

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-2021-00656-EBR**
Issue Date:
Expiration Date:

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 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344):

APPLICANT: Kinder Morgan Liquid Terminals LLC
78 Lafayette Street
Carteret, New Jersey 07008

ACTIVITY: Maintenance of Existing Terminal Structures and Installation of New Dolphin

WATERWAY: Arthur Kill

LOCATION: 78 Lafayette Street, Borough of Carteret, Middlesex 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.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED to William.Bruno@usace.army.mil 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. Comments provided will become part of the public record for this permit application. All written comments, including contact information, 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 adversely 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 lifestages of some EFH-designated species as a result of a temporary increase in noise and turbidity during construction and shading due to overwater structures. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. 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.

Review 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. The applicant has received a water quality certificate, Permit Number 1201-01-1001.15; WFD170001 from the New Jersey Department of Environmental Protection with an approval date of December 12, 2017 in accordance with Section 401 of the Clean Water Act.

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. The applicant has received concurrence to their coastal zone management consistency determination, Permit Number 1201-01-1001.15; WFD170001 from the New Jersey Department of Environmental Protection with an approval date of December 12, 2017. 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,

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

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) 790-8516 and ask for William T. Bruno.

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>.

Encl

FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

DESCRIPTION OF PROPOSED WORK

The applicant, Kinder Morgan Liquid Terminals LLC, has requested Department of the Army authorization to perform maintenance of existing structures and to install a new mooring dolphin located in the Arthur Kill, in the Borough of Carteret, Middlesex County, New Jersey. The proposed regulated activities within waters of the United States would include the following:

The removal of the existing approximately 13-foot-wide by 21-foot-long North Platform and the existing 3-foot-wide by 20-foot-long walkway to be replaced by an approximately 3-foot-wide by 31.5-foot-long fixed walkway leading to a new 3-foot-wide by 12-foot-long fixed platform support structure off of the existing 6-foot-wide by 6-foot-long dolphin. From the newly rehabilitated dolphin with new fixed platform support structures the applicant proposes to replace, in-place the existing approximately 4-foot-wide by 28-foot-long fixed platform to connect to the northernmost existing dolphin.

The work includes the installation of a new 4-foot-wide by 11-foot-long fixed platform to a new mooring dolphin located immediately southeast of the northernmost dolphin. The new mooring dolphin will be supported by two (2) 24-inch-diameter steel pipe piles filled with concrete and (2) 16-inch diameter steel pipe piles filled with concrete, topped with a 12-foot-wide by 12-foot-wide concrete cap. The filling of the new pilings with flowable concrete would result in the discharge of approximately 14 CY of fill below the plane of Spring High Water over an approximately 13 square foot area.

The applicant has stated that they have avoided and minimized for proposed impacts to the maximum extent practicable by minimizing fill placement activities to the maximum extent possible. The only fill being placed is for flowable concrete within the steel pipe pilings for added stabilization.

The purpose of this project is to maintain the existing facility and allow for improved mooring of commercial vessels.

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

Project Site Photographs



Photo 1: Aerial Photograph of Project Vicinity. (Courtesy Google Maps)

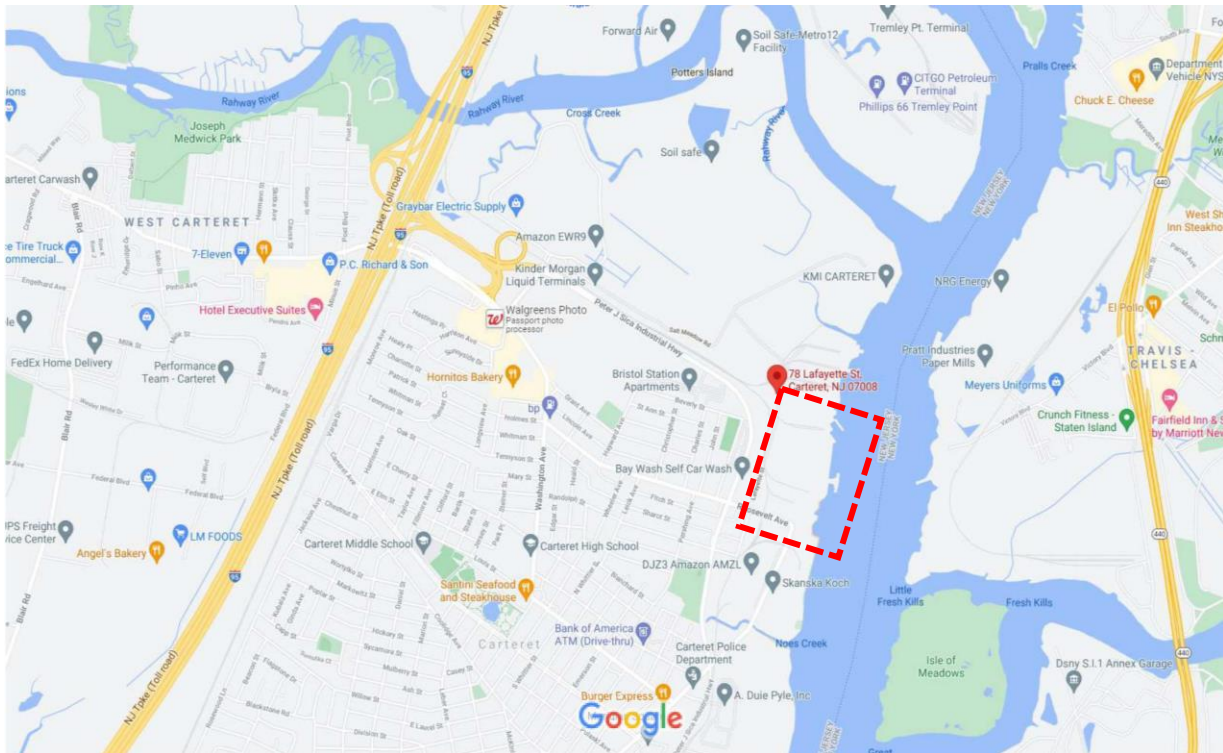


Photo 2: Project Vicinity – Street View. (Courtesy Google Maps)

Dock 1 Rehabilitation – Phase IV
Kinder Morgan Terminals, Carteret

USACE Authorization
Site Photographs-1

DOCK 1 - REHABILITATION PLAN

ANCHOR CONSULTANTS, LLC

1224 BALTIMORE PIKE, SUITE: 205
CHADDS FORD, PA 19317
TEL: (610) 945-1839, FAX: (610) 945-2001

DATE: 07-27-21
BY: DM
CHECKED: AN
DATE: 07-27-21

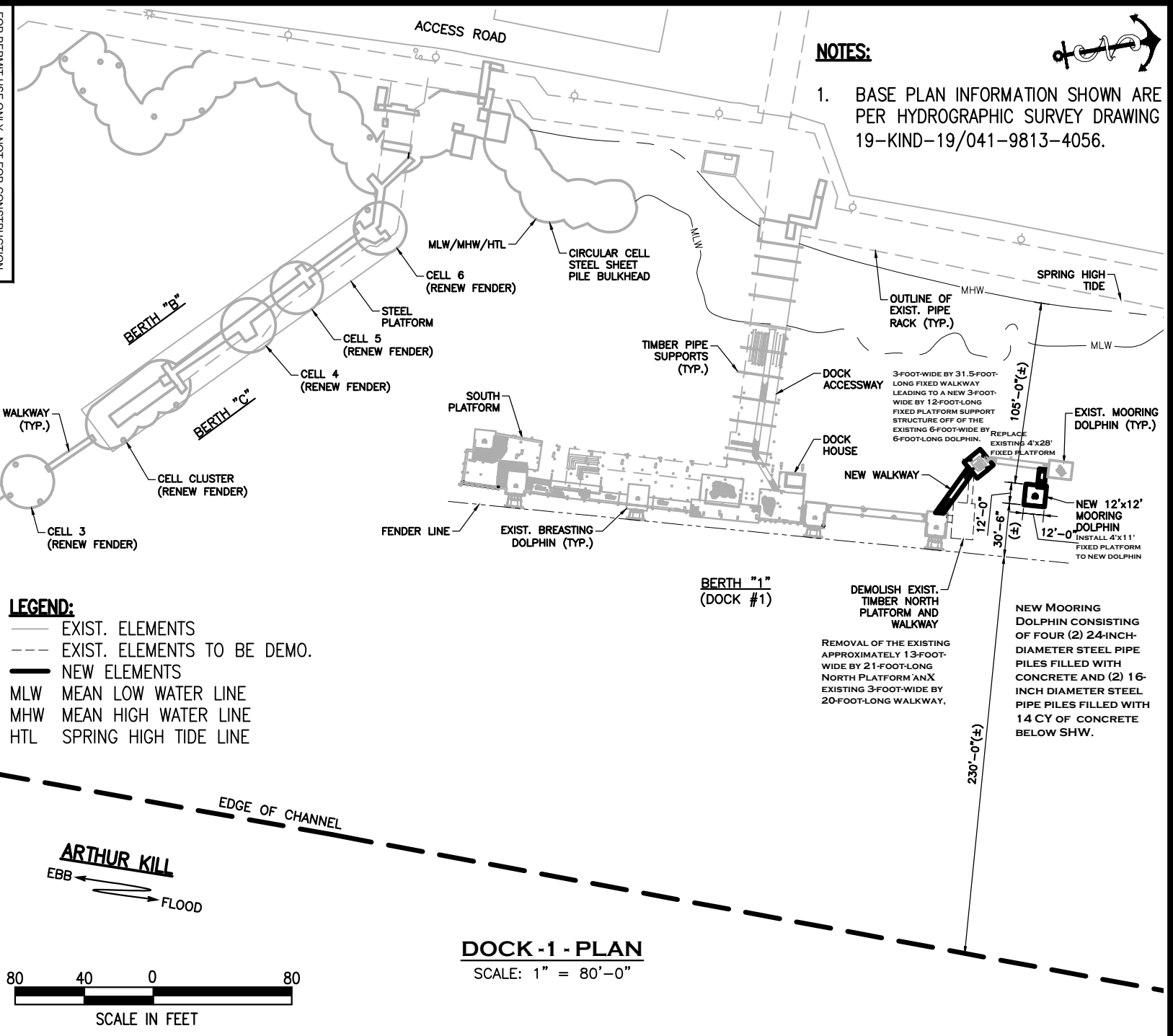
APPROVED BY: AN
DATE: 21-06-2025
DWG. NO.: P-1
SHEET: 1 OF 3

AGENT: ANCHOR CONSULTANTS, LLC
ANCHOR PROJECT NO.: DATUM: M.L.W.

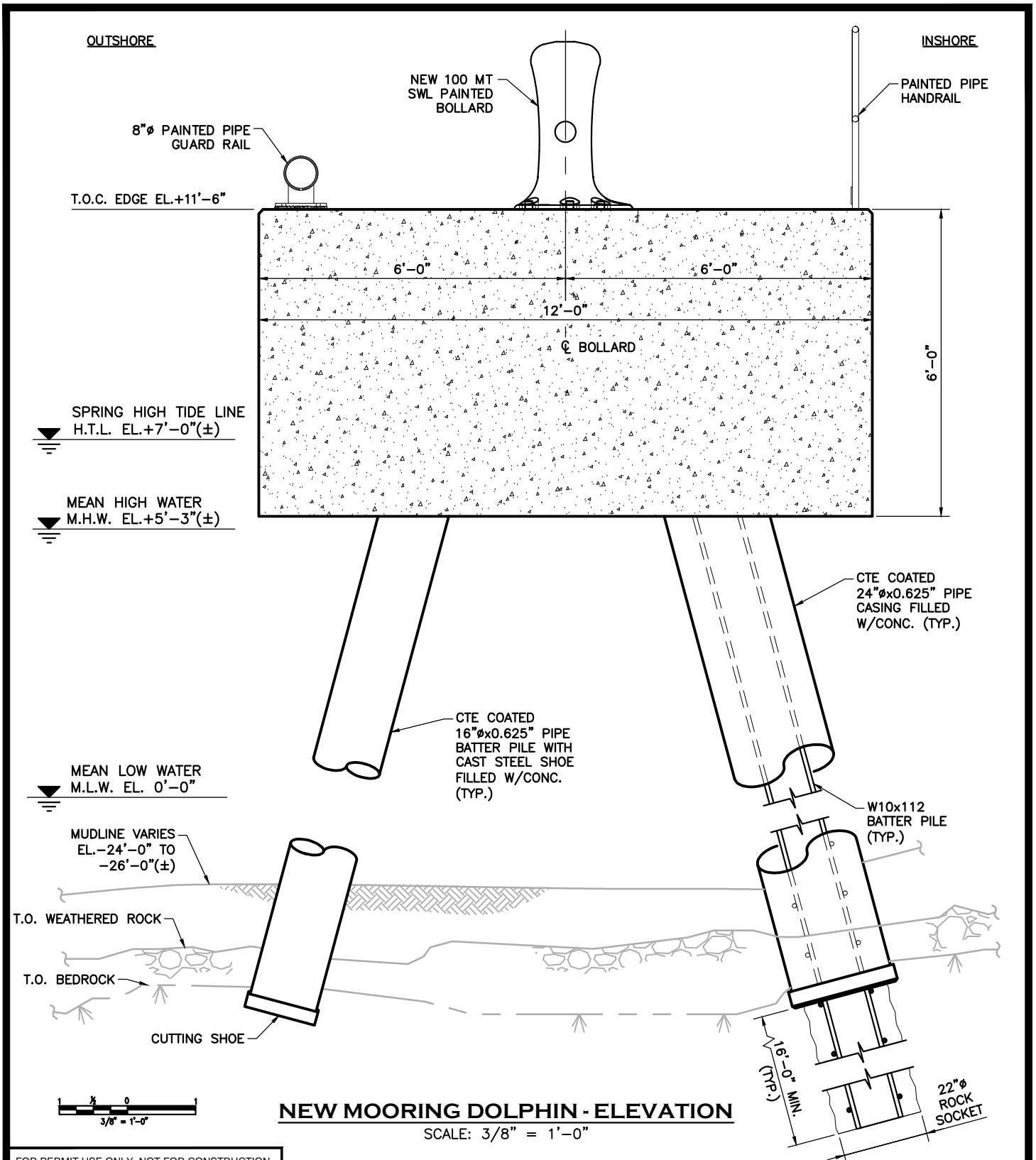
FOR PERMIT USE ONLY. NOT FOR CONSTRUCTION

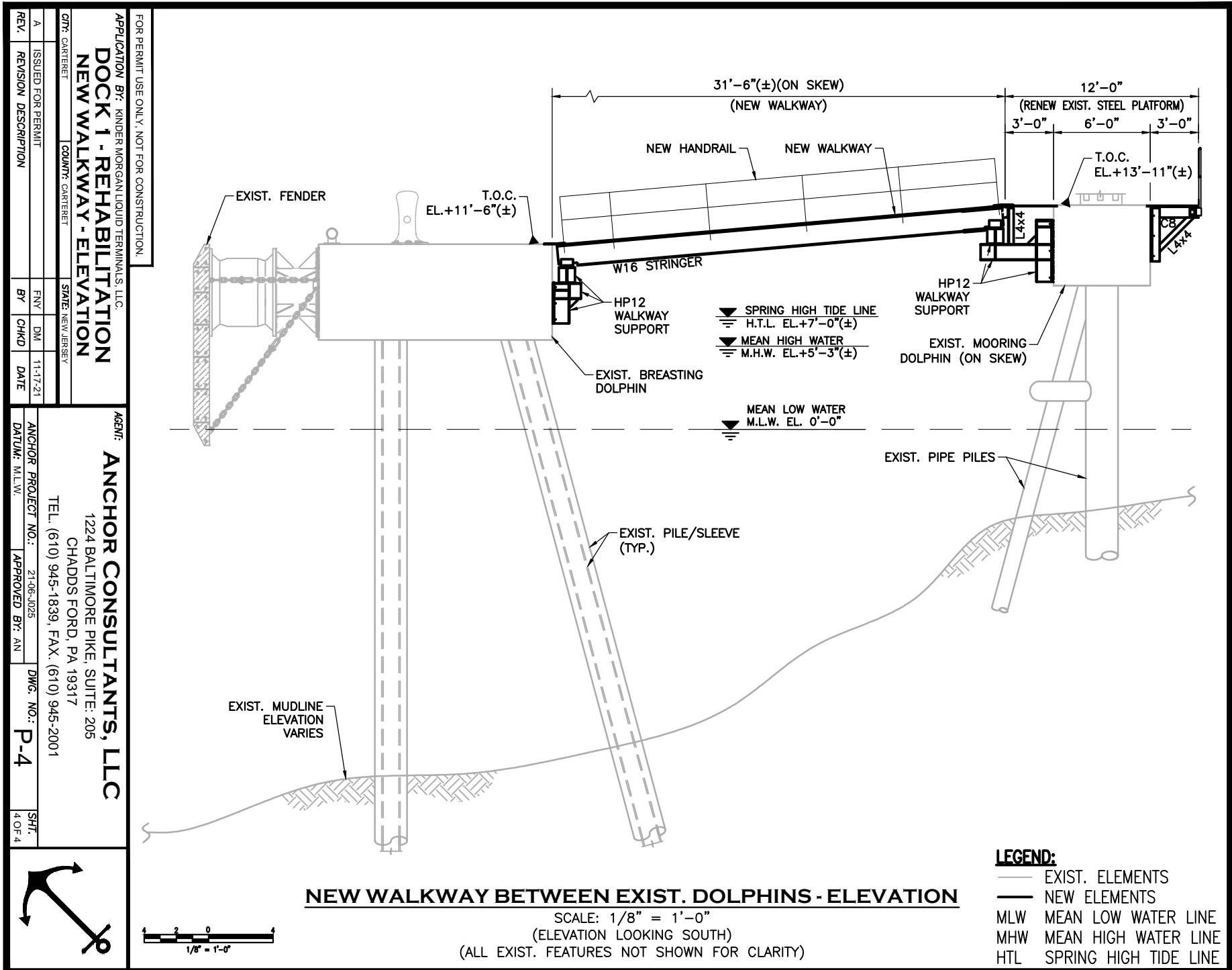
APPLICATION BY: KINDER MORGAN LIQUID TERMINALS, LLC

CITY: CARTRERT COUNTY: CARTRERT STATE: NEW JERSEY



USACE FILE: NAN-2021-00656-EBR





LEGEND:

—	EXIST. ELEMENTS
—	NEW ELEMENTS
—	MLW MEAN LOW WATER LINE
—	MHW MEAN HIGH WATER LINE
—	HTL SPRING HIGH TIDE LINE

FOR PERMIT USE ONLY. NOT FOR CONSTRUCTION.

APPLICATION BY: KINDER MORGAN LIQUID TERMINALS, LLC

**DOCK 1 - REHABILITATION
NEW WALKWAY - ELEVATION**

REV.	ISSUED FOR PERMIT	FNV	DM	1-17-21	DATE
REV.	REVISION DESCRIPTION	BY	CHKD		

CITY: CARLETT **COUNTY:** CARLETT **STATE:** NEW JERSEY

AGENT: **ANCHOR CONSULTANTS, LLC**
1224 BALTIMORE PIKE, SUITE: 205
CHADDS FORD, PA 19317
TEL: (610) 945-1839, FAX: (610) 945-2001

ANCHOR PROJECT NO.: 21-06-0026 **APPROVED BY:** AN

DWG. NO.: P-4 **SHT.:** 4 OF 4