

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-2024-00378
Issue Date:
Expiration Date:

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), Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Heidelberg Materials US Cement, LLC
Pier K Brooklyn Navy Yard
63 Flushing Avenue, Unit 295
Brooklyn, New York 11205

ACTIVITY: Ten Year Maintenance Dredge

WATERWAY: East River

LOCATION: Brooklyn, Kings 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 MAILED TO REACH 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.

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.

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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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. If you have any questions concerning this application, you may contact this office at matthew.look@usace.army.mil

In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

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

WORK DESCRIPTION

The applicant, Heidelberg Material US Cement, LLC, has requested Department of the Army authorization for 10-year maintenance dredging in the East River, 63 Flushing Avenue, Brooklyn, Kings County, New York.

The work would involve: Dredge, with ten-years maintenance, via clamshell bucket, approximately 18,722 cubic yards (CY) of material from an approximately 1.7-acre area to a depth range of between 34 and 38 feet below the plane of mean low water. The applicant plans to conduct one additional dredging event within the ten-year maintenance dredging period removing approximately 15,000 CY per event from within the same dredging area. The dredged material will be placed on a barge with scuppers and passively dewatered. Material will be offloaded over a spill-prevention apron and then transported to an upland disposal facility.

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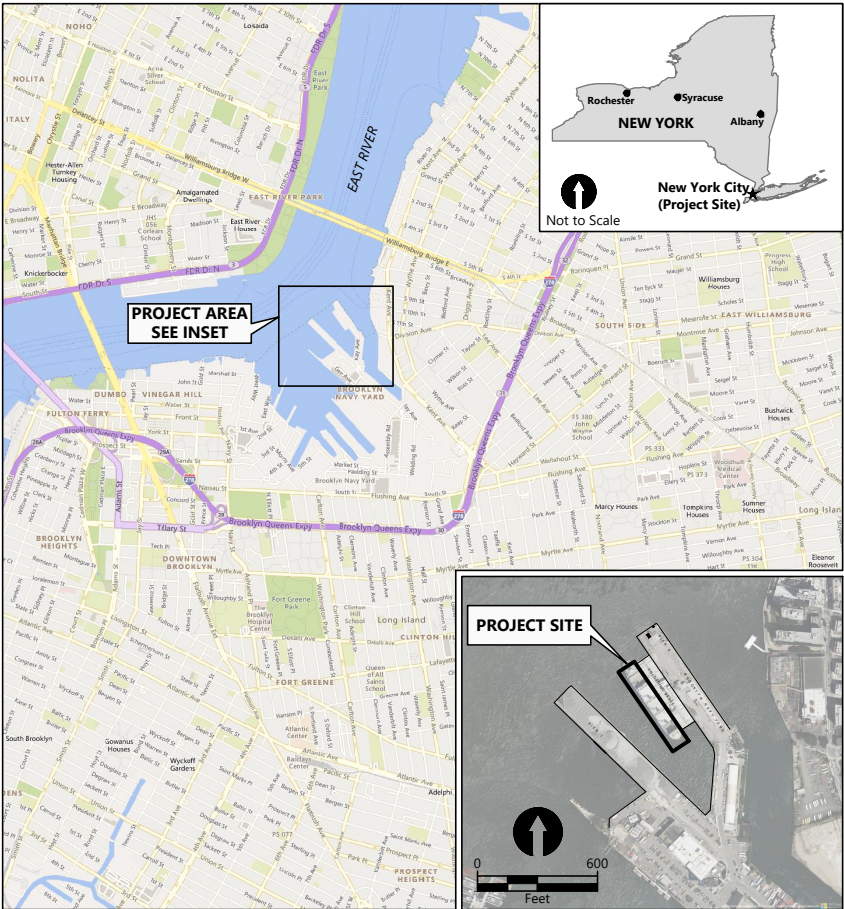
The stated purpose of this project is to remove sediment to allow for safe vessel operations.

DREDGE DESIGN

PIER K BROOKLYN NAVY YARD BERTH MAINTENANCE DREDGING

HEIDELBERG MATERIALS US CEMENT, LLC

PIER K, BROOKLYN NAVY YARD
63 FLUSHING AVE
BROOKLYN, NY 11205



SOURCE: MICROSOFT BING®

DRAWING INDEX		
SHEET #	DRAWING #	TITLE
1	G1	TITLE SHEET
2	EX1	EXISTING CONDITIONS
3	C1	DREDGE PLAN
4	C2	DREDGE CROSS SECTION A-A'
5	C3	DREDGE CROSS SECTIONS B-B' AND C-C'
6	C4	DREDGING DETAIL
7	C5	OFFLOADING AND STOCKPILING DETAILS

K:\Project\A1229-Heidelberg Materials\Maintenance Dredge Design Brooklyn Site\Construction Plans\A1229-PL-G1-SERIES.dwg G1

Jan 26, 2024 4:03pm dholmer

REVISIONS					DESIGNED BY: <u>S. RODRIGUEZ</u> DRAWN BY: <u>D. HOLMER</u> CHECKED BY: <u>M. WOLTMAN</u> APPROVED BY: _____ SCALE: <u>AS NOTED</u> DATE: <u>JANUARY 2024</u>
REV	DATE	BY	APP'D	DESCRIPTION	

HEIDELBERG MATERIALS US CEMENT, LLC
PIER K BROOKLYN NAVY YARD
BERTH MAINTENANCE DREDGING

TITLE SHEET

G1

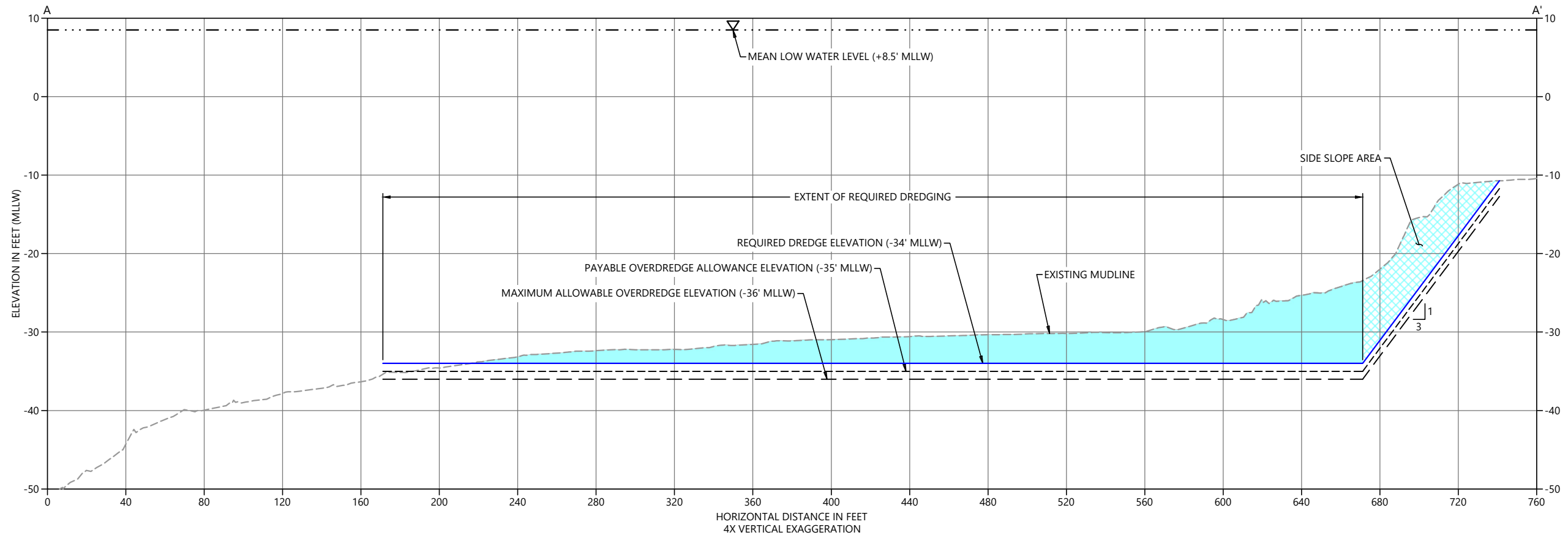
SHEET # 1 OF 7

PLAN INTENDED TO BE VIEWED
IN COLOR. ADJACENT BLOCK IS
"BLUE"

ONE INCH
AT FULL SIZE. IF NOT ONE
INCH SCALE ACCORDINGLY

K:\Project\A1229-Heidelberg Materials\Maintenance Dredge Design Brooklyn Site\Construction Plans\A1229-PL-C-SERIES (BASE).dwg C2

Jan 26, 2024 4:03pm dholmer



A
C1 SECTION
HORIZONTAL SCALE: 1" = 30'
VERTICAL SCALE: 1" = 7.5'

NOTES:

1. THE MAXIMUM ALLOWABLE OVERDREDGE ELEVATION IS -36 FEET MLLW. DREDGING BELOW THE MAXIMUM ALLOWABLE OVERDREDGE ELEVATION IS CONSIDERED EXCESSIVE DREDGING AND IS NOT ALLOWED.
2. 3' DREDGE OFFSET FROM UNLOADING BARGE FACE TO PROTECT ANY DAMAGE TO THE UNLOADING BARGE. ANY DAMAGE TO THE UNLOADING BARGE SHALL BE IMMEDIATELY REPAIRED AT THE CONTRACTOR'S EXPENSE. NO DREDGING IN THE 3' DREDGE OFFSET FROM THE UNLOADING BARGE FACE SHALL BE PERFORMED.
3. CONTRACTOR SHALL REMOVE SIDE SLOPE MATERIAL THAT SLOUGHS INTO THE DREDGE PRISM AT ELEVATIONS ABOVE THE REQUIRED DREDGE ELEVATION, IF APPLICABLE. DREDGING OF SIDE SLOPES IS REQUIRED, AS SHOWN, AND ASSOCIATED VOLUME IS INCLUDED IN BID ITEMS NO. 2 FOR DREDGING AND IN-WATER TRANSPORTATION AND NO. 3 FOR OFFLOAD, UPLAND TRANSPORTATION, AND DISPOSAL.

LEGEND:

- MAINTENANCE DREDGE PRISM
(REQUIRED DREDGE ELEVATION OF -34' MLLW)
- EXTENT OF REQUIRED SIDE SLOPES

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**HEIDELBERG MATERIALS US CEMENT, LLC
PIER K BROOKLYN NAVY YARD
BERTH MAINTENANCE DREDGING**

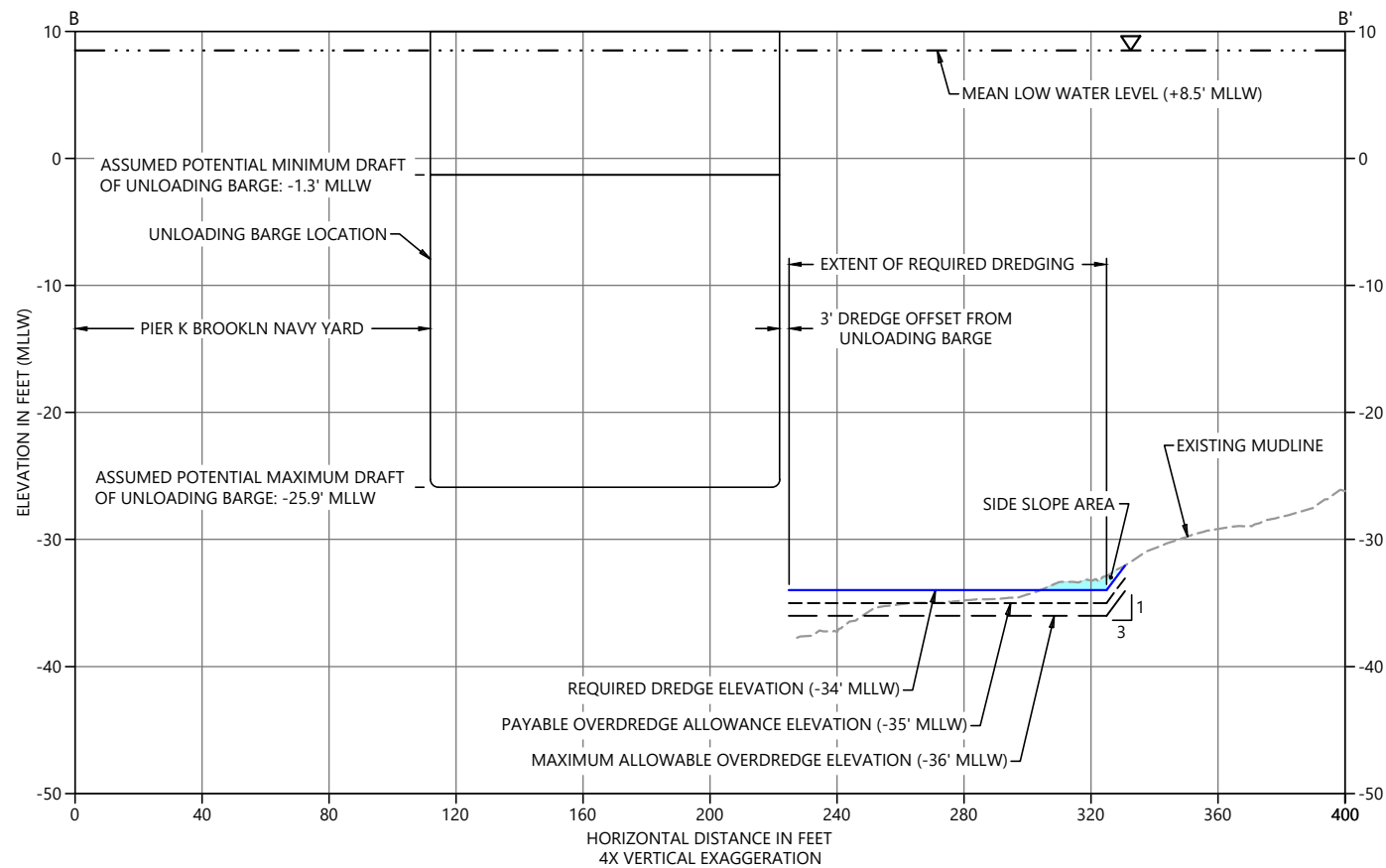
DREDGE CROSS SECTION A-A'

C2

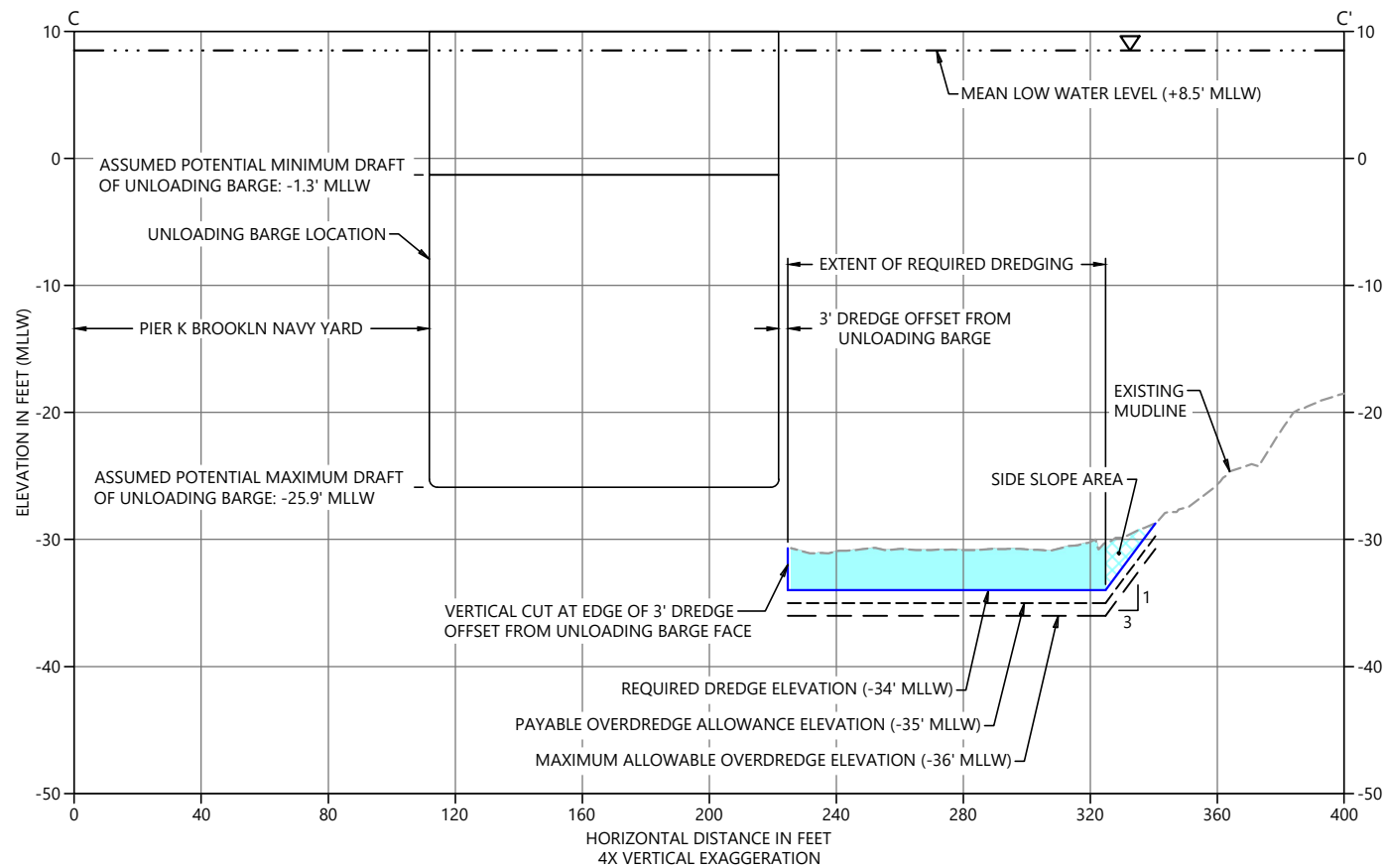
SHEET # **4** OF **7**

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Jan 26, 2024 4:03pm dholmer



B
SECTION
C1
HORIZONTAL SCALE: 1" = 30'
VERTICAL SCALE: 1" = 7.5'





C
SECTION
C1
HORIZONTAL SCALE: 1" = 30'
VERTICAL SCALE: 1" = 7.5'

NOTES:

1. THE MAXIMUM ALLOWABLE OVERDREDGE ELEVATION IS -36 FEET MLLW. DREDGING BELOW THE MAXIMUM ALLOWABLE OVERDREDGE ELEVATION IS CONSIDERED EXCESSIVE DREDGING AND IS NOT ALLOWED.
2. 3' DREDGE OFFSET FROM UNLOADING BARGE FACE TO PROTECT ANY DAMAGE TO THE UNLOADING BARGE. ANY DAMAGE TO THE UNLOADING BARGE SHALL BE IMMEDIATELY REPAIRED AT THE CONTRACTOR'S EXPENSE. NO DREDGING IN THE 3' DREDGE OFFSET FROM THE UNLOADING BARGE FACE SHALL BE PERFORMED.
3. CONTRACTOR SHALL REMOVE SIDE SLOPE MATERIAL THAT SLOUGHS INTO THE DREDGE PRISM AT ELEVATIONS ABOVE THE REQUIRED DREDGE ELEVATION, IF APPLICABLE. DREDGING OF SIDE SLOPES IS REQUIRED, AS SHOWN, AND ASSOCIATED VOLUME IS INCLUDED IN BID ITEMS NO. 2 FOR DREDGING AND IN-WATER TRANSPORTATION AND NO. 3 FOR OFFLOAD, UPLAND TRANSPORTATION, AND DISPOSAL.
4. SURVEY COVERAGE BENEATH THE UNLOADING BARGE IS LACKING FROM THE FEBRUARY 6, 2021 BATHYMETRIC SURVEY. POTENTIAL SLOUGH MATERIAL MAY OCCUR FROM THE VERTICAL CUTS AT THE EDGE OF THE 3' DREDGE OFFSET FROM THE UNLOADING BARGE FACE. THE CONTRACTOR SHALL REMOVE ANY SLOUGH MATERIAL UNTIL THE REQUIRED DREDGE ELEVATION IS MET. ANY SLOUGH MATERIAL VOLUME IS INCIDENTAL TO REQUIRED DREDGING ACTIVITIES AND IS INCLUDED IN BID ITEMS NO. 2 FOR DREDGING AND IN-WATER TRANSPORTATION AND NO. 3 FOR OFFLOAD, UPLAND TRANSPORTATION, AND DISPOSAL.

LEGEND:

-  MAINTENANCE DREDGE PRISM (REQUIRED DREDGE ELEVATION OF -34' MLLW)
-  EXTENT OF REQUIRED SIDE SLOPES

PLAN INTENDED TO BE VIEWED
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ONE INCH
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INCH SCALE ACCORDINGLY



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APPROVED BY: _____
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DATE: JANUARY 2024

HEIDELBERG MATERIALS US CEMENT, LLC
PIER K BROOKLYN NAVY YARD
BERTH MAINTENANCE DREDGING

DREDGE CROSS SECTIONS B-B' AND C-C'

C3

SHEET # **5** OF **7**

K:\Project\A1229-Heidelberg Materials\Maintenance Dredge Design Brooklyn Site\Construction Plans\A1229-PL-C-SERIES.dwg C4

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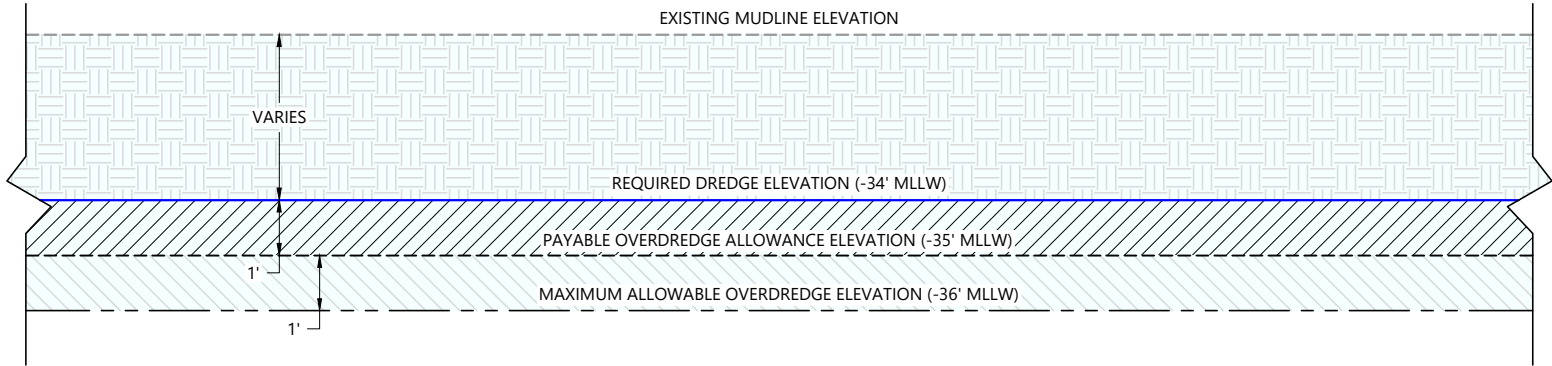
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HEIDELBERG MATERIALS US CEMENT, LLC
PIER K BROOKLYN NAVY YARD
BERTH MAINTENANCE DREDGING

DREDGING DETAIL

C4
SHEET # 6 OF 7



A REQUIRED DREDGE ELEVATION
SCALE: N.T.S.

ONE INCH
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Jan 26, 2024 4:03pm dholmer

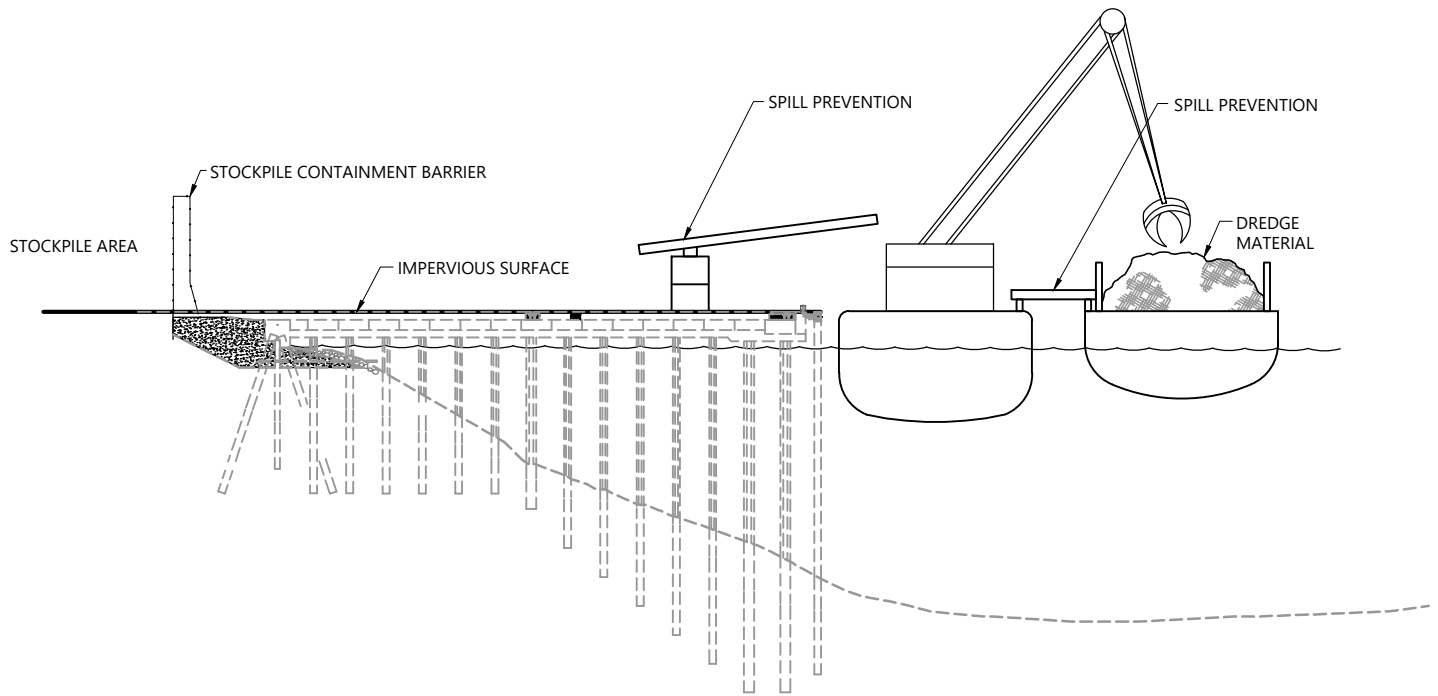


PHOTO 1: EXAMPLE OF OFFLOADING OPERATIONAL CONTROLS



PHOTO 2: EXAMPLE OF OFFLOADING OPERATIONAL CONTROLS

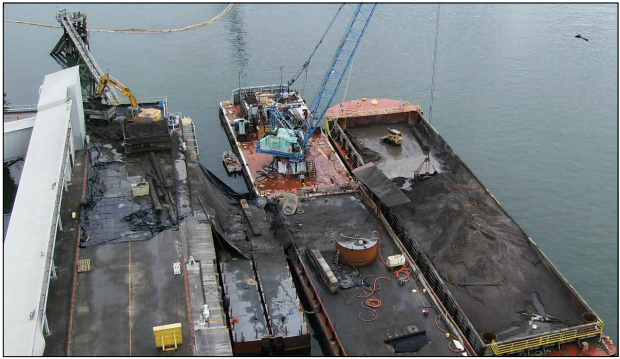


PHOTO 3: EXAMPLE OF OFFLOADING TO TRUCKS OPERATIONAL CONTROLS

A OFFLOADING OPERATIONAL CONTROLS
SCALE: N.T.S.

NOTES:

1. THE OWNER WILL NOT PROVIDE AN ON-SITE OR OFF-SITE OFFLOADING LOCATION FOR DREDGED SEDIMENT. THE CONTRACTOR SHALL IDENTIFY ACCEPTABLE AND PERMITTED UPLAND FACILITIES (OFF-SITE OFFLOADING FACILITY AND DISPOSAL FACILITY) FOR OFFLOADING, UPLAND TRANSPORTATION, AND DISPOSAL.
2. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF THE OFF-SITE OFFLOADING FACILITY AND DISPOSAL FACILITY. THE FACILITIES MUST BE PERMANENT, EXISTING, AND ALREADY PERMITTED (i.e. IN OPERATION PRIOR TO CONTRACT AWARD) UPLAND FACILITIES AND MUST BE APPROVED BY THE OWNER PRIOR TO USE.
3. EXAMPLES SHOWN ARE FOR CONTRACTOR INFORMATION ONLY AND ARE INTENDED TO SHOW EXAMPLE BEST MANAGEMENT PRACTICES. DESIGN AND OPERATIONS OF STOCKPILE MANAGEMENT AND OFFLOADING-OPERATIONS ARE THE RESPONSIBILITY OF THE CONTRACTOR. COMPLY WITH ALL CONTRACT DOCUMENTS AND THE FEDERAL, STATE, AND LOCAL PERMIT REQUIREMENTS FOR OFFLOAD FACILITY AND STOCKPILING.
4. SPILLS THAT OCCUR DURING OFFLOADING AND TRANSFER SHALL DRAIN ONTO BARGE OR WITHIN A CONTAINED UPLAND AREA. SPILL PROTECTION SHALL BE CONSTRUCTED FROM IMPERMEABLE MATERIAL.
5. THE CONTRACTOR BECOMES THE OWNER OF, AND IS RESPONSIBLE FOR, ANY SEDIMENT, DEBRIS, OR OTHER MATERIAL ONCE IT IS LOADED ON A VEHICLE, BARGE, OR OTHER VESSEL FOR TRANSPORT TO THE DISPOSAL FACILITY.

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**HEIDELBERG MATERIALS US CEMENT, LLC
PIER K BROOKLYN NAVY YARD
BERTH MAINTENANCE DREDGING**

OFFLOADING AND STOCKPILING DETAILS

C5

SHEET # 7 OF 7