

**Participating Organizations**

- Alliance for a Living Ocean
- American Littoral Society
- Arthur Kill Coalition
- Asbury Park Fishing Club
- Bayberry Garden Club
- Bayside Saltwater Flyrodders
- Belford Seafood Co-op
- Belmar Fishing Club
- Beneath The Sea
- Bergen Save the Watershed Action Network
- Berkeley Shores Homeowners Civic Association
- Cape May Environmental Commission
- Central Jersey Anglers
- Citizens Conservation Council of Ocean County
- Clean Air Campaign
- Coalition Against Toxics
- Coalition for Peace & Justice
- Coastal Jersey Parrot Head Club
- Coast Alliance
- Communication Workers of America, Local 1034
- Concerned Businesses of COA
- Concerned Citizens of Bensonhurst
- Concerned Citizens of COA
- Concerned Citizens of Montauk
- Dosil's Sea Roamers
- Eastern Monmouth Chamber of Commerce
- Environmental Response Network
- Explorers Dive Club
- Fisheries Defense Fund
- Fishermen's Dock Cooperative
- Fisher's Island Conservancy
- Friends of Island Beach State Park
- Friends of Liberty State Park
- Friends of Long Island Sound
- Friends of the Boardwalk
- Garden Club of Englewood
- Garden Club of Fair Haven
- Garden Club of Long Beach Island
- Garden Club of Morristown
- Garden Club of Navesink
- Garden Club of New Jersey
- Garden Club of New Vernon
- Garden Club of Oceanport
- Garden Club of Princeton
- Garden Club of Ridgewood
- Garden Club of Rumson
- Garden Club of Short Hills
- Garden Club of Shrewsbury
- Garden Club of Spring Lake
- Garden Club of Washington Valley
- Great Egg Harbor Watershed Association
- Highlands Business Partnership
- Highlands Chamber of Commerce
- Hudson River Fishermen's Association/NJ
- Interact Clubs of Rotary International
- Jersey Coast Shark Anglers
- Jersey Shore Audubon Society
- Jersey Shore Captains Association
- Jersey Shore Running Club
- Junior League of Monmouth County
- Junior League of Summit
- Kiwanis Club of Mansquan
- Kiwanis Club of Shadow Lake Village
- Leonardo Party & Pleasure Boat Association
- Leonardo Tax Payers Association
- Main Street Wildwood
- Marine Trades Association of NJ
- Monmouth Conservation Foundation
- Monmouth County Association of Realtors
- Monmouth County Audubon Society
- Monmouth County Friends of Clearwater
- Montauk Fisherman's Emergency Fund
- National Coalition for Marine Conservation
- Natural Resources Protective Association
- Navesink River Municipalities Committee
- Newcomers Club of Monmouth County
- NJ Beach Buggy Association
- NJ Commercial Fishermen's Association
- NJ Council of Dive Clubs
- NJ Environmental Federation
- NJ Environmental Lobby
- NJ Marine Educators Association
- NJ PIRG Citizen Lobby
- NJ Sierra Club
- NJ Windsurfing Association
- Nottingham Hunting & Fishing Club
- NYC Sea Gypsies
- NY/NJ Baykeeper
- NY Marine Educators Association
- Ocean Advocates
- Ocean Conservancy
- Ocean County Citizens for Clean Water
- Ocean Divas
- Ocean Wreck Divers
- Outreach/First Presbyterian Church of Rumson
- Pecaniny Saltwater Sportsmen Club
- Raritan Riverkeeper
- Riverside Drive Association
- Rotary Club of Long Branch
- Saint George's by the River Church, Rumson
- Saltwater Anglers of Bergen County
- Sandy Hook Bay Catamaran Club
- Save Barnegat Bay
- Save the Bay
- SEAS Monmouth
- Seaweeders Garden Club
- Shark River Cleanup Coalition
- Shark River Surf Anglers
- Sheepshead Bay Fishing Fleet Association
- Shore Adventure Club
- Shore Surf Club
- Sierra Club, Shore Chapter
- Soroptimist Club of Cape May County
- South Monmouth Board of Realtors
- Staten Island Friends of Clearwater
- Strathmere Fishing & Environmental Club
- Surfers' Environmental Alliance
- Surfrider Foundation, Jersey Shore Chapter
- TACK I
- Terra Nova Garden Club
- Unitarian Universalist Congregation of Mon. County
- United Boatmen of NY/NJ
- United Bowhunters of NJ
- Volunteer Friends of Boaters
- Waterspirit
- Women's Club of Brick Township
- Women's Club of Keesport
- Women's Club of Long Branch
- Women's Club of Merchantville
- Zen Society

# Clean Ocean Action

[www.CleanOceanAction.org](http://www.CleanOceanAction.org)



*Ocean Advocacy  
Since 1984*

■ **Main Office**

18 Hartshorne Drive  
P.O. Box 505, Sandy Hook  
Highlands, NJ 07732-0505  
Voice: 732-872-0111  
Fax: 732-872-8041  
SandyHook@CleanOceanAction.org

June 2, 2008

Richard Tomer  
Acting Chief, Regulatory Branch  
US Army Corps of Engineers  
New York District  
26 Federal Plaza  
New York, NY 10278-0090

Mr. Doug Pabst, Team Leader  
Dredged Material Management Team  
US Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866

**SUBMITTED VIA E-MAIL AND REGULAR MAIL**

**RE: PN # NAN 2007-1334 WOR, PORT JERSEY NAVIGATION CHANNEL 50 FOOT FEDERAL DEEPENING PROJECT**

Dear Mr. Tomer and Mr. Pabst:

Enclosed are comments on behalf of Clean Ocean Action (COA), representing 125 organizations, including the over 200,000 citizens who signed petitions against ocean dumping of contaminated dredged material. The current proposal to deepen the Port Jersey Navigation Channel to 50 feet includes removal of 2,541,000 cubic yards (CY) of dredged material with 676,000 CY of Holocene silt to be placed at an approved upland site(s) and the remaining 1,865,000 CY being proposed for several different uses. These different uses include: 281,000 CY Pleistocene Red Clay and 630,000 CY Pleistocene Glacial Till to be disposed of at HARS, 19,000 CY of rock to be disposed of at the Axel Carlson Artificial Reef Site and/or used to create a habitat enhancement site (HES) on the south side of the former Military Ocean Terminal at Bayonne. Another 935,000 CY of sandy material is proposed for use at the HES (Table 1).

| Port Jersey Deepening | Proposed for HARS or HES |               |           | For upland placement |           | Total Volume (CY) |
|-----------------------|--------------------------|---------------|-----------|----------------------|-----------|-------------------|
|                       | Glacial Till (CY)        | Red Clay (CY) | Sand (CY) | Black Silt/Mud (CY)  | Rock (CY) |                   |
|                       | 630,000                  | 281,000       | 935,000   | 676,000              | 19,000    | 2,541,000         |

Table I. Proposed volumes, types of dredged material, and proposed management options. From the Army Corps of Engineers Public Notice # NAN 2007-1336-WOR.

Clean Ocean Action finds the public notice (PN) incomplete and insufficient for the following reasons:

- 1. The public notice (PN) is incomplete, as there are no sediment chemistry or toxicity test results for the “sandy material” that is said to be HARS suitable and proposed for open water disposal. Without these data, it is not possible for the public to evaluate the acceptability of the proposed placement of this material or the impact of the proposed activity on fish and wildlife values and water quality.**

The PN provides **NO** information on the grain size or toxicity testing results for the 935,000 CY of “sandy material” proposed to be utilized for the habitat enhancement project. Although the PN stated that the sandy material is “*acceptable for open water placement for reasons discussed later in this Description of Proposed Work,*” the only information provided in the PN are unsubstantiated statements that the material is “*suitable for placement at the Habitat Enhancement Site,*”. Except for 25,000 CY of sandy material from Reach 4 that is said to be “*suitable for placement at an upland disposal site(s).*” No additional information is provided for why this smaller volume of “sandy material” has been designated for upland disposal instead of being utilized at the HES. There are additional references to the fact that all 1,865,000 CY of material (including 935,000 CY of sandy material) are HARS suitable, but again, no data are provided. If in fact, it was determined that these “sandy” sediments are suitable for HARS placement, it should have been tested in accordance with testing protocols for ocean placement established by the US EPA, Region 2, and the US Army Corps of Engineers, New York District, including sediment chemical analysis, toxicity, and 28-day bioaccumulation test results.

Clean Ocean Action regularly reviews, and comments on, all dredging projects that include HARS placement. And all previous PNs for New York/New Jersey Harbor dredging projects with proposed disposal at HARS have included the corresponding toxicity test results. Yet, none of this information is provided in this PN. As stated in this PN, the “sandy” material could potentially be disposed of at HARS, yet we, and other interested public, will not have been given the opportunity to review the sediment quality data for this material.

COA recognizes that a previous permit was issued for some of the proposed work (Department of the Army Permit # 2204-01167). But, the applicant is now seeking a NEW permit, and the interested public must therefore be given a NEW opportunity to review the proposed activity in its entirety, including all relevant data. In addition, since the previous permit was issued, the sediments in question, namely the “sandy material” could have been recently deposited and/or exposed to contaminated water or sediments from outside the project area, as is likely the case for the 25,000 CY of sandy material being placed upland.

**Therefore, as is necessary for due process, including public review and comment, a new PN must be issued that includes the missing data and information on the sandy material.**

**2. The characterizations of the project material in the “Glacial Till Determination” document, the core logs and the subcrop map, do not appear to be consistent.**

The PN states that the Standard Operating Procedures (SOP) set forth in a July 17, 2004 US Army Corps of Engineers Memo<sup>1</sup> were used to classify 630,000 CY of proposed dredging material as Pleistocene glacial till and a resulting list of sediment characteristics were provided. A few discrepancies need to be addressed regarding information provided in the January 14, 2005 Glacial Till determination, including:

- a. A majority of the cores used to analyze the material do not go all the way to project depth of 53.5 feet, but instead only reach 50 feet or less.
- b. The statement that Glacial Till material contained “*low organic carbon content*” is not supported and it is unclear what methods were used to make this determination.
- c. COA again has significant concerns that Holocene material is being misclassified as Pleistocene.
  - i. Some core logs contain sediments through out the entire core that are described as either gray or brown (**Core W10, W22, W24 and PJ 98-08**). The joint SOP specifically states that “*Holocene age sands are usually light gray...sediments that are gray, light gray or reddish-gray, OR clearly not reddish or red-brown are NOT likely to be glacial till.*”<sup>2</sup>
  - ii. Other core logs contain gray material below the red-brown layers (**Core W7 and W24**) both of which are located in areas identified on the subcrop map as Pleistocene age material. The explanation for core W7<sup>1</sup> states that it is gray because it is derived from the underlying gray sandstone or bedrock. The core does not go any deeper than the layer of gray sand; therefore the geological information necessary to determine the nature and age of the underlying material is unknown. The grain size is consistent with Holocene (SP). No explanation is provided for **Core W24**, which contains only gray and brown material throughout the core followed by a final layer of gray sand.
- d. Discrepancies exist between similar core log descriptions that have been given two different classifications. Namely, **Cores W23, W24** (Pleistocene) vs. **W25** (Holocene) and **Cores W14** (Pleistocene) vs. **W17** (Holocene). All these cores should have the same designation of “Holocene” as they contain gray or brown colored sediments throughout the core. According to the SOP cited above in Section b., sediment that are described as “*Red to gray*” or “*brown*” are not appropriate to

---

<sup>1</sup> USACOE July 16, 2004 Memorandum for Distribution on the Standard Operating Procedures to determine if proposed dredged sediments from selected areas of New York Harbor are Pleistocene Glacial Till

<sup>2</sup> USACOE July 16, 2004 Memorandum for Distribution on the Standard Operating Procedures to determine if proposed dredged sediments from selected areas of New York Harbor are Pleistocene Glacial Till

classify as Pleistocene age material, but are more appropriately characterized as Holocene age sand.

- e. **Cores 209 and 210** could not be located on the Port Jersey Contract 3 Sub-crop map provided. The designation of these two cores is unclear. However, the core descriptions indicate the cores were extracted from Holocene designated areas.
3. **Material Separation Plan:** The applicant must provide a Dredged Material Separation Plan to “ensure that only HARS-suitable dredged materials are transported to the HARS.”<sup>3</sup> COA requests a copy of the Material Separation Plan for this project and any additional information on the dredging procedures that describe how the material will be handled to provide acceptable separation.
4. **Beneficial Reuse of Holocene Silt and Sand:** COA supports the proposed beneficial reuse of the Holocene silt and sandy material in an environmentally sound manner at an upland site in New Jersey. In order for the public to adequately review the proposed reuse, the PN must also include specific information on the location of the upland placement site.
5. **Placement of Material at HARS:** The 2006 Multibeam Bathymetric and Backscattering Survey of HARS<sup>4</sup> found areas in the western half of PRA 1 and in the eastern half of PRA 2, where deposits measured up to 19 feet thick. Therefore, the Pleistocene Red Clay and Glacial Till should be deposited within the HARS in a manner that ensures coverage and capping of historically contaminated sediments, not placed repeatedly over areas that have already received clean cap material
6. **Clean Ocean Action continues to have serious questions about the Habitat Enhancement Project proposed for the south side of the Former Bayonne Ocean Terminal.**

The PN states the “*Habitat Enhancement Site is discussed later in this Description of Proposed Work,*” but the only additional information provided is the type of dredged material to be used at the site. There are very few details on the actual project design, its relation to the existing habitat and land uses, the goals of the project, or how its effectiveness will be evaluated. For example, how will this site function to remediate the loss of important benthic habitat (i.e., Jersey Flats) removed during this proposed channel deepening project? The limited information makes it impossible for the public to substantively review and comment on this important issue.

- a. As stated above, the PN fails to provide data and information to support the contention that the “*sandy material*” is acceptable for open water placement and appropriate for creating winter flounder spawning habitat.

---

<sup>3</sup> Memorandum for the Record, Feb 27, 2008, Analysis of SE-1 dredging project core data, Steven C. Knowles, PhD, USACE-NY.

<sup>4</sup> RESULTS OF THE SUMMER 2006 MULTIBEAM BATHYMETRIC AND BACKSCATTER SURVEYS AT THE HISTORIC AREA REMEDIATION SITE, SHARK RIVER REEF, AXEL CARLSON REEF, AND SANDY HOOK REEF, FINAL REPORT, December 2006, Contract No. SAIC Project No. 01-0236-04-5000-300, SAIC Report No. 716

- b. An enhancement project designed to create winter flounder habitat conflicts with the proposed use of the area as a marina, ferry terminal, docks, a CSO and a pier. There is also a golf course located directly across from the proposed HES. Marinas create pollution, shading and require continuous maintenance dredging, while golf courses contribute significant pollutant loads to the shared waters, none of which are conducive to optimal winter flounder spawning.
- c. There are several ongoing and proposed mitigation and/or habitat enhancement projects taking place in different areas of the south side of the Bayonne Ocean Terminal. It is not clear that all parties are working together to create one large habitat that will best serve the aquatic community. None of the projects will be successful if they are planned and completed in isolation, rather than in coordination with one another. Therefore, the entire area needs to be considered and plans consolidated to improve and enhance the habitat in an appropriate manner.

These issues must to be addressed so that COA and other interested parties can properly evaluate the enhancement project and determine its ability to re-creating winter flounder habitat lost due to the proposed dredging of the Jersey Flats.

**In conclusion,** Clean Ocean Action has presented numerous outstanding issues of concern regarding the Port Jersey 50 foot deepening project and corresponding Habitat Enhancement Project. Based on all these significant concerns, the US Army Corps of Engineers must issue a new PN for this project that includes the missing sediment chemistry and toxicity data, properly characterizes the Pleistocene Glacial Till portions of the material proposed for placement at HARS, and provides detailed information on the proposed habitat enhancement project. A written response to these comments is requested.

Sincerely,



Cindy Zipf  
Executive Director



Jennifer Samson, PhD  
Principal Scientist

cc: Suzanne Dietrick, Chief, Office of Sediment and Dredging Technology, New Jersey  
Department of Environmental Protection

Debbie Mans, Executive Director, NY/NJ Baykeeper

---

<sup>i</sup> USACOE CENAN-OP-SD, Memorandum for the Record, Subject: Review of Port Jersey Contract 3 Core Data for Permit Application # 2004-01169-OD, # 5, section b., 2<sup>nd</sup> ¶