

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-2021-00790-EBR**
Issue Date: September 21, 2022
Expiration Date: October 21, 2022

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
Attn: Brian McCormick
78 Lafayette Street
Carteret, New Jersey 07008

ACTIVITY: Maintenance dredging activities

WATERWAY: Arthur Kill

LOCATION: 920 High Street, City of Perth Amboy, 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 turbidity during construction. 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 being conducted and will be concluded prior to the final decision.

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 received water quality certification New Jersey Department of Environmental Protection (NJDEP), Permit Number 1216-03-0006.6 LUP200001, with an approval date of March 3, 2021, 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 received NJDEP, Permit Number 1216-03-0006.6 LUP200001, with an approval date of March 3, 2021, which is inclusive of coastal zone management concurrence for the proposed work.

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:

NJDEP

It is requested that you communicate the foregoing information concerning the activity to any

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

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Public Notice NAN-2021-00790-EBR

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>.



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

Encl

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THIS OFFICE*****

DESCRIPTION OF PROPOSED WORK

The applicant, Kinder Morgan Liquid Terminals, has requested Department of the Army authorization for ten-year maintenance dredging activities in the Arthur Kill in the City of Perth Amboy, Middlesex County, New Jersey.

The work includes dredging, with ten-year maintenance, via mechanical clamshell dredge, approximately 3,620 cubic yards (CY) of dredged material from Berth A to a depth of -38 feet below the plane of Mean Low Water (MLW) North Atlantic Vertical Datum 1988 (NAVD 88) plus up to 2-feet of overdredge; and approximately 1750 CY of dredged material from Berth B to a depth of -27 feet below the plane of MLW NAVD 88 plus up to 2-feet of overdredge. The dredging area within Berth A will be approximately 135-feet-wide by approximately 800-feet-long, approximately 66,600 square feet. The dredging area within Berth B will vary in width from approximately 80-feet-wide to 132-feet-wide by approximately 360-feet-long, approximately 15,335 square feet. The total dredging area is approximately 81,935 square feet (approximately 1.88 acres). The total dredging volume is approximately 5,370 cubic yards.

The dredged material would be loaded into scow barges and allowed to settle for a minimum of 24 hours before excess water is returned to the waterway. Subsequently, the loaded scow barges will be used to transport the dewatered dredged material to a state approved upland processing and/or placement site. The dredging activity is anticipated to be completed within approximately 5 weeks annually.

The applicant plans to conduct up to ten additional dredging events as needed over a ten year period with removal of up to a total of approximately 6,000 CY of dredged material from the same areas during each subsequent event for a total of approximately 60,000 CY over the lifetime of the permit.

The applicant has stated they have avoided, minimized and mitigated for proposed impacts by minimizing the dredging area to the smallest area practicable.

The applicant's stated purpose for this regulated work is to maintain safe navigation depths to the existing Berths.

NJDEP MAINTENANCE DREDGING KINDER MORGAN LIQUID TERMINALS

PERTH AMBOY TERMINAL IN ARTHUR KILL WATERWAY


SUBMITTED BY:
MIDATLANTIC ENGINEERING PARTNERS
5 COMMERCE WAY, SUITE 200
HAMILTON, NJ 08691

DRAWING LIST	
No.	DESCRIPTION
1	TITLE SHEET
2	PROJECT NOTES
3	VICINITY MAP
4	TAX MAP
5	PHOTOGRAPH LOCATION
6	DREDGE PLAN – SHIP BERTH
7	DREDGE PLAN – SHIP BERTH
8	DREDGE PLAN – BARGE DOCK
9	DREGE SECTION – STA. 5+00
10	DREGE SECTION – STA. 12+00

NOTES:

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-2.90 NAVD88).
2. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON JANUARY 8TH, 2021 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
3. DOCK STRUCTURES AND PIERS ARE SCALED FROM DRAWINGS BY OTHERS, ARE APPROXIMATE, AND FOR REFERENCE ONLY.
4. DREDGE MATERIAL SHALL BE REMOVED VIA CLAMSHELL METHOD.

TIDAL STAGE	NAVD88 (FT)
MEAN HIGHER HIGH WATER (M.H.H.W)	2.41
MEAN HIGH WATER (M.H.W)	2.08
NAVD88	0.00
MEAN LOW WATER (M.L.W)	-2.62
MEAN LOWER LOW WATER (M.L.L.W)	-2.90



Certificate of Authorization No. 24GA28184000

Louis L. Zuegner IV P.E.	PE No. GE04226500	Gateway 195 Centre
William J. Parkhill II P.E.	PE No. GE04753800	5 Commerce Way, Suite 200
W. Stuart Lewis P.E.	PE No. GE05315600	Hamilton, NJ 08691
		609-910-4450

KINDER MORGAN LIQUID TERMINALS
PERTH AMBOY TERMINAL
IN ARTHUR KILL WATERWAY
TITLE SHEET
SHEET 1 OF 10
SITUATED IN
CITY OF PERTH AMBOY, MIDDLESEX COUNT, NEW JERSEY

PROJECT No.: KMT-207	
DRAWN BY: KRK	HORIZONTAL SCALE: N/A
CHECKED BY: AT	VERTICAL SCALE: N/A
RELEASED BY: AT	DATE: 8/31/22

USACE FILE: NAN-2021-00790-EBR

NOTES:

1. THE WORK INCLUDES DREDGING, WITH TEN-YEAR MAINTENANCE, VIA MECHANICAL CLAMSHELL DREDGE, APPROXIMATELY 3,620 CUBIC YARDS (CY) OF DREDGED MATERIAL FROM BERTH A TO A DEPTH OF -38 FEET BELOW THE PLANE OF MEAN LOW WATER (MLW) NORTH ATLANTIC VERTICAL DATUM 83 (NAVD 88) PLUS UP TO 2-FEET OF OVERDREDGE; AND APPROXIMATELY 1750 CY OF DREDGED MATERIAL FROM BERTH B TO A DEPTH OF -27 FEET BELOW THE PLANE OF MLW NAVD 88 PLUS UP TO 2-FEET OF OVERDREDGE. THE DREDGING AREA WITHIN BERTH A WILL VARY IN WIDTH FROM APPROXIMATELY 135-FEET-WIDE TO 205-FEET-WIDE BY APPROXIMATELY 825-FEET-LONG, APPROXIMATELY 66,600 SQUARE FEET. THE DREDGING AREA WITHIN BERTH B WILL VARY IN WIDTH FROM APPROXIMATELY 80-FEET-WIDE TO 132-FEET-WIDE BY APPROXIMATELY 360-FEET-LONG, APPROXIMATELY 15,335 SQUARE FEET. THE TOTAL DREDGING AREA IS APPROXIMATELY 81,935 SQUARE FEET (APPROXIMATELY 1.88 ACRES).
2. THE DREDGED MATERIAL WOULD BE LOADED INTO SCOW BARGES AND ALLOWED TO SETTLE FOR A MINIMUM OF 24 HOURS BEFORE EXCESS WATER IS RETURNED TO THE WATERWAY. SUBSEQUENTLY, THE LOADED SCOW BARGES WILL BE USED TO TRANSPORT THE DEWATERED DREDGED MATERIAL TO A STATE APPROVED UPLAND PROCESSING AND/OR PLACEMENT SITE. THE DREDGING ACTIVITY IS ANTICIPATED TO BE COMPLETED WITHIN APPROXIMATELY 2 WEEKS ANNUALLY.
3. THE APPLICANT PLANS TO CONDUCT UP TO TEN ADDITIONAL DREDGING EVENTS AS NEEDED OVER A TEN YEAR PERIOD WITH REMOVAL OF UP TO A TOTAL OF APPROXIMATELY 6,000 CY OF DREDGED MATERIAL FROM THE SAME AREAS DURING EACH SUBSEQUENT EVENT FOR A TOTAL OF APPROXIMATELY 60,000 CY OVER THE LIFETIME OF THE PERMIT.



MidAtlantic
Engineering Partners, LLC

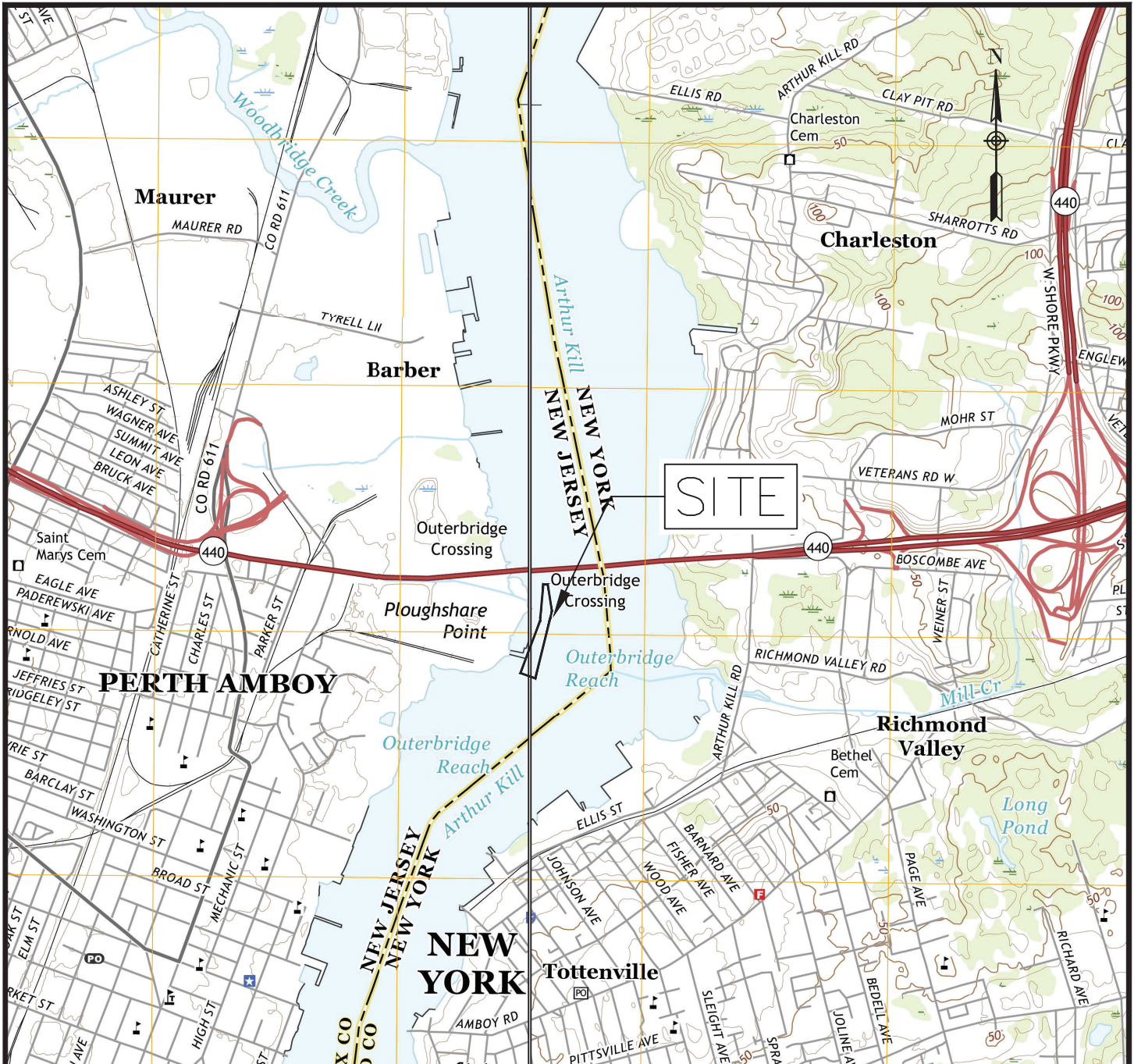
Certificate of Authorization No. 24GA28184000

Louis L. Zuegner IV P.E.	PE No. GE04226500	Gateway 195 Centre
William J. Parkhill II P.E.	PE No. GE04753800	5 Commerce Way, Suite 200
W. Stuart Lewis P.E.	PE No. GE05315600	Hamilton, NJ 08691
		609-910-4450

KINDER MORGAN LIQUID TERMINALS
PERTH AMBOY TERMINAL
IN ARTHUR KILL WATERWAY
PROJECT NOTES
SHEET 2 OF 10
SITUATED IN
CITY OF PERTH AMBOY, MIDDLESEX COUNT, NEW JERSEY

PROJECT No.: KMT-207	
DRAWN BY: KRK	HORIZONTAL SCALE: N/A
CHECKED BY: AT	VERTICAL SCALE: N/A
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USACE FILE: NAN-2021-00790-EBR



GRAPHIC SCALE
1 inch = 2000 feet

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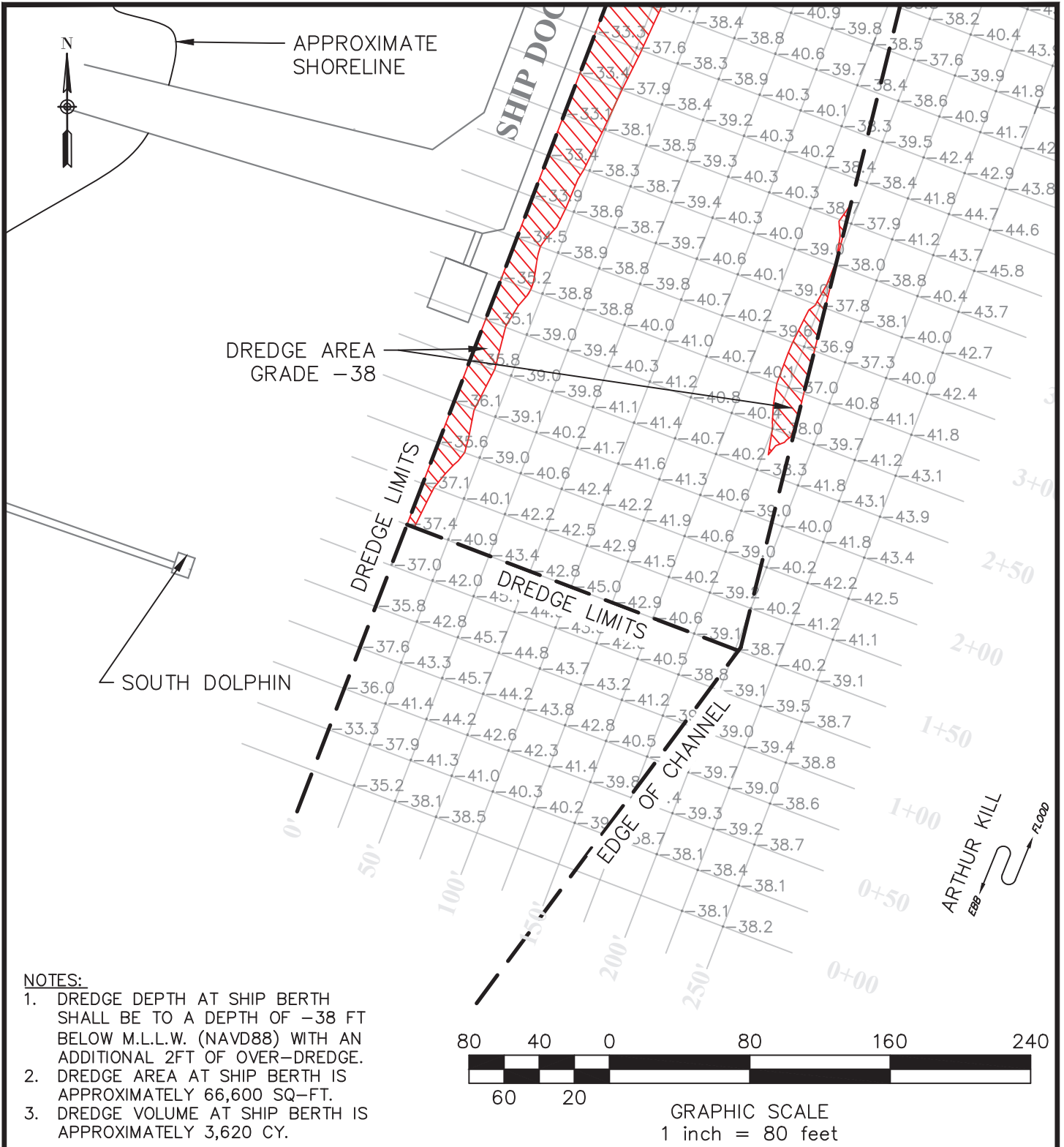
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**KINDER MORGAN LIQUID TERMINALS
PERTH AMBOY TERMINAL
IN ARTHUR KILL WATERWAY
VICINITY MAP
SHEET 3 OF 10**

SITUATED IN
CITY OF PERTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY

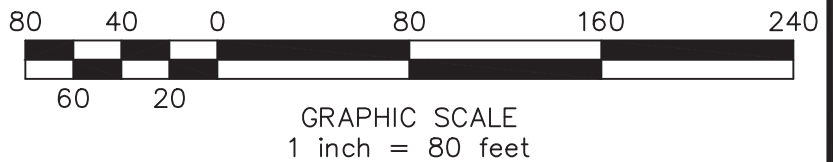
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DRAWN BY: KRK	HORIZONTAL SCALE: 1"=XX'
CHECKED BY: AT	VERTICAL SCALE: N/A
RELEASED BY: AT	DATE: 8/31/22

USACE FILE: NAN-2021-00790-EBR



NOTES:

1. DREDGE DEPTH AT SHIP BERTH SHALL BE TO A DEPTH OF -38 FT BELOW M.L.L.W. (NAVD88) WITH AN ADDITIONAL 2FT OF OVER-DREDGE.
2. DREDGE AREA AT SHIP BERTH IS APPROXIMATELY 66,600 SQ-FT.
3. DREDGE VOLUME AT SHIP BERTH IS APPROXIMATELY 3,620 CY.



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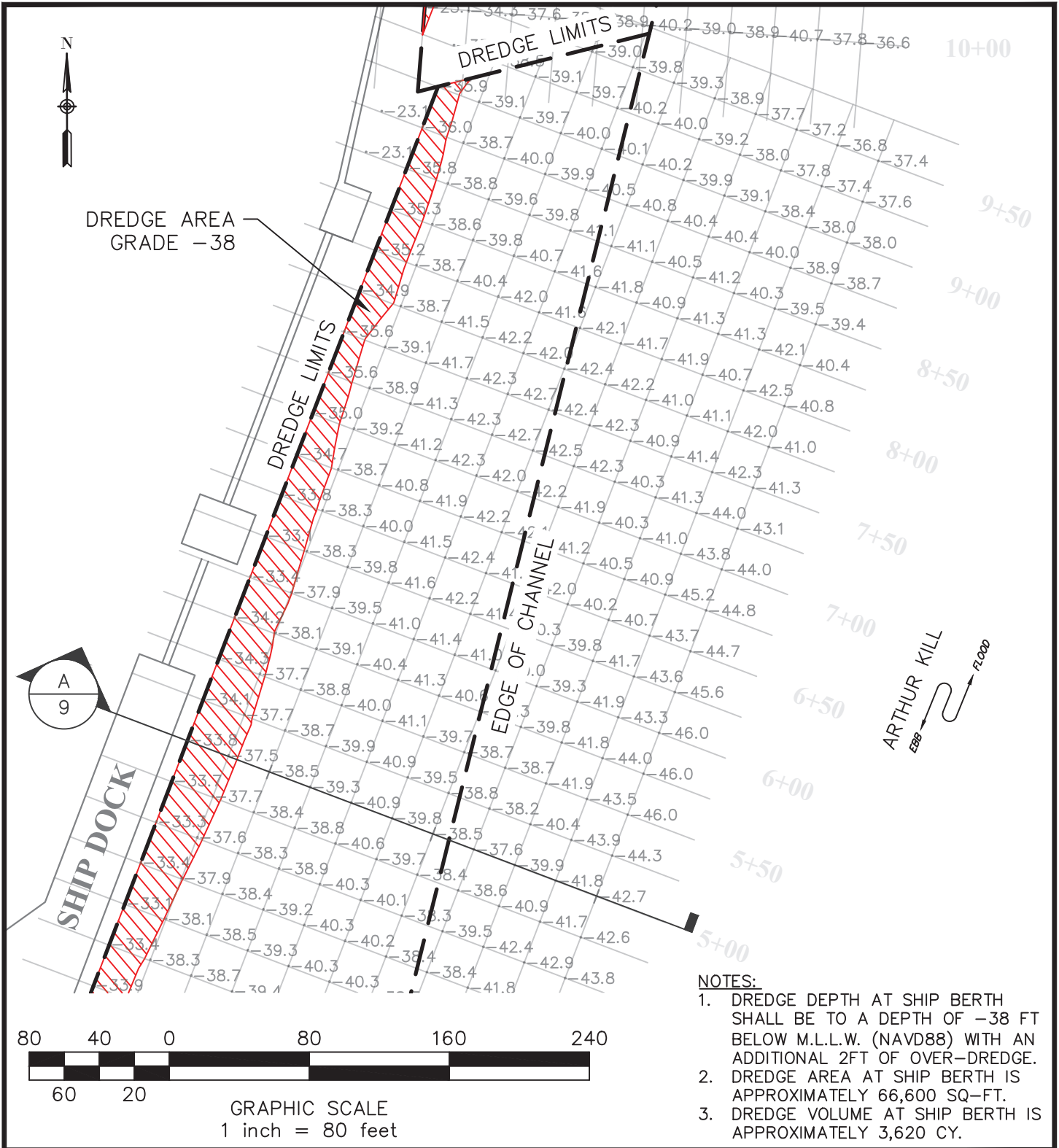
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**KINDER MORGAN LIQUID TERMINALS
PERTH AMBOY TERMINAL
IN ARTHUR KILL WATERWAY
DREDGE PLAN - SHIP BERTH
SHEET 6 OF 10**

SITUATED IN
CITY OF PERTH AMBOY, MIDDLESEX COUNT, NEW JERSEY

PROJECT No.: KMT-207	
DRAWN BY: KRK	HORIZONTAL SCALE: 1" = 80'
CHECKED BY: AT	VERTICAL SCALE: N/A
RELEASED BY: AT	DATE: 8/31/22

USACE FILE: NAN-2021-00790-EBR



NOTES:

1. DREDGE DEPTH AT SHIP BERTH SHALL BE TO A DEPTH OF -38 FT BELOW M.L.L.W. (NAVD88) WITH AN ADDITIONAL 2FT OF OVER-DREDGE.
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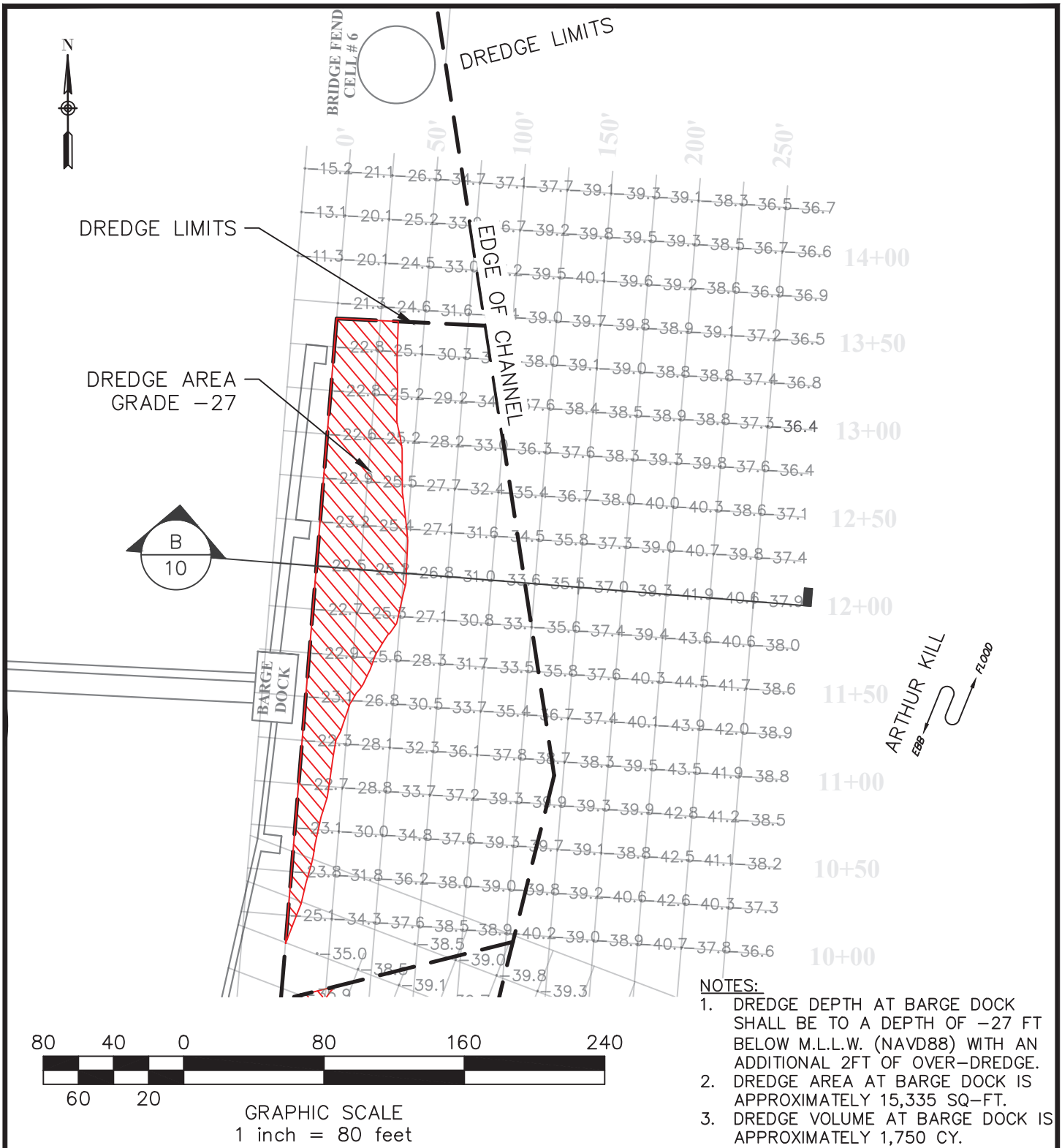
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**KINDER MORGAN LIQUID TERMINALS
 PERTH AMBOY TERMINAL
 IN ARTHUR KILL WATERWAY
 DREDGE PLAN - SHIP BERTH
 SHEET 7 OF 10**

SITUATED IN
 CITY OF PERTH AMBOY, MIDDLESEX COUNT, NEW JERSEY

PROJECT No.: KMT-207	
DRAWN BY: KRK	HORIZONTAL SCALE: 1"=80'
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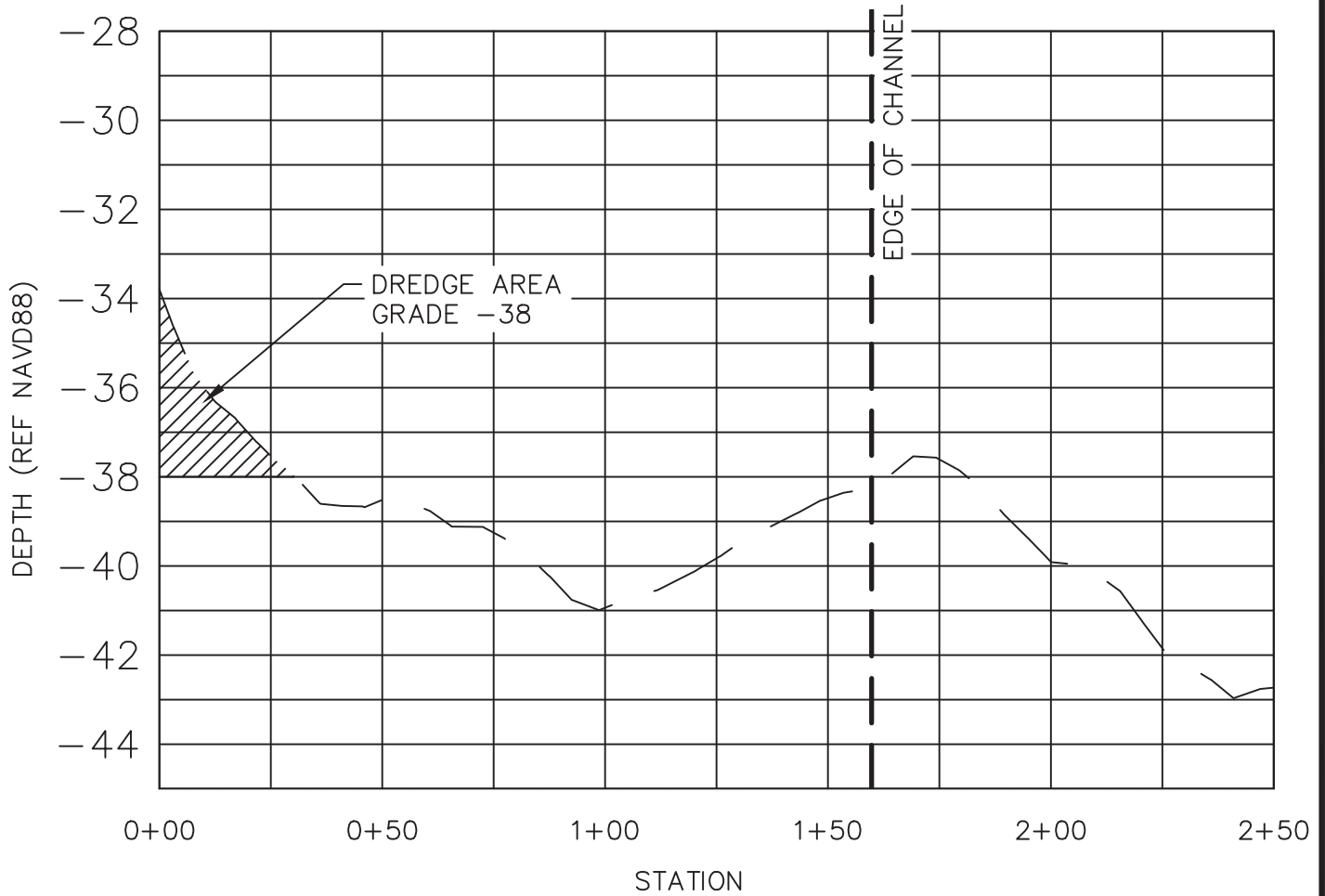
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PERTH AMBOY TERMINAL
IN ARTHUR KILL WATERWAY
DREDGE PLAN - BARGE DOCK
SHEET 8 OF 10**

SITUATED IN
CITY OF PERTH AMBOY, MIDDLESEX COUNT, NEW JERSEY

PROJECT No.: KMT-207	
DRAWN BY: KRK	HORIZONTAL SCALE: 1"=80'
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RELEASED BY: AT	DATE: 8/31/22



A
7

DREDGE SECTION AT STA. 5+00
Scale: N.T.S.

TIDAL STAGE	NAVD88 (FT)
MEAN HIGHER HIGH WATER (M.H.H.W)	2.41
MEAN HIGH WATER (M.H.W)	2.08
NAVD88	0.00
MEAN LOW WATER (M.L.W)	-2.62
MEAN LOWER LOW WATER (M.L.L.W)	-2.90

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Engineering Partners, llc

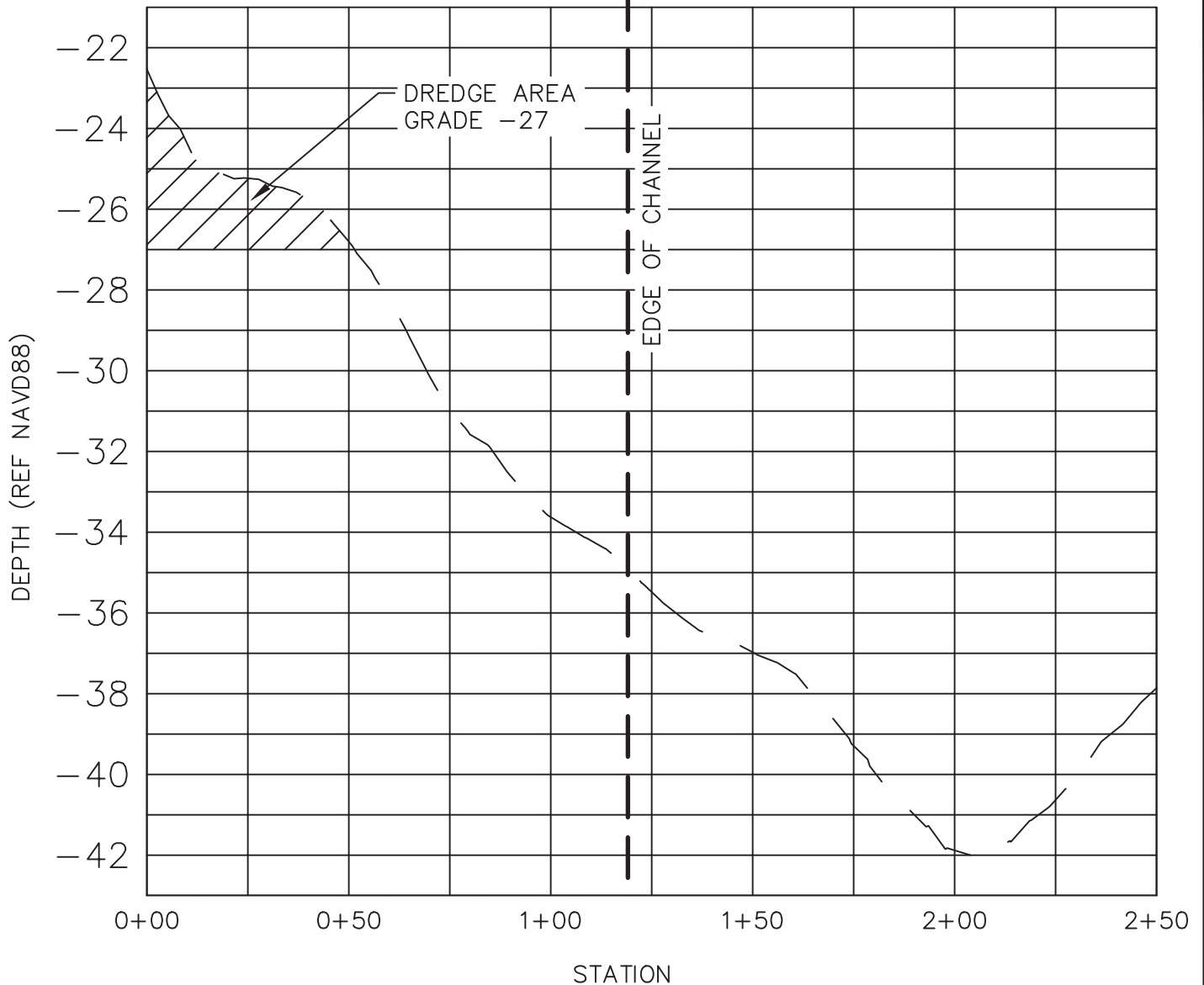
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KINDER MORGAN LIQUID TERMINALS
 PERTH AMBOY TERMINAL
 IN ARTHUR KILL WATERWAY
 DREGE SECTION - STA. 5+00
 SHEET 9 OF 10
 SITUATED IN
 CITY OF PERTH AMBOY, MIDDLESEX COUNT, NEW JERSEY

PROJECT No.: KMT-207	
DRAWN BY: KRK	HORIZONTAL SCALE: NTS
CHECKED BY: AT	VERTICAL SCALE: NTS
RELEASED BY: AT	DATE: 8/31/22

USACE FILE: NAN-2021-00790-EBR



B
10

DREDGE SECTION AT STA.12+00

Scale: N.T.S.

TIDAL STAGE	NAVD88 (FT)
MEAN HIGHER HIGH WATER (M.H.H.W)	2.41
MEAN HIGH WATER (M.H.W)	2.08
NAVD88	0.00
MEAN LOW WATER (M.L.W)	-2.62
MEAN LOWER LOW WATER (M.L.L.W)	-2.90

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KINDER MORGAN LIQUID TERMINALS
PERTH AMBOY TERMINAL
IN ARTHUR KILL WATERWAY
DREGE SECTION - STA. 12+00
SHEET 10 OF 10
SITUATED IN
CITY OF PERTH AMBOY, MIDDLESEX COUNT, NEW JERSEY

PROJECT No.: KMT-207	
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