



JOINT PUBLIC NOTICE

US Army Corps of Engineers New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090
Attn: Regulatory Branch

State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, CT 01606-5127

US Army Corps of Engineers New England District
696 Virginia Road
Concord, MA 01742-2751
Attn: Regulatory Branch

In replying refer to:
PN Number: NAN-2018-00688-EKN
Issue Date: **May 7, 2019**
Expiration Date: **June 6, 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: New York City Economic Development Corporation
110 William Street
New York, NY 10038

ACTIVITY: Dredging with open-water disposal at the Western Long Island Sound Disposal Site (WLDS)

WATERWAY : Dredging: Hammond Cove/Long Island Sound
Dredged Material Placement: Long Island Sound

LOCATION: Dredging: 140 Reynolds Avenue, Bronx, NY 10465
Dredged Material Placement: Western Long Island Sound Disposal Site and state-approved upland site

Independent evaluations of various aspects of the proposed project will be performed by the US Army Corps of Engineers-New York District, US Army Corps of Engineers-New England District, the State of Connecticut, and the State of New York in accordance with applicable federal and state laws.

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 the 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, by writing to the District Engineer 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.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also 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/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended.

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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project may impact approximately 67,140-square-feet of Essential Fish Habitat (EFH) for the attached list of species and their life stages. Habitat at this site can be described as sand with silt with some gravel and clay. Loss of this habitat may adversely affect any of the attached list of species. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Dredged material disposal is proposed for the Western Long Island Sound Disposal Site (WLDS). This is an open water site, which provides Essential Fish Habitat for the list of species and their life stages as shown on the attached table. Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect any of the species listed on the attached sheet. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH 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 archaeological, scientific, 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 water quality certificates or waivers from the appropriate state agencies 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, approved state coastal zone management programs. By this public notice, we are requesting 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 Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, will review the applicant's dredged material placement proposal for consistency with Connecticut's water quality standards. Subsequent issuance of the Section 401 Water Quality Certificate from the state agency will indicate concurrence with the coastal area management plan.

Comments related to water quality issues should be submitted both to this office and to the Connecticut Department of Environmental Protection, Land and Water Resources Division, 79 Elm Street, Hartford, Connecticut 06106-5127. For more information about the water quality certification, please contact Connecticut's Office of Long Island Sound Programs at (860) 424-3019.

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.

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) 790-8715 and ask for Dr. Stephen Knowles, or email Stephen.C.Knowles@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey 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, New York City Economic Development Corporation, has requested Department of the Army authorization to perform maintenance dredging of a marina and entrance channel in Hammond Cove, The Bronx, Bronx County, New York with open-water disposal of the dredged material at the Western Long Island Sound Disposal Site (WLDS) and at a state-approved upland site.

The proposed work involves mechanical dredging, using an “environmental” clamshell bucket to remove soft sediments, to 5-feet below the plane of Mean Low Water, with 1-foot of overdepth dredging, an approximate total of 10,500 cubic yards from a total area of approximately 7,460 square yards (67,140 square feet). Of the total volume, approximately 2,000 cubic yards of silty material would be dredged from an area of approximately 1,370 square yards (12,330 square feet) (Area A) and transported to a state-approved upland location. Of the total volume, approximately 8,500 cubic yards of sand and silt would be dredged from an area of approximately 6,090 square yards (54,810 square feet) (Area B) and transported to the WLDS. Excess water from the loaded scows would be decanted at the dredging site prior to transport to the WLDS or state-approved upland site.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts, to the maximum extent practicable, by limiting the dredging area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed dredging equipment and open-water dredged material placement.

The stated purpose of this project is to provide adequate navigation depths at the marina and entrance channel.

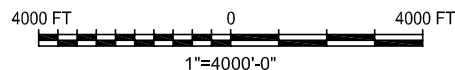
Sampling and Testing:

Based on an evaluation of the data that characterized the material proposed to be dredged, the applicant has sampled and tested the areas to be dredged. The Corps of Engineers finds that the data provided sufficient information to satisfy the evaluation and testing requirements of the appropriate regulation. The material has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. The Corps finds that material from Area B would be suitable for placement at the WLDS, and it is our preliminary determination that the material from Area B is acceptable for disposal at the WLDS. Some of the material sampled from Area A was determined to be un-suitable for placement at the WLDS. The applicant will transport and place all dredged material from Area A at a state-approved upland location.



TAKEN FROM USGS MAP
JERSEY CITY QUADRANGLE
NEW JERSEY-NEW YORK
7.5 MINUTE (TOPOGRAPHIC)

VICINITY MAP



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DATUM: MLLW

APPLICATION BY: NEW YORK CITY
ECONOMIC DEVELOPMENT CORPORATION

APPLICATION NO: NAN-2018-00688

AGENT: BTMI ENGINEERING PC

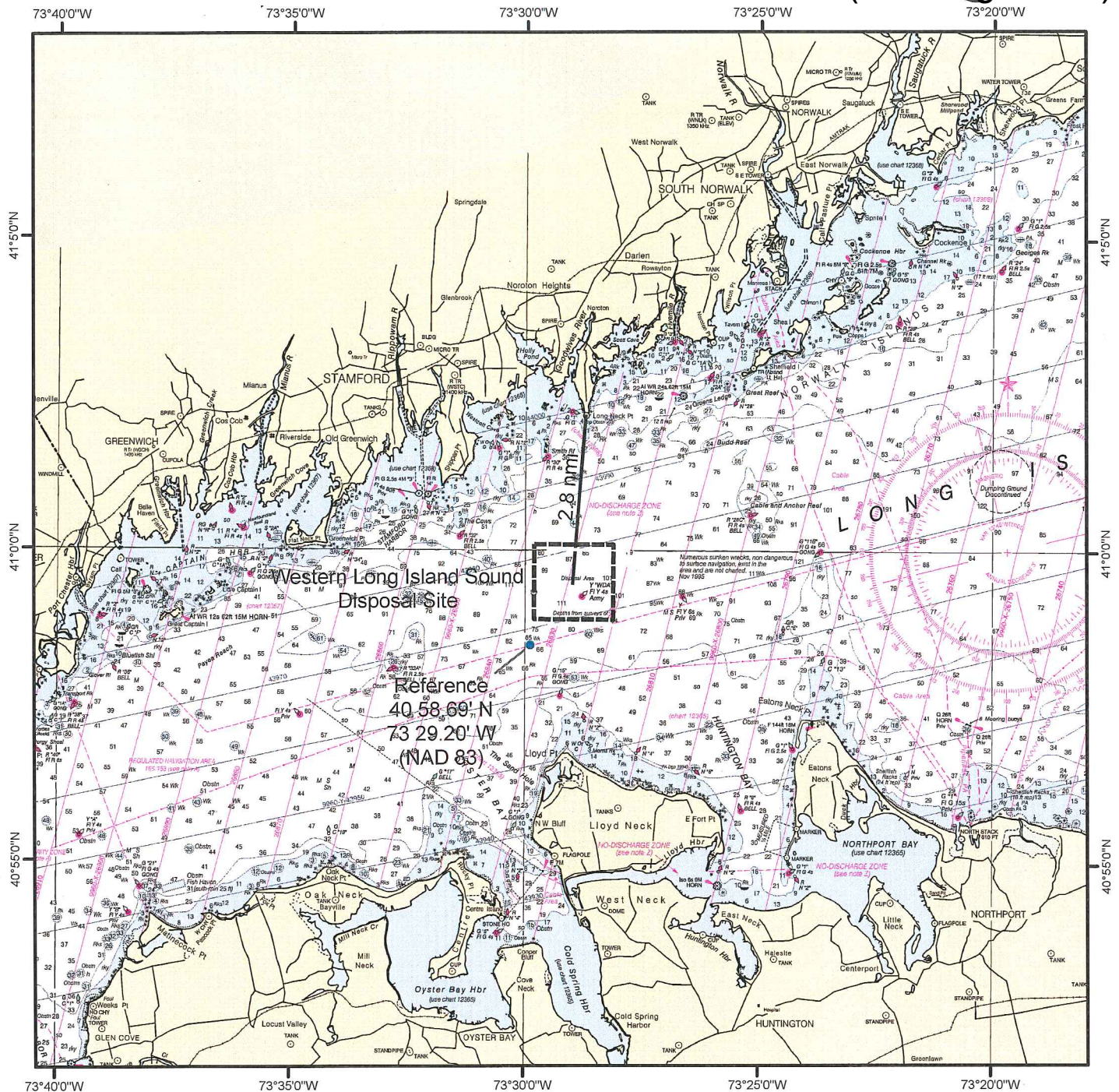
PROPOSED HAMMOND COVE DREDGING

HAMMOND COVE
BRONX
KINGS COUNTY
STATE OF NEW YORK

DATE: 8/15/2018

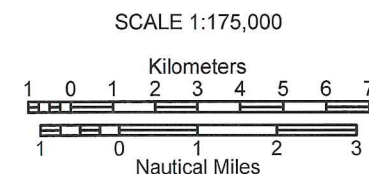
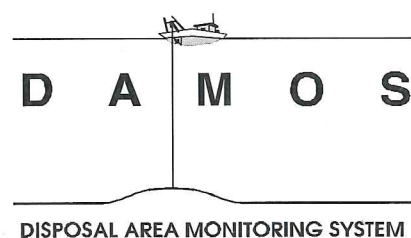
SHEET 1 OF 6

USACE FILE: NAN-2018-00688-EKN (Drawing 2 of 7)

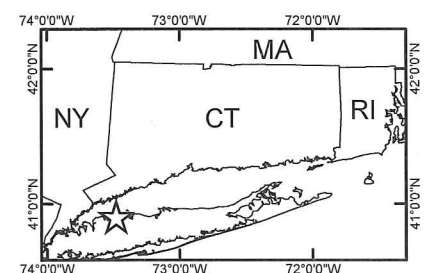


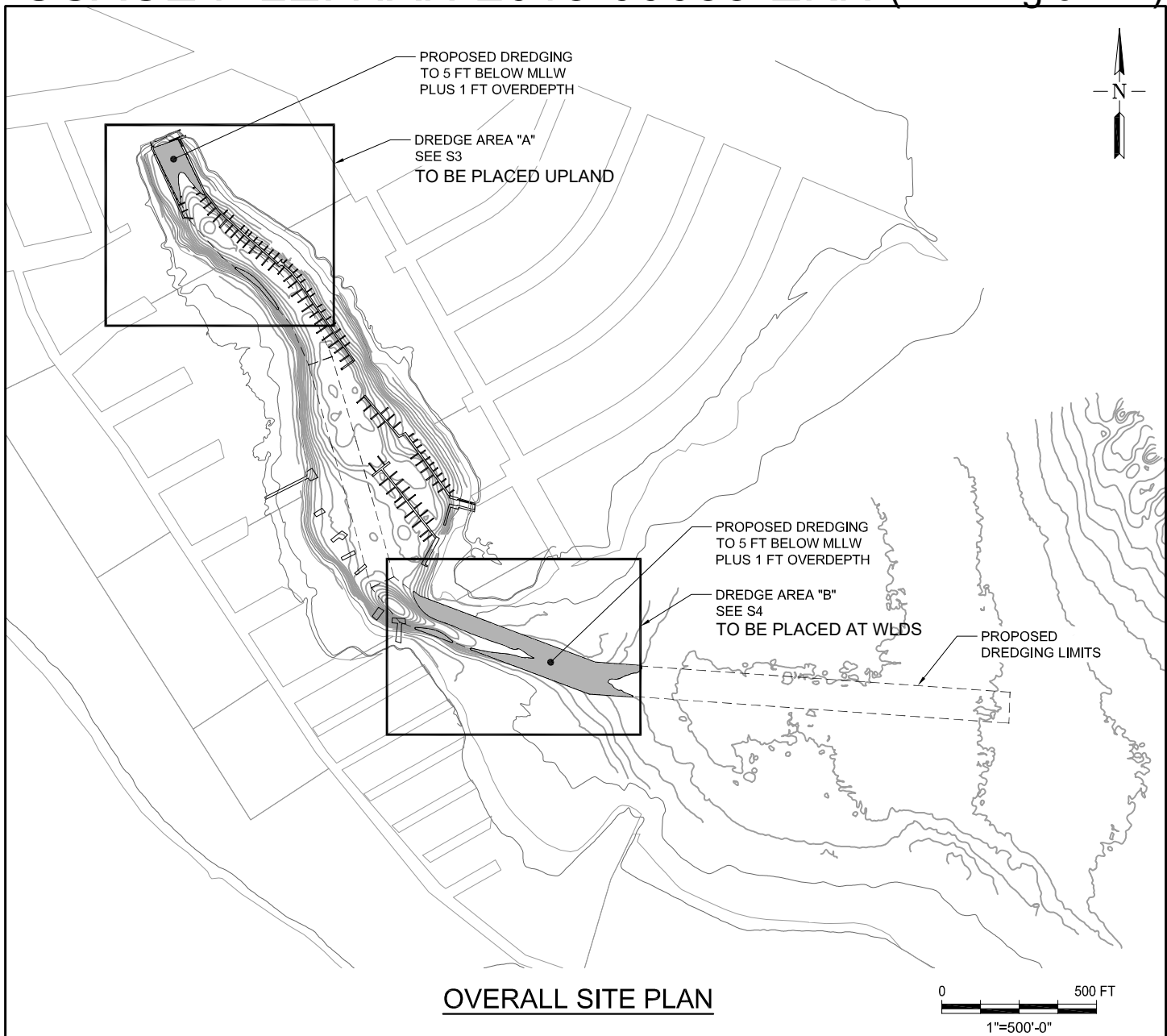
WESTERN LONG ISLAND SOUND DISPOSAL SITE

Description: The Western Long Island Sound Disposal Site (WLDS) is located 2.8 nmi (5.1 km) south of Long Neck Point, Noroton, Connecticut between three historic dredged material disposal sites (Stamford, South Norwalk, and Eaton's Neck). It is a site centered at 40° 59.500' N, 73° 28.950' W (NAD 83). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



NOTE: This chart is not intended for use in navigation.





PROPOSED DREDGING TO 5+1 FT MLLW	DREDGE AREA "A"	DREDGE AREA "B"	TOTAL
PROPOSED LIMITS OF DREDGING [SY]	14,390	23,200	37,590
PROPOSED AREA TO BE DREDGED [SY]	1,370	6,090	7,460
PROPOSED VOLUME TO BE DREDGED [CY]	2,000	8,500	10,500

NOTES:

- BATHYMETRIC CONTOUR REPRESENT SURVEY DATA COLLECTED BY ROGERS SURVEYING OF STATEN ISLAND NY ON 1/15/2018 AND CAN ONLY REPRESENT THE CONDITIONS AT THE TIME OF THE SURVEY.
- TOPOGRAPHIC CONTOURS REPRESENT SURVEY DATA FROM 2012 USACE JALBTCX.
- BLOCK AND LOT DATA FROM NYC MAPPLUTO.
- LOCATIONS OF EXISTING DOCKS ARE APPROXIMATE.

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ECONOMIC DEVELOPMENT CORPORATION**

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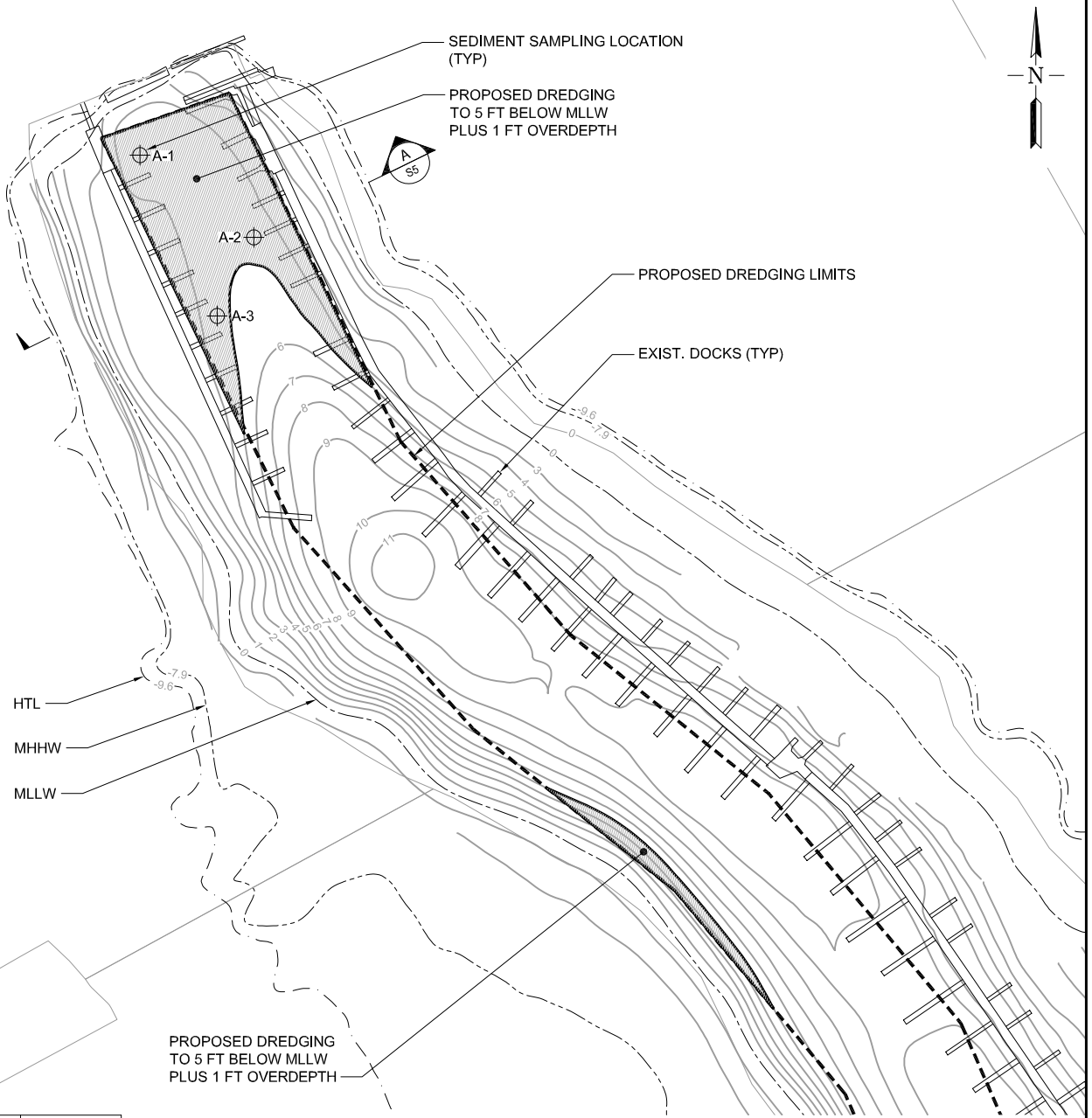
AGENT: BTMI ENGINEERING PC

PROPOSED HAMMOND COVE DREDGING

**HAMMOND COVE
BRONX
KINGS COUNTY
STATE OF NEW YORK**

DATE: 8/15/2018

SHEET 2 OF 6



PROPOSED DREDGING
TO 5 FT BELOW MLLW
PLUS 1 FT OVERDEPTH

PROPOSED DREDGING TO 5+1 FT MLLW	DREDGE AREA "A"
PROPOSED LIMITS OF DREDGING [SY]	14,390
PROPOSED AREA TO BE DREDGED [SY]	1,370
PROPOSED VOLUME TO BE DREDGED [CY]	2,000

PROPOSED DREDGE AREA "A"

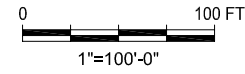
MATERIAL FOR UPLAND PLACEMENT

NOTES:

- LIMITS OF DREDGING REPRESENT TOE OF DREDGING. SLOPE TO EXTEND 1V:3H TO EXISTING GRADE UNLESS PREVENTED BY EXISTING STRUCTURES.

LEGEND

- HTL
- MHHW
- MLLW
- ⊕ A-1 SEDIMENT SAMPLING LOCATION



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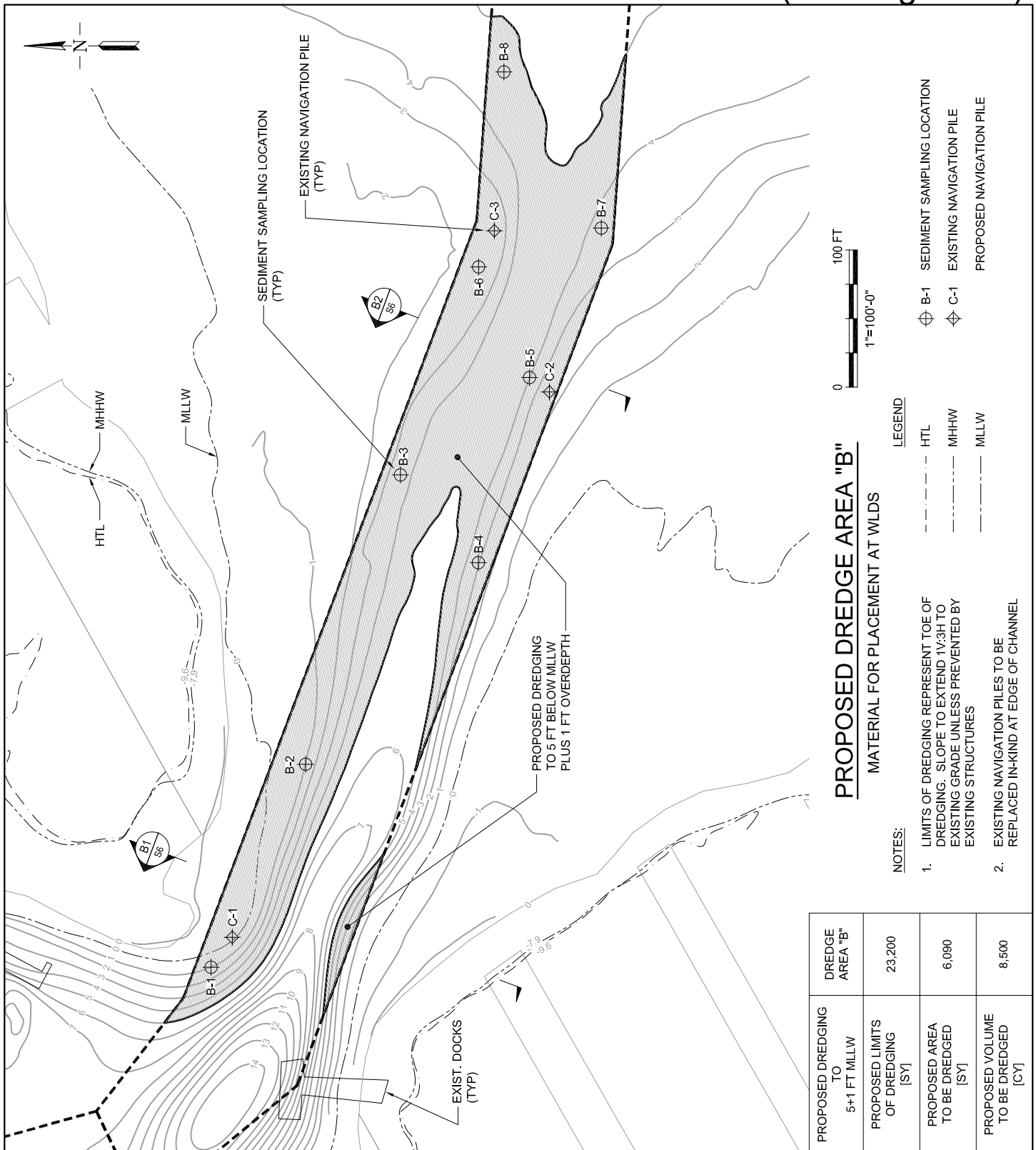
AGENT: BTMI ENGINEERING PC

PROPOSED HAMMOND COVE DREDGING

HAMMOND COVE
BRONX
KINGS COUNTY
STATE OF NEW YORK

DATE: 8/15/2018

SHEET 3 OF 6



FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

DATUM: MLLW

APPLICATION BY: NEW YORK CITY
ECONOMIC DEVELOPMENT CORPORATION

APPLICATION NO: NAN-2018-00688

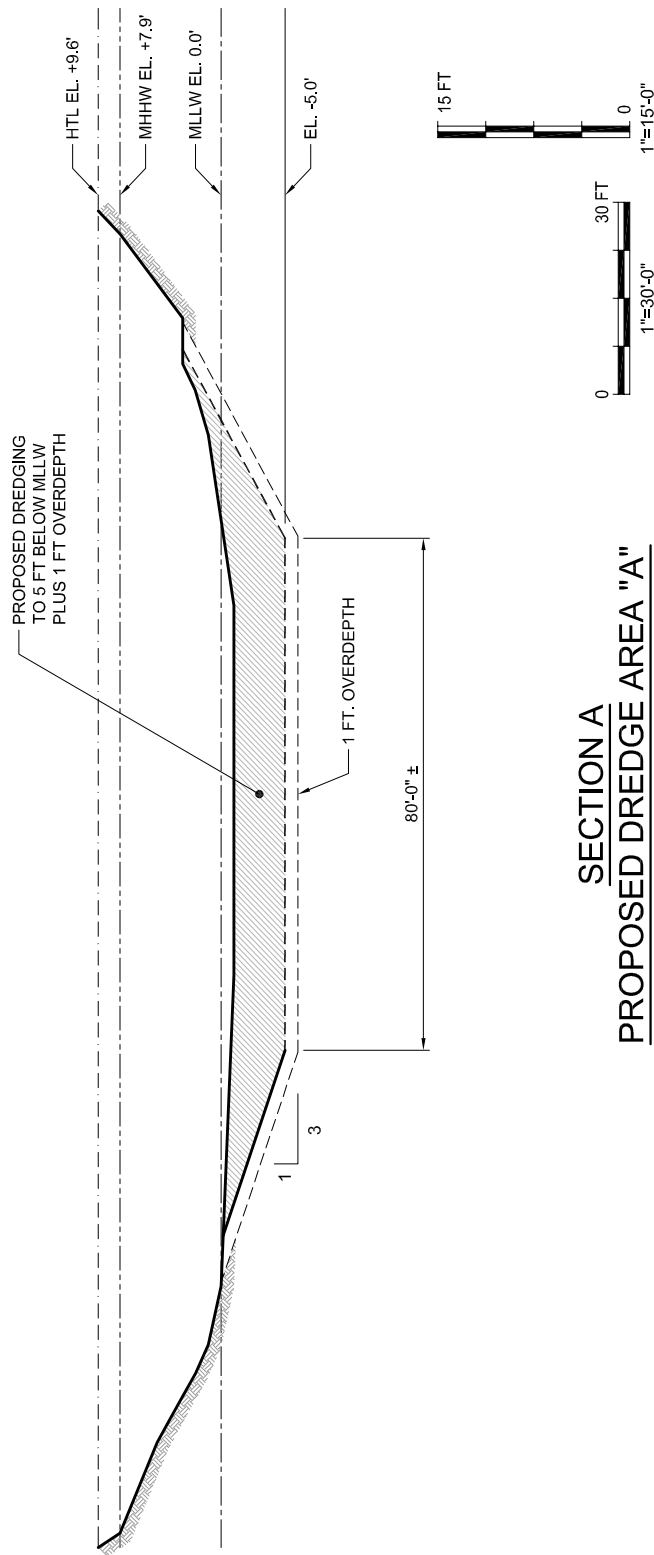
AGENT: BTMI ENGINEERING PC

PROPOSED HAMMOND COVE DREDGING

HAMMOND COVE
BRONX
KINGS COUNTY
STATE OF NEW YORK

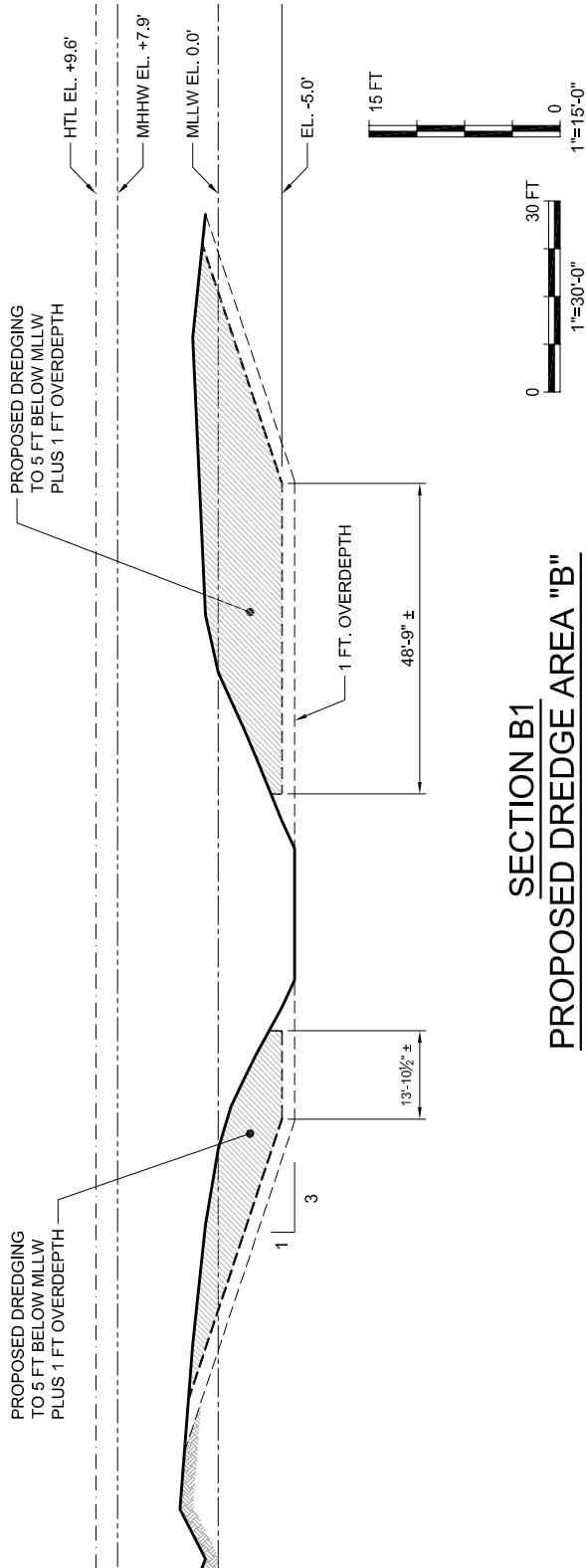
DATE: 8/15/2018

SHEET 4 OF 6

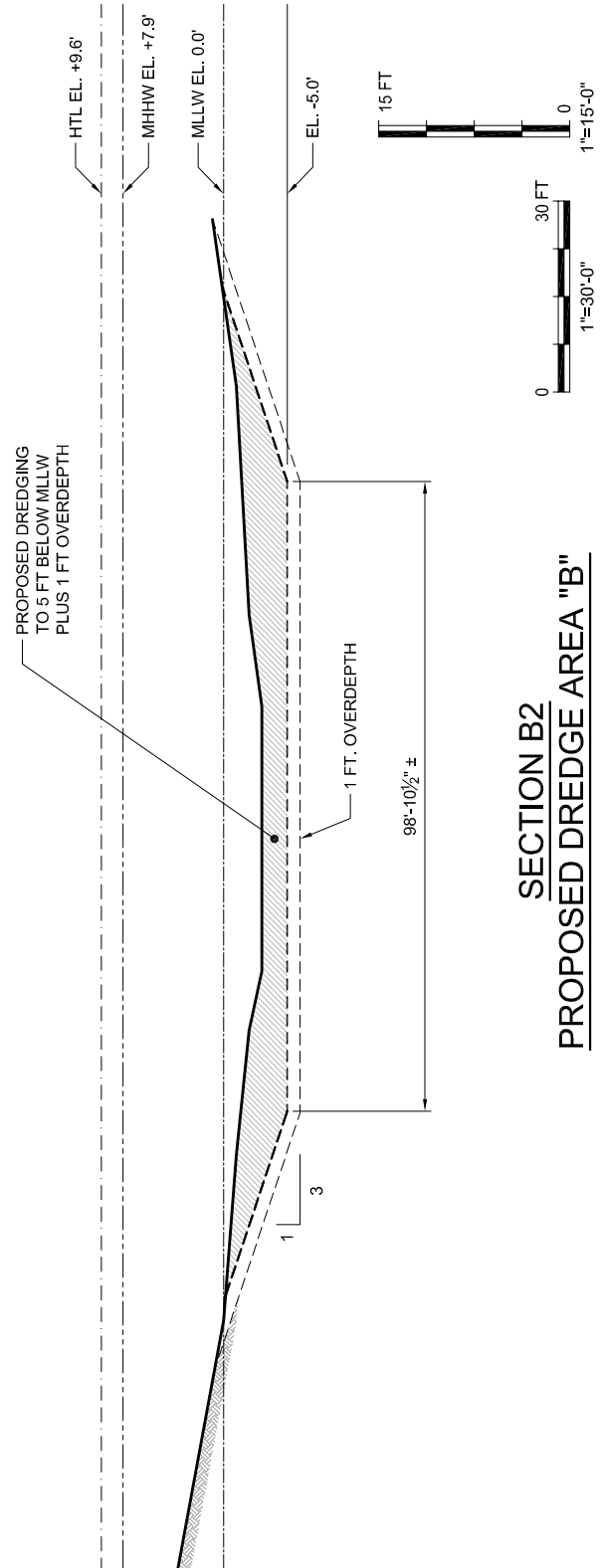


SECTION A
PROPOSED DREDGE AREA "A"

<p>FOR PERMIT USE ONLY NOT FOR CONSTRUCTION</p>	<p>DATUM: MLLW</p> <p>APPLICATION BY: NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION</p> <p>APPLICATION NO: NAN-2018-00688</p> <p>AGENT: BTMI ENGINEERING PC</p>	<p>PROPOSED HAMMOND COVE DREDGING</p> <p>HAMMOND COVE BRONX KINGS COUNTY STATE OF NEW YORK</p> <p>DATE: 8/15/2018 SHEET 5 OF 6</p>
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SECTION B1 PROPOSED DREDGE AREA "B"



SECTION B2 PROPOSED DREDGE AREA "B"

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

DATUM: MLLW

APPLICATION BY: NEW YORK CITY
ECONOMIC DEVELOPMENT CORPORATION

APPLICATION NO: NAN-2018-00688

AGENT: BTMI ENGINEERING PC

PROPOSED HAMMOND COVE DREDGING

HAMMOND COVE
BRONX
KINGS COUNTY
STATE OF NEW YORK

DATE: 8/15/2018

SHEET 6 OF 6

Summary of Essential Fish Habitat (EFH) of Dredging Area

10' x 10' Square Coordinates:

Boundary	North	East
Coordinate	40° 48.0' N	73° 48.0' E

Square Description (i.e. habitat, landmarks, coastline markers): Atlantic Ocean waters within the square within the Hudson River estuary affecting the following: Staten Island, from Port Richmond, NY, on the north west around to Great Kills South Harbor of Great Kills, NY, south of Bayonne, NY.

Species	Eggs	Larvae	Juveniles	Adults
red hake (<i>Urophycis chuss</i>)	X	X	X	
redfish (<i>Sebastes fasciatus</i>)	n/a			
winter flounder (<i>Pseudopleuronectes americanus</i>)	X	X	X	X
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)		X	X	X
monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X

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long finned squid (<i>Loligo pealeii</i>)	n/a	n/a		
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprilus triacanthus</i>)		X	X	X
Atlantic mackerel (<i>Scomber scombrus</i>)			X	X
summer flounder (<i>Paralichthys dentatus</i>)		X	X	X
scup (<i>Stenotomus chrysops</i>)	X	X	X	X
black sea bass (<i>Centropristis striata</i>)	n/a		X	X
surf clam (<i>Spisula solidissima</i>)	n/a	n/a		
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
sand tiger shark (<i>Carcharias taurus</i>)		X		
dusky shark (<i>Carcharhinus obscurus</i>)		X	X	
sandbar shark (<i>Carcharhinus plumbeus</i>)		X		X
Clearnose skate (<i>Raja eglanteria</i>)			X	X
Little skate (<i>Leucoraja erinacea</i>)			X	X
Winter skate (<i>Leucoraja ocellata</i>)			X	X

10 Minute Square Tables

The notation "X" in a table indicates that EFH has been designated within the square for a given species and life stage.

The notation "n/a" in the tables indicates some of the species either have no data available on the designated lifestages, or those lifestages are not present in the species' reproductive cycle. These species are:

- > Redfish, which have no eggs (larvae born already hatched);
- > Long finned squid, short finned squid, surf clam, and ocean quahog which are referred to as pre-recruits and recruits (this corresponds with juveniles and adults in the tables);
- > Spiny dogfish, which have no eggs or larvae (juveniles born live);
- > Scup and black sea bass, for which there is insufficient data for the life stages listed, and no EFH designation has been made as of yet (some estuary data is available for all the life stages of these species, and some of the estuary squares will reflect this).

The Highly Migratory Species' life stages that are summarized within the squares are broken down into neonates, juveniles, and adults. For these species there are no 'egg' designations, and neonates correspond to the heading larvae within each summary table.

Summary of Essential Fish Habitat (EFH) Designation

Western Long Island Sound Disposal Site

10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 00.0' N	73° 20.0' W	40° 50.0' N	73° 30.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Atlantic Ocean waters within the square within Long Island Sound affecting the following: on the north shore of Long Island from just north of Northport, NY., to Cooper Bluff, NY. on Cove Neck, west of Cold Spring Harbor, NY. These waters are north of the following: Northport, NY, Eatons Neck, Northport Bay, Little Neck, East Neck, West Neck, and Lloyd Neck, Huntington, NY., Greenlawn, NY., Centerport, NY., Woodbury, NY., and Huntington Bay. Also, there is a discontinued dumping ground along with a present disposal area, both on the northern boundary of the square, south of Noroton Heights, CT. and South Norwalk, CT.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (<i>Salmo salar</i>)			X	X
Atlantic cod (<i>Gadus morhua</i>)				
haddock (<i>Melanogrammus aeglefinus</i>)				
pollock (<i>Pollachius virens</i>)			X	X
whiting (<i>Merluccius bilinearis</i>)				
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)	X	X	X	X
white hake (<i>Urophycis tenuis</i>)				
redfish (<i>Sebastes fasciatus</i>)	n/a			
witch flounder (<i>Glyptocephalus cynoglossus</i>)				
winter flounder (<i>Pseudopleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Limanda ferruginea</i>)				
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)				
ocean pout (<i>Macrozoarces americanus</i>)				

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Atlantic halibut (<i>Hippoglossus hippoglossus</i>)				
Atlantic sea scallop (<i>Placopecten magellanicus</i>)				
Atlantic sea herring (<i>Clupea harengus</i>)			X	X
monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealeii</i>)	n/a	n/a		
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprilus triacanthus</i>)				
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)			X	
scup (<i>Stenotomus chrysops</i>)	X	X	X	X
black sea bass (<i>Centropristis striata</i>)	n/a		X	
surf clam (<i>Spisula solidissima</i>)	n/a	n/a		
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
sand tiger shark (<i>Carcharias taurus</i>)		X		
Little skate (<i>Leucoraja erinacea</i>)			X	X
Winter skate (<i>Leucoraja ocellata</i>)			X	X