

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-2018-00443-EKN

Issue Date: June 21, 2018 Expiration Date: July 21, 2018

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: Maintenance dredging of three berths with upland placement of dredged material.

WATERWAY: Arthur Kill

LOCATION: Howland Hook Marine Terminal, 300 Western Avenue, Staten Island, Richmond

County, New York.

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.

CENAN-OP-RE

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, pre-historical, 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.

Public Notice NAN-2018-00443-EKN

No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York, the applicant's certification and accompanying information is available from the New York State Department of State Division of Coastal Resources, Coastal Management Program, 99 Washington Avenue – Suite 1010, Albany, New York 12231-0001, Telephone (518) 474-6000. 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 York State Department of Environmental Conservation

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

Chief, Regulatory Branch

Enclosures

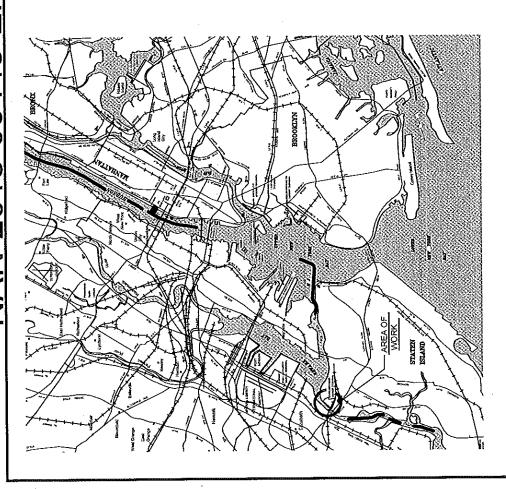
WORK DESCRIPTION

The applicant, the Port Authority of New York and New Jersey (Port Authority), proposes to maintain authorized depths within three berths at the Howland Hook Marine Terminal located at 300 Western Avenue, Staten Island, Richmond County, New York. Berth 1 will be maintained at an authorized depth of 35 feet below the plane of Mean Low Water (MLW). Berth 2 will be maintained at an authorized depth of 41 feet below the plane of MLW. Berth 3 will be maintained at an authorized depth of 50 feet below the plane of MLW. All three berths are authorized for an allowable 2-feet of overdepth dredging. Approximately 19,000 cubic yards of material will be dredged for each cycle.

Dredging with a closed (environmental) clamshell bucket without barge overflow is proposed, with return flow of pore water to the waterway after a minimum of 24 hours settling. The fine-grained dredged material, consisting of approximately 75% silt, 10% clay, and 15% sand, will be amended with a minimum of 8% Portland cement prior to placement at a state-approved upland site as structural fill, landfill cover, or other beneficial/acceptable use. Two or three dredging events, each expected to remove approximately 19,000 cubic yards of sediment, are anticipated after the first dredging cycle.

The purpose of the proposed work is to maintain adequate water depths for mooring of vessels within the three berths.

NAN-2018-00443-EKN (drawing 1 of 7)



ABBREVIATIONS:

DWG. DRAWING
M.L.W. MEAN LOW WATER
S/M.H.W. SPRING / MEAN HIGH WATER
ELEV. ELEVATION

NO. NUMBER

N.T.S. NOT TO SCALE

C. ON CENTER

NGVD29 NATIONAL GEODETIC VERTICAL DATUM OF 1929

NAVD88 NORTH AMERICAN VERTICAL DATUM OF 1988

NAD83 NORTH AMERICAN DATUM OF 1983 - HORISONTAL

SECTION DESIGNATION

LEGEND:

INDICATES AREAS TO BE DREDGED IN PLAN VIEW

LIMITS OF SEDIMENT/SOIL DREDGING IN SECTIONAL VIEW.

INDICATES MATERIAL SLOUGHING IN FROM SIDE SLOPES IN SECTIONAL VIEW, NO DREDGING ALLOWED IN THIS AREA.



SITE MAP

Workordor Numbor Drawing Number MFP-924,650 Contract Number 03-08-2018 Data 17514000 PID Numbor LOCATION MAP ABBREVIATIONS LEGEND ENVIRONMENTAL MAINTANENCE DREDGE VIA WORK ORDER HOWLAND HOOK MARINE TERMINAL M.HELMAN Chocked by THE PORT AUTHORITY OF NY & N. N.KOGELMAN Drawn by M.HELMAN Dealgned by

M:YHN17514000/ENVIRONMENTALWANAGEMENTDOCS/PERMIT SETVHH-MT

MAHHAT7514000/ENVIRONMENTALWANAGEMENTDOCS/PERMIT SETHHHMT

