



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-2008-01010-EJE
Issue Date: August 22, 2008
Expiration Date: September 22, 2008

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: Motiva Enterprises, LLC
111 State Street
Sewaren, NJ 07077

ACTIVITY: 10-year maintenance dredging

WATERWAY: Arthur Kill

LOCATION: Town of Sewaren, 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

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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, 401 E. State Street, Trenton, NJ 08625, (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.

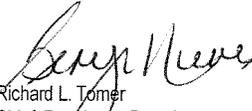
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- 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. If you have any questions concerning this application, you may contact this office at (917) 790-8420 and ask for Stacey M. Jensen.

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For more information on New York District Corps of Engineers programs, visit our website at
<http://www.nan.usace.army.mil>

For 
Richard L. Tomer
Chief, Regulatory Branch

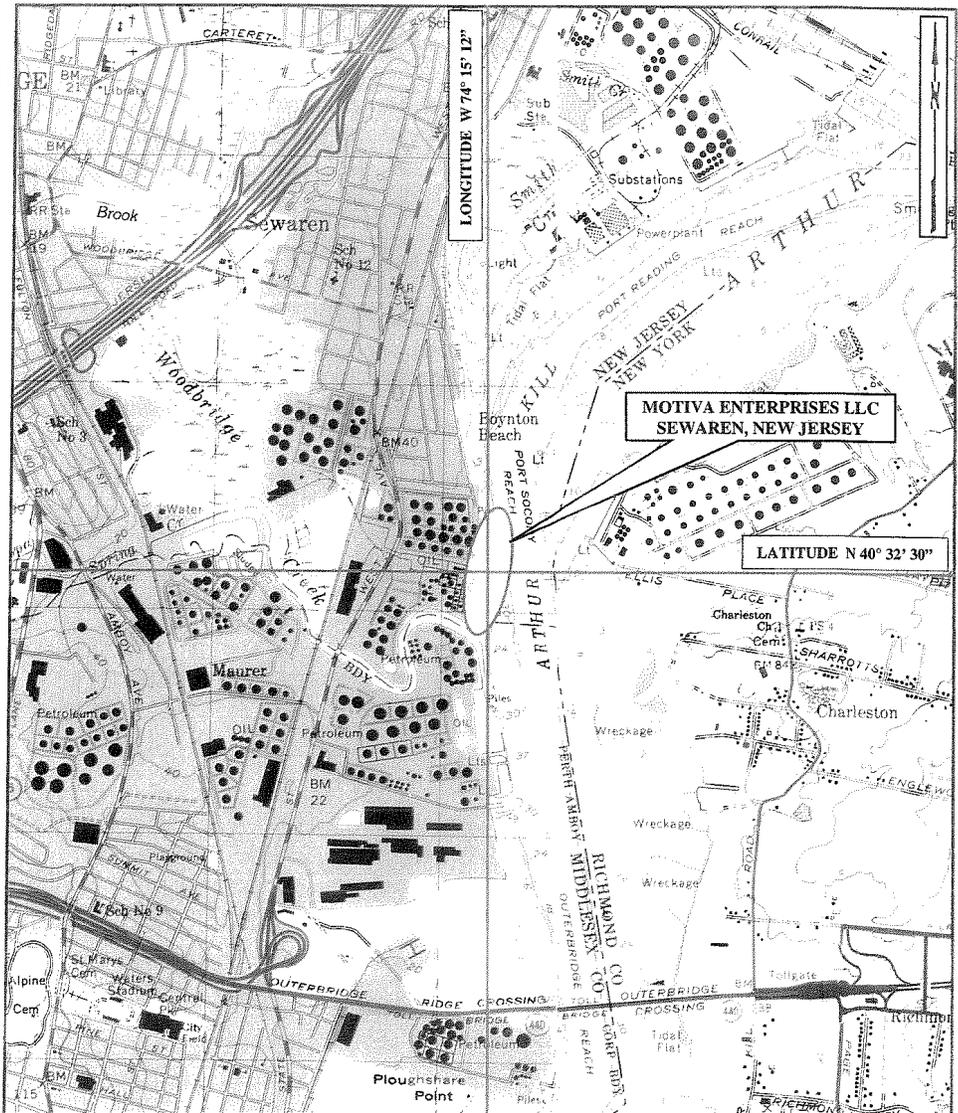
Enclosures

WORK DESCRIPTION

The applicant, Motiva Enterprises, LLC, has requested Department of the Army authorization for 10-year maintenance dredging in the Arthur Kill, Town of Sewaren, Middlesex County, New Jersey.

The work would involve: maintenance dredging of approximately 3,300 cubic yards of material by clamshell bucket with barge overflow. The material may also be decanted with the decant water returned to the waterway. Approximately 1,200 cubic yards of material would be dredged at the North and South Dock Ship Berth area to a depth of 38 feet below mean low water, plus a 2-foot allowable overdepth. Approximately 2,100 cubic yards of material would be dredged at the South Dock Barge Berth area to a depth of 17 feet below mean low water, plus a 2-foot allowable overdepth. The dredged material would be loaded into scows and transported to be dewatered at the Clean Earth Dredging Technologies, Inc. Claremont DMRF facility in Jersey City. The material would then be loaded onto scows and transported to an approved upland location.

The stated purpose of this project is to provide the applicant with adequate berthing locations to maintain the newly required under-clearance established by the US Coast Guard Captain of the Port and the Department of Homeland Security.



LONGITUDE W 74° 15' 12"

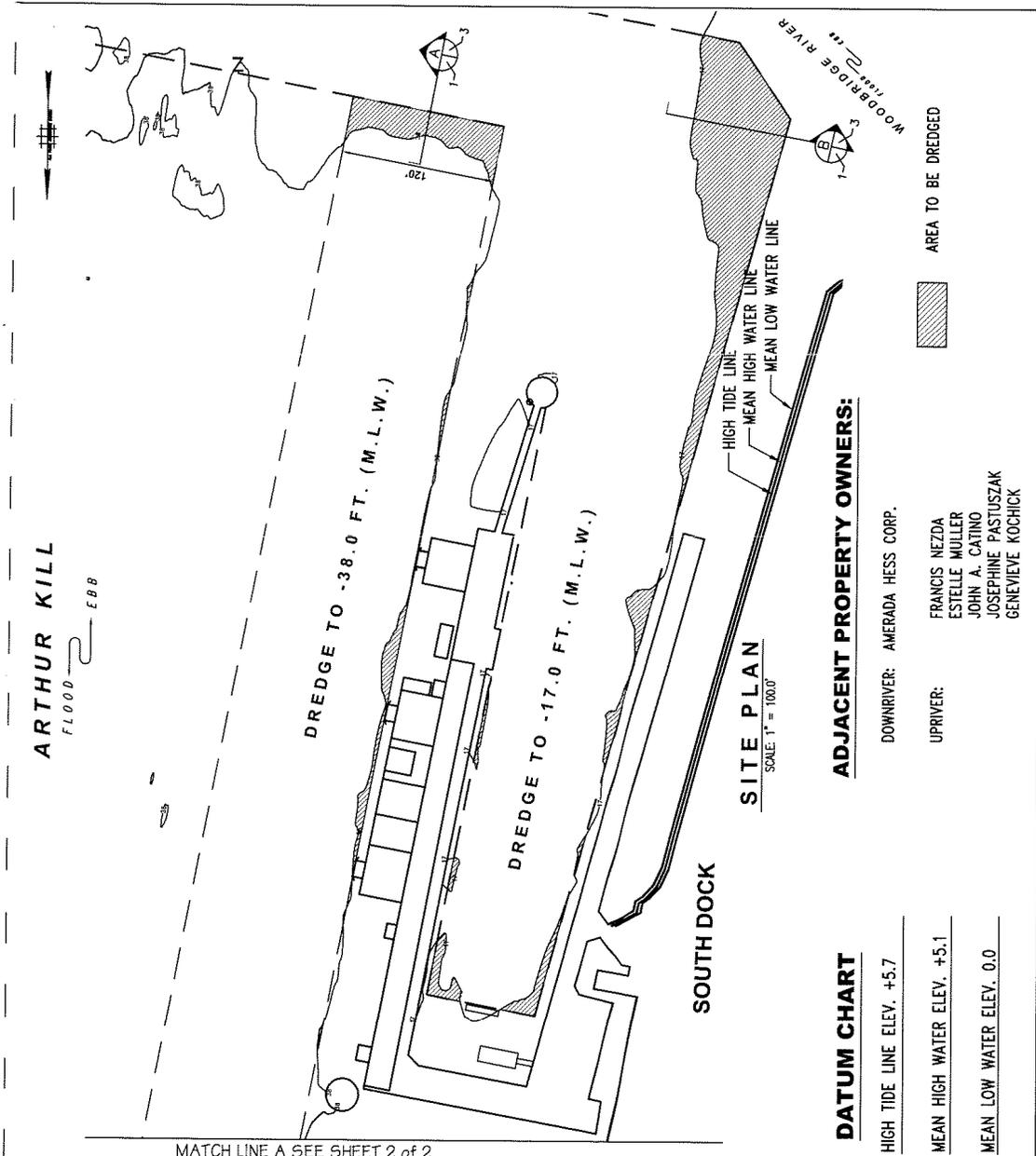
MOTIVA ENTERPRISES LLC
SEWAREN, NEW JERSEY

LATITUDE N 40° 32' 30"

SEWAREN, NEW JERSEY
 UNITED STATES GEOLOGIC SURVEY QUADRANGLE
 ARTHUR KILL, NJ/NY & PERTH AMBOY, NJ/NY
 SCALE 1:24000

Sheet 1 of 5

Motiva Enterprises Dredging NAN-2008-01010-EJE



MATCH LINE A SEE SHEET 2 of 2

ADJACENT PROPERTY OWNERS:

DOWNRIVER: AMERADA HESS CORP.
 UPRIVER: FRANCIS NEZDA
 ESTELLE MULLER
 JOHN A. CATINO
 JOSEPHINE PASTUSZAK
 GENEVIEVE KOCHICK

DATUM CHART

HIGH TIDE LINE ELEV. +5.7
 MEAN HIGH WATER ELEV. +5.1
 MEAN LOW WATER ELEV. 0.0

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION

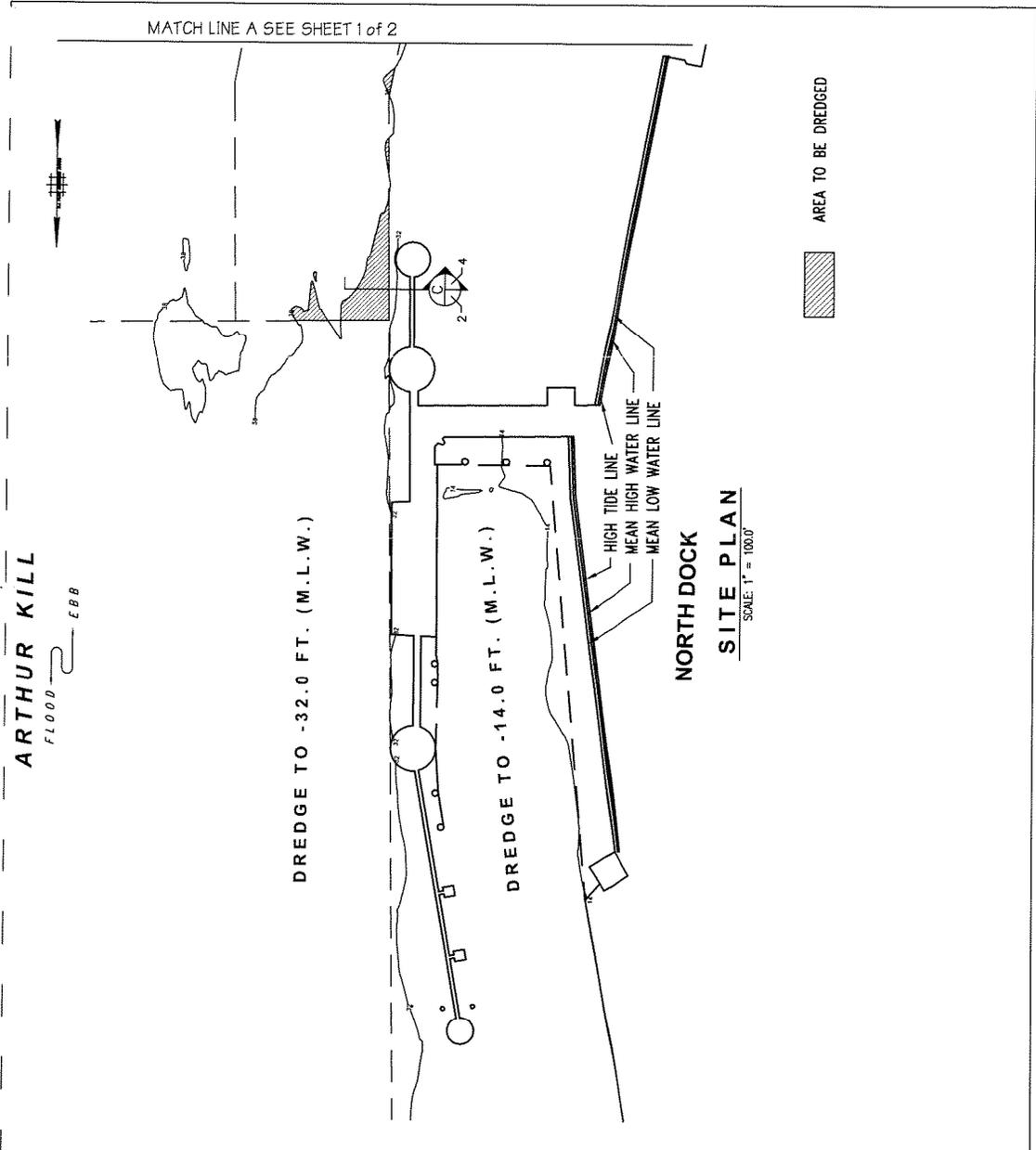
FILE No. M-2026
 CONTRACT No. H-6368-1
 DATE 6/09/08
 SHEET No. 2 of 5

S.T. HUDSON ENGINEERS, INC.
 PROFESSIONAL ENGINEERS & CONSULTANTS

 840 Hudson Square
 P.O. Box 9106
 Camden, N.J. 08102
 Fax No. 856-342-8323
 856-342-660

NAN-2008-01010-EJE

PROPOSED:	MAINTENANCE DREDGING
AT:	ARTHUR KILL, SEWAREN, NJ
COUNTY OF:	MIDDLESEX COUNTY, NJ
APPLICATION BY:	MOTIVA ENTERPRISES LLC



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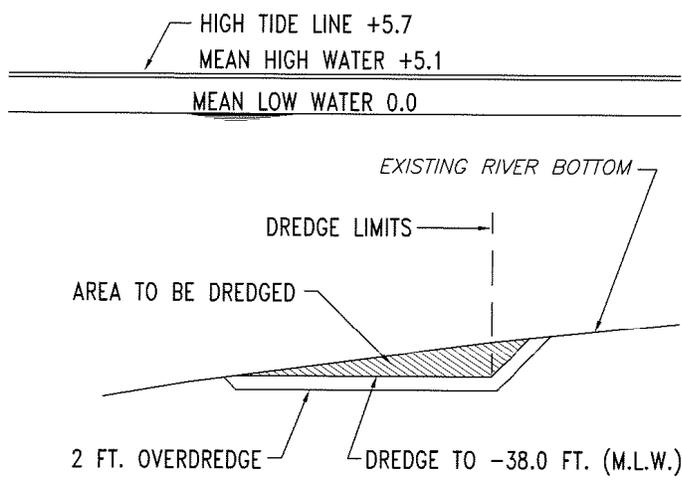
S.T. HUDSON ENGINEERS, INC. DATE
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6/09/08
 3 of 5

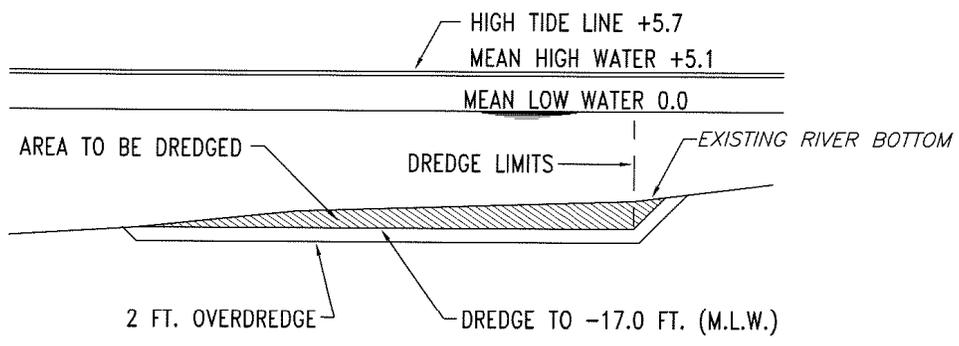
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SECTION
SCALE: 1" = 20'



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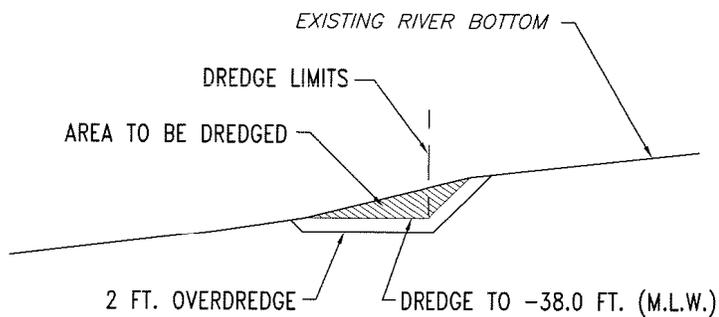
S.T. HUDSON ENGINEERS, INC.

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SHEET No. 4 of 5

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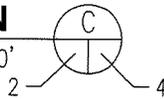
MAINTENANCE DREDGING
ARTHUR KILL, SEWAREN, NJ
MIDDLESEX COUNTY, NJ
MOTIVA ENTERPRISES LLC

HIGH TIDE LINE +5.7
 MEAN HIGH WATER +5.1
 MEAN LOW WATER 0.0



SECTION

SCALE: 1" = 20'



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PROFESSIONAL ENGINEERS & CONSULTANTS SHEET No.

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