



# 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-2017-01465-EME  
Issue Date: April 20, 2018  
Expiration Date: May 20, 2018

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## 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).

**APPLICANT:** New York City Department of Parks and Recreation  
Olmsted Center, 117-02 Roosevelt Avenue  
Flushing, NY 11368

**ACTIVITY:** Permanent mooring of the "Floating Pool" and spud barge to provide recreational swimming opportunities in the South Bronx/Hunts Point.

**WATERWAY:** East River

**LOCATION:** Barretto Point Park, Borough of Bronx, Bronx 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.

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

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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 shading from the permanently moored vessel. The New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because transient nature of the species, their mobility, and because the activity is confined solely to the project area. Further consultation with NOAA/FS 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, 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 coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

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- 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 (970) 970-0428 and ask for Lisa Grudzinski.

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

**WORK DESCRIPTION**

The applicant, New York City Department of Parks and Recreation, has requested Department of the Army authorization for permanent mooring of the "Floating Pool" and breasting barge in the East River, at Barretto Point Park, Borough of Bronx, Bronx County, New York.

The work would involve the following:

The Floating Pool and associated breasting barge would be permanently moored (year-round) at Barretto Point Park. The Floating Pool was previously moored in this same location on a seasonal basis from approximately June 30 to October 15 of each year, since 2008 (ten years). In total, the Floating Pool, breasting barge, and gangways would cover an over-water area approximately 0.584-acres (25,460 square feet) in size.

The Floating Pool is a U.S. Coast Guard certified vessel (barge), 80-feet wide and 260-feet long, which has been modified to include a seven lane, 25-meter recreational swimming pool and ancillary facilities to support public use of the pool. The Floating Pool would be accessed from Barretto Point Park via two (2) ADA compliant gangways, six (6) to seven (7) feet wide and 140-feet long, anchored to existing permanent concrete platforms on the shoreline. Utility lines, including sewer, potable water, and electric, would be run through hoses attached to the bottom of the gangways and extend from the shoreline to the Floating Pool.

Once moored, the Floating Pool would extend approximately 350-feet seaward of the mean low water (MLW), to the edge of the Federal Navigation Channel. The East River is approximately 2,350-feet wide in this location. The draft of the Floating Pool, with the pool full, is approximately four-feet, six-inches. The minimum required water depth is six-feet at MLW. At the point closest to the shore, the water depth beneath the Floating Pool would be approximately three-feet, seven-inches at MLW.

The Floating Pool would be anchored in place using six (6) 15-ton fluke anchors embedded into the bottom sediment and attached to the Floating Pool using steel wire anchor lines. The anchors are currently in place, due to the history of seasonal mooring. Two (2) anchors extend an additional 176-feet seaward of the Floating Pool (a total of 526-feet from MLW), into the federal navigation channel. A total of three (3) anchors (and wires) are located within the federal navigation channel, as well as one marker buoy. Anchors could be removed, as needed (e.g. maintenance of federal channel, etc.). For reinstallation, the anchors would be deployed with a heavy lift floating crane and a 5,000 sinker weight; no drilling, digging, jetting, or hammering would be required.

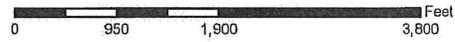
The associated breasting barge is 90-feet wide by 30-feet long, held in place with two 36-inch diameter spud piles. The spuds would be lowered into the mud and set under their own weight; no drilling, digging, jetting, or hammering would be required. The depth of the water underneath the breasting barge is approximately seven-feet, one-inch at MLW.

The stated purpose of this project is to address the lack of public swimming facilities in the South Bronx.

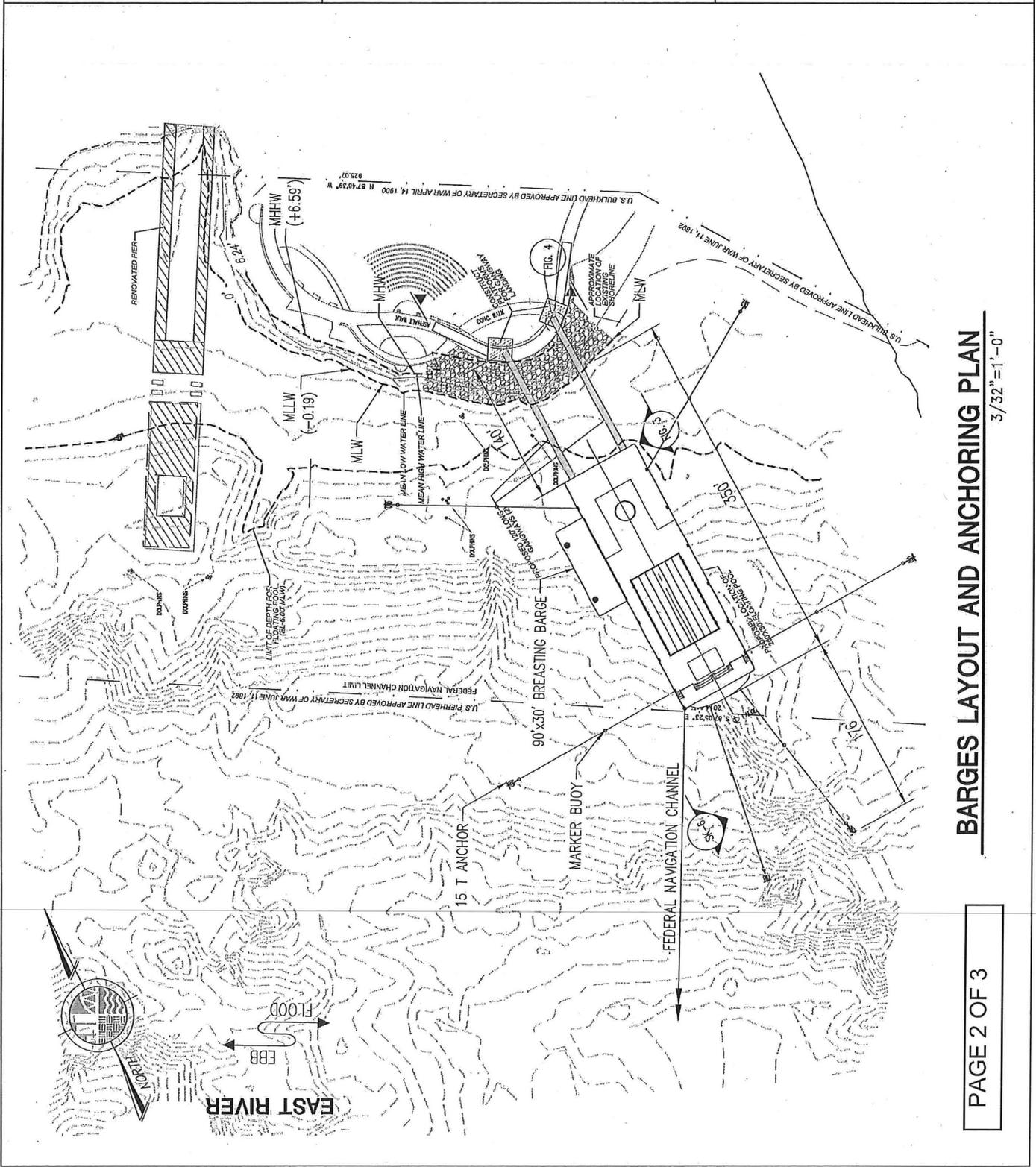


**Floating Pool EAS  
Project Location Map**

NYC Parks

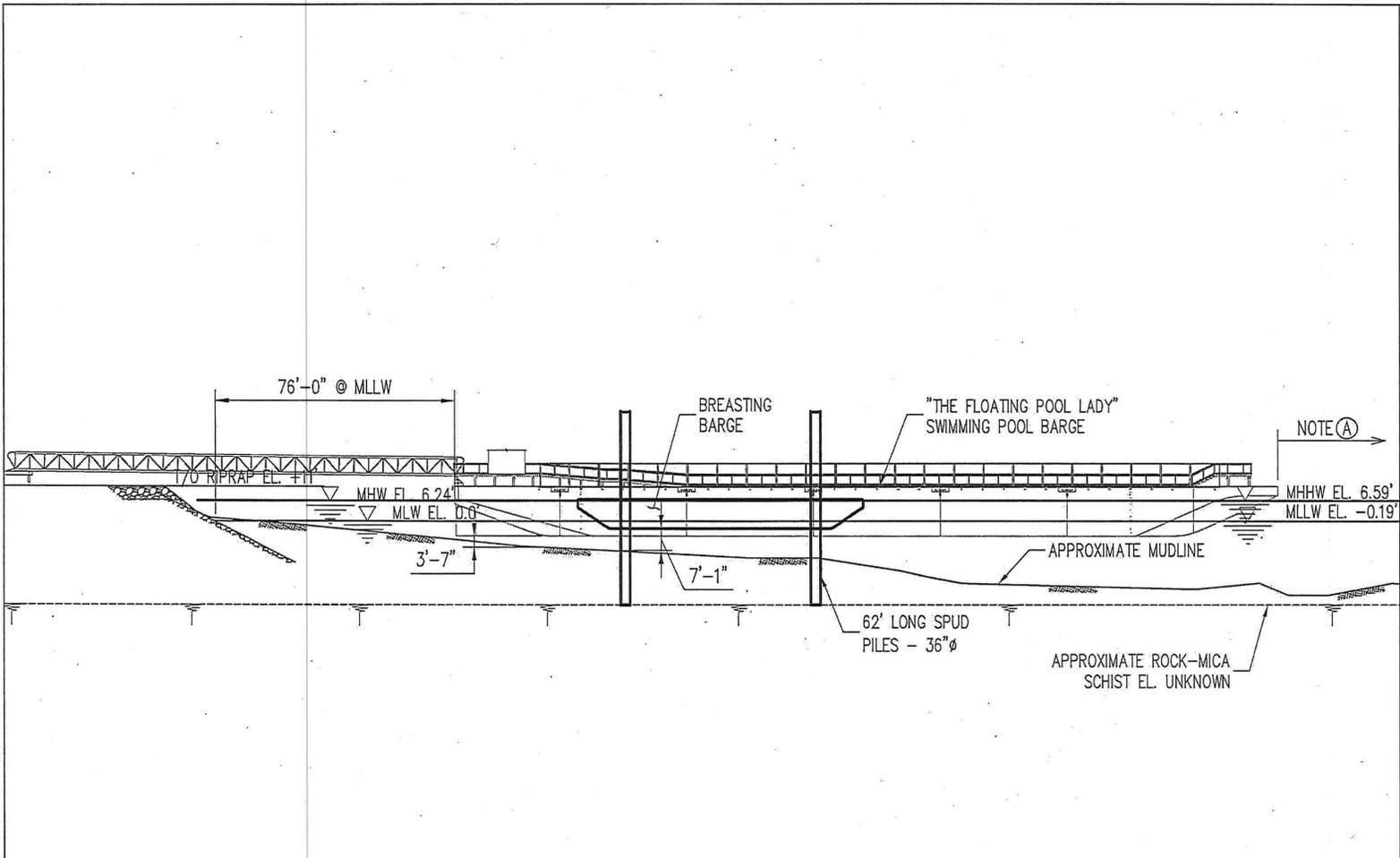


<p>IN: BRONX, NY          AT: EAST RIVER          COUNTY OF: BRONX STATE: NY</p> <p>SHT 1 OF 6          10/12/17</p>	<p><b>FLOATING POOL          AT BARRETTO POINT PARK</b></p> <p>APPLICANT: CITY OF NEW YORK          PARKS AND RECREATION          OLMPSTED CENTER          FLUSHING MEADOWS CORONA PARK          QUEENS, NY 11368          AGENT: M.G. McLAREN, P.C.          100 SNAKE HILL ROAD          WEST NYACK, N.Y. 10994</p>	<p>PURPOSE: BARGE ANCHORAGE</p> <p>DATUM: MLW</p>
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**BARGES LAYOUT AND ANCHORING PLAN**

3/32" = 1'-0"



**A BREASTING BARGE SECTION**  
SK-6

- NOTE (A):
- a. DISTANCE TO US PIERHEAD LINE IS 1 FT.
  - b. DISTANCE TO FEDERAL NAVIGATION CHANNEL IS 1 FT.
  - c. THE PIERHEAD LINE AND NAVIGATIONAL CHANNEL SHARE THE SAME BOUNDARY.
  - d. POOL BARGE TO MUDLINE = 3'-7" TO MLLW
  - e. BREASTING BARGE TO MUDLINE = 7'-1" TO MLLW

PURPOSE: BARGE ANCHORAGE  DATUM: MLW	FLOATING POOL AT BARRETTO POINT PARK APPLICANT: CITY OF NEW YORK PARKS AND RECREATION OLMSTED CENTER FLUSHING MEADOWS CORONA PARK QUEENS, NY 11368 AGENT: M.G. McLAREN, P.C. 100 SNAKE HILL ROAD WEST NYACK, N.Y. 10994	IN: BRONX, NY AT: EAST RIVER COUNTY OF: BRONX STATE: NY  SHT 6 OF 6 10/12/17
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