

**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  
Refer to: P/N #2003-1U-201-W

18 July 2003

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), 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 State of South Carolina by

**SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**  
**ENVIRONMENTAL MANAGEMENT OFFICE**  
**POST OFFICE BOX 191**  
**COLUMBIA, SOUTH CAROLINA 29202-0191**

for a permit to place fill material in wetlands adjacent to

**CATFISH CANAL, BOGGY BRANCH, AND STACKHOUSE CREEK**

at multiple locations along the portions of S.C. Route 38 and U.S. Route 501 from 0.74 miles southeast of U.S. Route 301 to 0.45 miles northeast of U.S. Route 501 Bypass, just north of Marion, in Dillon and Marion Counties, South Carolina (Latitude 34.256394 N; Longitude 79.416761 W).

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

**12 O'CLOCK NOON, MONDAY, 18 AUGUST 2003**

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

The proposed work consists of road improvements along 5.3 miles of S.C. Route 38 and U.S. Route 501. The majority of length of the project will be widened from two lanes to a four lane divided highway, except that southeast of the proposed interchange, a five-lane road on new alignment will be constructed. The project will require the filling of 10.68 acres of wetlands, 1.37 acres of wetland clearing, and 0.05 acres of stream impacts (or 809 linear feet). Proposed mitigation includes debiting the existing Black River Mitigation Bank. The purpose of the proposed work, according to the applicant, is the improve motorist safety, reduce traffic congestion and travel time, provide improved hurricane evacuation for the Myrtle Beach area, and provide system continuity.

**NOTE:** Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

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 (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is 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 12.10 acres of freshwater habitat 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.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has 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. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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.

18 July 2003

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, 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 that 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 me at 843-329-8044 or toll free at 1-866-329-8187.

  
for Tracy Hurst  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

## PROJECT NARRATIVE

The South Carolina Department of Transportation (SCDOT) proposes to improve the portion of S.C. Route 38 and U.S. Route 501 from 0.74 miles southeast of U.S. Route 301 to 0.45 miles northeast of U.S. Route 501 Bypass just north of Marion, South Carolina. The project is located in Dillon and Marion Counties (refer to attached Sheet 1 of 13). The total length of the project is 5.3 miles. It is proposed that S.C. Route 38 and U.S. Route 501 be improved and widened from two lane to a four lane divided facility for the majority of the project except southeast of the proposed new interchange for S.C. Route 38/U.S. Route 501. This area will be constructed as a five-lane road. The need for the proposed widening improvements for both Sections is to improve motorist safety, reduce traffic congestion and travel time, provide improved hurricane evacuation for the Myrtle Beach area, and provide system continuity. An Environmental Assessment has been prepared and approved for the proposed project.

The project begins east of the S.C. Route 38 interchange with U.S. Route 301, at the Dillon County Line, and will continue as a four-lane divided facility along S.C. Route 38. A portion will be constructed on new alignment at the intersection of U.S. Route 38 and Bass Mill Road in order to connect a new interchange for the junction of S.C. Route 38 and U.S. Route 501. This controlled access interchange will also be constructed on new alignment in order to improve motorist safety and maintain traffic flow. At the southeast end of the new interchange, the roadway will continue as a four-lane divided facility along U.S. Route 501. The four-lane divided section will narrow into a five-lane curb and gutter section south of Ellerbe Road and continue for approximately 1.0 mile in order to avoid impacts to the Moody Cemetery, which is eligible for the National Register of Historic Places. Near Boiling Green Road, just past Moody Cemetery, the five-lane facility will return to a four-lane divided highway and tie into an existing four-lane divided section of U.S. Route 501 Bypass.

The four-lane divided section of roadway will consist of four 12-foot wide travel lanes with 2 lanes in each direction separated by a 48-foot wide grass median, which includes 2-foot wide paved shoulders adjacent to each inside lane. A 2-foot wide paved shoulder is proposed adjacent to both outside lanes, with an additional 8-foot wide grass shoulder. Minimum overall right-of-way for the four-lane divided section would be 190 feet, and the maximum width would be 210 feet. The five-lane section right-of-way varies in width between 125 and 160 feet.

Right-of way acquisition for the project is expected to occur to the north side of S.C. Route 38 and to the east side of U.S. Route 501 for the new interchange and to the west side of U.S. Route 501 for the four-lane divided sections. The beginning portion of this section will be widened to the west side of U.S. Route 501. The alignment will shift to the east side of U.S. Route 501 in order to avoid Moody Cemetery. Just past the cemetery, the road will be widened equally about the centerline of the existing roadway.

Erosion and sediment control measures will be implemented in accordance with SCDOT Standard Specifications in order to minimize impacts to wetlands and water quality. Clean fill material will be obtained from high ground and will be placed in wetlands using mechanized equipment. Each wetland crossing was assessed for hydraulic consideration. Based on the assessment for each site, appropriate box culverts or reinforced concrete pipe culverts will be installed to allow for surface drainage and to maintain existing hydrologic conditions. Properly sized culverts and piping will minimize impacts to the flood control capacity of the affected wetlands and maintain the hydrological integrity of the wetlands.

PROJECT TITLE: PROPOSED ROAD IMPROVEMENTS  
SC ROUTE 38 AND US ROUTE 501

APPLICANT: SCDOT  
LOCATION: DILLON & MARION COUNTIES, SC

DATE: JULY 2, 2003  
FILE: P/N #2003-1U-201

To determine the extent of wetland and stream impacts, the construction limits were overlaid onto the wetland delineation and the impacts to each wetland were calculated. The project will impact 12.10 acres of wetlands and waters of the U.S., which includes 10.68 acres of fill in wetlands, 1.37 acres of clearing in wetlands, and 0.05 acres of stream impacts. Approximately 809 linear feet of culverts/culverts extension will be placed in streams at the crossing of Catfish Canal, an unnamed tributary to Catfish Canal, Boggy Branch, and Stackhouse Creek. An estimated height of fill at each wetland location was used to calculate the volume of fill material. The following table provides a breakdown of impacts to each identified jurisdictional area classification.

SUMMARY OF IMPACTS BY JURISDICTIONAL AREA CLASSIFICATION		
CLASSIFICATION	FILL AREA (ac.)/ L.F. of Culverting	CLEARING (acres)
Bottomland Hardwood	5.76	0.80
Wooded Swamp	0.76	0.25
Disturbed/Deciduous Shrub Scrub	2.86	0.32
Pond	1.30	N/A
Catfish Canal	269 LF	N/A
Unnamed Intermittent Stream	0.04 (324.94LF)	N/A
Boggy Branch	66 LF	N/A
Stackhouse Creek	0.01 (74 LF)	N/A
Stackhouse Creek	75 LF	N/A
TOTAL	10.73	1.37

Due to the lack of practicable on-site mitigation, use of the existing SCDOT Black River mitigation bank is proposed to provide the required compensatory mitigation for the project. This mitigation bank is approximately 1,700 acres in size and is located on the Black River in Clarendon County.

PROJECT TITLE: PROPOSED ROAD IMPROVEMENTS  
SC ROUTE 38 AND US ROUTE 501  
APPLICANT: SCDOT  
LOCATION: DILLON & MARION COUNTIES, SC  
DATE: JULY 2, 2003  
FILE: P/N #2003-1U-201

Shaded Area Indicates  
County Location in SC



VICINITY MAP  
From: Marion Co. (SCDOT)

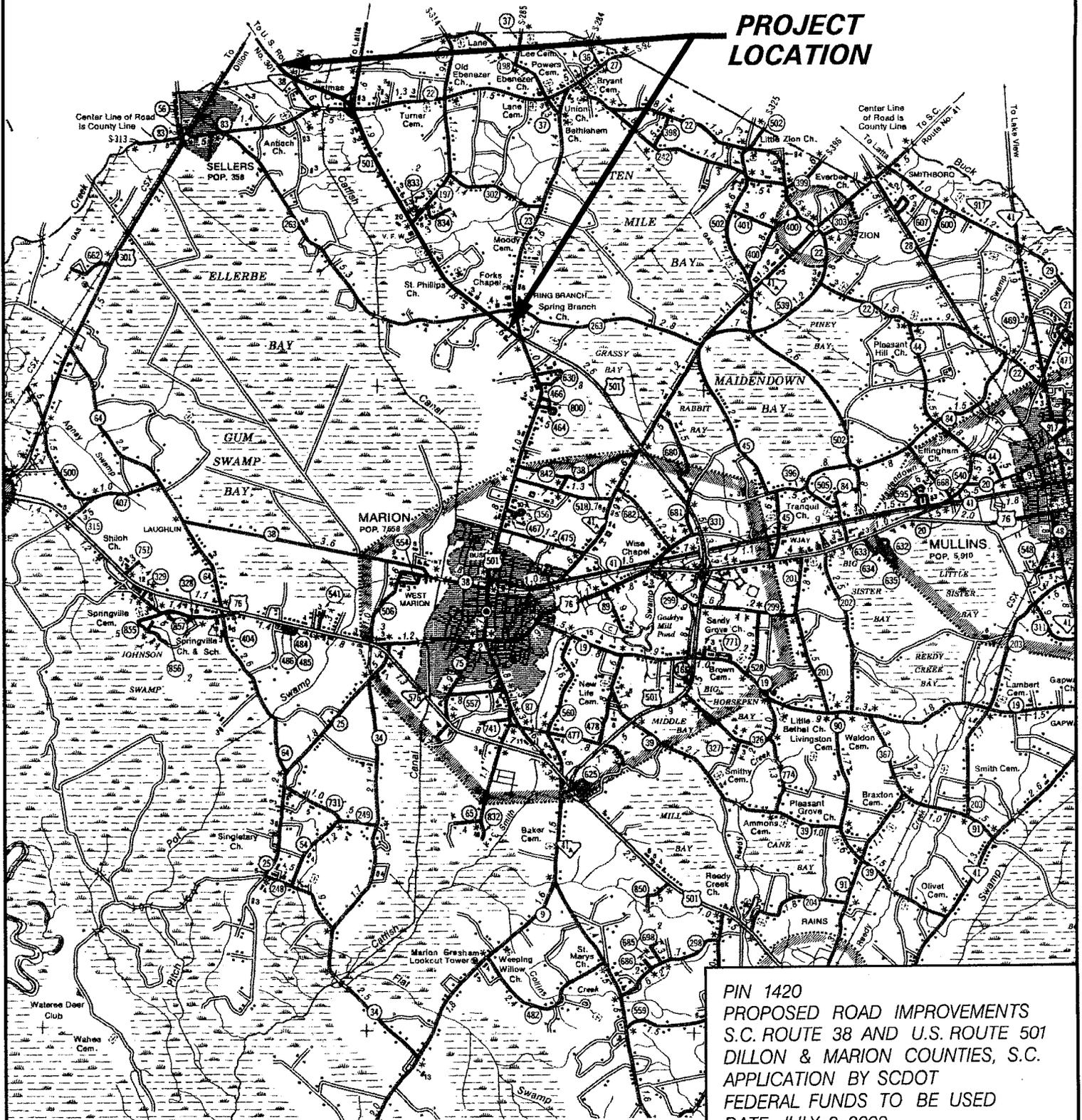


Approximate Location of Project is:

Latitude 34° 17' 6.9"

Longitude 79° 23' 34"

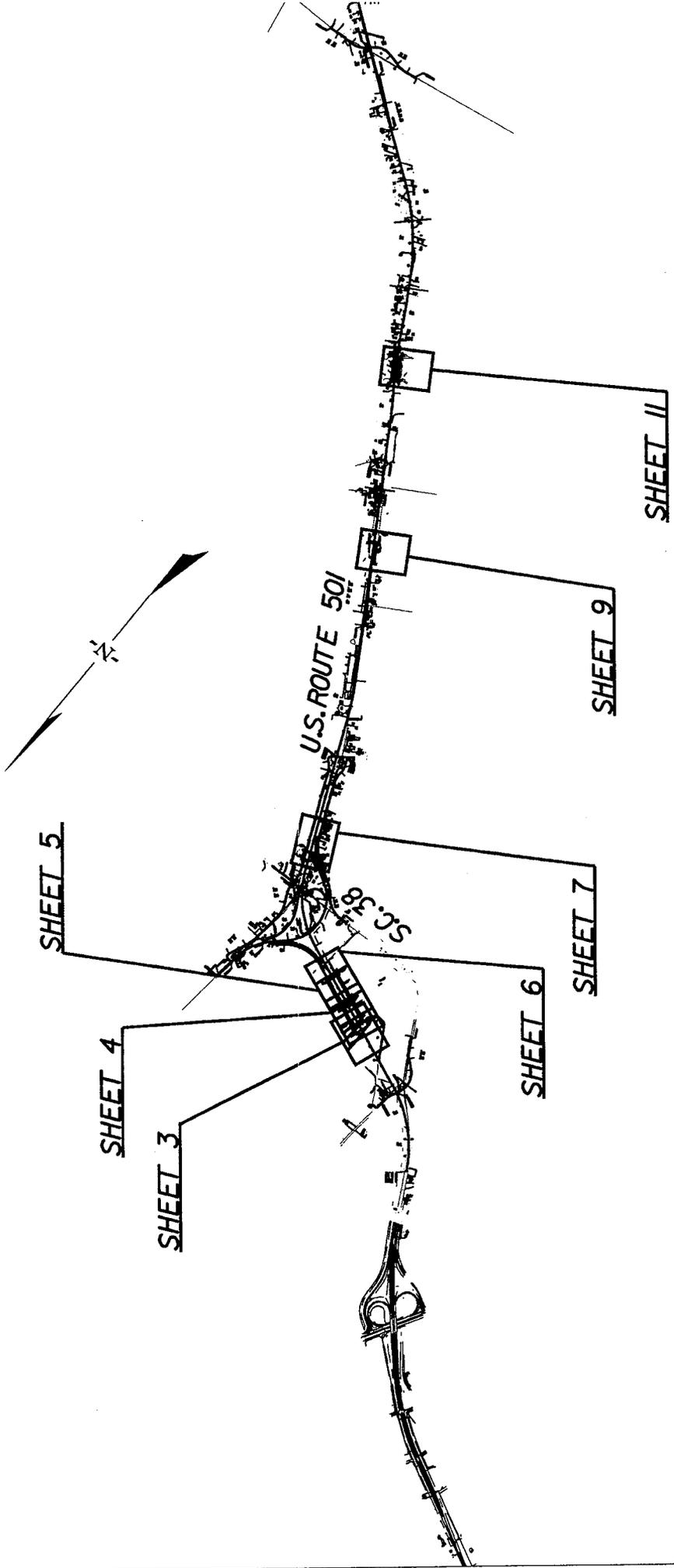
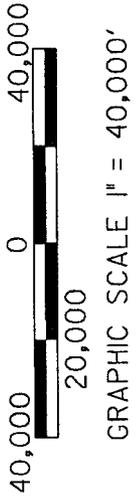
# PROJECT LOCATION



SCALE 0 2 MILES

PIN 1420  
PROPOSED ROAD IMPROVEMENTS  
S.C. ROUTE 38 AND U.S. ROUTE 501  
DILLON & MARION COUNTIES, S.C.  
APPLICATION BY SCDOT  
FEDERAL FUNDS TO BE USED  
DATE: JULY 2, 2003  
SHEET 1 OF 13  
2003-10-201

SHEET KEY



**SHEETS 8 & 10  
FOR CROSS SECTIONS**

PIN 1420

PROPOSED ROAD IMPROVEMENTS

S.C. ROUTE 38 AND U.S. ROUTE 501

DILLON & MARION COUNTIES, S.C.

APPLICATION BY SCDOT

FEDERAL FUNDS TO BE USED

DATE: JULY 2, 2003

SHEET 2 OF 13

2003-10-20

PLAN VIEW

SEE SHEET 4

-  CLEARING
-  FILL

7

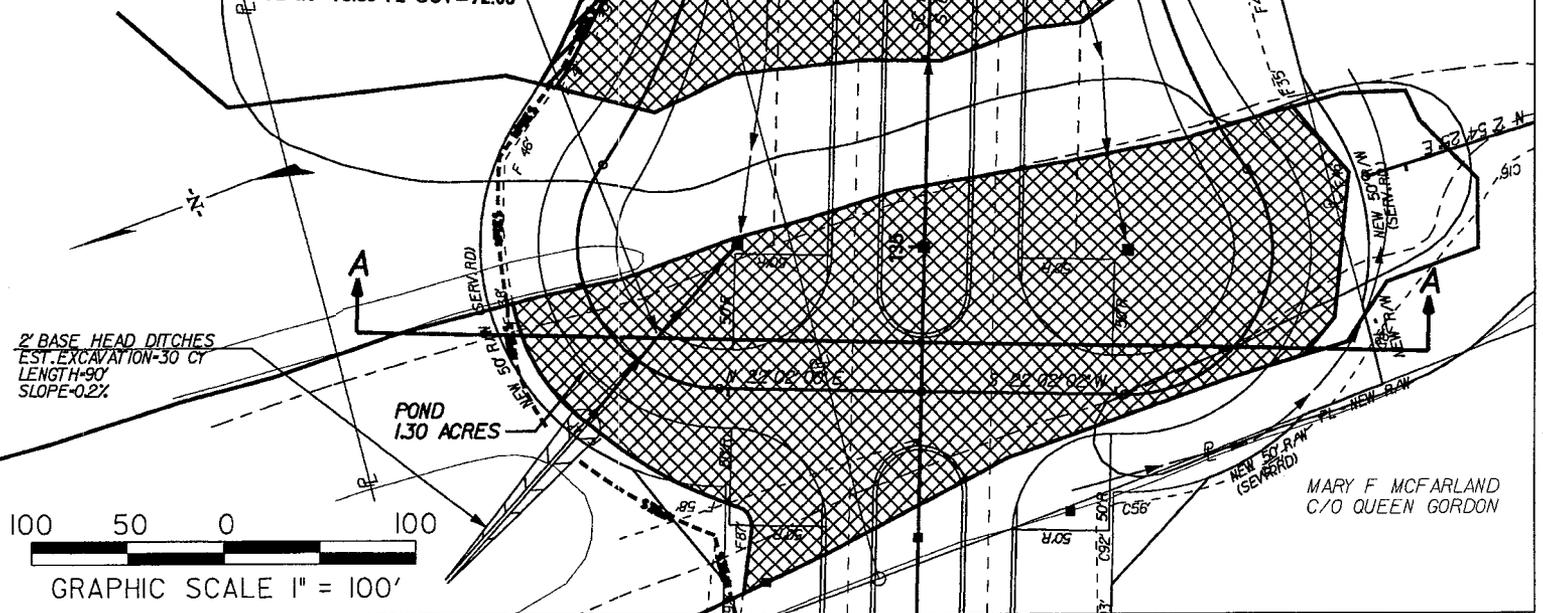
JOHNNIE R FORE ESTATE

DECIDUOUS SHRUB SCRUB  
2.86 ACRES FILL  
0.32 ACRES CLEARING

PLACE 140'-24" R.C. PIPE  
FL IN=73.80 FL OUT=72.08

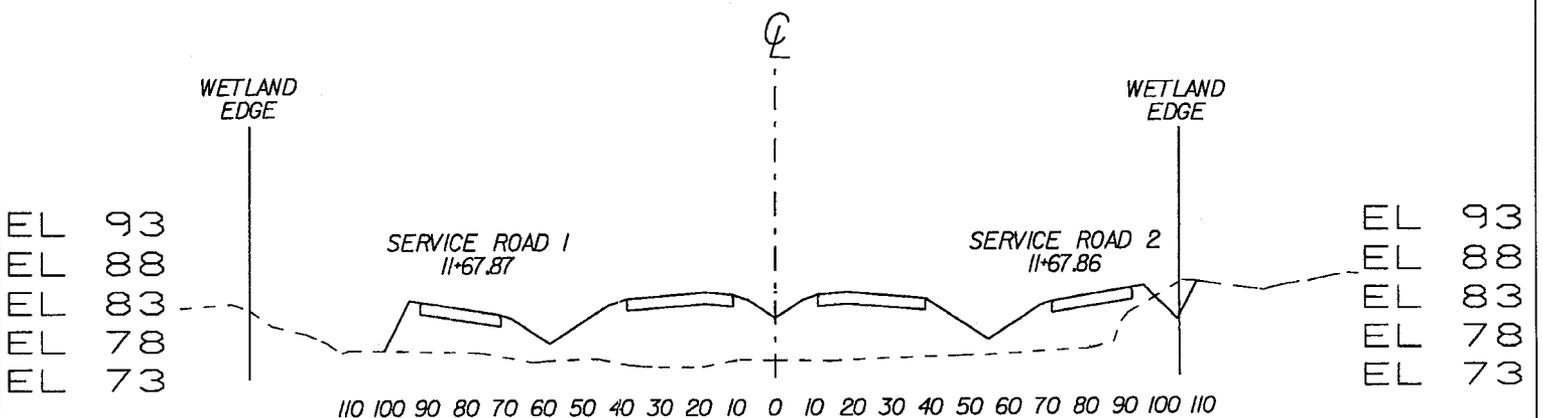
6

MARY F MCFARLAND  
C/O QUEEN GORDON



CROSS SECTION

SECTION A-A  
Cross-Section at  
Sta. 134+50.00 SC38



VERT. 0 50  
HORIZ. 0 100  
SCALE  FEET

PIN 1420  
PROPOSED ROAD IMPROVEMENTS  
S.C. ROUTE 38 AND U.S. ROUTE 501  
DILLON & MARION COUNTIES, S.C.  
APPLICATION BY SCDOT  
FEDERAL FUNDS TO BE USED  
DATE: JULY 2, 2003  
SHEET 3 OF 13 2003-10-20

PLAN VIEW

SEE SHEET 5

 CLEARING

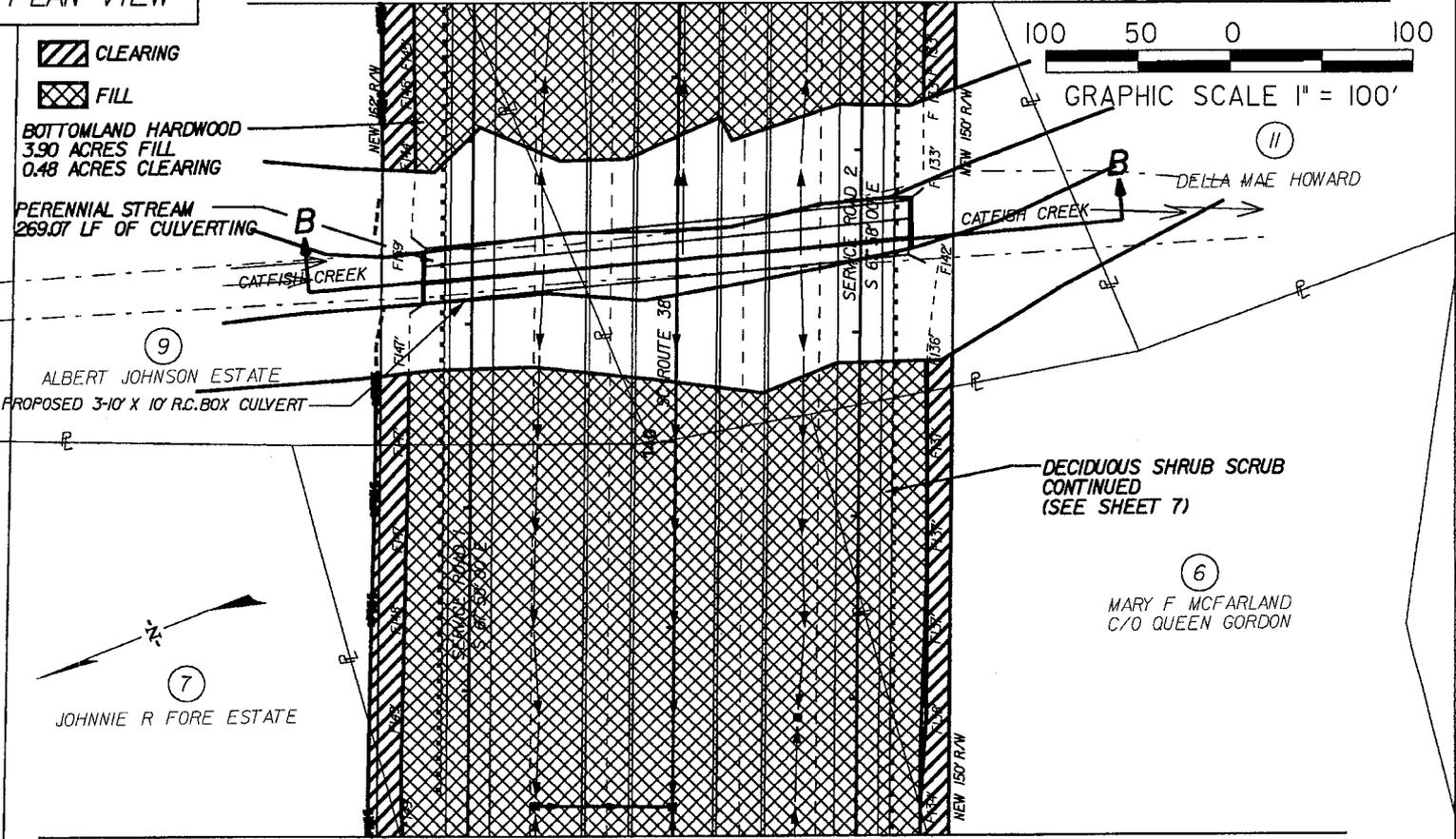
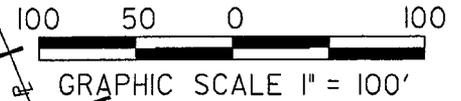
 FILL

BOTTOMLAND HARDWOOD  
3.90 ACRES FILL  
0.48 ACRES CLEARING

PERENNIAL STREAM  
269.07 LF OF CULVERTING

ALBERT JOHNSON ESTATE  
PROPOSED 3-10' X 10' R.C. BOX CULVERT

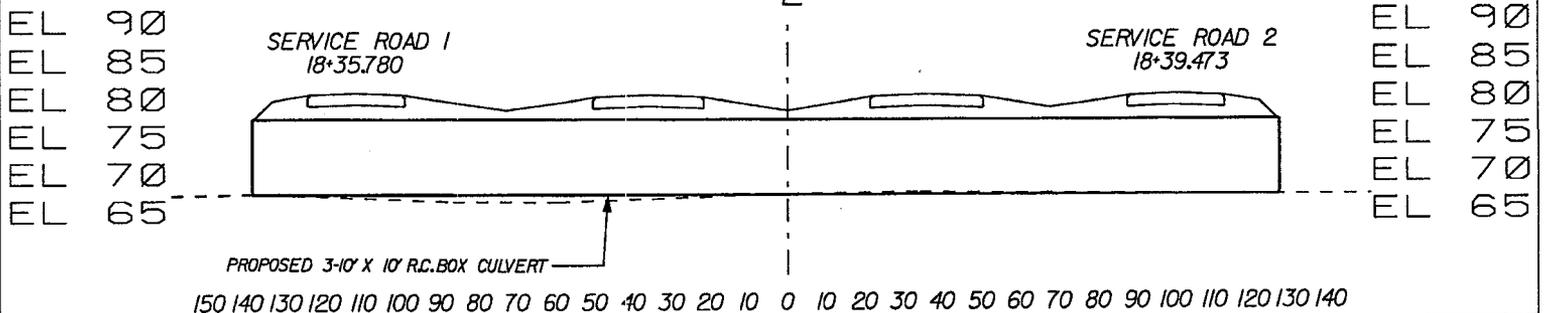
JOHNNIE R FORE ESTATE



SEE SHEET 3

CROSS SECTION

SECTION B-B  
Cross-Section at  
Sta. 141+00.00 SC38

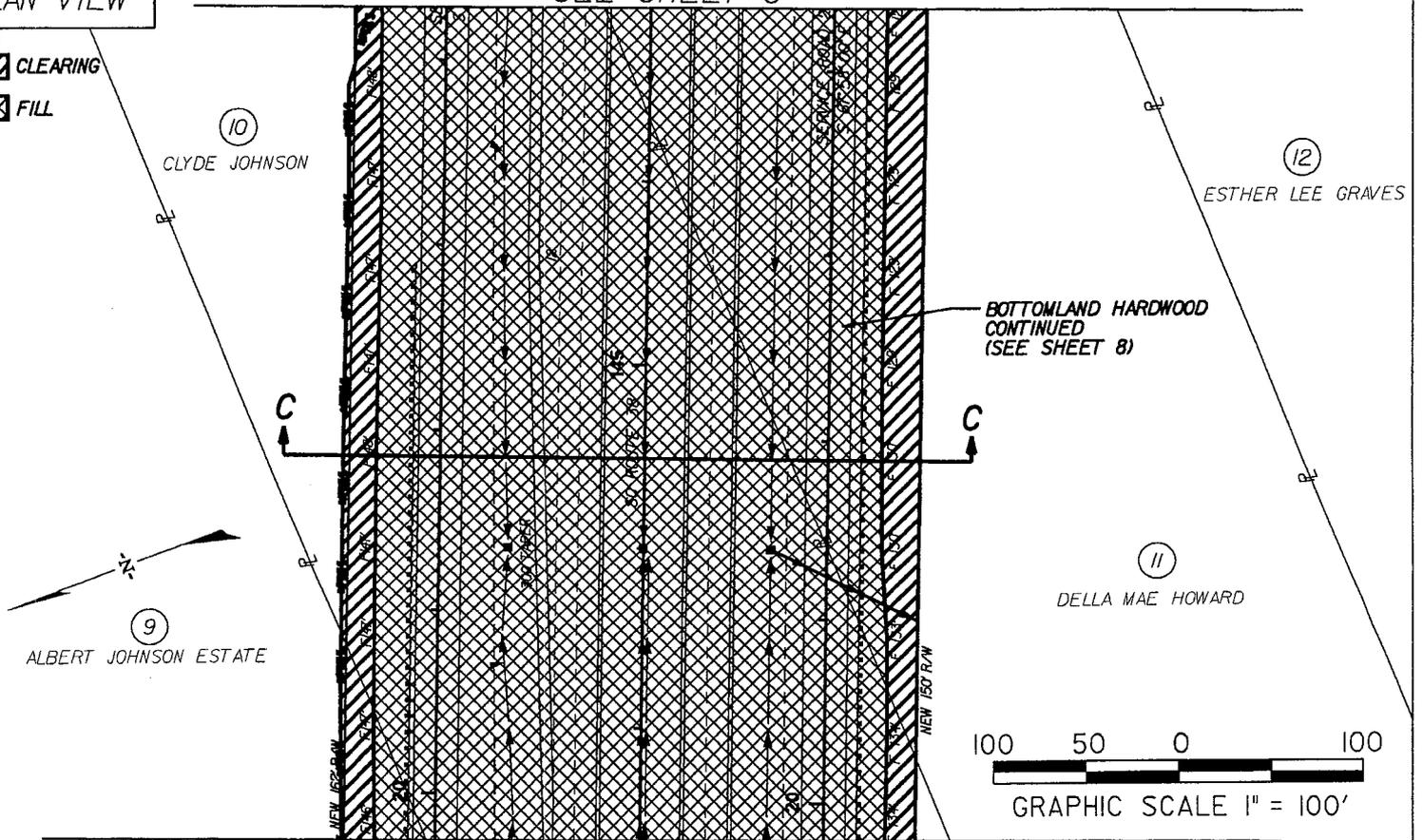


PIN 1420  
PROPOSED ROAD IMPROVEMENTS  
S.C. ROUTE 38 AND U.S. ROUTE 501  
DILLON & MARION COUNTIES, S.C.  
APPLICATION BY SCDOT  
FEDERAL FUNDS TO BE USED  
DATE: JULY 2, 2003  
SHEET 4 OF 13 2003-10-201

PLAN VIEW

SEE SHEET 6

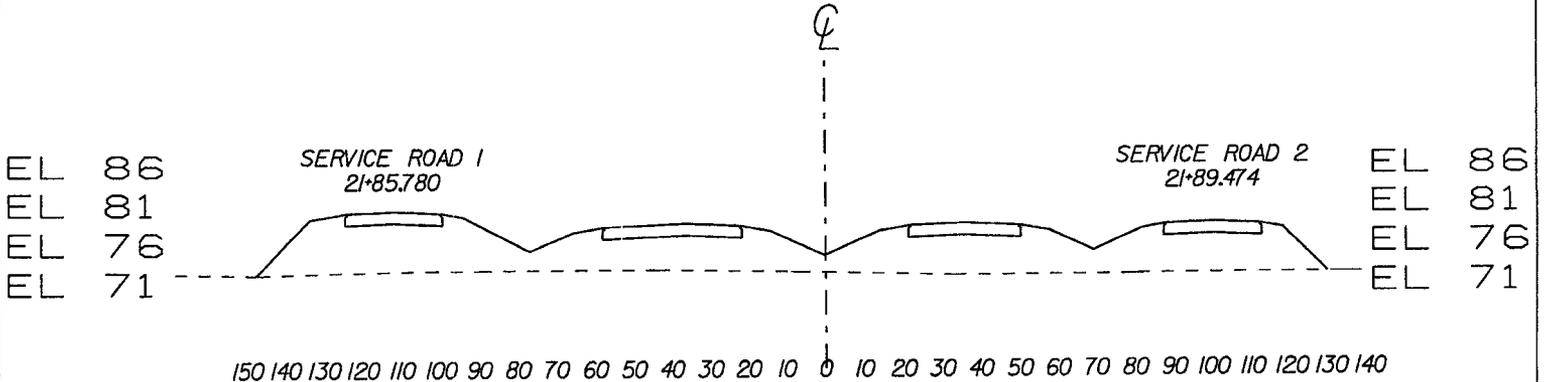
-  CLEARING
-  FILL



SEE SHEET 4

CROSS SECTION

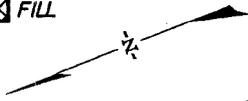
SECTION C-C  
Cross-Section at  
Sta. 144+50.00 SC38



PIN 1420  
PROPOSED ROAD IMPROVEMENTS  
S.C. ROUTE 38 AND U.S. ROUTE 501  
DILLON & MARION COUNTIES, S.C.  
APPLICATION BY SCDOT  
FEDERAL FUNDS TO BE USED  
DATE: JULY 2, 2003  
SHEET 5 OF 13 2003-W-201

PLAN VIEW

 CLEARING  
 FILL



(10)  
CLYDE JOHNSON

(12)  
ESTHER LEE GRAVES

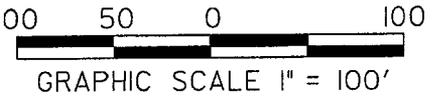
600' ACCELERATION LANE

150'  
S.C. ROUTE 38  $\phi$   
S 67° 58' 00" E

POT 28+83.78

NEW 150' R/W  
C 145'  
C 177'  
C 170'  
C 163'  
C 159'

BOTTOMLAND HARDWOOD  
CONTINUED  
(SEE SHEET 8)



SEE SHEET 5

CROSS SECTION

SEE SHEET 5 FOR CROSS SECTION

PIN 1420  
PROPOSED ROAD IMPROVEMENTS  
S.C. ROUTE 38 AND U.S. ROUTE 501  
DILLON & MARION COUNTIES, S.C.  
APPLICATION BY SCDOT  
FEDERAL FUNDS TO BE USED  
DATE: JULY 2, 2003  
SHEET 6 OF 13      2003-10-201

PLAN VIEW

 CLEARING  
 FILL

BOTTOMLAND  
 HARDWOOD  
 0.80 ACRES FILL  
 0.01 ACRES CLEARING

33

GLENDORA CORPORATION

BOTTOMLAND  
 HARDWOOD  
 0.82 ACRES FILL  
 0.06 ACRES CLEARING

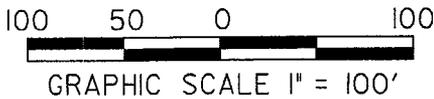
NEW 355' X 6' X 6'  
 BOX CULVERT

INTERMITTENT STREAM  
 105.74 LF  
 0.01 ACRES  
 EXISTING 36' CULVERT  
 TO BE REMOVED

38

GEORGE WILLIAM CHRISTMAS

INTERMITTENT STREAM  
 219.20 LF  
 0.03 ACRES



33 GLENDORA CORPORATION

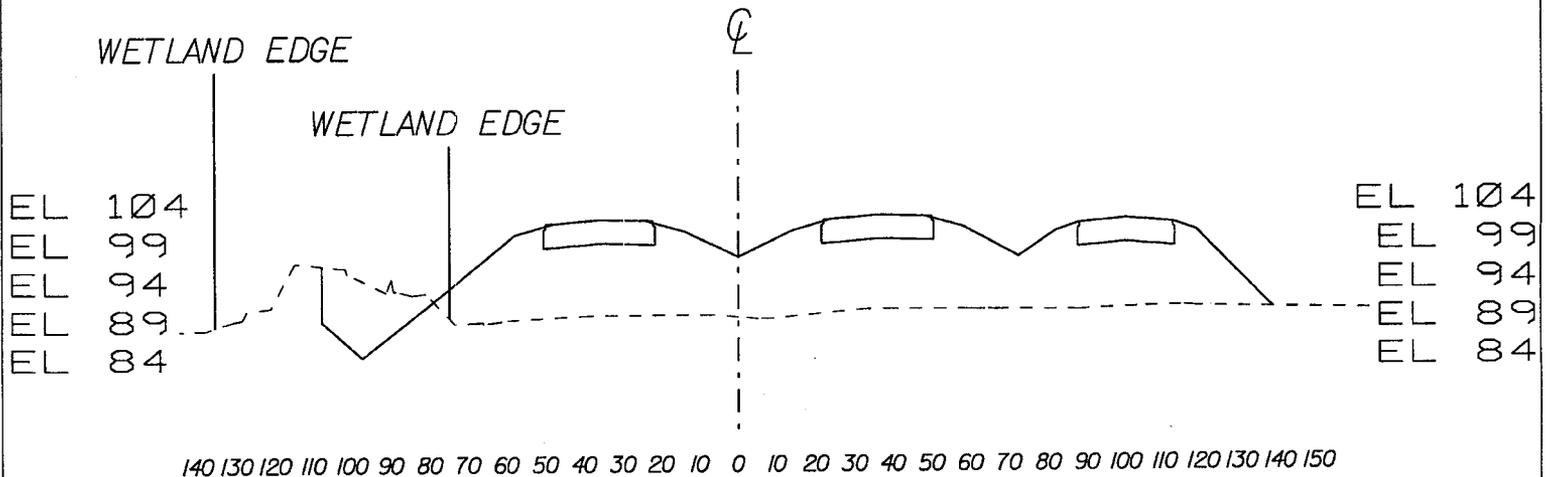
CROSS SECTION

SEE SHEET 8 FOR CROSS SECTIONS

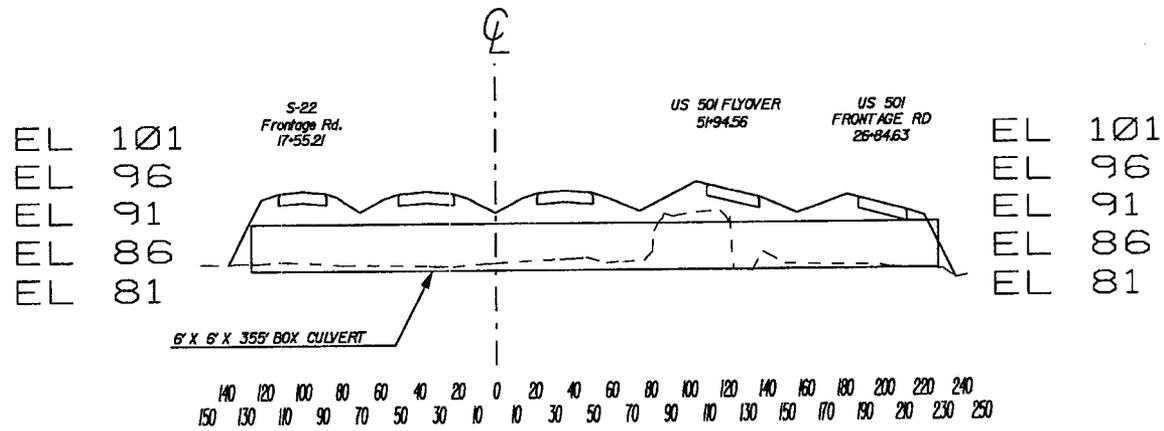
PIN 1420  
 PROPOSED ROAD IMPROVEMENTS  
 S.C.ROUTE 38 & U.S.ROUTE 501  
 DILLON & MARION COUNTIES, S.C.  
 APPLICATION BY SCDOT  
 FEDERAL FUNDS TO BE USED  
 DATE: JULY 2, 2003  
 SHEET 7 OF 13 2003-10-20

CROSS SECTION

SECTION D-D  
Cross-Section at  
Sta. 176+00.00 SC38



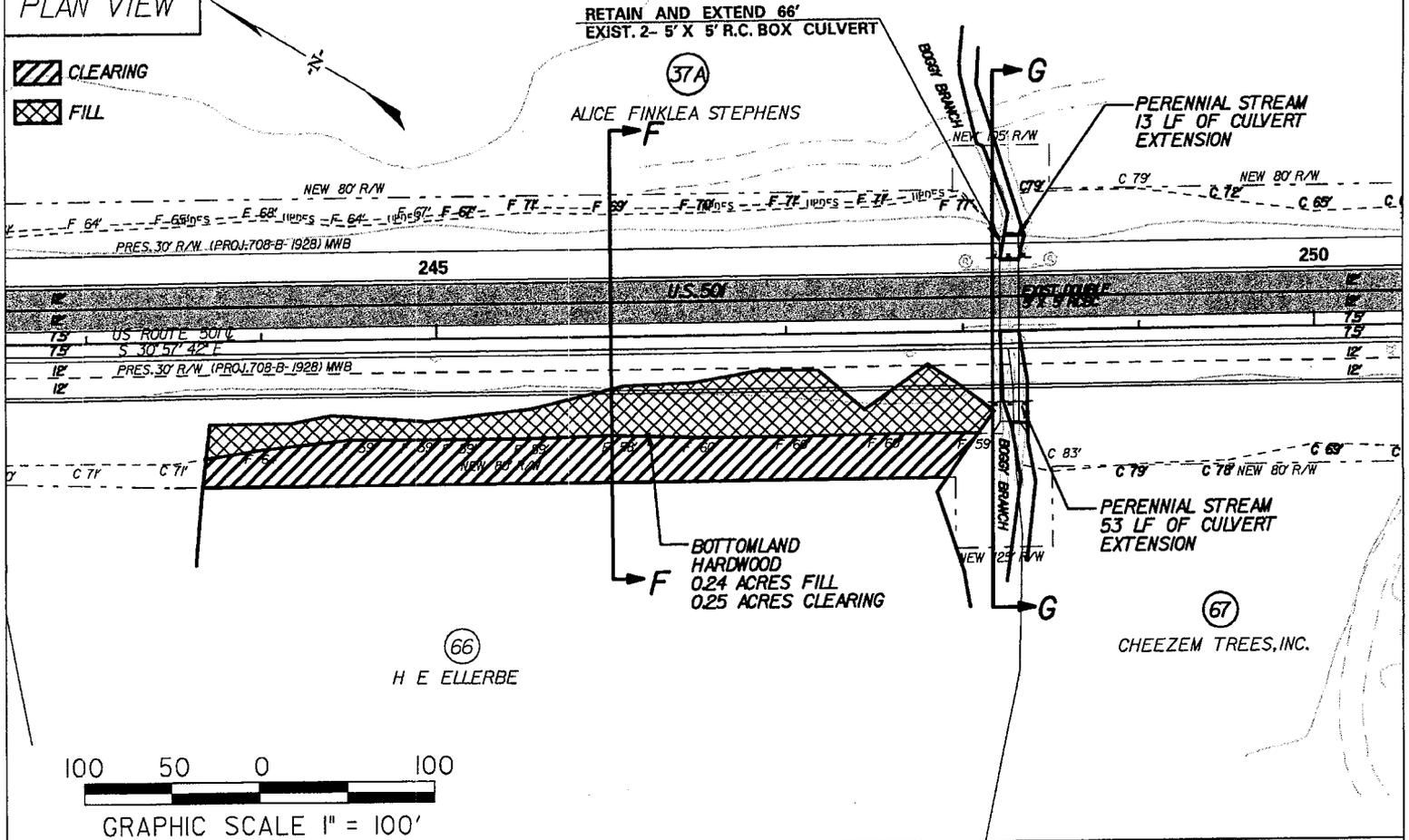
SECTION E-E  
Cross-Section at  
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PIN 1420  
PROPOSED ROAD IMPROVEMENTS  
S.C. ROUTE 38 AND U.S. ROUTE 501  
DILLON & MARION COUNTIES, S.C.  
APPLICATION BY SCDOT  
FEDERAL FUNDS TO BE USED  
DATE: JULY 2, 2003  
SHEET 8 OF 13 2003-10-201

PLAN VIEW

 CLEARING  
 FILL



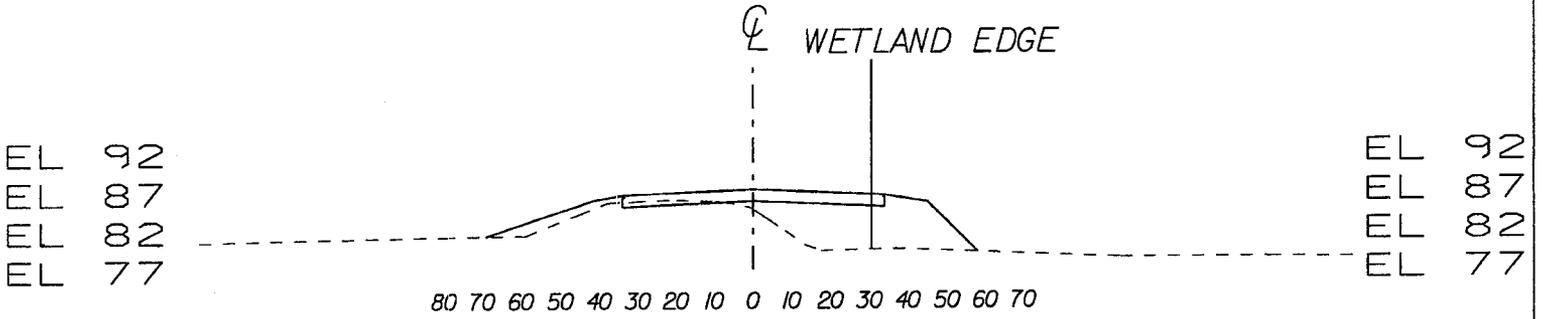
CROSS SECTION

SEE SHEET 10 FOR CROSS SECTIONS

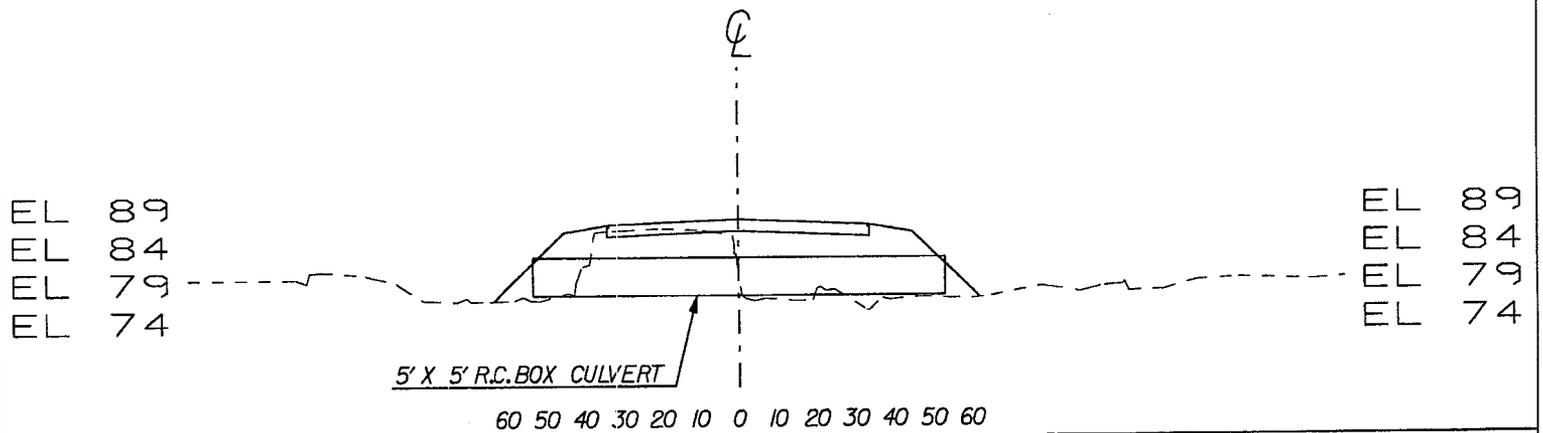
PIN 1420  
 PROPOSED ROAD IMPROVEMENTS  
 S.C. ROUTE 38 AND U.S. ROUTE 501  
 DILLON & MARION COUNTIES, S.C.  
 APPLICATION BY SCDOT  
 FEDERAL FUNDS TO BE USED  
 DATE: JULY 2, 2003  
 SHEET 9 OF 13 2003-10-20

CROSS SECTION

**SECTION F-F**  
 Cross-Section at  
 Sta. 246+00.00 SC38



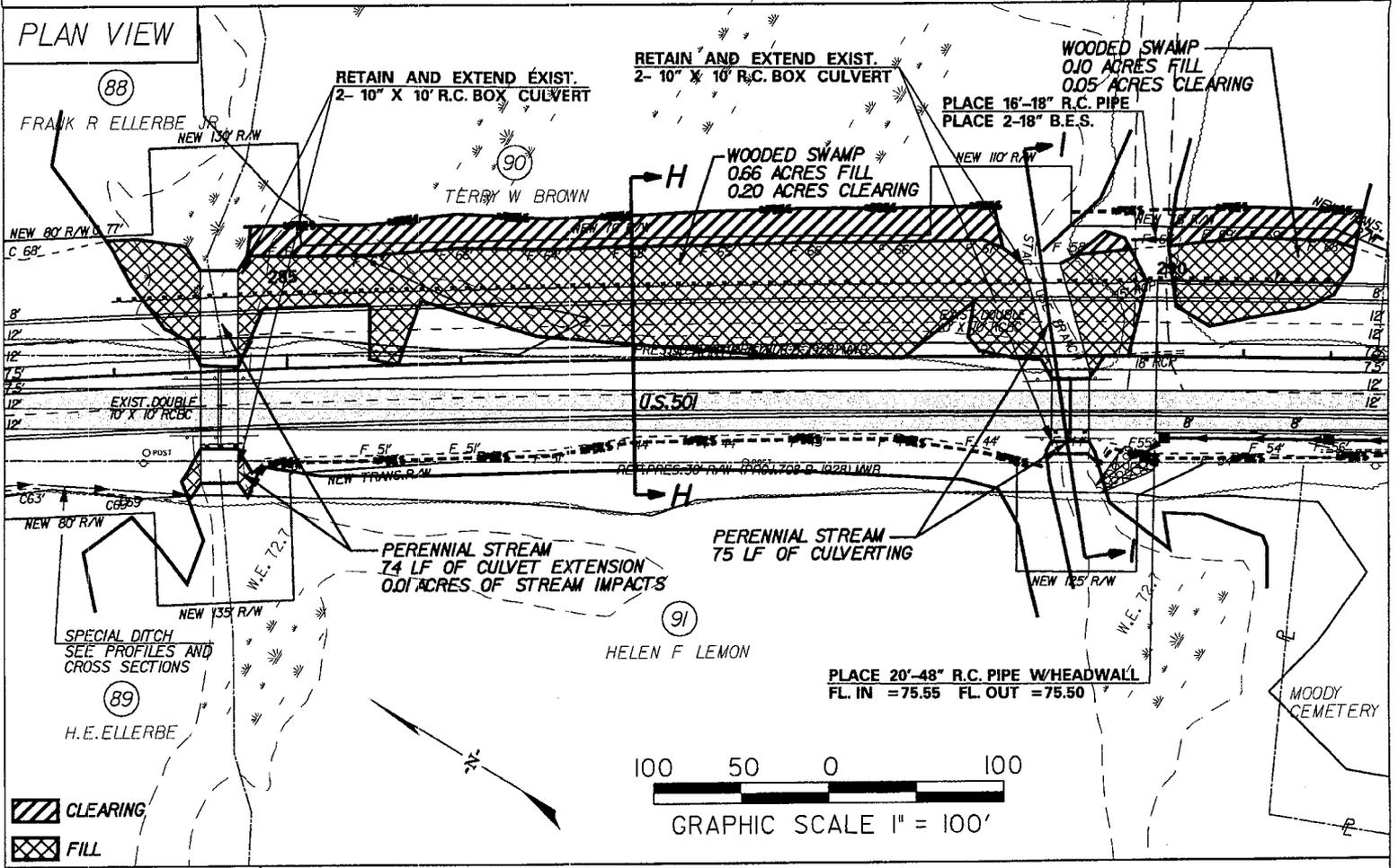
**SECTION G-G**  
 Cross-Section at  
 Sta. 248+27.00 SC38



VERT. 0 50  
 HORIZ. 0 100  
 SCALE FEET

PIN 1420  
 PROPOSED ROAD IMPROVEMENTS  
 S.C. ROUTE 38 AND U.S. ROUTE 501  
 DILLON & MARION COUNTIES, S.C.  
 APPLICATION BY SCDOT  
 FEDERAL FUNDS TO BE USED  
 DATE: JULY 2, 2003  
 SHEET 10 OF 13 2003-10-20

PLAN VIEW



CROSS SECTION

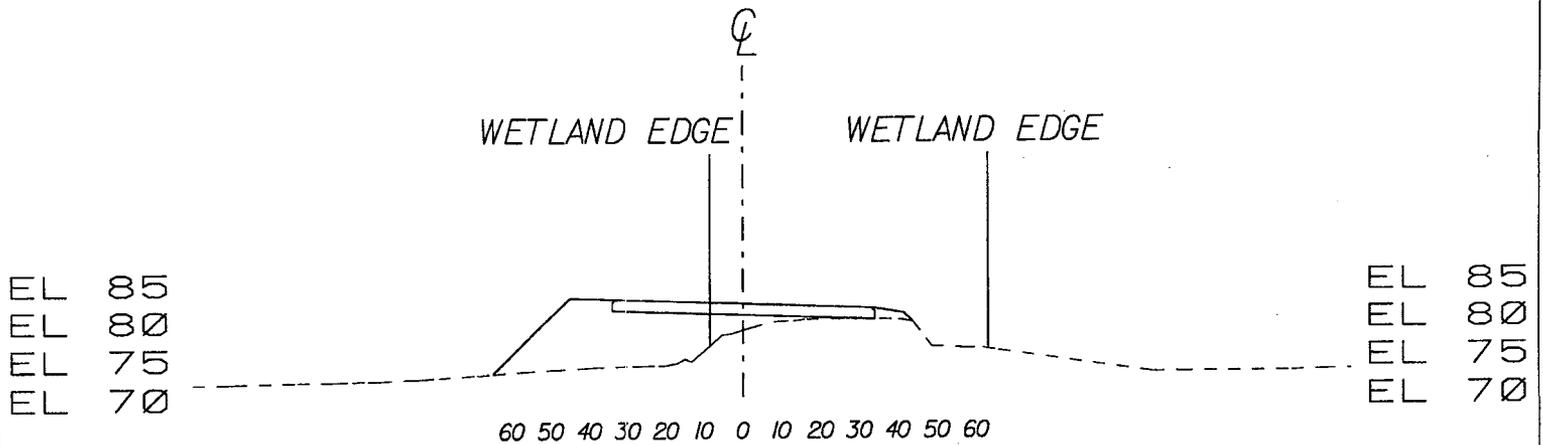
SEE SHEET 12 FOR CROSS SECTIONS

PIN 1420  
 PROPOSED ROAD IMPROVEMENTS  
 S.C. ROUTE 38 AND U.S. ROUTE 501  
 DILLON & MARION COUNTIES, S.C.  
 APPLICATION BY SCDOT  
 FEDERAL FUNDS TO BE USED  
 DATE: JULY 2, 2003  
 SHEET 11 OF 13

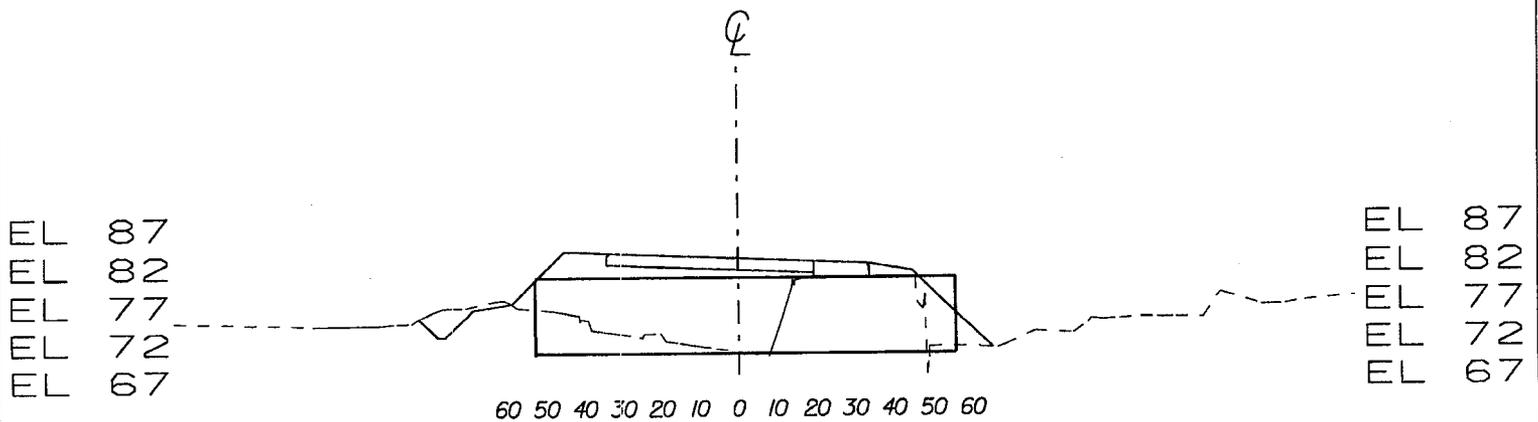
2003-11-201

CROSS SECTION

**SECTION H-H**  
Cross-Section at  
Sta. 287+00.00 SC38



**SECTION H-I**  
Cross-Section at  
Sta. 289+50.00 SC38



PIN 1420  
PROPOSED ROAD IMPROVEMENTS  
S.C. ROUTE 38 AND U.S. ROUTE 501  
DILLON & MARION COUNTIES, S.C.  
APPLICATION BY SCDOT  
FEDERAL FUNDS TO BE USED  
DATE: JULY 2, 2003  
SHEET 12 OF 13      2003-IV-20j

PERMIT NOTES

- 1) 12.10 acres of wetlands will be impacted, which includes 10.68 acres of fill in wetlands, 1.37 acres of wetland clearing for utilities, and 0.05 ac. of stream impacts. 809 LF of culvert/culvert extension will be constructed in waters of the United States.
- 2) Erosion and sediment control measures will be implemented in accordance with Section 107.26 of the South Carolina Department of Transportation's Standard Specifications.
- 3) Fill material meeting AASHTO Specifications M-57-80 will be obtained from high ground and placed using mechanized equipment.
- 4) Excavated material will be disposed of on high ground.
- 5) Mitigation will consist of debiting the Black River Mitigation Bank at the prescribed ratio of 3:1.
- 6) Names and addresses of adjacent property owners are as follows:

<u>Owner</u>	<u>Address</u>
Mary F. McFarland	c/o Queen Gordon, 1825 Mars Hill Circle, Florence, SC 29501
Johnnie R. Fore estate	329 Park Avenue *1K, East Orange, NJ 07017
Albert Johnson estate	c/o Mrs. Albert Johnson, P.O. Box 58, Sharon Hill, PA 19079
Clyde Johnson	Greenhill Apt. H2, 1300 Clifton Ave., Sharon Hill, PA 19079
Della Mae Howard	160 Highway 38, Latta SC 29565
Esther Lee Graves	137 Marshall Street, Marion, SC 29571
Glendora Corporation	PO Box 31, Dillon, SC 29536
Alice Finklea Stephens	5904 Lakeshore Drive, Columbia, SC 29206
George William Christmas	7315 N. Hwy. 501, Latta, SC 29565
H.E. Ellerbe	P.O. Box 238, Nichols, SC 29581
Chezem Trees, Inc.	1048 Fork Retch Ct., Mullins, SC 29574
Frank R. Ellerbe	P.O. Box 578, Latta, SC 29565
Terry W. Brown	1932 Old Corner Ct., Marion SC 29571
Helen F. Lemon	7228 N. Hwy 501, Latta, SC 29565

PIN 1420  
PROPOSED ROAD IMPROVEMENTS  
S.C. ROUTE 38 AND U.S. ROUTE 501  
DILLON & MARION COUNTIES, S.C.  
APPLICATION BY SCDOT  
FEDERAL FUNDS TO BE USED  
DATE: JULY 2, 2003  
SHEET 13 OF 13      2003-10-20