



**US Army Corps  
of Engineers®**

New York District  
26 Federal Plaza  
New York, N.Y. 10278  
ATTN: CENAN-OP-ST

# Public Notice

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In replying refer to:  
Public Notice No. Arthur Kill 2023  
Published: 15 November 2022  
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**MAINTENANCE DREDGING of the  
NEW YORK AND NEW JERSEY HARBOR – ARTHUR KILL 50' REACH  
FEDERAL NAVIGATION PROJECT**

**TO WHOM IT MAY CONCERN:**

The U.S. Army Corps of Engineers, New York District, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and 404 (33 U.S.C. 1344) of the Federal Water Pollution Control Act (amended in 1977 and commonly referred to as the Clean Water Act), proposes to perform maintenance dredging of the shoals in the New York and New Jersey Harbor – Arthur Kill 50-foot Reach, NY&NJ Federal Navigation Project. The dredged material will be placed at a suitable, state-permitted upland site(s).

**ACTIVITY:** Maintenance dredging of approximately 464,540 cubic yards (CY) of sand, silt, and clay with placement upland at a state permitted site(s). Annual maintenance dredging will be required to remove this volume.

**WATERWAY:** Arthur Kill 50-foot Reach of New York and New Jersey Harbor, Federal Navigation Project

**LOCATION:** Hudson County and Union County, New Jersey, Richmond County, New York

The Arthur Kill Reaches of the New York and New Jersey Harbors Federal Navigation Project was authorized by the River and Harbor Act of 1933 and subsequently modified in 1935, 1950, 1965 and 1985, as well as the, the Harbor Deepening Project authorized under Section 101(a)(2), Water Resources Development Act of 2000 (P.L. 106-541).

The existing project in the area proposed for maintenance dredging provides for a channel 52 feet deep in rock and 50 feet deep in soft material, generally 550 feet wide through Lower Newark Bay and the Arthur Kill to a point 1000 feet north of Goethals Bridge, except in the vicinity north of South Shooters Island where the width is 1200 ft. The Arthur Kill 50-foot Reach begins at a point 950 feet north of the Goethals Bridge to the connection with the Kill Van Kull Reach (channel mile points 23.5 to 25.9).

This maintenance activity is being evaluated to determine that the proposed maintenance dredging with upland placement of dredged material on a permitted, suitable, upland placement site(s) will not unreasonably degrade or endanger human health, welfare, economic potential, recreation and aesthetics, water quality, marine resources, ecological systems and/or flood protection.

The U.S. Army Corps of Engineers, New York District, 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. Comments are used to assess impacts on navigation, water quality, endangered species, historic resources, wetlands, scenic and recreational values, and other public interest factors. Comments are used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act and to determine the need for a public hearing.

DUE TO CURRENT LOCAL CONDITIONS, AND TO ENSURE ALL COMMENTS REGARDING THIS ACTIVITY ARE RECEIVED, ALL COMMENTS SHOULD BE EMAILED TO [ALEXANDER.F.GREGORY@USACE.ARMY.MIL](mailto:ALEXANDER.F.GREGORY@USACE.ARMY.MIL) BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person who may be affected by the placement of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest which may be affected, and the manner in which the interest may be affected by the activity. It should be noted that information submitted by mail is considered just as carefully in the process and bears the same weight as that furnished at a public hearing.

No known archaeological, scientific, pre-historical or historical data are expected to be lost by work accomplished under the required dredging.

Reviews of the activity pursuant to Section 404 of the Clean Water Act will include application of the guidelines announced by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. The Corps will obtain water quality certificates (WQC) from the New Jersey Department of Environmental Protection and the New York State Department of Environmental Conservation, in accordance with Section 401 of the Clean Water Act prior to the beginning of the proposed action.

Pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities conducted or supported by a federal agency in a state which has a federally approved Coastal Zone Management (CZM) program or Federal Consistency Determination (FCD) program, the Corps must submit a determination that the proposed project is consistent with the State CZM program(s) and/or State FCD program to the maximum extent practicable. This activity is subject to review by the New York State Department of State for CZM consistency and by State of New Jersey Department of Environmental Protection for FCD consistency. The U.S. Army Corps of Engineers, New York District, has determined that the proposed activities are consistent to the maximum extent practicable and within the applicable policies of the CZM program and FCD program.

A copy of the CZM determination will be provided to the New York State Department of State and a copy of the FCD determination will be forwarded to the State of New Jersey, Department of Environmental Protection. Additional information regarding the Corps of Engineers' consistency determination may be obtained by contacting the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Suite 1010, Albany, NY 12231 and the State of New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Attention: Consistency Review.

In compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments), an Essential Fish Habitat Assessment will be prepared and submitted to the National Marine Fisheries Service for review and comment.

The proposed work is being coordinated with the following Federal, State and local agencies:

- U.S. Environmental Protection Agency
- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Coast Guard, First District
- New York State Department of Environmental Conservation
- New York State Department of State
- New York City Department of Planning
- State of New Jersey, Department of Environmental Protection

#### **DESCRIPTION OF PLANNED FEDERAL ACTION:**

The U.S. Army Engineer District, New York, proposes to perform maintenance dredging of portions of the Arthur Kill Reaches of the New York and New Jersey Harbor, Federal Navigation Project. The Arthur Kill 50-foot Reach was last dredged in 2015 with 232,550 cubic yards (CY) of selected shoals removed from this section of the Federal Navigation Project. The material was placed at several contractor furnished, state permitted, upland placement sites.

The proposed maintenance dredging would involve the removal of the approximate volume of 464,540 CY of selected critical shoals from the Arthur Kill 50-foot Reach of the New York and New Jersey Harbor Federal Navigation Project, subject to the availability of funds. The entire channels will generally not require maintenance dredging, only areas where shoaling has reduced the depth of the channels will require dredging.

Placement of the dredged material is proposed to be at a suitable, contractor-furnished, state-permitted upland placement site(s). The proposed project is anticipated to occur in Summer / Fall, over multiple dredging cycles.

The purpose of the proposed dredging is to alleviate the effects of the shoaling and restore the authorized navigation channel project dimensions, thereby assuring safe and economical use of the New York and New Jersey Harbor Federal Navigation Project by

shipping interests while providing upland beneficial use of the dredged material. Maintenance dredging of a channel is generally accomplished by a clamshell dredge with an environmental bucket.

**ENVIRONMENTAL IMPACT STATEMENT:**

An EIS was prepared in 2000 for the New York & New Jersey (NYNJ) Harbor Deepening entitled “Final Environmental Impact Statement on the New York and New Jersey Harbor Navigation Study”. This EIS covered the NY & NJ Harbor – Arthur Kill Reaches deepened to the authorized depth of -50 ft. An EA and Section 404(b), as required by the Clean Water Act 40 CFR230, evaluation will be prepared prior to implementation of the proposed maintenance dredging.

An EA and Section 404(b) evaluation, as required by the Clean Water Act 40 CFR 230, will be prepared prior to implementation of the proposed maintenance dredging.

**PLACEMENT SITE:**

The dredged material will be transported to a suitable permitted upland beneficial re-use site(s); both permitted by the State and approved by the Government. The dredged material will be required to meet all federal, state and local criteria required by the government agencies having jurisdiction where the placement site is located. All necessary permits required for the dredged material placement will be provided to the Government prior to the start of work.

**MATERIAL DESCRIPTION:**

Results of a grain size analyses performed on samples taken from the shoals in the channel in 2021 indicate that the proposed dredge material is mostly silt and clay.

**Gravel 0.0% Sand 8.34% Silt 69.01% Clay 22.65%**

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.

For more information on U.S. Army Corps of Engineers, New York District programs, please visit our web site at <http://www.nan.usace.army.mil>. If you have any questions concerning this notice, contact Mr. Alexander Gregory, the Project Manager at (917) 790-8427, or [alexander.f.gregory@usace.army.mil](mailto:alexander.f.gregory@usace.army.mil).

Gerlyn T. Perlas  
Acting Chief, Operations Support Branch

Encls.  
NY&NJ Harbor – Arthur Kill Reaches Map





Figure 1