



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-2016-00577-WCA**
Issue Date: **November 4, 2016**
Expiration Date: **December 5, 2016**

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 and New Jersey
4 World Trade Center
150 Greenwich Street, 20th Floor
New York, New York 10007

ACTIVITY: Perform dredging, with ten years maintenance and upland disposal, in berths 1418 and 1419, situated within the Port Jersey Marine Terminal.

WATERWAY: Upper New York Harbor

LOCATION: City of Bayonne, Hudson 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.

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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.

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/FIS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species. Further consultation with NOAA/FIS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

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 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 from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box

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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 Waterfront Development Permit)

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) 790-8412 and ask for Jim Cannon.

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>.



Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

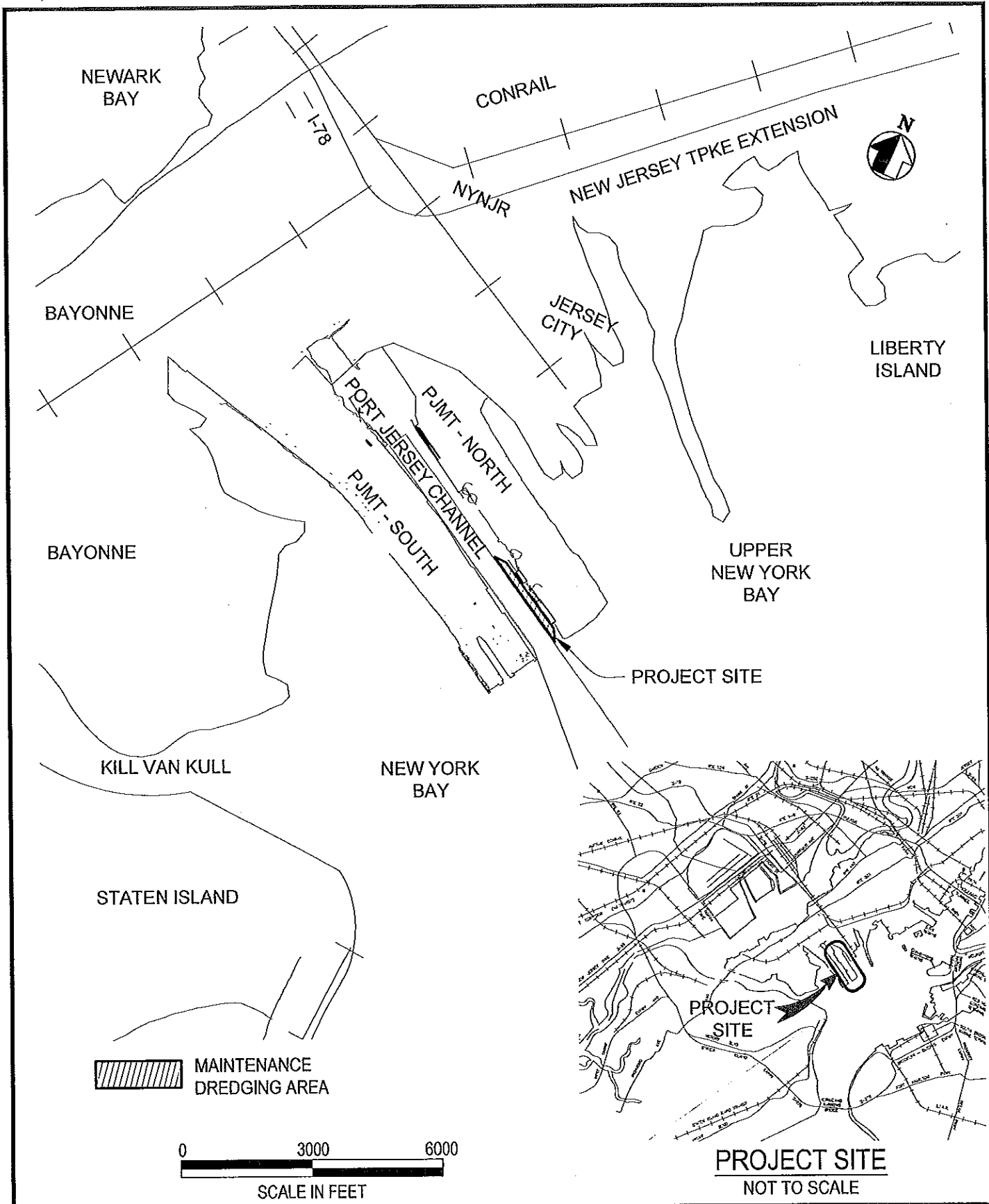
The applicant, the Port Authority of New York and New Jersey, has requested Department of the Army authorization to perform dredging, with ten years maintenance and upland disposal at two existing berths at the Port Jersey Marine Terminal. The project site is located within the Upper New York Harbor, in the City of Bayonne, Hudson County, New Jersey. The proposed dredging activities would extend along the Port Jersey Federal Navigation Channel.

The proposed regulated work would include dredging, with ten years maintenance and upland disposal, of approximately 19,500 cubic yards per dredge event (a total of three (3) dredging events), from a 379,200 square foot area consisting of berths 1418 and 1419. Both berths would be dredged to a depth of -32 feet below the Mean Low Water (MLW), plus an allowable overdepth of dredging of 2 feet (-34 feet below the MLW, North American Vertical Datum, 1988 (NAVD, 1988)). An environmental bucket would be used during the proposed dredging activities.

The dredged material would be loaded into sealed barges, with no barge overflow, and the decanting of excess water would be performed in accordance with the requirements of the Water Quality Certificate issued by the New Jersey Department of Environmental Protection (NJDEP) to the applicant on July 14, 2016 (Permit No. 0901.16-0001.1 WFD160001 IP). The NJDEP Acceptable Use Determination issued under the applicants' Water Quality Certificate states that the dredged material will be placed in uplands, at the 380 Development Site, located in Staten Island New York. The applicant was issued authorization to place the dredged material at the upland Staten Island New York site by the New York Department of Environmental Conservation on June 14, 2016 (Beneficial Use Determination No. 1263-2-43).

The Port Authority of New York and New Jersey was previously issued a ten years maintenance dredge permit under Department of the Army (DA) permit number NAN-2005-00122, for the referenced site. The DA permit was issued on November 28, 2005 and expired November 28, 2015. This permit authorized dredging of existing berths 1418 and 1419 to a depth of -32-feet below the plane of MLW, with a maximum of 2 feet allowable overdepth for a total of -34-feet below MLW.

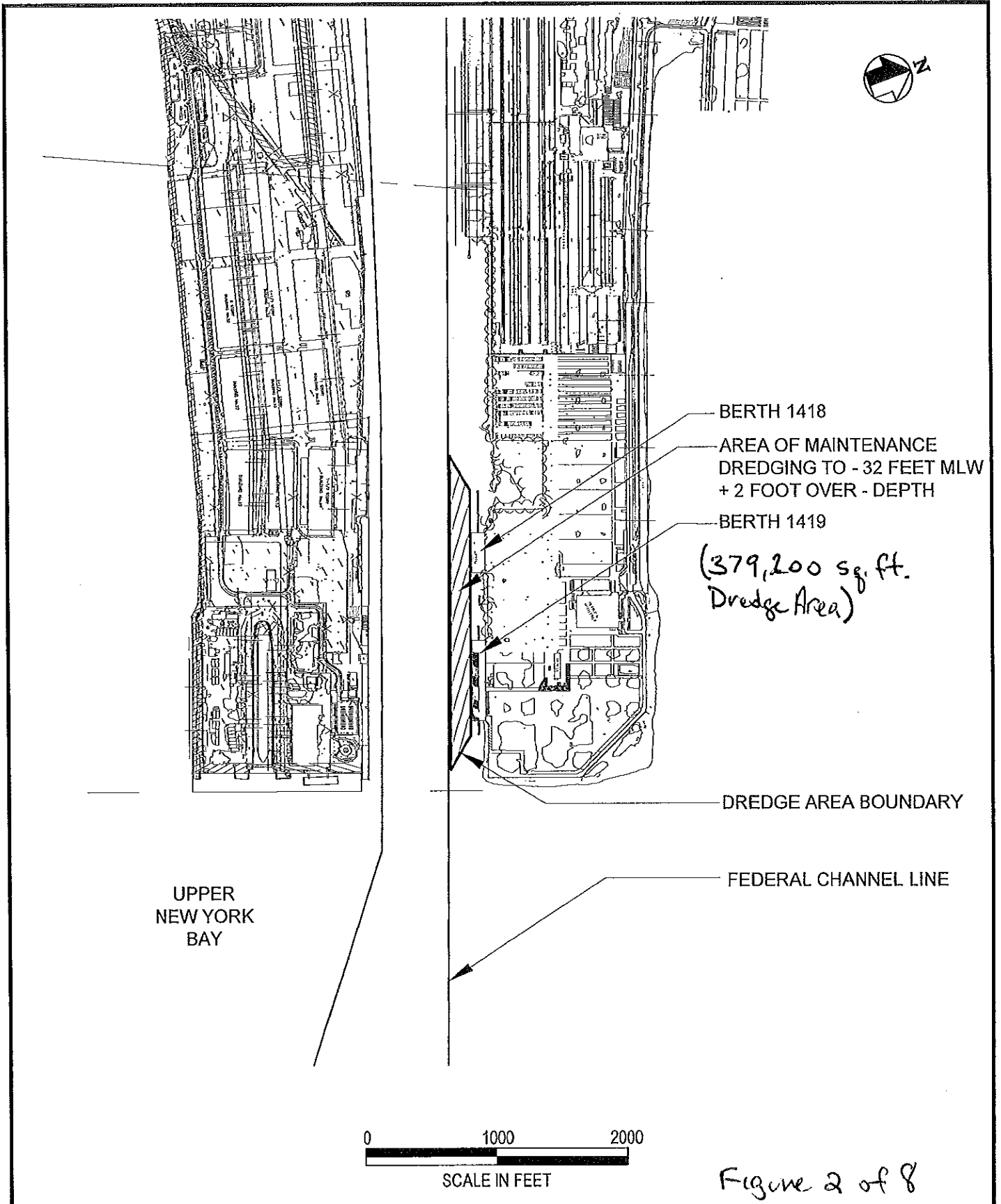
The stated purpose of this project is to ensure continued safe navigation access to the Port Jersey Marine terminal berth areas.



PROJECT SITE
NOT TO SCALE

THE PORT AUTHORITY OF NY & NJ			DATUM: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 2/17/2016)		Discipline ENVIRONMENTAL	PROJECT NAME: MAINTENANCE DREDGING OF PORT JERSEY BERTHS 1418 AND 1419	1 of 8 Date 09-09-2016 Drawing Number DWG - 1
			NAVD88 - 3.42 NGVD29 - 2.3 MLW (N.O.A.A.) - 0.87 MLW (COE) - 0.0 (SURVEY)	LOCATION PLAN	CITY: JERSEY COUNTY: HUDSON APPLICANT: PANYNJ PROPERTY: PANYNJ		
G.GEDEON N.KOGELMAN G.GEDEON _____ Designed by Drawn by Checked by							

Figure 1 of 8



BERTH 1418
 AREA OF MAINTENANCE
 DREDGING TO - 32 FEET MLW
 + 2 FOOT OVER - DEPTH
 BERTH 1419

(379,200 sq. ft.
 Dredge Area)

DREDGE AREA BOUNDARY
 FEDERAL CHANNEL LINE

UPPER
 NEW YORK
 BAY

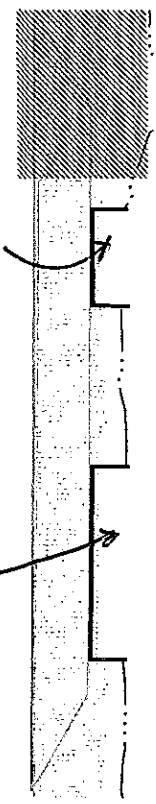
0 1000 2000
 SCALE IN FEET

Figure 2 of 8

THE PORT AUTHORITY OF NY & NJ			DATUM: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 2/17/2016)		Discipline ENVIRONMENTAL	PROJECT NAME: MAINTENANCE DREDGING OF PORT JERSEY BERTHS 1418 AND 1419	2 of 8
			NAVD88 - 3.42 NGVD29 - 2.3 MLW (N.O.A.A.) - 0.87 MLW (COE) - 0.0 (SURVEY)	SITE PLAN	CITY: JERSEY COUNTY: HUDSON APPLICANT: PANYNJ PROPERTY: PANYNJ	Date 09-09-2016 Drawing Number DWG - 2	
G.GEDEON Designed by	N.KOGELMAN Drawn by	G.GEDEON Checked by					



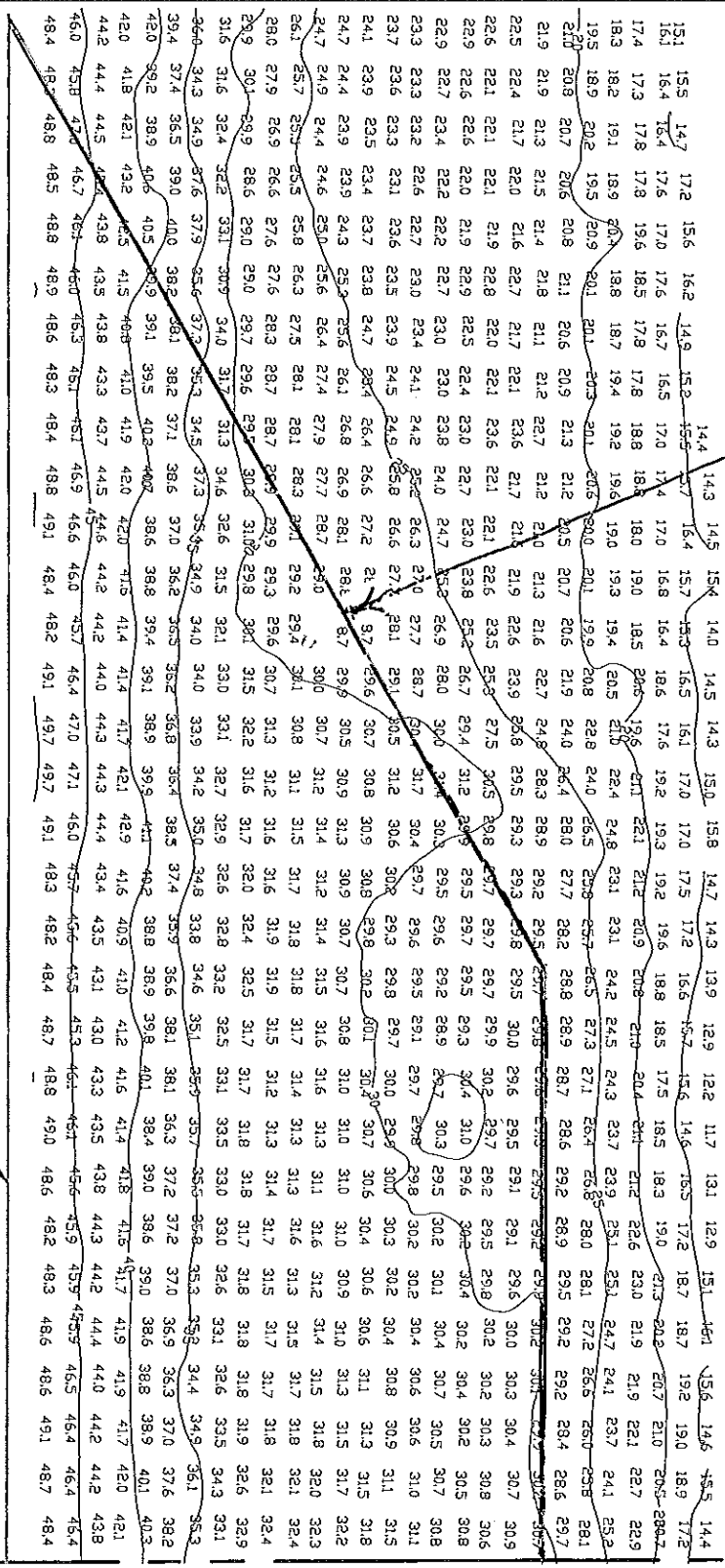
Dredge Area Boundary



Berth 1418

Berth 1419

KEY PLAN



FEDERAL CHANNEL



SCALE IN FEET

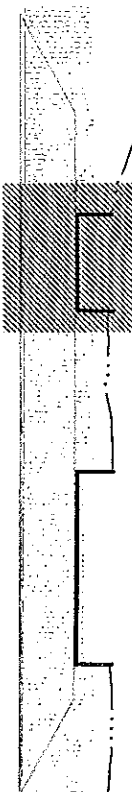
Figure 3 of 8

THE PORT AUTHORITY OF NY & NJ G.GEDEON N.KOGELMAN G.GEDEON Designed by Drawn by Checked by			DATUM: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 2/17/2016)		Discipline ENVIRONMENTAL SOUNDING PLAN FIGURE 1	PROJECT NAME: MAINTENANCE DREDGING OF PORT JERSEY BERTHS 1418 AND 1419		3 of 8 Date 09-09-2016 Drawing Number DWG - 3
			NAVD88 3.42 NGVD29 2.3 MLW (N.O.A.A.) 0.87 MLW (COE) 0.0 (SURVEY)			CITY: JERSEY COUNTY: HUDSON APPLICANT: PANYNJ PROPERTY: PANYNJ		

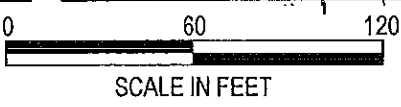
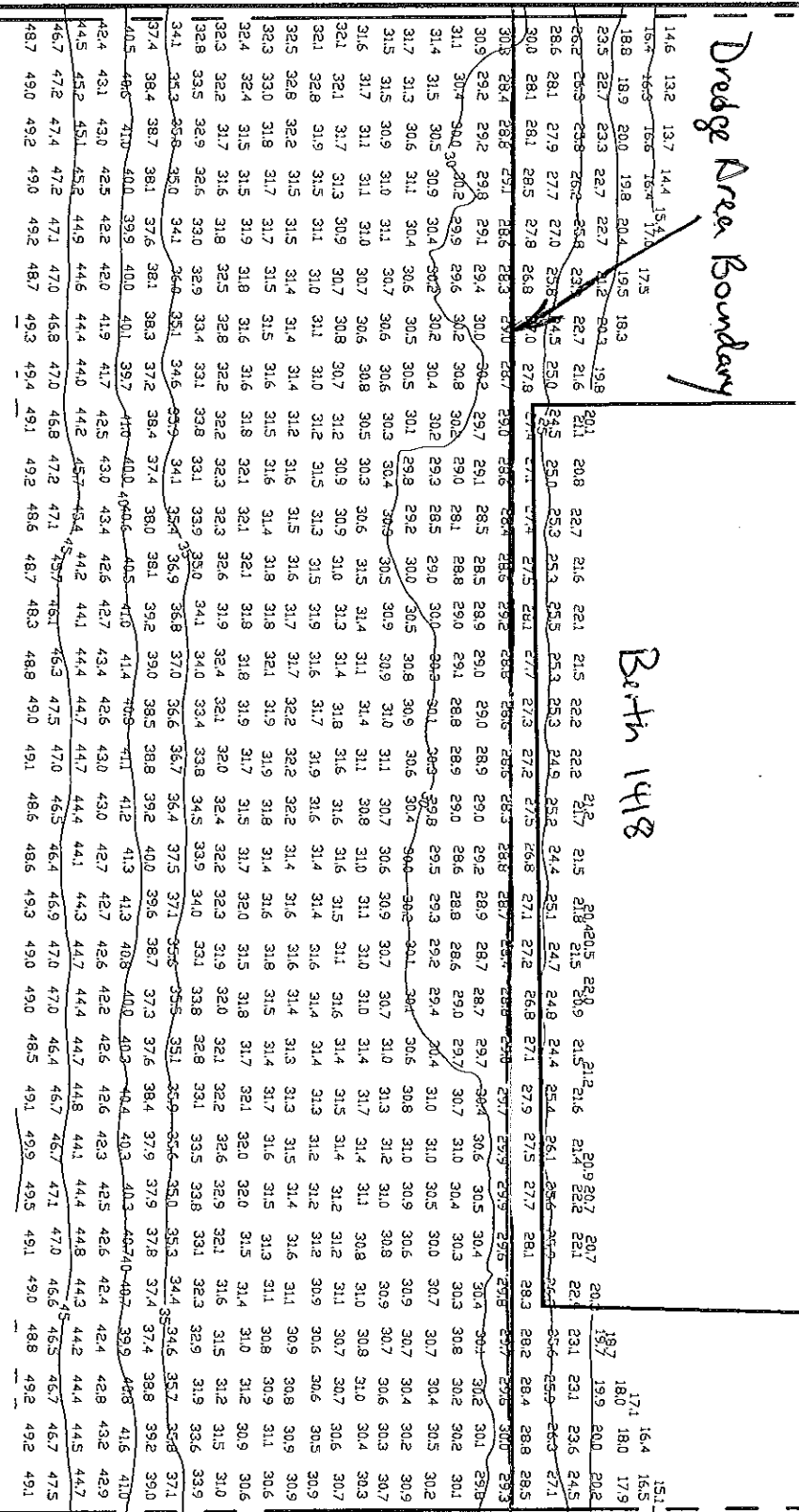


Dredge Area Boundary

Bath 1418



KEY PLAN



SCALE IN FEET

Figure 4 of 8

FEDERAL CHANNEL

THE PORT AUTHORITY OF NY & NJ

G. GEDEON H. KOGLMAN G. GEDEON
 Designed by Dean by Created by

DATUM:
 (BASED ON HYDROGRAPHIC SURVEYS
 PREPARED BY ROGERS SURVEYING,
 PLLC 2/17/2016)

NAVD88 3.42
 NGVD29 2.3
 MLW (N.O.A.A.) 0.87
 MLW (COE) 0.0 (SURVEY)

Discipline
 ENVIRONMENTAL

SOUNDING PLAN
 FIGURE 2

PROJECT NAME:
 MAINTENANCE DREDGING
 OF PORT JERSEY
 BERTHS 1418 AND 1419

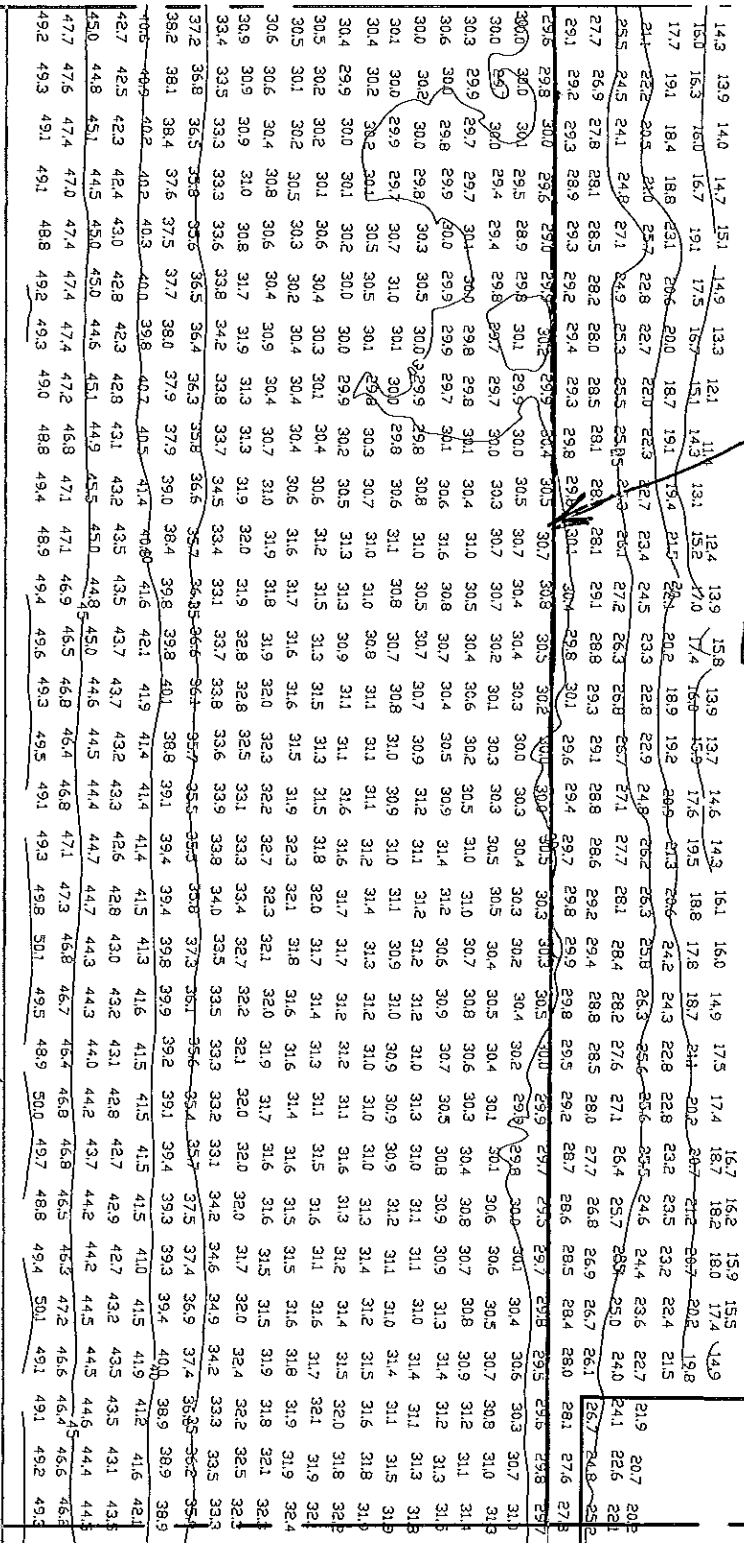
CITY: JERSEY
 COUNTY: HUDSON
 APPLICANT: PANYNJ
 PROPERTY: PANYNJ

4 of 8

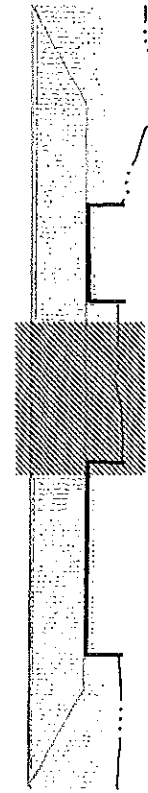
Date
 09-09-2016
 Drawing Number
 DWG - 4



Dredge Area Boundary



FEDERAL CHANNEL



KEY PLAN

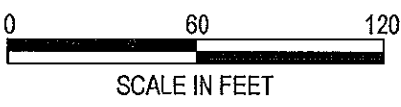


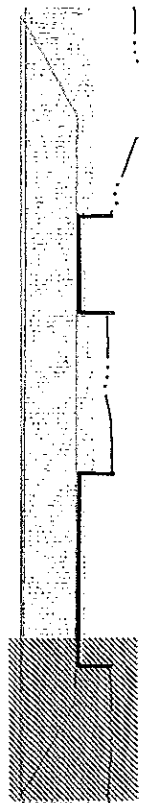
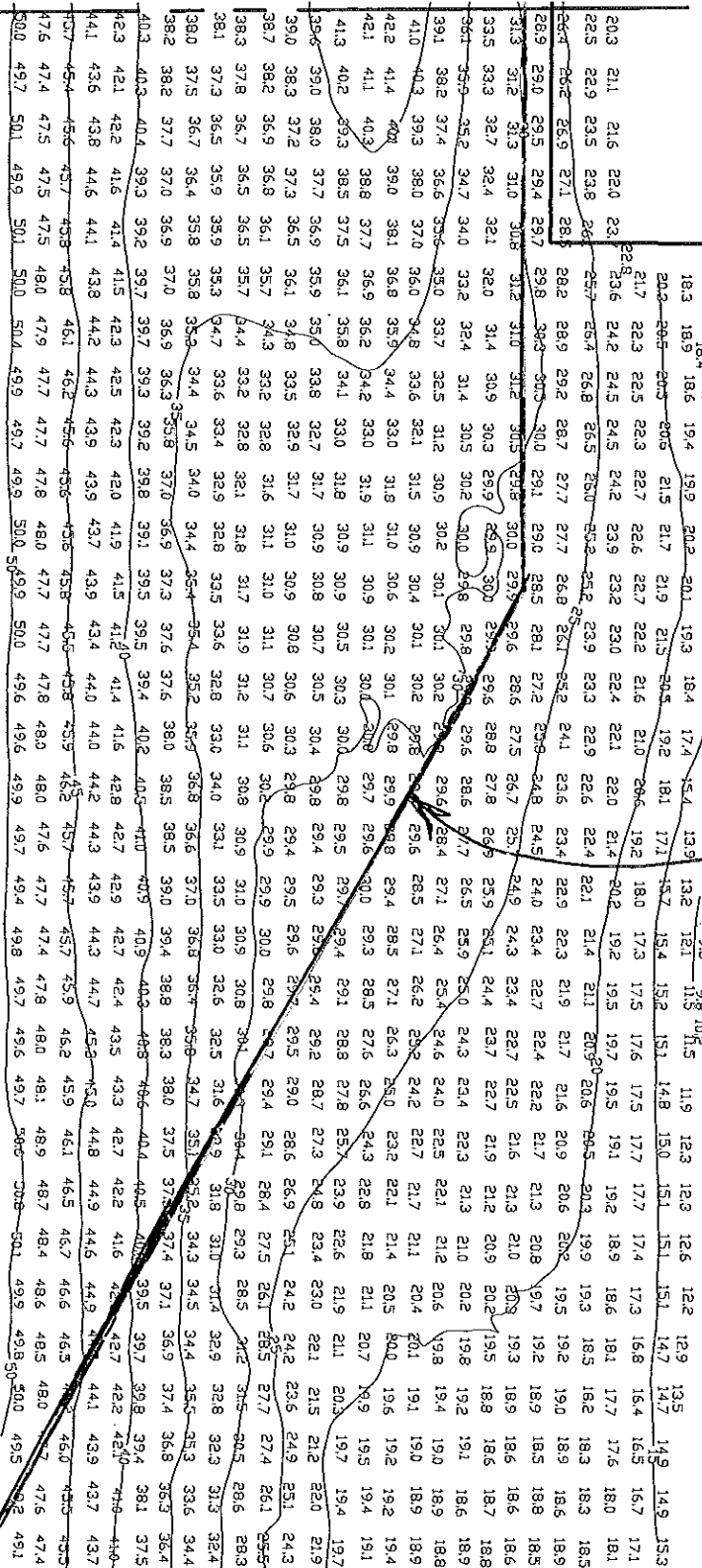
Figure 5 of 8

THE PORT AUTHORITY OF NY & NJ G.GEDEON N.KOGELMAN G.GEDEON <small>Designed by Drafted by Checked by</small>			DATUM: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 2/17/2016)		Discipline ENVIRONMENTAL SOUNDING PLAN FIGURE 3	PROJECT NAME: MAINTENANCE DREDGING OF PORT JERSEY BERTHS 1418 AND 1419 CITY: JERSEY COUNTY: HUDSON APPLICANT: PANYNJ PROPERTY: PANYNJ	5 of 8 Date 09-09-2016 Drawing Number DWG - 5
			NAVD88 . 3.42 NGVD29 . 2.3 MLW (N.O.A.A.) . 0.87 MLW (COE) . 0.0 (SURVEY)				



Berth 1419

Dredge Area Boundary



KEY PLAN

0 60 120
SCALE IN FEET

Figure 7 of 8

THE PORT AUTHORITY OF NY & NJ

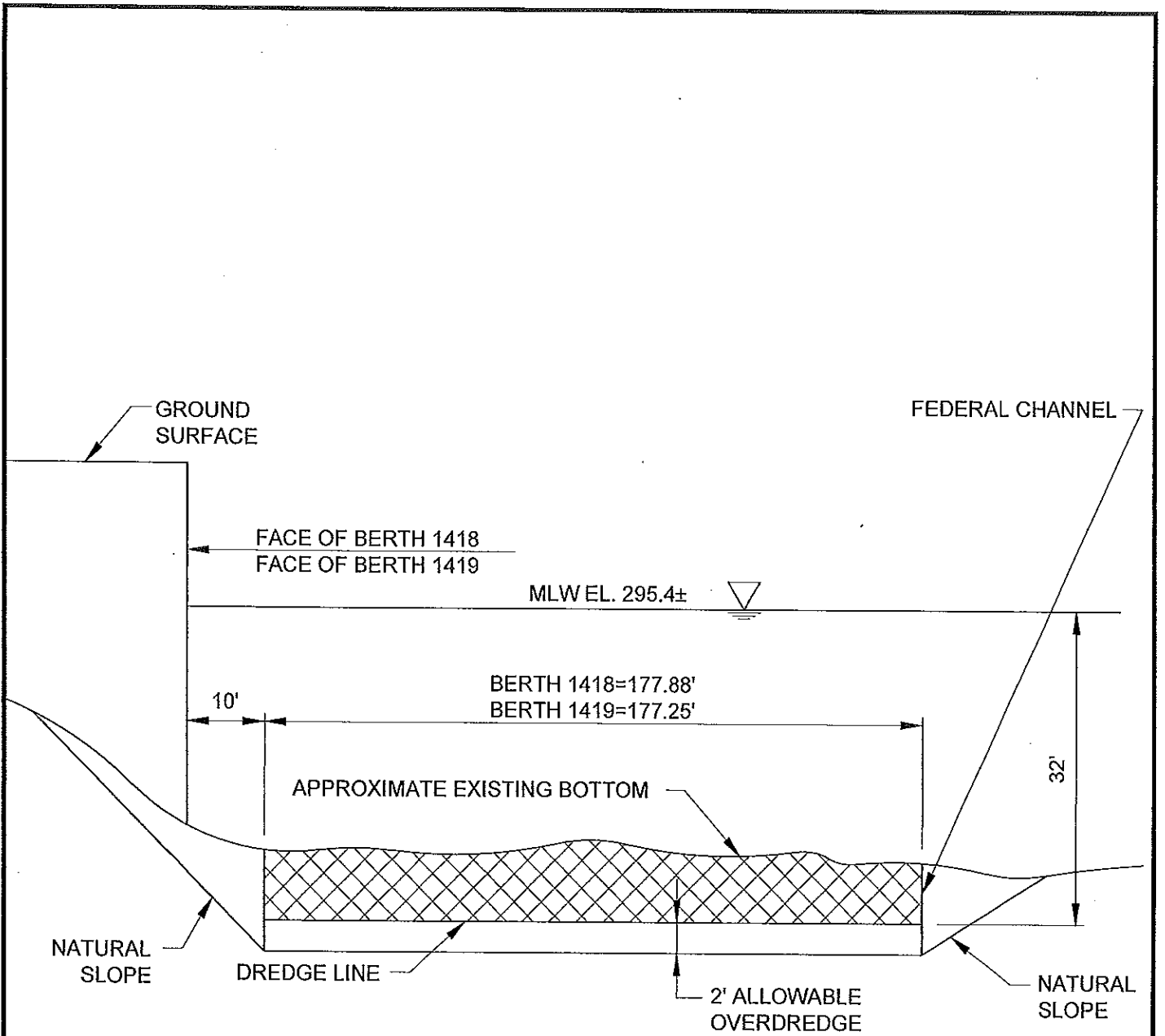
G.GEDEON N.KOGELMAN G.GEDEON
Designed by Drawn by Created by

DATUM:
(BASED ON HYDROGRAPHIC SURVEYS
PREPARED BY ROGERS SURVEYING,
PLLC 2/17/2016)
NAVD88 3.42
NGVD29 2.3
MLW (N.O.A.A.) 0.87
MLW (COE) 0.0 (SURVEY)

Discipline
ENVIRONMENTAL
SOUNDING PLAN
FIGURE 5

PROJECT NAME:
MAINTENANCE DREDGING
OF PORT JERSEY
BERTHS 1418 AND 1419
CITY: JERSEY
COUNTY: HUDSON
APPLICANT: PANYNJ
PROPERTY: PANYNJ

7 of 8
Date
09-09-2016
Drawing Number
DWG - 7



SECTION @ BERTH 1418 & 1419
NOT IN SCALE

Figure 8 of 8

THE PORT AUTHORITY OF NY & NJ			DATUM: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 2/17/2016)	Discipline GEOTECHNICAL	PROJECT NAME: MAINTENANCE DREDGING OF PORT JERSEY BERTHS 1418 AND 1419	8 of 8
				SOUNDING PLAN CROSS SECTION		CITY: JERSEY COUNTY: HUDSON APPLICANT: PANYNJ PROPERTY: PANYNJ
F. BERMUDEZ JR. Designed by	Y. GUAN Drawn by	S. SHETH Checked by	NAVD88 - 3.42 NGVD29 - 2.3 MLW (N.O.A.A.) - 0.87 MLW (COE) - 0.0 (SURVEY)			