



E1-26415

March 6, 2019

Palmetto Railways
540 E Bay St
Charleston SC 29403

Re: Certification in Accordance with Section 401 of the Clean Water Act, as amended,
with conditions pursuant to R. 19-450 et. seq., 1976 SC Code of Laws,
Permits for Construction in Navigable Waters
Certification in Accordance with the Coastal Zone Management
Program (48-39-10 et. seq., and 15 CFR 93)

Palmetto Railways
Discharge fill material into waters of the US including wetlands
Bulltown Ditch, the Diversion Canal (between Lake Marion & Lake Moultrie) and tributaries
to Canton Creek and Black Creek
Berkeley County
P/N SAC 2016-1395

Dear Sir or Madam:

South Carolina Department of Health & Environmental Control (DHEC) has reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the Certification requirements of Section 401 of the Federal Clean Water Act, as amended, the Coastal Zone Management Program (48-39-10 et. seq., and 15 CFR 93) and the permitting requirements of R. 19-450 et. seq., 1976 SC Code of Laws.

In accordance with the provisions of Section 401, we certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Federal Clean Water Act, as amended. We also hereby certify that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

This certification is subject to the following conditions:

401 Water Quality Certification conditions:

1. The applicant must implement appropriate best management practices that will minimize erosion and migration of sediments on project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, silt fences, or other appropriate devices.

2. Only clean earthen material free of all potential sources of pollution must be used as fill.
3. Appropriate containment measures must be taken to prevent pollutants such as gasoline, oil, tar and debris and other pollutants from entering the adjacent waters or wetlands.
4. where feasible, the Diversion Canal bridge must be constructed using mats, trestles, or barges (instead of barge canals or causeways), or such that access to the project site is attained from highland or from the portion of the bridge already completed ("end on end construction"). In addition, the bridge must be designed so that navigation will not be impeded.
5. Construction activities must not occur in the Diversion Canal between January and June 15, to the maximum extent practicable, to minimize migration and spawning impacts to diadromous fish species.
6. The staging area must be limited to 0.5 acres of anadromous fish habitat in the Diversion Canal and the area must be restored to pre-construction conditions following construction.
7. The applicant must compensate for unavoidable stream impacts by providing a minimum of 1,406 credits by purchasing 80 wetland mitigation credits from the Francis Beidler Forest Mitigation Bank, or other mitigation bank serving the project area, and generating the remaining required credits from the PRM Fairlawn C1 Parcel site within the Francis Marion National Forest, as proposed. Credit withdrawal documentation from an approved Mitigation Bank and restrictive covenants from the PRM site must be submitted to SCDHEC and the Corps of Engineers prior to the work beginning.

Coastal Zone Consistency conditions:

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicants must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.
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.
3. Mitigation is performed as proposed under the Fairlawn C-1 Final Permittee-Responsible Mitigation Plan dated November 12, 2018.
4. Construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.

DHEC reserves the right to impose additional conditions on this Certification to respond to unforeseen, specific problems that may arise and to take any enforcement action necessary to ensure compliance with State water quality standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Preston", with a stylized flourish at the end.

Heather Preston, Director
Division of Water Quality
Bureau of Water

cc: U.S. Army Corps of Engineers,
Charleston District Office
SC DHEC, Low Country-Berkeley County Environmental Affairs District Office
OCRM