

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and the
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N #SAC-2005-5475-2G (fka 2005-2W-286)

19 SEPTEMBER 2014

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**KINDER OPERATING LP "C" SHIPYARD RIVER TERMINAL
C/O THOMAS HUTTO
GEL ENGINEERING, LLC
POST OFFICE BOX 30712
CHARLESTON, SOUTH CAROLINA 29417**

for a permit to modify the existing terminal by installing a new shipping conveyor system, transfer towers and a ship loader; extending Dock 1; relocating two existing mooring dolphins; and increasing the dredged area adjacent to the Dock 1 extension in

SHIPYARD CREEK

At a location, the existing Kinder Morgan terminal at 1801 Milford Street, in Charleston, Charleston County, South Carolina (Latitude 32.828987° – Longitude -79.937751°)

In order to give all interested parties an opportunity to express their views

NOTICE

**is hereby given that written statements regarding the proposed work will be received by
the Corps until**

15 Days from the Date of this Notice,

and SCDHEC will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

**from those interested in the activity and whose interests may be affected by the proposed
work.**

The proposed work consists of modifying the existing marine terminal to construct a new wood pellet storage and export operation at the current Kinder Operating LP "C", Shipyard River Terminal (Kinder Morgan) facility. The applicant has indicated that the following detailed site activities will occur over navigable waters in order to expand and modify the existing marine

terminal:

a. Construct Conveyor System

The proposed facility requires a new shipping conveyor system adjacent to the existing Dock 1. As noted on Figures 4 and 5, a portion of the transfer tower that receives wood pellets from the uplands is located in navigable waters. The conveyor leading from the storage domes to the transfer tower is not located in navigable waters. The entire transfer tower occupies a footprint of approximately 784 square-feet (sq-ft), of which approximately 651 sq-ft is located over navigable waters.

Approximately 710 linear feet of conveyor is proposed between the transfer tower and the take-up/drive tower. The conveyor itself is 60-inches in width, but also includes a drip pan, wind guard, and a walkway. The width of the conveyor with drip pan, wind guard, and walkway is approximately 13-feet and occupies an area of 9,230 sq-ft, of which approximately 5,800 sq-ft is located over navigable waters (see Figure 6). The conveyor system is supported by five support bents and foundations, a portion of which is located outside of navigable waters. The conveyor will transfer wood pellets between the transfer tower and the take-up/drive tower. The take-up/drive tower occupies a footprint of approximately 600 sq-ft, all of which is located over navigable waters. Additionally, a ship loader is proposed for Dock 1, which will transfer wood pellets from the conveyor system to a moored vessel. The area occupied by the conveyor system over navigable waters is approximately 6,951 sq-ft.

b. Extend Existing Dock

The Applicant proposes to extend Dock 1 (Figures 7 & 8). The proposed extension includes a 292-ft by 52-ft addition to the existing dock. The dock extension will require the removal of five existing structures, including a ship anchor, two existing mooring dolphins, a separate fender structure, and a platform on the eastern-edge of the dock. The total area occupied by the dock extension is approximately 15,184 sq-ft. The dock extension will be supported on 20" square concrete piles. The dock extension will also be completed with six fender systems, rails to transport the ship loader, and bollards. Each fender system will have a single 12³/₄" steel fender support pile. Additionally, a small walkway/bridge will be located between the take-up/drive tower and the dock extension.

c. Relocate Mooring Dolphins

Two existing mooring dolphins are located in the area of the proposed dock extension. As such, they will be replaced with two mooring dolphins that will allow the terminal to receive a vessel up to 650' in length (see Figures 3 & 9). Each mooring dolphin will consist of a 48" steel monopole equipped with a navigation light and 100-ton hook with rigging.

d. Increase Dredge Area:

As described above, wood pellets will be exported via ocean-going ships and barges. In order to accommodate these vessels at the extended dock, an increase of the dredge area will be necessary (see Figure 10).

Kinder Morgan currently has active U.S. Army Corps of Engineers (COE) and South Carolina Department of Health and Environmental Control – Office of Ocean and Coastal Resource Management (OCRM) permits (2010-00294-2IR and OCRM-08-217-R) to dredge in Shipyard Creek, adjacent to Dock 1. The proposed increase is to the same permitted depth, which is 45' MLW plus allowable 2' overdepth, and extends east towards the confluence of Shipyard Creek and the Cooper River. The proposed increase in dredge area occupies an area of 0.87-acres. It is estimated that up to 40,000 cubic yards of material will need to be dredged in order to achieve the proposed depth. The Applicant is not proposing to conduct sediment testing since the additional dredge area is located adjacent to an existing, permitted dredge area. As such, the sediment is expected to be of a similar quality of that already permitted.

The initial dredging of the proposed increase may occur independently of the previously permitted dredge area. Subsequent maintenance dredging events would likely include the entire dredge area. All dredging will be completed using a hydraulic, cutterhead dredge and disposing of the materials, via pipeline, in either the Clouter Island or Drum Island Confined Disposal Facilities (see Figure 11).

In summary, impacts to waters of the U. S. include 0.51 acres of shading from the conveyor system and dock extension and 0.87 acres of impacts for dredging. In addition, two new mooring dolphins are to be installed.

The overall purpose of the proposed project as stated by the applicant is to modify the existing marine terminal in order to export wood pellets. The Applicant will bring in the wood pellets to the site via rail and truck. The activities affecting U.S. Waters/State Critical Areas are related to the transfer of pellets for export.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact (0.87 dredging/0.51 shading) acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to

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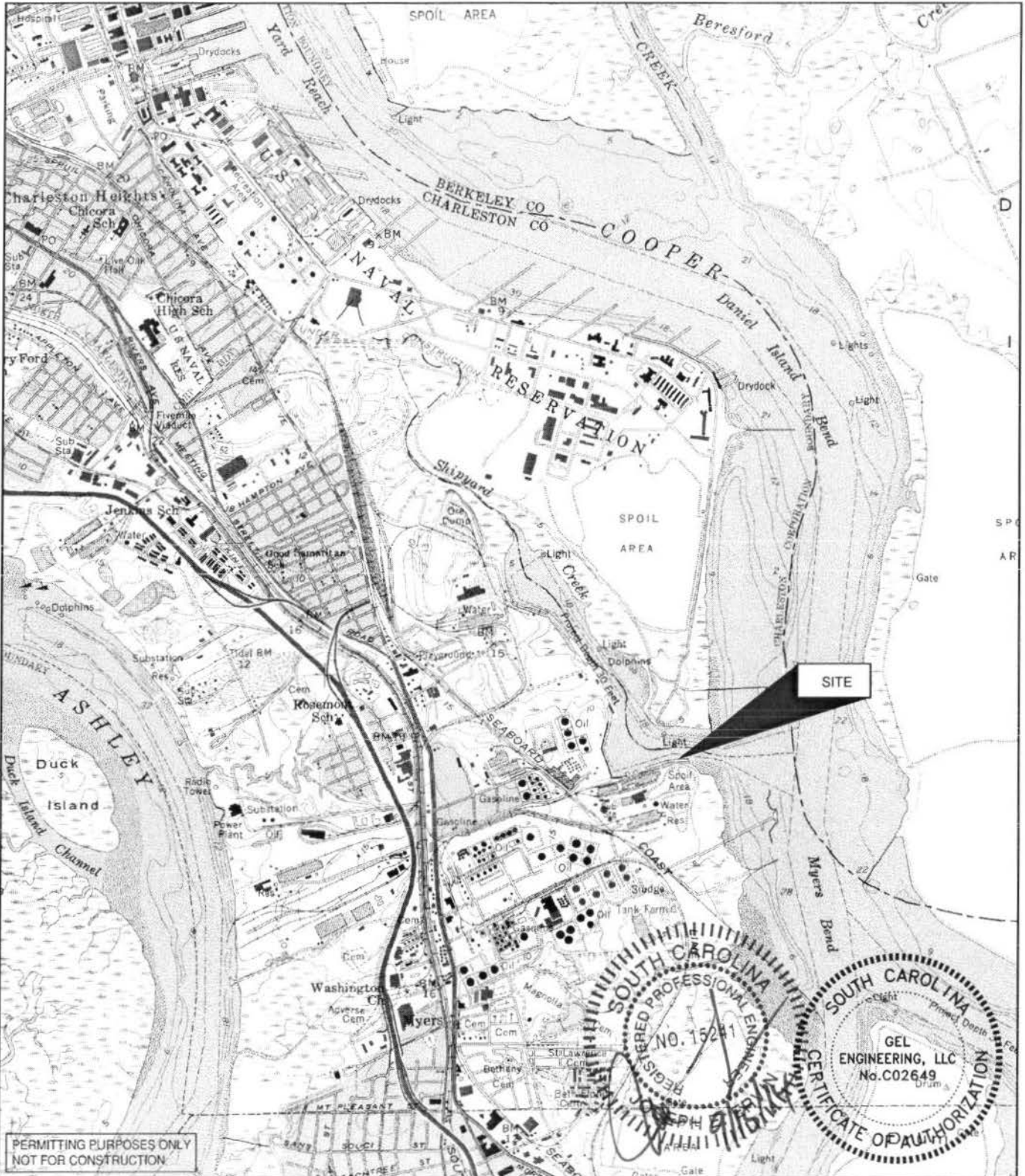
provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. 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 project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project 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, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

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 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 project. 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 the 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 activity.

If there are any questions concerning this public notice, please contact Mary Hope Green at 843-329-8044 or toll free at 1-866-329-8187.



g:\p-z\sl\ship01114-srt-topo\cad\figures\figures.dwg : FIGURE 1 (Plotted: 9/9/2014 1:41:33 PM)

PERMITTING PURPOSES ONLY
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PURPOSE: WOOD EXPORT AND STORAGE FACILITY
ADJACENT PROPERTY OWNERS
 SEE ATTACHED:
 PUBLIC NOTICE MAILING LIST DATA FORM

 SURVEY DATUM: NAD83, NAVD88

PERMIT # SAC-2005-05475-2G

FIGURE 1
LOCATION MAP

WOOD PELLET EXPORT AND STORAGE FACILITY
 KINDER MORGAN OPERATING LP "C"
 CHARLESTON, SOUTH CAROLINA

PROPOSED: MARINE TERMINAL MODIFICATIONS
 AT: KINDER MORGAN OPERATING LP "C"
 IN: SHIPYARD CREEK

COUNTY OF: CHARLESTON
 SOUTH CAROLINA

SHEET: 1 OF 11

DATE: JUNE 13, 2014



SHIPYARD CREEK

EXISTING CONVEYOR SYSTEMS

EXISTING DOCK NO. 1

EXISTING MOORING DOLPHINS

EDGE OF WATER

APPROXIMATE LOCATION MEAN LOW WATER LINE

CRITICAL LINE

APPROXIMATE LOCATION MEAN HIGH WATER LINE

AGGREGATE STORAGE AREA

EXISTING RAILROAD



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FIGURE 2
EXISTING SITE PLAN

WOOD PELLET EXPORT AND STORAGE FACILITY
KINDER MORGAN OPERATING LP "C"
CHARLESTON, SOUTH CAROLINA

PROPOSED: MARINE TERMINAL MODIFICATIONS

AT: KINDER MORGAN OPERATING LP "C"

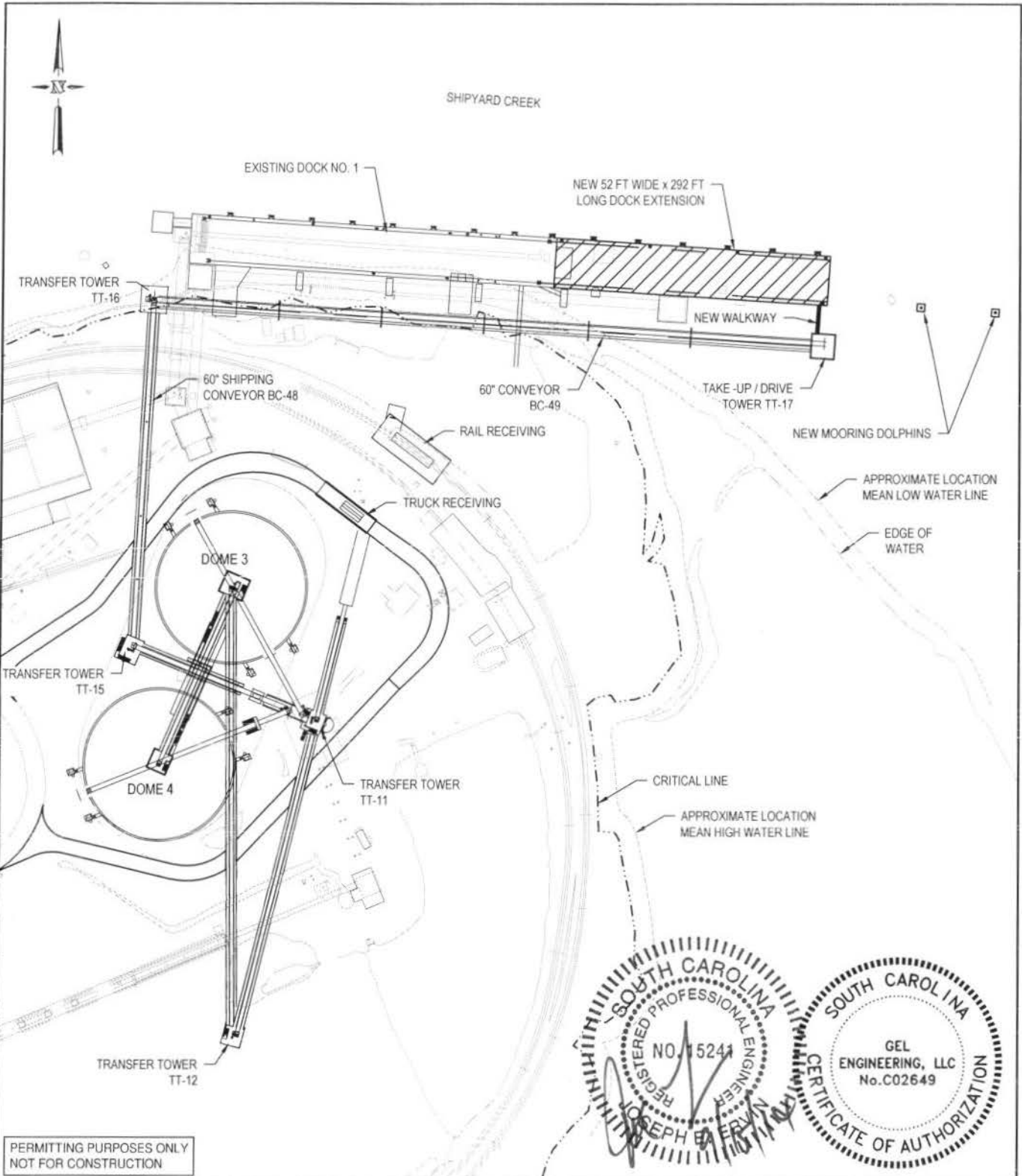
IN: SHIPYARD CREEK

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 2 OF 11

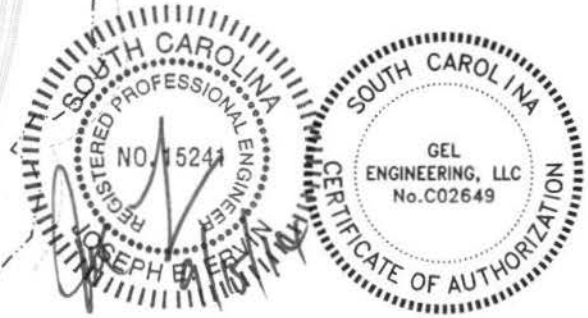
DATE: JUNE 13, 2014

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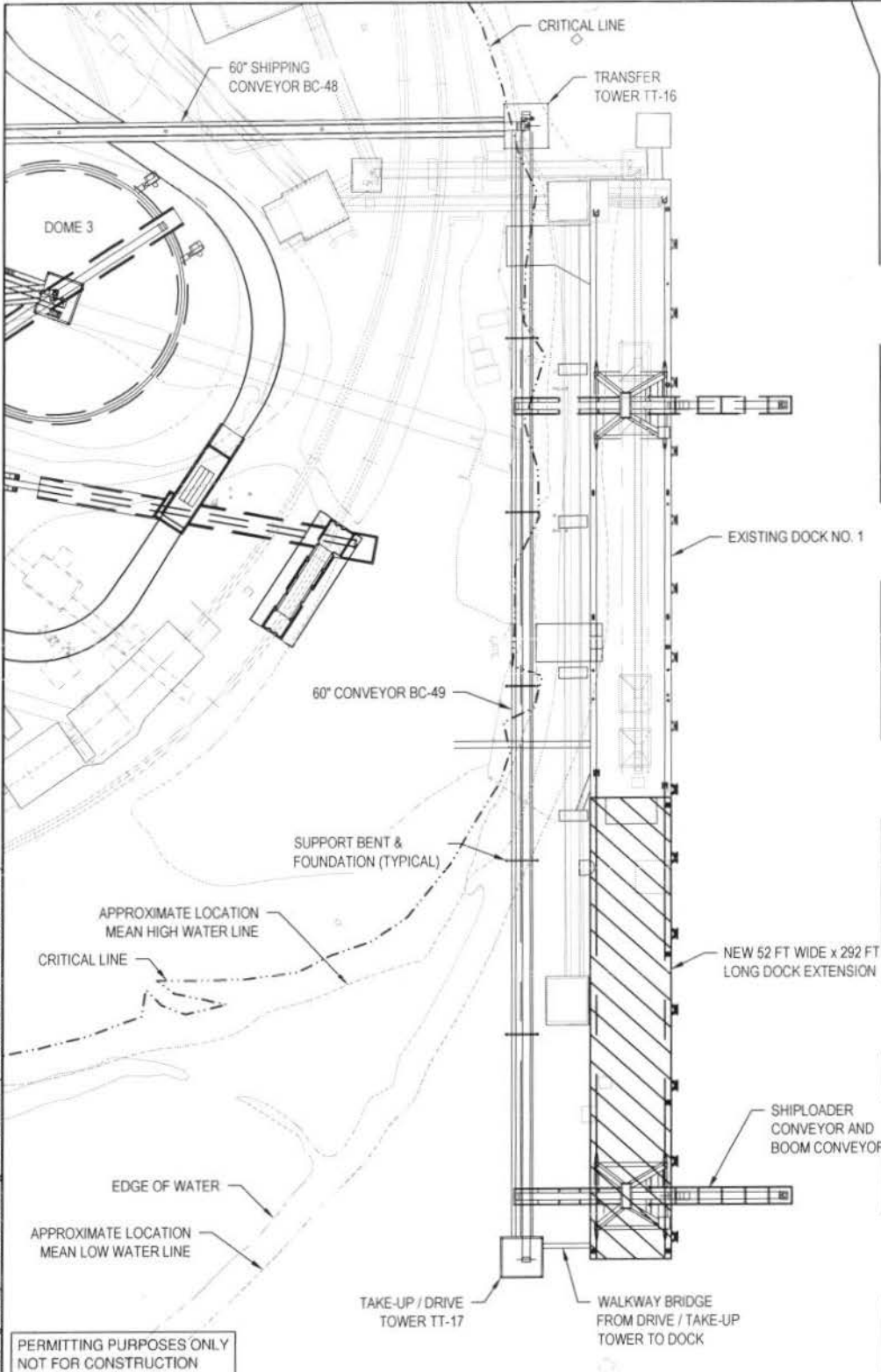
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PERMIT # SAC-2005-05475-2G

FIGURE 3
 PROPOSED SITE PLAN
 WOOD PELLET EXPORT AND STORAGE FACILITY
 KINDER MORGAN OPERATING LP "C"
 CHARLESTON, SOUTH CAROLINA

PROPOSED: MARINE TERMINAL MODIFICATIONS
 AT: KINDER MORGAN OPERATING LP "C"
 IN: SHIPYARD CREEK
 COUNTY OF: CHARLESTON
 SOUTH CAROLINA
 SHEET: 3 OF 11
 DATE: JUNE 13, 2014



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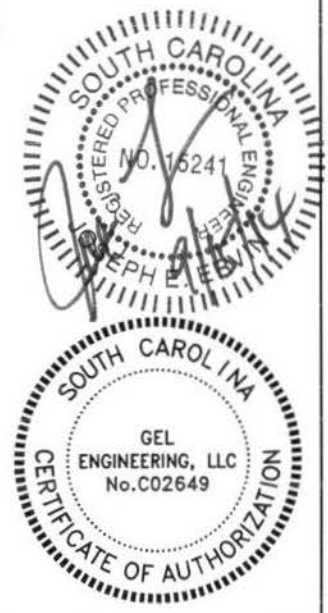
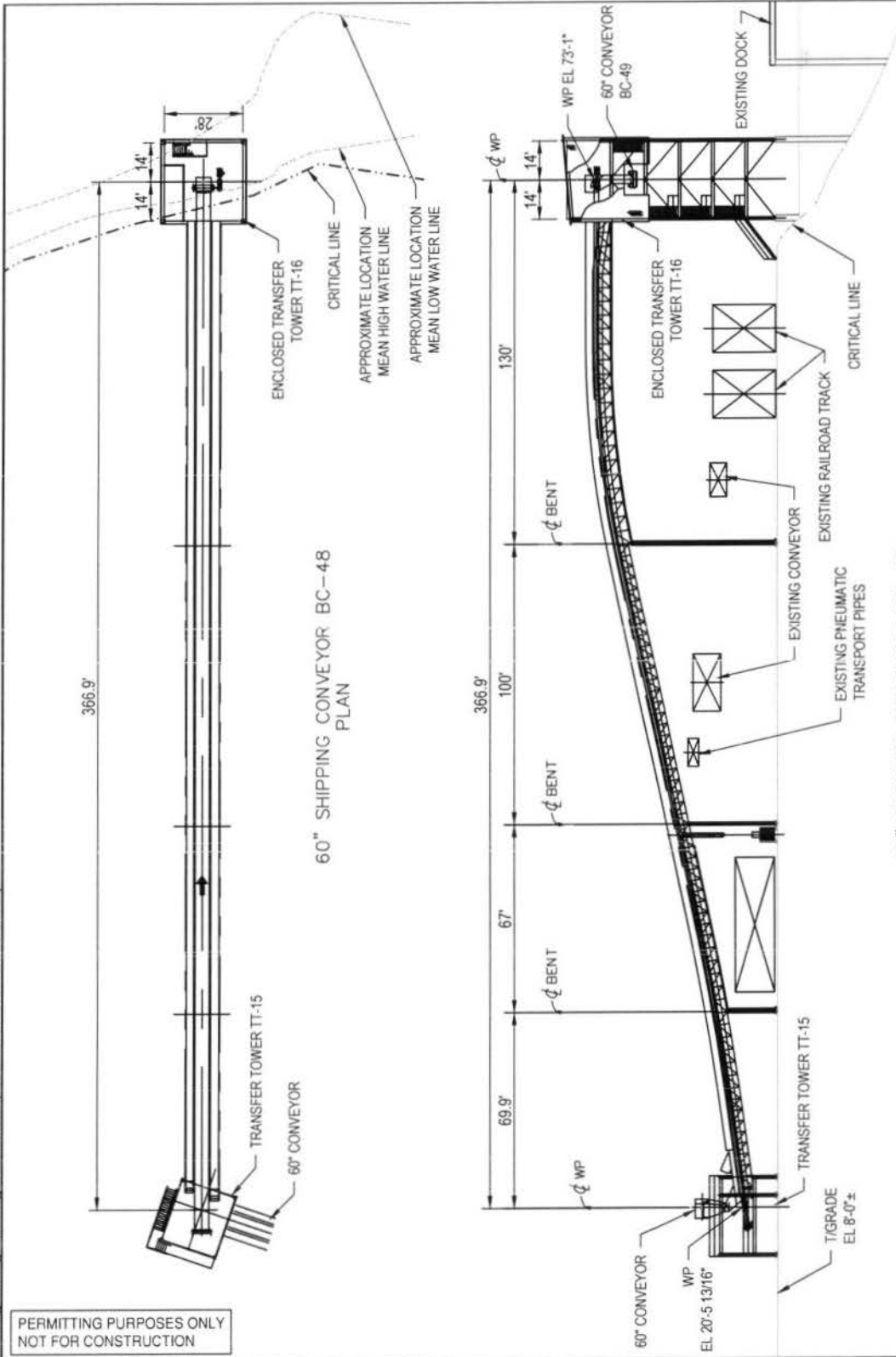
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FIGURE 4
 DETAILED SITE PLAN
 WOOD PELLET EXPORT AND STORAGE FACILITY
 KINDER MORGAN OPERATING LP "C"
 CHARLESTON, SOUTH CAROLINA

PROPOSED: MARINE TERMINAL MODIFICATIONS
 AT: KINDER MORGAN OPERATING LP "C"
 IN: SHIPYARD CREEK
 COUNTY OF: CHARLESTON
 SOUTH CAROLINA
 SHEET: 4 OF 11
 DATE: JUNE 13, 2014

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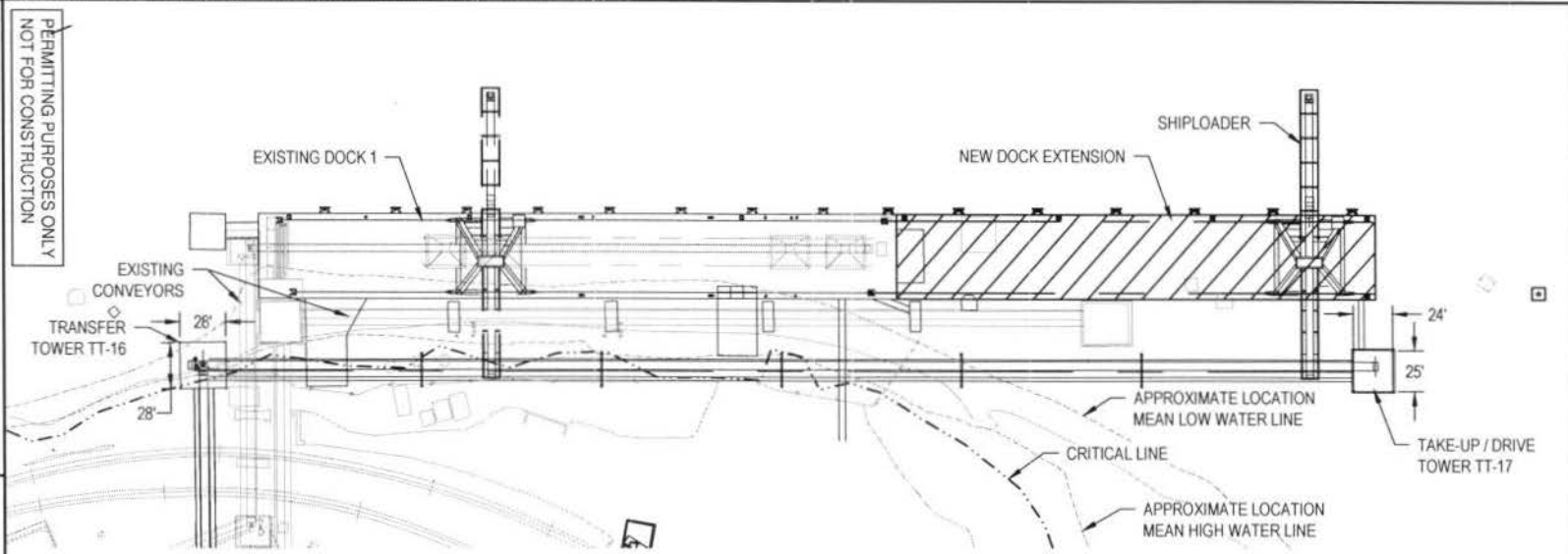


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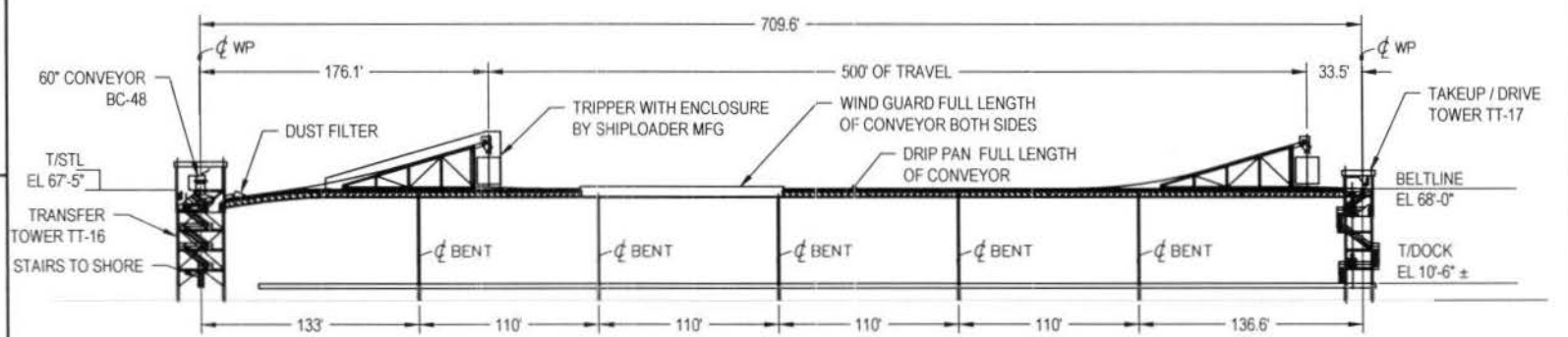
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FIGURE 5
60" SHIPPING CONVEYOR BC-48
PLAN AND ELEVATION
 WOOD PELLET EXPORT AND STORAGE FACILITY
 KINDER MORGAN OPERATING LP "C"
 CHARLESTON, SOUTH CAROLINA

PROPOSED: MARINE TERMINAL MODIFICATIONS
 AT: KINDER MORGAN OPERATING LP "C"
 IN: SHIPYARD CREEK
 COUNTY OF: CHARLESTON SOUTH CAROLINA
 SHEET: 5 OF 11 DATE: JUNE 13, 2014



60" CONVEYOR BC-49
PLAN



60" CONVEYOR BC-49
ELEVATION

FIGURE 6

60" CONVEYOR BC-49
PLAN AND ELEVATION

WOOD PELLET EXPORT AND STORAGE FACILITY
KINDER MORGAN OPERATING LP "C"
CHARLESTON, SOUTH CAROLINA

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AT: KINDER MORGAN OPERATING LP "C"
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COUNTY OF: CHARLESTON, SOUTH CAROLINA
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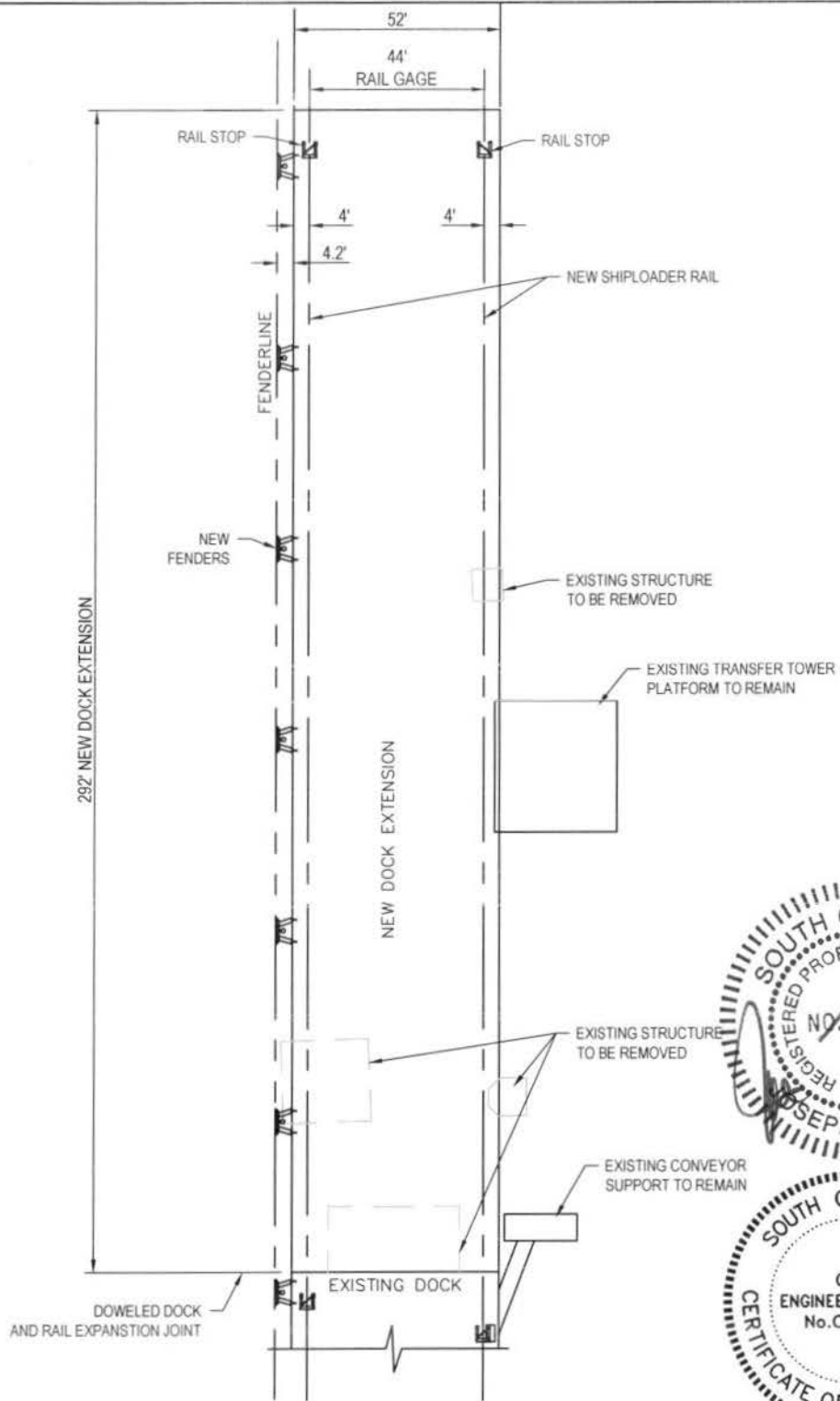


SHIP01114

GEL ENGINEERING, LLC

Member of THE GEL GROUP, INC.

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FIGURE 7
DOCK EXTENSION PLAN

WOOD PELLET EXPORT AND STORAGE FACILITY
KINDER MORGAN OPERATING LP "C"
CHARLESTON, SOUTH CAROLINA

PROPOSED: MARINE TERMINAL MODIFICATIONS

AT: KINDER MORGAN OPERATING LP "C"

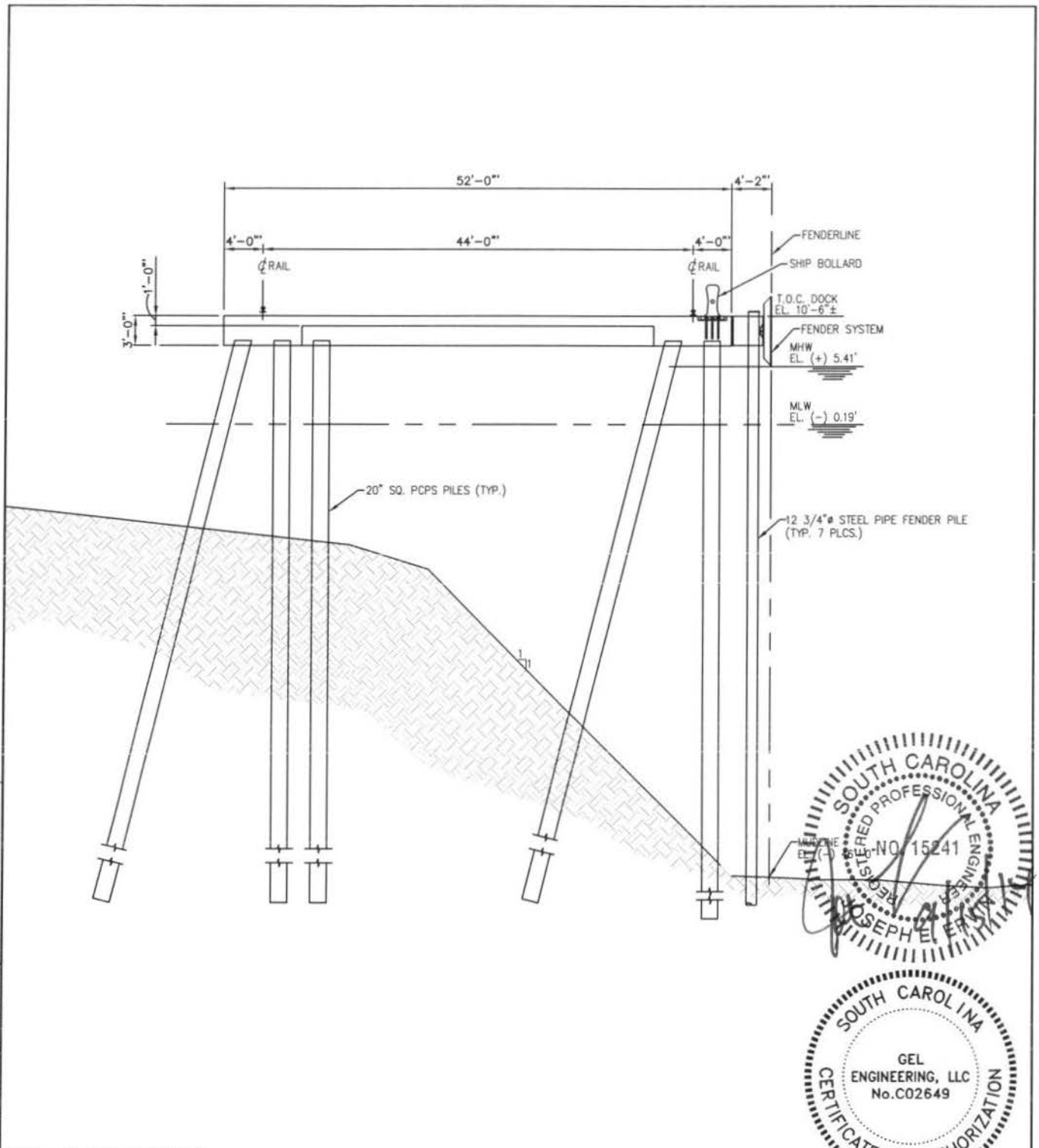
IN: SHIPYARD CREEK

COUNTY OF: CHARLESTON
SOUTH CAROLINA

PERMIT # SAC-2005-05475-2G

SHEET: 7 OF 11

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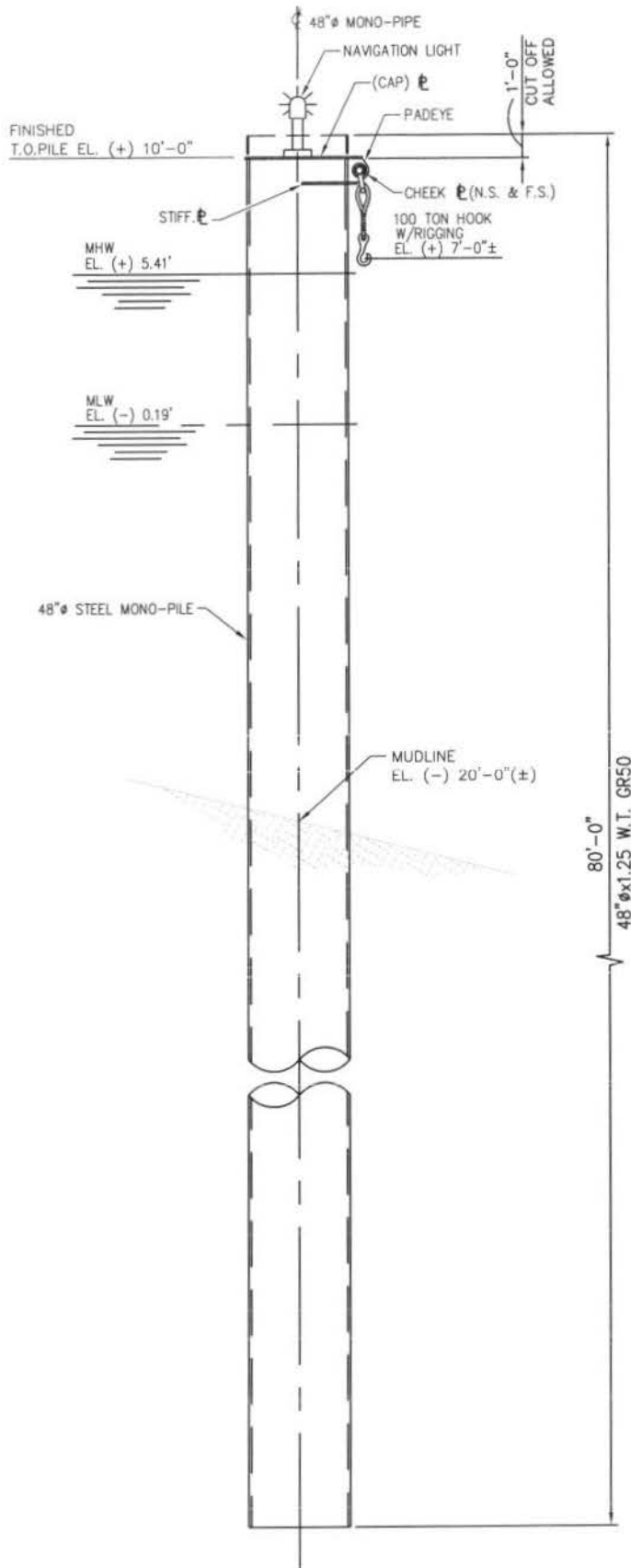


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<p>PURPOSE: WOOD EXPORT AND STORAGE FACILITY</p> <p>ADJACENT PROPERTY OWNERS</p> <p>SEE ATTACHED: PUBLIC NOTICE MAILING LIST DATA FORM</p> <p>SURVEY DATUM: NAD83, NAVD88</p> <p>PERMIT # SAC-2005-05475-2G</p>	<p align="center">FIGURE 8</p> <p align="center">DOCK CROSS SECTION</p> <p align="center">WOOD PELLET EXPORT AND STORAGE FACILITY KINDER MORGAN OPERATING LP "C" CHARLESTON, SOUTH CAROLINA</p>	<p>PROPOSED: MARINE TERMINAL MODIFICATIONS</p> <p>AT: KINDER MORGAN OPERATING LP "C"</p> <p>IN: SHIPYARD CREEK</p> <p>COUNTY OF: CHARLESTON SOUTH CAROLINA</p> <p>SHEET: 8 OF 11 DATE: JUNE 13, 2014</p>
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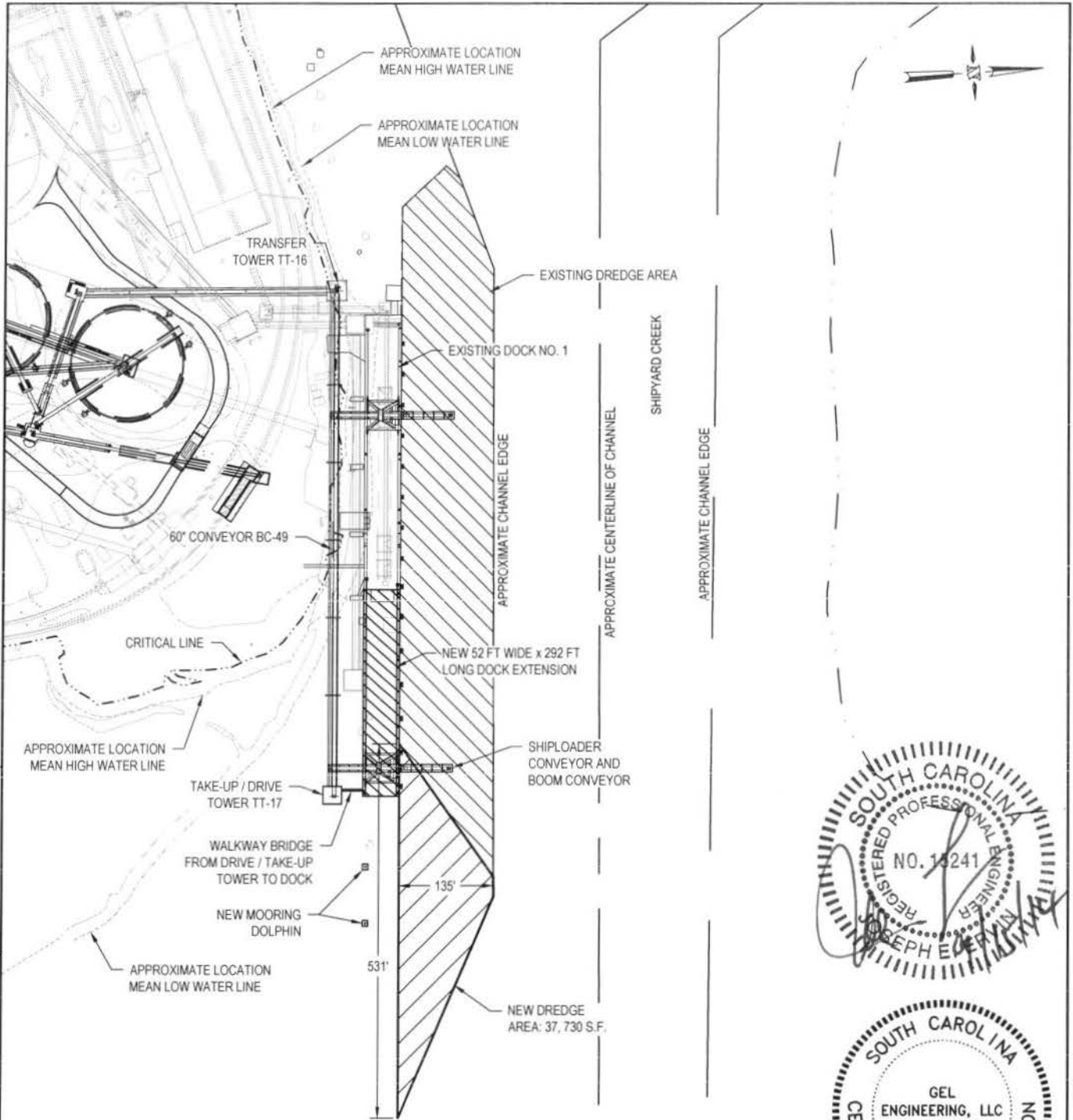
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FIGURE 9
MOORING DOLPHIN CROSS SECTION

WOOD PELLET EXPORT AND STORAGE FACILITY
KINDER MORGAN OPERATING LP "C"
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FIGURE 10
DREDGE AREA

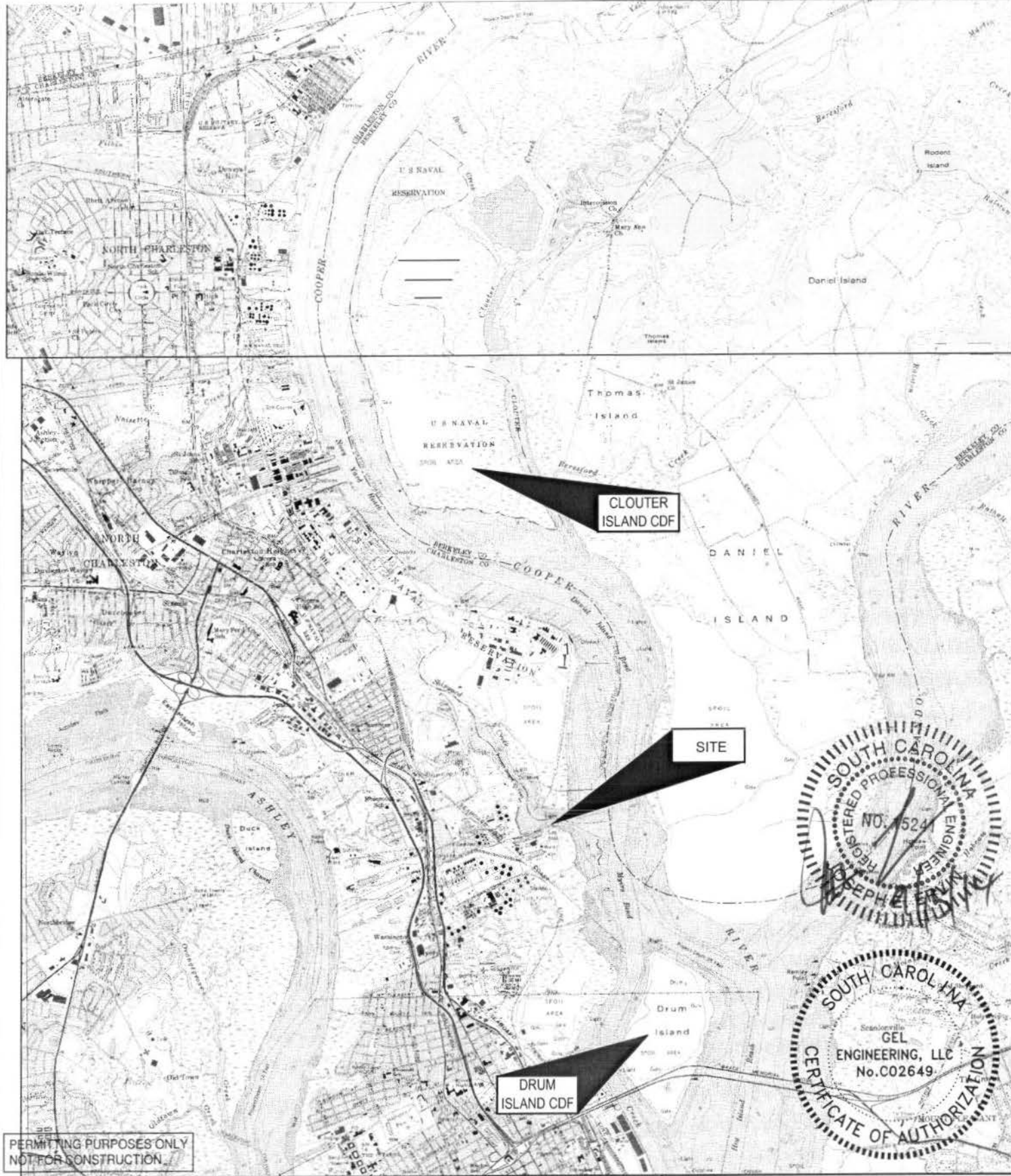
WOOD PELLET EXPORT AND STORAGE FACILITY
 KINDER MORGAN OPERATING LP "C"
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PROPOSED: MARINE TERMINAL MODIFICATIONS
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 COUNTY OF: CHARLESTON
 SOUTH CAROLINA
 SHEET: 10 OF 11
 DATE: JUNE 13, 2014

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FIGURE 11

DISPOSAL SITES

WOOD PELLET EXPORT AND STORAGE FACILITY
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PROPOSED: MARINE TERMINAL MODIFICATIONS

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SHEET: 11 OF 11 DATE: JUNE 13, 2014