

**JOINT**  
**PUBLIC NOTICE**

CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107  
and  
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
Office of Environmental Quality Control  
Water Quality Certification and Wetlands Programs Section  
2600 Bull Street  
Columbia, South Carolina 29201

REGULATORY DIVISION

JUNE 20, 2012

Refer to: P/N #2000-11889 MODIFICATION (previously 98-1X-414)  
SCDOT PIN #36775

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), the South Carolina Coastal Zone Management Act (48-39-10 et seq.), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

South Carolina Department of Transportation  
Post Office Box 191, 955 Park Street  
Columbia, South Carolina 20202-0191

to modify Department of the Army Permit 98-1X-414 (SAC 2000-11889) to include a change to the currently authorized termini in the final phase of the Carolina Bays Parkway and to authorize after-the-fact impacts that occurred in the constructed portion of the Carolina Bays Parkway in Horry County, South Carolina.

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

**30 DAYS FROM THE DATE OF THIS PUBLIC NOTICE**

from those interested in the activity and whose interests may be affected by the proposed work.

***\*Please note that this office is requesting comments pertaining to the work described in this Public Notice for the currently authorized Carolina Bays Parkway. The proposed work for the original modification request (public notice issued March 19, 2010) has changed and has been expanded to include work along Highway 707 and after-the-fact impacts. As such, only those comments received in response to this revised public notice will be taken into consideration during the permit modification review process.***

**HISTORY**

The Carolina Bays Parkway is being constructed in phases. To date, construction has only been completed for the phases beginning at SC 9 and ending at SC 544, a length of approximately 24 miles. Since these phases

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were constructed, the SCDOT has proposed to modify the southern segment (Phase V) to extend from SC 544 to an interchange at SC 707, a distance of approximately 4.3 miles. To reach its originally identified terminus at US 17, the proposed changes include an improved, widened, SC 707 corridor.

A compliance assessment of the constructed portions of the Carolina Bays Parkway from SC 9 to SC 544 revealed authorized impacts were exceeded due to (1) a failure to protect (via restrictive covenants) the remaining wetlands within the designated R/W, (2) shifts in the designated R/W, and/or (3) shifts in the roadway alignment (within the designated R/W), which occurred during the design-build construction process. The proposed Department of the Army Permit application includes the proposed changes in the final phase (Phase V) and the unauthorized impacts for the constructed portion of the Carolina Bays Parkway.

**PROPOSED WORK**

The proposed work consists of changes in the authorized alignment for Phase V to include the following (please see Sheets 60 through 113 for drawings depicting impacts associated with modifications to Phase V):

- Interchange with SC 544;
- Changes to AIWW bridging structures;
- Enterprise Road;
- Realigning the Parkway and constructing a new interchange at SC 707;
- Moss Creek Road Relocation;
- Meadows Road; and
- Extending and connecting the Carolina Bays Parkway to US 17 by improving the existing SC 707 corridor.

***Interchange with SC 544***

The interchange at SC 544 was partially constructed as part of a previous phase and will be completed in Phase V; however, some modifications are proposed due to recent traffic studies and safety concerns.

The addition of a loop ramp is proposed in the southeastern quadrant of the interchange (please see Sheet 72 of 124 for a plan view drawing). The loop ramp would allow for unimpeded movement of the SC 544 eastbound traffic onto SC 31 northbound.

The widening of SC 544 to add a third eastbound lane east of Pine Hollow Road is also proposed. Currently, SC 544 carries three lanes between the interchange at SC 31 and the intersection with Pine Hollow Road. At Pine Hollow Road, traffic in the third lane must turn right as only two lanes of SC 544 continue eastbound from Pine Hollow Road. Construction of the third lane east of Pine Hollow Road would extend for a distance of approximately one-quarter mile. No jurisdictional impacts are proposed with this modification.

The project also proposes to realign the existing exit ramp of SC 31 southbound to SC 544 westbound. The ramp will be realigned within the existing right-of-way to provide a more gradual entrance to westbound SC 544. No jurisdictional impacts are proposed with this modification.

***Changes to AIWW bridging structures***

As originally approved in SAC 98-1X-414, the final segment of the Carolina Bays Parkway would contain two parallel three-lane bridges approximately 4,388 feet long spanning Peachtree Road, the AIWW, and Enterprise Road. Because the approved permit was based on a conceptual bridge design, some modifications to the bridge are proposed based on a recent Alternatives Report. A high-level bridge is proposed that extends over the AIWW and Peachtree Road, and ends north of Enterprise Road. Navigational clearances of 65 feet will be maintained, as well as the span of the 500-year floodplain of the AIWW. By shortening the bridge over the AIWW to 3,632.5 feet, Enterprise Road would have to be realigned and elevated over the Parkway. A bridge permit application has been submitted to the U.S. Coast Guard for approval of navigational bridge clearances on the AIWW.

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The proposed bridge plan also incorporates a single six-lane bridge, rather than parallel three-lane bridges. Opposing traffic will be separated by a concrete median barrier. The bridge will remain on the original alignment approved in SAC 98-1X-414, and reduce the outside footprint limits by approximately 25 feet. The changes to the bridge design were determined to decrease the overall bridge footprint, reduce project cost, and require no additional impacts to aquatic resources (please see Sheets 114 through 124 for plan and profile drawings of the bridge over the AIWW).

### ***Enterprise Road***

Shortening the SC 31 Bridge over the AIWW will require a bridge to be constructed on Enterprise Road, carrying traffic over SC 31. The bridge and associated road improvements will be constructed approximately on the existing location of Enterprise Road. Enterprise Road will be temporarily closed to traffic during construction and detoured to SC 707 and Bay Road (please see Sheets 73 and 74 of 124 for plan view drawings).

### ***Realigning the Parkway and constructing a new interchange at SC 707***

The realignment of the Parkway would begin at a point approximately 4,000 feet west-northwest of the permitted crossing of SC 707, and terminate the new location portion of the Carolina Bays Parkway at SC 707, approximately 1,800 feet north of the permitted crossing of SC 707 (please see Sheets 75 through 78 of 124 for plan view drawings). The realignment will shorten the new location portion of the Parkway by approximately 1.5 miles. An interchange was not originally authorized for SC 707; however, shortening Parkway will require the construction of an interchange for access to the Parkway from SC 707. To reach its originally identified terminus at US 17, the project will utilize an improved SC 707 corridor.

### ***Moss Creek Road Relocation***

The construction of an interchange at SC 707 would also require the relocation of Moss Creek Road at SC 707 to provide access for some of the local residences and businesses impacted by the relocated Parkway terminus (please see Sheets 83 and 84 of 124 for plan view drawings).

### ***Meadows Road***

The construction of an interchange at SC 707 will also require access control in the vicinity of the interchange. Blue Stem Road currently connects the Meadows Subdivision to SC 707 southwest of the proposed interchange of SC 31 and SC 707. Access control of the interchange would require the closure of the intersection of Blue Stem Road and SC 707; therefore, the project proposes a new access road to the Meadows Subdivision (Meadows Road). Meadows Road would parallel SC 707 for approximately 1,800 feet, approximately 300 feet west of SC 707. The proposed road would intersect an existing dirt road, approximately 2,000 feet southwest of the proposed SC 31 and SC 707 interchange. The project also proposes improvements to the existing dirt road to three lanes (please see Sheet 85 of 124 for a plan view drawing).

### ***Extending and connecting the Parkway to US 17 by improving the existing SC 707 corridor***

The improvements to SC 707 from south of Enterprise Road (S-926) in Horry County to just south of the intersection of SC 707 and US 17 on Sunnyside Avenue in Georgetown County is being added to the SC 31 project (please see Sheets 79, 80, 81, 82, 85, 86, 87, and 88 of 124 for plan view drawings). These roadway improvements, approximately 9.5 miles in length, include improving SC 707 to a five lane curb and gutter facility with limited access. These improvements would provide a more efficient north-south route around the highly developed Grand Strand communities and reduce traffic congestion on US 17; thereby connecting to the Parkway's southern terminus and fulfilling the established purpose and need of the project. Completion of the SC 707 improvements in conjunction with the improvements to SC 31 would enable the traveling public to avoid the US 17 Bypass entirely, thereby reducing some of the congestion on this heavily traveled road. This portion of the project is included in the Grand Strand Area Transportation Study (GSATS) 2030 Long-Term Transportation Plan (LRTP) and Horry County's RIDE II Capital Local Sales Tax Program (also known as Riding On a Penny).

Improvements to existing roadways and intersections associated with this section of SC 707 are also being

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proposed as part of the project.

In addition to alignment modifications to the original SAC 98-1X-414, modifications to the project and the existing condition of wetlands have resulted in a reevaluation of Special Conditions of SAC 98-1X-414. These include:

- Wetland bridging
- Hydrology Study

### ***Wetland bridging***

The original Department of the Army Permit SAC 98-1X-414 required bridging for wetlands 14, 15, and 16. These bridges could be either 15 or 30 feet long flat slab bridges depending on the width and number of sloughs at each site. A sufficient number and length of bridges were required to maintain the braided hydrological patterns across the road.

The area previously identified as Wetland 14 (please see Sheet 5 of 33) has been removed from the project due to the realignment of the southern terminus of the Parkway with SC 707; however, a connected wetland will be impacted along the new alignment. The topography and roadway height in this area makes bridging wetlands in this area unfeasible. In lieu of wetland bridges, three strategically placed culverts are proposed to maintain hydrologic connections beneath the proposed roadway.

Wetlands identified as Wetlands 15 and 16 in the original permit will be bridged using two parallel bridges with strategic placement to maintain the braided hydrology (please see Sheet 75 of 124 for a plan view drawing) (Note: Wetland 15 is identified as Wetland E in this permit modification submittal). Sixty-foot bridges are proposed, rather than 15 or 30-foot bridges as required in the special condition, to avoid and minimize additional wetland impacts.

### ***Impacts to Waters of the U.S.***

The proposed modifications from SC 544 to US 17, would result in unavoidable impacts to approximately 17.870 acres of jurisdictional wetlands, 892.9 linear feet (LF), or 0.123 acre, of jurisdictional streams, and 0.114 acre of a jurisdictional pond. Impacts to wetlands would include 16.600 acres of cut/fill and 1.264 acres of mechanized clearing activities associated with the construction of the new roadway and intersection relocations/improvements. Impacts to relatively permanent waters (RPWs) would include 596.4 LF (0.067 acre) of fill, 62 LF (0.006 acre) of pipe, 56 LF (0.022 acre) of rip rap armoring, 71.5 LF (0.011 acre) of culvert, and 107 LF (0.017 acre) of mechanized clearing within stream banks. Impacts to a jurisdictional pond include 0.114 acre of fill (please see Sheets 60 through 124 of the drawings for details).

### **After-the-Fact Impacts**

A compliance assessment and review of available data indicated that a number of wetlands within the constructed portion of the Carolina Bays Parkway, between SC 9 and SC 544, have been impacted beyond the limits of authorization; therefore, an assessment of unauthorized impacts was conducted within the SC 31 corridor between SC 9 to SC 544. This assessment included locating the wetlands, as delineated in the original permit, and determining the current status of each wetland.

The compliance assessment, which included the completion of an 'as-built' delineation of wetlands remaining in the R/W, concluded that the amount of authorized impacts was exceeded due to (1) a failure to protect the remaining wetlands within the designated R/W, (2) shifts in the designated R/W, and/or (3) shifts in the roadway alignment (within the designated R/W), which occurred during the design-build construction process.

In total, construction activities associated with the project between SC 9 and SC 544 resulted in a total of 56.020 acres of unauthorized impacts to wetlands (please see Sheets 1 through 59 for details). In addition, the assessment found that 13.013 acres of authorized impacts to wetlands were not impacted within the existing R/W and 3.280 acres of authorized impacts to wetlands are now located outside of the existing R/W and therefore, not impacted by the Carolina Bays Parkway.

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Permit drawings are available at the web page shown below:

<http://www.sac.usace.army.mil/?action=publicnotices.pn2012>

Please click on the file name "SAC 2000-11889 CBP Drawings.pdf" under files for the week of June 22, 2012. The file name for the drawings is adjacent to the link for this public notice you are reading now.

Or you may go directly to the link below:

<http://www.sac.usace.army.mil/assets/pdf/regulatory/publicnotices/PNs20120622/SAC%202000-11889%20CBP%20Drawings.pdf>

### **Avoidance and Minimization of Impacts to Jurisdictional Waters of the U.S.**

Efforts to avoid or minimize impacts to jurisdictional waters of the U.S. include:

- Steeper side/fill slopes (2:1 or 3:1, rather than 4:1 or less) within wetland crossings will be used when feasible to minimize wetland impacts (Note: 6:1 fill slopes were necessary at the wetland crossing associated with the entrance/exit ramps to SC 707 to provide for visibility and safety.)
- The bridge over the AIWW will be of sufficient length to completely span the waterway and abutting riverine wetlands located within the 500-year floodplain.
- As part of Special Condition (d.) in the previously issued Section 404 permit (Attachment D), wetlands identified as Wetlands 14, 15, 16 and 18 were to be bridged with either 15 or 30 feet long bridges. The current design for the Parkway proposes the use of 60-foot bridges on Wetlands 15 and 16 to minimize impacts to the wetlands and allow for adequate hydrology. Per additional field reviews by USACE and the Office of Coastal Resource Management (OCRM), the crossing at Wetland 18 will not require a bridge. Wetland 14 is no longer located within the proposed alignment so no impacts or bridging will be proposed.
- Per drainage studies for the Parkway crossing at Wetland D, no culverts are needed to maintain wetland hydrology; however, three piped culverts will be installed to maintain proper water flows between both sides of the wetland.
- Possible sedimentation of existing wetlands and nearby open waters and creeks during and immediately following the construction phase of this project will be minimized by the installation of silt fencing along the toe of fill slopes and strict implementation of, and compliance with, State-approved sediment and erosion control plans.
- Three streams (RPW Streams B, D, and GG) and two wetlands (Wetlands F and KK) have been completely avoided by the proposed design changes. Previously authorized impacts to Stream GG (Collins Creek) have been avoided by replacing the existing culvert with a proposed bridge.

### **Compensatory Mitigation Plan**

According to the applicant, the currently proposed modifications to the project, including all after-the-fact impacts, would result in a net reduction of impacts to jurisdictional wetlands, when compared to the impacts authorized in the original Department of the Army Permit SAC 98-1X-414, by a total of 5.286 acres for the Carolina Bays Parkway in its entirety, from SC 9 to US 17. Impacts to relatively permanent waters (RPWs) would increase by 892.9 linear feet (0.123 acre). Department of the Army Permit SAC 98-1X-414 Special Condition b.(1), included the use of 2,210 mitigation acres (4,522 mitigation credits) from Sandy Island Mitigation Bank. SCDOT is not proposed any additional mitigation.

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The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. This activity may also require evaluation for compliance with the S.C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S.C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 17.9 acres of wetlands upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat, including the shortnose sturgeon, Atlantic sturgeon, spotted turtle, Rafinesque's big-eared bat, wood storks, West Indian manatee and the pondberry. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection,

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Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact **Elizabeth Williams** at 843-329-8044 or toll free at 1-866-329-8187.