



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-2019-00557-WMI**

Issue Date: **June 19, 2019**

Expiration Date: **July 19, 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: P & M Brick, LLC
Port of Coeymans
2170 River Road
Coeymans, New York 12045

ACTIVITY: Permanently maintain existing temporary (previously-authorized as temporary for the one-time construction of the Governor Mario Cuomo Bridge) trestle pier structures into the Hudson River and 10-year maintenance dredging of approximately 500 cubic yards of river sediments per dredging event within and around the existing trestle pier structures in the Hudson River with upland disposal of all dredged materials and return flow to the waterway.

WATERWAY: Hudson River

LOCATION: Town of Coeymans, Albany 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

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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 because there will be an expected no-dredging seasonal work window. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), this office will be consulting with the appropriate Federal and State agency to determine the presence of and possible potential impacts to federally listed species in the project area or their critical habitat within the Hudson River.

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 relatively small area of disturbance from the requested one-time maintenance dredging. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations will be conducted and will be concluded prior to the final decision on this permit application.

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 application 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

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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 application 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.

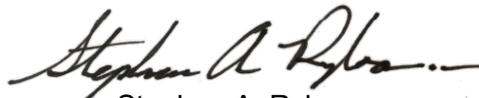
In addition to any required water quality certificate and the required coastal zone management program concurrence, the permit applicant will obtain the following governmental authorization (for the activity under consideration):

- New York State Department of Environmental Conservation issued Protection of Waters permit.
- New York State Department of Environmental Conservation, Division of Solid Waste issued Dredged Material Beneficial Use Determination letter.

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) 790-8420 and ask for Rosita Miranda.

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

Permanently maintain existing temporary (previously-authorized as temporary for the one-time construction of the Governor Mario Cuomo Bridge) trestle pier structures into the side slope area of the Hudson River Federal Navigation Channel between the Port of Albany, New York and the Port of New York and New Jersey. As required by the existing Department of the Army authorization (permit), the previously-authorized temporary trestle pier structures must be removed from the river prior to December 31, 2020. The current permit applicant, P & M Brick, LLC at Port of Coeymans, New York is requesting authorization to permanently keep the structures in place.

The currently proposed regulated work also includes a 10-year maintenance dredging of approximately 500 cubic yards of river sediments per dredging event within and around the existing trestle pier structures in the Hudson River with upland disposal of all dredged materials and return flow to the waterway.

The permit applicant's stated purpose for this regulated work is "... to provide sufficient access and draft within the existing active port and facilitate the barge slip transport and delivery operations of current and future operations at the Port of Coeymans."

On October 6, 2014, the U.S. Army Corps of Engineers New York District issued Department of Army Permit No. NAN-2014-00352, to Tappan Zee Constructors, LLC (TZC) for the installation of four temporary trestle structures within the Hudson River, at the Port of Coeymans, Town of Coeymans, Albany County, New York.

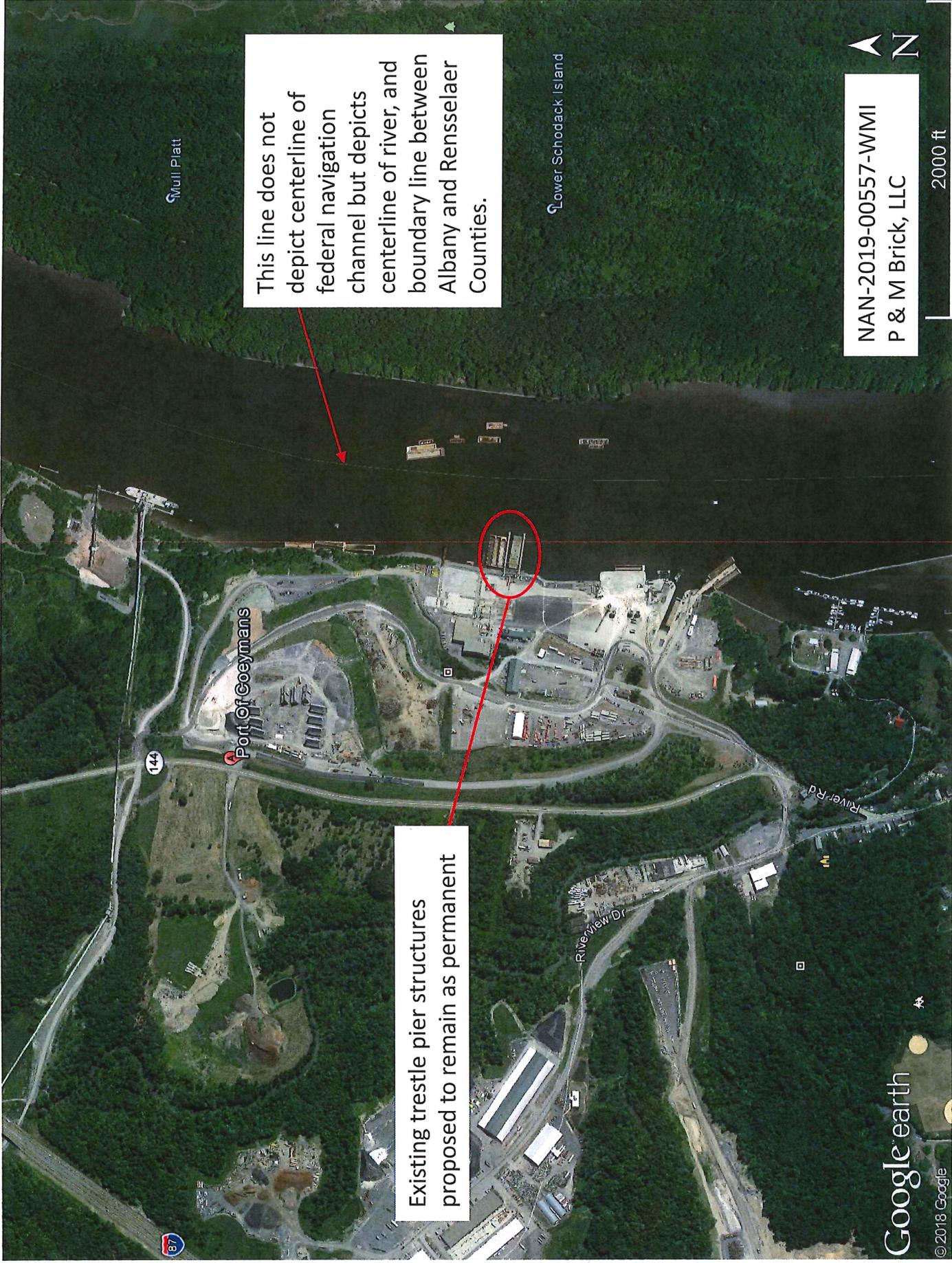
The previously-authorized trestle pier structures, as shown in the attached permit application drawings, include two parallel assembly sled finger trestles and two straddle crane finger trestles. The assembly sled finger trestles each measure 148 feet long by thirteen (13) feet wide (extending 125 feet waterward from the Mean High Water (MHW) line) and are supported by forty (40) 24-inch diameter steel piles. The straddle crane finger trestles each measure approximately 276 feet long by 13 feet wide (extending 250 feet waterward from the MHW line), are supported by 62 24-inch diameter steel piles, and are located adjacent to the south of the assembly sled finger trestles. The trestle abutments are located landward of the MHW line.

The proposed maintenance dredging would occur within an irregular-shaped area measuring 4,000 square feet (sf) to a maximum depth of 12 feet (ft) below the plane of Mean Low Water (MLW). The maintenance dredging would be accomplished by a barge-mounted crane with an environmental clamshell bucket to reduce distribution of suspended river bottom sediments within the water column. In addition, permit applicant intends to use a double-walled silt curtain around the dredging operation to minimize the spread of turbidity.

All dredged material will be placed in a transfer barge (scow) for movement to a barge unloading berth within the Port of Coeymans. The barge would be unloaded by a land-mounted long-reach mechanical excavator, and the dredged material would be placed into dump trucks for movement to an upland contained dewatering area.

Return flow water from the upland contained dewatering area back down to the river would occur after some time for the suspended sediments settle out and collect on the bottom of the upland contained dewatering area as shown on the attached permit application drawings.

The dewatered dredged material would be used as upland fill within the Port of Coeymans property in accordance with the New York State Department of Environmental Conservation, Division of Solid Waste issued Dredged Material Beneficial Use Determination letter.



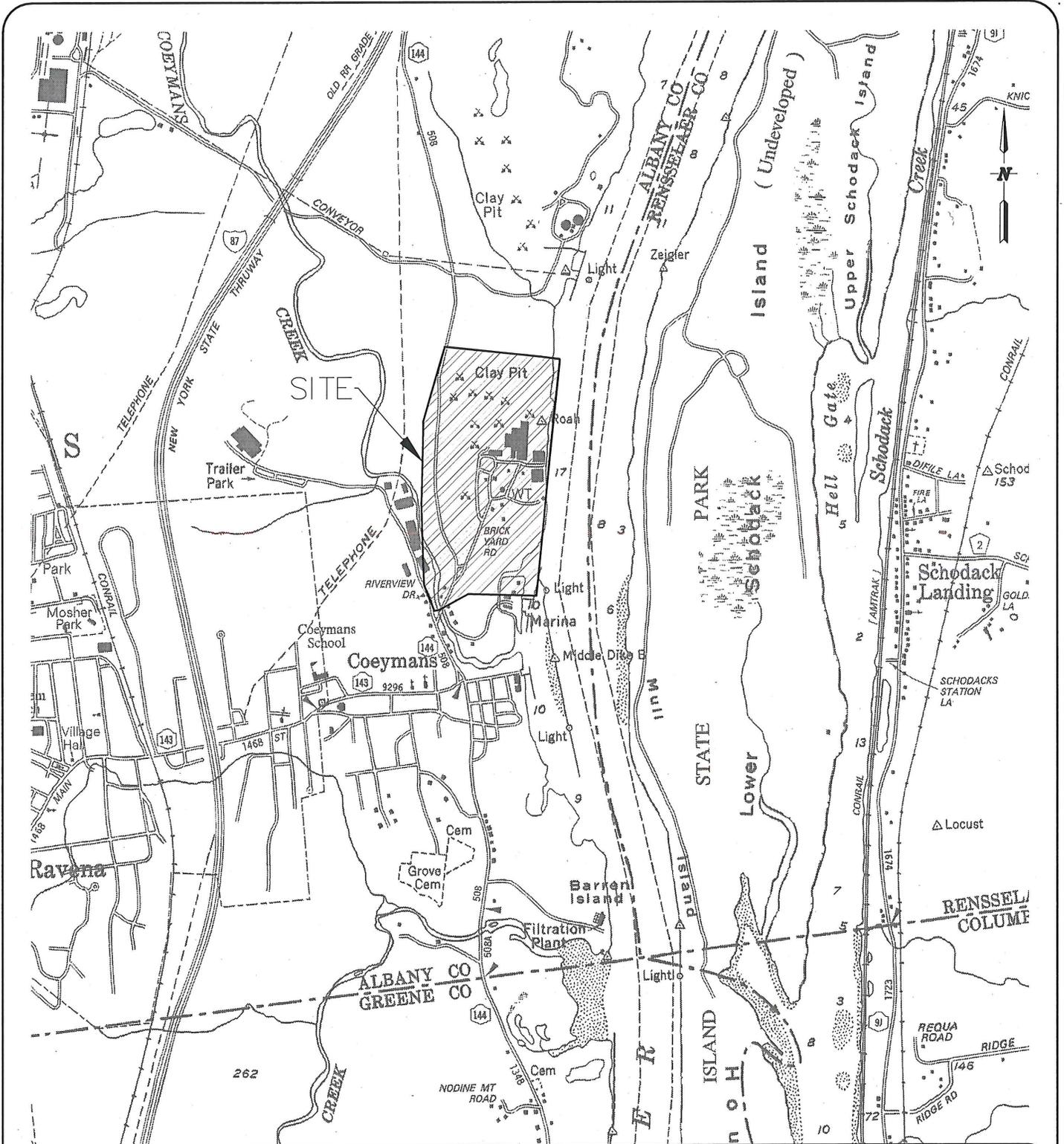
This line does not depict centerline of federal navigation channel but depicts centerline of river, and boundary line between Albany and Rensselaer Counties.

Existing trestle pier structures proposed to remain as permanent

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P & M Brick, LLC

2000 ft

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SITE LOCATION MAP

P&M BRICK, LLC
2170 RIVER ROAD (ROUTE 144)

TOWN OF COEYMAN'S
ALBANY COUNTY NEW YORK

DATE:
JANUARY 16, 2014

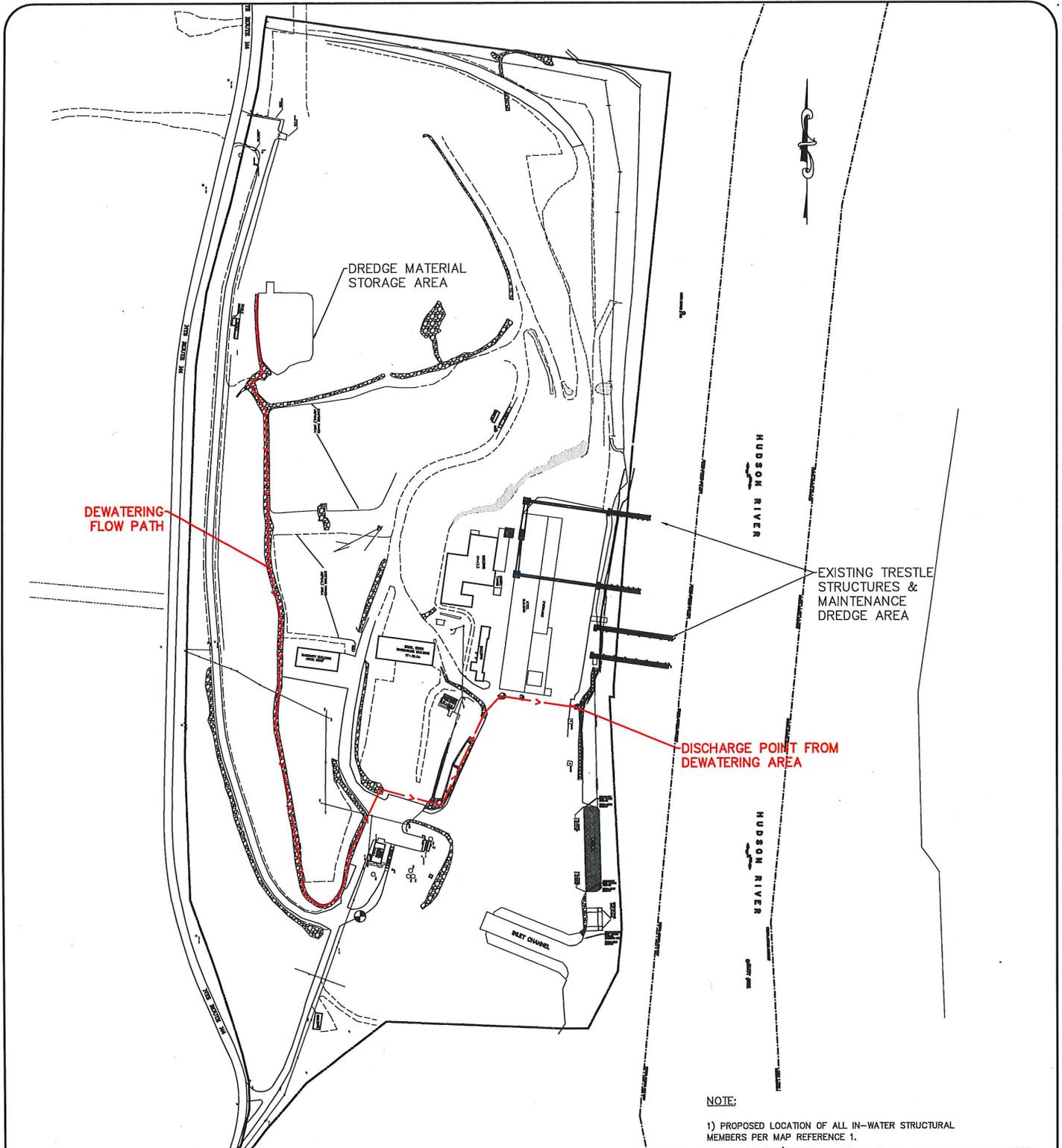
CHECKED BY: D.F.I.
JOB NO. 02-017

SCALE: 1"=2000'

DRAWN BY: C.D.L.
CADD FILE: SDSKPROJ/02-017/SPDES

SHEET 1 OF 1

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NOTE:
 1) PROPOSED LOCATION OF ALL IN-WATER STRUCTURAL MEMBERS PER MAP REFERENCE 1.

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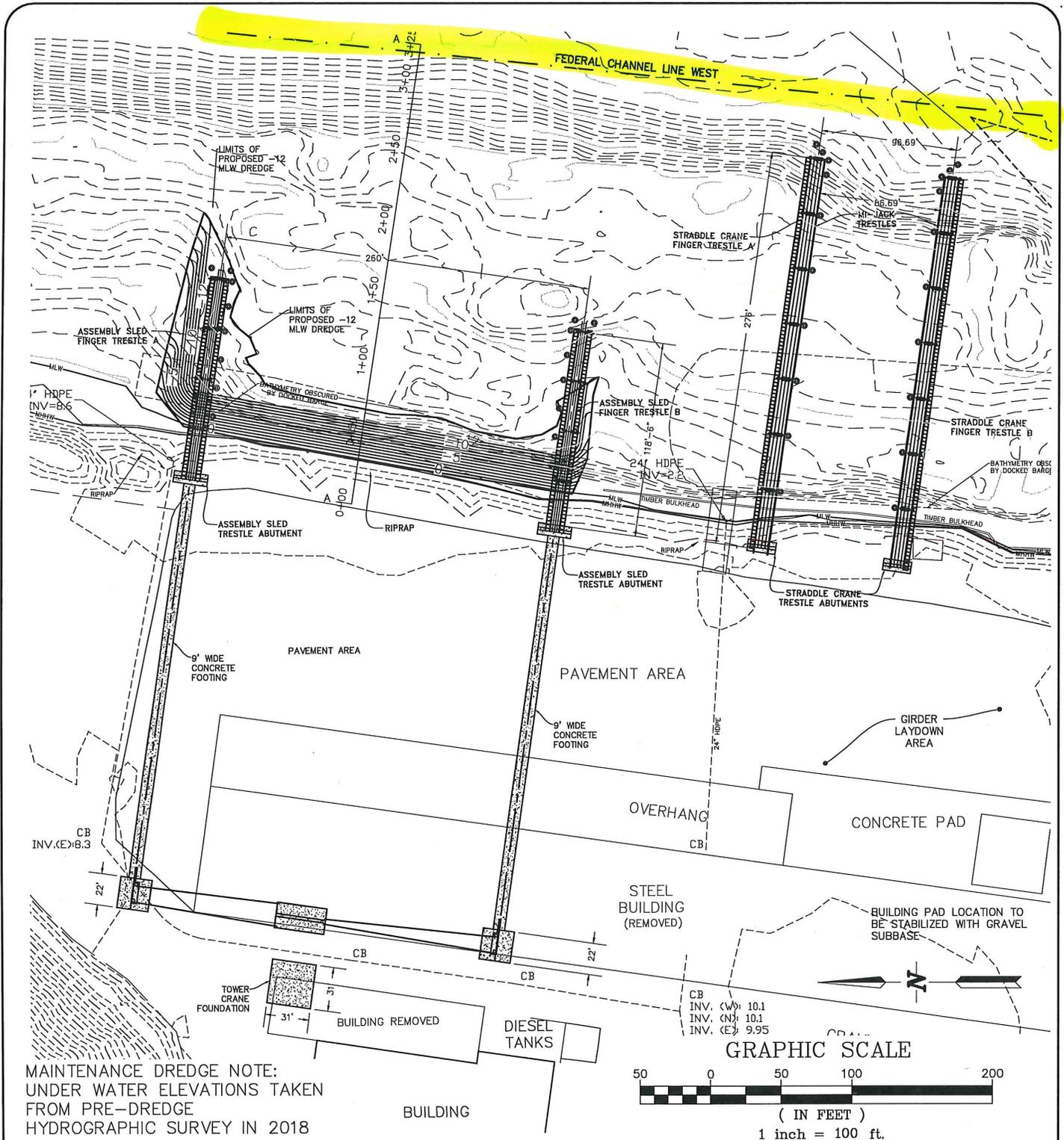
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OVERALL PLAN
 P&M BRICK, LLC
 PORT OF COEYMANS SUB-ASSEMBLY YARD
 TOWN OF COEYMANS
 ALBANY COUNTY NEW YORK

DATE: UPDATED 02/14/19	CHECKED BY: D.F.I. JOB NO. 02-017	SCALE: 1"=500'
DRAWN BY: J.C.H. CADD FILE: SDSKPROJ/02-017/2013 DREDGE		SHEET 2 OF 9

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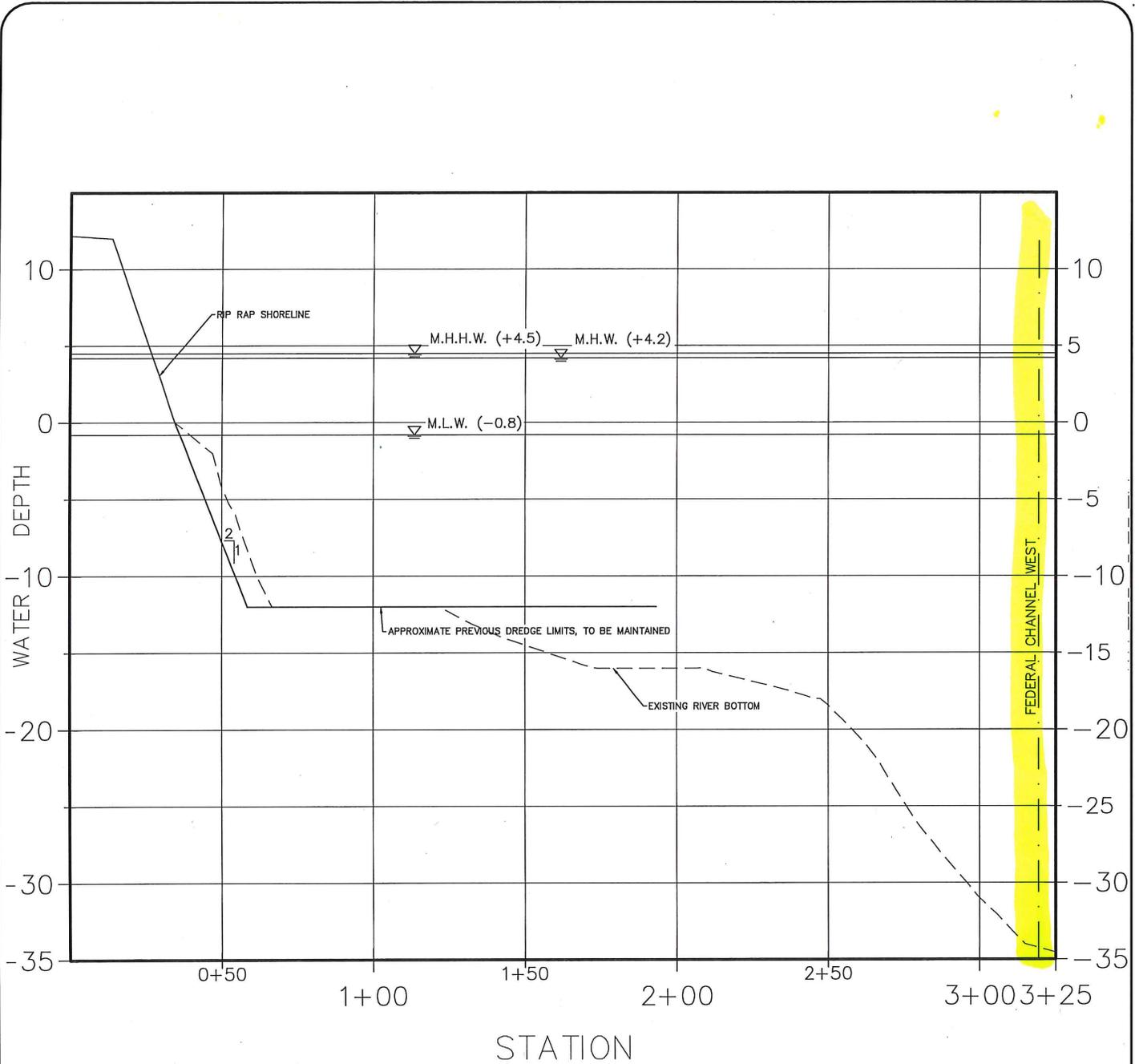
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DREDGE & TRESTLE PLAN

P&M BRICK, LLC
 PORT OF COEYMAN'S SUB-ASSEMBLY YARD
 TOWN OF COEYMAN'S
 ALBANY COUNTY NEW YORK

DATE: UPDATED 02/14/19	CHECKED BY: D.F.I. JOB NO. 02-017	SCALE: 1"=100'
DRAWN BY: J.C.H. CADD FILE: SDSKPROJ/02-017/2013 DREDGE		SHEET 3 OF 10

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SECTION A-A

SCALE: 1"=10' VERT.
1"=50' HORIZ.

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DREDGE SECTION
P&M BRICK, LLC
PORT OF COEYMANS SUB-ASSEMBLY YARD
TOWN OF COEYMANS
ALBANY COUNTY NEW YORK

DATE:
UPDATED 02/14/19

CHECKED BY: D.F.I.
JOB NO. 02-017

SCALE: 1":50'

DRAWN BY: J.C.H.

CADD FILE: SDSKPROJ/02-017/2013 DREDGE

SHEET 4 OF 10

