

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-2014-00533-Revised

16 DECEMBER 2016

Pursuant to 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

Mr. Marc Fetten
Cooper River Partners
1588 Bushy Park Road
Goose Creek, South Carolina 29445

for a modification to a permit and to place fill material in 0.722 acres of freshwater wetlands adjacent to the

COOPER RIVER

at a location, at the Bushy Park Industrial Complex on the east side of Bushy Park Road, in a new proposed rail spur corridor, in Berkeley County, South Carolina (Latitude: 33.0092°N, Longitude:-79.9293°W), (Kittredge Quad).

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 modification of the existing permit SAC 2014-00533 to relocate a proposed rail spur and reduce impacts to freshwater wetlands from 2.53 acres to 0.722 acres. Previously, the applicant was issued United States Army Corps of Engineers

Permit SAC 2014-00533 which authorized the placement of fill material in 2.53-acres of wetlands for construction of a rail spur for a new manufacturing facility to be constructed on the Bushy Park Industrial Complex (BPIC). The permitted rail spur would connect to the existing rail system north of the facility. The facility is to be constructed on parcels 246-00-00-004 and 246-00-00-019 and involves constructing a new manufacturing facility and associated infrastructure on approximately 35 acres at the BPIC. Currently, the location for the manufacturing facility is primarily cleared land and pine plantation that was recently thinned as part of the site's timber management plan. Upon development, the remaining timber will be harvested.

The rail spur was previously located at its permitted location due to the presence of an existing railroad easement located parallel to Bushy Park Road, and the inability to reach an agreement with SCANA Williams Station to build the rail spur from SCANA's existing railroad loop track.

Earlier this year, CRP, LLC (Cooper River Partners, LLC) purchased the northern adjacent Jacobs Engineering facility (94-acres). Additionally, CRP, LLC recently reached an agreement with SCANA to build the CRP, LLC rail spur from the existing SCANA loop track. The agreement stipulates that CRP, LLC must construct a new rail side track and access road on the SCANA property. The ability to use the existing loop track eliminates the need to construct over 5,500 linear feet of new rail along Bushy Park Road. As such, the location of the rail must be modified from its permitted location to incorporate these changes. The proposed modification generally shifts the location of the rail spur to the east from the currently permitted location. The shift in location will reduce the wetland impacts from the presently permitted 2.53 acres to 0.722-acres as proposed in this public notice. The new manufacturing facility will occupy approximately 35-acres. No wetlands fill will be necessary to construct the new manufacturing facility. To mitigate for the proposed impacts to 0.722-acres of jurisdictional freshwater wetlands, the applicant proposes to purchase 8.8 credits from the Pigeon Pond Mitigation Bank. The purpose of the proposed work is to support the operations at the new facility in the BPIC. The applicant will unload raw materials via rail to the new facility. Manufactured products will be transported via a new rail spur to the existing rail system at the SCANA facility located to the north of the CRP, LLC property.

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 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 0.722 acres of freshwater substrates upstream 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, based on the most recently available information that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

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)(f)(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.

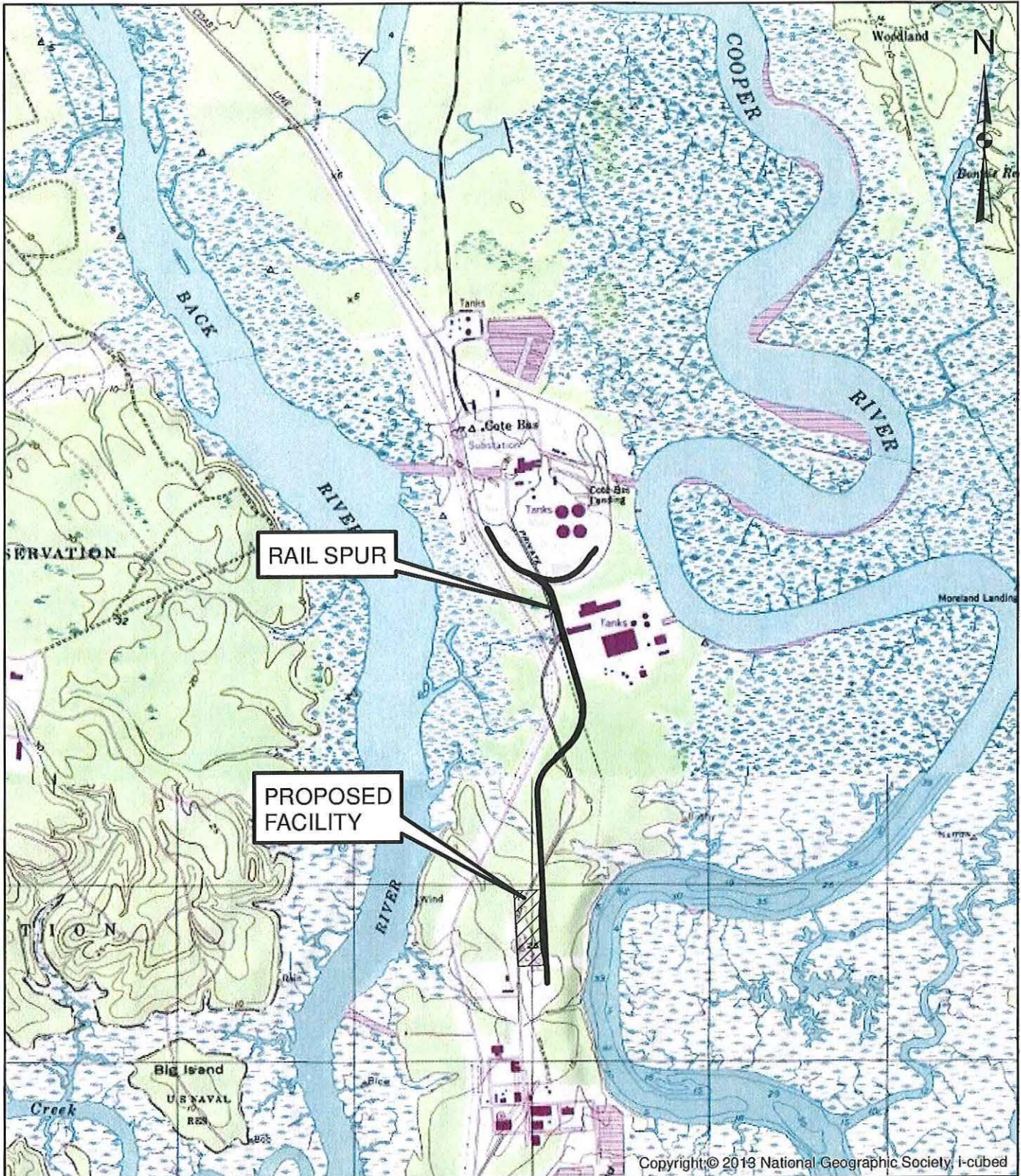
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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: REGULATORY DIVISION
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107**

If there are any questions concerning this public notice, please contact Mary Hope Green Project Manager, at (843) 329-8044 or toll free at 1-866-329-8187.



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PURPOSE: WETLANDS FILL FOR RAIL SPUR

FIGURE 1 of 7
SITE LOCATION MAP

PROPOSED: WETLANDS FILL
PERMIT MODIFICATION

ADJACENT PROPERTY OWNERS:
SEE ATTACHED:
PUBLIC NOTICE MAILING LIST DATA FORM

NOT TO SCALE

AT: BUSHY PARK INDUSTRIAL COMPLEX

SURVEY DATUM: N/A

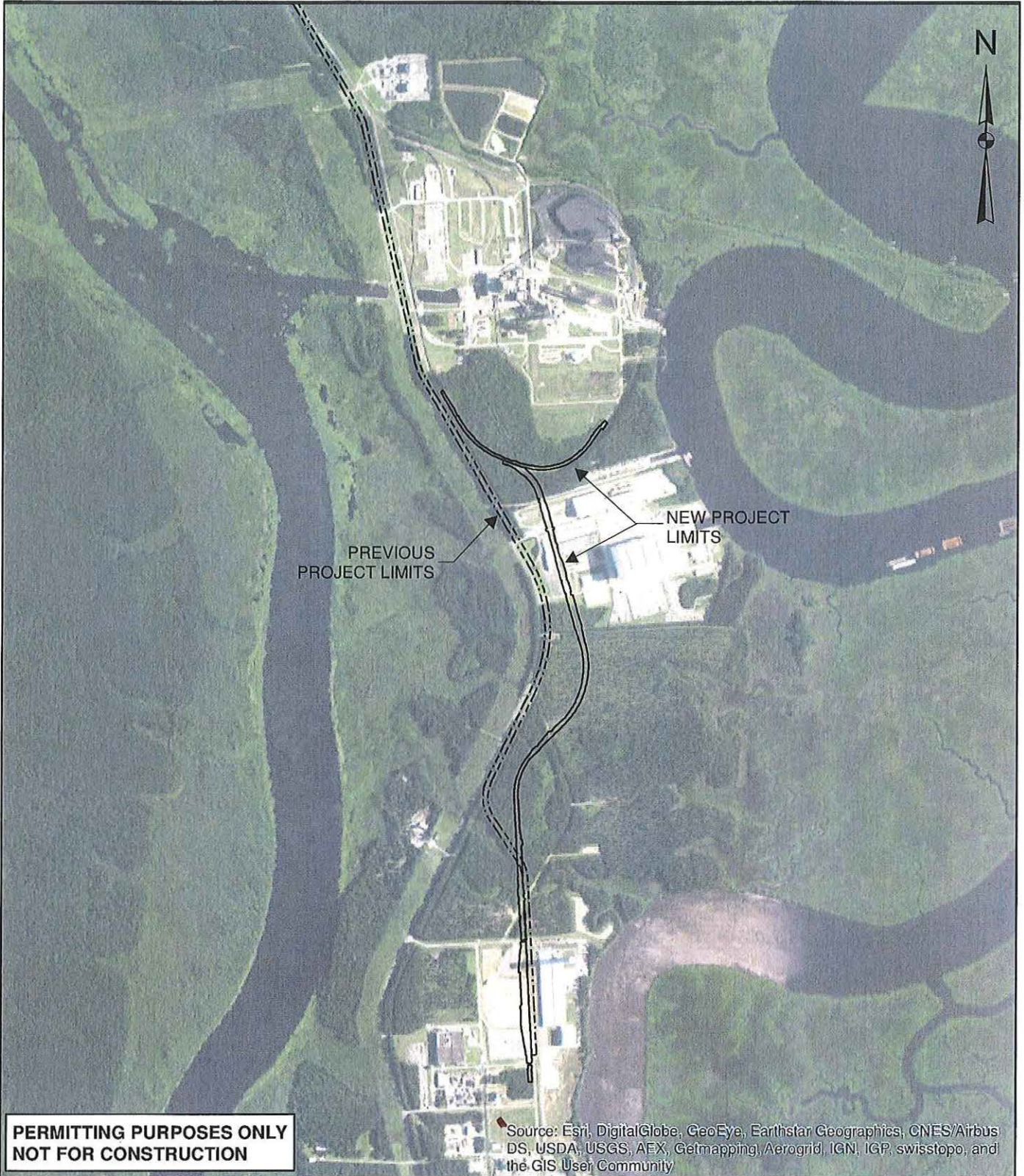
PROJECT DOUGLAS
BUSHY PARK INDUSTRIAL COMPLEX
BERKELEY COUNTY, SOUTH CAROLINA

IN: COOPER RIVER

COUNTY OF: BERKELEY
SOUTH CAROLINA

SHEET: 1 of 5

DATE: 12/15/2016



**PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION**

PURPOSE: PROJECT DOUGLAS
WETLANDS FILL FOR RAIL SPUR

SURVEY DATUM: NAD83, NAVD88

DATE: 9/29/2016

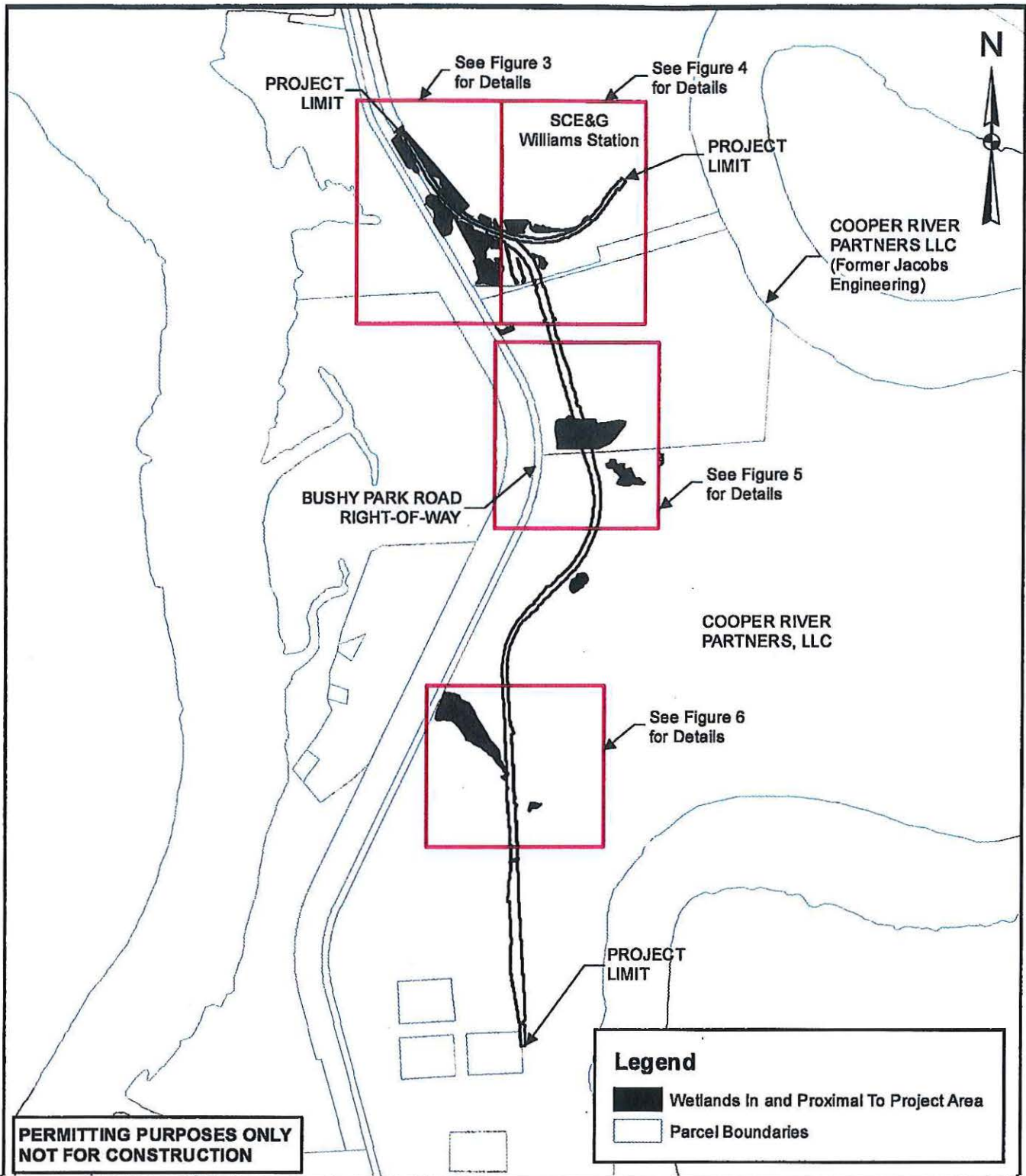
FIGURE 2 of 7
COMPARISON OF
RAIL SPUR ROUTES

PERMIT MODIFICATION REQUEST
PROJECT DOUGLAS
BUSHY PARK INDUSTRIAL COMPLEX
BERKELEY COUNTY, SOUTH CAROLINA



PROPOSED: WETLANDS FILL
PERMIT MODIFICATION
AT: BUSHY PARK INDUSTRIAL COMPLEX

IN: COOPER RIVER

COUNTY OF: BERKELEY
SOUTH CAROLINA



**PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION**

Legend	
	Wetlands In and Proximal To Project Area
	Parcel Boundaries

PURPOSE: PROJECT DOUGLAS
WETLANDS FILL FOR RAIL SPUR

SURVEY DATUM: NAD83, NAVD88

DATE: 9/29/2016

FIGURE 3 of 7
MODIFIED RAIL SPUR
SITE MAP

1 inch = 1,250 feet

PERMIT MODIFICATION REQUEST
PROJECT DOUGLAS
BUSHY PARK INDUSTRIAL COMPLEX
BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: WETLANDS FILL
PERMIT MODIFICATION

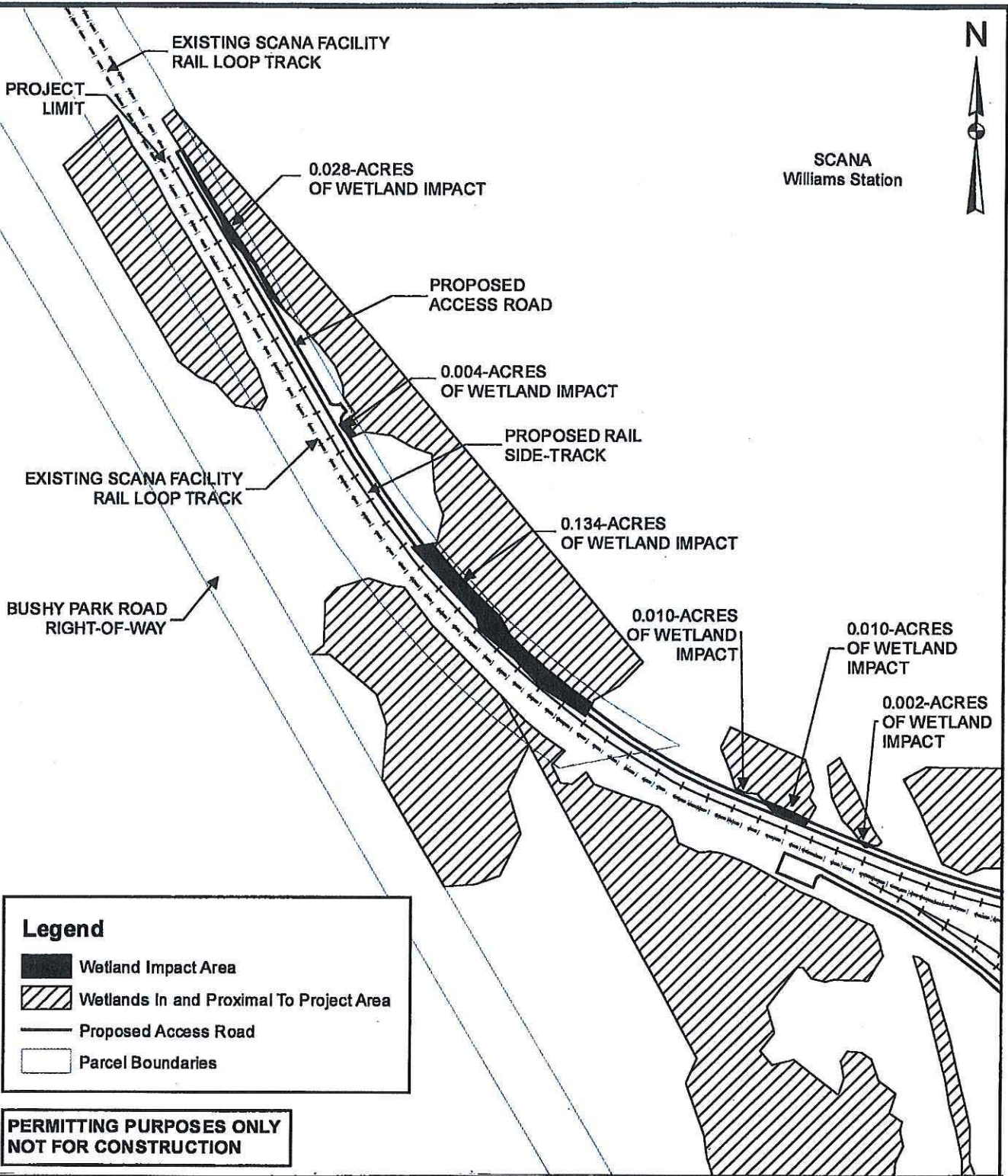
AT: BUSHY PARK INDUSTRIAL COMPLEX

IN: COOPER RIVER





COUNTY OF: BERKELEY
SOUTH CAROLINA



SCANA
Williams Station



Legend

-  Wetland Impact Area
-  Wetlands In and Proximal To Project Area
-  Proposed Access Road
-  Parcel Boundaries

**PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION**

PURPOSE: PROJECT DOUGLAS
WETLANDS FILL FOR RAIL SPUR

SURVEY DATUM: NAD83, NAVD88

DATE: 9/29/2016

FIGURE 4 of 7
MODIFIED RAIL SPUR
DETAILED SITE MAP
1 inch = 165 feet

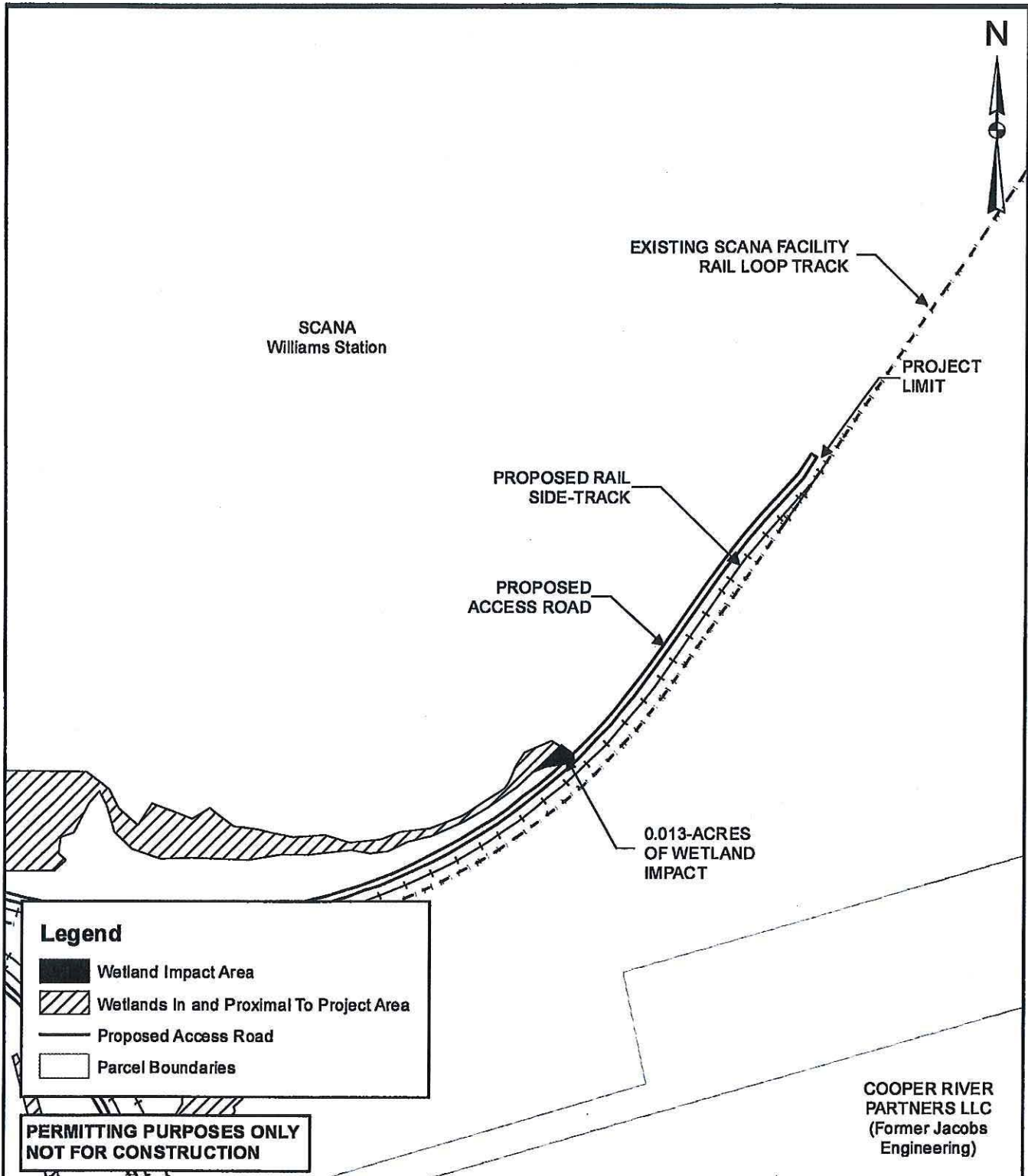
PERMIT MODIFICATION REQUEST
PROJECT DOUGLAS
BUSHY PARK INDUSTRIAL COMPLEX
BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: WETLANDS FILL
PERMIT MODIFICATION

AT: BUSHY PARK INDUSTRIAL COMPLEX

IN: COOPER RIVER

COUNTY OF: BERKELEY
SOUTH CAROLINA



PURPOSE: PROJECT DOUGLAS
WETLANDS FILL FOR RAIL SPUR

SURVEY DATUM: NAD83, NAVD88

DATE: 8/29/2016

FIGURE 5 of 7
MODIFIED RAIL SPUR
DETAILED SITE MAP
1 inch = 165 feet

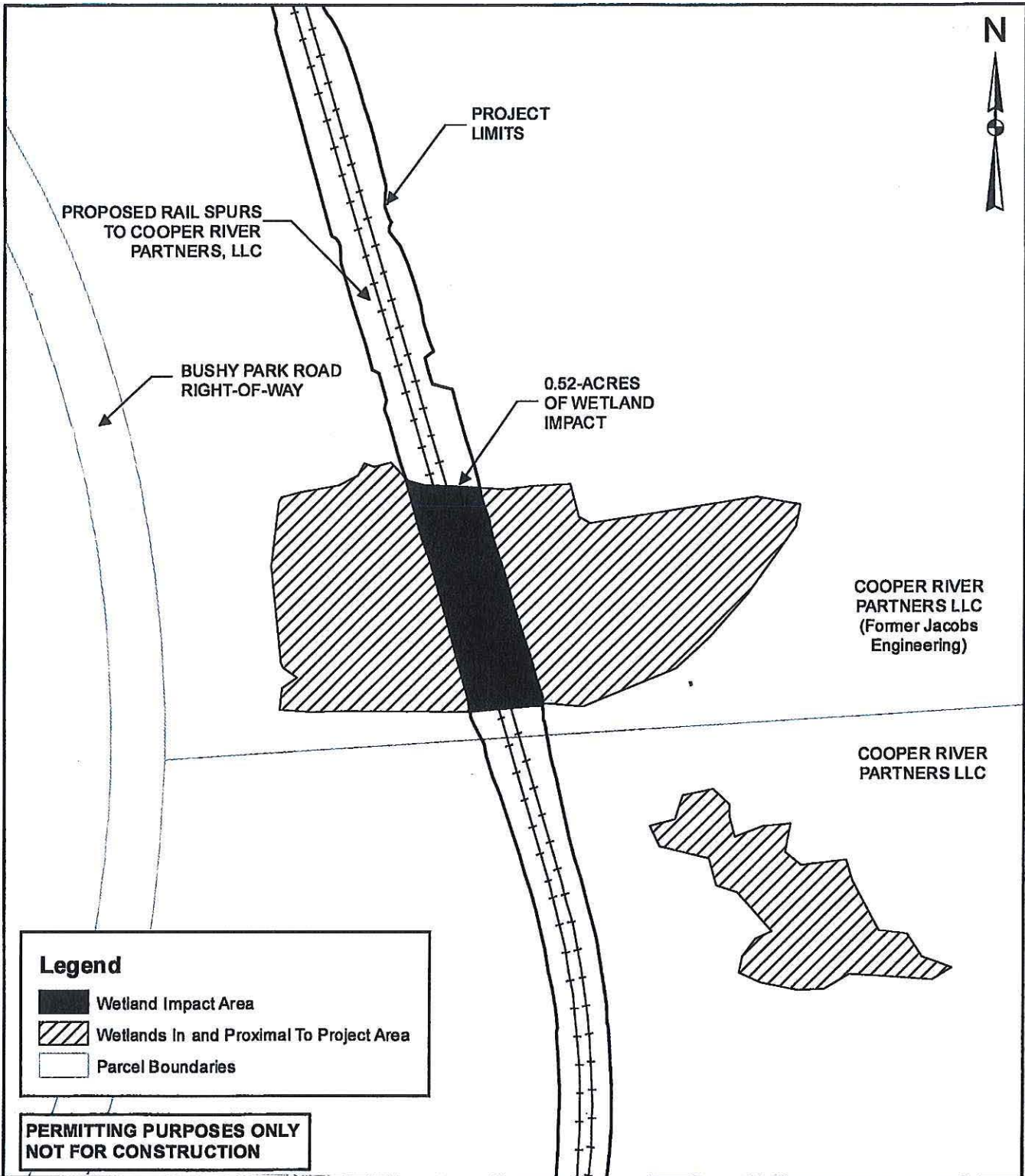
PERMIT MODIFICATION REQUEST
PROJECT DOUGLAS
BUSHY PARK INDUSTRIAL COMPLEX
BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: WETLANDS FILL
PERMIT MODIFICATION

AT: BUSHY PARK INDUSTRIAL COMPLEX

IN: COOPER RIVER

COUNTY OF: BERKELEY
SOUTH CAROLINA



PURPOSE: PROJECT DOUGLAS
WETLANDS FILL FOR RAIL SPUR

SURVEY DATUM: NAD83, NAVD88

DATE: 9/29/2016

FIGURE 6 of 7

MODIFIED RAIL SPUR
DETAILED SITE MAP

1 inch = 165 feet

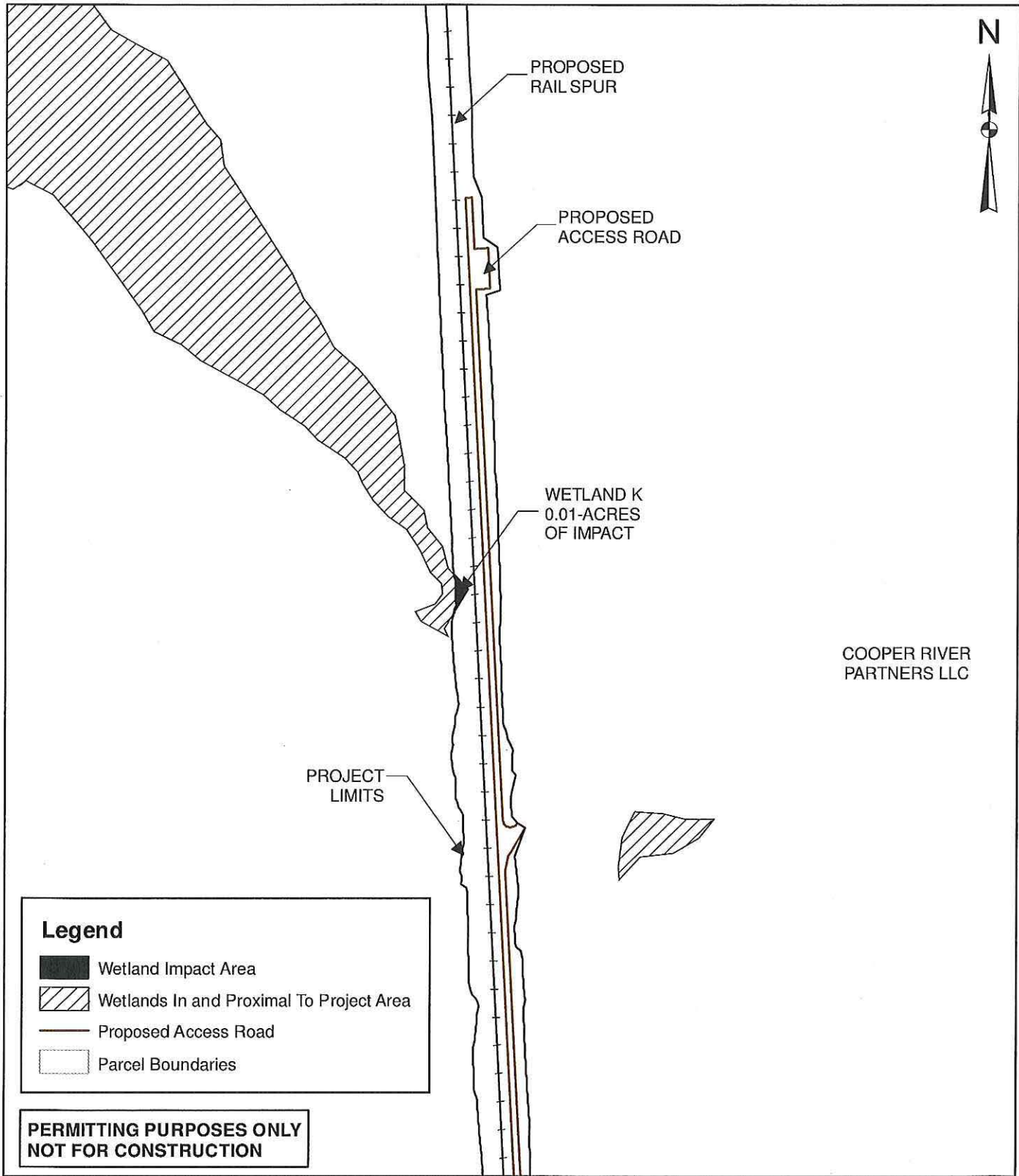
PERMIT MODIFICATION REQUEST
PROJECT DOUGLAS
BUSHY PARK INDUSTRIAL COMPLEX
BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: WETLANDS FILL
PERMIT MODIFICATION

AT: BUSHY PARK INDUSTRIAL COMPLEX

IN: COOPER RIVER

COUNTY OF: BERKELEY
SOUTH CAROLINA



COOPER RIVER PARTNERS LLC

Legend

-  Wetland Impact Area
-  Wetlands In and Proximal To Project Area
-  Proposed Access Road
-  Parcel Boundaries

**PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION**

PURPOSE: PROJECT DOUGLAS
WETLANDS FILL FOR RAIL SPUR

SURVEY DATUM: NAD83, NAVD88

DATE: 9/29/2016

FIGURE 7 of 7

MODIFIED RAIL SPUR
DETAILED SITE MAP

1 inch = 165 feet

PERMIT MODIFICATION REQUEST
PROJECT DOUGLAS
BUSHY PARK INDUSTRIAL COMPLEX
BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: WETLANDS FILL
PERMIT MODIFICATION

AT: BUSHY PARK INDUSTRIAL COMPLEX

IN: COOPER RIVER

COUNTY OF: BERKELEY
SOUTH CAROLINA