



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-2016-00062-EYA
Issue Date: March 31, 2016
Expiration Date: April 30, 2016

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: NYC Energy LLC
217 E. 70th Street, #405
New York, NY 10021

ACTIVITY: Permanent mooring of power generation barge and HDD installation of power cable under Wallabout Channel

WATERWAY: Wallabout Channel, a tributary to the East River

LOCATION: Berth 20B, Brooklyn Navy Yard, Borough of Brooklyn, Kings 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

PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

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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. Comment in writing could be mailed to US Army Corps of Engineers, New York District – ATTN: Regulatory Branch, 26 Federal Plaza, Room 1937, New York, N.Y. 10278.

Comments submitted in response 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 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 is 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.

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 occurs. 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

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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.

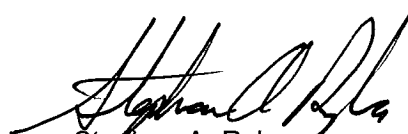
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- Certificate of Public Convenience and Necessity from the NYS Public Service Commission
- Air State Facility Permit from the New York State Department of Environmental Conservation

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>

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 - 8092 and ask for Jun Yan.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

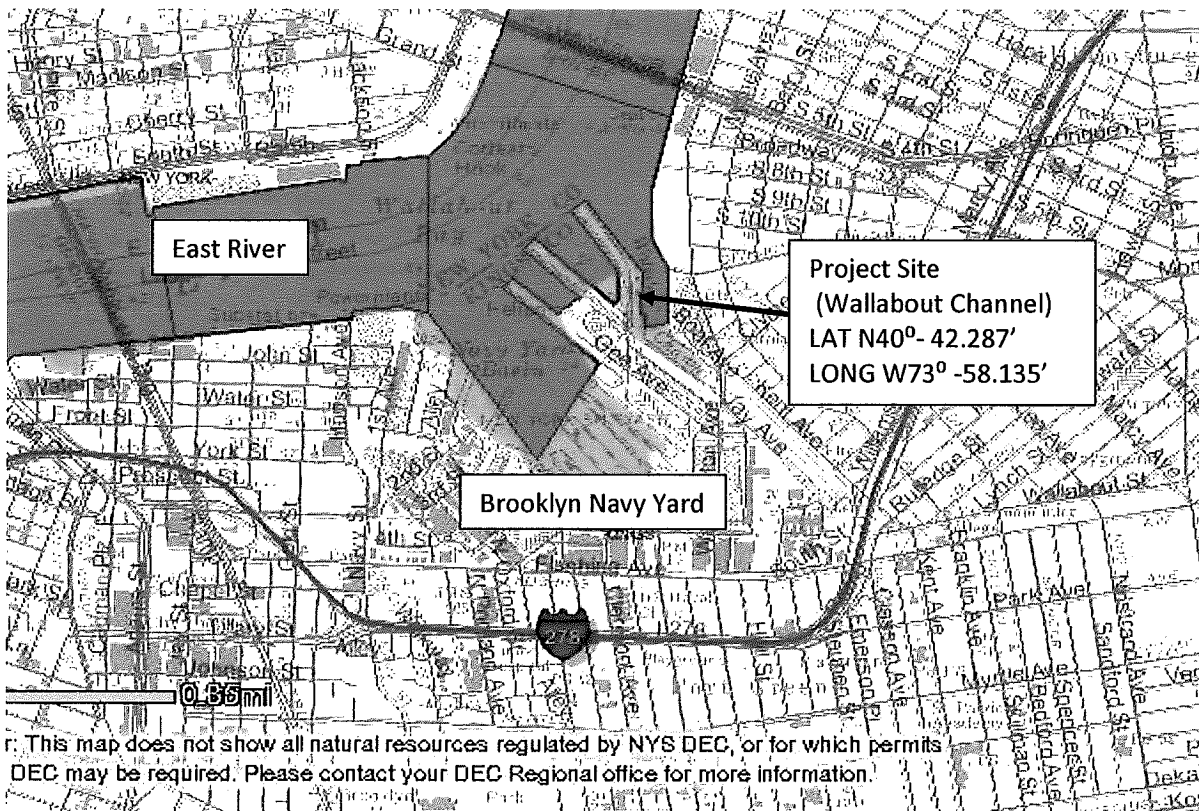
WORK DESCRIPTION

The applicant, NYC Energy LLC, has requested Department of the Army authorization to construct five (5) 24-inch diameter steel pipe piles to permanently moor a 220-foot-long by 100-foot-wide natural-gas-fired electricity generating barge in the 230-foot-wide Wallabout Federal Navigation Channel (adapted in the River and Harbor Act of 1899), off of the East River, at Berth 20B, Brooklyn Navy Yard. The work would also involve directional drill installation of approximately 750 linear feet of 10-inch diameter utility pipeline under the Wallabout Federal Navigation Channel at a depth of approximately 40 feet below the mean low water line. The project is located in the Borough of Brooklyn, Kings County, New York. The specific project details are as shown on the enclosed dated permit drawings.

The mooring piles and the electrical power generation barge would permanently occupy approximately one-half of the approximately 230-foot wide Wallabout Federal Navigation Channel.

The stated purpose of this project is to provide permanent mooring for an electricity generating barge.

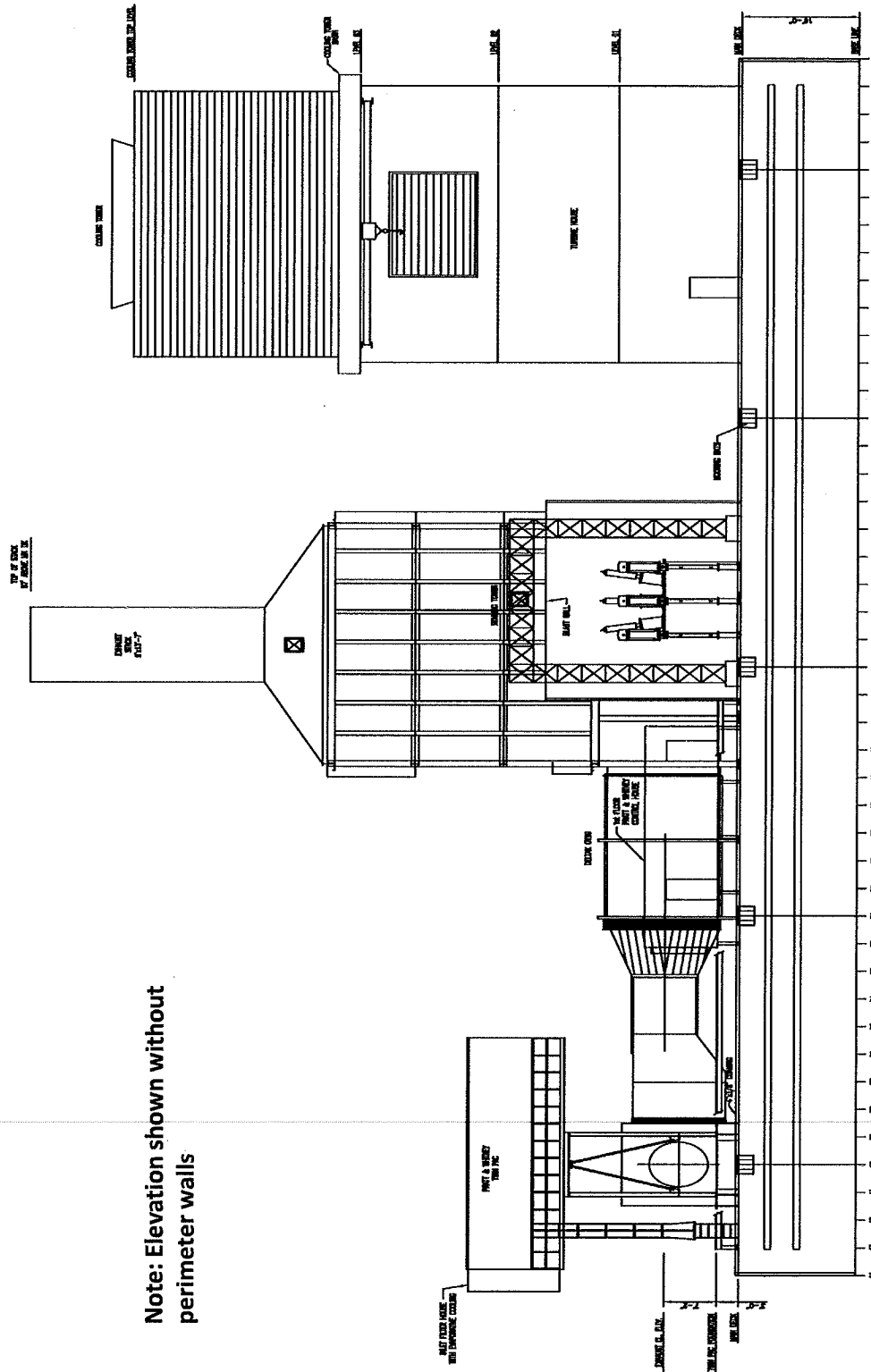
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NYC ENERGY LLC

SITE LOCATION MAP

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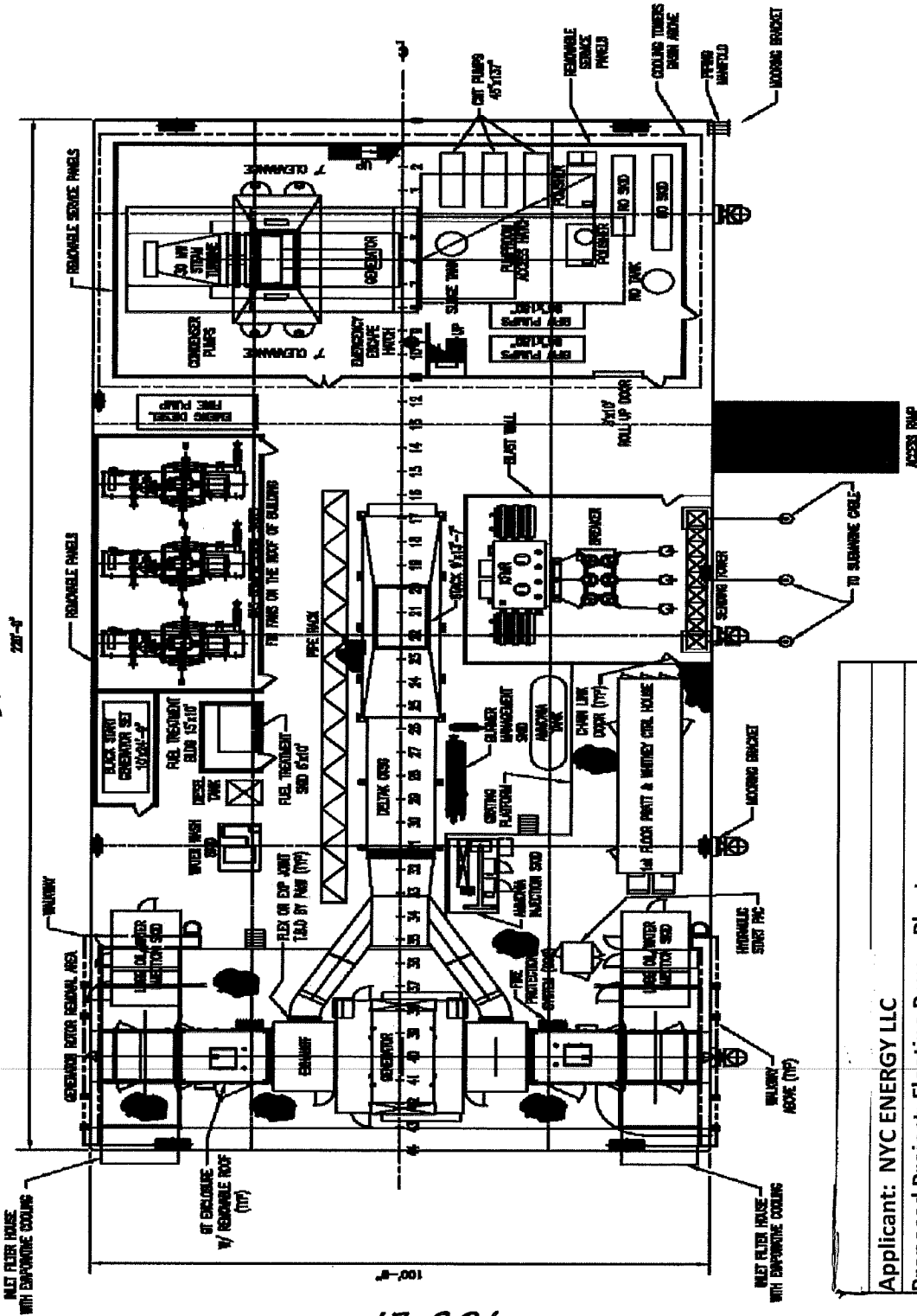
Note: Elevation shown without perimeter walls

Applicant: NYC ENERGY LLC
Proposed Project: Floating Power Plant
Location: Brooklyn Navy Yard, Brooklyn, NY
Date: 12/30/2015
Project Elevation

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220 LF →

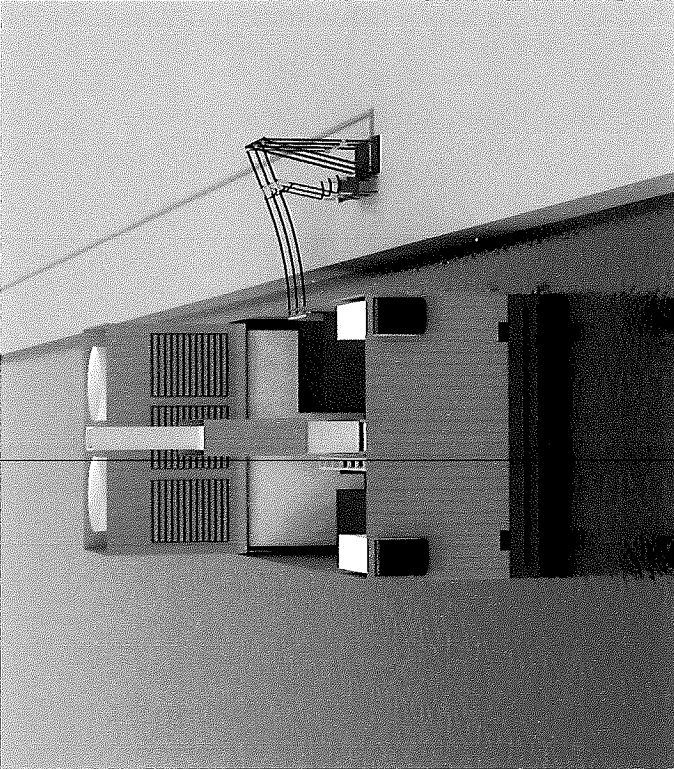


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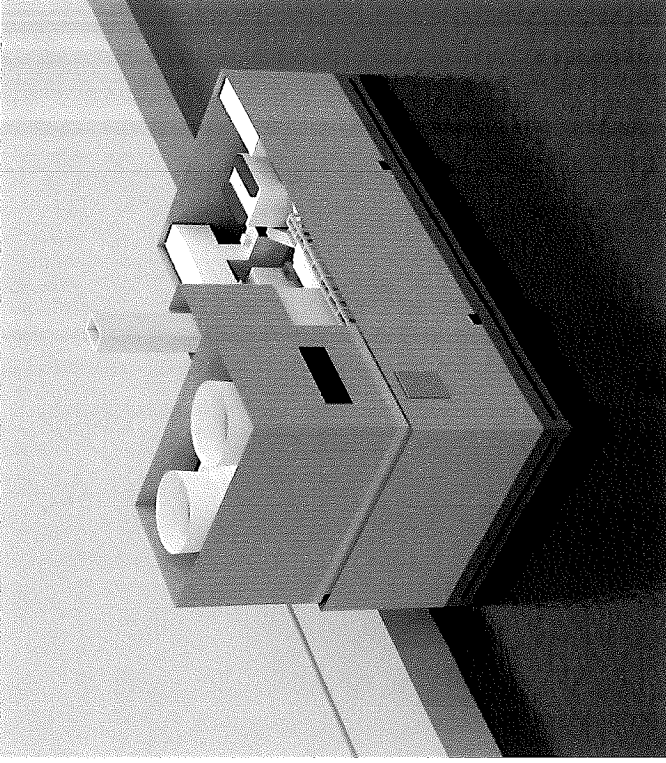
Applicant: NYC ENERGY LLC
Proposed Project: Floating Power Plant
Location: Brooklyn Navy Yard, Brooklyn, NY
Date: 12/30/2015
Project Plan

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North Profile

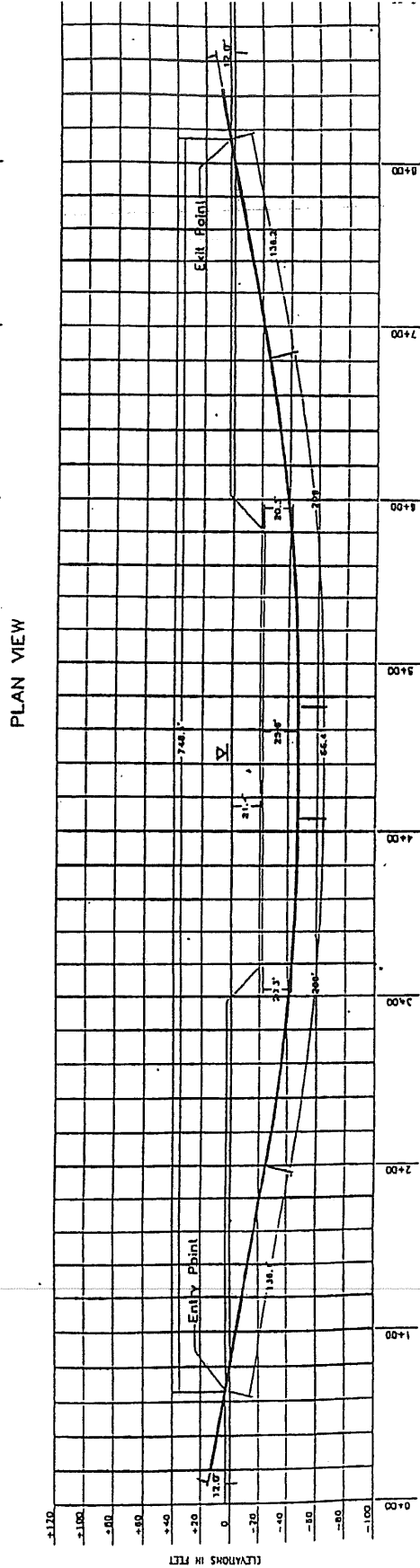
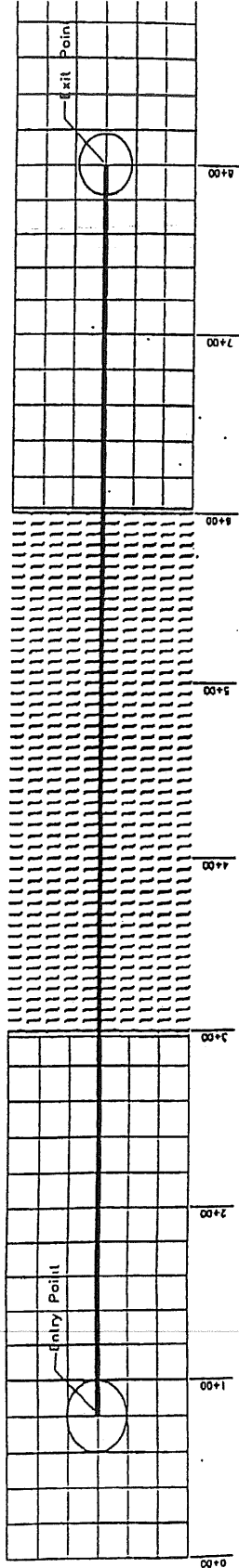


Southeast Profile

Applicant: NYC ENERGY LLC
Proposed Project: Floating Power Plant
Location: Brooklyn Navy Yard, Brooklyn, NY
Date: 12/30/2015
North & Southeast Profiles

USACE File: NAN-2016-00062-EYA

WALLABOUT CHANNEL



PROFILE	SCALE
PC	0+50'
PT	1+50'
PI	1+00'
SEC	0'
MIN. CURVING	0'

CURVE DATA	SCALE
Δ	40'
R	1000'
L	100'
PC	0+50'
PT	1+50'
PI	1+00'
SEC	0'
MIN. CURVING	0'

Applicant: NYC ENERGY LLC
Proposed Project: Floating Power Plant
Location: Brooklyn Navy Yard, Brooklyn, NY
Date: 12/30/2015
Directional Bore Profile

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