

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-2013-00479-EYA

Issue Date: May 10, 2013

Expiration Date: June 11, 2013

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: Masluf Reality Corp.
340 Maspeth Avenue
Brooklyn, NY 11211

ACTIVITY: Commercial Pier Construction

WATERWAY: English Kills - a tributary to Newtown Creek

LOCATION: Borough of Brooklyn, Kings 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. Comments provided will become a part of the public record for this action.

PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

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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 agency 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 because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is 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 Permit

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>.

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

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may contact this office at (917) 790-8092 and ask for Jun Yan

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

A handwritten signature in black ink, appearing to read "Jodi M. McDonald". The signature is written in a cursive style with a large initial "J" and "M".

Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

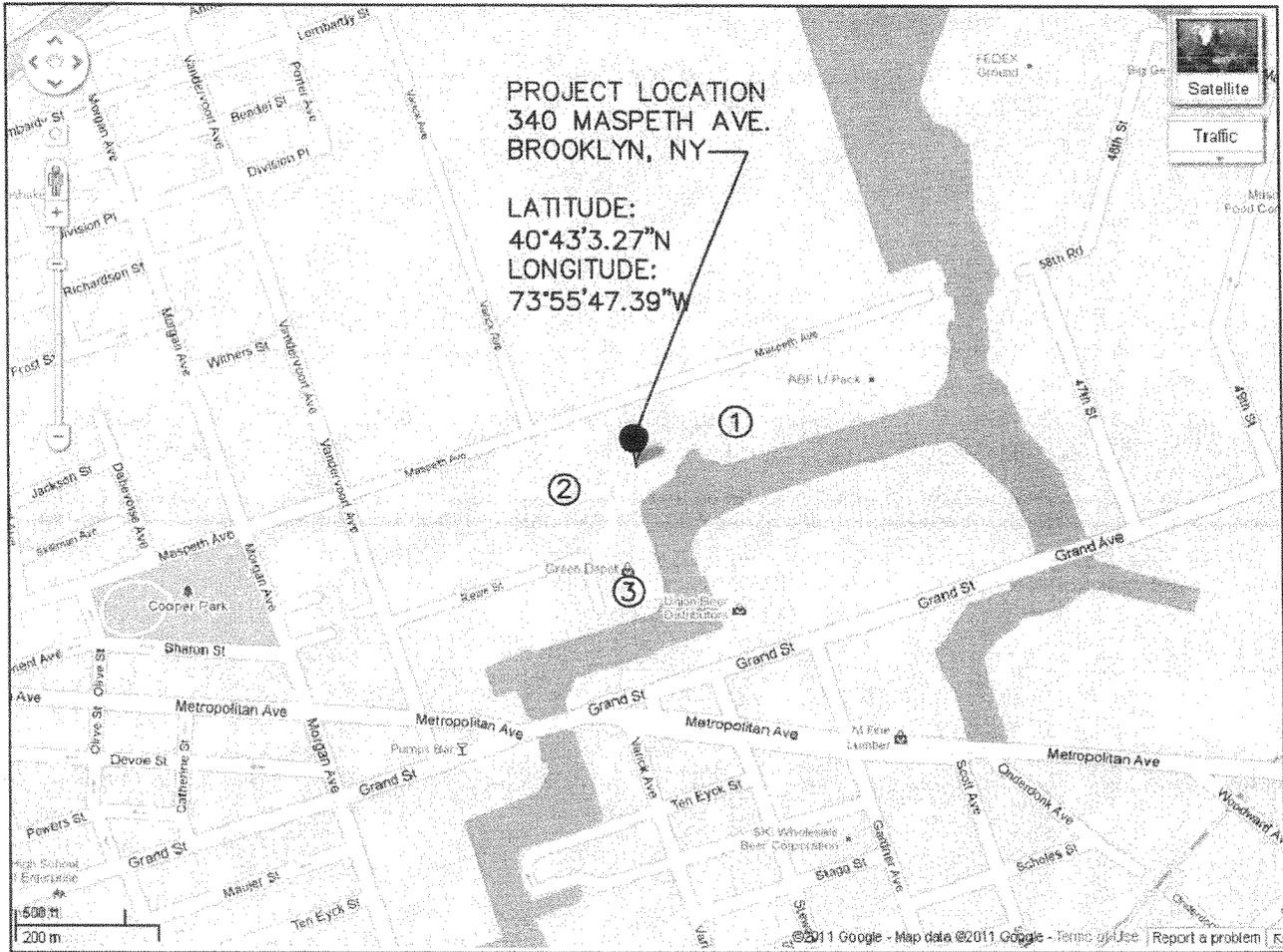
WORK DESCRIPTION

The applicant, Masluf Realty Corp., has requested Department of the Army authorization for construction of a commercial pier to support barge docking, located in English Kills a tributary to Newtown Creek, at the Borough of Brooklyn, Kings County, New York.

The work consists of installation of approximately 1,775 square feet (0.04 acre) of reinforced concrete pier supported by twenty-one (21) 14-inch diameter timber piles, placement of riprap shoreline protection beneath the pier, and installation of four (4) 24-inch diameter monopoles with 54-inch diameter donut fenders. The monopoles will extend into the Newtown Creek Federal Navigation Channel Project by 4.25 feet. During loading operations, a barge will be docked at the proposed pier and extend another 38 feet into the Federal Navigation Channel.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by limiting construction to the smallest area practicable.

The stated purpose of this project is to provide mooring facility for safe commercial use.



LOCATION PLAN

SCALE: N.T.S.



Adjacent Property Owners:

- ① Newtown Development
362 Maspeth Ave,
Brooklyn, NY 11211
- ② Bria Realty
320 Maspeth Ave,
Brooklyn, NY 11211
- ③ 15 Rewe Street, LLC
15 Rewe St.
Brooklyn, NY 11211

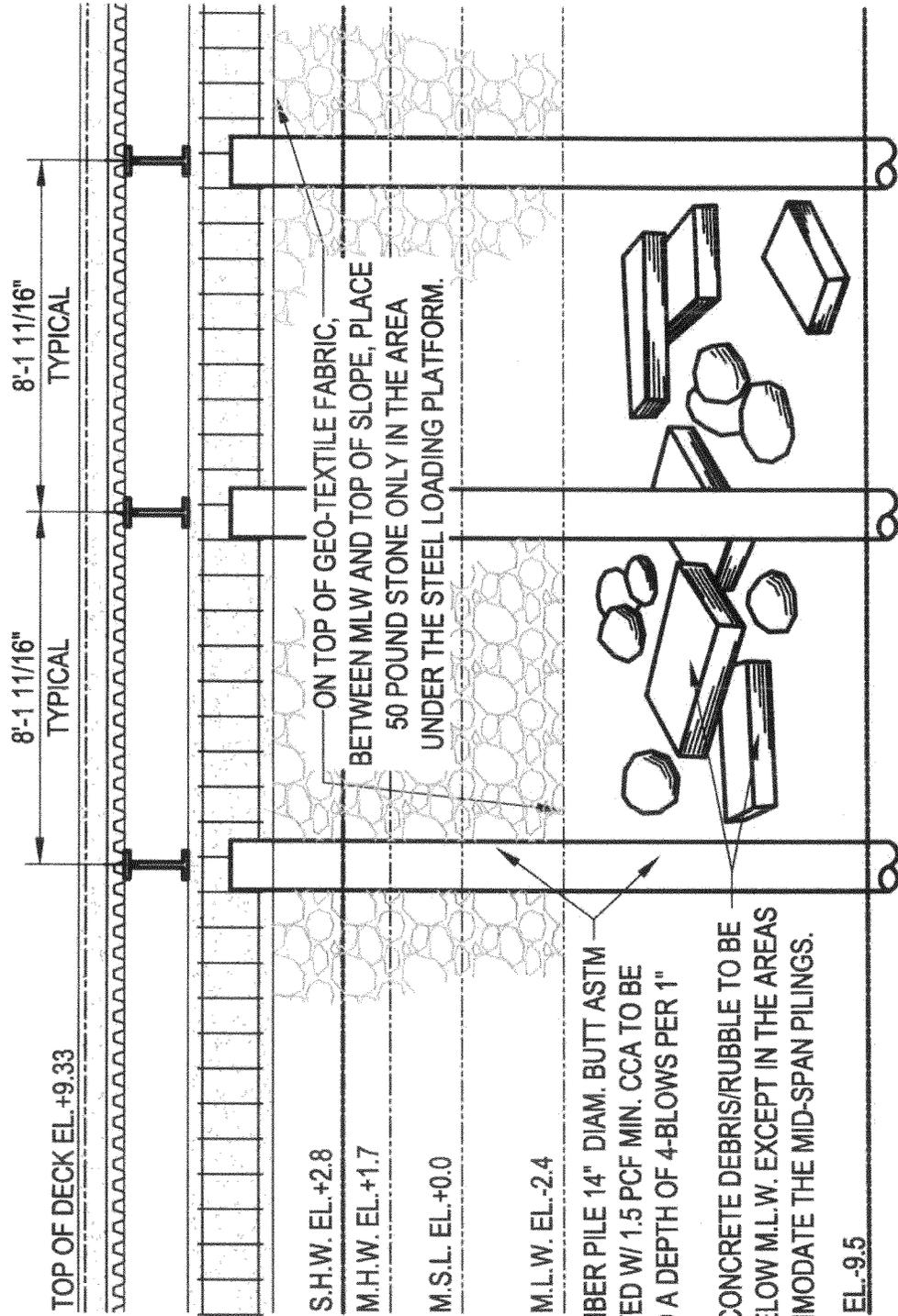
**340 Maspeth
NEW DECK INSTALLATION**

Application By:
MASLUF REALTY
340 Maspeth Avenue
Brooklyn, New York

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AGENT:
EDWARD M. WEINSTEIN,
ARCHITECTURE & PLANNING P.C.

Sheet 1 of 10 Apr. 9th, 2013



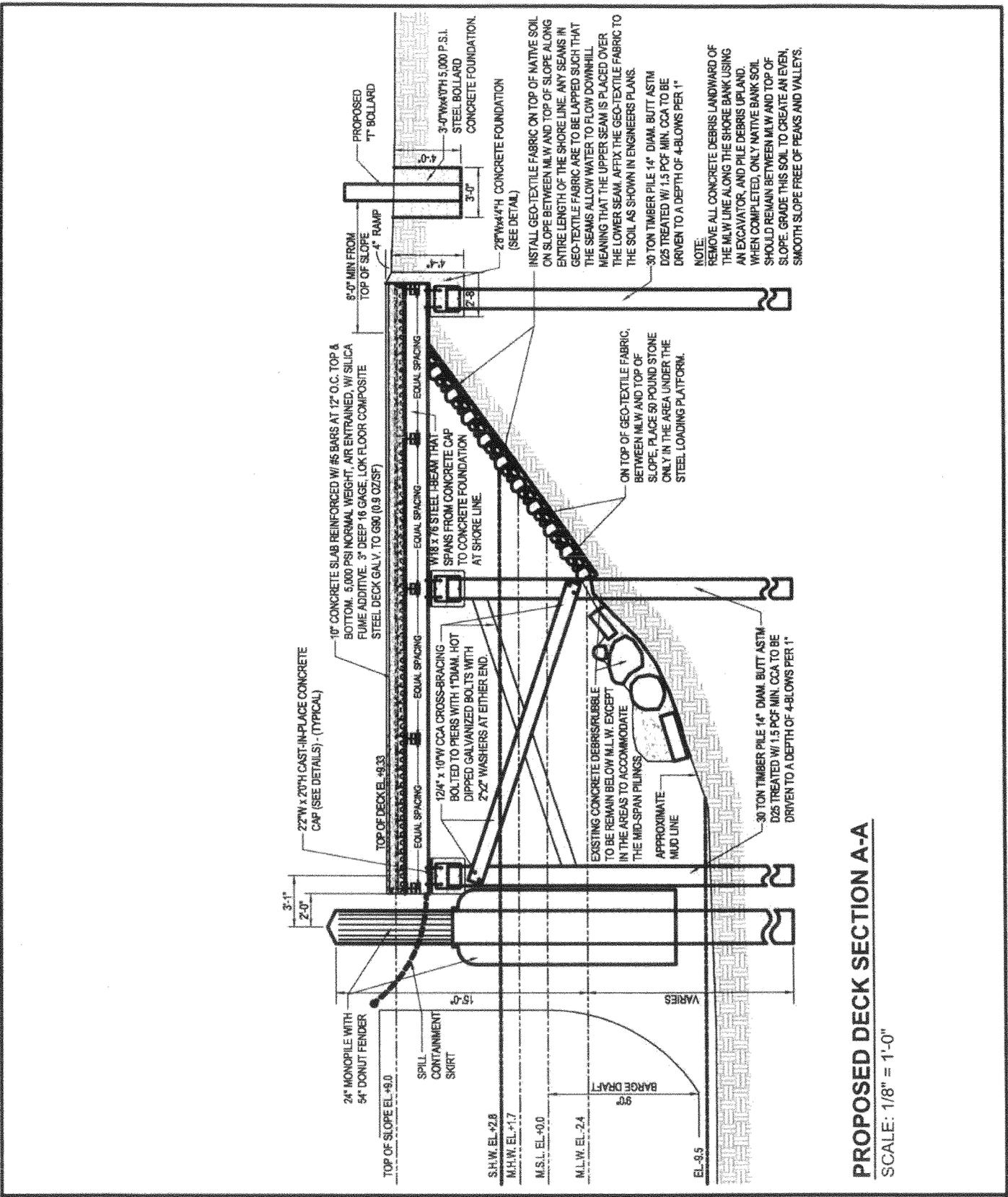
PROPOSED DECK ELEVATION
SCALE: 1/4" = 1'-0"

340 Maspeth
NEW DECK INSTALLATION

Application By:
MASLUF REALTY
340 Maspeth Avenue
Brooklyn, New York

AGENT:
EDWARD M. WEINSTEIN,
ARCHITECTURE & PLANNING P.C.

Previously Submitted Apr. 12th, 2013
Revised Sheet 6 of 10 Apr. 24th, 2013



PROPOSED DECK SECTION A-A
 SCALE: 1/8" = 1'-0"

**340 Maspeth
 NEW DECK INSTALLATION**

Application By:
MASLUF REALTY
 340 Maspeth Avenue
 Brooklyn, New York

AGENT:
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 Revised Sheet 7 of 10 Apr. 24th, 2013

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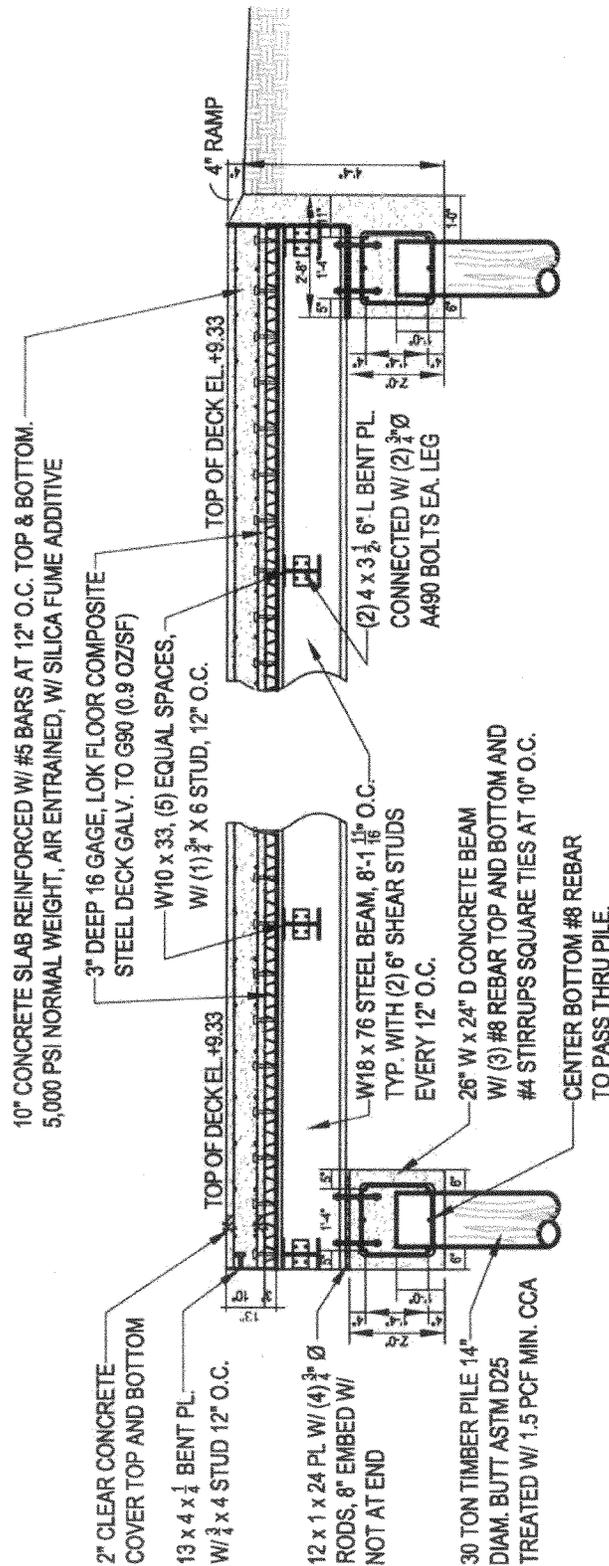
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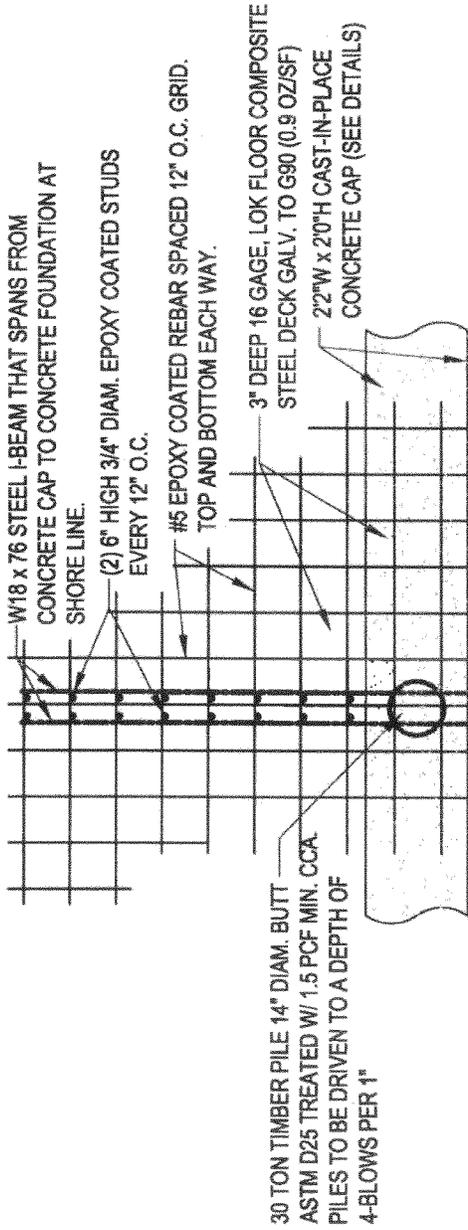
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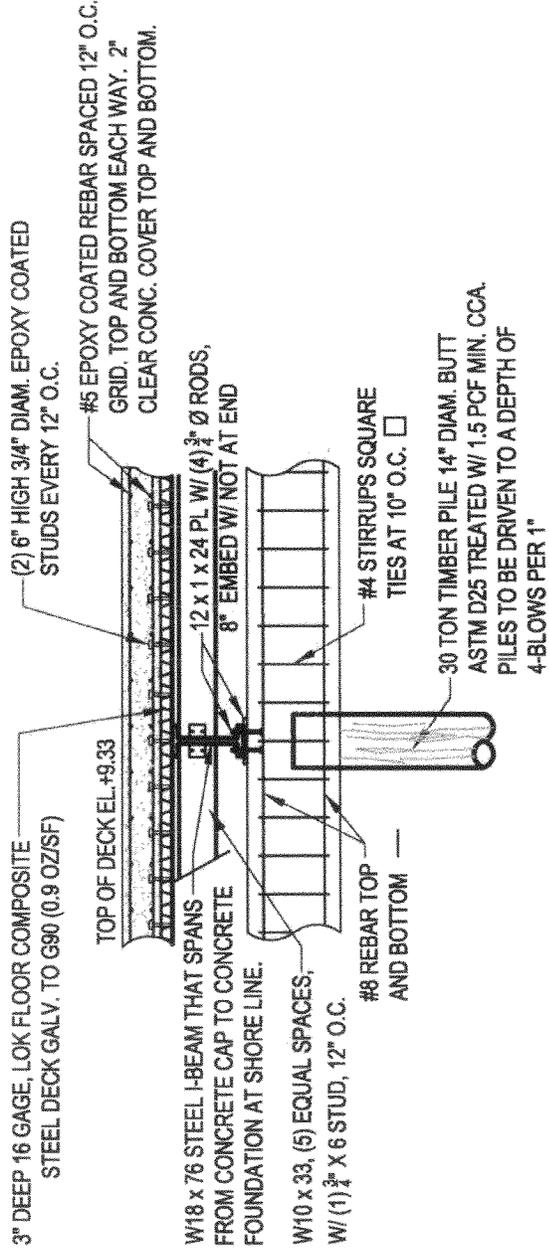
**PROPOSED CONCRETE
CAP SECTION DETAIL**
SCALE: 1/4" = 1'-0"

**PROPOSED CONCRETE
FOUNDATION SECTION DETAIL**
SCALE: 1/4" = 1'-0"



PROPOSED DECK PLAN DETAIL

SCALE: 1/4" = 1'-0"



PROPOSED CONCRETE CAP ELEVATION DETAIL

SCALE: 1/4" = 1'-0"

**340 Maspeth
NEW DECK INSTALLATION**

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