



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO
ATTENTION OF

November 14, 2016

Regulatory Division

Ms. Siobhan O. Gordon
South Carolina Department of Transportation
P.O. Box 191
Columbia, South Carolina 29202-0191

Dear Ms. Gordon:

We are in receipt of your November 1, 2016 response to the Corps' October 17, 2016 request for additional information letter; however, additional information is required before consideration can be given by the concerned agencies and other interested parties. The following information must be provided to this office in order to complete your application:

1. The Corps has reviewed your response regarding clearing within wetlands and streams and, as proposed, that this is not a regulated activity. While in and of itself, clearing within wetlands, if done in a certain manner, may not be a regulated activity; however, this type of activity must be considered when in conjunction with any proposed regulated activity within jurisdictional waters of the U.S., including wetlands (WOUS). The need for a permit to discharge dredge or fill material into jurisdictional WOUS requires that all proposed impacts, both permanent and temporary, and secondary and cumulatively, be reviewed. As such, the clearing of wetlands, whether as a temporary construction access or as a permanent conversion for safety zone maintenance, must be fully assessed. Therefore, please depict safety zone clearing locations within forested and/or scrub-shrub wetlands on revised site plans as a permanent conversion impact. In addition, any temporary clearing within forested and/or scrub-shrub wetlands for construction access must be depicted and noted on site plans and quantified. Any permanent filling of jurisdictional WOUS, and/or permanent conversion of forested and/or scrub-shrub wetlands will require compensatory mitigation; please submit a compensatory mitigation plan that is in compliance with the 2008 Compensatory Mitigation Rule and the Charleston District SOP to offset these impacts.
2. Please answer the following regarding temporary construction access within Lake Windsor:
 - a. It is noted in the application that Lake Windsor has been drained due to Hurricane Joaquin. Please indicate if the area is still an open water per the issued jurisdictional determination or if there has been a conversion of the lake to a different habitat. This is important in assessing the need for mitigation. Impacts to open water may not require mitigation; however, conversion impacts of wetlands may require mitigation;
 - b. Please depict the location of proposed coffer dam/sheet-pile walls to be used for construction access. The placement of any sheet-pile structure below the ordinary high water mark of the lake or within a wetland is a regulated activity and these impacts must be quantified; and,

- c. In regards to the excavation of material from Lake Windsor, if the area has converted to a wetland, the SCDOT may want to use the material to restore the area post-construction so as not to incur a permanent impact. The temporary impact must still be quantified, but mitigation may not be required so long as there is not a conversion of habitat type.
3. Appropriate mitigation to waters of the U.S., including wetlands, will be determined after all project impacts, both permanent and temporary, have been accurately assessed.
4. Our conference call indicated that additional area was added to the project that was not included in the previously issued jurisdictional determination. Please depict these areas on a map so that the Corps can determine if an additional site visit is needed.
5. In reviewing the submitted application, it was noted that there was a discrepancy between documentation sent to the U.S. Fish & Wildlife Service and the State Historic Preservation Office for project concurrence and the actual project area. Per 2012 Nationwide Permit (NWP) General Conditions Nos. 18 and 20, *Endangered Species* and *Historic Properties*, respectively, no activity is authorized under any NWP that "may affect" a threatened/endangered species or their habitat or would have the potential to cause an effect on historic/archaeological resources. Please state how the proposed project meets these Special Conditions of the NWP.
6. After all requested information has been received, the Corps will determine if the project qualifies for an NWP 14 or if a Regional General Permit is a more appropriate permit review.

It is requested that you provide this office with the requested information by December 14, 2016. Should the information not be received by this date, this office will assume that you no longer wish to pursue this application and will remove it from our active files. If you desire to apply to this office at a later date for this work, the same project number, SAC-2015-00155, will be used.

If there are any questions regarding this matter, please do not hesitate to contact me at 843-329-8043 or at john.n.policarpo@usace.army.mil.

Sincerely,


John N. Policarpo
Project Manager

Copy Furnished:

Mr. John Collum (via email)
Ms. Siobhan O. Gordon (via email)



November 29, 2016

John N. Policarpo
Project Manager, Regulatory Division
Department of the Army
Charleston District, Corps of Engineers
69A Hagood Avenue
Charleston, SC 29043-5107

RE: Interstate 77 Widening and Rehabilitation (from MM 15 – MM 27)
USACE SAC-2015-00155. SCDOT PIN P027002

Dear Mr. Policarpo:

On behalf of the South Carolina Department of Transportation (SCDOT) Johnson, Mirmiran & Thompson (JMT) is providing this information in response to your letter dated November 14, 2016, and our subsequent phone conversation on November 18, 2016. We appreciate your assistance in processing this permit application.

Your letter requested additional information to complete the application. We hope that this correspondence will facilitate finalization of your permitting process. Your information request is summarized and a response is provided for each as follows:

1. *You requested that safety zone clearing locations within forested wetlands and/or scrub shrub wetlands be depicted on revised site plans as well as any temporary clearing for construction access.*

The safety zone area has been reviewed and does not impact any wetlands or streams.

Temporary construction access tree cutting will be needed for placement of riprap at some of the pipe/culvert ends and the Outfall Ditch Cleanouts. Revised sheets are enclosed pursuant to our conversation with the areas quantified on the plans. In summary, tree cutting will be required as described in the following table.

Station/Sheet	Wetland/Stream	Area
1407+20/9	W19/S23	1583 SF/0.036 AC
1423+15/11	W20/S25	768 SF/0.018 AC
1459+60/12	W21/--	1687 SF/0.039 AC
1469+60/13	W22/S26	1487 SF/0.034 AC
Total	--	5525 SF/0.127 AC

2. *You requested additional information on temporary construction access within Lake Windsor.*

The contractor will use temporary elevated work platforms built on pipe piles for construction access over Lake Windsor. This will be constructed between the existing north and southbound lanes and will be from Sta. 1247+75 to Sta. 1250+00. This will require no excavation, mechanized land clearing, coffer dam/sheet-pile walls, grubbing or regulated activities below the previous ordinary high water mark of Lake Windsor.

3. *You stated that mitigation will be determined after project impacts have been accurately assessed.*

The USACE will determine if additional mitigation is needed once all other information is provided.

4. *You requested that wetlands be depicted in the rehabilitation (Section 1) portion of the project.*

Additional information regarding activities in areas outside of the original JD boundary were described in the Impact Assessment form Item 4 and in Attachment C Figures 1-31. The figures include topo maps, soils maps and delineated wetland maps. There are no impacts to wetlands in Section 1 of the project.

5. *You noted a discrepancy between the mapping in USFWS and SHPO concurrence letters and the current project boundary.*

SCDOT staff has coordinated with SHPO and USFWS and secured their concurrence of the project area.

6. *You stated that the USACE will determine if the project qualifies for a NWP 14 or if a RGP is more appropriate for review.*

The Pre-Construction Notification Form has been completed, is enclosed, and references previously provided information in Attachment A of the permit application for your consideration of if the project meets SAC 2015-1280 / Road Widening.

A proposed drainage pipe system, in uplands, has been eliminated as part of the final design process. An outfall pad at station 1364+70 needed to be adjusted to accommodate the change. An outfall pad at this location was in the original permit drawing set (Sheet 8 of 31) and required 27 linear feet of armor to Stream 19. The change in the pad configuration did not result in an increase in stream impact or required mitigation; as well, since it is at the outlet of an existing culvert, the purpose of the impact did not change. Revised Sheets 8 and 20 are enclosed for your use.

Please use this information to finalize your permit process and feel free to contact me if you have any additional questions. We appreciate your assistance on this important SCDOT project.

Sincerely,



John Collum, PWS
JMT-South Carolina Natural & Cultural Resources

JAC/

Enclosures

Revised Sheets 8, 9, 11, 12, 13 & 20

USFWS and SHPO Correspondence

SCDOT RGP Pre-Construction Notification Form

cc: Charles Hightower, SCDHEC

ec: Elizabeth Williams, USACE

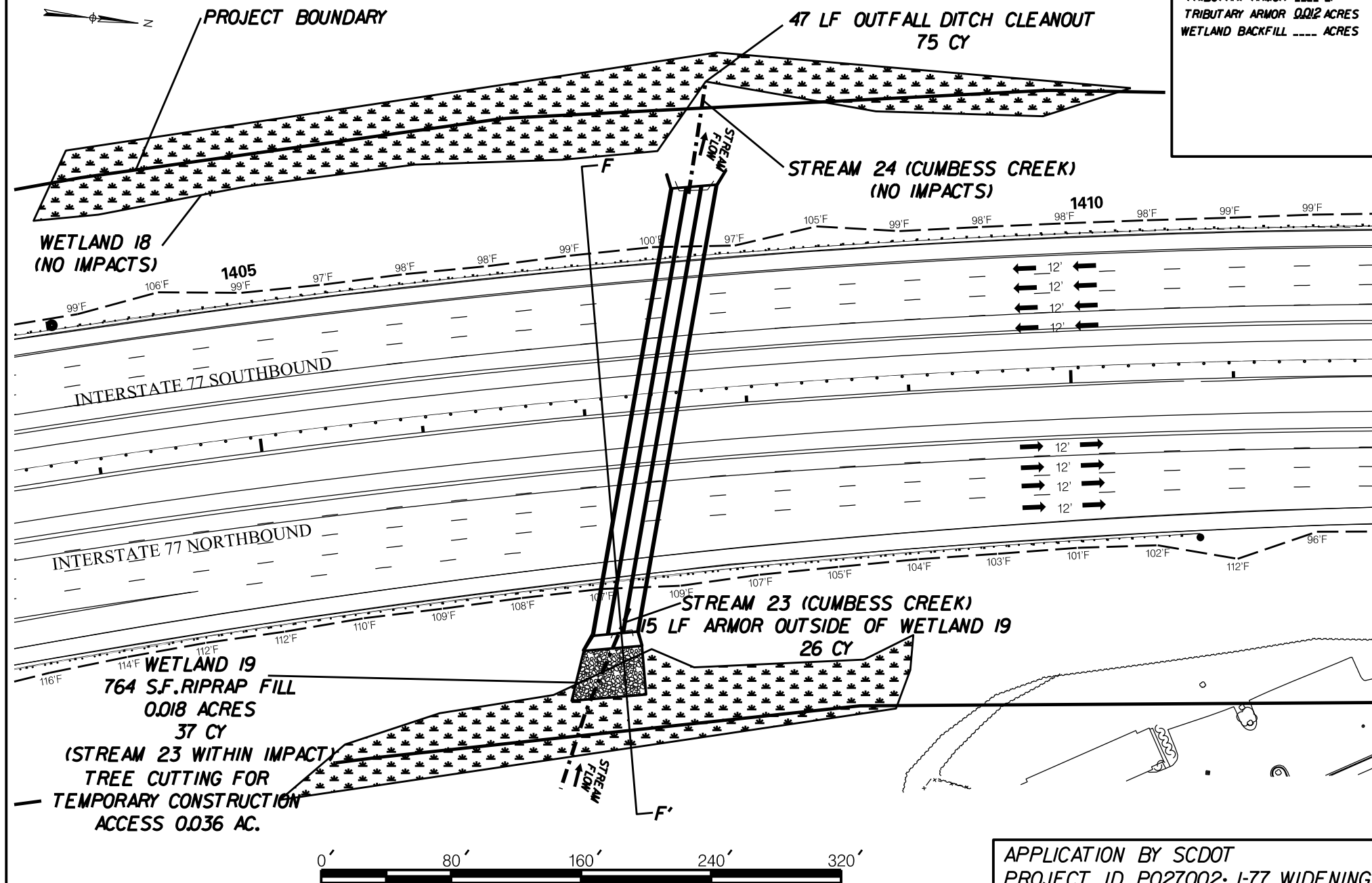
Christopher Mims, USACE

M. Sean Connolly, SCDOT

Siobhan O. Gordon, SCDOT

File Env/RPG3

IMPACTS THIS SHEET
 WETLAND FILL 0.018 ACRES
 TRIBUTARY ARMOR 15 LF
 TRIBUTARY ARMOR 0.012 ACRES
 WETLAND BACKFILL 0.036 ACRES



All required OFD maintenance will be performed
 in accordance with USACE RGL 07-02.

APPLICATION BY SCDOT
 PROJECT ID P027002: I-77 WIDENING
 AND REHABILITATION (MM15-MM27)
 RICHLAND COUNTY, SC
 DATE: 8/2016
 SHEET: 9 OF 31
 REVISION DATE: 11/18/16

IMPACTS THIS SHEET
WETLAND FILL 0.003 ACRES
TRIBUTARY ARMOR ---- LF
TRIBUTARY ARMOR ---- ACRES
WETLAND BACKFILL ---- ACRES

**70 LF OUTFALL DITCH CLEANOUT
EST.EXC.25 CY**

WETLAND 20
150 SF RIPRAP FILL
0.003 ACRES
7 CY

(STREAM 25 WITHIN IMPACT)
TREE CUTTING FOR TEMPORARY
CONSTRUCTION ACCESS 0.018 AC.

PROJECT BOUNDARY

1425

PROJECT BOUNDARY

A horizontal bar divided into five equal segments. Above the bar, there are tick marks and labels at 0', 80', 160', 240', and 320'. The bar itself is divided by four vertical lines into five equal parts.

LEGEND
LIMITS OF
CONSTRUCTION
STREAM LIMITS

WETLANDS

All required OFD maintenance will be performed in accordance with USACE RGL 07-02.

APPLICATION BY SCDOT
PROJECT ID P027002: I-77 WIDENING
AND REHABILITATION (MM15-MM27)
RICHLAND COUNTY, SC
DATE: 8/2016
SHEET: 11 OF 31
REVISION DATE: 11/18/16

IMPACTS THIS SHEET
 WETLAND FILL 0.002 ACRES
 TRIBUTARY ARMOR ---- LF
 TRIBUTARY ARMOR ---- ACRES
 WETLAND BACKFILL ---- ACRES

90 LF OUTFALL DITCH CLEANOUT
 EST. EXC. 60 CY
 TREE CUTTING FOR TEMPORARY
 CONSTRUCTION ACCESS 0.039 AC.

WETLAND 21
 100 SF RIPRAP FILL
 0.002 ACRES

PROJECT BOUNDARY

1460

1465

INTERSTATE 77 SOUTHBOUND

N 0° 36' 13" W

INTERSTATE 77 NORTHBOUND

PROJECT BOUNDARY

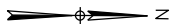
WETLAND 22
 (NO IMPACTS THIS SHEET)

0' 80' 160' 240' 320'

LEGEND
 LIMITS OF CONSTRUCTION ---
 STREAM LIMITS ---
 RIPRAP [Symbol]
 WETLANDS [Symbol]

All required OFD maintenance will be performed
 in accordance with USACE RGL 07-02.

APPLICATION BY SCDOT
 PROJECT ID P027002: I-77 WIDENING
 AND REHABILITATION (MM15-MM27)
 RICHLAND COUNTY, SC
 DATE: 8/2016
 SHEET: 12 OF 31
 REVISION DATE: 11/18/16



PROJECT BOUNDARY

IMPACTS THIS SHEET
WETLAND FILL 0.022 ACRES
TRIBUTARY ARMOR 23 LF
TRIBUTARY ARMOR 0.008 ACRES
WETLAND BACKFILL ---- ACRES

STREAM 28
CRANE CREEK
(NO IMPACTS)

1470

96°F 97°F 96°F 95°F 96°F 96°F 96°F 97°F 97°F

12' 12' 12' 12'

98°F 97°F 96°F 97°F 97°F 97°C 94°F 96°F 96°F 97°F 97°F 96°F

STREAM 26
(CRANE CREEK)

23 LF ARMOR OUTSIDE WETLAND 22
106 CY

WETLAND 22
942 SF RIPRAP FILL
0.022 ACRES
35 CY

PROJECT BOUNDARY

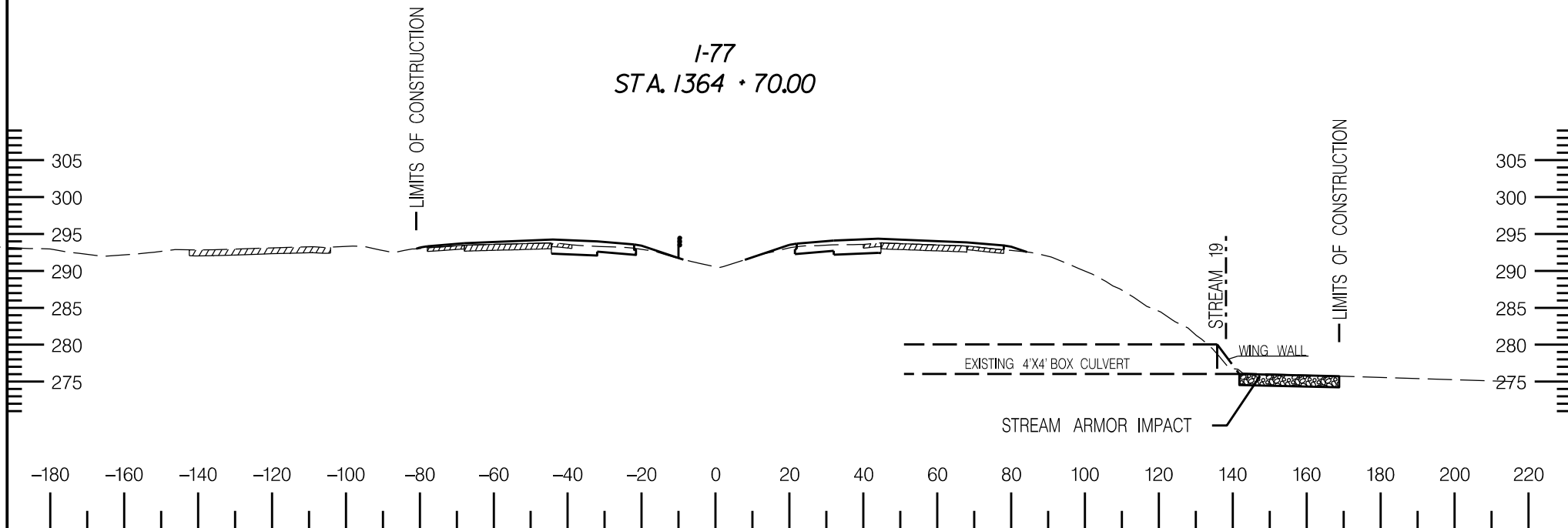
(STREAM 26 WITHIN IMPACT)
TREE CUTTING FOR TEMPORARY
CONSTRUCTION ACCESS 0.034 AC.

0' 80' 160' 240' 320'

LEGEND
LIMITS OF
CONSTRUCTION ---
STREAM LIMITS - - -
RIPRAP [Symbol]
WETLANDS [Symbol]

APPLICATION BY SCDOT
PROJECT ID P027002: I-77 WIDENING
AND REHABILITATION (MM15-MM27)
RICHLAND COUNTY, SC
DATE: 8/2016
SHEET: 13 OF 31
REVISION DATE: 11/18/16

I-77
STA. 1364 + 70.00



LEGEND
LIMITS OF
CONSTRUCTION
STREAM LIMITS
RIPRAP

- - -
[Riprap Pattern]

SECTION E-E'

APPLICATION BY SCDOT
PROJECT ID P027002: I-77 WIDENING
AND REHABILITATION (MM15-MM27)
RICHLAND COUNTY, SC
DATE: 8/2016
SHEET: 20 OF 31
REVISION DATE: 11/18/16

Gordon, Siobhan

From: Caldwell, Mark <mark_caldwell@fws.gov>
Sent: Friday, November 18, 2016 2:05 PM
To: Gordon, Siobhan
Subject: Re: I-77 Widening and Rehab, Richland County. FWS Log 2015-I-0216. SCDOT P027002

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Confirmed. Our 2015 consultation is still in force.

Mark

On Fri, Nov 18, 2016 at 10:33 AM, Gordon, Siobhan <GordonSO@scdot.org> wrote:

The USACE has requested that we clarify the study area examined for the I-77 widening and rehab project in Richland County, South Carolina. The biological assessment (attached) submitted for this project describe the study area associated with the rehabilitation portion of the project in the “Description of Proposed Action”, but did not adequately capture this area on the vicinity map. As indicated in the project description, the proposed project would include the widening of Interstate 77 from Percival Road to Killian Road and the rehabilitation of southbound I-77 from Killian Road to Mile Point 27 in Blythewood (see map below). All rehabilitation activities would occur within previously disturbed portions of Interstate 77. HDR has confirmed they surveyed the rehab portion of this project in the attached memo.

SCDOT has also recently surveyed for Michaux sumac (*Rhus michauxii*) and determined there will be no impact to this species.

Based on the information above, please confirm that FWS concurrence is still valid. Thank you!



I-77 Roadway Widening and Improvements

I-77 Project Limits
Figure 2
April 2015

South Carolina Department of Transportation | Richland County, SC | Categorical Exclusion

Siobhan O. Gordon

Permits Manager, Midlands | Biologist

SCDOT Environmental Services Office

Phone W 803 737 1337 | M 803 509 2229

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Mark Caldwell
Deputy Field Supervisor
US Fish and Wildlife Service
176 Croghan Spur Road, Suite 200
Charleston, SC 29407
(843) 727-4707 ext. 215
(843) 727-4218 (facsimile)

This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act and may be disclosed to third parties.

Gordon, Siobhan

From: Long, Chad C.
Sent: Thursday, November 17, 2016 12:36 PM
To: Gordon, Siobhan
Subject: FW: I-77 widening and rehab

From: Daggett, Adrienne [<mailto:ADaggett@scdah.sc.gov>]
Sent: Thursday, November 17, 2016 9:44 AM
To: Long, Chad C.
Subject: RE: I-77 widening and rehab

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Hey Chad,
Thanks for sending this along. It looks good to me – our office concurs that no historic properties will be affected.
All the best,
Adrienne

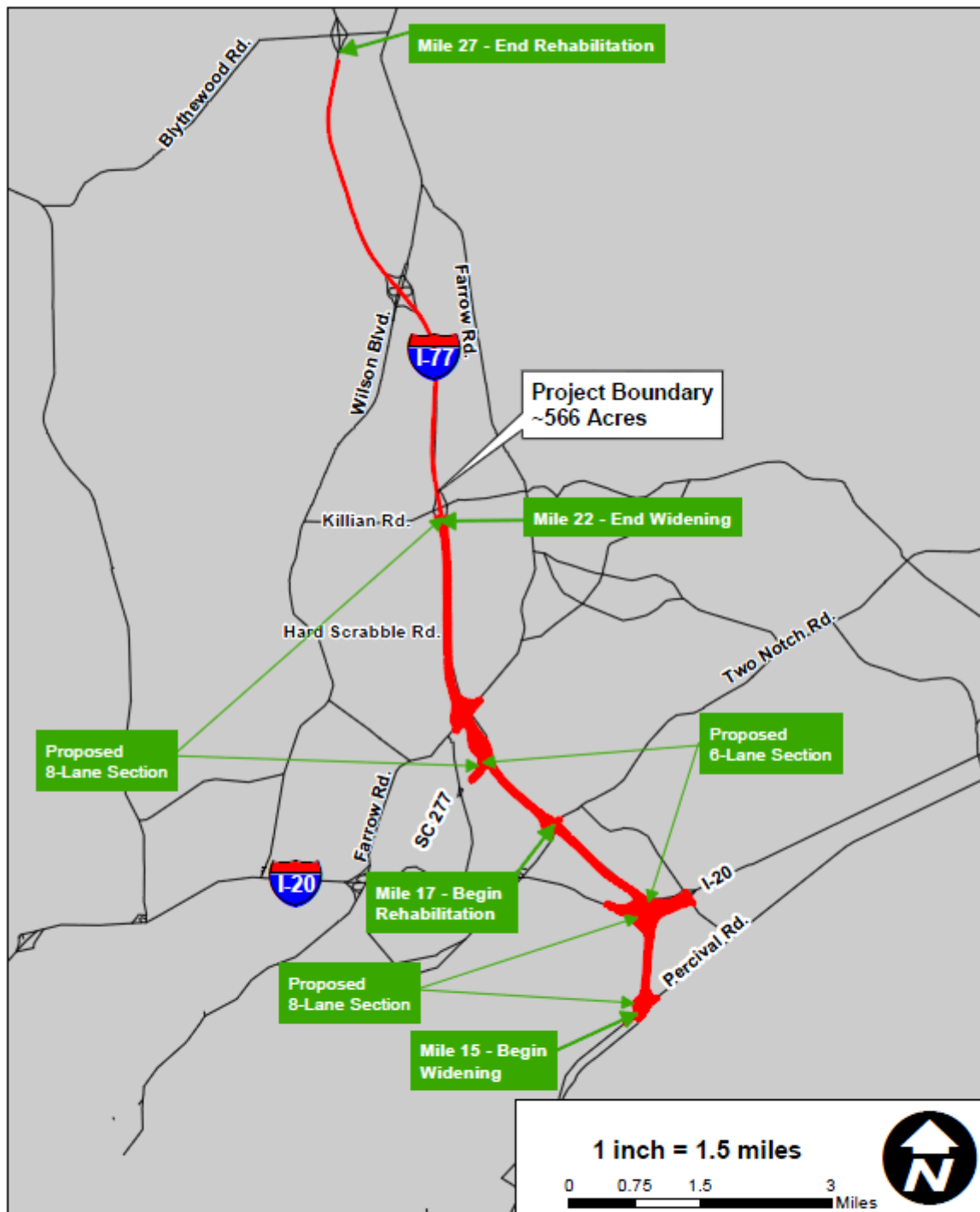
From: Long, Chad C. [<mailto:LongCC@scdot.org>]
Sent: Thursday, November 17, 2016 9:17 AM
To: Daggett, Adrienne
Subject: I-77 widening and rehab

Adrienne,

The USACE has requested that we clarify the study area examined for the I-77 widening and rehab project in Richland County, South Carolina. The cultural resources report submitted for this project did not adequately describe the study area associated with the rehabilitation portion of the project. As indicated in the project description, the proposed project would include the widening of Interstate 77 from Percival Road to Killian Road and the rehabilitation of southbound I-77 from Killian Road to Mile Point 27 in Blythewood (see map below). All rehabilitation activities would occur within previously disturbed portions of Interstate 77; therefore no archaeological or historic architectural investigations were conducted. As described in the report and our coordination letter, the no historic properties would be affected by the proposed undertaking.

Please review and let me know if you concur with this assessment.

Chad



I-77 Roadway Widening and Improvements

I-77 Project Limits
Figure 2
April 2015

South Carolina Department of Transportation | Richland County, SC | Categorical Exclusion

Columbia, South Carolina 29201

Phone 803.737.1396 (office)| 803.420.8115 (mobile)

Pre-Construction Notification Form for SCDOT GP SAC 2015-1280, SAC 2015-1281, SAC 2015-1282, SAC 2015-1283 SAC 2015-1284, SAC 2015-1285, and SAC 2015-1286

Project Name Interstate 77 Widening and Rehabilitation (from MM 15 - MM 27) **SAC #** 2015-1280/2015-00155
County: Richland

The following must be completed with each RGP Request. There should be a box checked for each numbered item with all blanks filled in with appropriate information. If a blank is not applicable, state NA. The PCN will not be considered complete unless an answer is provided for every numbered item and the appropriate information listed for each item is enclosed.

1. ☒ What is the purpose of the project? The purpose of the proposed project is to improve operational efficiency and accommodate future traffic volumes along the interstate corridor by increasing I-77's capacity.
2. ☒ Completed Joint Federal and State Application Form (enclosed). If additional space is needed, additional sheets may be attached, referencing specific sections of the Joint Application, as appropriate. # 41 is not required for RGP Applications.
3. Wetland Determination. (See Page 1 of the RGP "Type of Project").
☒ For Improvement Projects, the PCN packet must contain a copy of the Wetland Determination Letter and copy of the referenced JD map, drawing, or plat.
SAC 2015-00155-DS dated July 28, 2015 is enclosed.

☐ For Maintenance Projects, the PCN packet must contain a (1) Signed Jurisdictional Determination Request form (Approximate-Preliminary), to include information consistent with Charleston District's requirements for delineations and jurisdictional determination submittals (see <http://www.sac.usace.army.mil/missions/regulatory.aspx>).
4. ☒ Federal Highway Administration has completed a NEPA document entitled I-77 Roadway Widening and Improvements and dated June 2, 2015.
A copy of the NEPA document is included in PCN packet.

☐ Federal Highway Administration has not completed a NEPA document because ☐ there is no federal funding associated with this project, or ☐ it is incomplete at the time of DA submittal.
5. ☒ Proposed Plans (enclosed). A location map, plan view, and cross sectional diagram should be provided. For bridge replacement projects, a bridge profile is needed.
6. ☒ Impacts. Total Impacts to Wetlands are 0.049 acre(s) and/or 151 linear feet of waters of the US. This includes 0 acre(s) of impacts to tidally-influenced waters/ wetlands.
7. ☒ Provide a detailed discussion of how impacts were avoided and minimized from the initial phase of the project plans to the project plan that is currently being proposed.

Information regarding Avoidance and Minimization measures was provided in Section IV of Attachment A of the Joint Federal and State Permit Application dated September 30, 2016. In summary, the final design phase resulted in an overall reduction in impacts. Stream impacts were reduced by 52%. Freshwater wetland impacts were initially estimated to be insignificant. TRM was initially recommended but was removed as rock outlet protection was determined to result in less impact. Wetland impacts which were initially anticipated in the NEPA phase were avoided at Wetlands 6, 11 and 12 by reducing side-slopes.

8. Historic Properties. See Section II (2).

Note: Attach additional sheets, if needed.

☒ There are no Section 106 Properties that will be affected by the proposed project (no potential to cause effects).

☐ There are Section 106 Properties in the area but they will not be impacted by the proposed project. Provide copies of all correspondence with SHPO. Explain: _____

9. Threatened and Endangered Species. See Section II (3).

☐ There will be no effect on any federally threatened or endangered species or critical habitat. A Biological Assessment is included.

☒ The proposed project is not likely to adversely affect (list appropriate federally threatened or endangered species) _____

Consultation pursuant to Section 7 of the Endangered Species Act for this project is summarized in Section IV of Attachment A of the Joint Federal and State Permit Application.

The project is not likely to adversely affect Rough-leaved loosestrife and Smooth Coneflower

The Biological Assessment and copies of all correspondence with USFWS and/or NMFS is included.

10. ☒ There will be no impacts to EFH.

☐ The project will impact _____ acres of EFH. The EFH Assessment and copies of all correspondence with NMFS is enclosed. Any NMFS Conservation Recommendations must be clearly addressed and incorporated into the project in order for the PCN to be considered complete.

11. Floodplain Management Statement: Provide a statement that the proposed project complies with any applicable Federal Emergency Management Agency (FEMA) Flood Insurance Program regulations, and/or any State, County, or local regulations and whether the proposed project may cause increases in the base flood elevations to adjacent properties. "No-Rise Certifications" for Cumbress Cress, Crane Creek, Little

Jackson Creek and Jackson Creek/Windsor Lake are included in Attachment F of the Joint Federal and State Permit Application.

12. ☐ In order to compensate for the impacts to WOTUS, the following is proposed as compensatory mitigation. Compensatory Mitigation Worksheets are enclosed. _____

Compensatory mitigation for the project is described in Section IX of Attachment A of the Joint Federal and State Permit Application.

Compensatory Mitigation Worksheets are included in Attachment D of the Joint Federal and State Permit Application.

90.85 credits will be purchased or debited from the Sandy Fork Mitigation Bank. 262.75 credits will be purchased or debited from the Mill Creek

Mitigation Bank. At least half of these credits will be restoration credits.

Prepared By: John Collum
Consultant or SCDOT Representative Name (Printed) and Signature

Date: 11/22/16

Reviewed By: Siobhan Gordon
SCDOT Representative Name (Printed) and Signature

Date: _____

Note: Attach additional sheets, if needed.