



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-2012-01236-WSC
Issue Date: December 3, 2012
Expiration Date: January 3, 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: Jay Cashman, Inc.
Elizabeth Marine Terminal
650 South Front Street
Elizabeth, NJ 07272

ACTIVITY: Dredge, with ten years maintenance, with upland placement.

WATERWAY: Arthur Kill

LOCATION: City of Elizabeth, Union 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. 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 permit decision process and bears the same weight as that furnished at a public hearing.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2012-01236-WSC

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: Waterfront Development Permit from the 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) 790-8417 and ask for Steven A. Schumach.

In order for us to better serve you, please complete our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>. 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 applicant, Jay Cashman, Inc., has requested Department of the Army authorization to dredge, with ten years maintenance, at its Elizabeth Marine Terminal located in the Arthur Kill at 650 South Front Street, City of Elizabeth, Union County, New Jersey.

The work would involve dredging an irregular shaped barge berth area of 77,240 square feet with dimensions of approximately 513 feet by 125 feet by 465 feet by 195 feet to a depth of 14 feet below the plane of mean low water plus one foot overdepth. The initial dredging would be approximately 2,600 cubic yards from an irregular shaped area within the existing barge berth of approximately 18,257 square feet with approximate dimensions of 478 feet by 37 feet by 465 feet by 42 feet. The proposed dredging would be performed with an environmental bucket and is expected to take no longer than two weeks. The dredged material would be placed directly into a scow, and the excess water would be decanted at the dredge location in accordance with the requirements of the New Jersey Department of Environmental Protection water quality certificate. The dredged material would then be processed at Elizabeth Marine Terminal with no less than 8% Portland cement and then placed at a state approved upland placement site. The applicant estimates that subsequent maintenance dredging would not be needed more than 5 times over the ten year life the permit, if issued.

The stated purpose of this project is to maintain adequate depth for safe navigation at an existing barge berth for barges and work boats to unload dredged material from barges for processing.

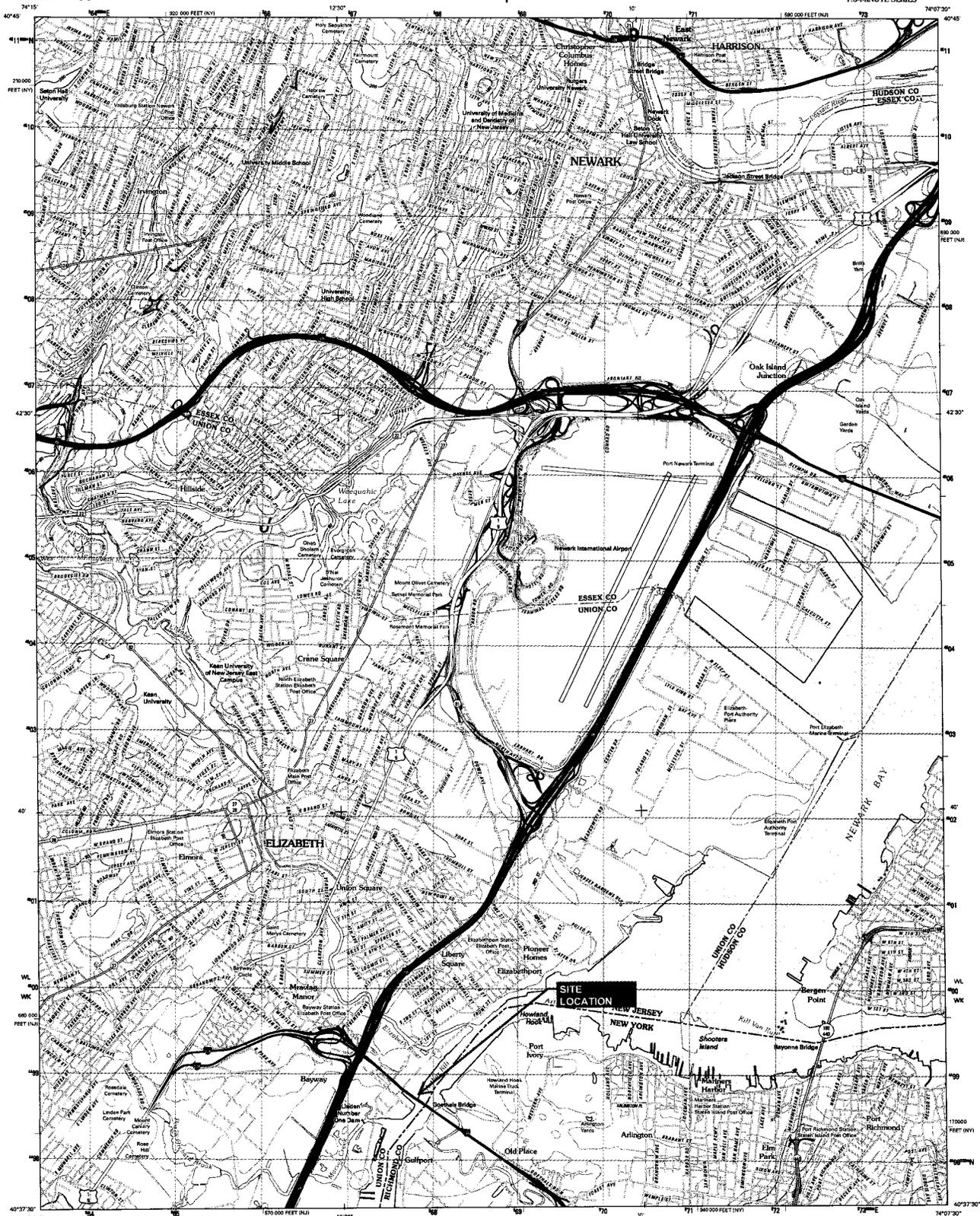
It is noted that the proposed maintenance dredging area adjoins the Arthur Kill federal navigation channel.



U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY

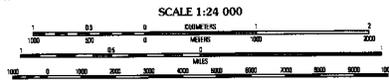
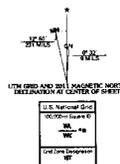


ELIZABETH QUADRANGLE
NEW JERSEY-NEW YORK
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84), Projection and
1:100,000 scale grid. Universal Transverse Mercator, Zone 18T
10 000-foot scale; New Jersey Coordinate System of 1983,
New York Coordinate System of 1983 (New York State Zone)

Imagery - State of New Jersey, January 2007 - January 2008
Other Imagery provided by DE, NY, PA
Roads - 2006-2010
Hydrography - National Hydrography Dataset, 2002
Contour - National Elevation Dataset, 2001
Boundaries - Census, USMC, BLS, USCR, 1972 - 2010



This map was produced in conformance with version 0.5.10
of the USGS US Topo Product Standard.
A metadata file associated with this product is available at 0.5.15.NJ

QUADRANGLE LOCATION

Calwell	Chapel	Chatham
Elm	Elizabeth	Elm
Franklin	Franklin	Franklin

ADJOINING 7.5 QUADRANGLES

ROAD CLASSIFICATION

Interstate Route	State Route
US Route	Local Road
Pump	4WD

ELIZABETH, NJ-NY
2011

GENERAL NOTES.

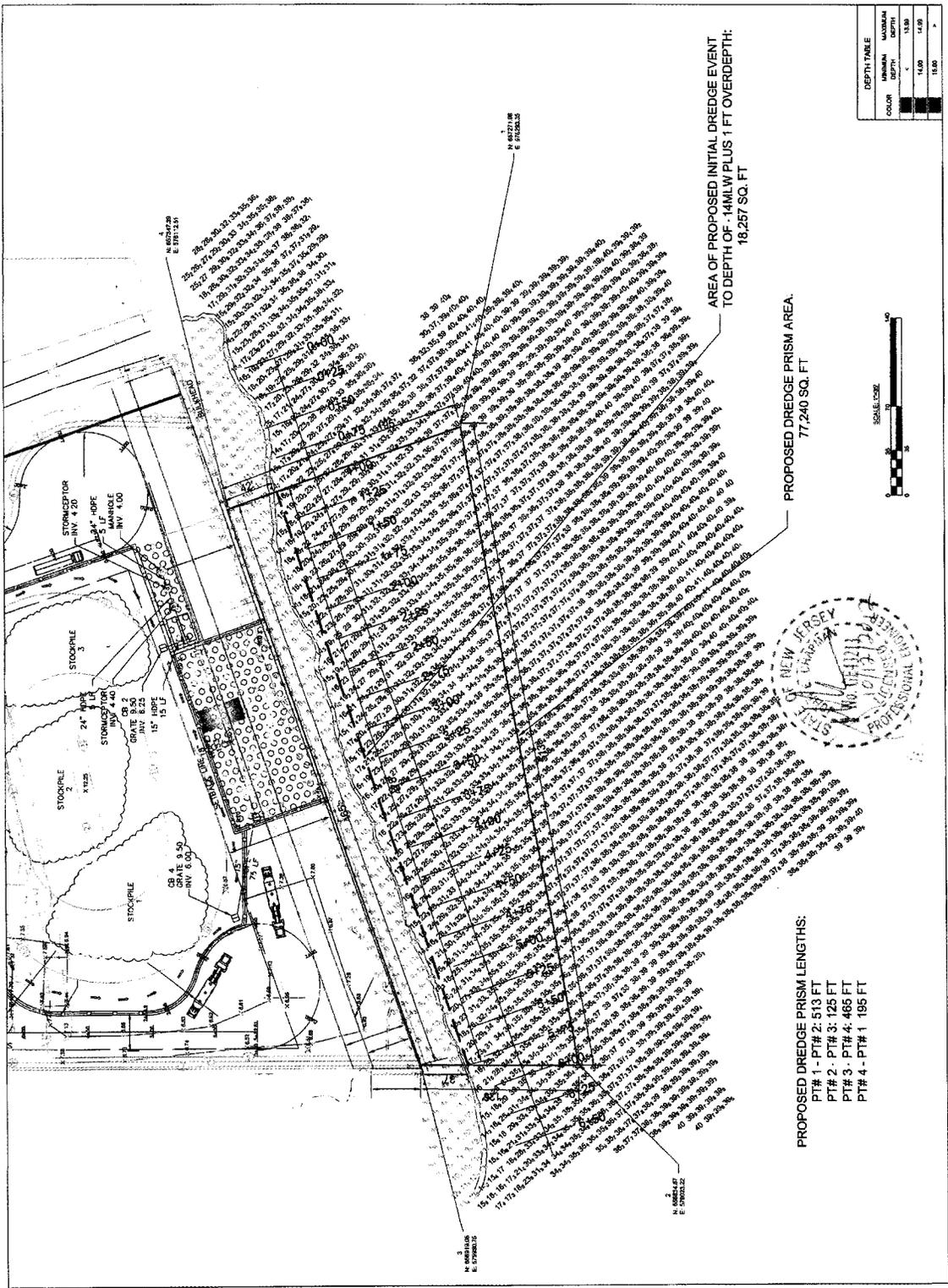
1. SCALES NOTED ARE APPLICABLE TO THE DRAWING. DIMENSIONS SHALL BE TO UNLESS OTHERWISE NOTED. SCALE REDUCED DIMENSIONS ACCORDINGLY.
2. ELEVATIONS REFER TO THE PLANE OF MEAN HIGH WHICH IS 2.3 FEET BELOW THE NORMAL MEAN HIGH. COASTING VERTICAL DATUM OF 1928 IS USED.
3. ALL DIMENSIONS ARE IN FEET AND INCHES.
4. ALL DIMENSIONS ARE IN FEET AND INCHES.
5. THE INFORMATION DERIVED FROM THIS SURVEY IS FOR THE USE OF THE ENGINEER AND CONTRACTOR AND IS NOT TO BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
6. ALL DIMENSIONS ARE TO BE USED WITH AN 8% WASTEWATER FOS POSITIONING.
7. ALL DIMENSIONS ARE TO BE USED FOR DEPTH COLLECTION.
8. PREPARED MAX SETTINGS USED FOR NAVIGATION AND POST PROCESSING.
9. A 10-YEAR TIDE RANGE DREDGING INCLUDES 1% OVERDEPTH. IS BEING OF APPROXIMATELY 77,240 SF. INCLUDING SURROUNDING AREA. REMOVAL MATERIAL FROM ONLY THOSE AREAS WITH WATER SURVEY INDICATES THE INITIAL RESIDUAL SURFACE. THE SURFACE IS TO BE DREDGED TO A MINIMUM OF 1.0 FT BELOW THE EXISTING MINIMUM. TO BE DREDGED TO APPROXIMATELY 2,000 CUBIC YARDS.
10. STANDARD 3:1 SIDE SLOPE.

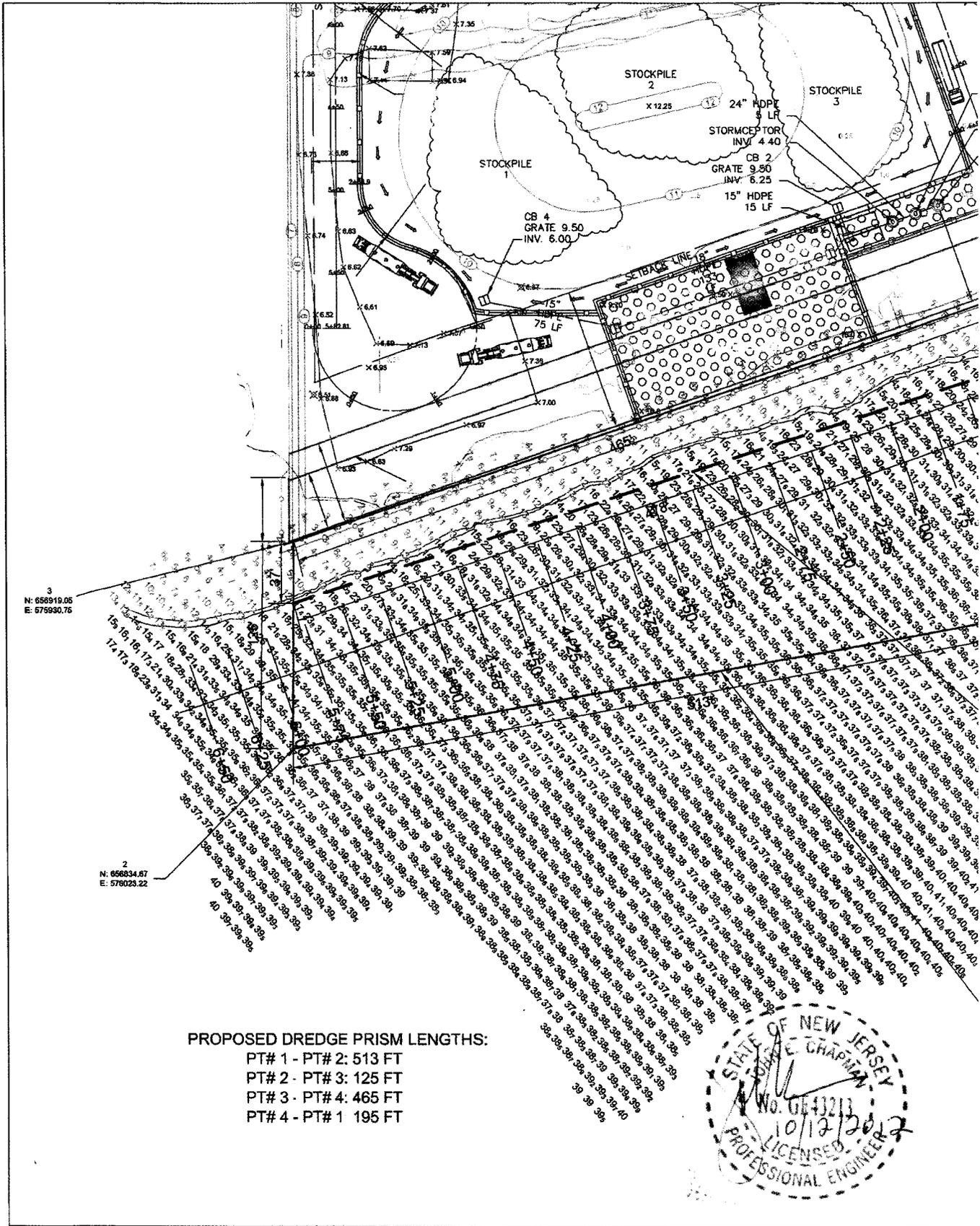
SURVEY DATE: 07/19/2012
 SOUNDINGS ARE AT A 10x10 MIN GRID OF 5x3 AVERAGE DATA.
 17079_AUG_20_ELIZABETH_FINAL.DWG

CASHMAN DREDGING & MARINE CONTRACTING CO., LLC
 SURVEY DEPT.

PROPOSED DREDGE AREA
 ELIZABETH MARINE TERMINAL
 655 SOUTH FRONT ST.
 ELIZABETH, NJ

10/04/2012 11:55:00
 DD KR
 ELIZABETH SITE
 1 of 1
D-001

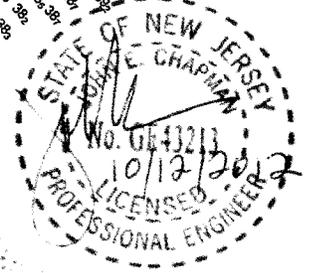


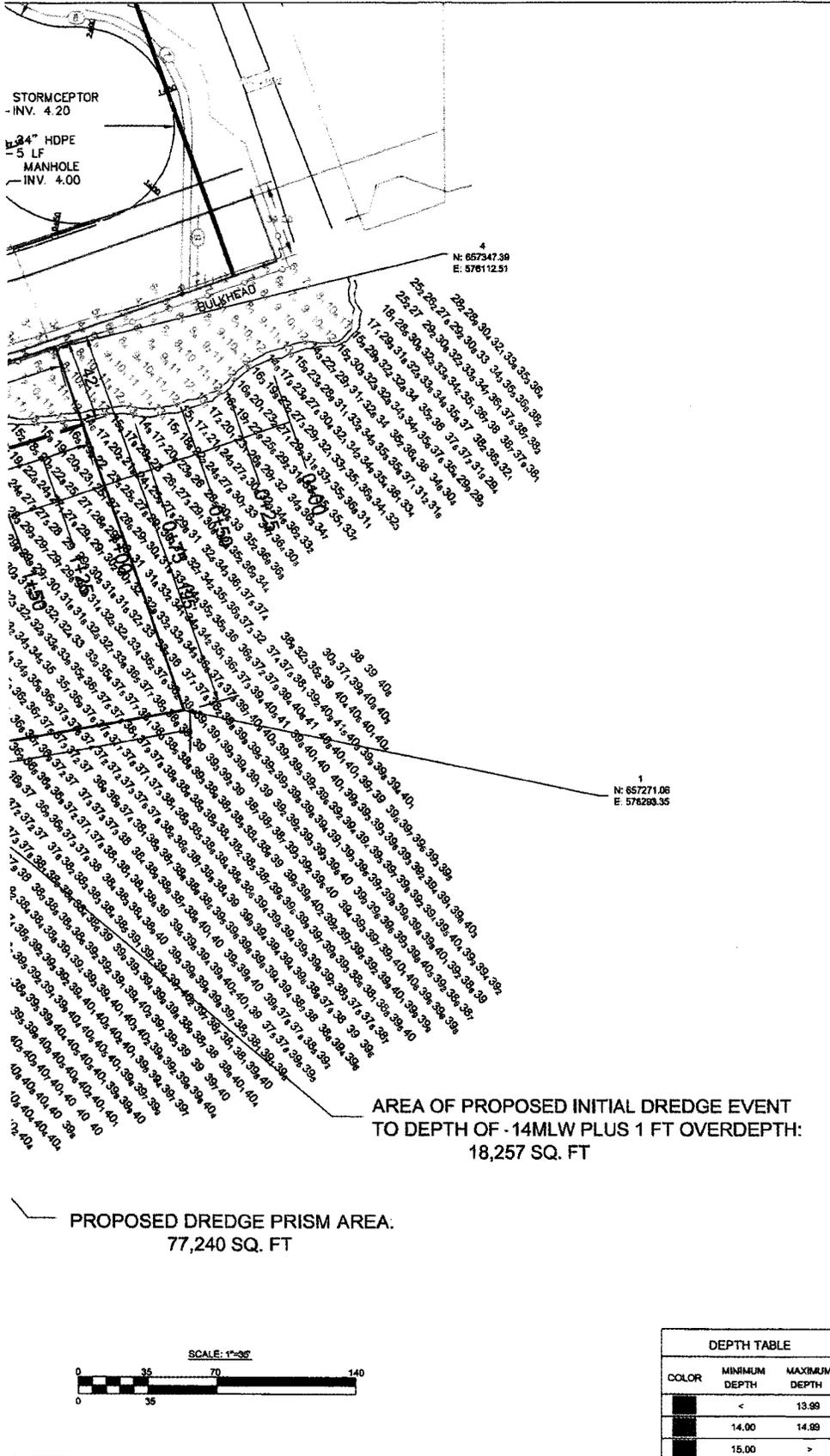


3
 N: 656919.05
 E: 575930.76

2
 N: 656834.87
 E: 576023.22

PROPOSED DREDGE PRISM LENGTHS:
 PT# 1 - PT# 2: 513 FT
 PT# 2 - PT# 3: 125 FT
 PT# 3 - PT# 4: 465 FT
 PT# 4 - PT# 1: 195 FT





GENERAL NOTES:

1. SCALES NOTED ARE APPLICABLE TO FULL SIZE (24"x36") DRAWINGS ONLY. SCALE REDUCED DRAWINGS ACCORDINGLY.
2. ELEVATIONS REFER TO THE PLANE OF MLW WHICH IS 2.3 FEET BELOW THE NORTH NATIONAL GEODETIC VERTICAL DATUM OF 1929.
3. COORDINATES REFER TO THE STATE PLANE COORDINATE SYSTEM NEW JERSEY MERCATOR AND REFERENCED TO NAD 1983.
4. ALL SOUNDINGS ARE IN FEET AND TENTHS.
5. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF SURVEYS MADE ON MORE THAN ONE DATE. THE DATE INDICATED IS THE MOST RECENT SURVEY AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
6. A POSIV WAVE MASTER WAS USED WITH AN RTK BASESTATION FOR POSITIONING.
7. A R2SONIC 2022 BROADBAND MULTIBEAM ECHOSOUNDER WAS USED FOR DEPTH COLLECTION.
8. HYPACK MAX SOFTWARE USED FOR NAVIGATION AND POST PROCESSING.
9. A 10-YEAR MAINTENANCE DREDGING PERMIT TO A TOTAL DEPTH OF -15' MLW (INCLUDES 1' OVERDEPTH) IS BEING REQUESTED FOR THE ENTIRE BERTH AREA OF APPROXIMATELY 77,240 SF. MEASURING 513' X 125' X 185'. THE INITIAL DREDGING EVENT WILL REMOVE MATERIAL FROM ONLY THOSE AREAS WITH WATER DEPTH LESS THAN -15' MLW. A RECENT SURVEY INDICATES THE INITIAL REMOVAL AREA TO BE APPROXIMATELY 18,257 SF (478' X 37' X 465' X 42') IN SIZE AND VOLUME CALCULATIONS INDICATE THE EXPECTED INITIAL VOLUME TO BE REMOVED IS APPROXIMATELY 2,600 CUBIC YARDS
10. STANDARD 3:1 SIDE SLOPE.

SURVEY DATE: 07/19/2012
 SOUNDINGS ARE AT A 10x10 MIN SORT OF 3X3 AVERAGE DATA:

SURVEY NAME:
 120719_AVG_3X3_ELIZABETH_FINAL.XYZ

No.	Revision/Issue	Date

CASHMAN DREDGING & MARINE CONTRACTING CO., LLC
 SURVEY DEPT.

Drawing Title:
PROPOSED DREDGE AREA
 ELIZABETH MARINE TERMINAL
 650 SOUTH FRONT ST.
 ELIZABETH, NJ

Date: 10/04/2012	Scale: 1"=35'-0"
Drawn By: DD	CN's By: KR
Project: ELIZABETH_SITE	
Sheet Number: 1 of 1	

Proj. No.: **D-001**

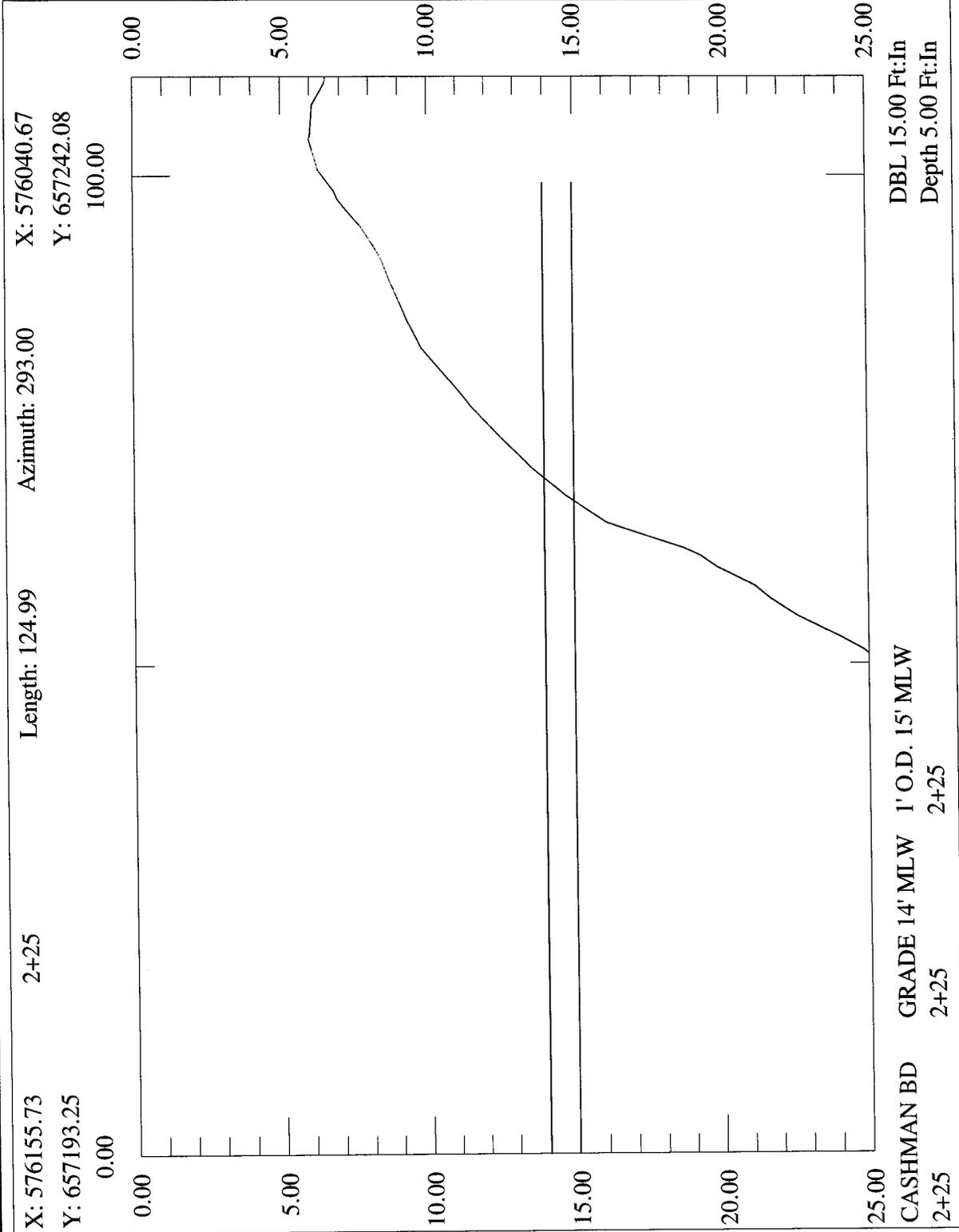
AREA OF PROPOSED INITIAL DREDGE EVENT TO DEPTH OF -14MLW PLUS 1 FT OVERDEPTH: 18,257 SQ. FT

PROPOSED DREDGE PRISM AREA. 77,240 SQ. FT

COLOR	MINIMUM DEPTH	MAXIMUM DEPTH
White	<	13.99
Yellow	14.00	14.99
Red	15.00	>

**DRAWING NO.
D-001A**

ELIZABETH MARINE TERMINAL: TYPICAL CROSS SECTION VIEW



CASHMAN DREDGING & MARINE CONTRACTING CO. LLC
 SURVEY DEPARTMENT
 ELIZABETH MARINE TERMINAL
 650 SOUTH FRONT ST. | ELIZABETH, NJ