JOINT PUBLIC NOTICE

CHARLESTON AND SAVANNAH DISTRICTS- US ARMY CORPS OF ENGINEERS 69A Hagood Avenue

Charleston, South Carolina 29403-5107

and

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Office of Ocean and Coastal Resource Management 1362 McMillan Avenue, Suite 400

Charleston, South Carolina 29405

and

GEORGIA DEPARTMENT OF NATURAL RESOURCES- ENVIRONMENTAL PROTECTION DIVISION

4220 International Parkway Suite 101 Atlanta, Georgia 30354

REGULATORY DIVISION

Refer to: P/N SAC 2015-1627 (Charleston District)

SAS 2007-1163 (Savannah District)

November 6, 2017

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.), the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), the State of Georgia Coastal Management Program, and the Coastal Marshlands Protection Act (Georgia Laws), an application has been submitted by

South Carolina Department of Transportation
Post Office Box 191
Columbia, South Carolina 20202-0191
and
Georgia Department of Transportation
600 W. Peachtree Street, NW
Atlanta, Georgia 30308

for a permit to place fill material in wetland and other waters of the US to facilitate the widening an existing highway and the construction of an additional bridge within wetlands adjacent to and in

THE BACK RIVER

located along the existing US 17 beginning on Hutchinson Island, Chatham County, Georgia at the intersection of US 17 and Savannah Harbor Parkway and ending approximately 1500 feet from South Okatie Highway, Jasper County, South Carolina. (from: Latitude 32.096965, Longitude -81.092564, to: Latitude: 32.119084, Longitude: -81.072446). The Back River is a Section 10 navigable waterway and is a Federal Project maintained by the Savannah District, US Army Corps of Engineers.

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 above mentioned offices 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.

BACKGROUND

This Joint Public Notice announces a request for authorizations from the US Army Corps of Engineers, the SC Department of Health and Environmental Control and the State of Georgia. The applicant's proposed work may also require local governmental approval.

The authority of the Secretary of the Army and Chief of Engineers with respect to permitting bridges was transferred to the Secretary of Transportation under the Department of Transportation Act of October 15, 1966, therefore the US Coast Guard (USCG) has the authority and responsibility for permitting bridge. Be advised that the approval of bridges, including temporary structures such as trestles, rests with the U. S. Coast Guard (USCG) per Section 9 of the Rivers and Harbors Act (33 U.S.C 401). Based on this, the USACE permitting authority for this project would be limited to the placement of fill material in jurisdictional wetlands and waters of the US for the road widening and bridge approaches.

STATE OF SOUTH CAROLINA

Water Quality Certification and South Carolina Coastal Zone Management Program: 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 the Coastal Zone Management Program (15 CFR 930). 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. 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.

SCDHEC will receive written statements regarding the proposed work. Comments concerning these actions should be submitted to:

South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resources Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can be reviewed in the Savannah District, US Army Corps of Engineers, Regulatory Division, 100 W. Oglethorpe Avenue Savannah, Georgia 31401-3640.

<u>State-owned Property and Resources</u>: The applicant may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

<u>Marshland Protection</u>: This notice also serves as notification of a request to alter coastal marshlands (under the provision of the Coastal Marshlands Protection Act, Georgia Laws, 1970, p. 939 and as amended), if required. Comments concerning this action should be submitted to the Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

Georgia Coastal Management Program: Prior to the Corps of Engineers making a final permit decision on this application, the project must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of this project should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

DESCRIPTION OF PROPOSED WORK

The proposed work consists of conducting improvements to U.S. Highway 17 (U.S. 17) from the Interstate 16 (I-16) Spur on Hutchinson Island in Savannah, Chatham County, Georgia, and construction of a new bridge over the Back River crossing into South Carolina and continuing along U.S. 17 for a distance of 4.2-miles north to S.C. 315 (South Okatie Highway), in Hardeeville, Jasper County, South Carolina. Proposed work will include the widening of U.S. 17 in both South Carolina and Georgia from two to four travel lanes, a 36-foot wide depressed grass median, inside and outside shoulders, 2:1 and 4:1 side slopes, and a 6-foot wide paved bicycle lane. Travel lanes will be widened from 11-feet to 12-feet with 10-foot wide inside and outside shoulders in each direction; the bicycle lane will be incorporated into the outside shoulder. Intersection improvements will occur in South Carolina at U.S. 17 and S.C. 315 and in Georgia at U.S. 17 and I-16 Spur. A

new bridge will also be constructed over the Back River to accommodate the new travel lanes and will include bridge abutments in waters of the US to support the new bridge. The new bridge will be 3,289-feet long and 58.5-feet wide and will feature two 12-foot wide travel lanes, two 10-foot wide shoulders, one 10-foot wide multi-use path, three 1.5-foot parapets, and 47 support bents. The new road will be located generally west of the existing road alignment, while the new bridge will be located east of the existing bridge over the Back River. The proposed project will impact a total of approximately 21.693-acres of wetlands, which includes 19.399-acres of permanent fill and 2.294-acres of clearing impacts. Of these wetland impacts, approximately 13.547-acres (11.97-acres of fill, 1.577-acres of clearing) will be to tidal wetlands and 8.146-acres (7.429-acres of fill, 0.717-acre of clearing) will be to freshwater wetlands. Most of these impacts will occur in South Carolina, with 21.643 acres of impact, while the impacts in Georgia involve 0.05 acre of fill in tidal marsh and 0.01 acre of clearing of tidal marsh. For additional details regarding specific impact quantities and locations, please see the attached drawings.

<u>Purpose and Need:</u> As stated by the applicant: "The primary purpose of the proposed project is to increase roadway capacity on U.S. Highway 17 between I-16 Spur and S.C. 315, and provide a bicycle lane to improve safety for alternative modes of transportation. The project is needed to accommodate existing and future traffic volumes on U.S. Highway 17."

Avoidance and Minimization: As stated by the applicant, in summary: During the design phase, avoidance and minimization measures resulted in a reduction of impacts by 9.27-acres. Relocation of utilities on the west side of the project are not necessary, while utility relocation on the east side of the road has reduced the utility corridor from 12-feet to 4-feet and some utilities will be installed using jack-and-bore methods in conjunction with open-cut trenching. In areas where it is physically possible, a 2:1 side slope with guardrail will be utilized, while a 4:1 side slope will be constructed in all other areas to create a recoverable area for vehicles that may leave the road. Reduction of the grassed median from 48-feet to 36-feet will avoid further impacts while also allowing for the necessary water quality treatment of stormwater. The 6-foot wide bike path was shifted higher into the slope design in an effort to tighten fill slopes to minimize impacts. The original disturbance/construction access area was proposed for both sides of the road, but was removed from the west side and reduced from 12-foot wide to 4-feet wide on the east side to further minimize impacts. Appropriate Best Management Practices, such as silt fences, blaze orange barrier fence, turbidity curtains, etc., will be utilized during construction to ensure that impacts remain within the disturbance corridor. In addition, any area of temporary impact will be restored to previous ground elevations so the area can naturally re-vegetate.

<u>Compensatory Mitigation:</u> The applicant has proposed to mitigate for impacts to jurisdictional waters of the U.S., including wetlands, by purchasing 184.5 tidal wetland credits from Clydesdale Mitigation Bank for impacts to tidal waters within South Carolina and 1.0 credits from the Salt Creek Mitigation Bank for impacts to tidal waters in Georgia. Also, 0.8 tidal credits will be purchased from Clydesdale Mitigation Bank to offset additional impacts to Essential Fish Habitat due to shading of the bridge within South Carolina. In addition, 98.5 wetland credits will be purchased from the Sweetleaf Swamp Mitigation Bank for non-tidal wetland impacts in South Carolina.

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

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 13.547 acres of estuarine substrates and emergent wetlands

utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's 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). The District Engineer's 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 applicant has provided information associated with the activity described above. Additionally, South Carolina Department of Transportation and Georgia Department of Transportation conducted consultation on behalf of the Federal Highway Administration with the United States Fish and Wildlife Service and received concurrence on August 2007, December 2009, and December 2010, indicating that the proposed project may affect, but is not likely to adversely effect the following listed species: wood stork, West Indian manatee, pondberry, red-cockaded woodpecker, American chaftseed, bald eagle, and eastern indigo snake. In addition, South Carolina Department of Transportation and Georgia Department of Transportation conducted consultation on behalf of the Federal Highway Administration with the National Marine Fisheries Service and received a consultation dated January 2009, that the project may effect, but is not likely to adversely effect the shortnose sturgeon.

The District Engineer is aware that additional species and critical habitat have been listed after concurrence was received by South Carolina Department of Transportation and Georgia Department of Transportation, as described above. 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 Federally listed or proposed to be listed endangered or threatened species and/or designated or proposed critical habitat may be present in the area which would be affected by the activity.

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.

The applicant coordinated with the South Carolina and Georgia State Historic Preservation Offices early in the planning process. In response to this coordination, the State Historic Preservation Office of Georgia concurred that no historic properties will be affected for impacts resulting from the project in Georgia, and the State Historic Preservation Office of South Carolina concurred that no historic properties will be affected for impacts resulting from the project in South Carolina. In accordance with Section 106 of the NHPA, the District Engineer has reviewed the provided cultural resource information provided by the applicant, and has determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties 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 and any other interested parties to provide any information they may have with regard to historic properties within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

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, 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.

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. Please submit comments in writing, identifying the project of interest by public notice number, to the following address:

Charleston District, US Army Corps of Engineers, 69A Hagood Avenue Charleston, South Carolina 29403-5107

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

























































































































