



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-1998-00290

Issue Date: 02 OCT 2015

Expiration Date: 04 NOV 2015

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: HUDSON RIVER PARK TRUST
PIER 40 AT WEST HOUSTON STREET
NEW YORK, NY

ACTIVITY: Replacement of previously-authorized Piers 54, not in-place, in a new configuration.

WATERWAY: Hudson River

LOCATION: Foot of West 12th Street, New York City, Borough of Manhattan, New York County, New York

A detailed description and plans of the proposed pier replacement activity is enclosed to assist in your review.

The permit for the construction of the Hudson River Park was issued on 31 May 2000. This permit authorized a suite of activities, including bulkhead repair, bank stabilization, piling repair and replacement, creation of two beaches as well as pier repair, replacement, and rehabilitation. Over the past 15 years, the permittee, the Hudson River Park Trust, has come to the Corps for construction authorization as various segments of the Park have been funded and designed. Some of the previously authorized features have been eliminated by the permittee during this time. For example, only one beach has been built, and the second has been removed from further consideration in the Park. Other features have changed, due to improved construction techniques, engineering, or design requirements. These are minor deviations, which do not affect the overall public interest determination that was used in making the decision to issue the Department of the Army Permit in 2000.

The permittee, the Hudson River Park Trust, a New York State entity, recognizes the potential for controversy and based on the number of newspaper articles and unsolicited comments received regarding the pier replacement proposal, has asked the New York District to publish a Public Notice, in order to gain a better understanding of the concerns and for improved transparency in the process. 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 replacement 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 replacement 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.

Previous consultation with the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), which was completed on 26 March 1999, concluded that the now-permitted activities may affect, but are not likely to adversely affect, listed species. Subsequent to the listing of the Atlantic Sturgeon, this office conducted additional consultation on activities authorized in the issued permit that were under construction at that time. For the current pier replacement work, the District Engineer has made a determination is that the pier replacement work may affect, but is not likely to adversely affect any Federally endangered or threatened species or their critical habitat. Consultation with the National Marine Fisheries Service is ongoing with respect to this modification 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 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 completed consultation with the National Marine Fisheries with respect to the permitted activities on 26 March 1999. 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. A Programmatic Agreement with the New York State Office of Parks, Recreation, and Historic Preservation (NYSHPO) was signed on 3 May 2000 and made part of the issued permit. The pier replacement proposed by the permittee was covered by that Programmatic Agreement. This office will consult with the NYSHPO to determine if an amendment to the Programmatic Agreement is required.

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 permittee 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 construction authorization approval 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 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 permittee's certification. No construction authorization decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the permittee'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 permittee'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

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) 790-8511 and ask for Amanda Switzer.

In order for us to better serve you, please complete our Customer Service Survey located 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>


for CHRISTOPHER S. MALLERY, Ph.D. 2 Oct 15
Chief, Regulatory Branch

Work Description:

The Hudson River Park Trust (HRPT) has requested permission to construct a replacement Pier 54 pier structure between the locations of Pier 54 and Pier 56 in the Hudson River at the foot of West 12th Street within the Hudson River State Park, New York City, Borough of Manhattan, New York County, and New York State.

The deck of existing Pier 54 was recently removed before it completely failed and collapsed into the Hudson River; and its supporting piles were left in place for fishery habitat enhancement. Pier 56's deck was previously removed because of its very poor condition; and its supporting piles have been left in the river for fishery habitat enhancement.

The proposed Pier 54 replacement structure would involve construction of a approximately 330-foot square pier platform structure with two pedestrian access and emergency egress walkway ramp structures from and to dry land; including a barge mooring platform, approximately 150 feet long and approximately 10 feet wide on the eastern edge of the proposed square pier structure for a possible seasonal mooring of a 4,000-square-foot support barge for events in the replacement pier's amphitheater.

The replacement pier structure would be approximately 121,000 square feet (2.75 acres) in area channelward of the line of Mean High Water (Average High Tide) line on the shoreline.

The replacement Pier 54 pier structure would not extend out into the Hudson River as far as the current Pier 54's and Pier 56's remaining fishery habitat pile fields do, as shown on the enclosed application drawings.

Both Pier 54's and Pier 56's fishery habitat pile fields would remain in place as fishery habitat, except for the removal of approximately twenty-five (25) pilings to allow for the safe construction of the replacement Pier 54. Approximately fourteen (14) piles would need to be removed from the Pier 54 pile field and approximately eleven (11) piles from the Pier 55 pile field. Piles to be removed would be pulled out of the riverbed completely, or cut at the mudline. The remainder of the approximately six hundred (600) existing pilings would be retained and maintained by the Hudson River Park Trust in pile fields to enhance aquatic fishery habitat value.

The replacement Pier 54 structure would be supported by approximately five hundred and thirty-five (535) pilings of varying dimensions and types. The pier structure and its access / egress walkway ramps would be supported by approximately three hundred and sixty-one (361) piles, made up of two hundred and eighty-four (284) 36-inch-diameter round precast concrete piles, and approximately ninety-seven (97) 24-inch-square solid precast concrete piles.

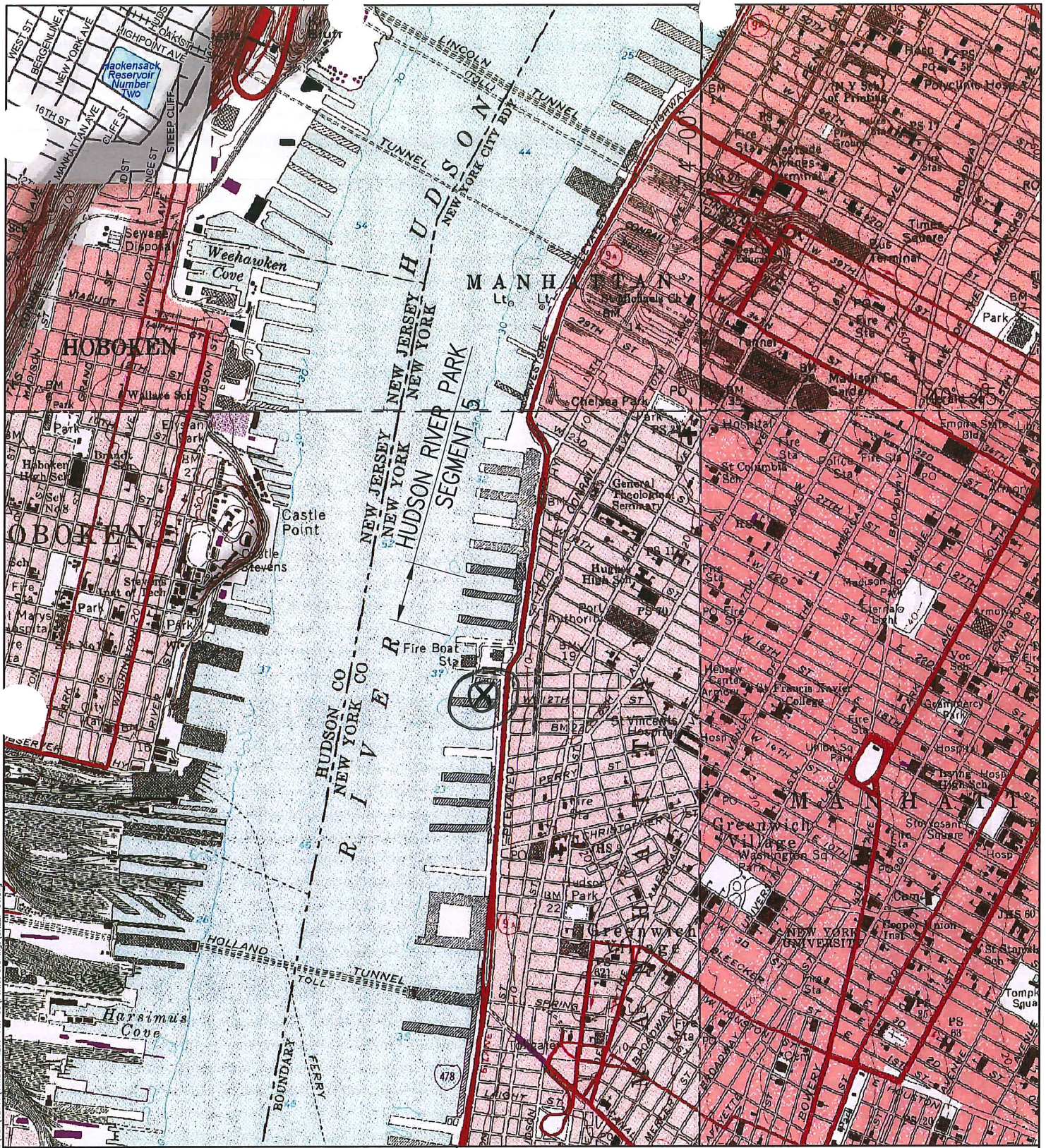
Of the approximately two hundred and eighty-six (286) 36-inch-diameter, or 24-inch-diameter, round precast concrete piles supporting the replacement pier structure, approximately one hundred and thirty-nine (139) would be driven as hollow pipe piles requiring the filling (regulated discharge) with flowable concrete below the plane of

Spring High Water in order to create a solid piling to safely support the pier structure. The flowable concrete placed inside these driven pipe piles will be confined within the pipe piles and would not result in adverse impacts to Hudson River water quality or aquatic biota. The total area of pipe pilings requiring filling with flowable concrete is approximately four hundred and fifteen (415) square feet.

In addition, approximately one hundred and twenty eight (128) 12-inch-diameter timber piles; and approximately twenty-four (24) hollow 16-inch-diameter steel pipe piles would be installed for protective fendering of the edge of the replacement pier structure.

The Hudson River Park Trust has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable through pier structure design and by adhering to previously issued permit conditions in Department of the Army and New York State Department of Environmental Conservation permits; and piles will not be installed or removed between November 1st and April 30th of the calendar year to minimize any effects on overwintering fishery resources.

The Hudson River Park Trust stated purpose of the Pier 54 replacement pier structure is to provide a vegetated pier platform with an amphitheater and public restrooms; and to continue to provide safe public access pier structures within Hudson River State Park.



TITLE

VICINITY MAP PIER 54

PROPOSED

MODIFICATION TO HUDSON RIVER PARK SEGMENT 5

IN: HUDSON RIVER

AT: LITTLE W 12th TO 14th STREET

COUNTY: NEW YORK

STATE: NEW YORK

APPLICATION BY: HUDSON RIVER PARK TRUST

Mathews Nielsen
Landscape Architects, P.C.
Mueser Rutledge Consulting Engineers,
Geotechnical/Marine Engineers

DATE: 2015.02.06

REV.

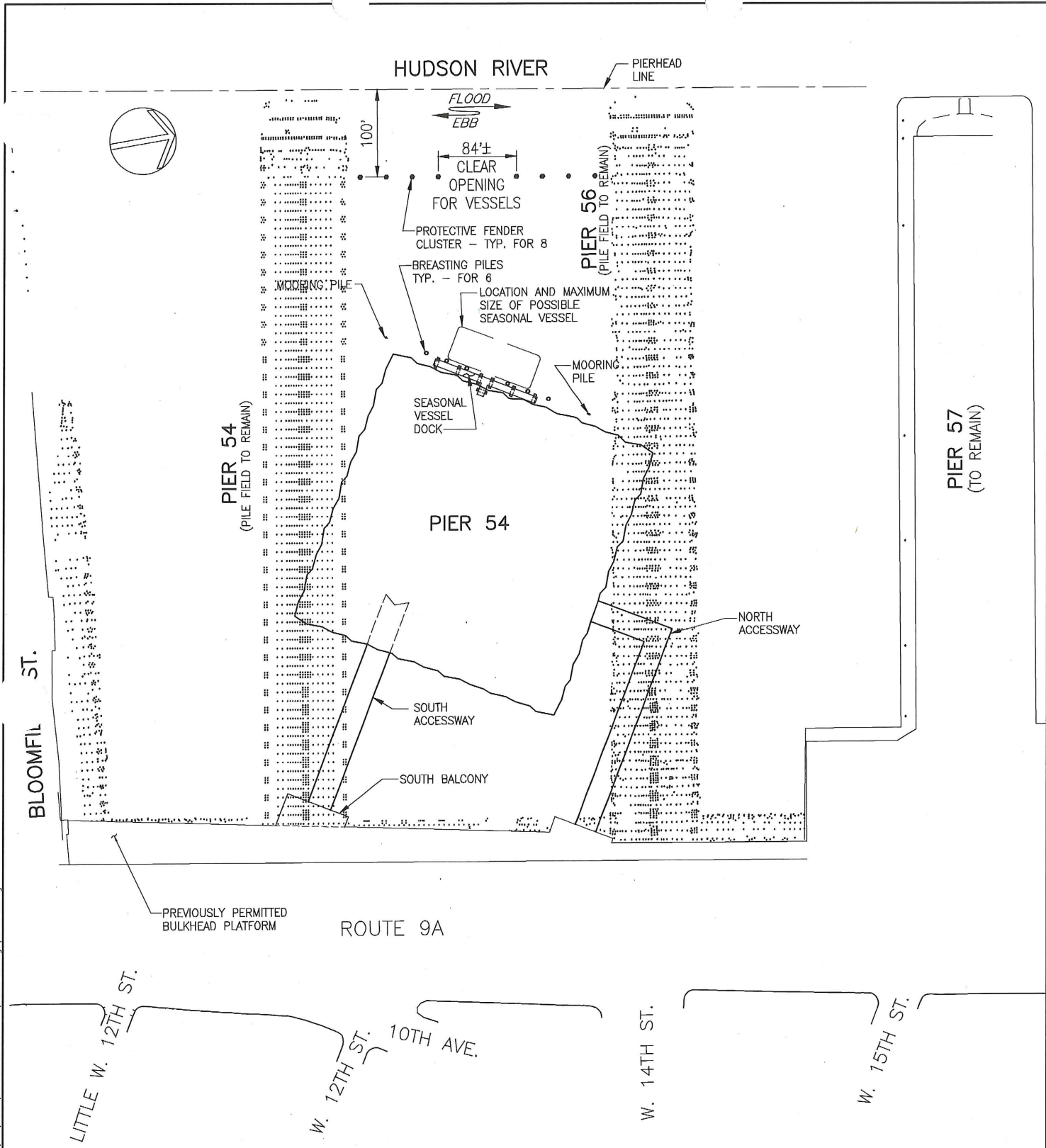
GRAPHIC SCALE (S)

DATUM:

MANHATTAN BORO

1"=2000'

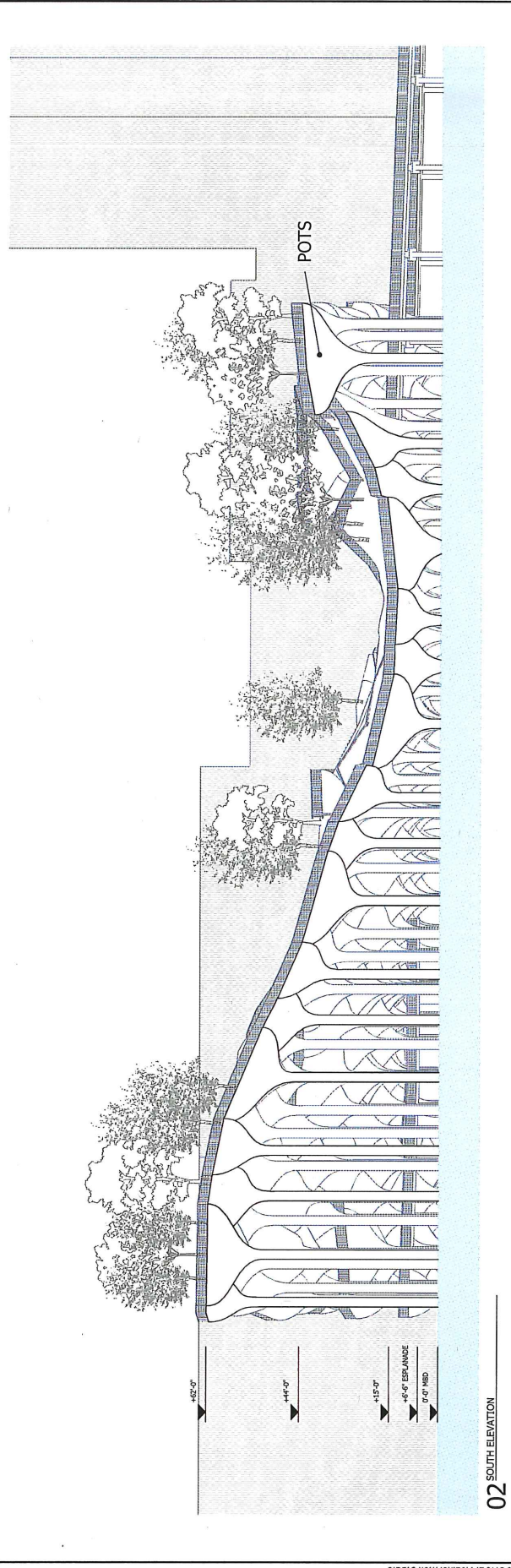
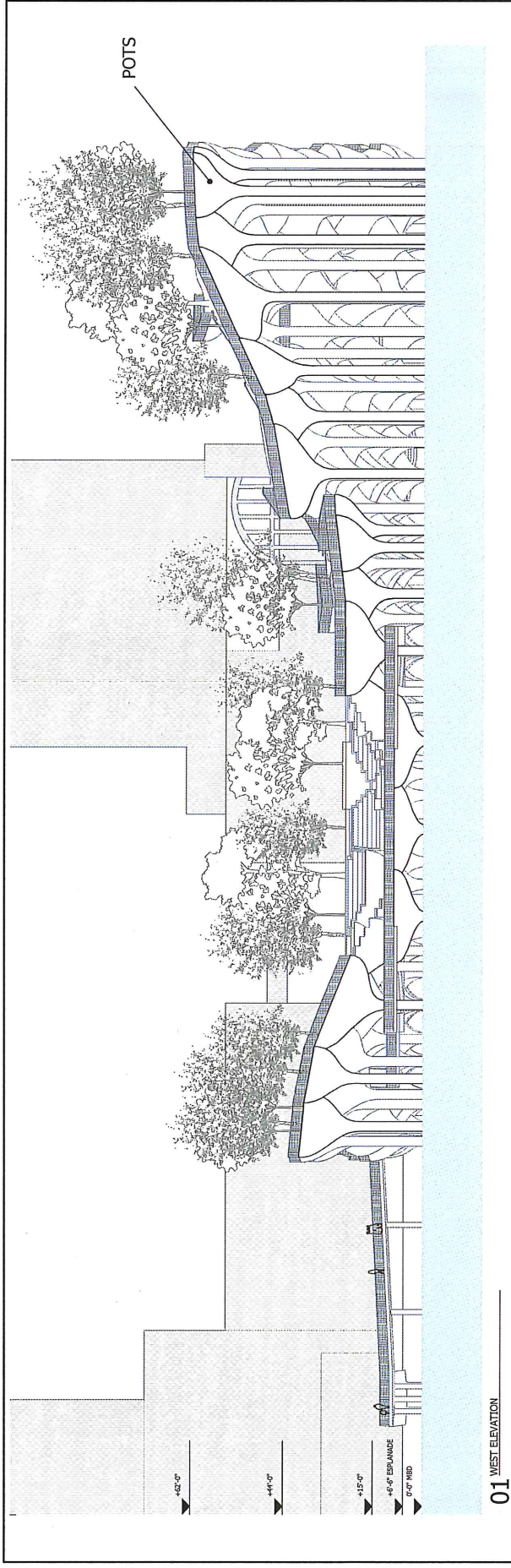
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<div>TITLE</div> <div>KEY PLAN PIER 54</div>		<div>PROPOSED</div> <div>MODIFICATION TO HUDSON RIVER PARK SEGMENT 5</div>	
		<div>IN: HUDSON RIVER</div> <div>AT: LITTLE W 12th TO 14th STREET</div> <div>COUNTY: NEW YORK</div> <div>STATE: NEW YORK</div> <div>APPLICATION BY: HUDSON RIVER PARK TRUST</div>	
<div>GRAPHIC SCALE (S)</div> <div>150' 75 0 150'</div> <div>1:150</div> <div><div></div><div></div><div></div></div>	<div>DATUM: MANHATTAN BORO</div>	<div>Mathews Nielsen Landscape Architects, P.C. Mueser Rutledge Consulting Engineers, Geotechnical/Marine Engineers</div>	<div>DATE: 2015.02.06</div> <div>REV.</div>



2.10.15



SOURCE: Healthwick Studio

Draft Concept Design

Hudson River Park Pier 54 Redevelopment

West and South Elevations
Figure A-5