



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-2007-1531-WSC
Issue Date: April 4, 2008
Expiration Date: May 5, 2008

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: Port Authority of New York & New Jersey
Attn: Matt Masters
2 Gateway Center, 14th Floor
Newark, NJ 07102

ACTIVITY: Newark Bay Confined Disposal Facility (NBCDF): Proposed Extension of the Date to Close and Cap the NBCDF

WATERWAY: Newark Bay

LOCATION: City of Newark, 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. It is noted that a final Environmental Impact Statement (EIS) was issued in April 1997 to assist in the regulatory review for the permit decision to construct the NBCDF. Information in the EIS will be considered in our evaluation of impacts for the current proposal.

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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.

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.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

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.

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 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 is responsible for ensuring that the proposed activities are undertaken in a manner that is consistent with, to the maximum extent practicable, the approved state coastal zone management program. By this public notice, we are requesting the state's views on the consistency of this project with the State's approved CZM Program. For activities within the coastal zone of the State of New Jersey, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification and copies of any letters addressed to this office commenting on this proposal, should be so addressed.

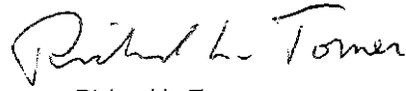
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Waterfront Development Permit from the 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) 790-8417 and ask for Steven A. Schumach.

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

A handwritten signature in black ink that reads "Richard L. Tomer". The signature is written in a cursive style with a large, stylized initial 'R'.

Richard L. Tomer
Chief, Regulatory Branch

Enclosures

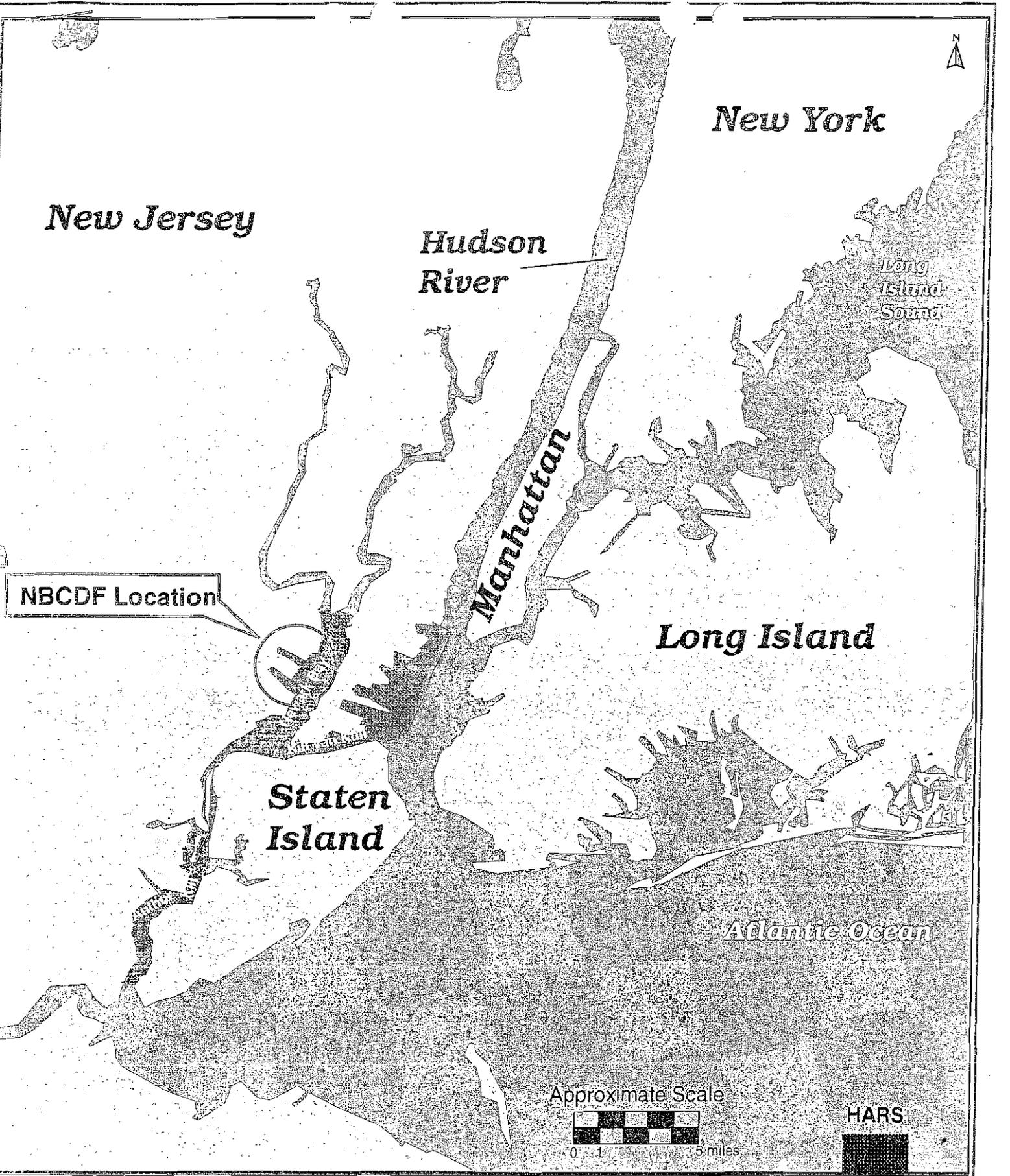
WORK DESCRIPTION

The applicant, the Port Authority of New York & New Jersey, has requested Department of the Army authorization for work at the Newark Bay Confined Disposal Facility (NBCDF). The location of the NBCDF is in Newark Bay in the City of Newark, Essex County, and New Jersey.

Background: Department of the Army Permit Number 1995-04370 was issued to the Port Authority of New York & New Jersey on May 20, 1997 for dredging and placement of dredged material to facilitate the construction of three subaqueous dredged material disposal sites in Newark Bay, known as Sites 1S, 2S, and 2N. Only Site 1S was constructed; Sites 2S and 2N were not built under the original permit and are not proposed under this application. The permit required closure, capping and monitoring of the NBCDF prior to its expiration date on May 20, 2000. The expiration date was subsequently extended until July 31, 2007. This requirement was based on the expectation that the NBCDF would reach its capacity, and be capped, prior to the expiration date of the permit. However, to date the NBCDF has not reached full capacity. The applicant stated that the NBCDF currently has approximately 500,000 cubic yards of capacity remaining for dredged material. Due to this change in circumstances, the closure requirement has been held in abeyance pending a decision on the requested extension.

Proposed Work: The applicant has requested authorization to extend the date of the required closure and capping of the NBCDF until the NBCDF has reached capacity or the Harbor Deepening Project has been completed (the estimated completion date is 2014). Under this proposal the NBCDF would continue to be used for the placement of dredged material from an authorized dredging area that meets New Jersey Department of Environmental Protection approved-criteria, and has been determined to be unsuitable for placement at the Historic Area Remediation Site and for which there are no upland or beneficial use placement sites available.

Project Purpose: The purpose of this proposal is to allow the NBCDF to continue to serve as a contingency disposal location until completion of the Harbor Deepening Project for placement of dredged material from the authorized draw area that has been determined to be unsuitable for ocean placement and for which there is no available upland site.



 NBCDF Draw Area = waters in New York-New Jersey Harbor contiguous to the State of New Jersey, including Newark Bay, the Authur Kill, and the Kill Van Kull.



FIGURE 2

0 750 1500
DISTANCE IN FEET

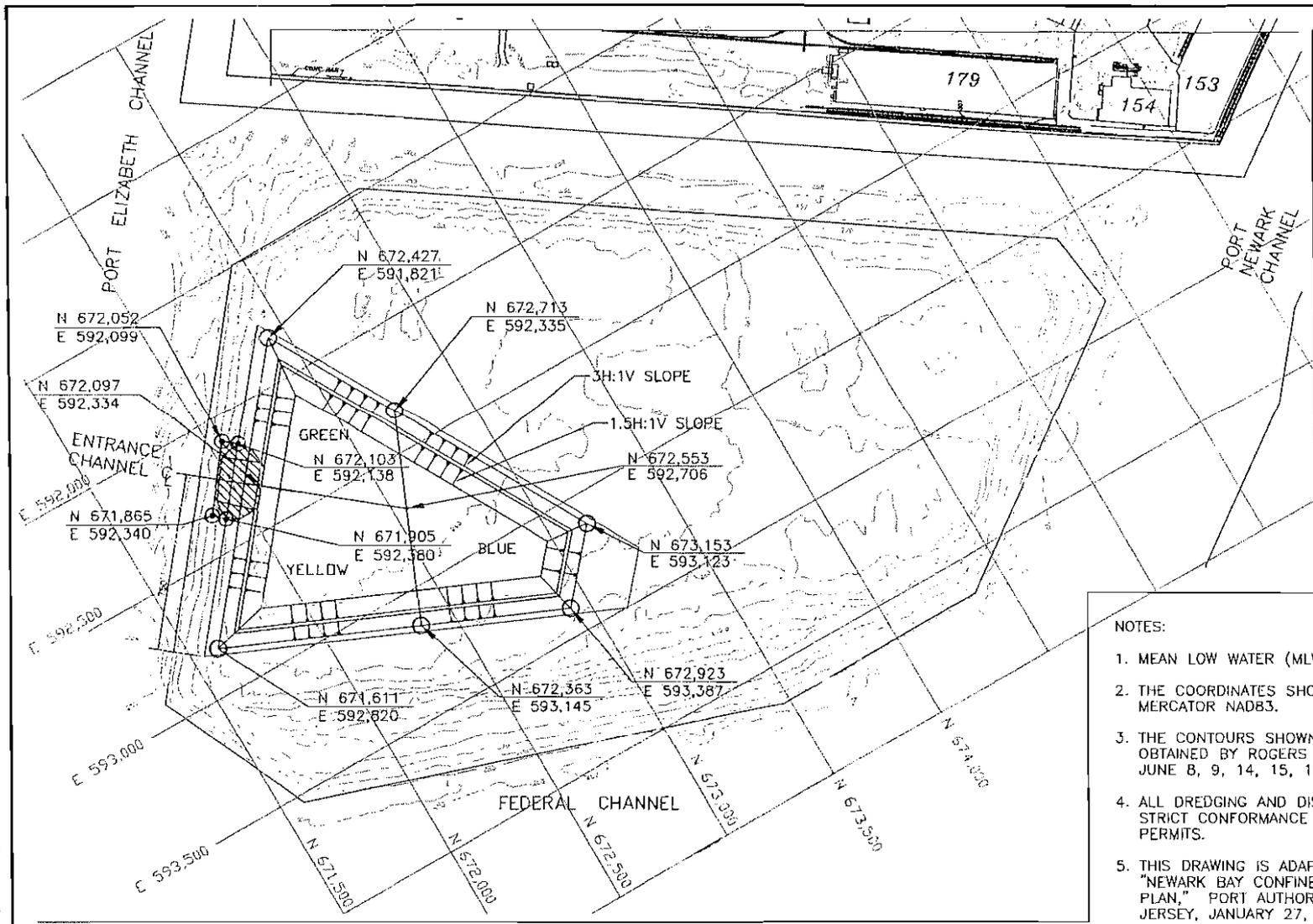
NOAA NAVIGATION CHART AND SITE LOCATION
NEWARK BAY CONFINED DISPOSAL FACILITY



MALCOLM PIRNIE

SOURCE: U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL OCEAN SERVICE, COAST SURVEY - KILL VAN KULL AND NORTHERN PART OF ARTHUR KILL, 29TH ED., OCT. 7/95, # 12333

X:\P\1\acrad\prj\1\22559340\hosefile\mb-nad83.dwg User: mpirnie Date: 03-07-2007 Time: 15:32 Layout: Layout1
 Scale: 1:1 Date: 03-07-2007 Time: 15:32 Layout: Layout1
 Images: None
 User: mpirnie Date: 03-07-2007 Time: 15:32 Layout: Layout1
 File: I:\ACAD\PRD\1\22559340\hosefile\mb-nad83.dwg User: mpirnie Date: 03-07-2007 Time: 15:32 Layout: Layout1
 File: I:\ACAD\PRD\1\22559340\hosefile\mb-nad83.dwg User: mpirnie Date: 03-07-2007 Time: 15:32 Layout: Layout1



LEGEND

-  ENTRANCE CHANNEL
-  PERIMETER (CREST) BUOY LOCATIONS
-  ENTRANCE CHANNEL MARKER BUOY LOCATIONS

- NOTES:**
1. MEAN LOW WATER (MLW) ELEVATION 295=-2.35 NGVD 29.
 2. THE COORDINATES SHOWN ARE BASED ON NEW JERSEY MERCATOR NAD83.
 3. THE CONTOURS SHOWN ARE BASED ON BATHYMETRY OBTAINED BY ROGERS SURVEYING INC. DATED JUNE 8, 9, 14, 15, 1995.
 4. ALL DREDGING AND DISPOSAL OPERATIONS WILL BE IN STRICT CONFORMANCE WITH THE CONDITIONS IN THE PERMITS.
 5. THIS DRAWING IS ADAPTED FROM DRAWING ENTITLED "NEWARK BAY CONFINED DISPOSAL FACILITY, EXCAVATION PLAN," PORT AUTHORITY OF NEW YORK AND NEW JERSEY, JANUARY 27, 1997.

MODIFIED MARCH, 2007

**MALCOLM
PIRNIE**

**THE PORT AUTHORITY
OF NY & NJ**



MARKER COORDINATES
NEWARK BAY CONFINED DISPOSAL FACILITY



MALCOLM PIRNIE, INC.

FIGURE 3

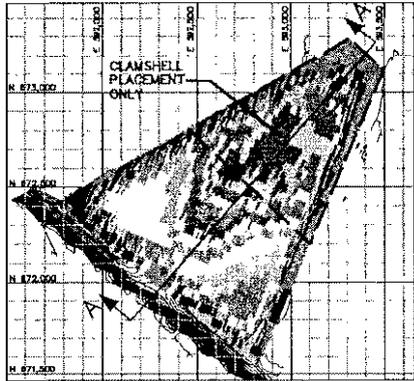
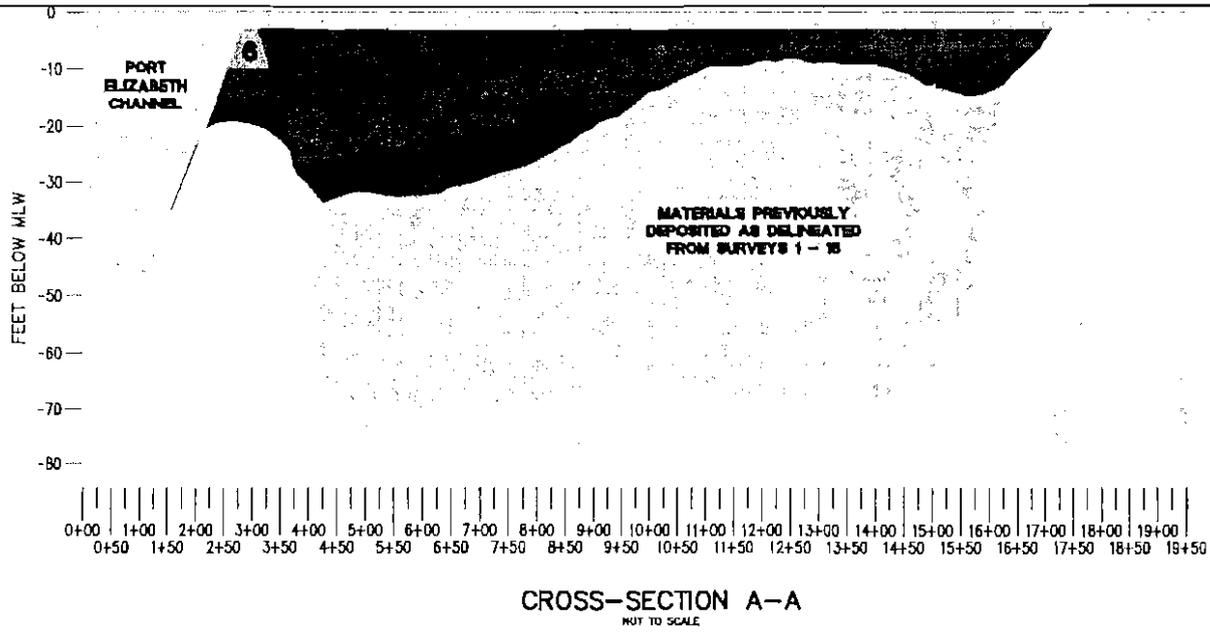


FIGURE B2-13 SURVEY 15 - PLAN VIEW
JANUARY 27, 2007

CROSS-SECTION A-A
NOT TO SCALE

SEQUENCE	CONSTRUCTION ACTIVITY
1A	FILL NORTHERN DEPRESSIONS VIA ENVIRONMENTAL CLAMSHELL BUCKET OR BOTTOM DUMPING.
1B	FILL VIA CLAMSHELL OR BOTTOM DUMPING. MAINTAIN VERTICAL CLEARANCE ADJACENT THE ENTRANCE CHANNEL.
2	CONSTRUCT DIKE WITH STONE ACROSS ENTRANCE CHANNEL TO -15 FT MLW.
3	FILL VIA ENVIRONMENTAL CLAMSHELL BUCKET OR BOTTOM DUMPING TO -6 FT MLW AWAY FROM ENTRANCE CHANNEL; FILL TO -15 FT MLW ADJACENT THE ENTRANCE CHANNEL.
4	FILL ENTRANCE CHANNEL TO -10 FT MLW WITH STONE.
5	FILL VIA ENVIRONMENTAL CLAMSHELL BUCKET OR BOTTOM DUMPING TO -6 FT MLW AWAY FROM ENTRANCE CHANNEL; FILL TO -10 FT MLW ADJACENT THE ENTRANCE CHANNEL.
6	FILL ENTRANCE CHANNEL TO -3 FT MLW.
7	FILL WITH CLEAN SAND IN THREE (3) MINIMUM 1-FOOT LIFTS TO -3 FT MLW.

NOTE:
ALL PLACEMENT VIA BOTTOM DUMPING SHALL BE CONDUCTED ON THE UPCURRENT SIDE OF LOCATION.

MODIFIED: FEBRUARY 2008

User: stevens; Date: 02/11/2008 11:40:00 AM; Path: \\C:\Users\stevens\Documents\Projects\2008\20080211_10-10-08.dwg; Scale: 1:1; Date: 02/11/2008 11:40:00 AM; User: stevens

MALCOLM PIRNIE	THE PORT AUTHORITY OF NY & NJ	THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY NEWARK, NEW JERSEY NEWARK BAY CONFINED DISPOSAL FACILITY	NEWARK BAY CDF FILLING SEQUENCE NOT TO SCALE	MALCOLM PIRNIE, INC. FIGURE 4
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