

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 Manasquan

Kiwanis Club of Shadew 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 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

Piscataway 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

Sicra Club, Shore Chapter

Soroptimist Club of Cape May County

South Monmouth Board of Realtors

Staten Island Friends of Clearwater

Strathmore 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 Keyport

Women's Club of Long Branch

Women's Club of Merchantville

Zen Society

Clean Ocean Action



*Ocean Advocacy
Since 1984*

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May 12, 2005

Suzanne Dietrick, Chief
Office of Dredging and Sediment Technology
New Jersey Department of Environmental Protection
PO Box 028
Trenton, NJ 08625-0028

RE: Maintenance Dredging of Newark Bay Channels
Project # 0000-02-0028.1

Dear Mr. Deitrick;

Clean Ocean Action (COA) has reviewed the above referenced project and submits the following comments.

The Army Corps of Engineers (ACOE) has applied for a Waterfront Development Permit/Water Quality Certificate in order to perform maintenance dredging of between 400,000 and 550,000 cubic yards (CY) of material from Port Newark Channel, Port Newark Pierhead Channel, and Port Elizabeth Channel with upland disposal.

After reviewing the information provided, COA has determined that the ACOE Public Notice (PN) fails to provide essential information. Most importantly, the PN fails to include the sampling results from the proposed dredged material. It is unacceptable for the Department to make a decision or issue any permit, including provisional permits, without the sampling results. In the past, a similar issue resulted in a letter, dated April 1, 2004 letter from NJ DEP to ACOE regarding the New York/New Jersey Harbor Deepening Project, which stated:

The request for a Water Quality Certificate shall contain, at a minimum, the following required information:

- *Sediment sample results, as applicable (HARS and non-HARS material)*
- *Contract specific project description including volume of material to be removed during the contract*
- *Applicable placement sites for the material*

None of this information is provided in this Public Notice. These minimum requirements are relevant to all dredging projects, especially a maintenance project, which is likely to contain contaminated materials. Although COA rejects the further consideration of this permit application without the necessary and essential information, COA submits the following additional comments:

1. **The New Jersey Department of Environmental Protection (NJ DEP) should not issue a final or provisional Waterfront Development Permit/Water Quality Certificate (WDP/WQC) until all site sampling and sediment analysis are complete.**



The applicant proposes upland disposal of the dredged material, but has not conducted the required sediment analyses. The lack of sampling results is a fatal flaw in the application. A conditional issuance of the WDP/WQC without these data undermines the evaluation process by denying both NJ DEP and the interested public adequate opportunity to assess the environmental impacts of the work. Both NJ DEP and the public should be provided with information on contaminant levels in the sediments and elutriate, and how the proposed sediment settlement process will reduce levels of contamination in the discharge water to meet water quality standards. Monitoring of the discharge water must be required by NJ DEP to verify that the settlement process effectively reduces levels of contamination in wastewater.

Furthermore, COA fully rejects the concept of a “provisional Waterfront Development Permit/Water Quality Certificate (WDP/WQC).” Providing a “provisional” permit goes against the purpose of ensuring that a federal activity is consistent with the state program. Permits should only be issued once the applicant has provided the information necessary to deem the actual activity consistent, rather than issued based on possible consistency. Issuing provisional permits runs the risk of authorizing activities that will lead to great environmental harm; therefore COA is against any form of “provisional” permit issuance.

2. Should sampling results indicate that the sediments are contaminated, NJ DEP must require the use of a clamshell dredge fitted with an environmental bucket with slow hoist speed and no barge overflow.

The PN states “maintenance dredging of a channel is generally accomplished by a clamshell dredge with an environmental bucket, or other similar plant.” However, if the sediments are contaminated to such a level that maintenance dredging by a clamshell dredge with an environmental bucket is required, then such method (or a method that is more environmentally sound) should be mandated, without allowing for alternatives. Additionally, other measures to reduce the impacts of the dredging activity on water quality should be mandated, including a slow hoist speed and no barge overflow.

3. The PN does not include an anticipated start time or completion date.

Any environmental assessment and review of the proposed project requires a clear schedule of when work might occur so that the full extent and magnitude of biological impacts can be adequately evaluated and measures to minimize impacts recommended. Because the start time is not known, NJ DEP must include a condition in the permit that prohibits dredging between January 1 and May 31 to protect winter flounder eggs, larvae and spawning adults.

4. The PN does not include any details on the upland disposal option.

This permit should only be issued once a disposal site has been specified to ensure environmentally-safe disposal.

In conclusion, the ACOE was premature in submitting this application for a Waterfront Development Permit/Water Quality Certificate, due to the lack of critical data and information. Therefore, this project as proposed must be declared incomplete and withdrawn. Furthermore, once ACOE submits the necessary information and the application is deemed complete, the application should be re-noticed and put out for public comment. COA reserves the right to

resubmit comments on this project once all of the above stated information is available for review. A written response to these comments is requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'CZ', with a stylized flourish at the end.

Cindy Zipf,
Executive Director

A handwritten signature in black ink, reading 'Jennifer C. Samson' in a cursive script.

Jennifer Samson, Ph.D.
Principal Scientist