

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-2007-01438-2IG

30 MAY 2008

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

BP AMERICA, INC.
COOPER RIVER PLANT
C/o RMT, INC.
ATTN: MARK BAILEY
PATEWOOD PLAZA ONE, SUITE 100
GREENVILLE, SOUTH CAROLINA 29615-3535

for a permit to perform maintenance dredging in waters of the

COOPER RIVER

at a location near the Naval Weapons Station, in that portion of the Cooper River navigation channel upstream from the Naval Weapons Station Reach to the BP Americas (BP) T-Head unloading dock and turning basin, which is approximately from Red Buoy 80 upstream to Red Buoy 86, in Charleston County, South Carolina (Latitude 32.95583°, Longitude 79.92472°)

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 both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 30 JUNE 2008

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

The proposed work consists of performing maintenance dredging by hydraulic dredge in an area initially measuring 48 acres to remove approximately 457, 500 cubic yards of material in the initial dredging event. Additional maintenance dredging may be required over the requested 10 year permit to cover an area as large as approximately 99 acres, removing as much as approximately 1,000,000 cubic yards of sediment in total. The target depth to be dredged is -37.0 feet mean low water (MLW). Hydraulically removed sediments will be pumped to the Corps of Engineers Yellow House Creek contained disposal facility. The applicant has stated that the impacts associated with the proposed dredging activity are minimal since maintenance dredging operations have occurred at this site over the past thirty years. The proposed work is

maintenance dredging, not new work, and is intended to maintain a navigation channel to -37.0 MLW. BP is responsible for maintaining this reach of the navigation channel. BP proposes to cut 3:1 side slopes along the outside margins of the channel. Previous dredging activities have used 2:1 side slopes, and BP is of the opinion that 3:1 side slopes will have sufficient stability. Geotechnical data will be collected prior to initiating the dredging to confirm the assertion that 3:1 side slopes will have sufficient stability. A sampling and analysis plan has been submitted, reviewed, and the applicant will submit additional data specific to the sediment to be disturbed. Approval of this permit will give Federal authorization for maintenance dredging for a period of ten years from the date of issuance. The applicant has stated that the purpose of the work is to maintain the navigation channel in that portion of the Cooper River within the project boundaries to allow safe navigation of commercial watercraft supplying essential raw materials to the existing BP Americas Cooper River Plant.

PLEASE NOTE: THE PREVIOUS APPLICATION FOR THE SAME WORK AT THIS SITE WAS WITHDRAWN BY THE APPLICANT. THE PROJECT HAS NOT CHANGED. PLEASE SUBMIT COMMENTS WITH REGARD TO THIS PUBLIC NOTICE.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

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 87 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.

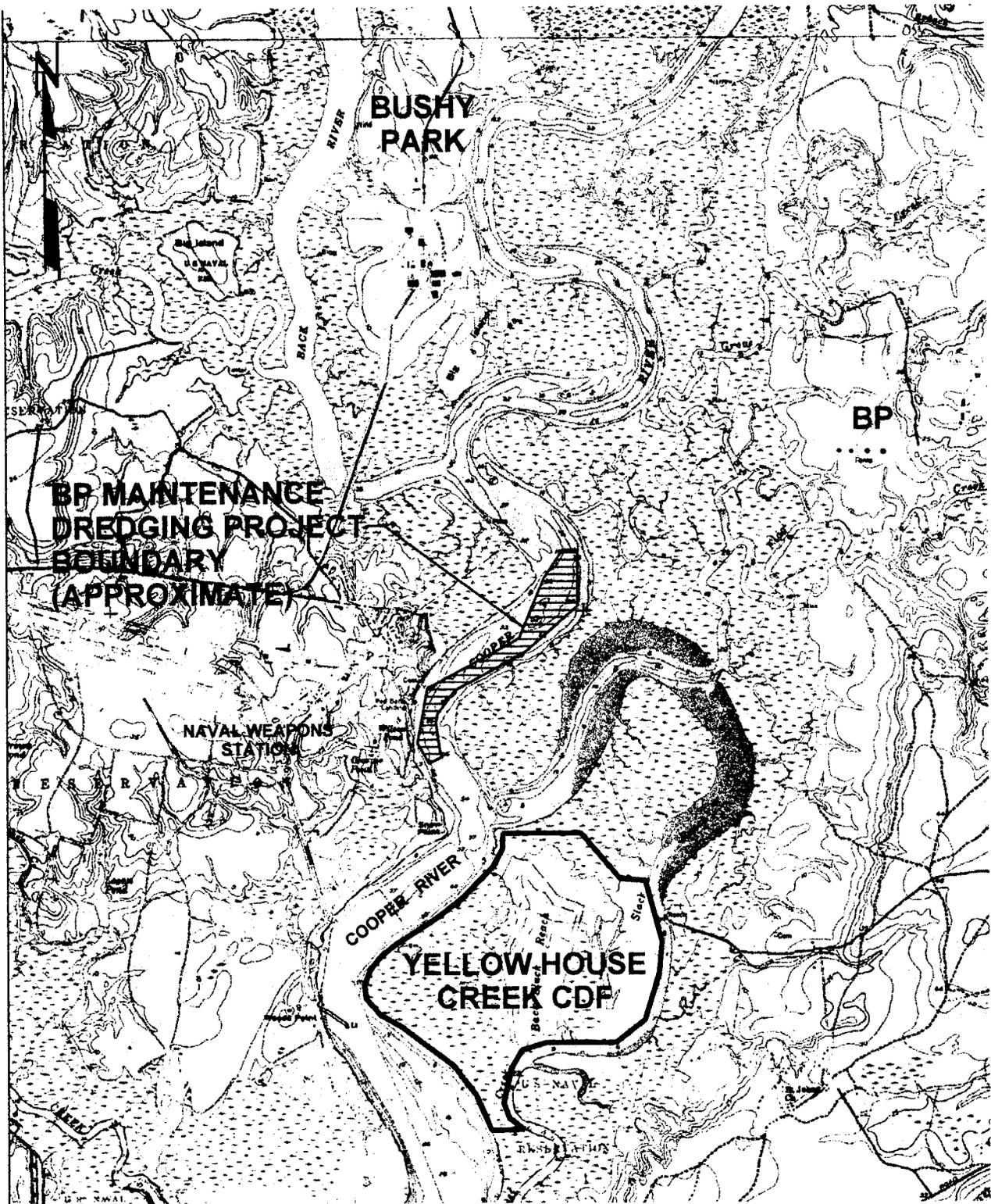
The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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 Glenn at 843-329-8044 or toll free at 1-866-329-8187.



MAP DERIVED FROM DELORME'S
 NORTH CHARLESTON (SC) 1979
 7.5' USGS TOPOGRAPHIC QUADRANGLE

SAC 2007-1438

SHEET 1 OF 6



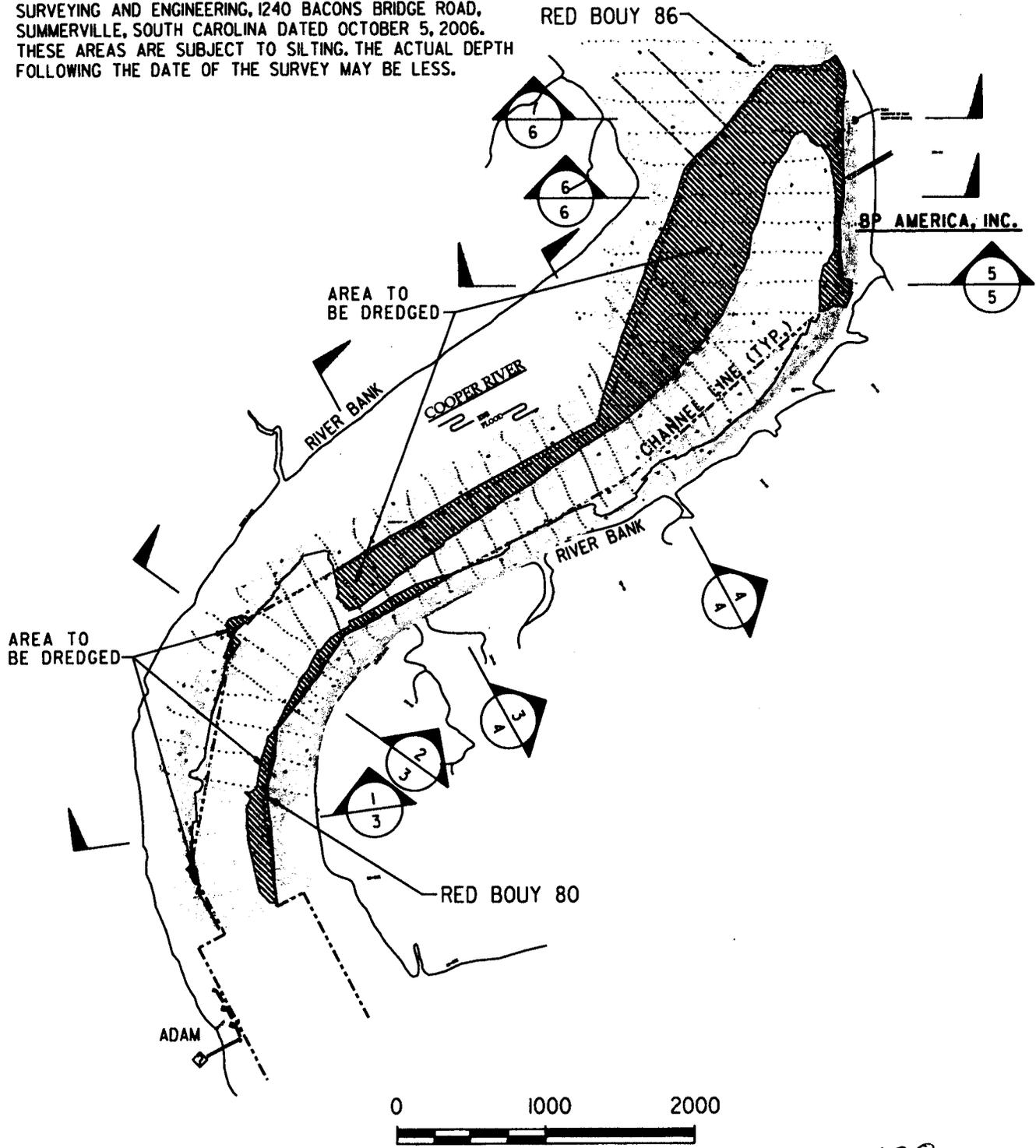
**BP AMERICA - COOPER RIVER PLANT
 CHARLESTON, SOUTH CAROLINA**

**COOPER RIVER MAINTENANCE DREDGING
 SITE LOCATION MAP**

DRAWN BY:	DMC
APPROVED BY:	WMB
PROJECT NO.	70700.29
FILE NO.	sheet1.dgn
DATE:	MAY 2007

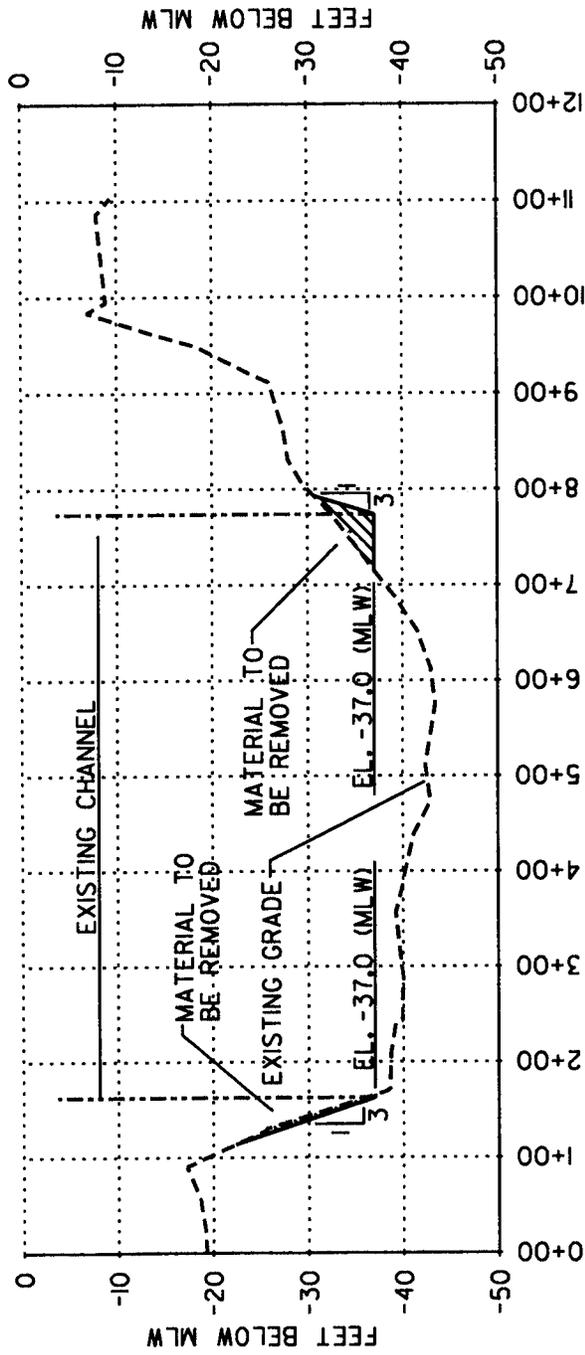
NOTES

1. COORDINATES ARE IN FEET AND ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 83 1986 ADJUSTMENT).
2. THE HYDROGRAPHIC DATA BETWEEN BOUY 80 AND BOUY 86 AS SHOWN ON THESE DRAWINGS ARE IN FEET BELOW MEAN LOW WATER (MLW) AND WAS PROVIDED BY CORNERSTONE SURVEYING AND ENGINEERING, 1240 BACONS BRIDGE ROAD, SUMMERVILLE, SOUTH CAROLINA DATED OCTOBER 5, 2006. THESE AREAS ARE SUBJECT TO SILTING. THE ACTUAL DEPTH FOLLOWING THE DATE OF THE SURVEY MAY BE LESS.

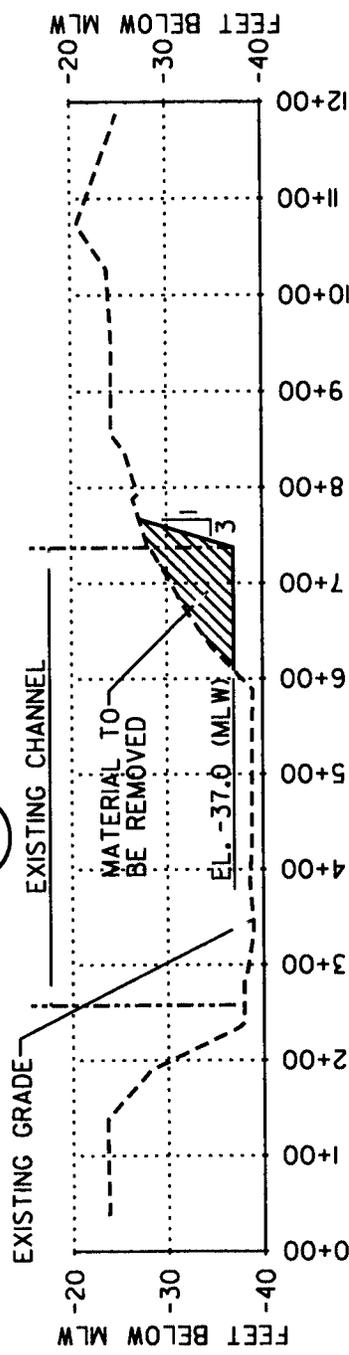


SCALE: 1" = 1000' SAC 2007-1438 SHEET 2 OF 6

	BP AMERICA - COOPER RIVER PLANT CHARLESTON, SOUTH CAROLINA	DRAWN BY: DMC
	COOPER RIVER MAINTENANCE DREDGING DREDGING PLAN	APPROVED BY: WMB
		PROJECT NO. 70700.29
		FILE NO. dredging.pln
		DATE: MAY 2007



SECTION 2
NOT TO SCALE



SECTION 1
NOT TO SCALE

SHEET 3 OF 6

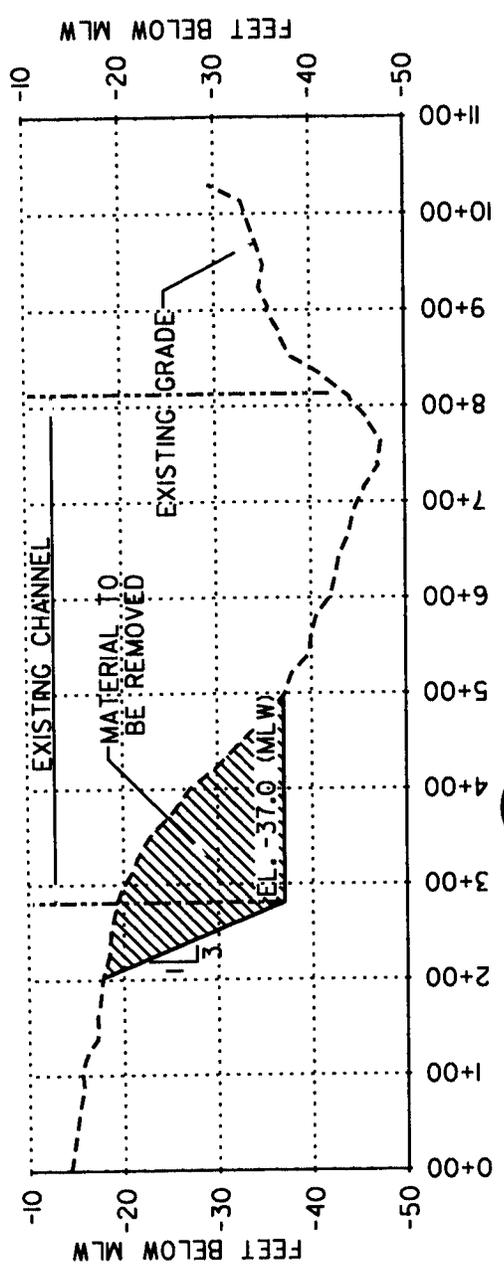
SAC 2007-1438

DRAWN BY:	DMC
APPROVED BY:	WMB
PROJECT NO.	70700.29
FILE NO.	sections.dgn
DATE:	MAY 2007

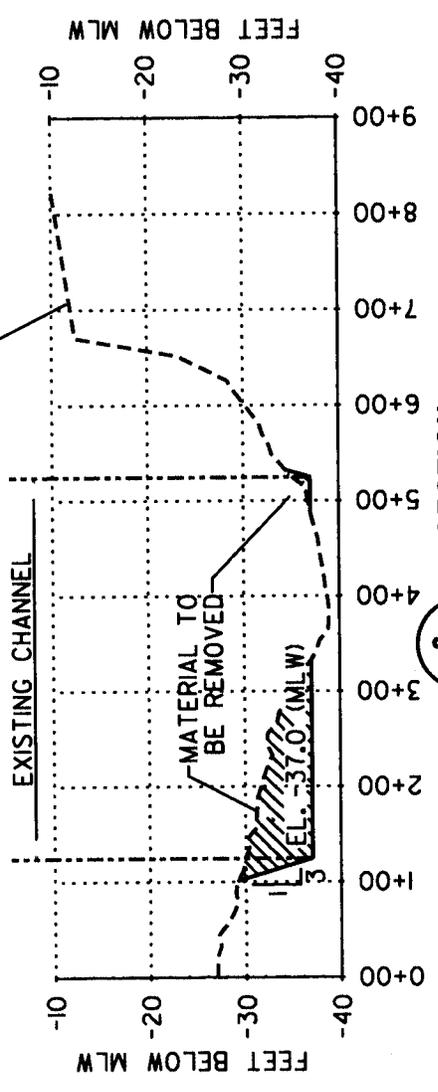
BP AMERICA - COOPER RIVER PLANT
CHARLESTON, SOUTH CAROLINA

COOPER RIVER MAINTENANCE DREDGING
DREDGING SECTIONS 1 OF 4





SECTION 4 / 2
NOT TO SCALE



SECTION 3 / 2
NOT TO SCALE

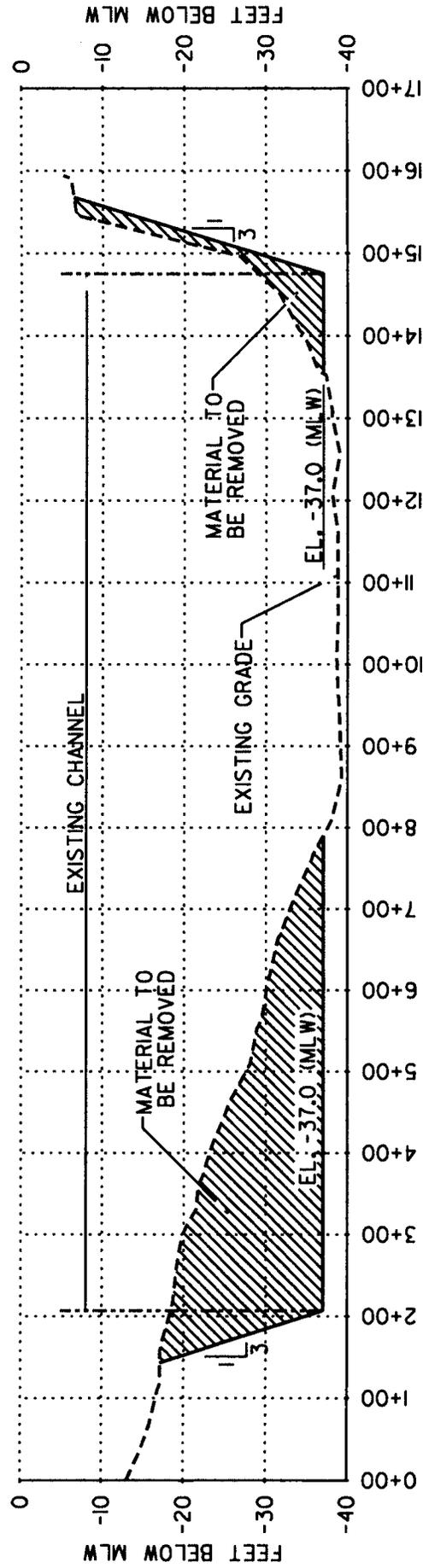
SAC 2007-1438 SHEET 4 OF 6

DRAWN BY:	DMC
APPROVED BY:	WMB
PROJECT NO.	70700.28
FILE NO.	sections.dgn
DATE:	MAY 2007

BP AMERICA - COOPER RIVER PLANT
CHARLESTON, SOUTH CAROLINA

COOPER RIVER MAINTENANCE DREDGING
DREDGING SECTIONS 2 OF 4





5
2

SECTION

NOT TO SCALE

SAC 2007-1438

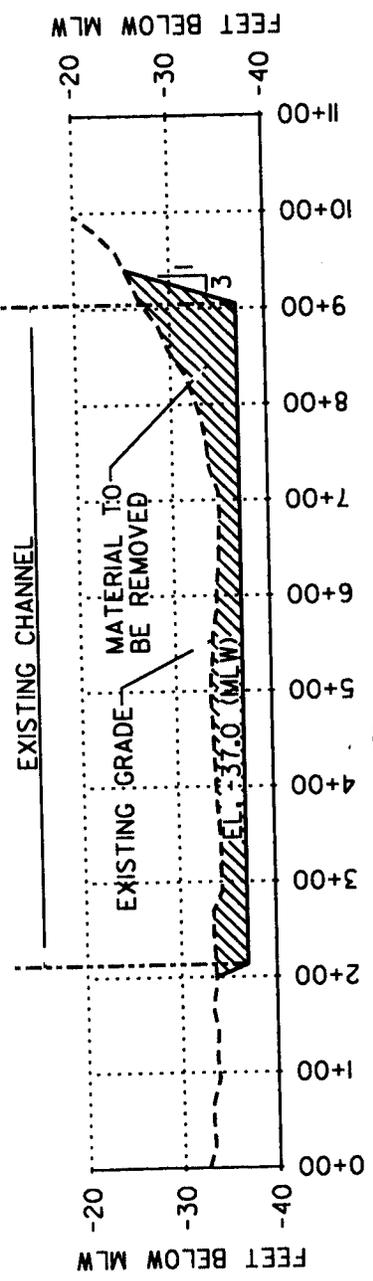
SHEET 5 OF 6

DRAWN BY:	DMC
APPROVED BY:	WHB
PROJECT NO.	70700.29
FILE NO.	sections.dgn
DATE:	MAY 2007

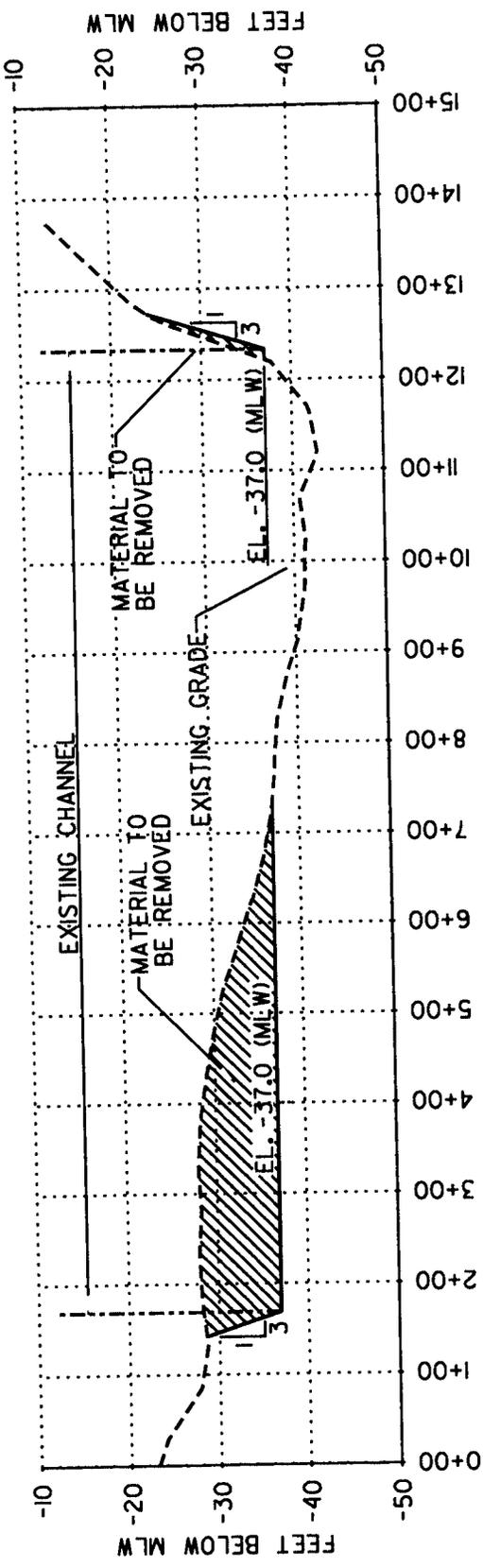
BP AMERICA - COOPER RIVER PLANT
CHARLESTON, SOUTH CAROLINA

COOPER RIVER MAINTENANCE DREDGING
DREDGING SECTIONS 3 OF 4





SECTION 7
NOT TO SCALE



SECTION 6
NOT TO SCALE

SAC 2007-1438 SHEET 6 OF 6

DRAWN BY:	DMC
APPROVED BY:	WMB
PROJECT NO.	70700.28
FILE NO.	sections.dgn
DATE:	MAY 2007

BP AMERICA - COOPER RIVER PLANT
CHARLESTON, SOUTH CAROLINA

COOPER RIVER MAINTENANCE DREDGING
DREDGING SECTIONS 4 OF 4

