J O I N T
P U B L I C N O T I C E

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

REGULATORY DIVISION
Refer to: P/N #SAC-2015-01552 December 4, 2015

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.seg.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

SOUTH CAROLINA PORTS AUTHORITY
ATTN: JAMES K. VAN NESS, III
POST OFFICE BOX 22287
CHARLESTON, SOUTH CAROLINA 29413

for a permit to impact freshwater wetlands during the construction and operation of a sand mine and to install temporary structures in navigable waters of the United States to facilitate the loading and/or transport of fill material in

YELLOW HOUSE CREEK

at 2305 Clements Ferry Road (approximately 0.75 miles southeast of the intersection of Jack Primus Road and St. Johns Church Road) in Berkeley County, South Carolina (Latitude 32.914083 N, Longitude -79.913686 W).

In order to give all interested parties an opportunity to express their views

N O T I C E

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.

Background

The Charleston District prepared an Environmental Impact Statement and issued a Department of the Army (DA) permit (SAC-2003-1T-016) for the development of a new marine container terminal at the former Charleston Naval Complex (CNC) in April 2007. The special conditions of this DA permit recognized the commitment of the South Carolina Ports Authority (SCPA) to transport at least 75 percent of the fill material to the CNC by water in order to avoid and minimize potential impacts to local roadways and neighborhoods in the vicinity of the new terminal during construction. In addition, the special conditions require the SCPA to submit sufficient information for this office to evaluate potential impacts (to waters of the United States, Federally listed threatened or endangered species, cultural resources, etc.) associated with obtaining and transporting fill material to the marine container terminal site at least 90 days prior to the commencement of fill activities at the CNC.

Proposed Project

The proposed work consists of obtaining approximately 5 million cubic yards of fill material and constructing the infrastructure necessary to transport this material from the Yellow House Creek Borrow Site (project site) to the Hugh K. Leatherman, Sr. Terminal (HLT) site as shown on drawing sheet 8 of 9. The SCPA would be required to obtain the permits necessary to construct and operate a sand mine (or they would truck fill material from an existing sand mine to the project site) so it can be loaded on barges and/or hydraulically pumped to the HLT site.

The construction and operation of the proposed sand mine would result in the excavation of approximately 30.85 acres of forested freshwater wetlands on the project site. A 50-foot upland/wetland buffer would be established between to the proposed sand mine and the adjacent salt marsh to reduce potential impacts to navigable waters of the U.S. The SCPA has flagged the wetland boundaries in the field and the acreage of wetlands and other waters of the U.S. on the project site will be refined once these boundaries are reviewed and approved by the Corps and located by a land surveyor.

The SCPA has proposed 3 different methods that may be used to load and/or transport the necessary fill material from the project site to the HLT site. The SCPA plans to issue a Request for Proposals to perform the proposed work and contractors would use one or more of these methods. The SCPA anticipates that it will take approximately 2 years for the contractor to perform the proposed work, and all temporary structures associated with loading and/or transporting the fill material would be removed once the work is completed.

The placement of fill material in waters of the U.S. on the HLT site is authorized by DA permit SAC 2003-1T-016. All three of the methods proposed by the SCPA include the placement of fill material in uplands and waters of the U.S. using a hydraulic pump. In general, fill material would be pumped onto the HLT site and process water would flow from higher elevations toward the existing containment wall that extends into the Cooper River. Any excess water inside the containment wall would be pumped from the HLT site to the existing Daniel Island Confined Disposal Facility (CDF).

The SCPA would use one or more of the following methods to load and/or transport fill material to the HLT site.

Method 1

As shown on drawings sheets 5, 6 and 7 of 9, an approximately 1,500 foot long by 40 foot wide (1.37 acres) pile supported structure would be constructed from the edge of the uplands on the project site, across the adjacent tidal salt marsh, and approximately 125 feet into open water. As shown on drawing sheet 9 of 9, Yellow House Creek is more than 500 feet wide and is greater than 10 feet deep at Mean Low Water (MLW). Therefore, a fully loaded 260-foot long by 52-foot wide by 12-foot deep hopper barge would be able to access the proposed pile supported conveyor belt at all phases of the tide.

According to the SCPA, dry fill material would be placed onto the pile supported conveyor belt and a boom would be used to load the barges. The 260-foot long barge described above is capable of holding approximately 4,700 cubic yards of fill material. Therefore, the SCPA anticipates that approximately 1,300 barge loads (depending on the average capacity of the barges) would be required to transport the necessary material from the project site to the HLT site.

Once a fully loaded barge reaches the HLT site, the dry material would either be loaded onto a truck or water would be added to the dry fill material inside the barge and it would be hydraulically pumped to the correct location on the HLT site. The fill material would be used to prepare the HLT site for development. Water that is used to offload the fill material on the project site would be gathered inside the existing containment wall and pumped across the Cooper River to the Daniel Island CDF.

Once the fill material has been transported to the HLT site, all temporary structures would be removed and any waters of the U.S. that are adversely impacted during construction and/or operation would be restored.

Method 2

As shown on drawing sheets 5, 6, and 7 of 9, two 1,500 foot long by 3 foot diameter pipes would extend from the edge of the uplands on the project site, through the adjacent tidal salt marsh, and to the edge of the open water. One of the pipes would be used to withdraw water from Yellow House Creek, and the other pipe would be used to carry suspended sediment from the uplands on the project site to load barges with wet soil. Sediment laden water would not be allowed to discharge (overflow) from the barge into waters of the U.S. during loading. According to the SCPA, process water would be pumped to an existing confined disposal facility near the project site, such as Yellow House Creek CDF or Clouter Island CDF, to minimize the amount of water and maximize the amount of fill material in each barge load.

Similar to Method 1, once a fully loaded barge reaches the HLT site, water would be added to the fill material inside the barge and it would be hydraulically pumped to the correct location on the HLT site. Water that is used to offload the fill material on the project site would be gathered inside the existing containment wall and pumped across the Cooper River to the Daniel Island Confined Disposal Facility. Water that is used to offload the fill material on the project site would be gathered inside the existing containment wall and pumped across the Cooper River to the Daniel Island CDF.

Once the fill material has been transported to the HLT site, all temporary structures would be removed and any waters of the U.S. that are adversely impacted during construction and/or operation would be restored.

Method 3

As shown on drawings sheets 5, 6, and 7 of 9, two 3 foot diameter pipes would extend from the edge of the uplands on the project site and through the adjacent tidal salt marsh to the edge of the open water. One of these pipes would be used to withdraw water from Yellow House Creek near the project site, and the other pipe would be used to carry the fill material approximately 7.5 miles downstream to the HLT site. Based on the overall distance between the two sites, additional booster pumps would be required to keep the fill material suspended.

Fill material would be pumped onto the HLT site and process water would flow from higher elevations toward the existing containment wall that extends into the Cooper River. Depending on the flow rate and the accumulation of water within the sheet pile wall, a separate pipe would be used to pump excess water from the HLT site to the existing Daniel Island CDF. Since the SCPA is required to use clean fill material and the process water is being obtained from Yellow House Creek and/or the Cooper River, additional testing has not been conducted for the process water. However, Total Suspended Solids data will be required at the outfalls of the existing Daniel Island CDF to document that sediment is being managed properly.

According to the applicant, all temporary structures would be removed and the tidal salt marsh adjacent to the project site would be restored once the proposed work is completed. The applicant has proposed to gather baseline data prior to conducting any work in waters of the U.S., and to monitor the restored areas on the project site to document that there has not been a loss of aquatic resources. Since the freshwater wetlands on the project site would be permanently converted into a man-made open water pond, the applicant has proposed to protect approximately 525 acres of freshwater wetlands in the same watershed as the impact site using a Corps approved Site Protection Instrument. The project purpose is to obtain and transport fill material from the project site to the HLT site.

NOTE: This public notice and associated plans are available on the Corps' website at: http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices . **For those unable to access the website, a copy of this notice and the associated plans will be provided, upon receipt of a written request. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided. Your request 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 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 30.85 acres of freshwater wetlands and 1.37 acres of 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 has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined that additional information is required to make an effects determination about the following Federally listed species, which are known to occur in the Cooper River near the project site: West Indian manatee (*Trichechus manatus*), shortnose sturgeon (*Acipenser brevirostrum*), and Atlantic sturgeon (*Acipenser oxyrinchus*). Once the applicant provides this additional information, the Corps will coordinate our effects determination with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service.

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)(*l*)(1)), and has initially determined that historic properties, are present on the project site; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify the State Historic Preservation Office that the Corps plans to initiate Section 106 consultation on these historic properties. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps 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.

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 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.

If there are any questions concerning this public notice, please contact **Mr. Nat Ball** at 843-329-8044 or toll free at 1-866-329-8187.

PROJECT NO. : CIFCRT202C
FILE NAME : Hltjp1

PURPOSE: YELLOW HOUSE CREEK BORROW SITE

DATUM: MLW

VICINITY MAP

SOUTH CAROLINA PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

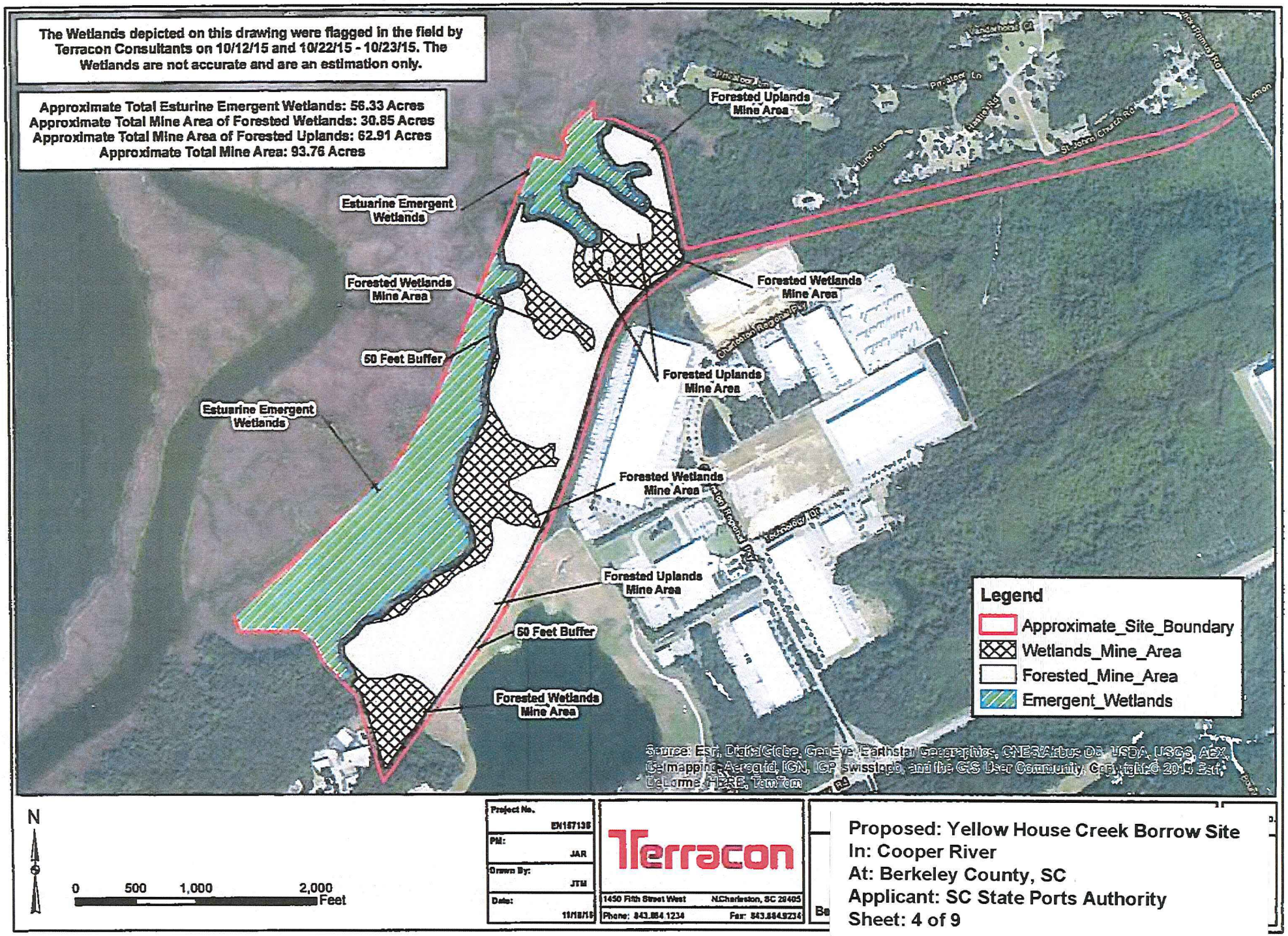
PROPOSED: YELLOW HOUSE CREEK BORROW SITE
IN: COOPER RIVER
AT: YELLOW HOUSE CREEK
BERKELEY COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 1 OF 9 **DATE:** 11/20/15

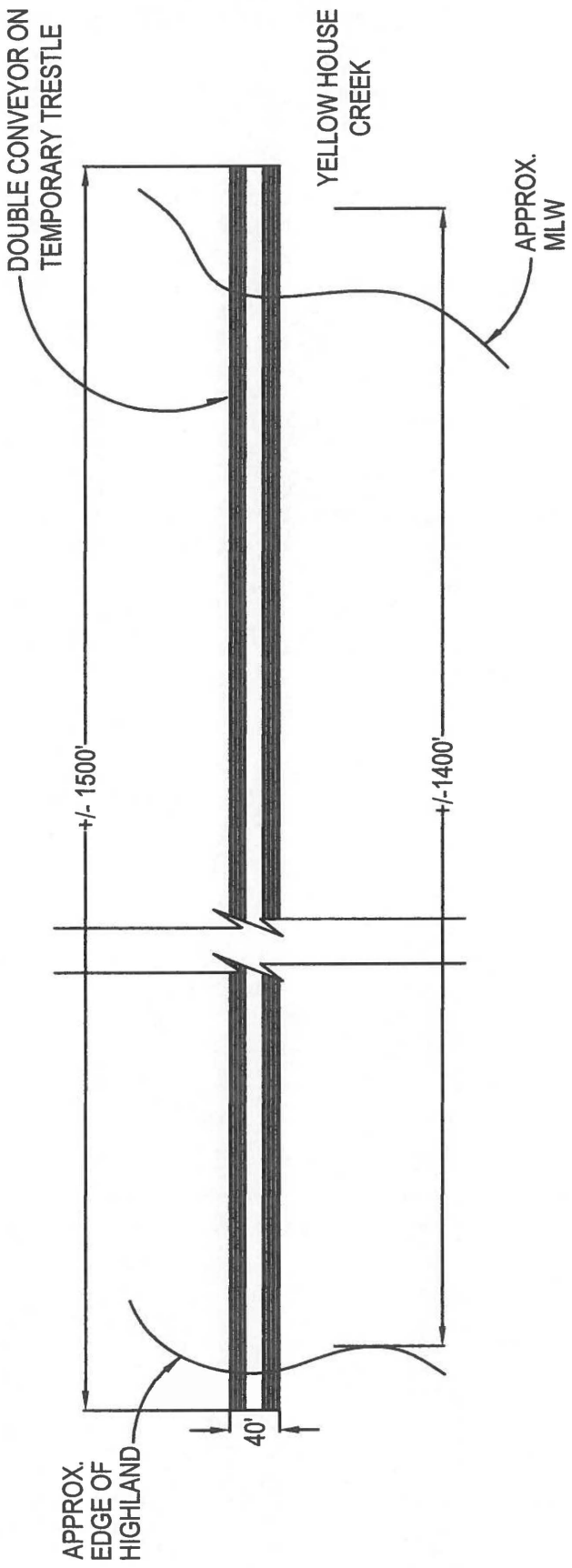
PROJECT NO. : CIFCRT202C
FILE NAME : Hltjp2

PURPOSE: YELLOW HOUSE CREEK BORROW SITE **DATUM:** MSL	**PROJECT LOCATION** **SOUTH CAROLINA PORTS AUTHORITY** **176 CONCORD STREET** **P.O. BOX 22287** **CHARLESTON, S.C. 29413-2287**	**PROPOSED:** YELLOW HOUSE CREEK FILL BORROW SITE **IN:** COOPER RIVER **AT:** YELLOW HOUSE CREEK BERKELEY COUNTY, SOUTH CAROLINA **APPLICATION BY:** SC STATE PORTS AUTHORITY **SHEET:** 2 OF 9 **DATE:** 11/20/15

PROJECT NO. : CIFCRT202C
FILE NAME : Hltjp7

PURPOSE: YELLOW HOUSE CREEK BORROW SITE **DATUM:** MSL	**ADJACENT PROPERTY OWNERS** **SOUTH CAROLINA PORTS AUTHORITY** **176 CONCORD STREET** **P.O. BOX 22287** **CHARLESTON, S.C. 29413-2287**	**PROPOSED:** YELLOW HOUSE CREEK FILL BORROW SITE **IN:** COOPER RIVER **AT:** YELLOW HOUSE CREEK BERKELEY COUNTY, SOUTH CAROLINA **APPLICATION BY:** SC STATE PORTS AUTHORITY **SHEET:** 3 OF 9 **DATE:** 11/20/15


The Wetlands depicted on this drawing were flagged in the field by Terracon Consultants on 10/12/15 and 10/22/15 - 10/23/15. The Wetlands are not accurate and are an estimation only.
Approximate Total Esturine Emergent Wetlands: 56.33 Acres
Approximate Total Mine Area of Forested Wetlands: 30.85 Acres
Approximate Total Mine Area of Forested Uplands: 62.91 Acres
Approximate Total Mine Area: 93.76 Acres
Forested Uplands Mine Area
Estuarine Emergent Wetlands
Forested Wetlands Mine Area
50 Feet Buffer
Forested Wetlands Mine Area
Forested Uplands Mine Area
Estuarine Emergent Wetlands
Forested Wetlands Mine Area
Forested Uplands Mine Area
50 Feet Buffer
Forested Wetlands Mine Area
Legend
Approximate_Site_Boundary
Wetlands_Mine_Area
Forested_Mine_Area
Emergent_Wetlands
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, GeoMapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Copyright 2014 Esri, DeLorme, HERE, TomTom
N
0 500 1,000 2,000 Feet
Project No. EN157136
PM: JAR
Drawn By: JTM
Date: 11/18/15
Terracon
1450 Fifth Street West N.Charleston, SC 29405
Phone: 843.884.1234 Fax: 843.884.9234
Proposed: Yellow House Creek Borrow Site
In: Cooper River
At: Berkeley County, SC
Applicant: SC State Ports Authority
Sheet: 4 of 9



PLAN
CONVEYOR SYSTEM
N.T.S.

These drawings have been prepared on the basis of a design and build contract package. Information shown is indicative only, and for clarity of the intent of the design. Detailed design will be the responsibility of the contractor. The contractor shall submit final design, drawings, and calculations to the owner's representative for review and approval.

PROJECT NO. : CIFCRT202C
FILE NAME : Hltjp5

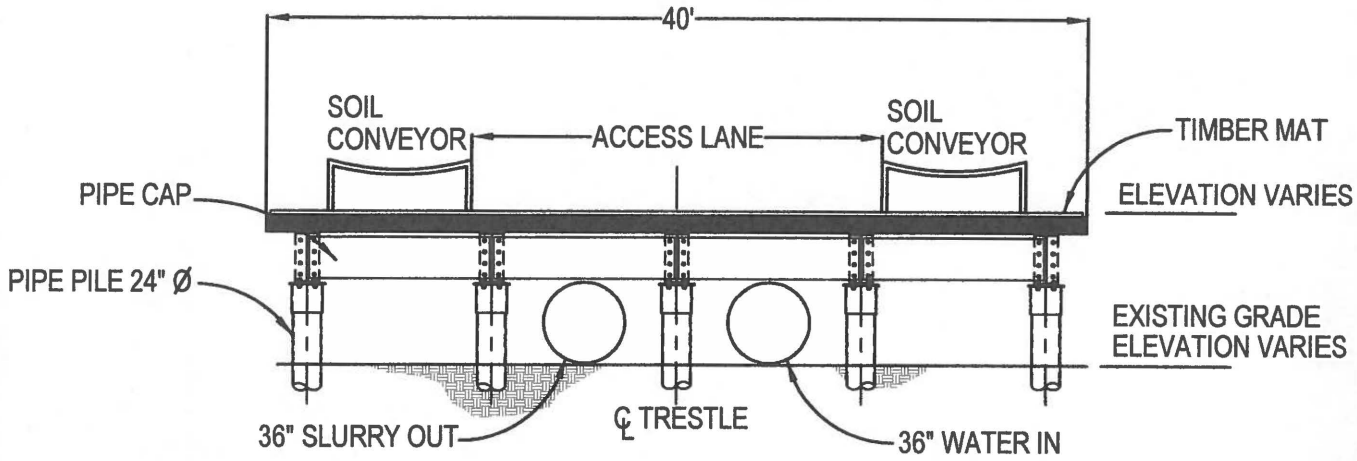
PURPOSE: YELLOW HOUSE CREEK BORROW SITE

DATUM: MLW

PLAN

SOUTH CAROLINA PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: YELLOW HOUSE CREEK BORROW SITE
IN: COOPER RIVER
AT: YELLOW HOUSE CREEK
BERKELEY COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 5 OF 9 **DATE:** 11/20/15



SECTION

TEMPORARY TRESTLE
N.T.S.

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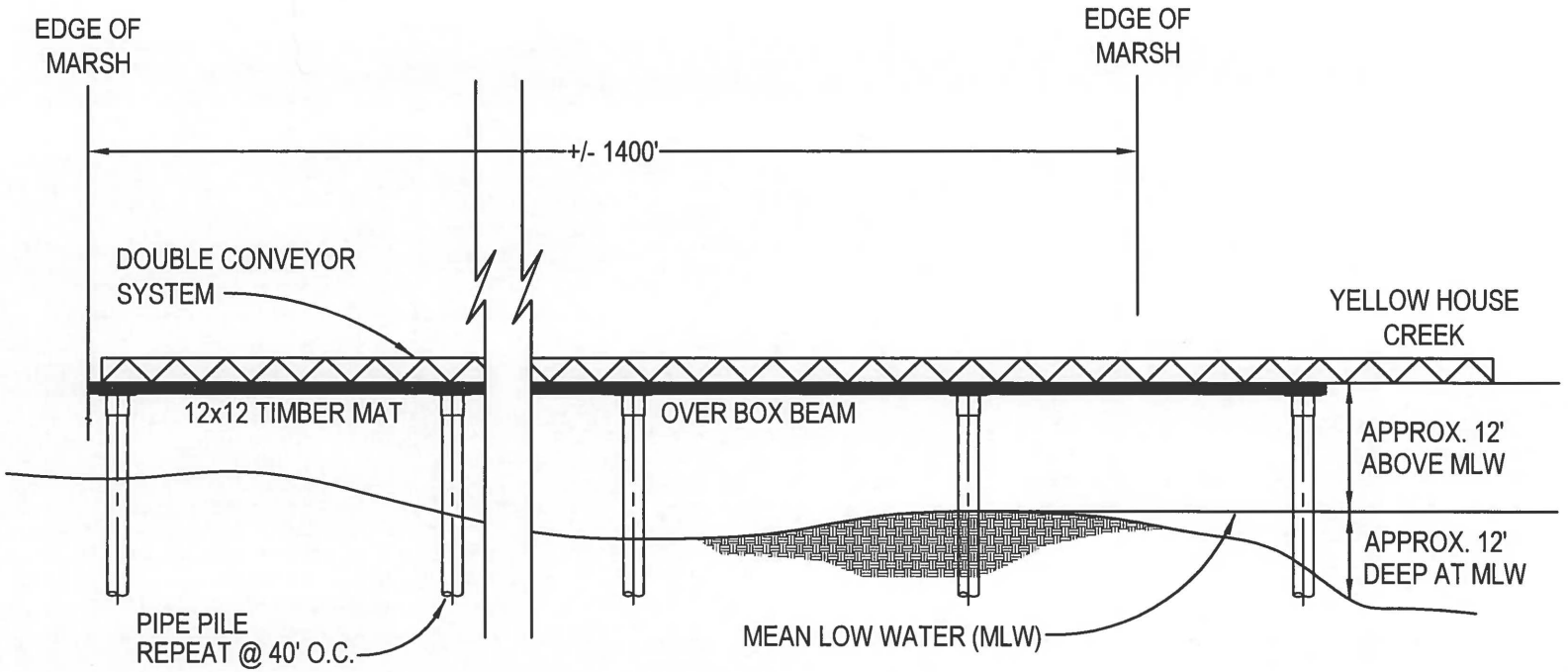
PROJECT NO. : CIFCRT202C
FILE NAME : Hltjp3

PURPOSE: YELLOW HOUSE CREEK BORROW SITE **DATUM:** MLW	**SECTION** **SOUTH CAROLINA PORTS AUTHORITY** **176 CONCORD STREET** **P.O. BOX 22287** **CHARLESTON, S.C. 29413-2287**	**PROPOSED:** YELLOW HOUSE CREEK BORROW SITE **IN:** COOPER RIVER **AT:** YELLOW HOUSE CREEK BERKELEY COUNTY, SOUTH CAROLINA **APPLICATION BY:** SC STATE PORTS AUTHORITY **SHEET:** 6 OF 9 **DATE:** 11/20/15



ELEVATION

CONVEYOR SYSTEM TEMPORARY TRESTLE
N.T.S.

These drawings have been prepared on the basis of a design and build contract package. Information shown is indicative only, and for clarity of the intent of the design. Detailed design will be the responsibility of the contractor. The contractor shall submit final design, drawings, and calculations to the owner's representative for review and approval.

PURPOSE: YELLOW HOUSE CREEK BORROW SITE

DATUM: MLW

ELEVATION

SOUTH CAROLINA PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: YELLOW HOUSE CREEK BORROW SITE

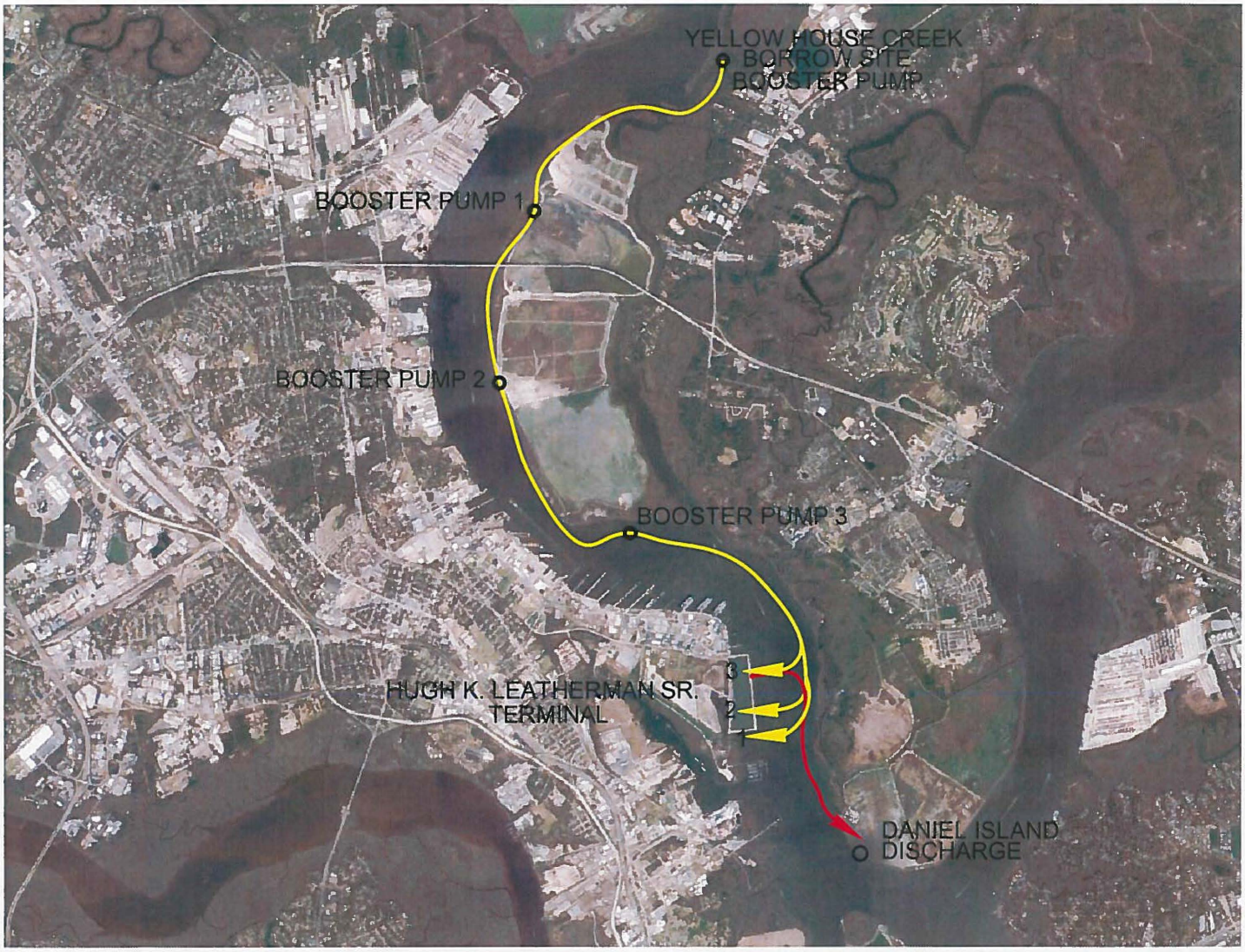
IN: COOPER RIVER

AT: YELLOW HOUSE CREEK
BERKELEY COUNTY, SOUTH CAROLINA

APPLICATION BY: SC STATE PORTS AUTHORITY

SHEET: 7 OF 9 **DATE:** 11/30/15

PROJECT NO.: CIFCRT202C
FILE NAME: Hltjp4



PROJECT NO. : CIFCRT202C
FILE NAME : Hltjp6

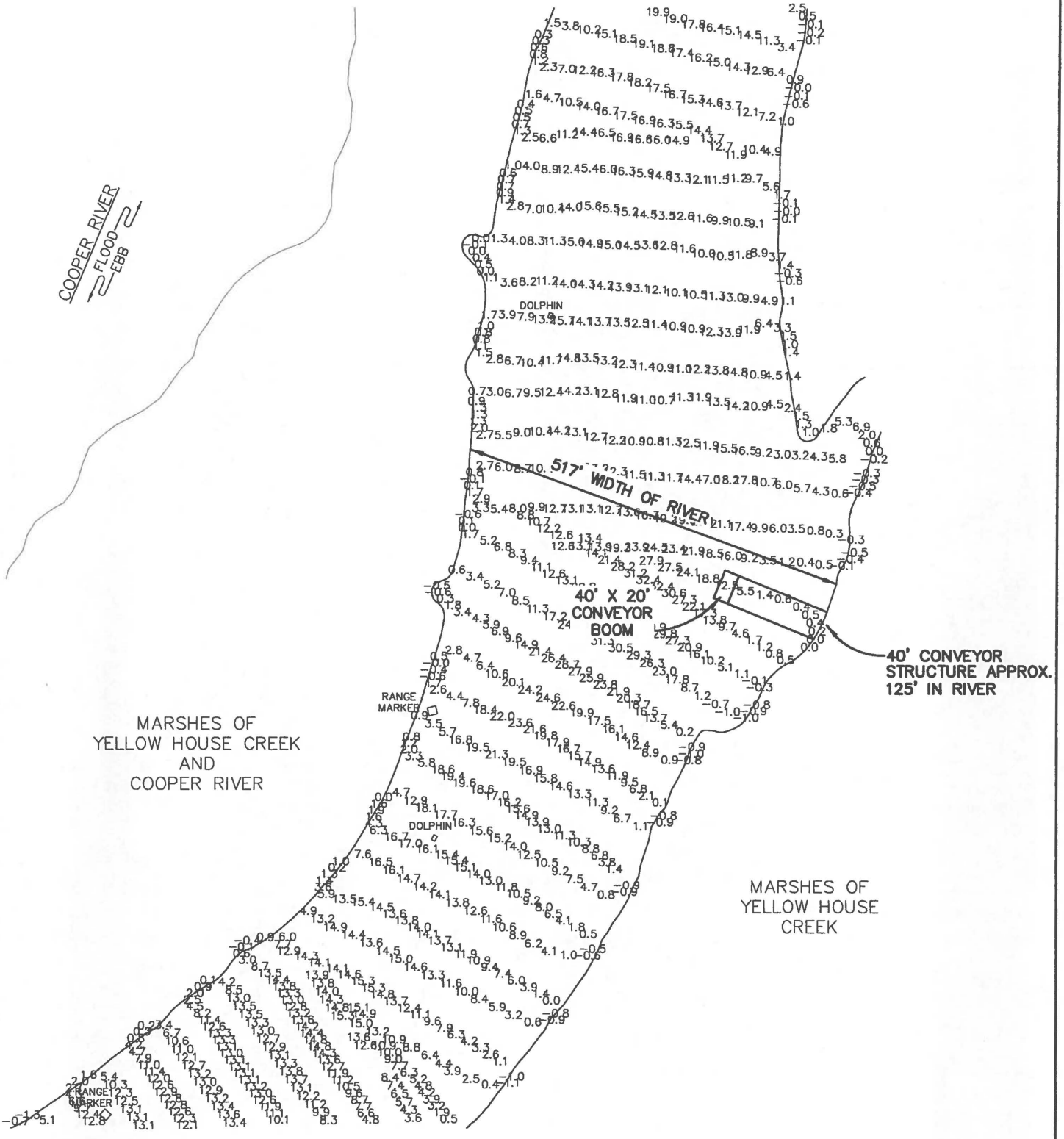
PURPOSE: YELLOW HOUSE CREEK BORROW SITE

DATUM: MLW

PROPOSED SLURRY OPERATION PIPE LOCATION

SOUTH CAROLINA PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: YELLOW HOUSE CREEK BORROW SITE
IN: COOPER RIVER
AT: YELLOW HOUSE CREEK
BERKELEY COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 8 OF 9 **DATE:** 12/01/15



PROJECT NO. : CIFCRT202C
FILE NAME : Hltjp8

PURPOSE: YELLOW HOUSE CREEK BORROW SITE **DATUM:** MLW	**YELLOW HOUSE CREEK BATHYMETRY** **SOUTH CAROLINA PORTS AUTHORITY** **176 CONCORD STREET** **P.O. BOX 22287** **CHARLESTON, S.C. 29413-2287**	**PROPOSED:** YELLOW HOUSE CREEK BORROW SITE **IN:** COOPER RIVER **AT:** YELLOW HOUSE CREEK BERKELEY COUNTY, SOUTH CAROLINA **APPLICATION BY:** SC STATE PORTS AUTHORITY **SHEET:** 9 OF 9 **DATE:** 11/30/15