

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-2015-00308-EHA
Issue Date: May 14, 2015
Expiration Date: June 3, 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 Department of Environmental Protection
Attn: John McLaughlin, Director Ecological Services
59-17 Junction Boulevard
Flushing, New York 11373

ACTIVITY: Placement of fill, grading and planting wetland vegetation.

WATERWAY: Dutch Kills, tributary to Newtown Creek

LOCATION: 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. Comments provided will become a part of the public record for this action. Comments submitted in response

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to this notice will be fully considered during the public interest review for this permit application. 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.

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 determination is that the activity for which authorization is sought herein will not affect any Federally endangered or threatened species 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, would not affect habitat for various lifestages of EFH-designated species.

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:

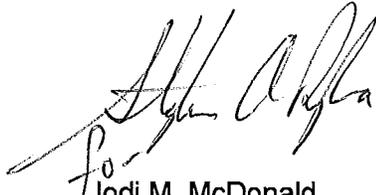
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- New York State Department of Environmental Conservation)

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>.



Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, New York City Department of Environmental Protection, has requested Department of the Army authorization for a wetland planting demonstration project in Dutch Kills, tributary to Newtown Creek, Borough of Queens, Queens County, New York.

The work would involve:

Placement of approximately 500 cubic yards of clean, upland sand in a 0.09 acre area along the bulkhead at the terminus of Dutch Kills. The sand would be graded as shown on Sheet 4 of 7. *Spartina alterniflora* would be planted on 500 square feet of the filled area and coir logs will be placed along the outer perimeter of the planted area.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by designing a small demonstration project that would be carefully monitored.

The stated purpose of the proposed work is to conduct a research demonstration project that could locally help filter contaminants and provide an increase in vegetated areas for the community.



No.	Description	Date	By	Check

Louis Berger
 412 MOUNT KEMBLE AVENUE
 BROOKLYN, NEW YORK 11220
 Certificate of Authorization 2402/933700

Designed by: BB
 Drawn by: SC
 Reviewed by: BB
 Date: JULY, 2015

COVER SHEET
 DUTCH KILLS WETLAND
 DEMONSTRATION PROJECT
 BROOKLYN AND QUEENS, NEW YORK

Sheet number:
C001
 Sheet 1 of 4

DUTCH KILLS WETLAND DEMONSTRATION PROJECT

BROOKLYN AND QUEENS, NEW YORK

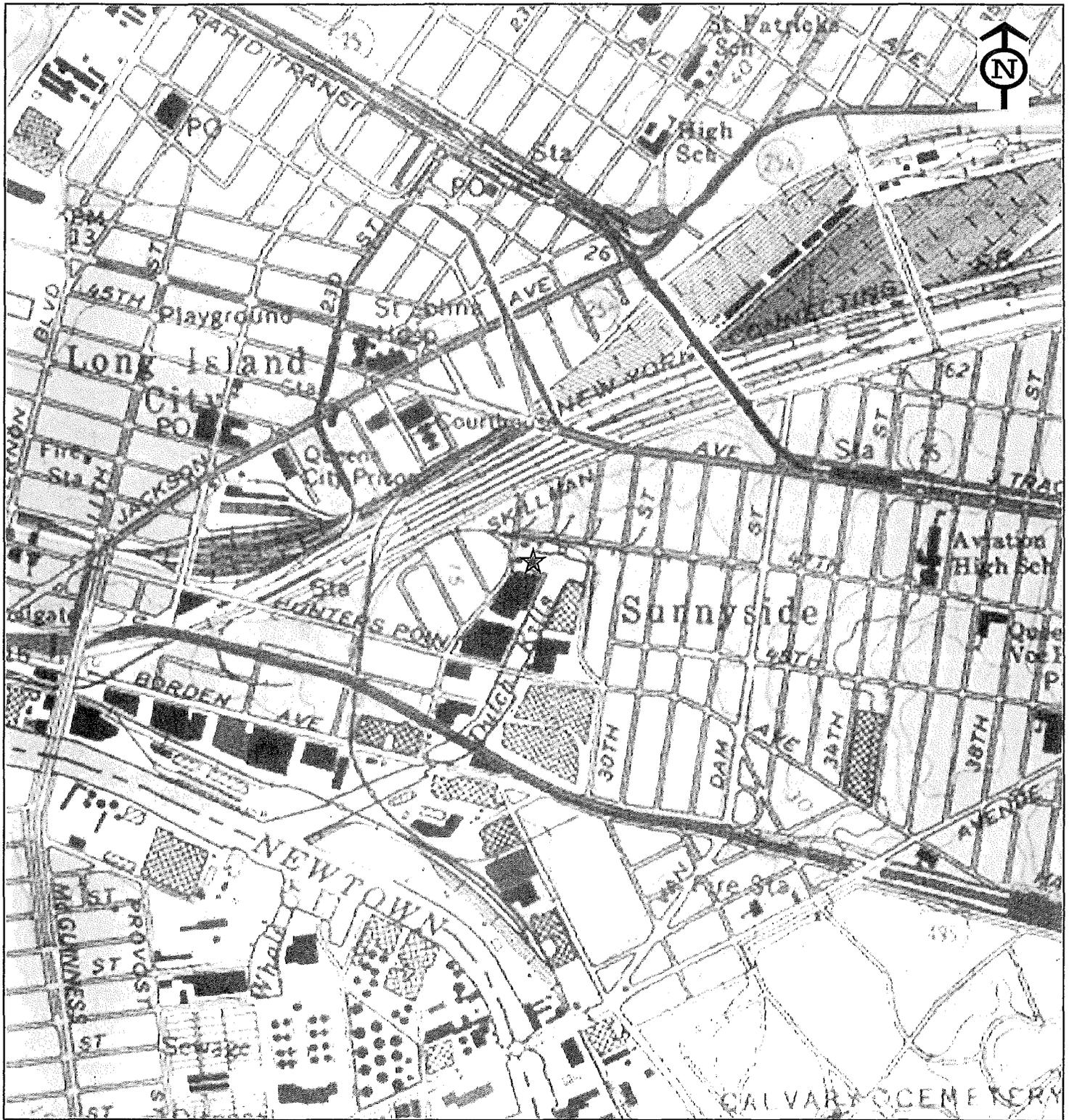


SITE LOCATION PLAN
 N/A

SHEET LIST

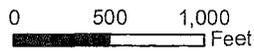
C001	COVER SHEET
C101	EXISTING CONDITION PLAN
C102	PROPOSED GRADING PLAN
C201	DETAILS AND JUNCTION NOTES
C202	DETAILS

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Legend

★ Site Location



New York City Department of Environmental Protection

Dutch Kills
Wetland Demonstration Project
Queens County, New York
Site Location Map



the Louis Berger Group, INC

Figure 1

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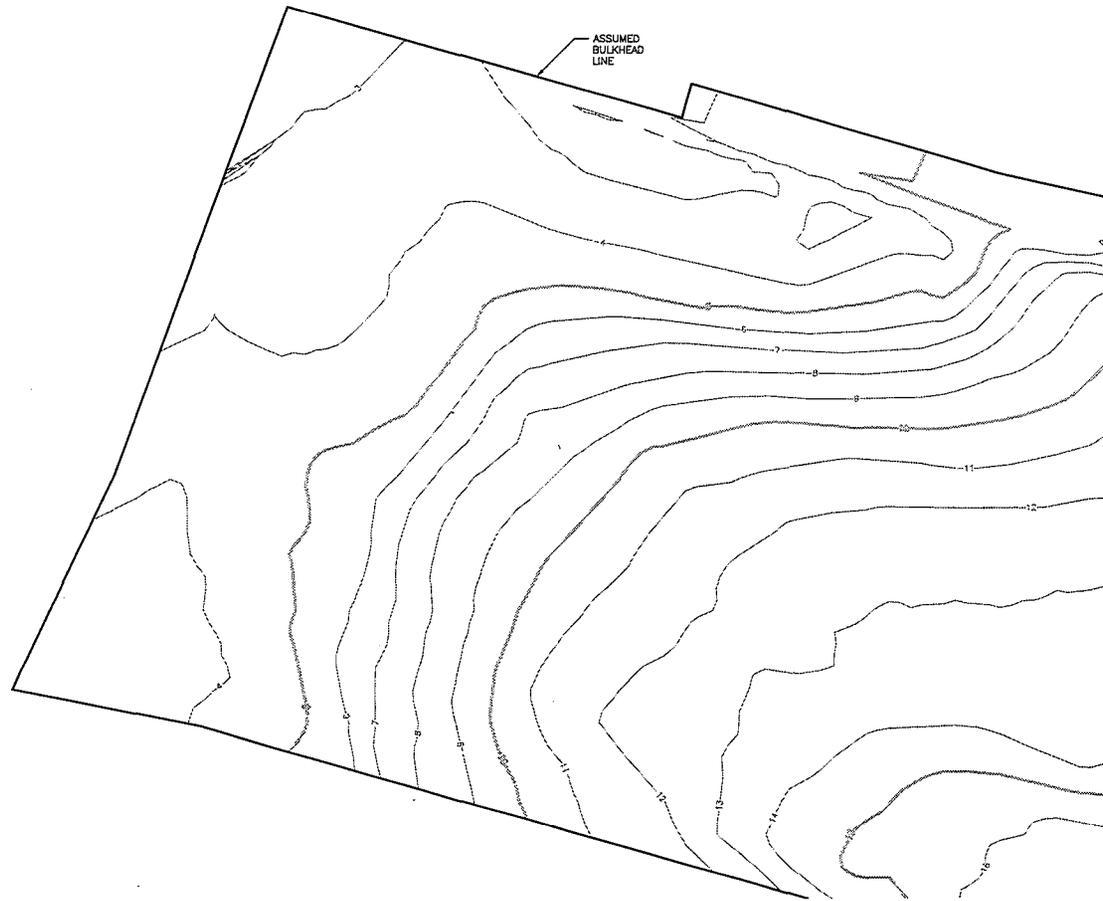
Source: ESRI USA Topo Map Service, 2014.

LOUIS BERGER CORPORATION, 300 FIFTH AVENUE, NEW YORK, NY 10001, TEL: (212) 691-1000, FAX: (212) 691-1001, WWW.LBERGER.COM, PROJECT #1 - JULY 2014

NOTES:

- DATA USED FROM ANCHOR GEA 2012 POST-SANDY
- HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD83)
- VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88)

LEGEND		
EXISTING	PROPOSED	
MAJOR CONTOUR		
MINOR CONTOUR		
TURBIDITY BARRIER		
BULKHEAD		
PLANTING AREA		



0 10 20
SCALE IN FEET



REV.	DESCRIPTION	DATE	APP.

Designed by	08
Drawn by	02
Reviewed by	08
Date	JULY, 2014
Louis Berger 112 ADRIAN STREET BROOKLYN, NY 11205 Certificate of Authorization 24607983700	

**DUTCH KILLS WETLAND
DEMONSTRATION PROJECT
BROOKLYN AND QUEENS, NEW YORK
EXISTING CONDITION PLAN**

Sheet number:
C101

NAN-2015-00305-EHA

317



DATE	DESCRIPTION	BY	CHK

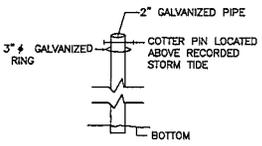
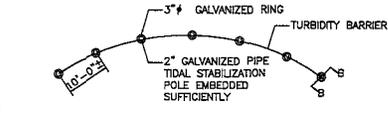
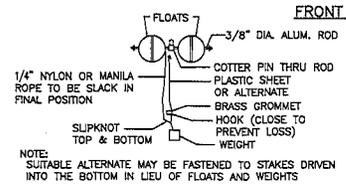
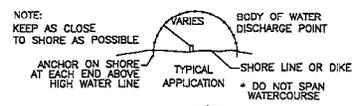
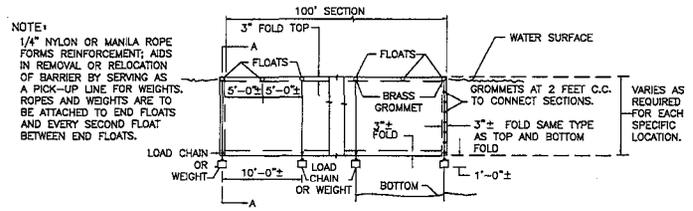
Designed by:	DB
Drawn by:	SC
Reviewed by:	DB
Date:	JAN, 2015

Louis Berger
 415 MOUNT KEBBLE AVENUE
 SUITE 200
 BROOKLYN, NEW YORK 11220
 Certificate of Authorization 2402793700

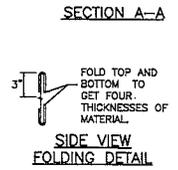
**DUTCH KILLS WETLAND
 DEMONSTRATION PROJECT
 BROOKLYN AND QUEENS, NEW YORK**

Sheet number:
C302

717



- NOTES:**
1. INSTALL TURBIDITY BARRIER, AS NEEDED OR AS DIRECTED BY PROJECT MANAGER, TO PREVENT DRIFTING OF SILT CAUSED BY DISCHARGE OF STORM SEWERS, DEWATERING BASINS, CONSTRUCTION, DREDGING OR FILLING OPERATIONS, OR OTHER ACTIVITIES THAT COULD CAUSE TURBIDITY.
 2. EXACT PLACEMENT OF TURBIDITY BARRIER SHALL BE SO AS TO EFFECTIVELY CONTROL SILT DISPERSION UNDER THE CONDITIONS PRESENT ON A PARTICULAR PROJECT.
 3. THE DETAILS SHOWN ON THIS SHEET ARE SUGGESTED METHODS ONLY. ALTERNATE SOLUTION AND USAGE OF MATERIALS MAY BE USED AS APPROVED BY THE PROJECT MANAGER IN WRITING.
 4. USE APPROPRIATE NAVIGATIONAL WARNING LIGHTS WHEN USED NEXT TO NAVIGATIONAL CHANNEL.



FLOATING TURBIDITY BARRIER, TYPE 2
 N.T.S.
 (IF AND WHERE REQUIRED)

LOUIS BERGER, WATERWORKS, 35 6500 P.O. BOX 6, VICTORIA, BRITISH COLUMBIA, CANADA V8N 2L5; TELEPHONE: 250-853-8888; FAX: 250-853-8889; WWW.LBERGER.COM

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