



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-2022-01060-EBR**
Issue Date: January 4, 2023
Expiration Date: February 3, 2023

The New York District, of the U.S. Army 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: Port Authority of New York and New Jersey
Attn: Marc Helman
4 World Trade Center
150 Greenwich Street, 20th Floor
New York, New York 10007

ACTIVITY: Maintenance dredging activities

WATERWAY: Newark Bay

LOCATION: Berths 2 to 98 at the Port Newark and Port Elizabeth Marine Terminals, Cities of Newark and Elizabeth, Essex 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 EMAILED TO William.Bruno@usace.army.mil 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 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 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 being conducted and will be concluded prior to the final 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 received water quality certification New Jersey Department of Environmental Protection (NJDEP), Permit Number 0000-16-0012.1 WFD160001, with an approval date of August 23, 2016, in accordance with Section 401 of the Clean Water Act. In a letter dated, August 8, 2021, the NJDEP permit was extended to August 22, 2026.

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. The applicant received NJDEP, Permit Number 0000-16-0012.1 WFD160001, with an approval date of August 23, 2016, in accordance with Section 401 of the Clean Water Act. In a letter dated, August 8, 2021, the NJDEP permit was extended to August 22, 2026.

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:

*****PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH
THIS OFFICE*****

- 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. If you have any questions concerning this application, you may contact this office at (917) 790-8516 and ask for William T. Bruno.

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

Encl

DESCRIPTION OF PROPOSED WORK

The applicant, Port Authority of New York and New Jersey, has requested Department of the Army (DA) authorization for ten-year maintenance dredging activities in Newark Bay at Berths 2 to 98 at the Port Newark and Port Elizabeth Marine Terminals, Cities of Newark and Elizabeth, Essex County, New Jersey.

The work includes dredging, with ten-year maintenance, via mechanical environmental or hard-digging bucket dredge, approximately 250,000 cubic yards (CY) of dredged material from Berths 2 to 98 to depths varying between of -35 to -50 feet below the plane of Mean Low Water (MLW) plus up to 2-feet of overdredge. The total dredging area is approximately 137.7 acres.

The dredged material would be loaded into scow barges and allowed to settle for a minimum of 24 hours before excess water is returned to the waterway. Subsequently, the loaded scow barges will be used to transport the dewatered dredged material to a state approved upland processing and/or placement site. The dredging activity is anticipated to be completed within approximately 5 weeks annually.

The applicant plans to conduct up to nine additional dredging events as needed over a ten year period with removal of up to a total of approximately 200,000 CY of dredged material from the same areas during each subsequent event.

The applicant has stated they have avoided, minimized and mitigated for proposed impacts by minimizing the dredging area to the smallest area practicable.

Ten-year maintenance dredging of Berths 2 to 98 at the Port Newark and Port Elizabeth Marine Terminals was previously authorized under DA permit NAN-2013-00219 on July 8, 2013.

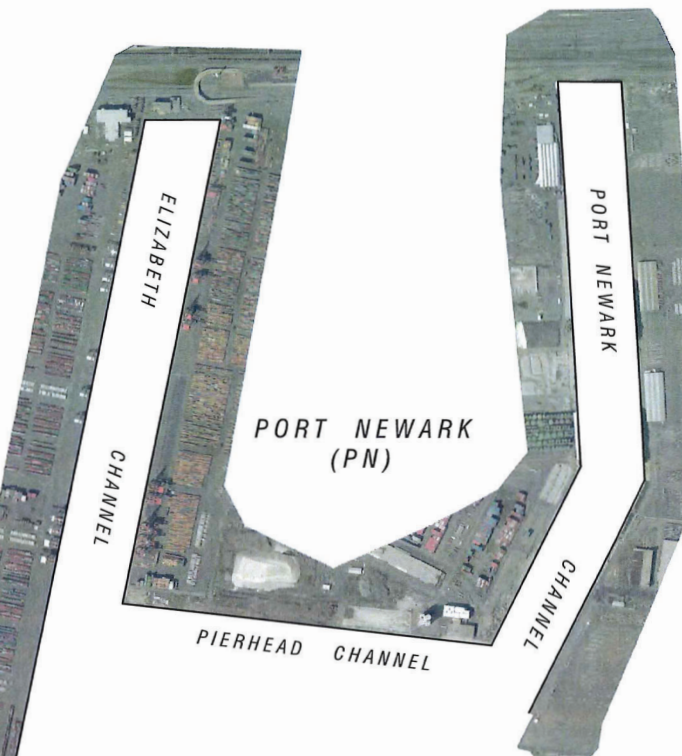
The applicant's stated purpose for this regulated work is to maintain safe navigation depths to the existing Berths.

USACE FILE: NAN-2022-01060-EBR



ELIZABETH PORT AUTHORITY
MARINE TERMINAL
(EPAM)

NEWARK BAY CHANNEL



PORT NEWARK
(PN)

PORT NEWARK
CHANNEL

PIERHEAD CHANNEL

NOTE:
THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF
SURVEYS MADE ON THE DATES INDICATED AND CAN ONLY BE CONSIDERED
AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME. THE DATA
IS REPRESENTATIVE OF A LARGER DATA SET. SOUNDINGS SHOWN ARE FROM
SPOTS AND NEAREST TO CENTER. COORDINATES SHOWN ARE FROM NAD 83 AND
NEAREST TO CENTER. COORDINATES REFER TO THE PLANE OF MEAN LOW
WATER THE PLANE OF MEAN LOW WATER IS 1.5 FEET BELOW MVD (1989)
THE SOUNDING DATA DEPICTED ON THIS MAP WAS COLLECTED USING CLASS
2 SURVEY STANDARDS IN ACCORDANCE WITH EN 1110-2 1003.
THIS SURVEY WAS COMPLETED USING THE FOLLOWING EQUIPMENT:
• Survey Vessel "Red Rogers"
• Racer 7101 Multibeam
• TSS 320 POS/MV
• Coastal Oceanographics "HYDRACK" software

Volume Report

THE DATA USED FOR VOLUME CALCULATIONS IS REPRESENTATIVE OF A LARGER DATA SET.
SOUNDINGS USED FOR VOLUME CALCULATIONS ARE ON A 3'X3' GRID WITH THE DEPTH NEAREST
TO THE CENTER USED.

NOTE: BERTH LENGTHS, WIDTHS AND DEEP WATER BERTH DIMENSIONS FROM P.A. PORT DEPARTMENT.
ORTHO-IMAGE FROM <http://storme.ngs.noaa.gov/storme/sandy/>

Note:
This survey does not guarantee the absence or presence of any underwater
obstructions. Diver verification may be required.

NDVD 2.75
NDVD 1.83
MLW (N.O.A.A.) 0.00 (SURVEY)
MLW (COC) -0.9

I hereby certify to the Port Authority
of New York and New Jersey that this
map indicates the conditions existing
on the date indicated hereon to the
best of my professional knowledge.

Donald W. Rogers, L.S.
New York State # 050215
A.C.S.M. Certified Hydrographer # 177

PREPARED FOR
THE PORT AUTHORITY
OF NY & NJ



ROGERS SURVEYING, PLLC
3000 Avenue of the Americas
New York, NY 10013
(212) 693-1111
www.rogerssurveying.com

Title

NEW JERSEY
MARINE
TERMINAL

HYDROGRAPHIC
SURVEY

No. Date Revision Approved

VERTICAL CONTROL
Mean Low Water = 1.5' Below 0.00 MVD '29

HORIZONTAL CONTROL
ALL COORDINATES, BEARING AND
DISTANCES ARE REFERENCED TO THE
NEW JERSEY PLANE COORDINATE SYSTEM
(N.A.D. 83) AS SET FORTH IN
N.J.S.A. 51:3-7

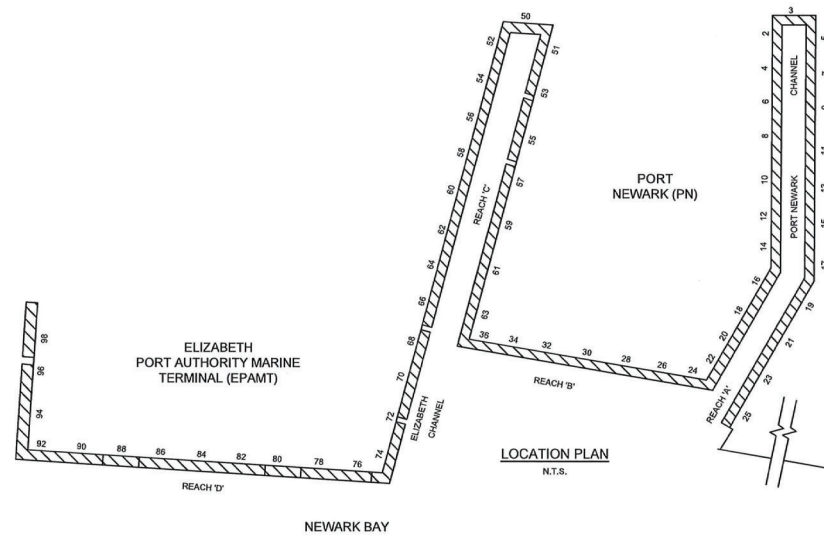
This drawing subject to conditions in contract.
All inventions, ideas, designs and methods
herein are reserved to Port Authority and
may not be used without its written consent.

Rogers Surveying MA DWR
Surveyed by Drawn by Checked by
Date 11/10/2020 Scale HTS
Contract Number Drawing Number
410-20-022 1 of 60
BERTH LOCATION PLAN

USACE FILE: NAN-2022-01060-EBR

NEW JERSEY MARINE TERMINAL BERTHS		
BERTH NUMBER	PNE/PAMT REACH	DRAWING NUMBER
2	A	GT003
3	A	GT003
4	A	GT003
5	A	GT003
6	A	GT003
7	A	GT003
8	A	GT003
9	A	GT003
10	A	GT003
11	A	GT003
12	A	GT003
13	A	GT003
14	A	GT003
15	A	GT003
16	A	GT003
17	A	GT003
18	A	GT003
19	A	GT003
20	A	GT003
21	A	GT003
22	A	GT003
23	A	GT003
24	B	GT003
25	A	GT003
26	B	GT003 & GT004
28	B	GT003 & GT004
32	B	GT003 & GT004
34	B	GT003 & GT004
36	B	GT003

NEW JERSEY MARINE TERMINAL BERTHS			
BERTH NUMBER	PNEUMATIC REACH	DRAWING NUMBER	
50	C	GT003	
51	C	GT003	
52	C	GT003	
53	C	GT003 & GT004	
54	C	GT003	
55	C	GT004	
56	C	GT003	
57	C	GT004	
58	C	GT003	
59	C	GT004	
60	C	GT003	
61	C	GT004	
62	C	GT003	
63	C	GT003 & GT004	
64	C	GT005	
66	C	GT005	
68	C	GT005	
70	C	GT005	
72	C	GT005	
74	C	GT003 & GT005	
76	D	GT003 & GT005	
78	D	GT006	
80	D	GT006	
82	D	GT006	
84	D	GT006	
86	D	GT006	
88	D	GT006	
90	D	GT006	
92	D	GT006	
94	D	GT006	
96	D	GT006	
98	D	GT006	

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USACE FILE: NAN-2022-01060-EBR

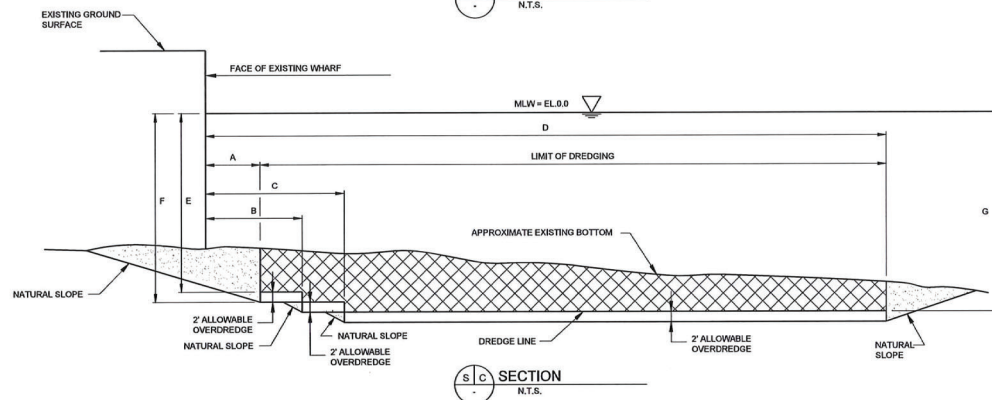
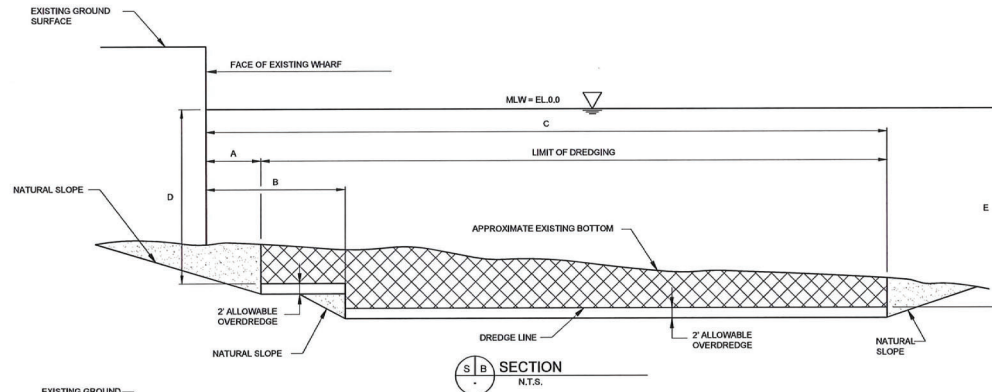
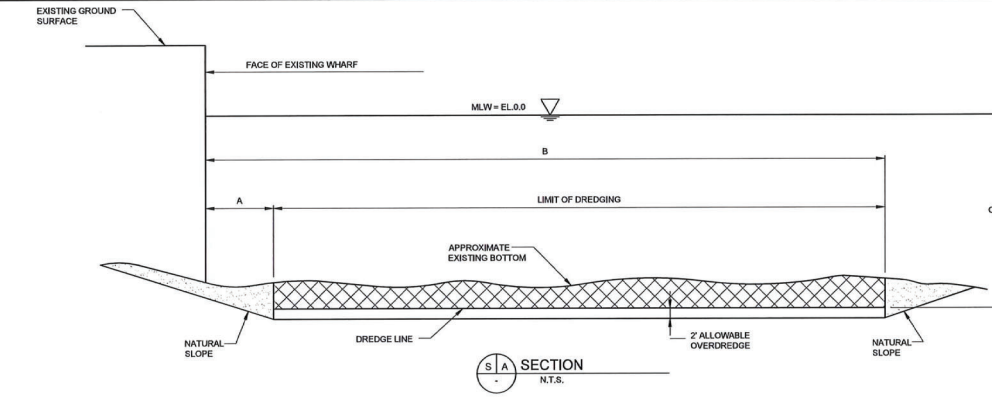
TABLE A			
SECTION A - BERTH DIMENSIONS			
BERTH NUMBER	A (FT)	B (FT)	C (FT)
2	15	143	35
3	15	143	35
4	15	143	35
5	15	143	35
6	20	143	35
7	15	143	35
9	15	143	35
17	12	143	35
23	20	143	40
25	20	143	40
30 ¹	20	120	35
50	15	150	35
53 ¹	15	150	35

1. SEE LIMITS OF DREDGING ON DWG. GT004.

TABLE B					
TABLE B - BERTH DIMENSIONS					
BERTH NUMBER	A (FT)	B (FT)	C (FT)	D (FT)	E (FT)
8	20	40	143	35	40
10	20	40	143	35	40
11	15	30	143	32	35
12	20	40	143	35	40
13	15	30	143	32	35
14	20	40	143	35	40
15	15	30	143	32	35
16	20	35	143	35	38
18	20	35	143	35	38
19	10	25	143	34	35
20	20	35	143	35	38
21	15	25	143	35	40
22	20	35	143	35	38
26 ¹	10	50	120	37	40
28 ¹	10	50	120	37	40
32 ¹	20	50	120	35	40
34 ¹	15	50	120	36	40
36	15	75	150	35	50
58	15	35	150	37	38
60	15	35	150	37	38
62	15	35	150	37	38
63 ¹	15	75	150	35	50
74 ²	15	35	150	37	38
76 ³	15	35	150	37	38

1. SEE LIMITS OF DREDGING ON DWGS. GT004
2. SEE LIMITS OF DREDGING ON DWGS. GT005
3. SEE LIMITS OF DREDGING ON DWGS. GT006

TABLE C							
SECTION C - BERTH DIMENSIONS							
BERTH NUMBER	A (FT)	B (FT)	C (FT)	D (FT)	E (FT)	F (FT)	G (FT)
24	5	35	60	120	35	38	40
51	15	35	50	150	37	38	40
52	15	35	50	150	37	38	40
54	15	35	50	150	37	38	40
56	15	35	50	150	37	38	40



Sheet 4 of 15

**PORT AUTHORITY
NY NJ**

John S. Lizzo

CHIEF GEOTECHNICAL ENGINEER

No.	Date	Revision	Approved

ENGINEERING DEPARTMENT

NEW YORK AND
NEW JERSEY
MARINE
TERMINALS

GEOTECHNICAL

Title

MAINTENANCE DREDGING
VIA WORK ORDER

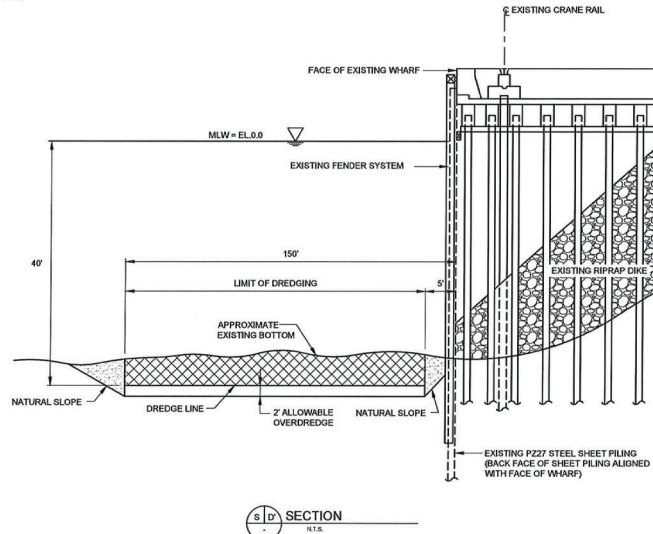
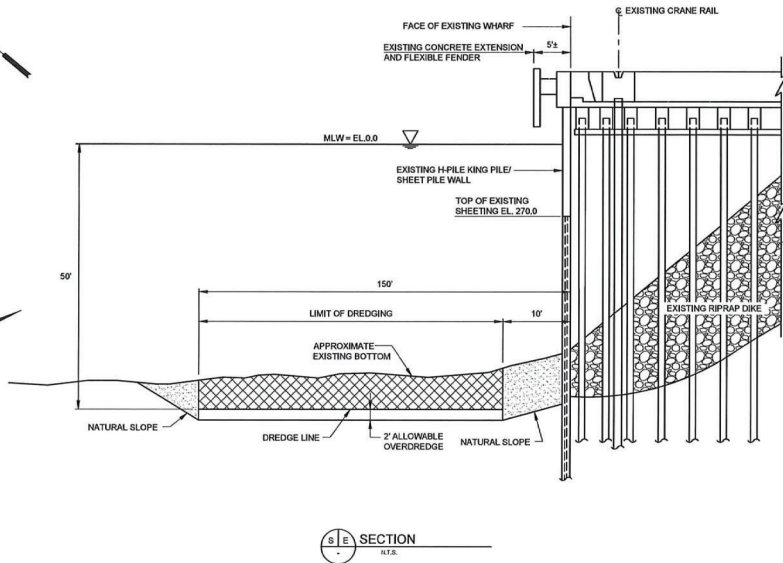
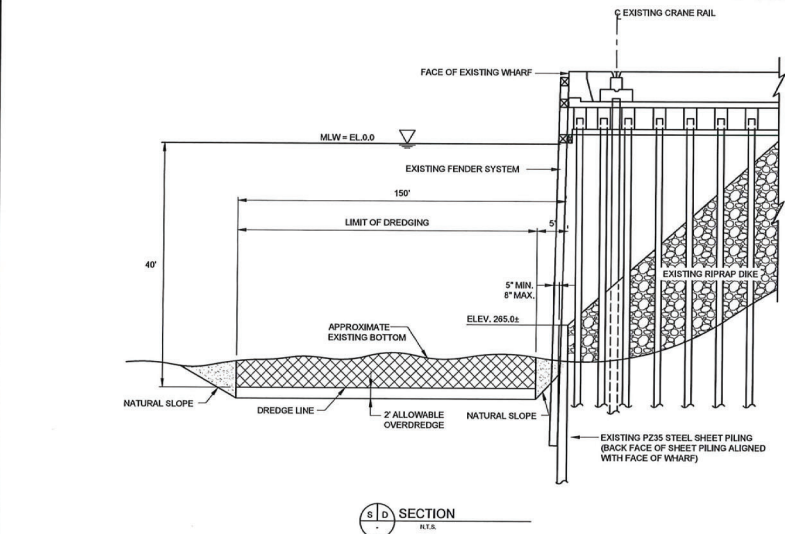
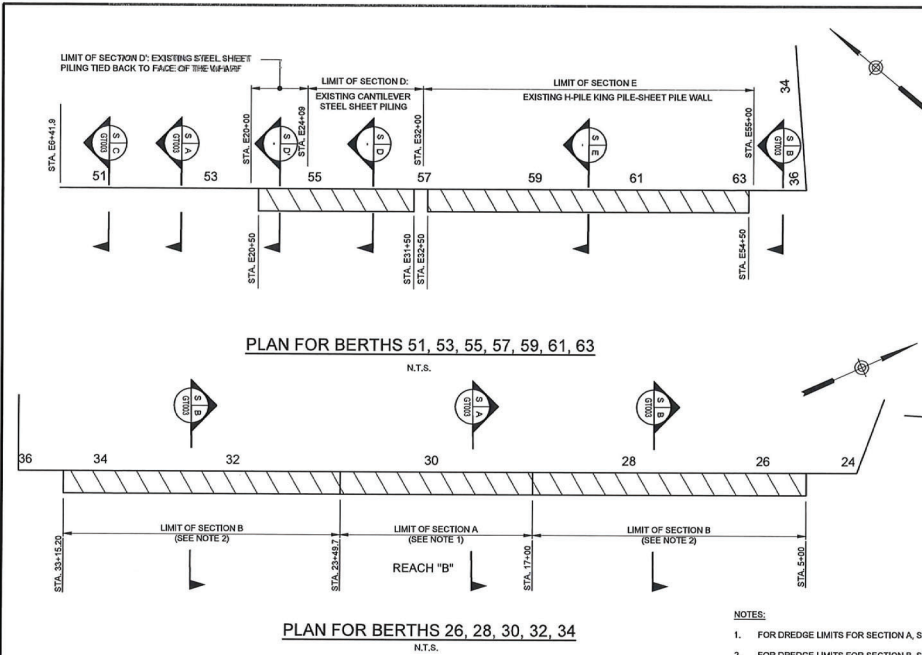
PN / EPAMT
SECTIONS A, B, AND C

Designed by F. BERNALDEZ
Drawn by H. LAI
Checked by S. SHETH
Date #####

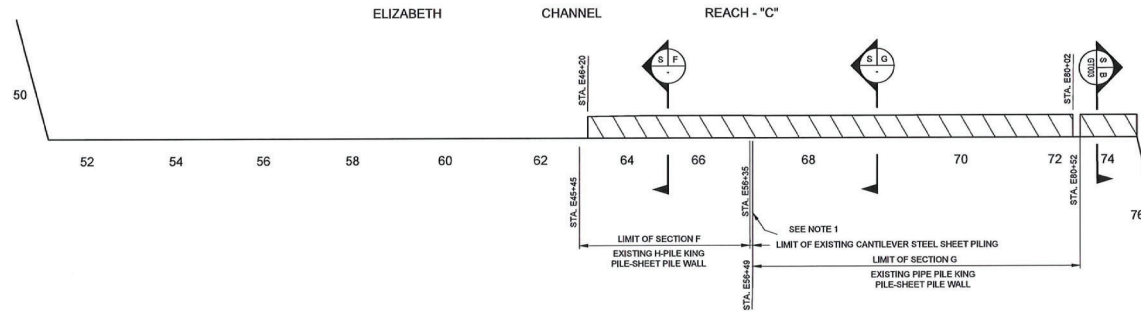
Contract Number MFP-364.001

Drawing Number GT003
PDF 21500000

USACE FILE: NAN-2022-01060-EBR

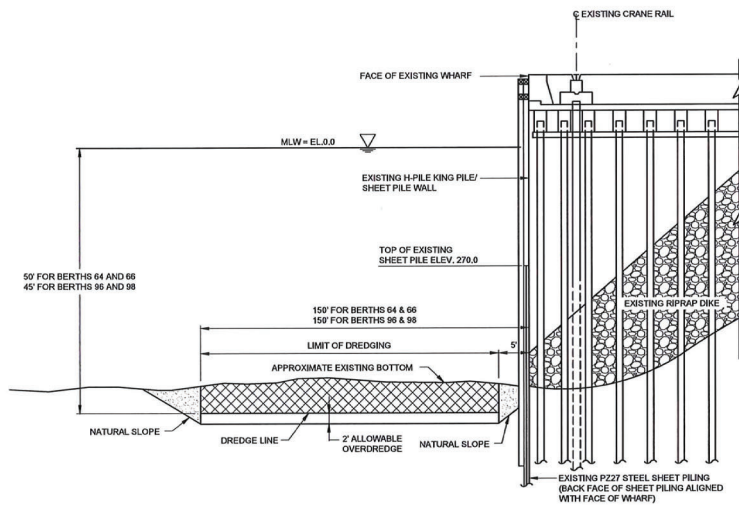
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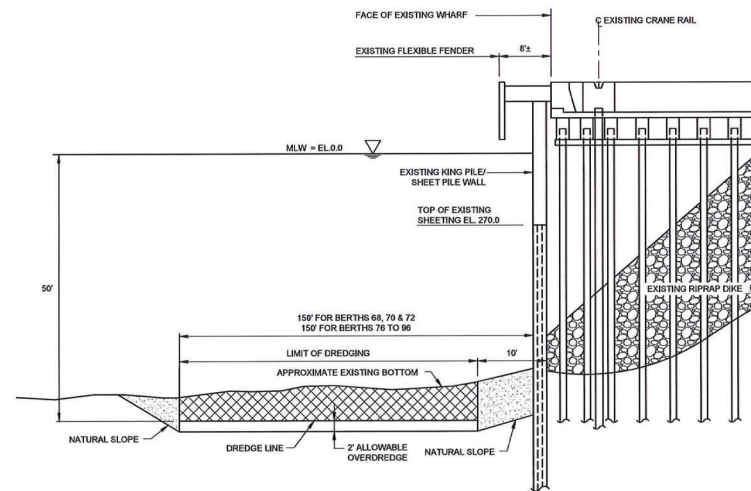


PLAN FOR BERTHS 64, 66, 68, 70, 72, 74
N.T.S.

NOTE:
1. LIMITS OF EXISTING CANTILEVER SHEET PILING WHICH EXTENDS TO EL. 207.6.



SECTION F-F
N.T.S.



SECTION G-G
N.T.S.

Sheet 6 of 15

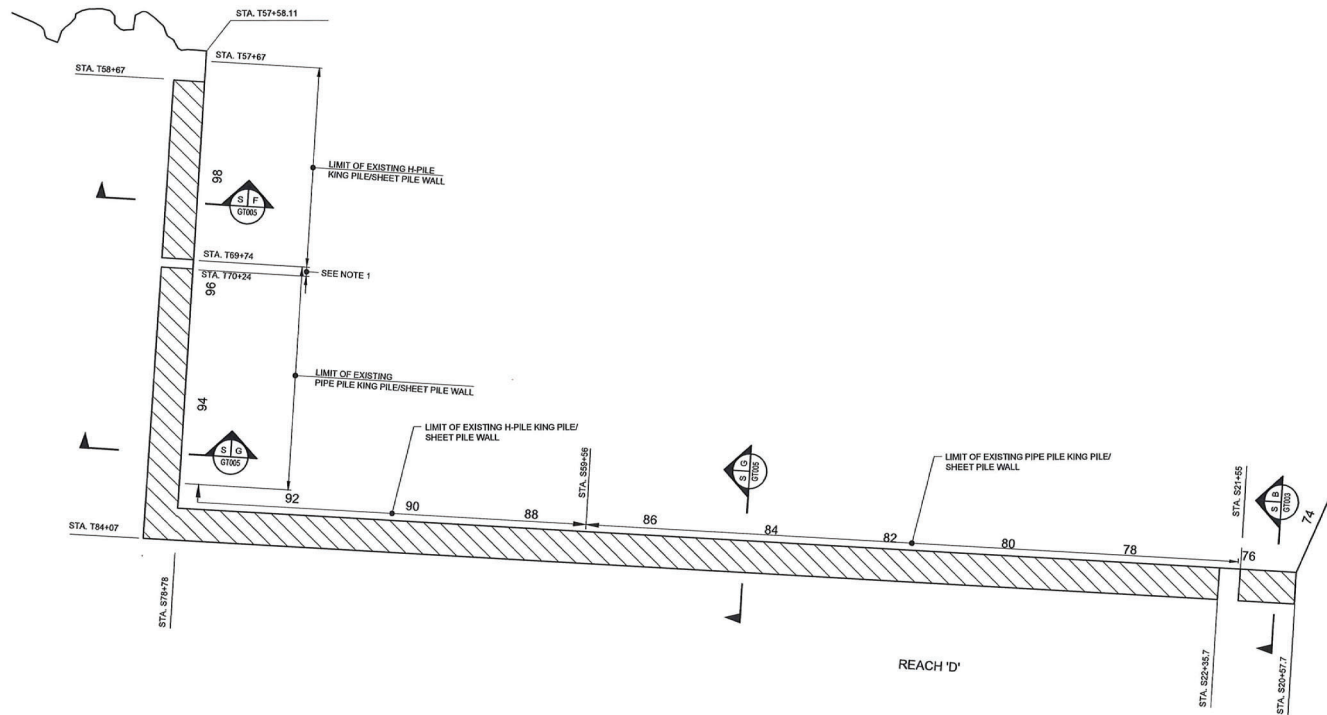
PORT AUTHORITY NY NJ

John S. Lizgo

CHIEF GEOTECHNICAL ENGINEER

No.	Date	Revision	Approved
ENGINEERING DEPARTMENT			
NEW YORK AND NEW JERSEY MARINE TERMINALS			
GEOTECHNICAL			
Title			
MAINTENANCE DREDGING VIA WORK ORDER			
EPAMT BERTHS 64, 66, 68, 70, 72, 74 PLAN AND SECTIONS F AND G			
<small>This drawing is to be used for construction purposes only. It is not to be used for any other purpose without the written consent of the Port Authority of New York and New Jersey. The Port Authority of New York and New Jersey is not responsible for any errors or omissions in this drawing. The user of this drawing is advised to consult the original drawings and specifications for all dimensions and details. The Port Authority of New York and New Jersey is not responsible for any damages or injuries resulting from the use of this drawing.</small>			
Designed by	F. BERMUDEZ		
Drawn by	H. LAI		
Checked by	S. SHETH		
Date	###		
Contract Number	MFP-364.001		
Drawing Number	GT005		
PDF	21500000		

USACE FILE: NAN-2022-01060-EBR



PLAN FOR BERTHS 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98

N.T.S.

NOTE:

1. 50FT TRANSITION ZONE FROM DESIGN DREDGE DEPTH OF 45FT TO 50FT BELOW EL. 295.0.

Sheet 7 of 15

**PORT
AUTHORITY
NYNJ**

John S. Lizzo
CHIEF GEOTECHNICAL ENGINEER

No.	Date	Revision	Approved
ENGINEERING DEPARTMENT			
NEW YORK AND			
NEW JERSEY			
MARINE			
TERMINALS			
GEOTECHNICAL			
Title			
MAINTENANCE DREDGING			
VIA WORK ORDER			
EPAMT BERTHS 76, 78,			
80, 82, 84, 86, 88, 90, 92,			
94, 96, 98			
PLAN			
<p><small>This drawing is the property of the Port Authority of New York and New Jersey. It is loaned to the user for their use only and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Port Authority of New York and New Jersey. The user agrees to indemnify and hold the Port Authority of New York and New Jersey harmless from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees, that may be incurred by the Port Authority of New York and New Jersey as a result of the user's use of this drawing. The user also agrees to keep this drawing confidential and to use it only for the purposes intended by the Port Authority of New York and New Jersey. This drawing is not to be used for any other purpose without the prior written permission of the Port Authority of New York and New Jersey. The user agrees to return this drawing to the Port Authority of New York and New Jersey upon completion of the project for which it was loaned.</small></p>			
Designed by F. BERMUDEZ			
Drawn by H. LAI			
Checked by S. SHETH			
Date ###/###/###			
Contract Number MFP-364.001			
Drawing Number GT006			
PDF 2150000			