

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, SC 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: P/N SAC-2011-00480

February 9, 2018

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 South Carolina Department of Health and Environmental Control by

South Carolina Department of Transportation
Ms. Siobhan Gordon
P.O. Box 191
Columbia, South Carolina 29202-0191

to discharge fill material into the

Broad River

at a location on the Broad River directly adjacent to the existing SC-9 bridge across the Broad River, just east of the Town of Lockhart in Union and Chester Counties, South Carolina (Latitude: 34.787359 °N, Longitude: -81.456111 °W), Lockhart, SC 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

15 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.

The proposed work consists of the discharge of fill material into waters of the U.S., specifically the Broad River, in order to construct temporary causeways associated with the construction of the SC-9 Bridge Replacement across Broad River and Lockhart Canal, Union &

Chester Counties (SCDOT PIN 34019 RD01). In detail, the activities in waters of the United States include the placement of two separate temporary rock fill causeways (Causeway A & B) within the Broad River for the construction of the new SC-9 bridge across the Broad River and placement of two separate temporary rock fill causeways (Causeway C & D) in the Broad River to allow for the removal of the existing SC-9 Bridge once the new bridge is constructed and put into use. This project will include a total temporary impact of approximately 206 linear feet, measured parallel to flow of the Broad River and a total of 0.83 acres. Each separate temporary causeway would be removed in its entirety within one year (365 days) from the day of initial placement of fill.

The project purpose is to provide construction access to construct a new SC-9 Bridge and to remove the existing SC-9 Bridge across the Broad River.

Background SCDOT submitted a request on April, 14, 2017, for verification that the construction for the temporary causeways would meet the terms and conditions of Nationwide Permit 33 (NWP-33, Temporary Construction, Access and Dewatering). SCDOT indicated in the Pre-construction Notification (PCN) the causeways placement would be sequential, with no more than two causeways in the Broad River at one time, and with no single causeway remaining in place for more than 180 days. As part of the NWP-33, SCDOT was required to report when the causeways were placed, track duration of the placement (not to exceed 180 days), remove all placed rock materials, and provide a report documenting that all these actions had occurred. Along with the NWP-33, SCDHEC issued a permit for Construction in Navigable Waters (authorization SC 17-011) on June 23, 2017. This permit has an expiration date of June 23, 2020.

After the causeways (Causeways A & B) were placed for the construction of the new bridge, the contractor began drilling bedrock for the placement of the new bridge supports. It was during this activity that the contractor and SCDOT determined that their estimates on duration of time needed for the construction of these bridge supports had been underestimated and would not be completed within 180 days. At that time SCDOT requested that the contractor provide a re-assessment of the duration of time required to complete construction and began to prepare a Standard Department of Army Permit application for the placement of the temporary rock causeways in the Broad River that included these revised timeframes. The Corps received a Standard Permit application from SCDOT for this project on January 29, 2018.

Based upon the information included in this permit application, SCDOT has not changed the proposed purpose, location or configuration of the temporary rock causeways, but is requesting that each causeway be authorized to be in place, but has requested that each causeway will be allowed to remain in place for no more than one year (365 days).

Avoidance and Minimization SCDOT has considered avoidance and minimization in the design of the bridge replacement project. There will be no permanent fill placed in waters of the U.S.: however, temporary impacts are required for the construction of the new bridge and the demolition of the existing bridge. SCDOT indicates that the use of submerged causeways, temporary trestles and barges were not selected due to costs, logistical and safety concerns with placement and use of large/heavy equipment on these options, and the need for extensive morphological alterations to the Broad River needed to use these options. Specifically, SCDOT indicated that the use of submerged causeways, barges or trestles at this location would involve extensive site preparation work in the Broad River. This would occur from the removal of large pieces of bedrock, drilling into bedrock bottom, placement of anchor systems/rock, and altering the bedrock stream bottom by hammering or chiseling to level area utilized for the barges/trestles. Also barges were identified as having potential stability/safety issues related to

the shallow depth of water in the Broad River that would result in some barges floating and some sitting directly on bedrock. Submerged causeways can create safety concerns due to times of higher flow in the Broad River that would have the causeway under water during use. In addition, both the use of barges and trestles were identified as having the highest costs of temporary construction methods identified. There will be no permanent fill impacts to the waters of the U.S. associated with this project.

Mitigation The applicant has proposed to mitigate for impacts to waters of the United States by purchasing a total of 402 stream mitigation credits. SCDOT has calculated the required credits based upon the total linear feet of the impacts to the Broad River as measured parallel to the flow. In addition, once bridge construction/demolition is complete (and within 365 days of each causeway being in place), SCDOT will remove all rock material down to the geotextile fabric and then remove the geotextile in its entirety. Since this project is not proposing to alter the existing bedrock stream channel, the removal of all placed material will restore river bottom to its original condition. In the areas at or above the stream bank where vegetation has been removed for access, SCDOT is proposing to restore these areas with seeding/planting/mulching.

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

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, have been reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act and for compliance with the S. C. Construction in Navigable Waters Permit Program. Specifically, S. C. Department of Health and Environmental Control issued Permit SC 17-011 on June 23, 2017, and is valid until June 23, 2020, associated with the NWP-33 acknowledged by the Corp on June 14, 2017, for the placement of the temporary causeways. The District Engineer will not process this application to a conclusion until a determination that the current authorizations will remain in effect for this purposes of the Department of Army permit. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

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 206 linear feet of a tributary well in-land 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 the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information 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 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 Programmatic Agreement among the Federal Highway Administration (FHWA), the U.S. Army Corps of Engineers, Charleston District (Corps), the South Carolina Department of Transportation (SC DOT), the South Carolina State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) regarding Section 106 implementation for Federal-Aid Transportation Projects in the State of South Carolina, FHWA is the Lead Federal Agency for this undertaking. FHWA has determined that historic properties will be adversely affected by this undertaking. In order to take into account the effects of this undertaking a Memorandum of Agreement (MOA) has been prepared and executed between FHWA, SC DOT, and SHPO. This public notice serves to notify the SHPO that the Corps is aware of the presence of these historic properties, the executed MOA, and the stipulations included in the MOA to mitigate the project's effect. 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 Officer, Tribal Historic Preservation Officers (THPO) and 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 THPO.

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.

February 9, 2018

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:**

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1835 Assembly St., Room 865-B1
Columbia, SC 29201**

If there are any questions concerning this public notice, please contact Stephen A. Brumagin, Project Manager, at (803) 253-3445.

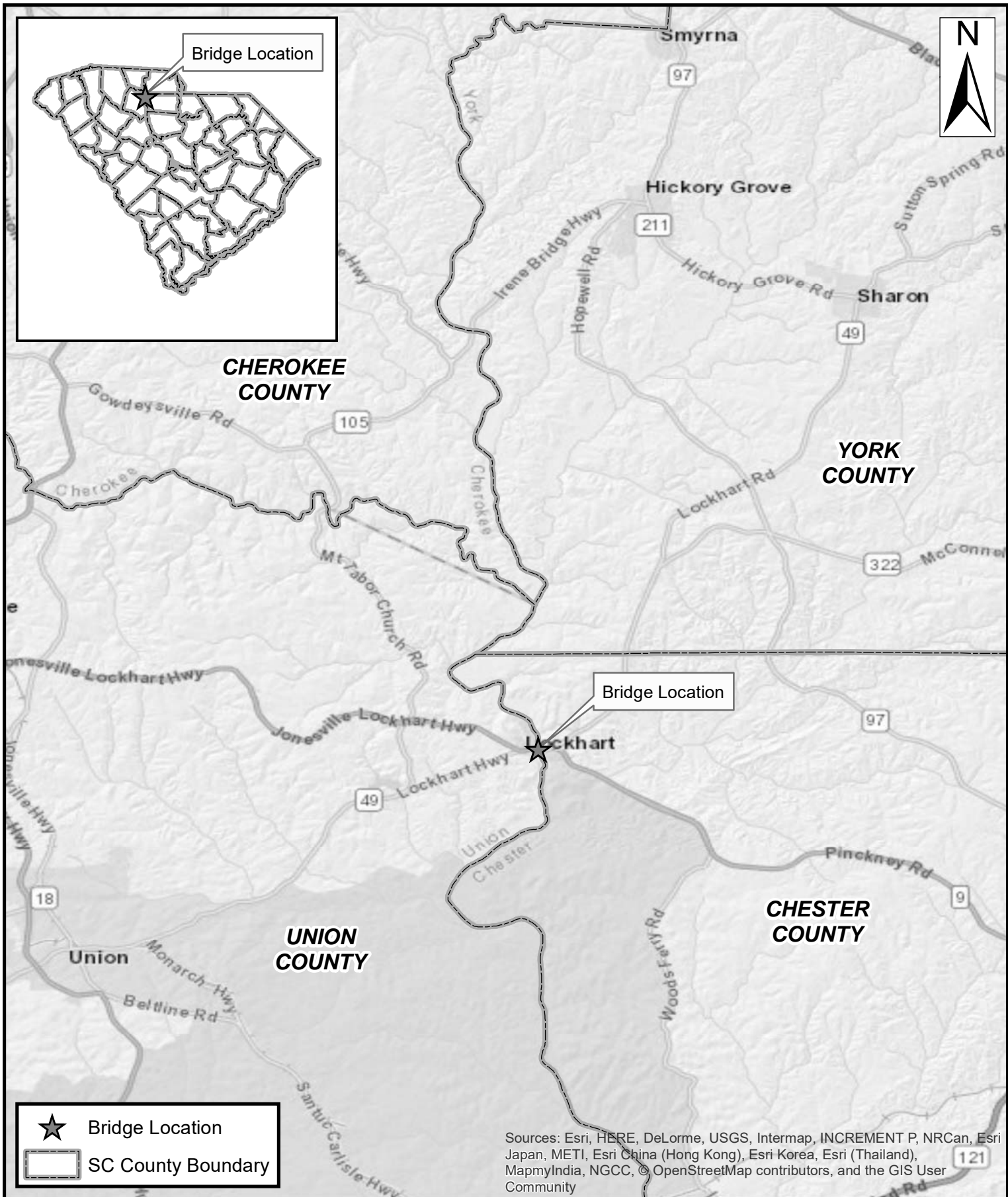
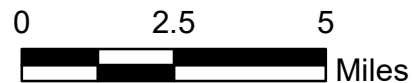


Figure 1 - Location Map
SC-9 / 49 (Jonesville-Lockhart Hwy / Pinckney Rd)
over Broad River
Bridge Replacement
Union and Chester Counties, SC

January 24, 2018





Legend
--- Project Boundary

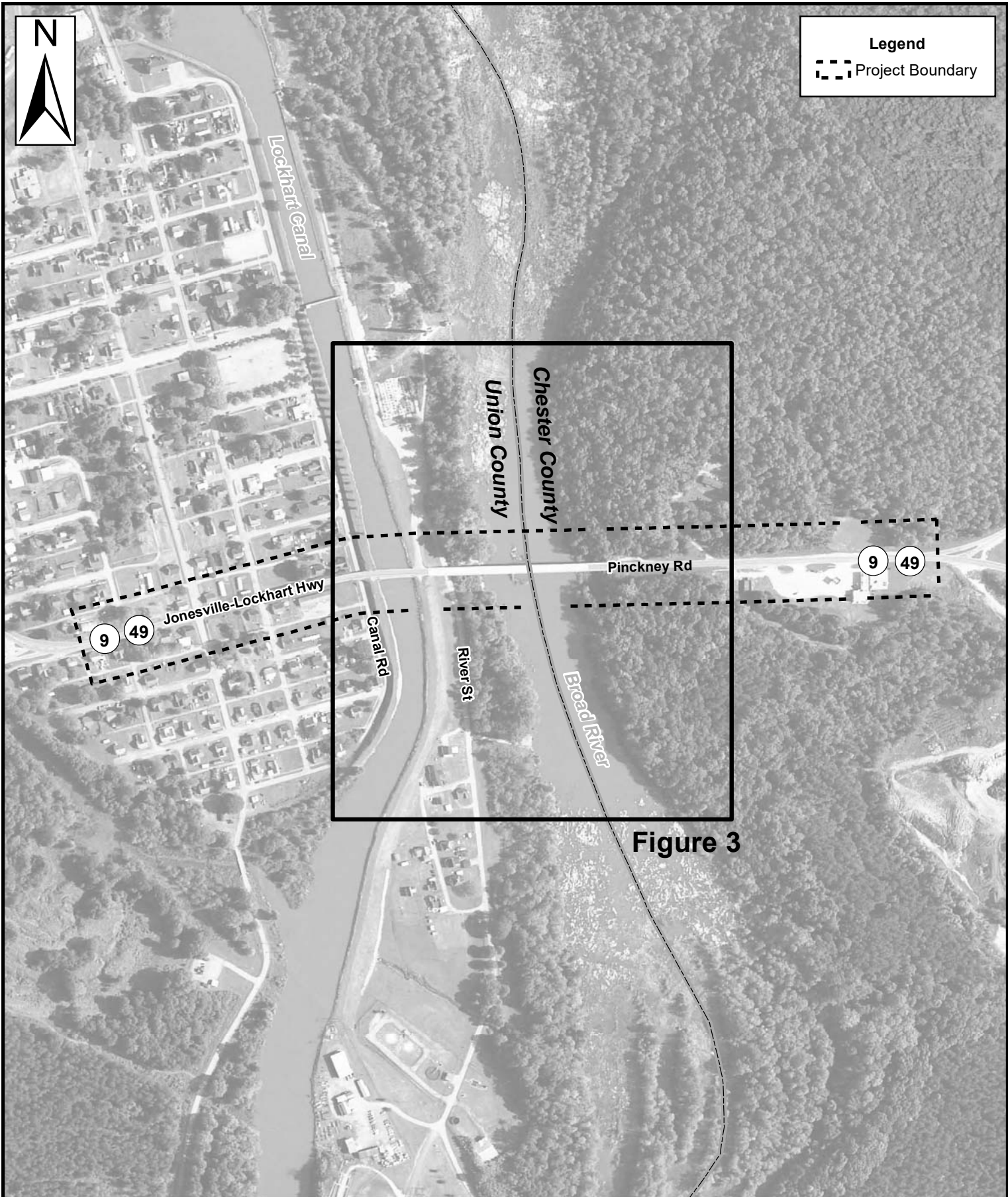


Figure 3



Figure 2 - Project Area Map
SC-9 / 49 (Jonesville-Lockhart Hwy / Pinckney Rd)
over Broad River
Bridge Replacement
Union and Chester Counties, SC

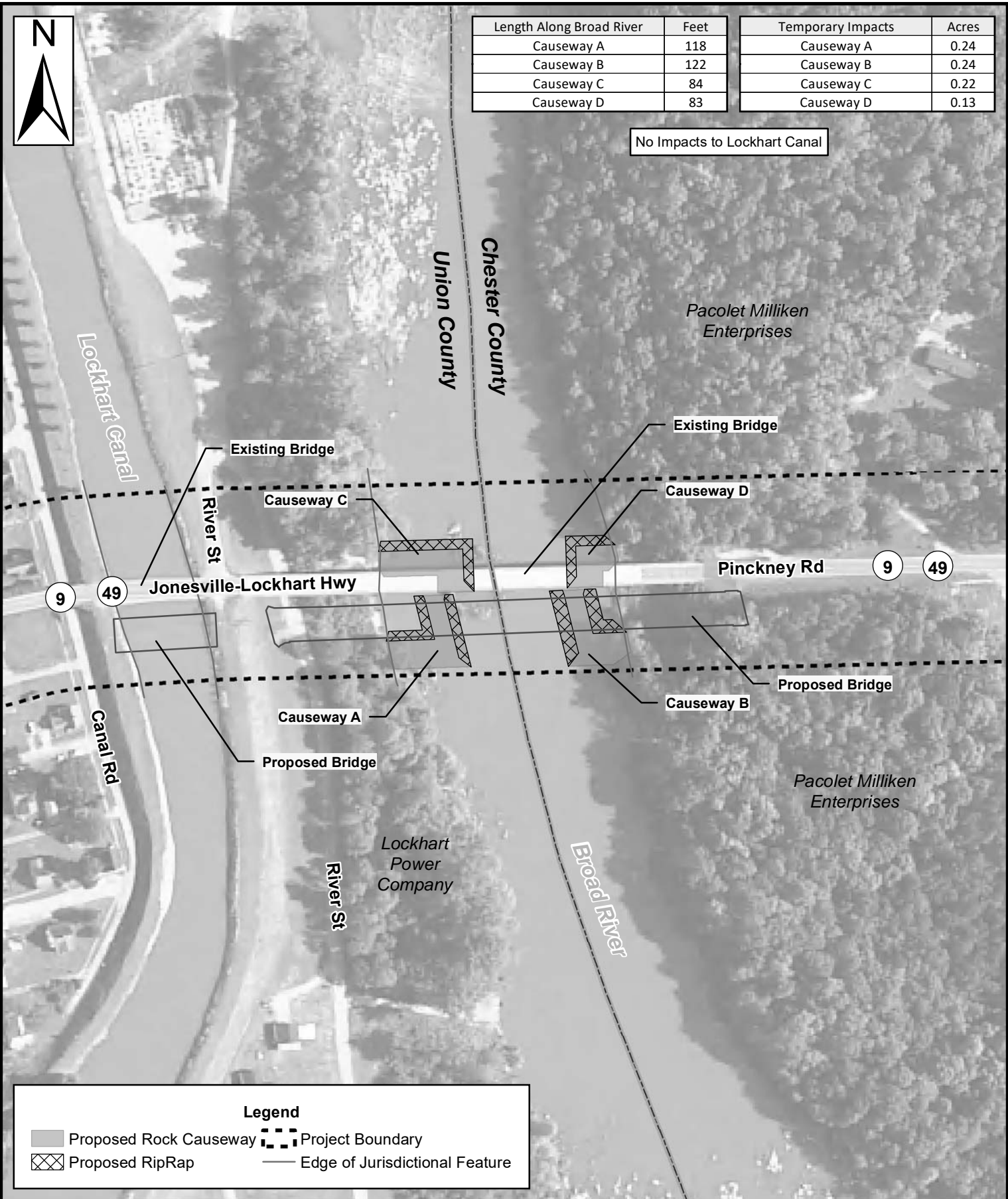
January 24, 2018





Length Along Broad River	Feet	Temporary Impacts	Acres
Causeway A	118	Causeway A	0.24
Causeway B	122	Causeway B	0.24
Causeway C	84	Causeway C	0.22
Causeway D	83	Causeway D	0.13

No Impacts to Lockhart Canal



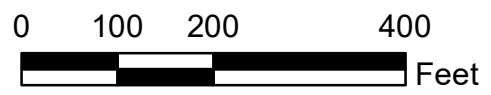
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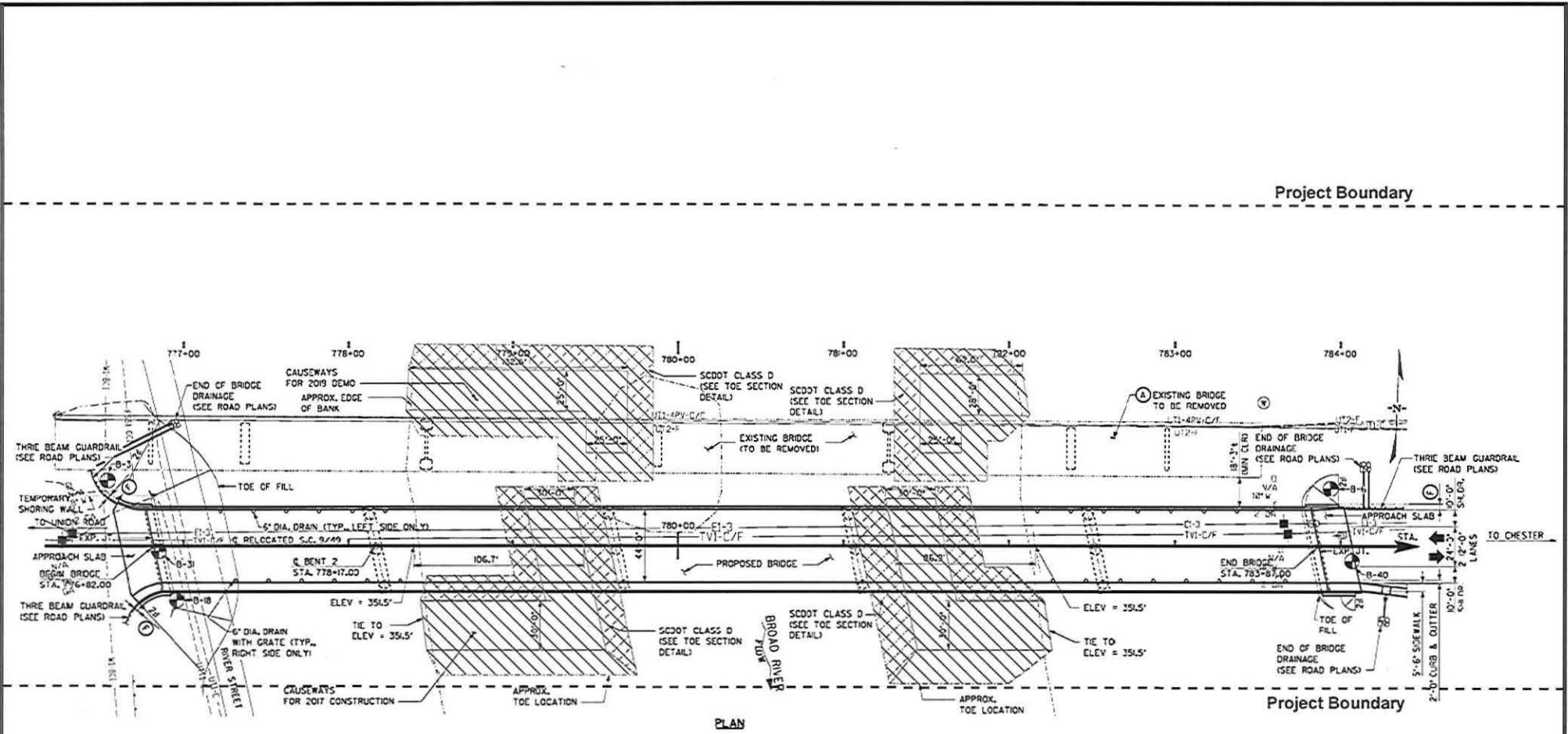
- Proposed Rock Causeway
- Project Boundary
- Proposed RipRap
- Edge of Jurisdictional Feature



Figure 3 - Impacts
SC-9 / 49 (Jonesville-Lockhart Hwy / Pinckney Rd)
over Broad River
Bridge Replacement
Union and Chester Counties, SC

January 24, 2018





Legend



-  SCDOT Class D Riprap Area
-  Proposed Rock Causeway



Figure 4 - Plan View
 SC-9 / 49 (Jonesville-Lockhart Hwy / Pinckney Rd)
 over Broad River
 Bridge Replacement
 Union and Chester Counties, SC

January 24, 2018

