<u>JOINT</u> <u>PUBLIC NOTICE</u>

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: SAC-2023-00690

June 1, 2023

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

The South Carolina Department of Commerce c/o Daniel Young 1201 Main Street, Suite 1600 Columbia, South Carolina 29201-3200 and Richland County c/o Jeff Ruble 1201 Main Street, Suite 1110 Columbia, South Carolina 29201

for a permit to discharge fill material in waters associated with

Beasley Creek

located on a +/- 2,581 acre site south and east of Blythewood Road, east and west of I-77 and west of U.S. 21 in Blythewood, Richland County, South Carolina (Latitude: 34.19460 °, Longitude: -80.98901 °), Irmo NE.

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

30 Days from the Date of this Notice,

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

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

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to develop an advanced manufacturing facility and its attendant infrastructure, including a dedicated interchange to the site.

Project Description

The proposed work consists of the construction of an original equipment manufacturer (OEM) rail-served advanced manufacturing facility in the electric vehicle (EV) sector of the automotive industry with direct interchange access to an interstate that will take advantage of the Midlands area of South Carolina's existing transportation, distribution, and logistics (TDL) cluster. The design of the Proposed Project has been developed under a master plan concept that would be constructed in two or more phases to support existing demand, while allowing for planned expansion. Ground-clearing activities on the project area have begun outside of the aquatic resource areas.

Phase I of the Proposed Project would include the construction of the necessary facilities to produce EV automobiles. More specifically, it would consist of site preparation work and the cumulative construction of six buildings, totaling approximately 3,128,000 square feet (sf) in buildings to stage materials and house facilities for the assembly, paint, finish, body, press, cutting system, media, and finished automobile parking processes, in addition to administrative and management offices, employee, and utility facilities. Phase I would also entail construction of attendant infrastructure, including a new interchange on I-77, interior roadways, a rail spur and rail loading areas, truck and personal vehicle (POV) parking, and stormwater detention basins.

The remaining phases would include the development of an additional 25 buildings, totaling approximately 12,995,000 sf in buildings and facilities. While these phases are dependent on market conditions. The subsequent phases of the Proposed Project would largely mirror those constructed in Phase I, essentially doubling the production capacity of the overall facility, and would include additional facilities to house battery assembly, assembly, paint, finish, body, press shop, and finished automobile parking processes, as well as a two test tracks for finished automobiles, among other administrative buildings and features.

In detail, the proposed work would impact 73.637 acres of wetlands, 38.219 acres of ponds and 38,152 linear feet of tributaries. The site configuration and proposed impacts to wetlands and waters of the US are depicted on the proposed plans included as the end of this public notice.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by

- Utilizing Best Management Practices (BMPs) during and after construction to minimize erosion and migration of sediments off-site and impacting water quality downstream from the project. Appropriate erosion and sedimentation controls will be used and maintained in effective operating condition during construction, and exposed soil and other fills will be permanently stabilized at the earliest practicable date.
- Necessary measures will be taken to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or wetlands. In the event of a spill to surface waters, the South Carolina SCDHEC Emergency Response Team will be contacted immediately.
- Once project construction is initiated, it will be carried to completion in an expeditious manner to minimize the period of disturbance to aquatic resources and the surrounding environment.
- Clearing in riparian and wetland areas streamside tree removal and wetland clearing will not include the grubbing of trees. Trees will be felled so as not to disturb root systems and will be handled in a manner that does not gouge the soil. Appropriate equipment with a shear cutting head or hand cutting will be used. Clearing activities will not be performed during unusually wet periods to avoid excessive rutting. Only track or large balloon, rubber tire equipment that does not rut or disturb soil in excess of six inches below the ground surface will be used in environmentally sensitive areas. Timber matting will be used as necessary to minimize damage to ground surfaces.
- Hydrology and Hydraulics pipes will be appropriately sized to avoid and minimize potential scour. Proper design will also allow upstream passage of aquatic organisms.
- Contractors are to use clean fill materials void of pollution/contamination.
- Multiple stormwater detention ponds will be used to minimize the effect of impervious surfaces.

Proposed Compensatory Mitigation

Based on the Charleston District 2010 Guidelines for Compensatory Mitigation worksheets, approximately 942.80 wetland credits, 332.51 pond (wetland) credits, and 272,687.10 stream credits are identified as necessary compensatory mitigation. The applicant conducted a search of approved mitigation banks that service the Broad River watershed (8-digit Hydrologic Unit Code [HUC] 03050106). Per the USACE's Regulatory In-Lieu Fee Bank Information Tracking System (RIBITS) database, the mitigation banks in the primary, secondary, and tertiary service areas with available credits include the Mill Creek, Palmetto Umbrella (Gregory's Site), Arrowhead Farms, Congaree Creek, Two Rivers, Sandy Fork, and Turners Branch mitigation banks. Mill Creek Mitigation Bank currently has the most stream mitigation credits available (42,510 credits). However, this

amount would not fully meet required stream mitigation for the proposed project. According to the applicant, because wetland and stream credits are not available from mitigation banks to meet the full compensatory mitigation requirements, the applicant proposed a compensatory mitigation plan consisting of mitigation bank stream credits and permittee-responsible mitigation (PRM) activities using the watershed approach which is detailed below.

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing stream mitigation credits from the Mill Creek Mitigation bank and through off-site PRM. In detail, according to the application, the compensatory mitigation plan would consist of the following:

<u>PRM Site 1</u> - To satisfy a majority of the impacts in the Sandhills portion of the project area, the applicant is proposing to implement a PRM Plan on two parcels of land totaling 4,902.09 acres located in Richland County referred to as the Mitigation Site. The Mitigation Site is located within 8-digit HUC 03050110, within the Southeastern Plains ecoregion, approximately 19 miles southeast of the project area. The Mitigation Site borders the Congaree River, within the COWASEE Basin, and is located two parcels from Mill Creek Mitigation Bank and four parcels from Congaree National Park. According to the draft PRM plan the goals of this portion of the PRM Plan include:

- "Maintain, enhance or restore Southeastern Plains forests and their associated plant and animal communities by protecting or preserving intact communities and resources and enhancing or restoring altered communities and resources;
- Convert forestry land use to conservation land use;
- Reduce habitat fragmentation and connect adjacent lands;
- Establish natural upland and bottomland hardwood wetland communities in areas converted to open field or planted pine and historically managed for recreation and/or forestry;
- Enhance the connectivity of floodplain wetlands to floodplain stream channels and the Congaree River to promote the hyporheic exchange of surface water and groundwater;
- Preserve, enhance, and restore floodplain channel connections to the Congaree River that are critical to maintaining biotic and genetic diversity within the Congaree River floodplain;
- Enhance multidirectional hydrologic connections and normal flow regimes within channels impacted by existing roadways and culverts by decommissioning and removing existing roadways and culverts or replacing culverts with stone ford crossings or bridges, thereby promoting natural hydrologic and hydraulic exchange and lateral hydrological connectivity with the Congaree River;
- Improve habitat connectivity, biocomplexity, and aquatic life use passage;
- Restore floodplain stream channels and associated headwater tributaries to be hydraulically connected to the Congaree River, thereby distributing backwater flood pulses of the Congaree River across the floodplain interior;
- Re-direct flow within channelized floodplain streams to relict and abandoned stream channels with appropriate and stable stream channel geometry; and

• Permanently protect approximately 4,902.09 acres to be made available for public use."

A permanent site protection instrument would serve as the basis for the protection mechanism. The site project instrument would be placed on the entirety of the 4,902.09-acre site. All streams and wetlands and associated buffers will be protected by this conservation easement.

This portion of the PRM Plan would enhance, restore, and preserve approximately 130,730 LF of streams and preserve and enhance 2,487 acres of wetlands within the Mitigation Site.

<u>PRM Site 2</u> - To satisfy a majority of the impacts in the Piedmont portion of the project area, the applicant is also proposing to implement a PRM Plan on a 154.78-acre parcel of land referenced as Shelton Island. Shelton Island is located within the Southern Outer Piedmont, and within the Lower Broad River Watershed, 8-digit HUC 03050106. According to the draft PRM plan the goals of this portion of the PRM Plan include:

- **"Preserve existing functional aquatic resources** that are adjacent to the Broad River and its alternate channel;
- Control Invasive Species, such as Chinese Privet, that have become a nuisance;
- **Establish a protected habitat corridor** between USFS lands on either side of the island;
- **Improve access to the site** for future inclusion in the Sumter National Forest and public access to the islands' resources;
- **Protect Water Quality within the Broad River** by increasing the amount of protected buffers; and
- Permanently protect approximately 154.78 acres."

A permanent site protection instrument would serve as the basis for the protection mechanism. The site protection instrument would be placed on the entirety of 154.78-acre site. The Shelton Island Site would be transferred to U.S. Forest Service which would assume long-term management and ownership obligations.

This portion of the PRM Plan would preserve approximately 27,522 LF of streams and preserve 18.710 acres of wetlands within the Mitigation Site.

<u>Mitigation Bank</u> – To satisfy the remaining portion of the compensatory mitigation requirement for stream impacts, up to 42,510 stream credits can be deducted from the Mill Creek Mitigation Bank.

Based on a preliminary conceptual mitigation analysis the PRM plans combined have the potential to render approximately 3,788.06 wetland mitigation credits and 255,977 stream credits. The remaining stream credits would be obtained via purchase of stream credits form the Mill Creek Mitigation Bank, up to 42,510 credits. According to the applicant, the collective mitigation package would generate an excess of compensatory mitigation credits

than are needed to offset adverse impacts associated the Proposed Project.

South Carolina Department of Health and Environmental Control

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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.

Essential Fish Habitat

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 not impact 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.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: Red-cockaded woodpecker (*Picoides borealis*), Canby's dropwort (*Oxypolis*)

canbyi), Rough-leaved loosestrife (*Lysimachia asperulaefolia*), and Smooth coneflower (*Echinacea laevigata*).

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have <u>no effect</u> on the Canby's dropwort (*Oxypolis canbyi*) and Rough-leaved loosestrife (*Lysimachia asperulaefolia*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project <u>is not likely to adversely affect</u> the Red-cockaded woodpecker (*Picoides borealis*) and Smooth coneflower (*Echinacea laevigata*) or result in the destruction or adverse modification of designated or proposed critical habitat. 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.

Cultural Resources

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 examined all information provided by the applicant, consulted South Carolina ArchSite (GIS) for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(*I*)(1)), and has initially determined that historic properties, are present; 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 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.

Corps' Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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.

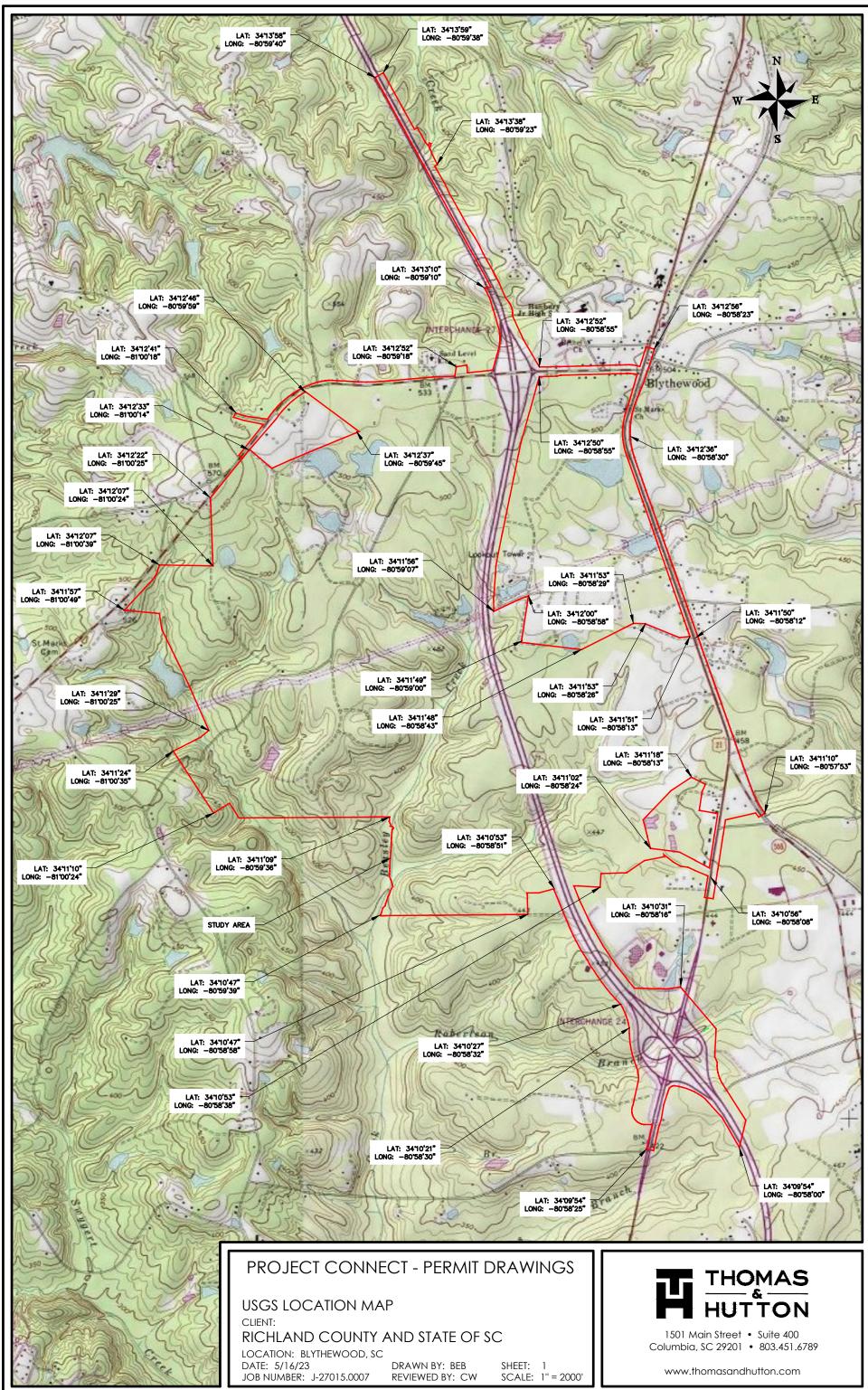
Solicitation of Public Comment

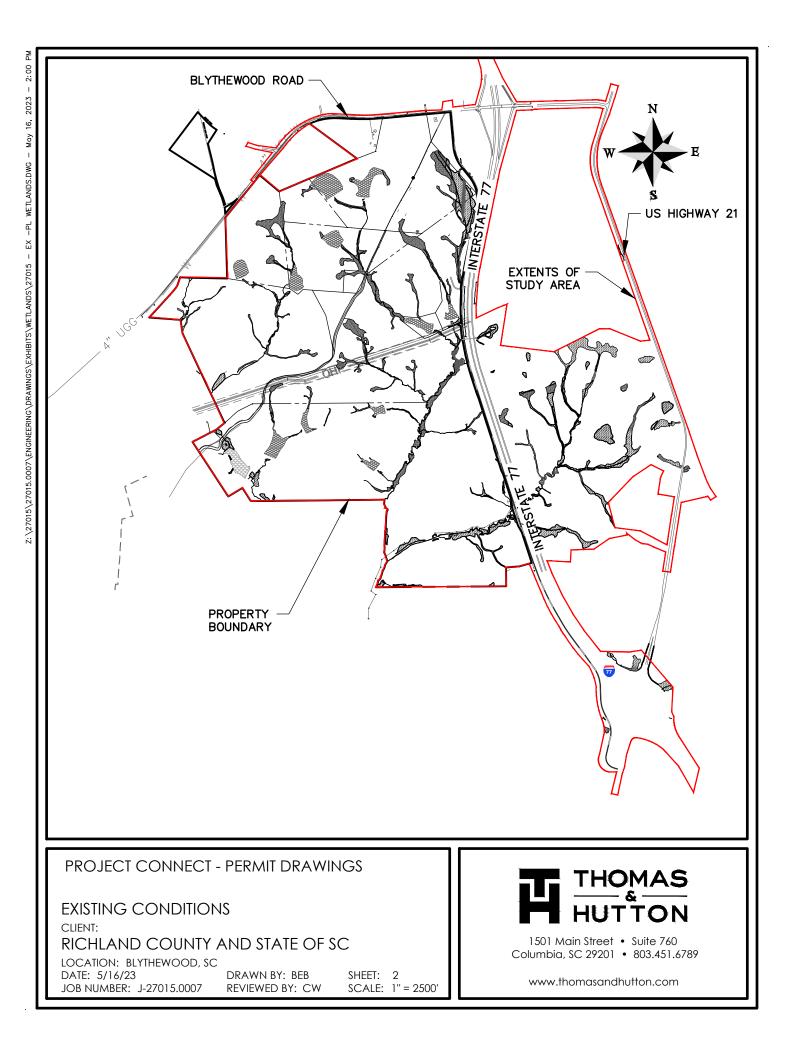
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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. 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.

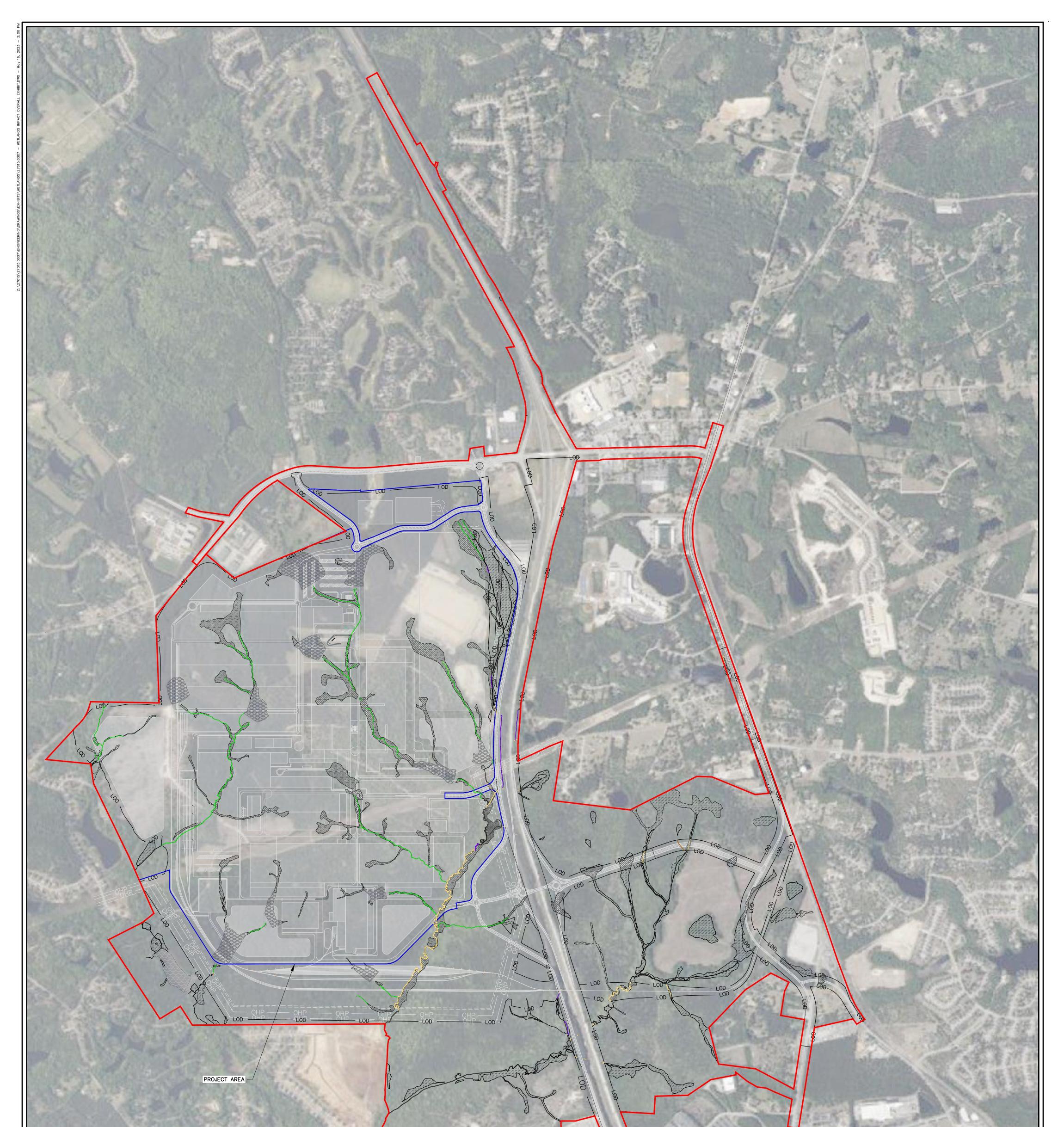
Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2023-00690), to Jeremy.M.Kinney@usace.army.mil <u>or</u> the following address:

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69A Hagood Avenue Charleston, South Carolina 29403-5107

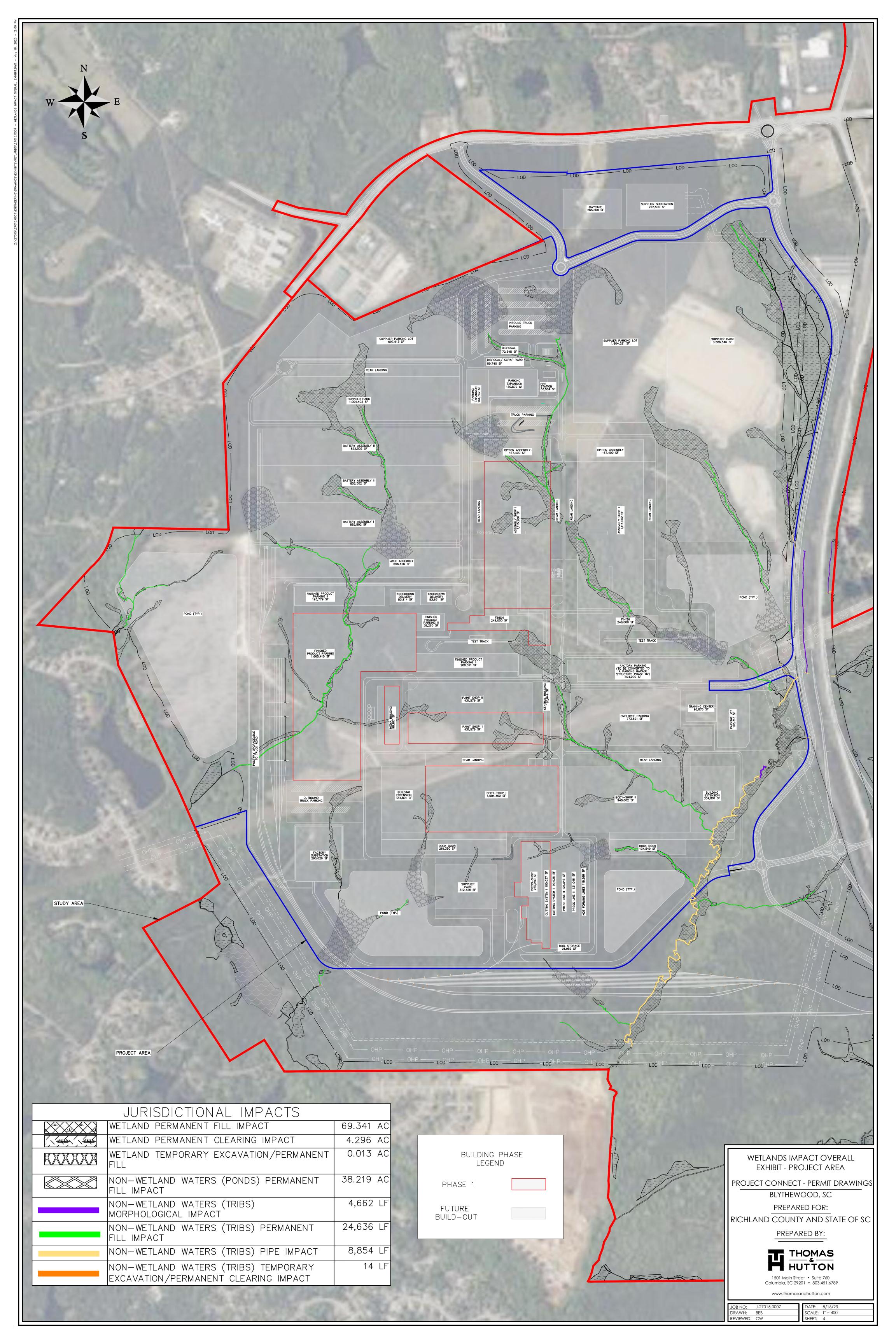
If there are any questions concerning this public notice, please contact Jeremy M. Kinney, Project Manager, at (843) 714-4649, toll free at 1-866-329-8187, or by email at Jeremy.M.Kinney@usace.army.mil.

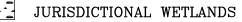






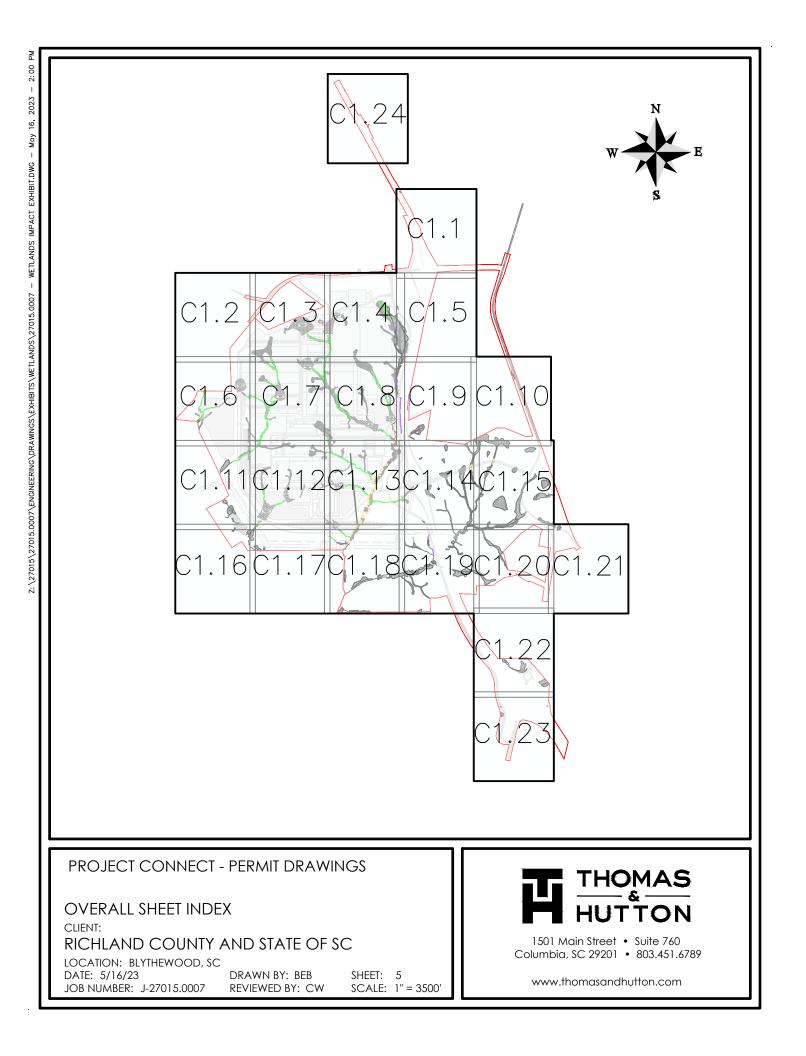
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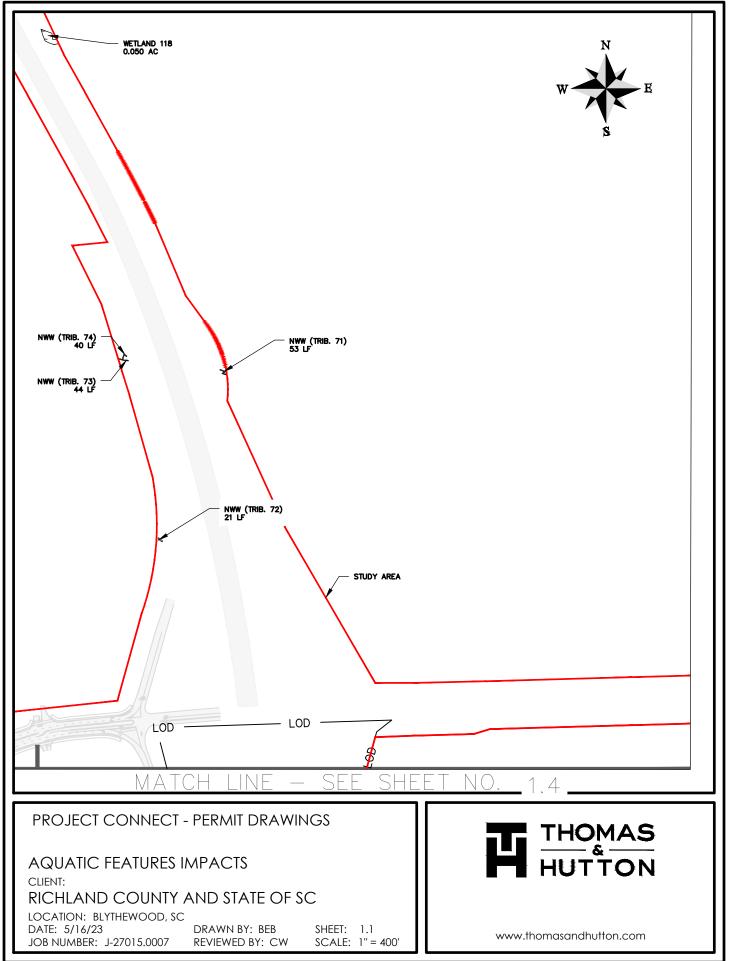


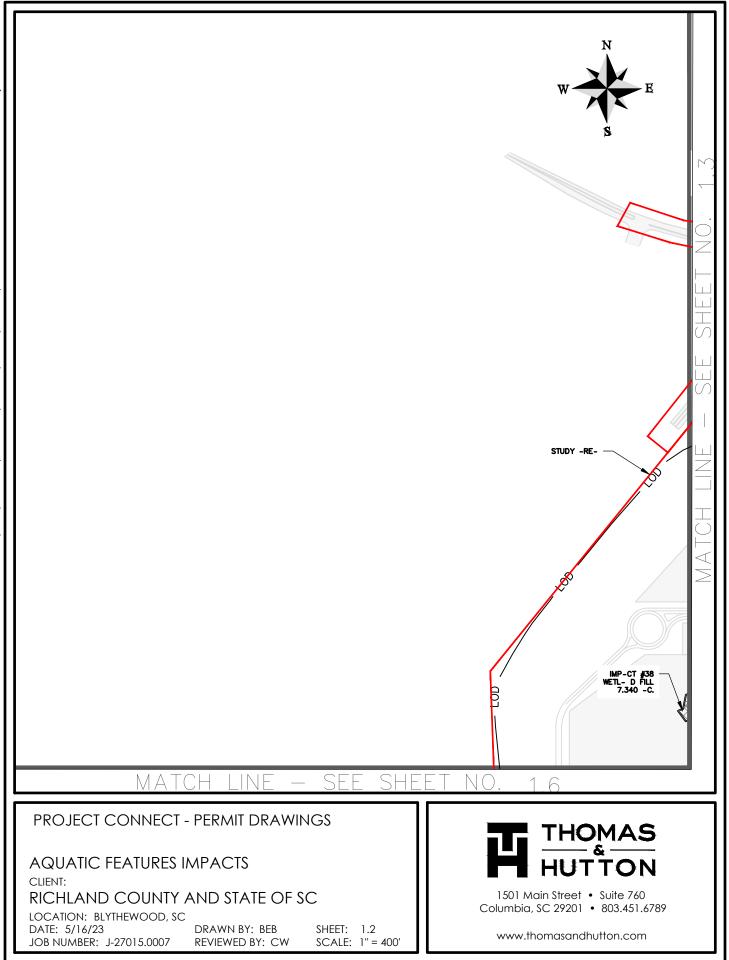


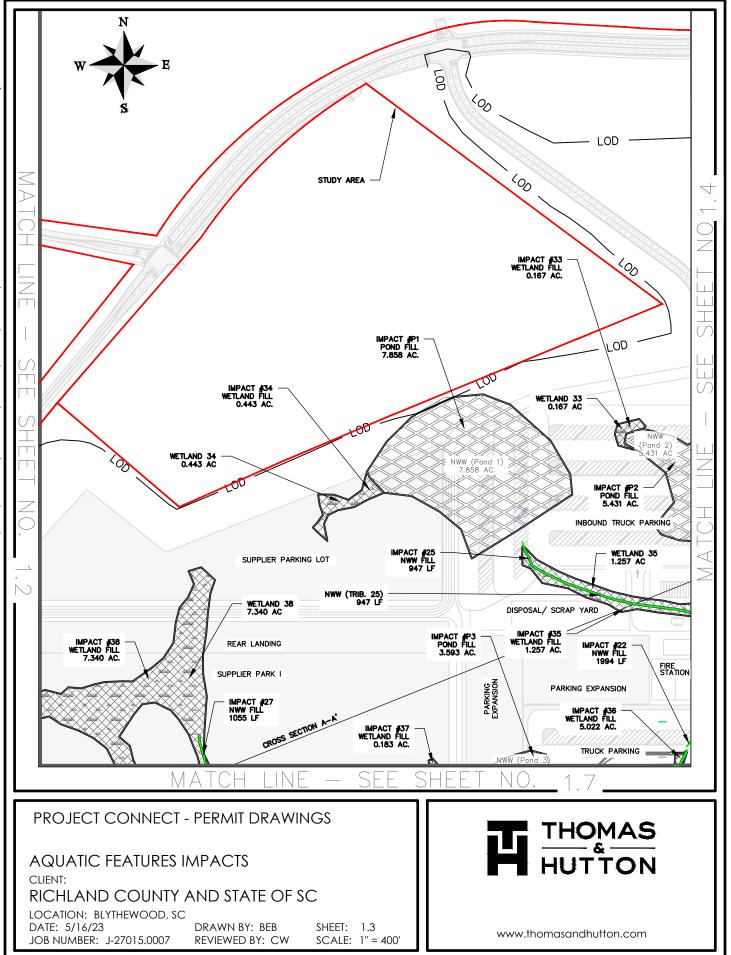
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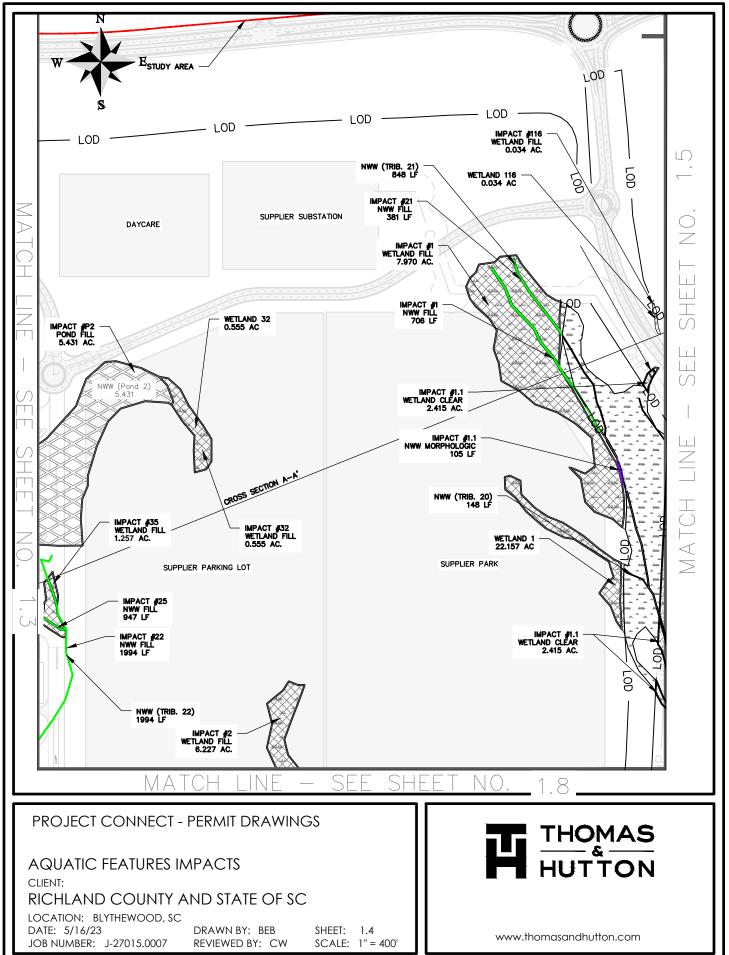
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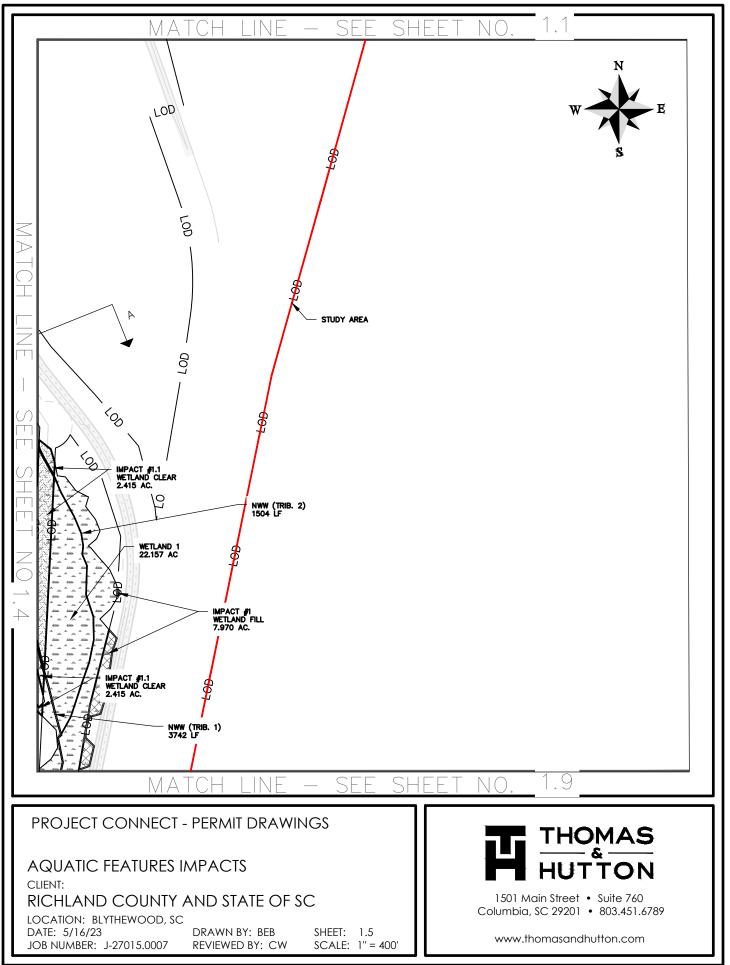




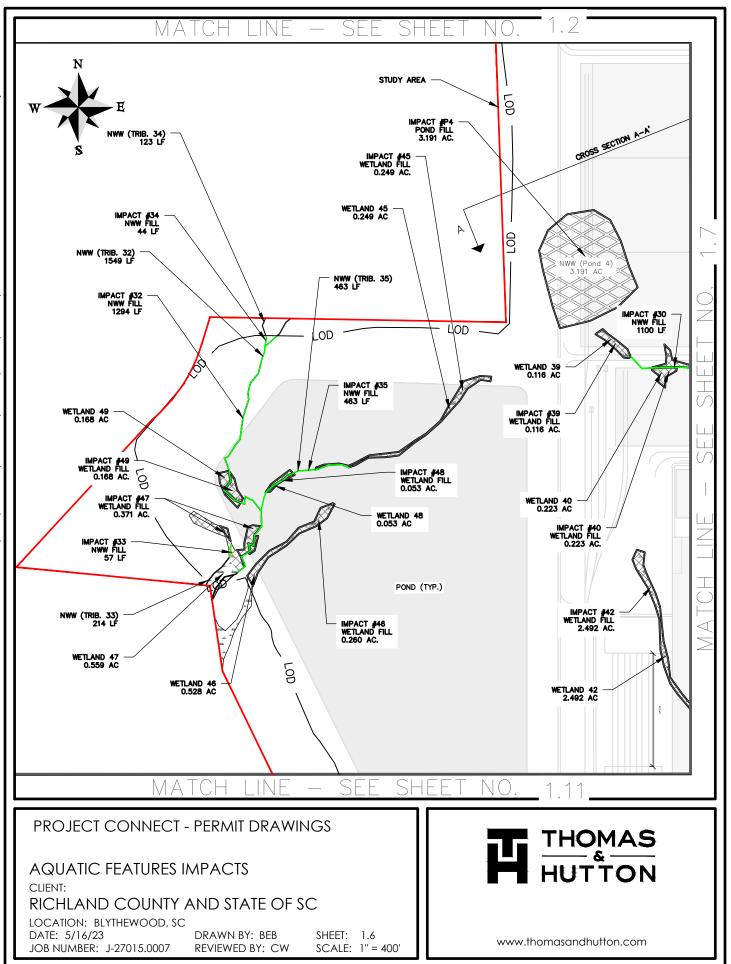




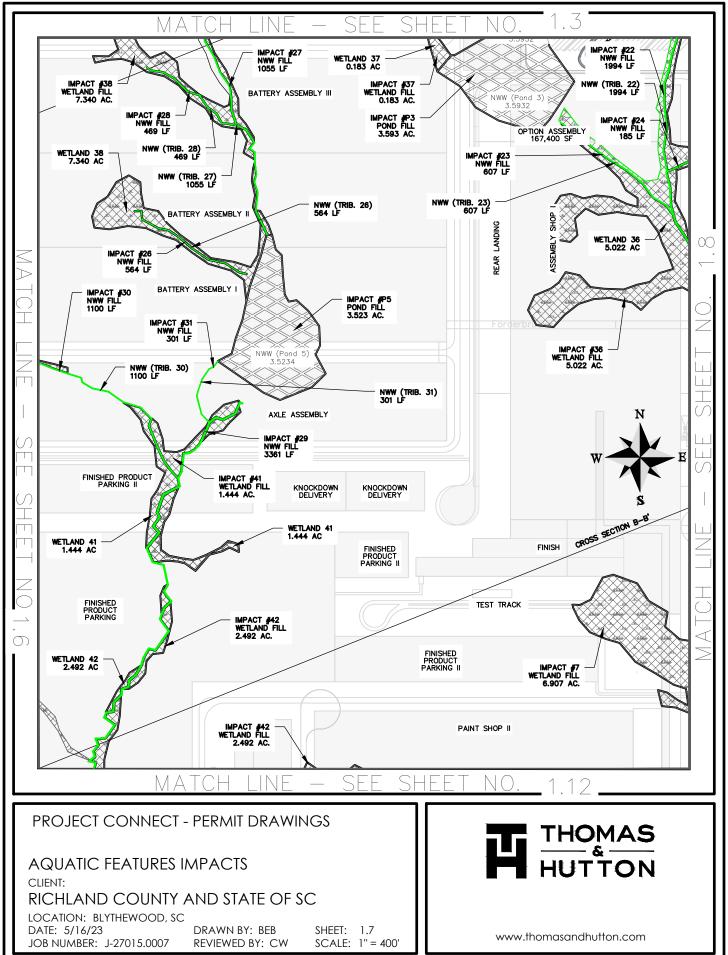




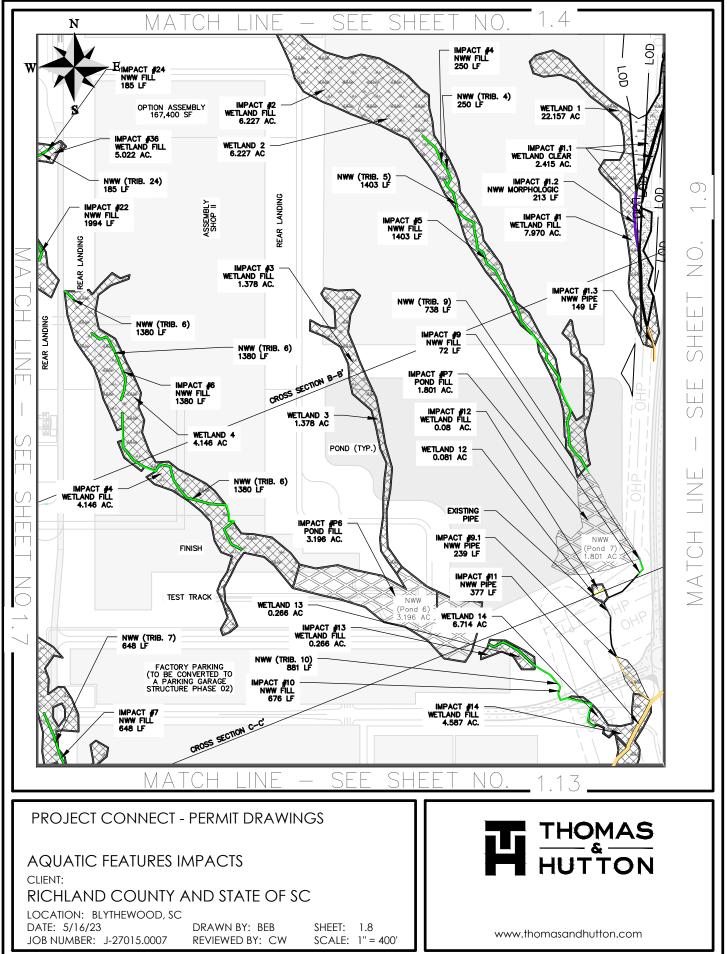
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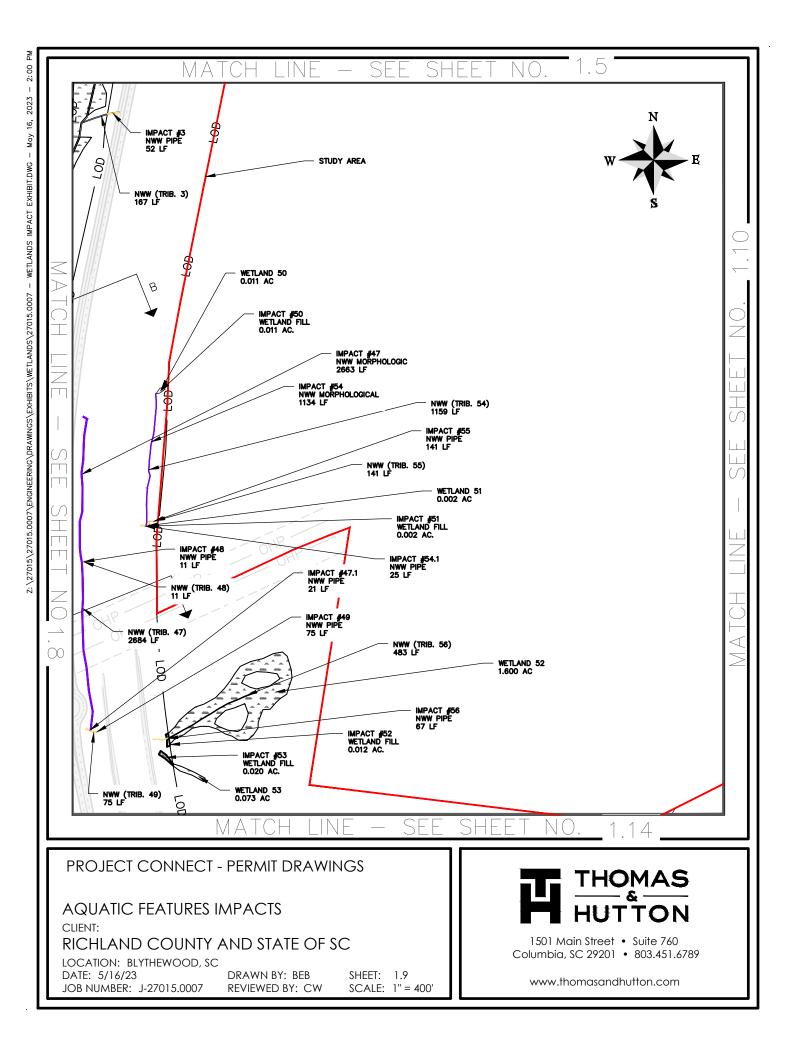


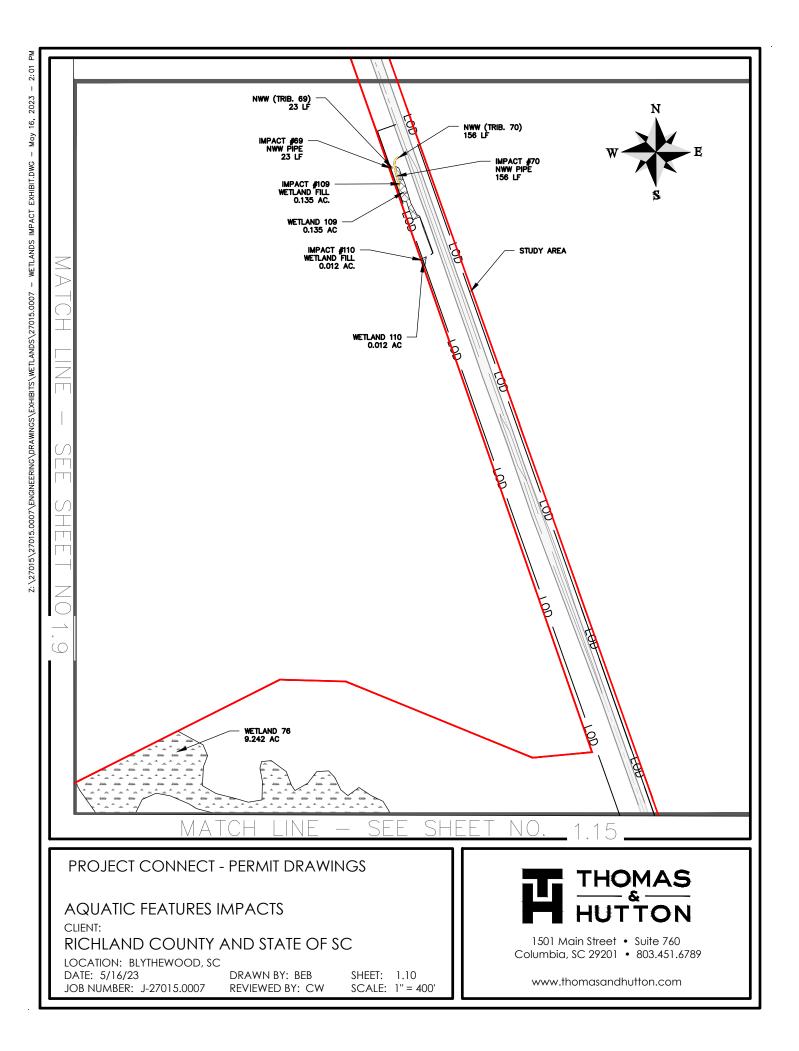
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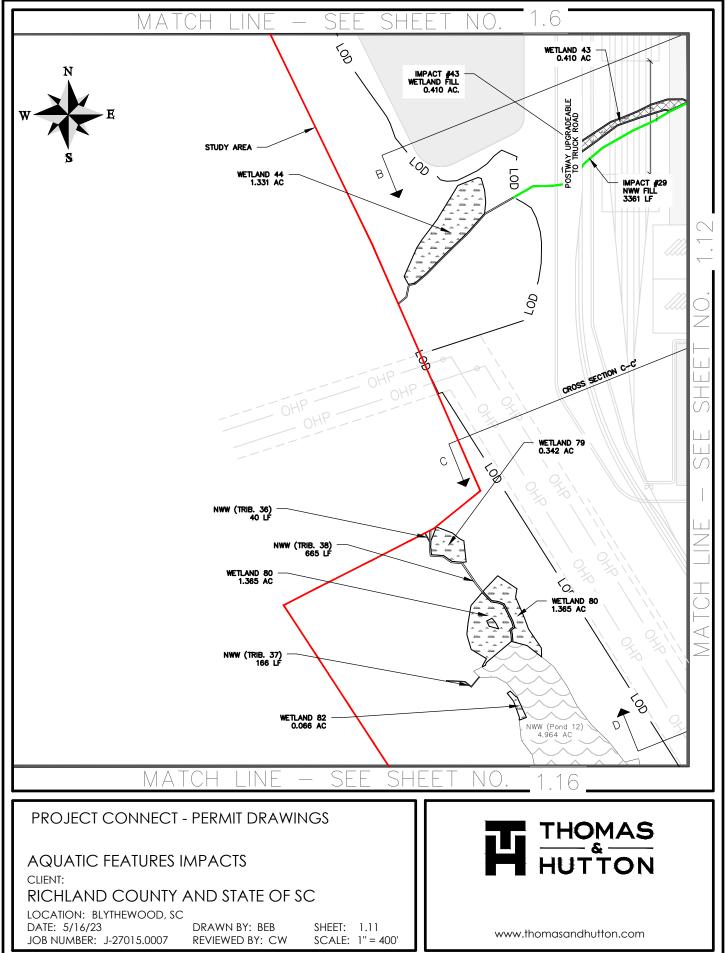


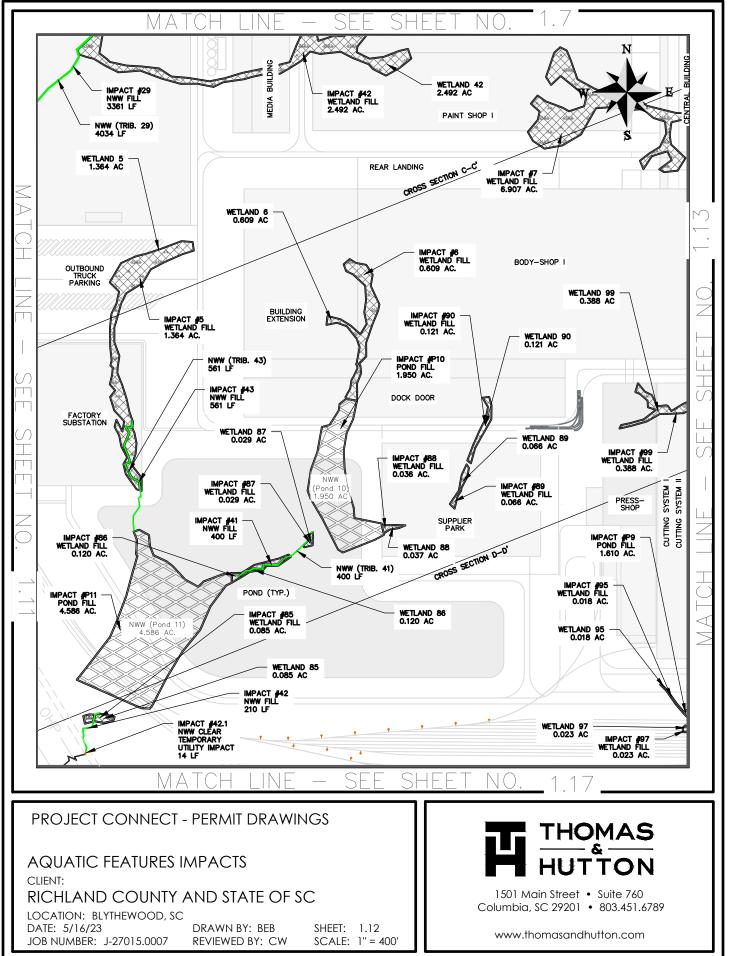
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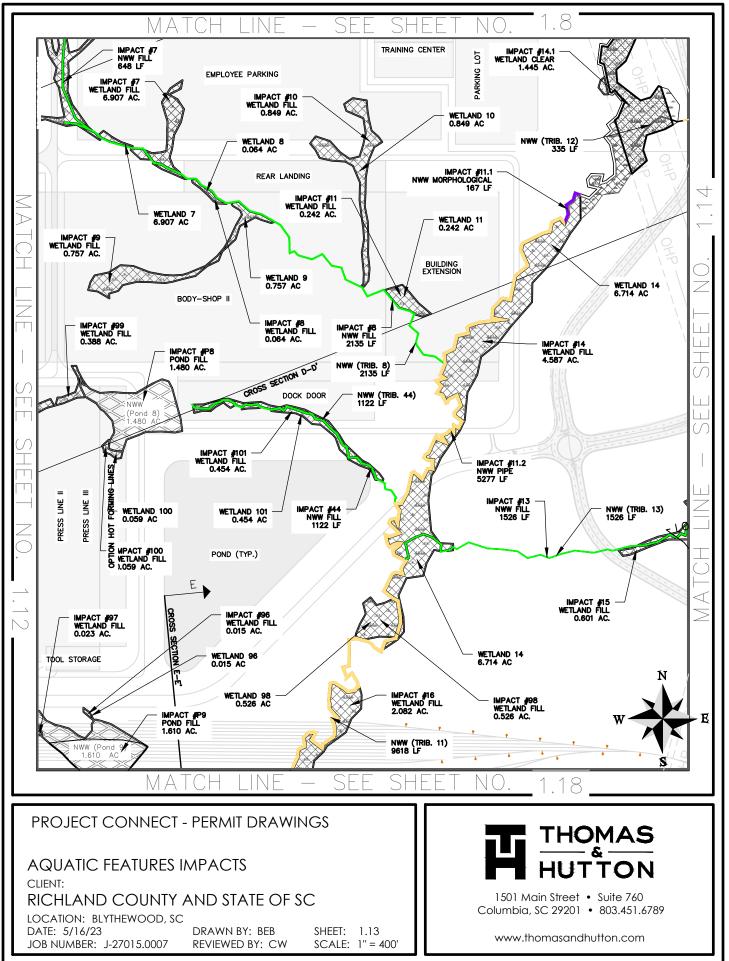






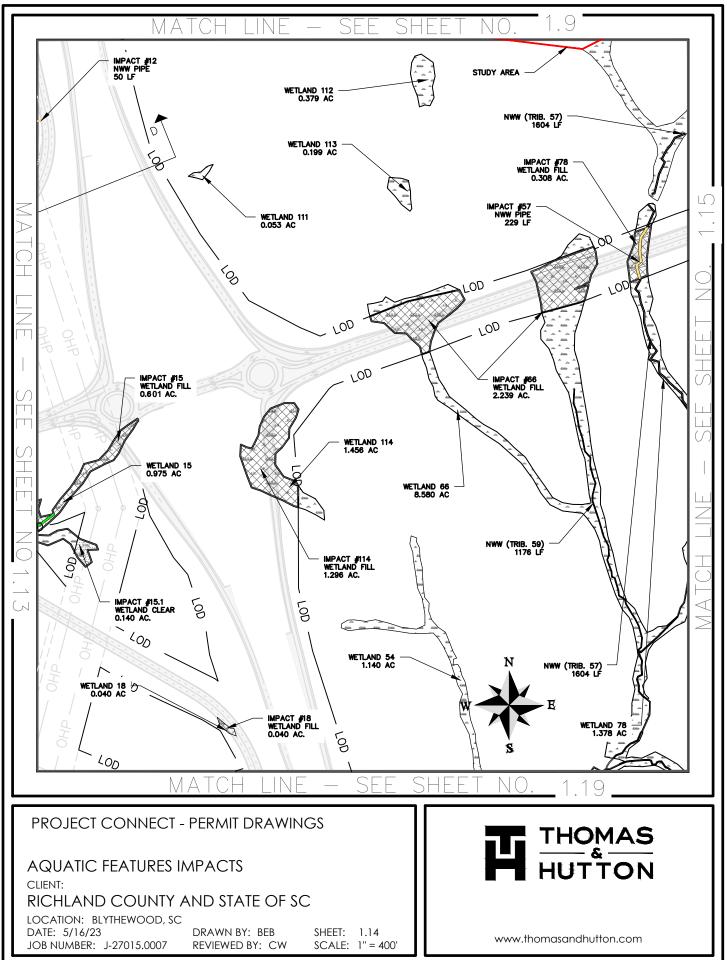


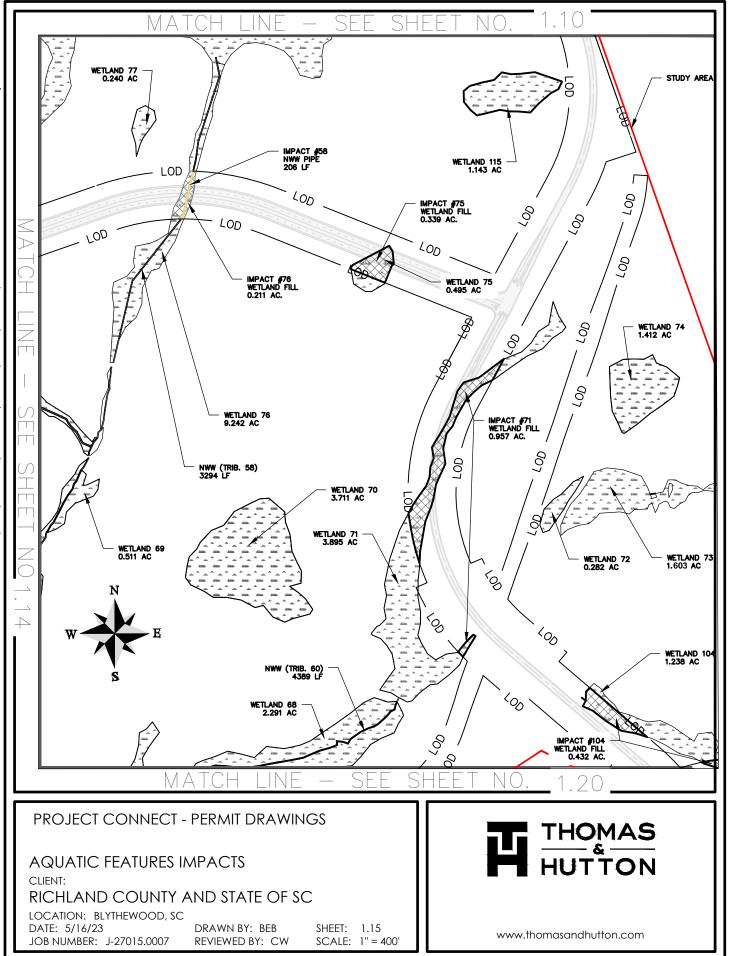




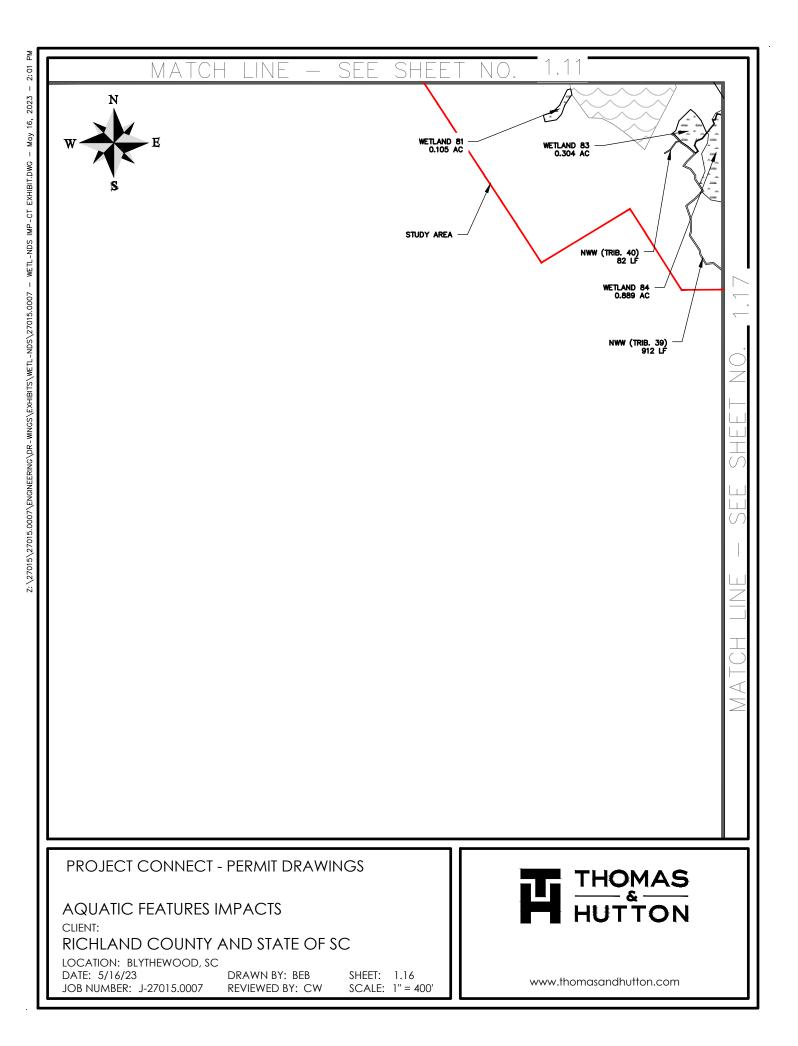
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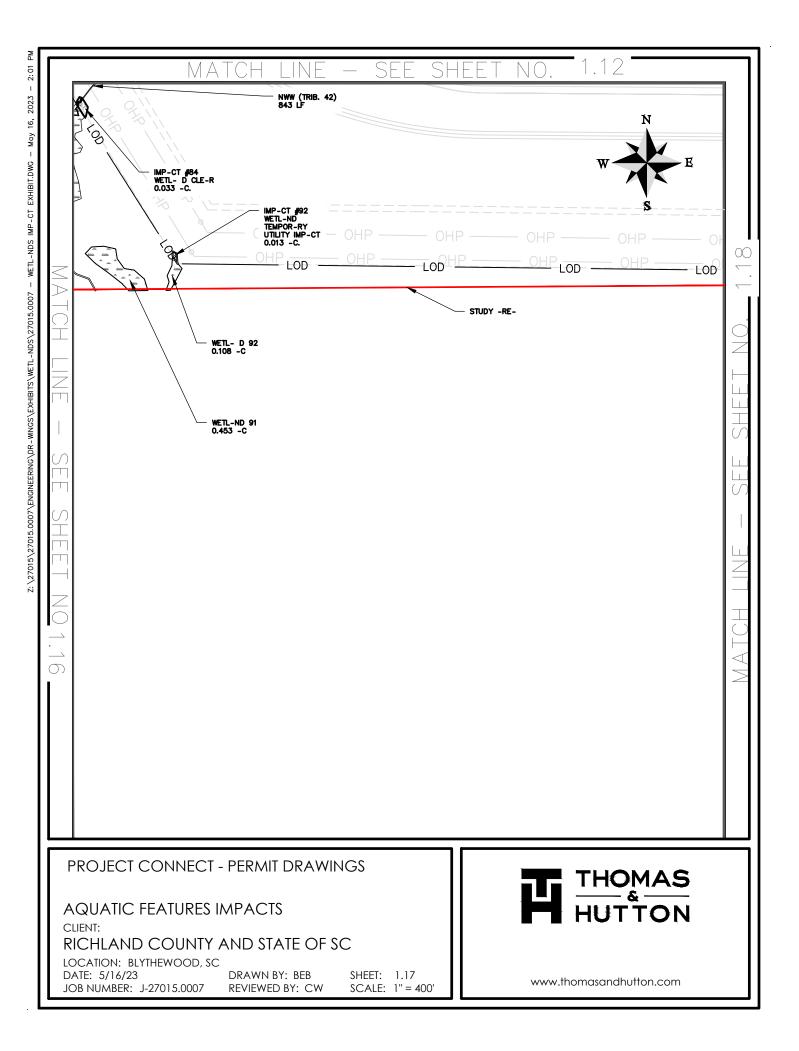
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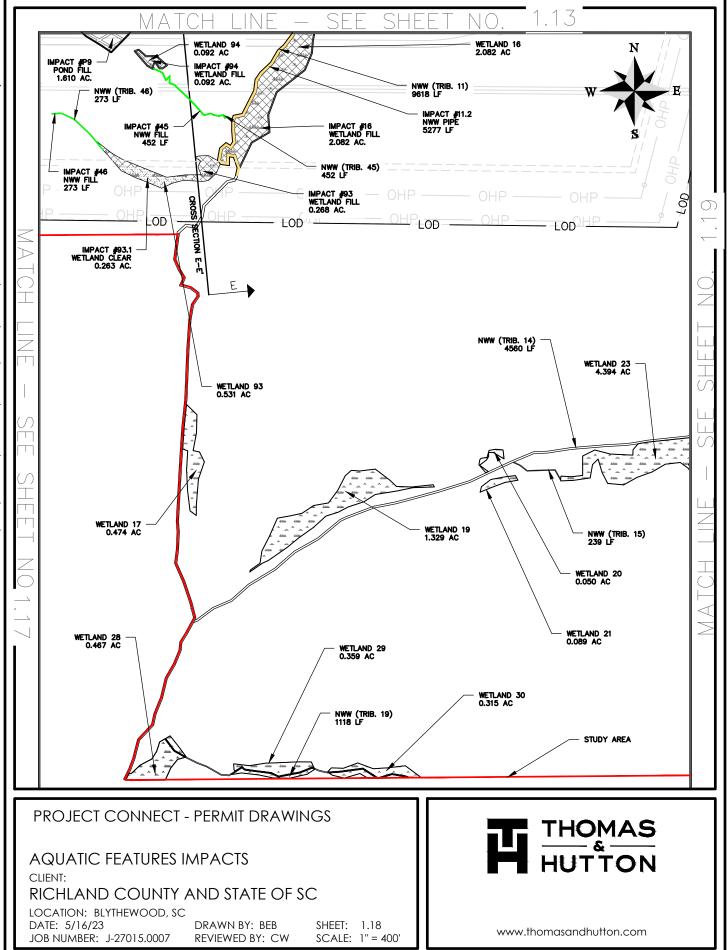


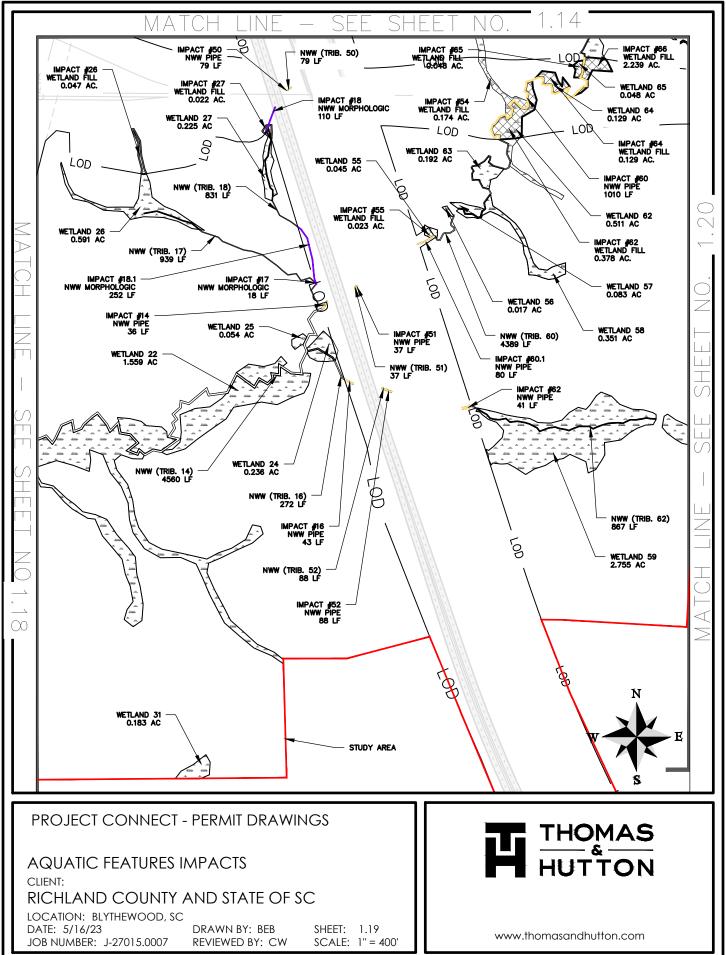


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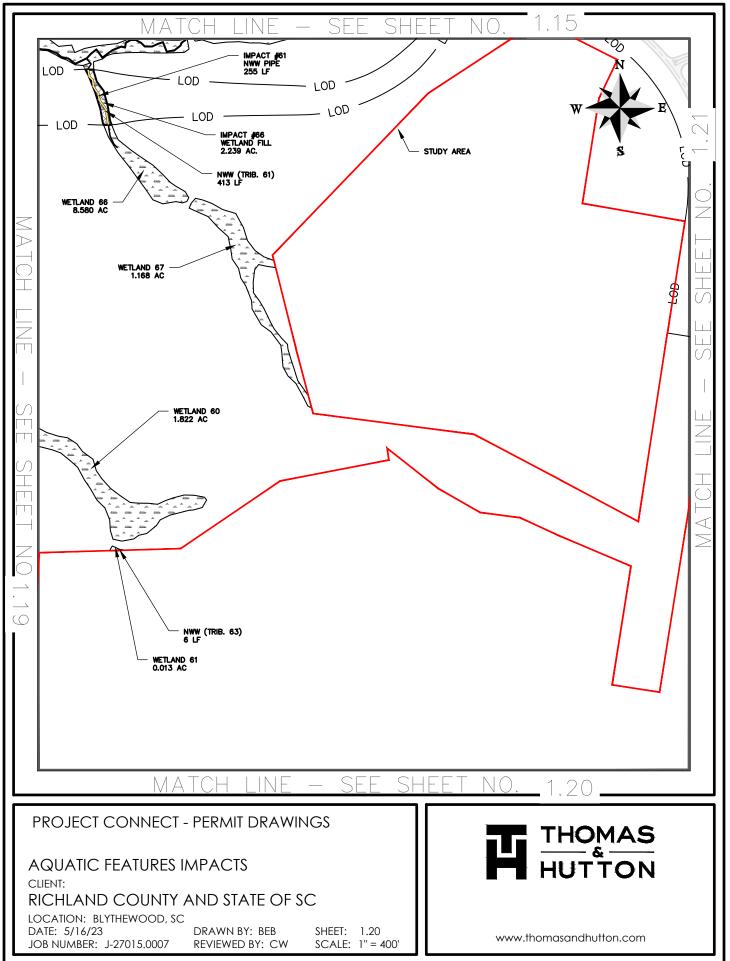




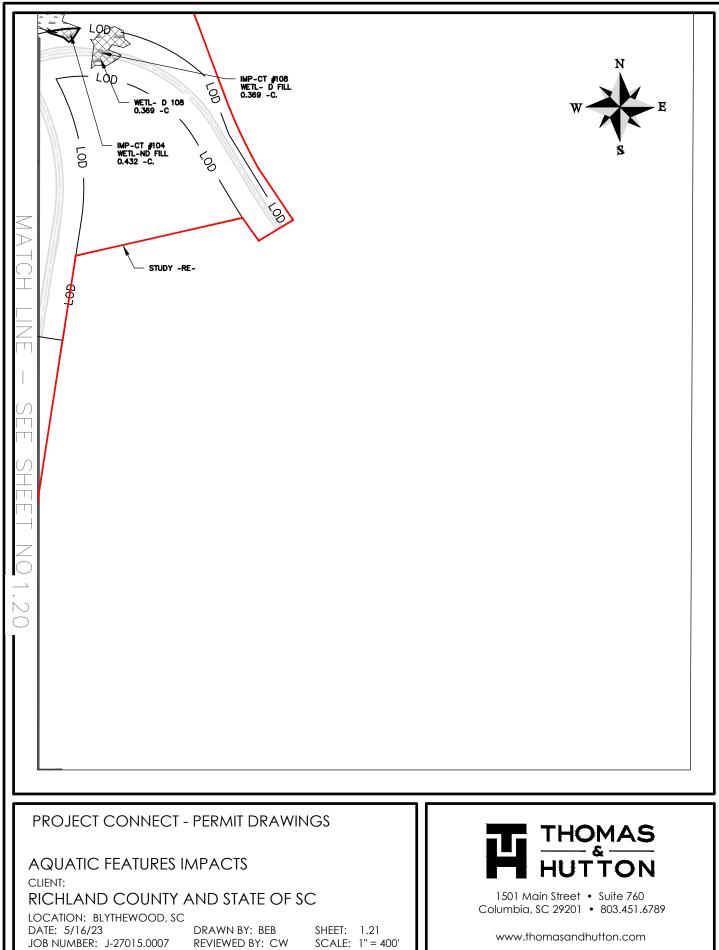


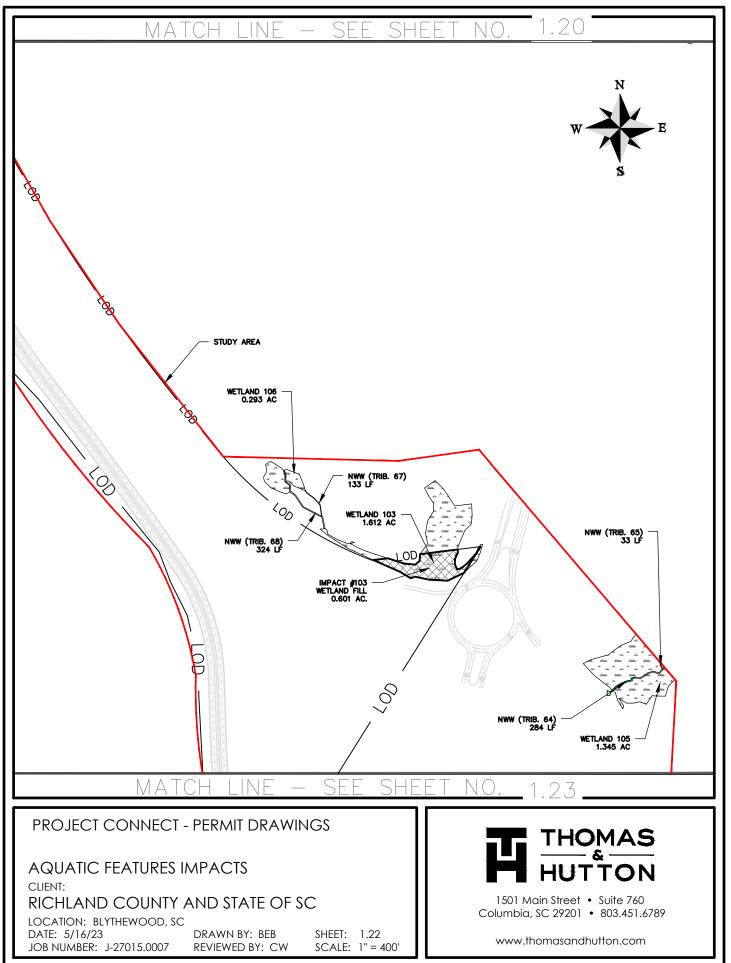


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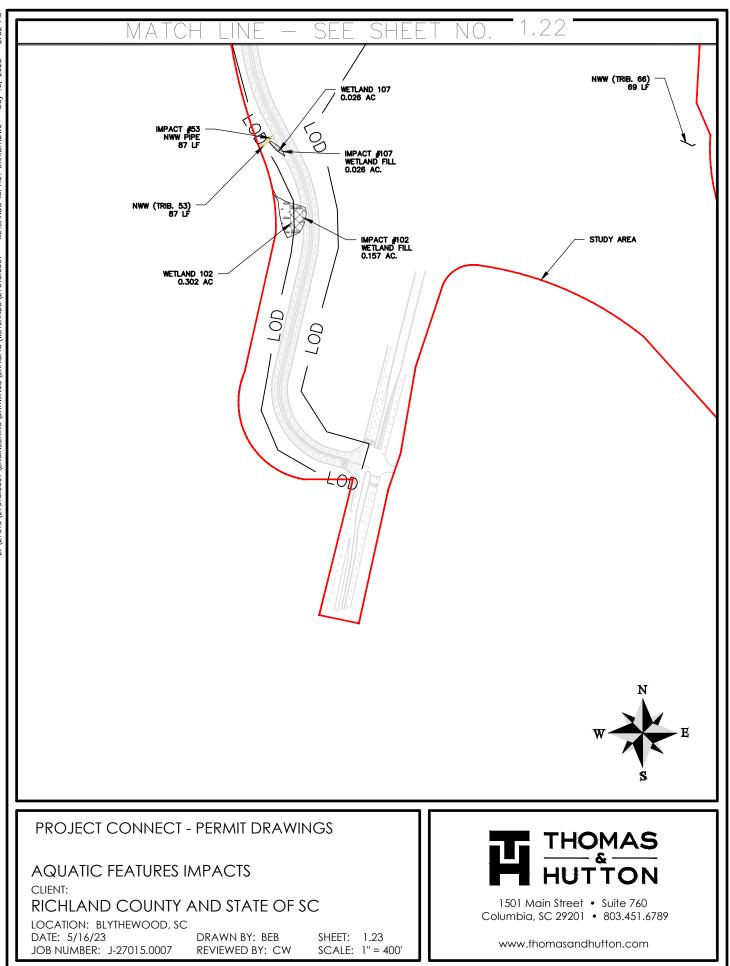
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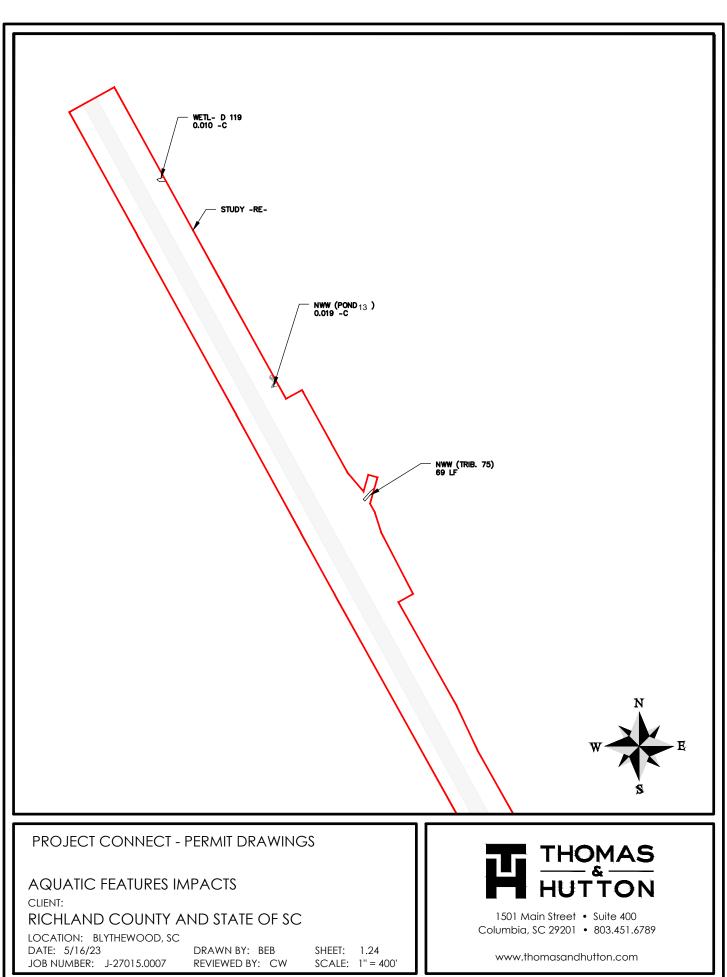


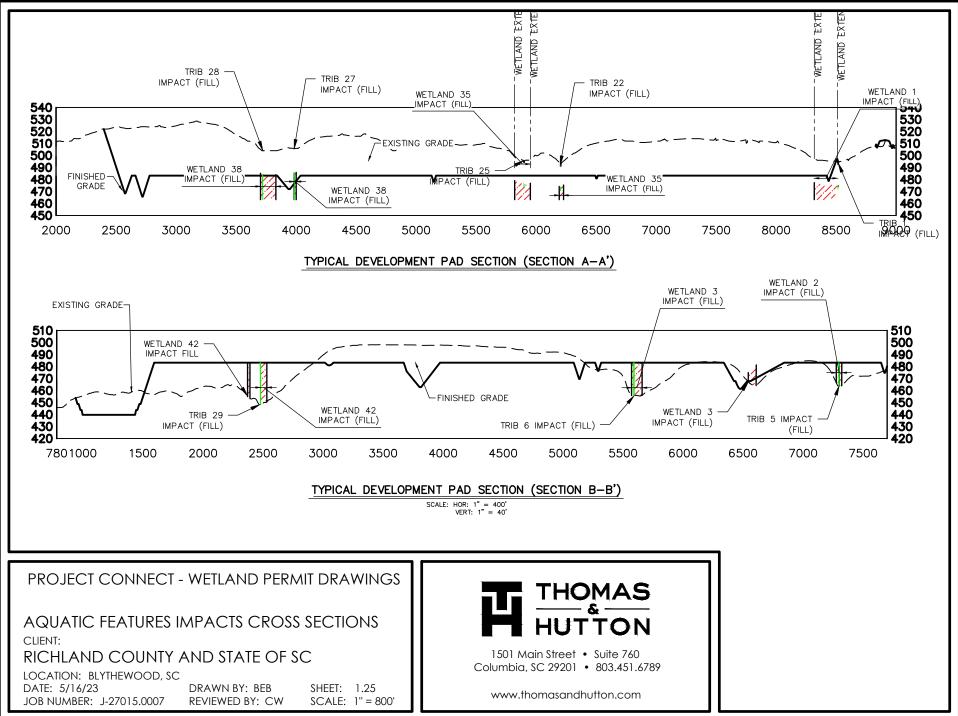


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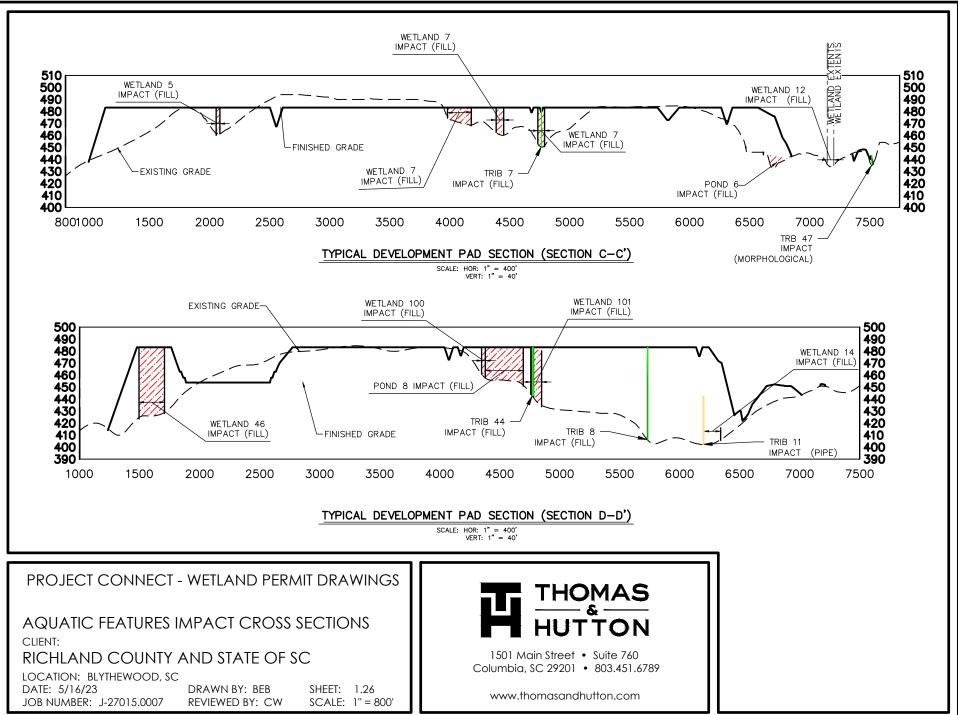
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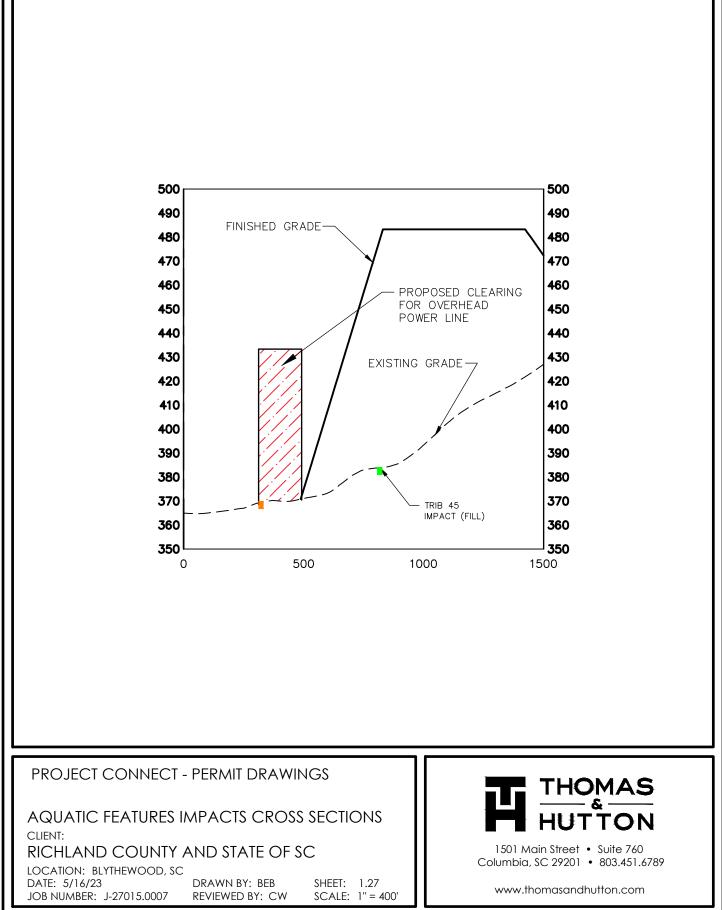


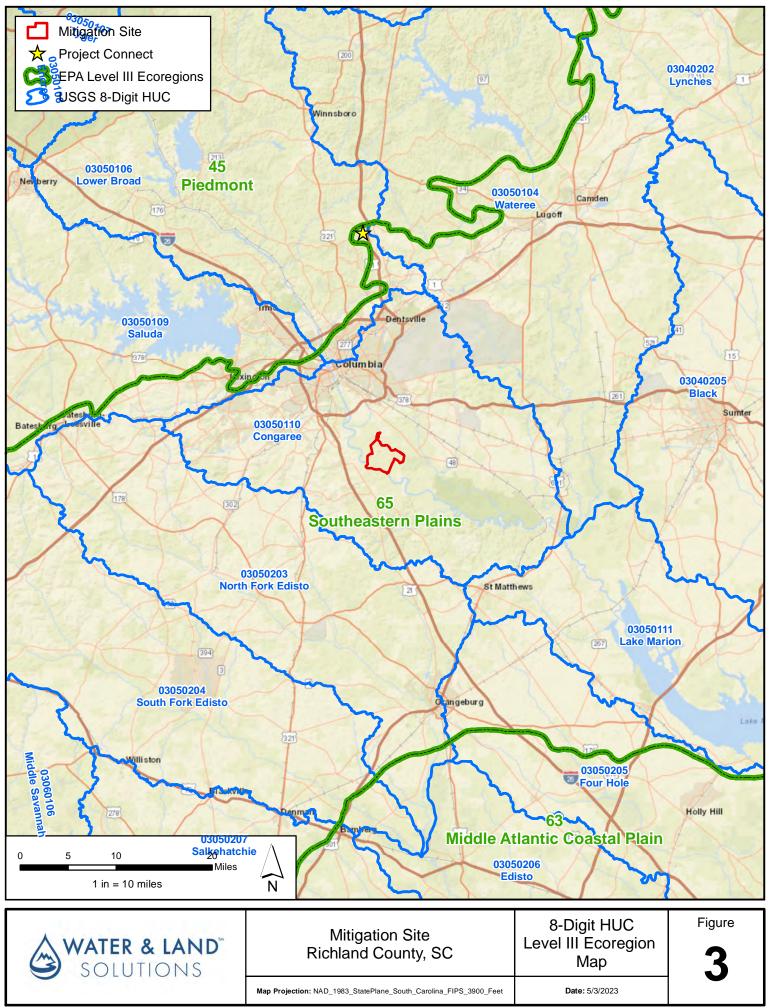


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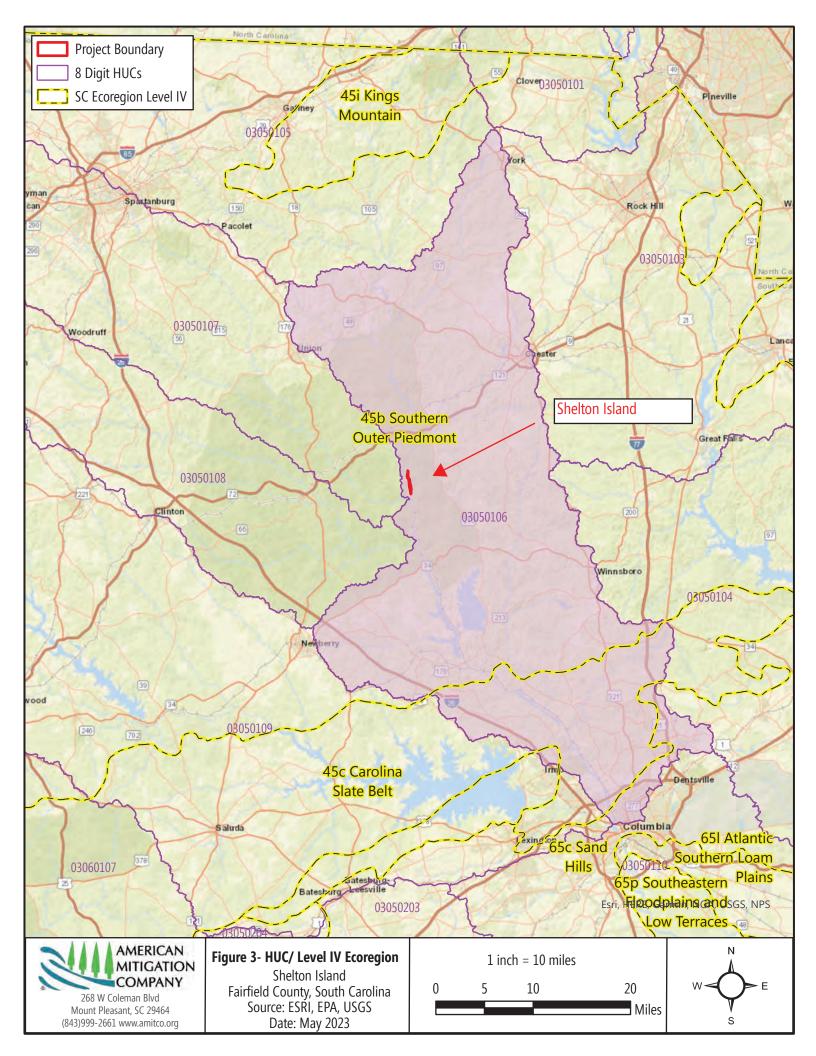
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thaliand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

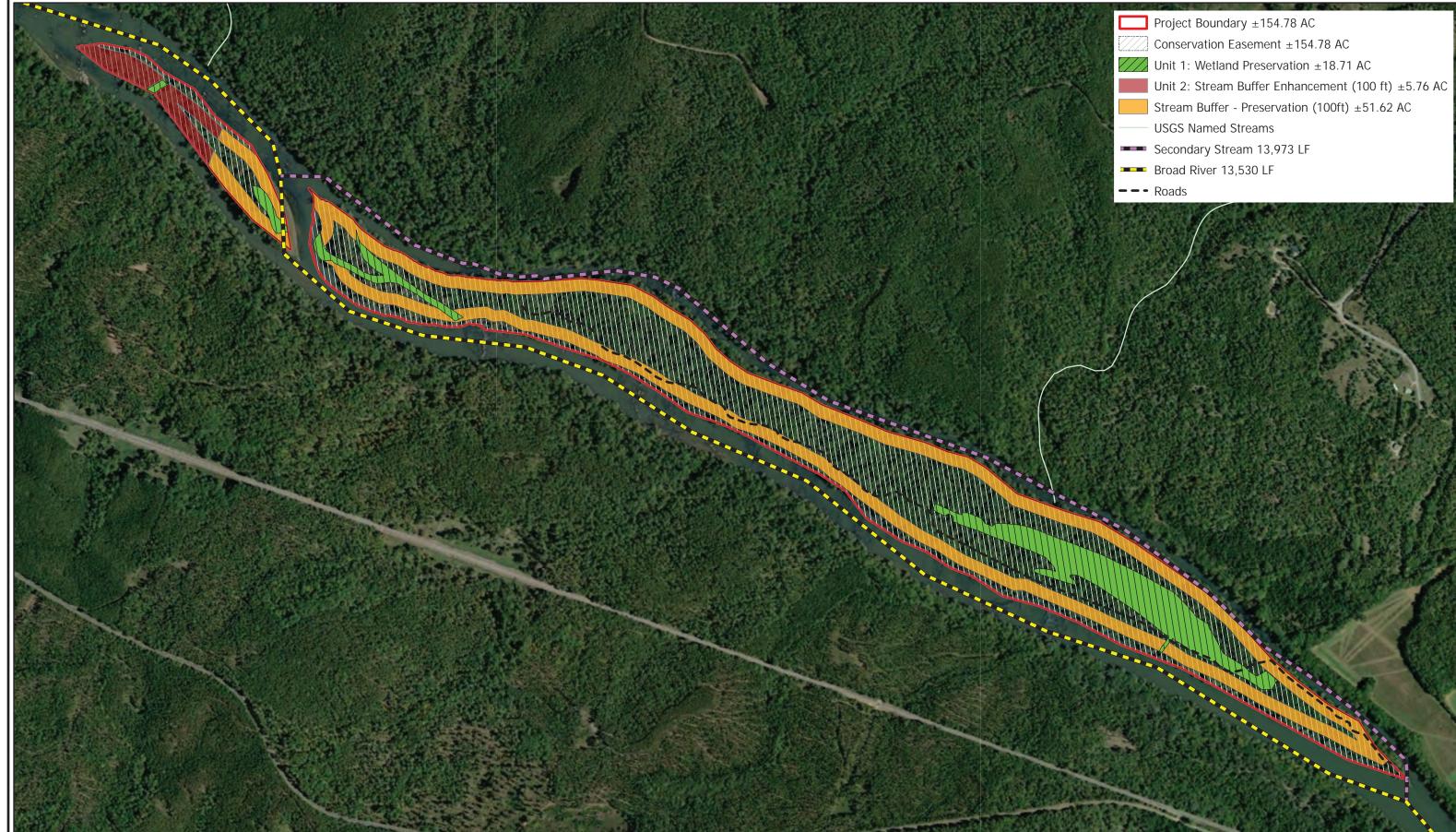
- Mitigation Site ± 4,902.09 AC Stream Preservation ± 72,049 LF Stream Enhancement ± 43,401 LF Stream Restoration ± 15,280 LF S Stream Buffer Preservation ± 787.00 AC 5 Stream Buffer Enhancement ± 467.52 AC Wetland Preservation ± 1,788.90 AC Wetland Enhancement (Vegetation) ± 697.86 AC Upland Buffer Enhancement ± 264.80 AC 66 Upland Buffer Preservation ± 341.73 AC Existing Ditch Proposed Culvert Treatment Bridge Low Ford
 - **X** Remove
 - Maintain

Roads

- Decommission / Do Not Maintain
- Keep and Maintain









Shelton Island Fairfield County, South Carolina Source: ESRI, Date: May 2023

Figure 4 - Mitigation Unit Map

16-14-14-14-14-14-14-14-14-14-14-14-14-14-	Contra the	No. of the Party o	STARL STRATES		
	1 inch = 750 f	*			
750	1,500	2,250	3,000	To	
			Feet	Ŷ	