



**US Army Corps  
of Engineers®**

New York District  
26 Federal Plaza  
New York, N.Y. 10278  
ATTN: CENAN-OP-ST

# **Public Notice**

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In replying refer to:  
Public Notice No. ARTHUR KILL REACH 08  
Published: 1/18/08  
Expires: 2/18/08

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## **MAINTENANCE DREDGING OF ARTHUR KILL REACH OF THE NEW YORK AND NEW JERSEY CHANNELS, FEDERAL NAVIGATION CHANNEL**

### **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 and 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), proposes to perform maintenance dredging in the Arthur Kill Reach of the New York and New Jersey Channels (see Figure #1), contingent on fiscal year 2008 funding. The dredged material from this project is proposed to be placed at a suitable state-permitted upland disposal site(s) to be approved by the Government.

**ACTIVITY:** Maintenance Dredging of Arthur Kill Reach of the New York and New Jersey Channels, Federal Navigation Project.

**WATERWAY:** New York and New Jersey Channels Federal Navigation Project

**LOCATION:** The Arthur Kill Reach is a portion of the New York and New Jersey Channels located between the Outerbridge Crossing, mile 14, in the south extending to the Gulfport Reach, mile 23.5, in the north.

Maintenance dredging of the New York and New Jersey Channels Federal navigation project was authorized by the Rivers and Harbors Act of 1933 and subsequently modified by the Rivers and Harbors Act of 1935, 1950, 1965 and 1985. The Arthur Kill Reach portion of this channel provides for:

A channel 37 ft. deep in rock and 35 ft. deep in soft material, 600 ft. wide beginning north of the Raritan River at the Outerbridge crossing a point 1,000 ft. north of Smith Creek, thence 500 ft. wide, to a point 1,000 ft. south of the location of former Buckwheat Island; thence 500 to 600 ft. wide passing north of the Gulfport Reach towards the Goethals Bridge with a modification to shift the New Jersey side boundary twenty five (25) feet eastward at Trembley Point, Arthur Kill, New York and New Jersey Channels, resulting in the reduction of the width of the channel from 600 feet to 575 feet at Trembley Point. Length – about 9 miles.

This activity is being evaluated to determine that the proposed dredging with placement of dredged material on an upland disposal site will not unreasonably degrade or endanger human health, welfare, economic potential, recreation and aesthetics, water quality, marine resources, ecological systems and/or flood protection.

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 and/or an Environmental Impact Statement 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 material 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 which 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.

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 will obtain a water quality certificates (WQC) from the New York State Department of Environmental Conservation and, as applicable, from the State of New Jersey Department of Environmental Protection in accordance with Section 401 of the Clean Water Act.

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, the Corps will submit a determination that the proposed project is consistent with the CZM programs of the State of New York and of the State of New Jersey to the maximum extent practicable. For activities within the coastal zone of the State of New York, project information is available from the Coastal Zone Management Program, New York State Department of State, Division of Coastal Resources, 41 State Street, Albany New York 1223.51, telephone (518) 474-3642. For activities within the coastal zone of the State of New Jersey, project information is available from State of New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, telephone (609) 633-9277.

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, Third District
- New York State Department of Environmental Conservation
- New York State Department of State
- State of New Jersey Department of Transportation, New Jersey Maritime Resources
- State of New Jersey Department of Environmental Protection

If you have any questions concerning this notice, you may contact this office at (917) 790-8404 and ask for Mr. Joseph Olha, Project Manager. Comments or questions may be FAXED to (212) 264-1463 ATTN: Mr. Joseph Olha.

#### **DESCRIPTION OF PLANNED FEDERAL ACTION:**

By Public Notice No. Arthur Kill Reach 02, dated November 13, 2001, the US Army Corps of Engineers, New York District announced the maintenance dredging (approx. 200,000 cubic yards) of the Arthur Kill Reach of the New York and New Jersey Channels with the placement of the dredged material at an approved and permitted placement site(s) provided by the contractor, and approved by the government.

During the initial dredging cycle in FY 2003, 92,575 cubic yards of sediment was removed and placed at the approved site(s) (60,245 CY at OENJ Cherokee Bayonne site, NJ and 32,330 cubic yards which was not suitable for placement at the OENJ site, at the Port Authority Newark Bay Confined Disposal Facility).

During the 2<sup>nd</sup> dredging cycle in FY 2005/6, 82,510 cubic yards of sediment was removed and placed at the EnCap placement site in the Meadowlands, NJ.

During the 3<sup>rd</sup> dredging cycle in FY 2007, 54,510 cubic yards of sediment was removed and placed at the Fresh Kills Landfill in Staten Island, NY.

The recent condition survey revealed that approximately 250,000 cubic yards of sediment would need to be removed in order to restore the Arthur Kill to authorized project dimensions.

The US Army Engineer District, New York, is proposing to perform maintenance dredging of the critical shoals with disposal of up to 80,000 cubic yards of sediment that has accumulated in the Arthur Kill Reach of the New York and New Jersey Channels. That portion of the shoals remaining will be removed in future years under separate contracts. Maintenance dredging of the project can be accomplished by a clamshell dredge.

No work will occur during the environmental windows for winter flounder (February 1 to May 31) and between March 1 to July 31 for endangered and threatened birds (Heron, Egrets and Peregrine Falcons). The New York District continues to coordinate this project with NMFS, USFWS, NYSDEC, NYSDOS and NJDEP with regard to environmental compliance issues.

The proposed dredging with upland placement will be coordinated with the State of New Jersey Department of Environmental Protection, State of New York Department of Environmental Conservation and New York State Department of State for Water Quality Certifications and Coastal Zone Management Compliances.

**ENVIRONMENTAL IMPACT STATEMENT:**

An Environmental Impact Statement (EIS) was prepared by the U.S. Army Engineer District, New York in April 1973. An Environmental Assessment (EA) updating this EIS was prepared by the New York District for a similar maintenance dredging project in 2007. 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 maintenance dredging work.

**PLACEMENT SITE:**

The dredged material will be transported by scows to a suitable upland placement site(s) furnished by the contractor and approved by the government. The dredged material will be required to meet all federal, state and local criteria required by the government agencies having jurisdiction where the placement site is located. All necessary permits required for the dredged material placement will be provided to the government by the contractor.

**MATERIAL DESCRIPTION:**

Sampling and testing for upland placement of the proposed dredged material is in progress. Data from past dredging cycles show the grain size characteristics in the Port Reading Reach/Fresh Kills Reach of the proposed dredged material to be:

0.0% GRAVEL, 4.8% SAND, 66% SILT, 29.1% CLAY

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.

For more information on the USACE programs, please visit our website at <http://www.nan.usace.army.mil>.



Randall G. Hintz  
Chief, Operations Support Branch

Enclosures  
as stated

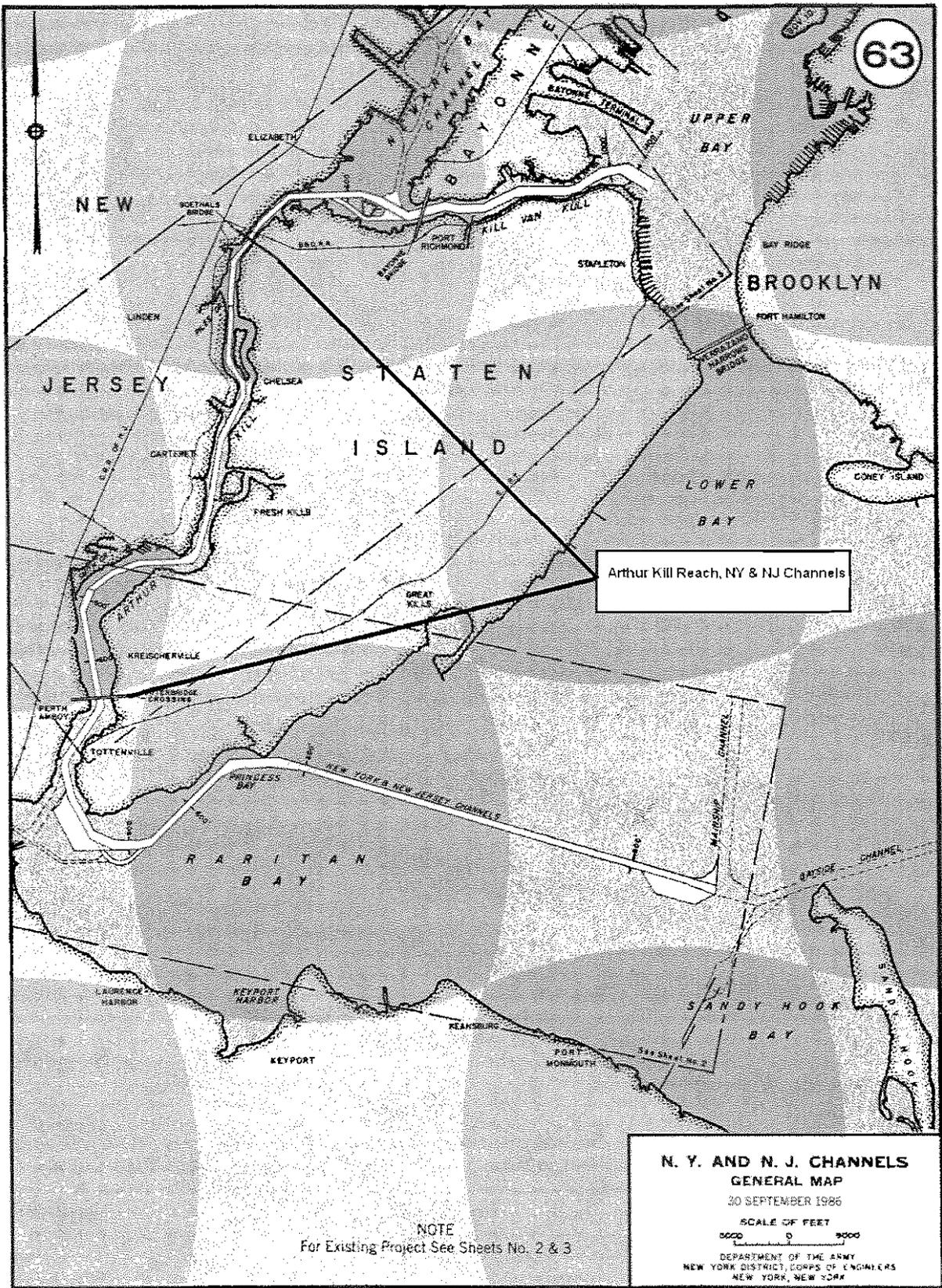


Figure 1