



# 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-2013-00259-EHA  
Issue Date: December 23, 2014  
Expiration Date: February 9, 2015

## 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:** New York City Economic Development Corporation  
Attn: Max Taffet  
110 William Street  
New York, New York 10037

**ACTIVITY:** Discharge fill material into wetlands of the United States to facilitate construction of a wetland mitigation bank at an approximately 69 acre site.

**WATERWAY:** Saw Mill Creek, tributary to Arthur Kill

**LOCATION:** Borough of Staten Island, Richmond 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

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provided will become a part of the public record for this action.

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 would not affect any Federally endangered or threatened species or their critical habitat. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer has determined there are no listed species or critical habitat in the project area.

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. Consultation with the New York State Historic Preservation Office is being conducted to avoid impacts to archeological resources.

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 occur. 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.

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- 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) 790-8523 and ask for Naomi Handell.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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", with a large, stylized flourish extending from the end of the signature.

Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, New York City Economic Development Corporation, has requested Department of the Army authorization to discharge fill material into wetlands of the United States to facilitate construction of a wetland mitigation bank at an approximately 69 acre site within the Sandy Hook-Staten Island watershed, in the Borough of Staten Island, Richmond County, New York.

The applicant proposes that the mitigation bank would compensate for wetland and other aquatic resource losses by proposed projects within the Bank primary service area (Hydrologic Unit Code 020301) and secondary service area (Hydrologic Unit Codes 020301 and 020302) in a manner that contributes to the long-term ecological functioning of the New York Harbor Estuary, with an immediate goal of no net loss and a long-term goal of a net gain in wetland functions and services.

The proposed approximately 69 acre site is bisected by Chelsea Road. The west of Chelsea Road section is approximately 15 acres and the east of Chelsea Road section is approximately 54 acres. Both sections would be developed into the following habitat areas:

Habitat Areas	West	East	Total
Wetland Restoration/Rehabilitation	1.02	15.61	16.63
Wetland Restoration/Re-establishment	5.17	1.87	7.04
Tidal Wetland Enhancement	7.69	26.03	33.72
Forested Wetland Enhancement	0.00	1.52	1.52
Upland Slope	0.72	0.33	1.05
Buffer Rehabilitation	0.00	8.49	8.49
Total	14.60	53.85	68.45

**Proposed work west of Chelsea Road**

**Wetland Restoration/Re-establishment:** Construction/demolition debris and fill over former marshlands would be removed. The area would be graded to low and high marsh elevations, tidal creeks would be excavated to restore tidal flow and appropriate planting would be conducted.

**Wetland Restoration/Rehabilitation:** Invasive species, debris and fill material would be removed. The area would be graded to low and high marsh elevations, tidal creeks would be excavated to restore tidal flow and appropriate planting would be conducted.

**Wetland Enhancement:** To prevent adverse impacts to existing aquatic resources, invasive species would be managed. Existing debris would be removed. To reduce future dumping, fencing and signage would be installed.

**Buffer Rehabilitation:** The forested buffer adjacent to Saw Mill Creek and Chelsea Road contains invasive species and debris which would be removed. Fencing and signage would be installed to reduce future dumping.

**Stream Creation:** One approximately 50 foot wide stream would be created.

To facilitate construction, approximately 24,194 cubic yards of material would be excavated from

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approximately 6.9 acres. Excavated material would be placed at a state-approved upland location.

Proposed work east of Chelsea Road

**Wetland Restoration/Re-establishment:** In the area of the former junkyard south of Saw Mill Creek and east of Chelsea Road, existing debris and fill would be removed to an elevation that would support low and high marsh. Remnant berms would be removed. Appropriate planting would be conducted.

**Wetland Restoration/Rehabilitation:** Remnant berms and high elevation areas would be excavated to tidal marsh elevations. Tidal creeks would also be excavated to provide hydrology. Areas dominated by invasive species in the southern portion of the section would be graded to salt marsh elevation and creeks would be re-established. Appropriate planting would be conducted. A panne area in the northeast corner would be regraded to establish connections with tidal creeks to allow flooding during spring tides.

**Wetland Enhancement:** To prevent adverse impacts to existing aquatic resources, invasive species would be managed. Existing debris would be removed. To reduce future dumping, fencing and signage would be installed.

**Buffer Rehabilitation:** The forested buffer contains invasive species and debris which would be removed. Fencing and signage would be installed to reduce future dumping.

**Stream Creation:** Five streams would be created, ranging in width from approximately 32 feet to 160 feet.

To facilitate construction, approximately 41,869 cubic yards of material would be excavated from approximately 17.8 acres. Excavated material would be placed at a state-approved upland location.

The stated purpose of this project is to facilitate both the long-term improvement and protection of coastal resources and provide a predictable, efficient process to serve the mitigation needs of permit applicants in the proposed service area.