

# 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-2019-00450-WNE**

Issue Date: **July 26, 2019**

Expiration Date: **August 26, 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: Tilcon New York Inc.  
9 Entin Road  
Parsippany, New Jersey 07054

ACTIVITY: Perform dredging, with ten years maintenance, and upland disposal, of an estimated ten year total dredge volume of approximately 105,000 cubic yards at an existing berth area, with return flow to the waterway.

WATERWAY: Hudson River (Landsman Kill-Hudson River Watershed)

LOCATION: Town of Poughkeepsie, 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.

**CENAN-OP-RW**  
**PUBLIC NOTICE NO. NAN-2019-450-WNE**

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/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 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

**CENAN-OP-RW  
PUBLIC NOTICE NO. NAN-2019-450-WNE**

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 the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Excavation & Fill in Navigable Water Under Article 15, Title 15 (Permit # 3-1346-00087/00075)

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 Brendan Newell.

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, Tilcon New York, Inc. (Tilcon), has requested Department of the Army authorization to perform dredging, with ten years maintenance, and upland disposal, at an existing berthing area. The project site is located in the Hudson River, Town of Poughkeepsie, Dutchess County, New York.

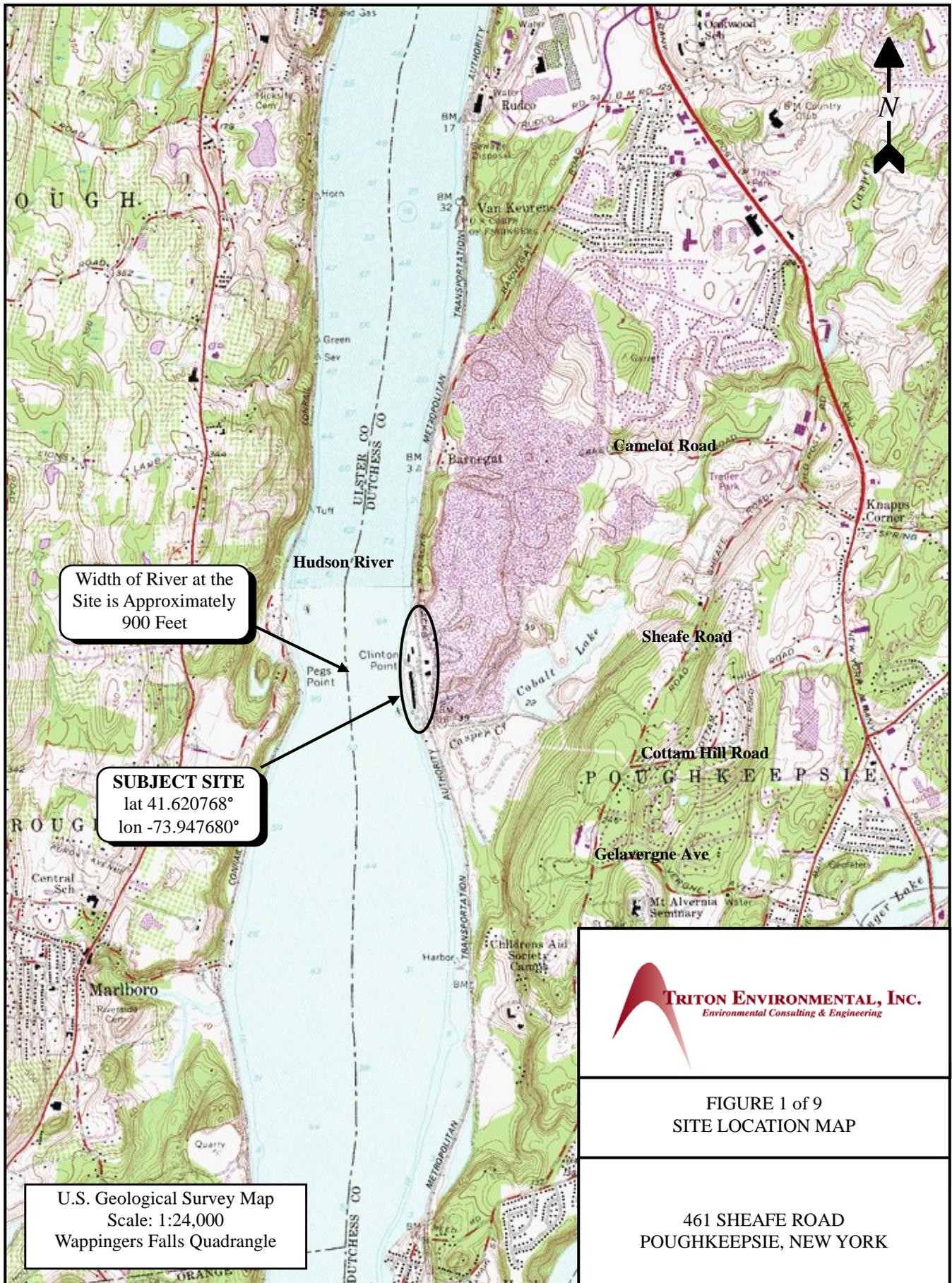
The proposed work would include dredging of a total of approximately 105,000 cubic yards over a ten-year maintenance period of five (5) existing berthing areas of the following approximate sizes: 250-foot long by 100-foot wide (South Dock Dredging Footprint), 400-foot long by 50-foot wide (Light Tow Area Dredging Footprint), 100-foot long by 50-foot wide (South Stiff Leg Dredging Footprint), 200-foot long by 50-foot wide (Main Dock Loading Conveyor Dredging Footprint), and 100-foot long by 50-foot wide (North Stiff Leg Dredging Footprint). Dredging will occur annually, totaling ten (10) dredge events, with the following approximate volumes of dredged material removed each year: 3,000 cubic yards (South Dock Dredging Footprint), 3,000 cubic yards (Light Tow Area Dredging Footprint), 1,500 cubic yards (South Stiff Leg Dredging Footprint), 1,500 cubic yards (Main Dock Loading Conveyor Dredging Footprint), and 1,500 cubic yards (North Stiff Leg Dredging Footprint).

All berths would be dredged to a depth of -16 feet below the plane of Mean Low Water (MLW) (-16 feet below the MLW, North American Vertical Datum, 1988). All dredged areas are within previously maintained dredged areas with the exception of the South Dock Dredging Footprint, which the applicant has proposed expanding from the currently maintained 200-foot long by 50-foot wide dredged area.

An environmental bucket would be used during the proposed dredging activities, and dredge operators would be required to achieve full bucket loads to the maximum extent practicable. Dredging may occur from a land based excavator or a floating excavator barge, and returned to Tilcon's onsite production stream, which includes return flow to the Hudson River. The western edge of the South Dock Dredging Footprint abuts the Federal navigation channel in the Hudson River.

In accordance with New York State Department of Environmental Conservation Permit #3-1346-00087/00075, the proposed work shall only occur between September 1 and December 1 of any calendar year.

The stated purpose of this project is to ensure adequate depths for continued safe navigation access and remove aggregates that have spilled into the waterway during facility operations.



# HUDSON RIVER

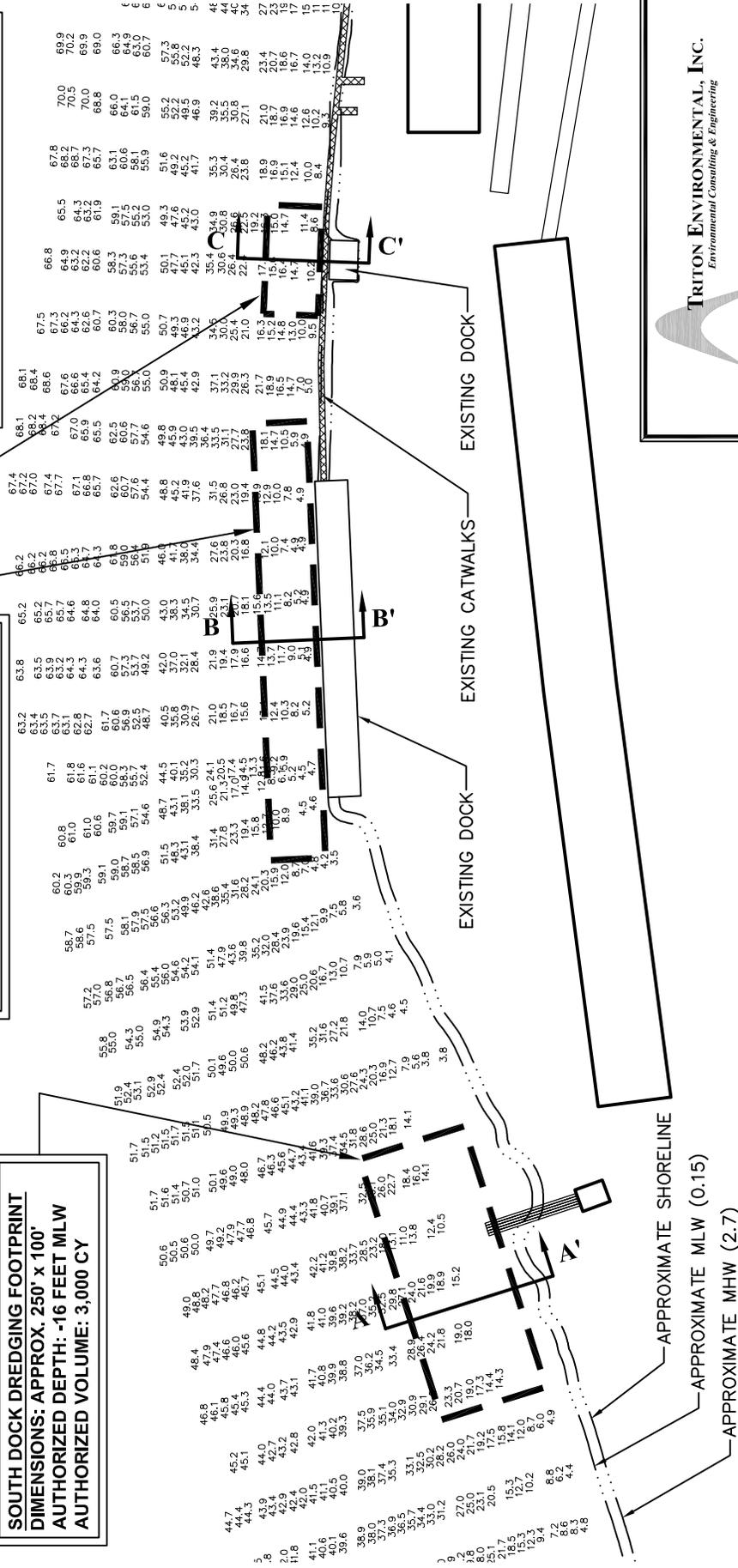
(APPROXIMATELY 1,900' WIDE)



**SOUTH DOCK DREDGING FOOTPRINT**  
 DIMENSIONS: APPROX. 250' x 100'  
 MAINTENANCE DEPTH: -16 FEET MLW  
 AUTHORIZED VOLUME: 3,000 CY

**LIGHT TOW AREA DREDGING FOOTPRINT**  
 DIMENSIONS: APPROX. 400' x 50'  
 MAINTENANCE DEPTH: -16 FEET MLW  
 AUTHORIZED VOLUME: 3,000 CY

**SOUTH STIFF LEG DREDGING FOOTPRINT**  
 DIMENSIONS: APPROX. 100' x 50'  
 AUTHORIZED DEPTH: -16 FEET MLW  
 AUTHORIZED VOLUME: 1,500 CY



- NOTES:**
1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
  2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
  3. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON APRIL 11, 2018 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
  4. THE LOCATION OF ALL STRUCTURES, EQUIPMENT, DELINEATIONS AND OTHER FEATURES PRESENTED ON THIS DRAWING SHOULD BE CONSIDERED APPROXIMATE. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. TRITON MAKES NO WARRANTY AS TO THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION CONTAINED IN THIS DRAWING, AND THE USER ASSUMES ALL RISK OF LOSS TO PERSONS AND PROPERTY FROM RELIANCE THEREON.

**TRITON ENVIRONMENTAL, INC.**  
 Environmental Consulting & Engineering

365 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203-466-7200

---

FIGURE 2A OF 9

EXISTING AND PROPOSED CONDITIONS  
 MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.  
 CLINTON POINT QUARRY, SHEPAE ROAD  
 DUTCHESS COUNTY, POUGHKEEPSIE, NEW YORK

DRAWN BY: RGM      APPROVED BY: RBS

DATE: 6/7/19      SCALE: 1" = 120' FILE No.: 105064MDA-04

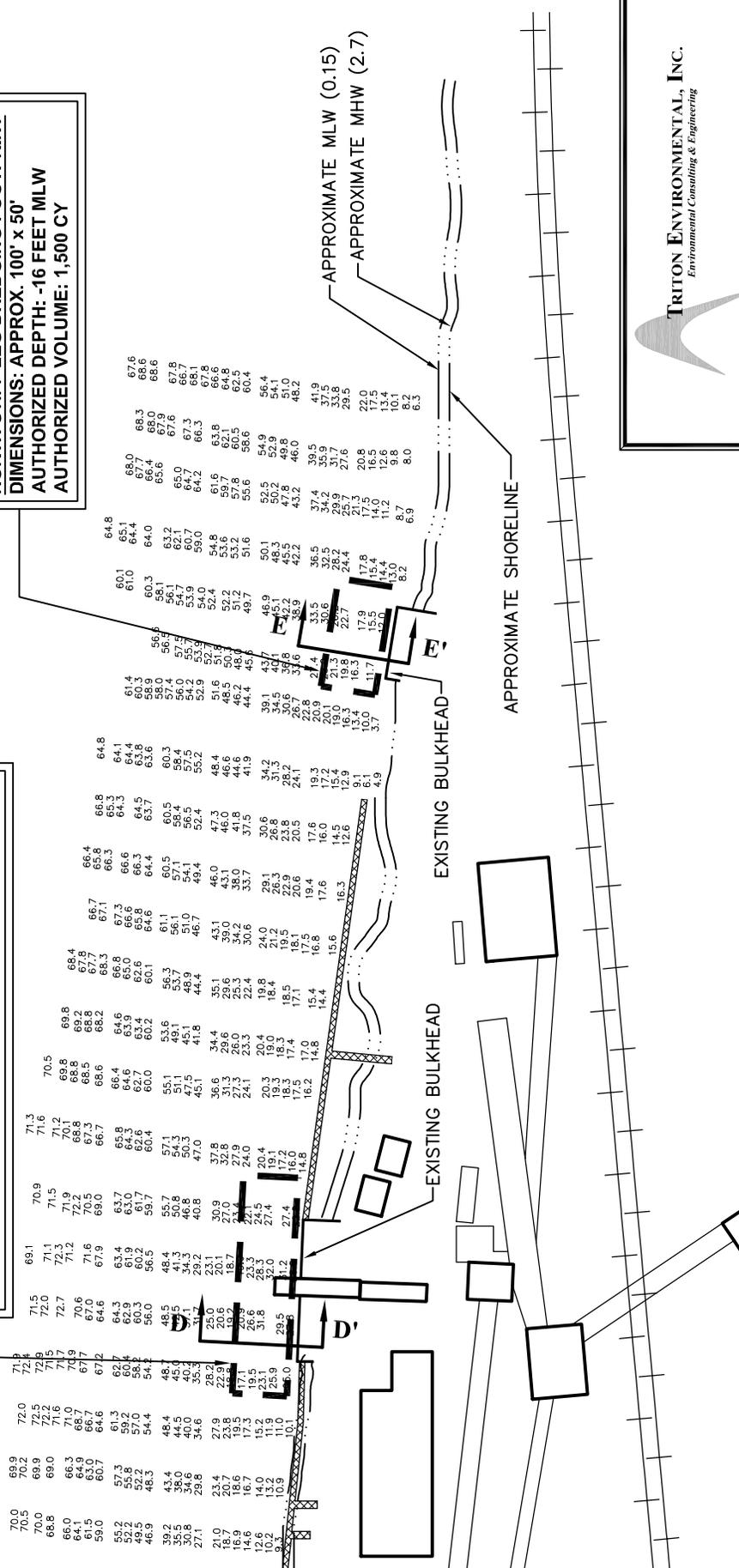
# HUDSON RIVER

(APPROXIMATELY 1,900' WIDE)



**MAIN DOCK LOADING CONVEYOR DREDGING FOOTPRINT**  
 DIMENSIONS: APPROX. 200' x 50'  
 AUTHORIZED DEPTH: -16 FEET MLW  
 AUTHORIZED VOLUME: 1,500 CY

**NORTH STIFF LEG DREDGING FOOTPRINT**  
 DIMENSIONS: APPROX. 100' x 50'  
 AUTHORIZED DEPTH: -16 FEET MLW  
 AUTHORIZED VOLUME: 1,500 CY



**TRITON ENVIRONMENTAL, INC.**  
*Environmental Consulting & Engineering*

365 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203.466.7200

FIGURE 2B OF 9

EXISTING AND PROPOSED CONDITIONS  
 MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.  
 CLINTON POINT QUARRY, SHEAFE ROAD  
 DUTCHESS COUNTY, POUGHKEEPSIE, NEW YORK

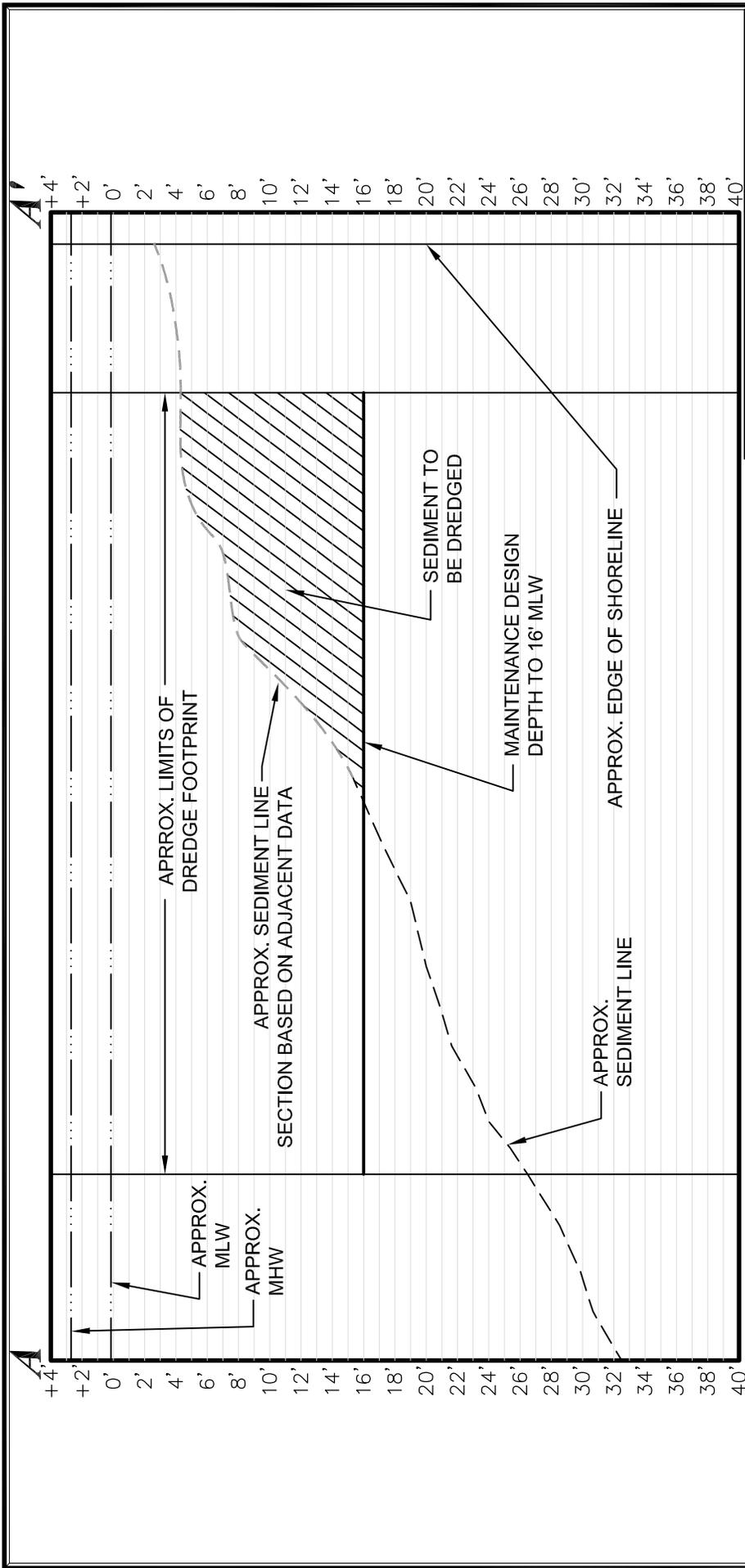
DRAWN BY: RGM

APPROVED BY: RBS

DATE: 6/7/19 SCALE: 1" = 120' FILE No.: 105064MDA-04

**NOTES:**

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON APRIL 11, 2018 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
4. THE LOCATION OF ALL STRUCTURES, EQUIPMENT, DELINEATIONS AND OTHER FEATURES PRESENTED ON THIS DRAWING SHOULD BE CONSIDERED APPROXIMATE. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. TRITON MAKES NO WARRANTY AS TO THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION CONTAINED IN THIS DRAWING, AND THE USER ASSUMES ALL RISK OF LOSS TO PERSONS AND PROPERTY FROM RELIANCE THEREON.



**TRITON ENVIRONMENTAL, INC.**  
*Environmental Consulting & Engineering*

365 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203.466.7200

FIGURE 3 OF 9

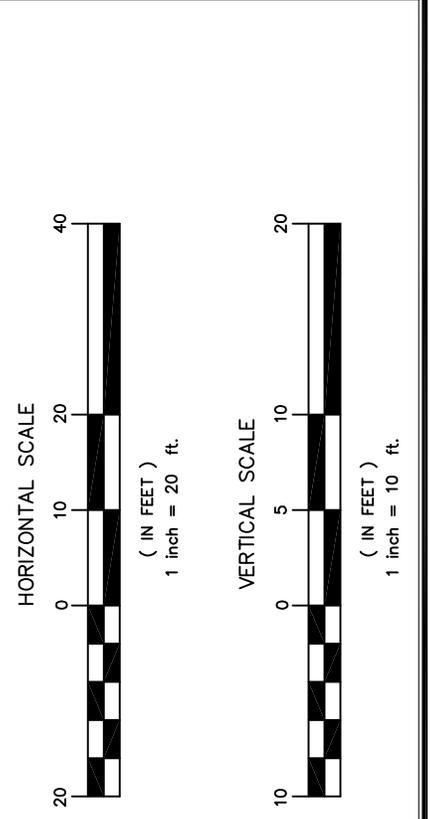
CROSS SECTION A-A'

MAINTENANCE DREDGING APPLICATION

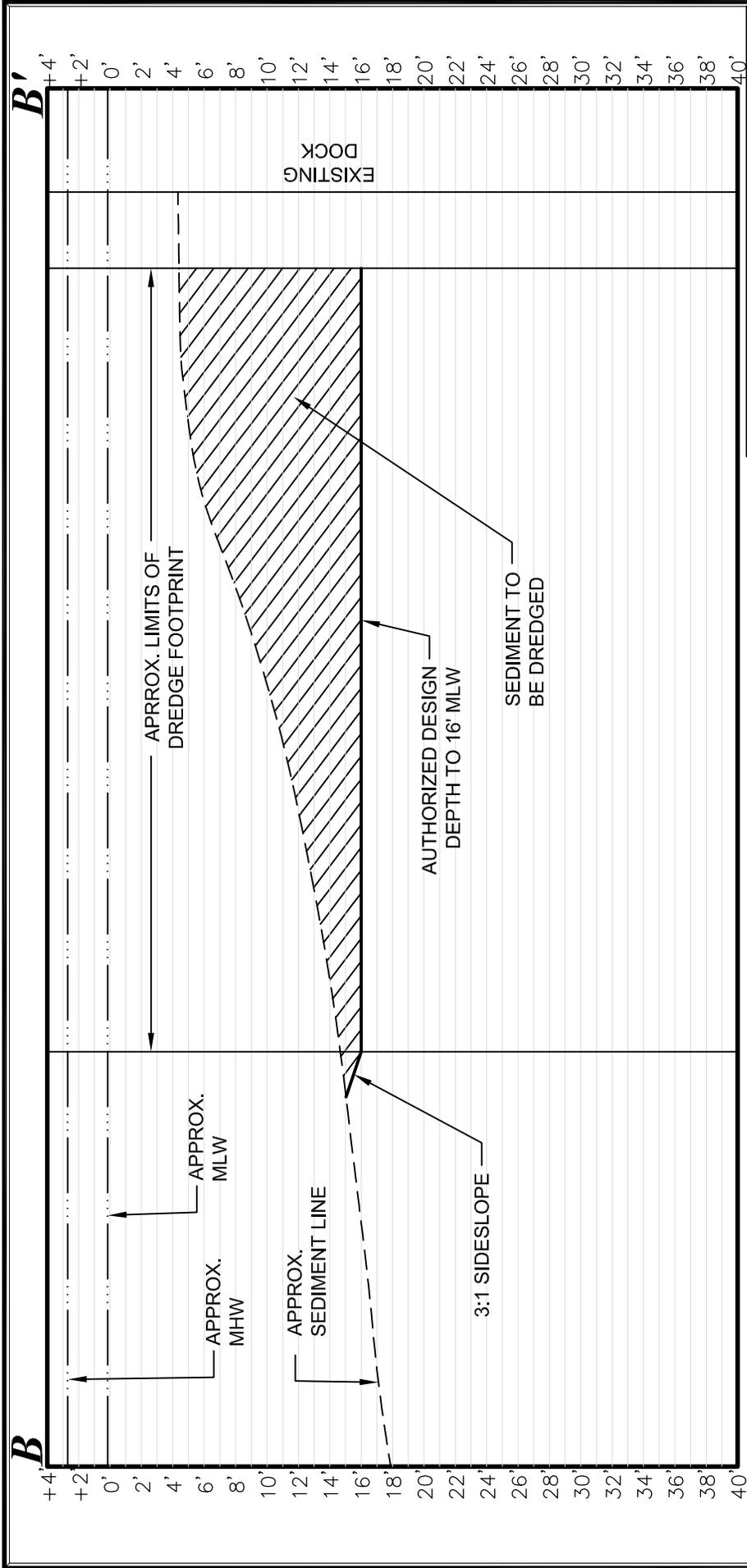
TILCON NEW YORK INC.  
 CLINTON POINT QUARRY, SHEAFE ROAD  
 DUTCHESS COUNTY, POUGHKEEPSIE, NEW YORK

DRAWN BY: RGM | APPROVED BY: RBS

DATE: 6/7/19 | SCALE: AS SHOWN | FILE No.: 105064MDA-04



- NOTES.**
1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
  2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).



**TRITON ENVIRONMENTAL, INC.**  
*Environmental Consulting & Engineering*

365 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203.466.7200

FIGURE 4 OF 9

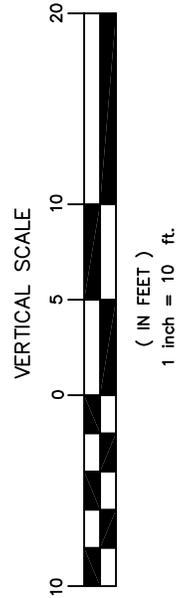
CROSS SECTION B-B'

MAINTENANCE DREDGING APPLICATION

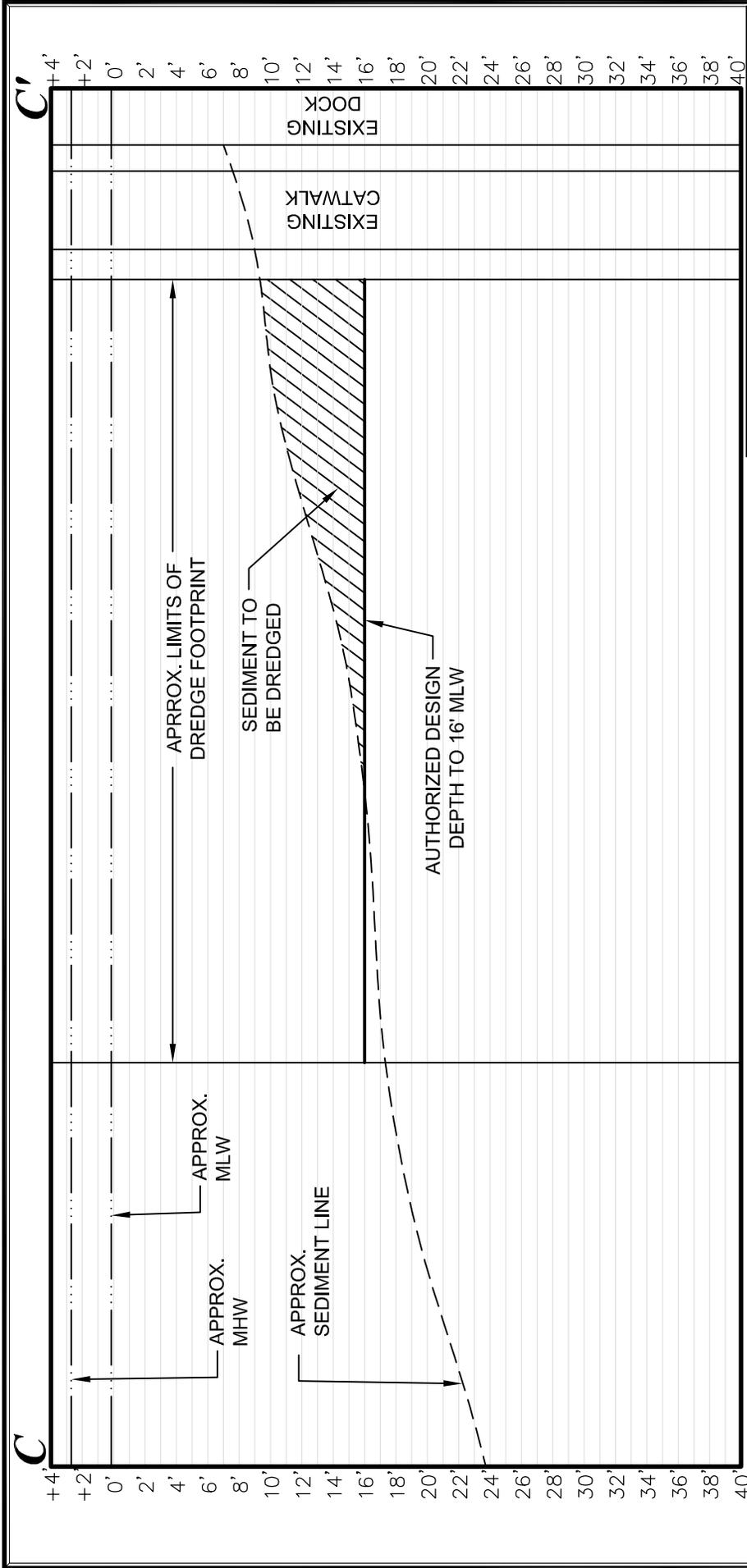
TILCON NEW YORK INC.  
 CLINTON POINT QUARRY, SHEAFE ROAD  
 DUTCHESS COUNTY, POUGHKEEPSIE, NEW YORK

DRAWN BY: RGM | APPROVED BY: RBS

DATE: 6/7/19 | SCALE: 1" = 10' | FILE No.: 105064MDA-04



- NOTES.**
1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
  2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).



**TRITON ENVIRONMENTAL, INC.**  
*Environmental Consulting & Engineering*

365 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203.466.7200

FIGURE 5 OF 9

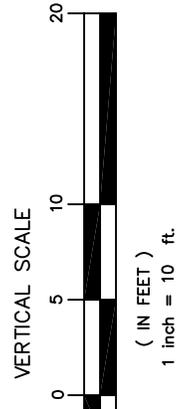
CROSS SECTION C-C'

MAINTENANCE DREDGING APPLICATION

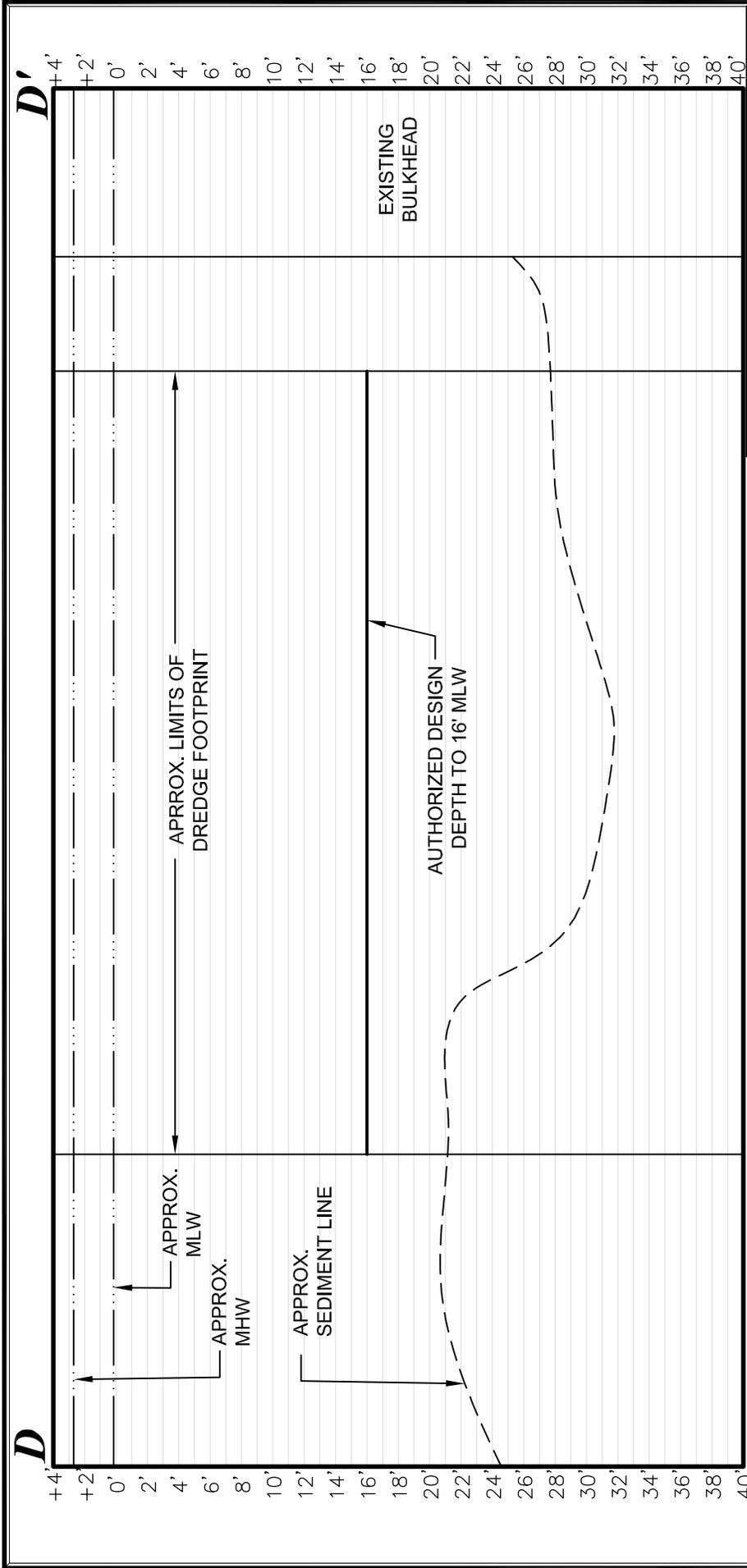
TILCON NEW YORK INC.  
 CLINTON POINT QUARRY, SHEAFE ROAD  
 DUTCHESS COUNTY, POUGHKEEPSIE, NEW YORK

DRAWN BY: RGM      APPROVED BY: RBS

DATE: 6/7/19      SCALE: 1" = 10'      FILE No.: 105064MDA-04



- NOTES.**
1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
  2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).



**TRITON ENVIRONMENTAL, INC.**  
*Environmental Consulting & Engineering*

365 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203.466.7200

FIGURE 6 OF 9

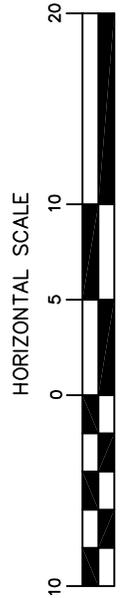
CROSS SECTION D-D'

MAINTENANCE DREDGING APPLICATION

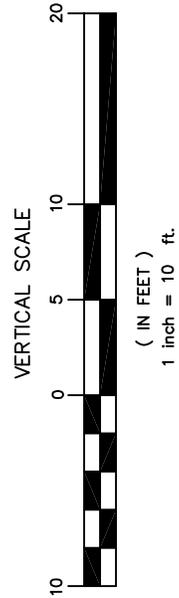
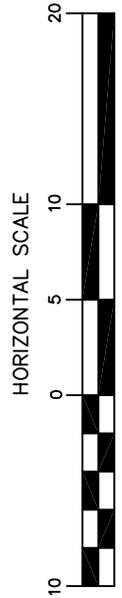
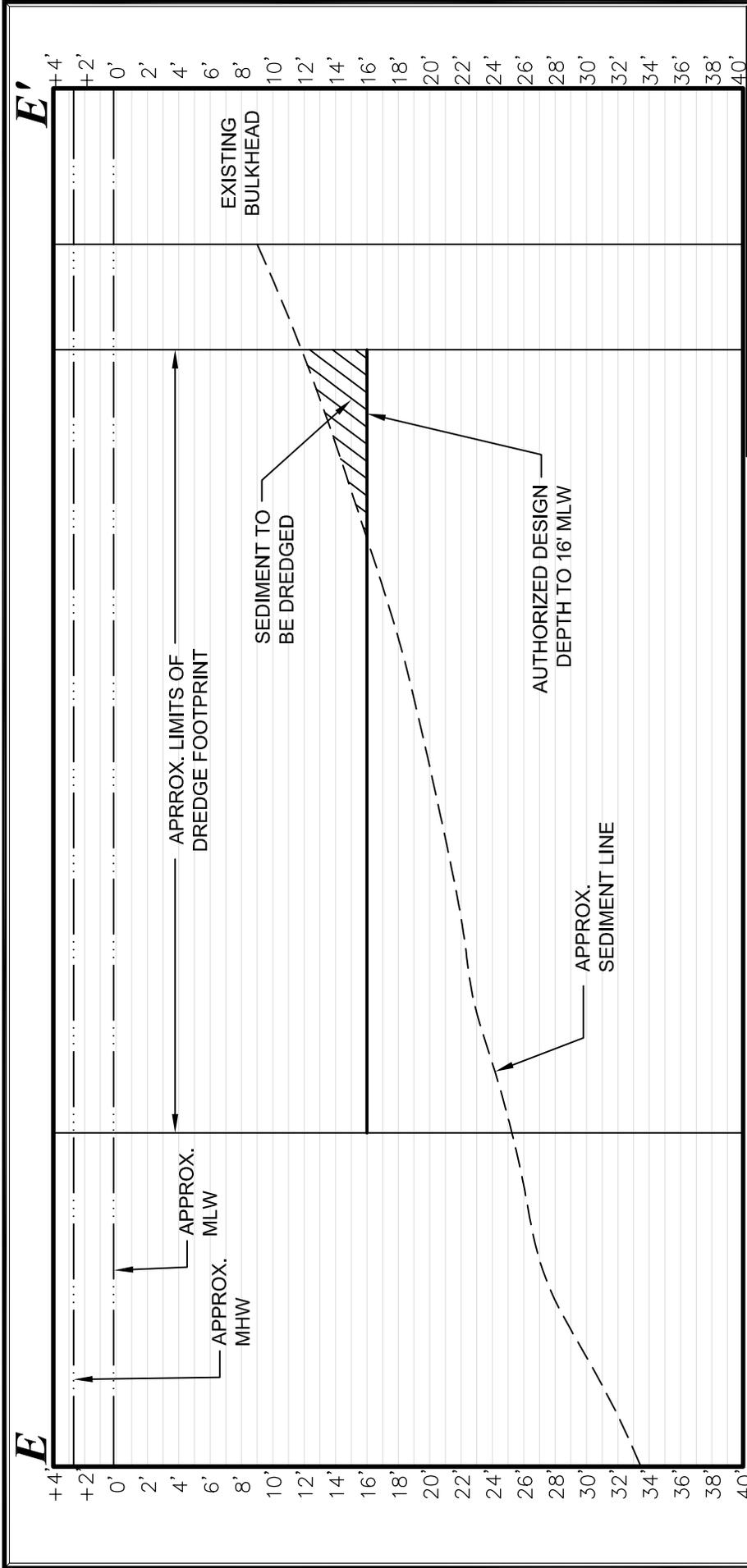
TILCON NEW YORK INC.  
CLINTON POINT QUARRY, SHEAFE ROAD  
DUTCHESS COUNTY, POUGHKEEPSIE, NEW YORK

DRAWN BY: RGM      APPROVED BY: RBS

DATE: 6/7/19      SCALE: 1" = 10'      FILE No.: 105064MDA-04



- NOTES.**
1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
  2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).



- NOTES.**
1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
  2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).

 <b>TRITON ENVIRONMENTAL, INC.</b> <i>Environmental Consulting &amp; Engineering</i>	
365 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203.466.7200	
FIGURE 7 OF 9	
CROSS SECTION E-E'	
MAINTENANCE DREDGING APPLICATION	
TILCON NEW YORK INC. CLINTON POINT QUARRY, SHEAFE ROAD DUTCHESS COUNTY, POUGHKEEPSIE, NEW YORK	
DRAWN BY: RGM	APPROVED BY: RBS
DATE: 6/7/19	SCALE: 1" = 10' FILE No.: 105064MDA-04



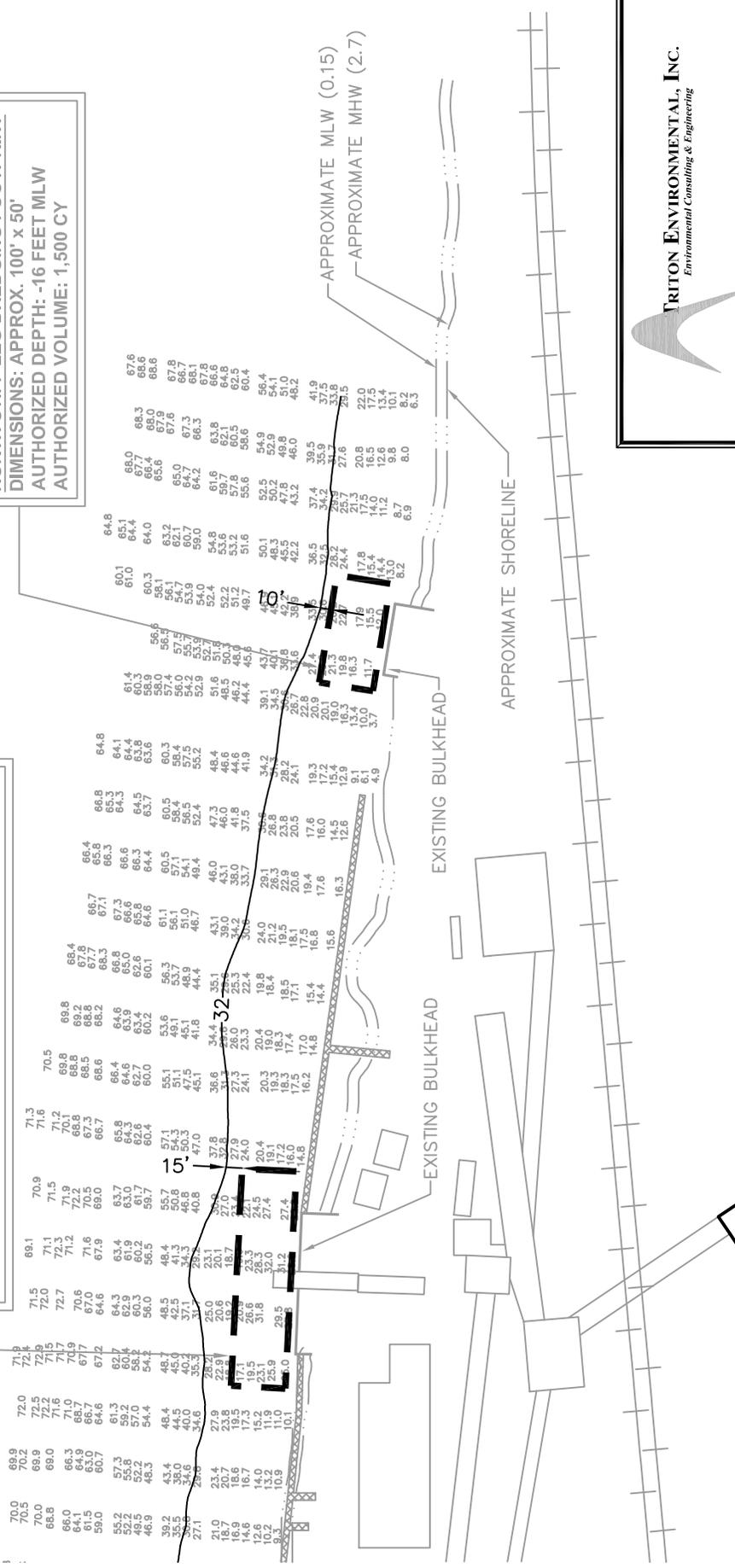
# HUDSON RIVER

(APPROXIMATELY 1,900' WIDE)



**MAIN DOCK LOADING CONVEYOR DREDGING FOOTPRINT**  
 DIMENSIONS: APPROX. 200' x 50'  
 AUTHORIZED DEPTH: -16 FEET MLW  
 AUTHORIZED VOLUME: 1,500 CY

**NORTH STIFF LEG DREDGING FOOTPRINT**  
 DIMENSIONS: APPROX. 100' x 50'  
 AUTHORIZED DEPTH: -16 FEET MLW  
 AUTHORIZED VOLUME: 1,500 CY



**TRITON ENVIRONMENTAL, INC.**  
*Environmental Consulting & Engineering*

365 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203.466.7200

FIGURE 10B OF 10

NAVIGATIONAL CHANNEL (-32' MLW) LOCATION PLAN  
 MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.  
 CLINTON POINT QUARRY, SHEAFE ROAD  
 DUTCHESS COUNTY, POUGHKEEPSIE, NEW YORK

DRAWN BY: FMS  
 APPROVED BY: RBS

DATE: 7/17/19 SCALE: 1" = 120' FILE No.: 105064MDA-06

**NOTES:**

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON APRIL 11, 2018 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
4. THE LOCATION OF ALL STRUCTURES, EQUIPMENT, DELINEATIONS AND OTHER FEATURES PRESENTED ON THIS DRAWING SHOULD BE CONSIDERED APPROXIMATE. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. TRITON MAKES NO WARRANTY AS TO THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION CONTAINED IN THIS DRAWING, AND THE USER ASSUMES ALL RISK OF LOSS TO PERSONS AND PROPERTY FROM RELIANCE THEREON.