

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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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

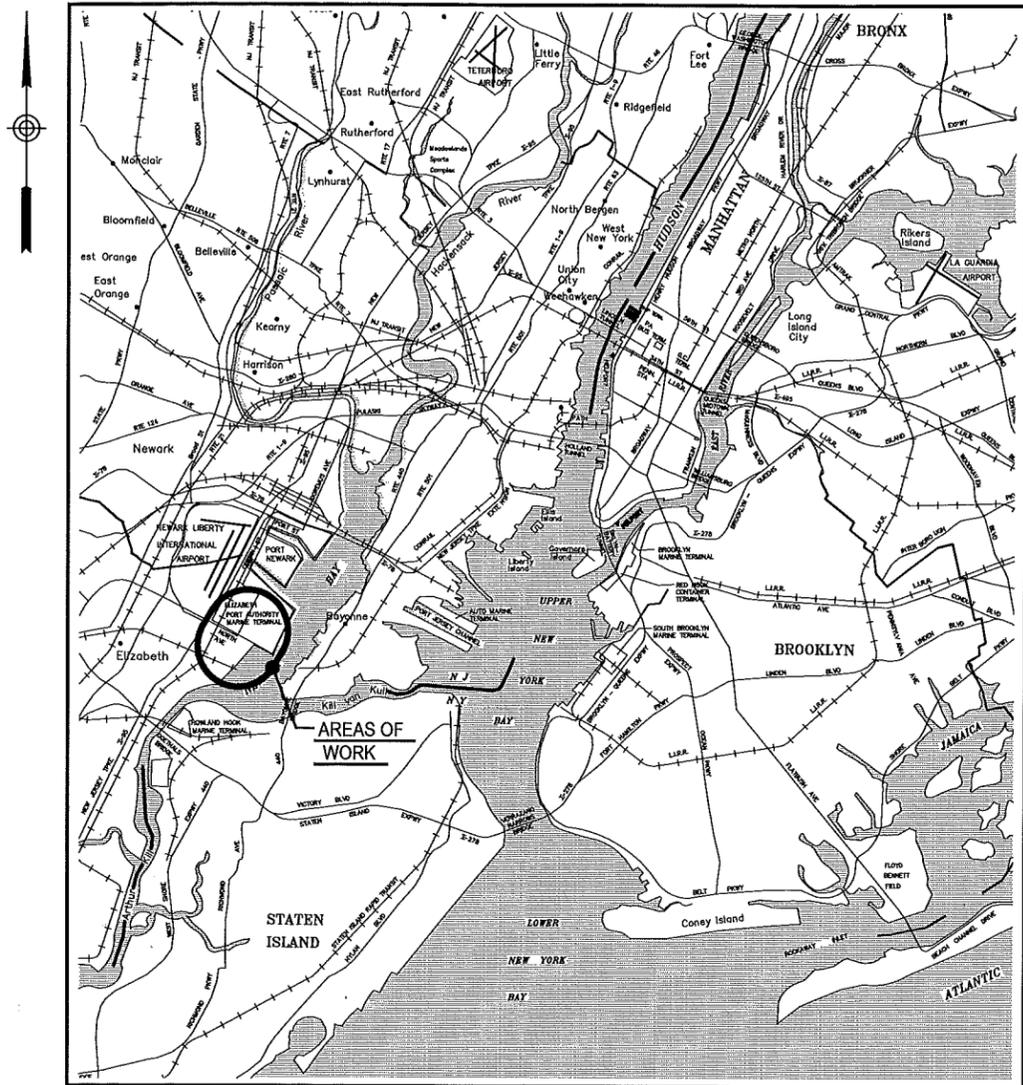
This drawing subject to conditions in contract. All inventories, files, designs and methods herein are retained to Port Authority and may not be used without its written consent. All aspects of Contract documents, including bid and those who do not bid and their prospective subcontractors and suppliers 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 07310 or the office of the Director of Procurement, 4 World Trade Center, 21st Floor, New York, NY 10037. 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



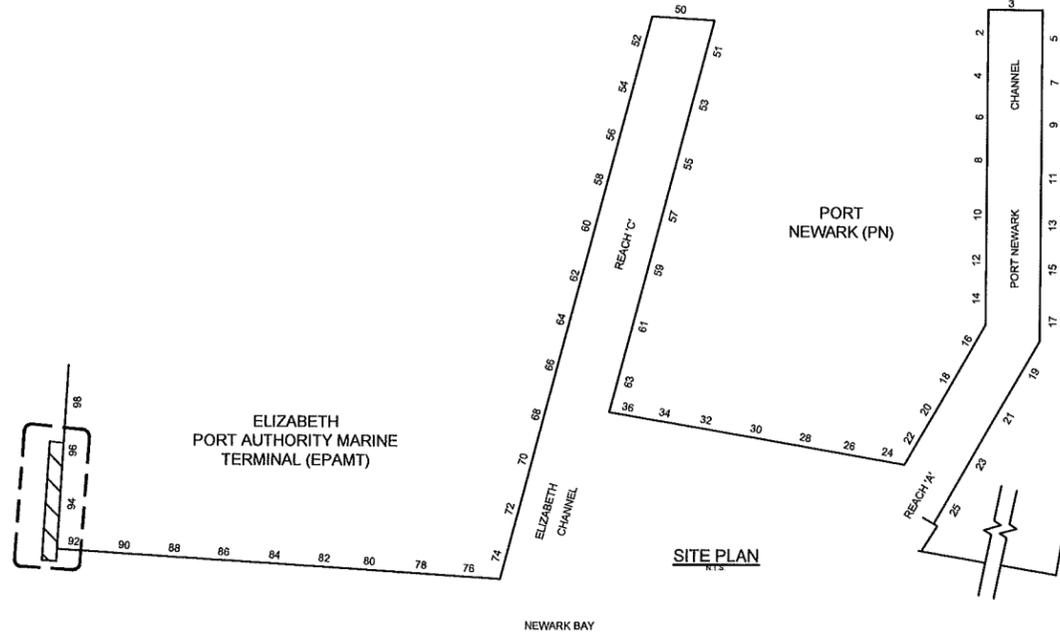
LOCATION PLAN
N.T.S.

LEGEND:

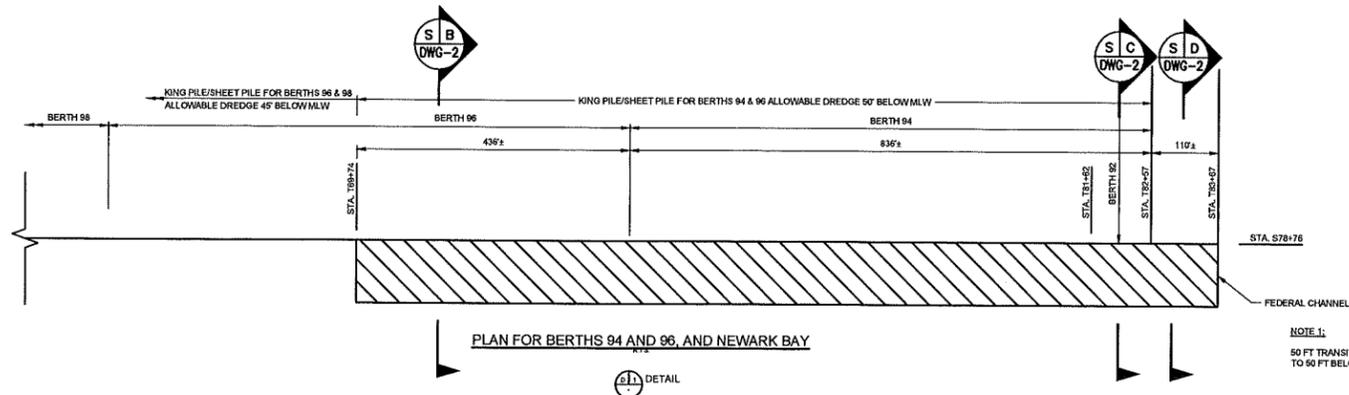
- LIMITS OF DREDGING IN PLAN VIEW
- DEEPENING DREDGING IN SECTIONAL VIEW
- MAINTENANCE DREDGING IN SECTIONAL VIEW
- MATERIAL SLOUGHING IN FROM SIDE SLOPES IN SECTIONAL VIEW, NO DREDGING ALLOWED IN THIS ZONE

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
- SECTION DESIGNATION
- SECTION NO.
- SECTION LOCATION (DRAWING NO.)



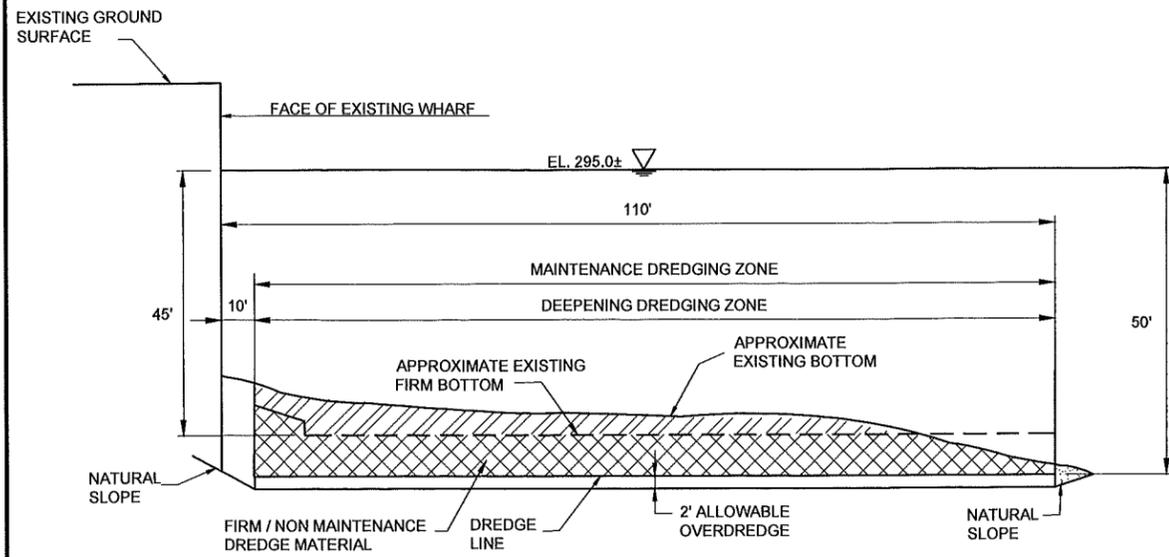
SITE PLAN



PLAN FOR BERTHS 94 AND 96, AND NEWARK BAY

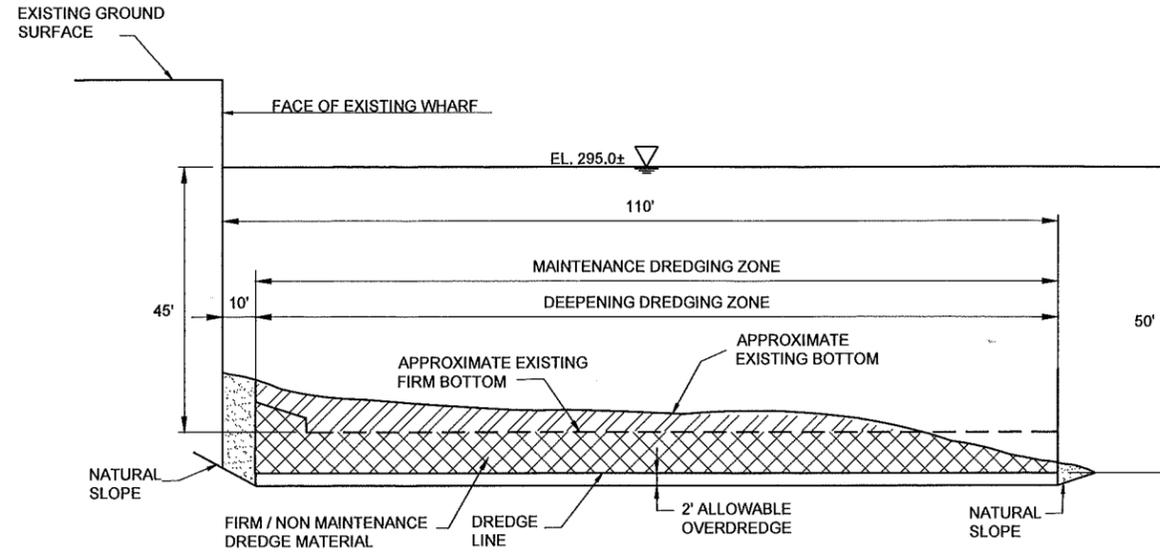
VERTICAL AND HORIZONTAL CONTROL:

- 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.



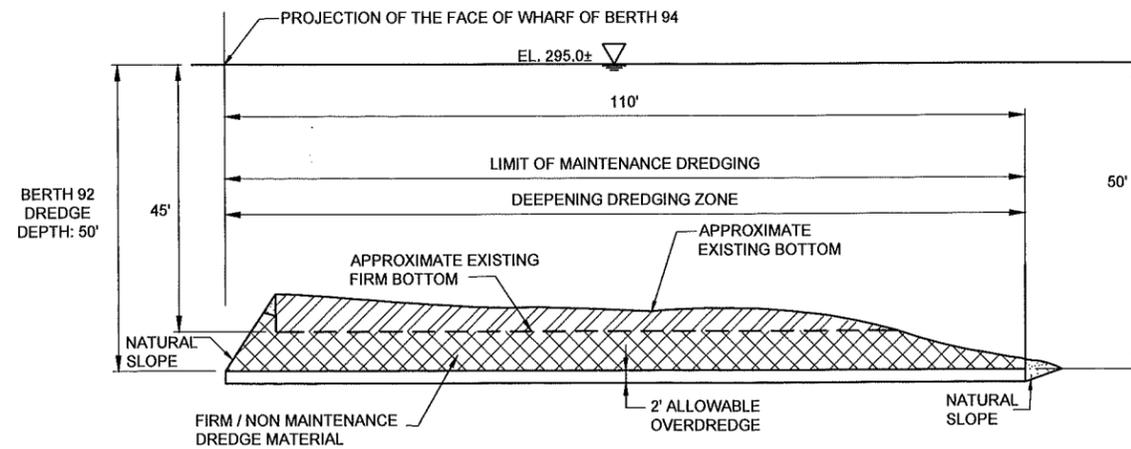
BERTH 94 MAINTENANCE AND DEEPENING DREDGE TEMPLATE
STA. T81+62 TO STA. T82+57

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 handlers 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.

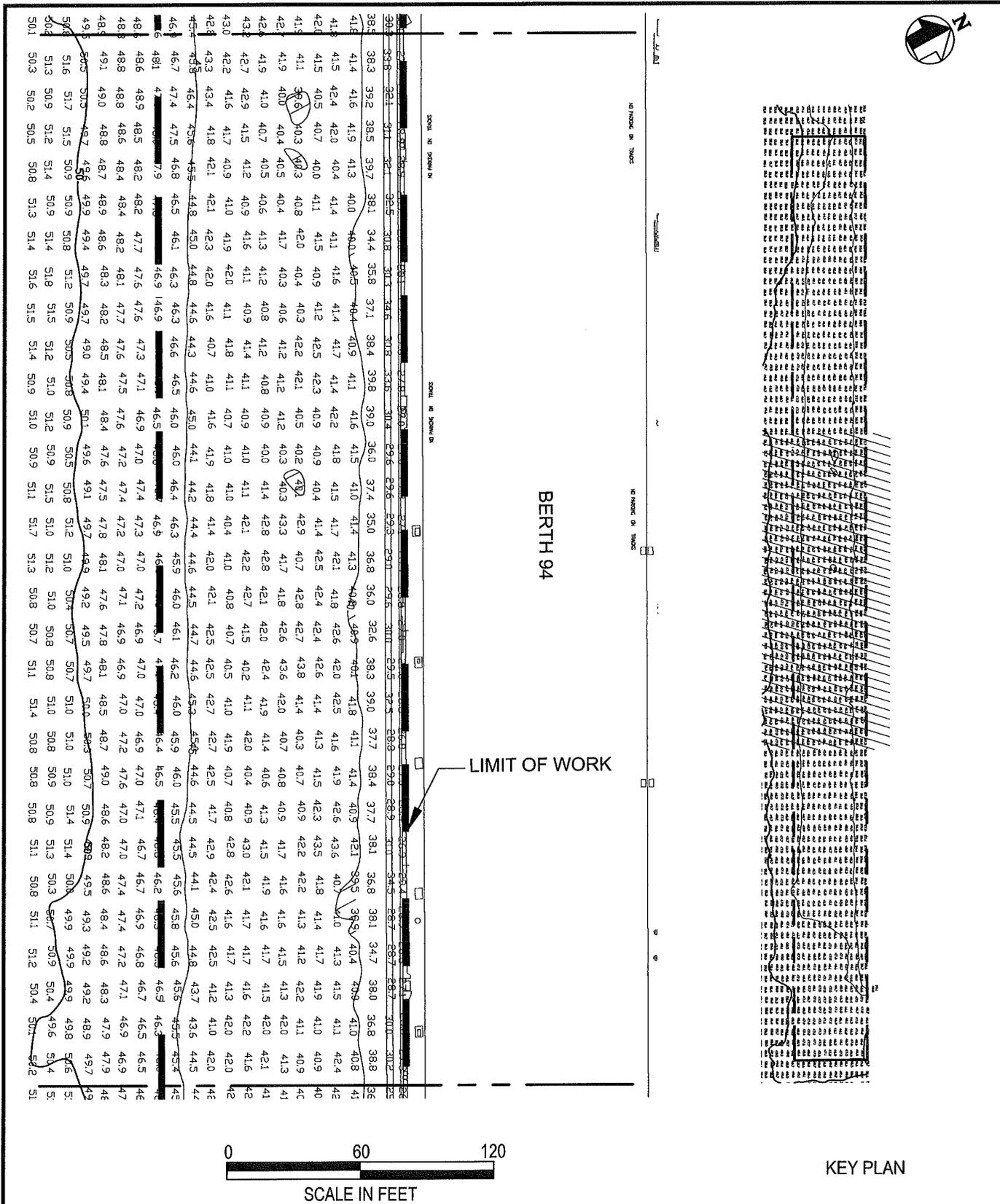
It is a violation of law for any person to alter a document in any way, unless acting under the direction of a licensed professional engineer or registered architect. If this document bearing the seal of an engineer/architect is altered, the altering engineer/architect shall affix to the document their 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
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Contract Number

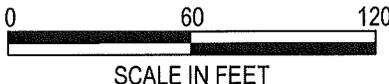
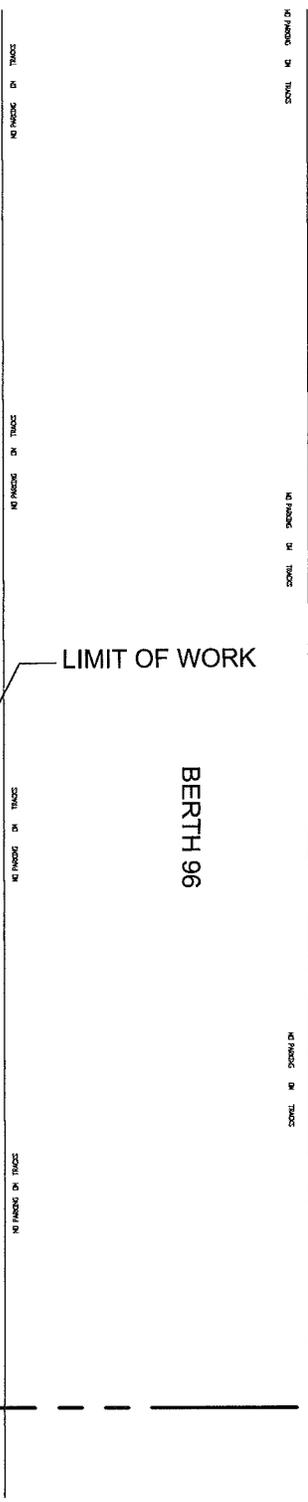
Drawing Number **DWG-2**
 PID# 17509000

NAN-2017-01070-EKN



THE PORT AUTHORITY OF NY & NJ M. HELMAN N. KOGLERMAN M. HELMAN Designed by Drawn by Checked by	Datum: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 3 / 27 / 2017) 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 AND DEEPENING DREDGING BERTH 94 AND 96 CITY: ELIZABETH COUNTY: UNION APPLICANT: PANYNJ PROPERTY: PANYNJ	4 of 5 Date 10/31/2017 Drawing Number DWG - 4
	NJMT 17509000			

NAN-2017-01070-EKN



KEY PLAN

3012	3011	3010	3009	3008	3007	3006	3005	3004	3003	3002	3001	3000	2999	2998	2997	2996	2995	2994	2993	2992	2991	2990	2989	2988	2987	2986	2985	2984	2983	2982	2981	2980	2979	2978	2977	2976	2975	2974	2973	2972	2971	2970	2969	2968	2967	2966	2965	2964	2963	2962	2961	2960	2959	2958	2957	2956	2955	2954	2953	2952	2951	2950	2949	2948	2947	2946	2945	2944	2943	2942	2941	2940	2939	2938	2937	2936	2935	2934	2933	2932	2931	2930	2929	2928	2927	2926	2925	2924	2923	2922	2921	2920	2919	2918	2917	2916	2915	2914	2913	2912	2911	2910	2909	2908	2907	2906	2905	2904	2903	2902	2901	2900	2899	2898	2897	2896	2895	2894	2893	2892	2891	2890	2889	2888	2887	2886	2885	2884	2883	2882	2881	2880	2879	2878	2877	2876	2875	2874	2873	2872	2871	2870	2869	2868	2867	2866	2865	2864	2863	2862	2861	2860	2859	2858	2857	2856	2855	2854	2853	2852	2851	2850	2849	2848	2847	2846	2845	2844	2843	2842	2841	2840	2839	2838	2837	2836	2835	2834	2833	2832	2831	2830	2829	2828	2827	2826	2825	2824	2823	2822	2821	2820	2819	2818	2817	2816	2815	2814	2813	2812	2811	2810	2809	2808	2807	2806	2805	2804	2803	2802	2801	2800	2799	2798	2797	2796	2795	2794	2793	2792	2791	2790	2789	2788	2787	2786	2785	2784	2783	2782	2781	2780	2779	2778	2777	2776	2775	2774	2773	2772	2771	2770	2769	2768	2767	2766	2765	2764	2763	2762	2761	2760	2759	2758	2757	2756	2755	2754	2753	2752	2751	2750	2749	2748	2747	2746	2745	2744	2743	2742	2741	2740	2739	2738	2737	2736	2735	2734	2733	2732	2731	2730	2729	2728	2727	2726	2725	2724	2723	2722	2721	2720	2719	2718	2717	2716	2715	2714	2713	2712	2711	2710	2709	2708	2707	2706	2705	2704	2703	2702	2701	2700	2699	2698	2697	2696	2695	2694	2693	2692	2691	2690	2689	2688	2687	2686	2685	2684	2683	2682	2681	2680	2679	2678	2677	2676	2675	2674	2673	2672	2671	2670	2669	2668	2667	2666	2665	2664	2663	2662	2661	2660	2659	2658	2657	2656	2655	2654	2653	2652	2651	2650	2649	2648	2647	2646	2645	2644	2643	2642	2641	2640	2639	2638	2637	2636	2635	2634	2633	2632	2631	2630	2629	2628	2627	2626	2625	2624	2623	2622	2621	2620	2619	2618	2617	2616	2615	2614	2613	2612	2611	2610	2609	2608	2607	2606	2605	2604	2603	2602	2601	2600	2599	2598	2597	2596	2595	2594	2593	2592	2591	2590	2589	2588	2587	2586	2585	2584	2583	2582	2581	2580	2579	2578	2577	2576	2575	2574	2573	2572	2571	2570	2569	2568	2567	2566	2565	2564	2563	2562	2561	2560	2559	2558	2557	2556	2555	2554	2553	2552	2551	2550	2549	2548	2547	2546	2545	2544	2543	2542	2541	2540	2539	2538	2537	2536	2535	2534	2533	2532	2531	2530	2529	2528	2527	2526	2525	2524	2523	2522	2521	2520	2519	2518	2517	2516	2515	2514	2513	2512	2511	2510	2509	2508	2507	2506	2505	2504	2503	2502	2501	2500	2499	2498	2497	2496	2495	2494	2493	2492	2491	2490	2489	2488	2487	2486	2485	2484	2483	2482	2481	2480	2479	2478	2477	2476	2475	2474	2473	2472	2471	2470	2469	2468	2467	2466	2465	2464	2463	2462	2461	2460	2459	2458	2457	2456	2455	2454	2453	2452	2451	2450	2449	2448	2447	2446	2445	2444	2443	2442	2441	2440	2439	2438	2437	2436	2435	2434	2433	2432	2431	2430	2429	2428	2427	2426	2425	2424	2423	2422	2421	2420	2419	2418	2417	2416	2415	2414	2413	2412	2411	2410	2409	2408	2407	2406	2405	2404	2403	2402	2401	2400	2399	2398	2397	2396	2395	2394	2393	2392	2391	2390	2389	2388	2387	2386	2385	2384	2383	2382	2381	2380	2379	2378	2377	2376	2375	2374	2373	2372	2371	2370	2369	2368	2367	2366	2365	2364	2363	2362	2361	2360	2359	2358	2357	2356	2355	2354	2353	2352	2351	2350	2349	2348	2347	2346	2345	2344	2343	2342	2341	2340	2339	2338	2337	2336	2335	2334	2333	2332	2331	2330	2329	2328	2327	2326	2325	2324	2323	2322	2321	2320	2319	2318	2317	2316	2315	2314	2313	2312	2311	2310	2309	2308	2307	2306	2305	2304	2303	2302	2301	2300	2299	2298	2297	2296	2295	2294	2293	2292	2291	2290	2289	2288	2287	2286	2285	2284	2283	2282	2281	2280	2279	2278	2277	2276	2275	2274	2273	2272	2271	2270	2269	2268	2267	2266	2265	2264	2263	2262	2261	2260	2259	2258	2257	2256	2255	2254	2253	2252	2251	2250	2249	2248	2247	2246	2245	2244	2243	2242	2241	2240	2239	2238	2237	2236	2235	2234	2233	2232	2231	2230	2229	2228	2227	2226	2225	2224	2223	2222	2221	2220	2219	2218	2217	2216	2215	2214	2213	2212	2211	2210	2209	2208	2207	2206	2205	2204	2203	2202	2201	2200	2199	2198	2197	2196	2195	2194	2193	2192	2191	2190	2189	2188	2187	2186	2185	2184	2183	2182	2181	2180	2179	2178	2177	2176	2175	2174	2173	2172	2171	2170	2169	2168	2167	2166	2165	2164	2163	2162	2161	2160	2159	2158	2157	2156	2155	2154	2153	2152	2151	2150	2149	2148	2147	2146	2145	2144	2143	2142	2141	2140	2139	2138	2137	2136	2135	2134	2133	2132	2131	2130	2129	2128	2127	2126	2125	2124	2123	2122	2121	2120	2119	2118	2117	2116	2115	2114	2113	2112	2111	2110	2109	2108	2107	2106	2105	2104	2103	2102	2101	2100	2099	2098	2097	2096	2095	2094	2093	2092	2091	2090	2089	2088	2087	2086	2085	2084	2083	2082	2081	2080	2079	2078	2077	2076	2075	2074	2073	2072	2071	2070	2069	2068	2067	2066	2065	2064	2063	2062	2061	2060	2059	2058	2057	2056	2055	2054	2053	2052	2051	2050	2049	2048	2047	2046	2045	2044	2043	2042	2041	2040	2039	2038	2037	2036	2035	2034	2033	2032	2031	2030	2029	2028	2027	2026	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	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