

## **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-2022-00366-EMI
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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: New York City Economic Development Corporation

One Liberty Plaza, 14th Floor New York, New York 10006

ACTIVITY: Construction of a Living Shoreline

WATERWAY: Harlem River

LOCATION: 441 River Avenue, Borough of The Bronx, Bronx 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

## CENAN-OP-RE PUBLIC NOTICE NO. NAN-2022-00366-EMI

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 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

### CENAN-OP-RE PUBLIC NOTICE NO. NAN-2022-00366-EMI

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 <a href="mailto:Christopher.W.Minck@usace.army.mil">Christopher.W.Minck@usace.army.mil</a>.

In order for us to better serve you, please complete our Customer Service Survey located at <a href="http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx">http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx</a>.

For more information on New York District Corps of Engineers programs, visit our website at <a href="http://www.nan.usace.army.mil">http://www.nan.usace.army.mil</a>.

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

**Enclosures** 

## CENAN-OP-RE PUBLIC NOTICE NO. NAN-2022-00366-EMI

### **WORK DESCRIPTION**

The permit applicant, New York City Economic Development Corporation, has requested Department of the Army (DA) authorization to construct a living shoreline in the Harlem River at 441 River Avenue, Borough of The Bronx, Bronx County, City of New York, New York.

The proposed work would involve the following:

Removal of the existing relieving platform, timber piles, timber cribbing and mooring bollards and approximately 1,024 cubic yards of existing debris and sediment to allow for the construction of an approximately 284-foot-long living shoreline along the Harlem River.

The living shoreline will consist of an approximately 13-foot-wide by 284-foot-long (3,630 square foot) stone breakwater that is continuous with an approximately 1,754 square foot riprap revetment. Approximately 171 cubic yards of riprap will be discharged below the plane of Spring High Water (SHW) over approximately 2,968 square feet for the breakwater and an additional 13 cubic yards of riprap will be discharged below SHW over approximately 915 square feet for the revetment. On the landward side of the breakwater, install approximately 2,111 square feet of 12-inch thick oyster reef mattressing (approximately 32 cubic yards). Two (2) approximately four-foot-wide by 2-foot-high by 22-foot-long box culverts will be installed through the breakwater to inundate the oyster reef area and create a tidepool. Landward of the oyster reef and tide pool, establish approximately 1,130 square feet of low marsh planted with *Spartina alternifolia* between elevations 0-2 feet NAVD88 and approximately 1,240 square feet of high marsh planted with *Limonium carolinianum*, *Juncus gerardii*, *Panicum virgatum*, *Distichilis spicata*, and *Spartina patens* between elevations 2-5 feet NAVD88. Approximately 249 cubic yards of clean fill will be discharged to establish the marsh areas.

Additionally, an approximately 18-inch diameter outfall will also be constructed.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by working behind a turbidity curtain and by limiting to the proposed construction to be behind the existing CSX Oak Point Link rail line.

The purpose for the project is provide stabilize the shoreline with natural features.

PROJECT SITE ■

# LOWER CONCOURSE PARK **BOUNDED BY EXTERIOR STREET AND HARLEM RIVER**

**BLOCK 2349, LOT 101** 

**BOROUGH OF BRONX, NEW YORK NYCEDC CONTRACT NO. 61980003** 



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- PLANTING PLAN

LOCATION PLAN

OWNER:

CITY OF NEW YORK PARKS & RECREATION OLMSTED CENTER

FLUSHING MEADOWS - CORONA PARK FLUSHING, NEW YORK 11368

///: HARLEM RIVER

LOWER

TOWN: BRONX

**CONCOURSE PARK** STATE: N.Y.

APPLICATION BY: NYC EDC

WATERWAY:

HARLEM RIVER

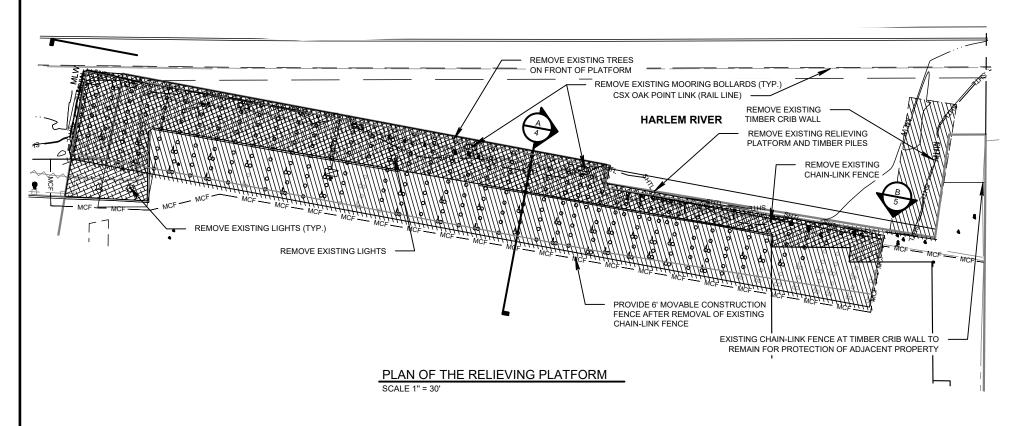
DATUM: (NAVD88) NORTH AMERICAN VERTICAL DATUM-88

LOWER CONCOURSE PARK SITE BOUNDED BY EXTERIOR STREET & HARLEM RIVER

DATE: 03/10/2022 REV:06/07/2022 SHEET NO. 1

TITLE SHEET





#### PROJECT SITE TIDAL ELEVATION

REFERS TO NAVD88 AS FOLLOWS:

SPRING HIGH WATER 2.35'

MEAN HIGH WATER 2.07'

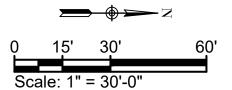
NAVD 88 0.0'

MEAN TIDE LEVEL -0.005'

MEAN SEA LEVEL -0.11'

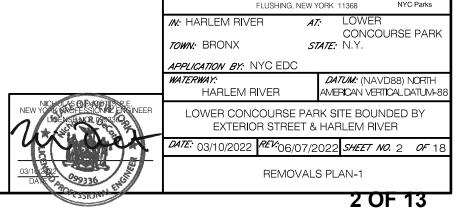
MEAN LOW WATER -2.36'

MEAN LOWER LOW WATER -2.53'



#### DEMOLITION NOTES:

- ALL DEMOLISHED MATERIALS SHALL BE DISPOSED OF LEGALLY AT A PROPERLY LICENSED FACILITY FOR THE MATERIALS BEING REMOVED. THE CONTRACTOR SHALL SUBMIT DOCUMENTATION FOR THE DISPOSAL FACILITY.
- TURBIDITY CURTAIN TO BE INSTALLED PRIOR TO DEMOLITION ACTIVITIES AND MAINTAINED FOR FULL DURATION OF IN-WATER CONSTRUCTION. CONTRACTOR REQUIRED TO HAVE CHASE BOAT IN SITUATION WHERE MATERIAL GOES PAST CURTAIN.
- 3. ALL PILES TO BE REMOVED SHALL BE CUT AT EXISTING MUD LINE.
- 4. CONTRACTOR TO ADHERE TO PROJECT RAP.



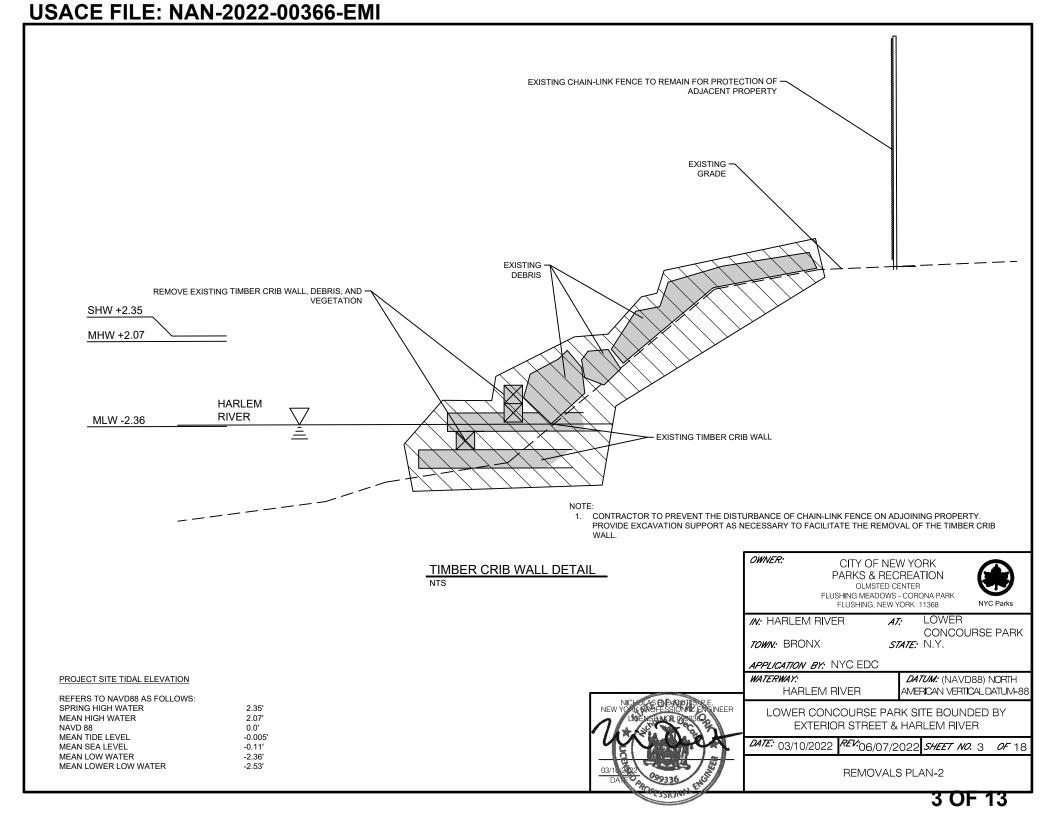
CITY OF NEW YORK

PARKS & RECREATION

OLMSTED CENTER

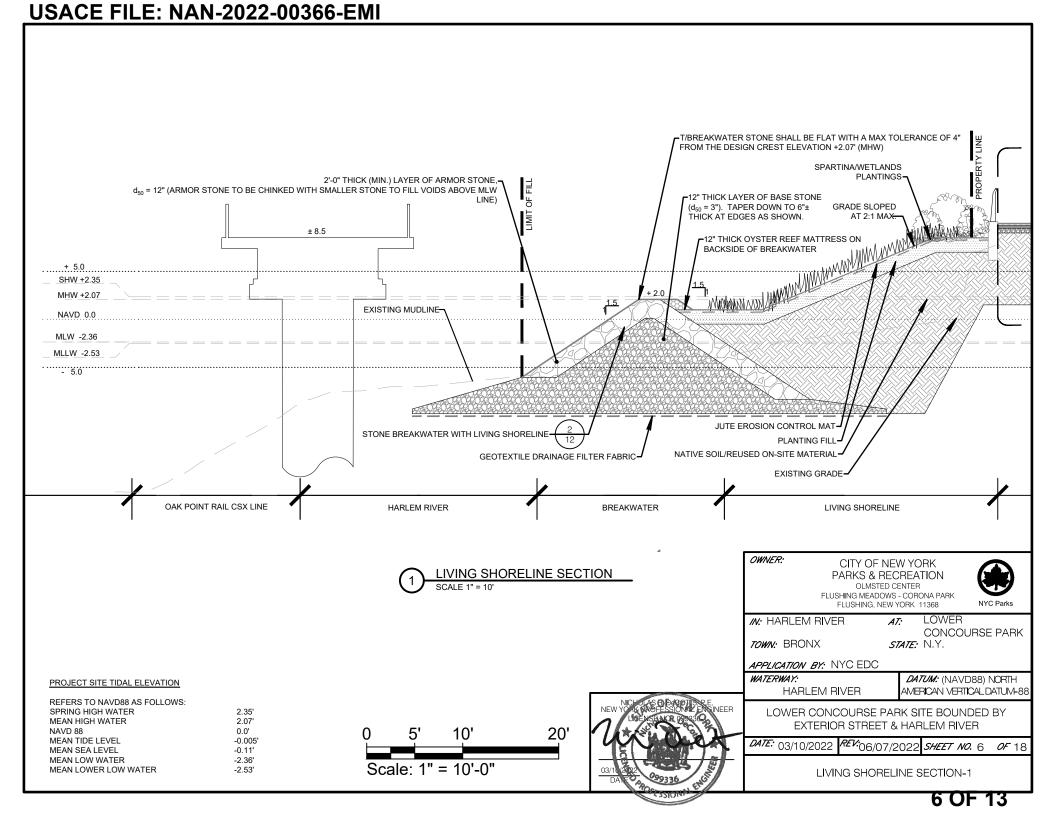
FLUSHING MEADOWS - CORONA PARK

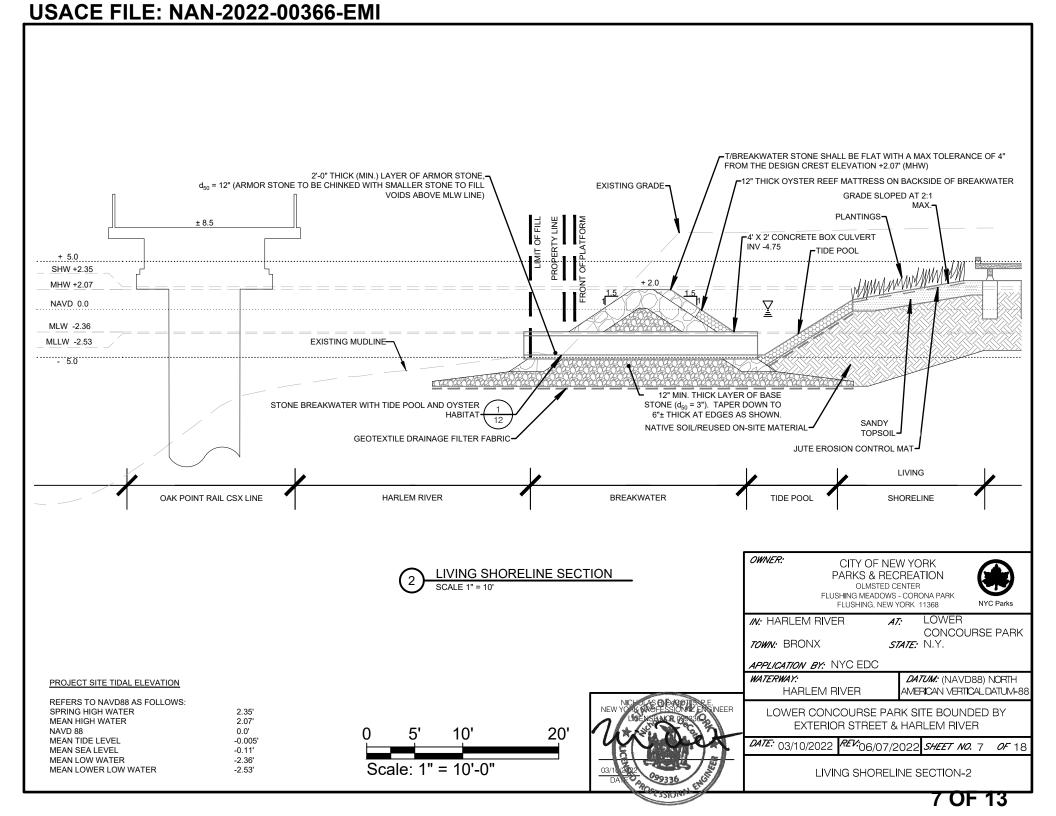
OWNER:

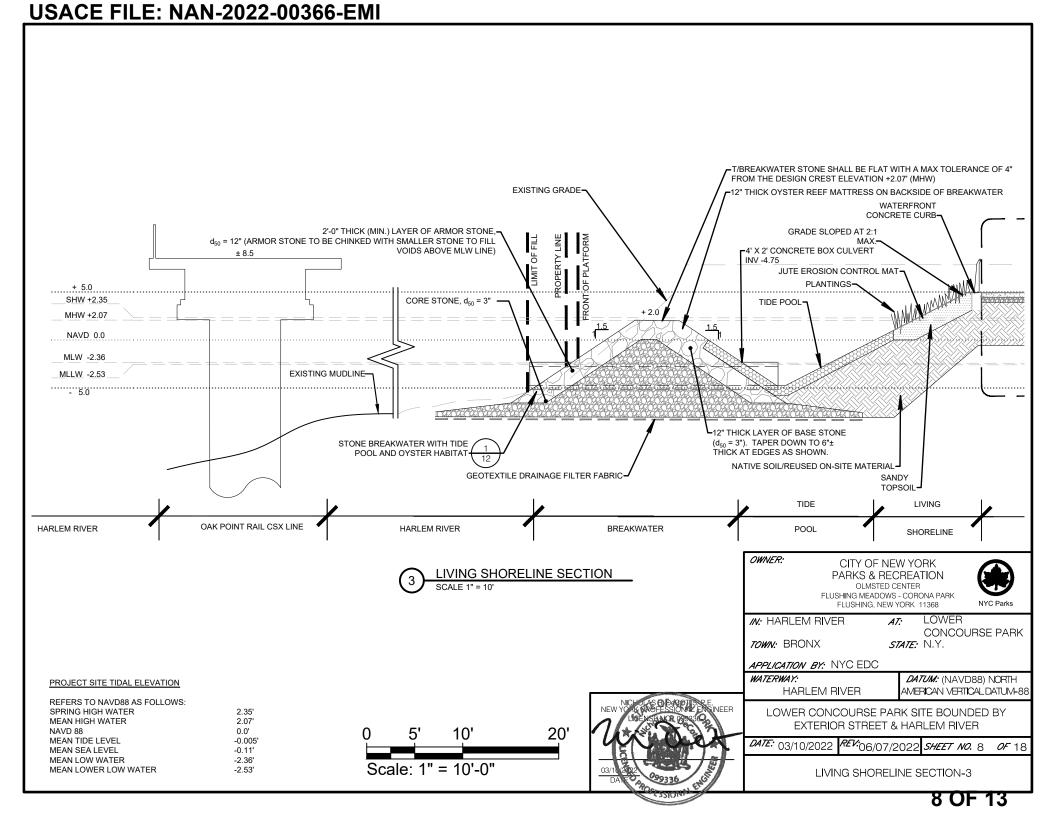


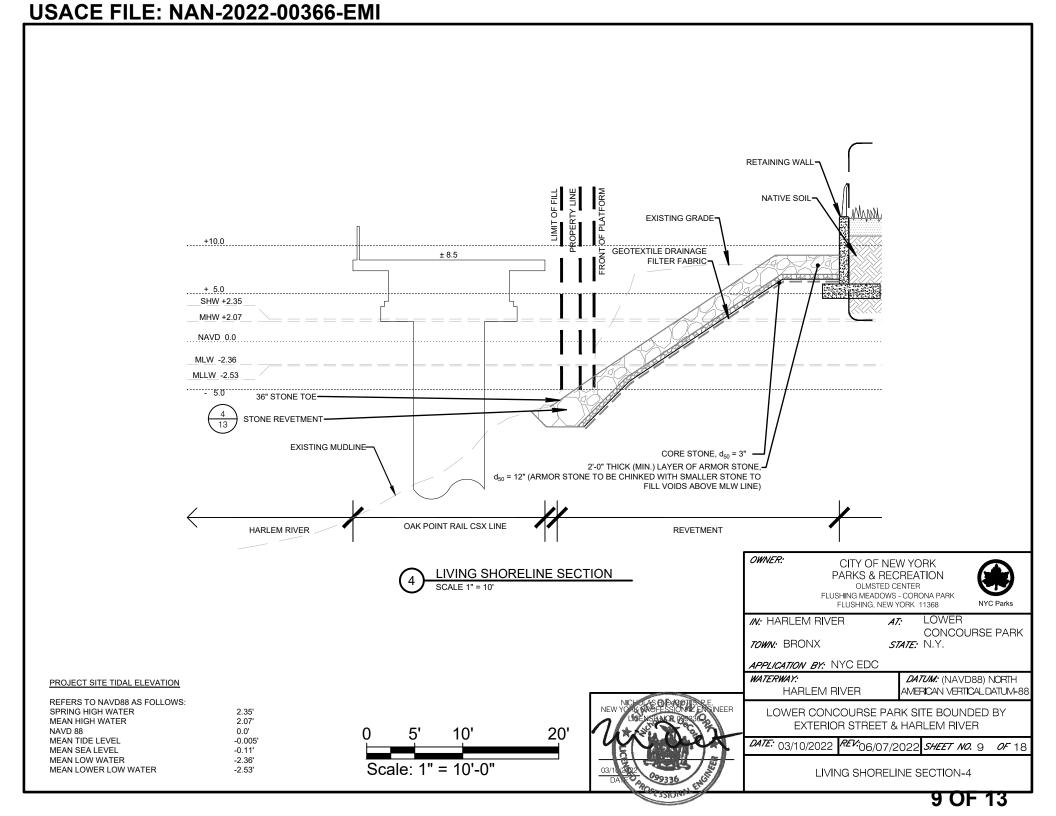
#### USACE FILE: NAN-2022-00366-EMI ARMOR STONE TABLE 1 IMPACT AREA OF PROPOSED ACTIVITIES WETLAND **PLANTINGS** TALLOWABLE FILL (30) **ANTICIPATED** -FROM MLW) IMPACT TOTAL STONE PROPOSED OYSTER REEF **BELOW THE** ANTICIPATED REVETMENT ACTIVITY\* **PROPOSED** IMPACT (SF) 2' X 22' CONCRETE SHW (SF) **BOX CULVERT** RETAINING WALL INV -4.75 WETLAND 1,090 5,786 PLANTINGS **BREAKWATER** 2,968 3,630 **EXISTING SPRING HIGH** REVETMENT 915 1,754 -WATER LINE OYSTER REEF 2,111 2,111 MATCHLINE-SHEET-11 TABLE 2 ANTICIPATED CUT AND FILL VOLUMES BELOW SHW WETL **BREA** REVE OYST **ANTICIPATED** AND **KWAT TMEN** ER TOTAL IMPACT PLANT ER REEF ARMOR STONE. INGS TYP. AI W CUT(CY)\* below 211 169 1,024 **NEW 18" OUTFALL** 108 536 Proposed SHW INV 5.00 FILL(CY) below Proposed SHW RETAINING \*ARTIFICIAL FILL AND DEBRIS REMOVAL \*\*CLEAN SAND. ARMOR AND CORE STONE, REINFORCED CONCRETE PIPE, AND GEOTEXTILE SEPARATION PLACEMENT **GETDOWN CONCRETE SURFACE** STONE BREAKWATER LIVING SHORELINE-SILL WITH TIDE POOL & PLANTING AREA OYSTER HABITAT OYSTER REEF MATTRESS-OWNER: CITY OF NEW YORK PARKS & RECREATION OLMSTED CENTER PROJECT SITE TIDAL ELEVATION FLUSHING MEADOWS - CORONA PARK FLUSHING, NEW YORK 11368 NYC Parks REFERS TO NAVD88 AS FOLLOWS: LOWER **M:** HARLEM RIVER AT: **LEGEND** SPRING HIGH WATER **CONCOURSE PARK** MEAN HIGH WATER 2.07' TOWN: BRONX STATE: NY NAVD 88 0.0' MEAN TIDE LEVEL -0.005 PROPOSED MEAN LOW WATER LINE APPLICATION BY: NYC EDC MEAN SEA LEVEL -0.11' WATERWAY: DATUM: (NAVD88) NORTH MEAN LOW WATER -2.36' PROPOSED MEAN HIGH WATER LINE MEAN LOWER LOW WATER -2.53 HARLEM RIVER AMERICAN VERTICAL DATUM-88 PROPOSED SPRING HIGH WATER LINE LOWER CONCOURSE PARK SITE BOUNDED BY EXISTING SPRING HIGH WATER LINE **EXTERIOR STREET & HARLEM RIVER EXISTING 1' CONTOUR** 60' DATE: 03/10/2022 *REV:*06/07/2022 *SHEET NO*. 10 *OF* 18 PROPOSED 1' CONTOUR TURBIDITY BARRIER Scale: 1" = 30'-0" **ENLARGEMENT PLAN-WATERFRONT-1** 4 OF 13

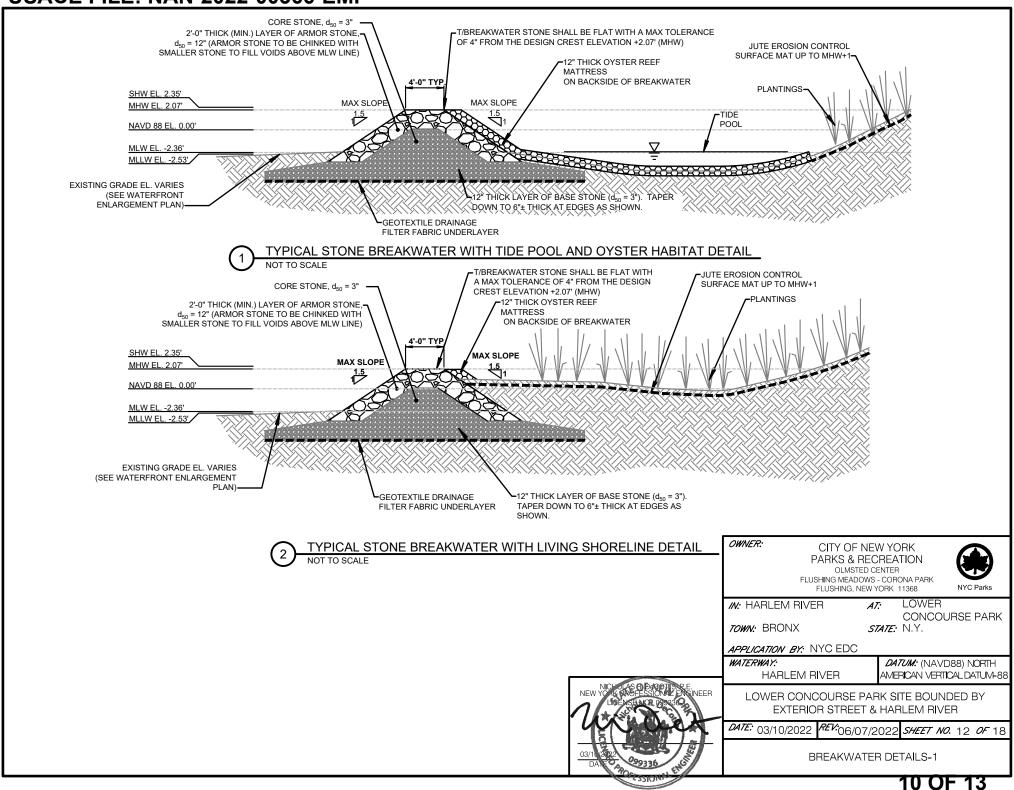
#### USACE FILE: NAN-2022-00366-EMI ARMOR STONE TABLE 1 IMPACT AREA OF PROPOSED ACTIVITIES WETLAND PLANTINGS **BREAKWATER ANTICIPATED** SILL WITH LIVING IMPACT TOTAL SHORELINE PROPOSED OYSTER REEF **BELOW THE** ANTICIPATED ACTIVITY\* **PROPOSED** IMPACT (SF) BARRIER SHW (SF) RETAINING WALL WETLAND 1,090 5,786 **PLANTINGS BREAKWATER** 2,968 3,630 **BREAKWATER SILL** REVETMENT 915 1,754 OPENING AT LOW **EXISTING SPRING HIGH** WATER LINE OYSTER REEF 2,111 2,111 HEET-10 TABLE 2 ANTICIPATED CUT AND FILL VOLUMES BELOW SHW MATCHLINE WETL **BREA** REVE OYST **ANTICIPATED** AND **KWAT TMEN** ER TOTAL IMPACT PLANT ER REEF INGS CUT(CY)\* below 108 211 169 1,024 536 Proposed SHW FILL(CY) below 171 Proposed SHW \*ARTIFICIAL FILL AND DEBRIS REMOVAL \*\*CLEAN SAND. ARMOR AND CORE STONE, REINFORCED CONCRETE PIPE, AND GEOTEXTILE SEPARATION PLACEMENT OYSTER REEF MATTRES LIVING SHORELINE-PLANTING AREA PARCEL 1 325 EXTERIOR STREI OWNER: CITY OF NEW YORK PARKS & RECREATION OLMSTED CENTER PROJECT SITE TIDAL ELEVATION FLUSHING MEADOWS - CORONA PARK FLUSHING, NEW YORK 11368 NYC Parks REFERS TO NAVD88 AS FOLLOWS: LOWER **M:** HARLEM RIVER AT: **LEGEND** SPRING HIGH WATER **CONCOURSE PARK** MEAN HIGH WATER 2.07' TOWN: BRONX STATE: N.Y. NAVD 88 0.0' -0.005 MEAN TIDE LEVEL PROPOSED MEAN LOW WATER LINE APPLICATION BY: NYC EDC MEAN SEA LEVEL -0.11' WATERWAY: DATUM: (NAVD88) NORTH MEAN LOW WATER -2.36' PROPOSED MEAN HIGH WATER LINE MEAN LOWER LOW WATER -2.53 HARLEM RIVER AMERICAN VERTICAL DATUM-88 PROPOSED SPRING HIGH WATER LINE LOWER CONCOURSE PARK SITE BOUNDED BY EXISTING SPRING HIGH WATER LINE **EXTERIOR STREET & HARLEM RIVER EXISTING 1' CONTOUR** 60' *REV:*06/07/2022 DATE: 03/10/2022 SHEET NO. 11 OF 18 PROPOSED 1' CONTOUR TURBIDITY BARRIER Scale: 1" = 30'-0" **ENLARGEMENT PLAN-WATERFRONT-2** 5 OF 13

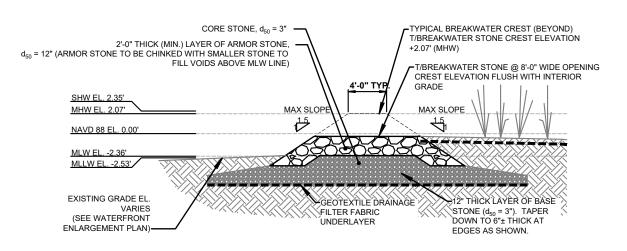




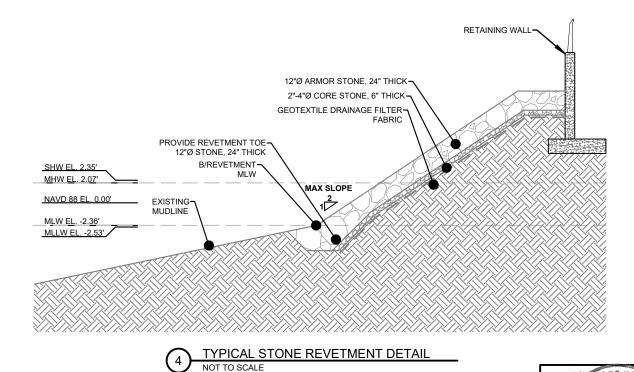








## 3 TYPICAL STONE BREAKWATER AT BREAKWATER OPENING DETAIL NOT TO SCALE



OWNER: CITY OF NEW YORK

PARKS & RECREATION
OLMSTED CENTER
FLUSHING MEADOWS - CORONA PARK
FLUSHING, NEW YORK 11368

NYC Parks

M: HARLEM RIVER AT: LOWER CONCOURSE PARK

TOWN: BRONX STATE: N.Y.

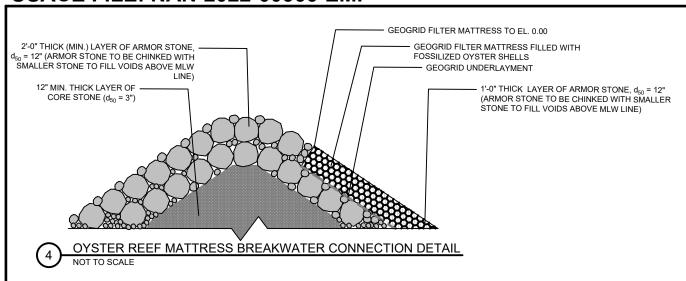
APPLICATION BY: NYC EDC

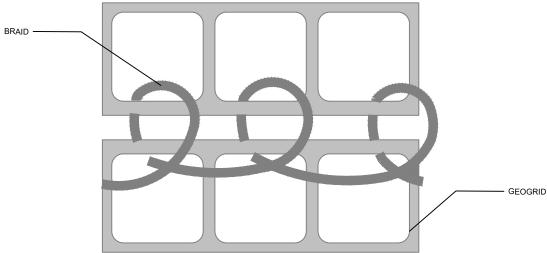
*WATERWAY:* HARLEM RIVER *DATUM:* (NAVD88) NORTH AMERICAN VERTICAL DATUM-88

LOWER CONCOURSE PARK SITE BOUNDED BY EXTERIOR STREET & HARLEM RIVER

DATE: 03/10/2022 REV:06/07/2022 SHEET NO. 13 OF 18

BREAKWATER DETAILS-2





- ALL CUT ENDS OF BRAID MATERIAL SHALL BE KNOTTED WITHIN 1/2" TO 2" OF THE END TO PREVENT RAVELING OF BRAID.
- AT ALL ENDS OF ALL BRAIDED SEAMS THE BRAID SHALL BE SECURELY KNOTTED TO THE GEOGRID.
- AT ALL ENDS OF ALL PIECES OF BRAID MATERIAL USED, THE BRAID SHALL BE KNOTTED TO SPLICE IT TO THE NEXT PIECE OF BRAID, OR TO SECURE IT TO THE GEOGRID. EACH BRAIDED SEAM SHALL BE CONTINUOUS, WITH SECURELY KNOTTED SPLICES ALLOWED. THE BRAID SHALL BE SECURELY KNOTTED TO THE GEOGRID AT A SPACING NOT TO EXCEED 6 FT ALONG ANY SEAM.
- 4. THE BRAID SHALL BE STITCHED THROUGH EACH PAIR OF APERTURES ALONG THE SEAM AT LEAST ONCE, AND THE MINIMUM NUMBER OF STITCHES PER FOOT ALONG THE SEAM SHALL BE SIX. THE SPACING OF STITCHES ALONG EACH SEAM SHALL BE REASONABLY UNIFORM. ALL KNOTS SHALL BE TIED IN A MANNER TO PREVENT SLIPPING AND CINCHING.
- THE WRAPS ALONG THE SEAM SHALL BE SUFFICIENTLY TIGHT TO CLOSE THE GAP BETWEEN THE ADJACENT PIECES OF GEOGRID. BUT SHALL NOT BE OVER-TIGHTENED SUCH THAT THE GEOGRID BINDS ALONG THE SEAM.
- SEAM PATTERN TO BE USED FOR THE CLOSURE OF ALL MATTRESSES AND SECUREMENT OF CUSTOM SHAPE MATTRESSES.





OWNER:

#### CITY OF NEW YORK PARKS & RECREATION

OLMSTED CENTER FLUSHING MEADOWS - CORONA PARK FLUSHING, NEW YORK 11368

AT:

**///:** HARLEM RIVER

LOWER **CONCOURSE PARK** 

TOWN: BRONX STATE: NY

APPLICATION BY: NYC EDC

WATERWAY:

DATUM: (NAVD88) NORTH HARLEM RIVER AMERICAN VERTICAL DATUM-88

LOWER CONCOURSE PARK SITE BOUNDED BY **EXTERIOR STREET & HARLEM RIVER** 

DATE: 03/10/2022 *REV:*06/07/2022 *SHEET NO*. 17 *OF* 18

MISCELLANEOUS MARINE DETAILS-4

#### USACE FILE: NAN-2022-00366-EMI PARCEL 1 ADJACENT SITE 325 EXTERIOR STREET / FUTURE DEVELOPMENT LOW MARSH EL. 0 TO EL.+2 HIGH-SPA ALT: MARSH 3: SPARTINA ALTERNIFOLIA SCI PUN (273)SPA CYN (273)HIGH MARSH 1: 475 S.F. 50% JUN GER: JUNCUS GERARDII HIGH 50% PAN VIR: PANICUM VIRGATUM MARSH 1: JUN GER HIGH MARSH EL. +2 TO EL. HIGH MARSH 2: (166)PAN VIR 50% DIS SPI: DISTICHLIS SPICATA (166)50% SPA PAT: SPARTINA PATENS 300 S.F. LOW MARSH: HIGH MARSH 3: SPA ALT (1282) 50% SCI PUN: SCIRPUS PUNGENS 1,130 S.F. 50% SPA CYN: HIGH MARSH SPARTINA CYNOSUROIDES 2: DIS SPI (189)HIGH MARSH 4: SPA PAT LIM CAR: LIMONIUM CAROLINIANUM (189)345 S.F. HIGH MARSH **H** 50 40 30 20 10 0 50 100 150 4: LIM CAR (183)120 S.F. **GRAPHIC SCALE** 1 inch=50 feet OWNER: CITY OF NEW YORK PARKS & RECREATION OLMSTED CENTER FLUSHING MEADOWS - CORONA PARK FLUSHING, NEW YORK 11368 NYC Parks LOWER W: HARLEM RIVER AT: **CONCOURSE PARK** TOWN: BRONX STATE: NY HARLEM RIVER **APPLICATION BY:** NYC EDC WATERWAY: DATUM: (NAVD88) NORTH HARLEM RIVER AMERICAN VERTICAL DATUM-88 LOWER CONCOURSE PARK SITE BOUNDED BY **EXTERIOR STREET & HARLEM RIVER DATE:** 03/10/2022 REV:06/07/2022 SHEET NO. 18 OF 18 PLANTING PLAN 13 OF 13