

South Carolina Department of Transportation
On Behalf of the Federal Highway Administration - South Carolina Division Office



PROCESSING FORM FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS
NON MAJOR FEDERAL ACTIONS

Project ID P044268

Route S-38-39 (Cannon Bridge Rd)

County Orangeburg

Part 1 - Project Description

Include the Project Name/Description

S-38-39 Bridge/Culvert Replacement over Cooper Swamp

S-38-39 Bridge/Culvert Replacement over Cooper Swamp in Orangeburg County. Asset ID 62. This project proposes to install a replacement bridge along S-39 (Cannon Bridge Rd) due to damage caused by the 11/07/2024 storm (Orangeburg County Storm). The road is currently closed to traffic and a detour is in place. The new bridge will be an on-alignment configuration and will be constructed to comply with current design criteria. Bridge Package 32.

Part 2 - PCE Type

Select the appropriate Categorical Exclusion from 23 CFR Part 771.117 that best fits the entire project from the drop-down menu. **Reference Appendix A of the PCE Agreement for a more detailed description of each CE contained in 23 CFR 771.117.**

23 CFR 771.117(c) Bridge rehabilitation, reconstruction, or replacement or railroad crossing improvements

23 CFR 771.117(d)

Part 3 - Thresholds

To be processed as a Programmatic Categorical Exclusion (PCE) the following conditions must be met in addition to the General Criteria (as outlined in the PCE Agreement between FHWA-SC and SCDOT). Place a "X" in the appropriate box below. If the answer is "Yes" to any of the below criteria, SCDOT will consult with FHWA-SC to determine the appropriate level of NEPA documentation required and forward to FHWA-SC for approval. ***Reference Part 4 of the Processing form or Section IV of the PCE Agreement for more details and definitions regarding each threshold.**

1.	Involves any unusual circumstances as described in <u>*23 CFR Part 771.117(b)</u>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2.	The acquisition of more than <u>*minor amounts</u> of temporary or permanent strips of right-of-way	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3.	Involves acquisitions that result in residential or non-residential displacements	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4.	Involves any adverse impacts to EJ populations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Part 3 - Thresholds Continued

5.	Results in capacity expansion of a roadway by adding through lanes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6.	Involves construction that would result in <u>*major traffic disruptions</u>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
7.	Involves <u>*changes in access control</u> requiring FHWA approval	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
8.	An adverse effect determination under Section 106 of the National Historic Preservation Act.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9.	Use of Section 4(f) property that cannot be documented with a FHWA <i>de minimis</i> determination or a programmatic Section 4(f) other than the programmatic evaluation for the use of historic bridges	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.	Any use of a Section 6(f) property	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
11.	Requires an Individual USACE 404 Permit	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
12.	Requires an Individual U.S. Coast Guard Permit.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
13.	Work encroaching in a regulatory floodway, adversely affecting the base floodplain (100 yr.) pursuant to E.O. 11988 and 23 CFR Part 650 Subpart A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
14.	Construction in, across, or adjacent to a river designated as a National Wild and Scenic River	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
15.	Involves an increase of 15 dBA or greater on any noise receptor or abatement measures are found to be feasible and reasonable due to noise impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
16.	May affect and is likely to adversely affect a Federally listed species or designated critical habitat or projects with impacts subject to the BGEPA	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
17.	Involves acquisition of land for hardship, protective purposes, or early acquisition	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
18.	Does not meet the latest Conformity Determination for air quality non-attainment areas (if applicable).	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
19.	Any known or potential <u>major</u> hazardous waste sites within the right-of-way.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
20.	Is not included in or is inconsistent with the STIP and/or TIP	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Part 3 Continued - Additional criteria to be completed for disposal of excess right-of-way PCE

1.	Is the parcel part of a SCDOT environmental mitigation effort or could it be used for environmental mitigation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Is there a formal plan to use this parcel for a future transportation project (is it part of an approved LRTP)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Part 4 - Threshold Definitions

Unusual Circumstances (23 CFR Part 771.117) - Unusual circumstances are defined as:

- a. Significant environmental impacts;
- b. Substantial controversy on environmental grounds;
- c. Significant impact on properties protected by Section 4(f) of the DOT ACT or Section 106 of the National Historic Preservation Act; or
- d. Inconsistencies with any Federal, State, or local law, requirement, or administrative determination relating to the environmental aspects of the action.

Minor Amount of Right-of-Way (ROW):

A minor amount of ROW is defined as less than 3 acres per linear mile for linear projects or less than 10 acres of impacts for non-linear projects (eg: intersections, bridges), and no removal of major property improvements. Examples of major improvements include residential and business structures, or the removal of other features which would change the functional utility of the property. Removal of minor improvements, such as fencing, landscaping, sprinkler systems, and mailboxes would be allowed.

Major Traffic Disruptions:

A major traffic disruption is defined as an action that would result in: a) adverse effects to through-traffic businesses or schools, b) substantial change in environmental impacts, or c) public controversy associated with the use of the temporary road, detour, or ramp closure.

Changes in Access Control:

Requires approval from FHWA for changes in access control on the Interstate system (eg: Interchange Modification Reports or Interchange Justification Reports).

Environmental Commitments: (Check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> USTs/Hazardous Materials | <input type="checkbox"/> General Permit | <input type="checkbox"/> Right of Way |
| <input checked="" type="checkbox"/> Water Quality | <input type="checkbox"/> Individual Permit | <input checked="" type="checkbox"/> Floodplains |
| <input checked="" type="checkbox"/> Migratory Bird Treaty Act | <input type="checkbox"/> Essential Fish Habitat | <input type="checkbox"/> Lead Based Paint |
| <input checked="" type="checkbox"/> Stormwater | <input checked="" type="checkbox"/> Cultural Resources | |
| <input type="checkbox"/> Coast Guard Permit Exclusion | <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Non-Standard Commitment (see below) |

Relevant field studies and environmental reviews have been completed to determine that the project meets the criteria set forth in the Programmatic Categorical Exclusion Agreement signed by FHWA-SC and SCDOT. It is understood that any additions/deletions to the project may void environmentally processing the project as presently classified; consequently, any engineering changes must be brought to the attention of SCDOT Environmental Services Office immediately. A copy of this form is included in the project file and one (1) copy has been provided to FHWA.

Approved By:

Date:

Primavera: Yes No NEPA Start Date:

Does the project contain additional commitments?: (if Yes attach to form) Yes No

Date: 02/13/2025



Project ID: P044268 County: Orangeburg District: Doc Type: PCE Total # of Commitments: 6

Project Name: S-38-39 Bridge/Culvert Replacement over Cooper Swamp

The Environmental Commitment **Contractor Responsible** measures listed below **are to be included in the contract and must be implemented**. It is the responsibility of the Program Manager to make sure the Environmental Commitment **SCDOT Responsible** measures are adhered to. If there are questions regarding the commitments listed please contact:

CONTACT NAME: Tyler Clark

PHONE #: (803)-737-4596

ENVIRONMENTAL COMMITMENTS FOR THE PROJECT

Water Quality

NEPA Doc Ref:

Responsibility:

CONTRACTOR

The contractor will be required to minimize possible water quality impacts through implementation of BMPs, reflecting policies contained in 23 CFR 650B and the Department's Supplemental Specification on Erosion Control Measures (latest edition) and Supplemental Technical Specifications on Seeding (latest edition). Other measures including seeding, silt fences, sediment basins, etc. as appropriate will be implemented during construction to minimize impacts to water quality.

Special Provision

Migratory Bird Treaty Act

NEPA Doc Ref:

Responsibility:

CONTRACTOR

The federal Migratory Bird Treaty Act, 16 USC § 703-711, states that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. The South Carolina Department of Transportation (SCDOT) will comply with the Migratory Bird Treaty Act of 1918 in regard to the avoidance of taking of individual migratory birds and the destruction of their active nests.

The contractor shall notify the Resident Construction Engineer (RCE) at least four (4) weeks prior to construction/demolition/maintenance of bridges and box culverts. The RCE will coordinate with SCDOT Environmental Services Office (ESO), Compliance Division, to determine if there are any active birds using the structure. After this coordination, it will be determined when construction/demolition/maintenance can begin. If a nest is observed that was not discovered after construction/demolition/maintenance has begun, the contractor will cease work and immediately notify the RCE, who will notify the ESO Compliance Division. The ESO Compliance Division will determine the next course of action.

The use of any deterrents by the contractor designed to prevent birds from nesting, shall be approved by the RCE with coordination from the ESO Compliance Division. The cost for any contractor provided deterrents will be provided at no additional cost to SCDOT.

Special Provision

Stormwater

NEPA Doc Ref:

Responsibility:

CONTRACTOR

Stormwater control measures, both during construction and post-construction, are required for SCDOT projects with land disturbance and/or constructed in the vicinity of 303(d), TMDL, ORW, tidal, and other sensitive waters in accordance with the SCDOT's MS4 Permit. The selected contractor would be required to minimize potential stormwater impacts through implementation of construction best management practices, reflecting policies contained in 23 CFR 650 B and SCDOT's Supplemental Specifications on Seed and Erosion Control Measures (latest edition).

Special Provision

Project ID: P044268

SCDOT
NEPA ENVIRONMENTAL COMMITMENTS
FORM



ENVIRONMENTAL COMMITMENTS FOR THE PROJECT

Cultural Resources

NEPA Doc Ref:

Responsibility:

CONTRACTOR

The contractor and subcontractors must notify their workers to watch for the presence of any prehistoric or historic remains, including but not limited to arrowheads, pottery, ceramics, flakes, bones, graves, gravestones, or brick concentrations during the construction phase of the project, if any such remains are encountered, the Resident Construction Engineer (RCE) will be immediately notified and all work in the vicinity of the discovered materials and site work shall cease until the SCDOT Archaeologist directs otherwise.

Special Provision

Floodplains

NEPA Doc Ref:

Responsibility:

CONTRACTOR

The Engineer of Record will send a set of final plans and request for floodplain management compliance to the local County Floodplain Administrator.

Special Provision

Non-Standard Commitment

NEPA Doc Ref:

Responsibility:

CONTRACTOR

Clearing Restriction

To minimize potential impacts to the Northern Long Eared Bat (NLEB) and Tricolored Bat (TCB) (proposed endangered species), tree clearing will be prohibited from December 1 through February 28 for the hibernation season and from May 1 through July 31 for the pup season. All tree clearing/removal must be completed outside these time frames. However, other activities associated with tree clearing operations (i.e., removal of felled trees, grubbing, etc) are allowed during this time period.

Special Provision



Cultural Resources Project Screening Form

File Number: PIN: Route: County:

Project Name:

Type 1: Resurfacing, installation of fencing, signs, pavement markings, traffic signals, passenger shelters, railroad warning devices, installation of rumble strips, and landscaping

Project Type

Type 2: Bridge replacements on alignment, construction of bicycle/pedestrian facilities, and intersection improvements

Type 3: Projects that do not fall into Type 1 and Type 2 categories (e.g. road widening)

Comments

This project will replace the culvert carrying S-39 (Cannon Bridge Road) over Cooper Swamp, which was damaged during a flooding event. The culvert will be replaced on existing alignment and a small amount of new right-of-way (ROW) may be required. The archaeological area of potential effect (APE) extends 75 feet to each side of the roadway centerline and 800 feet from either end of the culvert. The archaeological survey examined the archaeological APE. The architectural survey examined the architectural APE, which consisted of a 300-foot buffer around the archaeological APE. The APEs were reviewed using ArchSite, Google Earth, Web Soil Survey, historic topographic maps, and aerial photographs. The review determined that the areas has not been previously surveyed for cultural resources and no previously recorded historic properties are located within or in the vicinity of the APEs. Web Soil Survey maps the majority of the soils within the APE (64 percent) as poorly drained. The remaining soils are well drained (36 percent). A cultural resources field survey, consisting of a pedestrian reconnaissance of the entire APE, augmented by the excavation of shovel tests, was conducted on January 28, 2025 with assistance from HDR. At the time of survey, the culvert was significantly damaged and the road was closed to traffic. Thirty-four shovel test locations were investigated. Seven of these shovel tests were excavated; the 27 remaining shovel tests were not excavated due to wetlands, a fenced pasture, and manicured lawns. All shovel tests were negative for cultural material. No archaeological sites were identified. One new historic architectural resource was recorded. SHPO Site Number 0555 (Asset ID 62) is a 42.8-foot long four-span concrete culvert constructed in 1940. SHPO Site Number 0555 is recommended not eligible for the National Register of Historic Places (NRHP). No additional cultural resources investigations are recommended.

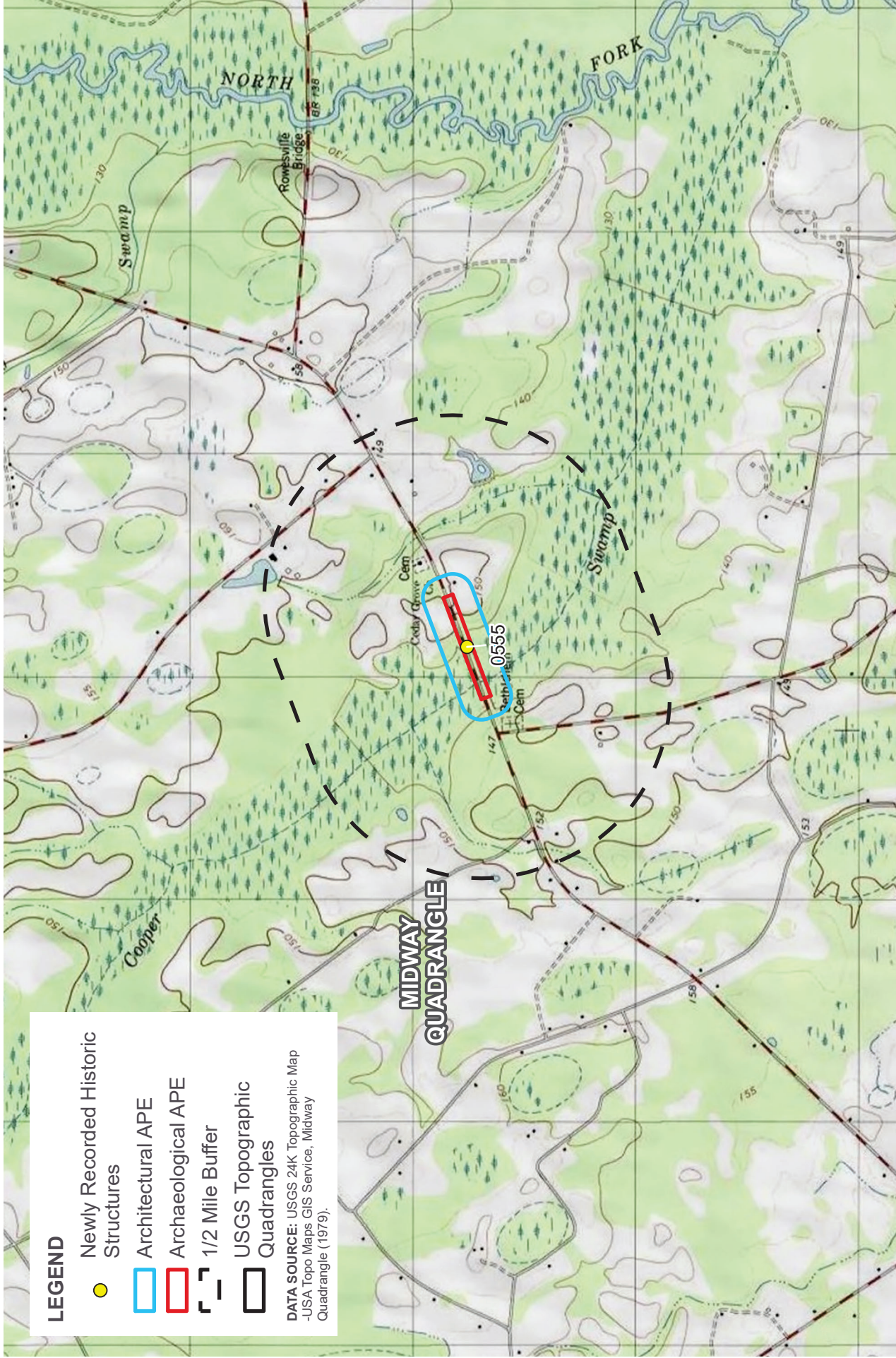
Effect Determination:

*SHPO consultation is required for all Type 3 projects and any project with a No Adverse or Adverse Effect Determination.

This screening form was developed to satisfy documentation requirements for Type I and Type II projects under a Programmatic Agreement between the Federal Highway Administration, the South Carolina State Historic Preservation Office, the US Army Corps of Engineers, and the South Carolina Department of Transportation. For Type I and Type II projects that have no effect on historic properties, the completion of this screening form with supporting documentation (e.g. ArchSite Map) provides evidence of FHWA and SCDOT's compliance with Section 106 of the National Historic Preservation Act.

Prepared by:

Review Date:



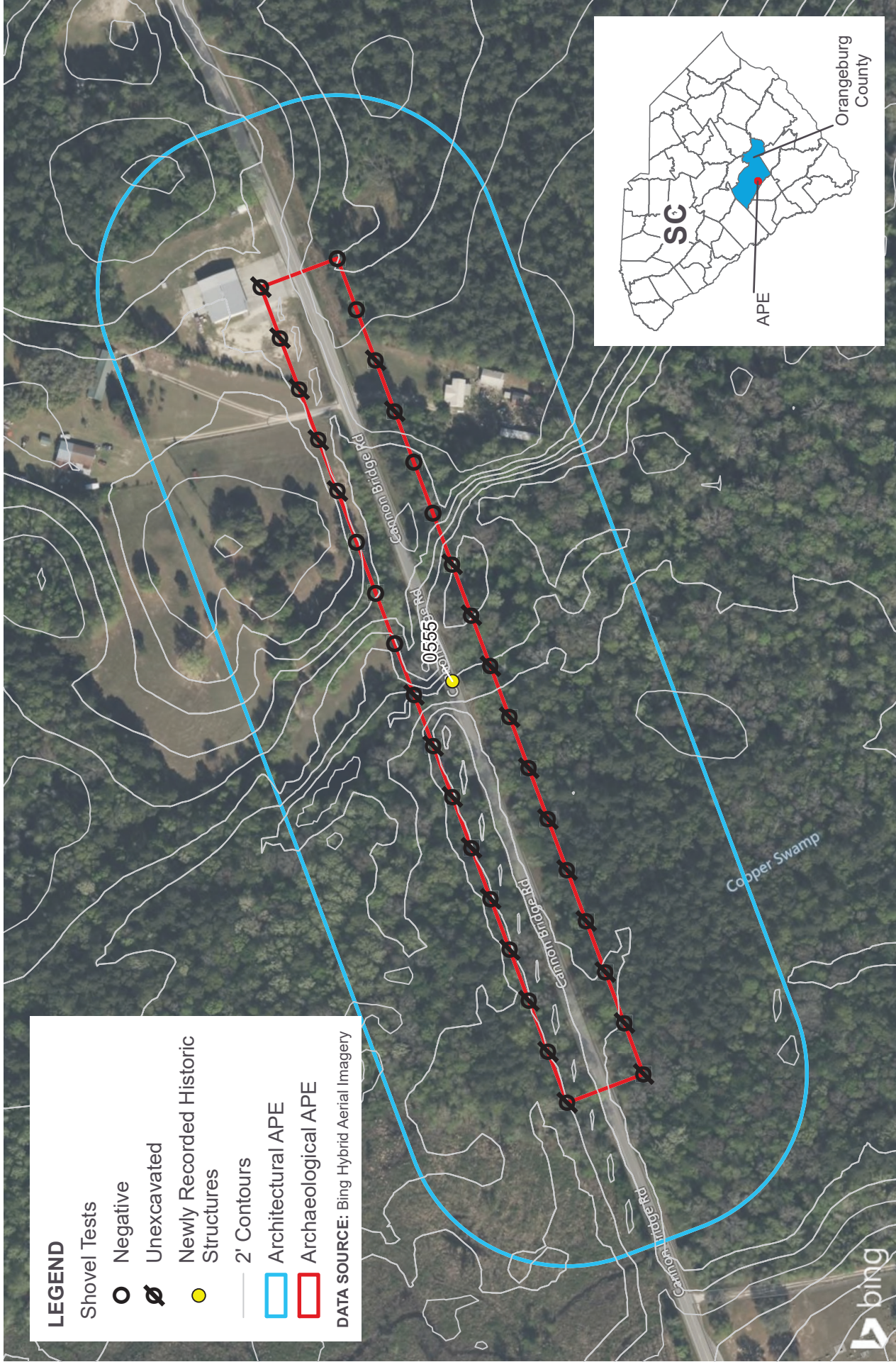
LEGEND

- Newly Recorded Historic Structures
- Architectural APE
- Archaeological APE
- 1/2 Mile Buffer
- USGS Topographic Quadrangles

DATA SOURCE: USGS 24K Topographic Map
 -USA Topo Maps GIS Service, Midway Quadrangle (1979).



PROJECT LOCATION: S-38-39 OVER COOPER SWAMP
 Figure 1



LEGEND

Shovel Tests

- Negative
- ∅ Unexcavated
- Newly Recorded Historic Structures

2' Contours

- ▭ Architectural APE
- ▭ Archaeological APE

DATA SOURCE: Bing Hybrid Aerial Imagery



250 Feet



SHOVEL TEST LOCATIONS: S-38-39 OVER COOPER SWAMP
 Figure 2



Biological Assessment Report

Project Title: SC-39 Over Cooper Swamp (Emergency Replacement)

County: Orangeburg

SCDOT PIN: P044268

Date: 1/15/2025

Prepared By: Keith Walker

Pursuant to Section 7 of the Endangered Species Act, a field survey was conducted within the project corridor. The following list of threatened (T) and endangered (E) species was obtained from the U.S. Fish and Wildlife Service:

Description

Emergency replacement of the existing washed out culvert on SC-39 with a bridge over Cooper Swamp, Orangeburg County. The project site is in a rural area and consists primarily of hardwood bottoms associated with Cooper Swamp creek and pine plantations.

Species List

Species	Common Name	Status
<i>Haliaeetus leucocephalus</i>	Bald Eagle	BGEPA
<i>Myotis septentrionalis</i>	Northern Long-eared Bat	Endangered
<i>Perimyotis subflavus</i>	Tricolored Bat	Proposed Endangered
<i>Danaus plexippus</i>	Monarch Butterfly	Proposed Threatened
<i>Dryobates borealis</i>	Red-cockaded Woodpecker	Threatened
<i>Oxypolis canbyi</i>	Canby's Dropwort	Endangered

Birds

Haliaeetus leucocephalus: No Effect. The project impact area is within a half a mile of an approximately 28-acre impoundment. No suitable nesting trees or individuals were observed.

Dryobates borealis: No Effect. Red-cockaded woodpecker habitat consists of mature (30 years or older) pine tree stands with little or no midstory. The project site is primarily hardwood

bottoms made up of oak, sweetgum, cottonwood, and poplar trees. No habitat or nesting cavities were observed.

Insects

Danaus plexippus: At this time, the Monarch butterfly is proposed for federal listing as endangered.. Monarch butterflies use a variety of habitats that support flowering herbaceous plants and require milkweed for reproduction. The project site consists primarily of closed canopy hardwoods with little herbaceous growth. The understory is leaf litter with privet and hardwood regeneration making up the midstory. No individuals or milkweed were observed. When listing becomes final, the project will be further evaluated for potential effects on the species and consultation will be initiated if required.

Mammals

Myotis septentrionalis: May Affect, Not Likely to Adversely Affect. Northern long-eared bats roost underneath the bark, in cavities, or in crevices of live and dead trees (snags). NLEB's have also been documented using transportation structures. The project area is primarily mature hardwood bottoms with several snags creating potential roosting habitat. No bats or signs of bat use were observed. The IPac DKey resulted in MA-NLAA.

Perimyotis subflavus: At this time, the tri-colored bat is proposed for federal listing as endangered. The project area does contain suitable summer habitat and potential roosting trees for the tri-colored bat. Tri-colored bats are known to use various canopy tree species for roosting and man-made structures. Since the project involves a minimal amount of tree clearing, the project should not adversely affect the species. When listing becomes final, the project will be further evaluated for potential effects on the species and consultation will be initiated if required.

Results

No federally threatened, endangered, or otherwise protected species or their habitats were observed in the project area. Based on the results, no current federally protected species will be adversely by the proposed project.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Carolina Ecological Services
176 Croghan Spur Road, Suite 200
Charleston, SC 29407-7558
Phone: (843) 727-4707 Fax: (843) 727-4218

In Reply Refer To:

12/16/2024 16:50:16 UTC

Project code: 2025-0032312

Project Name: S-39 Cooper Swamp Culvert (Emergency Project)

Subject: Consistency letter for 'S-39 Cooper Swamp Culvert (Emergency Project)' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the South Carolina Ecological Services Field Office (ESFO) Determination Key (DKey) for project review and guidance for federally listed species.

Keith Walker:

The U.S. Fish and Wildlife Service (Service) received on **December 16, 2024** your effect determination(s) for the 'S-39 Cooper Swamp Culvert (Emergency Project)' (the Action) using the South Carolina ESFO DKey for project review and guidance for federally-listed species within the Information for Planning and Consultation (IPaC) application. The Service developed this application in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's South Carolina ESFO DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Canby's Dropwort (<i>Oxypolis canbyi</i>)	Endangered	No effect
Red-cockaded Woodpecker (<i>Dryobates borealis</i>)	Threatened	No effect

Consultation Status

Your agency has met consultation requirements for the species listed above by informing the Service of the "no effect" determinations. No further consultation for this project is required for these species. This consistency letter confirms you may rely on effect determinations you reached by considering the South Carolina ESFO DKey to satisfy agency consultation requirements under Section 7(a) (2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA).

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Please note that due to obligations under the ESA, potential impacts of this project must be reconsidered if: (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action. If any of the above conditions occurs, additional consultation with the South Carolina ESFO should take place before project changes are final or resources committed.

Bald and Golden Eagle Protection Act (BGEPA): Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service. The Service developed the [National Bald Eagle Management Guidelines](#) to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest.

If the Federal Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) may be required. Please contact Ulgonda Kirkpatrick (phone: 321/972-9089, e-mail: ulgonda_kirkpatrick@fws.gov) with any questions regarding potential impacts to bald or golden eagles.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

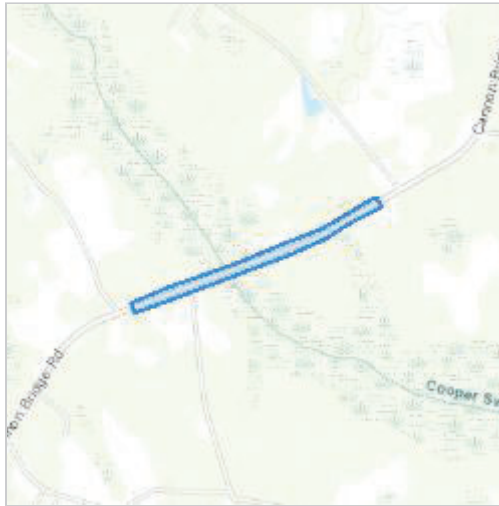
S-39 Cooper Swamp Culvert (Emergency Project)

2. Description

The following description was provided for the project 'S-39 Cooper Swamp Culvert (Emergency Project)':

Emergency replacement of washed-out culvert on S-39 with a bridge over Cooper Swamp, Orangeburg County

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.349292500000004,-80.91121362837579,14z>



QUALIFICATION INTERVIEW

1. Does the proposed project involve research or other actions that include the collection, capture, handling, or harassment of any individual federally listed threatened, endangered or proposed species?

No

2. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

3. Are you the Federal agency or designated non-federal representative?

Yes

4. Is the project an existing structure that requires maintenance, repair, or replacement?

Yes

5. Will all project take place within the existing structure's footprint?

Yes

6. Does the project intersect the red-cockaded woodpecker AOI?

Automatically answered

Yes

7. Is the action area located within suitable Red-cockaded woodpecker [foraging habitat](#) (pine or pine/hardwood stands in which 50% or more of the dominant trees are pines and the dominant pine trees are 30 years of age or older or >10-inches diameter breast height (dbh) and the midstory height does not exceed 12 feet)?

No

8. Does the project intersect the Canby's dropwort AOI?

Automatically answered

Yes

9. Is there suitable habitat for Canby's dropwort located within the project area?

Note: Canby's Dropwort can be found in a variety of coastal plain habitats, including natural ponds dominated by pond cypress, grass-sedge-dominated Carolina bays, wet pine savannas, shallow pineland ponds and cypress-pine swamps or sloughs. The largest and most vigorous populations have been found in open bays or ponds that are wet throughout most of the year, but which have little or no canopy cover. Soils are sandy loams or acidic peat mucks underlain by clay layers which, along with the slight gradient of the areas, result in the retention of water.

No

IPAC USER CONTACT INFORMATION

Agency: South Carolina Department of Transportation

Name: Keith Walker

Address: 955 Park Street

City: Columbia

State: SC

Zip: 29201

Email: walkerke@scdot.org

Phone: 8037371387

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Carolina Ecological Services
176 Croghan Spur Road, Suite 200
Charleston, SC 29407-7558
Phone: (843) 727-4707 Fax: (843) 727-4218

In Reply Refer To:

12/16/2024 16:44:32 UTC

Project Code: 2025-0032312

Project Name: S-39 Cooper Swamp Culvert (Emergency Project)

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

South Carolina Ecological Services
176 Croghan Spur Road, Suite 200
Charleston, SC 29407-7558
(843) 727-4707

PROJECT SUMMARY

Project Code: 2025-0032312

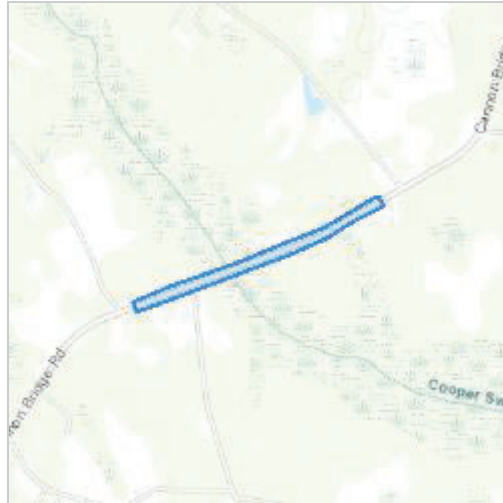
Project Name: S-39 Cooper Swamp Culvert (Emergency Project)

Project Type: Road Repair

Project Description: Emergency replacement of washed-out culvert on S-39 with a bridge over Cooper Swamp, Orangeburg County

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.349292500000004,-80.91121362837579,14z>



Counties: Orangeburg County, South Carolina

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Red-cockaded Woodpecker <i>Dryobates borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
Canby's Dropwort <i>Oxypolis canbyi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7738	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

-
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

THERE ARE NO BALD AND GOLDEN EAGLES WITHIN THE VICINITY OF YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
Chuck-will's-widow <i>Antrostomus carolinensis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9604	Breeds May 10 to Jul 10
Painted Bunting <i>Passerina ciris</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9511	Breeds Apr 25 to Aug 15
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Swallow-tailed Kite <i>Elanoides forficatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

■ probability of presence ■ breeding season | survey effort — no data

- PFO1A

IPAC USER CONTACT INFORMATION

Agency: South Carolina Department of Transportation

Name: Keith Walker

Address: 955 Park Street

City: Columbia

State: SC

Zip: 29201

Email: walkerke@scdot.org

Phone: 8037371387

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Carolina Ecological Services
176 Croghan Spur Road, Suite 200
Charleston, SC 29407-7558
Phone: (843) 727-4707 Fax: (843) 727-4218

In Reply Refer To:

01/15/2025 18:18:52 UTC

Project code: 2025-0032312

Project Name: S-39 Cooper Swamp Culvert (Emergency Project)

Federal Nexus: yes

Federal Action Agency (if applicable): Federal Highway Administration

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for 'S-39 Cooper Swamp Culvert (Emergency Project)'

Dear Keith Walker:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on January 15, 2025, for 'S-39 Cooper Swamp Culvert (Emergency Project)' (here forward, Project). This project has been assigned Project Code 2025-0032312 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (DKey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid. Note that conservation measures for northern long-eared bat and tricolored bat may differ. If both bat species are present in the action area and the key suggests more conservative measures for one of the species for your Project, the Project may need to apply the most conservative measures in order to avoid adverse effects. If unsure which conservation measures should be applied, please contact the appropriate Ecological Services Field Office.***

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	NLAA
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	NLAA

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete for northern long-eared bat and/or tricolored bat and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat or tricolored bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat or tricolored bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat and/or tricolored bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat and Tricolored Bat DKey.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Canby's Dropwort *Oxypolis canbyi* Endangered
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Red-cockaded Woodpecker *Dryobates borealis* Threatened

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the South Carolina Ecological Services and reference Project Code 2025-0032312 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

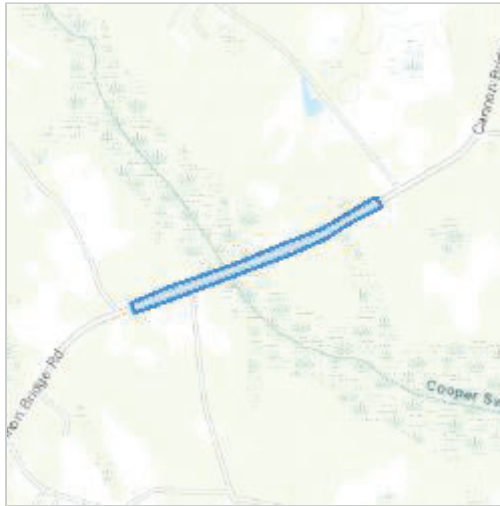
S-39 Cooper Swamp Culvert (Emergency Project)

2. Description

The following description was provided for the project 'S-39 Cooper Swamp Culvert (Emergency Project)':

Emergency replacement of washed-out culvert on S-39 with a bridge over Cooper Swamp, Orangeburg County

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.349292500000004,-80.91121362837579,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for a least one species covered by this determination key.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

Yes

4. Your project overlaps with an area where northern long-eared bats or tricolored bats may be present and roosting in trees year-round.

Do you understand that your project may impact bats roosting in trees at any time during the year?

Yes

5. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

6. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

7. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

Yes

8. FHWA, FRA, and FTA have completed a range-wide programmatic consultation for transportation- related actions within the range of the Indiana bat, northern long-eared bat and tricolored bat.

Does your proposed action fall within the scope of this programmatic consultation?

Note: If you are unsure, but your action is transportation related, please select "Yes" and use the FHWA, FRA, FTA Assisted Determination Key (FHWA DKey) in IPaC to determine if the programmatic consultation is applicable to your action. Return to this key and answer 'no' to this question if it is not.

No

9. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

10. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

11. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

12. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

13. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

14. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

15. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

16. Will the action result in effects to a culvert or tunnel at any time of year?

Yes

17. Does the culvert or tunnel equal or exceed 23 feet (7.0 meters) in length?

Yes

18. Do the interior dimensions of the culvert or tunnel **equal or exceed 3.0 feet (0.9 meters) in height (minimum height for tricolored bat)**?

Yes

19. Has a site-specific culvert assessment following USFWS guidelines been completed?

Note: For information on conducting a bridge/structure assessment, please see Appendix K in the USFWS' Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines> Additional resources can be found at: <https://www.fws.gov/media/bats-and-transportation-structures-references-and-additional-resources> and a training video is located at: <https://www.youtube.com/watch?v=iuFwkT7q8Ws>.

Yes

SUBMITTED DOCUMENTS

- *DOC000.pdf* <https://ipac.ecosphere.fws.gov/project/KQE5UKKSNJAHJGTAYXBI5SR2CQ/projectDocuments/155534290>

20. Was evidence of bat use found during the bridge/structure (e.g., culvert) assessment?

No

21. Did you coordinate with your local Ecological Services Field Office (ESFO) and receive approval of culvert assessment results? If NO, please contact the appropriate local ESFO before completing this determination key.

Yes

22. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

23. Does the action include the intentional exclusion of bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

24. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**

No

25. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

26. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

27. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

28. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

29. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

30. Will the action include drilling or blasting?

No

31. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

32. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

33. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

34. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

35. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

36. Will the proposed action occur exclusively in an already established and currently maintained utility right-of-way?

No

37. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property.

No

38. Does the project intersect with the 0- 9.9% forest density category?

Automatically answered

No

39. Does the project intersect with the 10.0- 19.9% forest density category map?

Automatically answered

No

40. Does the project intersect with the 20.0- 29.9% forest density category map?

Automatically answered

No

41. Does the project intersect with the 30.0- 100% forest density category map?

Automatically answered

Yes

42. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 100 acres in total extent?

No

43. Will the proposed action result in the use of prescribed fire?

Note: If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

No

44. Does the action area intersect the northern long-eared bat species list area?

Automatically answered

Yes

45. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Automatically answered

No

46. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

47. Your project overlaps with an area where northern long-eared bats may be present and roosting in trees year-round.

Is suitable northern long-eared bat habitat present within 1000 feet of project activities?

Yes

48. Your project overlaps with an area where northern long-eared bats may be present and roosting in trees year-round.

Has a presence/absence survey for the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

49. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

50. Your project overlaps with an area where northern long-eared bats may be present and roosting in trees year-round.

Will tree cutting/trimming or other knocking or bringing down of trees occur during the Winter Torpor and/or Summer Occupancy periods?

No

51. Will any tree cutting/trimming or other knocking or bringing down of trees occur during the **Summer Occupancy season** for northern long-eared bats in the action area?

Note: Bat activity periods for your state can be found in Appendix L of the Service's Range-wide Indiana Bat and Northern long-eared Bat Survey [Guidelines](#).

No

52. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

53. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

54. Your project overlaps with an area where tricolored bats may be present and roosting in trees year-round.

Has a presence/probable absence survey for the tricolored bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

55. Your project overlaps with an area where tricolored bats may be present and roosting in trees year-round.

Is suitable tricolored bat habitat present within 1000 feet of project activities? Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer "Yes." Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

56. Do any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pine trees)?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

57. Will tree cutting/trimming or other knocking or bringing down of trees occur during Winter Torpor and/or the Pup Season?

Note: Bat activity periods for your state can be found in Appendix L of the [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#)

No

58. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.06

IPAC USER CONTACT INFORMATION

Agency: South Carolina Department of Transportation

Name: Keith Walker

Address: 955 Park Street

City: Columbia

State: SC

Zip: 29201

Email: walkerke@scdot.org

Phone: 8037371387

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration

PERMIT DETERMINATION

Date: Feb 13, 2025

Project ID: P044268

From: Caycee Cleaver

Company: SCDOT

Contact Info (phone and/or email): cleavercc@scdot.org

Permit Manager: Will McGoldrick - Alternative Delivery Coordinator

Project Name: S-38-39 Bridge/Culvert Replacement over Cooper Swamp

County: Orangeburg

(Optional) Structure #: 62

STUDY AREA:

Does there appear to be WOTUS in the study area? YES NO

PERMIT TYPE:

It has been determined that no permit is required because:

The following permit(s) is/are necessary:

(Please check which type(s) of permit the project will need)

USACE Permit GP IP NWP
OCRM Permit Individual CAP CAP GP
Navigable Permit State NAV USCG

408 PROJECT INFO:

Is it within a 408 Project: YES NO

408 Project Name: _____

MITIGATION:

Mitigation Bank: YES NO

Mitigation Bank Name: Ace Basin - Weyerhaeuser, Brosnan Forest

Comments:

The determination above was based on the most recently available information at the time. This is a preliminary determination and is subject to change if the design of the project is modified.

Caycee Cleaver Digitally signed by Caycee Cleaver
Date: 2025.02.13 08:18:50 -05'00'
Biologist, SCDOT/Consultant

Feb 13, 2025

Date



Watershed and Water Quality Information

SC Department of Environmental Services

General Information

Applicant Name: Caycee Cleaver **Permit Type:** Construction
Address: 4315 CANNON BRIDGE RD, COPE, SC, 29038 **Latitude/Longitude:** 33.348359 / -80.914169
MS4 Designation: Not in designated area **Monitoring Station:** E-008
Within Coastal Critical Area: No **Water Classification (Provisional):** FW
Waterbody Name: COOPER SWAMP **Entered Waterbody Name:**

Parameter Description

NH3N	Ammonia	CD	Cadmium	CR	Chromium
CU	Copper	HG	Mercury	NI	Nickel
PB	Lead	ZN	Zinc	DO	Dissolved Oxygen
PH	pH	TURBIDITY	Turbidity	ECOLI	Escherichia coli (Freshwaters)
FC	Fecal Coliform (Shellfish)	BIO	Macroinvertebrates (Bio)	TP	(Lakes) Phosphorus
TN	(Lakes) Nitrogen	CHLA	(Lakes) Chlorophyll a	ENTERO	Enterococcus (Coastal Waters)
HGF	Mercury (Fish Tissue)	PCB	PCB (Fish)		

Impaired Status (downstream sites)

Station	NH3N	CD	CR	CU	HG	NI	PB	ZN	DO	PH	TURBIDITY	ECOLI	FC	BIO	TP	TN	CHLA	ENTERO	HGF	PCB
E-008	F	F	F	F	F	F	F	F	F	F	F	InTN	X	F	X	X	X	X	N	X

F = Standards full supported A = Assessed at upstream station WnTN = Within TMDL, parameter not supported WnTF = Within TMDL, parameter full supported
 N = Standards not supported X = Parameter not assessed at station InTN = In TMDL, parameter not supported InTF = In TMDL, parameter full supported

Parameters to be addressed (those not supporting standards)

ECOLI - Escherichia coli (Freshwaters)

Fish Consumption Advisory

HGF - Mercury (Fish Tissue)

Waters of Concern (WOC)

TMDL Information - TMDL Parameters to be addressed

In TMDL Watershed: Yes **TMDL Site:** E-008
TMDL Report No: 4A21-11 **TMDL Parameter:** Fecal
TMDL Document Link: <https://des.sc.gov/sites/des/files/docs/HomeAndEnvironment/Docs/LNFork-Edisto.pdf>

Report Date: December 12, 2024



S-39 (Cannon Bridge Rd) over Cooper Swamp

Area of Interest (AOI) Information

Area : 25.2 acres

Buffer: 100 Feet

Dec 12 2024 10:44:10 Eastern Standard Time

Environmental Questions for Feasibility Study:

What is the anticipated NEPA Document Type?

PCE

Is noise analysis required?

N/A

What is the anticipated Permit Type(s)?

NWP 3c

Are there navigable waters in the project area?

No

Is the project within an existing Mitigation Bank Service area?

Yes

Has a SCDHEC Water Quality Report been provided?

Yes

Additional Comments:

Summary

Name	Count	Area(acres)	Length(ft)
Watershed	1	25.20	N/A
Ecoregion	1	25.20	N/A
Wetlands Likelihood Layer	26	9.11	N/A
USGS Streams	1	N/A	204.37

Watershed

#	Basin	HUC 8	Area(acres)
1	Edisto	03050203	25.20

Ecoregion

#	L4_KEY	L3_KEY	Area(acres)
1	63h Carolina Flatwoods	63 Middle Atlantic Coastal Plain	25.20

Wetlands Likelihood Layer

#	ATTRIBUTE	WETLAND_TY	Area(acres)
1	No Data	No Data	5.33
2	PFO1C	Freshwater Forested/Shrub Wetland	3.55
3	PFO1A	Freshwater Forested/Shrub Wetland	0.22

USGS Streams

#	NAME	Length(ft)
1	Cooper Swamp	204.37

The Screening
widget allows you to define an area of interest and analyze below listed layers
for potential impacts.

Boundary: Cities;
COG, Watershed; Ecoregion

Roads &
Bridges: Statewide Bridges; Roads; State Highways

Biological
Resources: T & E Species; Statewide Element Occurrence's; T & E
Critical Habitat; Oyster Habitat Corridor; Bald Eagle Nests

Cultural
Resources: Archaeological Point; Civil War Earthworks; Historic Structures;
National Register Points; Restricted National Register Points; Survey Lines; Archaeological
Site; Survey Areas; Historic Areas; National Register Polygon; Restricted
National Register Polygon

Protected
Lands: NWF Wildlife Refuges Area; NRCS Easments; Heritage Preserves; Parks;
US Forest; Wildlife Management Areas

WOTUS: Streams; Lakes; NWI Wetlands; Wetlands
Likelyhood Layer

Coastal

Resources: Shellfish Monitoring Station; Critical Area Boundary; Shellfish
Classification; SCDNR Oyster Habitat; SCDNR Oyster Beds

Water

Quality: Bio Station; TMDL

Land and

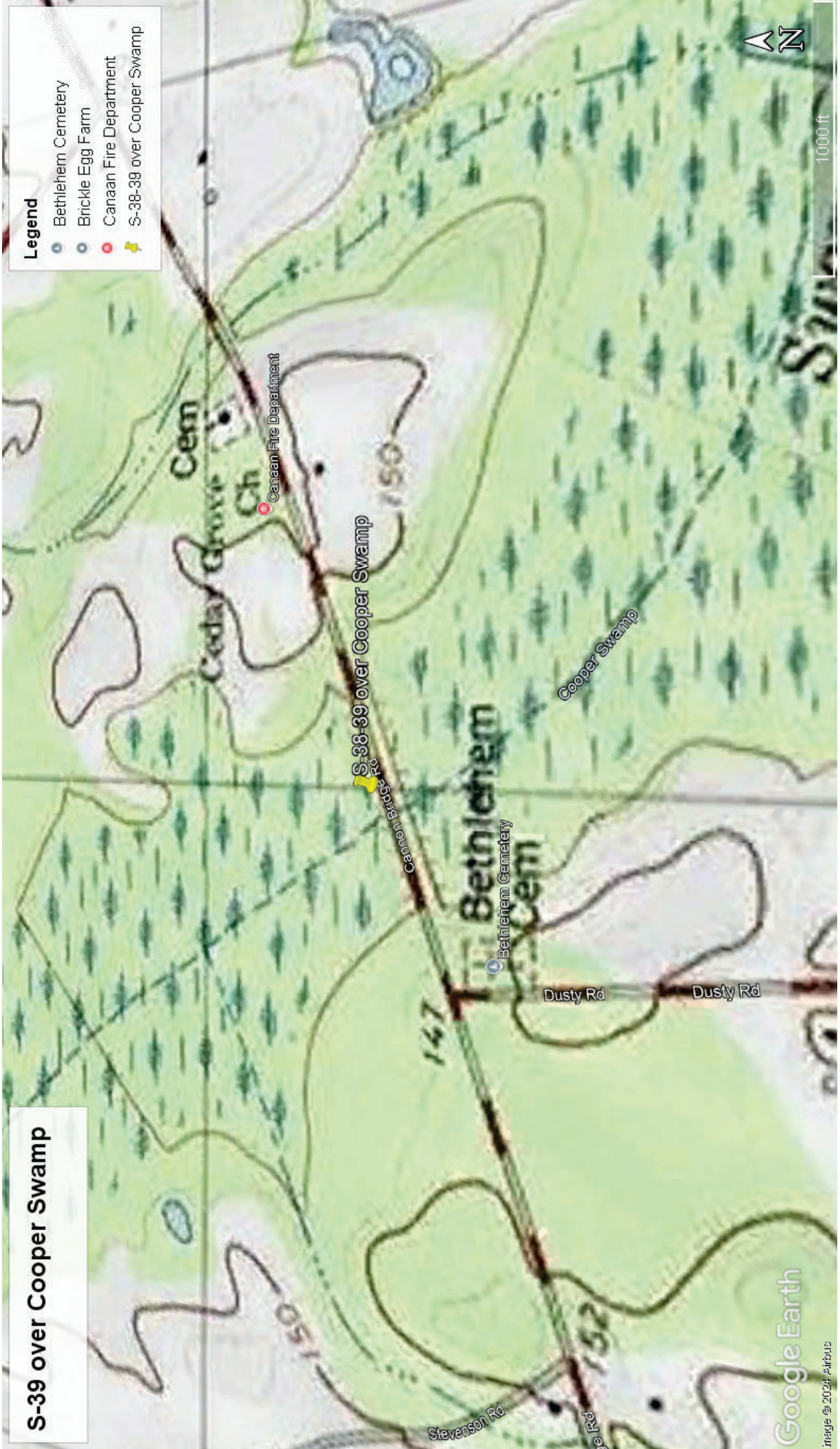
Waste: Solid Waste Landfill; Underground Storage Tank; Above Ground Storage
Tank; CERCLA; Compliance and Enforcement; DryCleaners; Leaking Underground
Storage Tank

Others: Soil
Classification

S-39 over Cooper Swamp

Legend

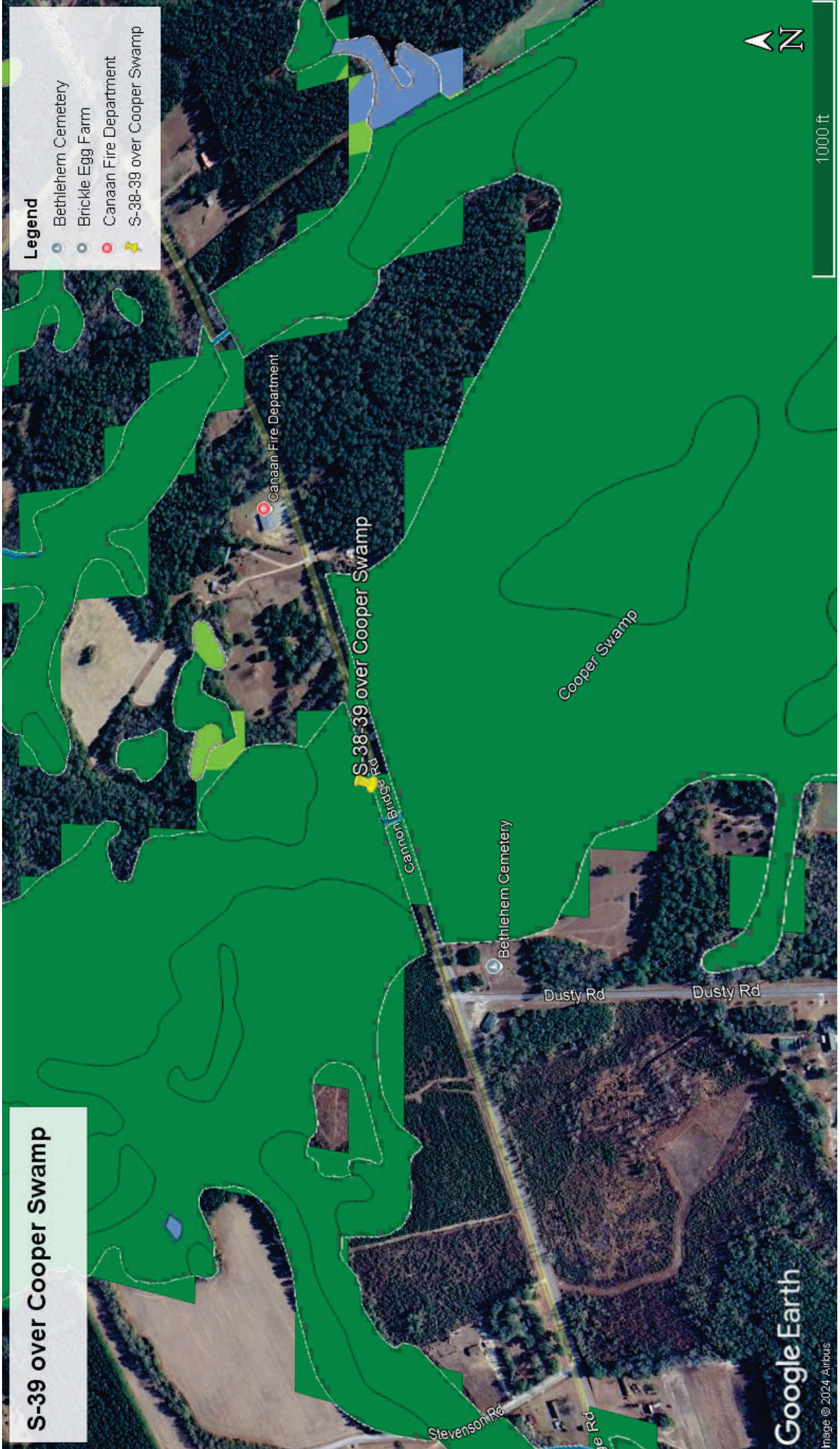
- Bethlehem Cemetery
- Brickle Egg Farm
- Canaan Fire Department
- S-38-39 over Cooper Swamp



S-39 over Cooper Swamp

Legend

- Bethlehem Cemetery
- Brickle Egg Farm
- Canaan Fire Department
- S-38-39 over Cooper Swamp



National Flood Hazard Layer FIRMette

80°55'3"W 33°21'11"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS



Without Base Flood Elevation (BFE)
Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee. See Notes. Zone X
Area with Flood Risk due to Levee Zone D



OTHER AREAS OF FLOOD HAZARD



OTHER AREAS



GENERAL STRUCTURES



OTHER FEATURES



MAP PANELS



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards



The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/18/2024 at 1:12 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.



This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



**South Carolina Department of Transportation
Location and Hydraulic Design of Encroachments on Floodplains Checklist**

23 CFR 650, this regulation shall apply to all encroachments and to all actions which affect base floodplains, except for repairs made with emergency funds. Note: These studies shall be summarized in the environmental review documents prepared pursuant to 23 CFR 771.

I. PROJECT DESCRIPTION

S-39 Emergency Bridge replacement of a damaged culvert for Cooper Swamp in Orangeburg County.

A. Narrative Describing Purpose and Need for Project

- a. Relevant Project History:
- b. General Project Description and Nature of Work (attach Location and Project Map):
- c. Major Issues and Concerns:

Culvert has been damaged from the 11/07/2024 storm (Orangeburg County Storm) and is no longer safe or functional. Route is currently closed to traffic and a detour is in place. Repair under emergency funds.

B. Are there any floodplain(s) regulated by FEMA located in the project area?

Yes No

C. Will the placing of fill occur within a 100-year floodplain?

Yes No

D. Will the existing profile grade be raised within the floodplain?

Yes. There is a potential grade raise but there is no FEMA floodplain.

E. If applicable, please discuss the practicability of alternatives to any longitudinal encroachments.

Longitudinal encroachments should retain within SCDOT right of way.

F. Please include a discussion of the following: commensurate with the significance of the risk or environmental impact for all alternatives containing encroachments and those actions which would support base floodplain development:

a. What are the risks associated with implementation of the action?

No risks are anticipated.

b. What are the impacts on the natural and beneficial floodplain values?

SCDOT No Impact should be achieved.

c. What measures were used to minimize floodplain impacts associated with the action?

Bridge or culvert will be designed to achieve no impact criteria.

d. Were any measures used to restore and preserve the natural and beneficial floodplain values impacted by the action?

Bridge or culvert will be designed to achieve no impact criteria.

G. Please discuss the practicability of alternatives to any significant encroachments or any support of incompatible floodplain development.

No encroachments are anticipated.

H. Were local, state, and federal water resources and floodplain management agencies consulted to determine if the proposed highway action is consistent with existing watershed and floodplain management programs and to obtain current information on development and proposed actions in the affected? Please include agency documentation.

All analysis for the project will be performed in accordance with SCDOT, FEMA, and local regulations.

Levi McLeod Digitally signed by Levi McLeod
Date: 2025.01.13 13:02:01
-05'00'
SCDOT Hydraulic Engineer

1/13/25
Date

BRIDGE SCOPE AND RISK ASSESSMENT FORM

COUNTY: Orangeburg

DATE: 01/06/2025

ROAD #: S-39

STREAM CROSSING: Cooper Swamp

Purpose & Need for the Project:

S-39 Emergency Bridge replacement of a damaged culvert for Cooper Swamp in Orangeburg County. Culvert has been damaged from the 11/07/2024 storm (Orangeburg County Storm) and is no longer safe or functional. Route is currently closed to traffic and a detour is in place. Repair under emergency funds.

I. FEMA Acknowledgement

Is this project located in a regulated FEMA Floodway? Yes No

Panel Number: 45075C0560C Effective Date: 01/16/2014 (See Attached)

II. FEMA Floodmap Investigation

FEMA Flood Profile Sheet Number _____ illustrates the existing 100 year flood:

- Passes under the existing low chord elevation.
- Is in contact with the existing low chord elevation.
- Overtops the existing bridge finished grade elevation.

III. No Rise/CLOMR Preliminary Determination

- Preliminary assessment indicates this project may be constructed to meet the "No-Rise" requirements. A detailed hydraulic analysis will be performed to verify this assessment.

Justification:

- Preliminary assessment indicates this project may require a CLOMR/LOMR. Impacts will be determined by a detailed hydraulic analysis.

Justification:

BRIDGE SCOPE AND RISK ASSESSMENT FORM

IV. Preliminary Bridge Assessment

A. Locate Existing Plans

a. Bridge Plans Yes File No. _____ Sheet No. _____ (See Attached)
 No

b. Road Plans Yes File No. _____ Sheet No. _____ (See Attached)
 No

B. Historical Highwater Data

a. USGS Gage Yes Gage No. _____ Results: _____
 No

b. SCDOT/USGS Documented Highwater Elevations
 Yes Results: _____
 No

c. Existing Plans Yes See Above
 No

V. Field Review

A. Existing Bridge

Length: _____ 45 ft. Width: _____ 34 ft. Max. span Length: _____ 10 ft.

Alignment: Tangent Curved

Bridge Skewed: Yes No Angle: _____

End Abutment Type: N/A, box culvert

Riprap on End Fills: Yes No Condition: embankment washout

Superstructure Type: quadruple barrel 10'x10' concrete box culvert

Substructure Type: _____

Utilities Present: Yes No

Describe:

Debris Accumulation on Bridge: Percent Blocked Horizontally: _____ 0 %
Percent Blocked Vertically: _____ 0 %

Hydraulic Problems: Yes No

Describe:

BRIDGE SCOPE AND RISK ASSESSMENT FORM

V. Field Review (cont.)

B. Hydraulic Features

a. Scour Present: Yes No Location: embankment washout at end

b. Distance from F.G. to Normal Water Elevation: 10 ft.

c. Distance from Low Steel to Normal Water Elev.: 9 ft.

d. Distance from F.G. to High Water Elevation: 2 ft.

e. Distance from Low Steel to High Water Elev.: 1 +/- ft.

f. Channel Banks Stable: Yes No

Describe: embankment washout in flood event. new bridge needed to establish banks.

g. Soil Type: sandy

h. Exposed Rock: Yes No Location: _____

i. Give Description and Location of any structures or other property that could be damaged due to additional backwater.

None - swamp floodplain and backwater will be reduced.

C. Existing Roadway Geometry

a. Can the existing roadway be closed for an On-Alignment Bridge Replacement

Yes No

Describe:

road currently closed due to culvert wash-out

If "yes", does the existing vertical and horizontal curves meet the proposed design speed criteria?

If "No", will the proposed bridge be:

Staged Constructed

Replaced on New Alignment

BRIDGE SCOPE AND RISK ASSESSMENT FORM

VI. Field Review (cont.)

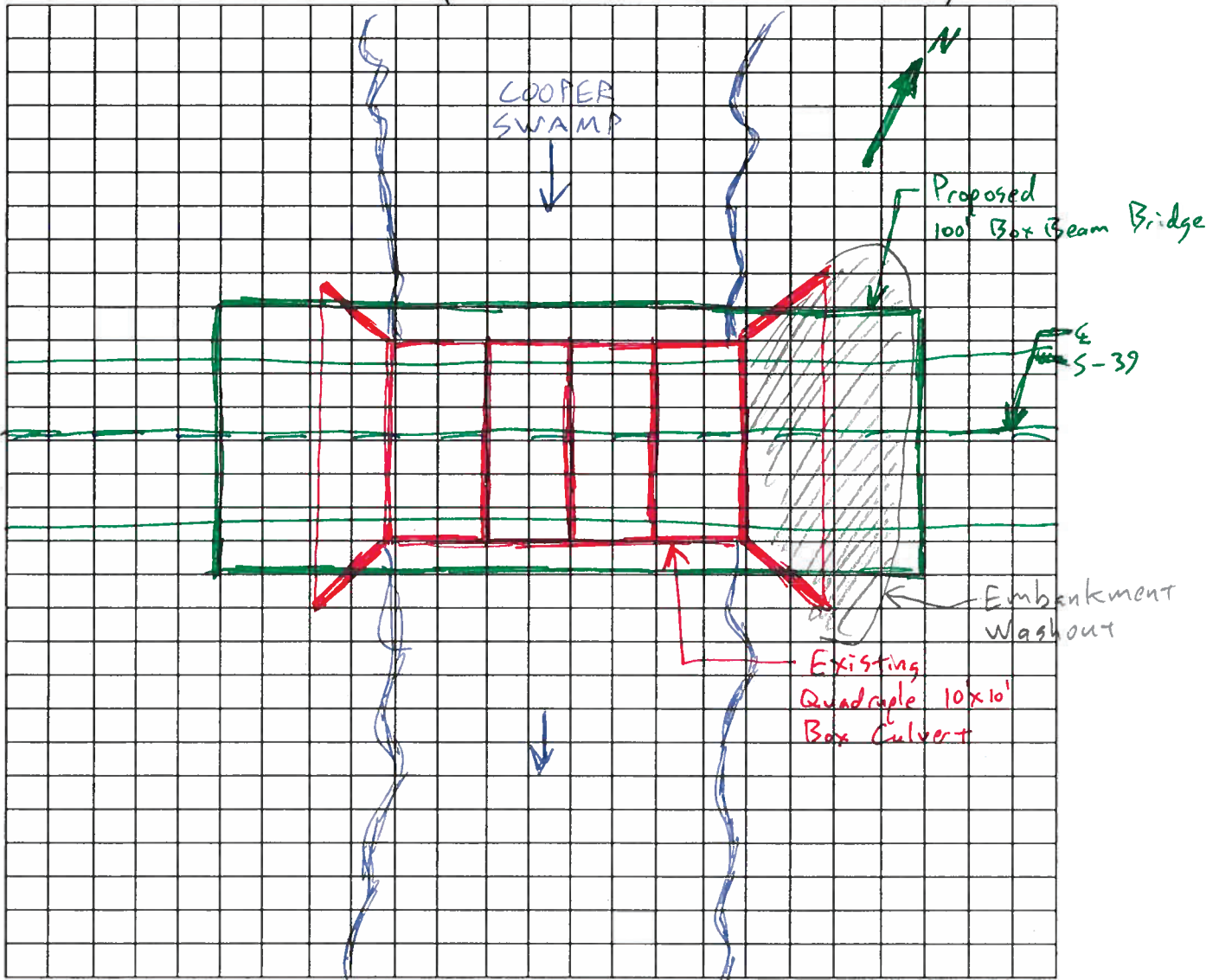
A. Proposed Bridge Recommendation:

Length: 100 ft. Width: 36 ft. Elevation: TBD ft.

Span Arrangement: 100-ft box beam single span

Notes: Based on preliminary (rough) hydraulic analysis, 90'+ single span bridge needed to meet backwater criteria (< 1-foot).

BRIDGE SITE DIAGRAM: (Show North Arrow and Direction of Flow)



Performed By: John Caver & Levi McLeod

