

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
**Greenville Regulatory Field Office**  
**750 Executive Center Drive, Suite 103**  
**Greenville, South Carolina 29615**  
**and**  
**THE S.C. DEPARTMENT OF ENVIRONMENTAL SERVICES**  
**Bureau of Coastal Management**  
**1362 McMillan Avenue, Suite 400**  
**North Charleston, South Carolina 29405**

REGULATORY DIVISION  
Refer to: SAC-2024-01001

September 26, 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, 33 USC 408 (Section 408) the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), 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 Environmental Services (SCDES) by

**Mr. Chris Beckham**  
**South Carolina Department of Transportation**  
**955 Park Street**  
**Columbia, South Carolina 29201**

**Ms. Kally McCormick**  
**Civil Engineering Consulting Services, Inc.**  
**2000 Park Street, Suite 201**  
**Columbia, South Carolina 29201**  
[mccormickk@cecsinc.com](mailto:mccormickk@cecsinc.com)

for a permit to replace a main span bridge over the Edisto River, and an overflow bridge on US 17 in Charleston and Colleton Counties, South Carolina (32.7650, -80.4462), Jacksonboro 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

**October 11, 2024,**

and **SCDES** will receive written statements regarding the proposed work until

**October 26, 2024**

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 purpose of the proposed project is to address the structural deficiencies and substandard design of the existing bridges, which do not meet the current South Carolina Department of Transportation (SCDOT) design standards. Replacement is preferred over rehabilitation due to the poor superstructure and substandard load/carrying capacity of the existing bridges.

### **Project Description**

The proposed work includes construction of two new bridges to replace the existing bridges. The applicant would discharge 74,085 cubic yards of clean fill material to facilitate the repair of two bridge structures. In detail, temporary work surfaces would be installed including trestles, barges, and matting. Both bridges would cross a Section 10 waterway for 350 feet. The construction would be parallel and just south of the existing centerlines to transition to the existing roadway on each end. The new bridges would be constructed in two stages, maintaining one travel lane in each direction throughout construction. The median could be utilized as a second travel lane during hurricane evacuation and re-entry. The bridge structures would be supported by drilled shafts and steel pipe piles, utilizing scuppers for drainage. The proposed facility is within the project area of a Federal Civil Works project: Edisto River.

### **Avoidance and Minimization**

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

- Modified the roadway alignment to reduce project start and end point limits.
- Utilize portions of existing embankment and approaches for stormwater treatment.
- Longer bridge spans to reduce the number of foundation elements in the Edisto River.
- Use of floatable sectional barges and trestles for construction access and material storage.

- Bridge spans waterbody at the overflow channel, removing three bents and the associated piles from the existing bridge.
- Bridges cross perpendicular to the water body.
- Narrowest point of waterbody crossed.
- 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 (BMPs) during construction of the roadway to prevent runoff and sedimentation of waters of the United States (WOTUS).
- Staging of equipment and materials will be sited outside of jurisdictional areas.
- The NPDES line has been moved as close to the roadway as possible in areas near streams and wetlands. Clearing and temporary impacts have been eliminated in many areas to reduce the construction footprint.
- Impacts to hydrology and hydraulics were minimized by sizing pipes and culverts appropriately. Stormwater is diverted from wetlands.

### **Proposed Compensatory Mitigation**

The applicant has proposed to mitigate for impacts to waters of the United States, including wetlands, by 41.7 wetland credits and 794.6385 stream credits would be purchased from the Pidgeon Pond and Palmetto Umbrella Mitigation Banks.

### **South Carolina Department 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. 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 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 3.22 acres 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 proposed project and based on location and available information, the following species have the potential to occur in the vicinity of the proposed work: Northern long eared bat (*Myotis septentrionalis*), Tricolored bat (*Perimyotis subflavus*), West Indian Manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis*), Piping Plover (*Charadrius melodus*), Red-cockaded Woodpecker (*Picoides borealis*), Rufa Red Knot (*Calidris canutus rufa*), Wood Stork (*Mycteria americana*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Monarch Butterfly (*Danaus Plexippus*), American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*).

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

The project will have no effect on West Indian Manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis*), Piping Plover (*Charadrius melodus*), Red-Cockaded Woodpecker (*Picoides borealis*), Rufa 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 will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Northern long eared bat (*Myotis septentrionalis*) or the Wood Stork (*Mycteria americana*) or result in the destruction or adverse modification of designated or proposed critical habitat.

The Tricolored bat (*Perimyotis subflavus*) is currently proposed for listing and the

Monarch Butterfly (*Danaus Plexippus*) is a candidate for listing. If either species becomes listed before the project is completed, consultation with the U.S. Fish and Wildlife Service would be required.

This public notice serves as a request to the U.S. Fish and Wildlife Service (USFWS project code: 2023-0058610) 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 there are historic properties present, but they will not be affected; 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 (SHPO) 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 Tribal Historic Preservation Officer (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.

### **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.

The proposed project described in this notice would require permission pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408). Permission for an alteration under Section 408 may be granted when, in the judgment of the Secretary of the Army, the alteration will not be injurious to the public interest and will not impair the usefulness of the project. Decisions on proposed alterations are delegated to the District Commander unless one or more criteria requiring elevation are triggered.

Section 408 is based on factors which are outlined in Engineering Circular (EC) 1165-2-220. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

1. Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the federally authorized project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs. All appropriate technical analyses including geotechnical, structural, hydraulic and hydrologic, real estate, and operations and maintenance requirements, must be conducted and the technical adequacy of the design must be reviewed. The Charleston District is working closely with the requestor to ensure that all required technical plans, maps, drawings, and specifications necessary for these analyses are provided and complete. In order to approve a request for modification, it must be determined that the usefulness of the authorized project will not be negatively impacted.

2. Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest. This determination is not the same as the "contrary to the public interest determination" that is undertaken pursuant

to Sections 10/404/103.

3. Legal and Policy Compliance. A determination will be made as to whether the proposal meets all legal and policy requirements. This includes the National Environmental Policy Act (NEPA) and other environmental compliance requirements, as well as USACE policy. While ensuring compliance is the responsibility of USACE, the requester is required to provide all information that the Charleston District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances.

408 Process Overview: The basic 408 process for this application is outlined in EC 1165-2-220, 7.h. (4). In cases in which a Section 408 permission (except for Section 408 decisions that must be made by the Division Commander, per paragraph 8.c.) and a Regulatory standard individual permit are both required for the same proposed alteration/activity, the district will conduct these evaluations in a coordinated and concurrent manner resulting in a single decision document. Note that implementing regulations and policies for the Regulatory permit require the evaluation of proposed activities and their compatibility with the purposes of a federal project. The Section 408 analysis informs the compatibility with the purposes of a federal project for Regulatory purposes. In addition, there will be a single transmittal letter to the requester that includes as attachments both the Section 408 decision letter and the Regulatory permit. The District Commander is the deciding official for the single decision document for these cases, although he or she may further delegate these combined decisions following the same requirements as in paragraph 8.d.

### **Solicitation of Public Comment**

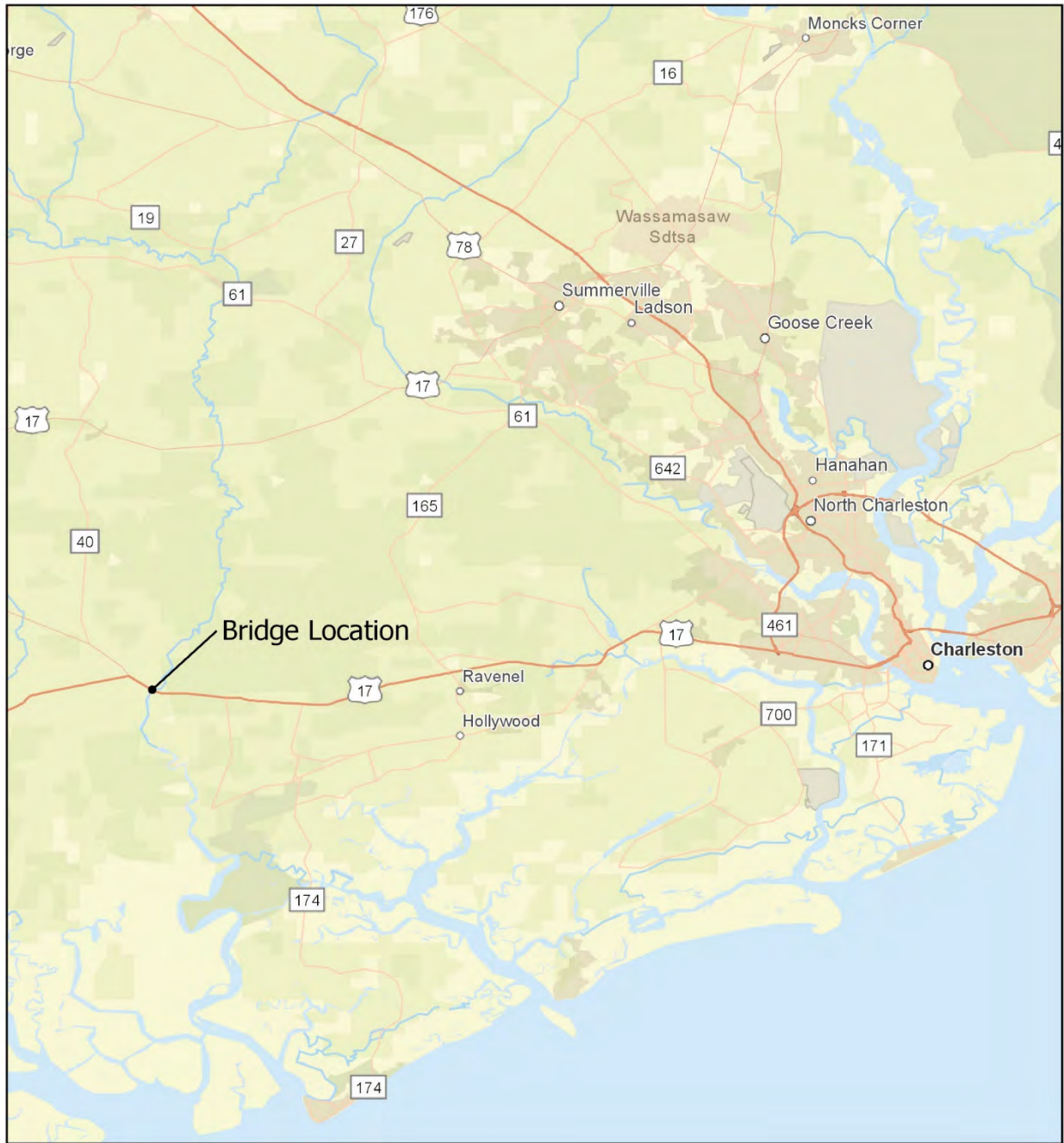
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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-2024-01001, to Dana.M.Heston@usace.army.mil or the following address:**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
750 Executive Center Drive, Suite 103  
Greenville, South Carolina 29615**

If there are any questions concerning this public notice, please contact Dana Heston toll free at 1-866-329-8187, or by email at [Dana.M.Heston@usace.army.mil](mailto:Dana.M.Heston@usace.army.mil).





APPROXIMATE LOCATION  
OF PROJECT



US17 OVER EDISTO RIVER  
COLLETON AND CHARLESTON COUNTY,  
SOUTH CAROLINA  
1 inch : 40,000 feet

**Figure 1 Location Map, U.S. 17 over the Edisto River near Jacksonboro, South Carolina**



APPROXIMATE LOCATION  
OF PROJECT



US17 OVER EDISTO RIVER  
COLLETON AND CHARLESTON COUNTY,  
SOUTH CAROLINA  
1 inch : 1,500 feet

**Figure 2 Location Map, US17 Main and Relief Bridge over the Edisto River**





