

# 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-2020-01201-EBR** Issue Date: September 29, 2021 Expiration Date: October 29, 2021

The New York District, of the U.S. Army 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:	City of New York Department of Parks and Recreation
	Olmsted Center, Flushing Meadows-Corona Park
	117-02 Roosevelt Avenue
	Flushing, New York 11368

- ACTIVITY: Marina modification and maintenance activities
- WATERWAY: Little Neck Bay
- LOCATION: Bayside Marina, Bayside, Borough of Queens, 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 **William.Bruno@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 review for this permit application. Comments provided will become part of the public record for this

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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 adversely 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.

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 received a New York State Department of Environmental Conservation Water Quality Certification, Permit ID 2-6303-00046/00004, dated March 18, 2021, in accordance with Section 401 of the Clean Water Act.

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. In a letter dated December 16, 2020, New York State Department of State issued a Coastal Zone Management Concurrence with Consistency Certification, F-2020-1013, for the proposed work.

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

### \*\*\*PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE\*\*\*

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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) 790-8516 and ask for William T. Bruno.

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

Encl

## DESCRIPTION OF PROPOSED WORK

The applicant, City of New York Department of Parks and Recreation, has requested Department of the Army authorization for marina modification and maintenance activities in Little Neck Bay at Bayside Marina in Bayside, Borough of Queens, Queens County, City of New York, New York.

#### **Pile Jacketing and Pier Maintenance**

The applicant proposes to conduct pile repairs in several locations on the existing Main Pier and Fishing Pier, including in-kind replacement of bracing and the encasement of a total of eighteen (18) existing timber 12-inch-diameter timber piles with concrete jacketing. The jacketing of the existing eighteen (18) timber piles would increase the pile diameter to 20-inches and result in a discharge of approximately 8 cubic yards (CY) of flowable concrete over an approximately 25 square foot (SF) area below the plane of Spring High Water (SHW).

### Ramp, Float and Pile Replacement and Relocation

The existing 3-foot-wide by 37-foot-long ramp will be replaced with a new 4-foot-wide by 80-foot-long Americans with Disabilities Act (ADA) compliant ramp. The increased length of the new ramp will require all of the existing floats and finger piers and associated piles to be relocated approximately 40-feet seaward of their existing locations.

**Main Float:** The new ramp will lead to the existing 15-foot-wide by 130-foot-long Main Float which will be reset approximately 40-feet seaward of its existing location.

**West Main Float:** From the southwestern side of the Main Float replace and relocate approximately 40-feet seaward, the existing approximately 10-foot-wide by 193-foot-long West Main Float leading to one (1) approximately 3-foot-wide by 16-foot-long east-facing finger pier and seven (7) approximately 3-foot-wide by 24.5-foot-long east-facing finger piers and two (2) approximately 3-foot-wide by 16-foot-long west-facing finger piers on the southeast end of the West Main Float.

**East Main Float:** From the southeastern side of the Main Float relocate approximately 40-feet seaward the existing approximately 10-foot-wide by 260-foot-long East Main Float. A 10-foot-wide by 38-foot-long section will be replaced. The existing west-facing finger piers, consisting of two (2) 3-foot-wide by 16-foot-long finger piers, four (4) 3-foot-wide by 24.5-foot-long finger piers and three (3) 3-foot-wide by 30-foot-long finger piers and one (1) 3-foot-wide by 35-foot-long finger piers pier will be reset in their new location.

Throughout the marina a total of thirty-nine (39) existing timber guide piles will be removed and replaced with 14-inch-diameter steel pipe piles in their new seaward locations. The new steel pipe piles will be filled with a total of approximately 5 CY of flowable concrete below the plane of SHW over an approximately 42 square foot area.

## **Concrete Boat Ramp Reconstruction**

The existing approximately 16-foot-wide by 100-foot-long (1,600 SF) concrete boat ramp and approximately 9.75-foot-wide associated riprap along each side of the ramp for a total width of 35.5-feet will be replaced with a 16-foot-wide by 100-foot-long concrete boat ramp and approximately 10.5-foot-wide associated riprap along each side of the ramp for a total width of 37-feet. The approximate net increase in fill below the plane of SHW is 18 CY.

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The applicant has stated they have avoided, minimized and mitigated for proposed impacts by minimizing construction to the smallest area practicable to modify and maintain the existing marina to current standards.

The stated purpose of this project is to maintain the existing marina.















