



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-2017-01106-WCA**

Issue Date: **September 22, 2017**

Expiration Date: **October 23, 2017**

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, of an estimated ten year total volume of approximately 120,000 cubic yards at existing berth areas 1 and 2.

WATERWAY: Upper New York Harbor

LOCATION: City of Jersey City, 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.

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.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2017-01106-WCA

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 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/FS regarding EFH impacts and conservation recommendations 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 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.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2017-01106-WCA

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>.


For: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, the Port Authority of New York and New Jersey (PANY/NJ), has requested Department of the Army authorization to perform dredging, with ten years maintenance, and upland disposal, at Berths 1 and 2 located within the Global Container Terminal, within the Upper New York Harbor, in the City of Jersey City, Hudson County, New Jersey.

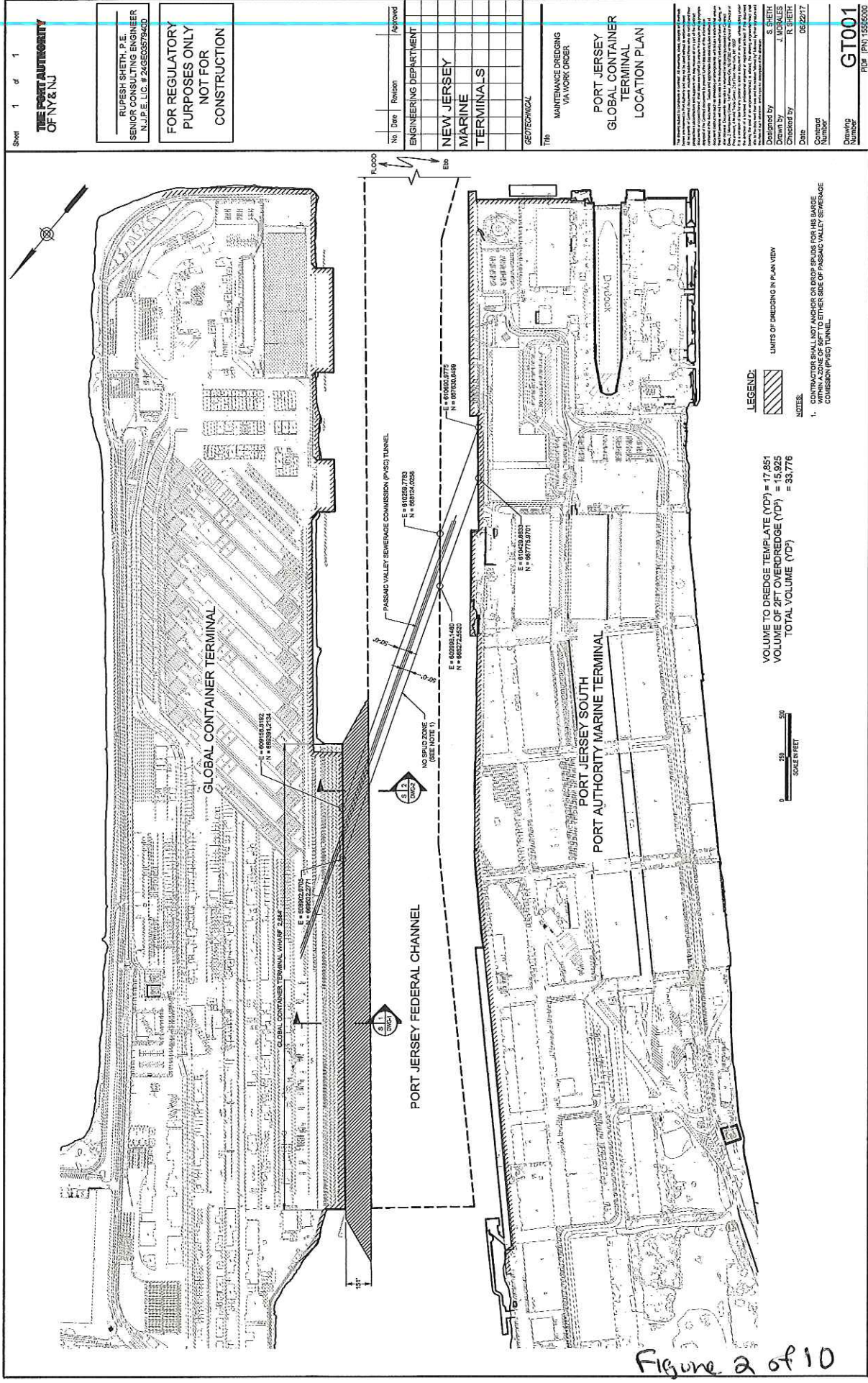
The proposed regulated work would include dredging, with ten years maintenance, and upland disposal, of approximately 120,000 cubic yards of material from a total of three (3) dredge events (approximately 40,000 cubic yards per dredging event), from a 2,370 foot long by 151 foot wide area which is occupied by existing berths 1 and 2. Both berths would be dredged to a previously authorized depth of -50 feet below the plane of Mean Low Water (MLW), plus an allowable overdepth dredging of 2 feet (-52 feet below the MLW, North American Vertical Datum, 1988 (NAVD, 88), except for a 410 foot long by 100 foot wide area over the existing Passaic Valley Sewerage Commission (PVSC) waste disposal tunnel. Overdepth dredging above and up to -50 feet on each side of the PVSC tunnel centerline would be restricted to one foot. In addition, the PVSC tunnel area would be designated as a "no spud" zone to protect the tunnel.

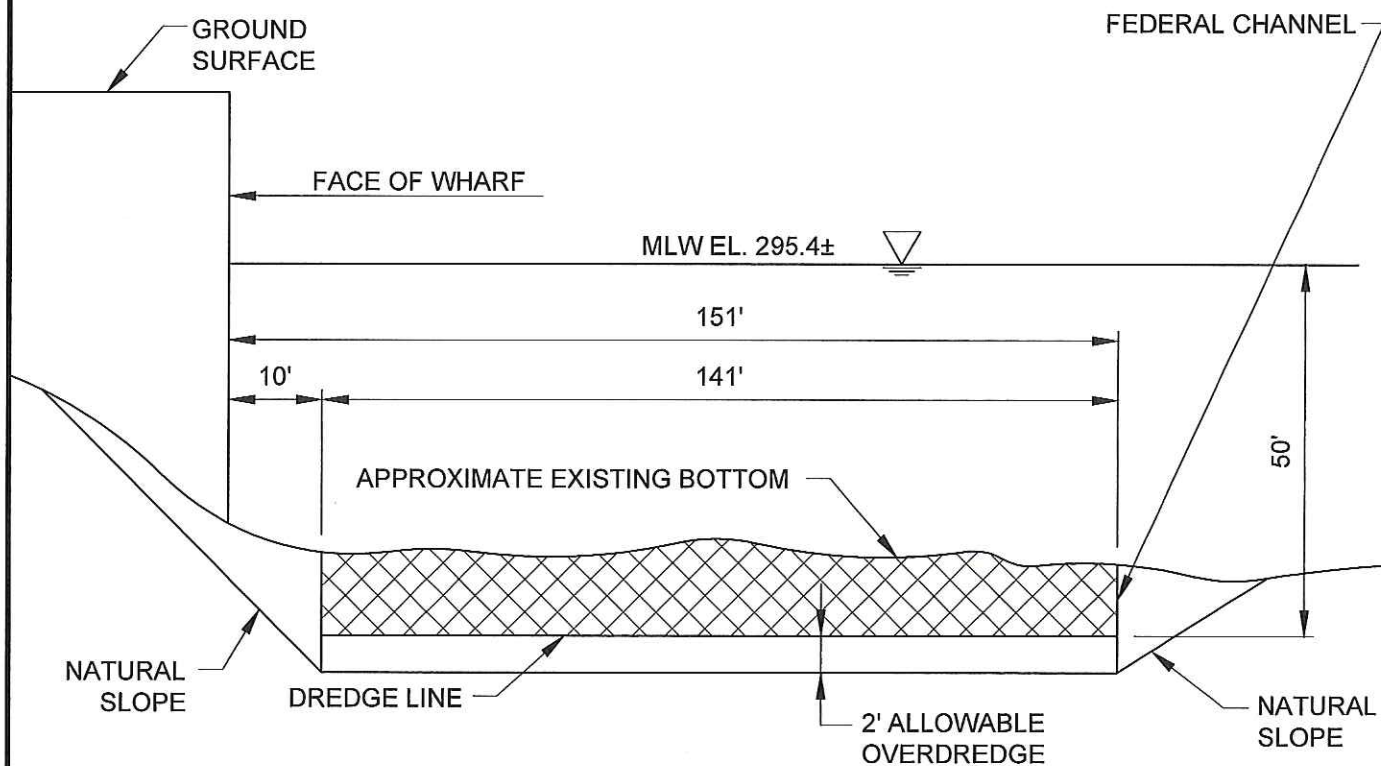
Subsequent maintenance dredging events are anticipated to occur three times in the proposed 10-year permit period with removal and upland disposal of similar amounts of material during each event.

An environmental bucket would be used during the proposed dredging activities, and dredge operators would be required to achieve full bucket loads to the maximum extent practicable and to place the dredged material into sealed barges, with no barge overflow. 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 August 8, 2017 (Permit No. 0906-06-0003.4 WFD170001). The NJDEP Acceptable Use Determination issued under the applicants' Water Quality Certificate states that the dredged material will be placed in uplands, at the Utex site (formerly 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, and modified July 13, 2017. If the Utex site is not available, other state approved upland sites that may become available would be utilized.

Two Department of the Army permits (NAN-2004-00454 and NAN-2005-00025) were previously issued in the proposed project area which incorporated deepening of the berthing areas to -50 feet below the plane of Mean Low Water (MLW), plus an allowable overdepth dredging of 2 feet (-52 feet below the MLW, North American Vertical Datum, 1988 (NAVD, 88).

The stated purpose of this project is to ensure adequate depths for continued safe navigation access to the Global Container Terminal facility.





**SECTION 1 - GLOBAL CONTAINER TERMINAL
(OUTSIDE NO SPUD ZONE)**

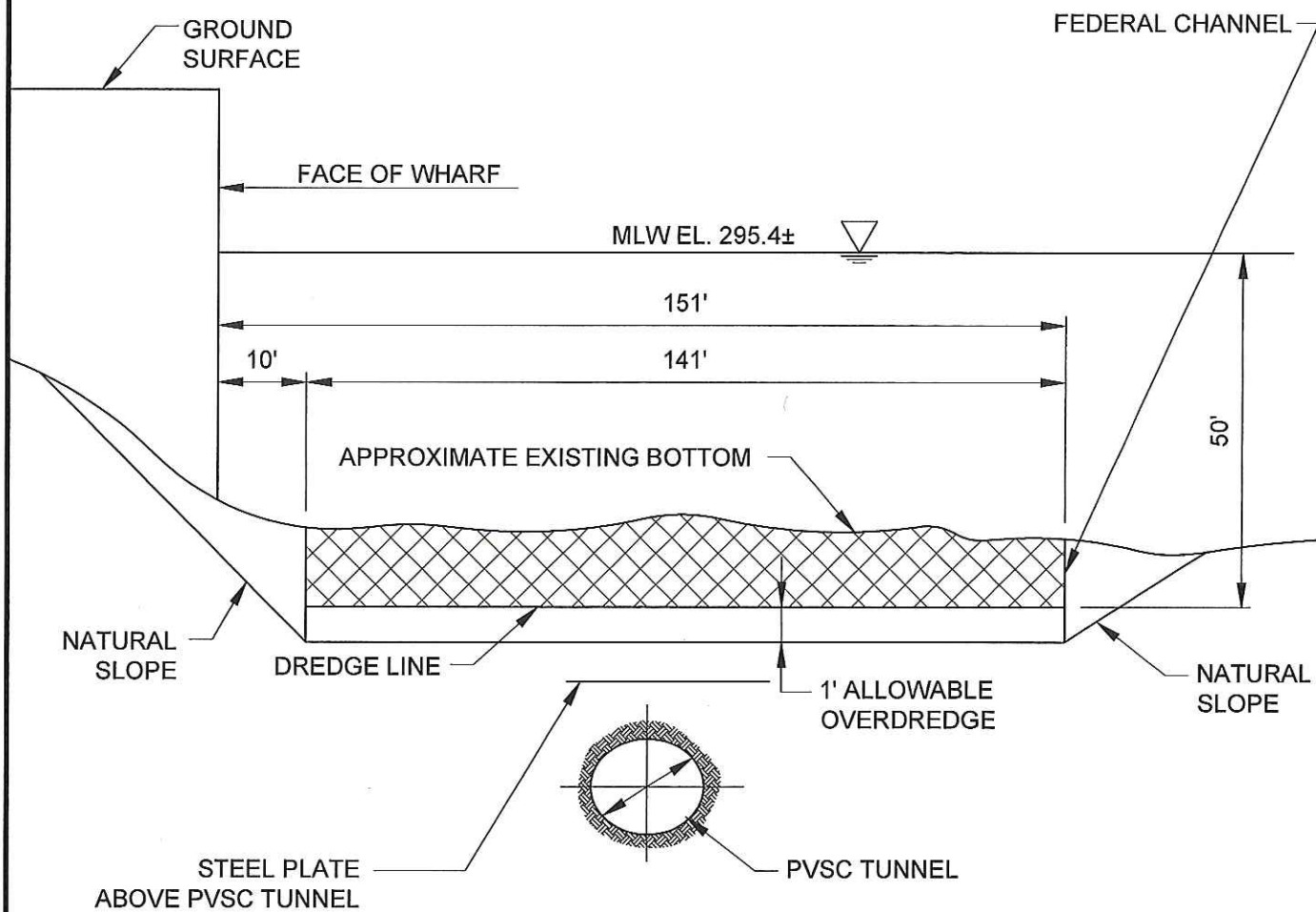
NOT TO SCALE

FOR REGULATORY
PURPOSES ONLY
NOT FOR
CONSTRUCTION

RUPESH SHETH, P.E.
SENIOR CONSULTING ENGINEER
N.J.P.E. LIC. # 24GE03579400

THE PORT AUTHORITY OF NY & NJ			Datum: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 2 / 17 / 2016)	Discipline <i>ENVIRONMENTAL</i>	Project Name: MAINTENANCE DREDGING GLOBAL CONTAINER TERMINAL	1 of 8
				CROSS SECTION - 1 -		Date 06-22-2017 Drawing Number DWG - 1
M.HELMAN	N.KOGELMAN	M.HELMAN	NAVD88 - 3.42 NGVD29 - 2.3 MLW (N.O.A.A.) - 0.87 MLW (COE) - 0.0 (SURVEY)			
Designed by	Drawn by	Checked by				

Figure 3 of 10



**SECTION 2 - GLOBAL CONTAINER TERMINAL
(WITHIN NO SPUD ZONE)**

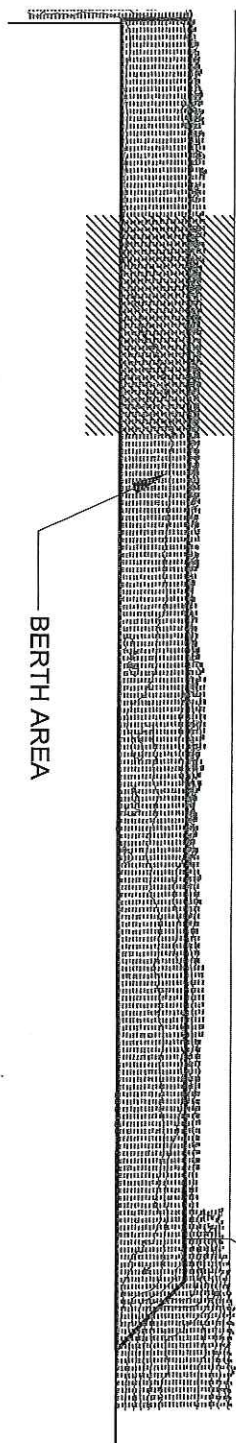
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			NAVD88 - 3.42 NGVD29 - 2.3 MLW (N.O.A.A.) - 0.87 MLW (COE) - 0.0 (SURVEY)	CROSS SECTION - 2 -	CITY: BAYONNE COUNTY: HUDSON APPLICANT: PANYNJ PROPERTY: PANYNJ	Date 06-22-2017 Drawing Number DWG - 2
M.HELMAN	N.KOGELMAN	M.HELMAN				
Designed by	Drawn by	Checked by				

Figure 4 of 10



BERTH AREA

FEDERAL CHANNEL

KEY PLAN



SCALE IN FEET

THE PORT AUTHORITY OF NY & NJ

M. HELMAN N. KOGLERMAN M. HELMAN
Designed by Drawn by Checked by

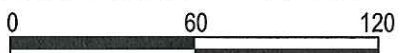
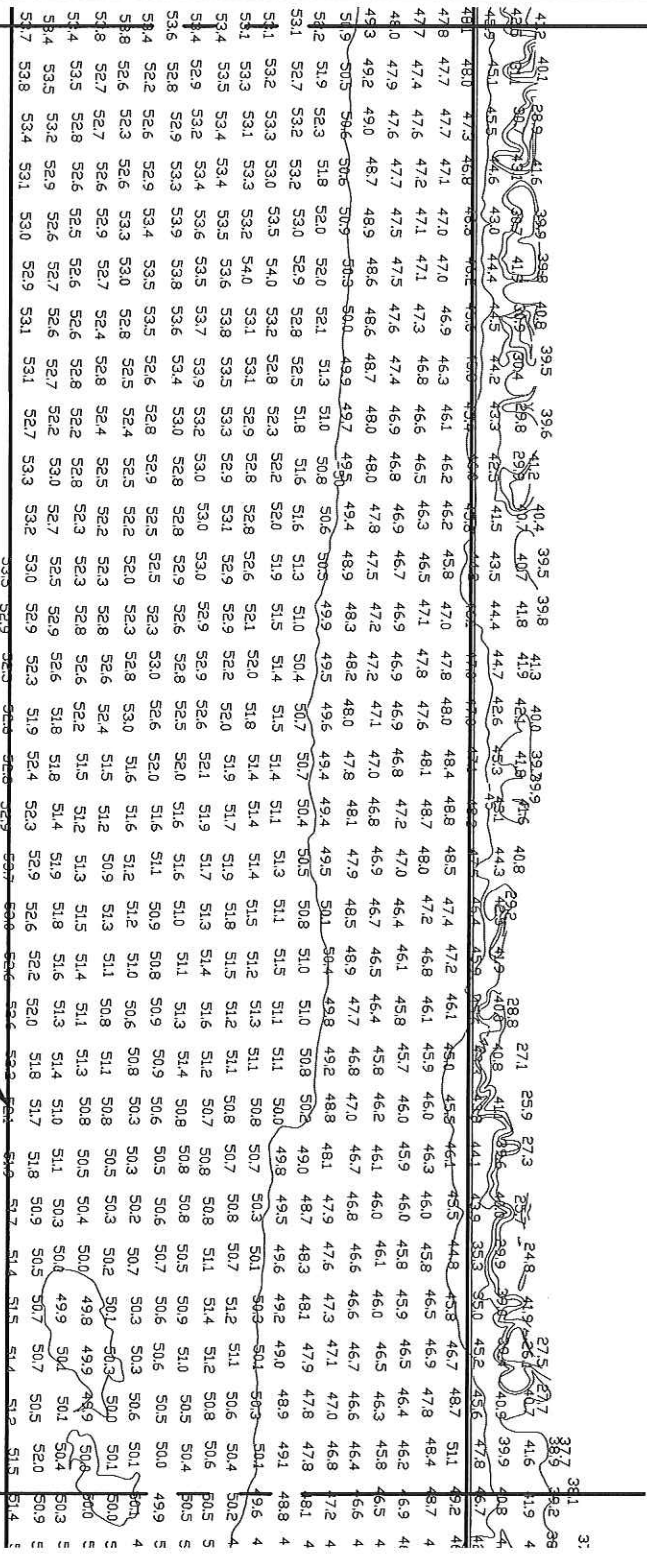
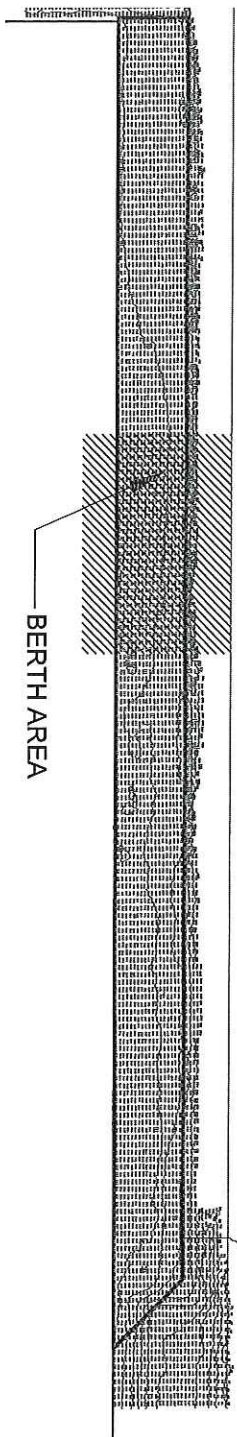
Date: (BASED ON HYDROGRAPHIC SURVEYS PREPARED BY ROGERS SURVEYING, PLLC 2 / 17 / 2016)
NAVD88 - 3.42
NGVD29 - 2.3
MLW (N.O.A.A.) - 0.87
MLW (COE) - 0.0 (SURVEY)

Discipline: ENVIRONMENTAL
SOUNDING PLAN
FIGURE 2

Project Name: MAINTENANCE DREDGING GLOBAL CONTAINER TERMINAL
CITY: BAYONNE
COUNTY: HUDSON
APPLICANT: PANYNJ
PROPERTY: PANYNJ

4 of 8
Date: 06-12-2017
Drawing Number: DWG - 4

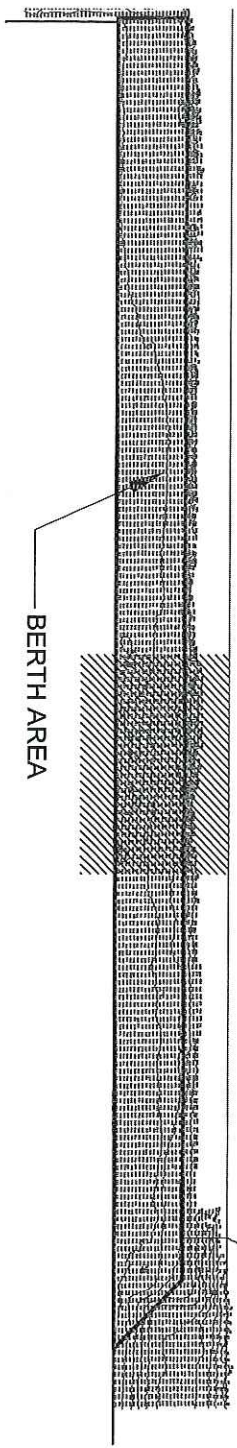
Figure 6 of 10



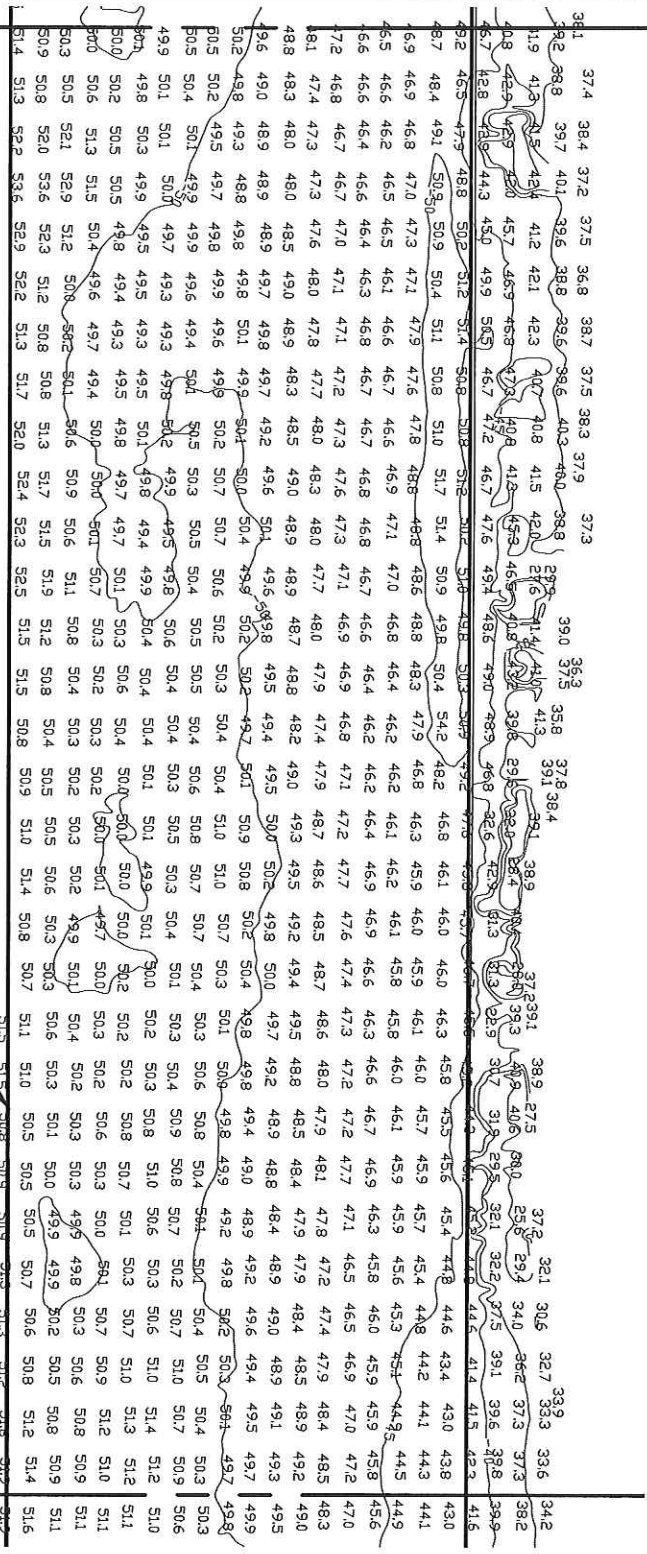
SCALE IN FEET

KEY PLAN

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 GLOBAL CONTAINER TERMINAL		5 of 8	
					SOUNDING PLAN FIGURE 3				Date 06-12-2017 Drawing Number DWG - 5	
M. HELMAN	N. KOGELMAN	M. HELMAN	NAVD88	-	3.42					
			NGVD29	-	2.3					
			MLW (N.O.A.A.)	-	0.87					
			MLW (COE)	-	0.0 (SURVEY)					
Designed by	Drawn by	Checked by								



KEY PLAN



FEDERAL CHANNEL

BERTH AREA

THE PORT AUTHORITY OF NY & NJ

M. HELMAN
Designed by

N. KOGELMAN
Drawn by

M. HELMAN
Checked 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 4

Project Name:
MAINTENANCE DREDGING
GLOBAL CONTAINER
TERMINAL

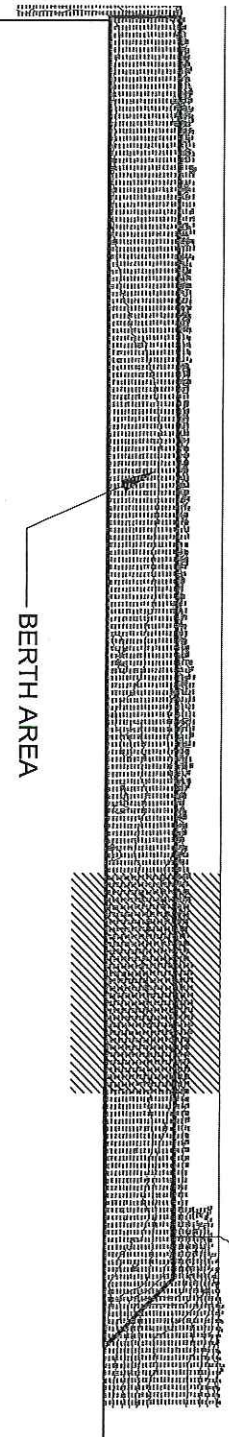
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COUNTY: HUDSON
APPLICANT: PANYNJ
PROPERTY: PANYNJ

6 of 8

Date
06-12-2017

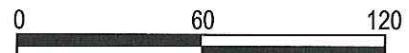
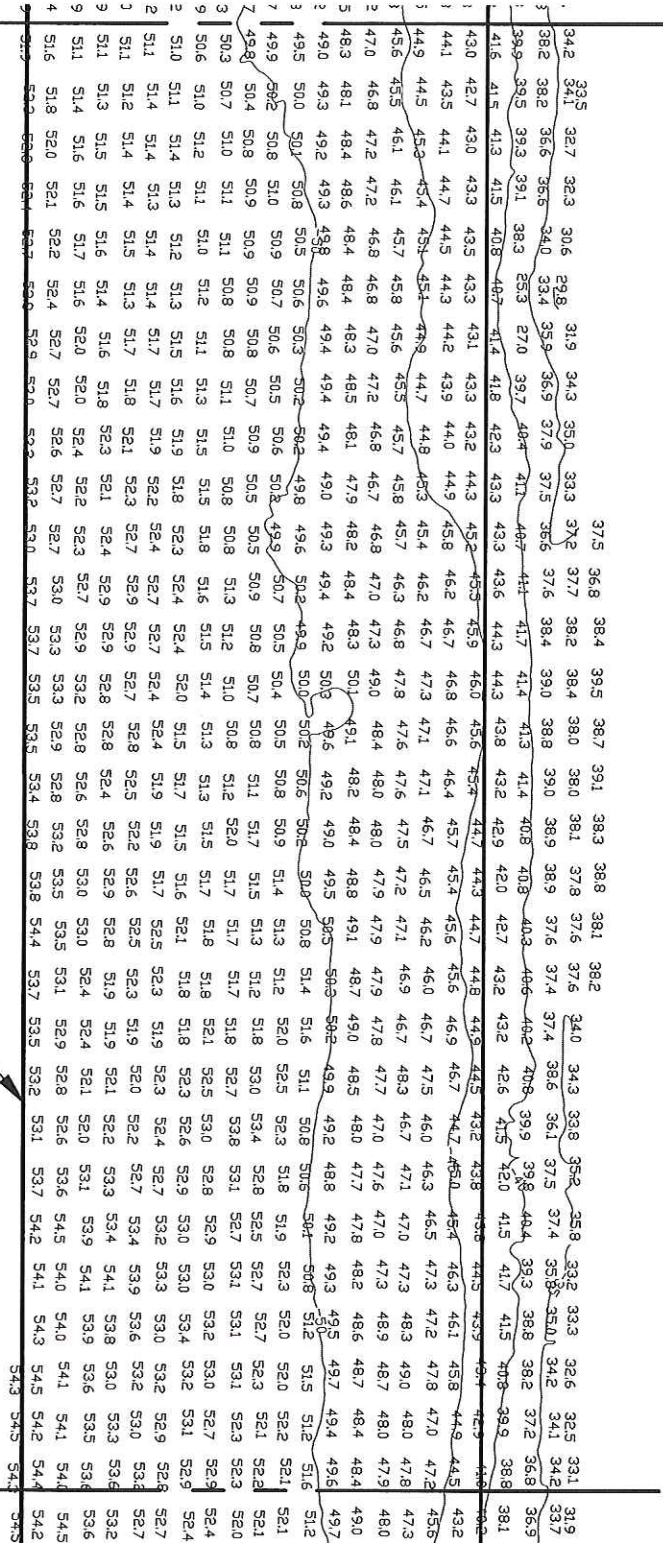
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DWG - 6

Figure 8 of 10



BERTH AREA

FEDERAL CHANNEL



SCALE IN FEET

KEY PLAN

THE PORT AUTHORITY OF NY & NJ

M. HELMAN N. KOGLERMAN M. HELMAN
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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

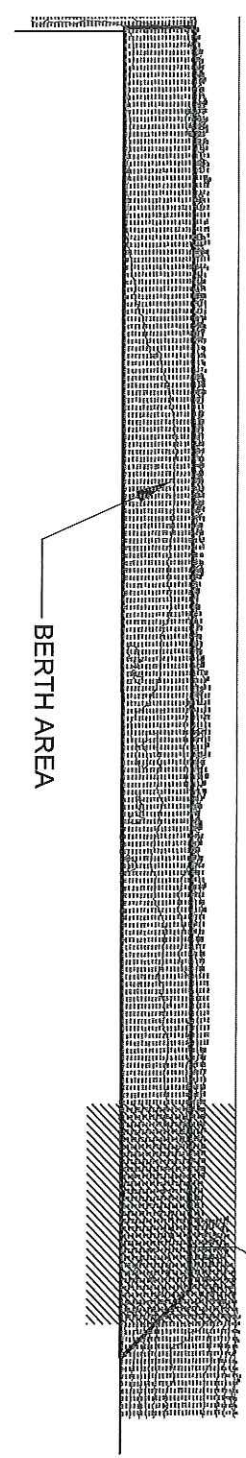
Project Name:
MAINTENANCE DREDGING
GLOBAL CONTAINER
TERMINAL

CITY: BAYONNE
COUNTY: HUDSON
APPLICANT: PANYNJ
PROPERTY: PANYNJ

7 of 8

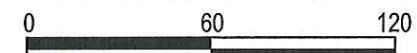
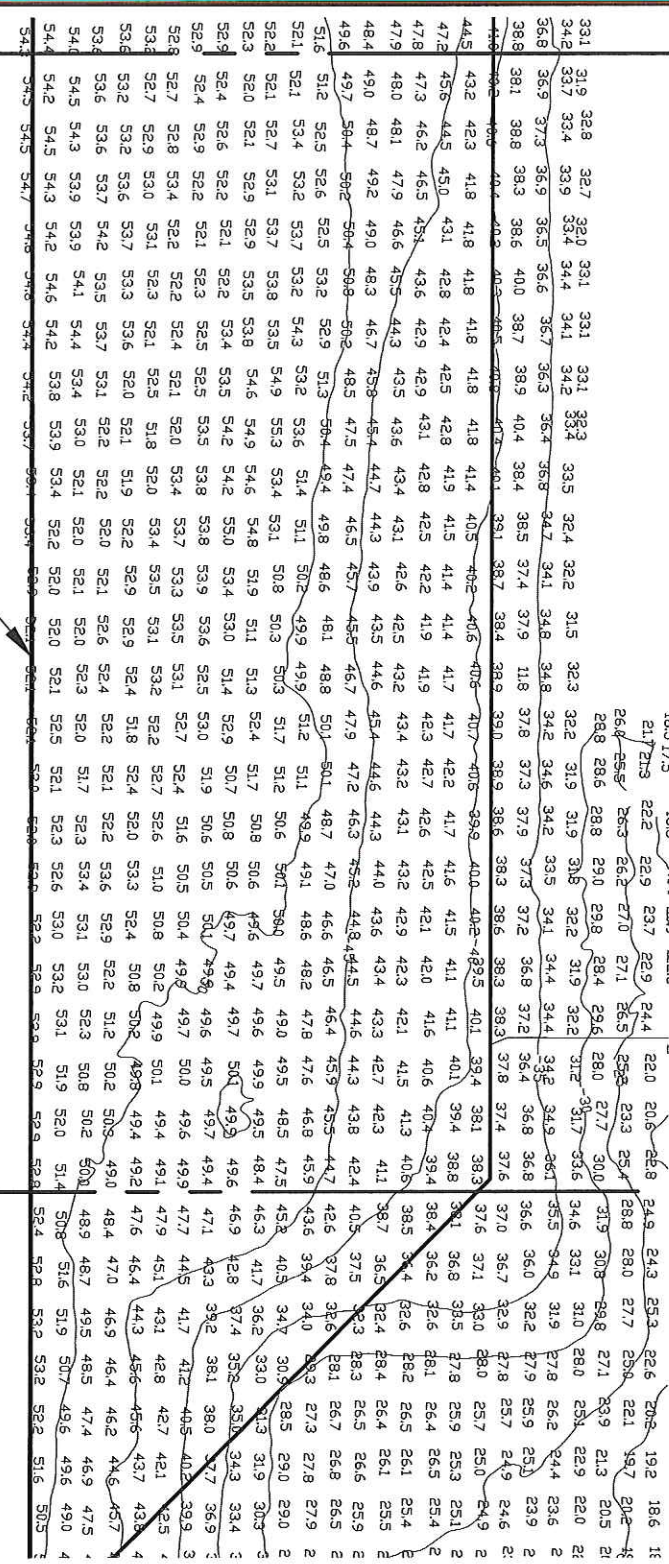
Date
06-12-2017
Drawing Number
DWG - 7

Figure 9 of 10



BERTH AREA

KEY PLAN



SCALE IN FEET

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 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 6

Project Name:
MAINTENANCE DREDGING
GLOBAL CONTAINER
TERMINAL

CITY: BAYONNE
COUNTY: HUDSON
APPLICANT: PANYNJ
PROPERTY: PANYNJ

8 of 8

Date
06-12-2017

Drawing Number
DWG - 8

Figure 10 of 10