

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-2020-00965-EMI**
Issue Date: **April 1, 2021**
Expiration Date: **May 1, 2021**

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: Weeks Marine, Inc.
4 Commerce Drive
Cranford, New Jersey 07016

ACTIVITY: Dredge with ten years maintenance with upland placement and placement of a clean sand cap

WATERWAY: Woodbridge Creek

LOCATION: 1250 State Street, City of Perth Amboy, Middlesex 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

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AND EMAILED 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. Comments provided will become part of the public record for this permit application. All written comments, including contact information, 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 email 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 (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 work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final 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

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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 State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, 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

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. Please send all comments and questions concerning this application to Christopher.W.Minck@usace.army.mil.

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 permit applicant, Weeks Marine, Inc., has requested Department of the Army (DA) authorization to conduct dredging, with ten-years maintenance with placement of all resultant dredged material at an approved upland facility and the placement of a clean sand cap. The project is located at Woodbridge Creek in the City of Perth Amboy, Middlesex County, New Jersey.

The proposed work would involve the following:

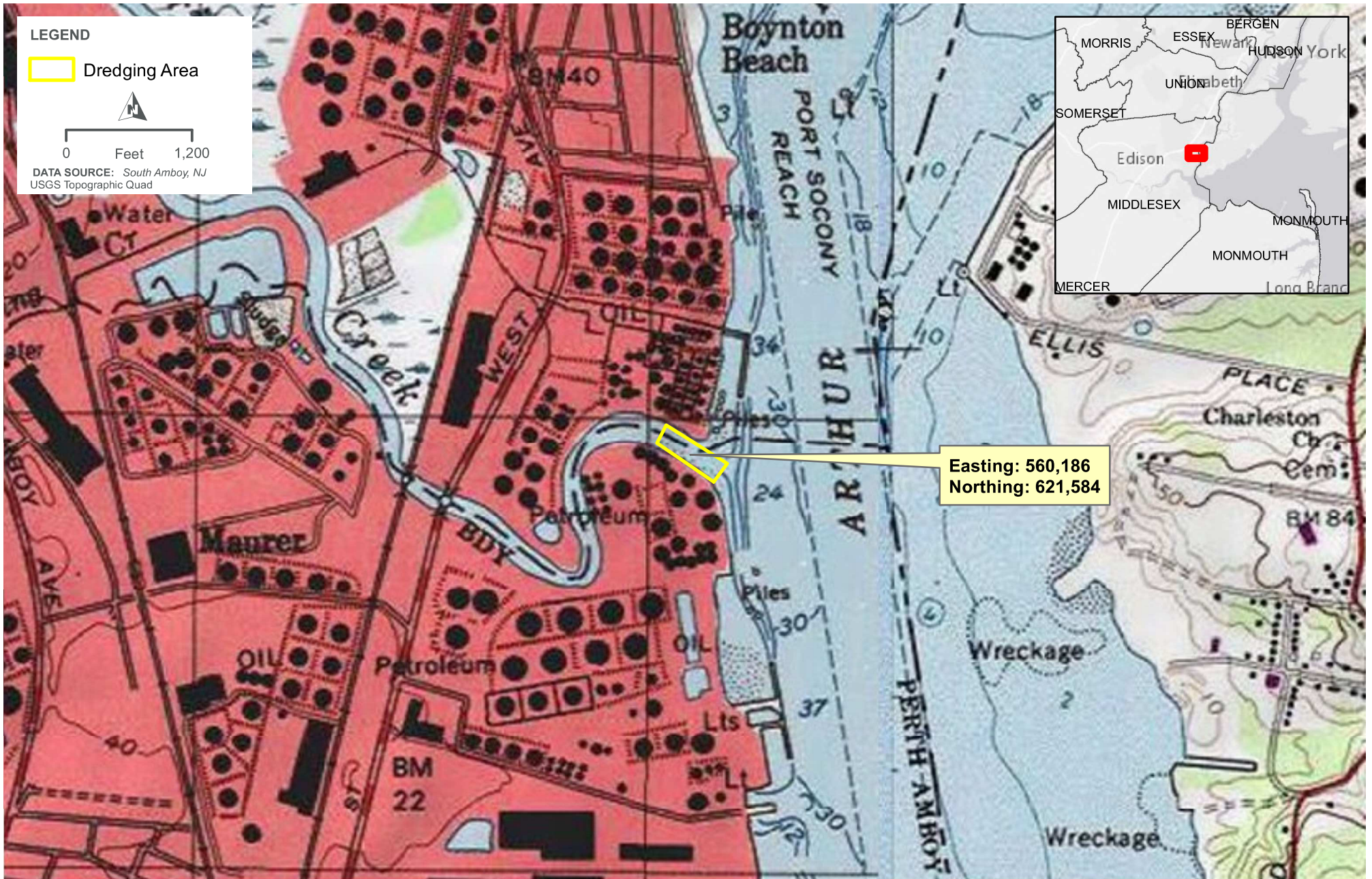
Dredge with ten-years maintenance, by mechanical clamshell bucket, approximately 26,251 cubic yards (CY) of material from an approximately 54,251 square foot area (approximately 1.25 acres) to a depth of 13 feet below the plane of Mean Low Water (MLW) (15.9 feet NAVD88) with two feet of allowable overdepth dredge (17.9 feet NAVD88), for an additional 4,038 CY, for a total of 30,289 CY. Decant water from the dredged material would be returned to the waterway, and the dredged material will be disposed of at a state approved upland location. Dredged material consists of approximately 39% sand, 23.6% silt, 14.7% clay and 13.7% gravel. Additionally, a one-foot cap of clean fill sand (approximately 2,020 CY) will be discharged across the approximately 1.25-acre dredge area.

The applicant plans to conduct two (2) additional dredging events within the ten-year maintenance dredging period removing similar volumes of material from within the same dredging area with upland disposal. The two additional maintenance dredging events will not extend below the below the upper limit (16.9 feet NAVD88) of the clean sand cap within the ten-year maintenance period.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by avoiding intentional barge overflow and using silt curtains to minimize turbidity.

The purpose of this project is to provide safe mooring depths for staged barges at the North American Aggregates facility, a subsidiary of Weeks Marine, Inc.

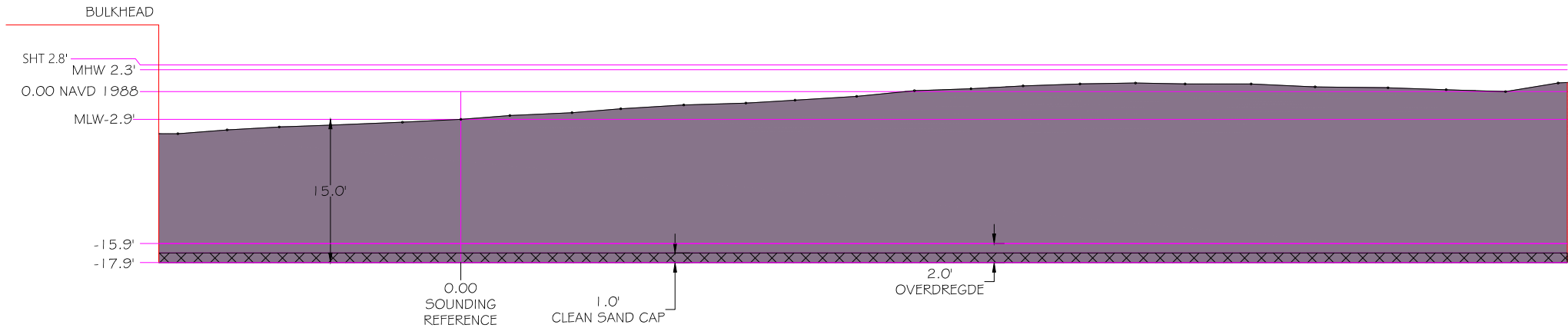
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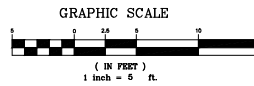
WOODBIDGE CREEK NEW DREDGING
USGS TOPOGRAPHIC MAP

FIGURE 1

USACE FILE: NAN-2020-00965-EMI



PROFILE A-A
 ESTIMATED DREDGE VOLUME BASED OF THE 15' OF
 DEPTH IS 817,815 CF. (30,289 CY)



NOTES:

1. ALL SOUNDINGS TAKEN USING A DIFFERENTIAL GLOBAL POSITIONING SYSTEM AND A SURVEY GRADE FATHOMETER
2. HORIZONTAL CONTROL BASED ON NEW JERSEY STATE PLANE COORDINATE SYSTEM NAD-1983.
3. SOUNDINGS ARE REFERENCED TO MEAN LOW WATER AND EXPRESSED IN FEET AND TENTHS OF A FOOT. THE PLANE OF MLW IS 2.9' FEET BELOW THE PLANE OF NAVD 1988. CONVERSION FACTOR TO NGVD29 IS +1.02'.
4. ALL FEATURES SHOWN ARE FOR REFERENCE ONLY.
5. EXISTING TIDELANDS INSTRUMENTS PRESENT ON SITE: LICENSE TO HESS CORPORATION DATED APRIL 2009, FILE:07-0149-t AND GRANT RECORDED IN LIBRE E-12, PB. 73 ETC., FILE:1216-07-0001.2, TDG 100001 (SEE TIDELANDS CONVEYANCE MAP PANEL 616-2112.
6. TARGET DREDGE DEPTH 15' BELOW MLW INCLUDING 2' ALLOWABLE OVERDREGE.
7. APPROXIMATE TOTAL DREDGE VOLUME 817,815 CF.
8. DREDGING TO BE COMPLETED VIA MECHANICAL CLAMSHELL BUCKET DREDGE OR SIMILAR.
9. THE PROPOSED DREDGE AREA IS APPROXIMATELY 650FT WEST OF THE FEDERAL NAVIGATION CHANNEL IN THE ARTHUR KILL.

- APPROXIMATE DREDGE BOUNDARY.
- INTERTIDAL AND SUBTIDAL SHALLOWS BOUNDARY.
- ESTIMATED DREDGE AREA 54,521.22 SF.
- x 16.5 SOUNDINGS.
- CLEAN SAND CAP.

| 3 | 02-10-21 | ADD ELEVATION TO PROFILE | SAC |
|--------|----------|---|-----|
| 2 | 02-08-21 | CHANGE PROFILE ELEVATIONS, CF, CY & SCALE | SAC |
| 1 | 11/17/20 | ADD PROFILE A-A | SAC |
| REV. # | DATE | REVISION | BY |

WEEKS MARINE, INC.

4 COMMERCE DRIVE
 CRANFORD, NJ 07016-3598
 (908) 272-4010

JOB # **31170174** JOB DESCRIPTION: **NORTH AMERICAN AGGREGATES**

HYDROGRAPHIC SURVEY PROFILE
WOODBRIIDGE CREEK PERTH AMBOY, N.J.

| | | |
|--|-----------------|-------------------|
| DRAWN BY: SACORTES | SCALE: AS NOTED | DWG. SIZE FORMAT: |
| CHECKED BY: | DATE: 11-10-20 | 11 x 17 |
| APPROVED BY: | SHEET 2 OF 2 | |
| DWG. NO: 31170174-SAC-20201110-2_R3HYDROGRAPHIC PROFILE | | |