



January 16, 2024

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Submitted via email: [Adam.C.Labatore@usace.army.mil](mailto:Adam.C.Labatore@usace.army.mil)

**Re: USACE Permit No. NAN-2021-00948-UDA | Request for Permit Extension | Albany Port District Commission Port of Albany Expansion Project | Town of Bethlehem, Albany County, NY**

Dear Mr. Labatore:

This letter has been prepared on behalf of the Port of Albany District Commission (APDC) in response to your request for additional information relating to the status of all impacts to waters of the US already completed to date, a description of the impacts yet to be completed, the corresponding schedule for completion, and justification for requesting an extension.

Below is our response:

***Status of Impacts***

- The discharge of fill material into 0.81 acres of wetland has been completed. The 0.33 acres of palustrine forested wetland to be permanently converted to emergent cover type has not been completed. This conversion is not expected to be completed until the retaining wall adjacent to building C is constructed. At this time, the retaining wall sheet piling is 95% installed.
- The 18-inch diameter intake pipe into the Hudson River has not been installed and is not expected to be installed until late fall 2025 in line when it is needed for the building.
- The purchase of 2.57 credits from the Middle Hudson Service Area from the Ducks Unlimited New York In-Lieu Fee program has been completed.
- The restrictive covenant over 1,700 linear feet of riparian buffer (2.87 acres) along the Hudson River has been completed.
- The impact to subaquatic vegetation has not been completed. Dredging and the associated wharf construction is not expected to commence until September 1, 2025 and completed in late 2026.

**Status of Special Permit Conditions:**

A: On-going.

B-M: Dredging is not anticipated to commence until September 1, 2025, at that time all special conditions will be adhered to.

N: The preparation of the mitigation plan has not commenced. In-water investigation to determine a relocated bed has not occurred and is now expected to occur in the Summer of 2025 to align with the timing of when the wharf will begin construction (September 1, 2025). The permittee requests for an extension until June 15, 2025.

O: Completed.

P: Completed.

Q: The draft plan has been submitted; the final plan is pending award of the dredging contractor. The award is not anticipated to occur until early 2025. The permittee requests an extension until June 15, 2025.

R: On-going, minimizing impacts and fencing has been and remains installed.

S: On-going. Temporary timber matting at site's legacy entrance has been removed following completion of site-preparation contract by Wm. J. Keller & Sons.

**Justification for Extension Request:**

We hereby request an extension to special permit conditions N and Q which required submittal of a SAV mitigation plan and the final dredging plan, respectively. Due to circumstances beyond the control of the Port of Albany, we have not yet awarded the construction contracts for dredge and wharf work associated with this permit, and therefore, pursuant to item 6 in the permit, the Port of Albany respectfully request an extension until June 15, 2025, to satisfy the above referenced special conditions.

Please reply to confirm that our request has been granted. In the meantime, should you have any questions please let me know.

Sincerely,  
McFarland-Johnson, Inc.



Steve Boisvert, P.E.  
Director of Civil-Facilities Division

CC: Richard Hendrick – CEO. Port of Albany  
Roddy Yagan – Sr. Project Manager, Port of Albany  
Amy Gitchell, USACE