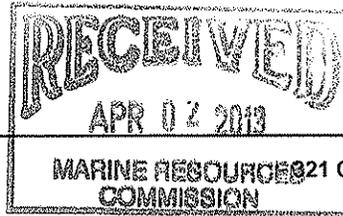


Waterway

Surveys & Engineering, Ltd.
Phone (757) 490-1691



821 Cleveland Place, Virginia Beach, VA 23462
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**Virginia Coastal Zone Management Program
Pier IX Deepening - Dredging Project
Newport News, Virginia
March 29, 2013**

The proposed project complies with the enforceable policies of Virginia's Coastal Zone Management Program (VCP) and will be conducted in a manner consistent with the VCP.

- Describe the federal license or permit activity or reference relevant pages of the federal application, any associated facilities, and coastal effects.

The north berth at Pier IX of the Kinder Morgan facility needs to be deepened to -52 feet MLLW in order to accommodate the larger PANAMAX vessels (the current permitted depth is -45 feet MLLW). The deepening will allow for coal loading from the larger vessels on both sides of the pier. An estimated 118,200 cubic yards of maintenance dredging and 83,600 cubic yards of new work dredging is required to achieve the proposed depth of -52 feet MLLW. (The maintenance dredging at Pier IX is currently permitted as VMRC #10-1612.) The material will be dredged mechanically and then barged in sealed scows to the Rehandling Basin at Craney Island for disposal.

- Provide additional information required by the State pursuant to 15 CFR Section 930.58(a)(2) and 930.58(a)(3).

The attached figures provide the location, layout, and associated impacts of the proposed project. The footprint of the dredging area is approximately 476,500 square feet (10.94 acres) with varying dimensions. The width ranges from about 200 feet in the berth to about 650 feet at its widest in the approach. The length is about 1,475 feet. The proposed dredged depth is -52 feet MLLW which matches the depth in the adjacent berthing area (south side of Pier IX). The proposed project does not impact any tidal or non-tidal wetland areas.

- Provide an evaluation that includes a set of findings relating to the probable coastal effects of the proposed project and its associated facilities to the relevant enforceable policies of the Virginia Coastal Zone Management Program.

Fisheries Management:

The proposed project will not have any additional impact on existing fisheries. The project is in a currently permitted berthing and approach area. This project is for deepening to improve facility operations.

Subaqueous Lands Management:

The deepening will impact approximately 476,500 square feet of state owned bottom land, however, that majority of the footprint has already been impacted due to previous dredging cycles.

Wetlands Management:

The proposed project will not impact any tidal or non-tidal vegetated wetlands.

Dunes Management:

The proposed project will not have an impact on Coastal Primary Sand Dunes.

Non-point Source Pollution Control:

The proposed project will not have any direct or indirect impact on non-point source pollution.

Point Source Pollution Control:

The proposed project will not have any direct or indirect impact on point source pollution.

Shoreline Sanitation:

There are no proposed sanitation structures associated with this project.

Air Pollution Control:

The proposed project will not directly increase any form of air emissions during the construction process. There will not be any permanent increase in air emissions as a result of the project.

Coastal Lands Management:

The proposed project is a water dependent project. All construction will be from the water.

By this certification that the Pier IX Dredging project is consistent with the Virginia Coastal Zone Management Program, Virginia is notified that it has six months from the receipt of this letter and accompanying information in which to concur with or object to Kinder Morgan Pier IX certification. Pursuant to 15 CFR Section 930.63(b), if Virginia has not issued a decision within three months following commencement of State agency review, it shall notify Kinder Morgan and the federal agency of the status of the matter and the basis for further delay. The State's concurrence, objection, or notification of review status shall be sent to: Rebecca Francese, Waterway Surveys & Engineering, Ltd., 321 Cleveland Place, Virginia Beach, VA 23462 (beccaf@waterway.net) and the assigned Corps regulator, COE Regulatory Branch, 803 Front Street, Norfolk, VA 23510.