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  
Two Gateway Center, 14th Floor  
Newark, New Jersey 07102

ACTIVITY:  Discharge fill into, and construct over waters of the United States a new transfer bridge tower, control house, mooring and fendering monopiles, and perform new dredging with upland disposal.

WATERWAY:  Upper New York Harbor

LOCATION:  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. Comments provided will become a part of the public record for this action.

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 as a result of the proposed activities. 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 four known sites that qualify for Section 106 protection within the proposed permit area. These sites include: the Greenville Yard Piers, the Greenville Yard Historic District, the Pennsylvania Railroad New York Bay Branch Historic District, and the Morris Canal. The Federal Highway Administration (FHWA), the Port Authority of New York and New Jersey, and the New Jersey State Historic Preservation Office, signed a Memorandum of Agreement in March 2011 to govern the implementation of the proposed activities at the Greenville Yards and to satisfy FHWA’s compliance with Section 106 of the National Historic Preservation Act. 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.

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 James Cannon.


For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil.

Enclosures
WORK DESCRIPTION

The applicant, the Port Authority of New York and New Jersey (PANYNJ) has requested Department of the Army authorization to discharge fill into, and construct over waters of the United States a new Transfer Bridge (No. 10) for rail freight transfer across the Upper New York Bay from Jersey City, New Jersey to Brooklyn, New York. The proposed project would additionally include the installation of new mooring and fendering monopiles, a control house, and new dredging with upland placement for beneficial use. The proposed activities would take place at the existing Greenville Yard Harbor Transfer Facility located within Upper New York Bay, in Jersey City, Hudson County, New Jersey.

The applicant has stated that the proposed regulated activities would include the following:

Proposed Transfer Bridge No. 10 Construction Activities: The applicant proposes to construct a 160-foot long by 40-foot wide Transfer Bridge that would include a 111-foot long bridge span and a 39-foot long apron span (Figures 3 and 5). The transfer bridge would include a hydraulic jack supported by a 40-foot high overhead gantry to raise and lower the transfer bridge to meet each railroad car float according to the level of the tide (Figure 5). The proposed bridge deck would have a hinge at the landward end and an apron hinge toward the water ward end. The hinges would provide the bridge operators greater control in lining up the railroad car floats to the bridge during loading/unloading operations (Figure 5). Transfer Bridge No. 10 would have three foundations and two out shore pile caps (bridge pier and apron pier) positioned under the overhead gantry which would be supported by concrete-filled steel pipe piles and an abutment at the landward end of the bridge. One of the out shore pile caps (apron pier) would be located at the water ward end of the transfer bridge and the other (bridge pier) would be located approximately 10 feet landward of the apron hinge. The piles for the out shore foundations would be driven to the top of rock or into bedrock (Figures 6, 7, 8). The abutment foundation would consist of cast-in-place concrete supported by pipe piles or steel H-piles driven into bedrock. Approximately 323 cubic yards of rock riprap would be placed at the base of the bridge abutment and along adjacent areas of the shoreline for bank stabilization (Figure 7).

Proposed Control House: The Control House would be built on a pile supported platform between the proposed Transfer Bridge No. 10 and existing Transfer Bridge No. 11, and would be approximately 90 feet from the existing shoreline (Figure 3). The proposed Control House would be accessible by fixed pile supported 111-foot long by 7-foot wide pier from the shoreline. The Control House would contain the mechanical and electrical equipment (1st floor) necessary to operate Transfer Bridge No. 10. The control room and control desk on the upper (2nd) floor would provide a 360 degree view, and at that elevation, would allow the bridge operator to have an unobstructed view of the transfer bridge, the waterway, and the rail yard. The proposed in-water location of the Control House would provide the safest operation of the mooring/embarkation and loading/unloading processes for the Transfer Bridge. The in-water location would additionally allow the safe operation of a permanent Transfer Bridge No. 11 (which is currently temporary in design as a result of damage caused by Hurricane Sandy), if future business conditions warrant such construction, in conjunction with the currently proposed Transfer Bridge No. 10. Placement of the proposed Control House on-shore would inhibit the operator’s visibility during mooring/embarkation and loading/unloading and would pose a hazard to safe navigation. The control house platform would be built at least 18 feet above mean sea level (MSL), which is one foot above the Advisory Base Flood Elevations (ABFE) issued for New Jersey by the Federal Emergency Management Agency (Figures 10 and 11).

Proposed Mooring and Fendering Monopiles: Six monopiles would be installed; four on the south side of the approach channel to Transfer Bridge No. 10 and two on the north side of the
Transfer Bridge No. 10 approach channel (Figure 4). Each mooring/fendering monopile would consist of a 60-inch diameter pipe pile (or caisson) driven into bedrock. A foam filled donut fender ring, approximately 13-feet in diameter, would float around each pipe pile. The foam filled donut would consist of both compressible and incompressible foam, the former to absorb energy from collisions and the latter to act as a spacer. The foam would be covered with a fiber reinforced polyurethane cover to keep water out of the foam and protect against abrasion. At the top of each fender pile, a steel fabricated bollard ring with four mooring points would be installed (Figure 12 and 13).

The proposed construction and installation of the Transfer Bridge No. 10, Control House and mooring and fendering monopiles would permanently impact approximately 0.052 acres of waters of the United States as well as 0.212 acres of shading impacts to waters of the United States.

Proposed New Dredging with Upland Placement: The applicant proposes to dredge, by environmental closed clamshell bucket and no barge overflow, approximately 13,133 cubic yards of material from a 1.2-acre area surrounding the newly proposed Transfer Bridge No. 10, and a 1.85-acre area within the proposed Transfer Bridge approach channel (Figure 14). Of the 13,133 cubic yards of material, approximately 8,804 cubic yards would be dredged from the new Transfer Bridge No. 10 area to a depth of -15 feet below the plane of Mean Low Water (MLW) with one foot allowable overdepth (-16 feet North American Vertical Datum 1988, NAVD88). Approximately 4,329 cubic yards of material would be dredged from the Transfer Bridge approach channel area to a depth of -15 feet below the plane of MLW with one foot allowable overdepth (-16 feet NAVD88) (Figures 15, 16, 17). The dredged material would be loaded, without barge overflow, into barges. Excess water would be decanted in a holding barge located in close proximity to the dredging area, and the decanting would be performed in accordance with the requirement of the water quality certificate issued by the New Jersey Department of Environmental Protection for this project. All dredged material would be placed at a state approved upland site.

The applicant has stated that as a result of extensive structural damage to the Greenville Yard during Hurricane Sandy, structures both on land and within the waterway were removed to protect workers and prevent additional damage to the facility. In addition, all existing fender and mooring systems were removed from the site after the hurricane (Figure 2 shaded areas). The removal of damaged structures within the waterway generated approximately 0.5 acres of new open water.

The applicant has stated that the Greenville Rail Yard facility is the only remaining and active rail yard in New Jersey that has a direct connection to the upland rail network within the New York Harbor area. Therefore, the construction of a new facility at an alternative site within the New York Harbor area would not be feasible.

The proposed activities would allow rail cars to continue to be transported by barge to New York from New Jersey without traveling by truck along the existing 300-mile detour to Selkirk, New York (to cross the Hudson River) and then travel back down to New York City or unloading rail cars to trucks, which would increase air emissions and place additional strain on existing roadway infrastructure.