

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: 2005-00858-J2
Issue Date: October 19, 2005
Expiration Date: November 18, 2005

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: Hugo Neu Schnitzer East
1 Jersey Avenue
Jersey City, NJ 07302

ACTIVITY: Dredge, with ten years maintenance, no barge overflow and the discharge of decanted water into waters of the United States, with upland disposal at a state approved site.

WATERWAY: Upper New York Harbor

LOCATION: City of Jersey City, 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 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.

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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 the shortnose sturgeon (*Acipenser brevirostrum*) or its 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, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A preliminary review of the proposal and information submitted by the applicant indicates that the overall potential impact on EFH for designated species is very small because of the temporary nature of the disturbance, the lack of specialized habitat in the area, and that most EFH designated species are in low abundance in the project area because they are normally in transit through the area. Among the list of EFH designated species known to occur at the project site, the most likely to be impacted would be spawning and early-life stage development (nursery) habitat for winter flounder. The primary effects on Essential Fish Habitat (EFH)(and EFH-managed species) would be a temporary increase in turbidity due to dredging and disruption of demersal and pelagic habitat. Upland placement of dredged materials would not have any effect on EFH. Based upon the foregoing, the U.S. Army Corps of Engineers New York District Regulatory Branch has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. However, in order to minimize the effects of the dredging on early life stages of winter flounder (*Pleuronectes americanus*), the applicant has proposed a seasonal restriction for no dredging to occur between February 1 and May 31 of any calendar year. Consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final permit 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 Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection,

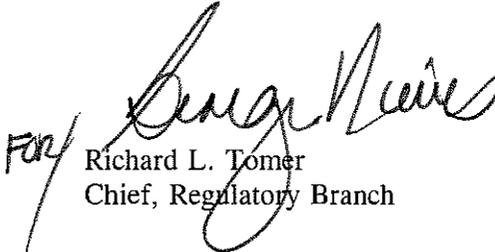
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Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

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: Permit from the New 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.

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

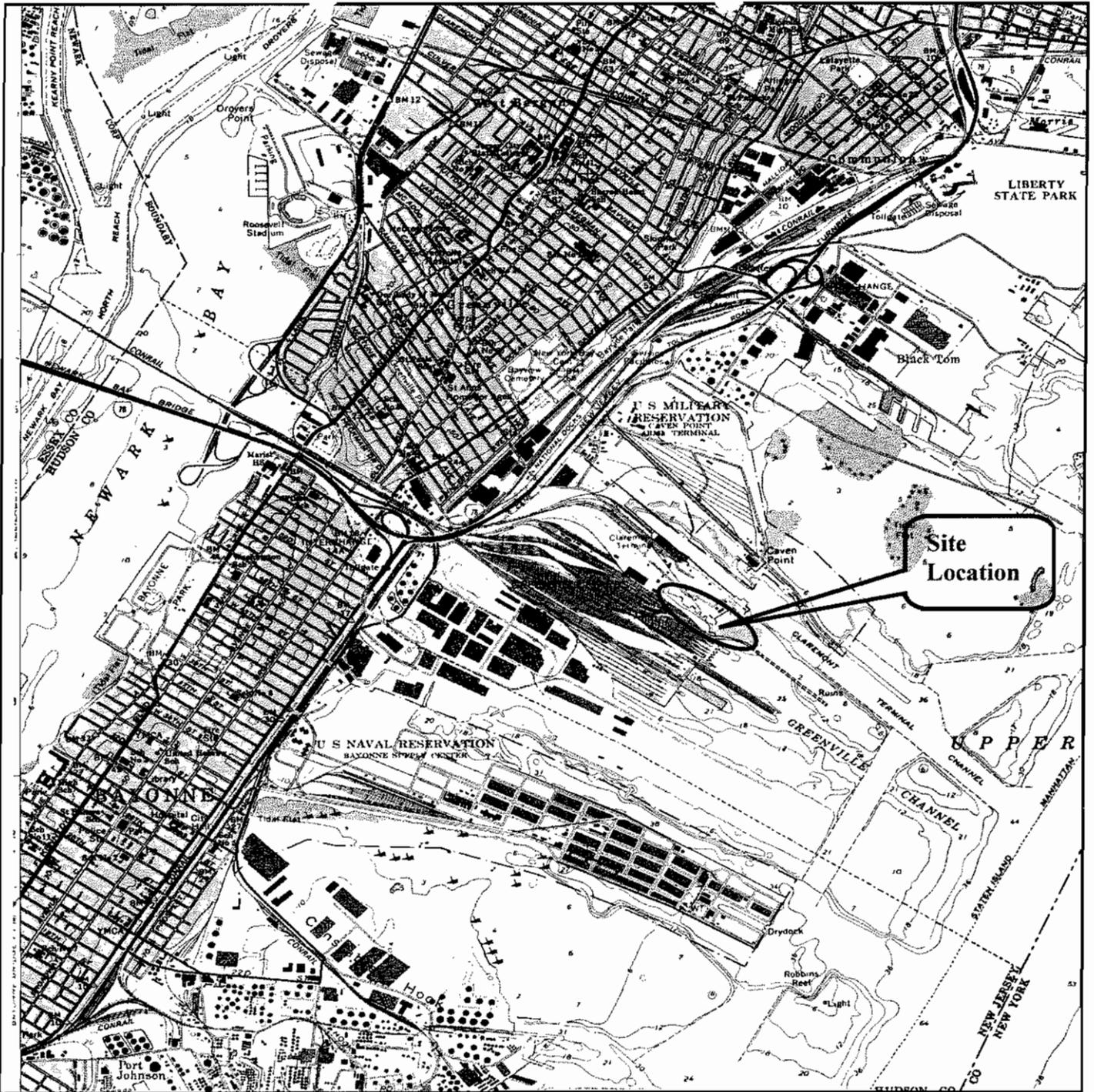
WORK DESCRIPTION

The applicant, Hugo Neu Schnitzer East, has requested Department of the Army authorization to dredge, with ten years maintenance with upland disposal, in the Tilcon Channel of Upper New York Harbor, City of Jersey City, Hudson County, New Jersey.

The work would involve dredging approximately 68,000 cubic yards of material from Tilcon Channel to a depth of 15 feet below mean low water plus 2 feet allowable overdepth. Dredging would be undertaken using a closed clamshell environmental bucket. The dredged material will be placed in hopper barges, with no barge overflow. After the barges are loaded they would be temporarily moored within the dredge area and the dredged material allowed to settle. After settling, excess water would be pumped to a second barge. The dredged material in the first barge would be towed to a location where it can be dewatered, physically amended and disposed of at a state-approved upland site. The water in the second barge would be allowed to settle for approximately 24 hours, and at that time the excess water would be discharged (decanted) back into the waterway while still at the dredge site. The applicant estimates that the dredging activity would take approximately 2 months.

The applicant anticipates performing 3 additional dredging cycles of approximately 25,000 cubic yards each time, over the ten year life of the permit.

The stated purpose of this project is to provide adequate depth for safe navigation at the applicant's berthing facility.



TOPOGRAPHIC MAP



LGA ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS

750 Vassar Avenue
Lakewood, New Jersey 08701

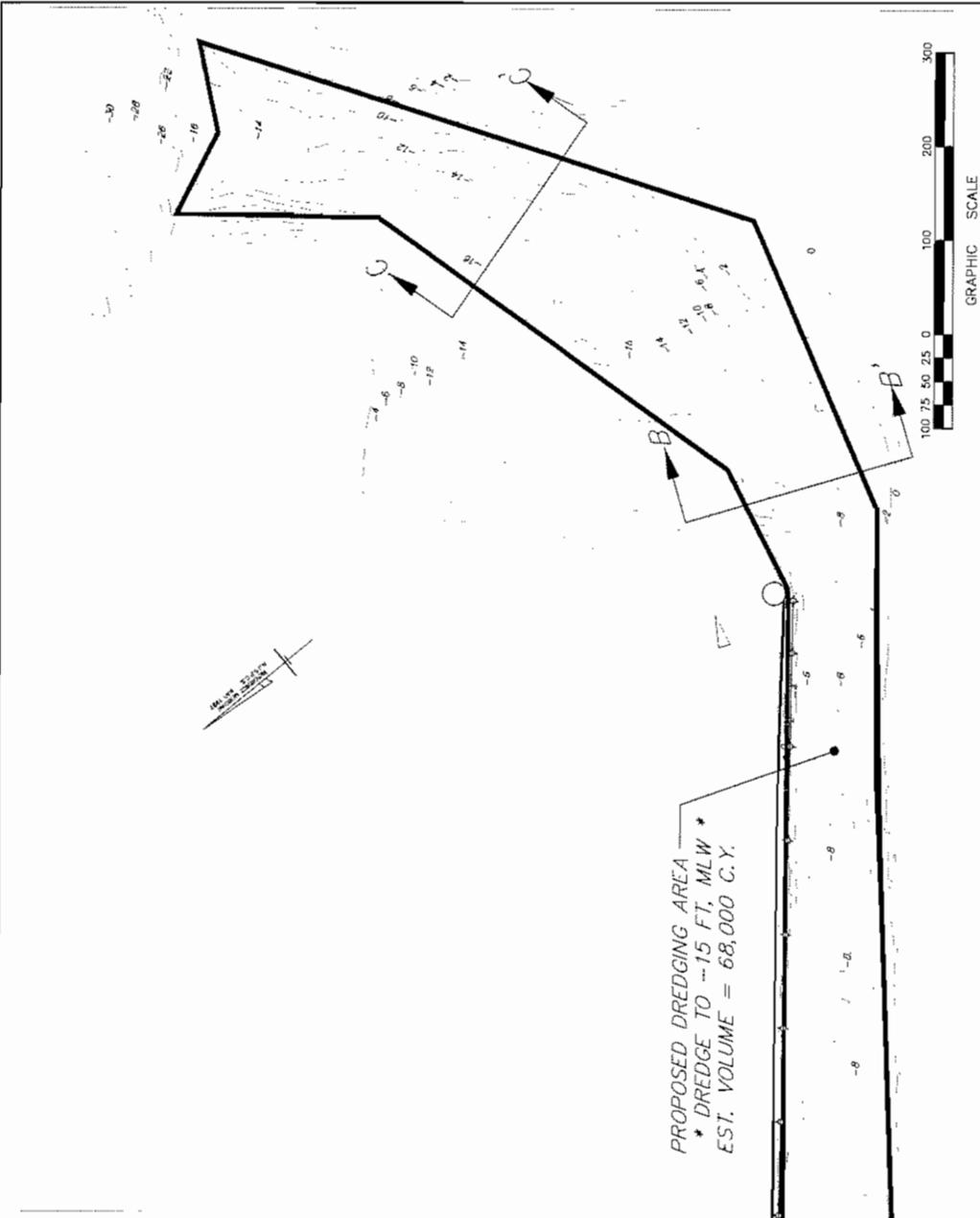
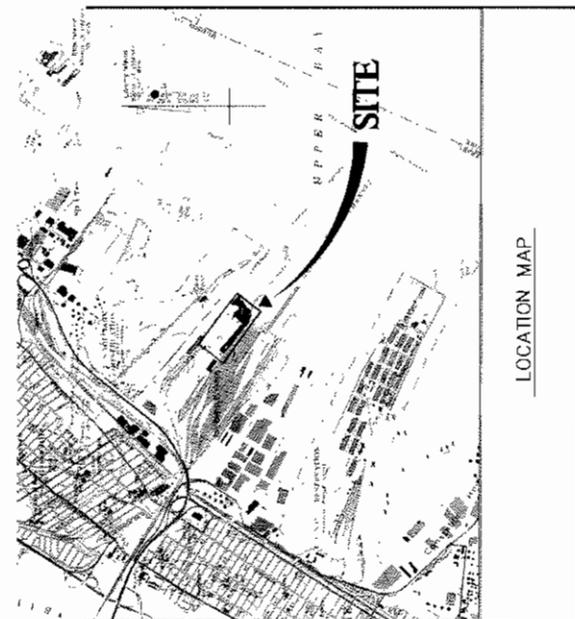
Source:
United States Geologic Survey
Topographic Quadrangle Jersey City - NJ

Sheet No. 1 of 3

Scale: N.T.S.



NORTH



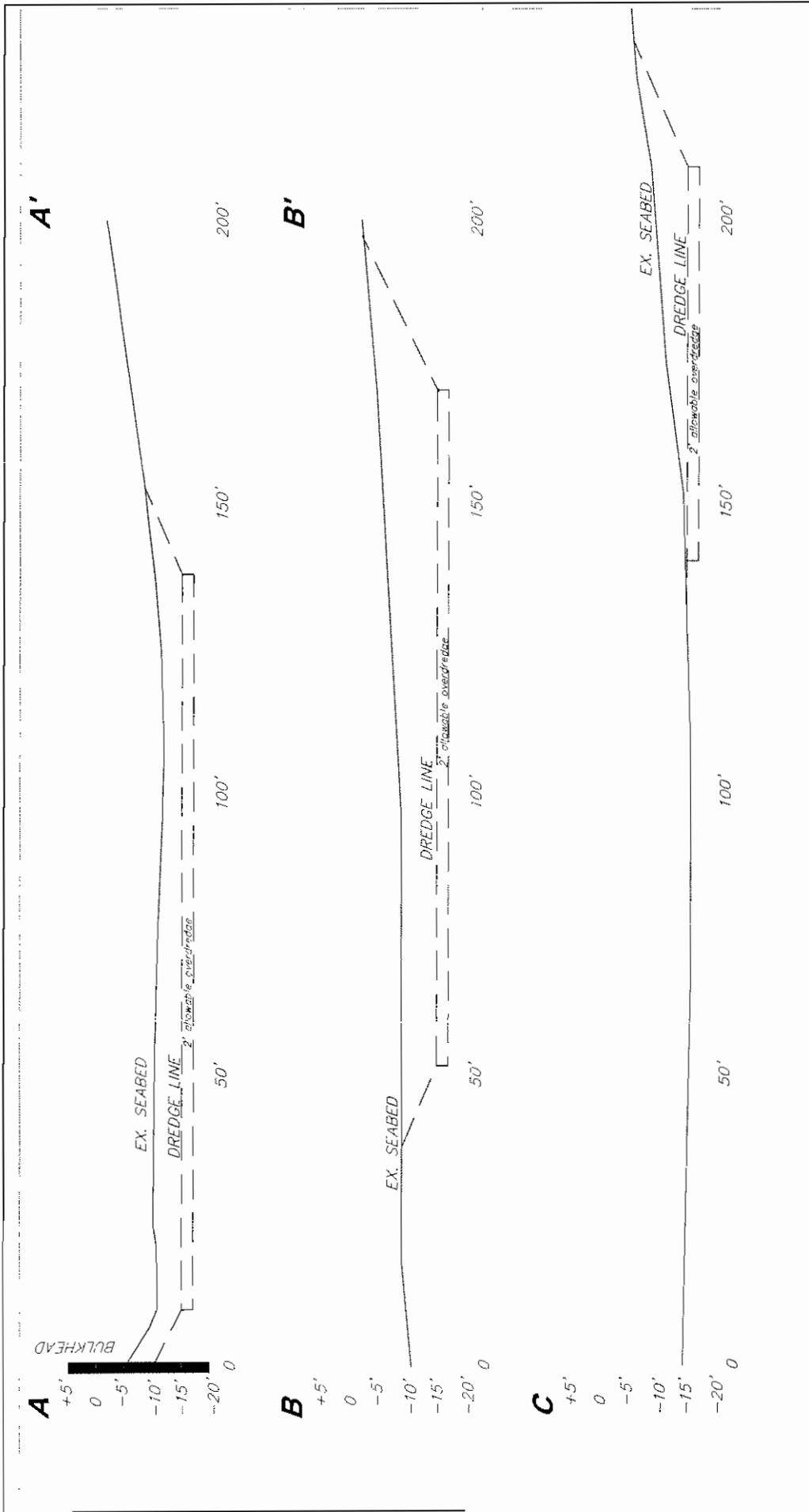
PROPOSED DREDGING PLAN

PERMIT APPLICATIONS AND DRAWINGS PREPARED BY:

	LGA ENGINEERING, INC. CONSULTING ENGINEERS & SURVEYORS	750 VASSAR AVENUE LAKEWOOD, NJ 08701 TEL: (732) 961-2162
	PROPOSED: CLAREMONT FACILITY: TILCON CHANNEL MAINTENANCE DREDGING	
APPLICATION BY: HUGO NEU SCHNITZER EAST		
LOCATION:	CITY OF JERSEY CITY HUDSON COUNTY, NJ	FILE NO. 507364000600
DATE:	09/22/2005	SHEET NO: 2 of 3

- NOTES:**
1. Horizontal Datum - NAD 1927.
 2. Boundary Survey Reference 1: "Map of Lots 7, 10A, 10B, 10C 7 18, Block 1507", by Schoor DePaolma, Inc., Dated October 25, 1995.
 3. Boundary Survey Reference 2: "Major Subdivision, Tax Lot 15, Block 1508, Tax Lot 12, Block 1507, Situated in City of Jersey City, Hudson County, New Jersey", by Lynch, Gulliano and Associates, Inc., Dated 09/28/02.
 4. Hydrographic Survey by Rogers Surveying, P.L.L.C. on 10/28/04. Contours are feet, and referenced to MLW.
 5. Aerial Photo Only Reference: New Jersey Department of Environmental Protection, Bureau of Geographic Information Systems, 2002 Ortho-Aerial Photography.
 6. Tidal Datum (U.S. Survey Feet NAVD 83)
 - Mean High Water = 1.87 feet
 - Mean High Water = 1.87 feet
 - Mean Tide Level = 0.45 feet
 - Mean Low Water = -2.76 feet
 - Mean Lower Low Water = -2.98 feet

FOR PERMITTING
PURPOSES ONLY



TYPICAL DREDGE SECTIONS

PERMIT APPLICATIONS AND DRAWINGS PREPARED BY:

	LGA ENGINEERING, INC. CONSULTING ENGINEERS & SURVEYORS 750 VASSAR AVENUE LAKEWOOD, NJ 08701 TEL: (732) 961-2162
	PROPOSED: CLAREMONT FACILITY : TILCON CHANNEL MAINTENANCE DREDGING APPLICATION BY: HUGO NEU SCHNITZER EAST
LOCATION: CITY OF JERSEY CITY HUDSON COUNTY, NJ	FILE NO. 507364000600
DATE: 09/22/2005	SHEET NO: 3 of 3

NOTES:

- Horizontal Datum - MAD 1927.
- Boundary Survey Reference 1: "Map of Lots 7, 10A, 10B, 10C, 7 1B, Block 1507", by Schoor DePalma, Inc. Dated October 25 1995.
- Boundary Survey Reference 2: "Major Subdivision, Tax Lot 15, Block 1500, Tax Lot 12, Block 1507, Situated in City of Jersey City, Hudson County, New Jersey", by Lynch, Giuliano and Associates, Inc., Dated 09/28/02.
- Hydrographic Survey by Rogers Surveying, P.L.L.C. on 10/28/04. Elevation contours are in feet, and referenced to M.L.W.
- Aerial Photography Reference: New Jersey Department of Environmental Protection, Bureau of Geographic Information Systems, 2002 Ortho-Aerial Photography.
- Tidal Datum (U.S. Survey Feet NAVD 1988):
 Mean High Water = 2.20 feet
 Mean High Water = 1.87 feet
 Mean Tide Level = -0.45 feet
 Mean Low Water = -2.76 feet
 Mean Lower Low Water = -2.99 feet