



# **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-2019-00359-EKN**  
Issue Date: **11 April 2019**  
Expiration Date: **11 May 2019**

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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:** Tilcon New York, Inc.  
9 Entin Road  
Parsippany, NJ 07054

**ACTIVITY:** Maintenance dredging with upland placement of dredged material

**WATERWAY:** Hempstead Harbor

**LOCATION:** 139 West Shore Road, Port Washington, Nassau 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. Comments are also used to determine the need for a public hearing and to determine the overall public interest in 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.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments, including names and addresses, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 adversely 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 (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and 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). The proposed construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance and turbidity would be confined by a silt curtain. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit 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, pre-historical, 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 USC 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

**\*\*\*PLEASE USE THE 18-CHARACTER PUBLIC NOTICE NUMBER ON ALL  
CORRESPONDENCE WITH THIS OFFICE\*\*\***

is responsible for ensuring that the proposed 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 view on the consistency of this project with the State Coastal Zone Management Program. For activities within the coastal zone of the State of New York, 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 addressed to this office commenting on this proposal, should be so addressed.

The applicant received permit # 1-2822-00915, dated July 1, 2016, from the New York State Department of Environmental Conservation, which included Water Quality Certificate # 1-2822-00915/00007

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) 790-8715 and ask for Dr. Stephen Knowles.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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



**For and In behalf of**

Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

### **WORK DESCRIPTION**

The applicant, Tilcon New York, Inc., has requested Department of the Army authorization for dredging, with 10-yr maintenance, at their facility on Hempstead Bay at 139 West Shore Road, Port Washington, Nassau County, New York. The facility processes and distributes sand, gravel, and crushed stone used in a variety of construction projects.

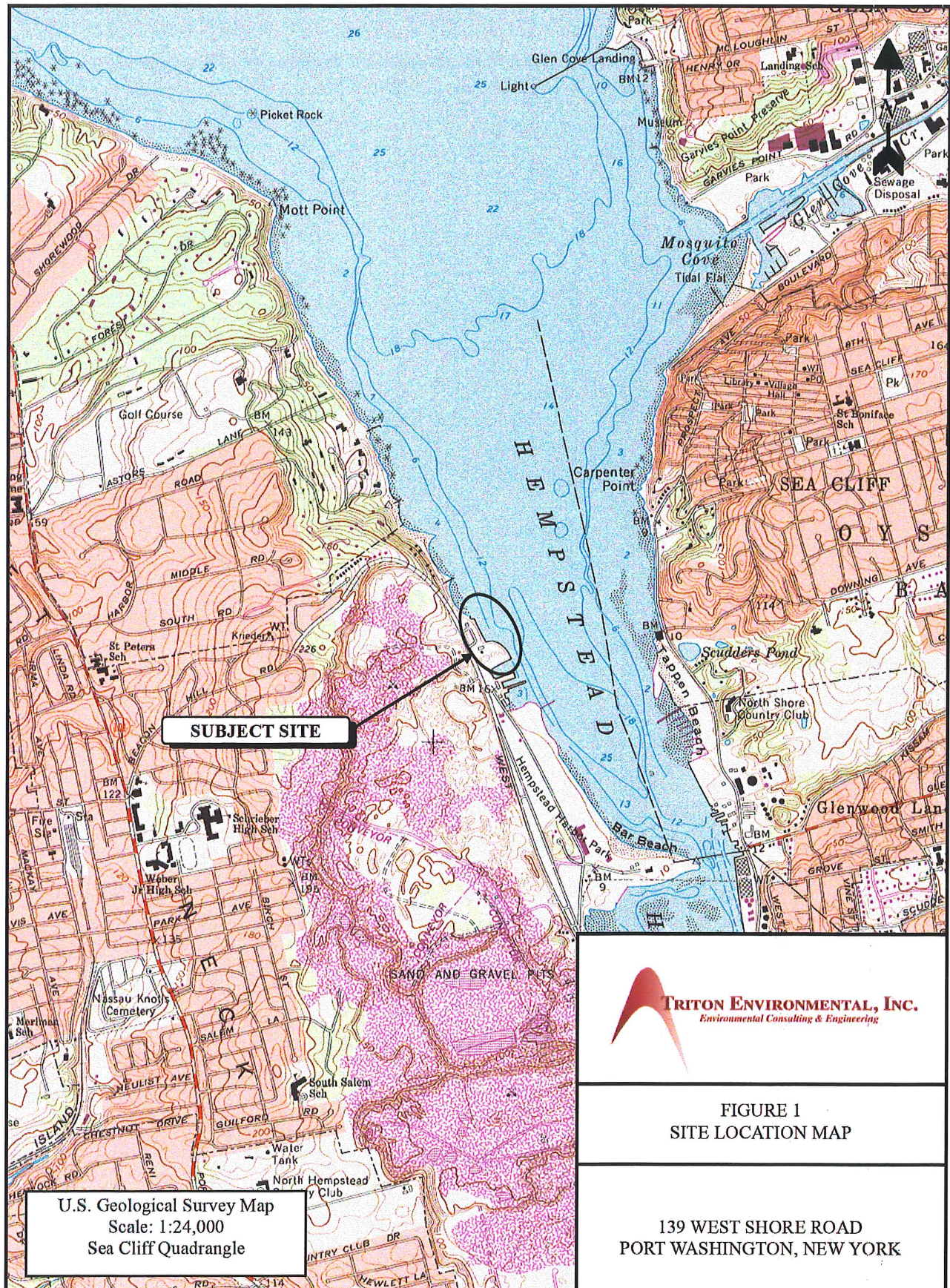
The work would involve dredging approximately 59,000 square feet (~1.4 acres) in two berthing areas to a depth of 12-feet below the plane of Mean Low Water with no overdepth dredging. Approximately 4,000 cubic yards of gravel, sand, and silt, would be annually dredged by a barge-borne, mechanical bucket dredge, with dredged material placed into scows, and no scow overflow. Dredging and scows would be contained within a silt curtain. Loaded scows may be retained onsite for settling of dredged material and dewatering, with decanted water pumped back into Hempstead Bay prior to scows being transported to an upland placement facility.

Berthing area A, at "Gotham Dock", is approximately 80-feet wide by 360-feet long, approximately 29,000 square feet (~0.7 acres). Approximately 3,000 cubic yards of dredged material would be removed from berthing area A.

Berthing area B, at "Barker Dock", is approximately 80-feet wide by 370-feet long, approximately 30,000 square feet (~0.7 acres). Approximately 1,000 cubic yards of dredged material would be removed from berthing area B.

The applicant has stated that they have avoided, minimized, and mitigated for proposed impacts to the maximum extent practicable by limiting dredging to the area required for safe navigation and mooring of vessels, by using a silt curtain around the dredging equipment and scows, and by limiting the period of dredging to less than three weeks.

The purpose of the proposed work is to maintain adequate water depths for safe mooring and vessel transit to and from the Tilcon facility.





HEMPSTEAD HARBOR  
ESTUARINE SUBTIDAL UNCONSOLIDATED BOTTOM SURTIDAL (ETIDU)

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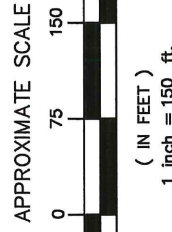
MAINTENANCE DREDGE  
ANNUALLY AS NEEDED  
WITHIN THE AUTHORIZED  
FOOTPRINT TO A DEPTH  
OF -12' MLW REMOVING  
UP TO 1,000 CY

BARKER DOCK  
AUTHORIZED DREDGING FOOTPRINT  
DIMENSIONS: APPROX. 370' x 80'  
AUTHORIZED DREDGE DEPTH: -12.0 FEET MLW

GOUGHAM DOCK  
AUTHORIZED DREDGING FOOTPRINT  
DIMENSIONS: APPROX. 360' x 80'  
AUTHORIZED DREDGE DEPTH: -12.0 FEET MLW

MAINTENANCE DREDGE  
ANNUALLY AS NEEDED  
WITHIN THE AUTHORIZED  
FOOTPRINT TO A DEPTH  
OF -12' MLW REMOVING  
UP TO 3,000 CY

WEST SHORE ROAD



## NOTES:

1. GRID SYSTEM IS IN FEET AND IS THE CONNECTICUT STATE PLANE COORDINATE SYSTEM (NAD 1927).
2. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-4.18' NAVD'86). USED TIDAL BENCHMARK KUT1594 ELEV 10.73 NAVD / 14.91 MLLW.
3. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON JUNE 12, 2018 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
4. THE LOCATION OF ALL STRUCTURES, EQUIPMENT, DELINEATIONS AND OTHER FEATURES PRESENTED ON THIS DRAWING SHOULD BE CONSIDERED APPROXIMATE. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. TRITON MAKES NO WARRANTY AS TO THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION CONTAINED IN THIS DRAWING, AND THE USER ASSUMES ALL RISK OF LOSS TO PERSONS AND PROPERTY FROM RELIANCE THEREON.
5. THE LOCATIONS OF SITE FEATURES AND DREDGE FOOTPRINTS ARE APPROXIMATED FROM SPECTRA ENVIRONMENTAL GROUP, INC. FIGURE DATED 2/18/13 AND OBSERVATIONS FROM CURRENT AERIAL PHOTOGRAPHS.

TRITON ENVIRONMENTAL, INC.  
Environmental Consulting & Engineering

395 Church Street, Suite 201 • Guilford, Connecticut 06437 • 203.458.7200

FIGURE 2

EXISTING AND PROPOSED CONDITIONS PLAN

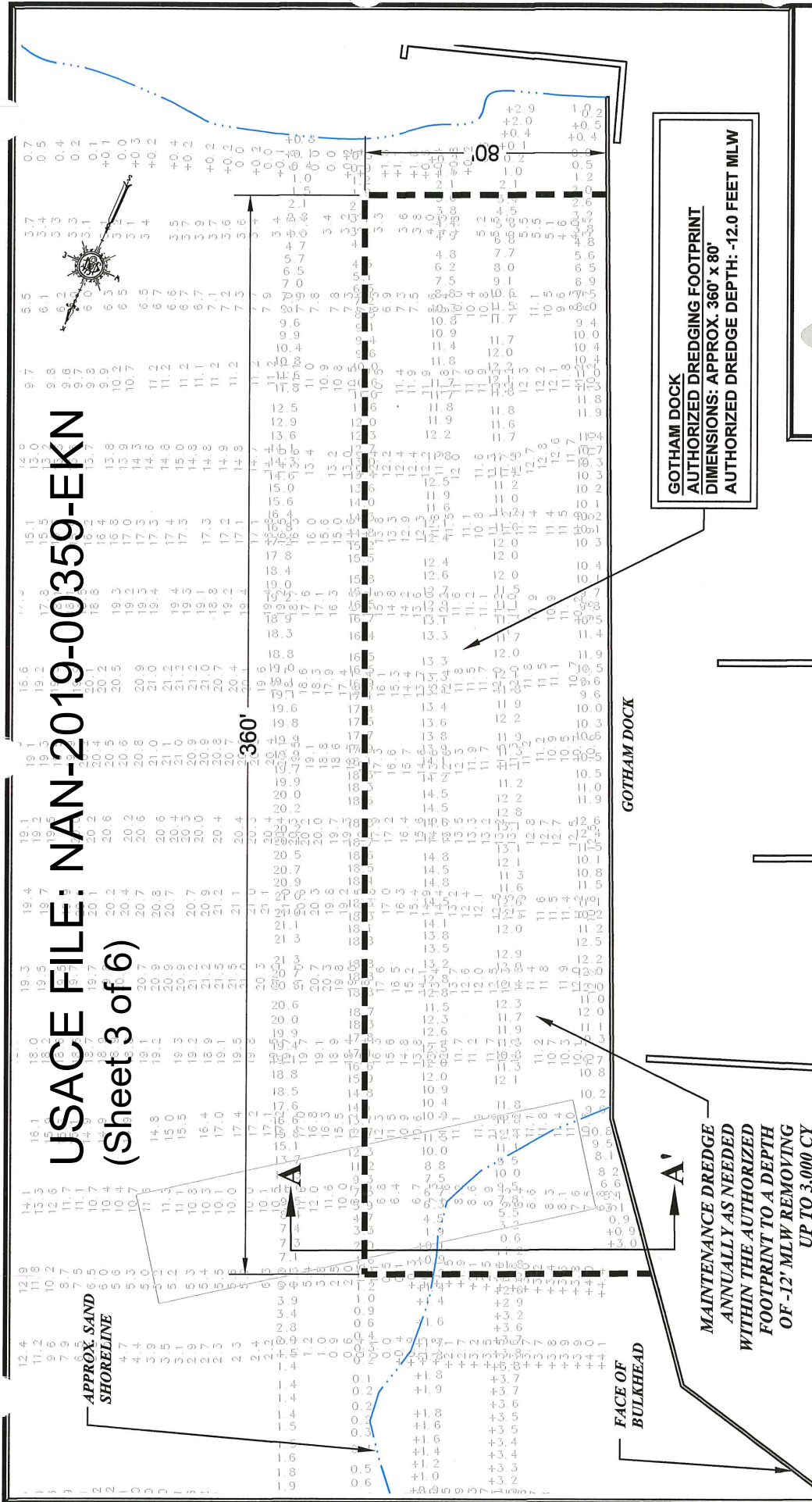
ARMY CORPS OF ENGINEERS MAINTENANCE DREDGING PERMIT

TILCON NEW YORK INC.  
PORT WASHINGTON TERMINAL  
NORTH HEMPSTEAD, NEW YORK

DRAWN BY: RGM APPROVED BY: RBS

DATE: 9/25/18 SCALE: 1"= 150' FILE No.:104924DREDGE-MDP-02

# USACE FILE: NAN-2019-00359-EKN (Sheet 3 of 6)



**GOTHAM DOCK**  
**AUTHORIZED DREDGING FOOTPRINT**  
**DIMENSIONS: APPROX. 360' x 80'**  
**AUTHORIZED DREDGE DEPTH: -12.0 FEET MLW**

**GOTHAM DOCK**

**MAINTENANCE DREDGE**  
**ANNUALLY AS NEEDED**  
**WITHIN THE AUTHORIZED**  
**FOOTPRINT TO A DEPTH**  
**OF -12' MLW REMOVING**  
**UP TO 3,000 CY**

## NOTES:

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**TRITON ENVIRONMENTAL, INC.**  
*Environmental Consulting & Engineering*

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FIGURE 3	
GOTHAM DOCK	
EXISTING AND PROPOSED CONDITIONS PLAN	
ARMY CORPS OF ENGINEERS MAINTENANCE DREDGING PERMIT	
TILCON NEW YORK INC.	
PORT WASHINGTON TERMINAL	
NORTH HEMPSTEAD, NEW YORK	
DRAWN BY: RGM	APPROVED BY: RBS
DATE: 9/25/18	SCALE: 1" = 50'
FILE No.:104924DREDGE-MDP-02	

**NOTES:**

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**MAINTENANCE DREDGE ANNUALLY  
AS NEEDED WITHIN THE AUTHORIZED  
FOOTPRINT TO A DEPTH OF -12'  
MLW REMOVING UP TO 1,000 CY**

**BARKER DOCK  
AUTHORIZED DREDGING FOOTPRINT  
DIMENSIONS: APPROX. 370' x 80'  
AUTHORIZED DREDGE DEPTH: -12.0 FEET MLW**

APPROXIMATE SCALE



**USACE FILE:  
NAN-2019-00359-EKN  
(Sheet 4 of 6)**

**TRITON ENVIRONMENTAL, INC.**  
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FIGURE 4

BARKER DOCK

EXISTING AND PROPOSED CONDITIONS PLAN

ARMY CORPS OF ENGINEERS MAINTENANCE DREDGING PERMIT

TILCON NEW YORK INC.  
PORT WASHINGTON TERMINAL  
NORTH HEMPSTEAD, NEW YORK

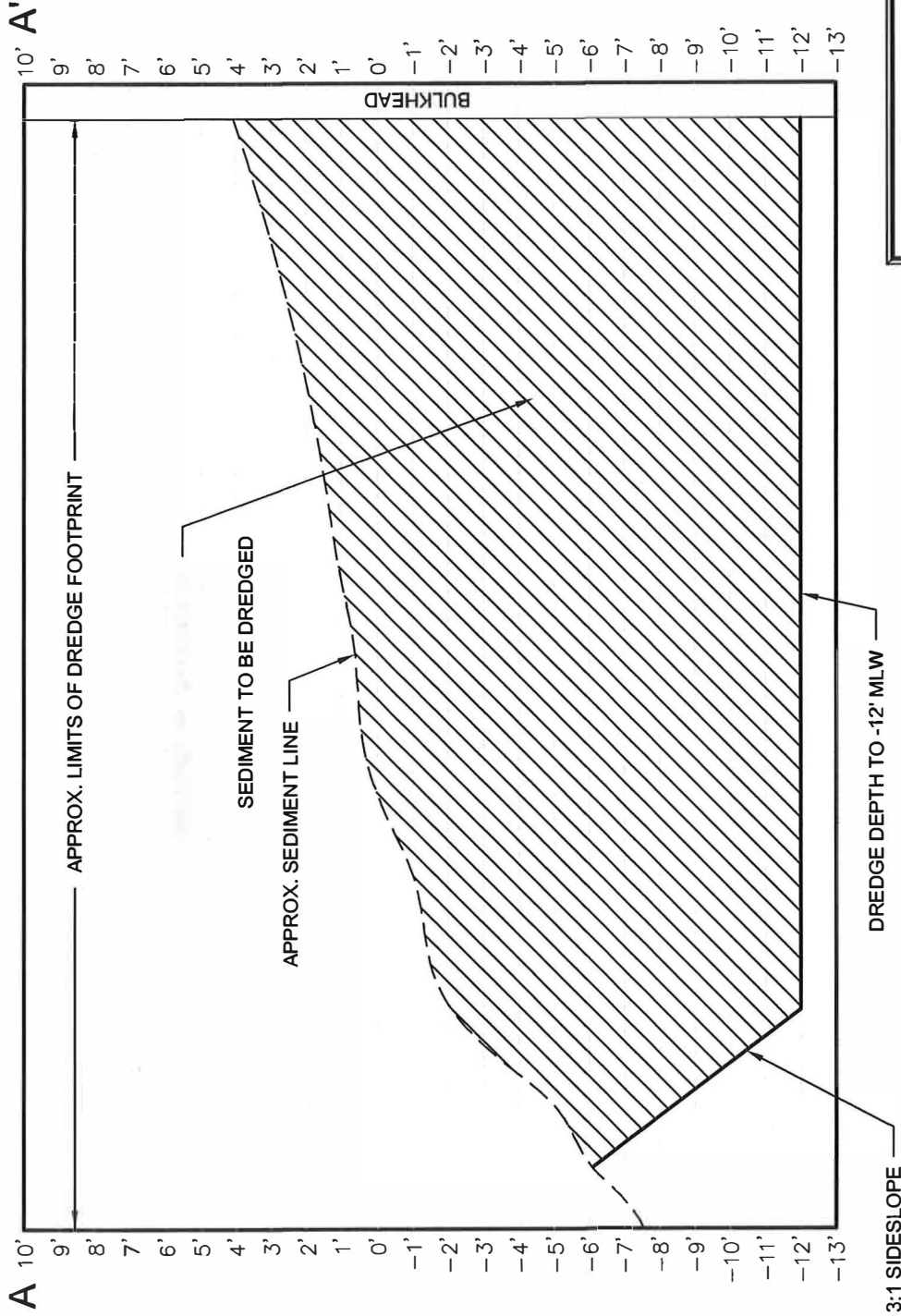
APPROVED BY: RBS

DRAWN BY: RGM

DATE: 9/25/18

SCALE: 1" = 60'

FILE No.: 104924DREDGE-MDP-02



HORIZONTAL SCALE: 1" = 20'  
VERTICAL SCALE: 1" = 5'

# USACE FILE: NAN-2019-00359-EKN (Sheet 5 of 6)

## NOTES:

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2. ELEVATIONS ARE PRESENTED IN MEAN LOW WATER DATUM.

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Environmental Consulting & Engineering

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FIGURE 5

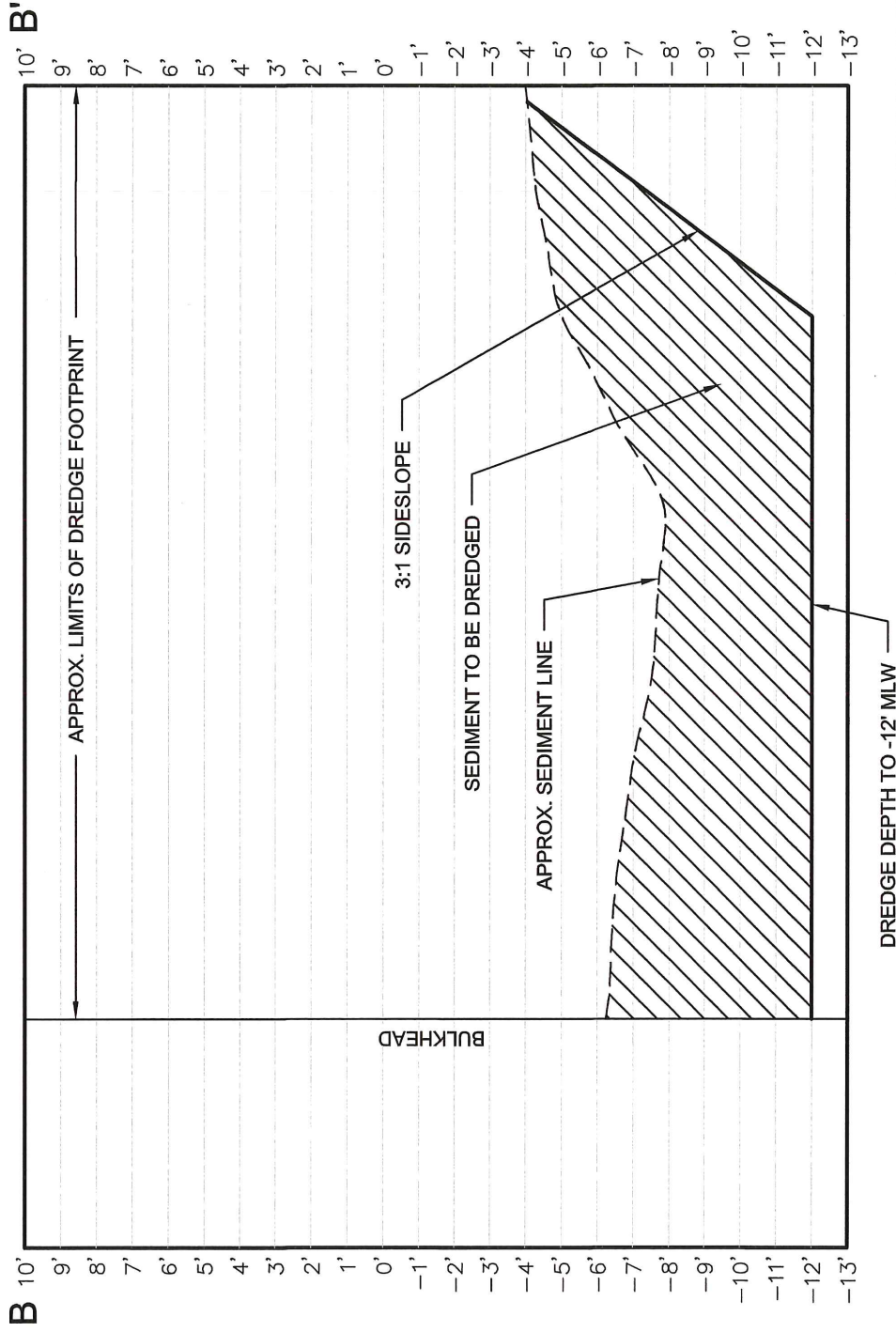
CROSS SECTION A-A'

ARMY CORPS OF ENGINEERS MAINTENANCE DREDGING PERMIT

TILCON NEW YORK INC.  
PORT WASHINGTON TERMINAL  
NORTH HEMPSTEAD, NEW YORK

DRAWN BY: RGM APPROVED BY: RBS

DATE: 9/25/18 SCALE: AS SHOWN FILE No.: 104924DREDGE-MDP-02



HORIZONTAL SCALE: 1"= 20'  
VERTICAL SCALE: 1"= 5'

# USACE FILE: NAN-2019-00359-EKN (Sheet 6 of 6)

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**TRITON ENVIRONMENTAL, INC.**  
*Environmental Consulting & Engineering*

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FIGURE 6

CROSS SECTION B-B'

ARMY CORPS OF ENGINEERS MAINTENANCE DREDGING PERMIT

TILCON NEW YORK INC.  
PORT WASHINGTON TERMINAL  
NORTH HEMPSTEAD, NEW YORK

DRAWN BY: RGM APPROVED BY: RBS

DATE: 9/25/18 SCALE: AS SHOWN FILE No.: 104924DREDGE-MDP-02