

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 reply to:
Public Notice Number: NAN-2019-01318-ESW
Issue Date: December 26, 2019
Expiration Date: January 25, 2020

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
Attn: Seth Myers
One Liberty Plaza
New York, New York 10006

ACTIVITY: Redevelopment of Bush terminal waterfront and upland buildings

WATERWAY: Upper Bay

LOCATION: Bush Terminal, Sunset Park, 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 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 known sites eligible for listed in the Register within the permit area, including the Bush Terminal Historic District. 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

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PUBLIC NOTICE NO. NAN-2019-01318-ESW

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) 790-8618 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>.



For and In behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, the New York City Economic Development Corporation, has requested Department of the Army authorization to conduct maintenance and redevelopment activities along the Bush Terminal waterfront in the Upper New York Bay in Sunset Park, Brooklyn, Kings County, City of New York, New York. Activities would be conducted in the interpier areas between Piers 5 and 6 and between Piers 6 and 7. Upland development to create the "Made In New York Campus" outside of USACE jurisdiction would be associated with the regulated activities.

Interpier Area Piers 5 and 6

The regulated activities would involve the removal of an 80-foot-wide by 122-foot-long (9,760 square feet) pile supported platform and all associated piles. The applicant would drive a 120-linear-foot sheetpile bulkhead no greater than 18-inches waterward of the existing bulkhead structure. Approximately six cubic yards of fill will be discharged within 57 square feet to fill the void below the plane of Spring High Water between the new and existing bulkhead. Immediately waterward of the bulkhead, the applicant would maintain the existing stone revetment within its existing 3,880-square-foot stone revetment by resetting dislodged stones. From the newly maintained bulkhead and extending over the repaired revetment, the applicant would construct a new 925-square-foot cantilevered platform extending an additional 7-10 feet waterward (795 square feet waterward of SHW) from the existing bulkhead along 55 linear feet and from the new bulkhead 80 linear feet for a total of 135 linear feet of cantilever platform. Further north of the cantilevered platform, the applicant would construct a new approximately 950-square-foot irregularly shaped platform extending 34 feet waterward and supported by nine (9) 12-inch-diameter hollow steel piles in the water and three (3) piles within the upland area. The 950-square-foot pile supported platform will continue along 35 linear feet of the bulkhead. The new platform would consist of a net gain of 7,828 square feet of open-water area no longer shaded by platform structures.

Interpier Area Piers 6 and 7

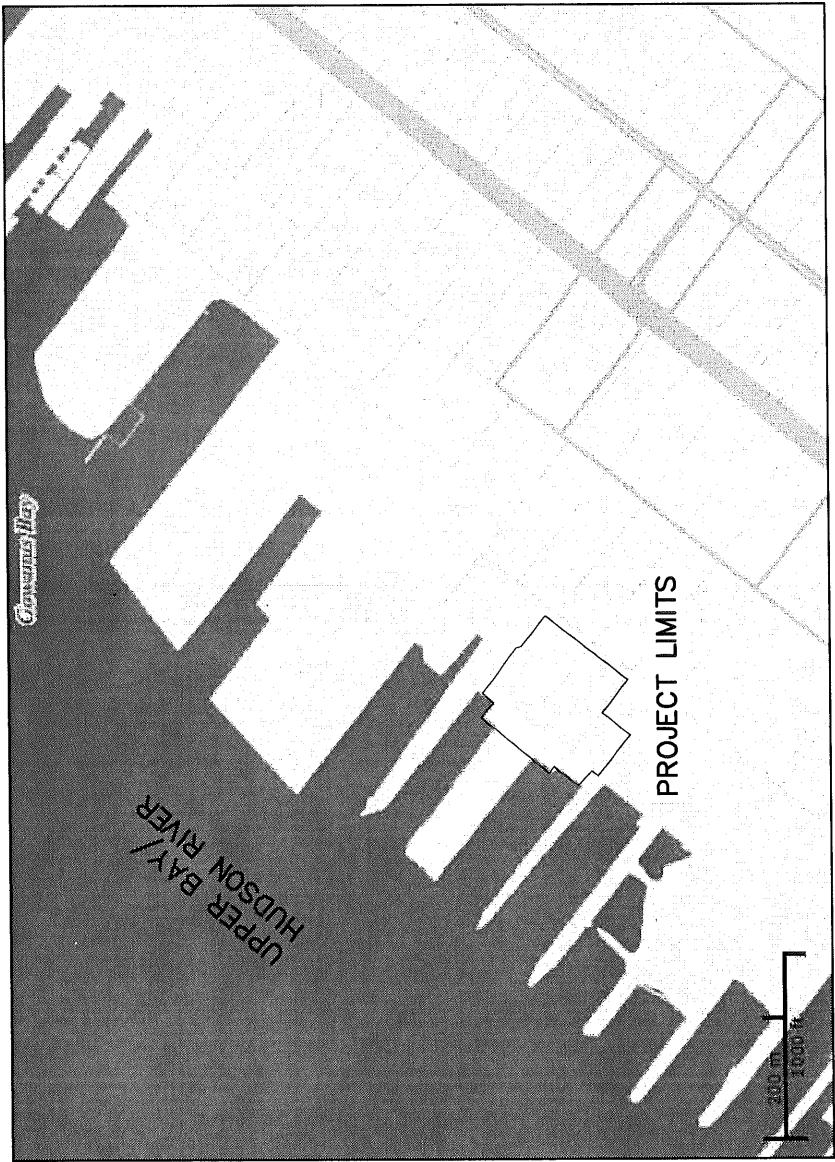
The regulated activities would involve the removal of a 18.5 (on average)-foot-wide by 138-foot-long (2,560 square feet) existing pile supported platform and all associated piles. The applicant would drive a 265-linear-foot sheetpile bulkhead no greater than 18-inches waterward of the existing bulkhead structure. At the southern end a maximum 14-linear foot extension of bulkhead would be required to accommodate the new platform structure described below. The bulkhead extension is parallel to Pier 6 and within the existing rip rap. Approximately 35 cubic yards of fill will be discharged within 283 square feet to fill the void below the plane of Spring High Water between the new and existing bulkhead. The applicant would install a new 30-inch-diameter outfall north of the interpier area that will extend 5 linear feet into the waterway from the new bulkhead. The applicant would then construct a 3,970-square-foot irregularly shaped platform that is partially pile supported (3,834 square foot) and partially cantilevered (136 square feet). The pile supported section is supported by twenty-one (21) 12-inch-diameter hollow steel piles. The new platform would extend a maximum of 30 linear feet from the bulkhead into the waterway and consist of an additional overwater area of 1,410 square feet.

Upland Activities

The applicant is proposing to conduct additional activities in the upland area that are associated with the regulated activities in USACE jurisdiction. Additional activities not regulated by USACE include the preservation and repurposing of the existing historic industrial buildings. One structure would be demolished and replaced with new construction. The annex portion of another structure would be removed to improve site circulation. Upland work would also include the construction of new public park areas.

The applicant has avoided, minimized, and mitigated for impacts to the maximum extent possible by removing existing platform structures to offset the waterward encroachment of new structures. The applicant has also revised prior proposals to limit the waterward encroachment of the replacement bulkhead structures to remain within 18-inches of existing. Additionally, the previous proposal to fill beneath the proposed platforms has been revised. The current proposal includes the pile supported platforms with no additional fill discharged within the piles or within the waterway, effectively minimizing discharge impacts to the aquatic environment. The applicant has minimized shading through the removal of an existing platform without replacement with the same footprint. There will be a net gain of 6,459 square feet of aquatic habitat that will no longer be subjected to shading. The applicant will also utilize best management practices during construction to further minimize temporary impacts to aquatic species. Steel pile installation will utilize a soft start each day, building up power over 20-40 minutes to provide adequate time for fish and marine mammals to leave the vicinity.

The stated purpose of this project is to conduct maintenance on the deteriorated waterfront and upland areas to provide community programming, arts, and education as well as encourage manufacturing growth and film and media production.



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Dewberry Engineers, Inc
132 West 31st Street
Suite 301
New York, NY 10001
212.685.0900

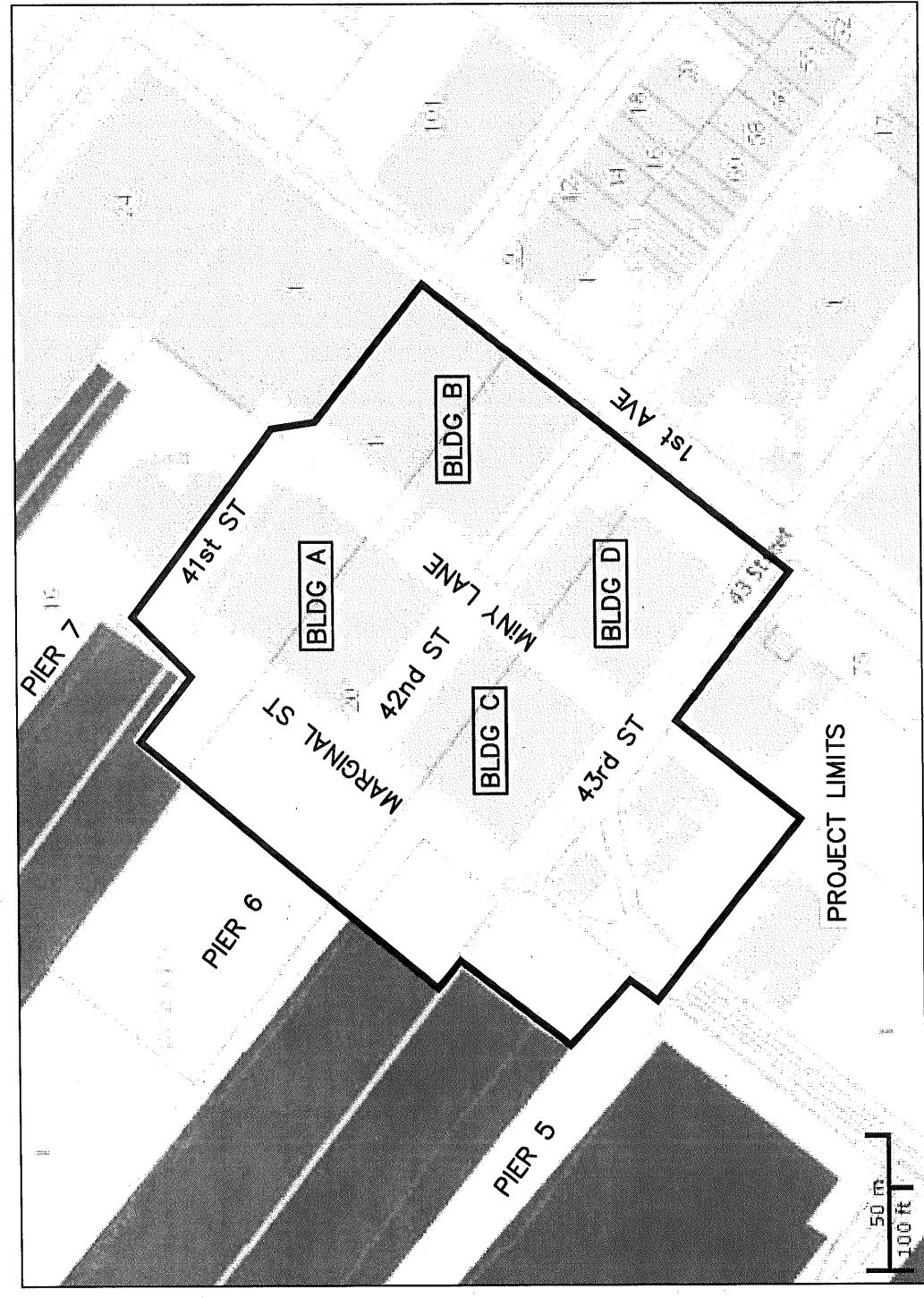
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LOCATION:

BUSH TERMINAL
BROOKLYN, NY 11232

BLOCK/LOT: 715/1; 710/1; 725/1
LAT/LONG: 40.654923/-74.014478 (\pm)
SHEET 1 OF 15 DATE: 12/06/19

PROPOSED PROJECT:
MADE IN NEW YORK (MINY)
BUSH TERMINAL - NORTH CAMPUS
WATERFRONT SECTIONS
IN: BUSH TERMINAL
NEAR AT: SUNSET PARK
COUNTY: KINGS
STATE: NY
DATUM: NAVD 88



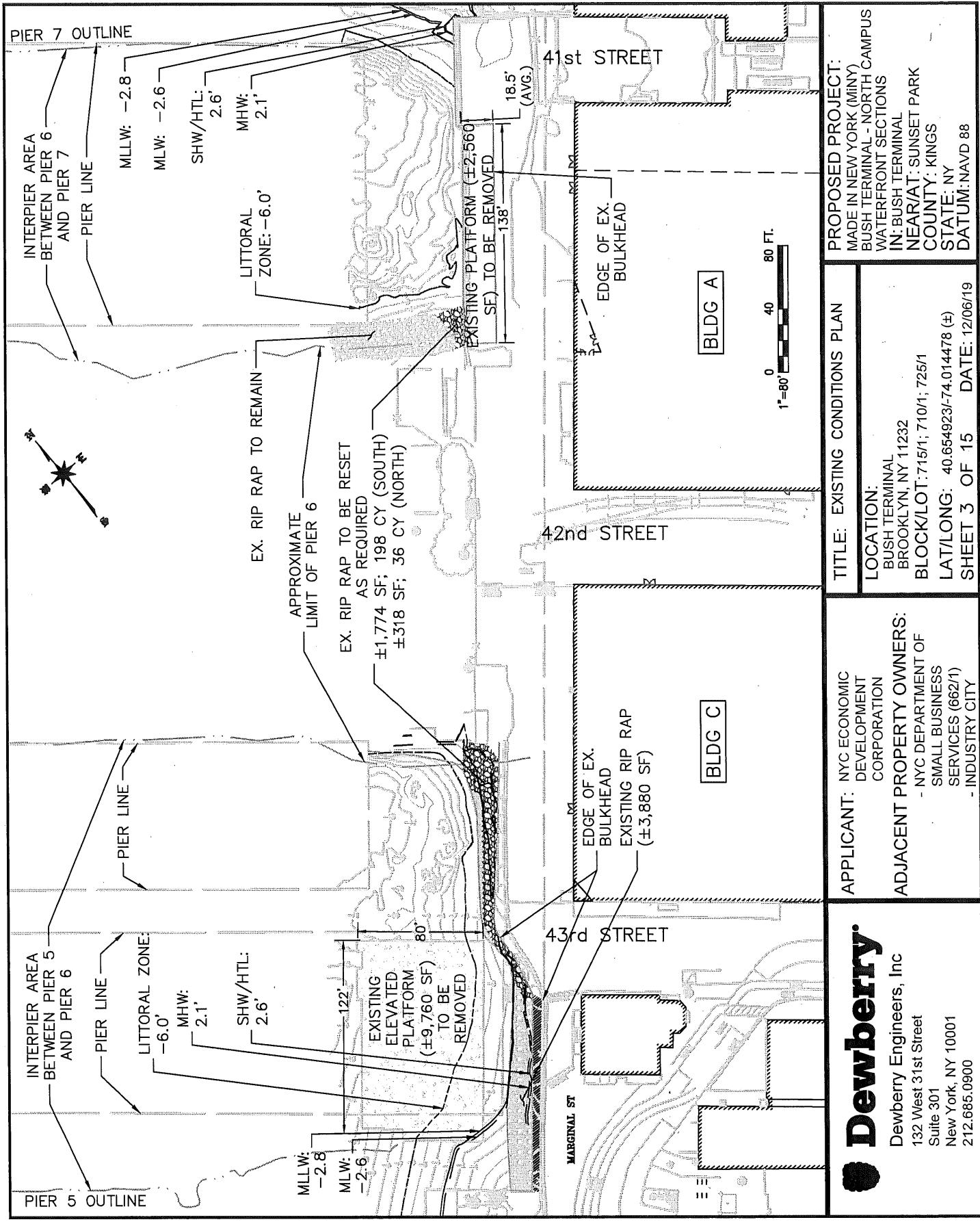
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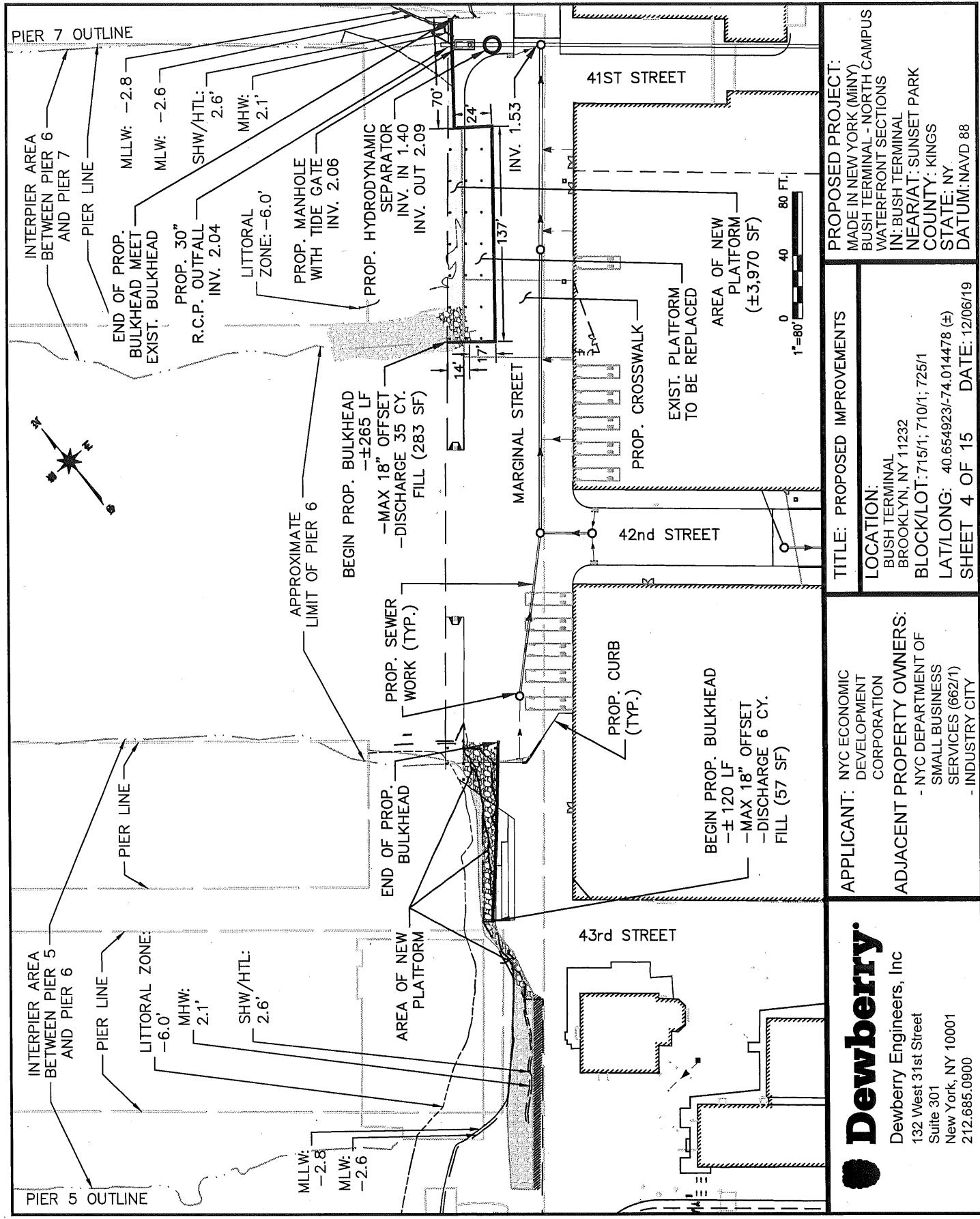
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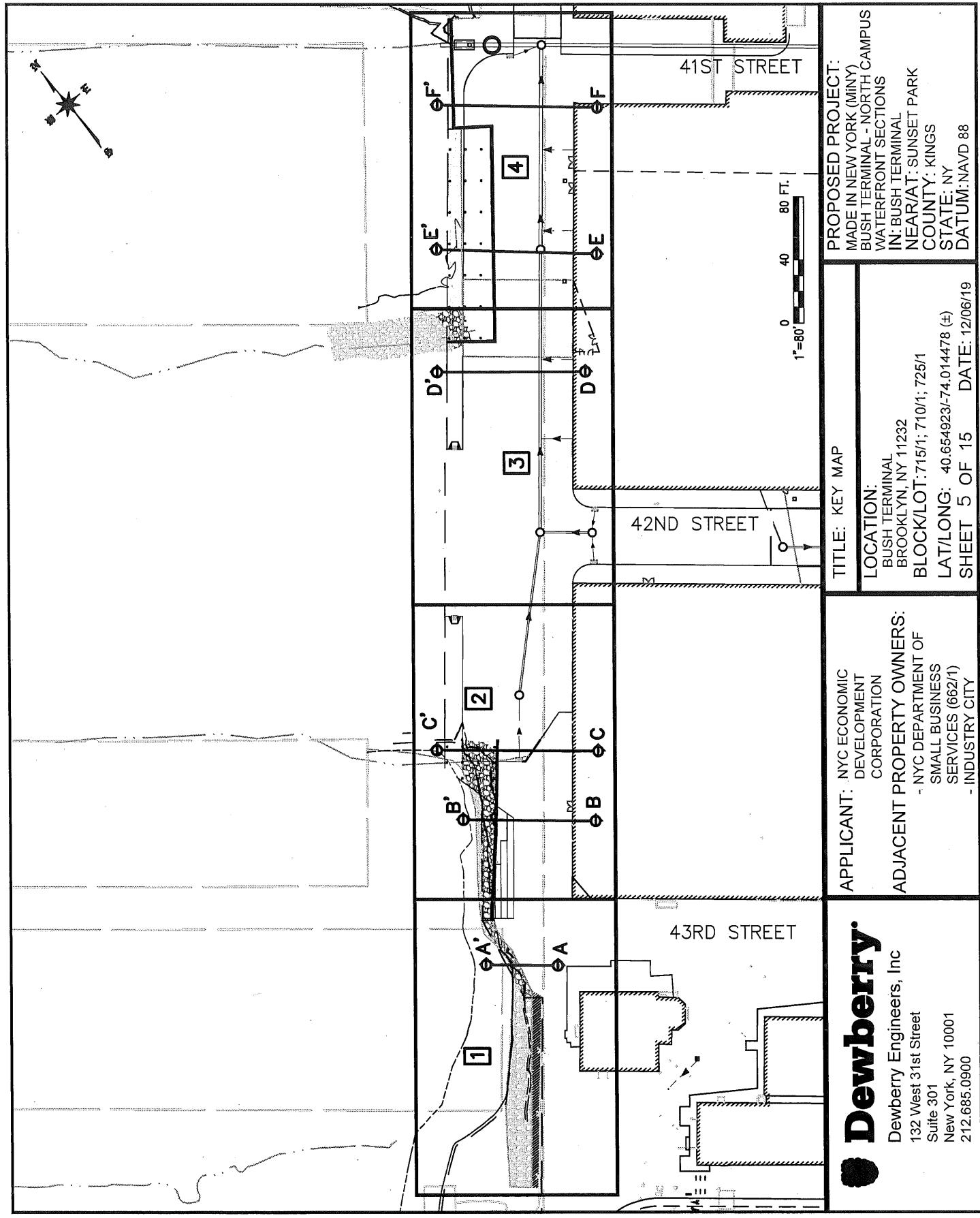
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MADE IN NEW YORK (MINY)
BUSH TERMINAL - NORTH CAMPUS
WATERFRONT SECTIONS
NEAR/AT: SUNSET PARK
COUNTY: KINGS
STATE: NY
DATUM: NAVD88

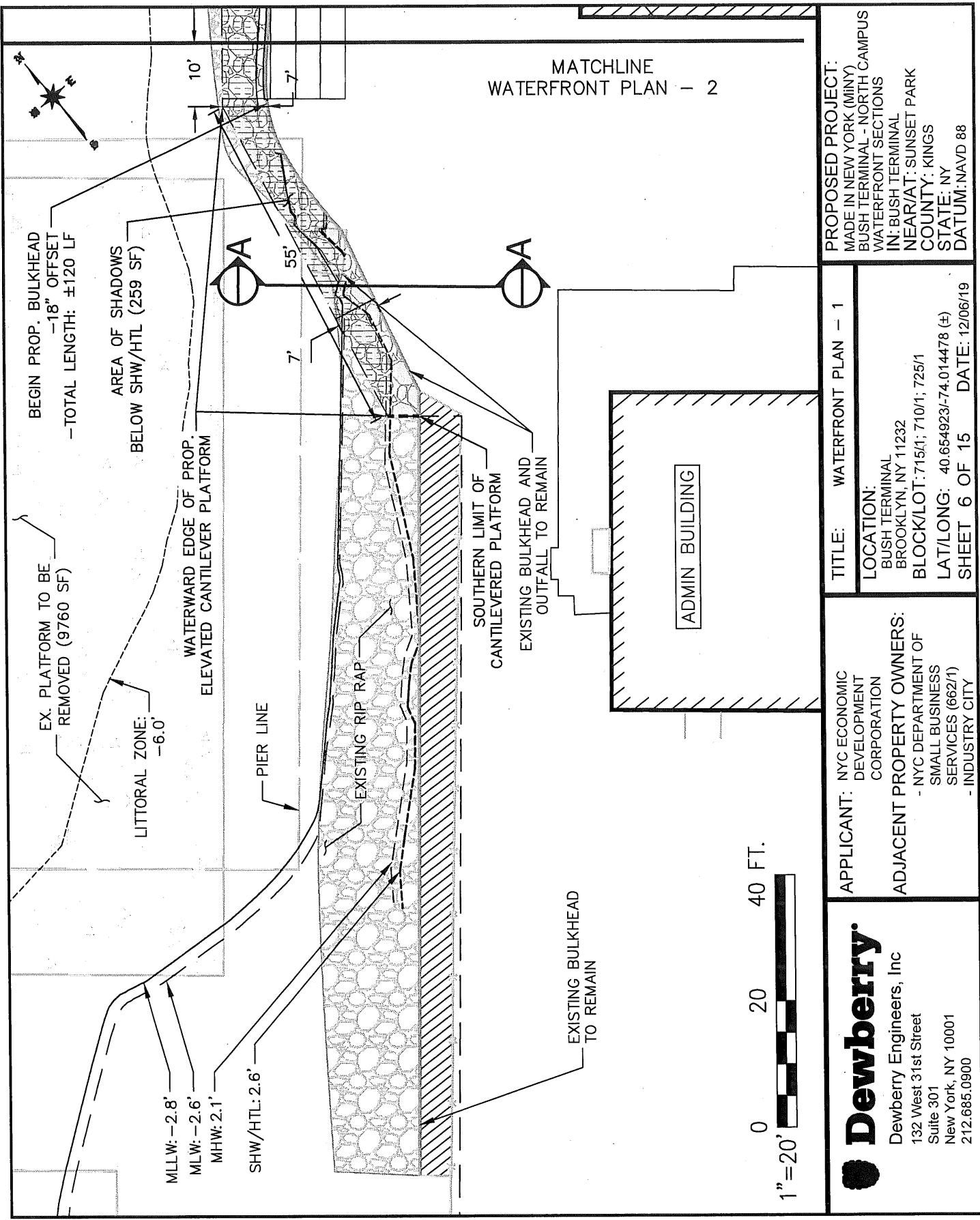
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BUSH TERMINAL
BROOKLYN, NY 11232
BLOCK/LOT: 715/1; 710/1; 725/1
LAT/LONG: 40.654923/-74.014478 (\pm)
SHEET 2 OF 15 DATE: 12/06/19

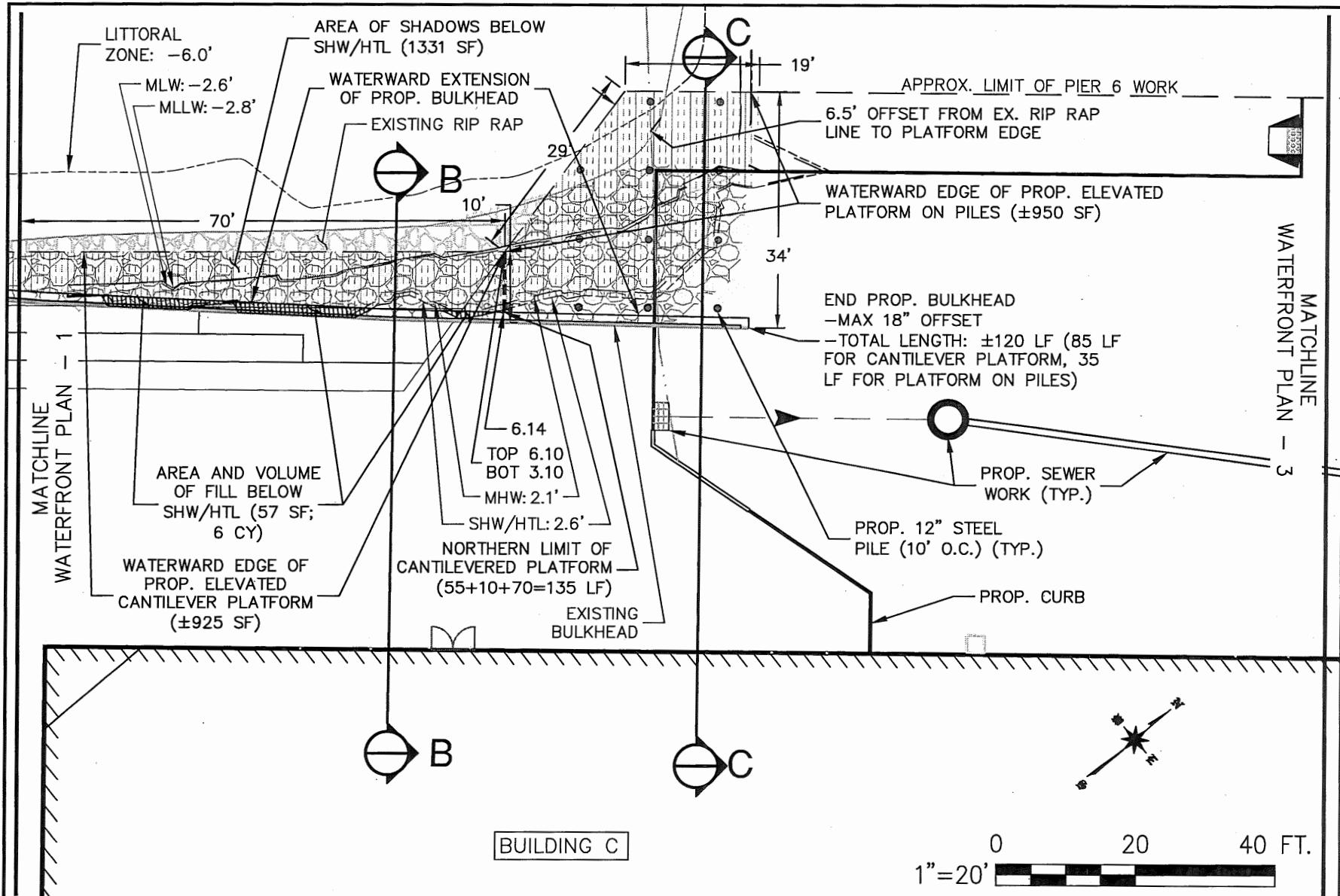
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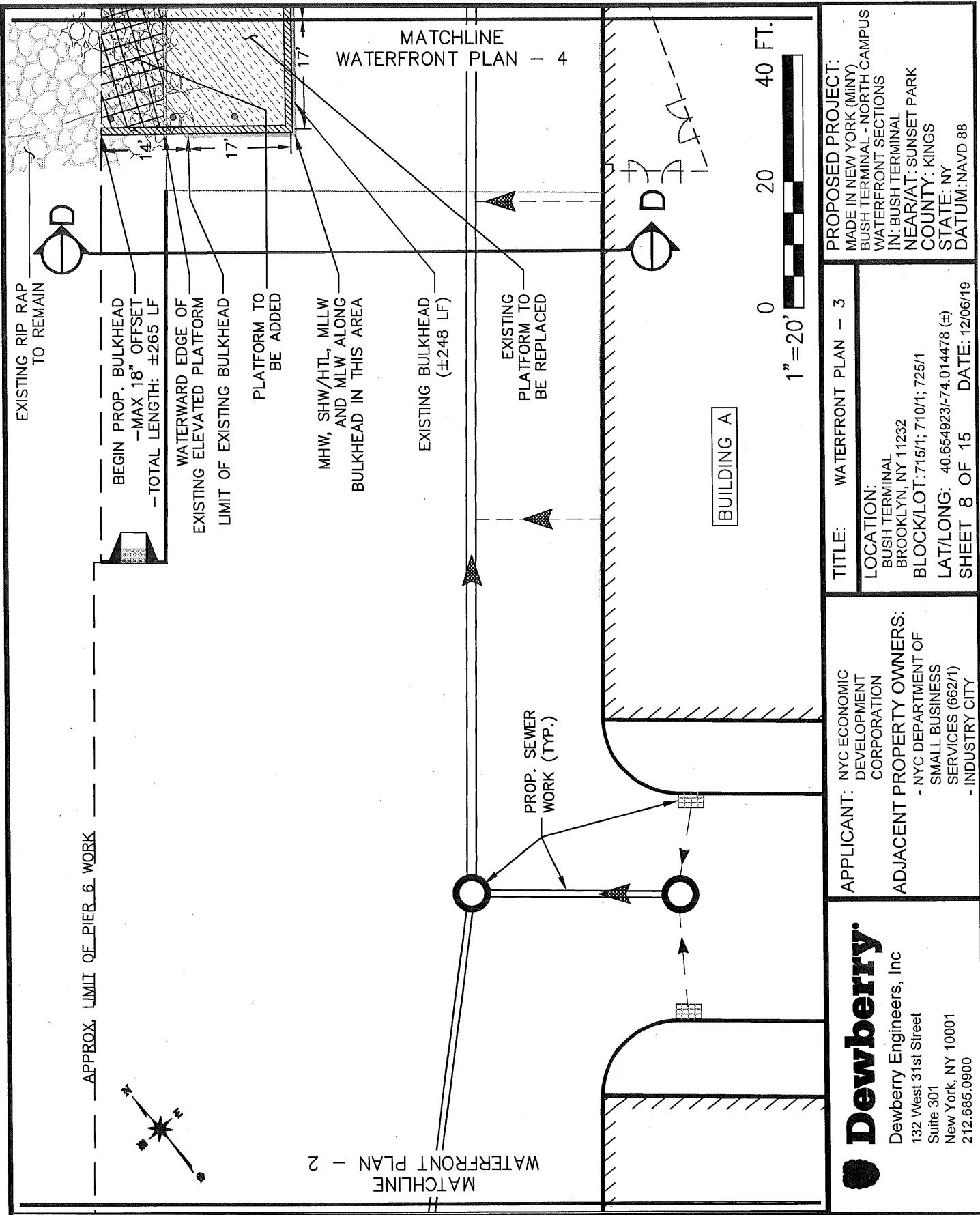




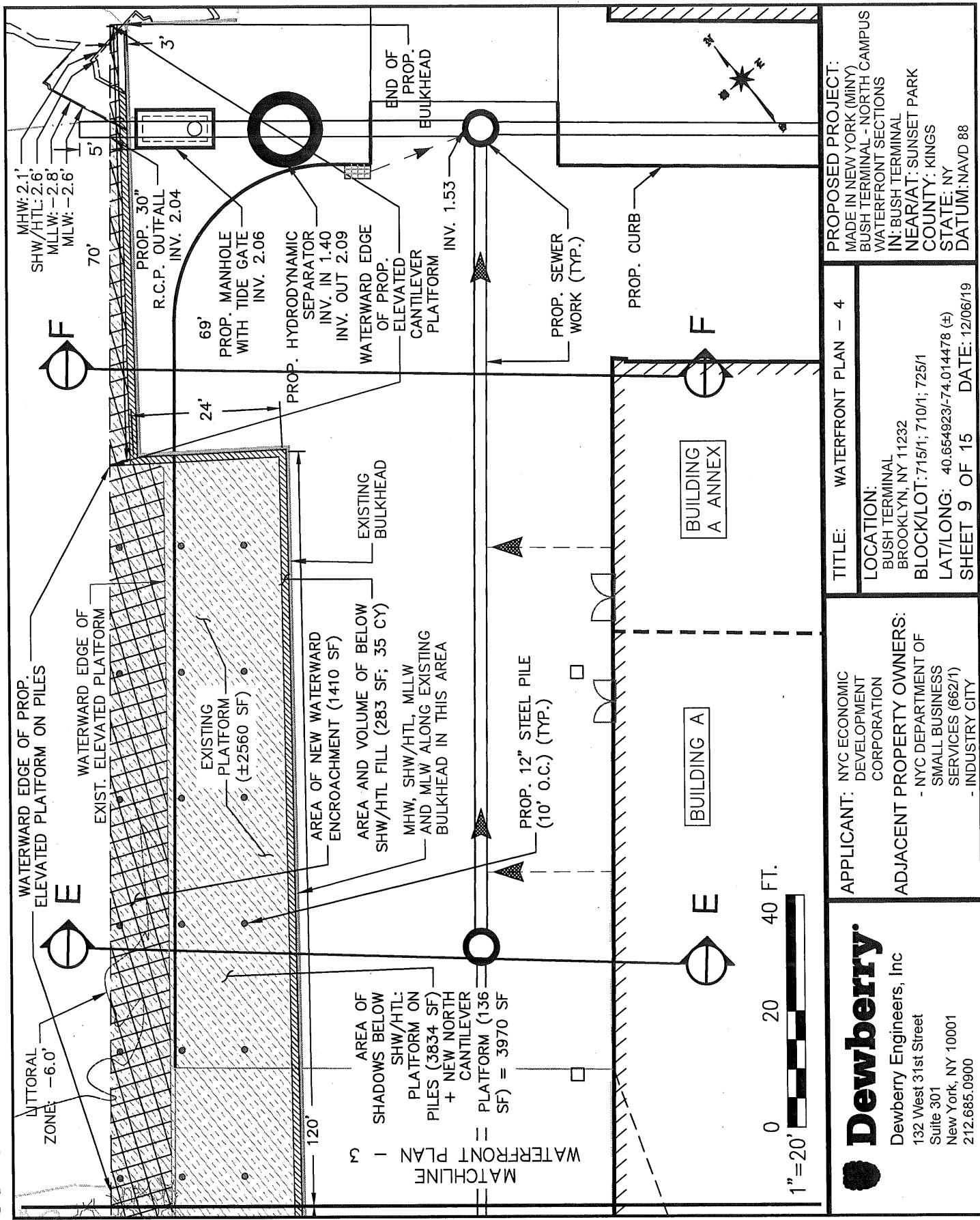


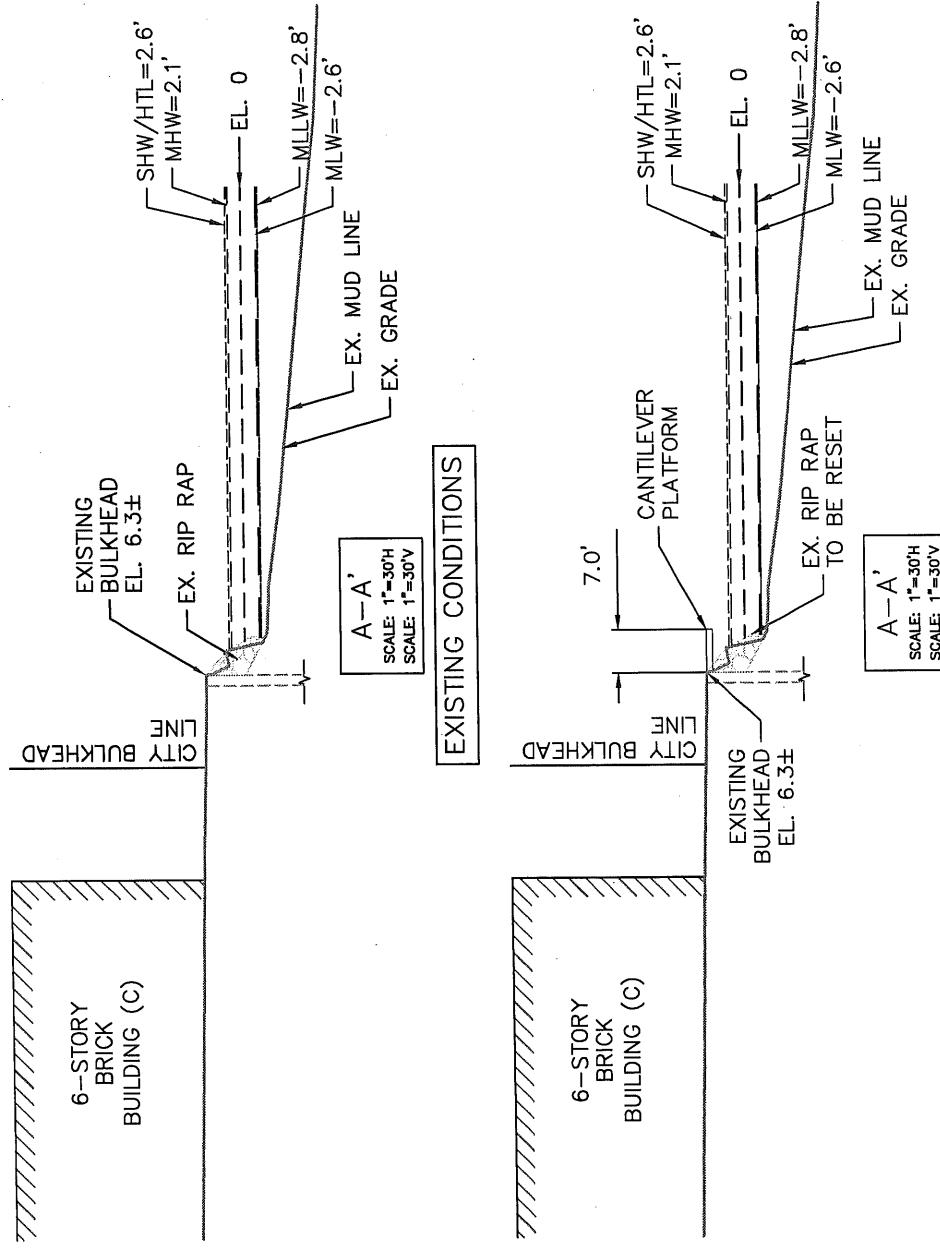


<p>Dewberry Dewberry Engineers, Inc 132 West 31st Street Suite 301 New York, NY 10001 212.685.0900</p>	<p>APPLICANT: NYC ECONOMIC DEVELOPMENT CORPORATION ADJACENT PROPERTY OWNERS: - NYC DEPARTMENT OF SMALL BUSINESS SERVICES (662/1) - INDUSTRY CITY</p>	<p>TITLE: WATERFRONT PLAN - 2 LOCATION: BUSH TERMINAL BROOKLYN, NY 11232 BLOCK/LOT: 715/1; 710/1; 725/1 LAT/LONG: 40.654923/-74.014478 (±) SHEET 7 OF 15 DATE: 12/06/19</p>	<p>PROPOSED PROJECT: MADE IN NEW YORK (MINY) BUSH TERMINAL - NORTH CAMPUS WATERFRONT SECTIONS IN: BUSH TERMINAL NEAR/AT: SUNSET PARK COUNTY: KINGS STATE: NY DATUM: NAVD 88</p>
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USACE FILE: NAN-2019-01318-ESW





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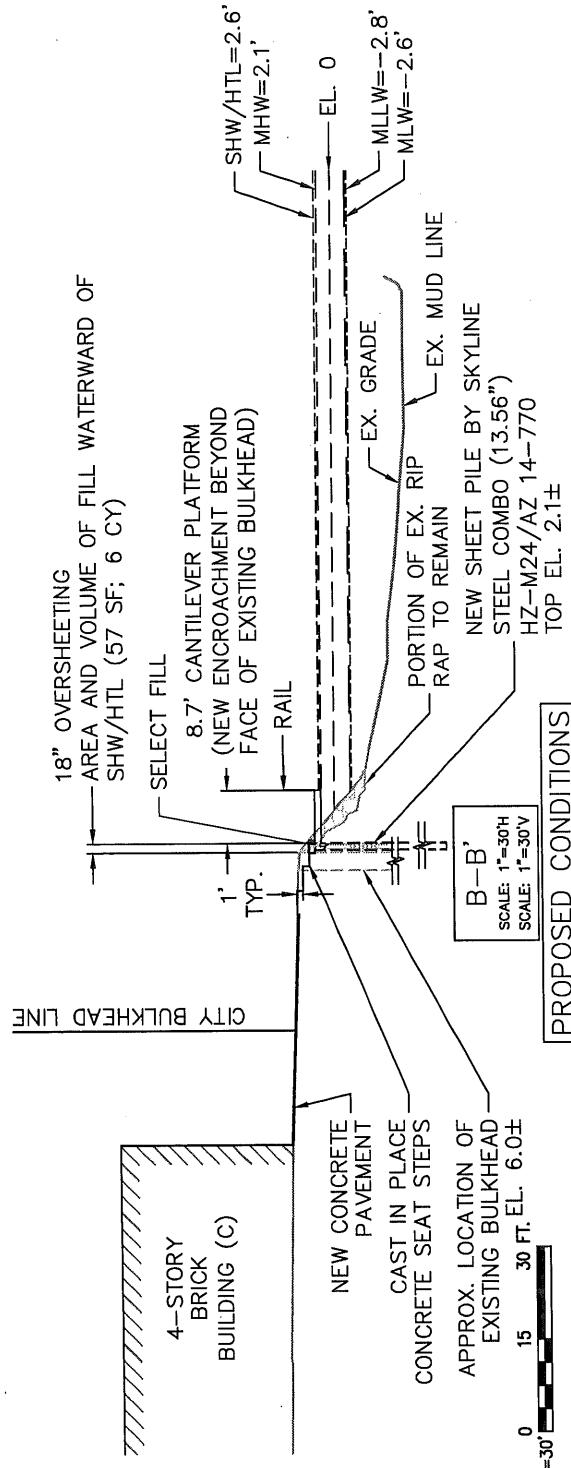
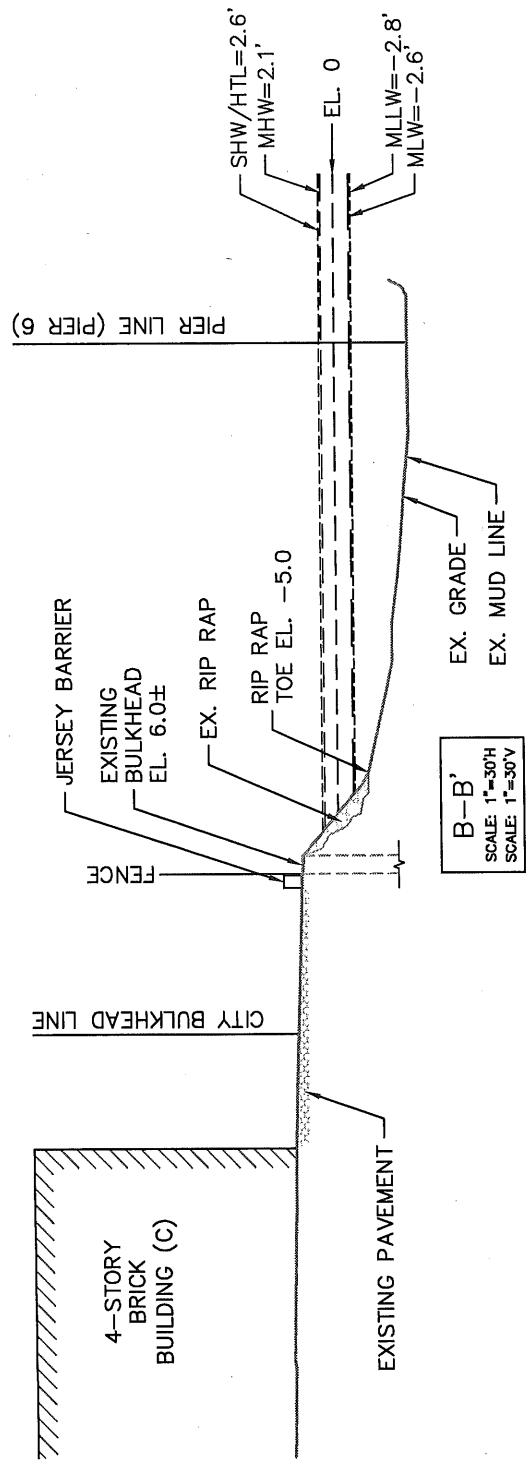
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TITLE: SECTION A-A'

PROPOSED PROJECT:
MADE IN NEW YORK (MINY)
BUSH TERMINAL - NORTH CAMPUS
WATERFRONT SECTIONS
IN: BUSH TERMINAL
NEAR AT: SUNSET PARK
COUNTY: KINGS
STATE: NY
DATUM: NAVD 88

LOCATION:
BUSH TERMINAL
BROOKLYN, NY 11232
BLOCK/LOT: 715/1; 710/1; 725/1

LAT/LONG: 40.654923/-74.014478 (\pm)
SHEET 10 OF 15 DATE: 12/06/19

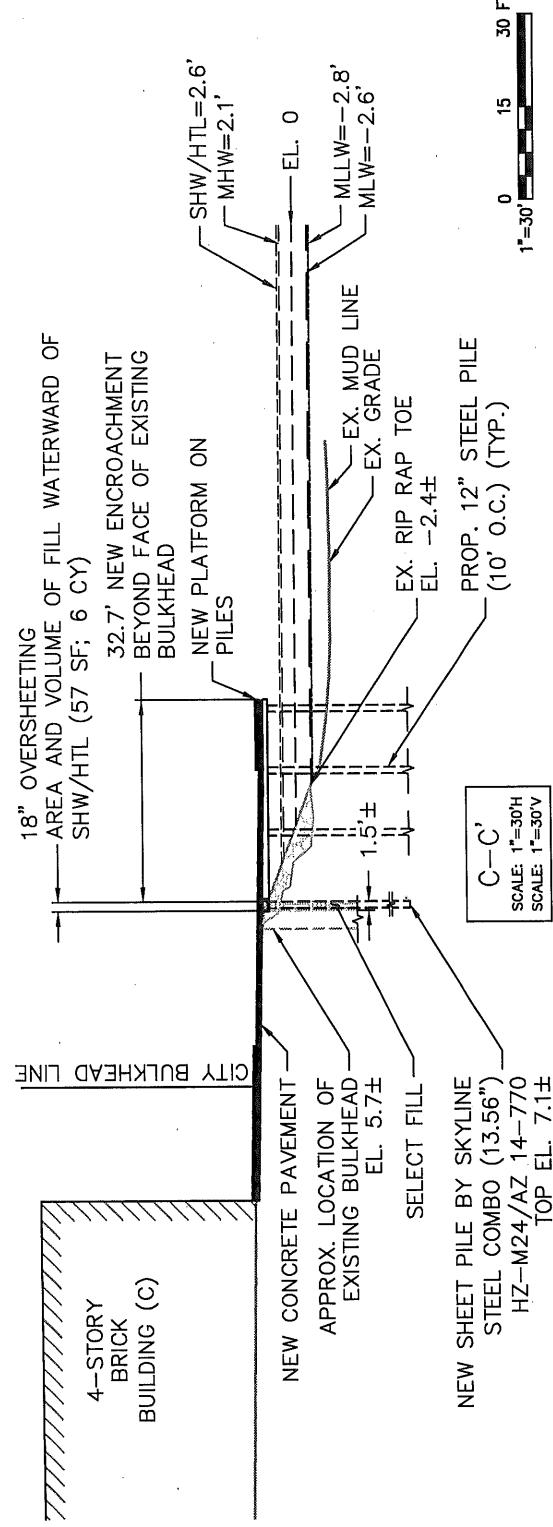
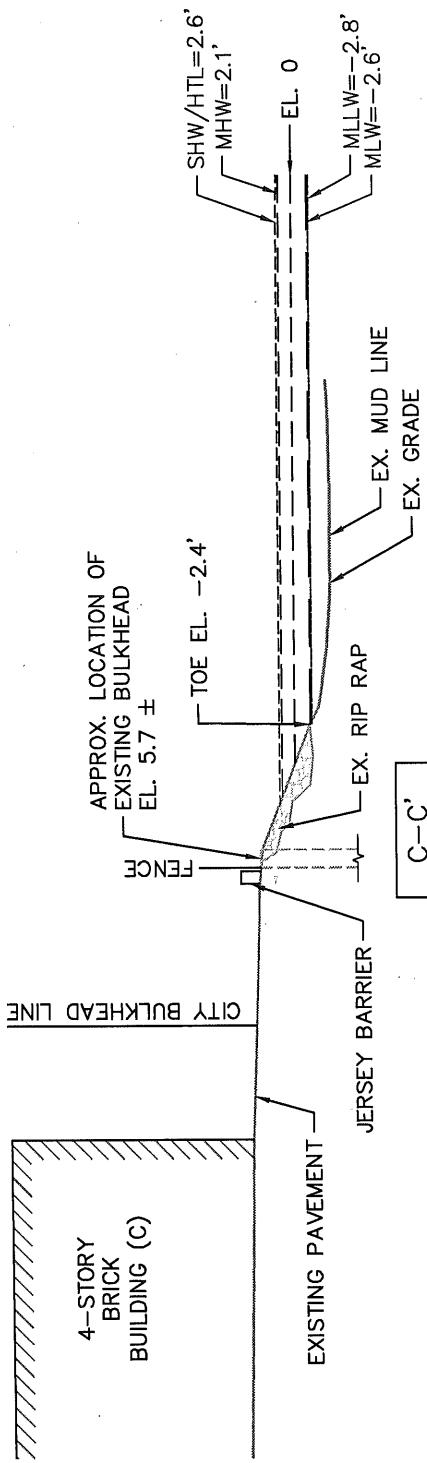


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TITLE: SECTION B-B'

APPLICANT: NYC ECONOMIC DEVELOPMENT CORPORATION	PROPOSED PROJECT: MADE IN NEW YORK (MINY) BUSH TERMINAL - NORTH CAMPUS WATERFRONT SECTIONS IN: BUSH TERMINAL NEAR AT: SUNSET PARK COUNTY: KINGS STATE: NY DATUM: NAVD 88
ADJACENT PROPERTY OWNERS: - NYC DEPARTMENT OF SMALL BUSINESS SERVICES (662/1) - INDUSTRY CITY	LOCATION: BUSH TERMINAL BROOKLYN, NY 11232 BLOCK/LOT: 715/1; 710/1; 725/1 LAT/LONG: 40.654923/-74.014478 (±) SHEET 11 OF 15 DATE: 12/06/19



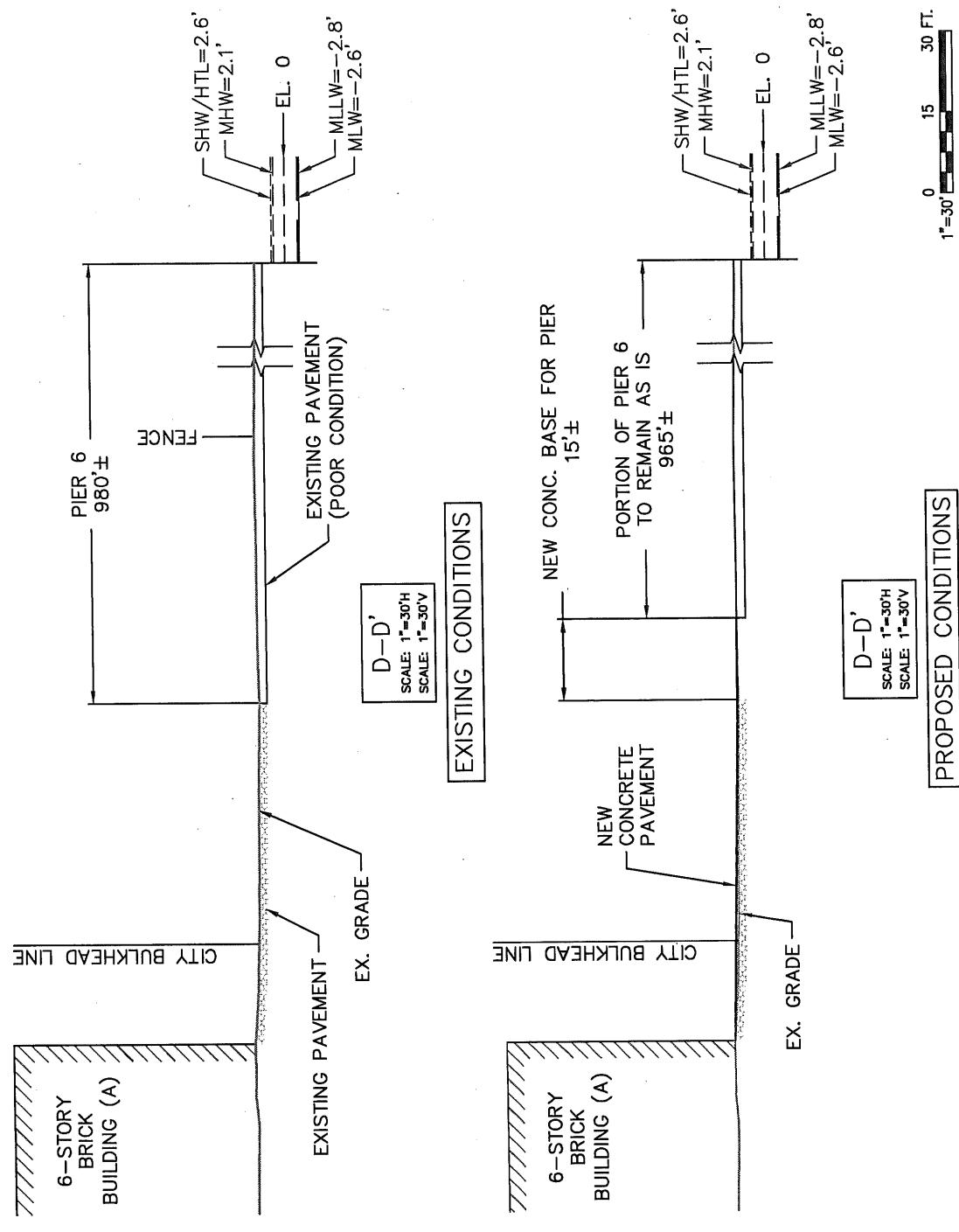
PROPOSED CONDITIONS

TITLE: SECTION C-C'

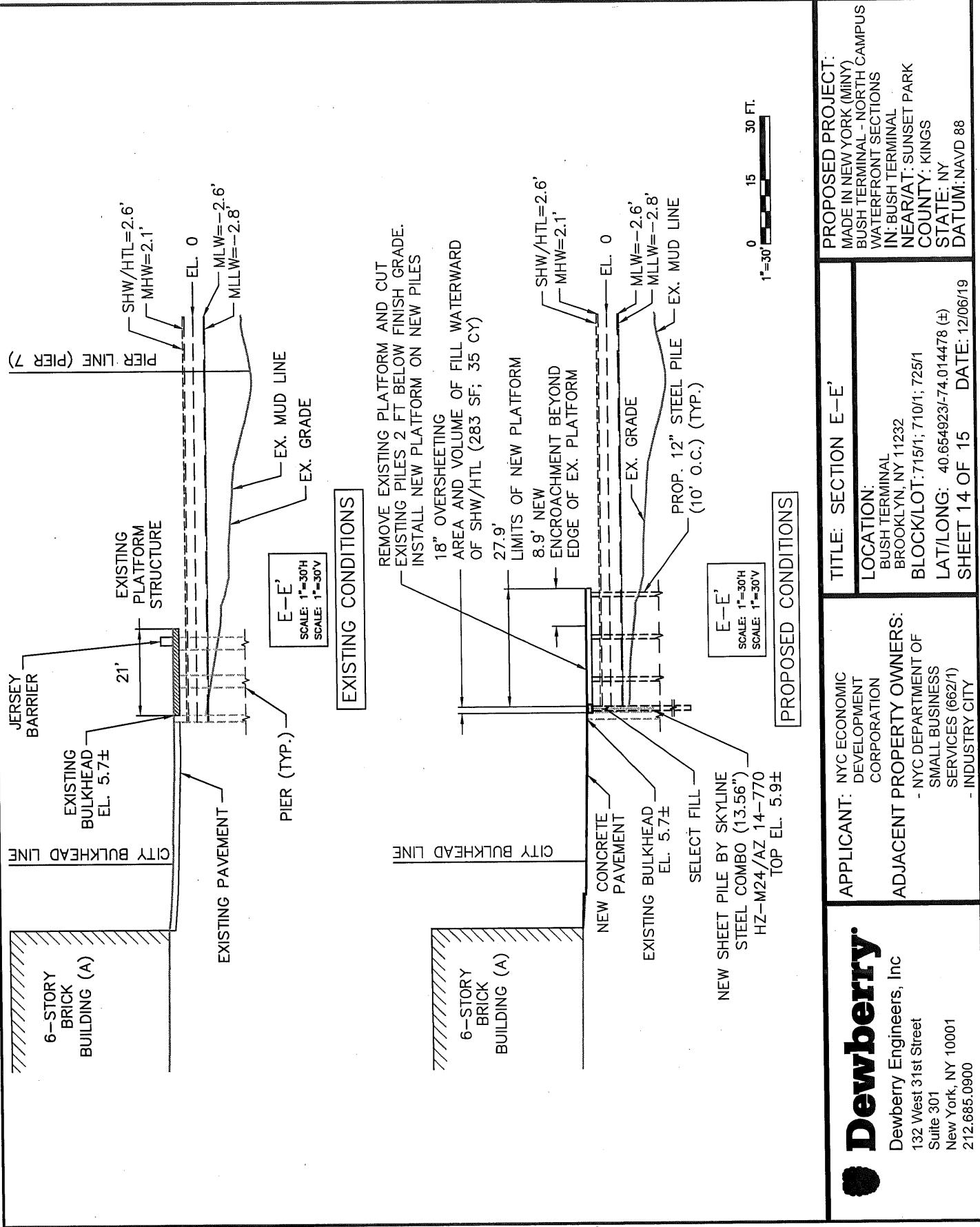
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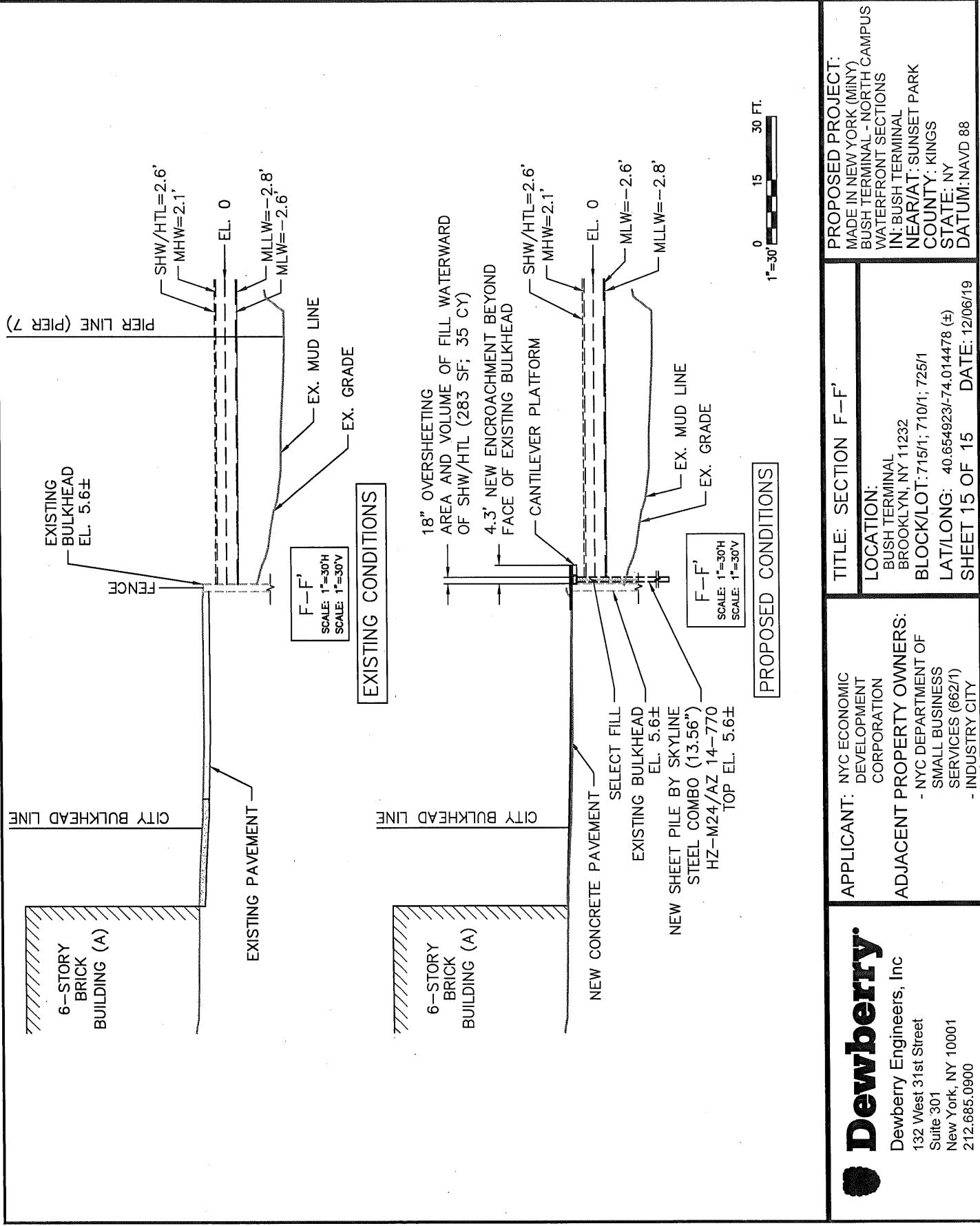
Dewberry Engineers, Inc
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APPLICANT: NYC ECONOMIC DEVELOPMENT CORPORATION	LOCATION: BUSH TERMINAL, BROOKLYN, NY 11232	PROPOSED PROJECT: MADE IN NEW YORK (MINY) BUSH TERMINAL - NORTH CAMPUS WATERFRONT SECTIONS IN: BUSH TERMINAL NEAR AT: SUNSET PARK COUNTY: KINGS STATE: NY DATUM: NAVD 88
ADJACENT PROPERTY OWNERS: - NYC DEPARTMENT OF SMALL BUSINESS SERVICES (6621) - INDUSTRY CITY	BLOCK/LOT: 7151; 7101/1; 725/1 LAT/LONG: 40.664923/-74.014478 (±) SHEET 12 OF 15	DATE: 12/06/19



Dewberry Dewberry Engineers, Inc 132 West 31st Street Suite 301 New York, NY 10001 212.685.0900	APPLICANT: NYC ECONOMIC DEVELOPMENT CORPORATION ADJACENT PROPERTY OWNERS: - NYC DEPARTMENT OF SMALL BUSINESS SERVICES (662/1) - INDUSTRY CITY	TITLE: SECTION D-D'	PROPOSED PROJECT: MADE IN NEW YORK (MINY) BUSH TERMINAL - NORTH CAMPUS IN: BUSH TERMINAL SECTIONS NEAR/AT: SUNSET PARK COUNTY: KINGS STATE: NY DATUM: NAVD 88
		BLOCK/LOT: 715/1; 710/1; 725/1 LAT/LONG: 40.654923/-74.014478 (±) SHEET 13 OF 15 DATE: 12/06/19	





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