



**US Army Corps
of Engineers®**

New York District
26 Federal Plaza
New York, N.Y. 10278
ATTN: CENAN-OP-ST

Public Notice

In reply refer to:
Public Notice No. Buttermilk Channel FY15
Published: 3 February 2015
Expires: 5 March 2015

MAINTENANCE DREDGING OF BUTTERMILK CHANNEL, NEW YORK FEDERAL NAVIGATION CHANNEL

TO WHOM IT MAY CONCERN:

The New York District U.S. Army Corps of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 (33 U.S.C. 1344) of the Federal Water Pollution Control Act (amended in 1977 and commonly referred to as the Clean Water Act), proposes to perform maintenance dredging of the Buttermilk Channel Federal Navigation Project (see Figure 1). The dredged material from this project is proposed to be placed at a suitable contractor-furnished, state-permitted upland placement site(s) to be approved by the Government.

ACTIVITY: Maintenance Dredging of Buttermilk Channel Federal Navigation Project, with placement of approximately 90,000 cubic yards of the dredged material at a contractor furnished, state permitted upland placement site(s).

WATERWAY: Buttermilk Channel

LOCATION: New York Harbor, New York

Maintenance dredging of Buttermilk Channel Federal Navigation Project was authorized by the Rivers and Harbors Act of 1902 and subsequently modified by the Rivers and Harbors Act of 1935 and 1962.

The existing project provides for a channel 1,000 feet wide; 500 feet wide and 40 feet deep along the easterly side and 500 feet wide and 35 feet deep along the westerly side with suitable widening at the junctions with the East River and Anchorage Channels. Additional width of 2,100 feet to a depth of 35 feet occurs at the junction with the Anchorage and Red Hook Channels. The total length of the project is about 2.3 miles.

This activity is being evaluated to determine that the proposed dredging with placement of dredged material at a permitted, suitable, upland placement site(s) will not unreasonably degrade or endanger human health, welfare, economic potential, recreation and aesthetics, water quality, marine resources, ecological systems and/or flood protection.

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. Comments are used to assess impacts on navigation, water quality, endangered species, historic resources, wetlands, scenic and recreational values, and other public interest factors. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act and to determine the need for a public hearing.

ALL COMMENTS REGARDING THIS ACTIVITY MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE AT THE ADDRESS ON THE FRONT PAGE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person who has an interest which may be affected by the placement of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest which may be affected, and the manner in which the interest may be affected by the activity. It should be noted that information submitted by mail is considered just as carefully in the process and bears the same weight as that furnished at a public hearing.

No known archaeological, scientific, prehistorical or historical data are expected to be lost by work accomplished under the required dredging.

Reviews of the activity pursuant to Section 404 of the Clean Water Act will include application of the guidelines announced by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. The Corps will obtain a water quality certificate (WQC) from the New York State Department of Environmental Conservation in accordance with Section 401 of the Clean Water Act.

Pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities conducted or supported by a federal agency in a state which has a federally approved Coastal Zone Management (CZM) program, the Corps has submitted a determination that the proposed project is consistent with the Department of State CZM consistency policies. This activity is subject to review by the New York State Department of State for its consistency with enforceable policies of the New York State CZM program. The U.S. Army Corps of Engineers New York District has determined that the proposed activities are consistent to the maximum extent practicable within the application policies of the New York State CZM. A copy of this determination has been provided to the New York State Department of State, Division of Coastal Resources. Additional information regarding the Corps of Engineers' consistency determination may be obtained by contacting New York State Department of State, Office of Coastal, Local Government, and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Suite 1010, Albany, NY 11231.

In compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments), an Essential Fish Habitat Assessment will be prepared and submitted to the National Marine Fisheries Service for review and comment.

The proposed work is being coordinated with the following Federal, State and local agencies:

- U.S. Environmental Protection Agency
- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Coast Guard, First District
- New York State Department of Environmental Conservation
- New York State Department of State
- New York City Department of Planning

If you have any questions concerning this notice, please contact Mr. Joseph Olha, Project Manager, at (917) 790-8404. Comments or questions may be FAXED to (212) 264-4260 ATTN: Mr. Joseph Olha.

DESCRIPTION OF PLANNED FEDERAL ACTION:

The U.S. Army Engineer District, New York proposes to perform maintenance dredging of the Buttermilk Channel Federal Navigation Project. This channel was last dredged in 2011 with the removal of approximately 91,065 cubic yards of dredged material with placement at contractor-furnished, state-permitted upland placement sites.

The proposed maintenance dredging would involve the removal of approximately 90,000 cubic yards of material to depths of 35 feet and 40 feet below mean lower low water (MLLW) plus 2 feet of allowable overdepth in specified areas. Placement of the dredged material is proposed to be at a suitable contractor-furnished, state-permitted upland placement site(s). Maintenance dredging of the channel will be accomplished by a mechanical dredge, or similar plant. The entire channel will generally not require maintenance dredging, only areas where shoaling has reduced the depth of the channel will require dredging.

The purpose of the proposed dredging is to maintain the authorized project dimensions, thereby assuring safe and economical use of the Buttermilk Channel by shipping interests. The proposed dredging for this cycle is anticipated to occur in the summer/fall of 2015.

ENVIRONMENTAL IMPACT STATEMENT:

An Environmental Impact Statement (EIS) was prepared for the maintenance dredging of Buttermilk Channel in April 1973. Environmental Assessments (EA) updating this EIS were prepared by the New York District for a similar maintenance dredging project in 2005 and 2011. The EAs concluded that the dredging with placement at an approved upland facility had no significant adverse environmental impacts on water quality, marine resources, wildlife, recreation, aesthetics, and flood protection. An update of the EA and

a 404 (b) evaluation, as required by the Clean Water Act 40 CFR 230 will be prepared prior to the implementation of the proposed maintenance dredging work.

PLACEMENT SITE:

The dredged material will be transported by scows to a suitable upland placement site(s) furnished by the contractor, permitted by the state, and approved by the government. The dredged material will be required to meet all federal, state and local criteria required by the government agencies having jurisdiction where the placement site is located. All necessary permits required for the dredged material placement will be obtained by the contractor and provided to the government.

MATERIAL DESCRIPTION:

Sampling and testing for upland placement of the proposed dredged material has been completed. Data from sampling conducted in 2014, show the grain size characteristics in the Buttermilk Channel of the proposed dredged material to be:

0.15% GRAVEL, 18.20% SAND, 41.65% SILT, 40.0% CLAY

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.

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



Randall G. Hintz

Chief, Operations Support Branch

Enclosures
as stated

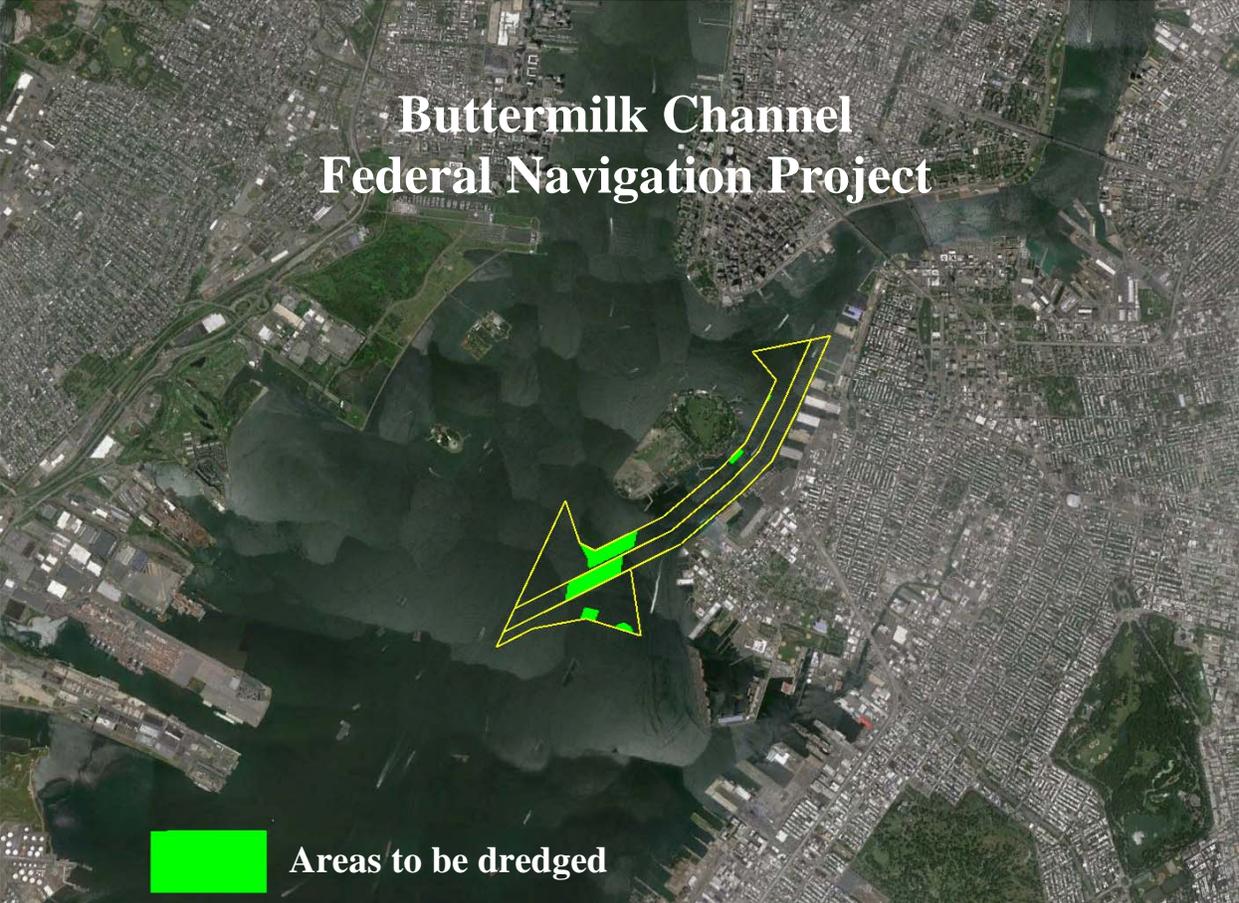


Figure 1