

STATE OF NEW YORK
DEPARTMENT OF STATE

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SECRETARY OF STATE

May 12, 2022

Richard Hendrick
Albany Port District Commission
106 Smith Boulevard
Albany, NY 12202

Re: **F-2021-0757**

U.S. Army Corps of Engineers/New York District Permit
Application NO. NAN-2021-00948-UDA

**Albany Port District Commission-Port of Albany Expansion
Project - Beacon Harbor Parcel** (Hudson River and Normans
Kill) Town of Bethlehem and City of Albany, Albany County
**Concurrence with Consistency Certification – Proposal
Modified to be Consistent**

Dear Richard Hendrick:

The Department of State began review for the above proposal pursuant to 15 CFR Part 930, Subpart D on November 16, 2021. Subsequent to the initial submission the proposal was modified on multiple occasions.

The modifications include:

- A vegetated buffer area (~2.87 acres) will be maintained along ~1,700 linear feet of Hudson River shoreline. This area will be maintained through deed restrictions and an agreed upon vegetation management plan. A wooden fence with signage will be placed along the landward side of the buffer to prevent disturbance to the buffer area (per *Proposed Deed Restriction Area Boundary Map* dated 05/02/22 provided via email on May 5, 2022 and *Vegetation Management Plan for Vegetated Buffer at the Marmen-Welcon Offshore Wind Tower Manufacturing Plant* dated May 2022 and provided via email on May 5, 2022, final revisions of the vegetation management plan are pending per comments provided by New York State Department of Environmental Conservation (DEC) and U.S. Army Corps of Engineers (ACOE) on May 11, 2022).
- Completed wind tower transition pieces will be staged landward of the above-mentioned vegetated buffer area to screen them from view (as depicted in plans dated April 2022 provided to the ACOE via email on April 9, 2022 and the Department of State on April 14, 2022).
- Live stakes will be installed within the limits of medium stone fill placed along the bank of the Normans Kill (as depicted in plans dated April 2022 and provided to the ACOE via email on April 9, 2022 and the Department of State on April 14, 2022 and detailed in a *Responses to Status Consistency Review* letter dated and received on April 26, 2022).
- The proposed wastewater treatment outfall was relocated from the Normans Kill to the Hudson River (as depicted in plans dated April 2022 and provided to the ACOE via email on April 9, 2022 and the Department of State on April 14, 2022 and detailed in a *Responses to Status Consistency Review* letter dated and received on April 26, 2022).
- A water withdrawal pumphouse which will draw water from the Hudson River through a proposed 18" intake pipe inclusive of a 76"x18" diameter intake pipe screen was added to the plans to provide



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adequate water supply for fire suppression needs (as depicted in plans dated April 2022 and provided to the ACOE via email on April 9, 2022 and the Department of State on April 14, 2022).

- The Albany Port District Commission has committed to contribute funds to a net conservation benefit restoration project to mitigate adverse impacts to Shortnose Sturgeon (*Acipenser brevirostrum*) and Atlantic Surgeon (*Acipenser oxyrinchus oxyrinchus*) critical habitat. The details of the *Port of Albany Expansion Project Implementation Agreement Pursuant to 6 NYCRR 182* are being finalized as part of New York State Department of Environmental Conservation's consideration of a Part 182/Incidental Take Permit Application (January 2022).

Pursuant to 15 CFR § 930.62, and based upon the project information submitted, the Department of State concurs with your consistency certification, which has been modified to be consistent with the New York State Coastal Management Program. This concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes.

The Department of State recommends the Albany Port District Commission continue to explore opportunities to provide for compatible public access to the shoreline of the Normans Kill in appropriate areas proximate to the current and proposed developed areas of the port.

When communicating with us regarding this matter, please contact David Newman at (518)474-9039 (e-mail: david.newman@dos.ny.gov) and refer to our file #F-2021-0757.

Sincerely,



Sarah Crowell, AICP

Director, Office of Planning, Development and
Community Infrastructure

SC/dn

ecc: COE/New York District – Andrew Dangler (NAN-2021-00948-UDA)
MARAD – Erin Kendle
NYS DEC – Karen Gaidasz, Cheryl Sandrow (4-0122-00322)
NYS OGS – Ralph Hill (I-4767)
NYS SHPO – Jessica Schreyer (21PR04693)
City of Albany – Brad Glass
Town of Bethlehem – Rob Leslie
Albany Port District Commission – Megan Daly, Patrick Jordan
McFarland Johnson – Steve Boisvert, David Rosa