



# 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-2020-00412-WCR

Issue Date: **30 APRIL 2020**

Expiration Date: **22 MAY 2020**

**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).

**APPLICANT:** United States Military Academy West Point  
606 Thayer Road  
West Point, NY 10996

**ACTIVITY:** Construct and Remove Temporary (< 2 Years) Steel Pile-Supported Fixed Pier with Six Steel Pile Mooring Piles

**WATERWAY:** Hudson River, Approximately River Mile 52

**LOCATION:** Town of Highlands, 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.

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/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.

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 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.

30 APRIL 2020

ALL COMMENTS REGARDING THIS PERMIT APPLICATION MUST BE PREPARED IN WRITING AND E-MAILED TO THIS OFFICE BEFORE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Emailed comments must include this public notice's number, NAN-2020-00412-WCR

The email box for written comments is: [Cenan.publicnotice@usace.army.mil](mailto:Cenan.publicnotice@usace.army.mil)

If you have any questions concerning this application, you may contact this office at (917-790-8400) asking for Mr. Thomas M. Creamer.

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 District website at <http://www.nan.usace.army.mil>.

  
FR Stephan A. Ryba 4/30  
Chief, Regulatory Branch

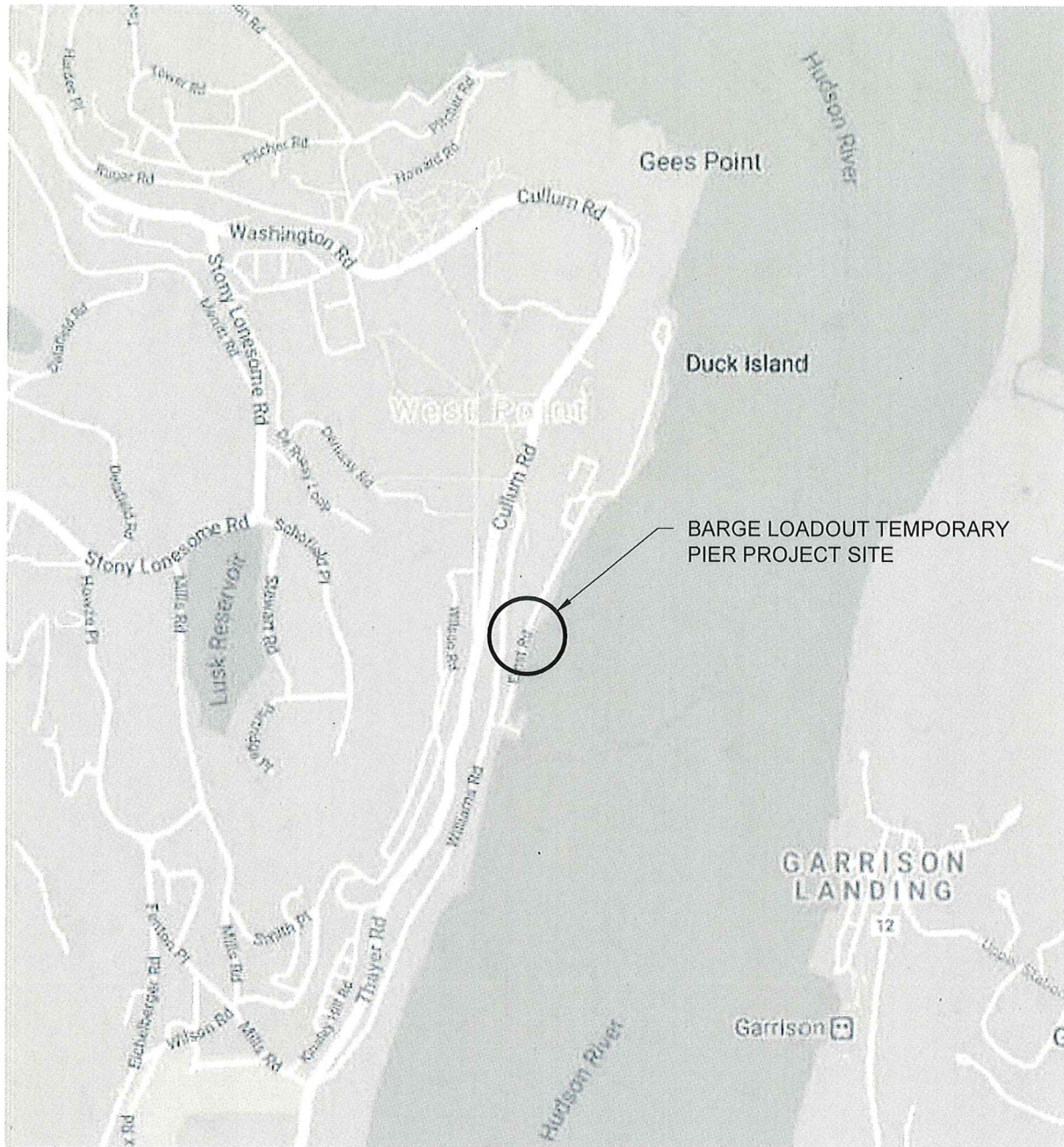
Enclosures

## WORK DESCRIPTION

The permit applicant has requested a Department of the Army permit to construct a temporary (less than 2 years) 28-foot-wide and 195-foot-long (measured from the existing Mean High Water line at the shoreline's existing rock bulkhead seawall) pile-supported barge-loading fixed pier structure with six 36-inch-diameter single-hollow-steel-pile mooring dolphins in the Hudson River at River Mile 54, as shown on the attached permit application drawings.

The 195-foot-long fixed pier structure would be supported by twelve 36-inch-diameter hollow-steel-piles. For the structural stability of the regulated temporary fixed pier structure, all 36-inch-diameter hollow-steel piles would be driven via vibration to bedrock. To mitigate impacts to aquatic species, the work area will be enclosed by a floating debris and turbidity curtain boom; and the piles will only be driven while surrounded by a bubble curtain to minimize aquatic impacts. The bubble curtain will also be used when the 36-inch-diameter hollow-steel piles are removed in full by vibration.

The purpose of the temporary fixed pier structure and its six mooring dolphins is to facilitate the loading out of fractured granite rock. The fractured granite rock will be ultimately disposed upland outside of Department of the Army regulatory jurisdiction, or the rock will be placed at existing permitted New York State fishing habitat reefs in the Atlantic Ocean or Long Island Sound.



BARGE LOADOUT TEMPORARY  
PIER PROJECT SITE

0 1000 2000  
SCALE IN FEET

**LOCATION MAP**  
SCALE: 1" = 1000'  
HUDSON RIVER MILE 54

LAT: N 41°23'17"  
LONG: W 73°57'16"

**PURPOSE:** PROVIDE ALTERNATIVE  
ROCK HAULING OPTION FOR  
CONSTRUCTION

JACOBS/EWINGCOLE  
A JOINT VENTURE

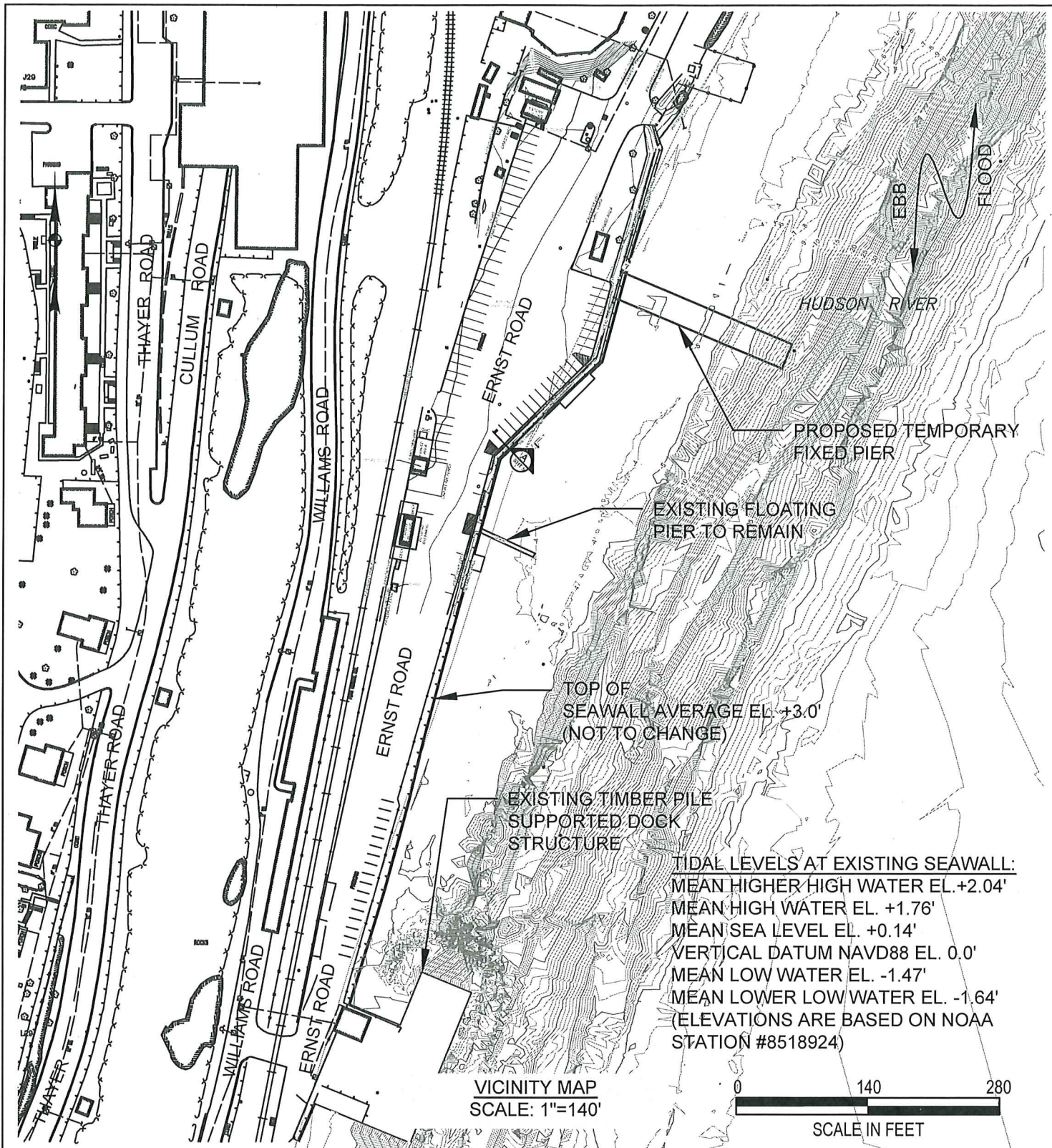
**PROPOSED:** PILE SUPPORTED BARGE  
LOADOUT FIXED PIER WITH SIX  
MOORING DOLPHINS  
**CITY:** WEST POINT  
**COUNTY:** ORANGE  
**APPLICANT:** JACOBS/EWINGCOLE A  
JOINT VENTURE  
**SHEET:** 1 OF 5  
**DATE:**

**PREPARED BY**

LOCATION MAP

**JACOBS / EWING  
COLE** A Joint Venture





**PURPOSE:** PROVIDE ALTERNATIVE  
 ROCK HAULING OPTION FOR  
 CONSTRUCTION

**PREPARED BY**

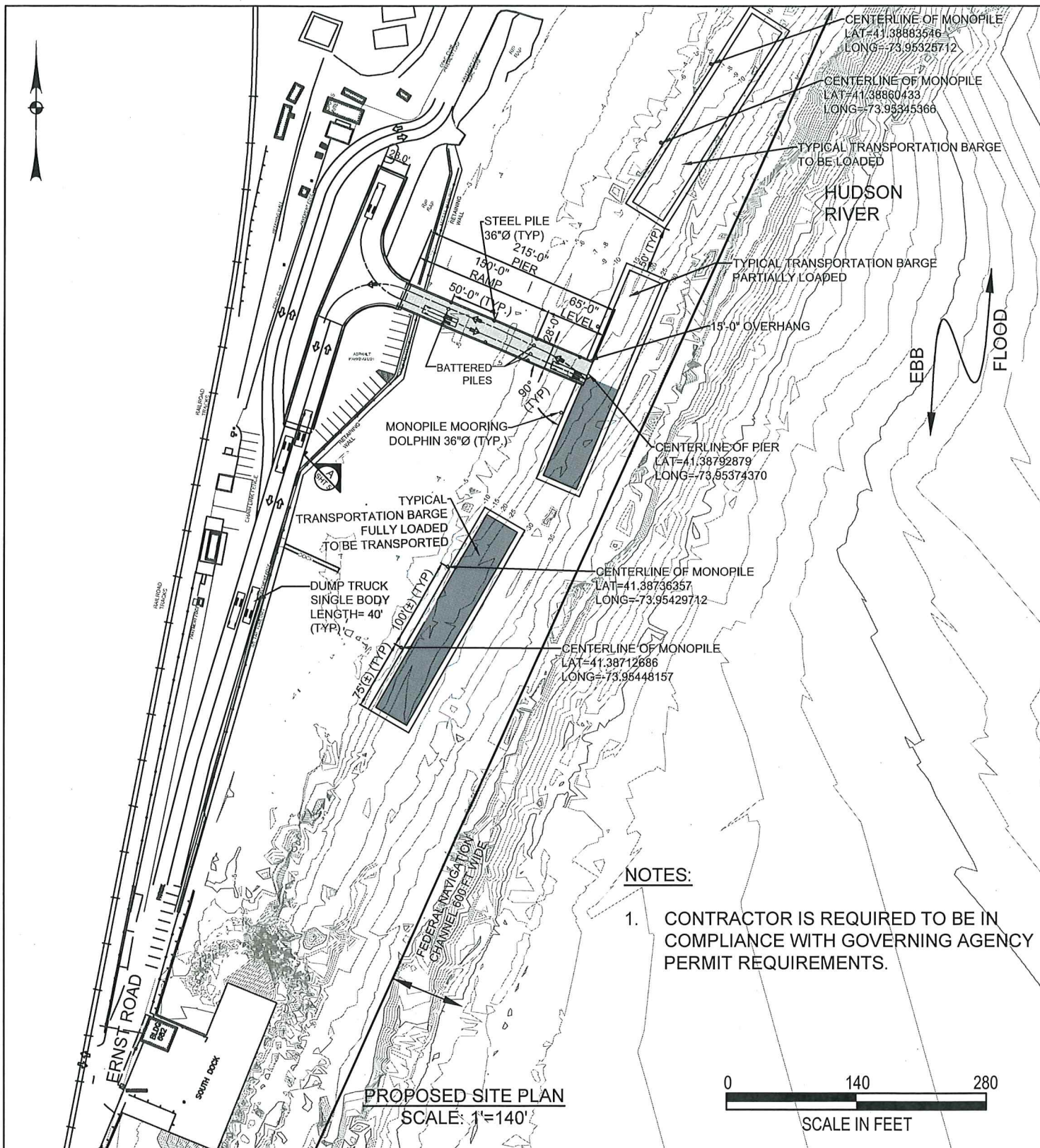
**JACOBS / EWING  
 COLE** A Joint Venture

JACOBS/EWINGCOLE  
 A JOINT VENTURE

VICINITY MAP

**PROPOSED:** PILE SUPPORTED BARGE  
 LOADOUT FIXED PIER WITH SIX  
 MOORING DOLPHINS  
 CITY: WEST POINT  
 COUNTY: ORANGE  
 APPLICANT: JACOBS/EWINGCOLE A  
 JOINT VENTURE  
 SHEET: 2 OF 5  
 DATE:





**PURPOSE:** PROVIDE ALTERNATIVE ROCK HAULING OPTION FOR CONSTRUCTION

**PREPARED BY**

**JACOBS / EWING COLE** A Joint Venture

JACOBS/EWINGCOLE  
A JOINT VENTURE

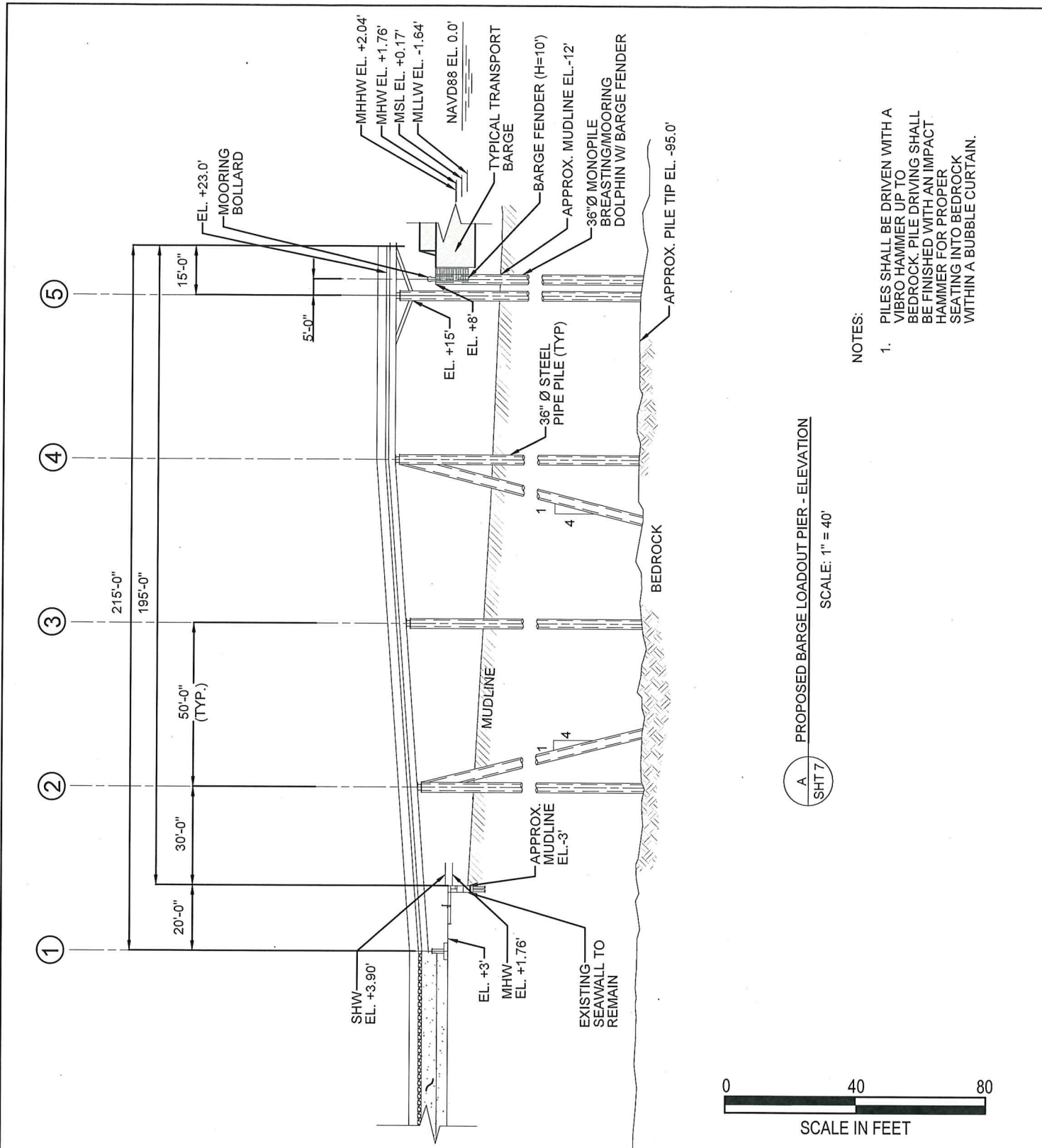
PROPOSED SITE PLAN

**PROPOSED:** PILE SUPPORTED BARGE LOADOUT FIXED PIER WITH SIX MOORING DOLPHINS  
**CITY:** WEST POINT  
**COUNTY:** ORANGE  
**APPLICANT:** JACOBS/EWINGCOLE A JOINT VENTURE  
**SHEET:** 3 OF 5  
**DATE:**



**PROPOSED: PILE SUPPORTED BARGE  
LOADOUT FIXED PIER WITH SIX  
MOORING DOLPHINS  
CITY: WEST POINT  
COUNTY: ORANGE  
APPLICANT: JACOBS/EWINGCOLE A  
JOINT VENTURE  
SHEET: 4 OF 5  
DATE:**





NOTES:

1. PILES SHALL BE DRIVEN WITH A VIBRO HAMMER UP TO BEDROCK. PILE DRIVING SHALL BE FINISHED WITH AN IMPACT HAMMER FOR PROPER SEATING INTO BEDROCK WITHIN A BUBBLE CURTAIN.

A PROPOSED BARGE LOADOUT PIER - ELEVATION

SCALE: 1" = 40'

A SHT7

0 40 80  
SCALE IN FEET

**PURPOSE:** PROVIDE ALTERNATIVE ROCK HAULING OPTION FOR CONSTRUCTION

**PREPARED BY**

**JACOBS / EWING COLE** A Joint Venture

JACOBS/EWINGCOLE  
A JOINT VENTURE

PROPOSED TEMPORARY  
BARGE LOADOUT FIXED PIER  
ELEVATION VIEW

**PROPOSED:** PILE SUPPORTED BARGE  
LOADOUT FIXED PIER WITH SIX  
MOORING DOLPHINS  
**CITY:** WEST POINT  
**COUNTY:** ORANGE  
**APPLICANT:** JACOBS/EWINGCOLE A  
JOINT VENTURE  
**SHEET:** 5 OF 5  
**DATE:**