

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-2020-00314-EME
Issue Date: April 10, 2020
Expiration Date: April 30, 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: Astoria Generating Company, LP

ACTIVITY: 10-Year Maintenance Dredging of a Private Facility, with Upland Disposal of Dredged Material, Discharge of Decant and Return Water.

WATERWAY: Bay Ridge Channel of the Upper New York Harbor

LOCATION: Narrows Generating Station, 4 Whale Square, Borough of Brooklyn, City of New York, 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.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED TO MS. LISA GRUDZINSKI AT Lisa.A.Grudzinski@usace.army.mil TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Please reference the Public Notice Number: NAN-2020-00314-EME in subject line of the email.

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.

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 both currently and during construction. 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 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

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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 has stated that they have avoided and minimized impacts to waters of the United States to the maximum extent practicable by limiting dredge depths to less than the original construction design, deploying turbidity curtains, requiring that decant water be discharged inside of turbidity curtains after settlement and through filter media, and avoiding barge overflow.

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) 970-8428 and ask for Lisa Grudzinski.

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

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WORK DESCRIPTION

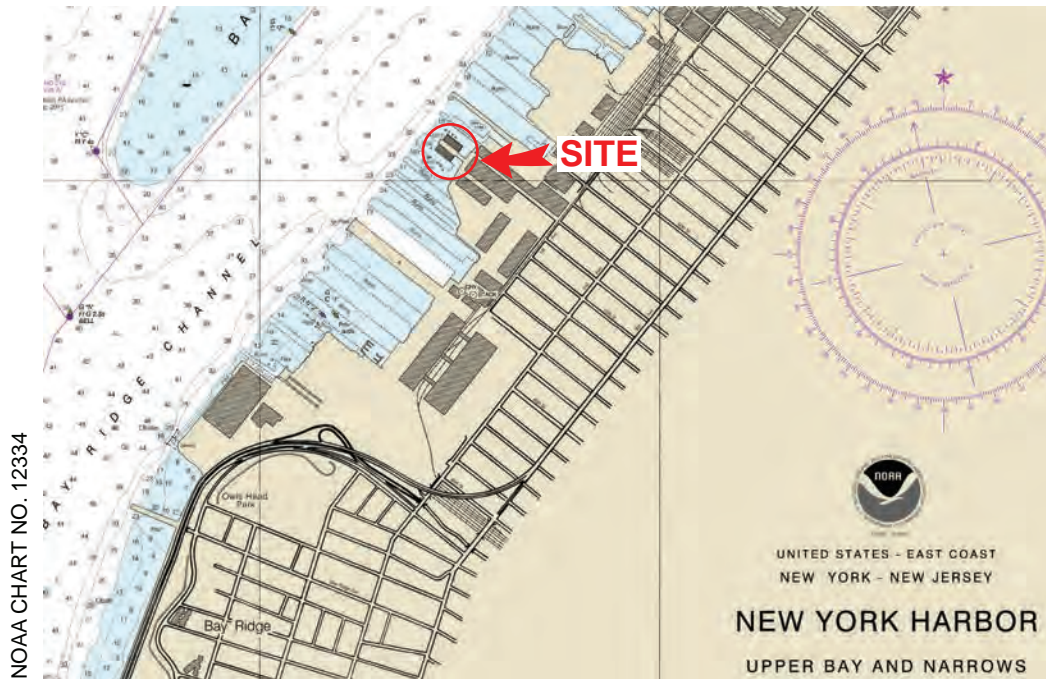
The applicant, Astoria Generating Company, LP, has requested Department of the Army authorization 10-years maintenance dredging in the Bay Ridge Channel of the Upper New York Harbor, at the Narrows Generating Station, 4 Whale Square, Borough of Brooklyn, City of New York, Kings County, New York.

The work would involve the following:

Dredge, with divers using a hydraulic dredge underneath the barges, and mechanically around the perimeter of the site, approximately 5,900 cubic yards of accumulated sediment and debris initially, and up to a total of 10,000 cubic yards over the life of the ten-year permit, from two areas, each approximately 80-feet wide by 215-feet long (17,200 square feet), located on the north and south sides of the existing concrete pier, to a maximum depth of 15-feet below Mean Lower Low Water (MLLW), in order to maintain adequate depth within the two areas for the moored barges at all stages of the tide. One gas turbine power generating barge is moored in each proposed dredging location. In addition to the initial dredging event, up to two additional maintenance dredging events, a total of approximately 2,000 cubic yards per event, would occur within the dredging area over the ten-year life of the permit. Dredged material would be pumped or loaded into hoppers, and decant water directly discharged, behind a turbidity curtain, through a filtration system. Dredged material would be transported via barge for disposal and retention in a state approved upland disposal site. The dredged material is currently undergoing sediment testing and analysis.

The stated purpose of this project is to perform maintenance dredging underneath the gas turbine power generating barges to prevent them from bottoming out and damaging their moorings.

USACE FILE: NAN-2020-00314-EME



VICINITY MAPS

PURPOSE: DREDGING

DATUM: NAVD88

ADJACENT OWNERS:
SEE ATTACHED LIST

NARROWS GENERATING STATION HARBOR DREDGING

APPLICANT: ASTORIA GENERATING CO., LP
18-01 20TH AVE.
ASTORIA, NY 11105

AGENT: TMS WATERFRONT
247 WEST 35TH ST.
NEW YORK, NY 10001

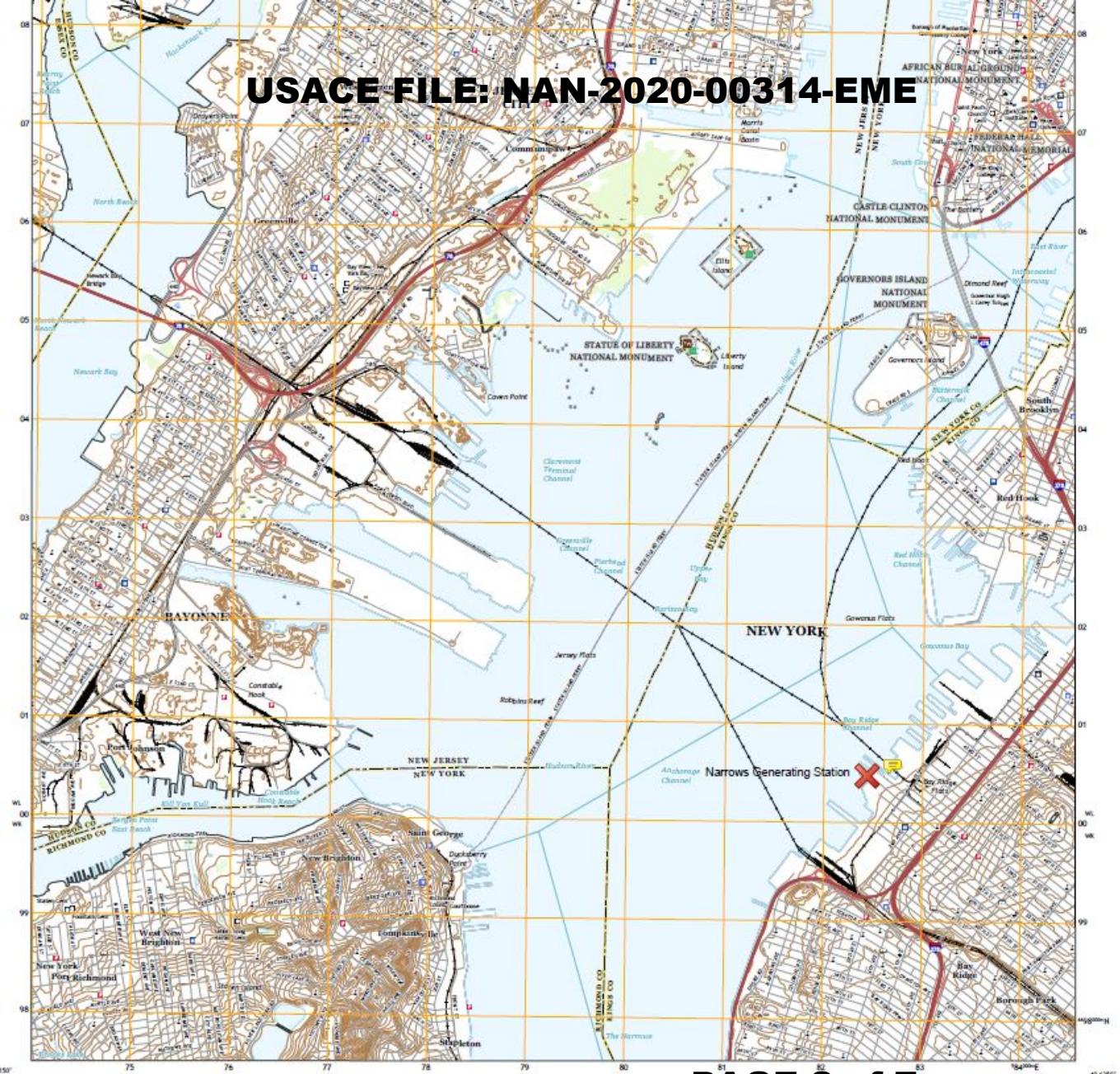
VICINITY MAPS

IN: UPPER BAY
AT: BROOKLYN
COUNTY OF: KINGS STATE: NY

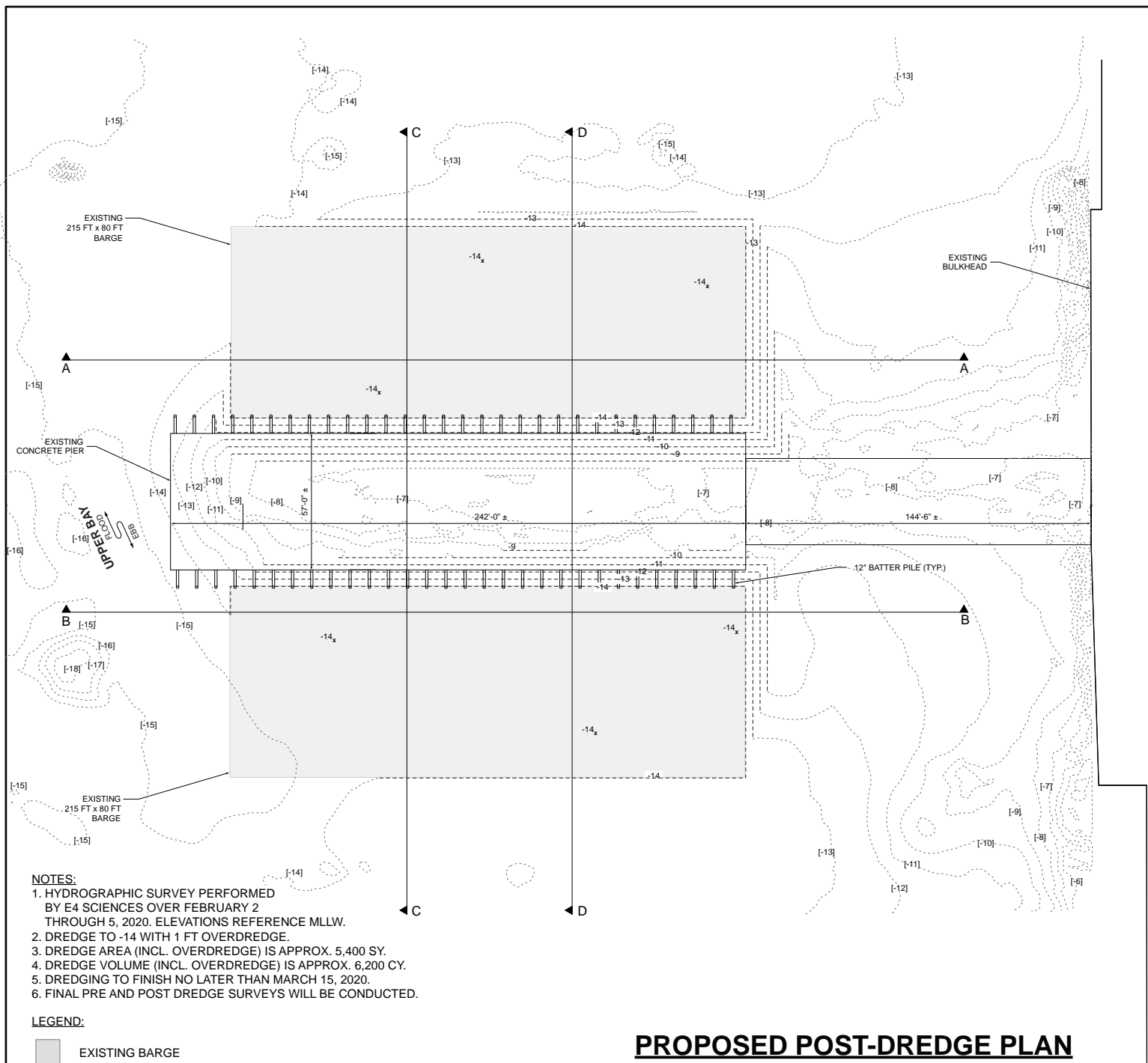
DATE: 02/28/2020

SHT 1 OF 10

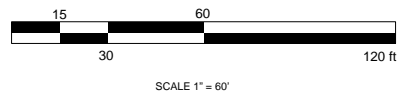
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PROPOSED POST-DREDGE PLAN



PURPOSE: DREDGING

DATUM: NAVD88

ADJACENT OWNERS:
SEE ATTACHED LIST

NARROWS GENERATING STATION HARBOR DREDGING

APPLICANT: ASTORIA GENERATING CO., LP
18-01 20TH AVE.
ASTORIA, NY 11105

AGENT: TMS WATERFRONT
247 WEST 35TH ST.
NEW YORK, NY 10001

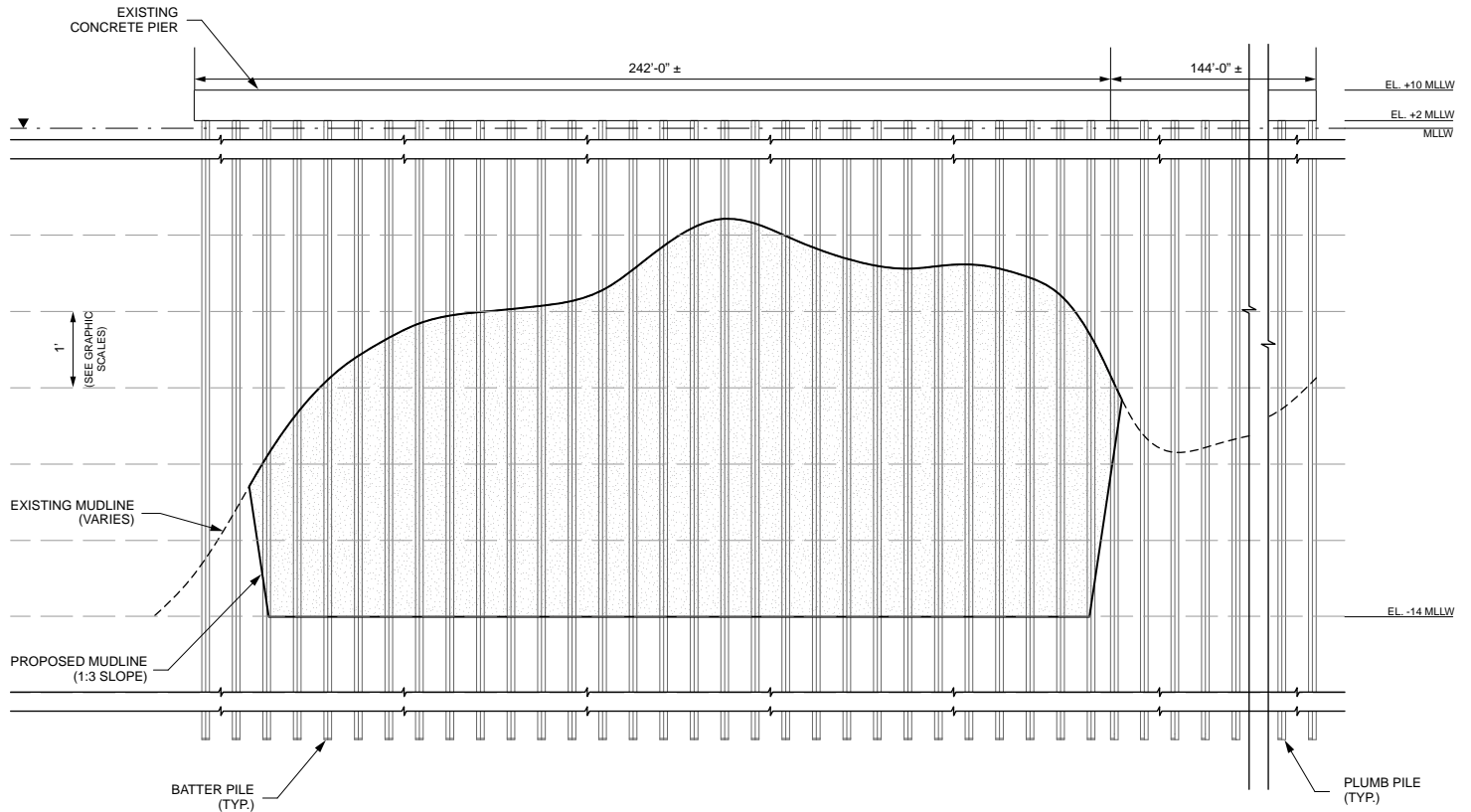
PROPOSED PLAN II

IN: UPPER BAY
AT: BROOKLYN
COUNTY OF: KINGS STATE: NY

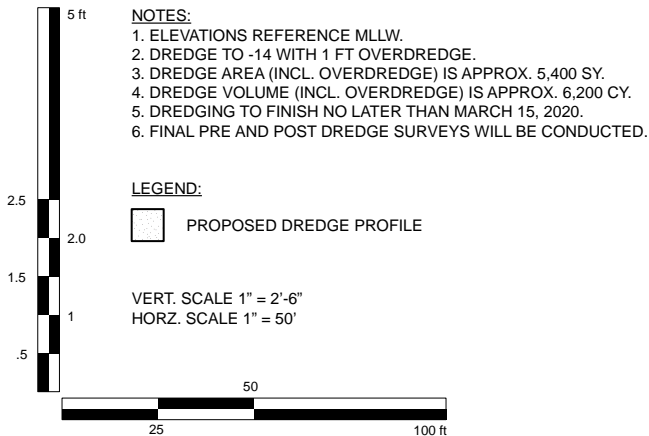
DATE: 02/28/2020

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SECTION A-A



PURPOSE: DREDGING

DATUM: NAVD88

ADJACENT OWNERS:
SEE ATTACHED LIST

NARROWS GENERATING STATION HARBOR DREDGING

APPLICANT: ASTORIA GENERATING CO., LP
18-01 20TH AVE.
ASTORIA, NY 11105

AGENT: TMS WATERFRONT
247 WEST 35TH ST.
NEW YORK, NY 10001

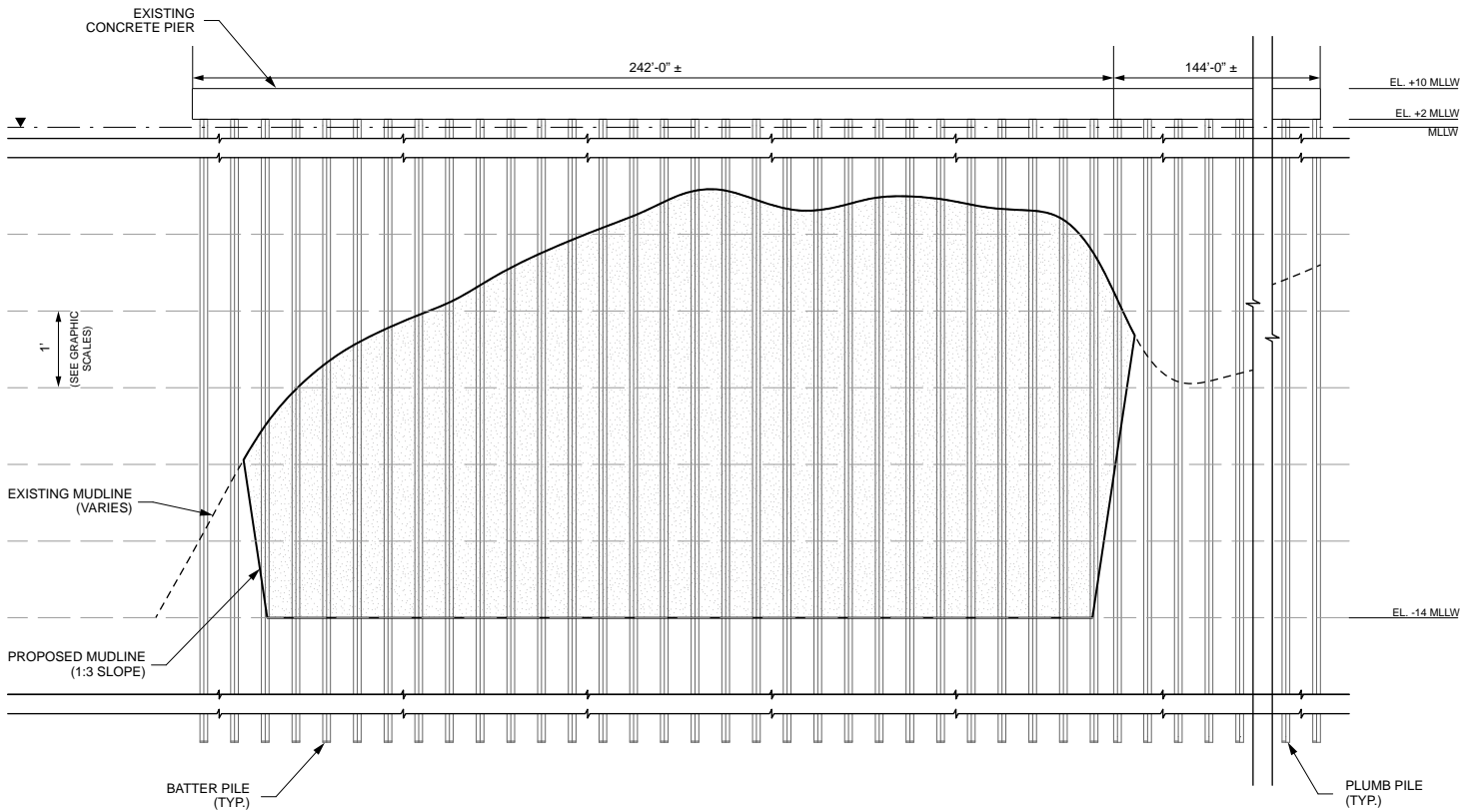
DREDGING SECTION I

IN: UPPER BAY
AT: BROOKLYN
COUNTY OF: KINGS STATE: NY

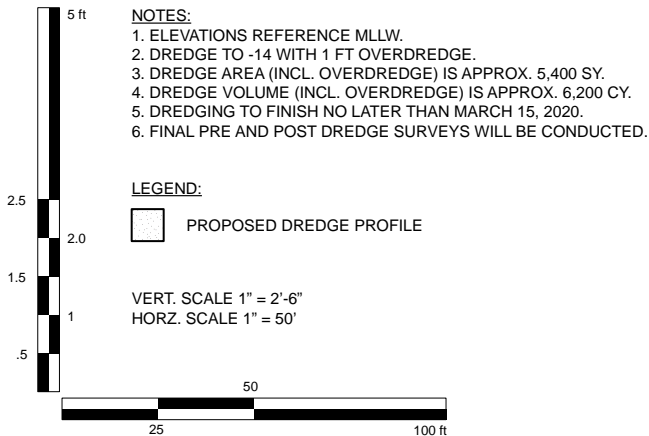
DATE: 02/28/2020

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SECTION B-B



PURPOSE: DREDGING

DATUM: NAVD88

ADJACENT OWNERS:
SEE ATTACHED LIST

NARROWS GENERATING STATION HARBOR DREDGING

APPLICANT: ASTORIA GENERATING CO., LP
18-01 20TH AVE.
ASTORIA, NY 11105

AGENT: TMS WATERFRONT
247 WEST 35TH ST.
NEW YORK, NY 10001

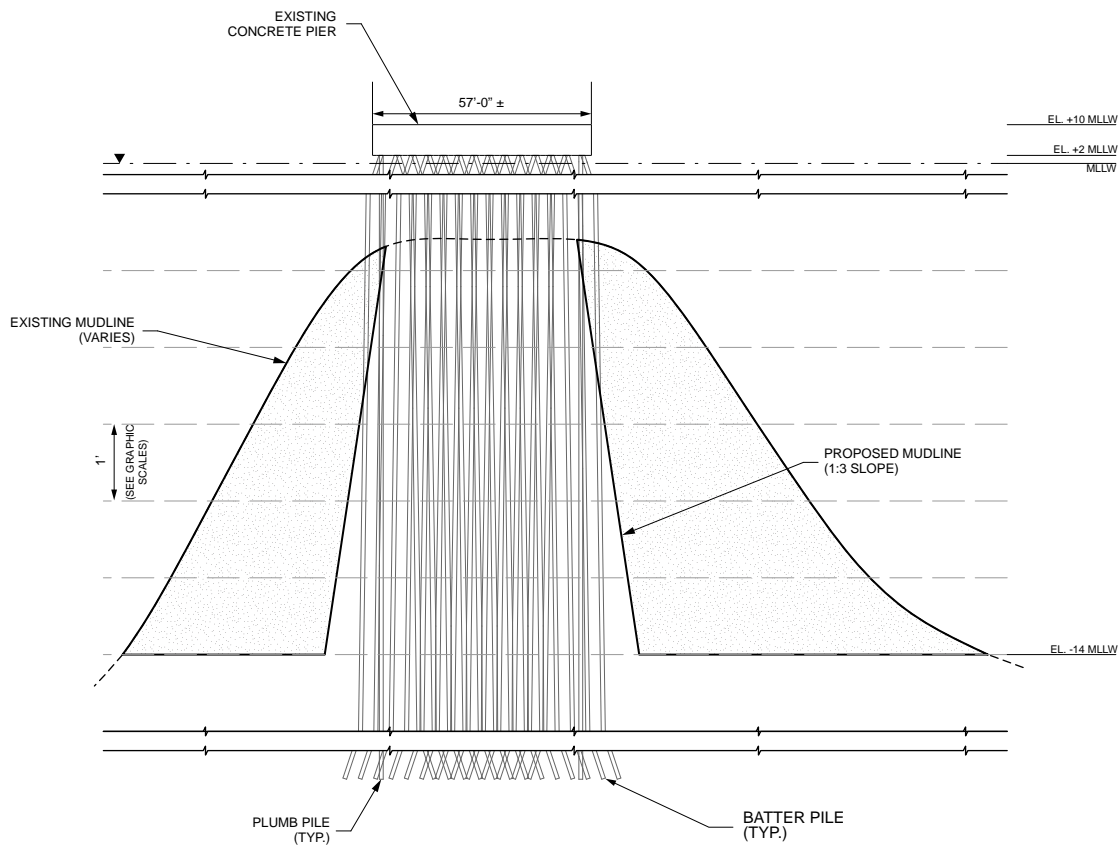
DREDGING SECTION II

IN: UPPER BAY
AT: BROOKLYN
COUNTY OF: KINGS STATE: NY

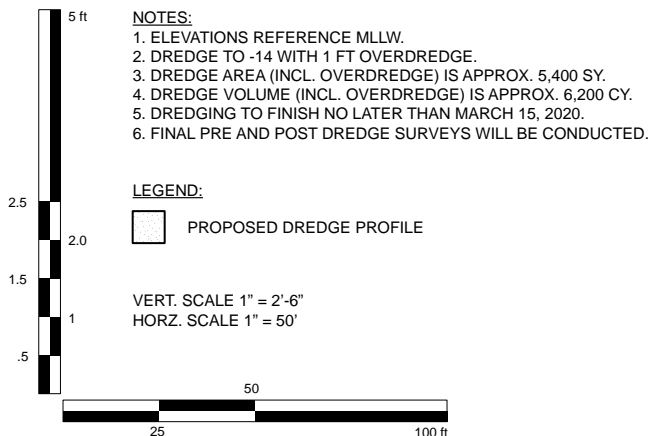
DATE: 02/28/2020

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SECTION C-C



NOTES:

1. ELEVATIONS REFERENCE MLLW.
2. DREDGE TO -14 WITH 1 FT OVERDREDGE.
3. DREDGE AREA (INCL. OVERDREDGE) IS APPROX. 5,400 SY.
4. DREDGE VOLUME (INCL. OVERDREDGE) IS APPROX. 6,200 CY.
5. DREDGING TO FINISH NO LATER THAN MARCH 15, 2020.
6. FINAL PRE AND POST DREDGE SURVEYS WILL BE CONDUCTED.

LEGEND:

PROPOSED DREDGE PROFILE

PURPOSE: DREDGING

DATUM: NAVD88

ADJACENT OWNERS:
SEE ATTACHED LIST

NARROWS GENERATING STATION HARBOR DREDGING

APPLICANT: ASTORIA GENERATING CO., LP
18-01 20TH AVE.
ASTORIA, NY 11105

AGENT: TMS WATERFRONT
247 WEST 35TH ST.
NEW YORK, NY 10001

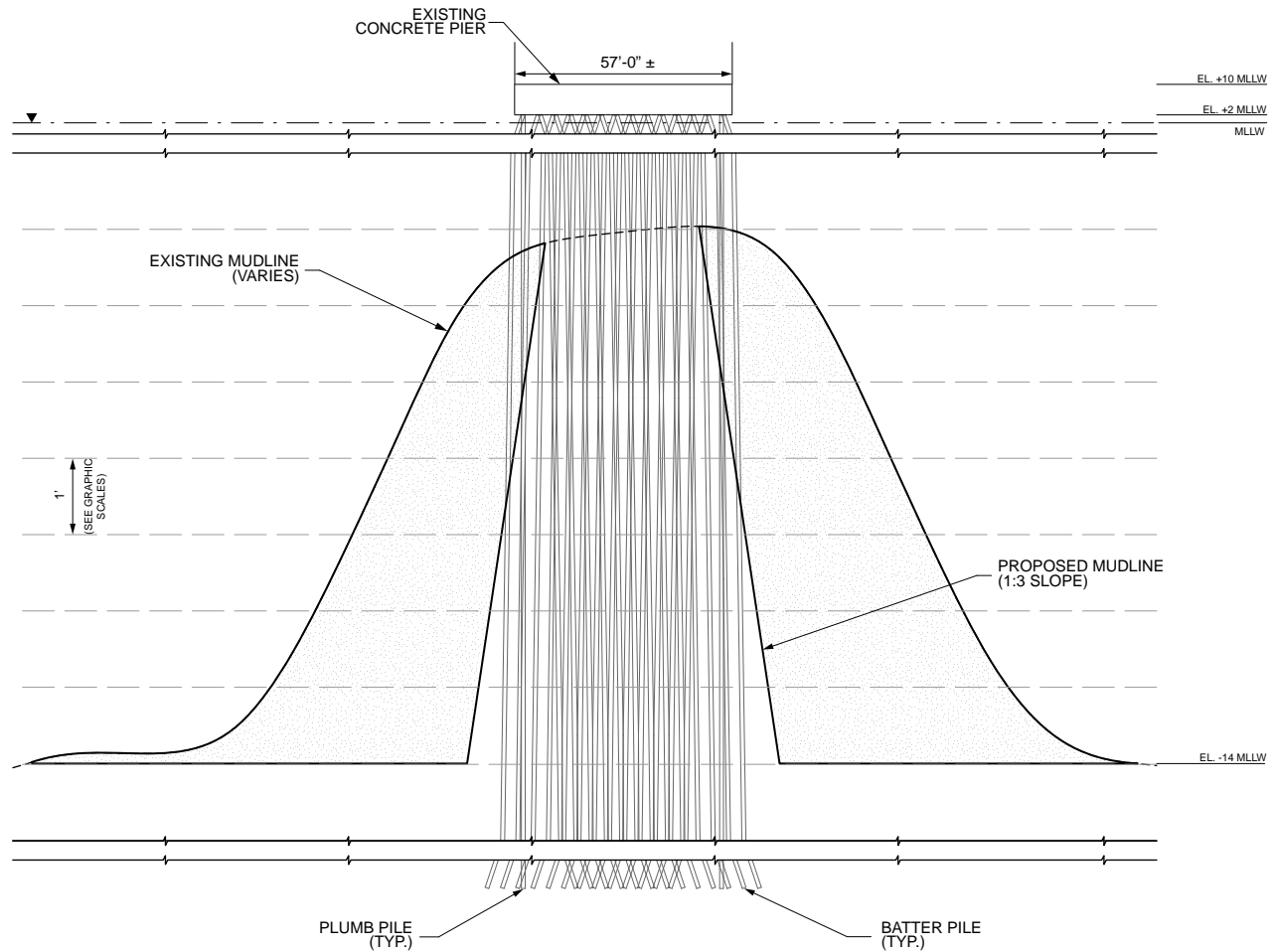
DREDGING SECTION III

IN: UPPER BAY
AT: BROOKLYN
COUNTY OF: KINGS STATE: NY

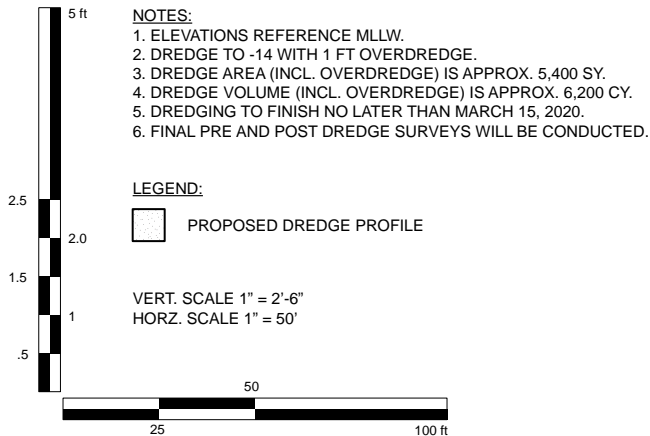
DATE: 02/28/2020

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SECTION D-D



PURPOSE: DREDGING

DATUM: NAVD88

ADJACENT OWNERS:
SEE ATTACHED LIST

NARROWS GENERATING STATION HARBOR DREDGING

APPLICANT: ASTORIA GENERATING CO., LP
18-01 20TH AVE.
ASTORIA, NY 11105

AGENT: TMS WATERFRONT
247 WEST 35TH ST.
NEW YORK, NY 10001

DREDGING SECTION IV

IN: UPPER BAY
AT: BROOKLYN
COUNTY OF: KINGS STATE: NY

DATE: 02/28/2020

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