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:2005-01130-Y6
Issue Date: March 13, 2007
Expiration Date: April 11, 2007

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 USC 403).

APPLICANT: Flag Container Services, Inc.
11 Ferry Street
Staten Island, NY 10302

ACTIVITY: Dredge with ten years maintenance and upland disposal

WATERWAY: Kill Van Kull

LOCATION: Port Richmond, Borough of 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 a Federal Environmental Impact Statement pursuant to the National Environmental Policy Act [42 U.S.C. 4332]. Comments are also used to determine the need for a public hearing and to determine the the effect of the proposed activity on the overall public interest.

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.

The Corps of Engineers 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 Corps of Engineers 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 in the project area.

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 Oceanic & Atmospheric Administration Fisheries Service (NOAA Fisheries Service) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NMFS 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.

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 occur. For activities within the coastal zone of New York State, 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) 474-6000. 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 York State Department of Environmental Conservation permit

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) 790-8522 and ask for Craig Spitz.

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

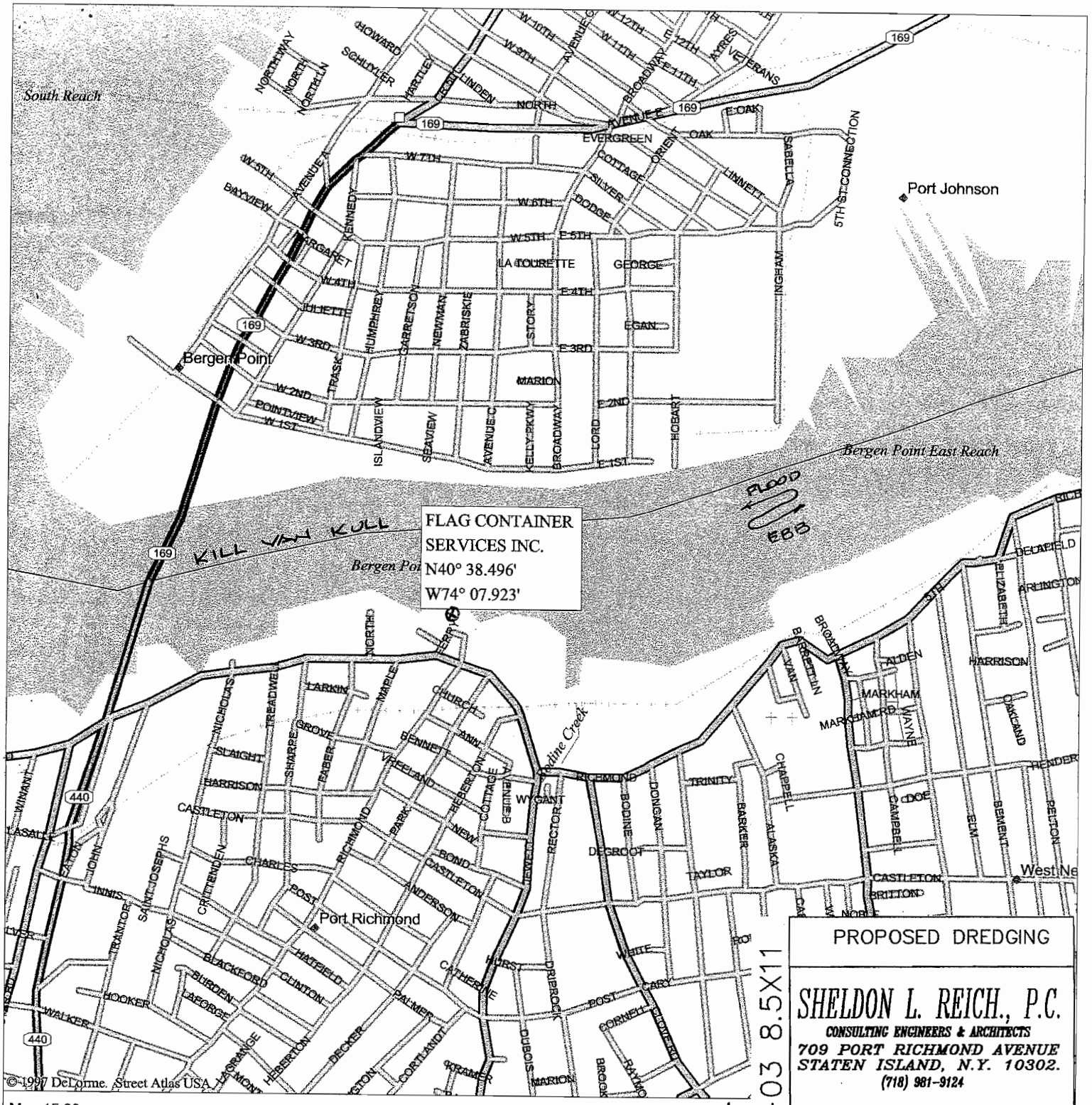
Enclosures

WORK DESCRIPTION

The applicant, Flag Container Services, Inc., has requested Department of the Army authorization to dredge with ten years maintenance in Kill Van Kull at Port Richmond, Borough of Staten Island, Richmond County, New York with upland disposal.

The work would involve the dredging, by water tight clamshell bucket, of approxmately 6000 cubic yards of material to approximately 16-feet below mean low water with 2-feet of overdredge in an area of approximately 26,500 square feet (0.61 acres). The dredged material would be placed into barges and transported to a state-approved upland facility. Approximately 3 to 4 additional events would occur during the ten year life of the permit, if issued, removing approximately the same amount of material per event with disposal in the same nanner.

The stated purpose of the proposed work is to maintain safe berthing for a barge.



Mag 15.00
Tue Apr 18 14:09 2006
Scale 1:15,625 (at center)
1000 Feet
500 Meters

- Local Road
- Major Connector
- State Route
- Trail
- Interstate/Limited Access
- Toll Highway
- Exit
- Railroad
- Locale
- Cemetery
- State Boundary
- Land
- Water
- River/Canal

N

FILE_NAME: 05-03 8.5X11

PROPOSED DREDGING

SHELDON L. REICH., P.C.
CONSULTING ENGINEERS & ARCHITECTS
709 PORT RICHMOND AVENUE
STATEN ISLAND, N.Y. 10302.
(718) 981-9124

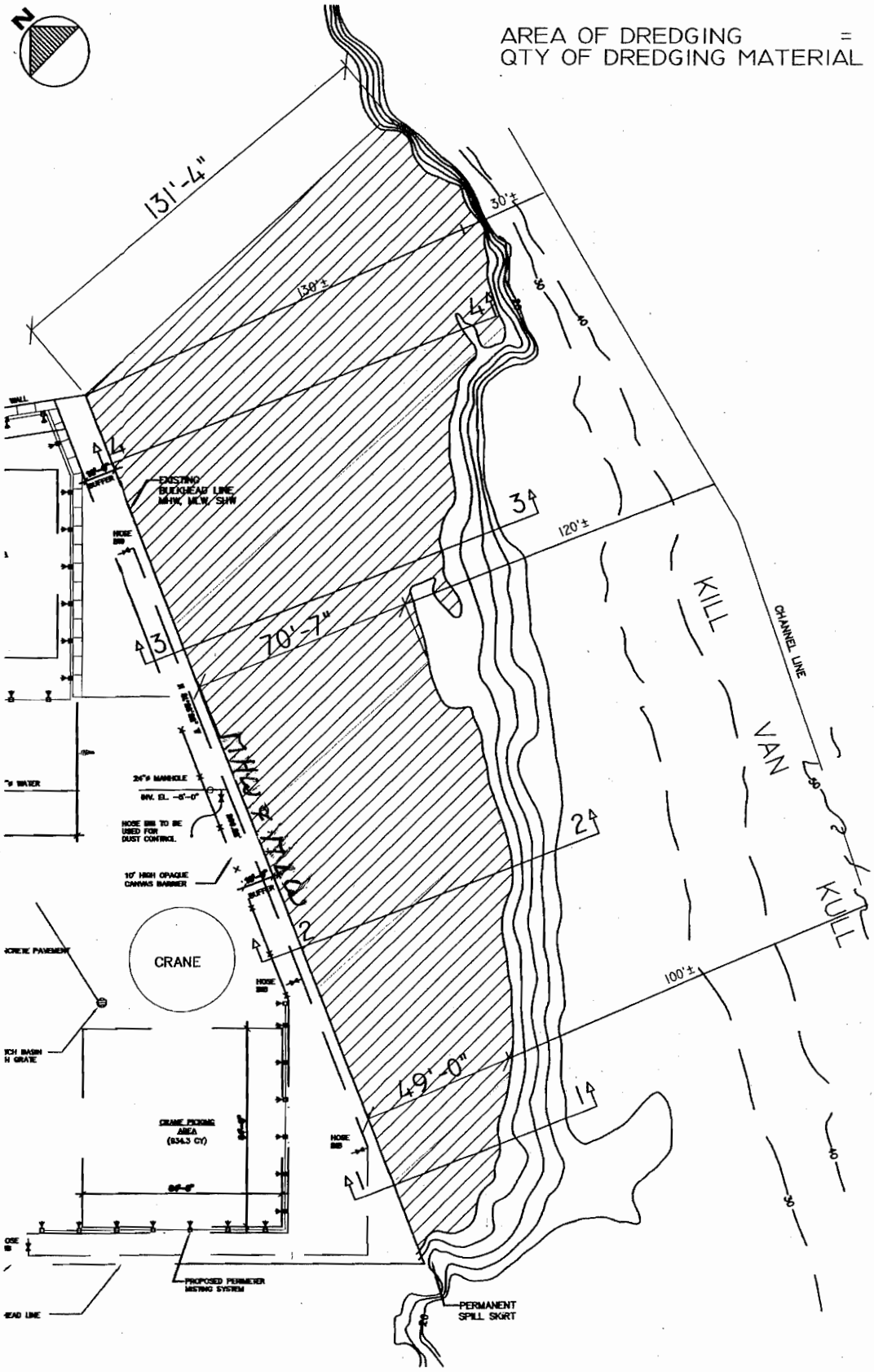
FLG CONTAINER SERVICES, INC.
11 FERRY STREET
STATEN ISLAND, NY 10302

KILL VAN KULL

RICHMOND COUNTY

DATE:	DRAWN BY:
08/02/05	CC
SCALE:	SHEET No:
AS NOTED	1 OF 6

AREA OF DREDGING = 26,500 SQ. FT.+/-
QTY OF DREDGING MATERIAL = 6,000 CU.YD. +/-



LEGEND

AREA TO BE DREDGED TO 16'± BELOW MLW

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DATE:	DRAWN BY:
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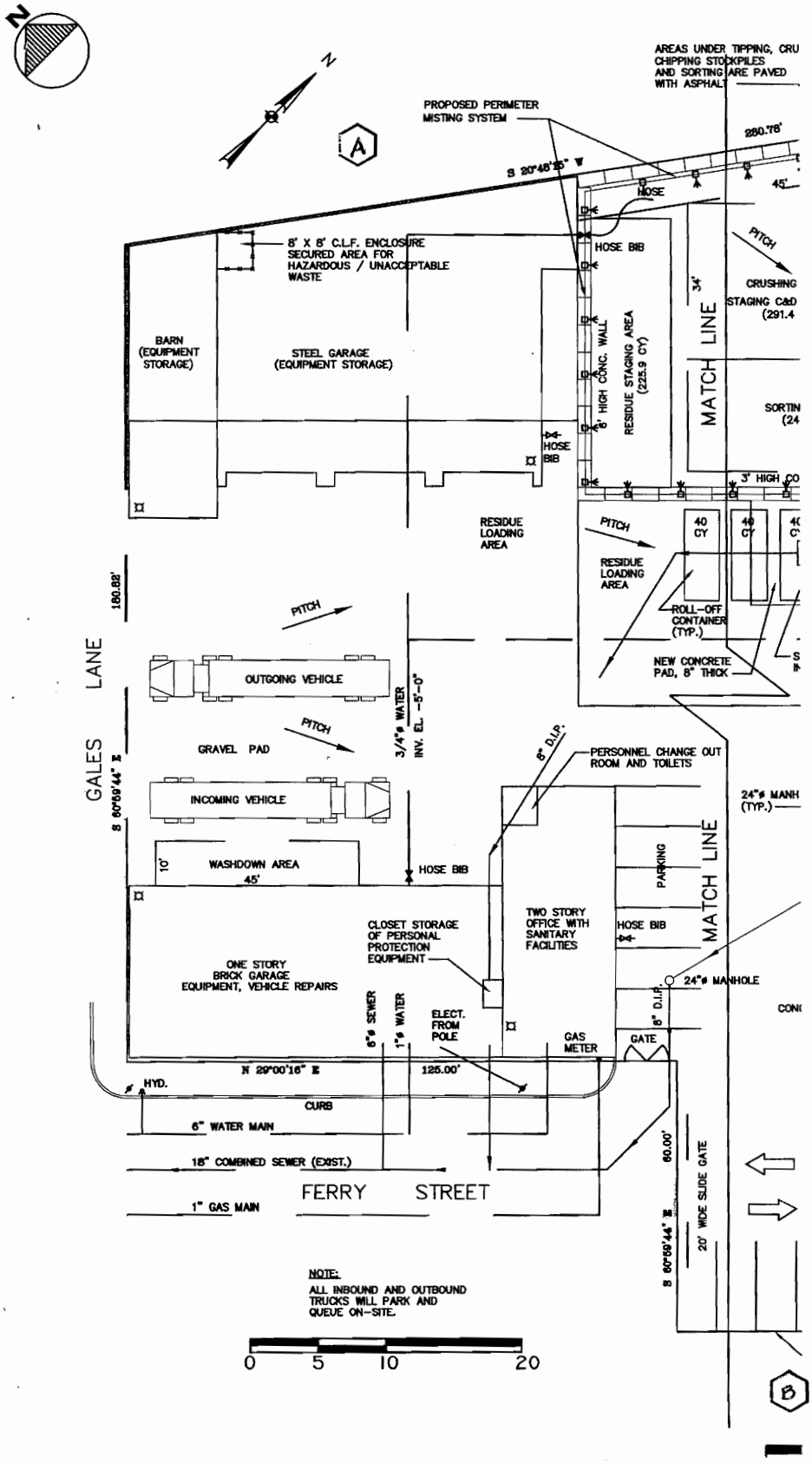
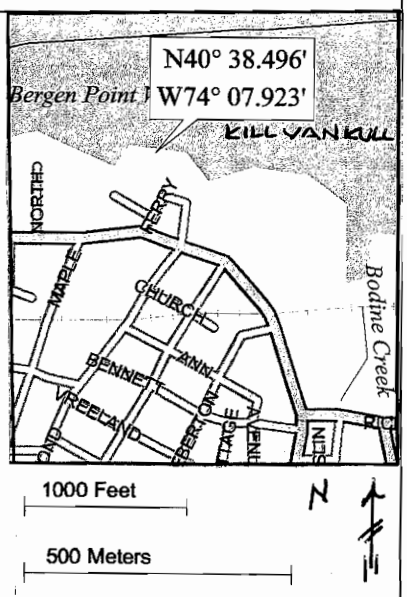
SCALE:	SHEET No:
AS NOTED	2 OF 6

FILE_NAME: 05-03 8.5X11





A EBBIN ASSOCIATES
47 PARKVIEW PLACE
SINY 10310-3128

B NYC DEPT OF SMALL
BUSINESS SERVICES
110 WILLIAM ST.
NEW YORK, NY 10038-3951

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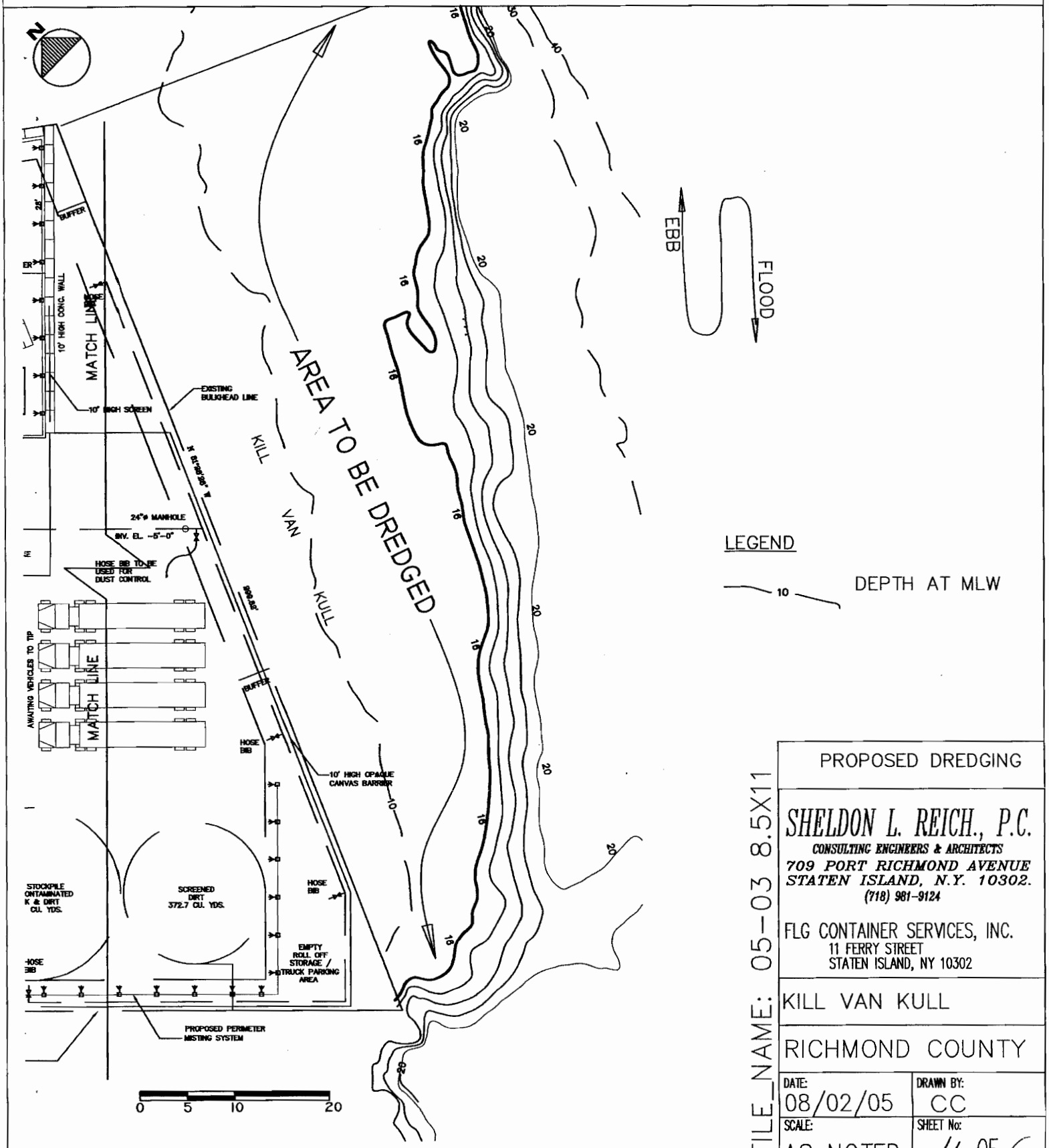
AS NOTED	3 OF 6

FILE_NAME: 05-03 8.5X11



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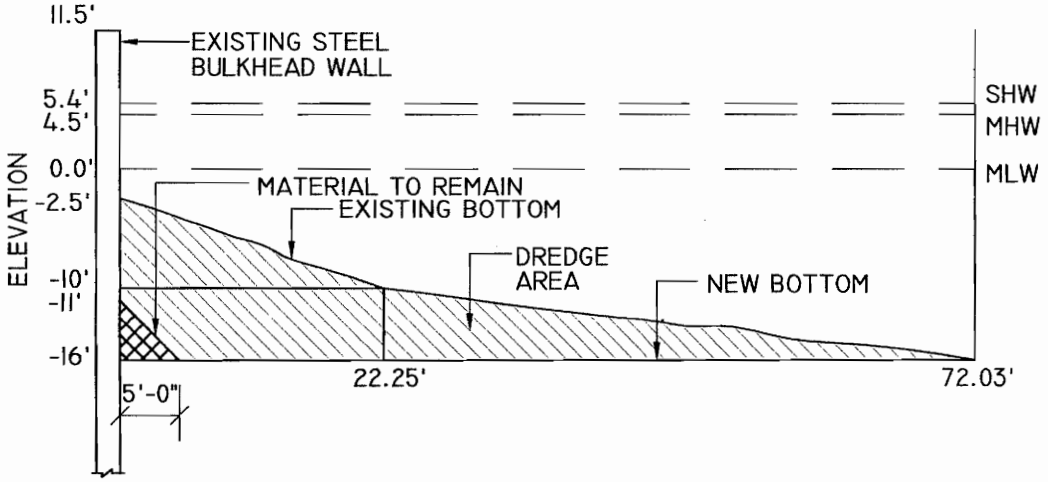
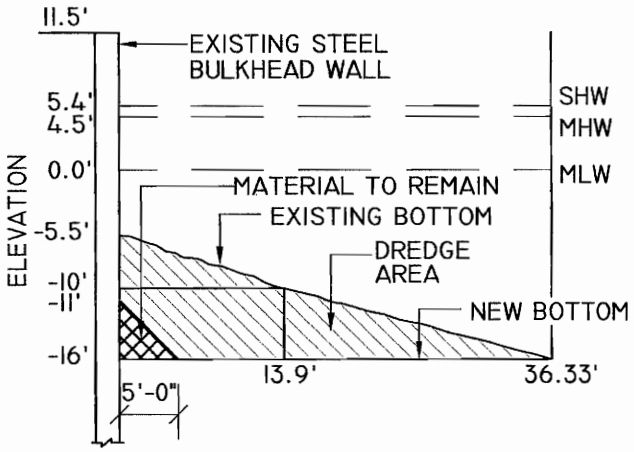
SCALE:	SHEET No:
AS NOTED	4 OF 6

FILE_NAME: 05-03 8.5X11



PROFILE "2-2"

SCALE: 1/16"=1'



PROFILE "1-1"

SCALE: 1/16"=1'

FILE_NAME: 05-03 8.5X11

PROPOSED PROFILE

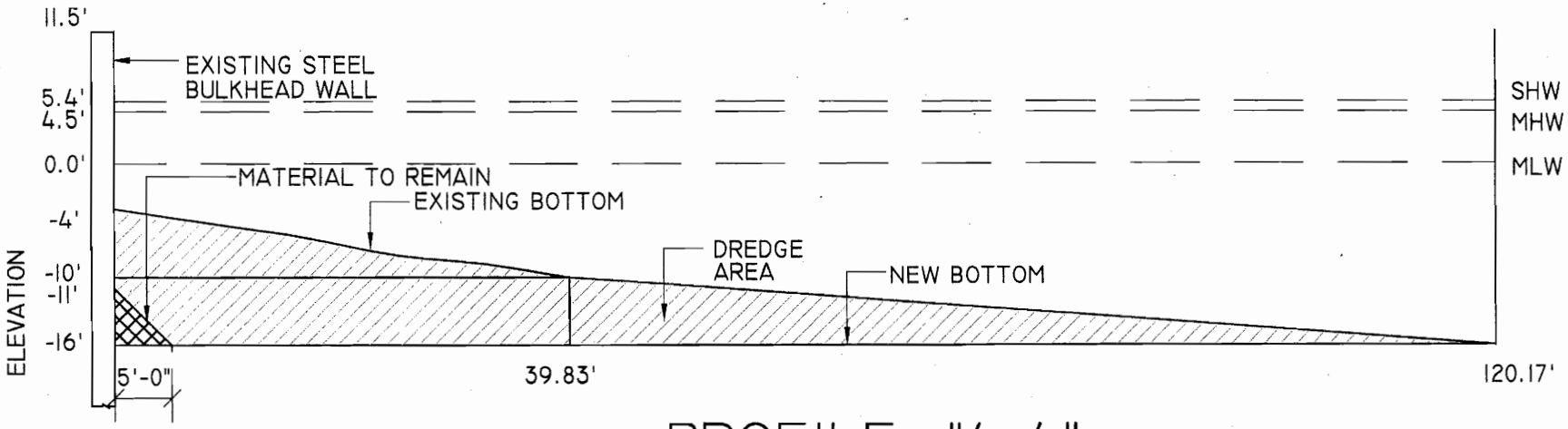
SHELDON L. REICH., P.C.
CONSULTING ENGINEERS & ARCHITECTS
4158 VICTORY BLVD
STATEN ISLAND, N.Y. 10314.
(718) 983-6575

FLG CONTAINER SERVICES, INC.
11 FERRY STREET
STATEN ISLAND, NY 10302

KILL VAN KULL

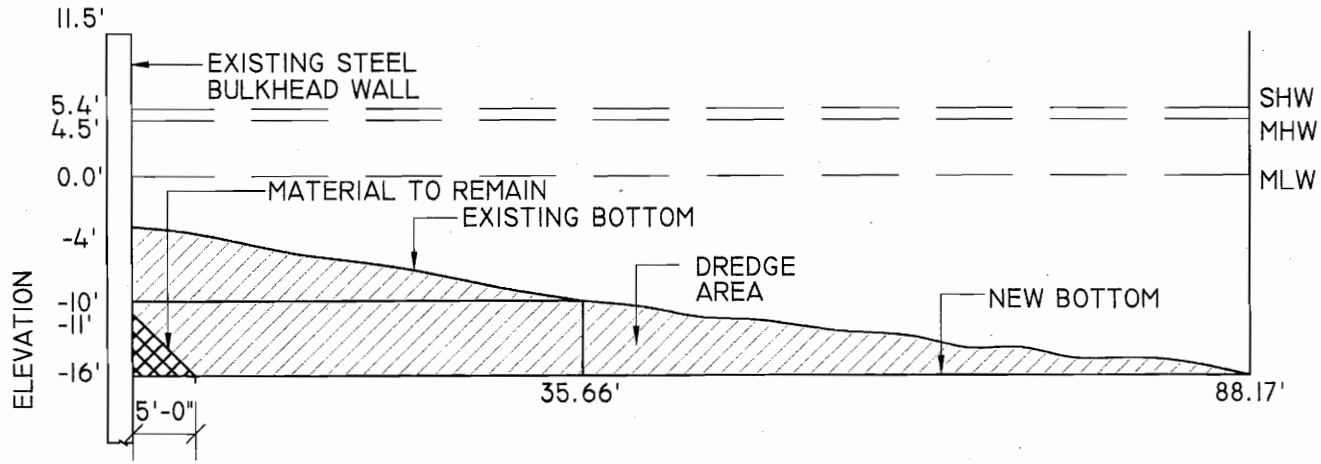
RICHMOND COUNTY

DATE:	DRAWN BY:
12/12/05	MN
SCALE:	SHEET No:
AS NOTED	5 OF 6



PROFILE "4-4"

SCALE: 1/16"=1'



PROFILE "3-3"

SCALE: 1/16"=1'

FILE_NAME: 05-03 8.5X11

PROPOSED DREDGING	SHELDON L. REICH., P.C. CONSULTING ENGINEERS & ARCHITECTS 4158 VICTORY BLVD STATEN ISLAND, N.Y. 10314. (718) 983-6575
FLG CONTAINER SERVICES, INC. 11 FERRY STREET STATEN ISLAND, NY 10302	KILL VAN KULL
RICHMOND COUNTY	DATE: 12/12/05 / DRAWN BY: MN
SCALE: AS NOTED	SHEET No: 6 OF 6