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-2014-00772
Issue Date: **22 DEC 2015**
Expiration Date: **28 JAN 2016**

To Whom It May Concern:

The New York District, Corps of Engineers has received a request for authorization of the construction of a replacement pier under an existing Department of the Army permit issued on May 31, 2000 and subsequently modified, in accordance with 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). The permittee has requested that the New York District publish this notice in order to give the public an opportunity to comment on the proposal.

APPLICANT: McInnis, USA, Inc.
8300 Greensboro Drive
McLean, VA 22102

ACTIVITY: Construction of a new steel deep-draft ocean-going-vessel mooring and unloading pier structure

WATERWAY: East River

LOCATION: 50 Oak Point Avenue, (nearest cross street is Barry Street), New York City, Borough of The Bronx, Bronx County, New York State in the northern side slope of the East River Federal Navigation Channel, between Port Morris and Barretto Point, opposite North Brother Island and Buoy GREEN C7

A detailed description and permit application plans of the proposed pier structure is enclosed to assist in your review.

The decision whether to issue the construction authorization for the pier replacement request will be based on an evaluation of the probable impact including cumulative impacts of the proposed pier structure 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.

Comments are being solicited 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 pier replacement. Any comments received will be considered by the Corps of Engineers to determine whether to authorize the pier replacement under the existing permit. 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 CONSTRUCTION AUTHORIZATION REQUEST 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 submitted in response to this notice will be fully considered during the public interest review for this pier construction proposal. All written comments, including names and addresses, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of

Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

For consultation with the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), construction of the proposed pier structure may affect, but is not likely to adversely affect any listed Federally endangered or threatened species or their critical habitat. Consultation with the National Marine Fisheries Service is ongoing with respect to this request.

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 pier structure construction, fully described in the attached work description, could cause the minor disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision on this permit application.

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 permit applicant will obtain a modified water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to the final decision on this permit application, as needed.

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 permittee has certified in the construction authorization request that the pier replacement 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 permit applicant's certification. No final permit application decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the permit 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, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the permit 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 permit applicant has obtained or requested the a governmental permit for the activity under consideration from the 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) 790-8511and ask for Robert Youhas. In order for us to better serve you, please complete our Customer Service Survey at: http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey. For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil

Stephen A Ryba
for CHRISTOPHER S. MALLERY, Ph.D.
Chief, Regulatory Branch

Work Description:

The McInnis Cement Company has requested a Department of the Army permit to construct a new steel, deep-draft ocean-going-vessel mooring and unloading pier structure in the East River at 50 Oak Point Avenue (nearest cross street is Barry Street), New York City, Borough of The Bronx, Bronx County, New York State. The structure would be in the northern side slope of the East River Federal Navigation Channel, between Port Morris and Barretto Point, opposite North Brother Island and GREEN BUOY C7.

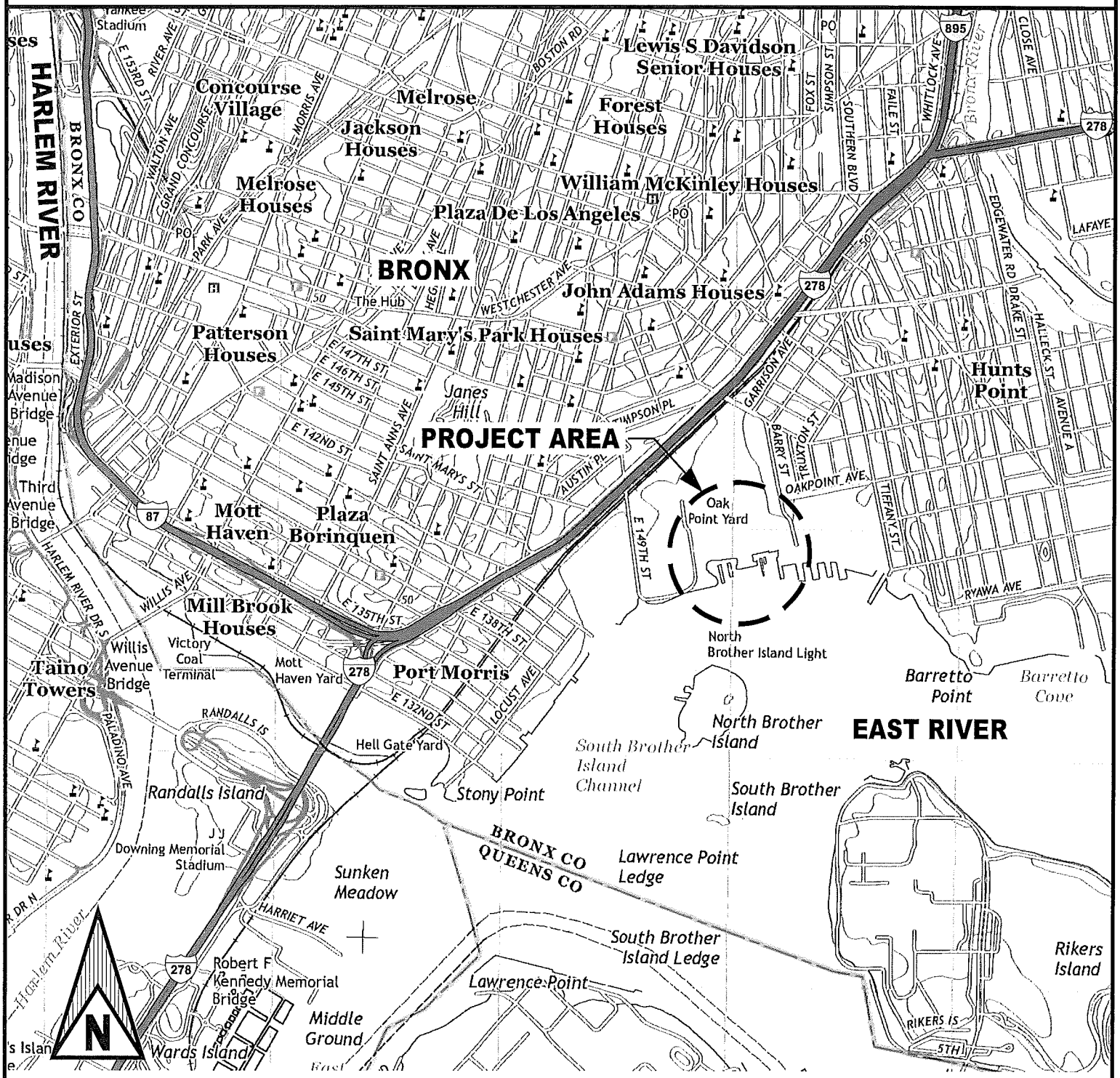
The proposed pier structure would involve construction of an approximately five-hundred and sixty-foot-long pier structure along the toe of the slide slope of the federal navigation channel, parallel to the shoreline and the navigation channel; approximately two hundred and fifty feet channelward of the line of Mean High Water on the shoreline and the adjacent landward vegetated wetlands. This structure would consist of a pedestrian walkway trestle approximately eight feet wide and supported by seven (7) stand-alone eight-foot-diameter steel and concrete pipe-pile mooring dolphins connected by the eight-foot-wide pedestrian walkway trestle as depicted on the attached permit application drawings.

The approximately six-hundred-and-twenty-five-foot ocean-going bulk cement carrier ships would be unloaded by a pneumatic vacuum system mounted on an approximately sixty-five-foot-wide by approximately two-hundred-foot-long floating and movable unloading barge on the land side of the mooring structure as depicted in the attached permit application drawings. The powder cement would be pumped to the upland storage areas by a pneumatic transport pipeline on a trestle from the proposed pier structure to the upland.

The proposed work also includes the one-time bucket dredging of approximately three hundred cubic yards of dredged material, with upland disposal of the dredged material at a State-approved disposal site, to create a one-hundred-foot-wide by eight hundred feet long deep draft ship berth in the floor of the Federal navigation channel for the ocean-going bulk cement carrier ships to moor in front of the proposed pier structure.

The permit applicant has stated that they have avoided, minimized, and mitigated for expected impacts to the maximum extent practicable through pier structure design and, specifically, in order to avoid impacting the existing vegetated wetlands along the shoreline, they have pushed the proposed pier structure farther out into the East River and therefore into the Federal Navigation channel, as well as performing habitat enhancement and protection work for the landward vegetated wetlands as depicted on the attached permit application drawings. To minimize and mitigate the future impacts to the maintenance dredging operations of the Federal navigation channel, should the requested permit be issued; it would include a special condition requiring the permittee to perform any needed maintenance dredging within 125 feet of the proposed pier structure at the written direction of the U.S. Army Corps of Engineers.

USACE FILE: NAN-2014-00772-EYR



BACKGROUND IMAGE SOURCE:
USGS CENTRAL PARK QUADRANGLE
NEW YORK-NEW JERSEY 7.5-MINUTE SERIES (2013)

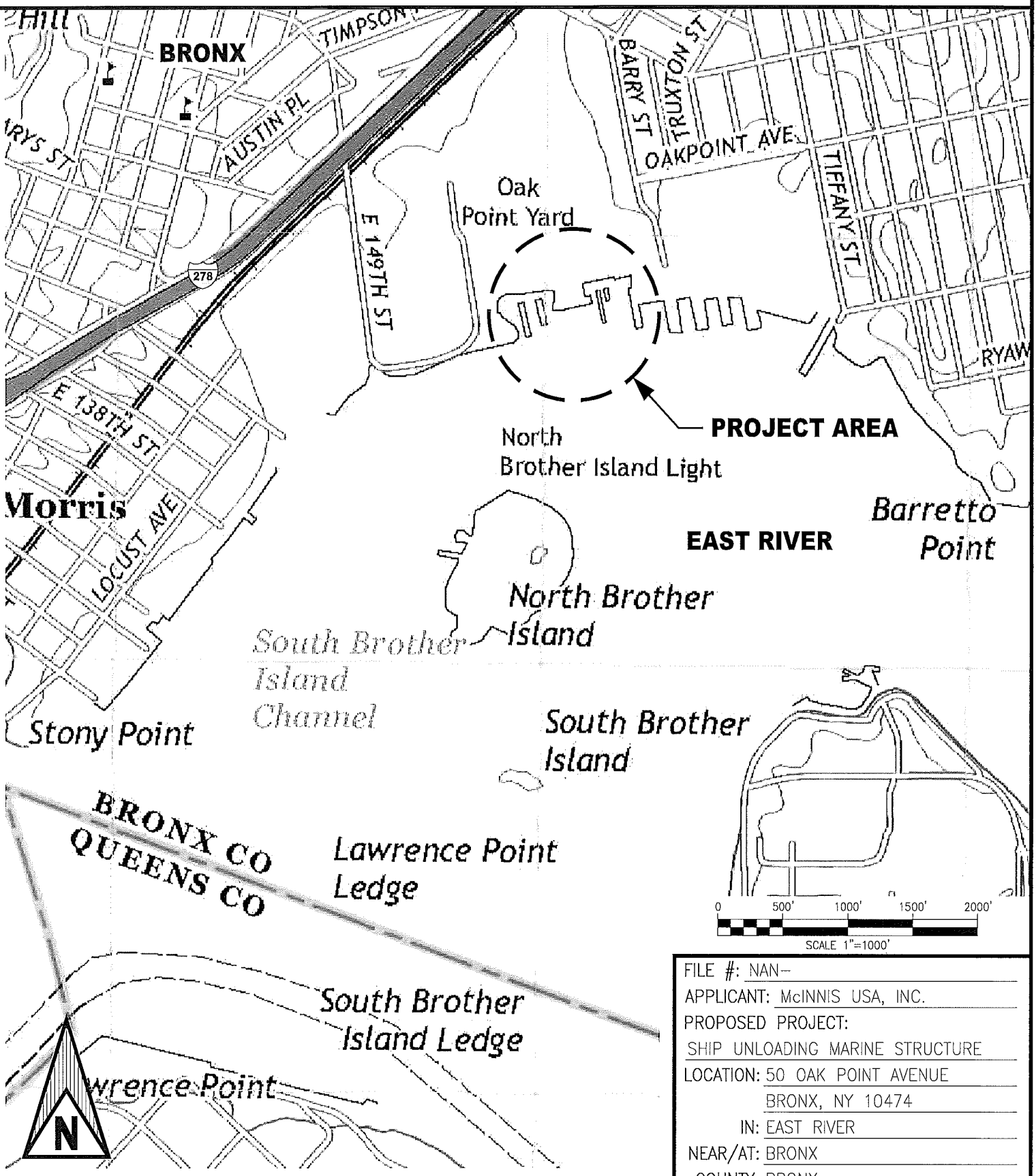
VICINITY MAP
SCALE 1"=2000'

0 2000' 4000'
SCALE 1"=2000'

EDG DOCUMENT NO: 6324001-10901-70001 REV 0

FILE #: NAN-	LOCATION: 50 OAK POINT AVENUE	PROPOSED PROJECT:
APPLICANT: McINNIS USA, INC.	BRONX, NY 10474	SHIP UNLOADING MARINE STRUCTURE
ADJACENT PROPERTY OWNERS:	NEAR. INT: 149TH ST & BRUCKNER BLVD	IN: EAST RIVER
1. ANBAR REALTY CO. (140)	PARCEL#: BRONX-2604-180	NEAR/AT: BRONX
2. NEW YORK CENTRAL LINE/CSX (600)	LAT/LONG: 40°48'20.00"N, 73°53'50.00"W	COUNTY: BRONX
3. OAK POINT PROPERTY LLC (74/174)	PAGE: 1 of 10 DATE: 11/10/14	STATE: NEW YORK

USACE FILE: NAN-2014-00772-EYR



AREA MAP
SCALE 1"=1000'

BACKGROUND IMAGE SOURCE:
USGS CENTRAL PARK QUADRANGLE
NEW YORK-NEW JERSEY 7.5-MINUTE SERIES (2013)

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BRONX, NY 10474
IN: EAST RIVER
NEAR/AT: BRONX
COUNTY: BRONX
STATE: NEW YORK
PAGE: 2 of 10 DATE: 11/10/14

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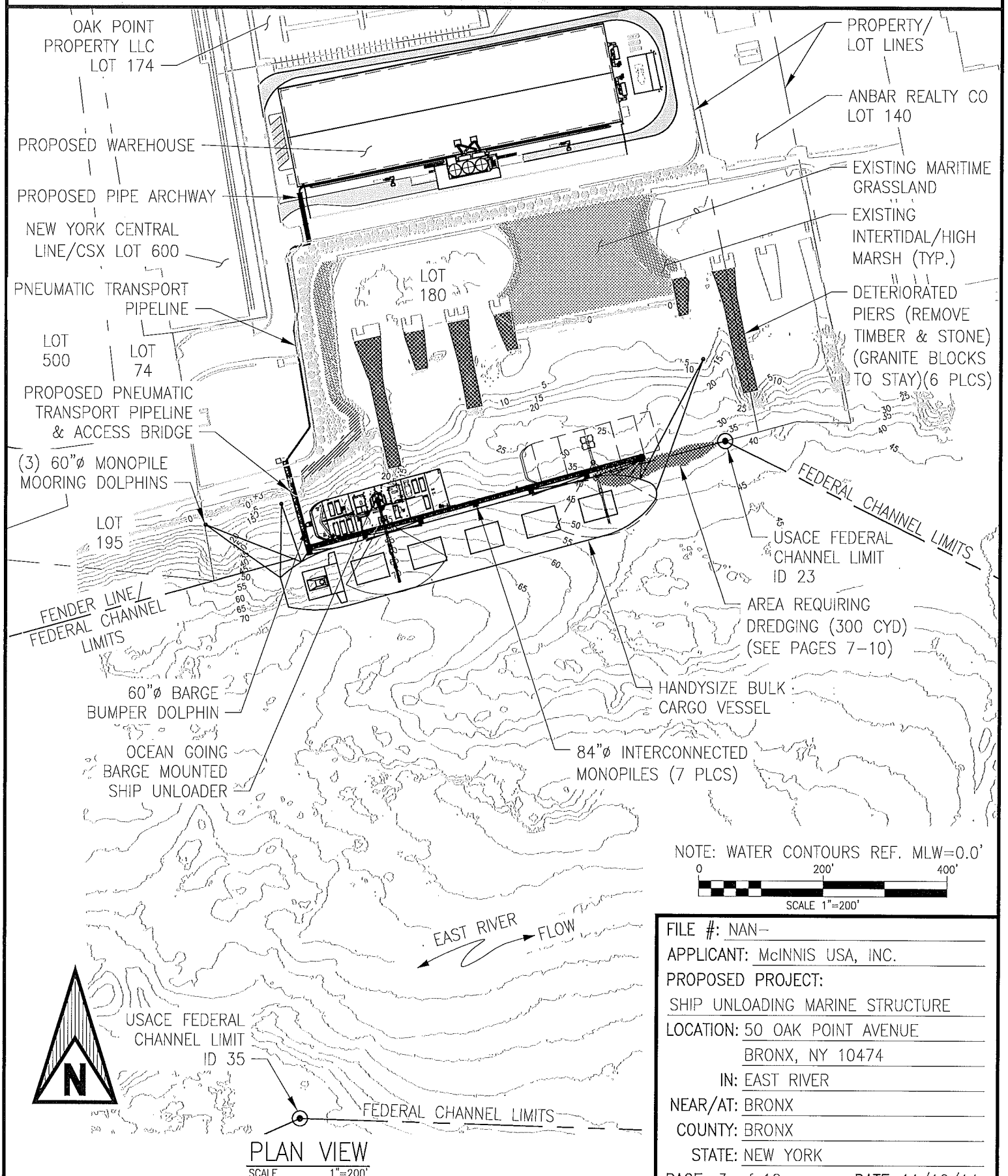

PLAN VIEW
SCALE 1"=200'

EDG DOCUMENT NO: 6324001-10901-70001 REV 0

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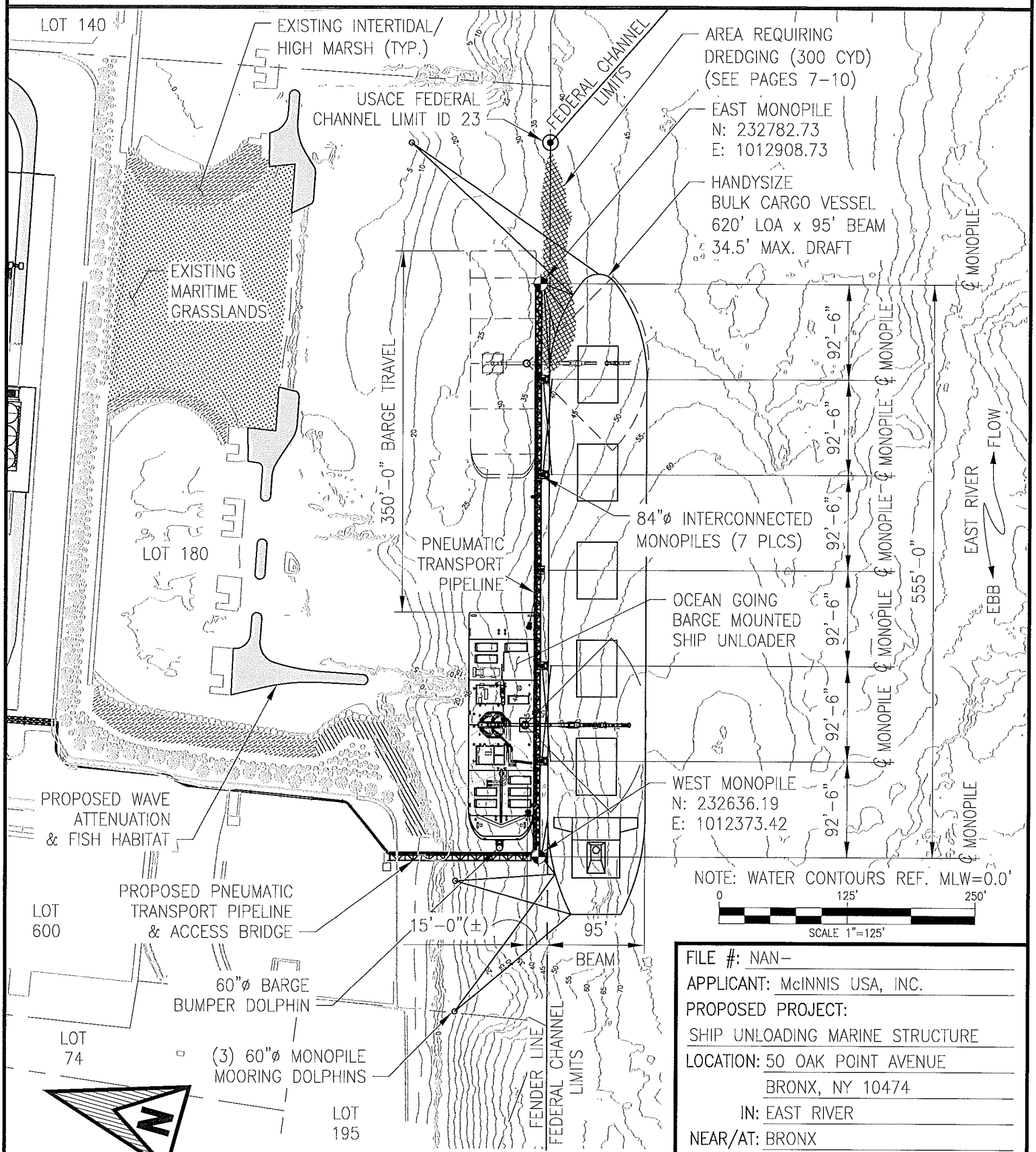


WATER SIDE PLAN VIEW

SCALE 1"=125'

EDG DOCUMENT NO: 6324001-10901-70001 REV 0

FILE #: NAN-

APPLICANT: McINNIS USA, INC.

PROPOSED PROJECT: SHIP UNLOADING MARINE STRUCTURE

LOCATION: 50 OAK POINT AVENUE BRONX, NY 10474

IN: EAST RIVER

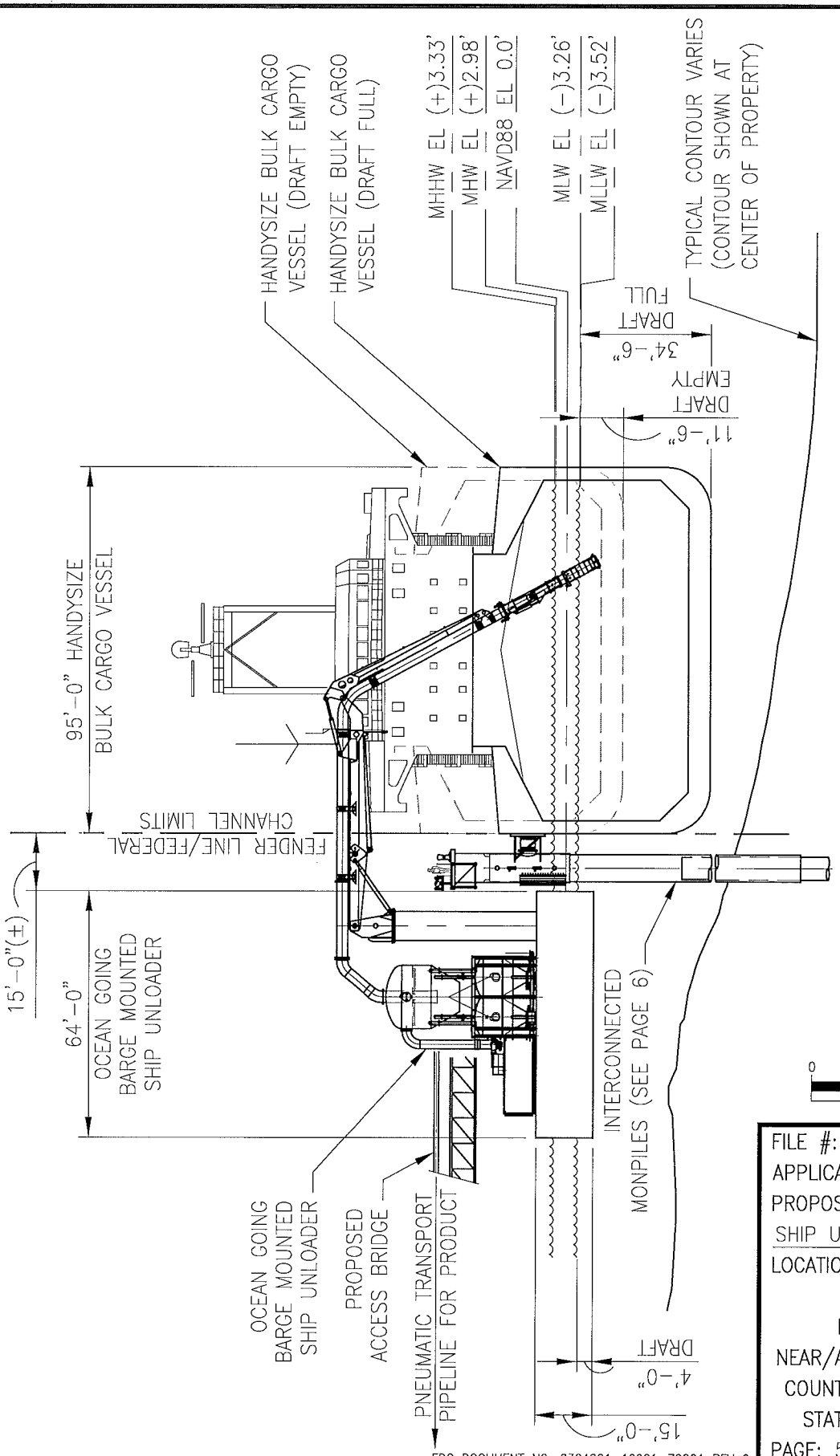
NEAR/AT: BRONX

COUNTY: BRONX

STATE: NEW YORK

PAGE: 4 of 10 DATE: 11/10/14

USACE FILE: NAN-2014-00772-EYR



- ALL ELEVATIONS REF. NAVD88=0.00 FT.
- VERTICAL DATUMS & ELEVATIONS SHOWN ARE DERIVED FROM NOAA PORT MORRIS, NY, STATION 8518639 BENCHMARK SHEETS

WATERSIDE ELEVATION
SCALE 1"=40'
(VIEW LOOKING EAST)

0 40' 60' 80'
SCALE 1"=40'

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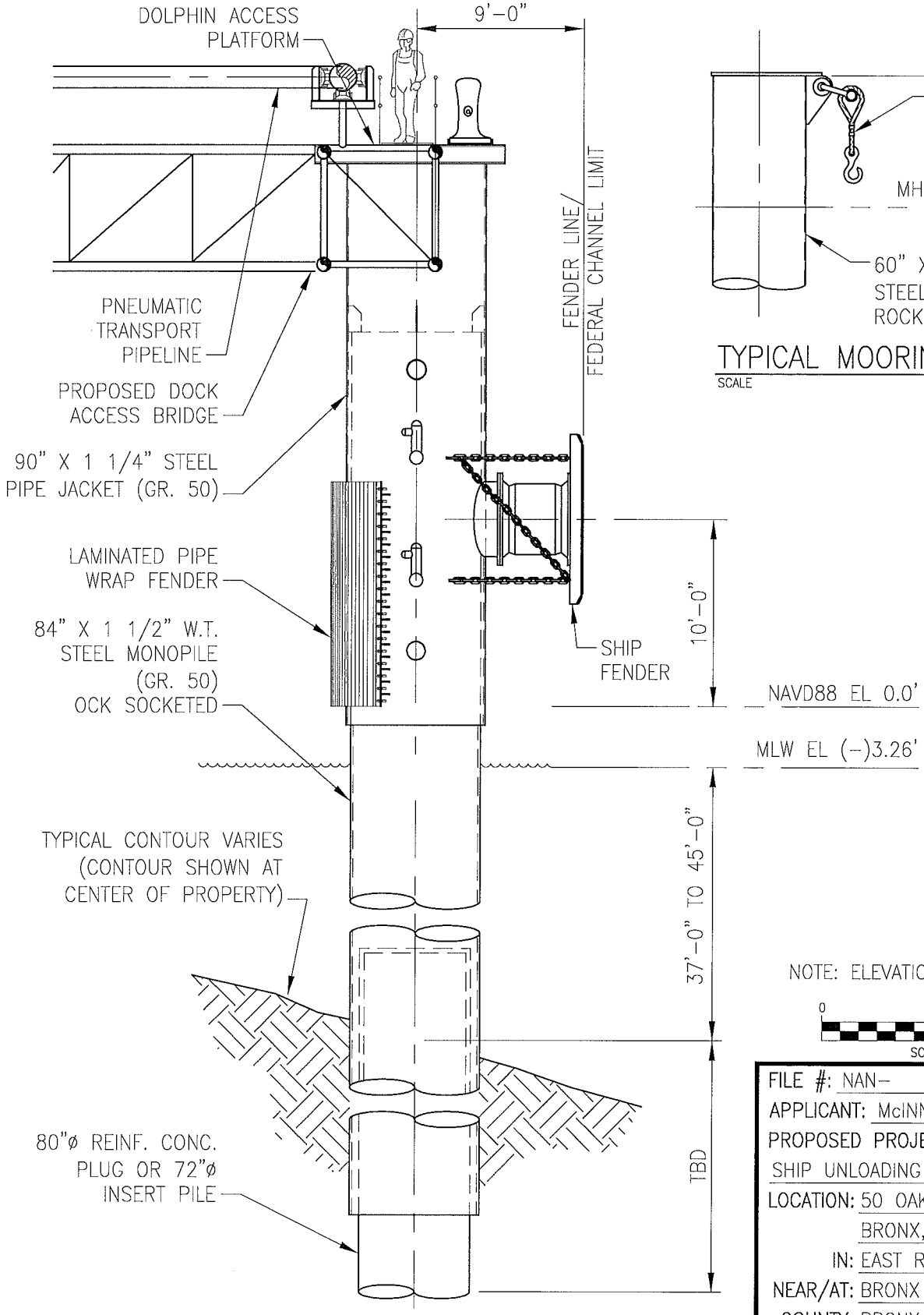
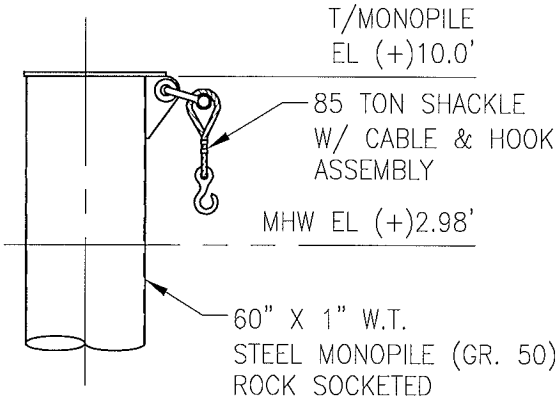


TYPICAL BREASTING DOLPHIN & FENDER

SCALE 1/8"=1'



TYPICAL MOORING DOLPHIN

SCALE 1/8"=1'

NOTE: ELEVATIONS REF. NAVD88=0.0'

0 10' 15'

SCALE 1/8"=1'

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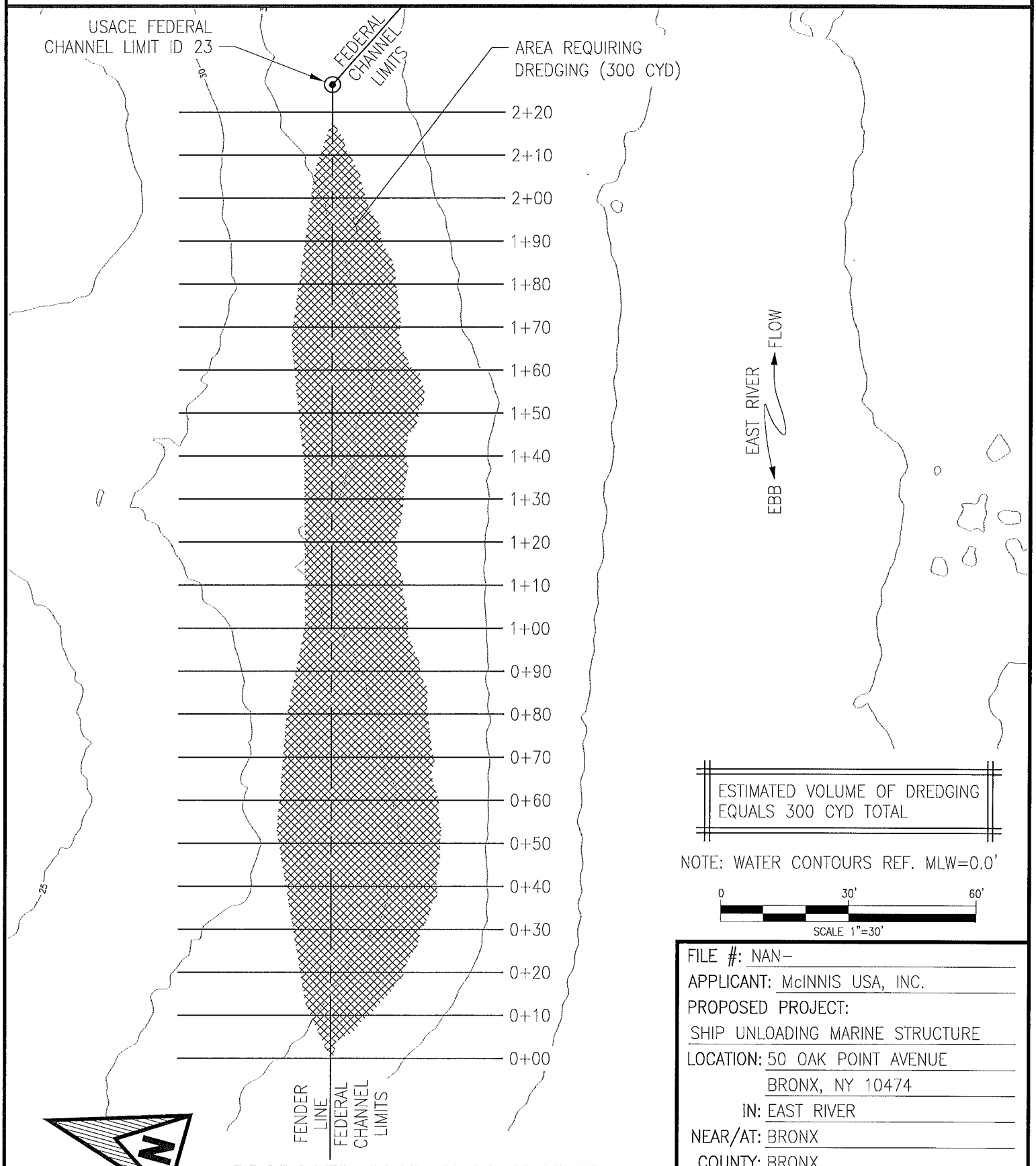

ESTIMATED VOLUME OF DREDGING EQUALS 300 CYD TOTAL

NOTE: WATER CONTOURS REF. MLW=0.0'

0 30' 60'

SCALE 1"=30'

PROPOSED DREDGE PLAN VIEW

SCALE 1"=30'

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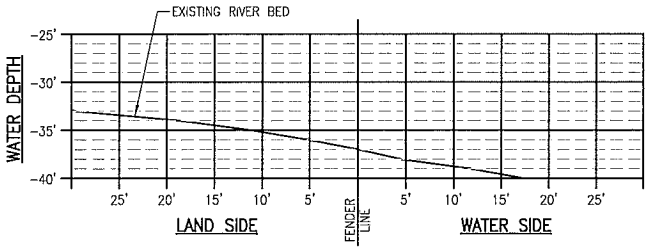

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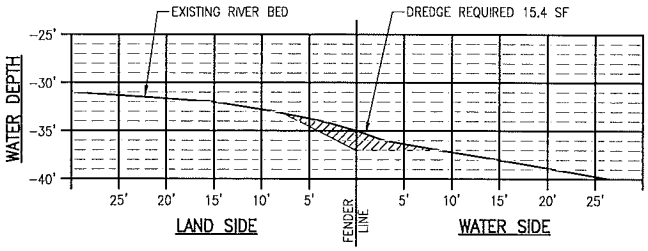

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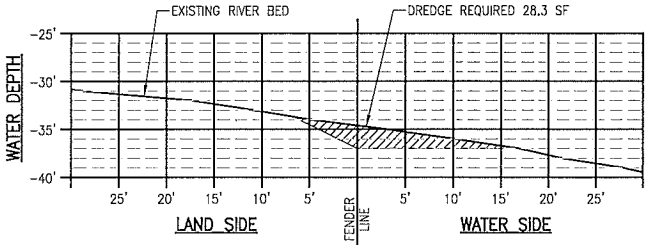

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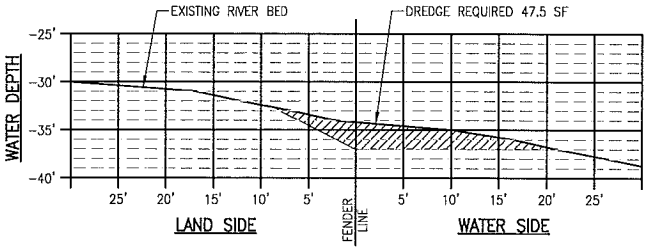

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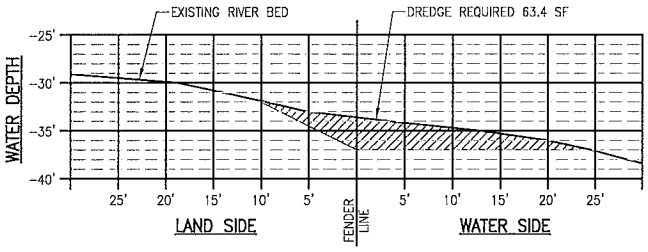

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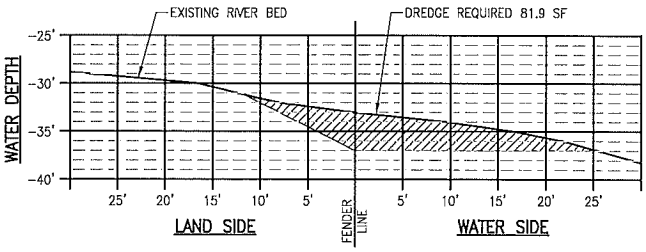

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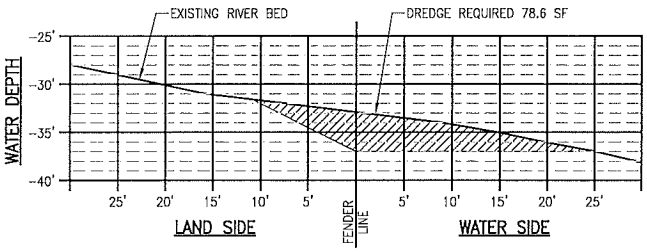

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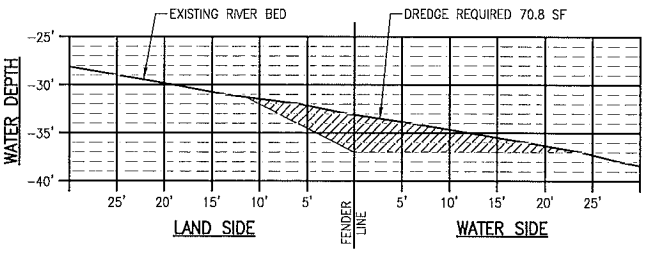

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ESTIMATED VOLUME OF DREDGING
EQUALS 300 CYD TOTAL

PROPOSED DREDGE SECTIONS

SCALE NTS

EDG DOCUMENT NO: 6324001-10901-70001 REV 0

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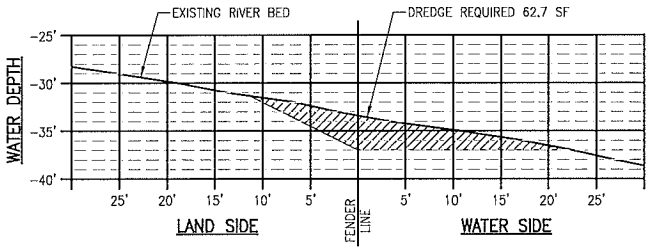

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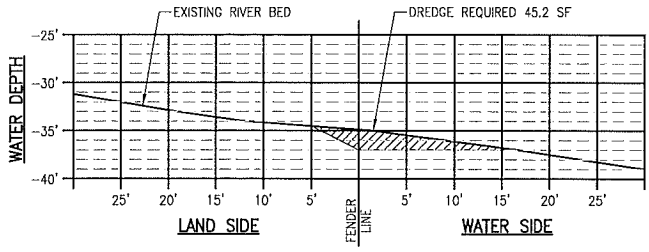

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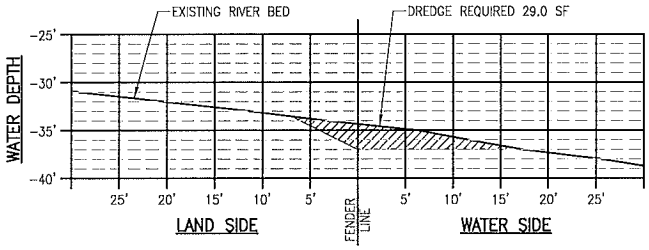

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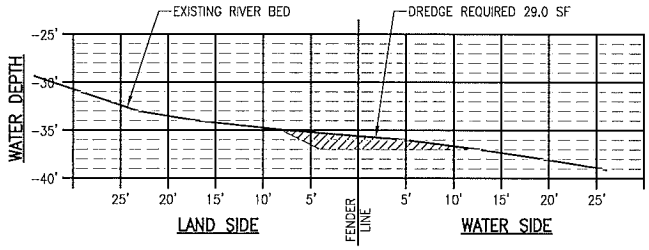

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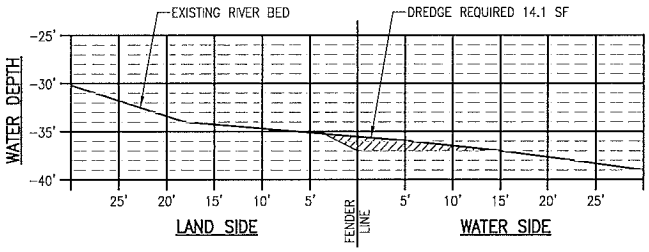

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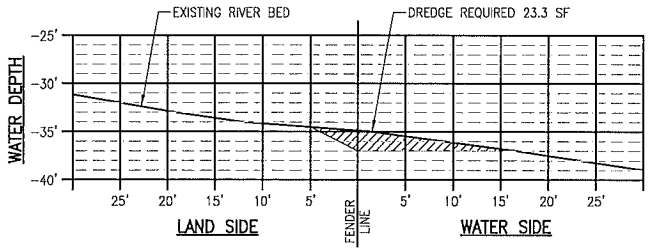

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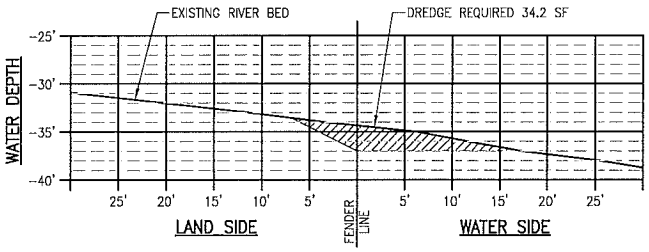

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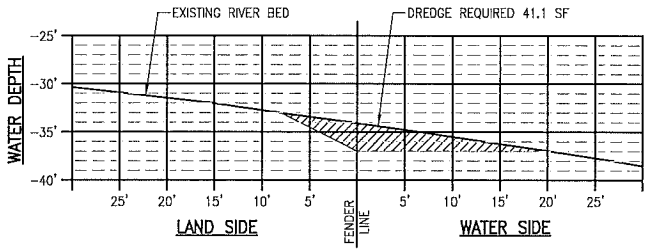

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ESTIMATED VOLUME OF DREDGING
EQUALS 300 CYD TOTAL

PROPOSED DREDGE SECTIONS

SCALE NTS

EDG DOCUMENT NO: 6324001-10901-70001 REV 0

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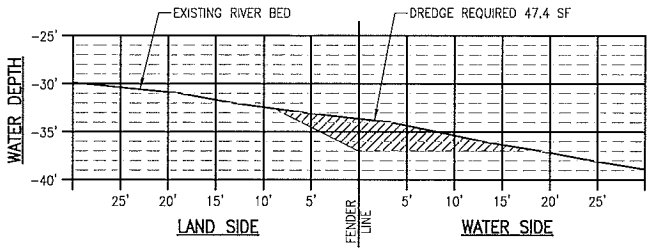

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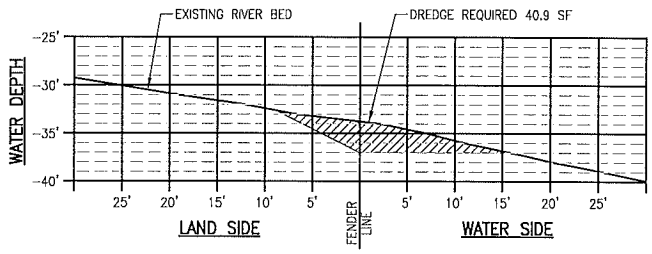

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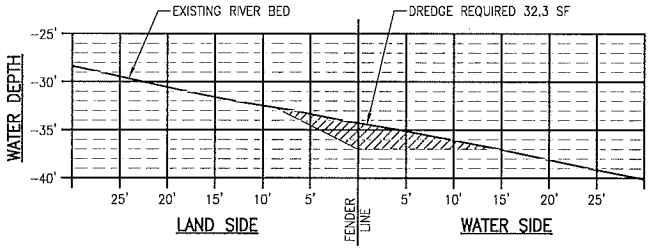

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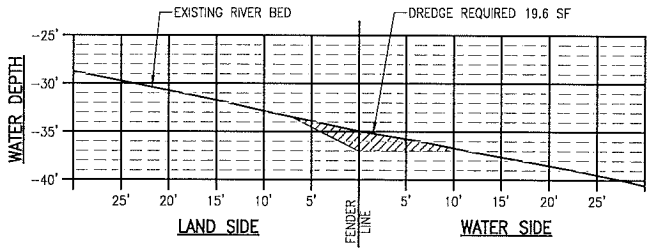

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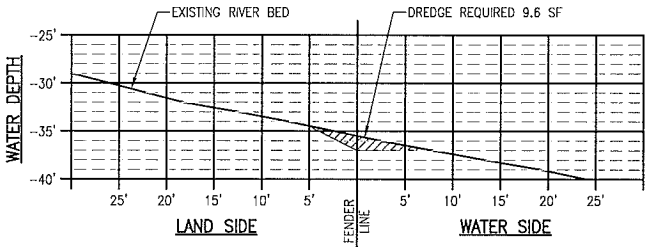

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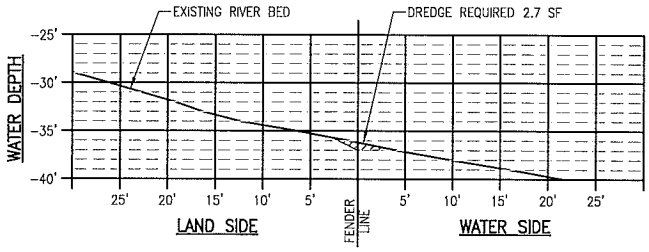
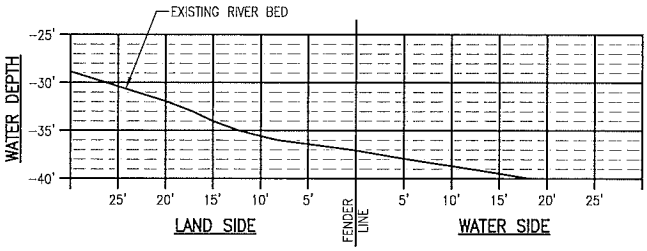


STA 2+10



STA 2+20

ESTIMATED VOLUME OF DREDGING EQUALS 300 CYD TOTAL

PROPOSED DREDGE SECTIONS

SCALE NTS

EDG DOCUMENT NO: 6324001-10901-70001 REV 0

FILE #: NAN-
APPLICANT: McINNIS USA, INC.
PROPOSED PROJECT:
SHIP UNLOADING MARINE STRUCTURE
LOCATION: 50 OAK POINT AVENUE
BRONX, NY 10474
IN: EAST RIVER
NEAR/AT: BRONX
COUNTY: BRONX
STATE: NEW YORK
PAGE: 10 of 10 DATE: 11/10/14