



# 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-2018-00054-WCA**  
Issue Date: April 2, 2018  
Expiration Date: May 1, 2018

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**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:** Duraport Marine and Rail Terminal  
85 East 2nd Street  
Bayonne, New Jersey 07002

**ACTIVITY:** Dredge, with upland disposal, an estimated volume of approximately 90,000 cubic yards of accumulated sediments from a 6.8 acre area located adjacent to the existing Duraport Marine and Rail Terminal.

**WATERWAY:** Kill Van Kull

**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.

**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-2018-00054-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 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 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,

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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>.



**For and In behalf of**

Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, the Duraport Marine and Rail Terminal, LLC (DMRT), has requested Department of the Army authorization to perform dredging, with upland disposal, within two (2) areas located adjacent to the existing Duraport Marine and Rail Terminal, LLC, and within the Kill Van Kull, in the City of Bayonne, Hudson County, New Jersey.

The proposed regulated work would include dredging, with upland disposal, of approximately 90,000 cubic yards of accumulated sediments from two (2) areas located adjacent to the existing Duraport Marine and Rail Terminal, LLC. Area 1 occupies approximately 4.6 acres, and Area 2 occupies approximately 2.2 acres. The two areas would be dredged to a previously authorized depth of -37 feet below the plane of Mean Low Water (MLW), plus an allowable overdepth dredging of 2-feet (-39 feet below the MLW, North American Vertical Datum, 1988 (NAVD, 88). 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 a New Jersey Department of Environmental Protection (NJDEP) Water Quality Certificate. The applicant proposes to dispose the 90,000 cubic yards of dredged material at the Ridge Crossing, LLC, a state-approved upland disposal site located in Kearny, New Jersey.

Additional activities would include the removal, with upland disposal, of a deteriorated wharf debris from the waterway.

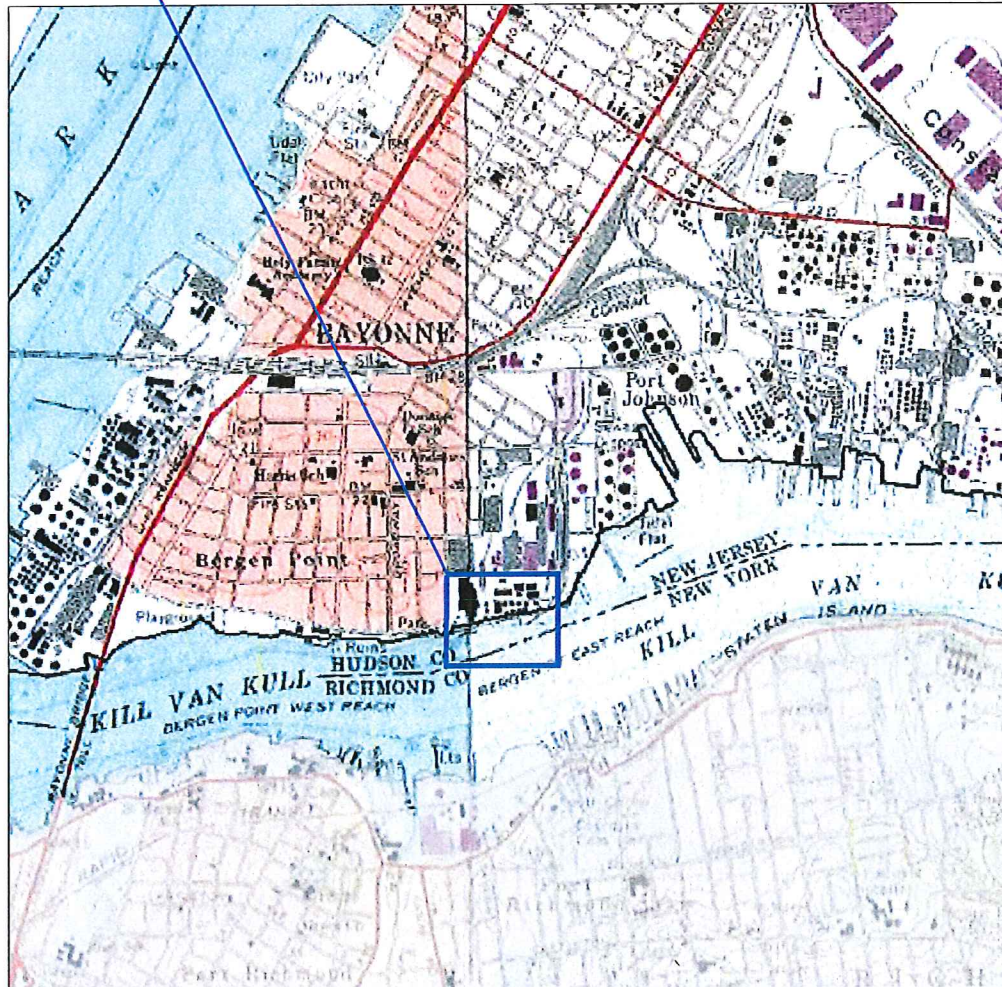
Department of the Army Permit Number 8442 was previously issued for the existing site on April 3, 1972, which authorized maintenance dredging at the site to a depth of -37 feet below the plane of MLW, with 2-foot overdepth dredging, for a total of -39 feet.

The stated purpose of this project is to ensure safe navigation and mooring of large cargo vessels at the Duraport Marine and Rail Terminal facility.

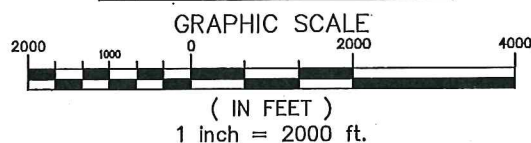
# TOPOGRAPHIC MAP


DURAPORT MARINE AND RAIL TERMINAL, LLC  
85 2ND STREET  
BAYONNE, NJ

Site Location



## TOPOGRAPHIC MAP



Source:	Scale: As Noted	Approved By: Bradley J. Cunningham, P.E.	Date: 7/29/2016
<b>USGS Topographic Map</b>	Project No: 0186.03	Drawn By: Tom Cunningham	
 <p>COMPLIANCE PLUS SERVICES, INC.</p>	<p>COMPLIANCE PLUS SERVICES, INC. 455 BUSINESS CENTER DRIVE, SUITE 250 HORSHAM, PA 19044 PHONE: (215) 734-1414 * FAX: (215) 734-1424 <a href="http://www.CPS-2Comply.com">www.CPS-2Comply.com</a></p>		Drawing No.:  T-01



# Bathymetry Detail Section #1

## Elevations on Station Datum

Station: 8519483, Bergen Point West Reach, NY

Status: Accepted (Nov 19 2012)

Units: Feet

T.M.: 0

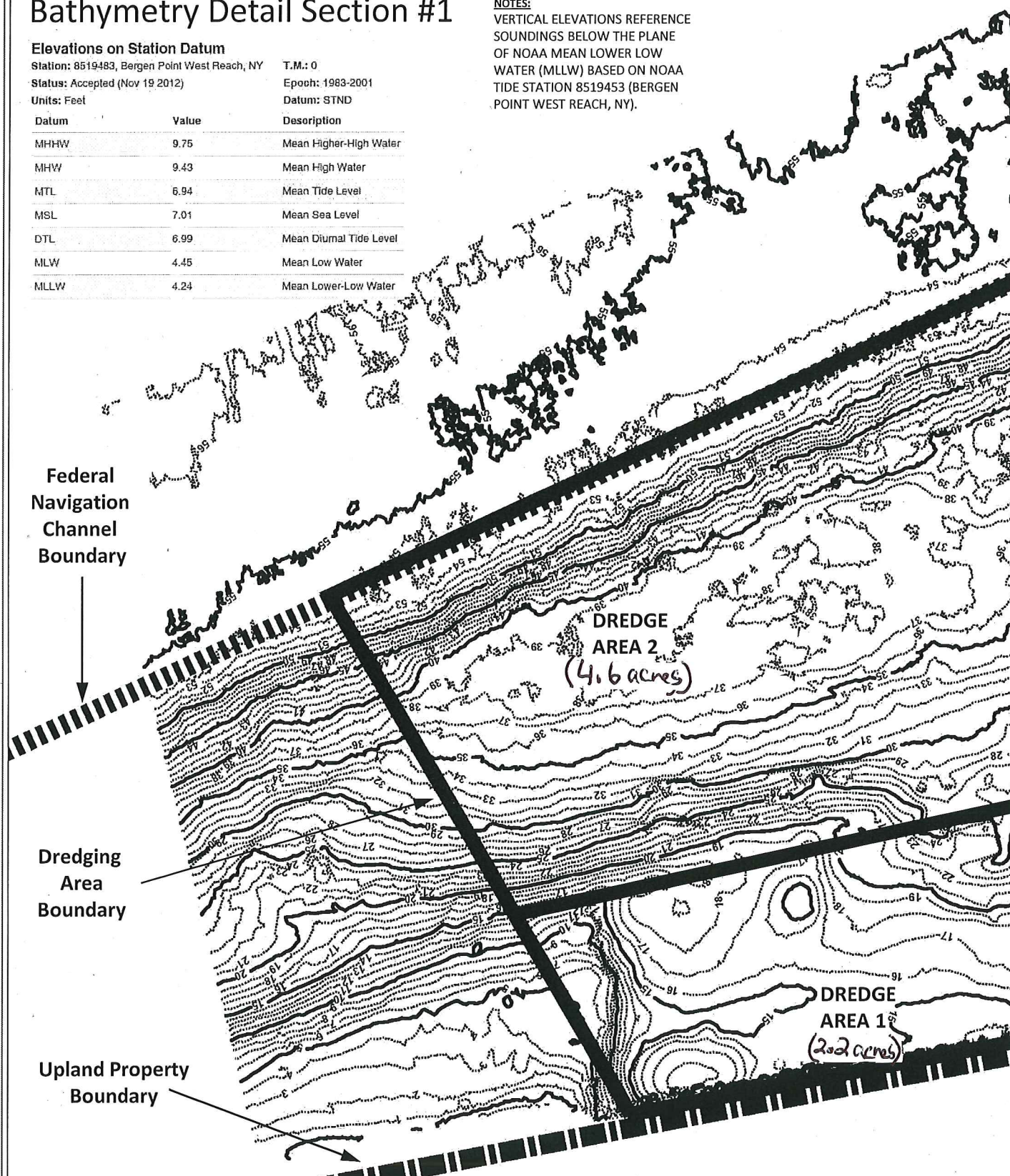
Epoch: 1983-2001

Datum: STND

Datum	Value	Description
MHHW	9.75	Mean Higher-High Water
MHW	9.43	Mean High Water
MTL	6.94	Mean Tide Level
MSL	7.01	Mean Sea Level
DTL	6.99	Mean Diurnal Tide Level
MLW	4.45	Mean Low Water
MLLW	4.24	Mean Lower-Low Water

## NOTES:

VERTICAL ELEVATIONS REFERENCE  
SOUNDINGS BELOW THE PLANE  
OF NOAA MEAN LOWER LOW  
WATER (MLLW) BASED ON NOAA  
TIDE STATION 8519453 (BERGEN  
POINT WEST REACH, NY).



DURAPORT MARINE & RAIL TERMINAL  
MAINTENANCE DREDGING  
BAYONNE, NJ

COMPLIANCE PLUS SERVICES, INC.  
P.O. Box 186  
HATBORO, PA 19040  
PHONE: (215) 734-1414 \* FAX: (215) 734-1424  
www.CPS-2Comply.com



COMPLIANCE PLUS  
SERVICES, INC.

Project No: 0186.09

Scale: Not to Scale

Approved By:

Drawn By: M. Lapp

Drawing: B-01 Date: 03.23.18

Figure 2 of 6



# Bathymetry Detail Section #2

## Elevations on Station Datum

Station: 8519483, Bergen Point West Reach, NY

Status: Accepted (Nov 19 2012)

Units: Feet

T.M.: 0

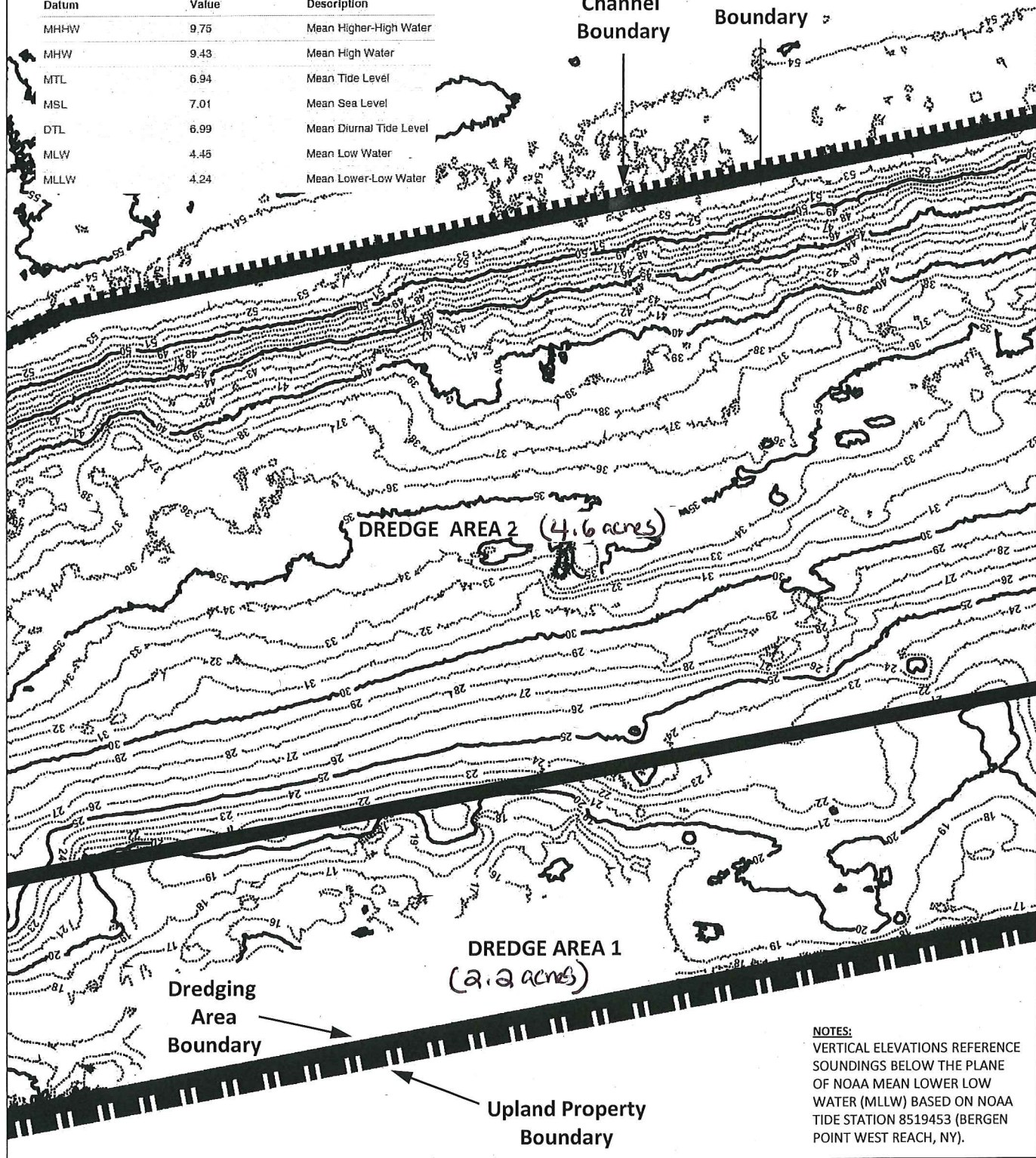
Epoch: 1983-2001

Datum: STND

Datum	Value	Description
MHHW	9.75	Mean Higher-High Water
MHW	9.43	Mean High Water
MTL	6.94	Mean Tide Level
MSL	7.01	Mean Sea Level
DTL	6.99	Mean Diurnal Tide Level
MLW	4.45	Mean Low Water
MLLW	4.24	Mean Lower-Low Water

Federal  
Navigation  
Channel  
Boundary

Dredging  
Area  
Boundary



### NOTES:

VERTICAL ELEVATIONS REFERENCE SOUNDINGS BELOW THE PLANE OF NOAA MEAN LOWER LOW WATER (MLLW) BASED ON NOAA TIDE STATION 8519453 (BERGEN POINT WEST REACH, NY).

DURAPORT MARINE & RAIL TERMINAL  
MAINTENANCE DREDGING  
BAYONNE, NJ

COMPLIANCE PLUS SERVICES, INC.  
P.O. Box 186  
HATBORO, PA 19040  
PHONE: (215) 734-1414 \* FAX: (215) 734-1424  
www.CPS-2Comply.com



COMPLIANCE PLUS  
SERVICES, INC.

Project No. 0186.09

Scale: Not to Scale

Approved By:

Drawn By: M. Lapp

Drawing: B-02 Date: 03.23.18

Figure 3 of 6



# **Elevations on Station Datum**

Station: 8519483, Bergen Point West Reach, NY

Status: Accepted (Nov 19 2012)

Units: Feet

T.M.: 0

Epoch: 1983-2001

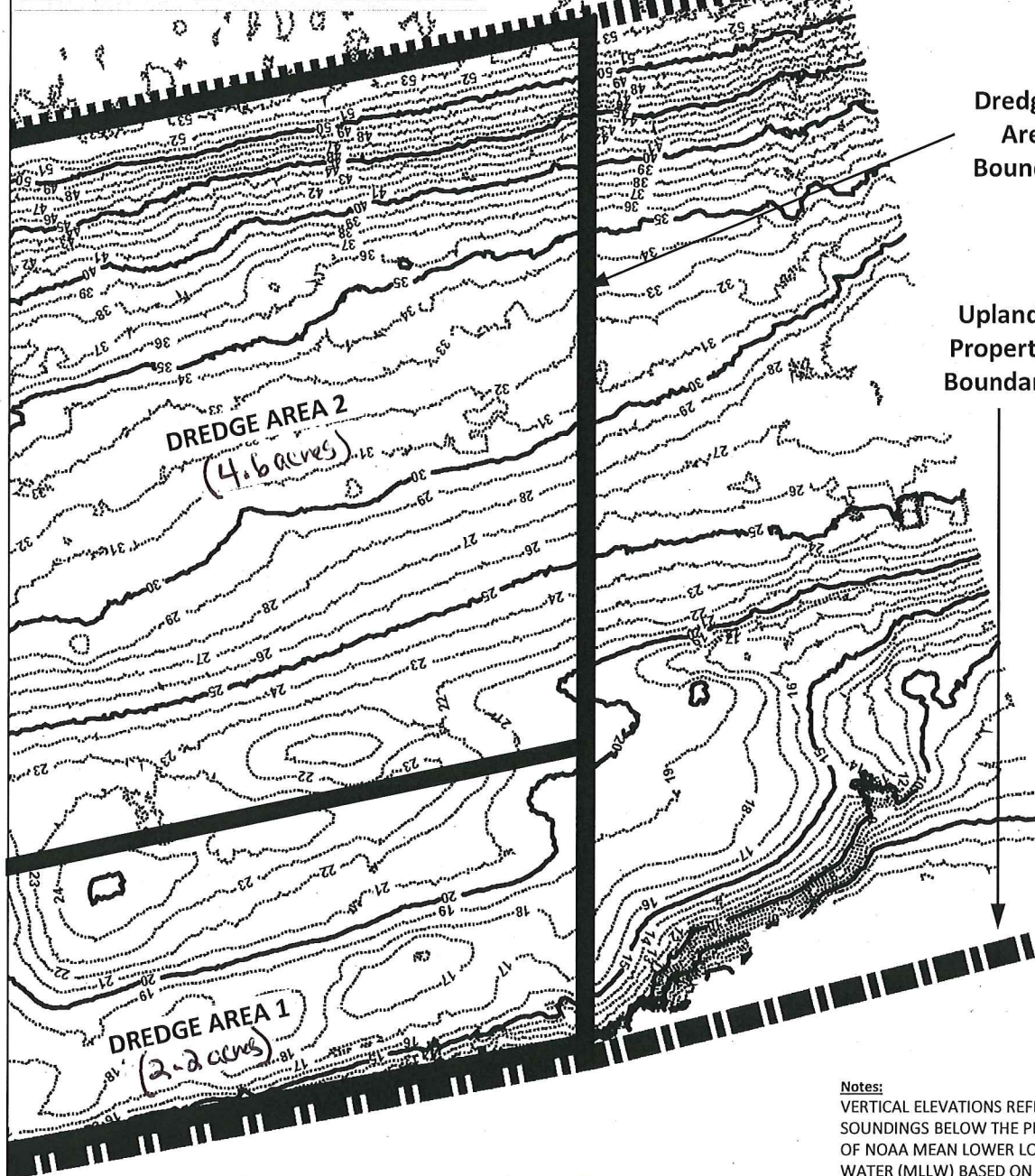
Datum: STND

Datum	Value	Description
MHHW	9.75	Mean Higher-High Water
MHW	9.43	Mean High Water
MTL	6.94	Mean Tide Level
MSL	7.01	Mean Sea Level
DTL	6.99	Mean Diurnal Tide Level
MLW	4.46	Mean Low Water
MLLW	4.24	Mean Lower-Low Water

Federal  
Navigation  
Channel  
Boundary

Dredging  
Area  
Boundary

Upland  
Property  
Boundary



## **Bathymetry Detail Section #3**

**Notes:**  
VERTICAL ELEVATIONS REFERENCE  
SOUNDINGS BELOW THE PLANE  
OF NOAA MEAN LOWER LOW  
WATER (MLLW) BASED ON NOAA  
TIDE STATION 8519453 (BERGEN  
POINT WEST REACH, NY).

DURAPORT MARINE & RAIL TERMINAL  
MAINTENANCE DREDGING  
BAYONNE, NJ

COMPLIANCE PLUS SERVICES, INC.  
P.O. Box 186  
HATBORO, PA 19040  
PHONE: (215) 734-1414 \* FAX: (215) 734-1424  
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COMPLIANCE PLUS  
SERVICES, INC.

Project No. 0186.09

Scale: Not to Scale

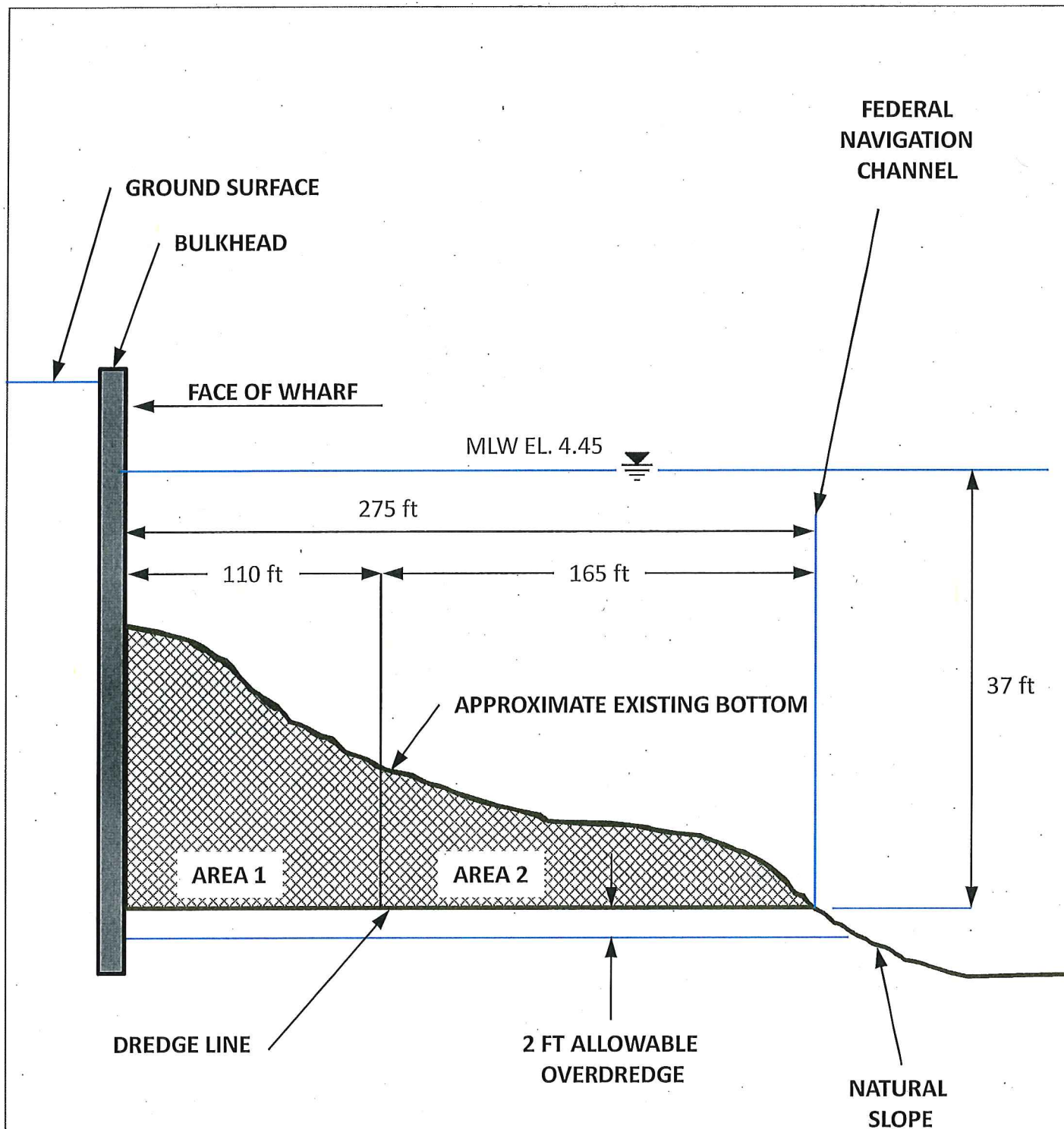
Approved By:

Drawn By: M. Lapp

Drawing: B-03 Date: 03.23.18

Figure 4 of 6





FOR REGULATORY  
PURPOSES ONLY  
NOT FOR  
CONSTRUCTION

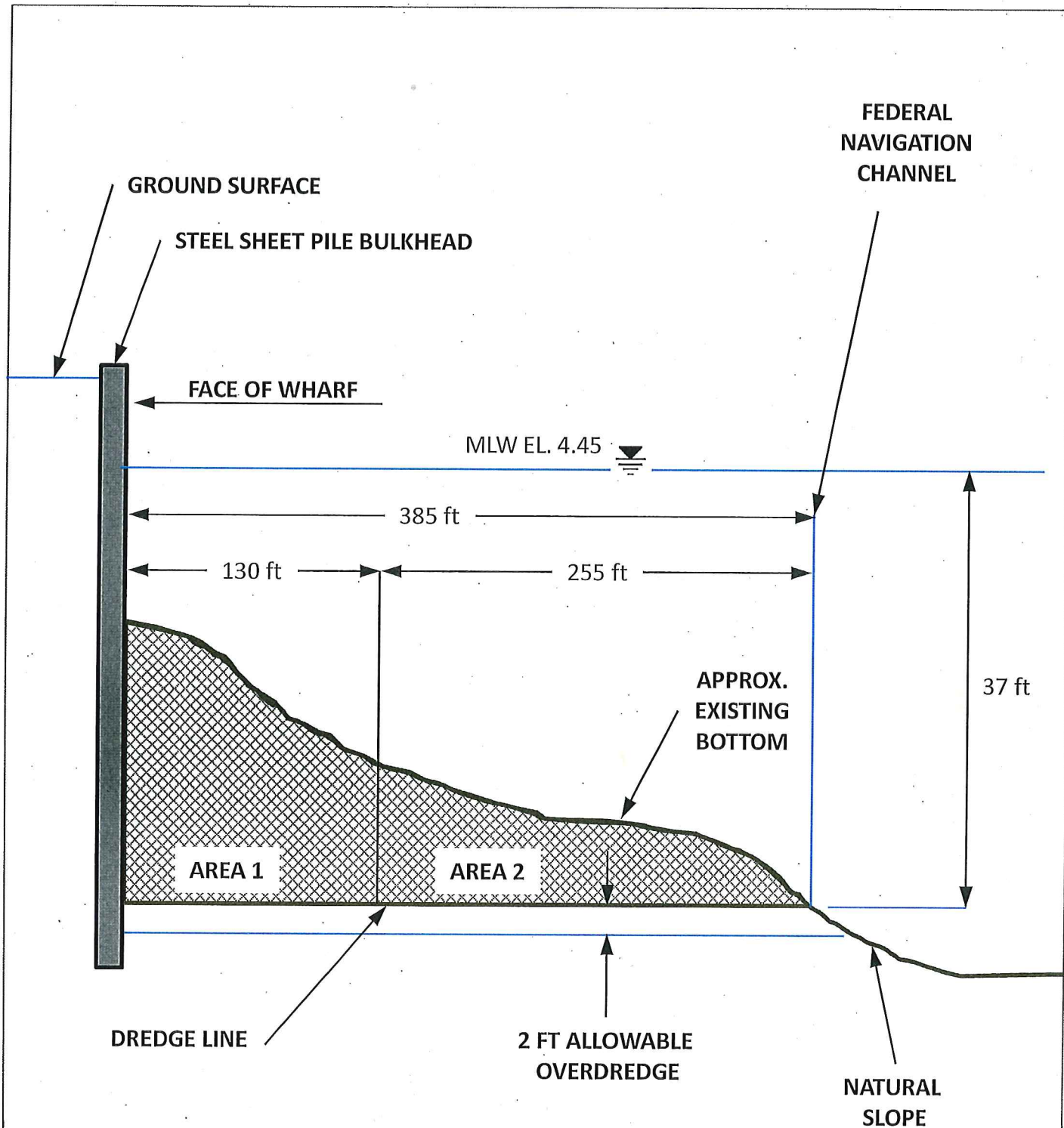
# (CROSS-SECTION #1)

NOT TO SCALE



Figure 5 of 6

<p>DREDGING AREA CROSS-SECTION DURAPORT MAINTENANCE DREDGING 85 EAST 2<sup>ND</sup> STREET BAYONNE, NJ</p>	<p>COMPLIANCE PLUS SERVICES, INC. P.O. BOX 186 HATBORO, PA 19040 PHONE: (215) 734-1414 • FAX: (215) 734-1424 www.CPS-2Comply.com</p>	<p>COMPLIANCE PLUS SERVICES, INC.</p>	<p>Project #0186.09.03 Scale NOT TO SCALE Approved By Drawn By M. LAPP</p>
<p>Drawing: CS-1</p>	<p>Date: 2/7/2018</p>		



FOR REGULATORY  
PURPOSES ONLY  
NOT FOR  
CONSTRUCTION

(CROSS-SECTION #2)  
NOT TO SCALE

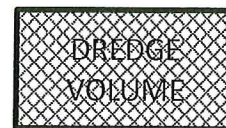



Figure 6 of 6

DREDGING AREA CROSS-SECTION DURAPORT MAINTENANCE DREDGING 85 EAST 2 <sup>ND</sup> STREET BAYONNE, NJ	COMPLIANCE PLUS SERVICES, INC. P.O. BOX 186 HATBORO, PA 19040 PHONE: (215) 734-1414 * FAX: (215) 734-1424 www.CPS-2Comply.com	 COMPLIANCE PLUS SERVICES, INC.	Project No #0186.09.03 Scale NOT TO SCALE Reviewed By Drawn By M. LAPP
Drawing: CS-2	Date: 2/7/2018		