Public Notice

Applicant:
Millennium Pipeline Company, L.P.
P.O. Box 2002
Binghamton, New York 13902

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U.S. Army Corps of Engineers

Application for Permit under Authority of 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).

In Reply Refer To:

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Attn: Scott Hans

Questions pertaining to the work described in this notice should be directed to the respective points of contact listed above. All written comments should be sent to the U.S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, and should be marked to the attention of Margaret A. Crawford, or by e-mail at: Margaret.A.Crawford@usace.army.mil

I. Introduction:

Millennium Pipeline Company, L.P., P.O. Box 2002, Binghamton, New York 13902, has requested a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1977 to install an underground natural gas pipeline extending from an interconnection with TransCanada Pipelines Ltd. in Lake Erie from the U.S./Canadian border to landfall near Ripley, New York, and then across southern New York to Mount Vernon, New York. The proposed route is shown on the attached map (Figure 1) and the project is described as follows:

1. The pipeline facilities would consist of approximately 373 miles of 36-inch diameter mainline extending from the U.S. Canadian border in Lake Erie to Ramapo, New York and 44 miles of 24-inch diameter mainline extending from Ramapo to Mount Vernon, New York. Other facilities would include three meter stations and block valves to be located along the pipeline system. The applicant would also acquire some existing pipeline facilities from Columbia Gas Transmission Corporation that would be operated as part of the new pipeline system, including 7 miles of 24-inch diameter pipeline between Ramapo and Clarkstown, New York that would be used for the new mainline system, and various laterals and associated aboveground facilities in New York and Pennsylvania.

2. The applicant's stated purpose for the proposed activity is to transport U.S. and Canadian natural gas to existing customers and growth markets in the eastern U.S. including Pennsylvania, New York and New Jersey, and to provide an alternate for existing customers and a new source of supply for unserved markets.

3. Approximately 86 percent of the on-land pipeline would be constructed within or adjacent to existing rights-of-way (ROW). Generally, construction would require a 75 foot width ROW with additional width potentially required in agricultural land, and at stream, wetland, road and railroad crossings (See Section II for ROW details).

4. The applicant has indicated that a total of 422 acres of wetlands would be temporarily disturbed during construction of the pipeline. The delineation for these wetlands has not been verified by the Corps at this time.

5. The pipeline would cross a total of 296 perennial and 195 intermittent waterbodies, including Lake Erie and the Hudson River at Haverstraw Bay. Dry crossing construction techniques would be used for all but 16 of the waterbody crossings. Where the waterbody crossing is proposed to be open cut, the pipe would be installed in an open cut/trench and then the trench would be backfilled to original contours and the area would be restored (See Section IV for Stream/River Crossing details).

6. The applicant has proposed to permanently impact approximately 0.55 acres of waters of the United States located within the "black dirt" area of the Town of Warwick, Orange County, New York. On two agricultural fields, owned by two separate landowners, the applicant would install the pipeline within a total of 4,800 linear feet of existing drainage ditches. These ditches, currently 5 feet wide at the top, and about 5 feet deep, are part of an extensive drainage system to allow for agricultural activities to occur within the muckland soils. In order to install the pipeline, the ditches would first be widened to approximately 5 feet at the bottom, plugged and filled with water, and the pipeline would then be floated in place. If the ditch will not hold water for the required construction period, the pipeline would be installed using conventional installation methods. Following installation, the applicant would construct

25-foot wide permanent gravel access roads to be used by the landowners for purposes of improving field access, and to minimize the possibility of potential interception of the pipeline with mechanized agricultural equipment. The applicant has stated that construction in these drainage ditches would enhance the property owner's access to existing farm operation facilities, minimize temporary impacts to the unique black dirt soils in this area, and enhance access to the pipeline right-of-way.

7. All construction and restoration would be done in accordance with the applicant's Environmental Construction Standards (ECS). See Section VI(1) for information on where this document, as well as additional documents referred to in this notice, can be reviewed.

8. Millennium has proposed to hire an Environmental Inspector who would report to Millennium, and would be responsible for assuring that the construction activities are performed in accordance with the environmental conditions of the Construction Alignment Sheet (CAS) and the ECS.

9. The Federal Energy Regulatory Commission (FERC) is the lead Federal agency responsible for evaluating applications filed for authority to construct and operate interstate natural gas facilities under Section 7(c) of the Natural Gas Act. The Corps of Engineers is a cooperating agency for the Environmental Impact Statement being prepared by the FERC for the project as part of the FERC's review under its implementing regulations under the National Environmental Policy Act. The FERC is reviewing this project under Docket No. CP98-150-000. The Draft Environmental Impact Statement (DEIS) dated April 1999 as well as the application and other supplemental filings in this docket are available for viewing on the FERC Internet website at http://www.ferc.fed.us. (Click on the 'RIMS' link, select 'Docket #' from the RIMS Menu, and follow the instructions.)

II. Right-of-Way (ROW) Details:

Approximately 86 percent of the 387.21 miles of on-land pipeline construction would be on or adjacent to existing ROW. The pipeline would follow existing Millennium easements for approximately 66 percent of the route. This includes 163.5 miles where the pipeline would be constructed parallel to existing ROW, 83.5 miles where an existing pipeline would be removed and the new placed in the old ROW (lift and lay), and 7 miles where the pipeline would be constructed within new ROW. The proposed pipeline is proposed to follow other gas, electric transmission or highway corridors for an additional 21 percent of the distance. The Lake Erie (approximately 33 miles) and Hudson River (approximately 2.2 miles) crossings represent 8 percent of the new proposed pipeline construction. The remaining 13 percent of on-land construction (approximately 48.8 miles) of pipeline would involve non-contiguous new ROW that would not be adjacent to existing ROW.

Typically, a 50-foot wide permanent ROW would be maintained for the project. As more fully described in Millennium's ECS, full width vegetative maintenance clearing would not be done more frequently than every three years. Vegetative maintenance would be limited adjacent to waterbodies to allow the growth of a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark. Permanent impacts within wetlands would consist of maintaining emergent vegetation in a 10-foot wide area centered over the pipeline and clearing of woody vegetation over 15 feet in height in a 30-foot wide area centered over the pipeline. Stumps would be left in place. All felled trees would be removed from the wetland. The applicant intends to restore all wetland crossings to preconstruction contours, backfilling with native soils and allowing revegetation with native species. Approximately 39 acres of forested wetland, once impacted, would be converted to scrub-shrub or emergent wetland as a result of

future maintenance of the pipeline corridor. No mitigation has been proposed at this time to compensate for proposed impacts to waters of the U.S.

During construction, Millennium would generally require an additional twenty-five (25) feet of temporary ROW for temporary workspace, which would be allowed to revert back to its former state following construction. Certain locations, such as stream and wetland crossings, bored road and railroad crossings and sidling locations (areas where the pipeline could not be constructed perpendicular to the slope) will require additional temporary workspace for additional equipment and methods necessary for these crossings. These locations and their dimensions are shown on the project.

III. Wetland Crossings:

Prior to the start of construction of the pipeline, the applicant has stated that wetlands would be marked in the field with signage indicating the wetland boundaries. Construction vehicles would be required to follow special procedures while operating in these areas. These signs would be maintained during construction. Construction equipment operating in wetland areas would be limited to widths needed to clear the Construction Work Area (CWA), dig the trench, fabricate and install the pipeline, backfill the trench, and restore the Construction Work Area. All other construction equipment would use access roads located in upland areas to the maximum extent practicable. Where access roads in upland areas do not provide reasonable access, all other construction equipment would be limited to one pass through the wetland using the Construction Work Area.

Tree and brush clearing within the CWA would be accomplished by cutting at ground level unless the applicant's Environmental Inspector determines that safety-related construction constraints require removal of tree stumps from under the working side of the CWA. Where stumps have been removed, woody vegetation adapted to wetlands would be replanted, except within 5 feet of the pipeline centerline or appurtenances. All cut material would be removed from the wetland for disposal.

Equipment pads, board roads, corduroy roads (no more than 2 layers), and/or construction equipment with wide tracks would be used in wetlands with standing water or saturated soils. Tree stumps, rock, soil imported from outside the wetland or brush would not be used to stabilize the CWA or as equipment pads in wetlands. The applicant has indicated that all equipment pads, board roads, and corduroy roads would be removed during restoration of the wetland.

Actual crossing techniques would differ for wetlands with standing water or saturated soils, and those without. Wetland crossings *with* standing water or saturated soils would be constructed as separate construction entities, such that trenching, pipe installation, backfilling, and restoration would be completed in the minimum number of consecutive calendar days necessary. Clearing, grading, and equipment crossing installations would not be included as part of the separate construction entity. A ‘push-pull’ or ‘float’ technique would be utilized for pipe installation whenever water and other site conditions permit.

For wetland crossings without standing water or saturated soils at the time of construction, upland construction techniques would be used, with the top 12 inches of soil stockpiled and reused as topsoil, and the site would be restored to pre-construction contours.

If trench dewatering is required, water would be discharged through a sediment trap, or into a heavily vegetated area outside the wetland, so that no silt-laden water directly re-enters a waterbody or wetland. Material excavated from the trench would be used as backfill. The surface would be recontoured as closely as practical to original elevations so that drainage patterns would not be changed. In wetlands without standing water or saturated soils, the stockpiled soil layer would be returned to the surface during backfilling.

Water impounded by beaver dams would be siphoned off as opposed to breaching the dam. Siphons would typically consist of 4-inch flexible, plastic pipe. Water would be discharged in a manner that would not increase sedimentation or scour into adjacent wetlands or waterbodies.

During the pre-planning of crossing wetlands with standing water or saturated soils, an evaluation would be made concerning the need for blasting. If the evaluation proves inconclusive, the wetland would be tested for consolidated rock prior to trenching. If the wetland has consolidated rock, it will be drilled and shot as part of the single construction entity. Topsoil would be removed from the trench area prior to blasting in wetlands without saturated soils. Blasting mats would be used in wetland areas (except those with standing water) during blasting operations.

Where the pipeline trench may drain a wetland, trenchline barriers would be constructed to seal the trench bottom as necessary to maintain the original wetland hydrology (Figure 2).

Upon completion of construction, all wetland areas, with the exception of those with standing water or saturated soils, would be seeded with annual rye.

For all affected forested wetlands, the applicant proposes to:

a) plant native trees toward restoring the CWA (except for the maintained portion of the permanent ROW) to its preconstruction state

b) plant native shrub and herbaceous species to revegetate the 30-foot wide portion of the permanent ROW to be selectively maintained

A typical wetland crossing is illustrated in the attached Figure 3.

IV. Stream/River Crossings:

The applicant's objective is to construct the pipeline in a manner that minimizes erosion and subsequent sedimentation into the waterbody. The applicant has indicated that downstream flow rates would be maintained at all times to protect aquatic life and prevent the interruption of existing downstream uses. Each waterbody crossing would be treated as a separate construction entity, such that trenching, pipe installation, backfilling, and temporary stabilization measures or restoration are completed in the minimum number of consecutive calendar days possible.

The applicant would typically utilize either dry-ditch (flume pipe or dam and pump) or wet-ditch techniques to install the pipeline across waterbodies. The attached Figures 4, 5 and 6 illustrate these methods. Upland construction techniques may be used for intermittent waterbody crossings without perceptible flow at the time of the crossing, provided that a culvert is installed to carry stormwater flow across the trench area, and erosion and sediment control devices are installed as illustrated in the attached Figure 7.

Mechanical grading equipment would not enter the water to grade banks. Waterbody banks would be graded only where, and only as much as, necessary to permit safe and efficient operation of construction equipment. Initial grading within 25 feet of the water's edge would be limited to only the area needed to install the equipment bridge and any temporary work space. Any additional grading to the water's edge would be timed such that it immediately precedes trenching and pipe installation activities. During grading operations, sediment filter devices would be installed promptly, and as close to the water as practical. All disturbed areas within 50 feet of the water's edge would be promptly mulched. The mulch would be maintained until the waterbody crossing restoration is complete. Excess material resulting from grading would be stockpiled a minimum of 10 feet from the water's edge and immediately protected with sediment filter devices so that it would not erode into the waterbody.

Construction equipment bridges consisting of culvert(s) with clean rock backfill or equipment pads as illustrated in figures 22 and 23 of the ECS would be installed during grading operations at all waterbodies. For proper culvert installation, the applicant's Environmental Inspector may permit grading equipment to enter the water. Equipment bridges would not be required at minor waterbodies that do not have a state-designated fishery classification (for example, agricultural, or intermittent drainage ditches). If an equipment bridge is used, it would be constructed in accordance with the ECS.

Material excavated from the waterbody for the trench would be stockpiled in the CWA at least 10 feet from the water's edge (topography permitting) and protected by sediment filter devices.

Blasting would not be done within waterbody channels without prior approval from government authorities having jurisdiction. Notice to the authority(s) would be provided at least 2 days prior to blasting.

Waterbody bottoms would be returned as near as practical to their original contours. Material excavated from the trench would be used as backfill. Clean gravel or native cobbles would be used for the final 1-foot of fill in the backfilled trench in all waterbodies designated as coldwater fisheries by the New York State Department of Environmental Conservation.

The applicant's preferred method for restoration is to achieve final grade and restore the waterbody, its banks, and 50 foot buffers within 24 hours of backfilling. Waterbody banks would be stabilized and temporary sediment barriers installed within 24 hours of completing the crossing. For dry-ditch crossings, bank stabilization would be completed before returning flow to the channel. Disturbed riparian areas would be revegetated with conservation grasses and legumes or native plant species, preferably woody species. In the absence of site-specific seeding recommendations, the specifications listed in the

ECS will be used. Replacement of waterbody banks would be at the approximate original contour. If the waterbody banks are such that an unstable final soil grade could

result and vegetative stabilization would be inadequate, the applicant's Environmental Inspector will require mechanical stabilization of the waterbody banks. Mechanical stabilization includes riprap, gabions, jute netting, etc.

V. Major Waterbody Crossings:

A. Open Cut Crossings:

1. Lake Erie: The proposed Lake Erie crossing would extend from Patrick Point, Ontario to a location near the Town of Ripley, New York. The pipeline within the lake would extend about 93 miles, with approximately 33 miles in U.S. waters.

Horizontal directional drilling would be utilized for constructing the shore crossing to minimize or obviate potential impacts on the nearshore environment and future nearshore impacts on the operating pipeline. The directional drill technique would involve the drilling of a pilot hole through the shale bedrock to exit the lakebed about 2600 feet offshore, followed by a number of reaming passes to enlarge the hole to accommodate the 36-inch pipeline. The directional drill trajectory and depth below the lake bed would be determined by local geology, as well as engineering and regulatory constraints to maximize the drilled length, long-term pipeline integrity, installation safety and environmental protection. The drill exit water depth would be at least 25 feet. Directional drilling would be a 24-hour, 7-day operation involving two shifts. The duration of directional drill construction at the U.S. nearshore is expected to be about three to four months.

It is estimated that about 0.6 miles of the pipeline route offshore of the directional drill exit hole would not have sufficient cover to permit pipeline burial in sediment. Therefore, the bedrock along this length must be ripped, cut or blasted before the pipeline is installed. This pre-trenching activity provides the transition requirement for the pipe from the drill exit hole into the pipeline trench without overstressing the pipe.

For the offshore pipeline, pipe joints are fabricated horizontally along the length of a lay barge and then laid onto the lakebed off the stern of the barge. The pipeline would consist of 36-inch outer diameter steel pipe encapsulated with a 3-inch concrete coating. The normal average production rate is about 100-120 joints/day (i.e., about 4,000-4,800 feet/day). Pipelaying would be a 24-hour, 7-day a week operation involving two shifts, extending over a six-month period for the entire lake crossing installation.

Mechanical jetting machines using high pressure water jets would be employed to bury the offshore pipeline to recommended minimum and maximum trench depths of 6.6 feet and 9.2 feet, respectively, based on such considerations as water depth, soil strength, ice scour frequency and design criteria. The Corps of Engineers Cold Regions Research and Engineering Laboratory is currently evaluating burial

depths and sedimentation issues. Pipe trenching would follow the laying activity and will involve a 24-hour, 7-day operation for a 5-6 month period.

An approximate area of 130 acres of lake bottom would be disturbed by trenching in U.S. waters. The volume of disturbed sediment is estimated to be 941,000 cubic yards. Based on maximum distances to sediment deposits with a thickness of 0.08 inch, the approximate area of lake bottom in U.S. waters affected by sedimentation is estimated to be 21 square miles. These predictive modeling results for sedimentation are considered to be maximums since it was assumed that each suspended sediment particle was separate and non-cohesive. In reality, sedimentation will be hastened by sediment clumping, coagulation and cohesion processes.

See attached Figures 8 through 11 for Lake Erie crossing details.

2. Cassadaga Creek (S032*): Town of Gerry, Chautauqua County. An open cut method is proposed for this crossing. The width of the waterway is 42 feet. The applicant has indicated that no timing restrictions for construction are proposed. An equipment crossing is proposed.

* Indicates "Drawing Label", for reference use with the Construction Alignment Sheets provided by the applicant, and available for review at the Corps Website and other locations (see subsequent information in this Public Notice).

3. State Drainage Ditch (S047): Town of Conewango, Cattaraugus County. An open cut method is proposed for this crossing. The width of the waterway is 96 feet. The applicant has indicated that no timing restrictions for construction are proposed.

4. Olean Creek (S104): Town of Olean, Cattaraugus County. An open cut method is proposed for this crossing. The width of the waterway is 180 feet. The construction window proposed would be June 1 to November 30. Due to the proximity of the public water intake for the City of Olean, the applicant would notify the City of Olean Water Authority in writing one week prior to construction activity.

5. Cohocton River (S187): Town of Erwin, Steuben County. An open cut method is proposed for this crossing. However, prior to any in-stream trenching, approximately 300 feet of the river would be temporarily diverted around the crossing site. A partially existing channel on the east-side of the river would be regraded for this purpose. Once construction in the main channel is complete, water flow would be returned to the main channel and the temporary channel would be restored. The width of the waterway is 203 feet. The construction window proposed would be June 1 to September 15.

6. Catatonk Creek (S253): Town of Tioga, Tioga County. An open cut method is proposed for this crossing. The width of the waterway is 74 feet. The construction window proposed would be June 1 to November 30.

7. Pond (S3UC): Town of Owego, Tioga County. An open cut method is proposed for this crossing. The width of the waterway is 140 feet. The applicant has indicated that no timing restrictions for construction are proposed.

8. East Branch Delaware River (S332): Town of Hancock, Delaware County. A combination horizontal bore and open-cut method is proposed for this crossing. The width of the waterway is 512 feet. The construction window proposed would be June 1 to September 15.

9. Mongaup River (Rio Reservoir) (S384): Towns of Lumberland and Forestburgh, Sullivan County. An open cut method is proposed for this crossing. The width of the waterway is 675 feet. The construction window proposed would be in the fall, with completion by December 1.

10. Wheeler Creek (S346): Town of Warwick, Orange County. An open cut method is proposed for this crossing. The width of the waterway is 345 feet. The construction window proposed would be June 1 to November 30.

11. Rutgers Creek (S406): Town of Minisink, Orange County. An open cut method is proposed for this crossing. The width of the waterway is 143 feet. The construction window proposed would be June 1 to November 30.

12. Indian Kill Reservoir (S457): Town of Tuxedo, Orange Co. A combination open-cut/no trench method is proposed for this crossing. (Within 50 feet of the banks, an open cut would be used, and the pipeline would then be laid on the bottom of the reservoir.) The width of the waterway is 2500 feet. The construction window proposed would be June 1 to November 30.

13. Pond (S2BW): Town of Haverstraw, Rockland County. An open cut method is proposed for this crossing. The width of the waterway is 485 feet. The applicant has indicated that no timing restrictions for construction are proposed.

14. Hudson River (S3BW): Town of Haverstraw, Rockland County, and Town of Cortlandt, Westchester County. The applicant is proposing to cross the Hudson River with a 24-inch diameter pipeline from Bowline Point in Haverstraw, Rockland County, to the Veteran's Administration Hospital located in Cortlandt, Westchester County, New York, for a distance of approximately 2.2 miles. This portion of the Hudson River is known as Haverstraw Bay and has a tidal range of about 3 feet. The proposed crossing would occur within a Significant Coastal Fish and Wildlife Habitat as designated by the New York State Department of State Coastal Management Program.

The applicant proposes to bury the pipeline within a trench excavated in the river bottom. The trench would have dimensions of approximately 10 feet wide at the bottom and from 70 to 140 feet wide at the top. Within the Federal navigation channel, which is approximately 600 feet wide at the crossing location, the trench would be 10 feet wide at the bottom with a total depth of 20 feet (to maintain 15 feet of cover over the pipeline below the authorized channel depth of 32 feet below mean low water), while outside of the navigation channel, the trench would be excavated to a depth of 10 feet below the river bottom (to maintain 5 feet of cover over the pipeline).

A lay-barge crossing method would be used, which would limit the area directly impacted by construction of the trench at any given time to an estimated 1,300 feet long and 150 feet wide. Material would be

excavated from the 1,300-foot section using a closed-bucket dredge unit and temporarily stored in bottom-dump barges with the exception of the initial 100 feet of the trench, which would be stockpiled on the banks. The pipeline would be welded on the moving lay-barge, backfilling the trench while the pipeline is laid. In shallow water (areas where fully loaded large bottom-dump barges cannot operate), the dredged sediment would be placed in smaller barges and backfilling would occur with the use of an environmental clamshell bucket. Once begun, the process would continue sequentially with trenching, pipe make-up, and backfilling activities moving concurrently across the river.

Hydrostatic test water for the section of pipeline across and in the vicinity of the Hudson River would be withdrawn from the Hudson River. The intake locations would be located within the construction work areas on either shore. Approximately 1,980,000 gallons would be required, and withdrawn over a period of several days. The intake hoses would be screened to prevent entrainment of aquatic life.

The applicant anticipates that the crossing would be completed with the proposed lay-barge method in about 3 months, and is proposing to undertake the activity within the time period of May 1 through July 31.

See attached Figures 12 through 14 for details on the Hudson River crossing.

15. Furnace Brook Lake (S5WC): Town of Cortlandt, Westchester County. An open cut method is proposed for this crossing. The width of the waterway is 620 feet. The construction window proposed would be June 1 to November 30.

16. Teatown Lake (S8WC): Town of Yorktown, Westchester County. An open cut method is proposed for this crossing. The width of the waterway is 358 feet. The construction window proposed would be June 1 to November 30.

B. Other Major Waterbody Crossings (Dry Crossing Construction Techniques):

1. Tributary of Lake Erie (S010): Town of Westfield, Chautauqua County. A dam and pump method is proposed for this crossing. The width of the waterway is 160 feet. An equipment crossing is proposed.

2. Chautauqua Creek (S014): Towns of Westfield and Chautauqua, Chautauqua County. A dam and pump method is proposed for this crossing. The width of the waterway is 10 feet. An equipment crossing is proposed. The construction window proposed is from June 1 to September 15.

3. Tributary of Cassadaga Creek (S033): Town of Gerry, Chautauqua County. A dam and pump method is proposed for this crossing. The width of the waterway is 113 feet. An equipment crossing is proposed.

4. Tributary of State Drainage Ditch (S048): Town of Conewango, Cattaraugus County. An open cut method is proposed for this crossing if no flows are present at the time of construction. If flows are

present, a dam and pump method would be used. The width of the waterway is 128 feet. The applicant has indicated that no timing restrictions for construction are proposed.

5. Tributary of State Drainage Ditch (S049): Town of Conewango, Cattaraugus County. An open cut method is proposed for this crossing if no flows are present at the time of construction. If flows are present, a dam and pump method would be used. The width of the waterway is 100 feet. The applicant has indicated that no timing restrictions for construction are proposed.

6. Genesee River (S143): Town of Wellsville, Allegany County. A steel dam and culvert method is proposed for this crossing. The width of the waterway is 130 feet. The construction window proposed is from June 1 to September 15. The applicant has proposed to install in-stream sediment filters. The Genesee River is a public water supply for the Town of Wellsville. The Town Water Authority would be notified by the applicant in writing one week prior to construction activity.

7. Cayuta Creek (S234): Town of VanEtten, Chemung County. A steel dam and culvert method is proposed for this crossing. The width of the waterbody is 116 feet. An equipment crossing is proposed. The construction work window proposed is from June 1 to September 15.

8. Owego Creek (S256): Towns of Tioga and Owego, Tioga County. A conventional bore method is proposed for this crossing. The width of the waterway is 122 feet. The construction work window proposed is from June 1 to September 15.

9. Chenango River (S282): Town of Chenango, Broome County. A directional drill method is proposed if feasible. The width of the waterway is 275 feet. The proposed construction work window is from June 1 to September 15.

10. Susquehanna River (S300): Town of Windsor, Broome County. A conventional bore method is proposed for this crossing. The river is 369 feet wide. The proposed construction work window is from June 1 to November 30. The river is classified as a B stream by the state classification system.

11. West Branch Delaware River: (S319): Town of Deposit, Delaware County. A conventional bore method is proposed for this crossing. The width of the waterway is 270 feet. The construction window proposed would be June 1 to September 15.

12. Calicoon Creek: (S360): Town of Delaware, Sullivan County. A steel dam and culvert method is proposed for this crossing. The width of the waterway is 190 feet. The construction window proposed would be June 1 to September 15. An equipment crossing is proposed.

13. Neversink River: (S399): Town of Deerpark, Orange County. A conventional bore method is proposed for this crossing. The width of the waterway is 72 feet. The construction window proposed would be June 1 to September 15.

14. Wallkill River: (S1Pl): Town of Warwick, Orange County. A conventional bore method is proposed for this crossing. The width of the waterway is 82 feet. The construction window proposed would be June 1 to November 30.

15. Pochuck Creek: (S3Pl): Town of Warwick, Orange County. A conventional bore method is proposed for this crossing. The width of the waterway is 113 feet. The construction window proposed would be June 1 to November 30.

16. Ramapo River: (S458): Town of Tuxedo, Orange County. The applicant has indicated that a direction drill method would be used for this crossing, if feasible. The width of the waterway is 70 feet. The construction window proposed would be June 1 to September 15.

17. Croton River: (S6WC): Town of Cortlandt, Westchester County. A dam and pump method is proposed for this crossing. The width of the waterway is 65 feet. The construction window proposed would be June 1 to November 30.

18. Sawmill River: (S16W): Town of Greenburgh, Westchester County. A dam and pump method is proposed for this crossing. The width of the waterway is 35 feet. The construction window proposed would be June 1 to September 15. An equipment crossing is proposed.

19. Bronx River: (S22WC): City of Yonkers, Westchester County. A steel dam and culvert or dam and pump method is proposed for this crossing. The width of the waterway is 40 feet. The applicant has indicated that no timing restrictions for construction are proposed. An equipment crossing is proposed.

Administrative Details:

1. The general route of the above described work is shown on Figure 1. The details of the above described work can be found at locations identified on the list attached to the public notice as well as at the following web page:

http://www.lrb.usace.army.mil/orgs/reg/millennium.htm

2. The applicant has certified that the proposed activity complies with New York's and Pennsylvania's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program.

Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

New York Department of State
Division of Coastal Resources
Consistency Coordinator
Coastal Management Program
41 State Street
Albany, New York 12231-0001
Telephone (518) 486-3200

Any comments on the consistency of the proposed activity with Pennsylvania's Coastal Management Program should be forwarded to:

Coastal Zone Management Office
Office of Resource Management
Pennsylvania Department of Environmental Protection
Post Office Box 8555
Harrisburg, PA 17120

3. Pursuant to Section 404 of the Clean Water Act, the New York State Department of Environmental Conservation (NYSDEC) issued a Section 401 Water Quality Certificate for the proposed activity with conditions, on December 8, 1999.

The applicant is required to obtain a Chapter 105 Encroachment Permit which includes Section 401 Water Quality Certification from the Pennsylvania Department of Environmental Protection. Any comments on the proposed State authorization should reference Pennsylvania application No. E25-594 and be directed to:

Pennsylvania Department of Environmental Protection
Northwest Regional Office
Soils and Waterways Section
230 Chestnut Street
Meadville, PA 16335
Telephone (814) 333-6942

4. The following authorizations may also be required for this project:
   a. Use and Protection of Waters Permit from the New York State Department of Environmental Conservation
   b. Permit for Stormwater Discharges Associated with a Construction Activity from the NYSDEC.
   c. Temporary Revocable Permit to Cross State Reforestation Lands from the NYSDEC
   d. Temporary Revocable Permit to Cross Multiple Use Areas from the NYSDEC

e. Highway Crossing Permits from the New York State Department of Transportation
f. Temporary Revocable Permit to Cross Dormitory Commission Lands from the NYS Dormitory Commission
g. Approval for Construction Across County Drains from various County Drainage Commissions
h. Approval for Construction Across County Roads from various County Road Commissions
i. Floodplain Permits from various Towns
j. Land Disturbance Permits from various Towns
k. Various Canadian permits for the Canadian portion of the Project

5. The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries (NMFS) on all actions or proposed actions, permitted, funded or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A preliminary assessment of the project indicates that the work would temporarily impact (through both direct and indirect impacts) approximately 108 acres of EFH in the Hudson River and Haverstraw Bay. This includes silt-mud river bottom, which may be habitat for certain life stages of the red hake (*Urophycis chuss*), winter flounder (*Pleuronectes americanus*), windowpane flounder (*Scopthalmus aquosus*), American plaice (*Hippoglossoides platessoides*), bluefish (*Pomatomus saltatrix*), Atlantic butter fish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*), Atlantic sea herring (*Clupea harengus*), and/or the black sea bass (*Centropristus striata*). Temporary loss of this habitat may adversely affect a variety of finfish species as the river bottom provides these species with feeding and nursery habitats. The Corps of Engineers will continue to consult with NMFS and the Federal Energy Regulatory Commission regarding EFH impacts and conservation recommendations.

6. A number of archeological sites and other cultural resources have been identified within the proposed right-or-way. The applicant is currently consulting with the State Historic Preservation Office (SHPO) to address avoidance and mitigation measures. This office will continue to coordinate with SHPO and the Federal Energy Regulatory Commission to ensure compliance with Section 106 of the National Historic Preservation Act.

7. It has been determined that the following Federally listed endangered or threatened species are potentially within the project area:

- Bald Eagle (*Haliaeetus leucocephalus*)
- Dwarf Wedge Mussel (*Alasmidonta heterodon*)
- Bog Turtle (*Clemmys mehlenbergii*)
- Shortnose Sturgeon (*Acipenser brevirostrum*)

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting with the Federal Energy Regulatory Commission and the appropriate Federal agencies to

evaluate any potential impacts to these species and to insure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

8. This notice is promulgated in accordance with Title 33 of the Code of Federal Regulations, Parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, and should be marked to the attention of Margaret A. Crawford, or by e-mail at: Margaret.A.Crawford@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment, unless a response is specifically requested in writing.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request 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 benefits 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 these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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 the 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.

Questions pertaining to the work described in this notice should be directed to the respective points of contact listed on the first page of this notice. All written comments should be sent to the U.S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, and should be marked to the attention of Margaret A. Crawford, or by e-mail at: Margaret.A.Crawford@usace.army.mil

Paul G. Leuchner
Chief, Regulatory Branch
Buffalo District

Joseph Seebode
Chief, Regulatory Branch
New York District

Albert H. Rogalla
Chief, Regulatory Branch
Pittsburgh District

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

Copies of additional project details (includes detailed locations, and all pertinent drawings) are available for public review at the following locations:

U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207
(716) 879-4299
Attn: Mary Anne Burley

U.S. Army Corps of Engineers
Pittsburgh District
William S. Moorhead Federal Building
1000 Liberty Avenue, Room 1834
Pittsburgh, Pennsylvania 15222-4186
(412) 395-7154
Attn: Scott Hans

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, New York 10278-0090
(212) 264-0182
Attn: George Nieves

U.S. Army Corps of Engineers
Auburn Field Office
7413 County House Road
Auburn, New York 13021
(315) 255-8090
Attn: Maggie Crawford

U.S. Army Corps of Engineers
Albany Field Office
1 Bond Street
Troy, New York 12180
(518) 273-8593
Attn: Heidi Firstencel

New York State Department of
Environmental Conservation
Region 7 - Cortland Office
1285 Fisher Avenue
Cortland, New York 13045-1090
(607) 753-3095

New York State Department of
Environmental Conservation
Region 3
21 South Putt Corners Road
New Paltz, New York 12561
(914) 256-3000

Olean Public Library
134 N. Second Street
Olean, New York 14760
(716) 372-0200
Attn: Ms. Chris Spink

Broome County Library
78 Exchange Street
Binghamton, New York 13901
(607) 778-6400
Attn: Ms. Lisa Wise

Port Jervis Public Library
138 Pike Street
Port Jervis, New York 12771
(914) 856-7313
Attn: Ms. Phyllis Vail

White Plains Library
100 Martime Avenue
White Plains, New York 10606
(914) 422-1488
Attn: Ms. Nancy Young

Ripley Library
64 West Main Street
P.O. Box 631
Ripley, New York 14775
(716) 736-3913

Stele Memorial Library
101 East Church Street
Elmira, New York 14901
(607) 733-9607

Raymond M. Blasko MD. Memorial Library
160 East Front Street
Erie, Pennsylvania 16507
(814) 451-6952
Attn: Ms. Jeanne Bleil

New City Library
220 N. Main Street
New City, New York 10956-4000
(914) 634-4962 or (914) 634-4997
Attn: Ms. Sally Peligrini