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-2013-01518-EHA
Issue Date: June 9, 2014
Expiration Date: July 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).

APPLICANT: New York Cruise Line
Pier 83 at West 42nd Street
New York, New York 10036

ACTIVITY: Permanently moor the Circle Line X vessel for queuing, security screening, and food concession.

WATERWAY: Hudson River

LOCATION: Between Pier 81 and Pier 83, Borough of Manhattan, New York 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.

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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 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 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.

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) 790-8523 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.

for
Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, New York Cruise Lines, has requested Department of the Army authorization to permanently moor the Circle Line X vessel in the Hudson River, Borough of Manhattan, New York County, New York.

The work would involve:

Permanently moor the Circle Line X vessel between Pier 81 and Pier 83 to provide space for queuing, security screening, and food concession. The vessel is 2,599 square feet and would be secured with four (4) 16 inch diameter steel pipe stud piles. The vessel would be accessed via a 16 foot long by 4 foot wide gangway. North of the Circle Line X, reduce an existing 85 foot long by 16 foot wide floating dock to 58 feet long by 15 feet wide. The smaller floating dock would be secured by four (4) 14 inch diameter steel pipe spud piles to moor a vessel.

The applicant has stated that they have avoided, minimized and mitigated for impacts proposed to the maximum extent practicable by: designing the proposed space with the minimum area necessary to provide the necessary functions; reducing the size of the existing floating dock; and no in-water work from November 15 to March 15 to avoid adverse impacts to aquatic species.

The stated purpose of this project is to provide space for Circle Line support operations.

10.4.13

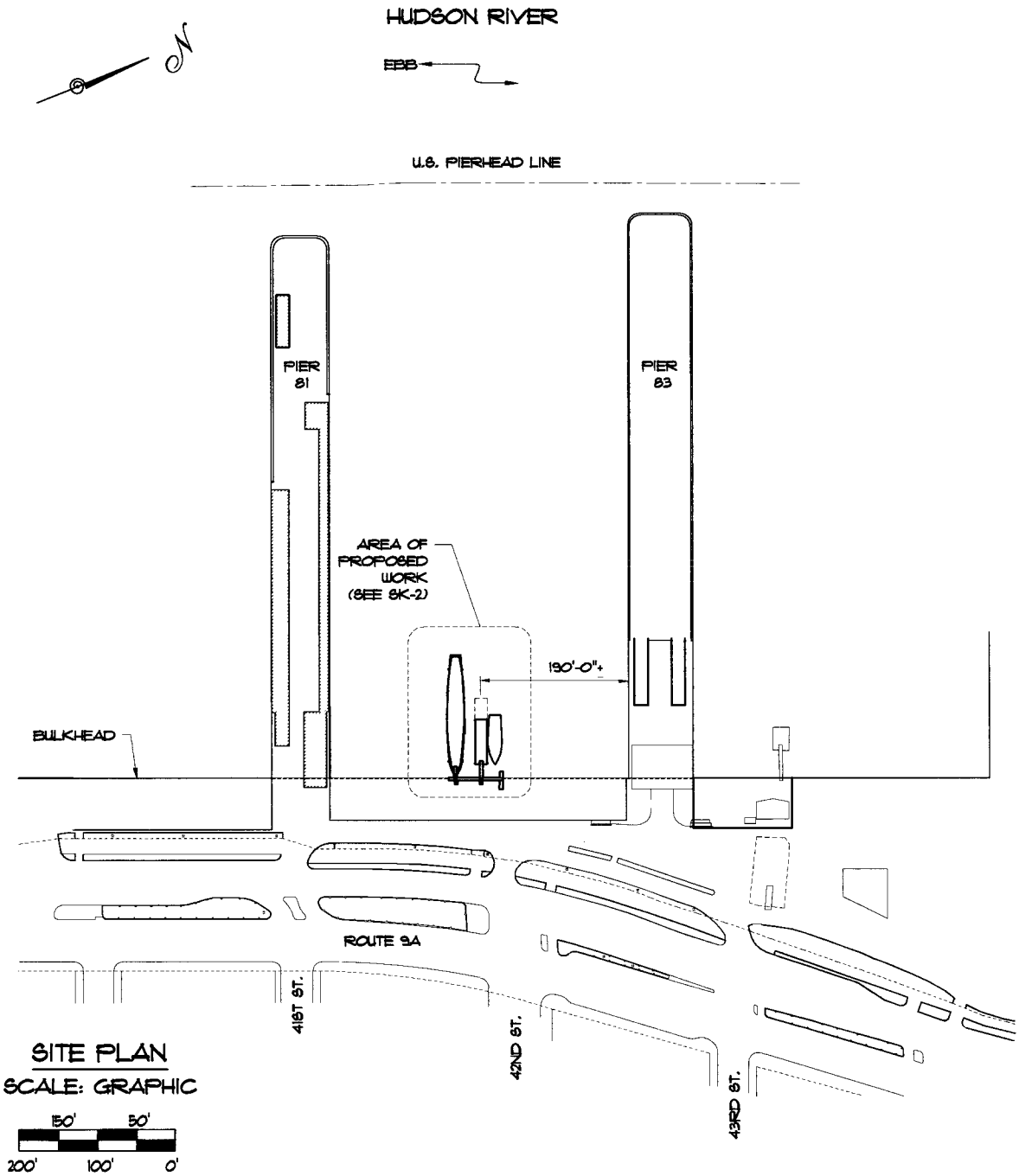
Project Site Boundary

NAN-2013-01518-EHA
1/4

0 1600 FEET
SCALE

Latitude **40.762283N**
Longitude **74.001836W**

Project Location
Figure 1



FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

PURPOSE: INSTALLATION OF MOORING FOR CIRCLE LINE X

PROPOSED MOORING BETWEEN
PIERS 81 AND 83 MANHATTAN, N.Y.

SITE PLAN

AGENT: NEW YORK CRUISE LINES. INC.
PIER 81 W. 41ST STREET,
N.Y. N.Y. 10036

DATE: MARCH 2014

SHEET SK- 1

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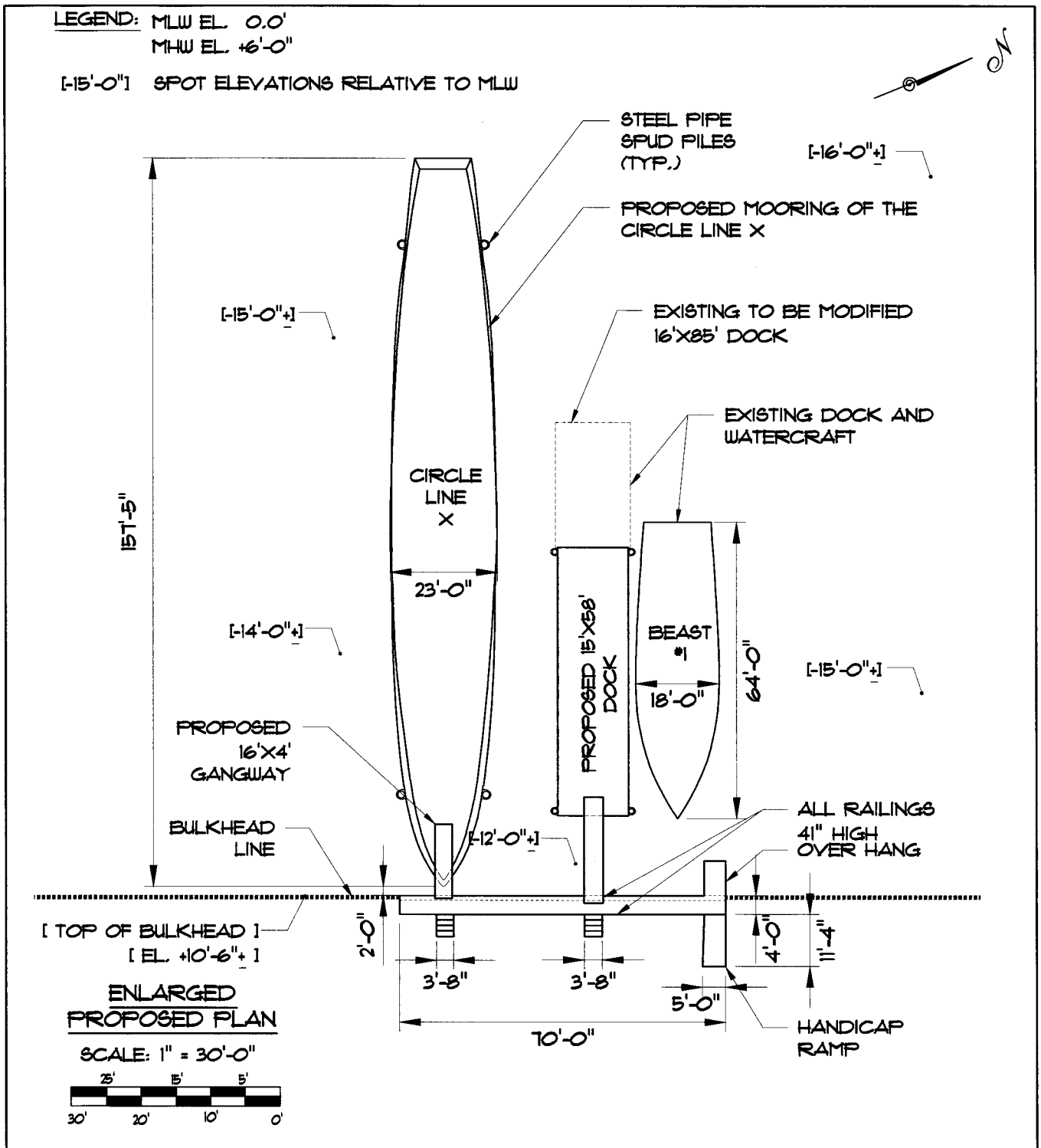

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PURPOSE: INSTALLATION OF MOORING FOR CIRCLE LINE X

PROPOSED MOORING BETWEEN
PIERS 81 AND 83 MANHATTAN, N.Y.

ENLARGED PROPOSED PLAN

AGENT: NEW YORK CRUISE LINES. INC.
PIER 81 W. 41ST STREET,
N.Y. N.Y. 10036

DATE: MARCH 2014

SHEET SK-2

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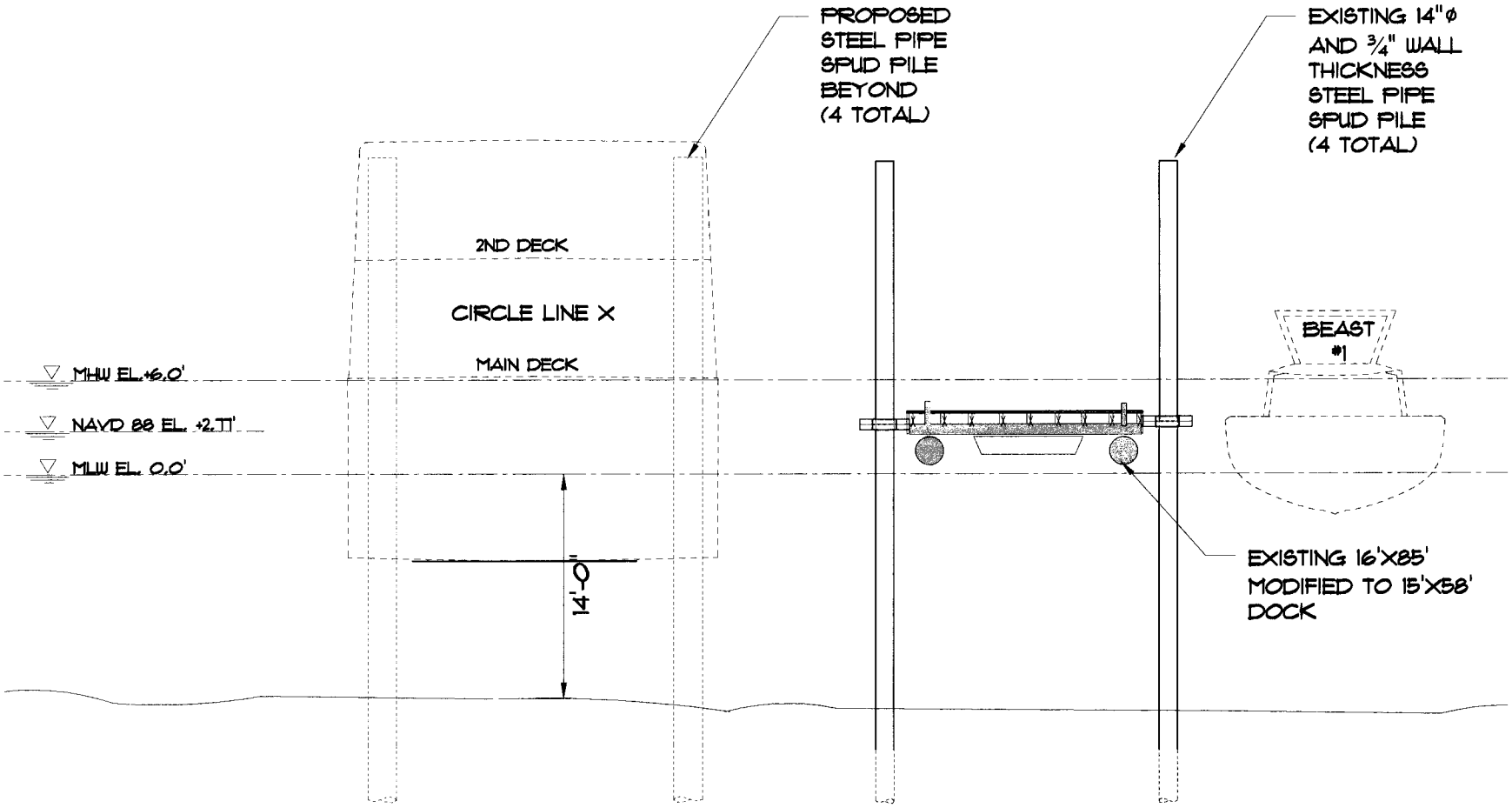

SECTION

SCALE: 1" = 10'-0"

15' 5'
20' 10' 0'

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PURPOSE: INSTALLATION OF MOORING FOR CIRCLE LINE X

PROPOSED MOORING BETWEEN
PIERS 81 AND 83 MANHATTAN, N.Y.

SECTION

AGENT: NEW YORK CRUISE LINES. INC.
PIER 81 W. 41ST STREET,
N.Y. N.Y. 10036

DATE: MARCH 2014

SHEET SK- 3

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