

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-2022-00699-TREC
Issue Date:
Expiration Date:

To Whom It May Concern:

The New York District, U.S. Army Corps of Engineers (USACE) 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: T-Port, LLC
Attn: Ronald Treveloni
30 Church Street
Liberty Corner, NJ 07983

ACTIVITY: Maintenance Dredging with Upland Disposal, and Construction of New Berth Area at Existing Port Facility

WATERWAY: Arthur Kill

LOCATION: 50 South Front Street, City of Elizabeth, Union County, New Jersey

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

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE SENT VIA ELECTRONIC MAIL TO Brad.Sherwood@usace.army.mil, OR PREPARED IN WRITING AND MAILED TO THE ATTENTION OF BRAD SHERWOOD AT THE ABOVE ADDRESS, TO REACH THIS OFFICE BY

CENAN-OP-R
PUBLIC NOTICE NO. NAN-2022-00699-TREC

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 USACE 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 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 lifestages 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 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 (EPA), under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision. This public notice serves as notification to the Administrator of the EPA pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New Jersey, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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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. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

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 Brad Sherwood at (518) 487-0382, or at Brad.Sherwood@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>.

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

Jon T. Coleman
FOR AND ON BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicant, T-Port, LLC, has requested Department of the Army authorization to conduct dredging, with upland disposal, along with the construction of a new berth area at an existing port facility at 50 South Front Street, within the Arthur Kill, in the City of Elizabeth, Union County, New Jersey.

The work would include the following:

Mechanically dredge approximately 20,000 cubic yards (CY) of material from an approximately 52,164 square-foot (SF) area and extend to a depth of fifteen (15) feet below the plane of Mean Low Water (MLW), plus a 2-foot overdredge. The dredged material would be placed into barges and allowed to settle for a minimum of 24 hours, and the decant water would be returned directly to the waterway. The dredged material would then be transferred to an upland state-approved beneficial/acceptable use facility along the Upper New York Bay (New York Harbor).

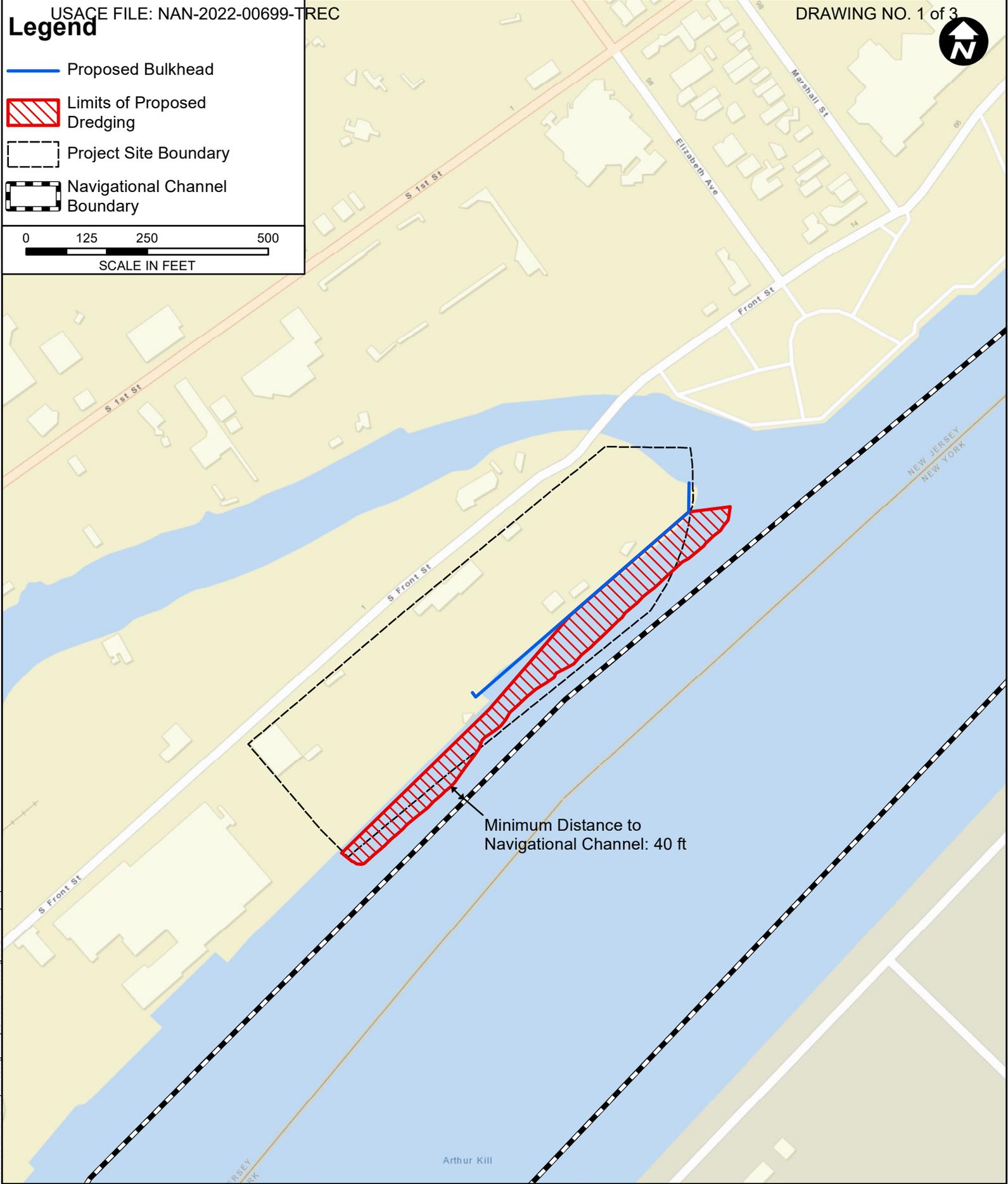
Additional work would include the removal of the existing unused dock and associated mooring piles, and construction of a new 45-foot-wide by 550-foot-long pile supported off-loading platform, including the installation of approximately 200 24-inch diameter steel piles. The proposed bulkhead design, in order to create a straight berth for accommodating vessels, would result in fill of open water (approximately 553 SF) and the creation of open water (approximately 704 SF) for a net creation of 151 SF of new open water habitat.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary and would be offset by implementing best management practices including the use of a turbidity curtain around the dredge area to minimize turbidity.

The stated purpose of this project is to provide continued waterfront construction services and provide waterfront access for transport of construction equipment and materials via barge. The applicant is proposing an increased berthing area, as well as dredging, to maintain existing operations and to expand operation to accommodate a growing need for working waterfront facilities within New York Harbor.

Legend

-  Proposed Bulkhead
-  Limits of Proposed Dredging
-  Project Site Boundary
-  Navigational Channel Boundary



Trevcon Construction Company, Inc.
T-Port Berth and Dredging Project
Block 4, Lots 1459 & 1459A
City of Elizabeth, Union County, NJ

MATRIXNEWORLD

Engineering Progress

Matrix New World Engineering, Land Surveying
and Landscape Architecture, P.C.
26 Columbia Turnpike
Florham Park, NJ 07932
WBE / DBE

Tel: 973.240.1800
Fax: 973.240.1818
matrixneworld.com

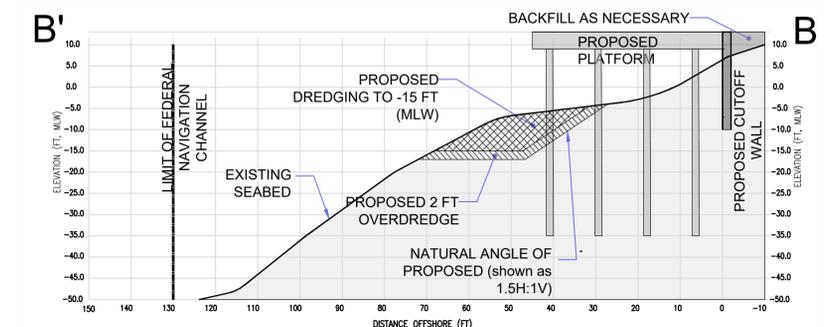
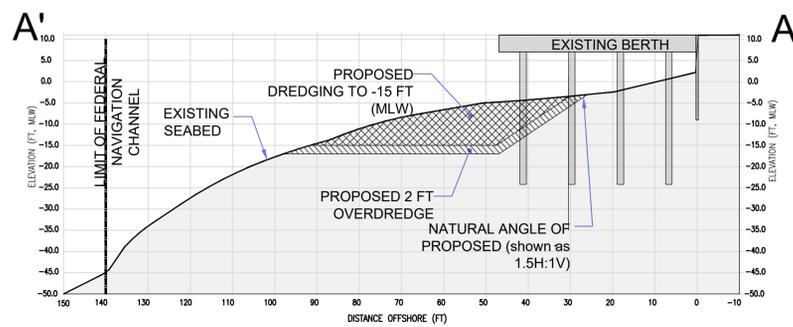
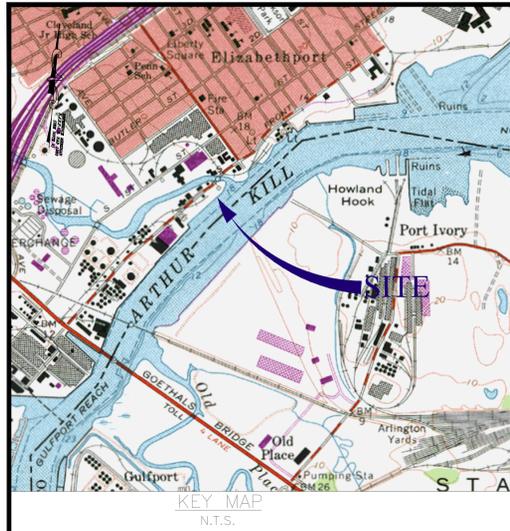
VICINITY MAP

DRAWN BY: EF	APPROVED BY: RF	PROJECT NO.: 22-0190
DATE: 10-07-2022	DATE: 10-07-2022	SCALE: 1" = 250'

FIGURE NUMBER:

2

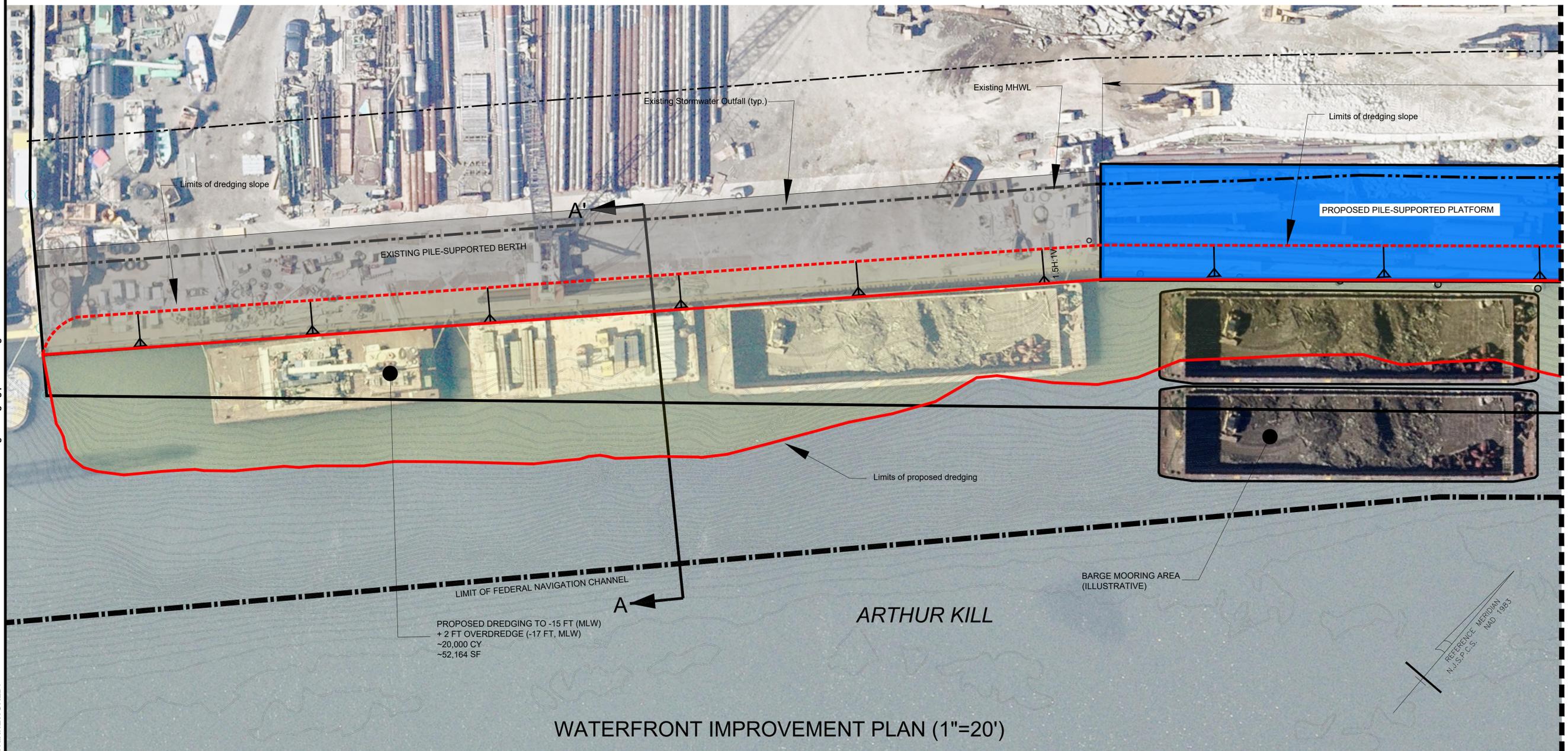
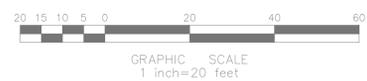
F:\2022\22-0190 Trevcon Construction T-Port Yard\Disciplines\Regulatory\GIS\Map\Map.mxd Figure 2 - Vicinity Map.mxd



DREDGING / PROPOSED PLATFORM SECTIONS (1"=20')

M.H.W. (NOAA)	5.42
M.H.W. (NOAA)	5.06
NAVD88 (NOAA)	2.82
NGVD29 (NOAA)	1.74
M.L.W. (SURVEY)	0.00
M.L.L.W. (NOAA)	-0.22

- NOTES
- Property boundary, existing MHWL and stormwater outfalls referenced from drawing entitled, "Record Survey, Trevcon, South Front Street, Elizabeth, New Jersey." Prepared by Garden State Engineering, Surveying and Planning and last revised 11/04/21.
 - Existing bathymetry and tidal datums referenced from drawing entitled, "Hydrographic Survey, Elizabeth River, New Jersey." Prepared by Rogers Surveying, PLLC and last revised 01/14/22.
 - Aerial photography source : Nearmaps, October 2021.



WATERFRONT IMPROVEMENT PLAN (1"=20')

Plotted: 4/10/2024 1:52 PM. By: Brian Kenney © MATRIXNEWORLD\F:\202222-0190 Trevcon Construction T-Port Yard\Drawings\dredging plan R6.dwg\1 SHEET 1

NO.	DESCRIPTION	DATE	DES.	REV.
1	ADD PLATFORM	10/27/23	AWR	
2	REVISE PARCEL NUMBERS	02/02/24	AWR	

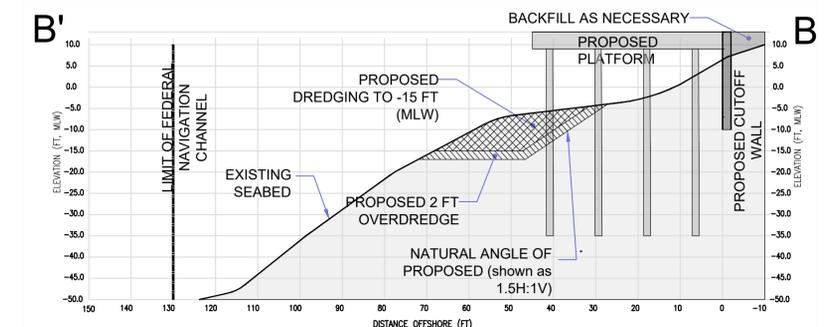
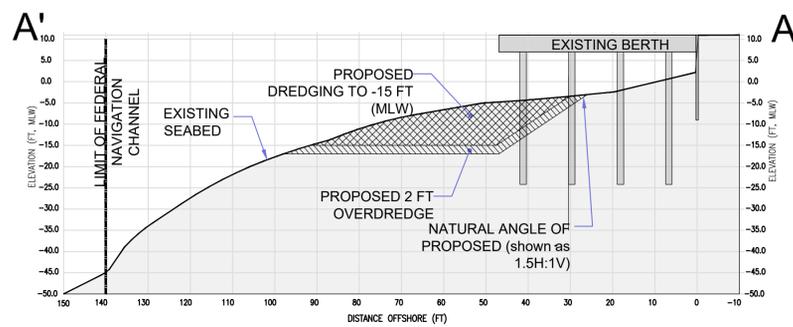
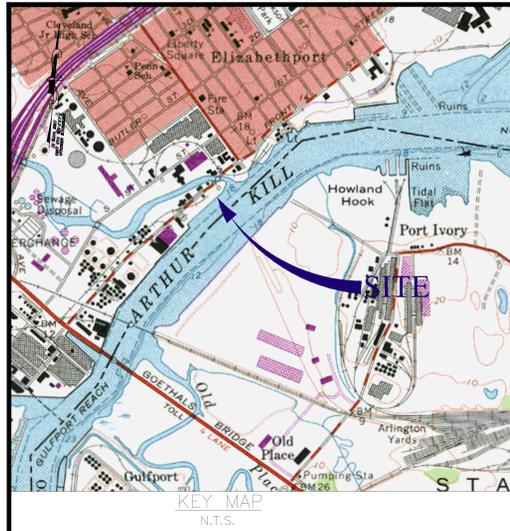
DESIGNED BY: AWR
 REVIEWED BY: AWR
 RELEASED BY: AWR

ANDREW RAICHLER, P.E.
 N.J. PROFESSIONAL ENGINEER
 LICENSE NO. 24GE41869

MATRIXNEWORLD
 Engineering Progress
 Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C.
 442 State Route 35, Second Floor
 Eatontown, New Jersey 07724
 Tel: 732-586-2999
 Fax: 973-240-1818
 www.matrixnewworld.com
 NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 24GAZ7962300

WATERFRONT IMPROVEMENT PLAN-1
T-PORT
BLOCK 769, LOTS 7 & 7.01
 CITY OF ELIZABETH, UNION COUNTY, NEW JERSEY

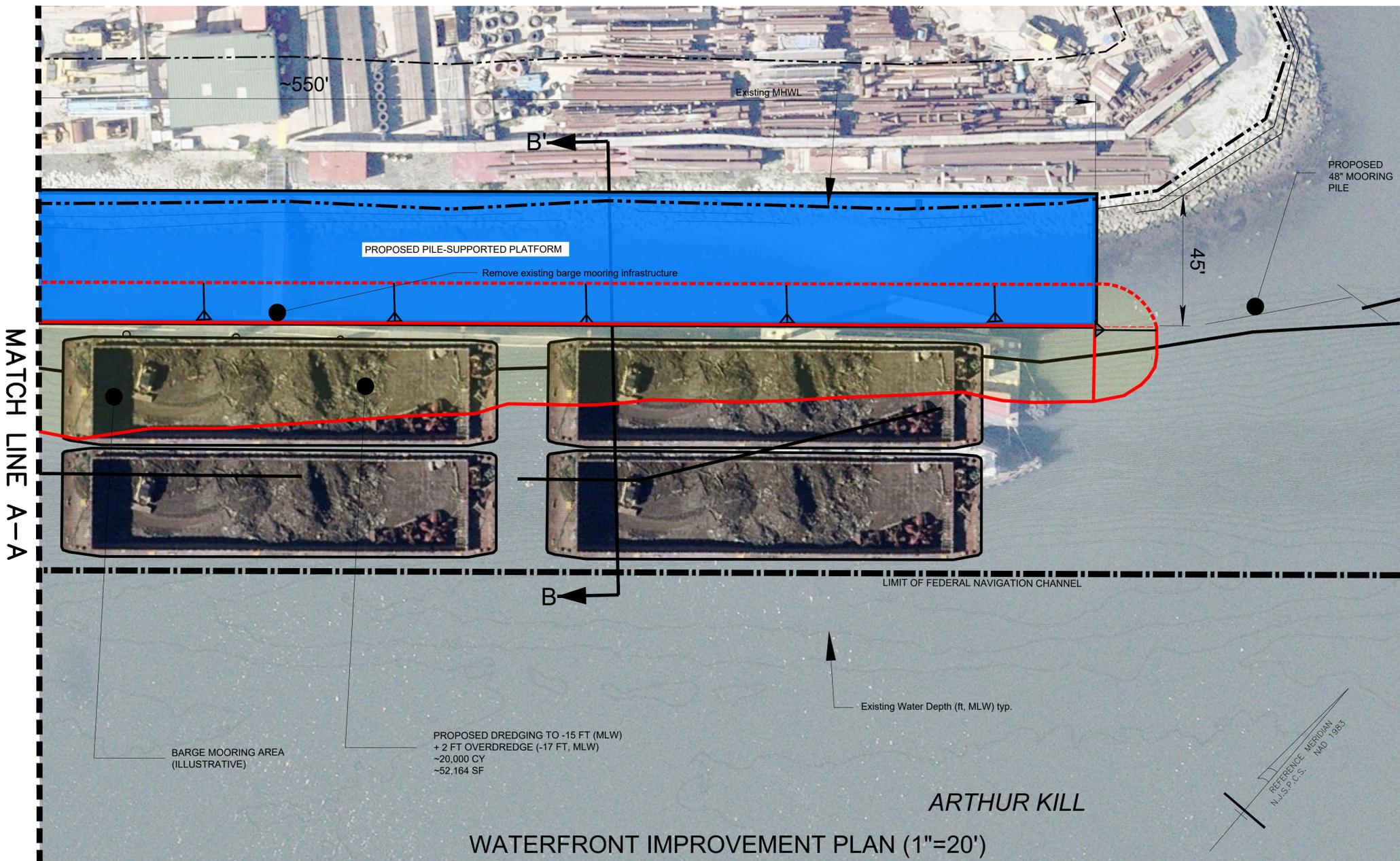
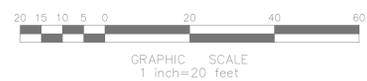
PROJECT NUMBER:
 DATE: 05/20/22
 SCALE: AS SHOWN



DREDGING / PROPOSED PLATFORM SECTIONS (1"=20')

M.H.W. (NOAA)	5.42
M.H.W. (NOAA)	5.06
NAVD88 (NOAA)	2.82
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 3. Aerial photography source : Nearmaps, October 2021.



PROPOSED DREDGING TO -15 FT (MLW)
+ 2 FT OVERDREDGE (-17 FT, MLW)
~20,000 CY
~52,164 SF

ARTHUR KILL

WATERFRONT IMPROVEMENT PLAN (1"=20')

NO.	DESCRIPTION	DATE	DES.	REV.
1	ADD PLATFORM	10/27/23	AWR	
2	REVISE PARCEL NUMBERS	02/02/24	AWR	

DESIGNED BY:	AWR
REVIEWED BY:	AWR
RELEASED BY:	AWR

ANDREW RAICHLER, P.E.
N.J. PROFESSIONAL ENGINEER
LICENSE NO. 24GE41869

MATRIX NEW WORLD
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442 State Route 35, Second Floor
Eatontown, New Jersey 07724
Tel: 732-586-2999
Fax: 973-240-1818
www.matrixnewworld.com
NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 24GAZ79262300

WATERFRONT IMPROVEMENT PLAN-2
T-PORT
BLOCK 769, LOTS 7 & 7.01

CITY OF ELIZABETH, UNION COUNTY, NEW JERSEY

PROJECT NUMBER:
DATE: 05/20/22
SCALE: AS SHOWN

Plotted: 4/10/2024 2:02 PM. By: Brian Kenney © MATRIXNEWORLD\F:\2022\22-0190 Trevcon Construction T-Port Yard\Drawings\dredging plan R6.dwg\1 SHEET 2