



# 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-2024-00604-EMI**  
Issue Date: September 10, 2024  
Expiration Date: October 10, 2024

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: Athens Aggregates  
54-08 Vernon Blvd  
Long Island City, New York 11101

ACTIVITY: Installation of a two-point commercial mooring buoy system

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.

**CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2024-00604-EMI**

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.

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 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.

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. NAN-2024-00604-EMI**

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>.

 Digitally signed by  
Rosita Miranda

**FOR AND IN BEHALF OF**  
Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RE**  
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**WORK DESCRIPTION**

The permit applicant, Athens Aggregate, has requested Department of the Army authorization to install two (2) 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:

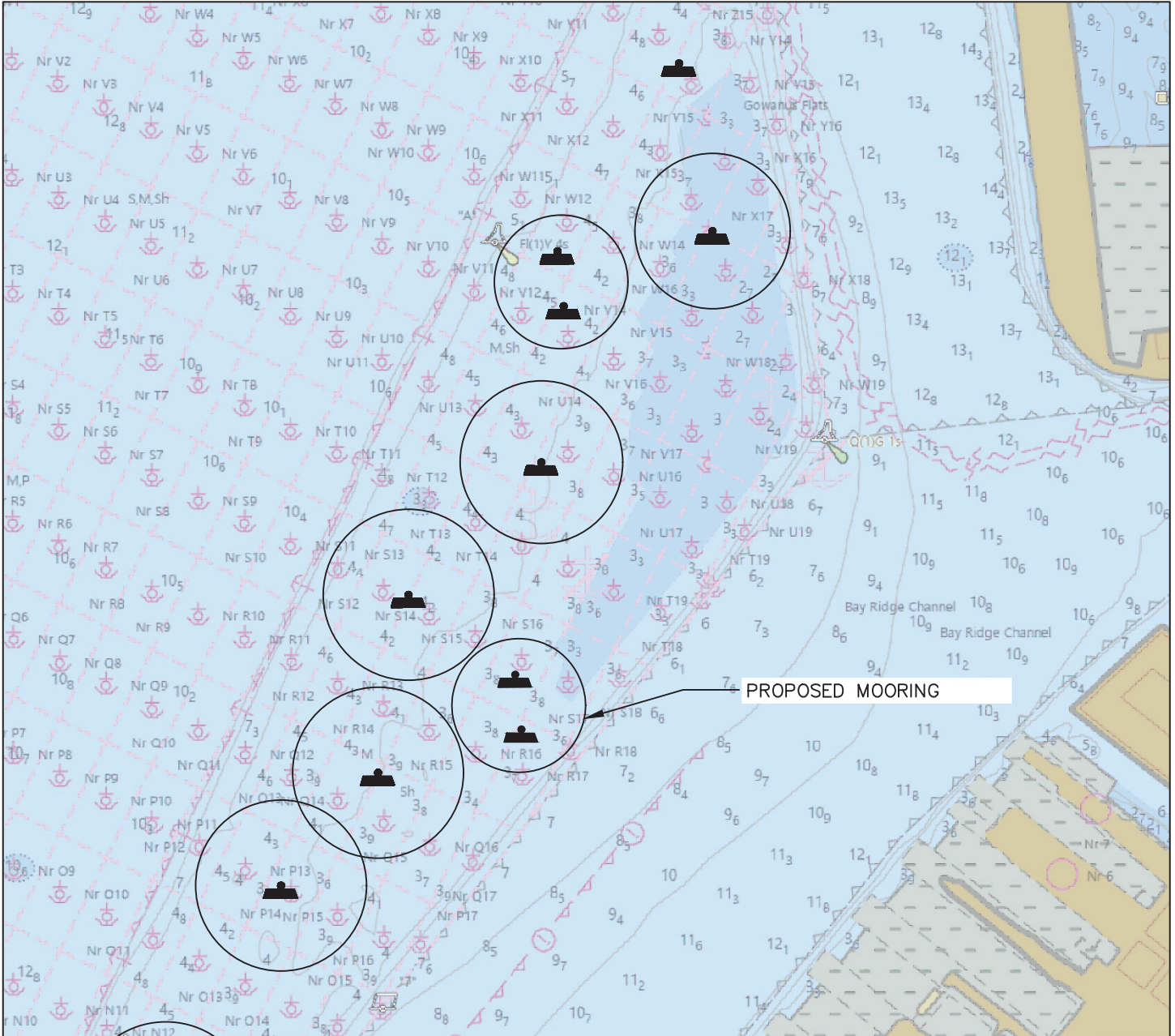
Installation of two (2) floating commercial buoys each consisting of a 6.6-foot-diameter, four-foot-high buoy connected to an approximately 7.5-foot-long riser chain which would connect to a ground ring with three (3) associated approximately 29.5-foot-long ground leg chains connected to a 10,000-pound moorfast anchor, and associated hardware including sinkers.

The standard barges would measure approximately 52-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 consist of a 260-foot-length by 156-foot-beam by 12-foot-depth.

Due to the usage of a two-point mooring system, the applicants maximum swing radius would be approximately 195 feet (65 yards) from the coordinate below. The scope would be approximately 42 feet (14 yards) and the watch circle would be approximately 39 feet (13 yards).

40°39'38.13" N 74°01'37.42" W  
NOAA Chart 12334

The permit applicant's stated purpose for this work is to safely moor barges containing construction materials for temporary staging.

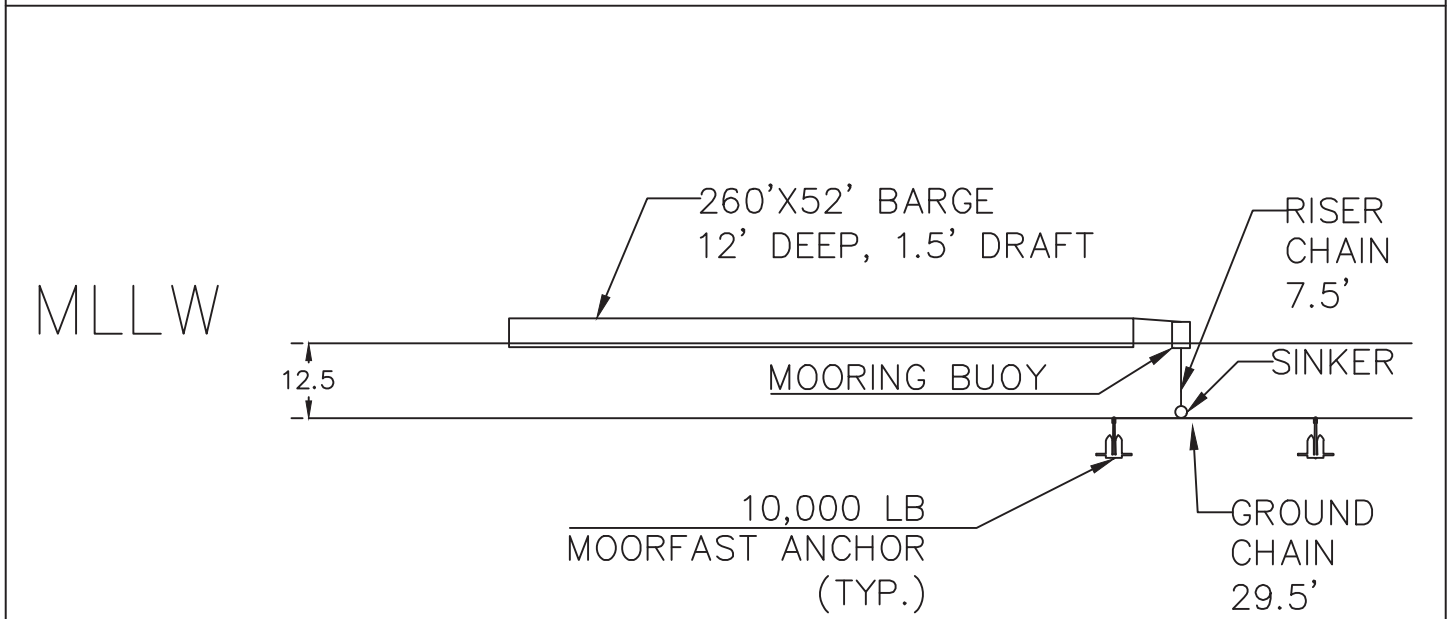
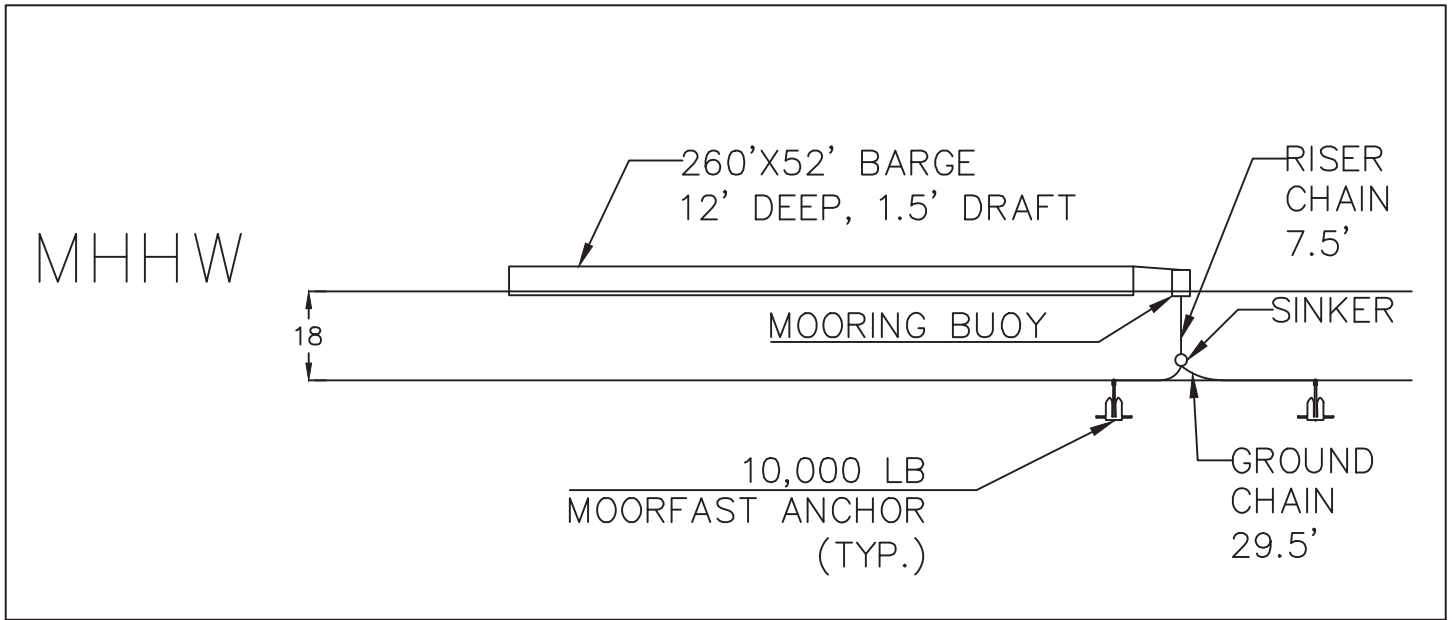


VICINITY MAP  
(NOAA CHART NO. 12334 & USUS5NYCDF)  
NOT TO SCALE

MOORING #	LATITUDE	LONGITUDE
NRS16/NRR16	40°39'38.13"N	074°01'37.42"W

PURPOSE:	ANCHORAGE MOORING	PROJECT:	BARGE MOORING	SHEET TITLE:	NAUTICAL CHART
DATUM:	NAVD88	OWNER:	ATHENS AGGREGATE	WATERBODY:	NEW YORK HARBOR
ADJACENT PROPERTY OWNERS:	N/A	APPLICANT:	TMS WATERFRONT 247 WEST 35TH ST, 10TH FLOOR NEW YORK, NY 10001	TOWN/CITY:	BROOKLYN
DATE:	08/13/2024			COUNTY:	KINGS
REVISION:	01			STATE:	NEW YORK
				SHEET 2 OF 5	

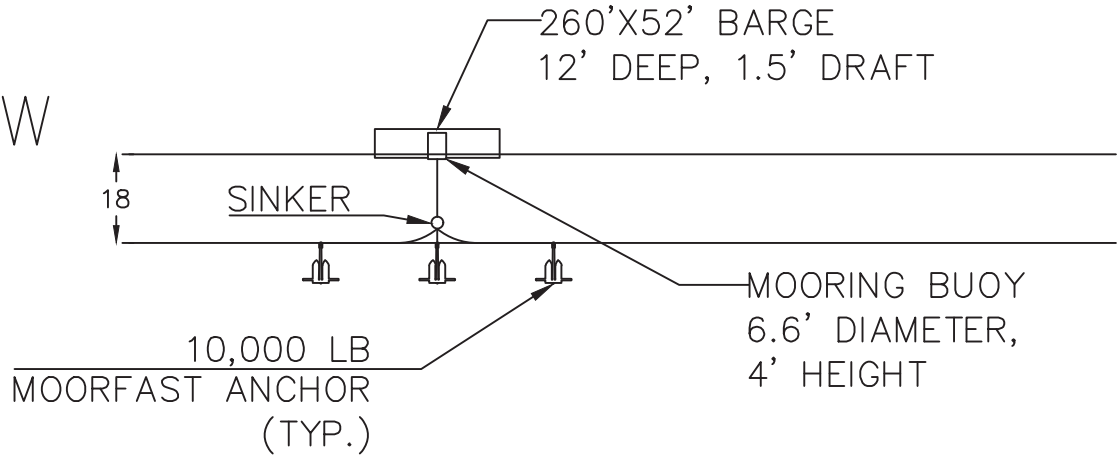
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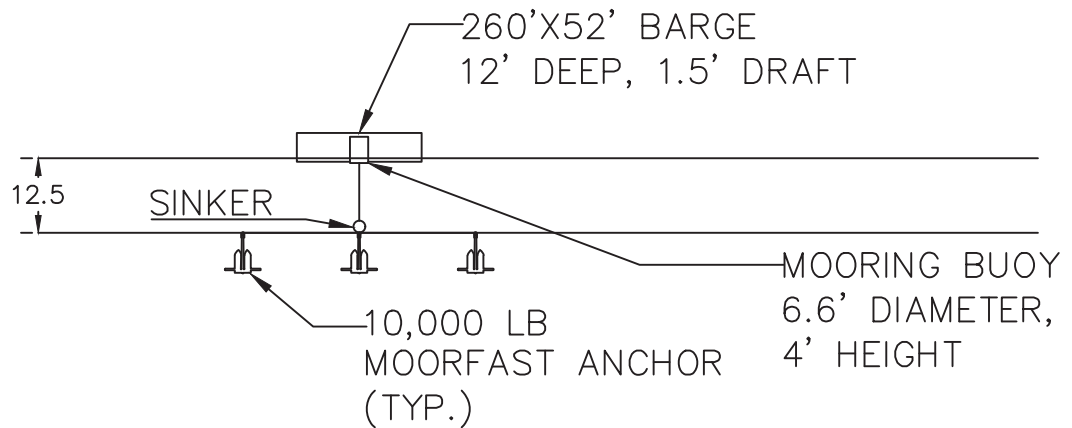
<p>PURPOSE: ANCHORAGE MOORING</p> <p>DATUM: NAVD88</p> <p>ADJACENT PROPERTY OWNERS: N/A</p> <p>DATE: 08/21/2024</p> <p>REVISION: 01</p>	<p>PROJECT: BARGE MOORING</p> <p>OWNER: CAC INDUSTRIES</p> <p>APPLICANT: TMS WATERFRONT 247 WEST 35TH ST, 10TH FLOOR NEW YORK, NY 10001</p>	<p>SHEET TITLE: MOORING ELEVATION</p> <p>WATERBODY: NEW YORK HARBOR</p> <p>TOWN/CITY: BROOKLYN</p> <p>COUNTY: KINGS</p> <p>STATE: NEW YORK</p> <p>SHEET 3 OF 5</p>
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C-201

MHHW



MLLW

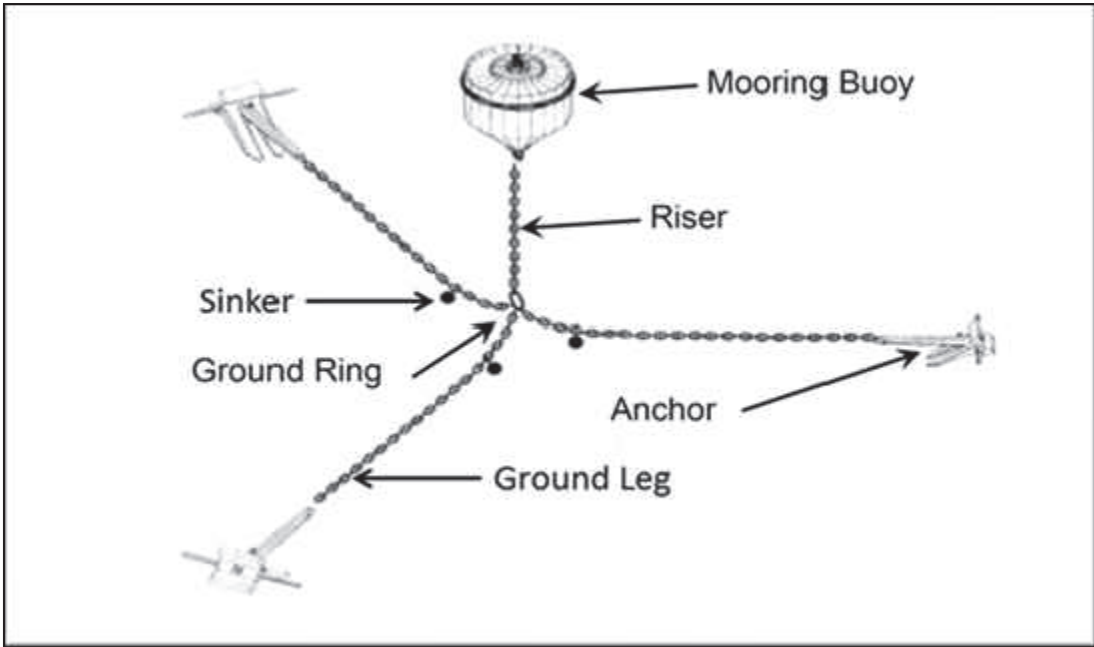
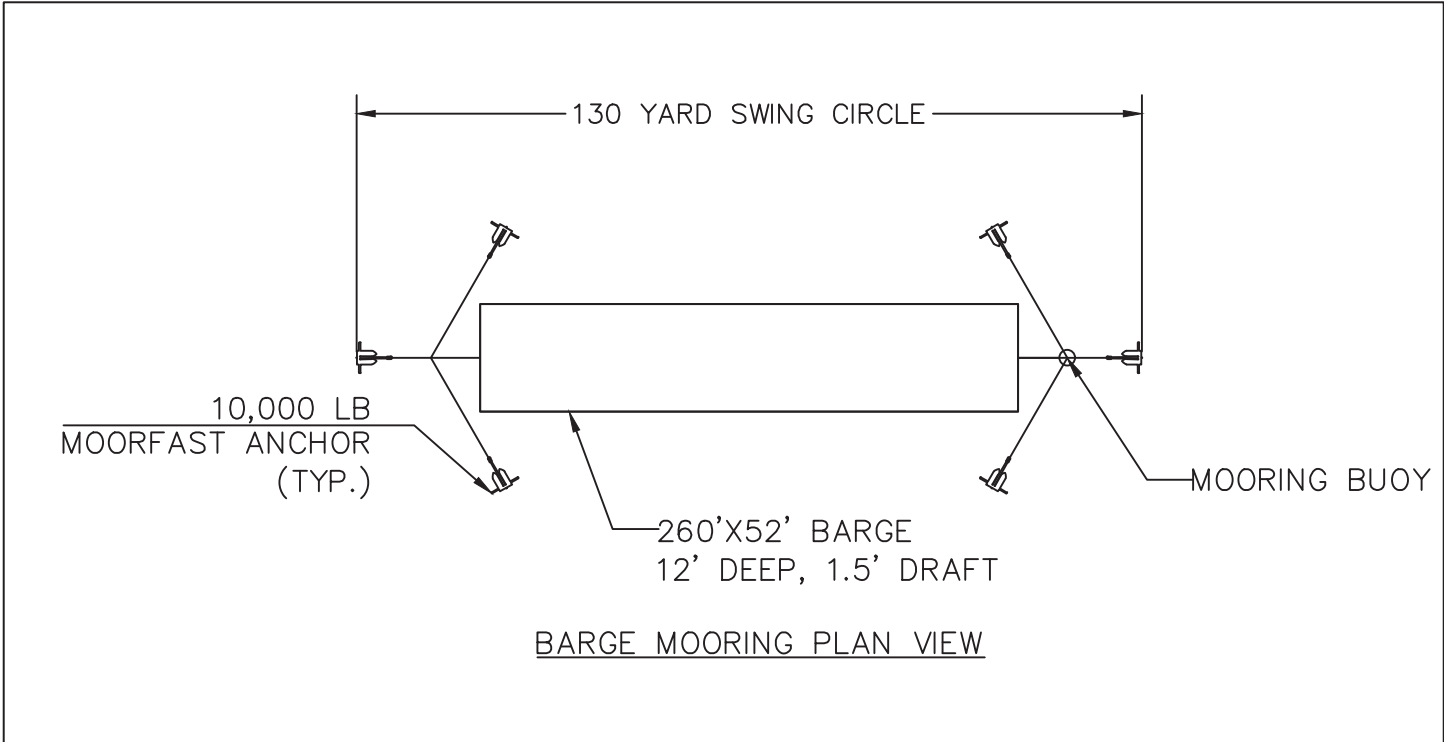


PURPOSE: ANCHORAGE MOORING  
 DATUM: NAVD88  
 ADJACENT PROPERTY OWNERS: N/A  
 DATE: 08/21/2024  
 REVISION: 01

PROJECT: BARGE MOORING  
 OWNER: CAC INDUSTRIES  
 APPLICANT: TMS WATERFRONT  
 247 WEST 35TH ST,  
 10TH FLOOR  
 NEW YORK, NY 10001

SHEET TITLE: MOORING SECTION  
 WATERBODY: NEW YORK HARBOR  
 TOWN/CITY: BROOKLYN  
 COUNTY: KINGS  
 STATE: NEW YORK  
 SHEET 4 OF 5

C-202



MOORING DETAIL (TYP.)

PURPOSE: ANCHORAGE MOORING	PROJECT: BARGE MOORING	SHEET TITLE: MOORING PLAN & SWING RADIUS
DATUM: NAVD88 ADJACENT PROPERTY OWNERS: N/A	OWNER: ATHENS AGGREGATE	WATERBODY: NEW YORK HARBOR
DATE: 08/13/2024 REVISION: 00	APPLICANT: TMS WATERFRONT 247 WEST 35TH ST, 10TH FLOOR NEW YORK, NY 10001	TOWN/CITY: BROOKLYN COUNTY: KINGS STATE: NEW YORK
		SHEET 5 OF 5

C-203