



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-2019-01626-EVI
Issue Date: **September 18, 2020**
Expiration Date: **October 18, 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: Hornblower New York LLC
353 West Street, Pier 40
New York, NY 10014

WATERWAY: East River

LOCATION: Pier 15, located at 78 South Street, Borough of Manhattan, City of New York,
New York County

ACTIVITY: Installation of six (6) new 30-inch diameter hollow steel monopile dolphins along
the east and southeast sides of existing Pier 15.

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 MR. ROBERT VIETRI AT Robert.T.Vietri@usace.army.mil OF THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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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.

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 any potential impacts to listed species in the project area or their critical habitat. Our preliminary determination for Red Knot or their critical habitat is that the activity for which authorization is sought herein is likely to have no effect. For Atlantic Sturgeon and Shortnose Sturgeon and their critical habitat, "a may affect, but is not likely to adversely affect" determination was concurred by the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) - Greater Atlantic Fisheries Office - Protected Resources Division on March 9, 2020.

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 life stages 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 have been conducted and on March 18, 2020 NOAA/FS determined that there was "no objection to authorization as proposed and no EFH conservation recommendations or FWCA recommendations are necessary."

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. On January 23, 2020, "The Department of State has determined that this proposal meets the Departments general consistency concurrence criteria. Therefore, further review of the proposal activity by the Department of State and the Departments concurrence with an individual consistency certification for the proposed activity are not required." For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New

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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 water quality certificate and coastal zone management program concurrence, the applicant has obtained the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation
 - Tidal Wetlands – Under Article 25**
New Permit Effective Date: 6/11/2020 Expiration Date: 12/31/2024
 - Excavation & Fill in Navigable Waters – Under Article 15, Title 5**
New Permit Effective Date: 6/11/2020 Expiration Date: 12/31/2024
 - Water Quality Certification – Under Section 401 – Clean Water Act**
New Permit Effective Date: 6/11/2020 Expiration Date: 12/31/2024

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) 790-8379 and ask for Robert Vietri.

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

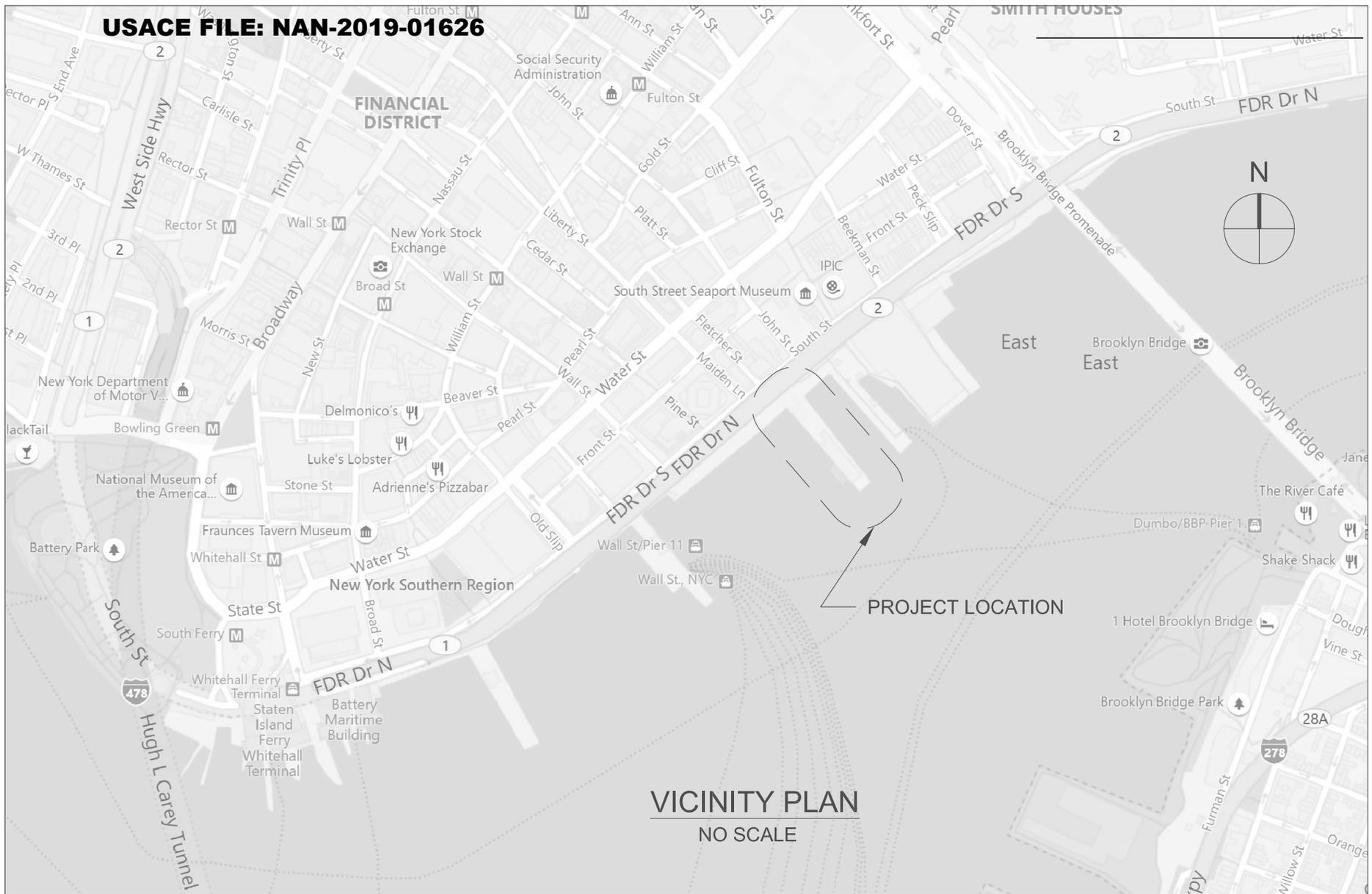
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WORK DESCRIPTION

The applicant, Hornblower New York LLC, has requested Department of the Army (DA) authorization to conduct maintenance work on Pier 15. The project is located on the East River at 78 South Street, Borough of Manhattan, City of New York, New York County.

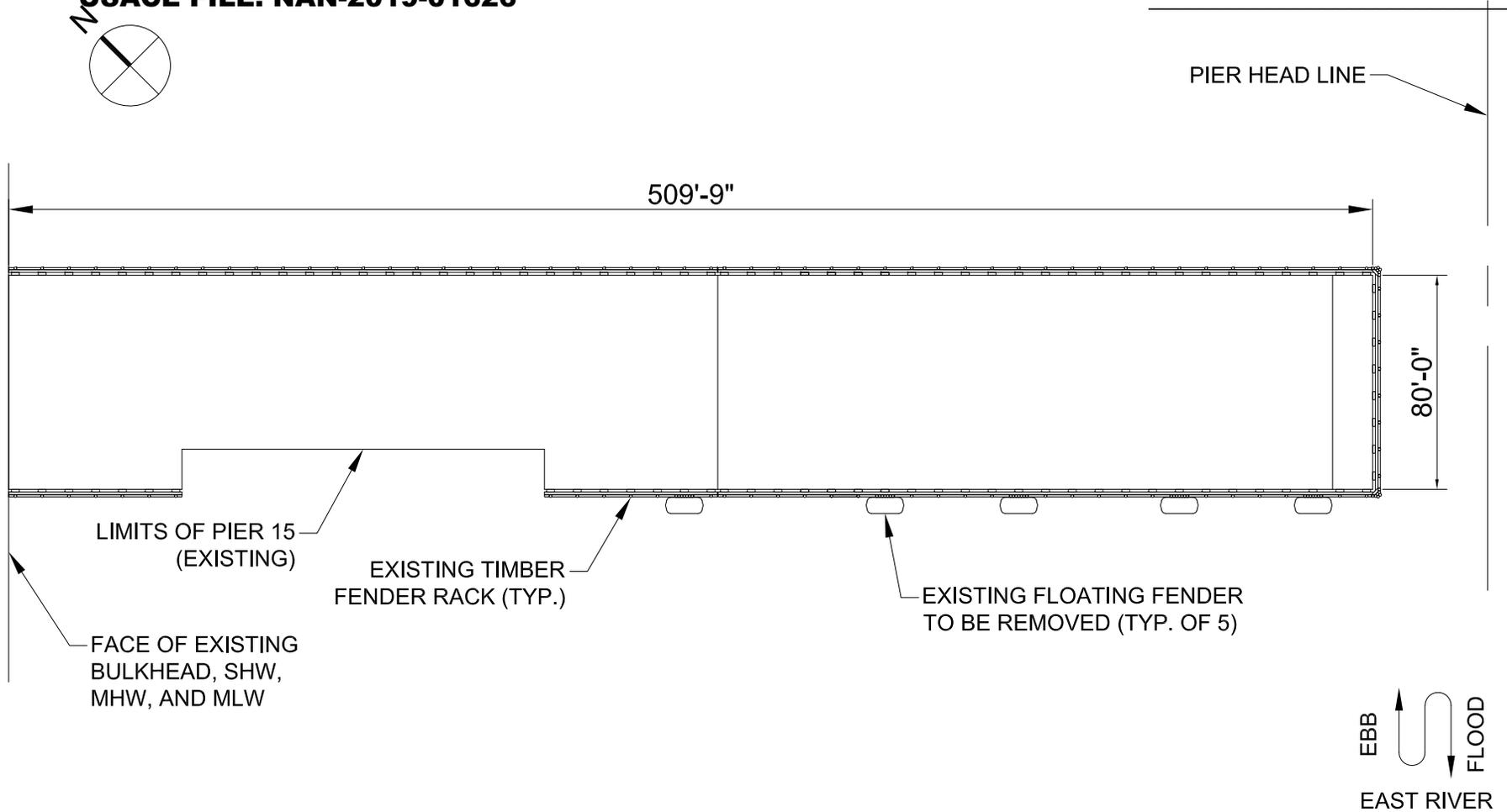
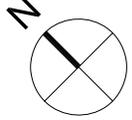
Installation of six (6) 30-inch diameter hollow steel monopiles along the east and southeast sides of the existing Pier 15, in order to protect the pier structure from the berthing forces of the vessels and the vessels from the pier. The monopiles would have floating donut fenders installed (sleeved) over them in order to ensure energy absorption and protection over a range of tides. Donut fenders would be six-feet in diameter and 13.5-feet long. Total aerial coverage associated with the piles and fenders is approximately 170 square feet, with each pile encroaching seven-feet into the East River from the seaward edge of the existing Pier 15.

The stated purpose of this project is to provide long term protection of the pier and the vessels which berth there.

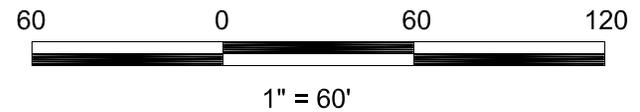


VICINITY PLAN
NO SCALE

<p>PURPOSE: FENDERING</p> <p>DATUM: NAVD88</p> <p>ADJACENT OWNERS:</p> <ol style="list-style-type: none"> EAST RIVER FDR DRIVE 	<p>PIER 15 VESSEL BERTHING MONOPILE FENDERING</p> <p>APPLICANT: HORNBLLOWER NEW YORK, LLC 353 WEST STREET, PIER 40 NEW YORK, NY 10014</p> <p>AGENT: TMS WATERRONT 181 WESTCHESTER AVE, SUITE 409 PORTCHESTER, NY 10001</p>	<p>VICINITY PLAN</p> <p>IN: EAST RIVER AT: NEW YORK COUNTY OF: NEW YORK STATE: NY</p> <p>DATE: 01/16/2020</p> <p>SHT 1 OF 6</p> <p style="text-align: right;">1 of 5</p>
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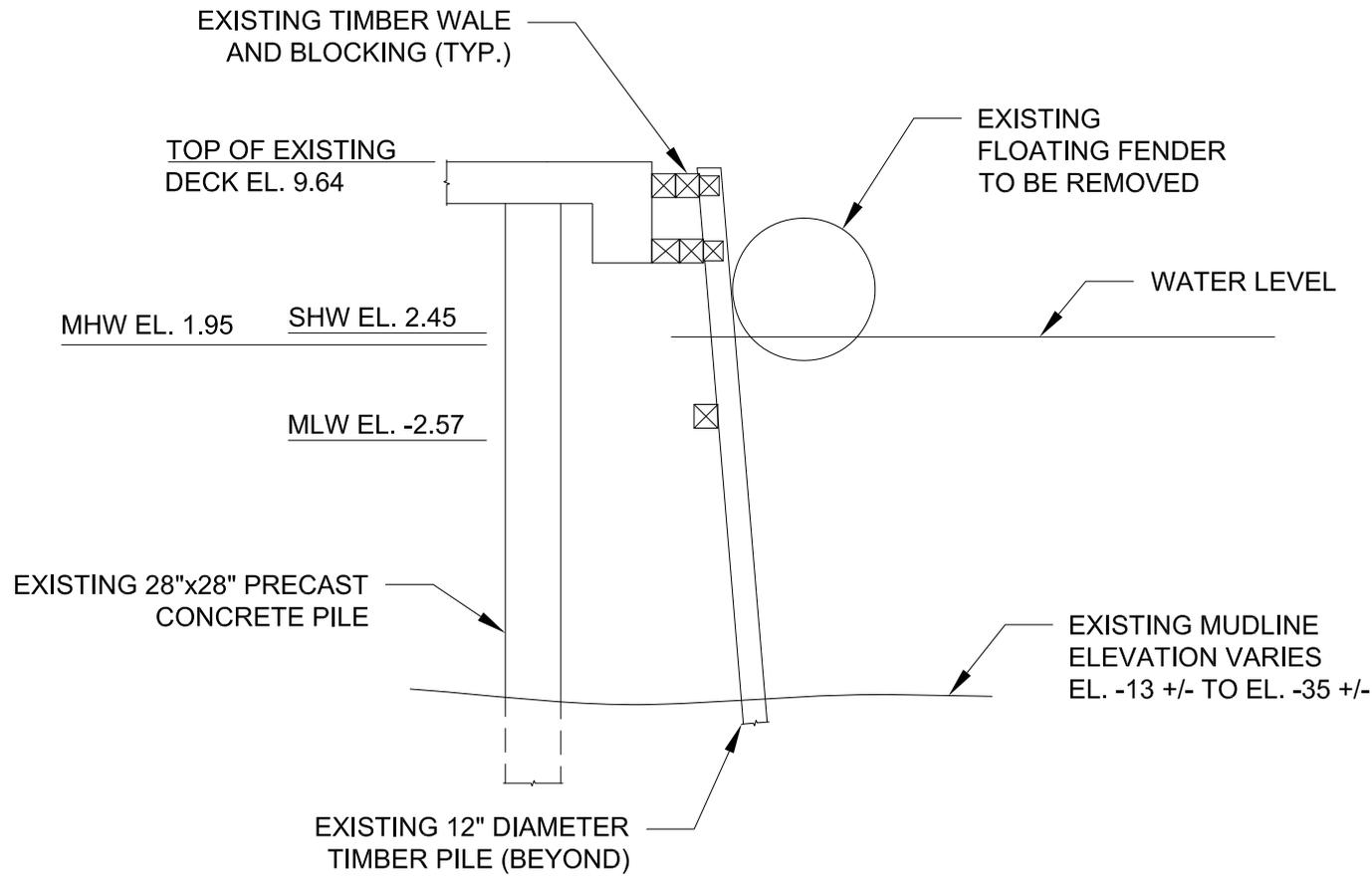


EXISTING PIER PLAN

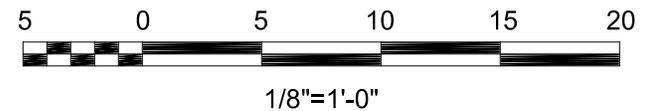


NOTE:
FOR BATHYMETRY, SEE REFERENCE DRAWING.

<p>PURPOSE: FENDERING</p> <p>DATUM: NAVD88</p> <p>ADJACENT OWNERS:</p> <ol style="list-style-type: none"> 1. EAST RIVER 2. FDR DRIVE 	<p>PIER 15 VESSEL BERTHING MONOPILE FENDERING</p> <p>APPLICANT: HORNBLLOWER NEW YORK, LLC 353 WEST STREET, PIER 40 NEW YORK, NY 10014</p> <p>AGENT: TMS WATERRONT 181 WESTCHESTER AVE, SUITE 409 PORTCHESTER, NY 10001</p>	<p>EXISTING PIER PLAN</p> <p>IN: EAST RIVER AT: NEW YORK COUNTY OF: NEW YORK STATE: NY</p> <p>DATE: 01/16/2020</p> <p>SHT 2 OF 6</p> <p style="text-align: right;">2 of 5</p>
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EXISTING PIER SECTION



PURPOSE: FENDERING

DATUM: NAVD88

ADJACENT OWNERS:

1. EAST RIVER
2. FDR DRIVE

PIER 15 VESSEL BERTHING
MONOPILE FENDERING

APPLICANT: HORNBLLOWER NEW YORK, LLC
353 WEST STREET, PIER 40
NEW YORK, NY 10014

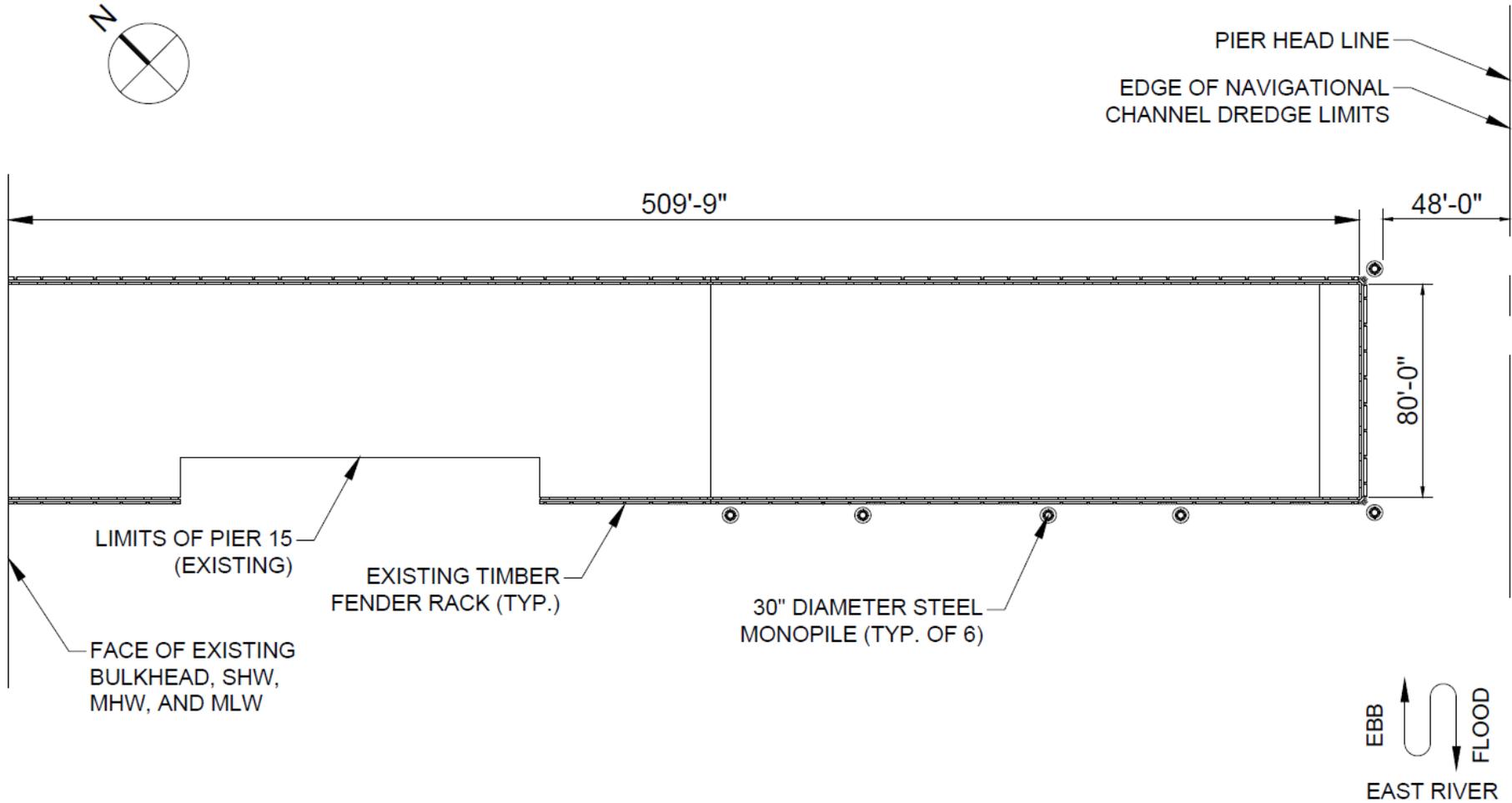
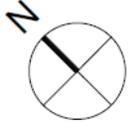
AGENT: TMS WATERRONT
181 WESTCHESTER AVE, SUITE 409
PORTCHESTER, NY 10001

EXISTING PIER SECTION

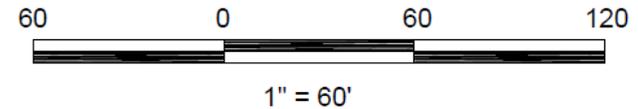
IN: EAST RIVER
AT: NEW YORK
COUNTY OF: NEW YORK STATE: NY

DATE: 01/16/2020

SHT 3 OF 6

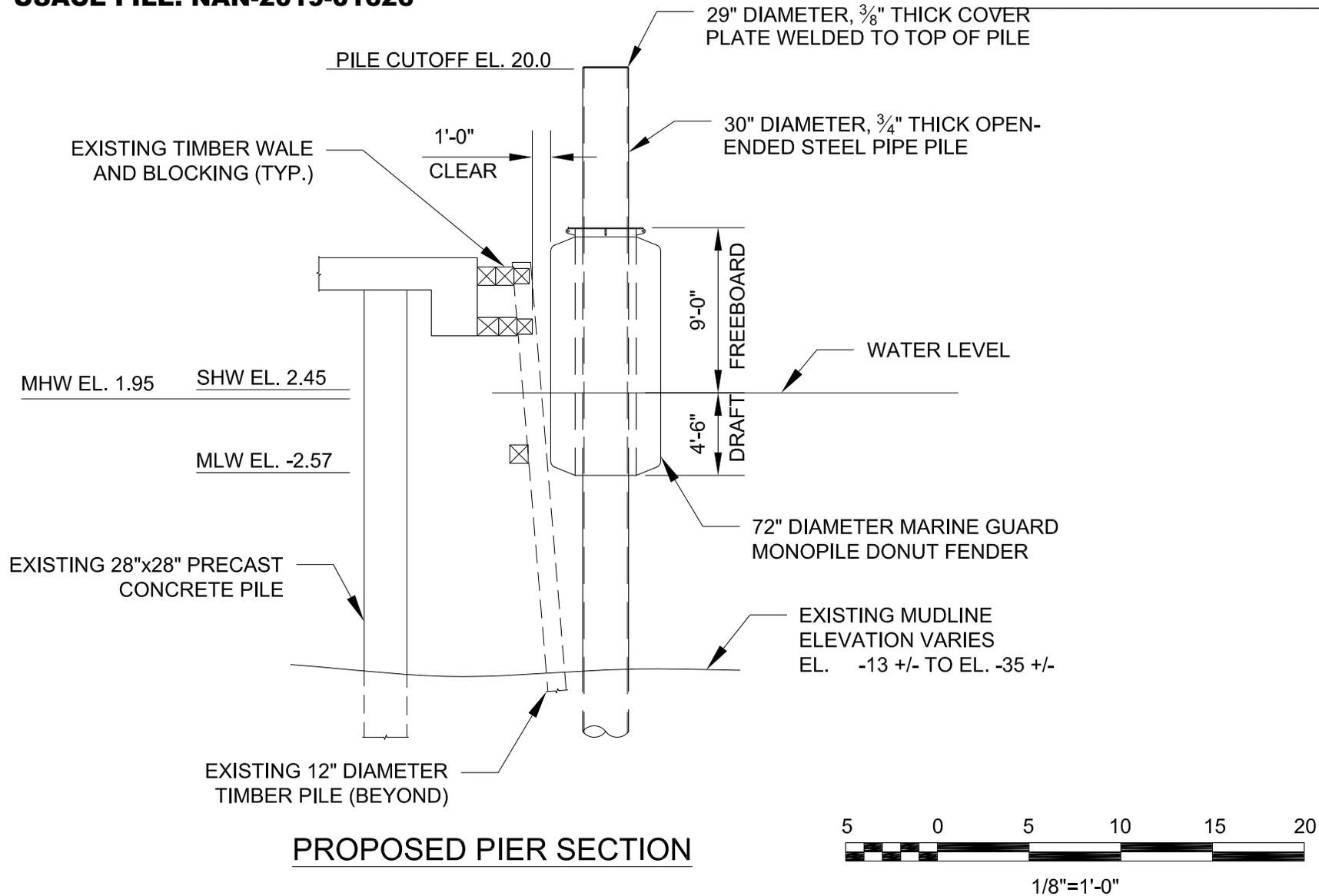


PROPOSED PIER PLAN



NOTE:
FOR BATHYMETRY, SEE REFERENCE DRAWING.

<p>PURPOSE: FENDERING</p> <p>DATUM: NAVD88</p> <p>ADJACENT OWNERS:</p> <ol style="list-style-type: none"> EAST RIVER FDR DRIVE 	<p>PIER 15 VESSEL BERTHING MONOPILE FENDERING</p> <p>APPLICANT: HORNBLLOWER NEW YORK, LLC 353 WEST STREET, PIER 40 NEW YORK, NY 10014</p> <p>AGENT: TMS WATERRONT 181 WESTCHESTER AVE, SUITE 409 PORTCHESTER, NY 10001</p>	<p>PROPOSED PIER PLAN</p> <p>IN: EAST RIVER AT: NEW YORK COUNTY OF: NEW YORK STATE: NY</p> <p>DATE: 01/16/2020</p> <p>06/11/2020: REVISED WITH NAVIGATIONAL CHANNEL LIMITS FOR USACE</p> <p>SHT 4 OF 6</p> <p style="text-align: right;">4 of 5</p>
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PURPOSE: FENDERING
 DATUM: NAVD88
 ADJACENT OWNERS:
 1. EAST RIVER
 2. FDR DRIVE

PIER 15 VESSEL BERTHING
 MONOPILE FENDERING
 APPLICANT: HORNBLOWER NEW YORK, LLC
 353 WEST STREET, PIER 40
 NEW YORK, NY 10014
 AGENT: TMS WATERRONT
 181 WESTCHESTER AVE, SUITE 409
 PORTCHESTER, NY 10001

EXISTING PIER PLAN
 IN: EAST RIVER
 AT: NEW YORK
 COUNTY OF: NEW YORK STATE: NY
 DATE: 01/16/2020
 SHT 5 OF 6