



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

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Applicant:

New York State Parks,  
Recreation & Historic  
Preservation

Published:

Expires:

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**New York District**

**Permit Application No. NAN-2023-00725-MCC**

TO WHOM IT MAY CONCERN: The New York District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** New York State Parks, Recreation & Historic Preservation  
163 West 125th Street  
17th Floor  
New York, New York 10027

**WATERWAY AND LOCATION:** The project would affect waters of the United States, including wetlands, associated with Jamaica Bay. The project/review area is located within Bayswater Point State Park at Latitude 40.612243 and Longitude -73.773763; in Far Rockaway, Queens County, New York.

**EXISTING CONDITIONS:** Bayswater Point State Park borders Jamaica Bay in southeastern Queens County, New York. The park is approximately fifteen miles southeast of Manhattan. The seaward boundary of the park extends 2,081 linear feet along the Jamaica Bay shoreline and is bounded by the neighborhood of Far Rockaway on the southeastern extent. The 17-acre project area encompasses the entirety of Bayswater Point State Park.

## **PROJECT PURPOSE:**

**Overall:** The Applicant's stated purpose for the project is to stabilize and restore the shoreline at Bayswater Point State Park. Establishment of a living shoreline and installation of breakwater systems will protect existing parkland from erosion and create opportunities for habitat within the shoreline and lawn areas of the park. Additionally, the project will also enhance public access to Jamaica Bay by installing a pedestrian boardwalk through the wetland and a fishing pier.

**Basic:** The basic project purpose is shoreline stabilization and recreation.

**PROPOSED WORK:** The applicant requests authorization for:

**Shoreline Protection:** Remove deteriorated bulkheads, including approximately 80 cubic yards (CY) of wood and 94 (CY) of broken concrete. Construct approximately 1,393 linear feet (LF) of living shoreline, consisting of three (3) sections of tide pool breakwaters which would require the permanent discharge of 1,233 CY of stone for riprap, 251 four-foot pre-cast ECOcrete tide pool cells, and 97 CY of sand for grading along the shoreline. A total of 1,640 CY of fill will be discharged across 25,368 square feet (SF) below Spring High Water (SHW) and 3,197 SF of adjacent wetlands.

**Marsh Enhancement and Expansion:** Conduct invasive species remediation and restoration of native vegetation communities to support the living shoreline and improve the functions of the marshlands. The total area of disturbance in federally regulated wetlands is 170,931 square feet.

**Pedestrian Boardwalk:** Construct an aluminum boardwalk 110-feet-long by 8-feet-wide, secured by 58 footings comprised of steel helical piles, to allow pedestrian access through the federally regulated wetland adjacent to the shoreline.

**Fishing Pier:** Construct a pier assembly consisting of an aluminum gangway measuring 63-feet-long by 8-feet-wide, two steel access stairs measuring 5-feet-wide by 5-feet-long, located at the midpoint of the gangway and placed on either side of the structure to provide access to the intertidal area, a fixed pier 60-feet-long by 8-feet wide, with a fixed platform measuring 30-feet-long by 10-feet wide, placed in a T orientation at the terminal end. The structure will be supported by 14 concrete filled, 16-inch diameter steel piles, with 0.30 CY of fill discharged below SHW over 23 SF for the footings.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The project design was selected to maximize long-term shoreline resilience and tidal marsh benefits and will have short-term impacts to tidal wetlands in order to create long-term net positive impacts. The project will provide significant advantages to wildlife and the public by increasing the size and functional capacity of tidal marsh wetlands, enhancing wildlife habitat, preventing erosion, eliminating public safety hazards, and providing recreational opportunities.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: The project primarily involves the restoration, enhancement and preservation of the shoreline and adjacent wetlands. The impacts associated with the installation of the pier assembly would affect less than 1/10 of an acre and would be offset by the restoration and enhancement elements of the project.

#### **CULTURAL RESOURCES:**

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources.

Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

<b>Common Name</b>	<b>Scientific Name</b>	<b>Status</b>	<b>Agency</b>
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	USFWS
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	USFWS
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	USFWS
Piping Plover	<i>Charadrius melodus</i>	Endangered	USFWS
Roseate Tern	<i>Sterna dougallii dougallii</i>	Endangered	USFWS
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	USFWS
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened	USFWS and NMFS
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	Endangered	USFWS and NMFS
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered	USFWS and NMFS
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered	USFWS and NMFS
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened	USFWS and NMFS
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	NMFS

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** 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 has obtained a water quality certificate from the New York State Department of Environmental Conservation in accordance with Section 401 of the Clean Water Act.

**COASTAL ZONE MANAGEMENT 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. The New York State Department of State has issued a Concurrence with Consistency Certification for this project.

**OTHER AUTHORIZATIONS:** 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 (NYSDEC) Tidal Wetlands, Excavation and Fill in Navigable Waters permits.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Carolyn M. Courtien at [carolyn.m.courtien@usace.army.mil](mailto:carolyn.m.courtien@usace.army.mil). Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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.

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



# New York State Parks, Recreation and Historic Preservation

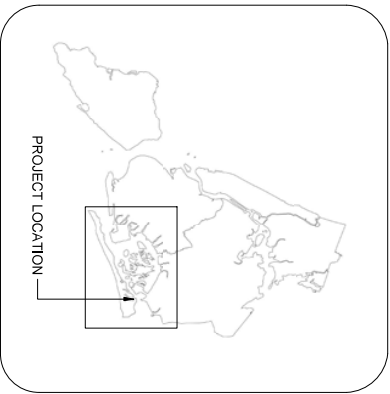
GOVERNOR  
KATHY HOCHUL

COMMISSIONER PRO TEMPORE  
RANDY SIMONS

## BAYSWATER POINT STATE PARK LIVING SHORELINE

ADDRESS: BAYSWATER POINT STATE PARK  
1479 POINT BREEZE PLACE  
FAR ROCKAWAY, NY 11691

CONTRACT #: D00XXXXX  
PROJECT ID: NY-XX-XXXX  
SUBMISSION: JPA-91% CD



LOCATION PLAN  
NOT TO SCALE



AERIAL PHOTO  
NOT TO SCALE

### PROJECT SUMMARY

- THIS PROJECT WILL PROVIDE ENGINEERING AND DESIGN SERVICES, TO STABILIZE AND RESTORE THE SHORELINE AT BAYSWATER POINT STATE PARK.
- LIVING SHORELINES COMPRISED OF BREAKAWATER SYSTEMS WILL PROTECT EXISTING PARKLAND AND CREATE OPPORTUNITIES FOR HABITAT.
- INVASIVE SPECIES WILL BE REMOVED USING MECHANICAL AND CHEMICAL TREATMENTS WITHIN THE PROJECT LIMIT LINE AS DETAILED BY THE CONSTRUCTION DOCUMENTS.
- APPROVED SPECIES WILL BE PLANTED IN THE LOW MARSH, HIGH MARSH, UPLAND, AND COASTAL FOREST CONDITIONS BASED ON WATER LEVELS AND FREQUENCY OF INUNDATION.
- THE PROJECT WILL INTRODUCE TWO NEW STRUCTURES TO BAYSWATER STATE PARK: A BOARDWALK AND A FISHING PIER, BOTH ARE ACCESSIBLE STRUCTURES, DESIGNED TO ENHANCE THE VISITOR EXPERIENCE, WHILE MITIGATING IMPACTS ON THE SITE'S UNIQUE COASTAL CONDITIONS.
- PROVIDE TEMPORARY FACILITIES AND CONTROL ITEMS TO ALLOW FOR CONSTRUCTION, OPERATIONS AND ACCESS TO PARK FACILITIES BY OTHER STAFF AND PATRONS.
- PROVIDE GENERAL SITE DEMOLITION, REMOVALS AND DISPOSALS.
- PROVIDE AND MAINTAIN TEMPORARY TREE PROTECTION MEASURES

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DATE: \_\_\_\_\_  
MAYFIELD J. SCHNAUFER  
CAPITAL DISTRICT MANAGER  
NYC STATE PARKS

DATE: \_\_\_\_\_  
LESLIE WRIGHT  
REGIONAL DIRECTOR  
NYC STATE PARKS

NYC CAPITAL DISTRICT  
163 WEST 125TH ST., 17TH FLOOR  
NEW YORK, NY 10027

EXECUTIVE DEPUTY COMMISSIONER  
TOM ALWORTH

DEPUTY COMMISSIONER, CAPITAL PROJECTS  
JEFF McDONALD, RLA

NYC CAPITAL DISTRICT MANAGER  
MAXFIELD J. SCHNAUFER, RA

NYC REGIONAL DIRECTOR  
LESLIE WRIGHT

### CONSULTANTS:

DIRTWORKS LANDSCAPE ARCHITECTURE, PC  
315 WEST 39TH STREET  
NEW YORK, NY 10018

RIPPLED WATERS ENGINEERING, LLC  
MILFORD, NJ 08848

GREAT ECOLOGY  
379 WEST BROADWAY, 3RD FLOOR  
NEW YORK, NY 10012

T-001

SHEET  
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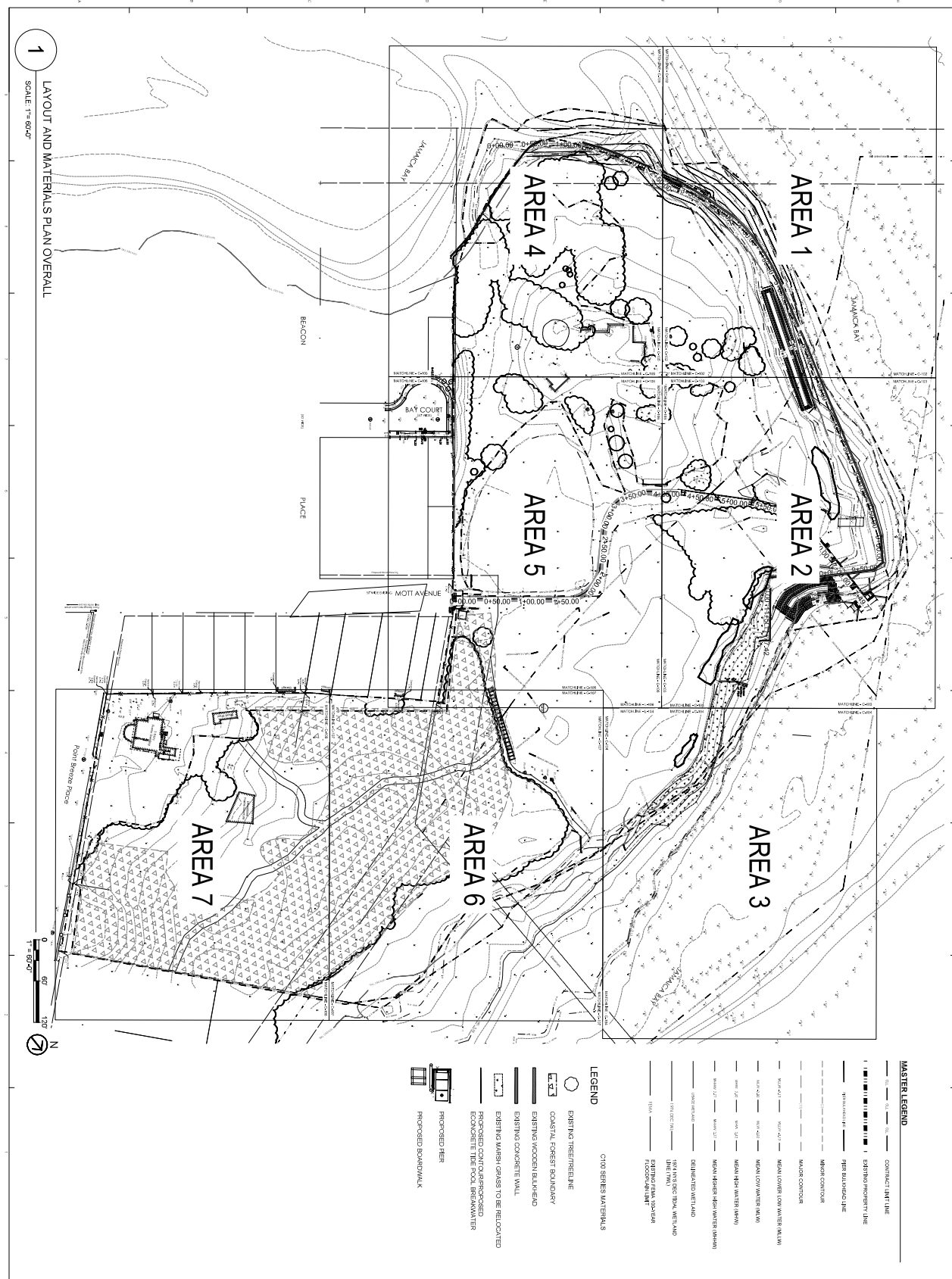
LIVING SHORELINE: PROPOSED SITE PLAN



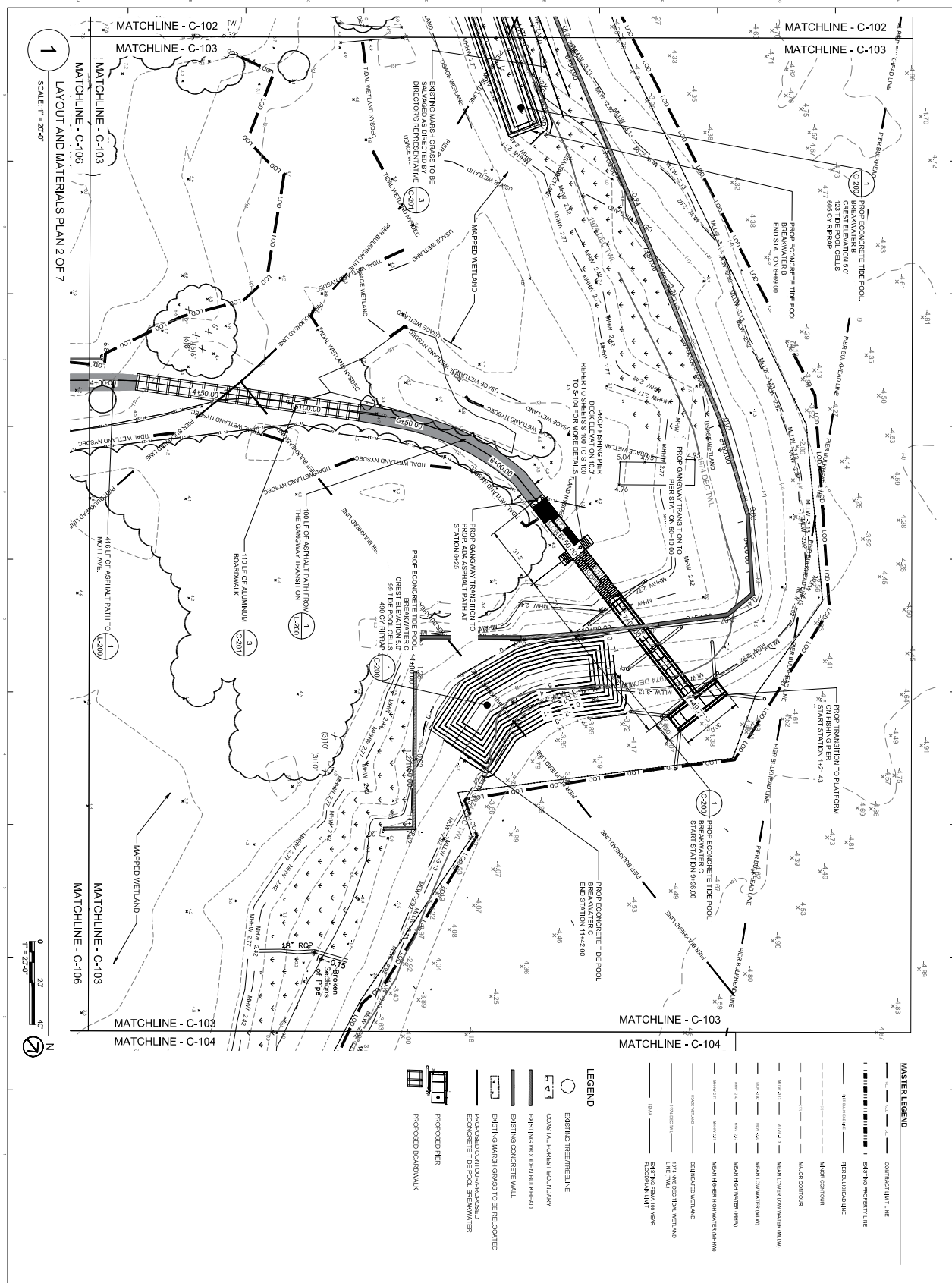
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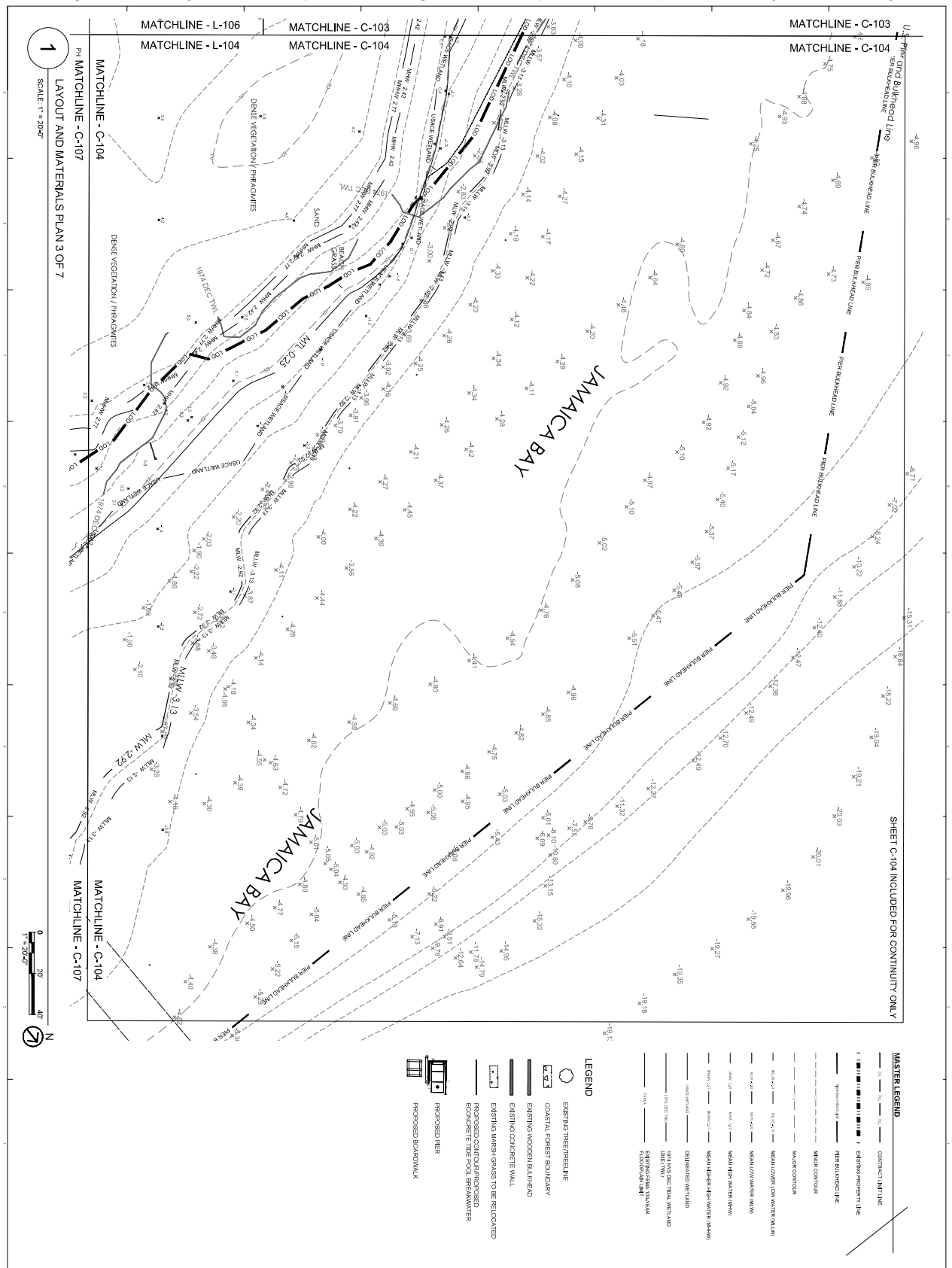




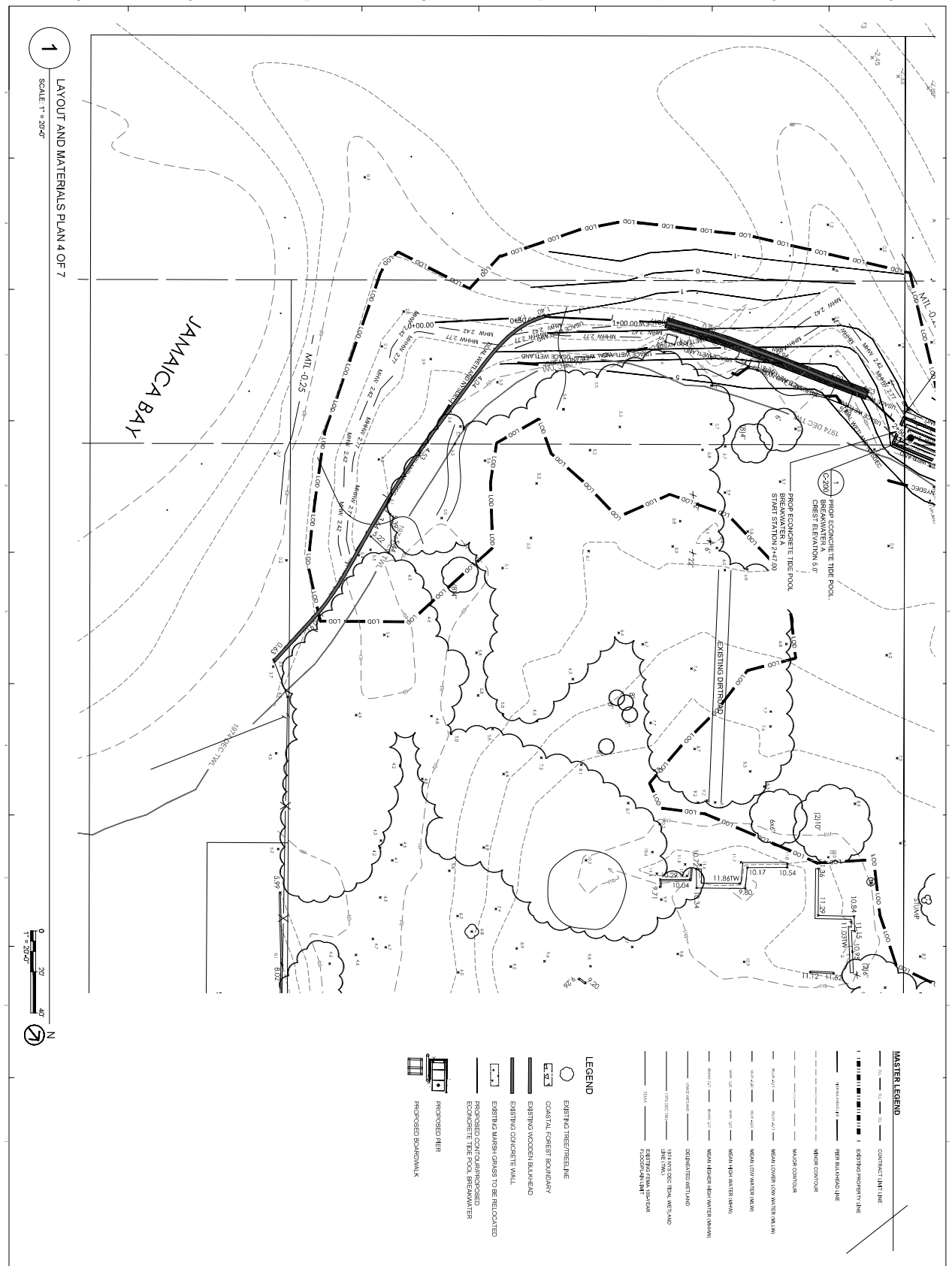


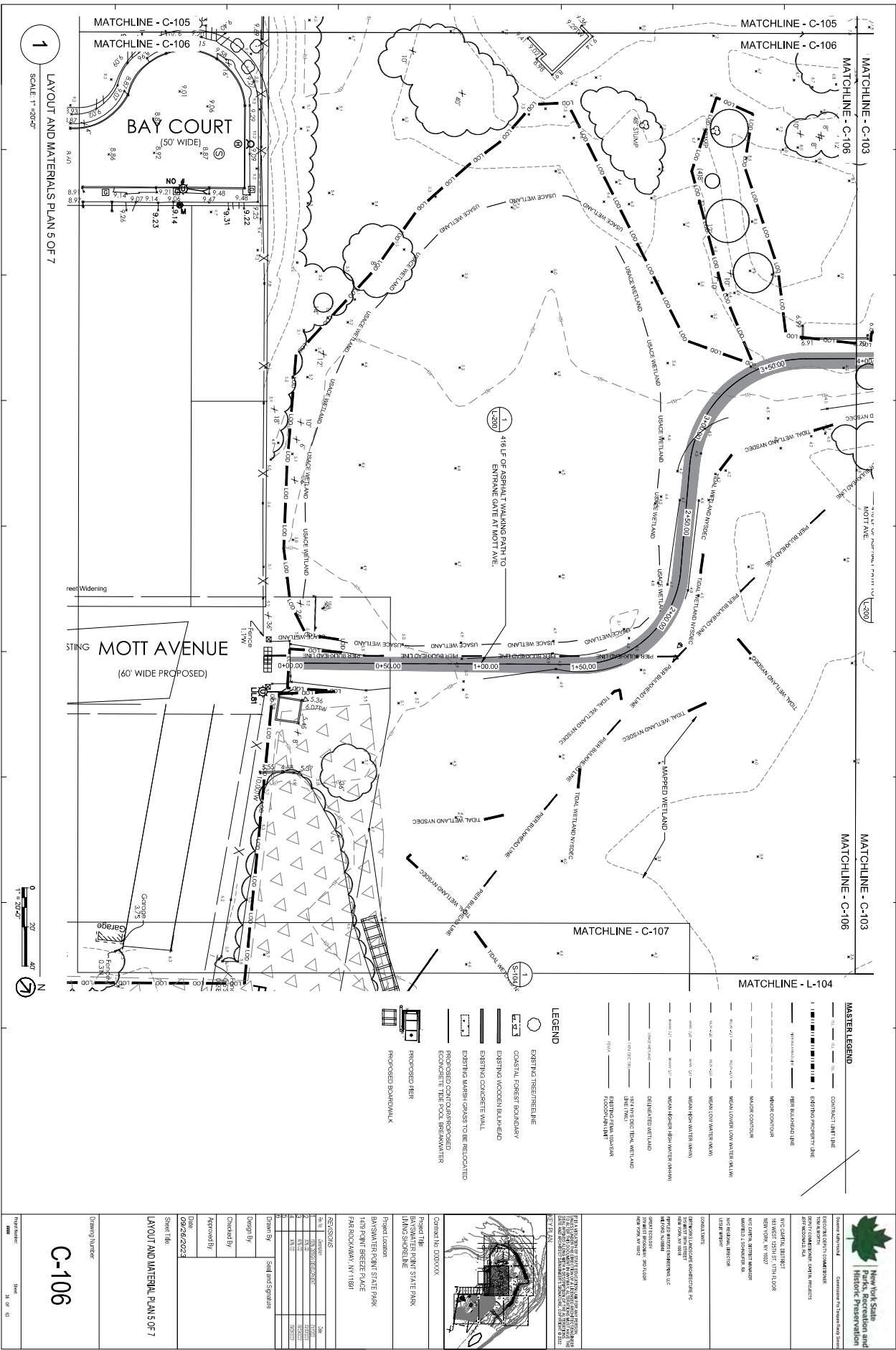


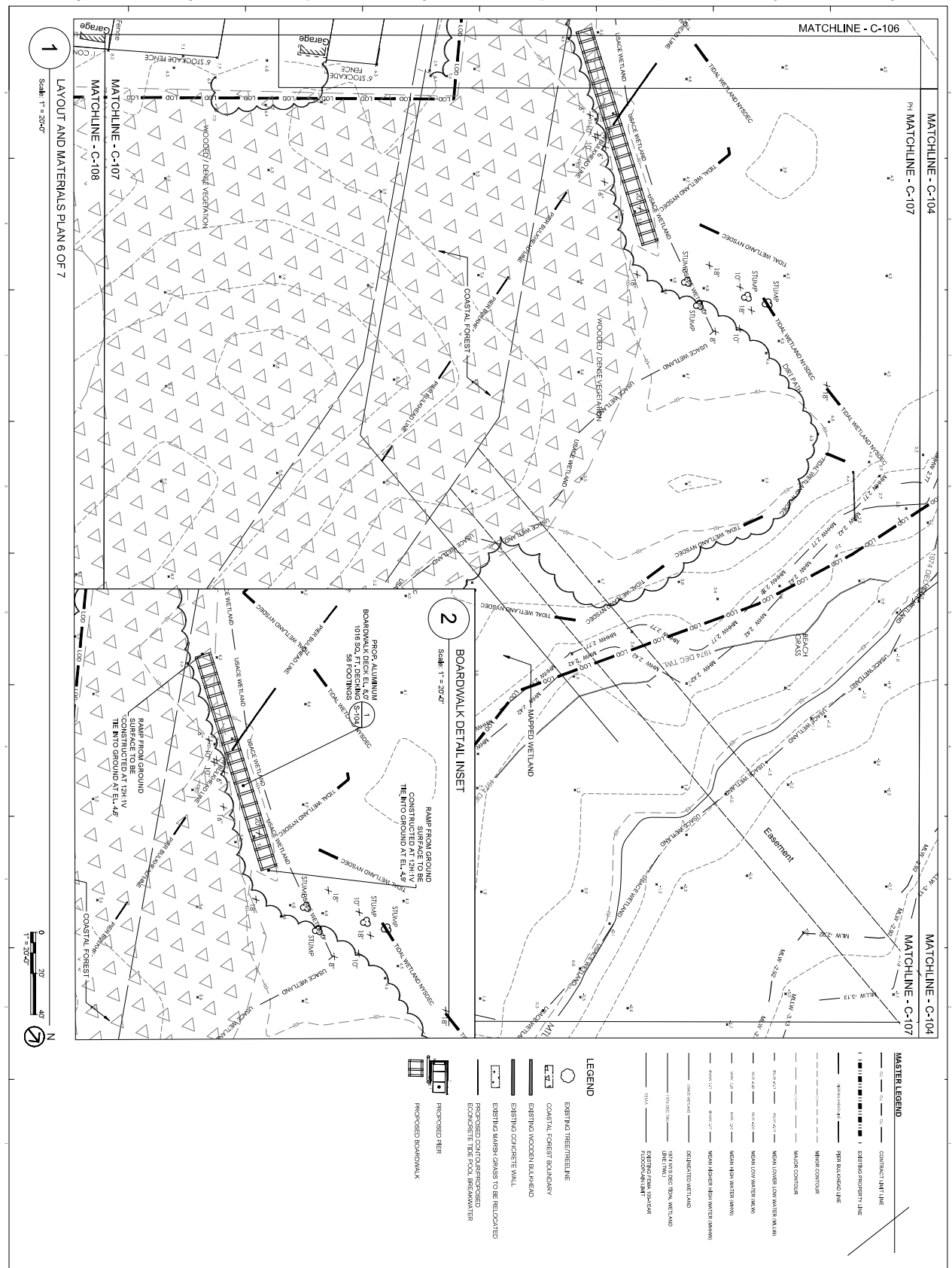






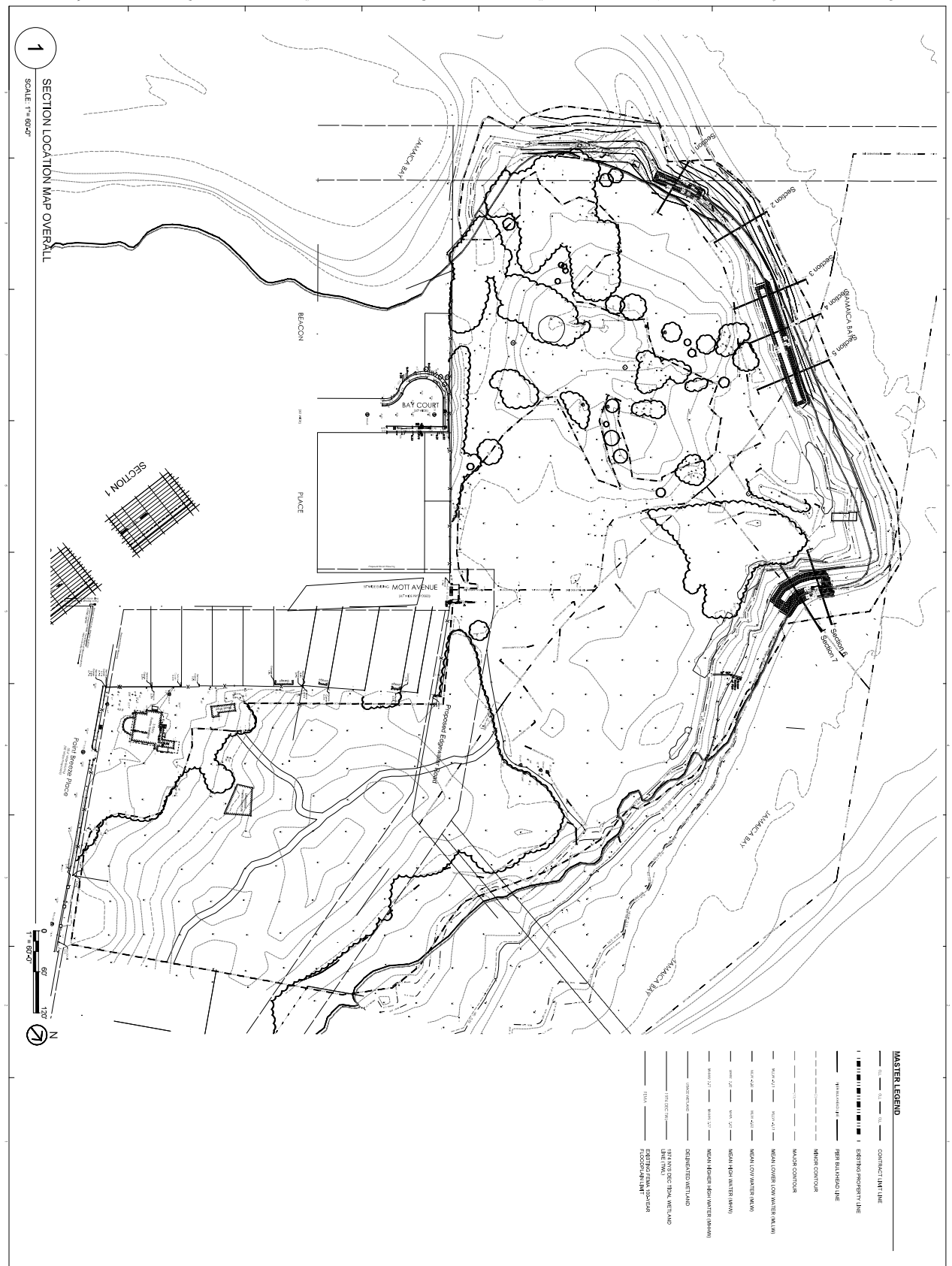


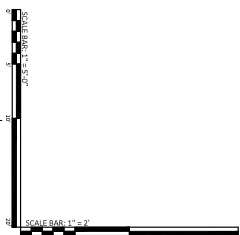
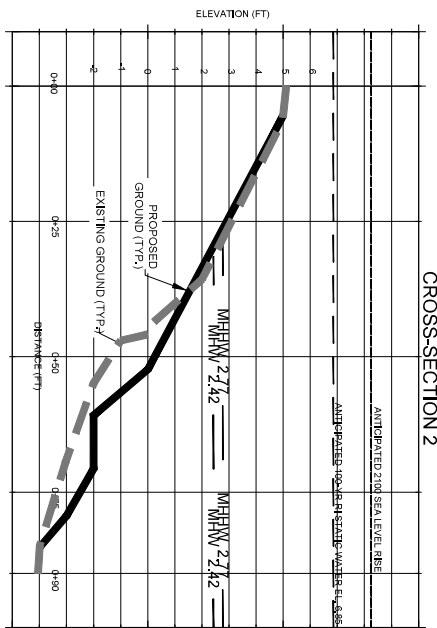






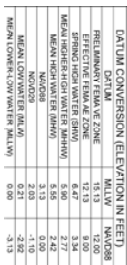
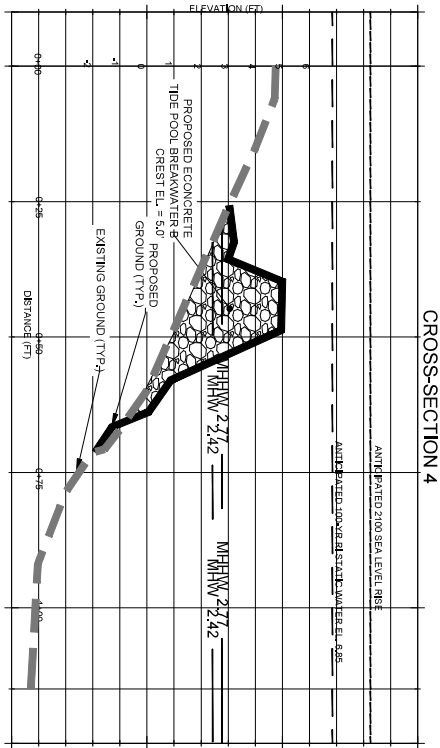







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MEAN HIGH WATER (MHW)	5.55	2.42
NAVD83	3.13	0.00
NOV209	2.03	-1.10
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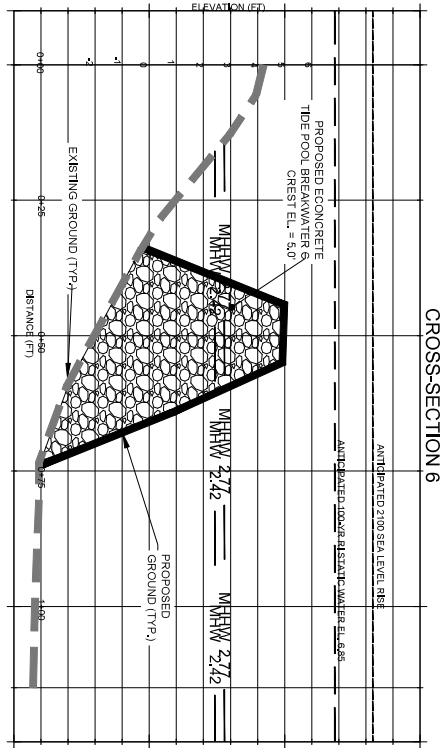
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 <b>New York State</b> Parks, Recreation and Historic Preservation		Division of Historic Preservation 120 West Street, 12th Floor New York, NY 10038	
		Contract No. <b>2009-0004</b> Project Name <b>NY STATE PARK</b>	
Project Location <b>BAWENTON POINT STATE PARK          1 AND 2ND BREEZE PLACE          FARM ROAD, NY 11961</b>		Project Number <b>2009-0004</b>	
Drawn by Design by Checked by Approved by Date <b>9/29/2023</b>		Seal and Signature      	
Scale: 1" = 100'-0" Date: 9/29/2023 Drawn by: [Signature] Design by: [Signature] Checked by: [Signature] Approved by: [Signature] Date: 9/29/2023		Scale: 1" = 100'-0" Date: 9/29/2023 Drawn by: [Signature] Design by: [Signature] Checked by: [Signature] Approved by: [Signature] Date: 9/29/2023	

Drawing Number  

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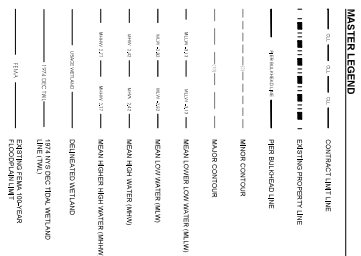
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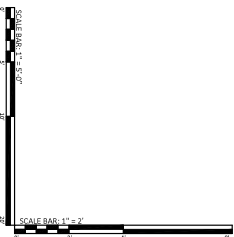
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EFFECTIVE EADAA, VE ZONE	12.13
SPRING HIGH WATER (SHW)	6.47
MEAN HIGH WATER (MHW)	5.50
MEAN HIGH WATER (MHW)	5.55
MEAN HIGH WATER (MHW)	5.42
MEAN HIGH WATER (MHW)	5.13
MEAN HIGH WATER (MHW)	5.00
MEAN HIGH WATER (MHW)	4.10
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MEAN HIGH WATER (MHW)	-3.13

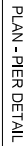
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DAM CONVERSION (ELEVATION IN FEET)		
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EFFECTIVE FEARLESS ZONE	12.13	9.00
SPRING HIGH WATER (SHW)	6.47	3.54
MEAN HIGH WATER (MHW)	5.90	2.77
MEAN HIGH WATER (MHW)	5.55	2.42
NAVD83	3.13	0.50
MEAN LOW WATER (MLW)	2.03	-1.10
MEAN LOW WATER (MLW)	0.21	-2.92
MEAN LOWER LOW WATER (MLLW)	0.00	-3.13





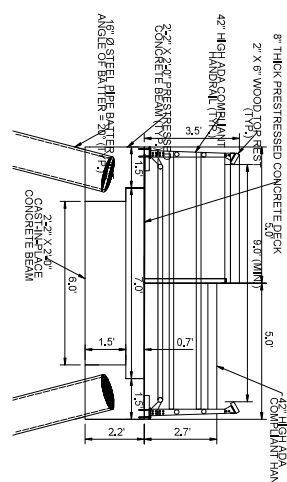
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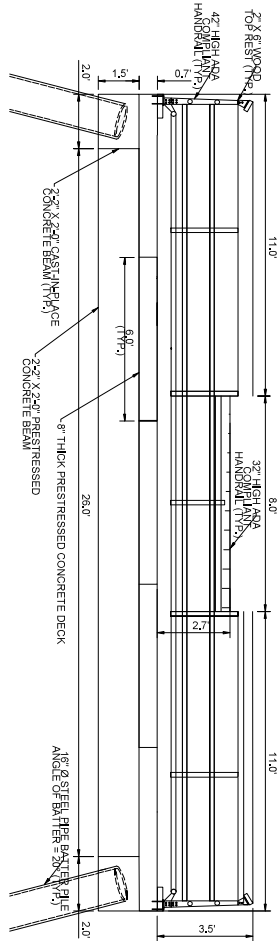
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S-100

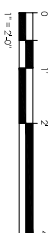
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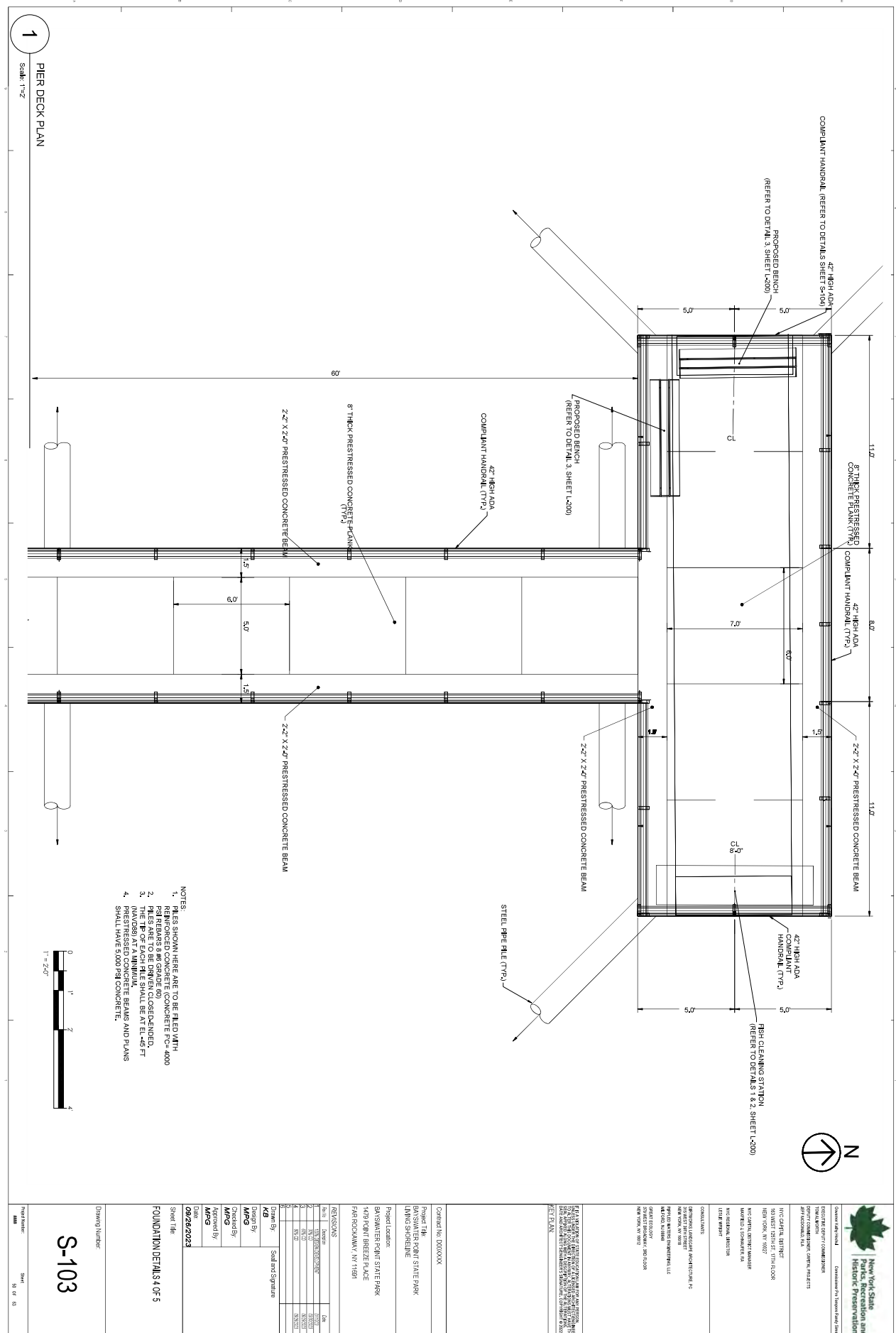
3 SECTION C-C  
SCALE 1" = 2'

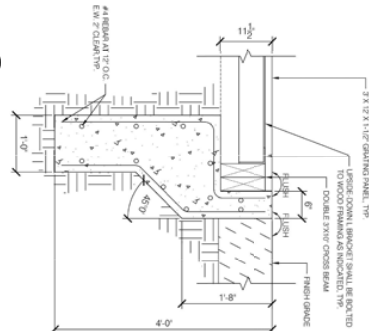


4 SECTION D-D  
SCALE: 1" = 2'

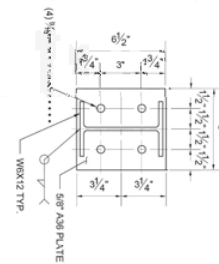
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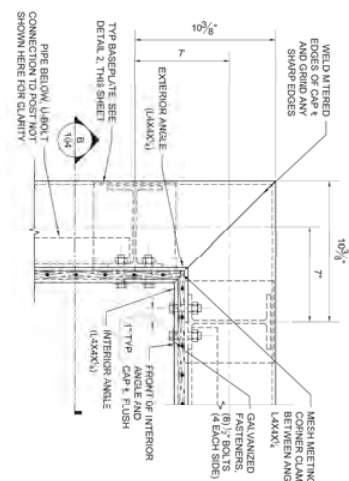




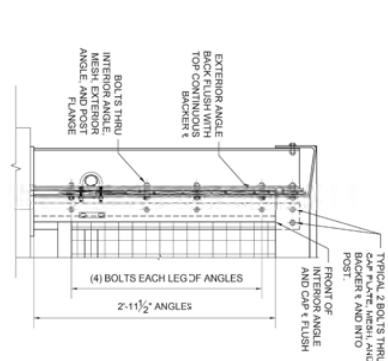
1 GANGWAY TRANSITION DETAIL  
N.T.S.



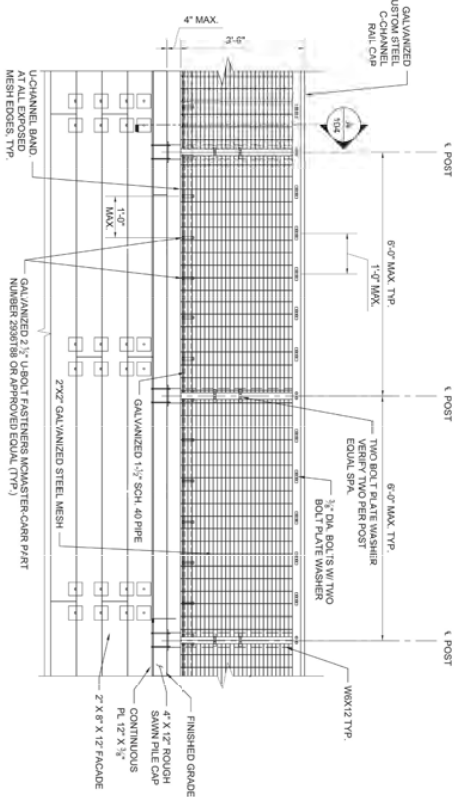
2 BASE PLATE DETAIL  
N.T.S.



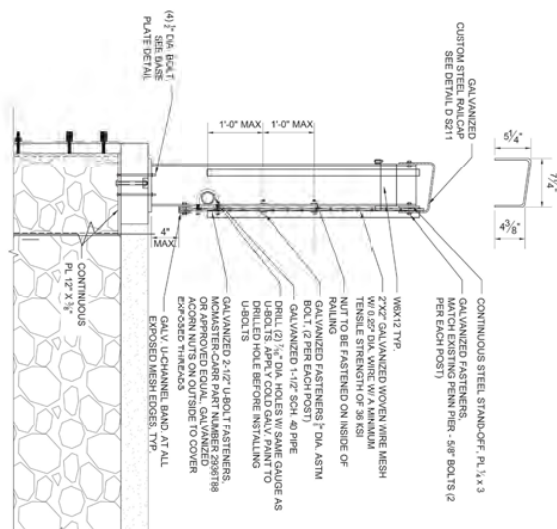
3 HANDRAIL CORNER PLAN OPPOSITE CORNER SIMILAR  
N.T.S.



4 HANDRAIL CORNER SECTION  
N.T.S.



5 HANDRAIL ELEVATION (WATER SIDE)  
N.T.S.



6 HANDRAIL SECTION  
N.T.S.

[illegible]

