



## LEAD AGENCY DECLARATION AND NOTICE OF INTENT TO CONDUCT AN ENVIRONMENTAL REVIEW

December 28, 2012

**Carter H. Strickland, Jr.**  
Commissioner

### **Environmental Dredging of Flushing Bay (CEQR No. 13DEP012Q)**

**Angela Licata**  
Deputy Commissioner  
Sustainability  
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The New York City Department of Environmental Protection (DEP) proposes to dredge approximately 16.8 acres of Flushing Bay along the southwest shore adjacent to the World's Fair Marina (proposed project) in accordance with an Administrative Order of Consent (CO2-20000107-8) (CSO Consent Order) between DEP and the New York State Department of Environmental Conservation (NYSDEC). Sediment mounds have accumulated in Flushing Bay as a result of discharges of stormwater and untreated wastewater during wet weather events. The proposed project is anticipated to remove accumulated sediment mounds exposed at low tide in the area of CSO outfalls BB-006 and BB-008 and to reduce associated nuisance odors. The removal of deteriorated timber piles at Pier 2 and the restoration of wetlands along the shoreline would further improve the aesthetics of the bay.

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Based on DEP's Flushing Bay Waterbody/Watershed Facility Plan (WWFP) and Final Basis of Design Report (BODR), the proposed project would involve dredging 16.8 acres to a depth of four feet below mean lower low water (MLLW), yielding approximately 85,000 cubic yards of sediment removal. Upon completion, the mudline in the proposed project area would be four feet below MLLW (-4 MLLW) at the shallowest depth, thus removing sediment currently exposed at low tide and related nuisance odors. No subaqueous capping is proposed within Flushing Bay.

Dredging would be performed through the use of hydraulic and/or mechanical methods. Mechanical dredging would be used along the shoreline where hydraulic dredging is not feasible. All dredging activities would be water-based within the bay and adjacent to the waterfront. All materials needed to support the proposed project (work barges, disposal barges and dewatering facilities) would be transported to the dredge site or staging/dewatering site via barges and tugboats.

Various measures for water quality protection during construction would be implemented under the proposed project. For example, a turbidity curtain constructed of filter fabric with folds to accommodate water elevation fluctuations would enclose the entire project area to protect Flushing Bay waters from re-suspended sediments during construction. The curtain would be in place throughout the entire duration of construction and other best management practices would be employed, as applicable, to minimize effects to water quality. Best management practices identified as conditions of the permits and required approvals would also be implemented.

To reduce dredging-related odors to the greatest extent practicable, a community air monitoring program (CAMP) would be implemented. The CAMP would be in place at the start of construction mobilization through demobilization and would enable the contractor to restrict or temporarily cease dredging activities on an as-needed basis. In addition, appropriate odor control measures, including neutralizing and foaming deodorizing agents, would be utilized under the CAMP. To reduce dredging-related noise to the greatest extent practicable, a Construction Noise Mitigation Plan would be developed prior to construction. The plan would include noise minimization strategies, methods, procedures and technologies for each piece of equipment or activity performed at the site during construction.

A wetland restoration plan would also be implemented to avoid impacts to tidal wetlands. The proposed restoration plan would enhance existing tidal wetland habitat along the shoreline and would offset potential disturbance to existing intertidal marsh and mudflats in the proposed project area. Wetland restoration and enhancement, in conjunction with the proposed removal of existing sediment mounds, would improve the wetland ecology of Flushing Bay.

The anticipated duration of construction – including mobilization, dredging, wetland restoration and demobilization – would be a maximum of 24 months. The anticipated duration of the dredging portion of construction (active construction) would be a maximum of 15 months. NYSDEC and United States Army Corp of Engineers (USACE) permit applications would be submitted in December 2012. The notice to proceed for the proposed project would be issued two years from the effective date of these permits, and the proposed project would be completed within five years from the date of these permits per the CSO Consent Order, which requires specific dredging-related milestones.

The proposed project may require the following permits and/or approvals:

- United States Army Corp of Engineers Section 404 of the Clean Water Act Permit;
- United States Army Corp of Engineers Section 10 of the Rivers and Harbors Act of 1899 Permit;
- United States Coast Guard approval;
- Federal Aviation Administration Aeronautical Survey Determination;
- New York State Department of Environmental Conservation Section 401 of the Clean Water Act Water Quality Certification;
- New York State Department of Environmental Conservation Tidal Wetlands Permit (6 NYCRR Part 661);
- New York State Department of Environmental Conservation Protection of Waters – Excavation and Fill (6 NYCRR Part 608) Permit;
- New York State Department of State Federal Consistency (Federal Coastal Consistency Assessment Form);
- New York State Department of Transportation Approval;
- Port Authority of New York and New Jersey Approval;
- New York City Department of Parks and Recreation Work Permit;
- New York City Department of Small Business Services Work Permit/Notice;
- New York City Department of Transportation Approval; and
- New York City Department of City Planning – New York City Local Waterfront Revitalization Program (Consistency Assessment).

In accordance with the State Environmental Quality Review Act authorized by Article 8 of the Environmental Conservation Law and its implementing regulations as set forth in 6NYCRR Part 617, the State Environmental Review Process (SERP) as required by the State Revolving Loan Fund Program, and the City Environmental Quality Review process as set forth in Executive Order 91 of 1977 and its amendments, this Department believes it is the appropriate lead agency and assumes responsibility for conducting a coordinated review for the above-referenced project. We request that involved agencies contact this office within 30 days from this notification should there be any objection to the Department assuming lead agency for this environmental review. The Environmental Assessment Statement (EAS) for the proposed project is attached for your review. Any questions or comments regarding the project should be directed to Erin Morey, Deputy Director, at 718-595-6443 or [erinm@dep.nyc.gov](mailto:erinm@dep.nyc.gov).

Sincerely,



Angela Licata  
Deputy Commissioner  
New York City Department of Environmental Protection

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