

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 Ave, Suite 400
Charleston, SC 29405

REGULATORY DIVISION

Refer to: P/N # 2007-00591-2IN (09)

22 MAY 2009

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

CITY OF CHARLESTON
75 CALHOUN STREET, 3RD FLOOR
CHARLESTON, SOUTH CAROLINA 29401

for a permit to excavate and place fill material within navigable waters of the United States adjacent to the

ASHLEY RIVER

between the existing US Highway 17 bridges near Lockwood Boulevard in Charleston County, South Carolina (Latitude 32.78465, Longitude -79.95764).

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 both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, JUNE 22, 2009

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the construction of a deep tunnel and pumped outfall stormwater management system within the Spring Street and Fishburne Street drainage basins of the City of Charleston. The proposed drainage improvements will provide direct improvements to approximately 260 acres, including the alleviation of flooding along US Highway 17 (Crosstown). The proposed project will also provide indirect improvements to 240 acres within the drainage basin through relief to existing gravity systems that are directly influenced by normal tide stages of the Ashley River. A conventional surface collection system will be used to transport stormwater runoff to the proposed deep tunnel system.

The construction of the proposed pump station, tunnel shaft, and adjacent service and maintenance area will result in the placement of fill material in 0.75 acres of tidal marsh. An additional 0.15 acres of tidal marsh will be temporarily filled to provide construction access. Construction of the outfall structure will result in temporary

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impacts to 0.36 acres of tidal marsh and 0.19 acres of open water associated with a pile supported work trestle. An additional 0.40 acres of tidal marsh and 0.22 acres of open water will be temporarily impacted by the installation of a coffer dam, and excavation and backfilling during the construction of the proposed outfall structure.

According to the permit applicant, potential impacts to tidal marsh will be minimized by consolidating the Spring Street and Fishburne Street drainage basins and using a single pump station. In addition, the footprint of the proposed pump station has been minimized to reduce permanent impacts to tidal marsh, and pile supported work trestles will be used during construction to minimize temporary impacts to tidal marsh. All areas that are temporarily impacted during construction will be restored to pre-construction elevations, if needed, and protected by sediment and erosion control devices until the affected tidal marsh is able to naturally revegetate. The draft compensatory mitigation plan consists of the creation of 0.75 acres of tidal marsh and enhancement of 6.81 acres of tidal marsh adjacent to Gadsden Creek, and the creation of 0.15 acres of tidal marsh adjacent to the Ashley River near Lockwood Boulevard.

Additional information about the Spring/Fishburne/US 17 Drainage Improvement Project is also located on the City of Charleston website at: <http://www.charlestoncity.info/dept/content.aspx?nid=1680>. The overall purpose of the proposed project is to construct stormwater drainage improvements to the Spring Street and Fishburne Street drainage basins.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

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

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 the Coastal Zone Management Program (15 CFR 930). 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 2.08 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined 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

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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 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 of Engineers 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.

If there are any questions concerning this public notice, please contact Mr. Nat Ball at 843-329-8044 or toll free at 1-866-329-8187.

Toss Rodgers
Project Manager
SCDHEC-OCRM

843-953-0233