



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-2023-00140-EMI**
Issue Date: **August 1, 2023**
Expiration Date: **August 31, 2023**

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: Cipico Construction, Inc.
58-08 48th Street
Flushing, New York 11378

ACTIVITY: Pier Construction

WATERWAY: Newtown Creek

LOCATION: 58-08 48th Street, Flushing, Queens 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.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,

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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 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 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 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

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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>.

 Digitally signed by
Rosita Miranda

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

Enclosures

WORK DESCRIPTION

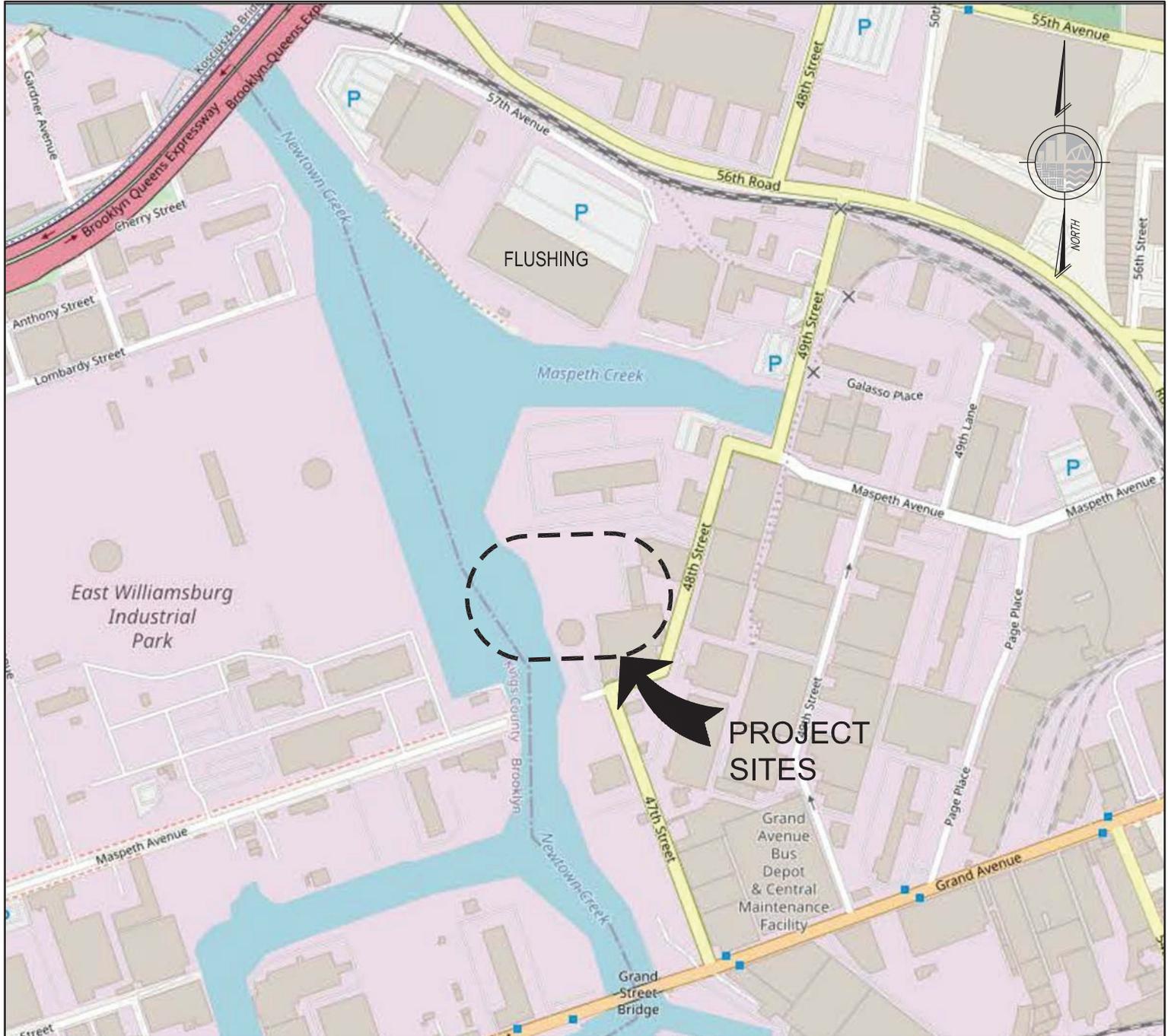
The permit applicant, Cipico Construction, Inc., has requested Department of the Army (DA) authorization to construct a fixed pier. The project is located in Newtown Creek at 58-08 48th Street, Flushing, Queens County, City of New York, New York.

The proposed work would involve the following:

Construct an approximately 110 linear foot steel sheet pile bulkhead along the shoreline. Construct a concrete fixed pier structure consisting of an approximately 30-foot-wide by 94-foot-long section of concrete platform leading to an approximately 30-foot-wide by 124-foot-long concrete platform in a "T" configuration" extending from the new bulkhead. The fixed pier structure would be supported by approximately forty-two (42) 18-inch diameter steel pipe piles filled with concrete.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by utilizing a vibratory hammer to install piles and using a soft start before pile-driving. Any potential impacts would be temporary and would be offset by implementing best management practices including the use of a turbidity curtain around the project area to minimize turbidity in the waterway.

The stated purpose of this project is to provide waterfront upgrades to facilitate loading and unloading of material from barges at the project site.



SOURCE: OPENSTREETMAP.ORG

LOCATION MAP

N.T.S.

**MASPETH RECYCLING
TRANSFER PIER**

APPLICANT: MASPETH RECYCLING INC.
5808 48TH STREET
FLUSHING, NEW YORK, NY 11378

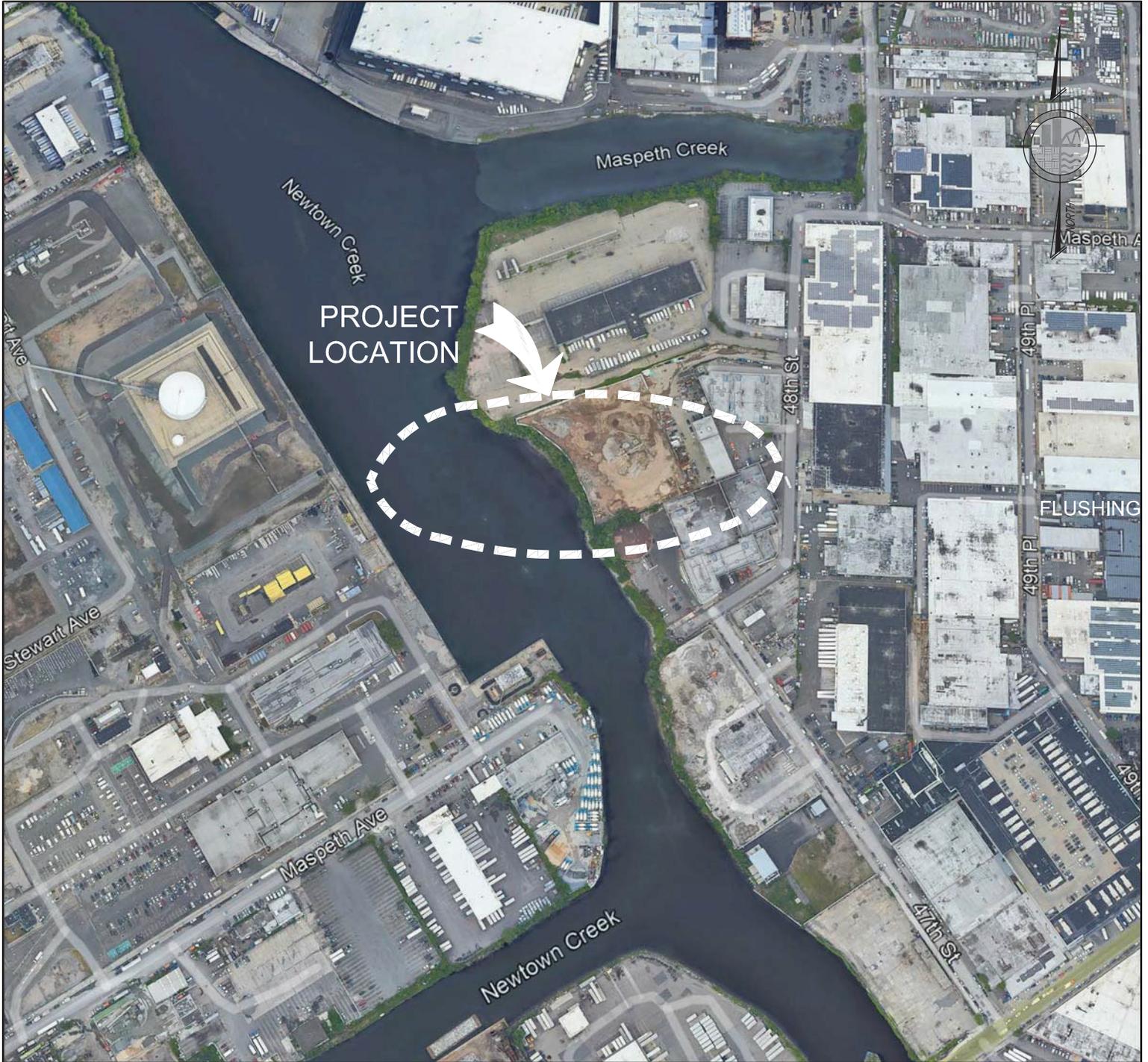
AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
530 Chestnut Ridge Road
Woodcliff Lake, N.J. 07677

LOCATION MAP

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY

SHT 1 OF 12

01/11/2023



VICINITY MAP

N.T.S.

PURPOSE: SHORELINE
REHABILITATION

DATUM: NAVD88

ADJACENT OWNERS:
1. SEE PROVIDED ADJACENT
OWNERS INFORMATION

**MASPETH RECYCLING
TRANSFER PIER**

APPLICANT: MASPETH RECYCLING INC.
5808 48TH STREET
FLUSHING, NEW YORK, NY 11378

AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
530 Chestnut Ridge Road
Woodcliff Lake, N.J. 07677

VICINITY MAP

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY

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01/11/2023

DATUM CHART				
DESCRIPTION	NOAA MHHW	NAVD '88	NGVD '29	NOAA MLLW
**FEMA VE 14	11.79'	14.00'	15.10'	16.62'
**FEMA AE 13	10.79'	13.00'	14.10'	15.62'
**FEMA AE 12	9.79'	12.00'	13.10'	14.62'
*HOWL (10/30/2012)	9.06'	11.27'	12.37'	13.89'
**FEMA AE 11	8.79'	11.00'	12.10'	13.62'
*HAT (10/16/1993 13:12)	1.37'	3.58'	4.68'	6.20'
MHHW	0.20'	2.41'	3.51'	5.03'
MHHW	0.00'	2.21'	3.31'	4.83'
MHW	-0.34'	1.87'	2.97'	4.49'
NAVD '88	-2.21'	0.00'	1.10'	2.62'
MSL	-2.42'	-0.21'	0.89'	2.41'
NGVD '29	-3.31'	-1.10'	0.00'	1.52'
MLW	-4.60'	-2.39'	-1.29'	0.23'
MLLW	-4.83'	-2.62'	-1.52'	0.00'
*LAT (1/21/1996 20:06)	-6.37'	-4.16'	-3.06'	-1.54'
*LOWL (2/2/1976)	-9.27'	-7.06'	-5.96'	-4.44'

GRAPHICAL TIDAL CHART

NOTES:

1. TIDAL DATA WAS OBTAINED FROM NOAA VDATUM V.307 "NEW JERSEY/ CONNECTICUT-NORTHERN NJ, NY HARBOR, WESTERN LONG ISLAND SOUND", V.3.7.
2. ELEVATIONS SHOWN IN FEET.
3. HOWL OR HIGHEST OBSERVED WATER LEVEL DATA TAKEN FROM 10/30/2012.
4. LOWL OR LOWEST OBSERVED WATER LEVEL IS TAKEN FROM 2/2/1976.
5. HAT OR HIGHEST ASTRONOMICAL TIDE DATA TAKEN FROM 10/16/1990 AT 13:12.
6. LAT OR LOWEST ASTRONOMICAL TIDE DATA TAKEN FROM 1/21/1996, 10:06.
7. ALL ELEVATIONS SHOWN HEREIN ARE SHOWN IN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

PURPOSE: SHORELINE REHABILITATION

DATUM: NAVD88

ADJACENT OWNERS:
1. SEE PROVIDED ADJACENT OWNERS INFORMATION

MASPETH RECYCLING TRANSFER PIER

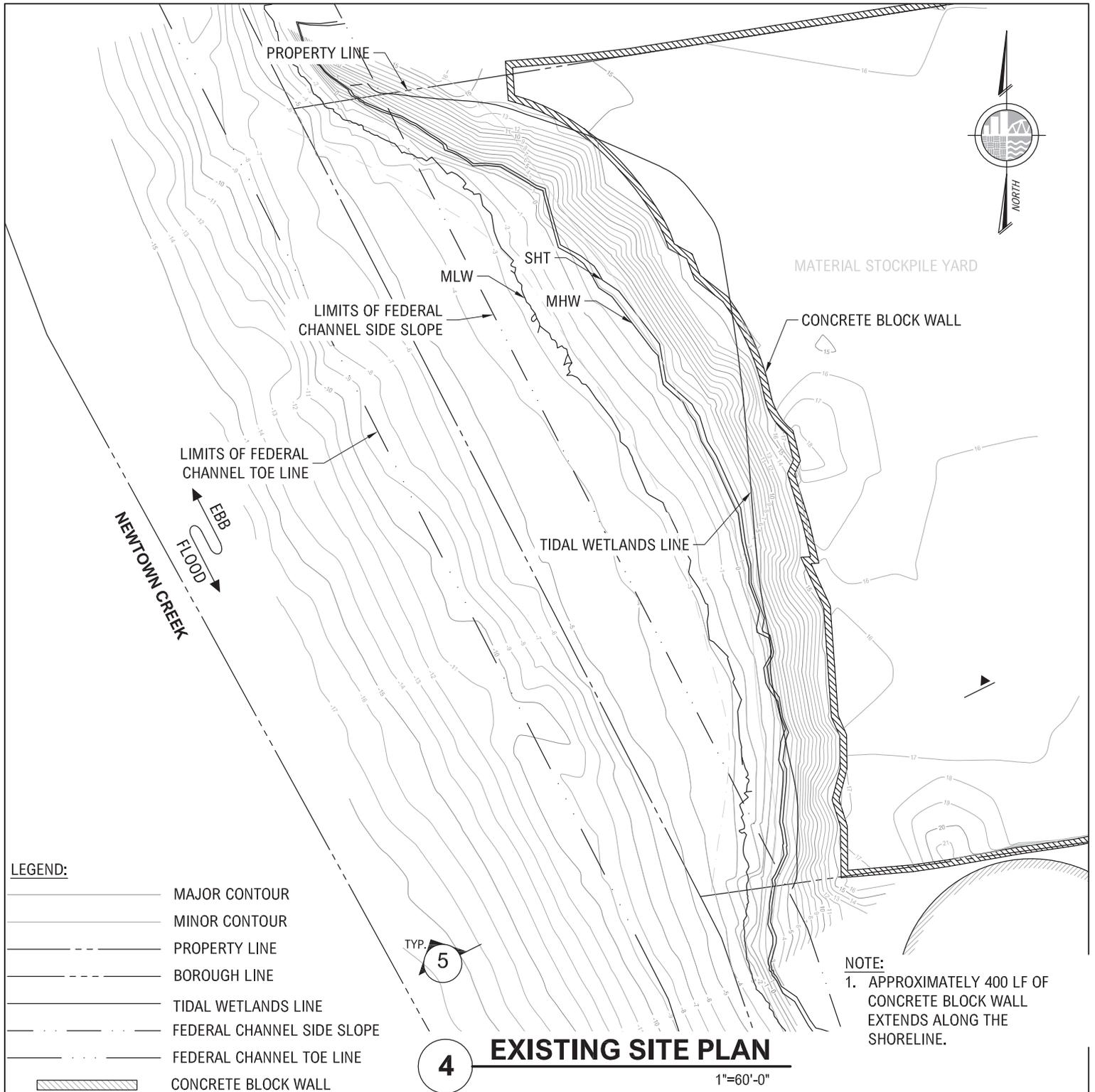
APPLICANT: MASPETH RECYCLING INC.
5808 48TH STREET
FLUSHING, NEW YORK, NY 11378

AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
530 Chestnut Ridge Road
Woodcliff Lake, N.J. 07677

TIDAL DATA

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY

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LEGEND:

- MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- BOROUGH LINE
- TIDAL WETLANDS LINE
- FEDERAL CHANNEL SIDE SLOPE
- FEDERAL CHANNEL TOE LINE
- CONCRETE BLOCK WALL

NOTE:

1. APPROXIMATELY 400 LF OF CONCRETE BLOCK WALL EXTENDS ALONG THE SHORELINE.

EXISTING SITE PLAN

1"=60'-0"

PURPOSE: SHORELINE REHABILITATION

DATUM: NAVD88

ADJACENT OWNERS:
1. SEE PROVIDED ADJACENT OWNERS INFORMATION

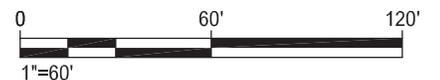
MASPETH RECYCLING TRANSFER PIER

APPLICANT: MASPETH RECYCLING INC.
5808 48TH STREET
FLUSHING, NEW YORK, NY 11378

AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
530 Chestnut Ridge Road
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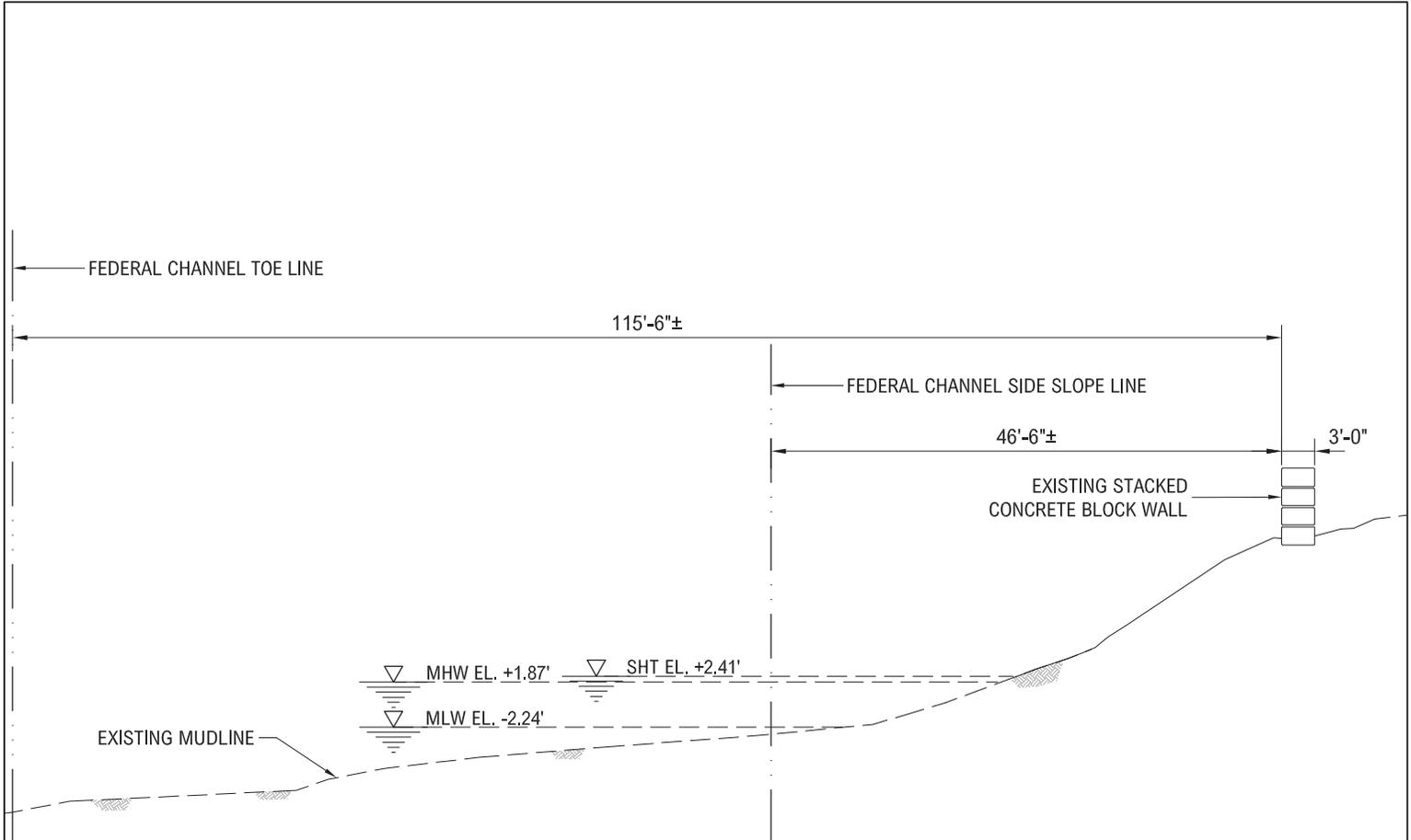
EXISTING SITE PLAN

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY



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01/11/2023

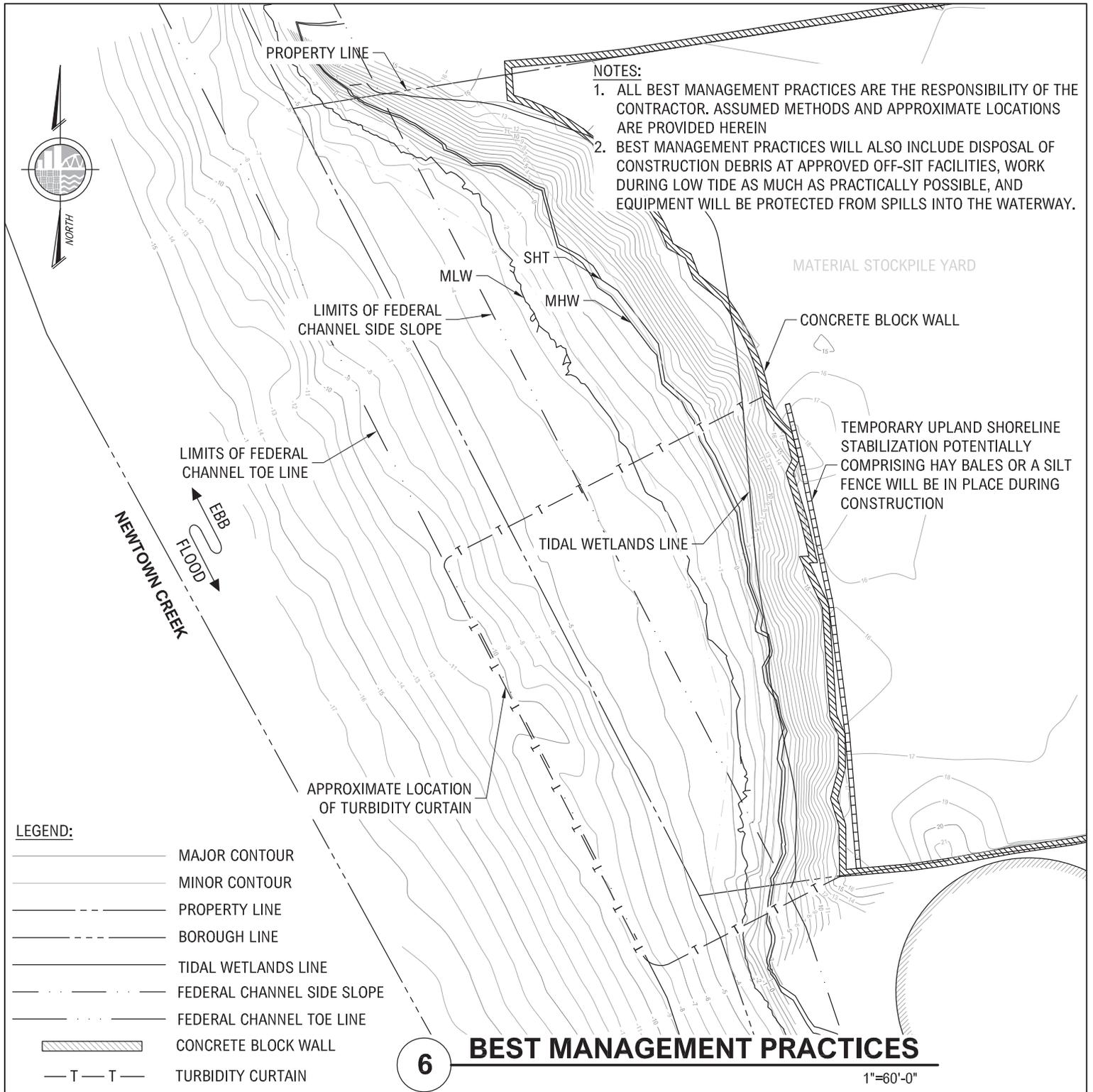


5 **EXISTING SECTION**
1/16"=1'-0"

PURPOSE: SHORELINE REHABILITATION
 DATUM: NAVD88
 ADJACENT OWNERS:
 1. SEE PROVIDED ADJACENT OWNERS INFORMATION

MASPETH RECYCLING TRANSFER PIER
 APPLICANT: MASPETH RECYCLING INC.
 5808 48TH STREET
 FLUSHING, NEW YORK, NY 11378
 AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
 530 Chestnut Ridge Road
 Woodcliff Lake, N.J. 07677

EXISTING SECTIONS
 IN: FLUSHING, NY
 AT: NEWTOWN CREEK
 COUNTY OF: QUEENS STATE: NY
 0 16' 32'
 1/16"=1'-0"
 SHT 5 OF 12 01/11/2023



PURPOSE: SHORELINE REHABILITATION

DATUM: NAVD88

ADJACENT OWNERS:
1. SEE PROVIDED ADJACENT OWNERS INFORMATION

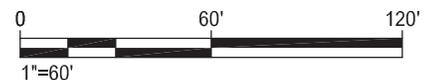
MASPETH RECYCLING TRANSFER PIER

APPLICANT: MASPETH RECYCLING INC.
5808 48TH STREET
FLUSHING, NEW YORK, NY 11378

AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
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Woodcliff Lake, N.J. 07677

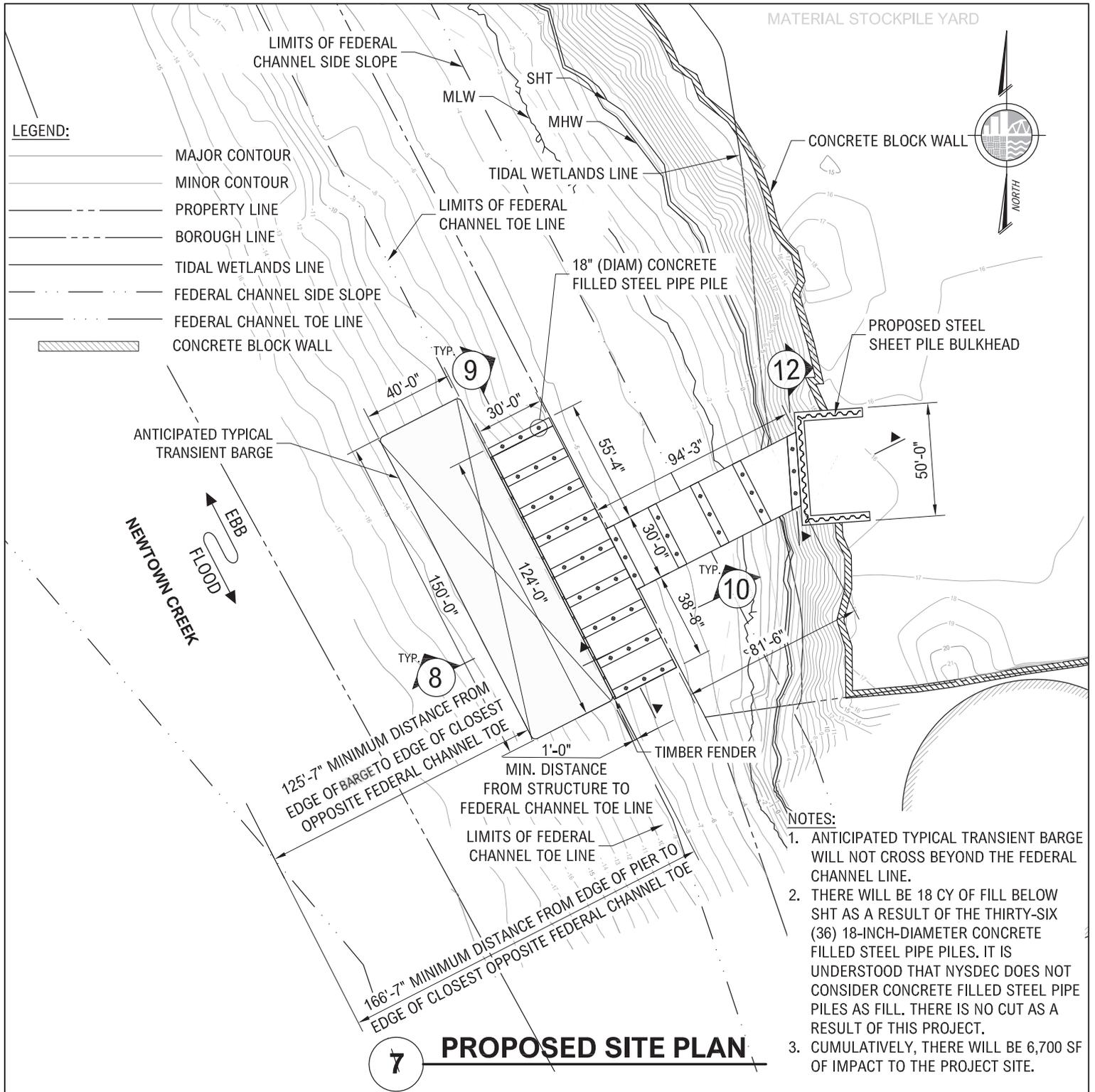
BEST MANAGEMENT PRACTICES

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY



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01/11/2023



PURPOSE: SHORELINE REHABILITATION

DATUM: NAVD88

ADJACENT OWNERS:

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MASPETH RECYCLING TRANSFER PIER

APPLICANT: MASPETH RECYCLING INC.
5808 48TH STREET
FLUSHING, NEW YORK, NY 11378

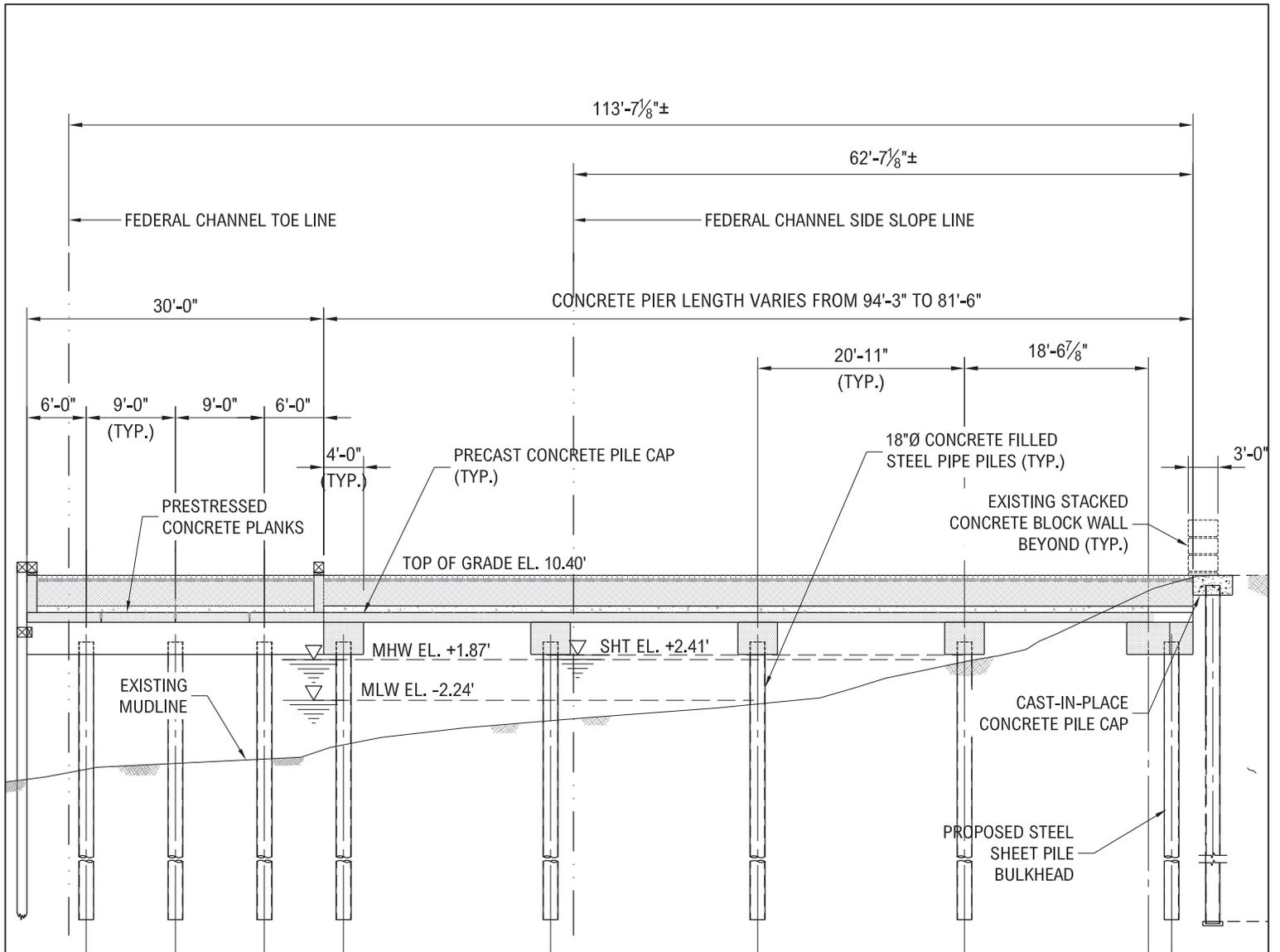
AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
530 Chestnut Ridge Road
Woodcliff Lake, N.J. 07677

PROPOSED SITE PLAN

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY

0 60' 120'
1"=60'

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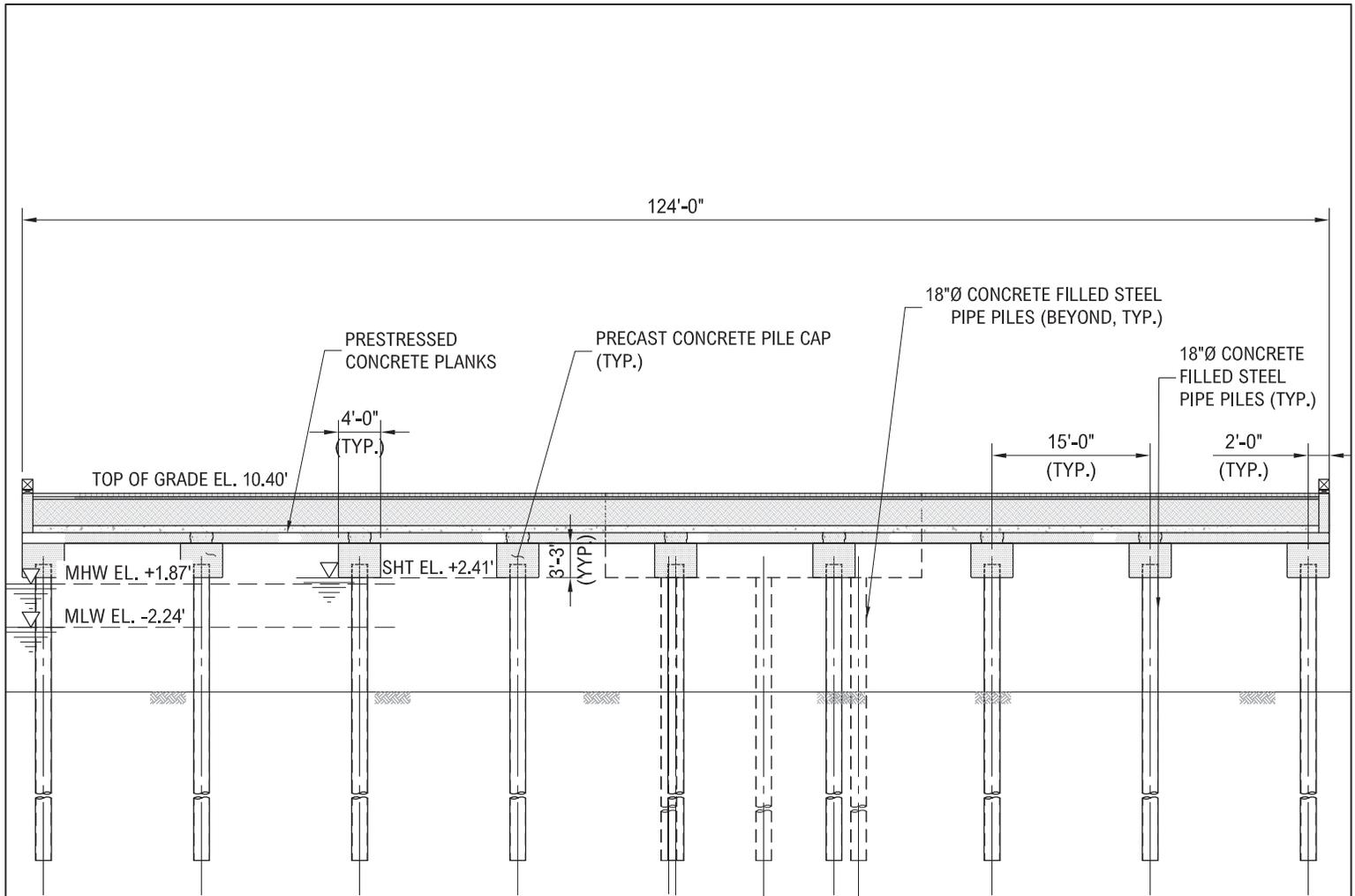
8 PROPOSED SECTION
1/16"=1'-0"

PURPOSE: SHORELINE REHABILITATION
 DATUM: NAVD88
 ADJACENT OWNERS:
 1. SEE PROVIDED ADJACENT OWNERS INFORMATION

MASPETH RECYCLING TRANSFER PIER
 APPLICANT: MASPETH RECYCLING INC.
 5808 48TH STREET
 FLUSHING, NEW YORK, NY 11378
 AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
 530 Chestnut Ridge Road
 Woodcliff Lake, N.J. 07677

PROPOSED SECTIONS 1
 IN: FLUSHING, NY
 AT: NEWTOWN CREEK
 COUNTY OF: QUEENS STATE: NY

0 16' 32'
 1/16"=1'-0"
 SHT 8 OF 12 01/11/2023



9 **PROPOSED SECTION**

1/16"=1'-0"

PURPOSE: SHORELINE REHABILITATION

DATUM: NAVD88

ADJACENT OWNERS:
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MASPETH RECYCLING TRANSFER PIER

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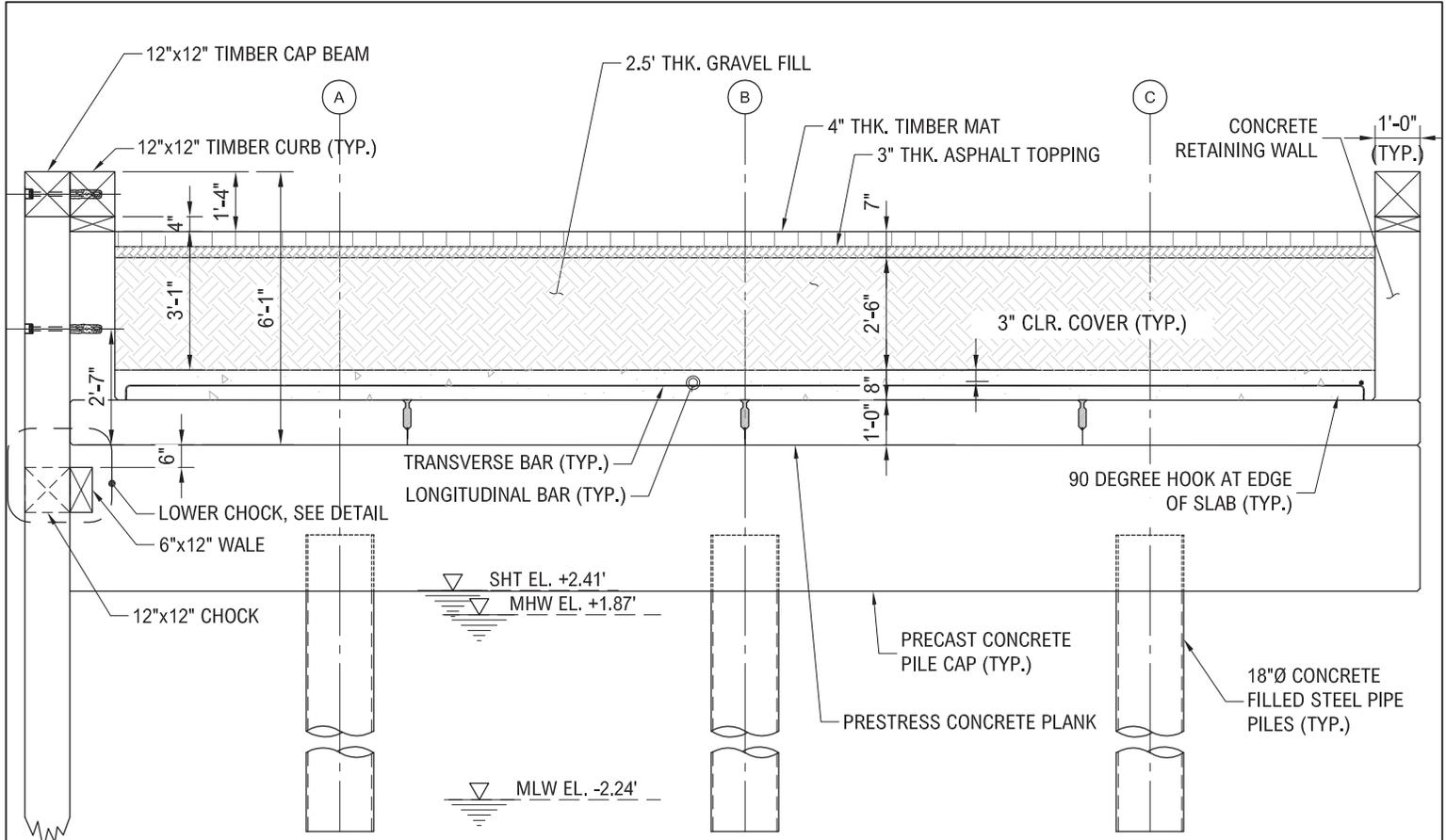
PROPOSED SECTIONS 2

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY

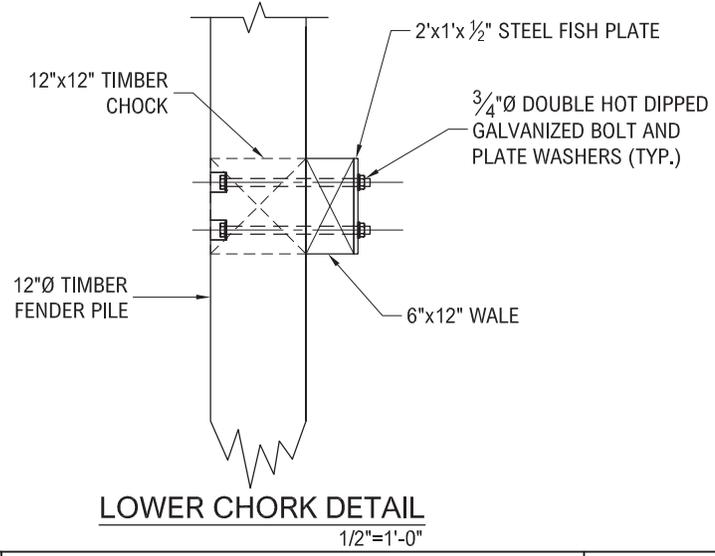
0 16' 32'

1/16"=1'-0"

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10 PROPOSED SECTION
1/4"=1'-0"

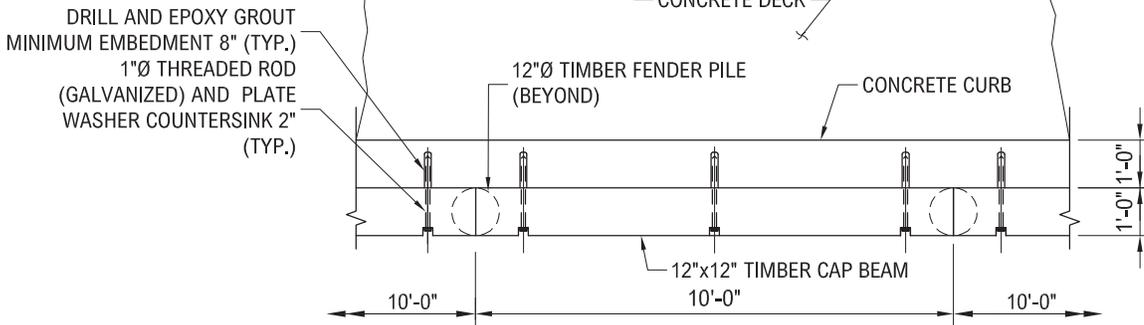


LOWER CHORK DETAIL
1/2"=1'-0"

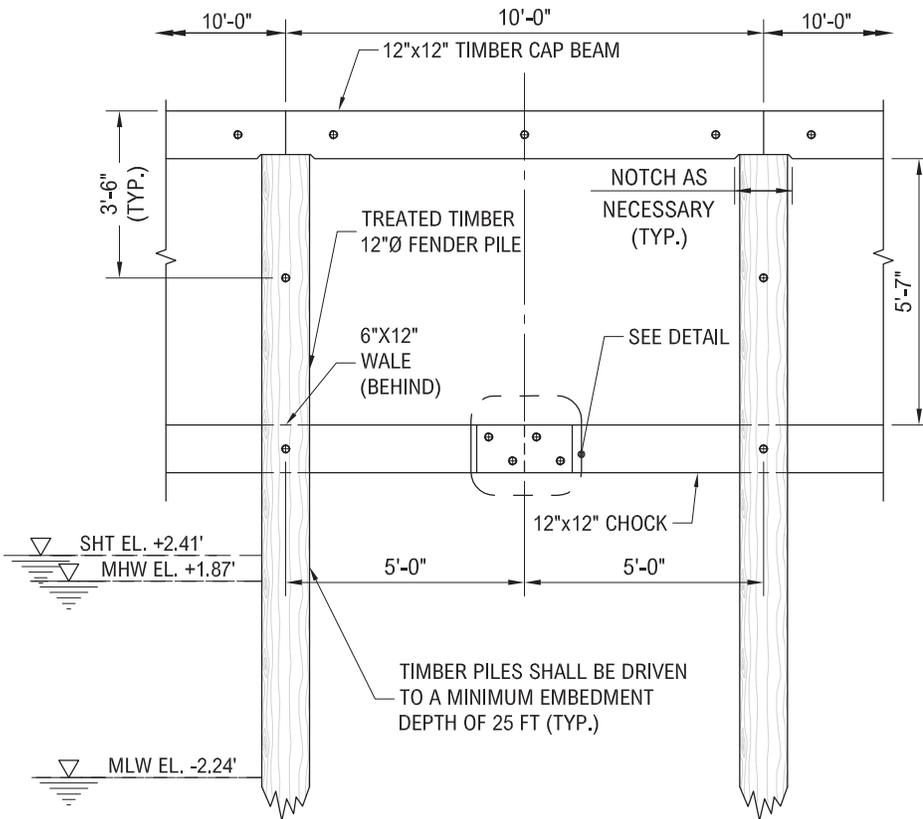
PURPOSE: SHORELINE REHABILITATION
 DATUM: NAVD88
 ADJACENT OWNERS:
 1. SEE PROVIDED ADJACENT OWNERS INFORMATION

MASPETH RECYCLING TRANSFER PIER
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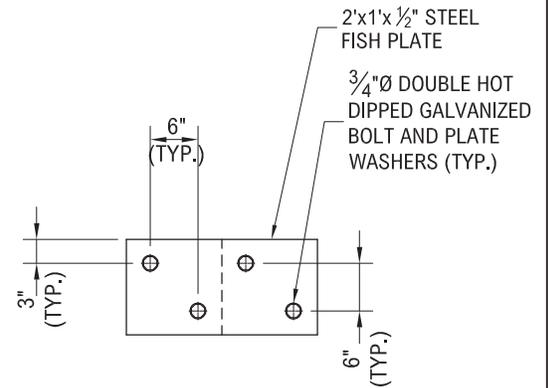
PROPOSED SECTIONS 3
 IN: FLUSHING, NY
 AT: NEWTOWN CREEK
 COUNTY OF: QUEENS STATE: NY
 0 4' 8'
 1/4"=1'-0"
 SHT 10 OF 12 01/11/2023



TIMBER FENDER PART PLAN



TIMBER FENDER SECTION



DETAIL
1/2"=1'-0"

11 **PROPOSED SECTION**
1/4"=1'-0"

PURPOSE: SHORELINE REHABILITATION

DATUM: NAVD88

ADJACENT OWNERS:
1. SEE PROVIDED ADJACENT OWNERS INFORMATION

MASPETH RECYCLING TRANSFER PIER

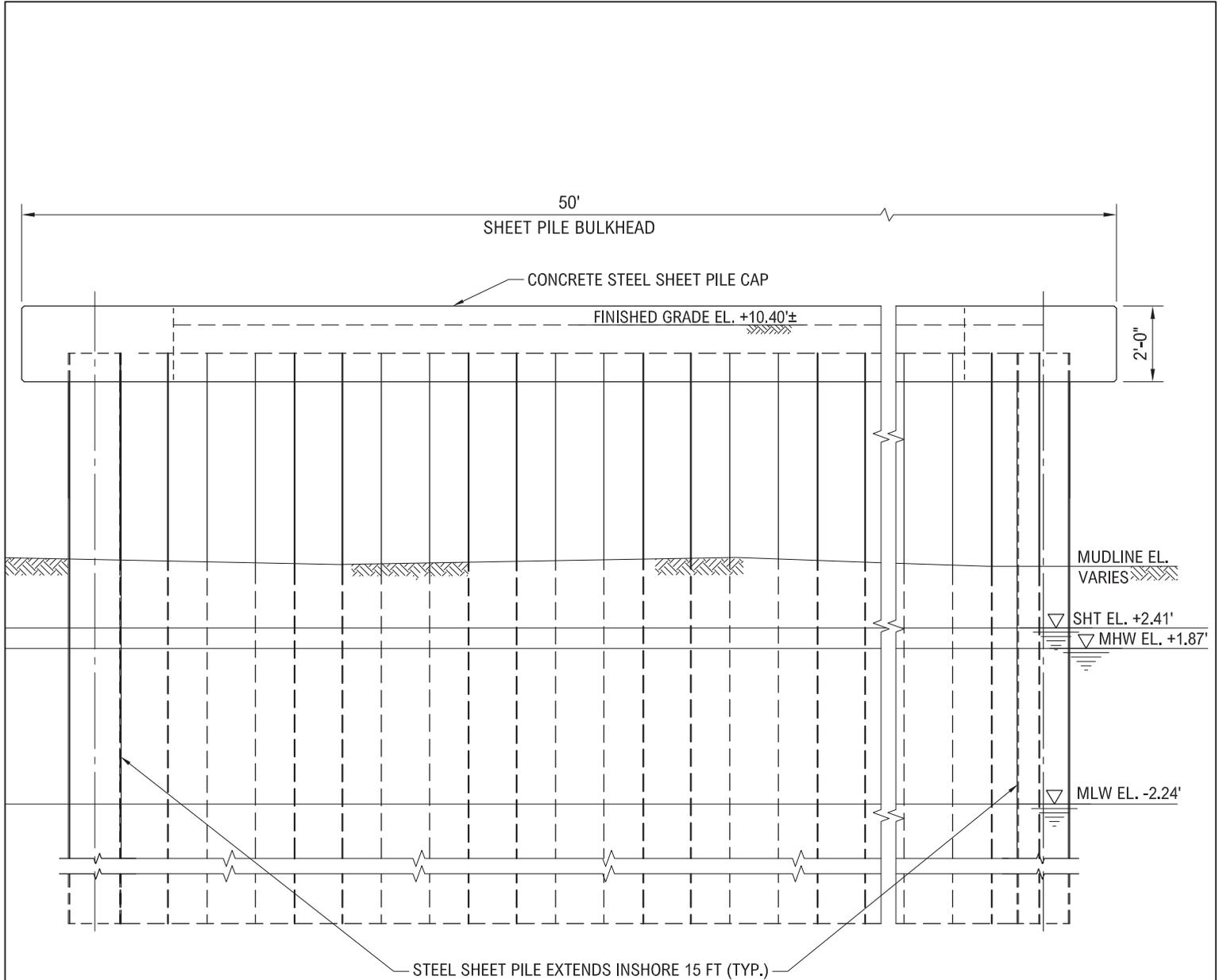
APPLICANT: MASPETH RECYCLING INC.
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AGENT: M.G. McLaren Engineering & Land Surveying, P.C.
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Woodcliff Lake, N.J. 07677

PROPOSED SECTIONS 4

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY





12

PROPOSED SHEET PILE ELEVATION

1/4"=1'-0"

PURPOSE: SHORELINE REHABILITATION

DATUM: NAVD88

ADJACENT OWNERS:
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MASPETH RECYCLING TRANSFER PIER

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5808 48TH STREET
FLUSHING, NEW YORK, NY 11378

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Woodcliff Lake, N.J. 07677

PROPOSED SECTIONS 5

IN: FLUSHING, NY
AT: NEWTOWN CREEK
COUNTY OF: QUEENS STATE: NY



SHT 12 OF 12

01/11/2023