



**US Army Corps
of Engineers®**

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

Public Notice

In replying refer to:
Public Notice for
NY Harbor, Sandy Hook Federal Navigation Channel
Published: 07 March 2023
Expires: 06 April 2023

NEW YORK HARBOR SANDY HOOK FEDERAL NAVIGATION CHANNEL MAINTENANCE DREDGING

TO WHOM IT MAY CONCERN:

The New York District, U.S. Army Corps of Engineers (the Corps), pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), Section 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 New York Harbor, Sandy Hook Federal Navigation Channel with subsequent placement of the dredged material at the Sea Bright Offshore Borrow Area (SBOBA, see Figure 1) or at a contractor furnished state permitted upland site(s).

ACTIVITY: Annual maintenance dredging of approximately 200,000 cubic yards (CY) of sand and gravel from the New York Harbor, Sandy Hook Federal Navigation Channel, with placement of the dredged material at SBOBA or at a contractor furnished state permitted upland site.

WATERWAY: New York Harbor, Sandy Hook Federal Navigation Channel

LOCATION: Sandy Hook Gateway National Recreation Area,
Monmouth County, New Jersey

The New York Harbor, Sandy Hook Federal Navigation Channel was adopted in 1884, modified in 1933, 1937, 1958, 1965, and 1982. The 7.1 mile long Sandy Hook Channel has an authorized depth of -35 feet Mean Lower Low Water (MLLW) and is 800 feet wide, with widening at the junction with the Main Ship Channel and at the bend between the East Section and the Bayside Section.

The proposed activity is to perform annual maintenance dredging, with a mechanical bucket dredge, of the critical shoal areas located in the New York Harbor, Sandy Hook Federal Navigation Channel.

This maintenance activity is being evaluated to determine that the proposed maintenance dredging and placement of dredged material 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 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. 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.

ALL COMMENTS REGARDING THIS ACTIVITY MUST BE PREPARED IN WRITING AND EMAILED TO THE PROJECT MANAGER, MR. EDWARD WROCENSKI, AT EDWARD.WROCENSKI@USACE.ARMY.MIL BEFORE THE EXPIRATION OF THIS NOTICE. OTHERWISE, IT WILL BE PRESUMED THAT THERE ARE NO OBJECTIONS TO THE ACTIVITY.

Any person who has an interest, which 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 that 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 or email is considered just as carefully in the process and bears the same weight as that furnished at a public hearing.

The Sandy Hook Channel dredging area is a heavily utilized federal navigation channel that has been dredged frequently in the past. There are no known historical or cultural resources within the Sandy Hook channel.

Within the SBOBA placement area, the Corps conducted a 2014 study entitled "Cultural Resources Remote Sensing Survey of the Sea Bright Borrow Area and the Elberon to Loch Arbor Reach Near Shore Area, Sandy Hook to Barnegat Beach Erosion Control Project, Monmouth County, New Jersey". The study identified several anomalies within SBOBA that may be shipwrecks and recommended avoidance of anomalies. The study also identified areas that are considered potential for prehistoric landforms and recommended avoidance of the landforms. The proposed SBOBA placement of dredged material will avoid all anomalies and landforms identified in the study.

No known archaeological, scientific, pre-historical or historical resources are expected to be lost by work accomplished under the proposed Sandy Hook Channel maintenance dredging and placement at SBOBA or contractor furnished upland placement site(s).

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 Federal Consistency Determination (FCD) program, the Corps submits a determination that the proposed project is consistent with the State FCD program to the maximum extent practicable. This activity is subject to review by the New Jersey Department of Environmental Protection for its consistency with the enforceable policies of the New Jersey State Coastal Management Program. The Corps has determined that the proposed activities are consistent to the maximum extent practicable and within the applicable policies of the New Jersey State Coastal Management Program. A copy of this determination will be provided 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 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 and in accordance with previous Essential Fish Habitat (EFH) consultation with NOAA National Marine Fisheries Service (NMFS), this office will consult with NMFS on the effects of dredged material placement at SBOBA for future beneficial reuse. The effects on EFH would remain consistent with past dredging cycles and best management practices would be utilized to avoid and minimize effect to EFH.

Pursuant to Section 7 of the Endangered Species Act (ESA) the proposed maintenance dredging was reviewed based on the 2017 US Fish and Wildlife Service (USFWS) "Programmatic Biological Opinion on the Effects of Recurrent Maintenance Dredging of the Sandy Hook Channel, Monmouth County, New Jersey on Four Federally Listed Species" (piping plover, red knot, northeastern beach tiger beetle and seabeach amaranth). This office also reviewed the 2018, 2019, 2021, and 2022 USFWS ESA Tier II Consultations for previous dredging events. For the proposed maintenance dredging this office will fulfill all the requirements set forth in the Biological Opinion and conduct the required ESA Tier II consultation with the USFWS for the proposed maintenance dredging activities.

Pursuant to Section 7 of the Endangered Species Act (ESA), the proposed maintenance dredging was reviewed for effect to endangered species within the project area (Atlantic sturgeon, green sea turtle, Kemp's Ridley sea turtle, loggerhead sea turtle, leatherback sea turtle, fin whale, and North Atlantic right whale). Based upon previous ESA consultation with NOAA NMFS, it has been determined that the proposed action is not likely to adversely affect ESA-listed species and/or designated critical habitat under NOAA NMFS jurisdiction.

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 a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to commencement of any work.

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

- 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 and Sector New York
- State of New Jersey Department of Environmental Protection
- U.S. Department of Interior, National Park Service, Gateway National Recreation Area

DESCRIPTION OF PLANNED ACTION:

The New York District, U.S. Army Corps of Engineers (the Corps), proposes to perform annual maintenance dredging of New York Harbor, Sandy Hook Federal Navigation Channel. The Sandy Hook channel was last dredged by the Corps in the 2022 dredge cycle, removing approximately 169,000 cubic yards (CY) of dredged material.

The proposed annual maintenance dredging would remove approximately 200,000 CY of sand and gravel within the Sandy Hook channel. The proposed work will dredge the channel to its authorized channel depth of -35 feet MLLW, plus 2 feet overdepth, subject to the availability of funds. Maintenance dredging of the Sandy Hook channel will be accomplished by a mechanical dredge. The entire channel will generally not require maintenance dredging, only areas where shoaling has reduced the depth of the channel will require dredging. The typical proposed dredging areas for Sandy Hook Channel are depicted in Figure 1. The maintenance dredging and placement at SBOBA or contractor furnished upland placement site(s) is anticipated to occur in fall/winter.

The purpose of the proposed maintenance work is to alleviate the effects of the sand shoaling and restore the authorized navigation channel dimensions, thereby assuring safe and economical use of the Sandy Hook Channel by shipping and military interests.

NATIONAL ENVIRONMENTAL POLICY ACT:

Prior to the implementation of the proposed dredging work, and in accordance with the National Environmental Policy Act (NEPA), a separate Corps Environmental Assessment (EA) written in cooperation with the USACE and the NPS will be prepared to determine the impacts of multiple maintenance dredging cycles at Sandy Hook, over next 20-year period. Public coordination on this EA will take place separately from this Public Notice. The general public will be provided an opportunity to comment on this EA through a separate comment period.

Since the proposed dredging would occur within Sandy Hook Gateway National Recreation Area, the National Park Service - Gateway National Recreation Area (NPS-GATE) will be a cooperating agency in the NEPA Process. As a cooperating agency, Corps' EA will be prepared to satisfy NPS-GATE's NEPA requirements and allow NPS-GATE to adopt the EA. The EA and subsequent Finding of No Significant Impact

(FONSI) will serve as the decision-making documents and as the basis for any required NPS-GATE permits.

PLACEMENT SITE:

The dredged material may be placed at SBOBA, as it is a source of material for beach nourishment projects for Atlantic Beaches in New Jersey, or at a contractor furnished state permitted upland site(s).

MATERIAL DESCRIPTION:

Results of grain size analyses performed on samples taken from the shoals in the channel in 2017 indicate that the proposed dredge material is greater than 99% sand and gravel. Samples in 2017 were taken to a depth of 37 feet – project depth, plus two feet allowable overdepth.

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 New York District Corps of Engineers programs, please visit our web site at <http://www.nan.usace.army.mil>.

If you have any questions concerning this notice, you may contact Mr. Edward Wrocenski at (917) 790-8636 or Edward.Wrocenski@usace.army.mil.

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Michael J. Oseback
Chief, Operations Support Branch

Enclosure:
Figure 1: Dredging and placement Location Map

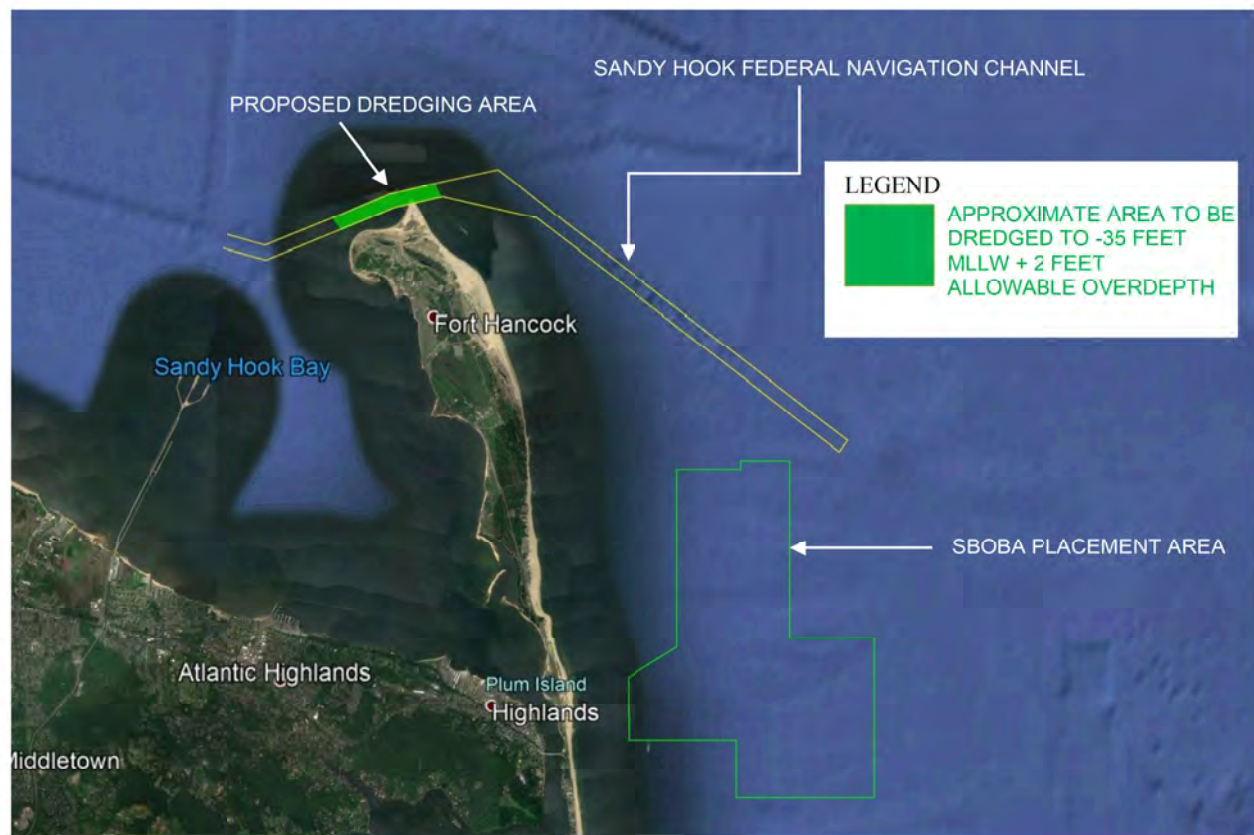


Figure 1: Dredging and Placement Location Map (Not to scale)