

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-2011-01437-ETA
Issue Date: May 1, 2012
Expiration Date: June 1, 2012

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: New Sunset Industrial Park, LLC
50 21st Street
Brooklyn, NY 11232

ACTIVITY: Install Fender Dolphins in Federal Channel

WATERWAY: Gowanus Channel

LOCATION: 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 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.

PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2011-01437-ETA

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 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 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

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>.

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 Frank Tangorra.

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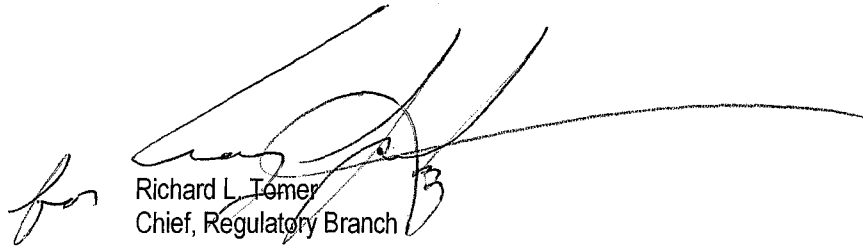
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For more information on New York District Corps of Engineers programs, visit our website at
<http://www.nan.usace.army.mil>


for Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

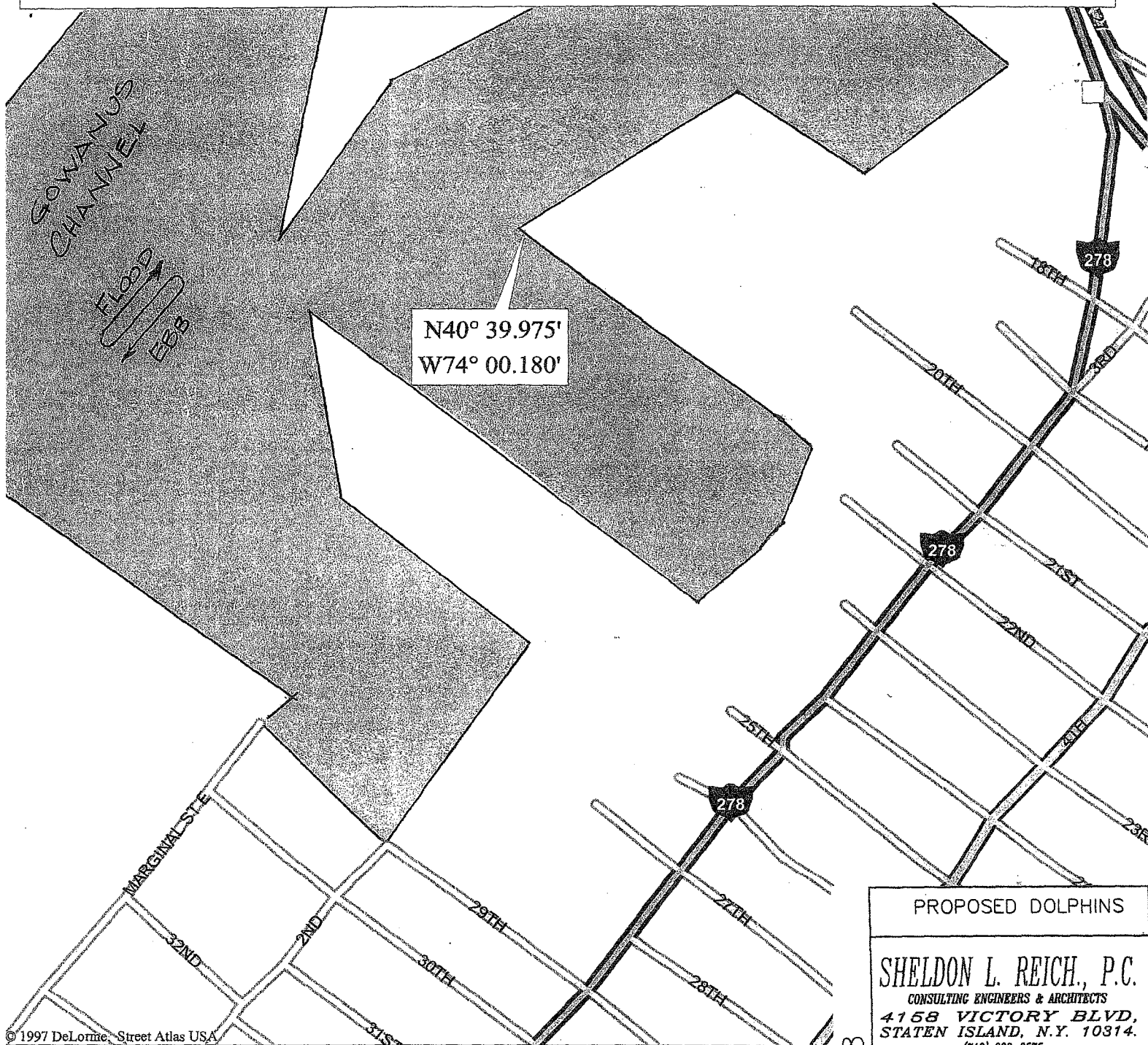
The applicant, New Sunset Industrial Park, LLC, has requested Department of the Army authorization to install fender dolphins in Gowanus Channel, in Brooklyn, Kings County, New York.

The work would involve the installation of (16) sixteen timber and steel 9-pile fender dolphins.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by limiting construction to the smallest area practicable and the impacts are only temporary.

The stated purpose of this project is to keep passing vessels from the applicant's bulkheads and wharfs.

NEW SUNSET INDUSTRIAL PARK, LLC



© 1997 DeLorme, Street Atlas USA

Mag 16.00
Wed Apr 06 11:37 2011
Scale 1:5,469 (at center)

500 Feet
200 Meters



- Local Road
- Major Connector
- Interstate/Limited Access
- Exit
- Land
- Water

NAN-2011-01437-ETA

PROPOSED DOLPHINS

SHELDON L. REICH, P.C.
CONSULTING ENGINEERS & ARCHITECTS
4158 VICTORY BLVD,
STATEN ISLAND, N.Y. 10314.
(718) 983-6575

NEW SUNSET PARK
80 21ST STREET
BROOKLYN, NY 11232

GOWANUS CHANNEL

KINGS COUNTY

DATE:
12.07.11

DRAWN BY:
B.P.

SCALE:
AS NOTED

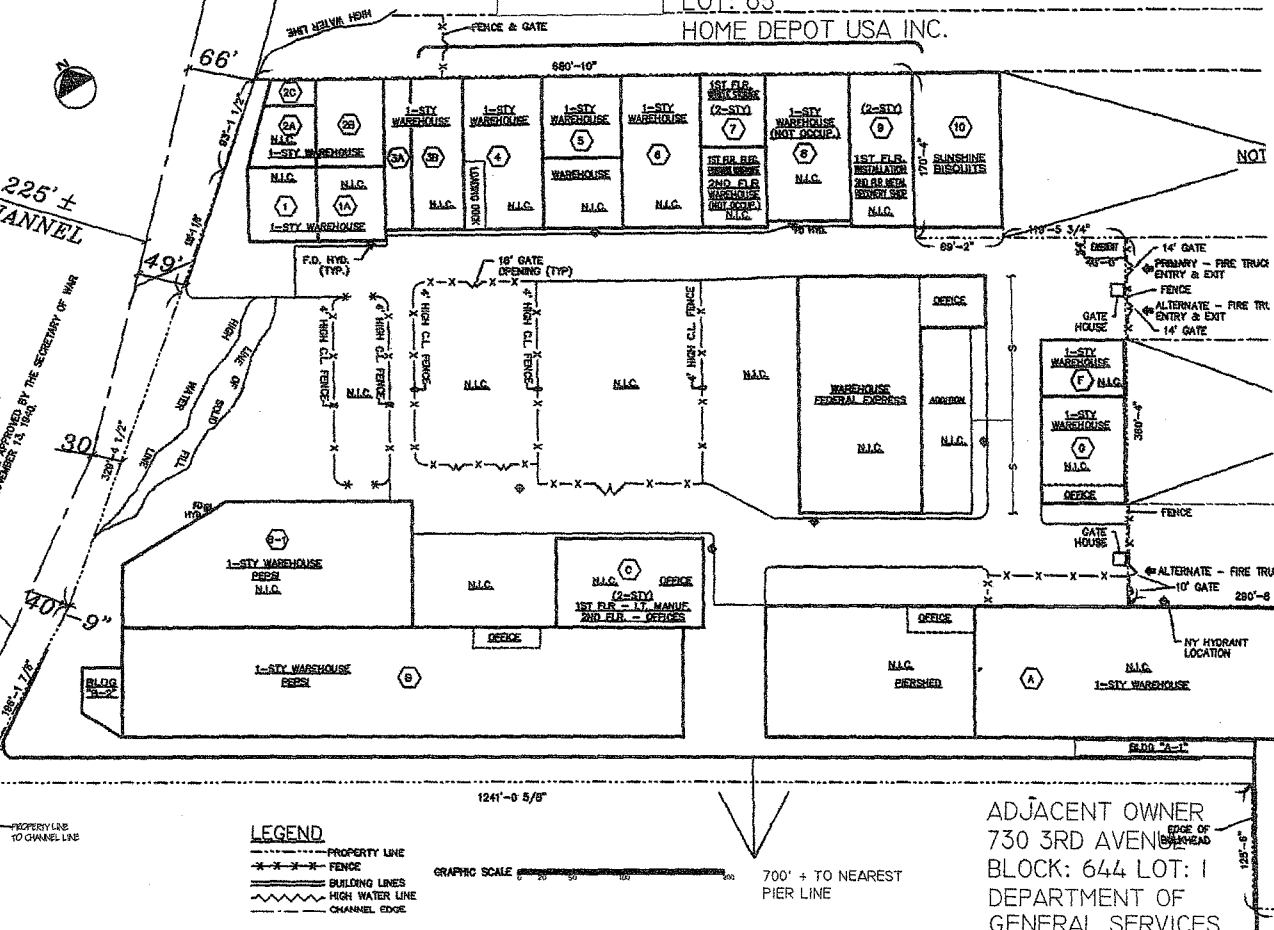
SHEET No:
1 OF 7

FILE_NAME: 11-08

ADJACENT OWNER
550 HAMILTON AVENUE
BLOCK: 625
LOT: 65
HOME DEPOT USA INC.

225' ±
CHANNEL
GOWANUS CHANNEL
DEPTH 30' ±
UNITED STATES ARMY LINE APPROVED BY THE SECRETARY OF WAR
NOVEMBER 11, 1922 & NOVEMBER 13, 1940

242' ±
CHANNEL



ADJACENT OWNER
730 3RD AVENUE
BLOCK: 644 LOT: 1
DEPARTMENT OF
GENERAL SERVICES

SITE PLAN

NAN-2011-01437-ETA

PROPOSED DREGGING

SHELDON L. REICH, P.C.
CONSULTING ENGINEERS & ARCHITECTS
4158 VICTORY BLVD,
STATEN ISLAND, N.Y. 10314.
(718) 983-6575

NEW SUNSET PARK
80 21ST STREET
BROOKLYN, NY 11232

GOWANUS CHANNEL

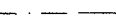






KINGS COUNTY

| | |
|--------------------|---------------------|
| DATE: 12.07.11 | DRAWN BY: B.P. |
| SCALE: AS NOTED | SHEET No: 2 OF 7 |

FILE NAME: 11-08

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- | | |
|---|-----------------|
|  | PROPERTY LINE |
|  | FENCE |
|  | BUILDING LINES |
|  | HIGH WATER LINE |
|  | CHANNEL EDGE |
|  | 30' BUFFER |

FILE_NAME: 11-08

PROPOSED DREGGING

SHELDON L. REICH, P.C.

CONSULTING ENGINEERS & ARCHITECTS

4158 VICTORY BLVD,
STATEN ISLAND, N.Y. 10314.
(718) 983-8575

NEW SUNSET PARK
80 21ST STREET
BROOKLYN, NY 11232

GOWANUS CHANNEL

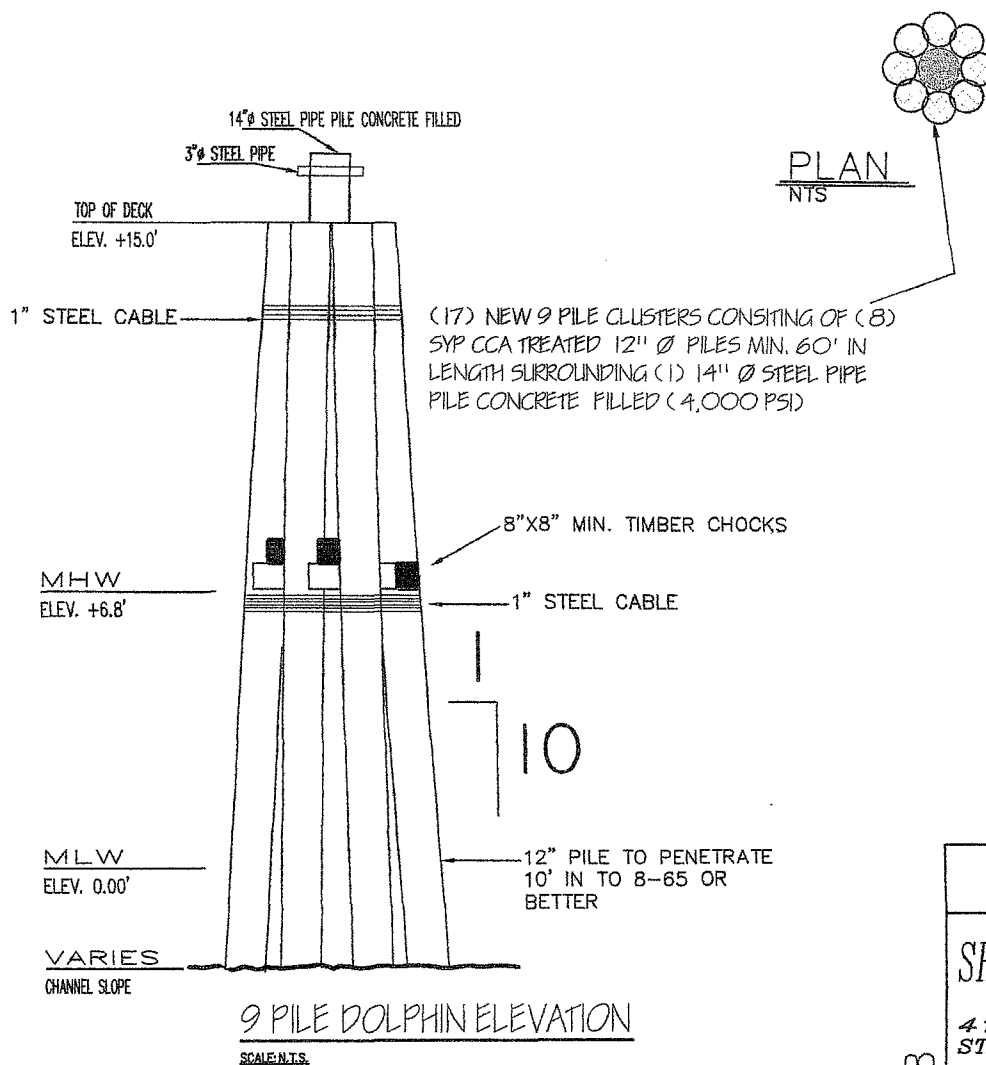
KINGS COUNTY

DATE:
12.07.11

DRAWN BY:
B.P.

SCALE:
AS NOTED

SHEET No: 3 OF 7



NAN-2011-01437-ETA

FILE NAME: 11-08

PROPOSED DREGGING

SHELDON L. REICH, P.C.
CONSULTING ENGINEERS & ARCHITECTS
4158 VICTORY BLVD,
STATEN ISLAND, N.Y. 10314.
(718) 983-8576

NEW SUNSET PARK
80 21ST STREET
BROOKLYN, NY 11232

GOWANUS CHANNEL

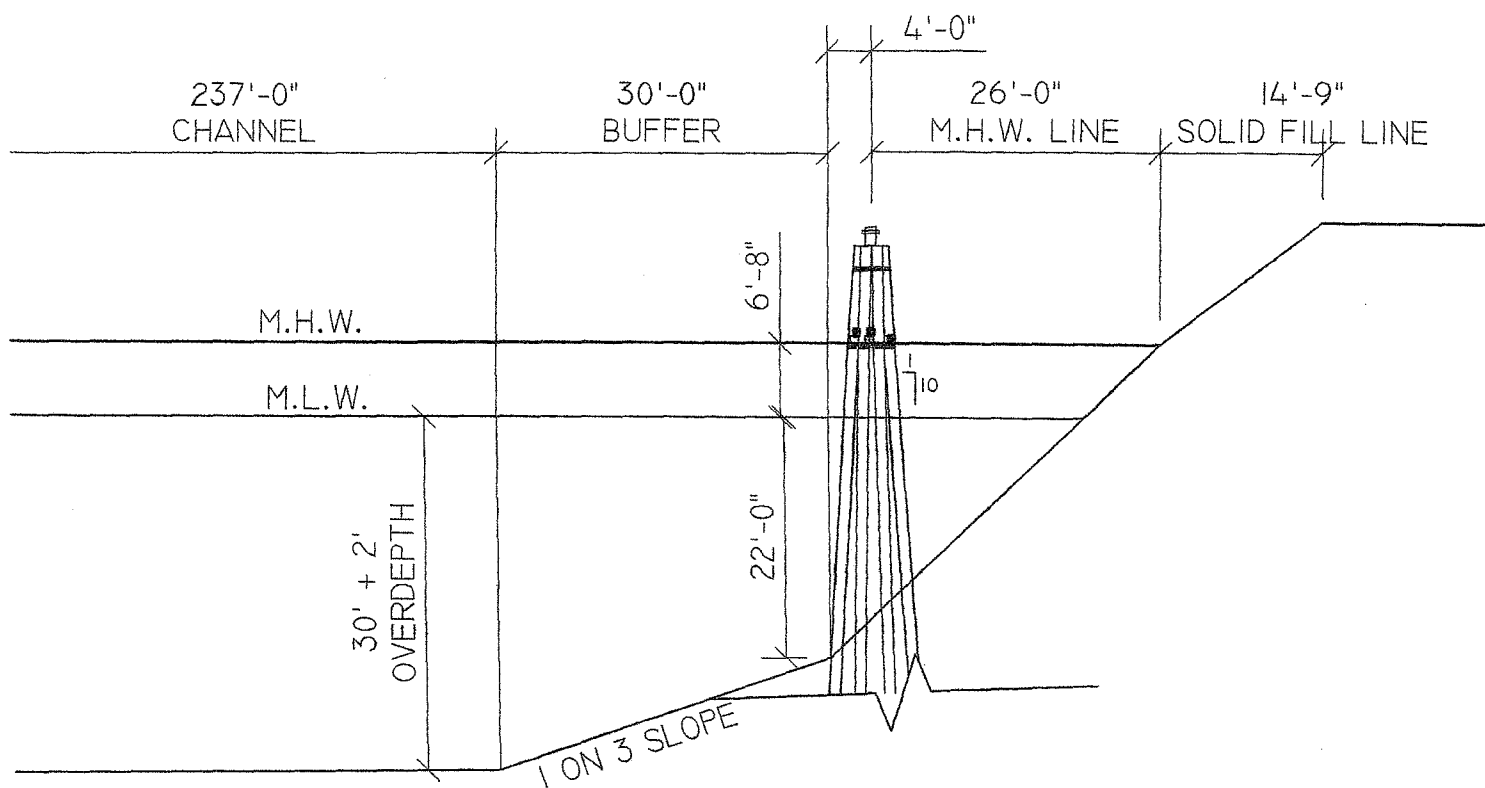
KINGS COUNTY

DATE:
12.07.11

DRAWN BY:
B.P.

SCALE:
AS NOTED

SHEET No:
4 OF 7



SECTION B-B

NAN-2011-01437-ETA

FILE NAME: 11-08

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| PROPOSED DREGGING | |
| SHELDON L. REICH, P.C. CONSULTING ENGINEERS & ARCHITECTS 4158 VICTORY BLVD. STATEN ISLAND, N.Y. 10314. (718) 983-6575 | |
| NEW SUNSET PARK 80 21ST STREET BROOKLYN, NY 11232 | |
| GOWANUS CHANNEL | |
| KINGS COUNTY | |
| DATE: | DRAWN BY: |
| 12.07.11 | B.P. |
| SCALE: | SHEET No: |
| AS NOTED | 5 OF 7 |



SHEET No:
6 OF 7

FILE_NAME: 11-08

GENERAL NOTES:

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THESE PLANS AND ALL APPLICABLE CODES AND REGULATIONS.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD.
3. ALL STEEL HARDWARE SHALL BE DOCK DEPARTMENT GALVANIZED IN ACCORDANCE WITH ASTM A-53.
4. ALL TREATED TIMBER SHALL BE SOUTHERN YELLOW PINE, GRADE 2 OR BETTER, PRESSURE TREATED TO A MINIMUM NET RETENTION OF 2.5 PCF (C.C.A.).
5. ANY TIMBER INSTALLED AT OR BELOW THE WATER LINE SHALL BE OR BETTER, TREATED TO A MINIMUM NET RETENTION OF 2.5 PCF (C.C.A.). ANY TIMBER INSTALLED ABOVE THE WATER LINE SHALL BE OF SAME GRADE WITH A MINIMUM NET RETENTION OF 0.60 PCF CCA.
6. ALL LUMBER USED SHALL BE FREE OF DAMAGE AND DEFECTS WHICH COULD AFFECT THE STRENGTH OR DURABILITY OF THE INTENDED PURPOSES.
7. ALL BOLTS, NUTS, AND WASHERS SHALL BE OF THE SIZE, SHAPES, AND LENGTHS SUFFICIENT FOR THEIR INTENDED USES AND SHALL BE HOT DIPPED GALVANIZED AND CONFORM TO ASTM A-07.
8. ALL HARDWARE AND FITTINGS, WRAP AROUND PLATES, PILE HOOP MOUNTS, CLEATS, ETC. SHALL BE HOT DIPPED GALVANIZED AFTER FABRICATION AND CONFORM TO ASTM A-123.
9. ALL TIMBER DOLPHIN PILES SHALL BE CLASS "A" 8 INCH TIP, 12 INCH DIAMETER, SOUTHERN YELLOW PINE TREATED TO A MINIMUM NET RETENTION OF 2.5 PCF CCA, WITH UNIFORM TAPER. ALL PILES TO BE DRIVEN TO THE 30 TON CAPACITIES SHOWN AND TO A MINIMUM PENETRATION OF 10 FEET IN SOIL OF CLASS 8-65 OR BETTER.
11. OPERATIONS SHALL ONLY BE PERFORMED DURING DAYLIGHT HOURS.
12. NO WORK SHALL START UNTIL SUCH TIME AS ALL APPROVALS/PERMITS FOR THE WORK ARE SECURED.

NAN-2011-01437-ETA

FILE NAME: 11-08

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|--|---------------------|
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| SHELDON L. REICH., P.C. CONSULTING ENGINEERS & ARCHITECTS 4158 VICTORY BLVD. STATEN ISLAND, N.Y. 10314. (718) 983-6576 | |
| NEW SUNSET PARK 80 21ST STREET BROOKLYN, NY 11232 | |
| GOWANUS CHANNEL | |
| KINGS COUNTY | |
| DATE: 12.07.11 | DRAWN BY: B.P. |
| SCALE: AS NOTED | SHEET No: 7 OF 7 |