

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-2022-00945-EMI
Issue Date:

Expiration Date:

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 Economic Development Corporation

One Liberty Plaza

New York, New York 10006

ACTIVITY: Construction of a Waterfront Esplanade and New Pier

WATERWAY: Upper New York Bay

LOCATION: Tompkinsville, Borough of Staten Island, Richmond County, 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

CENAN-OP-RE PUBLIC NOTICE NO. NAN-2022-00945-EMI

AND EMAILED 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 email is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

The Federal Emergency Management Agency (FEMA) is the lead federal agency for this project and is responsible for coordinating review in accordance with the National Environmental Policy Act (NEPA).

FEMA's preliminary determination is that the activity for which authorization is sought herein may affect, but is not likely to adversely affect any Federally endangered or threatened species or their critical habitat. FEMA initiated consultation pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), with the National Marine Fisheries Service and the United States Fish and Wildlife Service on October 17, 2022.

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. FEMA submitted an EFH assessment to NMFS initiating consultation on August 19, 2022, and made the preliminary determination that the site-specific adverse effects are not likely to be substantial.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, FEMA imitated consultation with the New York State Historic Preservation Office (SHPO) on August 25, 2022 stating that the proposed activities would have no Adverse Effect to historic properties. In a letter dated September 14, 2022, the NYSHPO concurred with FEMA's No Adverse Effect to historic properties determination.

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

CENAN-OP-RE PUBLIC NOTICE NO. NAN-2022-00945-EMI

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 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

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. Please send all comments and questions concerning this application to Christopher.W.Minck@usace.army.mil.

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 permit applicant, New York City Economic Development Corporation, has requested Department of the Army (DA) authorization to construct a waterfront esplanade and a new, New York City Department of Transportation Dock Builders pier in Upper New York Bay in the Tompkinsville neighborhood in the Borough of Staten Island, Richmond County, City of New York, New York. The proposed work would involve the following:

Waterfront Esplanade:

Construction of an approximately 2,100 foot-long waterfront esplanade along Bay Street Landing, Victory Peninsula, a segment of Murray Hulbert Avenue and through Miller's Launch to Swan Street.

<u>Bay Street Segment:</u> The Bay Street segment would include the removal of the existing high-level platform including approximately 183 cubic yards of debris and construction of an approximately 30-33-foot-wide by 710-foot-long platform supported by approximately forty (40) 30-inch diameter steel pipe piles at an elevation of 6.5 feet NAVD88. An approximately 820 linear foot bulkhead would be installed 1.25-2.8 feet seaward of the existing concrete seawall and backfilled with approximately 259 cubic yards of clean fill over approximately 1,400 square feet.

<u>Victory Peninsula:</u> At Victory Peninsula, approximately 7,725 cubic yards of existing debris and remnants of the deteriorated Pier 5A would be demolished and removed over approximately 19,421 square feet to allow for the construction of an approximately 20,586 square foot riprap revetment, of which approximately 4,493 CY of stone would be discharged below the plane of Spring High Water over 13,579 square feet. A new approximately 10-foot-wide by 6-foot-high box sewer outfall with associated headwall would be constructed within the revetment.

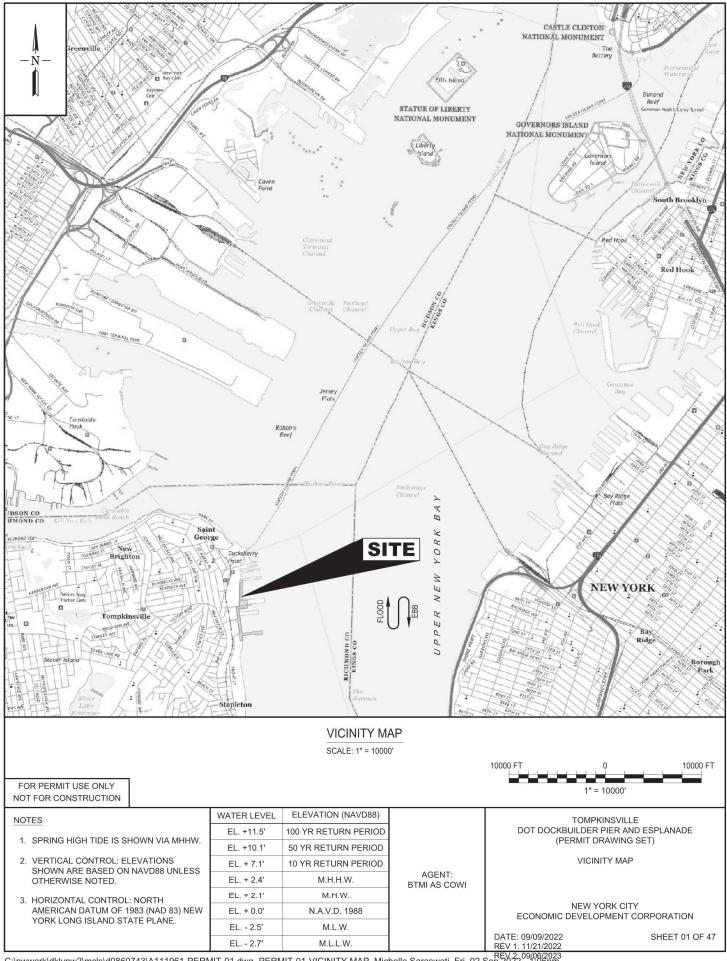
<u>Murray Hulbert Avenue Segment:</u> The Murray Hulbert Avenue segment would include the removal of existing structures as well as approximately 1,148 CY of existing debris and concrete over approximately 7,607 square feet. An approximately 328 linear foot segment of steel sheet pile bulkhead would be installed 1.25-2.8 feet seaward of the existing concrete seawall and backfilled with approximately 345 cubic yards of clean fill, over 1,522 square feet north and south of Miller's Launch, respectively.

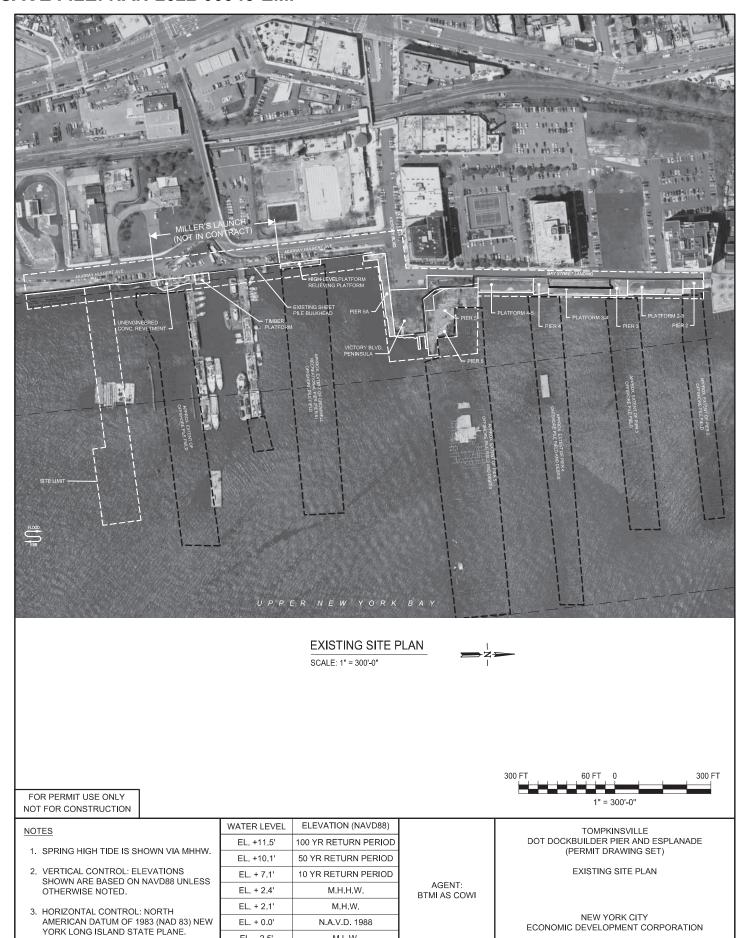
NYCDOT Dockbuilders Pier:

Construct a new approximately 80-foot-wide by 502-foot-long section of fixed pier followed by a 120-foot-wide by 240-foot-long section of fixed pier (69,000 square feet) supported by a total two hundred (200) 30-inch steel pipe piles to accommodate 26 pile bents creating twenty-three (23) 30-foot-wide by "bays". An approximately 30-foot-wide by 90-foot-long two-story building would be constructed atop the new pier on the landward end.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by removing portions of overwater platforms and decking at Pier 5 and Bay Street Landing to remove overwater shading. Additionally, the applicant proposes to remove existing debris and fill from the waterway along the project area resulting in a net increase of open water areas. Best Management Practices and mitigation measures will be utilized including the use of a turbidity barrier and a soft-start for pile driving, as practicable.

The purpose of the project is to rehabilitate portions of the waterfront infrastructure damaged by Superstorm Sandy and increase resilience from storm surge flooding and sea level rise.





 $C:\pwwork\dklypw2\mcls\d0860743\A111961-PERMIT-02.dwg PERMIT-02-EXISTING SITE PLAN Michelle Saraswati Fri, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN Michelle Saraswati Fri, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN Michelle Saraswati Fri, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN Michelle Saraswati Fri, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SITE PLAN MICHEL SARASWATI FRI, 02 Sep 2022-1:08pm PERMIT-02-EXISTING SIT$

M.L.W.

M.L.L.W.

EL. - 2.5'

EL. - 2.7'

SHEET 02 OF 47

ECONOMIC DEVELOPMENT CORPORATION

DATE: 09/09/2022

PROPOSED PROJECT IMPACTS THAT REFLECT THE DESIGN PRESENTED IN THIS DRAWING SET

TABLE 1 - PROJECT ANTICIPATED IMPACT IN USACE JURISDICTIONAL AREA					
PROPOSED ACTIVITY*	DISTURBANCE BELOW MHHW LINE (SF)	DISTURBANCE BELOW MHHW LINE (CY)			
FILL					
PILE - WATERFRONT ESPLANADE	616	16 147			
PILES - NYCDOT DOCK BUILDERS PIER	3,034	2286			
BULKHEAD - SOUTH OF VICTORY BOULEVARD PENINSULA	1,522	3 45			
BULKHEAD - BAY STREET LANDING	1,400	259			
REVETMENT - VICTORY BOULEVARD PENNINSULA	13,579	4493			
TOTAL FILL	20,150	7,530			
CUT					
BAY STREET LANDING FALLEN IN WATER PLATFORM & DEBRIS	-2,363	-183			
VICTORY POINT PENINSULA	-19,421	-7,724			
MURRAY HULBERT N OF MILLER'S LAUNCH	-7,607	-1,148			
BETWEEN MILLER'S LAUNCH AND PROPOSED DOT PIER	-1,905 -290				
TOTAL CUT	-31,296	-9,345			
NET OPEN WATER CREATION	-11,146	-1,814			
* (+) DENOTES FILL, (-) DENOTES CUT					

Proposed Activity*	Disturbance below MHW Line (SF)	Disturbance below MHW Line (CY)	
FILL			
BULKHEAD - SOUTH OF VICTORY BOULEVARD PENINSULA	1,522	331	
BULKHEAD - BAY STREET LANDING	1,400	246	
REVETMENT - VICTORY BOULEVARD PENINSULA	13,579	4,458	
TOTAL FILL	16,500	5,035	
CUT			
TOTAL CUT - VICTORY BOULEVARD	-19,421	-7,494	
NET CUT/FILL	-2,921	-2,459	

TABLE 3 - PROJEC	E 3 - PROJECT ANTICIPATED IMPACT IN TIDAL WETLANDS ADJACENT AREA				
	IMPERVIOUS AREA (SF)	PERVIOUS AREA (SF)	TOTAL AREA (SF)		
EXISTING	11,300	4,120	15,420		
PROPOSED	13,030	2,390	15,420		

NOTES

- 1. THIS DRAWING SET IS NOT FOR CONSTRUCTION.
- 2. THIS DRAWING SET REFLECTS ALL CONDITIONS AS EXISTING AS UNDERSTOOD BY SURVEYS, SITE INSPECTIONS AND PICTURES, AND CANNOT GUARANTEE EXACT RESOLUTION OF ALL DETAILS.
- 3. THIS DRAWING SET REPRESENTS A CONSTRUCTION DRAWING SET INTENDED TO BE UTILIZED FOR CONSTRUCTION UNDER FULL COMPLIANCE WITH ALL APPLICABLE CITY, STATE, FEDERAL AND OTHERWISE ENVIRONMENTAL AND CONDITION REQUIREMENTS TO MAINTAIN, IMPROVE OR MINIMIZE IMPACTS TO SITE CONDITIONS AND FURTHERMORE PROTECT WATERS OF THE UNITED STATES.
- FOR PERMIT USE ONLY NOT FOR CONSTRUCTION

4. FOR FURTHER DETAIL ON THE DESIGNS OR INFORMATION PRESENTED HERE, PLEASE CONTACT THE CONSULTANT.

NOTES

- 1 SPRING HIGH TIDE IS SHOWN VIA MHHW
- 2. VERTICAL CONTROL: ELEVATIONS SHOWN ARE BASED ON NAVD88 UNLESS OTHERWISE NOTED.
- 3. HORIZONTAL CONTROL: NORTH AMERICAN DATUM OF 1983 (NAD 83) NEW YORK LONG ISLAND STATE PLANE.

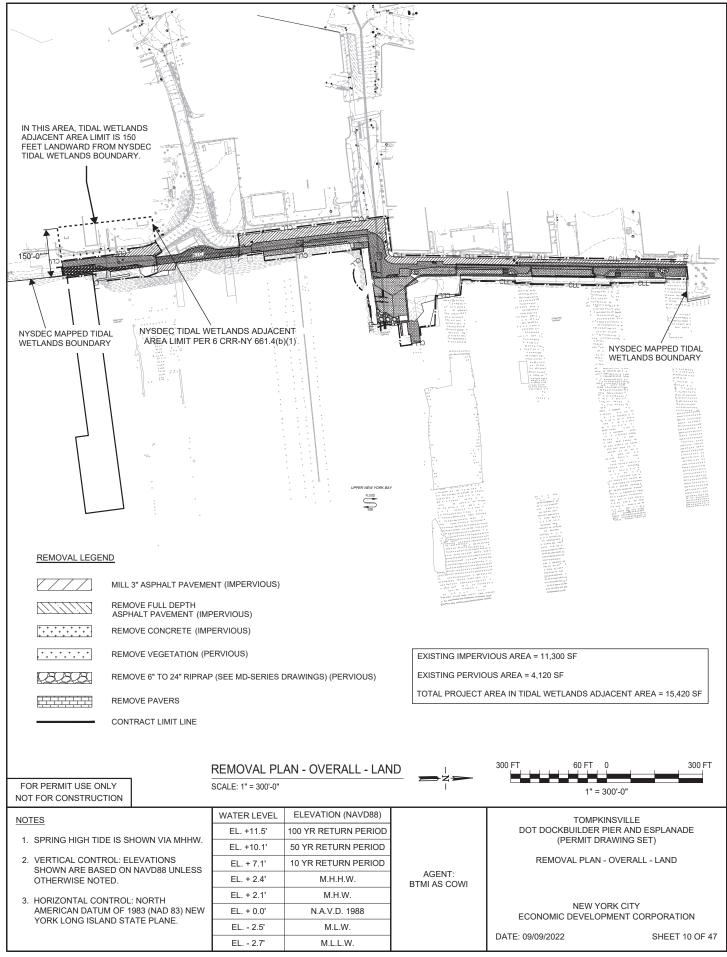
WATER LEVEL	ELEVATION (NAVD88)	
EL. +11.5'	100 YR RETURN PERIOD	
EL. +10.1'	50 YR RETURN PERIOD	
EL. + 7.1'	10 YR RETURN PERIOD	
EL. + 2.4'	M.H.H.W.	AGENT: BTMI AS COWI
EL. + 2.1'	M.H.W.	
EL. + 0.0'	N.A.V.D. 1988	
EL 2.5'	M.L.W.	
EL 2.7'	M.L.L.W.	

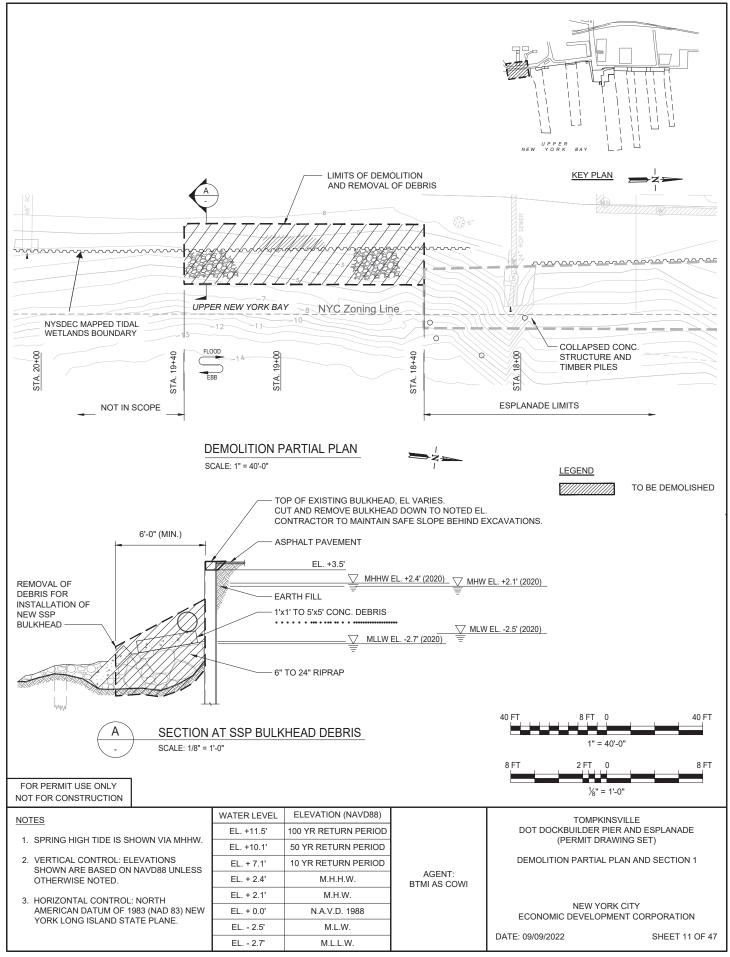
TOMPKINSVILLE DOT DOCKBUILDER PIER AND ESPLANADE (PERMIT DRAWING SET)

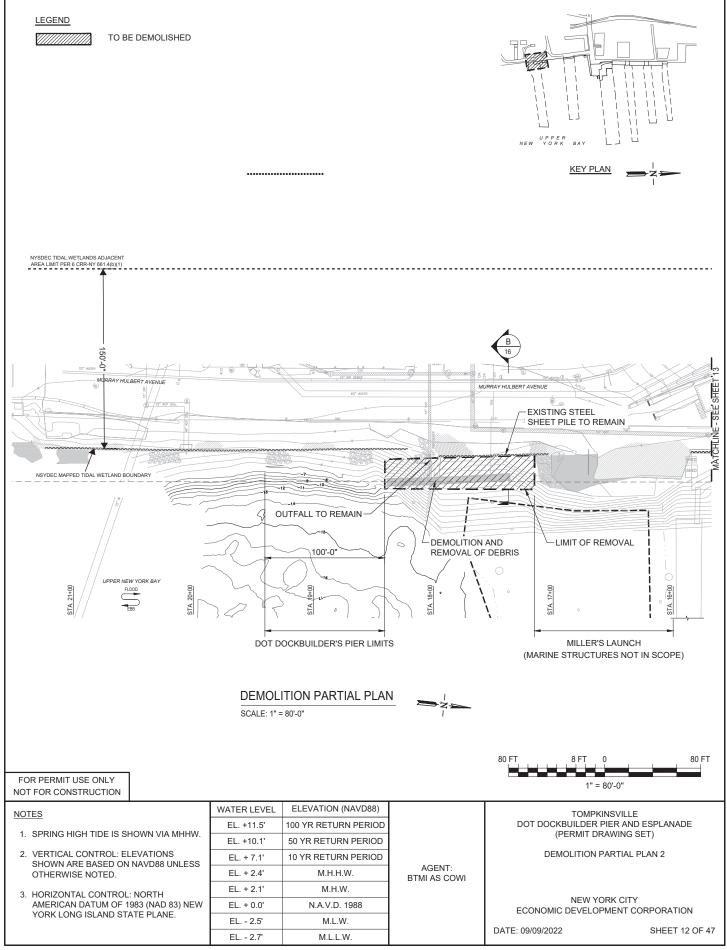
NOTES

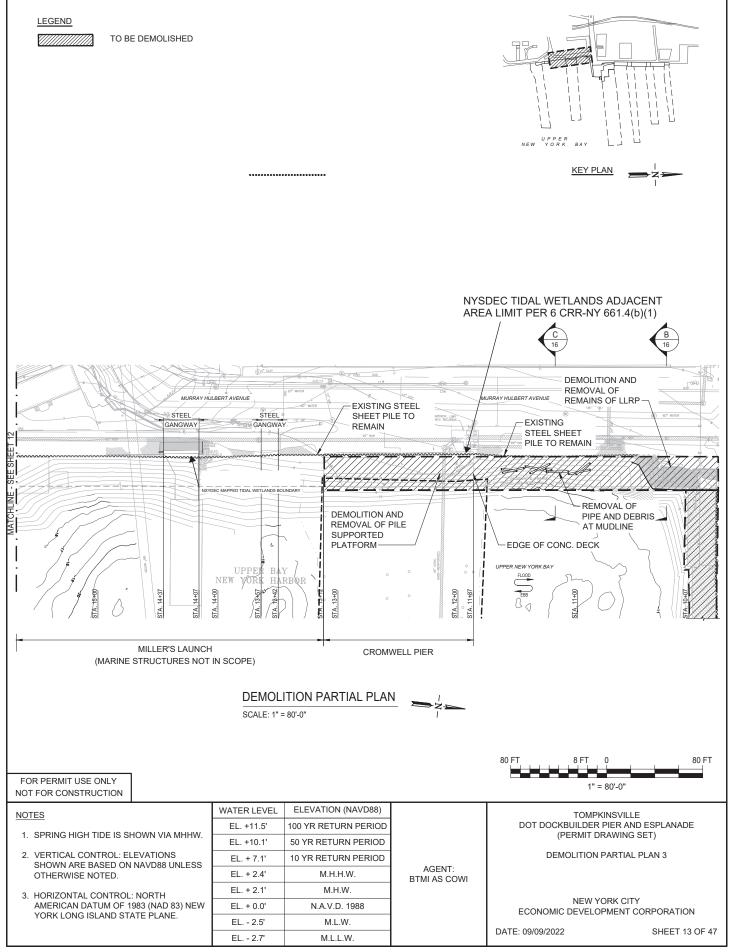
NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION DATE: 09/09/2022 SHEET 03 OF 47

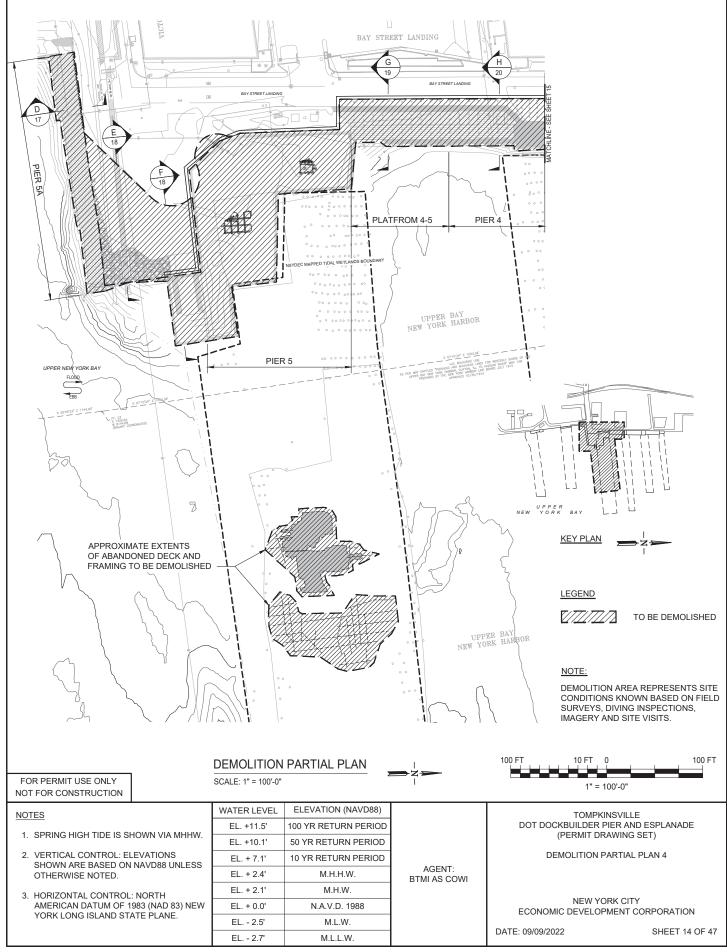
C:\pwwork\dklypw2\mcls\d0860743\A111961-PERMIT-03-NOTES.dwg PERMIT-03-NOTES Michelle Saraswati Fri, 29 Sep 2023 - 4:57pm

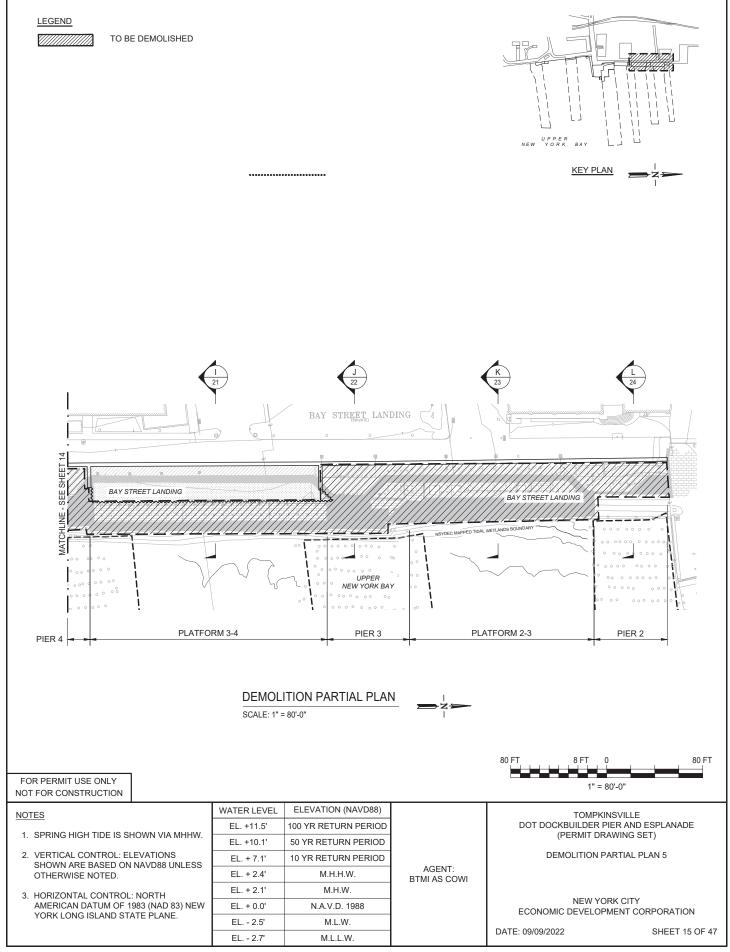


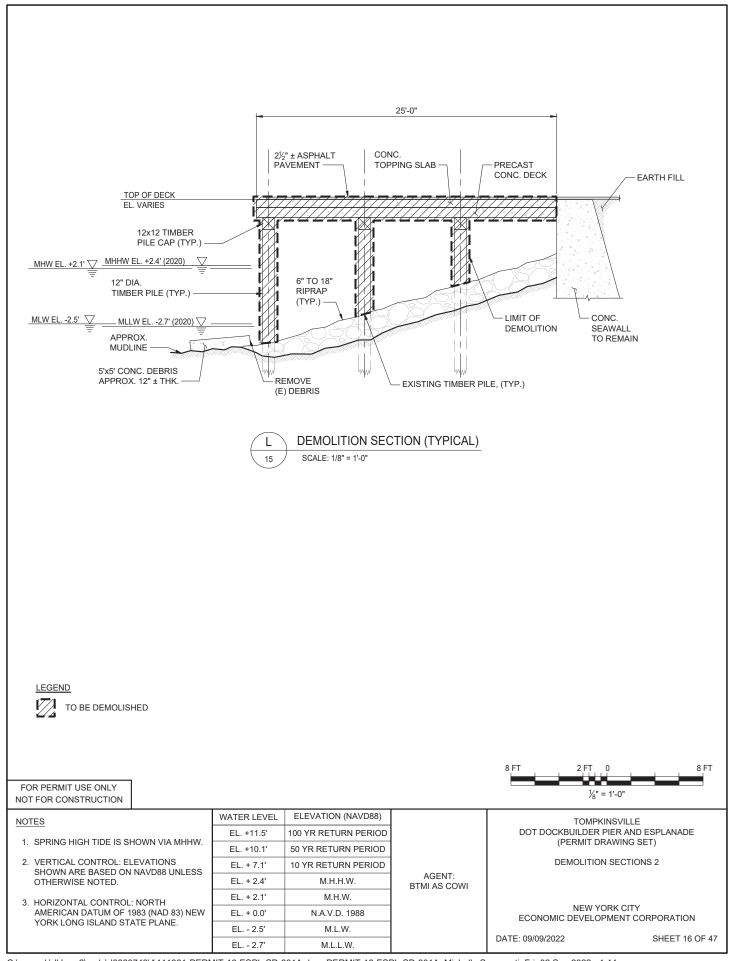


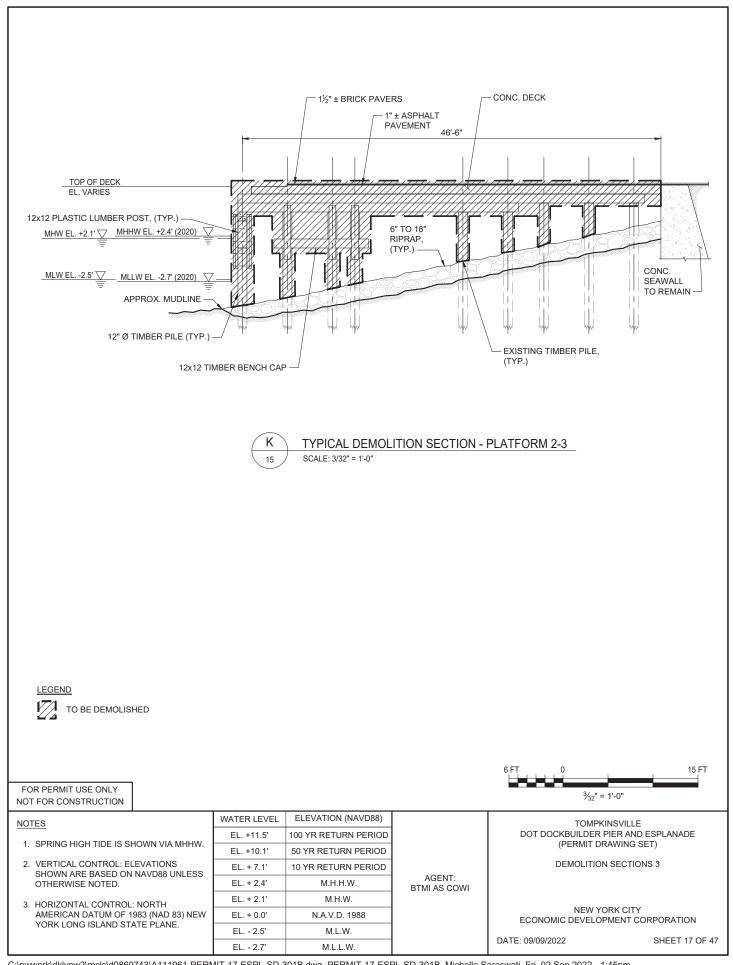


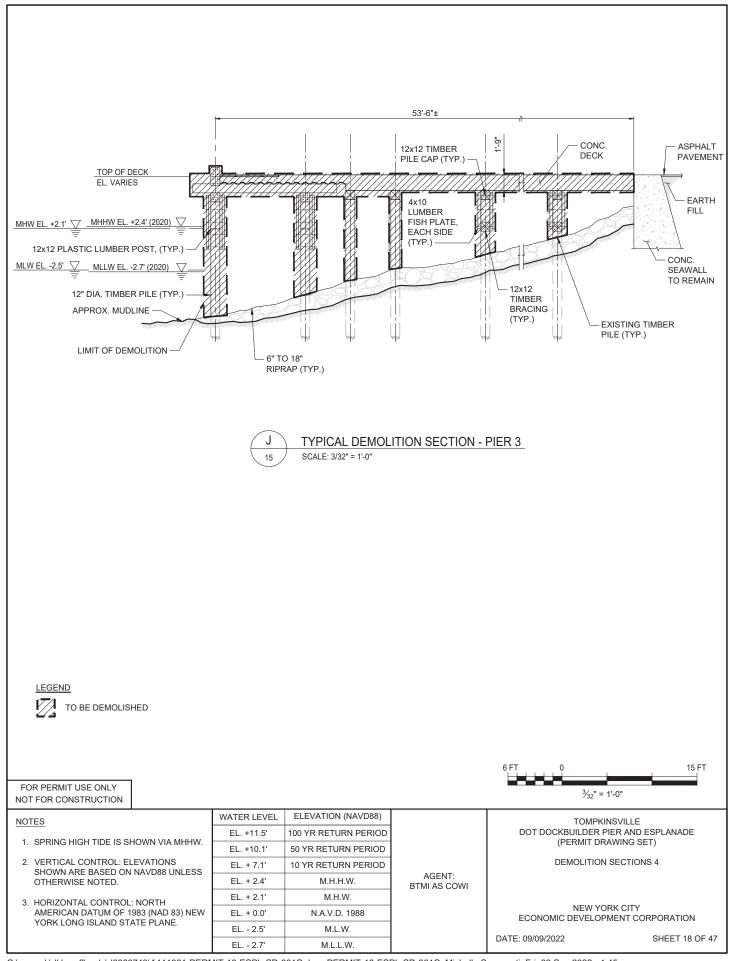


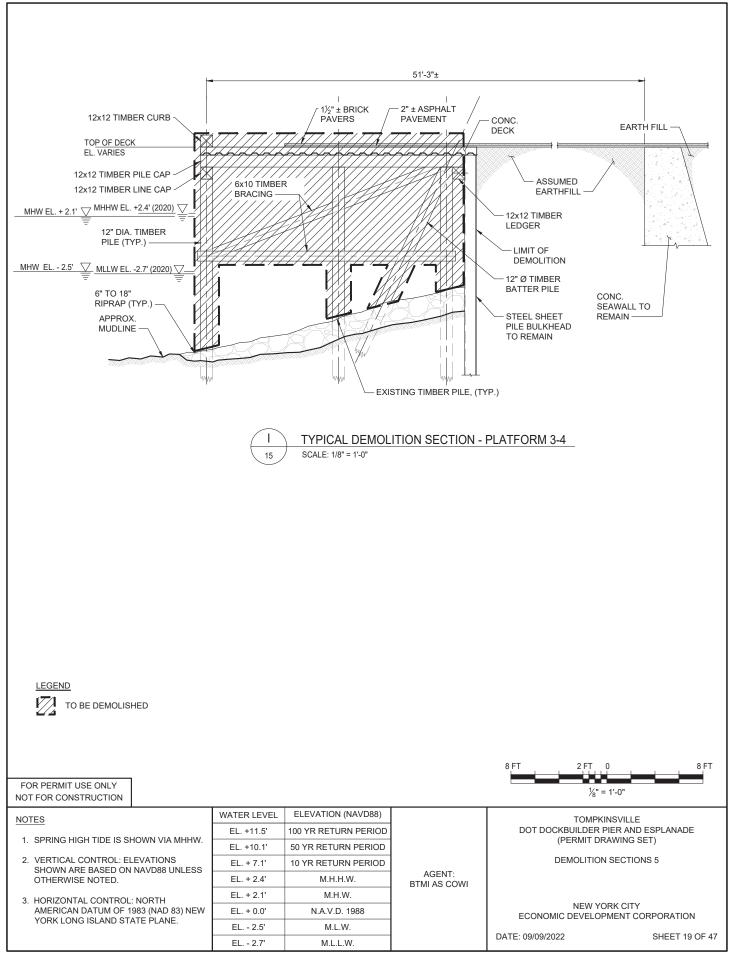


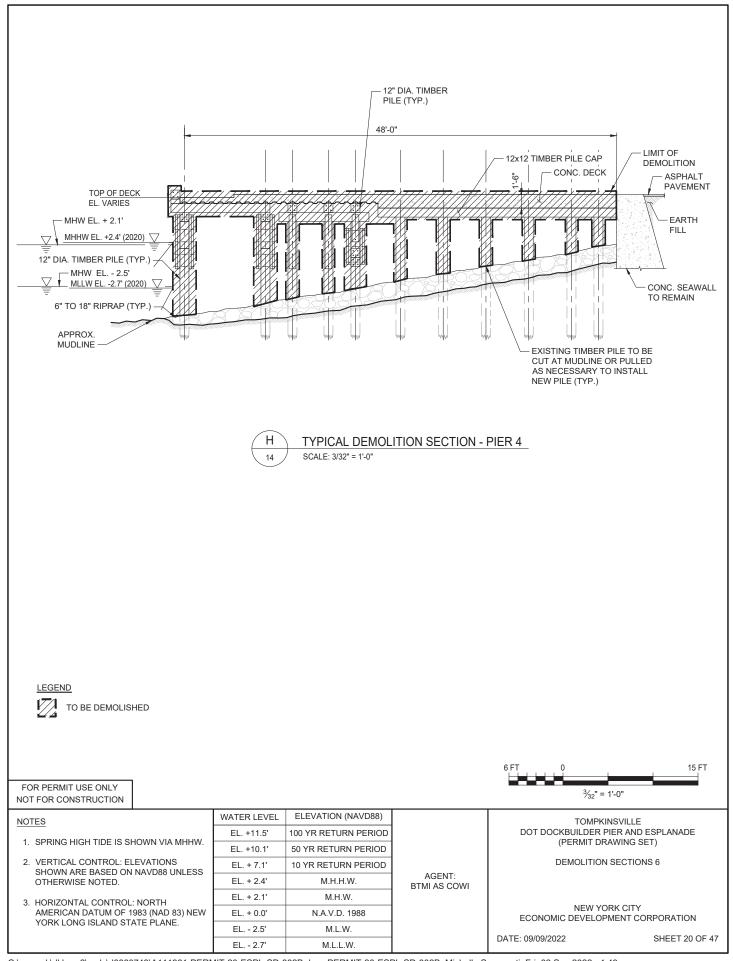


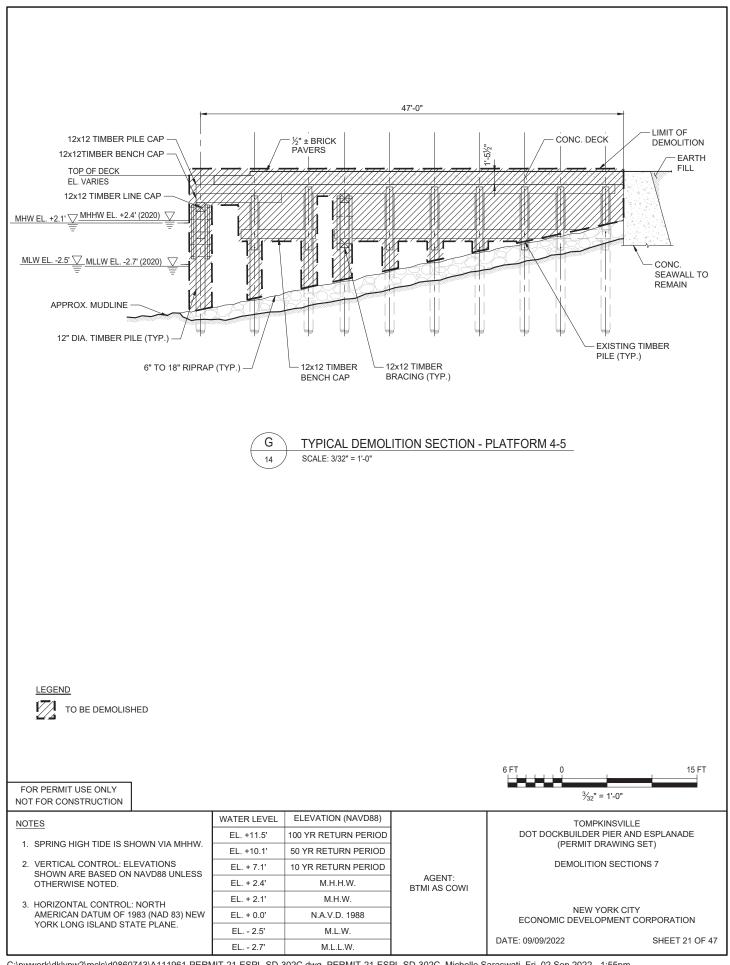


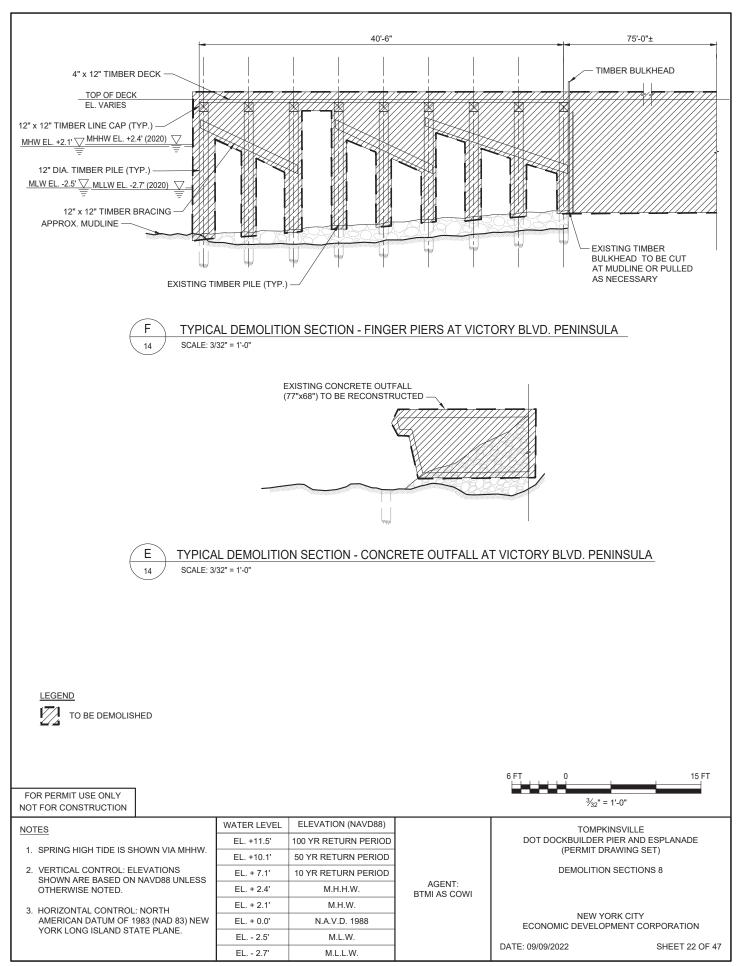


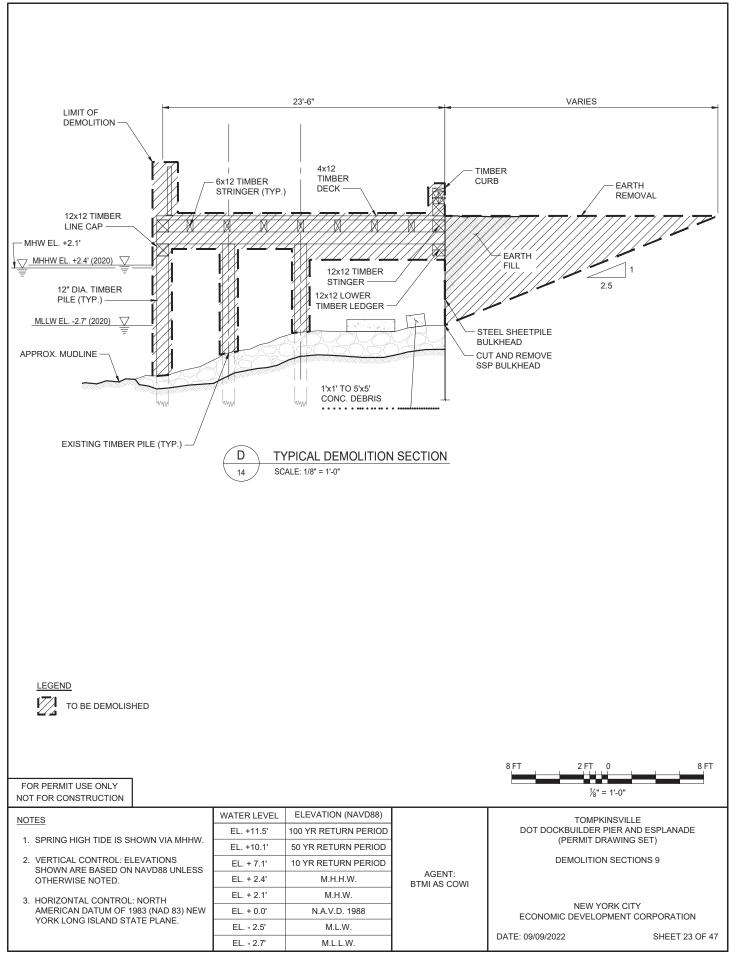


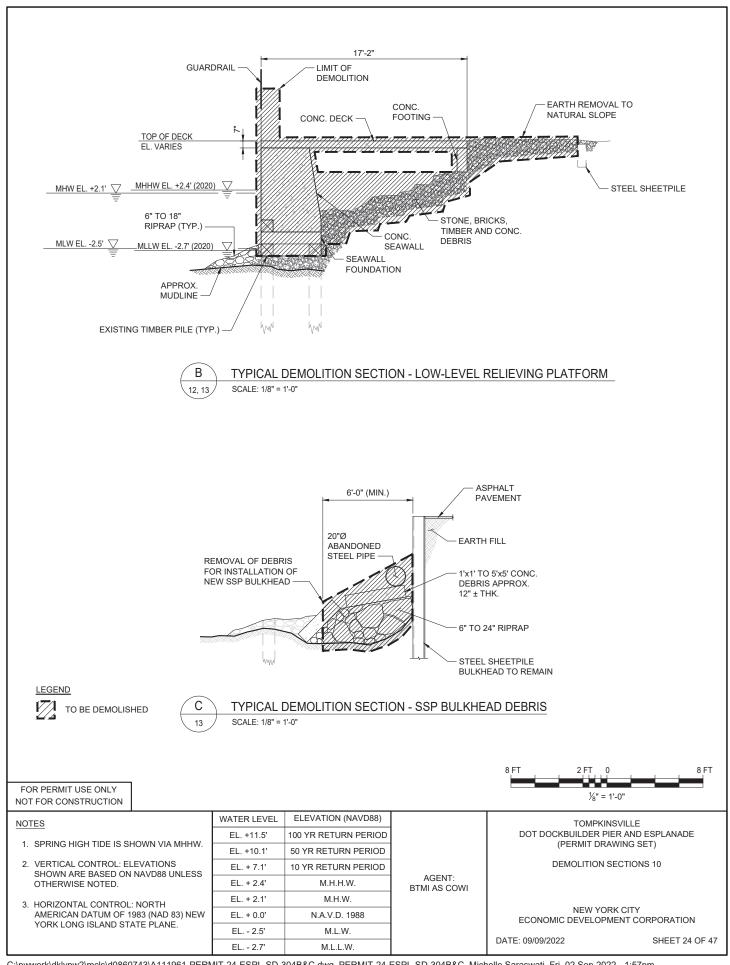


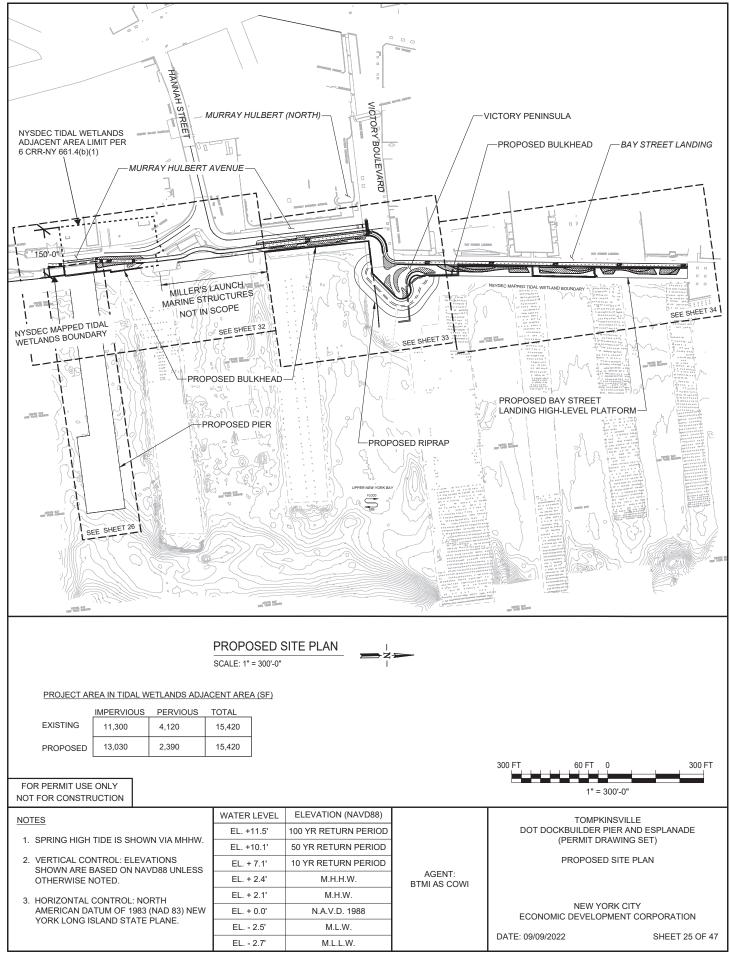


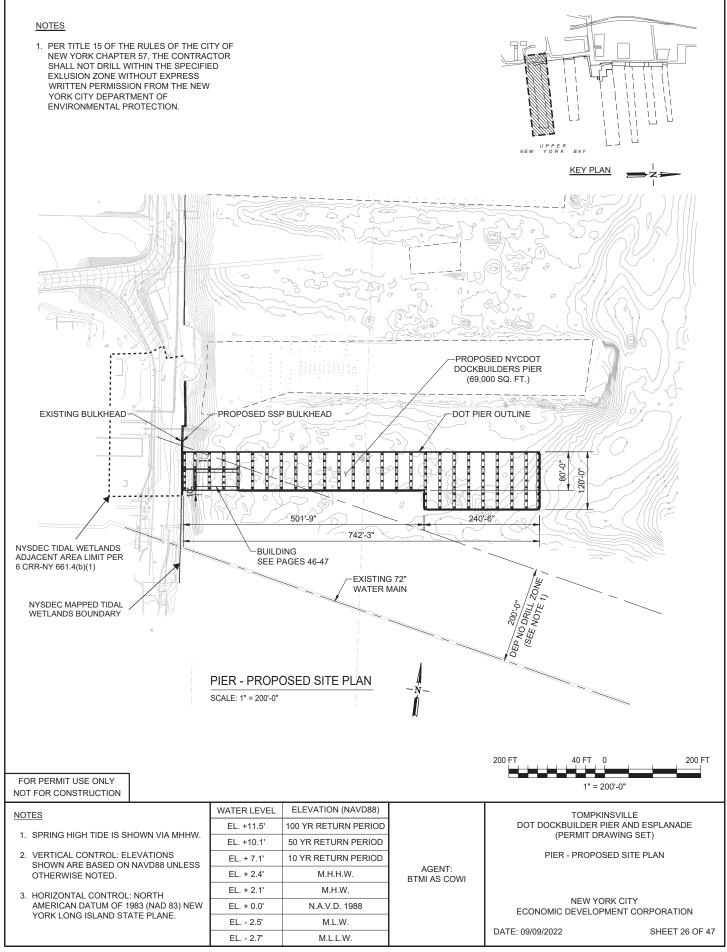


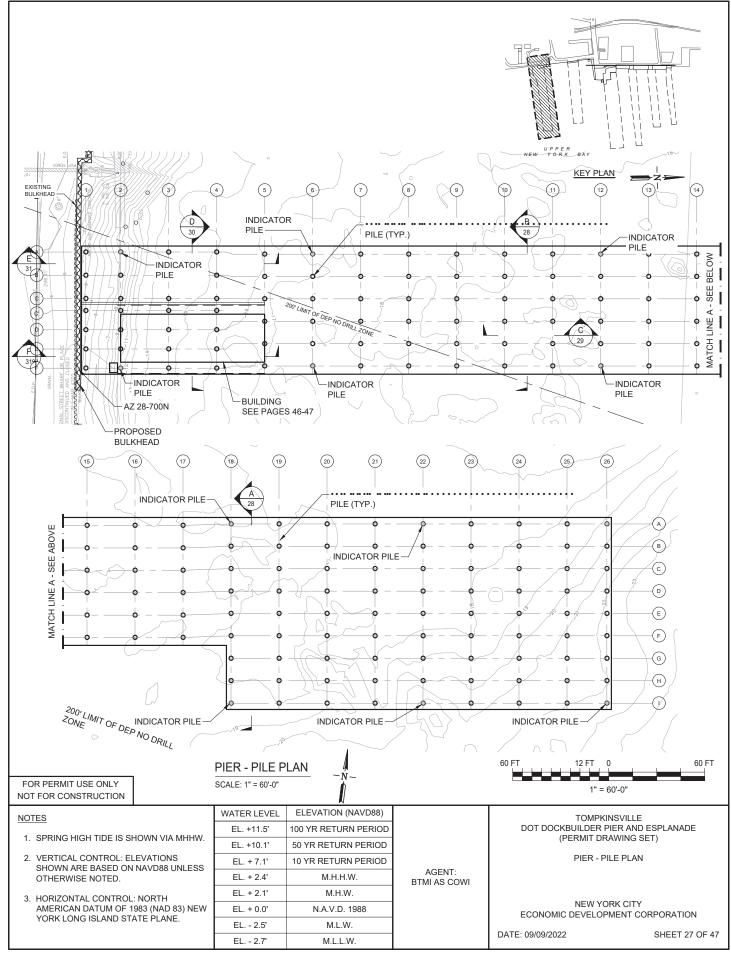


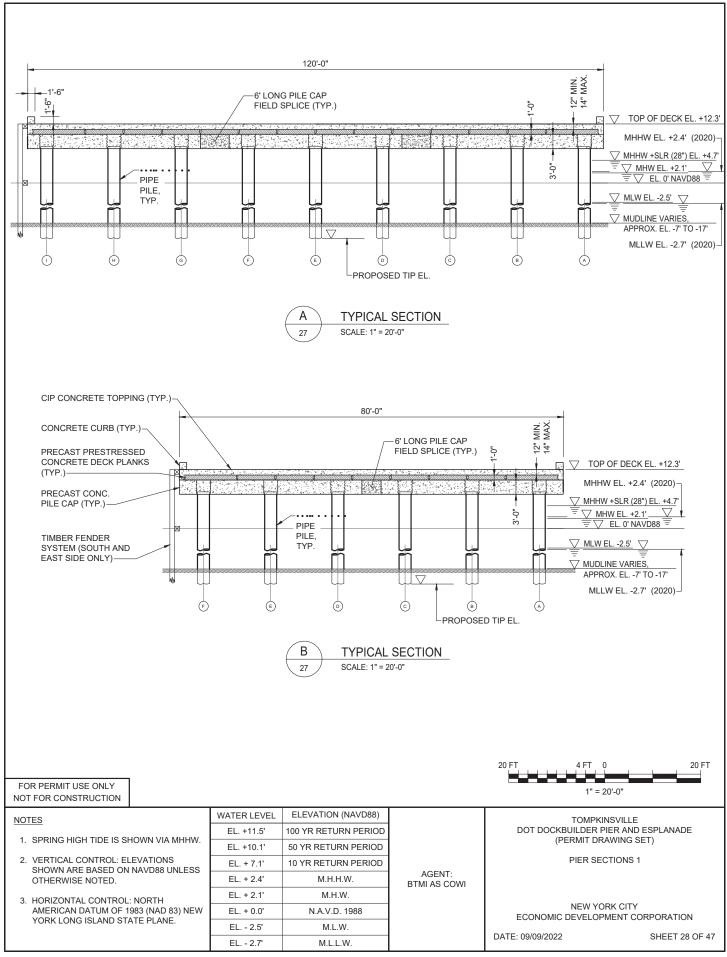


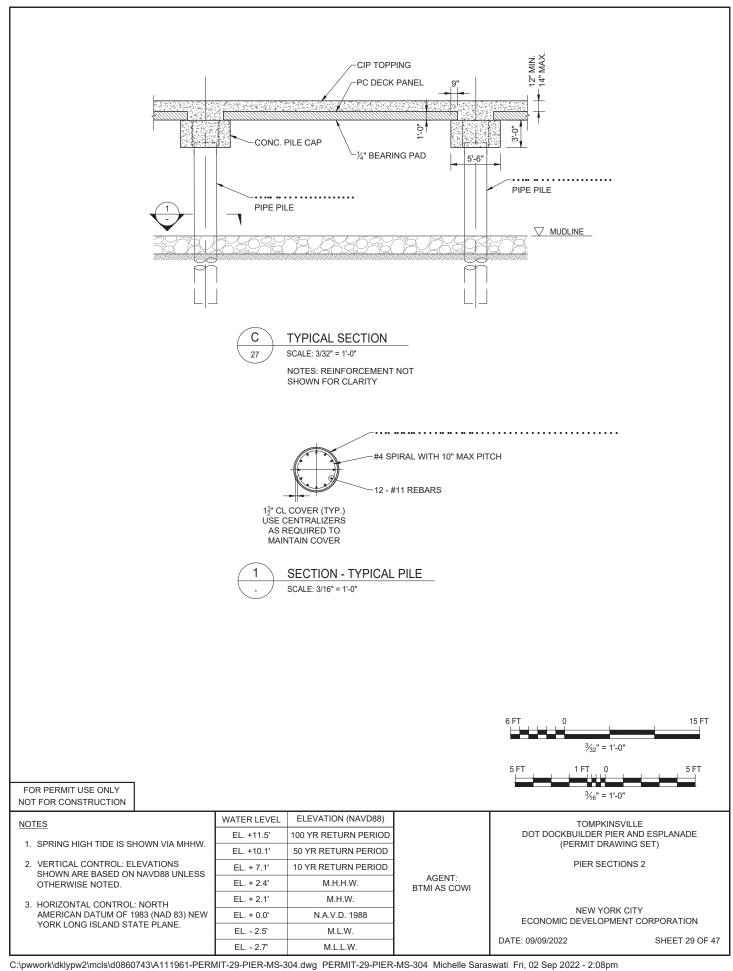


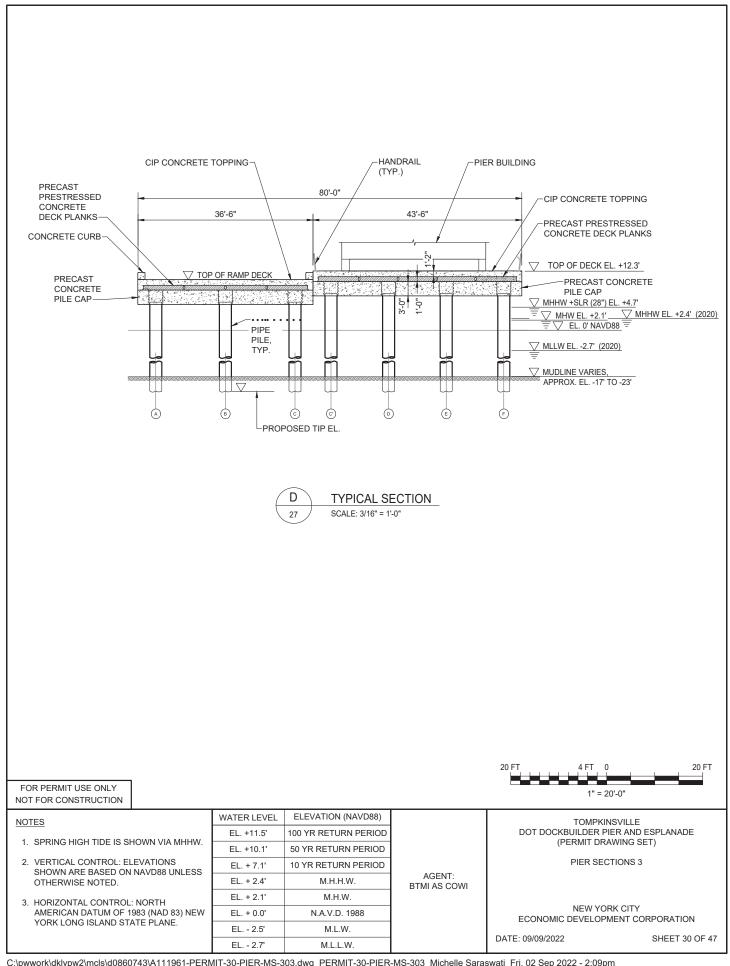


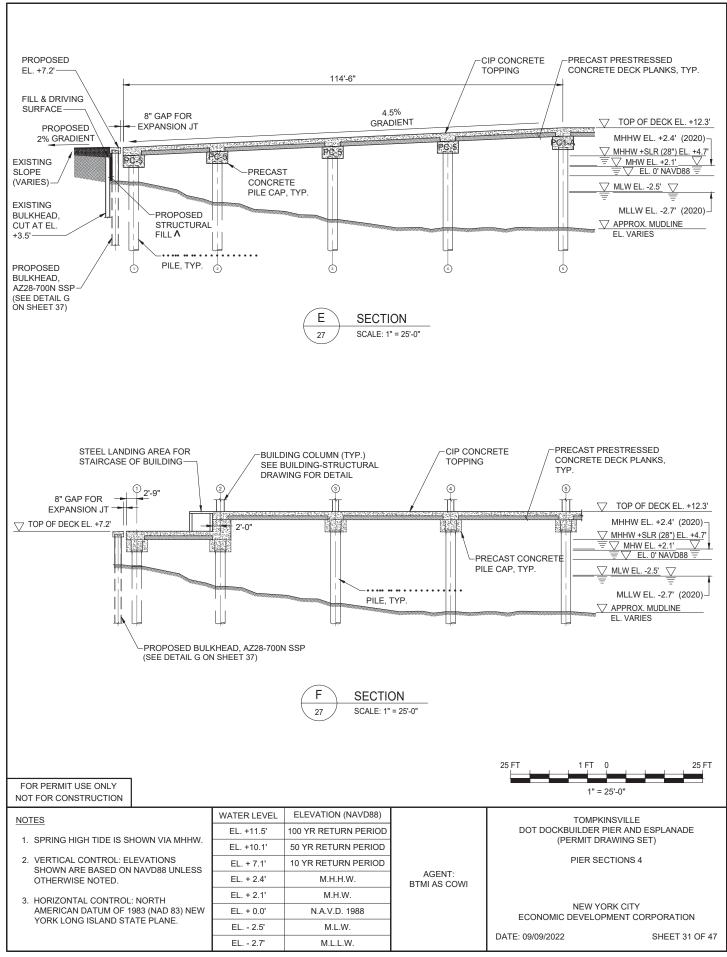


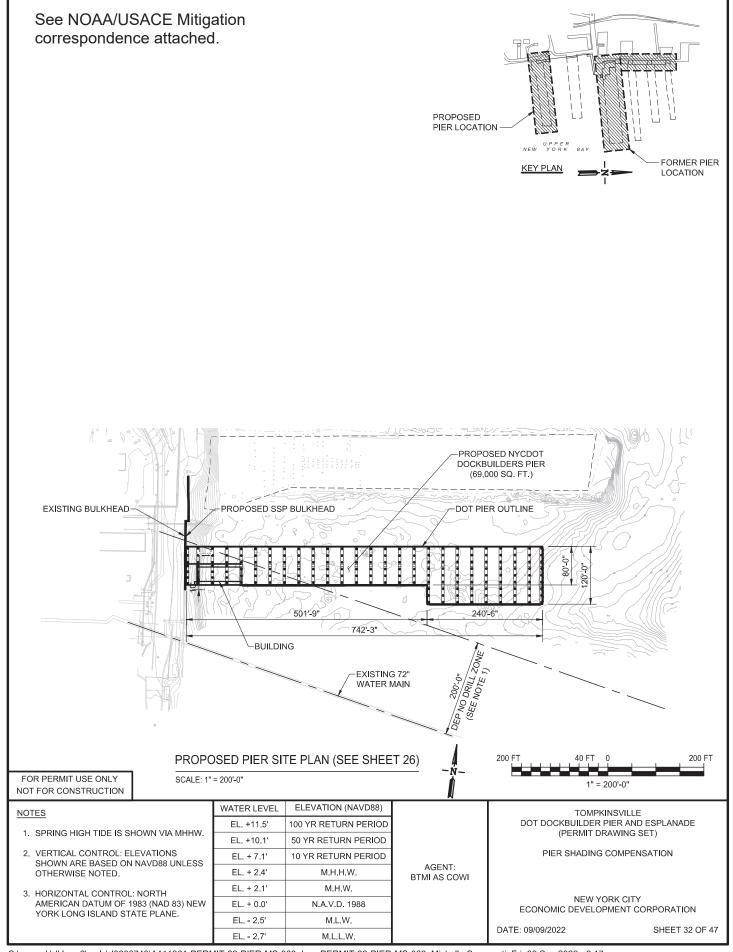


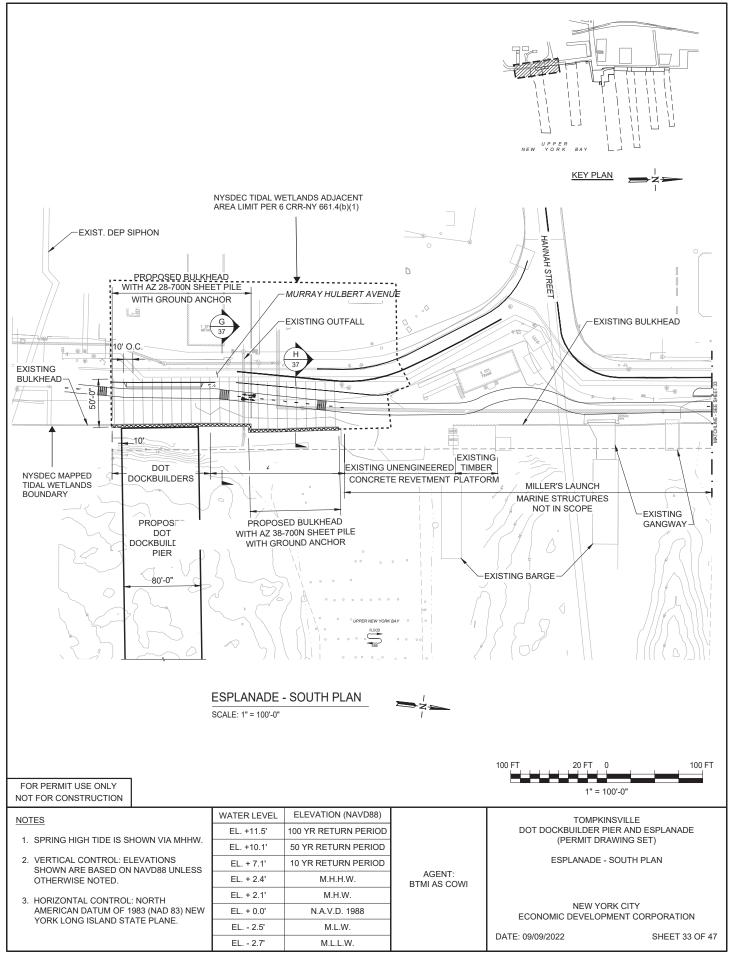


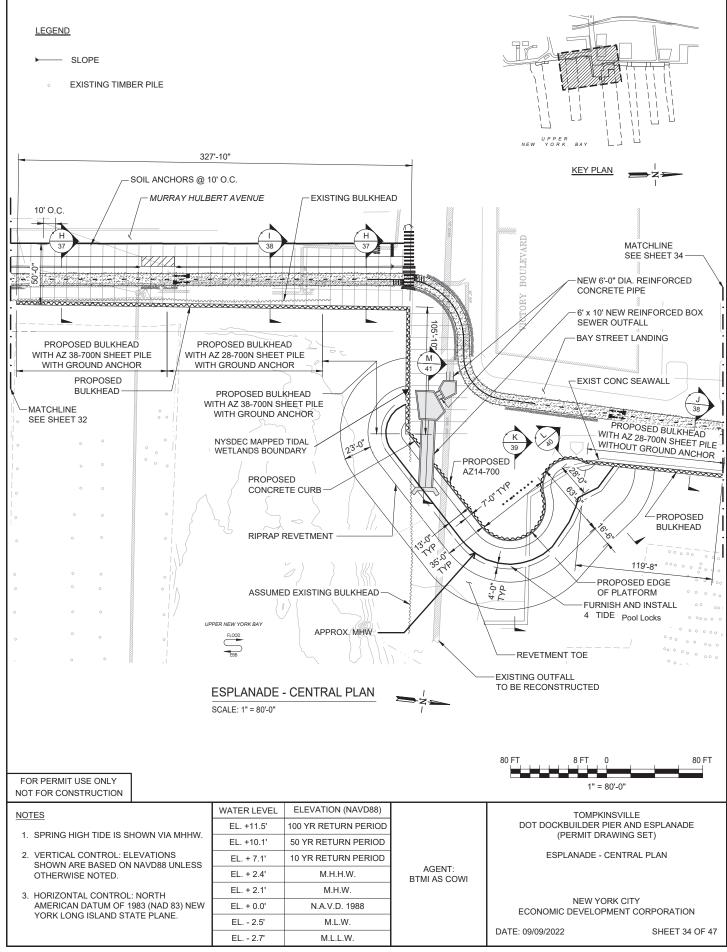


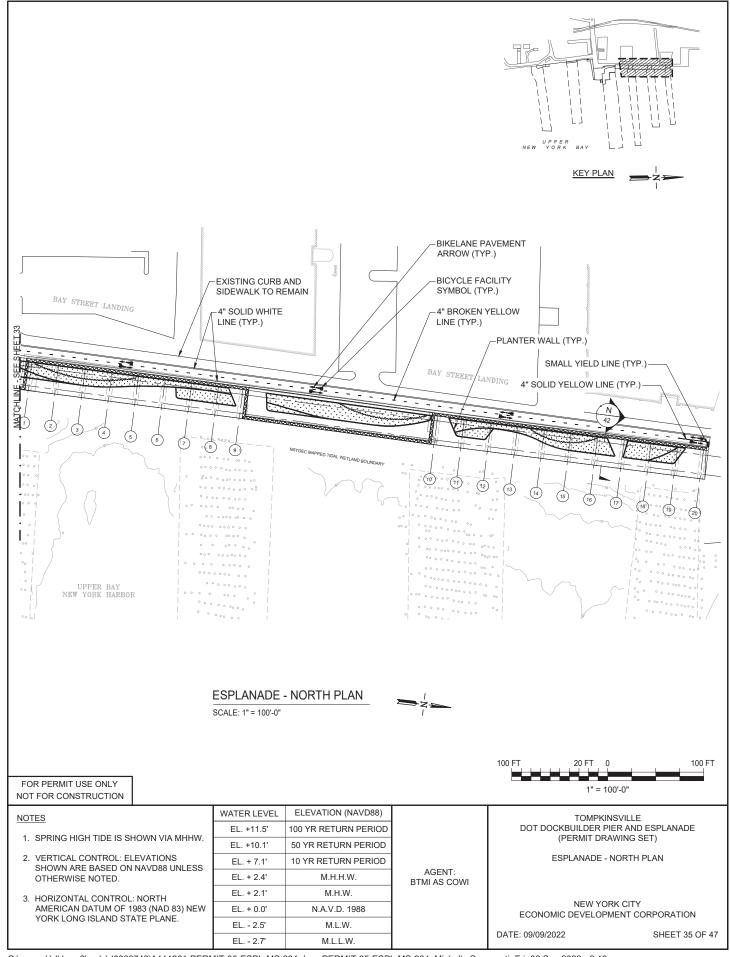


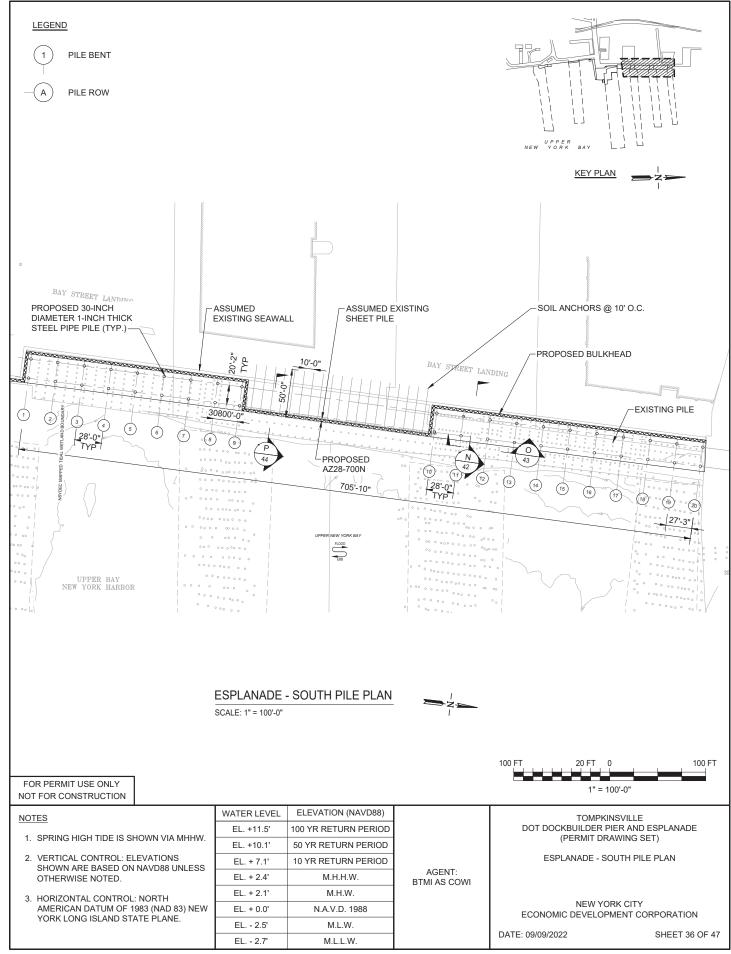


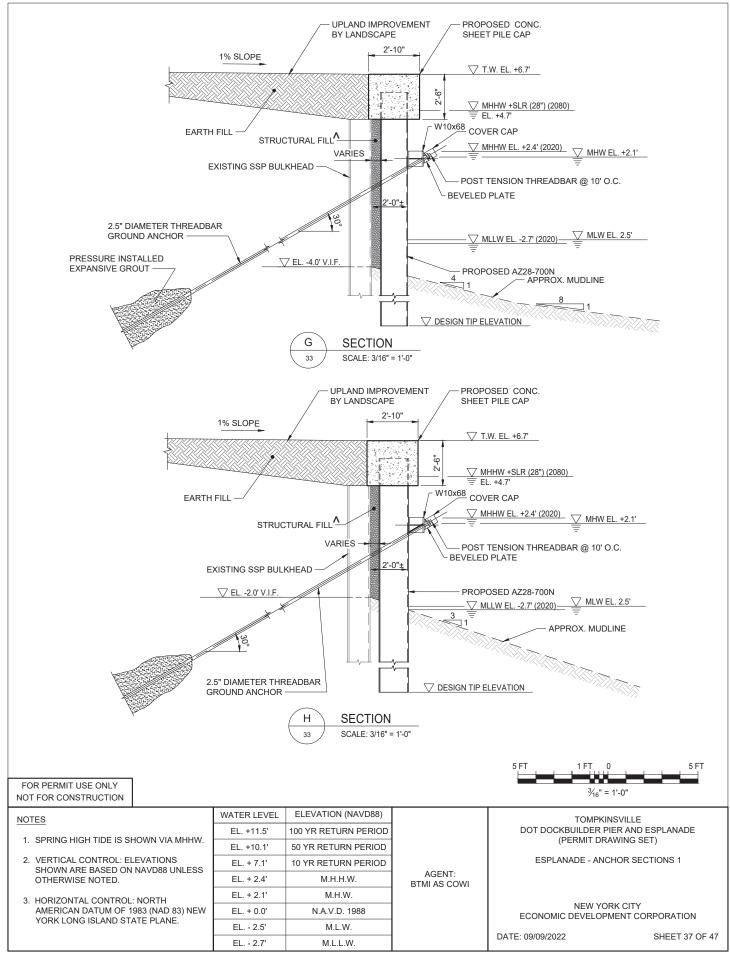


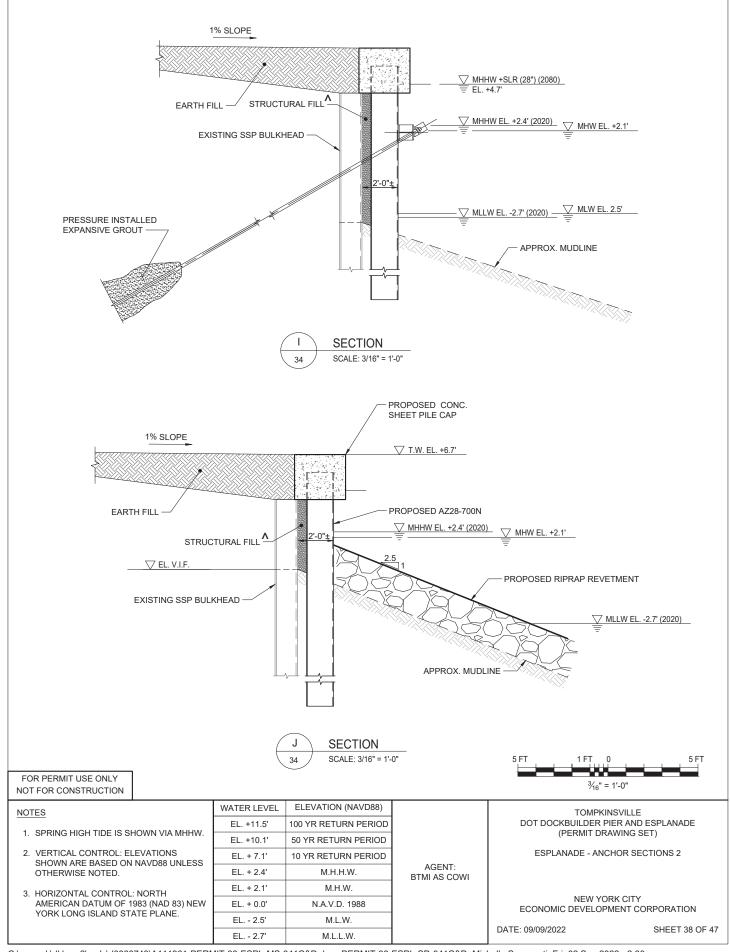


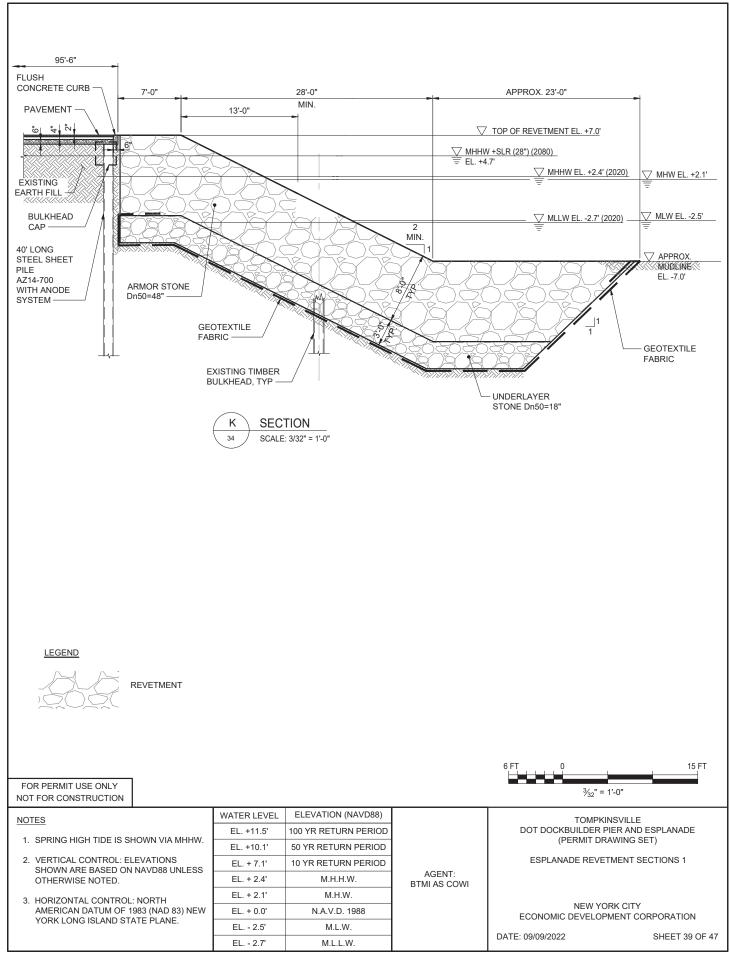


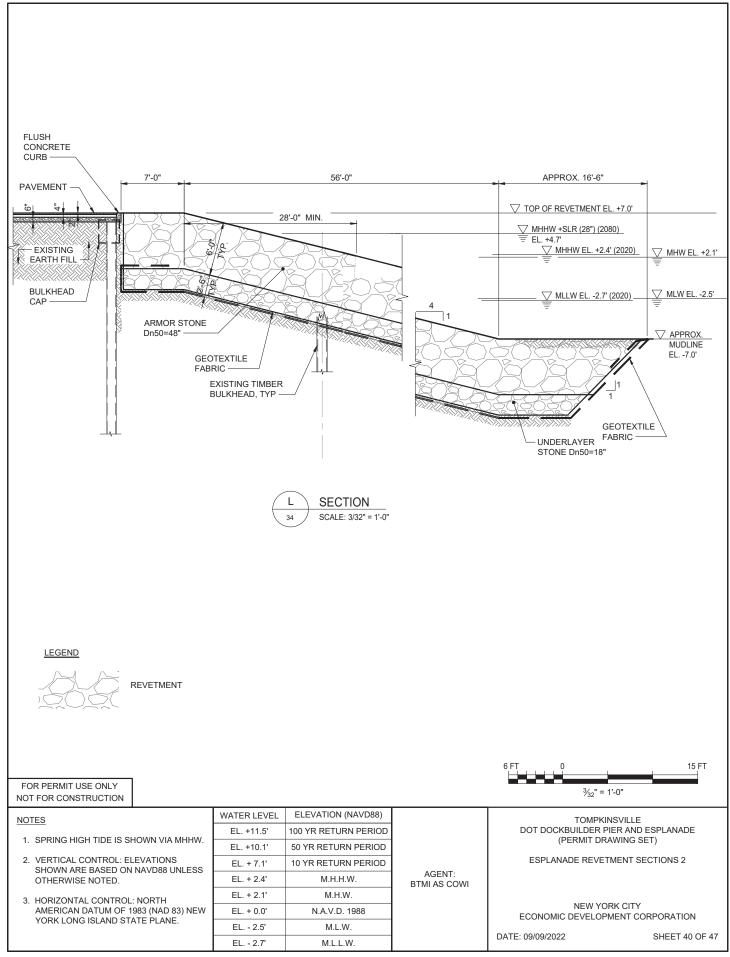


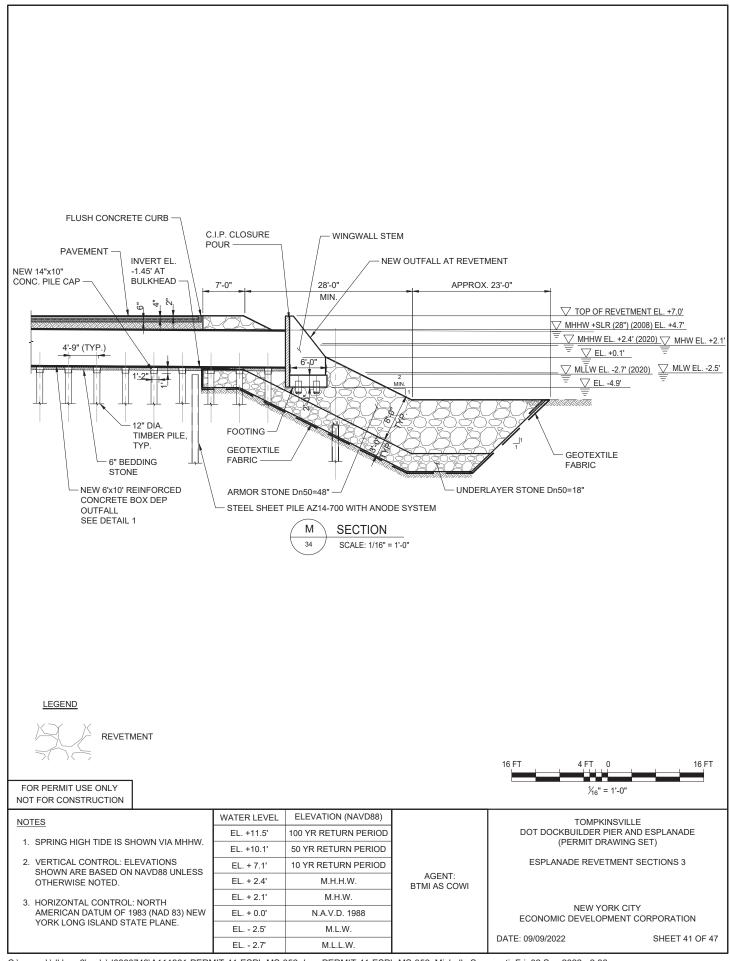


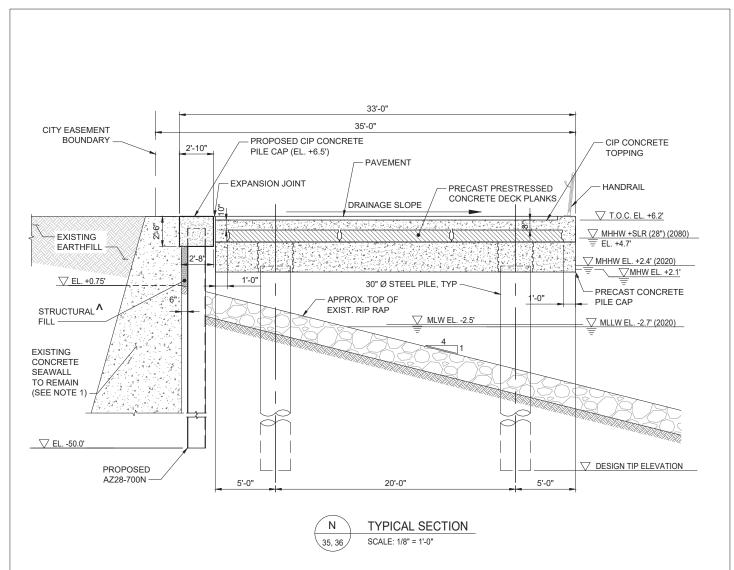






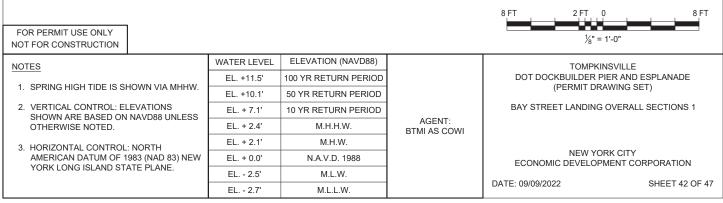


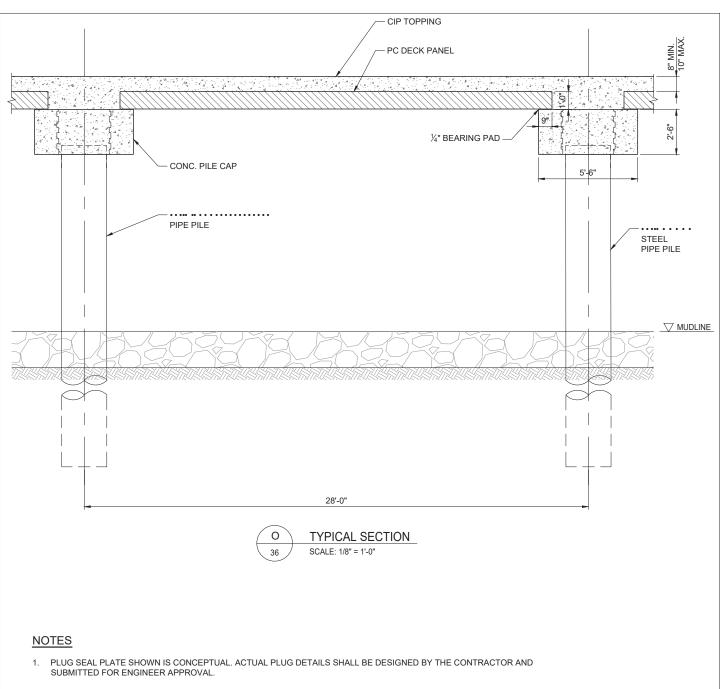




NOTES

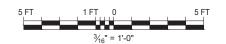
- 1. EXISTING CONCRETE CROSS SECTION IS ASSUMED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR.
- ELEVATION OF TOP OF EXISTING SHEET PILE TO BE VERIFIED BY CONTRACTOR. EXISTING SHEET PILE SHALL BE CUT BELOW
 EXISTING CAP, IF ANY, AND EXISTING CAP SHALL BE REMOVED. COMPACTED GRANULAR AGGREGATE AND EARTH FILL TO BE
 ADDED OVER TOP OF CUT EXISTING SHEET PILE AS REQUIRED TO MEET DESIGN ELEVATION.
- 3. EXISTING EARTH FILL ASSUMED BASED ON FIELD OBSERVATIONS AND SHALL BE VERIFIED BY CONTRACTOR. NON-EXPANSIVE FILL TO BE ADDED AND COMPACTED TO 95% AS REQUIRED TO MEET DESIGN ELEVATION.



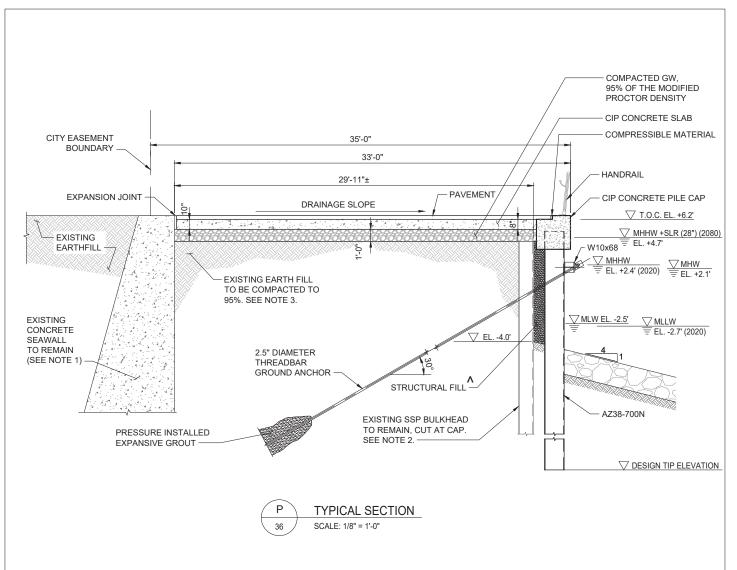


- 2. HSS 6x3 FOR SUPPORTING THE PRECAST CAP ON THE PILE IS CONCEPTUAL. CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND SELECTION OF TEMPORARY SUPPORT MEANS AND METHODS.
- 3. CONTRACTOR IS RESPONSIBLE FOR THE SELECTION OF PILE SHOE TO MEET ANTICIPATED DRIVING CONDITIONS, TO ASSURE PILES REACH THE DESIGN TIP ELEVATION AND TO PERMIT DRILLING THROUGH OBSTRUCTIONS IN ACCORDANCE TO THE PROJECT SPECIFICATIONS.

FOR PERMIT USE ONLY NOT FOR CONSTRUCTION



NOTES	WATER LEVEL	ELEVATION (NAVD88)		TOMPKINSVILL	 E
SPRING HIGH TIDE IS SHOWN VIA MHHW.	EL. +11.5'	100 YR RETURN PERIOD		DOT DOCKBUILDER PIER AN	
	EL. +10.1'	50 YR RETURN PERIOD	AGENT: BTMI AS COWI	(PERMIT DRAWING	SEI)
VERTICAL CONTROL: ELEVATIONS SHOWN ARE BASED ON NAVD88 UNLESS	EL. + 7.1'	10 YR RETURN PERIOD		BAY STREET LANDING OVERALL SECTIONS 2	
OTHERWISE NOTED.	EL. + 2.4'	M.H.H.W.			
3. HORIZONTAL CONTROL: NORTH	EL. + 2.1'	M.H.W.			
AMERICAN DATUM OF 1983 (NAD 83) NEW	EL. + 0.0'	N.A.V.D. 1988			
YORK LONG ISLAND STATE PLANE.	EL 2.5'	M.L.W.			0.1557.40.05.47
	EL 2.7'	M.L.L.W.		DATE: 09/09/2022	SHEET 43 OF 47



NOTES

- 1. EXISTING CONCRETE CROSS SECTION IS ASSUMED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR.
- 2. ELEVATION OF TOP OF EXISTING SHEET PILE TO BE VERIFIED BY CONTRACTOR. EXISTING SHEET PILE SHALL BE CUT BELOW EXISTING CAP, IF ANY, AND EXISTING CAP SHALL BE REMOVED. COMPACTED GRANULAR AGGREGATE AND EARTH FILL TO BE ADDED OVER TOP OF CUT EXISTING SHEET PILE AS REQUIRED TO MEET DESIGN ELEVATION.
- 3. EXISTING EARTH FILL ASSUMED BASED ON FIELD OBSERVATIONS AND SHALL BE VERIFIED BY CONTRACTOR. NON-EXPANSIVE FILL TO BE ADDED AND COMPACTED TO 95% AS REQUIRED TO MEET DESIGN ELEVATION.

