



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 reply refer to:
Public Notice Number: NAN-2019-00423-ESW
Issue Date: July 15, 2019
Expiration Date: August 14, 2019

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: NYC Economic Development Corporation
110 William Street, 6th Floor
New York, NY 10038

ACTIVITY: Dredging, with approved upland disposal

WATERWAY: East River

LOCATION: South of Pier 11 at Intersection of Old Slip Road and FDR Drive, Borough of Manhattan, City of New York, 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

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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. Comments provided will become part of the public record for this permit application. All written comments, including contact information, 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.

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

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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:

- New York State Department of Environmental Conservation
- New York State Department of State

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) 790-8618 and ask for Amanda Regan.

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>.



For and In behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

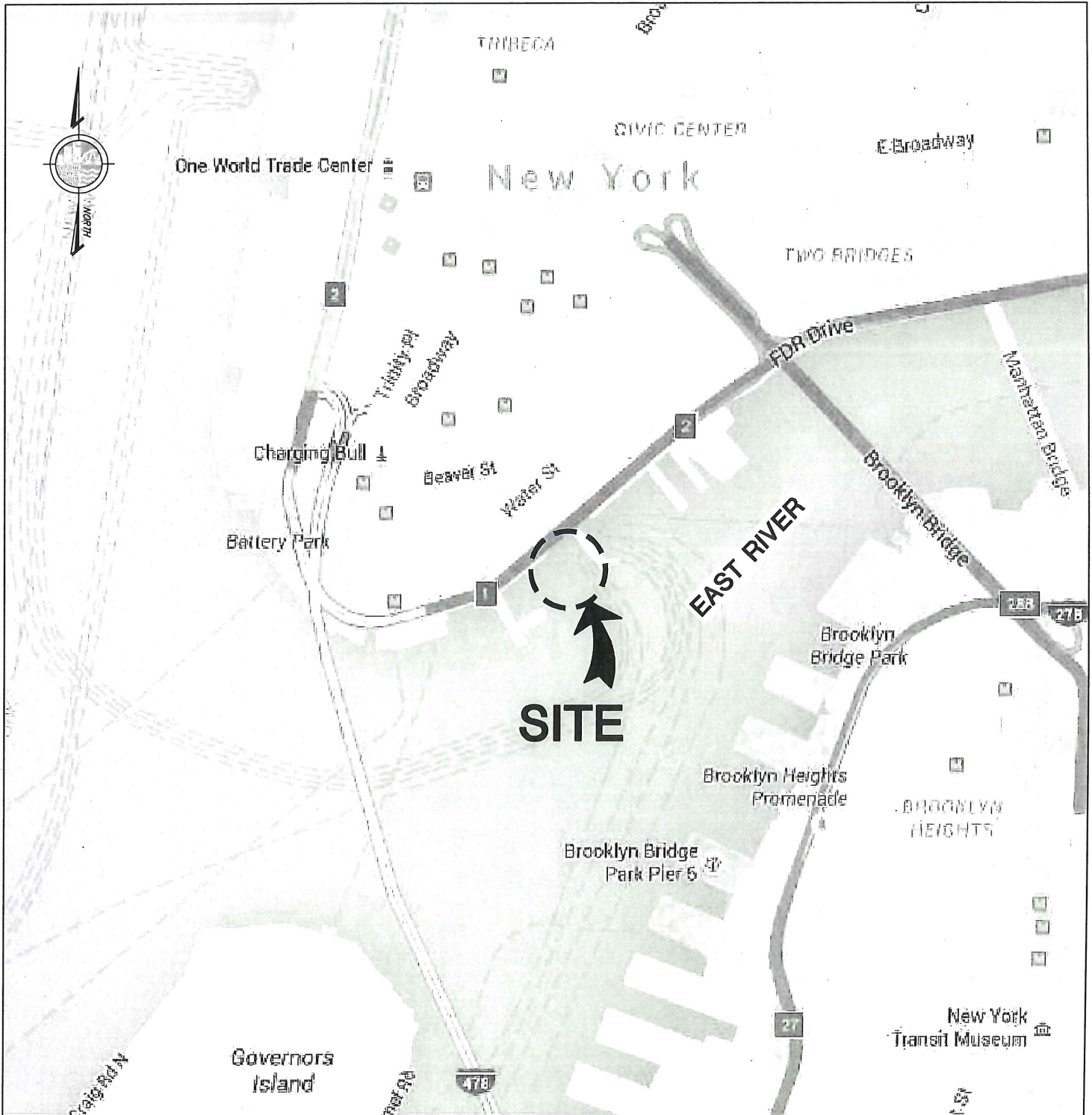
The applicant, New York City Economic Development Corporation, has requested Department of the Army authorization for a single dredging event south of Pier 11 with approved upland placement at the intersection of Old Slip Road and FDR Drive in the Borough of Manhattan, New York County, City of New York, New York.

A total of approximately 17,000 cubic yards of debris and sediment is proposed to be removed from the vicinity of Pier 11. The work would involve mechanical removal of larger debris with an open-top clamshell bucket and the mechanical removal of the remaining sediment with an environmental clamshell bucket to depth. The proposed dredge area in the East River is approximately 93,600 square feet (2.15 acres) and will be dredged to a maximum depth of 13 feet below the plane of Mean Low Water (MLW) with one foot of allowable overdepth dredging.

The dredged material will be dewatered at the project site on a barge prior to being disposed of at an approved upland facility. The larger debris will be transported to a landfill. There is no Submerged Aquatic Vegetation (SAV) in this area.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable, by limiting the dredging area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of an environmental clamshell bucket, turbidity curtains and floating booms, and the applicant will comply with any restricted windows requested by the resource agencies.

The stated purpose of this project is to allow for safe navigation of the Ferry vessels that utilize the pier for public transportation associated with the Citywide Ferry Service.



PURPOSE: CITYWIDE FERRY SERVICE
 DATUM: NAVD88
 ADJACENT OWNERS:
 SEE ATTACHED LIST

PIER 11 – PIER 9 DREDGE
 APPLICANT: NEW YORK CITY ECONOMIC
 DEVELOPMENT CORPORATION
 110 WILLIAM ST.
 NEW YORK, N.Y. 10038
 AGENT: M.G. McLAREN ENGINEERING
 AND LAND SURVEYING P.C.
 530 Chestnut Ridge Road
 Woodcliff Lake, N.J. 07677

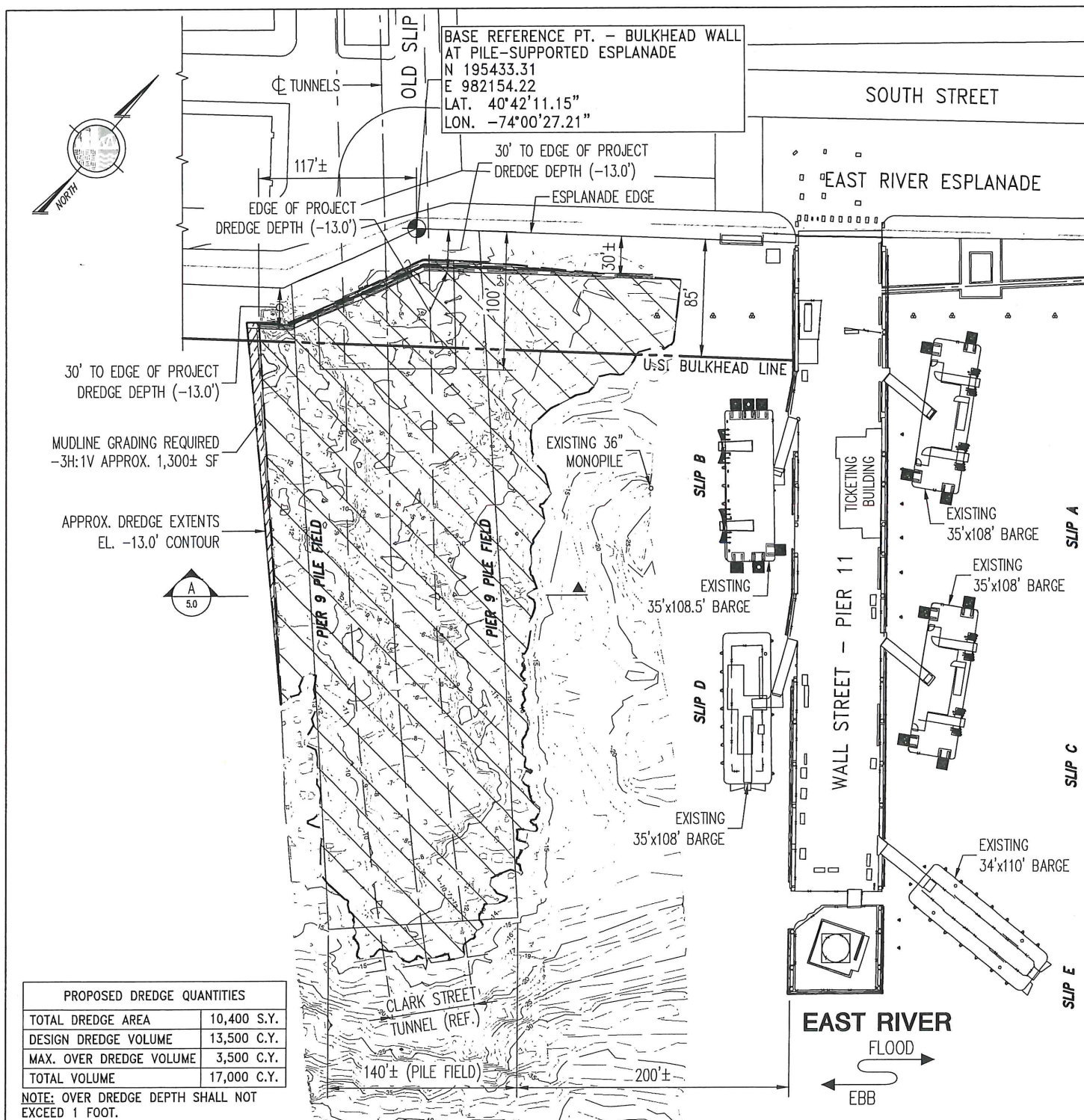
2.0 LOCATION PLAN
 IN: EAST RIVER
 AT: BROOKLYN
 COUNTY OF: NEW YORK STATE: N.Y.

TIDAL DATA	
	NAVD88 (ft)
HIGHEST OBSERVED-HURRICANE SANDY (10/29/2012 LOCAL TIME 21:24)	11.27*
TOP OF EXISTING ESPLANADE	6.33
MEAN HIGH WATER SPRINGS (MHWS)	2.40
MEAN HIGHER-HIGH WATER (MHHW)	2.22
MEAN HIGH WATER (MHW)	1.87
NAVD88	0.00
LOCAL MEAN SEA LEVEL (LMSL)	-0.25
MEAN DIURNAL TIDE LEVEL (DTL)	-0.29
MEAN TIDE LEVEL (MTL)	-0.37
NGVD29	-1.11
MEAN LOW WATER (MLW)	-2.60
MEAN LOWER-LOW WATER (MLLW)	-2.80
LOWEST OBSERVED (02/02/76)	-7.06*

NOTE(S):

1. WATER ELEVATIONS SHOWN FOR PROJECT SITE BASED ON NOAA VDATUM V. 3.7 "NEW JERSEY/NEW YORK/CONNECTICUT-NORTHERN NJ, NY HARBOR, WESTERN LONG ISLAND SOUND, V. 3.7".
2. * INDICATES TIDAL DATA TAKEN FROM NOAA TIDAL BENCHMARKS AT THE BATTERY, NY - STATION 8518750 (EPOCH 1983-2001).

<p>PURPOSE: CITYWIDE FERRY SERVICE</p> <p>DATUM: NAVD88</p> <p>ADJACENT OWNERS: SEE ATTACHED LIST</p>	<p>PIER 11 - PIER 9 DREDGE</p> <p>APPLICANT: NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION 110 WILLIAM ST. NEW YORK, N.Y. 10038</p> <p>AGENT: M.G. McLAREN ENGINEERING AND LAND SURVEYING P.C. 530 Chestnut Ridge Road Woodcliff Lake, N.J. 07677</p>	<p>3.0 TIDAL DATA</p> <p>IN: EAST RIVER AT: BROOKLYN COUNTY OF: NEW YORK STATE: N.Y.</p> <p>SHT 2 OF 4 03/15/19</p>
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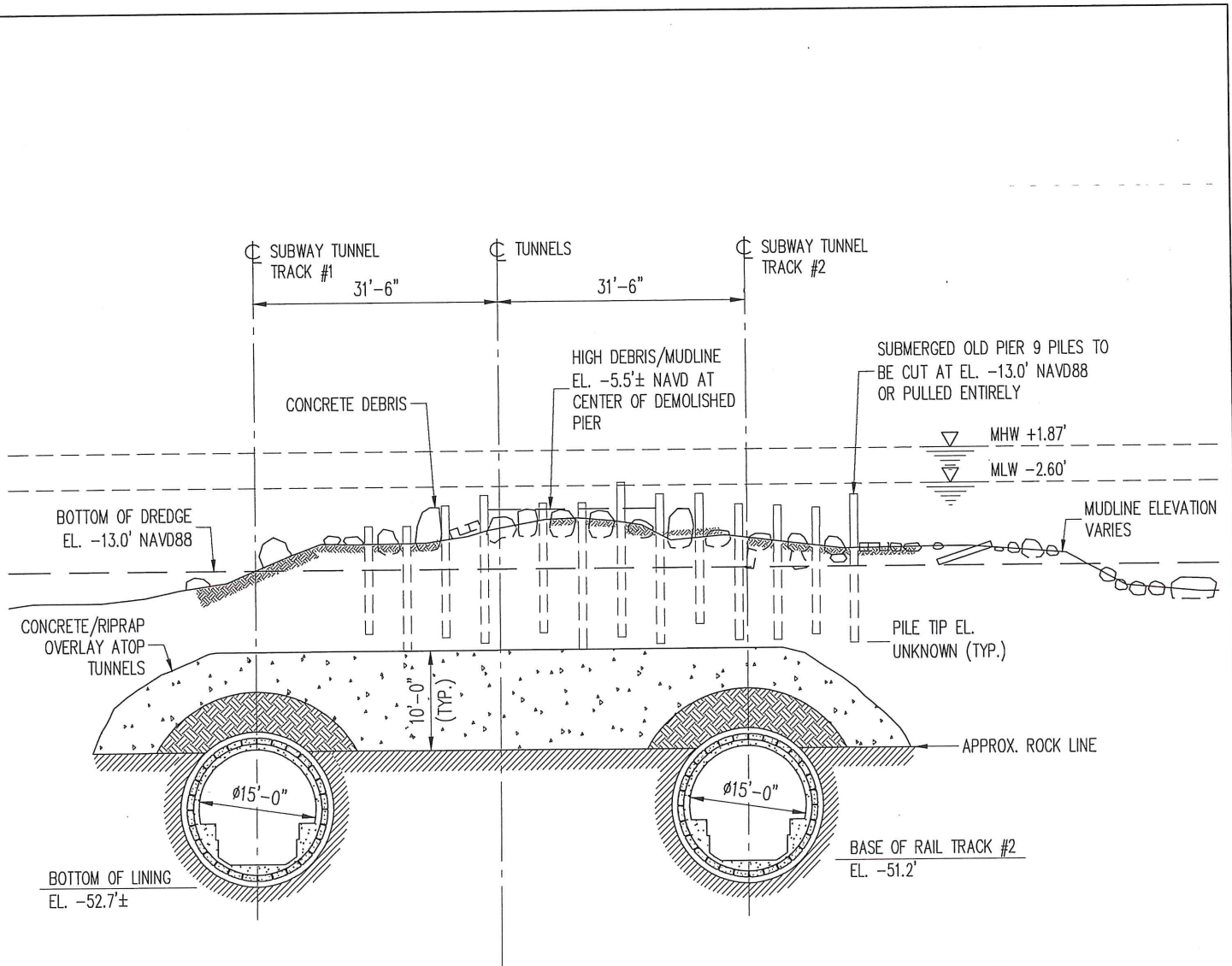
PROPOSED DREDGE QUANTITIES	
TOTAL DREDGE AREA	10,400 S.Y.
DESIGN DREDGE VOLUME	13,500 C.Y.
MAX. OVER DREDGE VOLUME	3,500 C.Y.
TOTAL VOLUME	17,000 C.Y.

NOTE: OVER DREDGE DEPTH SHALL NOT EXCEED 1 FOOT.

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 AGENT: M.G. McLAREN ENGINEERING AND LAND SURVEYING P.C.
 530 Chestnut Ridge Road
 Woodcliff Lake, N.J. 07677

4.0 PROPOSED DREDGING PLAN
 IN: EAST RIVER
 AT: BROOKLYN
 COUNTY OF: NEW YORK STATE: N.Y.
 0 100' 200'
 1"=100'
 SHT 3 OF 4 03/15/19



A PILE FIELD CROSS SECTION
 5.0 1" = 20'

<p>PURPOSE: CITYWIDE FERRY SERVICE</p> <p>DATUM: NAVD88</p> <p>ADJACENT OWNERS: SEE ATTACHED LIST</p>	<p>PIER 11 - PIER 9 DREDGE</p> <p>APPLICANT: NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION 110 WILLIAM ST. NEW YORK, N.Y. 10038</p> <p>AGENT: M.G. McLAREN ENGINEERING AND LAND SURVEYING P.C. 530 Chestnut Ridge Road Woodcliff Lake, N.J. 07677</p>	<p>5.0 PILE FIELD CROSS SECTION</p> <p>IN: EAST RIVER AT: BROOKLYN COUNTY OF: NEW YORK STATE: N.Y.</p> <p>0 20' 40'</p> <p>1" = 20'</p> <p>SHT 4 OF 4 03/15/19</p>
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