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
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION Refer to: P/N SAC 2016-1395

April 4, 2018

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), the South Carolina Coastal Zone Management Act (48-39-10 et. seq.), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. Jeff McWhorter Palmetto Railways 540 East Bay Street Charleston, SC 29403

for a permit to discharge fill material into waters of the U.S., including wetlands associated with

Bulltown Ditch, the Diversion Canal (between Lake Marion and Lake Moultrie), and tributaries to Caton Creek and Black Creek

located within a linear corridor approximately 22.7 miles long, varying in width, connecting the CSXT Cross Subdivision near the Santee Cooper Cross Generating Station and the Camp Hall Commerce Park. The corridor will travel south and west, crossing the Diversion Canal between Lakes Marion and Moultrie, continue through the unincorporated community of Cross, split, and end with two tracks (Camp Hall Track and the Volvo Lead Track) on the Camp Hall Commerce Park site in Berkeley County, South Carolina (Begin: Latitude: 33.40422 °N, Longitude: -80.09814 °W; End Camp Hall Track: Latitude: 33.14241 °N, Longitude: -80.25723 °W, End Volvo Lead Track: Latitude: 33.14160 °N, Longitude: -80.23976 °W).

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** and **SCDHEC** until

NOON, MAY 4, 2018

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

Proposed Project & Proposed Impacts to Waters of the US:

The proposed work consists of constructing an industrial rail line, connecting the CSXT Cross Subdivision near the Santee Cooper Cross Generating Station and the Camp Hall Commerce Park. The proposed project corridor is approximately 22.7 miles long, varying in width, and will travel south and west, crossing the Diversion Canal between Lakes Marion and Moultrie, through the unincorporated community of Cross, and then ultimately split and end with two tracks (Camp Hall Track and the Volvo Lead Track) on the Camp Hall Commerce Park site. The proposed rail line will service the new Volvo Cars manufacturing facility, as well as future proposed development within the Camp Hall Commerce Park. In detail, the applicant proposes to impact approximately 120.01 acres of wetlands and 537.20 linear feet of non-wetland waters of the United States. Specifically, permanent cut/fill is proposed in 103.12 acres of wetlands and mechanical clearing is proposed in 16.89 acres. Permanent pipe is proposed in 315.20 linear feet of non-wetland waters and permanent morphological impact is proposed in 222 linear feet of non-wetland waters of the United States.

Proposed Compensatory Mitigation:

The applicant has proposed to mitigate for impacts to wetlands and waters of the United States by providing a combination of Permittee Responsible Mitigation and mitigation bank credits. For impacts within the Four Hole Swamp watershed, the applicant proposes to purchase wetland mitigation bank credits from the Francis Beidler Forest Mitigation Bank. For impacts within the Cooper River watershed, PRM is proposed at the Fairlawn C1 Parcel site, a 1,550-acre site within the Francis Marion National Forest. Mitigation activities at the Fairlawn C1 Parcel site include the enhancement of 697 acres of wetlands and the preservation of 43 acres of wetlands. The Fairlwan C1 Parcel will be transferred to the United States Forest Service, which will permanently protect the site and make open to the public 1,300 acres of land, including 740 acres of wetlands.

Project Purpose:

The project purpose, as stated by the applicant, is to:

locate, build, own and operate an industrial rail line that will connect the existing Class 1 rail line with the Camp Hall Commerce Park. The need for the Proposed Project derives from the development of the Camp Hall Commerce Park, which has increased the demand for rail service to interconnect the commerce park with an existing Class 1 rail network, in a manner that is logically feasible to better serve the need of the future tenants and industry with the Camp Hall Commerce Park for transportation, distribution and logistics. These tenants include, but are not limited to Volvo Cars, as well as any associated support industries that might desire to locate in proximity to Volvo Cars in the future.

Alternatives Analysis (provided by the applicant):

A detailed Alternatives Analysis was conducted to evaluate potential routes from existing Class 1 rail lines into the Camp Hall Commerce Park. The alternatives analysis reviewed potential impact environmental, economic, and socioeconomic resources, as well as cultural resources. Six alternative route alignments were considered under Level 1 of the alternatives analysis, with four alignments being advanced to Level 2 of the alternatives analysis. It was determined that the Cross option, beginning near Santee Cooper's Cross Generating Station and terminating at the Camp Hall Commerce Park, was the preferred alternative. Three separate Cross Route

alignments were analyzed in Level 3 of the alternatives analysis, and Cross Route 3 (Proposed Project) is proposed as the most practical route with the least amount of overall impacts, as judged by the potential impacts to environment, economic, and socioeconomic resources.

Avoiding and Minimizing Impacts to Aquatic Resources:

The applicant has indicated that avoidance and minimization measures include the following:

- Designing Camp Hall Commerce Park Rail Spur to minimize impacts to waters of the U.S.;
- Limiting the placement of pilings for bridges within waters, where possible;
- Designing culverts and bridges to maintain existing flow/ exchange and hydrology for wetlands and other aquatic area;
- A variety of post-construction stormwater BMPs will be used to convey, filter, and dissipate runoff from the new rail line, including but not limited to: vegetated swales, vegetated filter strips, stream bank stabilization, and channelized flow dissipation;
- Implement a Stormwater Pollution Prevention Plan (SWPPP) as required by the industrial storm water National Pollutant Discharge Elimination System (NPDES) permit;
- Erosion prevention BMPs that may be implemented include dust control, mulching, blown straw, hydro-mulching/seeding, erosion control blankets, turf reinforcement mats, and outlet protection (i.e. rip-rap), temporary seeding, sediment tubes, sediment tube slope breaks (slopes greater than 50 feet in length), flexible growth medium (FGM) or engineered fiber medium (EGM) (i.e. Flexterra), and/or other devices as prescribed by the design engineer;
- Runoff control and conveyance BMPs that may be implemented include diversion ditches/dikes, pipe slope drains, drainage swales, and level spreader and/or other devices as prescribed by the design engineer.
- Sediment control BMPs that may be implemented include sediment basins, sediment traps, silt fences, ditch checks, stabilized construction entrances, storm drain inlet protection, and sediment tubes and/or other devised as prescribed by the design engineer;
- All construction BMPs will be designed, implemented, and maintained per the guidance in the SCDHEC Storm Water Management BMP Handbook (August 2005). Obtain a NPDES Phase II Construction General Permit (CGP) to address water quality and quantity;
- Design culverts and/or bridges to maintain existing surface water drainage patterns and to prevent erosion;
- Design culverts and/or bridges to allow aquatic organisms to pass relatively unhindered;
- Adhere to Berkeley County's stormwater regulations associated with the specific implementation of various stormwater management facilities (i.e. ditches, culverts, secondary collection systems, etc.);
- Culverts and bridges will be designed to maintain existing flow and hydrology for wetland areas and to prevent flooding upstream. Road culverts will be designed to the 25-year storm event;
- Drainages located within FEMA regulated floodplains (Zone A Special Flood Hazard Area) will be designed to carry the 100-year storm event.

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

Background:

On August 3, 2017, Palmetto Railways filed a petition for exemption with the Surface Transportation Board (Board) pursuant to 49 U.S.C. §§ 10502 and 10901 in Docket No. FD 36095. As a result of this petition, the Board's Office of Environmental Analysis (OEA) together with the United States Army Corps of Engineers (Corps), as joint lead agencies, began to evaluate the potential environmental effects of the proposed project, including any reasonable and feasible alternatives to the proposed route pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. § 4321 et seq.), the Board's environmental rules at 49 C.F.R. § 1105, the Section 404(b)(1) Guidelines of the Clean Water Act (40 C.F.R. Part 230), and other applicable federal and state laws. A project specific website was created to provide the general public information pertaining to the project and the environmental review process and can be found at:

http://www.camphallrailnepa.com/

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 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 120 acres <u>upstream of</u> estuarine substrates and emergent wetlands 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 and the Surface Transportation Board's Office of Environmental Analysis have reviewed the project area, examined all information provided by the applicant, and have determined, based on the most recently available information that the project would have no effect to West Indian Manatee (*Trichechus manatus*), frosted flatwoods salamander (*Ambystoma cingulatum*),

American chaffseed (*Schwalbea Americana*), American wood stork (*Mycteria Americana*), pondberry (*Lindera melissifolia*) and Canby's dropwort (*Oxypolis canbyi*).

Furthermore, the Corps and the Surface Transportation Board's Office of Environmental Analysis have determined based on the most recently available information that the proposed project would not likely adversely affect the red-cockaded woodpecker (*Picoides borealis*), Northern long eared bat (*Myotis septentrionalis*), Atlantic sturgeon (*Acipenser oxyrinchus*) and the shortnose sturgeon (*Acipenser brevirostrum*). 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, consultation with the South Carolina State Historic Preservation Office has commenced for the proposed project and it has been determined that historical architectural resources, eligible for inclusion in the National Register of Historic Places (NRHP), are present in and proximate to the proposed rail line right-of-way; moreover, these historic properties may be adversely affected by the undertaking. This public notice serves to notify the State Historic Preservation Office, and other interested parties, that the Corps, in consultation with the Surface Transportation Board's Office of Environmental Analysis, plans to develop a Memorandum of Agreement (36 CFR 800.6) to mitigate the adverse effects. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps and/or the Board's OEA, in writing, within 30 days of this public notice. 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 other interested parties to provide any information they may have with regard to historic properties and/or potential consulting parties.

The District Engineer's final NRHP-eligibility and NHPA effects 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 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 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:

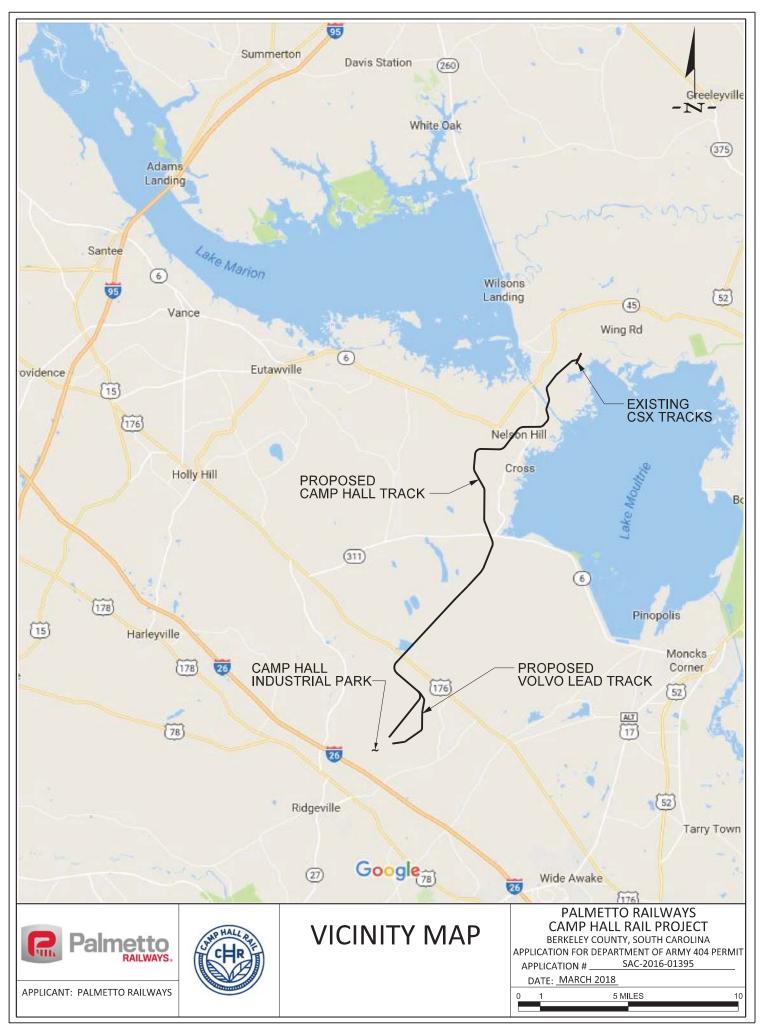
U.S. Army Corps of Engineers
ATTN: Elizabeth Williams
Regulatory Division
69A Hagood Avenue
Charleston, South Carolina 29403-5107

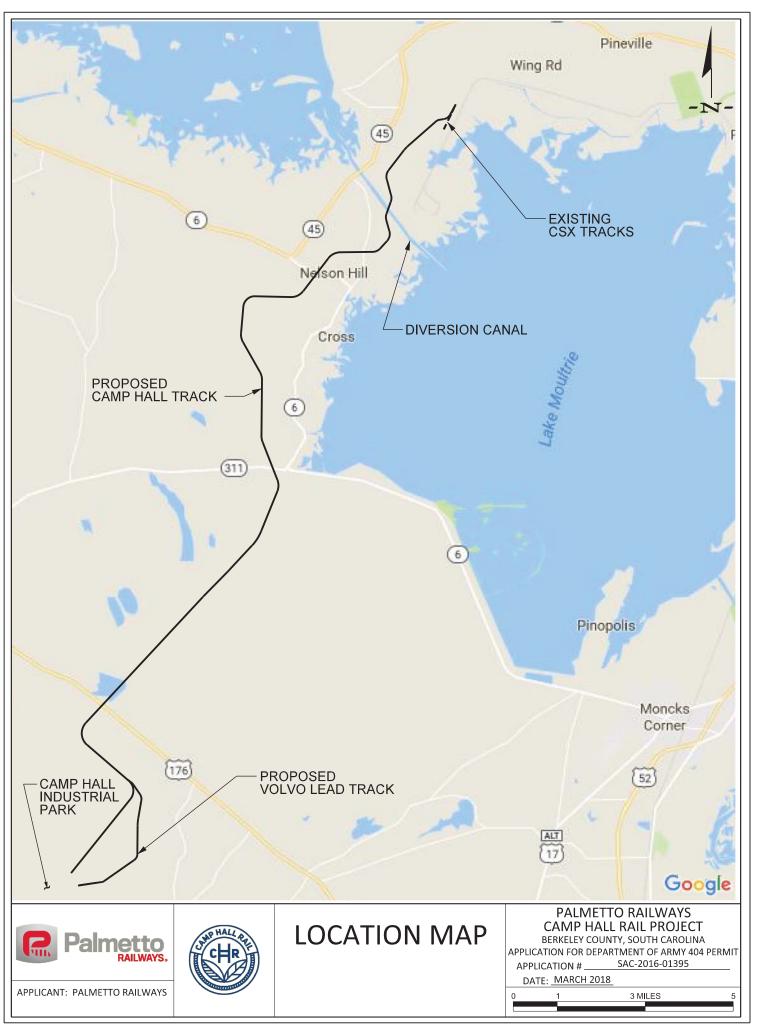
If there are any questions concerning this public notice, please contact Elizabeth Williams, Project Manager, at 843-329-8044 or toll free at 1-866-329-8187.

In addition, if you would like to submit comments to the Office of Environmental Analysis (OEA), Surface Transportation Board (STB) regarding the proposed project, please send comments in writing to the following address:

Ms. Diana Wood OEA-STB c/o ICF 9300 Lee Highway Fairfax, VA 22031

PLEASE NOTE: When an individual chooses to submit comments, his or her personal contact information (if included), is considered public information and can be shared within and outside of STB and/or the U.S. Army Corps of Engineers without additional authorization.





PROJECT IMPACTS TO WATERS OF THE UNITED STATES

IMPACTS	JURISDICTIONAL WETLAND (ACRES)	NON-WETLAND WATER (LF)
PERMANENT WETLAND IMPACT (CUT/FILL)	103.12	
MECHANICAL CLEARING WETLAND IMPACT	16.89	
PERMANENT CULVERT IMPACT NON-WETLAND WATER		
PERMANENT PIPE IMPACT NON-WETLAND WATER		315.20
PERMANENT MORPHOLOGIC IMPACT NON-WETLAND WATER		222.00
TOTAL IMPACTS	120.01	537.20



APPLICANT: PALMETTO RAILWAYS



IMPACT SUMMARY PALMETTO RAILWAYS
CAMP HALL RAIL PROJECT
BERKELEY COUNTY, SOUTH CAROLINA
APPLICATION FOR DEPARTMENT OF ARMY 404 PERMIT

APPLICATION # ______ SAC-2016-01395

DATE: MARCH 2018

