



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-2019-00533-WNE
Issue Date: August 13, 2019
Expiration Date: September 12, 2019

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: 1157 Grand LLC
C/o Joseph Goldberger
1157 Grand Street
Brooklyn, NY 11211

ACTIVITY: Installation of 138.5 linear feet of steel sheet pile bulkhead along the existing shoreline at the project site, in line with, and at the same height as the existing bulkheads on abutting properties, with backfill. The bulkhead will be installed in the same location of the remnants of the existing, but not serviceable, onsite bulkhead. This project is located within the Newtown Creek Superfund Site.

WATERWAY: English Kills, Tributary to Newtown Creek

LOCATION: 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.

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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 will not effect any Federally endangered or threatened species or their critical habitat. 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

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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 applied for the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Tidal Wetlands Permit Disturbance Permit pursuant to Article 25 of the Environmental Conservation Law

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) 790-8417 and ask for Brendan Newell.

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>.


Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

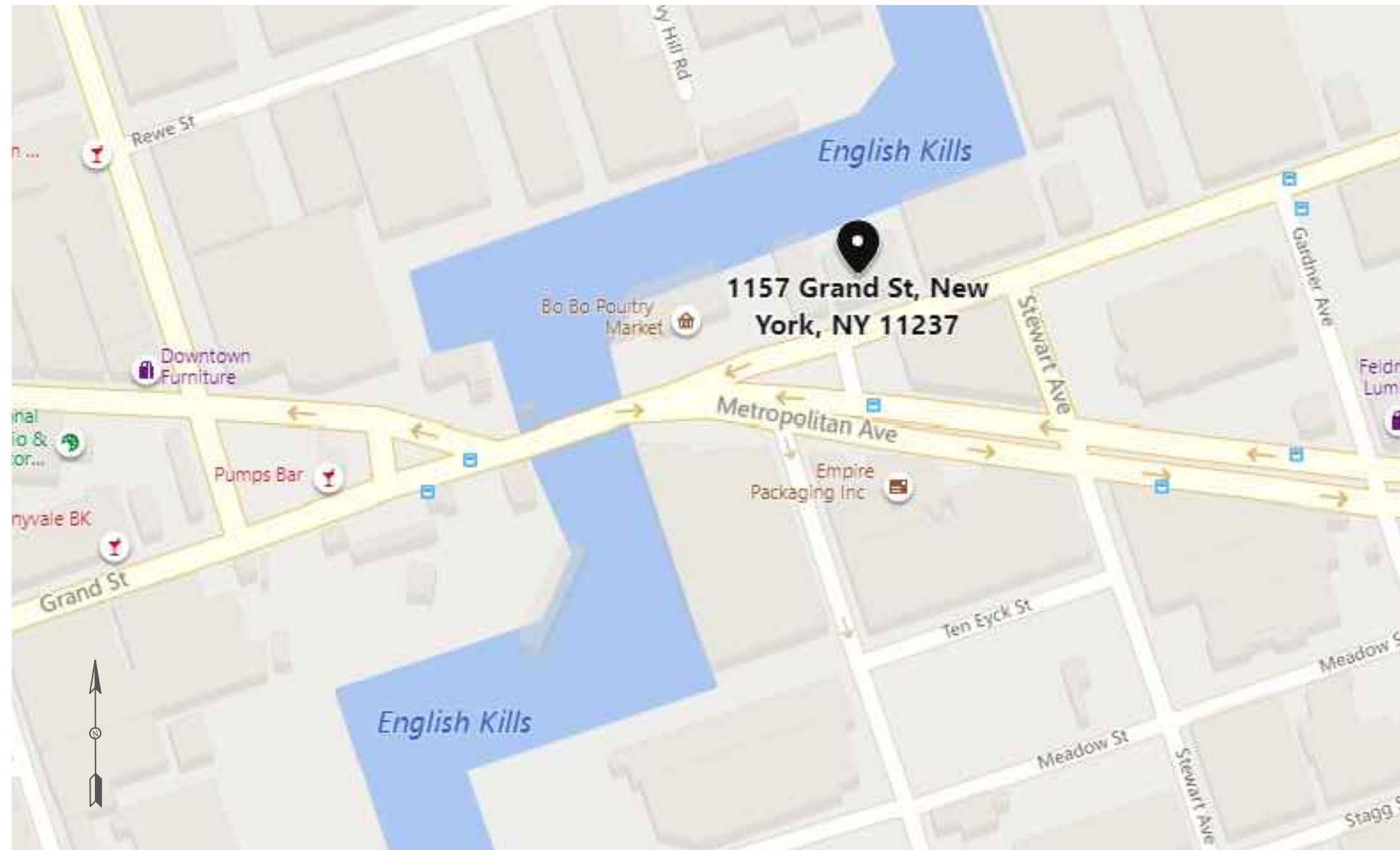
WORK DESCRIPTION

The applicant, 1157 Grand LCC, has requested Department of the Army authorization for the installation of steel sheet pile bulkhead with backfill into waters of the United States. This project is located in English Kills, a tributary to Newtown Creek, in the City of Brooklyn, Kings County, New York.

The work would involve: installation of 138.5 linear feet of steel sheet pile bulkhead along the existing shoreline at the project site, in line with, and at the same height as the existing bulkheads on abutting properties, with 922 square feet (0.021 acres) of backfill below the Spring High Tide line and 754 square feet (0.017 acres) of backfill below the Mean High Water line. The bulkhead will be installed in the same location of the remnants of the existing, but not serviceable, onsite bulkhead.

This project is located within the Newtown Creek Superfund Site. Materials removed from the project area will be handled and disposed of in accordance with the enclosed Contaminated Materials Handling Plan (sheet 5 of 5). All fill will be clean and imported from an offsite location. A turbidity curtain will be used during bulkhead installation. All work will be performed from a work barge. A vibratory hammer will be used for pile driving.

The stated purpose of this project is to shoreline stabilization to allow industrial barge mooring.



PROJECT VICINITY MAP

1157 Grand St.

40.715246, -73.929548

TITLE: Grand Street - Vicinity Map

ON: English Kills AT: 1157 Grand Street

COUNTY: Kings STATE: NY APPLICATION BY: Ultimate Truck & Equipment Repair

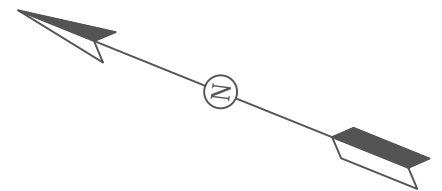
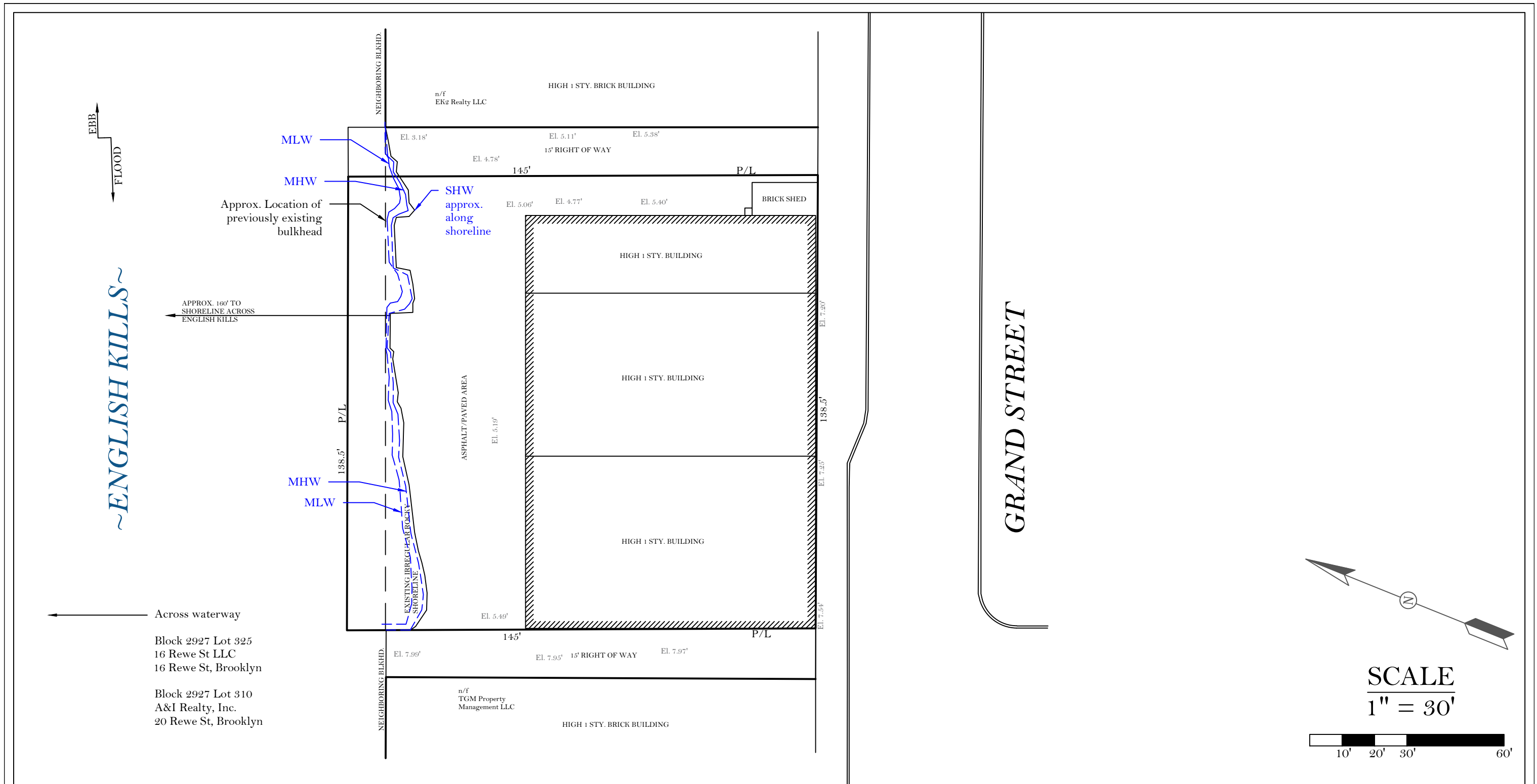
SHEET: 1 of 4 DATE: 03/18/2019 rev. 06/25/2019

NOTES:

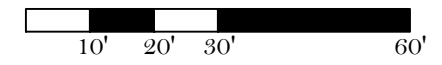
- (1) Map sourced from Bing Maps.
- (2) Coordinates 40.715246, -73.929548 represent approximate center of proposed bulkhead.

Call 811 Before You Dig

B. LAING ASSOCIATES
ENVIRONMENTAL CONSULTANTS
103 Fort Salonga Rd, Suite 5
Fort Salonga, NY 11768
(631) 261-7170
(631) 261-7454 fax
www.blaingassociates.com



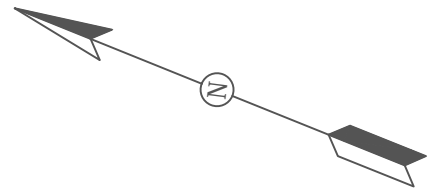
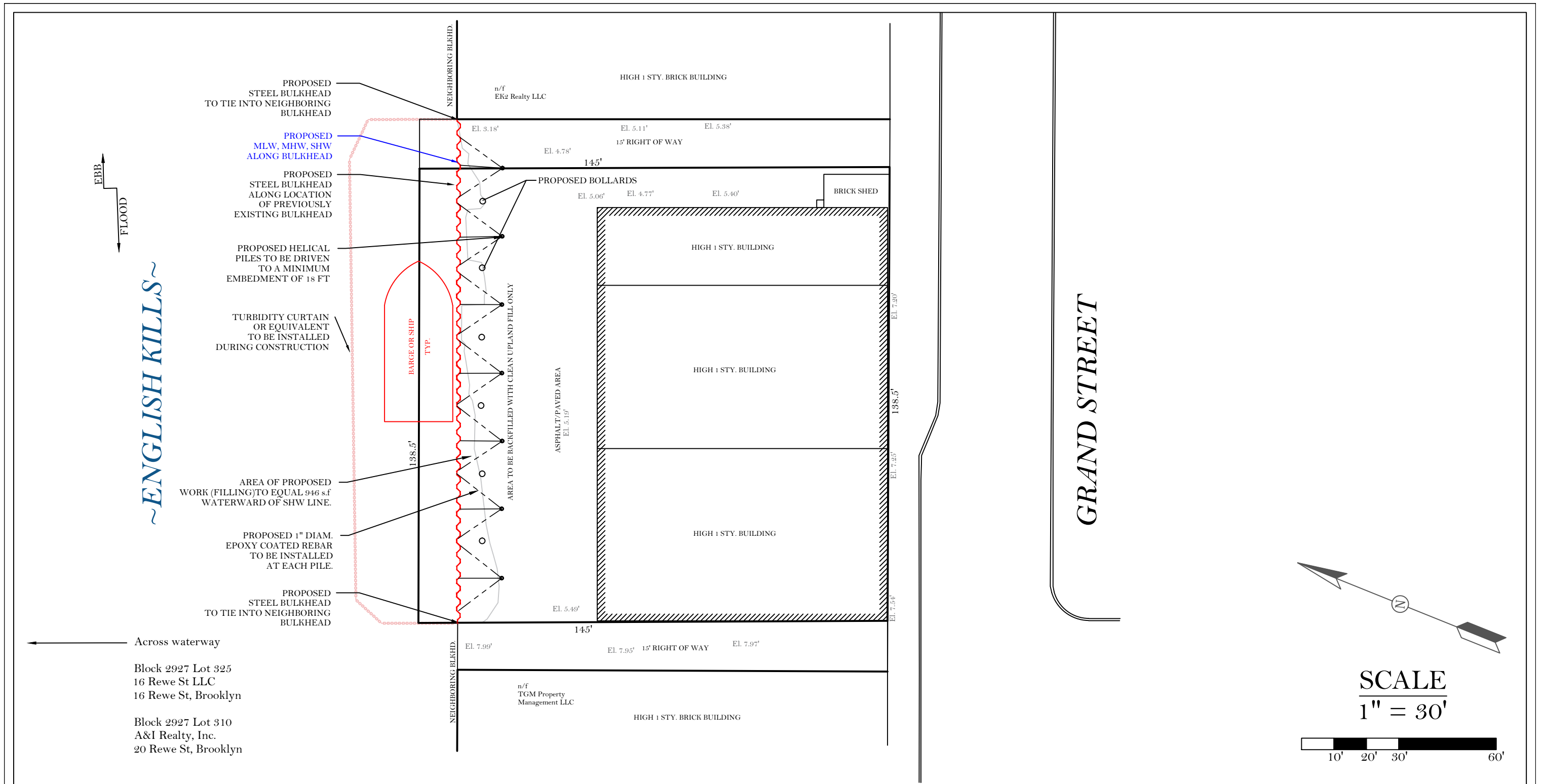
SCALE
1" = 30'



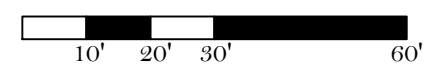
TITLE: Grand Street - Existing Condition
ON: English Kills **AT:** 1157 Grand Street
COUNTY: Kings **STATE:** NY **APPLICATION BY:** Ultimate Truck & Equipment Repair
SHEET: 2 of 4 **DATE:** 03/18/2019 rev. 06/25/2019

NOTES:
 (1) Not a survey. Site plan based on survey by Construction Survey Inc. dated July 12, 2007.
 (2) Not for construction. For permitting purposes only.
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SCALE
1" = 30'



← Across waterway

Block 2927 Lot 325
16 Rewe St LLC
16 Rewe St, Brooklyn

Block 2927 Lot 310
A&I Realty, Inc.
20 Rewe St, Brooklyn

TITLE: Grand Street - Existing Condition

ON: English Kills **AT:** 1157 Grand Street

COUNTY: Kings **STATE:** NY **APPLICATION BY:** Ultimate Truck & Equipment Repair

SHEET: 3 of 4 **DATE:** 03/18/2019 rev. 06/25/2019

NOTES:

(1) Not a survey. Site plan based on survey by Construction Survey Inc. dated July 12, 2007.

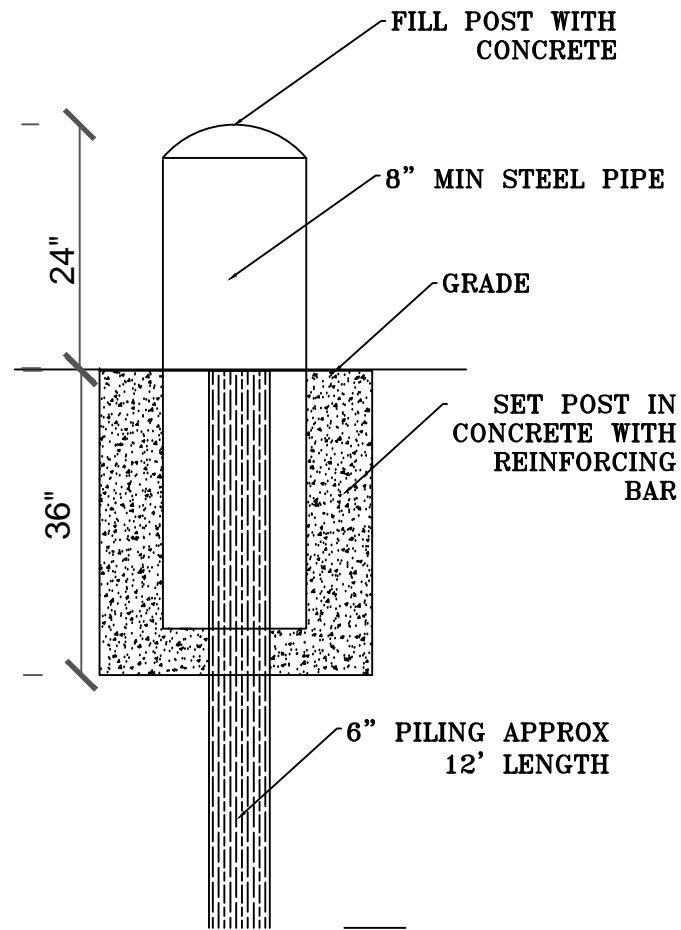
(2) Not for construction. For permitting purposes only.

(3) No dredging to occur. Sheets, piles, etc. to be hammered in via typical pile driver.

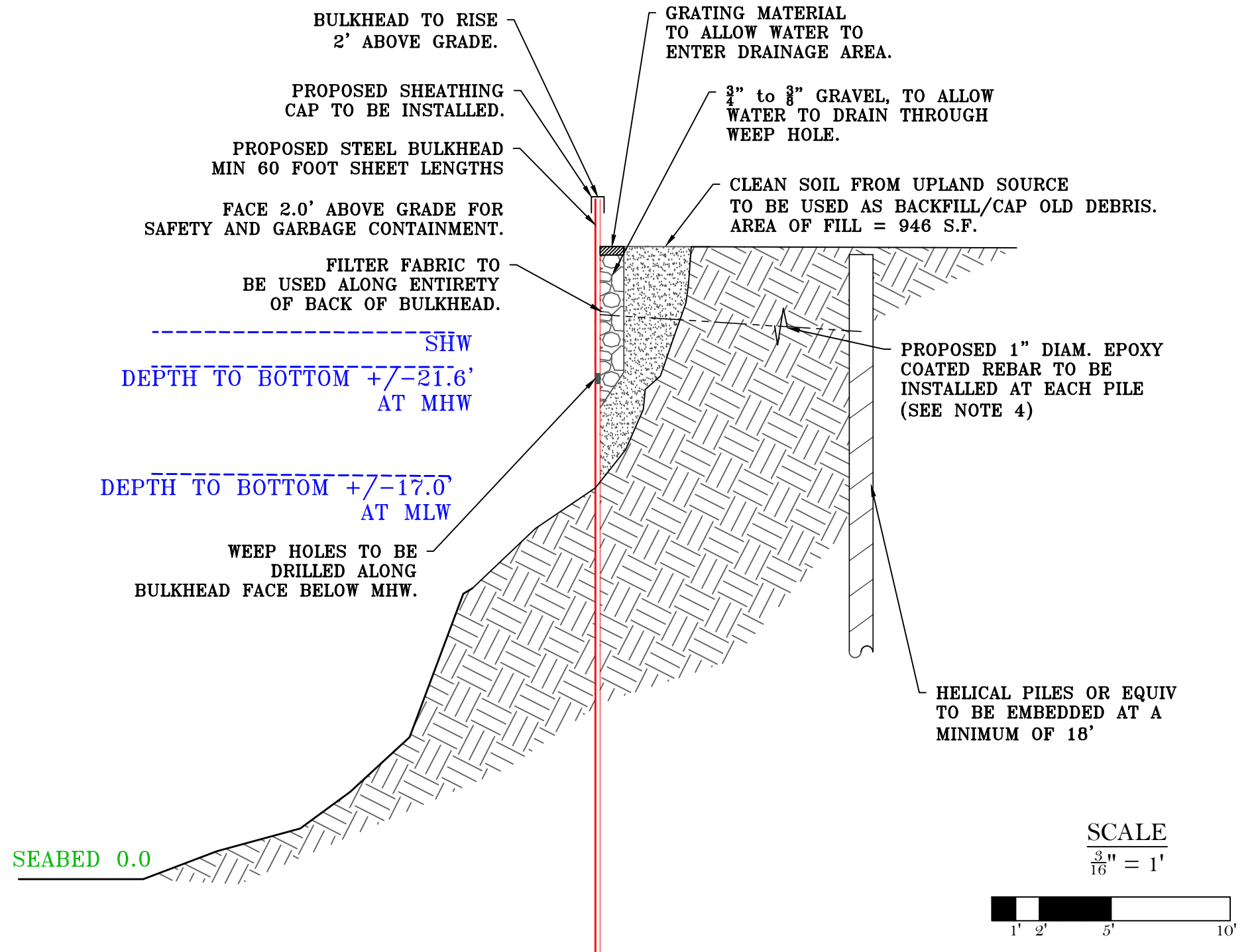
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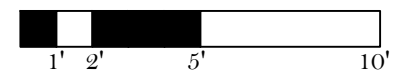
TYPICAL BOLLARD DESIGN
 Figure 1
 N.T.S.



PROPOSED CROSS SECTION
 Figure 2



SCALE
 3/16" = 1'



TITLE: Grand Street - Existing Condition

ON: English Kills AT: 1157 Grand Street

COUNTY: Kings STATE: NY APPLICATION BY: Ultimate Truck & Equipment Repair

SHEET: 4 of 4 DATE: 03/18/2019 rev. 06/25/2019

NOTES:

- (1) Not a survey. Site plan based on survey by Construction Survey Inc. dated July 12, 2007.
- (2) Not for construction. For permitting purposes only.
- (3) Water depths based on depth from water to seabed (0.0).

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Sheet 5 of 5

Contaminated Materials Handling Plan

The portion of English Kills which abuts the site is part of Federal Superfund Cleanup Site and so, will require special handling of any material and/or fill if removal is required as part of this application. To allow for removal, a barge or adjacent upland area will be equipped with a temporary containment area. This entails heavy duty (60 to 80 mil) sheets of HDPE laid over timbers. Timbers will be at least 18 inches deep – 3, 6x6 inch or 4,4x4 inch, and set on the outside with lag bolts at each joint to hold the “frame” together. They will be set in a rectangle or square to accept the blocks and loose dredge materials. Depending on the floor of the barge, plywood will be lain beneath the HDPE and further blocks or plywood will be placed on top of the HDPE to prevent puncture by the blocks, bucket or grapple.

A silt curtain will be established around the perimeter of each work section during the lifting operation. Sorbent materials will be maintained onboard the barge. If any oily sheen appears on the surface, the sorbents will be deployed and placed inside the containment area on the barge. The entire containment area on the barge or upland area will be covered by the same type of sheeting materials in the event of rain (to prevent rain runoff and accumulation of further contaminated liquids).

For the temporary, land-based storage of the loose material/fill removed from the Kill the applicant may hire or acquire several 20 to 30 cubic yard containers. They will be lined/covered with HDPE as above to keep the materials in place between characterization and removal.

Once on land, the material will be characterized by following guidance provided in the New York State Department of Environmental Conservation’s DER-10 Technical Guidance For Site Investigation And Remediation, May 2010. All samples will be sent to a New York State Certified laboratory and a report of same will be provided to and reviewed New York State Department of Environmental Conservation. Contaminated materials will be disposed of in an approved facility.

The New York State Department of Environmental Conservation’s DER-10 Technical Guidance For Site Investigation And Remediation are available at:
<https://www.dec.ny.gov/regulations/67386.html>