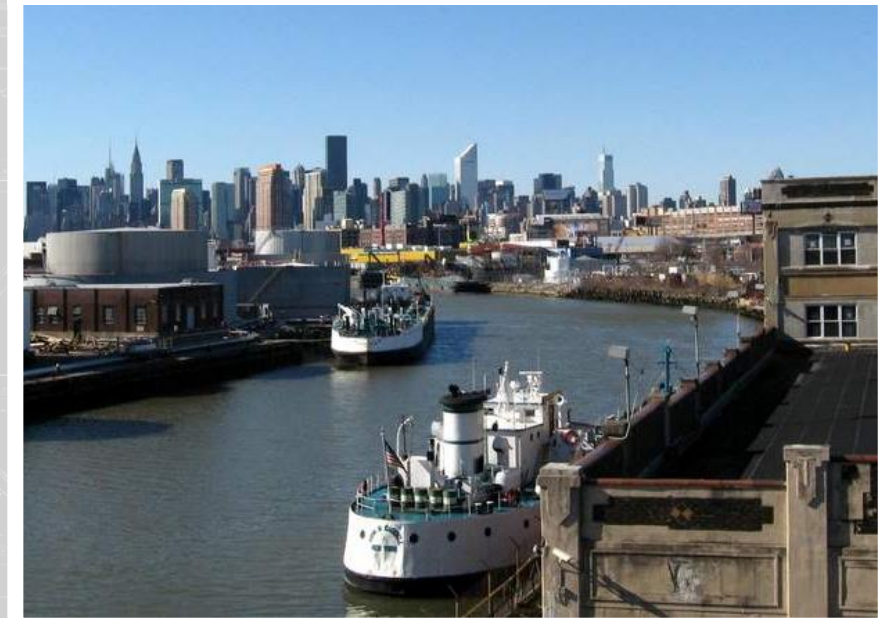
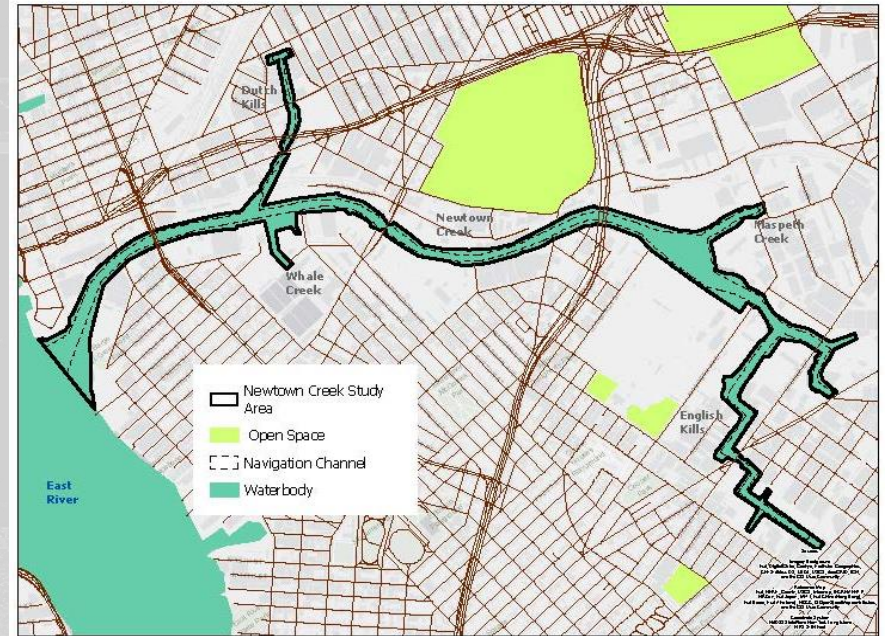


NEWTOWN CREEK COMMERCIAL NAVIGATION ANALYSIS

NEWTOWN CREEK Community Advisory Group

April 20, 2022

Lisa Baron
Project Manager
U.S. Army Corps of Engineers



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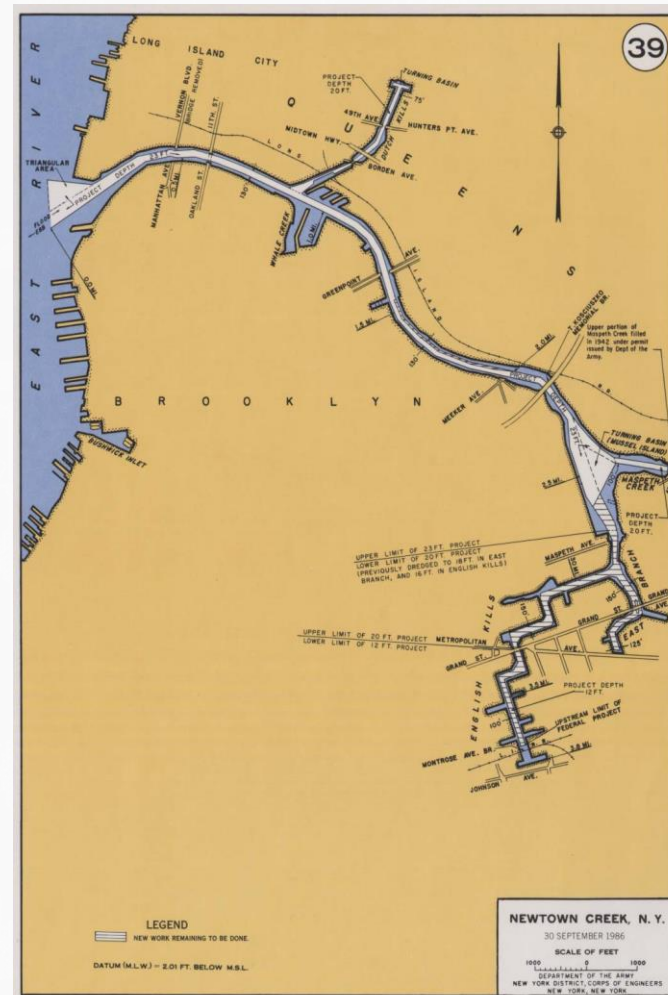


U.S. ARMY CORPS OF ENGINEERS ROLE IN NEWTOWN CREEK



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- Newtown Creek is a Federally Authorized Navigation Channel
 - ✓ Authorized by the Rivers & Harbors Act of 1919 (P.L. 65-323) and the Rivers & Harbors Act of 26 August 1937, Public Law 392-75th Congress.
 - ✓ Divided into 13 reaches with authorized depths ranging from 23 feet at the confluence with East River to 12 feet in the English Kills
 - ✓ USACE is responsible for reporting the conditions of the navigation channel through surveys and Operation and Maintenance of the authorized channel depth
 - ✓ USACE has dredged the channel from 1922 to 1974 (followed by the last dredging by NYC in 2014).

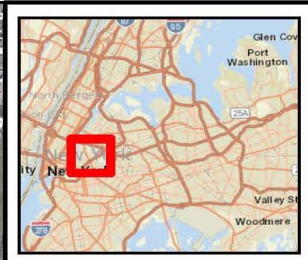
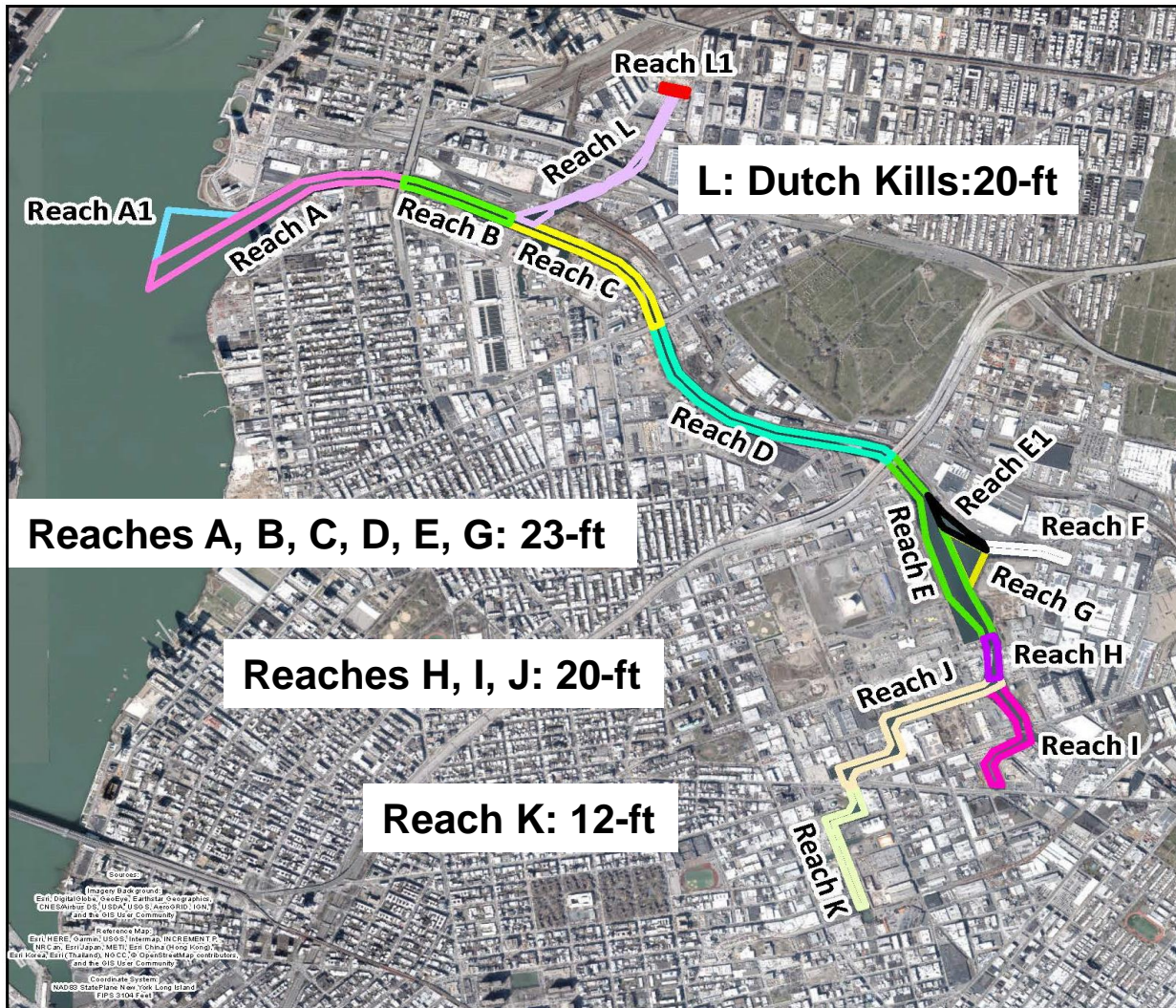




REACHES OF THE FEDERALLY AUTHORIZED CHANNEL



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LEGEND

- Reach A1
- Reach A
- Reach B
- Reach C
- Reach D
- Reach E1
- Reach E
- Reach F
- Reach G
- Reach H
- Reach I
- Reach J
- Reach K
- Reach L1
- Reach L

0 1,000 2,000 Feet
1 inch = 2,000 ft

N

Newtown Creek

Current & Future Commercial Users
Date: 9/24/2021



NAVIGATION ON NEWTOWN CREEK



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- Newtown Creek and its tributaries once constituted the busiest waterway of its size in the world and more than 50 industrial facilities with up to 75 business located along its banks.
- Most facilities are inactive; however, there are many commercial users throughout the creek that are water dependent.
- USEPA must consider the future navigational use of the creek while evaluating alternatives during the Remedial Investigation/Feasibility Study (RI/FS).
- USACE was contracted by USEPA through the International, Interagency and Environmental Services Program to conduct a Commercial Navigation Analysis in support of the RI/FS.



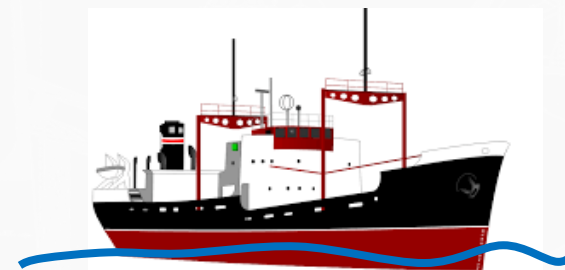


PURPOSE OF COMMERCIAL NAVIGATION ANALYSIS



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- Inform the Superfund investigation and support the remedial alternative development process.
- Outlines commercial users' past, current and future reasonably anticipated use of Newtown Creek's Authorized Channel
- Provide information that would influence the depth of a future dredging and capping remedial action.
- Identifies potential opportunities for deauthorization and/or modification to the authorization of the federal channel through future legislation- Water Resource Development Act of 2022.



**Authorized Federal Navigation
Channel Depth**

Creek Bottom

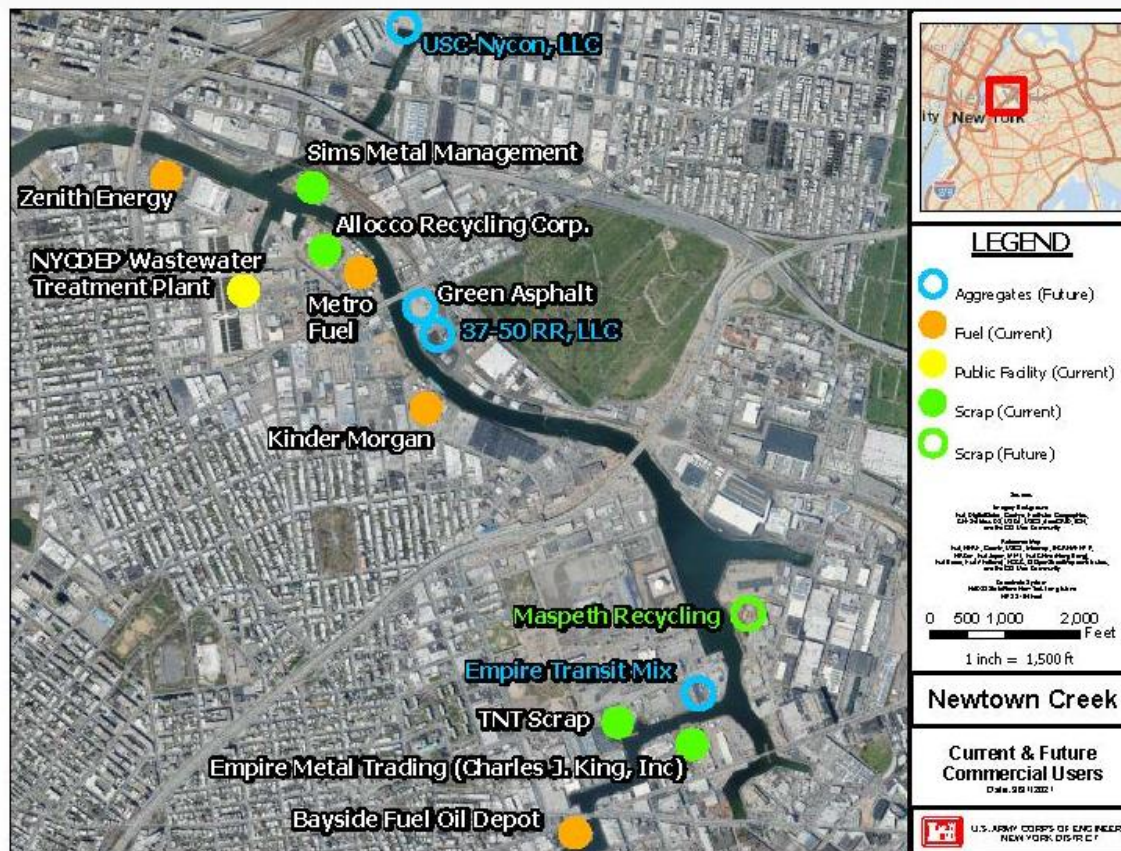


ACTIVITIES COMPLETED FOR COMMERCIAL NAVIGATION ANALYSIS



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1. Review of Construction and Maintenance Dredging History
2. Review Operational Information (inventory, commodities, vessels, trips/drafts)
3. Berth by Berth Analysis (Sept 2019 – current)



- Tug Operators including:
 - Vane Brothers
 - NY State Marine Highway
 - Coymans Marine Towing
- NYCDOT and Long Island Rail Road

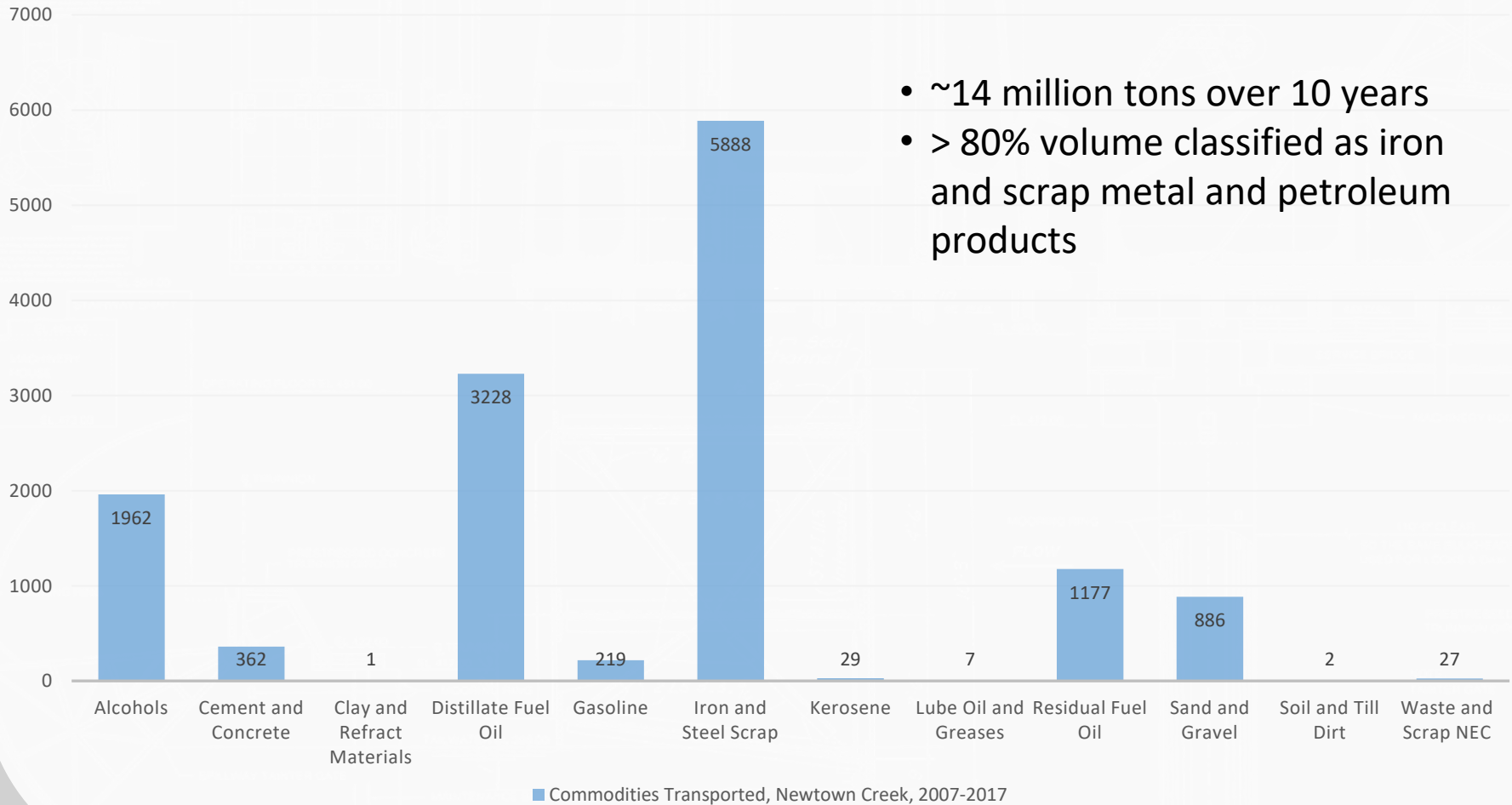
4. Determine Reasonably Anticipated Future Use and Recommendations



COMMODITIES TRANSPORTED NEWTOWN CREEK (2007-2017) (IN THOUSAND TONS)



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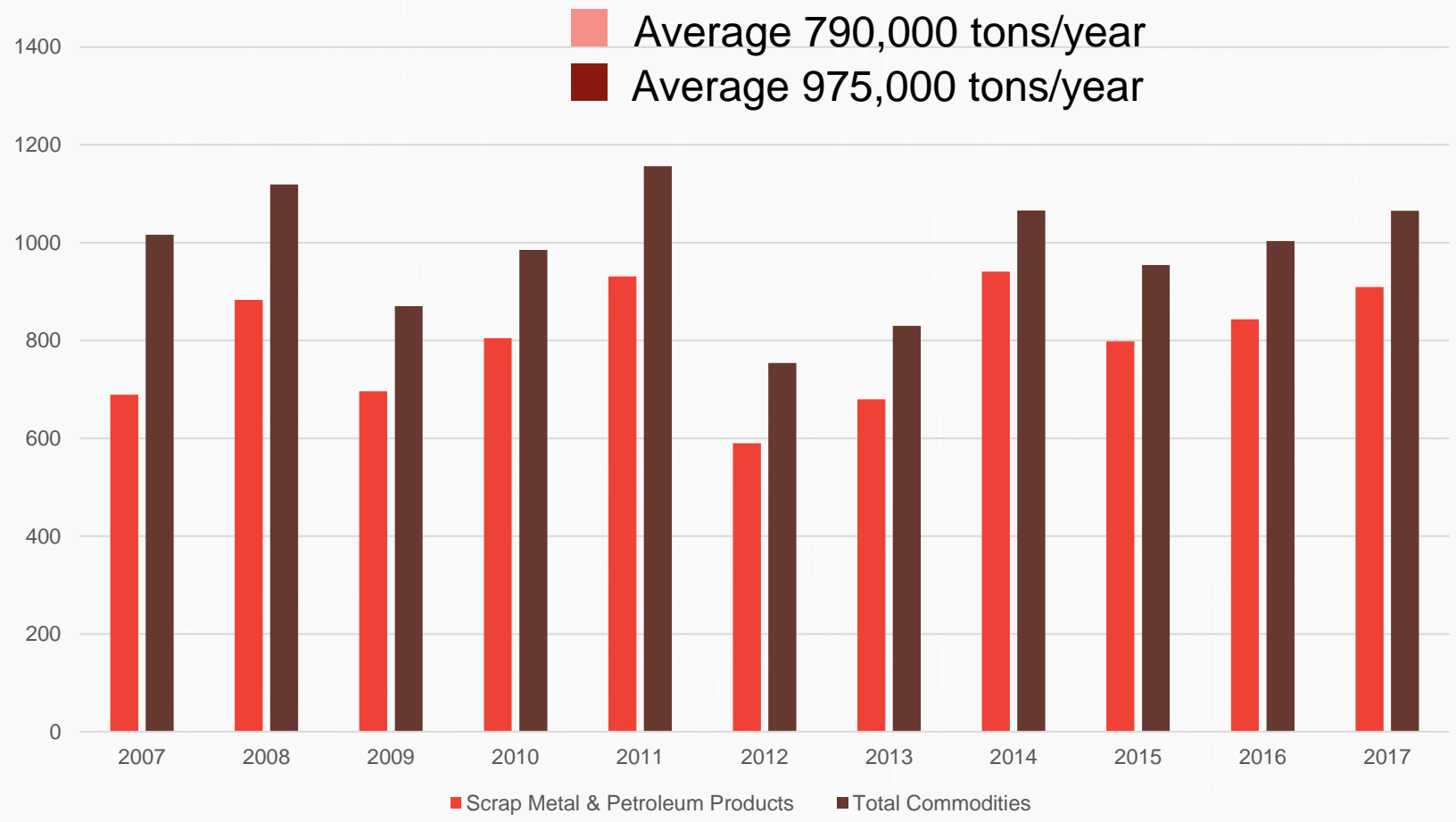
- ~14 million tons over 10 years
- > 80% volume classified as iron and scrap metal and petroleum products



SCRAP METAL & PETROLEUM PRODUCTS AS SEGMENT OF ALL COMMODITIES (2007-2017) (IN THOUSAND TONS)



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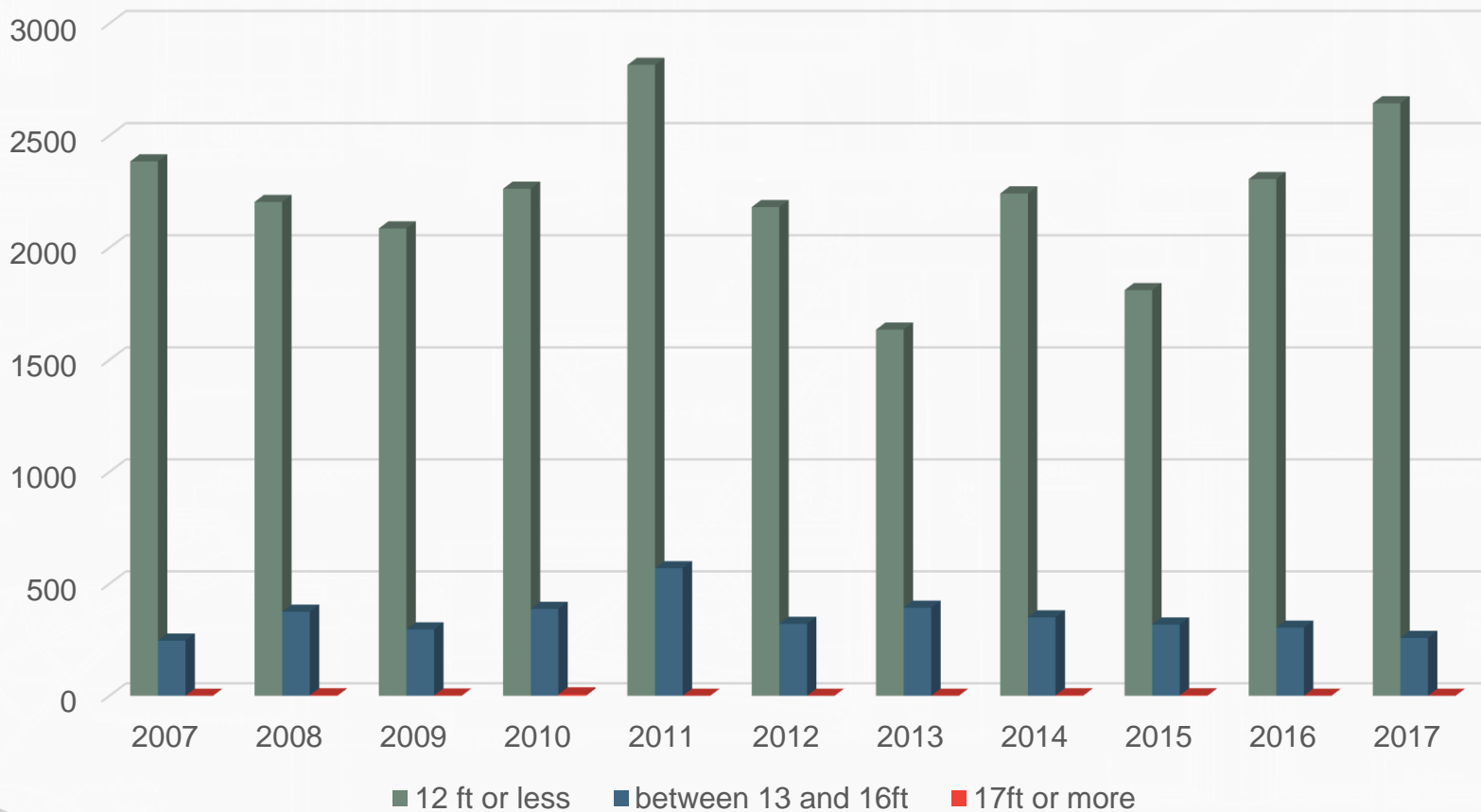


TOTAL TRIPS BY YEAR AND BARGE DRAFT SIZE



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■ ~86% commerce < 12 ft loaded draft
■ ~14% commerce > 12 ft up to 22 ft draft





BERTH BY BERTH ANALYSIS INTERVIEWS



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September 2019 - October 2020:

1. How are you currently using the Newtown Creek navigation channel? Obtain current vessel types, drafts, size.
2. Are there any physical constraints that limit how you are operating?
3. What are your future operation plans regarding transportation in the channel?
4. How would you operate if the channel was shallower with no maintenance?
 - Would traffic be affected?
 - Is ground transportation an option?
5. How would you operate if conditions stayed the same as they are now with current bathymetry and no maintenance?
6. How would you operate if the channel were deeper?
7. Are there facility/infrastructure changes, operational modifications or other investments you would need to make in order to operate in a deeper channel? If so, how likely is it that you will be able to make these investments in the short-term (2 to 5 years)? In the longer term (greater than 5 years)?
8. What concerns do you have regarding future modifications to the authorized channel resulting from a potential remedial action? (Note: Information about the potential remedial action was not provided to any user by the USACE and if asked would state information would be provided by USEPA in the future).

August – October 2020:

Future Users were contacted as a result of the July 15, 2020 CAG meeting

March – September 2021:

Follow-up with users (Allocco, United Metro Energy, Kinder Morgan, Empire Metal Trading, TNT Scrap and Bayside Fuel) that are located or utilize reaches where the constructed depth is less than the federal authorized depth or within a reach that were never constructed (e.g., Reach K).

March-April 2022:

Discussions with Newtown Creek Group and representative for new owner of USC-Nycon for future use of Dutch Kills

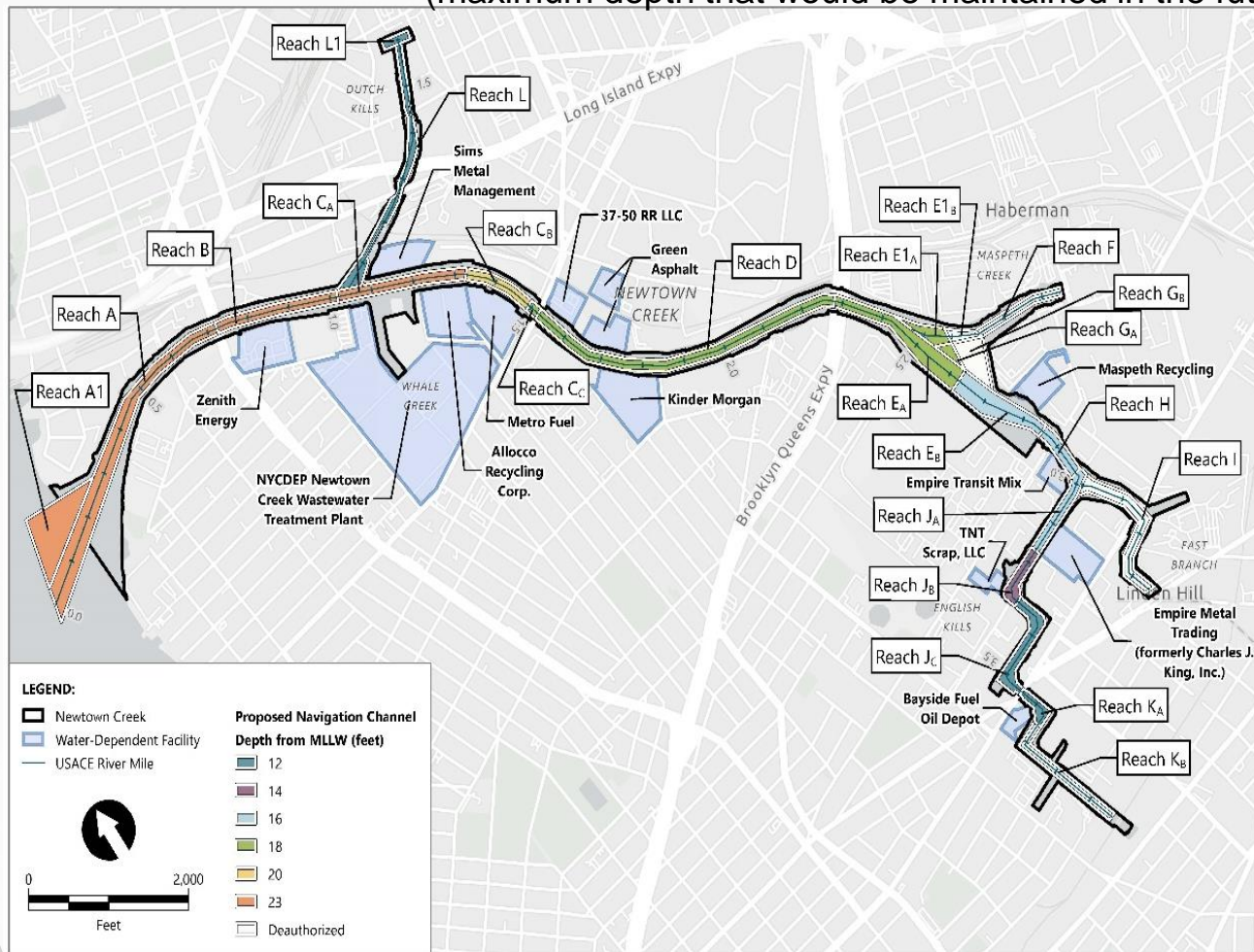


PRELIMINARY FINDINGS



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Depths in each Reach to accommodate future use (**at this time**) of the commercial users considering the constructed depth (maximum depth that would be maintained in the future)



Reaches that could be Modified:

- 20-ft to Metro Fuel (C_B)
- 18-ft to Greenpoint Ave. Bridge (C_C)
- 18-ft to end of Turning Basin for Kinder Morgan (D, E_A, G_A)
- 16-ft to Empire Metal Trading (E_B, H, J_A)
- 14-ft to TNT Scrap (J_B)
- 12-ft to Bayside Fuel (J_C, K_A)

Reaches that could be Deauthorized:

- Northern half of Turning Basin (E1_B and G_A)
- Maspeth Creek (F)
- Reach I
- Reach K_B

No Change (at this time): 23-ft to Alocco's berth (A1, A, B, C_A)

[Possible modification to 20-ft in future pending further coordination with Alocco Recycling]

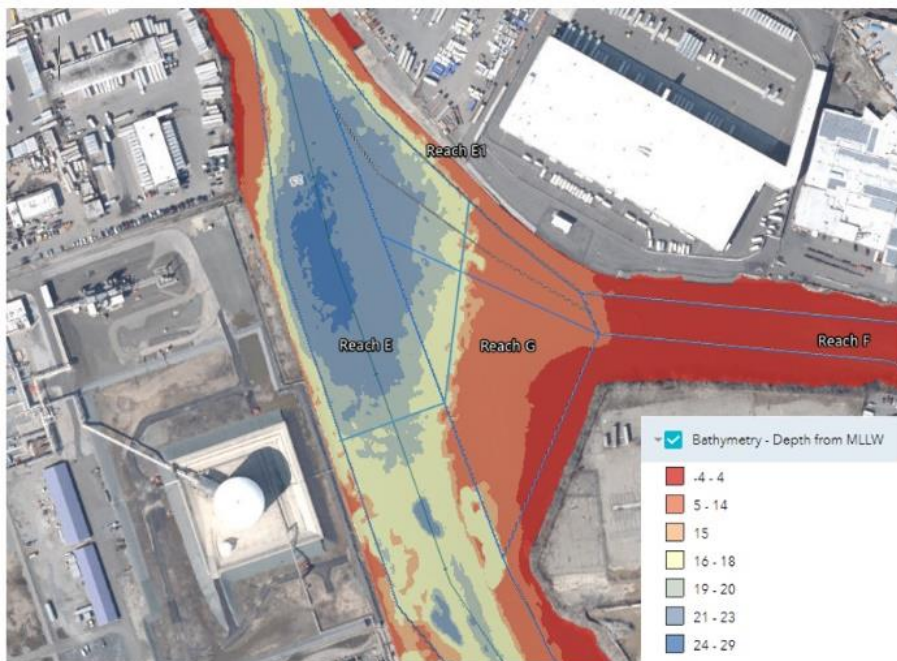
- **Reach L OR modified to 12-ft?**



Current Bathymetry, Use and Future Proposed Alignment/Modification of the Turning Basin



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Current bathymetry and use



Turning Basin size reduced (portions of Reach E1 and G can be deauthorized) based on discussions with Tug Operators



OUTSTANDING ITEMS/NEXT STEPS



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- Future coordination with Allocco Recycling
 - Authorized depth may be modified to 20-ft in the future pending further coordination with Allocco Recycling, determination of approval of the DockNYC RFEI granting a use and occupancy permit and subsequent resolution of property dispute with NYC.

- Determination whether Dutch Kills can be deauthorized or modified?
 - Decision by the new owner of USC-Nycon LLC (Vulcan Materials)
 - If plans for future use, coordination needed to remove/repair LIRR Freight Bridges

- Congressional Deauthorization/Modification of Channel in WRDA 2022
- Finalize Report
- Public Release of Report



FUTURE ECOSYSTEM RESTORATION OF HUDSON RARITAN ESTUARY



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- 20 Individual Restoration Projects were authorized for construction in WRDA 2020
- **Future Spin-Off Feasibility Studies (for CRP sites included in Appendix K – Newtown Creek is #675)**
- Preconstruction Engineering and Design (PED) Phase initiated in FY22 for Flushing Creek, Stony Creek Marsh Island in Jamaica Bay, Oysters at Naval Station Earle and fish passage at Bronx Zoo & Dam and Stone Mill Dam
- \$1.2M included in FY22 Bill and \$25.978M in Infrastructure Bill to complete PED and construct Stony Creek Marsh Island



RESTORATION OF NEWTOWN CREEK



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After Remediation.... Could use HRE Authorization with a non-federal sponsor for a future study in coordination with Trustee Restoration...

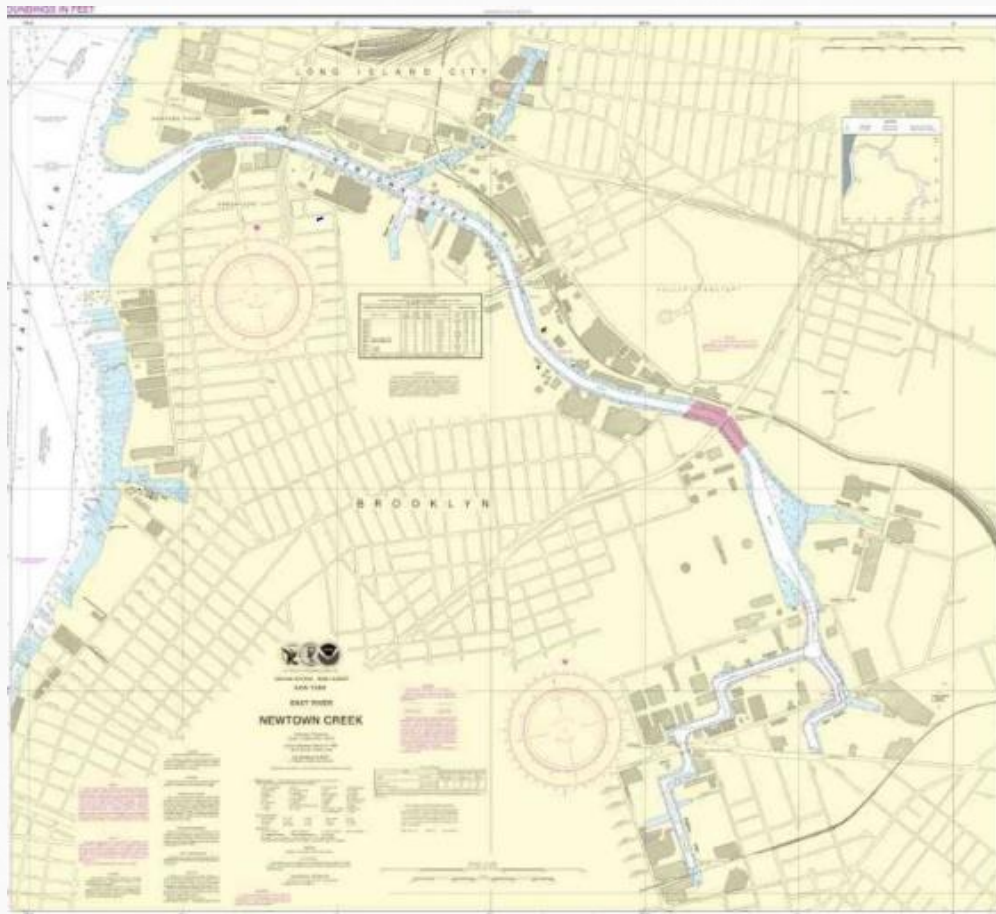




QUESTIONS?



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THANK YOU!