# 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-2013-00692-EBO
Issue Date: June 21, 2013
Expiration Date: July 21, 2013

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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Amboy Aggregates
Lower Main Street, PO Box 3220
South Amboy, New Jersey 08879

ACTIVITY: Dredge with ten years maintenance.

WATERWAY: Raritan Bay

LOCATION: City of South Amboy, Middlesex County, New Jersey

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.

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 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 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 occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. 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 Jersey Department of Environmental Protection

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. If you have any questions concerning this application, you may contact this office at (917) 790-8516 and ask for Leslie Bowles-Early.

In order for us to better serve you, please complete our Customer Service Survey located at: http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey.

For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil

Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

## WORK DESCRIPTION

The permit applicant, Amboy Aggregates, has requested Department of the Army authorization to perform maintenance dredging at its loading dock facility at its sand and aggregate processing facility on the Raritan Bay in the City of South Amboy, Middlesex County, New Jersey.

The regulated work would involve dredging performed by a clamshell attached to a barge. Dredging will be conducted to a depth of 14 feet below Mean Low Water with an overdredge depth of 2 feet, in an area up to 300 feet outshore of the Mean High Water Line/bulkhead, and up to 75 feet to either side of the loading dock. Up to 5,000 cubic yards of sand is proposed to be dredged from around the loading dock during each maintenance dredging episode.

The dredged sand will be loaded onto scows or barges moored at the loading dock. The material will be allowed to settle in the scows at the dredging site for a minimum of 24 hours, after which the decant water will be sampled to ensure that the water meets a Total Suspended Solids action level of 30 mg/L. Once the action level of 30 mg/L is attained, the decant water will be released back into the bay prior to off-loading at the facility's berthing wharf immediately to the north of the dredging area. At the berthing wharf, the sand will be off-loaded by crane onto watertight trucks for transport to the facility's sand and aggregate storage and blending area adjacent to the loading dock. The trucks will off-load the sand at the receiving hopper of the facility's screening equipment, where it will be blended with other commercial grade sand and aggregate product for sale.

Laboratory tests were performed on sediment samples taken from the area to be dredged in accordance with instructions from New Jersey DEP's Office of Dredging and Sediment Technology. The tests were performed for the New Jersey Waterfront Development Permit, which is valid through June 2015. Each of three core samples was analyzed for grain size, TOC and percent moisture. The grain size analysis of all three core samples showed that the sediment to be dredged was greater than 90% sand. The accumulated material to be dredged under this application is largely wind-blown sand from the Applicant's own materials stockpiles and loading/unloading operations, and was most recently deposited by wind, storm surge and overwash associated with Hurricane Sandy. The stockpiled sand is mined from navigation channels in New York Harbor under the auspices of Department of the Army and NJDEP permits, and is continually tested for acceptable grain size and chemical constituents. It is reasonable to predict that the material to be dredged has the same physical and chemical characteristics as the sand stockpiled on the immediate upland, and the material previously dredged around the loading dock.

Dredging is proposed to commence immediately upon receipt of all required approvals, and is anticipated to last for approximately seven days. Additional maintenance dredging is anticipated to be conducted every three years for the life of the permit.

The permit applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable. Most of the impacts associated with the 10-year maintenance dredging project are temporary and would be offset by implementing best management practices to minimize impacts.

The stated purpose of this regulated work is to maintain safe navigation through an active navigation channel.

# Amboy Aggregates Maintenance Dredging
# South Amboy, New Jersey

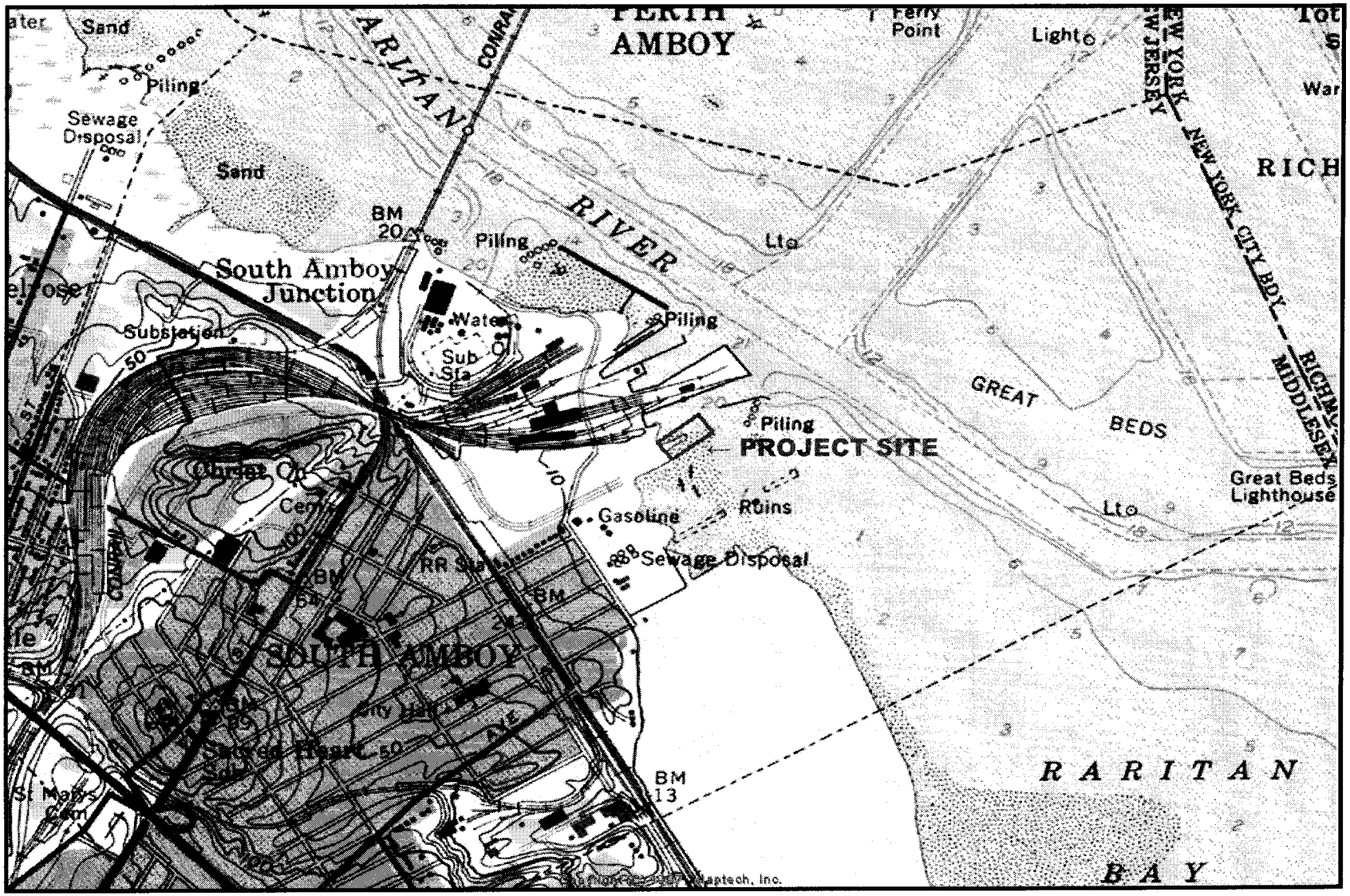
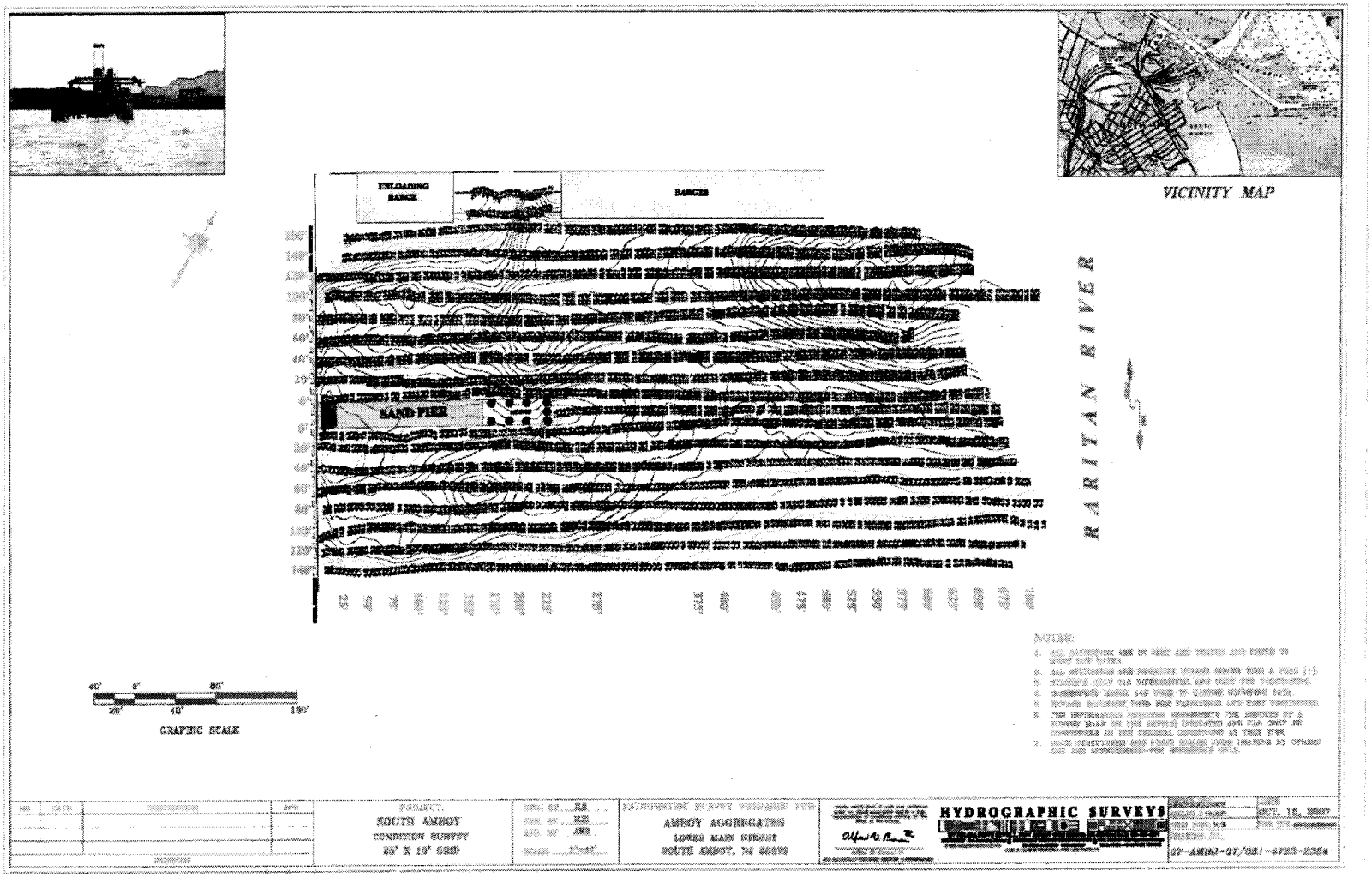
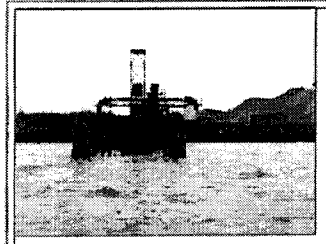


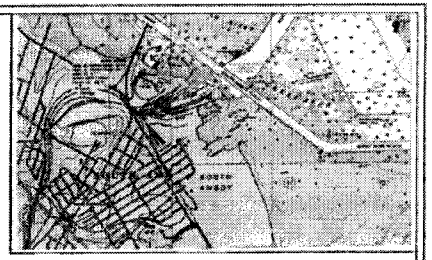

**FIGURE 1**
**USGS LOCATION MAP**



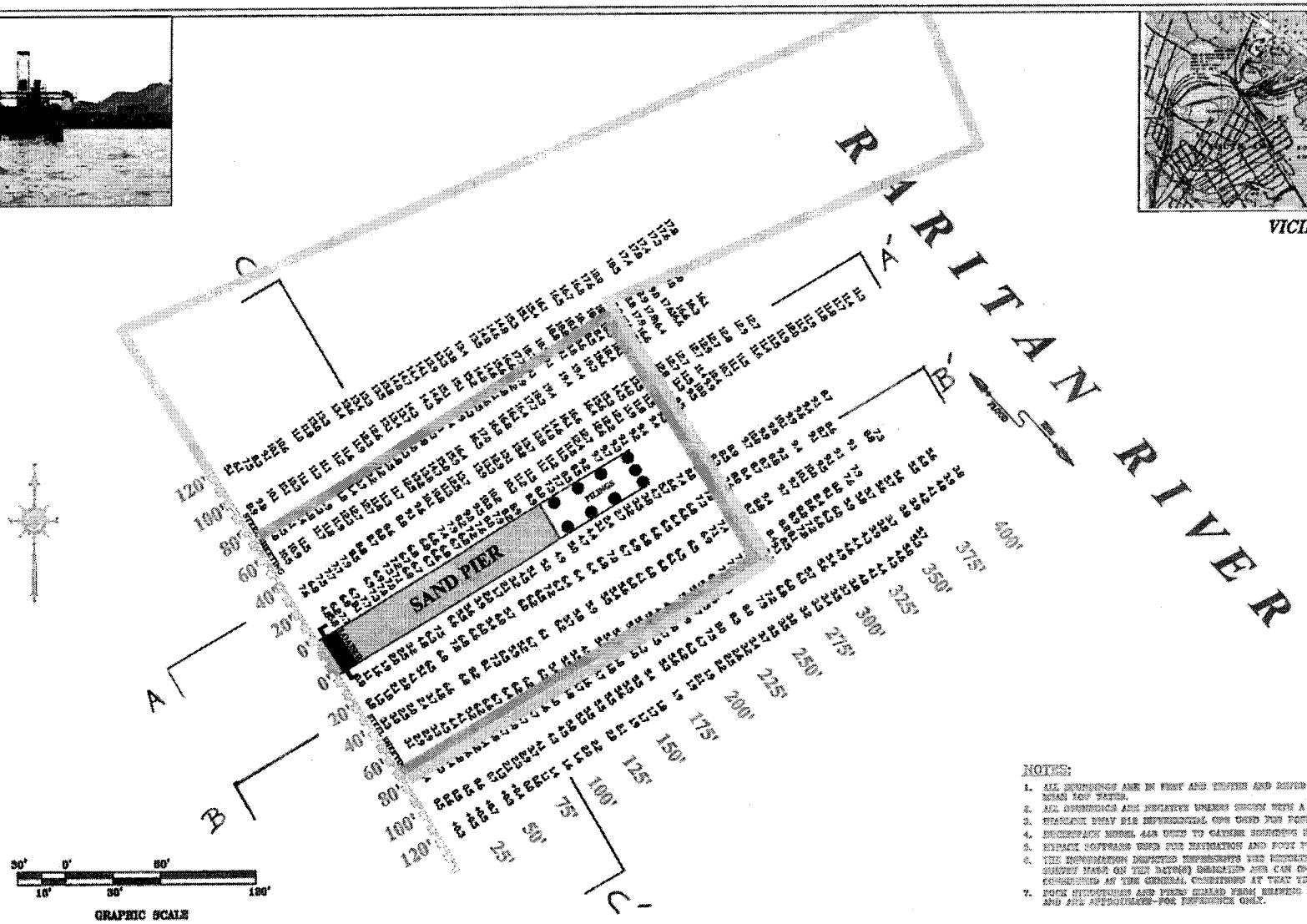

**2007 HYDROGRAPHIC SURVEY**

# FIGURE 5. DREDGING PLAN AND BATHYMETRIC SURVEY





*VICINITY MAP*




NOTES:

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOW WATER.
2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. STARLINK DGPS RTK DIFFERENTIAL GPS USED FOR POSITIONING.
4. HYDROMAGIC MODEL 44A USED TO GATHER SOUNDING DATA.
5. HYPACK SOFTWARE USED FOR EXCAVATION AND POST PROCESSING.
6. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON THE DATE(S) INDICATED AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
7. ROCK OUTCROPPINGS AND PILES SHOWN FROM SURFACE BY DIVERS AND ARE APPROXIMATE--FOR REFERENCE ONLY.

Proposed Dredging Area (to -14 feet MLW + 2 feet)

License #88-0398-T Area

| NO. | DATE | DESCRIPTION | APP. |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | REVISION | |

PROJECT:
SOUTH AMBOY
CONDITION SURVEY
25' X 10' GRID

DSN. BY: JLS
CHK. BY: MJB
APP. BY: AMB
SCALE: AS SHOWN

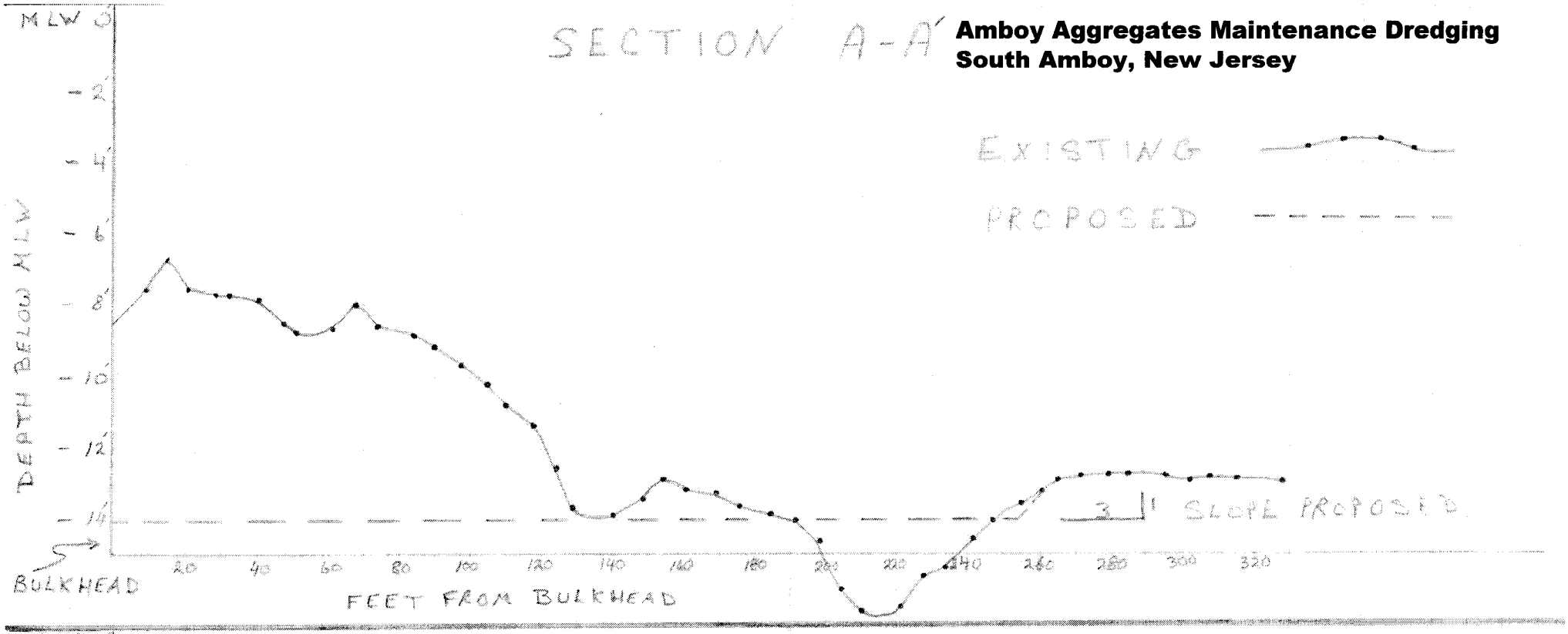
BATHYMETRIC SURVEY PREPARED FOR:
AMBOY AGGREGATES
LOWER MAIN STREET
SOUTH AMBOY, NJ 08879

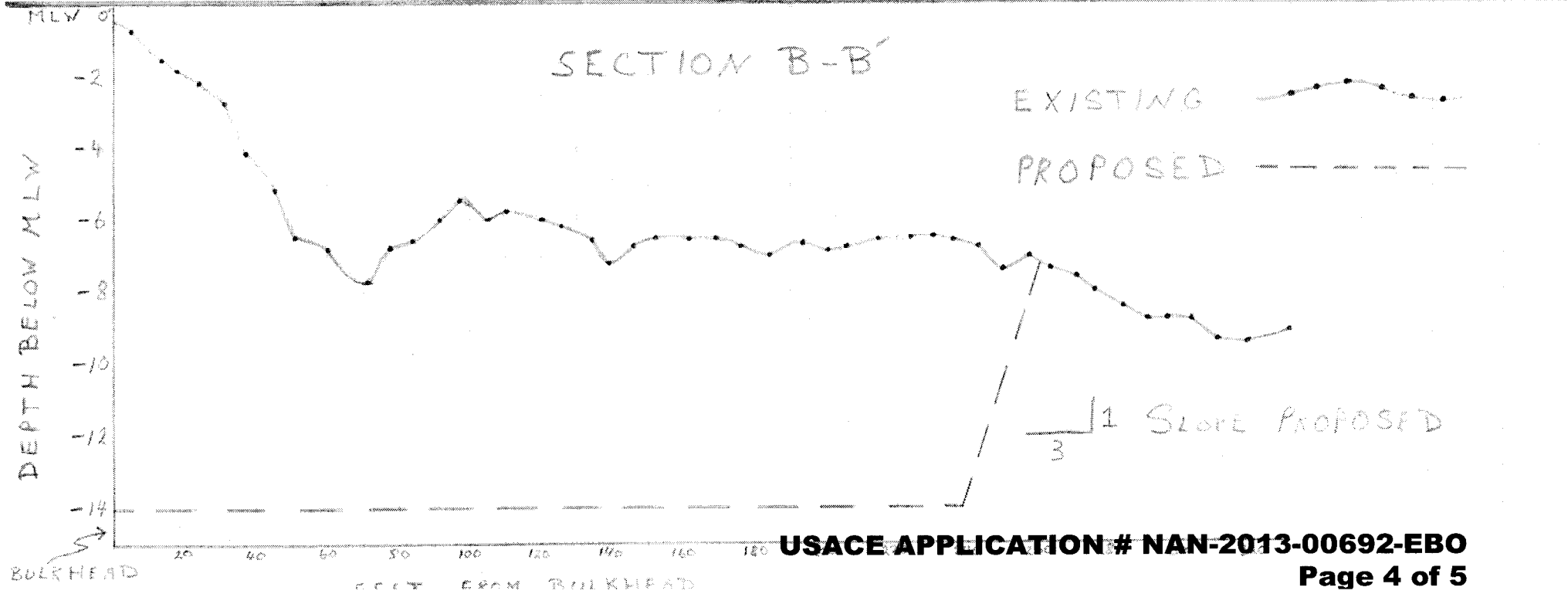
HYDROGRAPHIC SURVEYS

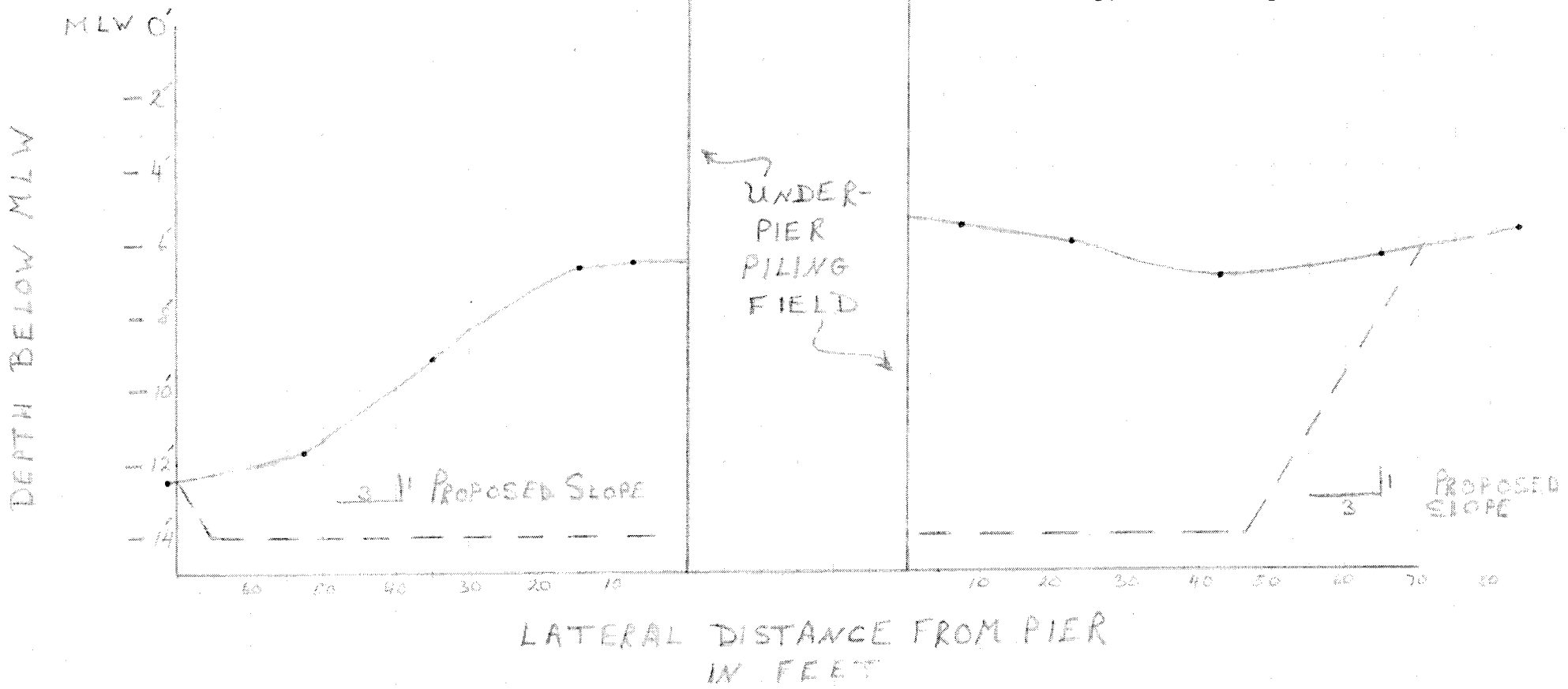
APRIL 25, 2002

DRAWING NO.
02-AMBO-02/030-2571-1389

**USACE APPLICATION # NAN-2013-00692-EBO**


SECTION A-A'
MLW 0
-2'
-4'
-6'
-8'
-10'
-12'
-14'
DEPTH BELOW MLW
BULKHEAD
20
40
60
80
100
120
140
160
180
200
220
240
260
280
300
320
FEET FROM BULKHEAD
EXISTING
PROPOSED
3
1
SLOPE PROPOSED


SECTION B-B'
MLW 0
-2
-4
-6
-8
-10
-12
-14
DEPTH BELOW MLW
BULKHEAD
20
40
60
80
100
120
140
160
180
FEET FROM BULKHEAD
EXISTING
PROPOSED
1
3
SLOPE PROPOSED


MLW 0'
-2'
-4'
-6'
-8'
-10'
-12'
-14'
DEPTH BELOW MLW
UNDER-PIER PILING FIELD
3
1
PROPOSED SLOPE
3
1
PROPOSED SLOPE
60
50
40
30
20
10
10
20
30
40
50
60
70
80
LATERAL DISTANCE FROM PIER IN FEET

SECTION C - C'