

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403
and
THE S.C. DEPARTMENT OF ENVIRONMENTAL SERVICES
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: SAC-2022-01082

November 21, 2024

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), Section 14 of the Rivers and Harbors Act of 1899, and the 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 South Carolina Department of Environmental Services (SCDES) by

Mr. Will McGoldrick
SC Department of Transportation
955 Park Street
Columbia, South Carolina 29210

for a permit to improve the existing I-526 and Long Point Road interchange over/within

an unnamed tributary to Rathall Creek, Hobcaw Creek, and freshwater wetlands

located along I-526, beginning at the Wando River and extending to Hobcaw Creek and along State Route 97, Long Point Road, from the Wando Welch Terminal to State Route 1521, Egypt Road, in Mount Pleasant, Charleston County, South Carolina (Start: Latitude: 32.858103°, Longitude: -79.893458° and End: Latitude: 32.833353°, Longitude: -79.853325°), Charleston 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

15 Days from the Date of this Notice,

and **SCDES** 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

Per the applicant, the purpose of the proposed project is to improve the operations of the I-526/Long Point Road interchange and I-526 mainline and reduce operational conflicts between port-related and local traffic.

Project Description

Per the applicant, the Federal Highways Administration (FHWA) and South Carolina Department of Transportation (SCDOT) are proposing improvements to the I-526 and Long Point Road interchange in the town of Mount Pleasant, South Carolina. The PSA extends along I-526 from the Wando River to Hobcaw Creek, approximately 1 mile north and south of Long Point Road, and along Long Point Road from the Wando Welch Terminal to Egypt Road. This project would improve the operations of the I-526 mainline and its interchange at Long Point Road as well as reduce operational conflicts between port-related and local traffic by modifying the interchange and constructing new ramps to provide access to the Wando Welch Terminal (Wando Port Connector) and associated local roads.

The proposed work consists of placing fill material in 0.33-acre of tidal marsh/critical areas, 3.53 acres of freshwater wetlands, and 1.37 acres of protected freshwater wetlands.

Avoidance and Minimization

The applicant has stated that the proposed project would avoid and/or minimize impacts to the aquatic environment by the following avoidance and minimization measures:

- Aligning roadway improvements along the existing roadways where possible.
- Utilize 2:1 and 3:1 roadway embankment slopes where practicable to minimize the roadway footprint rather than 4:1 or 6:1.
- Maximizing existing bridge lengths (ramps).
- Use of temporary mats, barges, or trestle bridges for construction access to minimize impacts to aquatic resources by reducing the need for the temporary discharge of fill.
- A NPDES permit would be obtained from SCDES and a SWPPP would be developed by the contractor and SCDOT to minimize water quality impacts from runoff during active and post-construction.

- Only clean fill material would be used to construct the new roadway.
- SCDOT would install sediment and erosion control measures consistent with state best management practices during construction to prevent runoff and sedimentation of waters of the United States (WOTUS).
- Staging of equipment and materials would be sited outside of jurisdictional areas.
- Clearing would occur within the existing and proposed right of way.
- Any excavated earthen materials would be stored and disposed of in uplands, not side cast into adjacent wetlands, marshes, or waterways.
- Impacts to hydrology and hydraulics were minimized by sizing pipes and culverts appropriately to maintain connectivity and drainage patterns.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for impacts to WOTUS by purchasing 4.46 tidal/saltmarsh credits, 38.83 freshwater wetland credits, and an additional 15.07 freshwater wetland credits for impacts to protected wetlands from the Palmetto Umbrella Mitigation Bank Big Run Site and/or a Corps-approved mitigation bank.

South Carolina Department of Environmental Services

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, SCDES, 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 (EPA) 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 SCDES. 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 approximately 2.79 acres of estuarine emergent wetlands and palustrine 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 have an adverse impact on EFH, or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD). 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.

As a result of extensive coordination between the FHWA, SCDOT, and NMFS-HCD, by letter dated February 2, 2023, the NMFS-HCD stated it concurred with SCDOT's determination that the proposed project would not result in adverse impacts to EFH and offered no EFH conservation recommendations pursuant to the Magnuson-Stevens Fishery Conservation and Management Act for the proposed improvements to the I-526 Long Point Road Interchange.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the proposed project and based on location and available information, the following threatened and endangered species have the potential to occur in the vicinity of the proposed work: Tri-colored bat (*Perimyotis subflavus*, proposed endangered), West Indian manatee (*Trichechus manatus*), Eastern black Rail (*Laterallus jamaicensis jamaicensis*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Red knot (*Calidris canutus rufa*), Green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), and Monarch butterfly (*Danaus Plexippus*, a candidate species).

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

The project would have **no effect** on the West Indian manatee, Red-cockaded woodpecker, Green sea turtle, Kemp's ridley sea turtle, Leatherback sea turtle, American chaffseed, Canby's dropwort, and Pondberry, nor result in the destruction or adverse modification of designated or proposed critical habitat.

The project is **not likely to adversely affect** the Piping plover, Red knot, and Eastern black rail, nor result in the adverse destruction or modification of designated or proposed critical habitat.

As a result of coordination between the FHWA, SCDOT, and U.S. Fish and Wildlife Service (USFWS), by letter dated September 21, 2022, and email dated August 10, 2023, the USFWS stated it concurred with SCDOT's **not likely to adversely affect** determinations and verified that consultation on the proposed action is complete.

This public notice serves as a request to the USFWS and the NMFS 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 four new above ground resources were identified within the architectural area of potential effect (APE). Additionally, it was determined that two newly identified archaeological sites and 15 previously recorded archaeological sites are also within the APE. Of the sites identified within the APE, one is recommended eligible for the National Register of Historic Places (NRHP).

As a result of coordination between the FHWA, SCDOT, and the State Historic Preservation Office (SHPO), the SHPO concurred with the SCDOT's determination on November 10, 2022, the proposed project would have **no adverse effect** on any of the resources recorded as not eligible. However, it would have an **adverse effect** on the NRHP eligible archaeological site. Subsequently, a Memorandum of Agreement to mitigate for adverse impacts to the eligible site was developed between the FHWA, SCDOT, and SHPO, and executed on January 5, 2023.

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 SHPO 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

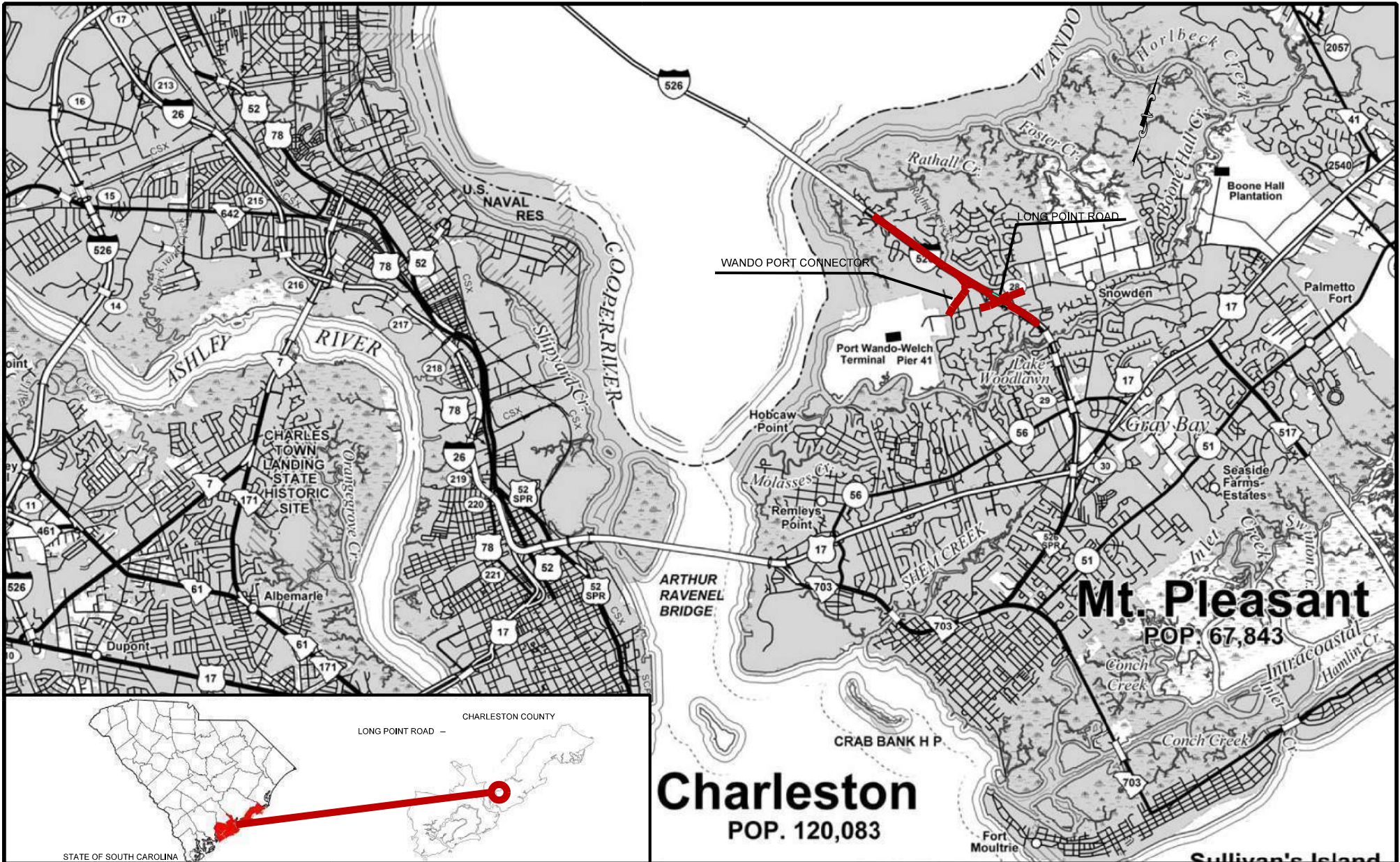
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest and will include application of the guidelines promulgated by the EPA Administrator under authority of Section 404(b) of the Clean 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 questions and comments in writing, identifying the project of interest by public notice/file number (SAC-2022-01082), to ivan.fannin@usace.army.mil or the following address:

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

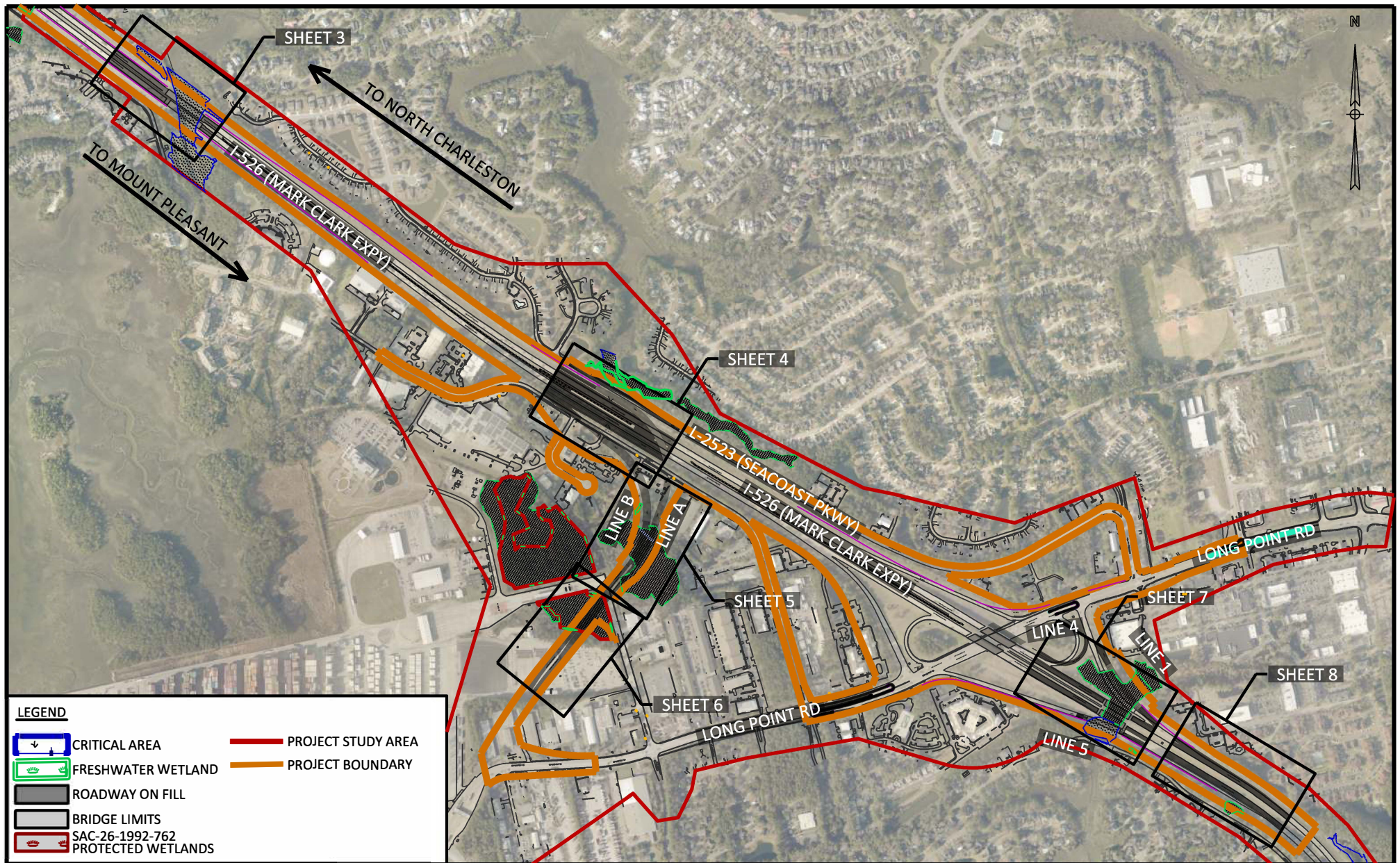


**I-526 AND LONG POINT ROAD
INTERCHANGE IMPROVEMENTS**
 DESIGN DEPICTED FOR PERMITTING PURPOSES, NOT FOR CONSTRUCTION








PIN # P041314
 CHARLESTON
 SOUTH CAROLINA

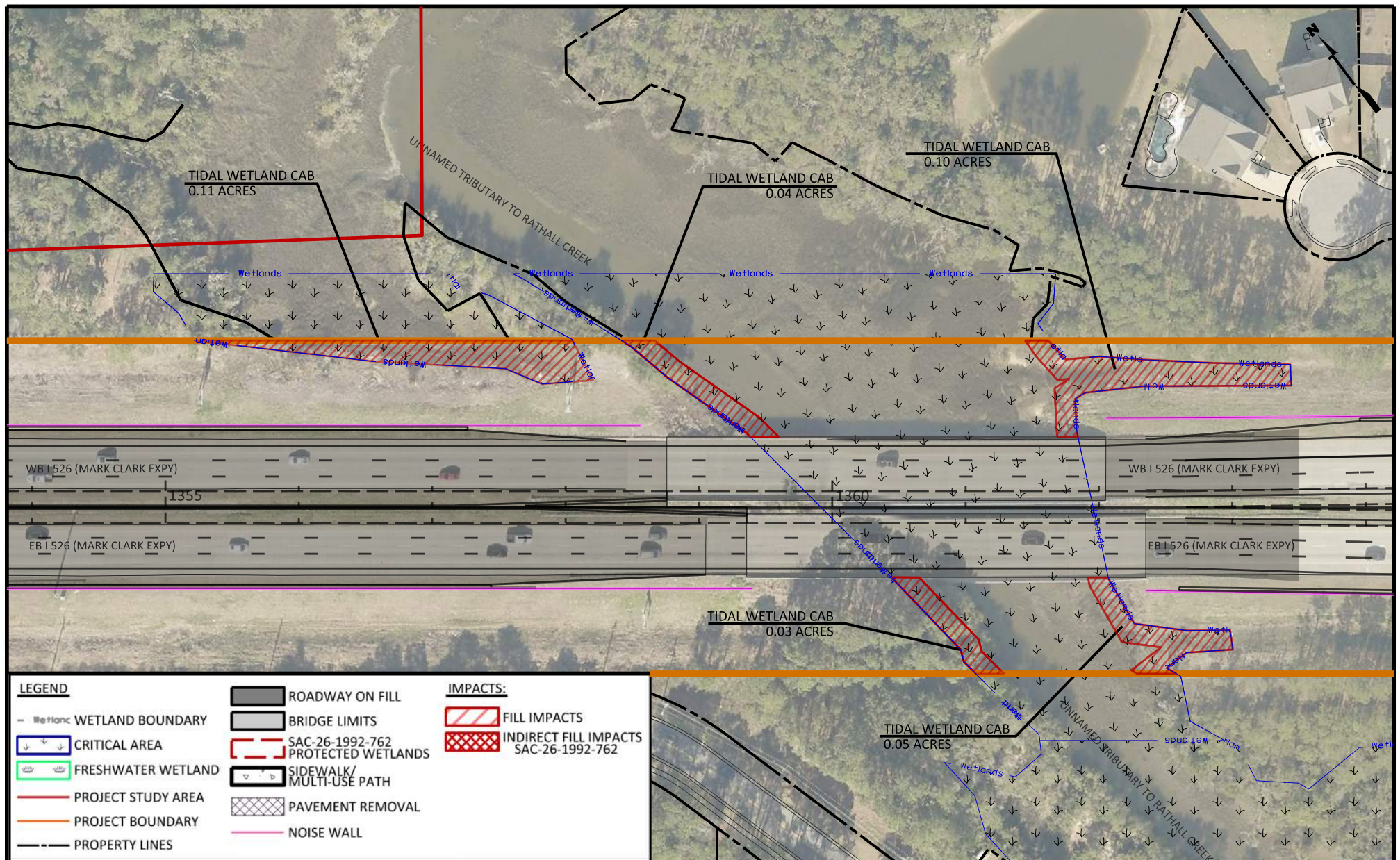
APPLICATION # _____ SAC # 2022-01082
 DATE: 10-28-2024 SHEET NO. 1 OF 10



LEGEND

	CRITICAL AREA		PROJECT STUDY AREA
	FRESHWATER WETLAND		PROJECT BOUNDARY
	ROADWAY ON FILL		
	BRIDGE LIMITS		
	SAC-26-1992-762		
	PROTECTED WETLANDS		

	I-526 AND LONG POINT ROAD INTERCHANGE IMPROVEMENTS		PIN # P041314 MOUNT PLEASANT SOUTH CAROLINA
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	APPLICATION # _____ SAC # 2022-01082		
	DATE: 10-28-2024 SHEET NO. 2 OF 10		

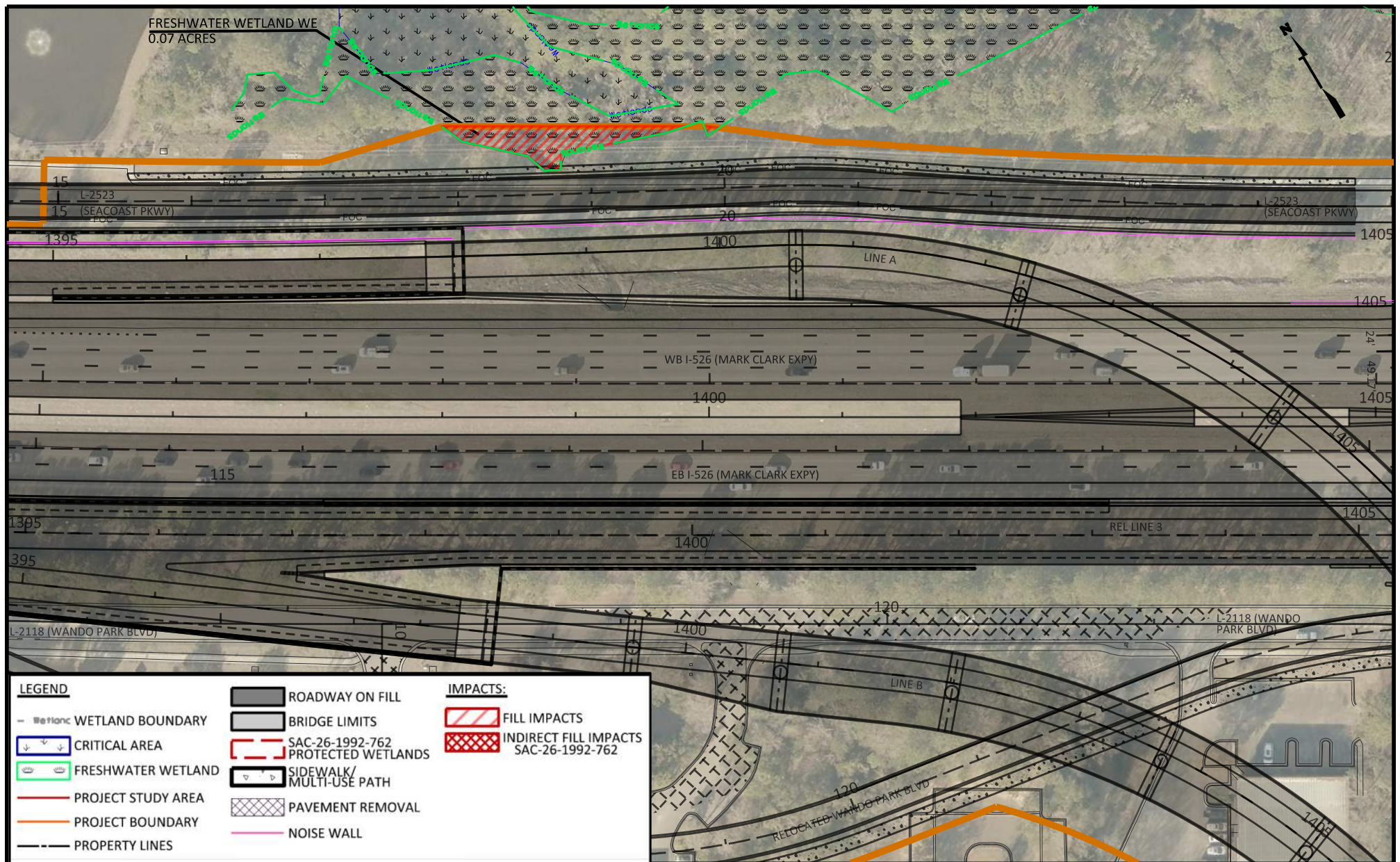


I-526 AND LONG POINT ROAD INTERCHANGE IMPROVEMENTS DESIGN DEPICTED FOR PERMITTING PURPOSES, NOT FOR CONSTRUCTION



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MOUNT PLEASANT
SOUTH CAROLINA

APPLICATION # _____ SAC # 2022-01082
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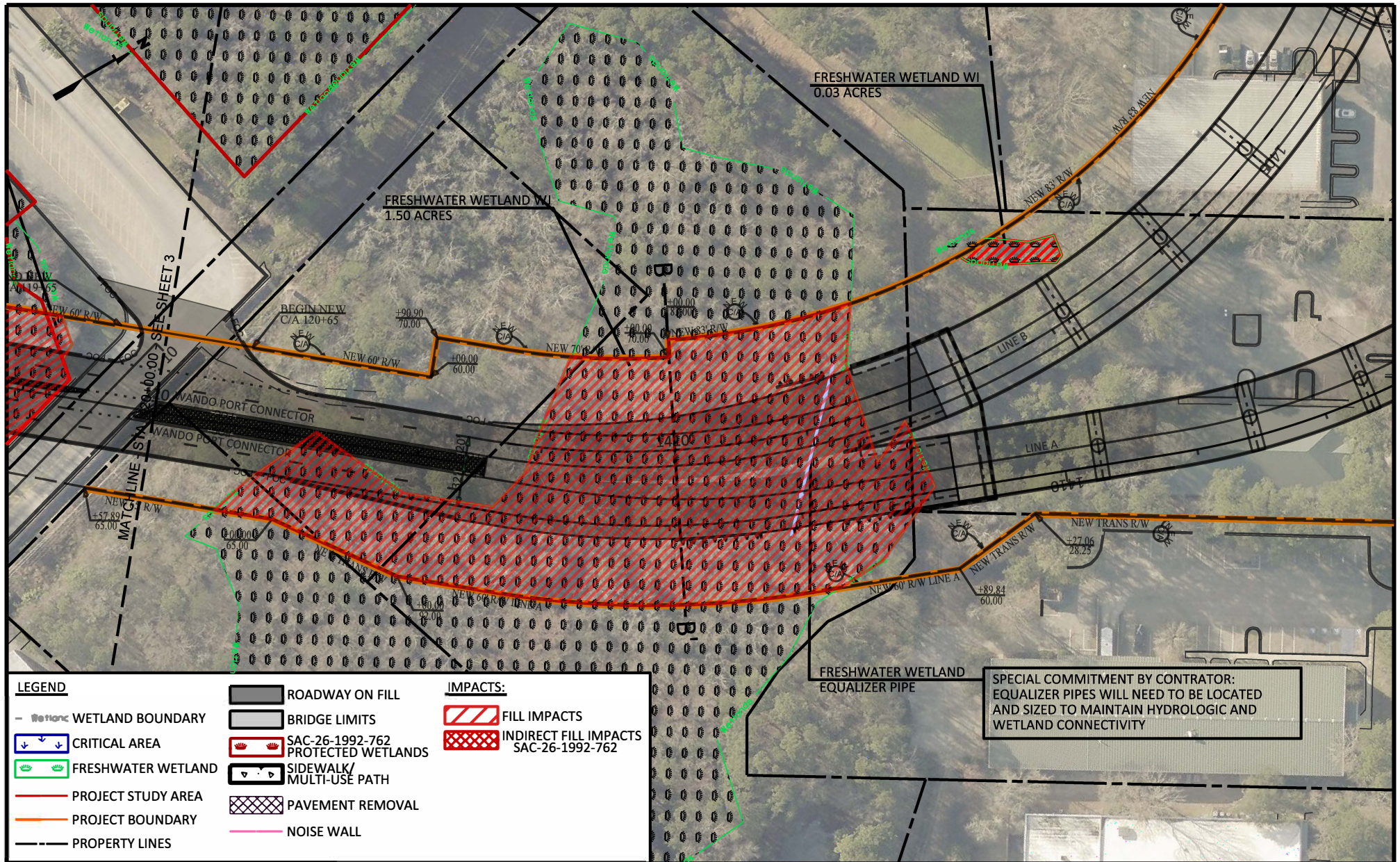
**I-526 AND LONG POINT ROAD
INTERCHANGE IMPROVEMENTS**

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PIN # P041314
MOUNT PLEASANT
SOUTH CAROLINA

APPLICATION # _____ SAC # 2022-01082
DATE: 10-28-2024 SHEET NO. 4 OF 10



LEGEND		IMPACTS:	
	WETLAND BOUNDARY		FILL IMPACTS
	CRITICAL AREA		INDIRECT FILL IMPACTS
	FRESHWATER WETLAND		INDIRECT FILL IMPACTS
	PROJECT STUDY AREA		SAC-26-1992-762
	PROJECT BOUNDARY		PROTECTED WETLANDS
	PROPERTY LINES		SAC-26-1992-762
	ROADWAY ON FILL		SIDEWALK/MULTI-USE PATH
	BRIDGE LIMITS		PAVEMENT REMOVAL
	SAC-26-1992-762		NOISE WALL

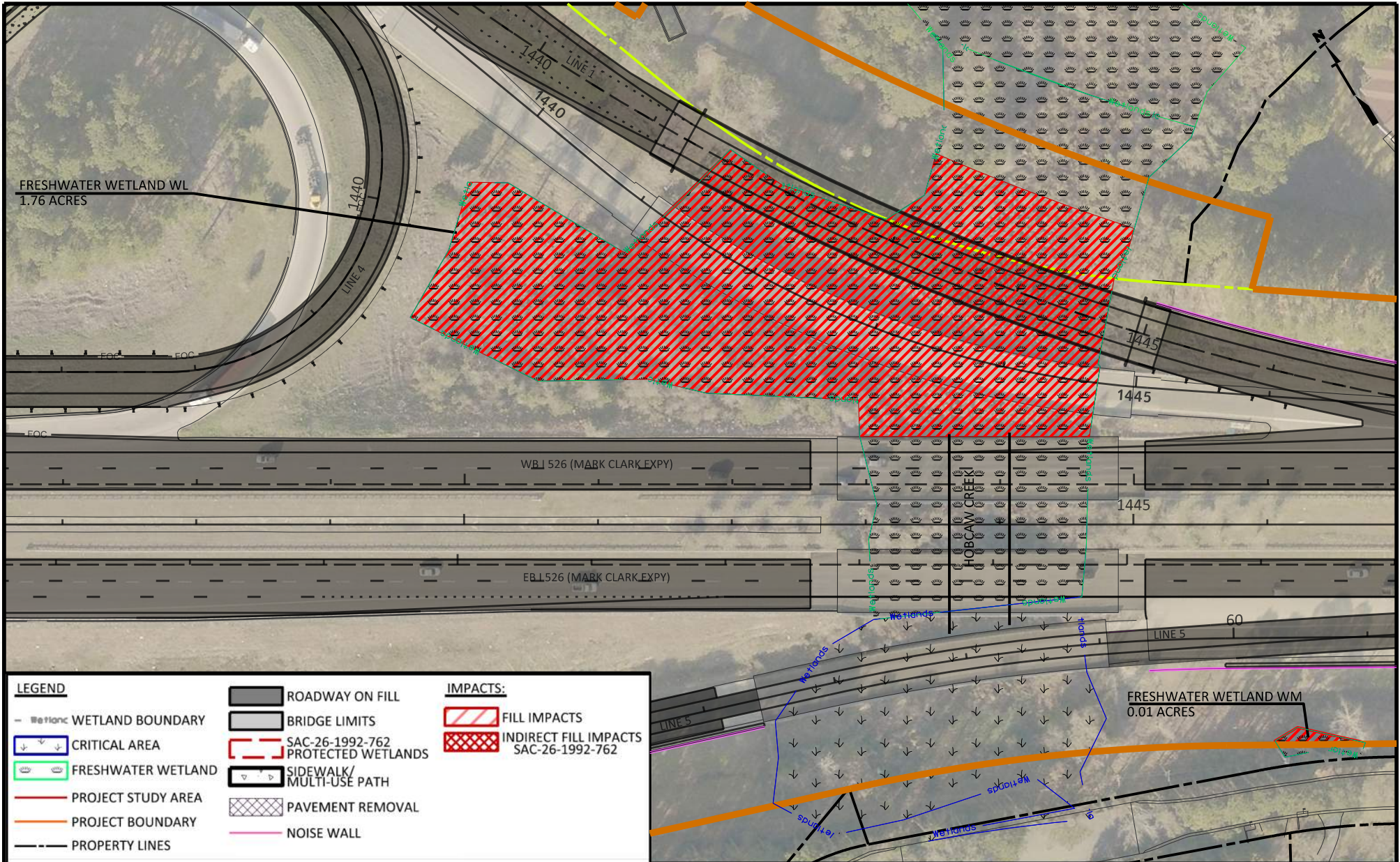
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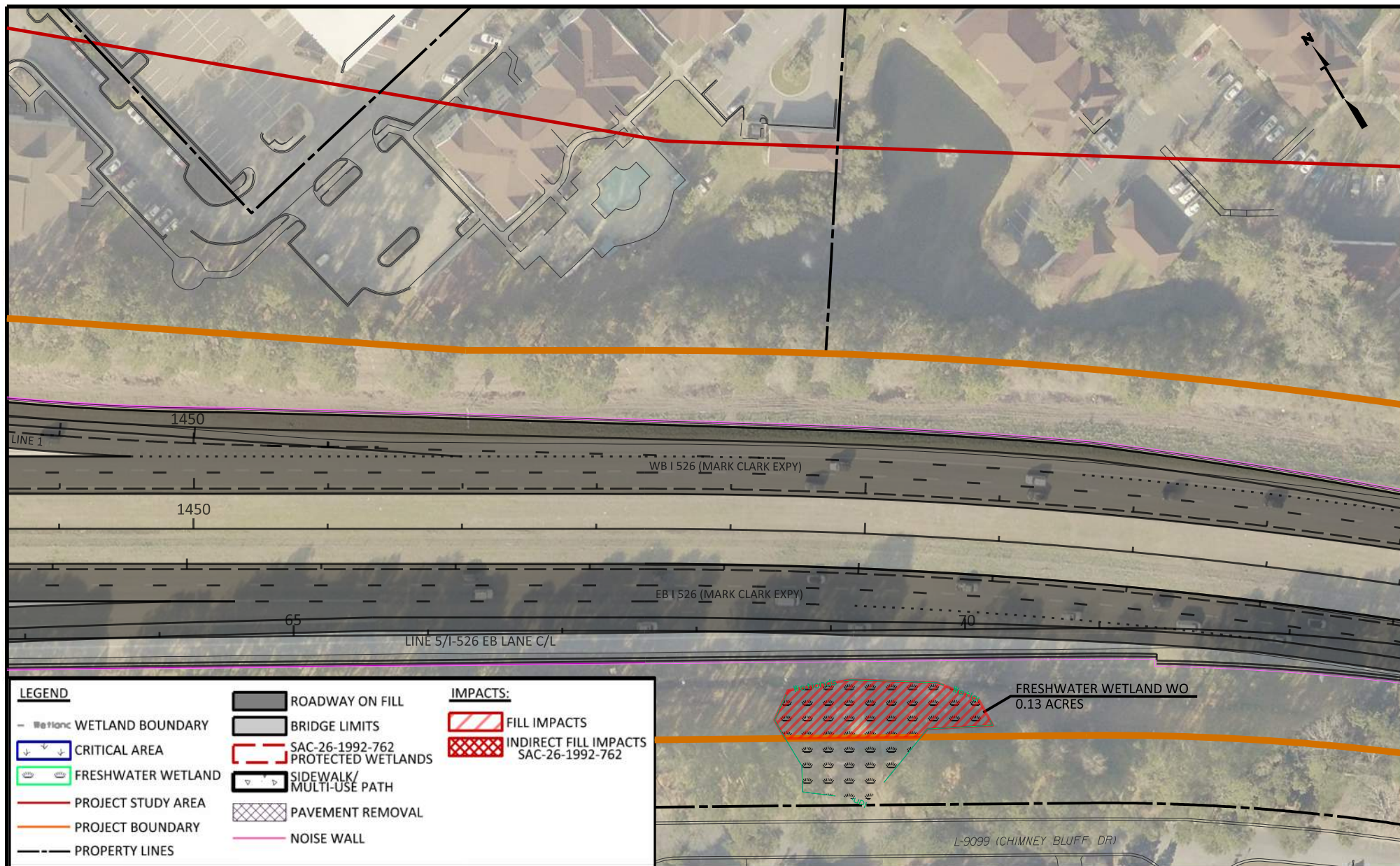
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PIN # P041314
MOUNT PLEASANT
SOUTH CAROLINA

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LEGEND

- WETLAND: WETLAND BOUNDARY
- CRITICAL AREA
- FRESHWATER WETLAND
- PROJECT STUDY AREA
- PROJECT BOUNDARY
- PROPERTY LINES

- ROADWAY ON FILL
- BRIDGE LIMITS
- SAC-26-1992-762 PROTECTED WETLANDS
- SIDEWALK/MULTI-USE PATH
- PAVEMENT REMOVAL
- NOISE WALL

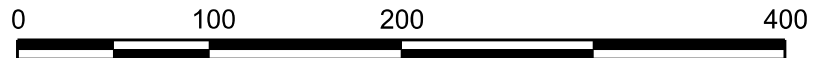
IMPACTS:

- FILL IMPACTS
- INDIRECT FILL IMPACTS SAC-26-1992-762



I-526 AND LONG POINT ROAD INTERCHANGE IMPROVEMENTS

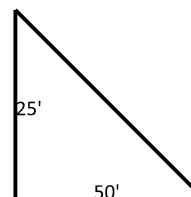
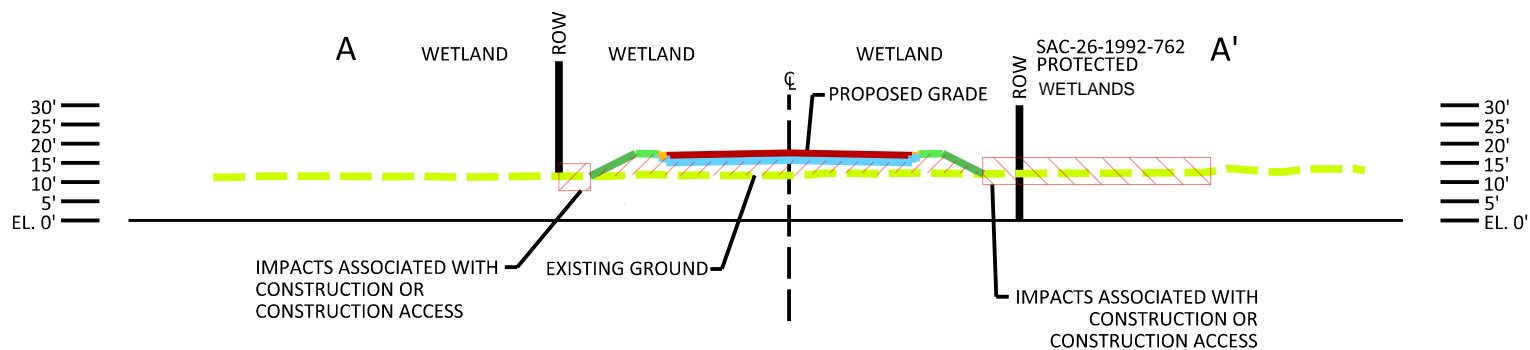
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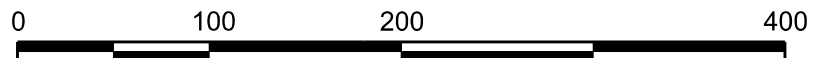
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SOUTH CAROLINA

APPLICATION # _____ SAC # 2022-01082
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TYPICAL WETLAND CROSS SECTION
WANDO PARK CONNECTOR
STA. 117+00.00



I-526 AND LONG POINT ROAD
INTERCHANGE IMPROVEMENTS
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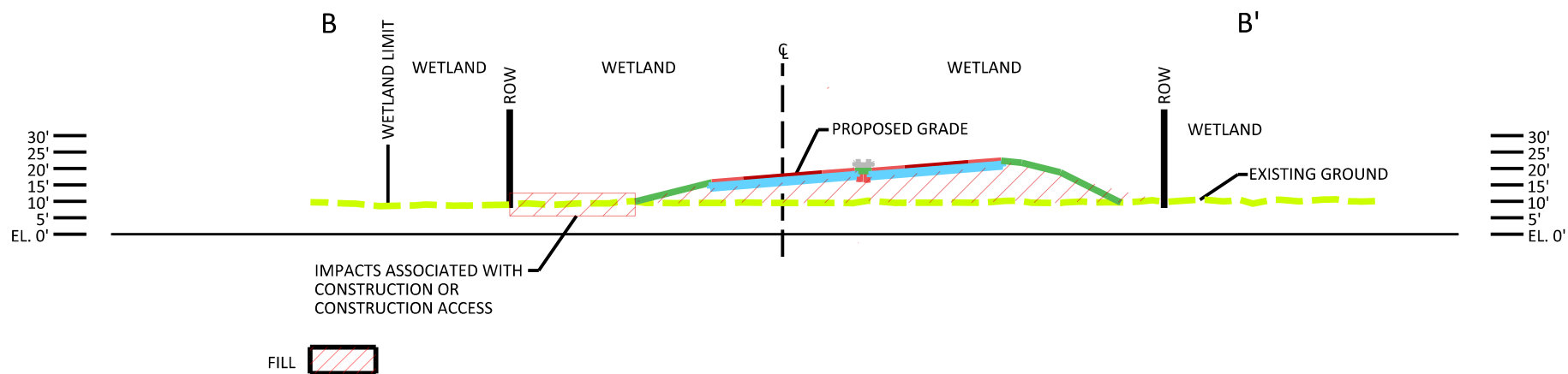
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APPLICATION # _____ SAC # 2022-01082
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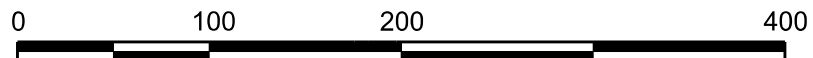
TYPICAL WETLAND CROSS SECTION

LINE-B

STA. 1410+00.00



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