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 replying refer to:
Public Notice Number: NAN-2013-01383-EST
Issue Date: December 10, 2013
Expiration Date: January 9, 2014

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: Flushing Asphalt, LLC
P.O. Box 1355
Flushing, NY 11354

ACTIVITY: Dredging with ten years maintenance and rehabilitation of existing dock structures

WATERWAY: Flushing Bay

LOCATION: Flushing, Borough of Queens, Queens 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.

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 agencies 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 lifestages 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 due to the limited scope of work proposed. 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.

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 occurs. 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) 790-8533 and ask for Leo Strogach.

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

for
Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicant, Flushing Asphalt LLC, has requested Department of Army authorization to perform maintenance dredging of Flushing Bay and activities associated with the rehabilitation of an existing high-relieving dock to reactivate the barge delivery of aggregate products for the manufacture of asphalt with subsequent distribution to local industries. The site is located on the Flushing Bay waterfront, in the Flushing neighborhood of Queens, Queens County, New York.

The regulated work would involve the following activities:

Maintenance Dredging

10-years maintenance dredging of approximately 33,000 cubic yards of sediment to 12 feet below mean low water (MLW) with 2 feet of allowable over-depth from an approximately 250-foot-wide by 425-foot-long area that would allow barges loaded at the face of the dock to reach the Flushing Bay Federal Navigation Channel. Dredged material will be either beneficially used on-site in the manufacturing of asphalt or placed at a State approved upland disposal site.

Dock Rehabilitation

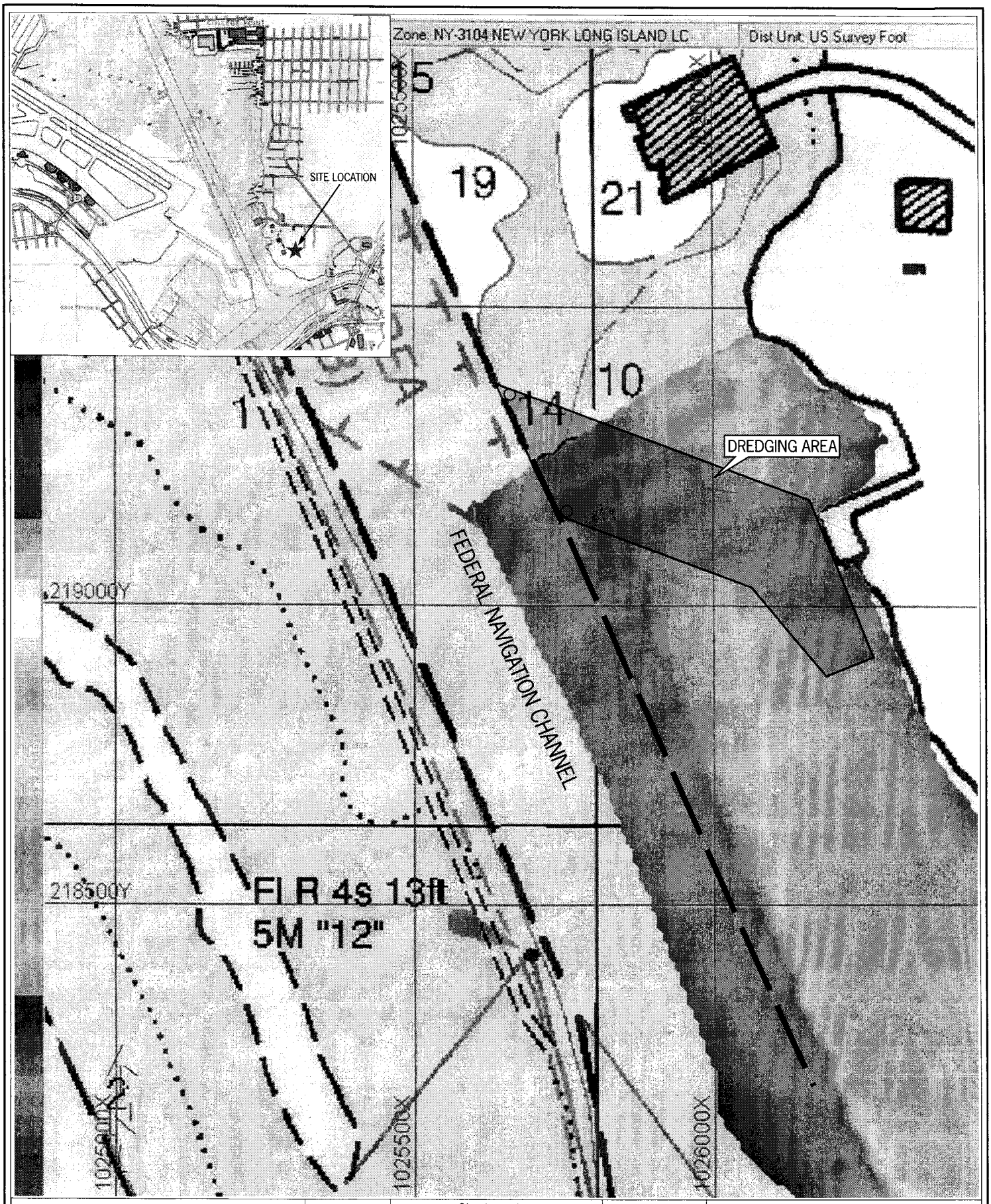
Prior to any removal of existing piles, new pilings will be installed by vibratory hammer to support the existing and proposed additional structures. Removal of the existing twenty-six (26) dock fender piles, twenty-eight (28) dolphin piles, and forty-five (45) remnant piles supporting the existing pier by cutting at the mud-line. Removal of two sections of the existing pier measuring (a 4'-9" wide by 15'-5" long and a 10'-3" wide by 14'-1" long), the existing hopper/conveyor system and supporting piles along the mean low water (MLW) elevation with removal of all other debris along the waterfront area.

Installation of concrete encased steel system to support a new concrete deck. Both the deck and stringers to be elevated above the mean high water (MHW) elevation.

Replacement of the fender and grated catwalk (a 3-foot-wide by 75-foot-long and a 3-foot-wide by 125-foot-long) system by installation of a thirty-seven (37) steel I-beam fender system at the outboard of the deck along a 300-foot-long berthing area. Installation of a sixteen (16) pile timber fender cluster at the end of the fender system. Two 3-foot-wide by 7-foot-long steel grates would connect the catwalks with the dock elevation.

The permit applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable. Most of the impacts associated with the 10-year maintenance dredging project are temporary and would be offset by implementing best management practices associated with the proposed use of an environmental dredge bucket to reduce resuspension of sediment material in the water column to minimize impacts.

The stated purpose of this project is the rehabilitation of the existing asphalt production facility.



Quay Consulting, LLC

Site Location
Flushing Asphalt LLC
120-01 31st Avenue
Flushing, NY 11354

FIGURE NO. 1

DATE Oct. 8, 2009

FLUSHING ASPHALT LLC

NAN 2013 01383 EST

NOTES:

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOW WATER.
2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE TRIMBLE AgGPS 132 DIFFERENTIAL GPS USED FOR POSITIONING.
4. INNERSPACE MODEL 456 USED TO GATHER SOUNDING DATA.
5. HYPACK MAX SOFTWARE USED FOR NAVIGATION AND POST PROCESSING.
6. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON THE DATE(S) INDICATED AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
7. TSS (DMS 10) HEAVE COMPENSATOR USED FOR MOTION CORRECTION.

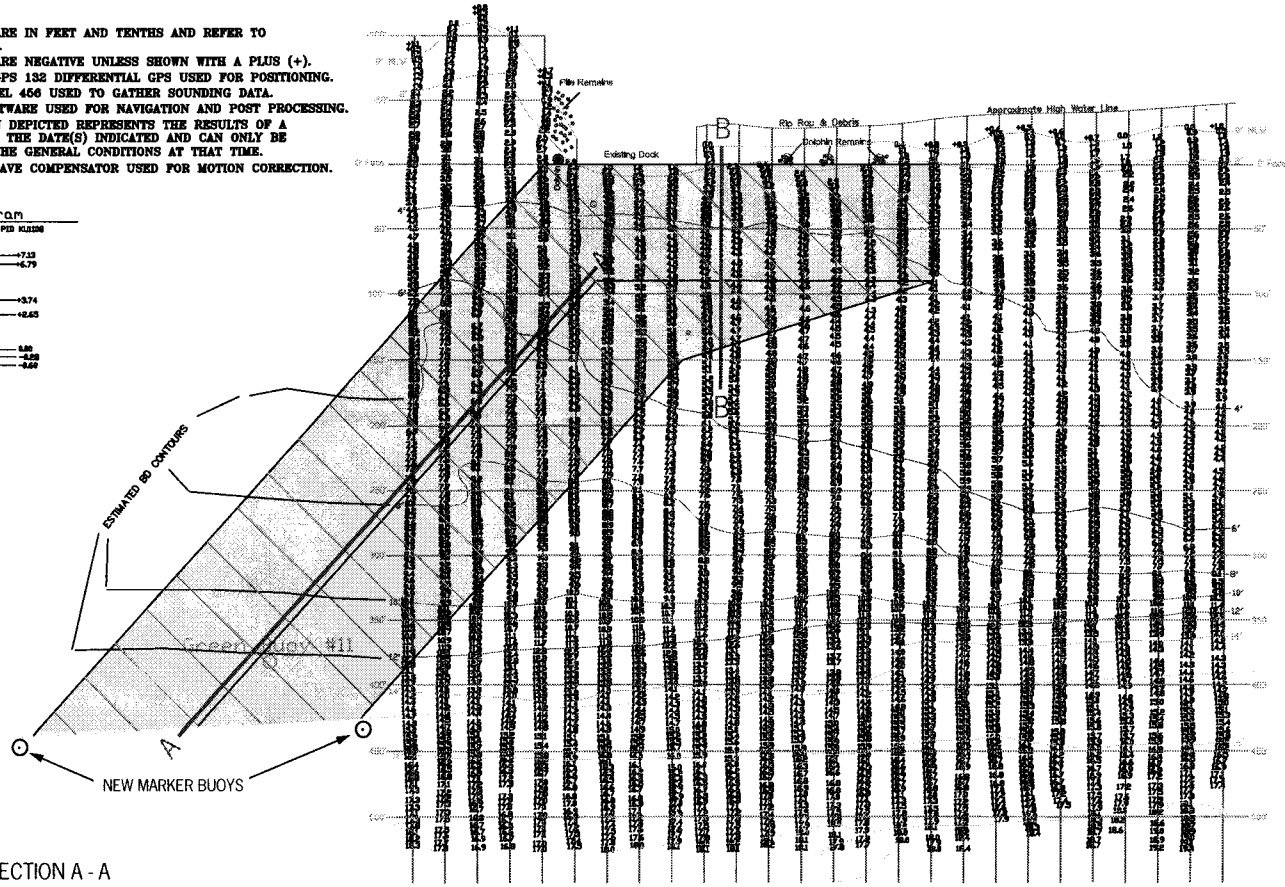
Tidal Diagram

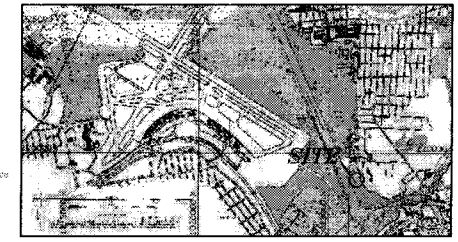
1960-1978 Epoch Sta 8517276 PID KU1108

Mean Higher High Water ——— +7.13
Mean High Water ——— +6.79

NAVD88 ——— +3.74
NGVD29 ——— +2.65

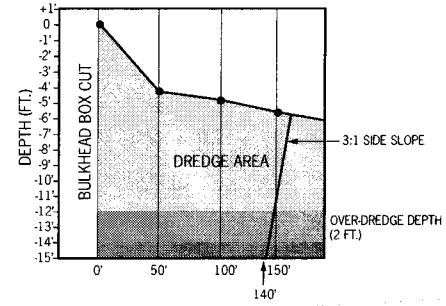
Mean Low Water ——— 0.00
Mean Lower Low Water ——— -0.28
USACOE MLW ——— -0.60

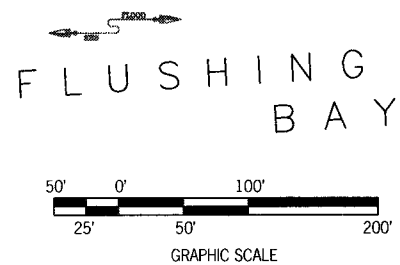




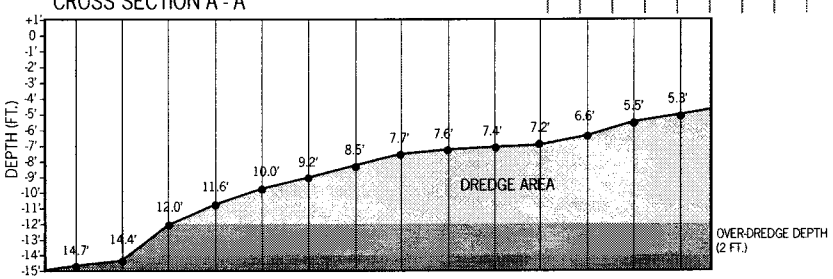
VICINITY MAP

CROSS SECTION B - B



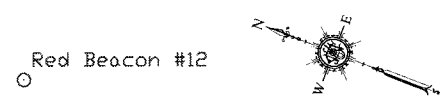


CROSS SECTION A - A



PROPOSED DREDGE AREA

VOLUME TO 12' = 23,874 CUBIC YDS.
2FT. OVERDREDGE = 9,103 CUBIC YDS.
TOTAL = 32,977 CUBIC YDS.



PROJECT:
COLLEGE POINT ASPHALT
CONDITIONS SOUNDINGS
25' x 5' GRID

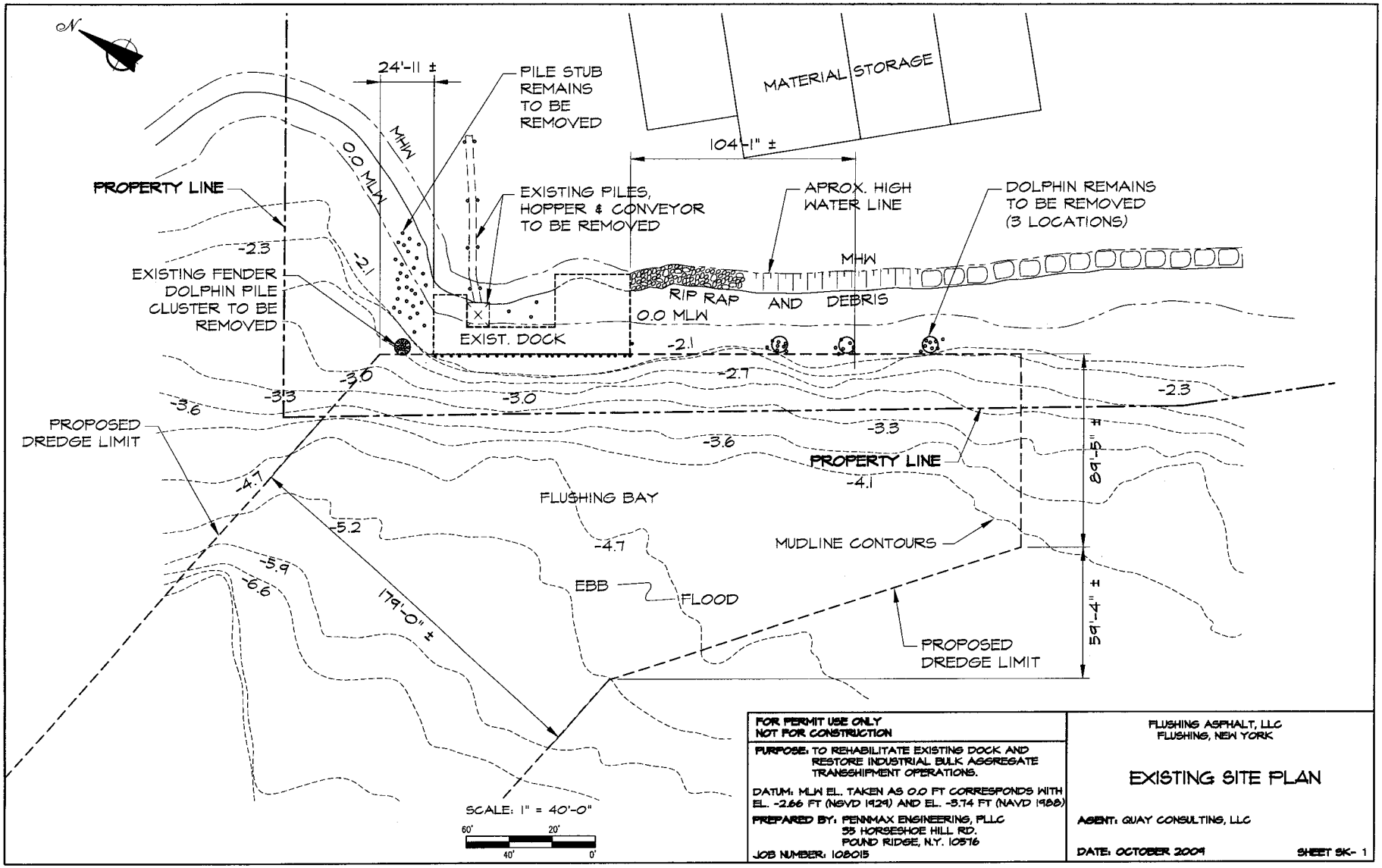
DWN. BY RDW
CHK. BY NM
SCALE: SEE ABOVE

Conditions Soundings
COLLEGE POINT ASPHALT
College Point
Queens, NY 11356

QUAY CONSULTING, LLC

HYPACK TAG:
ANALOG # 041508A
FIELD BOOK: N/A
DATE APR. 15, 2008
LINE FILE: CPA 01
FIGURE NO. 1
COLLEGE POINT ASPHALT

NAN 2013 01383 EST



FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

PURPOSE: TO REHABILITATE EXISTING DOCK AND RESTORE INDUSTRIAL BULK AGGREGATE TRANSSHIPMENT OPERATIONS.

DATUM: MLW EL. TAKEN AS 0.0 FT CORRESPONDS WITH EL. -2.66 FT (NGVD 1929) AND EL. -5.74 FT (NAVD 1988)

PREPARED BY: PENNMAX ENGINEERING, PLLC
55 HORSESHOE HILL RD.
POUND RIDGE, N.Y. 10576

JOB NUMBER: 108015

FLUSHING ASPHALT, LLC
FLUSHING, NEW YORK

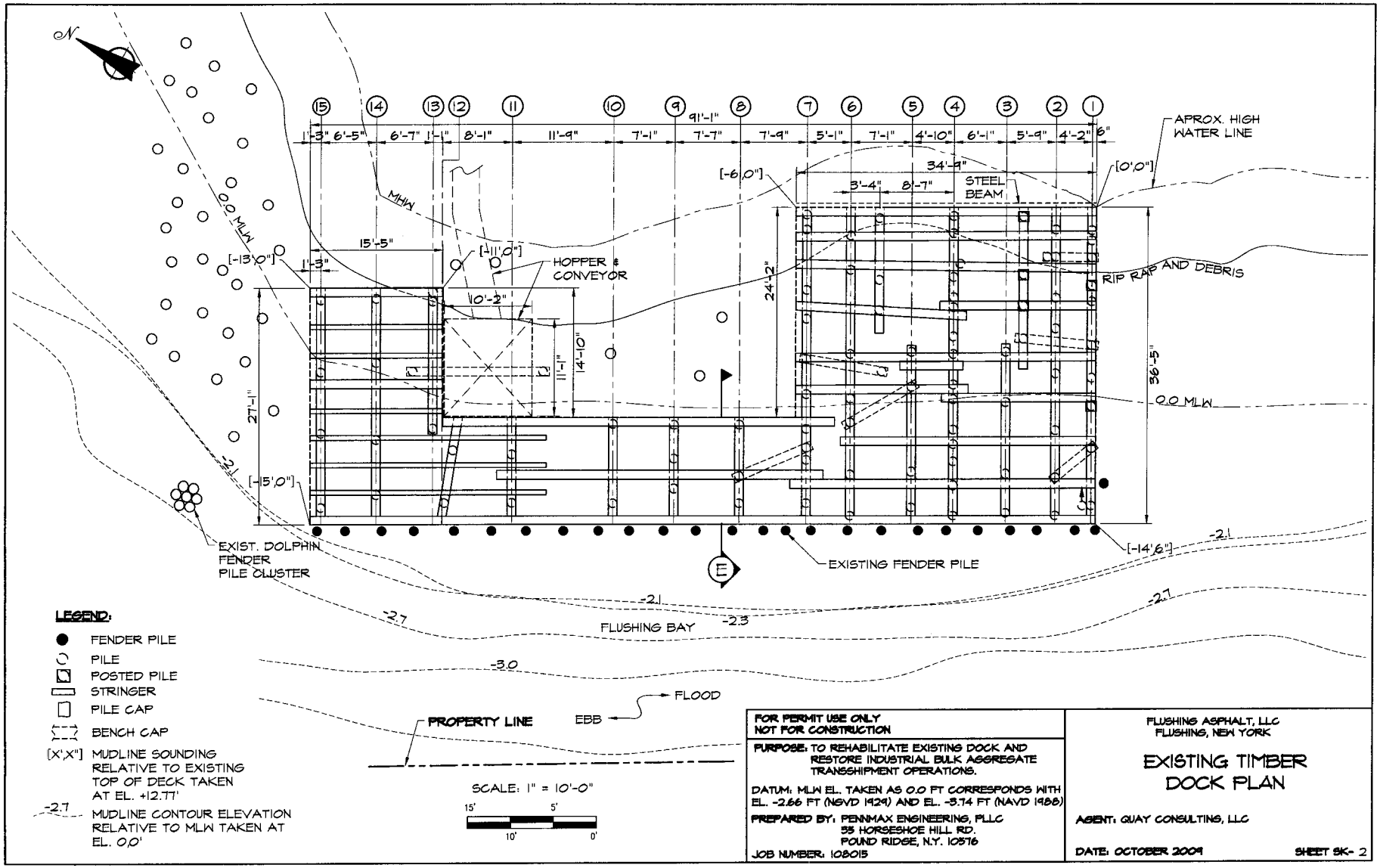
EXISTING SITE PLAN

AGENT: QUAY CONSULTING, LLC

DATE: OCTOBER 2009

SHEET SK- 1

NAN 2013 01383 EST



LEGEND:

- ● FENDER PILE
- ○ PILE
- ⊡ POSTED PILE
- ▭ STRINGER
- □ PILE CAP
- ⊡ BENCH CAP
- [X',X"] MUDLINE SOUNDING RELATIVE TO EXISTING TOP OF DECK TAKEN AT EL. +12.77'
- -2.7 MUDLINE CONTOUR ELEVATION RELATIVE TO MLW TAKEN AT EL. 0.0'

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DATUM: MLW EL. TAKEN AS 0.0 FT CORRESPONDS WITH EL. -2.66 FT (NGVD 1929) AND EL. -3.74 FT (NAVD 1988)

PREPARED BY: PENNMAX ENGINEERING, PLLC
55 HORSESHOE HILL RD.
POUND RIDGE, N.Y. 10576

JOB NUMBER: 108015

FLUSHING ASPHALT, LLC
FLUSHING, NEW YORK

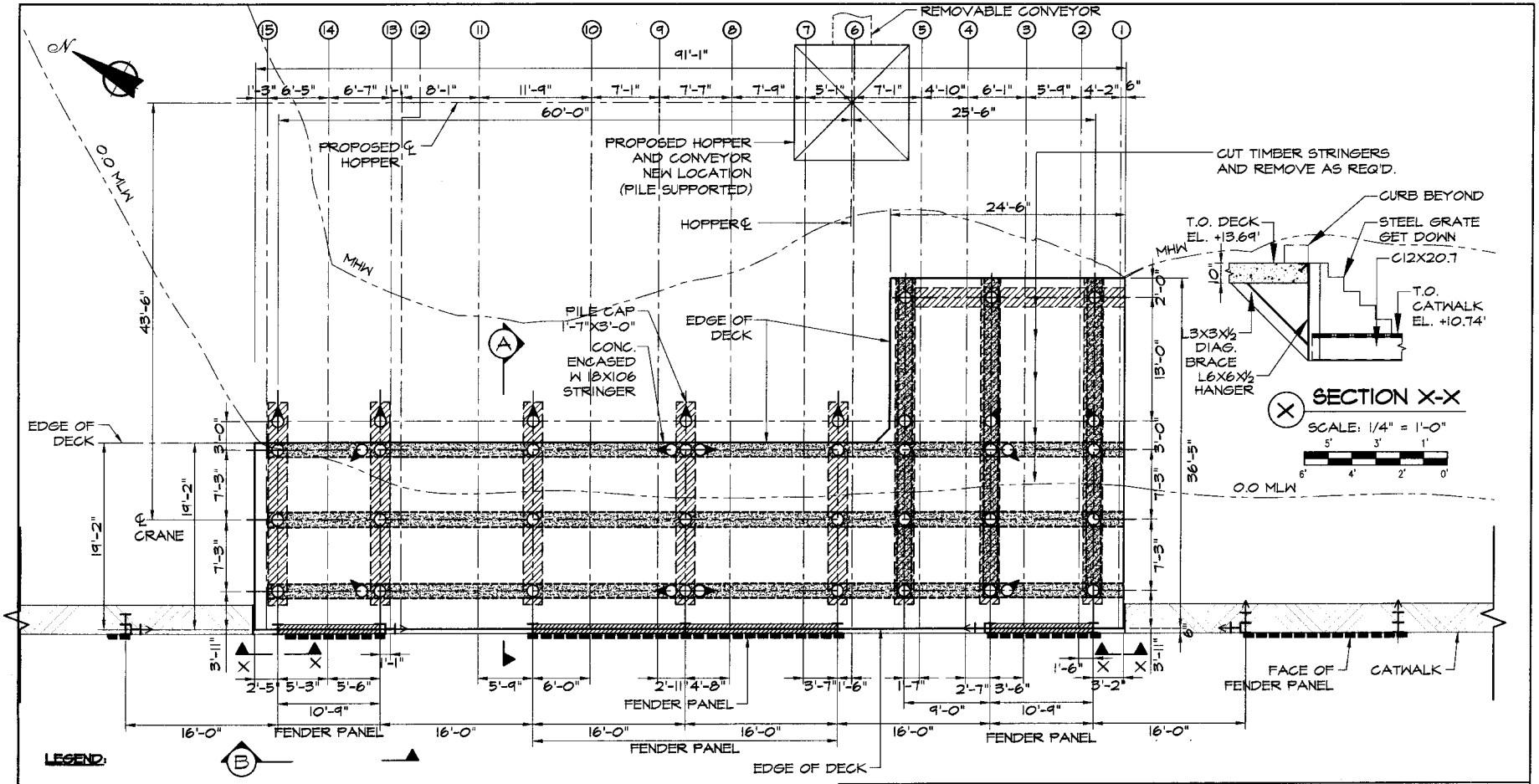
EXISTING TIMBER DOCK PLAN

AGENT: QUAY CONSULTING, LLC

DATE: OCTOBER 2009

SHEET SK- 2

NAN 2013 01383 EST



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DATUM: MLW EL. TAKEN AS 0.0 FT CORRESPONDS WITH EL. -2.66 FT (NGVD 1929) AND EL. -5.74 FT (NAVD 1988)

PREPARED BY: PENNMAX ENGINEERING, PLLC
55 HORSESHOE HILL RD.
POUND RIDGE, N.Y. 10576

JOB NUMBER: 108015

FLUSHING ASPHALT, LLC
FLUSHING, NEW YORK

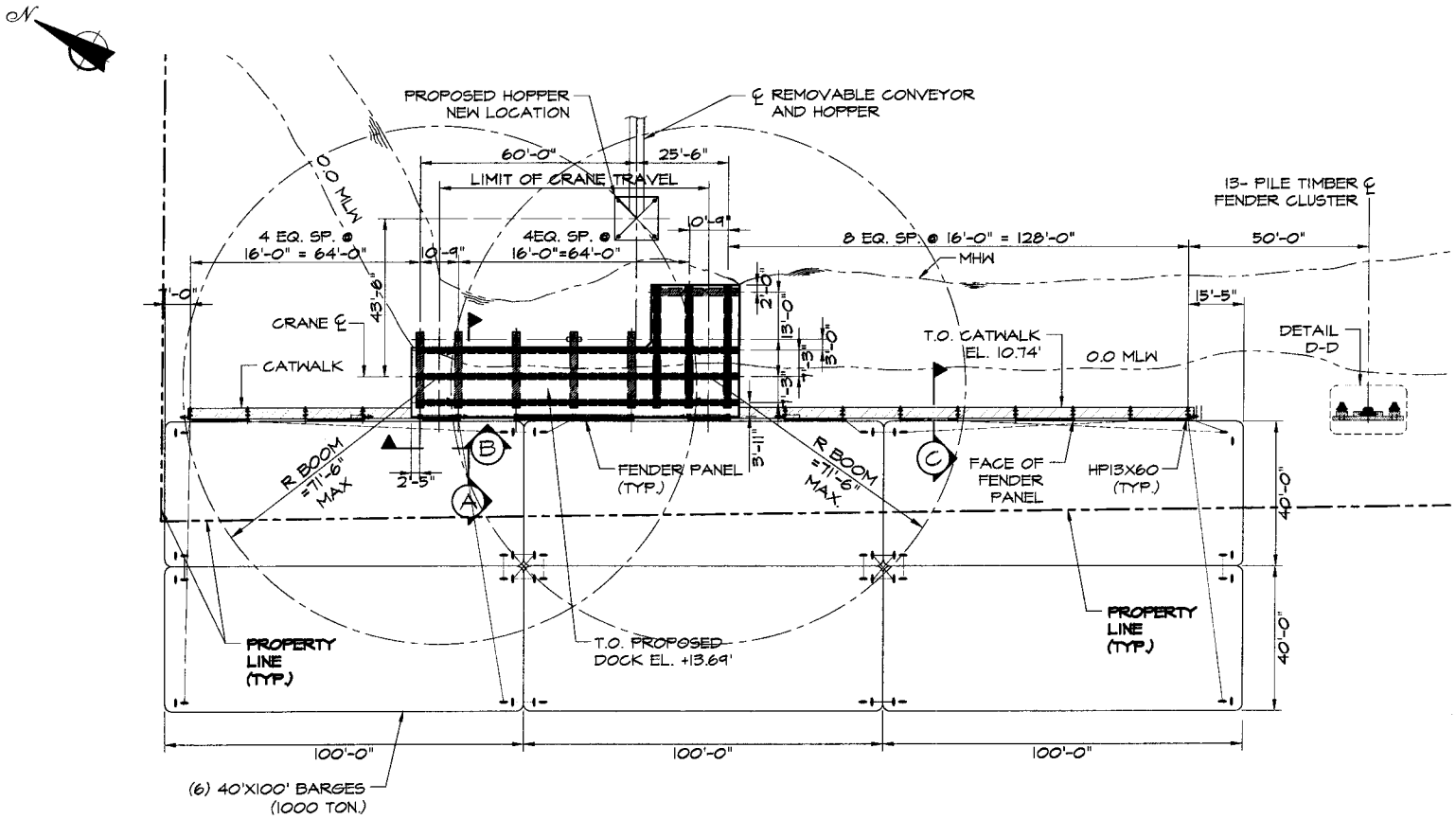
PROPOSED DOCK PLAN

AGENT: QUAY CONSULTING, LLC

DATE: OCTOBER 2009

SHEET SK- 3

NAN 2013 01383 EST

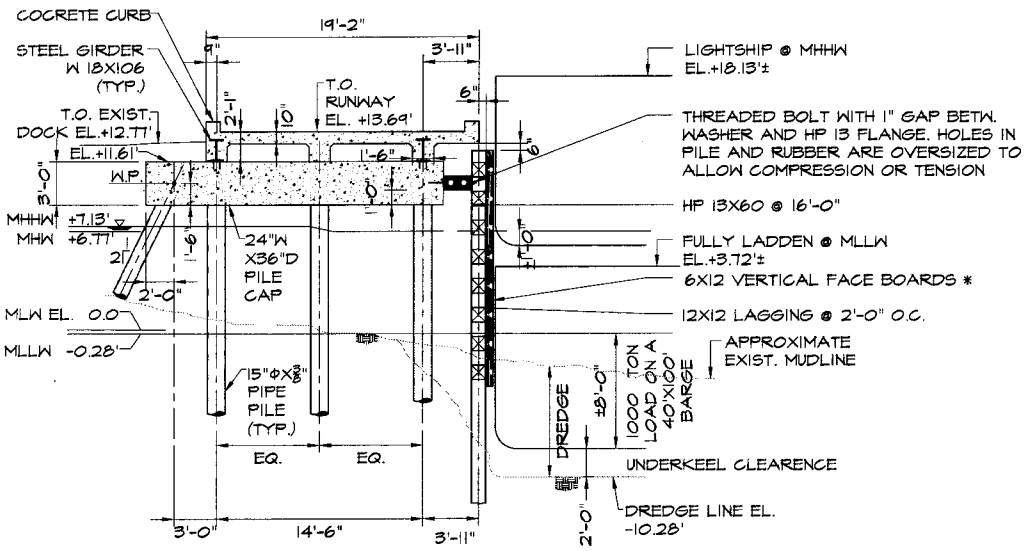


SCALE: 1" = 30'-0"

45' 15' 30' 0'

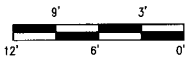
FOR PERMIT USE ONLY NOT FOR CONSTRUCTION	FLUSHING ASPHALT, LLC FLUSHING, NEW YORK
PURPOSE: TO REHABILITATE EXISTING DOCK AND RESTORE INDUSTRIAL BULK AGGREGATE TRANSSHIPMENT OPERATIONS. DATUM: MLW EL. TAKEN AS 0.0 FT CORRESPONDS WITH EL. -2.66 FT (NGVD 1929) AND EL. -3.74 FT (NAVD 1988) PREPARED BY: PENNMAX ENGINEERING, PLLC 35 HORSESHOE HILL RD. POUND RIDGE, N.Y. 10576 JOB NUMBER: 108015	PROPOSED DOCK AND BARGE LAYOUT AGENT: QUAY CONSULTING, LLC DATE: OCTOBER 2009 SHEET SK- 4

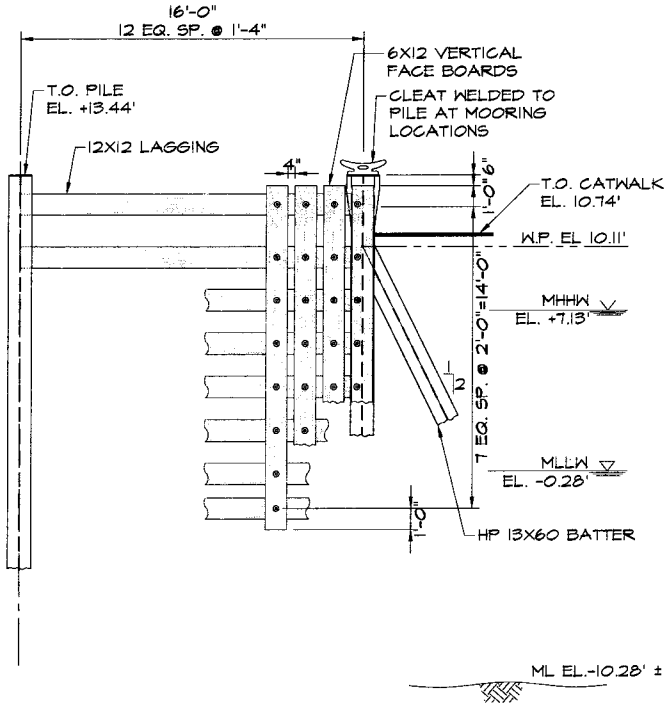
NAN 2013 01383 EST



A SECTION A

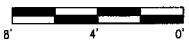
SCALE: 1/8" = 1'-0"





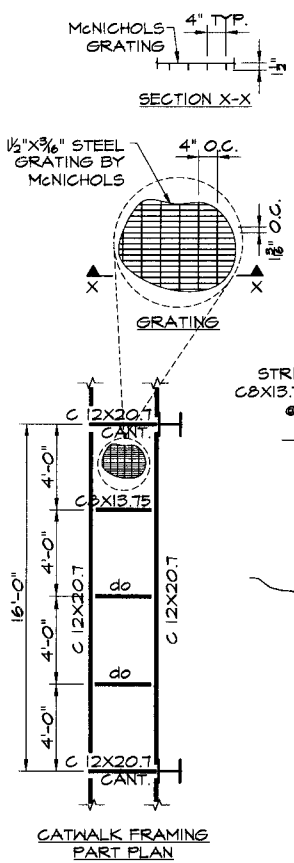
B SECTION B

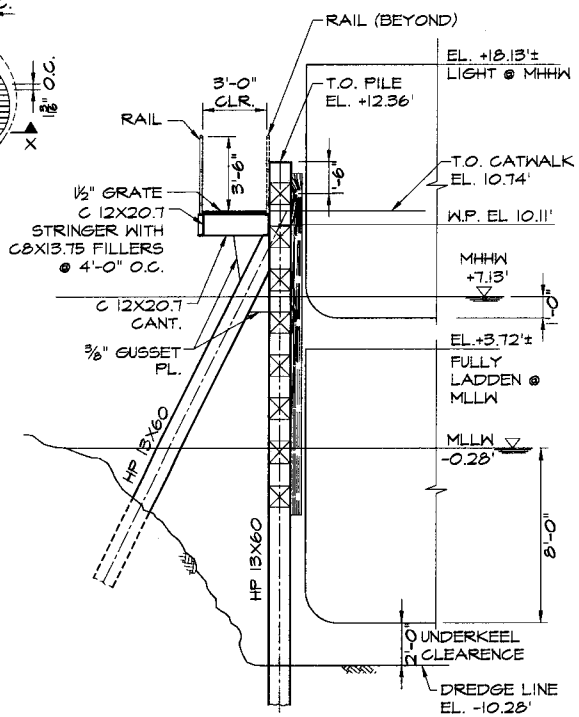
SCALE: 3/16" = 1'-0"



FOR PERMIT USE ONLY NOT FOR CONSTRUCTION	FLUSHING ASPHALT, LLC FLUSHING, NEW YORK
PURPOSE: TO REHABILITATE EXISTING DOCK AND RESTORE INDUSTRIAL BULK AGGREGATE TRANSSHIPMENT OPERATIONS.	SECTIONS A & B TYPICAL SECTION & FENDER PANEL
DATUM: MLW EL. TAKEN AS 0.0 FT CORRESPONDS WITH EL. -2.66 FT (NGVD 1929) AND EL. -3.74 FT (NAVD 1988)	AGENT: QUAY CONSULTING, LLC
PREPARED BY: PENNMAX ENGINEERING, PLLC 35 HORSESHOE HILL RD. POUND RIDGE, N.Y. 10576 JOB NUMBER: 108015	DATE: OCTOBER 2009 SHEET SK- 5

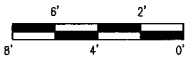
NAN 2013 01383 EST

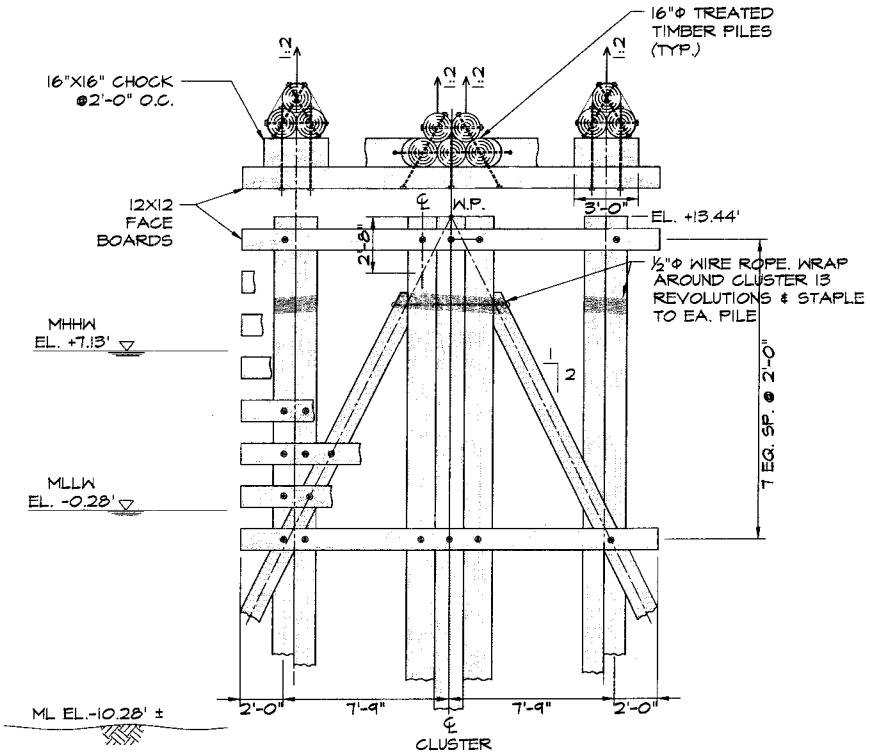




C SECTION C

SCALE: 3/16" = 1'-0"





D SECTION D

SCALE: 3/16" = 1'-0"

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35 HORSESHOE HILL RD.
POUND RIDGE, N.Y. 10576

JOB NUMBER: 108015

FLUSHING ASPHALT, LLC
FLUSHING, NEW YORK

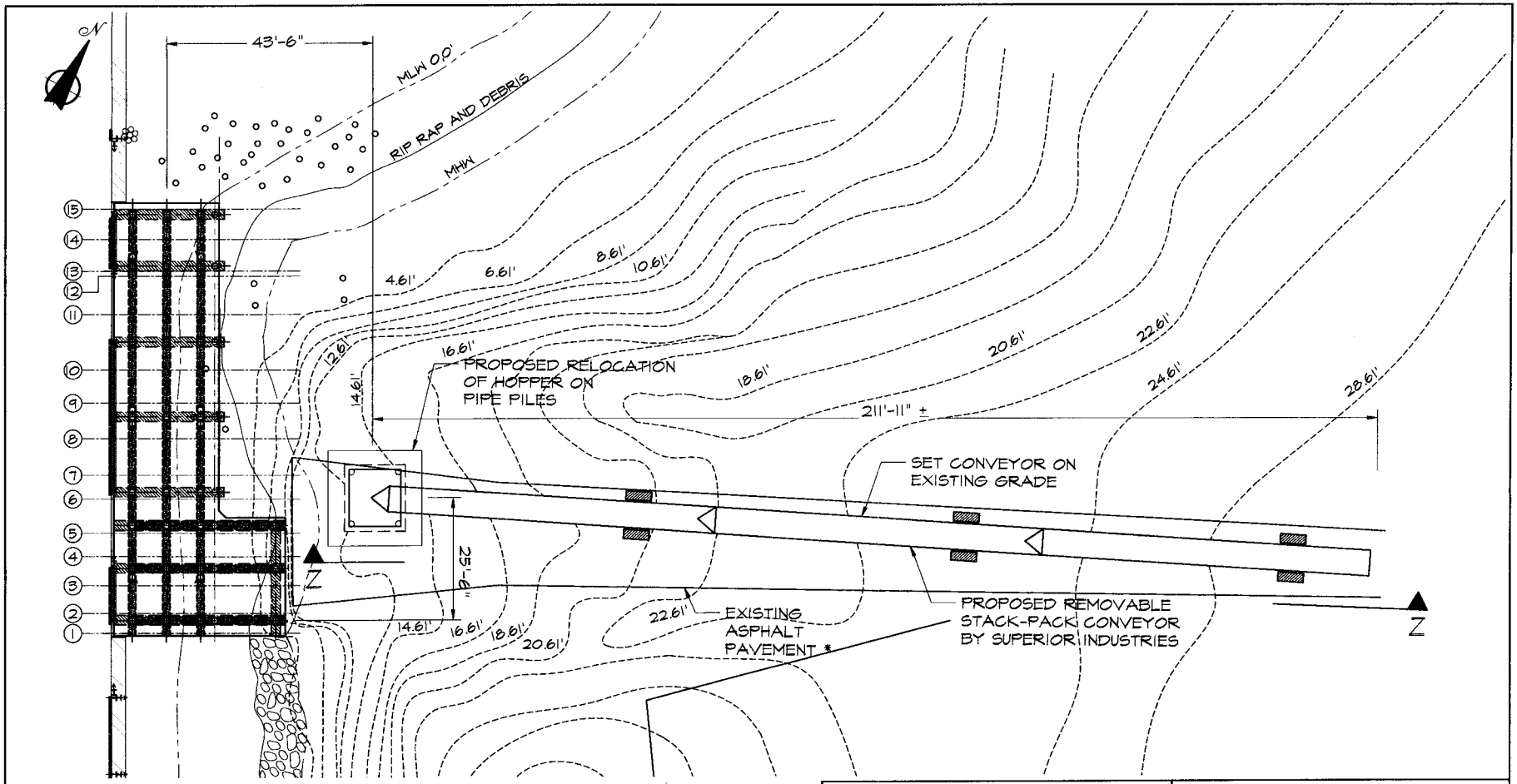
SECTIONS C & D
TYPICAL CATWALK PLAN & SECTION AND 13-PILE CLUSTER

AGENT: QUAY CONSULTING, LLC

DATE: OCTOBER 2009

SHEET SK- 6

NAN 2013 01383 EST



SCALE: 1" = 20'-0"

30' 10'
40' 20' 0'

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PREPARED BY: PENNMAX ENGINEERING, PLLC
55 HORSESHOE HILL RD.
POUND RIDGE, N.Y. 10576

JOB NUMBER: 108015

FLUSHING ASPHALT, LLC
FLUSHING, NEW YORK

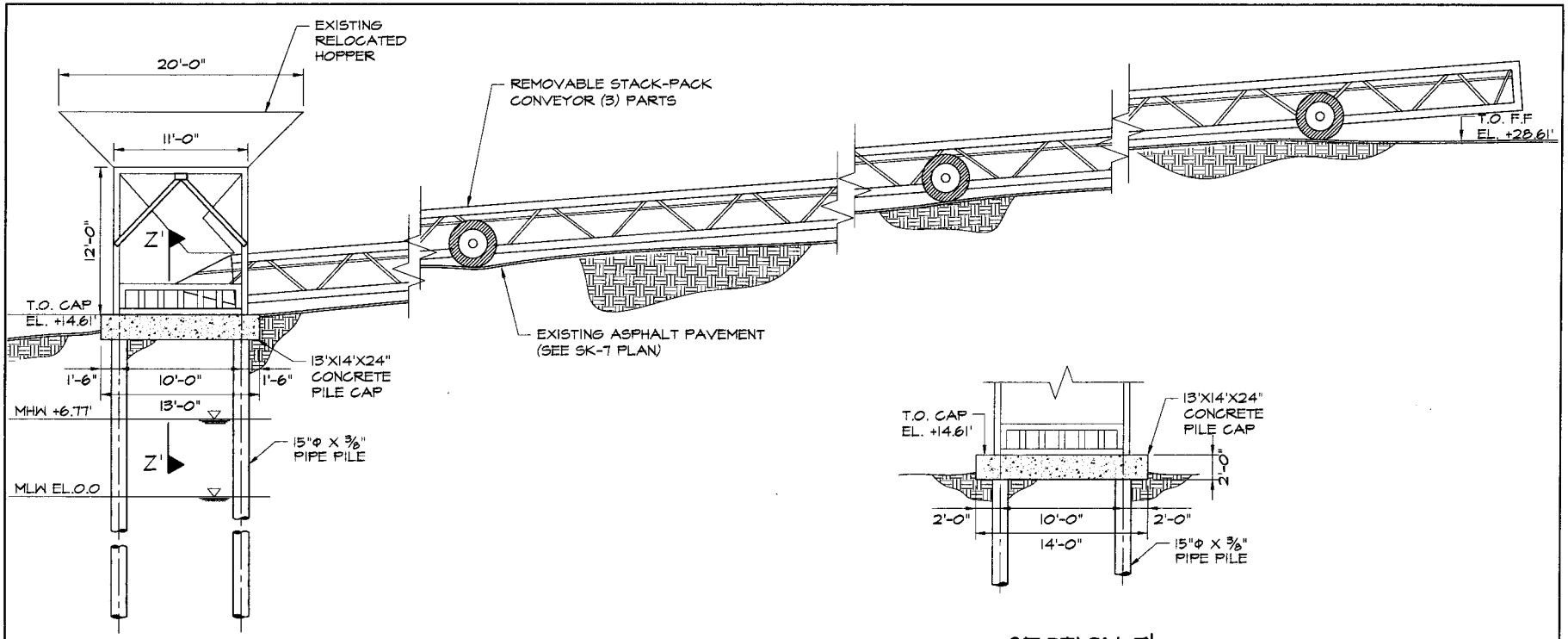
PROPOSED HOPPER & CONVEYOR LOCATION PLAN

AGENT: QUAY CONSULTING, LLC

DATE: OCTOBER 2009

SHEET SK- 7

NAN 2013 01383 EST



Z SECTION Z

SCALE: 1/8" = 1'-0"

9' 3' 12' 6' 0'

Z' SECTION Z'

SCALE: 1/8" = 1'-0"

9' 3' 12' 6' 0'

FOR PERMIT USE ONLY NOT FOR CONSTRUCTION	FLUSHING ASPHALT, LLC FLUSHING, NEW YORK
PURPOSE: TO REHABILITATE EXISTING DOCK AND RESTORE INDUSTRIAL BULK AGGREGATE TRANSSHIPMENT OPERATIONS. DATUM: MLW EL. TAKEN AS 0.0 FT CORRESPONDS WITH EL. -2.66 FT (NGVD 1929) AND EL. -3.74 FT (NAVD 1988) PREPARED BY: PENNMAX ENGINEERING, PLLC 55 HORSESHOE HILL RD. POUND RIDGE, N.Y. 10576 JOB NUMBER: 108015	SECTION Z-Z AGENT: QUAY CONSULTING, LLC DATE: OCTOBER 2009 SHEET SK- 8

NAN 2013 01383 EST