US Army Corps of Engineers®

PUBLIC NOTICE

Applicant:
Brett Arnheiter
Arnheiter Marine, Inc.

Published: August 11, 2025
Expires: September 10, 2025

New York District
Permit Application No. NAN-2025-00595-MMI

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: Brett Arnheiter
Arnheiter Marine, Inc.
2179 Hollywood Drive
Forked River, New Jersey 08731

AGENT: Maxwell Scandale
Cashin Associates, P.C.
1200 Veterans Memorial Highway
Hauppauge, New York 11788

WATERWAY AND LOCATION: The project is located at Coordinates 40°40'40"N 74°07'42"W, in Newark Bay waterward of Bayonne, Hudson County, New Jersey.

EXISTING CONDITIONS: The mooring is proposed in Newark Bay near existing federal navigation channel utilized by the port facilities on the western side of the bay. The proposed mooring is located on the east side of the federal channel in shallow waters. The project area is located within the Diamond Alkali Superfund Cleanup, Newark Bay Study Area – OU3.

PROJECT PURPOSE: Provide safe mooring of hopper barges.

PROPOSED WORK: The applicant requests authorization for the installation of a single point commercial mooring buoy consisting of a 6-foot-wide by eight-foot high mooring buoy can buoy connected to an approximately 90-foot-long anchor chain which would connect to a 20,000-pound anchor, and associated hardware including sinkers. The anchor buoy can would have two (2) 75-foot-long rope pennant lines tied to hopper barges

The standard barges would measure approximately 54-foot-wide by 300-foot-long. The barge configuration would be a maximum off four (4) abreast. No barges would be

configured astern. The maximum size would consist of a 360-foot-length by 216-foot-beam by 16-foot-depth.

The maximum swing radius would be approximately 473.7 feet (157.9 yards) from the coordinate below. The scope would be approximately 90 feet (30 yards) and the watch circle would be approximately 89.7 feet (29.9 yards).

40°40’40”N 74°07’42”W
NOAA Chart 12333

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: the mooring will be installed utilizing best management practices such as dropping the anchor as such to avoid being dragged along the bottom and using the smallest anchor and chain size to safely more the barges.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: There is no permanent loss of waters of the United States, therefore no mitigation is 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 1 below. 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
Monarch Butterfly	*Danaus Plexippus*	Proposed Threatened	FWS
Atlantic Sturgeon	*Acipenser oxyrinchus oxyrinchus*	Endangered	NMFS
Shortnose Sturgeon	*Acipenser brevirostrum*	Endangered	NMFS

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 coordinates provided by the applicant, the waterward edge of the proposed structure is approximately 280 feet away from the near bottom edge of the Newark Bay (Middle Reach North) 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.

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 not 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 Christopher Minck at Christopher.W.Minck@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.

R. Miranda Digitally signed by Rosita Miranda

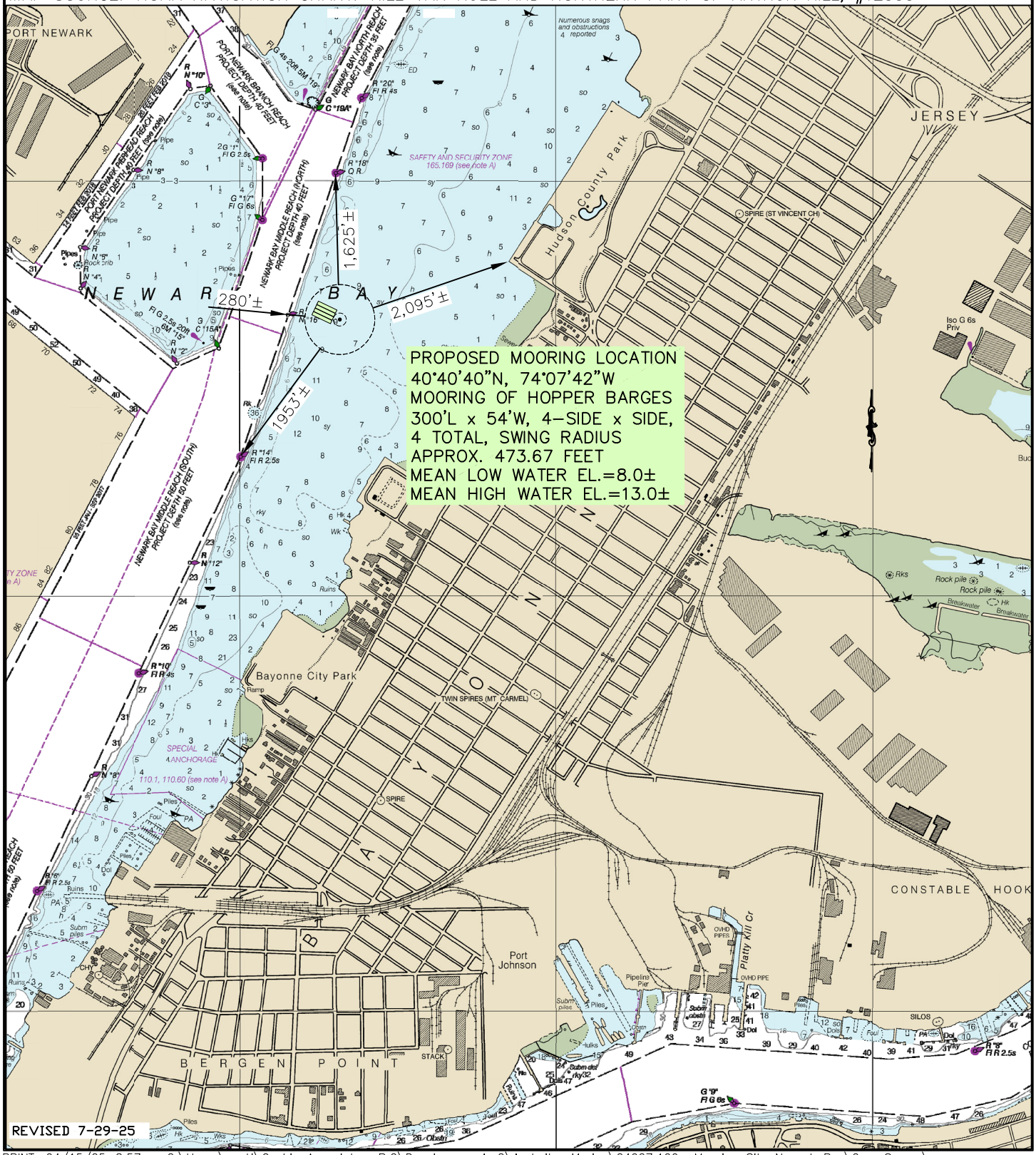
FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

USACE FILE: NAN-2025-00595-MMI

Cashin Associates, P.C.

ENGINEERING • PLANNING • CONSTRUCTION MANAGEMENT

CLIENT: ARNHEITER MARINE	DATE: 4–14–25
PROJECT: NEWARK BAY – ANCHORAGE AREA	CA NO.: 24027.100
TITLE: MOORING LOCATION PLAN	SCALE: 1"=2,000±'
MAP SOURCE: NOAA NAVIGATION CHART: KILL VAN KULL AND NORTHERN PART OF ARTHUR KILL, #12333	



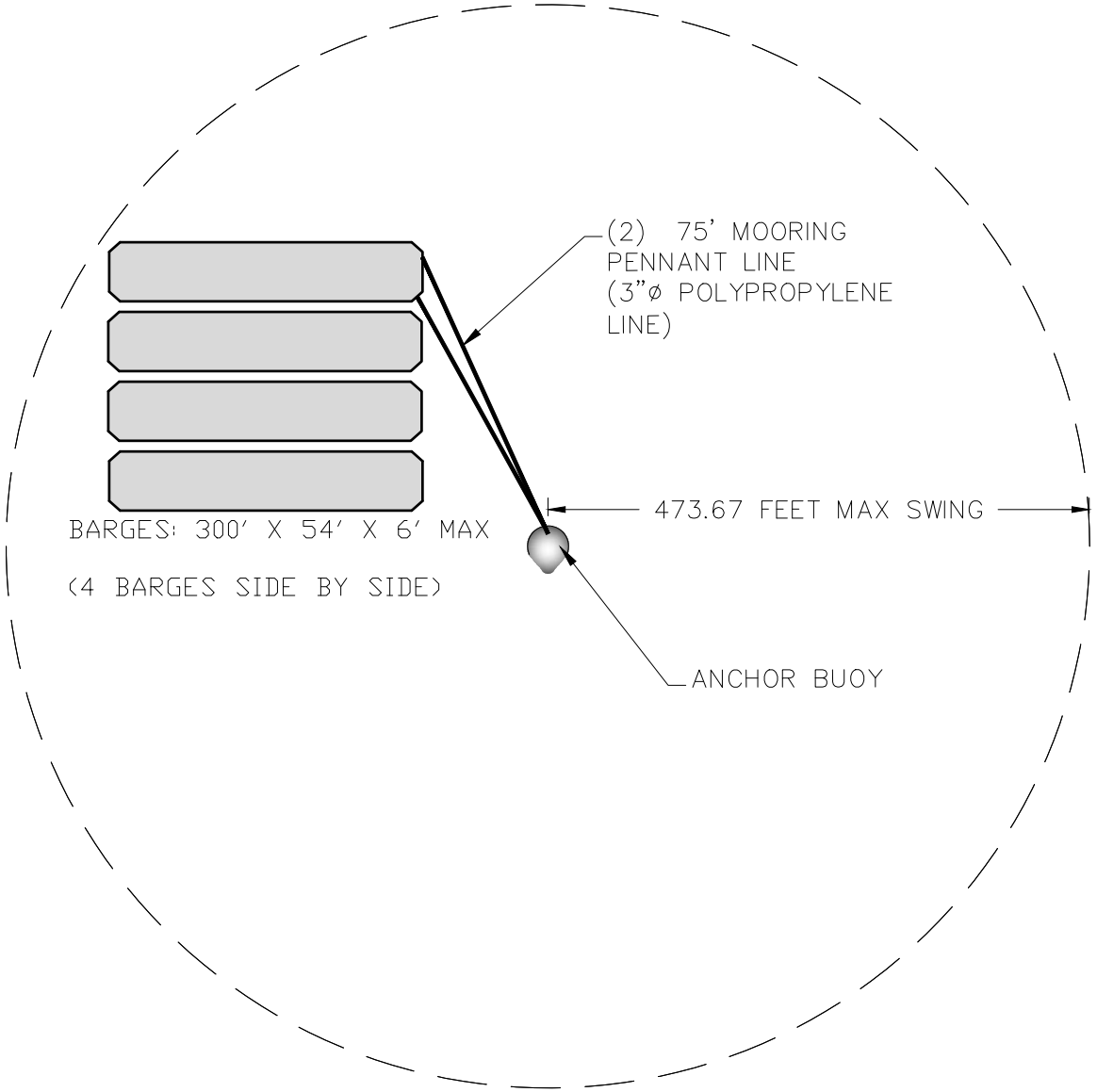
PRINT: 04/15/25–8:57am C:\Users\rwetj\Cashin Associates, P.C\Drawings – A–G\Arnheiter Marine\24027.100 Mooring Site Newark Bay\2 – Survey\

USACE FILE: NAN-2025-00595-MMI

Cashin Associates, P.C.

ENGINEERING • PLANNING • CONSTRUCTION MANAGEMENT

CLIENT: ARNHEITER MARINE	DATE: 7-25-25
PROJECT: NEWARK BAY – ANCHORAGE AREA	CA NO.: 22017.1
TITLE: TYPICAL ANCHOR MOORING PLAN VIEW	SCALE: NOT TO SCALE

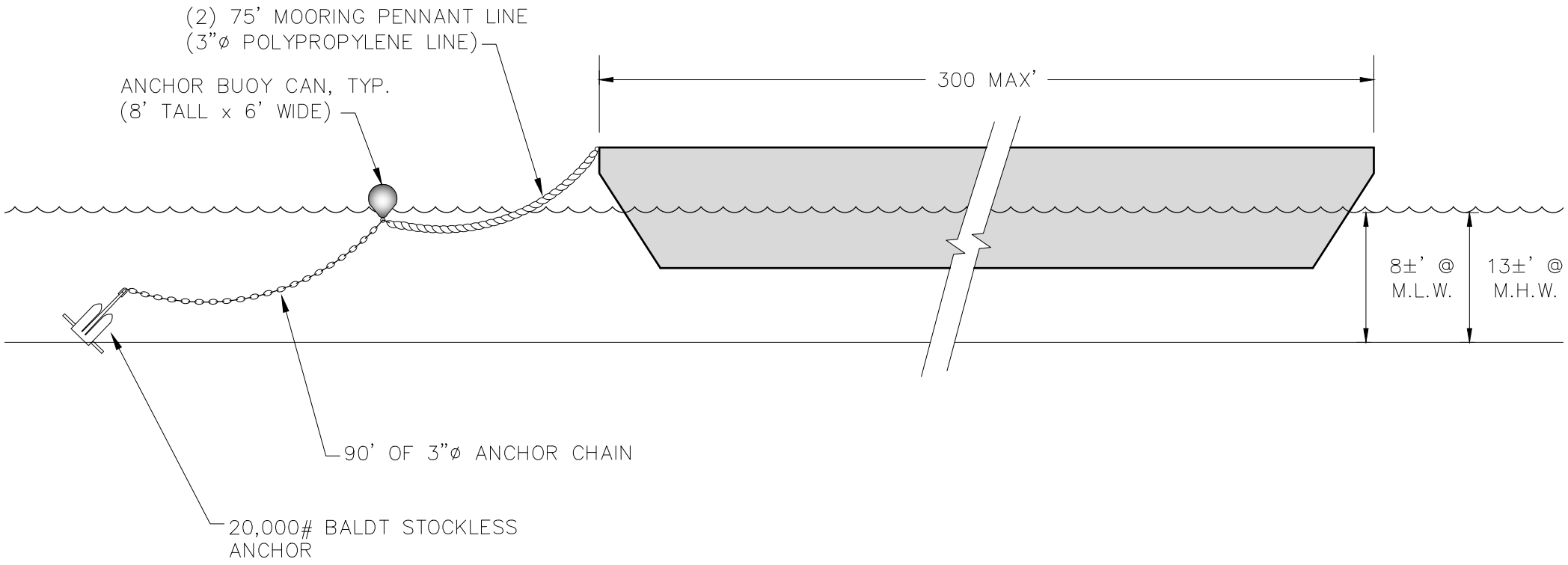


USACE FILE: NAN-2025-00595-MMI

Cashin Associates, P.C.

ENGINEERING • PLANNING • CONSTRUCTION MANAGEMENT

CLIENT: ARNHEITER MARINE	DATE: 7–25–25
PROJECT: NEWARK BAY – ANCHORAGE AREA	CA NO.: 22017.1
TITLE: TYPICAL SINGLE ANCHOR MOORING PROFILE	SCALE: NOT TO SCALE



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REPLY TO
ATTENTION OF

REGULATORY BRANCH Attn:_____

Commercial Mooring Buoy Application Additional Information

Permit Application Number NAN- 2025-00595-MMI

Company Name: Arnheiter Marine Inc. Phone: (732) 546 - 4213
Attn: Brett Arnheiter
Address: 2179 Hollywood Drive, Forked River, NJ 08731

Initial ☒ Renewal ☐
If Renewal, USCG Permit No._____

Purpose: storage of barges

LOCATION OF MOORING:

Anchorage: Newark Bay Chart: NOAA12333 On Scene Depth (ft.): 8'

Position*: 40*40'40' N 74*07'42" W

MOORING BUOY DATA:

No. of anchors: 1 Lbs. per anchor: 20,000 Type: stockless

Chain size (in.): 3" Scope (yds.): 30

Pennant length (yds.): 25 Circ. /dia. (in.): 3" dia Type: Polypropylene

VESSEL/BARGE DATA:

Max size (LxBxD): 300 x 54 x 6 Max No. of barges: 4

Configuration (# abreast x # astern): 4 x 1 Watch circle** (yds.): 29.9

Swing Radius (yards): 157.9

* Please provide a copy of the NOAA chart showing your proposed mooring buoy location and the swing radius; also identify the Anchorage Ground, if applicable

** Watch Circle = $\sqrt{(length\ of\ scope)^2 - (water\ depth)^2}$
Swing Radius = $(Watch\ circle) + (Barge(s)\ length\ astern) + \left(Pendant\ length(s)\right) + (10\%\ of\ swing\ radius)$. You must maintain an additional 10% of your Swing Radius from any adjacent mooring buoy Swing Radius for safety and maneuvering.