



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-2020-00951-EMI**
Issue Date: **May 6, 2021**
Expiration Date: **June 5, 2021**

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: Brooklyn Union Gas Company
d/b/a National Grid
25 Hub Drive
Melville, New York 11747

ACTIVITY: Construct a Saltwater Pump House with five (5) saltwater intake pumps with an associated scour pad

WATERWAY: Newtown Creek

LOCATION: 287 Maspeth Avenue, Borough of Brooklyn, Kings County, City of New York, 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.

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ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED 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, 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 email 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 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 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

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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 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. Please send all comments and questions concerning this application to Christopher.W.Minck@usace.army.mil.

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>.

 Date: 2021.05.04
13:19:58 -04'00'

FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicant, Brooklyn Union Gas Company, d/b/a National Grid, has requested Department of the Army (DA) authorization to construct a replacement saltwater pump house with five (5) intake pumps and an associated scour pad. The project is located in Newtown Creek, at 287 Maspeth Avenue, Borough of Brooklyn, Kings County, City of New York, New York.

The proposed work would involve the following:

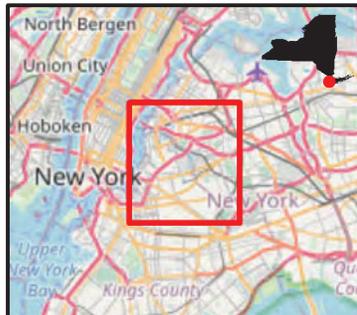
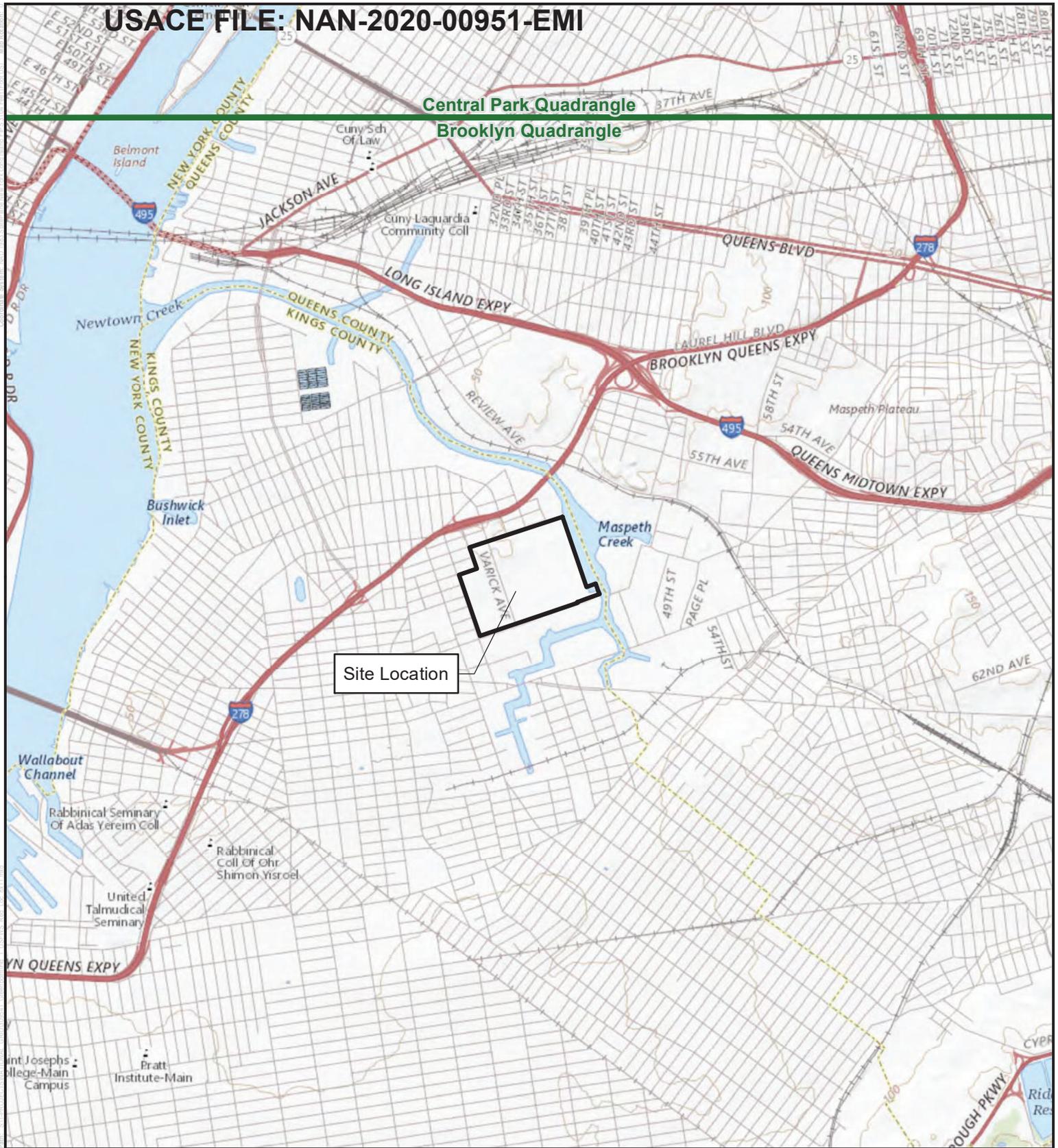
The existing saltwater pump house will be demolished and removed and a new approximately 98-foot-wide by 67-foot-long (approximately 6,566 square feet) saltwater pump house atop an existing pile supported pier will be constructed adjacent to the former pump house. Approximately seventy (70) 16-inch diameter steel piles will be installed and filled with approximately 3 cubic yards of flowable concrete each below the plane of Spring High Water (a total of approximately 210 cubic yards) to support the pump house building. The saltwater pump house will consist of an intake structure containing four (4) pre-cast concrete bays and five (5) intake pump pipes ranging from 1.25 to 2.75 feet in diameter with a double set of intake screens at the front of the four bays. Additionally, two (2) 120-inch-wide by 66-inch long sluice gates and two (2) 120-inch-wide by 51-inch-long sluice gates will be installed with the bays. Approximately 28 linear feet of the existing timber decking will be cutback approximately 33 feet landward of existing for the installation of the intake structures. Approximately 300 cubic yards of accumulated sediment and riprap will be dredged and or excavated from beneath the proposed intake structure over an area of approximately 3,687 square feet. To support the intake structure, approximately eleven (11) 18-inch diameter steel pipe piles will be installed and filled with approximately 2 cubic yards of flowable concrete each below the plane of Spring High Water (a total of approximately 22 cubic yards).

The applicant additionally proposes to install an approximately 26.6-foot-wide by 45.5-foot-long by three-foot-thick (approximately 1,213 square feet) scour pad with an associated riprap ramp consisting of approximately 250 cubic yards of clean fill below the plane of Spring High Water. To install the scour pad, approximately 300 cubic yards of material will be mechanically dredged from the 1,213 square foot area to a depth of approximately six feet below the existing grade (approximately -19 feet NAVD88). All dredged material will be placed into a barge and disposed of and treated at an approved upland off-site location.

The proposed work is located approximately 255 feet from the Newtown Creek Federal Navigation Channel.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by using a turbidity curtain and oil absorbent boom around the project in-water work area, conducting in-water turbidity monitoring, and by using an environmental clamshell bucket when mechanically dredging.

The applicant's stated purpose for this project is to storm harden and protect the critical infrastructure [fire suppression saltwater pump house] in accordance with FEMA and NYC Building Code flood construction guidelines against future storm events.



LEGEND

- SITE BOUNDARY
- USGS 24K QUADRANGLE

1. BASEMAP FROM USGS TOPOGRAPHIC QUADS, THE NATIONAL MAP GIS SERVICE





0 1,500 3,000
1" = 3,000' Feet

PROJECT: **GREENPOINT ENERGY CENTER
NEW SALT WATER PUMP HOUSE PROJECT
BROOKLYN, KINGS COUNTY, NEW YORK**

TITLE: **REGIONAL SITE LOCATION MAP**

DRAWN BY: D. SWEENEY	PROJ. NO.: 309641.0000
CHECKED BY: V. MITCHELL	
APPROVED BY: K. MCCORMICK	
DATE: JUNE 2020	



1090 UNION ROAD
WEST SENeca, NY 14224

