

# 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-2020-00926-ESW**  
Issue Date: **October 6, 2020**  
Expiration Date: **October 26, 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: Cashman Dredging  
549 South Street  
Quincy, Massachusetts 02169

ACTIVITY: Installation of two (2) commercial mooring points

WATERWAY: Upper New York Bay

LOCATION: Bay Ridge Flats (Anchorage 21-A), 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 AND EMAILED TO [CHRISTOPHER.W.MINCK@USACE.ARMY.MIL](mailto:CHRISTOPHER.W.MINCK@USACE.ARMY.MIL) BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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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, 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.

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 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

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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](mailto: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, Cashman Dredging, has requested Department of the Army authorization to install two (2) two-point commercial mooring buoys in Upper New York Bay, in the Bay Ridge Flats (Anchorage 21-A), in Kings County, City of New York, New York.

Specifically, the proposed work would involve:

North Location:

Installation of a two (2) two-point commercial mooring buoy system consisting of a two-foot-diameter anchor recovery buoy and a five-foot-diameter steel mooring ball, a 5,000-pound stockless anchor, and associated hardware. Associated hardware includes, but is not limited to, 27 linear feet of one-inch retrieval trip line, 25 linear feet of 1-inch steel chain, 26 linear feet of 1.5-inch diameter steel cable, shackles, connecting links, swivels, and an 18-foot-long (six yards) 2.5-inch diameter rope pennant. The on-scene water depth is approximately 18 feet at Mean Lower Low Water.

The standard barges would measure 42-foot-wide by 220-foot-long. The barge configuration would be a maximum of two (2) abreast. No barges would be configured astern. The maximum size would consist of a 220-foot-length by 84-foot-beam by 16-foot-depth.

The scope would be 51 feet (17 yards). Due to the usage of a two-point mooring system, the applicant has requested a 130-yard radius from the below coordinate. The maximum swing radius of each mooring buoy when no vessels are moored would be approximately 50 feet at low tide.

40° 39' 57.516" N 74° 01' 40.652" W  
NOAA Chart 12334

South Location:

Installation of a two (2) two-point commercial mooring buoy system consisting of a two-foot-diameter anchor recovery buoy and a five-foot-diameter steel mooring ball, a 5,000-pound stockless anchor, and associated hardware. Associated hardware includes but is not limited to 27 linear feet of one-inch retrieval trip line, 25 linear feet of 1-inch steel chain, 26 linear feet of 1.5-inch diameter steel cable, shackles, connecting links, swivels, and an 18-foot-long (six yards) 2.5-inch diameter rope pennant. On scene water depth is approximately 18 feet at Mean Lower Low Water.

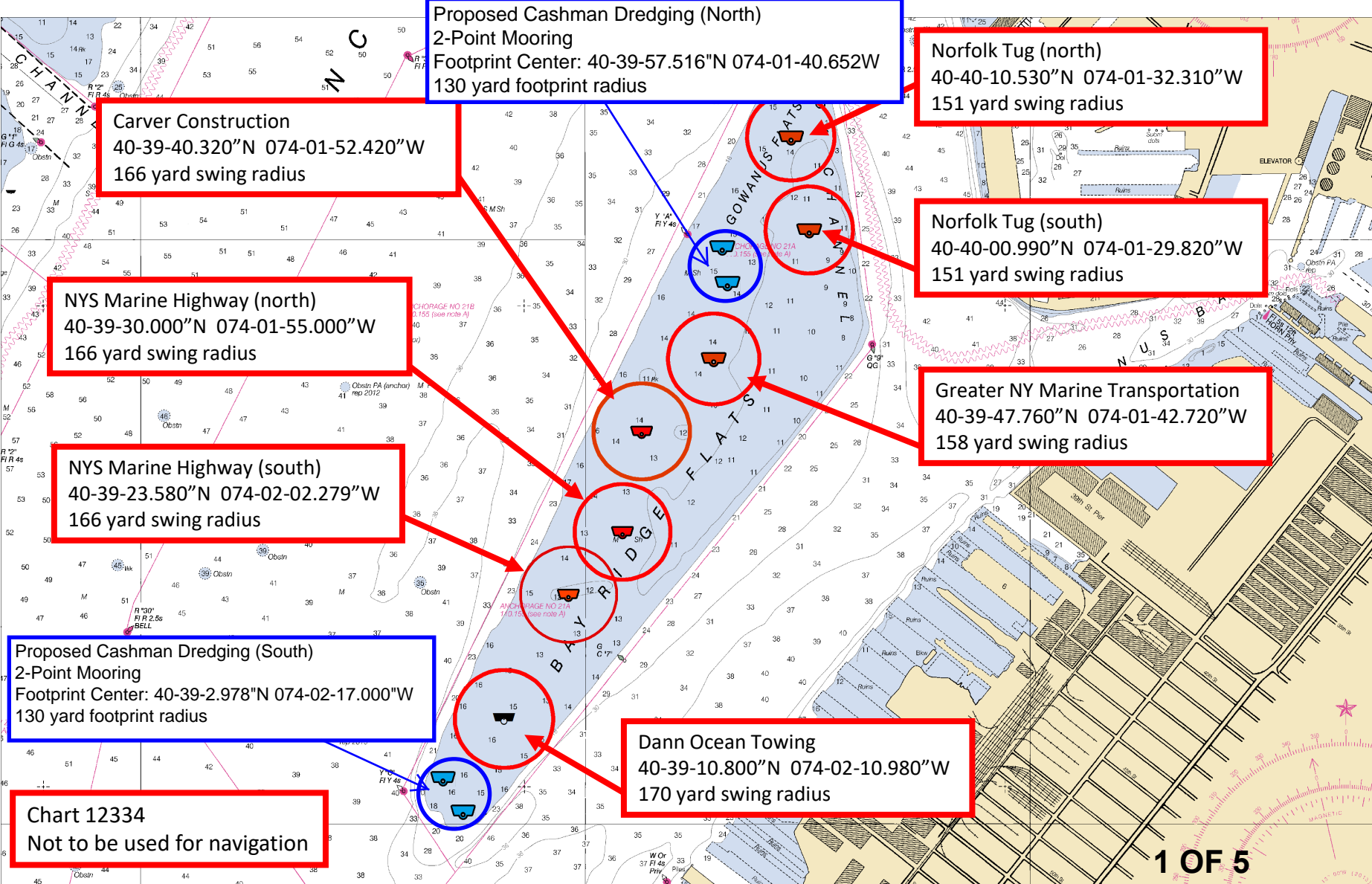
The standard barges would measure 42-foot-wide by 220-foot-long. The barge configuration would be a maximum of two (2) abreast. No barges would be configured astern. The maximum size would consist of a 220-foot-length by 84-foot-beam by 16-foot-depth.

The scope would be 51 feet (17 yards). Due to the usage of a two-point mooring system, the applicant has requested a 130-yard radius from the below coordinate. The maximum swing radius of each mooring buoy when no vessels are moored would be approximately 50 feet at low tide.

40° 39' 02.978" N 74° 02' 17.000" W  
NOAA Chart 12334

The permit applicant's stated purpose for this work is to provide two moorings to stage barges being utilized for the Gowanus Canal Superfund Site Remediation Action.

# USACE Permitted Mooring Buoys Bay Ridge Flats / Anchorage Ground 21-A



Proposed Cashman Dredging (North)  
 2-Point Mooring  
 Footprint Center: 40-39-57.516"N 074-01-40.652"W  
 130 yard footprint radius

Norfolk Tug (north)  
 40-40-10.530"N 074-01-32.310"W  
 151 yard swing radius

Carver Construction  
 40-39-40.320"N 074-01-52.420"W  
 166 yard swing radius

Norfolk Tug (south)  
 40-40-00.990"N 074-01-29.820"W  
 151 yard swing radius

NYS Marine Highway (north)  
 40-39-30.000"N 074-01-55.000"W  
 166 yard swing radius

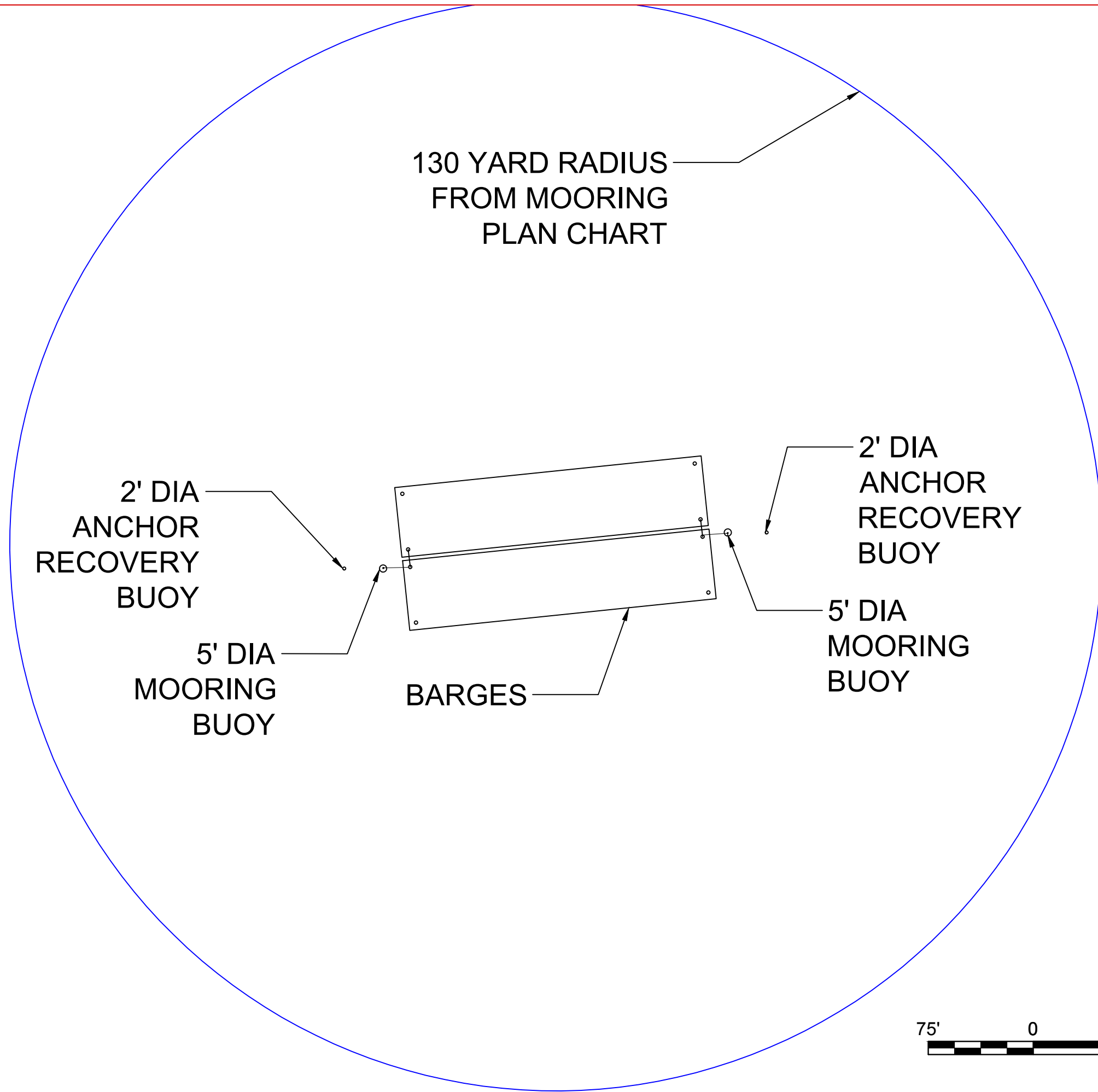
Greater NY Marine Transportation  
 40-39-47.760"N 074-01-42.720"W  
 158 yard swing radius

NYS Marine Highway (south)  
 40-39-23.580"N 074-02-02.279"W  
 166 yard swing radius

Proposed Cashman Dredging (South)  
 2-Point Mooring  
 Footprint Center: 40-39-2.978"N 074-02-17.000"W  
 130 yard footprint radius

Dann Ocean Towing  
 40-39-10.800"N 074-02-10.980"W  
 170 yard swing radius

Chart 12334  
 Not to be used for navigation



130 YARD RADIUS  
FROM MOORING  
PLAN CHART

2' DIA  
ANCHOR  
RECOVERY  
BUOY

5' DIA  
MOORING  
BUOY

BARGES

2' DIA  
ANCHOR  
RECOVERY  
BUOY

5' DIA  
MOORING  
BUOY



GENERAL NOTES:

- 1. SCALES NOTED ARE APPLICABLE TO FULL SIZE (11X17") DRAWINGS ONLY. SCALE REDUCED DRAWINGS ACCORDINGLY.

No.	Revision/Issue	Date
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Drawing Title:

ANCHORING  
DIAGRAM - PLAN VIEW

Date: 9/18/2020 Scale: 1" = 75'

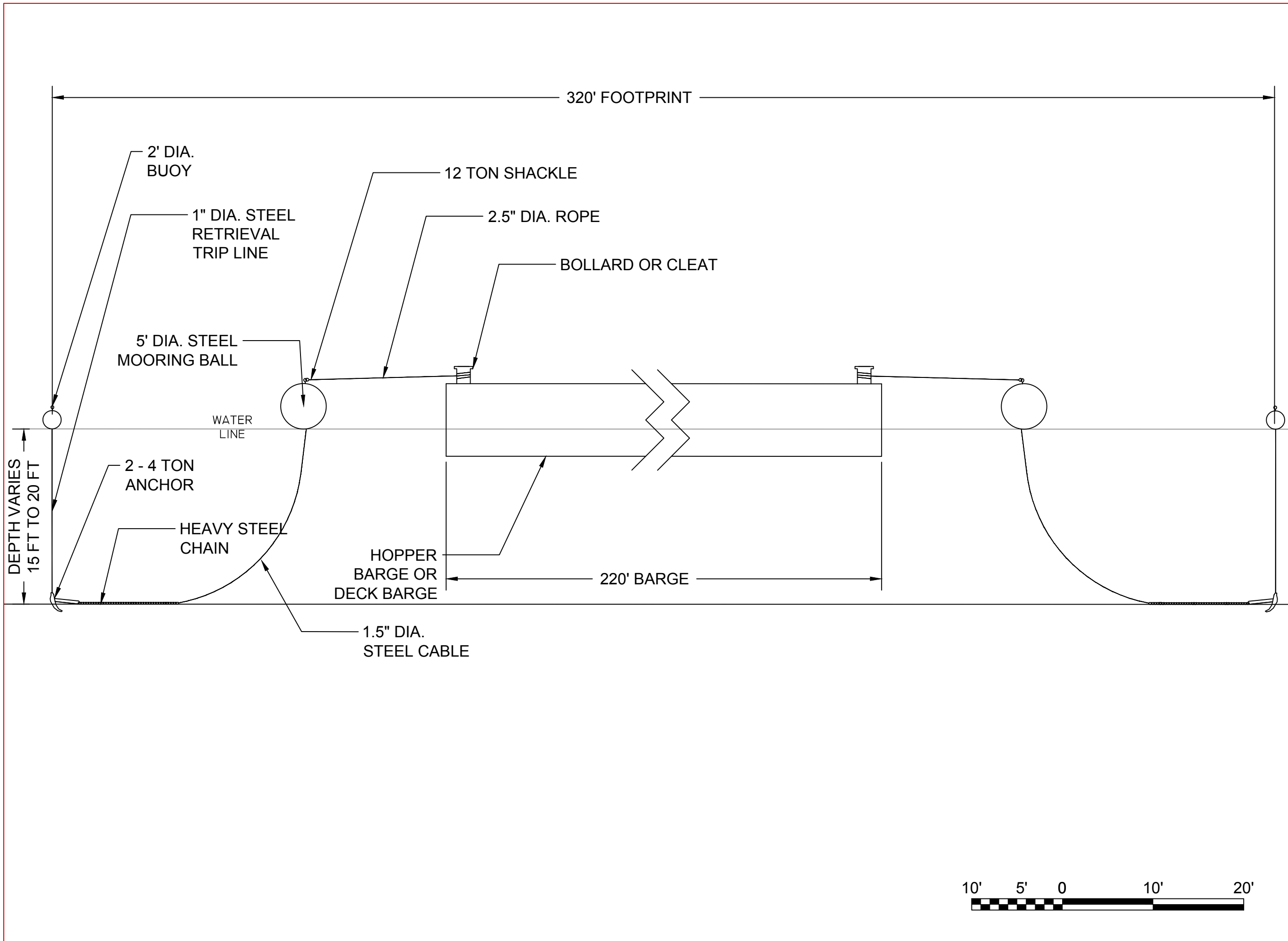
Drawn By: PM Chk'd By: TM

Project: GOWANUS CANAL

Sheet Number: 1 of 1

Dwg No.:

**JCI-110**  
**2 OF 5**



GENERAL NOTES:

1. SCALES NOTED ARE APPLICABLE TO FULL SIZE (11"x17") DRAWINGS ONLY. SCALE REDUCED DRAWINGS ACCORDINGLY.

No.	Revision/Issue	Date



Drawing Title:

ANCHORING  
DIAGRAM - PROFILE

Date: 9/18/2020	Scale: 1" = 10'
Drawn By: PM	Chk'd By: TM

Project: GOWANUS CANAL

Sheet Number: 1 of 1

Dwg No.:

**JCI-110**  
**3 OF 5**





REPLY TO ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

Attn: \_\_\_\_\_

Commercial Mooring Buoy Application Additional Information

Permit Application Number NAN-\_\_\_\_\_W

Company Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Attn: \_\_\_\_\_

Address: \_\_\_\_\_

Initial Renewal

If Renewal, USCG Permit No. \_\_\_\_\_

Purpose: \_\_\_\_\_

LOCATION OF MOORING:

Anchorage: \_\_\_\_\_ Chart: \_\_\_\_\_ On Scene Depth (ft.): \_\_\_\_\_

Position\* 40-39-57.516N 074-01-40.652 W

MOORING BUOY DATA:

No. of anchors: \_\_\_\_\_ Lbs. per anchor: \_\_\_\_\_ Type: \_\_\_\_\_

Chain size (in.): \_\_\_\_\_ Scope (yds.): \_\_\_\_\_

Pennant length (yds.): \_\_\_\_\_ Circ. /dia. (in.): \_\_\_\_\_ Type: \_\_\_\_\_

VESSEL/BARGE DATA:

Max size (LxBxD): \_\_\_\_\_ x \_\_\_\_\_ x \_\_\_\_\_ Max No. of barges: \_\_\_\_\_

Configuration (# abreast x # astern): \_\_\_\_\_ x \_\_\_\_\_ Watch circle\*\* (yds.): \_\_\_\_\_

Swing Radius (yards): \_\_\_\_\_

Watch circle and swing radius note: While the radii do not apply directly to our 2-point mooring systems, we have requested an area with a 130 yard radius from the specified lat/long that meets the criteria for adjacent moorings.

\* Please provide a copy of the NOAA chart showing your proposed mooring buoy location and the swing radius; also identify the Anchorage Ground, if applicable

\*\* Watch Circle = sqrt((length of scope)^2 - (water depth)^2)
Swing Radius = (Watch circle) + (Barge(s) length astern) + (Pennant length(s)) + (10% of swing radius). You must maintain an additional 10% of your Swing Radius from any adjacent mooring buoy Swing Radius for safety and maneuvering.





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Company Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Attn: \_\_\_\_\_

Address: \_\_\_\_\_

Initial Renewal

If Renewal, USCG Permit No. \_\_\_\_\_

Purpose: \_\_\_\_\_

LOCATION OF MOORING:

Anchorage: \_\_\_\_\_ Chart: \_\_\_\_\_ On Scene Depth (ft.): \_\_\_\_\_

Position\*: 40-39-02.97 N 074-02-10.00 W

MOORING BUOY DATA:

No. of anchors: \_\_\_\_\_ Lbs. per anchor: \_\_\_\_\_ Type: \_\_\_\_\_

Chain size (in.): \_\_\_\_\_ Scope (yds.): \_\_\_\_\_

Pennant length (yds.): \_\_\_\_\_ Circ. /dia. (in.): \_\_\_\_\_ Type: \_\_\_\_\_

VESSEL/BARGE DATA:

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