

# SUPPLEMENTAL 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-2022-00654-WRY-A**  
Issue Date:  
Expiration Date:

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## To Whom It May Concern:

On October 4, 2022, the New York District, Corps of Engineers issued Public Notice number NAN-2022-00654-WRY concerning a proposal by NYS Bulk, LLC for the installation of a commercial mooring buoy pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403):

The New York District, Corps of Engineers has received an updated 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 Supplemental Public Notice is to make available for public and agency review and comment the permit applicant's proposed relocation of the commercial mooring buoy from Head of Bay to a location within Jamaica Bay. The configuration of the mooring buoy would remain the same. The original public notice is available at the following link:

APPLICANT: NYS Bulk, LLC  
336 South Service Road  
Melville, NY 11747

ACTIVITY: Install one mooring buoy

WATERWAY: Jamaica Bay

LOCATION: Borough of Queens, Queens County, City of New York, New York

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

**CENAN-OP-RE**  
**SUPPLEMENTAL PUBLIC NOTICE NO. NAN-2020-01304-EMI**

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 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 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.

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

**CENAN-OP-RE**  
**SUPPLEMENTAL PUBLIC NOTICE NO. NAN-2020-01304-EMI**

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.

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

**CENAN-OP-RE**  
**SUPPLEMENTAL PUBLIC NOTICE NO. NAN-2020-01304-EMI**

**WORK DESCRIPTION**

The applicant, NYS Bulk LLC, has requested Department of the Army authorization for the installation of a mooring buoy in Jamaica Bay, Borough of Queens, Queens County, City of New York, New York.

The work would involve:

Installation of a single 6-foot wide by 8-foot tall anchor buoy with a 12,000 lb Baldt Stockless anchor connected with a three-inch diameter by 120-foot long anchor chain. The proposed barge configuration would be a maximum of four (4) abreast with each barge measuring 52-feet wide by 260-feet long. The barges would moor to the buoy via a 2.5-inch diameter by 70-foot long spectral line mooring rope. The watch circle would be 40 yards. The swing radius would be approximately 500 feet.

Anchor Position: 40.621767, -73.7775

The stated purpose of this project is to support product transport to and from New York Harbor.

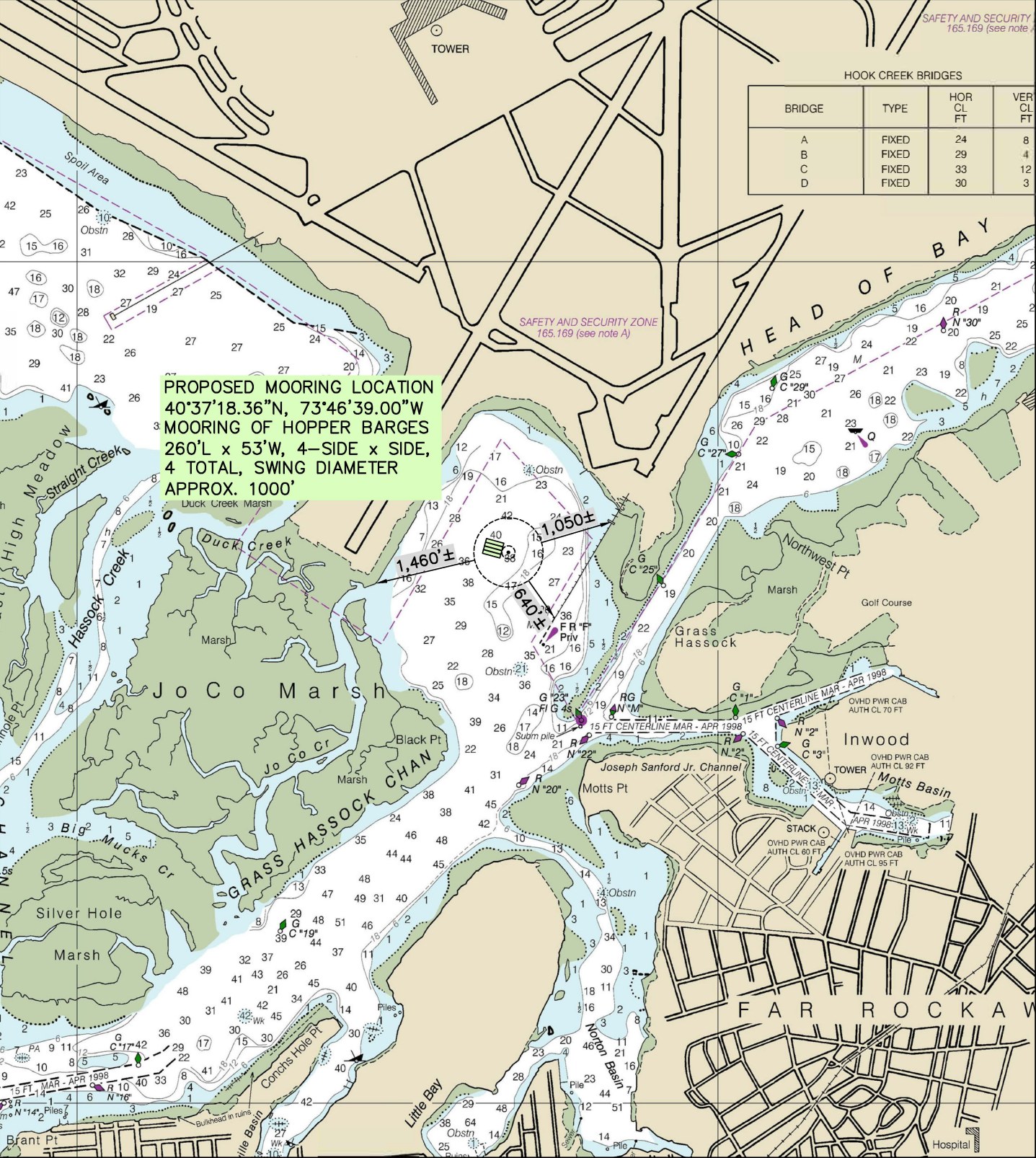
NYS Bulk, LLC proposed a total of seven (7) new mooring buoys throughout the New York/New Jersey area. The remaining six projects are listed under files NAN-2022-00651-WRY, NAN-2022-00652-WRY, NAN-2022-00653-WRY, NAN-2022-00655-WRY, NAN-2022-00656-WRY, and NAN-2022-00830-WRY. To date, two of the moorings (NAN-2022-00653-WRY and NAN-2022-00656-WRY) have been authorized by this office. The other 4 remaining proposed are under review and/or are being relocated.

Cashin Associates, P.C.

ENGINEERING • PLANNING • CONSTRUCTION MANAGEMENT

REV. 8-30-23

CLIENT: NYS BULK, LLC	DATE: 5-30-22
PROJECT: JAMAICA BAY 2 – ANCHORAGE AREA	CA NO.: 22017.1
TITLE: MOORING LOCATION PLAN	SCALE: 1"=2,000±'
MAP SOURCE: NOAA NAVIGATION CHART: JAMAICA BAY AND ROCKAWAY INLET, #12350	



CLIENT: NYS BULK, LLC	DATE: 5-30-22
PROJECT: JAMAICA BAY 2 – ANCHORAGE AREA	CA NO.: 22017.1
TITLE: TYPICAL SINGLE ANCHOR MOORING PROFILE	SCALE: NOT TO SCALE

