



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-2016-01170-EPI**

Issue Date: **November 07, 2016**

Expiration Date: **December 07, 2016**

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: Center Point Terminal Newark, LP
8235 Forsyth Blvd, Suite 400
St Louis, MO 63105

ACTIVITY: Dredge with ten years maintenance with upland disposal.

WATERWAY: Passaic River

LOCATION: Navigation Berthing Area, Center Point Terminal, 678 Doremus Ave., 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.

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

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.

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 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 construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit application.

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.

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. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification.

No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available

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

from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon 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:

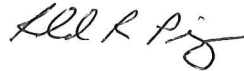
- New Jersey Department of Environmental Protection

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) 790-8533 and ask for Mr. Randy Piersol.

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

Enclosures

WORK DESCRIPTION

The applicant, Center Point Terminal Newark, LP, has requested Department of the Army authorization to perform dredging with ten-year maintenance with disposal of the dredged material at an upland disposal facility. The project is located at the Navigation Berthing Area, Center Point Terminal, 678 Doremus Ave., City of Newark, Essex County, New Jersey.

Dredging is proposed in an approximate 250-foot-wide by 900-foot-long berthing area. The historic depth has been maintained at -21.0 Mean Low Water (MLW) for previous dredging events (most recently in 2013 – USACE Permit # 2008-00314-M3). The approximate dredge volume at the navigation berthing area is 5000 cubic yards.

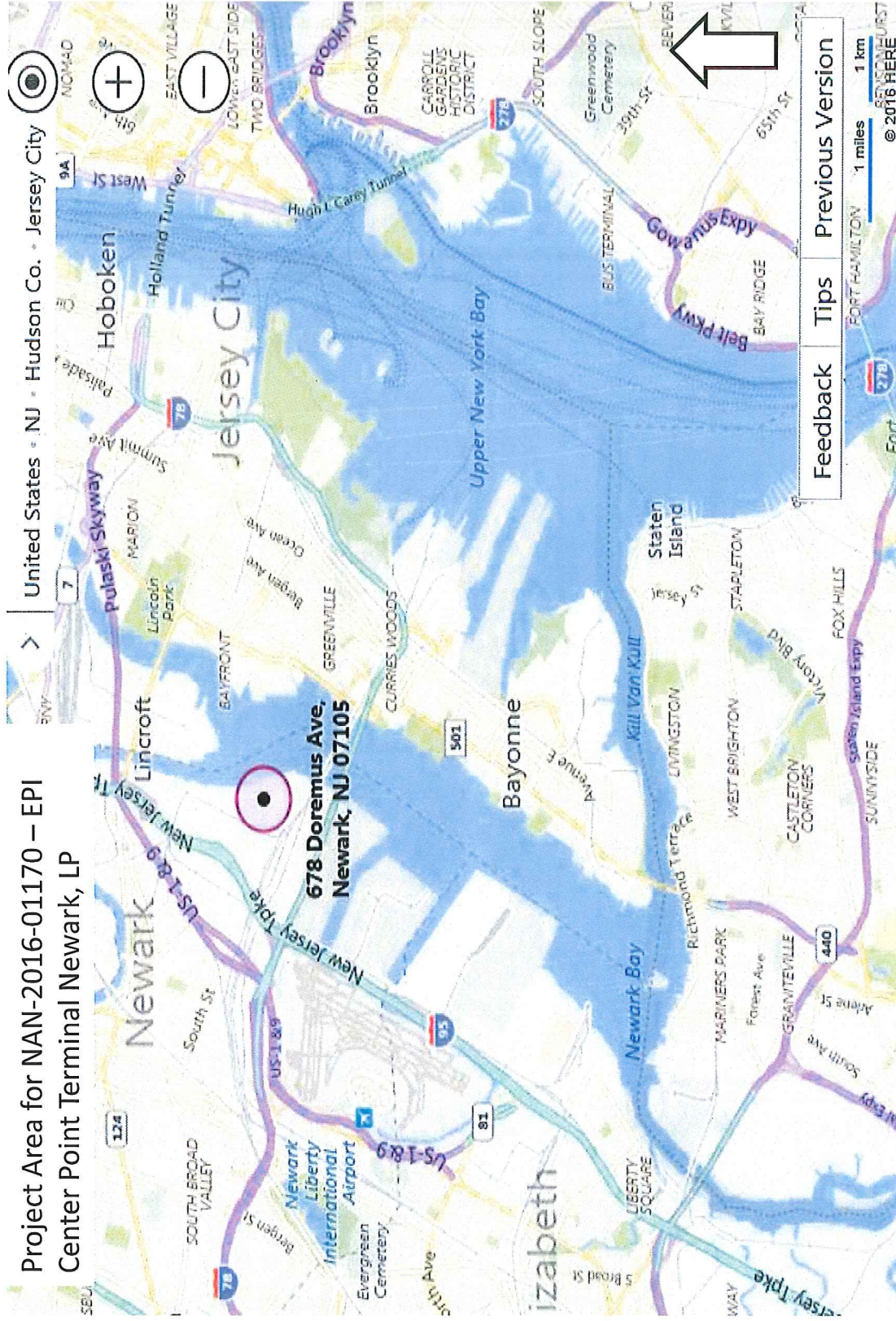
Due to the proximity of the project to an upstream regulated aquatic Super Fund site and the Newark Bay Super Fund study area, all of the work would be accomplished using a closed environmental clamshell dredge bucket, minimal dredge drop and lift speeds, no barge overflow, computer aided dredge tracking, treatment of excess water, and treatment of sediment.

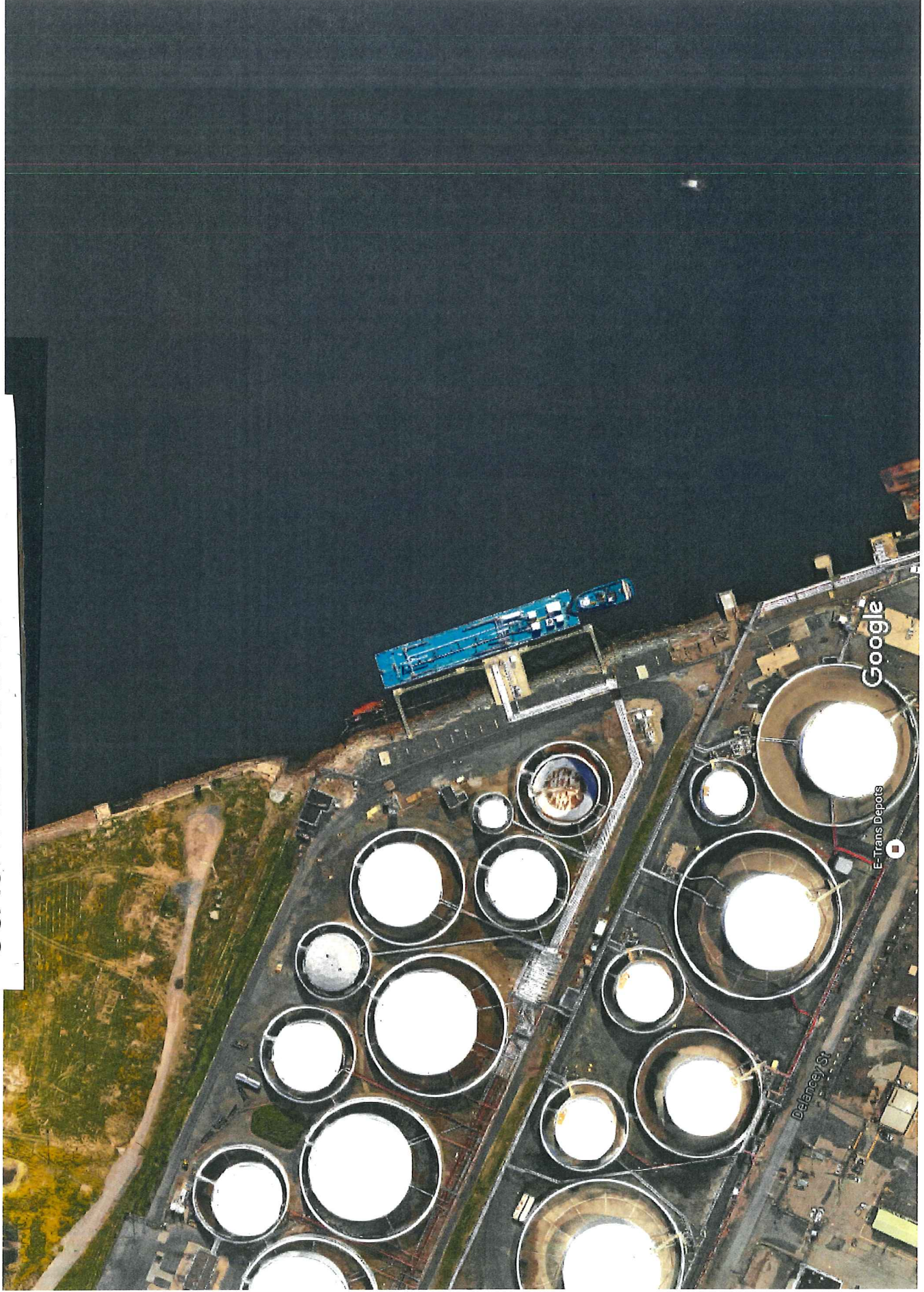
The dredged material will be transported to a qualified dewatering and treatment facility, where stabilization will occur (usually mixing with Portland cement) with final placement at a State approved site.

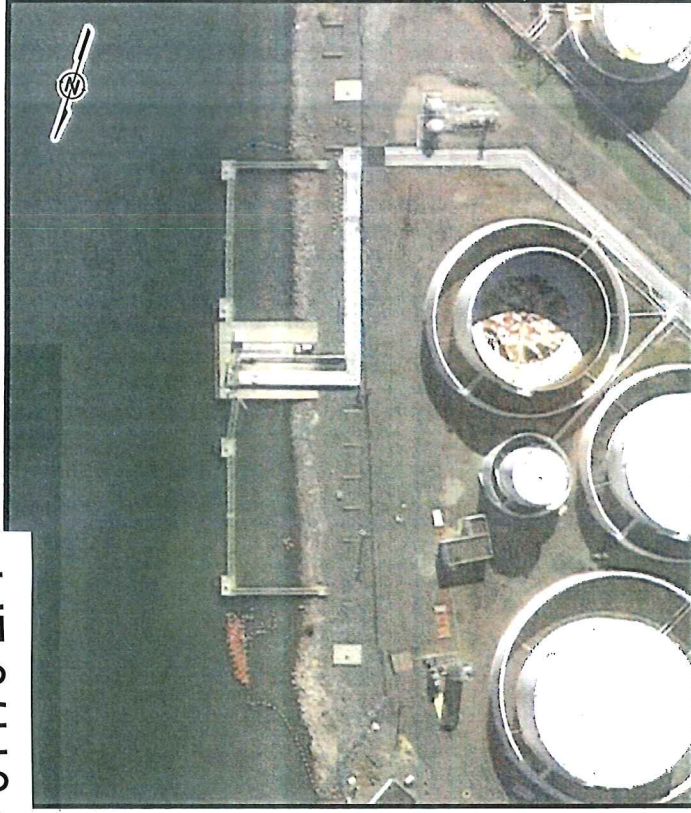
The applicant plans to conduct up to three (3) additional dredging events within the ten-year maintenance period with similar volume estimates, and has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredge areas to the minimum required for safe and reasonable mooring of vessels at the Center Point Terminal Newark, LP. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a closed environmental dredge bucket, minimal dredge drop and lift speeds, no barge overflow and disposing of the dredge material at an state approved upland disposal facility, minimizing to the greatest extent possible any potential adverse effects to the aquatic environment.

The stated purpose of this project is to maintain adequate water depths to allow safe navigation and berthing at the Center Point Terminal.

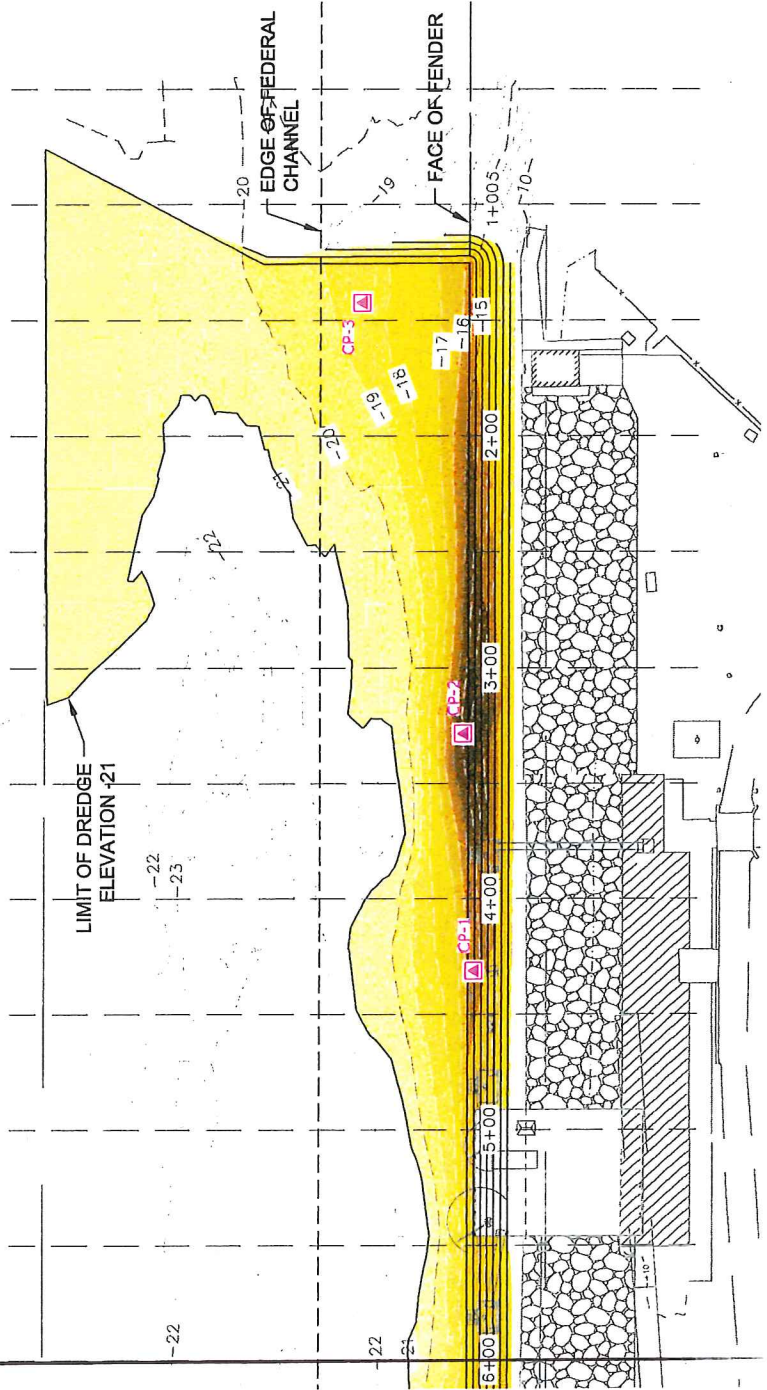
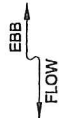
Project Area for NAN-2016-01170 – EPI
Center Point Terminal Newark, LP





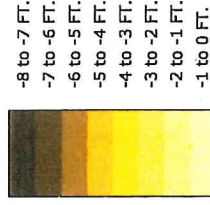


PASSAIC RIVER



AERIAL IMAGE
1" = 100'

DREDGING DEPTH



TOTAL CUT: 4,980 CUBIC YARDS
DREDGE AREA: 6,365 SQUARE YARDS

LEGEND

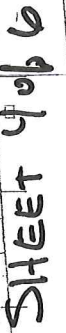
CP-1 FINAL CORE LOCATION

FINAL CORE LOCATION	LATITUDE	LONGITUDE
CP-1	40° 42' 29.88"	74° 07' 17.04"
CP-2	40° 42' 29.16"	74° 07' 16.68"
CP-3	40° 42' 27.36"	74° 07' 12.00"

NOTE:

ALL ELEVATIONS REFER TO USACE MEAN LOW WATER.

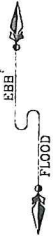
Sheet 3 of 6



USACE FILE # NAN-2016-01170-EPI

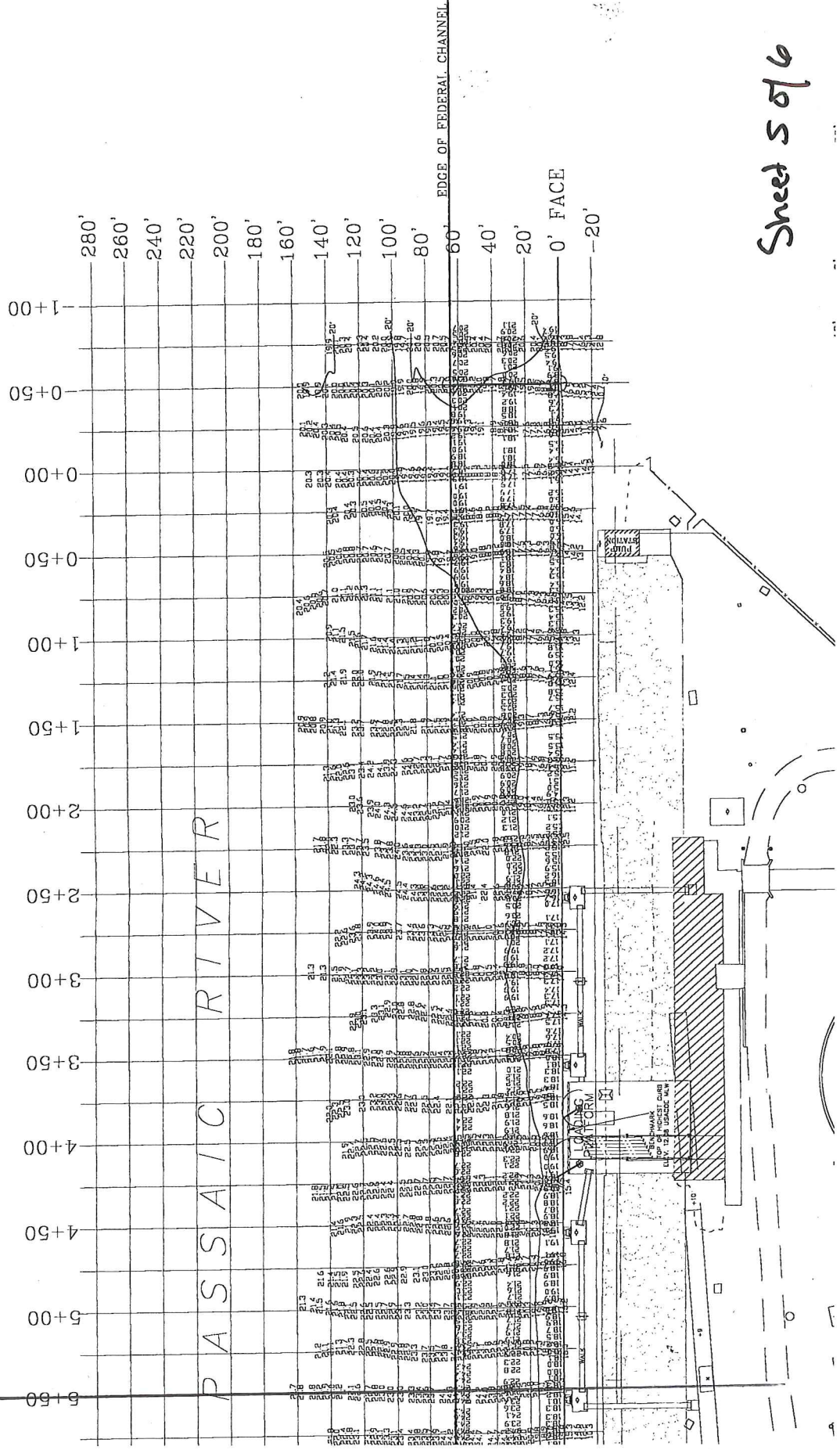
RIVER

(KEARNY POINT REACH)



SAIC

A HUBB
NAN-2

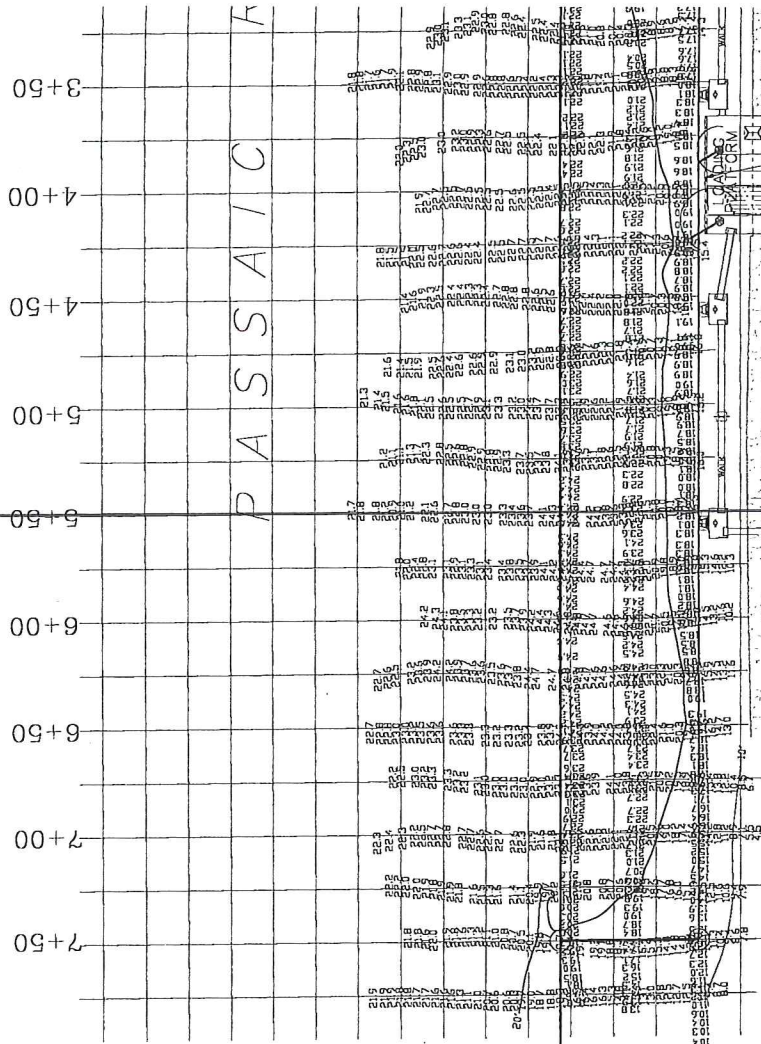


Sheet 5 of 6

PASSAIC

(KEARNY)

MATCH
A B



NOTES:

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO USACE MEAN LOW WATER.
2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).

Sheet 6 of 6