



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: 2004-00728-J2
Issue Date: 25 August 2004
Expiration Date: 23 September 2004

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 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Town of Secaucus
1203 Paterson Plank Road
Secaucus, New Jersey 07094

ACTIVITY: Discharge fill material into waters of the United States to facilitate the construction and installation of a tide gate within Sack Creek, a tidal tributary to the Hackensack River.

WATERWAY: Sack Creek (Hackensack River Basin)

LOCATION: Town of Secaucus, Hudson 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 benefits 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, historical properties, fish and wildlife values, 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, consideration 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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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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, that are either permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Based upon a review of the "Guide to Essential Fish Habitat Designations in the Northeastern United States," issued by the National Oceanic and Atmospheric Administration/National Marine Fisheries Service, the EFH for several aquatic species and their life stages in the proposed project area could potentially be impacted by the proposed work. Further consultation with National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final decision on the application.

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.

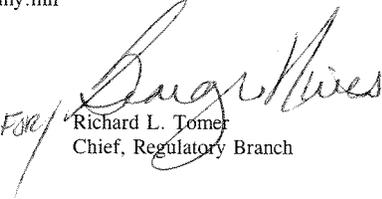
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application 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 Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification 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 Waterfront Development Permit

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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 (212) 264-0185 and ask for James H. Cannon.

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

For 
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RW
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WORK DESCRIPTION

The applicant, the Town of Secaucus, has requested Department of the Army authorization to discharge fill material into waters of the United States to facilitate the construction and installation of a tide gate within Sack Creek, a tidal tributary to the Hackensack River. The site is located within the Hackensack River Basin, in the Town of Secaucus, Hudson County, New Jersey.

The proposed activities would involve the discharge of 133 cubic yards of fill material into approximately 0.04 acres of waters of the United States to facilitate the construction and installation of an 8 foot wide by approximately 28 feet long tide gate with associated concrete walls, bar rack, rock riprap scour protection, and an associated outfall structure.

To compensate for the 0.04 acres of permanent impacts to waters of the United States associated with the proposed activity, the applicant proposes to purchase wetland acre credits at a 3:1 ratio at an approved wetland mitigation bank located within the Hackensack Meadowlands District.

The stated purpose of this project is to provide protection to local commercial and industrial facilities from tidal and fluvial flooding along the lower reach of Sack Creek.



Source: U.S.G.S. 7.5 Minute Series
Weehawken Quadrangle

State Plane Coordinates (NAD 1983): 608,946.65E
709,435.81N

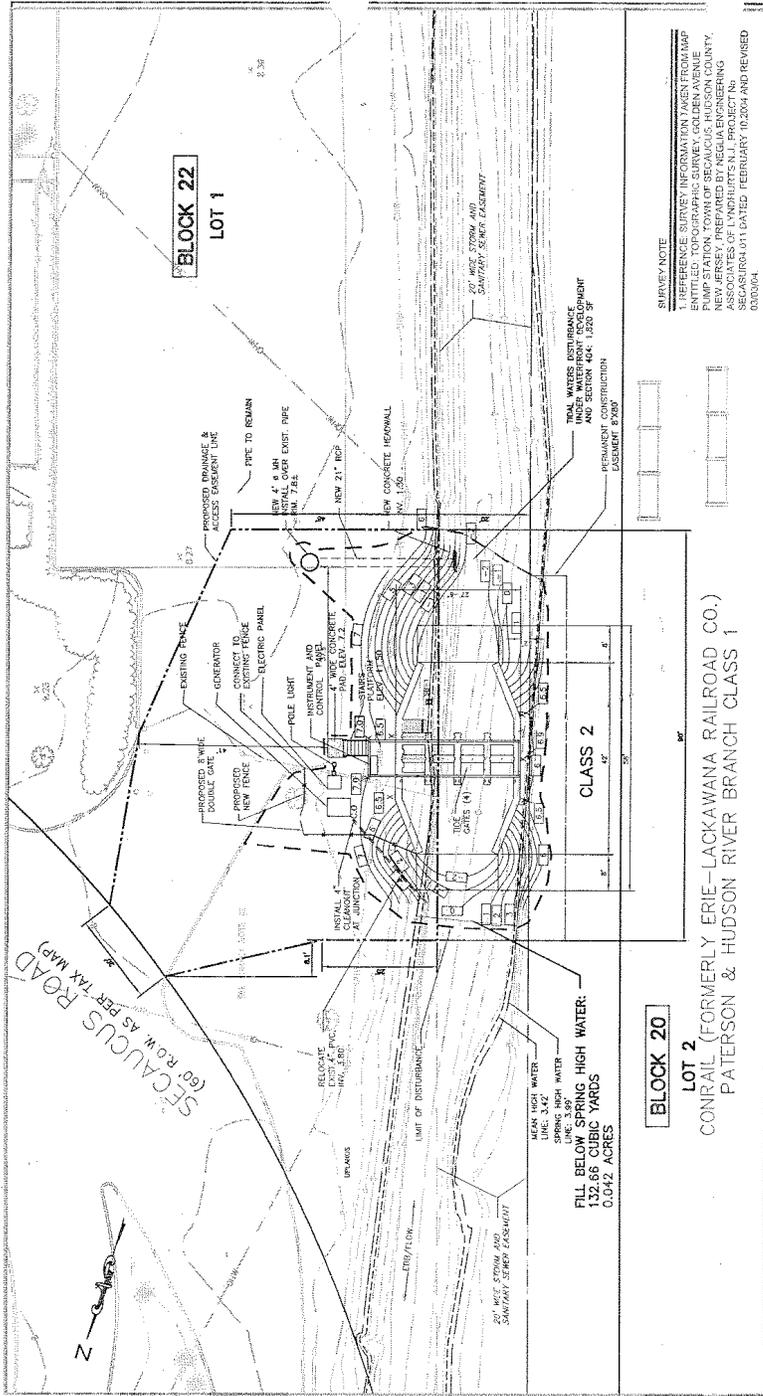
USGS TOPO MAP

Flood Mitigation Project
Sack Creek Tide Gate
Town of Secaucus
Hudson County, New Jersey

PMK Group
CONSULTING & ENVIRONMENTAL ENGINEERS

65 Jackson Drive, Cranford, New Jersey 07016
(908) 497-8900 * Fax: (908) 497-8945 * www.PMKgroup.com
CERTIFICATE OF AUTHORIZATION #GA277039

Drawn By: KEF	Date: 1/29/04
Checked By: DJC	Scale: NTS
Project No. 0303106-01	Figure 1



NOTES:

1. WETLANDS/WATERS DETERMINATION PERFORMED BY PMK GROUP ON FEBRUARY 5, 2004.
2. THE FOLLOWING NUMBERS WERE INTERPOLATED FROM DATA FOR TIDE STATIONS "SEARY POINT" AND "DANLSTADT":
 MEAN LOW WATER (MLW) = -2.42'
 MEAN TIDE LEVEL (MTL) = 0.67'
 MEAN SEA LEVEL (MSL) = 0.62'
 MEAN HIGHER HIGH WATER (MHHW) = 3.74'
 SPRING HIGH WATER (SPH) = 3.00'

TIDE INFORMATION:

VERTICAL DATUM = M.G.A.D. 1989

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 SPRING HIGH WATER (SPH) = 3.00'

APPLICANT:

TOWN OF SECAUCUS
 1203 PATTERSON BLANK ROAD
 SECAUCUS, NJ 07094

PERMIT PLAN
 FLOOD MITIGATION PROJECT
 GOLDEN AVENUE PUMP STATION
 REHABILITATION & SACK CREEK TIDE GATE
 TOWN OF SECAUCUS, HUDSON COUNTY, NEW JERSEY

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**CONRAIL (FORMERLY ERIE-LACKAWANA RAILROAD CO.)
 PATERSON & HUDSON RIVER BRANCH CLASS 1**

PROJECT INFORMATION:

PROJECT NO.: 0303106-01
 DATE: 5/11/04
 SCALE: 1" = 30'

DESIGNER:
 PMK Group
 CONSULTING & ENVIRONMENTAL ENGINEERS
 65 Jackson Drive, Cranford, New Jersey 07016
 (908) 497-6000 • Fax: (908) 497-9134 • www.pmkgroup.com
 CERTIFICATE OF AUTHORIZATION BC6277039

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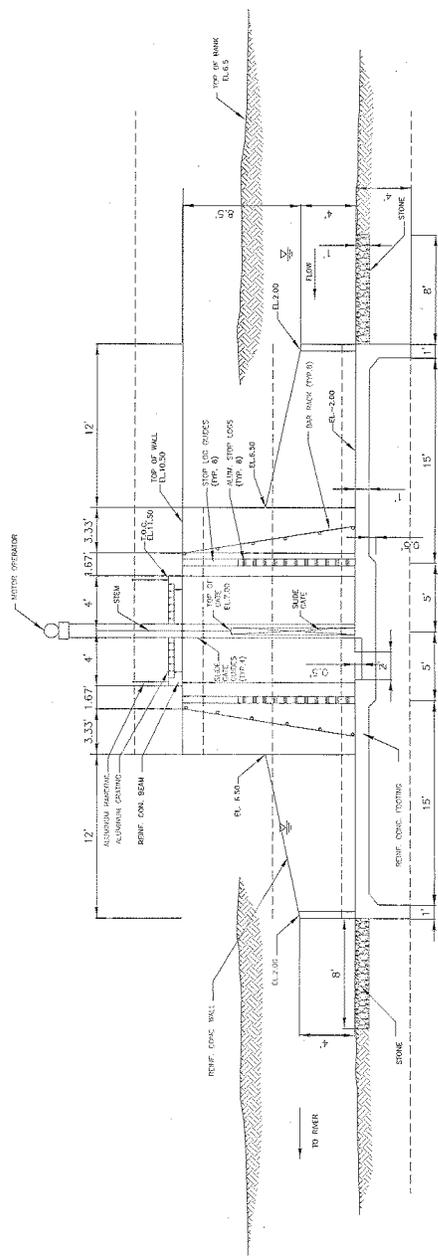
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TIDE GATE SECTION B-B



SCALE: 1 INCH = 10 FEET



PMK Group
 1000 ...
 (908) 487-8804 ...
 www.pmkgroup.com

CERTIFICATE OF AUTHORIZATION #A007020

GERALD J. PERRICONE
 PROFESSIONAL ENGINEER

Gerald J. Perricone

N.J.P.E.
 LIC. NO. 28897

Fig 4

DESIGNED BY	DATE	5/11/04
CHECKED BY	DATE	5/11/04
DRAWN BY	DATE	5/11/04
PROJECT NO.	0303106-01	
PLATE NO.	TG-3B	
SCALE	1" = 10'	

MECHANICAL PLAN
 FLOOD MITIGATION PROJECT
 GOLDEN AVENUE PUMP STATION
 REHABILITATION & SACK CREEK TIDE GATE
 TOWN OF BECAUCUS, HUDSON COUNTY, NEW JERSEY

APPLICANT:
 TOWN OF BECAUCUS
 1203 PATERSON PLANK ROAD
 BECAUCUS, NJ 07094

