



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-2007-1208-EJE
Issue Date: October 12, 2007
Expiration Date: November 12, 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: 145 West Street, LLC
235 Park Avenue South
New York, NY 10003

ACTIVITY: Waterfront rehabilitation and shoreline stabilization

WATERWAY: East River

LOCATION: Borough of 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.

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

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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 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 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, 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.

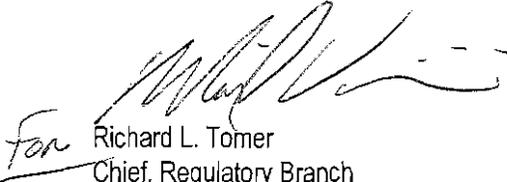
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

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) 790-8420 and ask for Stacey M. Jensen.

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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

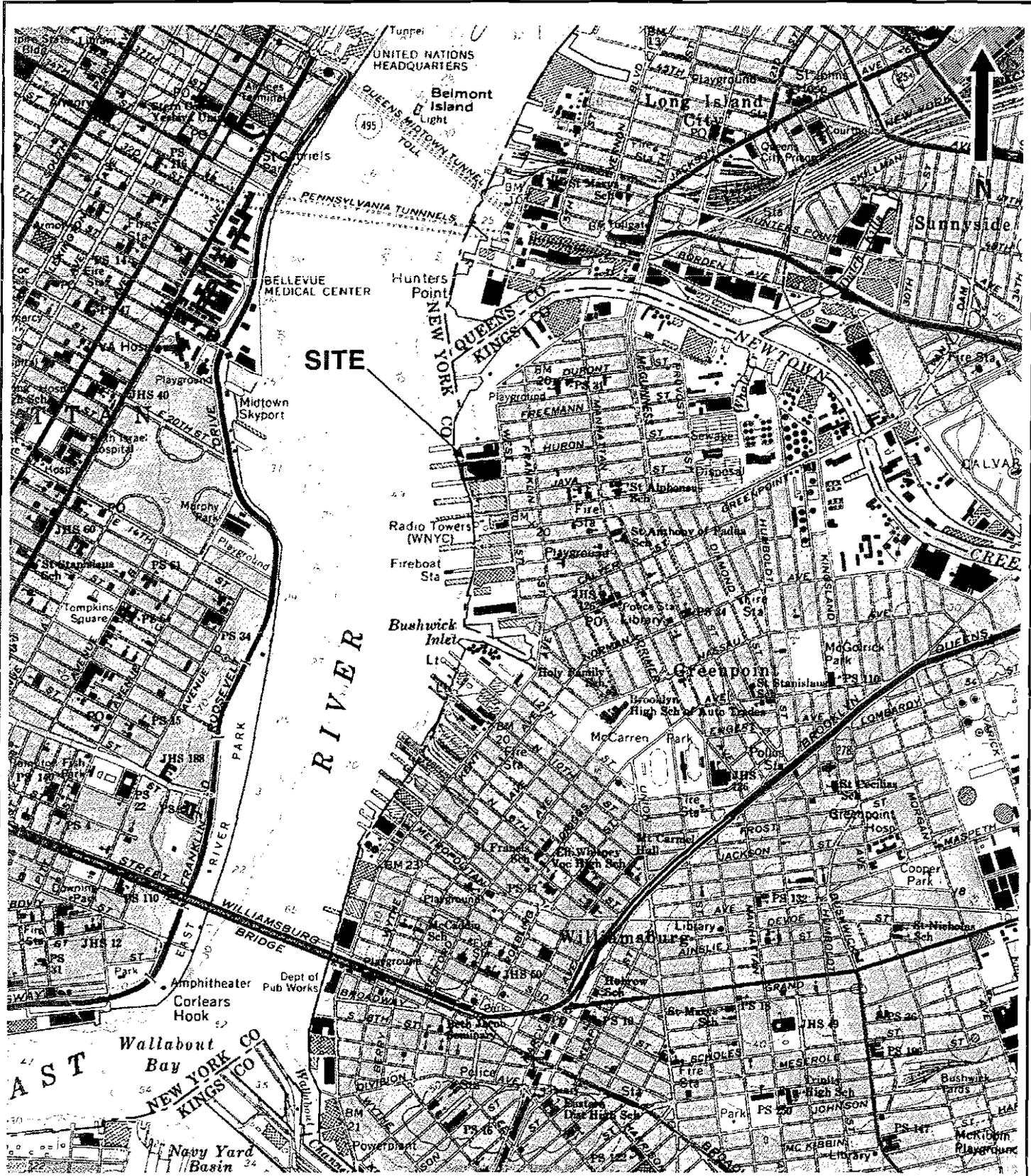
Enclosures

WORK DESCRIPTION

The applicant, 145 West Street, LLC, has requested Department of the Army authorization for waterfront rehabilitation and shoreline stabilization in the East River, Borough of Brooklyn, Kings County, New York. The project proposes to: remove the existing, not currently serviceable, dilapidated timber crib bulkhead, fendering system, and concrete decking along the shoreline over approximately 7,400 square feet of open water area; install an approximately 265 linear-foot sheet pile bulkhead landward of the spring high water (SHW) line except along 18 linear feet of the shoreline where the sheet piles are proposed to be installed at the mean high water (MHW) line; construct a variable width, from 26-feet to 42-feet-wide, by 265-feet-long platform waterward of the new bulkhead to total 8,740 square-feet, of which 7,840 square feet would be constructed over waters of the U.S. (area presently occupied by the dilapidated concrete decking) and supported by 31 piles encased in concrete down to a minimum of 2 feet below the mudline; install a rip rap apron in the northern portion of the project site around a new stormwater outfall located above the SHW line, totaling approximately 74 cubic yards (CY) of rip rap below the SHW line over a 525 square-foot area.

In addition, activities that are proposed to occur outside of Corps jurisdiction include the backfill of the landward area behind the bulkhead; construction of a public waterfront walkway; and construction of a landscaped supplemental public access area.

The stated purpose of this project is to rehabilitate the waterfront and stabilize the shoreline at the project location.

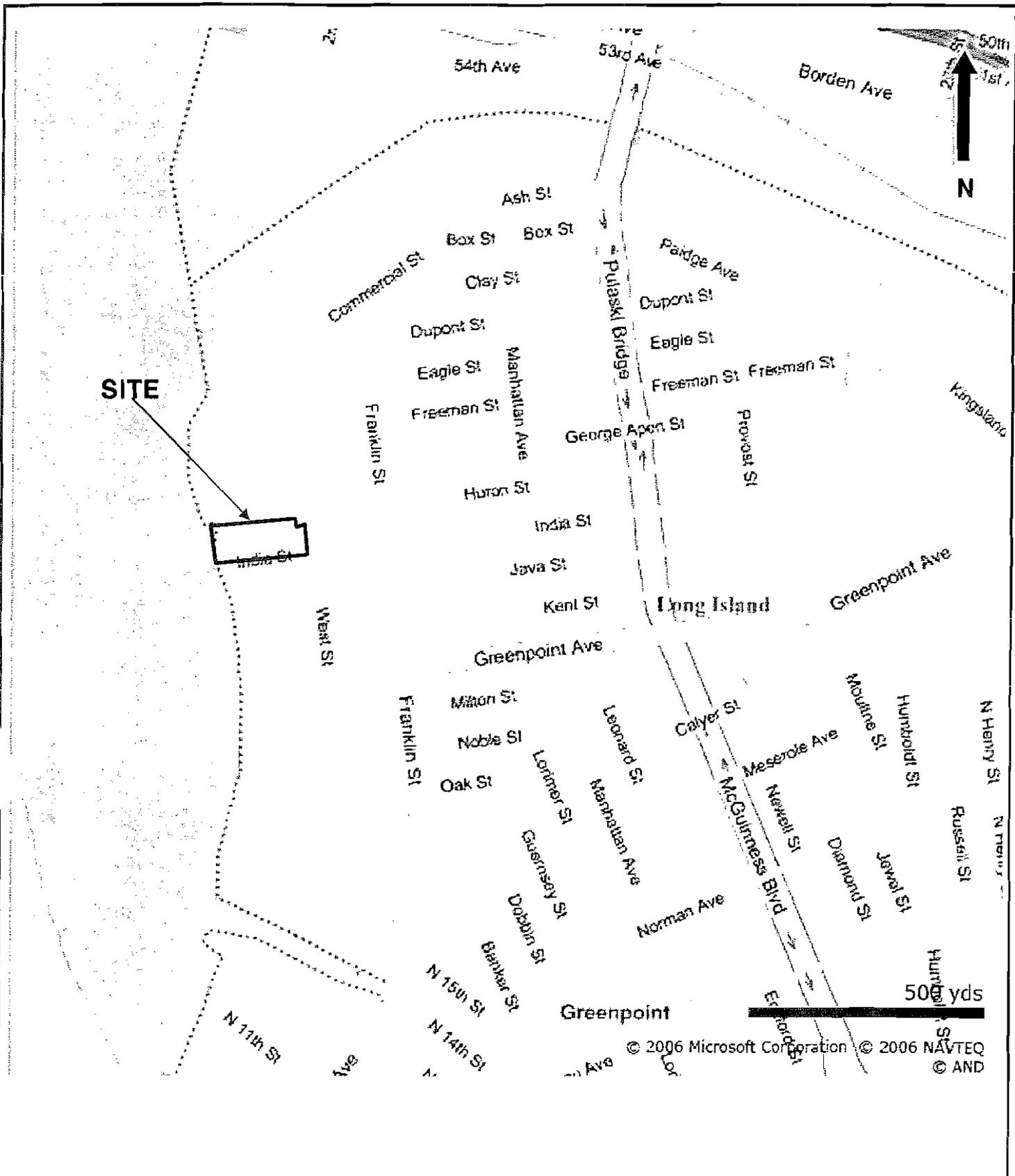


Map Ref.: USGS Topographic Map (Brooklyn Quadrangle) Site Coordinates: 40° 43' 55.00"N 73° 57' 38.00"W

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NEW HAVEN, CT • MIAMI, FL • TRENTON, NJ

USGS SITE LOCATION MAP			
155 WEST STREET WATERFRONT REHABILITATION PROJECT			
BROOKLYN		NEW YORK	
JOB NO.	DATE	SCALE	FIGURE NO.
5700205	2/1/07	1" = 2000'	1



Map Ref.: <http://maps.live.com> (Brooklyn, NY)

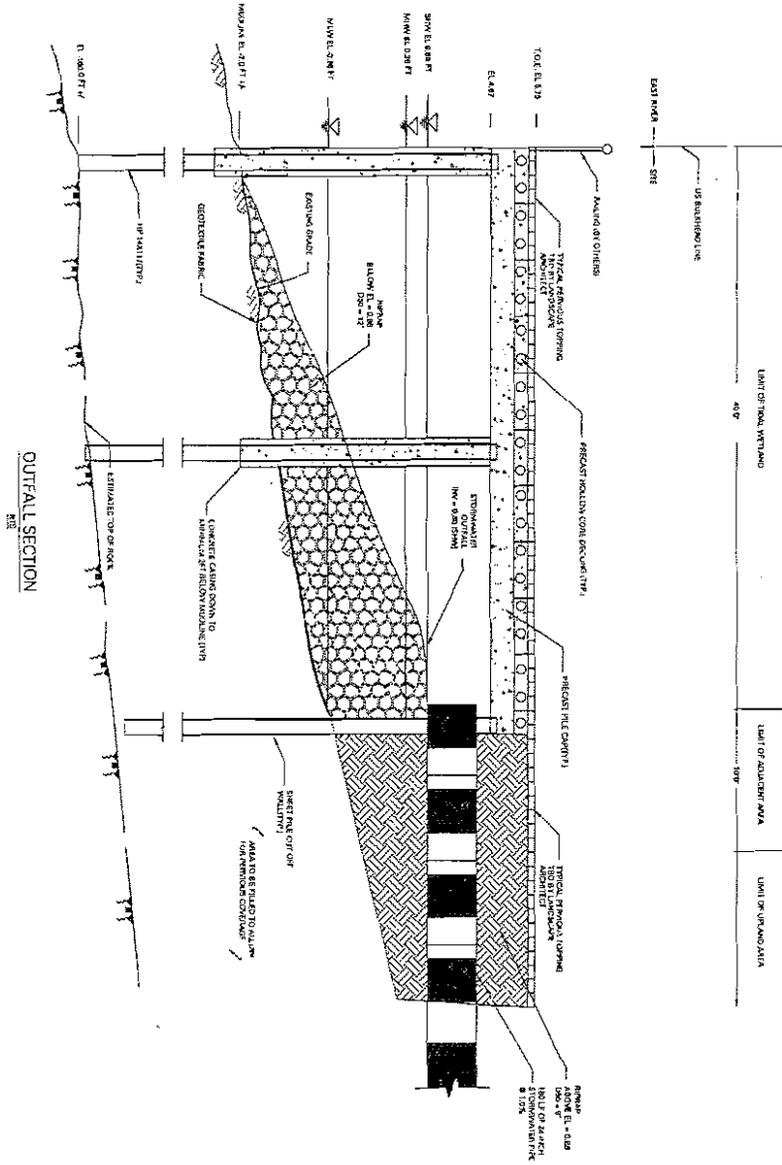
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VICINITY MAP			NEW YORK
155 WEST STREET WATERFRONT REHABILITATION PROJECT			
BROOKLYN		NEW YORK	
JOB NO.	DATE	SCALE	FIGURE NO.
5700205	2/1/07	As Shown	2

NAN-2007-1208-EJE 145 West Street LLC (RFQ)

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 145 West Street, LLC
 Figure 9 of 9



NOT FOR CONSTRUCTION

STORM
 OUTFALL
 SECTION
 C-500

PROJECT
 145 WEST STREET
 BROOKLYN, NY

145 West Street, LLC Figure 6 of 6
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ENVIRONMENTAL
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Per Deck Area
 Notes

Notes

Client: 145 WEST STREET, LLC
 235 Park Avenue South
 New York, NY

Product: 145 WEST STREET
 BROOKLYN, NY

Scale: N.T.S.
 Date: 12/20/07
 Project No: 145-07-001

145 WEST STREET
 BROOKLYN, NY



145 WEST STREET
 BROOKLYN, NY