



# 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-2012-01297-WSC  
Issue Date: February 28, 2013  
Expiration Date: March 28, 2013

## To Whom It May Concern:

The New York District, of the U.S. Army 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 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

**APPLICANT:** Staten Island Terminal, LLC  
2541 Richmond Terrace  
Staten Island, New York 10303

**ACTIVITY:** Construct a new deep-draft ship berth and a pier, and dredge with placement of the upper layer of dredged material upland, and with placement of the lower layer of dredged rock in the Atlantic Ocean at the Hempstead Artificial Reef. Barge overflow at the dredging site is proposed.

**WATERWAY:** Kill Van Kull

**LOCATION:** 2535-2541 Richmond Terrace, Staten Island, Richmond County, New York

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. Comments provided will become a part of the public record for this action.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information

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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.

Based upon a review of the latest public listing of threatened and endangered species, it has been preliminarily determined that the proposed dredging and placement activities for which authorization is sought herein, are not likely to affect the following federally threatened or endangered species (humpback whales, finback whales, right whales, loggerhead turtles, leatherback turtles, green turtles, Kemp's Ridley turtles, Atlantic sturgeon, and Shortnose sturgeon) or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA; 16 USC 1531). The USACE New York District is conducting informal consultations with the National Marine Fisheries Service in accordance with Section 7 of the Endangered Species Act.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Consultation with the National Marine Fisheries Service 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.

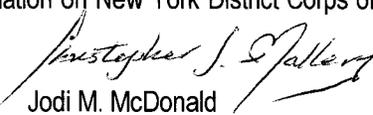
Pursuant to Section 307(c) of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant is responsible for ensuring that the proposed 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 States' view on the consistency of this project with the State CZM Program. For activities within the coastal zone of the State of New York, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-3642. Comments regarding the applicant's certification and copies of any letters addressed to this office commenting on 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 proposed activity under consideration: A Protection of Waters Permit from the New York State Department of Environmental Conservation

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) 790-8417 and ask for Steven Schumach.

In order for us to better serve you, please complete our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html> For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

Enclosures

  
Jodi M. McDonald  
Chief, Regulatory Branch

DESCRIPTION OF PROPOSED WORK

The applicant, Staten Island Terminal, LLC, has requested a Department of the Army permit to add a deep-draft ship berth and a new ship unloading pier at its existing waterfront terminal in the Kill Van Kull located at 2535-2541 Richmond Terrace, Staten Island, Richmond County, New York. The adjacent deep draft waterway is the Kill Van Kull federal navigation channel of the authorized New York and New Jersey Channels Federal Navigation Project. The existing shallow-draft channel terminal is located immediately west of the Bayonne Bridge near the intersection of the Kill Van Kull, Newark Bay, and the South of Shooters Island deep-draft federal navigation channels at Port Richmond, Staten Island, New York.

The proposed work consists of the following:

**Dredging:** The applicant would follow an approved Dredged Material Separation Plan that provides for:

**a. Upland Placement:** The applicant would first remove approximately 1,000 cubic yards of an upper layer of black silt which would be placed at a state-approved upland placement site.

**b. Hempstead Artificial Reef Placement:** The applicant would then remove approximately 45,000 cubic yards of new-work deepening rock dredged material for the proposed 900-foot long by 200-foot wide deep-draft berth (approximately 138,168 square feet or 3.2 acres) to a depth of maximum depth of minus 42-foot Mean Low Water Datum. This dredging depth includes an additional two feet of allowable overdepth dredging in rock to ensure the required safe depth in the new deep-draft berth of minus 40-foot Mean Low Water Datum is achieved. The expected 45,000 cubic yards of rock dredged material includes this overdepth dredging volume.

The resulting dredged rock that would be placed in the Atlantic Ocean at the Hempstead Artificial Reef located approximately 3.3 nautical miles south of Jones Beach State Park, subject to the approval of the New York State Department of Environmental Conservation, which operates the Hempstead Artificial Reef Site.

Geotechnical data submitted by the applicant, including core logs, provide evidence that rock occurs within the project area. In order to ensure that only the lower layer of rock is placed at the Hempstead Artificial Reef Site, the dredging will occur under an approved Dredged Material Separation Plan (DMSP). The DMSP will be attached to any Department of the Army permit, if issued, along with a special condition requiring the permittee to comply with the terms and conditions of the DMSP.

The permit applicant reports that as has been done in the past in this area of the harbor, a mechanical backhoe bucket dredge would rip and excavate the exposed rock after rock-drilling to fracture the rock for removal. If the rock-drilling technique alone does not fracture the rock, the permit applicant reports that they would use rock-drilling and blasting as needed to create the berth.

**Pier Facility:** Once the proposed new deep-draft ship berth has been created; a proposed new ship-unloading caisson-supported V-shaped concrete and steel pier structure would be constructed. One leg of the new caisson-supported concrete and steel pier would be 625 feet long by 44 feet wide, and would be located parallel to and approximately 114 feet landward of the southern channel line of the deep-draft Kill Van Kull federal navigation channel. The proposed caisson-supported concrete and steel pier would then be connected to the existing shoreline at an angle, as shown in the attached drawings submitted by the applicant. This proposed connection would be a 381-foot long by 21-foot wide trestle-pier structure which would also support the proposed new berth's 716-foot long inclined proposed conveyer conveyor belt system.

To secure each ocean-going deep-draft ship in the proposed new berth and out of the adjacent deep-draft federal navigation channel, two new mooring dolphin structures would be constructed by the applicant. One

**CENAN-OP-RW**  
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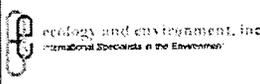
would be approximately 28-feet west of the proposed new caisson-supported concrete and steel pier. The other would be approximately 75-feet east side of the new caisson-supported concrete and steel pier. Each proposed new mooring dolphin structure would be connected to the proposed new caisson-supported concrete and steel pier via a steel walkway trestle.

The applicant reports that the proposed new deep-draft ship berth and pier would accommodate transoceanic ships weighing (dead weight) up to 42,000 tons and measuring up to 97 feet in width and 607 feet long. When moored, the 97-foot wide ship would be approximately 16 feet away from the southern channel line of the recently-deepened deep-draft Kill Van Kull federal Navigation Channel.

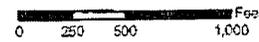
The applicant's stated purpose for this regulated construction work is to add a deep-draft berth to the existing shallow draft terminal to allow for the unloading and transfer of dry bulk Portland cement, as well as concrete aggregates, from transoceanic ships into the existing adjacent upland ready-mix concrete plant.



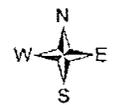
Source: USGS Topos - Elizabeth Quad



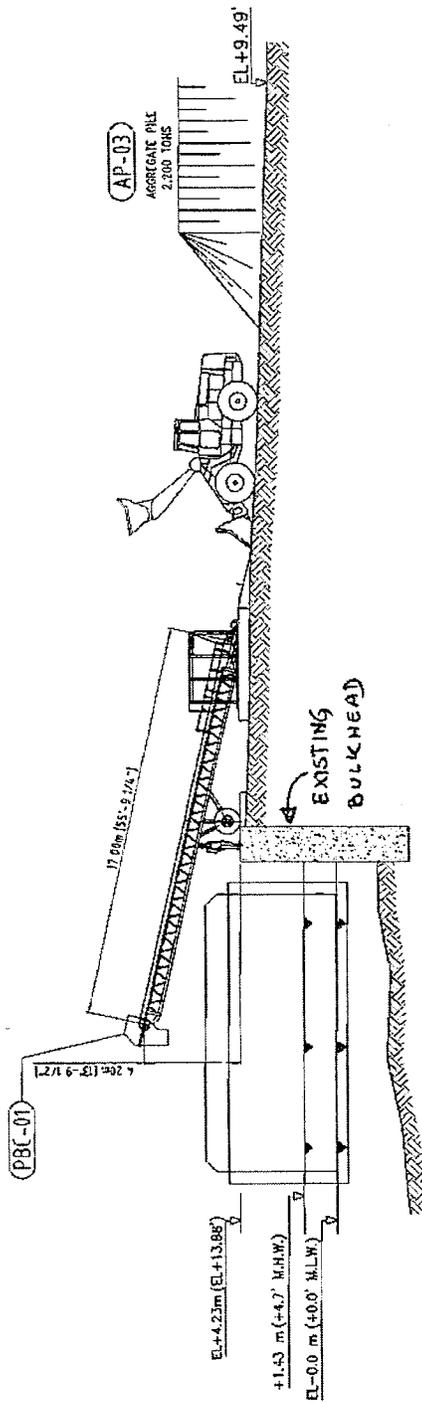
- Project Location
- NWI Wetland



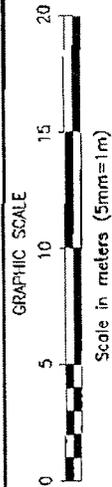
Staten Island Terminal



Corps Application No.: NAN-2012-01236-WSC  
 Permit Applicant's Name: STATEN ISLAND TERMINAL, LLC  
 Project Name: NEW DEEP-DRAFT BERTH



NOTE: ELEVATION IS REFERRED TO THE MEAN LOW WATER (MLW) USAGE



CLIENT STATEN ISLAND  
 CEMENT AND AGGREGATE TERMINAL  
 STANDARDS ONE DIC. 2005  
 SCALE 1/200

DISPATCH OF AGGREGATE TO BARGES  
 SECTION E-E  
 EXISTING SHALLOW DRAFT BERTH  
 DRAW

DESIGN  
 DRAWING A.G.C.  
 CHECK

Corps Application No.: NAN-2012-01236-WSC  
 Permit Applicant's Name: STATEN ISLAND TERMINAL, LLC  
 Project Name: NEW DEEP DRAFT BERTH

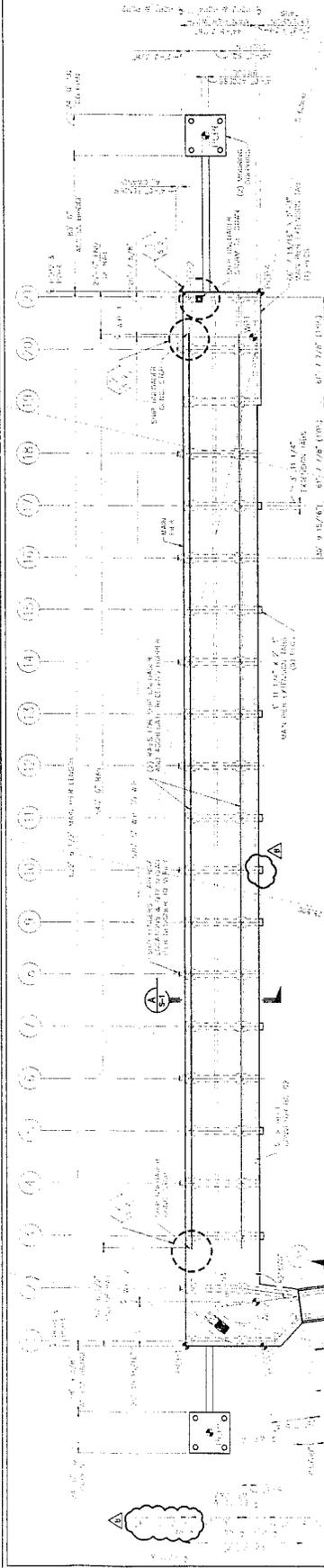


**MAIN PIER CONTROL POINTS (PCP)**

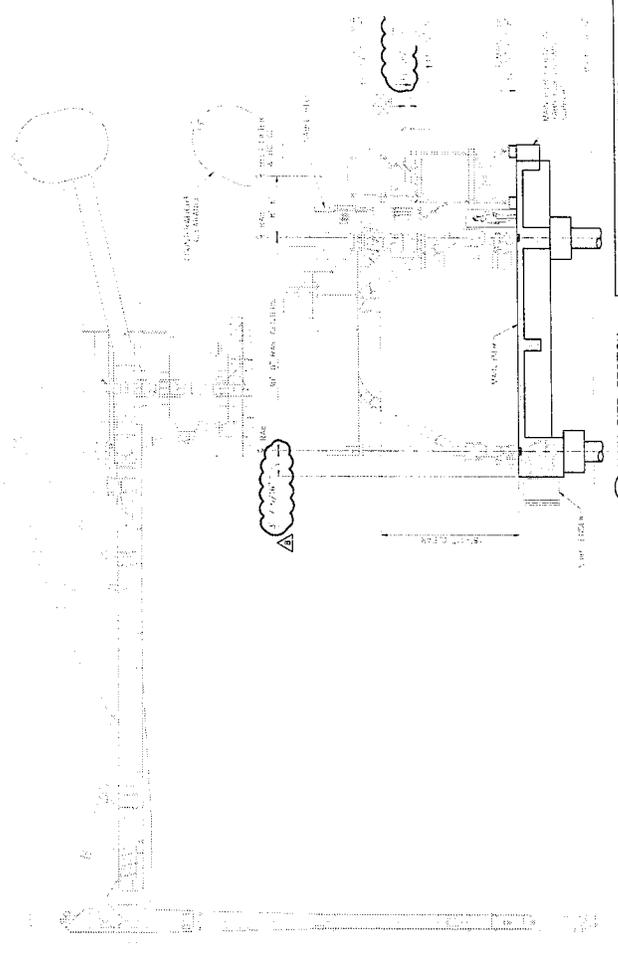
PCP NO.	DESCRIPTION	COORDINATES (Easting, Northing)
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
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27	...	...
28	...	...
29	...	...
30	...	...

**EQUIPMENT WORKPOINTS**

WP NO.	DESCRIPTION	COORDINATES (Easting, Northing)
1	...	...
2	...	...
3	...	...
4	...	...
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6	...	...
7	...	...
8	...	...
9	...	...
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26	...	...
27	...	...
28	...	...
29	...	...
30	...	...



**MAIN PIER & CONVEYOR SUPPORT TRESTLE PLAN**  
SCALE: 1"=30'



**A. MAIN PIER SECTION**  
SCALE: 1/8"=1'-0"



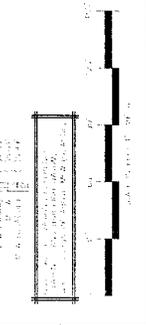
**SHAW-WAY I. OFFICE, P.C.**  
INCORPORATED UNDER THE LAWS OF THE STATE OF NEW YORK  
100 WALL STREET, NEW YORK, N.Y. 10038  
TEL: (212) 512-1000  
FAX: (212) 512-1001

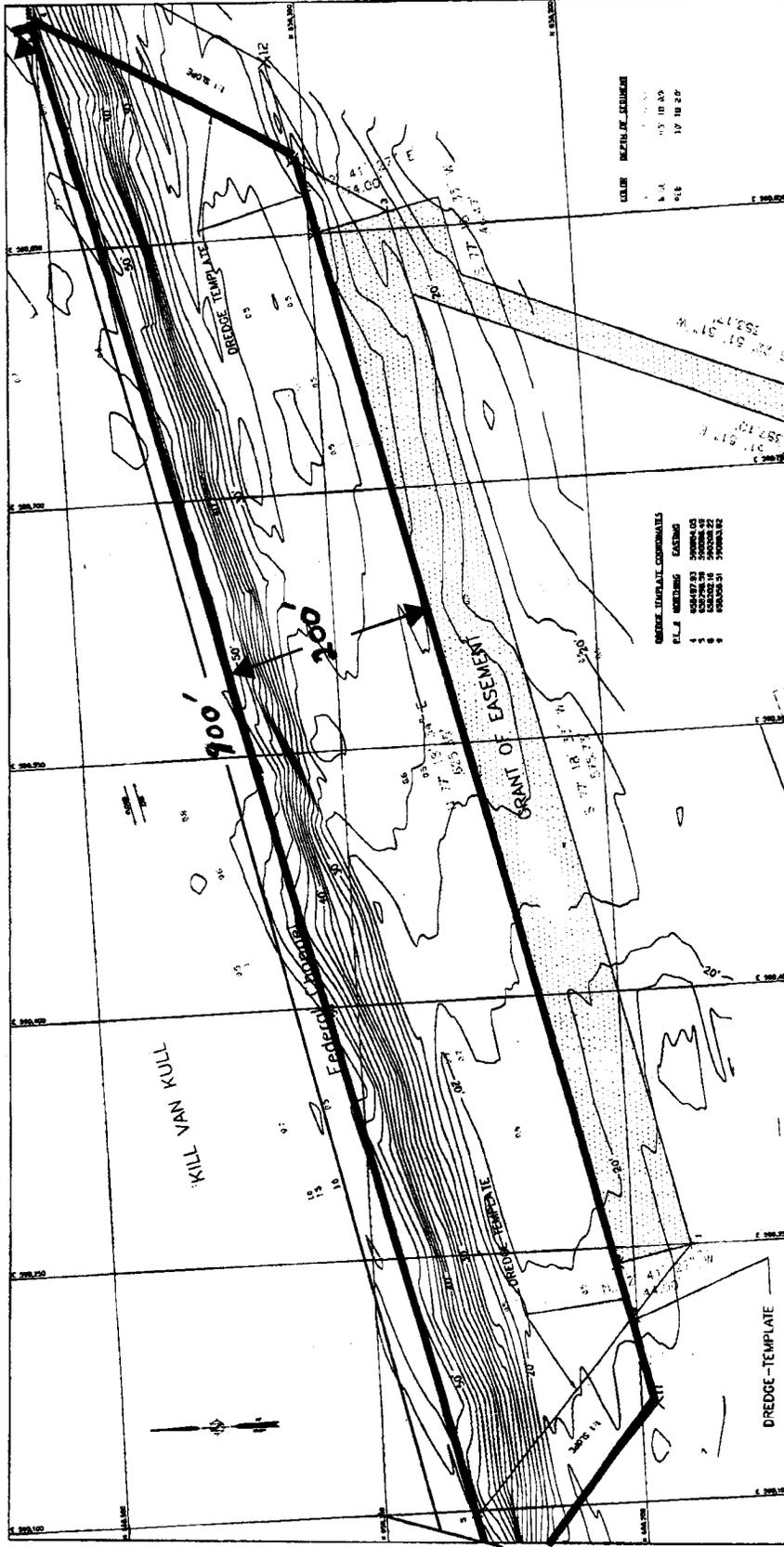
**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

STATEN ISLAND TERMINAL  
CEMENT & AGGREGATE UNLOADING TERMINAL  
STATEN ISLAND, NY  
MAIN PIER & CONVEYOR TRESTLE LAYOUT

NO.	DATE	DESCRIPTION
1	12/15/88	...
2	1/12/89	...
3	2/15/89	...
4	3/15/89	...
5	4/15/89	...
6	5/15/89	...
7	6/15/89	...
8	7/15/89	...
9	8/15/89	...
10	9/15/89	...
11	10/15/89	...
12	11/15/89	...
13	12/15/89	...
14	1/15/90	...
15	2/15/90	...
16	3/15/90	...
17	4/15/90	...
18	5/15/90	...
19	6/15/90	...
20	7/15/90	...
21	8/15/90	...
22	9/15/90	...
23	10/15/90	...
24	11/15/90	...
25	12/15/90	...

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COLOR MEANS OF SURFACE

W.A. 05 10 20  
 P.E. 10 10 20

SOURCE: TYPICAL COORDINATES

P.L. MEASUREMENTS EASTING  
 1004783 1004800  
 1004817 1004834  
 1004851 1004868  
 1004885 1004902

NO. 1 DATE: 08/21/99

GLOBAL CEMENT, L.L.C.  
 SCRAMIX PROPERTY TAX LOTS 7, 20, 24,  
 31 & 32 BLOCK 100  
 STATEN ISLAND, NEW YORK

Checked by: [Signature]  
 Date: 08/21/99  
 Scale: 1" = 30'  
 Date: 08/21/99  
 100/76

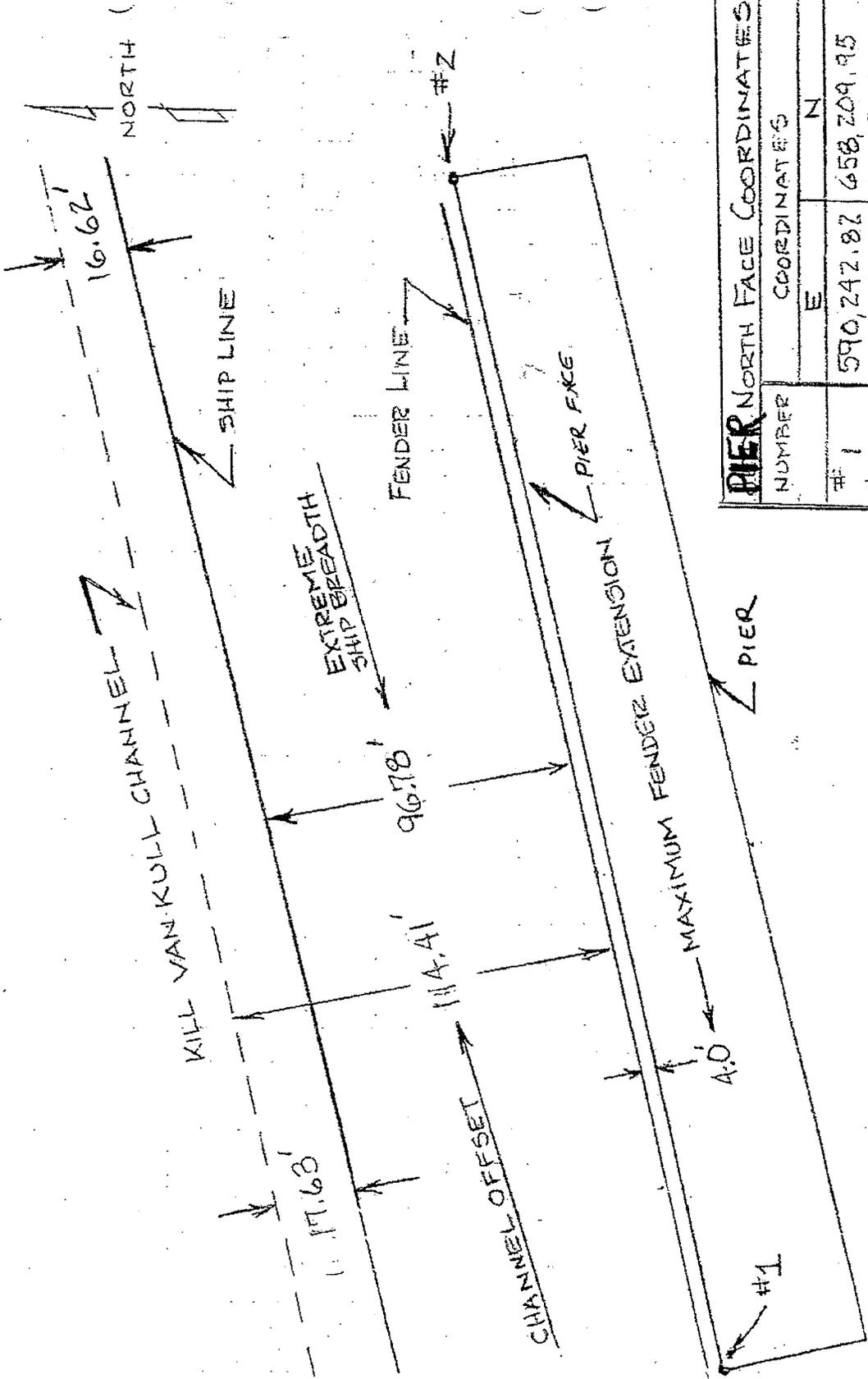
HYDROGRAPHIC SURVEY

Coordinates are expressed in feet and refer to the NAD 83 datum. The datum is the North American Datum of 1983.  
 Source: USGS at Staten Island, NY.  
 Elevation: MSL.  
 The State of New York maps 11, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

THE SURVEY WAS CONDUCTED USING THE FOLLOWING EQUIPMENT:  
 1. Surveying Total Station  
 2. GPS Receiver  
 3. GPS Antenna  
 4. Global Positioning System (GPS) Receiver

GRAPHIC SCALE  
 1" = 30'  
 1" = 100'

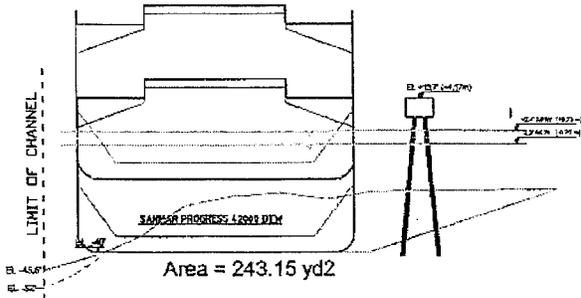
STATEN ISLAND TERMINAL  
 PIER - SHIP - CHANNEL  
 POSITIONING DIAGRAM



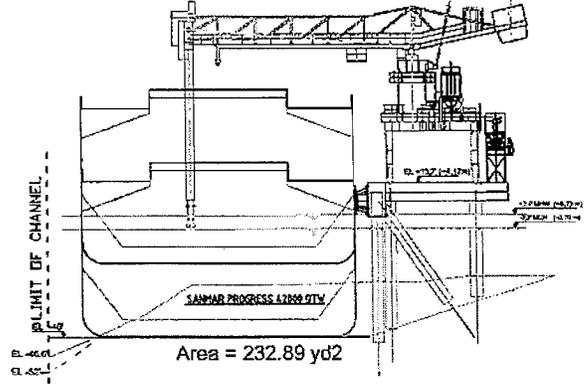
PIER NUMBER	NORTH FACE COORDINATES	
	E	N
# 1	590,242.82	658,209.95
# 2	590,849.93	658,347.70

Corps Application No.: NAN-2012-01236-WSC  
 Permit Applicant's Name: STATEN ISLAND TERMINAL, LLC  
 Project Name: NEW DEEP-OCEAN BERTH

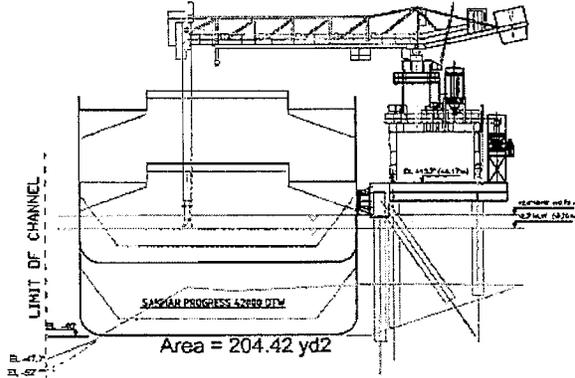
SECTION 1-1'



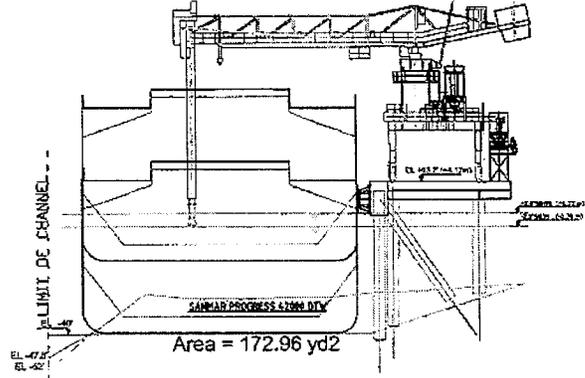
SECTION 2-2'



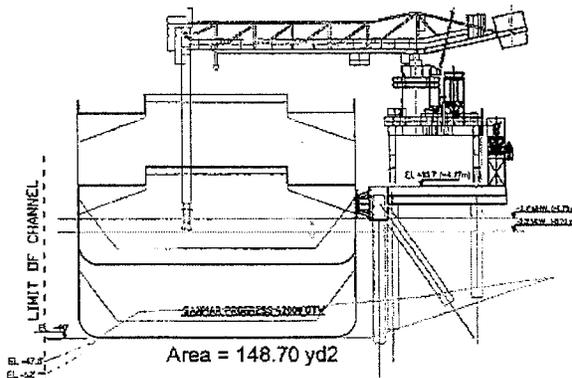
SECTION 3-3'



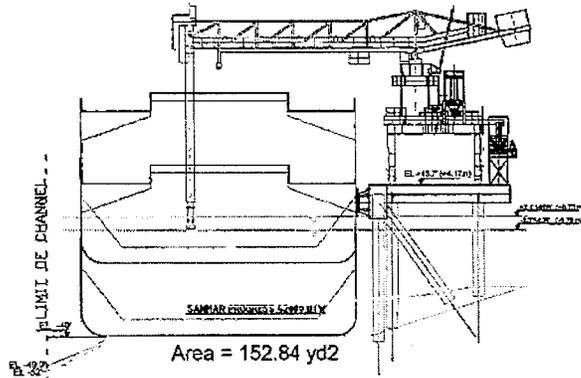
SECTION 4-4'



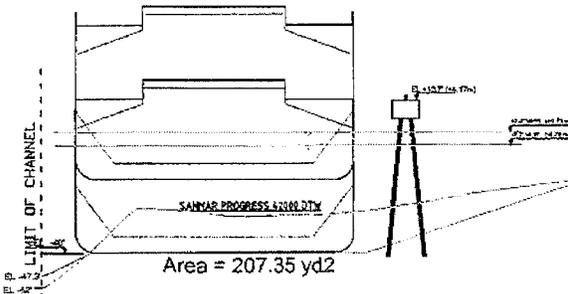
SECTION 5-5'



SECTION 6-6'



SECTION 7-7'



Slope = 1/3

- NOTE 1: (Abbreviation)  
 - Mean Low Water (MLW)  
 - Mean High Water (MHW)
- NOTE 2:  
 - All areas in yd<sup>2</sup> (Square Yards)  
 - All Levels in Feet.
- NOTE 3:  
 - Elevation is referred to the mean low water (MLW) datum.



CLIENT: STATEN ISLAND CEMENT AND AGGREGATE TERMINAL  
 STANDARDS: NORMA DATE: SEPTEMBER, 2006  
 SCALE: 1/500

ESTIMATED DRILLED AND BLASTED VOLUME (SECTIONS)

DESIGN DRAWING

Corps Application No. **NAN-2012-01236-WSC**  
 Project Name **NEW DEEP DRAFT BERTH**