

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS

**69A Hagood Avenue
Charleston, SC 29403-5107**

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Office of Ocean and Coastal Resource Management

**1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405**

REGULATORY DIVISION

Refer to: P/N SAC-2021-01930

December 16, 2021

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

**Ms. Angela Mirandi
Buckeye Terminals, LLC
750 Cliff Road
Port Reading, New Jersey 07064**

for a permit to perform routine maintenance dredging in the

Cooper River

at the Buckeye Terminals facility at 5150 Virginia Avenue in North Charleston, Charleston County, South Carolina (Latitude: 32.8891 °, Longitude: -79.9662 °), Quad Sheet: North Charleston.

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 performing routine maintenance dredging at the Buckeye Terminals facility. In detail, the applicant is requesting authorization for a ten-year maintenance dredging permit to dredge using either a hydraulic cutterhead dredge or a mechanical dredge with a clamshell bucket. The applicant is requesting both forms of dredging to provide for greater flexibility when hydraulic dredging is not available. When hydraulically dredging, the material would be transported to the Clouter Creek Dredge Material Placement Facility (DMPF). When mechanical dredging, the material would be placed into a scow and transported to the Clouter Creek DMPF, where the sediment would be liquefied by adding water and the resultant slurry would be pumped into the DMPF. The applicant proposes to remove approximately 15,000 cubic yards every 18 months to yield a total of approximately 150,000 cubic yards over the life of the permit. The berth to be dredged is approximately 3.89 acres. The previously authorized and currently proposed dredge depth is -45' MLW, plus an allowable 2' overdepth. As there are no impacts to wetlands, the applicant is not proposing mitigation. The project purpose is to maintain safe operating depths during all tidal stages to accommodate vessels at the Buckeye Terminals facility.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

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 of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. 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 Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 3.89 acres of estuarine substrates utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's 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). The District Engineer's final determination relative to

project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information that the West Indian manatee, Atlantic sturgeon, shortnose sturgeon, North American right whale, sperm whale, sei whale, humpback whale, finback whale, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, and the loggerhead sea turtle have the potential to occur within the vicinity of the project area. However, it has been determined that the project will have no effect on the whales and will not result in the destruction or adverse modification of their designated or proposed critical habitat. In addition, the District Engineer has determined that the project is not likely to adversely affect the sturgeon, sea turtles, or the West Indian manatee 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 Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties 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 and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

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.

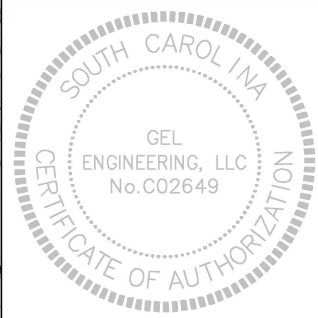
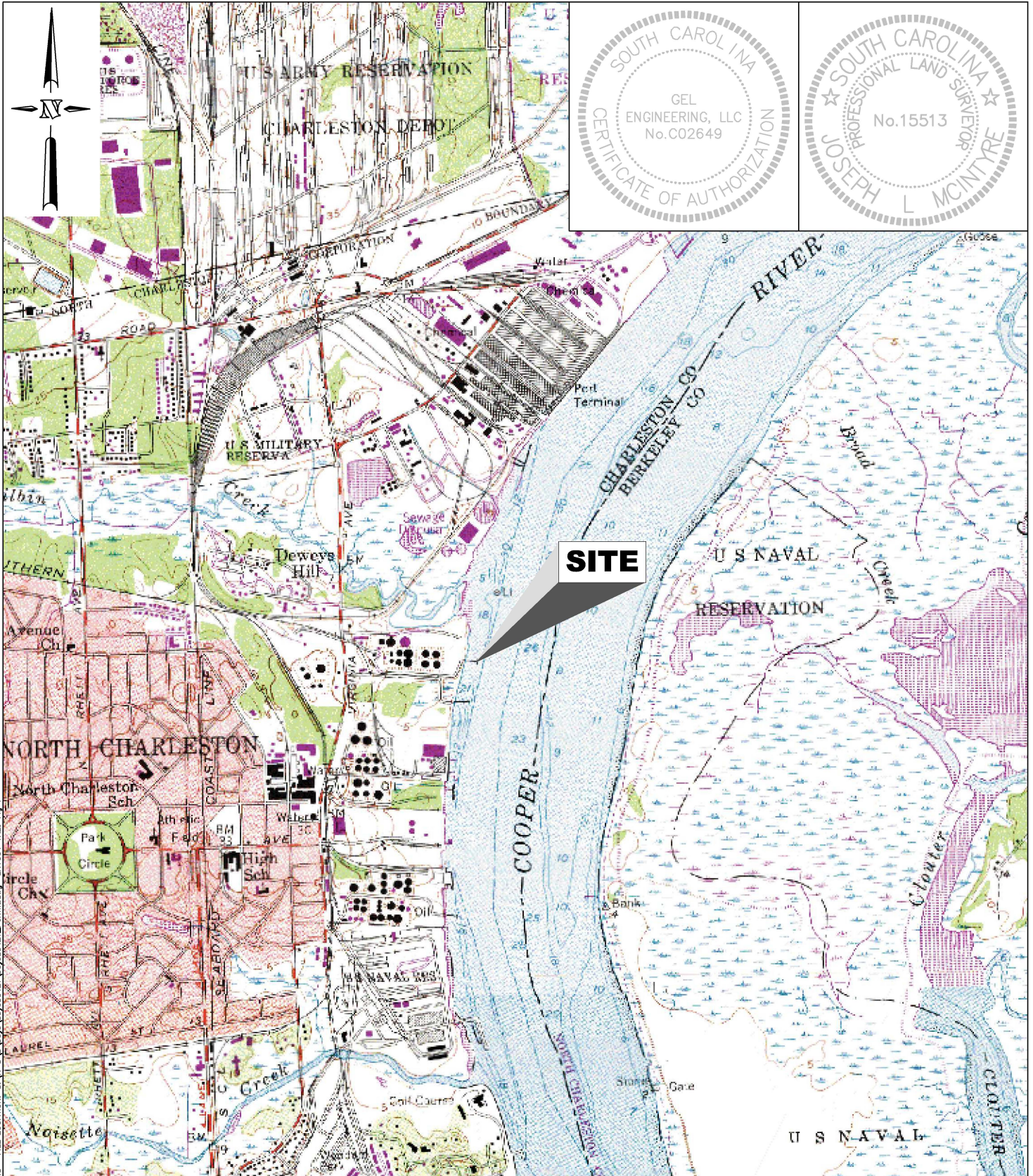
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean

Water Act. 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 cannot undertake to adjudicate rival claims.

The Corps 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 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. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

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

If there are any questions concerning this public notice, please contact Chelsea B. Fannin, Project Manager, at (843) 329-8038, toll free at 1-866-329-8187, or by email at Chelsea.B.Fannin@usace.army.mil.



SITE

PLOTTED: Nov. 18, 2021 - 11:13am BY: thoma FILE LOCATION: G:\A-D\B\Beye\Beye00421\Beye00421_Permit.dwg LAYOUT TAB: Fig. 1

PURPOSE: DEEP-DRAFT NAVIGATION

ADJACENT PROPERTY OWNERS

SEE ATTACHED

SURVEY DATUM: QUADRANGLE SHEET

FIGURE 1
 LOCATION MAP
 SCALE: 1"= 2000'

0' 1000' 2000'

BUCKEYE TERMINALS, LLC
 5150 VIRGINIA AVENUE
 NORTH CHARLESTON, SC

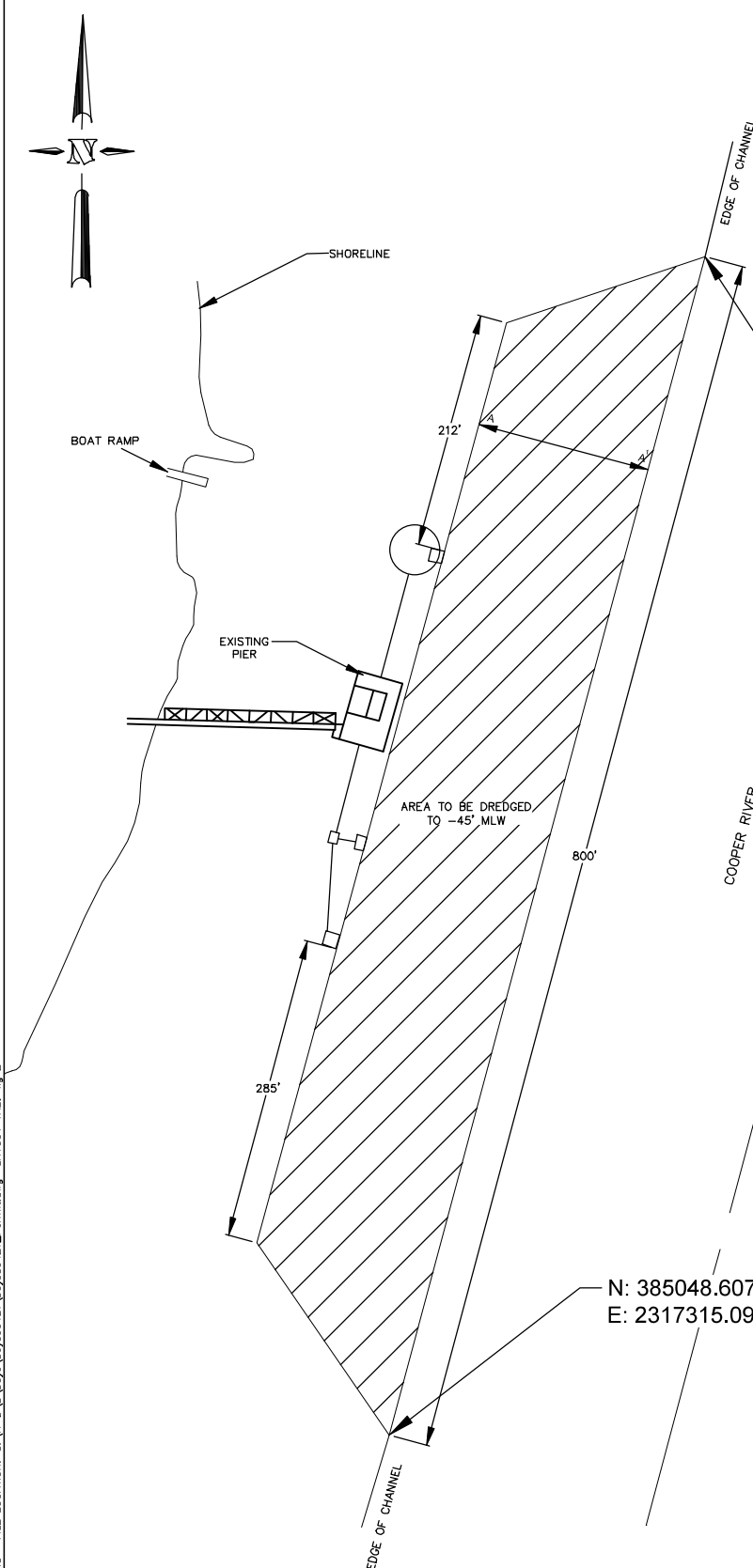
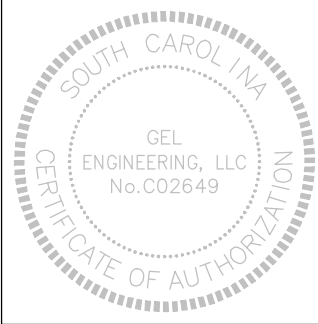
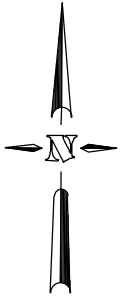
PROPOSED: MAINTENANCE DREDGING

AT: FILBIN CREEK REACH

IN: COOPER RIVER

COUNTY OF: CHARLESTON
 SOUTH CAROLINA

SHEET: 1 OF 4 09/13/2021



N: 386165.4950
E: 2317589.0742

N: 385048.6074
E: 2317315.0994

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PURPOSE: DEEP-DRAFT NAVIGATION

ADJACENT PROPERTY OWNERS
SEE ATTACHED

SURVEY DATUM: MLW

FIGURE 2

PLAN VIEW OF BERTH AREA

NOT TO SCALE

BUCKEYE TERMINALS, LLC
5150 VIRGINIA AVENUE
NORTH CHARLESTON, SC

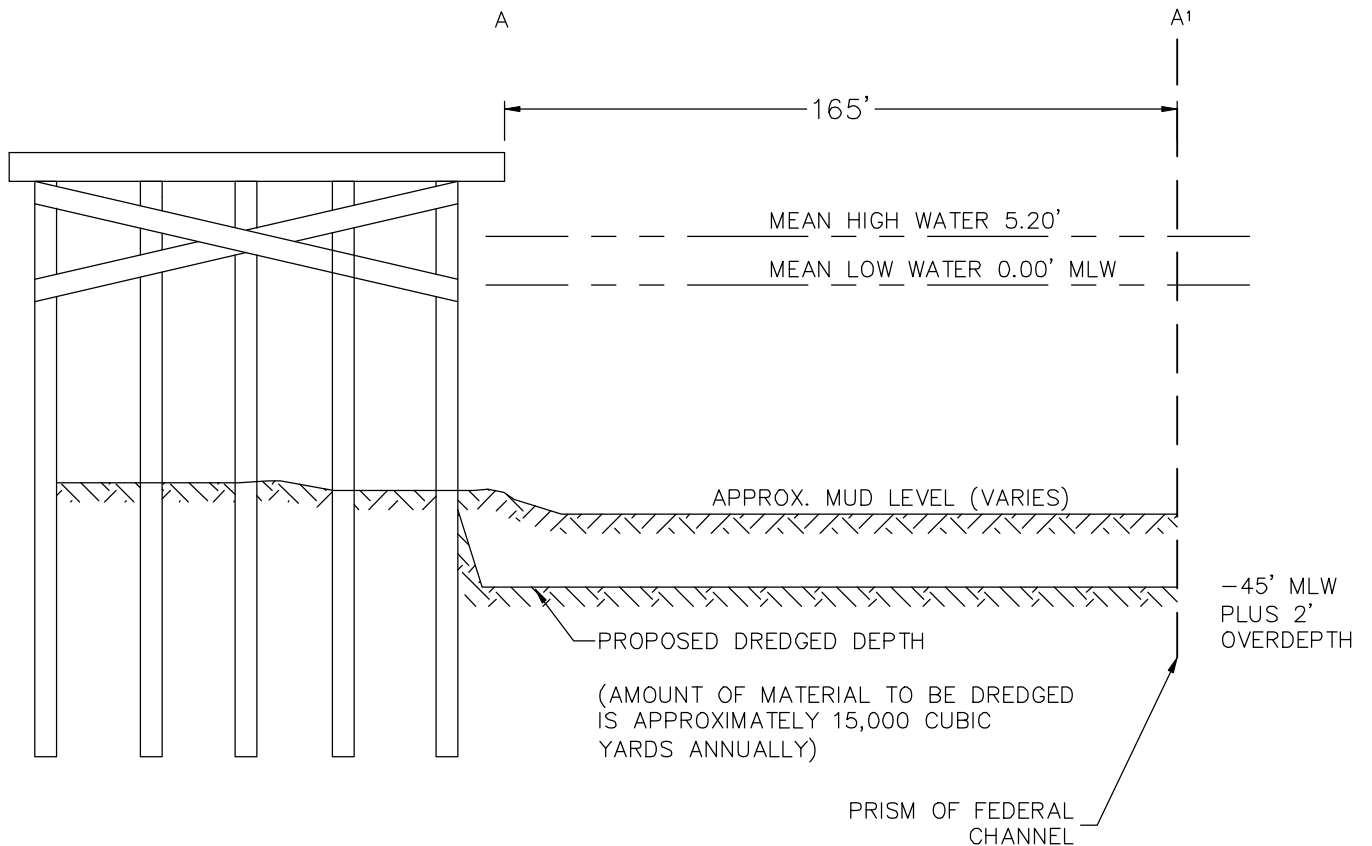
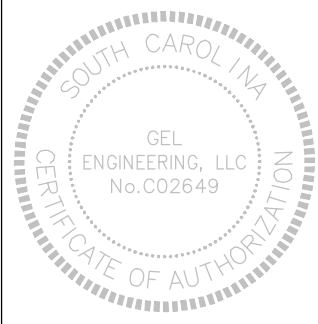
PROPOSED: MAINTENANCE DREDGING

AT: FILBIN CREEK REACH

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 2 OF 4 09/13/2021



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PURPOSE: DEEP-DRAFT NAVIGATION

ADJACENT PROPERTY OWNERS

SEE ATTACHED

SURVEY DATUM: MLW

FIGURE 3

TYPICAL CROSS-SECTION A-A1

NOT TO SCALE

BUCKEYE TERMINALS, LLC
 5150 VIRGINIA AVENUE
 NORTH CHARLESTON, SC

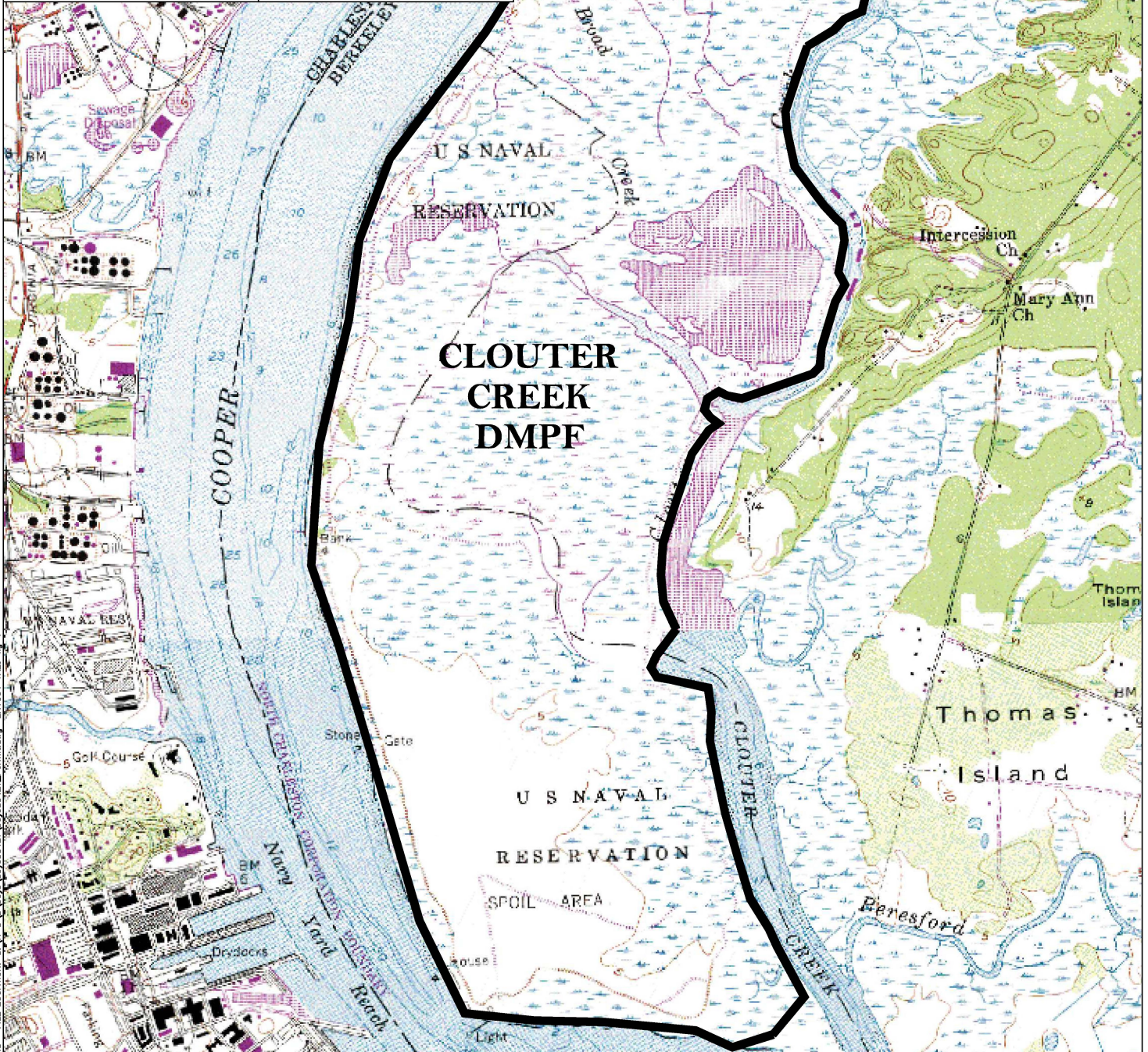
PROPOSED: MAINTENANCE DREDGING

AT: FILBIN CREEK REACH

IN: COOPER RIVER

COUNTY OF: CHARLESTON
 SOUTH CAROLINA

SHEET: 3 OF 4 09/13/2021



FILE LOCATION: G:\A-D\B\Beye\Beye0421\Beye0421_Permit.dwg LAYOUT TAB: fig_4
 PLOTTED: Nov 18, 2021 - 11:14am BY: thoma

PURPOSE: DEEP-DRAFT NAVIGATION
 ADJACENT PROPERTY OWNERS
 SEE ATTACHED
 SURVEY DATUM: QUADRANGLE SHEET

FIGURE 4
 DISPOSAL SITE
 SCALE: 1"= 2000'

 0' 1000' 2000'
 BUCKEYE TERMINALS, LLC
 5150 VIRGINIA AVENUE
 NORTH CHARLESTON, SC

PROPOSED: MAINTENANCE DREDGING
 AT: FILBIN CREEK REACH
 IN: COOPER RIVER
 COUNTY OF: CHARLESTON
 SOUTH CAROLINA
 SHEET: 4 OF 4 09/13/2021