



# 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-2016-01278-EYR**  
Issue Date: **April 13, 2017**  
Expiration Date: **May 13, 2017**

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, 20<sup>th</sup> Floor  
New York, New York 10007

**ACTIVITY:** Dredge deepening of Port Newark Marine Terminal Berths 26, 28, 32S, and 34, with subsequent disposal of all resultant dredged material at a State-approved upland disposal facility. Return flow to the waterway at the dredging site is proposed.

**WATERWAY:** Newark Bay

**LOCATION:** Port Newark Marine Terminal, 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

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interest of the proposed activity.

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. All written comments, including names and addresses, 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.

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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 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) 790-8715 and ask for Mr. Robert Youhas.

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

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### **WORK DESCRIPTION**

The applicant, the Port Authority of New York & New Jersey, has requested Department of the Army authorization for dredge deepening of Port Newark Marine Terminal Berths 26, 28, 32S, and 34. The location of the work is at the Port Newark Marine Terminal at Newark Bay, in the City of Newark, Essex County, New Jersey. The dredged material at Berths 26, 28, 32S, and 34 is comprised of surficial Holocene sediments which overlies Pleistocene-age red-brown clay.

The proposed work consists of the following:

#### **Dredging:**

##### **Berth 26:**

The project would involve dredging of approximately 1,477-cubic yards of Holocene sediments and approximately 141-cubic yards of Pleistocene-age red-brown clay from a 6,000-square foot area at Berth 26 to a depth of approximately 40-feet below the Plane of Mean Low Water plus a 2-foot overdepth.

##### **Berth 28:**

The project would involve dredging of approximately 1,174-cubic yards of Holocene sediments and approximately 100-cubic yards of Pleistocene-age red-brown clay from a 6,000-square foot area at Berth 28 to a depth of approximately 40-feet below the Plane of Mean Low Water plus a 2-foot overdepth.

##### **Berth 32S:**

The project would involve dredging of approximately 4,206-cubic yards of Holocene sediments and approximately 329-cubic yards of Pleistocene-age red-brown clay from a 24,850-square foot area at Berth 32S to a depth of approximately 40-feet below the Plane of Mean Low Water plus a 2-foot overdepth.

##### **Berth 34:**

The project would involve dredging of approximately 4,186-cubic yards of Holocene sediments and approximately 319-cubic yards of Pleistocene-age red-brown clay from a 25,200-square foot area at Berth 34 to a depth of approximately 40-feet below the Plane of Mean Low Water plus a 2-foot overdepth.

#### **Dredging Equipment:**

A closed-bucket environmental clamshell dredge would be used for dredge removal of the surficial Holocene sediments. A hard digging bucket dredge would be used for dredge removal of the Pleistocene-age red-brown clay.

**Return Flow to the Waterway:**

Return flow to the waterway of excess barge-decanted water after a twenty-four (24)-hour settling time period is proposed to occur at the dredging site in accordance with all New Jersey Department of Environmental Protection requirements.

**Dredged Material Disposal:**

The total dredge volume of approximately 11,932-cubic yards is comprised of approximately 11,043-cubic yards of Holocene sediments and approximately 889-cubic yards of Pleistocene-age red-brown clay. All resultant dredged material is proposed to be transported via barge to a State-approved upland disposal facility.

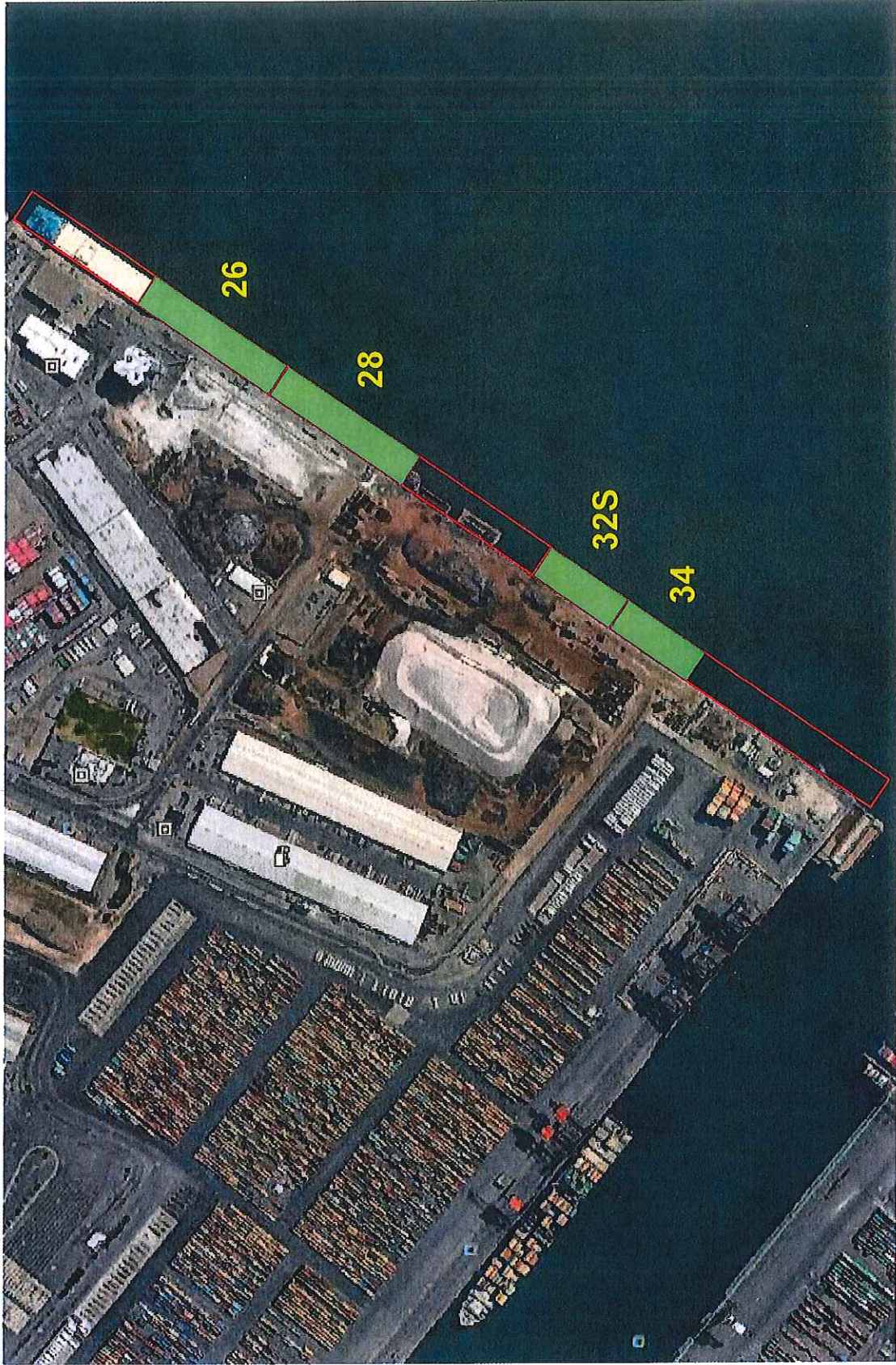
**Schedule:**

The permit applicant estimates that two (2) berth deepening events will be required, with each dredge and disposal event being six (6) weeks in duration.

**Purpose:**

The stated purpose of the berth deepening project is to ensure safe and efficient mooring and transfer of cargo from deep-draft vessels at the Port Newark Marine Terminal.



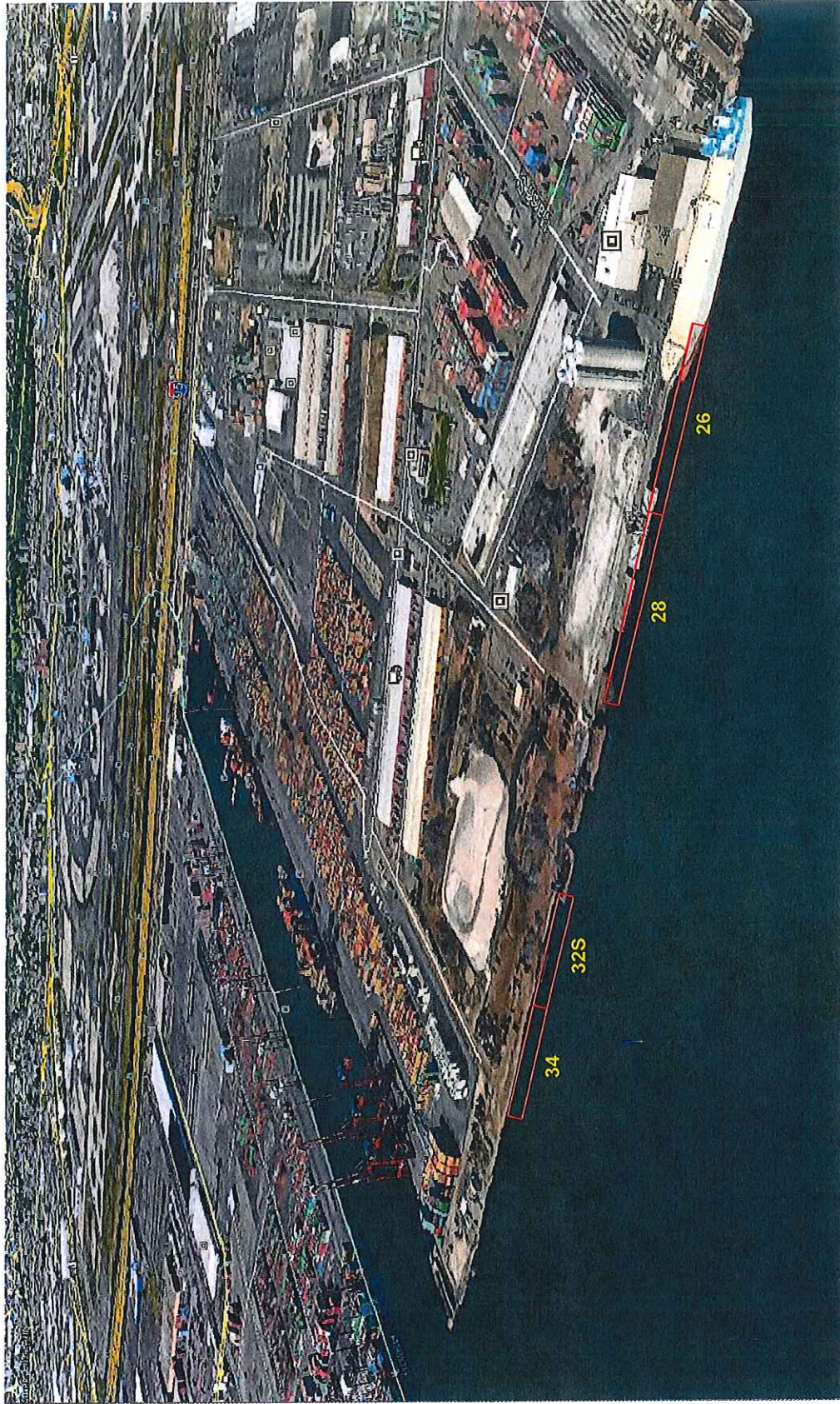


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THE PORT AUTHORITY OF NY & NJ		PORT NEWARK - BERTHS 26, 28, 32S, 34 NEWARK, NJ	Figure Number
		SITE LOCATIONS	FIGURE 1



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THE PORT AUTHORITY OF NY & NJ		PORT NEWARK - BERTHS 26, 28, 32S & 34 NEWARK, NJ	Figure Number
	PHOTO 1		FIGURE 2

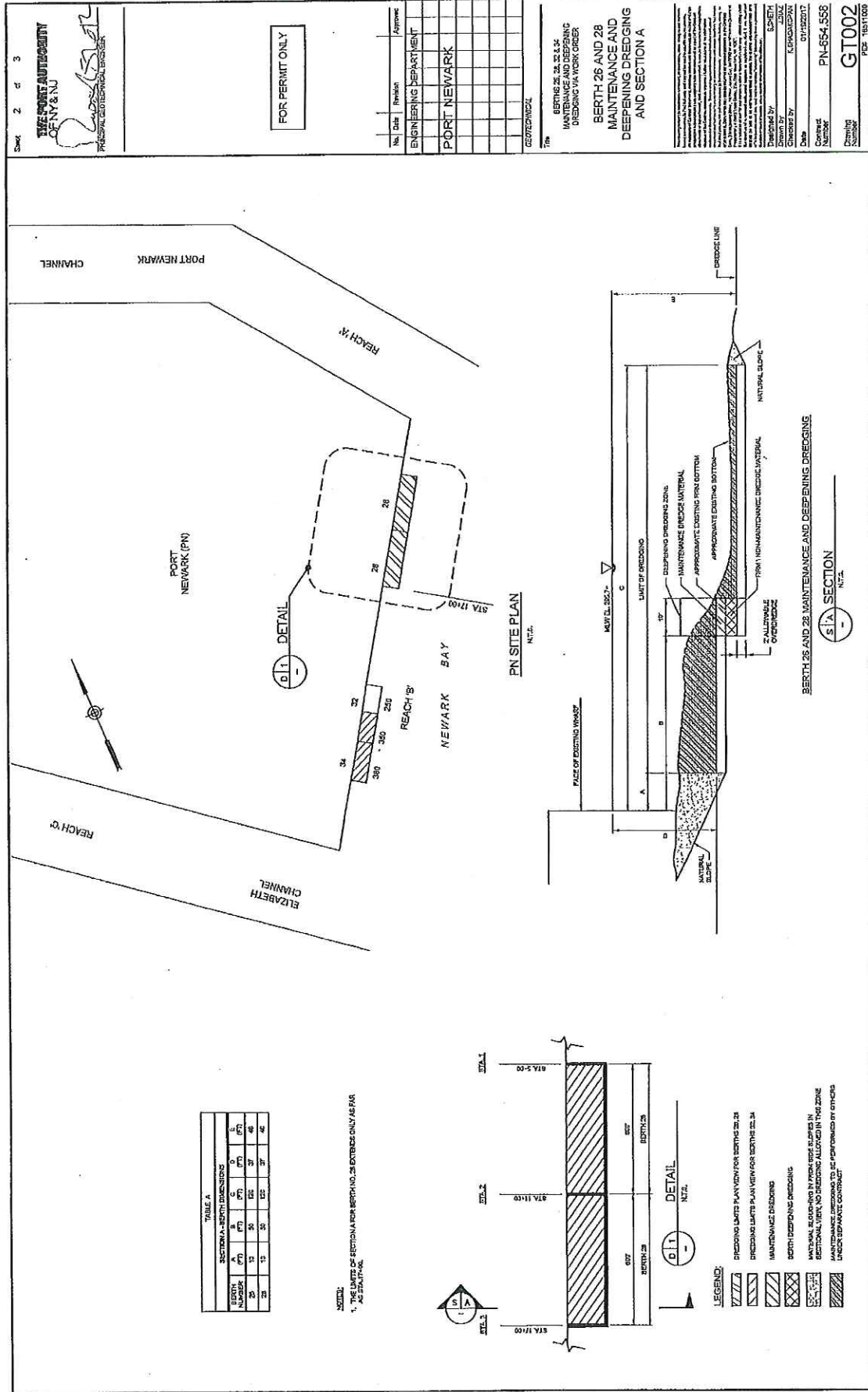
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