

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-2011-01157-EST
Issue Date: September 18, 2012
Expiration Date: October 18, 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: Construction & Marine Equipment Co., Inc.
330 S. Front Street
Elizabeth, NJ 07202

ACTIVITY: Dredging with upland disposal.

WATERWAY: Arthur Kill Reach of NY & NJ Channels

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.

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.

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

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>.

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 a (917) 790-8533 and ask for Leo Strogach.

CENAN-OP-RE
PUBLIC NOTICE NO.NAN-2011-01157-EST

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

A handwritten signature in black ink, appearing to read 'Jodi M. McDonald', with a large, stylized initial 'J'.

Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Construction & Marine Equipment Co., Inc., has requested Department of the Army authorization for dredging of Arthur Kill Reach of New York & New Jersey Federal Navigation Channel with placement of the material at a state approved upland disposal site. The dredged site is located in the City of Elizabeth, Union County, New Jersey.

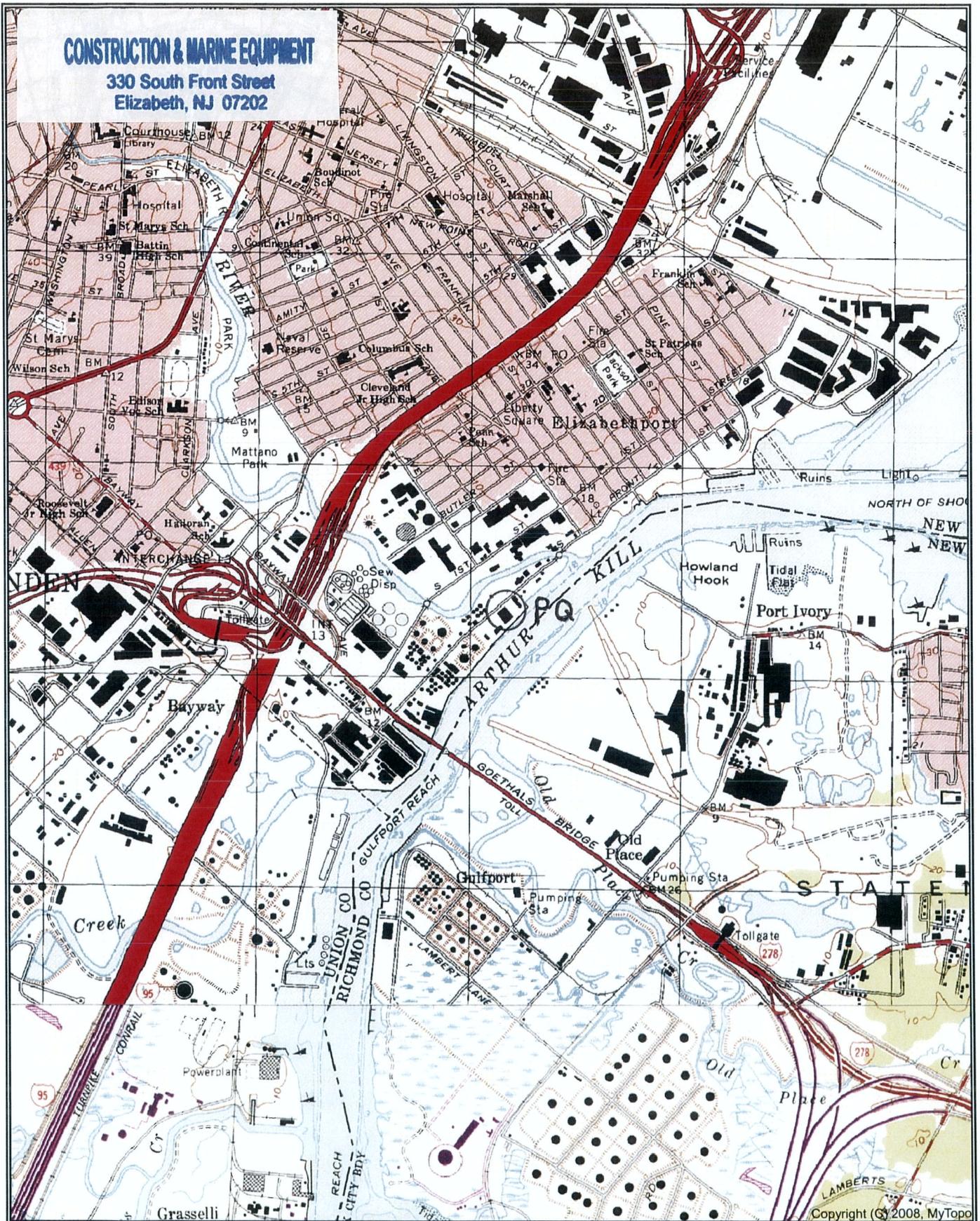
The work would involve dredging with clam shell environmental bucket of approximately 13,000 cubic yards of dredged material, from a 90-foot-wide by 730-foot-long area in front of the applicant's property, to a maximum depth of 30 feet below the plane of mean low water (MLW). No barge overflow would be allowed. The entire dredged volume would be dewatered, mixed with a cement additive and further beneficially placed at a state approved upland disposal site outside of Corps jurisdiction.

The applicant has stated that by employing the environmental bucket and further beneficially using dredged material as construction fill, they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable.

The stated purpose of this project is to continue to maintain safe navigable water depths for the vessels that use the waterway.

CONSTRUCTION & MARINE EQUIPMENT

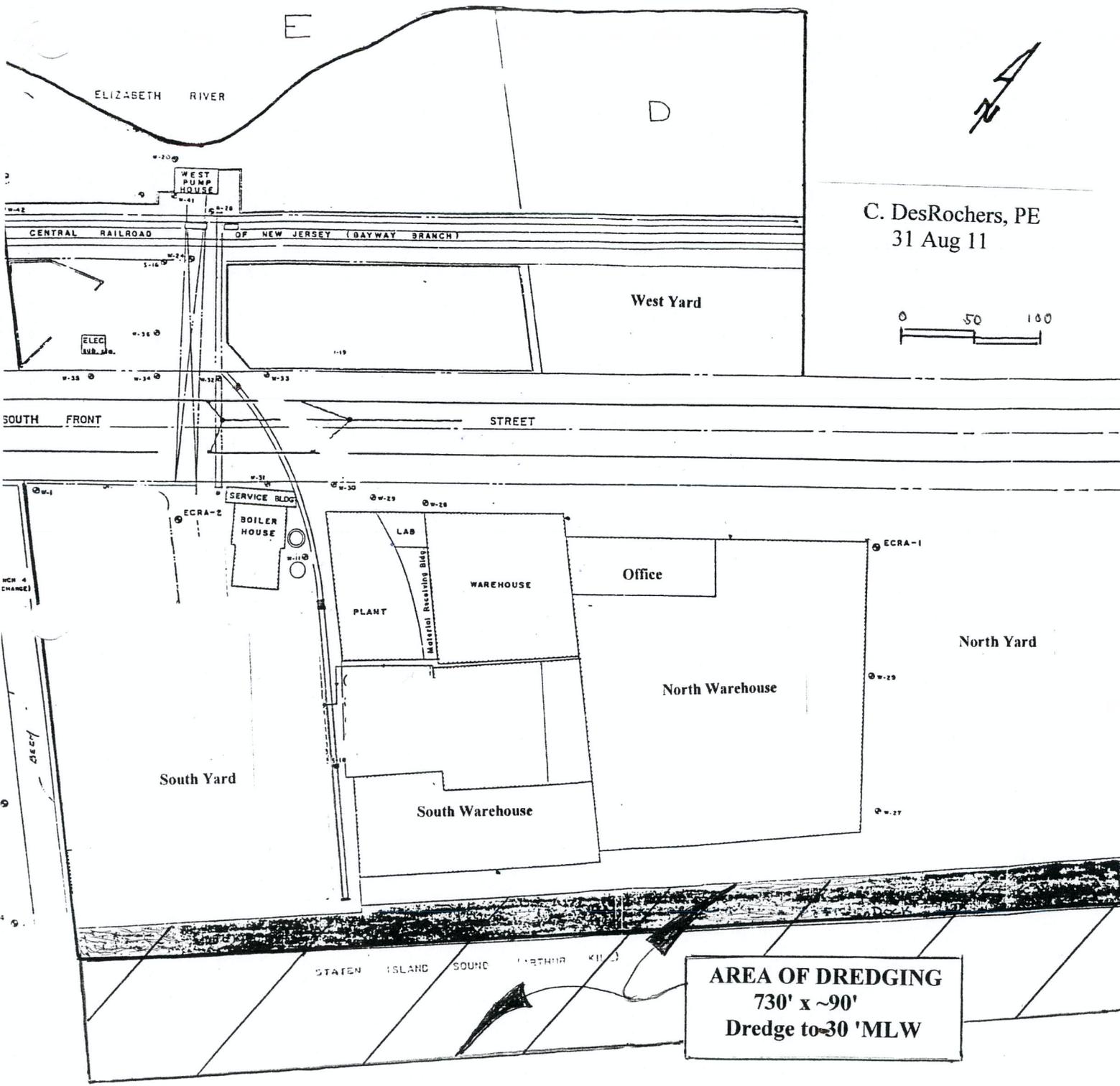
330 South Front Street
Elizabeth, NJ 07202



SCALE 1:24000



ADD # 2011-01157-ESA



C. DesRochers, PE
31 Aug 11

CONSTRUCTION & MARINE EQUIPMENT

330 South Front Street
Elizabeth, NJ 07202
Tel: 908-820-9500 Fax: 908-820-9505
cme330@aol.com www.cmeqco.com

April # 2011-01157-EGT

NPN # 201-0157-654

Construction & Marine Equipment
 330 S. Front St
 Elizabeth, NJ, 07202



VICINITY MAP

DATUM RELATIONSHIP

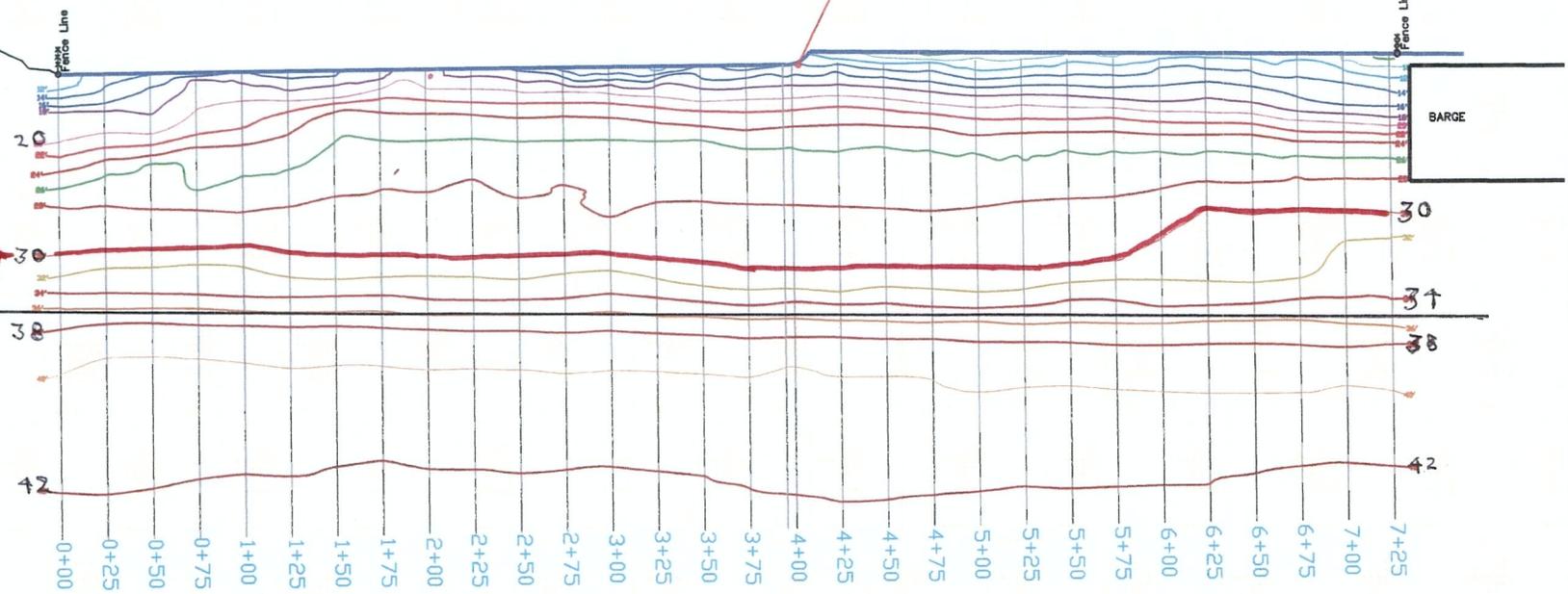
1.00'	NAVD '88
3.39'	NGVD '29
2.30'	USACDE MEAN LDW WATER

SET SITE BENCHMARK ON TOP OF PILE
 PAINTED ORANGE AT ELEVATION +12.0 USACDE MLW

VOLUME
 13,000 cyd

AREA OF DREDGING
 730 x ~90 ft
 DREDGE TO 30'MLW

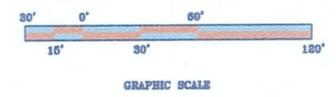
EDGE OF CHANNEL



NOTES:

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO USACDE MEAN LOW WATER.
2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE TRIMBLE AGPS 180 DIFFERENTIAL GPS USED FOR POSITIONING.
4. BENTHOSCOPE MODEL 450 USED TO GATHER SOUNDING DATA.
5. HYPACK MAX SOFTWARE USED FOR NAVIGATION 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. TSS (DMS 10) HEAVE COMPENSATOR USED FOR MOTION CORRECTION.
7. HORIZONTAL ACCURACY 1' - VERTICAL ACCURACY 0.1'.

ARTHUR KILL



NO.	DATE	DESCRIPTION	APR.

PROJECT:
 Elizabeth, NJ
 CONDITION SURVEY
 25' X 5' GRID

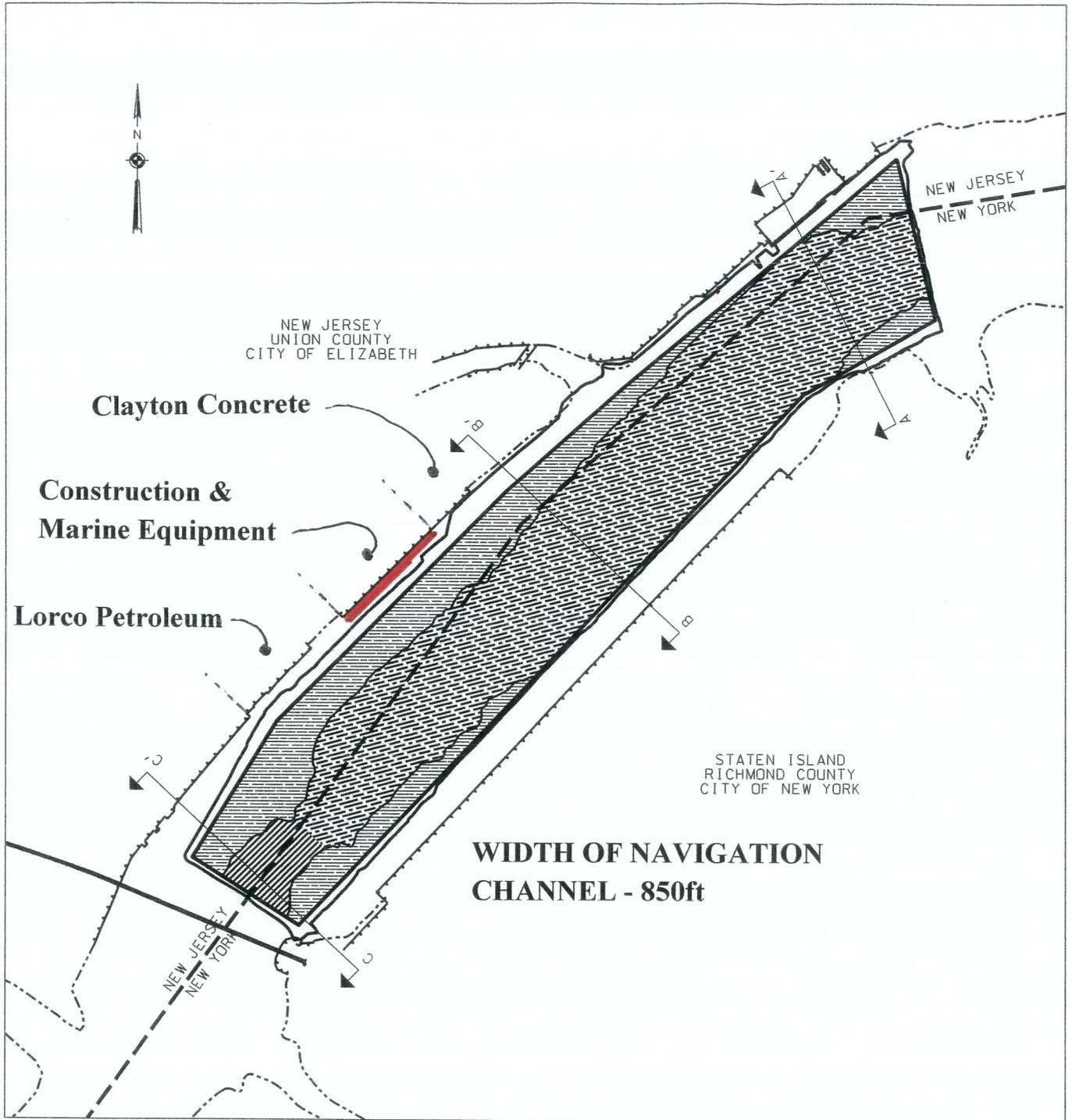
DWN. BY JLS
 CHE. BY MJD
 APR. BY AWB
 SCALE: 1"=30'

FATHOMETRIC SURVEY PREPARED FOR:
 CONSTRUCTION & MARINE EQUIPMENT CO., INC.
 330 SOUTH FRONT STREET
 ELIZABETH, NJ 07080

I hereby certify that all work was performed in accordance with the standards of the profession of hydrographic surveying as set forth in the Code of Ethics of the Surveying and Mapping Board of the State of New Jersey.
 Alfred W. Berman
 Alfred W. Berman II
 AN INDEPENDENT REGISTERED PROFESSIONAL HYDROGRAPHER

HYDROGRAPHIC SURVEYS
 1200 WESTERN AVENUE, SUITE 200
 ELIZABETH, NJ 07208
 TEL: 908-382-1111 FAX: 908-382-1112
 WWW.HYDROGRAPHICSURVEYS.COM

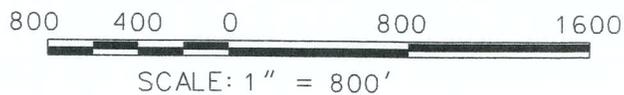
DRAWN BY: <u>JLS</u>	DATE: <u>July 11, 2011</u>
CHECKED BY: <u>MJD</u>	LOW FIDELITY DERIVED DATA
DRAWING NO. <u>11-CONS-11/045-5508-2939</u>	



**Construction & Marine Equipment
& Adjacent Properties**

**FEDERAL NAVIGATION CHANNEL
Arthur Kill**

DREDGING LOCATION



MM # 2011-01157-EST