

PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: NAN-2022-00269-EBR

Issue Date: September 28, 2022

Expiration Date: October 28, 2022

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344):

APPLICANT: Maher Terminals
Attn: Mike Mazur
1205 Corbin Street
Elizabeth, New Jersey 07201

WATERWAY: Newark Bay

LOCATION: Berth 82 of the Port Authority of New York and New Jersey Port Elizabeth Marine Terminal in the City of Elizabeth, Union County, New Jersey

ACTIVITY: Installation of new tie-down structures

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a

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public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED TO William.Bruno@usace.army.mil BEFORE THE EXPIRATION DATE OF THIS NOTICE; otherwise, it will be presumed that there are no objections to the activity.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to adversely affect any federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency,

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under authority of Section 404 (b) of the Clean Water Act and the applicant has received WFD IP-Commercial/Industrial/Public (Waterward) 2004-22-0003.1 LUP220001 from the New Jersey Department of Environmental Protection (NJDEP), in accordance with Section 401 of the Clean Water Act.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. The applicant has received WFD IP-Commercial/Industrial/Public (Waterward) 2004-22-0003.1 LUP220001 which is inclusive coastal zone management concurrence for the proposed work.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New Jersey Department of Environmental Protection

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8516 and ask for William T. Bruno.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.



FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

The applicant, Maher Terminals, has requested Department of the Army (DA) authorization to conduct the installation of new tie-down structures. The project is located in Newark Bay Berth 82 of the Port Authority of New York and New Jersey Port Elizabeth Marine Terminal in the City of Elizabeth, Union County, New Jersey.

The work consists of the installation of a total of thirty (30) 16-inch-diameter steel pipe piles. Of this total, twelve (12) piles are proposed to be installed landward of the existing bulkhead in the upland. The remaining eighteen (18) piles are proposed to be installed in three-pile clusters located approximately 18-feet landward of the wharf fender line.

Each of the waterside tie-downs will require the temporarily exposing an approximately 16-foot-wide by 20-foot-wide section of existing concrete deck. The existing deck will then be core drilled to allow the pile installation. Reinforced concrete caps and tie-down hardware will be installed above the existing concrete deck. The 18 waterside piles will each be backfilled with flowable concrete resulting in the placement of approximately 1.47 cubic yards (CY) of fill below the plane of Spring High Water (SHW), resulting in a total of approximately 26.4 CY of fill being placed over an approximately 41 SF area below SHW.

The applicant has stated they have avoided, minimized and mitigated for proposed impacts by minimizing the project area to the smallest area practicable.

The stated purpose of this project is to serve as anchor locations for ship to shore cranes at the marine terminal.

MAHER TERMINALS, INC. ELIZABETH PORT AUTHORITY MARINE TERMINAL, NEW JERSEY

ADDITION OF 3 SETS OF TIE-DOWN IN BERTH 82

Waterfront Development Permit



JACOBS

Digitally signed by Christopher A. Lawrence Date: 2022.03.15 16:43:51 -0400	
C. LAWRENCE, P.E., PROFESSIONAL ENGINEER	
JACOBS VTL, ALL RIGHTS RESERVED.	
ISSUED FOR WATERFRONT DEVELOPMENT PERMIT	
REVISION	
CHK	
BY	
APVD	
DR	
E. BLANCH	
M. ACOSTA	
D. COLOMNAS	
A. 3/8/22	
DATE	
NO.	
DSGN	
A	
ADDITION OF 3 SETS OF TIE-DOWN IN BERTH 82 MAHER TERMINALS, LLC ELIZABETH, NEW JERSEY	
COVER SHEET	
VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING.	
DATE 7/28/2021	
PROJ EBXFS801	
DWG G-01	
SHEET 1 of 8	

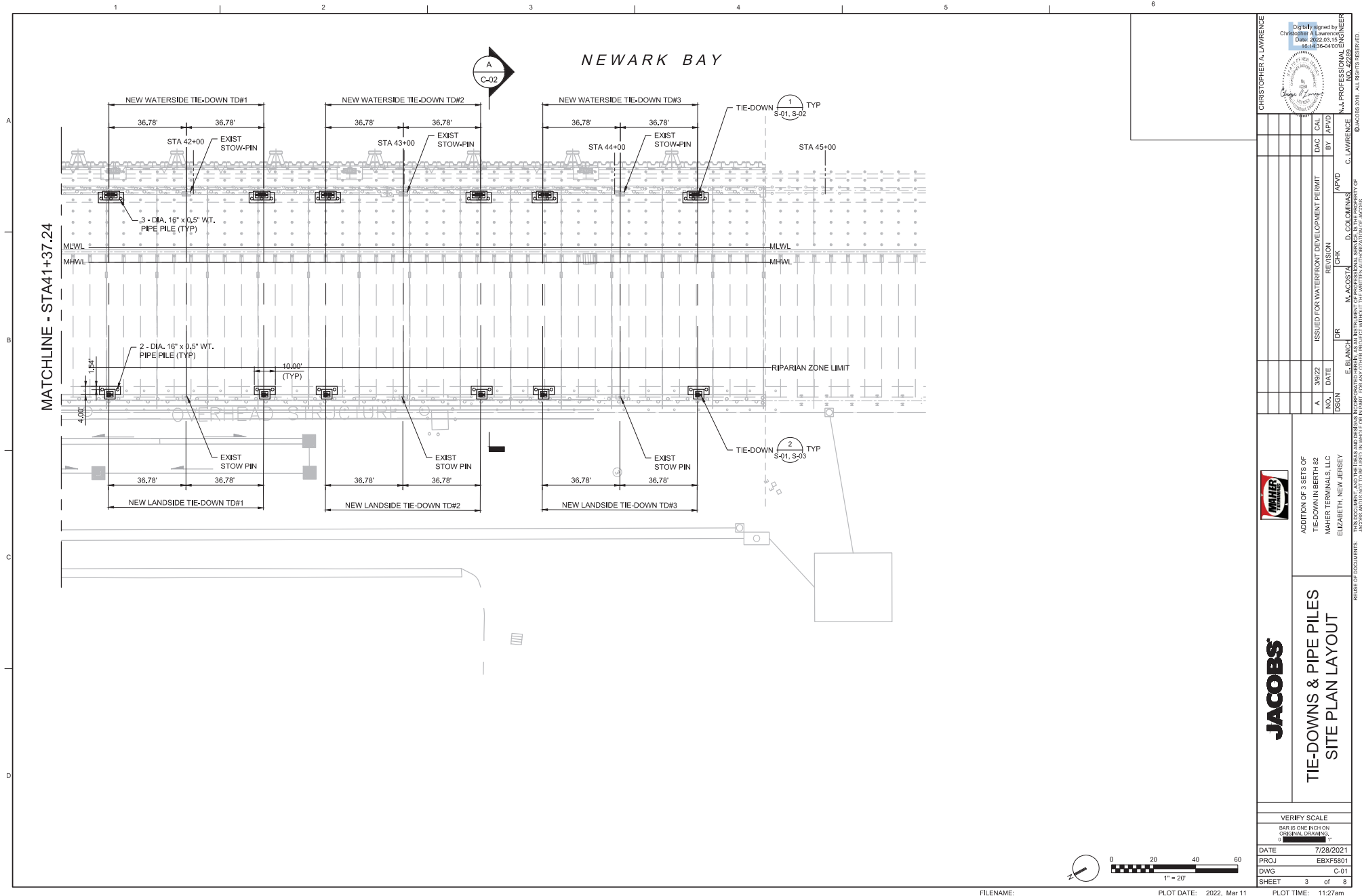
FILENAME:

PLOT DATE: 2022, Mar 11

PLOT TIME: 11:29am

1 _____ 2 _____ 3 _____ 4 _____ 5 _____

Page 2 of 8



Digitally signed by Christopher A. Lawrence
Date: 2022.03.15
16:14:52+0100
C. LAWRENCE
J. PROFESSIONAL ENGINEER
JACOBS PVE, ALL RIGHTS RESERVED.

NO.	DATE	REVISION	BY	APPD
A	3/8/22	ISSUED FOR WATERFRONT DEVELOPMENT PERMIT	DAC	CAL
1		DESIGN	DR	
2		DESIGN	DR	
3		DESIGN	DR	
4		DESIGN	DR	
5		DESIGN	DR	
6		DESIGN	DR	
7		DESIGN	DR	
8		DESIGN	DR	
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19		DESIGN	DR	
20		DESIGN	DR	

JACOBS

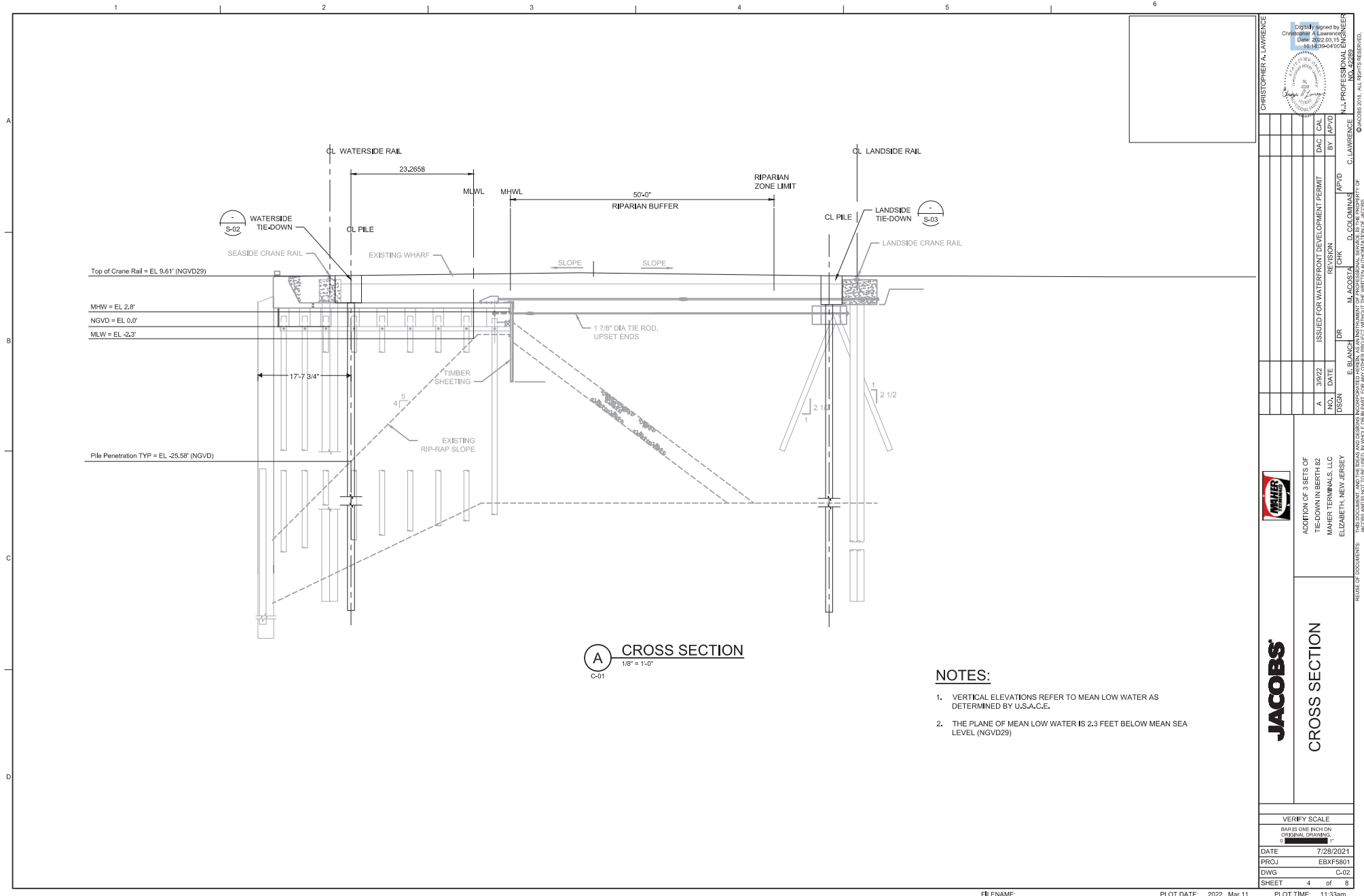
ADDITION OF 3 SETS OF
TIE-DOWN IN BERTH R2
MAHER TERMINALS, LLC
ELIZABETH, NEW JERSEY

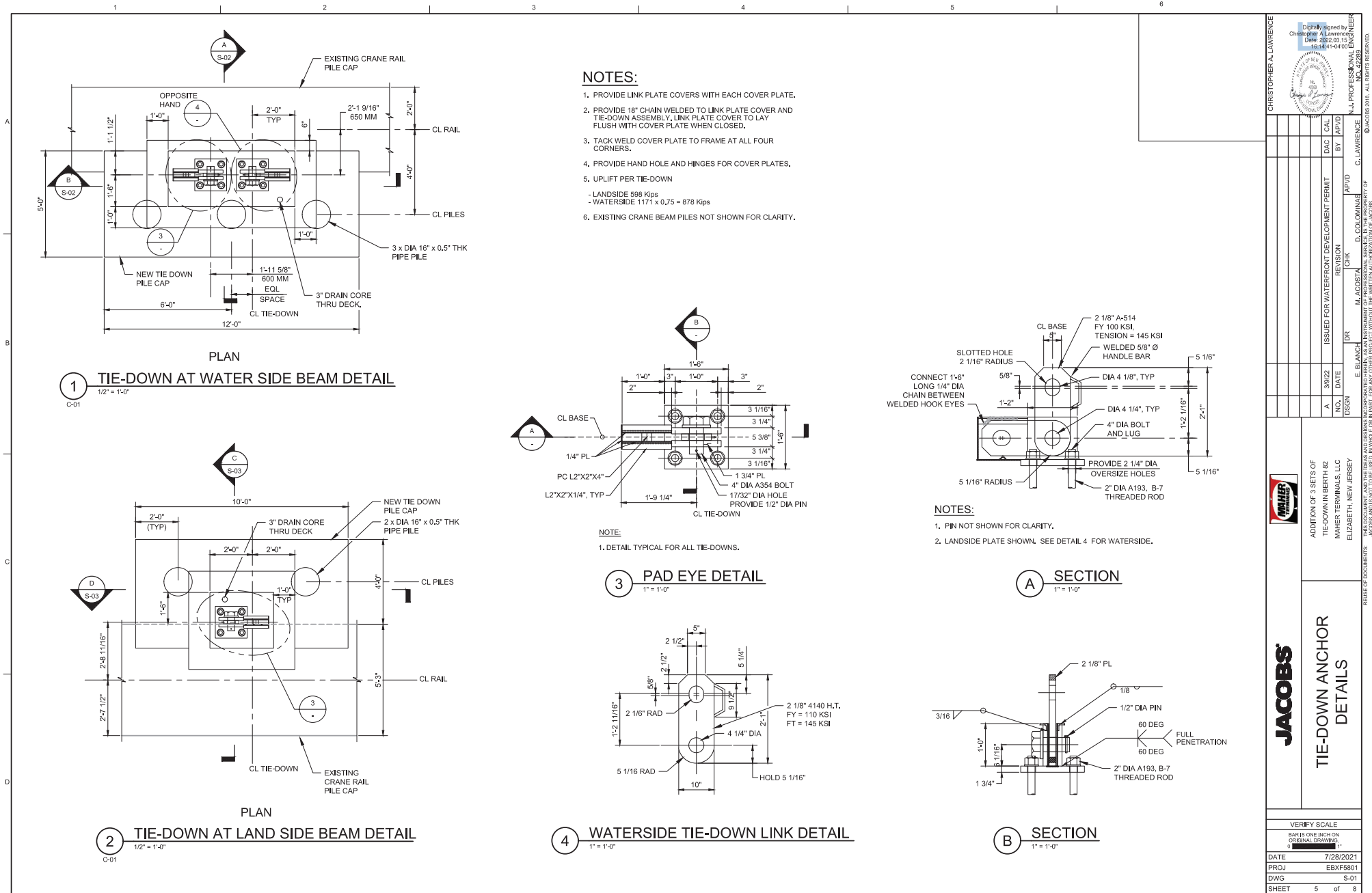
**TIE-DOWNS & PIPE PILES
SITE PLAN LAYOUT**

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
1" = 20'

DATE 7/28/2021
PROJ EBXFS801
DWG C-01
SHEET 3 of 8

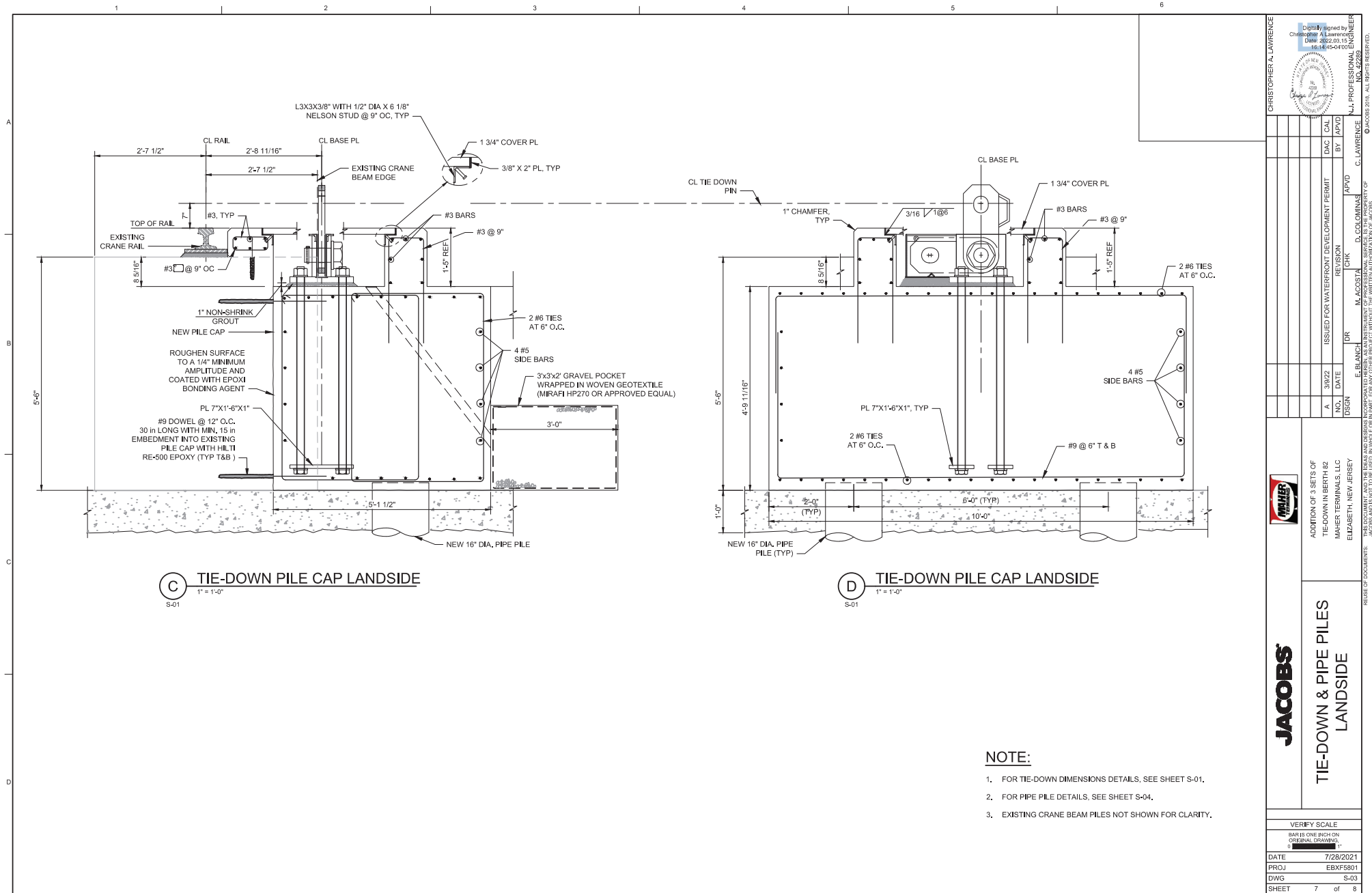
USACE FILE: NAN-2022-00269-EBR

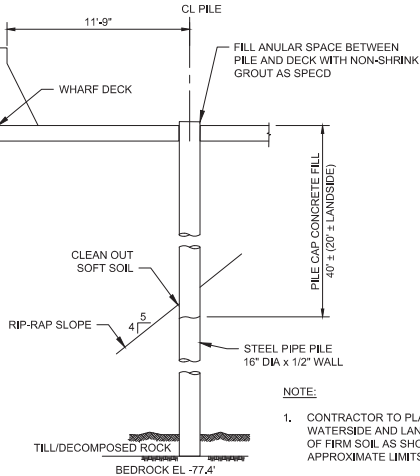
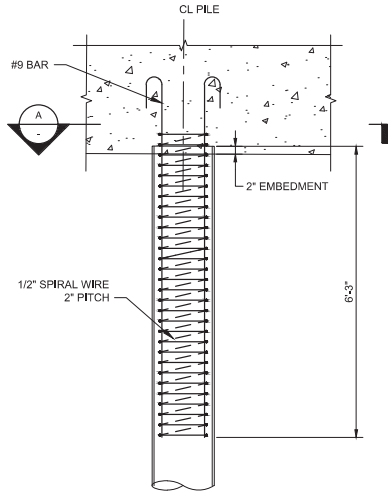
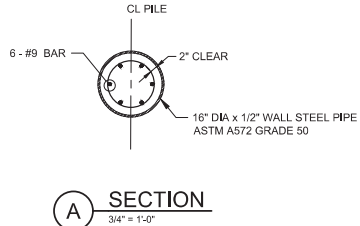




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$$1/4'' = 1'-0''$$

$$\frac{3}{4}'' = 1'-0'$$


WATERSIDE TIE DOWN PILE SPACING			
TIE DOWN	DIMENSION		
	A (FT)	B (FT)	C (FT)
TD#1 - NORTH	1.33	4.67	4.67
TD#1 - SOUTH	1.33	4.67	4.67
TD#2 - NORTH	1.33	5.33	4.00
TD#2 - SOUTH	1.33	5.33	4.00
TD#3 - NORTH	1.33	5.33	4.00
TD#3 - SOUTH	1.33	6.00	3.33

NOTES:

1. PILES SHALL BE DRIVEN TO BEDROCK, ESTIMATED AT EL. -77.4'.
PILES APPROVAL SUBJECT TO TEST RESULTS.
2. DESIGNED TO RESIST AN ALLOWABLE TENSION FORCE OF 48T

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TIE-DOWN, PIPE PILE CONNECTION DETAILS

ADDITION OF 3 SETS OF
TIE-DOWN IN BERTH #2
MAHER TERMINALS, LLC
ELIZABETH, NEW JERSEY

VERIFICATION SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING

DATE 7/28/2021

PROJ EBFX5801

DWG S-04

SHEET 8 of 10

DATE 7/28/2021

PROJ EBFX5801

DWG S-04