



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-2022-00385-WRY
Issue Date: September 26, 2023
Expiration Date: October 27, 2023

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: K. Graefe And Sons Corp.
1 Van Houten Street
Nyack, New York 10960

ACTIVITY: Maintain, as completed, the installation of three (3) mooring buoys.

WATERWAY: Hudson River

LOCATION: Town of Clarkstown, Rockland 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.

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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 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 New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. 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.

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 Brian.A.Orzel@usace.army.mil.

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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>.



Stephan A. Ryba
Chief, Regulatory Branch

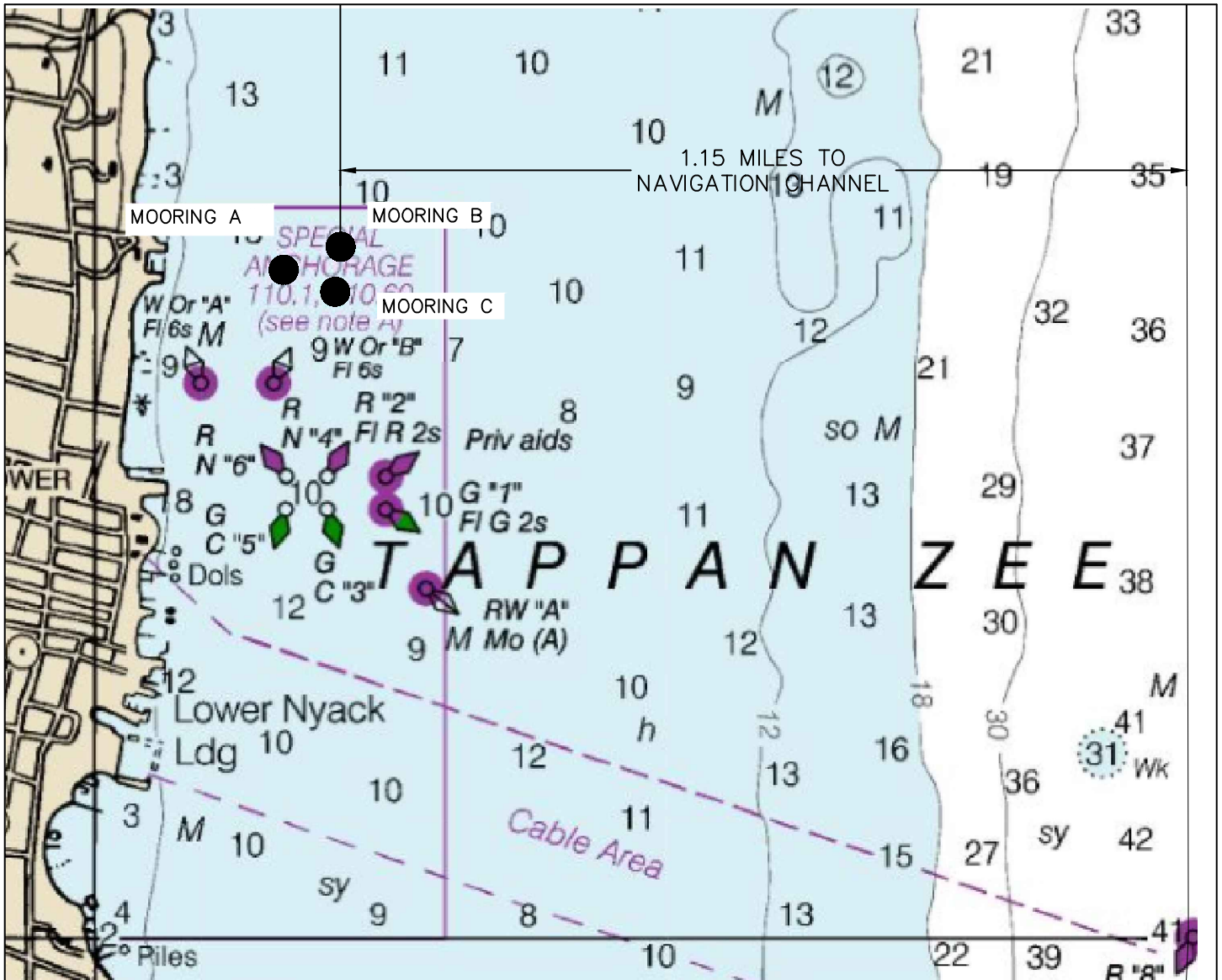
Enclosures

WORK DESCRIPTION

The applicant, K. Graefe And Sons Corp., has requested after-the-fact Department of the Army authorization to maintain as completed, the installation of three (3) mooring buoys in the Hudson River, in the Town of Clarkstown, Rockland County, New York.

Each of the three (3) moorings consists of a single, 10-ton-stockless anchor, with sixty (60) feet of 3-inch anchor chain and one steel mooring buoy.

The stated purpose of this project is to allow large vessels to be held offshore for loading, awaiting repairs or transit. The applicant states that, without available mooring buoys, individual vessels would drop and lift anchor, likely causing bottom disturbance for each mooring event.



VICINITY MAP
 (NOAA CHART NO. 12343)
 NOT TO SCALE

NOAA Nautical Chart 12343 with Moorings
 Note that the mooring area is contained within the Special Anchorage Area 110.1 and 110.60
 with the following note on the chart:

MAINTAIN AS COMPLETED

NOTE A
 Navigation regulations are published in Chapter 2, U.S. Coast Pilot 2. Additions or revisions to Chapter 2 are published in the Notice to Mariners. Information concerning the regulations may be obtained at the Office of the Commander, 1st Coast Guard District in Boston, MA or at the Office of the District Engineer, Corps of Engineers in New York, New York.
 Refer to charted regulation section numbers.

MOORING #	LATITUDE	LONGITUDE
A	41°06'0.32"	73°54'36.91"
B	41°06'3.33"	73°54'25.90"
C	41°05'57.35"	73°54'29.61"

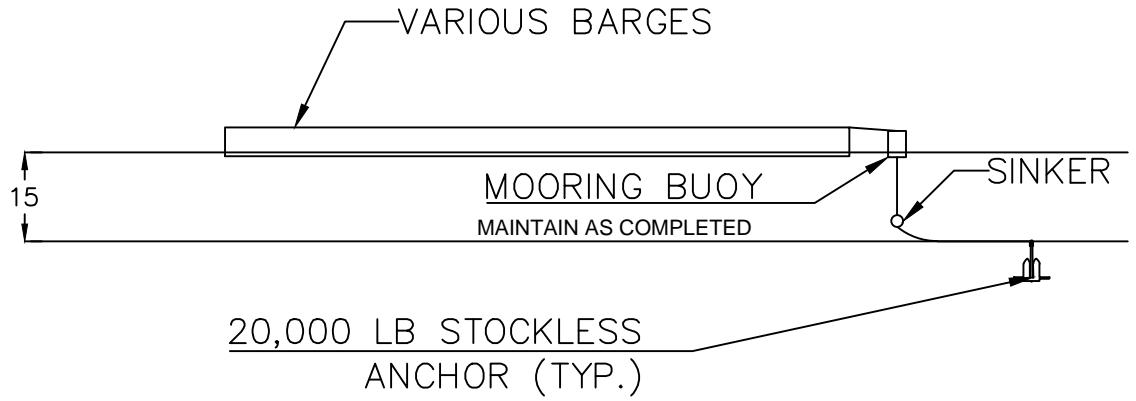
PURPOSE: VESSEL MOORINGS
 MAINTAIN AS COMPLETED
 DATUM: NAVD88
 ADJACENT PROPERTY OWNERS:
 N/A
 DATE: 8/2/2023
 REVISION: 00

PROJECT: BARGE MOORING
 MAINTAIN AS COMPLETED
 OWNER: NORTH RIVER S/Y
 APPLICANT: TMS WATERFRONT
 247 WEST 35TH ST,
 10TH FLOOR
 NEW YORK, NY 10001

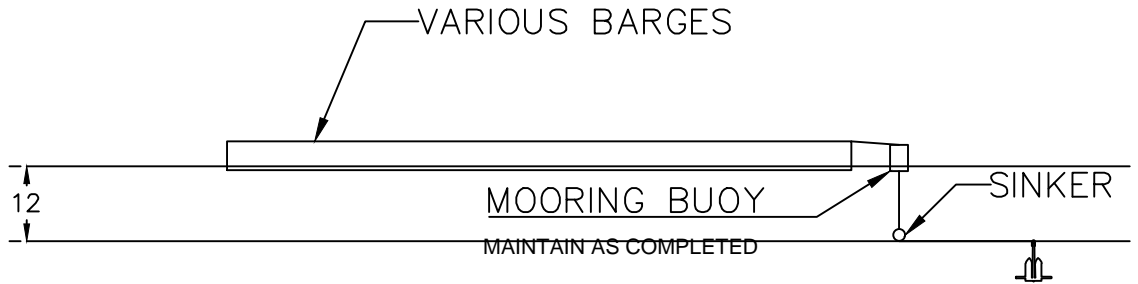
SHEET TITLE: MOORING ELEVATION
 WATERBODY: HUDSON RIVER
 TOWN/CITY: NYACK
 COUNTY: ROCKLAND
 STATE: NEW YORK
 SHEET 1 OF 6

MR-1

MHHW



MLLW



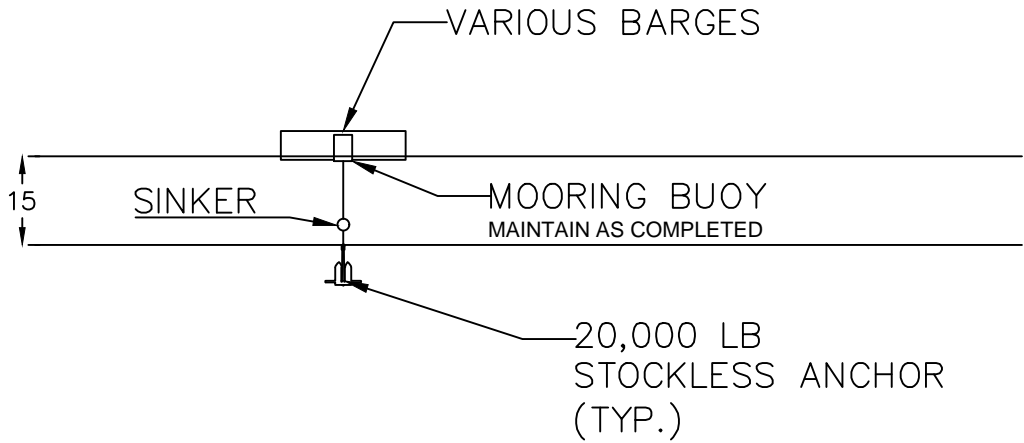
PURPOSE: VESSEL MOORINGS
MAINTAIN AS COMPLETED
DATUM: NAVD88
ADJACENT PROPERTY OWNERS:
N/A
DATE: 8/2/2023
REVISION: 00

PROJECT: BARGE MOORING
MAINTAIN AS COMPLETED
OWNER: NORTH RIVER S/Y
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247 WEST 35TH ST,
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NEW YORK, NY 10001

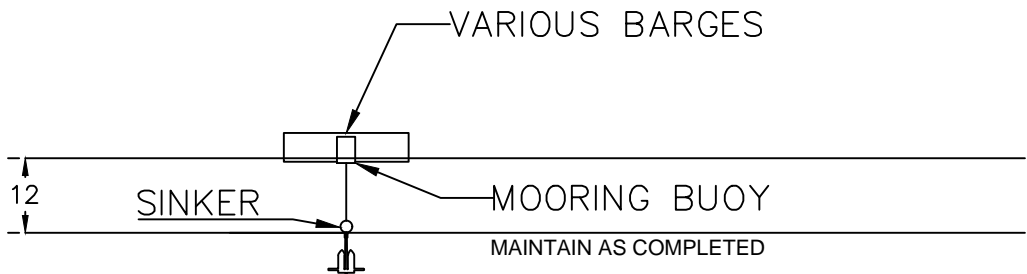
SHEET TITLE: MOORING ELEVATION
WATERBODY: HUDSON RIVER
TOWN/CITY: NYACK
COUNTY: ROCKLAND
STATE: NEW YORK
SHEET 2 OF 6

MR-2

MHHW



MLLW

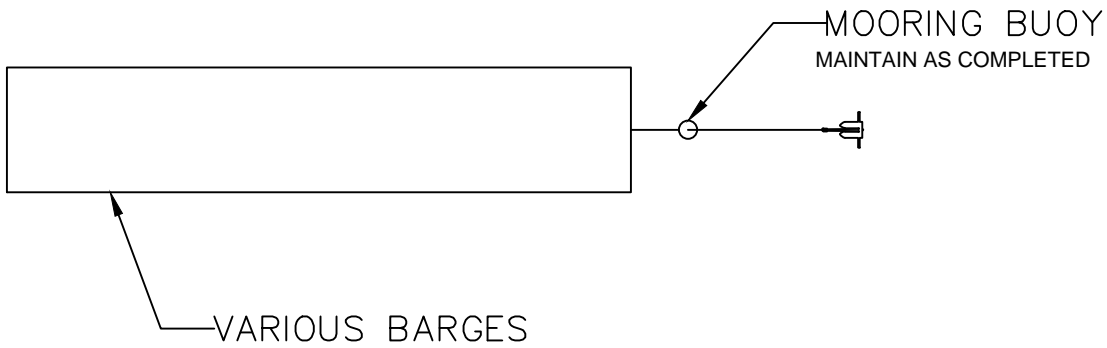


PURPOSE: VESSEL MOORINGS
MAINTAIN AS COMPLETED
DATUM: NAVD88
ADJACENT PROPERTY OWNERS:
N/A
DATE: 8/2/2023
REVISION: 00

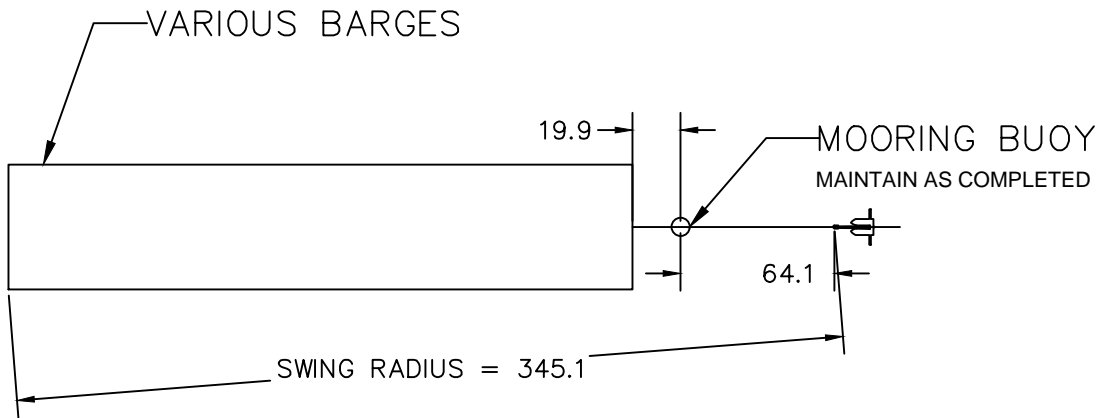
PROJECT: BARGE MOORING
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10TH FLOOR
NEW YORK, NY 10001

SHEET TITLE: MOORING ELEVATION
WATERBODY: HUDSON RIVER
TOWN/CITY: NYACK
COUNTY: ROCKLAND
STATE: NEW YORK
SHEET 3 OF 6

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BARGE MOORING
PLAN VIEW



BARGE SWING RADIUS

PURPOSE: VESSEL MOORINGS
MAINTAIN AS COMPLETED
DATUM: NAVD88
ADJACENT PROPERTY OWNERS:
N/A
DATE: 8/2/2023
REVISION: 00

PROJECT: BARGE MOORING
MAINTAIN AS COMPLETED
OWNER: NORTH RIVER S/Y
APPLICANT: TMS WATERFRONT
247 WEST 35TH ST,
10TH FLOOR
NEW YORK, NY 10001

SHEET TITLE: MOORING ELEVATION
WATERBODY: HUDSON RIVER
TOWN/CITY: NYACK
COUNTY: ROCKLAND
STATE: NEW YORK
SHEET 4 OF 6

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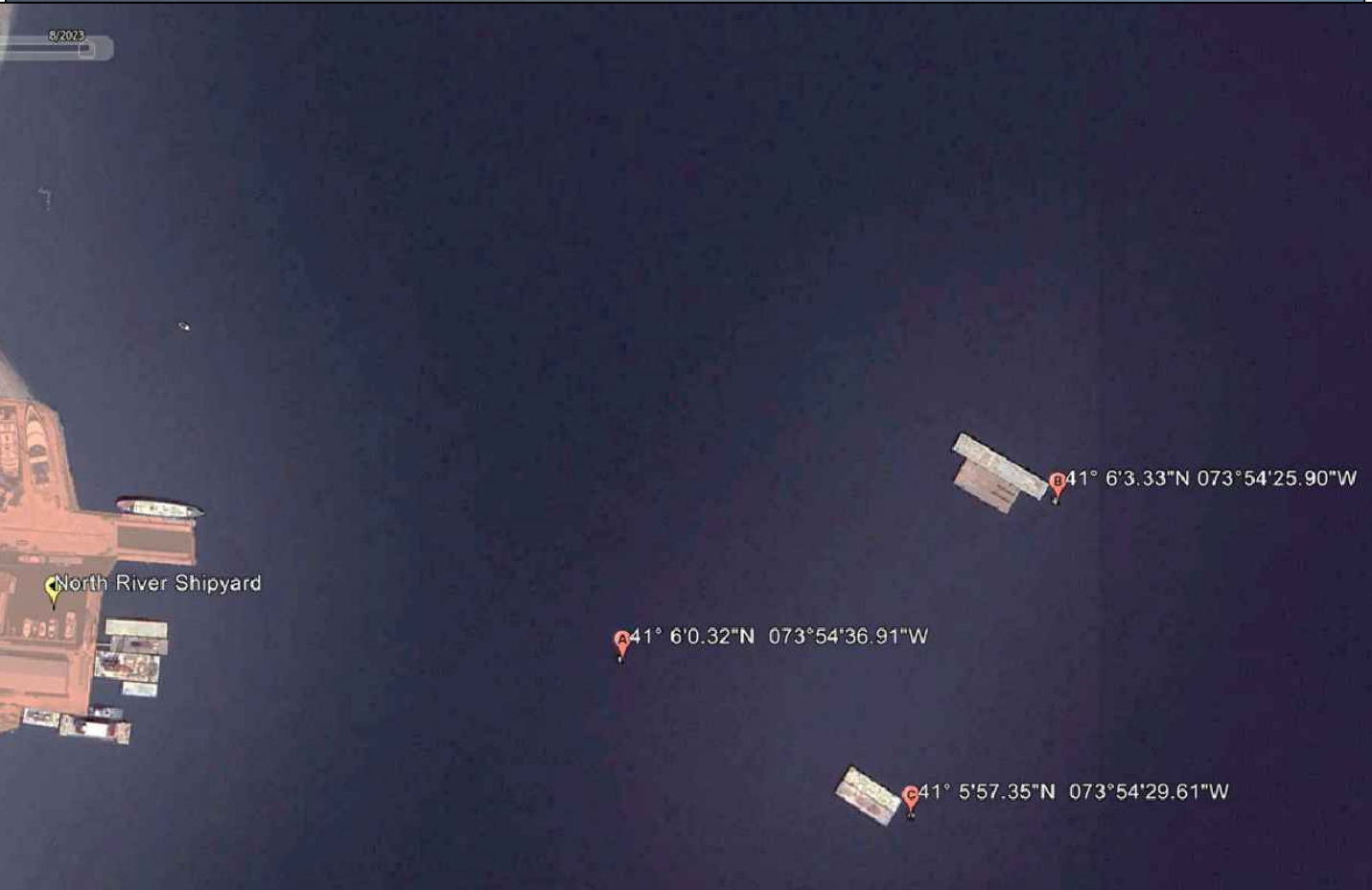


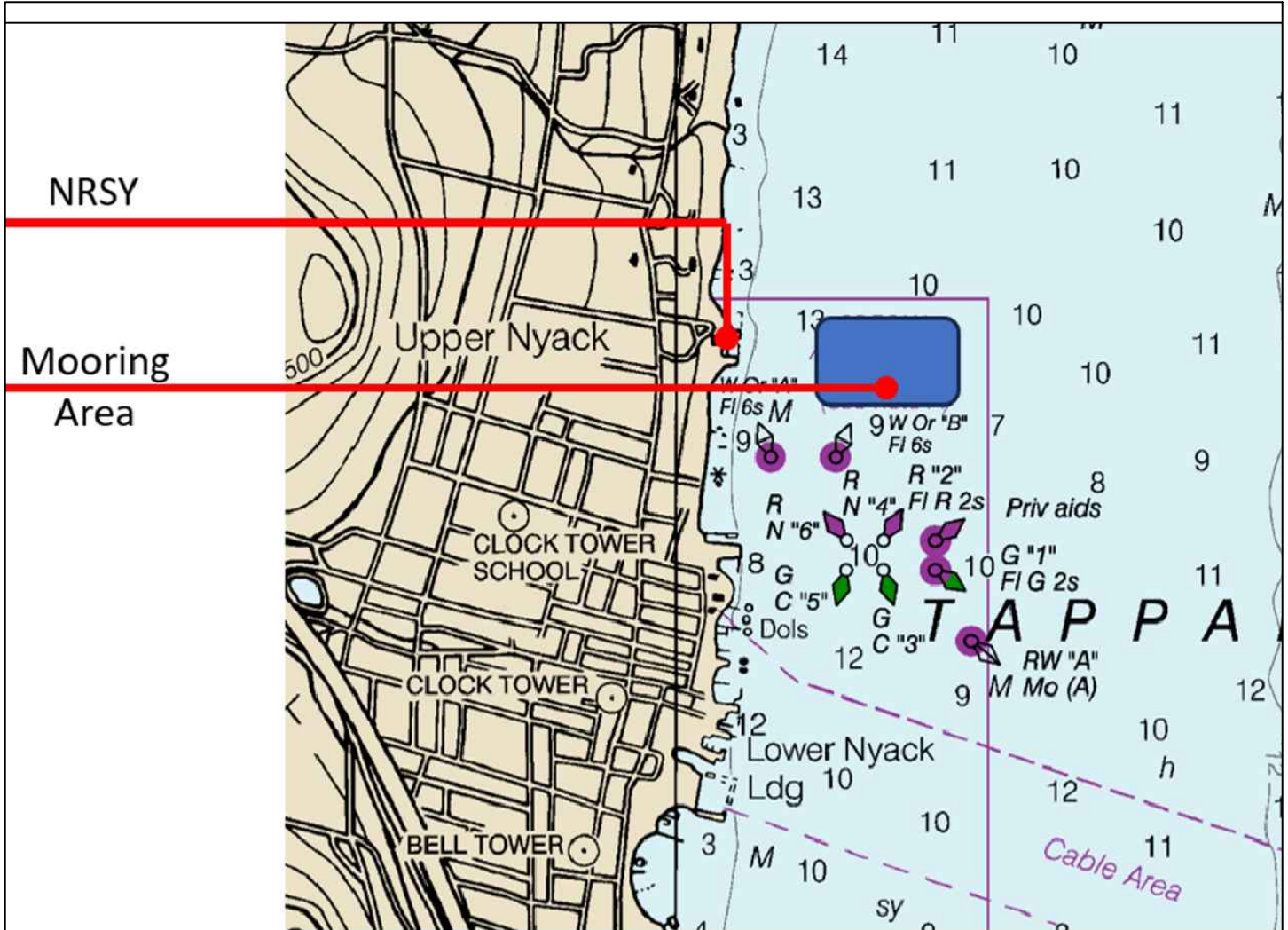
Image © 2023 Airbus

PURPOSE: VESSEL MOORINGS
 MAINTAIN AS COMPLETED
 DATUM: NAVD88
 ADJACENT PROPERTY OWNERS:
 N/A
 DATE: 8/2/2023
 REVISION: 00

PROJECT: BARGE MOORING
 MAINTAIN AS COMPLETED
 OWNER: NORTH RIVER S/Y
 APPLICANT: TMS WATERFRONT
 247 WEST 35TH ST,
 10TH FLOOR
 NEW YORK, NY 10001

SHEET TITLE: MOORING ELEVATION
 WATERBODY: HUDSON RIVER
 TOWN/CITY: NYACK
 COUNTY: ROCKLAND
 STATE: NEW YORK
 SHEET 5 OF 6

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NOAA Nautical Chart #12343 with Moorings

<p>PURPOSE: VESSEL MOORINGS MAINTAIN AS COMPLETED DATUM: NAVD88 ADJACENT PROPERTY OWNERS: N/A DATE: 8/2/2023 REVISION: 00</p>	<p>PROJECT: BARGE MOORING MAINTAIN AS COMPLETED OWNER: NORTH RIVER S/Y APPLICANT: TMS WATERFRONT 247 WEST 35TH ST, 10TH FLOOR NEW YORK, NY 10001</p>	<p>SHEET TITLE: MOORING ELEVATION WATERBODY: HUDSON RIVER TOWN/CITY: NYACK COUNTY: ROCKLAND STATE: NEW YORK SHEET 6 OF 6</p>
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