



# **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-2018-00809-EKN**  
Issue Date: **20 September 2018**  
Expiration Date: **20 October 2018**

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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 Liquid Terminals LLC  
500 Dallas Street Suite 1000  
Houston, TX 77002

**ACTIVITY:** Maintenance dredging with upland placement of dredged material.

**WATERWAY:** Arthur Kill

**LOCATION:** 4101 Arthur Kill Road, 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 in 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 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, will not have any effect on Federally-endangered or threatened species, 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, pre-historical, 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 received a letter dated December 8, 2018, from the New York State Department of State that the project meets the Department's general consistency concurrence criteria.

**\*\*\*PLEASE USE THE 18-CHARACTER PUBLIC NOTICE NUMBER ON ALL  
CORRESPONDENCE WITH THIS OFFICE\*\*\***


The applicant received permit # 2-6405-00073, dated December 20, 2017, from the New York Department of Environmental Conservation, which included Water Quality Certificate # 2-6405-00073/00083.

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 Dr. Stephen Knowles.

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

### **WORK DESCRIPTION**

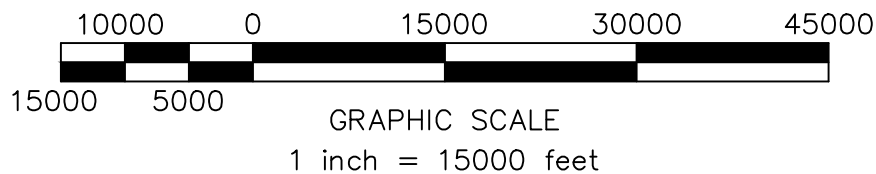
The applicant, Kinder Morgan Liquid Terminals LLC (KMLT), has requested Department of the Army authorization for dredging with 10-years maintenance in the Arthur Kill at 4101 Arthur Kill Road, Staten Island, Richmond County, New York.

The work would involve dredging an approximately 300-foot wide by 3,840-foot long berthing area (approximately 25 acres) to a depth of 36-feet below the plane of Mean Low Water, plus 1-foot of overdepth. Approximately 14,000 cubic yards would be dredged each year of a 10-year permit. Dredging would be conducted with a closed “environmental bucket”. The fine-grained dredged material would be placed in sealed barges on-site to allow sediments to settle at least 24-hours without barge overflow. Decanting of barges on site would occur after the 24-hr settling period, prior to transport of dredged material to an upland dredged material processing facility.

The applicant has stated that they have avoided, minimized, and mitigated for proposed impacts to the maximum extent practicable by using an environmental bucket dredge, using Best Management Practices to prevent construction materials, debris, and sediments from entering the waterway, and limiting dredging to the period from June 1 to December 31 of each calendar year.

The purpose of the proposed work is to maintain adequate water depths for safe mooring and vessel transit to and from the Kinder Morgan Staten Island facility.





FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

**MidAtlantic**  
Engineering Partners, LLC

UNITED STATES ARMY CORPS OF ENGINEERS  
JOINT APPLICATION – DREDGING PERMIT

Certificate of Authorization No. 24GA28184000

Louis L. Zuegner IV P.E. PE No. GE04226500  
Matthew J. Robinson P.E. PE No. GE04642500  
William J. Parkhill II P.E. PE No. GE04753800

789 Farnsworth Ave.  
Bordentown, NJ 08505  
609-910-4450

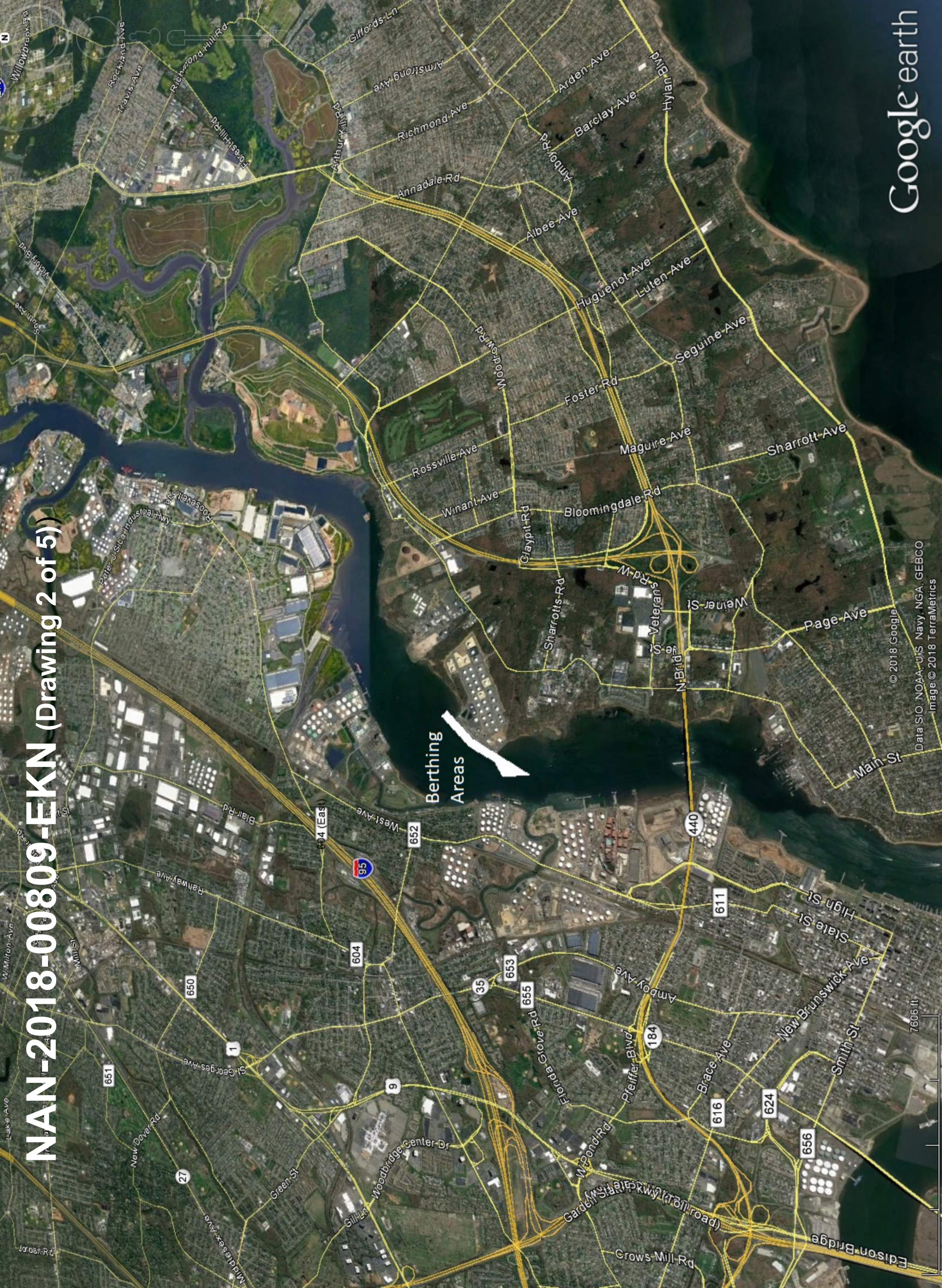
## LOCATION MAP KINDER MORGAN LIQUID TERMINALS STATEN ISLAND TERMINAL IN ARTHUR KILL WATERWAY

SITUATED IN  
BOROUGH OF STATEN ISLAND, NEW YORK CITY, NEW YORK

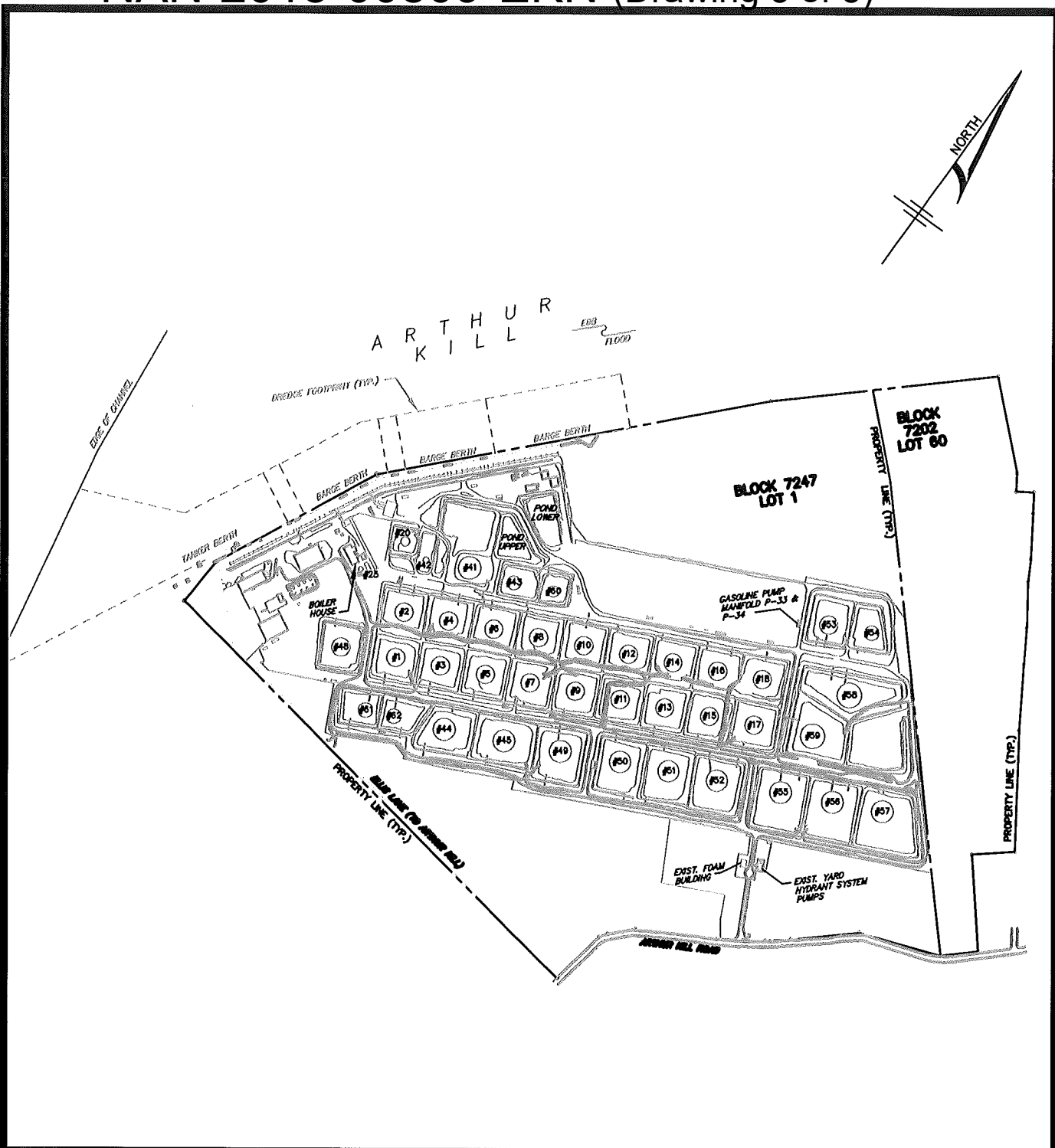
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DATE: 08/06/18	HORIZONTAL SCALE: 1"=15000'	VERTICAL SCALE: N/A	DRAWING NAME: Nautical Exhibits.dwg	



# NAN-2018-00809-EKN (Drawing 2 of 5)







MidAtlantic  
Engineering Partners, LLC

10 YEAR MAINTENANCE  
PERMIT DREDGING  
STATEN ISLAND TERMINAL  
IN ARTHUR KILL WATERWAY

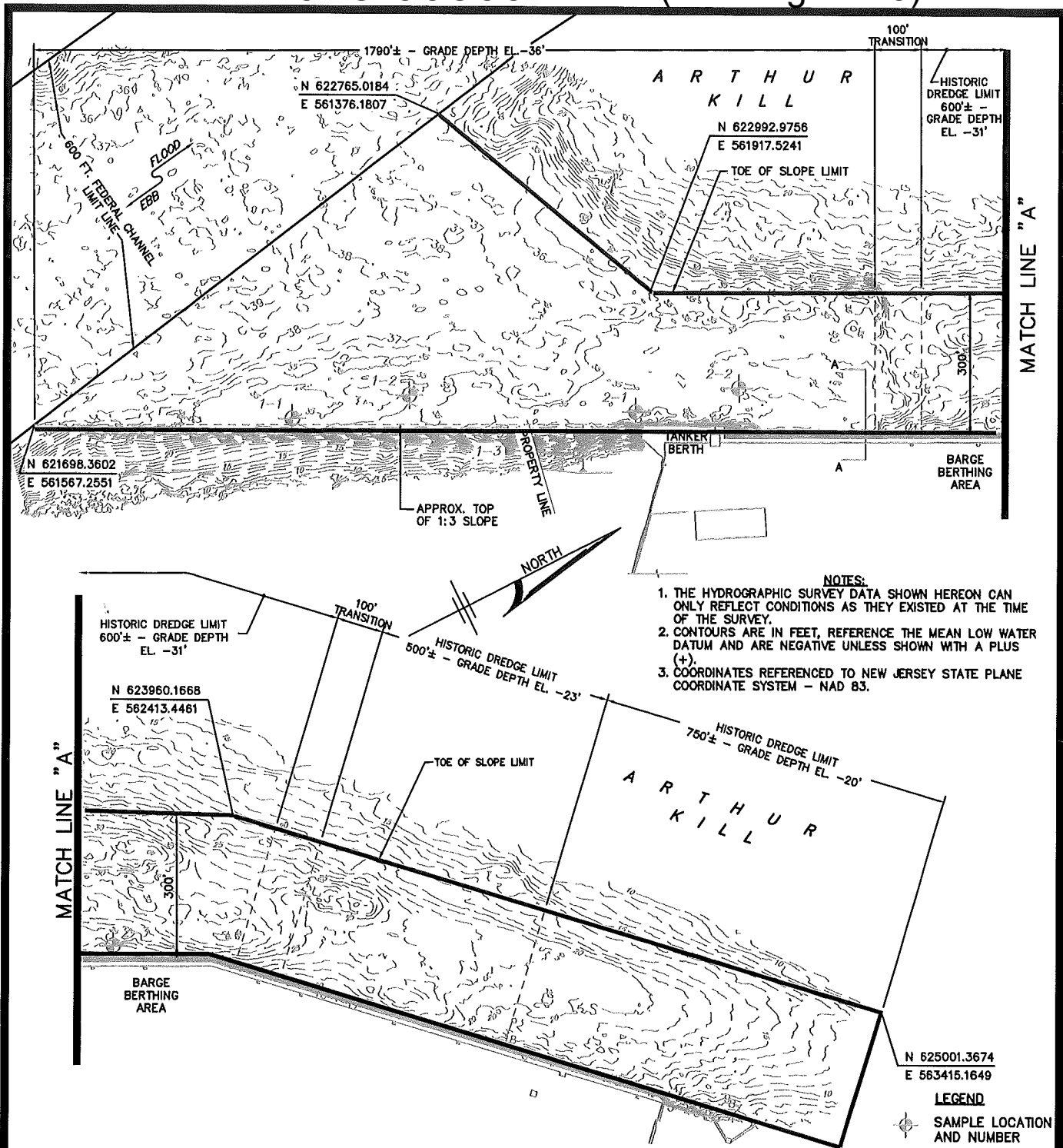
SITUATED IN  
STATEN ISLAND, COUNTY OF RICHMOND, NEW YORK

Louis L. Zuegner IV P.E. PE No. GE04226500  
Matthew J. Robinson P.E. PE No. GE04642500  
William J. Parkhill II P.E. PE No. GE04753800

Certificate of Authorization No. 24GA28184000

Gateway 195 Centre  
5 Commerce Way, Suite 200  
Hamilton, NJ 08691  
609-910-4450

DRAWN BY: CFTJ	CHECKED BY:	RELEASED BY:	PROJECT No.: KMT-173
DATE: 08/10/17	HORIZONTAL SCALE: 1"=2000'	VERTICAL SCALE: AS SHOWN	DRAWING NAME: Nautical Exhibits.dwg



**MidAtlantic**  
Engineering Partners, LLC

## 10 YEAR MAINTENANCE PERMIT DREDGING STATEN ISLAND TERMINAL IN ARTHUR KILL WATERWAY

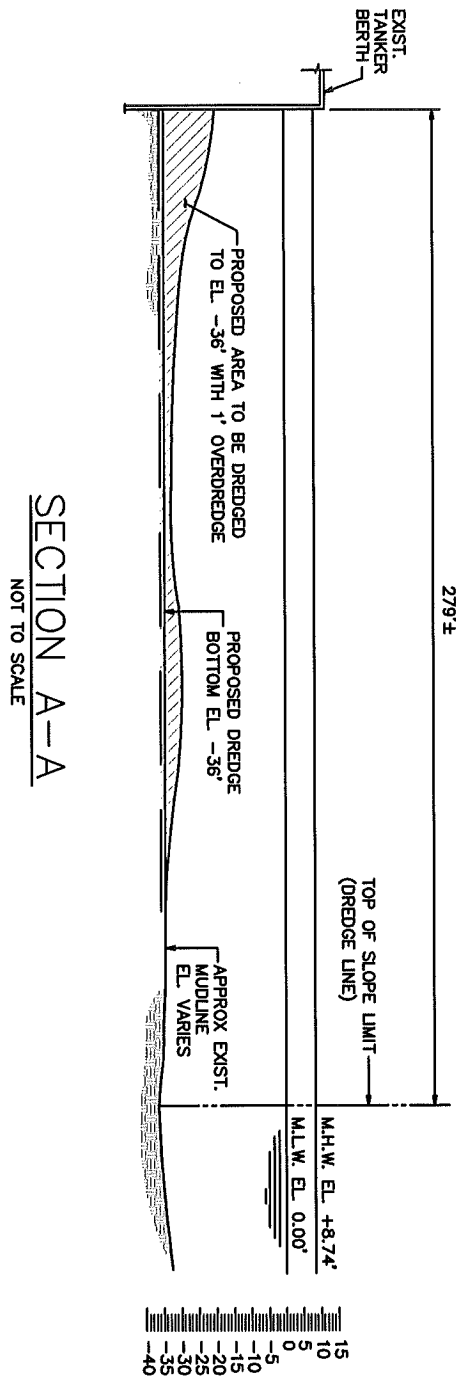
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Hamilton, NJ 08691  
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DRAWN BY: CFTJ	CHECKED BY:	RELEASED BY:	PROJECT No.: KMT-173
DATE: 08/10/17	HORIZONTAL SCALE: 1"=300'	VERTICAL SCALE: AS SHOWN	DRAWING NAME: Nautical Exhibits.dwg





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Engineering Partners, LLC

10 YEAR MAINTENANCE  
PERMIT DREDGING  
STATEN ISLAND TERMINAL  
IN ARTHUR KILL WATERWAY

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DRAWN BY: CFTJ	CHECKED BY:	RELEASED BY:	PROJECT No.: KMT-173
DATE: 08/10/17	HORIZONTAL SCALE: N.T.S.	VERTICAL SCALE: AS SHOWN	DRAWING NAME: Nautical Exhibits.dwg