

## **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-2022-00498-EMI

Issue Date: October 4, 2022

Expiration Date: November 3, 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: 720 South Front, LLC

1 Tower Center Blvd East Brunswick, New Jersey 08816

ACTIVITY: Shoreline Stabilization

WATERWAY: Morses Creek & Arthur Kill

LOCATION: 720 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 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 AND EMAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,

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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 requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No

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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 <a href="mailto:Christopher.W.Minck@usace.army.mil">Christopher.W.Minck@usace.army.mil</a>.

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 <a href="http://www.nan.usace.army.mil">http://www.nan.usace.army.mil</a>.

Rosita Miranda Date: 2022.09.29 18:27:47 -04'00'

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

**Enclosures** 

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#### WORK DESCRIPTION

The permit applicant, 720 South Front, LLC, has requested Department of the Army (DA) authorization for shoreline stabilization activities in Morses Creek & Arthur Kill at 720 South Front Street in the City of Elizabeth, Union County, New Jersey.

The proposed work would involve the following:

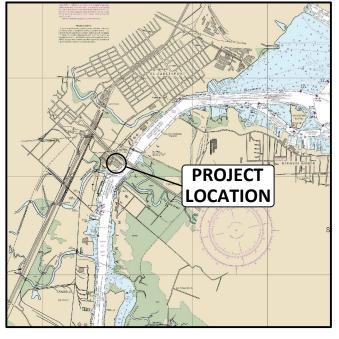
Reach A: Remove existing waterfront structures including an approximately 8,854 square foot low level platform and timber structures including timber piles which will be extracted or cut below the mudline. Additionally, approximately 2,472 cubic yards of fill and debris will be removed to allow for the construction of an approximately 25-foot-wide by 540-foot-long riprap revetment at a 1:1.5 slope consisting of approximately 1,300 cubic yards of stone over 5,210 square feet.

An existing approximately 85-foot-wide by 300-foot-long cable maintenance barge is additionally proposed to be semi-permanently moored along the revetment. The barge serves to provide supply materials to local power authorities in the event of an emergency.

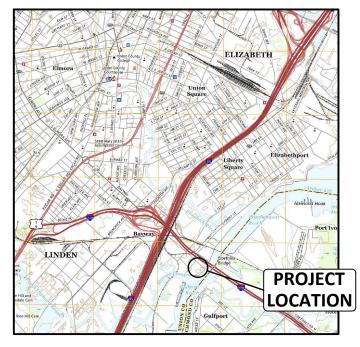
Reach B: Remove existing waterfront structures including an approximately 13,113 square foot high level platform and timber structures including timber piles which will be extracted or cut below the mudline. An additional approximately 66 cubic yards of debris and fill will be removed to allow for the construction of a new approximately 394 foot long bulkhead which will be constructed within the original footprint of the platform. The bulkhead will be backfilled with approximately 1,238 cubic yards of clean fill over approximately 4,259 square feet.

The applicant has avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by utilizing a turbidity curtain around the construction area and removing debris and dilapidated structures from the project location. The applicant has minimized the bulkhead encroachment seaward to the minimum necessary to safely protect the upland buildings and not extending further than the previously existing structures.

The purpose for the project is to stabilize the shoreline to reduce existing erosion.



LOCATION MAP



VICINITY MAP

#### **LOCATION & VICINITY MAP**

SCALE: N.T.S.

PURPOSE: SHORELINE REHAB

DATUM: NAVD88
ADJACENT OWNERS:

1. 2710 ALLEN LLC

2. 737-757 SOUTH FRONT ST LLC

3. FREEPORT MCMORAN

4. PORT AUTHORITY OF NY & NJ

720 SOUTH FRONT STREET WATERFRONT

APPLICANT: 720 SOUTH FRONT, LLC

1 TOWER CENTER BLVD EAST BRUNSWICK, NJ 08816

AGENT: TMS WATERFRONT

247 W. 35TH STREET, 10TH FLOOR

NEW YORK, NY 10001

IN: KILL VAN KULL, GULFPORT REACH

AT: ELIZABETH, NJ

COUNTY OF: UNION STATE: NJ

DATE: 09/06/2022

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