



REPLY TO
ATTENTION OF

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

Post Access
37345

May 11, 2015

Regulatory Division

Mr. Will McGoldrick
S.C. Department of Transportation
Post Office Box 191
Columbia, South Carolina 29202-0191

RECEIVED
MAY 14 2015
Environmental Management
SCDOT

Dear Mr. McGoldrick:

This is in response to your letter dated April 23, 2015, requesting an extension of time to complete work authorized by Department of the Army (DA) permit SAC 2005-1N-440. This work consists of developing an access roadway to support the South Carolina Ports Authority's (SCPA's) new marine container terminal at the south end of the former Charleston Naval Base in North Charleston, South Carolina.

The Corps, South Carolina Department of Transportation (SCDOT), SCPA, Palmetto Railways (PR), and the City of North Charleston meet regularly to discuss the status of projects at the former Charleston Naval Base. The Corps anticipates that changes, such as SCDOT's recent request to grade separate a portion of Stromboli Avenue that crosses an existing CSX right-of-way, will be identified during the design build process. Prior to beginning work in waters of the United States, SCDOT must submit detailed drawings to the Corps for review and approval of all changes to the elevation or configuration of the access roadway.

The Corps believes that the coordination described above will help ensure compliance with SCDOT's existing DA permit. Since no additional changes in the attendant circumstances surrounding this matter have been identified, and since the requirement that this work proceed essentially in accordance with the approved plans and conditions is clearly understood, the time to complete this work is hereby extended until 30 June 2027.

This letter should be attached to the original permit. All other conditions to which the work is made subject remain in full force and effect. In that this work appears subject to the jurisdiction of the South Carolina Department of Health and Environmental Control, it is highly recommended that you contact that agency to ascertain their requirements in this matter.

Sincerely,

for Tina B. Hadden
Chief, Regulatory Division



REPLY TO
ATTENTION OF

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

September 2, 2014

Regulatory Division

Mr. Jae Mattox
S.C. Department of Transportation
Post Office Box 191
Columbia, South Carolina 29202-0191

Dear Mr. Mattox:

I am writing in response to your letter dated August 19, 2014, regarding a Department of the Army permit (SAC 2005-1N-440) that was issued to the S.C. Department of Transportation (SCDOT) for the Port Access Roadway project. It is my understanding that SCDOT anticipates beginning the design build procurement for the Port Access Roadway project process within the next six months. In your letter, you request acknowledgement from the U.S. Army Corps of Engineers, Charleston District (Corps) that grade separating the portion of Stromboli Avenue that crosses an existing CSX right-of-way is acceptable under SAC-2005-1N-440.

It is my understanding the main line portion of the Port Access Road was proposed to be elevated to avoid conflicts with existing roadways (Meeting Street and Spruill Avenue) and the CSX right-of-way that provides access to Cooper Yard. However, the Stromboli Avenue portion of the Port Access Road was proposed to be at grade because it crosses an inactive CSX right-of-way at the same location as an existing at-grade crossing that provides access to the Charleston County incinerator on Shipyard Creek Road. CSX objected to this at-grade crossing because it would interfere with future rail terminal development and operations in the area.

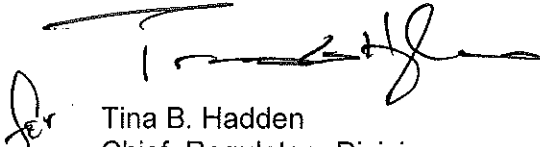
It has been more than seven years since the DA permit for the Port Access Road was issued in September 2007. During that time, the Charleston County incinerator has closed and Palmetto Railways has proposed to develop an Intermodal Container Transfer Facility (ICTF) at the former Charleston Navy Base. As you are aware, the Corps is preparing an EIS to evaluate the proposed ICTF. From the Corps' perspective, eliminating the at-grade crossing and constructing an overpass appears to address CSX's original concerns about the Port Access Road and also appears to eliminate conflicts with the proposed ICTF.

Based on a review of the permit drawings for SAC 2005-1N-440, the intersection of Stromboli Avenue and the existing CSX rail line is in fact located in uplands, and would not require any additional impacts to waters of the U.S. Accordingly, because the proposed grade separation occurs within the approved footprint of Stromboli Avenue, and does not deviate from the permitted plan or create additional environmental concerns, the proposed design changes are not considered substantial. Therefore, the proposed changes are found to be consistent with the terms and conditions of SAC 2005-1N-440, and do not warrant any action by the Corps to modify this DA permit pursuant to 33 CFR 325.7.



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 2005-1N-440. 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 me at 843-329-8044, or toll free at 1-866-329-8187.

Sincerely,



Tina B. Hadden
Chief, Regulatory Division

Copy Furnished:

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



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

OCT - 4 2007

Regulatory Division

Mr. Ron Patton
South Carolina Department
Of Transportation
P. O. Box 191
Columbia, South Carolina 29202

Dear Mr. Patton:

This is in response to your application requesting a Department of the Army permit.

Enclosed is your Department of the Army permit 2005-1N-440. It authorizes you to perform the work specified on the attached drawings. This permit is issued under the provisions of the Federal laws for the protection and preservation of the navigable waters of the United States.

Please notify this office promptly, in writing, when you start and complete the work. The enclosed cards may be used for that purpose. You should also be aware that a special condition has been included in this permit which requires that a copy of the permit and drawings must be available at the work site during the entire time of construction.

Respectfully,


J. Richard Jordan III
Lieutenant Colonel, U.S. Army
District Commander

Enclosures



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69 A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REGULATORY DIVISION

TO WHOM IT MAY CONCERN:

In Issuing this permit, this office has acted with reliance on the plans which you submitted. As you proceed with your project, please exercise every caution to ensure the work is performed exactly as shown on the approved plans and specifications, as deviations of any nature are expressly prohibited without the prior authorization of this office.

With this in mind, you will find this office cooperative in authorizing minor deviations if they are clearly within the scope of the original permit; however, you are placed on notice that any "unauthorized" deviation from the approved plans will be construed as a violation of Federal law and, at a minimum, you will be required to submit as-built plans of any deviations. These as-built plans will have to be prepared by a registered land surveyor. You will not be required to submit as-built drawings unless an "unauthorized" deviation is detected by this office or such submittals are required by a special condition in the permit (i.e., certified as-built plans are commonly required for utility crossings and structures adjacent to Federal channels.) If, upon demand, you fail to provide this office with such drawings in the requisite format, this office will request the U.S. Attorney to seek appropriate civil or criminal sanctions in order to maintain the integrity of the Department of the Army Permit Program.

Please be assured that you will find the Corps of Engineers receptive to minor deviations from the approved plans as long as such deviations are approved prior to commencement of work.

NOTICE OF COMMENCEMENT OR COMPLETION
OF WORK AUTHORIZED BY PERMIT

DATE

WORK AUTHORIZED BY DEPARTMENT OF THE ARMY PERMIT

2005-IN-440

DATED _____

PERFORM WORK IN _____

(WATERBODY NAME)

WAS COMMENCED

ON _____

WAS COMPLETED

(DATE)

(check appropriate box)

SIGNATURE

FL 130

5 MAR. 79

NOTICE OF COMMENCEMENT OR COMPLETION
OF WORK AUTHORIZED BY PERMIT

DATE

WORK AUTHORIZED BY DEPARTMENT OF THE ARMY PERMIT

2005-IN-440

DATED _____

PERFORM WORK IN _____

(WATERBODY NAME)

WAS COMMENCED

ON _____

WAS COMPLETED

(DATE)

(check appropriate box)

SIGNATURE

FL 130

5 MAR. 79

DEPARTMENT OF THE ARMY PERMIT

**Permittee: SOUTH CAROLINA DEPARTMENT
OF TRANSPORTATION**

**P. O. BOX 191
COLUMBIA, SC 29202**

Permit No: 2005-1N-440

Issuing Office: CHARLESTON DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The work consists of developing a proposed access roadway to support the development of a container terminal at the south end of the former Naval Base in North Charleston in accordance with the attached drawings entitled: Proposed access roadway (Alternative 1d), Charleston County, S.C., Application by: SCDOT. Sheets 1 thru 8 of 8 revised November 15, 2006.

Project Location:

This project is located on the south end of the former Naval Base, Charleston County, North Charleston, South Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 30 June 2017. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

SEE PAGE 4.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)
**SOUTH CAROLINA DEPARTMENT
OF TRANSPORTATION**

9/19/07

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)
J. RICHARD JORDAN III, LTC

SEP 20 2007

(DATE)

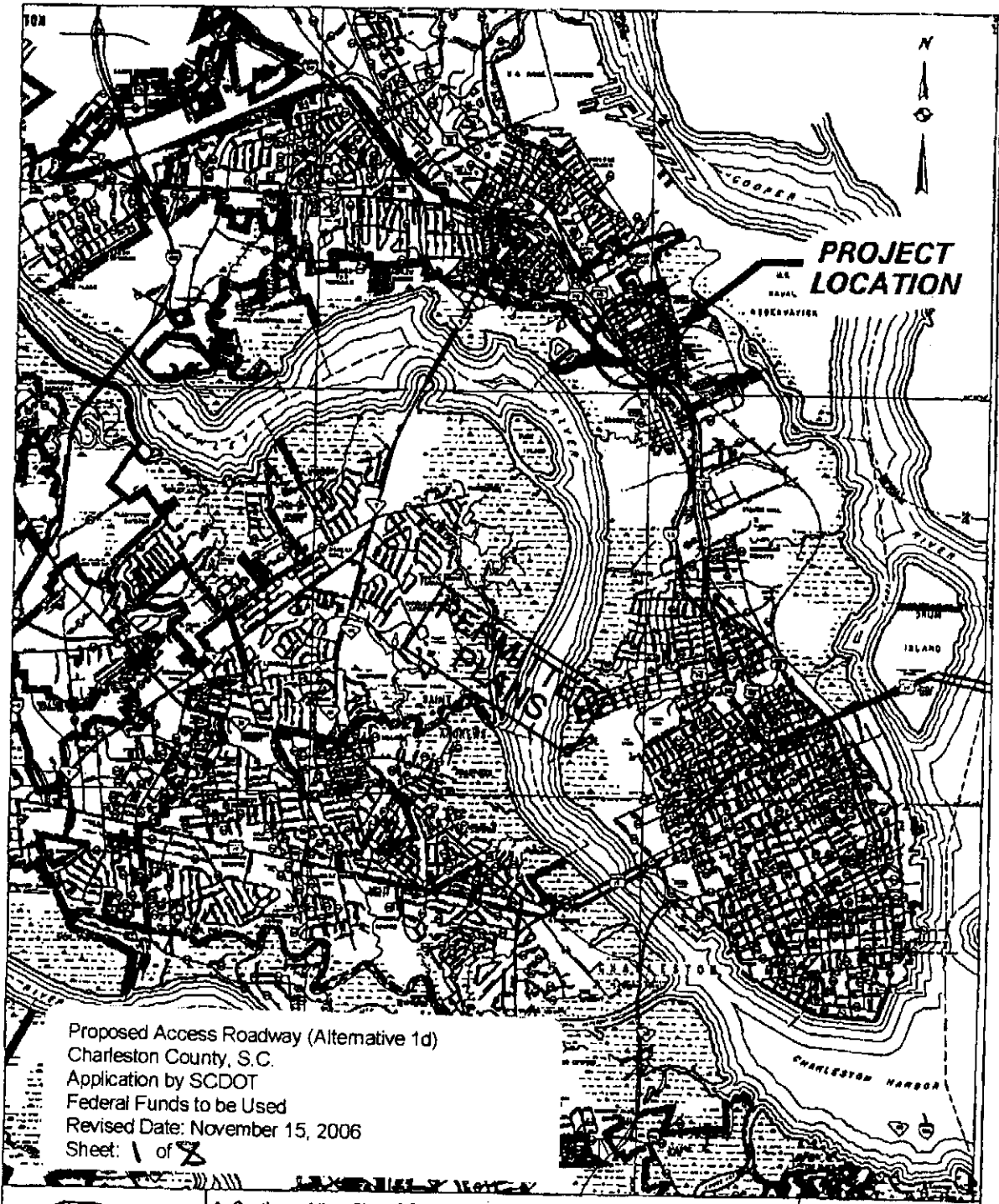
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

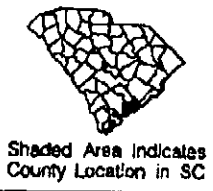
(DATE)

A. SPECIAL CONDITIONS FOR PERMIT #: 2005-1N-440

- a. That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.
- b. That the permittee shall submit a signed compliance certification to the Corps within 60 days following completion of the authorized work and any required mitigation. The certification will include:
 1. A copy of this permit;
 2. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
 3. A statement that any required mitigation was completed in accordance with the permit conditions;
 4. The signature of the permittee certifying the completion of the work and mitigation.
- c. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- d. That the permittee recognizes that its commitment to implement their portion of the CNC Marine terminal Mitigation Plan, dated may 1, 2006, and revised August 18, 2006, and November 22, 2006, was a deciding factor towards the favorable and timely decision on this permit. If the permittee is unable to execute any portion of the approved mitigation plan, the permittee will be required to actively work with the Corps in coordination with NMFS and other federal and State regulatory and resource agencies to develop alternate mitigation for the portion of the plan not executed.
- e. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition d will not be considered fulfilled until you have demonstrated mitigation success and have received verification from the U.S. Army Corps of Engineers.
- f. That any Corps of Engineers Monument cannot be disturbed without first notifying this office 30 days in advance. After coordination with this office, the Corps will take the proper steps to remove and relocate the monument(s).



Proposed Access Roadway (Alternative 1d)
 Charleston County, S.C.
 Application by SCDOT
 Federal Funds to be Used
 Revised Date: November 15, 2006
 Sheet: 1 of 8

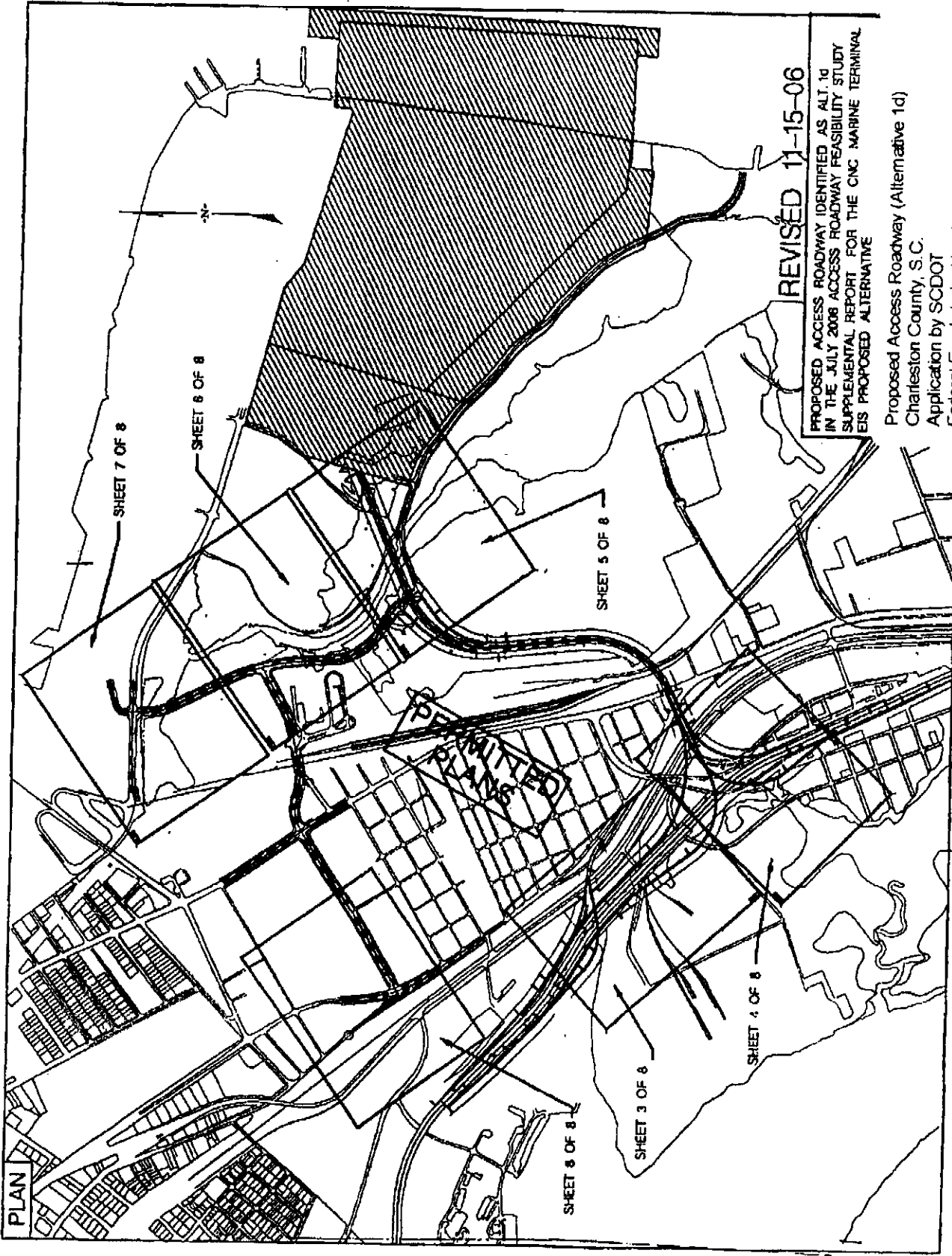


A Section of the City of Charleston Showing the Location of the Proposed Access Roadway Identified as Alternative 1d in the July, 2006 Access Roadway Feasibility Study Supplemental Report For The CNC Marine Terminal EIS Proposed Alternative

SHEET 1 OF 8 (Revised 11-15-06)

NOT TO SCALE





REVISED 11-15-06

PROPOSED ACCESS ROADWAY IDENTIFIED AS ALT. 1d
 IN THE JULY 2006 ACCESS ROADWAY FEASIBILITY STUDY
 SUPPLEMENTAL REPORT FOR THE CNC MARINE TERMINAL
 EIS PROPOSED ALTERNATIVE

Proposed Access Roadway (Alternative 1d)
 Charleston County, S.C.
 Application by SCDOT
 Federal Funds to be Used
 Revised Date: November 15, 2006
 Sheet: 2 of 8

SHEET 7 OF 8

SHEET 8 OF 8

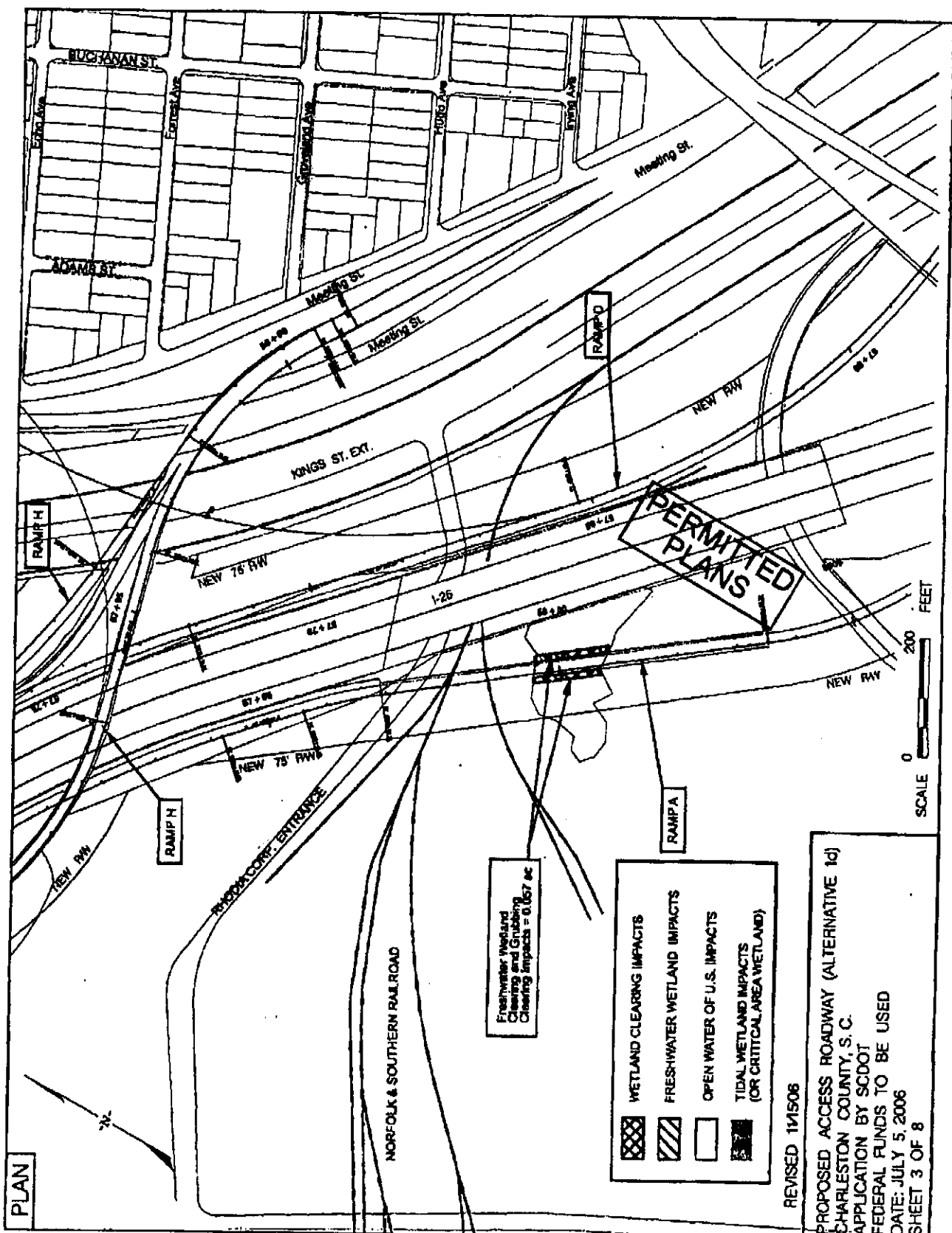
SHEET 5 OF 8

SHEET 4 OF 8

SHEET 3 OF 8

SHEET 6 OF 8

PLAN



PLAN

PERMITTED PLANS

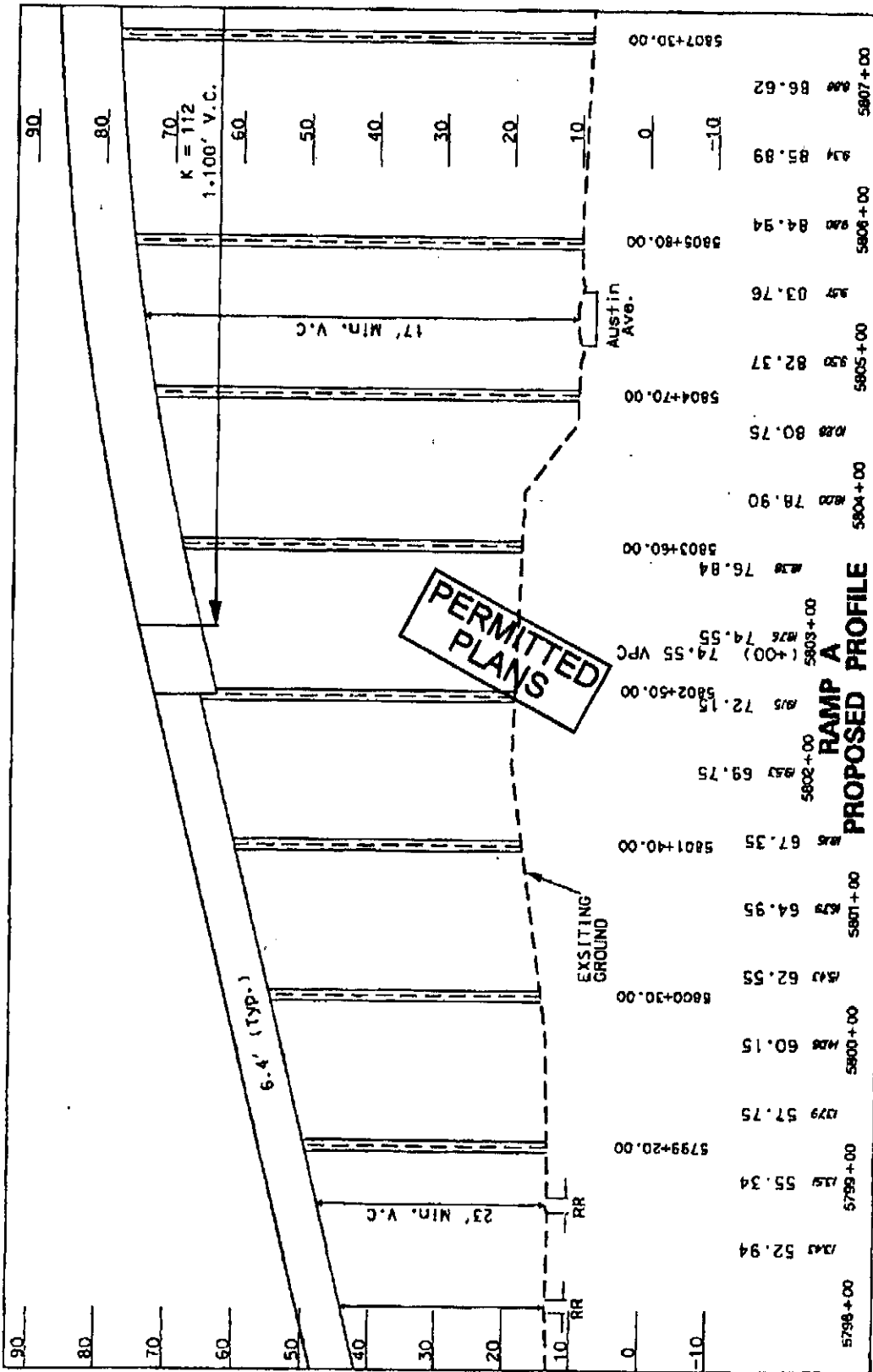


Freshwater Wetland
Clearing and Grubbing
Clearing Impacts = 0.067 ac

- WETLAND CLEARING IMPACTS
- FRESHWATER WETLAND IMPACTS
- OPEN WATER OF U.S. IMPACTS
- TIDAL WETLAND IMPACTS (OR CRITICAL AREA WETLAND)

REVISED 11/15/06

PROPOSED ACCESS ROADWAY (ALTERNATIVE 1d)
CHARLESTON COUNTY, S. C.
APPLICATION BY SCDOT
FEDERAL FUNDS TO BE USED
DATE: JULY 5, 2006
SHEET 3 OF 8



SCDOT
South Carolina Department of Transportation

Revised 11-15-06

PROPOSED ACCESS ROADWAY
CHARLESTON COUNTY, S.C.
APPLICATION BY SCDOT
FEDERAL FUNDS TO BE USED
DATE: JULY 10, 2006
SHEET 3A OF 8

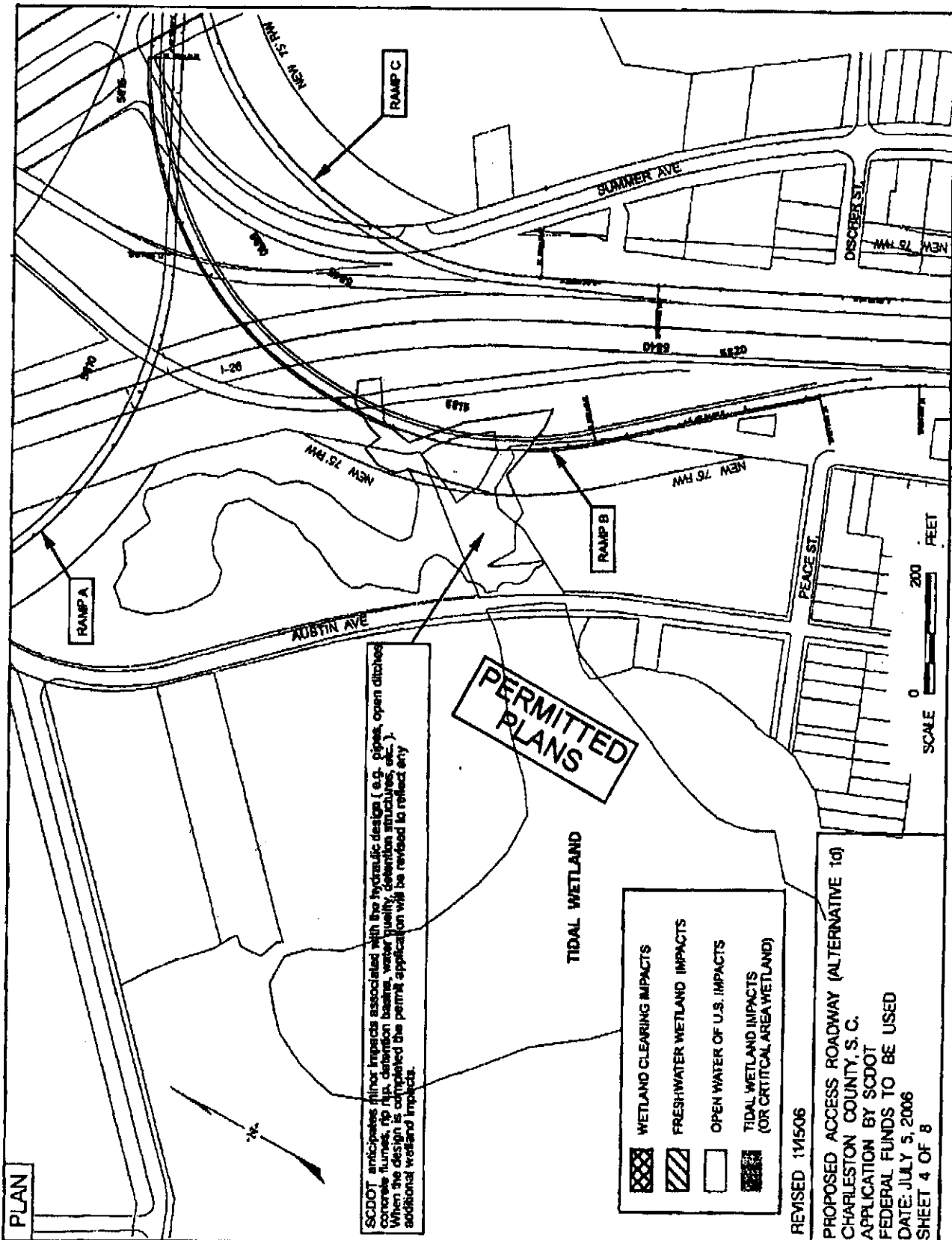
**RAMP A
PROPOSED PROFILE**

Station	Elevation (ft)
5796+00	52.94
5799+00	55.34
5799+20.00	57.75
5800+00	60.15
5800+30.00	62.55
5801+00	64.95
5801+40.00	67.35
5802+00	69.75
5802+50.00	72.15
5803+00	74.55
5803+60.00	76.94
5804+00	78.90
5804+70.00	80.75
5805+00	82.37
5805+00	83.76
5806+00	84.94
5807+00	85.99
5807+30.00	86.62

VERTICAL SCALE: 0 20 FEET

HORIZONTAL SCALE: 0 100 FEET





PLAN



SCDOT anticipates minor impacts associated with the hydraulic design (e.g. pipes, open ditches, concrete flumes, rip rap, detention basins, water quality, detention structures, etc.). When the design is completed the permit application will be revised to reflect any additional wetland impacts.

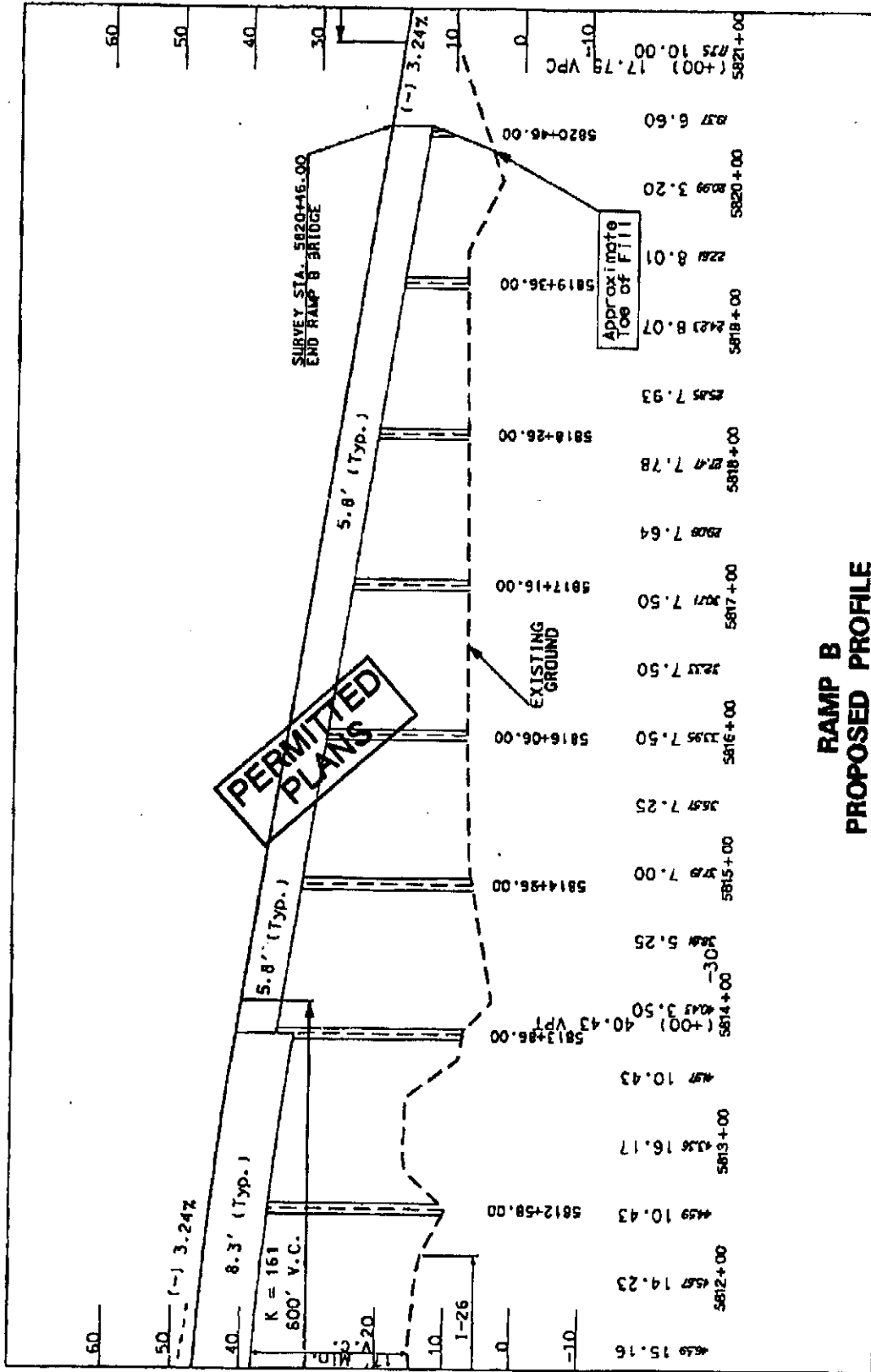
PERMITTED PLANS

TIDAL WETLAND

-  WETLAND CLEARING IMPACTS
-  FRESHWATER WETLAND IMPACTS
-  OPEN WATER OF U.S. IMPACTS
-  TIDAL WETLAND IMPACTS (OR CRITICAL AREA WETLAND)

REVISED 11/5/06

PROPOSED ACCESS ROADWAY (ALTERNATIVE 10)
 CHARLESTON COUNTY, S. C.
 APPLICATION BY SCDOT
 FEDERAL FUNDS TO BE USED
 DATE: JULY 5, 2006
 SHEET 4 OF 8

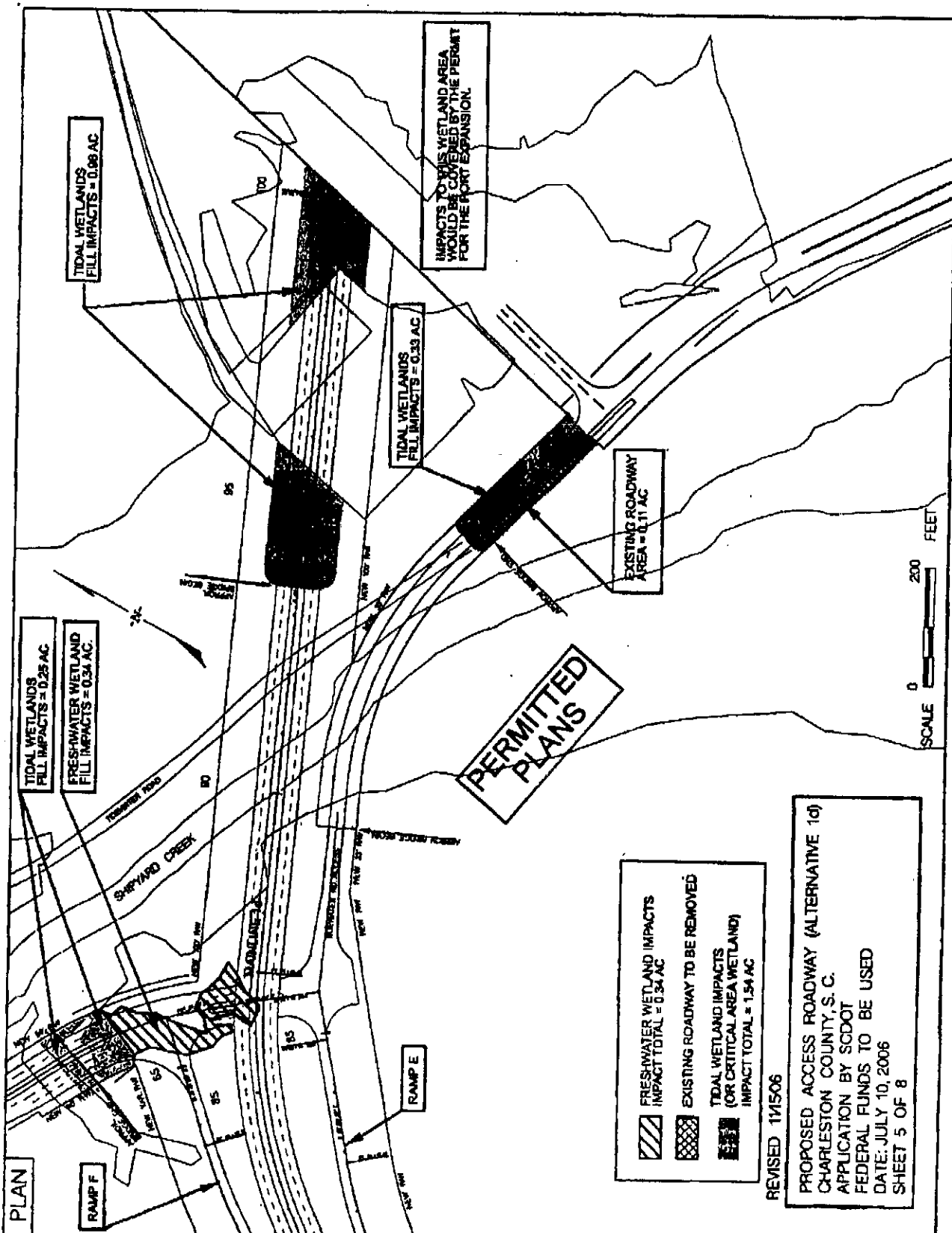


RAMP B PROPOSED PROFILE

Revised 11-15-06

PROPOSED ACCESS ROADWAY
CHARLESTON COUNTY, S.C.
APPLICATION BY SCDOT
FEDERAL FUNDS TO BE USED
DATE: JULY 10, 2006
SHEET 4A OF 8





PLAN

RAMP E

RAMP E

TIDAL WETLANDS
FILL IMPACTS = 0.25 AC

FRESH-WATER WETLAND
FILL IMPACTS = 0.34 AC




TIDAL WETLANDS
FILL IMPACTS = 0.88 AC

TIDAL WETLANDS
FILL IMPACTS = 0.33 AC

EXISTING ROADWAY
AREA = 0.11 AC

IMPACTS TO THIS WETLAND AREA
WOULD BE COVERED BY THE PERMIT
FOR THE PORT EXPANSION.

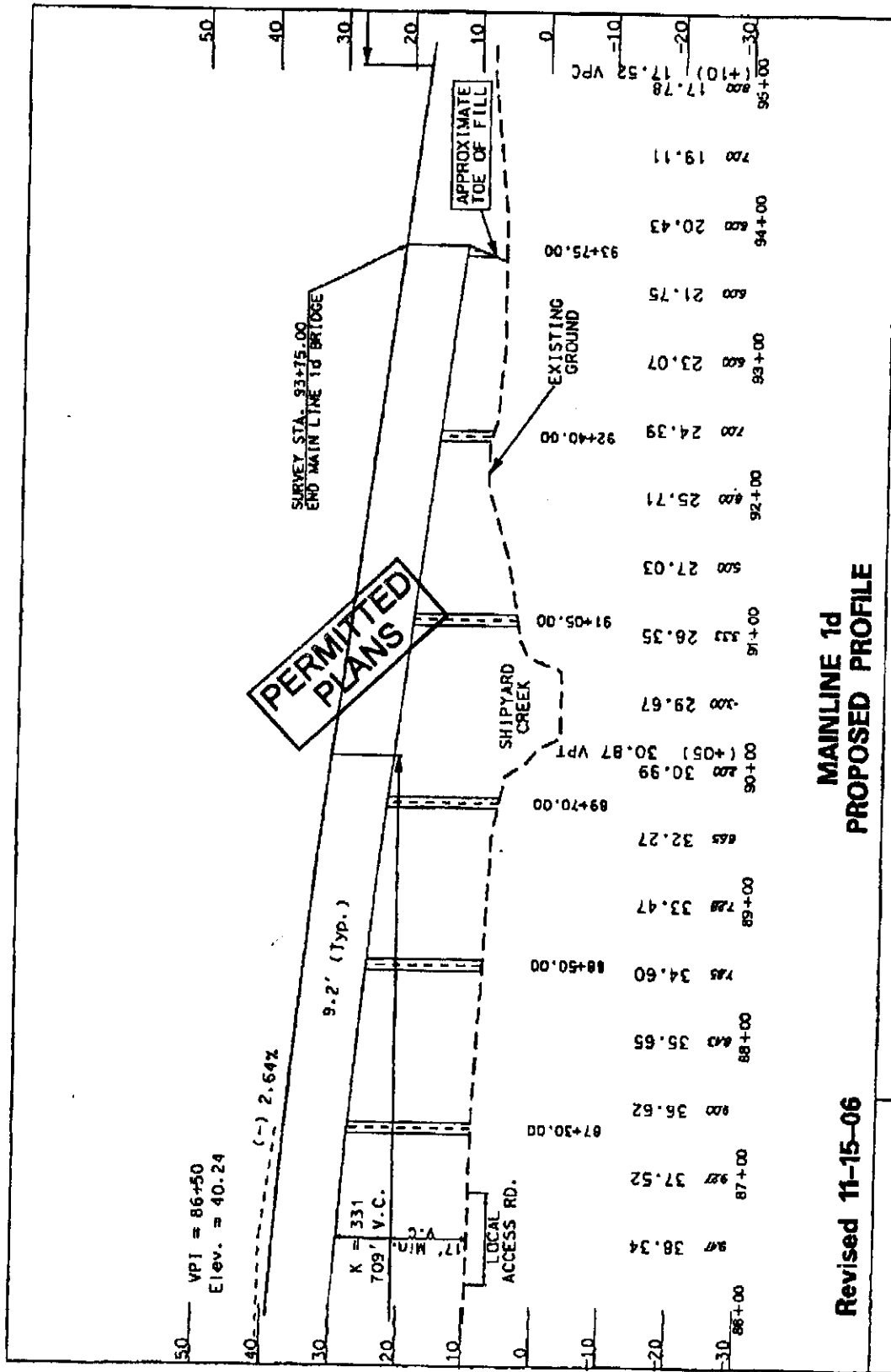
PERMITTED
PLANS

-  FRESH-WATER WETLAND IMPACTS
IMPACT TOTAL = 0.34 AC
-  EXISTING ROADWAY TO BE REMOVED
-  TIDAL WETLAND IMPACTS
(OR CRITICAL AREA WETLAND)
IMPACT TOTAL = 1.54 AC

REVISED 11/5/06

PROPOSED ACCESS ROADWAY (ALTERNATIVE 1d)
CHARLESTON COUNTY, S. C.
APPLICATION BY SCDOT
FEDERAL FUNDS TO BE USED
DATE: JULY 10, 2006
SHEET 5 OF 8

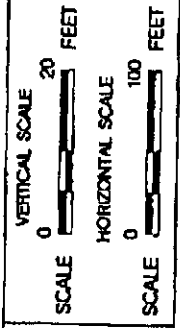


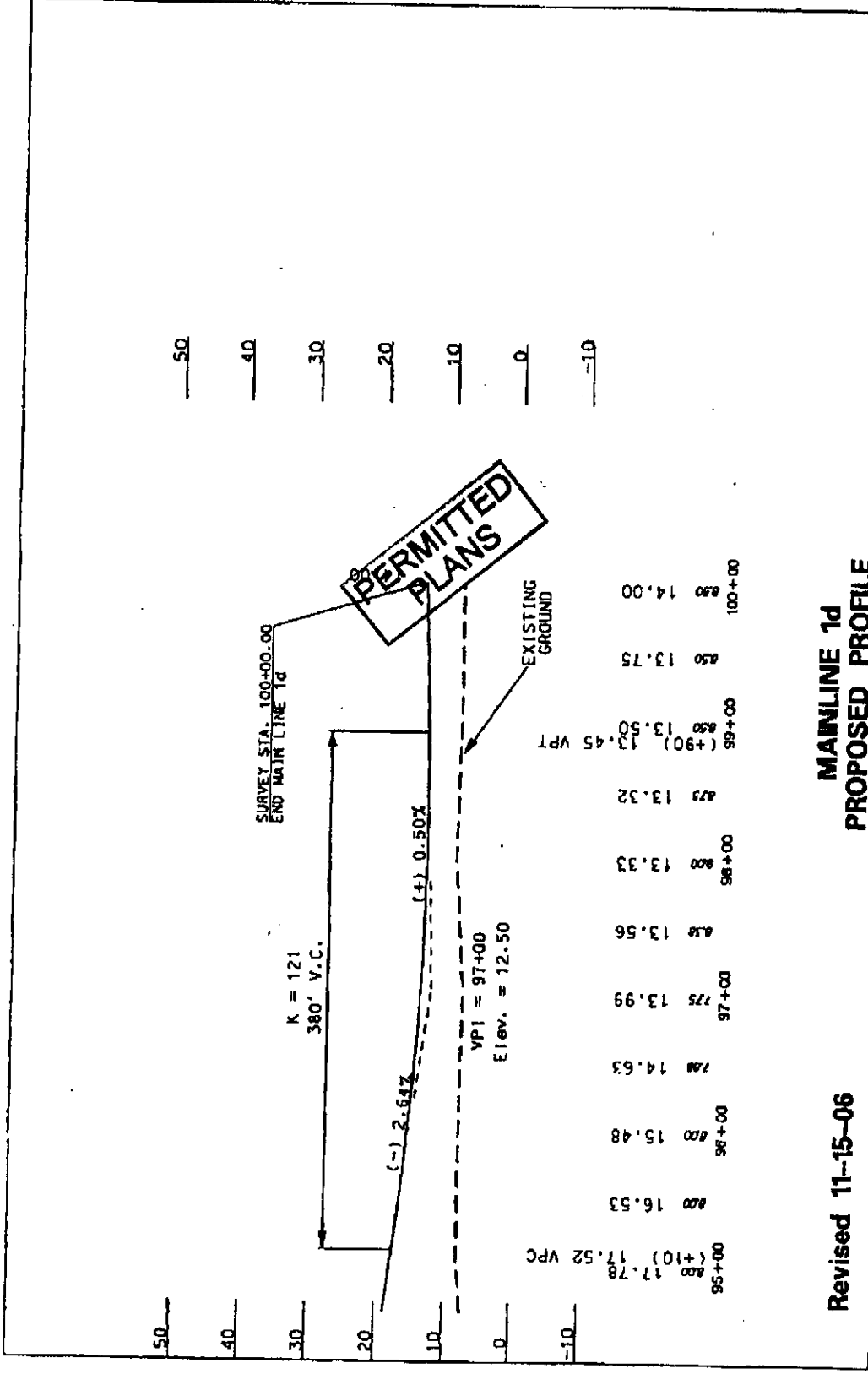


**MAINLINE 1d
PROPOSED PROFILE**

Revised 11-15-06

PROPOSED ACCESS ROADWAY
 CHARLESTON COUNTY, S.C.
 APPLICATION BY SCDOT
 FEDERAL FUNDS TO BE USED
 DATE: JULY 10, 2006
 SHEET 5A OF 8





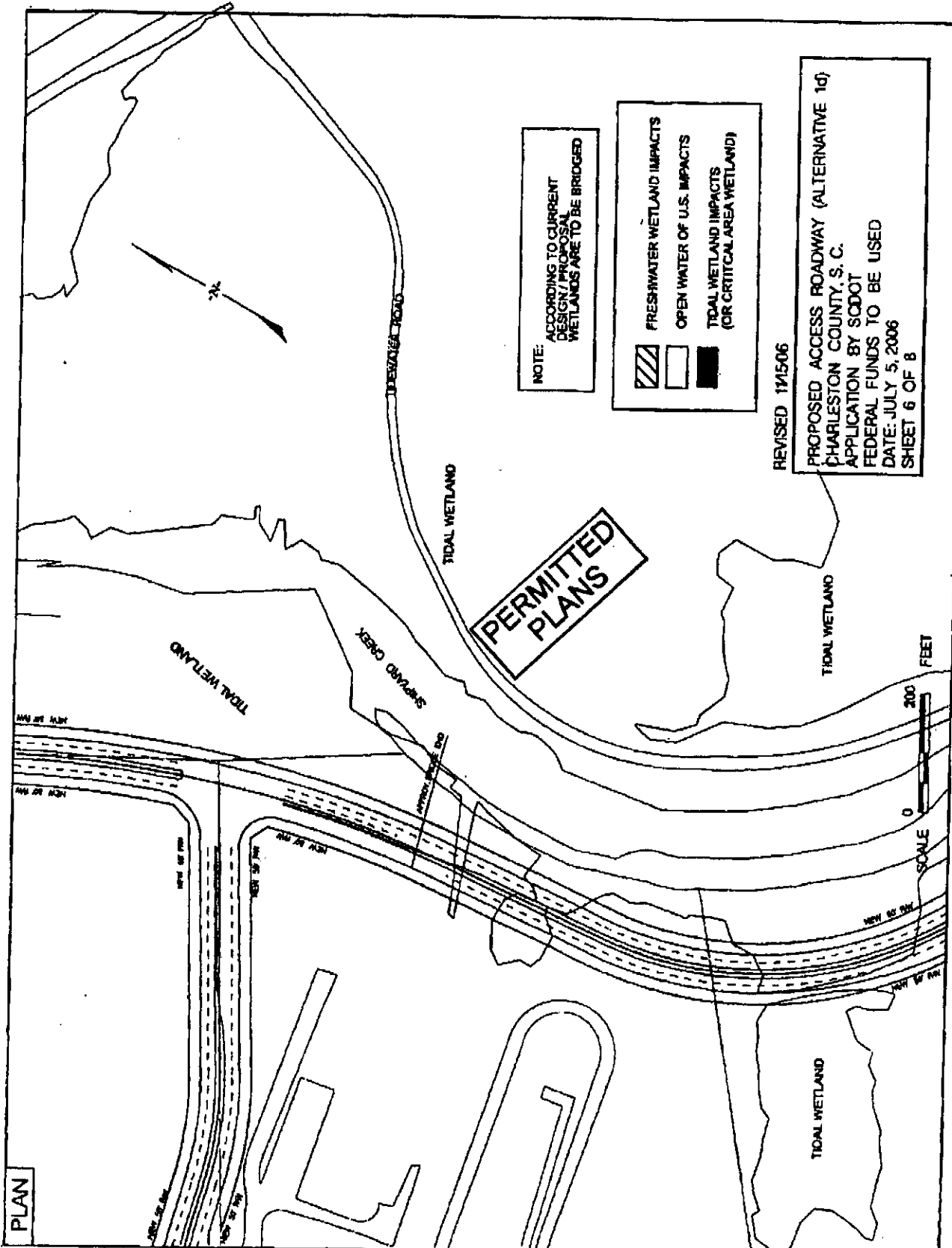
**MAINLINE 1d
PROPOSED PROFILE**

PROPOSED ACCESS ROADWAY
CHARLESTON COUNTY, S.C.
APPLICATION BY SCDOT
FEDERAL FUNDS TO BE USED
DATE: JULY 10, 2006
SHEET 5B OF 8

Revised 11-15-06



South Carolina Department of Transportation



NOTE:
 ACCORDING TO CURRENT
 DESIGN / PROPOSAL
 WETLANDS ARE TO BE BRIDGED

	FRESHWATER WETLAND IMPACTS
	OPEN WATER OF U.S. IMPACTS
	TIDAL WETLAND IMPACTS (OR CRITICAL AREA WETLAND)

REVISED 11/15/06
 PROPOSED ACCESS ROADWAY (ALTERNATIVE 1d)
 CHARLESTON COUNTY, S. C.
 APPLICATION BY SCDDOT
 FEDERAL FUNDS TO BE USED
 DATE: JULY 5, 2006
 SHEET 6 OF 8

**PERMITTED
 PLANS**

PLAN

PLAN



PERMITTED PLANS

TIDEWATER ROAD

EXISTING ROADWAY AREA = 0.14 AC

TIDAL WETLAND

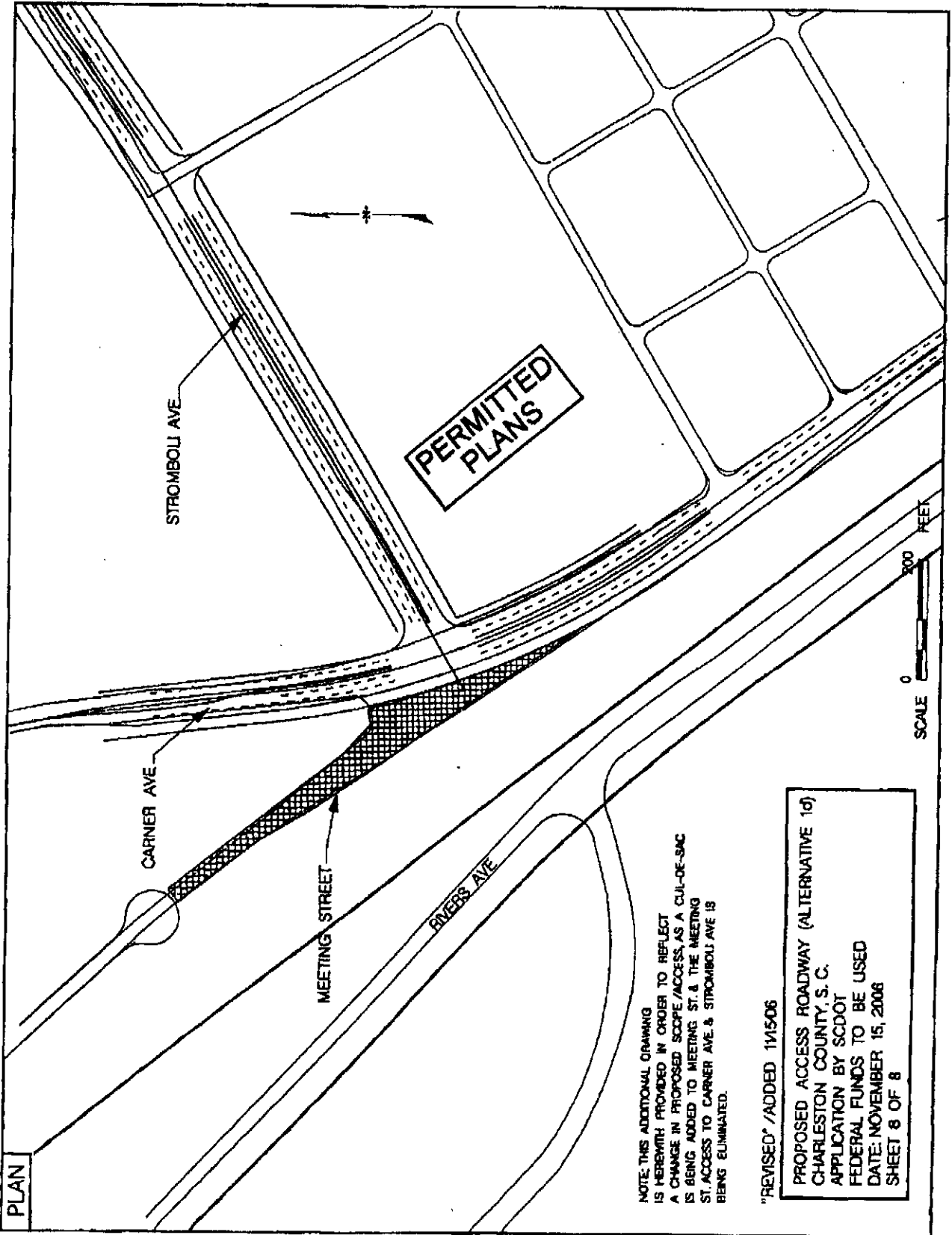
TIDAL WETLANDS FILL IMPACTS = 0.43 AC

TIDAL WETLAND

	FRESHWATER WETLAND IMPACTS
	EXISTING ROADWAY TO BE REMOVED
	TIDAL WETLAND IMPACTS (OR CRITICAL AREA WETLAND) WETLAND TOTAL = 0.43 AC.

PROPOSED ACCESS ROADWAY (ALTERNATIVE 10)
 CHARLESTON COUNTY, S. C.
 APPLICATION BY SCOOT
 FEDERAL FUNDS TO BE USED
 DATE: JULY 5, 2008
 SHEET 7 OF 8

REVISED 11/15/08



PLAN

**PERMITTED
PLANS**

NOTE: THIS ADDITIONAL DRAWING IS HEREBY PROVIDED IN ORDER TO REFLECT A CHANGE IN PROPOSED SCOPE/ACCESS AS A CUL-DE-SAC IS BEING ADDED TO MEETING ST. & THE MEETING ST. ACCESS TO CARNER AVE & STROMBOLI AVE IS BEING ELIMINATED.

"REVISED" / ADDED 11/15/06
 PROPOSED ACCESS ROADWAY (ALTERNATIVE 1d)
 CHARLESTON COUNTY, S.C.
 APPLICATION BY SCDOT
 FEDERAL FUNDS TO BE USED
 DATE: NOVEMBER 15, 2006
 SHEET 6 OF 8

SCALE 0 300 FEET