

PUBLIC NOTICE

U.S. Army Corps
of Engineers

New York District, CENAN-OP-RU

Upstate Regulatory Field Office

1 Buffington Street, Bldg. 10, 3rd Fl. North

Watervliet, New York 12189-4000

In replying refer to:

Public Notice Number: NAN-2022-00437-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).

APPLICANT: United States Coast Guard CEU Providence
475 Kilvert Street, Suite 100
Warwick, RI 02886

ACTIVITY: Dredging with upland disposal

WATERWAY: Hudson River

LOCATION: Town of Stuyvesant, 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 SENT VIA ELECTRONIC MAIL TO 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.

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.

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, the United States Coast Guard CEU Providence, has requested Department of the Army permit for dredging with upland disposal, in the Hudson River, Town of Stuyvesant, Columbia County, New York.

The proposed work includes dredging of approximately 655 cubic yards (cy) of rip-rap from the top of an existing rip-rap mound located within the Hudson River 0.5 miles west of Newton Hook. The work would involve removing the existing rip-rap to an elevation of -10 feet mean low water elevation (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 turbidity curtain may be utilized, if necessary, to minimize turbidity as a result of the proposed excavation activities. The proposed dredge area is located outside the Federal Navigation Channel.

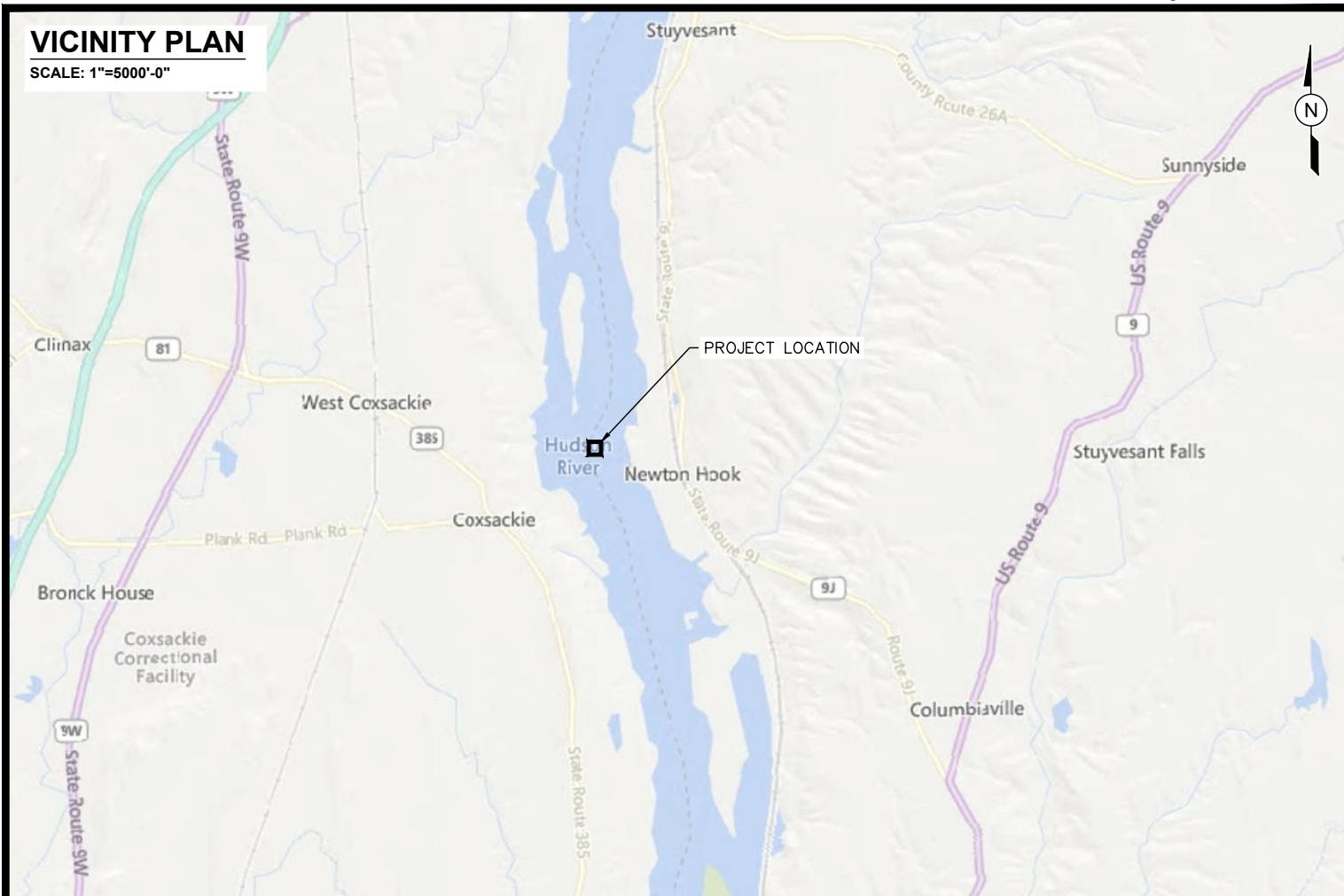
The dredged material would be placed in a barge for transfer to the offloading at an approved facility, and would not result in any discharges into any waters of the United States.

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 while still removing the necessary navigational safety hazard. 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 remove a significant navigation safety hazard, as collisions with vessels has occurred.

VICINITY PLAN

SCALE: 1"=5000'-0"



LOCATION MAP

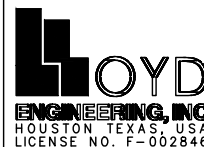
SCALE: 1"=2000'-0"



PURPOSE: USCG
HUDSON RIVER LIGHT STRUCTURE 161

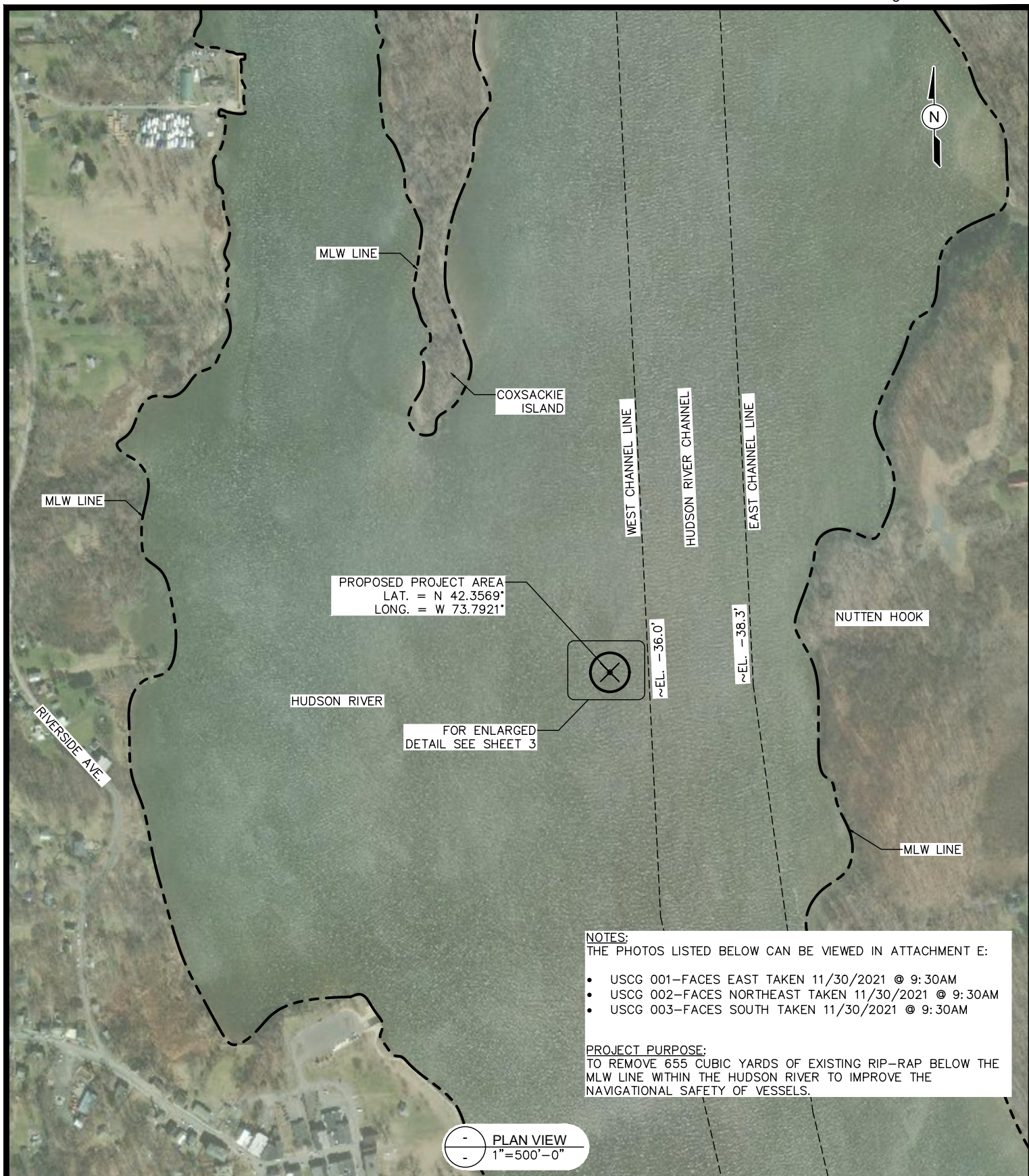
LOCATION: HUDSON RIVER
COLUMBIA COUNTY

OWNER: USCG CEU PROVIDENCE
APPLIED BY: LLOYD ENGINEERING, INC.
APPLIC. No: TBD
COUNTY: COLUMBIA
WATER BODY: HUDSON RIVER
DATUM: MLW



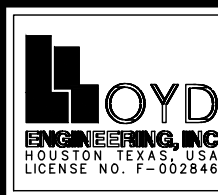
DESIGN BY: MW
DRAWN BY: JV
SCALE: AS NOTED
DATE: 02/24/22

SHEET No: 1

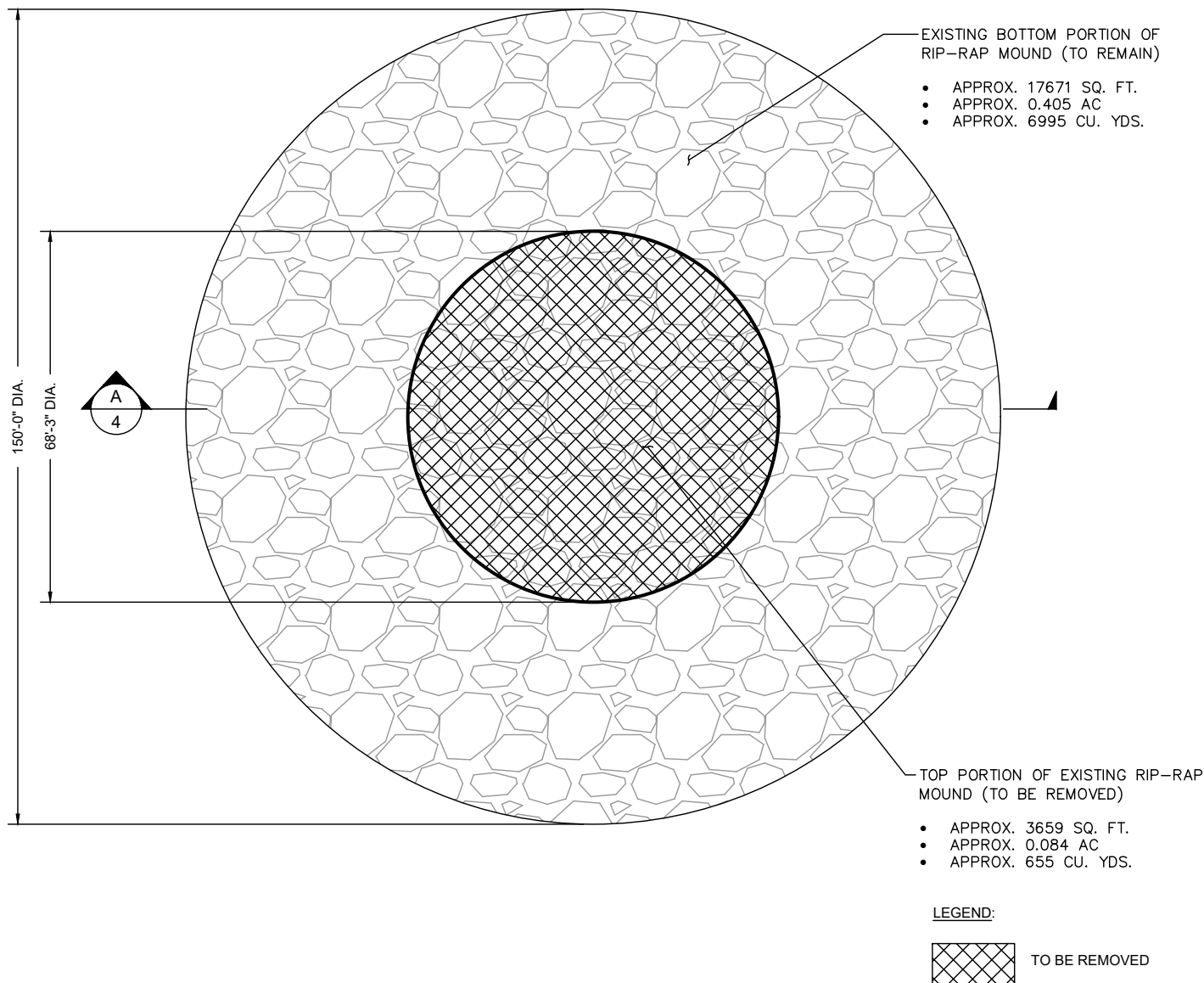
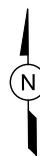


PURPOSE:	USCG HUDSON RIVER LIGHT STRUCTURE 161
LOCATION:	HUDSON RIVER COLUMBIA COUNTY

OWNER:	USCG CEU PROVIDENCE
APPLIED BY:	LLOYD ENGINEERING, INC.
APPLIC. No:	TBD
COUNTY:	COLUMBIA
WATER BODY:	HUDSON RIVER
DATUM:	MLW



DESIGN BY:	MW
DRAWN BY:	JV
SCALE:	AS NOTED
DATE:	02/24/22
SHEET No:	2



1
2 ENLARGED SITE PLAN
1"=30'-0"

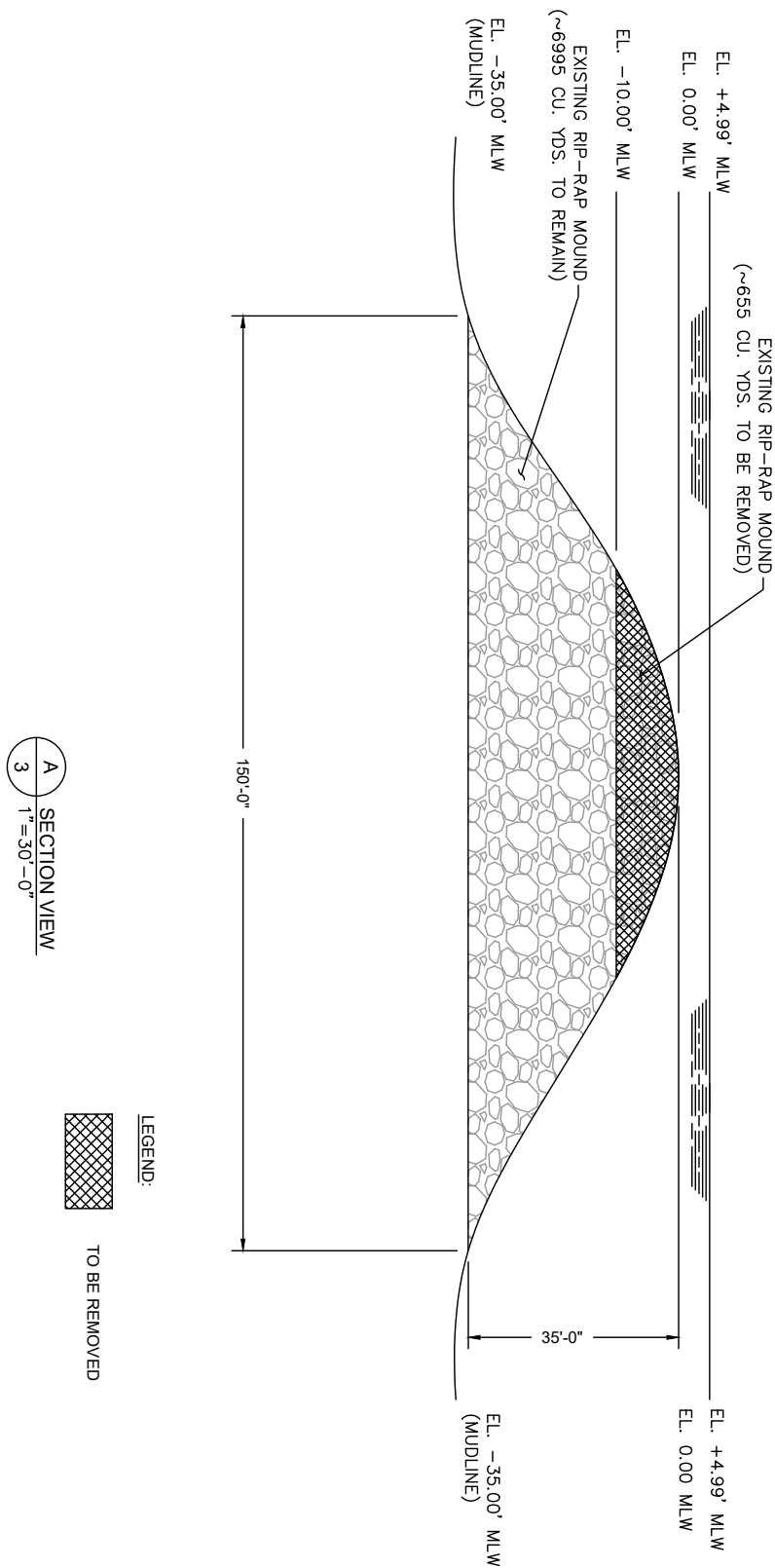
PURPOSE: USCG
HUDSON RIVER LIGHT STRUCTURE 161

LOCATION: HUDSON RIVER
COLUMBIA COUNTY

OWNER: USCG CEU PROVIDENCE
APPLIED BY: LLOYD ENGINEERING, INC.
APPLIC. No: TBD
COUNTY: COLUMBIA
WATER BODY: HUDSON RIVER
DATUM: MLW

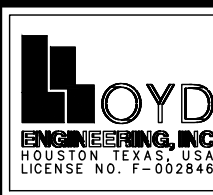


DESIGN BY: MW
DRAWN BY: JV
SCALE: AS NOTED
DATE: 02/24/22
SHEET No: 3



PURPOSE:	USCG HUDSON RIVER LIGHT STRUCTURE 161
LOCATION:	HUDSON RIVER COLUMBIA COUNTY

OWNER:	USCG CEU PROVIDENCE
APPLIED BY:	LLOYD ENGINEERING, INC.
APPLIC. No:	TBD
COUNTY:	COLUMBIA
WATER BODY:	HUDSON RIVER
DATUM:	MLW



DESIGN BY:	MW
DRAWN BY:	JV
SCALE:	AS NOTED
DATE:	02/24/22
SHEET No:	4