



# 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-2012-00429-ESP**  
Issue Date: **July 30<sup>th</sup>, 2012**  
Expiration Date: **August 29<sup>th</sup>, 2012**

## 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:** Lehigh Cement Company, LLC  
Pier K, Brooklyn Navy Yard  
63 Flushing Avenue  
Unit 295  
Brooklyn, N.Y. 11205

**ACTIVITY:** Dredge with ten years maintenance with return flow and upland disposal

**WATERWAY:** Wallabout Basin/East River

**LOCATION:** Brooklyn Navy Yard (Pier K) in Williamsburg, Borough of Brooklyn, Kings County, N.Y.

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. Comments provided will become a part of the public record for this action.

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

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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 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.

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 permit

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) 790-8522 and ask for Craig Spitz.

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>

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

*for* Naomi Handell  
Jodi McDonald  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, Lehigh Cement Company, LLC, has requested Department of the Army authorization to dredge with ten years maintenance in Wallabout Bay/East River at the Brooklyn Navy Yard (Pier K) in Williamsburg, Borough of Brooklyn, Kings County, New York with upland disposal and return flow.

The work, which would involve the use of a barge-mounted clamshell bucket dredge, is described below:

**Phase 1:** Dredge, approximately 7, 228 cubic yards of mostly silt material to a maximum depth of 34 feet below mean low water (MLW) and 10,428 of the same to a maximum depth of 36 feet below MLW with 2-feet of allowable overdredge.

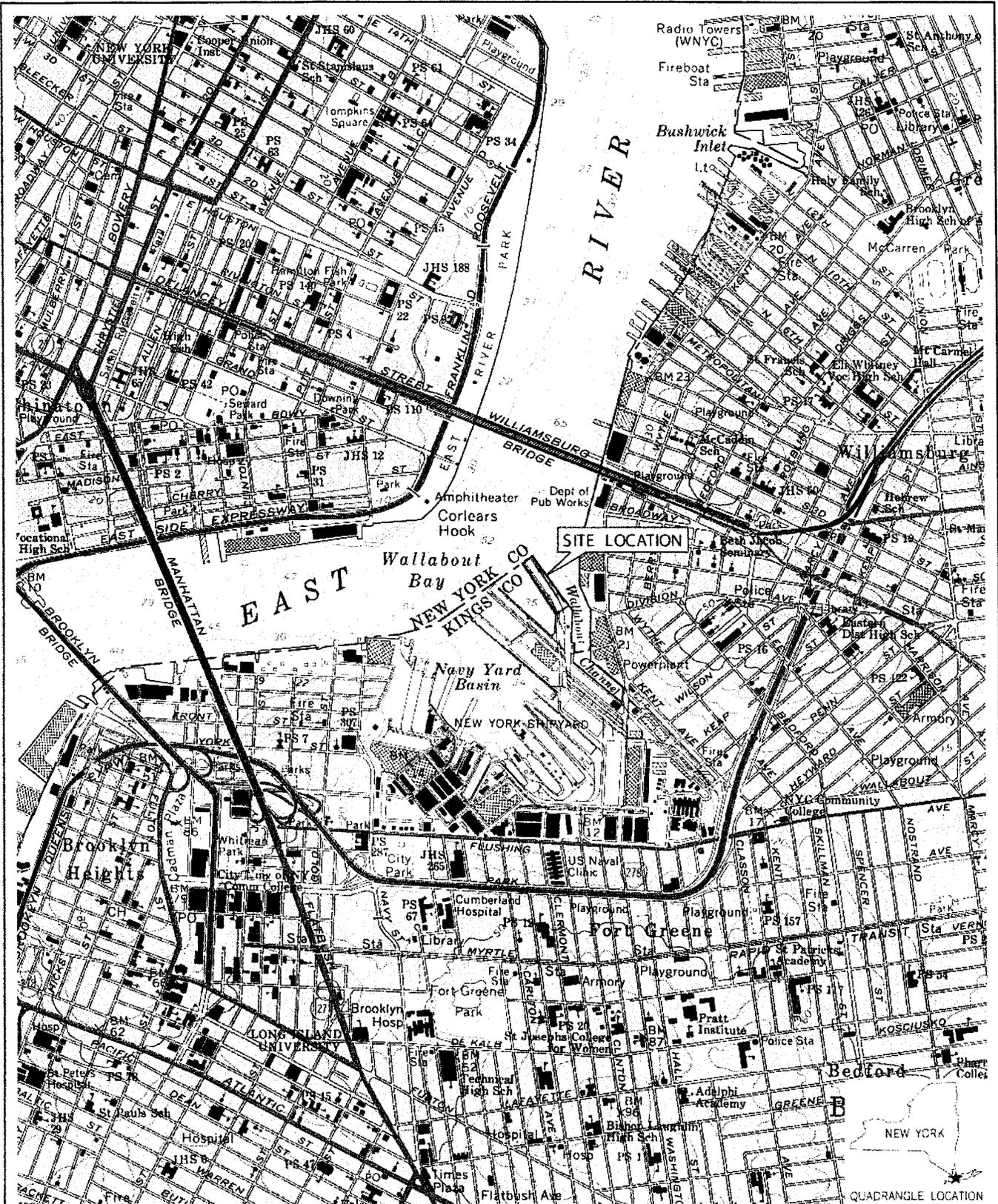
**Phase 2:** Dredge, approximately 7, 886 cubic yards of material to a maximum depth of 34 feet below MLW and 13,043 of the same to a maximum depth of 36 feet below MLW with 2-feet of allowable overdredge.

Return flow from the barges is anticipated to occur at the site to facilitate transportation of the material to a facility out of state. Further dewatering may be required at the upland disposal site prior to transport.

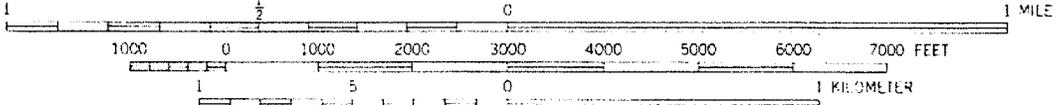
Two additional dredging events are anticipated during the ten year life of the permit with the removal of up to the same volume of material per event with disposal in the same manner.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by utilizing an environmental bucket with a lower rate of lift restrictions to minimize resuspension of sediment.

The stated purpose of this project is to provide safe water depths for continued maritime trans-shipment of cement from supply vessels to the existing floating cement barge.



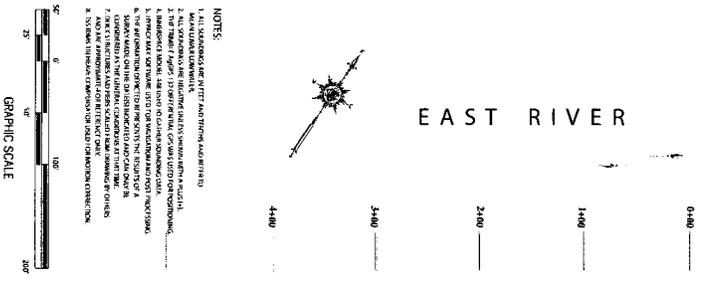
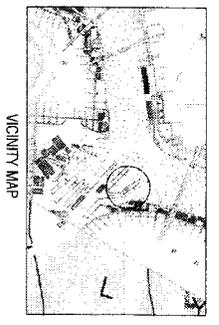
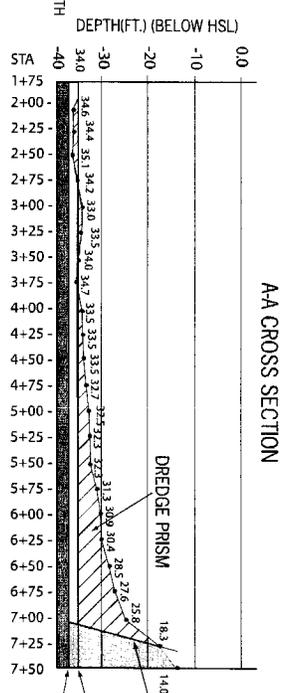
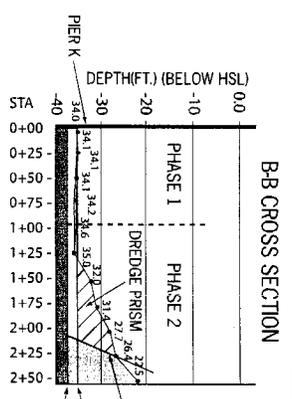
SCALE 1:24000




 QUAY CONSULTING LLC  
 LEHIGH CEMENT CORPORATION  
 BROOKLYN NAVY YARD, BROOKLYN, N.Y. 11205  
 FIGURE NO 1  
 DATE May 10, 2004  
 LEHIGH CEMENT SECURITY

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1 of 2



**NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 3. THE TYPICAL PIER IS 12 FEET WIDE. (SEE PLAN FOR DIMENSIONS).  
 4. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO CENTERLINE.  
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 6. THE DREDGE PRISM IS TO BE DREDGED TO THE DEPTH OF A  
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**PROJECT:**  
 LEHIGH CEMENT CO.  
 PIER K  
 DREDGING PROJECT

DRAWN BY: RWJ  
 CHECKED BY: MLL  
 SCALE: SEE ABOVE

Pier K Sediment Samplings  
 LEHIGH CEMENT COMPANY  
 PIER K, BROOKLYN NAVY YARD  
 BROOKLYN, N.Y. 11205

**Quay** QUAY CONSULTING, LLC

PROJECT NO.	02812	DATE	JAN 26 2012
FIGURE NO.	2	SCALE	AS SHOWN
PIER K			

PLAN-2012-00429-ESR