



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

July 25, 2023

Regulatory Division

Mr. Sean Connolly
South Carolina Department of Transportation
PO Box 191
Columbia, South Carolina 29202
connollyms@scdot.org

Dear Mr. Connolly:

**PLEASE READ THIS LETTER CAREFULLY AND
COMPLY WITH ITS PROVISIONS**

This is in response to your June 30, 2023 letter, requesting a modification of the work authorized by Department of the Army (DA) permit (SAC-2015-01080) to include the placement of fill within 2.76 acres of wetlands, conduct mechanical land clearing in 1.66 acres of wetlands and the placement of fill/rock/structures in 8,136 linear feet of streams, 2,538 linear feet of morphologic impacts and 2,295 linear feet of stream relocations (total 12,969 linear feet). The project is located within a 28,800-acre project area around the intersections/interchanges of Interstate-20 (I-20), Interstate-26 (I-26) and Interstate-126 (I-126) in Lexington and Richland Counties, South Carolina. (Latitude 34.036752 N, Longitude 81.110618 W (NAD83)).

Your request for a modification is granted, and the work must be completed by **September 30, 2035**. The authorized modification is shown on the attached drawings, entitled "Carolina Crossroads Project ID No. P027662 Richland County, SC Lexington County SC Application by SCDOT", Sheet(s) 40 of 78, and dated May 25, 2023, and sheet 1 of 1 titled "Timber Mat Access Road Fabric and Mulch Detail REV. 1 Bridge 35" dated June 19, 2022. Modifications to the previously authorized permit include converting 0.39 acre of clearing impacts to a permanent fill impact to construct an access road for construction and permanent access for maintenance activities of the bridge constructed in this area. The modified Special Condition(s) now state(s):

- h.** The permittee agrees to debit 12.29 acres of wetland from SCDOT's Black River Mitigation Bank for compensatory mitigation for impacts to aquatic resources. The applicant will provide at least 50% of the required stream and wetland mitigation credits as restoration mitigation credits.

This letter and the referenced modified drawings must be attached to your copy of the signed permit. This permit was issued under provision of Federal laws for the protection and preservation of the navigable waters of the United States. In accordance with these laws, once a DA Permit authorizing the proposed work is issued,

**IT SHALL NOT BE LAWFUL TO DEVIATE FROM SUCH PLANS EITHER
BEFORE OR AFTER COMPLETION OF THE WORK,**

unless modification of said plans has previously been submitted to and received the approval of the Department of the Army. All other conditions to which the work is made subject remain in full force and effect. Note also that this work appears subject to the jurisdiction of the South Carolina Department of Health and Environmental Control, and you should contact that agency to ascertain their requirements.

In all future correspondence, please refer to file number SAC-2015-01080. If you have any questions, please contact Mr. Jeremy M. Kinney, Project Manager, at (843) 714-4649, or by email at Jeremy.M.Kinney@usace.army.mil.

FOR THE DISTRICT ENGINEER:

Sincerely,



Brad J. Carey
Chief, Special Projects Branch

Attachments

Modified Drawings
Notification of Appeal Options

Copies Furnished:

Mr. Will McGoldrick
SCDOT
955 Park Street, Room 506
Columbia, South Carolina 29202
McGoldriWR@scdot.org

Mr. Barrett Stone
Infrastructure Consulting & Engineering (ICE)
1021 Briargate Circle
Columbia, South Carolina 29210
barrett.stone@ice-eng.com

SCDHEC – Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201
WQCWetlands@dhec.sc.gov

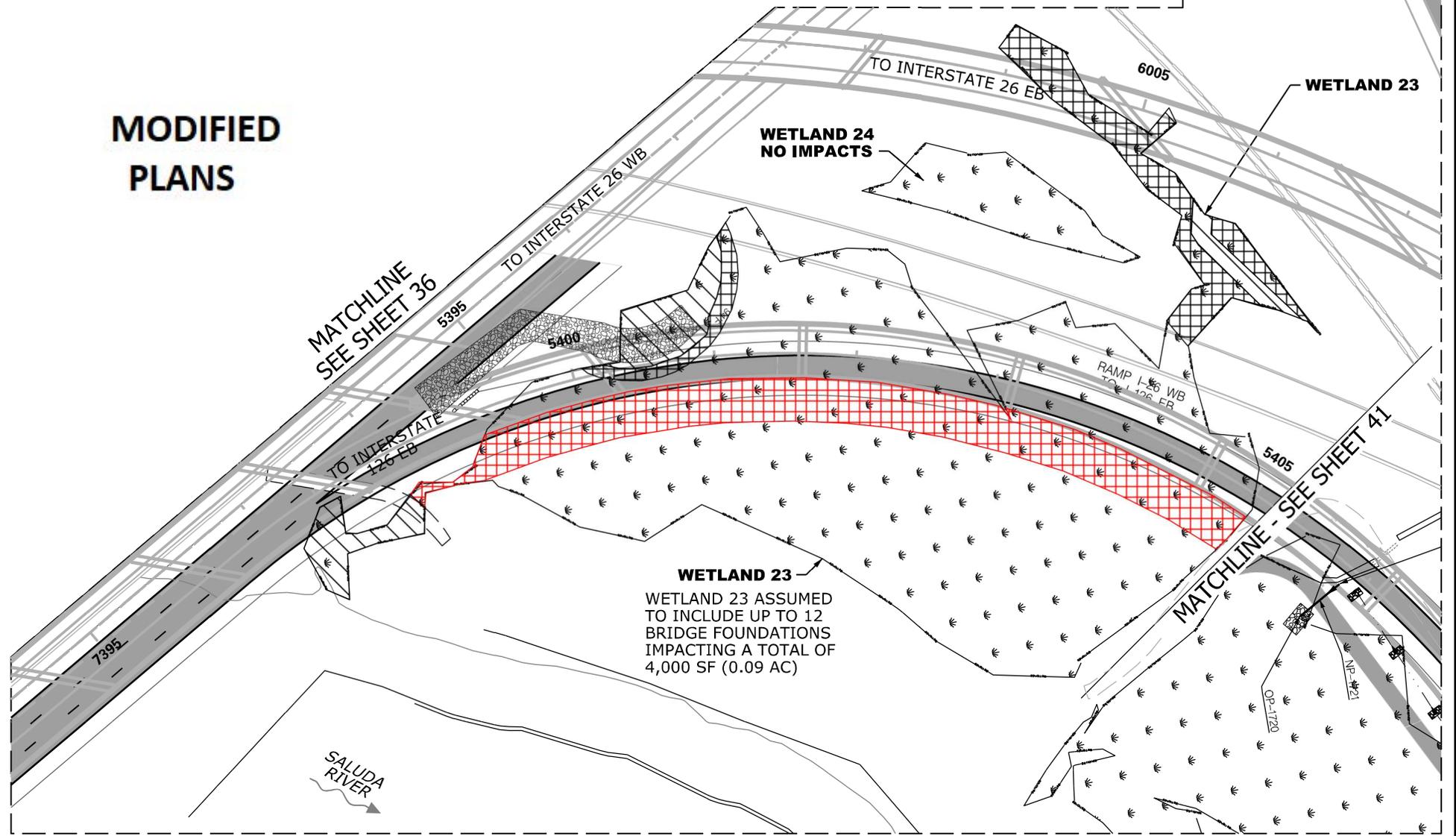
PHASE 1 IMPACTS THIS SHEET

WETLAND CLEARING IMPACTS = 8,614 SF (0.20 AC)
 WETLAND 23 = 8,614 SF (0.20 AC)
 WETLAND FILL IMPACTS = 27,809 SF (0.64 AC)
 WETLAND 23 = 27,809 SF (0.64 AC)

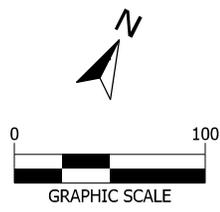
*SEE SHEETS 69-73 FOR IMPACT REVISION SPREADSHEETS

 MODIFIED WETLAND FILL IMPACT

MODIFIED PLANS



PLOT DRIVER: *PLOTDRVS*
 USER: *USER*
 DATE: *DATE*
 TIME: *TIME*
 FILE: *FILE*



LEGEND		PERMIT BOUNDARY
 EXCAVATION IMPACT	 IMPACTED STREAM	 PERMIT BOUNDARY
 WETLAND	 PERMANENT FILL IMPACT	 PROJECT STUDY AREA
 MODIFIED DESIGN	 CLEARING IMPACT	 PROP MEDIAN BARRIER WALL
 PERMITTED DESIGN	 RELOCATED DITCH	 EXISTING ROAD
		 EXISTING RAILROAD

CAROLINA CROSSROADS
 PROJECT ID NO. P027662
 RICHLAND COUNTY, SC
 LEXINGTON COUNTY, SC
 APPLICATION BY SCDOT
 REVISED MAY 25, 2023



South Carolina Department of Transportation

WETLAND 23 & 24

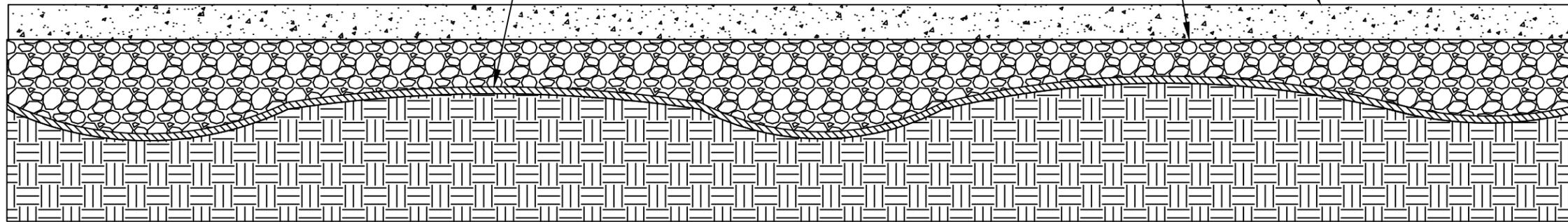
SHEET 40 OF 78

**MODIFIED
PLANS**

Geotextile
Fabric

Mulch to match contours of
Existing Ground

Crushed Concrete or
Maintenance Stone



Archer-United Joint Venture
1021 Briargate Cir. Columbia, SC
29210

Timber Mat Access Road
Fabric and Mulch Detail REV. 1
Bridge 35

RICHLAND COUNTY, SC		SCDOT PROJECT #: P039718		DATE: 6/19/2022		SCALE: NTS		SHEET NO.: 1 OF 1	
DES. BY:	CHK. BY:	DATE:	SCALE:	UIG JOB: 2107					
LKB	BH	6/19/2022	NTS						

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL WITHOUT PREJUDICE	C
	PERMIT DENIAL WITH PREJUDICE	D
	APPROVED JURISDICTIONAL DETERMINATION	E
	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact the Corps project manager who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Philip Shannin
Regulatory Appeals Review Officer
South Atlantic Division
60 Forsyth St SW, Floor M9
Atlanta, Georgia 30303-8803

Philip.A.Shannin2@usace.army.mil
404-562-5136

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number: