



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-2024-00935-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: Removal of Historic Fill and Shoreline Stabilization

WATERWAY: Upper New York Bay

LOCATION: Bush Terminal Pier 7, Borough of Brooklyn, Kings 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 Pier 7 is eligible for listing in the State and National Register of Historic Places and is located within the Bush Terminal Historic District. 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. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which

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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 Christopher.W.Minck@usace.army.mil.

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

Enclosures

WORK DESCRIPTION

The permit applicant, New York City Economic Development Corporation (NYCEDC) has requested Department of the Army (DA) authorization to remove the remnants of Pier 7 and existing debris to create open water habitat in Upper New York Bay at Bush Terminal, Borough of Brooklyn, Kings County, City of New York, New York.

The proposed work would involve the following:

Excavate and/or dredge, via mechanical dredge or excavator, approximately 47,835 cubic yards (approximately 42,840 cubic yards as measured from below Mean Higher High Water (MHHW)) of existing material including remnants of the solid filled pier and debris over an approximately 4.02 acre area to a depth of six-feet below the plane of Mean Low Water (MLW). All removed material will be disposed of at a state approved upland facility. In areas where the proposed surface may contain elevated contamination, a half-foot of over-dredging will remove an additional approximately 222 cubic yards of material which would be backfilled with clean sand material. Following the removal of existing material, to stabilize approximately 182 linear feet shoreline, a new riprap stone revetment will be constructed. Approximately 1,932 cubic yards of bedding and armor stone would be discharged over approximately 6,855 square feet.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by utilizing best management practices during construction to minimize the spread of turbidity in the area.

The purpose of the project is to remove remnants of Pier 7 and historic fill to restore open water (littoral zone) habitat.

PLANS FOR
BUSH TERMINAL PIER 7 ECOLOGICAL
RESTORATION

1ST AVENUE & 43RD STREET BROOKLYN, NY 11232

OCTOBER 23, 2024



LOCATION MAP
SCALE 1"=200'

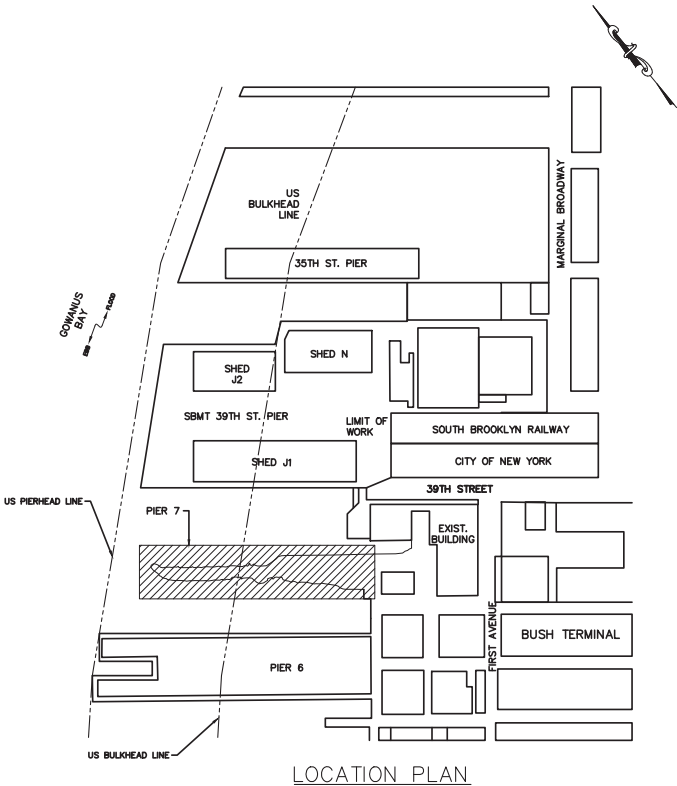
OWNER:
NEW YORK CITY ECONOMIC DEVELOPMENT CORP.
ONE LIBERTY PLAZA, 14TH FLOOR
NEW YORK, NY 10006

PREPARED BY
JACLYN J. FLOR, P.E., P.P., C.M.E.
CONSULTING ENGINEER

LICENSED PROFESSIONAL ENGINEER
STATE OF N.Y. LICENSE No. G101540
ENGENUITY INFRASTRUCTURE
CERTIFICATE OF AUTHORIZATION 0017153



ENGENUITY
INFRASTRUCTURE



LOCATION PLAN

LOCATION OF UTILITIES SHOWN ON THE PLANS ARE PLOTTED FROM AVAILABLE DATA ON FILE WITH THE UTILITY COMPANIES AND ARE NOT WARRANTED AS TO EXACTNESS. CONTRACTOR IS TO DETERMINE EXACT LOCATION AND DEPTH OF UTILITIES AT ALL CROSSINGS PRIOR TO CONSTRUCTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONTRACT DOCUMENTS.

PRIOR TO DIGGING CALL 1-800-962-7962

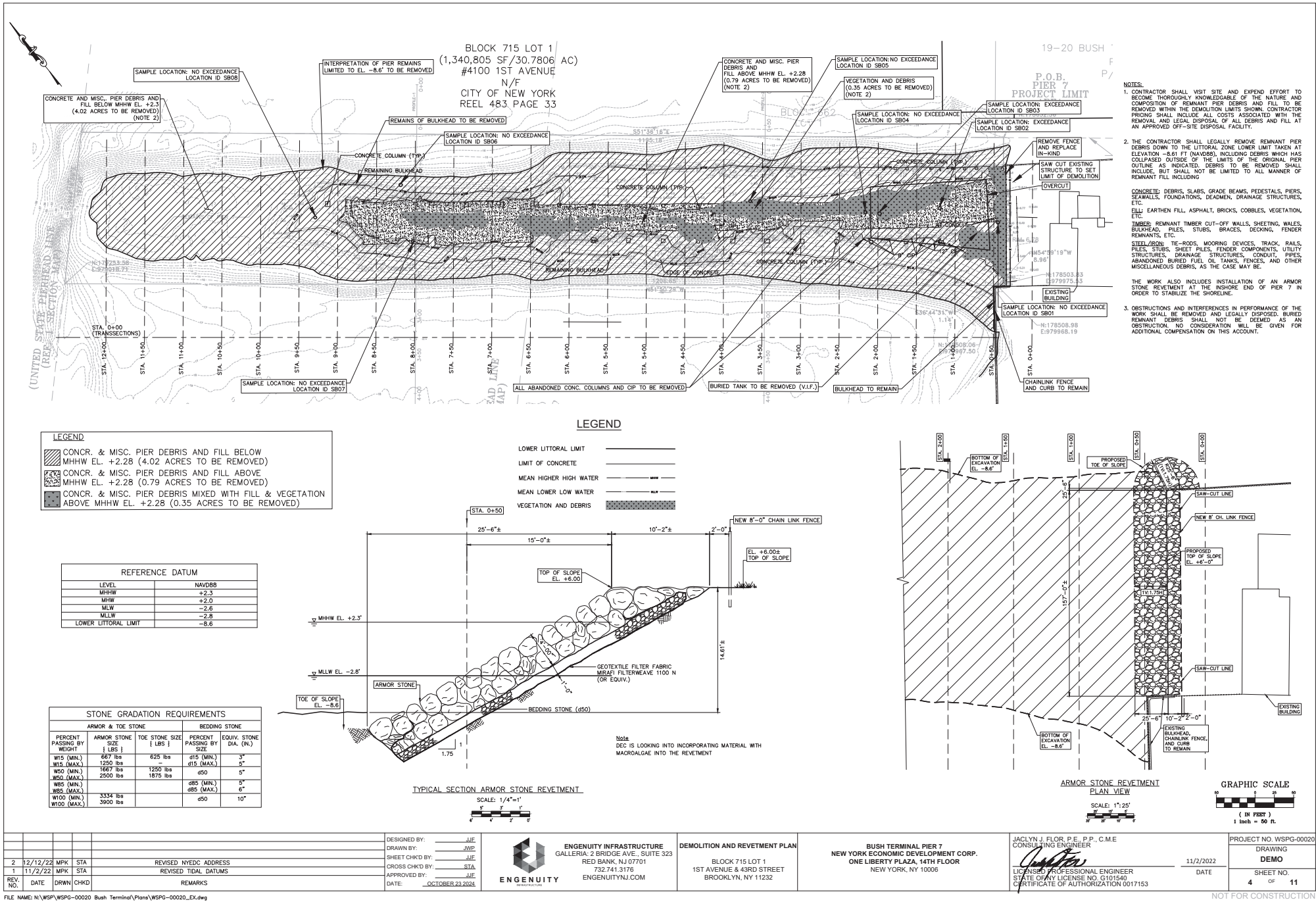
PLAN INDEX

SHEET NUMBER	SHEET TITLE	DRAWING NO
1	COVER SHEET	CVR
2	GENERAL NOTES AND LEGEND	GN
3	EXISTING CONDITIONS	EX
4	DEMOLITION AND REVETMENT PLAN	DEMO
5	CROSS SECTIONS - 1	CS-1
6	CROSS SECTIONS - 2	CS-2
7	CROSS SECTIONS - 3	CS-3
8	CROSS SECTIONS - 4	CS-4
9	CROSS SECTIONS - 5	CS-5
10	SESC DETAILS	SESC-1
11	SESC NOTES	SESC-2

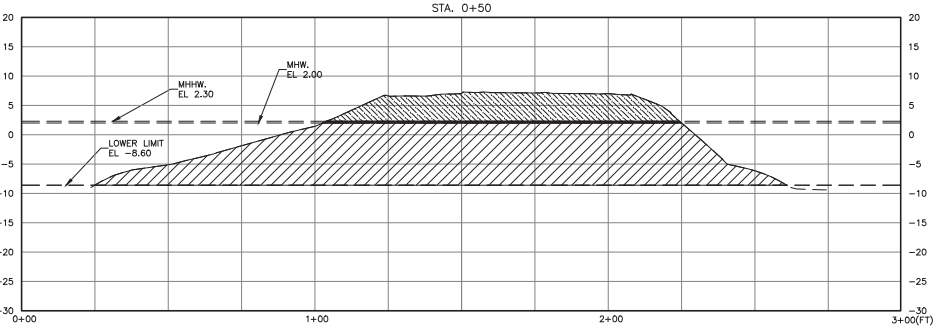
PROJECT NO. WSPG-00020
DRAWING CVR
SHEET NO. 1 OF 11



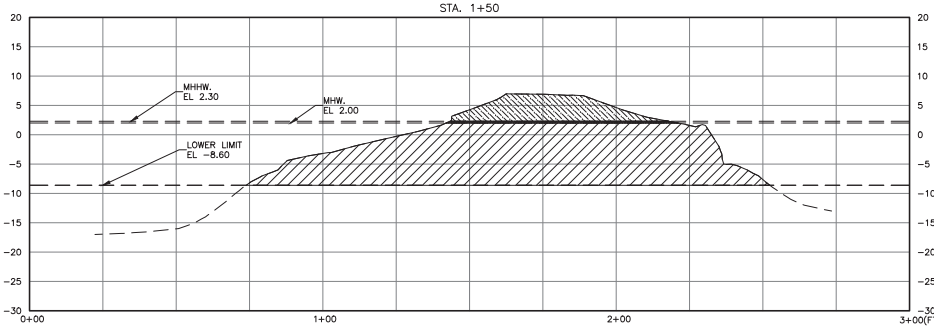
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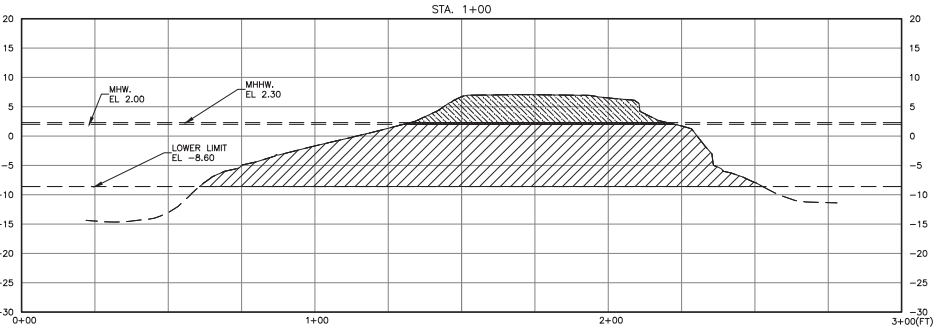
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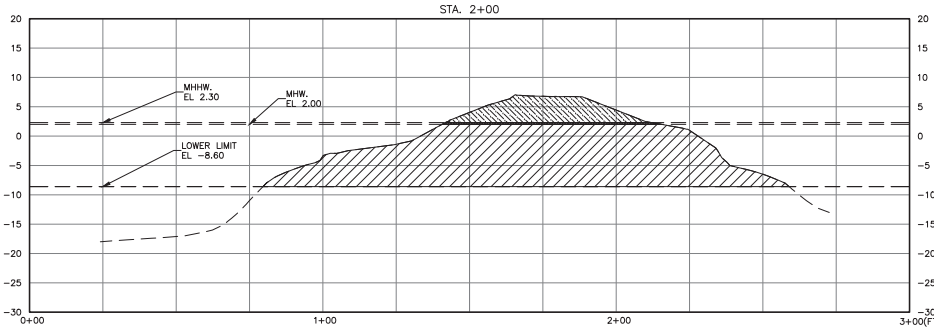
STA. 0+50				
	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW
AREA (SF)	517.3	1874.3	480.9	1910.7
VOLUME (CY)	479.0	1735.4	445.3	1769.1



STA. 1+50				
	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW
AREA (SF)	246.6	1436.2	223.6	1459.2
VOLUME (CY)	548.24	2767.1	501.9	2813.41



STA. 1+00				
	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW
AREA (SF)	345.4	1552.2	318.4	1579.2
VOLUME (CY)	798.8	3172.7	740.1	3231.4

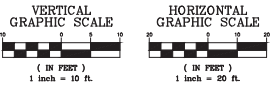




STA. 2+00				
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AREA (SF)	231.1	1380.3	209.3	1402.1
VOLUME (CY)	442.3	2607.9	400.8	2649.4

LEGEND

- AREA 1: PIER REMAINS ABOVE MHHW TO BE REMOVED
- AREA 2: PIER REMAINS BETWEEN MHW AND MHHW TO BE REMOVED
- AREA 3: PIER REMAINS BELOW MHW TO BE REMOVED

REFERENCE DATUM	
LEVEL	NAVD83
MHHW	+2.3
MHW	+2.0
MLW	-2.6
MLLW	-2.8
LOWER LITTORAL LIMIT	-8.6

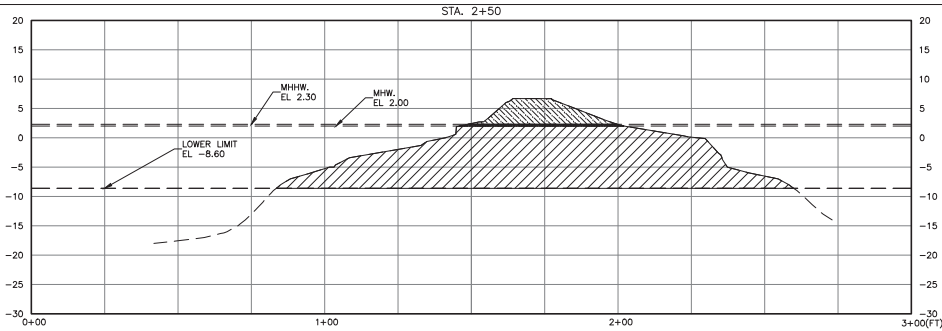


				DESIGNED BY: JJE		ENGENUITY INFRASTRUCTURE GALLERIA: 2 BRIDGE AVE., SUITE 323 RED BANK, NJ 07701 732.741.3176 ENGENUITYNJ.COM	CROSS SECTIONS - 1 BLOCK 715 LOT 1 1ST AVENUE & 43RD STREET BROOKLYN, NY 11232	BUSH TERMINAL PIER 7 NEW YORK ECONOMIC DEVELOPMENT CORP. ONE LIBERTY PLAZA, 14TH FLOOR NEW YORK, NY 10006	JACLYN J. FLOR, P.E., P.P., C.M.E. CONSULTING ENGINEER  LICENSED PROFESSIONAL ENGINEER STATE OF NY LICENSE NO. G101640 CERTIFICATE OF AUTHORIZATION 0017153	9/23/2024 DATE	PROJECT NO. WSPG-00020 DRAWING CS-1 SHEET NO. 5 OF 11
REV. NO.	DATE	DRWN	CHKD	REMARKS							
2	12/12/22	MPK	STA	REVISED NYEDC ADDRESS							
1	11/2/22	MPK	STA	REVISED TIDAL DATUMS							

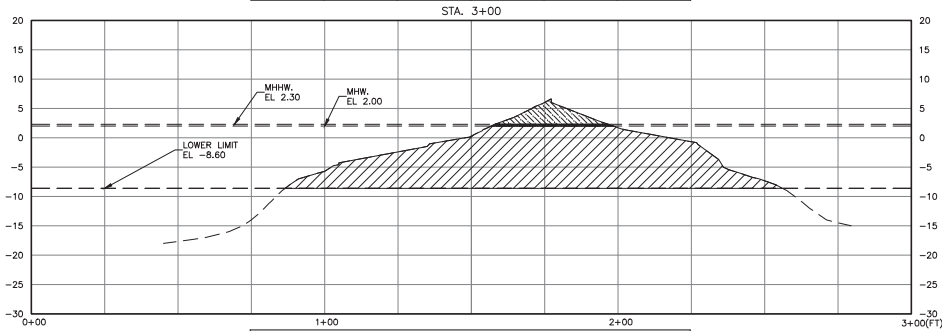
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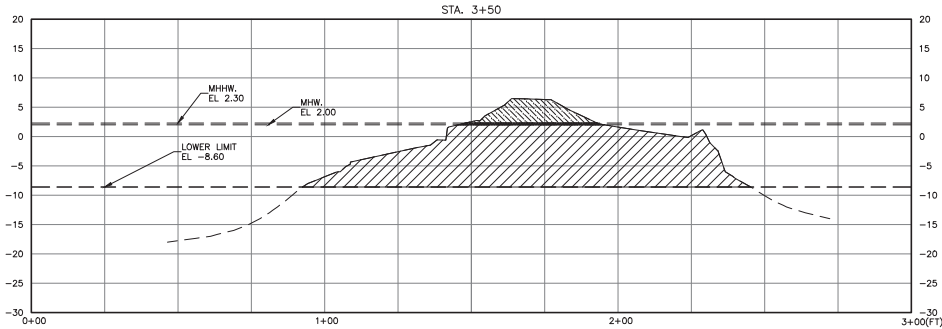
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	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	146.8	1286.7	130.8	1302.7	1433.5
VOLUME (CY)	349.9	2469.5	314.9	2504.5	2819.4



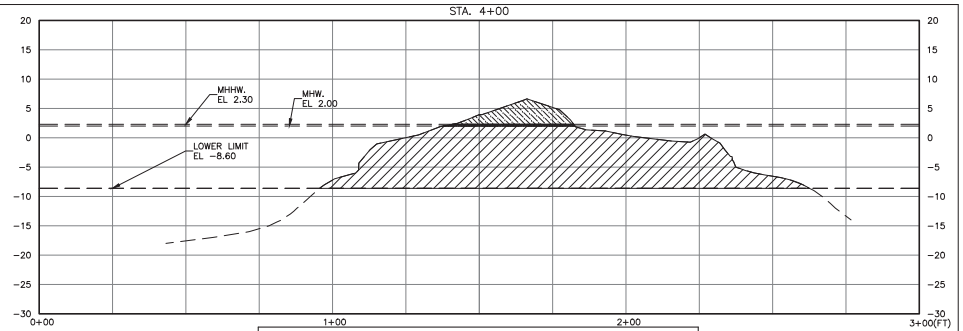
	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	86.6	1194.2	74.6	1206.2	1280.8
VOLUME (CY)	216.2	2297.2	190.2	2323.1	2513.3



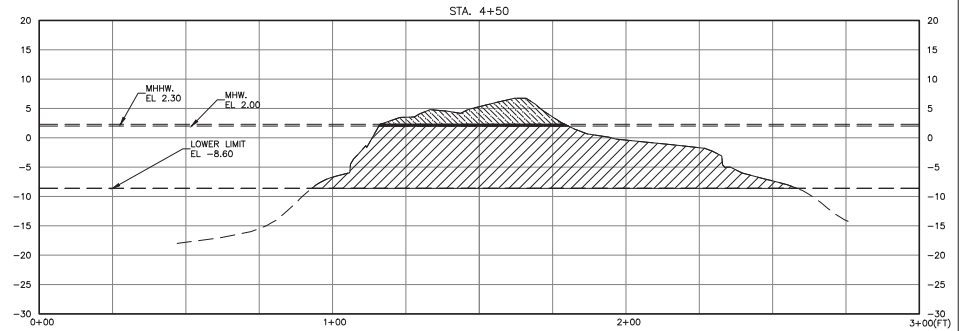
	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	124.7	1178.8	110.6	1192.9	1303.5
VOLUME (CY)	195.6	2197.2	171.4	2221.4	2392.6

- LEGEND
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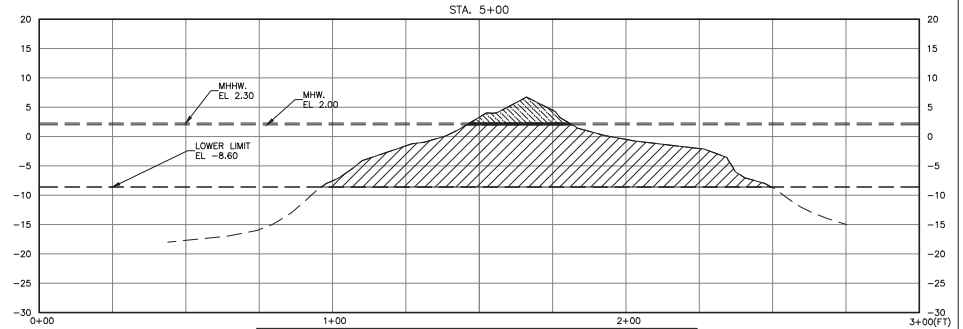
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MHHW	+2.3
MHW	+2.0
MLW	-2.6
MLLW	-2.8
LOWER LITTORAL LIMIT	-8.6



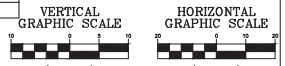
	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	111.0	1258.7	98.1	1271.6	1369.7
VOLUME (CY)	218.2	2256.9	193.1	2282.0	2475.1



	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	169.6	1243.1	150.4	1262.3	1412.7
VOLUME (CY)	259.8	2316.5	230.1	2346.2	2576.3



	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	87.8	1101.7	77.3	1112.2	1189.5
VOLUME (CY)	238.3	2171.2	210.8	2198.7	2409.5



REV. NO.	DATE	DRWN	CHKD	REMARKS
2	12/12/22	MPK	STA	REVISED NYEDC ADDRESS
1	11/2/22	MPK	STA	REVISED TIDAL DATUMS

DESIGNED BY:	JLF
DRAWN BY:	JWC
SHEET CHKD BY:	JLF
CROSS CHKD BY:	STA
APPROVED BY:	JLF
DATE:	OCTOBER 23, 2024



ENGENUITY INFRASTRUCTURE
GALLERIA: 2 BRIDGE AVE., SUITE 323
RED BANK, NJ 07701
732.741.3176
ENGENUITYNJ.COM

CROSS SECTIONS - 2
BLOCK 715 LOT 1
1ST AVENUE & 43RD STREET
BROOKLYN, NY 11232

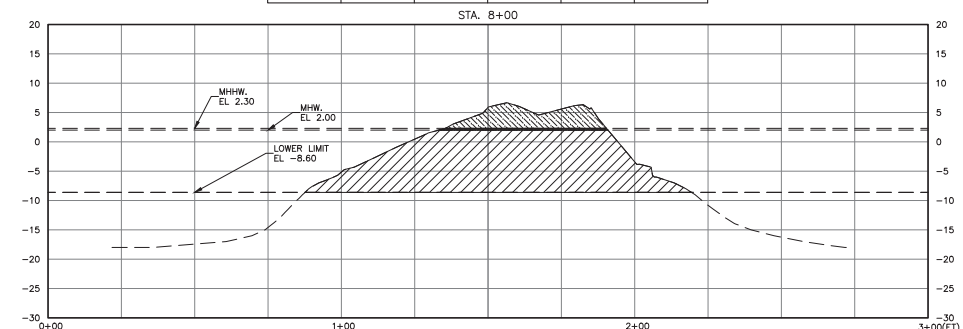
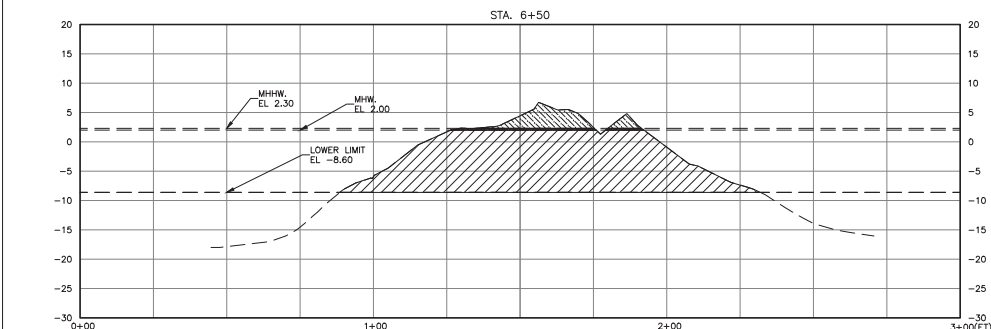
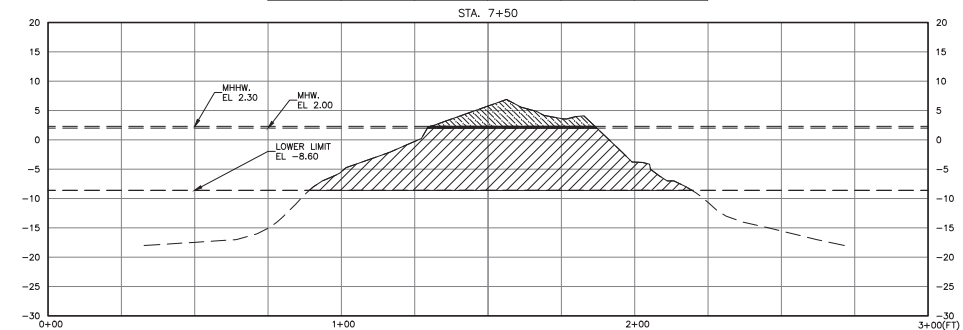
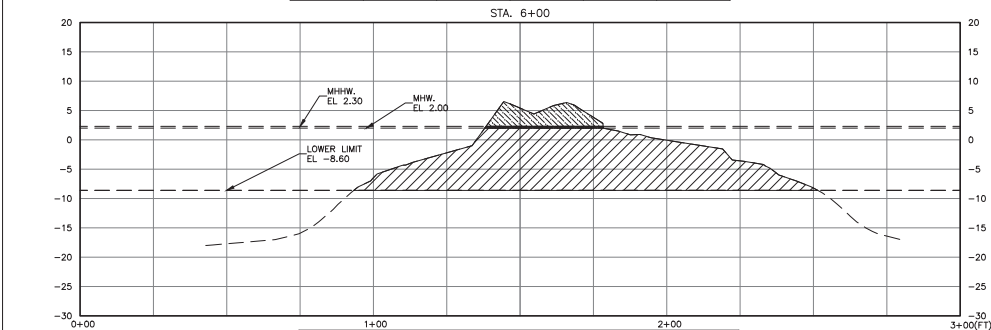
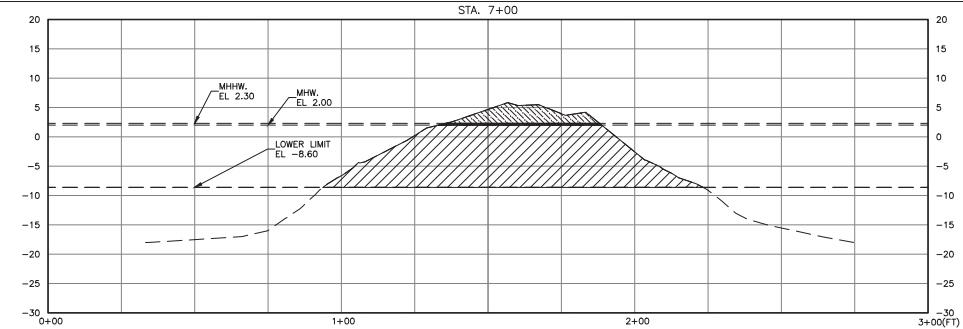
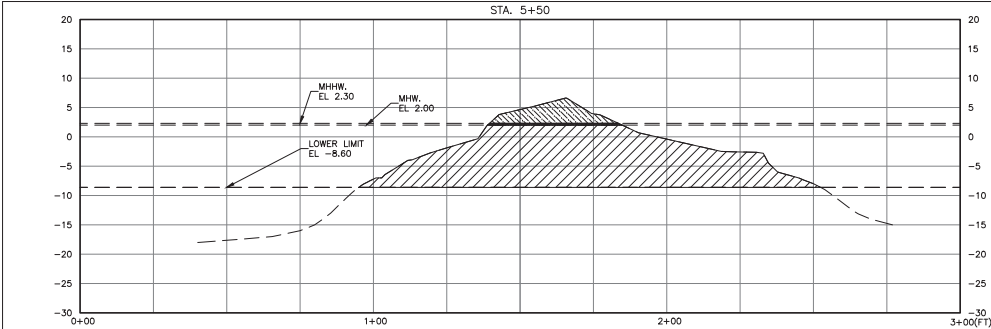
BUSH TERMINAL PIER 7
NEW YORK ECONOMIC DEVELOPMENT CORP.
ONE LIBERTY PLAZA, 14TH FLOOR
NEW YORK, NY 10006

JACLYN J. FLOR, P.E., P.P., C.M.E.
CONSULTING ENGINEER
11/2/2022
DATE
LICENSED PROFESSIONAL ENGINEER
STATE OF NY LICENSE NO. G101640
CERTIFICATE OF AUTHORIZATION 0017153

PROJECT NO. WSPG-00020
DRAWING
CS-2
SHEET NO.
6 OF 11

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LEGEND

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REFERENCE DATUM

LEVEL	NAVD88
MHHW	+2.3
MHW	+2.0
MLW	-2.6
MLLW	-2.8
LOWER LITTORAL LIMIT	-8.6



REV. NO.	DATE	DRWN	CHKD	REMARKS
2	12/12/22	MPK	STA	REVISED NYEDC ADDRESS
1	11/2/22	MPK	STA	REVISED TIDAL DATUMS

DESIGNED BY:	JJE
DRAWN BY:	JWP
SHEET CHKD BY:	JJE
CROSS CHKD BY:	STA
APPROVED BY:	JJE
DATE:	OCTOBER 23, 2024

ENGENUITY INFRASTRUCTURE
GALLERIA: 2 BRIDGE AVE, SUITE 323
RED BANK, NJ 07701
732.741.3176
ENGENUITYNJ.COM

CROSS SECTIONS - 3

BLOCK 715 LOT 1
1ST AVENUE & 43RD STREET
BROOKLYN, NY 11232

BUSH TERMINAL PIER 7
NEW YORK ECONOMIC DEVELOPMENT CORP.
ONE LIBERTY PLAZA, 14TH FLOOR
NEW YORK, NY 10006

JACLYN J. FLOR, P.E., P.P., C.M.E.
CONSULTING ENGINEER
[Signature]
LICENSED PROFESSIONAL ENGINEER
STATE OF NY LICENSE NO. G101640
CERTIFICATE OF AUTHORIZATION 0017153

11/2/2022

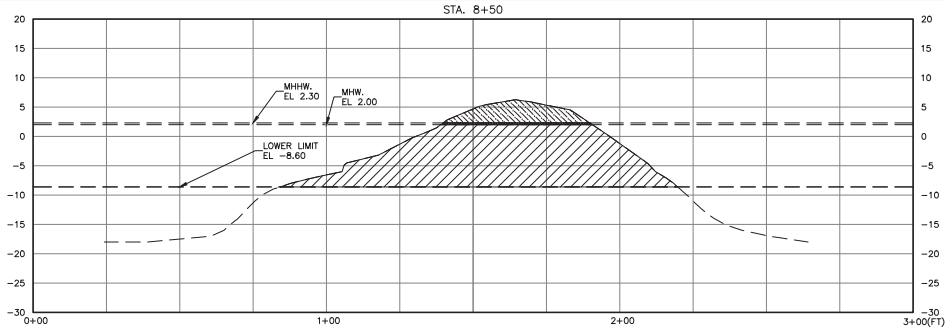
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PROJECT NO. WSPG-00020
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CS-3
SHEET NO.
7 OF **11**

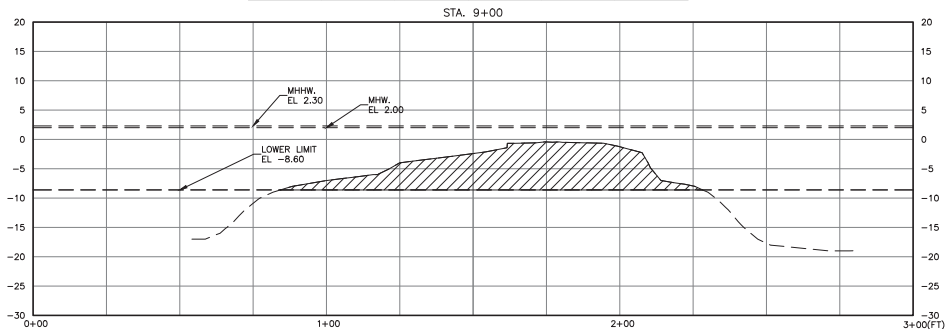
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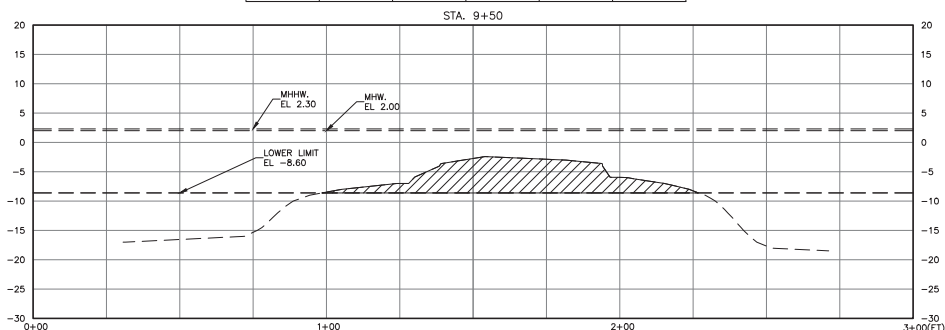
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	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	142.2	964.3	127.0	975.5	1102.5
VOLUME (CY)	289.6	1812.3	259.9	1842.0	2101.9



	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	0.0	688.0	0.0	688.0	688.0
VOLUME (CY)	131.7	1529.9	117.6	1544.0	1661.6

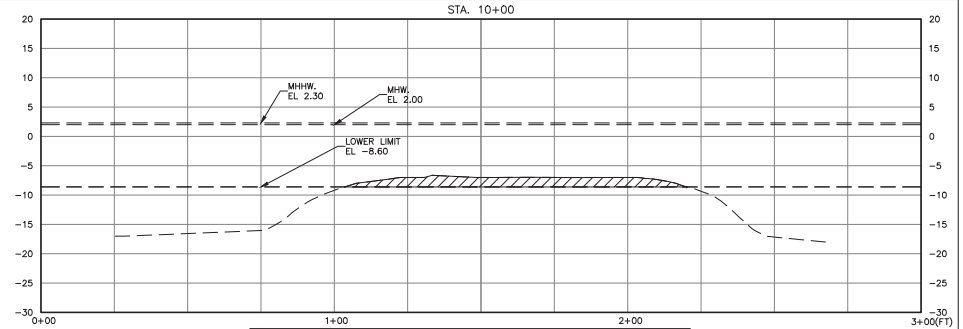


	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	0.0	441.6	0.0	441.6	441.6
VOLUME (CY)	0	1046.0	0.0	1046.0	1046

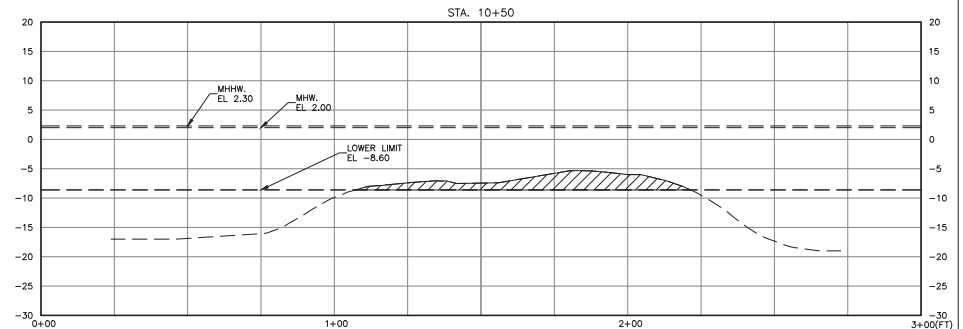
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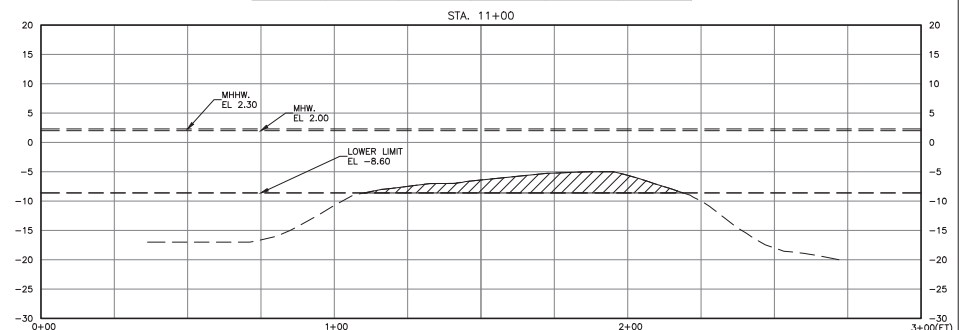
REFERENCE DATUM	
LEVEL	NAVD88
MHHW	+2.3
MHW	+2.0
MLW	-2.6
MLLW	-2.8
LOWER LITTORAL LIMIT	-8.6



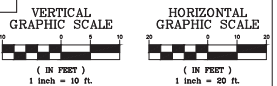
	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	0.0	168.4	0.0	168.4	168.4
VOLUME (CY)	0	564.9	0.0	564.9	564.9



	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	0.0	205.2	0.0	205.2	205.2
VOLUME (CY)	0	346.0	0.0	346.0	346.0



	ABOVE MHW	BELOW MHW	ABOVE MHHW	BELOW MHHW	TOTAL
AREA (SF)	0.0	238.1	0.0	238.1	238.1
VOLUME (CY)	0	410.4	0.0	410.4	410.4



REV. NO.	DATE	DRWN	CHKD	REMARKS
2	12/12/22	MPK	STA	REVISED NYEDC ADDRESS
1	11/2/22	MPK	STA	REVISED TIDAL DATUMS

DESIGNED BY:	JJE
DRAWN BY:	JJC
SHEET CHKD BY:	JJE
CROSS CHKD BY:	STA
APPROVED BY:	JJE
DATE:	OCTOBER 23, 2024



ENGENUITY INFRASTRUCTURE
GALLERIA: 2 BRIDGE AVE, SUITE 323
RED BANK, NJ 07701
732.741.3176
ENGENUITYNJ.COM

CROSS SECTIONS - 4
BLOCK 715 LOT 1
1ST AVENUE & 43RD STREET
BROOKLYN, NY 11232

BUSH TERMINAL PIER 7
NEW YORK ECONOMIC DEVELOPMENT CORP.
ONE LIBERTY PLAZA, 14TH FLOOR
NEW YORK, NY 10006

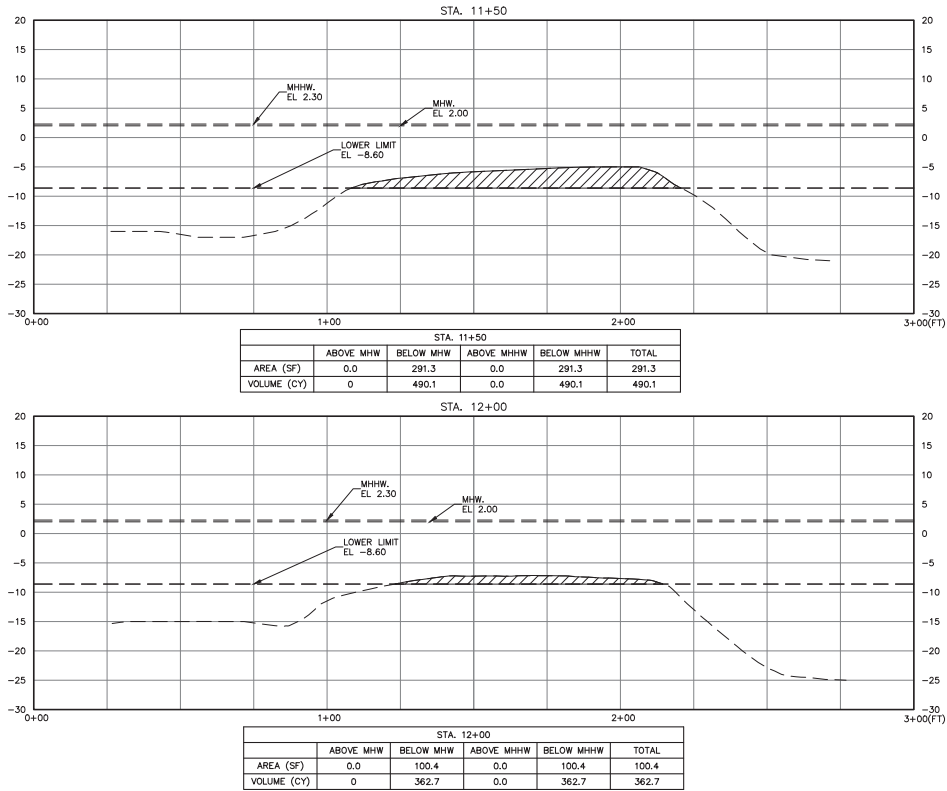
JACLYN J. FLOR, P.E., P.P., C.M.E.
CONSULTING ENGINEER
11/2/2022
DATE
LICENSED PROFESSIONAL ENGINEER
STATE OF NY LICENSE NO. G101640
CERTIFICATE OF AUTHORIZATION 0017153

PROJECT NO. WSPG-00020
DRAWING
CS-4
SHEET NO.
8 OF 11

FILE NAME: N:\WSPG\wspg-00020 bush terminal\Plans\Civil 3D\WSPG-00020_C3D.dwg

NOT FOR CONSTRUCTION

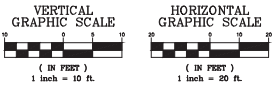
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Total Volume Table			
Station	Cut Area	Cut Vol	Cum Cut Vol
0+00.00	0.00	0.00	0.00
0+50.00	2391.58	2214.42	2214.42
1+00.00	1897.68	3971.53	6185.96
1+50.00	1682.83	3315.29	9501.24
2+00.00	1611.38	3050.20	12551.44
2+50.00	1433.52	2819.36	15370.79
3+00.00	1280.82	2513.28	17884.08
3+50.00	1303.45	2392.84	20276.92
4+00.00	1369.69	2475.13	22752.05
4+50.00	1412.76	2576.34	25328.39
5+00.00	1189.44	2409.44	27737.83
5+50.00	1227.19	2237.62	29975.45
6+00.00	1237.15	2281.80	32257.24
6+50.00	1191.36	2248.62	34505.87
7+00.00	1094.45	2116.49	36622.36
7+50.00	1104.71	2036.26	38658.61
8+00.00	1163.62	2100.31	40758.92
8+50.00	1106.46	2101.93	42860.86
9+00.00	888.03	1661.57	44522.43
9+50.00	441.61	1045.97	45568.40
10+00.00	168.44	564.86	46133.26
10+50.00	205.19	345.95	46479.21
11+00.00	238.08	410.43	46889.64
11+50.00	291.28	490.14	47379.78
12+00.00	100.40	362.66	47742.44
12+50.00	0.00	92.96	47835.40

- LEGEND
- AREA 1: PIER REMAINS ABOVE MHHW TO BE REMOVED
 - AREA 2: PIER REMAINS BETWEEN MHW AND MHHW TO BE REMOVED
 - AREA 3: PIER REMAINS BELOW MHW TO BE REMOVED

REFERENCE DATUM	
LEVEL	NAVD88
MHHW	+2.3
MHW	+2.0
MLW	-2.6
MLLW	-2.8
LOWER LITTORAL LIMIT	-8.6



DESIGNED BY: JJE	ENGENUITY INFRASTRUCTURE	CROSS SECTIONS - 5	BUSH TERMINAL PIER 7	JACLYN J. FLOR, P.E., P.P., C.M.E.	PROJECT NO. WSPG-00020
DRAWN BY: JWC	GALLERIA: 2 BRIDGE AVE., SUITE 323	BLOCK 715 LOT 1	NEW YORK ECONOMIC DEVELOPMENT CORP.	CONSULTING ENGINEER	DRAWING
SHEET CHKD BY: JJE	RED BANK, NJ 07701	1ST AVENUE & 43RD STREET	ONE LIBERTY PLAZA, 14TH FLOOR		CS-5
CROSS CHKD BY: STA	732.741.3176	BROOKLYN, NY 11232	NEW YORK, NY 10006		SHEET NO.
APPROVED BY: JJE	ENGENUITYNJ.COM				9 of 11
DATE: OCTOBER 23, 2024				LICENSED PROFESSIONAL ENGINEER STATE OF NY LICENSE NO. G101640 CERTIFICATE OF AUTHORIZATION 0017153	

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