

PUBLIC NOTICE

US Army Corps
of Engineers
New York District, CENAN-OP-R
Upstate Regulatory Field Office
1 Buffington Street, Bldg. 10, 3rd Floor
Watervliet, New York 12189-4000

In replying refer to:

Public Notice Number: NAN-2021-00296-USH
Issue Date: September 9, 2021
Expiration Date: October 8, 2021

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: New York State Marine Highway Transportation, LLC
P.O. Box 1216
427 River Road
Troy, New York 12181

ACTIVITY: Construction of a new commercial mooring points/buoy

WATERWAY: Hudson River

LOCATION: (42.1543, -73.8938) Town of Germantown, Columbia 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 THE ATTENTION OF BRAD SHERWOOD AT THE ABOVE

*****PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE*****

CENAN-OP-RU
PUBLIC NOTICE NO. NAN-2021-00296-USH

ADDRESS, OR SENT VIA ELECTRONIC MAIL TO Brad.Sherwood@usace.army.mil, TO REACH THIS OFFICE BY THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Due to COVID-19, and the limited in-office mail processing procedures, it is highly recommended that comments be sent by Electronic Mail only to prevent delays.

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 GIS resources map on the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) website, the project site is located within areas identified by the SHPO as "Archeo Sensitive Areas". Further consultation with SHPO regarding these "Archeo Sensitive Areas" is being conducted and will be concluded prior to the final 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

**CENAN-OP-RU
PUBLIC NOTICE NO. NAN-2021-00296-USH**

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 coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation – Article 15, Title 5 Excavation & Fill in Navigable Waters

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>

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 Brad Sherwood of this office at (518) 266-6355 or Brad.Sherwood@usace.army.mil.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.



FOR AND ON BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicant, New York State Marine Highway Transportation, LLC, has requested Department of the Army authorization to construct a new commercial mooring point/buoy in the Hudson River, at (42.1543, -73.8938), Town of Germantown, Columbia County, New York.

Specifically, the proposed work would involve:

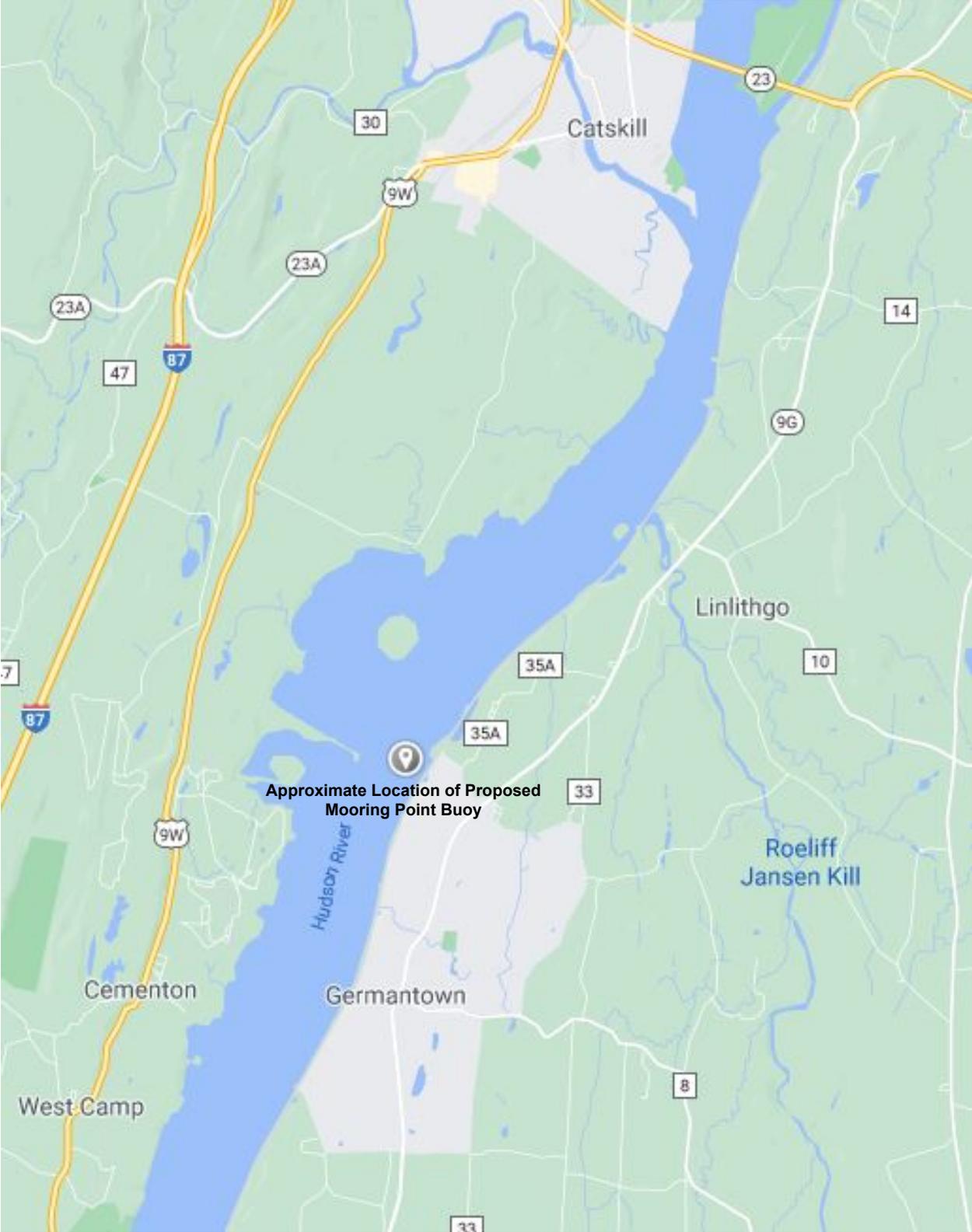
Installation of a seasonal single 58-inch-diameter steel mooring buoy, a 10,000-lbs navy stockless anchor and associated hardware adjacent to and approximately 579 feet southeast of the floor of the Federal navigation channel in the Hudson River. Associated hardware includes but is not limited to 90-feet of 2-inch stud link chain, shackles, connecting links, swivels, and two (2) 60-foot-length pendants. On scene water depth is approximately 22-feet at Mean Lower Low Water.

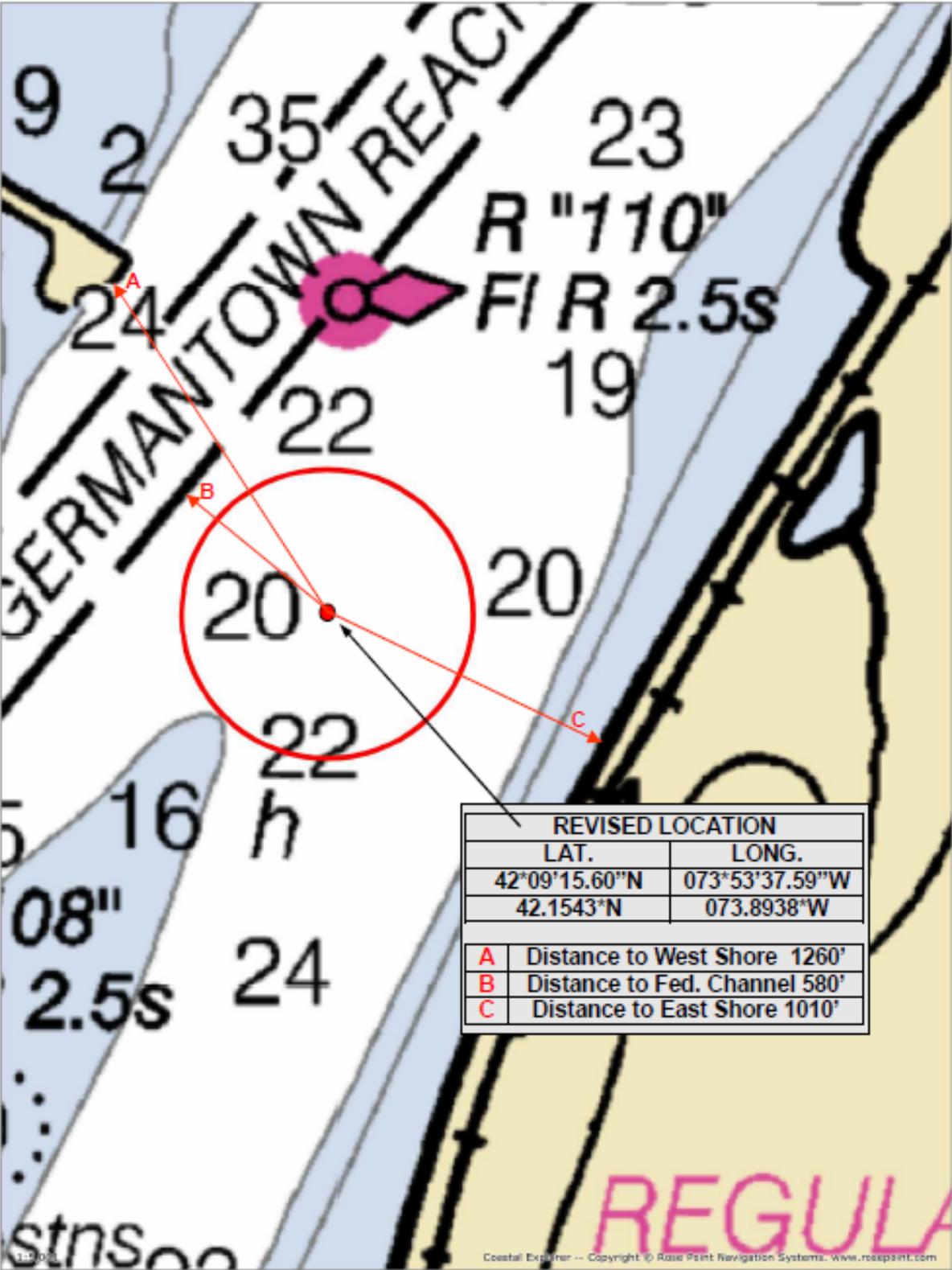
The standard barges proposed to use the mooring point/buoy would measure 35-foot-wide by 200-foot-long, or 52-foot-wide by 250-foot-long. The barge configuration would be a maximum of three (3) abreast. No barges would be configured astern. The maximum size of the barges configuration at the buoy would be 250-feet-long by 156-feet-wide.

The swing radius would be 477-feet, and remain at least 125-feet from the Federal Navigation Channel.

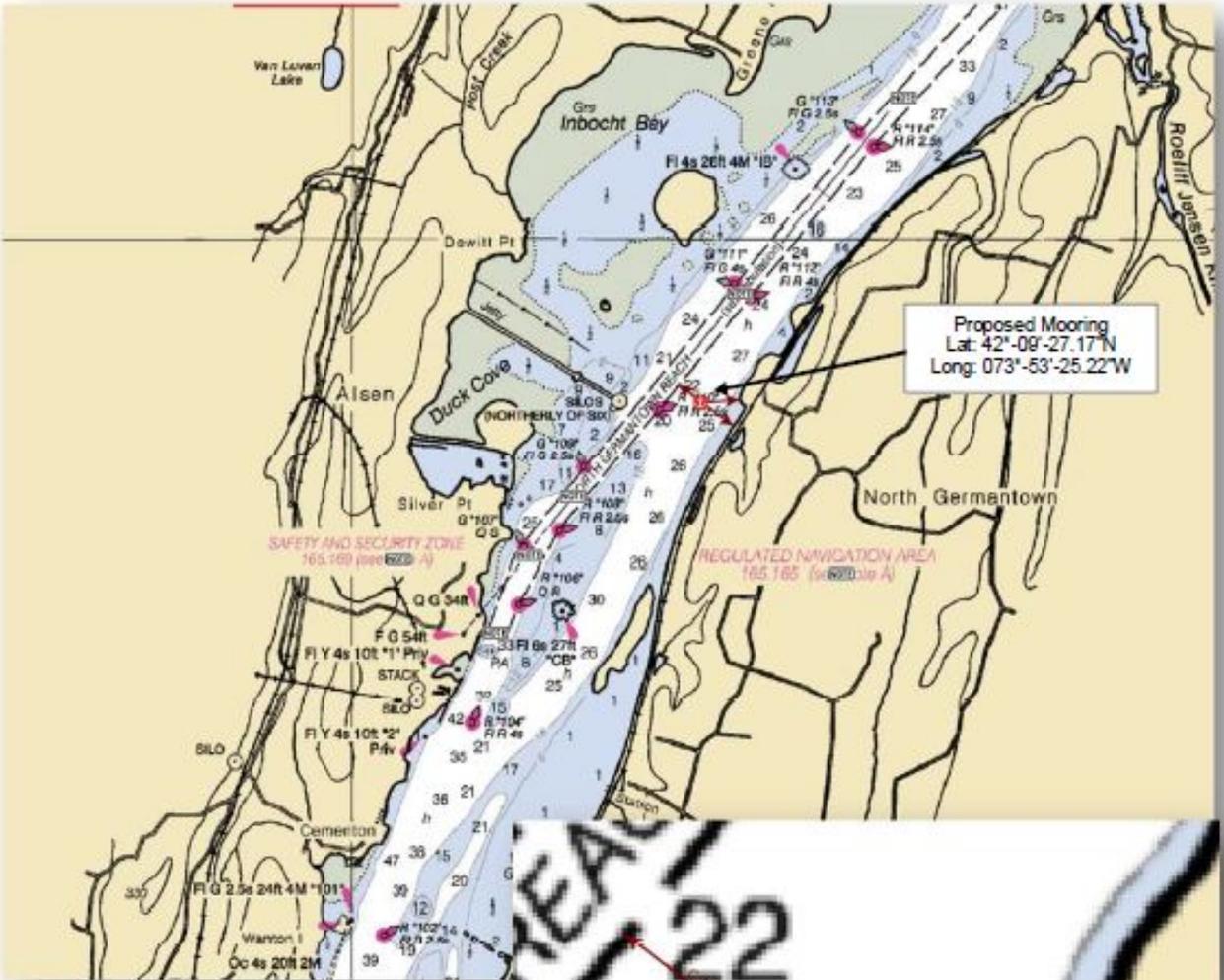
Anchor Position 42°09'15.60"N, 73°53'37.59"W
NOAA Chart 12347

The permit applicant's stated purpose for this work is to provide a new commercial mooring point/buoy to provide staging of both empty and full aggregate barges during the course of normal transportation from quarries in Catskill, New York and Hudson, New York.

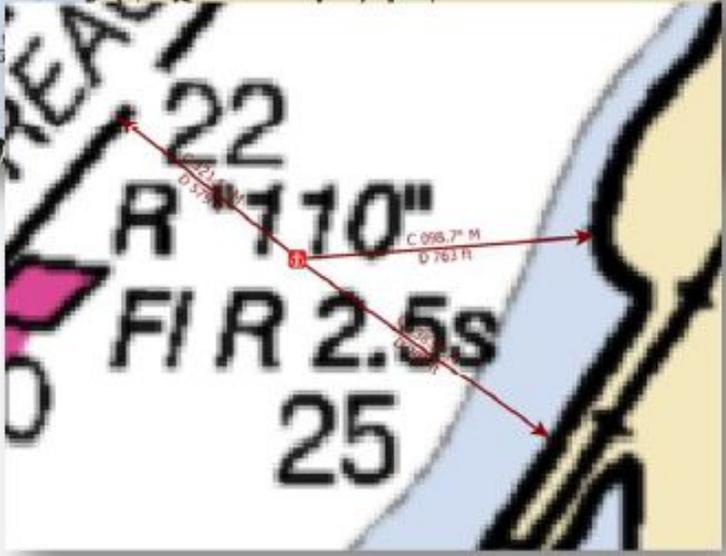




NOAA CHART 12347



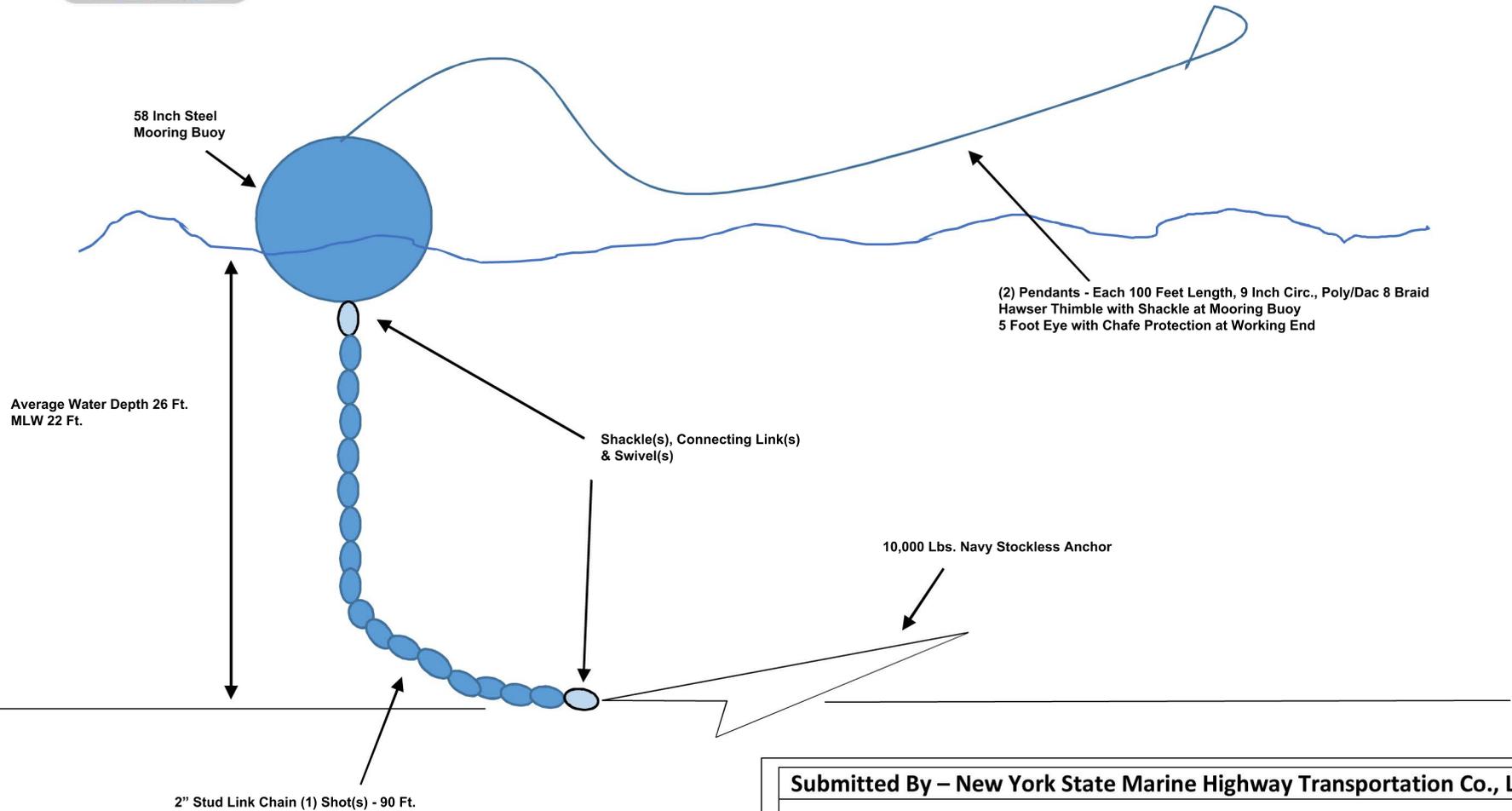
The proposed Mooring is approximately
579' from the Federal Navigation Channel
763' to 795' from the East Shore
3,500' from the closet point on the West
Shore





**MOORING HARDWARE DIAGRAM
PROPOSED LOCATION - HUDSON RIVER - CATSKILL**

NAN-2021-00296-USH
New York State Marine Highway Transportation, LLC
Drawing 4 of 4



Submitted By – New York State Marine Highway Transportation Co., LLC	
Mooring Location-NOAA Chart 12347 - Hudson River - Wappinger Creek to Hudson, NY	
42°-09'-27.17"N 073°-53'-25.22"W	
Date: 15 February 2021	Not to Scale
Revised:	