

# 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: 2006-00599-1-Y3  
Issue Date: January 8, 2007  
Expiration Date: February 7, 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 U.S.C. 1344).

**APPLICANT:** National Park Service  
Statue of Liberty National Monument  
Liberty Island  
New York, New York 10004

**ACTIVITY:** Dredge Upland Disposal, Discharge of Dredged Fill, Remove a Historic Sunken Vessel and Remnants of Docking Station

**WATERWAY:** Upper Bay of New York Harbor, Hudson River

**LOCATION:** Ellis Island, 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.

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. 2006-00599-1-Y3**

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 (USC 1801 et.seq.) requires federal agencies to consult with the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service on all actions, or proposed actions, permitted 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 National Park Service (NPS) prepared an Environmental Assessment (EA) for the removal of the historic sunken ferry "Ellis Island" and docking station remnants. NOAA's National Marine Fisheries Service (NMFS) reviewed the NPS EA inclusive of an Essential Fish Habitat Assessment, and concluded that provided work begins as early as possible in the year and silt curtains are installed across the immediate work area should work occur between February 1 and May 31, the proposal would have minimal adverse effect on EFH and EFH listed species.

Based upon a review of the latest published version of the National Register of Historic Places, Ellis Island is part of the Statue of Liberty National Monument (Park), and Ellis Island, including the Ellis Island Ferry and its' docking structure is listed as a Historic District on the National Register of Historic Places and is listed as a New York City Landmarks Preservation Commission Historic District. We are consulting with the New Jersey States Historic Preservation Office and will conclude prior to permit decision.

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.

A discharge of fill material is anticipated during the submerged archaeological data recovery and terrestrial archaeological survey being conducted during removal of the "Ellis Island" Ferry. 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

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. 2006-00599-1-Y3**

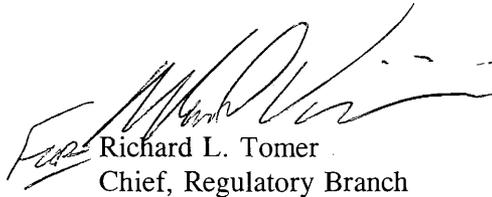
and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401,501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so 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 Water Quality Certification/Acceptable Use Determination

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) 790-8516 and ask for Mary Ann Miller.

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, The National Park Service, has submitted Department of the Army authorization to remove the sunken Ellis Island Ferry from its berth, dredge the sediment that surrounds the ferry, dredge below the vessel, and maintenance dredge within the ferry slip and the entrance to the slip. The site is located in the Upper New York Bay of New York Harbor, Hudson River at Ellis Island, Hudson County, New Jersey.

#### Ferry Removal

The historic "Ellis Island" ferry is partially submerged in approximately 5 to 7 feet of water at Mean Low Water (MLW). The bottom rests at 15 feet MLW, off the northeast seawall of Ellis Island. The vessel removal would involve removal and archaeological inspection of accumulated sediment surrounding the vessel and sediment that has accumulated in the hull. Divers would cut the ferry into manageable pieces, which would be placed on barges by a barge mounted crane and inspected for artifacts. Sediment removal in the immediate vicinity of the sunken ferry and dock structures would be accomplished utilizing a hydraulic and closed clamshell bucket dredge.

This phase of the project would involve removal of approximately 12,000 cubic yards of sediment described by the applicant as silty clay to sandy silt, from a 50 foot wide by 160 foot long area to a depth of 15 feet below MLW.

#### Docking Station Remnants (piles)

Removal of the dock structure would involve pulling the piles up using a clamshell or vibratory extractor, or if the piles disintegrate at or below 18 feet MLW when pulled, they may remain.

#### Dredging

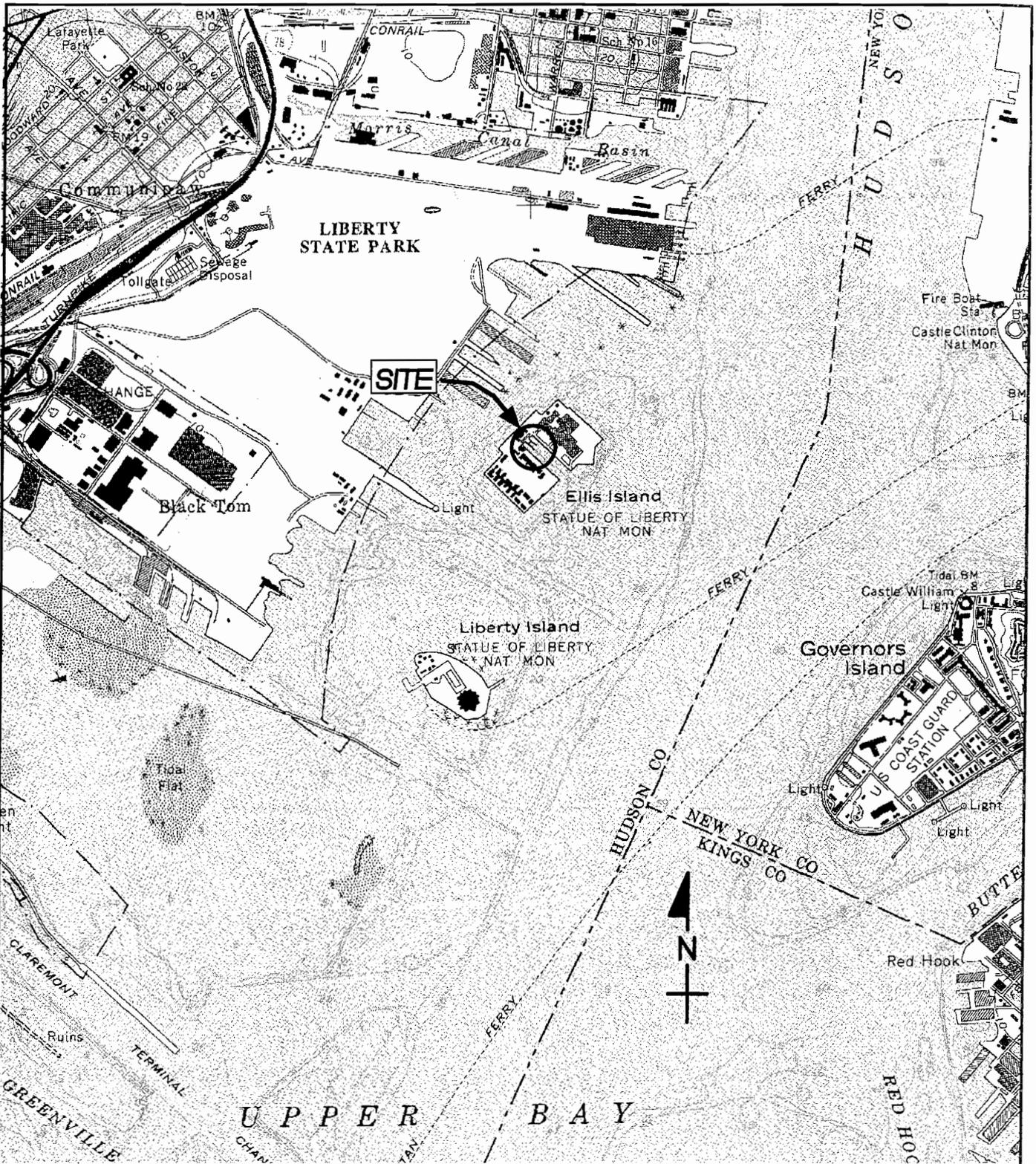
The applicant is proposing to dredge from the ferry slip to a depth of 18 feet below MLW extending from outside the entrance to the slip, to within 20 feet of the northeast, northwest and southwest sea walls.

The project would involve dredging of approximately 33,000 cubic yards of material described by the applicant as ranging from silty clays to sandy silt and subsequent upland beneficial use of the dredged material to a state approved upland site in New Jersey. The dredging would be accomplished using an environmental clamshell bucket. Dredged material will be placed on barges for dewatering and transport. No barge overflow is proposed. Return flow of decant water would occur at the dredging site.

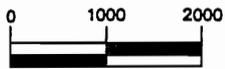
The proposed dredging would be from an area 218 to 300 feet wide to 650 feet long to a depth of 18 feet below MLW, which includes the ferry slip and the entrance to the ferry slip.

#### Project Purpose

The proposed project, as stated, has two purposes. The first is to remove the historic "Ellis Island" Ferry and its docking structure because they are navigational hazards and to potentially identify specific items for inclusion in the National Park Service collection to document historical resources (ferry and docking structure) before they are lost. The second is provide continued safe access for ferry boats that currently use the slip.



GRAPHIC SCALE



1 inch = 2000 ft.

REFERENCE: USGS 7.5 MINUTE QUADRANGLE JERSEY CITY, NJ 1967, PHOTOREVISED 1981



ELLIS ISLAND HISTORIC  
SEAWALL REHABILITATION  
ELLIS ISLAND, NEW JERSEY

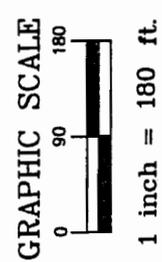
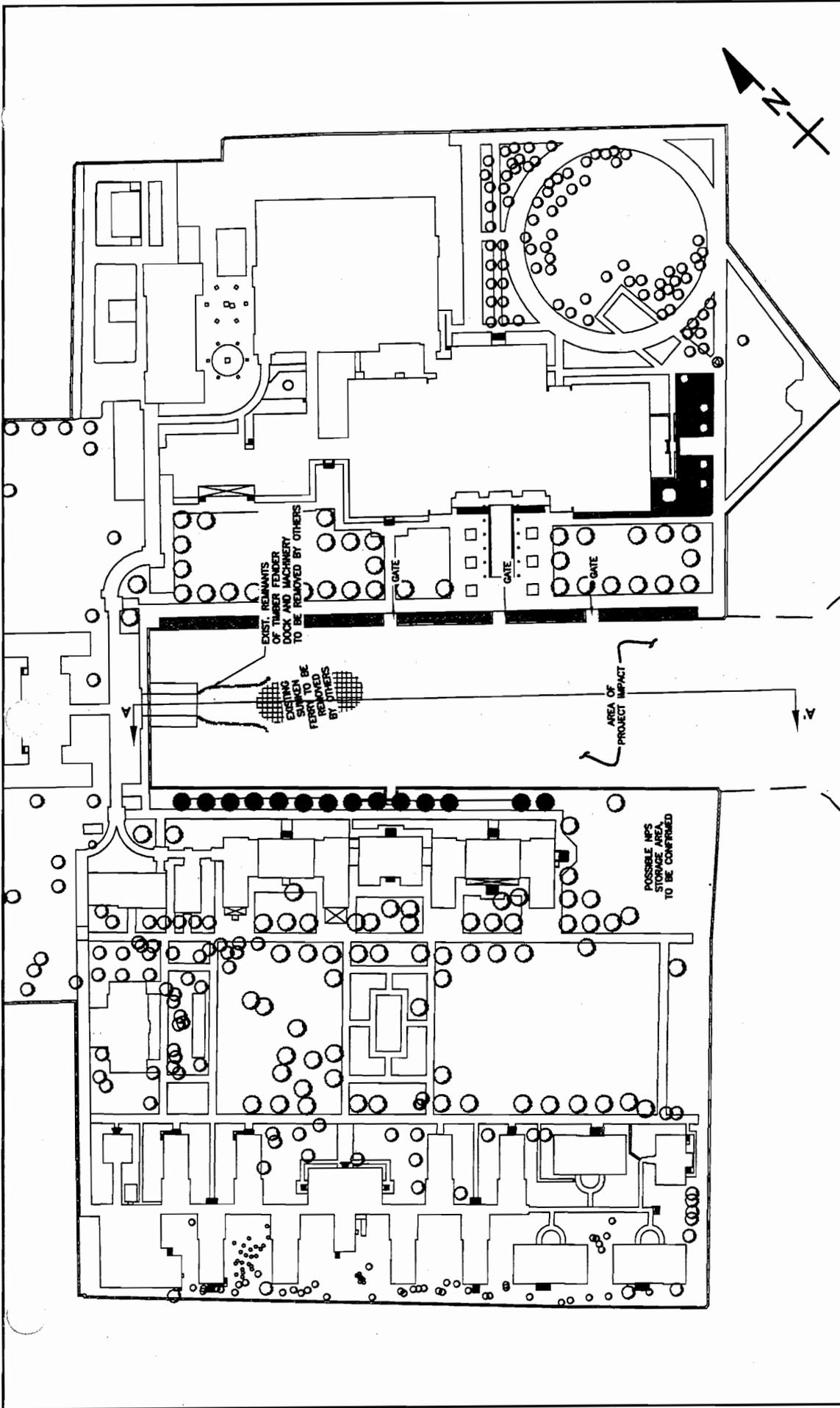
VICINITY  
MAP

PROJECT NO. 05150040.B  
FIGURE 1

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2006-00599-1

Location Map



REFERENCE: THE NATIONAL PARK SERVICE PROVIDED THE BASE PLAN FOR THIS DRAWING.

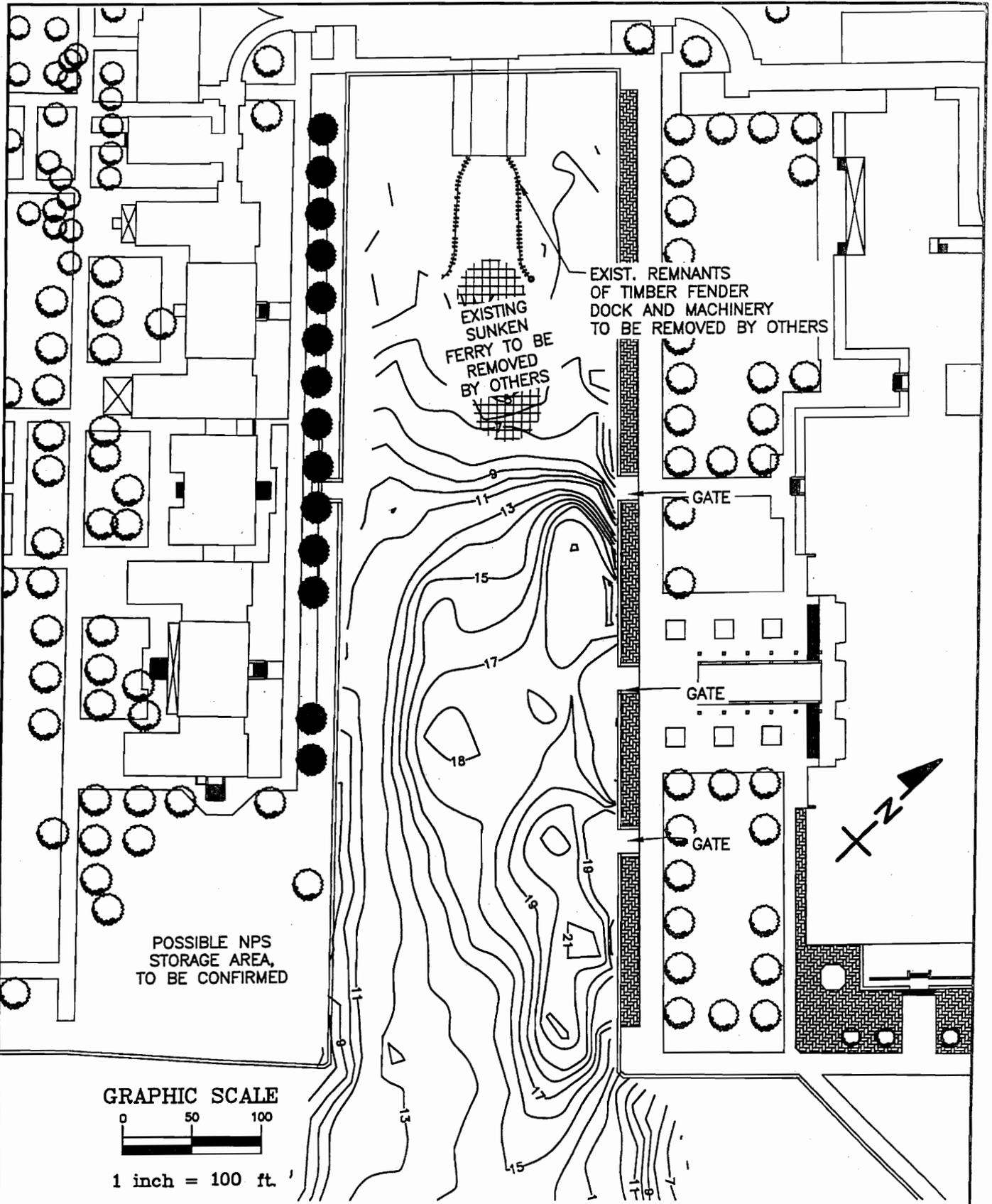


ELLIS ISLAND  
 FERRY REMOVAL  
 ELLIS ISLAND, NEW JERSEY

PROJECT  
 LOCATION PLAN  
 PROJECT NO. 05150040.B

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REFERENCE: THE NATIONAL PARK SERVICE PROVIDED THE BASE PLAN FOR THIS DRAWING.



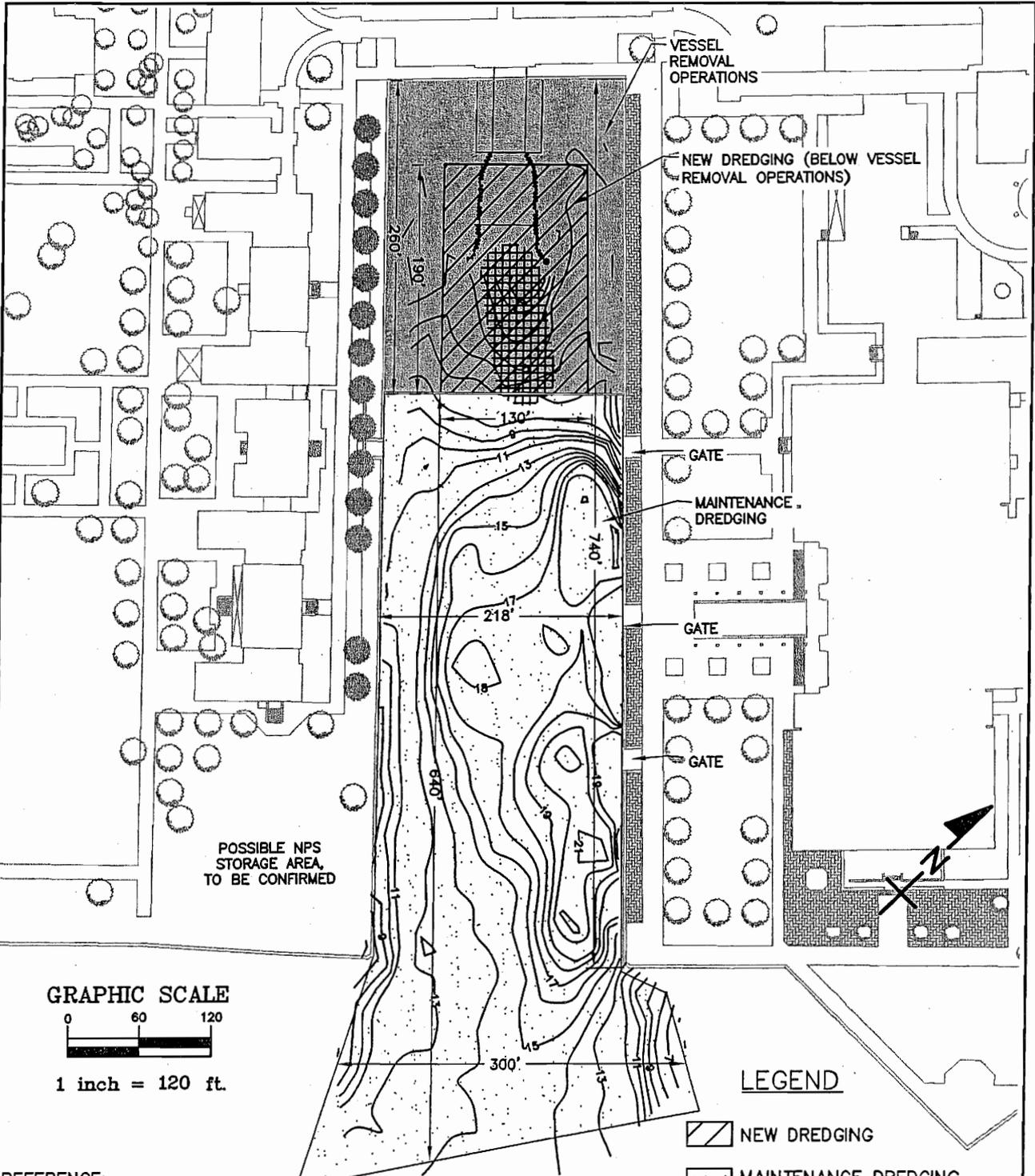
ELLIS ISLAND HISTORIC  
SEAWALL REHABILITATION  
ELLIS ISLAND, NEW JERSEY

EXISTING BATHYMETRY  
JUNE 2006  
PROJECT NO. 05150040.B  
FIGURE 5A

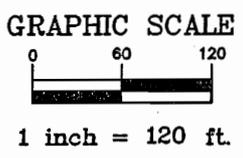
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Sheet 2 of 5



POSSIBLE NPS STORAGE AREA, TO BE CONFIRMED



**LEGEND**

-  NEW DREDGING
-  MAINTENANCE DREDGING
-  VESSEL REMOVAL OPERATION
-  VESSEL REMAINS

REFERENCE:  
 THE NATIONAL PARK SERVICE PROVIDED THE BASE PLAN FOR THIS DRAWING.  
 THE BATHYMETRY WAS GENERATED FROM DATA OF SURVEY PERFORMED BY AQUA SURVEY, INC. JUNE 23, 2006 DATUM UTILIZED WERE FROM: NJ STATE PLANE NAD 83 (UNITS FEET) HORIZONTAL  
 MLW - VERTICAL REALTIME TIDE STATION (BATTERY NY) FOR TIDE STAGE AND PID# AB3000

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ELLIS ISLAND FERRY REMOVAL  
 ELLIS ISLAND, NEW JERSEY

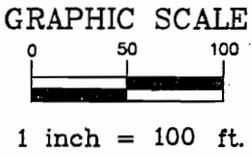
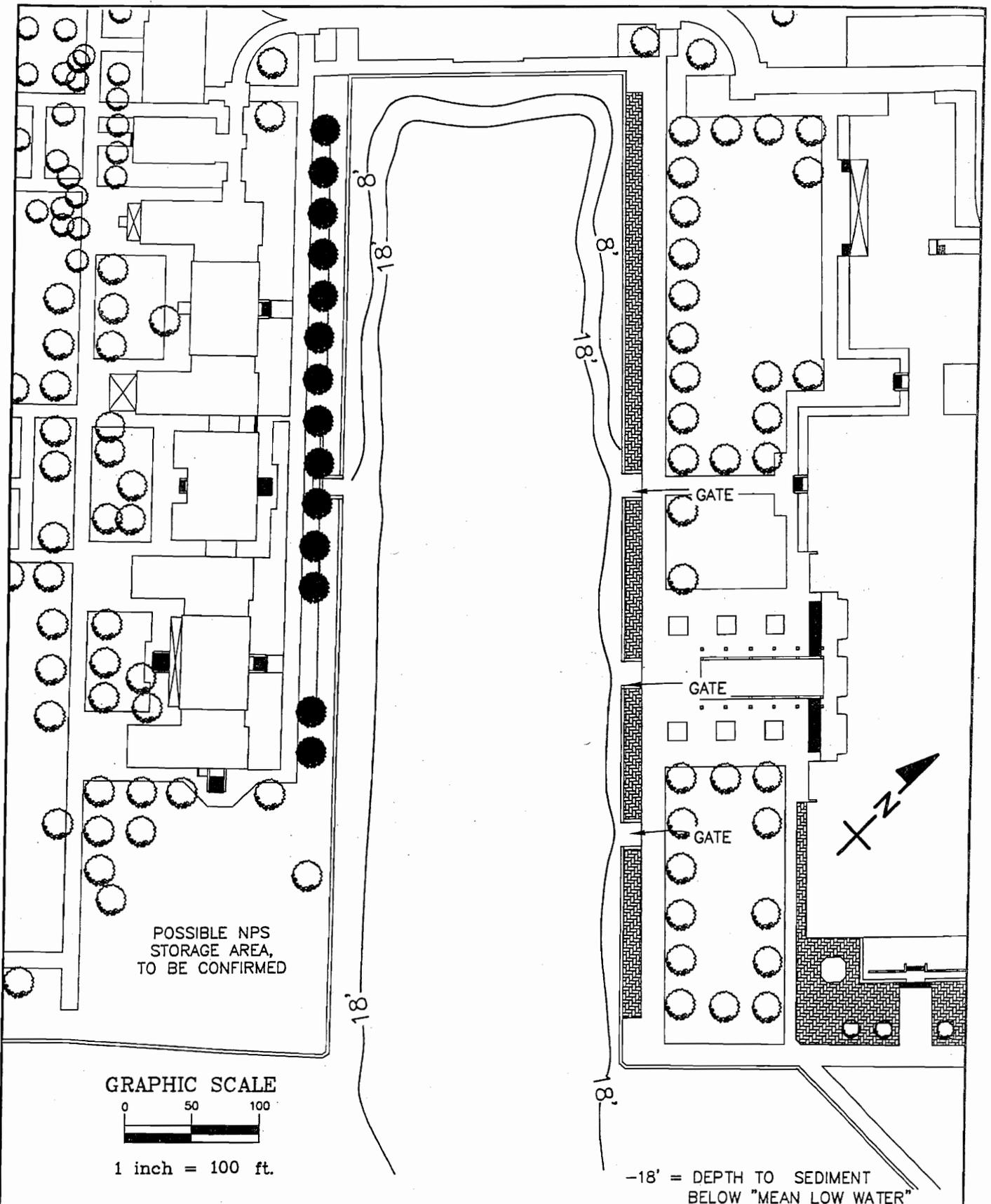
TYPES OF DREDGING  
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2006-00599-1

Sheet 3 of 5

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-18' = DEPTH TO SEDIMENT BELOW "MEAN LOW WATER"

REFERENCE: THE NATIONAL PARK SERVICE PROVIDED THE BASE PLAN FOR THIS DRAWING.

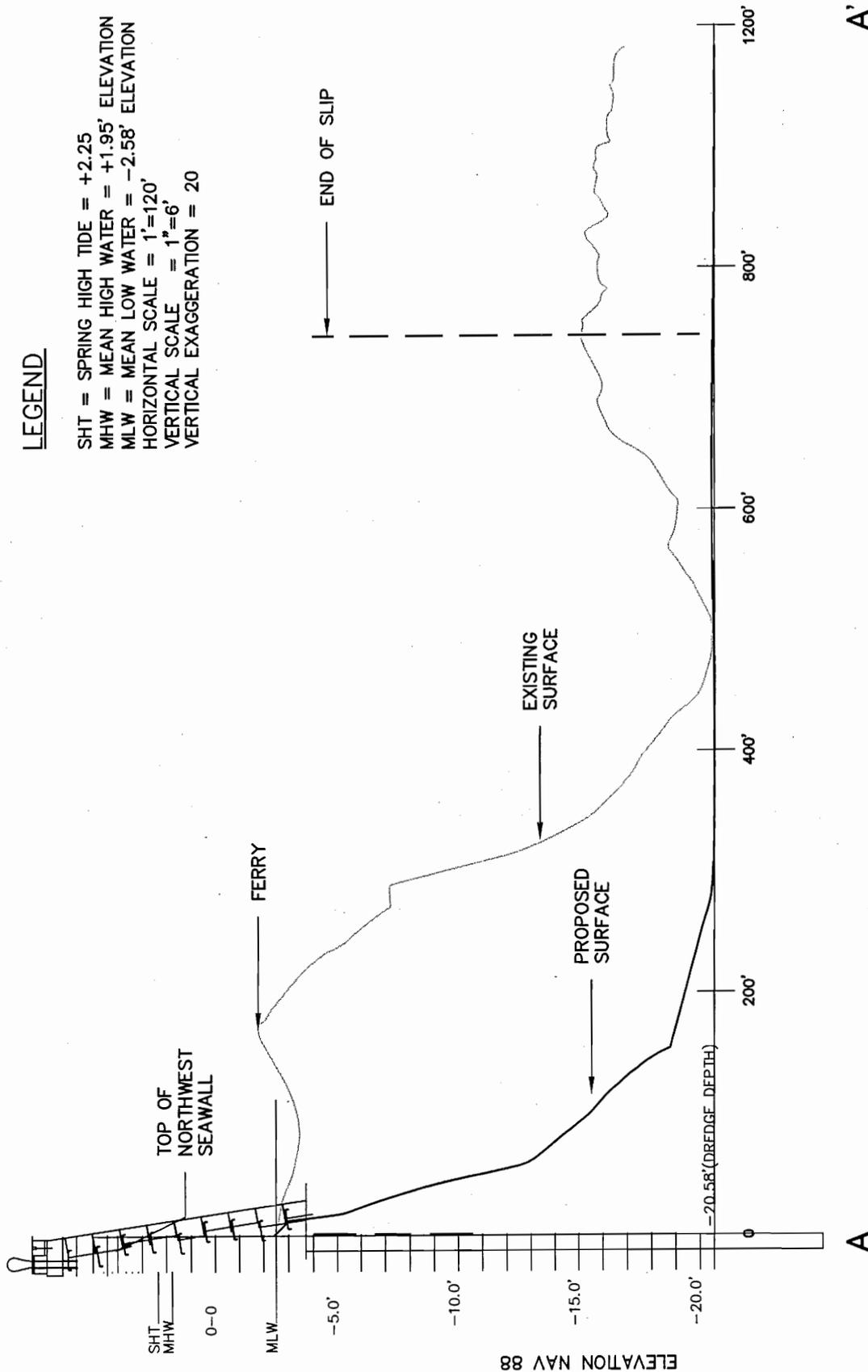


ELLIS ISLAND HISTORIC  
SEAWALL REHABILITATION  
ELLIS ISLAND, NEW JERSEY

ANTICIPATED  
BATHYMETRY  
PROJECT NO. 05150040.B  
FIGURE 5B

**LEGEND**

SHT = SPRING HIGH TIDE = +2.25  
 MHW = MEAN HIGH WATER = +1.95' ELEVATION  
 MLW = MEAN LOW WATER = -2.58' ELEVATION  
 HORIZONTAL SCALE = 1"=120'  
 VERTICAL SCALE = 1"=6'  
 VERTICAL EXAGGERATION = 20



BEFORE AND AFTER DREDGING SURFACES - SECTION A-A  
 PROJECT NO. 05150040.B

ELLIS ISLAND HISTORIC SEAWALL REHABILITATION  
 ELLIS ISLAND, NEW JERSEY



2006-00599-1

Sheet 5 of 5