

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-2017-00717-EGR
Issue Date: August 25, 2017
Expiration Date: September 18, 2017

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, New York 10038

ACTIVITY: Ten-year maintenance dredging of Owl's Head Waste Water Treatment Plant with subsequent disposal of all resultant dredged material at a State-approved upland disposal facility.

WATERWAY: Bay Ridge Channel

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.

*****PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE*****

**CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2017-00717-EGR**

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.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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

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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.

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, One Commerce Plaza, 99 Washington Avenue, 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) 790-8522 and ask for Andrew Gregory or via e-mail at andrew.gregory@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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


For and In behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

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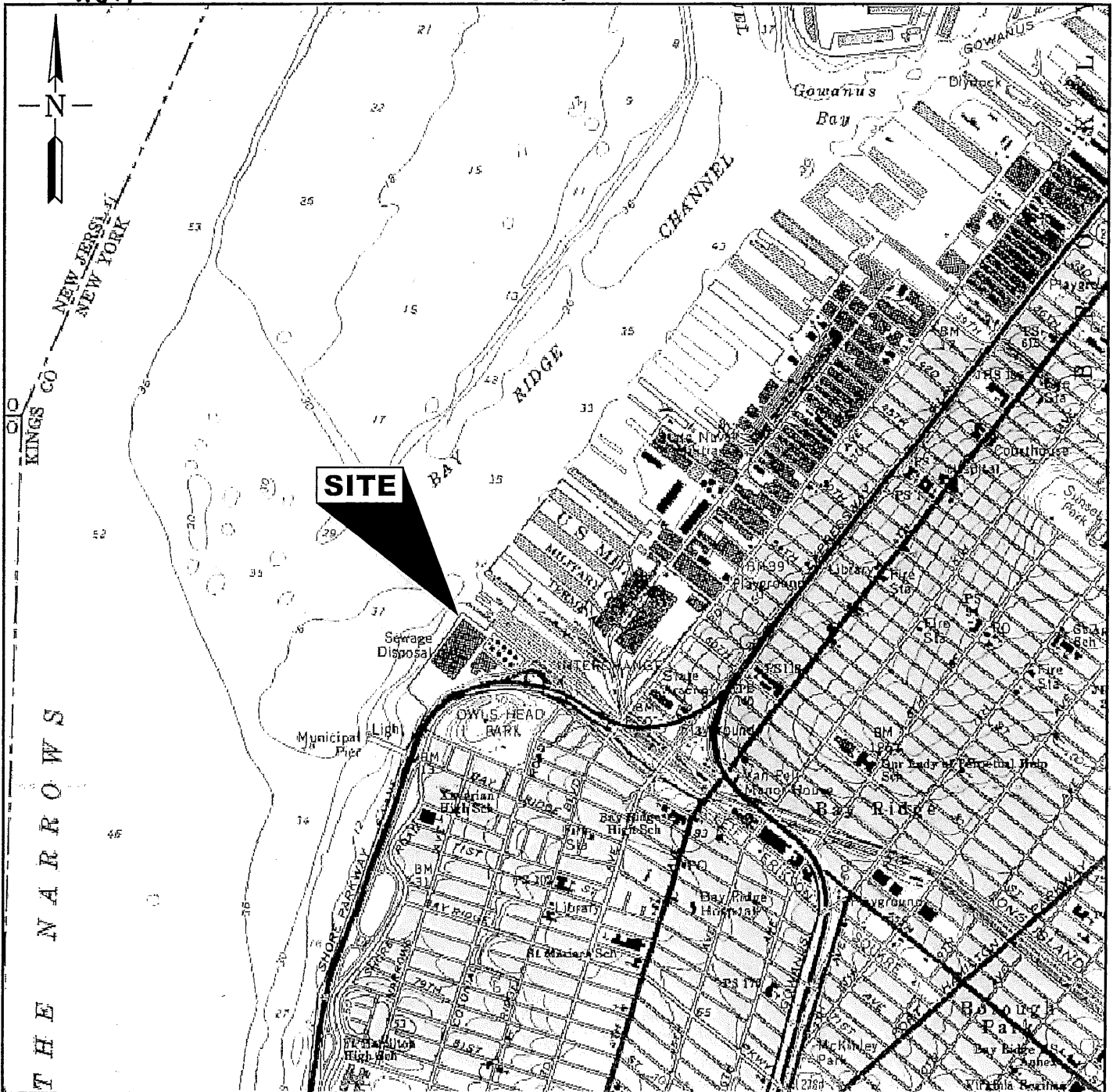
WORK DESCRIPTION

The applicant, New York City Economic Development Corporation, has requested Department of the Army authorization for ten-year maintenance dredging with disposal of resulting dredged material at a State-approved upland facility. The location of the work is at 6700 Shore Road, Owl's Head Waste Water Treatment Plant in the Bay Ridge Channel, Borough of Brooklyn, Kings County, New York.

The proposed dredging area is located at the north berth along a low level relieving platform of the waste water treatment plant over an area of 40,420 square feet. The initial dredging event includes dredging approximately 15,000 cubic yards of material to a depth of 18-feet below the plane of Mean Low Water (MLW) with two (2) feet over depth. All proposed work is to be performed via water by mechanical environmental clamshell bucket and, if dense sand, gravel or rock is encountered, an open clamshell bucket or excavator. Dredged material will be placed into sealed scows and held allowing sediments to settle. Excess decanted water to be returned back to dredging site or at waterbody of approved dredge material processing facility. Tugboats will transport loaded barges via navigation channels for placement of dredged material at a State-approved upland disposal. No barge overflow is being proposed.

The applicant plans to conduct four (4) additional dredging events within the ten-year maintenance period resulting in approximately 50,000 cubic yards of dredge material. Each dredging event will require an approximate duration of less than one (1) month to complete.

The stated purpose of this project is to continue providing safe navigation and mooring of vessels at the north berth of the Owl's Head Waste Water Treatment Plant.



TAKEN FROM USGS MAP
 JERSEY CITY QUADRANGLE
 NEW JERSEY-NEW YORK
 7.5 MINUTE (TOPOGRAPHIC)

VICINITY MAP

0 1000 2000 4000 FEET



SCALE

FOR PERMIT USE ONLY
 NOT FOR CONSTRUCTION

DATUM: NAVD88

APPLICATION BY: NEW YORK ECONOMIC
 DEVELOPMENT CORPORATION

APPLICATION NO.:

AGENT: OCEAN & COASTAL
 CONSULTANTS ENGINEERING, P.C.

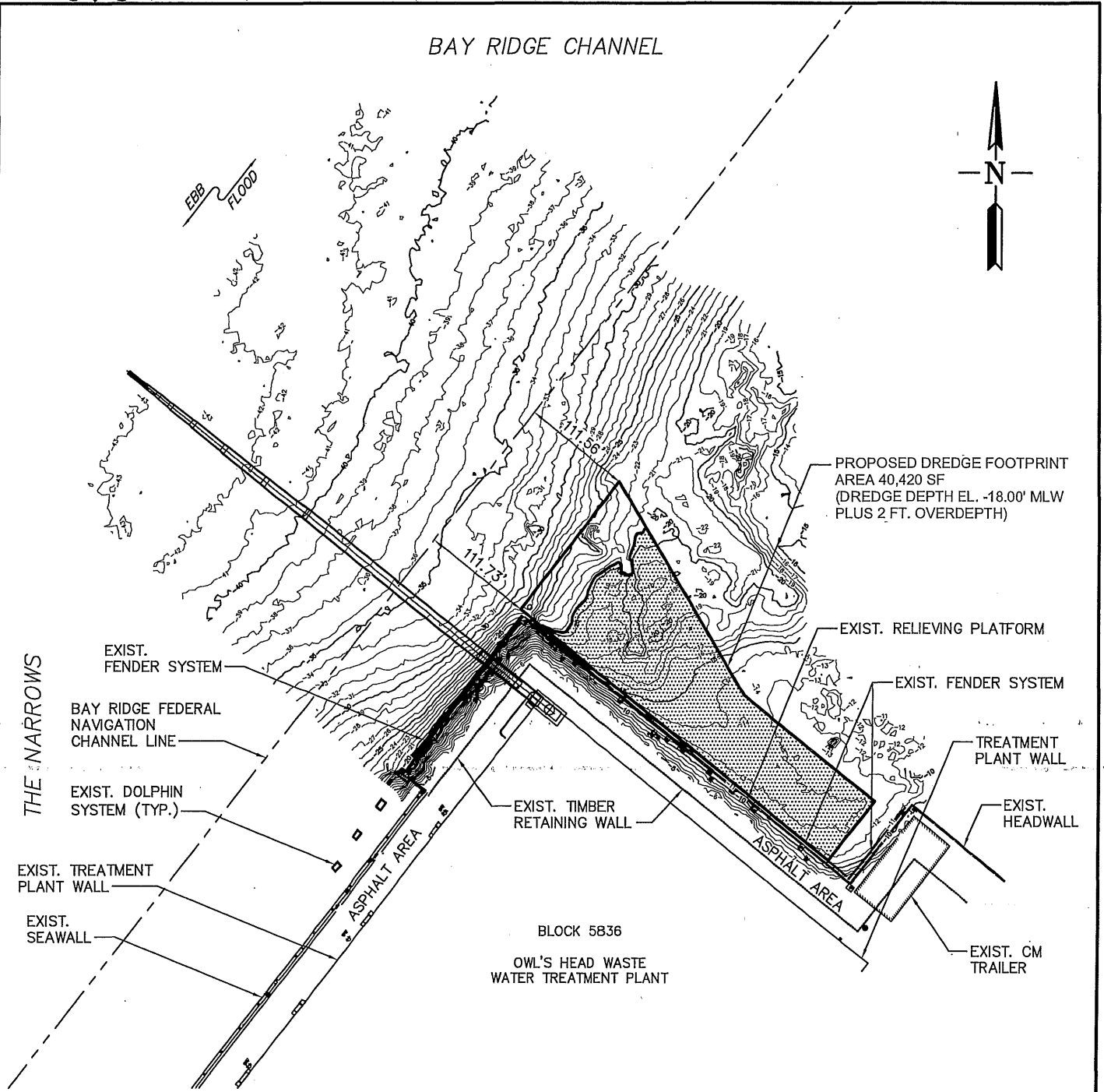
PROPOSED MAINTENANCE DREDGING
 AT OWL'S HEAD WWTP

THE NARROWS & BAY RIDGE CHANNEL
 BAY RIDGE, BROOKLYN
 KINGS COUNTY
 STATE OF NEW YORK

DATE: 4/21/17

SHEET 1 OF 7

BAY RIDGE CHANNEL



PLAN VIEW WITH PROPOSED DREDGING LIMIT

0 150 300 FT.



SCALE 1"=150'-0"

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REV. 2 7/17/2017

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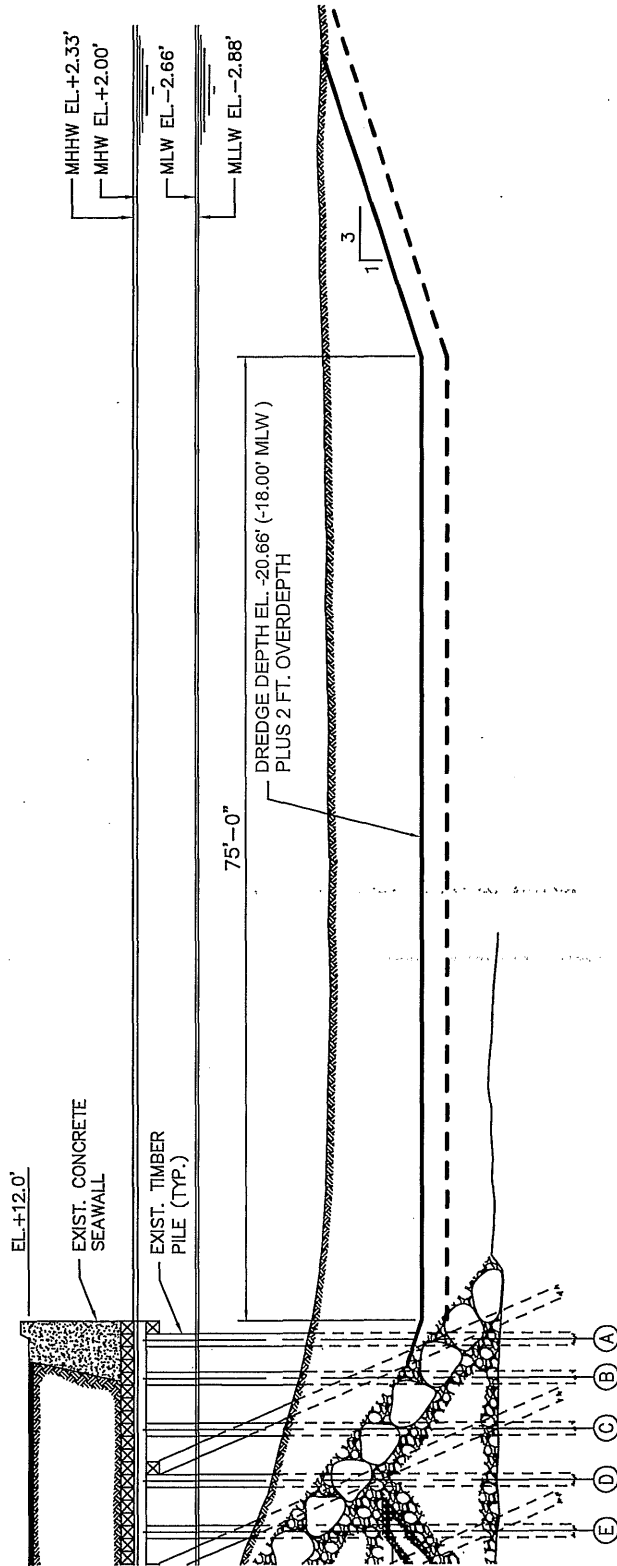
AGENT: OCEAN & COASTAL
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AT OWL'S HEAD WWTP

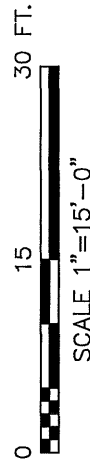
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BAY RIDGE, BROOKLYN
KINGS COUNTY
STATE OF NEW YORK

DATE: 4/21/17

SHEET 5 OF 7



TYPICAL SECTION AT BENTS 35 TO 62



REV. 1 7/17/2017

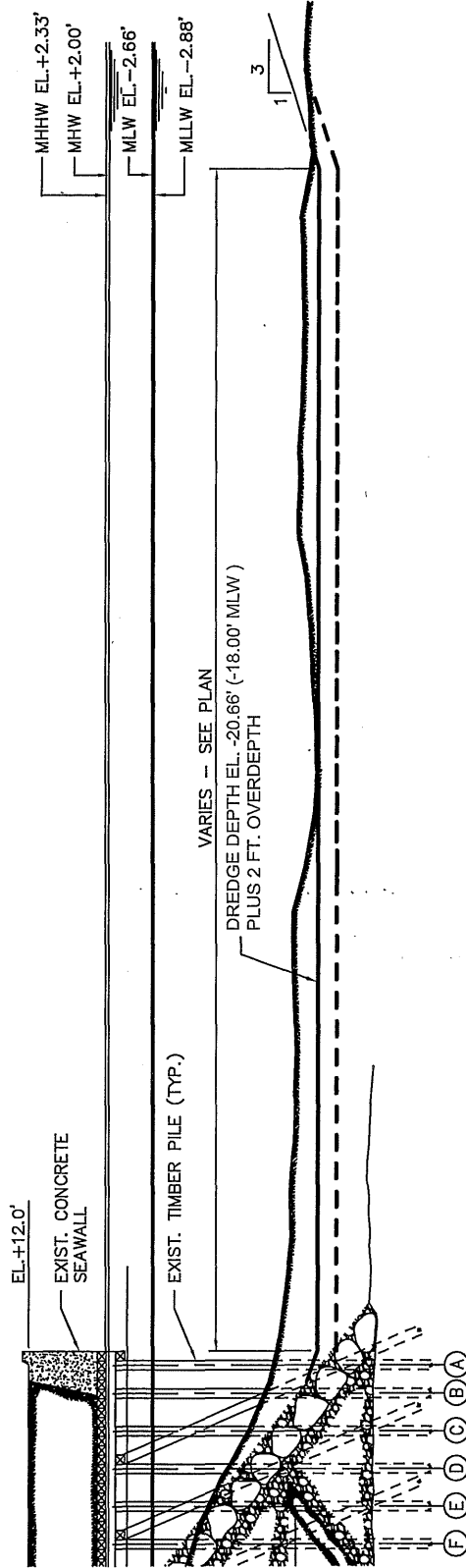
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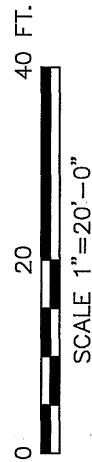
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SHEET 6 OF 7



TYPICAL SECTION AT BENTS 62 TO 103



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REV. 1 7/17/2017

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 APPLICATION NO.:
 AGENT: OCEAN & COASTAL CONSULTANTS ENGINEERING, P.C.

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SHEET 7 OF 7