



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Michael Testani
1250 State Street Holdings, LLC

Published:
Expires:

**New York District
Permit Application No. NAN-2024-00536-MKO**

TO WHOM IT MAY CONCERN: The New York District of the U.S. Army Corps of Engineers (Corps) 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). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Michael Testani
1250 State Street Holdings, LLC
4 Commerce Drive
Cranford, New Jersey 07016

AGENT: Jacqueline Fusco
Roux Associates
300 Atrium Drive
Suite 403
Somerset, New Jersey 08873

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Arthur Kill. The project/review area is located on the west side of State Street, 2,750 feet North of the intersection of State Street and High Street, Hamilton Township; at Latitude 40.53738 and Longitude -74.255711; in Perth Amboy, Middlesex County, New Jersey.

EXISTING CONDITIONS: Existing water depths range from 8 feet below MLW (near the shoreline) to 22 feet below MLW closer to the channel the Arthur Kill.

PROJECT PURPOSE:

Overall: The purpose of the project is to continue to provide access to site bulkhead for barges and continues operations of the site by providing maintenance dredging of the location

PROPOSED WORK: The applicant requests authorization to maintenance dredge with ten-years maintenance, by mechanical clam shell, approximately 4,816-cubic yards (CY) of material from an approximately 33,300 square foot area and extend to a depth of 20.0 feet below the plane of Mean Low Water (MLW) with two feet of allowable over dredging for an approximate total of 7,416CY. The dredge material will be directly

loaded on a barge with no barge overflow and no de-watering. The material will be transported to a waypoint and amended with Portland cement before being transported to an approved upland disposal facility.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: dredging and dredged material placement will occur at low tide, preventing barge overflow of dredge material, and by not dredging between January 1st and June 30th.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The Project would require approximately 0.75 acres of temporary disturbance to state open water (SOW) areas in the Arthur Kill Channel. Work does not impact wetlands, subtidal or intertidal areas. Work will have a de minimis and temporary impact on general water areas and area has been previously dredged, thus work is not disturbing previously undisturbed areas and thus, mitigation is not required.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table ##. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Common Name	Scientific Name	Status	Agency
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	NMFS
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	USFWS
Monarch Butterfly	<i>Danaus Plexippus</i>	Proposed Threatened	USFWS

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: Based on the New Jersey State Plane coordinates provided by the applicant, the waterward edge of the proposed structure is approximately 500 feet away from the near bottom edge of the Arthur Kill federal channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: 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, 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.

COASTAL ZONE MANAGEMENT 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. 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.

OTHER AUTHORIZATIONS: 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

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Zachary Kocsik at Zachary.J.Kocsik@usace.army.mil. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

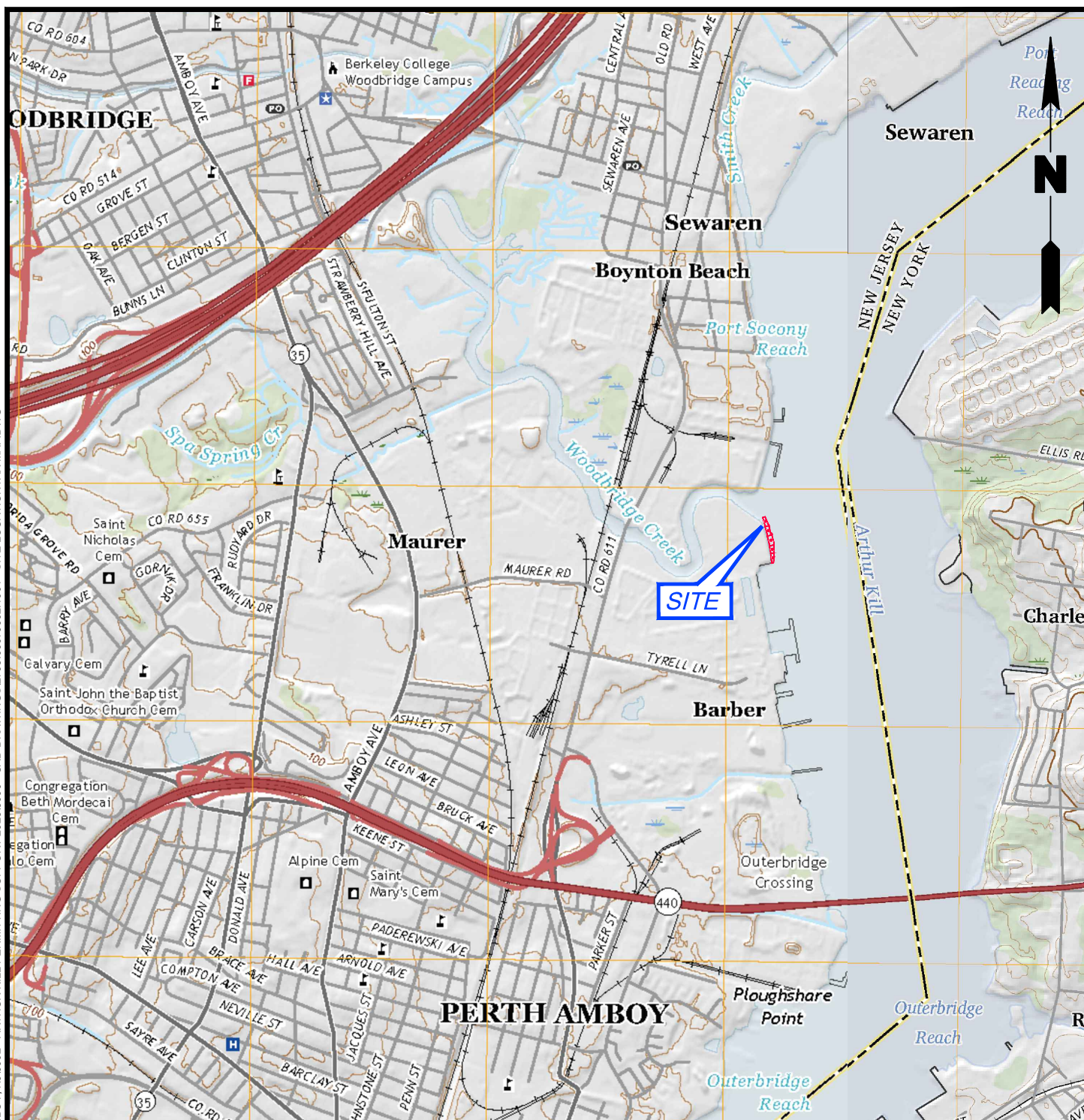
Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative 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.

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

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

G:\PROJECTS-08\2798 - WEEKS MARINE, INC. - WM\0007 - PERTH AMBOY, NJ\002 - ARTHUR KILL PERMITTING SUPPORT 2023\5000 - CAD DRAWINGS\2798.0007.1002.1001 - SITE LOCATION TAX MAP.DWG



LEGEND



DREDGING AREA

2,000' 0' 2,000'



NEW
JERSEY

SOURCE

U.S.G.S. PERTH AMBOY QUADRANGLE, NEW JERSEY - NEW YORK 7.5 MINUTE SERIES 2019 AND U.S.G.S. ARTHUR KILL QUADRANGLE, NEW YORK - NEW JERSEY 7.5 MINUTE SERIES 2023.

QUADRANGLE LOCATION

Title:

SITE LOCATION MAP

WEEKS MARINE, INC.
1250 STATE STREET
PERTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY

Prepared For:

WEEKS MARINE, INC.

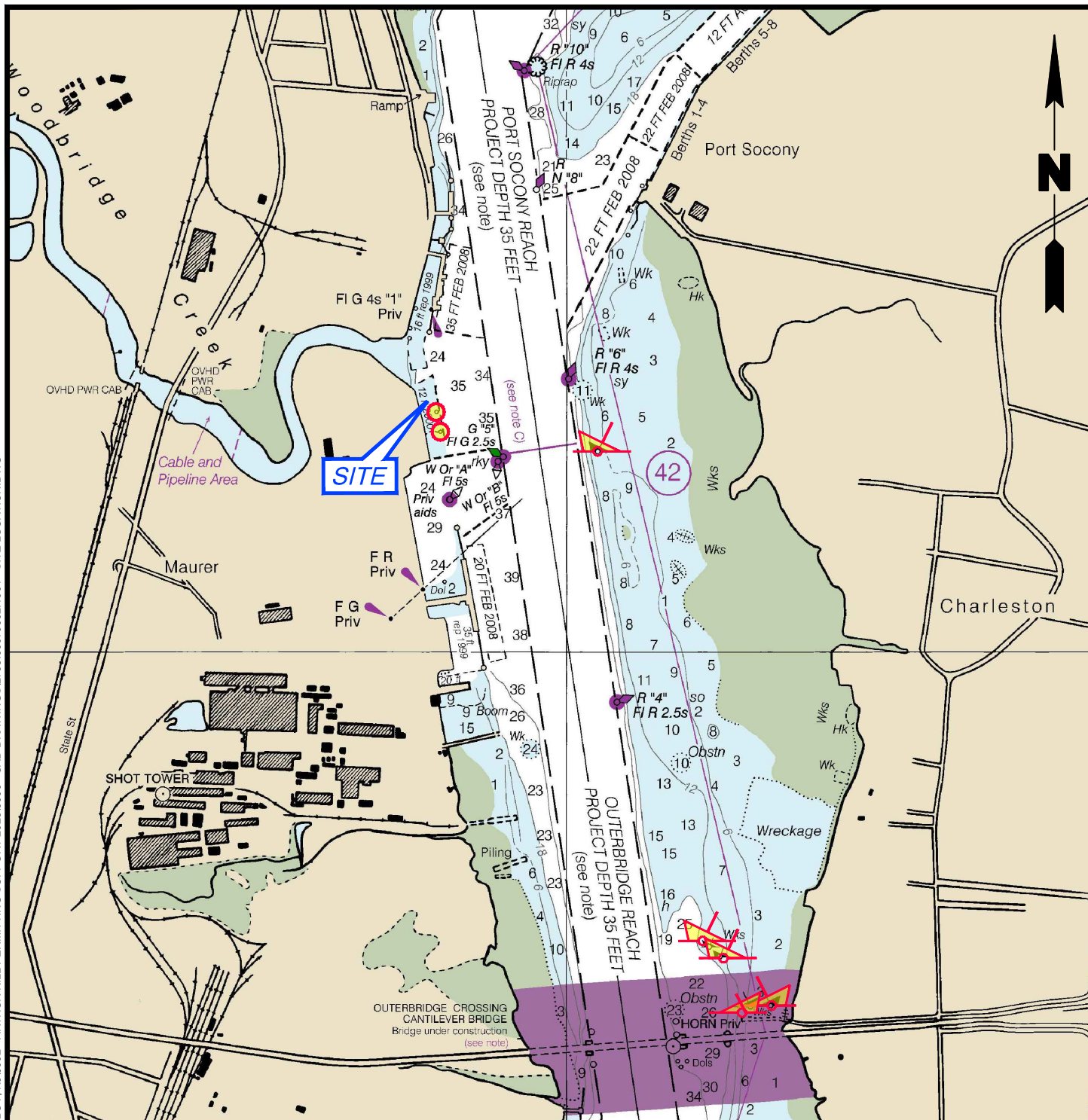
ROUX

Compiled by: LV	Date: 12/28/2023
Prepared by: KB	Scale: AS SHOWN
Project Mgr: MSD	Project: 2798.0007J002
File: 2798.0007J002.1001 - SITE LOCATION TAX MAP	

FIGURE




1

G:\PROJECTS-08\2798 - WEEKS MARINE, INC. - WM10007 - PERTH AMBOY, NJ\J002 - ARTHUR KILL PERMITTING SUPPORT 2023\5000 - CAD DRAWINGS\2798.0007\002.1001 - SITE LOCATION.DWG



1,000' 0' 1,000'

LEGEND

-  SHIP WRECK
-  NAVIGATION HAZARD
-  RADAR REFLECTORS

SOURCE

OFFICE OF COAST SURVEY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, UNITED STATES - EAST COAST, NEW YORK - NEW JERSEY, RARITAN BAY AND SOUTHERN PART OF ARTHUR KILL, SHEET 2331.


Title:

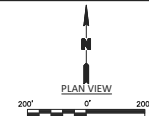
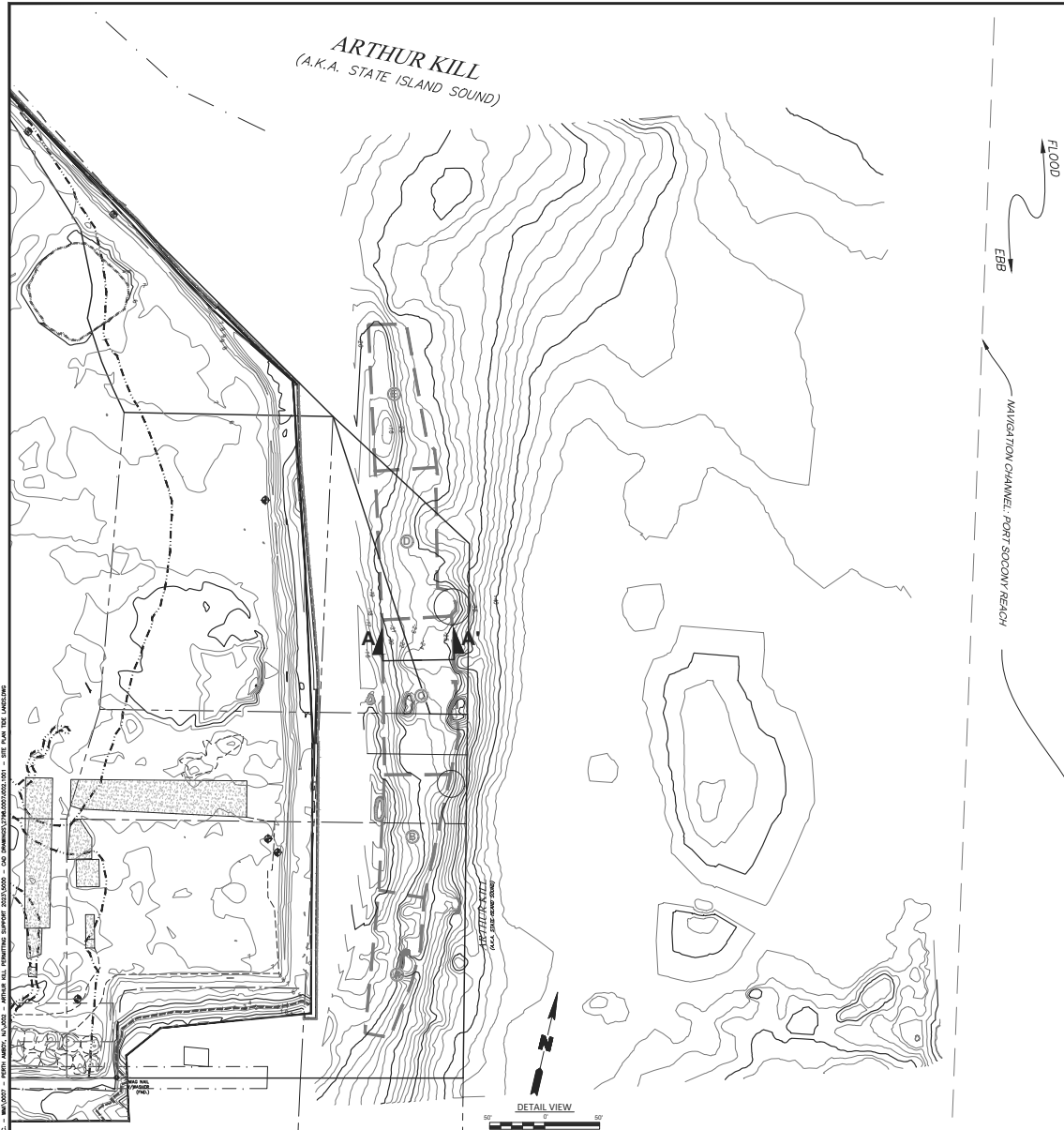
NOAA NAVIGATION MAP

WEEKS MARINE, INC.
1250 STATE STREET
PERTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY

Prepared For:

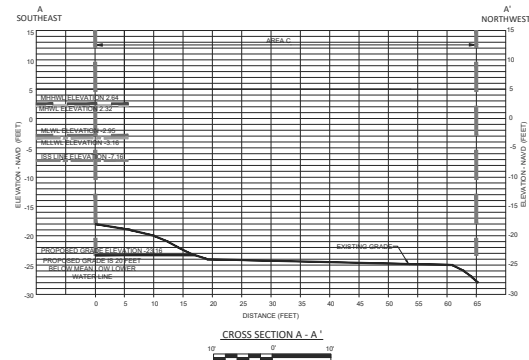
WEEKS MARINE, INC.

	Compiled by: MS	Date: 03/14/2024	FIGURE 5
	Prepared by: JSG	Scale: AS SHOWN	
	Project Mgr: MSD	Project: 2798.0007J002	
	File: 2798.0007J002.1001 - SITE LOCATION		



- LEGEND**
- DETAIL / SECTION DESIGNATION
 - SHEET NUMBER WHERE PRESENTED
 - CROSS SECTION LOCATION AND DESIGNATION
 - MEAN HIGH WATER LINE ELEVATION 2.32 (MHWL)
 - MEAN HIGH HIGH WATER LINE ELEVATION 2.64 (MHHWL)
 - MEAN LOW WATER LINE ELEVATION -2.86 (MLWL)
 - HIGH TIDE LINE ELEVATION 5.0 (HTL)
 - IBS LINE (7.16)
 - TIDELAND LINE
 - 5 FOOT CONTOUR LINE
 - 1 FOOT CONTOUR LINE
 - EDGE OF WATER
 - PROPOSED DREDGING LOCATION AND DESIGNATION
 - PROPOSED DREDGE VOLUME: 4.8K CUBIC YARDS
 - 2 FOOT OVER DREDGE 2.86K CUBIC YARDS

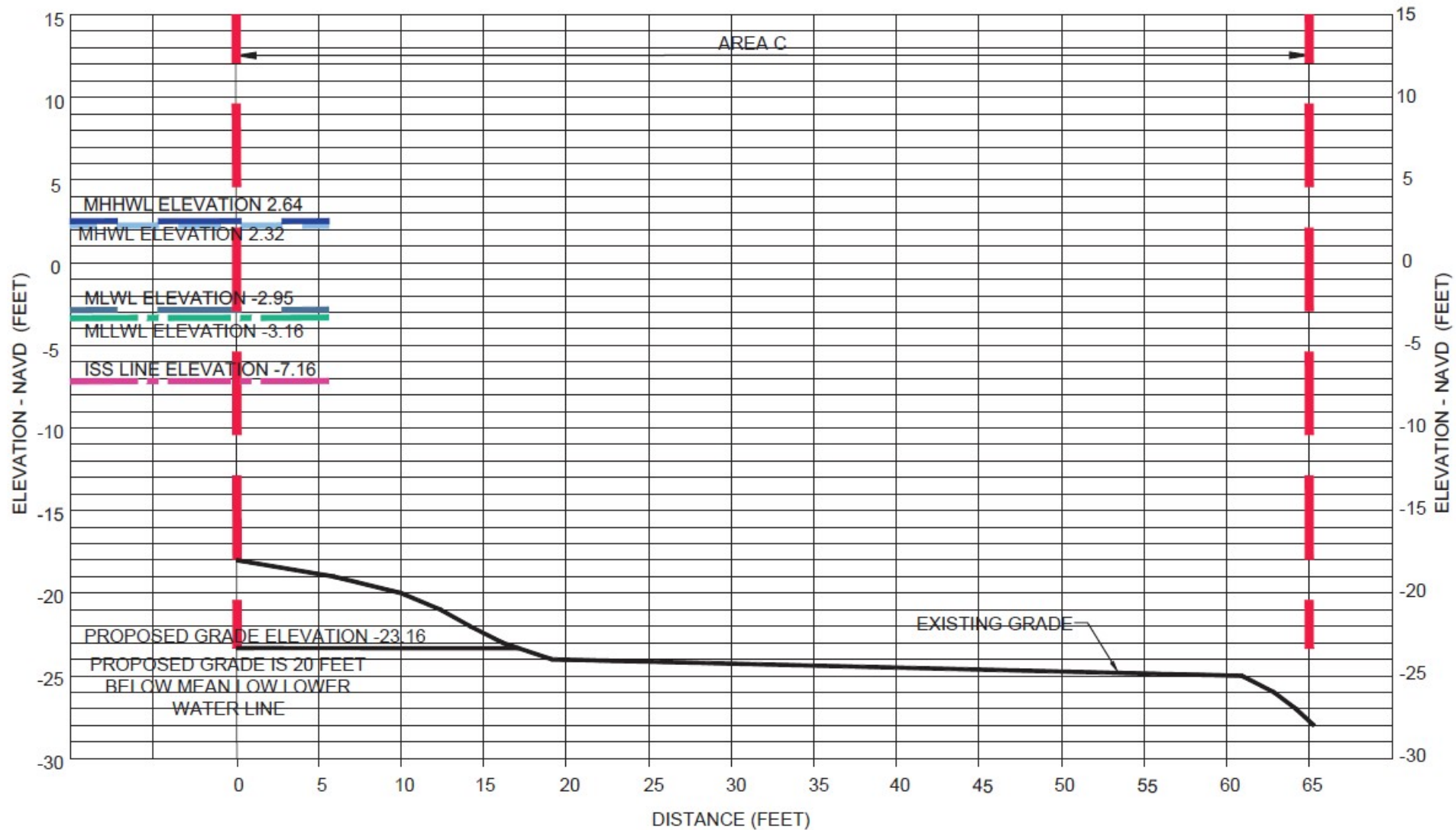
- NOTES**
- EXISTING CONDITIONS BASED UPON ELECTRICAL SITE PLAN CONDUCTED BY WEEKS MARINE, INC. AND RPT. CONSULTING ENGINEERS, "1250 STATE STREET ELECTRICAL SITE PLAN" DATED JUNE 21, 2018, REVISED JUNE 6, 2019.
 - HYDROLOGIC SURVEY BY:
 - HORIZONTAL DATUM: NAD 83.
 - VERTICAL DATUM: NAVD 88.
 - THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF PERMITTING, NOT FOR CONSTRUCTION.
 - ALL ELEVATIONS REFER TO NATIONAL GEODETIC DATUM OF 1988 (NAVD 88) JULY 19, 2023 ROGER SURVEYING, PLLC SURVEY.
 - MEAN HIGHER HIGH WATER: +2.64'
 - MEAN HIGH WATER: +2.32'
 - MEAN SEA LEVEL: +0.70'
 - MEAN LOW WATER: -2.86'
 - MEAN LOWER LOW WATER: -3.16'
 - IBS LINE: -7.16'
 - FLOOD HAZARD AREA ZONES, FEMA FLOOD INSURANCE RATE MAP.
 - DREDGED MATERIAL WILL BE DISPOSED OF AT AN APPLICANT OWNED PERMITTED REHANDLING BASINS AND CONFINED DISPOSAL FACILITY.



<p>UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF STATE LAW.</p> <p>THESE DOCUMENTS (OR COPIES OF ANY THEREOF) PREPARED BY OR BEARING THE SEAL OF THE ENGINEER, SHALL NOT BE REUSED FOR ANY EXTENSIONS OF THE PROJECT OR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.</p>	<p>PROJ. ENGINEER: RFC</p> <p>DESIGNED BY: MS</p> <p>DRAWING DATE: 03/14/2024</p> <p>OFFICE: NJ SOUTH</p> <p>PROJECT NO.: 2798.0001A002.1001</p> <p>DRAWING FILE: 2798.0001A002.1001 - SITE PLAN TIDE LANDS</p>	<p>DRAWN BY: JSO</p> <p>CHECKED BY: MS</p> <p>PLOT SCALE: 1:1</p> <p>PRINT TYPE: B&W</p> <p>PAPER SIZE: ARCH D</p>	<p>ROUX</p> <p>ROUX ASSOCIATES, INC.</p> <p>Environmental Consulting & Management</p> <p>402 HERON DRIVE • LOGAN TOWNSHIP • NEW JERSEY • 08069</p> <p>1-800-958-ROUX</p>	<p>PROJECT NAME:</p> <p>1250 STATE STREET</p> <p>PERTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY</p> <p>PROJECT FOR:</p> <p>WEEKS MARINE, INC.</p>	<p>TITLE:</p> <p>SITE PLAN SHOWING TIDELANDS</p>	<p>DRAWING NO.</p> <p>1</p> <p>DRAWING</p> <p>1 OF 1</p>
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A
SOUTHEAST

A'
NORTHWEST



CROSS SECTION A - A '

