



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: 2005-01001-Y5

Issue Date: **JAN 20 2006**

Expiration Date: **FEB 20 2006**

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 USC 403).

APPLICANT: Circle Line Harbor Cruises, LLC
17 Battery Place
Suite 715
New York, NY 10004

ACTIVITY: Install Gangway and Anchor Barge

WATERWAY: Bowery Bay off East River adjacent to Long Island Sound

LOCATION: La Guardia Airport, Borough of Queens, Queens 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.

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.

**CENAN-OP-RE
PUBLIC NOTICE NO. 2005-01001-Y5**

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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat. A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to not be substantial. Further consultation with NMFS 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.

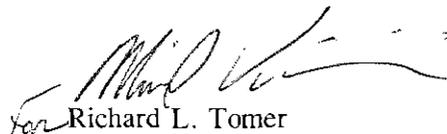
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application 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 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, 41 State Street, 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 City Department of City Planning

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) 790-8518 and ask for Rosita Rama.

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


Richard L. Tomer
Chief, Regulatory Branch

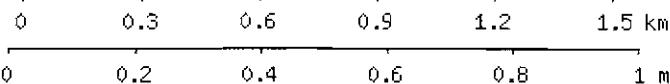
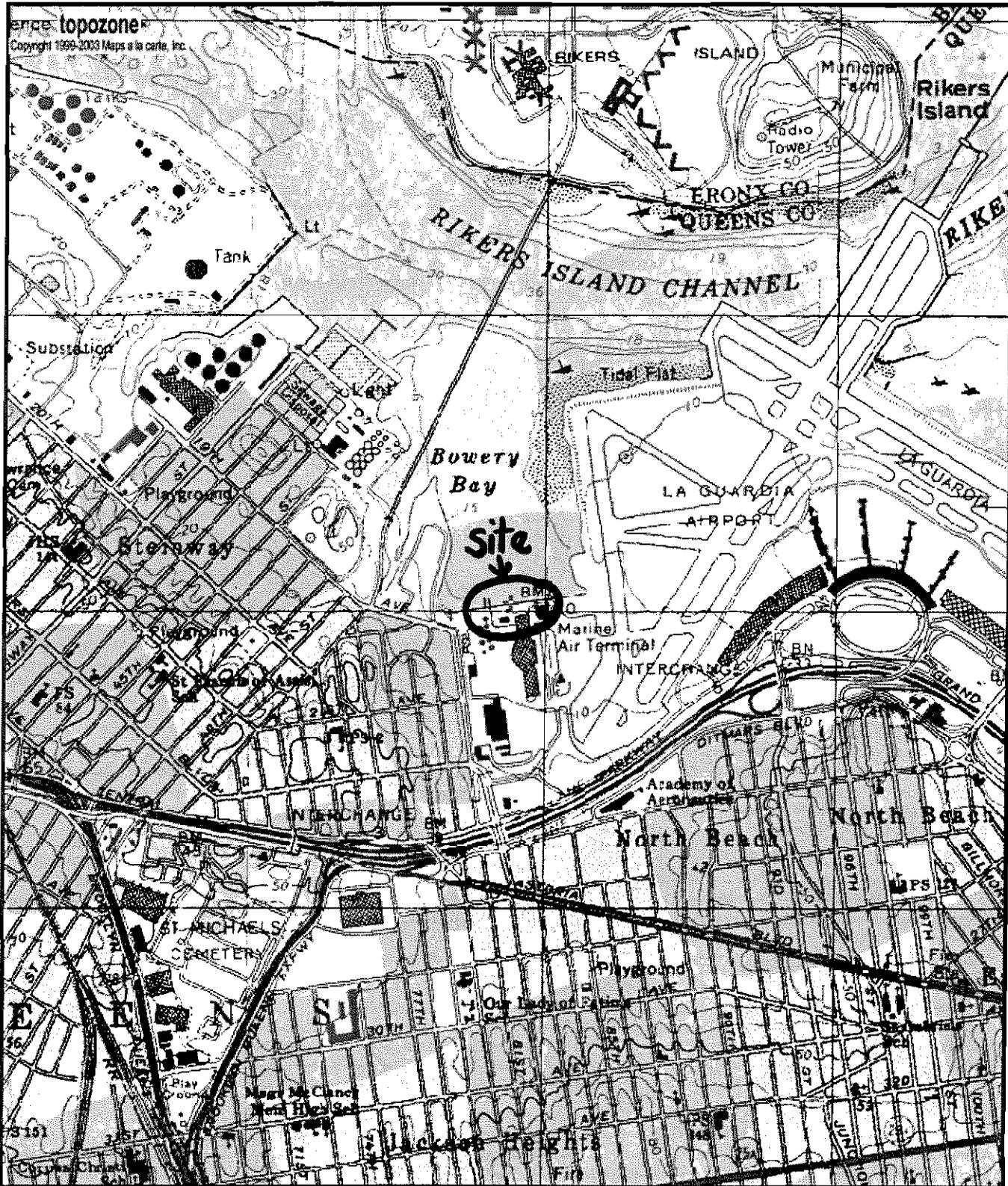
Enclosures

WORK DESCRIPTION

The applicant, Circle Line Harbor Cruises, LLC, has requested Department of the Army authorization to install an aluminum gangway and anchor a barge in Bowery Bay off the East River adjacent to Long Island Sound, in La Guardia Air and Marine Terminal in the Borough of Queens, Queens County, New York.

The work would involve the installation of a 60-foot long by 6-foot wide aluminum gangway to an existing platform, and the anchorage of a 90-foot long by 30-foot wide by 8-foot depth steel barge, to be secured by four (4) steel guide piles.

The stated purpose of this project is to provide direct access to the regional airports by including marine passenger ferry service to La Guardia Airport from Lower Manhattan.



Map center is 40.7740°N, 73.8871°W (WGS84/NAD83)
Central Park quadrangle
 Projection is UTM Zone 18 NAD83 Datum

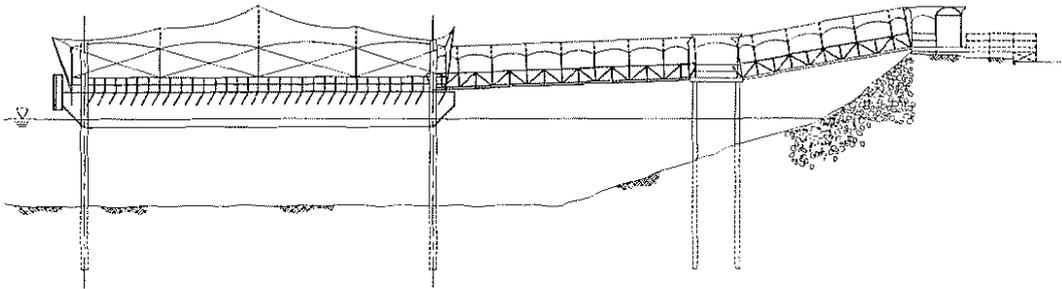


2005-01001-Y5

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LA GUARDIA AIRPORT FERRY TERMINAL AT THE MARINE AND AIR TERMINAL BUILDING

QUEENS, NEW YORK
PREPARED BY
PENMAX ENGINEERING, PLLC

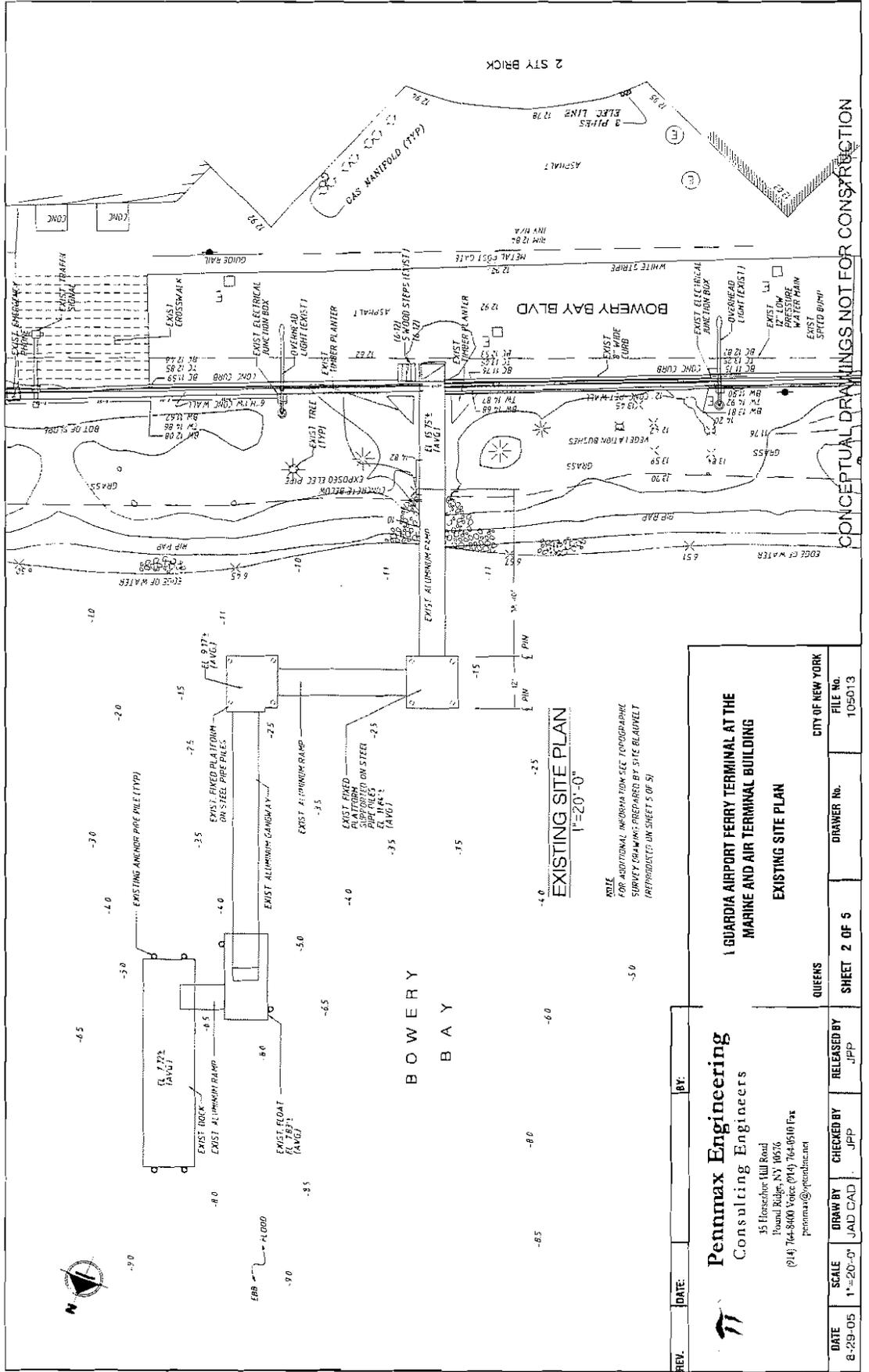


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TITLE

SHEET

. EXISTING SITE PLAN	2 OF 5
. PROPOSED SITE PLAN	3 OF 5
. SECTIONS A-A, B-B, AND VERTICAL MOTION STUDY	4 OF 5
. TOPOGRAPHIC SURVEY	5 OF 5

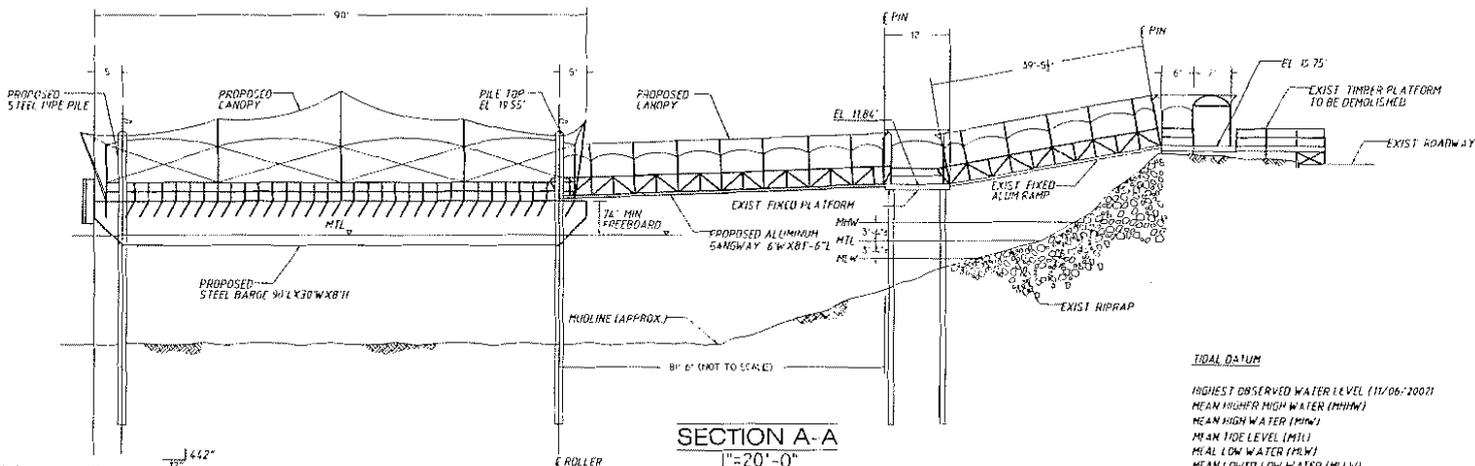


CONCEPTUAL DRAWINGS NOT FOR CONSTRUCTION

EXISTING SITE PLAN
1"=20'-0"

NOTE:
FOR ADDITIONAL INFORMATION SEE TOPOGRAPHIC SURVEY DRAWING PREPARED BY SITE LABELLETT (APPROPRIATE: ON SHEET 5 OF 5)

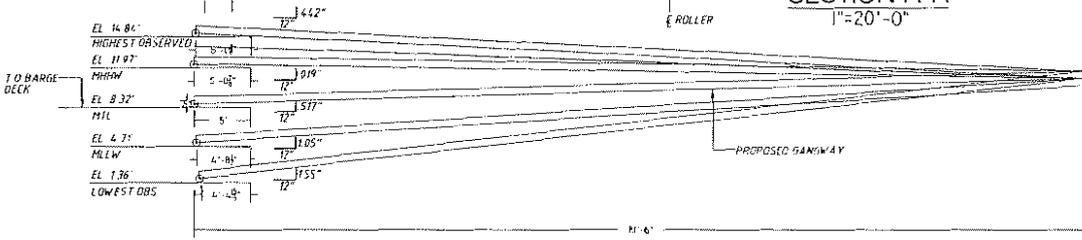
	Pennax Engineering Consulting Engineers 15 Henscher Hill Road Pound Ridge, NY 10516 (914) 764-8400 Voice (914) 764-8510 Fax pennaxa@optonline.net		CITY OF NEW YORK FILE No. 105013	
	DATE: 8-29-05	SCALE: 1"=20'-0"	DRAWN BY: JAD CAD	CHECKED BY: JPP
QUEENS			SHEET 2 OF 5	DRAWER No.
1 GUARDIA AIRPORT FERRY TERMINAL AT THE MARINE AND AIR TERMINAL BUILDING EXISTING SITE PLAN				



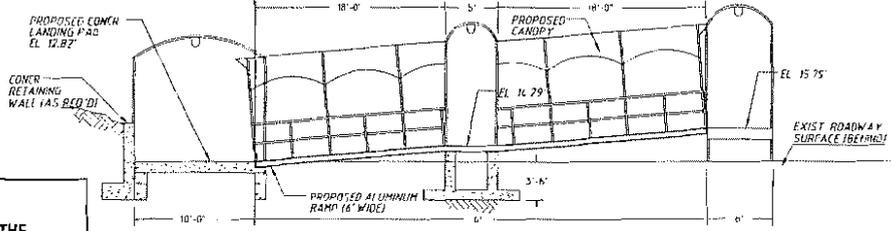
SECTION A-A
1"=20'-0"

TOTAL DATUM	ELEVATION (FT)
HIGHEST OBSERVED WATER LEVEL (11/06/2007)	8.57'
MEAN HIGHER HIGH WATER (MHHW)	5.80'
MEAN HIGH WATER (MHW)	5.48'
MEAN TIDE LEVEL (MTL)	2.16'
MEAN LOW WATER (MLW)	-1.15'
MEAN LOWER LOW WATER (MLLW)	-1.46'
LOWEST OBSERVED WATER LEVEL (11/23/2000)	-4.82'

NOTE
VERTICAL REFERENCE DATUM TAKEN FROM TOPOGRAPHIC SURVEY BY SITE BLAUVELT



VERTICAL MOTION STUDY
1"=10'-0"



SECTION B-B
1"=10'-0"

CONCEPTUAL DRAWINGS NOT FOR CONSTRUCTION

5.66

REV.	DATE:	BY:		
<p>Pennmax Engineering Consulting Engineers</p> <p>35 Horseshoe Hill Road Pound Ridge, NY 10576 (914) 764-8400 Voice (914) 764-0510 Fax pennmax@optonline.net</p>				
DATE	SCALE	DRAW BY	CHECKED BY	RELEASED BY
8-29-05	1"=20'-0"	JAD CAD	JPP	JPP

<p>LA GUARDIA AIRPORT FERRY TERMINAL AT THE MARINE AND AIR TERMINAL BUILDING</p> <p>SECTION A-A, SECTION B-B AND VERTICAL MOTION STUDY</p>		
QUEENS	CITY OF NEW YORK	
SHEET 4 OF 5	DRAWER No.	FILE No.
		105013

