

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A 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: P/N SAC-2022-00350

March 29, 2022

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. Tyler McElroy
Charleston Airport Logistics Center Property Owner, L.C.
17304 Preston Road
Dallas, Texas 75252
c/o Steve Nichols
Newkirk Environmental, Inc.
P.O. Box 746
Mt. Pleasant, South Carolina
steve@newkirkenv.com

for a permit for the discharge of fill material into freshwater, non-tidal wetlands associated with

McChune Branch

Adjacent to the Palmetto Commerce Parkway in North Charleston, Charleston County, South Carolina (Latitude: 32.9527 °, Longitude: -80.0811 °), Ladson Quad Sheet.

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 of the discharge of fill material into 6.93 acres of freshwater, non-tidal wetlands for the development of an inland warehouse facility. In detail, the proposed work involves the discharge of dredged or fill material into 6.16 acres for the construction of a 1,321,840 square foot warehouse, 0.49 acres for the construction of an access road crossing, and 0.28 acres for the construction of stormwater management facilities. The provided the following avoidance and minimization statement:

Alternative layouts and construction alternatives were examined so as to most effectively and efficiently meet the Applicant's purpose while also minimizing impacts to aquatic resources. To fully develop the site towards meeting the production goals and overall purpose of the project, the proposed layout of facilities is configured based on accepted industry standards of industrial developments and Dalfen Industrial's history, success and knowledge of the components to make these developments efficient, sustainable and optimal. Because of the site's shape, the location and geometry of the existing aquatic resources, any attempt to rotate the proposed development components on-site results in practically the same or greater wetland impacts. Additionally, as depicted on the permit drawings, the majority of aquatic resources proposed to be impacted (6.15 acres) are currently in open, agricultural fields/pasture.

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 80.1 credits from an Approved Mitigation bank and the preservation of 14.29 acres of wetlands and 2.33 acres of upland buffers. The applicant is not requesting a 25% reduction in the required credits that would need to be purchased. The project purpose of the proposed project is to develop an inland warehouse facility and attendant infrastructure. The applicant stated that the proposed project should be on a rail-served or rail-adjacent property that has the sufficient and contiguous and developable acreage and has nearby localized interstate highway access, and is within 20 miles of a Port of Charleston's primary marine container terminals, in order to serve and supplement the supply chain logistics, operations and ancillary industries associated with the growing functions and operations of the Port of Charleston while meeting the current and projected demand for industrial warehouse/distribution facilities in the greater Charleston area.

Project Need

The applicant provided the following information in support of the need of the proposed project.

The Port of Charleston is the second largest port in the South Atlantic, the fourth largest port on the East Coast, and the eighth largest port in the United States by container volume as measured in twenty-foot-equivalent units (TEUs). Over the last several years, it has been one of the fastest growing major ports in the United States, with exports driving the Port's growth well above the industry average. The Port of Charleston serves the international shipping needs of an estimated 20,000 companies in more than two dozen states. Containerized cargo processed through the Port of Charleston has increased by a compound annual growth rate of over seven percent since 2009, with 19 percent year-over-year growth from 2020 to 2021. The basis for this growth is multifaceted but owes primarily to growth in many port-dependent industries established throughout South Carolina, including manufacturing plants such as BMW, Volvo Cars, Michelin North America, Samsung, as well as distribution centers such Wal-Mart, Harbor Freight Tools, E.J. Gallo, and Dollar Tree Stores. To support container growth, as well as investments that manufacturers have made in South Carolina, there is a need to bring the Port of Charleston closer to their import-export centers. Doing so benefits the local, regional, and national economy, and also provides additional jobs and economic development. In 2021, the vacancy rate for industrial space to serve the supply chain and distribution network associated with the Port of Charleston was below 5%, which is an indicator of the current demand for new industrial warehouse/distribution buildings.¹ For its part, the Ports Authority has invested \$1.6 billion in infrastructure over the past decade, with an approximate additional \$1 billion in investments by various government agencies and private partners through the Ports Authority's Capital Improvements (CapEx) program. Capital projects include construction of a greenfield 280-acre container terminal (Hugh Leatherman Terminal), Phase I of which opened in April 2021, upgrades to Wando Welch Terminal to allow for larger ships and increased capacity, roadway improvements, and the development of other infrastructure, including rail-served inland ports in Greer and Dillon that are owned and operated by the SCPA. In addition, the State of South Carolina and the Federal government have contributed nearly \$600 million towards the Charleston Harbor deepening project slated for completion this year that will result in the Port of Charleston being the deepest port on the U.S. East Coast at 52 feet. An additional \$550 million in State funds are scheduled to be contributed towards a wharf extension project at Wando Welch Terminal and associated container barge operation between the Wando Welch and Hugh Leatherman Terminals, as well as construction of a new near-dock intermodal container transfer facility in North Charleston (Navy Base Intermodal Container Transfer Facility). These combined investments are vital to ensure the State's, region's, and the nation's businesses will continue to have access to a low cost, convenient, and reliable entry point to the global economy. As a leader in the industry, Dalfen Industrial understands the facility and logistical requirements of the type of project and space necessary to efficiently operate and fulfill the identified needs in the region. To that end, the Applicant respectfully submits that the purpose of the Proposed Project is to develop, construct, and own a new inland warehouse facility that meets the identified present and future needs of industry utilizing the Port of Charleston by way of additional strategically located warehouse space. The Applicant further respectfully submits that the need for the Proposed Project is evidenced by the lack of available warehouse capacity in the

vicinity of the Port of Charleston that meets the identified criteria put forward for the Proposed Project and on the timeline required. Further, as the amount of import TEU's increases and the aforementioned projects and new facilities come on-line, the demand for warehouse space is only going to increase. According to a 2020 warehouse demand forecast put together by the Ports Authority, import TEU's were projected to grow by 77% over the next ten years, which the Ports Authority correlated to projected occupied warehouse space and forecasted a need for more than 33 million square feet of new warehouse/industrial space to accommodate the Port's anticipated operations. Actual TEU counts for the previous two years matched or exceeded the projections; therefore, the Ports Authority's forecast has held and equates to more than 3 million square feet of annual new warehouse absorption each year for the next ten years. To this end, local governments, notably Charleston, Berkeley and Dorchester Counties have incorporated this need into their respective comprehensive plans in the form of identified employment growth areas, strategic locations of industrial zoning within proximity to major transportation corridors, and neighborhood/community nodes intended to provide work forces in proximity to new industrial developments. The basic primary criteria for this identified need is in Charleston County within an area identified as an employment growth and industrial zoning by the County, that includes a site with sufficient developable acreage to accommodate a minimum of 1.3 million square feet of linear covered warehouse facility, sufficient acreage to accommodate adequate surface level truck/trailer court and POV parking, direct localized interstate access to I-26 within 3 miles, located within 20 miles of the Hugh Leatherman and Wando Welch Terminals, and that is rail-served or rail adjacent.

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 Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 6.93 acres of freshwater wetlands 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)(1)(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.

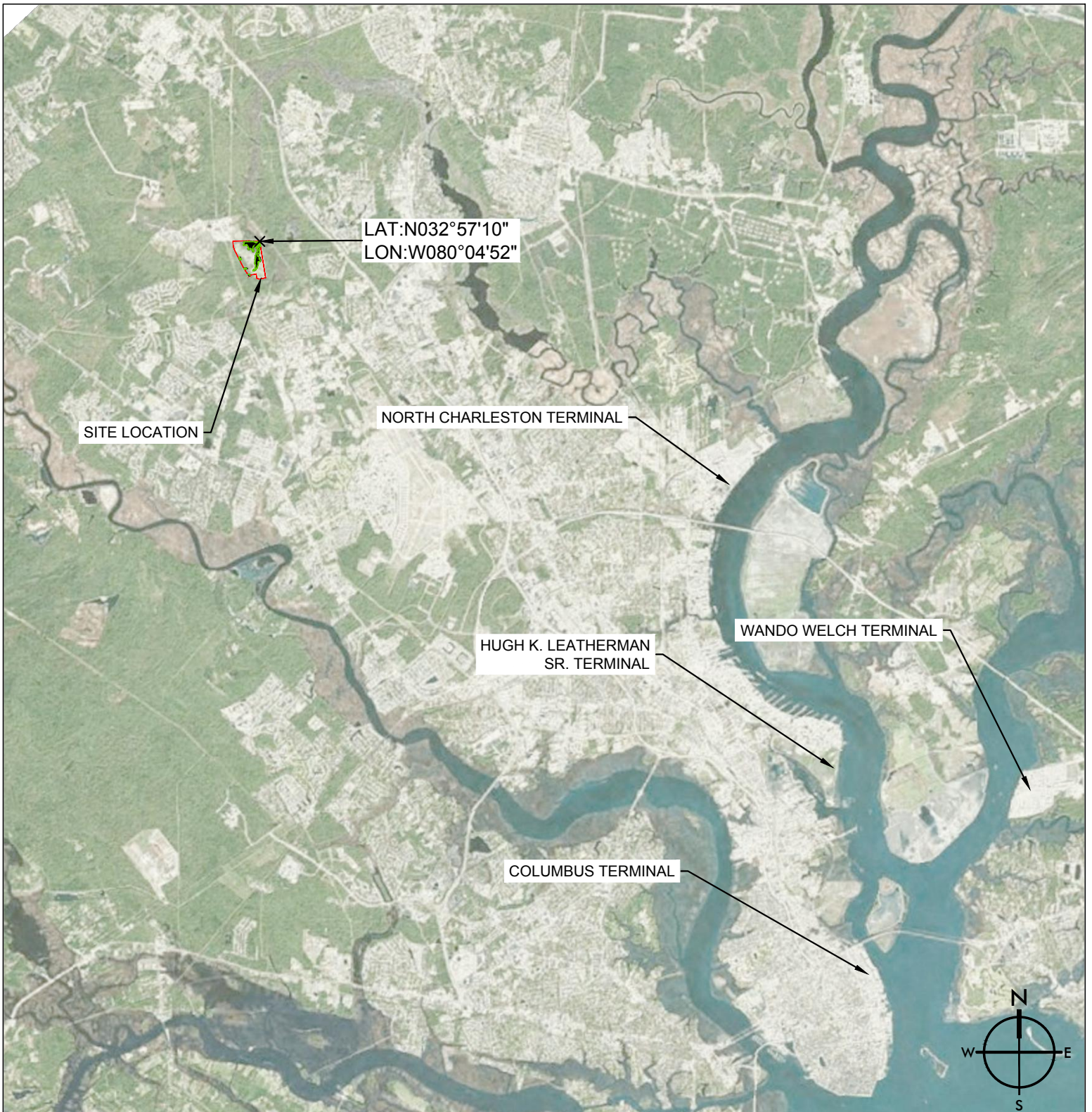
The decision whether to issue a permit will be based on an evaluation of the

probable impact including cumulative impacts of the 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.

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:**

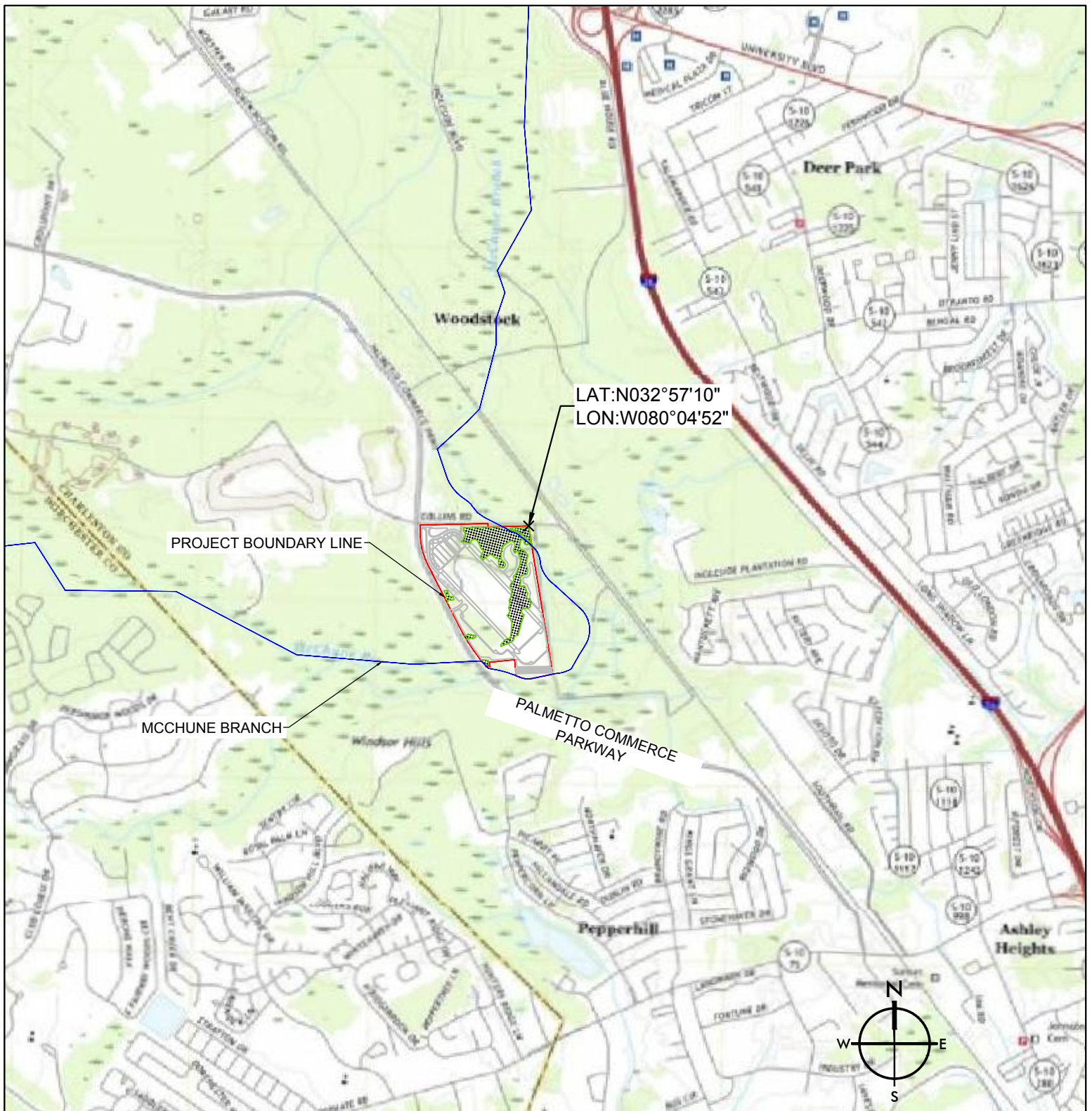
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, SC 29403-5107**

If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at (843) 329-8190, toll free at 1-866-329-8187, or by email at Tracy.D.Sanders@usace.army.mil.



COLLINS TRACT
SW+ PROJECT: 8776
DATE: 2/17/22

SHEET 1
LOCATION EXHIBIT
WETLAND PERMIT



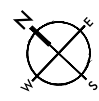
COLLINS TRACT
 SW+ PROJECT: 8776
 DATE: 2/17/22
 SCALE: 1'=1000'

2
 USGS MAP EXHIBIT
 SUMMERVILLE QUADRANGLE
 WETLAND PERMIT



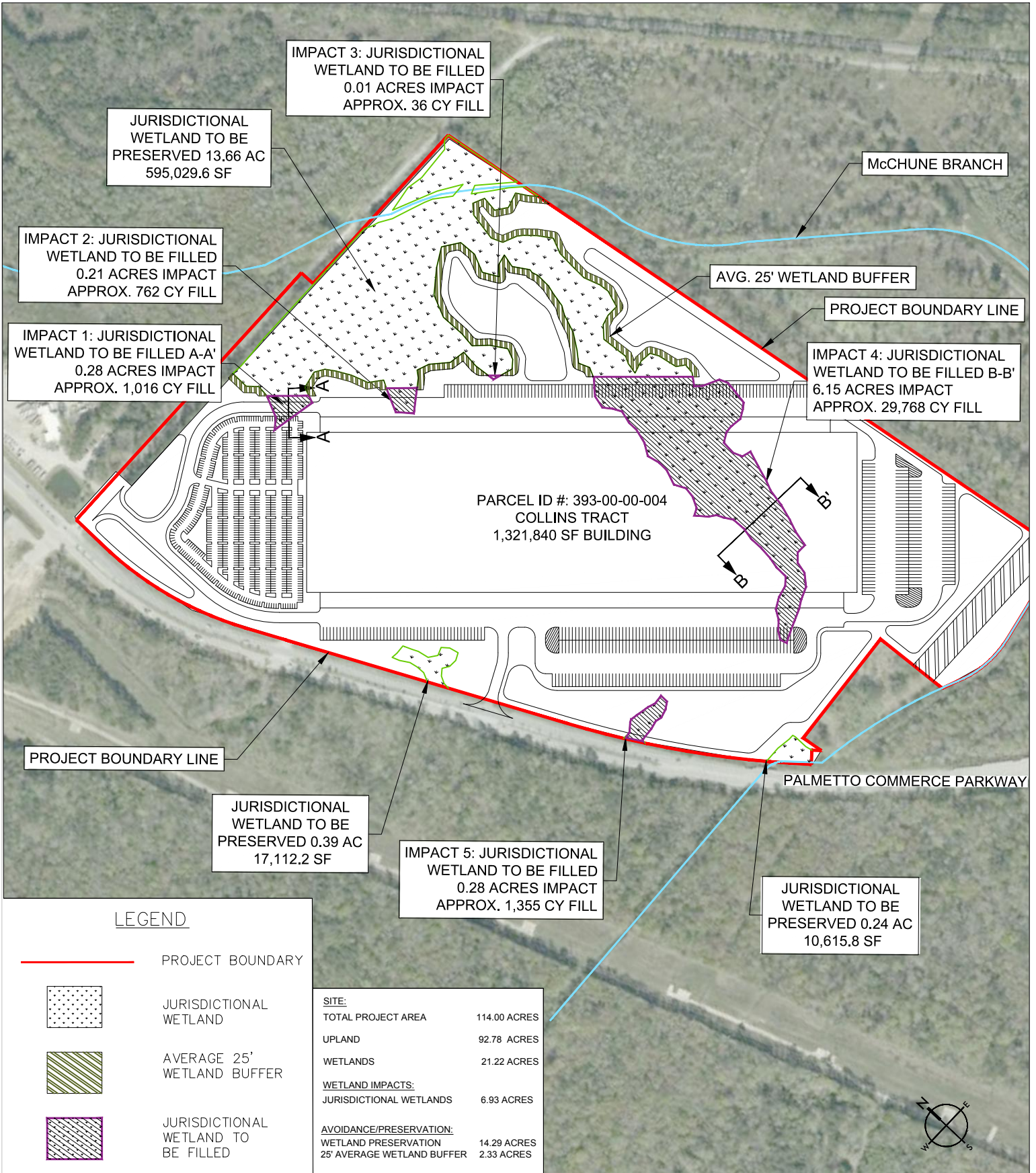
LEGEND

	PROJECT BOUNDARY
	WETLAND



COLLINS TRACT
 SW+ PROJECT: 8776
 DATE: 2/17/22
 SCALE: 1" = 800'

3
EXISTING CONDITIONS
WETLAND PERMIT



LEGEND

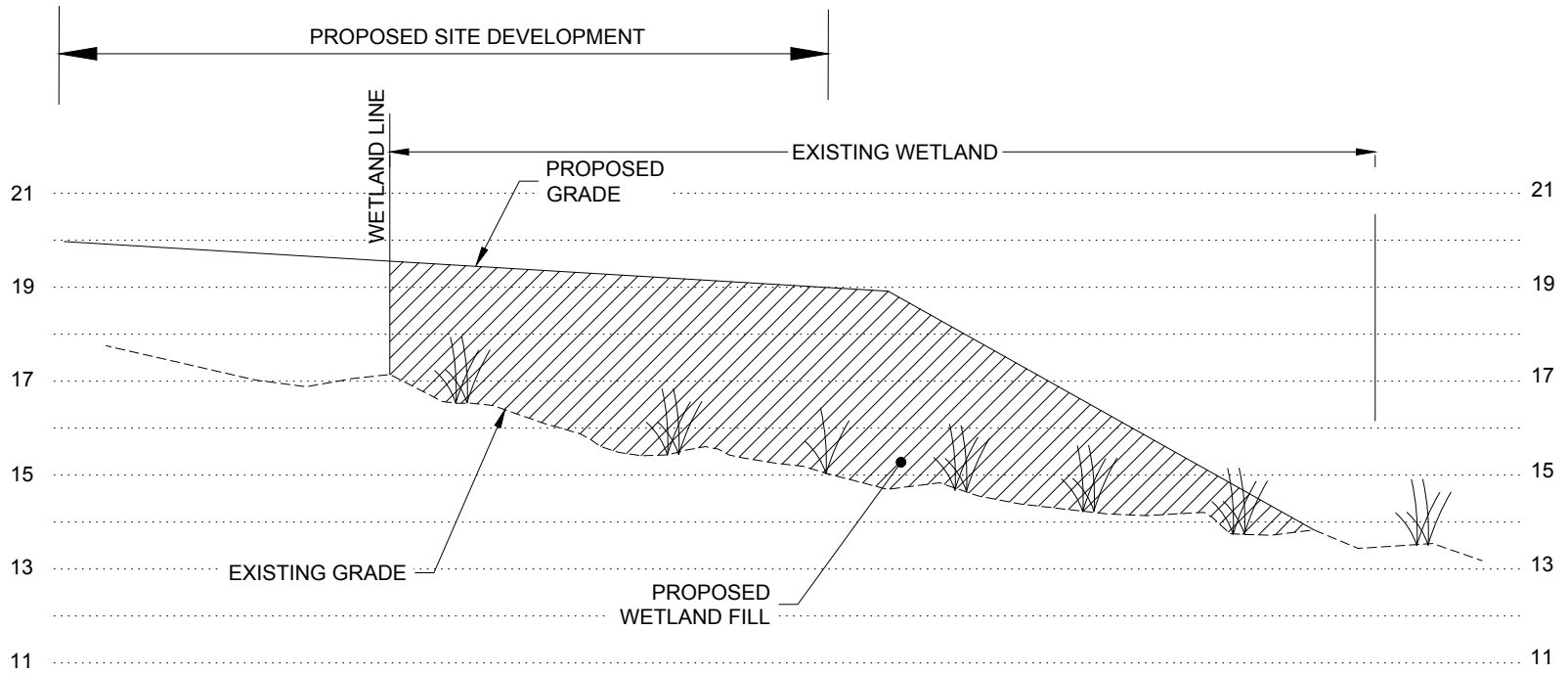
- PROJECT BOUNDARY
- JURISDICTIONAL WETLAND
- AVERAGE 25' WETLAND BUFFER
- JURISDICTIONAL WETLAND TO BE FILLED

SITE:	
TOTAL PROJECT AREA	114.00 ACRES
UPLAND	92.78 ACRES
WETLANDS	21.22 ACRES
WETLAND IMPACTS:	
JURISDICTIONAL WETLANDS	6.93 ACRES
AVOIDANCE/PRESERVATION:	
WETLAND PRESERVATION	14.29 ACRES
25' AVERAGE WETLAND BUFFER	2.33 ACRES



COLLINS TRACT
SW+ PROJECT: 8776
DATE: 2/17/22
SCALE: 1" = 500'

4
SITE DEVELOPMENT
WETLAND PERMIT

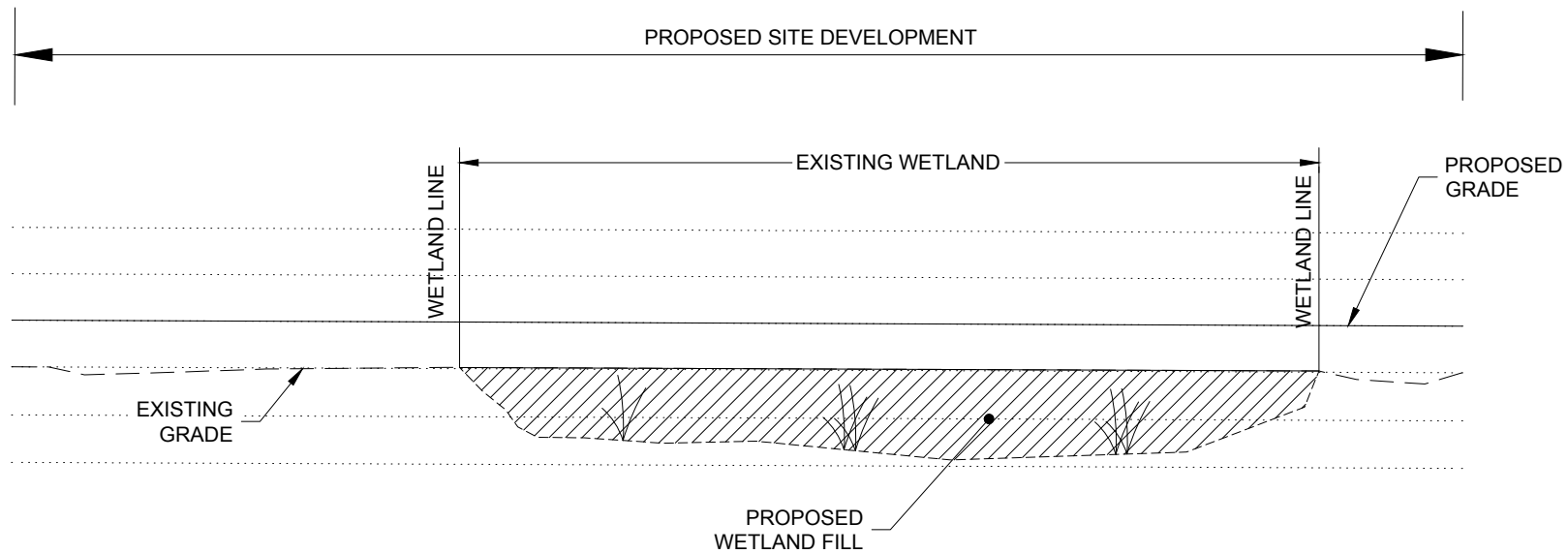


SECTION A - A'



COLLINS TRACT
 SW+ PROJECT: 8776
 DATE: 2/17/22
 SCALE: NOT TO SCALE

SHEET 5
 WETLANDS FILL CROSS SECTION A-A'
 WETLAND PERMIT



SECTION B-B'