

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
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: SAC-2022-00404

May 11, 2023

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), 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
955 Park Street
Columbia, South Carolina 29201

for a permit to improve approximately 1.75 of East Butler Road in waters associated with

Gilder Creek

located between Corn Road/Old Bridges Road and US 276 (Main Street) in Mauldin, Greenville County, South Carolina (Latitude: 34.7835 °, Longitude: -82.2968 °), Mauldin quadrangle.

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 the **Corps** until

30 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

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

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to improve the operational efficiency, including improvements to the existing bicycle-pedestrian (bike-ped) facilities along East Butler Road.

Project Description

The proposed project is funded through the Federal Highway Administration (FHWA), which is the lead federal agency for this project. The proposed work consists of improvements to an existing roadway, bicycle-pedestrian facilities and a roadway re-alignment. The proposed project would impact a total of 0.10 acre of freshwater wetland and 576 linear feet of freshwater non-wetland waters. In detail, the proposed project would involve the discharge of approximately 13,860 cubic yards of fill material into waters of the United States as follows:

- Crossing 1 would involve impacts to 93 linear feet of Non-wetland Water AA consisting of the construction of a 12' x 8' box culvert and associated rip rap aprons at the inlet and outlet.
- Crossing 2 would involve impacts to 59 linear feet of Non-wetland Water A consisting of the construction of a 36" pipe and associated rip rap apron at the outlet.
- Crossing 3 would involve impacts to 0.10 acre of Wetland B and 335 linear feet of Non-wetland Water C associated with the relocation of Bethel Drive. More specifically, 0.09 acre of Wetland B would be filled for suitable roadbed for the relocated Bethel Drive, 20 linear feet of Non-wetland Water C would be impacted associated with rip rap new channel grade controls for the existing pipe removal, and 315 linear feet of Non-wetland Water C would be impacted associated with the construction of a triple 10' x 11' box culvert and associated rip rap aprons at the inlet and outlet. In addition to the fill impacts to Wetland B, 0.01 acre of the wetland would be temporarily cleared in order to provide construction access and installation of sediment and erosion best management practices (BMPs).
- Crossing 4 would involve impacts to 40 linear feet of Non-wetland Water E and 40 linear feet of Non-wetland Water D (Gilder Creek) associated with rip rap new channel grade controls for the removal of existing three 8' x 8' box culverts in each non-wetland water.
- Crossing 5 would involve impacts to 10 linear feet of Non-wetland Water F consisting of a rip rap apron at the outlet of an existing stormwater pipe.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by:

- **Design:** Clearing limits would be reduced to the minimum necessary to maintain adequate erosion control best management practices (BMPs) and safety for the traveling public. Wetland impacts were reduced from the anticipated 0.35 acre to the proposed 0.10 acre due to the shift in alignment of Bethel Drive to the west.
- **Hydrology and Hydraulics:** Culverts and pipes would be appropriately sized.
- **Structures:** Two existing triple 8 by 8-foot-diameter box culverts have been identified to be removed and replaced with full span bridges crossing perpendicular to the waterbodies (Gilder Creek and Non-wetland Water E). Existing pipes through Bethel Drive carrying Non-Wetland Water C were identified to be removed and replaced with a newly constructed channel through the removed roadway embankment footprint.
- **Construction:** During construction, the contractor would be required to implement and maintain BMPs in an effort to further minimize potential indirect impacts associated with stormwater runoff. The contractor would be required to utilize materials clean of any source of pollution.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 2,732.6 stream and 1.09 wetland mitigation credits from Corps approved mitigation bank.

South Carolina Department of Health and Environmental Control

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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 District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required

by the State to facilitate the review.

Essential Fish Habitat

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 not impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer has made no determination whether the proposed action would 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). Coordination with the NMFS is being led by the FHWA as the lead federal agency. The District Engineer's final determination relative to project impacts and the need for mitigation measures will be made following the conclusion of FHWA's consultation/coordination with the NMFS.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has made no determination of effect on any Federally endangered, threatened, or proposed species. As the lead federal agency pursuant to NEPA, the SCDOT/FHWA made the determination that the proposed project would have no effect on any listed endangered or threatened species, nor destroy or adversely modify critical habitat.

Cultural Resources

In accordance with the "Programmatic Agreement Among The Federal Highway Administration, The U.S. Army Corps of Engineers, Charleston District, The South Carolina Department of Transportation, The South Carolina State Historic Preservation Officer, and The Advisory Council on Historic Preservation Regarding Section 106 Implementation for Federal Aid Transportation Projects in The State of South Carolina" executed on October 6, 2017 (Section 106 Programmatic Agreement), for the purpose of Section 106 compliance for all FHWA undertakings in the State of South Carolina that require Corps authorization, the Corps designated FHWA as the lead federal agency for fulfilling both FHWA and the Corps' collective responsibilities under Section 106 of the National Historic Preservation Act. Additionally, as part of the Section 106 Programmatic Agreement, the FHWA delegated responsibility to the SCDOT to coordinate with the South Carolina Preservation Officer (SHPO) on certain matters related to Section 106 of the NHPA. Therefore, by letter dated June 2, 2022, the SCDOT provided their determination that no historic property will be affected by the proposed undertaking to the SHPO. On June 8, 2022, the SHPO concurred with the SCDOT's determination.

Corps' Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 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 cannot undertake to adjudicate rival claims.

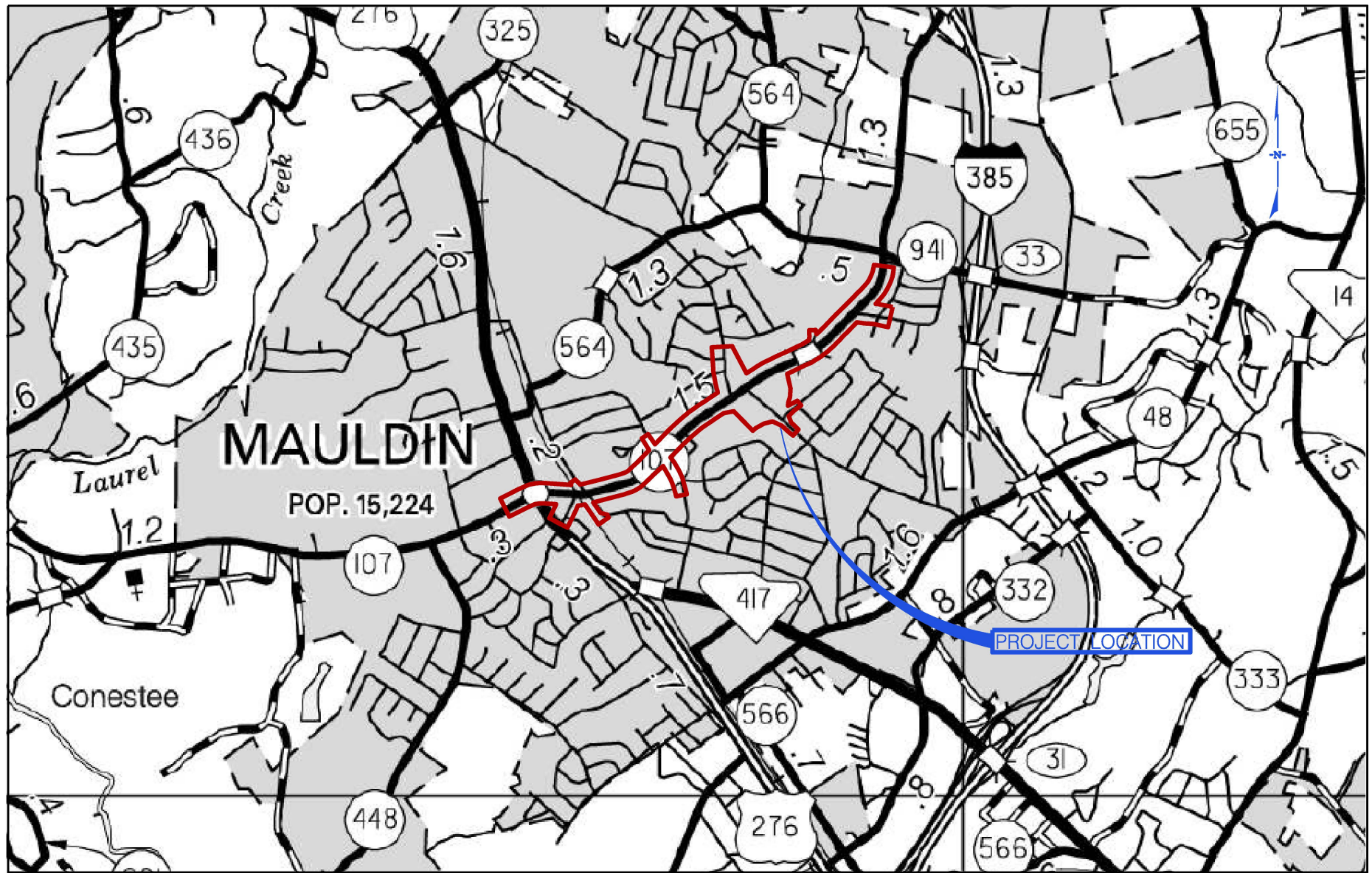
Solicitation of Public Comment

The Corps 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 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. 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.

Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2022-00404), to Jeremy.M.Kinney@usace.army.mil or the following address:

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

If there are any questions concerning this public notice, please contact Jeremy M. Kinney, Project Manager, at (843) 714-4649, toll free at 1-866-329-8187, or by email at Jeremy.M.Kinney@usace.army.mil.



APPROXIMATE LOCATION OF ROADWAY IS

BEGIN

LATITUDE 34° 46' 42.6"N
 LONGITUDE 82° 18' 36.42"W

END

LATITUDE 34° 47' 33.4"N
 LONGITUDE 82° 17' 13.0"W

APPLICANT



South Carolina Department of Transportation

Project Totals:

Wetland Fill: 0.09 Acres (4,102 SF)
 Wetland Clearing 0.01 Acres (572 SF)
 NWW Pipe Impact: 286 L.F. (3,359 SF)
 NWW Armor Impact: 290 L.F. (5,189 SF)

SHEET TITLE

LOCATION MAP

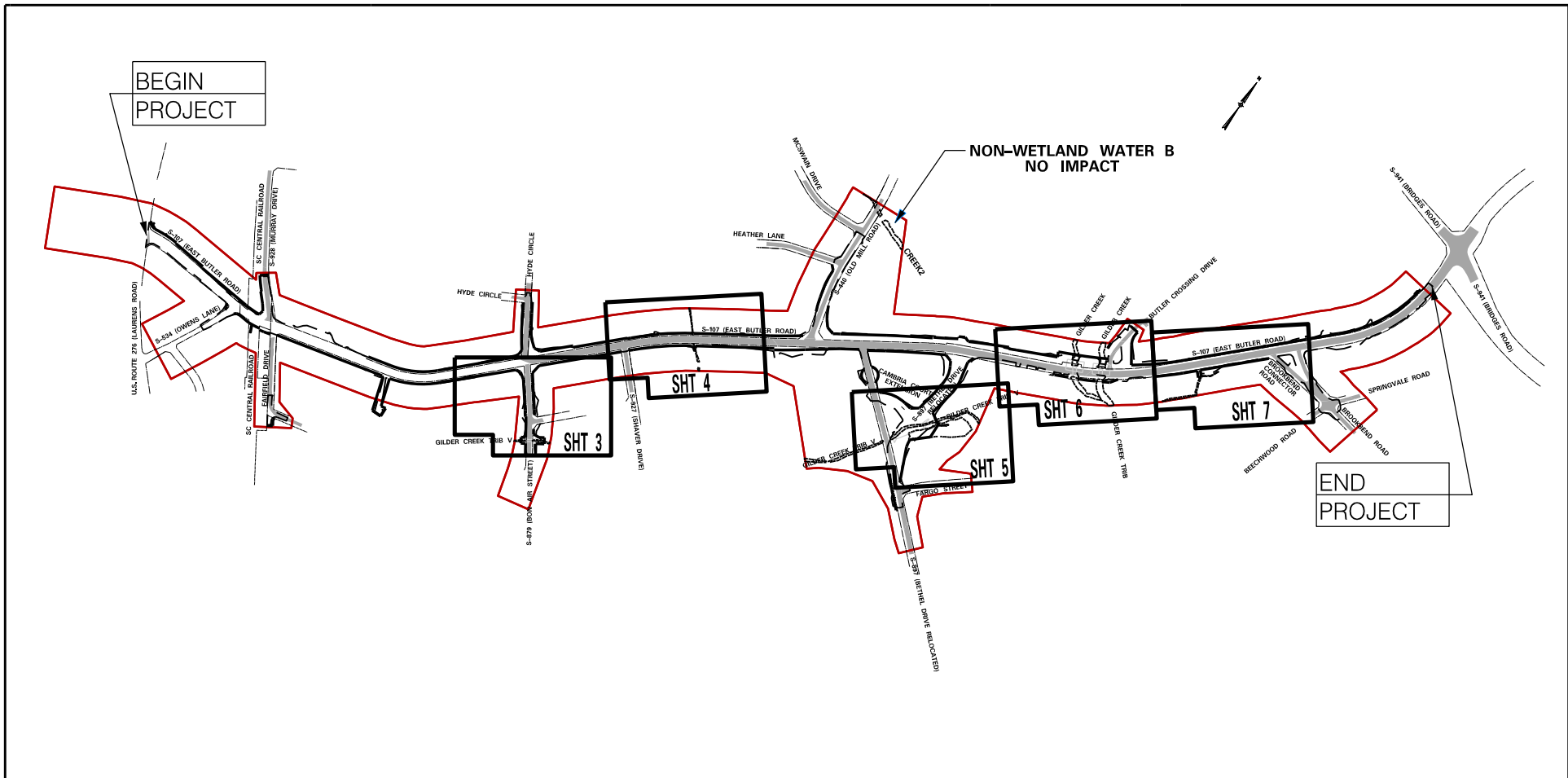
N.T.S.

PROJECT TITLE

S-107 EAST BUTLER ROAD
 IMPROVEMENT
 PROJECT SCDOT #P030553
 CITY OF MAULDIN
 GREENVILLE COUNTY

04 / 21 / 23

SHEET No. 1 OF 7



Project Totals:


Wetland Fill: 0.09 Acres (4,102 SF)
 Wetland Clearing 0.01 Acres (572 SF)
 NWW Pipe Impact: 286 L.F. (3,359 SF)
 NWW Armor Impact: 290 L.F. (5,189 SF)

APPROXIMATE LOCATION OF ROADWAY IS

BEGIN
 LATITUDE 34° 46' 42.6"N
 LONGITUDE 82° 18' 36.42"W

END
 LATITUDE 34° 47' 33.4"N
 LONGITUDE 82° 17' 13.0"W

APPLICANT



South Carolina Department of Transportation

SHEET LEGEND:

— PROJECT STUDY AREA

— PLAN SHEETS LAYOUT

SHEET TITLE

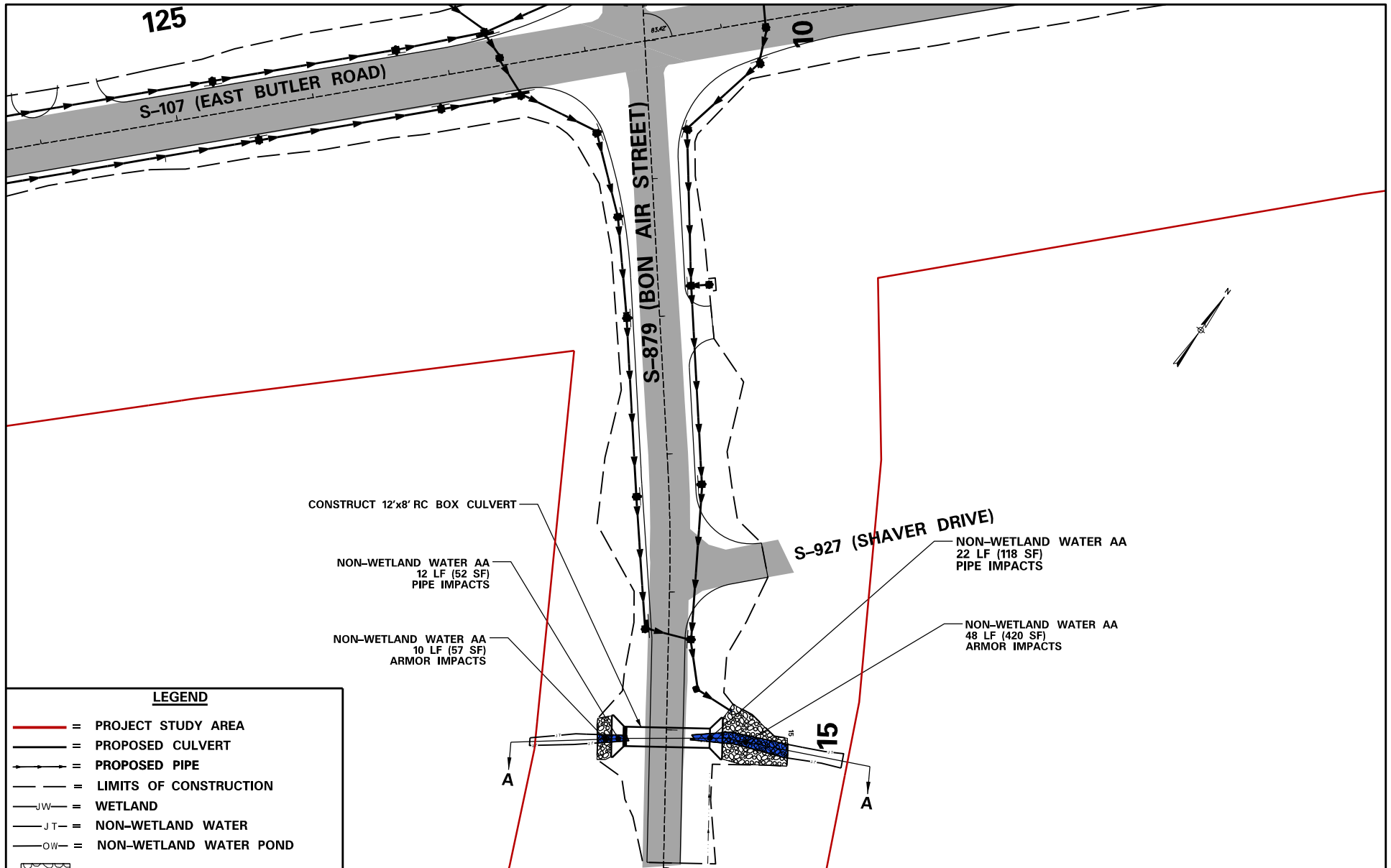
USACE IMPACT PLAN VIEW

SCALE: 1" = 2000'

PROJECT TITLE

**S-107 EAST BUTLER ROAD IMPROVEMENT
 PROJECT SCDOT #P030553
 CITY OF MAULDIN
 GREENVILLE COUNTY**

04 / 21 / 23 SHEET No. 2 OF 7



CONSTRUCT 12'x8' RC BOX CULVERT

NON-WETLAND WATER AA
12 LF (52 SF)
PIPE IMPACTS

NON-WETLAND WATER AA
10 LF (57 SF)
ARMOR IMPACTS

S-927 (SHAVER DRIVE)

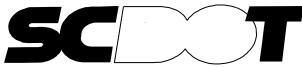
NON-WETLAND WATER AA
22 LF (118 SF)
PIPE IMPACTS

NON-WETLAND WATER AA
48 LF (420 SF)
ARMOR IMPACTS

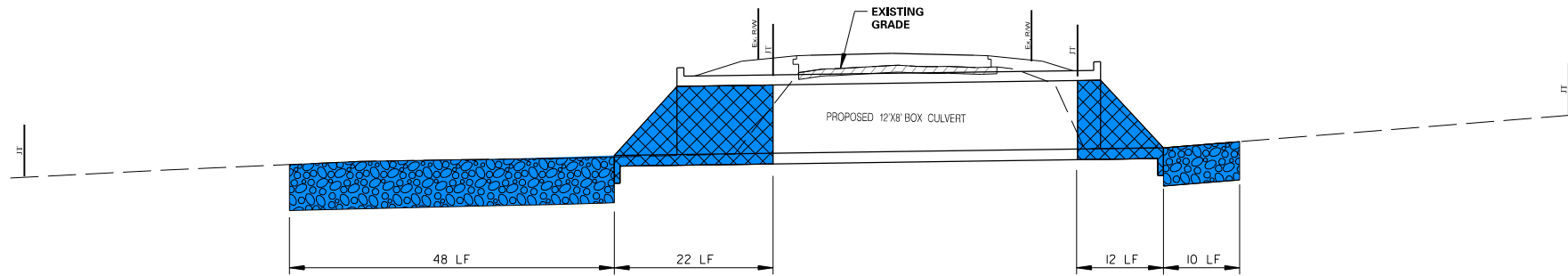
LEGEND

- = PROJECT STUDY AREA
- = PROPOSED CULVERT
- = PROPOSED PIPE
- = LIMITS OF CONSTRUCTION
- JW = WETLAND
- JT = NON-WETLAND WATER
- OW = NON-WETLAND WATER POND



- = RIP-RAP
- = WETLAND FILL IMPACT
- = EXISTING ROADWAY
- = WETLAND CLEARING IMPACT
- = NON-WETLAND WATER IMPACT


APPLICANT	Sheet Totals:	SHEET TITLE	PROJECT TITLE
 <small>South Carolina Department of Transportation</small>	Wetland Fill: 0 Acres Wetland Clearing 0 Acres NWW Pipe Impact: 34 L.F. (170 S.F.) NWW Armor Impact: 58 L.F. (477 S.F.)	USACE IMPACT PLAN VIEW SCALE: 1" = 100'	S-107 EAST BUTLER ROAD IMPROVEMENT PROJECT SCDOT #P030553 CITY OF MAULDIN GREENVILLE COUNTY 04 /21/23 SHEET No. 3 OF 7

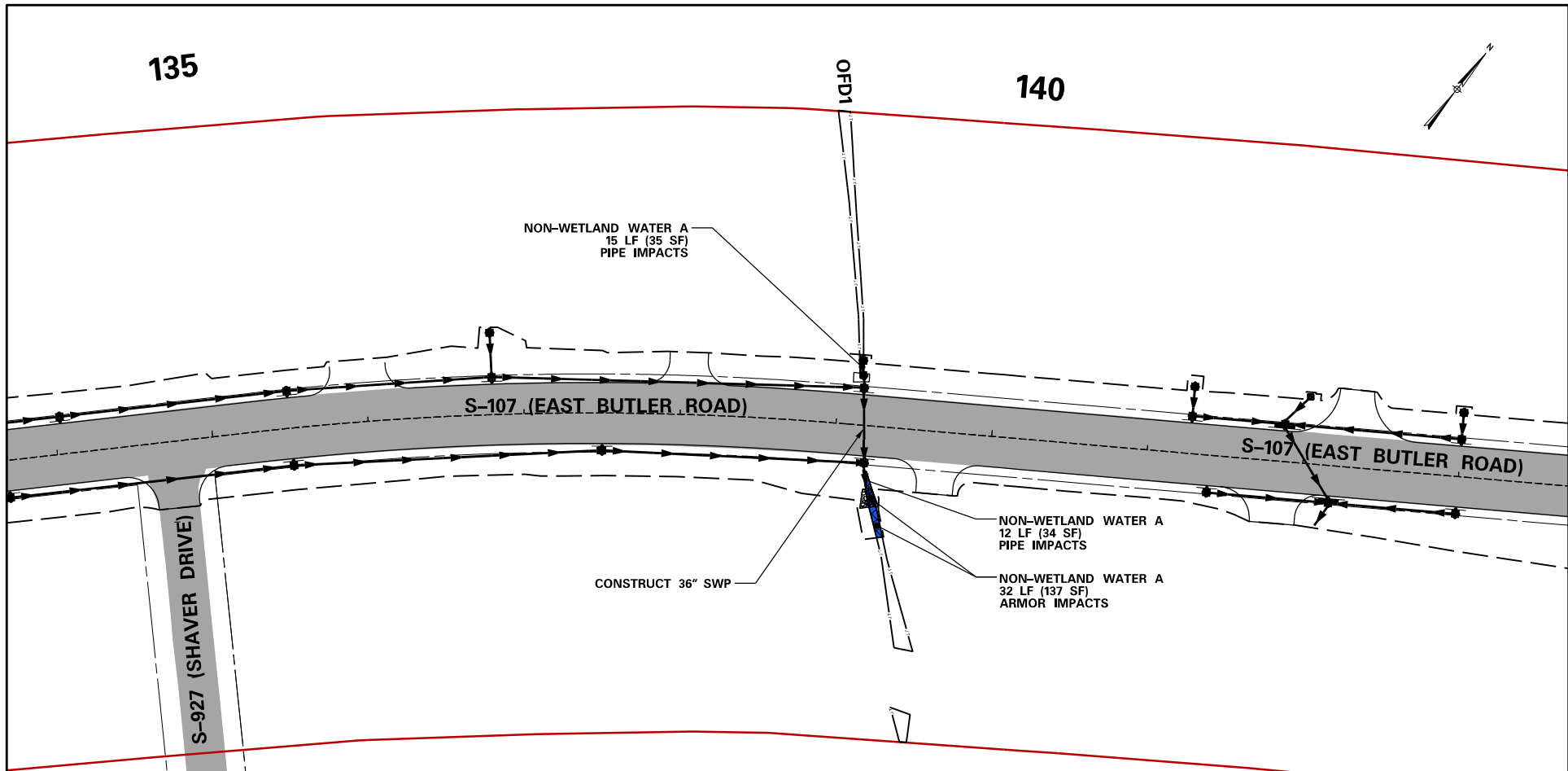
**SECTION "A-A"
S-879 BON AIR STREET
CROSS SECTION
STA. 15 + 05.47**















LEGEND:


-  = NON-WETLAND WATER IMPACTS
-  = NON-WETLAND WATER ARMOR IMPACT

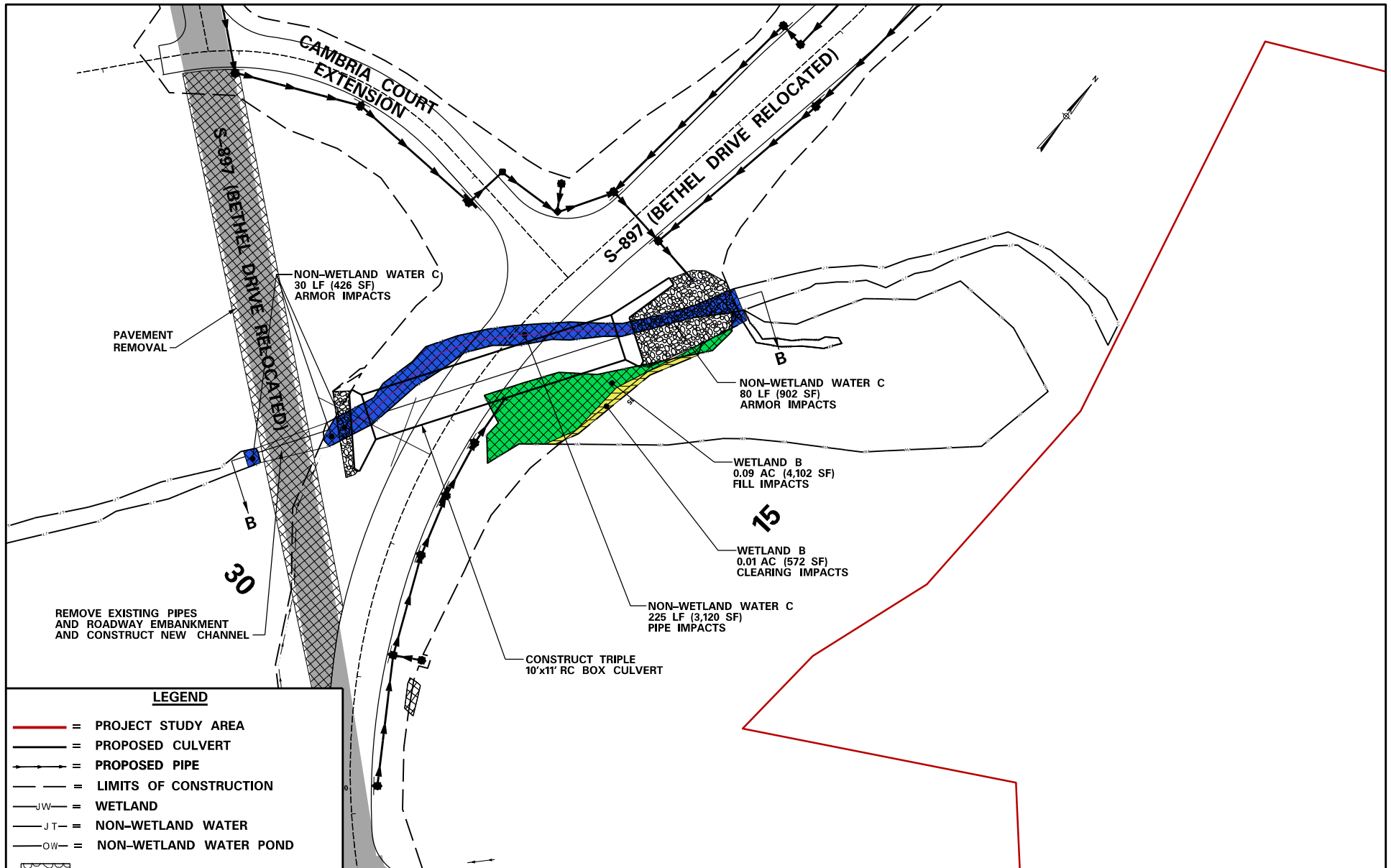
APPLICANT		SHEET TITLE	PROJECT TITLE
 <small>South Carolina Department of Transportation</small>		<p align="center">CROSS SECTION AND PROFILE SHEET</p> <p>SCALE: H:1" = 20' V:1" = 10'</p>	<p align="center">S-107 EAST BUTLER ROAD IMPROVEMENT PROJECT SCDOT #P030553 CITY OF MAULDIN GREENVILLE COUNTY</p> <p align="right">04 / 21 / 23 SHEET No. 3A OF 7</p>



LEGEND

-  = PROJECT STUDY AREA
-  = PROPOSED CULVERT
-  = PROPOSED PIPE
-  = LIMITS OF CONSTRUCTION
-  = WETLAND
-  = NON-WETLAND WATER
-  = NON-WETLAND WATER POND
-  = RIP-RAP
-  = WETLAND FILL IMPACT
-  = EXISTING ROADWAY
-  = WETLAND CLEARING IMPACT
-  = NON-WETLAND WATER IMPACT

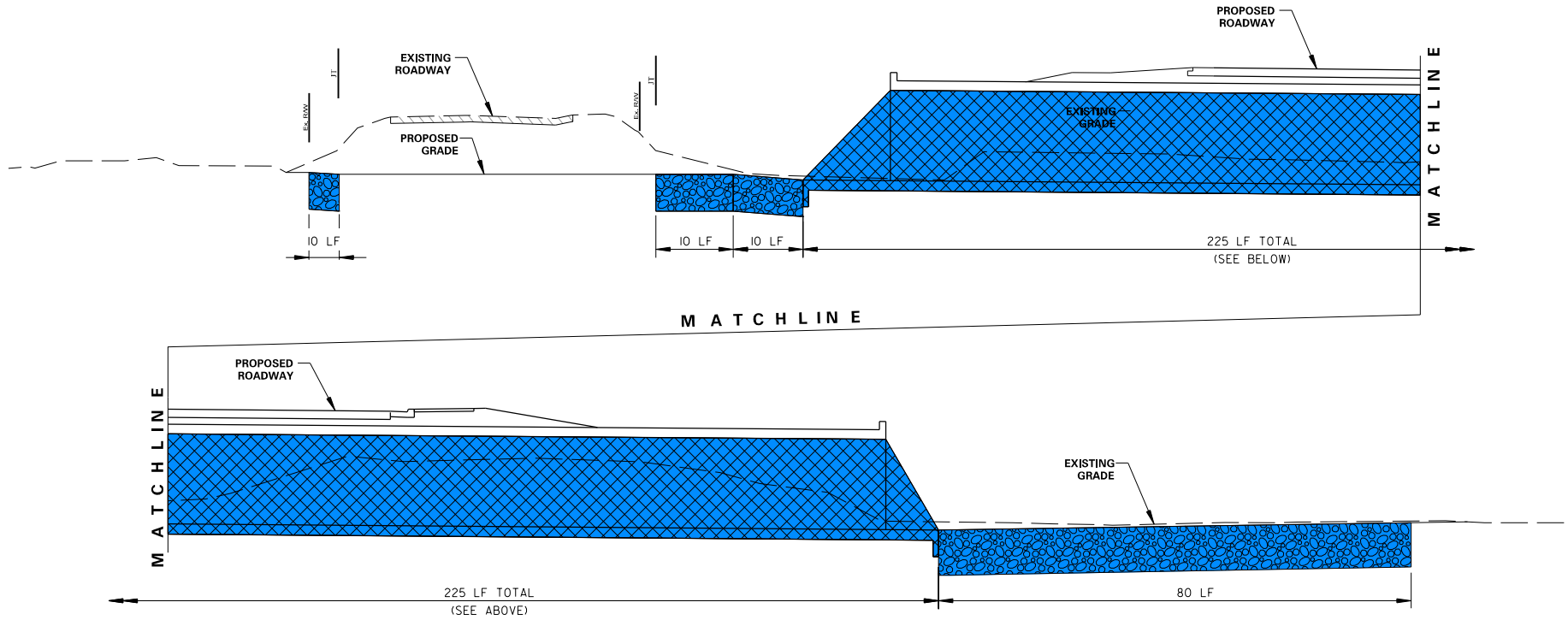
APPLICANT	Sheet Totals:	SHEET TITLE	PROJECT TITLE
 South Carolina Department of Transportation	Wetland Fill: 0 Acres Wetland Clearing 0 Acres NWW Pipe Impact: 27 L.F. (69 SF) NWW Armor Impact: 32 L.F. (137 SF)	USACE IMPACT PLAN VIEW SCALE: 1" = 100'	S-107 EAST BUTLER ROAD IMPROVEMENT PROJECT SCDOT #P030553 CITY OF MAULDIN GREENVILLE COUNTY 04 /21/23 SHEET No. 4 OF 7





LEGEND	
	= PROJECT STUDY AREA
	= PROPOSED CULVERT
	= PROPOSED PIPE
	= LIMITS OF CONSTRUCTION
	= WETLAND
	= NON-WETLAND WATER
	= NON-WETLAND WATER POND
	= RIP-RAP
	= WETLAND FILL IMPACT
	= EXISTING ROADWAY
	= WETLAND CLEARING IMPACT
	= NON-WETLAND WATER IMPACT


APPLICANT	Sheet Totals:	SHEET TITLE	PROJECT TITLE
 South Carolina Department of Transportation	Wetland Fill: 0.09 Acres (4,102 S.F.) Wetland Clearing 0.01 Acres (572 S.F.) NWW Pipe Impact: 225 L.F. (3,120 S.F.) NWW Armor Impact: 110 L.F. (1,328 S.F.)	USACE IMPACT PLAN VIEW	S-107 EAST BUTLER ROAD IMPROVEMENT PROJECT SCDOT #P030553 CITY OF MAULDIN GREENVILLE COUNTY
		SCALE: 1" = 100'	

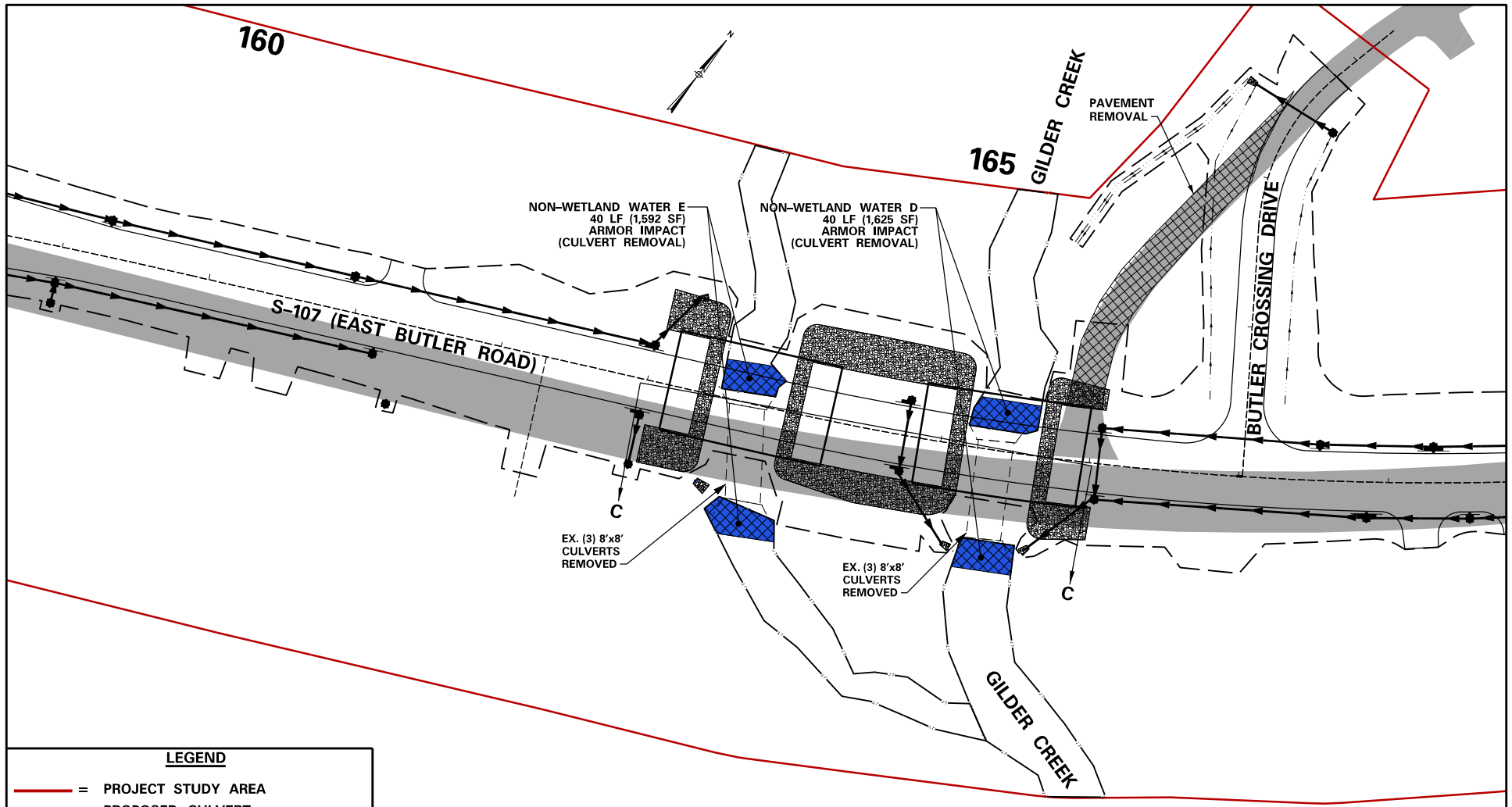
**SECTION "B-B"
S-897 BETHEL DRIVE RELOCATION
CROSS SECTION
STA. 15 + 68.88**



LEGEND:

-  = NON-WETLAND WATER IMPACTS
-  = NON-WETLAND WATER ARMOR IMPACT

APPLICANT		SHEET TITLE	PROJECT TITLE
 South Carolina Department of Transportation		CROSS SECTION AND PROFILE SHEET	S-107 EAST BUTLER ROAD IMPROVEMENT PROJECT SCDOT #P030553 CITY OF MAULDIN GREENVILLE COUNTY
		SCALE: H:1" = 20' V:1" = 10'	

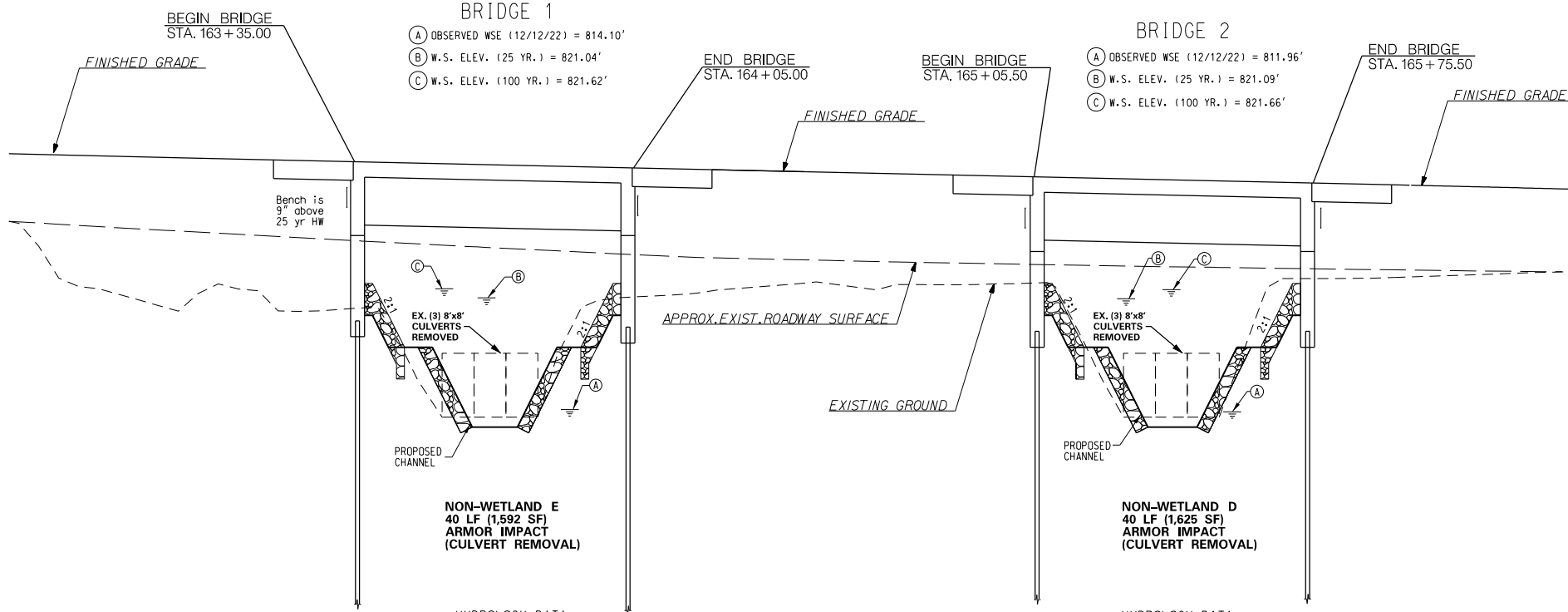


LEGEND

- = PROJECT STUDY AREA
- = PROPOSED CULVERT
- = PROPOSED PIPE
- = LIMITS OF CONSTRUCTION
- = WETLAND
- = NON-WETLAND WATER
- = NON-WETLAND WATER POND
- = RIP-RAP
- = WETLAND FILL IMPACT
- = EXISTING ROADWAY
- = WETLAND CLEARING IMPACT
- = NON-WETLAND WATER IMPACT

APPLICANT	Sheet Totals:	SHEET TITLE	PROJECT TITLE
 <small>South Carolina Department of Transportation</small>	Wetland Fill: 0 Acres Wetland Clearing: 0 Acres NWW Pipe Impact: 0 L.F. (0 S.F.) NWW Armor Impact: 80 L.F. (3,217 S.F.)	USACE IMPACT PLAN VIEW SCALE: 1" = 100'	S-107 EAST BUTLER ROAD IMPROVEMENT PROJECT SCDOT #P030553 CITY OF MAULDIN GREENVILLE COUNTY 04 / 21 / 23 SHEET No. 6 OF 7

**SECTION "C-C"
S-107 EAST BUTLER ROAD
CROSS SECTION
ALONG ROADWAY**



HYDROLOGY DATA:

D.A. = 4.5 sq.mi. = 2880 ac.
 Q25 = 1120 cfs
 Vel. = 4.1 ft/sec
 25 Year H.W. Elev. = 821.25 ft.
 Including 0.08 ft. Backwater
 Q100 = 1365 cfs
 Vel. = 4.4 ft/sec
 100 Year H.W. Elev. = 821.86 ft.
 Including 0.10 ft. Backwater



OVERTOPPING FLOOD:
 Probability 0.2%


HYDROLOGY DATA:

D.A. = 4.50 sq.mi. = 2880 ac.
 Q25 = 1120 cfs
 Vel. = 3.5 ft/sec
 25 Year H.W. Elev. = 821.25 ft.
 Including 0.08 ft. Backwater
 Q100 = 1365 cfs
 Vel. = 3.9 ft/sec
 100 Year H.W. Elev. = 821.86 ft.
 Including 0.10 ft. Backwater

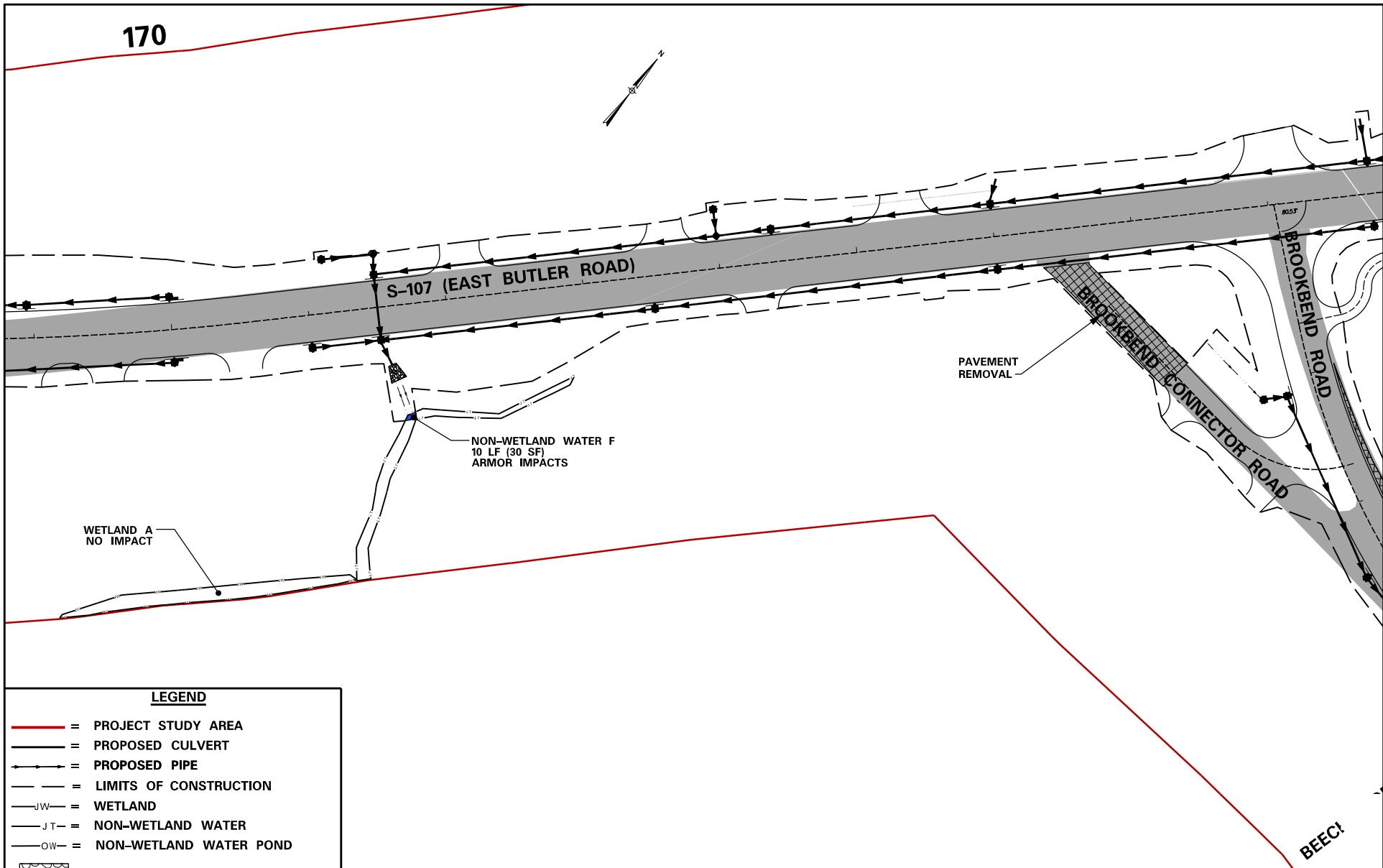
OVERTOPPING FLOOD:
 Probability 0.2%

LEGEND:













-  = NON-WETLAND WATER IMPACTS
-  = NON-WETLAND WATER ARMOR IMPACT


APPLICANT		SHEET TITLE		PROJECT TITLE	
 South Carolina Department of Transportation		CROSS SECTION AND PROFILE SHEET		S-107 EAST BUTLER ROAD IMPROVEMENT PROJECT SCDOT #P030553 CITY OF MAULDIN GREENVILLE COUNTY	
		SCALE: H:1" = 40' V:1" = 10'		04 / 21 / 23 SHEET No. 6A OF 7	

170



LEGEND

-  = PROJECT STUDY AREA
-  = PROPOSED CULVERT
-  = PROPOSED PIPE
-  = LIMITS OF CONSTRUCTION
-  = WETLAND
-  = NON-WETLAND WATER
-  = NON-WETLAND WATER POND
-  = RIP-RAP
-  = WETLAND FILL IMPACT
-  = EXISTING ROADWAY
-  = WETLAND CLEARING IMPACT
-  = NON-WETLAND WATER IMPACT

APPLICANT	Sheet Totals:	SHEET TITLE	PROJECT TITLE
 South Carolina Department of Transportation	Wetland Fill: 0 Acres Wetland Clearing 0 Acres NWW Pipe Impact: 0 L.F. (0 S.F.) NWW Armor Impact: 10 L.F. (30 S.F.)	USACE IMPACT PLAN VIEW SCALE: 1" = 100'	S-107 EAST BUTLER ROAD IMPROVEMENT PROJECT SCDOT #P030553 CITY OF MAULDIN GREENVILLE COUNTY 04 /21/23 SHEET No. 7 OF 7