

# 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-2019-01609-EHA**

Issue Date: **July 28, 2020**

Expiration Date: **August 27, 2020**

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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).

APPLICANT: New York City Department of Parks and Recreation  
Attn: Vesna Hadzibabik  
117-02 Roosevelt Avenue  
Queens, New York 11368

ACTIVITY: Remove existing structures and construct new fixed pier with floating dock structures.

WATERWAY: Harlem River

LOCATION: 33 Indian Road, 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 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

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review for this permit application. Please send comments to the following email address: Naomi.J.Handell@usace.army.mil. 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 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.

In addition to any required coastal zone management program concurrence, the applicant has

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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, New York City Department of Parks and Recreation, has requested Department of the Army authorization for the removal of an existing structure and construction of a new fixed pier and floating dock structure in the Harlem River, at 33 Indian Road, Borough of Manhattan, New York County, New York.

The work would involve the following:

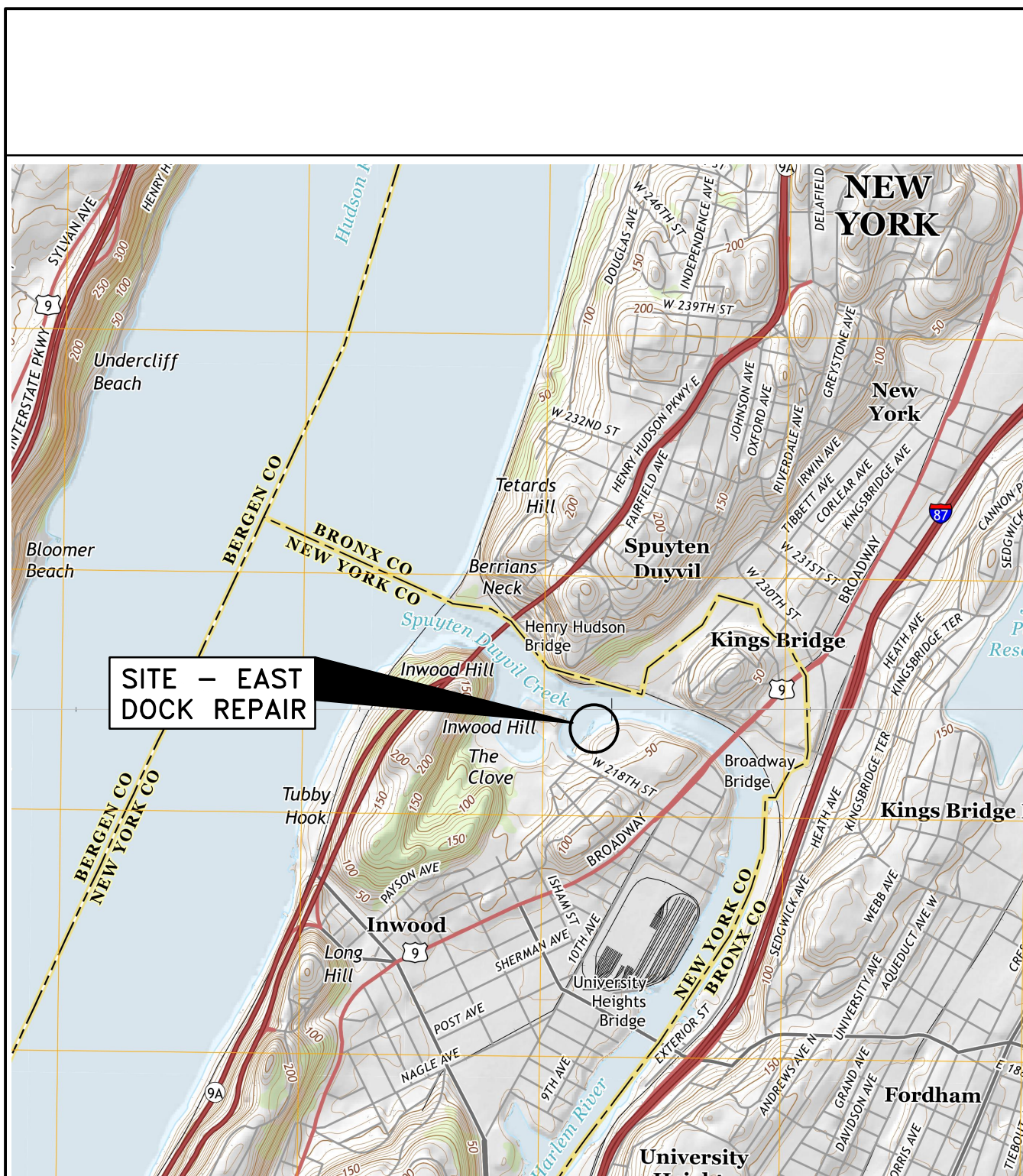
With the exception of the existing variable width fixed timber pier ranging from 18-inch wide to 39-foot wide by 36-foot long, remove all existing structures. Install a 12-foot wide by 135-foot long fixed pier, a 12-foot wide by 35-foot long ramp, leading to a 16-foot wide by 40-foot long floating dock structure and a 12-foot wide by 150-foot long floating dock structure in a "T" formation. On the southeast side of the "T" install an irregularly shaped approximately 10.5-foot wide by 40-foot long infill floating dock structure. The proposed structure would extend approximately 135-feet into the waterway, as measured from the mean low water line. All work would be conducted within the confines of a turbidity curtain

Proposed piles: ten (10) 16-inch diameter steel, concrete filled piles; eight (8) approximately 13-inch diameter steel, concrete filled piles; one (3) pile cluster comprised of three (3) 14-inch diameter timber piles. For the proposed piles, place approximately 1.6 cubic yards of concrete fill waterward of the spring high water line, over a total of 16 square feet.

Existing overwater coverage: 4,216 square feet  
Proposed overwater coverage: 4,997 square feet

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by designing the proposed structure at the minimum size necessary to meet users' needs and conducting all work within the confines of a turbidity curtain.

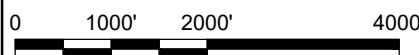
The stated purpose of this project is to replace a deteriorating fixed pier and floating dock structure for waterway access.



## NOTES:

1. DATUM: NAVD 88

## VICINITY MAP



SCALE IN FEET: 1" = 2000'

NEW YORK CITY  
DEPARTMENT OF  
PARKS AND RECREATION

## MUSCOTA MARSH

## EAST DOCK REPLACEMENT

APPLICANT: NEW YORK CITY DPR

WATERWAY: HARLEM RIVER

STATE: NEW YORK

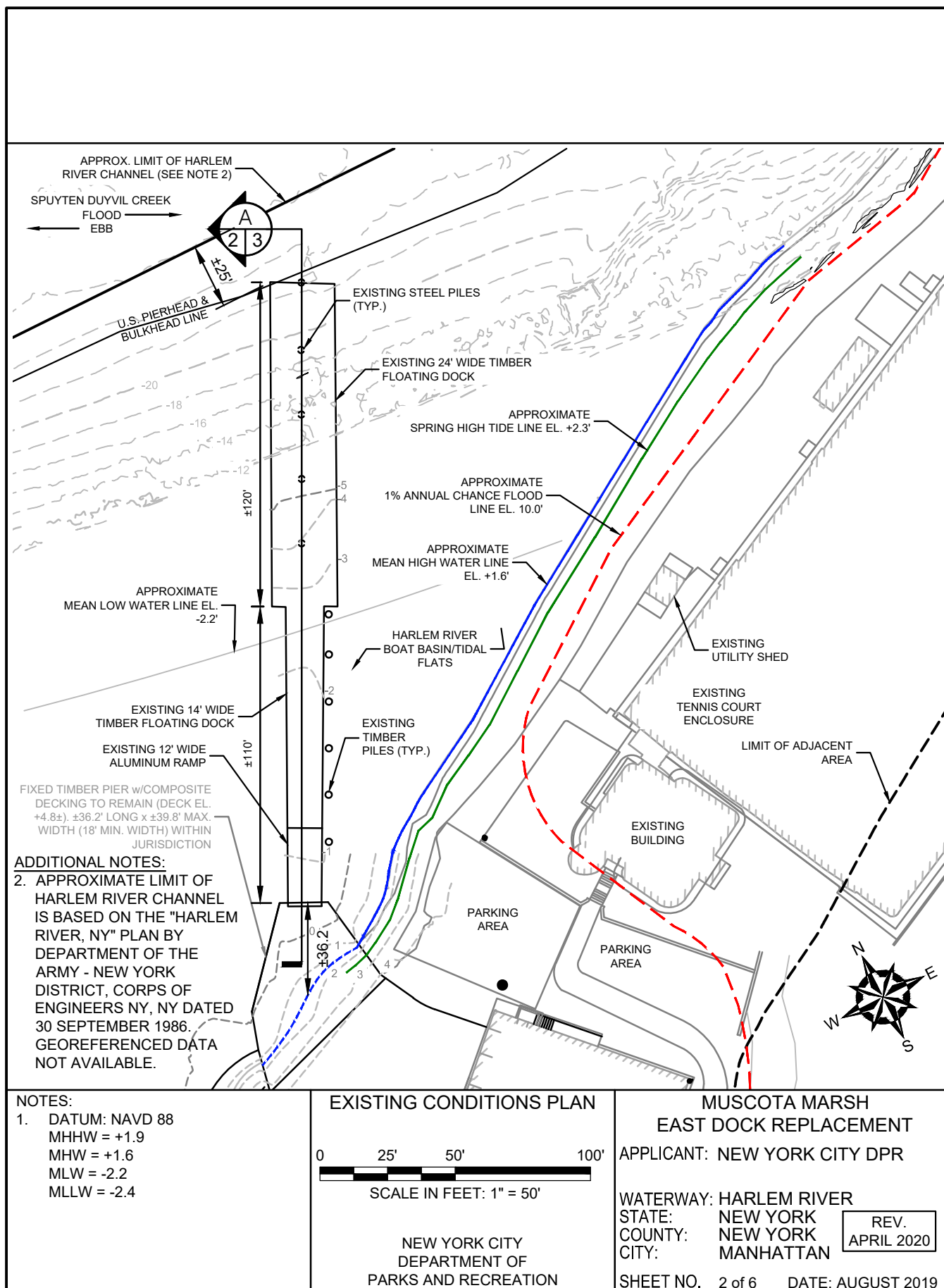
COUNTY: NEW YORK

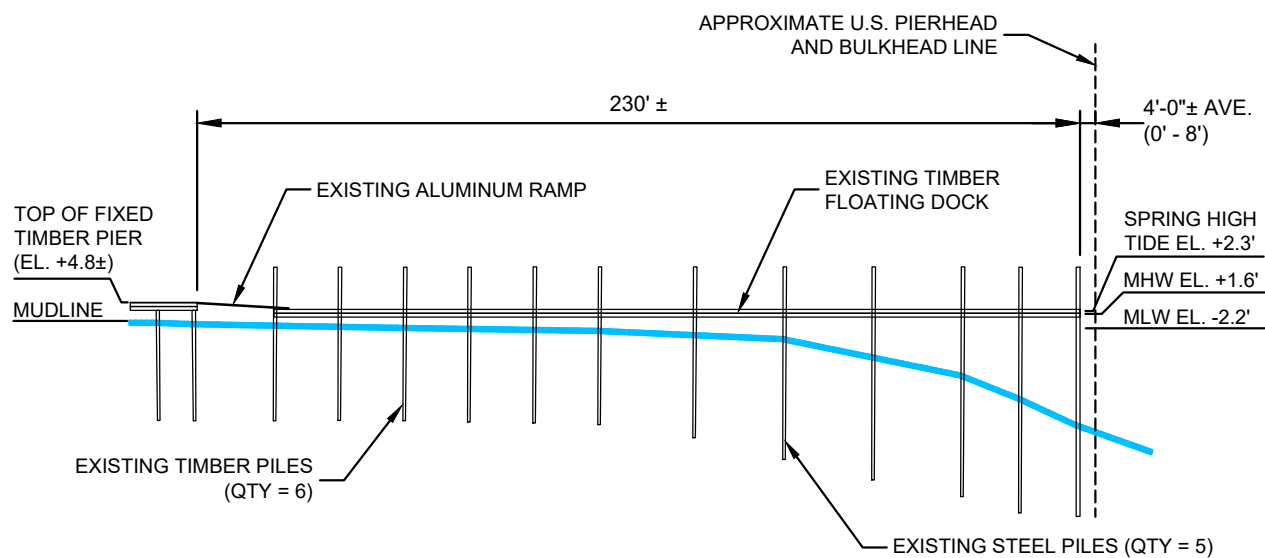
CITY: MANHATTAN

REV.  
MARCH  
2020

SHEET NO. 1 OF 6 DATE: AUGUST, 2019







**A**  
2 3  
**EXISTING ELEVATION SECTION**  
SCALE: 1"=50'

**NOTES:**

- DATUM: NAVD 88  
MHHW = +1.9  
MHW = +1.6  
MLW = -2.2  
MLLW = -2.4

**EXISTING CONDITIONS  
SECTION 'A'**



SCALE IN FEET: 1" = 50'

NEW YORK CITY  
DEPARTMENT OF  
PARKS AND RECREATION

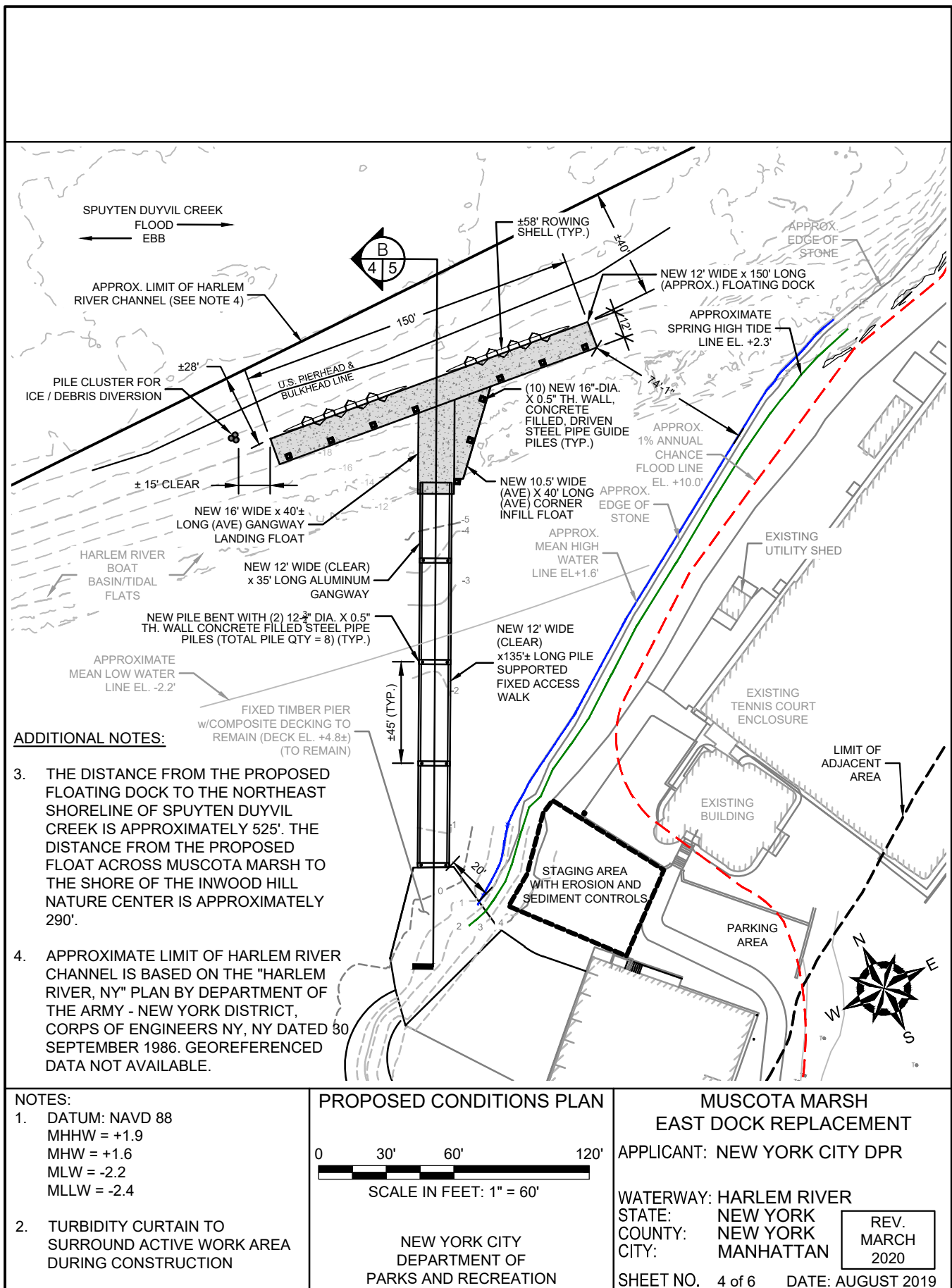
MUSCOTA MARSH  
EAST DOCK REPLACEMENT  
APPLICANT: NEW YORK CITY DPR

WATERWAY: HARLEM RIVER  
STATE: NEW YORK  
COUNTY: NEW YORK  
CITY: MANHATTAN

REV.  
MARCH  
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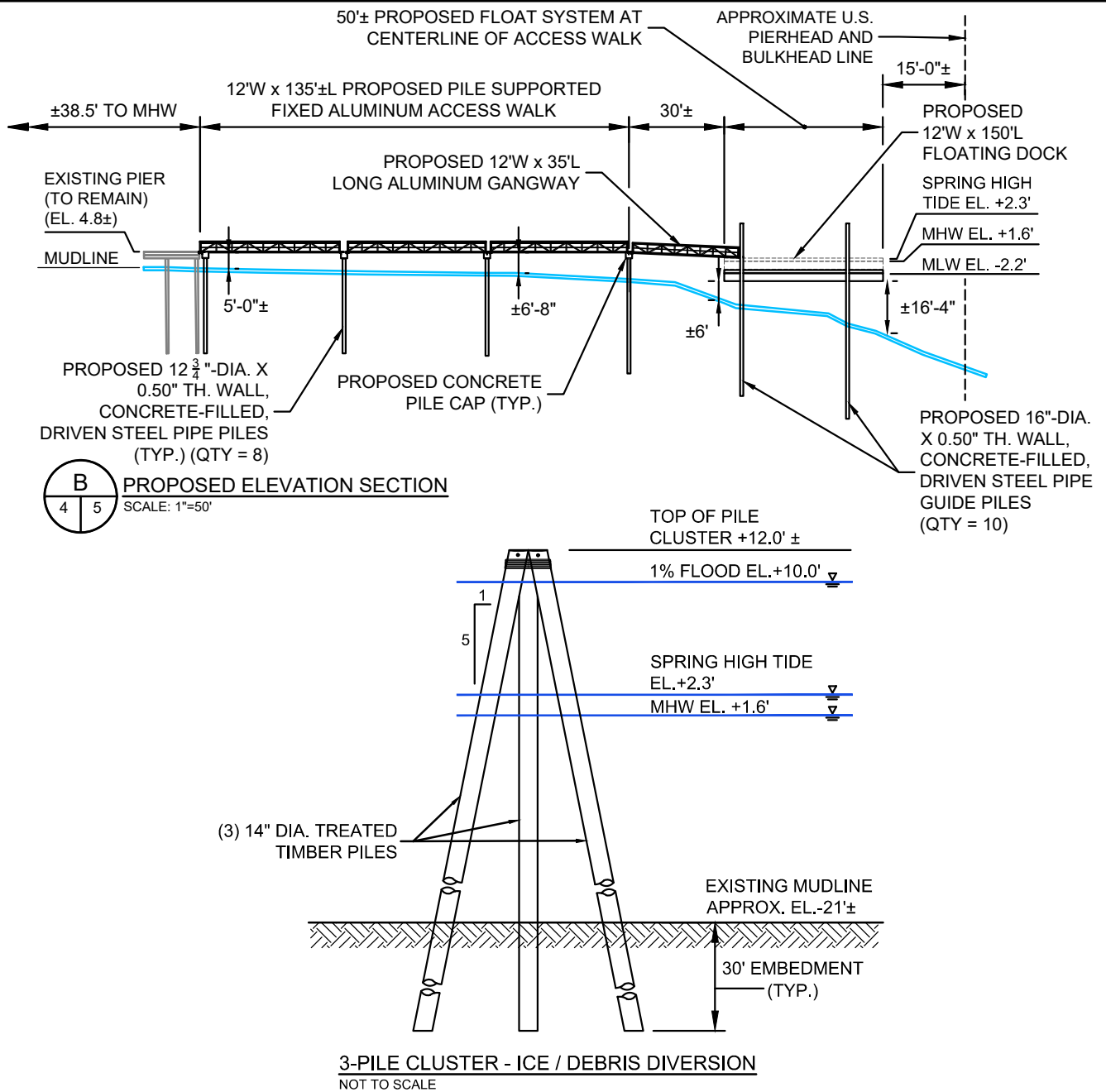
SHEET NO. 3 of 6 DATE: AUGUST 2019

# USACE FILE: NAN-2019-01609-EHA





# USACE FILE: NAN-2019-01609-EHA



## NOTES:

- DATUM: NAVD 88  
MHHW = +1.9  
MHW = +1.6  
MLW = -2.2  
MLLW = -2.4

ADJACENT PROPERTY OWNERS:  
SEE ATTACHED

## PROPOSED CONDITIONS SECTION 'B'



NEW YORK CITY  
DEPARTMENT OF  
PARKS AND RECREATION

## MUSCOTA MARSH EAST DOCK REPLACEMENT

APPLICANT: NEW YORK CITY DPR

WATERWAY: HARLEM RIVER  
STATE: NEW YORK  
COUNTY: NEW YORK  
CITY: MANHATTAN

REV.  
MARCH  
2020

SHEET NO. 5 of 6 DATE: AUGUST 2019

APPROX. LIMIT OF HARLEM RIVER CHANNEL (SEE NOTE 3)

SPUYTEN DUYVIL CREEK FLOOD EBB

NEW 12' WIDE x 150' LONG (APPROX.) FLOATING DOCK

APPROX. MEAN HIGH WATER LINE EL.+1.6'

APPROXIMATE SPRING HIGH TIDE LINE EL. +2.3'

APPROX. 1% ANNUAL CHANCE FLOOD LINE EL. +10.0'

POTENTIAL LOCATION(S) FOR 40'x60' CONSTRUCTION BARGE. BARGE SHALL NOT GROUND OUT OR IMPACT RIVER BOTTOM.

EXISTING UTILITY SHED

EXISTING TENNIS COURT ENCLOSURE

LIMIT OF ADJACENT AREA

EXISTING BUILDING

PARKING AREA

STAGING AREA WITH EROSION AND SEDIMENT CONTROLS

HARLEM RIVER BOAT BASIN/TIDAL FLATS

SPUYTEN DUYVIL CREEK FLOOD EBB

NEW 16' WIDE x 40'± LONG (AVE) GANGWAY LANDING FLOAT

U.S. PIERHEAD & BULKHEAD LINE

CONTRACTOR TO PROVIDE AND MAINTAIN FLOATING TURBIDITY CONTROLS AROUND THE WORK AREA FOR DURATION OF WORK

APPROXIMATE MEAN LOW WATER LINE EL. -2.2'

NEW 12' WIDE (CLEAR) x 135'± LONG PILE SUPPORTED FIXED ACCESS WALK

FIXED TIMBER PIER w/COMPOSITE DECKING TO REMAIN (DECK EL. +4.8±)

ADDITIONAL NOTES:

3. APPROXIMATE LIMIT OF HARLEM RIVER CHANNEL IS BASED ON THE "HARLEM RIVER, NY" PLAN BY DEPARTMENT OF THE ARMY - NEW YORK DISTRICT, CORPS OF ENGINEERS NY, NY DATED 30 SEPTEMBER 1986. GEOREFERENCED DATA NOT AVAILABLE.

NOTES:

1. DATUM: NAVD 88  
MHHW = +1.9  
MHW = +1.6  
MLW = -2.2  
MLLW = -2.4

2. TURBIDITY CURTAIN TO SURROUND ACTIVE WORK AREA DURING CONSTRUCTION

CONSTRUCTION ENVIRONMENTAL CONTROLS

0 30' 60' 120'

SCALE IN FEET: 1" = 60'

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

MUSCOTA MARSH EAST DOCK REPLACEMENT

APPLICANT: NEW YORK CITY DPR

WATERWAY: HARLEM RIVER  
STATE: NEW YORK  
COUNTY: NEW YORK  
CITY: MANHATTAN

SHEET NO. 6 of 6 DATE: MARCH 2020