

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-2019-00674-ESW
Issue Date: December 26, 2019
Expiration Date: January 25, 2020

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).

APPLICANT: New York State Marine Highway Transportation Company
P.O. Box 1216
Troy, New York 12181

ACTIVITY: Construction of a new commercial mooring points/buoy

WATERWAY: Head of Bay, Jamaica Bay

LOCATION: (40.6266, -73.7595) Inwood, Town of Hempstead, Nassau 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 review for this permit application. Comments provided will become part of the public record for this

*****PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE*****

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PUBLIC NOTICE NO. NAN-2019-00674-ESW

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.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], the New York State Department of State has provided general concurrence with the applicant's certification on October 18, 2019.

On June 13, 2019, the New York State Department of Environmental Conservation provided correspondence to the applicant that the proposed mooring installation is not regulated under the Water Resources Law (Article 15), and no permit is required.

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. If you have any questions concerning this application, you may contact this office at (917) 790-8618 and ask for Amanda Regan.

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>.

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2019-00674-ESW

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 State Marine Highway Transportation Company, has requested Department of the Army authorization to construct a new commercial mooring point/buoy in the Head of Bay, Jamaica Bay at (40.6266, -73.7595), Inwood, Town of Hempstead, Nassau County, New York.

Specifically, the proposed work would involve:

Installation of a seasonal single 58-inch-diameter steel mooring buoy, a 10,000-lbs navy stockless anchor and associated hardware adjacent to and approximately 1,000 feet southeast of the floor of the Federal navigation channel in the Jamaica Bay in the Head of Bay area. Associated hardware includes but is not limited to 90-feet of 2-inch stud link chain, shackles, connecting links, swivels, and two (2) 60-foot-length pendants. On scene water depth is 22-feet at Mean Lower Low Water.

The standard barges would measure 35-foot-wide by 200-foot-long. The "Seminole" barge would measure 52.5-foot-wide by 260-foot-long. The barge configuration would be a maximum of three (3) abreast. No barges would be configured astern. The maximum size would be 260-feet-length by 122.5-feet-beam by 12-foot-depth.

The scope would be 30-yards (90-feet). The watch circle would be 29-yards (87-feet). The swing radius would be 137.3-yards (412-feet)

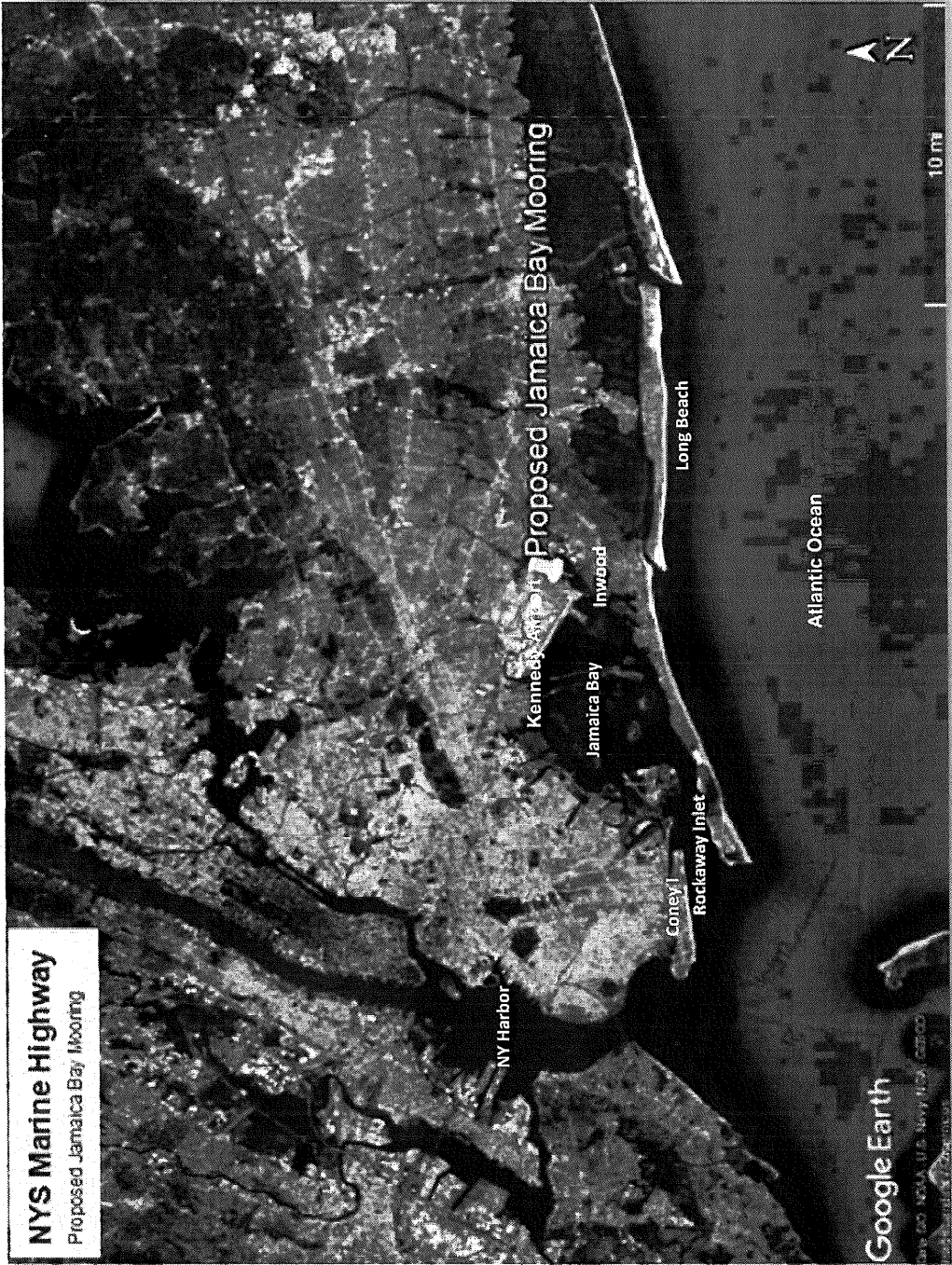
Anchor Position 40° 37' 35.66" N 73° 47' 34.55" W
NOAA Chart 12350

Note:

Watch Circle = the square root of (length of scope² minus water depth²)

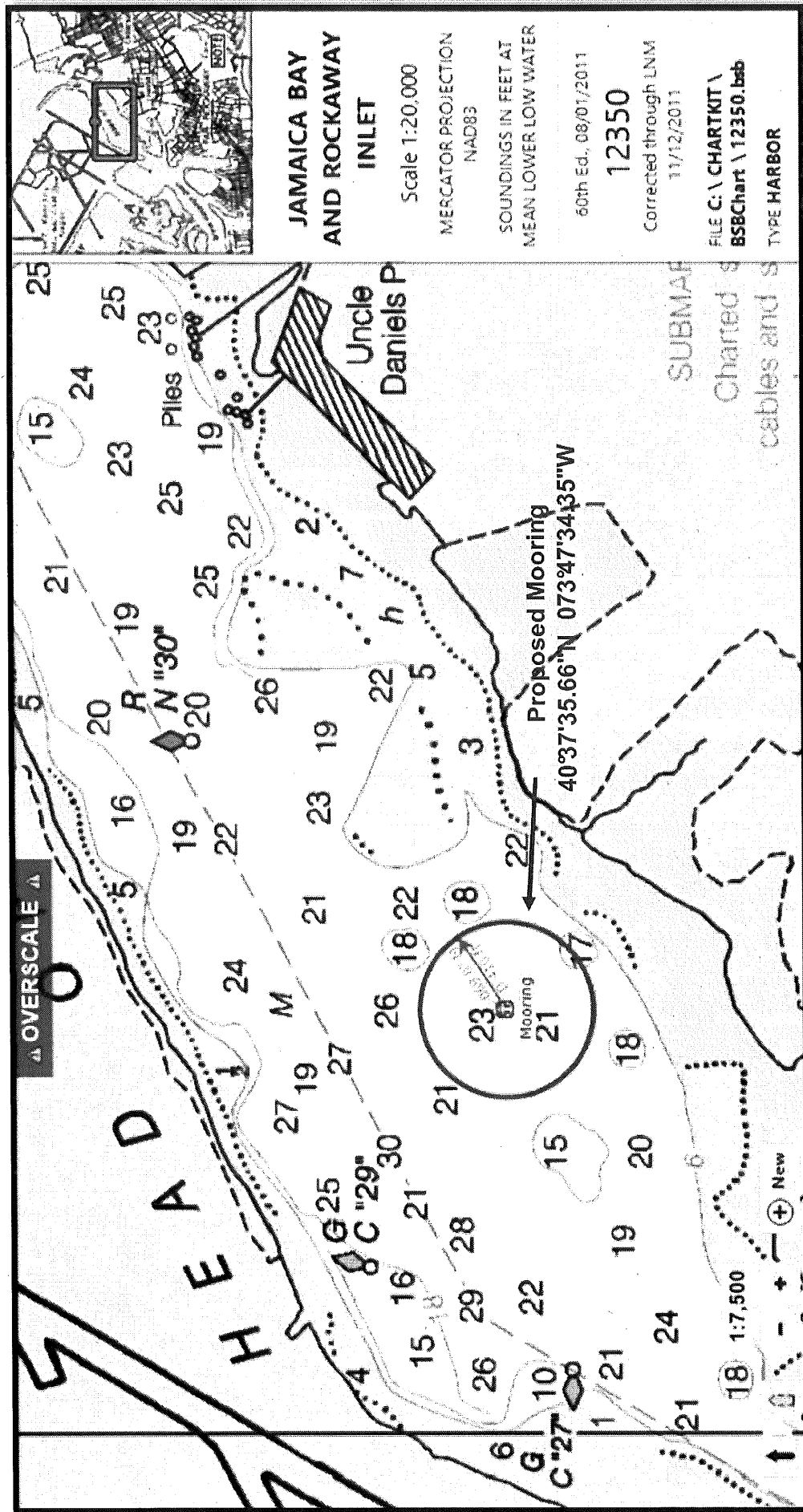
Swing Radius = Watch Circle + Barge(s) Length Astern + Pendant Length(s)

The permit applicant's stated purpose for this work is to provide a lay berth for empty and loaded barges while waiting for terminal availability and favorable tides for local delivery and northern transit up river.



**NYS MARINE
HIGHWAY**
TRANSPORTATION CO., LLC

JAMAICA BAY – MOORING NOAA Chart 12350 Jamaica Bay & Rockaway Inlet
Position: 40°37'35.66"N (40.6266*N) 073°47'34.35"W (073.7595*W)

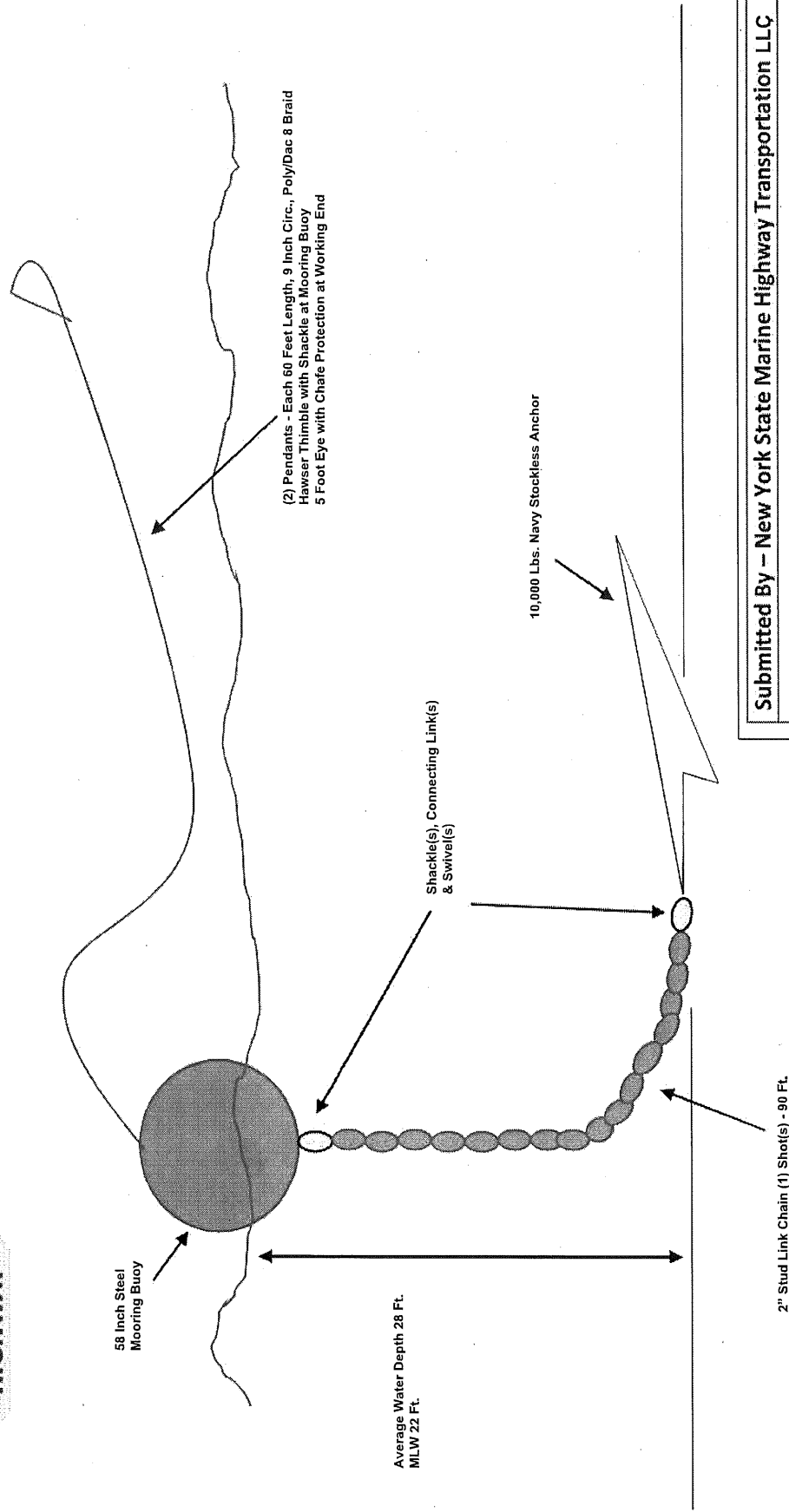


**NYS MARINE
HIGHWAY**
TRANSPORTATION CO., LLC

JAMAICA BAY – MOORING NOAA Chart 12350 Jamaica Bay & Rockaway Inlet
Position: 40°37'35.66"N (40.6266°N) 073°47'34.35"W (073.7595°W)



MOORING HARDWARE DIAGRAM
PROPOSED LOCATION - JAMAICA BAY



Submitted By -- New York State Marine Highway Transportation LLC

Mooring Location-NOAA Chart 12350 - Jamaica Bay & Rockaway Inlet

Position: 40°-37'-35.66"N (40.6266°N) 073°-47'-34.35"W (073.7595°W)

Date: May 14, 2019 Not to Scale

Revised: