

# 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-2023-00427-ENE  
Issue Date:  
Expiration Date:

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## 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: Astoria Generating Company, LP  
18-01 20<sup>th</sup> Avenue  
Astoria, NY 11105

ACTIVITY: Ten-Year Maintenance De-Silting with Upland Disposal and Return Flow to the Waterway

WATERWAY: East River

LOCATION: Astoria, Queens County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED 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

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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 mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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

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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 [lindsey.neuwirth@usace.army.mil](mailto:lindsey.neuwirth@usace.army.mil).

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

Enclosures

**WORK DESCRIPTION**

The applicant, Astoria Generating Company, LP, has requested Department of the Army authorization to conduct de-silting, with ten-years maintenance with placement of all resultant dredged materials to be dewatered on a barge and placed at an approved upland location. The project is located in East River, Astoria, Queens County, New York.

The work would involve the following:

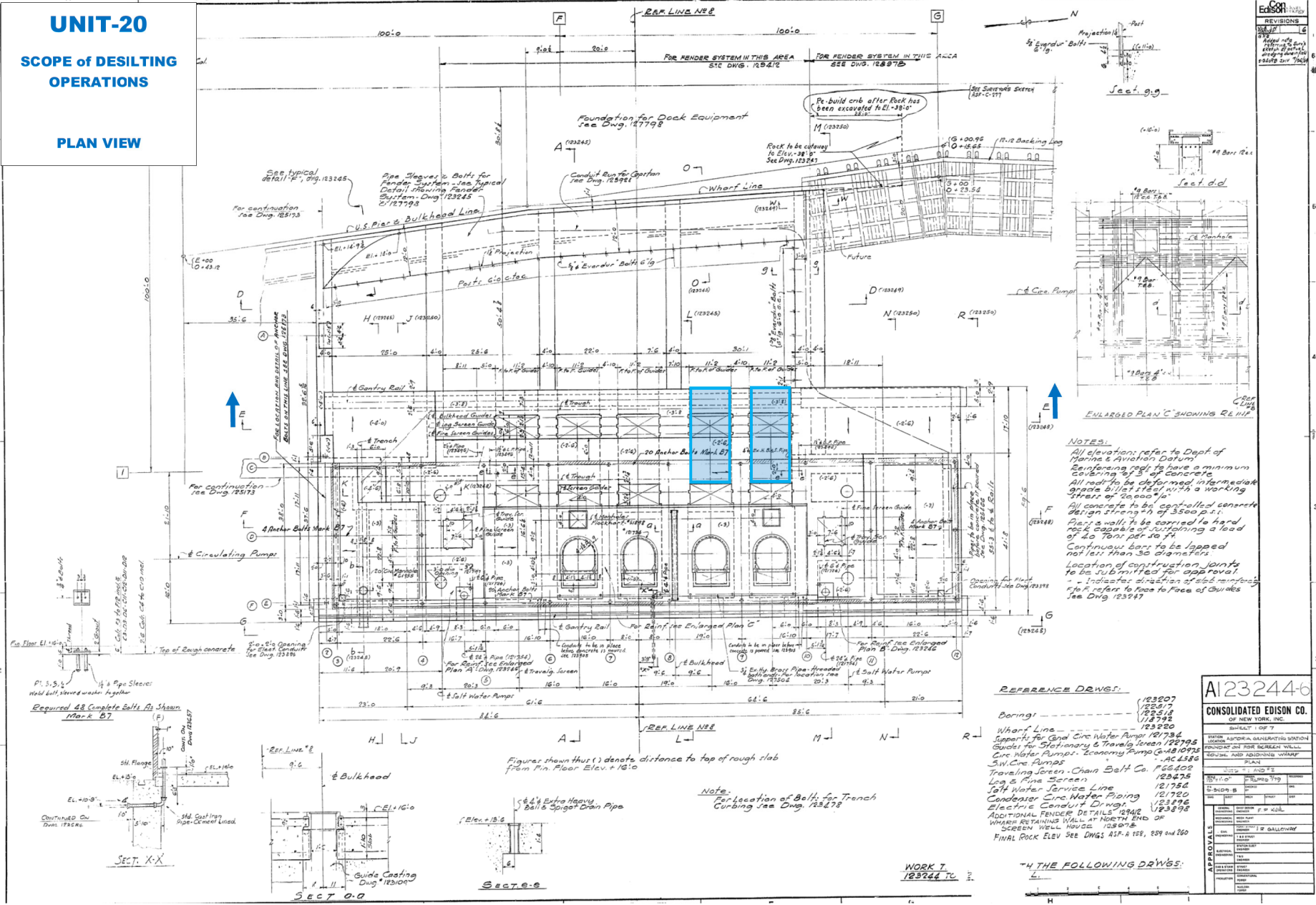
De-silt with ten-years maintenance, by hydraulic submersible pumps, approximately 300 to 800 cubic yards (CY) of material from an approximately 3,951 square-foot area within a marina and extend to a depth of 22.41 feet below the plane of Mean Low Water (MLW). The dredged material would be placed on a barge and dewatered and ultimately placed at a designated upland disposal site.

The applicant plans to conduct two (2) additional dredging events within the ten-year maintenance dredging period removing a maximum of approximately 100 cubic yards each time, for a total of 200 CY from within the same dredging area with the same dewatering and upland disposal locations.

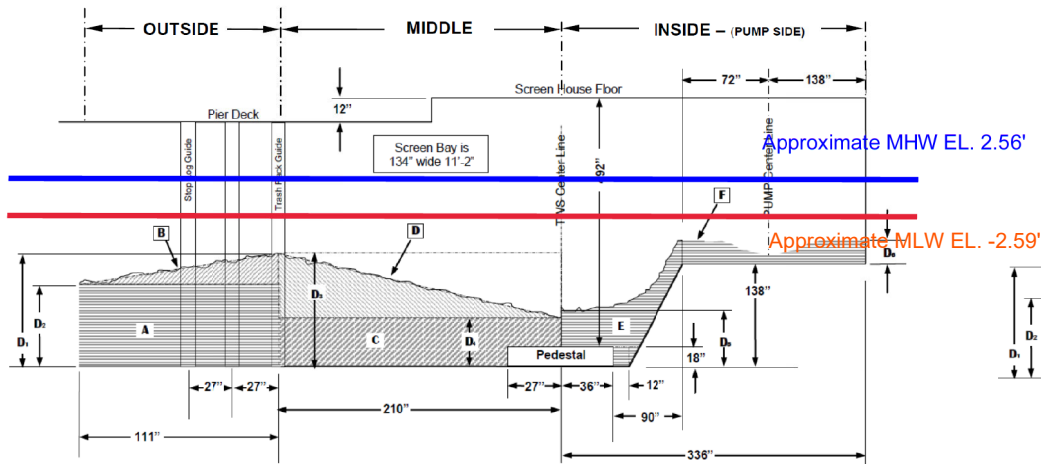
The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary and would be offset by implementing best management practices including the use of a turbidity curtain around the dredge area to minimize turbidity.

The stated purpose of this project is to maintain safe navigable depths for vessel use in the waterway.



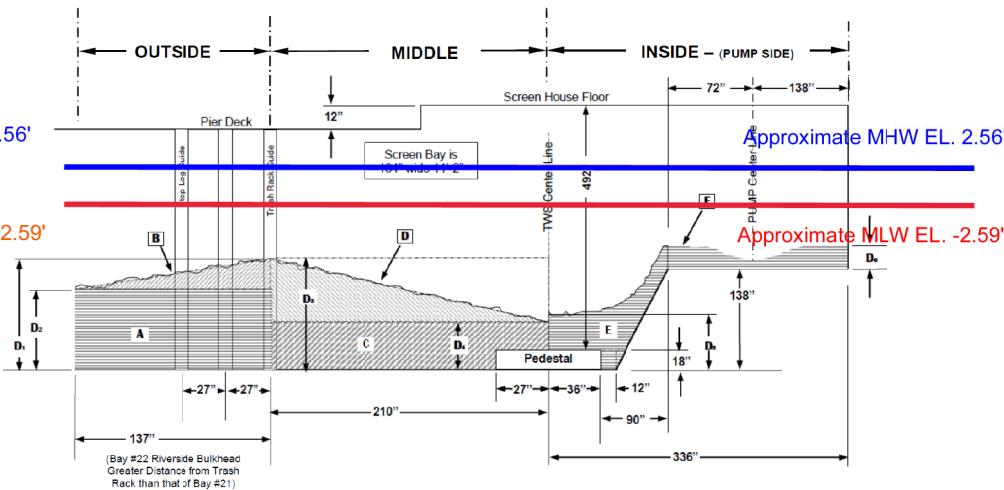


US Power - Astoria  
TWS Bays #21  
Silt Volume Calculations Table

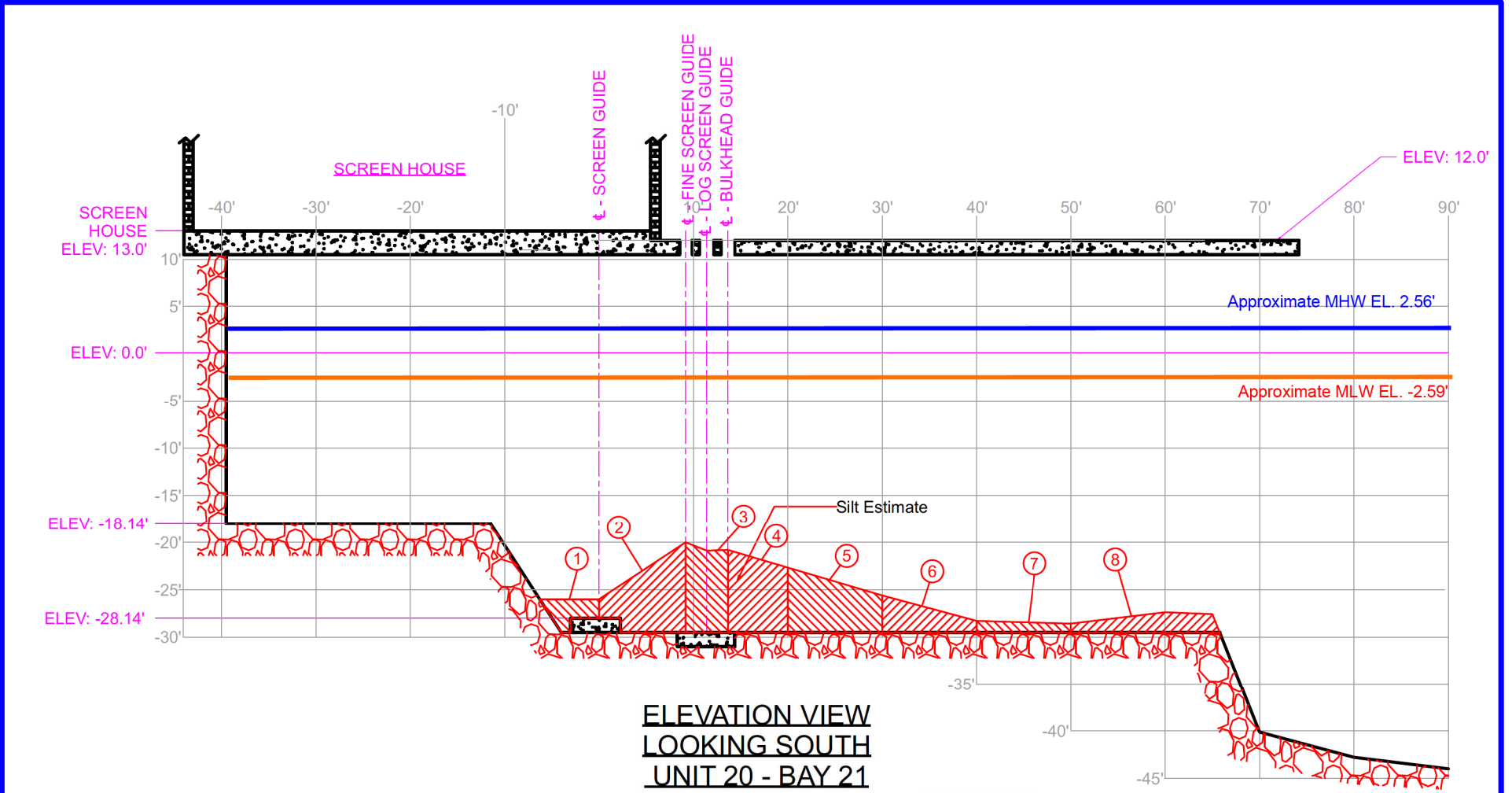


Bay Location	Silt Depth at Trash Rack OUTSIDE	Silt Depth at Bulkhead	Silt Depth at Trash Rack INSIDE	Silt Depth at Travelling Water Screen Trash Rack Side	Silt Depth at Travelling Water Screen PUMP Side	Silt Depth under Pump	Silt Volume	Silt Volume	Silt Volume	Silt Volume	Total Silt Volume Bay #21
	D <sub>1</sub> (in)	D <sub>2</sub> (in)	D <sub>3</sub> (in)	D <sub>4</sub> (in)	D <sub>5</sub> (in)	D <sub>6</sub> (in)	AREA A & B (yd <sup>3</sup> )	AREA C & D (yd <sup>3</sup> )	AREA E (yd <sup>3</sup> )	AREA F (yd <sup>3</sup> )	
North	167.04	140.04	170.04	62.04	72	48					
Center	171.96	164.04	180.00	105.00	48	12					
South	192.00	176.04	183.96	60.96	72	48					
Average	177	160	178	76	64	36	53.72	76.6	22.05	21.71	174.08

US Power - Astoria  
TWS Bays #22  
Silt Volume Calculations Table



Bay Location	Silt Depth at Trash Rack OUTSIDE	Silt Depth at Bulkhead	Silt Depth at Trash Rack INSIDE	Silt Depth at Travelling Water Screen Trash Rack Side	Silt Depth at Travelling Water Screen PUMP Side	Silt Depth under Pump	Silt Volume	Silt Volume	Silt Volume	Silt Volume	Total Silt Volume Bay #22
	D <sub>1</sub> (in)	D <sub>2</sub> (in)	D <sub>3</sub> (in)	D <sub>4</sub> (in)	D <sub>5</sub> (in)	D <sub>6</sub> (in)	AREA A & B (yd <sup>3</sup> )	AREA C & D (yd <sup>3</sup> )	AREA E (yd <sup>3</sup> )	AREA F (yd <sup>3</sup> )	
North	182.04	140.04	177.0	56.04	72.0	48.0					
Center	174.96	134.04	173.04	86.4	48.0	12.0					
South	171.96	128.04	173.04	54.0	72.0	48.0					
Average	176	134	174	65	64	36	77.51	72.07	22.05	21.71	193.34



ELEVATION VIEW  
LOOKING SOUTH  
UNIT 20 - BAY 21

①	②	③	④	⑤	⑥	⑦	⑧	TOTAL
VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)
5.6	23.2	16.5	20.3	22.2	10.6	4.4	10.8	113.6

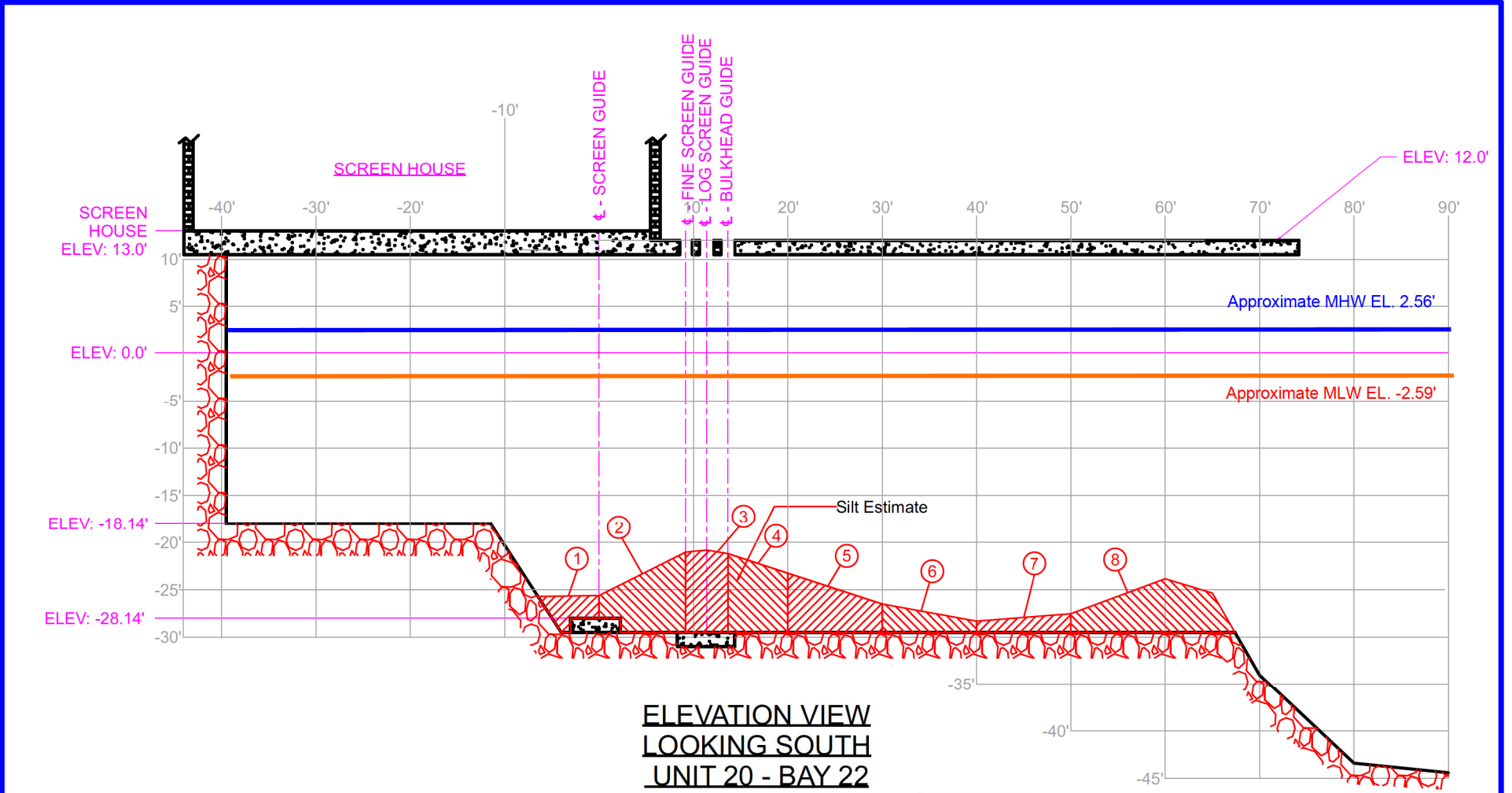
SILT ESTIMATE  
ASTORIA POWER PLANT  
UNIT 20 - BAY 21

- Notes:
1. Survey data collected in NY State Plane LI, Horizontal datum NAD83, vertical datum NAVD88, US survey feet
  2. Survey data collected with combination of Multibeam data from river outside facility deck looking inland to facility and manual soundings from deck and adjacent to screen units on 10/24 and 10/25, 2023.
  3. All manual soundings performed with RTK GNSS and Leadline measurements to sediment level through available access ports.
  4. Each Bay is assumed to be 11'-2" wide for sediment estimates per Consolidated Edison Co. Drawing A123244-6
  5. ND = No Data



Aqua Survey, Inc  
469 Point Breeze Road  
Flemington, NJ 08822

DRAWN: JDM	DATE: 11-10-23	PROJECT NO.: 43-126	REV.: A
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ELEVATION VIEW  
LOOKING SOUTH  
UNIT 20 - BAY 22

①	②	③	④	⑤	⑥	⑦	⑧	TOTAL
VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)
6.5	22.0	15.9	19.1	19.1	8.7	6.5	28.0	125.8

SILT ESTIMATE  
ASTORIA POWER PLANT  
UNIT 20 - BAY 22

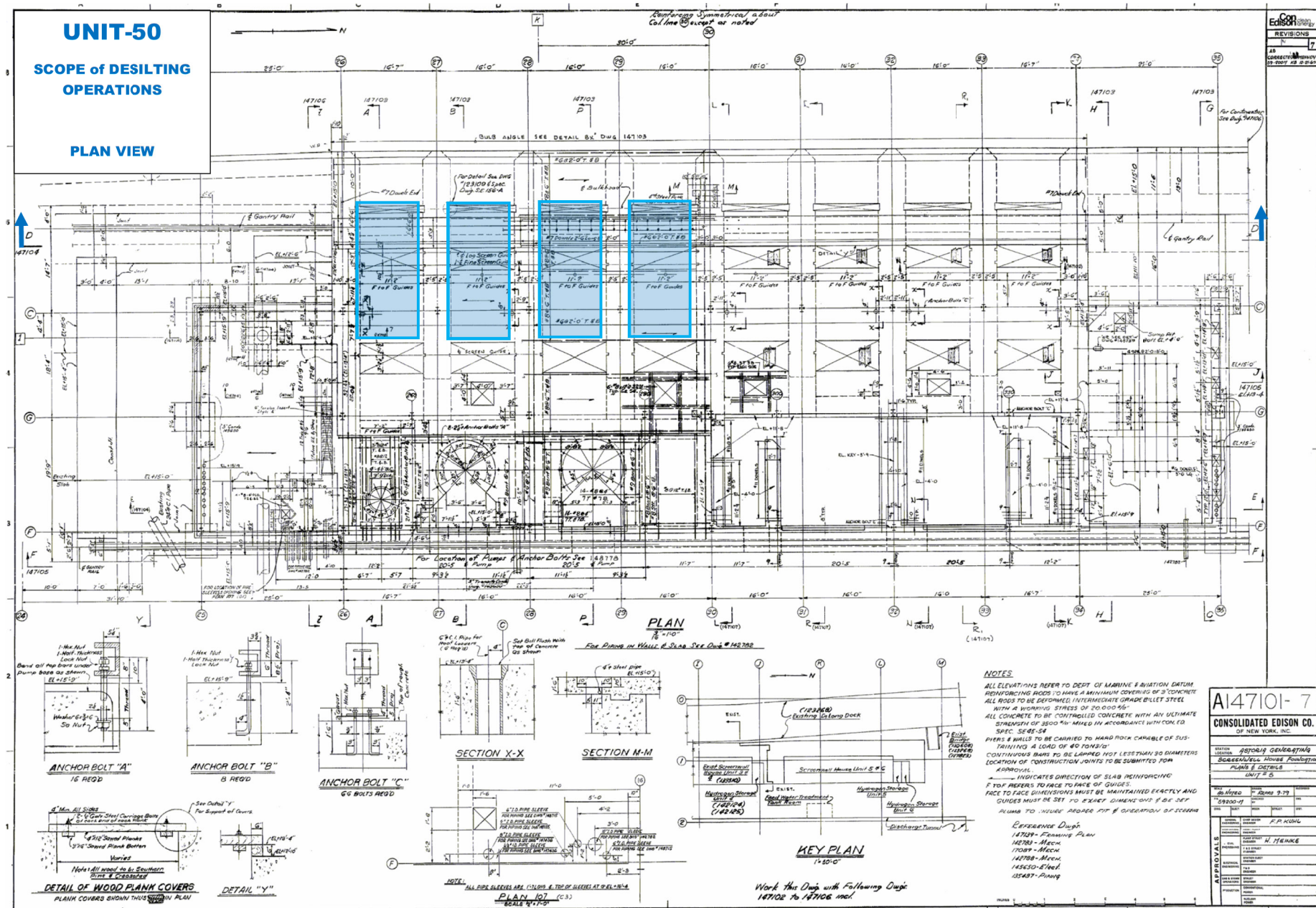
- Notes:
1. Survey data collected in NY State Plane LI, Horizontal datum NAD83, vertical datum NAVD88, US survey feet
  2. Survey data collected with combination of Multibeam data from river outside facility deck looking inland to facility and manual soundings from deck and adjacent to screen units on 10/24 and 10/25, 2023.
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  4. Each Bay is assumed to be 11'-2" wide for sediment estimates per Consolidated Edison Co. Drawing A123244-6
  5. ND = No Data

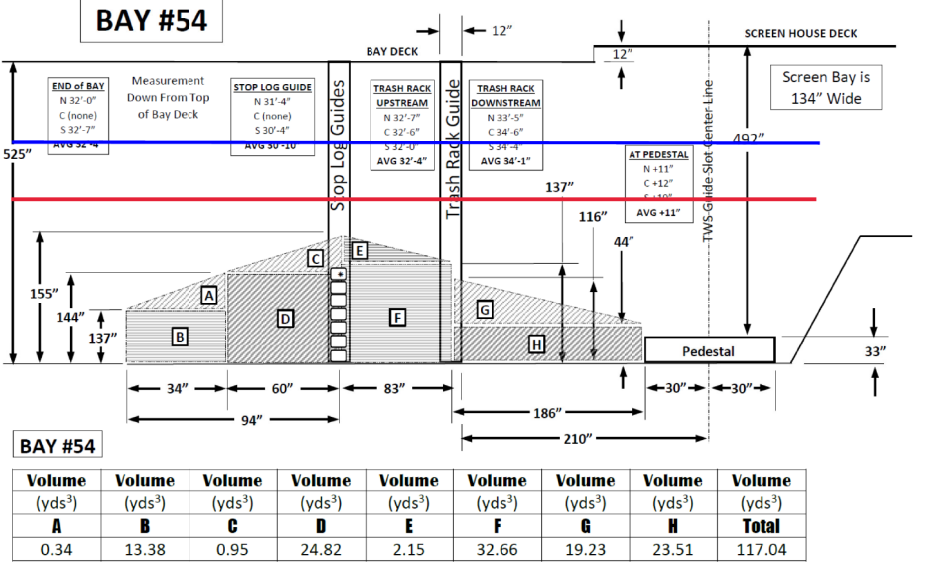
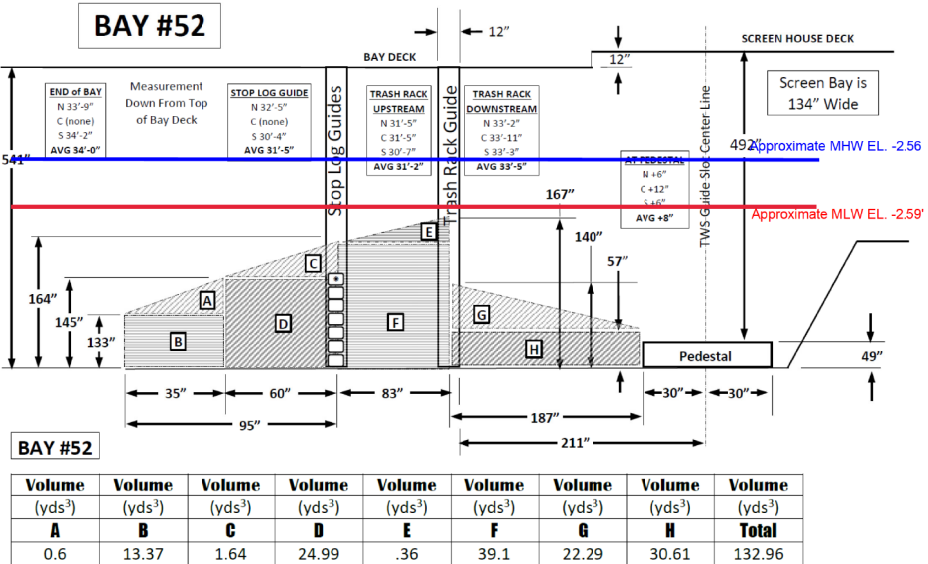
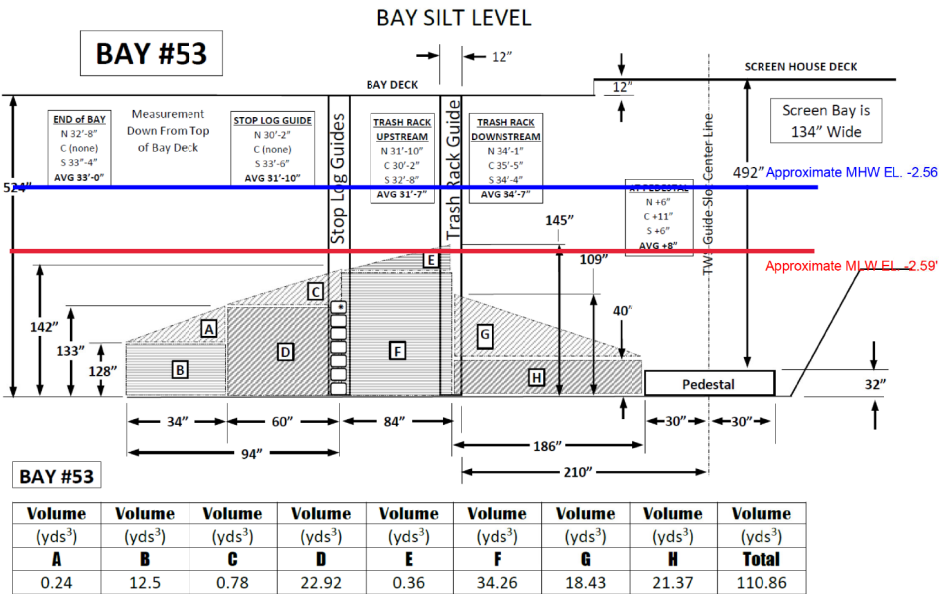
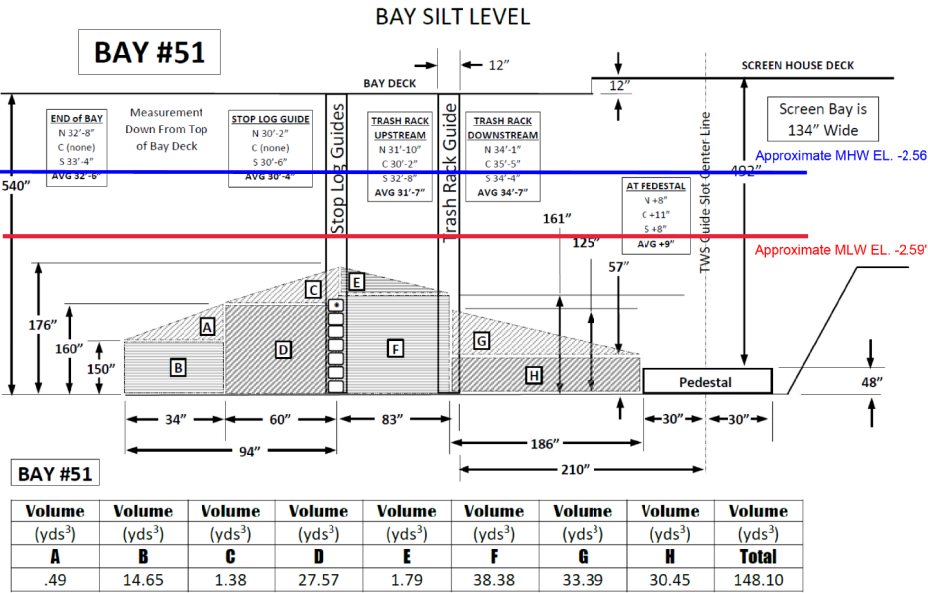


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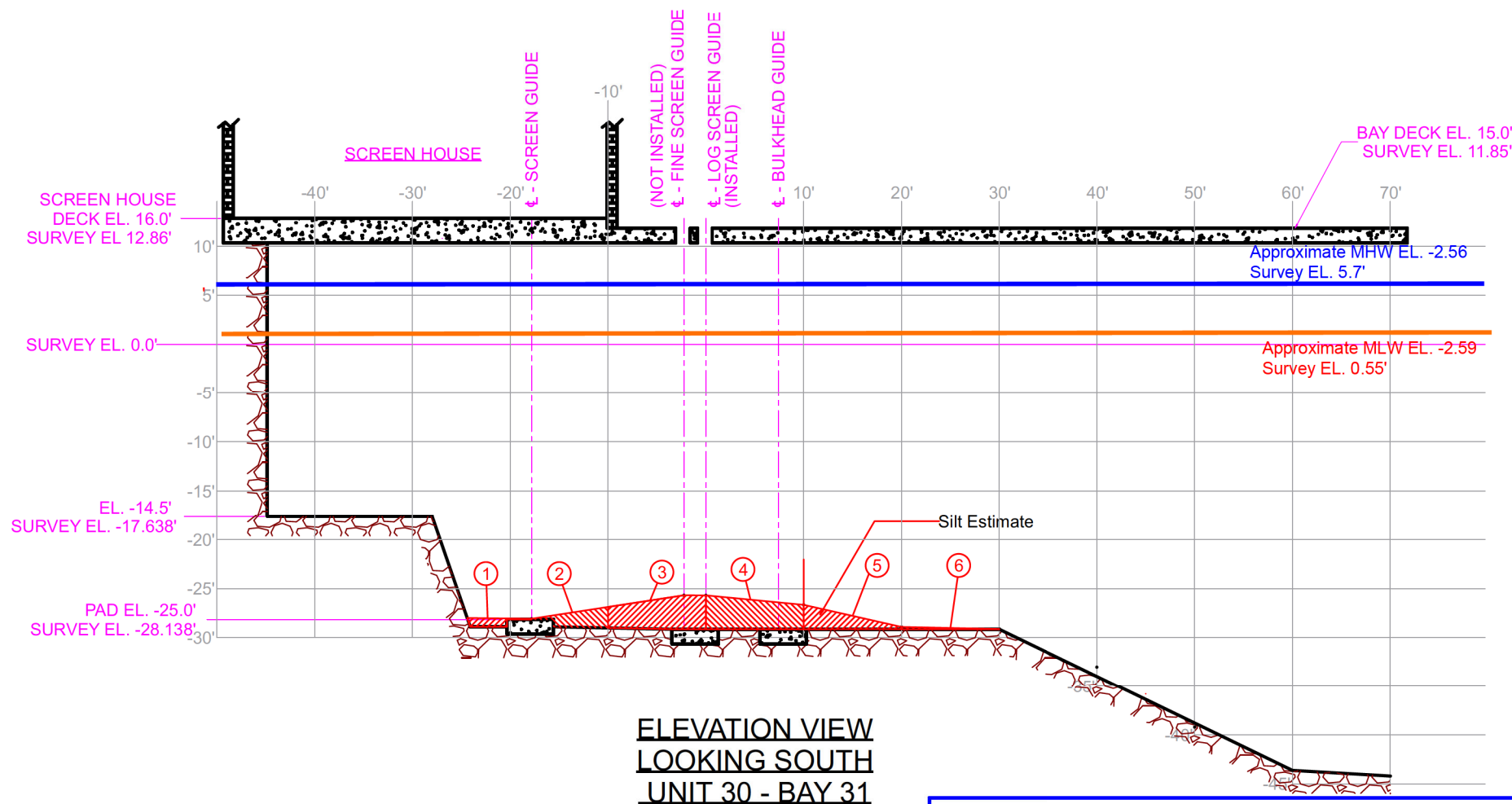


\* Assumed to Exist

\* Assumed to Exist







**SILT BUILDUP  
ASTORIA POWER PLANT  
UNIT 30 - BAY 31  
NOVEMBER 2023**

①	②	③	④	⑤	⑥	TOTAL
VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)
1.5	4.0	12.1	20.3	5.6	0.5	44.0

## Notes:

- Survey data collected in NY State Plane LI, Horizontal datum NAD83, vertical datum NAVD88, US survey feet
- Survey data collected with combination of Multibeam data from river outside facility deck looking inland to facility and manual soundings from deck and adjacent to screen units on 11/08/23.
- All manual soundings performed with RTK GNSS and Leadline measurements to sediment level through available access ports on 11/3/23.
- Each Bay is assumed to be 11'-2" wide for sediment estimates. (Ref DWG 133512 "Section D-D")
- Reference Elevations for Screen House Deck, Pads, and Bay Deck were taken from ConEd Drawings 133104 and 133510 through 133514.



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Flemington, NJ 08822

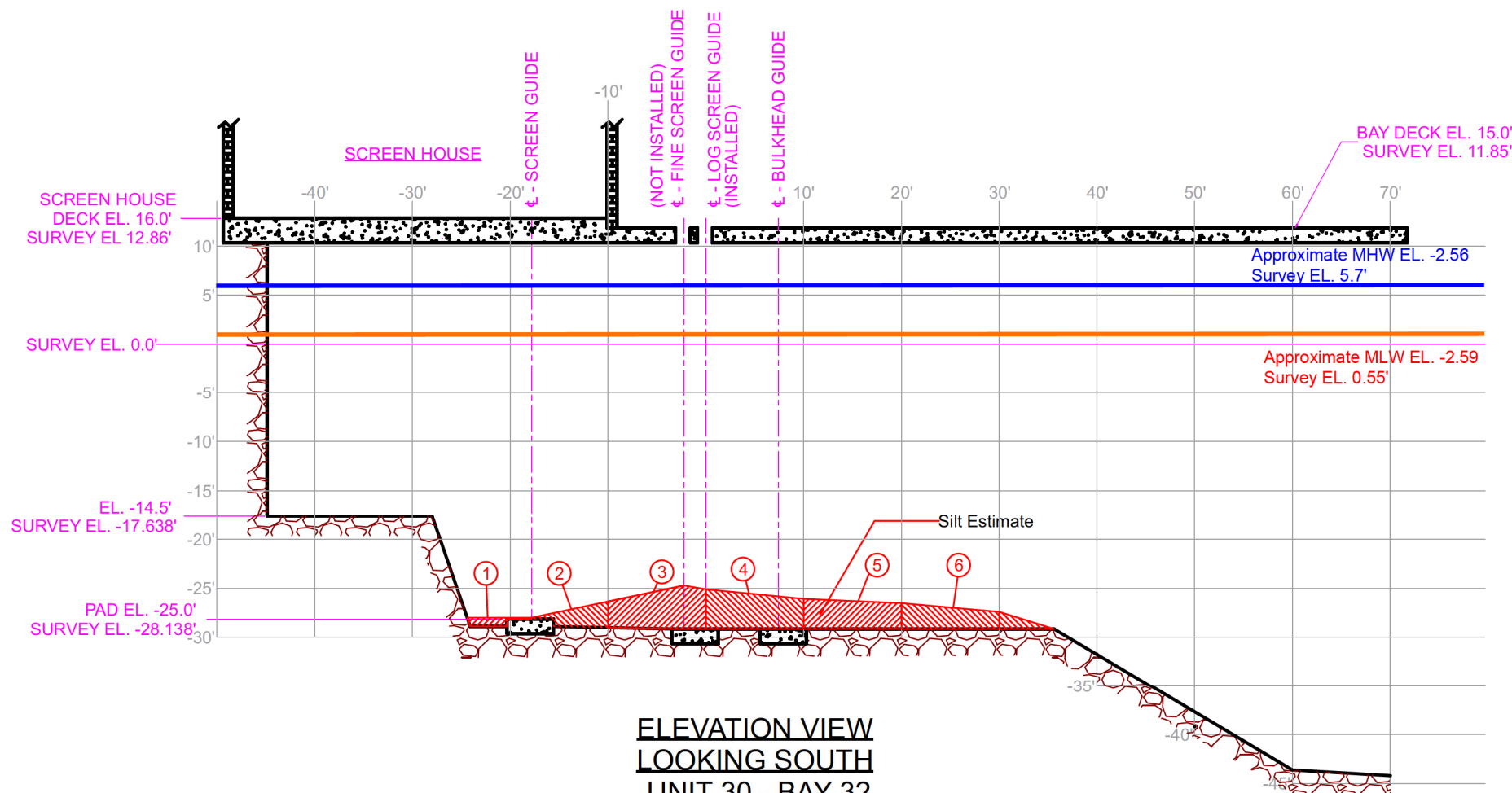
DRAWN:  
JDM

DATE:  
11/10/23

PROJECT NO.:  
43-060

REV.:  
A





**SILT BUILDUP  
ASTORIA POWER PLANT  
UNIT 30 - BAY 32  
NOVEMBER 2023**

①	②	③	④	⑤	⑥	TOTAL
VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)
1.6	5.0	15.3	14.7	11.8	11.0	59.4

**Notes:**

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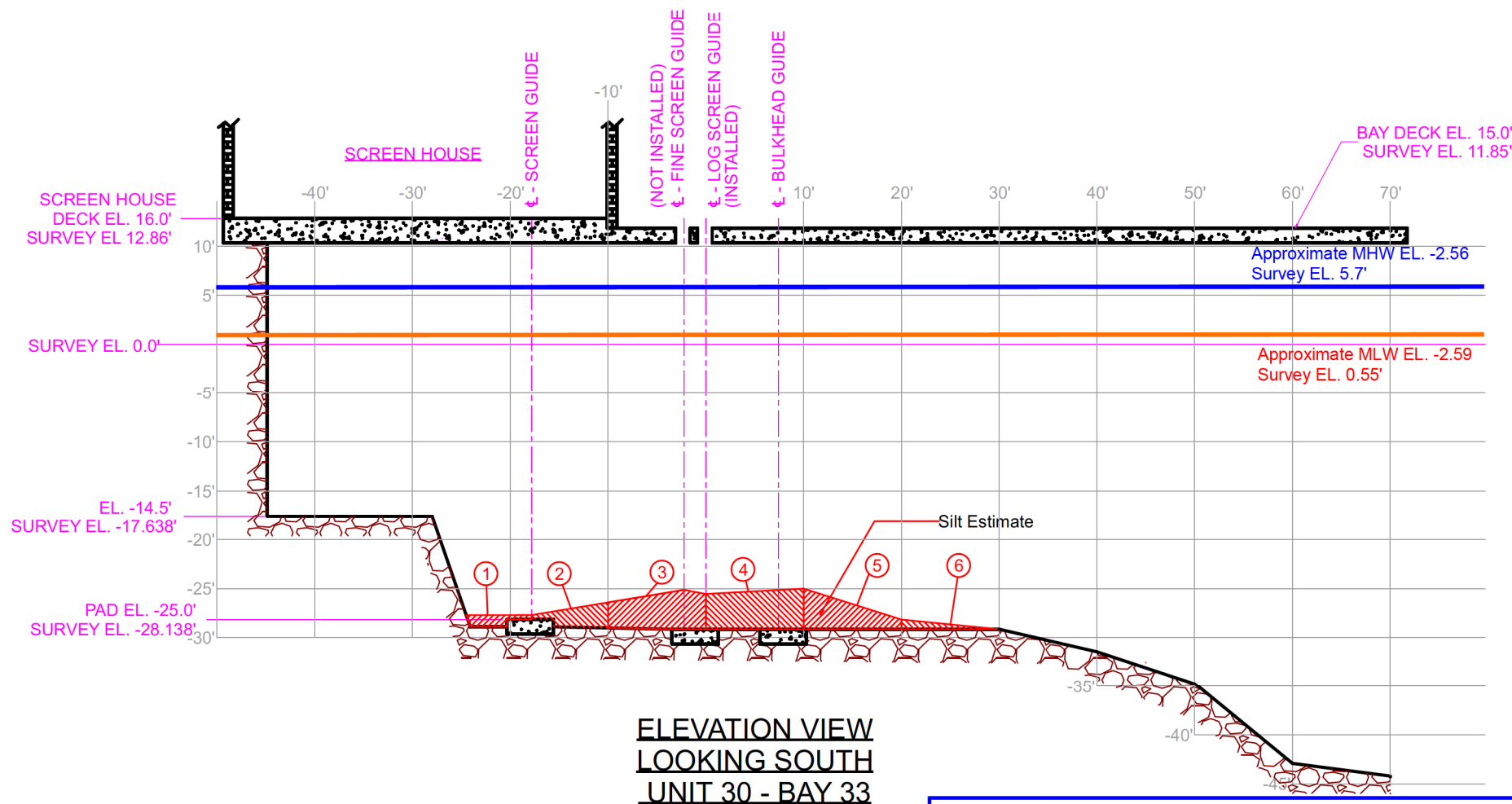
**Aqua Survey, Inc**  
469 Point Breeze Road  
Flemington, NJ 08822

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JDM

DATE:  
11/10/23

PROJECT NO.:  
43-060

REV.:  
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**SILT BUILDUP  
ASTORIA POWER PLANT  
UNIT 30 - BAY 33  
NOVEMBER 2023**

①	②	③	④	⑤	⑥	TOTAL
VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)
2.4	5.4	14.1	16.0	10.6	2.0	50.5

**Notes:**

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- Survey data collected with combination of Multibeam data from river outside facility deck looking inland to facility and manual soundings from deck and adjacent to screen units on 11/08/23.
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- Each Bay is assumed to be 11'-2" wide for sediment estimates. (Ref DWG 133512 "Section D-D")
- Reference Elevations for Screen House Deck, Pads, and Bay Deck were taken from ConEd Drawings 133104 and 133510 through 133514.



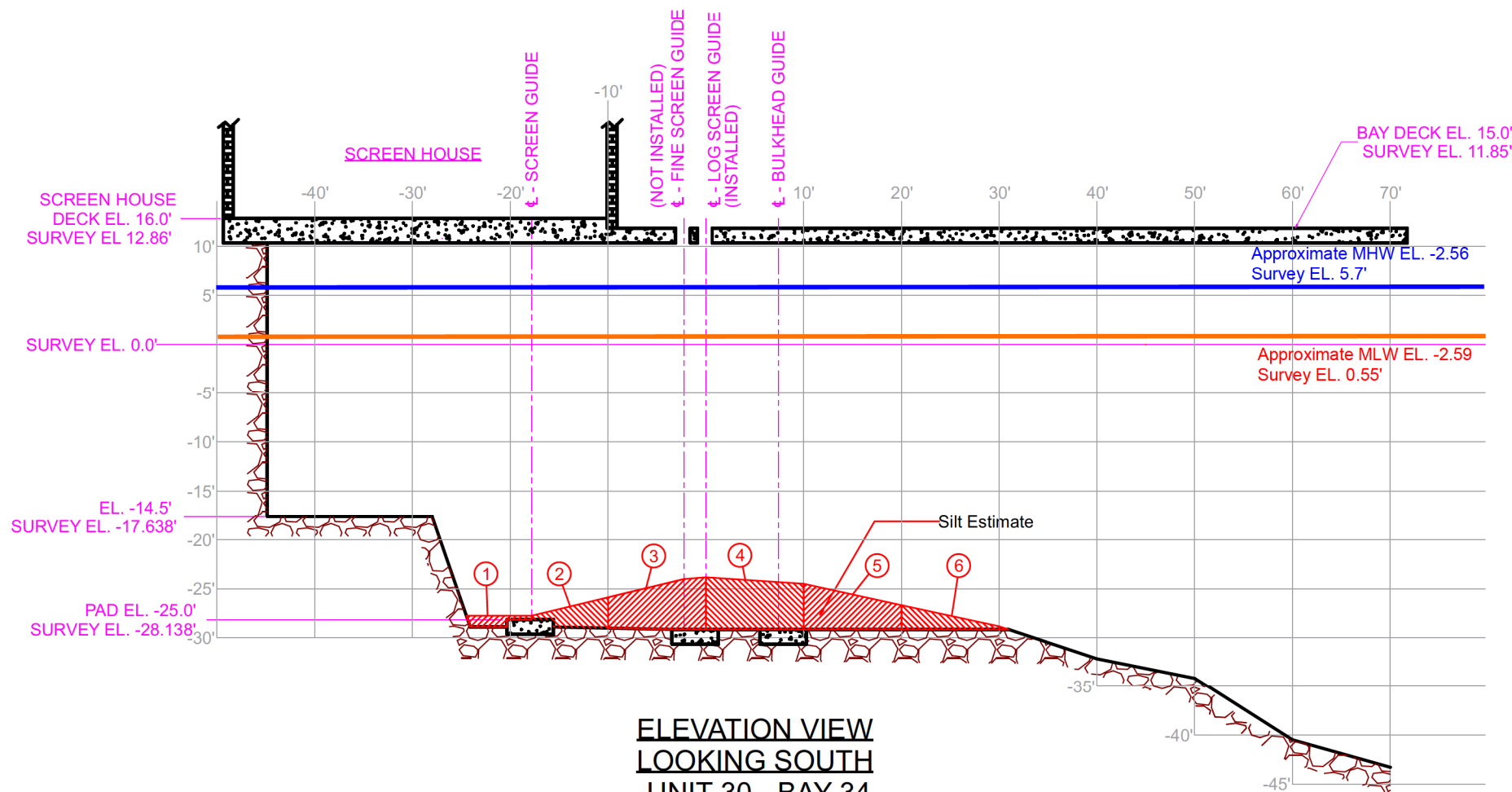
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**11/13/23**

PROJECT NO.:  
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**SILT BUILDUP  
ASTORIA POWER PLANT  
UNIT 30 - BAY 34  
NOVEMBER 2023**

①	②	③	④	⑤	⑥	TOTAL
VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)	VOLUME (CUYDS)
2.3	6.2	18.1	20.6	14.7	5.8	67.7

**Notes:**

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