



## 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-2006-3020  
Issue Date: MARCH 12, 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 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Kinder Morgan Liquids Terminals, LLC  
Attn. Robert Minter  
4101 Arthur Kill Road  
Staten Island, New York 10309

ACTIVITY: 10-Year Maintenance Dredging with Upland Disposal; Walkway, Bulkhead, and Mooring Dolphins

WATERWAY: Port Socony Reach of the Arthur Kill Waterway

LOCATION: South Tanker Berth, 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.

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

**CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2006-3020**

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 life stages of some EFH-designated species. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NOAA/FS 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 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 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.

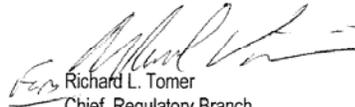
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

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) 790-8518 and ask for Rosita Rama.

**CENAN-OP-RE**  
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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>



Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RE  
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**WORK DESCRIPTION**

The applicant, Kinder Morgan Liquids Terminal, LLC, has requested Department of the Army authorization to dredge with 10-years maintenance and upland disposal, and install mooring dolphins, a walkway, and steel bulkhead sheeting, located in the South Tanker Berth near the Port Socony Reach of the Arthur Kill, in Staten Island, Richmond County, New York.

The initial dredging event would include dredging, via an environmental clamshell bucket, of approximately 97,100 cubic yards (cy) of material from a channel measuring 3,840-feet long by 300-feet wide to a depth of 36-feet plus 1-foot overdepth below the plane of mean low water, for a total depth of 37-feet.

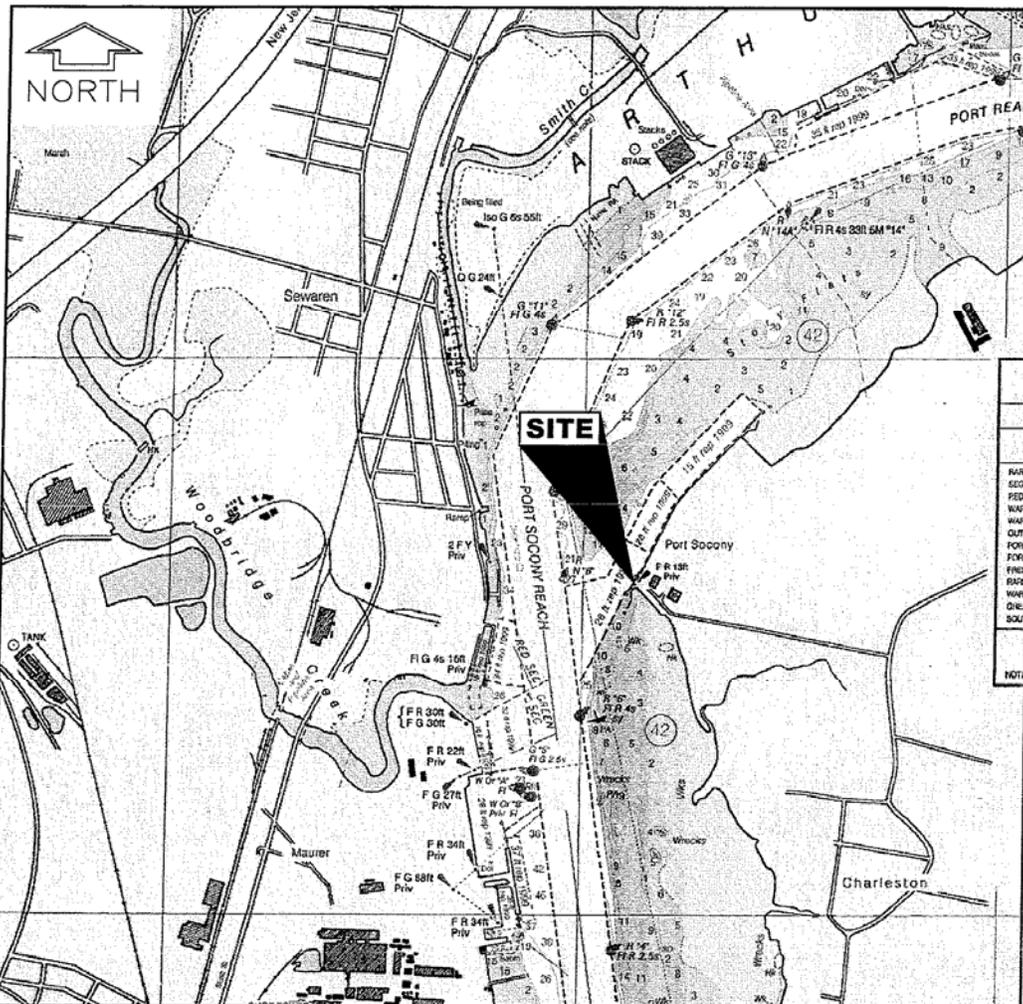
Floating booms would be employed to capture sediment around the dredge site.

The dredged material would be placed into scows for dewatering prior to transport to an upland dredge material processing facility. Barge overflow is not proposed.

Subsequent maintenance dredging would occur, if a 10-year permit is issued, with a total anticipated removal of approximately 350,000 cy. The number of dredging events has not been determined. Disposal would be at the same site.

The South Tanker Berth expansion would include the installation of two (2) mooring dolphins, bulkhead reinforcement, and a walkway. One mooring dolphin would have a concrete cap that is supported by 12-inch diameter steel batter pipe piles filled with concrete, and the other would be a concrete cap supported by steel piles. A 200-foot long steel bulkhead would be installed within 18-inches of the existing steel bulkhead, and backfilled with approximately 80 cy of controlled low-strength material, which is a cementitious material. A new 140-foot long by 3-foot wide walkway, consisting of steel grating over a 36-inch diameter pipe truss supported by 12-inch diameter batter piles, would be installed.

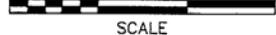
The stated purpose of this project is to restore navigable water depths of the berth and expand the facility to allow larger ship access.



TAKEN FROM MAPTECH - REGION 3  
NEW YORK TO NANTUCKET AND  
TO CAPE MAY, NJ

VICINITY MAP

0 1000 2000 3000 FEET



SCALE

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO REHABILITATE, RESTORE AND ENHANCE  
EXISTING BULK LIQUID TERMINAL OPERATIONS

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:  
SEE APPLICATION FOR LISTING

AGENT: OCEAN AND COASTAL CONSULTANTS ENGINEERING, P.C.

PROPOSED STRUCTURES, REHABILITATION, AND  
MAINTENANCE DREDGING ACTIVITIES

STATEN ISLAND TERMINAL  
IN ARTHUR KILL WATERWAY  
COUNTY OF RICHMOND  
STATE OF NEW YORK

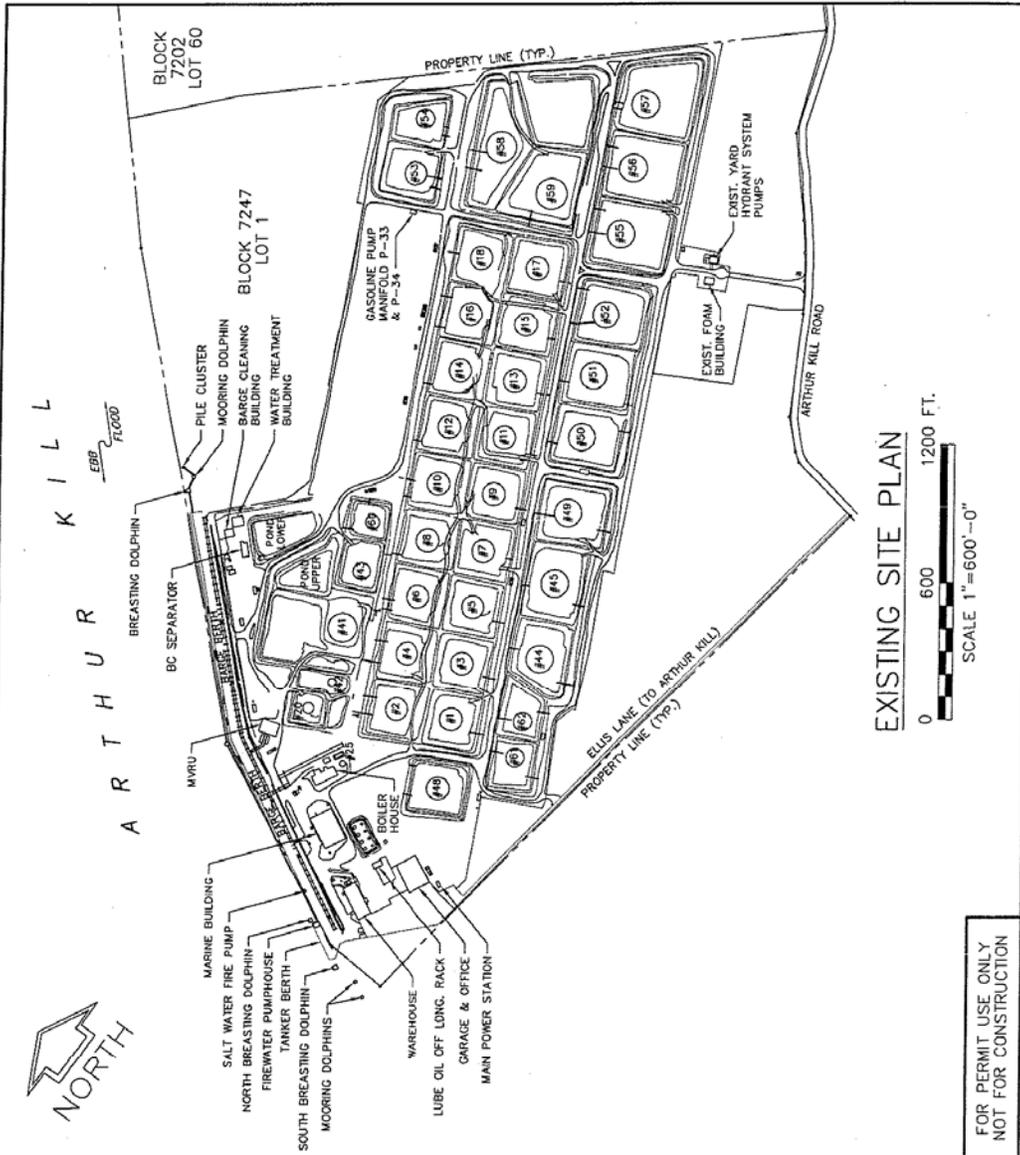
APPLICATION BY: KINDER MORGAN TERMINALS LLC

DATE: 4-3-06

SHEET 1 OF 12

205020.1\TASK5\1 (1)

NAN-2006-3020 Kinder Morgan Liquids Terminals, LLC



EXISTING SITE PLAN



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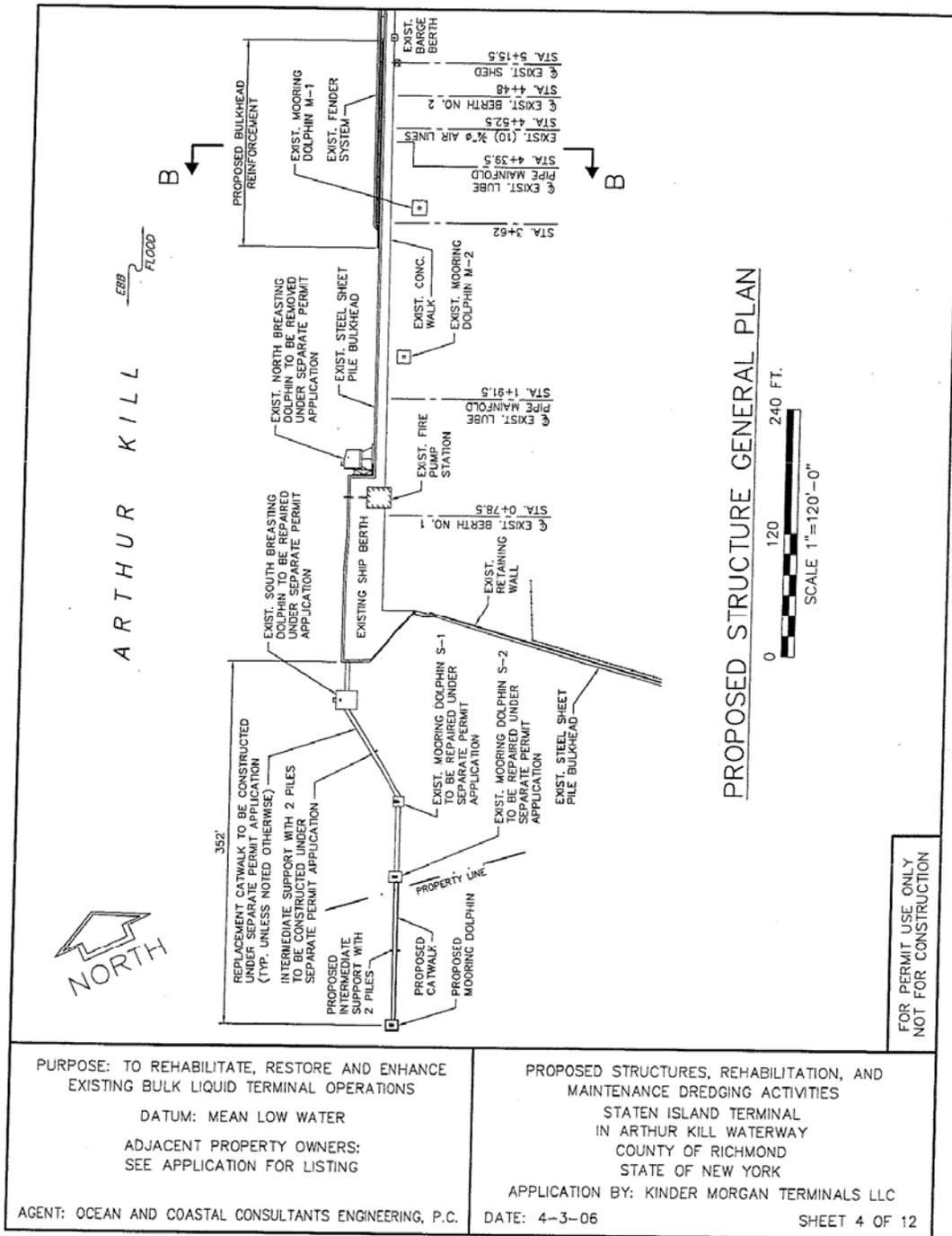
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STATE OF NEW YORK  
APPLICATION BY: KINDER MORGAN TERMINALS LLC  
DATE: 4-3-06 SHEET 2 OF 12

205020.1\TASK5\2 (1)

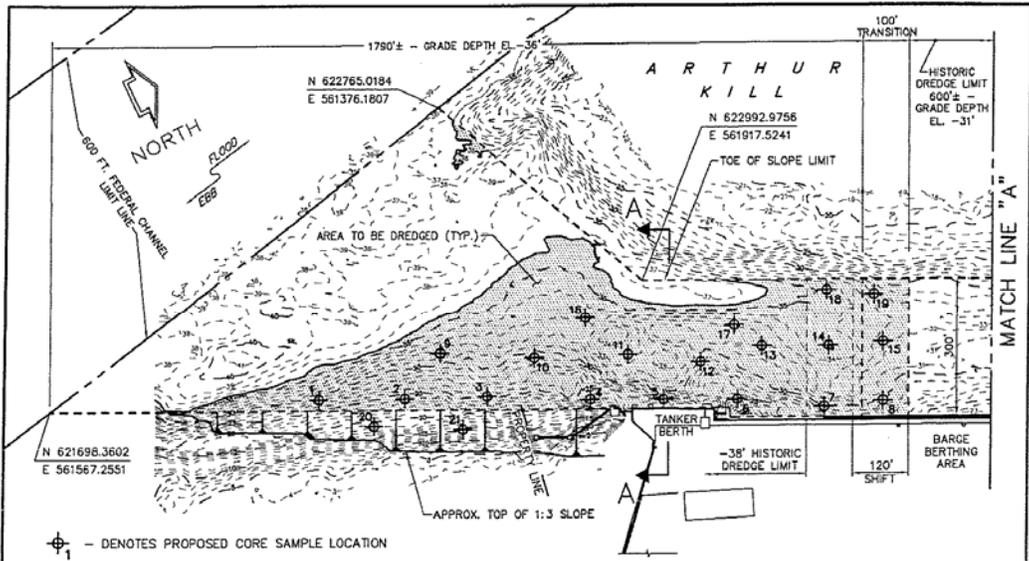
NAN-2006-3020





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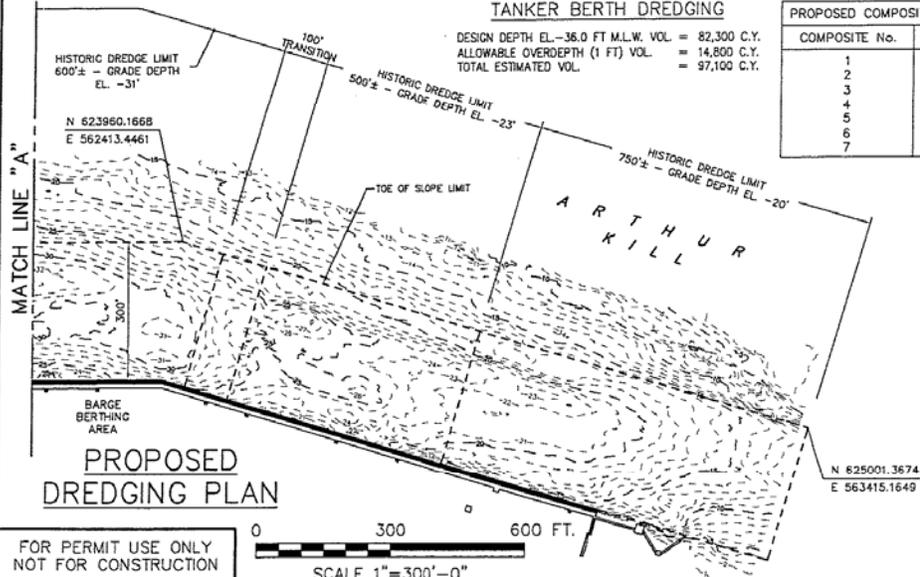


**TANKER BERTH DREDGING**

DESIGN DEPTH EL. -36.0 FT M.L.W. VOL. = 82,300 C.Y.  
 ALLOWABLE OVERDEPTH (1 FT) VOL. = 14,800 C.Y.  
 TOTAL ESTIMATED VOL. = 97,100 C.Y.

**PROPOSED COMPOSITING SCHEME**

COMPOSITE No.	SAMPLES
1	1, 20, 21
2	2, 3, 9
3	4, 5, 6
4	10, 11, 16
5	12, 13, 17
6	7, 8, 14
7	15, 18, 19



PURPOSE: TO REHABILITATE, RESTORE AND ENHANCE EXISTING BULK LIQUID TERMINAL OPERATIONS

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS: SEE APPLICATION FOR LISTING

PROPOSED STRUCTURES, REHABILITATION, AND MAINTENANCE DREDGING ACTIVITIES

STATEN ISLAND TERMINAL IN ARTHUR KILL WATERWAY

COUNTY OF RICHMOND

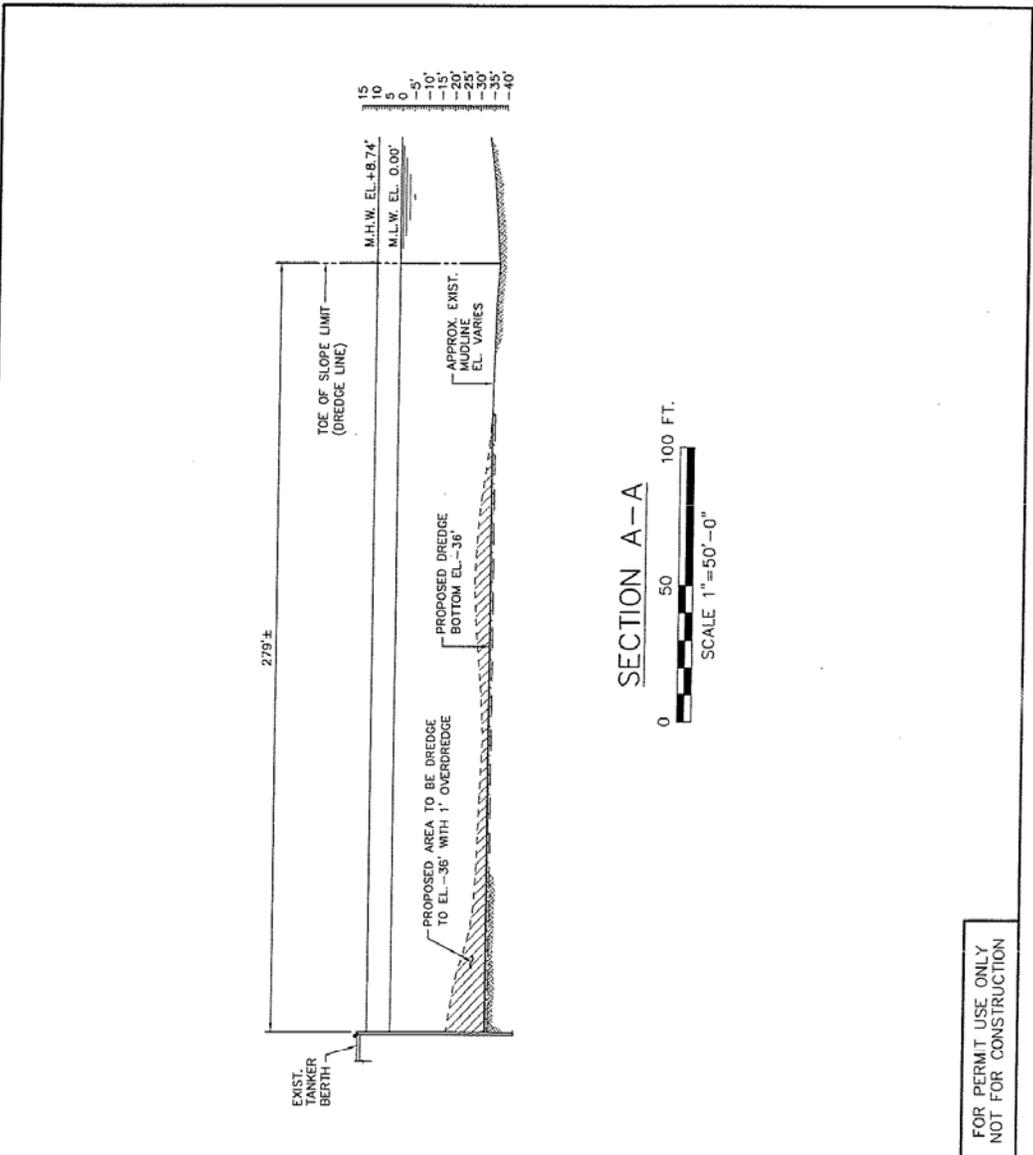
STATE OF NEW YORK

AGENT: OCEAN AND COASTAL CONSULTANTS ENGINEERING, P.C.

DATE: 4-3-06

SHEET 5 OF 12

*MAN-2006-3020*

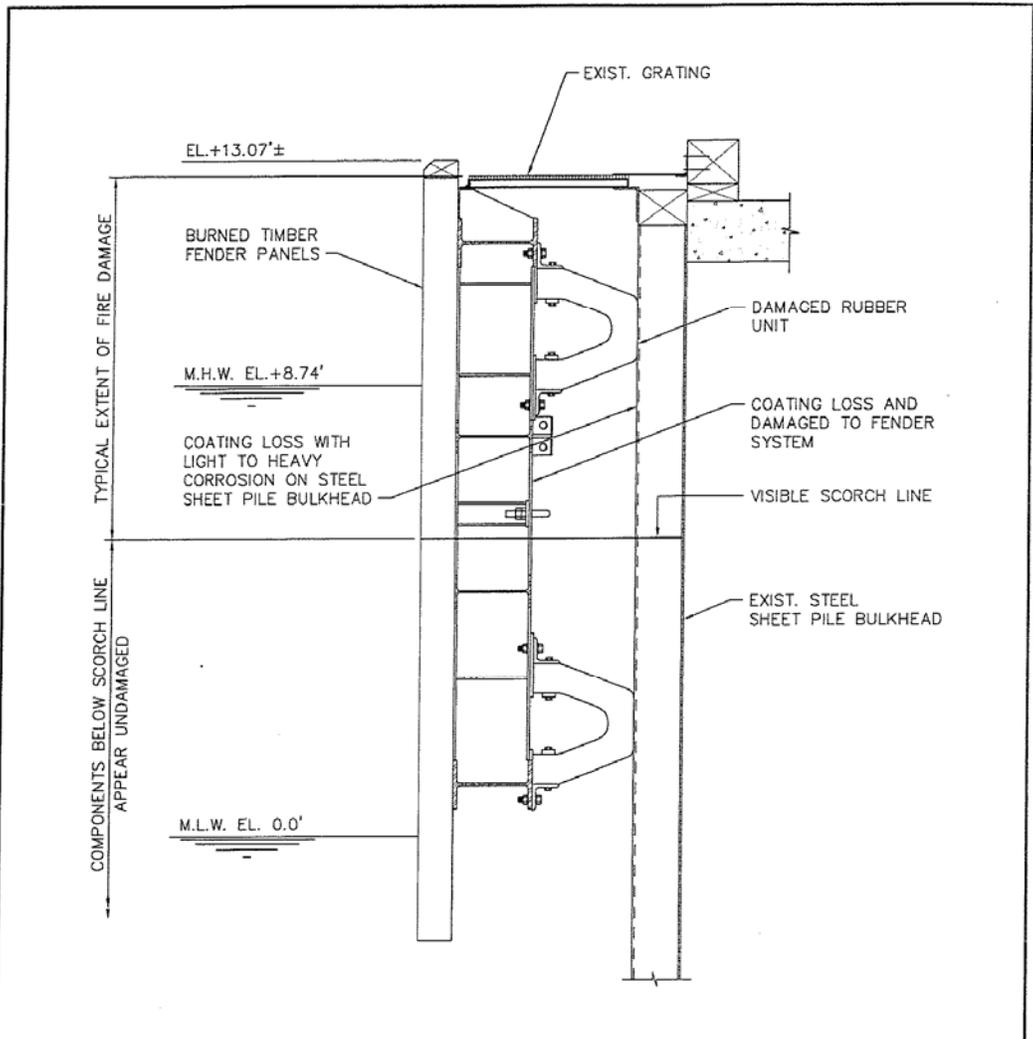


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<p>PURPOSE: TO REHABILITATE, RESTORE AND ENHANCE EXISTING BULK LIQUID TERMINAL OPERATIONS</p> <p>DATUM: MEAN LOW WATER</p> <p>ADJACENT PROPERTY OWNERS: SEE APPLICATION FOR LISTING</p> <p>AGENT: OCEAN AND COASTAL CONSULTANTS ENGINEERING, P.C.</p>	<p>PROPOSED STRUCTURES, REHABILITATION, AND MAINTENANCE DREDGING ACTIVITIES</p> <p>STATEN ISLAND TERMINAL IN ARTHUR KILL WATERWAY COUNTY OF RICHMOND STATE OF NEW YORK</p> <p>APPLICATION BY: KINDER MORGAN TERMINALS LLC</p> <p>DATE: 4-3-06</p> <p>SHEET 6 OF 12</p>
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205020.1\TASKS\6 (1)

*NAN-2006-3020*



EXISTING SECTION B-B

0 1 2 3 4 5 FT.

SCALE 3/8"=1'-0"

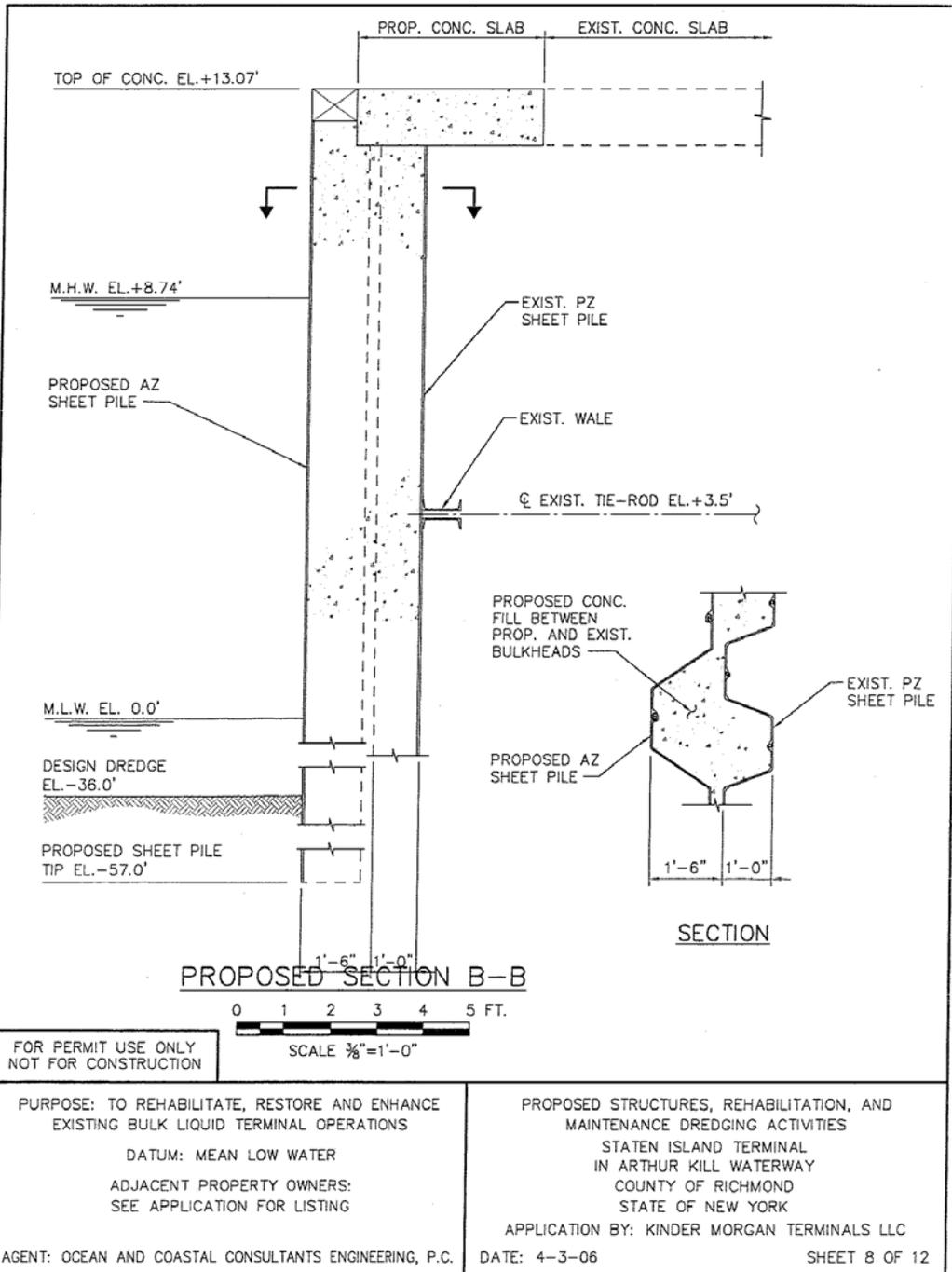
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APPLICATION BY: KINDER MORGAN TERMINALS LLC  
DATE: 4-3-06 SHEET 7 OF 12

205020.1\TASK5\7 (1)

NAN-2006-3020



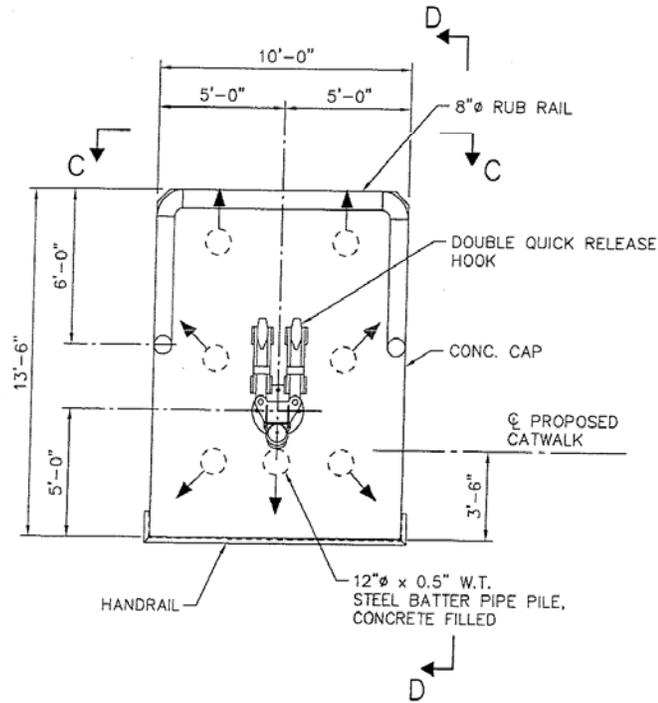
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NAN-2006-3020

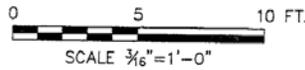


# ARTHUR KILL

NOTE  
FOR ELEVATION C-C SEE  
SHEET 10 OF 12.  
FOR ELEVATION D-D SEE  
SHEET 11 OF 12.



## PROPOSED MOORING DOLPHIN



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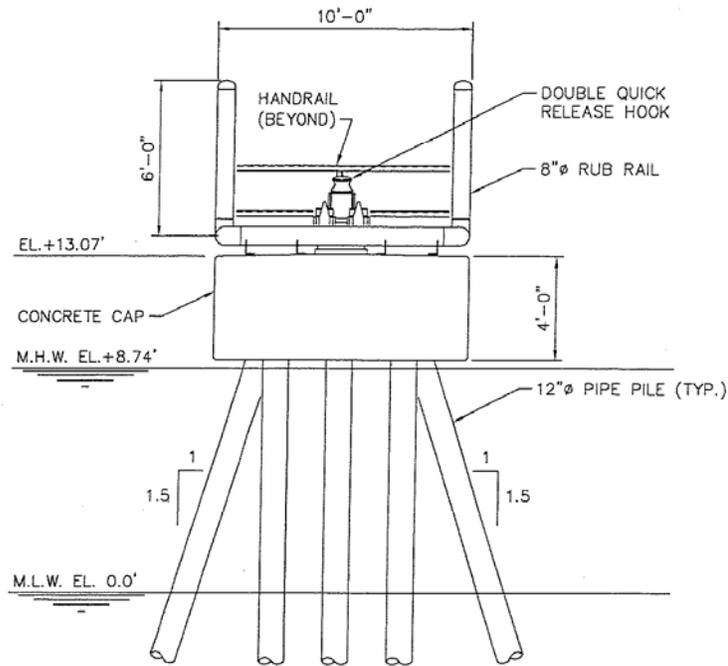
APPLICATION BY: KINDER MORGAN TERMINALS LLC

DATE: 4-3-06

SHEET 9 OF 12

205020.1\TASK5\8 (1)

NAN-2006-3020



ELEVATION C-C



SCALE  $\frac{3}{16}'' = 1'-0''$

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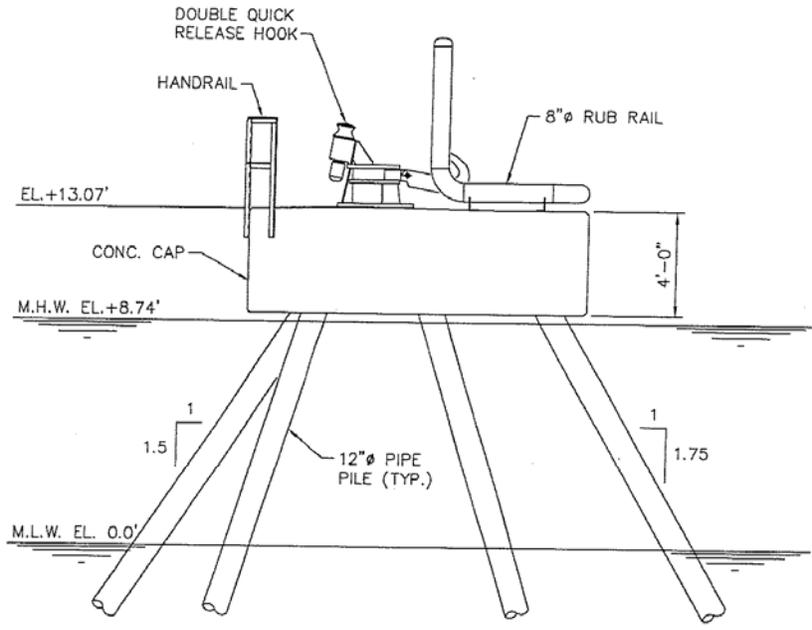
APPLICATION BY: KINDER MORGAN TERMINALS LLC

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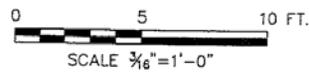
SHEET 10 OF 12

205020.1\TASK5\10 (1)

NAN-2006-3020



ELEVATION D-D



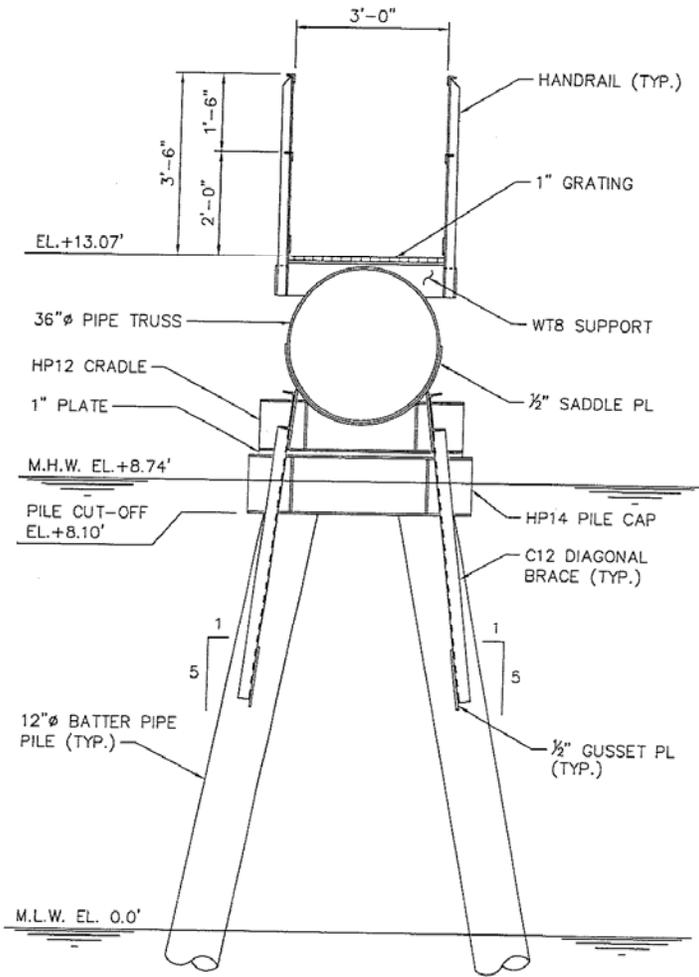
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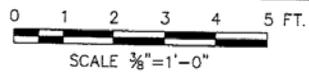
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APPLICATION BY: KINDER MORGAN TERMINALS LLC  
DATE: 4-3-06 SHEET 11 OF 12

205020.1\TASKS\11 (1)

MAN-9006-2070



PROPOSED INTERMEDIATE CATWALK SUPPORT ELEVATION



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205020.1\TASK5\12 (1)

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