



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

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



April 27, 2015

Lt. Colonel John T. Litz  
District Engineer  
U.S. Army Corps of Engineers  
69A Hagood Avenue  
Charleston, S.C. 29403-5107

Attn: Dr. Richard Darden

Re: P/N SAC-2015-00476-SIR, Project Soter, Manufacturing Facility, Berkeley County  
FWS Log # 2015-CPA-0082

Dear Colonel Litz:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced public notice dated April 16, 2015. Berkeley County 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) and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) to place fill in jurisdictional wetlands near Timothy Creek in 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 (ESA) as amended (16 U.S.C. 1531-1543). This report is also to serve as official comments to the South Carolina Department of Health and Environmental Control.

The proposed work consists of placing clean fill material in 194.76 acres, clearing 16.90 acres, 3.27 acres of excavation, and shading 2.91 acres of wetlands and other waters to construct Phases 1 and 2 of the proposed project. Phase 1 will affect a total of 575 acres of land and include the construction of a manufacturing facility, administrative offices, and a visitor's center. Phase 2 will encompass 322 acres and include construction of a second manufacturing, assembly, and production space. While the timing of construction of Phase 2 is dependent on market conditions, it is expected to be constructed and operational within 10 years of the initiation of construction for Phase 1. The project purpose is to locate, build, and operate a new advanced manufacturing facility that requires the presence of transportation, distribution, and logistics sector facilities and infrastructure for viability and feasibility.



The Service attended an onsite, interagency site visit on April 15, 2015. Over the past several decades, the entire Project Soter site has been intensively managed and logged for industrial pine production by MeadWestvaco. Numerous roads and associated ditches crisscross the site as a result of the silviculture activities. These ditches provide fast and effective storm water drainage for the site during rain events and have adversely impacted the existing on site wetlands. Most of the larger wetlands have been bedded and planted in loblolly pine trees. Some of the isolated wetlands retain their natural hydrology and vegetation likely because they were too wet for traditional timber harvesting and planting. Vegetation is indicative of pioneer species that includes red maple, sweetgum, and water oak. Wetlands within the Project Soter site drain to either Cypress Swamp and/or Four Holes Swamp. Cypress Swamp is a tributary of the Ashley River and Four Holes Swamp is a tributary of the Edisto River. Runoff from the site is untreated and likely contains sediments, residual herbicides, or other pollutants associated with forestry practices.

The Service concurs with a determination that this project is not likely to adversely affect any federally protected species and/or designated or proposed critical habitat. In view of this, we believe that the requirements of section 7 of the ESA have been satisfied. However, obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this 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 determined that may be affected by the identified action.

For informational purposes only, the Service is including a list of species that have been petitioned for listing under the Endangered Species Act as well as Candidate Species. These species are collectively referred to as "At-Risk Species" (ARS). We have included a list of the ARS that may occur in Berkeley County, South Carolina. Although there are no Federal protections afforded to ARS, we recommend the applicant consider them in the project's development plans. 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>.

As stated in the permit application, the Project Soter site encompasses approximately 6,781 acres with approximately 2,880 acres reserved for development of the manufacturing facility. According to the Department's jurisdictional wetland determination in Appendix D of the application the total wetland acreage of the site is approximately 2,405 acres. If approved, the project will impact 217 acres of wetlands leaving approximately 2,188 acres of wetlands contained within the remainder of the approximately 3,900 acre portion of the property. These wetland resources remain vulnerable to loss or impacts through additional development. The Service finds this is a significant amount of wetland resources within the applicant's site that are not addressed in the project proposal. We understand that the applicant anticipates the remainder of the property will be used by services or vendors in support of Project Soter. However, omission of these wetland resources in the current proposal does not represent a master plan for the entire site nor meet avoidance and minimization requirements of section 404b(1) of the Clean Water Act. In order to meet these requirements, the Service recommends the applicant minimize

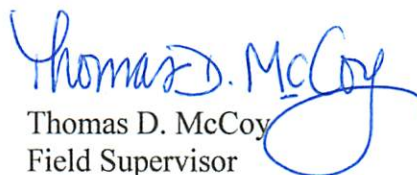
impacts to wetland resources by establishing a protective buffer around all remaining wetlands within the property boundaries.

The Service also recommends the applicant seek avoidance and minimization of wetland impacts along all proposed roadways. We recommend the applicant seek to avoid impacts through alignment shifts of the entrance road or the use of bridging where possible. In addition, for wetlands that cannot be avoided, we recommend the applicant increase all road shoulders from 4:1 to a 2:1 side slope.

In review of the applicant's proposed permittee responsible mitigation plan and the purchase, enhancement, and ultimate protection of the Bannister, Singletary, Dean Swamp, and Walnut Branch Tracts, the Service finds the plan will adequately compensate for the loss of wetlands on the Project Soter site. These tracts of land are located within the Four Hole Swamp watershed and constitute a landscape scale effort consistent with compensation for past projects where no mitigation banks were available or credit needs exceeded the capabilities of local mitigation banks. We support the current mitigation with the understanding that the plan is only to satisfy the impacts proposed by Project Soter manufacturing facility and is not to provide coverage for wetland impacts associated with future support services or vendors that may be located within the property boundaries. We recommend the Department require future projects that propose wetland impacts on the remainder of the Project Soter site must develop stand-alone compensation packages independent of Project Soter.

A multi-agency site visit will be conducted at the Project Soter site and mitigation areas on April 30, 2015, two days before the close of the comment period. Therefore, the Service provides these comments with the understanding that additional comments may be submitted after the site visit. If you have questions regarding the Service's position on this matter or need further assistance please contact Mr. Mark Caldwell at (843) 727-4707 ext. 215 and reference FWS Log# 2015-CPA-0082.

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
Bird	American wood stork (T)	<i>Mycteria americana</i>	February 15-September 1	Nesting season
	Bald eagle (BGEPA)	<i>Haliaeetus leucocephalus</i>	October 1-May 15	Nesting season
	MacGillivray's seaside sparrow (ARS)	<i>Ammodramus maritimus macgillivrayii</i>	May-June	
	Red-cockaded woodpecker (E)	<i>Picoides borealis</i>	April 1-July 31	Nesting season
Crustacean	None Found			
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
Insect	Rare skipper (ARS)	<i>Problema bulenta</i>	May; July-September	Two brood periods
Mammal	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 (E)	<i>Trichechus manatus</i>	May 15-October 15	In coastal waters
Mollusk	None Found			
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>Coreopsis integrifolia</i>	August-November	
	Pondberry (E)	<i>Lindera melissifolia</i>	February-March	
	Raven's seedbox (ARS)	<i>Ludwigia ravenii</i>	June-October	
	Sun-facing coneflower (ARS)	<i>Rudbeckia heliopsisidis</i>	July-September	
Reptile	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>.

Species	Conservation Status	Location	Notes
Atlantic Croaker	C	Coastal	
Atlantic Silverside	C	Coastal	
Atlantic Striped Bass	C	Coastal	
Atlantic Tomcod	C	Coastal	
Atlantic Weakfish	C	Coastal	
Bay Anchovy	C	Coastal	
Bay Flounder	C	Coastal	
Bay Sheepshead	C	Coastal	
Bay Spot	C	Coastal	
Bay Whiting	C	Coastal	
Blue Crab	C	Coastal	
Bluefish	C	Coastal	
Brown Shrimp	C	Coastal	
Channel Catfish	C	Coastal	
Common Snook	C	Coastal	
Croaker	C	Coastal	
Flounder	C	Coastal	
Gulf Stream	C	Coastal	
Hamlet	C	Coastal	
King Mackerel	C	Coastal	
Largemouth Bass	C	Coastal	
Littlemouth Bass	C	Coastal	
Longnose Sucker	C	Coastal	
Menhaden	C	Coastal	
Parrotfish	C	Coastal	
Red Drum	C	Coastal	
Sea Bream	C	Coastal	
Sheepshead	C	Coastal	
Spot	C	Coastal	
Striped Bass	C	Coastal	
Weakfish	C	Coastal	
White Crayfish	C	Coastal	
White Perch	C	Coastal	
White Shrimp	C	Coastal	
White Striped Bass	C	Coastal	
White Tail Ketchikan	C	Coastal	
White Tail Snout	C	Coastal	
White Tail Tuna	C	Coastal	
White Tail Trout	C	Coastal	
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White Tail Trout	C	Coastal	
White Tail Shark	C	Coastal	
White Tail Snout	C	Coastal	
White Tail Tuna	C	Coastal	
White Tail Trout	C	Coastal	