



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-2024-00291-EMI**
Issue Date: May 15, 2024
Expiration Date: June 14, 2024

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: Morris Kearny Associates Urban Renewal, LLC
350 Veterans Boulevard
Rutherford, New Jersey 07070

ACTIVITY: Discharge of fill material into wetlands for the construction of a road and outfall construction for associated upland development

WATERWAY: Hackensack River

LOCATION: 1 Fish House Road, Town of Kearny, Hudson 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 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 public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING

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AND EMAILED TO REACH THIS OFFICE 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 email 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 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, 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.

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

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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. Please send all comments and questions concerning this application to Christopher.W.Minck@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/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>.

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

Enclosures

WORK DESCRIPTION

The permit applicant, Morris Kearny Associates Urban Renewal, LLC, has requested Department of the Army (DA) authorization for construction of a roadway within the Koppers Coke Peninsula Redevelopment Area along the Hackensack River in the Town of Kearny, Hudson County, New Jersey.

The proposed work would involve the following:

Construction of a roadway connecting internal parcels of the Koppers Coke Peninsula Redevelopment Plan (KCPRP) with Route 7 and Fish House Road, referred to as the "Spine Road". The Spine Road will provide access and utility infrastructure to the entire Koppers Coke peninsula to promote redevelopment under the KPCRPP, which includes, the construction of three (3) commercial warehouse buildings known as the Morris Kearny Associates Urban Renewal, LLC Redevelopment Project with associated infrastructure including office areas, trailer parking stalls, car parking stalls, and loading berths. Building 1 will have a total footprint area of 1,079,508 square feet (SF), Building 2 will have a total footprint area of 349,571 SF, and Building 3 will have a total footprint of approximately 389,509 SF. Additional site improvements include on-grade parking lots, internal access drives, lighting and landscaped areas.

The Morris Kearny Associates Urban Renewal, LLC Redevelopment Project is part of the overall redevelopment of the Koppers Coke Peninsula Redevelopment Area. This redevelopment project was declared a "Vital Project" by the New Jersey Sports and Exposition Authority (NJSEA) and declared "to be vital to the public safety, general welfare, development, or redevelopment of the District." The NJSEA has required additional site improvements including pedestrian stone walking paths and picnic benches for public access. The proposed construction of the Spine Road and redevelopment project would result in the discharge of fill into approximately 2.13 acres of palustrine emergent wetlands (Wetlands A, B, & C) on site. The project site is subject to an Administrative Consent Order between the applicant and the New Jersey Department of Environmental Protection ("NJDEP") and the final design of this proposed project will serve as the final remediation capping on the project site pursuant to the NJDEP-approved Remedial Action Work Plan ("RAWP").

Fifteen (15) stormwater outfalls are proposed on the project site, the majority of which are associated with the stormwater management of the Spine Road. Thirteen (13) of the outfalls would be constructed in tidal open areas of the Hackensack River, impacting approximately 0.14 acres. One (1) of the thirteen (13) outfalls would impact 0.0004 acres of tidal emergent wetlands (Wetland G). The other two (2) outfalls would be constructed in a wetland ditch/unnamed tributary to the Hackensack River, impacting approximately 0.006 acres (Wetland F). The outfalls would be constructed such that the areas would be excavated and backfilled to same grade with stone scour. The scour pad for each outfall would range from 70 to 480 SF.

The applicant has avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by minimizing construction to the smallest area practicable to construct the Spine Road and the commercial warehouses in compliance with the NJSEA designated Koppers Coke Peninsula Redevelopment Area requirements, the NJDEP Administrative Consent Order, and the NJDEP-approved RAWP for the site.

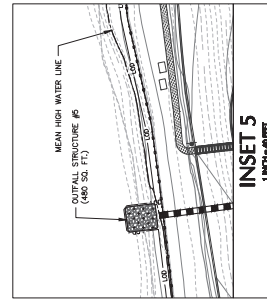
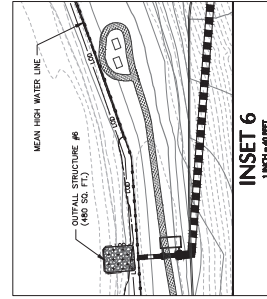
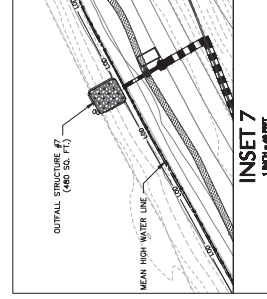
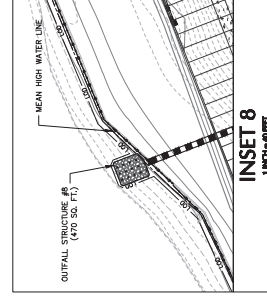
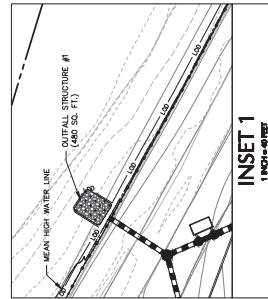
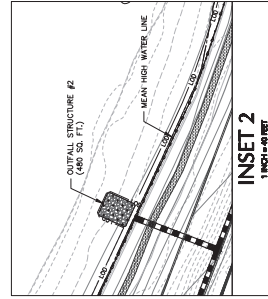
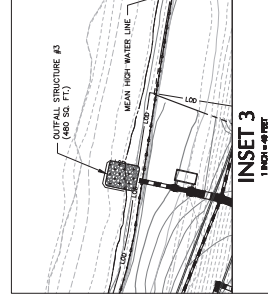
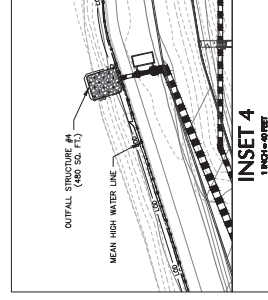
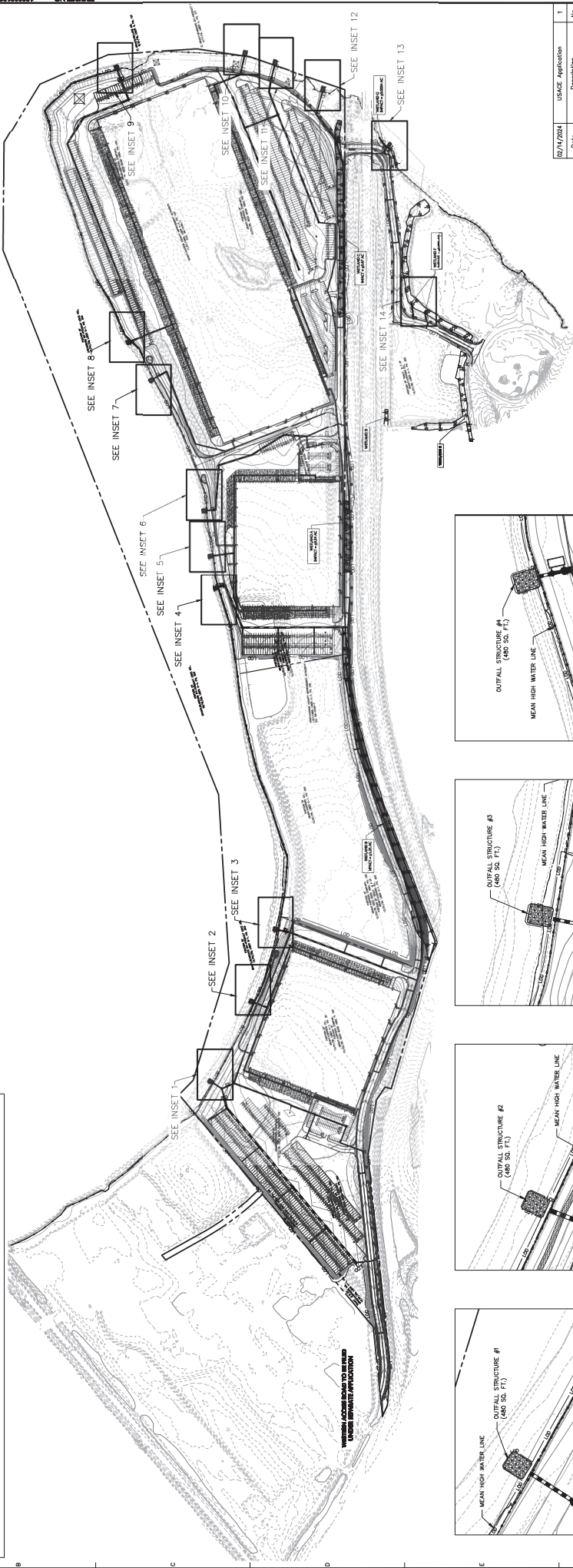
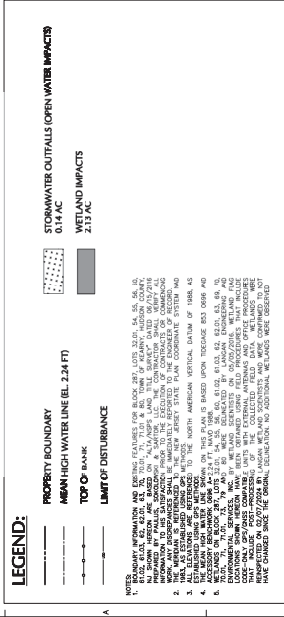
The applicant has proposed to mitigate for the approximately 2.13 acres of wetland impacts by enhancing approximately 6.39 acres of existing, functionally impaired and degraded emergent


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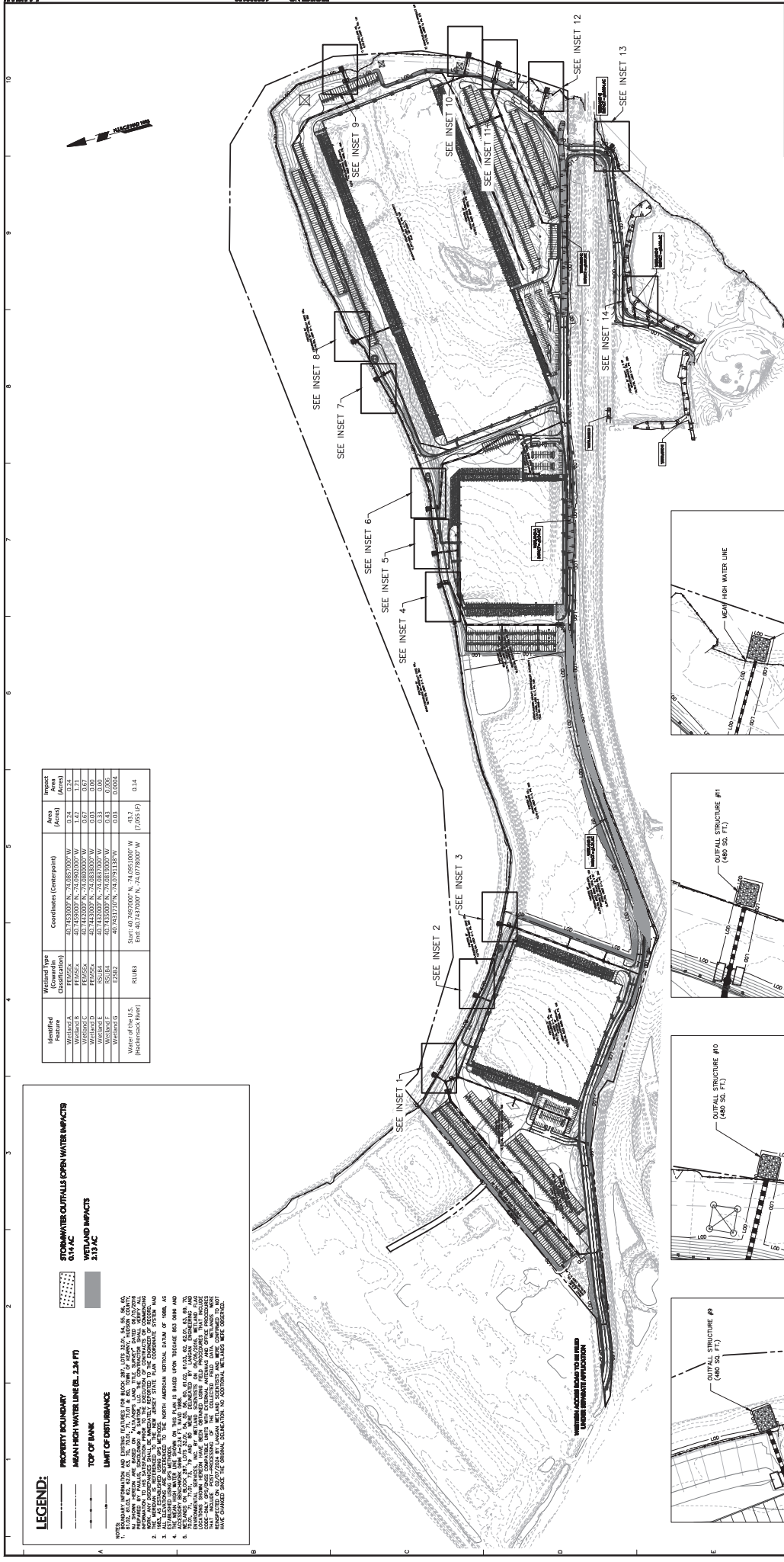
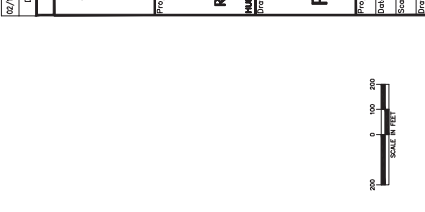
and scrub shrub wetlands located in the Upper Penhorn Creek watershed, in the Township of North Bergen, Hudson County, New Jersey. The applicant has also proposed riparian zone enhancement of an additional 2.34 acres. Existing areas are dominated by non-native, invasive species and would be enhanced through invasive species management and planting of native species. The applicant has also proposed an additional 0.288 acres of mitigation for minor wetland impacts associated with the Spine Road that are located on the Standard Chlorine Superfund Site. These impacts are under the jurisdiction of the United States Environmental Protection Agency (USEPA), are not part of this pending DA permit application and will be the subject of a separate permit equivalency process to be reviewed by USEPA.

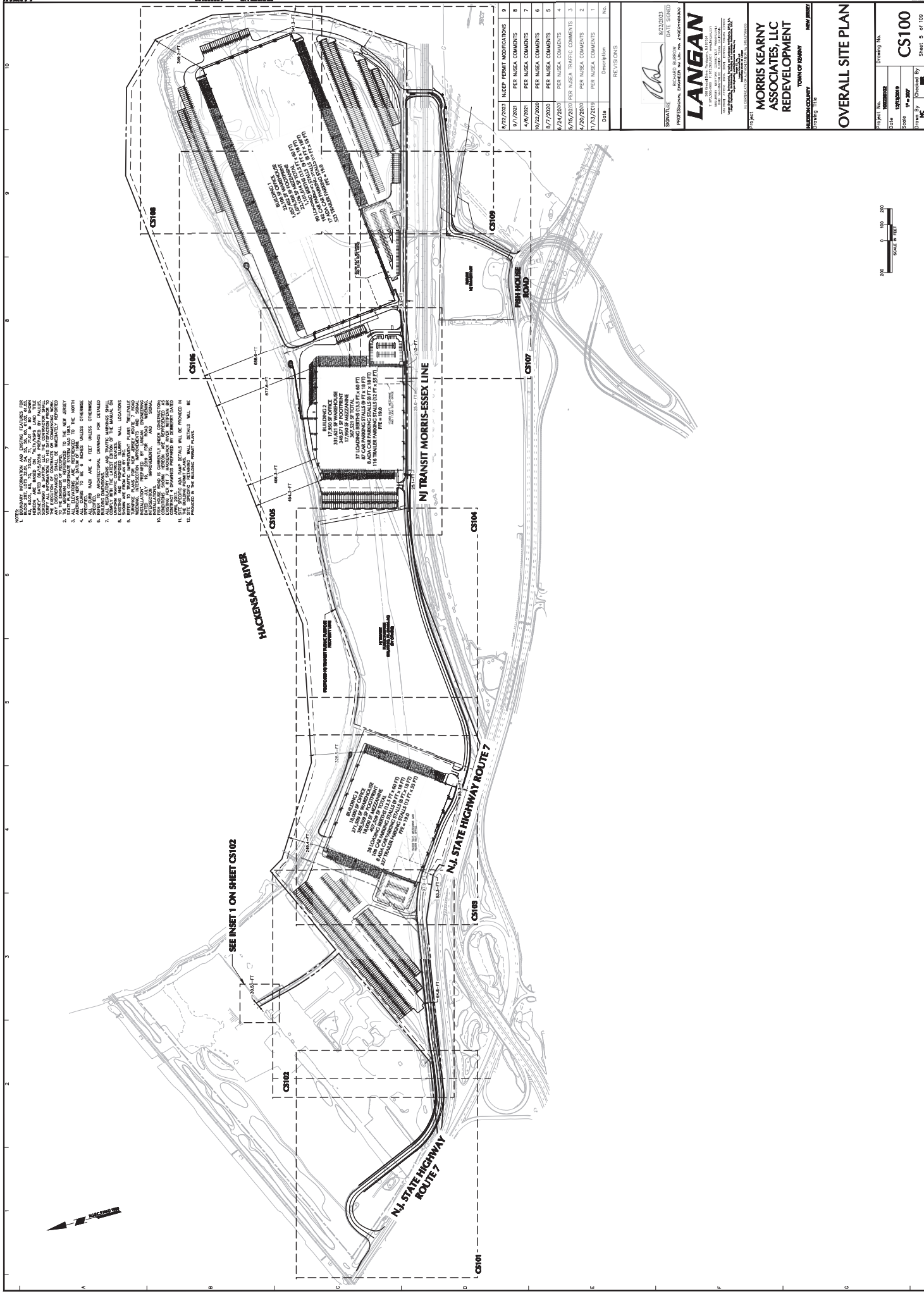
It is noted that the proposed permittee responsible mitigation area is part of a proposed mitigation bank area. The prospectus for this proposed mitigation bank, application number NAN-2022-00979-WCO, was released for public comment on February 20, 2024. Should the proposed activities be approved, the approximately 6.39 acres of mitigation for this project would be removed from the proposed bank.

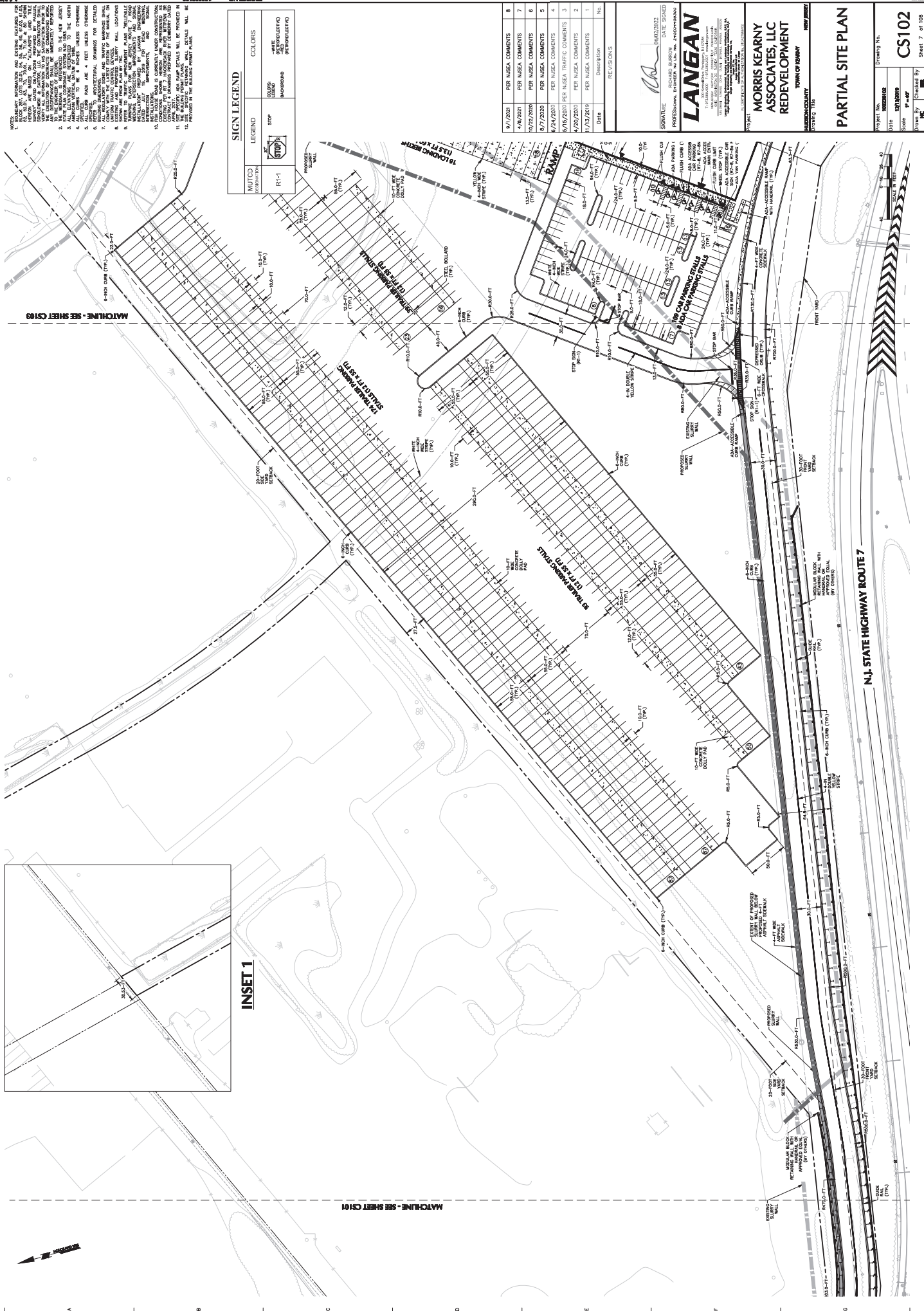
The applicant's stated purpose for the project is to promote public safety by facilitating the completion of remediation of the site through the placement of final surface covers required as part of the NJDEP-approved RAWP for the site. The project will provide public access, create temporary and permanent jobs, and stimulate economic value in the region. Further, the redevelopment of the site is needed as an offsite support facility for Port Newark and Port Elizabeth as the proposed warehouses would provide approximately 1.9 million SF of new space that will serve as distribution facilities.



6/27/2024	USACE - Applications	1
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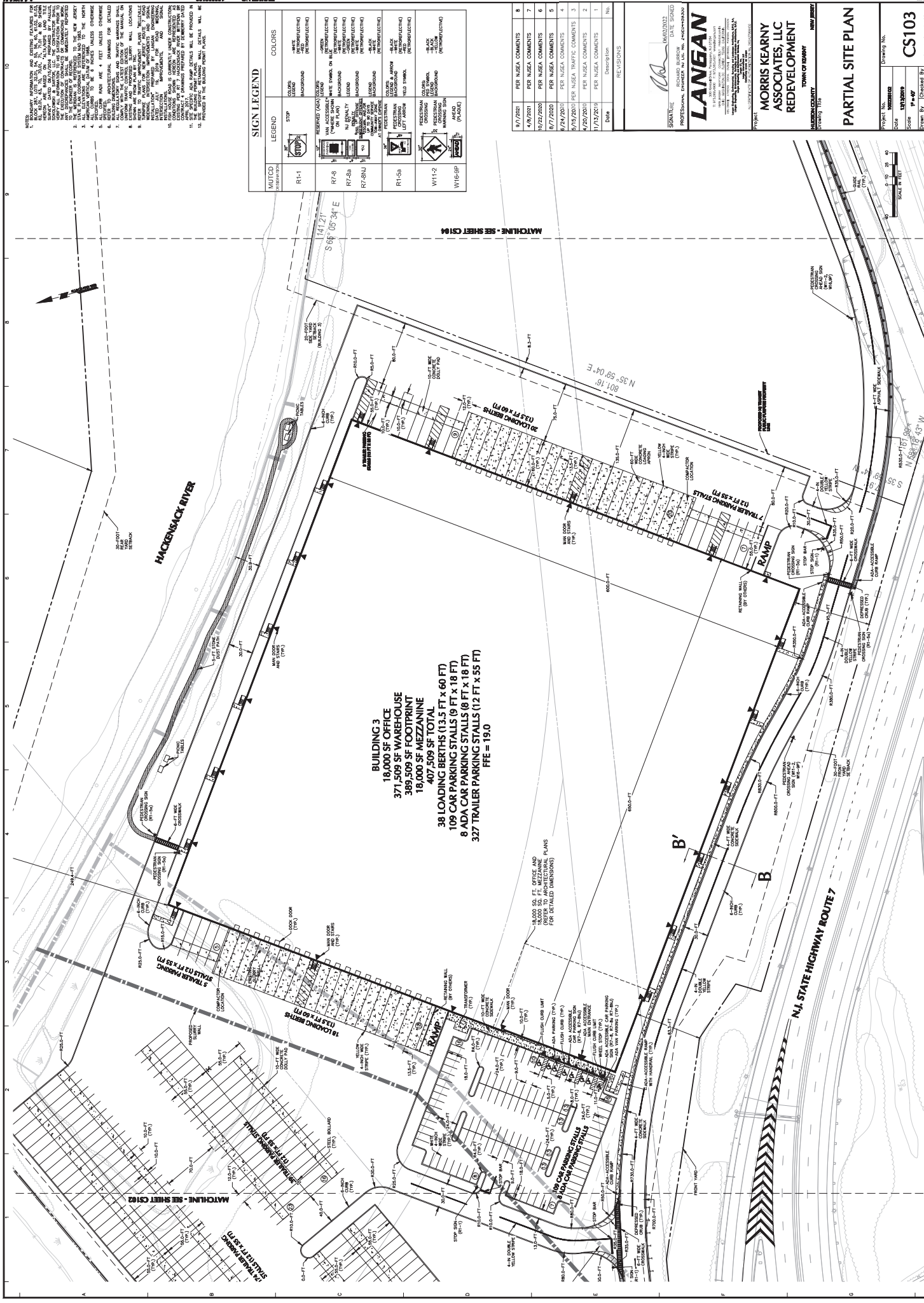
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3	5/15/2020	PER NJSEA COMMENTS
4	6/7/2020	PER NJSEA COMMENTS
5	10/22/2020	PER NJSEA COMMENTS
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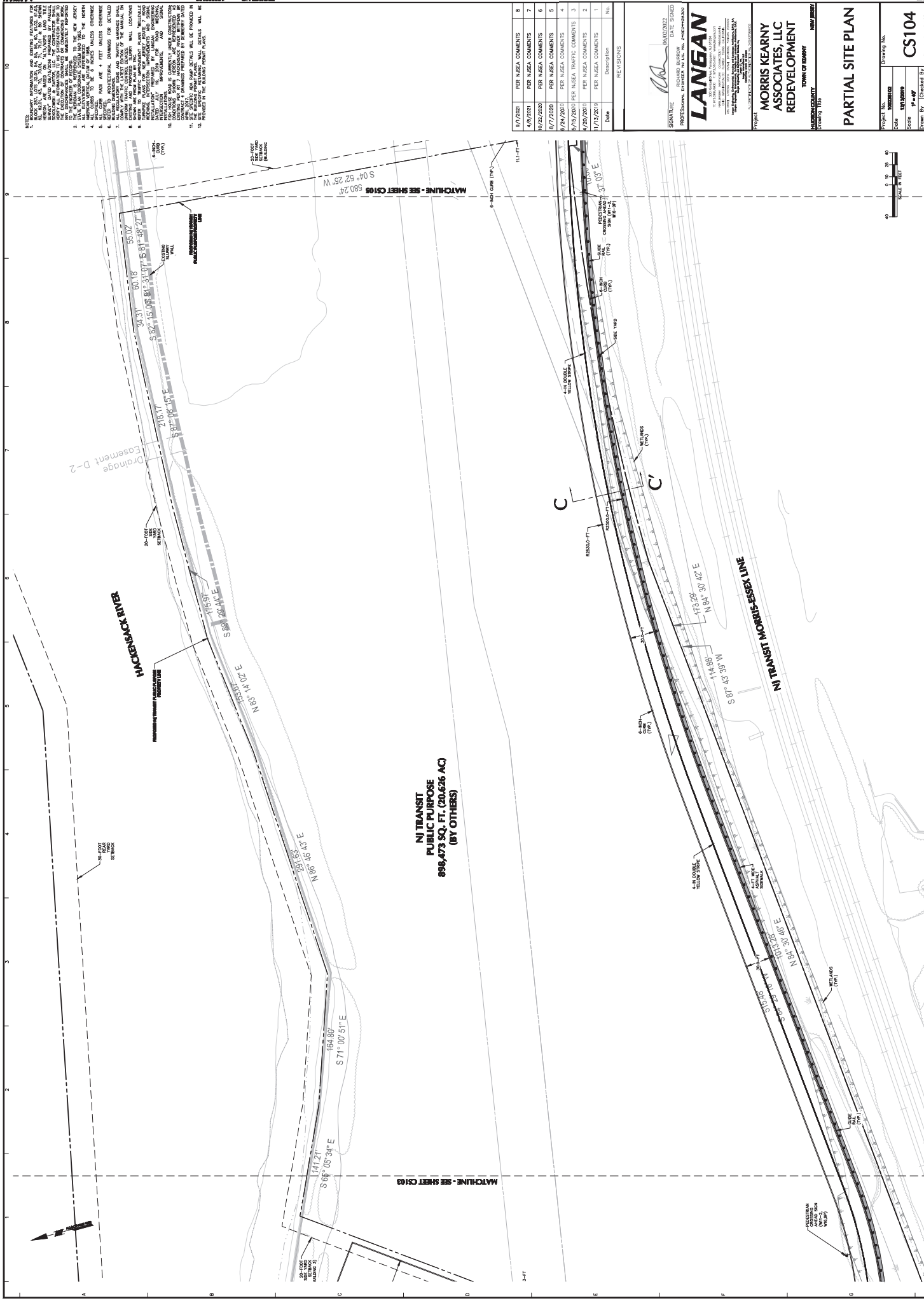
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DESIGNED BY: RICHARD BURGER
PROFESSOR, ENGINEER IN CHARGE, NJDOT
PROJECT: MORRIS KEARNY ASSOCIATES, LLC REDEVELOPMENT
SHEET: 2 OF 108

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INCORPORATED
1000 NEW YORK AVENUE, SUITE 200
NEW YORK, NY 10022
TEL: 212-692-1000
WWW.LANGANINC.COM

MORRIS KEARNY ASSOCIATES, LLC
REDEVELOPMENT
COUNTY OF HUNTERDON
SHEET: 2 OF 108

Project No.	100291-EMI
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Project Name	MORRIS KEARNY ASSOCIATES, LLC REDEVELOPMENT
Sheet No.	CS102
Sheet 2 of 108	





Date	Description	No.
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4/4/2021	PER NISEA COMMENTS	7
6/22/2020	PER NISEA COMMENTS	6
7/7/2020	PER NISEA COMMENTS	5
4/24/2020	PER NISEA COMMENTS	4
1/5/2020	PER NISEA TRAFFIC COMMENTS	3
2/20/2020	PER NISEA COMMENTS	2
1/13/2019	PER NISEA COMMENTS	1

 06/02/2022
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RICHARD BURROW
PROFESSIONAL ENGINEER NJ LIC. NO. 2-6604-09300

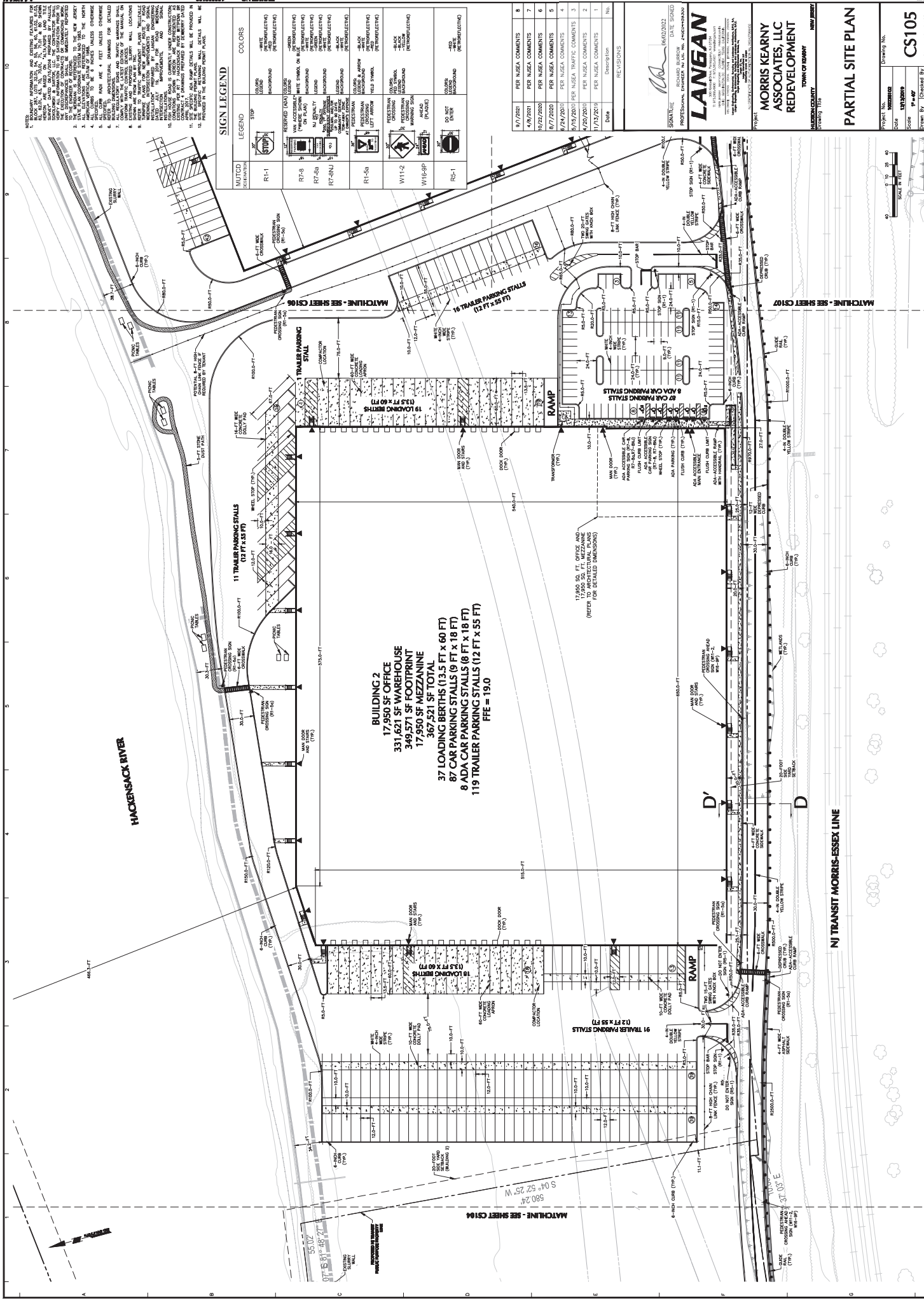
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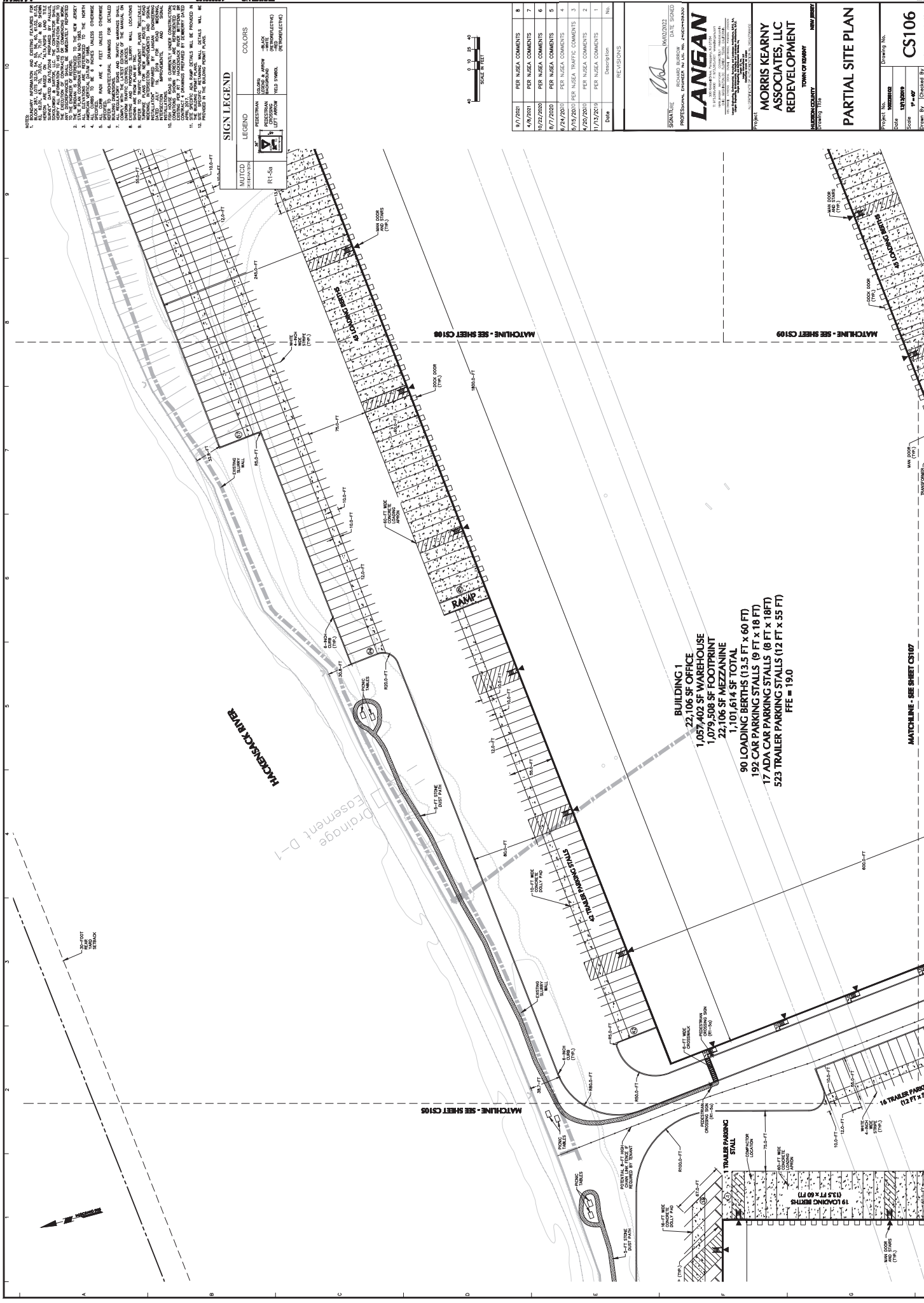
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ASSOCIATES, LLC
REDEVELOPMENT**

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PARTIAL SITE PLAN

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RICHARD BURROW
PROFESSIONAL ENGINEER NJ LIC. NO. 24604+G300

DATE SIGNED 06/02/2022

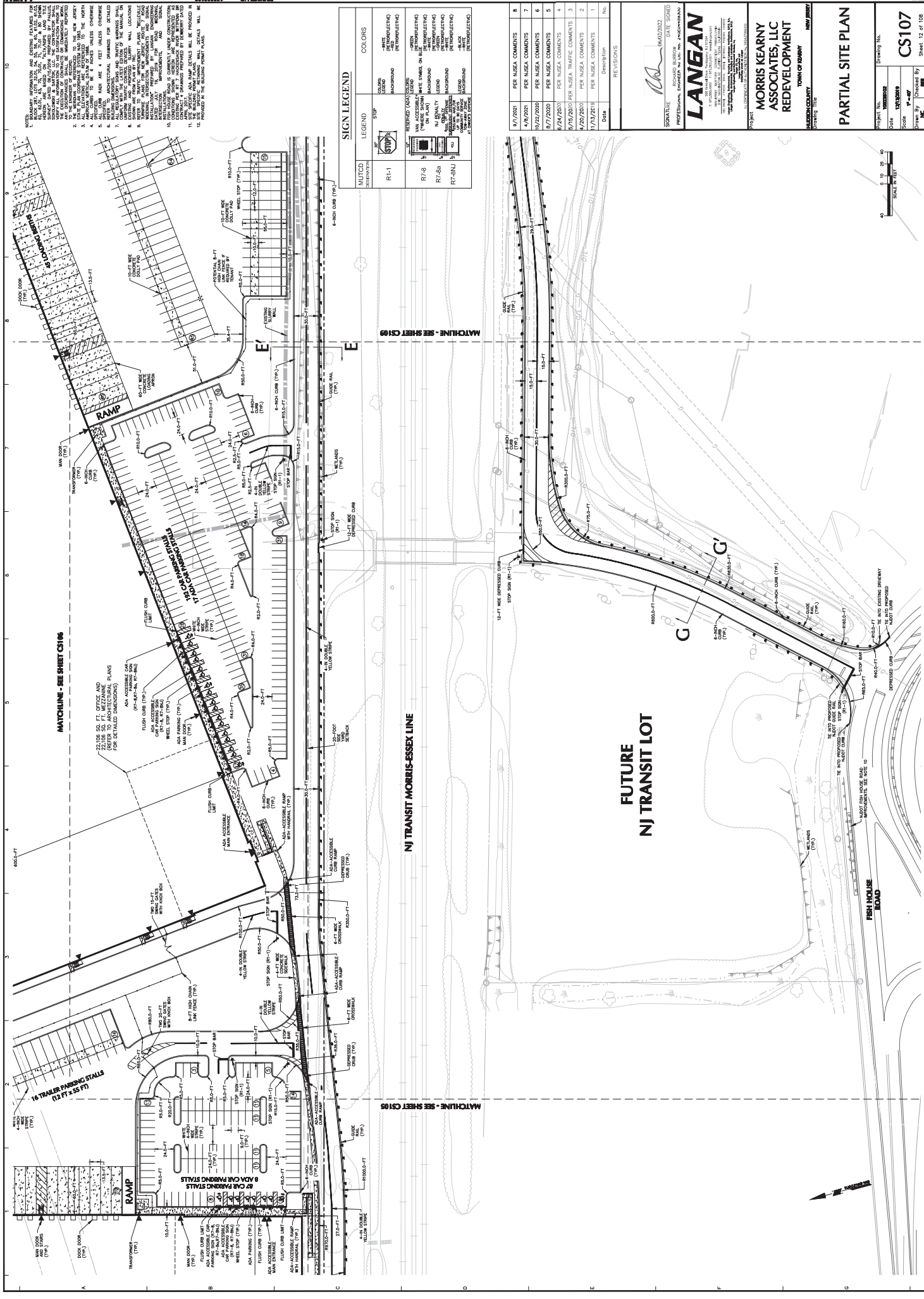
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**MORRIS KEARNY
ASSOCIATES, LLC
REDEVELOPMENT**

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PARTIAL SITE PLAN

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100. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.

LEGEND

MUTCD	LEGEND	COLORS
R1-1	STOP	WHITE (REFLECTIVE) BLACK (NON-REFLECTIVE)
R7-5	STOP	WHITE (REFLECTIVE) BLACK (NON-REFLECTIVE)
R7-5b	STOP	WHITE (REFLECTIVE) BLACK (NON-REFLECTIVE)
R7-5N	STOP	WHITE (REFLECTIVE) BLACK (NON-REFLECTIVE)

REVISIONS

No.	Date	Description
1	1/13/2015	PER NJSEA COMMENTS
2	4/28/2015	PER NJSEA COMMENTS
3	5/15/2015	PER NJSEA COMMENTS
4	6/24/2015	PER NJSEA COMMENTS
5	8/27/2015	PER NJSEA COMMENTS
6	9/22/2015	PER NJSEA COMMENTS
7	4/9/2016	PER NJSEA COMMENTS
8	8/1/2016	PER NJSEA COMMENTS

LANGAN

LANGAN ENGINEERING, INC.
10000 ROUTE 100, SUITE 100
ROSELAND, NJ 07068
TEL: 201-992-1100
WWW.LANGAN-ENGINEERING.COM

MORRIS KEARNEY ASSOCIATES, LLC REDEVELOPMENT

TOWN OF MORRIS

PARTIAL SITE PLAN

Project No. **CS107**

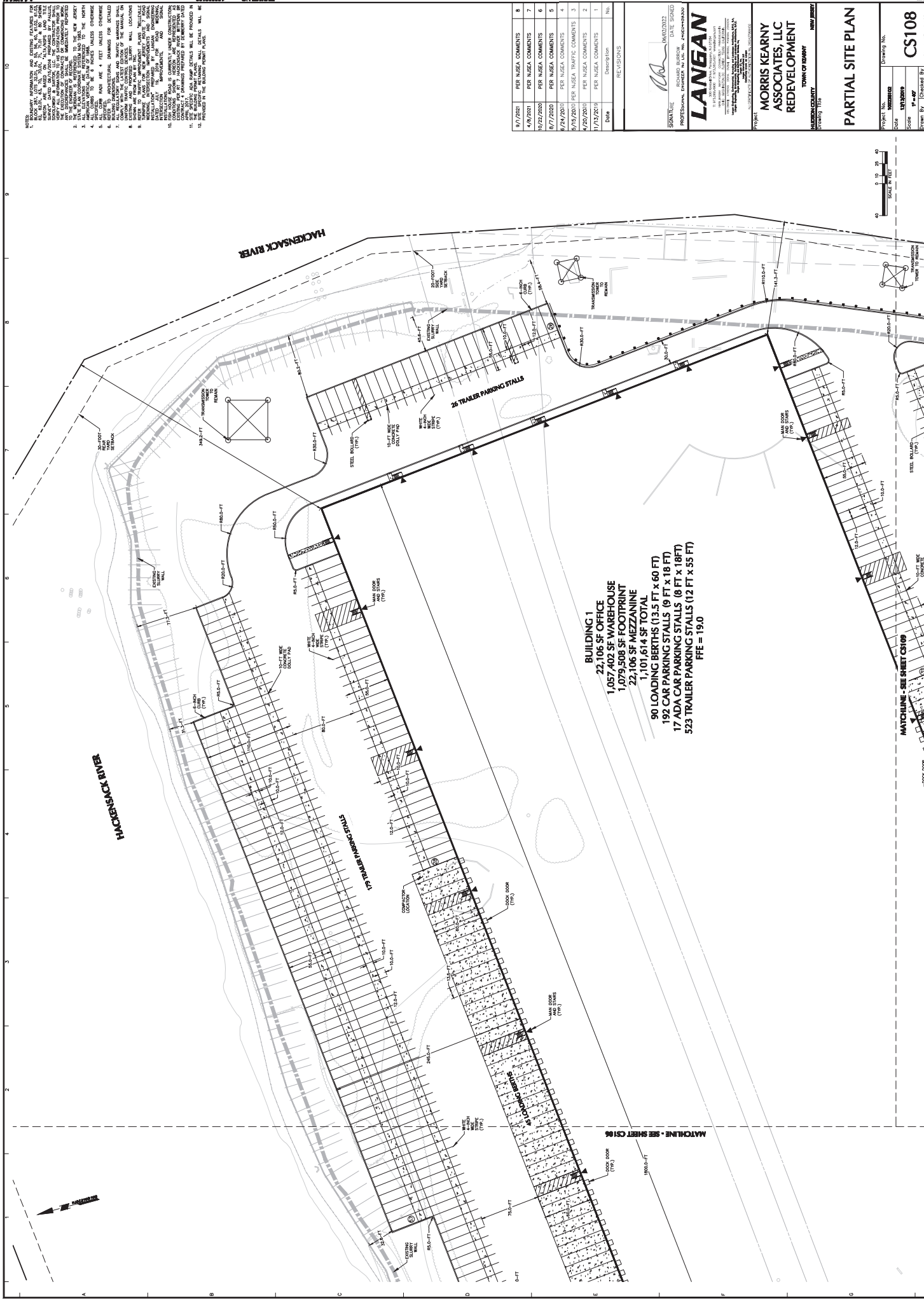
Date **1/13/2015**

Scale **1"=40'**

Drawn By **ME**

Checked By **ME**

Sheet **22** of **108**



Date	Description	No.
9/1/2021	PER NUSEA COMMENTS	8
4/8/2021	PER NUSEA COMMENTS	7
10/22/2020	PER NUSEA COMMENTS	6
8/7/2020	PER NUSEA COMMENTS	5
6/24/2020	PER NUSEA COMMENTS	4
5/15/2020	PER NUSEA TRAFFIC COMMENTS	3
4/20/2020	PER NUSEA COMMENTS	2
11/13/2018	PER NUSEA COMMENTS	1

 06/02/2022

SIGNATURE **DATE SIGNED**

RICHARD BURROW
PROFESSIONAL ENGINEER IN LIC. NO. 246204-09300

LANGAN

300 Grand Oaks Parkway, NJ 07756
T: 973-264-0000 F: 973-264-0021 www.langan.com
1800-999-9999 NEW YORK: 212-693-1111 info@langan.com
OR: 503-625-0000 CA: 415-751-2244 C.F. 250-800
861-8001 476-0033 2004 2004 2004 2004 2004 2004
Langan is a leading provider of construction services. We
are currently seeking qualified individuals for the following
positions: Project Engineer, Estimator, and Office Manager.
If you are interested in these positions, please send your
resume to: langan@langan.com or fax to: 973-264-0021.
Langan is an Equal Opportunity Employer. M/F/V/D.

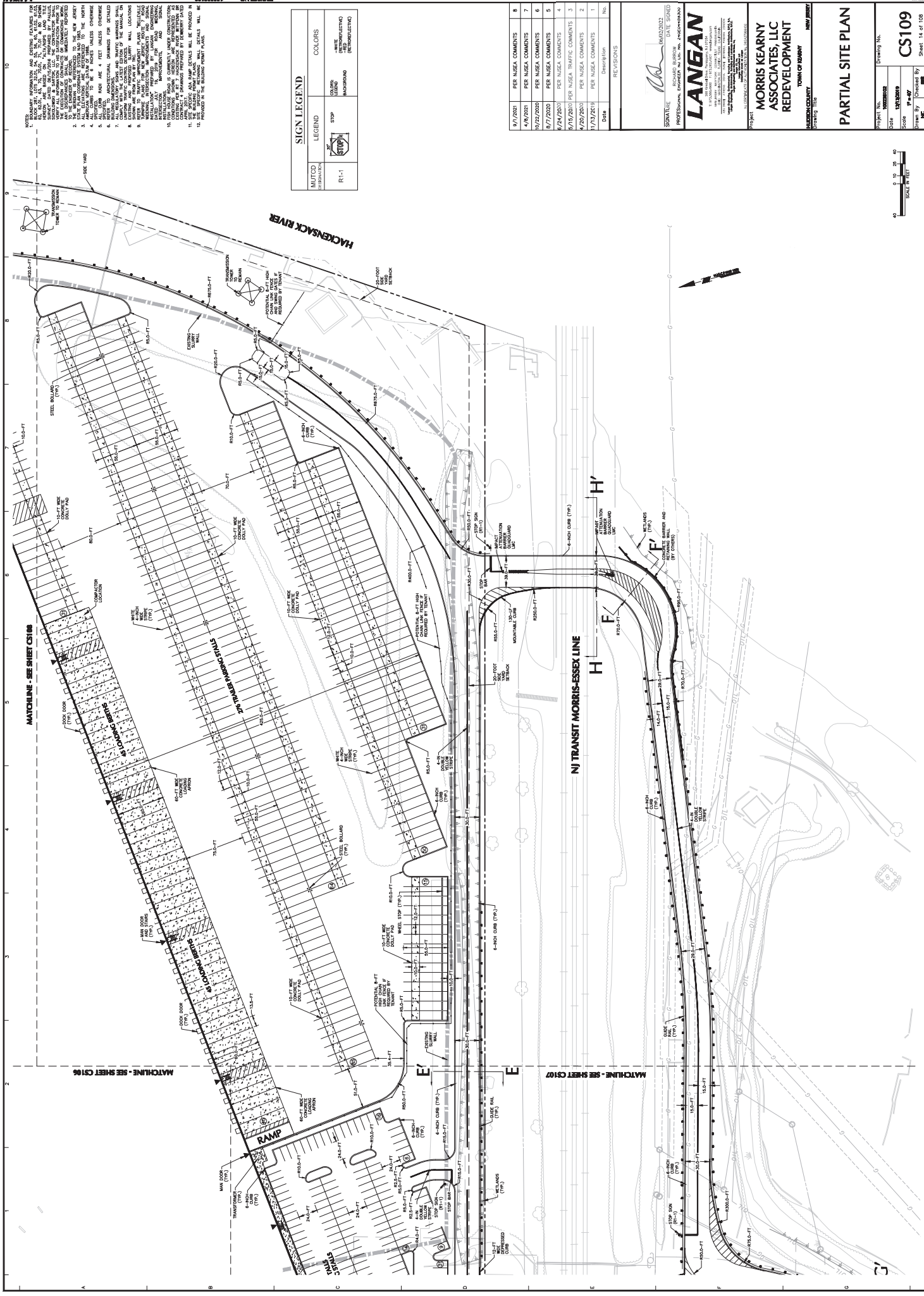
AN IRRESISTIBLE OFFER OF AUTHORITY AND RESPONSIBILITY

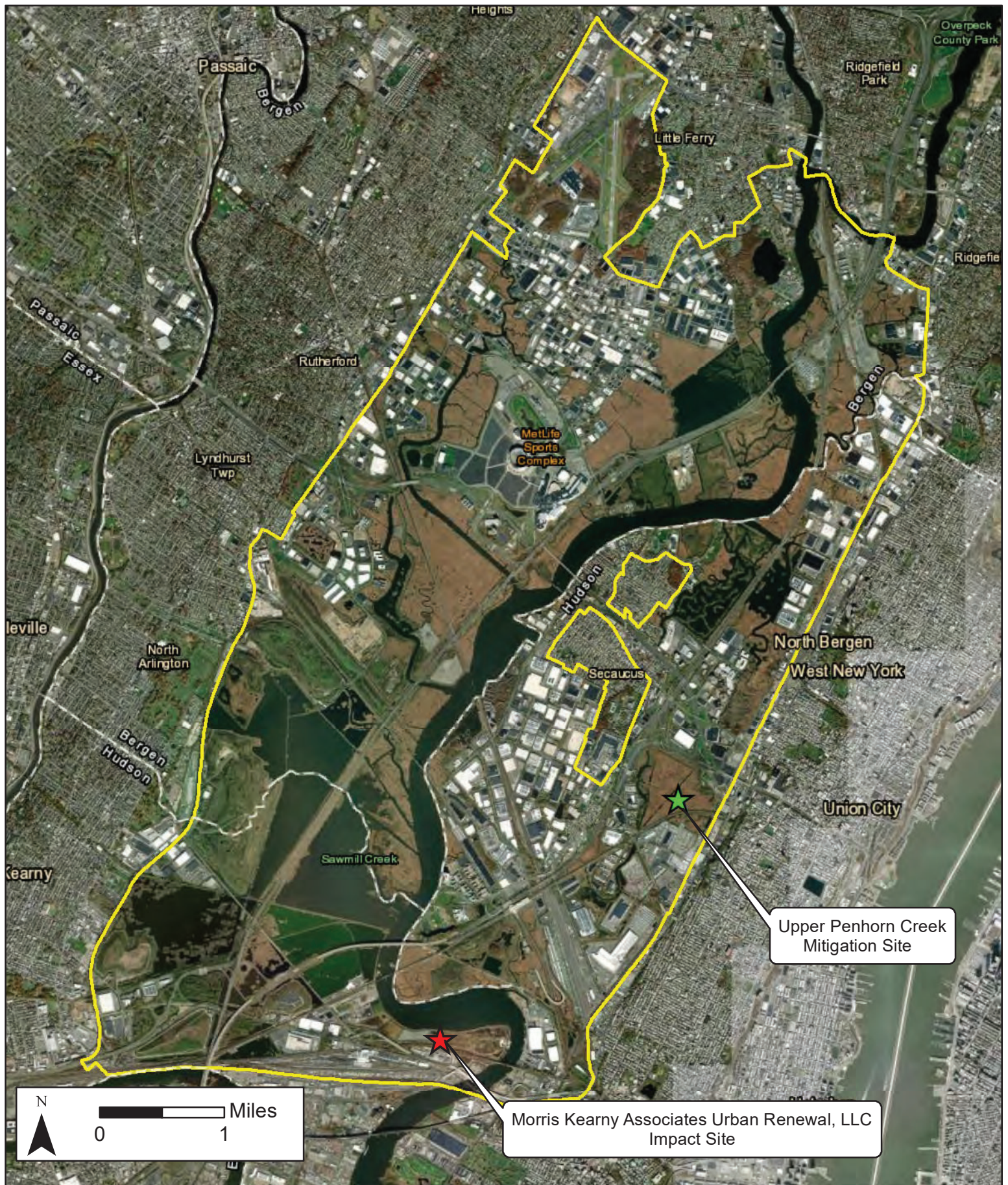
**MORRIS KEARNY
ASSOCIATES, LLC
REDEVELOPMENT**

Drawing Title

PARTIAL SITE PLAN

Project No.	V0228102	
Date	12/12/2019	
Scale	1" = 40'	
Drawn By	Checked By	
MC		





Hackensack Meadowlands District Boundary

Upper Penhorn Creek Mitigation Site

Morris Kearny Associates Urban Renewal, LLC Impact Site

**Upper Penhorn Creek Mitigation Site
Wetland and Riparian Zone Mitigation Project
Figure 7: Hackensack-Meadowlands District Map**

Township of North Bergen
Hudson County, NJ
Block 451, Lot 18.02
Watershed Management Area - 5

GreenVest
VISION · PERFORMANCE · RESULTS

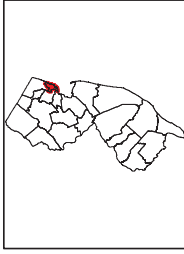
MARYLAND
4201 Northview Drive
Suite 202
Bowie, MD 20716
410.987.5500

NEW JERSEY
35A Kennedy Road
P.O. Box 200
Tranquility, NJ 07879
732.902.6644

1 in = 1 mile @ 8.5x11

Date: 1/30/2024

Regional Context



GreenVest LLC*
4201 Northview Dr. Suite 202
Bowie, MD 20716
410.987.5500 (p)
*with offices in NJ and NC

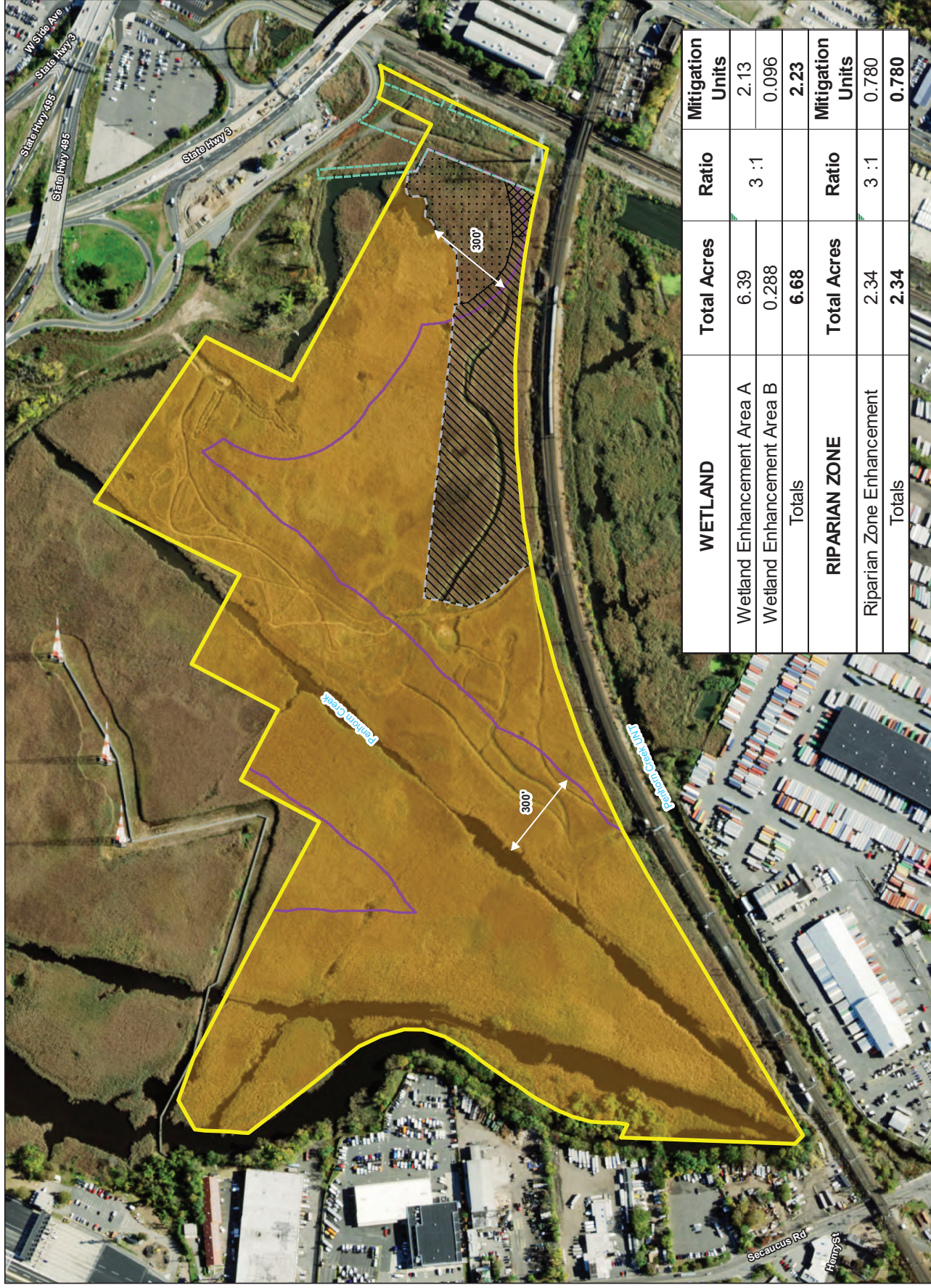
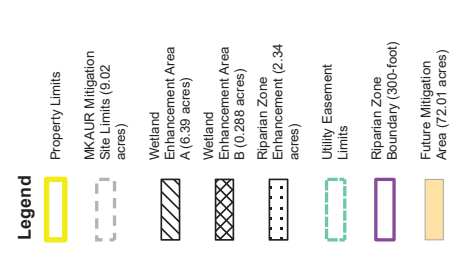


Upper Perhorn Creek
Mitigation Site
(Guarini Tract)

Mitigation
Concept Map

Hackensack River
Watershed

Block 451, Lot 18.02
Township of North Bergen
Hudson County, NJ



WETLAND	Total Acres	Ratio	Mitigation Units
Wetland Enhancement Area A	6.39	3 : 1	2.13
Wetland Enhancement Area B	0.288		0.096
Totals	6.68		2.23
RIPARIAN ZONE	Total Acres	Ratio	Mitigation Units
Riparian Zone Enhancement	2.34	3 : 1	0.780
Totals	2.34		0.780

11

1. ALL PLANS ARE SPATIALLY REFERENCED TO STATE PLANE NAD 83 (NAD 83) DATUM. THE NORTH AMERICAN DATUM OF 1983 (NAD83), ALL ELEVATIONS ARE REFERENCED TO NORTH AMERICAN DATUM OF 1983 (NAD83). ALL ELEVATIONS MAY BE CONVERTED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29) BY ADDING 1.084 FEET.
2. EXISTING CONDITIONS WERE OBTAINED FROM A PHOTOGRAPHIC SURVEY OF THE PROJECT AREA ON 03/07/2002. PUBLISHED BY DOUGLAS W. DOOLITTLE, P.E., PP IN US NO. 29991, OF MONMOUTH, DOOLITTLE ENGINEERING, LLC. EXISTING INSTREAM TOPOGRAPHIC SURVEYS WERE SUPPLEMENTED BY A PHOTOGRAPHIC SURVEY DATED 05/04/2002. DEVELOPED BY JAMES D. STENS IN US NO. 22684-5226001 OF CONTROL POINT ASSOCIATES, INC.

[illegible]

STATE OF NEW JERSEY CERTIFICATE OF AUTHORIZATION
NO.: 24GA27976800



SCIENCE ENGINEERING DESIGN
35 CLARK STREET, SUITE 200
TRENTON, NEW JERSEY 08611
PHONE: 908.237.5660
PRINCETONHYDRO.COM

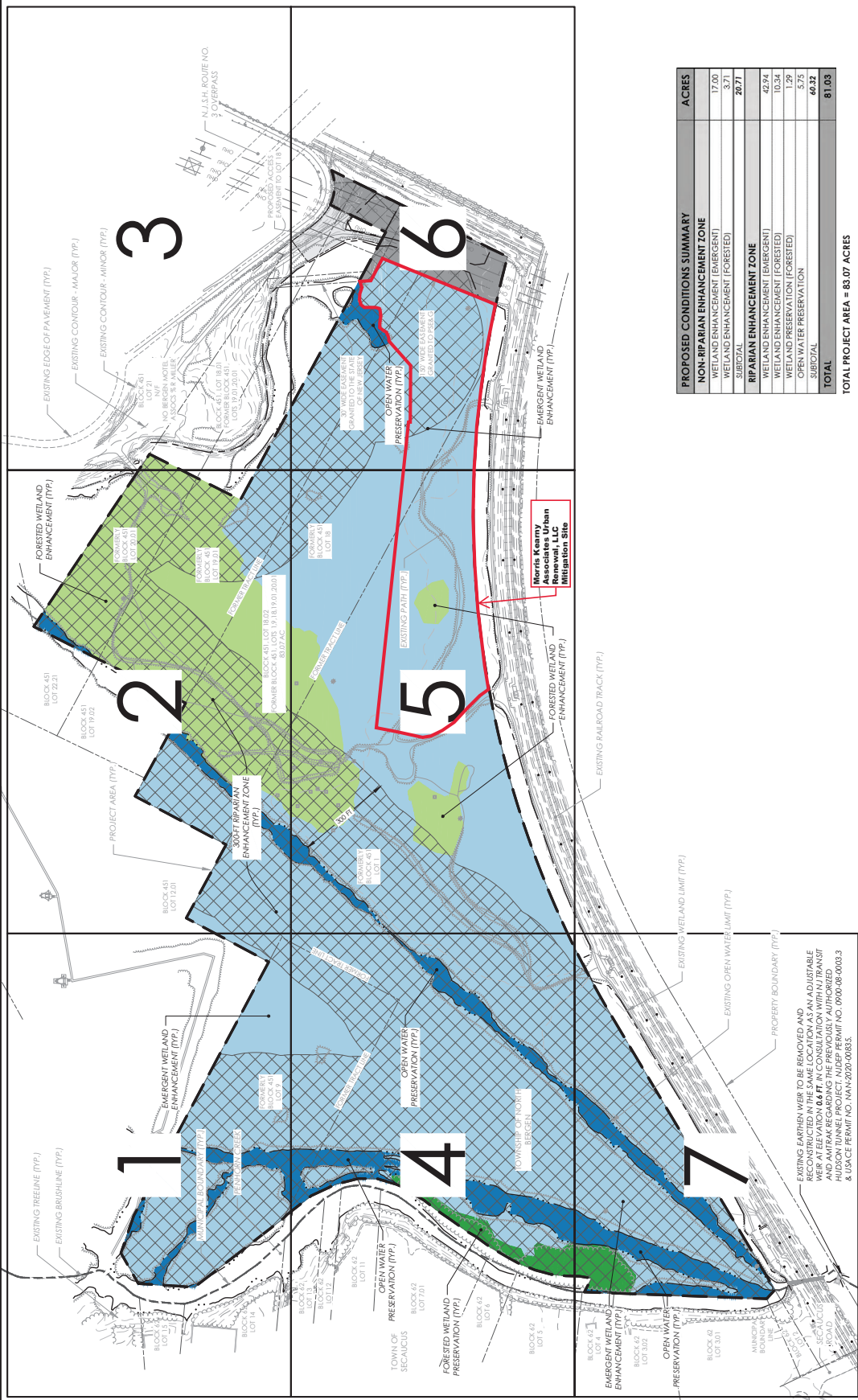
PROJECT NAME/LOCATION:
UPPER PENHORN CREEK MITIGATION BANK
NORTH BERGEN TOWNSHIP
HUDSON COUNTY, NEW JERSEY

DRAWING NAME:

PROPOSED CONDITIONS - OVERVIEW

DATE:	06/08/2023
PROJECT NO.:	0995.067
SCALE:	1" = 150'
DRAWN BY:	TH
CHECKED BY:	CP
SHEET NO.	






10 of 21



PROPOSED CONDITIONS SUMMARY	ACRES
NON-RIPARIAN ENHANCEMENT ZONE	
WETLAND ENHANCEMENT (EMERGENT)	17.00
WETLAND ENHANCEMENT (FORESTED)	17.01
TOTAL	34.01
RIPARIAN ENHANCEMENT ZONE	
WETLAND ENHANCEMENT (EMERGENT)	42.34
WETLAND ENHANCEMENT (FORESTED)	10.34
WETLAND PRESERVATION (FORESTED)	1.29
OPEN WATER PRESERVATION	5.75
SUBTOTAL	60.72
TOTAL	81.03

TOTAL PROJECT AREA = 83.07 ACRES

PROPOSED CONDITIONS LEGEND

	30-FT. RIPARIAN ENHANCEMENT ZONE
	OPEN WATER PRESERVATION
	FORESTED WETLAND PRESERVATION
	FORESTED WETLAND ENHANCEMENT
	EMERGENT WETLAND ENHANCEMENT

GRAPHIC SCALE
SCALE: 1" = 150'
0 100 200 300 400 500
FEET

EXISTING CONDITIONS LEGEND

PROJECT MEANLINE	EXISTING STRUCTURE	EXISTING OVERHEAD UTILITY	EXISTING OVERHEAD UTILITY
PROPERTY / EASEMENT BOUNDARY	EXISTING DITCH OF PAVEMENT	STW	CHW
PROPOSED ACCESS EASEMENT	EXISTING PATH		
MUNICIPAL BOUNDARY	EXISTING CONCRETE WALL		
EXISTING CONTOUR - MAJOR	EXISTING GLEUERAL	Δ W/SA	EXISTING RAILROAD TRACK
EXISTING CONTOUR - MINOR	EXISTING FENCE		EXISTING WETLAND FLAG
EXISTING WETLAND LIMIT	X X X X		BIOLOGICAL BENCHMARK
EXISTING OPEN WATER LIMIT	~~~~~		MONITORING WELL
EXISTING OPEN WATER			EXISTING SPOT ELEVATION
			EXISTING SPOT ELEVATION