



# 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-2014-00878-EBO  
Issue Date: August 27, 2014  
Expiration Date: September 26, 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), Section 404 of the Clean Water Act (33 U.S.C. 1344)

**APPLICANT:** Holcim (US) Inc.  
201 Rover Street  
Everett, MA 02149

**ACTIVITY:** Dredge with ten years maintenance and discharge of dredged material to an upland disposal site.

**WATERWAY:** Flushing Bay

**LOCATION:** Neighborhood of 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 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 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://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_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 may contact this office a (917) 790-8516 and ask for Leslie Bowles-Early.

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



Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

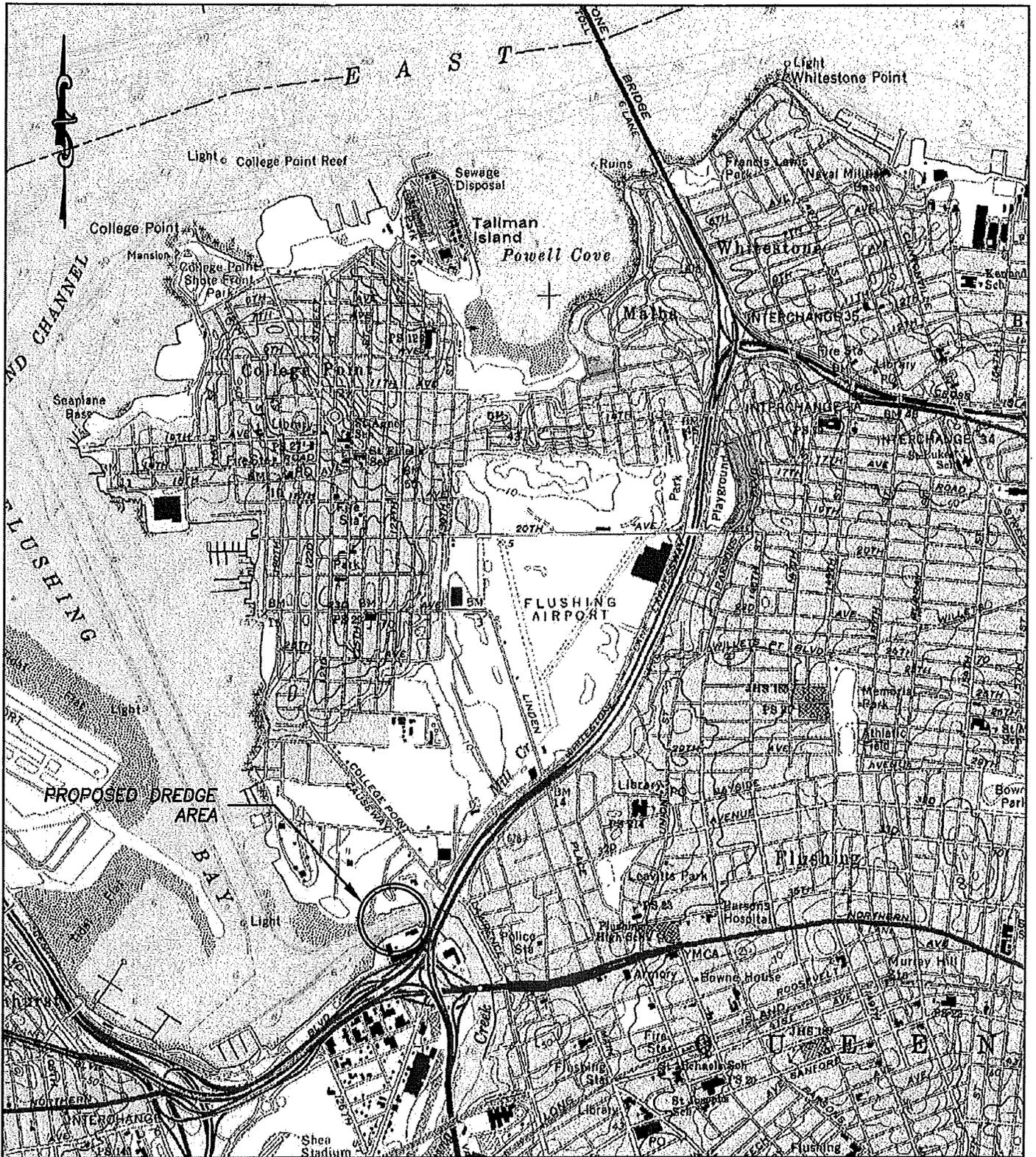
## WORK DESCRIPTION

The applicant, Holcim (US) incorporated, has requested Department of the Army authorization to perform dredging, with ten-year maintenance, and subsequent placement of the material in a state approved upland disposal site. The project work site is located in Flushing Bay in the Flushing Neighborhood, Borough of Queens, Queens County, New York.

The work would involve the maintenance dredging within the existing 470-foot long by 160-foot wide berthing area to a depth of 18 feet below the plane of mean lower low water (MLLW) plus one foot of allowable overdepth to elevation 19 feet below MLLW totaling approximately 9,090 cubic yards of dredged material from this approximate area of 72,200 square feet. A one foot clean sand cap is proposed to be placed over the dredge footprint resulting in final depths between 17 feet MLLW and 18 feet MLLW. A portion of the proposed dredge area extends into the 200 foot wide Federal channel.

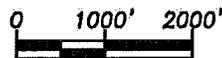
The proposed dredging would be accomplished by mechanical methods using a clamshell bucket. The dredged materials are proposed to be towed by barge to the selected contractor's facility to decant, and if required, to be mixed with cement at this facility prior to offloading at the state approved upland disposal site.

The stated purpose of this project is to continue to restore the existing berth area to an accessible and safe operating depth.



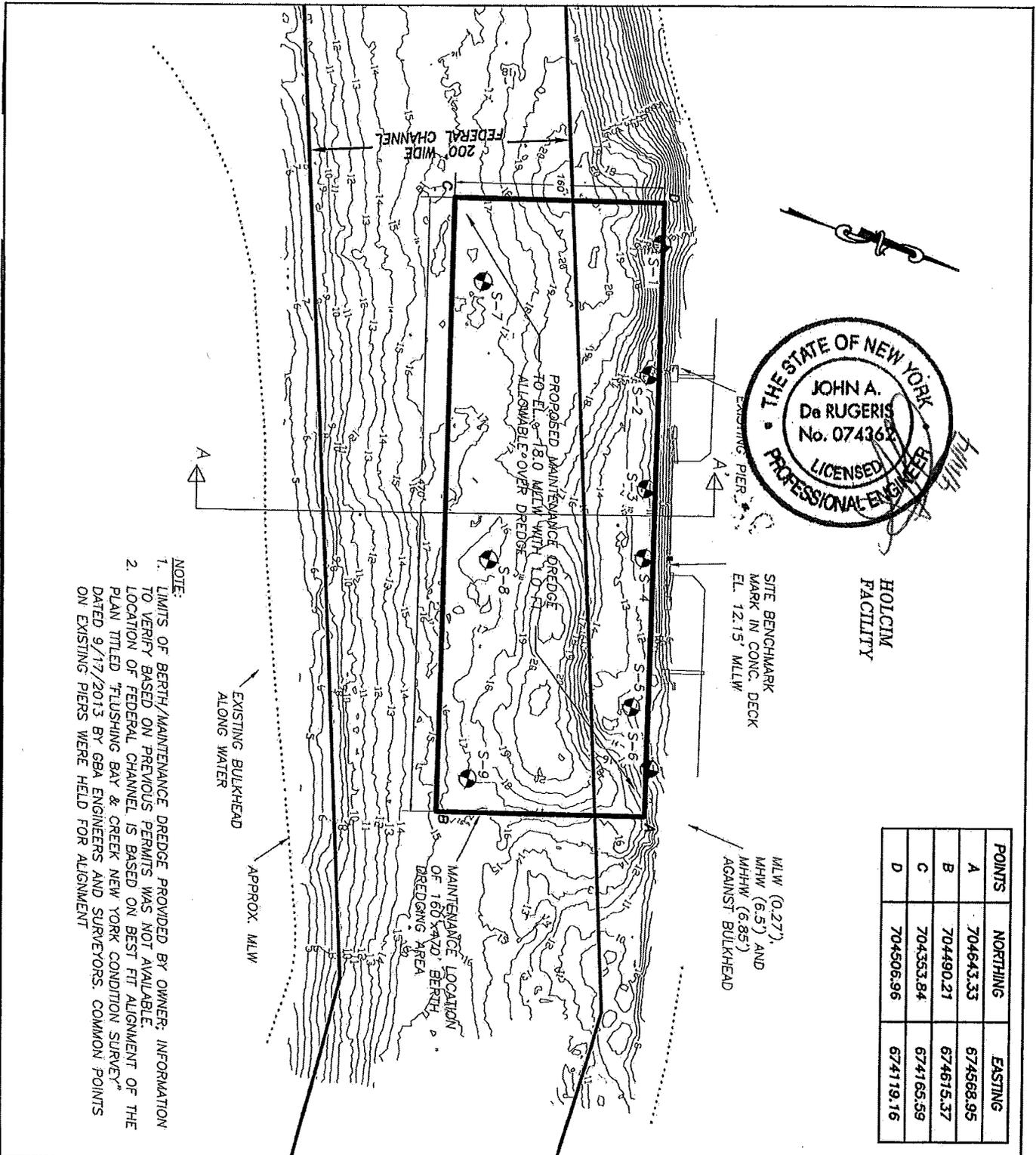
**PURPOSE: PROPOSED MAINTENANCE DREDGING TO IMPROVE ACCESS TO NAVIGABLE WATERS**  
 DATUM: MLLW = 0.0'  
 MHW = 6.5'  
 MHHW = 6.85'  
 CLE ENGINEERING, INC.  
 15 CREEK RD. MARION, MA 02738

**SITE LOCUS**  
 SCALE: 1"=2000'



**MAINTENANCE DREDGING PLAN**  
 IN FLUSHING RIVER, NY  
 AT: HOLCIM FACILITY  
 COUNTY OF: QUEENS  
 APPLICATION BY: HOLCIM, INC.  
 201 ROVER ST. EVERETT, MA

DATE: 12/2/13 SHEET 1 OF 3

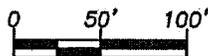


NOTE:  
 1. LIMITS OF BERTH/MAINTENANCE DREDGE PROVIDED BY OWNER. INFORMATION TO VERIFY BASED ON PREVIOUS PERMITS WAS NOT AVAILABLE.  
 2. LOCATION OF FEDERAL CHANNEL IS BASED ON BEST FIT ALIGNMENT OF THE PLAN TITLED "FLUSHING BAY & CREEK NEW YORK CONDITION SURVEY" DATED 9/17/2013 BY GBA ENGINEERS AND SURVEYORS. COMMON POINTS ON EXISTING PIERS WERE HELD FOR ALIGNMENT

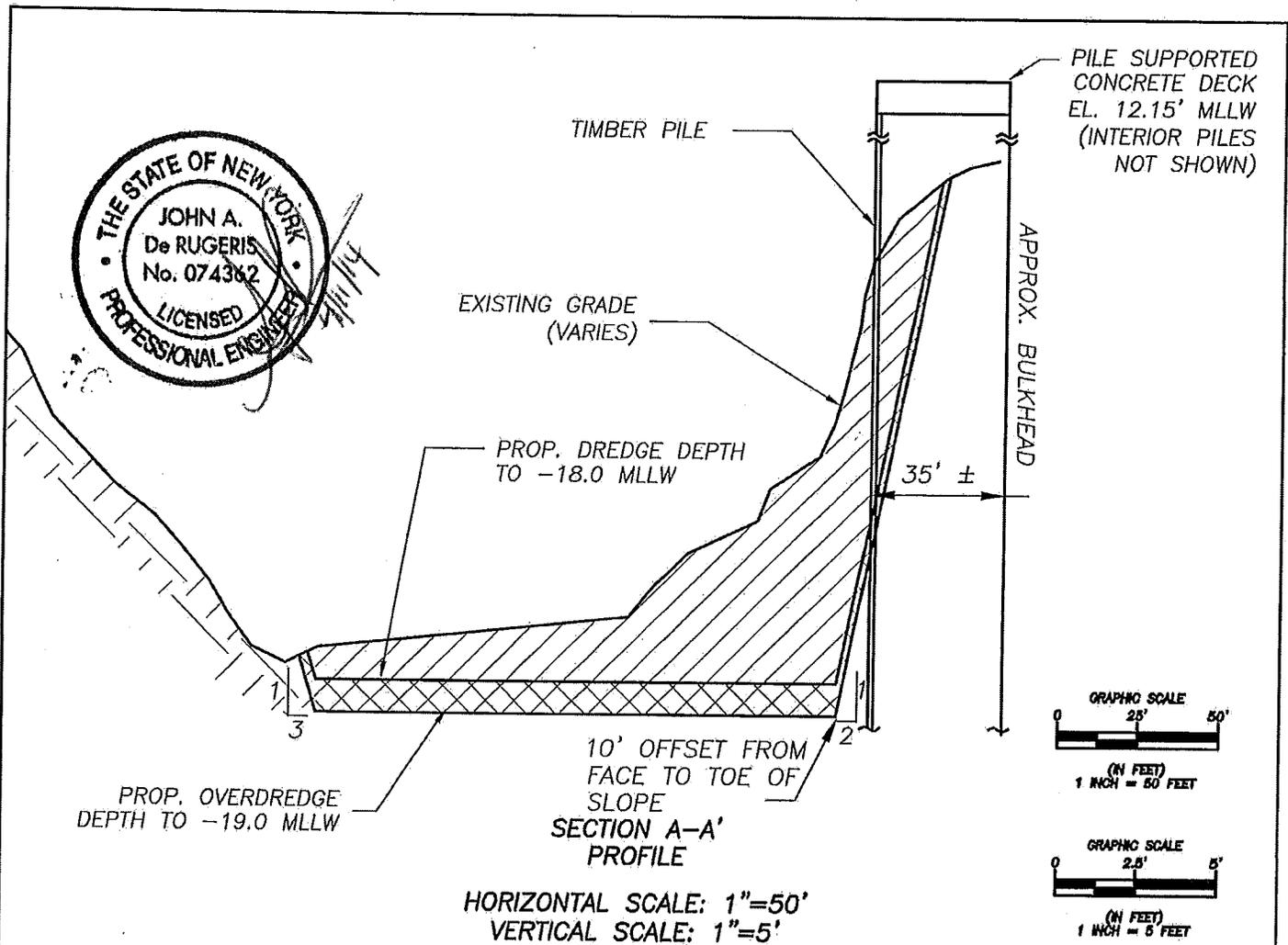
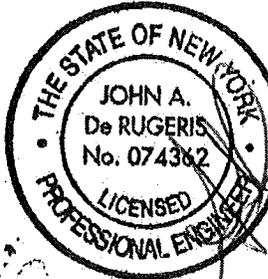
POINTS	NORTHING	EASTING
A	704643.33	674568.95
B	704490.21	674615.37
C	704353.84	674165.59
D	704506.96	674119.16

**PURPOSE:** PROPOSED MAINTENANCE DREDGING WILL IMPROVE ACCESS TO NAVIGABLE WATERS  
**DATUM:** MLLW = 0.0'  
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 MHHW = 6.85'  
**CLE ENGINEERING, INC.**  
 15 CREEK RD. MARION, MA 02738

**PROPOSED DREDGE PLAN**  
**SCALE: 1"=100'**



**MAINTENANCE DREDGING PLAN**  
**IN FLUSHING RIVER, NY**  
**AT: HOLCIM FACILITY**  
**COUNTY OF: QUEENS**  
**APPLICATION BY: HOLCIM, INC.**  
 201 ROVER ST. EVERETT, MA  
**REV. 4/11/14**  
**DATE: 12/2/13 SHEET 2 OF 3**



MHHW	6.85'
MHW	6.50'
NAVD88	3.84'
NOVD1929	2.46'
MLW	0.27'
MLLW	0.00'

- NOTES:**
- RESULTS OF HYDROGRAPHY FROM SURVEY DATED 2/28/13.
  - SOUNDINGS ARE IN FEET AND TENTHS, AND REFER TO DEPTHS BELOW MLLW.
  - BENCHMARK IS MARK SET ON TOP OF CONCRETE DECK EL. +9.69' NAVD29, +12.15' MLLW, LOCATED AT 3130 COLLEGE POINT BLVD., FLUSHING, NY, NAVD29 ELEVATION PROVIDED BY MONTROSE SURVEYING ON 3/13/13.
  - COORDINATES ARE BASED ON NAD83 NEW YORK EAST STATE PLANE GRID SYSTEM.
  - DATUM SHIFT FROM NAVD29 TO MLLW TAKEN FROM NOAA POINT MORRIS, NY STATION ID: 6518639 (1983-2001 EPOCH).
  - COLOR IMAGERY GENERATED FROM DTN OF 3'X3' MINIMUM VALUE DATA SET.
  - SOUNDINGS GENERATED FROM 0'X10' MINIMUM VALUE DATA SET.
  - THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF HYDROGRAPHIC SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE SEALED CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, SHORELINES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES CLE WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
  - PIERS, STRUCTURES AND BULKHEADS HAVE BEEN APPROXIMATED FROM AERIAL PHOTOGRAPHY.
  - POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT. ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE ENGINEERING INC. OF CLE.

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**MLLW DATUM SHIFT CHART**  
 BASED ON NOAA STATION (1983-2001 EPOCH)  
 POINT MORRIS, NY- STATION ID: 6518639

<p><b>PURPOSE:</b> PROPOSED MAINTENANCE DREDGING WILL IMPROVE ACCESS TO NAVIGABLE WATERS  <b>DATUM:</b> MLLW = 0.0'                  MHW = 6.5'                  MHHW = 6.85'                  CLE ENGINEERING, INC.                  15 CREEK RD. MARION, MA 02738</p>	<p><b>NOTES</b></p>	<p><b>MAINTENANCE DREDGING PLAN IN FLUSHING RIVER, NY</b>                  AT: HOLCIM FACILITY                  COUNTY OF: QUEENS                  APPLICATION BY: HOLCIM, INC.                  201 ROVER ST. EVERETT, MA                  DATE: 12/2/13 SHEET 3 OF 3</p>
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