



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-2011-00362-EYO**
Issue Date: **25 JUN 2012**
Expiration Date: **24 JUL 2012**

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: Vopak Perth Amboy Terminal
State Street
Perth Amboy, New Jersey

ACTIVITY: Construct a replacement mooring structures in-place and perform 10-year berth maintenance dredging with upland disposal of all dredged material.

WATERWAY: Arthur Kill

LOCATION: Town of Perth Amboy, Middlesex 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 MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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, 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 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.

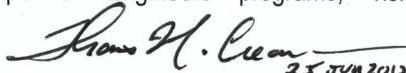
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New Jersey State 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 this office at (917) 790-8425 and ask for Larry C Young.

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>


FR Richard L. Tomer
Chief, Regulatory Branch
25 JUN 2012

Enclosures

WORK DESCRIPTION

The permit applicant, Vopak Terminal Perth Amboy, LLC, has requested Department of the Army authorization to construct a replacement mooring structures in-place and to perform 10-year berth maintenance dredging with upland disposal of all dredged materials from the Arthur Kill, Town of Perth Amboy, Middlesex County, New Jersey.

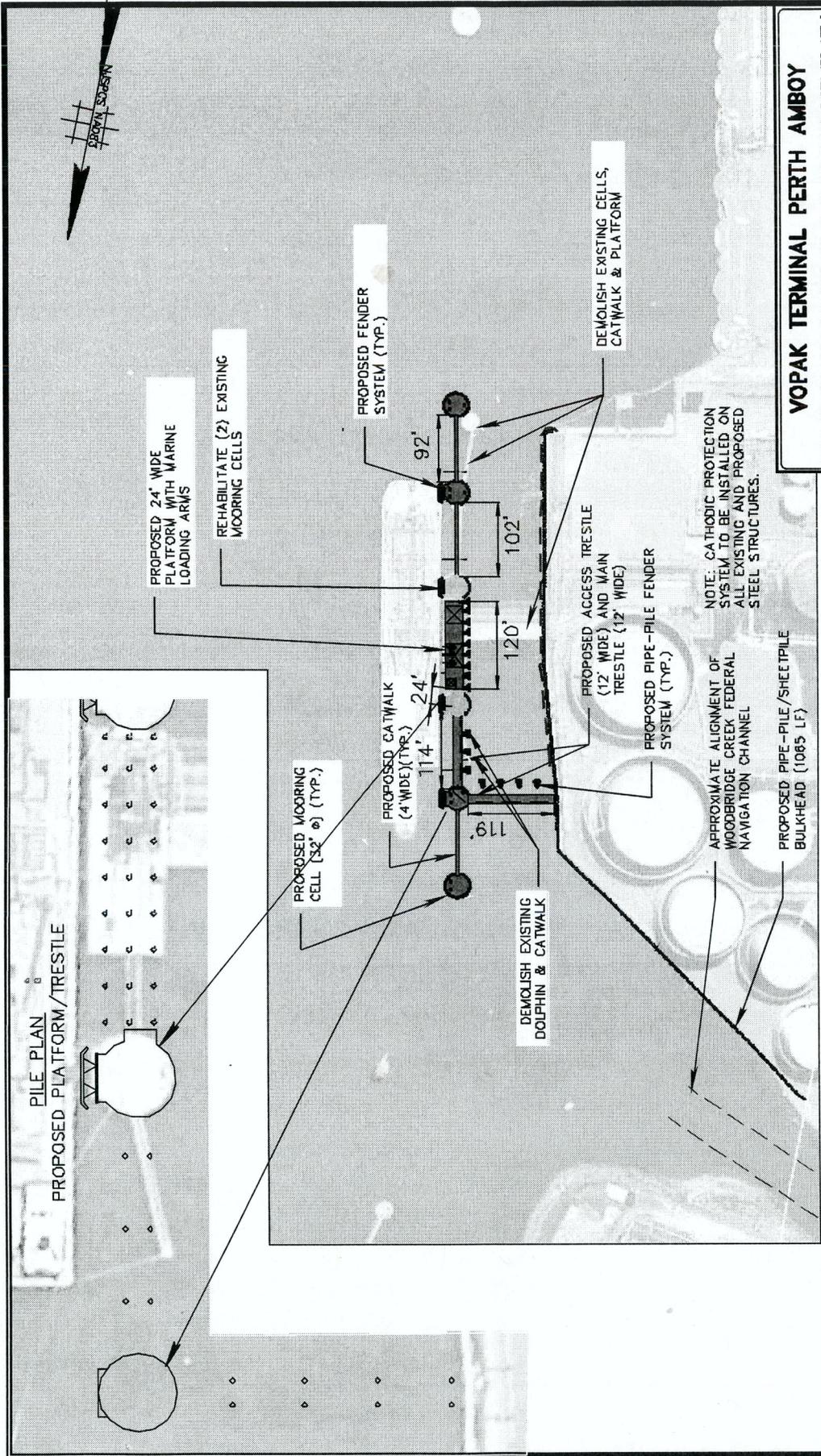
The regulated work would involve replacing an existing bulkhead in-place and replacing an existing mooring facility's structures with new mooring structures; reconstruction and/or maintenance of all existing over-water mooring structures and their superstructure within their existing footprints; reconstruction and/or maintenance of all existing shoreline stabilization rip-rap armor stone; and berths' maintenance dredging with upland disposal of dredged materials over the next ten years.

The regulated work would involve mechanical dredging a total of approximately 47,000 cubic yards of dredged material, initially, from three berths in the Arthur Kill. First, mechanical bucket dredging to a maximum depth of thirty-eight feet below the plane of Mean Low Water, including two feet of over depth in the existing ship basin berth. Second, mechanical dredging to a maximum of depth of twenty-three feet below the plane of Mean Low Water, including two feet of over depth in the existing the North Barge Basin berth; and finally mechanical bucket dredging and to a maximum of depth of twenty-one feet below the plane of Mean Low Water, including two feet of over depth in the existing South Barge Basin berth.

All the dredged material would be dewatered in dredged material barges and delivered to Clean Earth Dredging Technologies, Inc. for processing and subsequent ultimate upland disposal and beneficial re-use at one of the five following State-approved upland beneficial use projects: Bellmawr Waterfront Development Project, DuPont Grasselli Point site, SLRD site, Global Landfill, or Brookfield Landfill.

The permit applicant proposes to place a 1,065-foot-long steel replacement bulkhead within 3-feet of the existing bulkhead. Reconstruction and/or maintenance of all existing over-water mooring structures and their superstructure would be accomplished within their existing footprints. Four new 24-foot-diameter mooring cells and connecting 8-foot-wide catwalks would be constructed. Upland mooring bollards and hardware necessary to safely moor ships and barges would also be constructed. The permit applicant also proposes to construct ten replacement dolphin pile-clusters adjacent to the existing pier structures, within the North Barge Basin and the South Barge Basin. Lastly the applicant proposes to create 2,230 square feet of open water by excavating existing shore armoring and re-stabilizing the shoreline using the excavated shore armoring.

The permit applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable. Most of the impacts associated with the proposed regulated work are temporary and would be offset by implementing best management practices. The permit applicant's stated purpose for this construction work to restore previous berth depth and have a modern and safe waterfront mooring facility.



VOPAK TERMINAL PERTH AMBOY
 BLOCK 454, LOTS 1.02 & 1.03, BLOCK 455, LOTS 1, 1.01 & 1.02, BLOCK 456, LOT 1

PROPOSED WATERFRONT IMPROVEMENTS
WATERFRONT IMPROVEMENT PLAN

SITUATION
 CITY OF PERTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY

Bsg
 BIRDSALL SERVICES GROUP
 ENGINEERS & CONSULTANTS

750 Vassar Avenue
 Lakewood, NJ 08701
 NJ State License of Authorization No. 243-0200000

Tel: 732-961-2162
 Fax: 732-961-2163
 www.birdsall.com

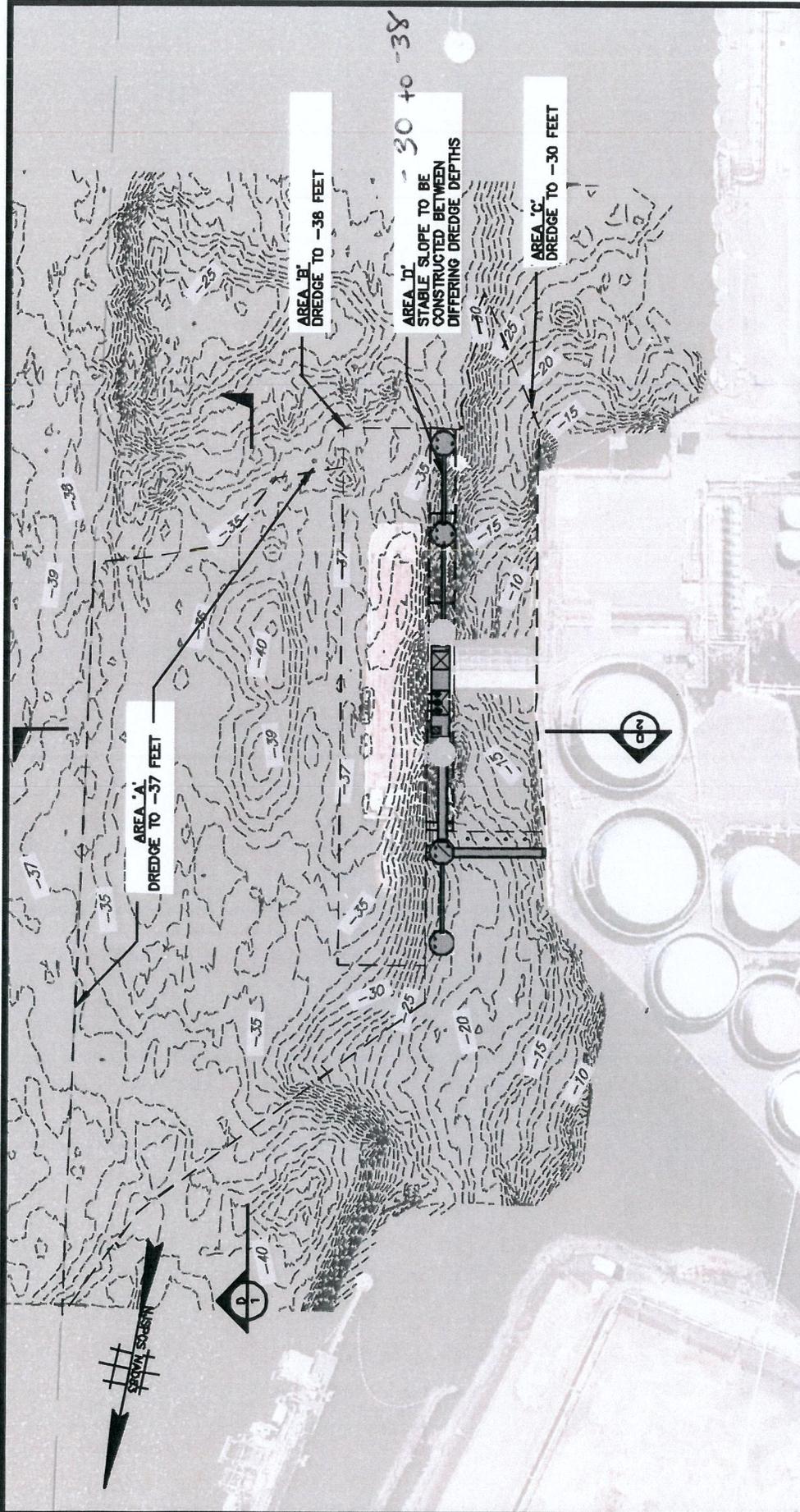
Job No. 05119100000
 Date: 1/17/2012
 Scale: 1" = 200'
 (V) N/A

2 OF 4

NOTE: CATHODIC PROTECTION SYSTEM TO BE INSTALLED ON ALL EXISTING AND PROPOSED STEEL STRUCTURES.

APPROXIMATE ALIGNMENT OF WOODBRIDGE CREEK FEDERAL NAVIGATION CHANNEL

PROPOSED PIPE-PILE/SHEET PILE BULKHEAD (108' LF)



VOPAK TERMINAL PERTH AMBOY
PROPOSED WATERFRONT IMPROVEMENTS
PLAN OF PROPOSED DREDGING

BLOCK 484, LOTS 1.02 & 1.03, BLOCK 485, LOTS 1, 1.01 & 1.02, BLOCK 486, LOT 1

SITUATED IN
 CITY OF PERTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY

Bsg
 BIRDSALL SERVICES GROUP
 ENGINEERS & CONSULTANTS

750 Yeasayer Avenue
 Perth Amboy, NJ 08861
 NJ Certificate of Authorization No. Z40328660000
 Tel: 732-961-2102
 WWW.BIRDSALL.COM

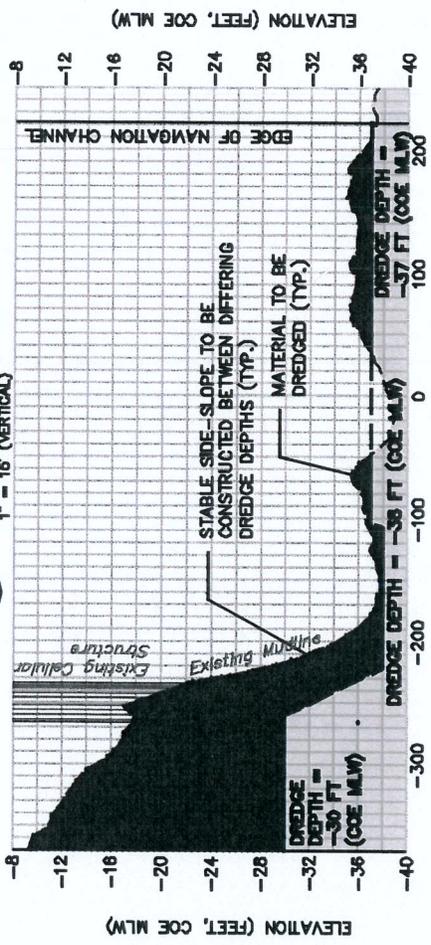
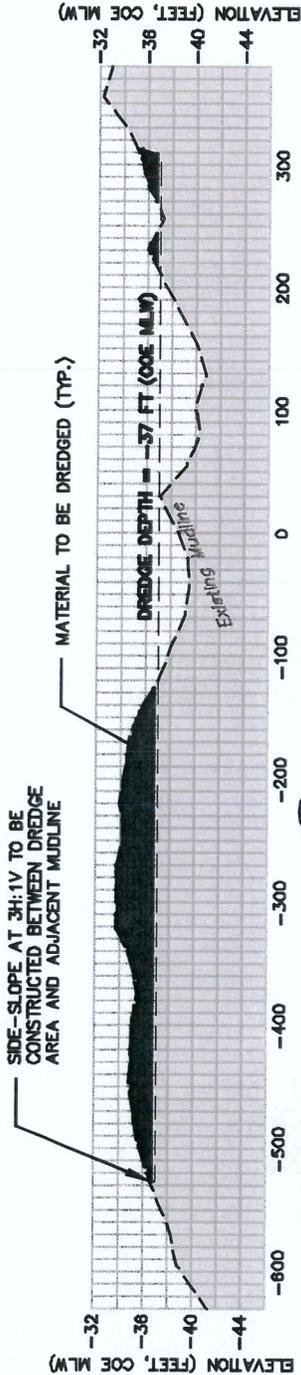
Job No: 02119100000
 Date: 1/7/2012
 Scale: (H) 1" = 200'
 (V) N/A



GRAPHIC SCALE
 1 inch = 200 feet

NOTES

- BATHYMETRIC CONTOURS SHOWN HEREON REFER TO DEPTHS BELOW CORPS OF ENGINEERS MEAN LOW WATER (COE MLW) AND WERE GENERATED BY SOUNDINGS COLLECTED BY PERSONNEL FROM HYDROGRAPHIC SURVEYS ON JANUARY 10, 2011.
- SEE SHEET 6 FOR PROPOSED CROSS-SECTIONS.



GRAPHIC SCALE (HORIZONTAL)
1 inch = 150 feet



GRAPHIC SCALE (VERTICAL)
1 inch = 15 feet

VOPAK TERMINAL PERTH AMBOY
PROPOSED WATERFRONT IMPROVEMENTS
PROPOSED DREDGE SECTIONS

SITUATED IN
 CITY OF PERTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY

Bsg
 ENGINEERS & CONSULTANTS

BIRDSALL SERVICES GROUP

750 Vance Avenue
 Lakewood, NJ 08701
 NJ Certificate of Authorization No. 24CA30606000

Job No. 02119100000
 Date 1/7/2012
 Scale: (H) 1" = 150'
 (V) 1" = 15'

TEL: 732.968.2100
 FAX: 732.968.2105
 WWW.BIRDSALL.COM