



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

April 1, 2008

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army (DOA) Pre-application Consultation SAM-2008-0522-JBM, Department of Energy, Supplemental EIS: Site Selection of Facilities Associated with the Richton, Mississippi Strategic Petroleum Reserve Storage Site

U.S. Department of Energy
Office of Petroleum Reserves (FE-47)
Attention: Mr. Donald Silawsky
1000 Independence Ave. SW
Washington DC 20585-0301

Dear Mr. Silawsky:

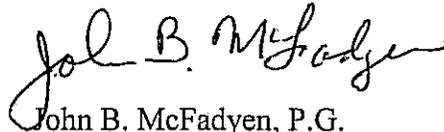
Reference is made to your March 21, 2008 letter, requesting comments on the subject project located in Green, George and Jackson Counties, Mississippi.

Based on the information submitted in your March letter we have determined that portions of the proposed work to for the raw-water intake, oil terminal and tank farm, brine discharge and associated pipelines will impact "jurisdictional waters of the U.S." and are therefore subject to our Federal permitting authority pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403) and Section 404 of the Clean Water Act of 1977 (33 USC 1344). Section 404 prohibits the placement of dredged or fill material into waters of the United States, including wetlands, unless the work has been authorized by a Department of the Army permit.

Adverse impacts to "waters of the U.S.", including wetlands, should be avoided and minimized. Unavoidable adverse impacts will require mitigation. We request that the Mobile District Corps of Engineers be included as a cooperating Federal agency in the preparation of the supplemental EIS.

Thank you for your cooperation with our permit program. If you have any questions concerning this matter, please contact me at (251) 690-3222 or john.b.mcfadyen@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "John B. McFadyen". The signature is written in a cursive style with a large initial "J" and "M".

John B. McFadyen, P.G.
Acting Team Leader, Mississippi
Coastal Branch
Regulatory Division