



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-2008-554-WCA
Issue Date: **May 2, 2008**
Expiration Date: **May 16, 2008**

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

APPLICANT: Union Dry Dock and Repair Company
91 Sinatra Drive
P.O. Box 1539
Hoboken, New Jersey 07030

ACTIVITY: Discharge fill material into waters of the United States to facilitate the one-time reprofiling of 900-1000 cubic yards of accumulated sediments underneath Dry Dock No. 5 situated within the Hudson River.

WATERWAY: Hudson River

LOCATION: City of Hoboken, 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-RW
PUBLIC NOTICE NO. NAN-2008-554-WCA

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 Emergency Permit.

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) 790-8412 and ask for James Cannon.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2008-554-WCA

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 Union Dry Dock and Repair Company, has requested Department of the Army Authorization to perform a one-time reprofiling activity to move approximately 900-1000 cubic yards of accumulated sediments situated underneath their Dry Dock No. 5 mooring site. The existing 66-foot wide by 200-foot long Dry Dock is located within the Hudson River, in the City of Hoboken, Hudson County, New Jersey.

Currently, the dry dock area ranges in depth from -7 feet below the plane of Mean Low Water (MLW) in the western (shallow) portion to -25 feet below the plane of MLW in its eastern (deeper) portion. As a result of this shallow bottom depth, a portion of the dry dock rests on the bottom when submerged. However, when the dock is pumped out to lift a vessel out of the water, a suction effect results jeopardizing the safety of the operation, and the integrity of the dry dock and the lift equipment.

Therefore, to alleviate this safety hazard and damage to existing equipment, the applicant proposes to perform a one-time reprofiling activity within a 68 foot wide by 250 foot long area utilizing a clamshell bucket or dragline, to move approximately 900-1000 cubic yards of accumulated sediments from the western side (shallow area) of the dry dock to its eastern (deeper area) side. As a result of the reprofiling activities, the bottom depths of the dry dock area would range from approximately -14 feet below the plane of MLW in the western portion to approximately -18 feet below the plane of MLW on its eastern portion. In accordance with the emergency authorization issued by the New Jersey Department of Environmental Protection dated March 5, 2008 for this project, the in-water reprofiling work shall be limited to two (2) days, and if a clamshell bucket is utilized, the bucket shall not be lifted above the surface of the water at any time during the reprofiling operation.

The purpose of the proposed project is to ensure safe working conditions when removing the dry dock from its mooring area as well as maintain the integrity of the operational equipment.



SOURCE:
 USGS Topographic Map
 7.5 Minute Series
 Projection: NJ State Plane Coordinate System
 Datum: NAD 83
 Units: Feet

State Plane Coordinate System
 E: 623519.09
 N: 695905.92
 Geographic Coordinates
 Latitude: 40 44 35
 Longitude: -74 01 33

USGS SITE LOCATION MAP

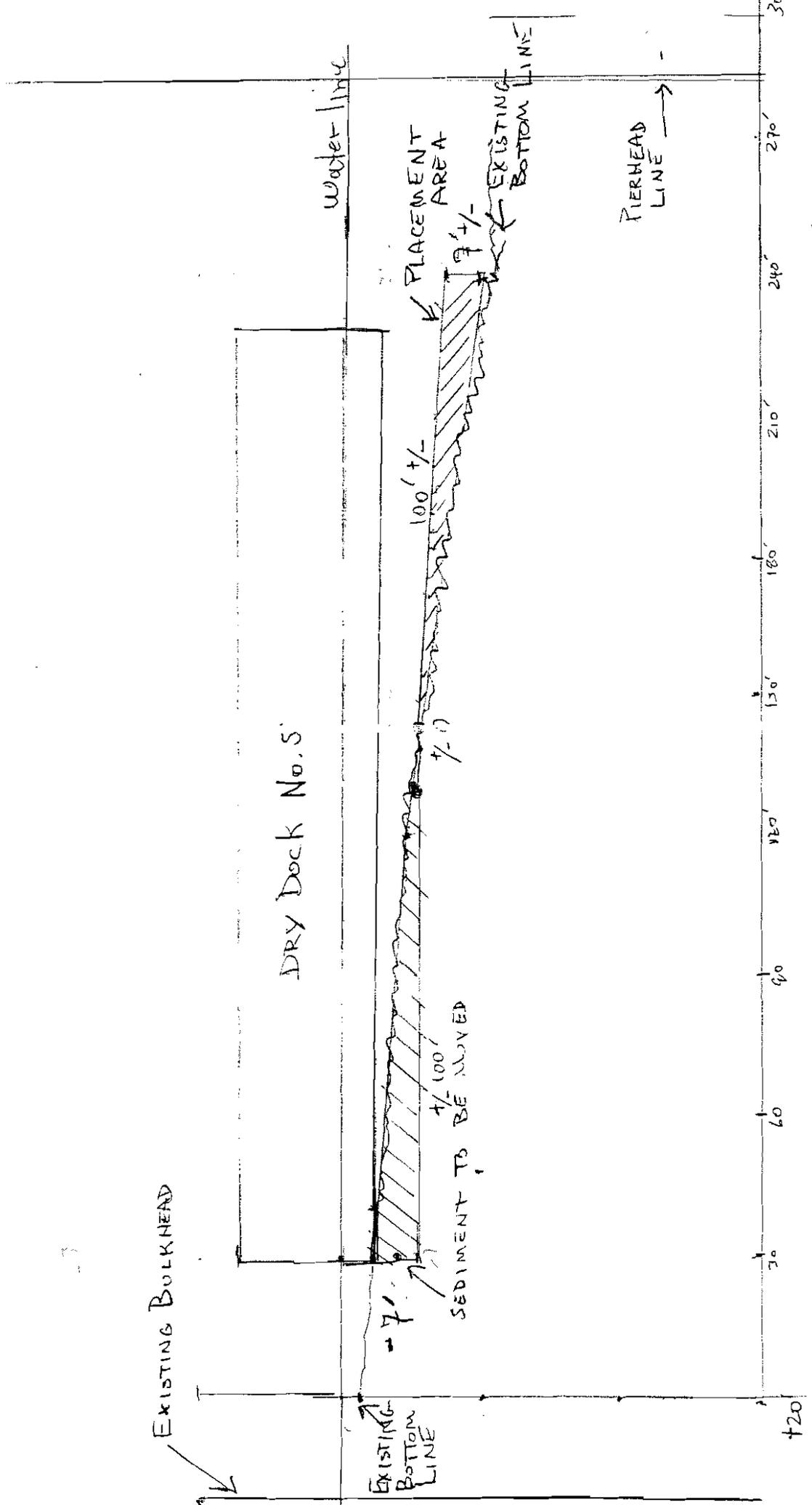
Union Dry Dock & Repair Company HOBOKEN, HUDSON COUNTY, NEW JERSEY

Paulus, Sokolowski & Sartor, LLC
 consulting engineers and environmental planners
 A **KEYSPAN** BUSINESS SOLUTION

Drawn By: JAJ	Scale: 1" = 2000'	Project No. 02709.001.004
Chk'd By: DWG	Date: September 23, 2003	Figure No. 1

UNION DRY DOCK & REPAIR COMPANY
DREDGING CROSS SECTION
JANUARY 2008
HOBOKEN, HUDSON COUNTY, NEW JERSEY

ENCLOSURE 1



SCALE 1" = 30'

HYDROGRAPHIC DATA PER
AQUA SURVEY INC. HYDROGRAPHIC SURVING

RDF: 31 JAN 08