



# 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-2007-261-EJE  
Issue Date: October 16, 2007  
Expiration Date: November 16, 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), Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 103 of the Marine Protection, Research & Sanctuaries Act of 1972, as amended (33 U.S.C. 1413).

APPLICANT: Gowanus Industrial Park, Inc.  
699 Columbia St.  
Brooklyn, NY 11231

ACTIVITY: Rehabilitation of Gowanus Industrial Park waterfront structures and maintenance dredging.

WATERWAY: Gowanus Bay

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 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.

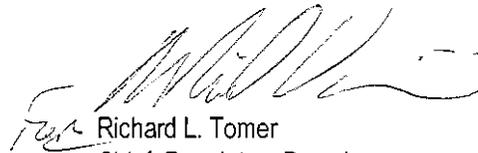
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application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

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.

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



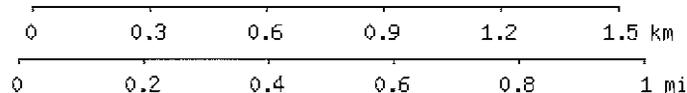
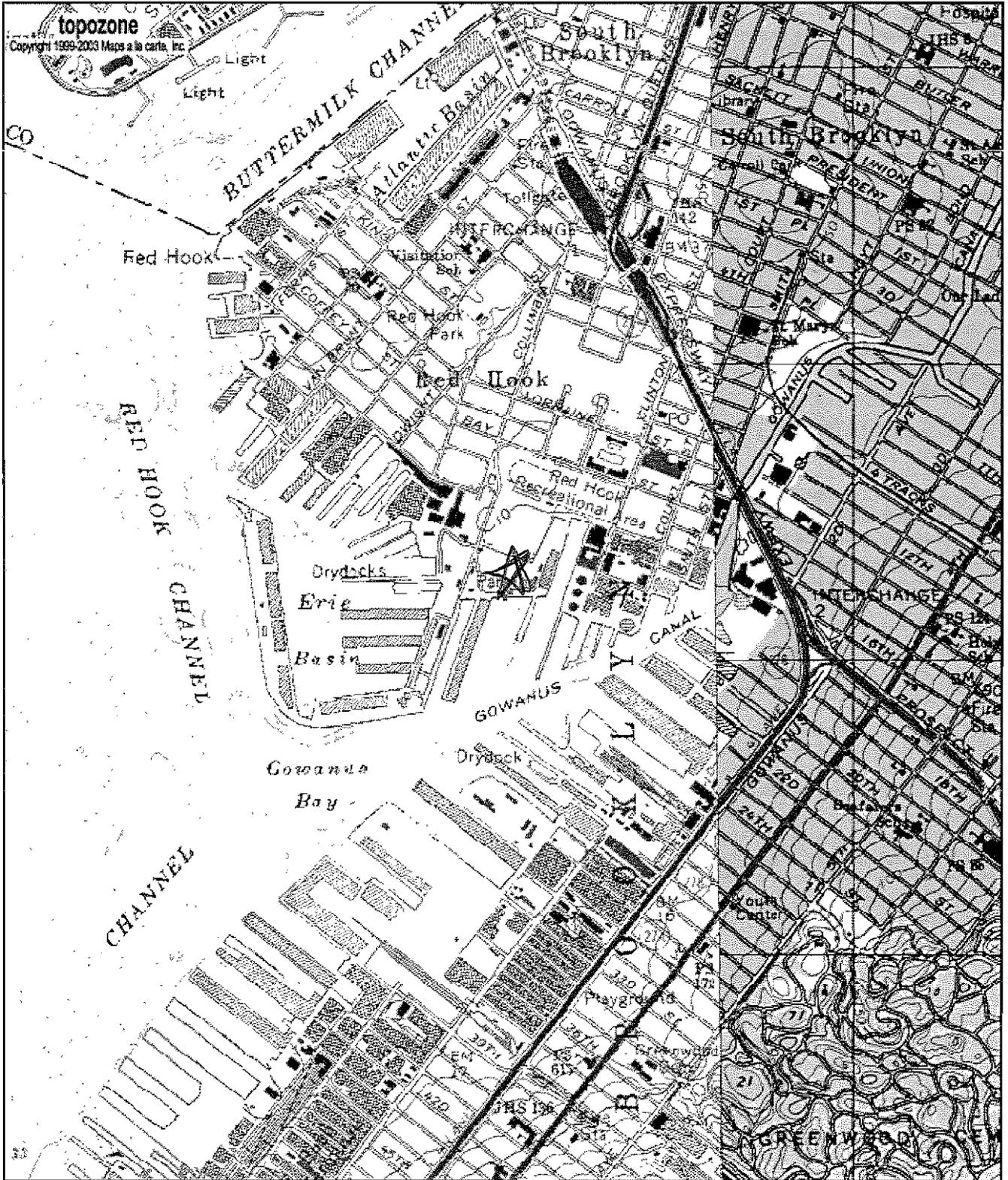
Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

## WORK DESCRIPTION

The applicant, Gowanus Industrial Park, Inc., has requested Department of the Army authorization for the rehabilitation of Gowanus Industrial Park and maintenance dredging. The proposed project includes the stabilization of the Henry Street Pier by: the installation of a fender system, mooring dolphins, and a conveyor system to allow for transfer of bulk aggregates; reconstruction of the end bent of the pier (48 feet) to the adjoining land; construction of a sheet pile wall within 18 inches of the existing Mean High Water (MHW) line along the 48-foot segment; installation of five (5) 12-inch pipe pilings; removal of the obsolete pile fender system of the pier; replacement of the diagonal and horizontal wood bracing system, timber pile posting, and timber and concrete pile top repair. Another proposed component is riprap revetments: stabilization of the low-level relieving platform along the western side of Henry Street Basin to Columbia Street with riprap revetments; approximately 1,383 linear feet of riprap would be placed at the MHW line consisting of geotextile fabric base, crushed stone (6-inch diameter) underlayer and quarry stone (2-4-foot diameter) cover, to total approximately 1,940 cubic yards of material. Furthermore, a 10-year maintenance dredge component of the project is also proposed: dredging of the eastern berth of the Henry Street Pier, an approximately 1150-foot-long by 150-foot-wide area; dredging depths would be to -33 feet Mean Low Water (MLW) with a 2-foot overdredge depth; approximately 46,295 cubic yards of dredge material would be removed and processed for upland beneficial reuse. Dredging would be accomplished by an Environmental Bucket on a pontoon crane to allow for a clean removal of sediments to scows. Dewatering may occur on-site or at a licensed permitted dredge processing facility depending on the timing of the project and dredge contractor recommendations. The proposed project occurs in Gowanus Bay, Brooklyn, Kings County, New York.

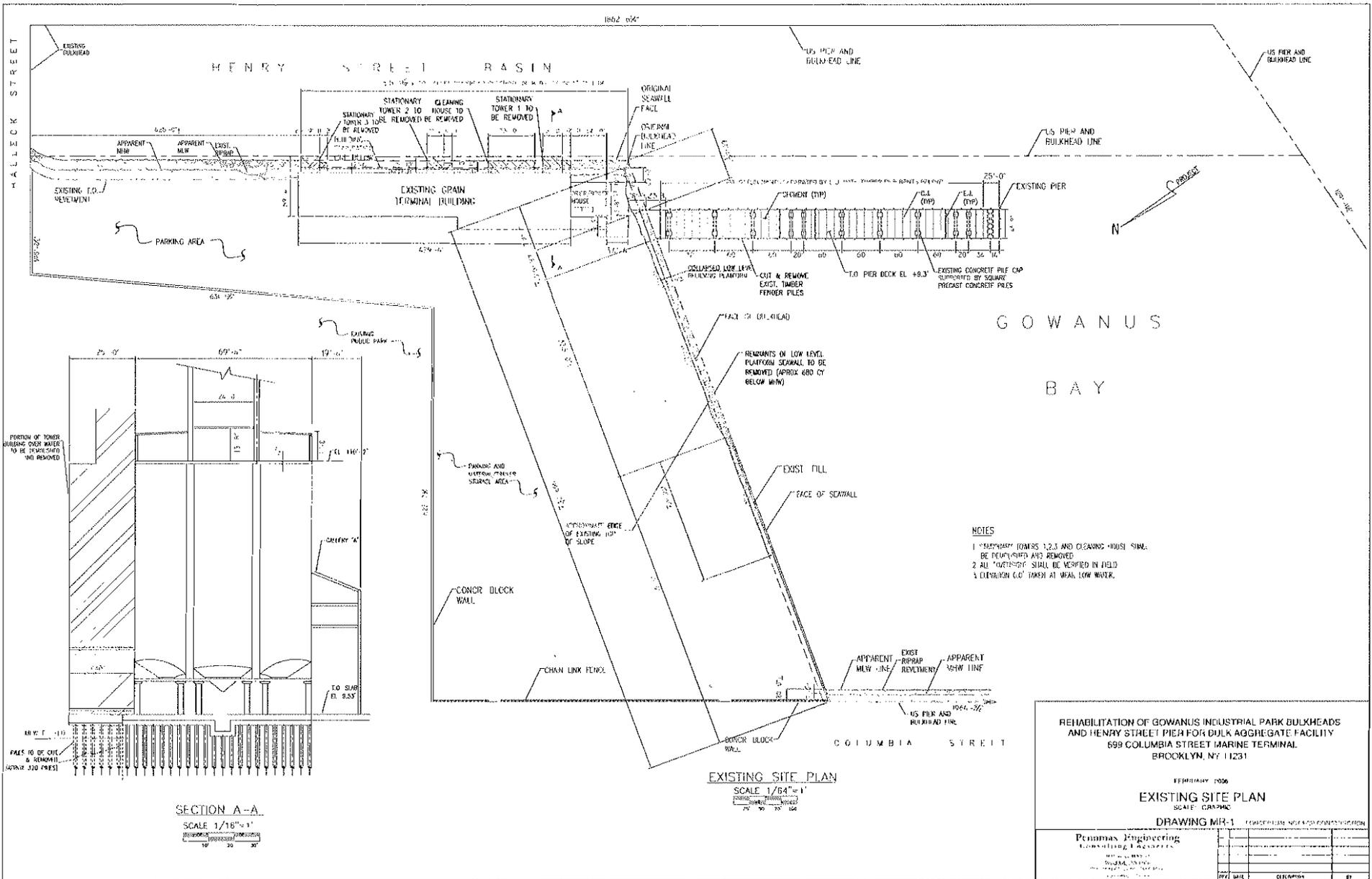
The stated purpose of this project is to rehabilitate the Gowanus Industrial Park and perform 10-year maintenance dredging.



40° 40' 07"N, 74° 00' 31"W (NAD27)  
**USGS Jersey City (NJ,NY) Quadrangle**  
 Projection is UTM Zone 18 NAD83 Datum

M = -13.381  
 G = 0.646

① 2007-261-EJE Gowanus Industria Park



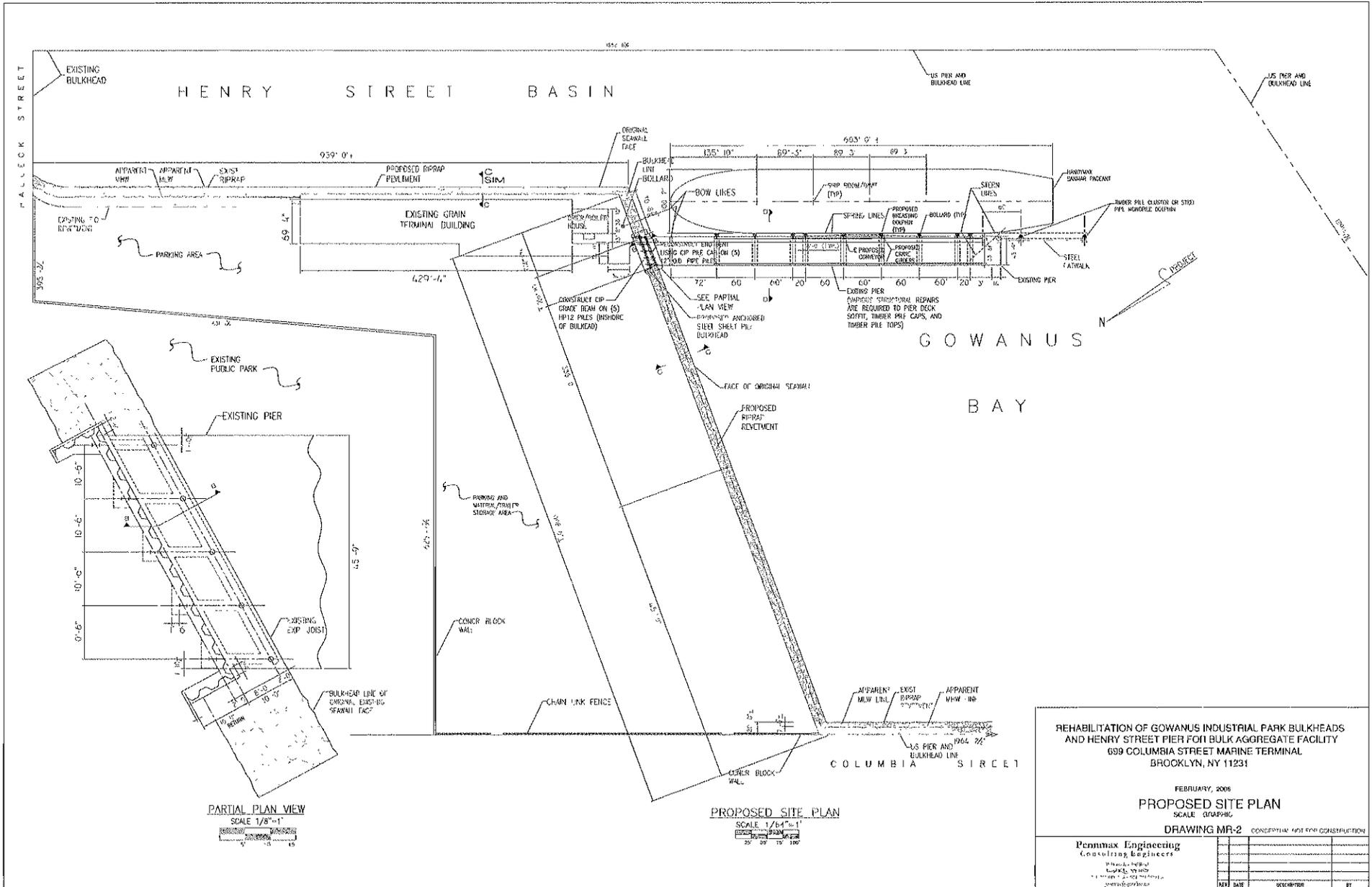
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REHABILITATION OF GOWANUS INDUSTRIAL PARK BULKHEADS AND HENRY STREET PIER FOR BULK AGGREGATE FACILITY  
699 COLUMBIA STREET MARINE TERMINAL  
BROOKLYN, NY 11231

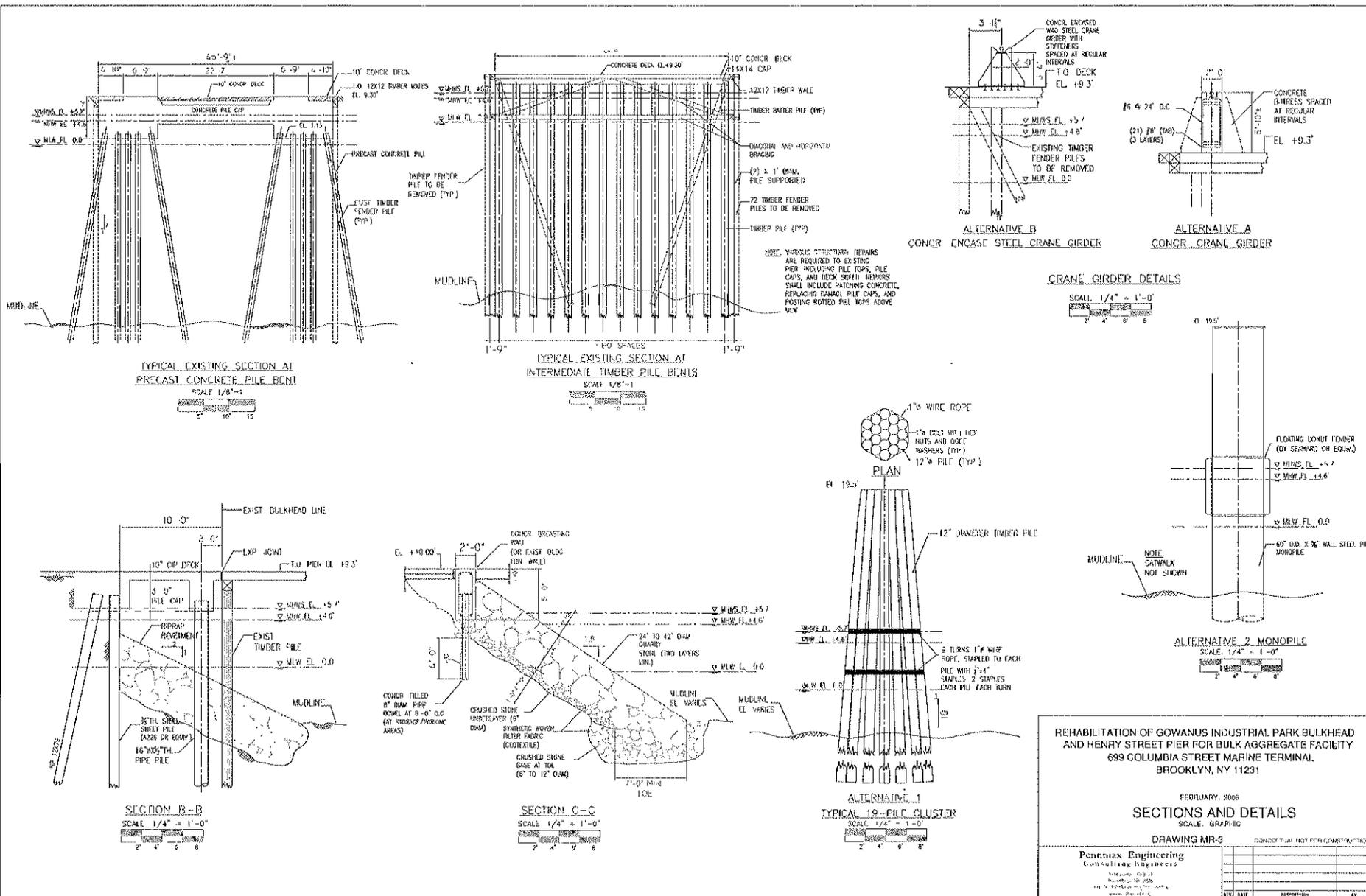
FEBRUARY 2006  
EXISTING SITE PLAN  
SCALE: GRAPHIC

DRAWING MR-1

Penimax Engineering Consulting Engineers 100 W. 11th St. Brooklyn, NY 11231 Tel: 718.631.1111	<table border="1"> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	REV.	DATE	DESCRIPTION	BY				
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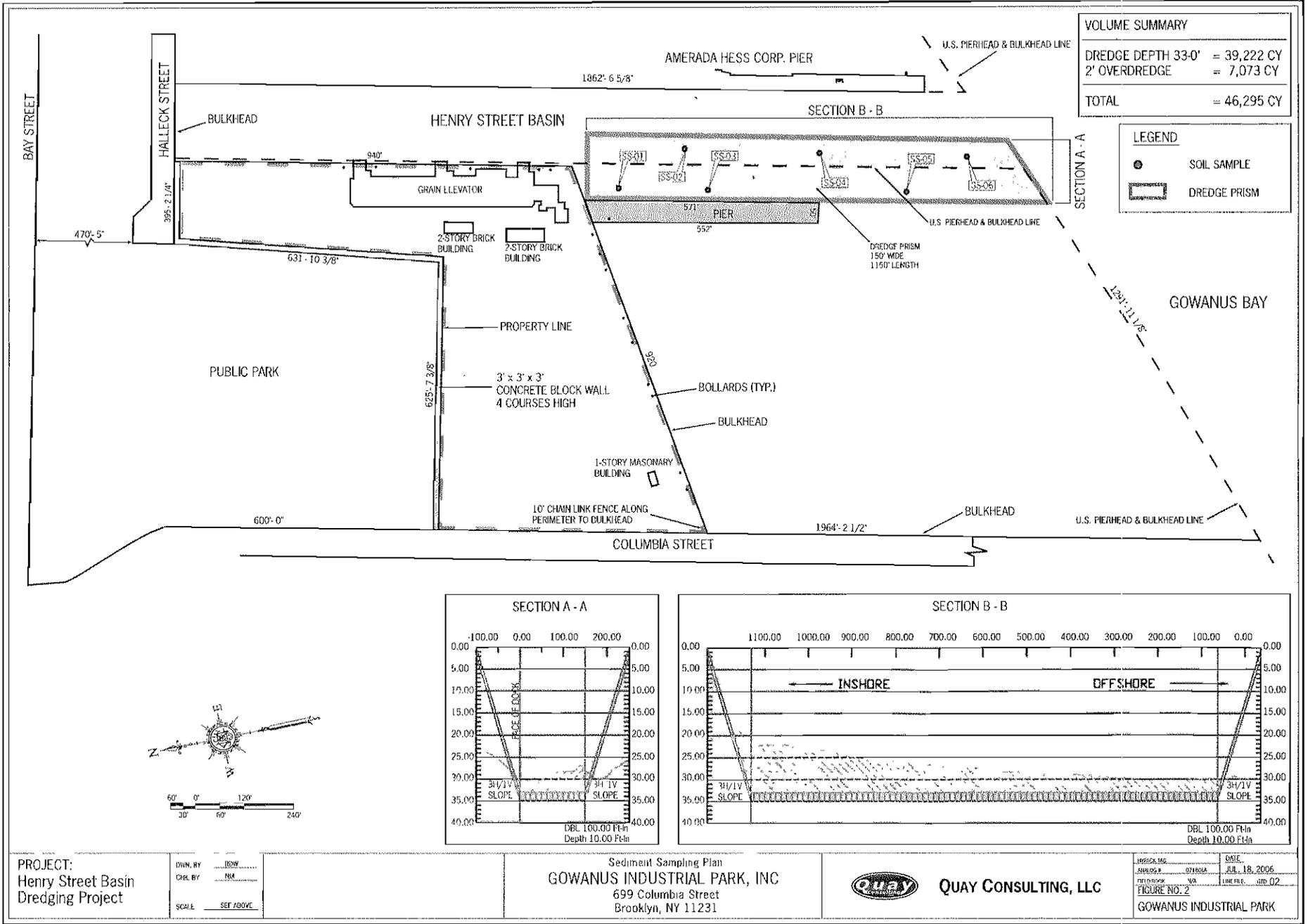
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