

## **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-2017-00887-ERO

Issue Date: March 20, 2018 Expiration Date: April 9, 2018

### 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 Parks and Recreation

Attn: Therese Braddick

Flushing Meadow - Corona Park

117-02 Roosevelt Avenue Flushing, New York 11368

**ACTIVITY**:

Place fill within Waters of the United States to maintain and create

stabilized shorelines, contain solid municipal waste, and create tidal

wetlands

WATERWAY:

East River

LOCATION:

10 Hutchinson River Parkway, Borough of Bronx, City of New York, Bronx

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 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 construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final

### CENAN-OP-RE PUBLIC NOTICE NO. NAN-2017-00887-ERO

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.

Review 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. The permit applicant obtained a Water Quality Certification Permit ID #2-6006-00014/00018 from New York State Department of Environmental Conservation.

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, the applicant's certification and accompanying information is available from the New York State Department of State Division of Coastal Resources, Coastal Management Program, 99 Washington Avenue – Suite 1010, Albany, New York 12231-0001, 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) 790-8521 and ask for Ms. Seika E. Robinson.

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.

# CENAN-OP-RE PUBLIC NOTICE NO. NAN-2017-00887-ERO

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

For and in behalf of

Stephan A. Ryba Chief, Regulatory Branch

**Enclosures** 

#### **WORK DESCRIPTION**

The applicant, New York City Department of Parks and Recreation, has requested Department of the Army (DA) authorization to place fill within Waters of the United States to maintain and create stabilized shorelines, contain solid municipal waste, and create tidal wetlands in East River at 10 Hutchinson River Parkway in the Borough of Bronx, Bronx County, City of New York, New York.

#### The work would involve:

#### **Shoreline Stabilization:**

Approximately 2,850 linear feet of shoreline would be maintained and hardened. The shoreline stabilization would include removal, regrading, and replacement, in place, of approximately 2,470 linear feet of existing riprap along the shoreline. Along approximately 380 linear feet of newly riprapped shoreline, the applicant proposes to create four (4) outlook points (*sheet 7*). Along the whole shoreline, the applicant proposes to place approximately 10,200 cubic yards of riprap across an approximately 161,000 square foot area. Of which, approximately 2,121 cubic yards of the rip rap would be placed within approximately 0.26 acres (approximately 11,308 square feet) of existing wetlands. Approximately 6,124 cubic yards of the riprap material, across approximately 0.584 acres (approximately 25,424 square feet), would fall below spring high water. Riprap elevations would vary along the shoreline. The remaining 1,955 cubic yards of riprap would be placed along an approximately 124,268 square foot area outside of existing wetlands and landward of high tide.

#### **Municipal Solid Waste Containment:**

The entire upland area, including approximately 0.22 acres (approximately 9,420 square feet) of wetlands, would be regraded and then laid with a demarcation fabric and covered with approximately one foot of fill that meets Unrestricted Residential Soil Cleanup Objectives (URSCO). Tidal wetland establishment areas and the proposed upland look-out areas, located landward of the proposed shoreline stabilization, would be filled with an approximately two feet of clean fill. A total of approximately 350 cubic yards of clean material would be placed within the approximately 0.22 acres of wetlands.

#### Wetland Establishment:

On the eastern end of the project area, approximately 1.62 acres of tidal wetlands would be created (*sheet 8*). To establish a hydraulic source, an inlet would be created allowing tidal waters to enter from the East River into the inlet to then branch off to the eastern and western ends of the proposed wetlands. Native wetland plant species would be planted throughout the 1.62 acres (*sheet 19*). Approximately 0.31 acres of existing wetlands would not be directly impacted by the proposed work and would be maintained.

## CENAN-OP-RE PUBLIC NOTICE NO. NAN-2017-00887-ERO

The applicant has stated that they have avoided, minimized, and mitigated for any proposed impacts to the maximum extent practicable by designing the proposed project with the minimum amount of disturbance necessary to maintain and create stabilized shorelines, contain solid municipal waste, and create tidal wetlands by performing the work within the confines of turbidity/silt curtains and/or cofferdam.

The applicant stated project purpose is to create a recreational waterfront park at Ferry Point Park, stabilize the shoreline, restore wetlands, and remediate existing municipal solid waste landfill with clean fill.



### **LOCATION MAP**

N.T.S.

PURPOSE: WATERFRONT PATH

AND TIDAL WETLANDS

DATUM: NAVD88
ADJACENT OWNERS:
1. SEE JA SUPPLEMENT

**EAST RIVER** 

APPLICANT: CITY OF NEW YORK
PARKS & RECREATION
OLMSTED CENTER
FLUSHING MEADOWS CORONA PARK
FLUSHING, NEW YORK 11368

LOCATION MAP

AT: NEW YORK
IN: EAST RIVER
COUNTY OF: BRONX
STATE: NY

DATE: 01/23/18

TIDAL DATA		
	REFERENCE DATUM	
	NAVD88	MLW
SPRING HIGH TIDE (SHT)	3.88	7.65
MEAN HIGHER HIGH WATER (MHHW)	3.74	7.51
MEAN HIGH WATER (MHW)	3.38	7.15
NGVD29	1.08	4.85
NAVD88	0.00	3.77
MEAN SEA LEVEL (MSL)	-0.18	3.59
MEAN TIDE LEVEL (MTL)	-0.19	3.58
MEAN LOW WATER (MLW)	-3.77	0.00
MEAN LOWER-LOW WATER (MLLW)	-4.06	-0.29

#### NOTES:

- 1. TIDAL DATA PROVIDED BY LANGAN SURVEY.
- 2. ELEVATIONS SHOWN IN FEET.
- 3. ALL ELEVATION INFORMATION ON SURVEY ARE SHOWN IN NAVD88 DATUM.

PURPOSE: WATERFRONT PATH

AND TIDAL WETLANDS

DATUM: NAVD88

ADJACENT OWNERS:

1. SEE JA SUPPLEMENT

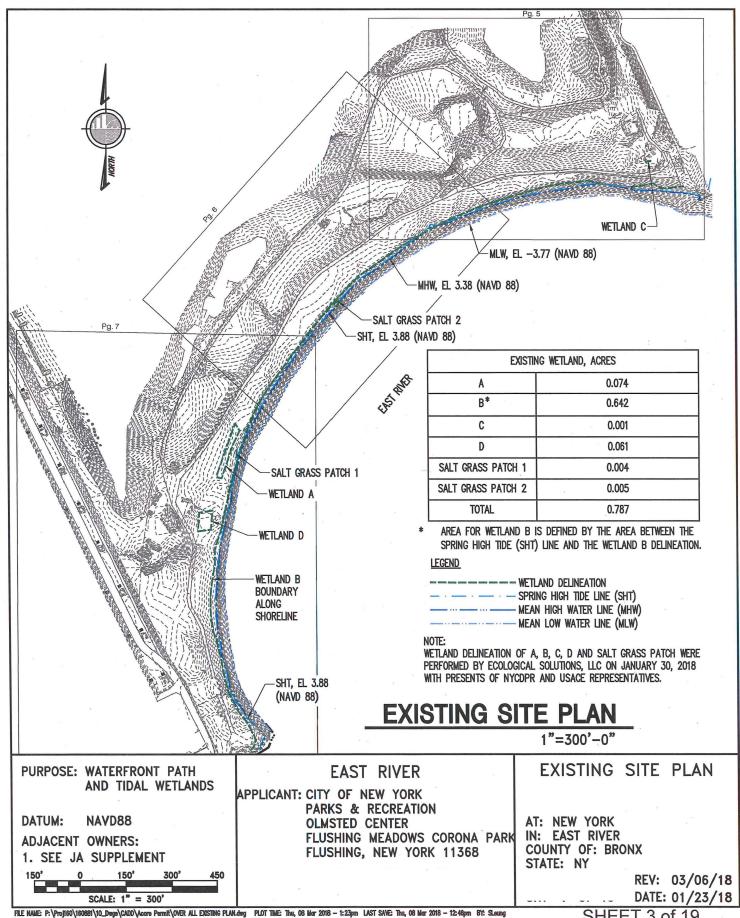
EAST RIVER

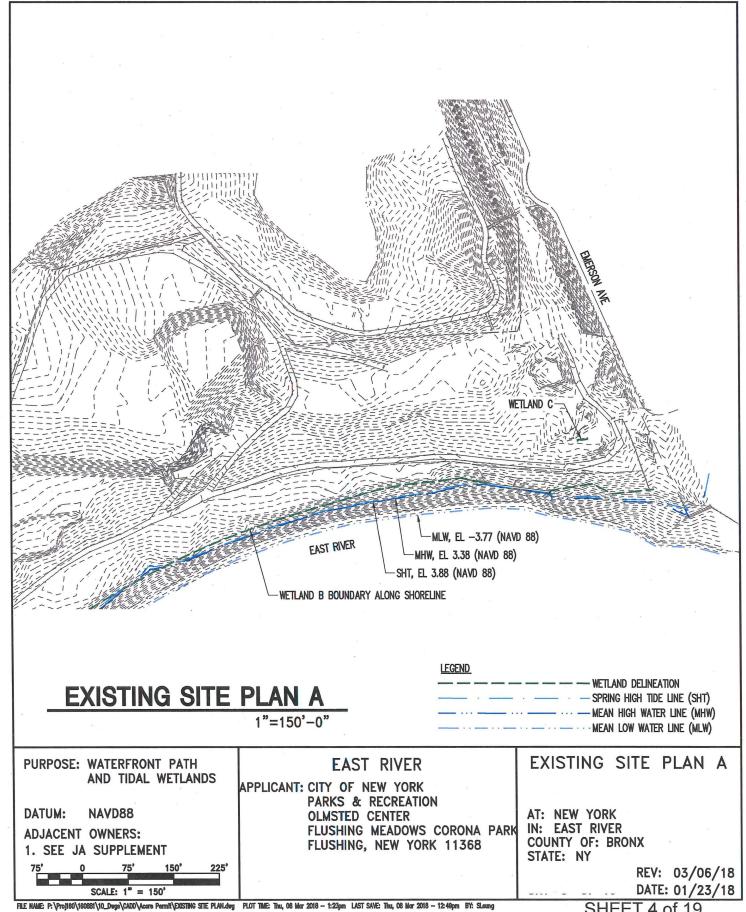
APPLICANT: CITY OF NEW YORK
PARKS & RECREATION
OLMSTED CENTER

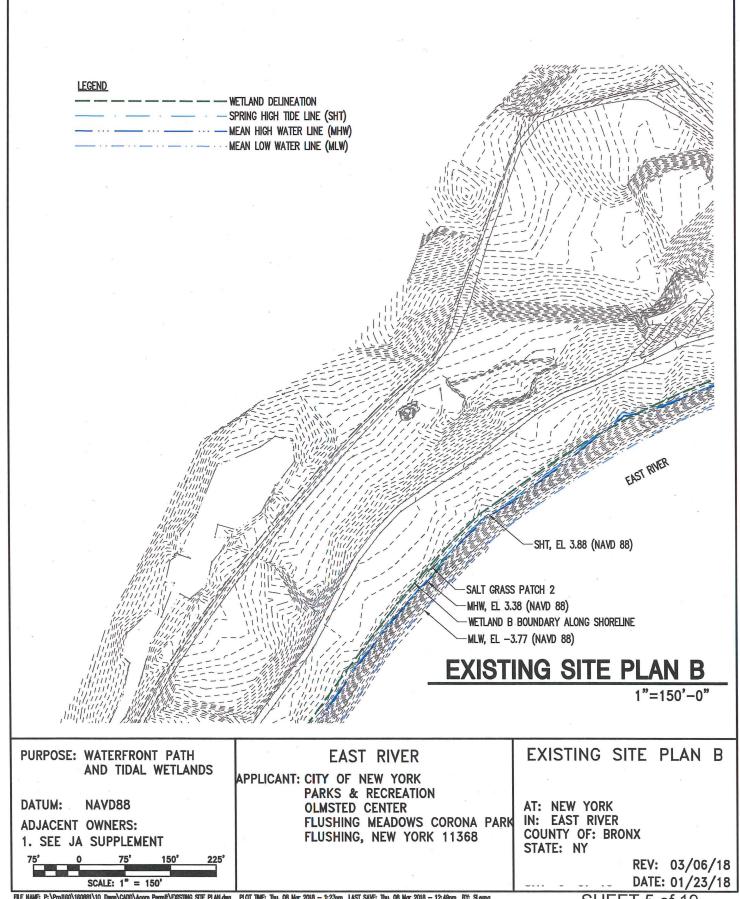
FLUSHING MEADOWS CORONA PARK FLUSHING, NEW YORK 11368 TIDAL DATA

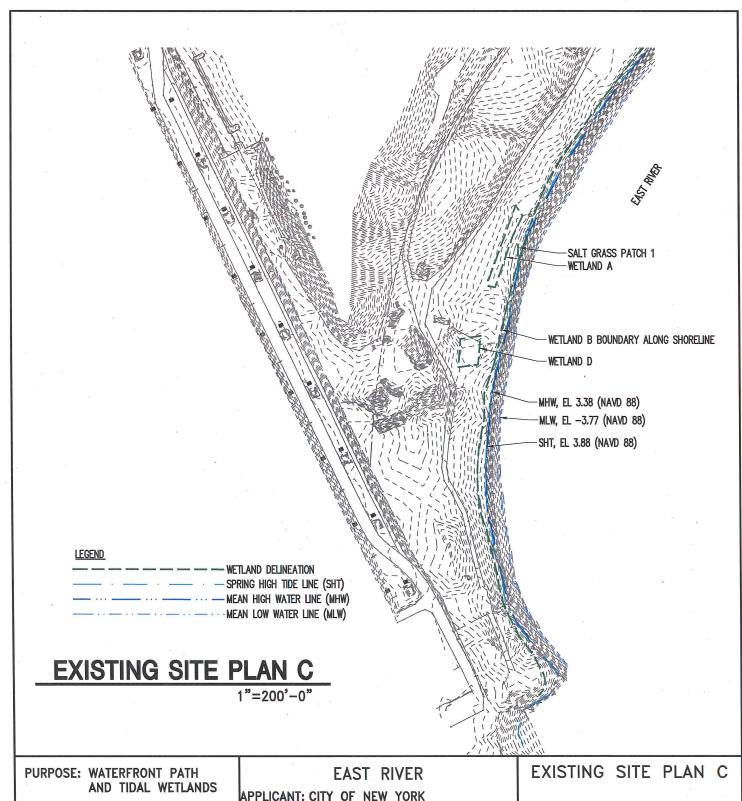
AT: NEW YORK
IN: EAST RIVER
COUNTY OF: BRONX
STATE: NY

DATE: 01/23/18

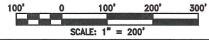








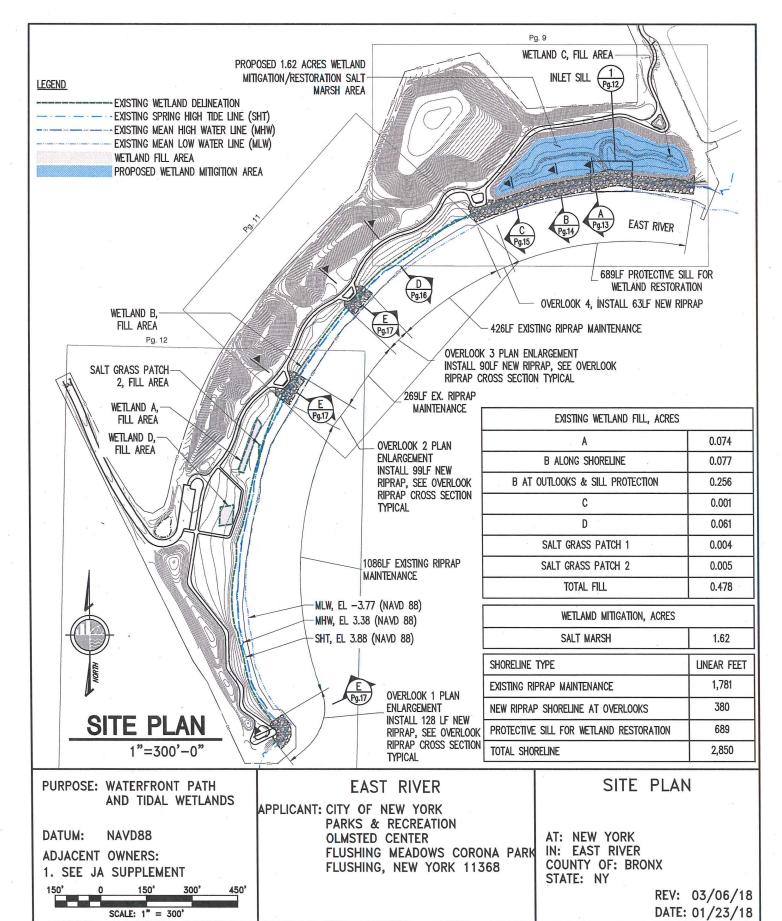
DATUM: NAVD88
ADJACENT OWNERS:
1. SEE JA SUPPLEMENT

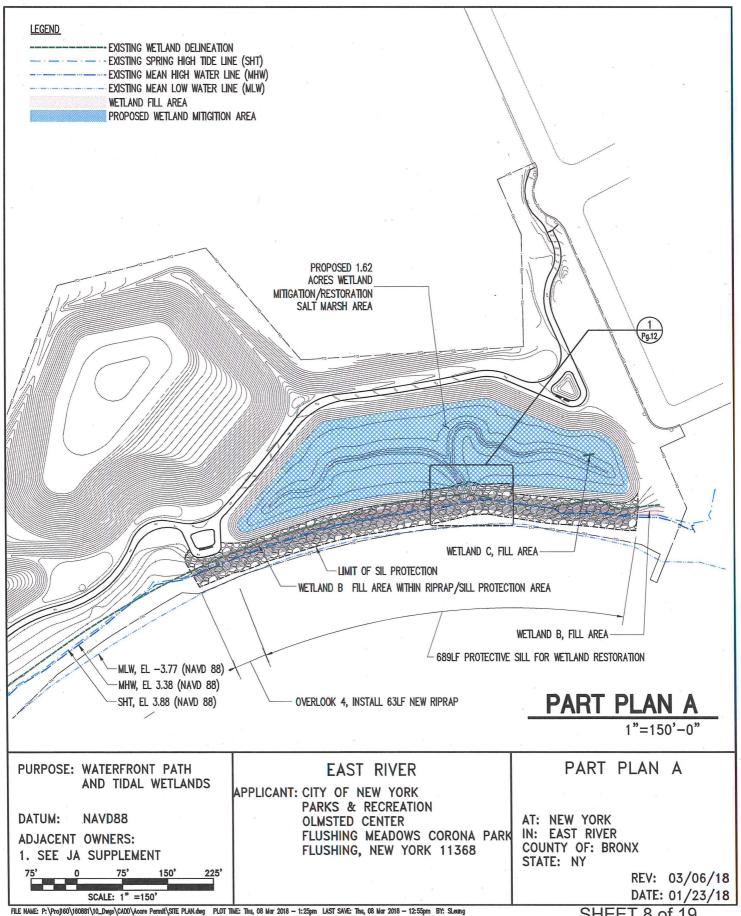


APPLICANT: CITY OF NEW YORK
PARKS & RECREATION
OLMSTED CENTER
FLUSHING MEADOWS CORONA PARK
FLUSHING, NEW YORK 11368

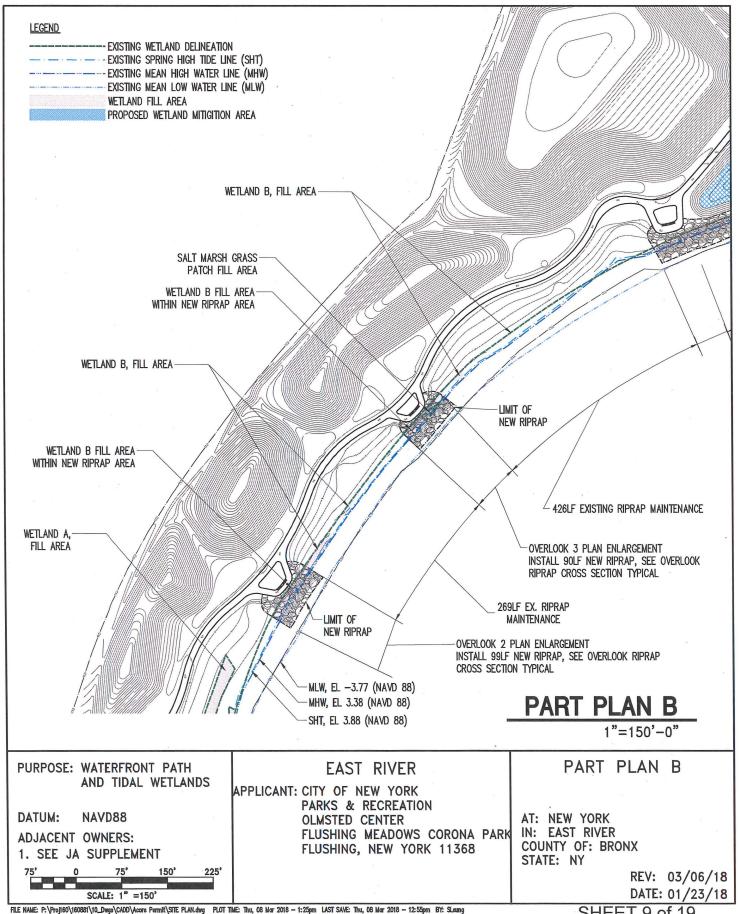
AT: NEW YORK
IN: EAST RIVER
COUNTY OF: BRONX
STATE: NY

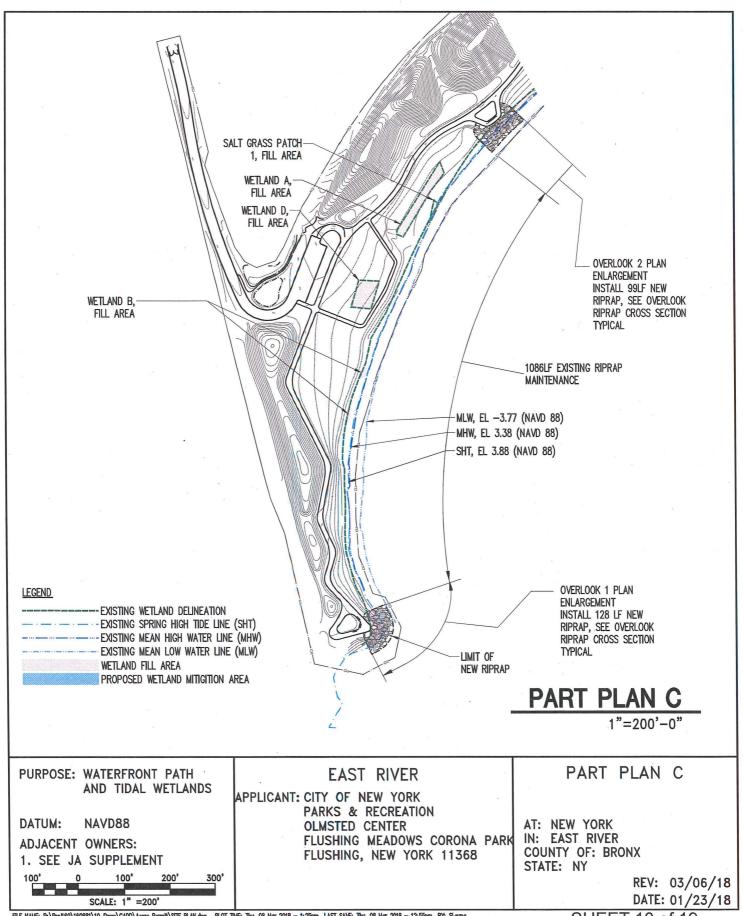
REV: 03/06/18 DATE: 01/23/18

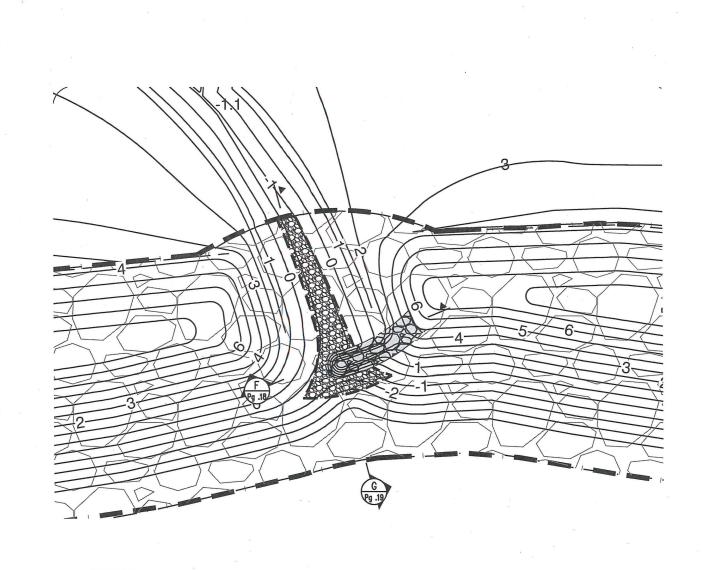




SHEET 8 of 19









SPLASH PAD AREA



INLET SILL

### SALT MARSH INLET SILL

1"=20'-0"

PURPOSE: WATERFRONT PATH

SCALE: 1" =20'

AND TIDAL WETLANDS

DATUM: NAVD88
ADJACENT OWNERS:
1. SEE JA SUPPLEMENT
10' 0 10'

EAST RIVER

APPLICANT: CITY OF NEW YORK
PARKS & RECREATION
OLMSTED CENTER
FLUSHING MEADOWS CORONA PARK
FLUSHING, NEW YORK 11368

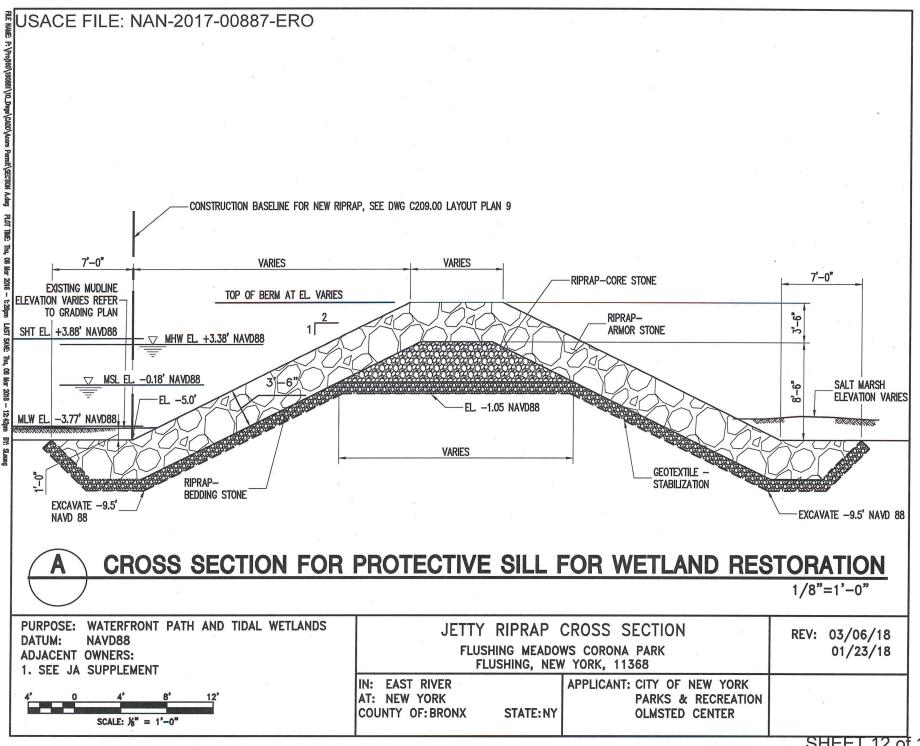
SALT MARSH INLET

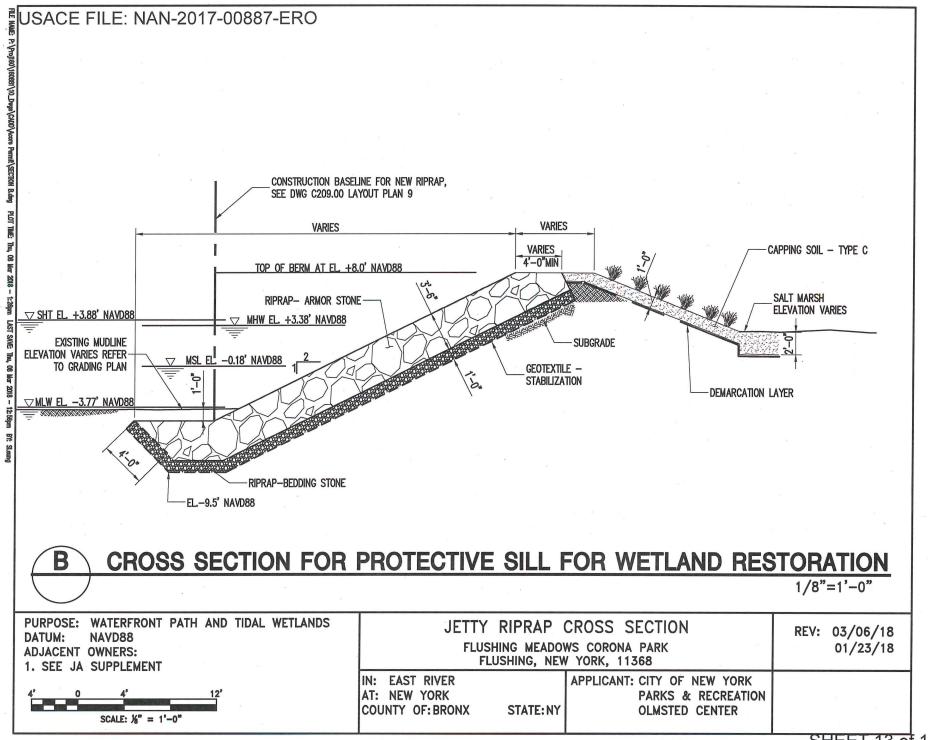
AT: NEW YORK
IN: EAST RIVER
COUNTY OF: BRONX
STATE: NY

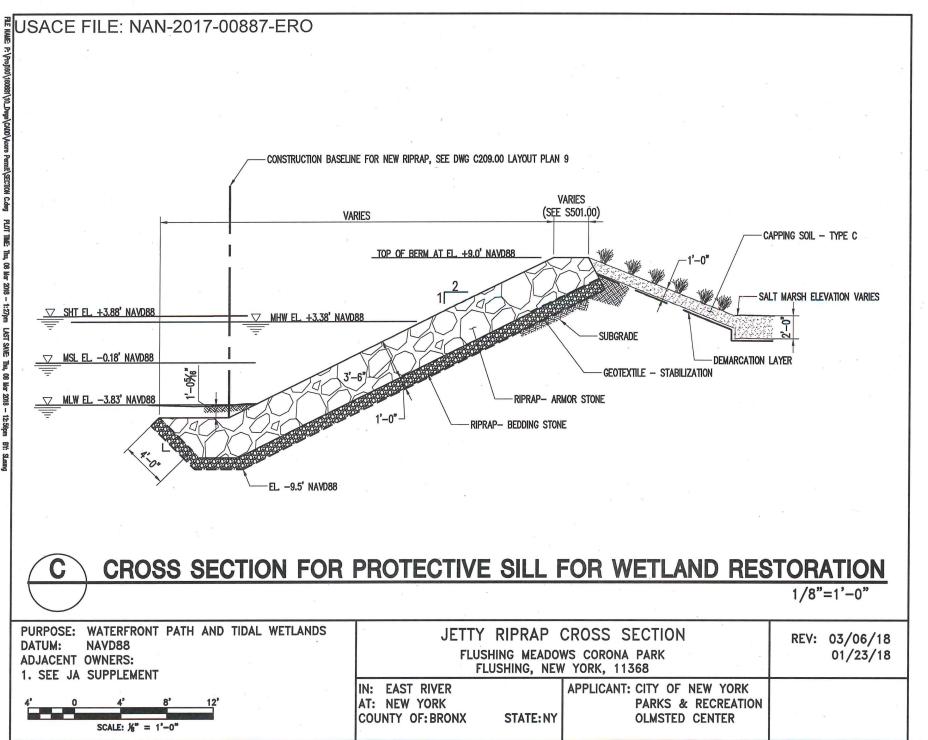
REV: 03/06/18 DATE: 01/23/18

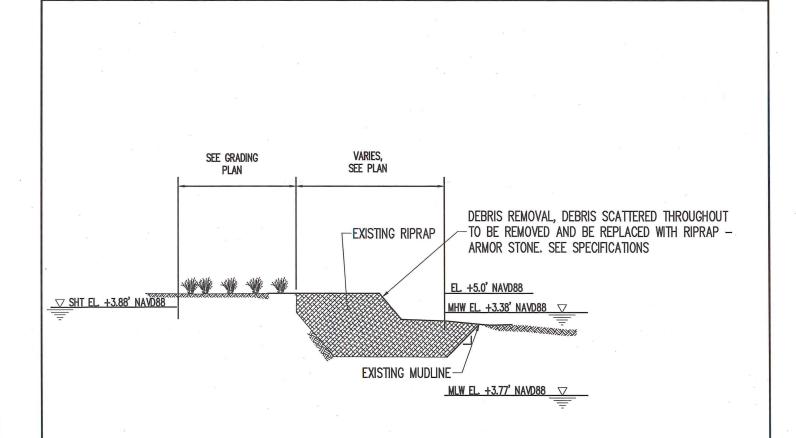
FILE NAME: P:\Proj180\180881\10\_Dwge\CADD\Accre Permil\SALT MARSH INLET PLANLing PLOT TIME: Thu, 08 Mer 2018 — 1:28pm LAST SAVE: Thu, 08 Mer 2018 — 12:58pm BY: SLoung

**SHEET 11 of 19** 











PURPOSE: WATERFRONT PATH

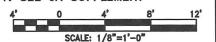
AND TIDAL WETLANDS

DATUM:

NAVD88

ADJACENT OWNERS:

1. SEE JA SUPPLEMENT



EAST RIVER

APPLICANT: CITY OF NEW YORK

PARKS & RECREATION

OLMSTED CENTER

FLUSHING MEADOWS CORONA PARK

FLUSHING, NEW YORK 11368

TYPICAL RIPRAP SECTION

AT: NEW YORK

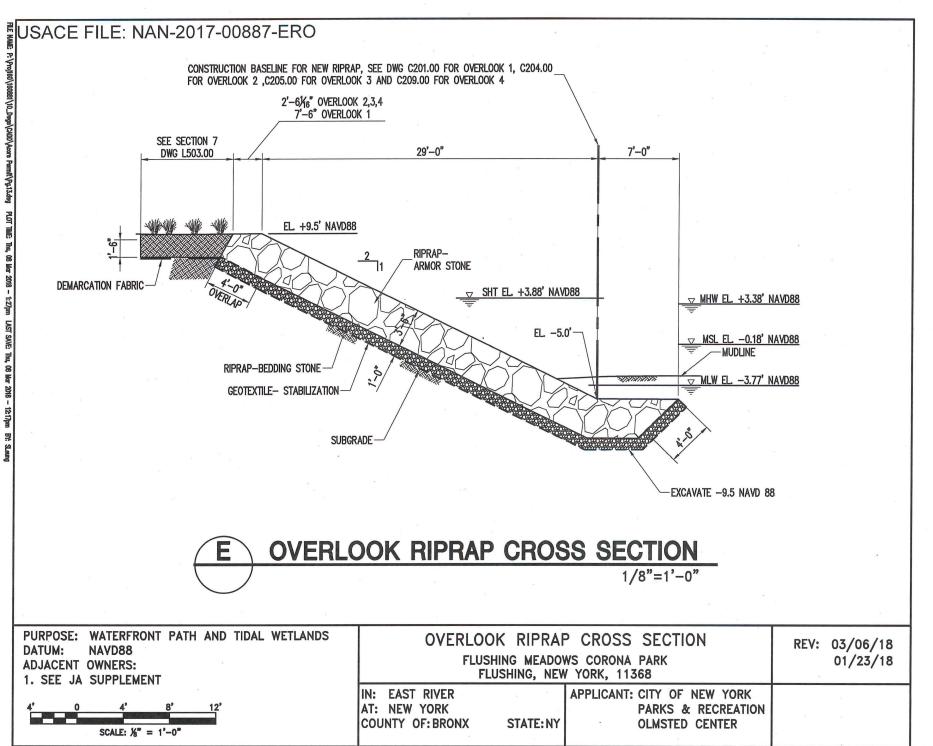
IN: EAST RIVER

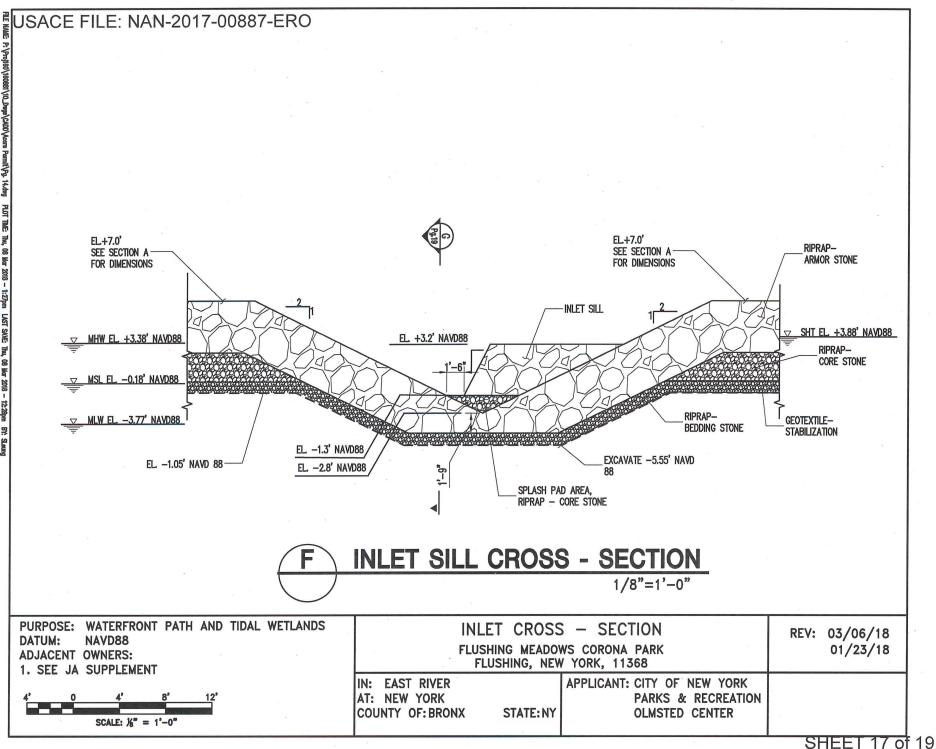
COUNTY OF: BRONX

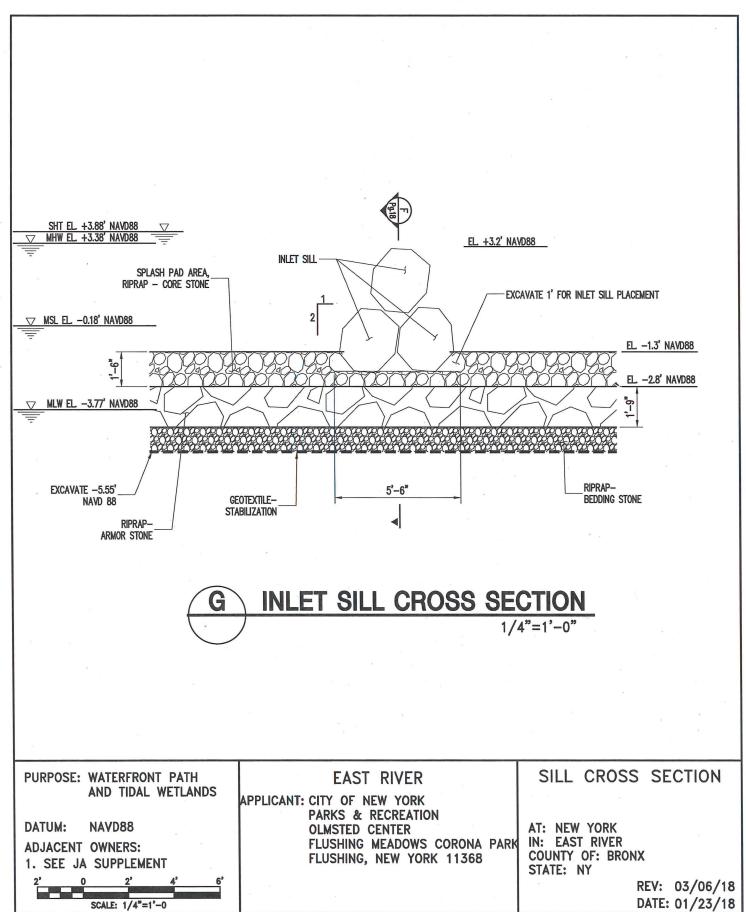
STATE: NY

REV: 03/06/18

DATE: 01/23/18







### USACE FILE: NAN-2017-00887-ERO

