

# 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-2020-00168-EHA  
Issue Date: August 4, 2020  
Expiration Date: September 3, 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

**APPLICANT:** Verdant Power, LLC  
Attn: Ronald F. Smith  
PO Box 282  
New York, New York 10044

**ACTIVITY:** Installation of an underwater tidal energy turbine pilot project

**WATERWAY:** East River

**LOCATION:** 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 EMAILED TO [naomi.j.handell@usace.army.mil](mailto:naomi.j.handell@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. Send comments to [naomi.j.handell@usace.army.mil](mailto:naomi.j.handell@usace.army.mil).

Comments submitted in response to this notice will be fully considered during the public interest

**CENAN-OP-RE**  
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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 the temporary placement of underwater turbines, potential fish strikes from the rotating turbine blades and potential noise disturbance from turbine operations. 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 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.

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In addition to any required 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) 790-8523 and ask for Naomi Handell.

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 BEHALF OF  
Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, Verdant Power, LLC, has requested Department of the Army authorization for the installation of an underwater turbine in the East Channel of the East River, adjacent to Roosevelt Island, approximately 400 feet north of the Roosevelt Island Bridge, Borough of Manhattan, New York County, New York.

The work would involve:

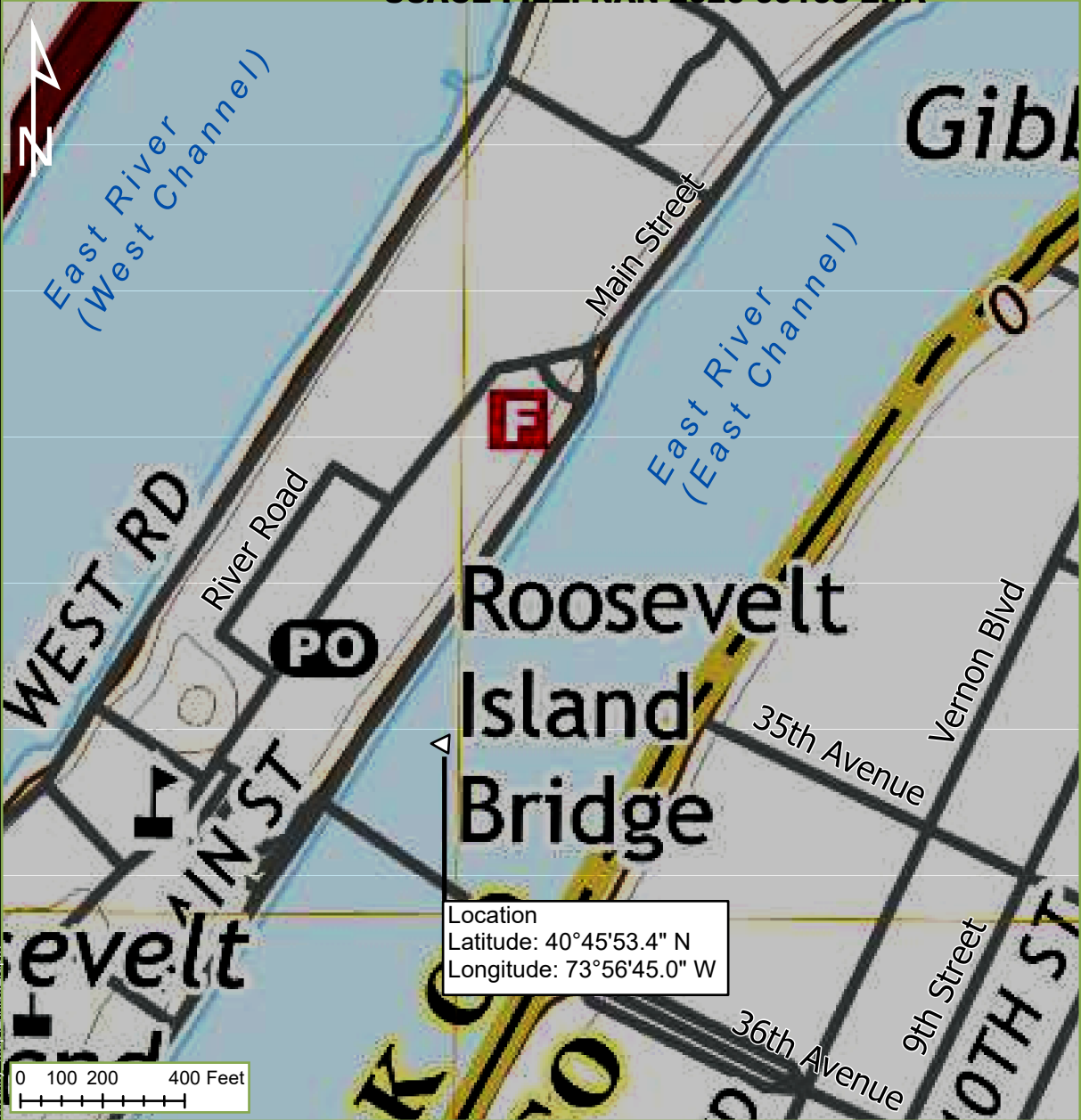
Installation of one Triframe mount with three (3) 16.4-foot diameter three-bladed turbines and electrical cables. The turbine blades would be approximately 6-feet below the plane of mean low water. The Triframe mount consists of three (3) approximately 2-foot wide by 49-foot long steel frames and three (3) approximately 9-foot diameter Triframe steel support bases. The approximately 3.65-inch diameter cable bundle would extend approximately 300 feet from the Triframe mount to a shore based switchgear vault. The weighted cable would lay on the river bottom until it reaches the shoreline, where it would be covered with existing rip-rap. The total footprint of the proposed structure is approximately 0.02 acres and the overall footprint of the proposed structure and cable is approximately 0.82 acres. The turbine would be deployed for a period of 12 months. See Sheets 2 and 3 of 5.

One Acoustic Doppler Current Profiler (ADCP) is currently installed at the site, north of the proposed structure. An additional ADCP would be located south of the proposed structure.

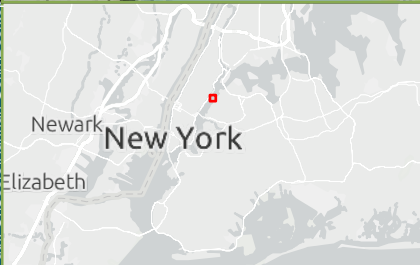
Three underwater noise monitoring and evaluation device are proposed. See Sheet 5 of 5.

Two PATON buoys are currently installed at the site.

The stated purpose of this project is a pilot project for underwater tidal energy generation.



Location  
Latitude: 40°45'53.4" N  
Longitude: 73°56'45.0" W



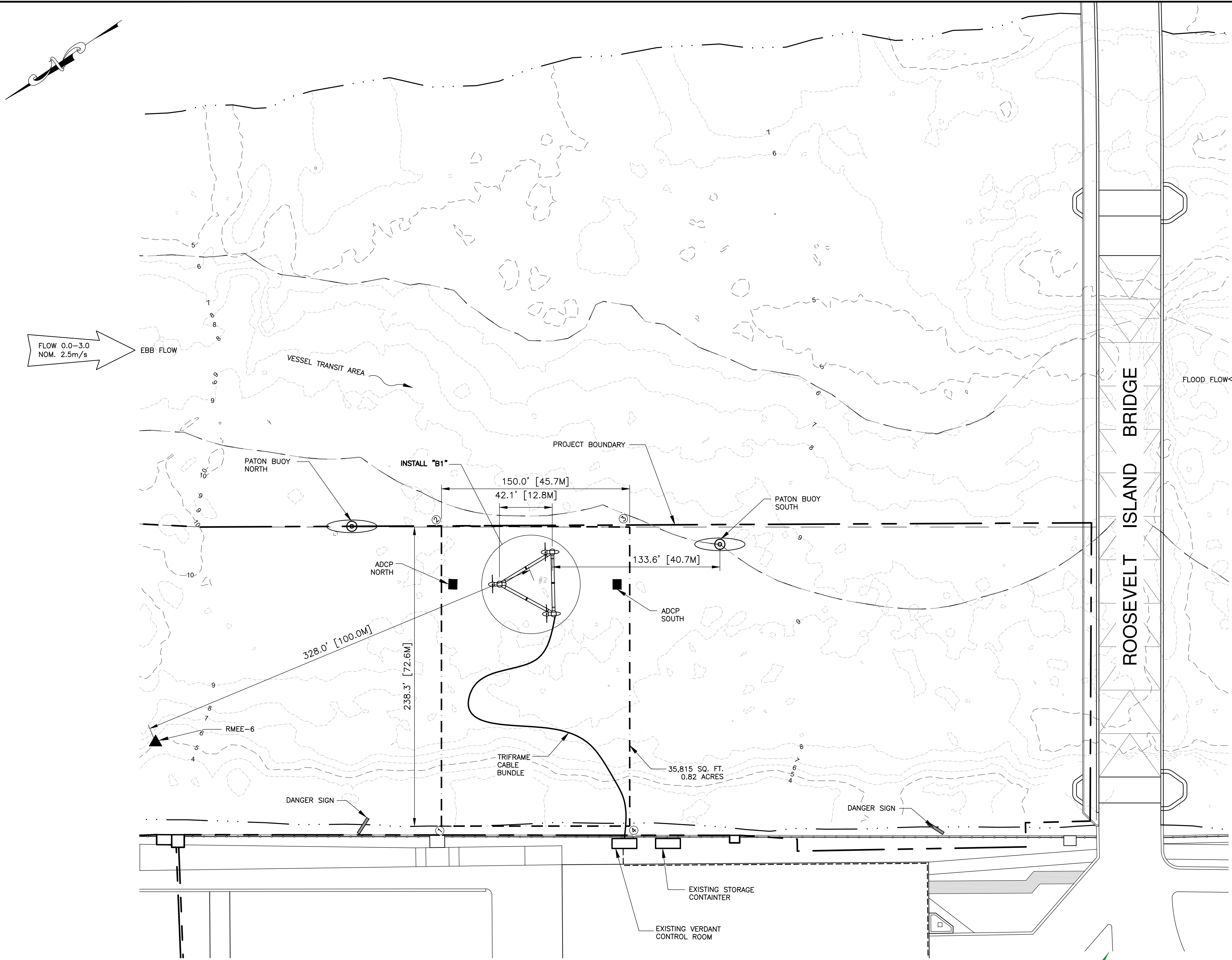
<b>Legend</b> □ TriFrame Location (Install B-1)		<b>Verdant Power, LLC</b> City, County, and State of New York	
<b>Proposed Work:</b> Install Verdant Power TriFrame		<b>Drawn By:</b> HNG	<b>Date Drawn:</b> 07-07-2020
<b>Applicant:</b> Verdant Power		<b>Checked By:</b> TO	<b>Date Checked:</b> 07-07-2020
<b>Water Body:</b> East River		<b>Kleinschmidt</b> 141 Main St., PO Box 650 Pittsfield, Maine 04967 Telephone: (207) 487-3328 Fax: (207) 487-3124 <a href="http://www.KleinschmidtGroup.com">www.KleinschmidtGroup.com</a>	

This map/data was created for informational, planning, reference and guidance purposes only. Kleinschmidt makes no warranty, expressed or implied related to the accuracy or content of these materials.



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J:\1642\004 Drawings\Working Drawings\SDR Drawings\USACE\1642-004 Figure 2.dwg



Datum - NAVD88.  
Mean Low Water = 9.64 m (31' - 8")  
Mean High Water = 10.96 m (36')  
Spring High Water = 11.06 m (36' - 3")

- NOTES:
1. UNDERWATER LAND LEASE:
- |                         |              |
|-------------------------|--------------|
| CORNER 1: E 999,355.01; | N 218,035.74 |
| CORNER 2: E 999,552.65; | N 217,900.97 |
| CORNER 3: E 999,467.39; | N 217,777.55 |
| CORNER 4: E 999,270.50; | N 217,911.81 |

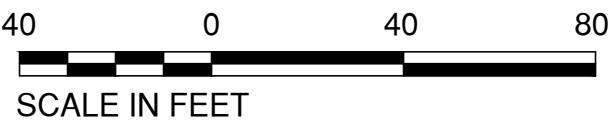


FIGURE 2

ROOSEVELT ISLAND TIDAL ENERGY PROJECT

FERC NO. 12611-NY

PLAN VIEW

VERDANT POWER, LLC

CITY, COUNTY, AND STATE OF NEW YORK

SHEET 2 OF 5

PROPOSED WORK: INSTALL VERDANT POWER TRIFRAME

APPLICANT: VERDANT POWER

WATER BODY: EAST CHANNEL OF THE EAST RIVER

DATE DRAWN: 07-07-2020

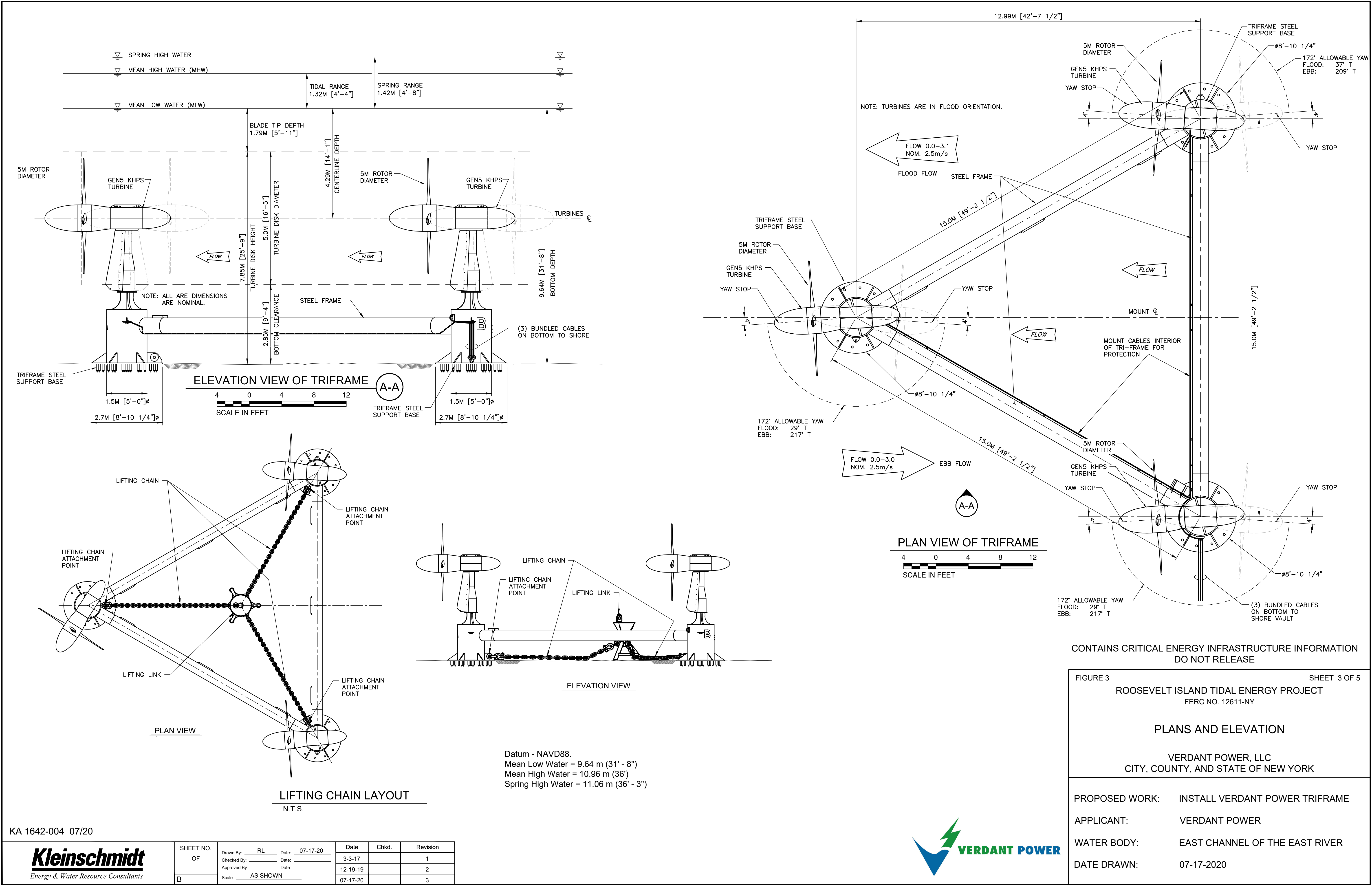
KA 1642-004 12/19

**Kleinschmidt**  
Energy & Water Resource Consultants

SHEET NO.  OF   B —	Drawn By: <u>RL</u> Date: <u>12-19-19</u>		Date	Chkd.	Revision
	Checked By: <u>TJO</u> Date: <u>-</u>		3-3-17		1
	Approved By: _____      Date: _____		12-19-19		2
	Scale: <u>AS SHOWN</u>				







Verdant Power

RITE Project

Cable Emergence to Control Room

East River, East Channel

Facing South

Update: DOE 7349

DRC 5/15/20

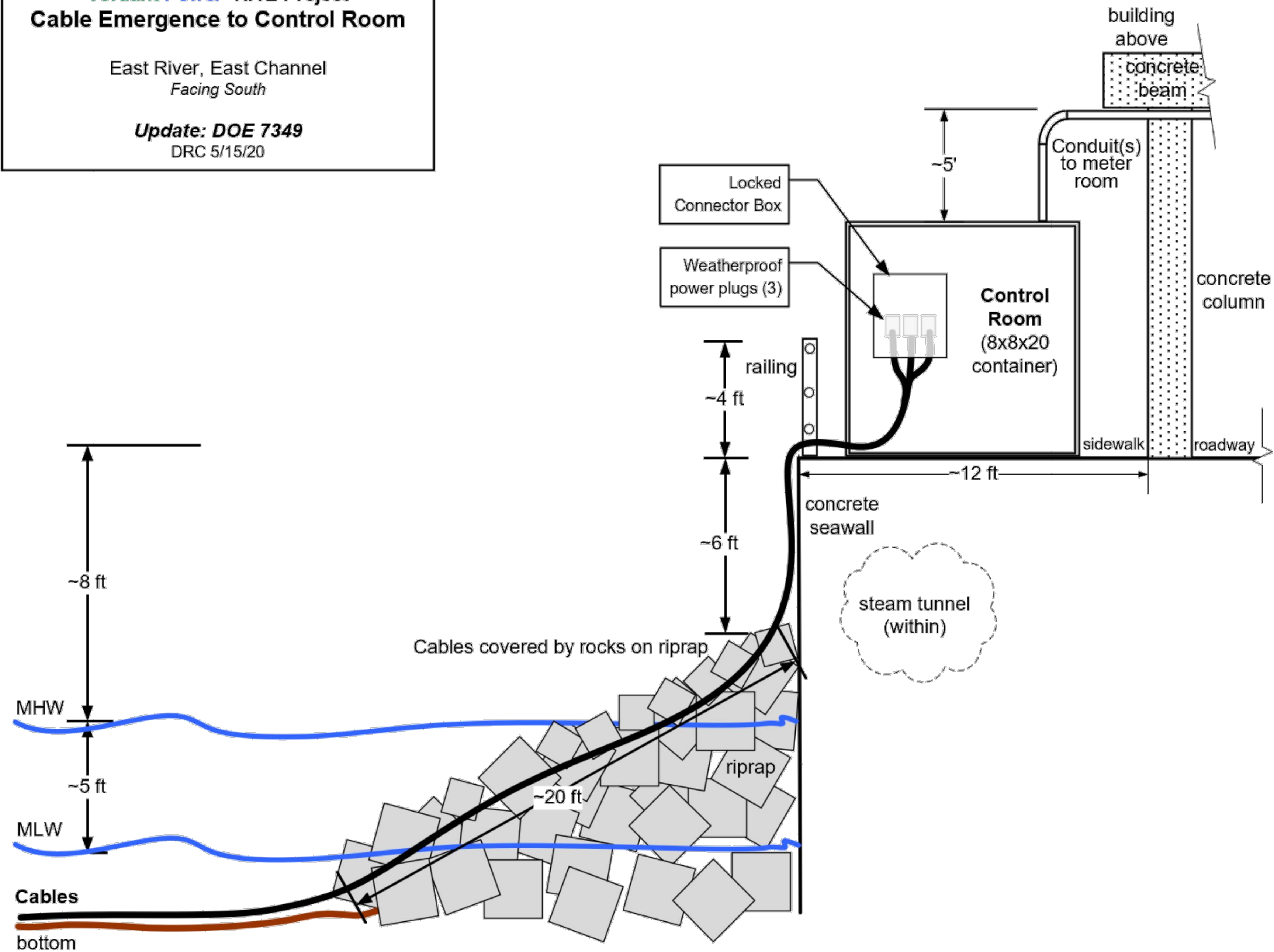


FIGURE 4  
ROOSEVELT ISLAND TIDAL ENERGY PROJECT  
FERC NO. 12611-NY

POWER CABLE DETAILS

VERDANT POWER, LLC  
CITY, COUNTY, AND STATE OF NEW YORK

PROPOSED WORK: INSTALL VERDANT POWER TRIFRAME  
APPLICANT: VERDANT POWER  
WATER BODY: EAST CHANNEL OF THE EAST RIVER  
DATE DRAWN: 07-07-2020

KA 1642-004 12/19

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B —					





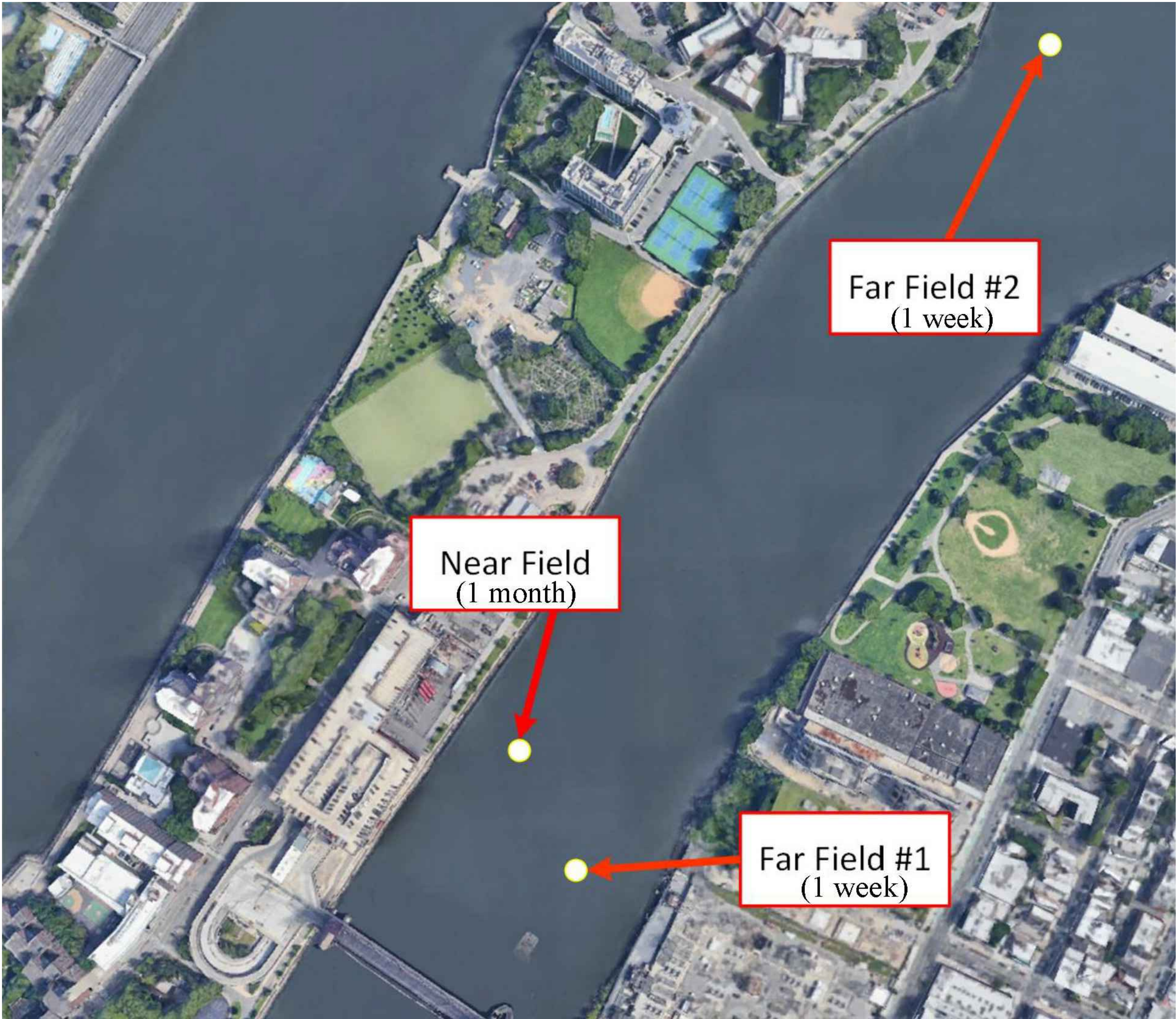


FIGURE 4  
ROOSEVELT ISLAND TIDAL ENERGY PROJECT  
FERC NO. 12611-NY  
RMEE-6 HYDROPHONIC DEPLOYMENT LOCATIONS  
FOR RITE INSTALL B-1  
VERDANT POWER, LLC  
CITY, COUNTY, AND STATE OF NEW YORK

PROPOSED WORK: INSTALL VERDANT POWER TRIFRAME  
APPLICANT: VERDANT POWER  
WATER BODY: EAST CHANNEL OF THE EAST RIVER  
DATE DRAWN: 07-07-2020



KA 1642-004 12/19



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