



# 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-2019-00724-EMI  
Issue Date: August 2, 2019  
Expiration Date: September 1, 2019

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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:** John Pizzirusso  
2402 East 69th Street  
Brooklyn, New York 11234

**ACTIVITY:** Installation of Dock Structures

**WATERWAY:** East Mill Basin, a tributary of Jamaica Bay

**LOCATION:** 2402 East 69th Street, Borough of Brooklyn, Kings County, City of New York, 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

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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.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer has consulted with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat. On July 12, 2019, the National Oceanic and Atmospheric Administration Greater Atlantic Regional Fisheries Office (NOAA/GARFO) concurred that the proposed work is Not Likely to Adversely Affect endangered marine species or their critical habitat. There is no suitable habitat for upland endangered species present at the project location.

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. In letter dated July 10, 2019 New York SHPO stated that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

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.

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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) 790-8547 and ask for Christopher Minck.

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

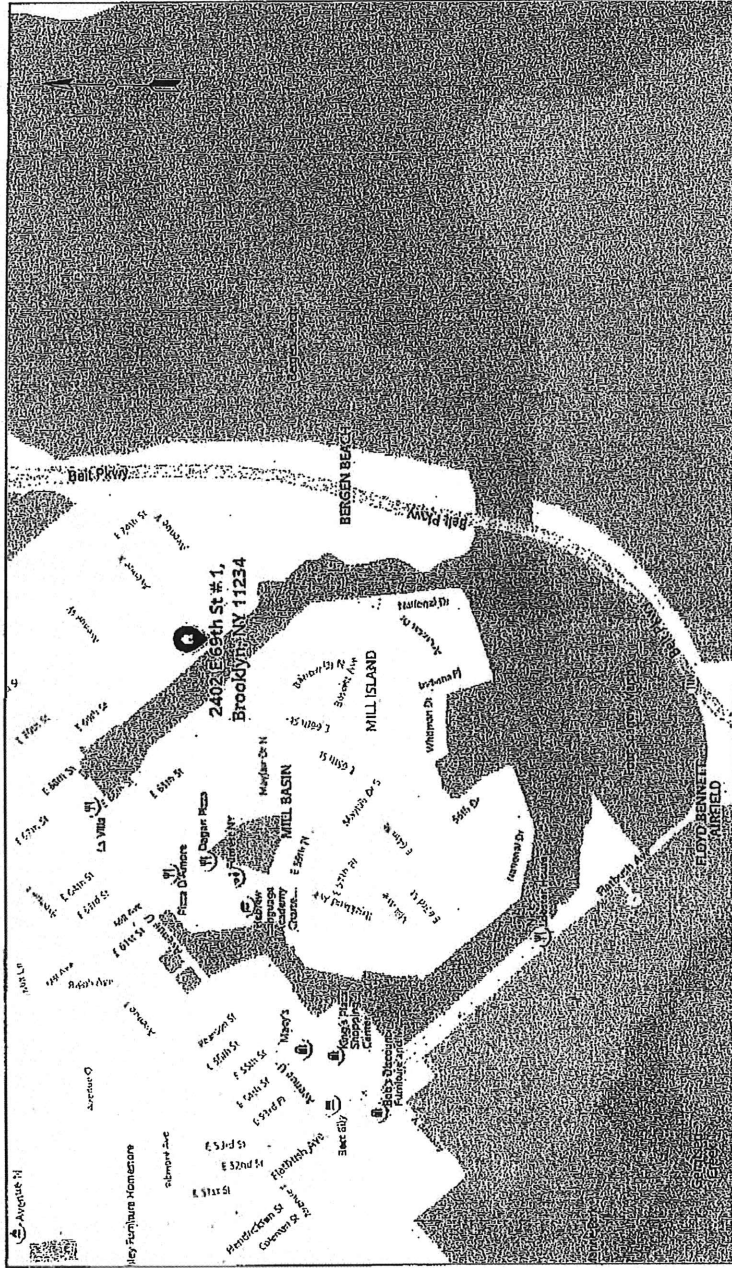
**WORK DESCRIPTION**

The permit applicant, John Pizzirusso, has requested Department of the Army authorization to install dock structures in East Mill Basin, a tributary of Jamaica Bay at 2402 East 69th Street, Borough of Brooklyn, Kings County, City of New York, New York.

The regulated work would involve the installation of a new 30-foot-long by four-foot-wide fixed pier with a 24-foot-long by three-foot-wide ramp leading to a 99-foot-long by six-foot-wide float in a "T" configuration. Six (6) 36-foot-long by 3.5-foot-wide finger piers will be installed on the seaward side of the main float to create five boat slips. Thirty (30), 12-inch diameter timber piles will also be installed. The proposed structure will extend approximately 74-linear feet into the approximately 310-linear foot waterway from the plane of Mean Low Water. Total overwater coverage is approximately 1,350 square feet.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by utilizing a turbidity boom and /or curtain around the work area and by utilizing Thru-Flow materials to allow for light penetration to the shoreline and benthic habitat. Additionally best management practices and appropriate pollution controls will be utilized.

The stated purpose of this project is to allow for safe recreational and commercial access to the waterway.



# 2402 E. 69th St - Vicinity Map

## (40.613318, -73.903907)

Block 8455 Lot 25

TITLE: Proposed Waterfront Structures - Project Vicinity Map  
ON: East Mill Basin  
COUNTY: Kings  
SHEET: 1 of 4

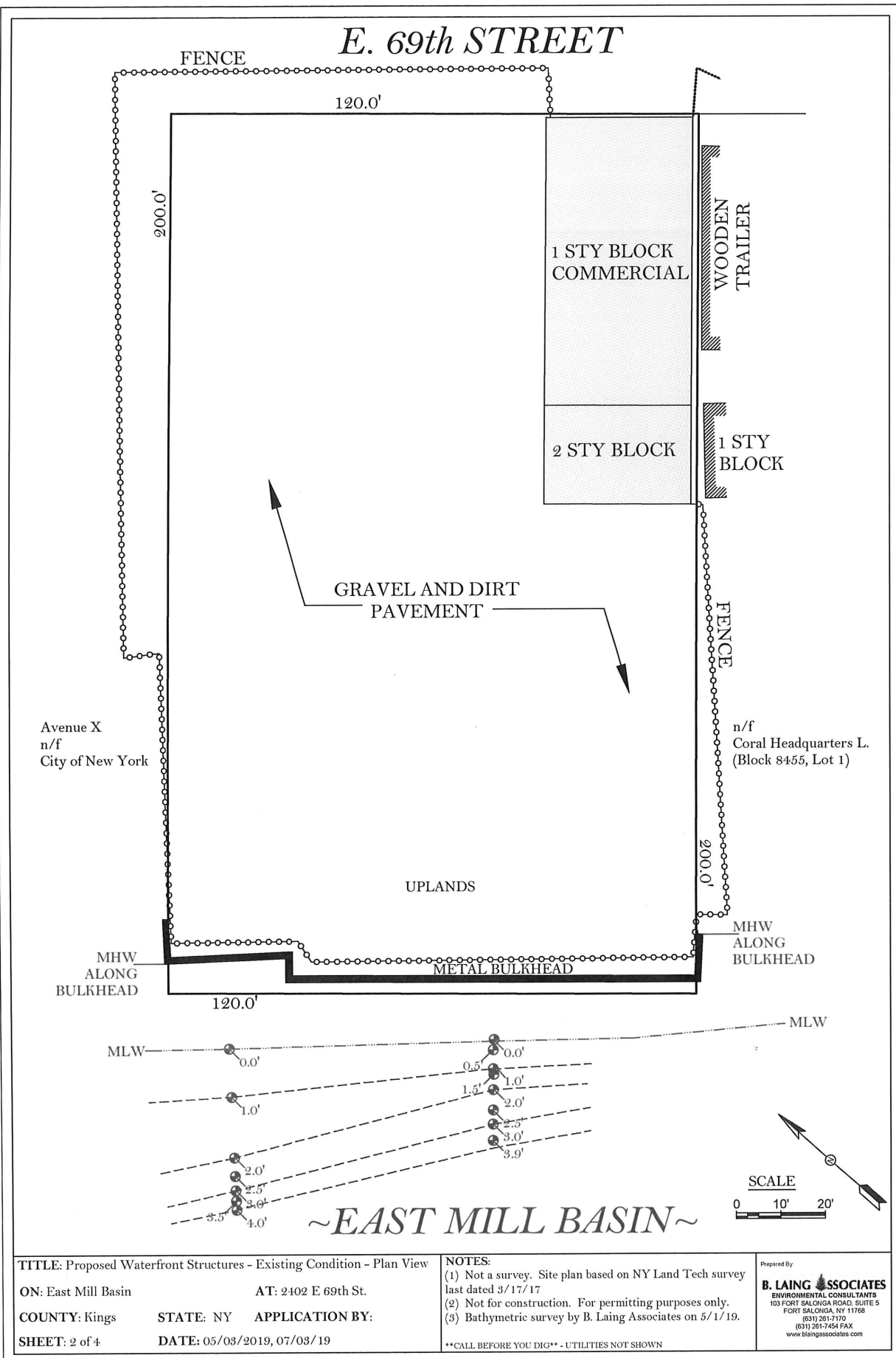
AT: 2402 E 69th St  
STATE: NY  
DATE: 06/03/2019

### NOTES:

1. Project Vicinity Map sourced from Bing Maps.
2. Coordinates of (40.613318, -73.903907) correspond to point where proposed pier meets existing bulkhead.
3. Site is identified as Block 8455, Lot 25.

Prepared By:

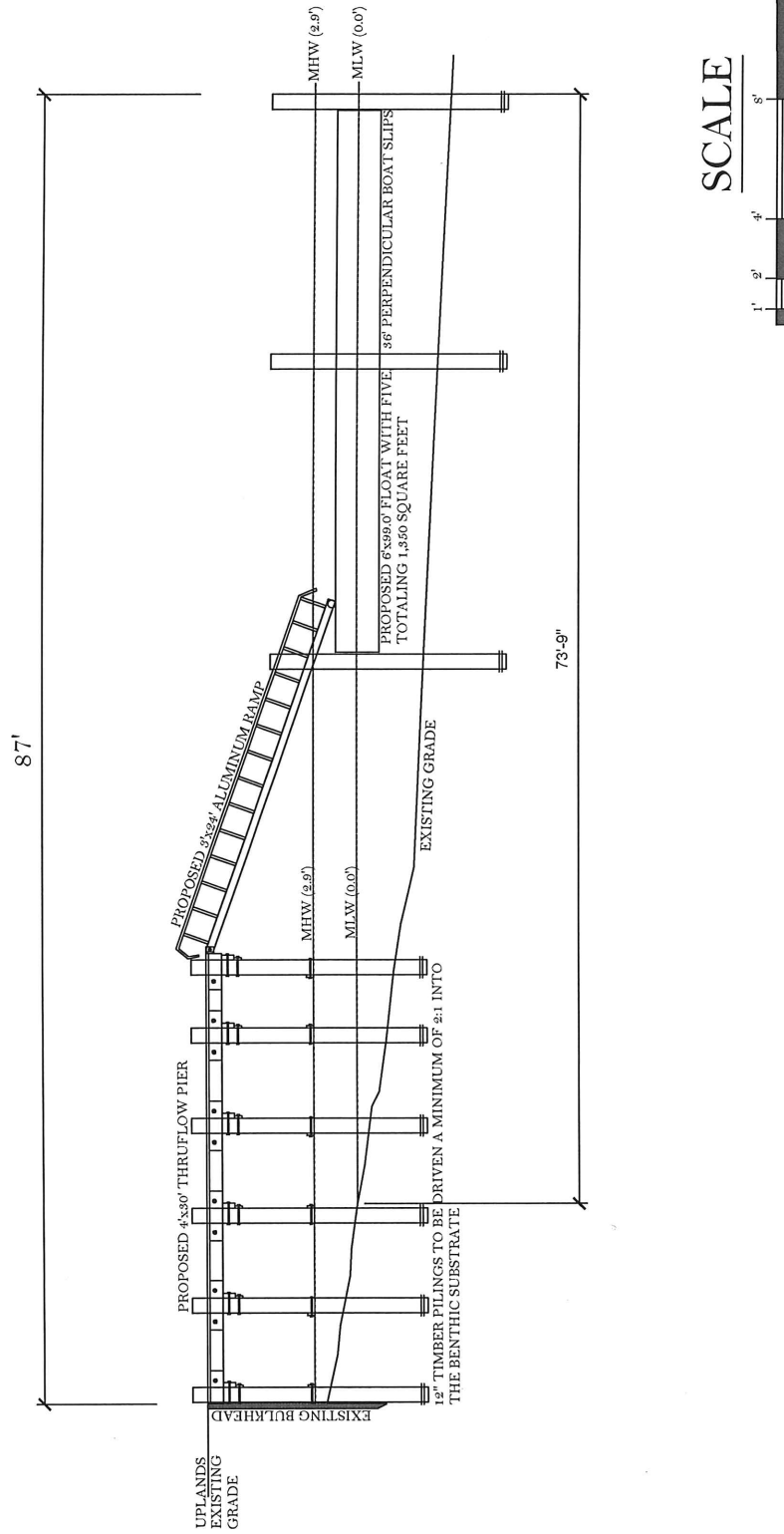
**E. LAING ASSOCIATES**  
ENVIRONMENTAL CONSULTANTS  
100 FORT SALONGIA, NY 11780  
(845) 337-7775  
WWW.ELAINGASSOCIATES.COM







USACE FILE: NAN-2019-00724-EMI



TITLE: Proposed Waterfront Structures - Proposed Action Cross Section

ON: East Mill Basin AT: 2402 E 69th St.

COUNTY: Kings STATE: NY APPLICATION BY:

SHEET: 4 of 4 DATE: 05/03/2019 REV: 7/3/19

NOTES:

- (1) Some aspects may not be to scale.
- (2) Not for construction. For permitting purposes only.
- (3) Based on field measurements by B. Laing Associates, Inc on 5/1/19 at low water.
- (4) Elevation based on Mean Low Water.
- (5) CCA treated timber piles; all hardware galvanized/hot dipped.

Prepared By:

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