



**US Army Corps
of Engineers®**
New York District

NEW YORK AND NEW JERSEY HARBOR DEEPENING CHANNEL IMPROVEMENTS

NAVIGATION STUDY

FINAL INTEGRATED FEASIBILITY REPORT & ENVIRONMENTAL ASSESSMENT

APPENDIX A10: Finding of No Significant Impact



FINDING OF NO SIGNIFICANT IMPACT

New York and New Jersey Harbor Deepening Channel Improvements, Navigation Feasibility Study

New York/New Jersey

The U.S. Army Corps of Engineers, New York District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated TBD, for the New York and New Jersey Harbor Deepening Channel Improvements, Navigation Feasibility Study (NYNJHDCI Study) addresses improving the navigation efficiencies within the New York and New Jersey Harbor. The final recommendation is contained in the report of the Chief of Engineers, dated TBD.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would determine whether there is a technically feasible, economically justifiable, and environmentally acceptable recommendation for federal participation in a navigation improvement project in the New York and New Jersey Harbor. The period of analysis for this study is 2038 through 2087, representing an estimate of the first 50 years following the completed construction of a navigation improvement project. The recommended plan is the National Economic Development (NED) Plan and includes:

- Deepening the pathway to Elizabeth-Port Authority Marine Terminal by 5 feet (up to -55 feet MLLW), and associated widening to allow passage of the design vessel (Maersk Triple E Ultra Large Container Vessel Class).
- Deepening the pathway to Port Jersey-Port Authority Marine Terminal by 5 feet (up to -55 feet MLLW), and associated widening to allow passage of the design vessel (Maersk Triple E Ultra Large Container Vessel Class).
- Implementation of any required environmental compensatory mitigation and associated monitoring and mitigation area adaptive management plan, when applicable and appropriate. Monitoring will continue until any required mitigation has been determined to be successful based on the identified criteria within the Forthcoming Monitoring and Mitigation Area Adaptive Management Plan. Monitoring is expected to last no more than 10 years.

In addition to a “no action” plan, six alternatives were evaluated for the pathway to Elizabeth-Port Authority Marine Terminal and six alternatives were evaluated for pathway to Port Jersey-Port Authority Marine Terminal.



The alternatives included:

Pathway to Elizabeth-Port Authority Marine Terminal

- Deepen by 2 Feet
- Deepen by 3 Feet
- Deepen by 4 Feet
- Deepen by 5 Feet
- Deepen by 6 Feet

Pathway to Port Jersey-Port Authority Marine Terminal

- Deepen by 2 Feet
- Deepen by 3 Feet
- Deepen by 4 Feet
- Deepen by 5 Feet
- Deepen by 6 Feet

See Chapter 4 in the IFR/EA for more information on the alternatives analysis and plan selection process.

SUMMARY OF POTENTIAL EFFECTS:

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Hazardous, toxic & radioactive waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Topography and Bathymetry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Geology and Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flood Levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groundwater	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Coastal Zone Management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Essential Fish Habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EA will be implemented, if appropriate, to minimize impacts.

COMPENSATORY MITIGATION:

The recommended plan will result in unavoidable adverse impacts to approximately 0.53 acres of subtidal shallows (depth of 4 feet MLLW or shallower) regulated by the State of New Jersey. To mitigate for these unavoidable adverse impacts, the U.S. Army Corps of Engineers will create or improve an equal or greater quantity and quality of habitat within the region. Several sources were utilized to compile an initial list of candidate sites for intertidal and subtidal shallows habitat mitigation, as well as for the beneficial use of dredge material, including the Comprehensive Restoration Plan for the Hudson Raritan Estuary and the Hudson River Foundation. The current plan for meeting the project’s compensatory mitigation is restoring a portion of the Sea Bright Offshore Borrow Area by placing suitable grain size sediment within areas that were previously excavated for beach nourishment projects. Further refinements to the mitigation plan will occur in PED.

Public review of the draft IFR/EA and FONSI was completed on **19 January 2021**. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI. A 30-day state and agency review of the Final IFR/EA was completed on **TBD**.



ENDANGERED SPECIES ACT

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the National Marine Fisheries Service (NMFS) issued a biological opinion, dated **26 January 2022**, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: **Atlantic sturgeon, shortnose sturgeon, right whales, fin whales, and loggerhead, leatherback, Kemp's ridley, and green sea turtles**. All terms and conditions, conservation measures, and reasonable and prudent alternatives and measures resulting from these consultations shall be implemented in order to minimize take of endangered species and avoid jeopardizing the species.

NATIONAL HISTORIC PRESERVATION ACT

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps and the New Jersey State Historic Preservation Officer, the New York State Historic Preservation Officer entered into a Programmatic Agreement (PA), dated 21 January 2022. All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.

CLEAN WATER ACT SECTION 404(B)(1) COMPLIANCE

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in **Appendix A2** of the IFR/EA.

CLEAN WATER ACT SECTION 401 COMPLIANCE:

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the New York State Department of Environmental Conservation and New Jersey Department of Environmental Protection prior to construction. In letters dated 19 January 2021 and 25 January 2022 respectively the New Jersey Department of Environmental Protection and the New York State Department of Environmental Conservation stated that the Recommended Plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality

COASTAL ZONE MANAGEMENT ACT



A determination of consistency with the State of New York Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was obtained from the Department of State on 7 April 2022. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

A determination of consistency with the New York City Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was also obtained from the Office of Waterfront and Open Space Planning on 16 March 2022. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

A determination of consistency with the State of New Jersey Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 will be obtained from the Division of Land Use Regulation prior to construction. In a letter dated 19 January 2021, the State of New Jersey stated that the Recommended Plan appears to meet the requirements of state Coastal Zone Management plans, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

EXECUTIVE ORDER 12114 ENVIRONMENTAL EFFECTS ABROAD OF MAJOR FEDERAL ACTIONS

The recommended plan may result in environmental effects within **N/A**. In accordance with E.O. 12114, Environmental Effects Abroad of Major Federal Actions, 4 January 1979, the Corps consulted with **N/A**.

OTHER SIGNIFICANT ENVIRONMENTAL COMPLIANCE:

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

FINDING

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.



Date

Matthew W. Luzzatto
Colonel, Corps of Engineers
District Commander