



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: 2005-00744-Y6
Issue Date: July 18, 2007
Expiration Date: August 16, 2007

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 USC 1344).

APPLICANT: Caddell Dry Dock & Repair Co., Inc.
P.O. Box 327
Staten Island, NY 10310

ACTIVITY: Dredge with ten years maintenance, existing dry docks and adjacent open water areas with upland disposal.

WATERWAY: Kill Van Kull

LOCATION: Livingston, Borough of Staten Island, Richmond County, New York

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 [42 U.S.C. 4332]. 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.

The Corps of Engineers 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 in the project areas.

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 Oceanic & 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). A complete description of the proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NOAA-FS regarding EFH impacts and conservation recommendations is 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, 41 State Street, 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.

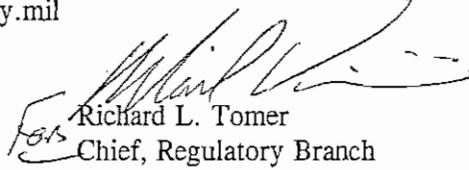
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation permit

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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 (917) 790-8522 and ask for Craig Spitz.

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


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Caddell Dry Dock & Repair Co., Inc., has requested Department of the Army authorization to dredge with ten year maintenance and upland disposal in Kill Van Kull, at Livingston, Borough of Staten Island, Richmond County, New York.

The initial dredge event would involve the dredging of approximately 161,216 cubic yards of material using an environmental bucket from two separate areas as noted below. The material would be placed into water-tight barges, with no barge overflow expected and then transported to an onsite upland location where desiccation and blending of aggregate would occur with return flow before being transported to an appropriate State-approved upland disposal site(s).

Main Yard

<u>Name</u>	<u>Area in acres</u>	<u>Dredging Depth (incl. 2-ft. overdepth)</u>	<u>Volume (cubic yards)</u>
Dry Dock No. 1	0.33	35	5,150
Dry Dock No. 2	0.39	35	8,500
Dry Dock No. 3	0.23	35	5,600
Dry Dock No. 4	0.36	35	4,300
Dry Dock No. 7	0.28	35	4,600
Facility	6.60	27	32, 216
Total	8.19		60,366

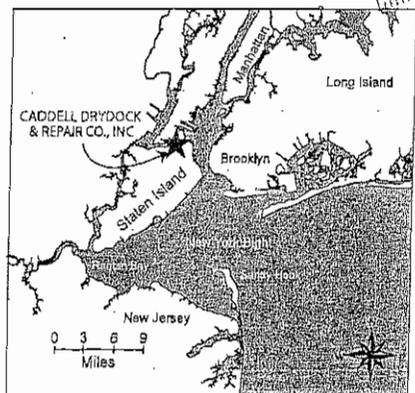
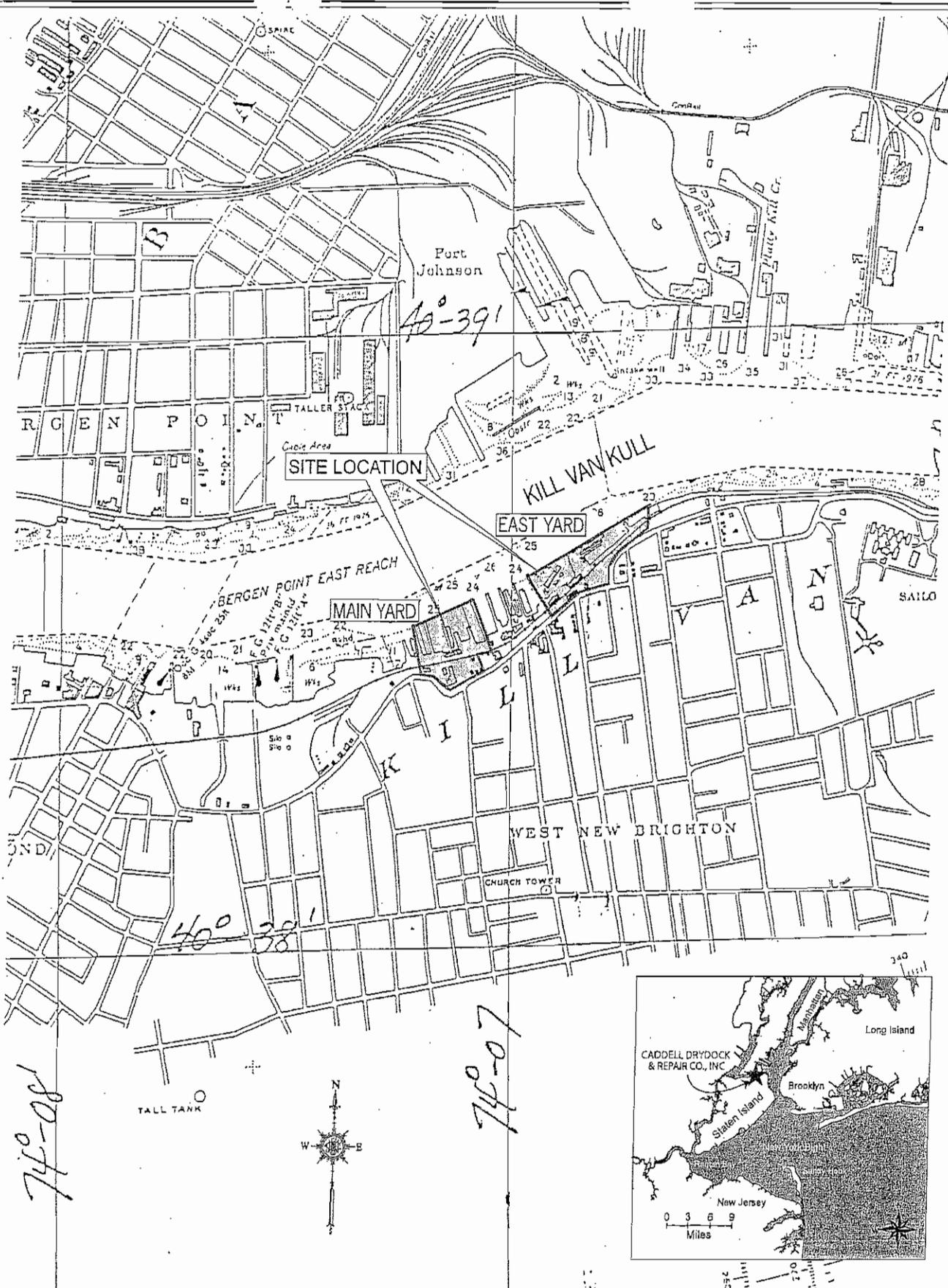
East Yard

Dry Dock No. 5	0.40	35	17,350
Dry Dock No. 6	0.88	42	24,400
Facility	1.00	27	59,100
Total	2.28		100,850

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Caddell Dry Dock & Repair Company, Inc. requests approval for future maintenance dredging of their dry docks and facility during the ten-year life of the Department of the Army permit, if issued with disposal in the same manner. The applicant states that future dredging events would be dictated by the rate of shoaling within the dry docks and adjacent open water areas.

The stated purpose of this project is to remove shoaled material that is impeding navigable access and the functionality of dry docks.



PROJECT:
**CADDELL DRYDOCK
 SITE LOCATION**

DWN. BY:
 CHK. BY:
 SCALE:

SITE LOCATION
CADDELL DRYDOCK & REPAIR COMPANY, INC
 Richmond Terrace
 Staten Island, NY 11302

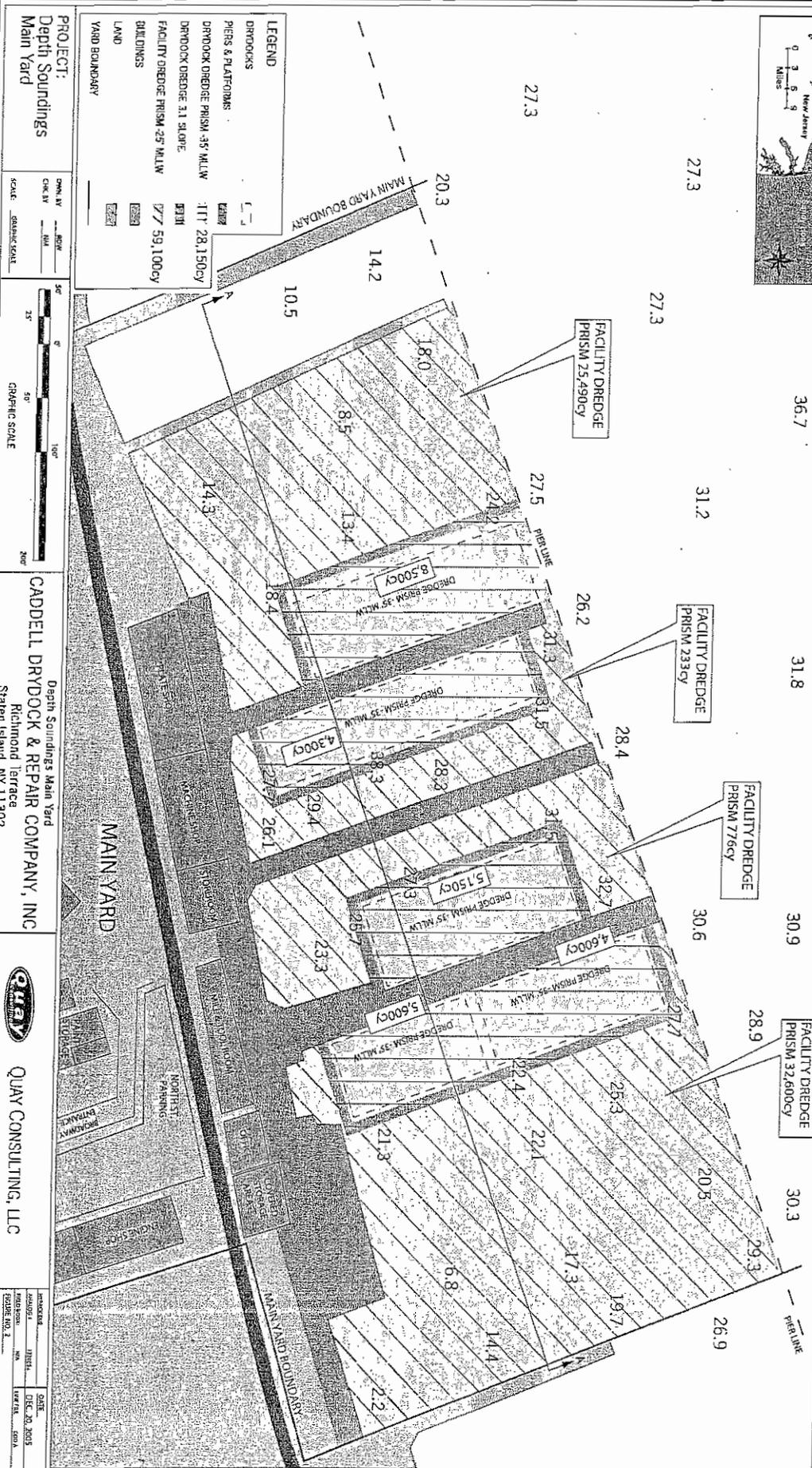
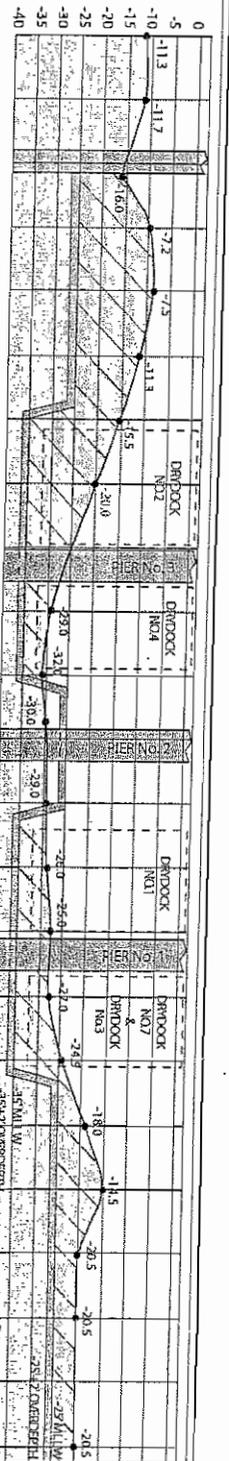
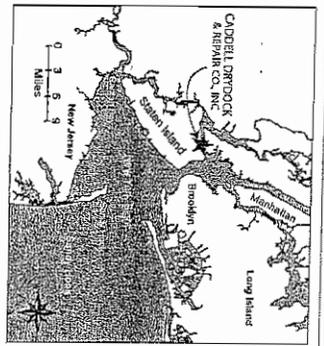


QUAY CONSULTING, LLC

HYDRO. TAC: DATE:
 ANALOG #: 137026 DEC. 20, 2005
 FIELD BOOK: LINE FILE:
FIGURE NO. 1
 CADDELL DRYDOCK & REPAIR

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PROJECT:
Depth Soundings
Main Yard

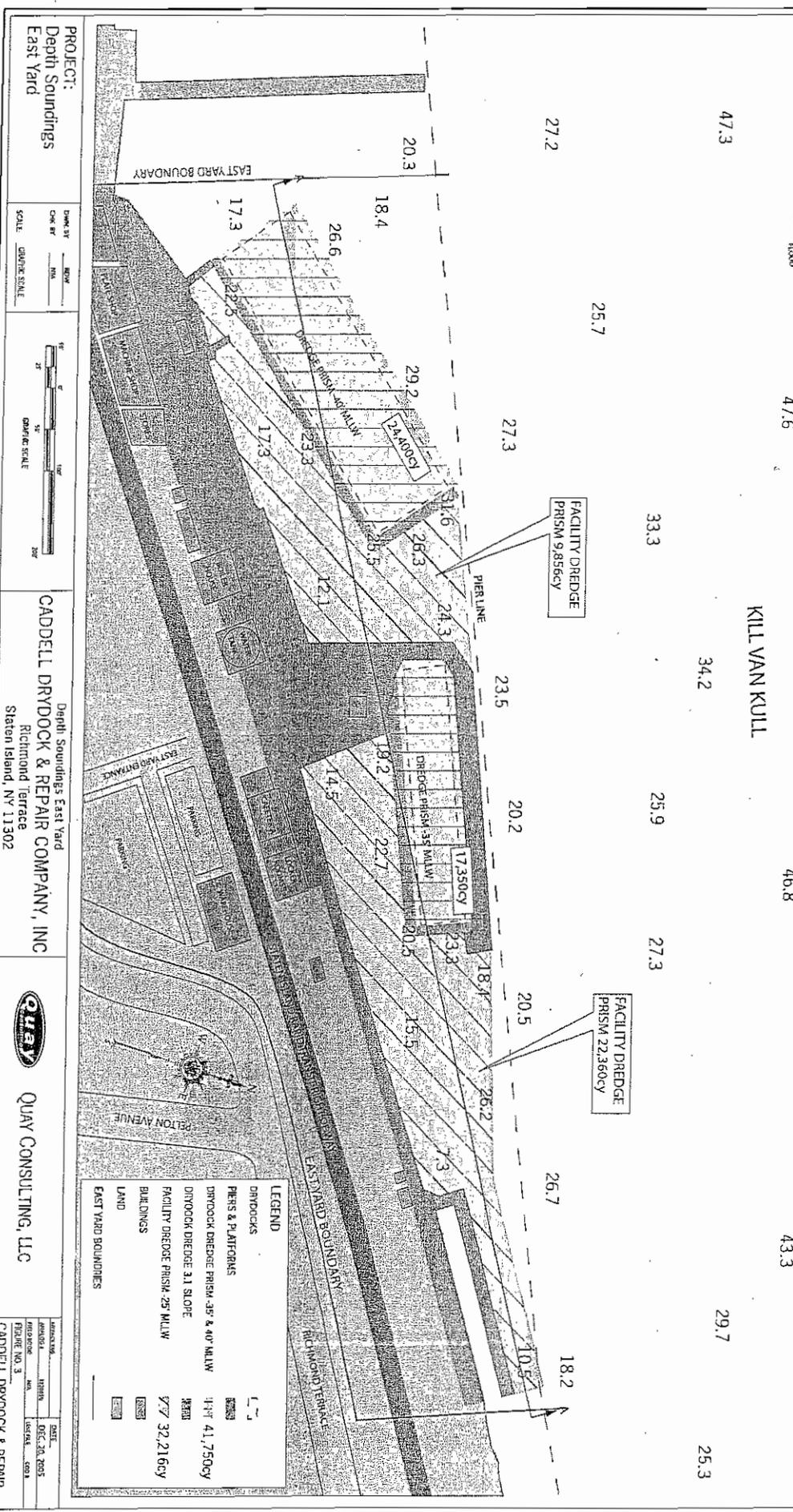
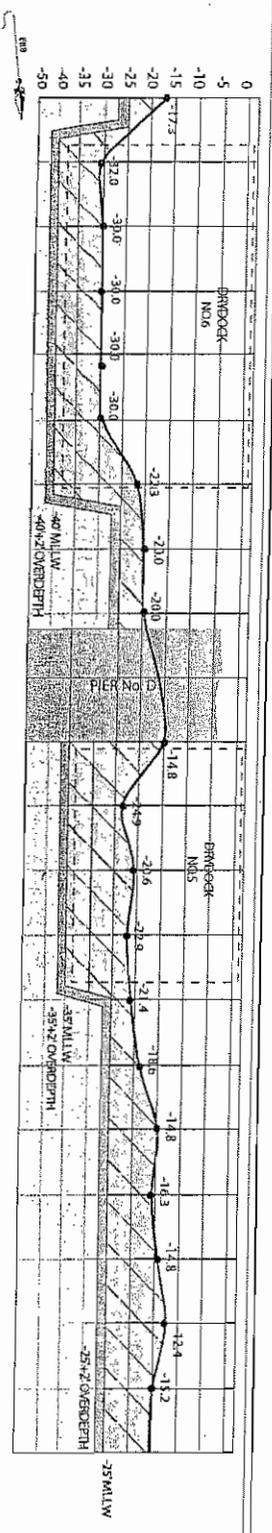
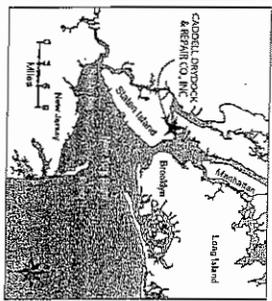
SCALE:
GRAPHIC SCALE
0 25 50 100
FEET
0 25 50 100
METERS

CADDELL DRYDOCK & REPAIR COMPANY, INC.
Depth Soundings Main Yard
Richmond Terrace
Staten Island, NY 11302

QUAY CONSULTING, LLC

CADDELL DRYDOCK & REPAIR

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