



United States Department of the Interior

JUN 05 2018



FISH AND WILDLIFE SERVICE

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

May 30, 2018

Lt. Colonel Jeffrey S. Palazzini
District Engineer
US Army Corps of Engineers
69A Hagood Avenue
Charleston, SC 29403-5107

Attn: Courtney Stevens

Re P/N SAC-2015-00188, Michael Maher, Westedge Development, Charleston County, SC
FWS Log No. 2018-CPA-0042

Dear Colonel Palazzini:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced public notice dated May 22, 2018. Mr. Michael Maher has requested a Department of the Army (Department) permit pursuant to section 10 of the Rivers and Harbors Act of 1899 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 wetlands to create Westedge, a mixed use development in the City of Charleston, Charleston 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, as amended (16 U.S.C. 1531 *et seq.*) (ESA). This report is also to serve as official comments to the South Carolina Department of Health and Environmental Control.

The proposed project consists of developing of approximately 31.43 acres, which includes the placement of fill material in 2.866 acres of tidal wetlands and impacts to 0.969-acre of tidal wetlands for the construction of a tidal pond. The applicant proposes to mitigate for impacts to wetlands with either a Permittee Responsible Mitigation (PRM) plan or the purchase of saltwater mitigation credits from the Clydesdale Mitigation Bank. The purpose of the development is to provide housing, commercial areas, medical offices, and research facilities to serve and enhance existing functions of the Medical University of South Carolina, the City of Charleston, to advance economic development, and improve the quality of life in the City's neighborhoods.

The Service does not agree that the proposed fill of salt marsh is necessary to create a viable mixed use development at this site. The applicant has not demonstrated that the marsh must be filled in order to create a development to serve the Medical University or any other entity. We find that there is sufficient upland areas that may be utilized without impacting wetlands and still meet the project's purpose. We recognize that the existing marsh has been greatly impacted with

trash and litter. However, we find this represents an excellent opportunity to restore the marsh to health and incorporate it into the development's design promoting a balance of upland use and resource preservation. Replacing the salt marsh wetlands with impervious pavement and buildings will merely exacerbate existing flooding, issues while restoration of the existing salt marsh would help alleviate or minimize the flooding. This alternative should be considered as Hagood Avenue is known to regularly flood during heavy rains and high tide events. Further, cleaning the salt marsh and incorporating it into the development as a natural area will eliminate the need for mitigation.

The applicant also proposes to create an open water pond to address stormwater management. Excavation of wetlands to create stormwater ponds is not an appropriate use of wetlands. In addition, once the created pond fills, it will not provide additional storage capacity over what the current salt marsh provides.

The applicant states that impacts will be compensated through wetland restoration and enhancement of wetlands at a site known as Kings Grant adjacent to the Ashley River. The Service questions if the proposed project to impact tidal, high salinity wetlands will be adequately mitigated using a site that is approximately ten miles upstream where the Ashley River consists of lower salinity, brackish waters. As proposed, smooth cordgrass and black needlerush will be planted at the Kings Grant site. These two species may not thrive in the brackish waters of the upper Ashley River.

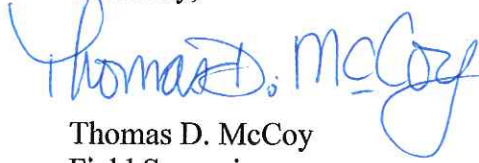
The applicant stated that if the PRM is not acceptable, they intend to debit salt marsh credits from the Clydesdale Mitigation Bank. The Service offers our pre-emptive objection to the debiting of the Clydesdale Mitigation Bank to compensate for loss of saltwater wetlands at the project site. This bank's operation will result in the destruction of valuable freshwater wetlands by allowing saltwater intrusion to generate credits for salt marsh impacts. This office, the Savannah National Wildlife Refuge, other resource agencies, and non-government organizations, have consistently opposed the creation and use of the Clydesdale Mitigation Bank, since it was originally proposed. Multiple letters, as well as other correspondence, have been provided to the Department, regarding our objections. Our letters are available for review at the Department's request.

The Department determined that the proposed project may affect, but is not likely to adversely affect the American wood stork. The Service concurs with your determination. Please note that obligations under section 7 of the ESA 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.

A multi-agency site visit may be scheduled after the close of the Federal comment period stated in the Department's public notice, if this occurs, the Service reserves the right to provide follow-up comments should they be necessary. At this time, the Service recommends the Department hold this project proposal in abeyance until the applicant redesigns the development plan to avoid and minimize impacts to the existing salt marsh to the maximum extent possible. We

further recommend that the applicant abandon their consideration of purchasing credits from the Clydesdale Mitigation Bank. We appreciate the opportunity to review and provide comments on the proposed project. If you should need further assistance, please contact Mr. Mark Caldwell at (843) 727-4707 ext. 215 and reference FWS Log No. 2018-CPA-0042.

Sincerely,



Thomas D. McCoy
Field Supervisor

TDM/MAC