

JOINT
PUBLIC NOTICE

**CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526**

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-2022-00702

DECEMBER 29, 2022

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344) and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**Horry County
c/o Robert Hibbitts
Civil Engineering Consulting Services, Inc.
2000 Park Street, Suite 201
Columbia, South Carolina 29201**

for a permit to construct the Conway Perimeter Road in

JURISDICTIONAL FRESHWATER WETLANDS

located starting near the intersection of El Bethel Road and US Highway 378 and ending near the intersection of Cedar Lane and US Highway 701, west of the City of Conway, Horry County, South Carolina (Beginning Latitude: 33.8453°N, Longitude: -79.0948°W; Ending Latitude: 33.8136°N, Longitude: -79.0779°W), Conway Quad.

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 primary purpose of the proposed project is "to improve regional network connectivity between US 378 and US 701 and to contribute to the network of perimeter routes for enhanced local mobility. A secondary purpose is to enhance the multimodal transportation network in the area. The project is needed to accommodate incomplete local connectivity, consistent population growth, and heavy seasonal tourist traffic."

Project Description

The proposed work consists of impacts to 11.74 acres of jurisdictional wetlands for the construction of a roadway. In detail, the work consists of the placement of fill within wetlands for the construction of a 2.84 mile, four-lane, divided roadway that would extend El Bethel Road south to US Highway 701. Specifically, the new roadway would begin immediately south of US Highway 378 at its intersection of El Bethel Road and continue south for 1.59 miles before curving to the southeast and intersecting with Cates Bay Highway near its intersection with Dirty Branch Road. After crossing Cates Bay Highway, the proposed roadway would continue southeast to US Highway 701 where it would narrow to a two-lane highway resulting in the widening of US Highway 701 from Tiger Drive to approximately 180 feet north of New Road.

Four existing roadways would require realignment due to this proposed project. First, Hemingway Chapel Road would be bisected by the new roadway, and the portion closest to US Highway 378 would be turned into a cul-de-sac at its southern end. A new side road will be constructed and would tie into Hemingway Chapel Road. Second, Wesley Drive would be bisected by the new roadway, and the southernmost portion of Wesley Drive would be closed. A cul-de-sac would be added for residential access, and the northern portion of Wesley Drive will connect to the new roadway. Third, Dirty Branch Road would be closed at its intersection with Cates Bay Highway. Dirty Branch Road would be realigned approximately 1,200 feet north of the current intersection so that it intersects the proposed roadway at a more preferable angle. Fourth, Faulk Circle would be bisected, and its western end would be eliminated. A cul-de-sac would be added to the east of the proposed roadway. No direct access onto Faulk Circle from the new roadway is proposed.

Avoidance and Minimization

The applicant has stated that the proposed project will result in unavoidable impacts to waters of the United States due to the location of the waters of the United States within the review area. According to the applicant, impacts will be minimized by installing sediment and erosion control measures consistent with state BMPs to prevent runoff and sedimentation within waters of the US, utilizing clean fill to construct the new roadway, staging equipment and materials outside of waters of the US, sizing culverts/pipes within wetlands appropriately, and diverting stormwater away from waters of the US.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 133.94 wetland credits from the Independent Republic Heritage Preserve Wetland 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.

The work shown on this application must also be certified as consistent with applicable provisions of 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.

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 impact 11.74 acres upstream 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.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in Horry County: American Woodstork (*Mycteria americana*), Piping Plover (*Charadrius melodus*), Red-cockaded Woodpecker (*Picoides borealis*), Rufa Red Knot (*Calidris canutus rufa*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*), Sperm whale (*Physeter macrocephalus*), West Indian Manatee (*Trichechus manatus*), American chaffseed (*Schwalbea americana*), Seabeach amaranth (*Amaranthus pumilus*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), and Loggerhead sea turtle (*Caretta caretta*).

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect on American Woodstork (*Mycteria americana*), Piping Plover (*Charadrius melodus*), Red-cockaded Woodpecker (*Picoides borealis*), Rufa Red Knot (*Calidris canutus rufa*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*), Sperm whale (*Physeter macrocephalus*), West Indian Manatee (*Trichechus manatus*), American chaffseed (*Schwalbea americana*), Seabeach amaranth (*Amaranthus pumilus*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), and Loggerhead sea turtle (*Caretta caretta*) 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.

Cultural Resources

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 Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially 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. This public notice serves as a request for concurrence 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.

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.

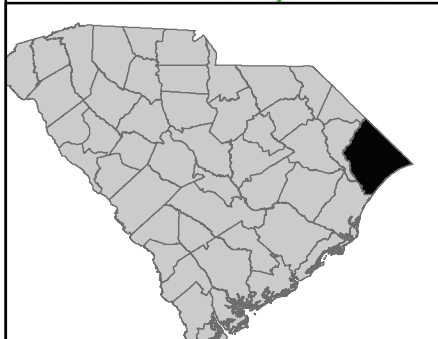
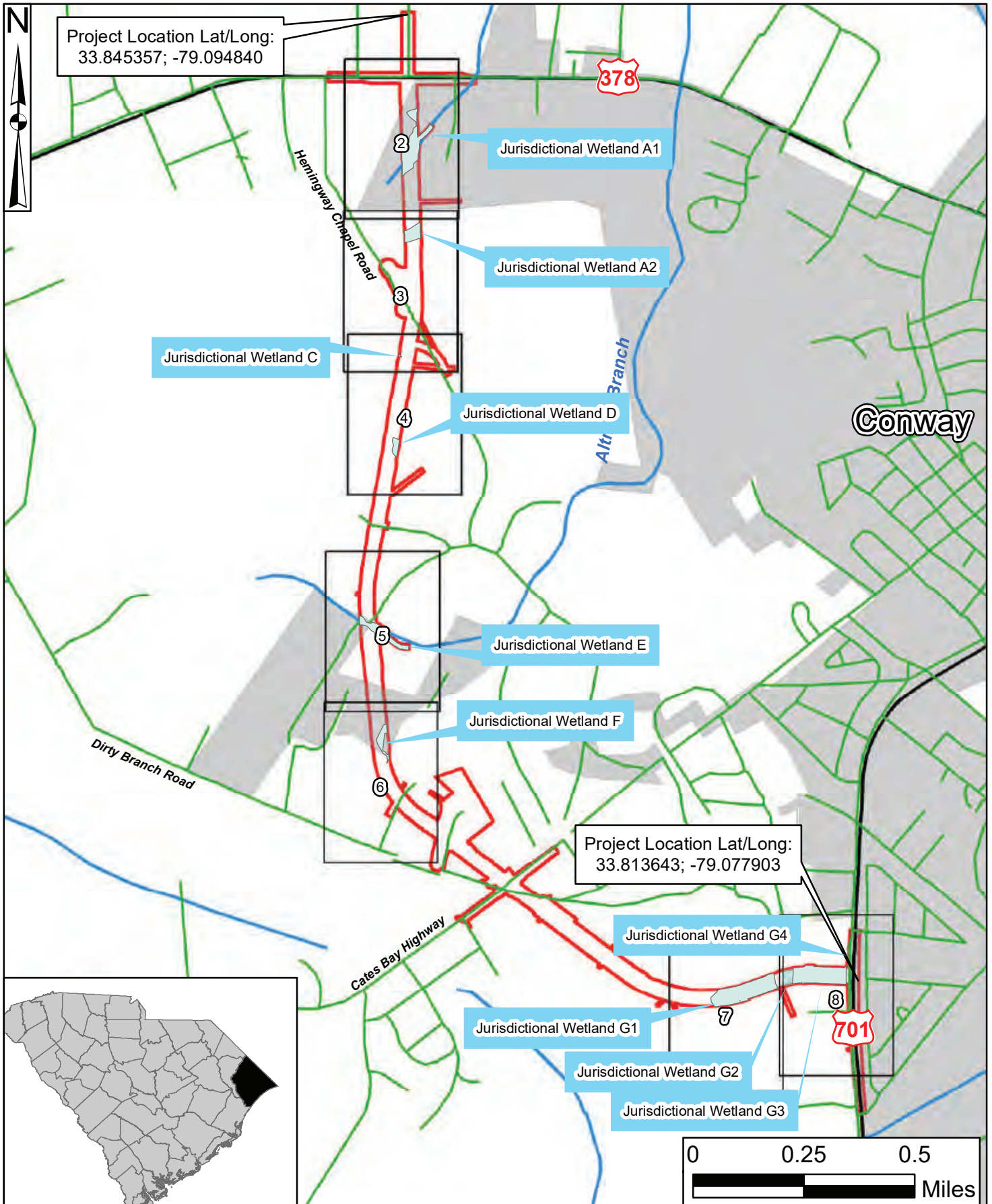
Solicitation of Public Comment

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-2022-00702), to SAC.RD.Conway@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526**

If there are any questions concerning this public notice, please contact Ann Eaddy, Project Manager, at (843) 365-4239 or by email at Ann.W.Eaddy@usace.army.mil.

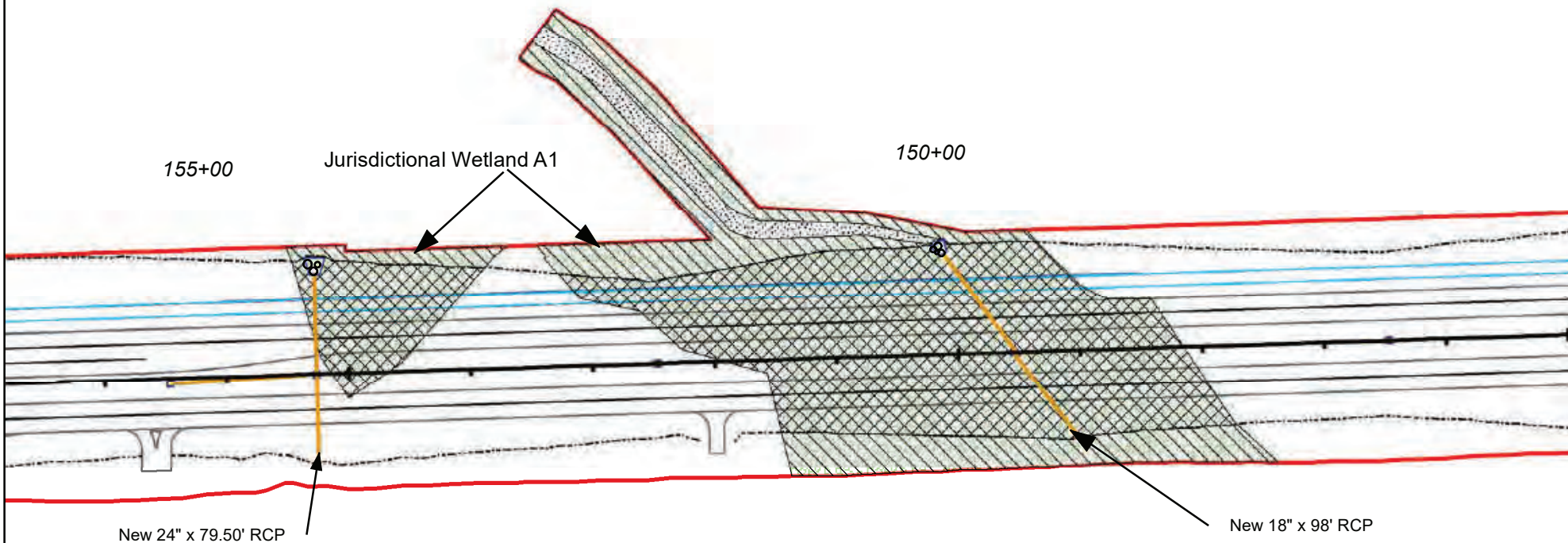


Legend

- US Route
- Streams
- SC Roads
- Project Study Area (99.51 Acres)

Horry County Ride III
 Conway Perimeter Road Phase II
 November 2022
 SCDOT Project ID: P031826
 USACE SAC-2022-00702

SAC-2022-00702
Conway Perimeter Road Phase II
Horry County, South Carolina
Sheet 1 of 8



PLANS NOT FOR CONSTRUCTION

Impacts This Sheet

Jurisdictional Wetland A1 Fill (Roadway) - 1.52 Acres

Jurisdictional Wetland A1 Fill (Rip rap) - 0.01 Acres

Jurisdictional Wetland A1 Clearing - 0.68 Acres

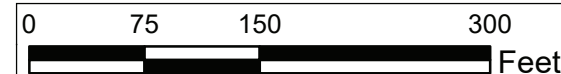
Jurisdictional Wetland A1 Excavation - 0.12 Acres

SAC-2022-00702

Conway Perimeter Road Phase II

Horry County, South Carolina

Sheet 2 of 8



Legend

— Edge of Pavement	Rip Rap Fill	Wetland Excavation
— Lane Line	Wetland Fill	
- - - Fill Limits	Wetland Clear	
— Sidewalk	Wetland	
— Pipe	Project Study Area (99.51 Acres)	

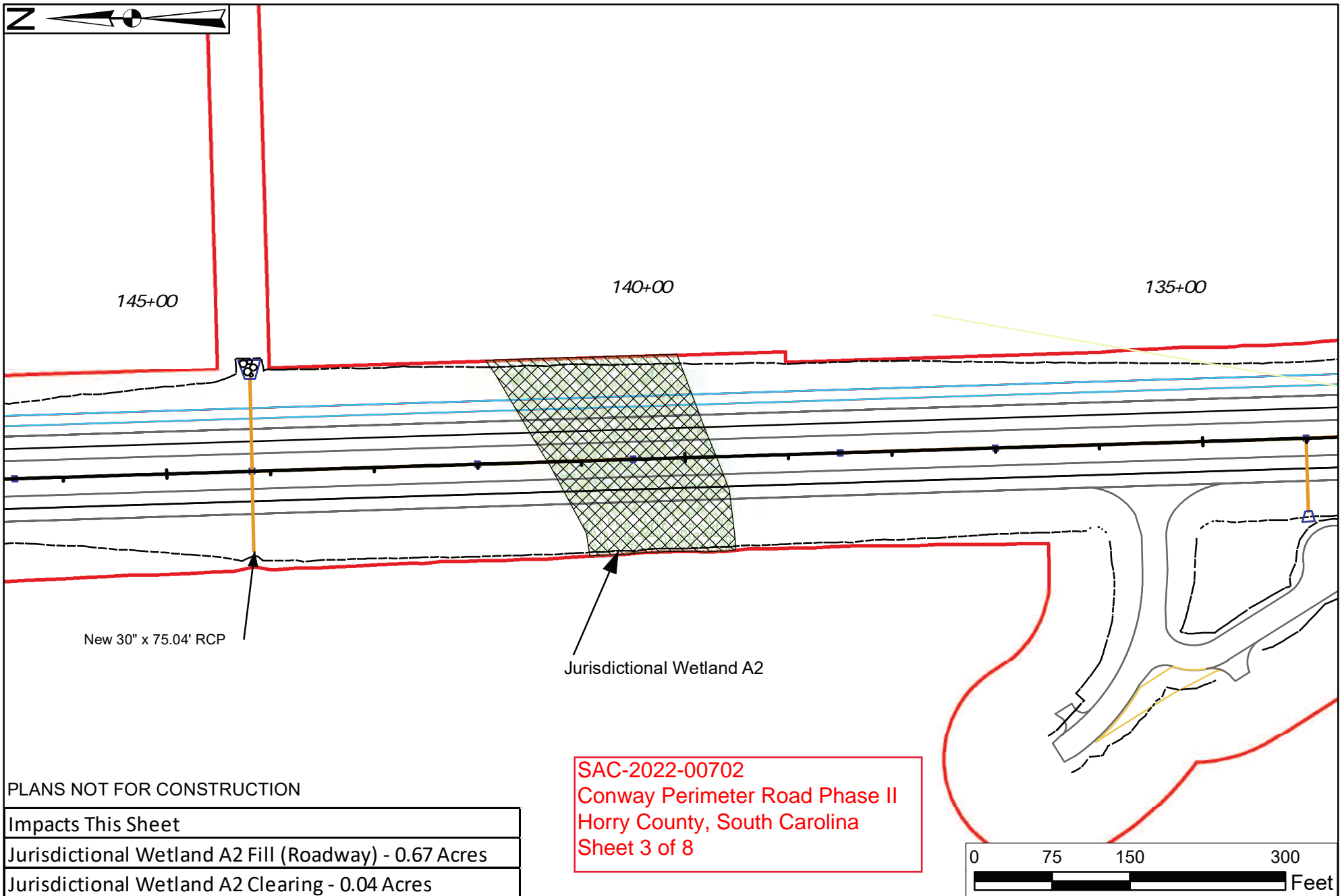
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1	11/11/2022	RHH	Original
Rev. No.	Date	By	Description of Revision

SCDOT PIN: P031826
USACE SAC: 2022-00702



Horry County Ride III
Conway Perimeter Road Phase II

WATERS OF THE U.S. IMPACTS SHT. 2 OF 8



PLANS NOT FOR CONSTRUCTION

Impacts This Sheet

Jurisdictional Wetland A2 Fill (Roadway) - 0.67 Acres

Jurisdictional Wetland A2 Clearing - 0.04 Acres

SAC-2022-00702
Conway Perimeter Road Phase II
Horry County, South Carolina
Sheet 3 of 8

- Legend**
- Edge of Pavement
 - Lane Line
 - - - Fill Limits
 - Sidewalk
 - Pipe
 - Rip Rap Fill
 - Wetland Fill
 - Wetland Clear
 - Wetland
 - Project Study Area (99.51 Acres)

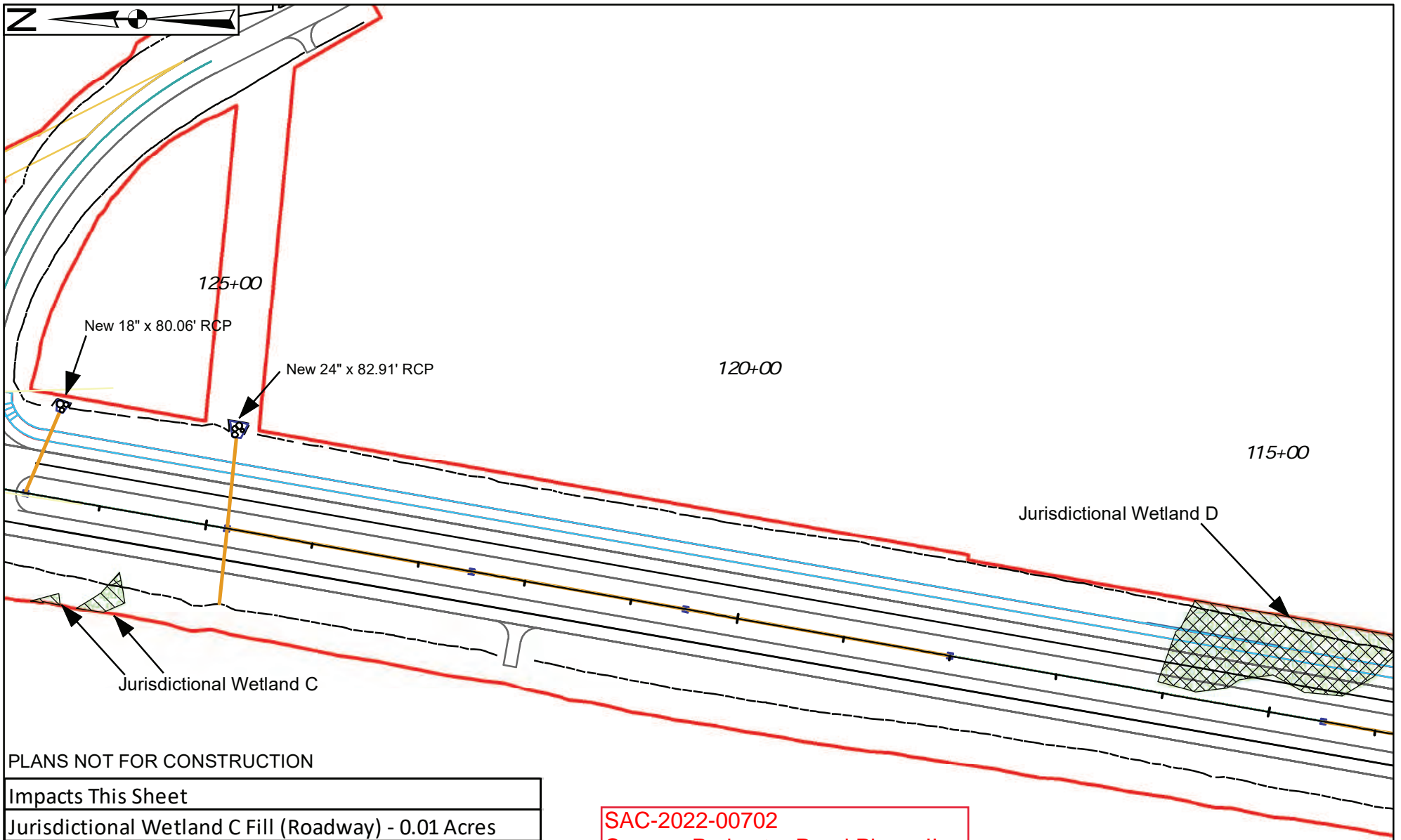
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Rev. No.	Date	By	Description of Revision

SCDOT PIN: P031826
 USACE SAC: 2022-00702



Horry County Ride III
 Conway Perimeter Road Phase II

WATERS OF THE U.S. IMPACTS SHT. 3 OF 8



PLANS NOT FOR CONSTRUCTION

Impacts This Sheet

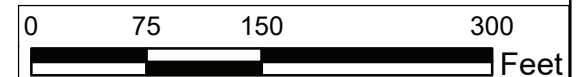
Jurisdictional Wetland C Fill (Roadway) - 0.01 Acres

Jurisdictional Wetland C Clearing - 0.01 Acres

Jurisdictional Wetland D Fill (Roadway) - 0.25 Acres

Jurisdictional Wetland D Clearing - 0.04 Acres

SAC-2022-00702
Conway Perimeter Road Phase II
Horry County, South Carolina
Sheet 4 of 8



Legend

— Edge of Pavement
 — Lane Line
 - - - Fill Limits
 — Sidewalk
 — Pipe



Rip Rap Fill



Wetland Fill



Wetland Clear



Wetland

Project Study Area (99.51 Acres)

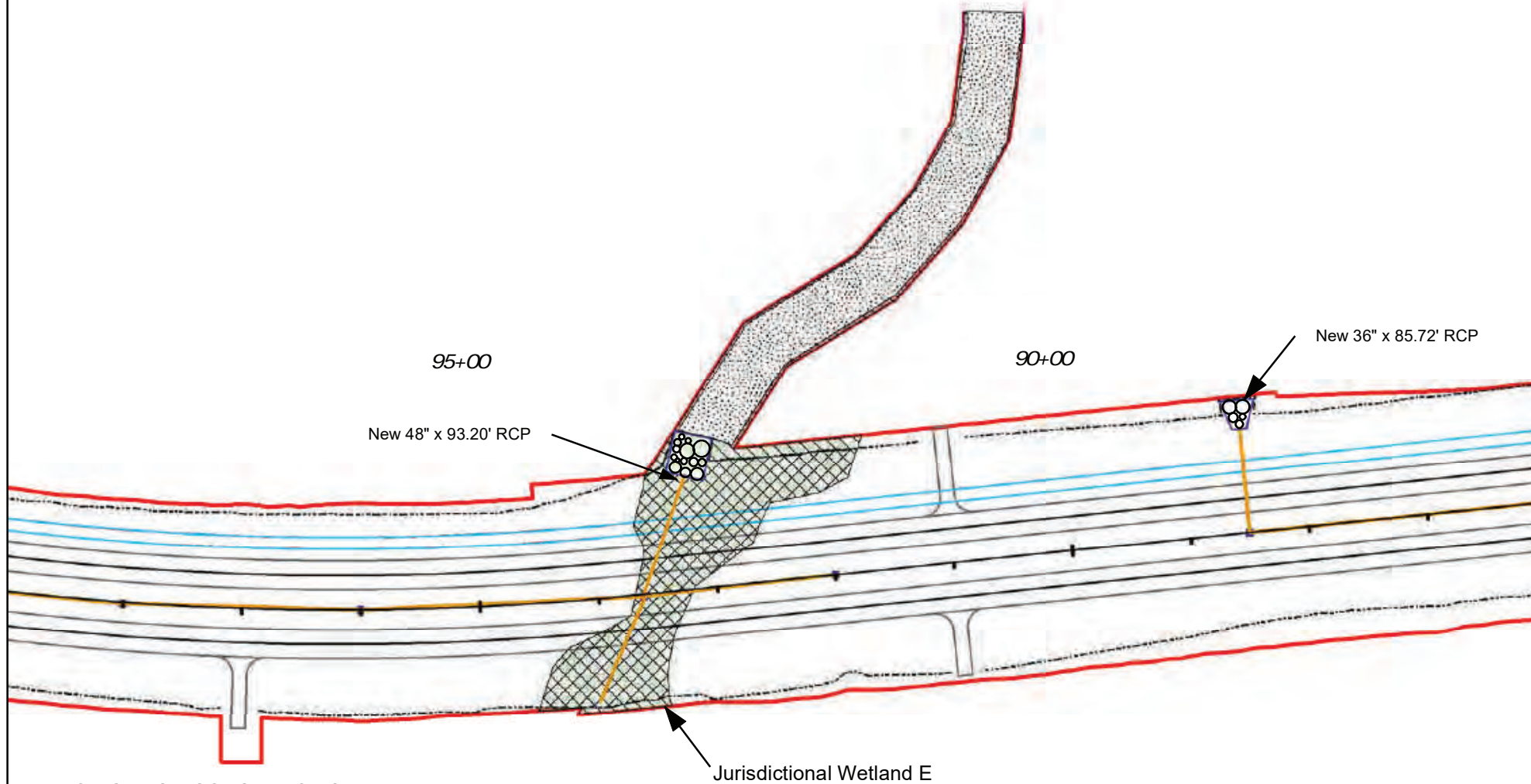
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Rev. No.	Date	By	Description of Revision

SCDOT PIN: P031826
 USACE SAC: 2022-00702



Horry County Ride III
 Conway Perimeter Road Phase II

WATERS OF THE U.S. IMPACTS SHT. 4 OF 8



PLANS NOT FOR CONSTRUCTION

Impacts This Sheet

Jurisdictional Wetland E Fill (Roadway) - 0.44 Acres

Jurisdictional Wetland E Fill (Rip rap) - 0.02 Acres

Jurisdictional Wetland E Clearing - 0.10 Acres

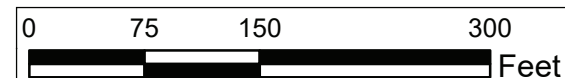
Jurisdictional Wetland E Excavation 0.47 Acres

SAC-2022-00702

Conway Perimeter Road Phase II

Horry County, South Carolina

Sheet 5 of 8



Legend

— Edge of Pavement
— Lane Line
- - - Fill Limits
— Sidewalk
— Pipe



Wetland Excavation

Project Study Area (99.51 Acres)

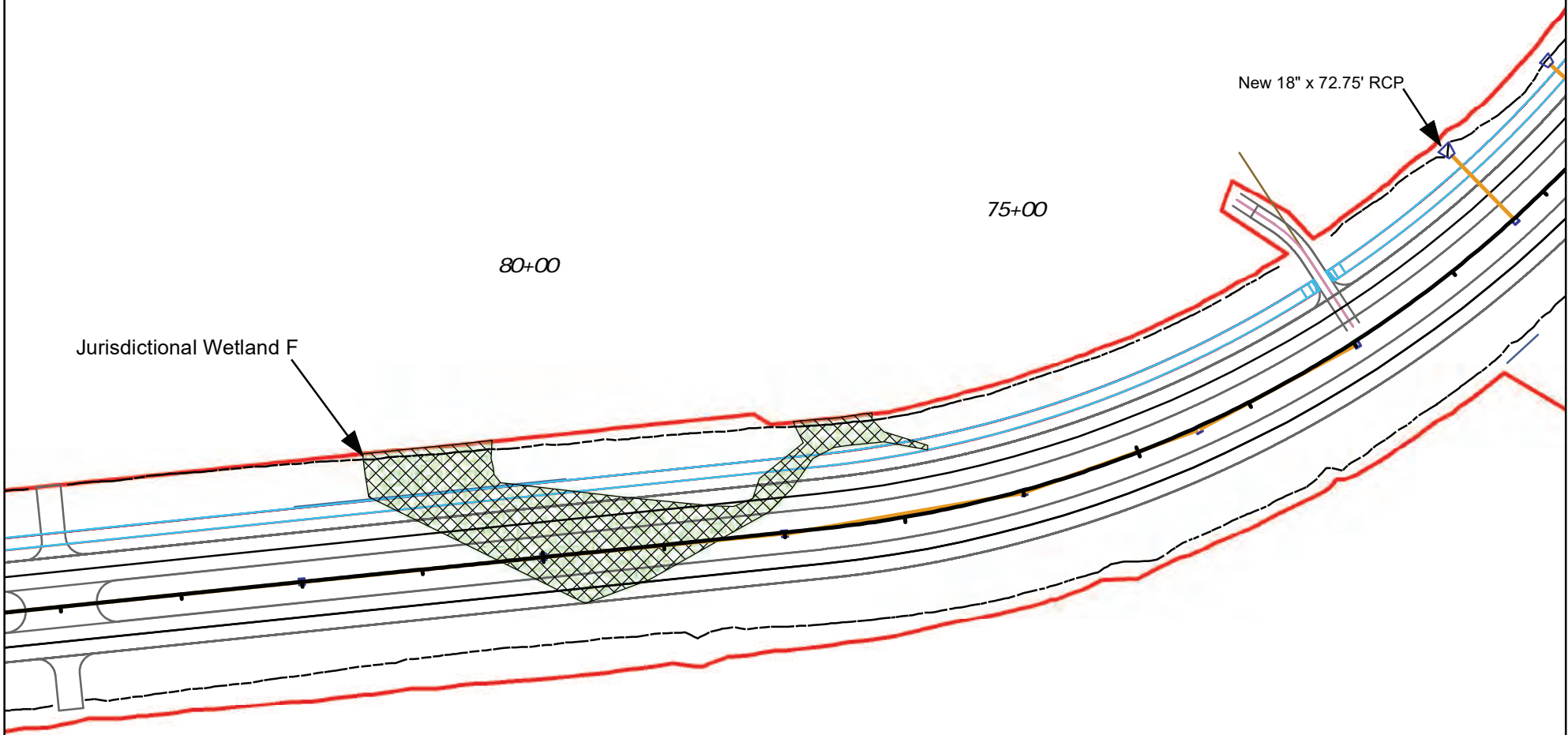
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Rev. No.	Date	By	Description of Revision

SCDOT PIN: P031826
USACE SAC-2022-00702



Horry County Ride III
Conway Perimeter Road Phase II

WATERS OF THE U.S. IMPACTS SHT. 5 OF 8



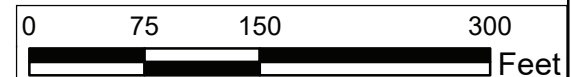
PLANS NOT FOR CONSTRUCTION

Impacts This Sheet

Jurisdictional Wetland F Fill (Roadway) - 0.51 Acres

Jurisdictional Wetland F Clearing - 0.02 Acres

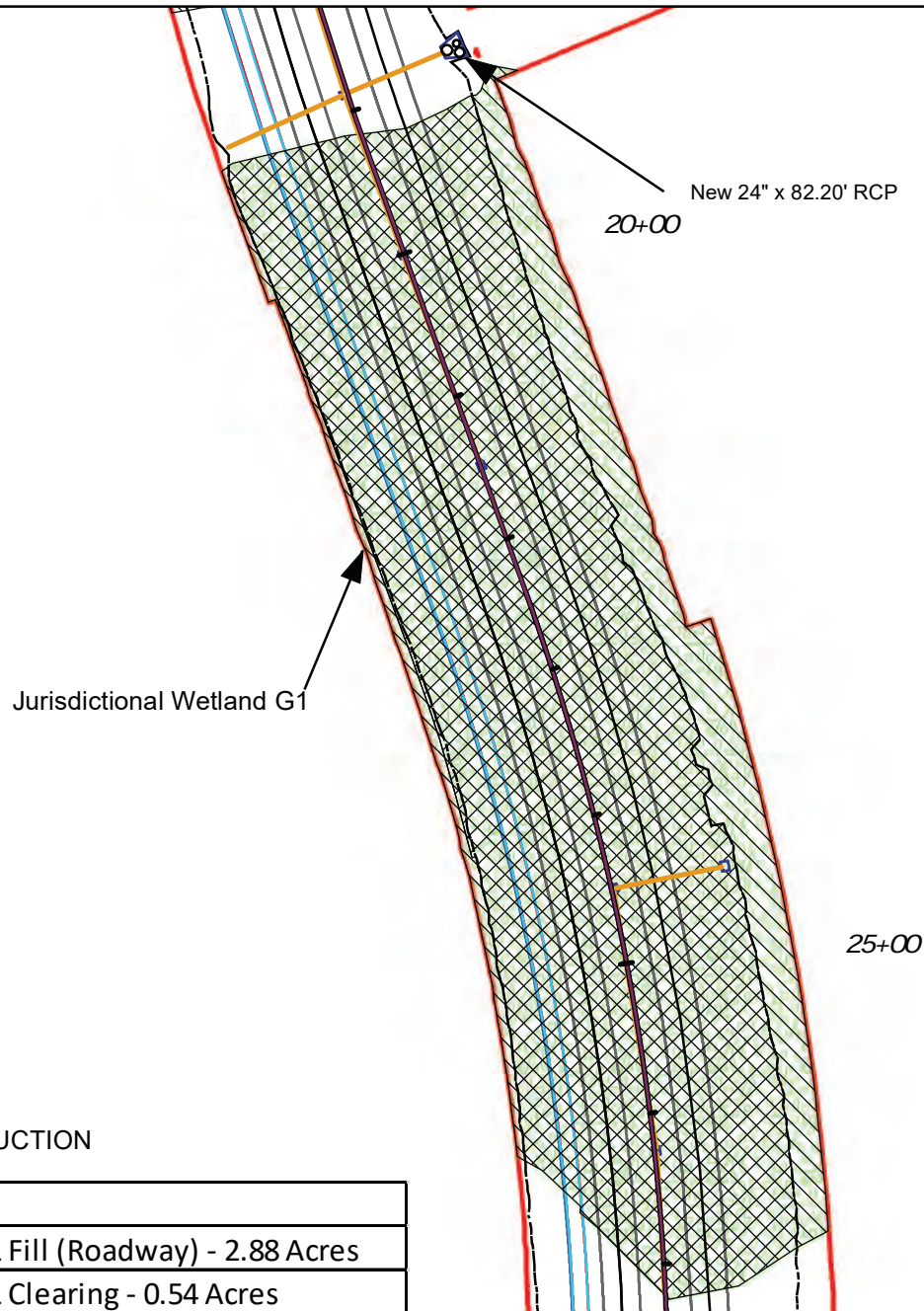
SAC-2022-00702
Conway Perimeter Road Phase II
Horry County, South Carolina
Sheet 6 of 8



Legend	
	Edge of Pavement
	Lane Line
	Fill Limits
	Sidewalk
	Pipe
	Rip Rap Fill
	Wetland Fill
	Wetland Clear
	Wetland
	Project Study Area (99.51 Acres)

2			
1	11/11/2022	RHH	Original
Rev. No.	Date	By	Description of Revision
SCDOT PIN: P031826 USACE SAC-2022-00702			

Horry County Ride III Conway Perimeter Road Phase II	
WATERS OF THE U.S. IMPACTS SHT. 6 OF 8	



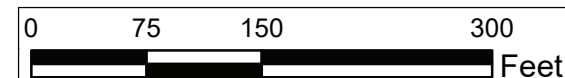
SAC-2022-00702
Conway Perimeter Road Phase II
Horry County, South Carolina
Sheet 7 of 8

PLANS NOT FOR CONSTRUCTION

Impacts This Sheet

Jurisdictional Wetland G1 Fill (Roadway) - 2.88 Acres

Jurisdictional Wetland G1 Clearing - 0.54 Acres



Legend

— Edge of Pavement
— Lane Line
- - - Fill Limits
— Sidewalk
— Pipe



Rip Rap Fill



Wetland Fill



Wetland Clear



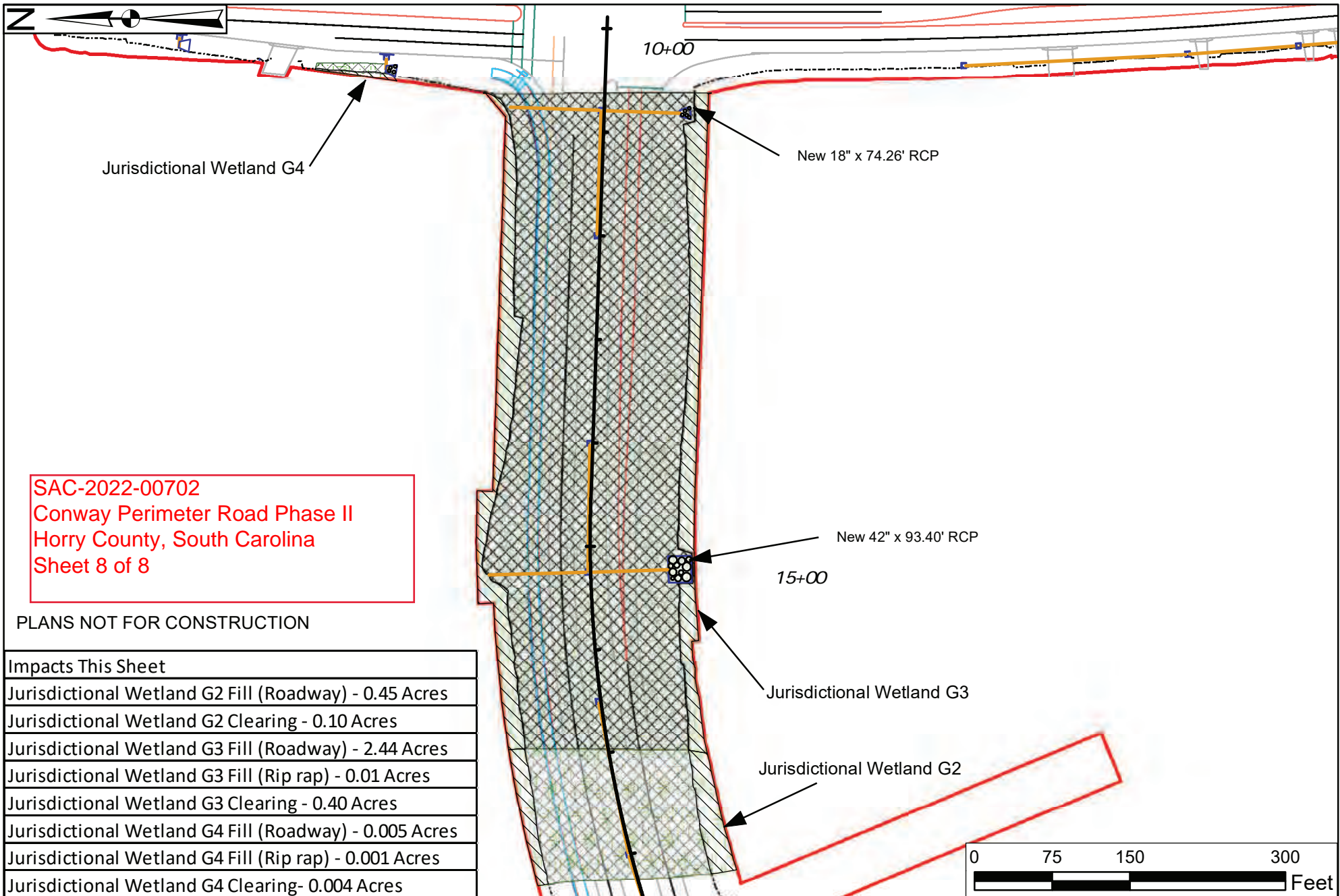
Wetland



Project Study Area (99.51 Acres)

2			
1	11/11/2022	RHH	Original
Rev. No.	Date	By	Description of Revision
SCDOT PIN: P031826			
USACE SAC-2022-00702			

 South Carolina Department of Transportation	
Horry County Ride III Conway Perimeter Road Phase II	
WATERS OF THE U.S. IMPACTS SHT. 7 OF 8	



SAC-2022-00702
 Conway Perimeter Road Phase II
 Horry County, South Carolina
 Sheet 8 of 8

PLANS NOT FOR CONSTRUCTION

Impacts This Sheet
Jurisdictional Wetland G2 Fill (Roadway) - 0.45 Acres
Jurisdictional Wetland G2 Clearing - 0.10 Acres
Jurisdictional Wetland G3 Fill (Roadway) - 2.44 Acres
Jurisdictional Wetland G3 Fill (Rip rap) - 0.01 Acres
Jurisdictional Wetland G3 Clearing - 0.40 Acres
Jurisdictional Wetland G4 Fill (Roadway) - 0.005 Acres
Jurisdictional Wetland G4 Fill (Rip rap) - 0.001 Acres
Jurisdictional Wetland G4 Clearing- 0.004 Acres

Legend	
— Edge of Pavement	Rip Rap Fill
— Lane Line	Wetland Fill
- - - Fill Limits	Wetland Clear
— Sidewalk	Wetland
— Pipe	Project Study Area (99.51 Acres)

2			
1	11/11/2022	RHH	Original
Rev. No.	Date	By	Description of Revision

SCDOT PIN: P031826
 USACE SAC-2022-00702



Horry County Ride III
 Conway Perimeter Road Phase II
 WATERS OF THE U.S. IMPACTS SHT. 8 OF 8