



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Paul Granito
ConAgg Global

Published:
Expires:

**New York District
Permit Application No. NAN-2025-00362-MMI**

TO WHOM IT MAY CONCERN: The New York District of the U.S. Army Corps of Engineers (Corps) 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). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Paul Granito
ConAgg Global
800 Food Center Drive
Bronx, New York 11474

AGENT: Shea Thorvaldsen
TMS Waterfront
PO Box 731
Nyack, New York 10960

WATERWAY AND LOCATION: The project is located at Coordinates 40°47'43.19"N 73°52'34.91"W, in the East River within Anchorage #11 in Bronx County, City of New York, New York.

EXISTING CONDITIONS: Anchorage #11 has historically been used for temporary vessel mooring prior to arriving at a port or waterfront area within New York City.

PROJECT PURPOSE: Provide safe mooring of hopper barges containing aggregate materials or empty barges when enroute or not in use for the applicant's waterfront transloading facility at Hunt's Point.

PROPOSED WORK: The applicant requests authorization for the installation of a single point commercial mooring buoy 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 30,000-pound 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 two (2) abreast. No barges would be configured astern. The maximum size would consist of a 260-foot-length by 104-foot-beam by 12-foot-depth.

The maximum swing radius would be approximately 415 feet (138 yards) from the coordinate below. The scope would be approximately 102 feet (34 yards) and the watch circle would be approximately 96 feet (32 yards).

40°47'43.19"N 73°52'34.91"W
NOAA Chart 12339

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: the proposed location is within a designated anchorage area and will be installed utilizing best management practices such as dropping the anchors as such to avoid being dragged along the bottom and using the smallest anchor and chain size to safely move the barges.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: There is no permanent loss of waters of the United States, therefore no mitigation is required.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that: No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1 below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Common Name	Scientific Name	Status	Agency
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened	USFWS and NMFS
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered	USFWS and NMFS
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered	USFWS and NMFS
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened	USFWS and NMFS
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	NMFS
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	NMFS

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: Based on the coordinates provided by the applicant, the waterward edge of the proposed structure is approximately 580 feet away from the near bottom edge of the East River federal channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

COASTAL ZONE MANAGEMENT ACT: 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.

OTHER AUTHORIZATIONS: 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
- New York State Office of General Services

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Christopher Minck at Christopher.W.Minck@usace.army.mil. Please refer to the permit application number in your comments.

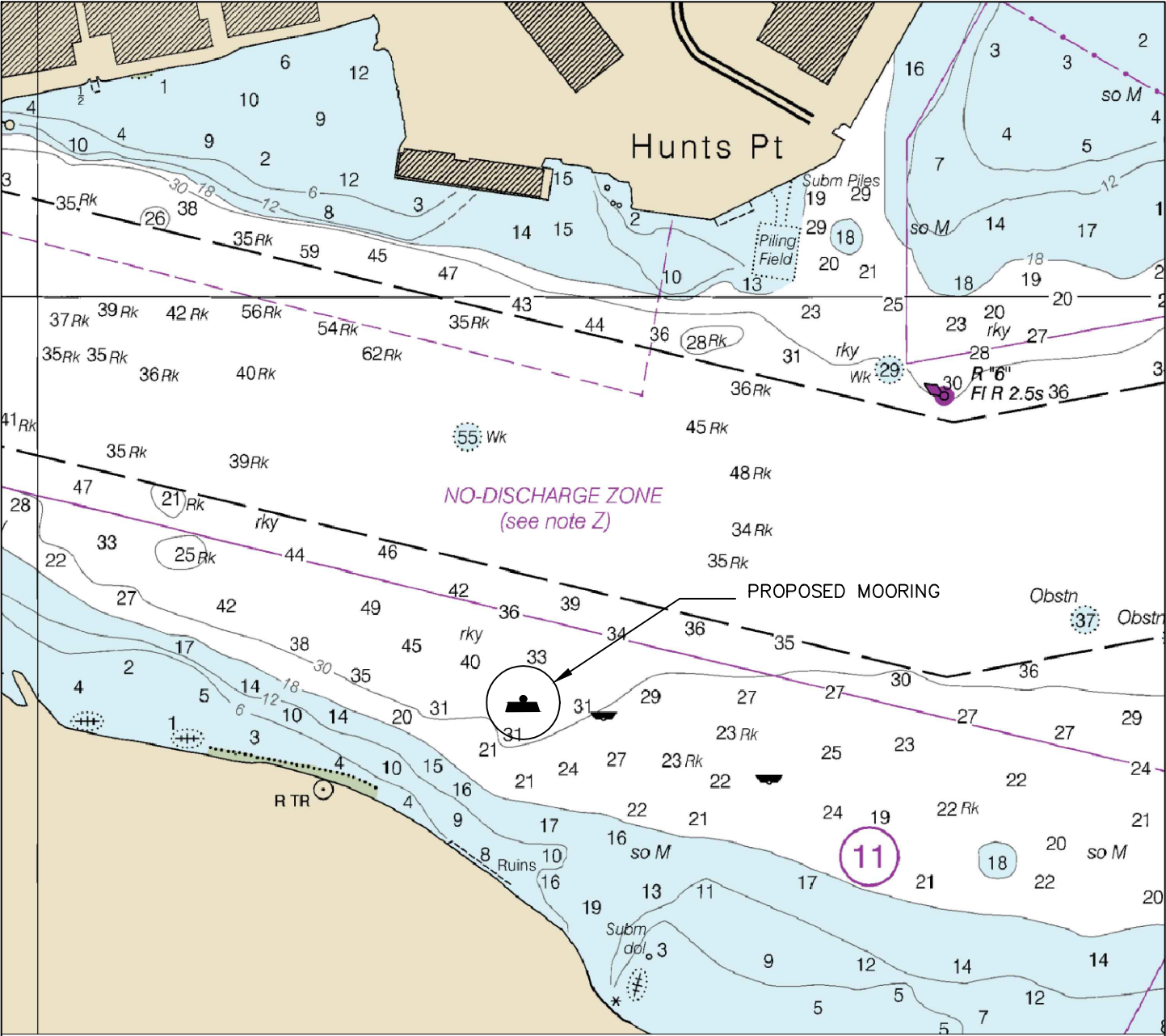
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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.

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

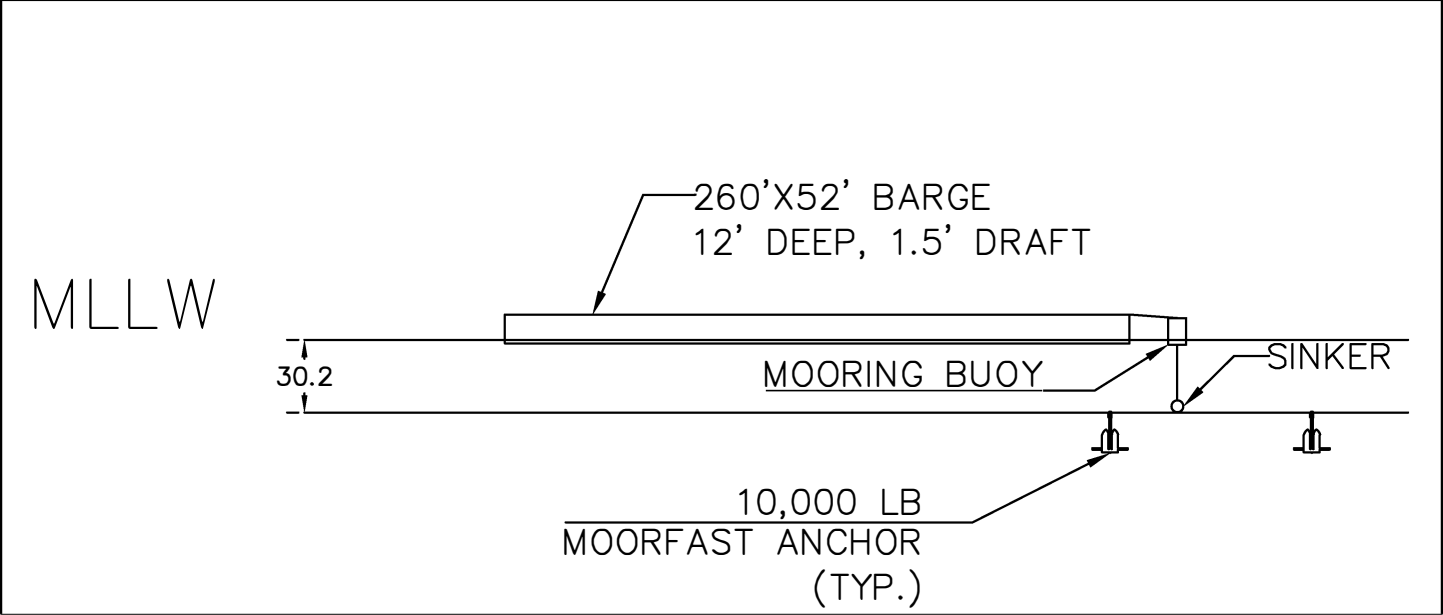
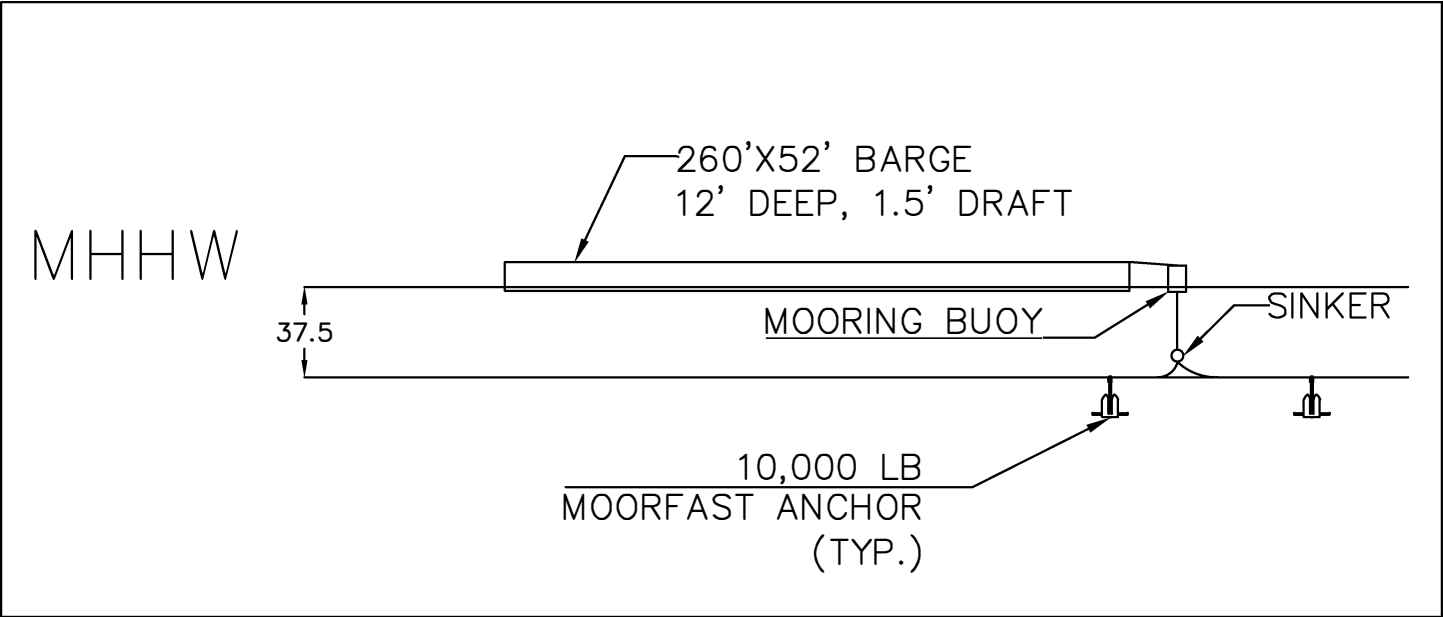


VICINITY MAP
(NOAA CHART NO. 12334)
NOT TO SCALE

MOORING #	LATITUDE	LONGITUDE
FEDERAL #11	40°47'43.19"N	073°52'34.91"W

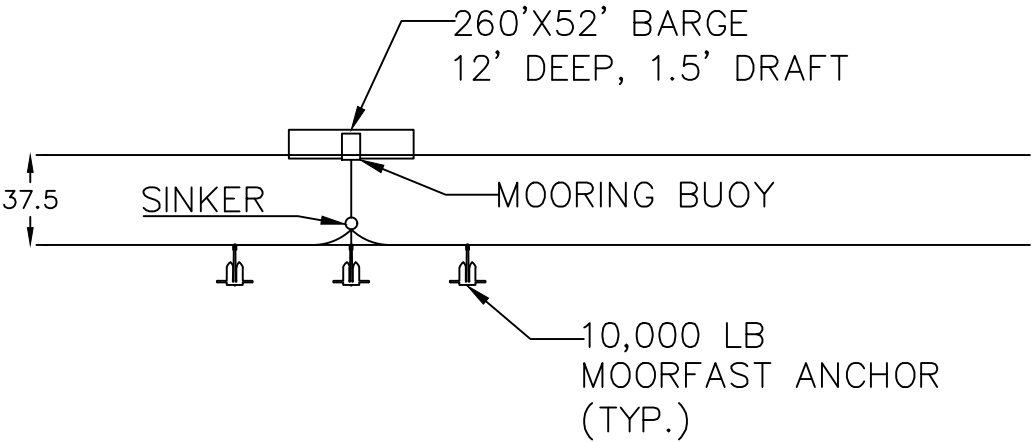
PURPOSE: ANCHORAGE MOORING	PROJECT: FIRST DOWN MATERIALS	SHEET TITLE: NAUTICAL CHART
DATUM: NAVD88	OWNER: CON AGG GLOBAL LLC	WATERBODY: EAST RIVER
ADJACENT PROPERTY OWNERS: N/A	800 FOOD CENTER DR.	TOWN/CITY: NEW YORK
DATE: 05/16/2025	BRONX, NY 10474	COUNTY: BRONX
REVISION: 00	AGENT: TMS WATERFRONT	STATE: NEW YORK
	PO BOX 731	SHEET 1 OF 4
	NYACK, NY 10960	

C-101

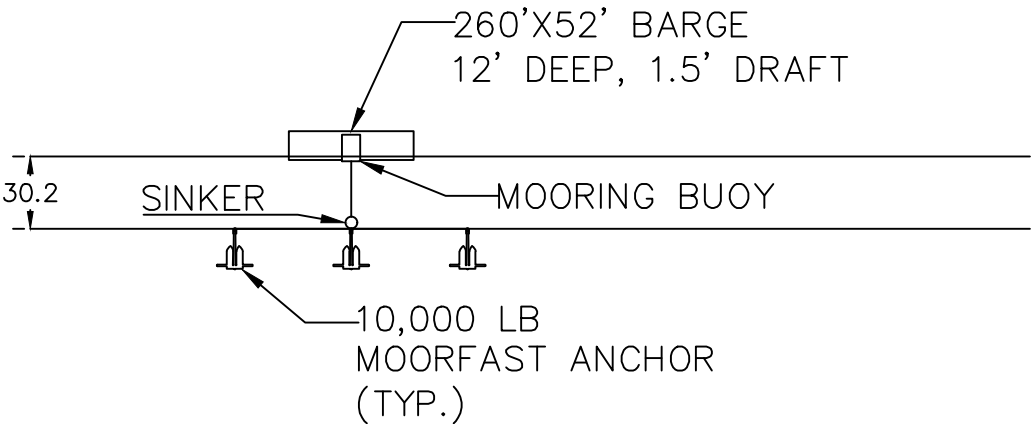


PURPOSE: ANCHORAGE MOORING	PROJECT: FIRST DOWN MATERIALS	SHEET TITLE: MOORING ELEVATION
DATUM: NAVD88	OWNER: CON AGG GLOBAL LLC	WATERBODY: EAST RIVER
ADJACENT PROPERTY OWNERS: N/A	800 FOOD CENTER DR.	TOWN/CITY: NEW YORK
	BRONX, NY 10474	COUNTY: BRONX
DATE: 05/16/2025	AGENT: TMS WATERFRONT	STATE: NEW YORK
REVISION: 00	PO BOX 731	SHEET 2 OF 4
	NYACK, NY 10960	C-201

MHHW



MLLW



PURPOSE: ANCHORAGE MOORING

DATUM: NAVD88
ADJACENT PROPERTY OWNERS: N/A

DATE: 05/16/2025
REVISION: 00

PROJECT: FIRST DOWN MATERIALS

OWNER: CON AGG GLOBAL LLC
800 FOOD CENTER DR.
BRONX, NY 10474

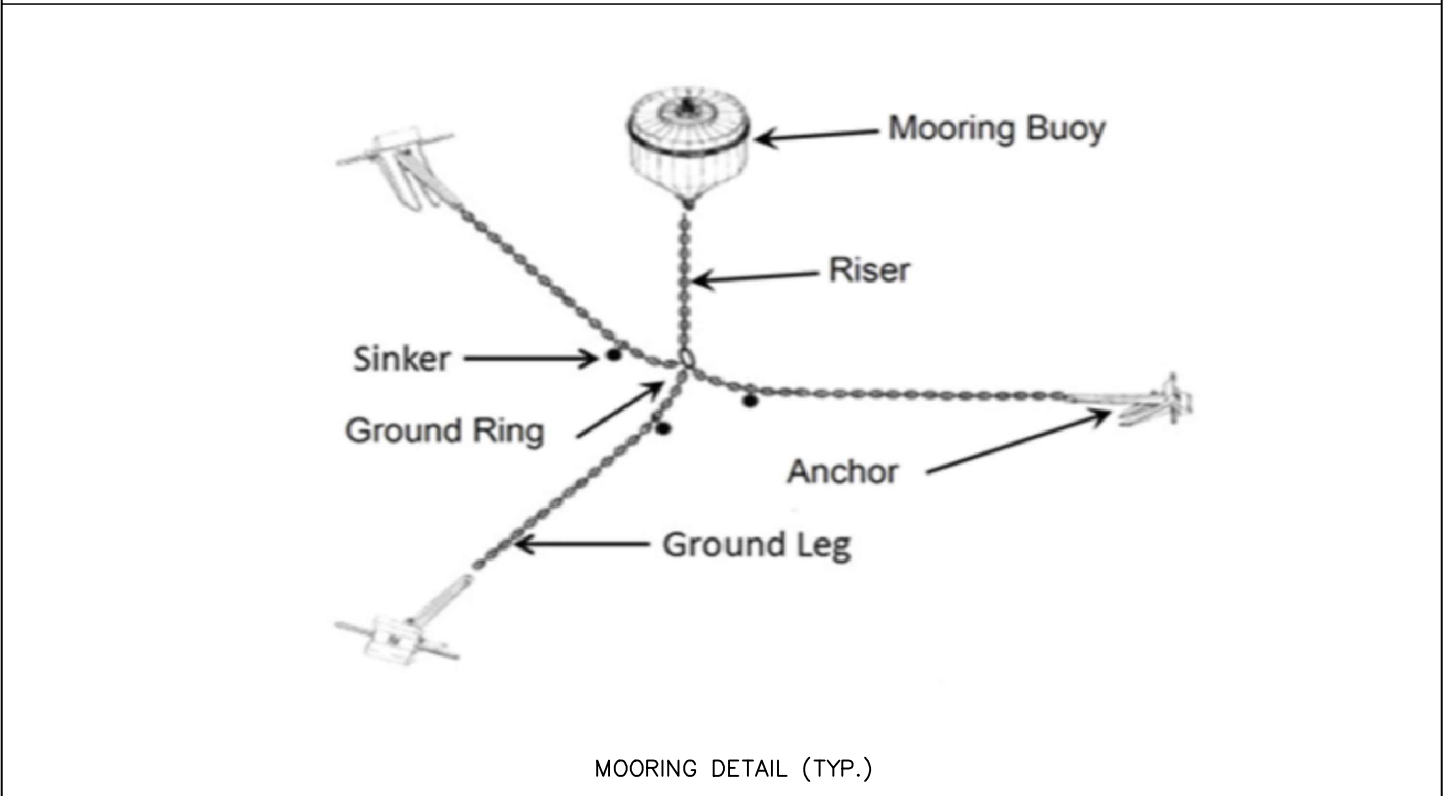
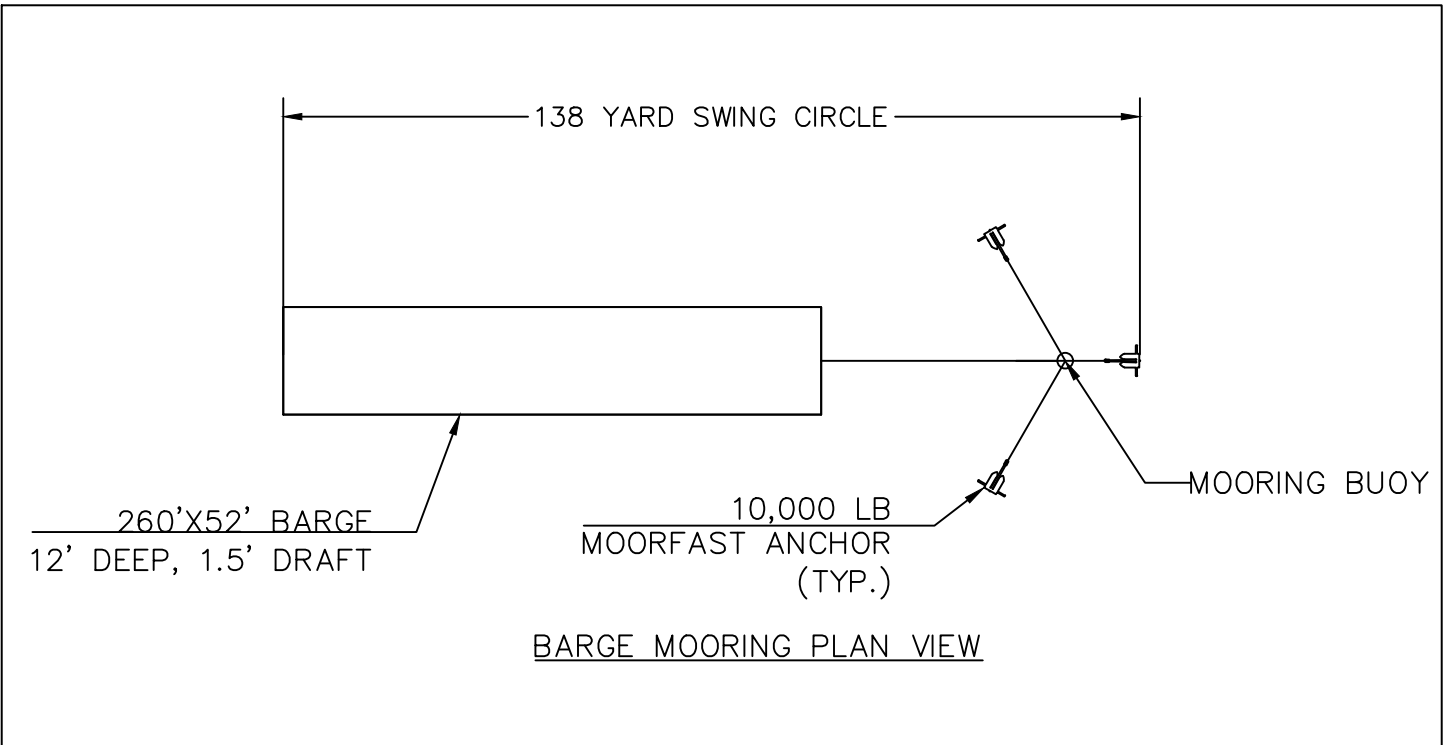
AGENT: TMS WATERFRONT
PO BOX 731
NYACK, NY 10960

SHEET TITLE: MOORING SECTION

WATERBODY: EAST RIVER
TOWN/CITY: NEW YORK
COUNTY: BRONX
STATE: NEW YORK

SHEET 3 OF 4

C-202



PURPOSE: ANCHORAGE MOORING	PROJECT: FIRST DOWN MATERIALS	SHEET TITLE: MOORING PLAN & SWING RADIUS
DATUM: NAVD88	OWNER: CON AGG GLOBAL LLC	WATERBODY: EAST RIVER
ADJACENT PROPERTY OWNERS: N/A	800 FOOD CENTER DR.	TOWN/CITY: NEW YORK
DATE: 05/16/2025	BRONX, NY 10474	COUNTY: BRONX
REVISION: 00	AGENT: TMS WATERFRONT	STATE: NEW YORK
	PO BOX 731	SHEET 4 OF 4
	NYACK, NY 10960	C-203



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-_____

Company Name: _____ Phone: _____

Attn: _____

Address: _____

Initial Renewal

If Renewal, USCG Permit No. _____

Purpose: _____

LOCATION OF MOORING:

Anchorage: _____ Chart: _____ On Scene Depth (ft.): _____

Position*: _____ N _____ W

MOORING BUOY DATA:

No. of anchors: _____ Lbs. per anchor: _____ Type: _____

Chain size (in.): _____ Scope (yds.): _____

Pendant 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): _____

* 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 = $\sqrt{(\text{length of scope})^2 - (\text{water depth})^2}$

Swing Radius = (Watch circle) + (Barge(s) length astern) + (Pendant 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.