JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue Charleston, South Carolina 29403-5107 and THE S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL Office of Environmental Quality Control Water Quality Certification and Wetlands Programs Section 2600 Bull Street Columbia, South Carolina 29201

REGULATORY DIVISION Refer to: P/N # SAC 2011-01002

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), an application has been submitted to the Department of the Army and the State of South Carolina by

South Carolina Department of Transportation Post Office Box 191 Columbia South Carolina 29202-0191

for a permit to place fill material in

Bear Creek/ Teals Mill Pond

at a location along Teals Mill Road where it crosses Bear Creek/ Teals Mill Pond in Chesterfield County, South Carolina (Latitude: 34.667394, Longitude: -80.006348).

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.

Proposed Work:

The proposed work consists of the placement of fill material in waters of the U.S. for the construction of a new causeway and bridge structure, built to current SCDOT safety standards on a new alignment, for the purpose of replacing the two existing bridges over Teals Mill Pond.

The anticipated construction methods begin with the clearing of vegetation and the placement of permanent fill for the new roadway approaches and bridge abutments. The abutments and approach slabs for the new bridge would be constructed by cranes working from the new roadway approaches or from designated bridge construction access areas (BCA). The BCA will include the construction/ instillation of temporary pile supported trestles, barges, or platform structures utilizing cranes. Cofferdams would likely be constructed around the roadway embankments/ bridge ends to allow for the placement and stabilization of fill for the roadway

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approaches. Floating turbidity barriers would be placed within the jurisdictional boundaries of Teals Mill pond around the bridge ends along the limits of construction to avoid/ minimize the runoff of sediment into the pond outside of the construction limits. Additionally, to facilitate the instillation of piles and avoid potential runoff of sediment/ slurry into surface waters, water levels within the pond may be lowered during the course of the project's construction.

During construction of the new bridge and roadway approaches, traffic would be maintained on the existing roadway and bridges over the Teals Mill Pond dam. Once construction of the new bridge and roadway approaches is complete, traffic would need to be detoured offsite for a short period (approximately 3 months) to allow for construction of the tie-ins of the new roadway. During this time, the existing and temporary bridge structures on Teals Mill Road along the pond and dam would also be removed. The pavement and fills associated with the old roadbed would not be removed as these fills currently serve as an earthen dam around Teals Mill Pond.

In detail, the applicant proposes to fill 1.672 acres of waters of the U.S., which consists of 1.541 acres of permanent fill material in Teals Mill Pond, 0.09 ac of permanent fill in a freshwater forested wetland, and 0.041 acre of temporary mechanized clearing to a freshwater forested wetland.

Avoidance and Minimization Measures:

The applicant has stated that the following were efforts to avoid and/or minimize impacts to jurisdictional waters of the U.S.: Roadway approach fill slopes were designed at 2:1, SCDOT will install and maintain sediment and erosion control measures to control sediment runoff and avoid potential indirect impacts. Roadway fill will be seeded with grass to stabilize the fill and prevent runoff.

Mitigation:

The applicant has proposed to debit 4.934 acres from Black River Mitigation Bank to offset the impacts of the proposed project.

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 (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is received. 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 applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S. C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

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 1.7 acres of waters of the U.S. located upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the

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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 7(c) of the Endangered Species Act of 1973 (as amended).

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 NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 of Engineers 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.

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



















