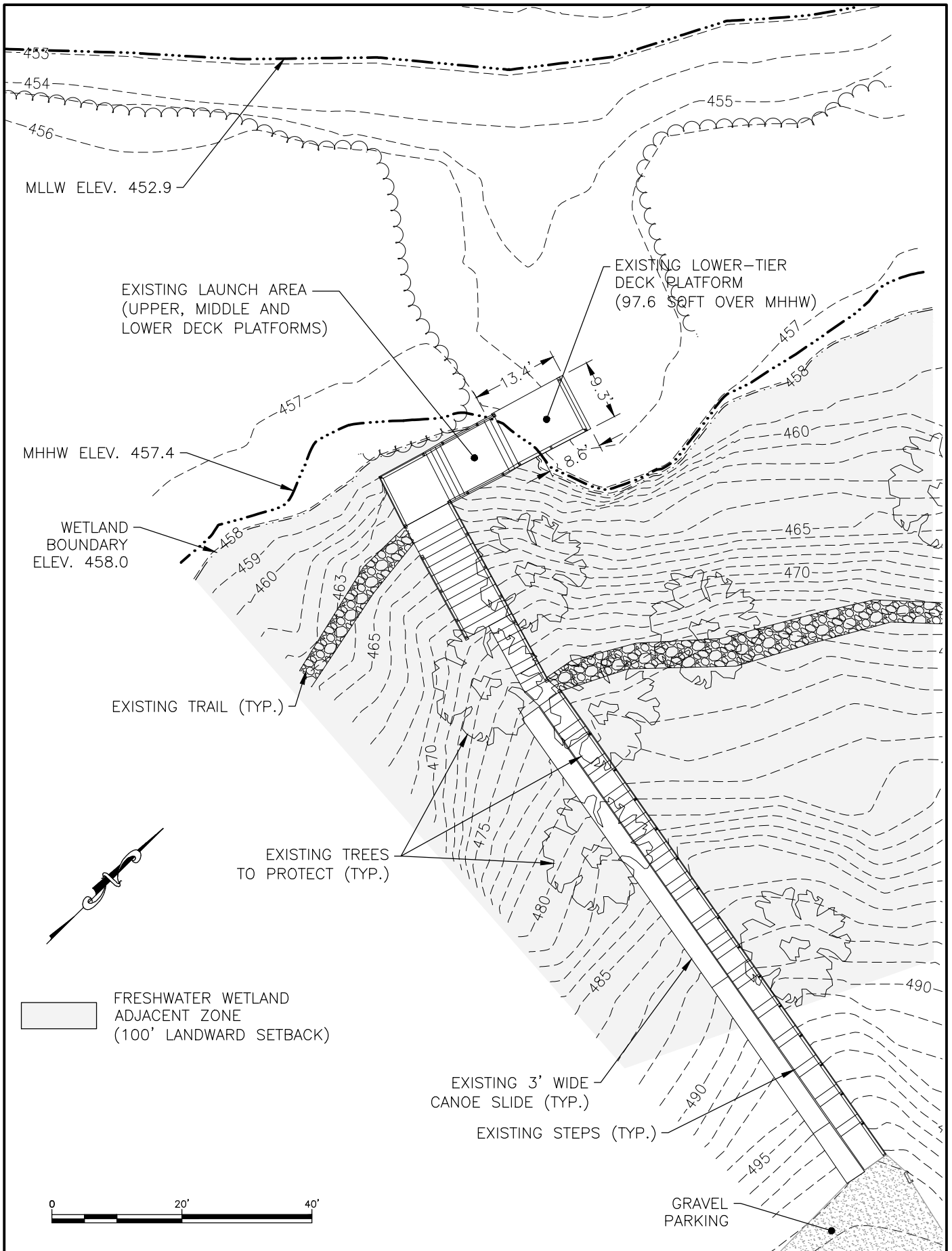
STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF OPERATIONS
BUREAU OF DESIGN & CONSTRUCTION


REVISIONS			
BY	DESCRIPTION	DATE	NO
	AS BUILT		

PROJECT DESCRIPTION	
TIVOLI CANOE/KAYAK LAUNCH PERMIT DRAWINGS	
TITLE SHEET	

PROJECT NO.	71896
DATE	01/2019
SCALE	NONE
DRAWING NO.	1 OF 6

P:\Projects\71896 Tivoli Bay WMA Cartop BLS\Permit dwgs\TIVOLI PERMIT REV 2.dwg 1/23/2019 9:43:30 AM nxharaba



 STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF OPERATIONS BUREAU OF DESIGN & CONSTRUCTION	REVISIONS			PROJECT DESCRIPTION		PROJECT NO.
	BY	DESCRIPTION	DATE	TIVOLI CANOE/KAYAK LAUNCH		71896
				PERMIT DRAWINGS		DATE
	AS BUILT			EXISTING SITE PLAN		01/2019
					SCALE	1"=20'
					DRAWING NO.	2 OF 6

NOTE:
FOR NEW STRUCTURE
ADDITIONAL DIMENSIONS
SEE DETAIL $\frac{1}{6}$

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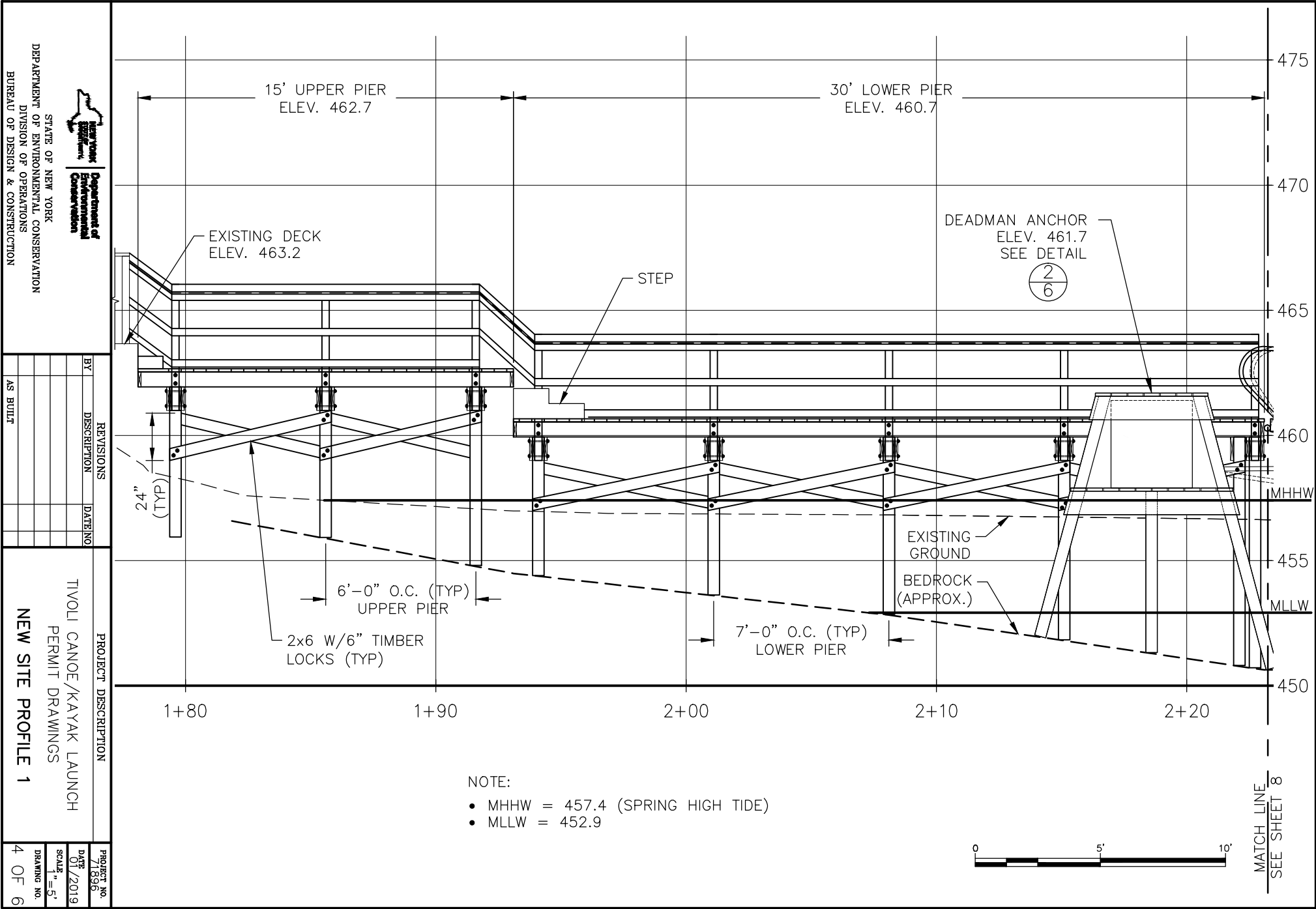
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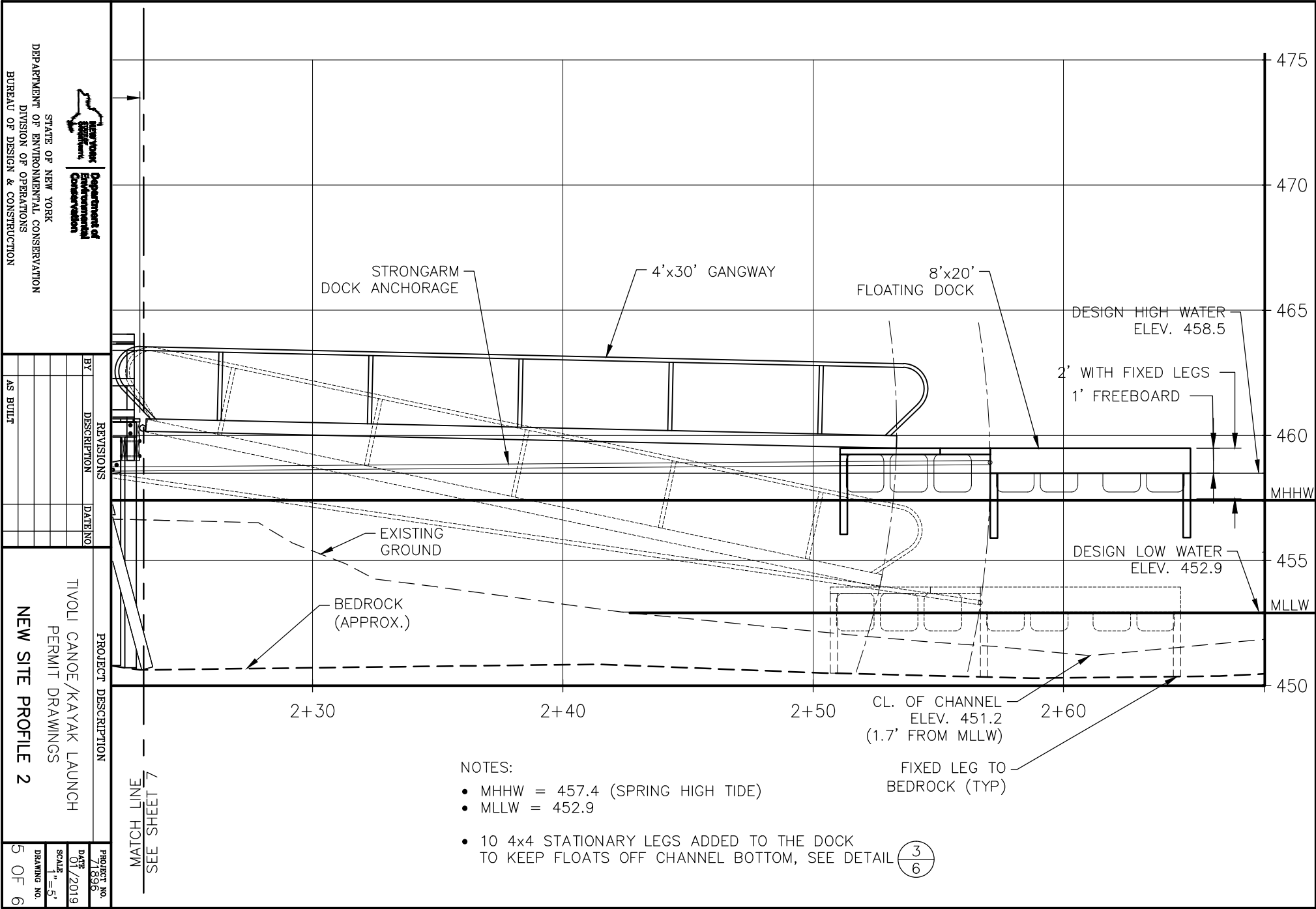
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REVISIONS			
BY	DESCRIPTION	DATE	NO
	AS BUILT		

PROJECT NO.	71896
DATE	01/2019
SCALE	1"=20'
DRAWING NO.	3 OF 6

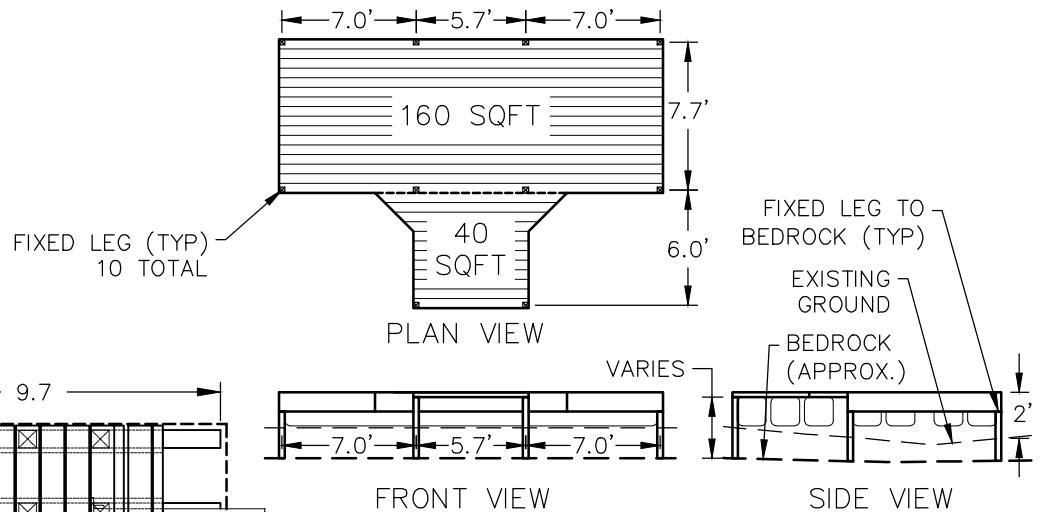




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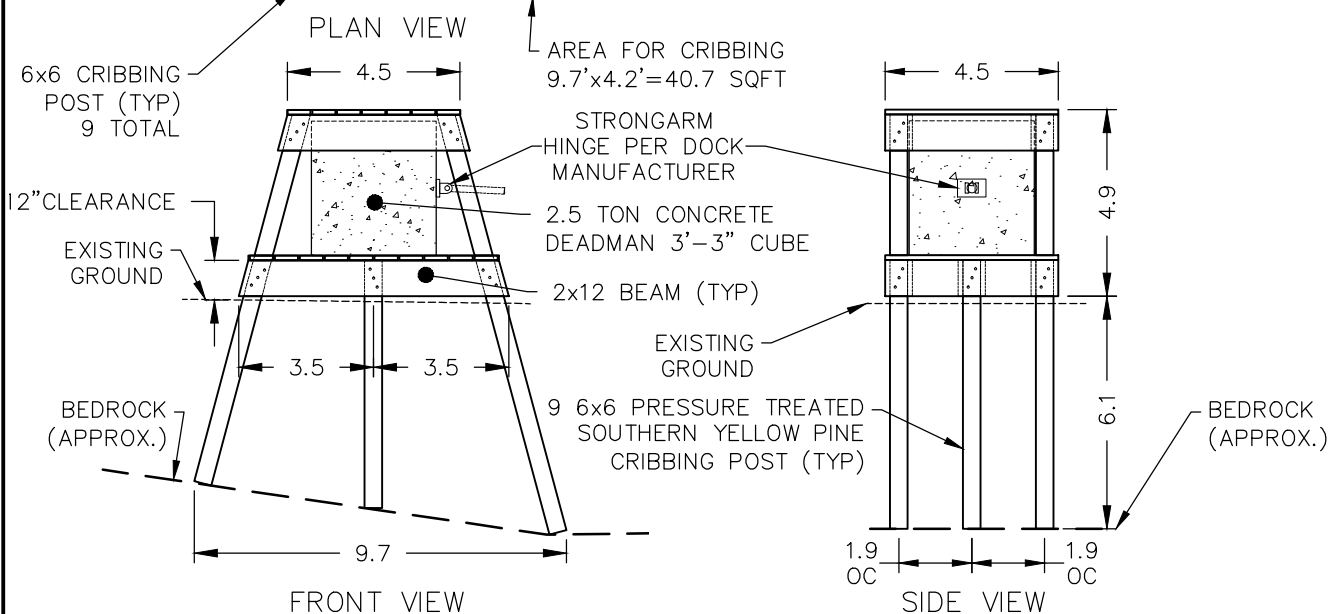
NEW STRUCTURE DIMENSIONS

SCALE: 1" = 20'



FLOATING DOCK LEGS DETAIL

SCALE: 1" = 10'



DEADMAN CRIBBING DETAIL

SCALE: 1" = 5'



STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF OPERATIONS
BUREAU OF DESIGN & CONSTRUCTION

REVISIONS			
BY	DESCRIPTION	DATE	NO
	AS BUILT		

PROJECT DESCRIPTION

TIVOLI CANOE/KAYAK LAUNCH PERMIT DRAWINGS

DETAILS

PROJECT NO.	71896
DATE	01/2019
SCALE	AS SHOWN
DRAWING NO.	6 OF 6