



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-2007-1304-WSC
Issue Date: November 21, 2007
Expiration Date: December 21, 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 U.S.C. 403).

APPLICANT: New York AM Radio, LLC
77 West 66th Street
New York, NY 10023

ACTIVITY: Relocate three radio towers with open-pile supported walkways

WATERWAY: Penhorn Creek, a tributary of the Hackensack River

LOCATION: Towns of North Bergen and 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 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.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2007-1304-WSC

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). Consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

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.

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 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:

Waterfront Development Permit from the New Jersey Department of Environmental Protection
Bridge Permit from the United States Coast Guard

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 Schumach.

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, New York AM Radio, LLC, a subsidiary of ABC, Inc. and the Walt Disney Company, is the owner and operator of WEPN 1050 AM (the "Station"), and has requested Department of the Army authorization to relocate three radio towers. The proposed new towers consist of three 484 foot tall self-supported towers interconnected by pile supported timber walkways.

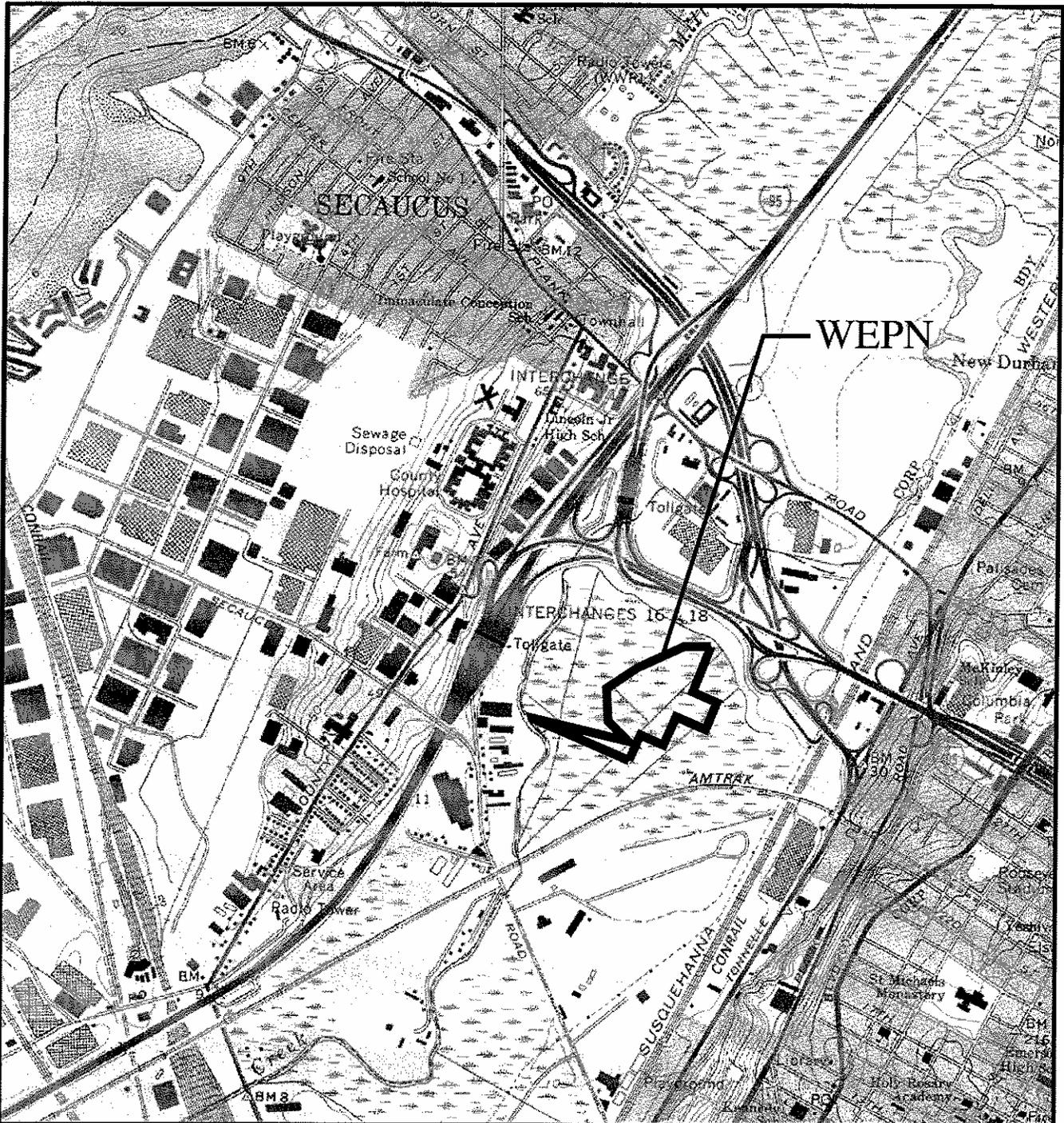
The three self-supported towers would be built on piles and elevated off the ground. Each tower would be surrounded by a ground system consisting of 120, 235-foot long 1/8-inch diameter copper radial ground wires at ground level spaced at 3° intervals. The radial wires would originate from a 48-foot by 48-foot copper mesh grounding screen elevated several feet from the ground located at the base of each tower. In certain locations, the radials are truncated at the property boundaries or where they would otherwise overlap with radials from another tower. The radials will be connected by 4-inch wide copper straps.

A 12-foot by 10-foot pile supported equipment shed would be constructed on the elevated base of each tower. A 2,180 foot long by 4 foot wide pile supported walkway and a 120 foot long by 4 foot wide bridge over Penhorn Creek would connect the radio towers to a proposed 800 square foot radio transmission building to be built on upland property. The proposed base of the pile-supported radio towers, access walkways, and equipment sheds would be constructed above regulatory flood elevation; a minimum of four (4) feet above the existing ground elevation.

The transmission and an electrical building, an access driveway and parking for the transmission building would be located on uplands owned by the New Jersey Turnpike Authority (NJTA). Temporary impacts to approximately one acre of wetlands associated with the proposed project include the placement of timber construction mats to allow equipment access through the site. Upon completion of the proposed work, the temporary construction mats would be removed from the wetland areas to restore preconstruction conditions. Construction of pile-supported features are designed to minimize permanent impacts to wetlands.

The transmission and electrical buildings, driveway, parking and a portion of the walkway (approximately 7,837 square feet total area) would be constructed on a non-wetland portion of a parcel owned by the NJTA. A 43 square foot portion of the pile-supported walkway would be constructed over wetlands on the parcel. The parcel is subject to a Declaration of Restriction preserving the property from development, imposed by the U.S. Army Corps of Engineers in connection with a previous permit issued under Section 404 of the Clean Water Act (permit No. 93-03440 as modified by permit No. 093-03441-1). The Declaration provides that the Corps of Engineers may consent to modification of the Declaration, provided the modification does not violate the purpose of the Declaration or impair conservation interests on the property. The applicant asks that the Corps of Engineers consent to modification of the Declaration of Restriction in conjunction with this permit action.

The stated purpose of the project is to relocate existing radio transmission tower facilities, so as to maintain continued transmitting operations. The Station currently transmits from a three radio tower array in East Rutherford, New Jersey, known as the "ESPN Property". The applicant states that the existing location must be abandoned and a new location established for the Station to continue FCC compliant and safe operation.



PROJECT NO.: #06100

LOCATION MAP

WEPN

LOTS 12.01 & 19.02 BLOCK 451, NORTH BERGEN, N.J.

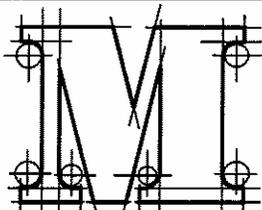
McNALLY ENGINEERING, L.L.C.

Certificate of Authorization 24GA27928700, exp. 8/31/06

393 RAMAPO VALLEY ROAD

OAKLAND, NJ 07436

(201) 337-9051



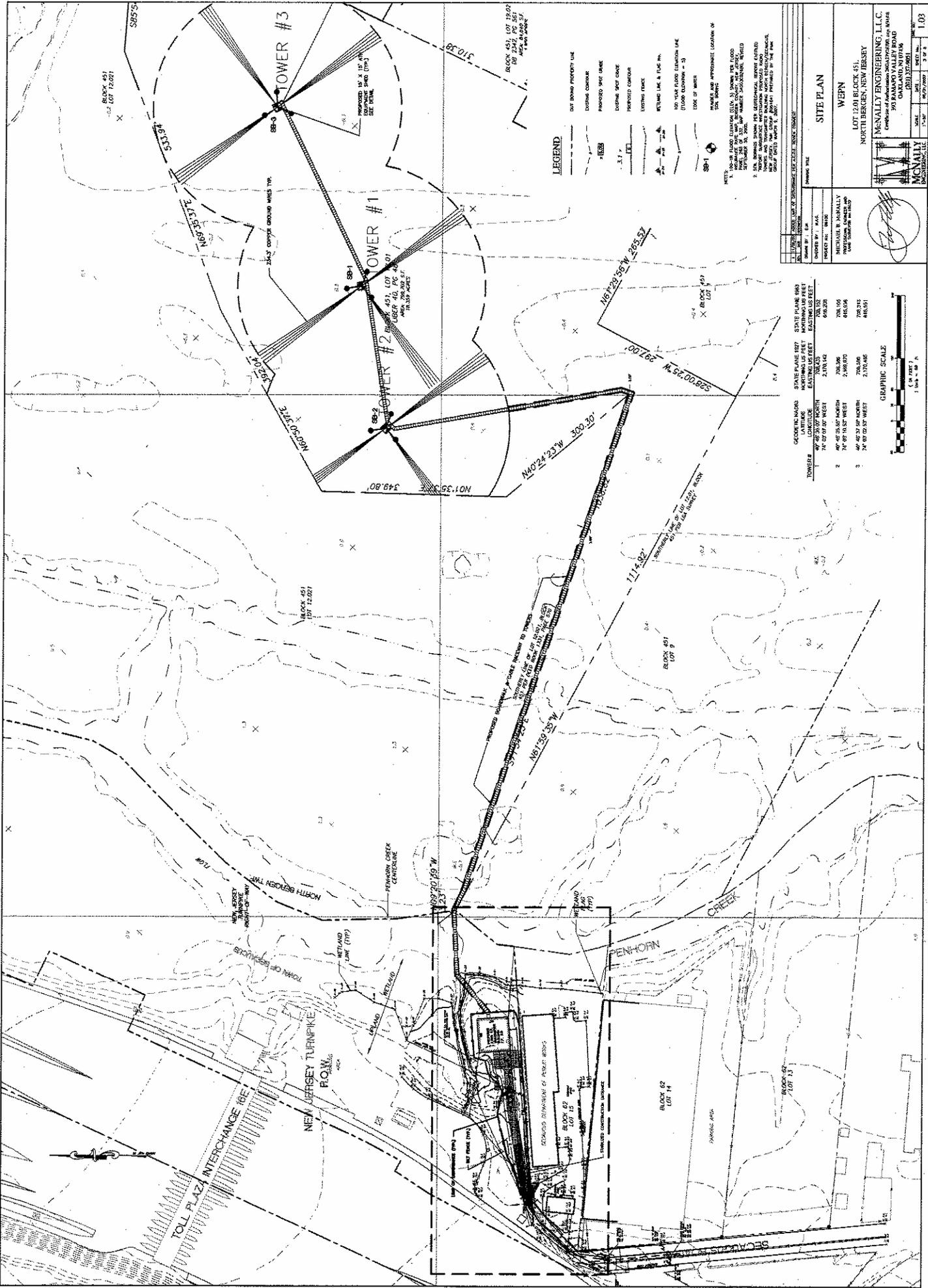
**McNALLY
ENGINEERING, LLC.**

SCALE: NOT TO SCALE

DATE: 4/27/2007

SHEET NO.: 1

DWG. No.: FIG.-1



- LEGEND**
- OUTSTANDING PROPERTY LINE
 - EXISTING CONDUIT
 - PROPOSED SHOT GROUND
 - EXISTING SHOT GROUND
 - PROPOSED CONDUIT
 - EXISTING TRANCE
 - PENNHORN L.I.C. & I.P.C. INC.
 - 10-YEAR FLOOD ELEVATION LINE (FLOOD ELEVATION = 3)
 - TOPE OF WATER
 - SP-1
 - NUMBER AND APPROXIMATE LOCATION OF SILENT ZONE

NOTES:
 1. 100-YEAR FLOOD ELEVATION (FELEV.) IS SHOWN FOR FLOOD PROTECTIVE WALLS. THE FLOOD PROTECTIVE WALLS ARE NOT TO BE CONSIDERED AS A PART OF THE FLOOD PROTECTIVE WALLS.
 2. THE FLOOD PROTECTIVE WALLS ARE NOT TO BE CONSIDERED AS A PART OF THE FLOOD PROTECTIVE WALLS.
 3. THE FLOOD PROTECTIVE WALLS ARE NOT TO BE CONSIDERED AS A PART OF THE FLOOD PROTECTIVE WALLS.

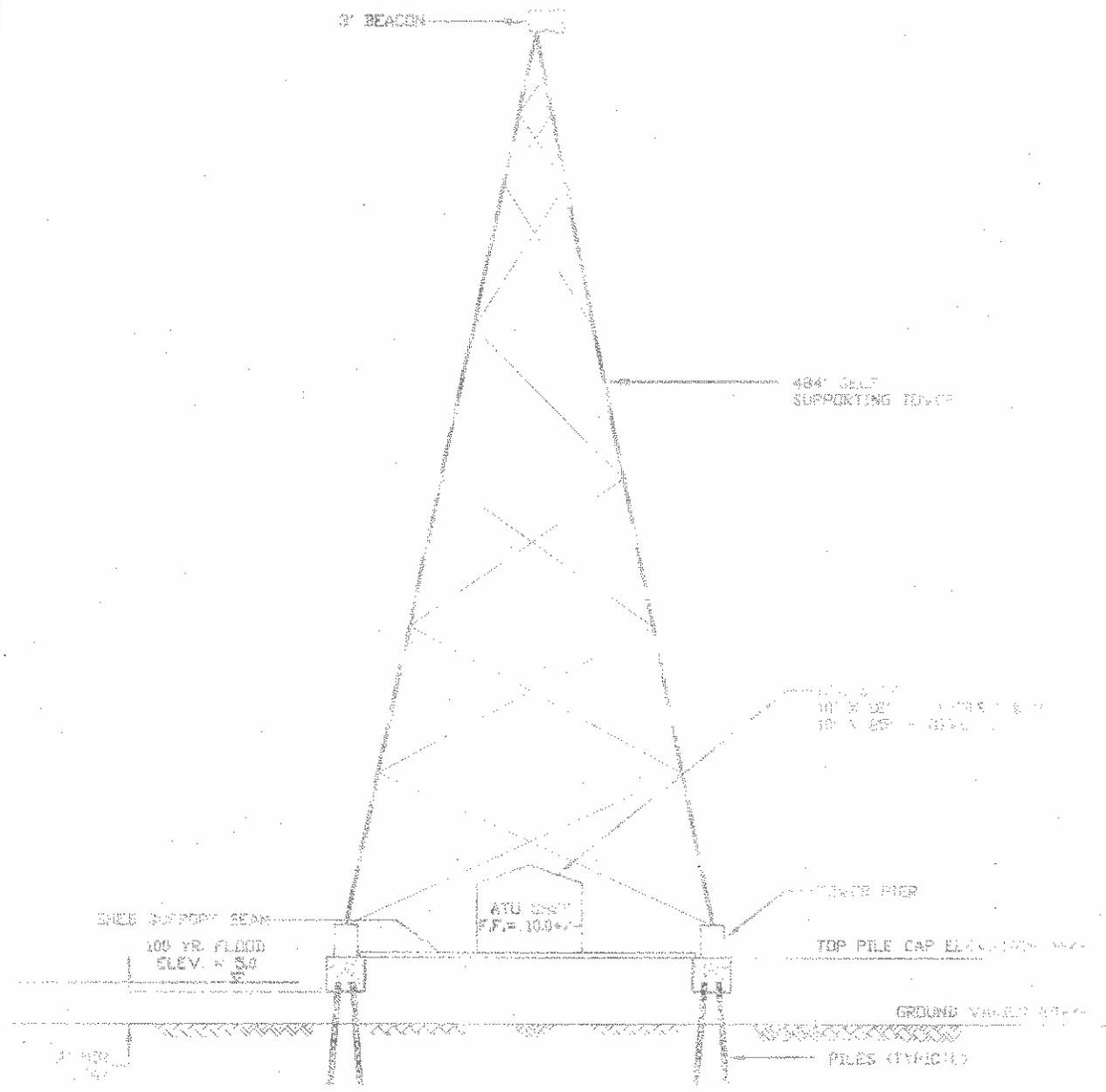
SITE PLAN

WERN
 NORTH BERGEN, NEW JERSEY

MCNALLY ENGINEERING, L.L.C.
 931 KANAWAY VALLEY ROAD
 NORTH BERGEN, NEW JERSEY 07041-3270

TOWER #	GEODETIC MARK	STATE PLANE 8307	STATE PLANE 860
		NORTHING US FEET	EASTING US FEET
1	74° 07' 07" WEST	2,170.142	618.228
2	40° 45' 55" NORTH	728.164	708.164
3	74° 07' 07" WEST	2,169.970	618.034
4	40° 45' 55" NORTH	728.164	708.164
5	74° 07' 07" WEST	2,170.142	618.228

GRAPHIC SCALE
 1" = 40' = 1/3" = 1/4" = 1/2" = 3/4" = 1"



10-15-07 REVISION NO. 001 BY [unclear]

PROJECT NO.: #06100

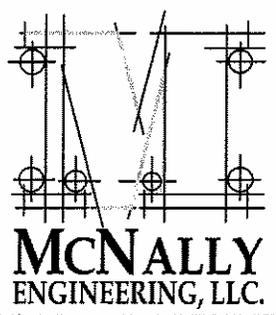
TYPICAL TOWER SECTION

WERN

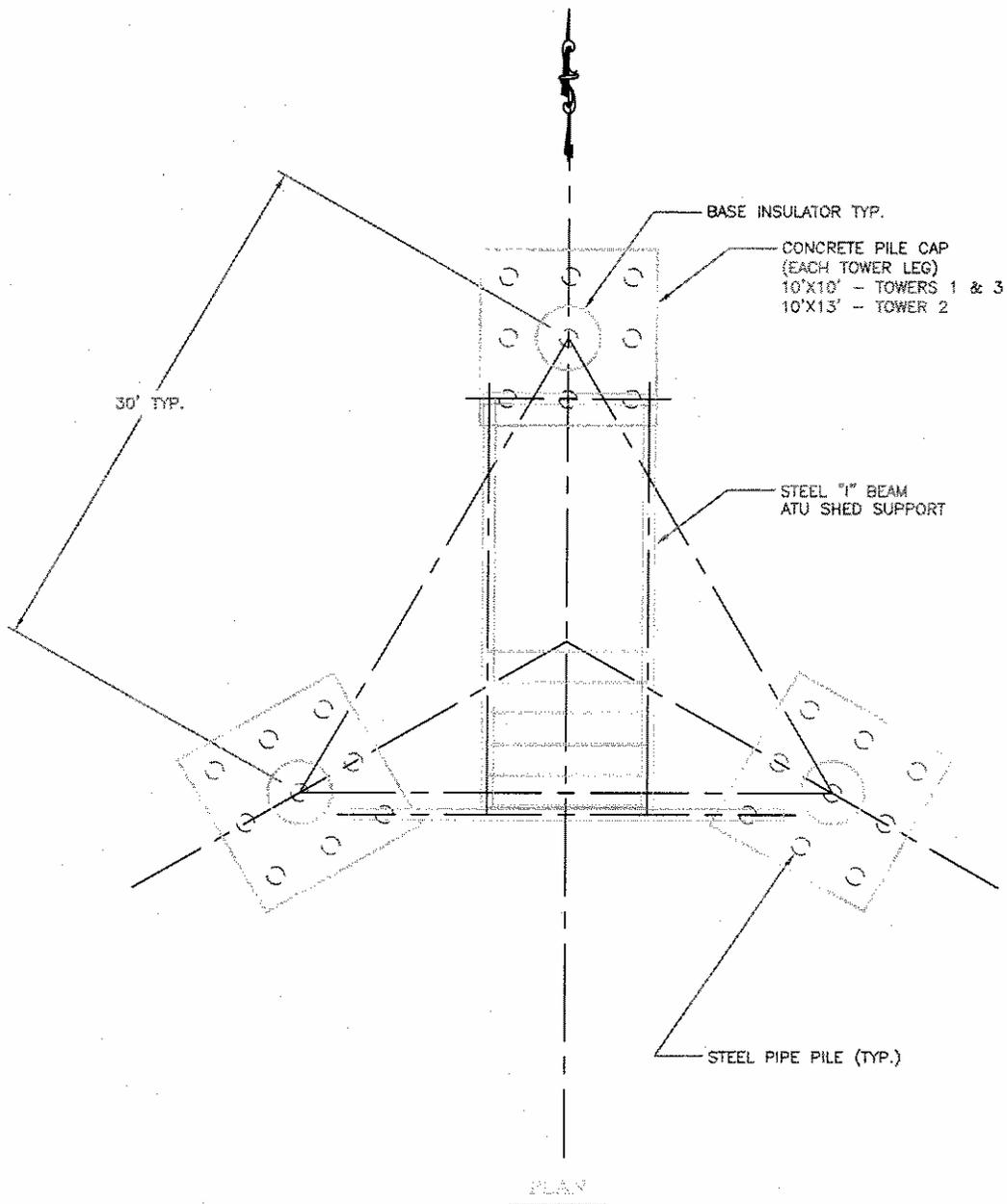
LOTS 12.01 & 19.02 BLOCK 451, NORTH BERGEN, N.J.

McNALLY ENGINEERING, LLC

Certificate of Authorization 24GA27928700, exp. 8/31/06
 393 RAMAPO VALLEY ROAD
 OAKLAND, NJ 07436
 (201) 337-9051



SCALE: NOT TO SCALE | DATE: 4/27/2007 | SHEET NO.: 3 | DWG. No.: FIG.-3



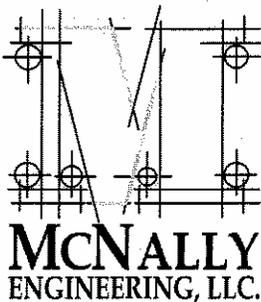
REV. 1, 11-16-07 REVISED PILE CAPS & ATU SUPPORT

PROJECT NO.: #06100

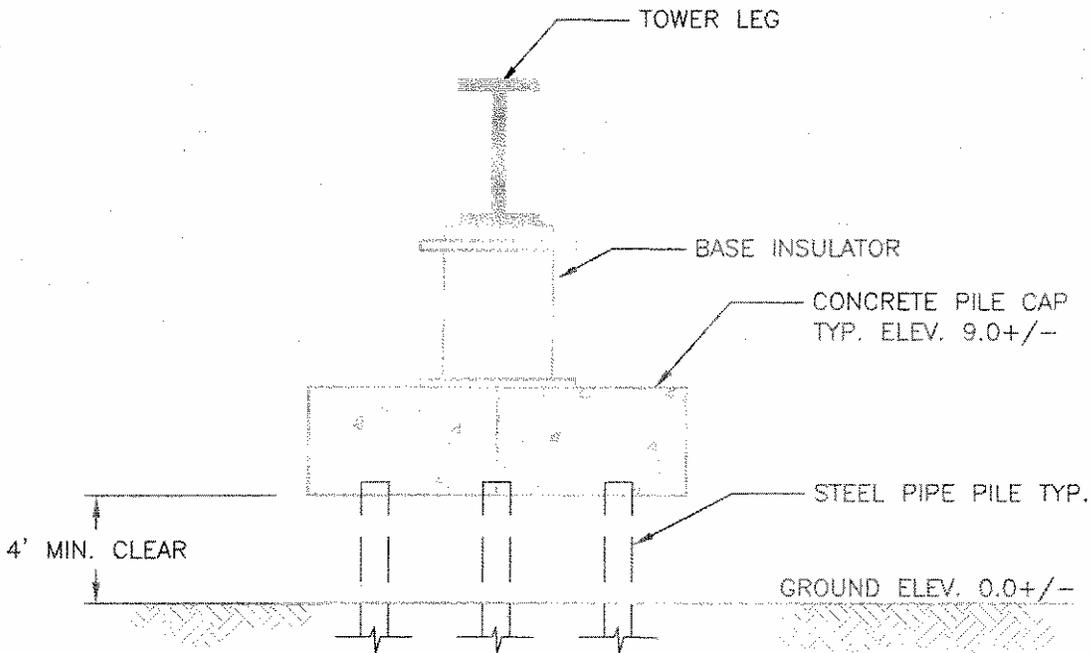
TYPICAL TOWER / ATU FOUNDATION
WEDN

LOTS 12.01 & 19.02 BLOCK 451, NORTH BERGEN, N.J.

McNALLY ENGINEERING, LLC
 Certificate of Authorization 24GA27928790, exp. 9/31/06
 393 RAMAPO VALLEY ROAD
 OAKLAND, NJ 07436
 (201) 337-9051



SCALE: NOT TO SCALE | DATE: 4/27/2007 | SHEET NO.: 4 | DWG. No.: FIG.-4

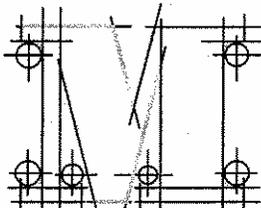


SECTION

REV. 1, 11-16-07 REVISED PILE CAP ELEV., ADDED BASE INSULATOR

PROJECT NO.:

#06100



McNALLY
ENGINEERING, LLC.

TOWER LEG FOUNDATION

WEPN

LOTS 12.01 & 19.02 BLOCK 451, NORTH BERGEN, N.J.

McNALLY ENGINEERING, LLC

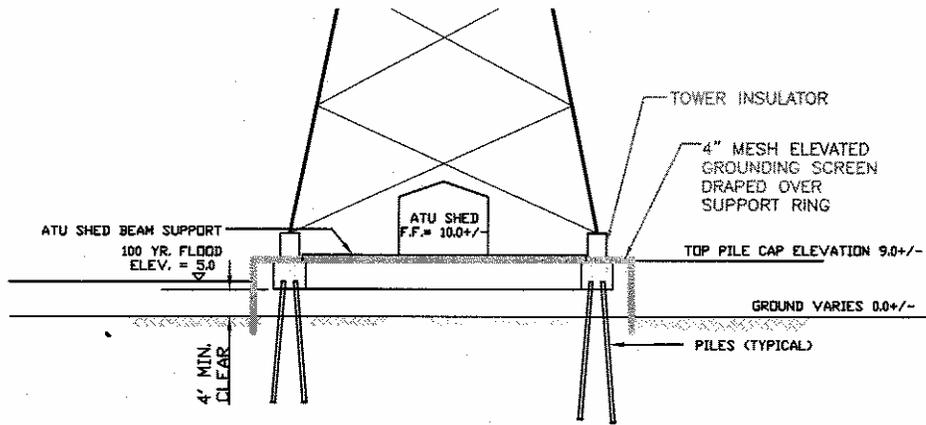
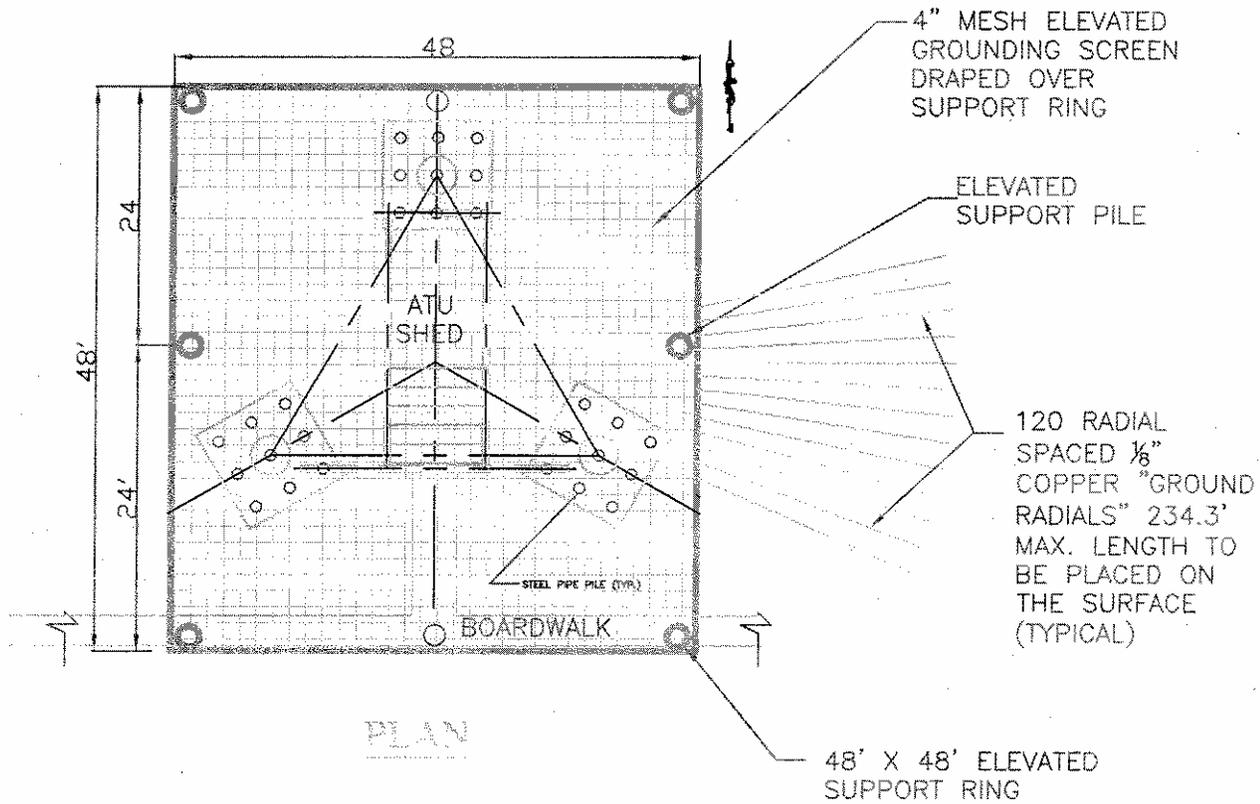
Certificate of Authorization 24GA27928700, exp. 8/31/06

393 RAMAPO VALLEY ROAD

OAKLAND, NJ 07436

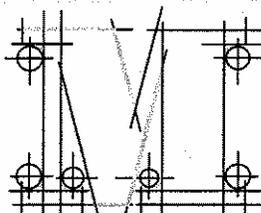
(201) 337-9051

SCALE: NOT TO SCALE | DATE: 4/27/2007 | SHEET NO.: 5 | DWG. No.: FIG.-5



REV. 1, 11-16-07 REVISED PILE CAPS & ATU SUPPORTS

PROJECT NO.: #06100



McNALLY
ENGINEERING, LLC.

TYPICAL TOWER GROUNDING
WEPN

LOTS 12.01 & 19.02 BLOCK 451, NORTH BERGEN, N.J.

McNALLY ENGINEERING, LLC

Certificate of Authorization 24GA27928700, exp. 8/31/06

393 RAMAPO VALLEY ROAD

OAKLAND, NJ 07436

(201) 337-9051

SCALE: NOT TO SCALE | DATE: 4/27/2007 | SHEET NO.: 6 | DWG. No.: FIG-6