



## 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-2007-102-ESP  
Issue Date: April 2, 2007  
Expiration Date: May 2, 2007

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  
110 William Street  
New York, N.Y.10038

**ACTIVITY:** Dredging of an existing marine terminal berth and adjacent access channel with beneficial use of the dredged material at the former Fresh Kills Sanitary Landfill or other suitable upland placement site, and 10 years of maintenance dredging .

**WATERWAY:** Gowanus Bay/Bay Ridge Federal Navigation Channel, Upper New York Harbor

**LOCATION:** South Brooklyn Marine Terminal – 39<sup>th</sup> Street Pier, Borough of Brooklyn, Kings County, NY.

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 proposed activity. 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 [42 U.S.C. 4332]. Comments are also used to determine the need for a public hearing and to determine the effect of the proposed activity on the overall public interest.

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

CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2007-102

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.

The Corps of Engineers 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 (EFH). A complete description of the proposed activity is given in the enclosed work description. The Corps of Engineers has made the preliminary determination that the site-specific adverse effects are not likely to 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 Permit

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) 790-8522 and ask for Craig Spitz.

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PUBLIC NOTICE NO. NAN-2007-102

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, the New York City Economic Development Corporation, has requested a Department of the Army permit to dredge approximately 91,000 cubic yards with ten years maintenance at the South Brooklyn Marine Terminal in Gowanus Bay/Bay Ridge Federal Navigation Channel, Upper New York Harbor at the Borough of Brooklyn, Kings County, New York with upland beneficial use of the dredged material. Two additional maintenance dredging cycles is expected over the next ten years.

The work would involve the dredging of two (2) specific areas as noted below:

Dredging Area 1: Approximately 52,000 cubic yards of material would be dredged within an area of approximately 199,345 square feet (4.6 acres) along the west face of the 39<sup>th</sup> Street Pier to a depth of 33-feet below Mean Low Water with an additional 2-feet of overdepth dredging.

Dredging Area 2: Approximately 38,600 cubic yards of material would be dredged within an area of approximately 264,125 square feet (6.0 acres) within a portion of the Bay Ridge Federal Navigation Channel in the vicinity of the 39<sup>th</sup> Street Pier to a depth of 33-feet below Mean Low Water with an additional 2-feet of overdepth dredging.

The applicant reports the dredged material, which consists of approximately 4 percent sand, 66 percent silt and 30 percent clay, would be placed directly into scows without barge overflow where the material would be allowed to settle. The decanted water would be tested for suspended solids concentration, and when the decanted water is at or below 200mg/l, it will be discharged back into the waterway.

The applicant reports dredging would be conducted with an environmental dredging bucket with a hoist speed limited to less than 2-feet per second. The estimated time to complete the dredging is 45 days including dredging equipment mobilization and demobilization. The dredged material would be processed by mixing with Portland cement and then beneficially used at a state-approved upland placement site.

The stated purpose of this dredging project is to restore water depths necessary for safe mooring and maneuvering of vessels at the existing waterfront pier.

# SBMT DREDGING @ 39TH STREET PIER

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PERMIT DRAWINGS SUBMITTED  
APRIL 21, 2006



PURPOSE: DREDGING AT 39TH ST. PIER FOR  
BERTHING OF OCEAN-GOING VESSELS.

M&N ENGINEERING, P.C.  
104 W. 40TH ST, 14TH FLOOR  
NEW YORK, NY 10018  
212-768-7454

COVER SHEET AND DRAWING INDEX

APPLICATION BY:  
NYC ECONOMIC DEVELOPMENT CORP.

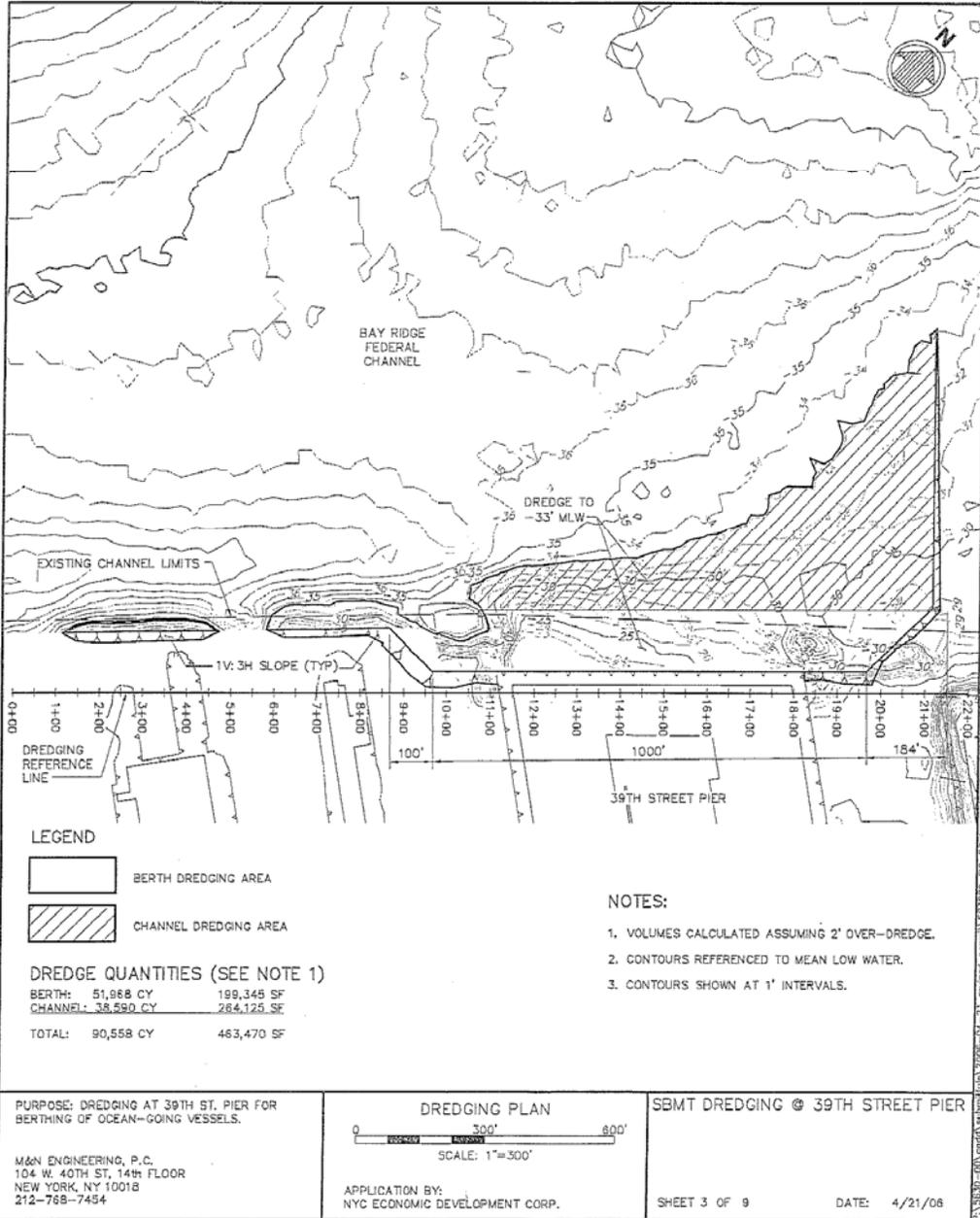
SBMT DREDGING @ 39TH STREET PIER

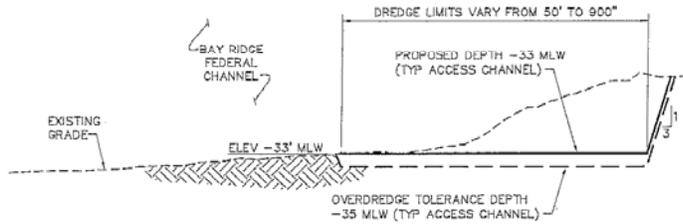
SHEET 1 OF 9

DATE: 4/21/06

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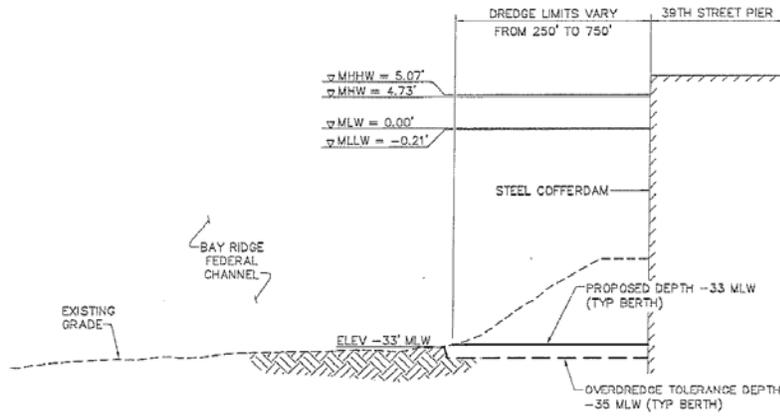






**TYPICAL DREDGE SECTION**

1"=200' HORIZ  
1"=20' VERT



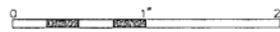
**TYPICAL DREDGE SECTION @ PIER**

1"=200' HORIZ  
1"=20' VERT

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**TYPICAL SECTIONS**



AS NOTED

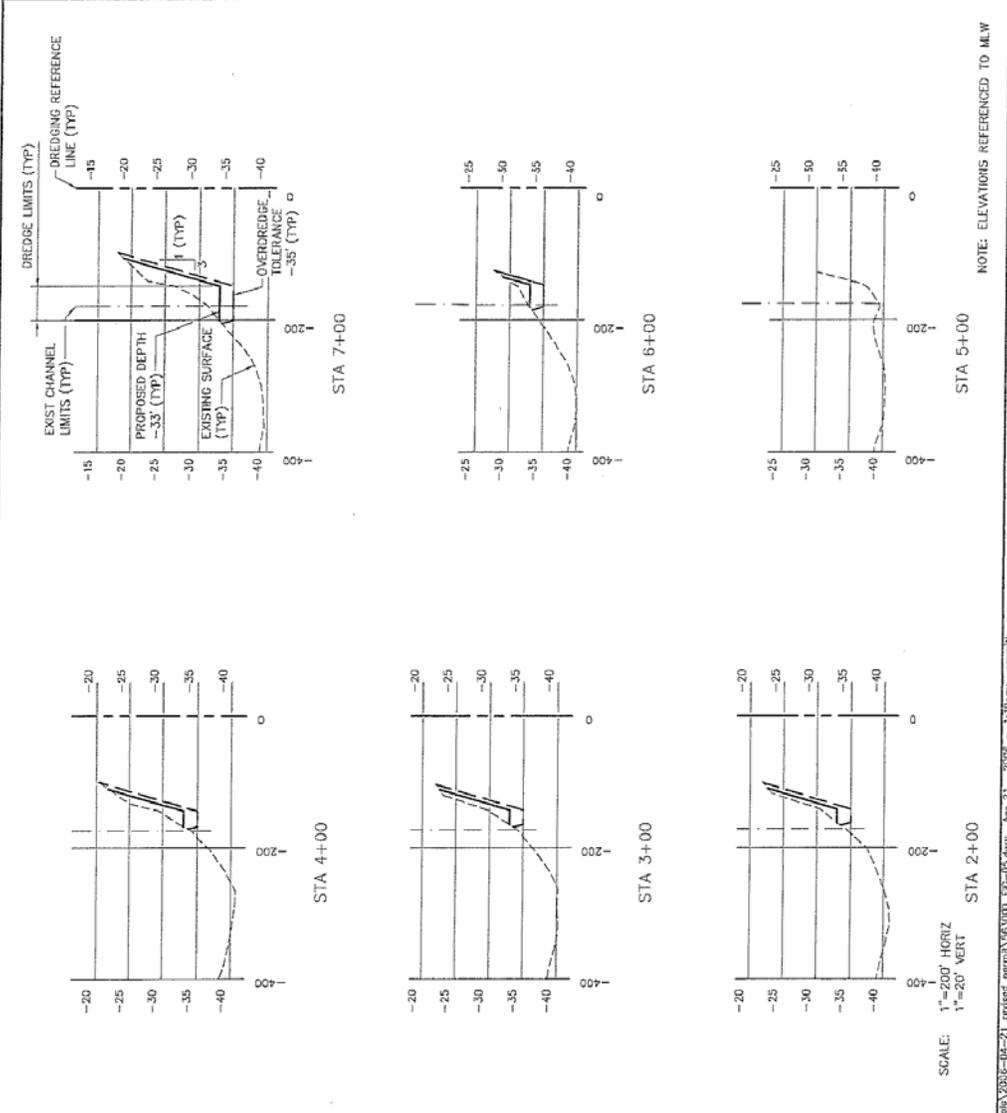
APPLICATION BY:  
NYC ECONOMIC DEVELOPMENT CORP.

**SBMT DREDGING @ 39TH STREET PIER**

SHEET 4 OF 9

DATE: 4/21/06

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NOTE: ELEVATIONS REFERENCED TO MLW

SCALE: 1"=200' HORIZ  
1"=20' VERT

PURPOSE: DREDGING AT 39TH ST. PIER FOR BERTHING OF OCEAN-GOING VESSELS.

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212-768-7454

SECTIONS (SHEET 1 OF 5)

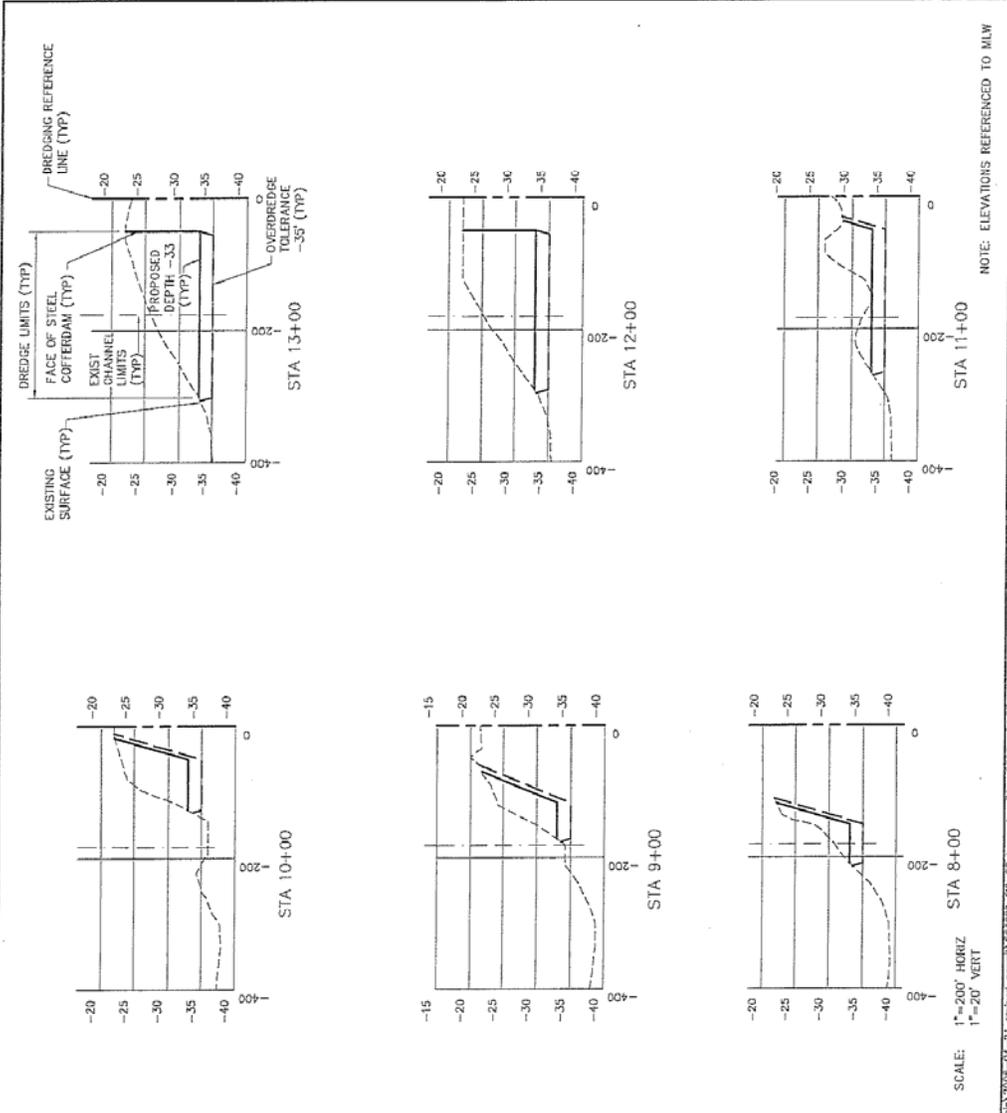
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APPLICATION BY:  
NYC ECONOMIC DEVELOPMENT CORP.

SBMT DREDGING @ 39TH STREET PIER

SHEET 5 OF 8      DATE: 4/21/06

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NOTE: ELEVATIONS REFERENCED TO MLW

PURPOSE: DREDGING AT 39TH ST. PIER FOR BERTHING OF OCEAN-GOING VESSELS.

M&N ENGINEERING, P.C.  
 104 W. 40TH ST, 14th FLOOR  
 NEW YORK, NY 10018  
 212-768-7434

SECTIONS (SHEET 2 OF 5)

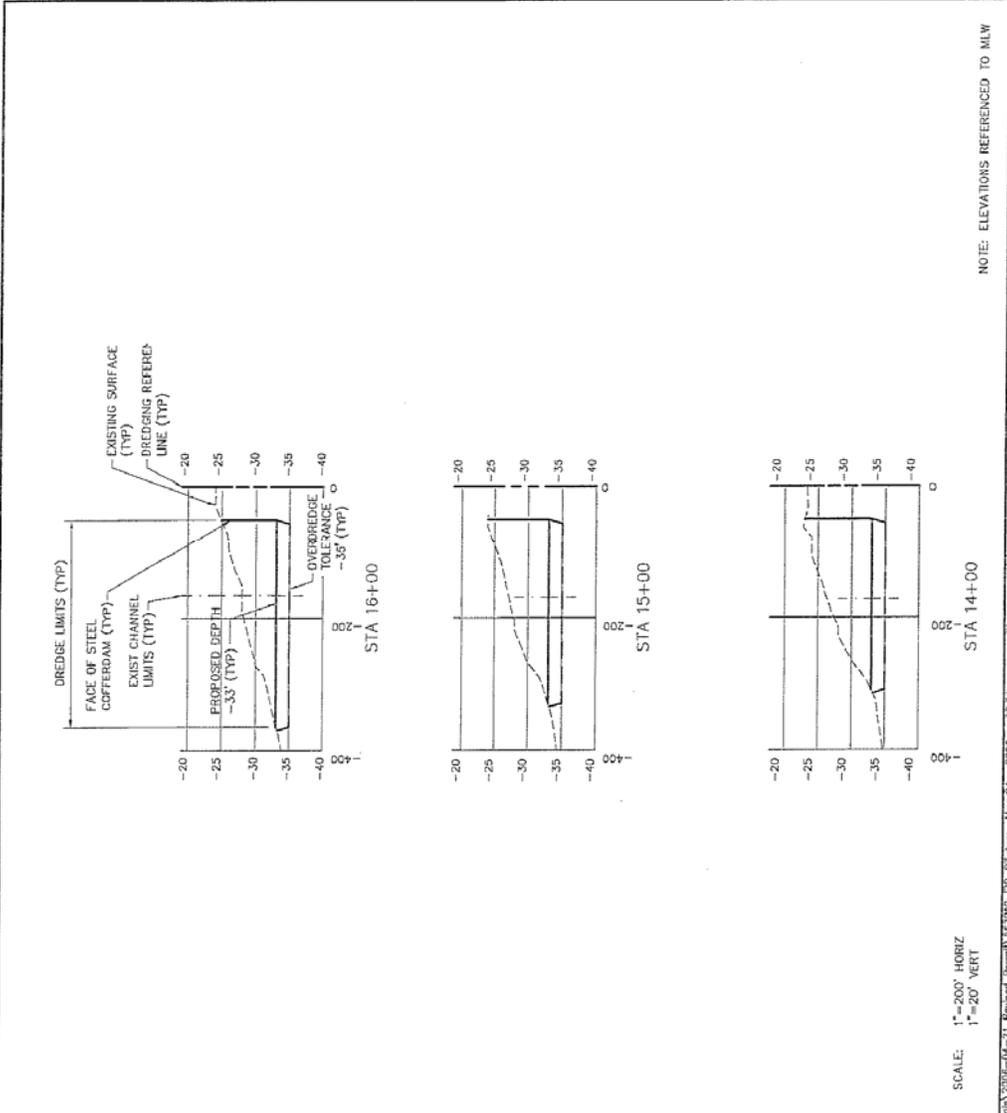
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 AS NOTED

APPLICATION BY:  
 NYC ECONOMIC DEVELOPMENT CORP.

SBMT DREDGING @ 39TH STREET PIER

SHEET 6 OF 9      DATE: 4/21/08

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NOTE: ELEVATIONS REFERENCED TO MLW

SCALE: 1" = 200' HORIZ  
1" = 20' VERT

PURPOSE: DREDGING AT 39TH ST. PIER FOR BERTHING OF OCEAN-GOING VESSELS.

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104 W. 40TH ST, 14th FLOOR  
NEW YORK, NY 10018  
212-768-7454

SECTIONS (SHEET 3 OF 5)

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AS NOTED

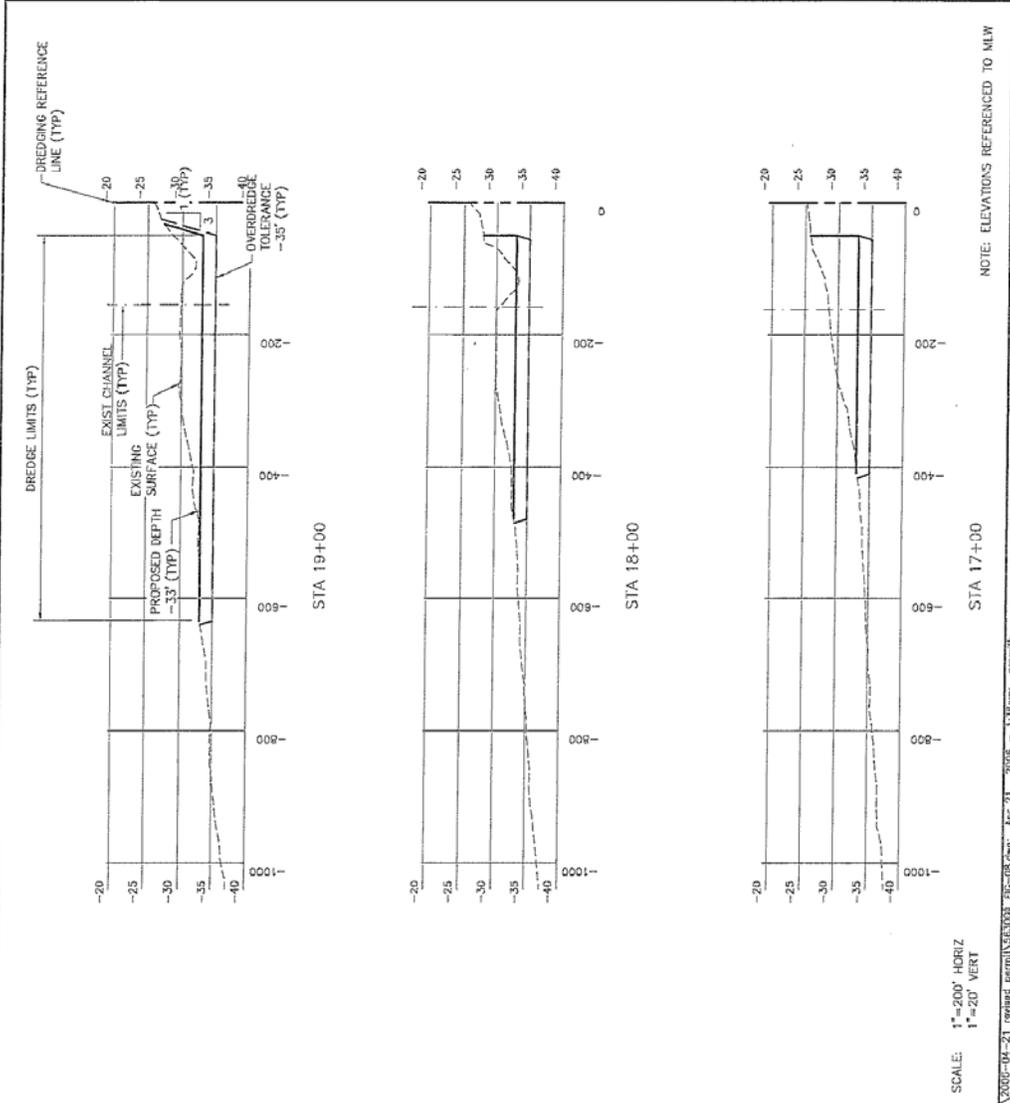
APPLICATION BY:  
NYC ECONOMIC DEVELOPMENT CORP.

SBMT DREDGING @ 39TH STREET PIER

SHEET 7 OF 9

DATE: 4/21/08

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SCALE: 1"=200' HORIZ  
1"=20' VERT

NOTE: ELEVATIONS REFERENCED TO MLW

PURPOSE: DREDGING AT 39TH ST. PIER FOR BERTHING OF OCEAN-GOING VESSELS.

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212-766-7454

SECTIONS (SHEET 4 OF 5)



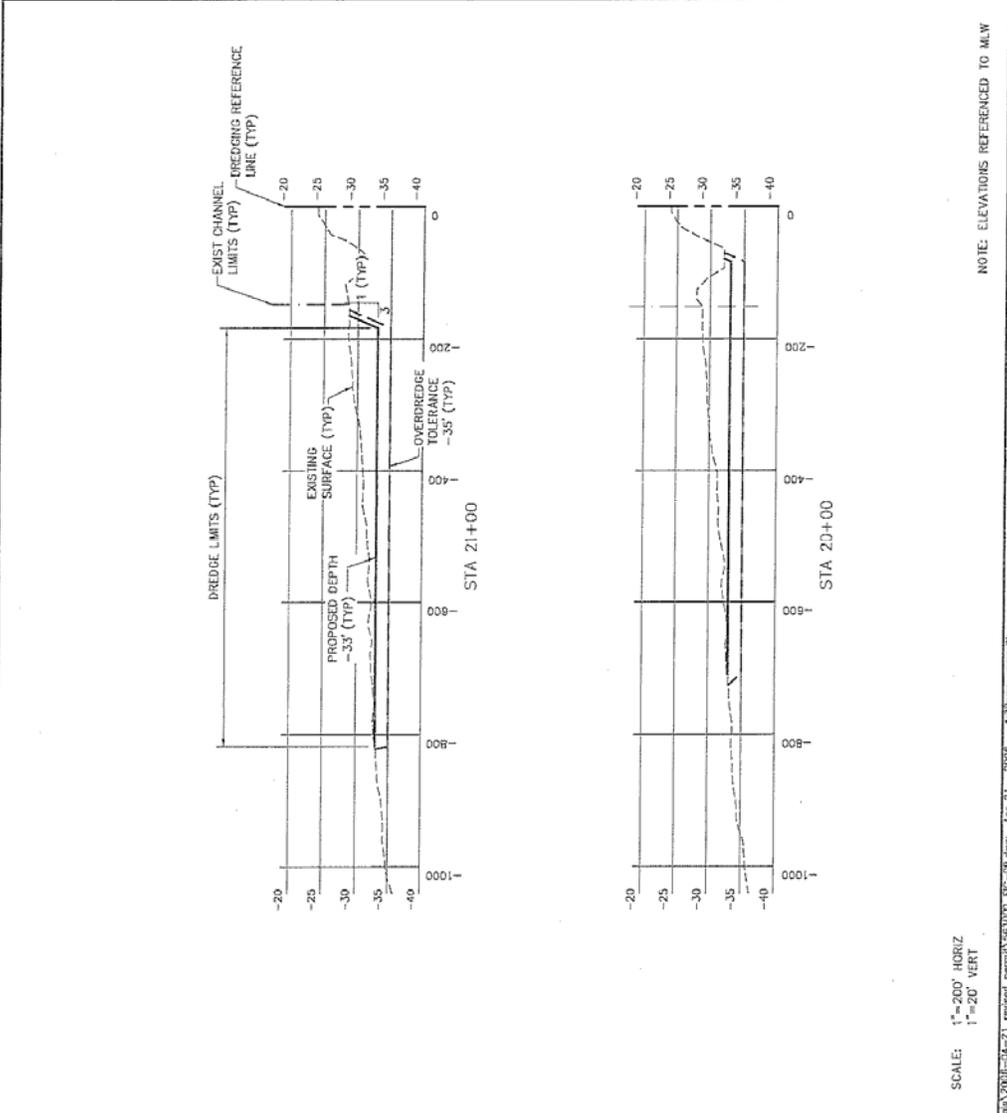
APPLICATION BY:  
NYC ECONOMIC DEVELOPMENT CORP.

SBMT DREDGING @ 39TH STREET PIER

SHEET 8 OF 9

DATE: 4/21/06

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SECTIONS (SHEET 5 OF 5)

0 1 2

AS NOTED

APPLICATION BY:  
NYC ECONOMIC DEVELOPMENT CORP.

SBMT DREDGING @ 39TH STREET PIER

SHEET 5 OF 9

DATE: 4/21/05

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