



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

### US Army Corps of Engineers

Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone (360) 734-3156  
Attn: Randel Perry, Project Manager

### WA Department of Ecology

SEA Program  
Post Office Box 47600  
Olympia, WA 98504-7600  
Telephone (360) 407-6068  
Attn: SEA Program, Federal Permit  
Coordinator

**Public Notice Date: September 24, 2012**

**Expiration Date: October 24, 2012**

Reference No.: NWS-2012-827

Name: BP West Coast Products, LLC

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings dated September 18, 2012.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

**APPLICANT:** BP West Coast Products, LLC  
4519 Grandview Road  
Blaine, Washington 98230  
Attention: Mr. Petur Sim  
Telephone: (360) 371-1598

**LOCATION:** In wetlands associated with unnamed tributaries of Terrell Creek near Blaine, Washington.

**WORK:** Fill 16.86 acres of wetlands for construction of a new rail loop.

**PURPOSE:** Provide facilities to import alternate source crude supply for refinery

**ADDITIONAL INFORMATION:** The work involves fill/grade and excavation to construct a railroad loop and cargo transfer facility and attendant features. Proposal includes a 10,200-foot rail track loop, a 1,500-foot transfer area, and 3,000-feet of track for temporary storage of rail cars; transfer station with a containment slab, drain connections and collection header; an operations shelter, storage shed, electrical utilities structure, and a parking lot; and two stormwater ponds with connecting drainage system. To accomplish the work, the applicant proposes to permanently fill 16.86 acres of palustrine emergent (PEM), scrub/shrub (PSS), and forested (PFO) Category III wetlands. In addition, temporary fill will be placed in 0.51 acres of PEM/PSS/PFO Category III wetlands for temporary worksite access roads. All wetlands affected by temporary fill will be restored following completion of the project.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and scroll down the alphabetical listing of District elements, and click on "Regulatory" and then "Regulatory – Permits" for the Seattle District's Regulatory homepage. Select the prominently displayed "Public Notices" heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select and view the listing for this project.

**MITIGATION:** As mitigation for impacts to wetlands and 19.75 acres of upland buffers, the applicant proposes to utilize excess mitigation constructed at the "Cogen" mitigation area previously established for Corps reference number NWS-2001-1283 and at the "BRMSA" mitigation area established under Corps reference number NWS-2003-692. The proposed mitigation involves 1.96 acres of creation, 31.13 acres of rehabilitation, and 12.82 acres of upland enhancement at the Cogen site and 1.87 acres of creation, 0.76 acres of rehabilitation, and 0.01 acre of wetland enhancement at the BRMSA site. Mitigation at both sites has been constructed and may be considered advance (prior to impact) mitigation.

**ENDANGERED SPECIES:** The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. A preliminary review indicates that the activity will not affect endangered or threatened species, or their critical habitat. Consultation under Section 7 of the ESA is not required.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The U.S. Army Corps of Engineers (Corps) has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

**CULTURAL RESOURCES:** The Corps has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The permit area is likely to contain historic properties eligible for inclusion in the National Register. An investigation for the presence of eligible historic properties is justified. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

**PUBLIC HEARING:** 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 public hearings shall state, with particularity, the reasons for holding a public hearing.

**EVALUATION – CORPS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 benefits, 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

NWS-2012-827, BP West Coast Products, LLC

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 is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; 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 the work. 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.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

SOURCE OF FILL MATERIAL: Fill material will be obtained from a local commercial source.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

The project is outside Whatcom County's Shoreline Management Program jurisdictional area.

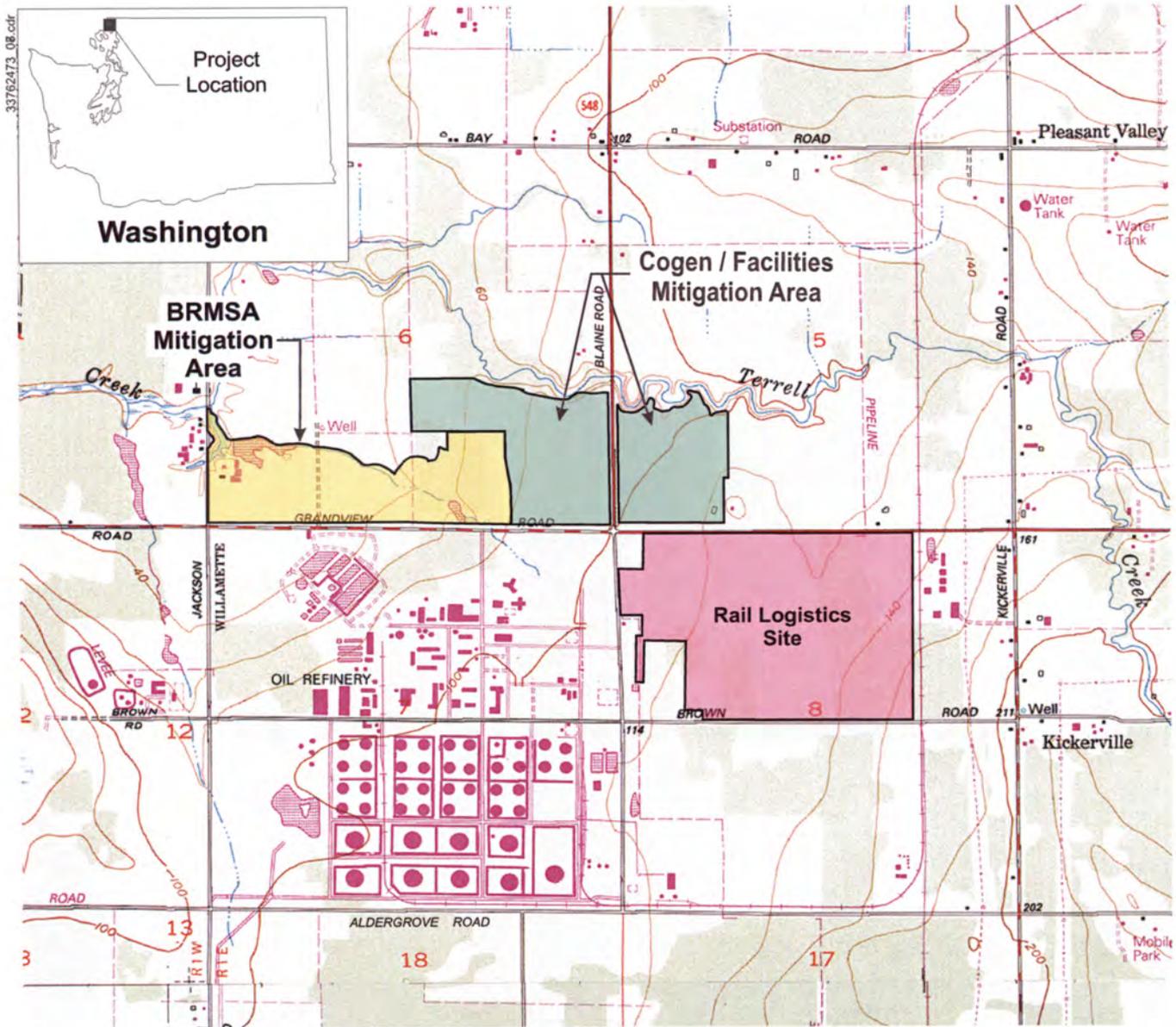
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentator's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

CORPS COMMENTS: All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Randel Perry, P.O. Box 3755, Seattle, Washington 98124-3755.

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

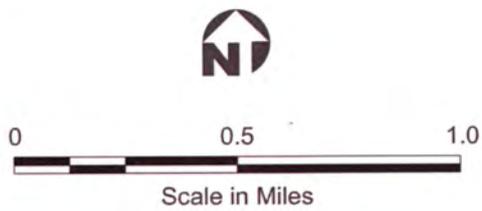
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: BP West Coast Products, LLC; NWS-2012-827

Encl: Figures (8)



Map created with TOPOI™ © 1997 Wildflower Productions, www.topo.com, based on USGS topographic map

Lat: 48.88828  
 Long: -122.71806



**URS**

**Site Vicinity**

BP REFINERY RAIL LOGISTICS PROJECT  
 BLAINE WA 98230  
 SHEET 1 OF 6

APPLICANT: BP WEST COAST PRODUCTS  
 WATER: WETLANDS  
 SEC. 08 T. 39N R. 01E

REF: NWS-2012-827  
 9/18/12

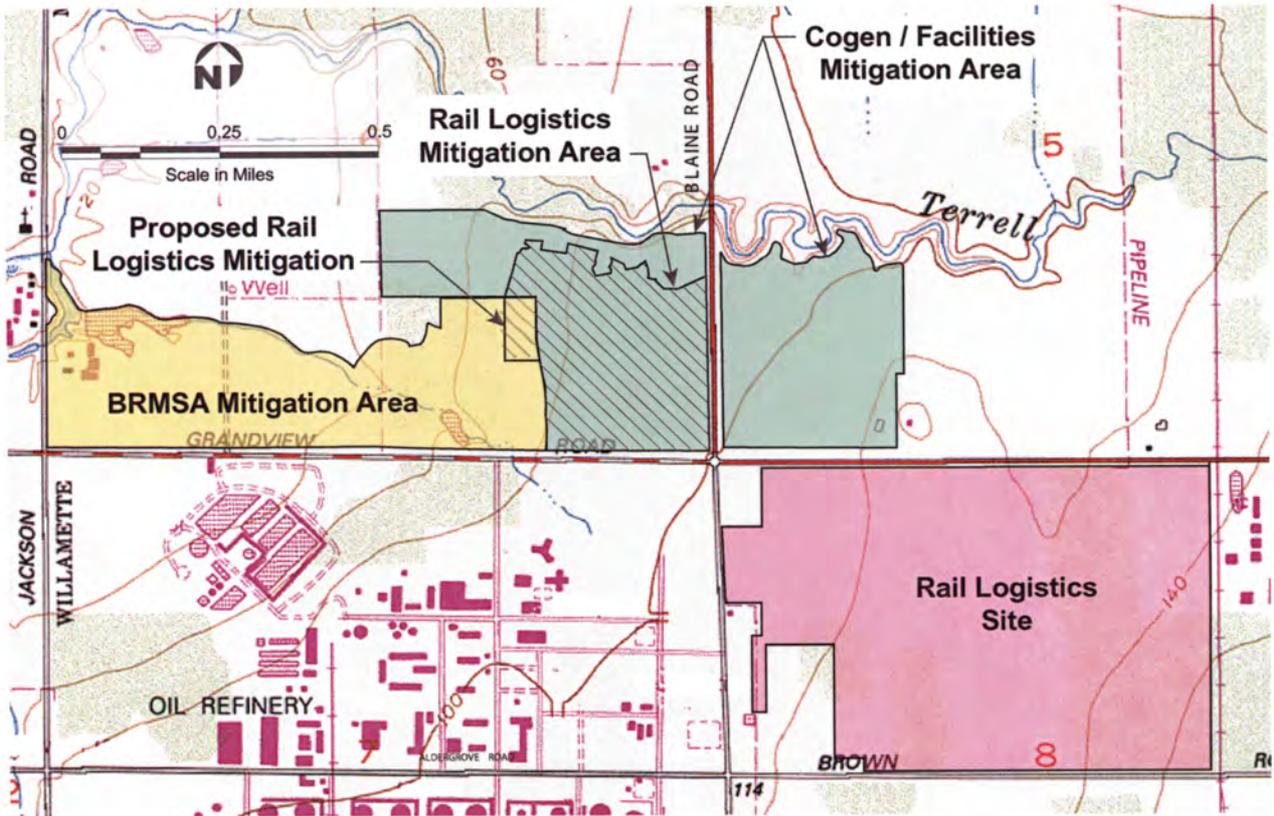








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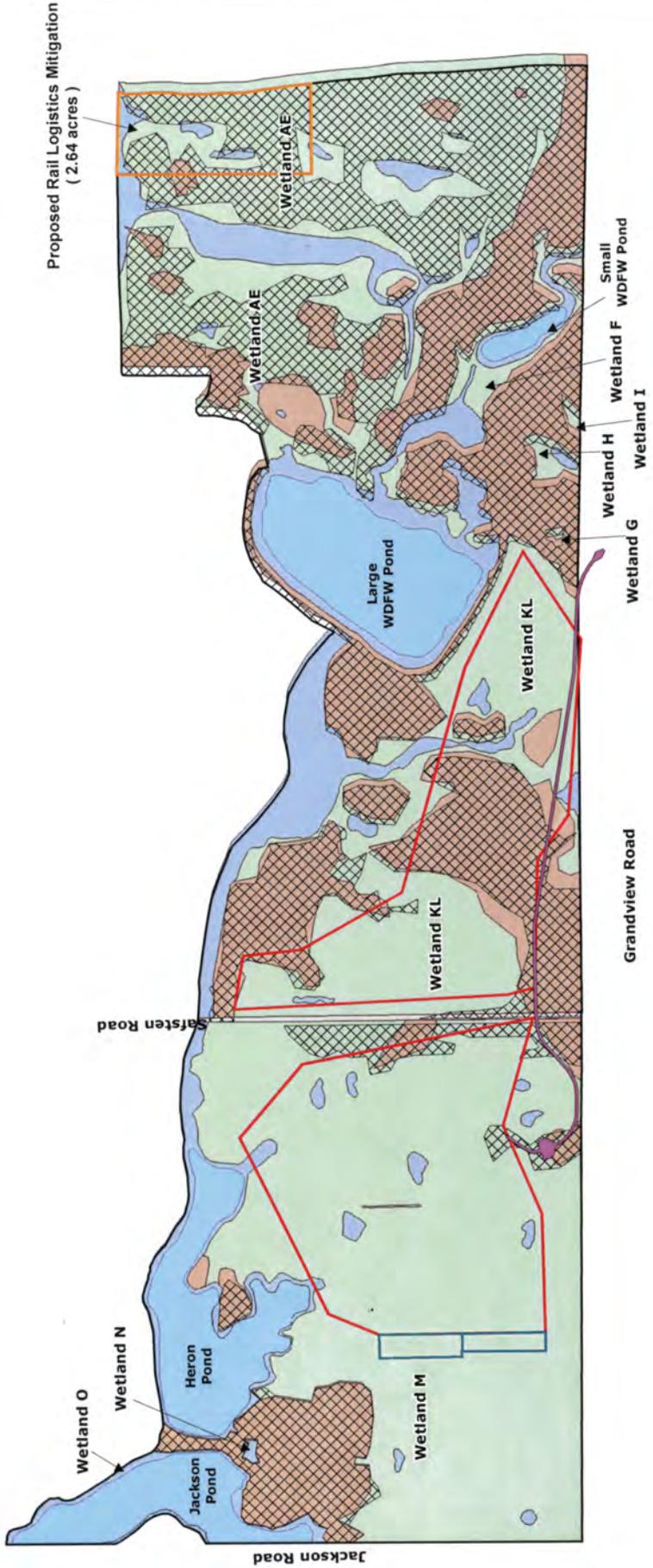


### Wetland Mitigation Sites For The Rail Logistics Project

BP REFINERY RAIL LOGISTICS PROJECT  
 BLAINE WA 98230  
 SHEET 6 of 8

APPLICANT: BP WEST COAST PRODUCTS  
 WATER: WETLANDS  
 SEC. 08 T. 39N R. 01E

REF:  
 NWS-2012-827  
 9/18/12



**Legend**

- Rail Logistics Mitigation Area
- BRMSA Mitigation Area
- Other Mitigation Area
- Conveyance Swale
- 2011 Seasonally Inundated Wetland
- 2011 Seasonally Saturated wetland
- 2011 Upland
- Drive Way
- Ponds
- 2006 Upland

Rail Logistics Mitigation	
Creation	= 1.87
Rehabilitation	= 0.76
Enhancement	= 0.01



**BRMSA Site**

**Partial Wetland Mitigation Area**

BP REFINERY RAIL LOGISTICS PROJECT

BLAINE WA 98230

SHEET 7 OF 8

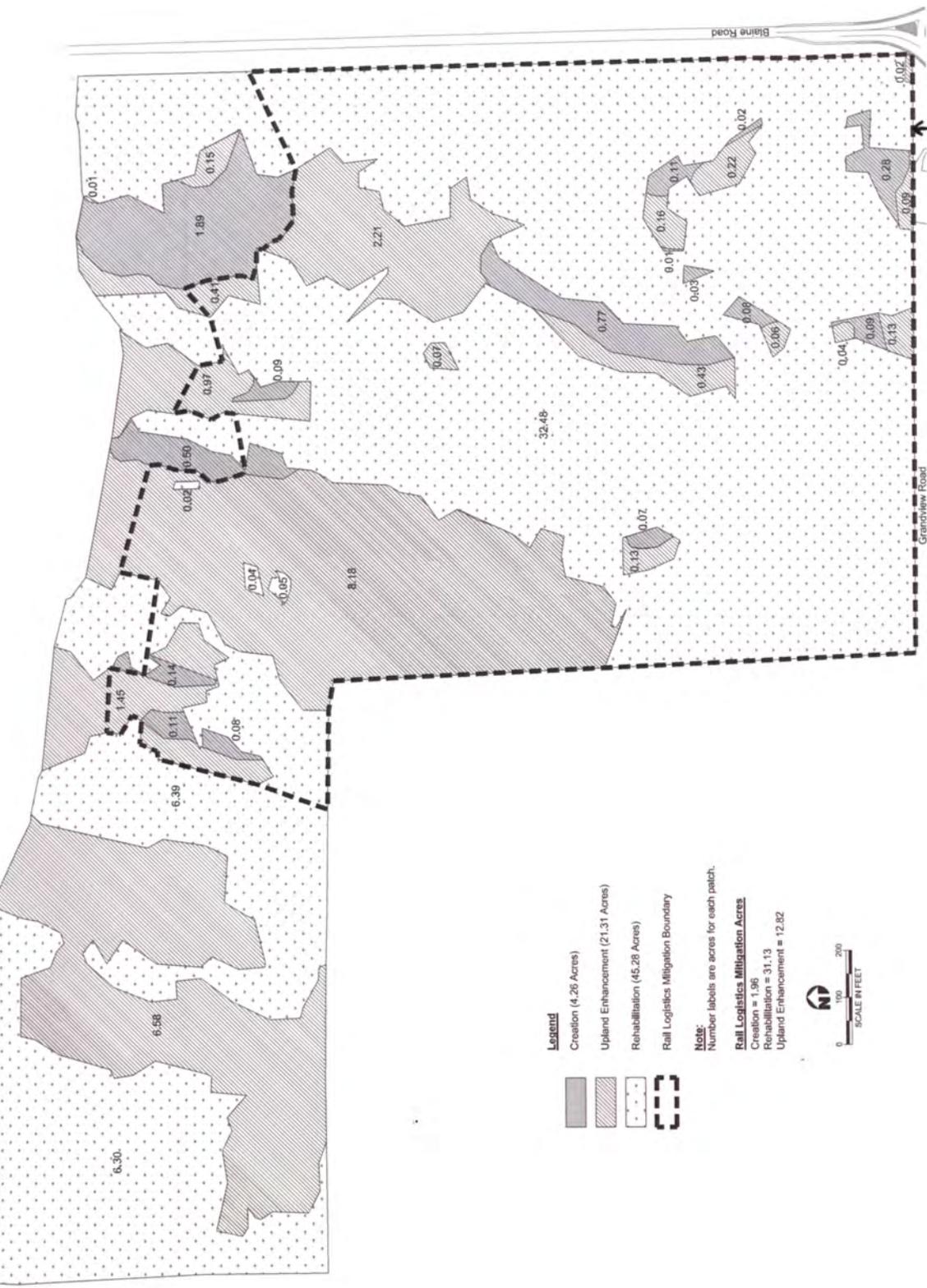
APPLICANT: BP WEST COAST PRODUCTS

WATER: WETLANDS

SEC. 08 T. 39N R. 01E

REF: WWS-2012-827

9/18/12



**Legend**

- Creation (4.26 Acres)
- Upland Enhancement (21.31 Acres)
- Rehabilitation (45.28 Acres)
- Rail Logistics Mitigation Boundary

**Note:**  
Number labels are acres for each patch.

**Rail Logistics Mitigation Acres**  
 Creation = 1.96  
 Rehabilitation = 31.13  
 Upland Enhancement = 12.82

0 100 200  
SCALE IN FEET

**URS** Cogen Site Rail Logistics Mitigation Area

APPLICANT: BP WEST COAST PRODUCTS  
 WATER: WETLANDS  
 SEC. 08 T. 39N R. 01E

REF: NWS-2012-827  
 9/18/12

BP REFINERY RAIL LOGISTICS PROJECT  
 BLAINE WA 98230  
 SHEET 6 OF 8