



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-2018-00444-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 for approximately three cycles over 10 years.

WATERWAY: Buttermilk Channel

LOCATION: Brooklyn Marine Terminal
90 Columbia Street
Brooklyn, NY 11202

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.

*****PLEASE USE THE 18-CHARACTER PUBLIC NOTICE NUMBER ON ALL
CORRESPONDENCE WITH THIS OFFICE*****

14 JUNE 2018

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.

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CENAN-OP-RE

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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>.


FR Stephan A. Ryba 12 Jun 2018
Chief, Regulatory Branch

Enclosures

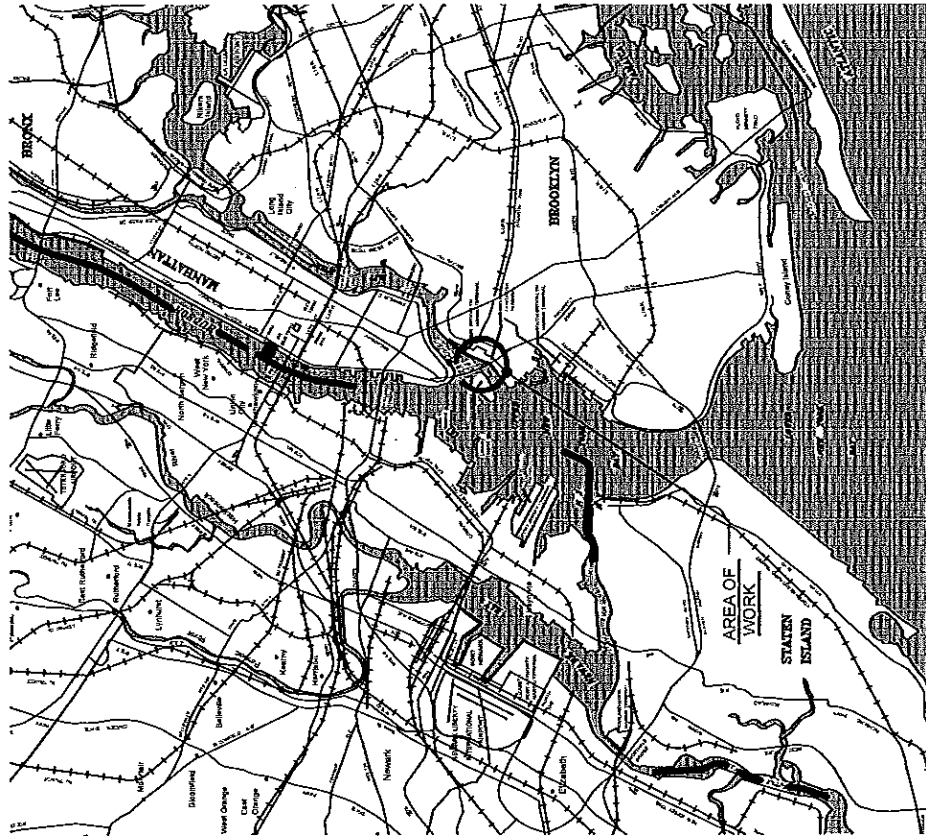
***PLEASE USE THE 18-CHARACTER PUBLIC NOTICE NUMBER ON ALL
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*14 June 2018***WORK DESCRIPTION**

The applicant, the Port Authority of New York and New Jersey (Port Authority), proposes to maintain authorized depths within three berths at the Brooklyn Marine Terminal located at 90 Columbia Street, Brooklyn, Kings County, New York. Berths 10 and 11 will be maintained at an authorized depth of 40 feet below the plane of Mean Low Water (MLW). Berth 9A North will be maintained at an authorized depth of 35 feet below the plane of MLW. All three berths are authorized for an allowable 2-feet of overdepth dredging. Approximately 22,700 cubic yards of material will be dredged with two or three additional dredging cycles involving similar or greater amounts of material.

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 50% silt, 45% clay, and 5% sand, will be transported to a state-approved facility for amendment with a minimum of 8% Portland cement and, subsequently, transported by barge or truck to the UTEX site, Borough of Staten Island, Richmond County, New York, or another state-approved beneficial use site, for placement.

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

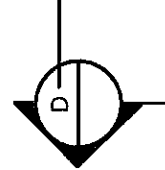


SITE MAP
N.T.S.

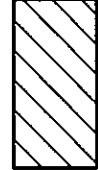
ABBREVIATIONS:

- 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
- O.C. ON CENTER
- NGVD29 NATIONAL GEODETIC VERTICAL DATUM OF 1929
- NAV/D88 NORTH AMERICAN VERTICAL DATUM OF 1988
- NAD83 NORTH AMERICAN DATUM OF 1983 - HORIZONTAL

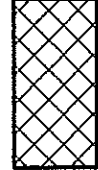
SECTION DESIGNATION



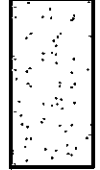
LEGEND:



INDICATES AREAS TO BE DREDGED IN PLAN VIEW

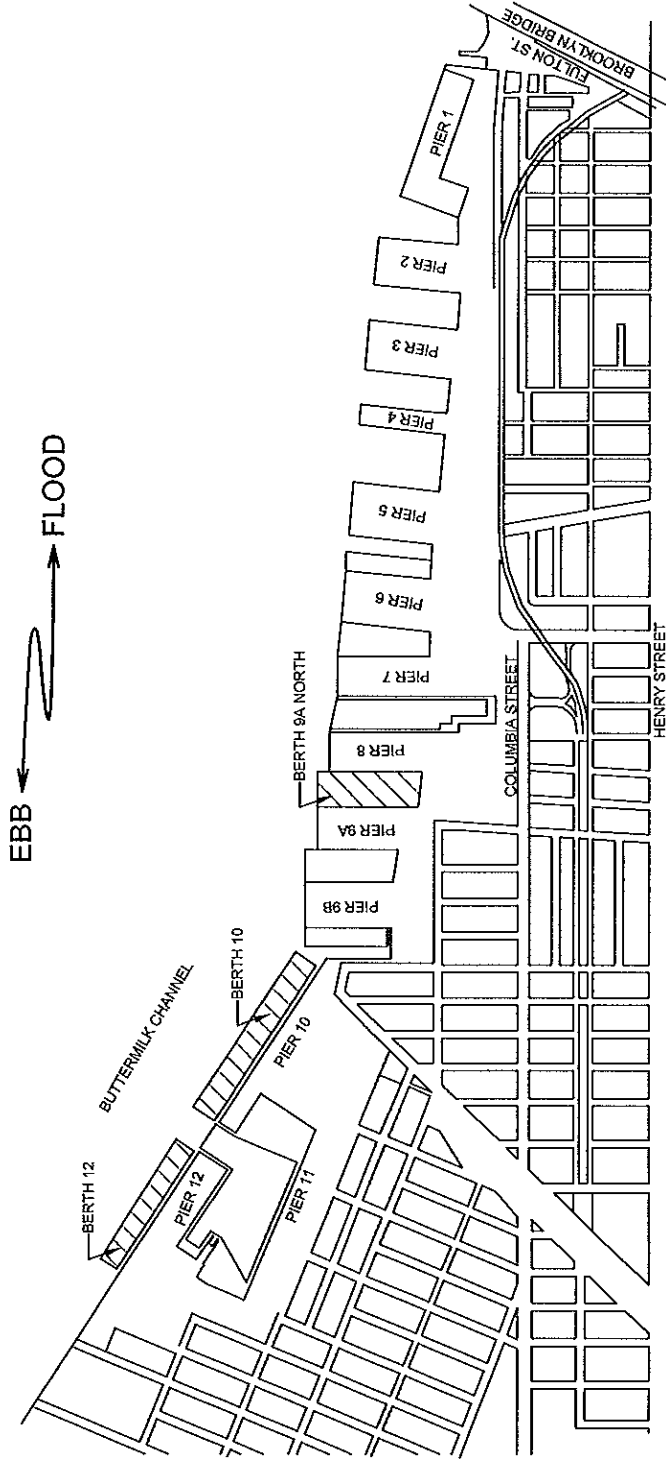


LIMITS OF SEDIMENT/SOIL DREDGING IN SECTIONAL VIEW.



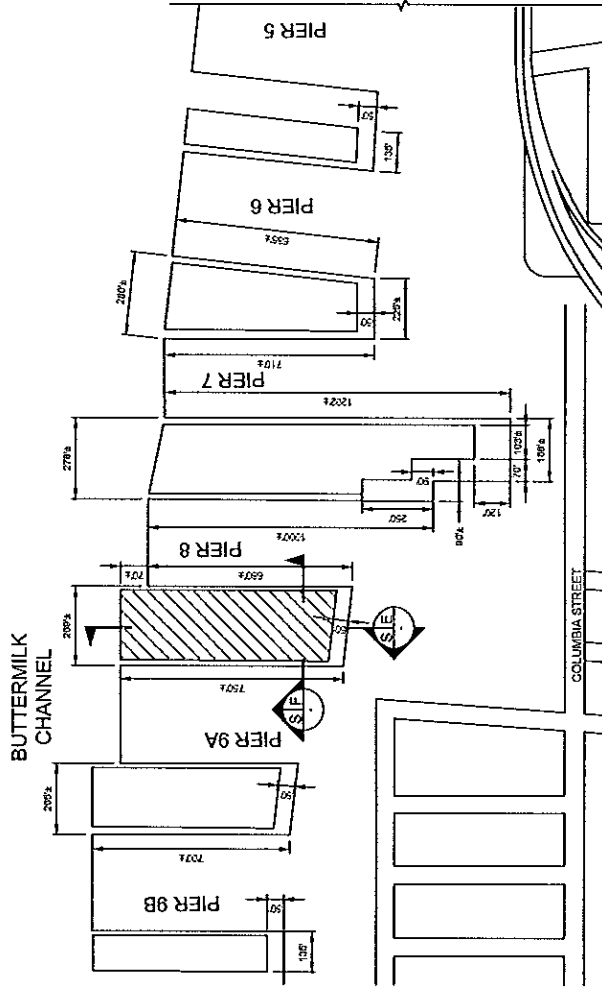
INDICATES MATERIAL SLOUGHING IN FROM SIDE SLOPES IN SECTIONAL VIEW. NO DREDGING ALLOWED IN THIS AREA.

THE PORT AUTHORITY OF NY & NJ	BROOKLYN PORT AUTHORITY MARINE TERMINAL		Discipline	ENVIRONMENTAL		1 of 4
	M. HELMAN Designed by	N. KOEGLMAN Drawn by	LOCATION MAP ABBREVIATIONS LEGEND		03-08-2018 Date MFP-924-650 Contract Number 17514000 PID Number	Worker Number Drawing Number N001

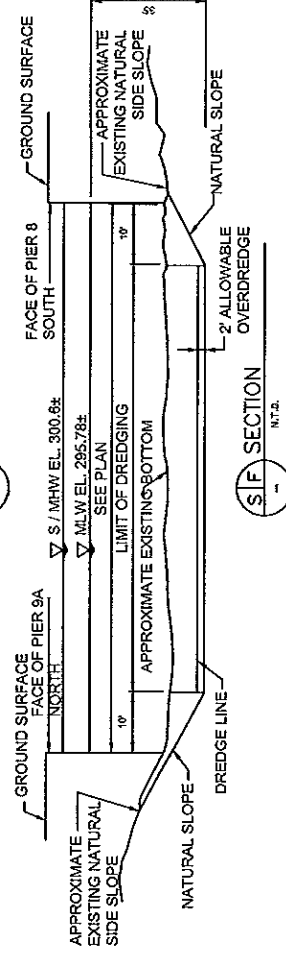
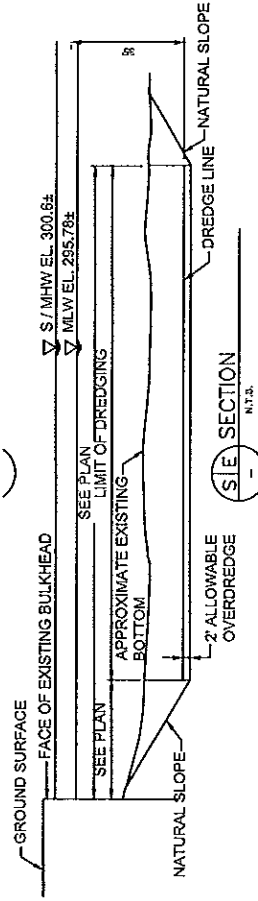


BERTH TO BE DREDGED
N.T.S.

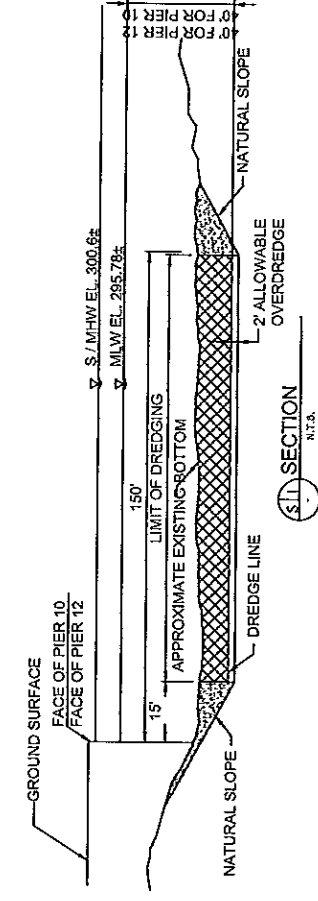
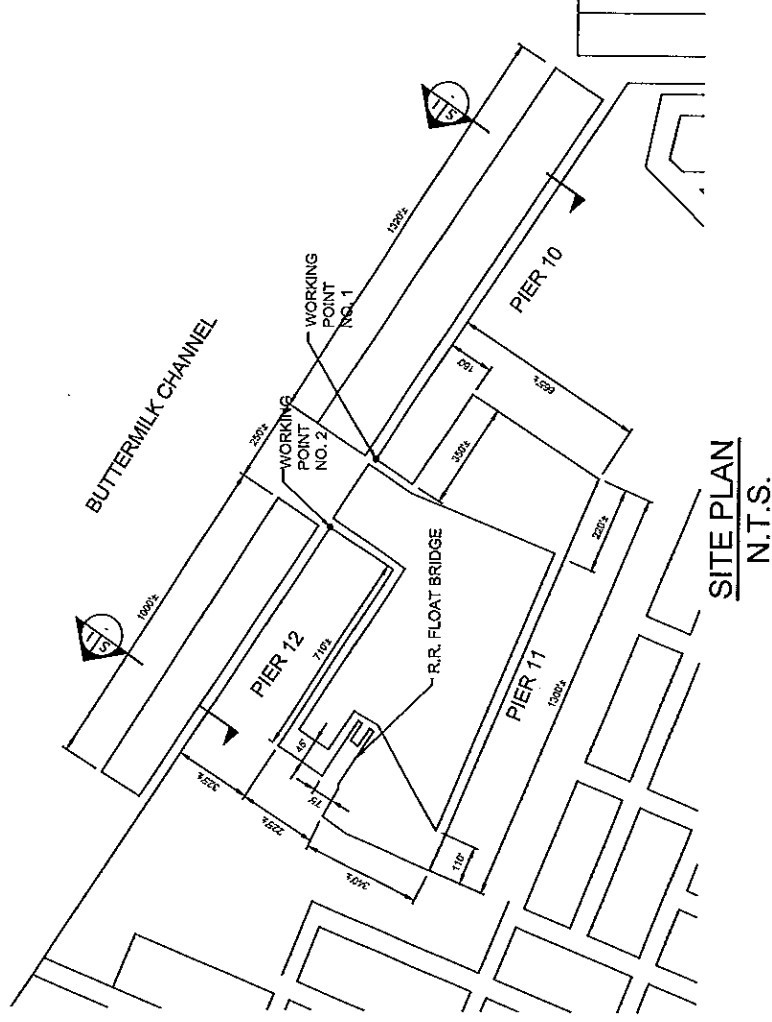
THE PORT AUTHORITY OF NY & NJ		BROOKLYN PORT AUTHORITY MARINE TERMINAL		Discipline ENVIRONMENTAL		03-08-2018 Date		2 of 4	
M. HELMAN Designed by		N. KOEGLMAN Drawn by		M. HELMAN Checked by		MFP-324.650 Contract Number		Worker Number	
				DREDGING LOCATIONS		17514000 PID Number		Drawing Number N002	



SITE PLAN
N.T.S.



THE PORT AUTHORITY OF NY & NJ		BROOKLYN PORT AUTHORITY MARINE TERMINAL		Discipline ENVIRONMENTAL	03-08-2018 Date	3 of 4
M. HELMAN Designed by		N. KOEGLMAN Drawn by		SITE PLAN AND TYPICAL SECTION	MFP-924.650 Contract Number	Worksheet Number
					175-14000 PID Number	Drawing Number N003



THE PORT AUTHORITY OF NY & NJ	BROOKLYN PORT AUTHORITY MARINE TERMINAL		Disposal ENVIRONMENTAL	Date 03-08-2018	Work Order Number MFP-924,850	Drawing Number N004
	M.HELMAN Designed by	N.KOGELMAN Drawn by				
			SITE PLAN AND SECTION 10 AND 12 TYPICAL	Contract Number 17514000	PID Number	
			MAINTENANCE DREDGE VIA WORK ORDER			