



**US Army Corps
of Engineers®**

New York District
26 Federal Plaza
New York, N.Y. 10278
ATTN: CENAN-OP-ST

Public Notice

In replying refer to:

Public Notice No. FLUSHING BAY AND CREEK, NY FY22

Published: 11 January 2022 Expires: 10 February 2022

FLUSHING BAY AND CREEK, NEW YORK FEDERAL NAVIGATION PROJECT MAINTENANCE DREDGING

TO WHOM IT MAY CONCERN:

The New York District, U.S. Army Corps of Engineers (the Corps), pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 (33 U.S.C. 1344) of the Federal Water Pollution Control Act (amended in 1977 and commonly referred to as the Clean Water Act), proposes to perform maintenance dredging in Flushing Bay and Creek Federal Navigation Project (see Figure #1) with subsequent placement of the dredged material at a suitable, state-permitted upland site(s).

ACTIVITY: Maintenance dredging of approximately 150,000 cubic yards (CY) of dredged material from the Flushing Bay and Creek Federal Navigation Project, with placement upland at a state-permitted site(s).

WATERWAY: Flushing Bay and Creek, NY

LOCATION: Queens, New York

Maintenance dredging of Flushing Bay and Creek Federal navigation project was authorized by the Rivers and Harbors Act of 1902 and subsequently modified by the Rivers and Harbors Act of 1935 and 1962.

The existing project provides for a bay channel 15 feet deep and 200-300 feet wide; a branch channel 15 feet deep and 200 feet wide; an anchorage basin 6 feet deep; and maneuvering areas 12 feet and 15 feet deep. The total length of the channel portion of the project is approximately 2.9 miles.

The proposed activity is to maintenance dredge the critical shoals of the Flushing Bay and Creek, NY Federal Navigation Project and adjacent areas, with a mechanical bucket dredge.

This maintenance activity is being evaluated to determine that the proposed maintenance dredging with upland placement of the dredged material at a permitted, suitable, upland placement site(s) will not unreasonably degrade or endanger human health, welfare, economic potential, recreation and aesthetics, water quality, marine resources, ecological systems, and/or flood protection.

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. Comments are used to assess impacts on navigation, water quality, endangered species, historic resources, wetlands, scenic and recreational values, and other public interest factors. Comments are used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act and to determine the need for a public hearing.

DUE TO CURRENT LOCAL CONDITIONS, AND TO ENSURE ALL COMMENTS REGARDING THIS ACTIVITY ARE RECEIVED, ALL COMMENTS SHOULD BE EMAILED TO EDWARD.WROCENSKI@USACE.ARMY.MIL BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person who has an interest which may be affected by the placement of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by the activity. It should be noted that information submitted by mail is considered just as carefully in the process and bears the same weight as that furnished at a public hearing.

No known archaeological, scientific, pre-historical or historical data are expected to be lost by work accomplished under the required dredging.

Reviews of the activity pursuant to Section 404 of the Clean Water Act will include application of the guidelines announced by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. The Corps will obtain a water quality certificate (WQC) from the New York State Department of Environmental Conservation in accordance with Section 401 of the Clean Water Act.

Pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities conducted or supported by a federal agency in a state which has a federally approved Coastal Zone Management (CZM) program, the Corps will submit a determination that the proposed project is consistent with the State CZM program to the maximum extent practicable. This activity is subject to review by the New York State Department of State for its consistency with the enforceable policies of the New York State Coastal Management Program. The New York District of the U.S. Army Corps of Engineers has determined that the proposed activities are consistent to the maximum extent practicable within the applicable policies of the New York State CZM program. A copy of this determination will be provided to the New York State Department of State, Office of Coastal, Local Government and Community Sustainability. Additional information regarding the Corps of Engineers' consistency determination may be obtained by contacting the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review, One Commerce Plaza, 99 Washington Avenue - Suite 1010, Albany, New York 12231.

In compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments), an Essential Fish Habitat Assessment will be prepared and submitted to the National Marine Fisheries Service for review and comment.

The proposed work is being coordinated with the following Federal, State and local agencies:

- U.S. Environmental Protection Agency
- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Coast Guard, First District
- New York State Department of Environmental Conservation
- New York State Department of State

If you have any questions concerning this notice, please contact Mr. Edward Wrocenski, Project Manager at (917) 790-8636, or edward.wrocenski@usace.army.mil.

DESCRIPTION OF PLANNED ACTION:

The U.S. Army Engineer District, New York proposes to perform maintenance dredging of Flushing Bay and Creek Federal Navigation Channel. This channel was last dredged in 2015 with the removal of approximately 135,000 cubic yards of dredged material and placement at suitable, State-permitted upland placement sites.

The proposed maintenance dredging would involve the removal of approximately 150,000 cubic yards of material to a depth of 15 feet plus 2 feet of allowable overdepth in specified areas. Placement of the dredged material is proposed to be at a suitable contractor-furnished, state-permitted upland placement site(s). Maintenance dredging of the channel will be accomplished by a mechanical dredge with an environmental bucket. The entire channel will generally not require maintenance dredging, only areas where shoaling has reduced the depth of the channel will require dredging.

The purpose of the proposed dredging is to alleviate the effects of the shoaling and restore the authorized navigation channel project dimensions, thereby assuring safe and economical use of Flushing Bay and Creek by shipping interests, while providing upland beneficial use of the dredged material. The dredged material would be placed at a suitable, state-permitted upland site(s).

The maintenance dredging and upland placement is anticipated to occur between October and January.

ENVIRONMENTAL IMPACT STATEMENT:

An Environmental Impact Statement (EIS) was prepared by the U.S. Army Engineer District, New York in April 1973. An Environmental Assessment (EA) updating this EIS was last prepared by the New York District for a similar maintenance dredging project in 2015. It was determined that the maintenance dredging project had no significant adverse environmental impacts on water quality, marine resources, fish, wildlife, endangered species, recreation, aesthetics, and flood protection.

An update of the EA and a 404 (b) evaluation, as required by the Clean Water Act 40 CFR 230 will be prepared prior to the implementation of the proposed maintenance dredging work.

PLACEMENT SITE:

The dredged material will be transported by scows to a suitable upland placement site(s) furnished by the contractor, permitted by the state, and approved by the government. The dredged material will be required to meet all federal, state and local criteria required by the government agencies having jurisdiction where the placement site is located. All necessary permits required for the dredged material placement will be obtained by the contractor.

MATERIAL DESCRIPTION:

Results of grain size analyses performed on samples taken from the shoals in 2020 indicate that the proposed dredge material is mostly silt and clay.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice. For more information on New York District Corps of Engineers programs, please visit our web site at <http://www.nan.usace.army.mil>.



Randall G. Hintz
Chief, Operations Support Branch

Figure 1.

