



# 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-2018-01072-ESW

Issue Date: November 21, 2018

Expiration Date: December 06, 2018

**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).

**APPLICANTS:** Hornblower New York, LLC.  
Attn: Steven Rosenbloom  
353 West Street, Pier 40  
North Side  
New York, New York 10014

Hudson River Park Trust  
Attn: Ms. Noreen Doyle,  
Executive Vice President  
Pier 40, 2nd Floor, 353 West Street  
New York, New York 10014

**ACTIVITY:** Maintain as Existing, Seven Mooring Piles with Mooring Fenders

**WATERWAY:** Hudson River

**LOCATION:** IN the Hudson River, On West Side of Existing Pier 40, Hudson River Park, Borough of Manhattan, New York 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 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 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.

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.

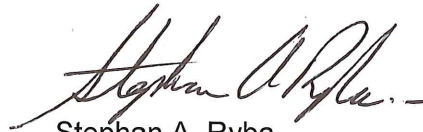
The applicant has obtained the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation on September 11, 2018, number 2-6299-00004/00087 (Tidal Wetlands), and 00088 (Water Quality Certification).
- New York State Department of State on September 14, 2018, number F-2018-0846.

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) 790-8618 and ask for Amanda Regan.

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>.

A handwritten signature in black ink, appearing to read "Stephan A. Ryba", with a horizontal line extending from the end of the signature.

Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures



## **WORK DESCRIPTION**

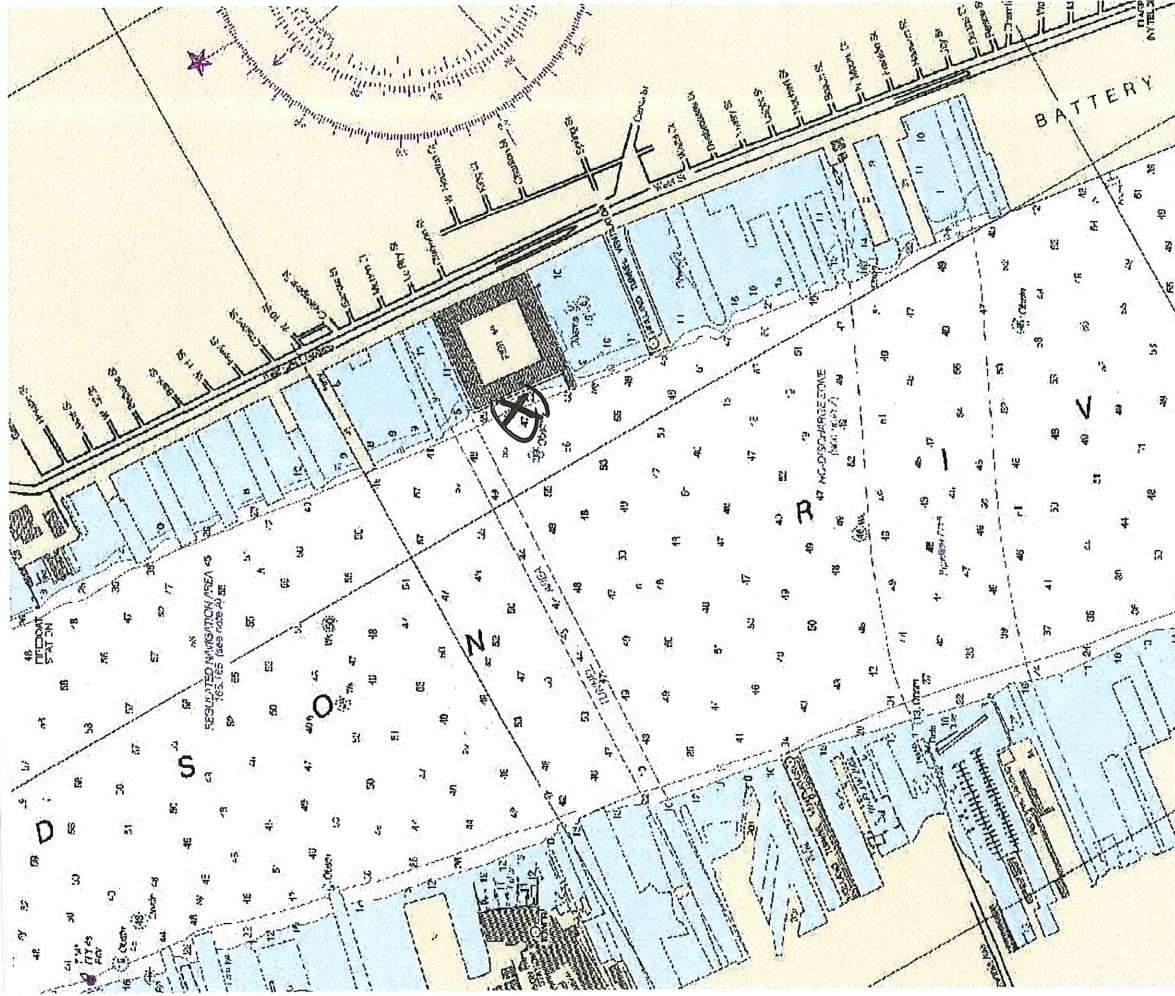
The permittee/applicant, Hudson River Park Trust and Hornblower New York, LLC., have requested Department of the Army After-The-Fact authorization to complete construction of seven (7) 30-inch-diameter steel mooring monopole piles with floating donut mooring fenders in the Hudson River, on the west side of the existing Pier 40, Hudson River State Park, Borough of Manhattan, New York County, New York. Pier 40 is located at the foot of West Houston Street as depicted on the attached application drawings. This mooring system would extend a distance westward into the river of five (5) feet from the western face of the existing Pier 40.

The seven (7) monopole piles have not yet been driven to full depth. The work has been stopped. The permittee/applicant/violators report that a total of approximately sixty (60) minutes of additional pile vibration installation work over the course of three (3) days is required to vibrate the piles down to full depth with a vibratory hammer. Continuous vibration time for each of the seven piles is between five and eight minutes each. After the piles have been vibrated to the required depth, the five-foot-diameter floating donut mooring fender would be lowered over the top of each steel pile.

The permittee's/applicant's stated purpose for the seven (7) mooring piles is to have alternate mooring structures so that the existing Hornblower fleet vessels do not moor in their standard location on the north side of Pier 40 while Pier 40 substructure pilings are being repaired from the north side of the pier over the next few years. The Hudson River Park Trust received Department of the Army authorization on April 18, 2018 to repair the deteriorating 3,462 timber piles that support Pier 40, and that permitted repair work has begun.

The floor of the Hudson River Federal Navigation Channel operated and maintained by the U.S. Army Corps of Engineers, and used daily by deep-draft ocean-going vessels is approximately 125 feet from the western face of the existing Pier 40, where the existing Hornblower vessels would be moved to from their current berths on the north side of Pier 40.

The required New York State Department of Environmental Conservation permit was issued before the regulated work began.



PURPOSE: PIER 40 MONOPILE FENDERING  
DATUM: NAVD88  
NAN-2018-01072

TMS WATERFRONT  
AGENT: 181 WESTCHESTER AVE #409  
PORT CHESTER NY 10573

VICINITY PLAN  
BLOCK 656 LOT 1 NEW YORK COUNTY

AT: MANHATTAN  
IN: HUDSON RIVER  
COUNTY OF: NEW YORK STATE: NY  
APPLICANT: HORNBLOWER NEW YORK

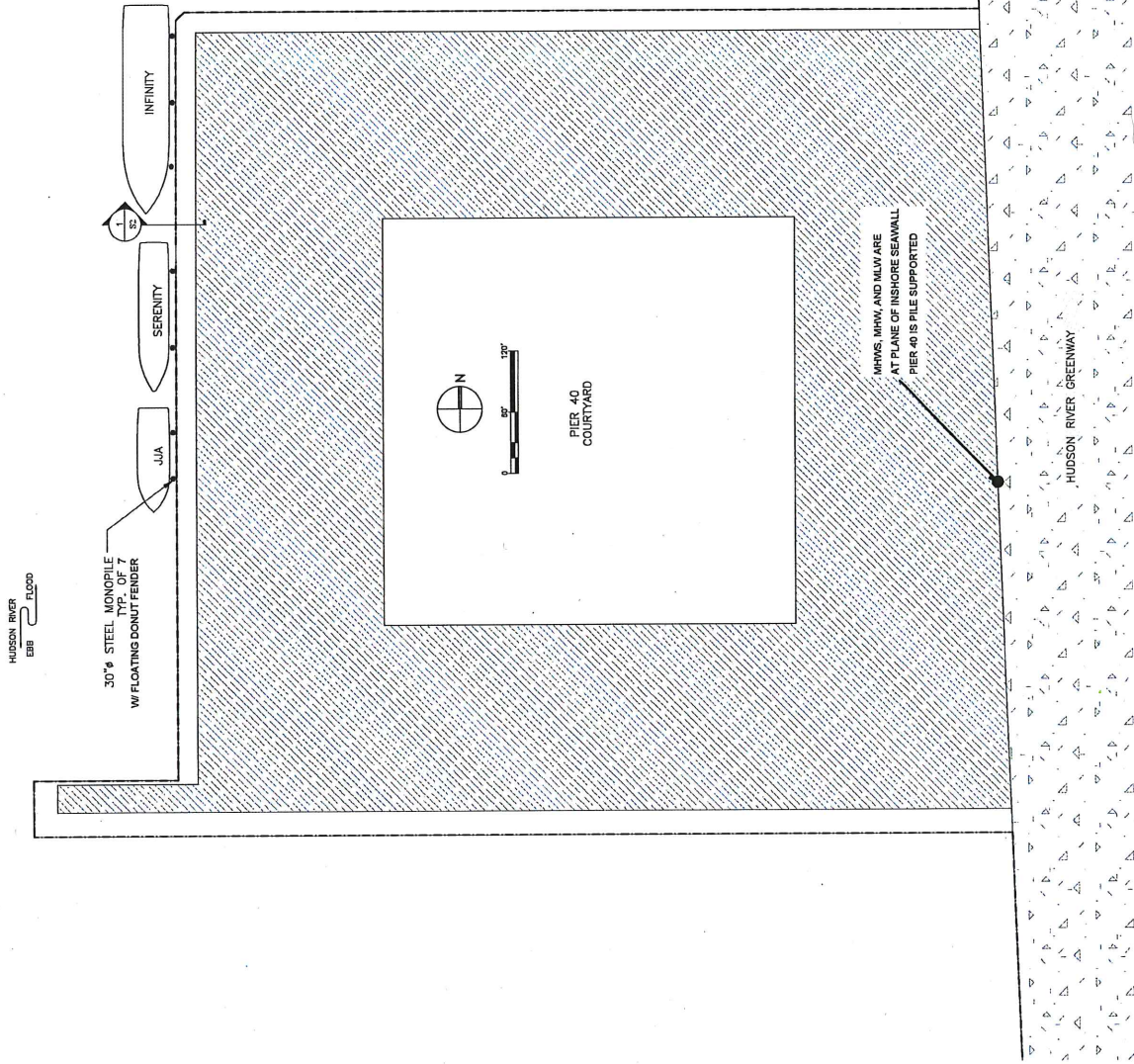
APPLICANT:  
HORNBLOWER NEW YORK, LLC  
353 WEST STREET PIER 40  
NORTH SIDE  
NY, NY 10014

DATE: 11-20-18

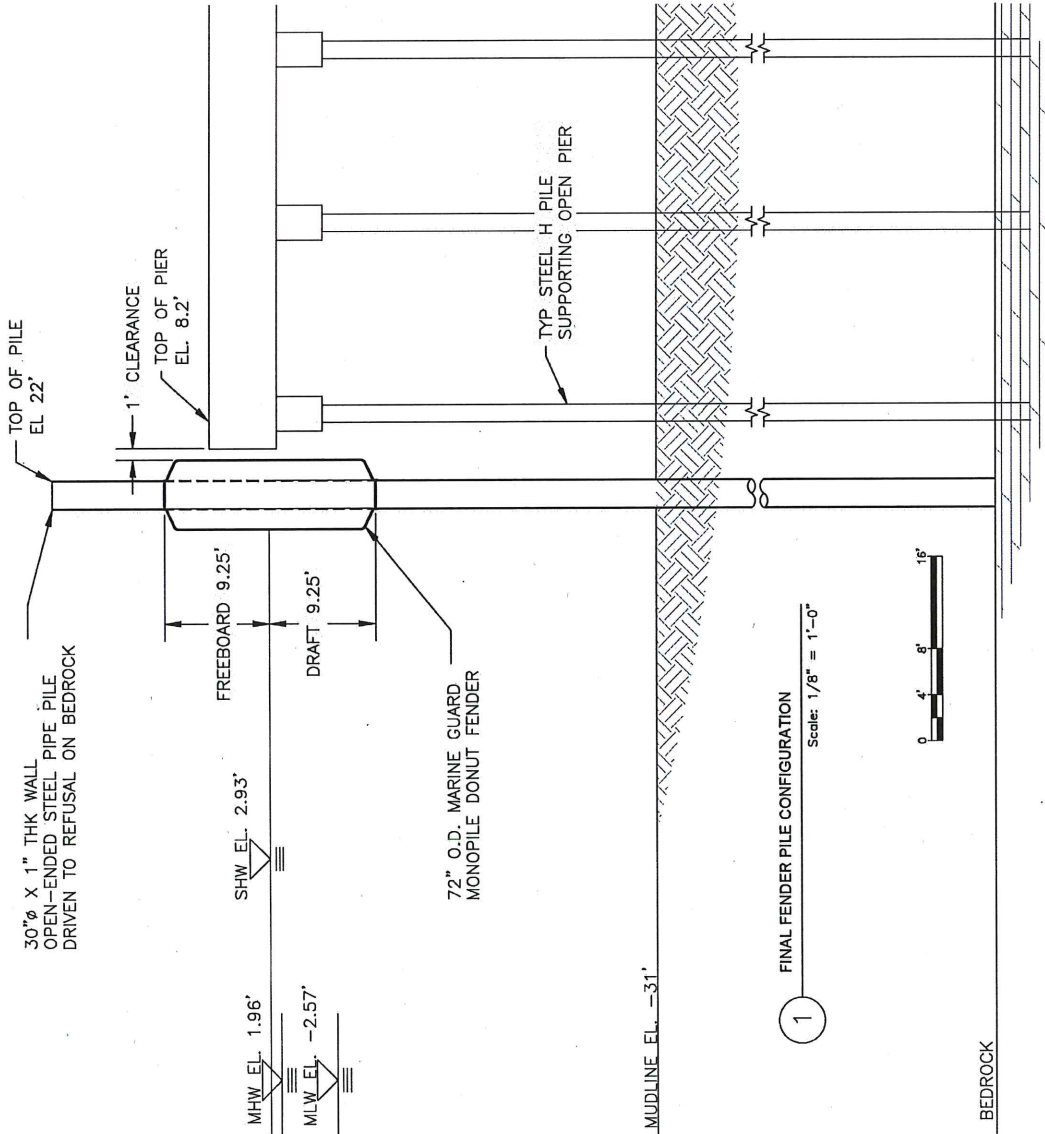
SCALE AS NOTED

SHT 1 OF 3





PURPOSE: PIER 40 MONOPILE FENDERING DATUM: NAVD88 NAN-2018-01072		NEW PROPOSED SITE PLAN BLOCK 656 LOT 1 NEW YORK COUNTY		DATE: 11-20-18
TMS WATERFRONT AGENT: 181 WESTCHESTER AVE #409 PORT CHESTER NY 10573		AT: MANHATTAN IN: HUDSON RIVER COUNTY OF: NEW YORK APPLICANT: HORNBLOWER NEW YORK	APPLICANT: HORNBLOWER NEW YORK, LLC 353 WEST STREET PIER 40 NORTH SIDE NY, NY 10014	SCALE AS NOTED SHT 2 OF 3



PURPOSE: PIER 40 MONOPILE FENDERING DATUM: NAVD88 NAN-2018-01072		FINAL CONFIGURATION BLOCK 656 LOT 1 NEW YORK COUNTY		DATE: 11-20-18
TMS WATERFRONT AGENT: 181 WESTCHESTER AVE #409 PORT CHESTER NY 10573		AT: MANHATTAN IN: HUDSON RIVER COUNTY OF: NEW YORK APPLICANT: HORNBLLOWER NEW YORK	APPLICANT: HORNBLLOWER NEW YORK, LLC 353 WEST STREET PIER 40 NORTH SIDE NY, NY 10014	SCALE AS NOTED SHT 3 OF 3