

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
Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N SAC-2012-00960

October 19, 2016

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. Jeff McWhorter
Palmetto Railways
540 East Bay Street
Charleston, SC 29403,

for a permit to discharge fill material into waters of the U.S., including wetlands associated with

Noisette Creek and Shipyard Creek

at a location between Buist Avenue and Milford Street, East of Spruill Avenue, in North Charleston, Charleston County, South Carolina (Latitude: 32.8566 °N, Longitude: -79.9574 °W), Charleston Quadrangle.

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

30 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.

Proposed Project & Proposed Impacts to Waters of the US:

The proposed work is to construct an intermodal container transfer facility, known as the Navy Base Intermodal Facility (NBIF), and its associated infrastructure improvements at the site of the former Charleston Naval Complex. (Intermodal container transfer describes the act of transferring containerized freight between truck and railcar.) The project encompasses approximately 231.28 acres which includes the construction of approximately 174,410 feet of new track, railroad bridges, a container stacking area, vehicle travel lanes, electric wide-span gantry cranes, automated gate systems, administrative and maintenance buildings, multiple roadway bridges, and intersection and roadway upgrades. The proposed work can be viewed on the attached proposed plans.

In detail, the proposed project would permanently impact approximately 13.878 acres of waters of the United States, including 5.389 acres of Critical Area and 8.489 acres of freshwater wetlands. These permanent impacts include fill, shading and excavation. An additional 1.775 acres of temporary impacts are also proposed to account for construction and temporary clearing areas based on proposed construction methods.

Proposed Compensatory Mitigation:

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States in three distinct manners. The applicant proposes to mitigate for the permanent loss of 5.389 acres of Critical Area at a 1:1 ratio with 5.389 acres of Critical Area restoration. Permanent impacts to Critical Area will be mitigated through the purchase of appropriate credits from an approved mitigation bank in accordance with the Corps' Final Mitigation Rule. Clydesdale Mitigation Bank in Jasper County, South Carolina has been identified as a proposed source of credits. The applicant has also identified the Daniel Island Salt Water Mitigation Bank (DISMB) in Berkeley County as a potential and preferred source of credits. The applicant proposes to use the Corps' "Escrow Agreement Compensatory Mitigation Credit Purchase Deposit" to hold the funding for the purchase of the appropriate mitigation credits.

The restoration or reestablishment of preconstruction conditions is proposed to offset the temporary impacts to 1.775 acres of waters of the U.S.

The applicant proposes to mitigate for 8.489 acres proposed impacts to freshwater wetlands and other waters of the U.S. in accordance with the Corps' Charleston District Guidelines for Preparing a Compensatory Mitigation Plan dated October 7, 2010. The applicant will purchase the appropriate number of wetland credits from either Pigeon Pond or Congaree Carton Mitigation Bank.

Project Purpose:

The project purpose is to provide a state-owned, near dock facility that provides equal access to both Class I rail carriers and accommodates existing and projected future increases in intermodal container cargo transport through the Port of Charleston to enhance transportation efficiency in the state of South Carolina.

NOTE: This public notice and associated plans are available on the Corps' website at:

<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices>.

Additionally, there is a project specific website at <http://www.navybaseictf.com/Default.aspx> where the Draft Environmental Impact Statement (DEIS) can be viewed (The comment period for the DEIS is currently closed).

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 7.107 acres of estuarine substrates and emergent wetlands and 8.546 acres of 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 that the project is not likely to adversely affect the west Indian manatee and the proposed project will have no effect on other 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 for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

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 with the South Carolina State Historic Preservation Office, for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has determined that historic properties, are present; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify 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 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.

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 Shawn Boone, Project Manager, at 843-329-8158 or toll free at 1-866-329-8187.