



60-2989

SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

April 23, 2018

David Bernhart
Assistant Regional Administrator
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southeast Regional Office
Protected Resources Division
St. Petersburg, FLA 33701-5505

Re: Docket No. FD 36095, Palmetto Railways – Petition for Exemption – In Berkeley County, South Carolina; Endangered Species Act Section 7 Consultation Concurrence Request

Dear Mr. Bernhart:

On August 3, 2017, Palmetto Railways filed a petition for exemption with the Surface Transportation Board (Board) to construct approximately 22.7 miles of new rail line in Berkeley County, South Carolina. As a result of this petition, the Board's Office of Environmental Analysis (OEA) along with the Charleston District United States Army Corps of Engineers (Corps), as joint lead agencies, began to evaluate the potential environmental effects of the proposed project, pursuant to the National Environmental Policy Act of 1969 (NEPA).¹ On April 4, 2018, the Corps issued a Public Notice in response to an application submitted by Palmetto Railways to discharge fill material into waters of the United States and wetlands associated with Bulltown Ditch, the Diversion Canal (between Lake Marion and Lake Moultrie), and tributaries to Caton Creek and Black Creek for the purpose of constructing the proposed rail line.²

Pursuant to Section 7(a)(2) of the Endangered Species Act (ESA), OEA and the Corps are initiating consultation with the National Marine Fisheries Service (NMFS) on the potential effects that the proposed rail line may have on federally listed threatened and endangered species under NMFS jurisdiction. The following provides a brief project summary and assessment of federally listed species.

¹ A project specific website was created to provide information pertaining to the project and the environmental review process – <http://www.camphallrailnepa.com/>

² Public Notice P/N SAC 2016-1395 for Clean Water Act Section 404 permit and 401 Water Quality Certification; and Rivers and Harbors Act Section 10 Permit. Available: http://www.sac.usace.army.mil/Portals/43/docs/regulatory/publicnotices/April2018_PN/SAC-2016-1395_Camp_Hall_Rail_Berkeley_County.pdf?ver=2018-04-04-083256-310

Project Summary and Background

The proposed project involves the construction and operation of an industrial rail line that would connect the CSX Transportation (CSXT) Cross Subdivision, near the Santee Cooper Cross Generating Station, with the Camp Hall Commerce Park (see attached Project Location Map). The proposed rail corridor is approximately 22.7 miles long, varying in width, and would travel south and west, crossing the Diversion Canal between Lakes Marion and Moultrie (also known as the Santee-Cooper Lakes), through the unincorporated community of Cross, and then terminate in a “Y” configuration composed of two separate tracks (the Camp Hall Track and the Volvo Lead Track) at the Camp Hall Commerce Park site. The proposed rail line would service the new Volvo Cars manufacturing facility, as well as future proposed development within the Camp Hall Commerce Park. The purpose of the project is to connect the Camp Hall Commerce Park with an existing Class 1 rail line. The project need is derived from the increased demand that development of the commerce park will have on rail service that interconnects the commerce park with an existing Class 1 rail network.

Pursuant to NEPA and Clean Water Act Section 404(b)(1) guidelines, a detailed alternatives analysis was conducted to evaluate potential routes from existing Class 1 rail lines into the Camp Hall Commerce Park. This process resulted in two project alternatives – the Build and No-Build – that OEA and the Corps will carry forward for analysis in the Environmental Assessment (see Project Location Map).

Federally Listed Species

OEA and the Corps have reviewed the project area, examined all information provided by Palmetto Railways, and have determined, based on the most recently available information on federally listed species under NMFS jurisdiction, that the federally-endangered Atlantic sturgeon (*Acipenser oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*) could potentially occur in the Diversion Canal within proximity of a new rail bridge that would be constructed as part of the proposed project. The attached *NMFS Endangered Species Act Section 7 Checklist* (Checklist) includes information on the proposed Diversion Canal bridge crossing and is provided for your evaluation of the project.

Both sturgeons have been documented in the Santee-Cooper Lakes but their occurrence in the project area is rare, particularly the Atlantic sturgeon. With the construction of the Santee-Cooper Lakes and associated navigational lock and dam systems, the vast majority of the Santee and Cooper River systems is closed to anadromous fish, including the Atlantic and shortnose sturgeon. However, there is a dam-locked subpopulation of shortnose sturgeon currently present in the Santee-Cooper Lakes, and within the Diversion Canal. Between 2011 and 2016, the South Carolina Department of Natural Resources (SCDNR) hydrophone monitoring system detected nine shortnose sturgeon with residence times ranging from 1 to 2 days (SCDNR pers. comm. 2018).

The presence of Atlantic sturgeon in the Santee-Cooper Lakes is extremely rare and there is little information to support existence of a land-locked subpopulation in the Santee-Cooper

Lakes (SCDNR undated). In 1997, three adult Atlantic sturgeon carcasses were found in the Santee-Cooper Lakes, and in 2017, SCDNR found a tagged Atlantic sturgeon in the upper reach of the Cooper River that had entered Lake Moultrie through the Pinopolis Dam Navigation Lock on a presumed spawning run (SCDNR 2017). This was the first tagged Atlantic sturgeon documented in the Santee-Cooper Lakes. The fish, which remained in close vicinity to the dam and lock, presumably not able to exit, was relocated by SCDNR.

With the documented occurrence of both sturgeons in the Santee-Cooper Lakes, the known presence of shortnose sturgeon in the Diversion Canal, and the proposed in-water work to construct the rail bridge over the Diversion Canal, OEA and the Corps believe that construction of the proposed rail bridge over the Diversion Canal *May Affect* both species. However, given the rare occurrence of sturgeon in the Diversion Canal (particularly Atlantic sturgeon), and the construction methods and mitigation measures that Palmetto proposes to implement to minimize water quality impacts and underwater noise (as detailed in the attached Checklist), OEA and the Corps believe that potential impacts to these species would be insignificant and discountable and that the proposed project would *Not Likely Adversely Affect* these species. Therefore, pursuant to Section 7(a)(2) of the ESA, OEA and the Corps request NMFS' concurrence with this determination for Atlantic sturgeon and shortnose sturgeon.

Thank you for your assistance in this matter. Please feel free to contact Diana Wood of my staff at 202-245-0302 or by email at Diana.Wood@stb.gov, if you have any questions. I would appreciate two copies of your response, one sent to Diana Wood at 395 E Street SW, Washington DC 20423 or by email at the above address, and one sent to David Bauer of ICF, our independent third-party consultant, at 9300 Lee Highway Fairfax, VA 22031 or by email at David.Bauer@icf.com. We look forward to receiving your response at your earliest convenience.

Sincerely,



Victoria Rutson
Director, Office of Environmental Analysis

cc: Elizabeth Williams, U.S. Army Corps of Engineers

Attachments:
NMFS Endangered Species Act Section 7 Checklist

Project Location Map
Diversion Canal Crossing Bridge Plan and Elevation

References:

South Carolina Department of Natural Resources (SCDNR). Undated. Sturgeons: Atlantic Sturgeon, *Acipenser oxyrinchus*; Shortnose sturgeon, *Acipenser brevirostrum*. Available: <http://www.dnr.sc.gov/cwcs/pdf/Sturgeon.pdf> Accessed: April 17, 2018.

SCDNR. 2017. DNR News. UPDATE: Imperiled fish rescued from Santee Cooper Lakes. June 21, 2017. Available: http://www.dnr.sc.gov/news/2017/june/jun6_sturgeon_update.html Accessed: April 17, 2018.

SCDNR. 2018. SCDNR 2011-2016 shortnose sturgeon hydrophone data in the Diversion Canal. Email personal communication with Joseph Moran and Elizabeth Williams (Corps). March 20, 2018.

NMFS Endangered Species Act Section 7 Checklist

For common, minor coastal construction projects

Updated 09/15/2015

A) Project Identification

Lead Action Agency:

Surface Transportation Board's (STB) Office of Environmental Analysis (OEA)

Agency Contact: (Phone, Email)

Ms. Diana Wood, (202)-245-0302, Diana.Wood@stb.gov

Applicant Name/ Contact: (Phone, Email)

Mr. Jeff McWhorter, Palmetto Railways, (843)-727-2067, jmcwhorter@palmettorail.com

Project Name & ID #:

Camp Hall Rail Line, STB Docket #36095

Are any aspects of the proposed project being authorized under a separate consultation? (SAJ general permits, GRBO, SARBO, NWP, Programmatic consultation, etc.)

No aspect of the proposed project is being authorized under a separate NMFS Endangered Species Act (ESA) Section 7 consultation. OEA has initiated informal consultation with the United States Fish and Wildlife Service (FWS) under the ESA Section 7 for federally listed species FWS their jurisdiction.

B) Project Location and Site Description

1. Address, including county and state, and description of property (public, residential, commercial, industrial, etc.):

2. a) Latitude & Longitude:

i. Required to be submitted in Decimal Degrees and Datum (e.g., 27.71622, -80.25174 [NAD83])

ii. Online conversion: <http://transition.fcc.gov/mb/audio/bickel/DDDMSS-decimal.html>

Begin: Latitude: 33.404614 degrees, Longitude: -80.098144 degrees; End (West terminus): Latitude: 33.142233 degrees, Longitude: -80.257528 degrees; END (East terminus): Latitude: 33.137912 degrees, Longitude: -80.254688 degrees. DATUM = WGS84. See Attached Project Location Map.

3. Waterbody:

i. Name of the body of water on which the project is located (St. Johns River, Tampa Bay, Suwannee River, etc.)

ii. If riverine or estuarine, approximate navigable distance from marine environment (e.g., Atlantic, Gulf of Mexico)

The waterbody crossed for which this consultation is being initiated is the Diversion Canal (canal that connects Lake Marion and Lake Moultrie). Palmetto is proposing a new rail bridge at this crossing at the following location: Latitude 33.369535 degrees, Longitude -80.125706 degrees (Datum = WGS84); the crossing runs north northeast to south southwest. The Diversion Canal is not an estuarine waterbody and the crossing location of the canal is approximately 40 miles (straight line distance) from the Atlantic Ocean. Other surface waters crossed by the proposed project (as identified by a field delineation) with no ESA concerns include Bulltown Ditch and Williams Branch.

C) Project Site Resource Description

1. Existing Structures: (Describe current structures in project area)

i. Marina, riprap, dock, etc.

ii. Number of slips, size (area of overwater structure), linear or square footage, location, orientation, etc.

There are no existing structures at the Diversion Canal crossing.

2. Existing Conditions: (Describe the project area)

- i. Substrate type, water quality, depth, etc.
- ii. List any alterations to substrate type, water quality, depth, etc, resulting from the proposed action (qualitative and quantitative)

The Diversion Canal is approximately 7.5 miles long, approximately 450 feet wide (at the proposed crossing), and has a depth of approximately 12 feet (but may be deeper in areas). The canal connects Lake Marion and Lake Moultrie. Water levels do not fluctuate greatly due to the dam systems of Lake Marion and Lake Moultrie (i.e., Pinopolis Dam). The bottom of the canal consists of sand and clay, with some sediments washed downstream from the Santee River. There is very little organic material or vegetation in the canal, and at the proposed crossing there is no vegetation. The canal was last dredged in 2014 to remove accumulated silt and sediments on the Lake Moultrie end of the canal. Based on South Carolina's Department of Health and Environmental Control's (DHEC) latest 303(d) listing of impaired waters (2016), the canal is impaired by mercury, which is based on data collected at water quality monitoring station CSTL-079 (approximately 1.25 miles from the proposed canal crossing at the Highway 45 bridge) (see DHEC's Water Atlas here: <https://gis.dhec.sc.gov/watersheds/>).

The proposed project would construct a rail bridge across the Diversion Canal. Alterations to substrate would include placement of eight 8 foot 6 inch drilled shaft foundations (i.e., cast-in-place concrete columns) in the canal bottom to support the rail bridge, which would result in a loss of benthic substrate habitat. During construction there could be temporary benthic substrate impacts during foundation installation from substrate disturbance adjacent to the foundation footprints. Construction could also temporarily affect water quality, causing an increase in turbidity levels and reduction of dissolved oxygen levels in the water column. Construction materials (including concrete) and accidental petro-chemical spills could also enter the water column which could temporarily degrade water quality conditions. It is anticipated that these potential temporary water quality impacts would be avoided or minimized through best management practices proposed by Palmetto Railways.

3. Seagrasses & Other Marine Vegetation

- i. If a benthic survey was conducted provide date of survey and a copy of the report
- ii. Species area of coverage estimates and density of species coverage (percentage) estimates
- iii. Location relative to proposed structures. Provide detailed sketch of action area and location of marine vegetation
- iv. List any impacts to seagrasses or other marine vegetation resulting from proposed action (square feet)

The Diversion Canal is not an estuarine or marine water; no seagrass or vegetation is present.

4. Mangroves

- i. Species (red, black, or white)
- ii. Area (square and linear feet). Provide detailed sketch of the action area and location of mangroves.
- iii. List any impacts to mangroves resulting from the proposed action (square and linear feet)

The Diversion Canal is not an estuarine or marine water; no mangroves are present.

5. Corals

- i. If a benthic survey was conducted provide date of survey and a copy of the report
- ii. Species Present
- iii. Area of coverage and density estimates (percentage, include estimates for each species)
- iv. Location relative to proposed structures. Provide detailed sketch of action area and location of corals.
- v. List any impacts to corals resulting from proposed action (number and size of colonies and/or fragments)

The Diversion Canal is not an estuarine or marine water; no corals are present.

D) Project Description and Construction Methods

- ☐ Yes, the applicant has agreed to follow the Mangroves and Seagrass Dock Construction Guidelines (Found [here](#))
- ☐ Yes, the applicant has agreed to follow NMFS Johnson's Seagrass Dock Construction Guidelines (Found [here](#))
- ☐ Yes, the applicant has agreed to follow the NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions (Found [here](#))

1. Project: (Please describe)

Palmetto Railways is proposing to construct an approximately 22.7 mile short-line rail track at a new connection to an existing CSXT rail line spur. The purpose of the project is intended to bring rail service to the Camp Hall Commerce Park (an industrial park currently under development in Ridgeville near Interstate 26) to support the area's infrastructure needs and to alleviate highway congestion involving large commercial trucks in the area. The project would cross three waterbodies (as listed in B.3 above), including the Diversion Canal. Federally listed sturgeon are known to use the Lake Moultrie and Lake Marion system, including the Diversion Canal.

2. In Water Structures:

- i. Type of structure(s) (e.g. boat basin, riprap, seawall)
- ii. Square and/or linear feet of structure(s)
- iii. Number of new vessels/slips, if any
- iv. Is this structure new, removal, or replacement?

The proposed rail line would cross the Diversion Canal on a new six span bridge supported by seven new bents (i.e., support structures).

In-water structures include four bents that include components constructed below the canal's ordinary high water mark. Each of the four bents consist of two 8 foot 6 inch diameter drilled shaft foundations (i.e., cast-in-place concrete columns) that would be constructed in-water and into the canal substrate. A total of 8 drill shaft foundations would be placed below the ordinary high water mark for a total of 453.6 square feet of in-water structures. No other structures would be constructed below the canal's ordinary high water mark.

3. Overwater Structures:

- i. Will the structure have grated decking?
- ii. Proposed spacing between boards (0.5-inch, 0.75-inch, none, etc.)
- iii. Height above mean high water (MHW) elevation
- iv. Directional orientation of main axis of dock
- v. Overwater area (calculate square footage)
- vi. Is this structure new, removal or replacement?

The proposed bridge is a new structure. The height of the central span (i.e. span over the middle of the canal) will be at least 50 feet above the canal's maximum water elevation of 75.77 feet. The four other overwater spans will have a height between 40 feet and 45 feet above the canal's maximum water elevation (note that one span is not over the canal). The approximate overwater area of the bridge is 11,730 square feet. The directional orientation of the bridge is north northeast to south southwest.

The approach span from one side to the other consists of a 3 foot walkway, a 16 foot reinforced concrete ballast trough, and an additional 3 foot walkway. Walkways are made from steel and have open grating. The main span will be a steel through girder, with a reinforced concrete ballast trough. Reinforced concrete ballast troughs have drain pipes at 48 foot center to center spacing on each gutterline. See attached preliminary bridge plan and elevation drawings.

4. If the proposed structure is a fishing pier please answer the following:

- i. Is the fishing pier public or private?
- ii. How many people are expected to fish from the pier each day?
- iii. What is the applicant's plan to address hook-and-line captures at the fishing pier?
- iv. Will there be any educational signs posted?

N/A

5. Methods: (For pile installation, please see Pile Installation section below)

- i. Step-by-step construction methodology
- ii. Demolition/ removal of existing structures and debris
- iii. Location of work (barge, upland or both)

The project will use a design/build contracting process. Therefore, the exact construction methodology and sequence will be determined by the Contractor and the Engineer of Record. However, Palmetto Railways anticipates that a barge would be utilized for the drilled shaft foundation work in the Diversion Canal. The barge would be moved to directly adjacent to the location of each foundation for work on that foundation.

6. Pile Installation (Use additional rows for each combination of pile size and material)

Pile Material	Installation Method	Number of Piles	Pile Size (inches)	Max. number of piles to be driven per day	Average number of strikes per pile
Concrete	Augering	8	102	see information on all pile and pile installation details below under pile installation details/ notes.	

Will piles be driven in a confined space (150' to nearest sound reflecting object)?

Yes ☒

No ☐

Will noise abatement be used?

Yes ☒

No ☐

Noise abatement details:

Palmetto Railways is proposing drilled shaft foundations (i.e., cast-in-place concrete columns) and does not anticipate the use of impact hammer or vibratory pile drivers to install support piles. However, the use of these methods cannot entirely be ruled out and it is possible that during construction these methods could be needed; this determination would be based on the site-specific conditions at the time of the work. If these methods are needed, bubble curtains, pile cushions (cushion blocks), and a soft start (or slow start) method would be the most reasonable methods available if impact hammers are required. Bubble curtains guard fish from hammering sound waves by pumping air into aluminum rings around the piles during construction. Pile cushions (or cushion blocks) reduce the rise time in pile stress by delaying the onset of force into the pile, which results in reduced fluid particle velocities and noise. With a soft start method, pile-driving ramps up slowly in an effort to deter aquatic species from the work area; it is intended to be a warning mechanism for fauna so they can vacate the area before maximum energy is reached. Other pile driving noise attenuation methods that could be employed include using vibratory pile drivers to the maximum extent practicable and limiting pile driving activities to no more than 12 hours per day during times when sturgeon may be present.

Pile Installation details/notes:

Palmetto Railways is proposing drilled shaft foundations instead of piles. Drilled shaft foundations are essentially columns built in the ground. A steel casing would be driven into soft overburden soils to prevent collapse of the hole and would extend above the waterline. Once set, the soil inside the casing is removed with a hollow flight auger to the design depth. Once the hole is complete, a reinforcing steel cage is lowered into the hole and the hole is filled with concrete to produce a reinforced concrete element. Drilled shafts differ from piles, in part, in that drilled shafts are cast-in-place and piles are driven. Drilled shaft foundations are considered a mitigation measure compared to piles because fewer drilled shafts are required per foundation compared to the number of piles driven. Typically, a single shaft is used per column compared to multiple (estimated at more than 9 piles per column) for a pile footing. As mentioned above, the use of impact hammer and vibratory pile drivers to install piles would be unlikely but cannot be ruled out, and would be based on site-specific conditions at the time of the work. Should these methods be needed, noise attenuation measures would be implemented. If piles are needed, the composition of piles would be the choice of the design/build team but would likely consist of prestressed concrete or structural steel. The number of piles that would be driven per day would be determined based on the construction contractor's chosen means and methods, and the estimate average number of pile strikes per pile would be determined in the final design of the design/build process.

7. Dredging

Dredge Type: (Hopper, clamshell, etc.)

No dredging is proposed.

Area (sq. ft.) to be dredged:

N/A

Depth of cut:

N/A

Volume of material to be dredged: (cubic yards)

N/A

Sediment testing: (Has the material to be dredged been tested? Is there any contamination?)

N/A

Spoil disposal plans: (location of disposal area, sediment type at disposal area, etc.)

N/A

8. Artificial Reefs

Please refer to the artificial reef program websites for the particular state in which the project will occur:

[Alabama](#); [Florida](#); [additional Florida guidance](#); [Mississippi](#); [Louisiana](#); [South Carolina](#); [North Carolina](#); [Texas](#)

- i. Reef site selection (process details)
- ii. Materials to be used
- iii. Deployment Method
- iv. Deployment schedule

N/A

9. Construction Schedule

- i. Number of days/weeks/months of in-water work
- ii. Daylight construction only?
- iii. Seasonal restrictions?

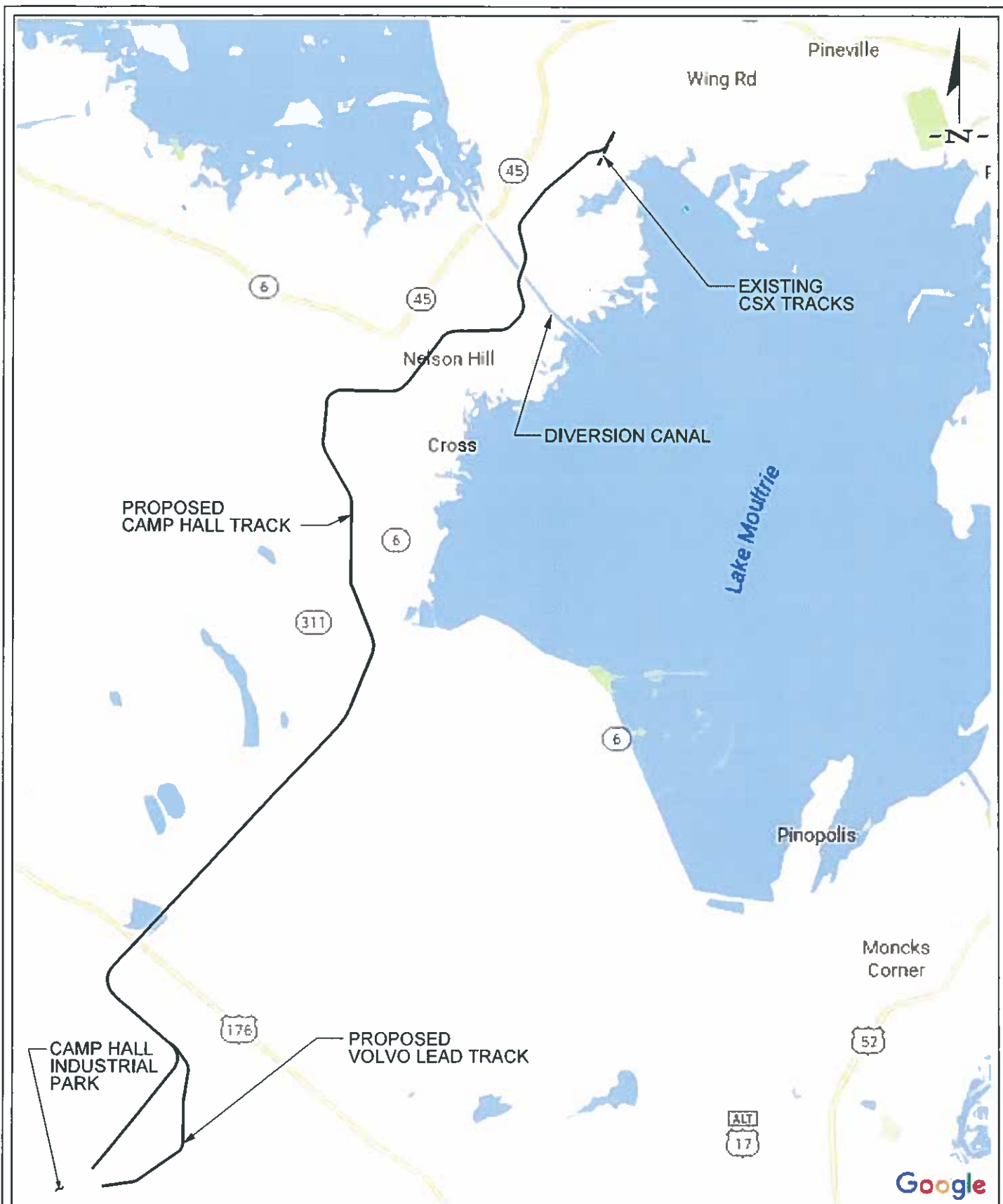
A construction schedule is dependent on the Contractor's means and methods and the requirements of the Request for Proposal (RFP). According, Palmetto Railways cannot, at this time, confirm a detailed construction schedule.

10. Conservation/ Protective Measures

How is conservation, or other protective measures, being incorporated into this project, if at all?

Other protective/conservation measures include:

1. Containing stormwater runoff from bridge within a closed drainage system to minimize impacts to water quality in the Diversion Canal.
2. Develop a Stormwater Pollution Prevention Plan (SWPPP) and abide by the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit for the protection of water quality during construction.
3. Ensure construction equipment does not obstruct or impede passage through more than 50 percent of the Diversion Canal.
4. Use pile driving mitigation measures, including soft starts, bubble curtains, and pile cushions, to reduce sound transmitted during pile driving.



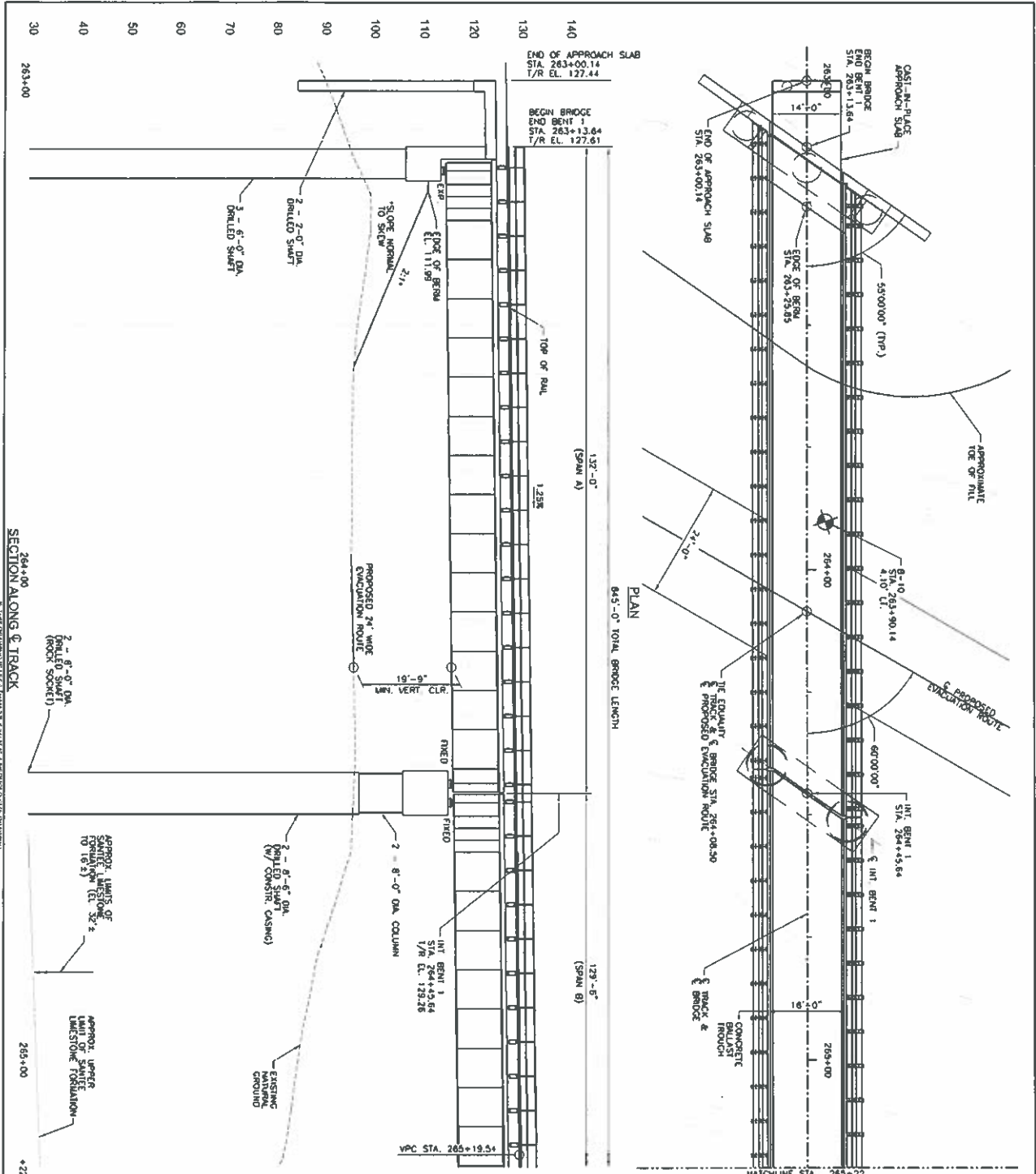
APPLICANT: PALMETTO RAILWAYS



LOCATION MAP

PALMETTO RAILWAYS
 CAMP HALL RAIL PROJECT
 BERKELEY COUNTY, SOUTH CAROLINA
 APPLICATION FOR DEPARTMENT OF ARMY 404 PERMIT
 APPLICATION # SAC-2016-01395
 DATE: MARCH 2018

0 1 3 MILES 5



NO.	DATE	BY	CHKD	DESCRIPTION
1	3/1/2018	[Name]	[Name]	BRIDGE PLAN AND ELEVATION (1 OF 4)

Santee Cooper - Camp Hall
 BERKELEY COUNTY, SOUTH CAROLINA

Palmetto RAILWAYS
 KEEPING BUSINESS ON TRACK

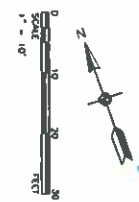
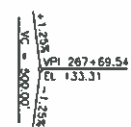
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3/1/2018

TranSystems

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SANTEE COOPER - CAMP HALL
BERKELEY COUNTY, SOUTH CAROLINA

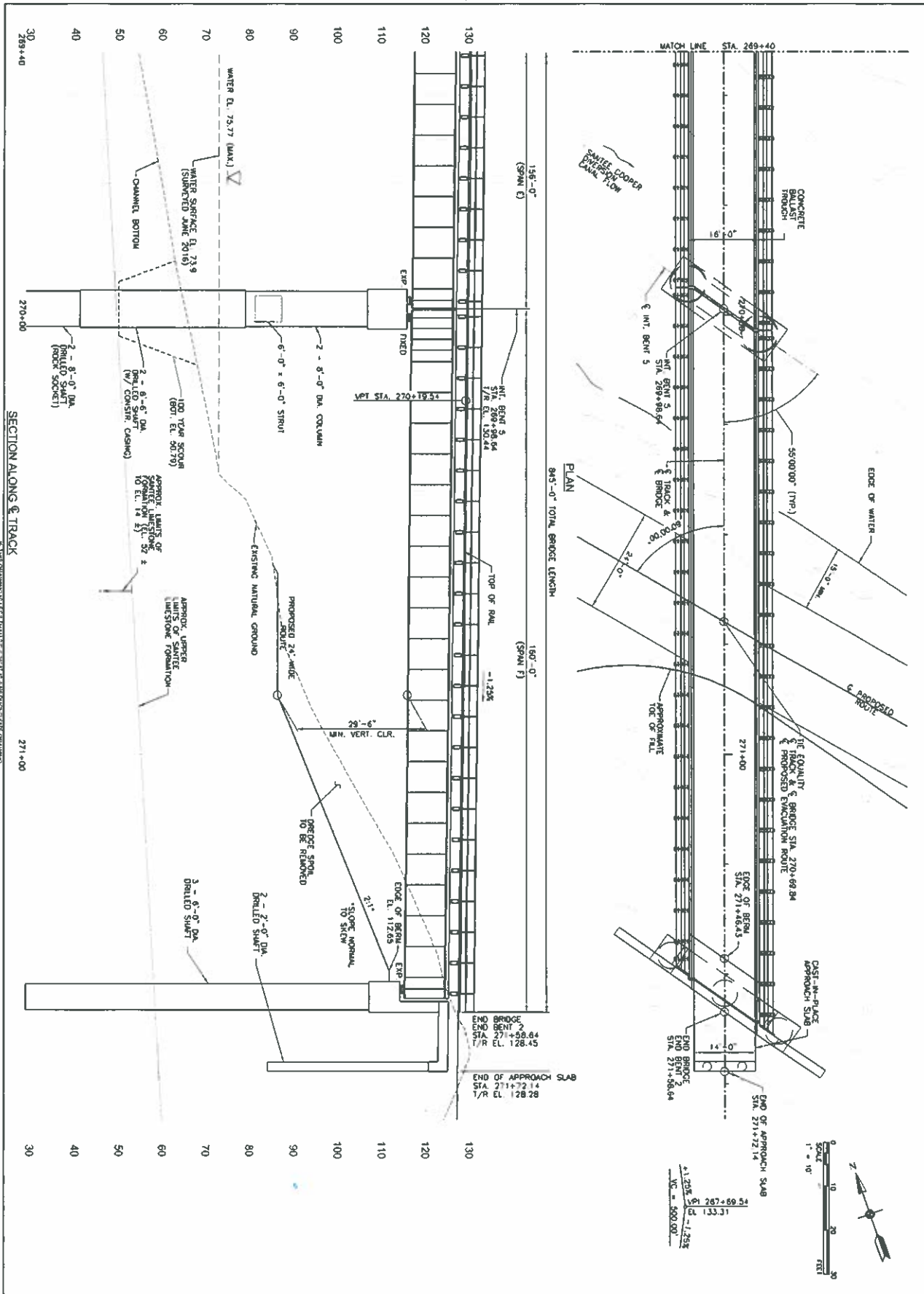
 **Palmetto**
RAILWAYS
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SANTEE COOPER - CAMP HALL
BERKELEY COUNTY, SOUTH CAROLINA

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3/1/2018

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