

# 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-2018-01596-ESW

Issue Date: May 3, 2019  
Expiration Date: June 2, 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).

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

**ACTIVITY:** Installation of piles for art display

**WATERWAY:** Hudson River

**LOCATION:** Terminus of Gansevoort Street, 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.

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.

The applicant obtained tidal wetlands authorization (#2-6205-01833/00001) and a water quality certification (#2-6205-01833/00002) for the proposed work from the New York State Department of Environmental Conservation on April 4, 2019.

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**

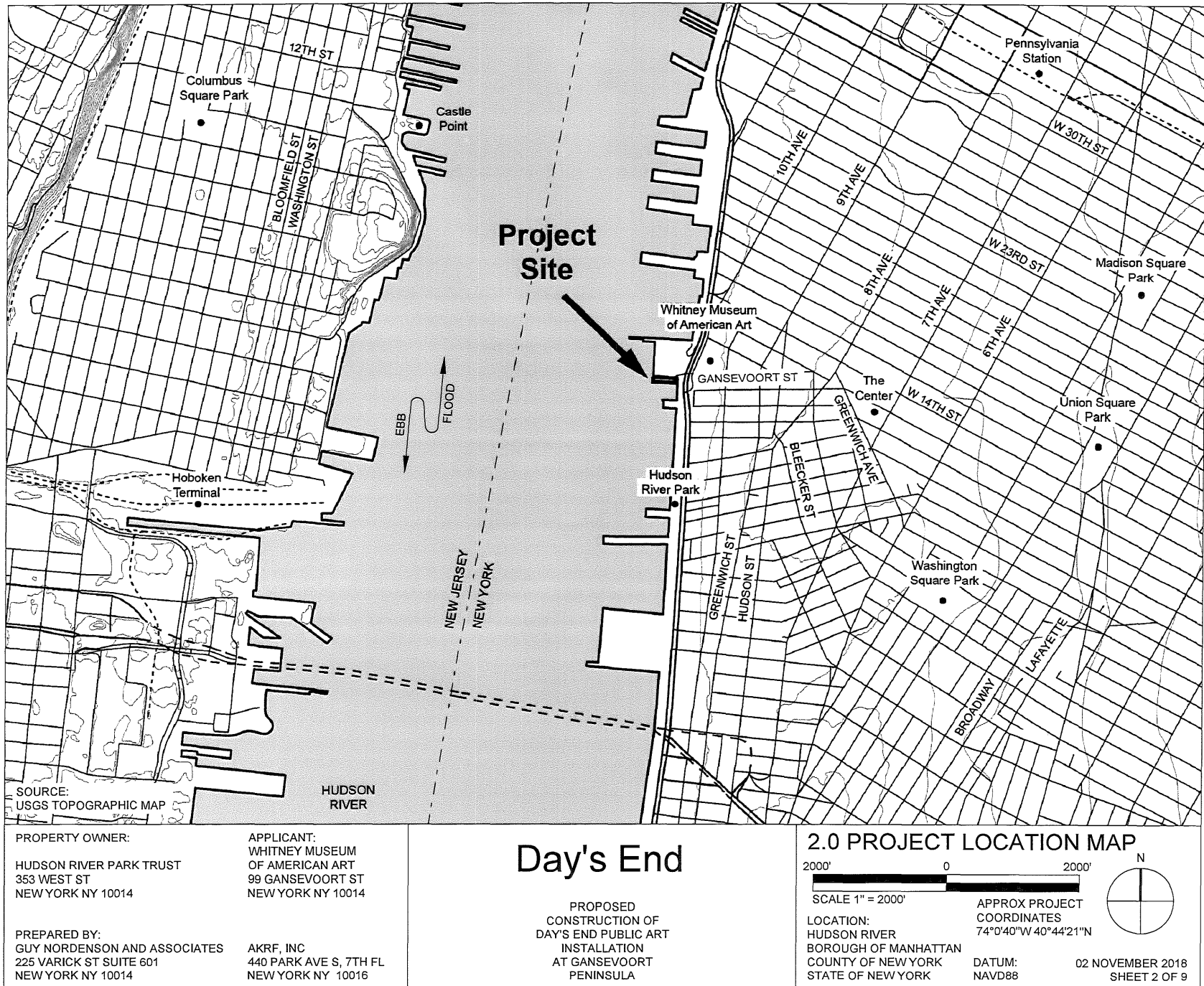
The applicant, Hudson River Park Trust on behalf of the Whitney Museum of American Art, has requested Department of the Army authorization to construct fourteen (14) 30-inch-diameter hollow steel piles in the Hudson River for a public art display at the terminus of Gansevoort Street on Gansevoort Peninsula in the Hudson River State Park, Borough of Manhattan, New York County, City of New York, New York.

Fourteen (14) 30-inch-diameter hollow steel piles would be installed within the river while five (5) 12-inch-diameter hollow steel piles would be installed above the plane of Spring High Water outside of U.S. Army Corps of Engineers jurisdiction on the southern edge of Gansevoort Peninsula. The piles would support concrete columns connected by horizontal beams to recreate the footprint and dimensions of the Pier 52 shed that previously existed in that site location. The 65-foot-wide by 325-foot-long proposed art display will extend westward 331 linear feet into the waterway from the existing bulkhead. The limits of the piles will be located approximately 293 linear feet from the western floor edge of the Hudson River Federal Navigation Channel.

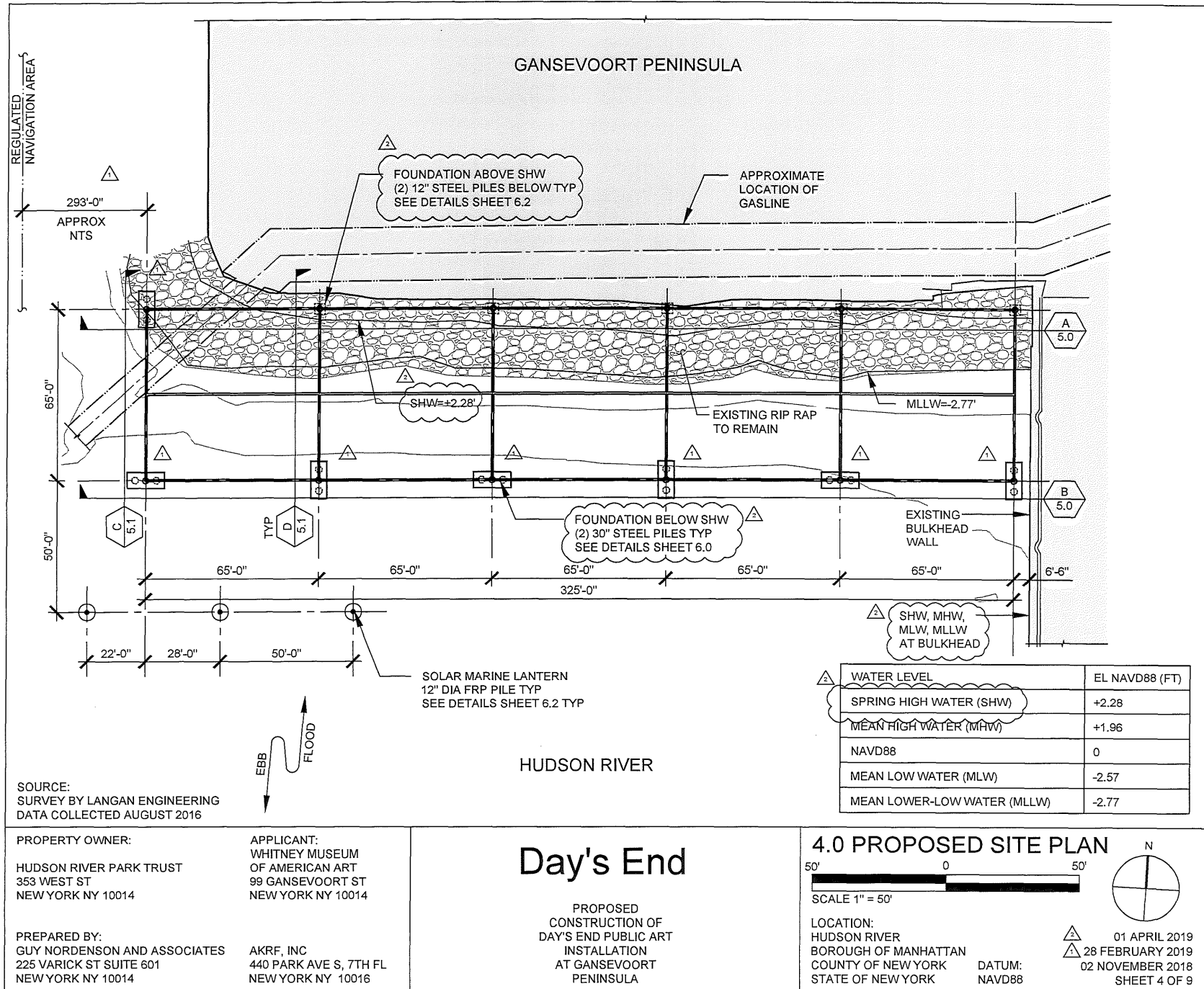
Prior to installation of the permanent piles and over a period of approximately three weeks, the applicant would install 12-inch-diameter test piles at each pile location to determine if obstructions exist prior to installation of the permanent piles.

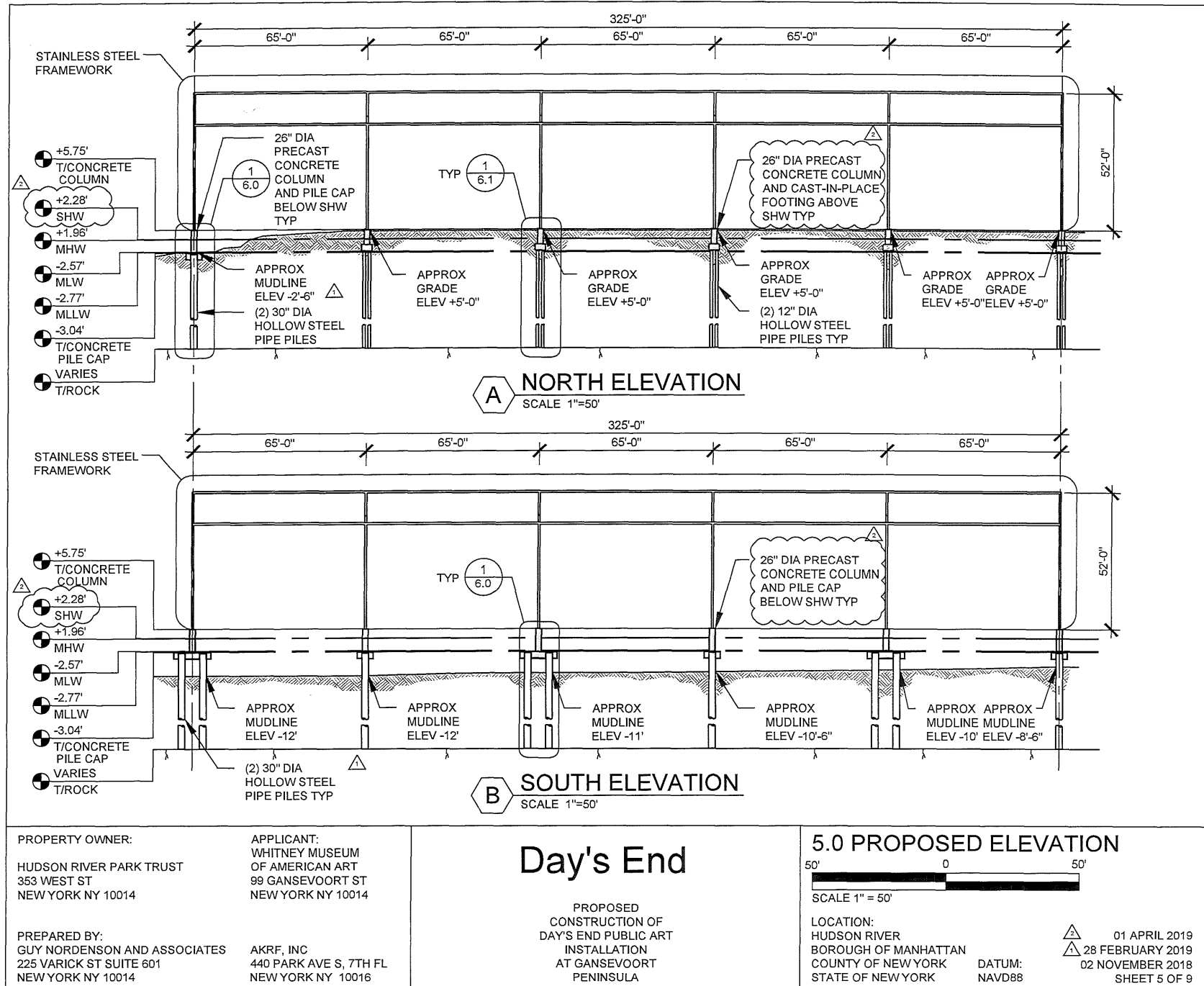
Construction methods would include vibratory installation with a cushioned impact hammer once resistance is encountered. To minimize impacts to aquatic species, any permit authorization would include a Special Condition requiring a 20-minute soft start to allow for animals to leave the vicinity of the project area before sound pressure increases. Installation of the permanent piles would begin approximately eight (8) to ten (10) weeks after completion of the test pile process.

The applicant's stated purpose for the fourteen (14) hollow steel piles is to enhance public open space and promote the arts consistent with the requirements of the 1998 Hudson River Park Act, as amended. The applicant has avoided and minimized impacts to the maximum extent practicable by limiting the proposed art display to the least amount of piles and by utilizing hollow steel piles that would not require the discharge of flowable concrete within the aquatic environment.

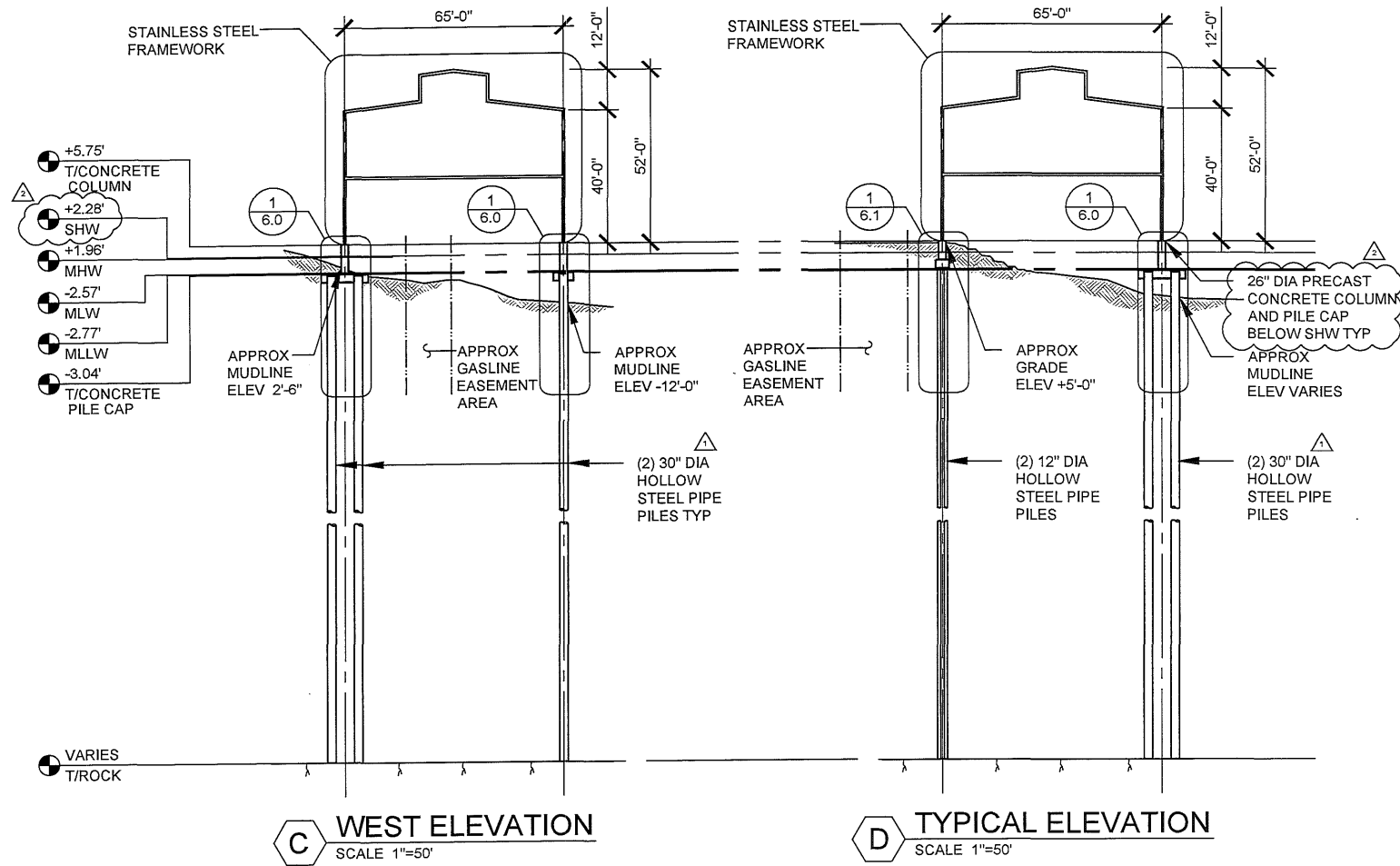












PROPERTY OWNER:  
HUDSON RIVER PARK TRUST  
353 WEST ST  
NEW YORK NY 10014

PREPARED BY:  
GUY NORDENSON AND ASSOCIATES  
225 VARICK ST SUITE 601  
NEW YORK NY 10014

APPLICANT:  
WHITNEY MUSEUM  
OF AMERICAN ART  
99 GANSEVOORT ST  
NEW YORK NY 10014

AKRF, INC  
440 PARK AVE S, 7TH FL  
NEW YORK NY 10016

## Day's End

PROPOSED  
CONSTRUCTION OF  
DAY'S END PUBLIC ART  
INSTALLATION  
AT GANSEVOORT  
PENINSULA

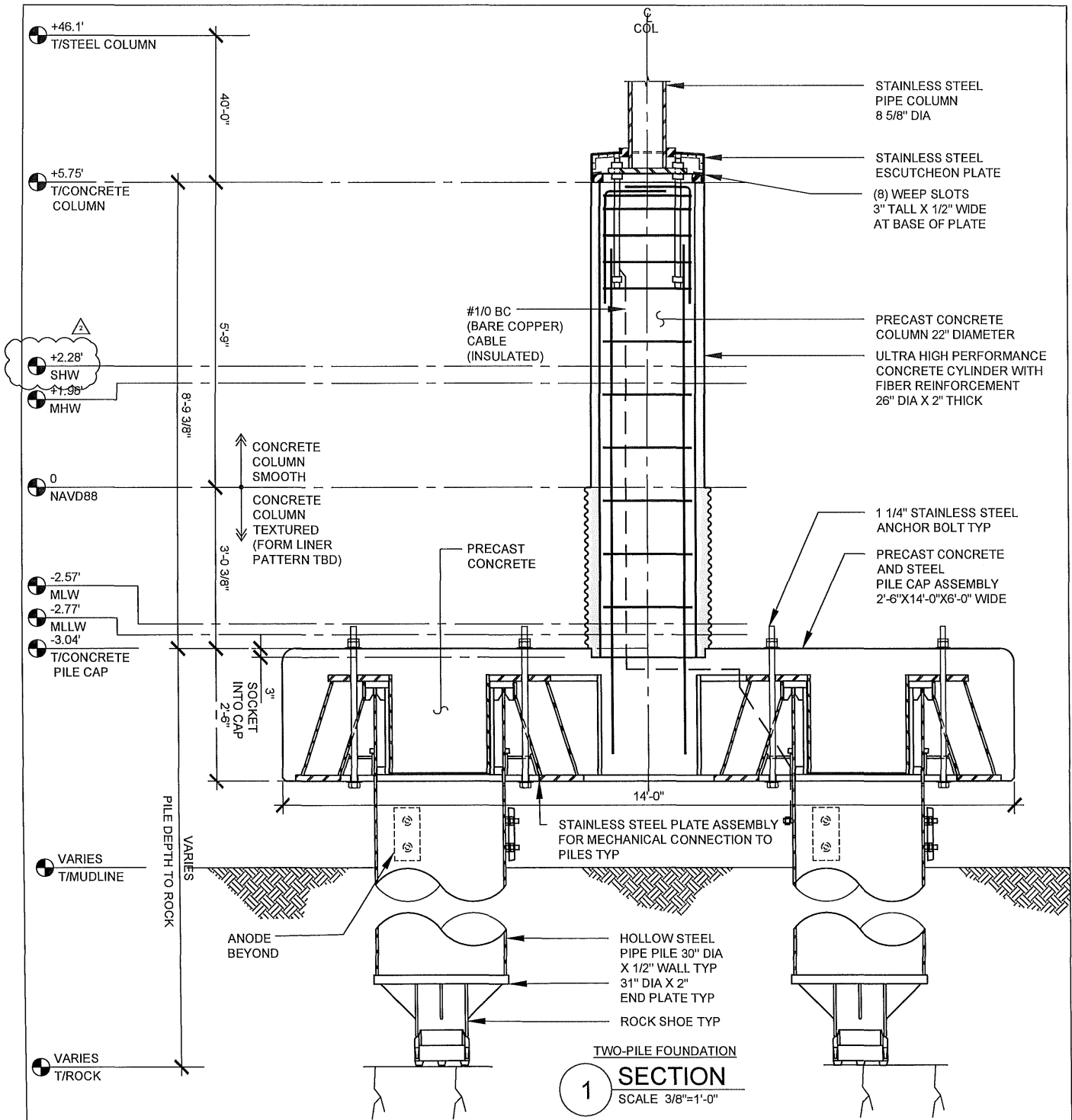
## 5.1 PROPOSED ELEVATION

50' 0 50'  
SCALE 1" = 50'

LOCATION:  
HUDSON RIVER  
BOROUGH OF MANHATTAN  
COUNTY OF NEW YORK  
STATE OF NEW YORK

DATUM:  
NAVD88

01 APRIL 2019  
28 FEBRUARY 2019  
02 NOVEMBER 2018  
SHEET 6 OF 9



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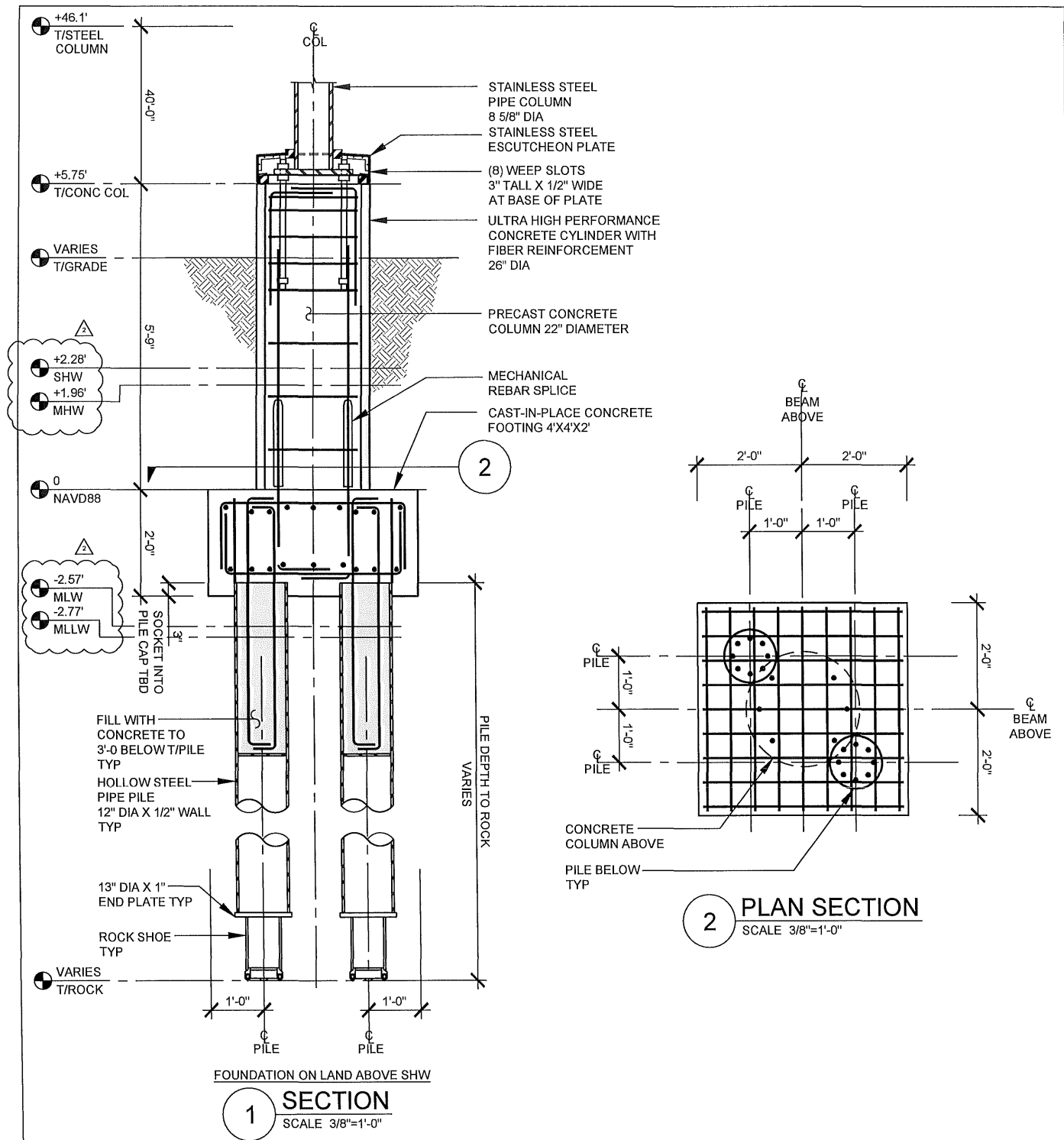
## 6.0 FOUNDATION BELOW SHW DETAIL

SCALE = 3/8"=1'-0"

LOCATION:  
HUDSON RIVER  
BOROUGH OF MANHATTAN  
COUNTY OF NEW YORK  
STATE OF NEW YORK

DATUM:  
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SHEET 7 OF 9



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INSTALLATION  
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PENINSULA

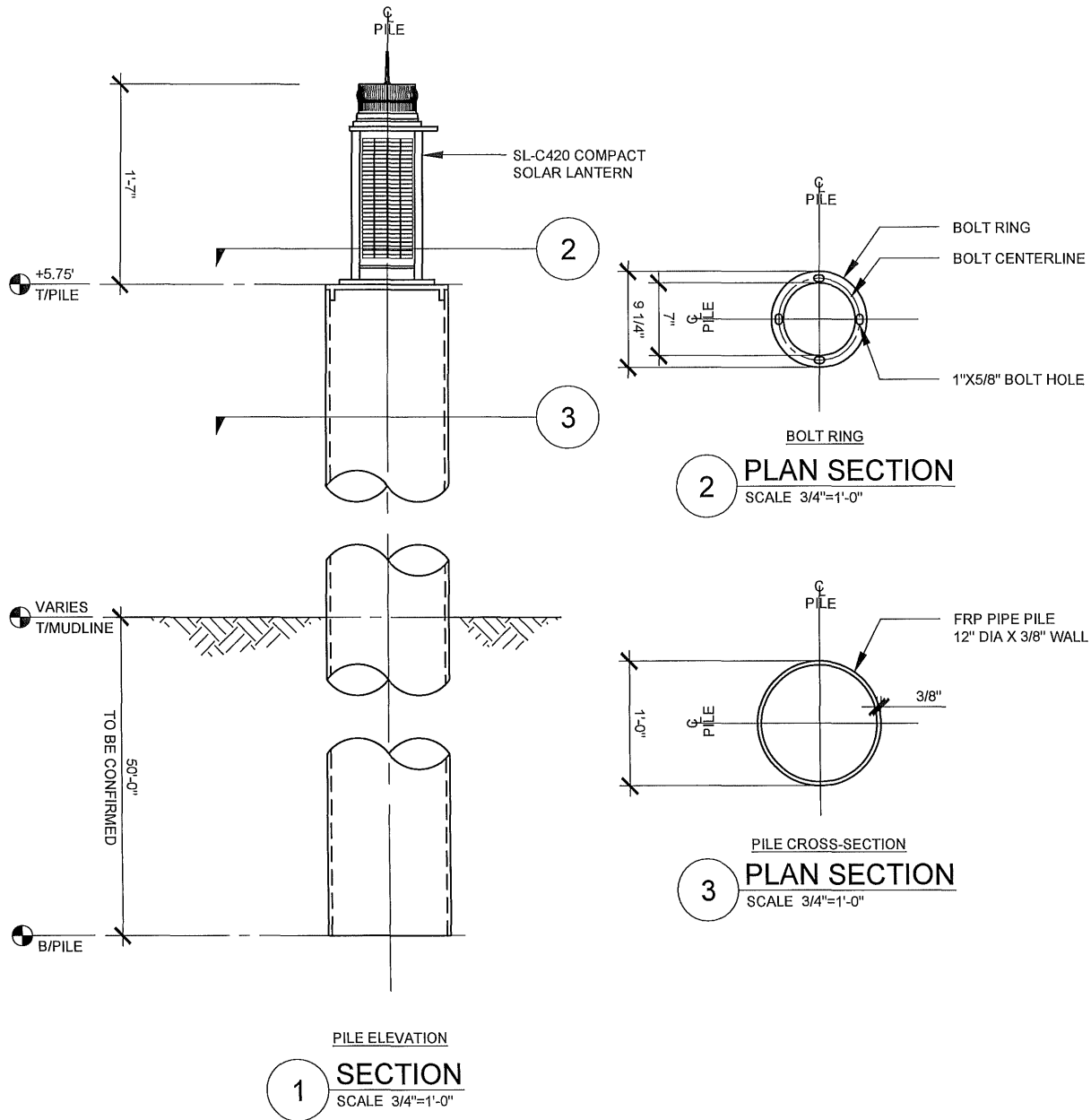
## 6.1 FOUNDATION ABOVE SHW DETAILS

SCALE = 3/8"=1'-0"

LOCATION:  
HUDSON RIVER  
BOROUGH OF MANHATTAN  
COUNTY OF NEW YORK  
STATE OF NEW YORK

DATUM:  
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02 NOVEMBER 2018  
SHEET 8 OF 9



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## Day's End

PROPOSED  
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PENINSULA

## 6.2 SOLAR MARINE LANTERN DETAIL

SCALE = 3/4"=1'-0"

LOCATION:  
HUDSON RIVER  
BOROUGH OF MANHATTAN  
COUNTY OF NEW YORK  
STATE OF NEW YORK

DATUM:  
NAVD88

02 NOVEMBER 2018  
SHEET 9 OF 9