



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-2016-01236-EYR**
Issue Date: **October 06, 2016**
Expiration Date: **November 05, 2016**

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: Citgo Holding Terminals, LLC
4801 South Wood Avenue
Linden, NJ 07036

ACTIVITY: 10-year maintenance dredging with upland placement of the dredged material.

WATERWAY: Arthur Kill

LOCATION: Ship Berth at Citgo's Linden facility at 4801 South Wood Avenue, City of Linden, 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.

*****PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE*****

CENAN-OP-RE
Public Notice NAN-2016-01236-EYR

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.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments, including names and addresses, 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 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 construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit application.

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.

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.

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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.

If you have any questions concerning this application, you may contact this office at (917) 790-8715 and ask for Mr. Robert Youhas.

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>.



For and In behalf of

Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

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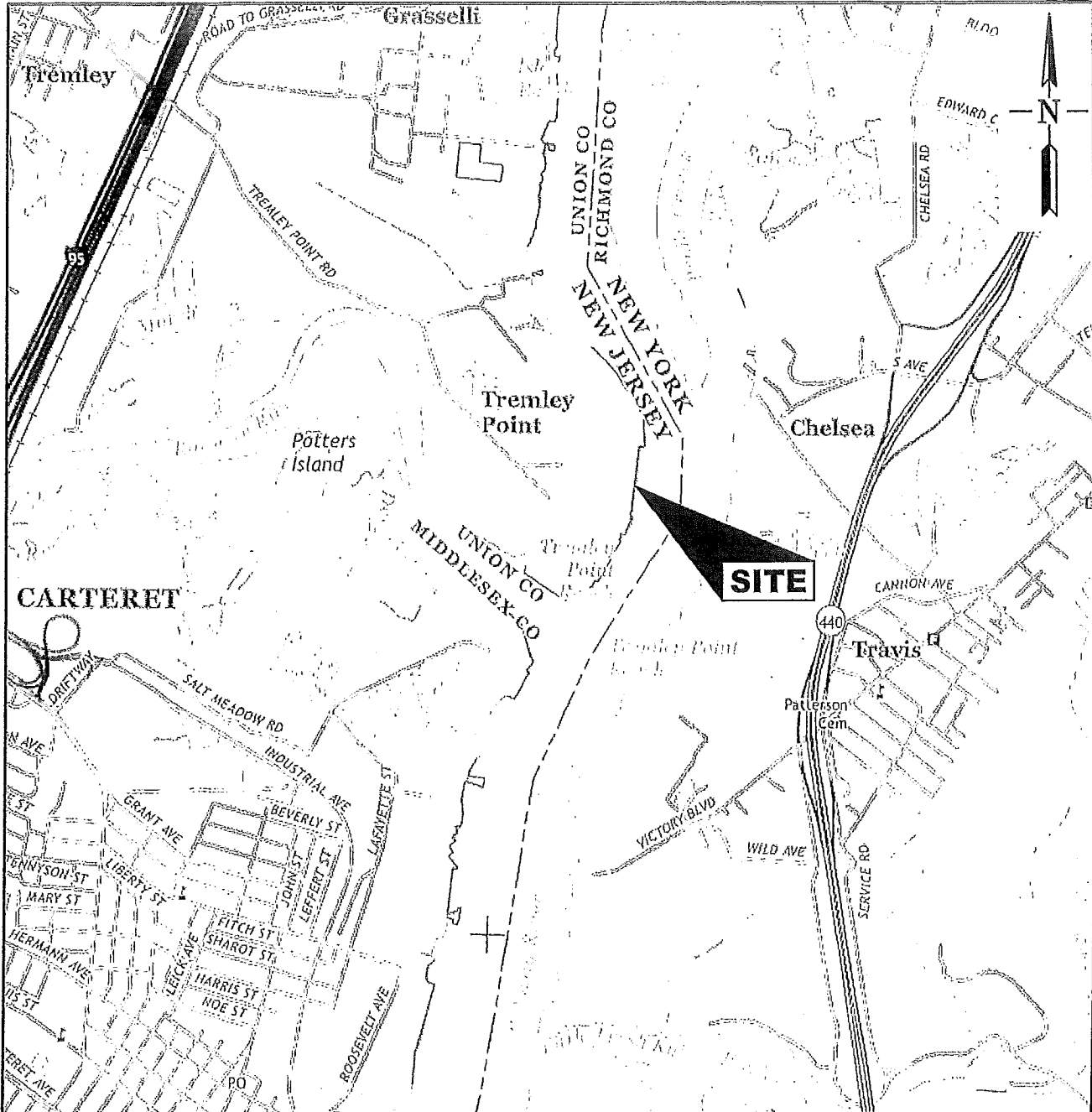
WORK DESCRIPTION

The permit applicant, Citgo Holding Terminals, LLC, has requested Department of the Army authorization for continued 10-year maintenance dredging of the Ship Berth in the Arthur Kill at Citgo's Linden facility at 4801 South Wood Avenue, City of Linden, Union County, New Jersey. The proposed dredge footprint is bounded by Citgo facility property lines to the north and south, facility mooring structures landward to the west, and abuts the New York and New Jersey Arthur Kill Reach Federal Navigation Project to the east. All bottom material is proposed to be mechanically dredged using a standard environmental closed-bucket clamshell dredge or, if dense sand or rock is encountered, an open clamshell dredge, and loaded into sealed barges for transport to the mainland for upland disposal. Return flow to the waterway is proposed and would be performed in accordance with all requirements by the State of New Jersey Department of Environmental Protection.

Specifically, dredge removal of approximately 2,500-cubic yards of bottom material from a 9,500-square foot area to a depth of -38-feet below the Plane of Mean Low Water (MLW) with two (2) feet of allowable overdepth is proposed. The permit applicant has estimated that four (4) discrete dredge events will be required during the 10-year life of the permit to maintain safe navigational depths at the Ship Berth. Upland disposal of all resultant dredged material would be accomplished in accordance with all requirements of a State-issued Acceptable Use Determination.

The stated purpose for the project is to maintain safe vessel navigational and mooring depths at the Ship Berth in the Arthur Kill at Citgo's Linden facility which is utilized for transport and distribution of petroleum products. A previous DA Permit (NAN-1998-12300) issued to Citgo for 10-year maintenance dredging of the Linden facility's Ship Berth expired on 26 April 2005.

USACE FILE: NAN-2016-01236-EYR



TAKEN FROM USGS
 ARTHUR KILL QUADRANGLE
 NEW YORK - NEW JERSEY 2013
 7.5 MINUTE SERIES (TOPOGRAPHIC)

VICINITY MAP

0 2000 4000 FT.



SCALE 1"=2000'-0"

FOR PERMIT USE ONLY
 NOT FOR CONSTRUCTION

PURPOSE: TO MAINTAIN SHIP BERTH DEPTH

DATUM: US ARMY CORPS OF ENGINEERS
 MEAN LOW WATER (COE MLW)

(3.4 feet below NAVD88)
 ADJACENT PROPERTY OWNERS:

SEE APPLICATION

AGENT: COWI NORTH AMERICA

PROPOSED MAINTENANCE DREDGING

ARTHUR KILL
 CITY OF LINDEN
 UNION COUNTY

STATE OF NEW JERSEY

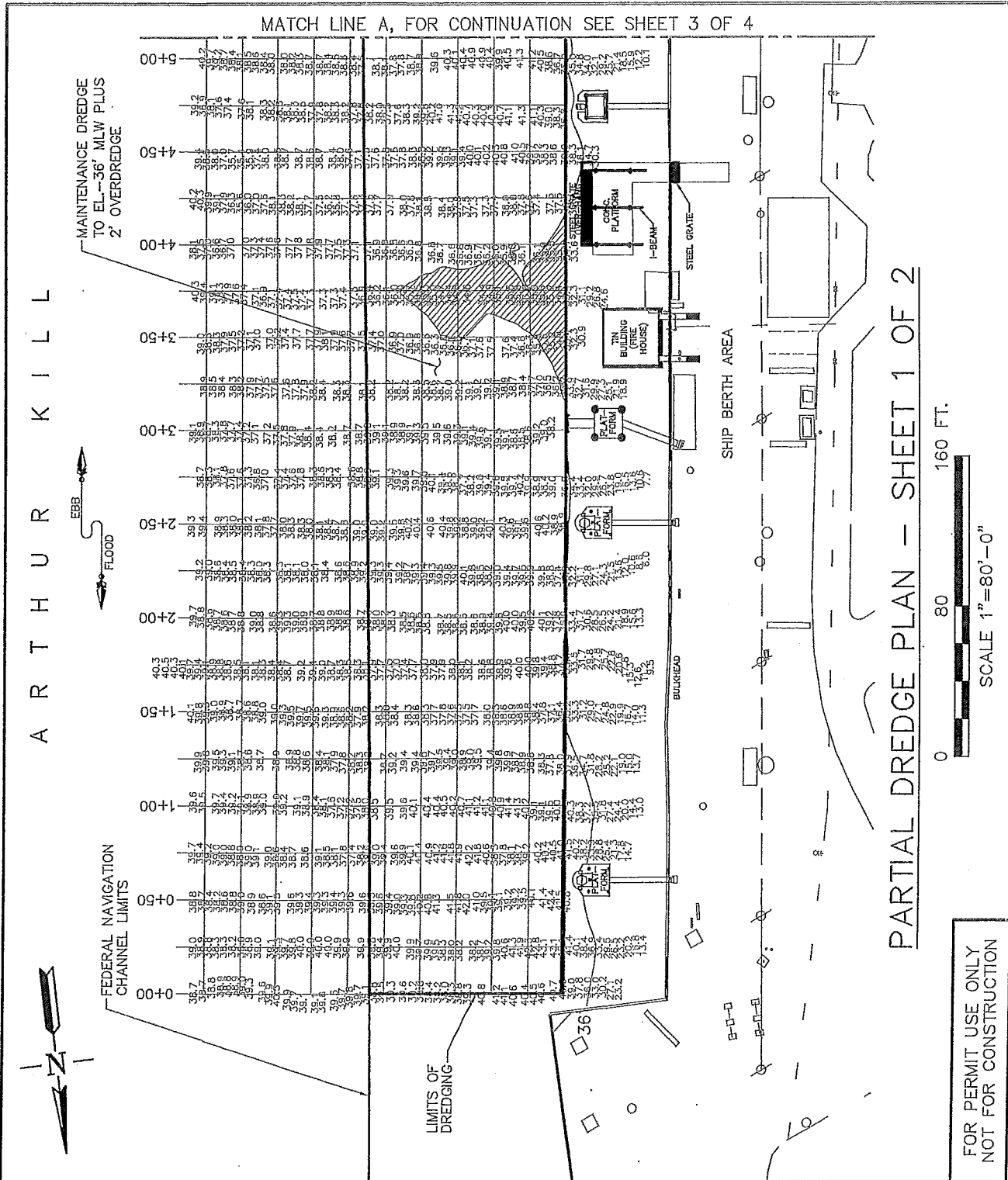
APPLICATION BY: CITGO HOLDING TERMINALS, LLC

DATE: 5/13/16

SHEET 1 OF 4

USACE FILE: NAN-2016-01236-EYR

DRAWING 2 of 4



PURPOSE: TO MAINTAIN SHIP BERTH DEPTH

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 MEAN LOW WATER (COE MLW)
 (3.4-feet below NAVD83)
 ADJACENT PROPERTY OWNERS:
 SEE APPLICATION

ARTHUR KILL
 CITY OF LINDEN
 UNION COUNTY
 STATE OF NEW JERSEY
 APPLICATION BY: CITGO HOLDING TERMINALS, LLC

AGENT: COWI NORTH AMERICA

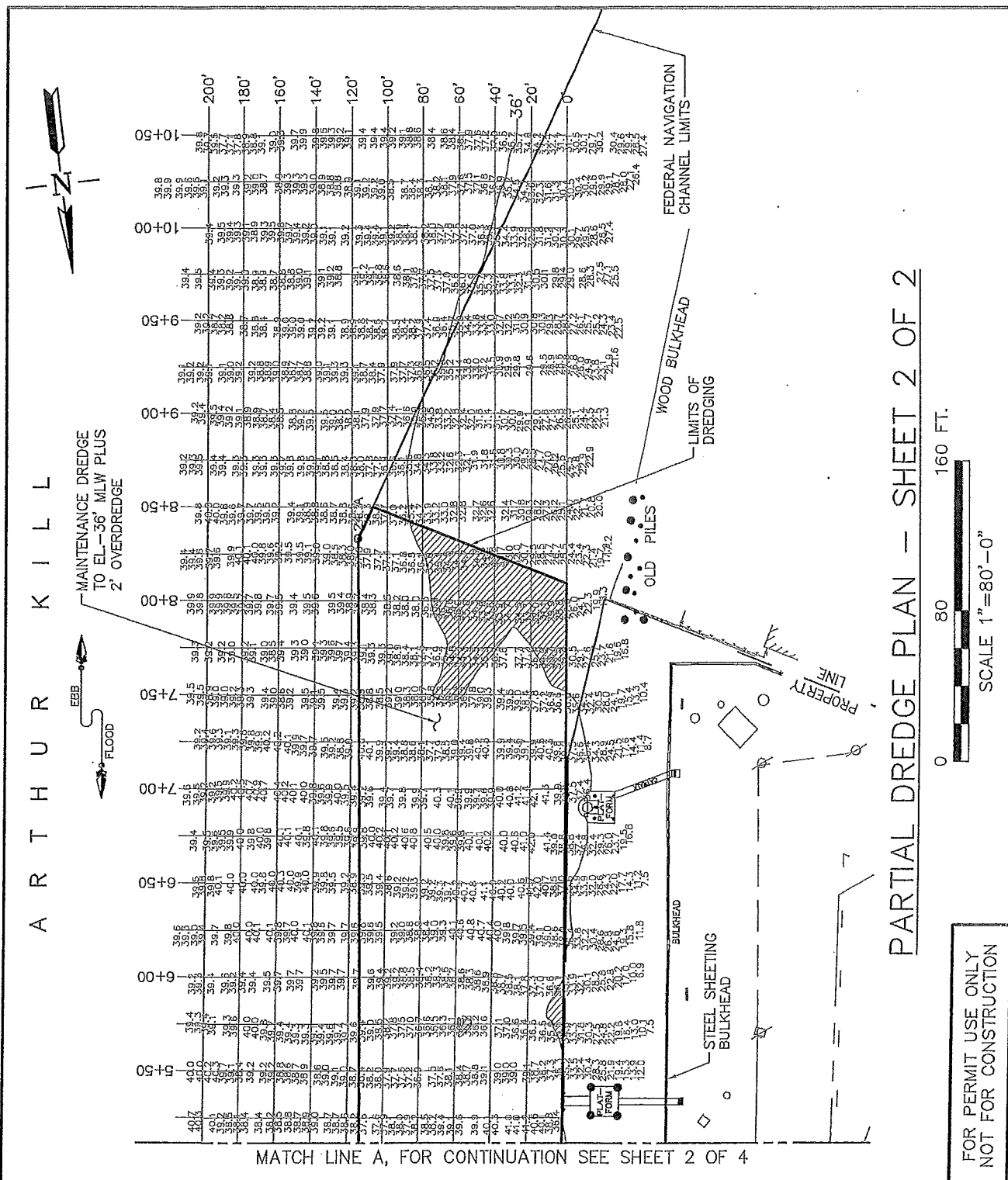
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SHEET 2 OF 4

FOR PERMIT USE ONLY
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USACE FILE: NAN-2016-01236-EYR

DRAWING 3 of 4



PARTIAL DREDGE PLAN - SHEET 2 OF 2

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SEE APPLICATION

AGENT: COWI NORTH AMERICA

PROPOSED MAINTENANCE DREDGING

ARTHUR KILL
CITY OF LINDEN
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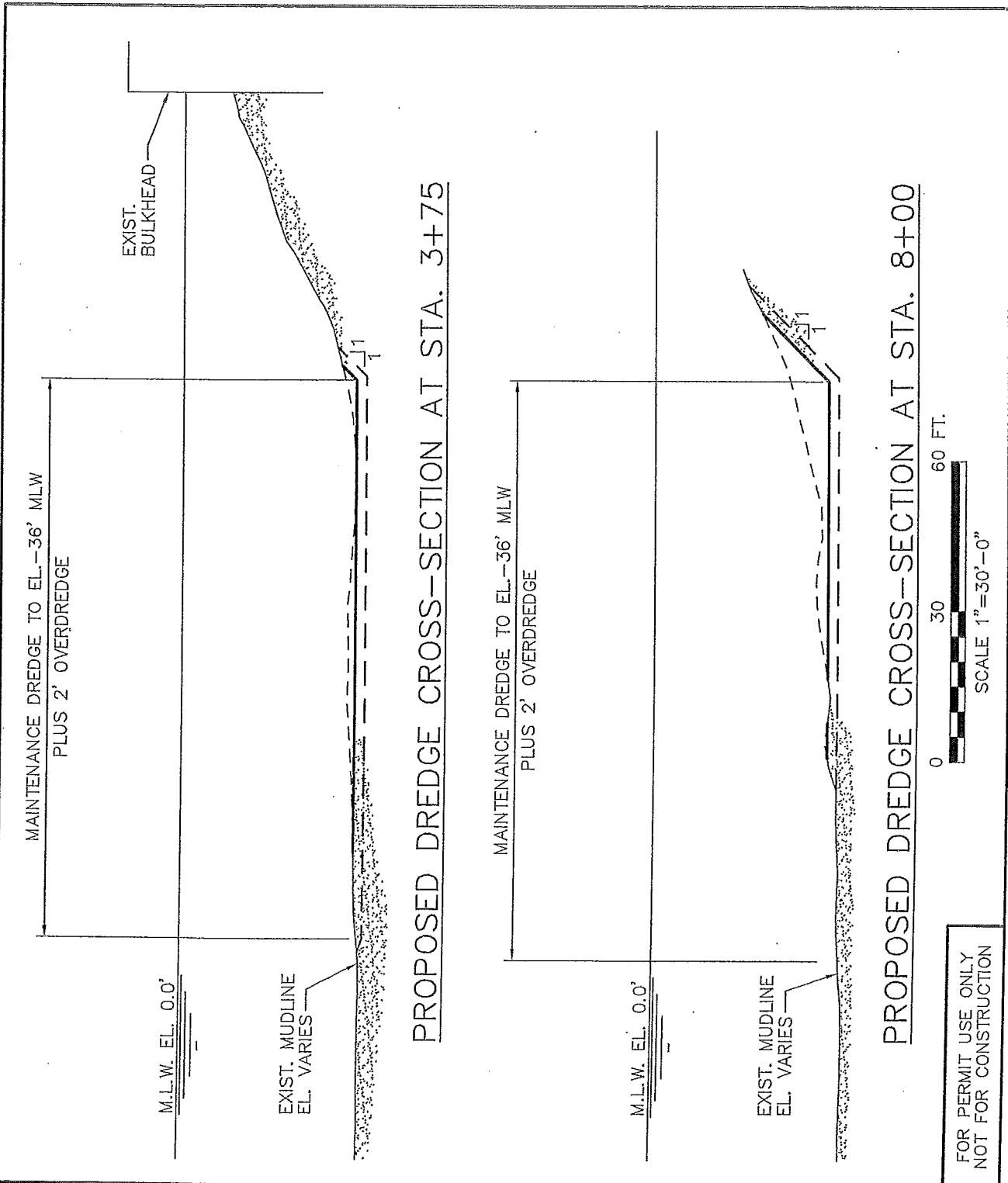
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SHEET 3 OF 4

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DRAWING 4 of 4



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SHEET 4 OF 4