

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-2024-00796-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: Marina Rehabilitation and Maintenance
- WATERWAY: East River
- LOCATION: 2430 FDR Drive, Borough of Manhattan, New York 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

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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, the 107th Street Recreational Pier is eligible for listing in the State and National Register of Historic Places and the East River Bulkhead is under evaluation for potential eligibility with the New York State Historic Preservation Office (NYSHPO). Our preliminary determination is that the proposed project would have adverse effect upon historic properties and this office is consulting with the NYSHPO pursuant to Section 106 of the National Historic Preservation Act to address adverse effects. 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.

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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 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 <u>Christopher.W.Minck@usace.army.mil</u>.

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

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

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

Enclosures

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WORK DESCRIPTION

The permit applicant, New York City Economic Development Corporation (NYCEDC) has requested Department of the Army (DA) authorization to rehabilitate the Skyport Marina and Garage in the East River in the Borough of Manhattan, New York County, City of New York, New York. The proposed work would involve the following:

Garage:

Perform various maintenance activities including encasing fourteen (14) individual piles with a fiberglass reinforced plastic (FRP) jacket pumped with epoxy grout and eleven (11) additional piles will receive a group encasing as well as other spall repairs.

Marina:

The existing approximately 12-foot-wide by 137.5-foot-long north-south walkway will be demolished and replaced with a pre-cast concrete deck supported by sixteen (16) 18-inch diameter steel pipe piles.

Along the east-west marina walkway, existing spalls and cracks will be repaired and seven (7) 24-inch diameter piles will be encased with concrete.

A new approximately 220-foot-long timber wave screen will be constructed along the walkways. The wave screen will be constructed on twenty-nine (29) 12-inch diameter timber piles equally spaced eight feet apart along the length of the walkway.

The existing floats within the marina will be temporarily removed during construction and reinstalled in place.

Relieving Platform:

The existing approximately 43-foot-wide by 400-foot-long relieving platform will have thirteen (13) piles encased in FRP jackets and pumped with epoxy grout. Eighty-six (86) additional timber pile caps will be repaired.

Seaplane Float:

The existing 30-foot-wide by 40-foot-long seaplane float, ramp, and associated piles will be removed and replaced with a new 30-foot-wide by 90-foot-long float secured by four (4) 36-inch diameter steel pipe piles with anchor pile collars. Two (2) new six-foot-wide by 25-foot-long aluminum ramps will be installed to extent the marina walkway to the seaplane float.

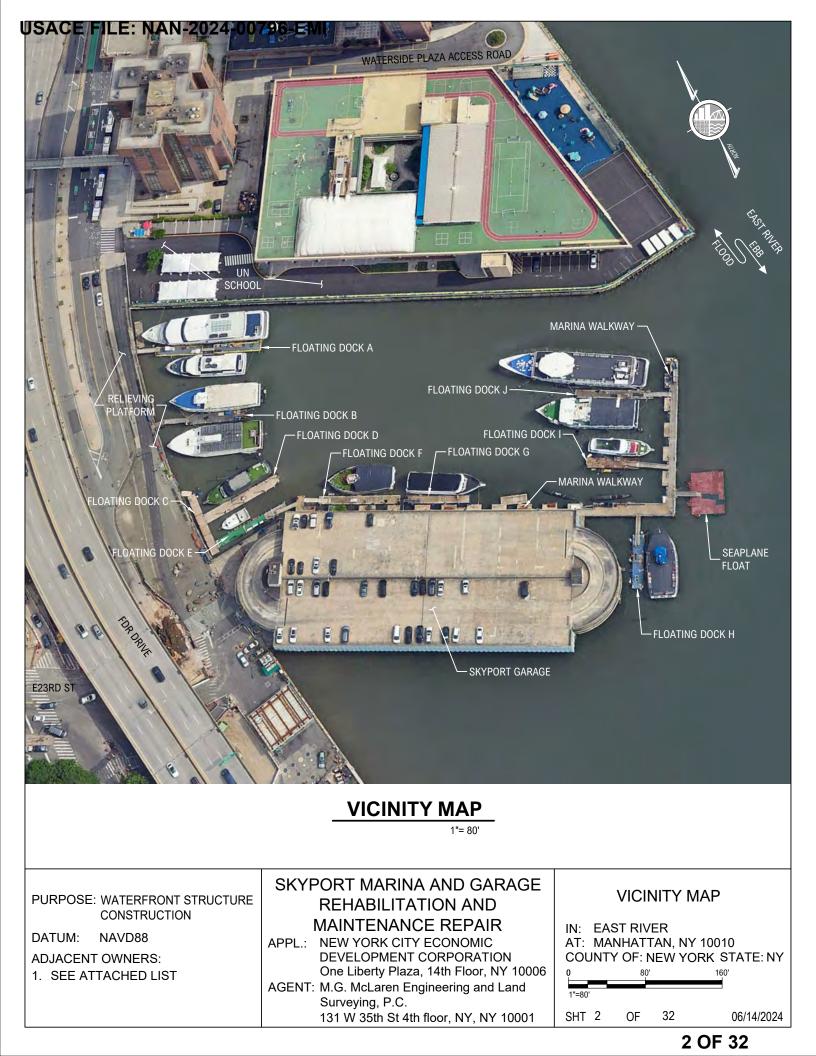
In total approximately 42.5 cubic yards of fill will be discharged for the pile encasements and into the new steel piles over a total of 891.8 square feet.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting construction to the existing area and minimizing seaward encroachment of the structures. Additionally the applicant proposed to utilize a turbidity curtain around the construction area mitigate the spread of turbidity in the waterway. A soft-start will be utilized during pile driving and work will be completed using a vibratory hammer, as practicable.

The purpose of the project is to improve the Skyport Marina and infrastructure to ensure continuity of operations and protect the site from future storm events.



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| TIDAL DATUM | | | | | | |
|--|----------------------|--------|--------|--------|--|--|
| | REFERENCE DATUM (ft) | | | | | |
| | MHHW | NAVD88 | NGVD29 | MLLW | | |
| FEMA BASE FLOOD ELEVATION (VE ZONE) PRELIMINARY FIRM 01/30/2015 - ZONE VE15 | 12.48 | 15.00 | 16.10 | 17.67 | | |
| HIGHEST OBSERVED - HURRICANE SANDY (10/29/2012 LOCAL TIME 21:24) | 7.68* | 11.27* | 12.36* | 15.13* | | |
| SPRING HIGH TIDE (SHT) | 0.17 | 2.44 | 3.54 | 5.04 | | |
| MEAN HIGHER-HIGH WATER (MHHW) | 0.00 | 2.27 | 3.37 | 4.87 | | |
| MEAN HIGH WATER (MHW) | -0.33 | 1.94 | 3.04 | 4.54 | | |
| NORTH AMERICAN VERTICAL DATUM (NAVD88) | -2.27 | 0.00 | 1.10 | 2.60 | | |
| MEAN SEA LEVEL (MSL) | -2.47 | -0.20 | 0.9 | 2.40 | | |
| NATIONAL GEODETIC VERTICAL DATUM (NGVD29) | -3.37 | -1.10 | 0.00 | 1.50 | | |
| MEAN LOW WATER (MLW) | -5.66 | -2.39 | -1.29 | 0.21 | | |
| MEAN LOWER-LOW WATER (MLLW) | -5.87 | -2.60 | -1.50 | 0.00 | | |
| LOWEST OBSERVED WATER LEVEL (02/02/1976) | -10.65* | -7.06* | -5.97* | -3.20 | | |

NOTES:

1. PROJECT HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83), ZONE 3104 NEW YORK LONG ISLAND.

2. PROJECT VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

3. ELEVATIONS SHOWN IN FEET.

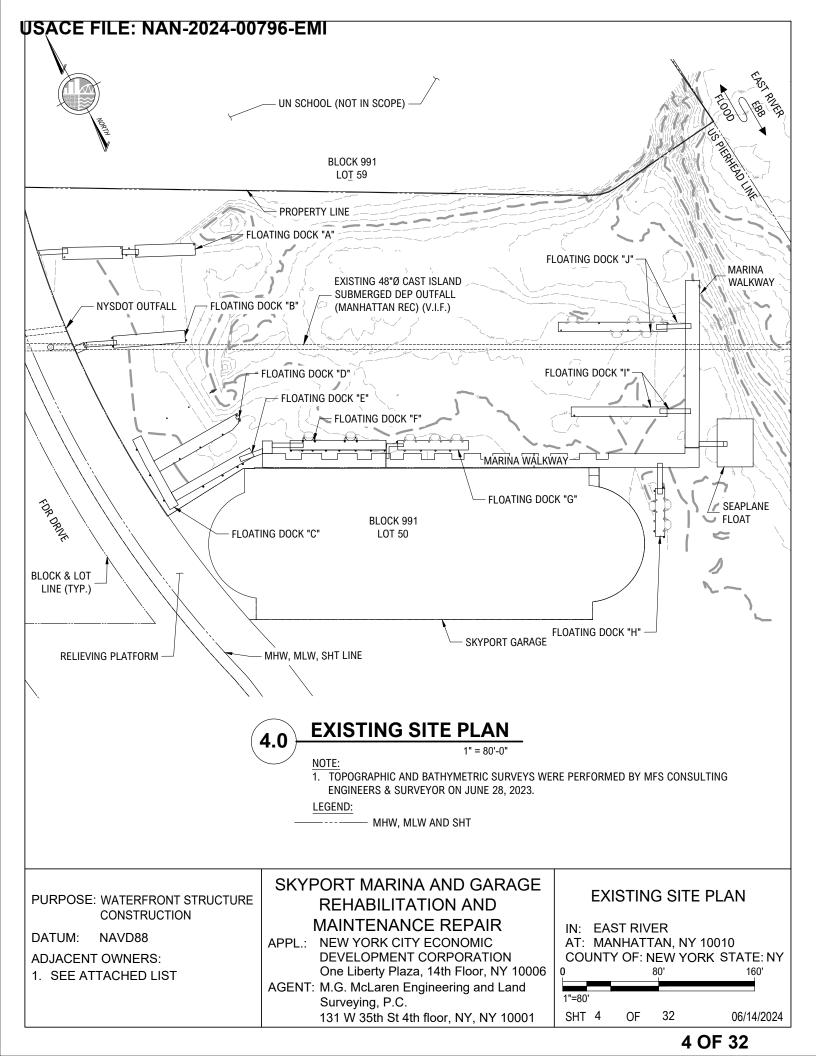
 TIDAL INFORMATION WAS OBTAINED FROM NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) VDATUM V4.6 "NEW JERSEY/ NEW YORK/ CONNECTICUT - NORTHERN NJ, NY HARBOR, WESTERN LONG ISLAND SOUND V4.6.

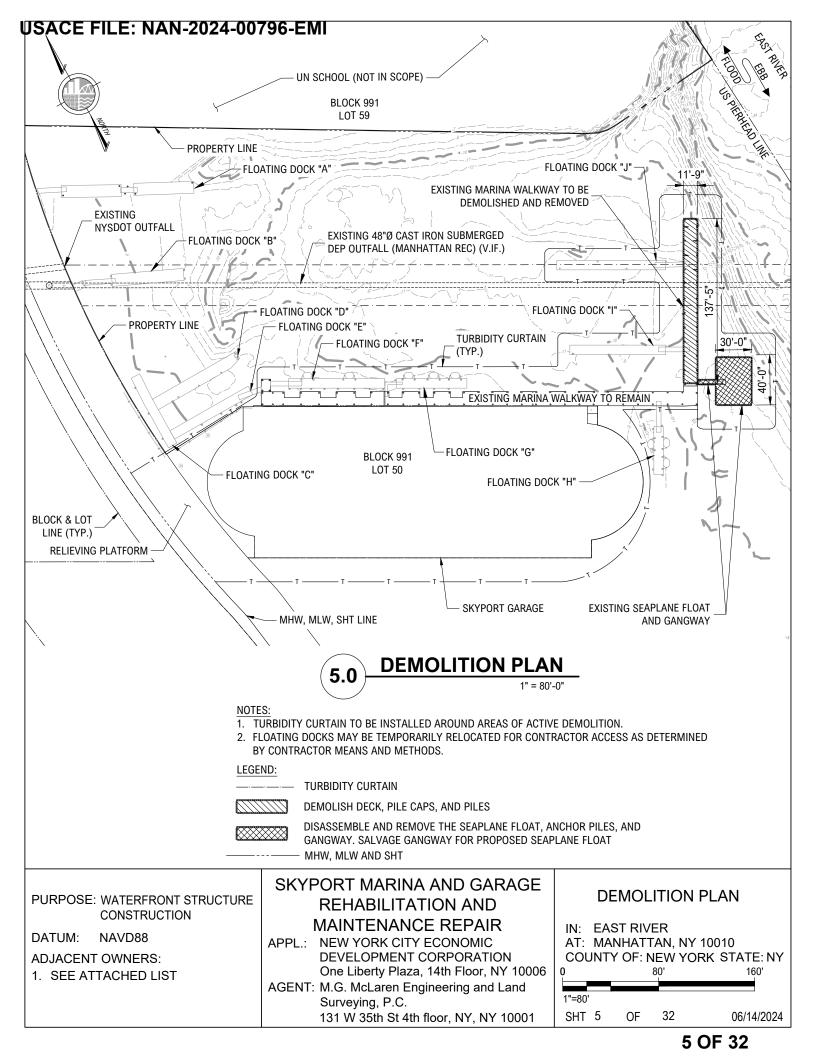
5. * INDICATES TIDAL DATA TAKEN FROM NOAA TIDAL LEVEL BENCHMARKS AT THE BATTERY, NY - STATION 8518750 (PRESENT EPOCH 1983-2001)

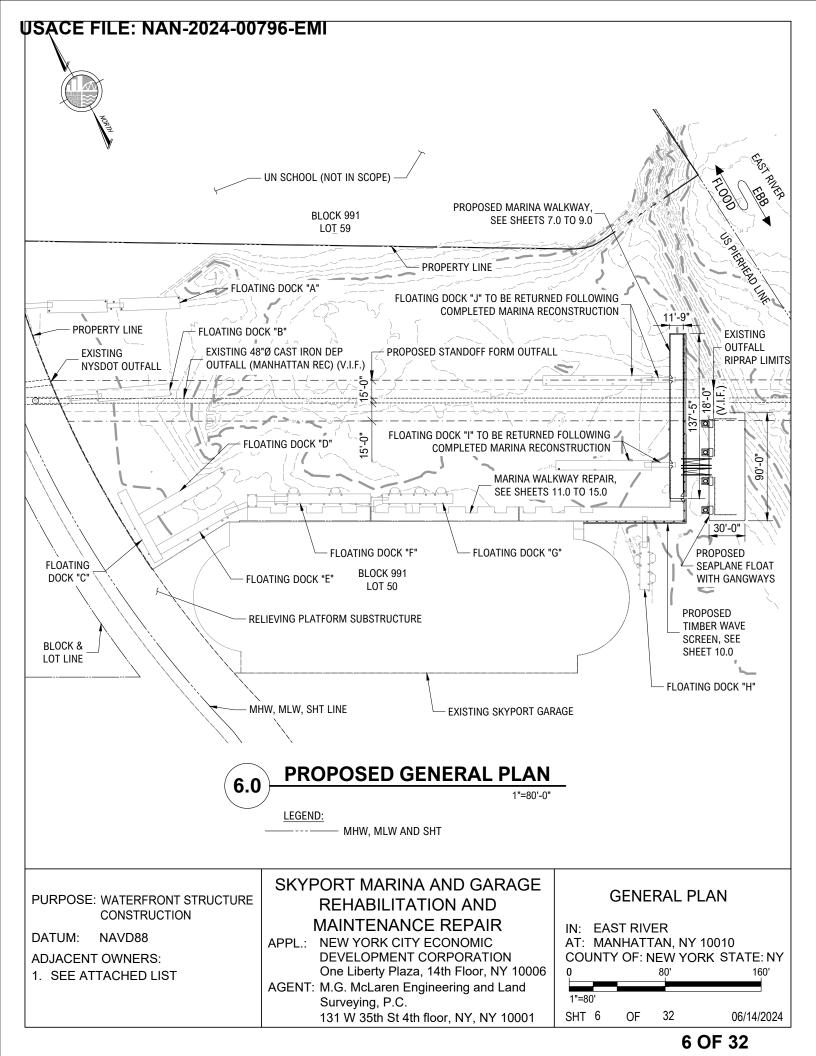
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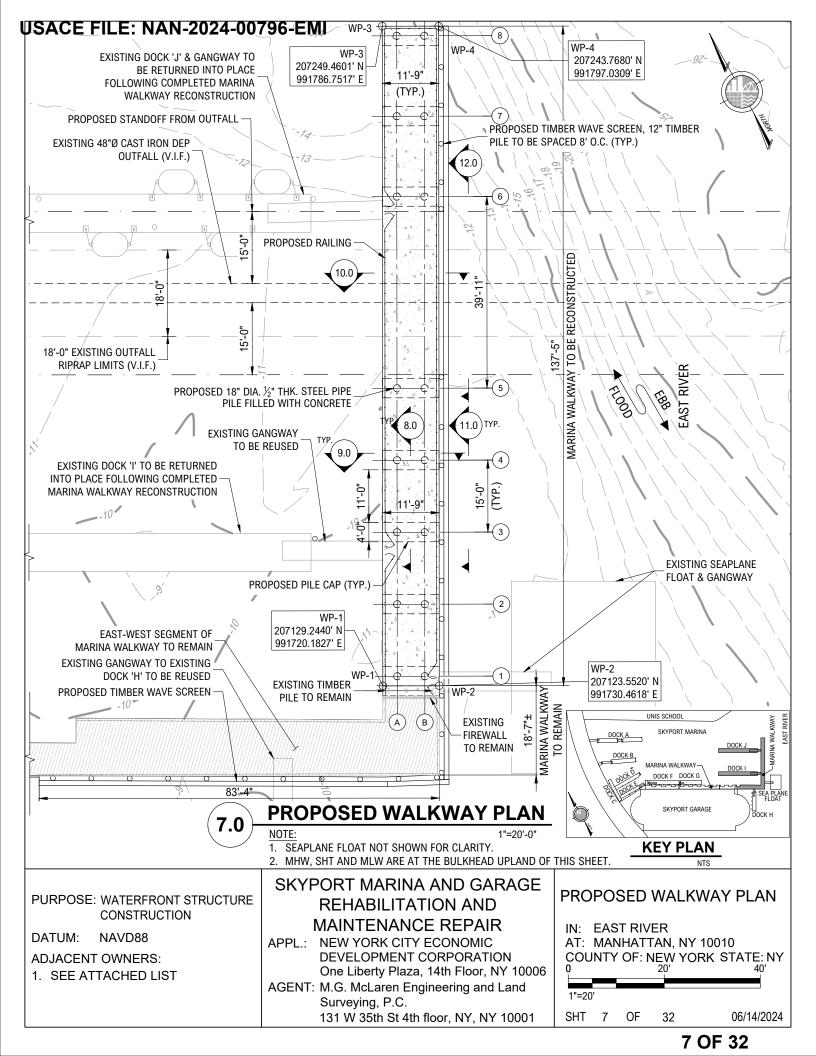
TIDAL DATUM CHART

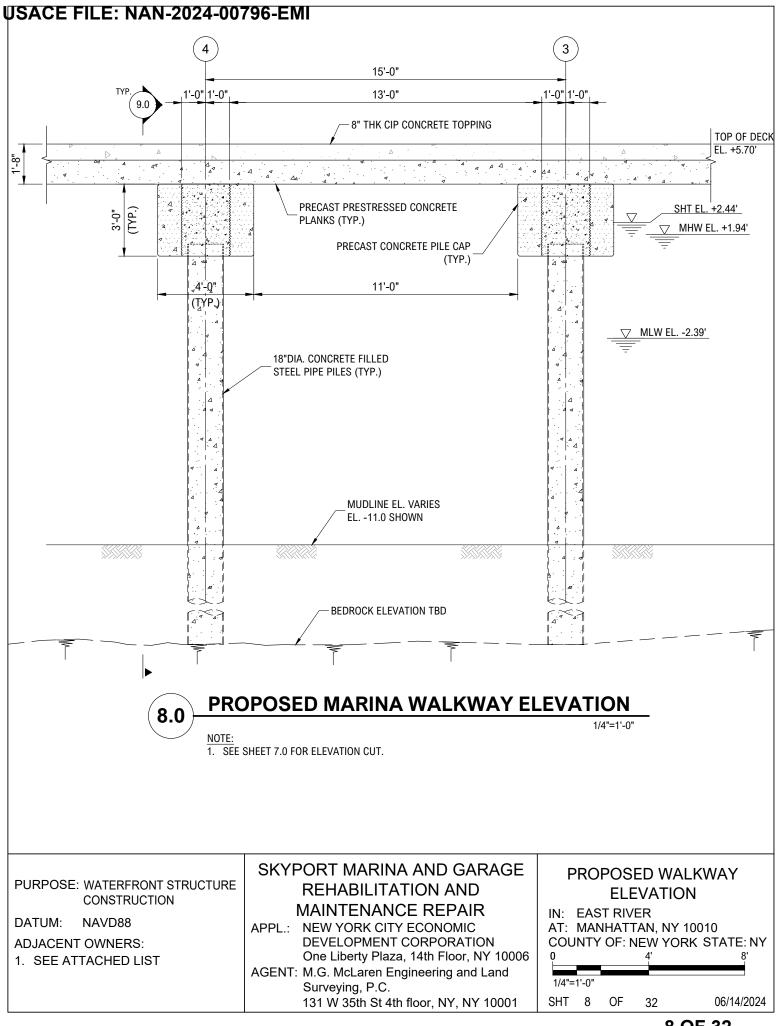
| PURPOSE: WATERFRONT STRUCTURE CONSTRUCTION DATUM: NAVD88 ADJACENT OWNERS: | SKYPORT MARINA AND GARAGE REHABILITATION AND MAINTENANCE REPAIR APPL.: NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION | TIDAL DATUM CHART IN: EAST RIVER AT: MANHATTAN, NY 10010 COUNTY OF: NEW YORK STATE: NY |
|--|---|---|
| 1. SEE ATTACHED LIST | One Liberty Plaza, 14th Floor, NY 10006 AGENT: M.G. McLaren Engineering and Land Surveying, P.C. 131 W 35th St 4th floor, NY, NY 10001 | SHT 3 OF 32 06/14/2024 |



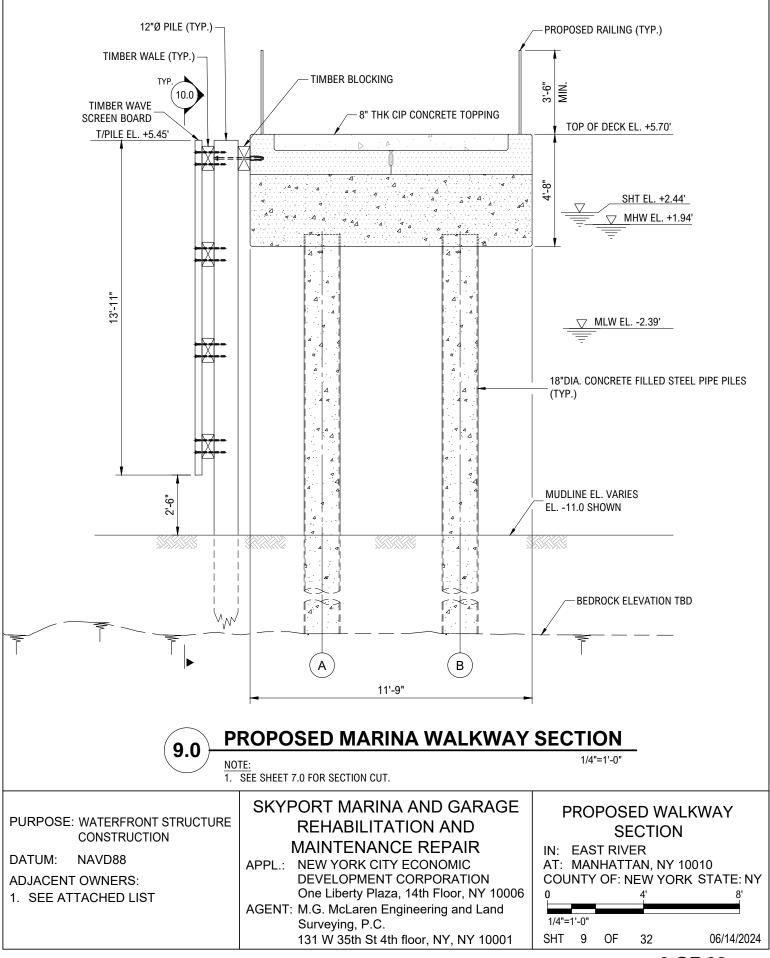


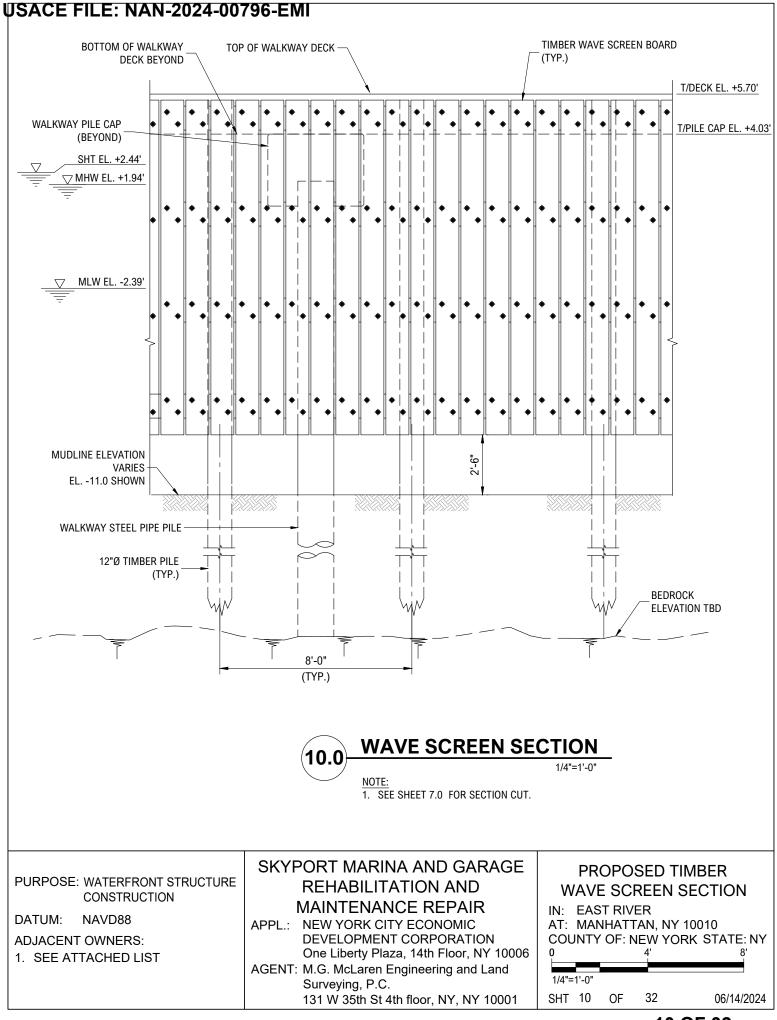


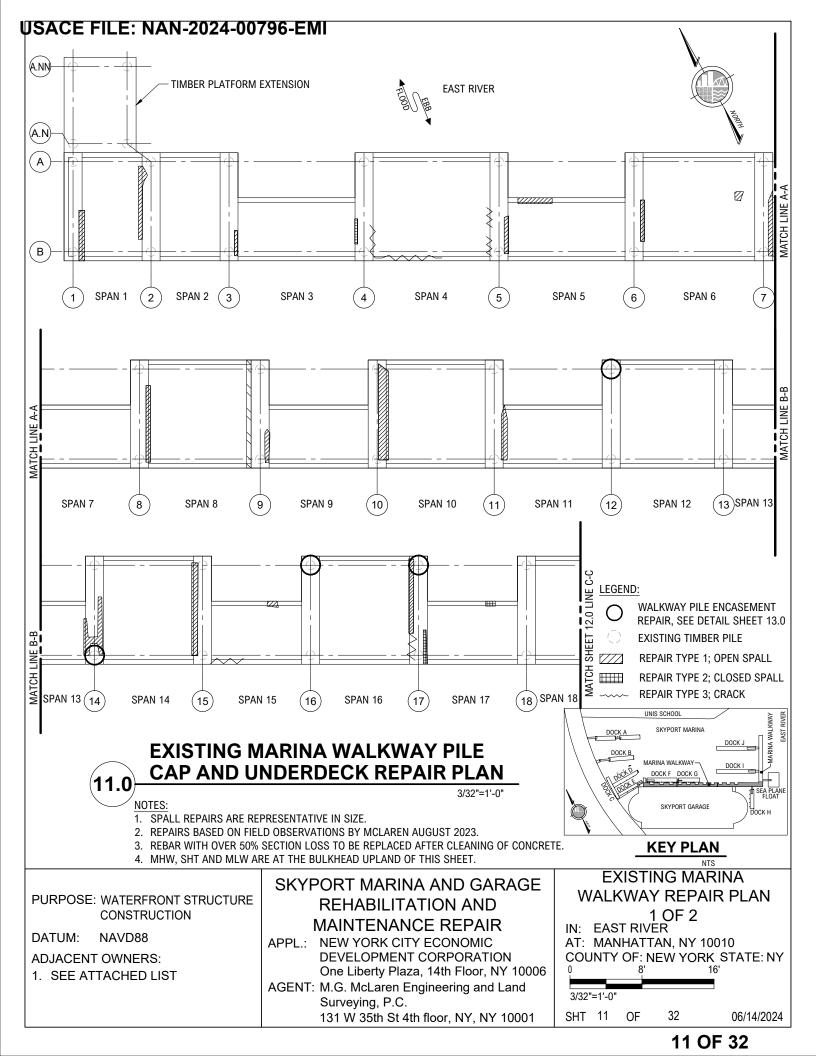


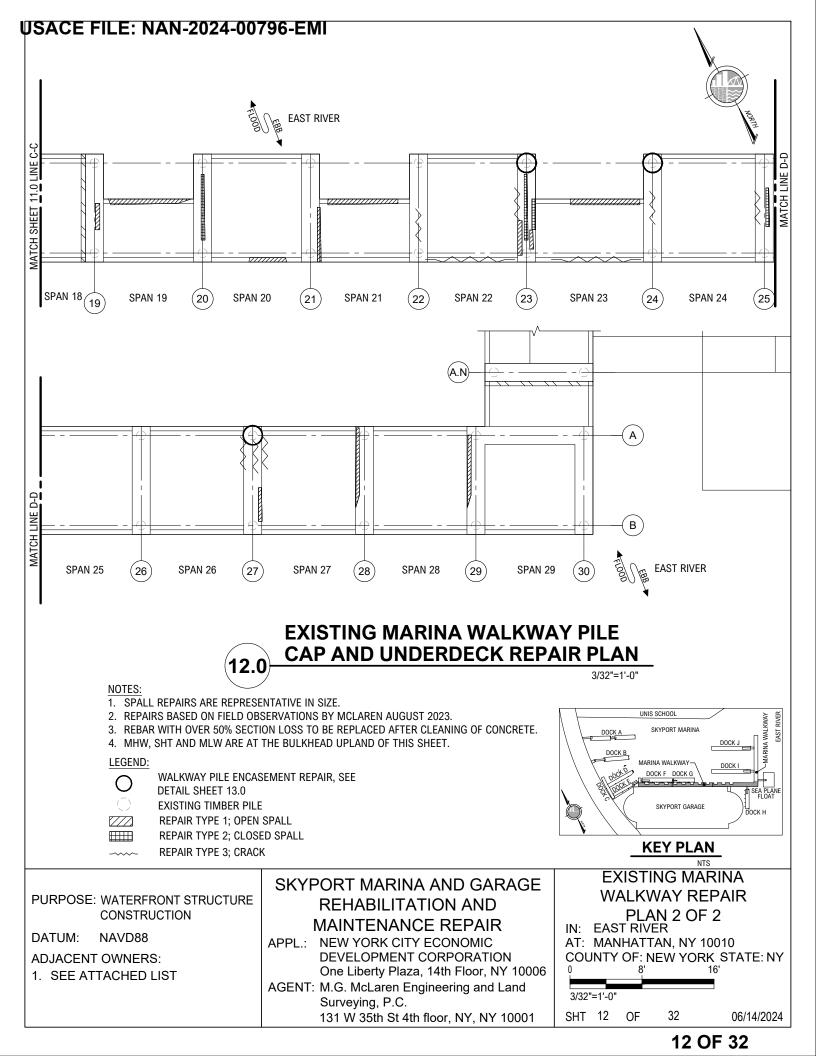


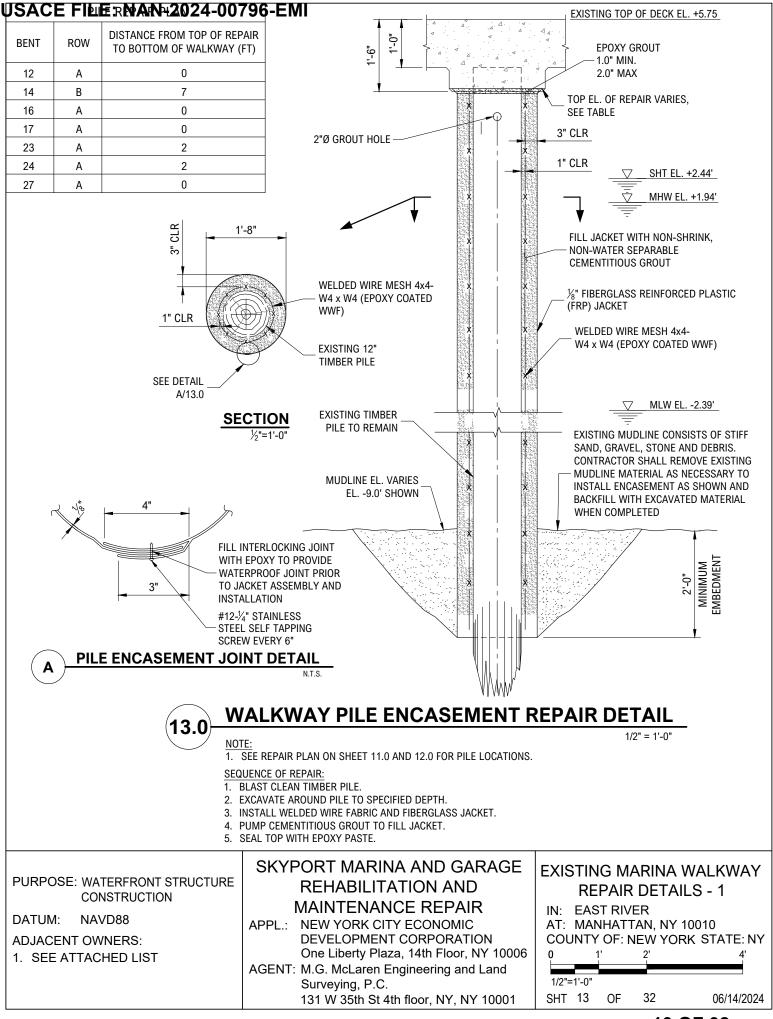
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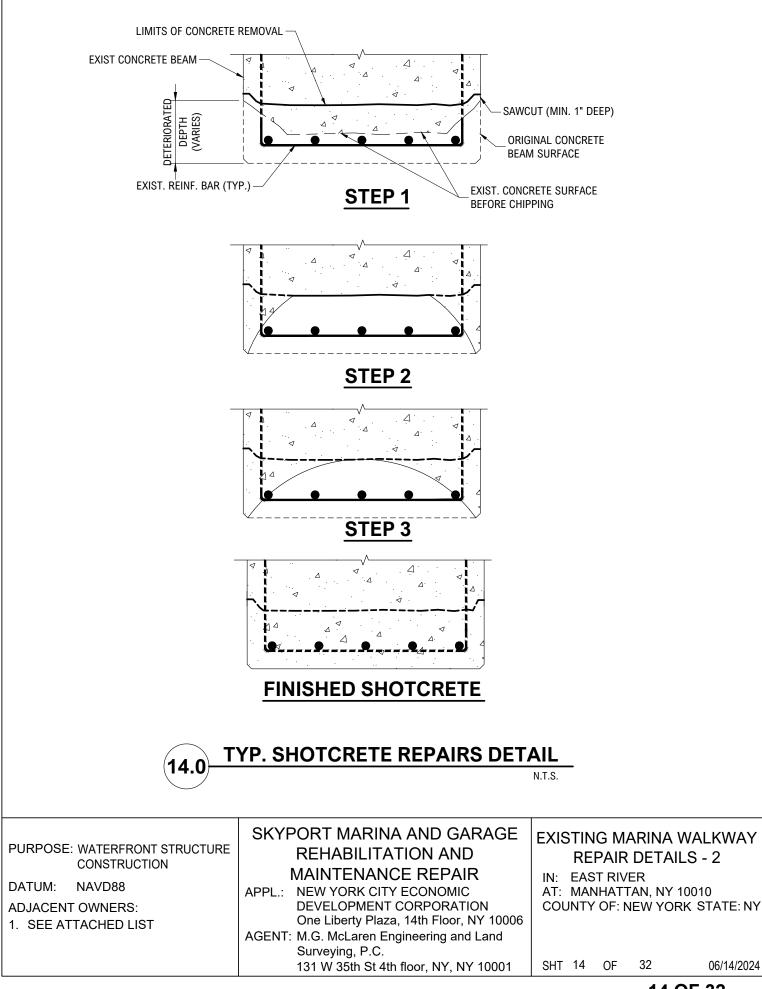


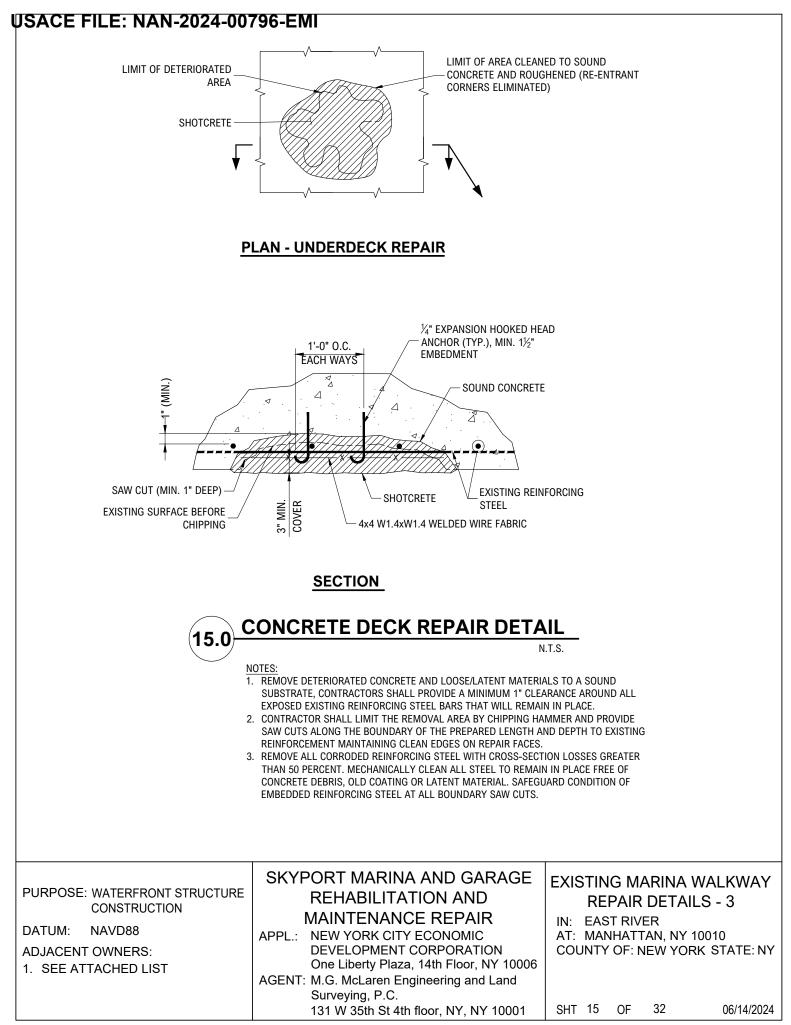


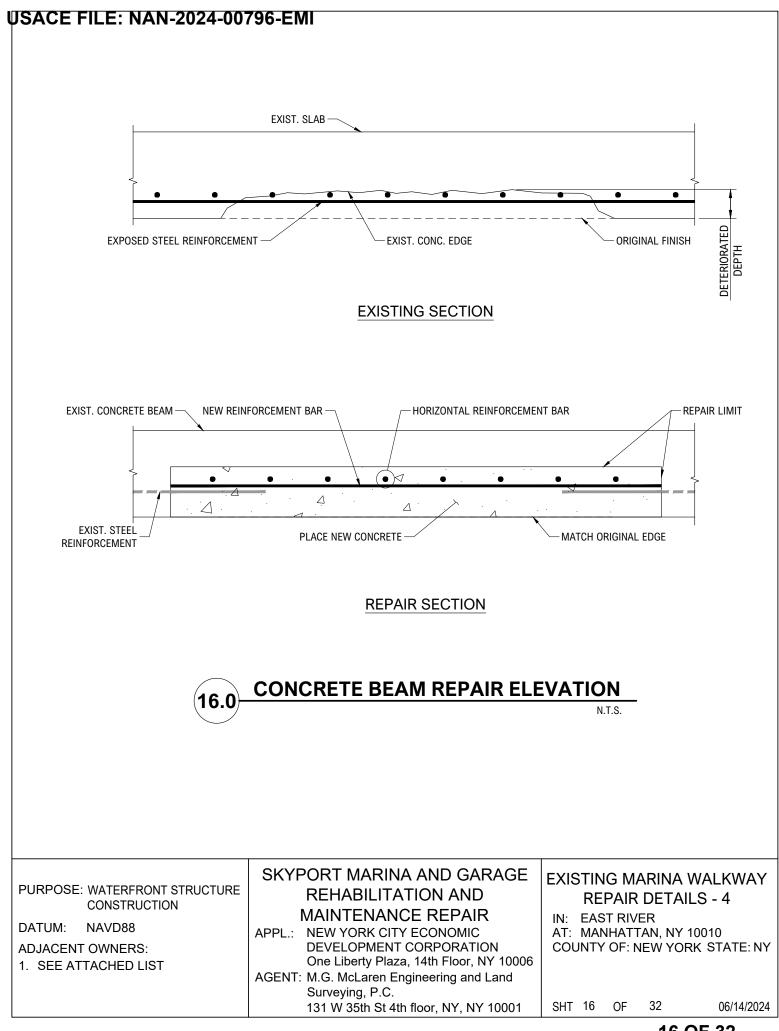




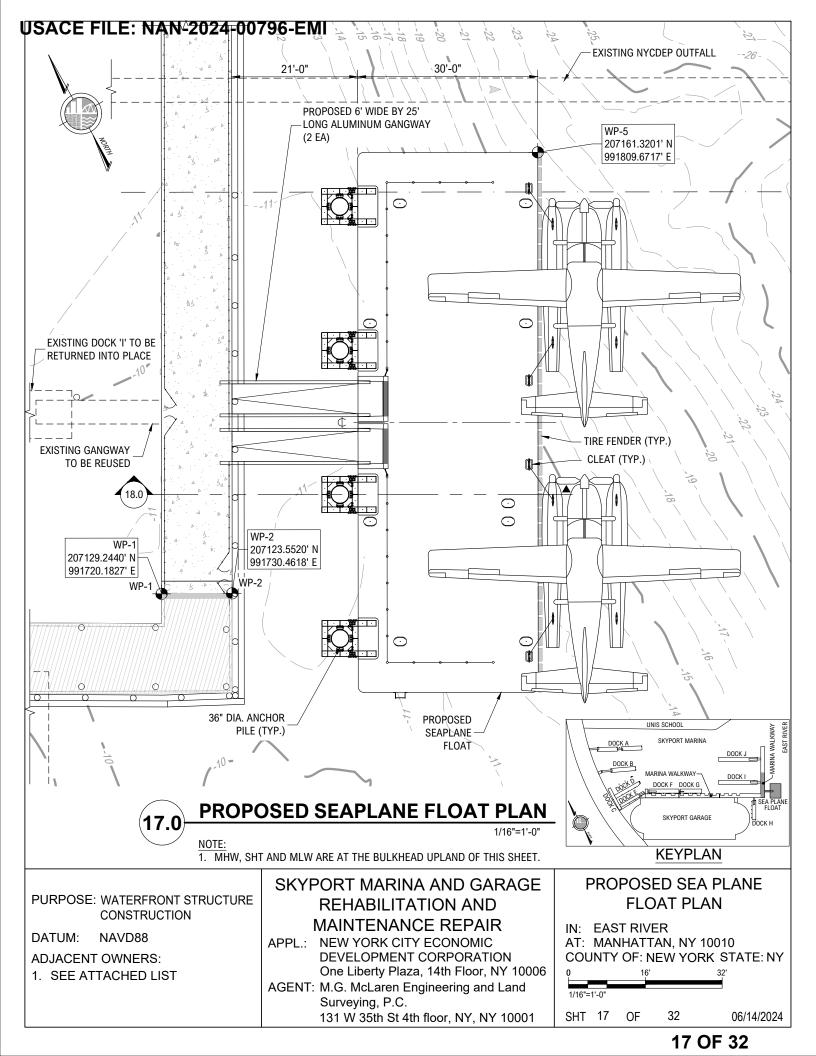
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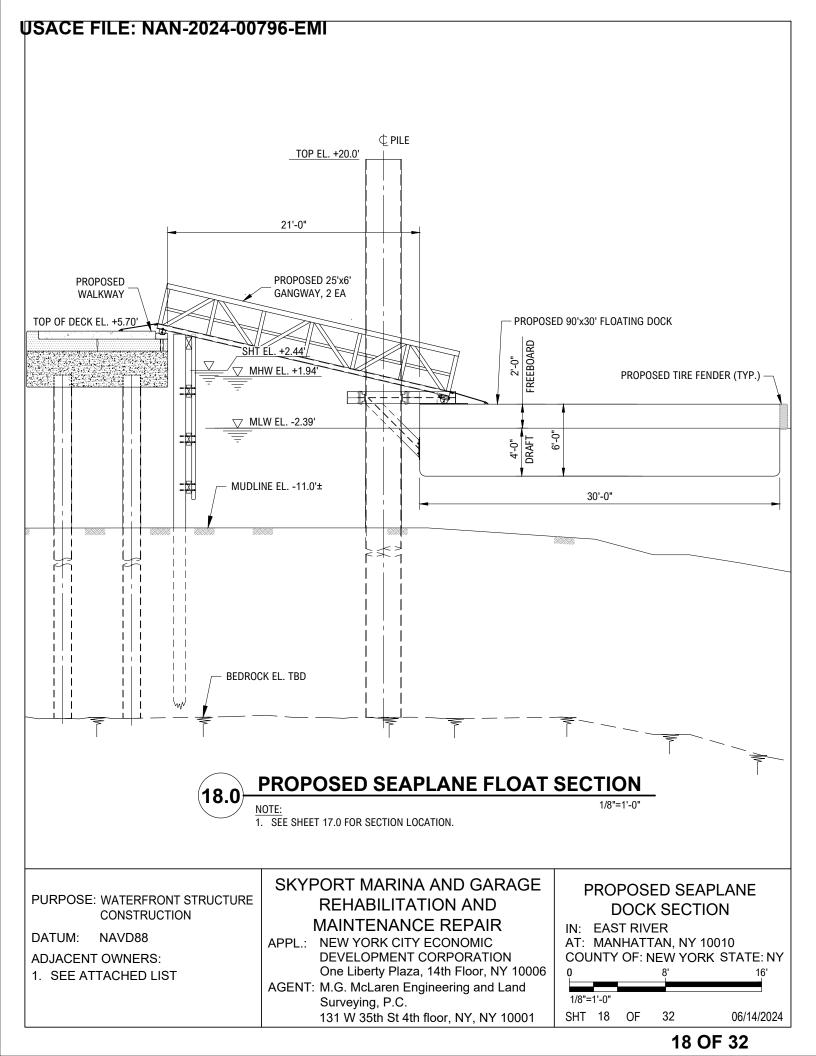


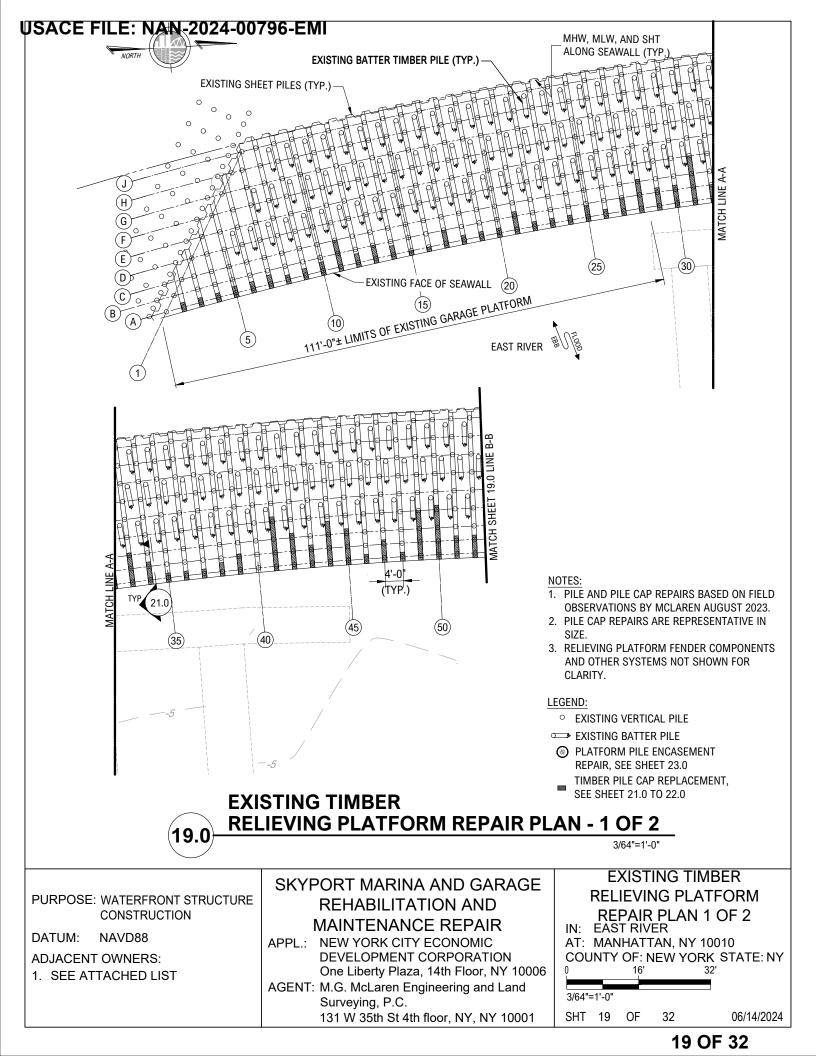


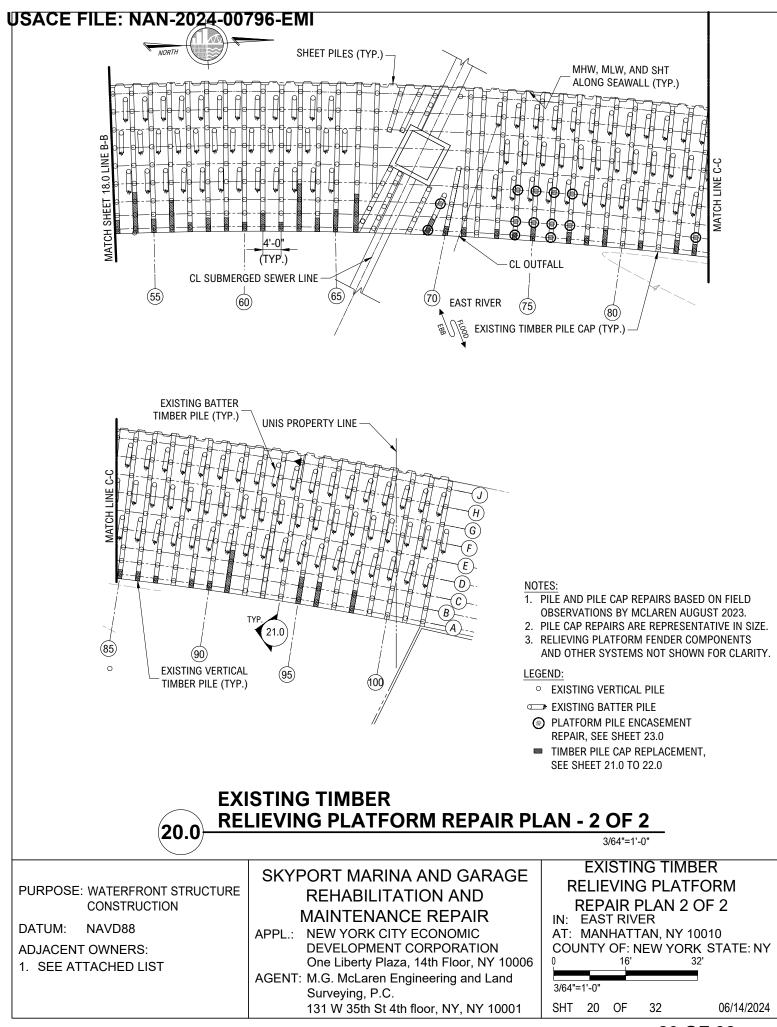


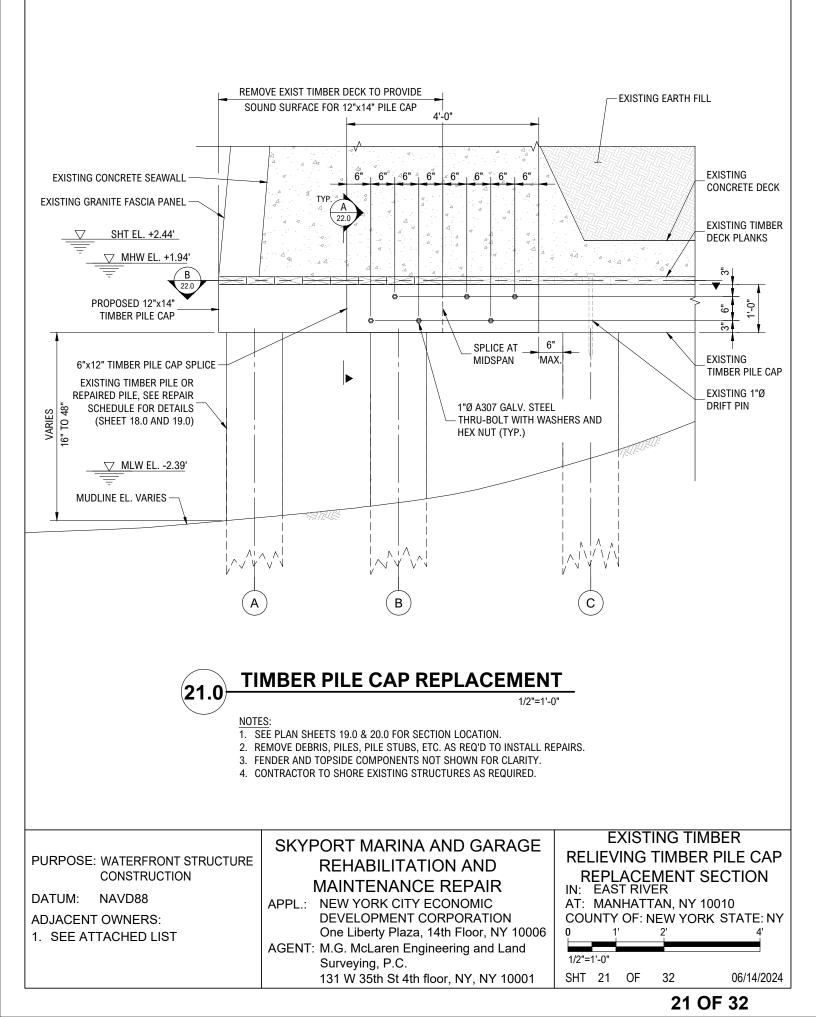
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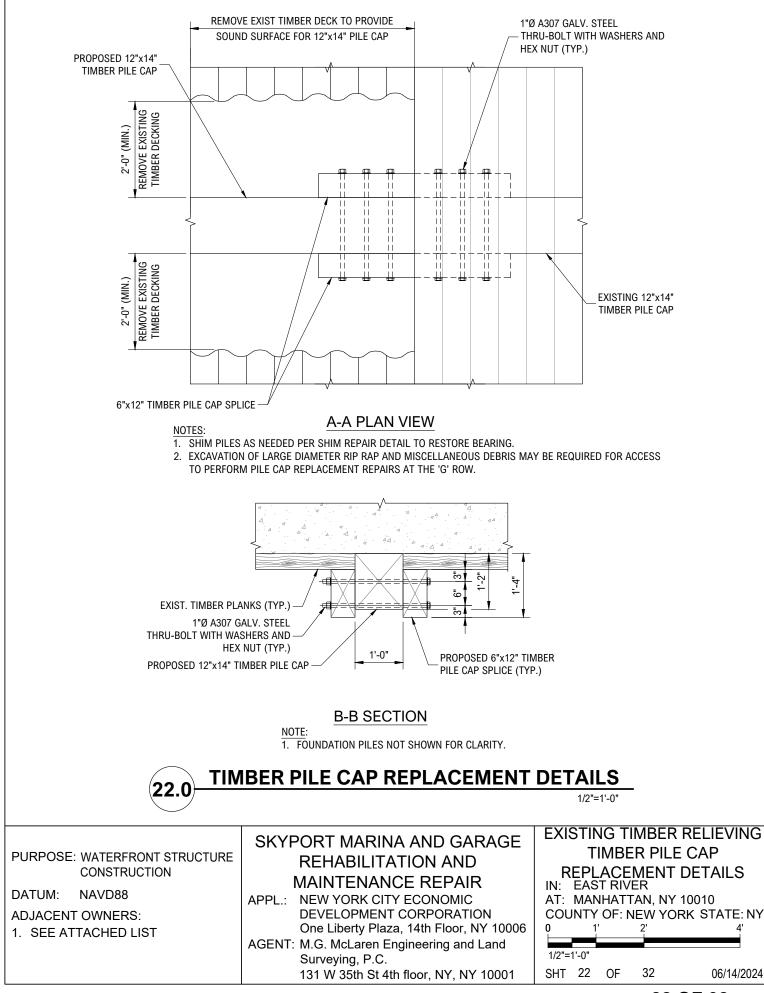


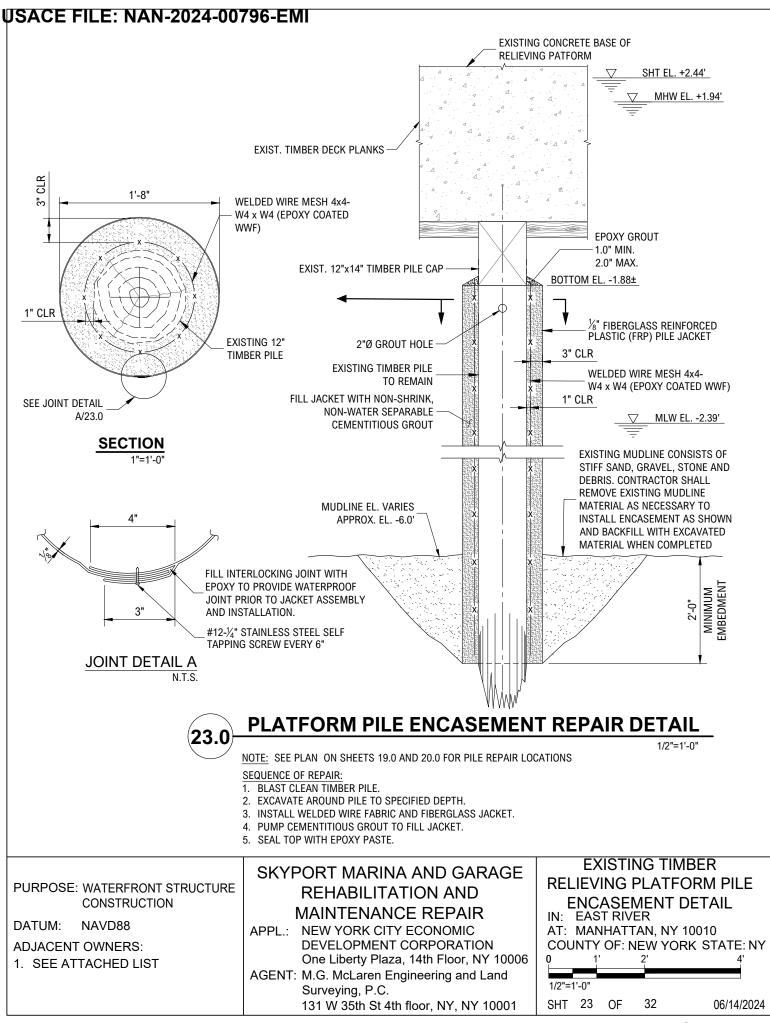




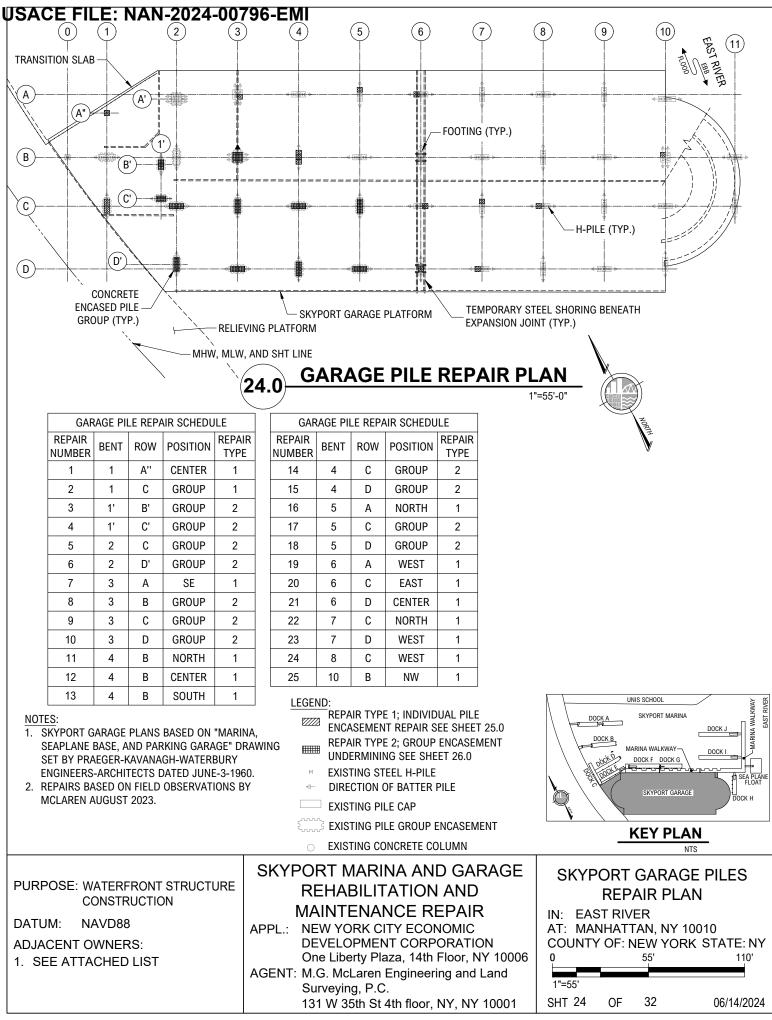


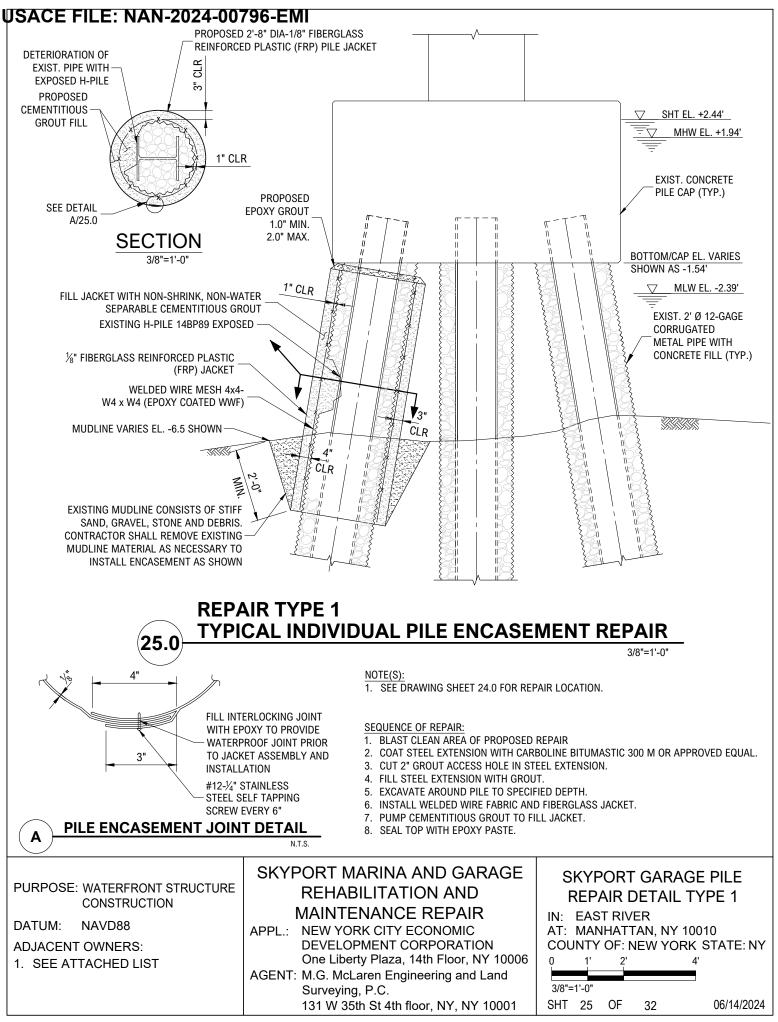


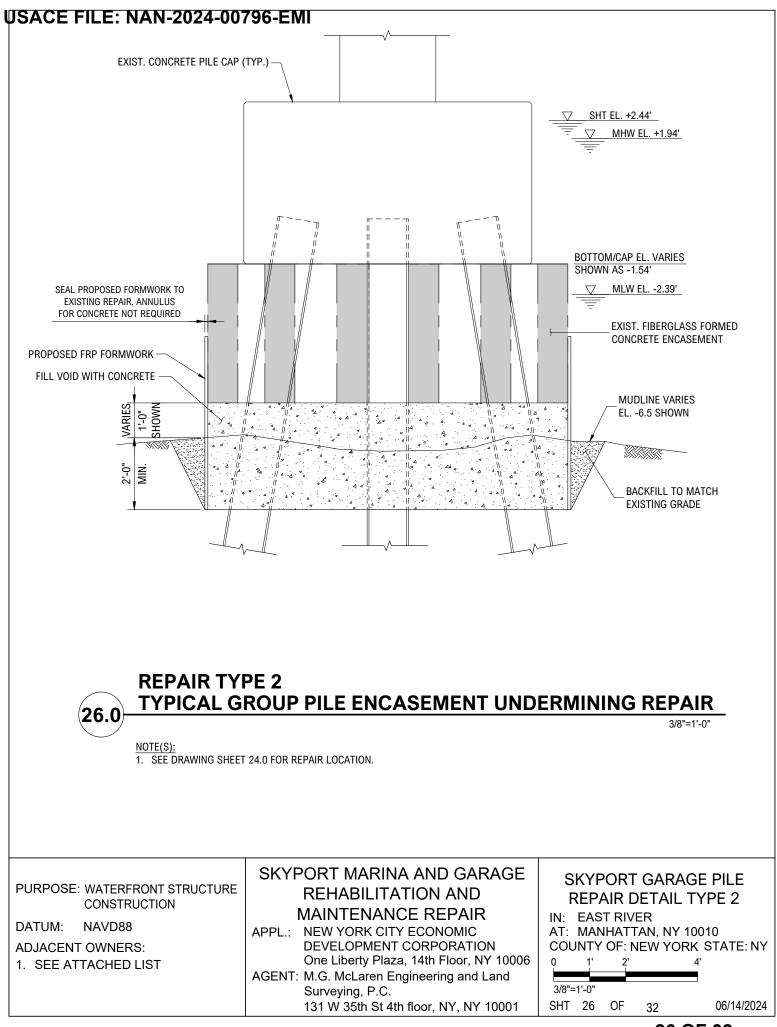




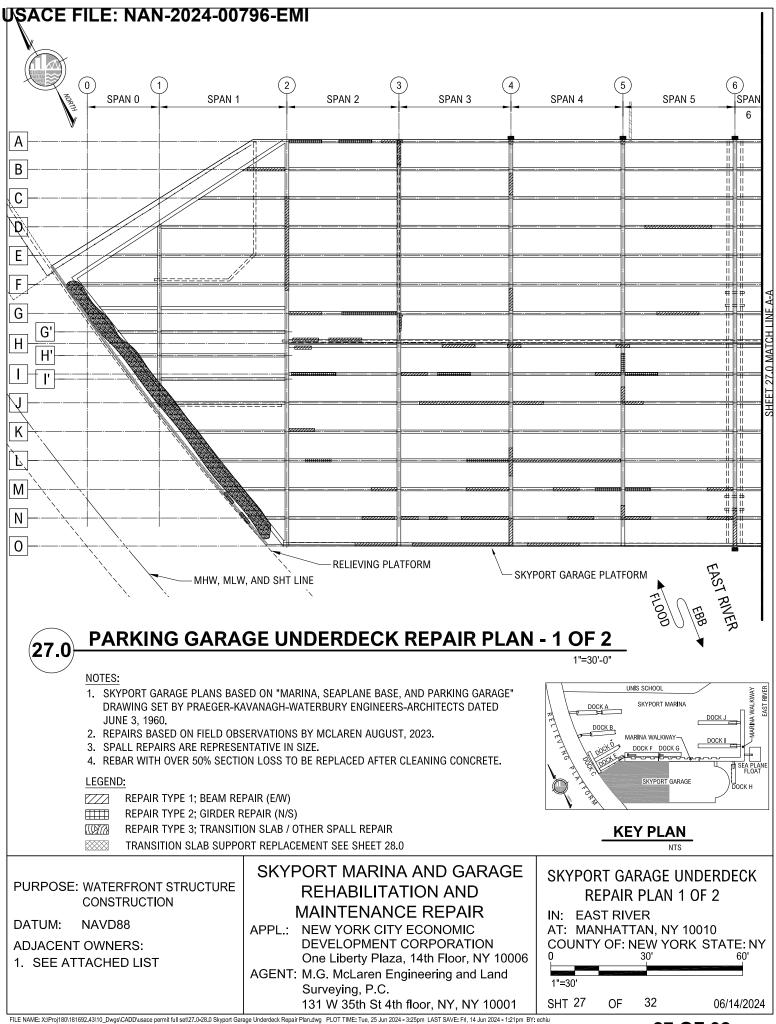
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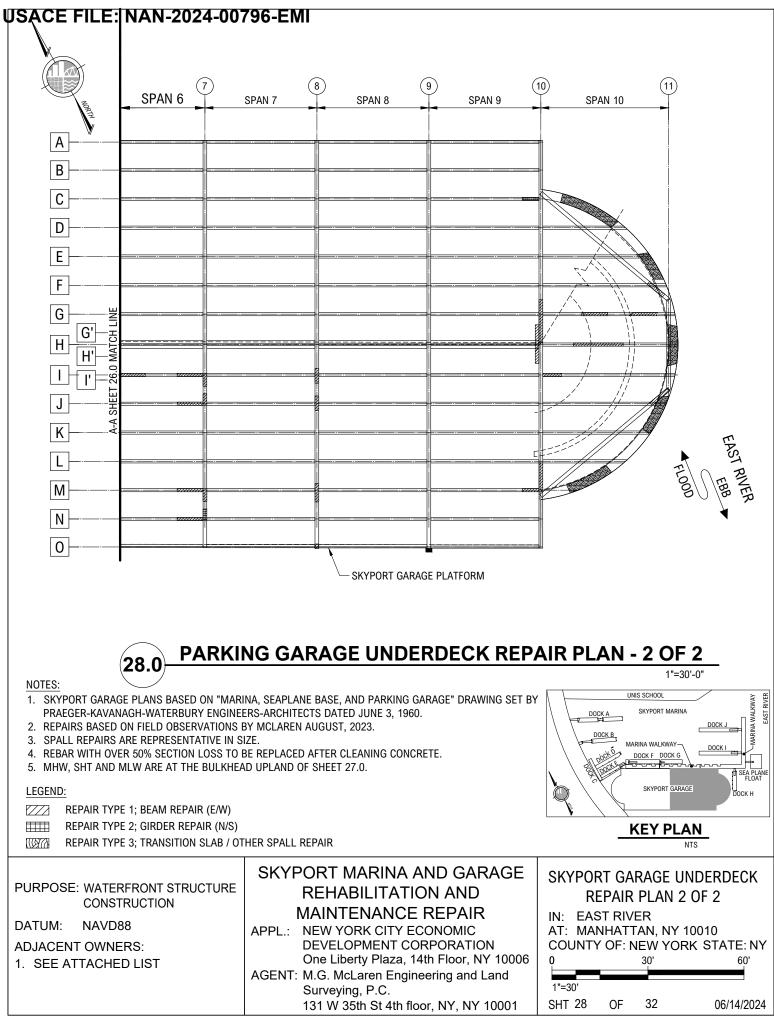


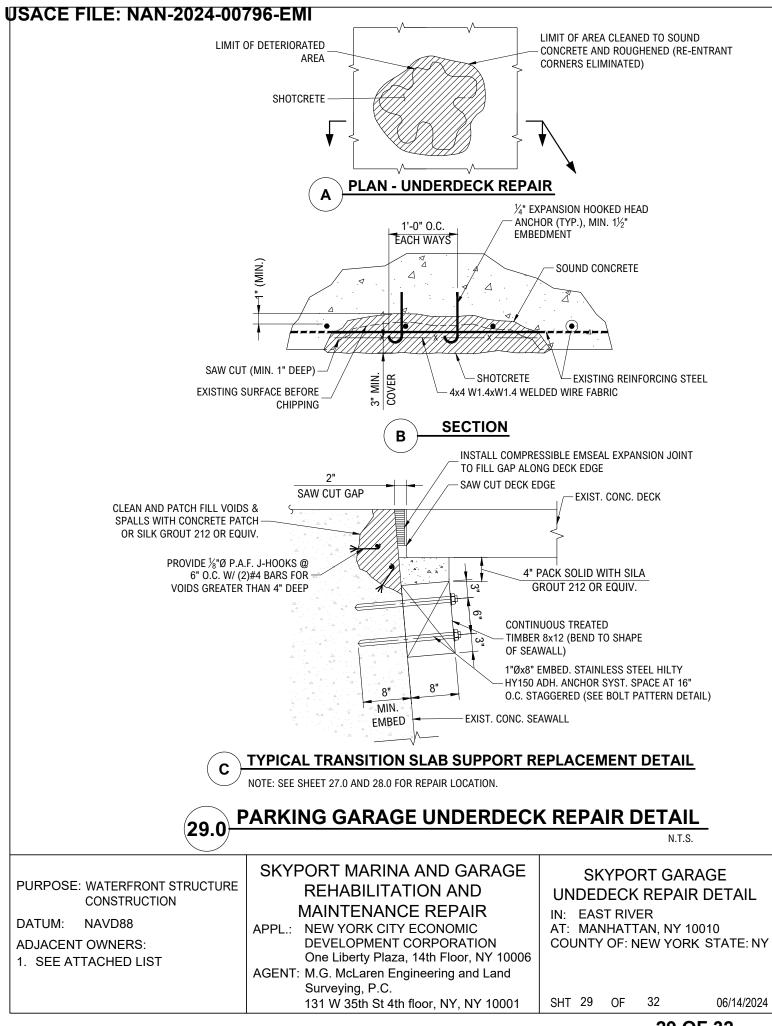




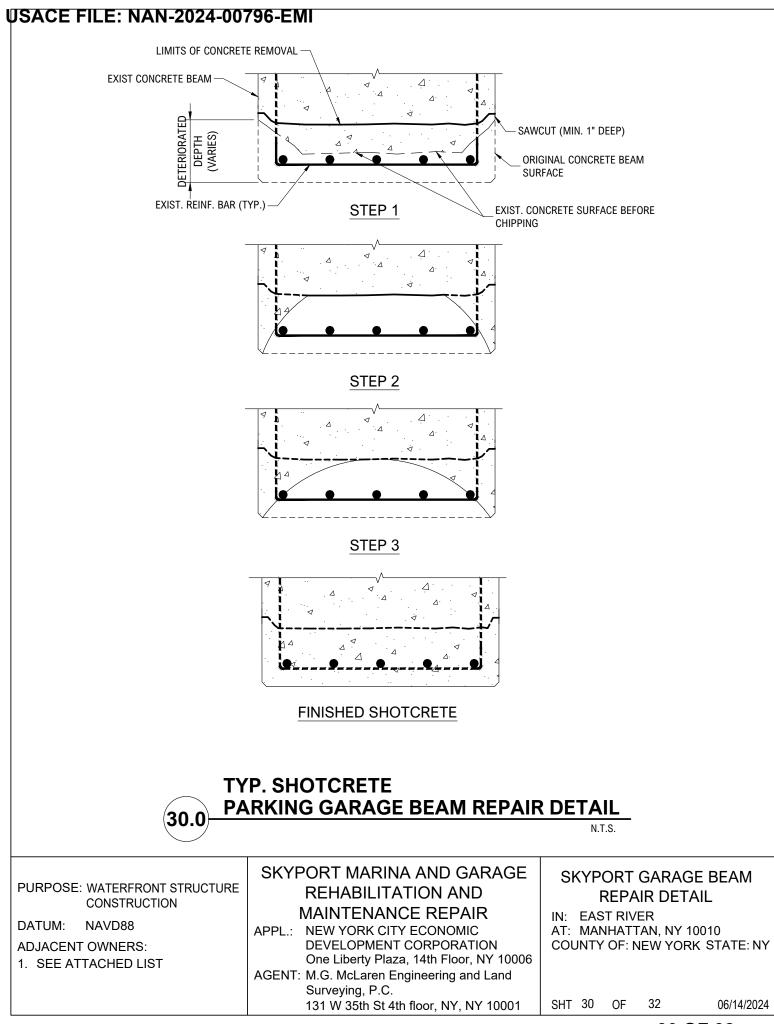
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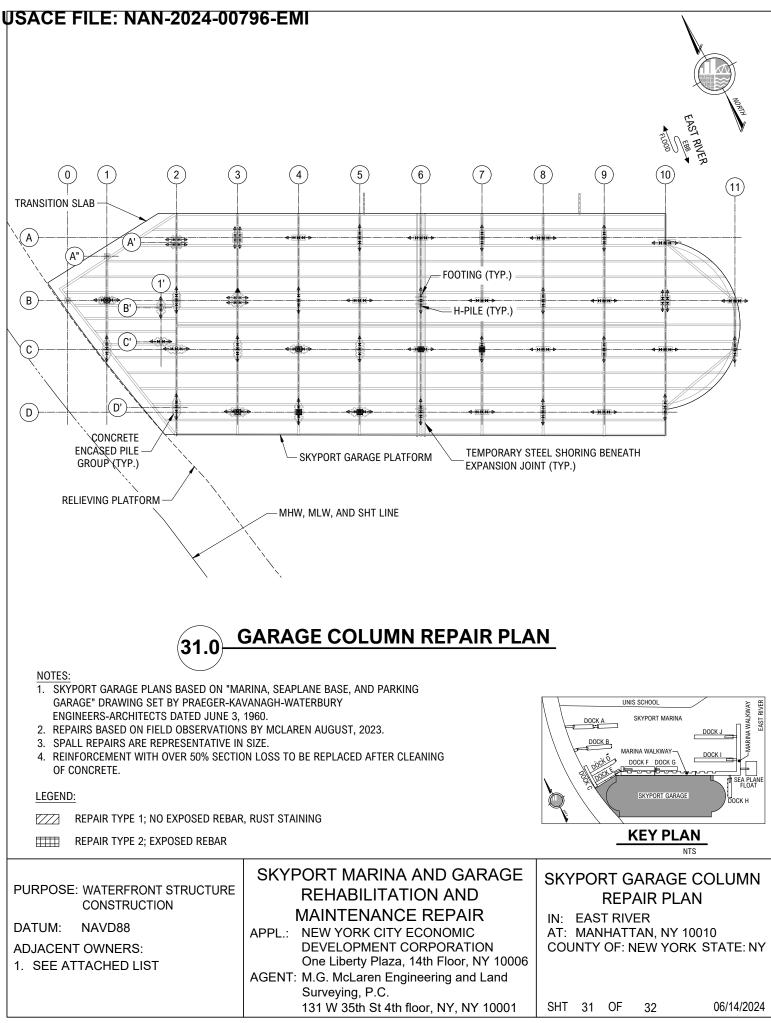






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| SCOPE OF WORK | SUMMARY | CUT BELOW MHW (CY) | FILL BELOW MHW (CY) | CUT BELOW SHT (CY) | FILL BELOW SHT (CY) |
|------------------------------------|--|-----------------------|------------------------|-----------------------|------------------------|
| REPLACEMENT SEAPLANE FLOAT | DEMOLISH 3 EA STEEL PIPE PILES, CONSTRUCT 4 EA STEEL PIPE PILES | 0.0 | 0.0 | 0.0 | 0.0 |
| WALKWAY REPAIR | 7 EA EPOXY PILE ENCASEMENTS | 0.0 | 2.4 | 0.0 | 2.4 |
| WALKWAY CONSTRUCTION | DEMOLISH 28 EA TIMBER PILES, CONSTRUCT 16 EA STEEL PIPE PILES | 12.0 | 13.6 | 12.1 | 13.6 |
| | 13 EA HP14x89 INDIVIDUAL PILE EPOXY ENCASEMENT (1ST GENERATION) | 0.0 | 5.8 | 0.0 | 5.8 |
| GARAGE PILE REPAIRS | 1 EA HP14x89 INDIVIDUAL PILE EPOXY ENCASEMENT (2ND GENERATION) | 0.0 | 1.3 | 0.0 | 1.3 |
| | 11 EA GROUP UNDERMINING ENCASEMENT | 0.0 | 16.6 | 0.0 | 16.6 |
| RELIEVING PLATFORM PILE REPAIRS | 13 EA EPOXY PILE ENCASEMENTS | 0.0 | 2.8 | 0.0 | 2.8 |
| | TOTAL (CY) | 12.0 | 42.5 | 12.1 | 42.5 |
| NET FILL (CY) | | 30.5 | | 30.4 | |

NOTE:

1. ALL ENCASEMENT ANNULI ARE LESS THAN 4 INCHES.



| PURPOSE: WATERFRONT STRUCTURE CONSTRUCTION DATUM: NAVD88 ADJACENT OWNERS: | E SKYPORT MARINA AND GARAGE REHABILITATION AND MAINTENANCE REPAIR APPL.: NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION | CUT AND FILL TABLE IN: EAST RIVER AT: MANHATTAN, NY 10010 COUNTY OF: NEW YORK STATE: NY | | |
|--|---|--|--|--|
| 1. SEE ATTACHED LIST | One Liberty Plaza, 14th Floor, NY 10006 AGENT: M.G. McLaren Engineering and Land Surveying, P.C. 131 W 35th St 4th floor, NY, NY 10001 | SHT 32 OF 32 06/14/2024 | | |