

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
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: SAC-2022-01748

May 1, 2023

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

Mr. David Galloway
Charleston Midstream Transfer Facility LLC
1834 Summerville Avenue, Suite 250
Charleston, South Carolina 29405

for a permit to perform maintenance dredging of an existing mooring basin in the

Cooper River

located adjacent to the Navy Channel, between the mouths of Goose Creek and Clouter Creek, in Berkeley County, South Carolina (Latitude: 32.90871 °, Longitude: -79.94577 °), North Charleston 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.

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 maintain safe operating depths during all tidal stages within the mooring basin.

Project Description

The proposed work consists of maintenance dredging of approximately 150,000 cubic yards of material as-needed annually from a 27.7-acre area in the existing mooring basin to a depth of -44' MLW and 4:1 side slope. The material will be dredged using either a hydraulic cutterhead dredge or a mechanical dredge with an environmental clamshell bucket. Dredge material will be disposed of in the Clouter Creek Dredge Material Placement Facility (DMPF). The applicant is requesting both forms of dredging to provide for greater flexibility when hydraulic dredging is not available. When hydraulically dredging, the material would be transported via pipeline to the DMPF. When mechanically dredging, the material would be placed into a scow and transported to the DMPF, where the sediment would be liquefied by adding water and the resultant slurry would be pumped into the DMPF. The applicant is requesting authorization under a ten-year Department of the Army (DA) permit.

The applicant was previously authorized to dredge to this depth under DA permit SAC-2011-00065 which expired March 31, 2023.

Avoidance and Minimization

The proposed project will minimize impacts to the aquatic environment by following best management practices during the dredging operation.

Proposed Compensatory Mitigation

The applicant has proposed no mitigation since the work consists of continued maintenance dredging and will not result in the loss of 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 and providing required information to the certifying authority. In accordance with 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.

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.

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 27.7 acres of estuarine substrates 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 where the work will occur: American chaffseed, Canby's dropwort, pondberry, frosted flatwoods salamander, Northern long-eared bat, American wood stork, red-cockaded woodpecker, West Indian manatee, Atlantic sturgeon, and shortnose sturgeon.

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 no effect on American chaffseed, Canby's dropwort, pondberry, frosted flatwoods salamander, Northern long-eared bat, American wood stork, and the red-cockaded

woodpecker, and will not result in the destruction or adverse modification of designated or proposed critical habitat. Furthermore, the project is not likely to adversely affect the West Indian manatee, Atlantic sturgeon, and shortnose sturgeon, 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 these determinations.

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 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.

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. 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.

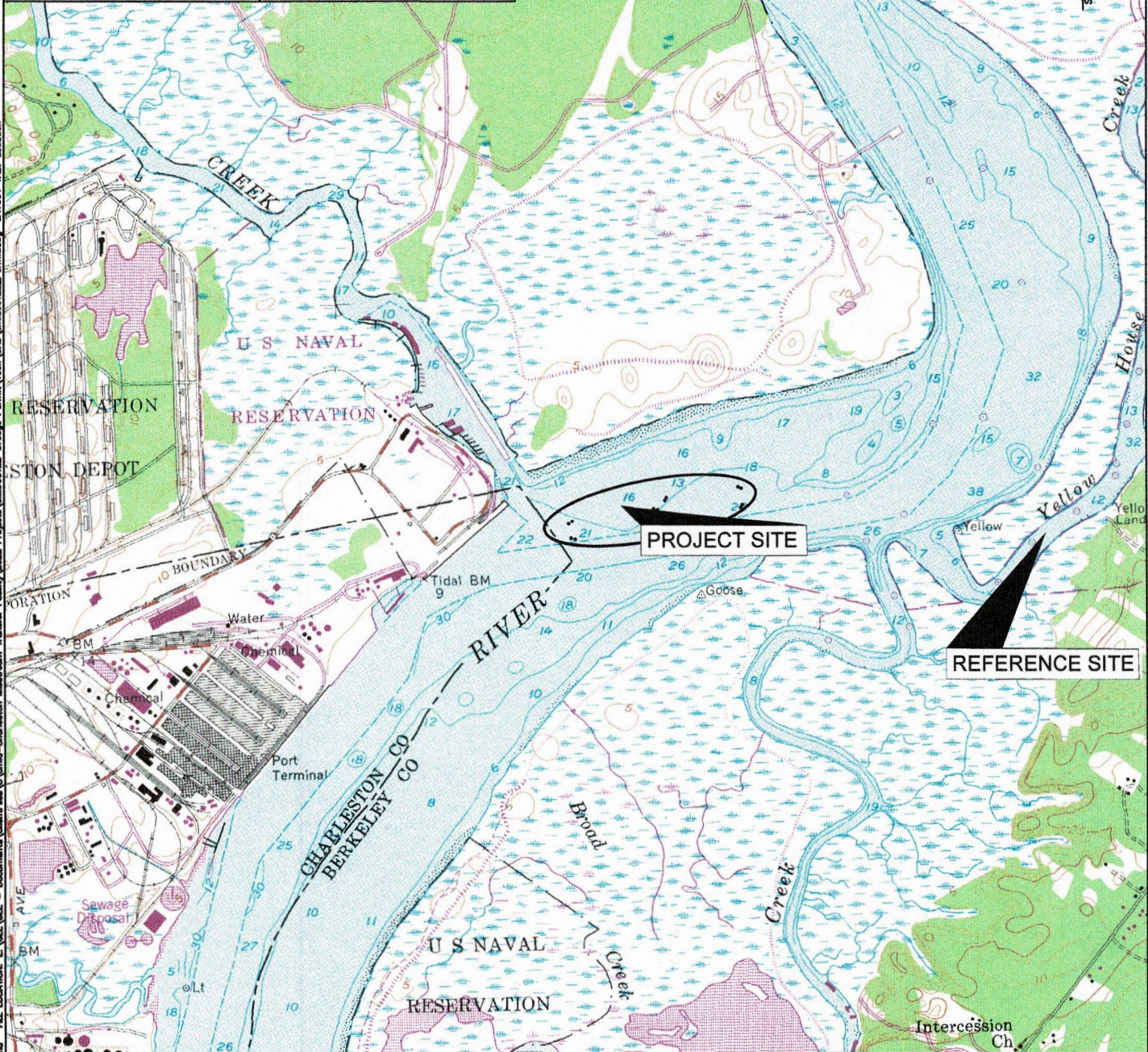
Solicitation of Public Comment

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-2022-01748), to Leslie.A.Estill@usace.army.mil or 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 Leslie Estill, Project Manager, at (843) 329-8039, toll free at 1-866-329-8187, or by email at Leslie.A.Estill@usace.army.mil.



FILE LOCATION: E:\GEL\GEE - Documents\Charleston Midstream Transfer Facility 2022 Proj\GIS\GMD00122-Dredge Permit\Tech\GMD00122_Permit.dwg LAYOUT TAB: Location
 PLOTTED: Jul 05, 2022 - 12:49pm BY: thomas

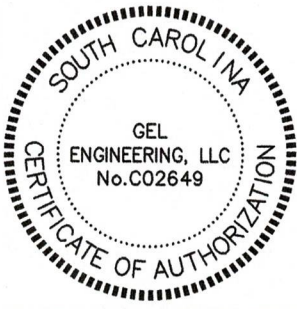
PURPOSE: MAINTAIN SAFE OPERATING DEPTH FOR DEEP-DRAFT VESSELS
ADJACENT PROPERTY OWNERS
 DEPARTMENT OF THE NAVY
 SC STATE PORTS AUTHORITY

 SURVEY DATUM: NAD83

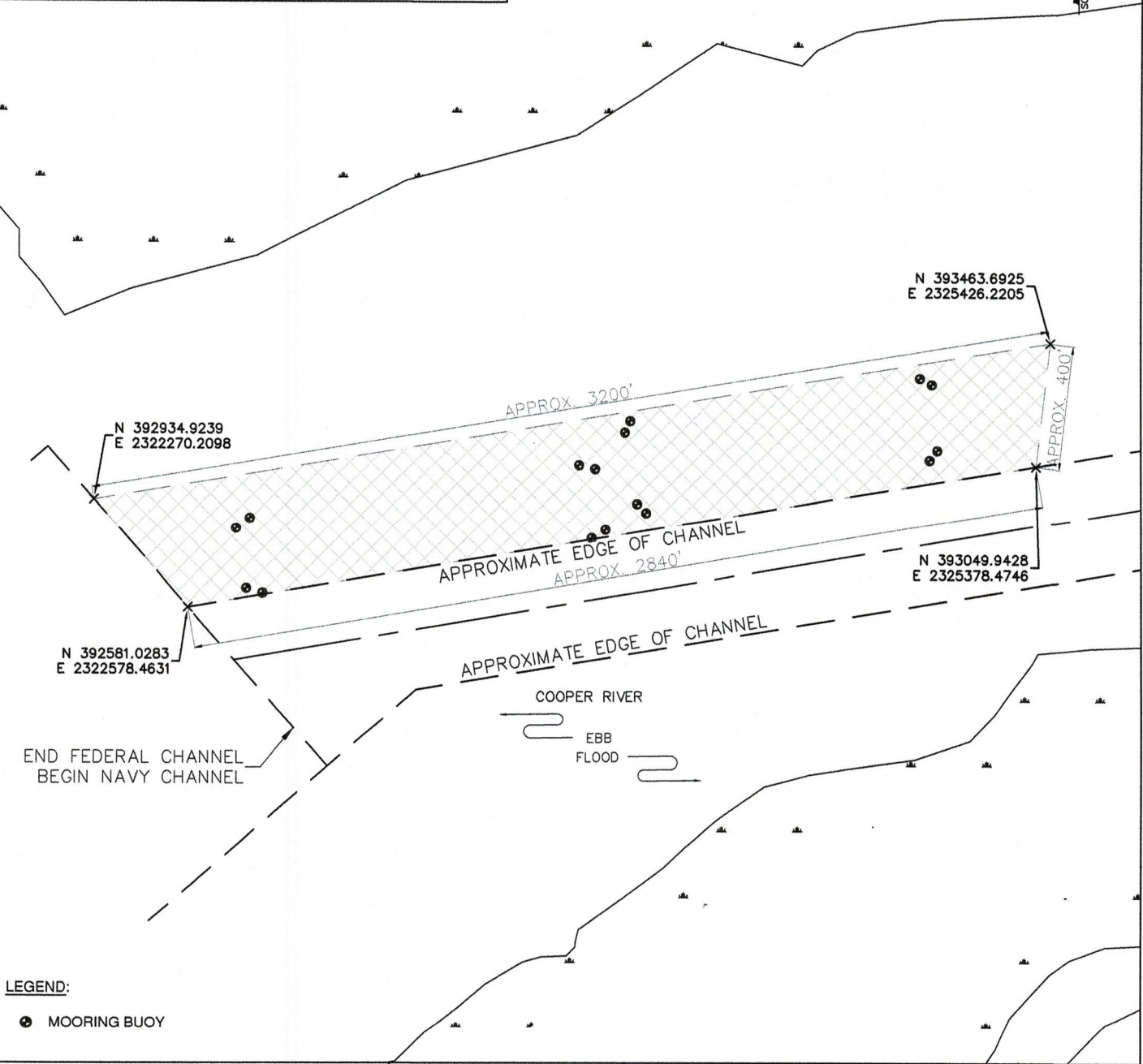
FIGURE 1
LOCATION MAP
 USGS QUAD "CHARLESTON"
 SCALE: 1"=2000'

 CHARLESTON MIDSTREAM
 TRANSFER FACILITY, LLC
 GOOSE CREEK
 SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING
 AT: MOORING BASIN
 IN: COOPER RIVER
 COUNTY OF: BERKELEY
 SOUTH CAROLINA
 SHEET: 1 OF 4 DATE: 06/30/2022



PLOTTED: Jul 05, 2022 - 2:29pm BY: thoma FILE LOCATION: E:\GEL\GEE - Documents\Clients\Files\C\cmid-Charleston Midstream Transfer Facility\2022 Projects\CMID00122-Dredge Permit\Tech\CAD\cmid00122_Permit.dwg LAYOUT TAB: Plan



LEGEND:
 ● MOORING BUOY

PURPOSE: MAINTAIN SAFE OPERATING DEPTH FOR DEEP-DRAFT VESSELS
ADJACENT PROPERTY OWNERS
 DEPARTMENT OF THE NAVY
 SC STATE PORTS AUTHORITY

SURVEY DATUM: NAD83

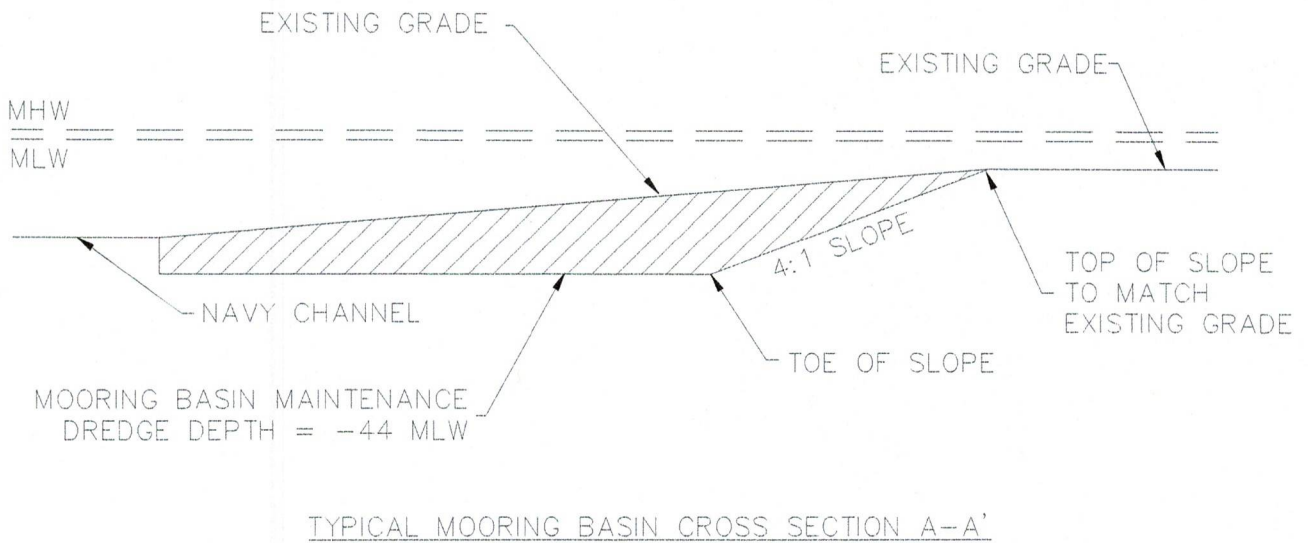
FIGURE 2
 PLAN VIEW
 USGS QUAD "CHARLESTON"
 SCALE: 1"=500'

 CHARLESTON MIDSTREAM
 TRANSFER FACILITY, LLC
 GOOSE CREEK
 SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING
AT: MOORING BASIN
IN: COOPER RIVER

COUNTY OF: BERKELEY
 SOUTH CAROLINA

SHEET: 2 OF 4 **DATE:** 06/30/2022



FILE LOCATION: E:\GEL\GEE - Documents\ClientFiles\C\cmid-Charleston Midstream Transfer Facility_2022 Projects\cmid00122 - Dredge Permit\Tech\CAD\cmid00122_Permit.dwg LAYOUT TAB: Elevation
 PLOTTED: Jul 05, 2022 - 12:49pm BY: thoma

PURPOSE: MAINTAIN SAFE OPERATING DEPTH FOR DEEP-DRAFT VESSELS
ADJACENT PROPERTY OWNERS
 DEPARTMENT OF THE NAVY
 SC STATE PORTS AUTHORITY

SURVEY DATUM: NAD83

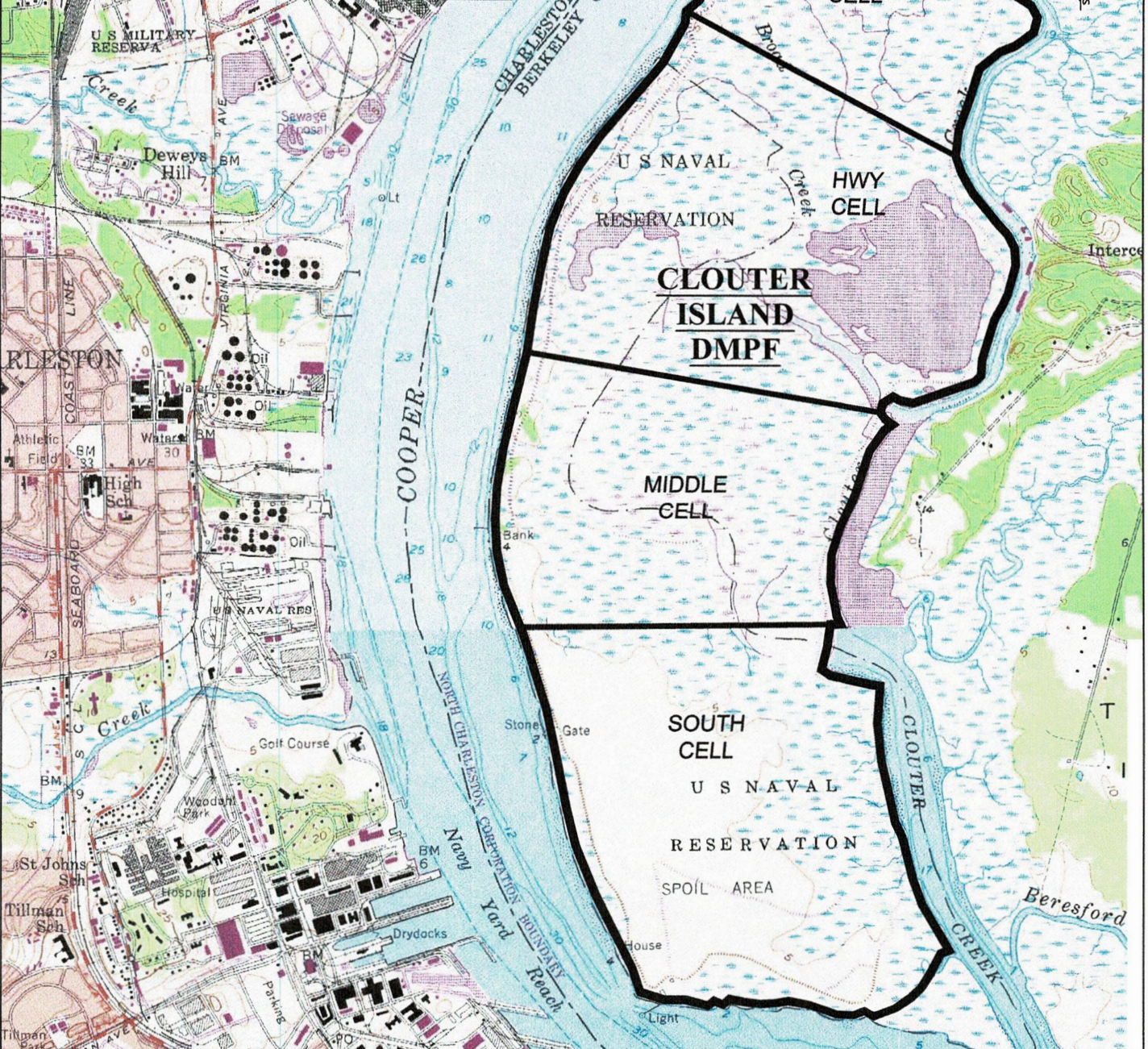
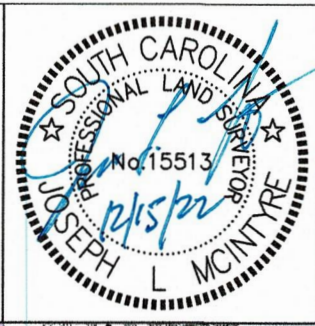
FIGURE 3
 ELEVATION VIEW
 USGS QUAD "CHARLESTON"
 NOT TO SCALE

 CHARLESTON MIDSTREAM
 TRANSFER FACILITY, LLC
 GOOSE CREEK
 SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING
AT: NAVAL WEAPONS STATION
IN: COOPER RIVER

COUNTY OF: BERKELEY
 SOUTH CAROLINA

SHEET: 3 OF 4 **DATE:** 06/30/2022



PLOTTED: Jul 05, 2022 - 12:49pm BT: thoma FILE LOCATION: E:\GEL\GEE - Documents\ClientFiles\VC\mid-Charleston Transfer Facility\2022 Project\CAD\00122-Dredge Permit\Tech CAD\mid00122_Permit.dwg LAYOUT TAB: Disposal

PURPOSE: MAINTAIN SAFE OPERATING DEPTH FOR DEEP-DRAFT VESSELS
ADJACENT PROPERTY OWNERS
 DEPARTMENT OF THE NAVY
 SC STATE PORTS AUTHORITY

SURVEY DATUM: NAD83

FIGURE 4
 DISPOSAL SITE
 USGS QUAD "CHARLESTON"

 NOT TO SCALE

 CHARLESTON MIDSTREAM
 TRANSFER FACILITY, LLC
 GOOSE CREEK
 SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING

AT: NAVAL WEAPONS STATION
IN: COOPER RIVER

COUNTY OF: BERKELEY
 SOUTH CAROLINA

SHEET: 4 OF 4 **DATE:** 06/30/2022