## <u>JOINT</u> 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: P/N SAC-2018-00971

March 8, 2020

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 Government 4401 Privetts Road Conway, South Carolina 29526

for a permit to improve US Highway 701 from SC Highway 319, just north of Conway, South Carolina, for approximately 4.5 miles north to SC Highway 22. The proposed project will require the placement of clean earthen fill and other work in

## **Jurisdictional Freshwater Wetlands and Tributaries**

at a location starting at the intersection of S.C. Highway 319 and terminating just north of the intersection of S.C. Highway 22, in the Homewood Community, Horry County, South Carolina (Latitude: 33.8816°, Longitude: -79.0481°). Adrian Quad.

In order to give all interested parties an opportunity to express their views

## 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 widening U.S. Highway 701 from two (2) to five (5) lanes and the construction of bicycle and pedestrian facilities, including sidewalks and wider travel lanes to support alternate modes of transportation. In detail, a total of 4.27 acres of freshwater wetlands and 2,069 linear feet (LF) of tributaries and jurisdictional ditches will be impacted by the proposed project. Specifically, 1.97 acres of freshwater wetlands will be permanently filled, 1.34 acres of wetlands will be excavated, and 0.96 acre will be mechanized land cleared. Impacts to tributaries, consist of permanent filling 49 LF, permanent piping 251 LF, permanent cut/morphologic impacts 555 LF, and permanent clearing 58 LF. Impacts to jurisdictional ditches include permanent filling 1,156 LF. The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 32.2 wetland credits and 11,335.15 stream credits from the Carter Stilley Wetland and Stream Mitigation bank. The applicant has requested a 25% reduction in the required wetland mitigation (42.9 wetland credits) by protecting the remaining undisturbed wetlands onsite. The requested 25% reduction results in purchasing a total of 32.2 wetland mitigation credits for the associated wetland impacts. The project purpose as stated by the applicant is to increase roadway capacity on US Highway 701 between SC Highway 319 and SC Highway 22 and provide safe pedestrian transportation alternatives such as sidewalks and a shared use roadway.

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

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 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. This Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 4.27 acres of freshwater wetlands and 2,069 LF of tributaries 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.

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 that the project <u>is not likely to adversely affect</u> any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

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)(l)(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.

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 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.

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. When providing comments, please reference the project number and provide written comments to the following address (emailing comments is the preferred method):

SAC.RD.Conway@usace.army.mil

or mail to:

## 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 Rob Huff, Team Lead by email at Robert.C.Huff@usace.army.mil.































































































