
1.0 Introduction

A. CPIP PROJECT HISTORY

The Port of New York and New Jersey (Port) plays a vital part in the economy of the New York/New Jersey metropolitan area. As the demands for goods in the New York/New Jersey region have grown, the Port has developed in response, but without unified planning for its development.

As the New York/New Jersey metropolitan region expanded, shorelines were modified and natural habitats were replaced with urban complexes. Between the late 1700s and 1980, the Harbor lost an estimated 320,000 acres of wetlands and shallow water habitat to fill. Strong federal, state, and local environmental regulations introduced and implemented since 1969 have stemmed the loss of natural habitats. The water quality of the harbor has improved, and contaminated sediments have been covered with cleaner material or removed by dredging. While the aquatic health of the Port has been improving, disposal of contaminated dredged material and other operational issues still present challenges. Most visitors to the Harbor see a highly urbanized environment, but the Harbor still supports a diverse community of fish and wildlife that contributes to the quality of life in the region.

In 1999, the U.S. Army Corps of Engineers (USACE) completed a Harbor Navigation Feasibility Study and Environmental Impact Statement (EIS) that evaluated navigation improvements to federal channels in the Port. The study recommended that channels be deepened to four destinations to accommodate container ships with 50-foot draft. The study noted that the deeper channels would allow the volume of cargo presently coming to the Port to enter safely with fully loaded vessels, but also disclosed that existing Port infrastructure could not fully accommodate projected future cargo volumes in the coming decades.

In response to the need to address the issue of how to proceed with development at the Port in an efficient and environmentally protective manner, a Memorandum of Understanding (MOU) to prepare a Comprehensive Port Improvement Plan (CPIP) for the Port was executed in January 2000. Signatories to the MOU included project sponsors identified as the CPIP Consortium, regulatory agencies, resource agencies, and regional stakeholders. Development of the CPIP was to be the first unified planning attempt for the entire Port, and intended to identify opportunities for economic growth and environmental enhancement.

Specifically, the MOU executed by the Consortium directed that the CPIP was to be a multi-phased comprehensive plan, responsive to the need for an economically viable and environmentally sustainable Port, while advancing the restoration of the Harbor and its environment. This approach was adopted to facilitate development of a plan that would meet forecasted increases in demand for both containerized and non-containerized cargo while addressing community, environmental, and social needs. The CPIP planning horizon extended to the year 2060, the year for which the USACE had previously forecasted cargo demand in its consideration of navigation improvements in the 1999 Feasibility Study. The CPIP was to consider port terminal operations, intermodal transportation services, landside logistical operations, and environmental considerations. While considering the Port's individual facilities, the CPIP was to address future cargo demand and port capacity from the perspective of the Port, as a whole.

The CPIP planning effort was to focus on seven principal terminal sites in the Port (Figure 1-1 and Table 1-1). The CPIP was to identify port and associated transportation improvement options for each of the port facility sites and integrate the site-specific options into portwide improvement scenarios that would be regionally supported, environmentally protective and economically viable.

TABLE 1-1: PORT FACILITY SITES

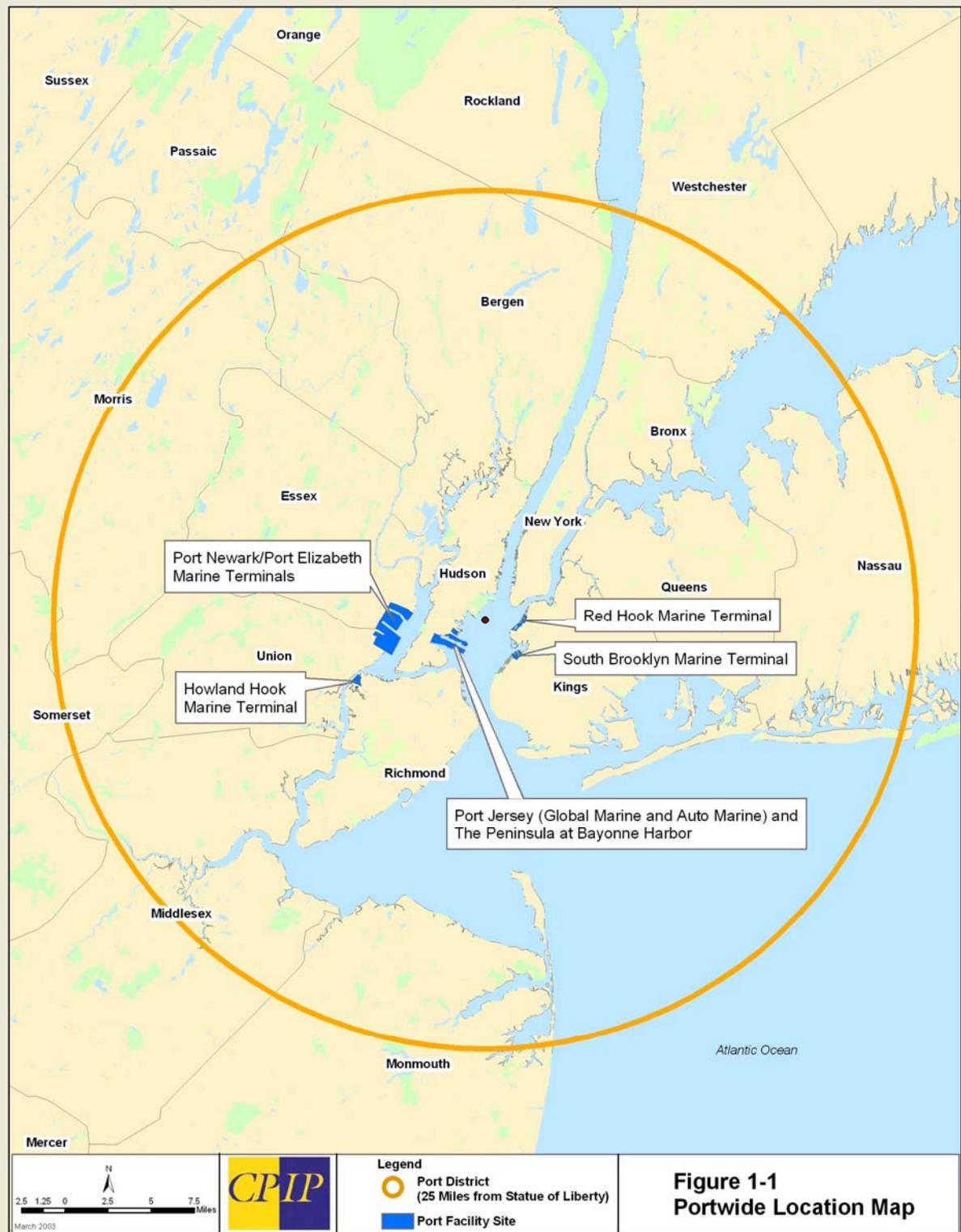
Port Identification	State/Water Body	Municipality
Port Newark Marine Terminal	New Jersey Newark Bay	City of Newark, Essex County
Port Elizabeth Marine Terminal	New Jersey Newark Bay	City of Elizabeth, Union County
Port Jersey (Global Marine and Auto Marine Terminal)	Port Jersey Channel New Jersey Upper New York Bay	City of Jersey City, Hudson County
The Peninsula at Bayonne Harbor (formerly Military Ocean Terminal at Bayonne (MOTBY))	Port Jersey Channel New Jersey Upper New York Bay	City of Bayonne, Hudson County
Howland Hook Marine Terminal	New York Arthur Kill/Kill Van Kull	Borough of Staten Island, Richmond County, City of New York
South Brooklyn Marine Terminal	New York Upper New York Bay	Borough of Brooklyn, Kings County, City of New York
Red Hook Container Terminal	New York Upper New York Bay	Borough of Brooklyn, Kings County, City of New York

B. BASIS FOR FEDERAL AGENCIES' ORIGINAL DETERMINATION FOR NEPA EIS

Given the forecasted growth in cargo demand, the need for significant port infrastructure improvements, and the geographic scope of the CPIP planning effort, the U.S. Environmental Protection Agency (USEPA), the U.S. Army Corps of Engineers (USACE), and the Federal Highway Administration (FHWA) determined that the products of the CPIP process (potentially including USACE permits for port improvements) could constitute major federal actions significantly affecting the quality of the human environment, such that preparation of a Federal Environmental Impact Statement (EIS) was required, under the National Environmental Policy Act (NEPA) of 1969.

In August 2002, a Memorandum of Agreement (MOA) was executed, providing a framework for the preparation of an EIS for the CPIP. The signatories to the MOA were the USEPA, the USACE, the FHWA, the New York State Empire State Development Corporation (ESDC), the Office of Maritime Resources/New Jersey Department of Transportation (OMR/NJDOT), the New York City Economic Development Corporation (NYCEDC), and the Port Authority of New York and New Jersey (Port Authority).

The CPIP EIS was to serve as a planning tool in support of the CPIP's development. Environmental review and evaluation of port and associated transportation improvement options, during Plan development, was to serve to highlight potential adverse effects and identify opportunities for environmental enhancements, such that improvement options could be refined. While the CPIP and CPIP EIS were to be separate documents, they were to be prepared in an iterative manner and be closely coordinated to achieve the purpose of the CPIP project, as defined in the January 2000 MOU.



The MOA directed that the EIS was to be prepared in compliance with the provisions of NEPA, the implementing regulations and associated rules of the Council on Environmental Quality, and the implementing regulations of the signatory agencies. To the extent that the EIS could do so while complying with federal law, it was also to comply with the provisions of the New York State Environmental Quality Review (SEQRA), the New York City Environmental Quality Review (CEQR), New Jersey Executive Order No. 215 (EO 215), and other applicable federal, state, and local laws and pertinent environmental requirements. Upon its completion, the EIS was to be used by the federal, state, and local agencies in their respective decision-making processes.

The CPIP EIS was to be prepared under the direction of three federal Co-Lead Agencies: USEPA, USACE, and FHWA. ESDC, NJDOT, and the New York City Office of the Deputy Mayor for Economic Development and Rebuilding (DME) were identified as state and local Co-Lead Agencies representing the State of New York, State of New Jersey, and City of New York, respectively, to determine the sufficiency of the EIS with respect to applicable state and local environmental review requirements.

C. BASIS FOR FEDERAL AGENCIES' DECISION TO DEVELOP AN EA AND NOT TO PROCEED WITH EIS AT THIS TIME

The analyses of port, transportation network, and warehousing capacity conducted as part of the CPIP indicated that CPIP-associated improvements, beyond port improvements that are already currently planned, will not need to occur for several decades.¹ Through the planning process, it was also determined that the acreage of wetland and waterfront fill that might be needed to make new upland to support future Port development would be substantially less than was estimated when the CPIP project was initiated. New techniques of cargo handling at container terminals have resulted in more efficient use of land, superseding the need to make new land with waterfront fills. This has also reduced the potential long-term need for fill of waters and eliminated the need for near-term federal action. Therefore, the Federal Co-lead Agencies determined that the preparation of an EIS would not inform any near-term federal decision and, therefore, would not be appropriate at this time. The findings of the CPIP planning process, on the basis of which the agencies decided to discontinue preparation of the CPIP EIS, are summarized below.

As shown in Table 1-2, the CPIP's forecasts of future cargo volumes and assessment of portwide capacity indicate that the capacity in the Port is sufficient for several decades, such that implementation of port improvements is not required in the near-term. The federal agencies note, however, that recent containerized cargo volumes have exceeded projected levels. Should this continue for several more years, capacity shortfalls would occur sooner than predicted by the CPIP. In this instance, port agencies may need to consider updating the cargo demand forecast and the port planning undertaken in the CPIP.

¹ *Port of New York & New Jersey Comprehensive Port Improvement Plan, Volume 1: The Plan*, CPIP Consortium, September 2005.

TABLE 1-2: CPIP FORECAST: PORT CAPACITY SHORTFALLS

Cargo Type	Portwide Assessed Capacity (2005)	Forecast Volume (2040)	Forecast Volume (2060)
Containers	8.6 m TEUs	8.5 m TEUs	11.3 m TEUs
Automobiles	0.93 m units	0.87 m units	1.1 m units
General Cargo	3.7 m tons/yr.	1.9 m tons/yr.	2.5 m tons/yr.
Bulk Cargo	10.6 m tons/yr	8.5 m tons/yr.	11.3 m tons/yr.

m = million

TEU = twenty-foot-equivalent unit. A TEU refers to a 20-foot-long container, such that a 20-foot container represents one TEU, a 40-foot container is two TEUs.

It is projected that Port-related truck trips, (i.e., trips made by truck as the initial, or primary, movement of goods between Port area origins and/or destinations) will comprise a very small percentage of total regional traffic. Traffic growth projected for future decades will result principally from growth due to general population and employment increases in the region and to traffic generated by future non-port-related development. The CPIP forecast of regional roadway conditions is shown in Table 1-3. These statistics indicate that while the regional highway system will be further stressed in future decades (e.g., delay will double by 2060, as expressed by a nearly 50 percent reduction in average travel speeds), the total volume of trucks will drop slightly and port-related truck volumes will increase from 0.05 percent in 2000 to 0.09 percent of total trips by 2060.

TABLE 1-3: CPIP FORECAST: REGIONAL ROADWAY CONDITIONS (DAILY STATISTICS)

Trip Type	2000	2020	2060
Total Vehicle Trips	33,597,340	41,232,350	52,174,960
Average Speed	22.3 mph	18.5 mph	11.6 mph
Total Truck Trips	1,275,350	1,420,370	1,793,980
Total Truck % of Total Trips	3.8%	3.4%	3.4%
Port-related Truck Trips	16,140	24,361	48,560
Port-related Truck % of Total Trips	0.05%	0.06%	0.09%

For the specific highway corridors serving the Port sites, the CPIP planning process determined that total truck travel patterns will likely remain similar to today's patterns, with current truck routes continuing to accommodate high volumes of trucks. Port-related trucks will increase as a percentage of total traffic in the corridors, but their proportion will remain relatively small compared to overall traffic (Table 1-4).

TABLE 1-4: CPIP FORECAST: CORRIDORS WITH HIGHEST PERCENTAGE OF PORT-RELATED TRUCK TRAFFIC (2000-2060)

Corridor	Port-related Trucks as a Percentage of Total Traffic		
	2000	2020	2060
Inner Port	5.5%	7.8%	11.7%
I-95 Central	2.1%	2.9%	3.8%
I-78	1.5%	2.1%	2.8%
I-95 South	1.5%	1.9%	2.5%
I-95 North	1.2%	1.6%	2.3%

On local roadways in the vicinity of the Port Sites, Port-related truck traffic will increase significantly by 2060, but will remain a small percentage (0.12 percent) of overall traffic in those areas. As the concentrations of Port-related trucks will be largely confined to the local Port areas, it is anticipated that the CPIP transportation improvement elements, which have been identified in the CPIP for implementation by 2020 and in later decades, will demonstrate their most positive effects in relieving traffic congestion in these local areas.

The CPIP planning process identified local and regional transportation projects that have been proposed by transportation agencies and are included in the Transportation Improvement Programs of the two Metropolitan Planning Organizations (MPO) (i.e., North Jersey Transportation Planning Authority [NJTPA] and New York Metropolitan Transportation Council [NYMTC]) responsible for transportation planning in the region within which the Port is situated (see Appendix B.1). Many of the proposed projects are prompted by ongoing increases in traffic related to development that would affect traffic levels in the region and are not related to Port improvement projects. The CPIP planning process identified the need for other potential roadway projects to alleviate forecasted future port-related traffic congestion due to ongoing productivity increases at the port facilities. The CPIP-identified traffic congestion choke points are not currently identified in the NJTPA and NYMTC transportation plans or Transportation Improvement Programs. However, the MPOs may choose to consider the CPIP-identified chokepoints in their future planning. If included and funded, the appropriate environmental analyses would be done at that time.

The CPIP planning process also determined that Port-related rail generates only a small percentage of overall forecasted rail growth. During the planning process, significant constraints in the freight rail network serving the Port, the New York/New Jersey region, and the broader national rail network emanating from the region were identified. Unless there are major shifts in planning policies and financing, these constraints to expansion of rail freight services include: inadequate capacity; congestion and choke points; inadequate clearances for double-stacked railcars; conflicts with passenger rail services; freight rail policies; and competition among freight rail companies. These conditions will continue to constrain freight rail in the Port area and the region, despite infrastructure improvements that are either under construction or planned for near-term implementation. It is anticipated that any significant future truck-to-rail mode shift would accelerate the need for rail improvements and the timing of their planning and implementation.

Due to projected productivity improvements, the CPIP's four development scenarios for future portwide development would involve impact to aquatic habitat of between 23 and 153 acres (Table 1-5). While still major amounts, this would be substantially less waterfront fill than the estimated 532 acres² anticipated at the inception of the CPIP process. Regardless, any future development would have to go through the regulatory process and, therefore, potentially would avoid even more impacts. More critically for this current NEPA process, CPIP-related dredge or fill is not anticipated in the near-term, as the CPIP-associated improvements will not need to occur for several decades.

TABLE 1-5: CPIP FORECAST: ESTIMATED AQUATIC IMPACT WITH PORT SCENARIOS

CPIP Scenarios	Estimated Aquatic Impact * (acres)	New Berths Dredged	
		# Berths	Acres
Orange	84	1	17
Red	64	1	17
Yellow	23	1	17
Blue	153	1	17

* Dredge or fill in navigable waters, including wetlands.

² *Feasibility Report for New York and New Jersey Harbor Navigation Study Draft Environmental Impact Statement, U.S. Army Corps of Engineer, December 1999.*

The CPIP planning process also considered the need for future additions to the warehousing stock that serves the Port area (Table 1-6). While warehouse demand will increase significantly by 2060, adequate suitable acreage for warehouse development is currently available in the Port area. Assuming this suitable land is not used up for other purposes, this future warehousing demand related to the Port's future ocean-borne cargo volumes will not require use of wetlands or other environmentally sensitive areas.

TABLE 1-6: PRELIMINARY CPIP FORECAST: WAREHOUSING DEMAND AND AVAILABILITY

Year	Warehouse Floor Space Demand in Port Area	Acreage Required in Port Area
1999	2.7 million sq. ft.	142 acres
2020	4.2 million sq. ft.	241 acres (+ 99 over 1999)
2060	8.0 million sq. ft.	457 acres (+315 over 1999)

Based on these conclusions of the CPIP planning process, the Federal Co-lead Agencies determined that there are no necessary near-term federal actions associated with CPIP project cargo demand. Further, given the considerable time period that may elapse before the conceptual improvements identified in the CPIP would need to become actual, proposed projects with sponsors, the Federal Co-lead Agencies determined that a detailed environmental review and analysis, as conducted in an EIS, was not warranted. In the absence of specific federal action, the NEPA EIS process was discontinued. This document in no way authorizes any specific federal actions.

However, the CPIP considers an array of potential long-term port improvements, some of which may involve future Federal actions that will require analysis under NEPA. Therefore, a programmatic analysis in the form of an Environmental Assessment (EA) was deemed by the Federal Co-lead Agencies an appropriate level of environmental review at this point. Therefore, this EA provides:

- Discussion of the purpose and need for the CPIP in Chapter 2.0;
- Description of existing conditions in the vicinity of the seven port sites considered in the CPIP, in Chapter 3.0; (This information may facilitate analysis of future projects in that the existing conditions will only need to be updated);
- Summary description of the alternatives planning and development process used for the CPIP and the alternative scenarios defined in the CPIP, in Chapter 4.0;
- Generalized, qualitative discussion of potential port, warehousing, and transportation conditions in the Port area in 2020, in Chapter 5.0; (This information may also facilitate analysis of future projects in that a possible future baseline is qualitatively identified);
- Qualitative discussion of the types of impacts that may result with future implementation of the alternative scenarios identified in the CPIP; and consideration of environmental reviews that may be required of improvement projects proposed in the future.

The USACE exercises the regulatory authority of the Secretary of the Army to issue permits for construction in waters of the United States under the Rivers and Harbors Act of 1899 (33 USC Section 403), and for the discharge of dredged or fill material in navigable waters under the Clean Water Act (33 USC Section 1344). The USACE consulted with others regarding the CPIP at the request of the Port Authority of New York and New Jersey (Port Authority) under this regulatory authority, rather than under the Civil Works authority it had exercised in creation of the 1999 Feasibility Study.

The USACE participates in this EA to the extent that it generally concurs with analysis of the environmental effects of alternatives considered. However, as a regulatory authority, the USACE will not at this time express opinions on the merits of an alternative course of action until such time as a Department of the Army permit authorizing such course of action is requested.