



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

MAY 16 2018

HEI-26340

REPLY TO
ATTENTION OF:

Regulatory Division

Jeff McWhorter
Palmetto Railways
540 East Bay St
Charleston, South Carolina 29403

Dear Mr. McWhorter

As you are aware, this office issued a public notice on April 4, 2018, for an overall project known as Camp Hall Rail, file SAC 2016-1395. The proposed project is located within a linear corridor approximately 22.7 miles long, varying in width, connecting the CSXT Cross Subdivision near the Santee Cooper Cross Generating Station and the Camp Hall Commerce Park. The corridor will travel south and west, crossing the Diversion Canal between Lakes Marion and Moultrie, continue through the unincorporated community of Cross, split, and end with two tracks (Camp Hall Track and the Volvo Lead Track) on the Camp Hall Commerce Park site in Berkeley County, South Carolina (Begin: Latitude: 33.40422 °N, Longitude: -80.09814 °W; End Camp Hall Track: Latitude: 33.14241 °N, Longitude: -80.25723 °W, End Volvo Lead Track: Latitude: 33.14160 °N, Longitude: -80.23976 °W). The purpose of this notice was to solicit the views of interested State and Federal agencies, and other parties either interested or affected by the work. As indicated in the public notice, your project is subject to the Department of the Army (DA) permit requirements under Section 404 of the Clean Water Act (33 U.S.C. 1344).

The U.S. Army Corps of Engineers, Charleston District's (Corps) decision whether to issue a DA permit will be based on an evaluation of the probable impacts of your project, including cumulative impacts of the proposed activity. The review of your proposed project will also include the application of guidelines promulgated by the Administrator of the Environmental Protection Agency, "Guidelines for Specification of Disposal Sites for Dredged or Filled Material," (Guidelines) [40 CFR 230], in conjunction with the Secretary of the Army under authority of Section 404(b) of the Clean Water Act. The Guidelines are enclosed for your reference.

The Guidelines state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. An alternative is considered practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose. An area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered a practicable alternative.

For the purposes of conducting the alternatives analysis, it has been determined that the overall project purpose of your project is

to construct an industrial rail line that will connect the existing Class 1 rail line with the Camp Hall Commerce Park, that will be owned and operated by Palmetto Railways.

A determination of whether or not the proposed discharges of dredged or fill material are water dependent is part of the Corps' review process under the Guidelines. This determination of water dependency must be preceded by a clear understanding of the basic purpose of the project. For non-water dependent discharges, practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. Non-water dependent discharges are those associated with activities which do not require access or proximity to or siting within the special aquatic site to fulfill their basic purpose.

In addition, for both water dependent and non-water dependent discharges, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.

It has been determined that the basic purpose of your proposed discharges of dredged or fill material is,

to construct an industrial rail line.

and is therefore considered to be non-water dependent.

I am forwarding copies of letters received in response to the public notice from US Fish and Wildlife Service, SC Department of Natural Resources, National Marine Fisheries Service, Catawba Indian Nation, The South Carolina Mitigation Association, as well as Phylliss Cohen, Wesley Leitch, and an email from the Environmental Protection Agency. For your information, the Corps is the sole Federal agency responsible for making a decision on the merits of your DA permit application. In accordance with our regulations governing the Regulatory Program of the Corps, we are enclosing these comments for your information and to give you an opportunity to provide any views you may wish to offer (33 Code of Federal Regulations [CFR] 325.2(a)(3)). We would strongly encourage you to respond to the comments in the enclosures. In addition, if we receive any further comments in response to our public notice, we will provide them to you upon receipt.

The Corps also requests that you address the following issues and provide additional information necessary to complete the processing of your permit application:

1. Sheet 19 of the proposed plans depicts what appears to be the relocation of Royalgates Court connecting to Old Highway 6. While this road is depicted to traverse through wetlands, the impacts to wetlands were not identified nor quantified for the road at this location. Please provide clarification, updated drawings and impact quantifications.

2. The Corps has the following concerns regarding project design with regard to hydrology and hydraulics:
 - a. In order to ensure that impacts to base flood elevations and the Special Flood Hazard Areas (SFHA) are minimized, and to ensure that flood damages are minimized, please provide this office with documentation from the appropriate local FEMA floodplain coordinator verifying that the proposed work complies with FEMA or FEMA-approved local floodplain construction requirements. Please provide copies of all floodplain documentation (LOMR, No Impact, etc.) for the proposed impacts to the SFHA.
 - b. Please provide additional information that shows that the currently proposed culverts are sufficient to allow wetland flow conveyance that would not cause or exacerbate flooding on adjacent properties. The information can be in the form of documentation that demonstrates that the drainage/conveyance system will be designed by a licensed Professional Engineer (PE) and constructed to provide for the proper drainage of surface water of the drainage area of which it is a part, to permit the flow of natural or manmade watercourses, and to maintain positive drainage for adjacent properties. The drainage/conveyance system should be sufficient to prevent any appreciable increase in water surface elevations or expansion/increases of the flood hazard area.
3. The USFWS requested that additional box culverts be placed every two hundred feet along the rail to allow for improved hydrologic flows and wildlife connectivity underneath the rail line. Please provide a response to this request indicating whether this proposed recommendation can be incorporated into the design, and if not, please provide sufficient detail explaining why not.
4. Santee Cooper indicated in a letter dated May 2, 2018 that they would like to be assured that any proposed embankments, culverts and bridges will not impede existing stormwater drainage patterns or efficiencies that would cause adverse effects on adjacent properties. Several areas of particular concern were noted. Please provide documentation verifying that the proposed rail line in these areas has been designed to not impede drainage patterns or efficiencies.
5. Both SCDNR and NMFS requested limiting in-water work in the Diversion Canal during certain times of the year to avoid potential impacts to diadromous fish species. Please provide a response to these requests.
6. Please provide a detailed compensatory mitigation plan that addresses all 12 components, consistent with the requirements in the 2008 Mitigation Rule (33 CFR Part 332). See enclosed information.

In addition to the above, portions of the proposed project appear to include impacts to wetlands that are located within the permit areas of DA permit SAC 2015-01764 (Santee Cooper's Camp Hall) and DA permit SAC 2015-0476 (Berkeley County's Project Soter (Volvo)), respectively. Please note that prior to completing review of Palmetto Railway's DA permit application, Santee Cooper and Berkeley County will need to submit requests to the Corps for

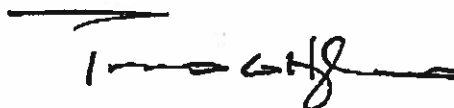
the proposed modifications to these current Corps authorizations for consistency with the proposed rail lines, as depicted proposed on the drawings for Camp Hall Rail. Please be advised that additional coordination between the Corps and Palmetto Railways may be required with regard to this issue.

A DA permit will not be granted if the District Engineer determines that it would be contrary to the public interest based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest (33 CFR 320.4(a)(1)). Provisions under the NEPA require consideration of reasonable alternatives, which would allow the project to be accomplished based on the project purpose and need.

Should you fail to provide a response to this letter within **June 16, 2018** from the date of this letter with the requested information or a justification why additional time is necessary, we will either consider your application to be withdrawn from further processing or we will make a final decision on your DA permit application based on the information presently available to us.

Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to our file number SAC 1016-1395. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact Elizabeth Williams at 843-329-8099.

Sincerely,



Travis G. Hughes
Chief, Regulatory Division

Enclosures
Comment Letters
Mitigation Plan Information

Copies Furnished:

T Ravanel (email)
Diana Wood (email)

Mr. Kelly Laycock
U.S. Environmental Protection Agency
Wetlands Regulatory Section
61 Forsyth Street
Atlanta, Georgia 30303

Mr. Mark Caldwell
United States Department of Interior
Fish and Wildlife Service
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

S.C. Dept. of Health and Environmental Control
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201

South Carolina Department of Health
and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

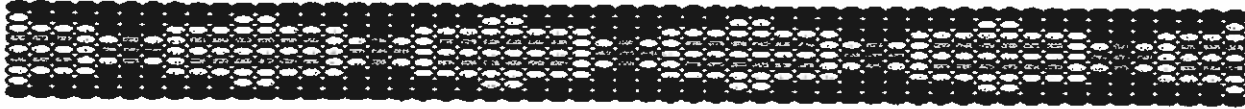
Mr. Greg Mixon
Office of Environmental Programs
South Carolina Department of Natural Resources
Post Office Box 167
Columbia, South Carolina 29202

Ms. Elizabeth Johnson
Review and Compliance Coordinator
South Carolina Dept. of Archives and History
8301 Parklane Road
Columbia, South Carolina 29223

Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

APR 30 2018

Office 803-328-2427
Fax 803-328-5791



April 25, 2018

Attention: Elizabeth Williams
Charleston District, Corps of Engineers
69 A Hagood Avenue
Charleston, South Carolina 29403-5107

Re. THPO #	SAC #	Project Description
2018-1-70	2016-1395	Permit to discharge fill material into waters of the U.S. including wetlands associated with Bultown Ditch, the Diversion Canal and tributaries to Caton Creek and Black Creek

Dear Ms. Williams,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail caitlinh@ccppcrafts.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer

South Carolina Department of Natural Resources

1000 Assembly Street Suite 336
PO Box 167
Columbia, SC 29202



Alvin A. Taylor
Director
Lorianne Riggins
Director, Office of
Environmental Programs

May 3, 2018

Electronic submission

Ms. Elizabeth Williams
U.S. Army Corps of Engineers
Regulatory Division
69-A Hagood Avenue
Charleston, South Carolina 29403

RE: P/N SAC 2016-1395, Palmetto Railways, Mr. Jeff McWhorter

Dear Ms. Williams:

Personnel with the South Carolina Department of Natural Resources (SCDNR) have reviewed the proposed project, evaluated its impact on natural resources and offer the following comments.

Project Summary

The proposed work consists of constructing an industrial rail line, connecting the CSXT Cross Subdivision near the Santee Cooper Cross Generating Station and the Camp Hall Commerce Park. The proposed rail line will service the new Volvo Cars manufacturing facility, as well as future proposed development within the Camp Hall Commerce Park. The applicant proposes to impact approximately 120.01 acres of wetlands and 537.20 linear feet of non-wetland waters of the United States. In detail, permanent cut/fill is proposed in 103.12 acres of wetlands and mechanical clearing is proposed in 16.89 acres. Permanent pipe is proposed in 315.20 linear feet of non-wetland waters and permanent morphological impact is proposed in 222 linear feet of non-wetland waters of the United States.

Agency Comments

SCDNR previously provided comments on the proposed railway in a letter dated September 28, 2017 to Ms. Diana Wood of the Surface Transportation Board (STB) and Ms. Courtney Stevens of the U.S. Army Corps of Engineers. This letter was in response to a request for information from the STB in Docket No. FD 36095 for authority to construct and operate a new rail line in Berkeley County. The July 25, 2017 Environmental Report referenced for this project at that time states that approximately 83.18 acres of jurisdictional wetlands and 169 linear feet of non-wetland waters will be impacted by project construction. The current public notice states that the applicant proposes to impact approximately 120.01 acres of wetlands and 537.20 linear feet of

non-wetland waters. SCDNR requests that an explanation be provided for this difference in the proposed impacts.

The proposed project involves the construction of a new rail bridge crossing of the Diversion Canal that connects Lake Marion and Lake Moultrie. The construction method would include the placement of eight cast-in-place concrete columns in the canal bottom to support the rail bridge. The Diversion Canal provides passage for diadromous fish species including the federally-endangered shortnose sturgeon as well as American shad, blueback herring and hickory shad. SCDNR recommends that construction activities should not occur in the waters of the Diversion Canal between January and April to minimize impacts to these diadromous fish species. Further coordination should occur with the Atlantic States Marine Fisheries Commission (ASMFC) regarding blueback herring and American shad. ASMFC is an interstate compact, ratified by the states on the Atlantic coast and approved by Congress in 1942, to ensure the sustainability of Atlantic coast fishery resources.

SCDNR personnel reviewed the Protected Species Assessment, dated March 1, 2018, publicly available on the project website (<http://www.camphallrailnepa.com/>). SCDNR previously expressed concerns regarding the presence of potentially suitable habitat in two locations near the Cross Generating Station for red-cockaded woodpecker (RCW). The first site (Area 1), located south of the Diversion Canal, is outside of the currently proposed project corridor and we find that further evaluation is not needed. The second site (Area 2) is located north of the Diversion Canal at the proposed interchange yard. SCDNR submits that the information provided for Area 2 meets sufficient survey and habitat assessment requirements and we have no further concerns.

SCDNR has records of three South Carolina State Wildlife Action Plan (SWAP) species near the project corridor. Occurrences of Cedar Creek crayfish, black mottled crayfish and Santee crayfish have been documented in the vicinity of the project corridor. SWAP species are those species of greatest conservation need not traditionally covered under any federal funded programs. Species are listed in the SWAP because they are rare or designated as at-risk due to knowledge deficiencies; species common in South Carolina, but listed rare or declining elsewhere; or species that serve as indicators of detrimental environmental conditions. SCDNR recommends that appropriate measures be taken to minimize or avoid impacts to these species of concern.

The applicant has proposed to mitigate for impacts to wetlands and waters of the United States through a Permittee Responsible Mitigation Plan (PRMP) and the purchase of mitigation bank credits. For impacts within the Four Hole Swamp watershed, the applicant proposes to purchase wetland mitigation bank credits from the Francis Beidler Forest Mitigation Bank. For impacts within the Cooper River watershed, a PRMP is proposed to enhance 697 acres of wetlands and preserve 43 acres of wetlands at the Fairlawn C1 Parcel site, a 1,550-acre site within the Francis Marion National Forest. The Fairlawn C1 Parcel will be transferred to the United States Forest Service for long-term stewardship, which will provide public access and permanently protect the site.

SCDNR has no objection to the purchase of credits from the Francis Beidler Forest Mitigation Bank for the unavoidable impacts within the Four Hole Swamp watershed provided that credits

are available. SCDNR also submits that the Fairlawn C1 Parcel may be a suitable PRM site for the impacts within the Cooper River watershed; however, the information provided in the July 27, 2017 Draft Wetlands Mitigation Plan is deficient. A final PRMP should address the twelve elements from the 2008 Compensatory Mitigation Rule and follow the guidance for the development of a PRMP provided by the USACE Charleston District. SCDNR requests that the final PRMP be provided for review.

SCDNR asks that the permit be held in abeyance until 1) an explanation is provided in the change in amounts of jurisdictional impacts and 2) SCDNR has reviewed the PRMP. Should you have any questions or need more information, please do not hesitate to contact me by email at mixong@dnr.sc.gov or by phone at 803.734.3282.

Sincerely,



Greg Mixon
Office of Environmental Programs

cc: SCDHEC-EQC
SCDHEC-OCRM
NMFS
FWS
EPA

APR 09 2018

4-5-2018

Please O.K. VOLVO RAIL LINE

ANY THAT TAKES 42,000 TRUCKS
OFF THE ROADS IS A GOOD THING.

THANK

Wesley Leitch



May 4, 2018

U.S. Army Corps of Engineers
ATTN: Elizabeth Williams, Regulatory Division
69A Hagood Avenue
Charleston, SC 29403-5107

RE: P/N SAC 2016-1395
S.C. Mitigation Association's Comments

Dear Ms. Williams:

The following comments regarding the above-referenced April 4, 2018 Public Notice have been prepared and submitted on behalf of the South Carolina Mitigation Association (SCMA). Our comments are specifically focused on the Draft Wetlands Mitigation Plan for the Palmetto Railways project.

As described in the Public Notice, the project, as proposed, will result in impacts to 120.01 acres of wetlands and 537.20 linear feet of non-wetland waters of the United States. The Public Notice includes a description of the proposed compensatory mitigation as a combination of Permittee Responsible Mitigation (for impacts in the Cooper River Watershed) and the purchase of wetland credits from the Francis Beidler Forest Mitigation Bank (for impacts in the Four Hole Swamp watershed). The PRM is further described as a 1,550-acre site with 697 acres of wetland enhancement and 43 acres of wetland preservation. No further details regarding compensatory mitigation are provided in the Public Notice. The information provided is not sufficient to determine whether or not the proposed compensatory mitigation will offset the proposed impacts.

A "Draft Wetlands Mitigation Plan" dated July 27, 2017 was found at the Camp Hall Rail website (http://www.camphallrailnepa.com/documents/Appendix_G_Draft_Wetlands_Mitigation_Plan.pdf). This plan is six pages in length. The table below lists the 12 elements required to be in a Mitigation Plan in accordance with the 2008 Federal Compensatory Mitigation Rule. The Draft Mitigation Plan contains only minimal information regarding two of these elements and no information regarding the other 10.

Table 1. Mitigation Plan Required Elements (33 CFR 332.4(c)/40 CFR 230.92.4(c).

Mitigation Plan Required Element		Included in Camp Hall Mitigation Plan?
1	Objectives	No
2	Site Selection	No
3	Site Protection Instrument	No
4	Baseline Information	Minimal
5	Determination of Credits	No
6	Mitigation Work Plan	Minimal
7	Maintenance Plan	No
8	Performance Standards	No
9	Monitoring Requirements	No
10	Long-Term Management Plan	No
11	Adaptive Management	No
12	Financial Assurances	No

Because the proposed impacts are significant in quantity and function of important aquatic resources, the SCMA respectfully submits that a mitigation plan that is in compliance with federal rules should be prepared and made available for public comment prior to a permit decision by the USACE.

SCMA appreciates your consideration of these comments.

Best regards,

On behalf of the South Carolina Mitigation Association



Tara Disy Allden

SCMA President



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
<http://sero.nmfs.noaa.gov>

May 4, 2018

F/SER47:CC/pw

(Sent via Electronic Mail)

Lt. Col. Jeffrey Palazzini
Charleston District, Corps of Engineers
69A Hagood Avenue
Charleston, South Carolina 29403-5107

Attention: Elizabeth Williams

Dear Lt. Colonel Palazzini:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAC-2016-01395 dated April 4, 2018. Palmetto Railways requests authorization to affect freshwater wetlands to construct an industrial rail line connecting an existing CSX rail line near the Santee Cooper Cross Generating Stations to the Camp Hall Commerce Park, Berkeley County. As compensatory mitigation, the applicant proposes the purchase of mitigation bank credits for impacts within the Four Holes Swamp watershed and Permittee Responsible Mitigation (PRM) in the Cooper River watershed, including enhancement and preservation of 1,220 acres in the Francis Marion National Forest. The Charleston District's initial determination is this project is not proposing impacts to essential fish habitat (EFH). The NMFS agrees with this determination and, accordingly, offers no EFH conservation recommendations under the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the NMFS provides the following comments and recommendations pursuant to authorities of the Fish and Wildlife Coordination Act.

The proposed project involves impacts to 120 acres of freshwater wetlands and a new bridge crossing over the Diversion Canal between Lakes Marion and Moultrie. These freshwater wetlands regulate water flow and improve water quality by retaining or transforming excess nutrients and by trapping sediment and heavy metals. The proposed project would have no direct impact on tidal wetlands; however, the loss of freshwater wetlands may affect tidal habitats indirectly by contributing pollutants and increasing freshwater flows to tidal areas. The PRM portion of the proposed compensatory mitigation plan is only roughly outlined. A fully developed PRM plan should be submitted by the applicant for review before the project is permitted. The NMFS concurs with the recommendation of the U.S. Fish and Wildlife Service, proposed in its letter dated April 30, 2018, that additional culverts be installed along the rail line to improve hydrologic flows and connectivity.

Several species of anadromous fish use the Diversion Canal, including blueback herring, American shad, striped bass, shortnose sturgeon, and (potentially) Atlantic sturgeon.



Construction of the rail line bridge crossing the Diversion Canal has the potential for impacts to this anadromous fish habitat. The following recommendations should be implemented to increase the likelihood of recovery for the impacted habitat and decrease the likelihood of impacts beyond the project area:

1. The staging area should be limited to 0.5 acres of anadromous fish habitat and all areas should be restored to pre-construction conditions following construction.
2. In-water work should be avoided between February 16 and June 15, to the maximum extent practicable, to avoid periods of anadromous fish migration and spawning.

In accordance with section 7 of the Endangered Species Act of 1973, as amended, it is the responsibility of the Charleston District to review and identify whether a proposed activity may affect endangered or threatened species and their designated critical habitat. Shortnose sturgeon and potentially Atlantic sturgeon occur in the project vicinity and may be affected by the proposed project, including the pile installation of the rail bridge crossing. Determinations involving species under the jurisdiction of the NMFS should be reported to the NMFS Protected Resources Division at the letterhead address.

The NMFS greatly appreciates the opportunity to provide these comments. Please direct related correspondence to the attention of Cindy Cooksey at our Charleston Area Office. She may be reached at (843) 460-9922 or by e-mail at Cynthia.Cooksey@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: COE, Elizabeth.G.Williams@usace.army.mil
DHEC, trumbumt@dhec.sc.gov
SCDNR, DavisS@dnr.sc.gov
SCDNR, CroweS@dnr.sc.gov
F/SER47, Cynthia.Cooksey@noaa.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



May 7, 2018

Lt. Colonel Jeffery S. Palazzini
District Engineer
U.S. Army Corps of Engineers
69A Hagood Avenue
Charleston, SC 29403-5107

Attn: Elizabeth Williams

Re: P/N SAC-2016-1395, Jeff McWhorter, Palmetto Railways, Berkeley County, SC
FWS Log No. 2018-CPA-0033

Dear Colonel Palazzini:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced public notice dated April 4, 2018. Mr. Jeff McWhorter of Palmetto Railways has requested a Department of the Army (Department) permit pursuant to sections 401 and 404 of the Clean Water Act (33 U.S.C 1344), the South Carolina Coastal Zone Management Act (48-39-10 *et seq.*), and the South Carolina Construction in Navigable Waters Permit Program (R. 19-450, *et seq.*, 1976 Code of Laws, as amended) to place fill in jurisdictional waters of the U.S., Berkeley County, South Carolina. This report is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (ESA). This report is also to serve as official comments to the South Carolina Department of Health and Environmental Control (DHEC) - Office of Ocean and Coastal Resources Management.

The proposed work consists of constructing an industrial rail line connecting the CSXT Cross Subdivision near the Santee Cooper Cross Generating Station and the Camp Hall Commerce Park. The rail line construction will impact approximately 120 acres of wetlands and 537 linear feet of non-wetland waters of the United States. The applicant has proposed to mitigate for impacts to wetlands and waters of the United States by providing a combination of Permittee Responsible Mitigation at the Fairlawn C1 Parcel site and debiting mitigation bank credits from the Francis Beidler Forest Mitigation Bank.

Based on the information received regarding the occurrence of the red-cockaded woodpecker (RCW) within the proposed project, the Service concurs with your determination that the proposed project may affect, but is not likely to adversely affect the RCW. Previously, two areas along the corridor were identified as containing potentially suitable habitat for the RCW. Furthermore, our office and the South Carolina Department of Natural Resources have historical records of RCW's in these two areas. However, based on survey results provided, the largest

area identified within the applicant's proposed Interchange Yard near the northeast terminus of the railway does not provide suitable habitat for the RCW, rendering to the Service's RCW Recovery Plan. Additionally, the second, smaller area, located approximately 3,000 feet south west of the diversion canal, is outside of the currently proposed project corridor. Therefore, the requirements of section 7 of the ESA have been fulfilled relative to the proposed action, and no further consultation is necessary at this time. However, obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered; (2) the action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

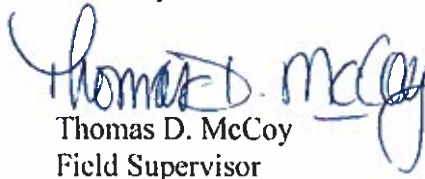
The proposed rail line necessitates linear fill that will not only block natural drainage patterns but will also hinder wildlife movement across the wetlands and uplands within the local landscape. The applicant has proposed to install culverts only in several areas where the proposed fill impacts the larger wetlands which will allow for some hydrologic flow and minimal wildlife passage. In order to improve hydrologic flows and wildlife connectivity underneath the proposed rail line the Service recommends additional culverts be installed. The Service recommends that double box culverts should be placed every 200 feet along the rail line.

The Service recommends the applicant consider species that have been petitioned for listing under the ESA as well as Candidate Species that may be in the project area. These species are collectively referred to as "At-Risk Species" (ARS). We have included a list of ARS that may occur in Berkeley County, South Carolina. Although there are no Federal protections afforded to ARS incorporating proactive measures to avoid or minimize harm to ARS may improve their status and assist with precluding the need to list these species. Additional information on ARS can be found at:

<http://www.fws.gov/southeast/candidateconservation>

The Service appreciates the opportunity to review and provide comments on the proposed project. If you should need further assistance, please contact Mr. Mark Caldwell at (843) 727-4707 ext. 215, and reference FWS Log No. 2018-CPA-0033.

Sincerely,


Thomas D. McCoy
Field Supervisor

TDM/MAC

South Carolina List of At-Risk, Candidate, Endangered, and Threatened Species - Berkeley County

CATEGORY	COMMON NAME/STATUS	SCIENTIFIC NAME	SURVEY WINDOW/ TIME PERIOD	COMMENTS
Amphibian	Frosted flatwoods salamander (T, CH)	<i>Ambystoma cingulatum</i>	January 1-April 30	Larvae present in breeding ponds
	Gopher frog (ARS)	<i>Lithobates capito</i>	Breeding: October-March	Call survey: February-April
	American wood stork (T)	<i>Mycteria americana</i>	February 15-September 1	Nesting season
Bird	Bald eagle (BGEPA)	<i>Haliaeetus leucocephalus</i>	October 1-May 15	Nesting season
	MacGillivray's seaside sparrow (ARS)	<i>Ammodramus maritimus macgillivrayi</i>	May-June	
	Red-cockaded woodpecker (E)	<i>Picoides borealis</i>	April 1-July 31	Nesting season
		None Found		
Crustacean				
Fish	American eel (ARS)	<i>Anguilla rostrata</i>	March 1-May 30; October 1-December 15	Temperature dependent: normally (17-20°C); can be found between 13-25°C
	Atlantic sturgeon* (E)	<i>Acipenser oxyrinchus*</i>	February 1-April 30	Spawning migration
	Blueback herring (ARS)	<i>Alosa aestivalis</i>	Mid-January-mid May	Peak: March-April
	Shortnose sturgeon* (E)	<i>Acipenser brevirostrum*</i>	February 1-April 30	Spawning migration
	Frosted elfin (ARS)	<i>Callophrys irus</i>	March - June	
Insect	Monarch butterfly (ARS)	<i>Danaus plexippus</i>	August-December	Overwinter population departs: March-April
Mammal	Northern long-eared bat (T)	<i>Myotis septentrionalis</i>	Year round	Winter surveys not as successful
	Rafinesque's big-eared bat (ARS)	<i>Corynorhinus rafinesquii</i>	Year round	Found in mines, caves, large hollow trees, buildings, and bat towers
	Tri-colored bat (ARS)	<i>Perimyotis subflavus</i>	Year round	Found in mines and caves in the winter
	West Indian manatee (T)	<i>Trichechus manatus</i>	May 15-October 15	In coastal waters
		None Found		
Mollusk				
Plant	American chaffseed (E)	<i>Schwalbea americana</i>	May-August	1-2 months after a fire
	Boykin's lobelia (ARS)	<i>Lobelia boykinii</i>	May-July/August	
	Bog asphodel (ARS*)	<i>Narthecium americanum</i>	June-July	
	Canby's dropwort (E)	<i>Oxypolis canbyi</i>	Mid-July-September	
	Carolina-birds-in-a-nest (ARS)	<i>Macbridea caroliniana</i>	July-November	
	Carolina bishopweed (ARS)	<i>Ptilimnium ahlesii</i>	May-July	
	Ciliate-leaf tickseed (ARS)	<i>Careopsis integrifolia</i>	August-November	
	Long Beach seedbox (ARS)	<i>Ludwigia brevipes</i>	July-October	
	Pondberry (E)	<i>Lindera melissifolia</i>	February-March	
	Raven's seedbox (ARS)	<i>Ludwigia ravenii</i>	June-October	
	Sun-facing coneflower (ARS)	<i>Rudbeckia heliopsis</i>	July-September	
	Eastern diamondback rattlesnake (ARS)	<i>Crotalus adamanteus</i>	Most of the year	Peak: April-November
	Southern hognose snake (ARS)	<i>Heterodon simus</i>	Most of the year	
	Spotted turtle (ARS)	<i>Clemmys guttata</i>	February-mid April	

South Carolina List of At-Risk, Candidate, Endangered, and Threatened Species - Berkeley County

- * Contact National Marine Fisheries Service (NMFS) for more information on this species
- ** The U.S. Fish and Wildlife Service (FWS) and NMFS share jurisdiction of this species
- ARS Species that the FWS has been petitioned to list and for which a positive 90-day finding has been issued (listing may be warranted); information is provided only for conservation actions as no Federal protections currently exist.
- ARS* Species that are either former Candidate Species or are emerging conservation priority species
- BGEPA Federally protected under the Bald and Golden Eagle Protection Act
- C FWS or NMFS has on file sufficient information on biological vulnerability and threat(s) to support proposals to list these species
- CH Critical Habitat
- E Federally Endangered
- P or P - CH Proposed for listing or critical habitat in the Federal Register
- S/A Federally protected due to similarity of appearance to a listed species
- T Federally Threatened

These lists should be used only as a guideline, not as the final authority. The lists include known occurrences and areas where the species has a high possibility of occurring. Records are updated as deemed necessary and may differ from earlier lists.

For a list of State endangered, threatened, and species of concern, please visit <https://www.dnr.sc.gov/species/index.html>.

MAY 07 2018

PHYLLIS WILLIAMS
1051 HWY 311
CROSS, SC 29436
APRIL 30, 2018

ELIZABETH WILLIAMS
U.S. ARMY CORPS OF ENGINEERS REGULATORY DIVISION
69A HAGOOD AVENUE
CHARLESTON, SC 29403-5107

RE: SAC 2016-1395

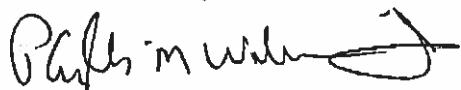
Dear ELIZABETH WILLIAMS:

I am writing about the proposed construction of railroad crossings at Hwy 311 & Mudville Road in Berkeley County, South Carolina. The survey stakes on my property indicate that the Hwy 311 railroad crossing will be running about 300ft from my residence. I have outlined my concerns below.

1. Serious impact from the construction and operations of the train it will have on my home built in the fifties.
2. Stabilization of the grounds of my property and the surrounding areas. (in the past there have been alleged sinkholes due to mining at a local quarry)
3. Safety, will there be lights and crossing arms?
4. The noise of the horns and the train itself.
5. Impact on the Trucking Industry with lost jobs.
6. Impact on the environment, wildlife, people, and the motoring public.

Also, I would like to know, why the proposed railway is not being constructed from the closest rail access to Camp Hall Commerce Park?

Respectfully,



Phyllis M (Silkey) Williams
843-753-2695

APR 16 2018

Project Subject No. : SAC 2016-1395

Phylliss Cohen

P.O. Box 12081

Columbia SC 29211

TMS No. 042-00-01-035



As indicated on the project map, my 17 acres is literally being sliced in half with only tiny slivers left in the majority with the rest being zoned commercial. I had removed this from the real estate market when we received notice of the project.

My concern and comment is that I assume the railways will be purchasing the entire parcel otherwise I totally object to the placement on my property and will take action if not to my favor.

Thank you,

A handwritten signature in black ink, appearing to read 'Phylliss Cohen'.

Phylliss Cohen

4-12-18

Please note the address correction above.

4/16/18