

# PUBLIC NOTICE

U.S. Army Corps  
of Engineers  
New York District, CENAN-OP-RU  
Upstate Regulatory Field Office  
1 Buffington Street, Bldg. 10, 3<sup>rd</sup> Fl. North  
Watervliet, New York 12189-4000

## **In replying refer to:**

Public Notice Number: NAN-2022-00043-USH  
Issue Date: June 23, 2022  
Expiration Date: July 22, 2022

### 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:** Sprague Energy  
58 Riverside Avenue  
Rensselaer, New York 12144

**ACTIVITY:** Dredging with upland disposal and return flow to the waterway, with 10-year maintenance dredging

**WATERWAY:** Hudson River

**LOCATION:** City of Rensselaer, Rensselaer 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 SENT VIA ELECTRONIC MAIL TO [Brad.Sherwood@usace.army.mil](mailto:Brad.Sherwood@usace.army.mil), OR PREPARED IN WRITING AND MAILED TO THE ATTENTION OF BRAD SHERWOOD AT THE ABOVE ADDRESS, 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 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 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 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. However, archaeological and/or historic resources have been identified in the project's vicinity. Therefore, further consultation with the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) regarding potential effects to archaeological and/or historic resources will be conducted and will be concluded prior to the final decision.

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.

In addition to any required water quality certificate and 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

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 Brad Sherwood of this office at (518) 266-6355, or at [Brad.Sherwood@usace.army.mil](mailto: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 applicant, Sprague Energy, has requested Department of the Army permit for dredging with upland disposal and return flow to the waterway, in the Hudson River, City of Rensselaer, Rensselaer County, New York.

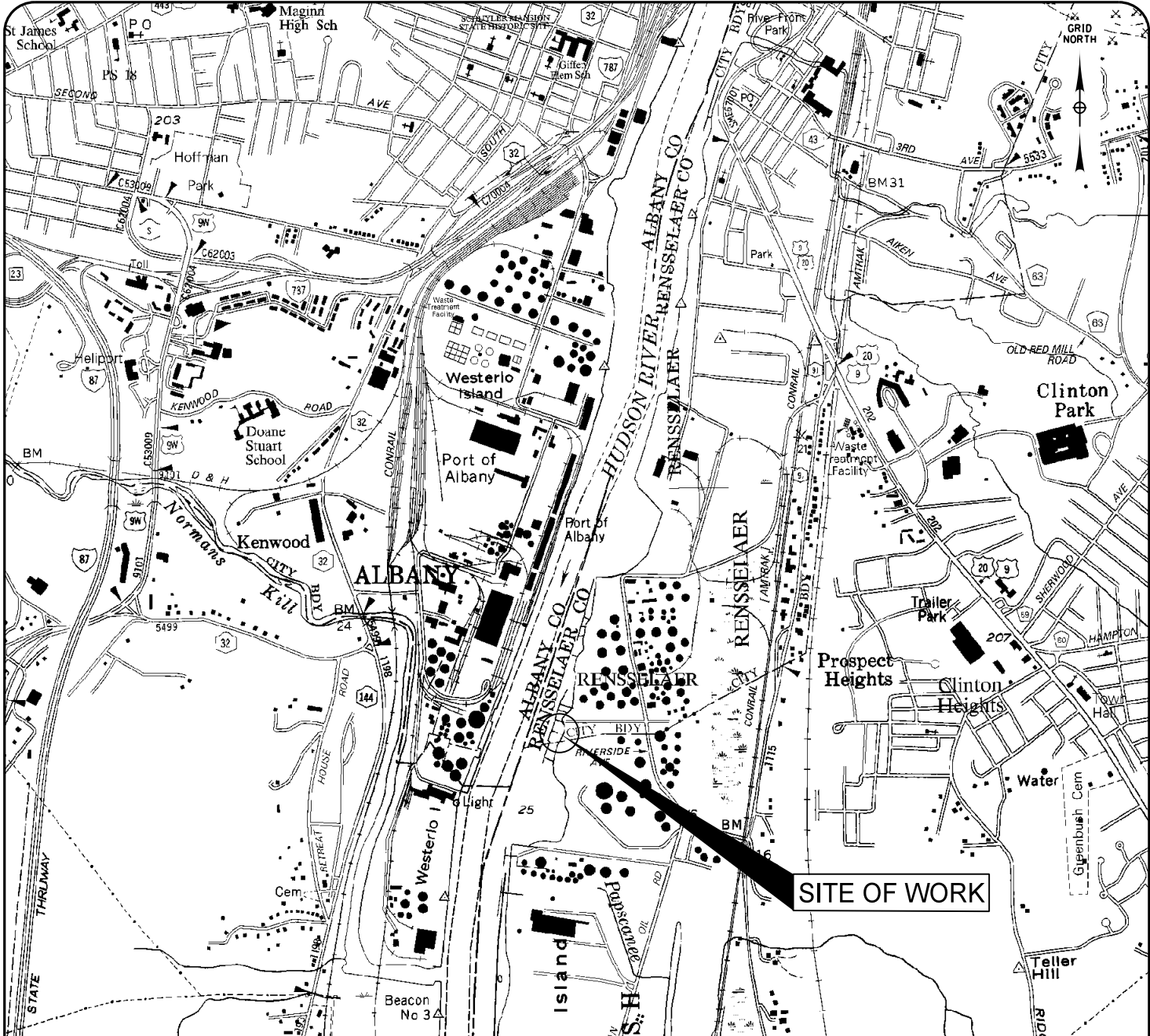
The proposed work includes dredging of approximately 2,300 cubic yards (cy) of sediment from an irregular-shaped area measuring 2,200 square feet (sf) to a depth of 28 feet (ft) below the plane of mean low water (MLW). The dredging would be accomplished by a barge-mounted crane with a clamshell bucket to reduce the production of suspended sediments within the water column. In addition, a double-walled silt curtain would be installed during the dredging operation to minimize turbidity. The proposed dredge area is located outside the Federal Navigation Channel. The applicant plans to conduct two (2) additional dredging events within the 10-year maintenance dredging period.

The dredged material would be placed in a hopper barge for transfer to the offloading area located approximately 4,000 linear feet upriver at 40 Riverside Avenue. The hopper barge would dock and be offloaded utilizing a hydraulic dredge system.

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 re-use and fill in accordance with a Beneficial Use Determination (BUD) from the NYSDEC Division of Solid Waste.

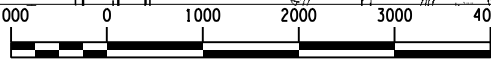
The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the proposed work area to the minimum area required for safe and reasonable access to the existing dock system. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a turbidity curtain and beginning the proposed work in September to avoid potential impacts during the fish spawning season (April – June).

The stated purpose of this project is to provide sufficient access and draft to an existing bulk storage terminal and expanded access for larger vessels to better facilitate current and future operations at the facility.



**NOTES:**


1. PROJECT LOCATION: LATITUDE: 42° 36' 59.9"N LONGITUDE: 73° 45' 26.4"W 1" = 2000'
2. PROPERTY PARCEL: RENSSELAER COUNTY TAX MAP PARCEL NO. 154-5-12.
3. VERTICAL DATUM: N.A.V.D.88
4. ADJACENT PROPERTIES:  
 GORTECH LLC (IMMEDIATELY NORTH OF PROJECT SITE)  
 290 RIVERSIDE AVE  
 RENSSELAER, NY 12144  
  
 SPRAGUE ENERGY CORP. (APPLICANT) (IMMEDIATELY SOUTH OF PROJECT SITE)  
 58 RIVERSIDE AVE  
 RENSSELAER, NY 12144



REV.	DESCRIPTION	DATE
1	ORIGINAL SUBMISSION	03/11/2021
2	REVISED TO ADDRESS D.E.C./D.O.S./A.C.O.E. COMMENTS	01/03/2022

**SPRAGUE ENERGY DREDGING PROJECT**  
 HUDSON RIVER  
 CITY OF RENSSELAER, NY

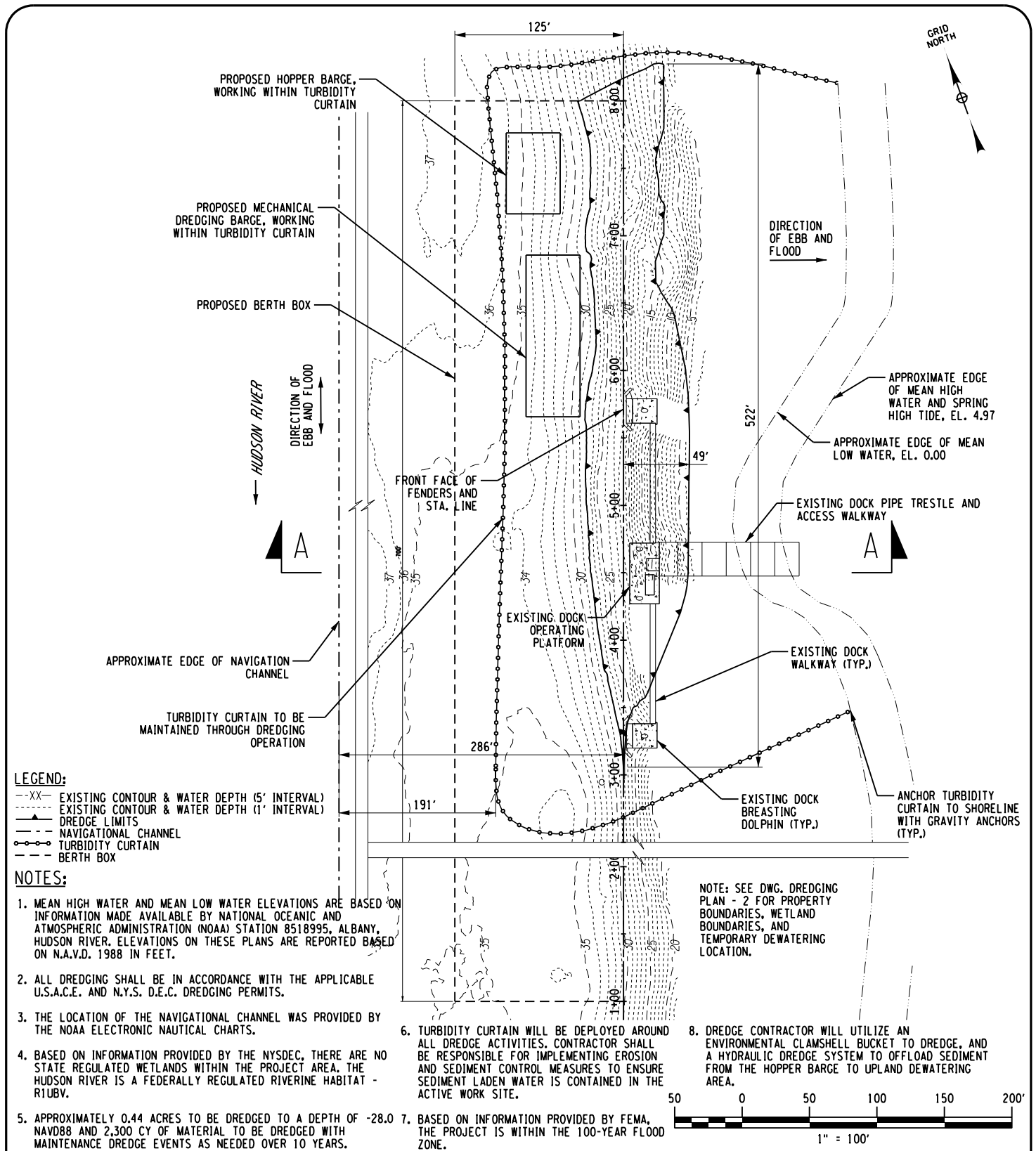
VICINITY MAP



**H&T**  
 Engineering, PLLC

11 Arch St, Watervliet, NY 12189

PROJECT: 21-005 SHEET: 1 OF 5

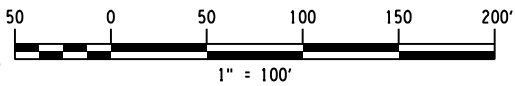


**LEGEND:**

- XX-- EXISTING CONTOUR & WATER DEPTH (5' INTERVAL)
- ..... EXISTING CONTOUR & WATER DEPTH (1' INTERVAL)
- DREDGE LIMITS
- NAVIGATIONAL CHANNEL
- TURBIDITY CURTAIN
- BERTH BOX

**NOTES:**


1. MEAN HIGH WATER AND MEAN LOW WATER ELEVATIONS ARE BASED ON INFORMATION MADE AVAILABLE BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) STATION 8518995, ALBANY, HUDSON RIVER. ELEVATIONS ON THESE PLANS ARE REPORTED BASED ON N.A.V.D. 1988 IN FEET.
2. ALL DREDGING SHALL BE IN ACCORDANCE WITH THE APPLICABLE U.S.A.C.E. AND N.Y.S. D.E.C. DREDGING PERMITS.
3. THE LOCATION OF THE NAVIGATIONAL CHANNEL WAS PROVIDED BY THE NOAA ELECTRONIC NAUTICAL CHARTS.
4. BASED ON INFORMATION PROVIDED BY THE NYSDEC, THERE ARE NO STATE REGULATED WETLANDS WITHIN THE PROJECT AREA. THE HUDSON RIVER IS A FEDERALLY REGULATED RIVERINE HABITAT - RIUBV.
5. APPROXIMATELY 0.44 ACRES TO BE DREDGED TO A DEPTH OF -28.0 NAVD88 AND 2,300 CY OF MATERIAL TO BE DREDGED WITH MAINTENANCE DREDGE EVENTS AS NEEDED OVER 10 YEARS.
6. TURBIDITY CURTAIN WILL BE DEPLOYED AROUND ALL DREDGE ACTIVITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING EROSION AND SEDIMENT CONTROL MEASURES TO ENSURE SEDIMENT LADEN WATER IS CONTAINED IN THE ACTIVE WORK SITE.
7. BASED ON INFORMATION PROVIDED BY FEMA, THE PROJECT IS WITHIN THE 100-YEAR FLOOD ZONE.
8. DREDGE CONTRACTOR WILL UTILIZE AN ENVIRONMENTAL CLAMSHELL BUCKET TO DREDGE, AND A HYDRAULIC DREDGE SYSTEM TO OFFLOAD SEDIMENT FROM THE HOPPER BARGE TO UPLAND DEWATERING AREA.



REV.	DESCRIPTION	DATE
1	ORIGINAL SUBMISSION	03/11/2021
1	ADDRESS D.E.C./D.O.S./A.C.O.E. COMMENTS.	01/03/2022

**SPRAGUE ENERGY DREDGING PROJECT**  
HUDSON RIVER  
CITY OF RENSSELAER, NY

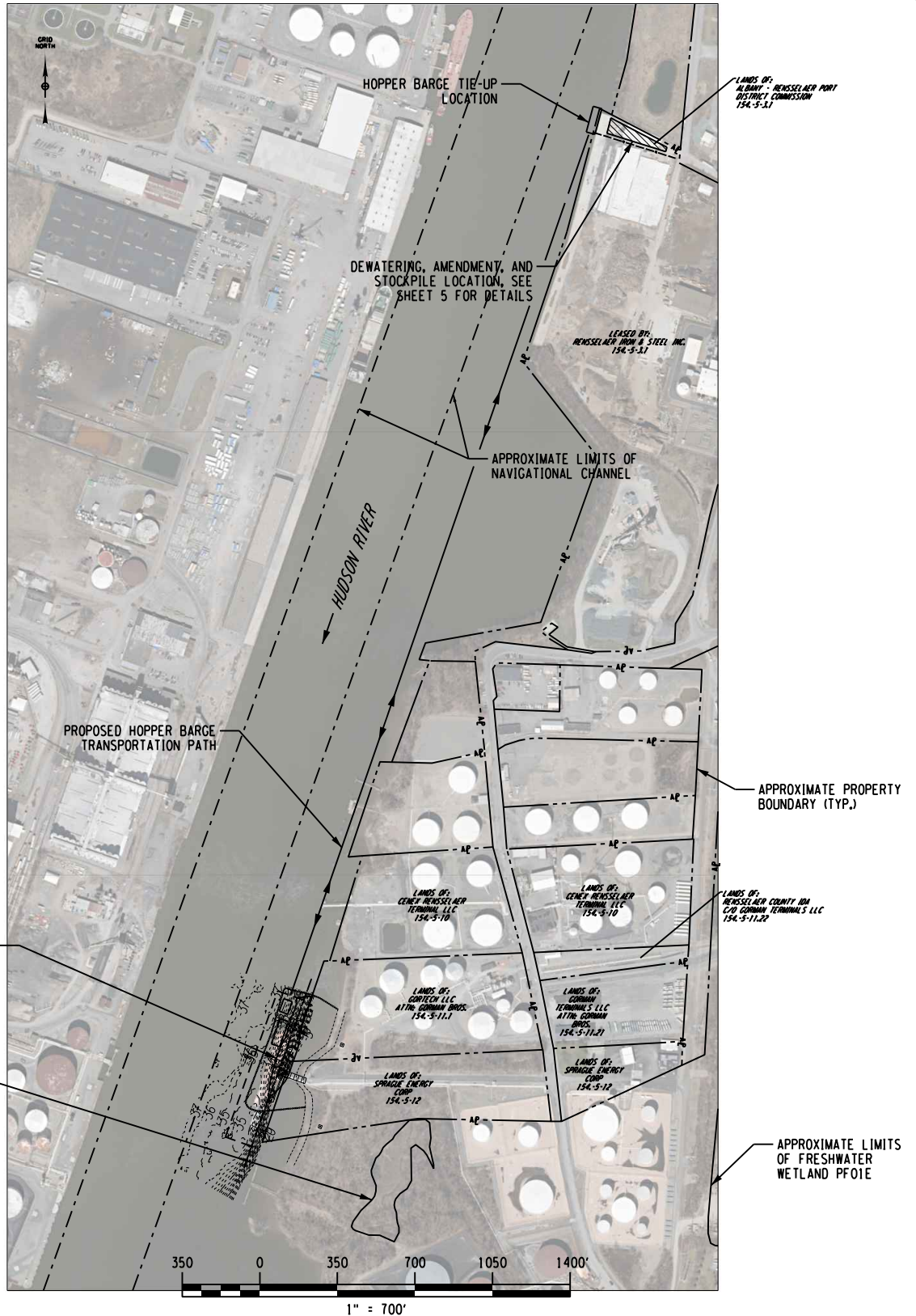
**DREDGE PLAN**

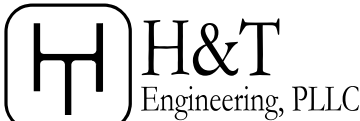


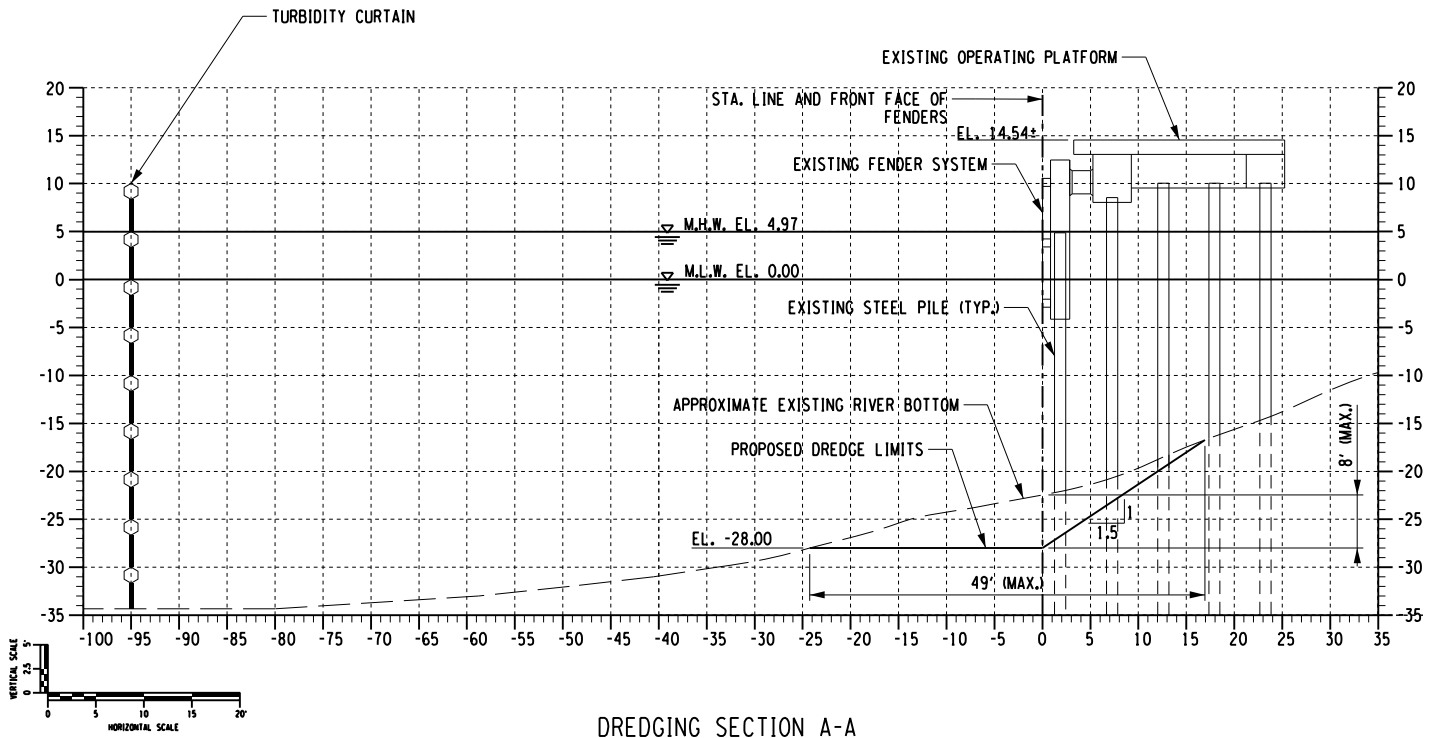
H&T  
Engineering, PLLC

11 Arch St, Watervliet, NY 12189

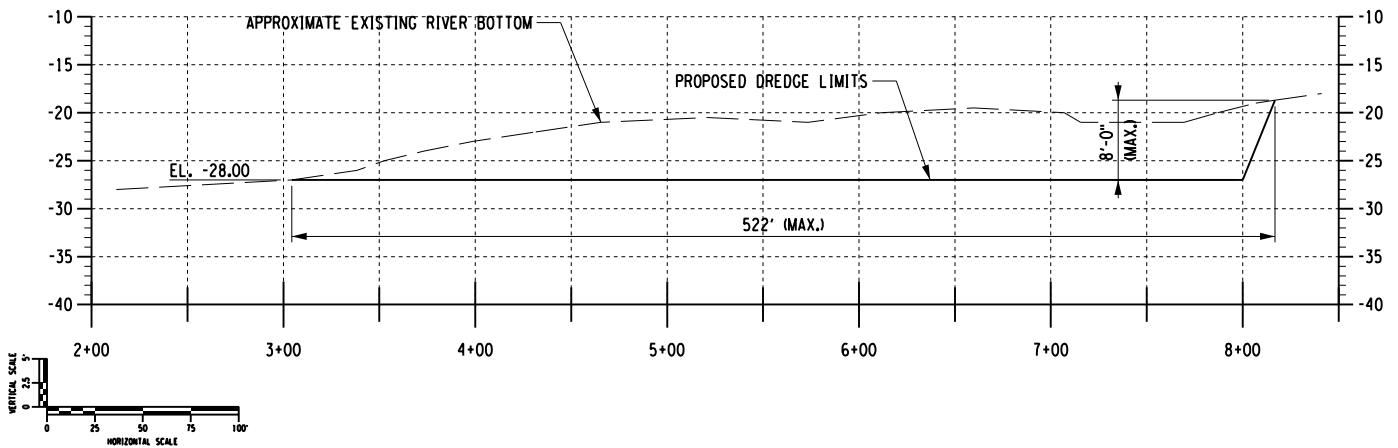
PROJECT: 21-005 SHEET: 2 OF 5



REV.	DESCRIPTION	DATE	SPRAGUE ENERGY DREDGING PROJECT HUDSON RIVER CITY OF RENSSELAER, NY	 H&T Engineering, PLLC <small>11 Arch St, Watervliet, NY 12189</small>
1	ORIGINAL SUBMISSION	03/11/2021		
2	ADDRESS D.E.C./D.O.S./A.C.O.E. COMMENTS.	01/03/2022		



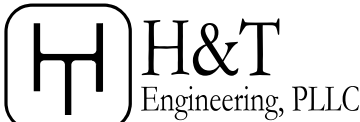
DREDGING SECTION A-A



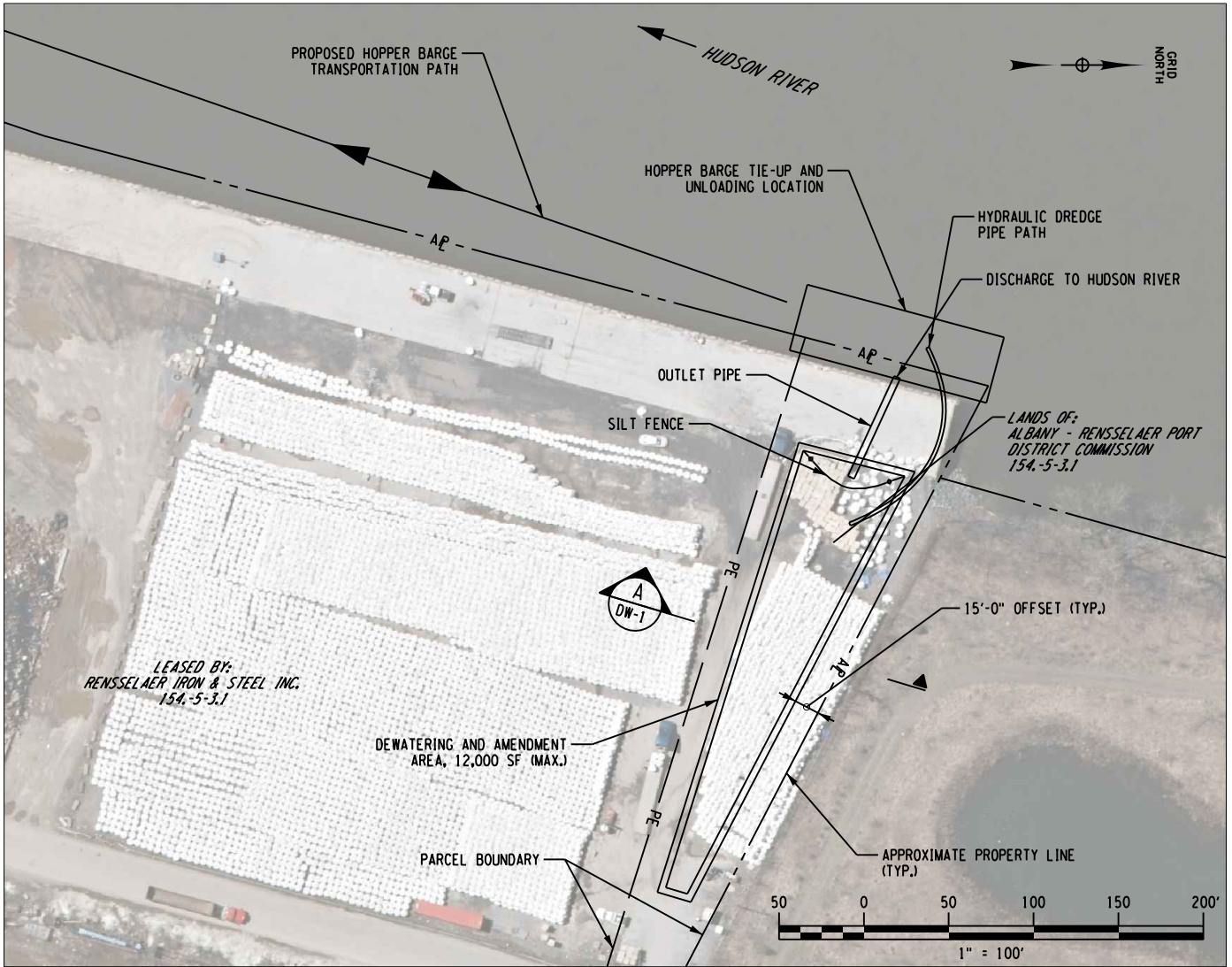
DREDGING PROFILE (ALONG STA. LINE)

**NOTES:**

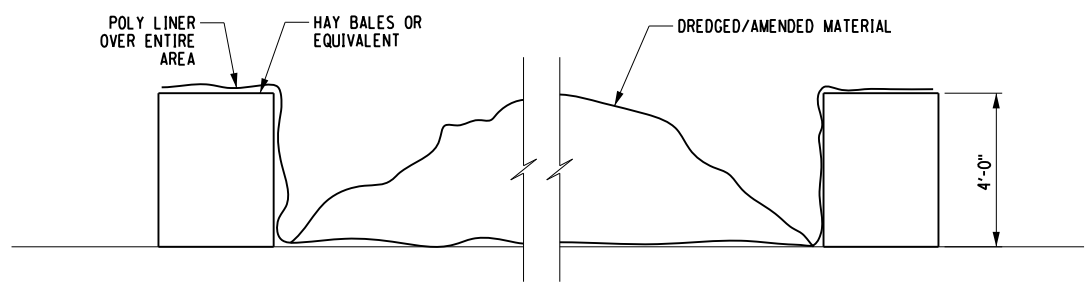
1. SEE DREDGE PLAN (SHEET 2 OF 3) FOR GENERAL NOTES.
2. APPROXIMATELY 0.44 ACRES TO BE DREDGED TO A DEPTH OF -28.0 NAVD88 AND 2,300 CY OF MATERIAL TO BE DREDGED WITH MAINTENANCE DREDGE EVENTS AS NEEDED OVER 10 YEARS.

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1	ORIGINAL SUBMISSION	03/11/2021		
2	ADDRESS D.E.C./D.O.S./A.C.O.E. COMMENTS.	01/03/2022		
			PROJECT: 21-005	SHEET: 4 OF 5



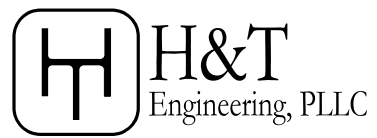


**DEWATERING PLAN**  
 SCALE: 1" = 100'



**A DEWATERING AREA SECTION**  
 DW-1  
 SCALE: 1" = 4'

**NOTES:**  
 1. FOR DREDGING PLAN PERMIT  
 DETAILS SEE DWGS. DP-1 TO DP-3.

REV.	DESCRIPTION	DATE	SPRAGUE ENERGY DREDGING PROJECT HUDSON RIVER CITY OF RENSSELAER, NY	 H&T Engineering, PLLC <small>11 Arch St, Watervliet, NY 12189</small>
1	ORIGINAL SUBMISSION	03/11/2021		
1	ADDRESS D.E./D.O.S./A.C.O.E. COMMENTS.	01/03/2022		