



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-2017-01070-EKN**
Issue Date: **November 29, 2017**
Expiration Date: **December 29, 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, 20th Floor
New York, New York 10007

ACTIVITY: Deepening of berths 94 & 96 at Elizabeth Port Authority Marine Terminal 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: South Elizabeth Channel

LOCATION: Elizabeth Port Authority Marine Terminal, Newark Bay, City of Elizabeth, Union 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 in the proposed activity.

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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. 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 Dr. Stephen Knowles.

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
For and In behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, the Port Authority of New York and New Jersey (Port Authority), proposes to deepen Berth 94 and a portion of Berth 96 located at the Elizabeth Port Authority Marine Terminal (EPAMT) from their currently authorized depth of 40 feet below the plane of mean low water (MLW) with a two foot allowable overdepth, to 50 feet below the plane of MLW with a two foot allowable overdepth. The proposed dredging area is approximately 110 feet wide by approximately 1,380 feet long. The proposed project is located in the South Elizabeth Channel, Newark Bay, City of Elizabeth, Union County, New Jersey.

The proposed deepening would involve dredging of maintenance material (Holocene silt and clay) that has accumulated since the last maintenance dredging episode and subsequent dredging of red-brown Pleistocene clay. Sampling and testing to characterize the maintenance material to be dredged has been completed in accordance with a plan jointly provided and approved by the New Jersey Department of Environmental Protection (NJDEP) and New York State Department of Environmental Conservation (NYSDEC). Prior sampling and testing of the red-brown clay led to a determination by the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (USEPA) that the material was suitable for use as remediation material at the Historic Area Remediation Site (HARS). No additional testing of the red-brown clay was undertaken for this project.

Approximately 18,000 cubic yards (CY) of maintenance material would be dredged using a closed (environmental) bucket with a hoist speed of less than two feet per second and placement in sealed bottom scows. Release of dredged material into the scow would be below the gunwales without barge overflow. This material would be allowed to settle in scows for a minimum of 24 hours prior to pumping off of decant water, which would be discharged back to the bay at the dredging site. The material would then be amended with a minimum of 8% Portland cement before being transported to the UTEX site located in the Borough of Staten Island, Richmond County, New York, or to another state-approved site, for use as structural fill, landfill cover, or other state-approved beneficial/acceptable use.

Approximately 27,000 CY of red-brown clay would be removed after dredging of maintenance material is complete to achieve the proposed depth including overdepth dredging. This material would be dredged using a "hard digging bucket" and barge overflow would be authorized. The red-brown clay would then be transported, without being amended, to the UTEX site or to another state-approved site to be placed as structural fill, landfill cover, or other beneficial/acceptable use.

The purpose of the proposed work is to provide adequate water depths for mooring of larger, deeper draft vessels that are able to access Port Elizabeth because of the increased navigational clearance of the Bayonne Bridge. The proposed work supports the work of the Harbor Deepening Program.

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CORRESPONDENCE WITH THIS OFFICE*****

**FOR REGULATORY
REVIEW**

No.	Date	Revision	Approved

ENGINEERING DEPARTMENT

NEW JERSEY
MARINE
TERMINALS

GEOTECHNICAL

Title
BERTH 94 & 96
MAINTENANCE AND DEEPENING
DREDGING

LOCATION AND SITE
PLANS,
LEGEND AND
ABBREVIATIONS

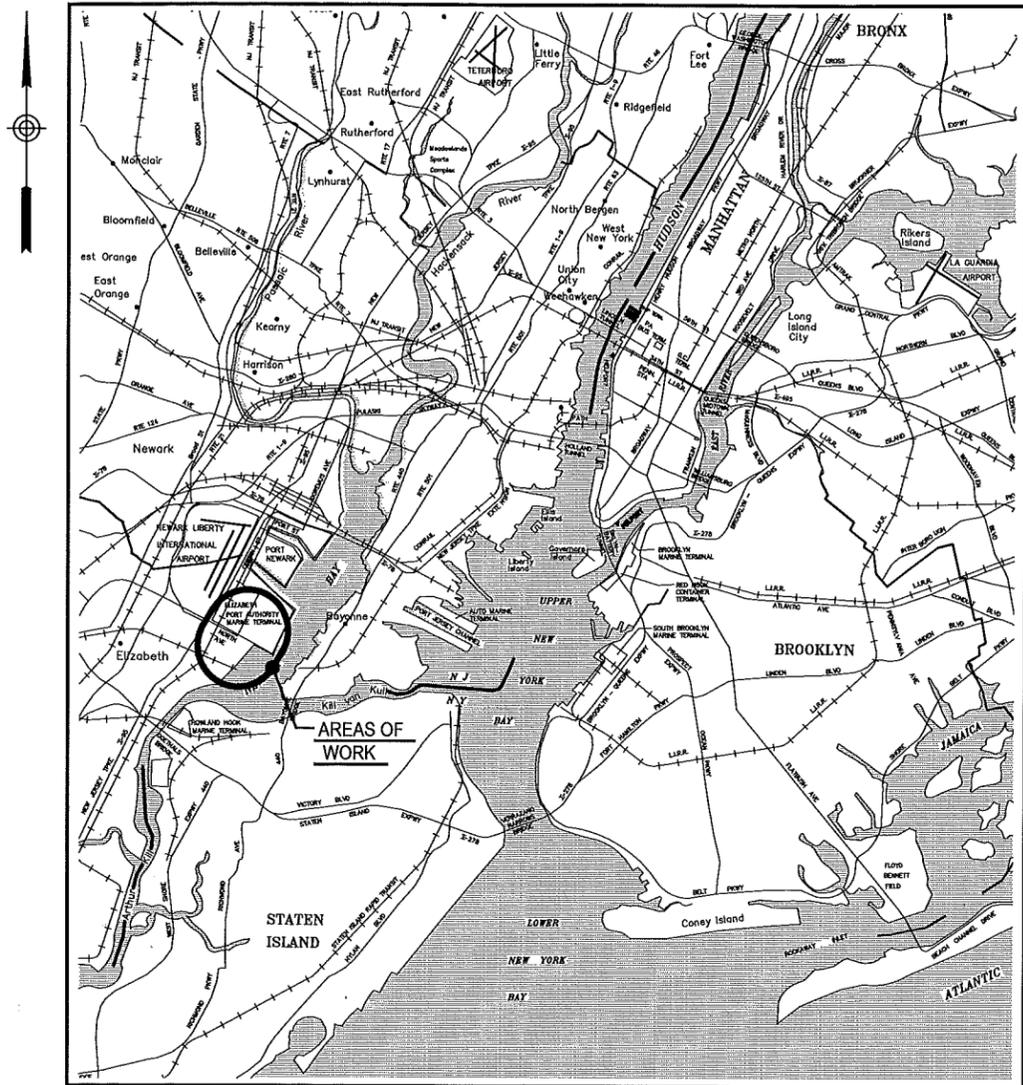
This drawing subject to conditions in contract. All inventories, files, designs and methods herein are retained by Port Authority and may not be used without its written consent. All aspects of Contract documents, including bid and those who do not bid and their prospective subcontractors and suppliers who may receive all or a part of the Contract documents or copies thereof, shall make every effort to ensure the secure and appropriate disposal of the Contract documents to prevent further disclosure of the information contained in the documents. Secure and appropriate disposal includes methods of document destruction such as shredding or arrangements with release handlers that ensure that third parties will not have access to the documents' contents either before, during or after disposal. Documents may also be returned for disposal purposes to the Contract Desk, 2 Montgomery Street, 10th Floor, Jersey City, NJ 07302 or the office of the Director of Procurement, 4 World Trade Center, 21st Floor, New York, NY 10007. It is a violation of law for any person to alter a document in any way, unless acting under the direction of a licensed professional engineer or registered architect. If this document bearing the seal of an engineer/architect is altered, the altering engineer/architect shall affix to the document their seal and the notation "altered by" followed by their signature and the date of such alteration, and a specific description of the alteration.

Designed by M. EYOB
Drawn by M. EYOB
Checked by S. SHETH

Date 07/31/17

Contract Number

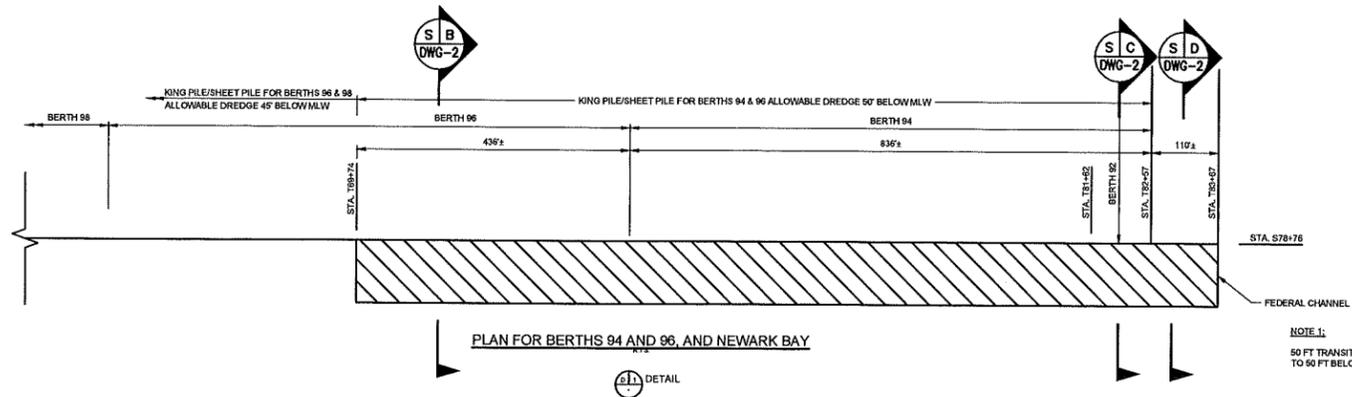
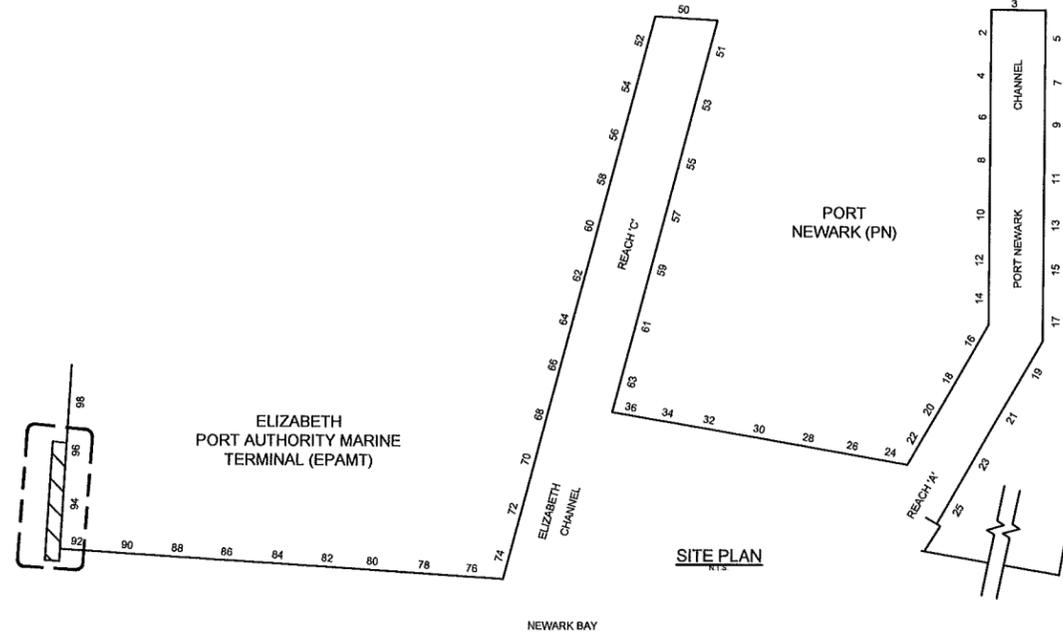
Drawing Number **DWG-1**
PID# 17509000



LOCATION PLAN
N.T.S.

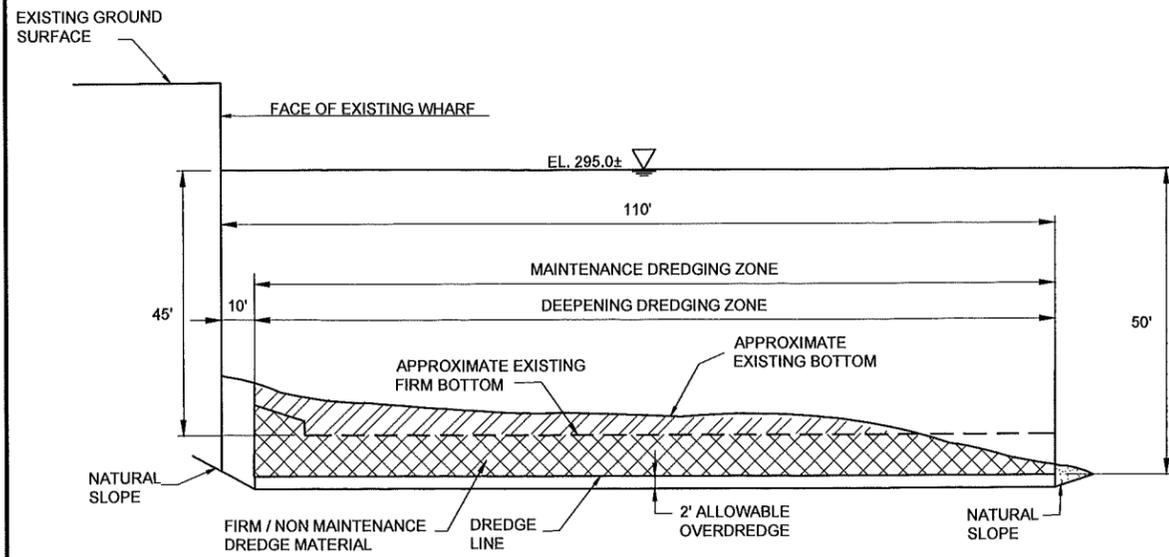
ABBREVIATIONS:

M.L.W.	MEAN LOW WATER
ELEV.	ELEVATION
N.T.S.	NOT TO SCALE
PN	PORT NEWARK
EPAMT	ELIZABETH-PORT AUTHORITY MARINE TERMINAL
A380	STATEN ISLAND MARINE DEVELOPMENT
NAVD88	NORTH AMERICAN VERTICAL DATUM OF 1988
NGVD29	NATIONAL GEODETIC VERTICAL DATUM OF 1929
S 3	SECTION DESIGNATION
GT001	SECTION NO.
	SECTION LOCATION (DRAWING NO.)



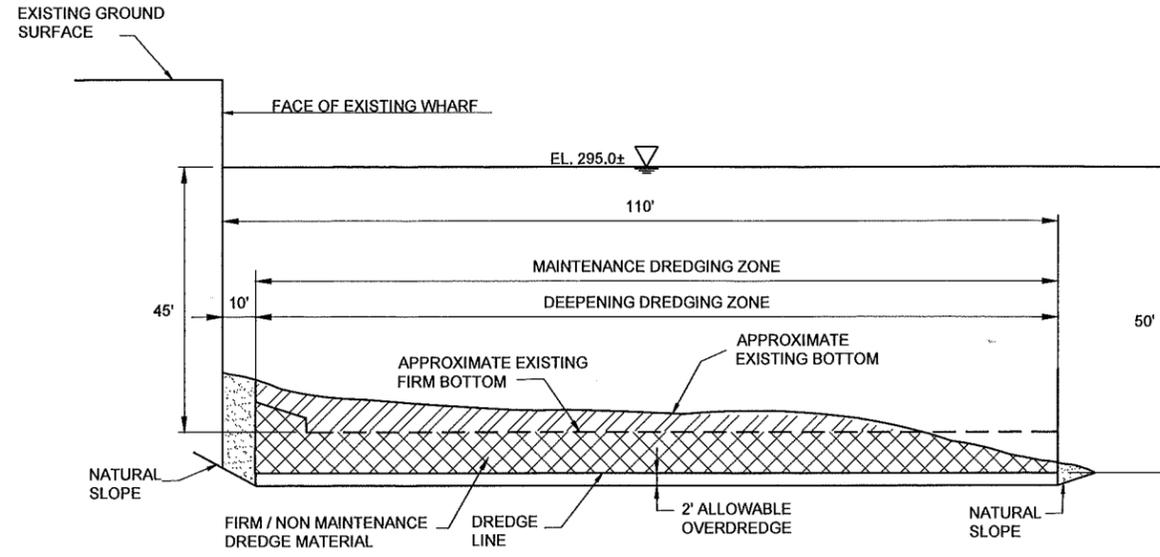
VERTICAL AND HORIZONTAL CONTROL:

- VERTICAL CONTROL: MEAN LOW WATER (MLW) DEFINED AS FACILITY ELEV. 295.72 IS 2.75 FT. BELOW THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). DREDGE DEPTHS ARE DEFINED AS DEPTHS BELOW EL. 295.00 WHICH IS 3.47 FT. BELOW NAVD 88 AND 2.3 FT. BELOW NGVD 29.
- HORIZONTAL CONTROL: HORIZONTAL COORDINATES FOR ELIZABETH PORT AUTHORITY MARINE TERMINAL (EPAMT) ARE BASED ON THE NEW JERSEY STATE PLANE NAD 83.



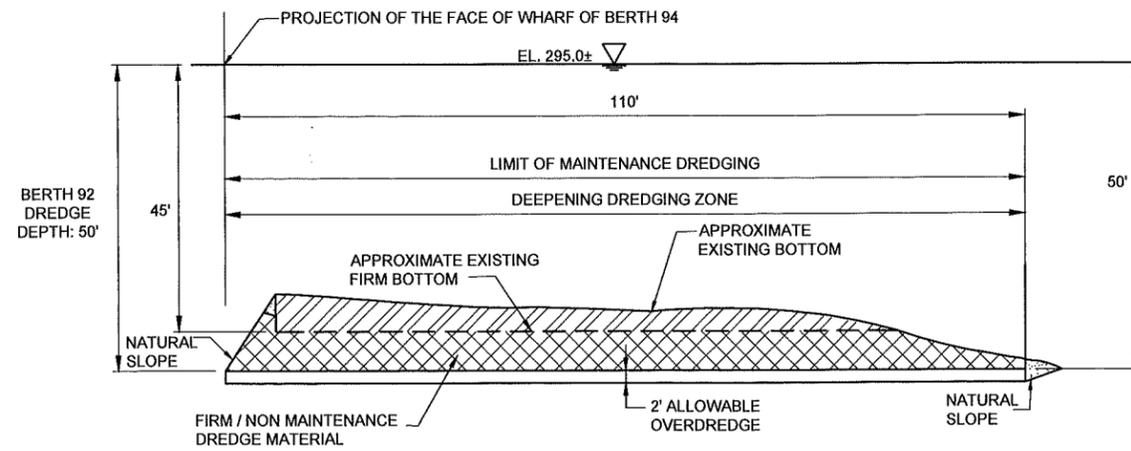
BERTH 94 MAINTENANCE AND DEEPENING DREDGE TEMPLATE
STA. T81+62 TO STA. T82+57

SECTION C
N.T.S.



BERTHS 94 & 96 MAINTENANCE AND DEEPENING DREDGE TEMPLATE
STA. T70+24 TO STA. T81+62

SECTION B
N.T.S.



NEWARK BAY MAINTENANCE AND DEEPENING DREDGE TEMPLATE
STA. T82+57 TO STA. T83+67 (FEDERAL CHANNEL)

SECTION D
N.T.S.

FOR REGULATORY
REVIEW

No.	Date	Revision	Approved

ENGINEERING DEPARTMENT			
NEW JERSEY			
MARINE			
TERMINALS			

GEOTECHNICAL	
Title	BERTH 94 & 96 MAINTENANCE AND DEEPENING DREDGING
	EPAMT BERTH 94 & NEWARK BAY SECTIONS C & D

This drawing is subject to conditions to contract. All inventions, ideas, designs and methods herein are reserved to Port Authority and may not be used without its written consent. All recipients of Contract documents, including bidders and those who do not bid and their prospective subcontractors and suppliers who may receive all or a part of the Contract documents or copies thereof, shall make every effort to secure the source and appropriate disposal of the Contract documents to prevent further disclosure of the information contained in the documents. Secure and appropriate disposal includes methods of document destruction such as shredding or arrangements with reliable vendors that ensure that their persons will not have access to the documents' contents either before, during or after disposal. Documents may also be returned for disposal purposes to the Contract Desk, 2 Montgomery Street, 11th Floor, Jersey City, NJ 07322 or to the office of the Director of Procurement, 4 World Trade Center, 21st Floor, New York, NY 10027.

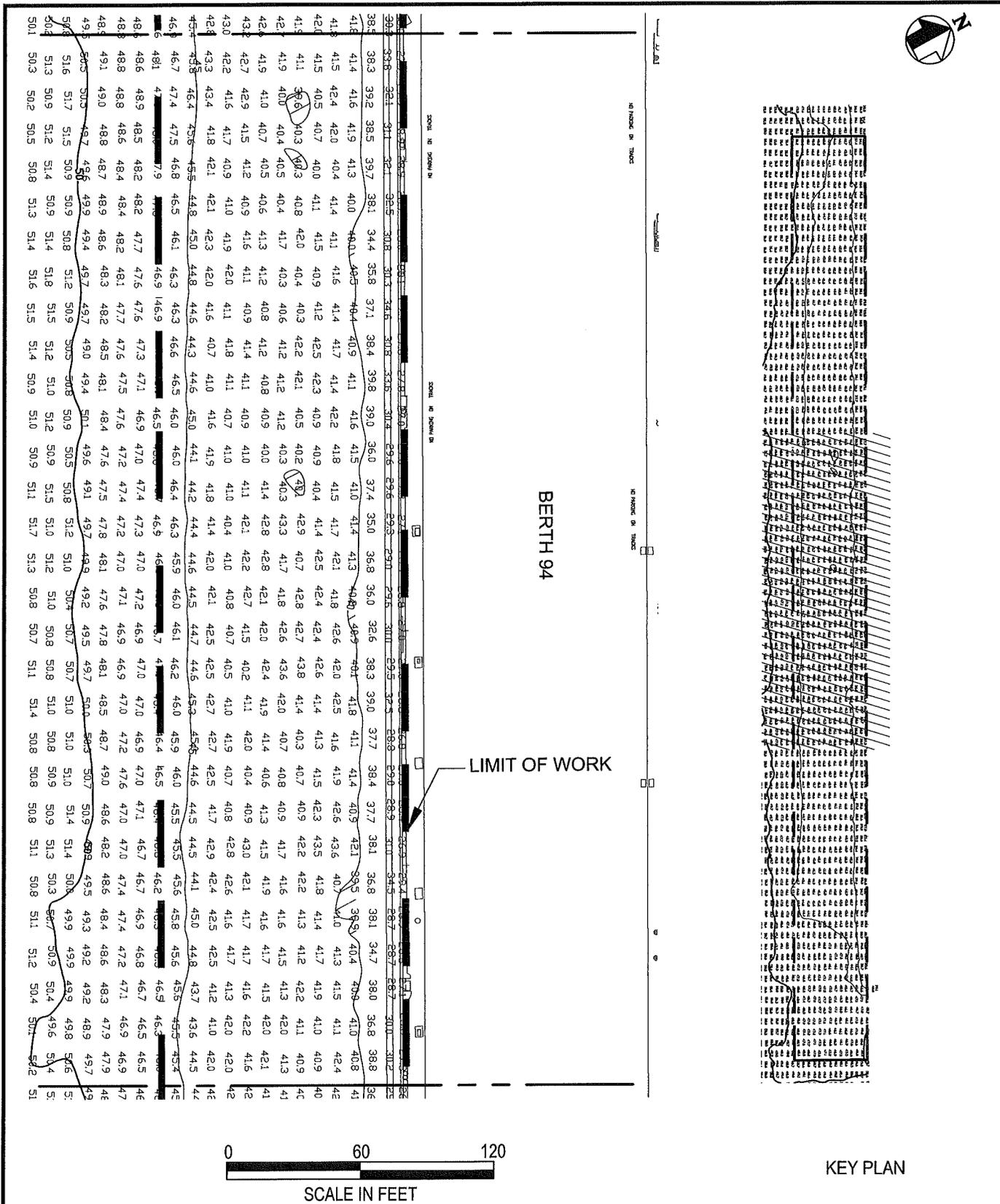
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Designed by M. EYOB
 Drawn by M. EYOB
 Checked by S. SHETH
 Date 07/31/17

Contract Number

Drawing Number **DWG-2**
 PID# 17509000

NAN-2017-01070-EKN



THE PORT AUTHORITY OF NY & NJ M.HELMAN N.KOGELMAN M.HELMAN Designed by Drawn by Checked by	Datum: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 3 / 27 / 2017)	Discipline ENVIRONMENTAL	Project Name: MAINTENANCE AND DEEPENING DREDGING BERTH 94 AND 96	4 of 5
	NAVD88 - 3.42 NGVD29 - 2.3 MLW (N.O.A.A.) - 0.87 MLW (COE) - 0.0 (SURVEY)	SOUNDING PLAN FIGURE 2	CITY: ELIZABETH COUNTY: UNION APPLICANT: PANYNJ PROPERTY: PANYNJ	Date 10/31/2017 Drawing Number DWG - 4

