

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 reply to:

Public Notice Number: NAN-2023-00412-WJO

Issue Date:

Expiration Date:

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: Tilcon New York
9 Entin Road
Parsippany, NJ 07054

ACTIVITY: Ten-Year Maintenance Dredging with Upland Disposal; Return Flow to Waterway

WATERWAY: Hudson River

LOCATION: 461 Sheafe Road (41.620768, -73.947680), Town of Poughkeepsie, Dutchess 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.

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 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 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).

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

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 at (917) 790-8013 and ask for Alexis Johnson.

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 <http://www.nan.usace.army.mil>.

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

Enclosures

WORK DESCRIPTION

The applicant, Tilcon New York, Inc., has requested Department of the Army authorization for ten-year maintenance dredging in the Hudson River, Poughkeepsie, Dutchess County, New York.

The work would involve: Maintenance dredge with ten-years maintenance, by mechanical clamshell bucket, approximately 9,225 cubic yards from five berths at the Tilcon Clinton Point facility, all to a depth of 16 feet (ft) below Mean Low Water (MLW):

North Stiff Leg - Dredge 150 cubic yards (cy) in an area approximately 100-ft by 50-ft.

Main Dock - Dredge 25 cy in an area approximately 200-ft by 50-ft.

South Stiff Leg - Dredge 550 cy in an area approximately 100-ft by 50-ft.

Light Tow Area - Dredge 6,500 cy in an area approximately 400-ft by 50-ft.

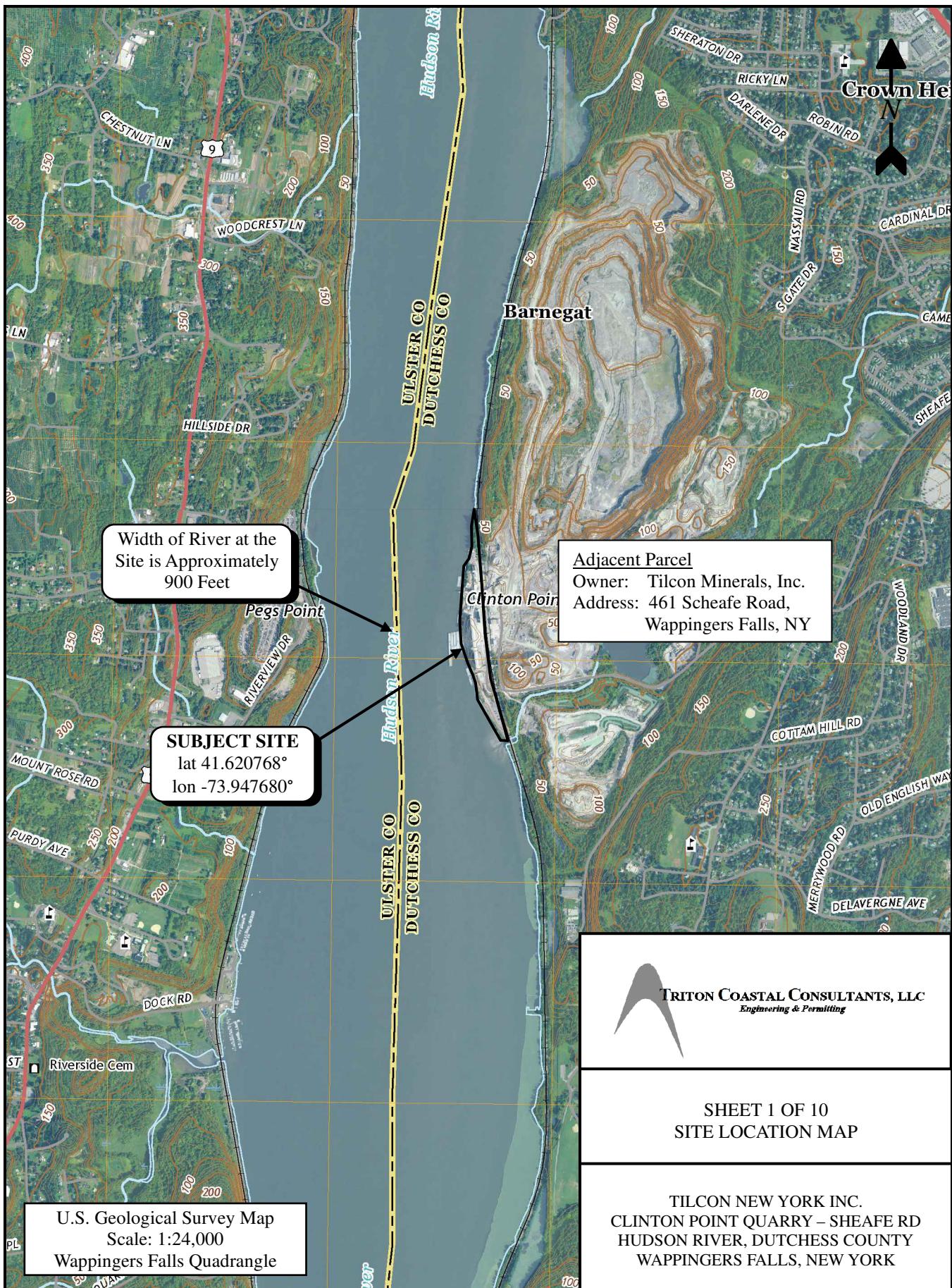
South Dock - Expand dredge footprint from 200-ft by 50-ft to 250-ft by 50-ft, and dredge 2000 cy in expanded area.

The material will be dewatered on site, as shown in project plans, and runoff will be directed to an existing SPDES permitted outfall. Dewatered material will be screened to remove coarse grained material that can be reused on site by applicant. Remaining material will be disposed or reused at a pre-approved Beneficial Use Determination facility.

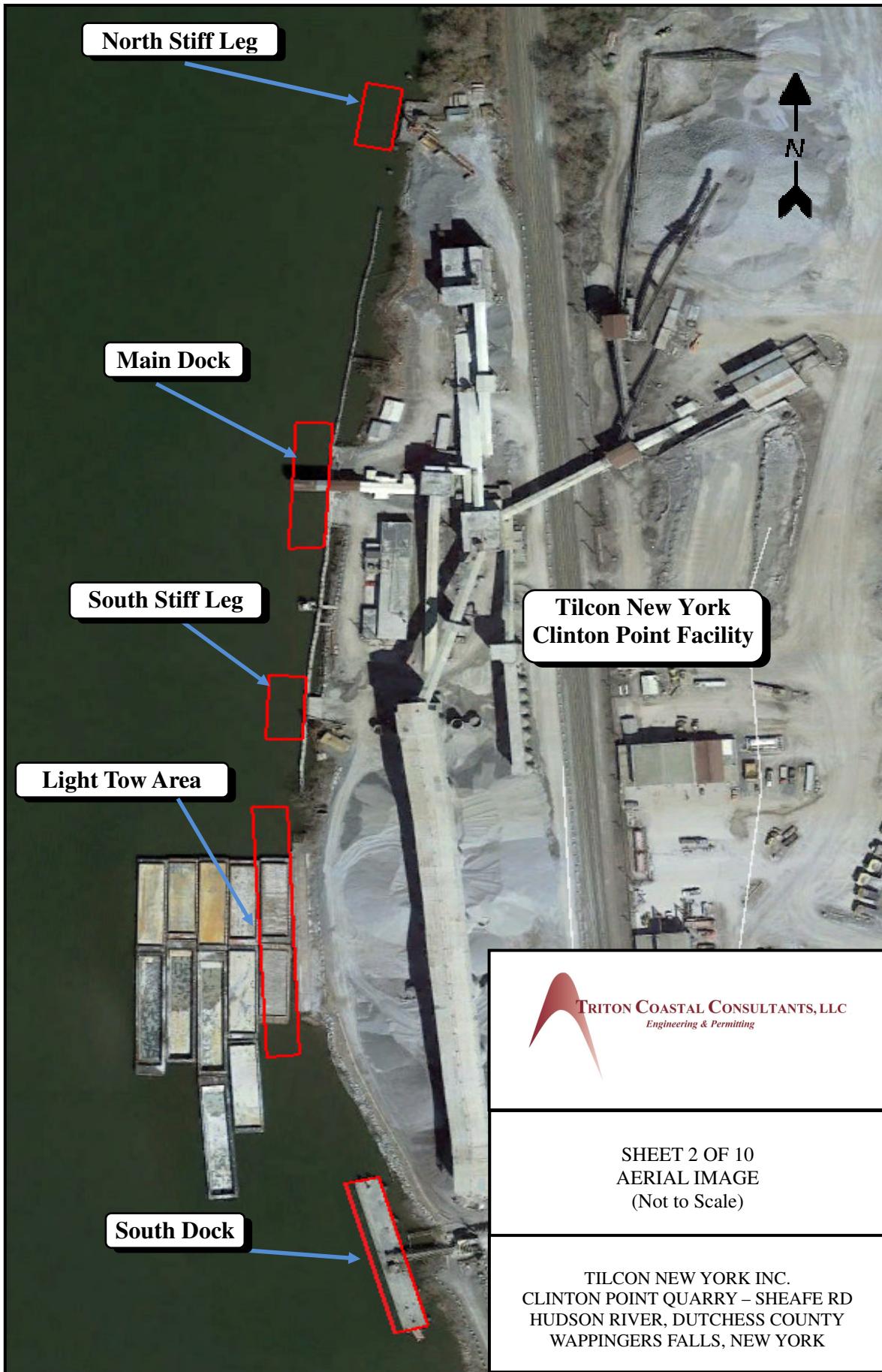
Dredging events will take place once a year every year for the duration of the ten-year permit for ten dredge events total. The amount of material dredged per event will be a maximum of 12,000 cubic yards total from all five dredging locations. Amount dredged for each individual location is variable and determined by regularly scheduled hydrographic surveys.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation within the operational area. Any potential impacts would be temporary and would be offset by implementing best management practices such as using a turbidity curtain around the dredge area and performing dredging activities between September 1 and December 1.

The stated purpose of this project is to dredge waterway for safe navigational and operational use.



Base map is from www.usgs.gov map data center. Dated 2021
T:\^PROJECTS\200000\200000-050\200031\TOPO\200031-TOPO-FIG1-



HUDSON RIVER

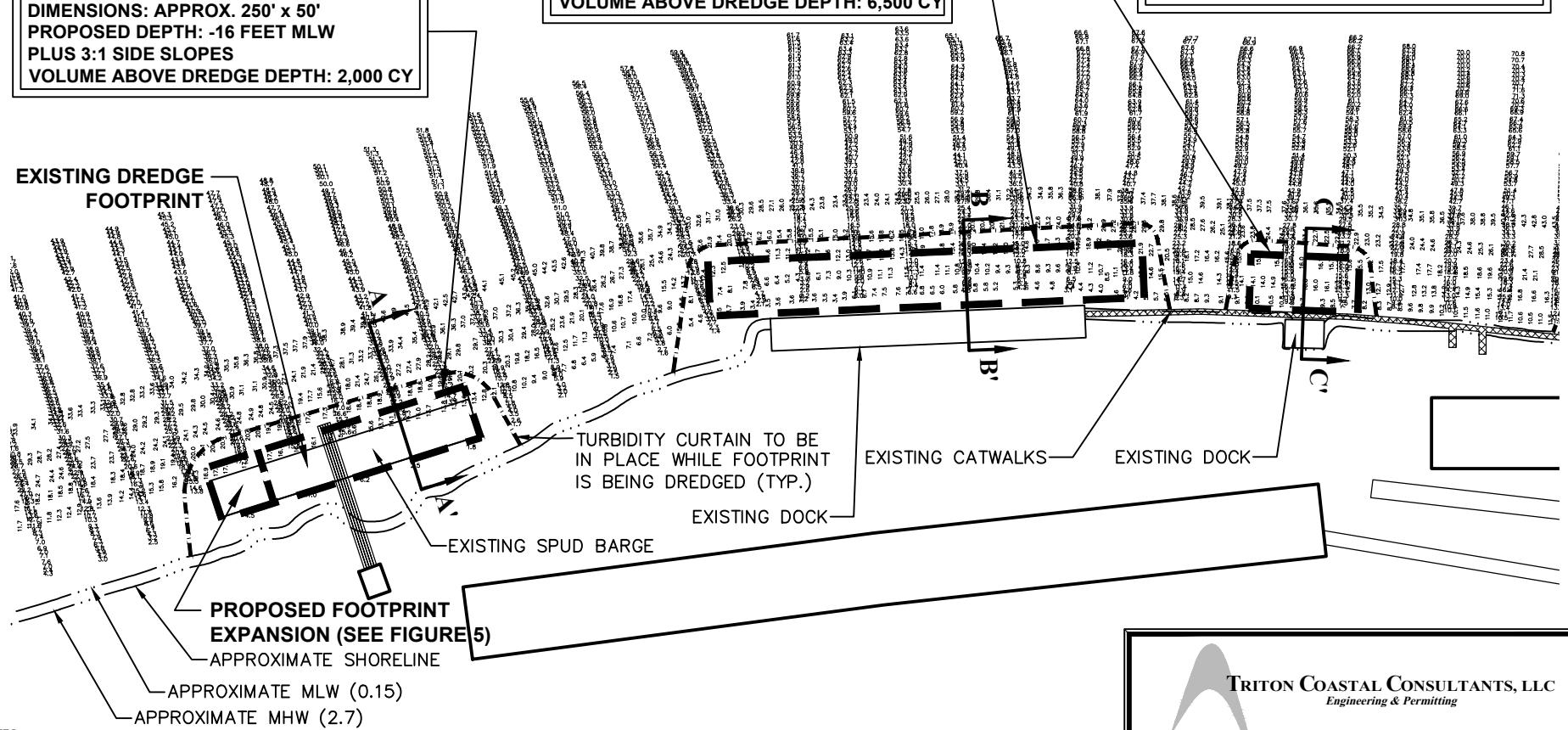
(APPROXIMATELY 1,900' WIDE)



SOUTH DOCK DREDGING FOOTPRINT
DIMENSIONS: APPROX. 250' x 50'
PROPOSED DEPTH: -16 FEET MLW
PLUS 3:1 SIDE SLOPES
VOLUME ABOVE DREDGE DEPTH: 2,000 CY

LIGHT TOW AREA DREDGING FOOTPRINT
DIMENSIONS: APPROX. 400' x 50'
PROPOSED DEPTH: -16 FEET MLW
PLUS 3:1 SIDE SLOPES
VOLUME ABOVE DREDGE DEPTH: 6,500 CY

SOUTH STIFF LEG DREDGING FOOTPRINT
DIMENSIONS: APPROX. 100' x 50'
PROPOSED DEPTH: -16 FEET MLW
PLUS 3:1 SIDE SLOPES
VOLUME ABOVE DREDGE DEPTH: 550 CY



TRITON COASTAL CONSULTANTS, LLC
Engineering & Permitting

385 Church Street, Suite 203 • Guilford, Connecticut 06437 • 203.458.7200

SHEET 3 OF 10

EXISTING AND PROPOSED CONDITIONS

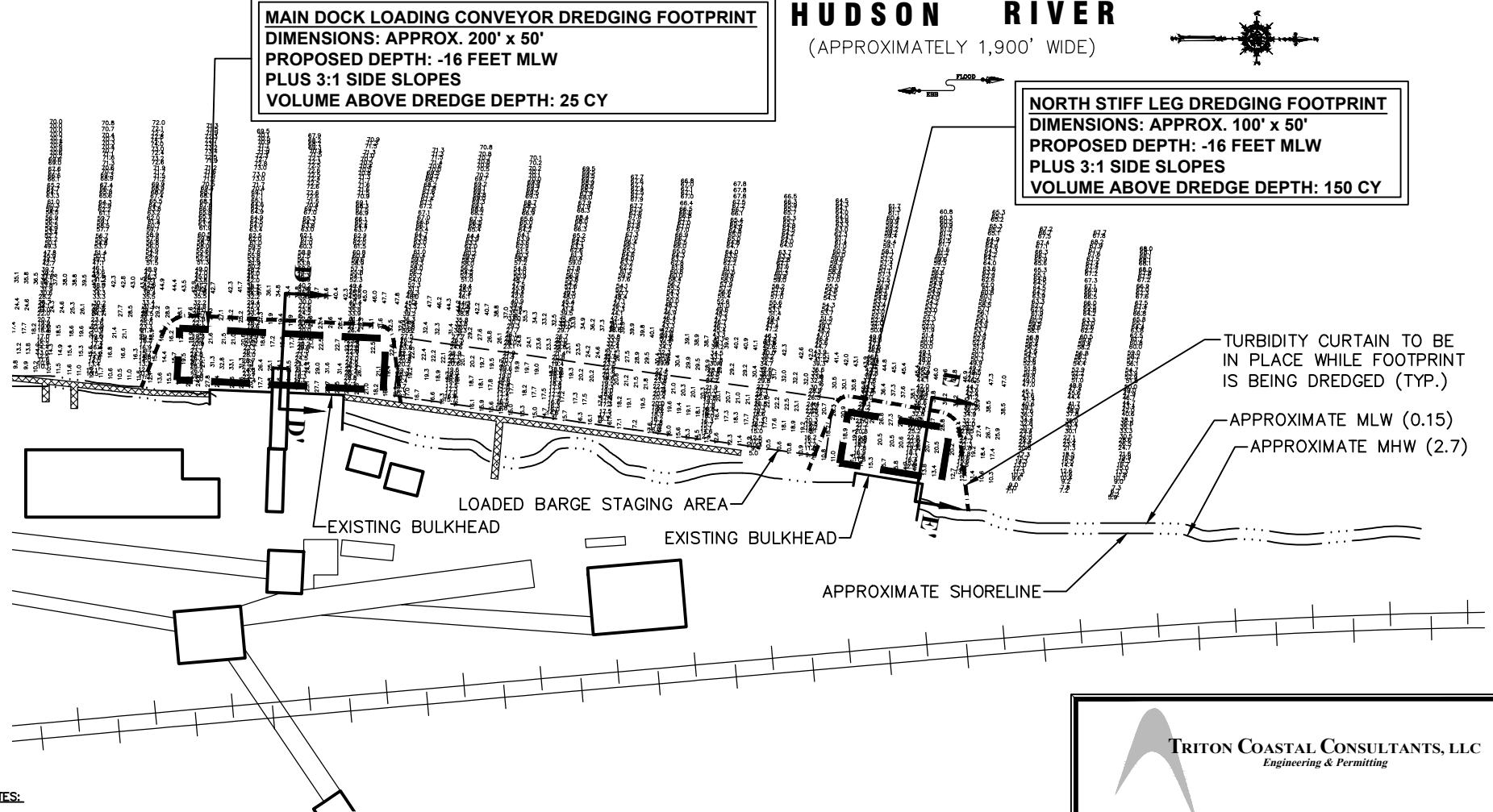
MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.
CLINTON POINT QUARRY, SHEAFE ROAD – HUDSON RIVER
DUTCHESS COUNTY, WAPPINGERS FALLS, NEW YORK

DRAWN BY: FSM

APPROVED BY: JCG

DATE: 7/11/23 | SCALE: 1" = 120' | FILE No.: 200031MDA-07



385 Church Street, Suite 203 • Guilford, Connecticut 06437 • 203.458.7200

SHEET 4 OF 10

EXISTING AND PROPOSED CONDITIONS

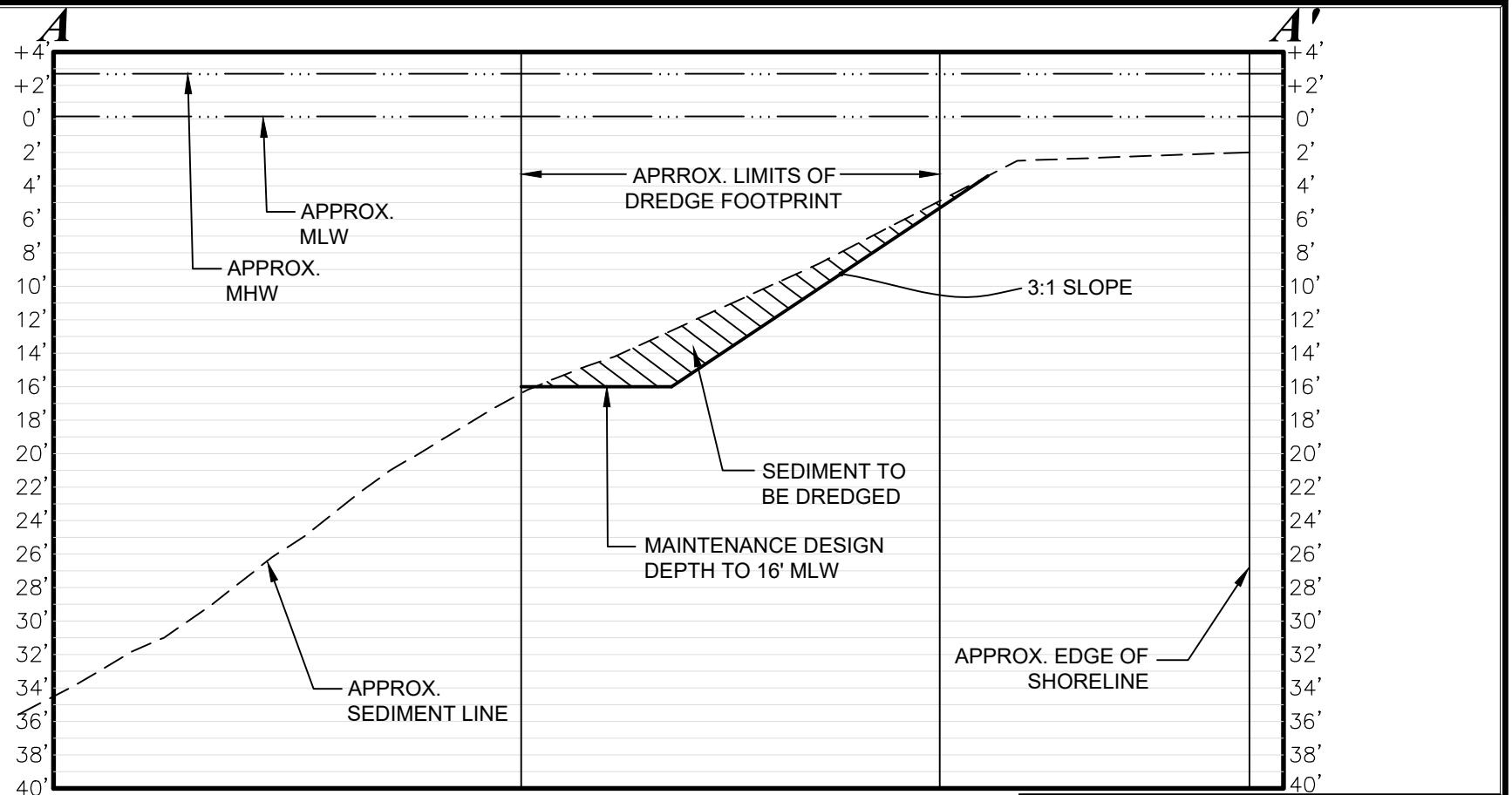
MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.
 CLINTON POINT QUARRY, SHEAFE ROAD – HUDSON RIVER
 DUTCHESS COUNTY, WAPPINGERS FALLS, NEW YORK

DRAWN BY: FSM

APPROVED BY: JCG

DATE: 7/11/23 | SCALE: 1" = 120' | FILE No.: 200031MDA-07

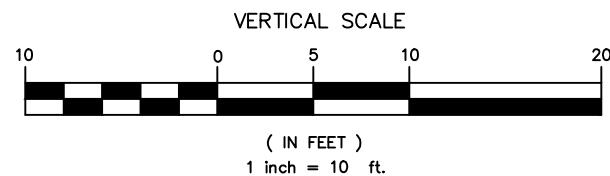
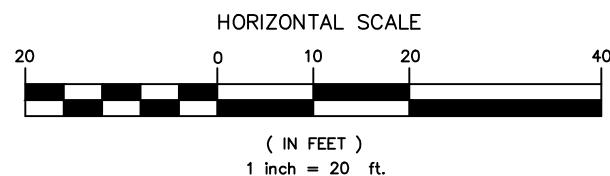


NOTES:

1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).

2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).

3. THE AUTHORIZED DREDGE WINDOW IS OCTOBER 1 THROUGH DECEMBER 1 OF ANY GIVEN YEAR.



TRITON COASTAL CONSULTANTS, LLC
Engineering & Permitting

385 Church Street, Suite 203 • Guilford, Connecticut 06437 • 203.458.7200

SHEET 5 OF 10

CROSS SECTION A-A'

MAINTENANCE DREDGING APPLICATION

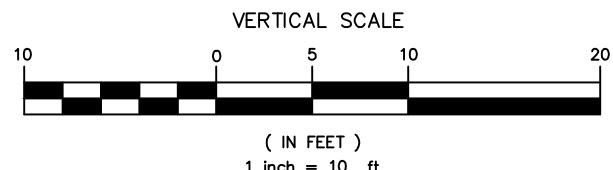
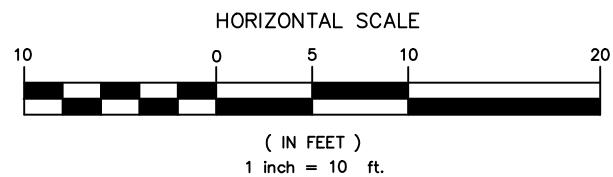
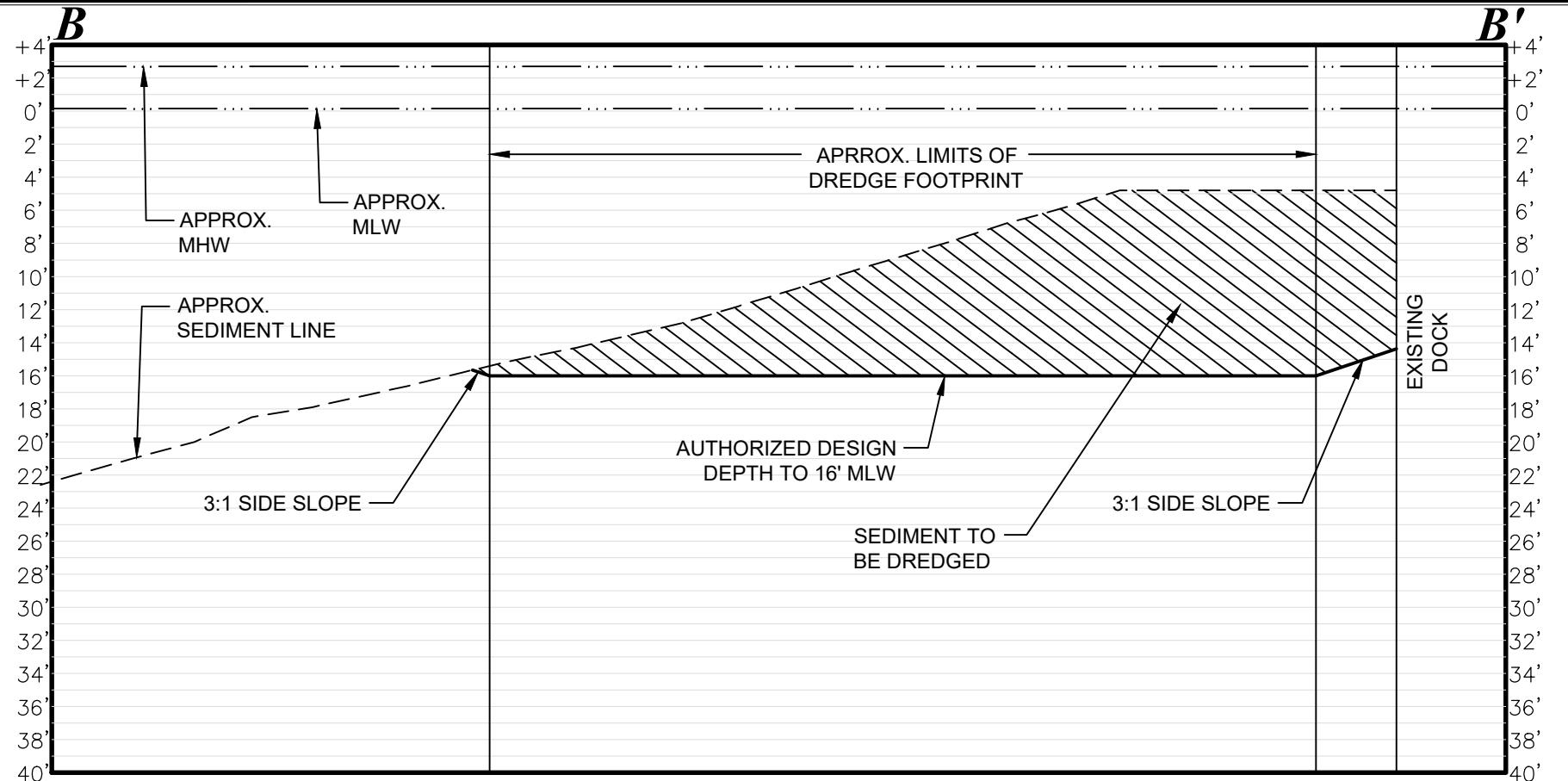
TILCON NEW YORK INC.
CLINTON POINT QUARRY, SHEAFE ROAD – HUDSON RIVER
DUTCHESS COUNTY, WAPPINGERS FALLS, NEW YORK

DRAWN BY: FSM

APPROVED BY: JCG

DATE: 7/11/23

SCALE: AS SHOWN FILE No.: 200031MDA-07



NOTES:

1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE AUTHORIZED DREDGE WINDOW IS OCTOBER 1 THROUGH DECEMBER 1 OF ANY GIVEN YEAR.

 **TRITON COASTAL CONSULTANTS, LLC**
Engineering & Permitting
385 Church Street, Suite 203 • Guilford, Connecticut 06437 • 203.458.7200

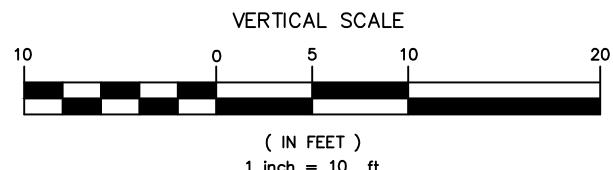
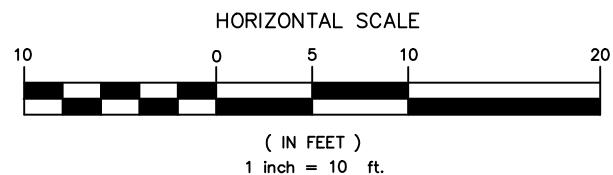
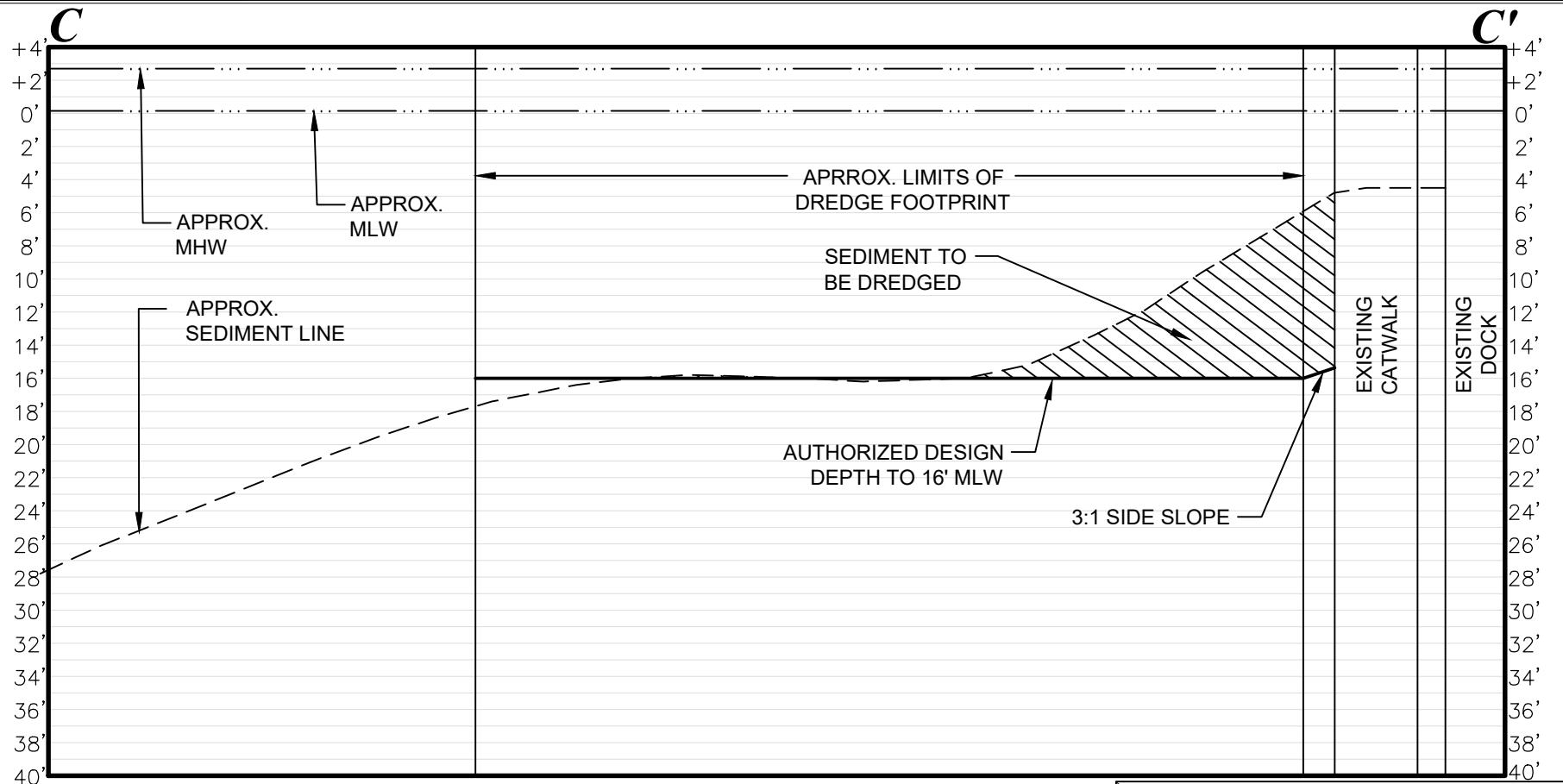
SHEET 6 OF 10

CROSS SECTION B-B'

MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.
CLINTON POINT QUARRY, SHEAFE ROAD – HUDSON RIVER
DUTCHESS COUNTY, WAPPINGERS FALLS, NEW YORK

DRAWN BY: FSM	APPROVED BY: JCG
DATE: 7/11/23	SCALE: 1" = 10'
FILE No.: 200031MDA-07	



NOTES:

1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE AUTHORIZED DREDGE WINDOW IS OCTOBER 1 THROUGH DECEMBER 1 OF ANY GIVEN YEAR.

 TRITON COASTAL CONSULTANTS, LLC
Engineering & Permitting
385 Church Street, Suite 203 • Guilford, Connecticut 06437 • 203.458.7200

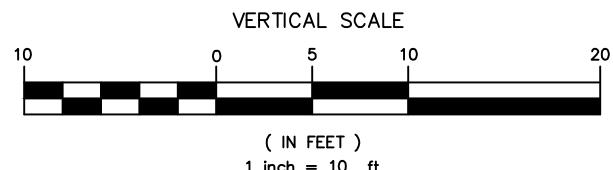
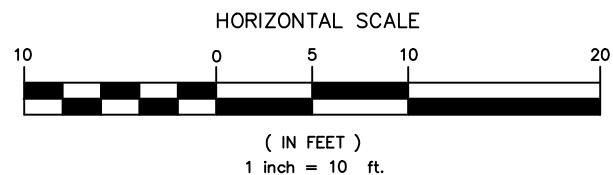
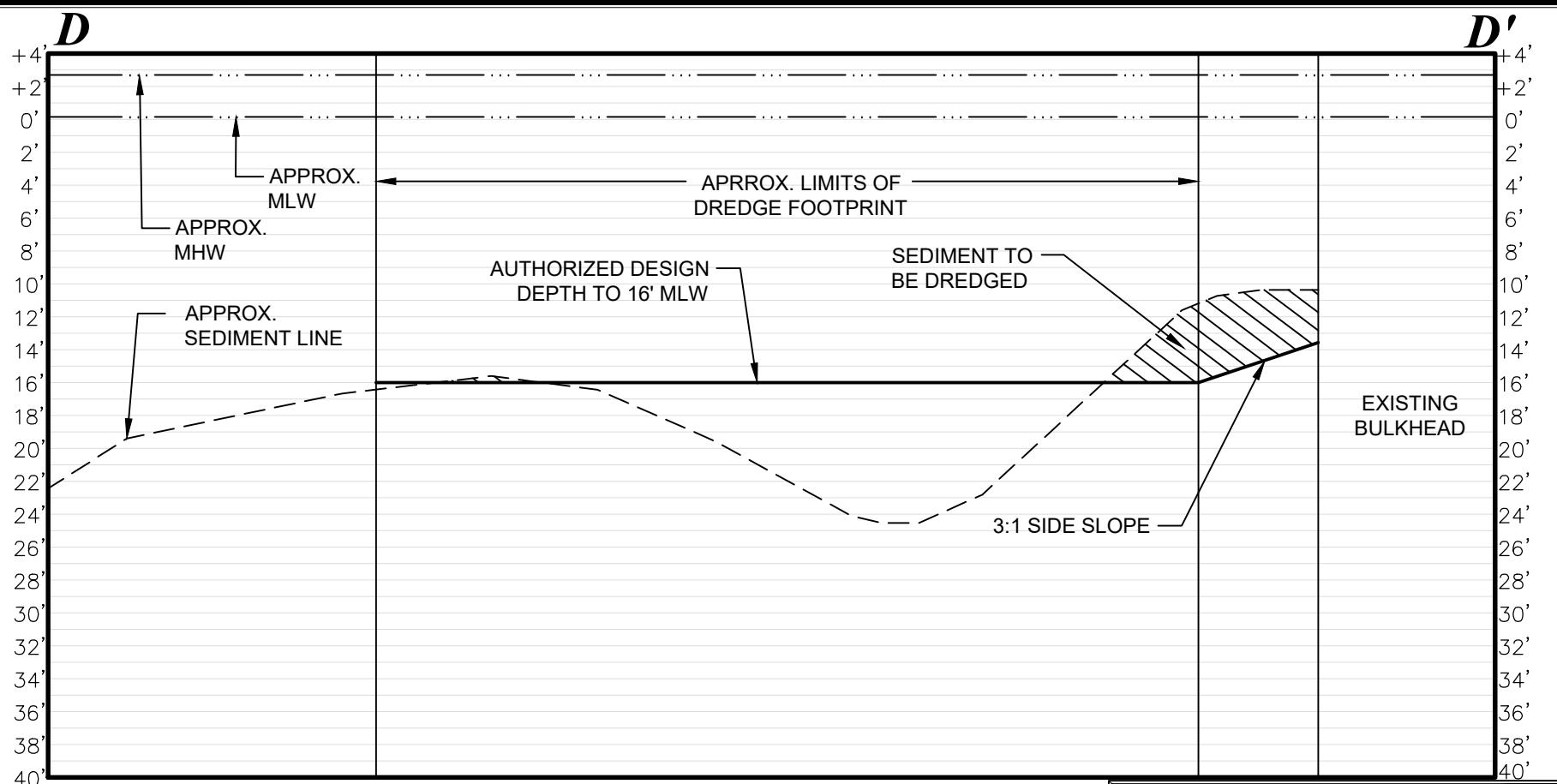
SHEET 7 OF 10

CROSS SECTION C-C'

MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.
CLINTON POINT QUARRY, SHEAFE ROAD – HUDSON RIVER
DUTCHESS COUNTY, WAPPINGERS FALLS, NEW YORK

DRAWN BY: FSM	APPROVED BY: JCG
DATE: 7/11/23	SCALE: 1" = 10' FILE No.: 200031MDA-07



NOTES:

1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE AUTHORIZED DREDGE WINDOW IS OCTOBER 1 THROUGH DECEMBER 1 OF ANY GIVEN YEAR.



385 Church Street, Suite 203 • Guilford, Connecticut 06437 • 203.458.7200

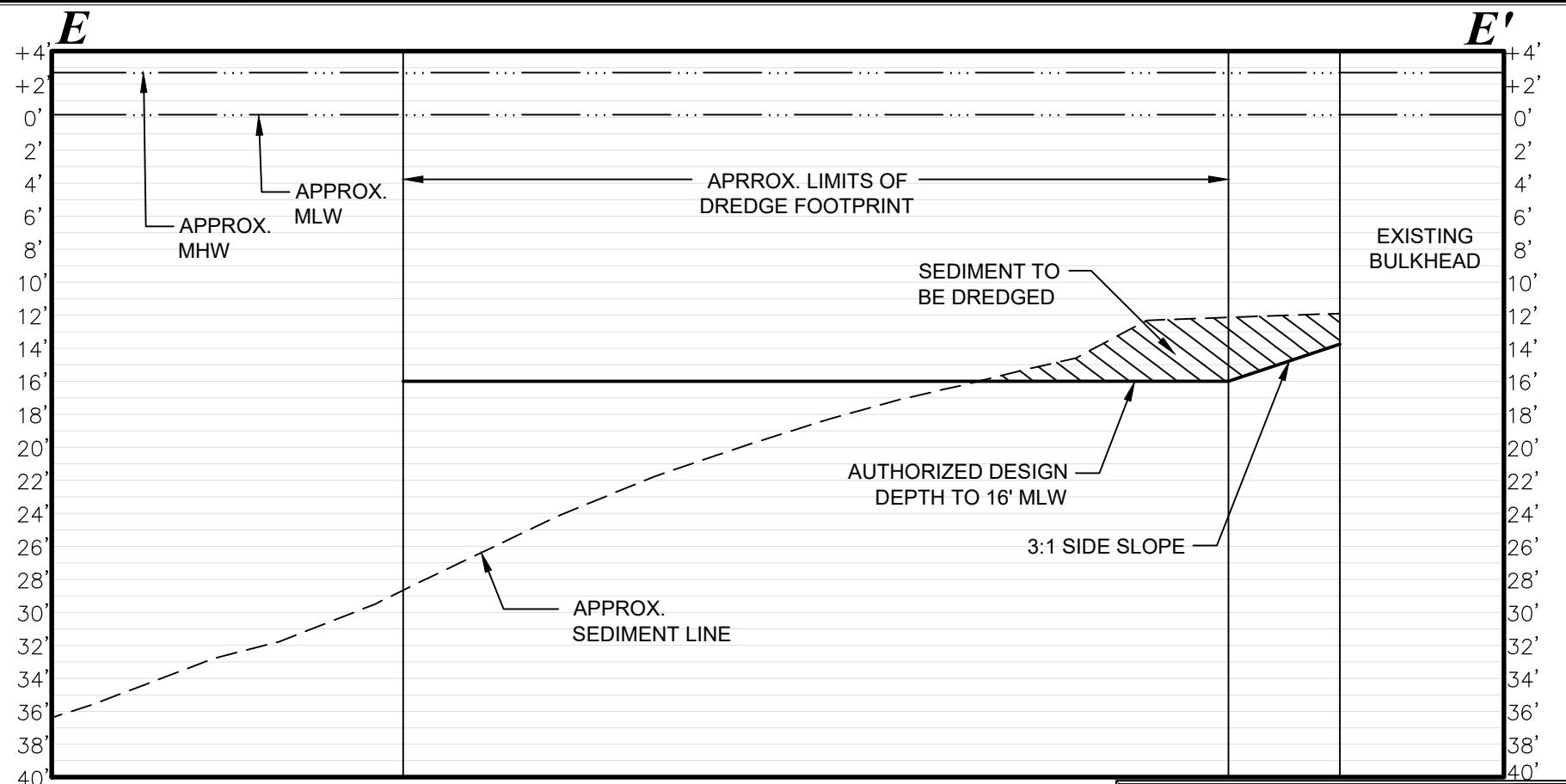
SHEET 8 OF 10

CROSS SECTION D-D'

MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.
CLINTON POINT QUARRY, SHEAFE ROAD – HUDSON RIVER
DUTCHESS COUNTY, WAPPINGERS FALLS, NEW YORK

DRAWN BY: FSM	APPROVED BY: JCG
DATE: 7/11/23	SCALE: 1" = 10'
FILE No.: 200031MDA-07	



NOTES:

1. ALL ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.44' NAVD'88).
2. ALL ELEVATIONS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE AUTHORIZED DREDGE WINDOW IS OCTOBER 1 THROUGH DECEMBER 1 OF ANY GIVEN YEAR.



385 Church Street, Suite 203 • Guilford, Connecticut 06437 • 203.458.7200

SHEET 9 OF 10

CROSS SECTION E-E'

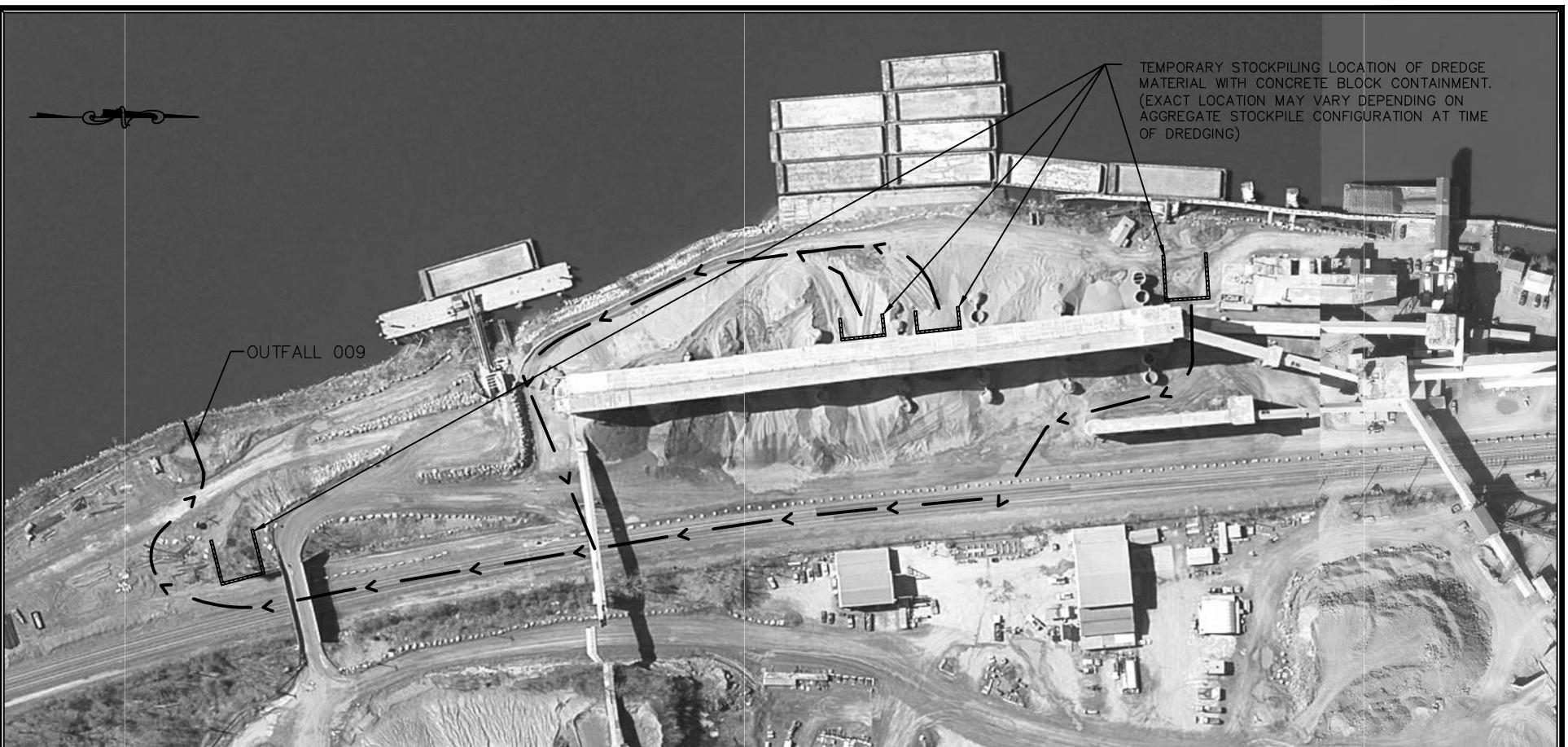
MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.
CLINTON POINT QUARRY, SHEAFE ROAD – HUDSON RIVER
DUTCHESS COUNTY, WAPPINGERS FALLS, NEW YORK

DRAWN BY: FSM

APPROVED BY: JCG

DATE: 7/11/23 | SCALE: 1" = 10' | FILE No.: 200031MDA-07



LEGEND

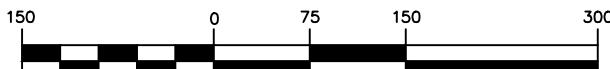


NOTES:

1. THE LOCATION OF ALL STRUCTURES, EQUIPMENT, DELINEATIONS AND OTHER FEATURES PRESENTED ON THIS DRAWING SHOULD BE CONSIDERED APPROXIMATE. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. TRITON MAKES NO WARRANTY AS TO THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION CONTAINED IN THIS DRAWING, AND THE USER ASSUMES ALL RISK OF LOSS TO PERSONS AND PROPERTY FROM RELIANCE THEREON.

2. BASE MAP INFORMATION IS FROM ERSI AERIAL IMAGERY.

APPROXIMATE SCALE



(IN FEET)
1 inch = 150 ft.

TRITON COASTAL CONSULTANTS, LLC
Engineering & Permitting

385 Church Street, Suite 203 • Guilford, Connecticut 06437 • 203.458.7200

SHEET 10 OF 10

PROPOSED STAGING/DEWATERING PLAN

MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.
CLINTON POINT QUARRY, SHEAFE ROAD – HUDSON RIVER
DUTCHESS COUNTY, WAPPINGERS FALLS, NEW YORK

DRAWN BY: FSM

APPROVED BY: JCG

DATE: 8/9/23

SCALE: 1" = 10'

FILE No.: 200031MDA-FIG10