

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-2024-00203-WOR Issue Date: October 29, 2024 Expiration Date: December 2, 2024

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: Robert Hagopian 50 Goldrick's Landing Road Kingston, New York 12401
- ACTIVITY: Construction of a floating pier assembly, dredging and bank stabilization.
- WATERWAY: Hudson River
- LOCATION: Town of Ulster, Ulster 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-2024-00203-WOR

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/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 small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts, and conservation recommendations is 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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

CENAN-OP-RW PUBLIC NOTICE NO. NAN-2024-00203-WOR

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. Please send all comments and questions concerning this application to Brian.A.Orzel@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey located at https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/.

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

Digitally signed R. Morande by Rosita Miranda

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

Enclosures

CENAN-OP-RW PUBLIC NOTICE NO. NAN-2024-00203-WOR

WORK DESCRIPTION

The applicant, Robert Hagopian, has requested Department of the Army authorization for the construction of a floating pier assembly, dredging and bank stabilization. The proposed work would be located in the Hudson River, in the Town of Ulster, Ulster County, New York.

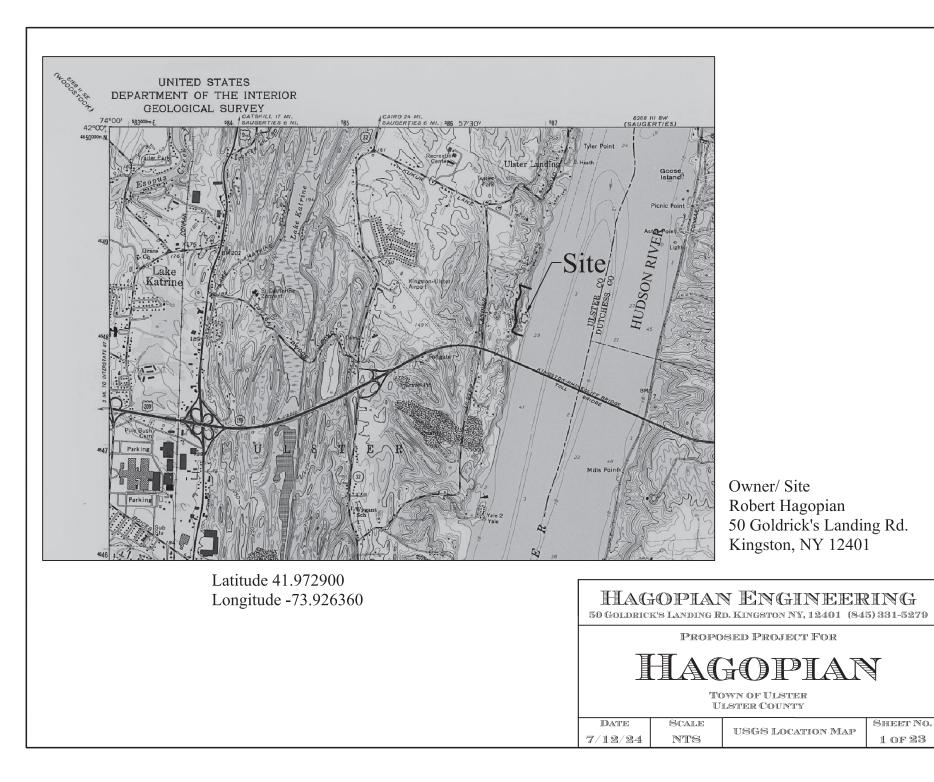
The work would involve the following:

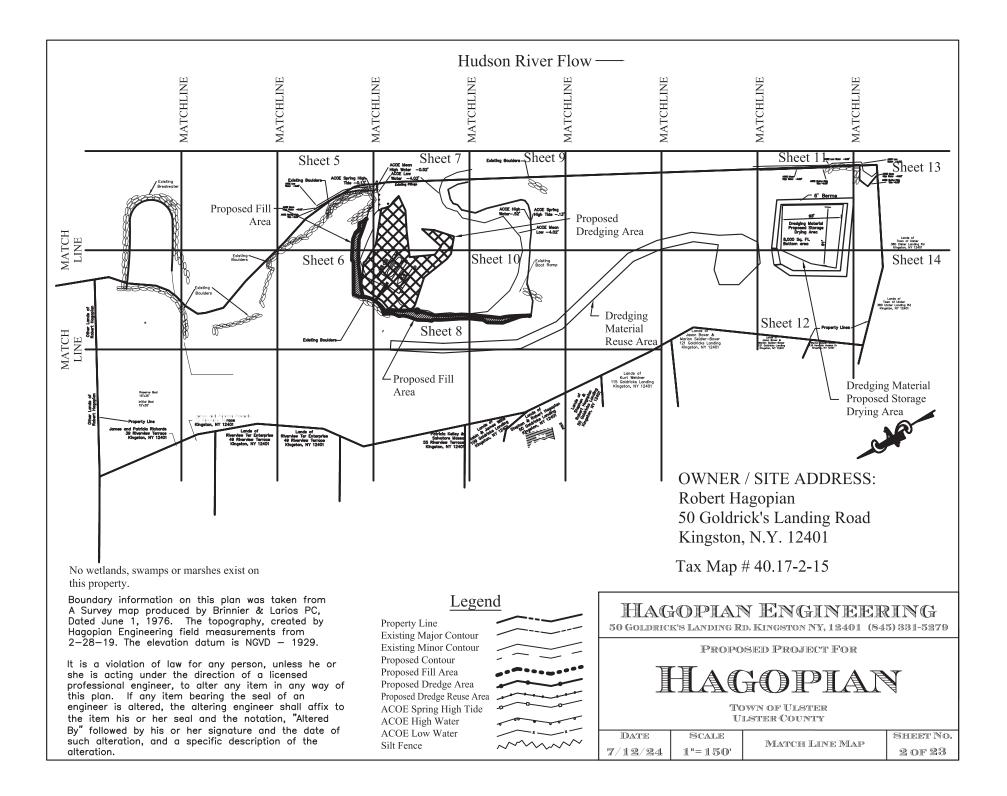
The installation of a 44-foot by 8-foot floating pier, attached to a new bulkhead by a 36-foot by 4-foot gangway. Three (3) finger piers, approximately 36-feet by 6-feet each, would extend from the main floating pier. The entire pier assembly would be held in place by five (5) plastic, 16-inch-diameter piles, each installed by vibratory hammer.

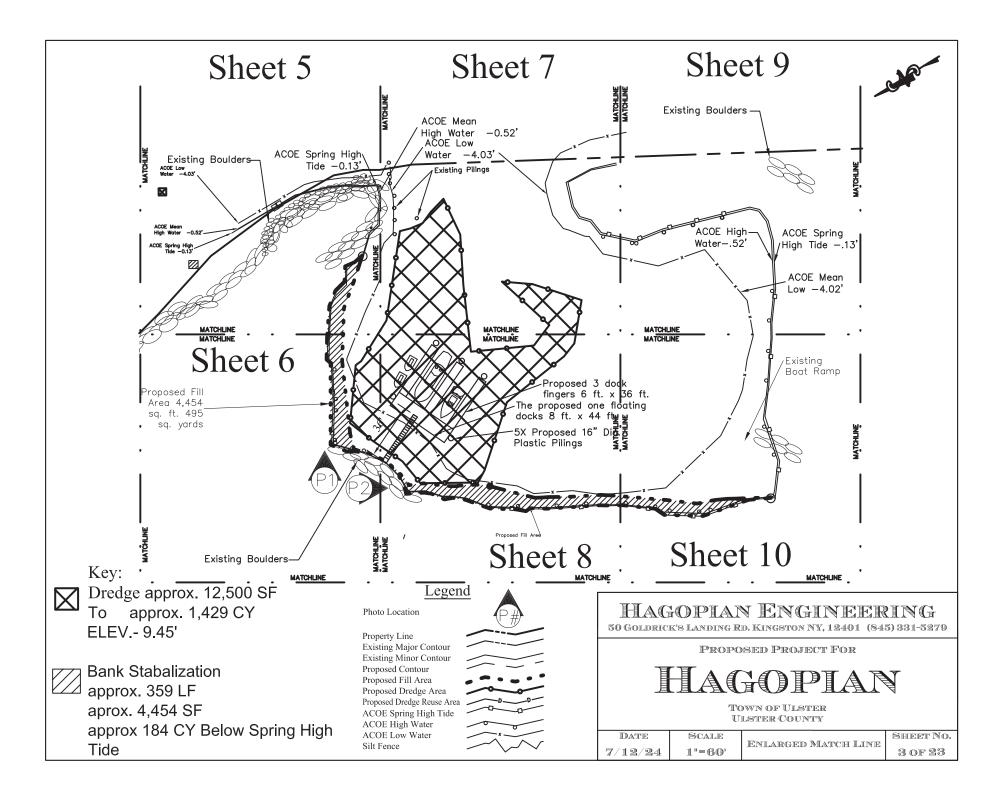
The dredging of a total of approximately 1,429 cubic yards of material in order to assure safe navigation, over an area approximately 12, 500 square feet. All dredged material would be disposed of within a contained upland disposal area on the property.

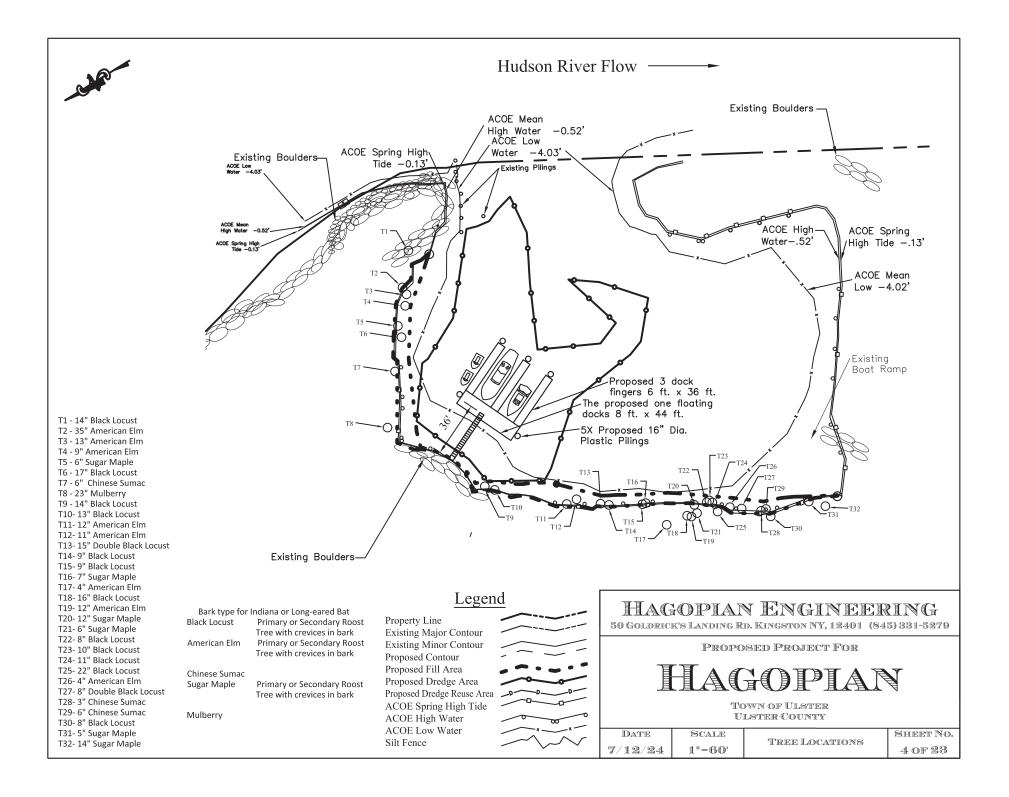
The stabilization of approximately 359 linear feet of shoreline, using a combination of stone bulkhead and stone rip rap, resulting in the discharge of fill material into approximately 4,454 square feet of the river below spring high tide.

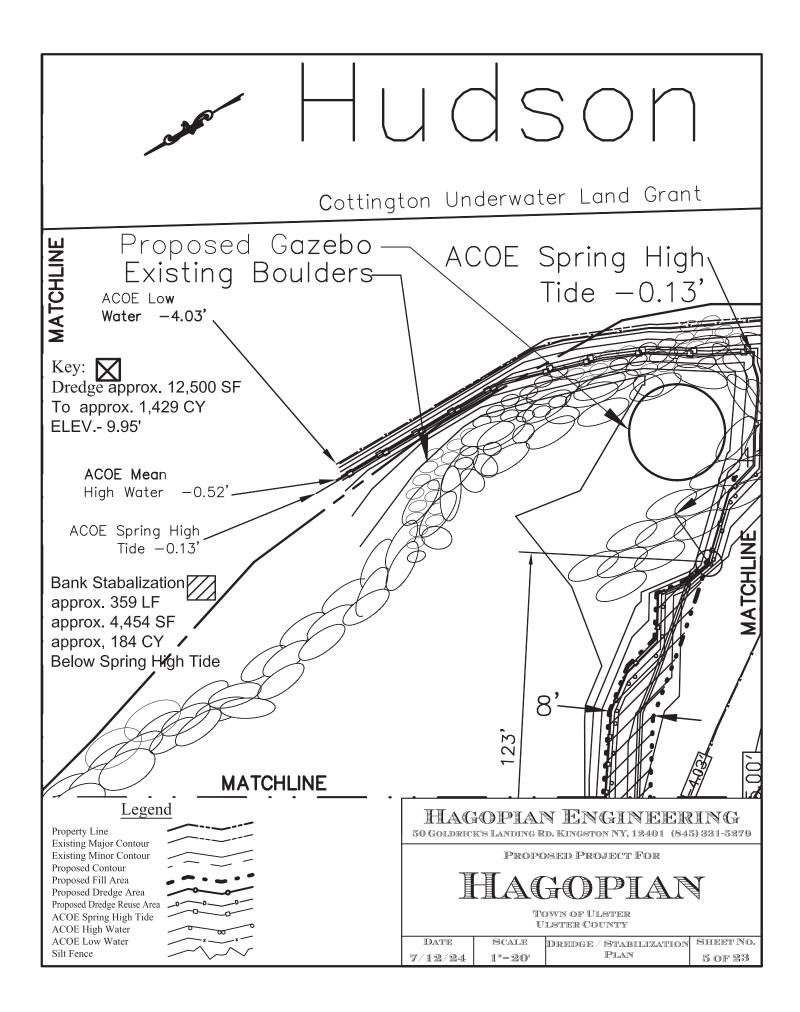
The stated purpose of this project is to stabilize the eroding stream bank and to provide recreational access to the waterway.

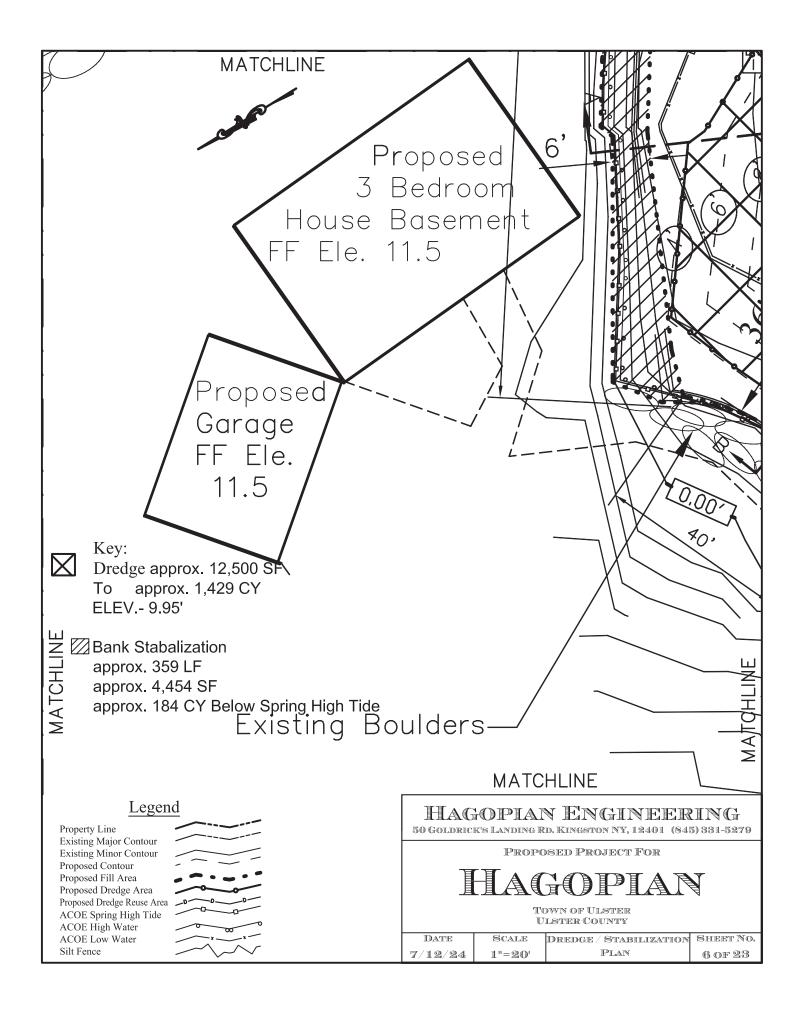


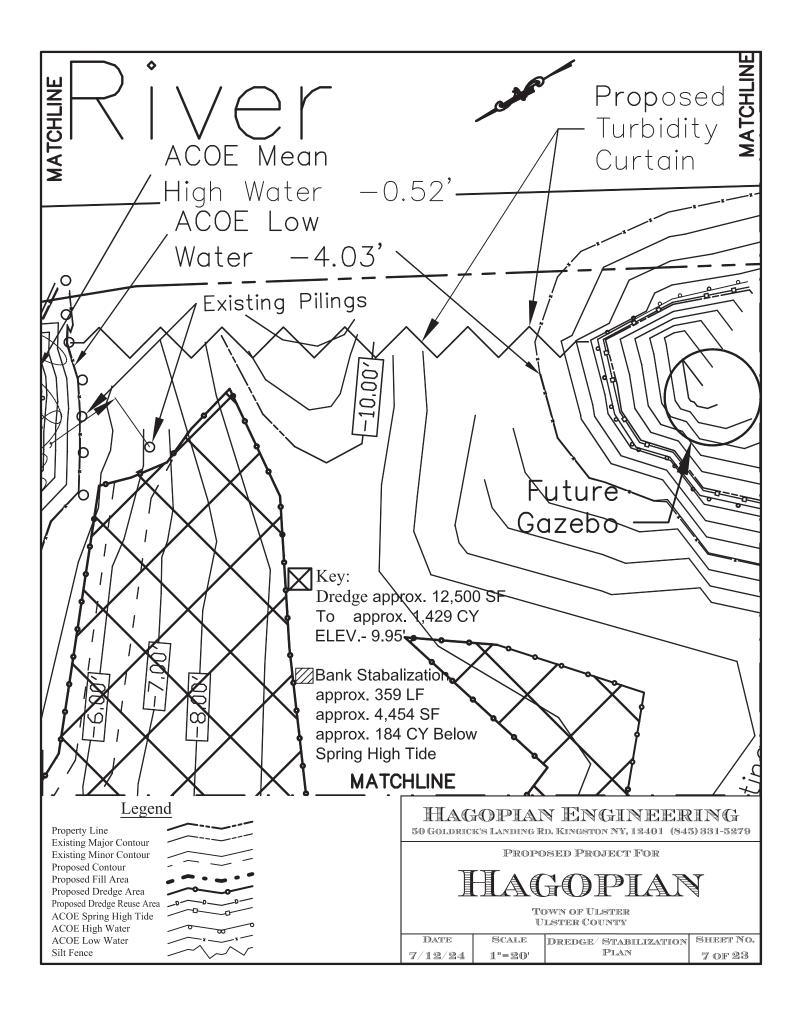


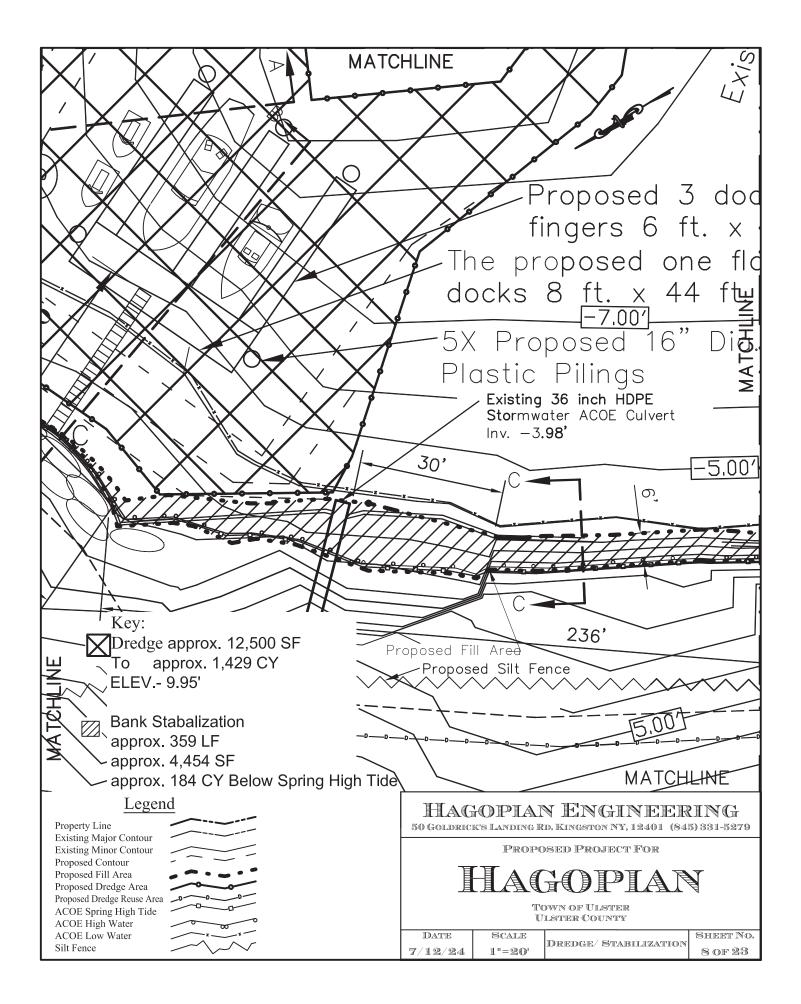


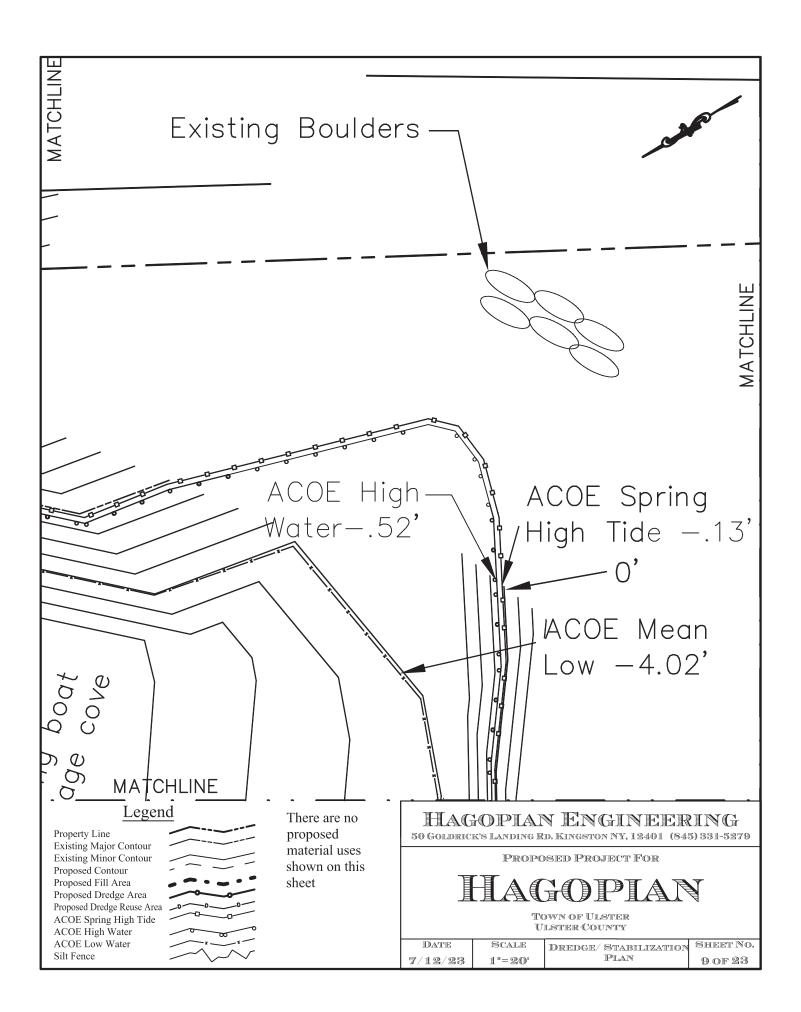


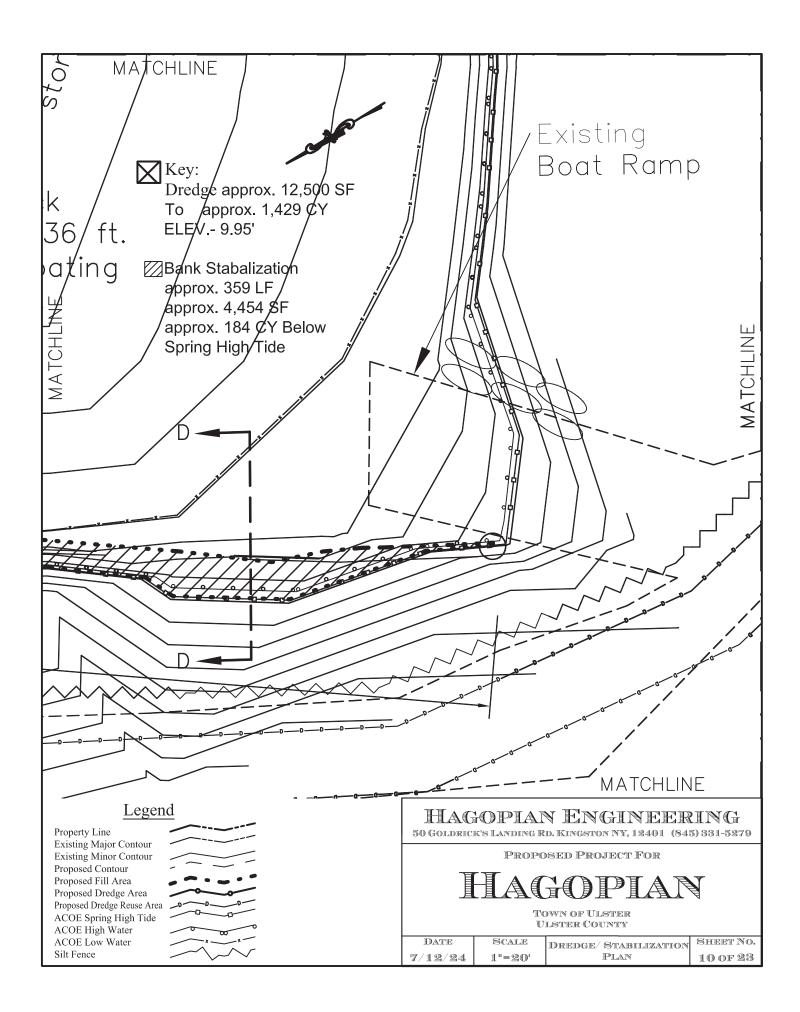


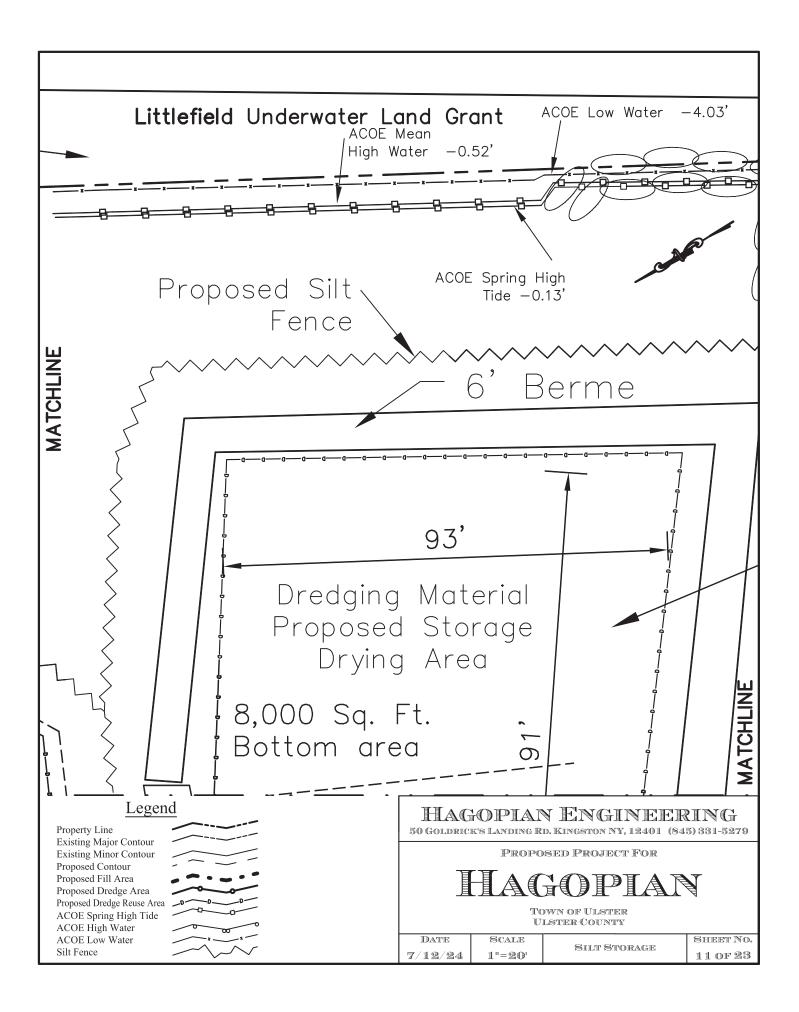


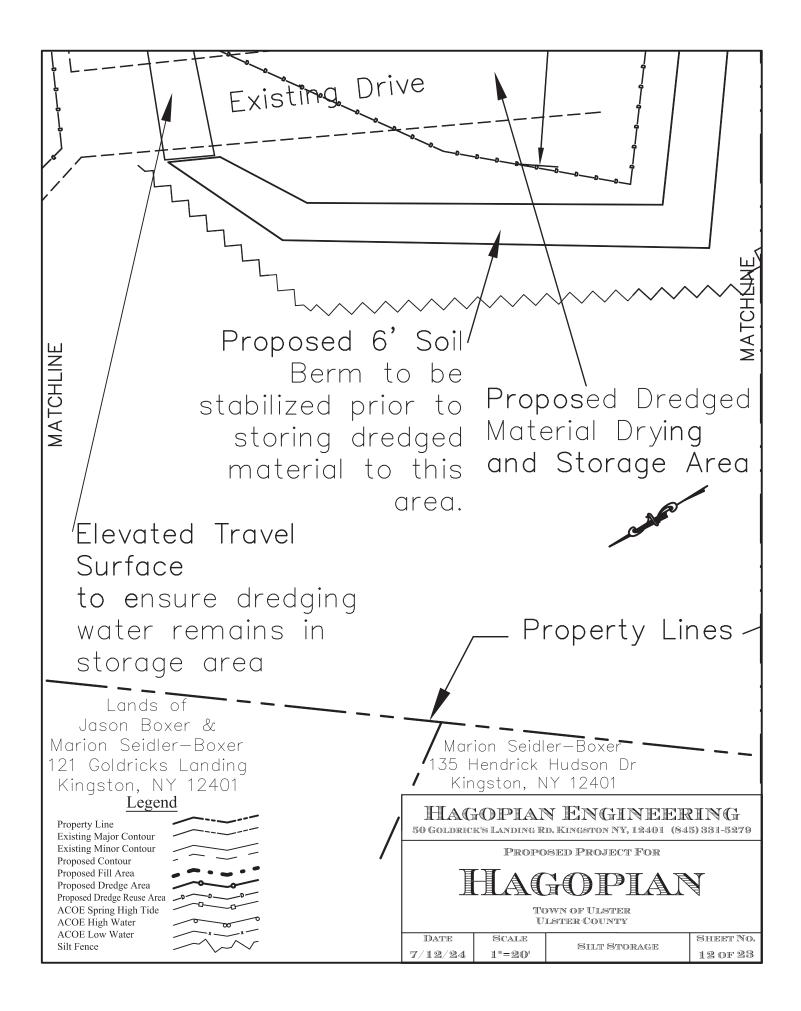


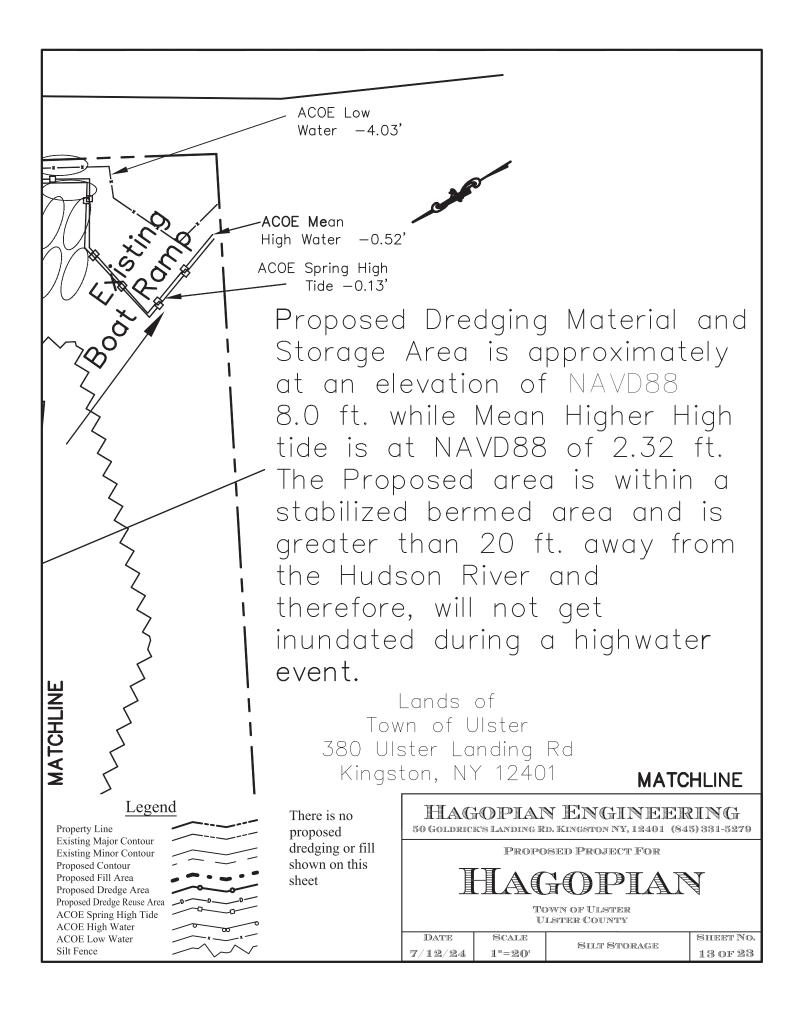


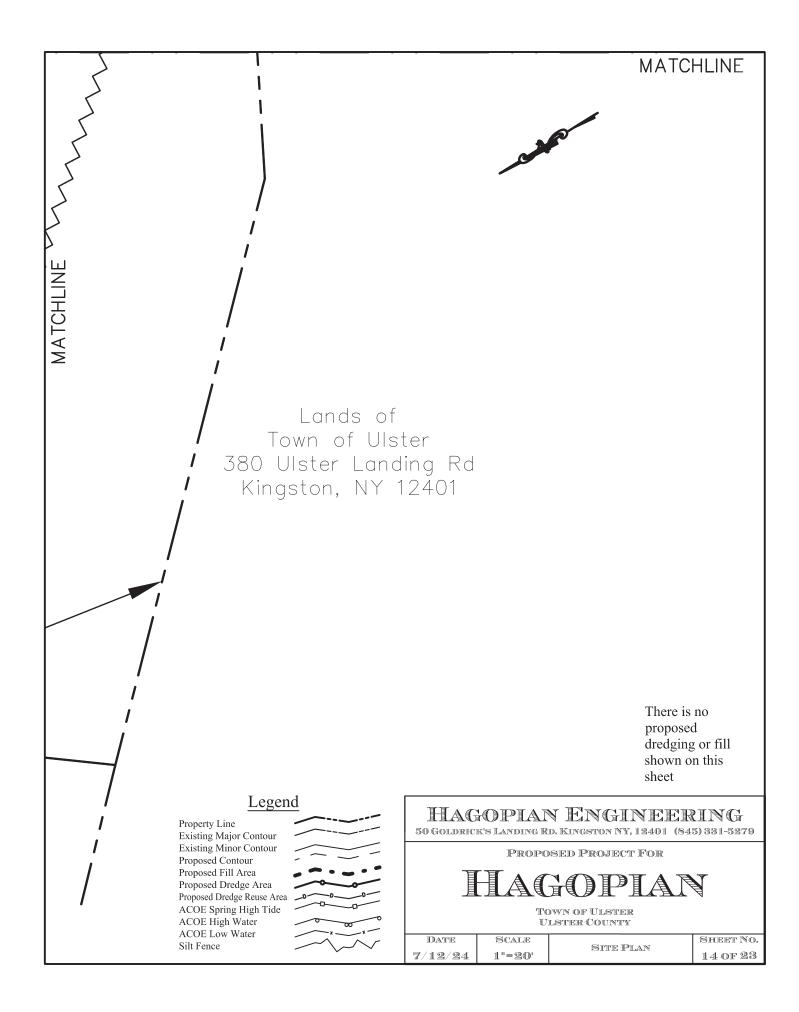


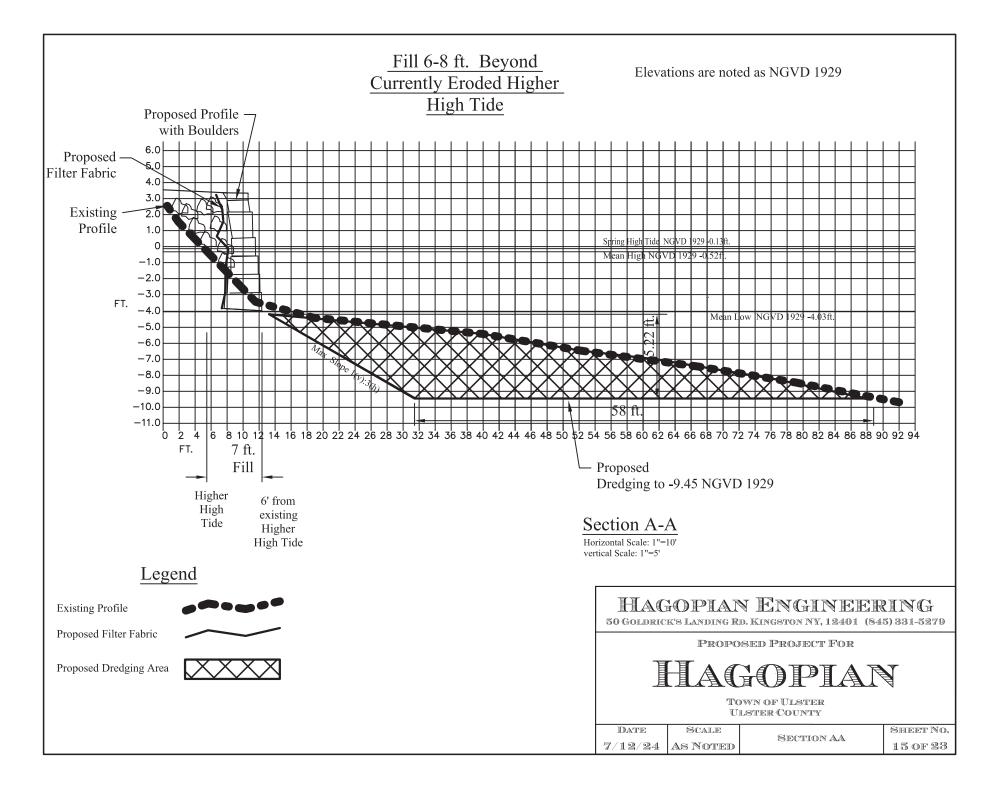


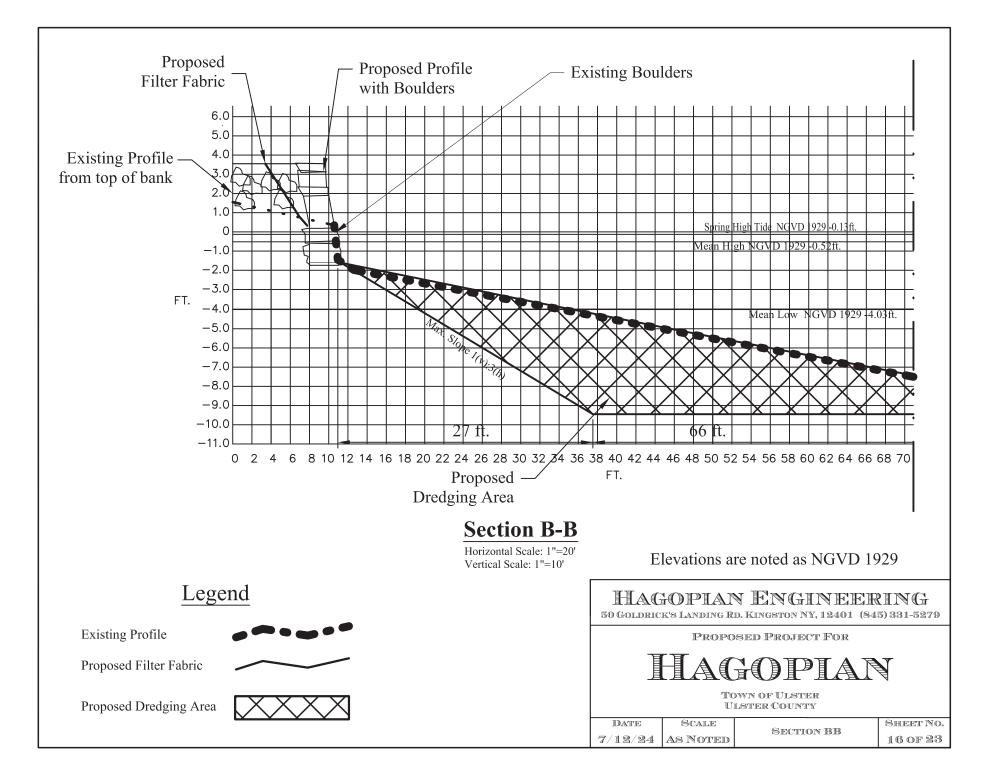


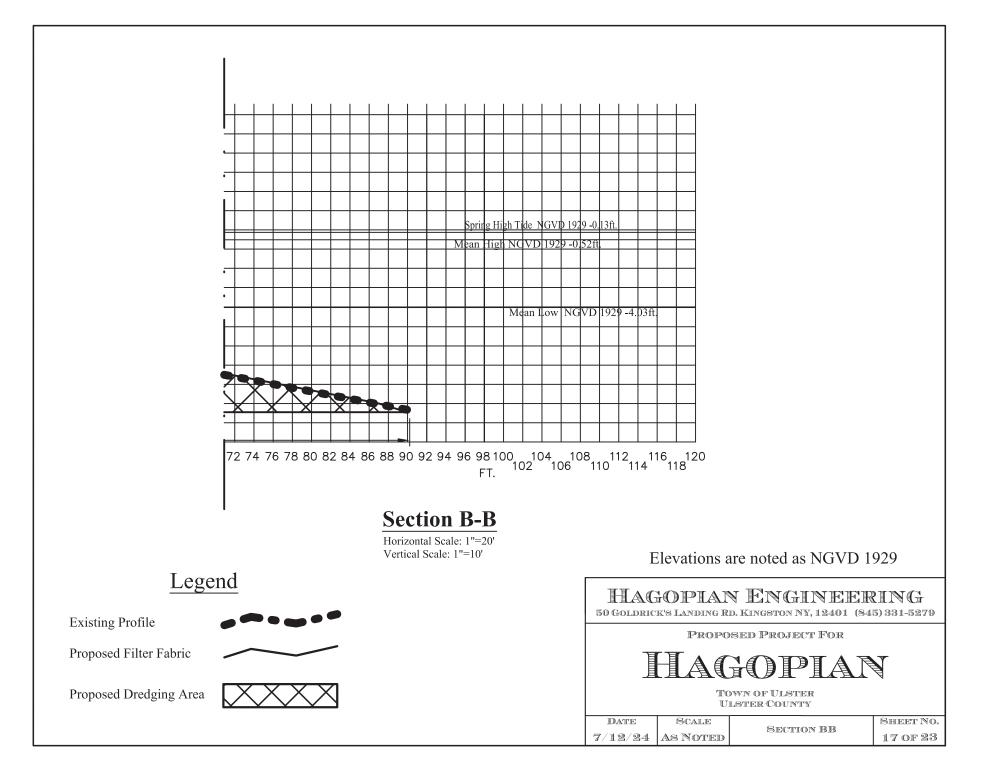


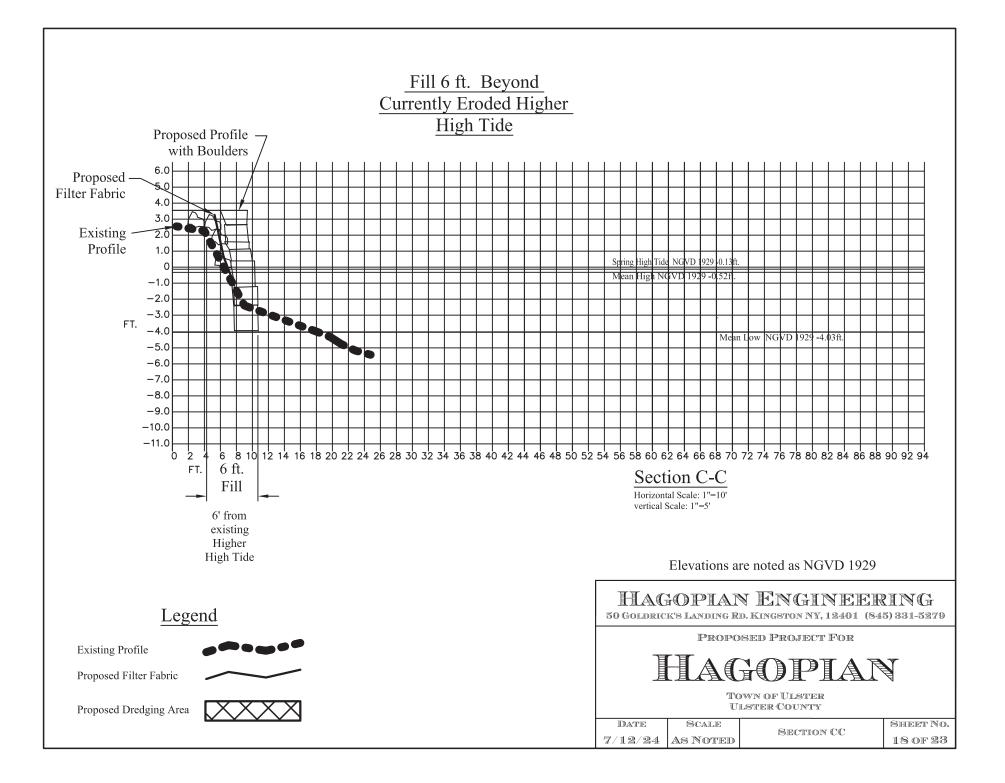


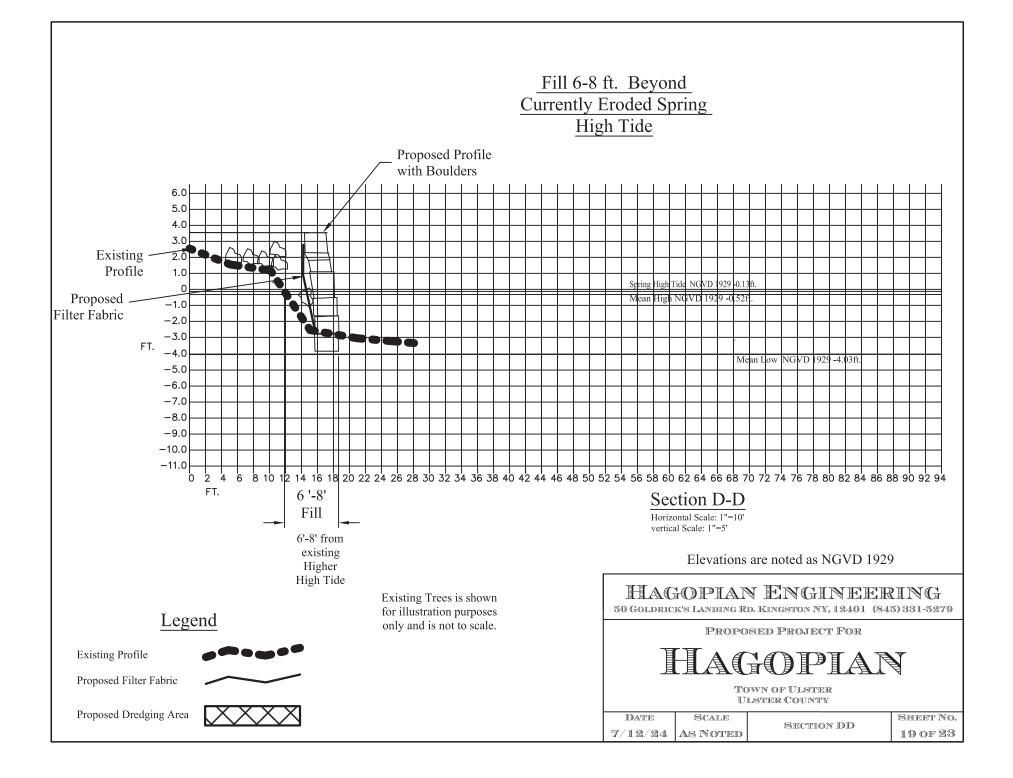


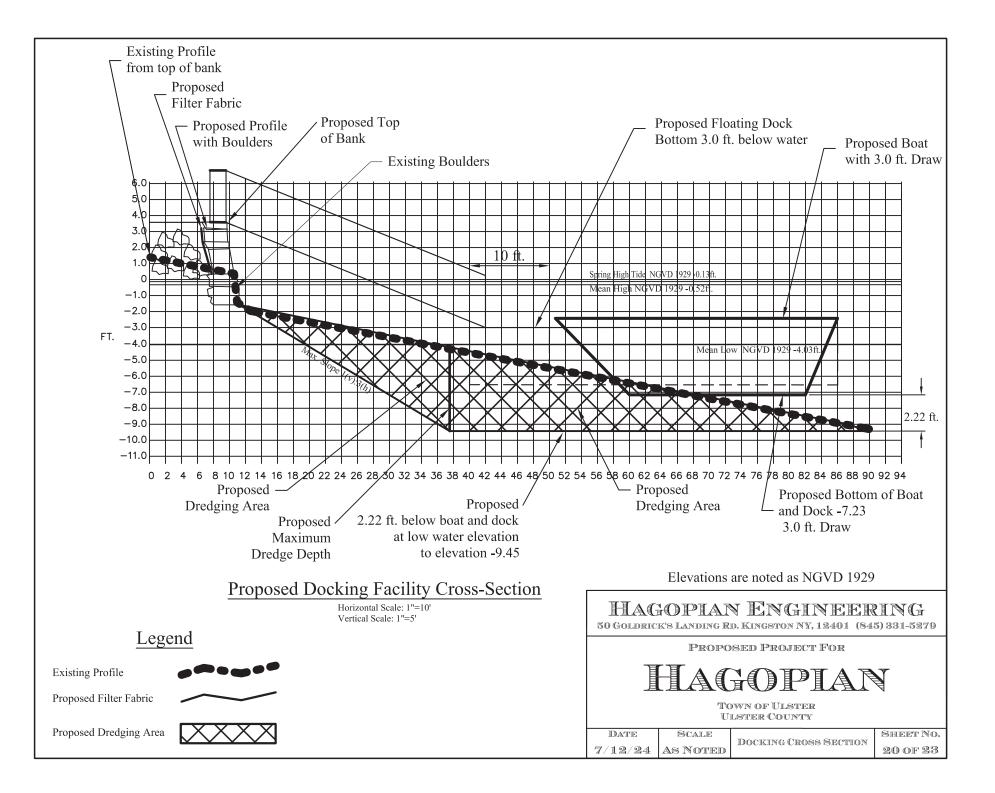


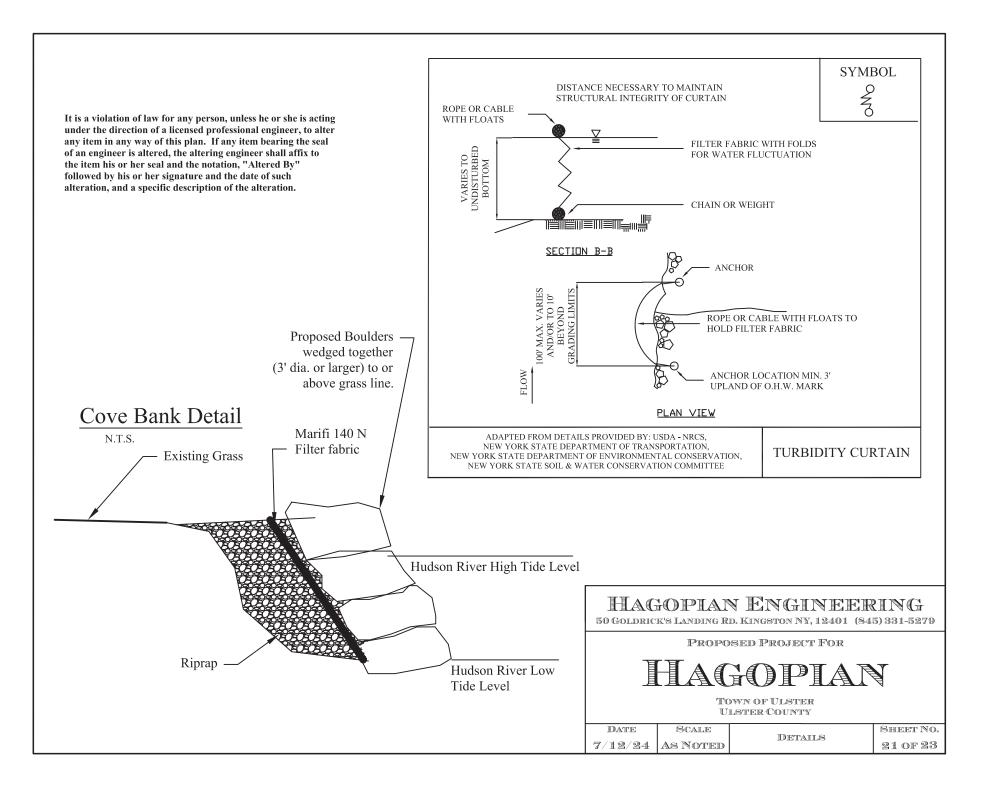


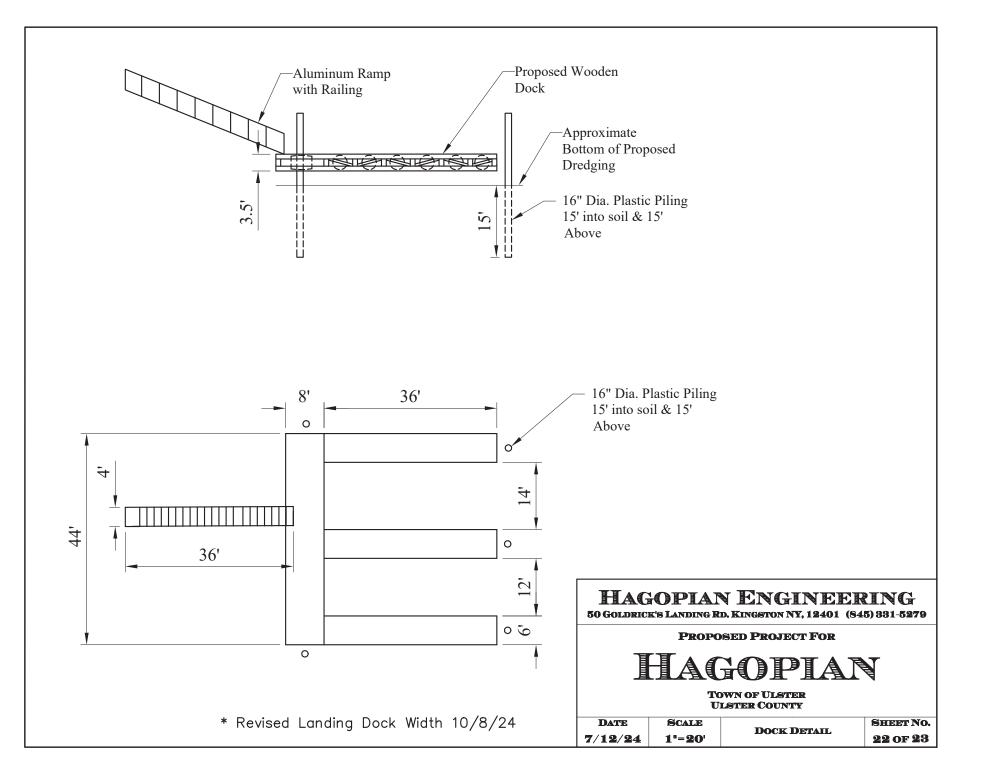












James and Patricia Richards 39 Riverview Terrace Kingston, NY 12401

Riverview Ter Enterprise 49 Riverview Terrace Kingston, NY 12401

Patricia Kelley & Salvatore Massa 55 Riverview Terrace Kingston, NY 12401

Robin & James Willis 109 Goldricks Landing Kingston, NY 12401

Kurt Weidner 115 Goldricks Landing Kingston, NY 12401

Jason Boxer & Marion Seidler-Boxer 121 Goldricks Landing Kingston, NY 12401

Marion Seidler-Boxer 135 Hendrick Hudson Dr Kingston, NY 12401

Town of Ulster 380 Ulster Landing Rd Kingston, NY 12401



50 Goldrick's Landing Rd. Kingston NY, 12401 (845) 331-5279 Proposed Project For

HAGOPIAN

ULSTER COUNTY

 Date
 Scale
 Neighbor Property Addresses
 Sheet No.

 7/12/24
 1"=20'
 23 of 23