



**US Army Corps
of Engineers®**

New York District
26 Federal Plaza
New York New York 10278
ATTN: CENAN-OP-ST

Public Notice

In replying refer to:
Public Notice No. Jamaica Bay Federal Navigation Channel
Published: 21 May 2019 Expires: 20 June 2019

JAMAICA BAY, NEW YORK FEDERAL NAVIGATION PROJECT MAINTENANCE DREDGING

TO WHOM IT MAY CONCERN:

The New York District, U.S. Army Corps of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899, Section 404 (33 U.S.C. 1344) of the Federal Water Pollution Control Act (amended in 1977 and commonly referred to as the Clean Water Act), and Section 103 (U.S.C. 1413, 86 Statute 1052) or Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (commonly referred to as the Ocean Dumping Act), proposes to perform maintenance dredging of Jamaica Bay, New York, Federal Navigation Project (see Figure No. 1) with subsequent placement of the dredged sand for beneficial use at one or more of the following sites: Rockaway Beach (see Figure No. 1) and Historic Area Remediation Site (HARS, see Figure No. 2A and 2B).

ACTIVITY: Maintenance dredging of Jamaica Bay, New York, Federal Navigation Project, with placement of the dredged sand for the purpose of beneficial use.

WATERWAY: Rockaway Inlet, Jamaica Bay Federal Navigation Project.

LOCATION: Queens County, New York

The Jamaica Bay Federal Navigation Project was authorized by the River and Harbors Acts of 25 June 1910, House Document No. 1488, 60th Congress, 2nd session, and subsequently modified in the Rivers and Harbors Acts of 1945 and 1950.

The proposed activity is to dredge the critical shoal area located in the Rockaway Inlet Channel of the Jamaica Bay Federal Navigation Project.

A detailed description of the proposed activities is enclosed to assist in your review. This activity is being evaluated to determine that the proposed placement of dredged sand will not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems or economic potentialities.

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. Comments are used to assess impacts on navigation, water quality, endangered species, historic resources, wetlands, scenic and recreational values, and other public interest factors. Comments are used in the preparation of an Environmental Assessment (EA) pursuant to the National Environmental Policy Act and to determine the need for a public hearing.

ALL COMMENTS REGARDING THIS ACTIVITY MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE AT THE ADDRESS ON THE FRONT PAGE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person who has an interest, which may be affected by the placement of this dredged sand, may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by the activity. It should be noted that information submitted by mail is considered just as carefully in the process and bears the same weight as that furnished at a public hearing.

Pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities conducted or supported by a federal agency in a state which has a federally approved Coastal Zone Management (CZM) program or Federal Consistency Determination (FCD) program, the Corps must submit a determination that the proposed project is consistent with the State CZM and State FCD program to the maximum extent practicable. This activity is subject to review by the New York State Department of State for its consistency with the enforceable policies of the New York State Coastal Management Program. The U.S. Army Corps of Engineers, New York District, has determined that the proposed activities are consistent to the maximum extent practicable and within the applicable policies of the New York State Coastal Management Program. A copy of this determination has been provided to the New York State Department of State, Office of Coastal, Local Government and Community Sustainability. Additional information regarding the Corps of Engineers' consistency determination may be obtained by contacting the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Suite 1010, Albany, NY 12231.

The proposed project was reviewed based upon the "Biological Assessment for the Closure of the Mud Dump Site and Designation of the Historic Area Remediation Site (HARS) in the New York Bight and Apex", (USEPA, 1997). Based upon this review, and a review of the latest public listing of threatened and endangered species, it has been preliminarily determined that the proposed activity for which authorization is sought herein, is not likely to adversely affect any federally threatened or endangered species (humpback whales, finback whales, right whales, loggerhead turtles, leatherback turtles, green turtles, and Kemp's Ridley turtles) or their critical habitat pursuant to Section 7 of the Endangered Species Act (16 USC 1531).

Possible HARS placements will not result in Remediation Material being placed within 0.27 nautical miles of any identified wrecks, as indicated in the National Register of Historic Places. Other than wrecks, there are no known sites eligible for or included in the Register within the project area. No known archaeological, scientific, prehistorical or historical data are expected to be lost by work accomplished under the required dredging.

Reviews of the activity pursuant to Section 404 of the Clean Water Act will include application of the guidelines announced by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. The Corps has obtained a water quality certificate from the New York State Department of Environmental Conservation in accordance with Section 401 of the Clean Water Act.

In compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments), an Essential Fish Habitat Assessment will be prepared and submitted to the National Marine Fisheries Service for review and comment.

The proposed work is being coordinated with the following Federal, State and local agencies:

- U.S. Environmental Protection Agency
- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Coast Guard, First District
- New York State Department of Environmental Conservation
- New York State Department of State

If you have any questions concerning this notice, you may contact Mr. Alexander Gregory at (917) 790-8427. Comments or questions may be emailed to alexander.f.gregory@usace.army.mil. Questions about the HARS can be addressed to Mr. Mark Reiss, Acting Chief, Dredging, Sediments and Oceans Section, US Environmental Protection Agency, Region 2, at (212) 637-3799.

DESCRIPTION OF PLANNED ACTION:

The New York District, U.S. Army Corps of Engineers proposes to perform maintenance dredging of Rockaway Inlet, Jamaica Bay Federal Navigation Project. The channel was last maintenance dredged in 2012 by commercial hopper dredge, with the removal of approximately 420,000 cubic yards (CY) of sand. The dredged sand was beneficially used as remediation material at the Historic Area Remediation Site (HARS).

The proposed maintenance dredging would involve the removal of approximately 450,000 CY of sand to 20 feet MLLW plus 2 feet allowable overdepth within the Rockaway Inlet entrance channel to Jamaica Bay. Maintenance dredging of the channel is usually accomplished by a hopper dredge, clamshell dredge, or similar plant. The entire reach will generally not require maintenance dredging; only areas where shoaling has reduced the depth of the channel will require dredging.

The purpose of the proposed dredging is to maintain the authorized project dimensions, thereby assuring safe and economical use of the Jamaica Bay Federal Navigation Channel by recreational and commercial maritime interests while providing beneficial use of the dredged sand. Dredged sand would be placed at one or more of the following sites: Rockaway Beach subject to availability of funds (see Figure No. 1); or Historic Area Remediation Site (HARS, see Figure No. 2A and 2B). Dredged sand placed at the HARS would be used for environmental remediation purposes. Dredged sand placed at Rockaway Beach would replenish the shoreline and provide shore protection.

The sand meets criteria as both remediation material for the HARS and beach replenishment material for Rockaway Beach. The dredged sand would be used as such by piping it from a hopper dredge to Rockaway Beach or by placing it over degraded sediments within the HARS via bottom dumping vessel.

This public notice serves to announce the government's intent and identifies the proposed locations for placement of approximately 450,000 CY of sand. The dredging and placement is anticipated to occur in the fall to winter of 2019/2020.

ENVIRONMENTAL IMPACT STATEMENT:

An Environmental Impact Statement (EIS) was prepared by the U.S. Army Corps of Engineer, New York District, in October 1976. Environmental Assessments (EA) updating this EIS were prepared by the New York District in February 1990, June 1996, September 1998, September 2000, September 2002, September 2004, and September 2012. The EIS and EAs indicated that dredging of the Jamaica Bay Federal Navigation Channel with placement of dredged sand as nourishment for Beaches near the vicinity of Jamaica Bay; and HARS would have no significant adverse environmental impacts on water quality, marine resources, fish, wildlife, endangered species, recreation, aesthetics and flood protection of the area.

The U.S. Environmental Protection Agency Region 2 and the U.S. Army Corps of Engineers New York District evaluates bathymetric surveys, bottom sediment core logs and ocean currents data from the Jamaica Bay Channel area to determine whether the proposed dredged material meets the criteria for ocean placement without additional testing as described in the Ocean Dumping Regulations at 40 CFR 227.13(b)(1). As specified in the regulations, the proposed dredged material satisfies these criteria if it is composed predominantly of sand, gravel, rock, or any other naturally occurring bottom material with particle sizes larger than silt, and the material is found in areas of high current or wave energy such as streams with large bed loads or coastal areas with shifting bars and channels. The U.S. Environmental Protection Agency Region 2 and the U.S. Army Corps of Engineers New York District has determined that the sand from the Jamaica Bay Channel meets the requirements of 40 CFR 227.13(b)(1) and is suitable for placement in the ocean at the HARS as Remediation Material without additional evaluation.

An update of the EA and a 404 (b) evaluation as required by the Clean Water Act 40 CFR 230 will be prepared prior to the implementation of the proposed work.

PLACEMENT SITE:

The dredged sand from this project is proposed to be placed at one or more of the following sites.

1) The dredged sand from this project is proposed to be placed along eroded areas of Rockaway Beach, located in Queens County, New York (see Figure No. 1). The dredged sand would be transported by hopper dredge or hopper barge to be pumped or deposited at the designated placement site.

2) Dredged sand placement at HARS would involve using the bottom dumping process. Based upon review of the latest published version of the National Register of Historic Places, two wrecks, believed to be the HLW Lew and the ORMOND, were found in Remediation Area Number 1. Remediation Material would not be allowed to be placed within 0.27 nautical miles of the identified wrecks or other wrecks that might be found (See attached Figure 2B).

MATERIAL DESCRIPTION:

Grain size analyses were performed in 2017 on sediment samples taken to a depth of - 20 feet plus 2 feet allowable overdepth MLLW. Based upon an analysis of the samples collected, the grain size characteristics of the proposed dredged material consists of predominantly sand (greater than 90% sand). Therefore, this proposed dredged material would be suitable for placement at Rockaway Beach and the HARS.

INTRODUCTION TO THE HARS:

In 1972, the Congress of the United States enacted the Marine Protection Research and Sanctuaries Act (MPRSA) to address and control the dumping of materials into ocean waters. Title I of the Act authorized the US Environmental Protection Agency (USEPA) and the US Army Corps of Engineers (USACE) to regulate dumping in ocean waters. USEPA and USACE share responsibility for MPRSA permitting and ocean disposal site management. USEPA regulations implementing MPRSA can be found in 40 CFR Sections 220 through 229. With few exceptions, MPRSA prohibits the transportation of material from the United States for the purpose of ocean dumping except as may be authorized by a permit issued under the MPRSA. The MPRSA divides permitting responsibility between the USEPA and USACE. Under Section 102 of the MPRSA, USEPA has responsibility for issuing permits for all materials other than dredged material. Under Section 103 of MPRSA, the Secretary of the Army has the responsibility for issuing permits for dredged material. Determinations to issue MPRSA permits for dredged material are subject to USEPA concurrence.

In the fall of 1997, the USEPA de-designated and terminated the use of the New York Bight Dredged Material Disposal Site (commonly known as the Mud Dump Site or

MDS). The MDS had been designated in 1984 for the disposal of up to 100 million cubic yards of dredged material from navigation channels and other port facilities within the Port of New York and New Jersey. Simultaneous with the closure of the MDS, the site and surrounding areas that had been used historically as disposal sites for dredged materials were redesigned as the HARS in 40 CFR Sections 228.15(d)(6) (See 62 Fed. Reg. 46142 (August 29, 1997); 62 Fed. Reg. 26267 (May 13, 1997)). The HARS will be managed to reduce impacts of historical disposal activities at the site to acceptable levels in accordance with 40 CFR Sections 228.11(c). The need to remediate the HARS is supported by the presence of toxic effects, dioxin bioaccumulation exceeding Category 1 levels (a definition of which appears in an evaluation memorandum reviewing the results of the testing) in worm tissue, as well as TCDD/PCB contamination in area lobster stocks. Individual elements of those data do not establish sediments within the Study Area as imminent hazards to the New York Bight Apex ecosystem, living resources, or human health; however, the collective evidence presents cause for concern, and justifies the need for remediation. Further information on the condition in the Study Area and the surveys performed may be found in the Supplemental Environmental Impact Statement (SEIS) [USEPA, 1997].

The HARS designation identifies an area: (see Figure No. 2B) in and around the MDS, which has exhibited the potential for adverse ecological impacts. The HARS will be remediated with dredged material that meets current Category 1 standards and will not cause significant undesirable effects including through bioaccumulation. This dredged material is referred to as "Material for Remediation" or "Remediation Material."

As of the end of April 2019, dredged materials from one hundred twenty-six (126) different completed and ongoing Department of the Army (DA) permitted and federal dredging projects in the Port of New York and New Jersey have been dredged and placed as Remediation Material in the ocean at the Historic Area Remediation Site (HARS) since the closure of the Mud Dump Site and designation of the HARS in September 1997. This represents approximately 76.248 million cubic yards of Remediation Material.

The HARS, which includes the 2.2 square nautical mile area of the MDS, is an approximately 15.7 square nautical mile area located approximately 3.5 nautical miles east of Highlands, New Jersey and 7.7 nautical miles south of Rockaway, New York. The MDS is located approximately 5.3 nautical miles east of Highlands, New Jersey and 9.6 nautical miles south of Rockaway, New York. When determined by bathymetry that capping is complete, the USEPA will take any necessary rulemaking to de-designate the HARS. The HARS includes the following three areas:

Priority Remediation Area (PRA): A 9.0 square nautical mile area to be remediated with at least 1 meter of Remediation Material. The PRA encompasses the area of degraded sediments as described in greater detail in the SEIS.

Buffer Zone: An approximately 5.7 square nautical mile area (0.27 nautical mile wide band around the PRA) in which no placement of the Material for Remediation will be allowed, but which may receive Material for Remediation that incidentally spreads out of the PRA.

No Discharge Zone: An approximately 1.0 square nautical mile area in which no placement or incidental spread of Material for Remediation is allowed.

To improve management and monitoring of placement activities at the HARS, electronic monitoring equipment will be on-board any barges carrying Remediation Material to the HARS. This equipment records vessel positions throughout the duration of each trip to the HARS and during remediation operations. To improve communication reliability between tugs and scows, a prescribed formal communication procedure has been put in place (copies of this procedure are available upon request).

Questions about the HARS can be addressed to Mr. Mark Reiss, Acting Chief, Dredging, Sediment and Oceans Section, Clean Water Division, US Environmental Protection Agency, Region 2, at (212) 637-3799.

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

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.



Randall G. Hintz
Chief, Operations Support Branch

Enclosures
As Stated

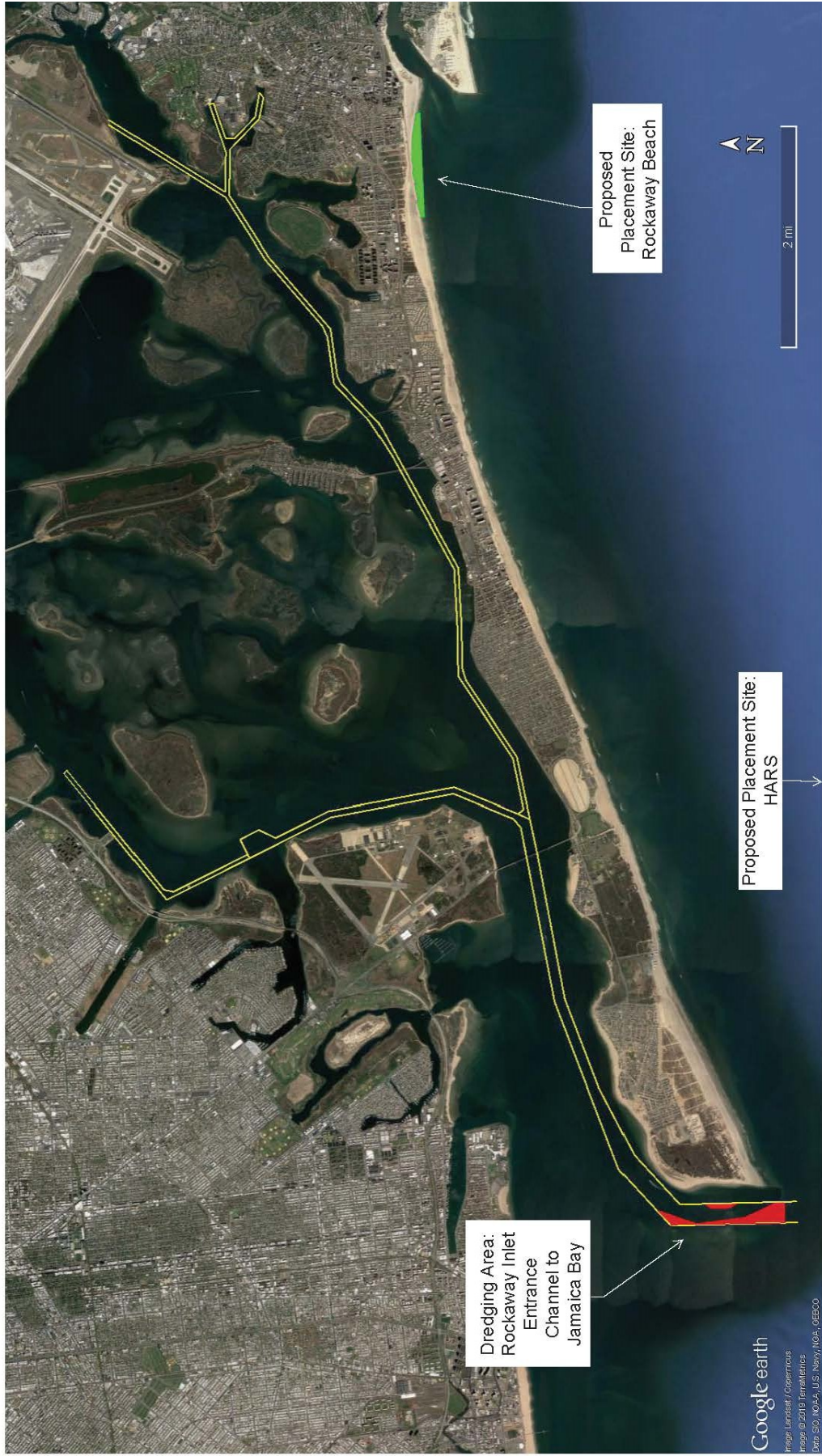


Figure 1: Vicinity Map - Maintenance Dredging Rockaway Inlet Entrance Channel to Jamaica Bay

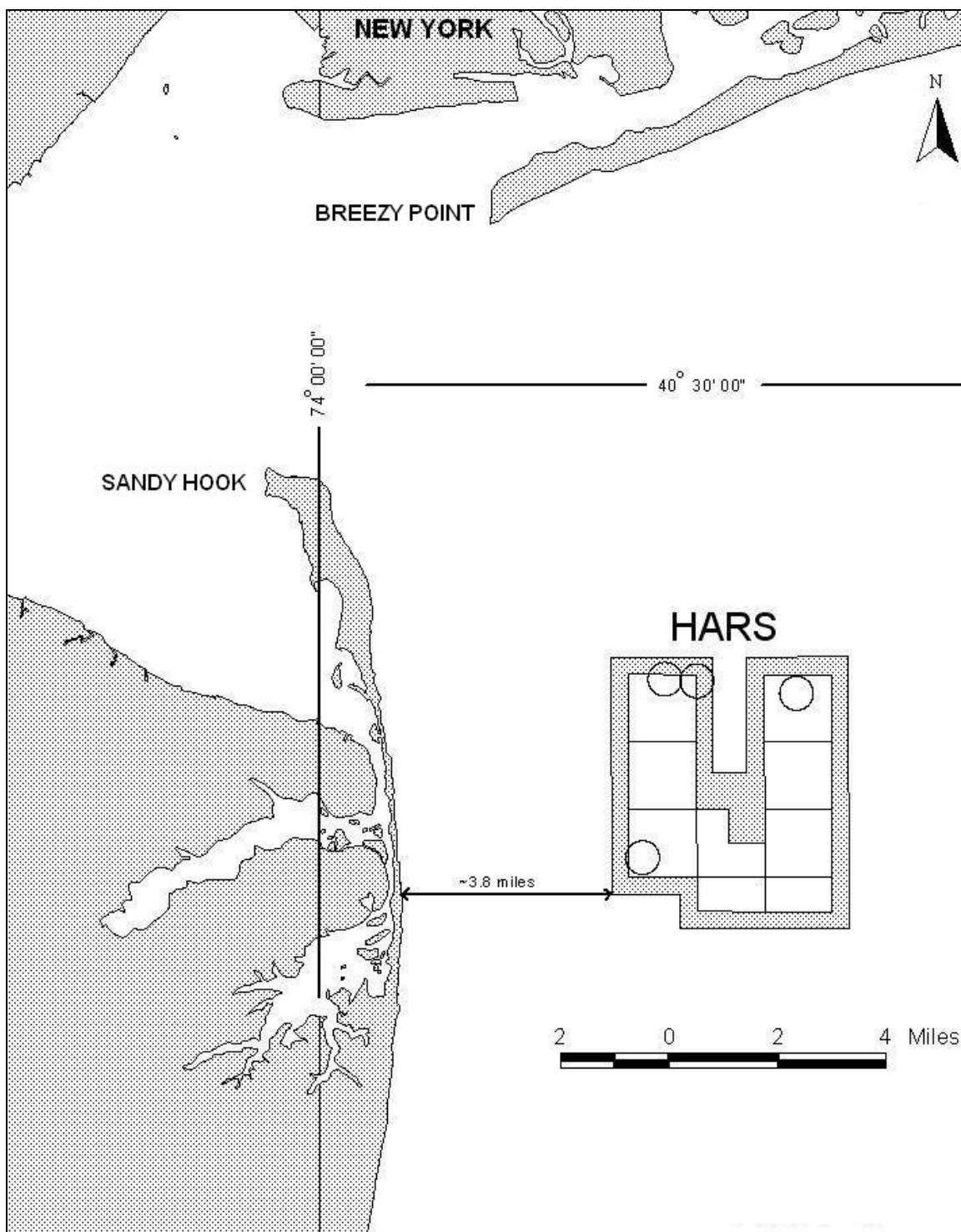


Figure 2A: HARS Location Map

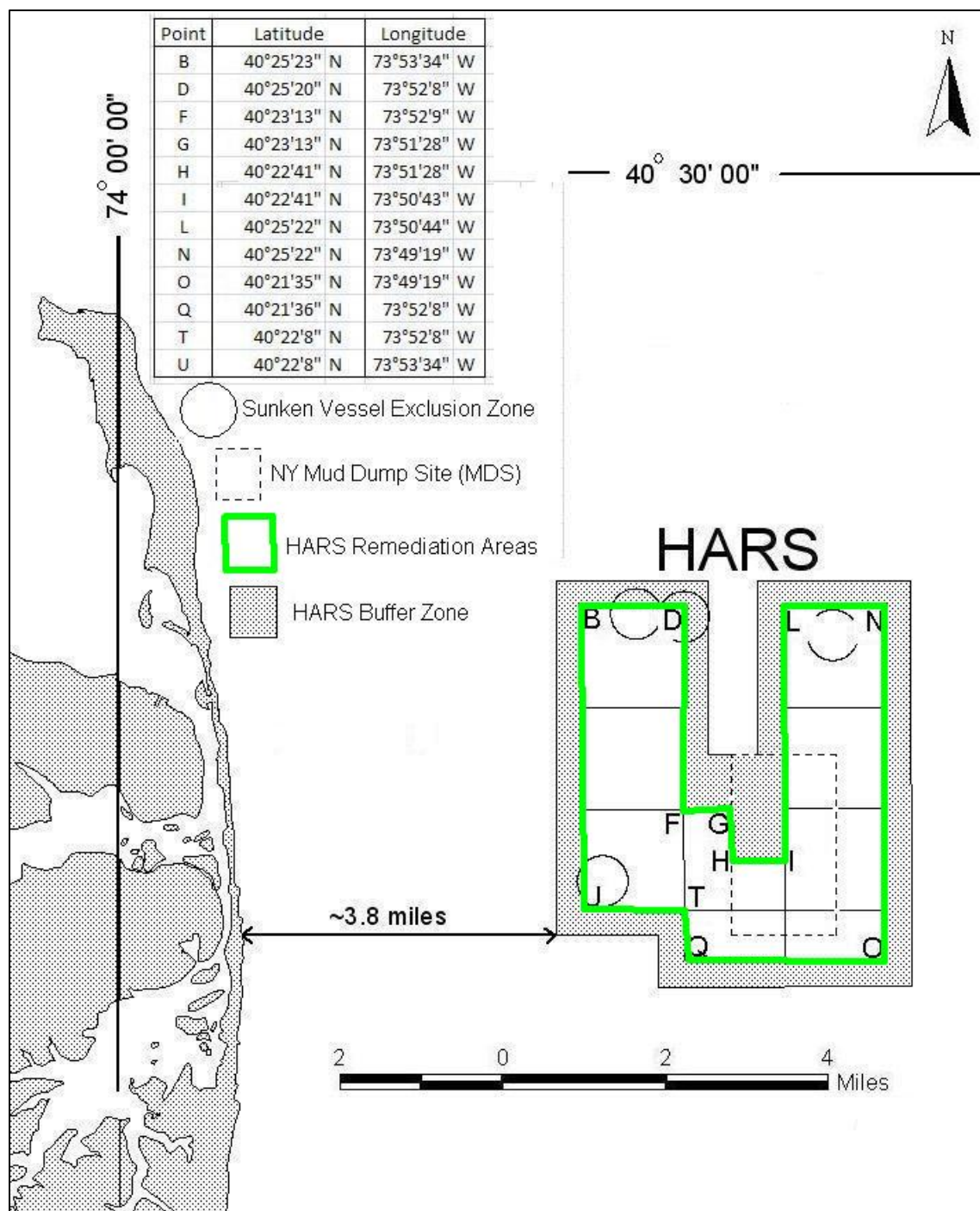


Figure 2B: HARS Detail Map