PUBLICNOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69 A HAGOOD AVENUE CHARLESTON SC 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-2022-00464

March 20, 2024

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. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, <u>et. seq.</u>, 1976 <u>S.C. Code of Laws</u>, as amended), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

Mr. Gregory Tucker City of Columbia 1737 Main Street Columbia, South Carolina 29201,

Mr. Lee Williams Michael Baker International 700 Huger Street Columbia, South Carolina 29201 Iee.williams@mbakerintl.com

for a permit to repair and improve the embankment associated with the Columbia Canal which was damaged during the major flood event that struck this region in August of 2015 in

THE COLUMBIA CANAL

located along the existing earthen embankment for the Columbia Canal, extending from the Columbia Canal headgates, spanning the length of the Canal, to the hydroelectric plant, in the City of Columbia, in Richland County, South Carolina (Latitude: 33.9987°, Longitude: -81.0503°), Columbia North and Southwest Columbia Quads.

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.

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 restore and repair the Columbia Canal to pre-2015 flood conditions while maintaining the Canal's compliance with the Federal Energy Regulatory Commission (FERC) current safety standards, restore hydroelectric power generation, and restore the integrity of the water supply fort the City (of Columbia).

Project Description

The proposed work consists of repairs and improvements to the Columbia Canal and associated embankment. In detail, the proposed work would include repair of the section of embankment which was breached during the 2015 flood event by removing/excavating sections of the embankment on either side of the Klapman Bridge and rebuilding those embankment sections with improved soil material to ensure adequate compaction. The current emergency temporary cofferdam at the Klapman Bridge would be removed and the area restored to pre-flood conditions, and embankment slope and toe scour would be repaired and armored with riprap. The proposed project would involve 0.181 acre of permanent emergent freshwater wetland fill for stockpile and equipment access, 13,625 linear feet (10.068 acres) of riprap within the Columbia Canal, 275 linear feet (0.443 acre) of temporary fill within the Columbia Canal for equipment landings and temporary cofferdam, and 1,575 linear feet (5.716 acres of cut/fill impacts associated with the reshaping of the lower Canal channel.

The proposed project is currently under review by the Federal Emergency Management Agency (FEMA) for funding and has been assigned FEMA project ID PA-04-SC-4241-PW-00289(1). The hydroelectric plant and associated embankment are also regulated by the Federal Energy Regulatory Commission (FERC). The FERC identifier is Columbia Canal P-1895.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by minimizing proposed riprap to only within the scour portions of the Canal, by minimizing the temporary dam within the canal by using shot rock and utilizing best management practices (BMPs).

Proposed Compensatory Mitigation

The applicant has not proposed to mitigate for impacts to wetlands and/or waters of the United States.

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 impact **16.3** acres of freshwater habitat well inland 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.

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:

Tricolored Bat, *Perimyotis subflavus* (Proposed Endangered) Red-cockaded Woodpecker, *Picoides borealis* Shortnose sturgeon, *Acipenser brevirostrum* Atlantic sturgeon, *Acipenser oxyrinchus oxyrinchus*

Based on all information provided by the applicant and the most recently available information including Consultation Documentation from the FEMA, referenced as **FWS Project Code 2023-0103924 and NMFS reference SERO-2020-03205 for PA-04-SC-4241-PW-00289**, the District Engineer has determined the following:

The project <u>is not likely to adversely affect</u> the Red-Cockaded Woodpecker, *Picoides borealis*, Shortnose sturgeon, *Acipenser brevirostrum*, or Atlantic sturgeon, *Acipenser oxyrinchus oxyrinchus* or result in the destruction or adverse modification of designated or proposed critical habitat. Further, the Corps has determined that the proposed project is not likely to jeopardize the continued existence of the Tricolored Bat, *Perimyotis subflavus*, and conference with USFWS is not required. **Because the FEMA has conducted consultation on the overall project, including the activities referenced in this notice which are a subset of the overall project, additional, duplicative consultation is not proposed**. Documentation provided from the FEMA includes concurrence with the FEMA's may affect, not likely to adversely affect determinations for Red-cockaded Woodpecker (from USFWS) as well as Shortnose Sturgeon and Atlantic sturgeon (from NMFS). 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 reviewed documentation provided by the FEMA for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(/)(1)), and has initially determined that historic properties are present; moreover, these historic properties will be adversely affected by the undertaking. Information provided from the FEMA includes documentation of consultation for the development of a draft Memorandum of Agreement which, once final, would contain project conditions and mitigation measures. Because the proposed project, which is the subject of this public notice, is a subset of the project considered in the FEMA's review and MOA, and because requirements within the MOA would resolve adverse effects, the Corps does not propose additional, duplicative coordination pursuant to Section 106 of the NHPA. This public notice serves as a request for concurrence within 30 days from the SHPO.

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.

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-2022-00464), to Laura.M.Boos@usace.army.mil <u>or</u> the following address:

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69 A HAGOOD AVENUE CHARLESTON SC 29403-5107

If there are any questions concerning this public notice, please contact Laura M. Boos, Team Leader, at (803) 253-3444, or by email at Laura.M.Boos@usace.army.mil.



* DENOTES SHEET WITH NO IMPACTS

TOTAL IMPACTS						
WORK TYPE	WATER BODY	ТҮРЕ	LF	AC		
CANAL SLOPE/TOE REPAIRS	NON-WETLAND WATER 1	RIP RAP	12,100	9.348		
CANAL SLOPE/TOE REPAIRS	NON-WETLAND WATER 1	TEMP FILL (EQUIP. LANDINGS)	200	0.228		
TEMP COFFERDAM	NON-WETLAND WATER 1	TEMPORARY FILL	75	0.215		
FULL EMBANKMENT REPAIRS	NON-WETLAND WATER 1	RIP RAP	1,250	0.537		
FULL EMBANKMENT REPAIRS	WETLAND WATER 12	PERMANENT FILL	218	0.181		
FULL EMBANKMENT REPAIRS	NON-WETLAND WATER 13	PERMANENT FILL	420	0.508		
EAST BANK SLOPE PROTECTION	NON-WETLAND WATER 1	RIP RAP	250	0.183		
LOWER CANAL CHANNEL RESHAPING	NON-WETLAND WATER 1	EARTHWORK	1,575	5.716		

Michael Baker	COLUMBIA CANAL - 2015 FLOOD REPAIRS	SAC # DATE ATTACHMENT NO.	SAC-2022-00464 JULY 2022	PLAN SHEET INDEX
INTERNATIONAL	APPLICANT: CITY OF COLUMBIA		1 OF 17	

































