



November 27, 2019

Ray Funnye  
Georgetown County  
2236 Browns Ferry Road  
Georgetown, SC 29440

RE: Brick Chimney Road Improvements Phase 1, Georgetown County  
NPDES Coverage Number: SCR10Z4P0

Dear Ray Funnye:

The Department of Health and Environmental Control (Department or DHEC) has approved the Stormwater Pollution Prevention Plan (SWPPP) for the referenced project on **November 27, 2019**. Based on your submission of the Notice of Intent (NOI) and in accordance with the NPDES General Permit for Stormwater Discharges from Construction Activities (CGP), this project has been granted coverage under the CGP. This project's general permit coverage number is **SCR10Z4P0**. The total disturbed area for this site is **36.5 acres**.

**Additional sets of final plans must be provided to the Department so that stamped, final plans are available for use on site, as required by the CGP.**

See attached DHEC Office of Ocean and Coastal Resource Management (DHEC-OCRM) certification dated September 18, 2019 for additional conditions related to the Coastal Zone Consistency determination.

The CGP can be downloaded at the following website: <http://www.scdhec.gov/Environment/docs/CGP-permit.pdf> or you may request a copy from us via email ([stormwatercgp@dhec.sc.gov](mailto:stormwatercgp@dhec.sc.gov)). You are responsible for ensuring your contractor(s) complies with the approved SWPPP and the minimum requirements of the CGP. Also, you are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991 (1991 Act), SC Pollution Control Act, and the Federal Clean Water Act (CWA). Failure to comply with the approved SWPPP or applicable statutes and regulations may result in enforcement actions.

You must notify the local EA Office prior to starting any land-disturbing activity. The address and telephone number are as follows:

Pee Dee EA Myrtle Beach  
927 Shine Avenue  
Myrtle Beach, SC29577  
843-238-4378

Inspections of this site must be performed by qualified personnel as described in Section 4.2.E of the CGP.

You should be aware that this approval is only applicable for the SWPPP that was submitted for this project. Any additional construction or land disturbing activity beyond the scope of the approved plans is not authorized. Any future work for this project not shown on the stamped, approved plans will require that you submit another site plan for review and approval. All major modifications require review and approval by the Department. Minor modifications to the approved SWPPP may be made by the SWPPP preparer and do not require review and approval by the Department; these changes should be signed and dated by the SWPPP preparer. If you have a question about whether a modification is major or minor, contact the Coastal Stormwater Permitting Section at (843) 953-0200.

A copy of the stamped, approved SWPPP (including a copy of the CGP, contractor certifications, inspection records, rainfall data, etc.), NOI, and CGP coverage letter from DHEC must be retained and available at the construction site (or accessible within 30 minutes during normal business hours) from the date of commencement of construction activities to the date of final stabilization. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site.

All contractors who will conduct land-disturbing activities at the site must complete a Contractor Certification Form. You are also responsible for listing all contractors in the SWPPP and for holding a pre-construction conference with each contractor before they can conduct land-disturbing activity at the site.

The Department may conduct periodic inspections of your site. Any violations found during these inspections may result in enforcement action.

This NPDES coverage should be terminated by the permittee when the conditions listed in Section 5.1 of the CGP have been met. You must submit a Notice of Termination (NOT) to cancel your NPDES coverage under the CGP. Please see section 5.1 of the CGP for additional information required to be submitted with the NOT.

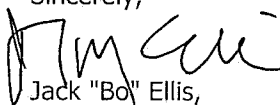
You are responsible for obtaining any other federal, state, or local permit that may be required for this project. In particular, any permits through the U.S. Army Corps of Engineers for the placement of fill material in Waters of the United States. Please note we have not sent a copy of this letter to any county or city building official. You must send a copy of this letter to these agencies, if necessary.

***If material excavated during construction activities leaves the site, a mine operating permit may be needed. You are responsible for contacting the Mining and Reclamation Section to determine if a mining permit is required for the site. The Mining and Reclamation Section can be reached at (803)898-1362 or via e-mail at [AskMines@dhec.sc.gov](mailto:AskMines@dhec.sc.gov).***

Please see the enclosed "Guide to Board Review" document for information about the procedures for appealing this NPDES coverage.

If you have any questions or cannot access the referenced websites, please call me at 843-953-0249.

Sincerely,



Jack "Bo" Ellis,  
Coastal Stormwater Permitting Section

cc: Andrew Smyre, Davis & Floyd, Inc.  
Pee Dee EA Myrtle Beach



**NOTICE OF INTENT (NOI)**  
**For Coverage(s) of Primary Permittees**  
**Under South Carolina NPDES General Permit**  
**For Stormwater Discharges From Construction Activities SCR100000**  
 (Maintain As Part of On-Site SWPPP)

For Official Use Only

File Number: \_\_\_\_\_  
 Permit Number: SCR10 \_\_\_\_\_  
 Submittal Package Complete: \_\_\_\_\_

*Submission of this Notice of Intent constitutes notice that the Applicant identified in Section II intends to be authorized as a Primary Permittee in the state of South Carolina under NPDES General Permit SCR1000000. Fees required for review and NPDES coverage of each application type are as listed on page 2 of the Instructions.*

**SOUTH CAROLINA**  
**DEPT. OF HEALTH AND ENVIRONMENTAL CONTROL**  
**DAM SAFETY AND STORMWATER PERMITTING DIVISION**  
**CONSTRUCTION STORMWATER PERMITTING**  
**APPROVED - FOR CONSTRUCTION ONLY**

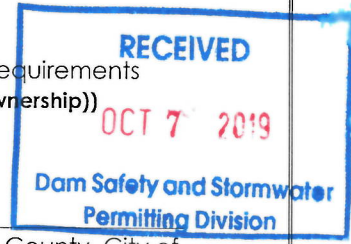
DHEC PERMIT #: SCR10Z4PO  
 DATE ISSUED: 11-27-19  
 BY: Jmy car

Date: 04/05/2019  
 Project/Site Name: Brick Chimney Road Improvements Phase 1 County: Georgetown  
 (Modification or Change of Information Only) Prior Approved NPDES Permit or File Number: \_\_\_\_\_

Do you want this project to be considered for the Expedited Review Program (ERP)?  Yes or  No (See instructions)

**I. Notice of Intent (NOI) Application Type(s)**

- A. **Project (Application/Review) Type(s)** (Select **ALL** that apply):
- New Project (Initial Notification) Ongoing Project:  Permitted or  Un-Permitted
  - Late Notification  Low Impact Development (LID) or Project Design Above Regulatory Requirements
  - New Owner/Operator or Company Name Change (see instructions, attach Form A (Transfer of Ownership))
  - Major Modification: (see instructions, attach Form B (Major Modifications))
  - MS4 Project Review
  - Ocean and Coastal Resource Management (OCRM) Review
  - Change of Information/Other (Specify): \_\_\_\_\_



B. If Applicable, identify the entity designated as **MS4 Reviewer** and **MS4 Operator** (i.e., Lexington County, City of Greer, etc.): **MS4 Reviewer** \_\_\_\_\_ **MS4 Operator** \_\_\_\_\_

**II. Primary Permittee Information**

Change of Information

Person or  Company If a Company, are you a  Lending Institution or  Government Entity?  
 Company EIN (If applicable): EIN: 57-6000353

- A. **Primary Permittee Name:** Georgetown County  
 Mailing Address: 2236 Browns Ferry Road City: Georgetown State: SC Zip: 29440  
 Phone: 843-545-3460 Fax: 843-545-3486 Email Address: rcfunney@gtcounty.org
- B. **Contact /ODSA Name** (If different from above OR if owner is a company): Art Baker  
 Mailing Address: 2236 Browns Ferry Road City: Georgetown State: SC Zip: 29440  
 Phone: 843-545-3255 Fax: 843-545-3486 Email Address: abaker@gtcounty.org
- C. **Property Owner Name** (If different from above): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

**III. Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) Preparer Information**  Change of Information

- A. **C-SWPPP Preparer Name:** G. Tilley Bull
- B. **Registered Professional**  Engineer  Landscape Architect  Tier B Land Surveyor **S. C. Registration #:** 20214
- C. **Company/Firm Name:** Davis & Floyd, Inc. **S. C. COA #:** 00538  
 Mailing Address: 3229 West Montague Ave. City: Charleston State: SC Zip: 29418  
 Phone: 843-554-8602 Fax: 843-747-6485 Email Address: tbull@davisfloyd.com

**IV. Project/Site Information**

Change of Information

- A. **Type of Construction Activity(ies)** (Select **ALL** that apply):
- Commercial  Industrial  Institutional  Mass Grading  Linear  Utility/Infrastructure
  - Residential: Single-family  Residential: Multi-family  Multi-use (Commercial & Residential)
  - Site Preparation (No New Impervious Area)  Other (Specify) \_\_\_\_\_
- B. **Site Address/Location** (street address, nearest intersection, etc.) Brick Chimney Road (S-318) at McDonald Road (S-71)  
 City/Town (If in limits): Georgetown Zip Code: 29440  
 Latitude: 79 ° 19 ' 55 " N Longitude: - 33 ° 24 ' 43 " W (Source):  GPS  Web Site: Google Earth  
**Tax Map Number (s)** (List all): Georgetown County Right-of-Way



**D. Impaired Waterbodies Information** (Attach additional sheet(s) as needed) See additional sheet.

1. 303(d) Listed Impaired Waterbodies					
a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4 and the Name of the Corresponding Waterbody?		b. Is this WQMS(s) listed on the <u>most current</u> 303(d) List? If No, proceed to Section 2 of this table. If Yes, complete items c thru f.	c. List the pollutant(s) identified as "CAUSES" of the impairment	d. Will any pollutants causing the impairment be present in your site's construction stormwater discharges?	e. If yes for d, list the "USE SUPPORT" impairment(s) affected by the pollutant(s) identified in c.
Nearest DHEC WQMS(s)	Corresponding Waterbody				
PD-661	Black River	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	HG	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
PD-325	Black River	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ENTERO	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
MD-075	Sampit River	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DO	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

f. If yes for d above, will use of the BMPs proposed for your project ensure the site's discharges will NOT contribute to or cause further WQS violations for the impairment(s) listed in c?  Yes  No  
 (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

2. TMDL Impaired Waterbodies				
a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4?	b. Has a TMDL(s) been developed for this WQMS(s)? If No, identify as such below and proceed to Section VI. If Yes, complete items c thru f of this table.	c. If yes for b, what pollutants are listed as "CAUSES" or causing the impairment?	d. If yes for b, has the standard been "ATTAINED" or "Fully Supported" for the impairment(s)?	e. If no for d (Not Attained), will any pollutants causing the impairment be present in your site's construction stormwater discharges?
PD-661	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
05-24	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

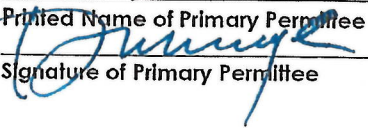
f. If yes for e above, are your discharges consistent with the assumptions and requirements of the TMDL(s)?  Yes  No  
 (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

**VI. Signatures and Certifications** DO NOT SIGN IN BLACK INK! Read the Certifications below (In entirety). Provide date, printed name, and signatures below. If you are a New Owner/Operator, as Primary Permittee you must also sign and date the applicable Comprehensive SWPPP Acceptance & Compliance Agreement below.

**C-SWPPP PREPARER:** "One copy of the C-SWPPP, all specifications and supporting calculations, forms, and reports are herewith submitted and made a part of this application. I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of Title 48, Chapter 14 of the Code of Laws of SC, 1976 as amended, pursuant to Regulation 72-300 et seq. (if applicable), and in accordance with the terms and conditions of SCR100000." (This should be the person identified in Section III).

G. Tilley Bull  20214  
 Printed Name of C-SWPPP Preparer Signature of C-SWPPP Preparer S. C. Registration #

**PRIMARY PERMITTEE:** "I or I (on behalf of my company and its contractors and agents), as the case may be, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that DHEC enforcement actions may be taken if the terms and conditions of the C-SWPPP are not met and I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."  
 "I or I (on behalf of my company and its contractors and agents), as the case may be, also hereby certify that all land-disturbing construction and associated activity pertaining to this site shall be accomplished pursuant to and in keeping with the terms and conditions of the approved plans and SCR100000. I also certify that a responsible person will be assigned to the project for day-to-day control. I hereby grant authorization to the to S. C. Department of Health and Environmental Control (DHEC) and/or the local implementing agency the right of access to the site at all times for the purpose of on site inspections during the course of construction and to perform maintenance inspections following the completion of the land-disturbing activity." (See Section 122.22 of S.C. Reg. 61-9 for signatory authority information.) Having understood the above information, I am signing this certification as Primary Permittee to the aforementioned NPDES general permit."

Ray C. Funnye  
 Printed Name of Primary Permittee  
  
 Signature of Primary Permittee

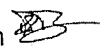
Public Services Director  
 Title/Position  
 8-7-19  
 Date Signed





Coastal Zone Consistency Determination

To: BOW Coastal Stormwater Permitting Section

From: Dan Burger, OCRM Coastal Zone Consistency Section 

Applicant: Ray Funnye, Georgetown County

Project Name: Brick Chimney Road Improvements Phase 1

Finding: Conditionally Consistent with the SC Coastal Zone Management Program

Site Location: Brick Chimney Road (S-318) at McDonald Road (S-71), Georgetown, Georgetown County, South Carolina

Reference #: HNQ-G05Q-BBJFG

Date: September 18, 2019

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The staff of the Office of Ocean and Coastal Resource Management (OCRM) reviewed the above referenced Coastal Zone Consistency project request for land disturbance associated with a linear transportation project. Specifically, activities performed within the disturbed areas include the clearing of existing roadside embankments, grading of the proposed roadway sub-base and ditches, and the construction of a two-lane, asphalt paved roadway to replace the existing residential gravel roadway, Brick Chimney Road. The total area of disturbance will be 36.50 acres of a 44.20 acre project site. The construction activity will result in the permanent cumulative impact of 1.45 acres of jurisdictional wetlands, 0.05 acres of non-jurisdictional wetlands throughout the project site. Authorization for jurisdictional wetland impacts has been authorized by the U.S. Army Corps of Engineers under NWP 14 (SAC-2018-1123, Linear Transportation Projects). Mitigation is not required for the 0.05 acres of non-jurisdictional wetland impacts.

We hereby certify that the above referenced project is **Conditionally Consistent** with the **Guidelines for Evaluation of All Projects** as well as the Transportation Facilities, Activities in Areas of Special Resource Significance and Stormwater Management policies contained in the S.C. Coastal Zone Management Program provided the following conditions are included in the permits and adhered to by the applicant.

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.
2. For all projects regardless of size, and with a permanent pool which are located within one-half (1/2) mile of a receiving water body in the coastal zone, the applicant must

demonstrate storage of the first 1/2 inch of runoff from the entire site or storage of the first one (1) inch of runoff from the built-upon portion of the property, whichever is greater. Storage may be accomplished through retention, detention or infiltration systems as appropriate for the specific site.

3. The project must be fully consistent with all local zoning, ordinances, comprehensive plans and other specific local authorizations prior to land disturbance.
4. Perimeter controls and BMP must be established and maintained during site preparation, construction and stabilization phases to prevent runoff and soil loss from site.
5. To meet the intent of the SCCZMP and Guidelines for All Projects, applicant is encouraged to retain and/or restore plant species native to the coast of South Carolina in the ground cover, shrub and canopy in any landscaping plans to re-establish some of the lost ecosystem functions such as water and air quality protection, mitigation of heat island effects, as well as for restoration/enhancement of the State's coastal zone for this and succeeding generations.

This determination shall serve as the SCDHEC OCRM Coastal Zone Consistency Determination for the work described above. However, this determination **does not** serve as a Department permitting decision and **does not** alleviate the applicant's responsibility to obtain any applicable State or Federal permit(s) for the work. Local government authorizations **may also** be required.



**South Carolina Board of Health and Environmental Control**  
**Guide to Board Review**  
**Pursuant to S.C. Code Ann. § 44-1-60**

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

### **I. Filing of Request for Final Review**

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
  - The grounds for amending, modifying, or rescinding the staff decision;
  - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
  - the relief requested;
  - a copy of the decision for which review is requested; and
  - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control  
Attention: Clerk of the Board  
2600 Bull Street  
Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).
4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by

regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

*NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.*

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

## II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
  - include the place, date and time of the Conference;
  - state the presentation times allowed in the Conference;
  - state evidence may be presented at the Conference;
  - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
  - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

## III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
  - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
    - Type of decision (permit, enforcement, etc.) and description of the program.
    - Parties
    - Description of facility/site
    - Applicable statutes and regulations
    - Decision and materials relied upon in the administrative record to support the staff decision.
  - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
  - Rebuttal by Department staff [15 minutes]
  - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

**The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.**





RECEIVED BY GEORGETOWN COUNTY  
SEP 24 2019  
DEPARTMENT OF PUBLIC SERVICES

*J. Williams  
L. Keziah*

September 18, 2019

Mr. Ray Funnye  
Georgetown County  
108 Screven Street  
Georgetown, South Carolina 29440

Re: 401 Certification for Authorization To Impact Not More Than **1.45 acres of jurisdictional wetlands** and **213 linear feet of jurisdictional tributary** in the United States, Pursuant to **Nationwide Permit 14** (Linear Transportation Projects)

Applicant Permit ID No.: SAC 2018-01123

Applicant: Georgetown County

County: Georgetown

Dear Mr. Funnye:

The US Army Corps of Engineers (Corps) issued a final notice in the Federal Register on January 6, 2017 reissuing the Corps' Nationwide Permits (NWP). NWP authorize activities that have minimal individual and cumulative adverse effects on the aquatic environment. On March 7, 2017, the South Carolina Department of Health and Environmental Control (Department) certified the NWP in accordance with Section 401 of the Clean Water Act and the S.C. Coastal Zone Management Act (48-39-10 et seq.).

The Department has reviewed the above-reference project in accordance with the March 7, 2017 certification and, provided the applicant adheres to the certification conditions outlined in the attached document, the Department has determined that there is a reasonable assurance that the work authorized will be conducted in a manner consistent with the certification requirements of Section 401 of the Clean Water Act. If any questions arise please contact me at (803) 898-4176.

Sincerely,

Tyler West  
Water Quality Certification and Wetlands Section

cc: USACOE Conway Regulatory Office  
Britt Feldner

Nationwide Permit 401  
Certified March 7, 2017

EXPLANATION, EVALUATION AND PROPOSED ACTION ON THE NATIONWIDE  
PERMITS

**General Conditions:** This condition applies to all Nationwide Permits (NWP).

1. Activities in the Critical Areas (as defined in 48-39-10, R 30.1(D) and R 30.10) require a direct permit from SCDHEC OCRM. SCDHEC OCRM's action on direct critical area permits will serve as the consistency determination for the critical area activity.



## **Nationwide Permit 401 Conditions**

**Certified March 7, 2017**

### **NWP 14: Linear Transportation Projects**

#### **Proposed Conditions of the 401 Water Quality Certification:**

1. A compensatory mitigation plan must be submitted and approved by the SCDHEC for projects with impacts exceeding 0.10 acres or 300 linear feet.
2. Linear transportation projects must cross perpendicular (to the extent practicable) to the aquatic site area. Impacts certified under this NWP must be limited to three crossings per single and complete project and must be in non-tidal wetlands only.
3. This NWP is not certified for activities located in or adjacent to (as determined by SCDHEC) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), or Trout Waters.
4. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

APP# 200060467

Permit# 231370

# Application for Encroachment Permit

S.C. Department of Transportation  
Form 637 (Rev 09/2015)

### Contact Information

**Applicant:** GeorgetownCountyDepartmentofPublicServices

**Street:** 108 Screven Street

**City:** Georgetown

**State:** SC  Zip Code: 29440

**Phone:** (843)554-8602 **Fax:** (843)747-6485

**Email:** lkeziah@davisfloyd.com

**Contact:** Lindsey Keziah

### Project Location

**Primary County:** Georgetown

County	Road Name
Georgetown	Brick Chimney Rd (S-318)
Georgetown	Johnson Rd (S-318)
Georgetown	Browns Ferry Rd (SC 51)
Georgetown	N Fraser St (US 701)

**1. Type of Encroachment:** DRIVEWAY - COMMERCIAL

Brick Chimney Road (S-318) is being improved and paved from Johnson Road (S-318) to N. Fraser Street (US 701) including intersection improvements.

**2. Description of Location:**

Brick Chimney Road (S-318) from Johnson Road (S-318) to N. Fraser Street (US 701) including intersection improvements at Johnson Road (S-318), Browns Ferry Road (SC 51) and N. Fraser Street (US 701).

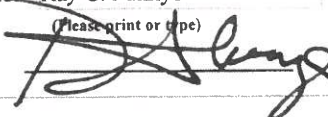
(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)



Customer Agreement

3. The undersigned applicant hereby requests the SCDOT to permit encroachment on the SCDOT right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof. The applicant agrees to comply with and be bound by the SCDOT's "A Policy for Accommodating Utilities on Highways Rights of way", "Standard Specifications for Highway Construction", the "General Provisions" and "Special Provisions", attached hereto or made a part hereof by reference, during the installation, operation and maintenance of said encroachment within the SCDOT's Right of Way. DISCHARGES OF STORM WATER AND NON-STORM WATER: Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit(s) issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. The encroachment permit will not be issued until the applicant has received an NPDES construction permit from SC Department of Health and Environmental Control.

The applicant agrees to comply with all current SCDOT Standards Specifications for Highway Construction including all Supplemental Technical Specifications. The applicant hereby further agrees, and binds his/her/its heirs, personal representatives, successors, assigns, to assume any and all liability for accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use, moving or removing of the physical appurtenances contemplated herein.

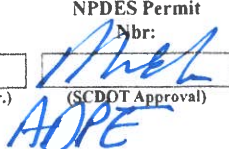
Applicant's Name: Ray C. Funnye Date: 09/21/2018  
(Please print or type)  
 Applicant's Sig:  Title: Public Services Director

For Office Use Only

**For Office Use Only**

In accordance with your request and subject to all the provisions, terms, conditions, and restrictions stated in the application and the general and special provisions attached hereto, the SCDOT hereby approves your application for an encroachment permit. This permit shall become null and void unless the work contemplated herein shall have been completed prior to:

See Attached Special Provision and/or Permit Requirements

NPDES Permit Nbr: SCR 10Z 4PO  
 (Date received by res. Maint. Engr.)  (SCDOT Approval) 01/23/2020  
 (Date)

Permit # 231370



General Provisions

**Application for Encroachment Permit**  
**General Provisions**

1. **DEFINITIONS:** The word "Permittee" used herein shall mean the name of the person, firm, or corporation to whom this permit is addressed, his, her, its, heirs, personal representatives, successors and assigns. The word "DEPARTMENT" shall mean the South Carolina Department of Transportation.
2. **NOTICE PRIOR TO STARTING WORK:** Before starting the work contemplated herein within the limits of the highway right of way, the Department's Resident Maintenance Engineer in the county in which the proposed work is located shall be notified 24 hours in advance so that he may be present while the work is under way.
3. **PERMIT SUBJECT TO INSPECTION:** This permit shall be kept at the site of the work at all times while said work is under way and must be shown to any representative of the Department or law enforcement officer on demand.
4. **PROTECTION OF HIGHWAY TRAFFIC:** The applicant shall be responsible for the protection of the highway traffic at all times during the construction, maintenance, removing or moving of the encroachment permitted herein. Detours, barricades, warning signs and flagmen, as necessary, shall be provided by and at the expense of the Permittee and shall be in accordance with the "Manual on Uniform Traffic Control Devices" (MUTCD). The work shall be planned and carried out so that there will be the least possible inconvenience to the motoring public. The Permittee agrees to observe all rules and regulations of the Department while carrying on the work contemplated herein and take all other precautions that circumstances warrant.
5. **STANDARDS OF CONSTRUCTION:** All work shall conform to the Department's standards of construction and shall be performed in a workman-like manner. The applicant shall make adequate provisions for maintaining the proper drainage of the highway as it may be affected by the encroachment permitted herein. All work shall be subject to the supervision and satisfaction of the Department.
6. **FUTURE MOVING OF PHYSICAL APPURTENANCES:** If, in the opinion of the State Highway Engineer, it should ever become necessary to move or remove the physical appurtenances, or any part thereof contemplated herein, on account of change in location of the highway, widening of the highway, or for any other sufficient reason, such moving shall be done on demand of the Department at the expense of the Permittee.
7. **RESTORATION OF HIGHWAY FACILITIES UPON MOVING OR REMOVING OF PHYSICAL APPURTENANCES:** If, and when, the physical appurtenances contemplated herein shall be moved or removed, either on the demand of the Department or at the option of the Permittee, the highway and facilities shall immediately be restored to their original condition at the expense of the Permittee.
8. **COSTS:** All work in connection with the construction, maintenance, moving or removing of the physical appurtenances contemplated herein shall be done by and at the expense of the Permittee.
9. **ADDITIONAL PERMISSIONS:**
  - (a) It is distinctly understood that this permit does not in any way grant or release any rights lawfully possessed by the abutting property owners. The Permittee shall secure any such rights, as necessary, from said abutting property owners.
  - (b) The Permittee shall be responsible for obtaining all other approvals or permits necessary for installation of the encroachment from other government entities.

- (c) There shall be no excavation of soil nearer than two feet to any public utility line or appurtenant facility except with the consent of the owner thereof, or except upon special permission of this Department after an opportunity to be heard is given the owner of such line or appurtenant facility.
10. **ADDITIONAL WORK PERFORMANCE:**
- (a) All crossings over the highway shall be constructed in accordance with "Specifications for Overhead Crossings of Light and Power Transmission Lines and Telegraph Lines over each other and over Highway Rights of Way in South Carolina," as approved by the Public Service Commission of South Carolina and effective as of date of this permit.
- (b) All tunneling, boring, or jacking shall be done in such a way as not to disturb the highway surfacing.
- (c) No pavement shall be cut unless specifically authorized herein.
- (d) No excavation shall be nearer than three feet to the edge of pavement unless specifically authorized herein.
- (e) Underground facilities will be located at minimum depths as defined in the "Utility Accommodations Manual" for the transmittant, generally as follows: 4 feet minimum for hazardous or dangerous transmittant, 3 feet minimum for other lines. The Department may approve shallower depths if adequate protection is provided. Such approval must be obtained in writing.
- (f) Service and other small diameter pipes shall be jacked, driven, or otherwise forced underneath the pavements on any surfaced road without disturbing the pavement. The section under the highway pavement and within a distance of three (3) feet on either side shall be continuous without joints.
11. **ACCESS:**
- (a) Permittee is responsible for maintaining reasonable access to private driveways during construction.
- (b) It is expressly provided that, with respect to any limited access highway, the Permittee shall not have or gain access from the main traveled way of the highway, or the on or off ramps to such facility, except upon approval by the Department.
12. **DRIVEWAYS:**
- (a) The existing crown of the highway shall be continued to the outside shoulder line of the highway.
- (b) If the driveway or approach is concrete pavement, the pavement shall be constructed at least 6 inches thick and with a minimum of class 2500 concrete. There shall be a bituminous expansion joint, not less than 3/4 inches in thickness, placed between the highway paving and the paving of the approach for the full width of the approach.
13. **BEAUTIFICATION:**
- (a) All trees, plants, flowers, etc. shall be placed in accordance with the provisions specifically stipulated herein.
- (b) All trees, plants, flowers, etc. shall be maintained by, and at the expense of, the Permittee and the provisions of this permit shall become null and void, if and when said Permittee ceases to maintain aid trees, plants, flowers, etc.
14. **AS-BUILT PLANS:**
- (a) The applicant shall provide the Department with survey-quality as-built plans in accordance with the requirements set forth in the Department's "A Policy for Accommodating Utilities on Highway Rights of Way".



**SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
Encroachment Permit**

Permit No : 231370

Permit Decision Date :  
1/23/2020

Expiration Date : 1/23/2021

Type

Permit :DRIVEWAY -  
COMMERCIAL

Location:

<u>District</u>	<u>Work County</u>	<u>Type</u>	<u>Route</u>	<u>Aux</u>	<u>Begin MP</u>	<u>End MP</u>
5	Georgetown, SC	S-	318	None	6.868	6.868
5	Georgetown, SC	S-	318	None	6.790	6.790
5	Georgetown, SC	SC	51	None	1.684	
5	Georgetown, SC	US	701	None	5.327	5.327

Contact

Information

Applicant: GeorgetownCountyDepartmentofPublicServices

Phone:

Contact: Lindsey Keziah

Address: 108 Screven Street,

City: Georgetown

State: SC

Zip: 29440

Comments

Brick Chimney Road (S-318) from Johnson Road (S-318) to N. Fraser Street (US 701) including intersection improvements at Johnson Road (S-318), Browns Ferry Road (SC 51) and N. Fraser Street (US 701).

Special

Provisions:

0001 - THE ENTIRE WIDTH OF ROAD SHALL BE RESURFACED AS SHOWN ON ATTACHED DOCUMENTATION.

0002 - ALL REPAVING IS TO CONFORM TO STANDARD DEPARTMENT SPECIFICATIONS. THE ROAD, AT DROP INLETS, SHALL BE MILLED TO MAKE A SMOOTH TRANSITION WHEN PAVED. PAVEMENT WITH CURB AND/OR SIDEWALK WILL BE PAVED FULL DEPTH FROM OUTER EDGE TO GUTTER EDGE.

0003 - WHEN ROADS ARE RESURFACED, SHOULDERS SHALL BE REGRADED TO THE EDGE OF PAVEMENT TO CONFORM TO THE DEPARTMENT SPECIFICATIONS.

0004 - SCDOT SHALL BE NOTIFIED WHEN WORK DEFINED IN THE PERMIT STARTS AS WELL AS WHEN THE WORK IS COMPLETED. REFERENCE SHALL BE MADE BY PERMIT NUMBER.



0005 - APPLICANT SHALL PROVIDE TO THE DEPARTMENT THE OPPORTUNITY OF ATTENDING ANY PRE-CONSTRUCTION MEETING PRIOR TO THE BEGINNING OF WORK.

0123 - ALL WORK PERFORMED IN CONNECTION WITH THIS PERMIT SHALL CONFORM TO THE SCDOT "A POLICY FOR ACCOMODATING UTILITIES ON HIGHWAY RIGHT-OF-WAY" MOST CURRENT EDITION.

0207 - PIPE USED IN THIS INSTALLATION SHALL BE IN ACCORDANCE WITH SCDOT SPECIFICATION SC-M-714 AND COMPLY WITH CURRENT SCDOT POLICY.

0301 - THE DITCHES AND/OR SHOULDERS DISTURBED DURING THE INSTALLATION SHALL BE RE-ESTABLISHED TO PROPER GRADE, ORIGINAL CROSS SECTION, STABILIZED, AND ALL DRAIN PIPES CLEARED.

0304 - PAVEMENT MARKINGS ALTERED DURING THIS INSTALLATION SHALL BE RESTORED BY THE APPLICANT.

0305 - FLASHING ARROW BOARDS SHALL BE USED FOR ALL LANE CLOSURES ON PRIMARY ROUTES AND/OR ROADS WITH HIGH TRAFFIC VOLUMES.

0306 - TRAFFIC CONTROL, LIGHTS, SIGNS AND FLAG-MEN WILL BE FURNISHED BY APPLICANT AND WILL CONFORM TO PART VI OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

0309 - THE PERMITTEE SHALL MAKE THE INSTALLATION UNDER THE SUPERVISION OF THE DEPARTMENT AND SHALL NOT BLOCK TRAFFIC AT ANY TIME.

0310 - FIELD CHANGES, IF NECESSARY, MUST BE APPROVED IN WRITING BEFORE ACTUAL CONSTRUCTION OF PROPOSED CHANGES.

0311 - SEDIMENT AND EROSION CONTROL DEVICES SHALL BE USED TO MINIMIZE THE MOVEMENT OF SEDIMENT.

0311 - SEDIMENT AND EROSION CONTROL DEVICES SHALL BE USED TO MINIMIZE THE MOVEMENT OF SEDIMENT.

0312 - THE PERMITTEE SHALL HOLD THE DEPARTMENT HARMLESS FOR DAMAGES TO BOTH UPSTREAM AND DOWNSTREAM PROPERTIES.

0316 - ALL NON-PERMITTED OBJECTS ON THE RIGHT-OF-WAY, WHICH MUST BE REMOVED, SHALL NOT BE REPLACED ON THE RIGHT-OF-WAY WITHOUT WRITTEN PERMISSION OF THE DEPARTMENT.

0318 - THE APPLICANT SHALL BE RESPONSIBLE FOR IMMEDIATE REMOVAL OF SUCH TRAFFIC HAZARDS AS MUD, DEBRIS, LOOSE STONE, AND TRASH AS MAY BE WASHED OR SPILLED ON THE TRAVELED ROADWAY AS A RESULT OF THE PROPOSED WORK.

9999 - See Attached for Additional Special Provisions

**ADDITIONAL SPECIAL PROVISIONS**

**SCDOT PERMIT #231370  
Georgetown County Department of Public Services  
Turn Lane on Brick Chimney Road (S-318) to Johnson Road (S-318) for Brick Chimney  
Road (Local) Connection  
&  
Turn Lanes on Frasier Street (US 701) for Brick Chimney Road (Local) Connection  
Georgetown County  
January 23, 2020**

- 1) THIS PERMIT IS FOR THE INSTALLATION OF TURN LANES AND ASSOCIATED WIDENING ON BRICK CHIMNEY ROAD (S-318) AND FRASIER STREET (US-701) FOR THE CONNECTIONS OF BRICK CHIMNEY ROAD (LOCAL). THIS PERMIT WILL COVER ANY ASSOCIATED DRAINAGE RELATIVE TO INSTALLATION.
- 2) THE APPLICANT SHALL HAVE A PRE-CONSTRUCTION MEETING WITH SCDOT PRIOR TO THE BEGINNING OF ANY WORK WITHIN THE SCDOT RIGHT OF WAY.
- 3) ENCLOSED IS A COPY OF YOUR SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT) ENCROACHMENT PERMIT PACKAGE, WHICH WILL ENABLE YOU TO PERFORM WORK IN PUBLIC RIGHT-OF-WAY AS YOU HAVE REQUESTED. AS THE PERMITTEE AND/OR CONTRACTOR WORKING FOR THE PERMITTEE, IT IS ESSENTIAL YOU READ AND UNDERSTAND ALL REGULATIONS AND PROVISIONS GOVERNING WORK DESCRIBED WITHIN THIS PERMIT APPLICATION. THE SPECIAL PROVISIONS CAN BE FOUND ON THE APPLICATION SHEET OF THIS PERMIT, ON THE INCLUDED PROVISIONS ATTACHMENTS AND SHOWN ON ANY DRAWINGS OR SKETCHES
- 4) THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION RESERVES THE RIGHT TO IMPOSE ADDITIONAL CONDITIONS, PROVISIONS, AND/OR REQUIREMENTS ON THIS PERMIT TO RESPOND TO ANY UNFORESEEN, SPECIFIC PROBLEMS THAT MIGHT ARISE DURING THE LIFE OF THIS PERMIT, AND TO TAKE ANY ENFORCEMENT ACTION NECESSARY TO ENSURE COMPLIANCE WITH SCDOT SPECIFICATIONS, STANDARDS OR POLICIES.
- 5) A COPY OF THIS PERMIT APPLICATION WITH ALL SUPPORTING DOCUMENTATION SHALL BE ON SITE AT ALL TIMES WHEN CONSTRUCTION IS IN PROGRESS WITHIN SCDOT RIGHT-OF-WAY. A SET OF THE SIGNED AND SEALED PLANS MUST BE ON SITE AT ALL TIMES.
- 6) APPLICANT/CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ANY ROADWAY ASPHALT, DRAINAGE, SHOULDER, DITCH LINE OR ANY OTHER STRUCTURES DAMAGED WITHIN THE RIGHT OF WAY DUE TO THE CONSTRUCTION OF THIS



DRIVEWAY OR THE CONSTRUCTION WITHIN THE PROJECT. REPAIRS SHALL BE COMPLETED BEFORE RELEASE OF THE PERMIT AT NO COST TO THE DEPARTMENT.

- 7) ALL WORK PERFORMED IN CONNECTION WITH THIS PERMIT SHALL CONFORM TO THE SCDOT "A POLICY FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHT-OF-WAY" MOST CURRENT EDITION.
- 8) ANY REQUEST FOR REVISIONS AND/OR AMENDMENTS TO THIS PERMIT APPLICATION SHALL BE MADE IN WRITING FROM THE ENGINEER WITH PROPER SUPPORTING DOCUMENTATION. ALLOW A MINIMUM OF TWO WEEKS FOR REVIEW FOR ANY SUCH AMENDMENTS.
- 9) 70% GRASS REGROWTH AND 100% STABILIZATION IS REQUIRED IN ALL DISTURBED AREAS OF THE RIGHT OF WAY.
- 10) THE PROPOSED WIDENING SECTION SHALL CONSIST OF A MINIMUM OF 10" STABILIZED AGGREGATE BASE, 4" TYPE B ASPHALTIC BINDER COURSE AND 2" OF TYPE B ASPHALT CONCRETE SURFACE COURSE.
- 11) APPLICANT SHALL PROVIDE A SAFE DRIVING ENVIRONMENT FOR MOTORIST USING THIS ROADWAY WHILE CONSTRUCTION IS IN PROGRESS. FLAGMAN SHALL BE FURNISHED AT APPLICANT'S EXPENSE. FLAGMAN SHALL WEAR REFLECTIVE VEST, WEARING HARD HAT AND HAVE STOP/SLOW PADDLE BOARD ON A SIX FOOT (6') STAFF. FLAGMAN SHALL STAND AT A LOCATION SUITABLE TO THE EFFECTIVE FLOW OF TRAFFIC WHILE CONSTRUCTION IS NEEDED OR WHEN BLOCKING LANE. REFERENCE CURRENT EDITION OF WORK ZONE GUIDELINES (FLIP BOOK)
- 12) THIS PROJECT IS SUBJECT TO LANE CLOSURE RESTRICTIONS AS SET FORTH BY THE GEORGETOWN COUNTY RESIDENT MAINTENANCE ENGINEER. ALL PROPOSED LANE CLOSURES MUST BE GIVEN PRIOR APPROVAL BY THE GEORGETOWN COUNTY RESIDENT MAINTENANCE ENGINEER.
- 13) CONTRACTOR WILL MAINTAIN POSITIVE DRAINAGE AT ALL TIMES DURING CONSTRUCTION, AND UNTIL FINAL INSPECTION APPROVAL IS GIVEN BY THE DEPARTMENT.
- 14) NO STEEL TRACKED VEHICLES SUCH AS TRACK HOE, DOZER'S AND OTHER EQUIPMENT WILL BE ALLOWED IN THE ASPHALT ROADWAY WITHOUT WRITTEN APPROVAL FROM THE DEPARTMENT.
- 15) PROPER TRAFFIC CONTROL SHALL BE SET UP AND TAKEN DOWN DAILY.
- 16) AN INSPECTION DATE SHALL BE SET UP 3 BUSINESS DAYS IN ADVANCE (72 HOURS) IN ADVANCE FOR WHICH THE INSPECTOR WILL COME OUT AND INSPECT THE FORMS FOR THE DRIVEWAY PRIOR TO POURING CONCRETE OR PLACING ASPHALT. THIS IS TO VERIFY DRIVEWAY MEASUREMENTS.
- 17) A PASSING PIPE INSPECTION OF THE JOINTS AND FLOW LINES WITHIN THE PIPE AS WELL AS WITHIN ANY ADJACENT DRIVEWAY OR CROSS LINE PIPES ARE REQUIRED FOR ALL NEW PIPE AND BOXES INSTALLED WITHIN SCDOT RIGHT OF WAY. DO NOT COVER PIPE UNTIL SCDOT HAS GIVEN THE CONFIRMATION FOR

THE PIPE TO BE COVERED. IN THE EVENT THAT SCDOT CANNOT BE PRESENT TO INSPECT EACH OF THE PIPE JOINTS, THE APPLICANT MAY UTILIZE THE THIRD PARTY INSPECTOR TO INSPECT EACH OF THE PIPE JOINTS, TAKING PICTURES OF THESE JOINTS (IT MUST BE EVIDENT WHICH PICTURE BELONGS TO WHICH DRIVEWAY OR SECTION OF ROADWAY). THE APPLICANT/CONTRACTOR IS STILL RESPONSIBLE FOR INSTALLING THE PIPE ON PROPER GRADE TO BE APPROVED BY THE SCDOT FOREMAN. IF THE PIPE IS COVERED WITHOUT A PASSING INSPECTION OF EACH OF THE JOINTS BY EITHER SCDOT OR THE THIRD PARTY INSPECTOR AND THE PIPE INVERTS ARE INCORRECT OR THE PIPE IS LAID IN THE IMPROPER DIRECTION, THE APPLICANT/CONTRACTOR WILL BE RESPONSIBLE FOR BRINGING THE PIPE ON PROPER GRADE BEFORE PROCEEDING ANY FURTHER WITH THE PROPOSED PROJECT.

- 18) DEWATERING OF ANY EXCAVATED AREAS ON THE SITE SHALL NOT DISCHARGE DIRECTLY TO THE SCDOT RIGHT OF WAY. IT SHALL PASS THROUGH A SEDIMENT CONTROL DEVICE PRIOR TO ENTERING RECEIVING WATERS, INCLUDING THE SCDOT RIGHT OF WAY.
- 19) THIRD PARTY TESTING REQUIRED AT THE APPLICANT'S EXPENSE ON SUB-GRADE, BASE, AND ASPHALT. ONE THIRD PARTY INSPECTOR SHALL TAKE DENSITY READINGS AT RANDOM STATION NUMBERS. A THIRD PARTY INSPECTOR/TESTER SHALL BE AT THE ASPHALT PLANT TESTING THE ASPHALT AT THE TIME THAT SURFACE ASPHALT IS BEING PRODUCED AND PUT DOWN ON THE JOB. ONE CORE SAMPLE PER 250 FEET SHALL BE TAKEN AND WEIGHED BY THE THIRD PARTY INSPECTOR. ALL RESULTS TO BE SUBMITTED IN WRITING TO SCDOT FOR REVIEW THE FOLLOWING DAY. WINTER WORK RESTRICTIONS AND HOLIDAY WORK RESTRICTIONS MUST BE ADHERED TO. SEE PERMIT FOR MORE DETAILS.
- 20) A PASSING INSPECTION OF BOTH THE PROOF ROLL AND THE COMPACTION ANALYSIS IS REQUIRED OF THE SUBGRADE BEFORE PROCEEDING WITH THE INSTALLATION OF THE APPROVED BASE MATERIAL AND A PASSING INSPECTION OF BOTH THE PROOF ROLL AND THE COMPACTION ANALYSIS IS REQUIRED OF THE APPROVED BASE MATERIAL BEFORE PAVING THE APPROVED THICKNESS AND TYPE OF BINDER COURSE ASPHALT.
- 21) THE THIRD PARTY INSPECTOR IS RESPONSIBLE FOR STAYING ONSITE WHILE ROADWAY PAVING IS IN PROGRESS, COLLECTING ASPHALT TRUCK TICKETS, INSPECTING THE ASPHALT TEMPERATURES AND QUALITY BEFORE ASPHALT IS INSTALLED, INSPECTING THICKNESSES AND ROLL PATTERNS, COLLECTING ASPHALT CORES OF TYPE B SURFACE COURSE ASPHALT AT THE APPROVED TIME. ALL RESULTS SHALL BE SUBMITTED TO SCDOT FOR REVIEW.
- 22) A 24 HOUR WAIT PERIOD BETWEEN THE INSTALLATION OF ASPHALT BINDER COURSE AND THE ASPHALT SURFACE COURSE IS REQUIRED.
- 23) NO ASPHALT BINDER COURSE ASPHALT INSTALLED WITHIN SCDOT RIGHT OF WAY SHALL BE LEFT UNCAPPED WITHOUT SURFACE COURSE FOR LONGER THAN 2 WEEKS. IN THE EVENT THAT THE CONTRACTOR/APPLICANT DOES IN FACT LEAVE BINDER COURSE ASPHALT UNCAPPED FOR LONGER THAN 2 WEEKS, THE RME AND DPE RESERVE THE RIGHT TO REQUIRE THE APPLICANT/CONTRACTOR TO MILL OFF THE TOP TWO INCHES OF BINDER COURSE ASPHALT PRIOR TO THE INSTALLATION OF SURFACE COURSE INSTALLATION AND REPLACE WITH 2 - 2



INCH LIFTS OF TYPE B SURFACE COURSE ASPHALT. THE IMPLEMENTATION OF THIS PROVISION SHALL BE AT THE EXPENSE OF THE APPLICANT.

- 24) FOR ANY PROJECT REQUIRING AN OVERLAY: TRAVEL LANES, TURN LANES, AND ACCEL/DECEL LANES INVOLVED ARE REQUIRED TO HAVE ALL RAISED PAVEMENT MARKINGS AND/OR PAINTED PAVEMENT MARKINGS REPLACED AT THE APPLICANTS' EXPENSE. TEMPORARY LINE PAINT IS REQUIRED TO BE INSTALLED BEFORE THE TRAVEL/TURN LANE IS OPENED BACK UP TO THE PUBLIC. THERMOPLASTIC OR EPOXY PAINT MUST HAVE PRECERTIFICATION PAPERWORK THAT IS SUBMITTED TO SCDOT FOR RECORD KEEPING. DEPENDING ON THE TYPE OF PAINT, THE APPROPRIATE GRACE PERIOD SHALL BE ALLOWED BEFORE INSTALLATION. APPLICANT IS REQUIRED TO PROVIDE NECESSARY TRAFFIC CONTROL IF NEEDED FOR PAINT INSTALLATION. WINTER WORK RESTRICTIONS AND HOLIDAY WORK RESTRICTIONS MUST BE ADHERED TO. SEE PERMIT FOR MORE DETAILS.

## C. Nationwide Permit General Conditions

**Note:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. *Navigation.* (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. *Aquatic Life Movements.* No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. *Spawning Areas.* Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. *Migratory Bird Breeding Areas.* Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. *Shellfish Beds.* No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. *Suitable Material*. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. *Water Supply Intakes*. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. *Adverse Effects From Impoundments*. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. *Management of Water Flows*. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. *Fills Within 100-Year Floodplains*. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. *Equipment*. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. *Soil Erosion and Sediment Controls*. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. *Removal of Temporary Fills*. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. *Proper Maintenance*. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. *Single and Complete Project*. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. *Wild and Scenic Rivers.* (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. *Tribal Rights.* No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. *Endangered Species.* (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If preconstruction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district



engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, he applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific permit conditions to the NWP. (e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (*e.g.*, an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. (f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required. (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their worldwide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. *Migratory Birds and Bald and Golden Eagles.* The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. *Historic Properties.* (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (e) Prospective permittees should be aware that section 110k of the

NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. *Discovery of Previously Unknown Remains and Artifacts.* If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. *Designated Critical Resource Waters.* Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. *Mitigation.* The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.*, on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. (c) Compensatory

mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require preconstruction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require preconstruction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult to-replace resources (see 33 CFR 332.3(e)(3)). (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (*e.g.*, conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (*e.g.*, riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332. (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation. (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)). (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation. (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33

CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (6) Compensatory mitigation requirements (*e.g.*, resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33CFR 332.4(c)(1)(ii)). (g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2- acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs. (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management. (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. *Safety of Impoundment Structures.* To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. *Water Quality.* Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. *Coastal Zone Management.* In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. *Regional and Case-By-Case Conditions.* The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. *Use of Multiple Nationwide Permits.* The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. *Transfer of Nationwide Permit Verifications.* If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

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(Transferee)

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(Date)

30. *Compliance Certification.* Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include: (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions; (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the



permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

*31. Activities Affecting Structures or Works Built by the United States.* If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a ‘USACE project’), the prospective permittee must submit a preconstruction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

*32. Pre-Construction Notification.* (a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the, additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either: (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or (2) 45 calendar days have passed from the district engineer’s receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s

right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2). (b) *Contents of Pre-Construction Notification*: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (*e.g.*, a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
- (8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for

listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act; (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and (10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:* (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental effects so that they are no more than minimal. (2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of streambed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes. (3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity’s compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies’ concerns were

considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

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The following Regional Conditions have been approved by the Charleston District for the Nationwide Permits (NWP) published in the January 6, 2017, Federal Register as authorized under General Condition #27. Regional conditions are authorized to modify NWPs by adding conditions on a generic basis applicable to certain activities or specific geographic areas. Certain terminologies used in the following conditions are identified in *italics* and are defined in the above referenced Federal Register under Definitions.

**Note:** The acronym “PCN” used throughout the Regional Conditions refers to *Pre-Construction Notification*.

**For All Nationwide Permits:**

1. The applicant must implement *best management practices* during and after all construction to minimize erosion and migration of sediments off site. These practices may include use of devices capable of preventing erosion and migration of sediments in waters of the United States., including wetlands. These devices must be maintained in a functioning capacity until the area is permanently stabilized. All disturbed land surfaces must be stabilized upon project completion. Stabilization refers to the minimization of erosion and migration of sediments off site.
2. All wetland and stream crossings must be stabilized immediately following completion of construction/installation and must be aligned and designed to minimize the *loss of waters of the United States*.
3. Necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering waters of the United States, including wetlands that are adjacent to the authorized activity.
4. Any excess excavated materials not utilized as authorized back fill must be placed and contained on uplands and permanently stabilized to prevent erosion into waters of the United States, including wetlands.
5. Placement and/or stockpiling (double handling) of excavated material in waters of the United States, including wetlands, is prohibited unless specifically authorized in the nationwide permit verification. Should double handling be authorized, the material must be placed in a manner that does not impede circulation of water and will not be dispersed by currents or other erosive forces.
6. Once project construction is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to aquatic resources and the surrounding environment.
7. If you discover any previously unknown historic, cultural or archeological remains and

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artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent *practicable*, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Archeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, *structures*, or non-recent (i.e., older than 100 years) vessel ruins.

8. Use of nationwide permits does not obviate requirements to obtain all other applicable Federal, State, county, and local government authorizations.
9. No NWP is authorized in areas known or suspected to have sediment contamination, with the exception of NWP 38, and NWP 53 when used in combination with NWP 38.
10. In accordance with General Condition #31, “Activities Affecting *Structures* or Works Built by the United States,” a *PCN* must be submitted if a NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE” project”). See General Condition #32 for *PCN* content and timing requirements and particularly paragraph (b)(10) for an activity that requires permission from the Corps pursuant to 33 U.S.C. 408. An activity in South Carolina that requires section 408 permission is not authorized by a NWP until the Charleston District issues the section 408 permission to alter, occupy, or use the USACE project, and the District Engineer issues a written NWP verification.
11. For all proposed activities that would be located in or adjacent to an authorized Federal Navigation project, as listed in Regional Condition #18, the *PCN* must include project drawings that have the following information: a) location of the edges of the Federal channel; b) setback distances from the edge of the channel; c) the distance from watermost edge of the proposed *structure* or fill to the nearest edge of the channel and the Mean High and Mean Low water lines; and d) coordinates of both ends of the watermost edge of the proposed *structure* or fill (NAD 83 State Plane Coordinates in decimal degrees). This notification requirement is in addition to the *PCN* requirements listed in General Condition #32.
12. For all proposed activities that would be located in waters that are designated critical habitat under section 7 of the Endangered Species Act, and waters that are proposed critical habitat, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32. Refer to the following National Oceanic and Atmospheric Administration (NOAA) Fisheries website for the most up-to-date information regarding Critical Habitat designations under the jurisdiction of the National Marine Fisheries Service (NMFS):  
[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/)



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13. For all proposed activities that would be located within a FEMA designated floodway, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32.
14. The permittee must comply with all FEMA regulations and requirements. The permittee is advised that the National Flood Insurance Program (NFIP) prohibits any development within a designated floodway within the FEMA Special Flood Hazard Area (SFHA), including placement of fill, without a “No Impact Certification” approved by the local NFIP flood plain manager. If the proposed action is located in a designated FEMA SFHA (e.g., 100 year flood plain), the permittee must coordinate with the local NFIP flood plain manager and comply with FEMA requirements prior to initiating construction. A list of NFIP floodplain managers may be found at: <http://www.dnr.sc.gov/water/flood/index.html>.
15. The permittee must comply with all FEMA regulations and requirements. The permittee is advised that development activities in a designated FEMA Special Flood Hazard Area (SFHA) are subject to the floodplain management regulations of the National Flood Insurance Program (NFIP). If the proposed action is located in a designated FEMA SFHA (e.g., 100 year flood plain), the permittee must coordinate with the local NFIP flood plain manager and comply with FEMA requirements prior to initiating construction. A list of NFIP floodplain managers may be found at: <http://www.dnr.sc.gov/water/flood/index.html>.

**For Specific Nationwide Permits:**

16. **For NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51 and 52**, in accordance with General Condition # 22(a), Designated Critical Resource Waters, the discharges of dredged or fill material into waters of the United States within, or directly affecting, critical resource waters, including wetlands adjacent to such waters, are NOT authorized by these NWPs. Note: The ACE Basin National Estuarine Research Reserve and the North Inlet Winyah Bay National Estuarine Research Reserve are Designated Critical Resource Waters.
17. **For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38 and 54**, in accordance with General Condition # 22(b), Designated Critical Resource Waters, a *PCN* is required for any activity proposed in designated critical resource waters including wetlands adjacent to those waters. Refer to General Condition #32 for *PCN* requirements. Note: The ACE Basin National Estuarine Research Reserve and the North Inlet Winyah Bay National Estuarine Research Reserve are Designated Critical Resource Waters.
18. **For NWP 1, 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 19 and 36**, the prospective permittee must submit a *PCN* to the District Engineer for any activity that would be located in or adjacent to an authorized Federal Navigation project. These Federal navigation areas include Adams Creek, Atlantic Intracoastal Waterway (AIWW), Ashley River, Brookgreen Garden Canal, Calabash Creek Charleston Harbor (including the Cooper River and Town Creek), Folly River, Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Canal), Jeremy Creek, Little River Inlet, Murrells Inlet (Main Creek), Port Royal Harbor, Savannah River, Shem Creek

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(including Hog Island Channel & Mount Pleasant Channel), Shipyard Creek, Village Creek and the Wando River.

19. **For NWPs 3, 11, 12, 13, 14, 15, 20, 22 and 33**, temporary *structures*, fills, and/or work, including the use of temporary mats, are only authorized for a period of 90 days per temporary impact area and/or phase of the overall project. The permittee may submit a written request at least 15 days prior to the expiration of the original period of 90 days requesting an extension of up to an additional 90 days. The Charleston District Engineer may extend the 90-day period up to an additional 90 days, not to exceed more than a total of 180 days, where appropriate. After expiration of the authorized period (i.e., initial 90 days or up to an additional 90 days), all temporary *structures*, fills, and/or work, including the use of temporary mats, for the temporary impact area and/or phase of the overall project must be removed and the disturbed areas restored to pre-disturbance conditions. Activities that require the use of temporary *structures*, fills, and/or work, including the use of temporary mats, in excess of 180 days will require Individual Permit authorization from the Corps prior to construction.
20. **For NWPs 3, 11, 12, 13, 14, 15, 20, 22 and 33**, that require *PCNs* and that involve temporary *structures*, fills, and/or work, including the use of temporary mats, the *PCN* must include a written description and/or drawings of the proposed temporary activities that will be used during project construction. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
21. **For NWPs 29, 39, 40, 42, 43, 44, 51 and 52**, impacts to stream beds\*\* must be provided in both linear feet and acreage.
22. **NWPs 12, 14, 29, 39, 43, 51 and 52**, will not be used in conjunction with one another for an activity that is considered a *single and complete project*.
23. **For NWPs 12, 14, 29, 39, 46, 51 and 52**, all *PCNs* must include appropriately sized and positioned culverts that meet the requirements of General Conditions #2, #9 and #10 for each individual crossing of waters of the United States. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
24. **For NWPs 12, 14, 29, 39, 46, 51 and 52**, that include the new construction and/or replacement of culverted road crossings, at a minimum, the width of the base flow culvert(s) shall be approximately equal to the average channel width and will not reduce or increase stream depth. This is a minimum requirement that does not replace local and State requirements for roadway design.
25. **For NWPs 12, 14, 18 and 27**, the *discharge* must not cause the *loss* of more than 300 linear feet of stream bed\*\*, unless for *intermittent* and *ephemeral* stream beds the District Engineer waives the 300 linear foot limit by making a written determination concluding that the *discharge* will result in no more than minimal adverse environmental effects.
26. **For NWPs 12, 14, 18 and 27**, the *discharge* cannot cause the *loss* of more than 300 linear feet

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of *perennial stream* beds\*\*.

27. **For NWPs 12, 14, and 18**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, prior to commencing the activity if the proposed *discharge* will impact more than 25 linear feet of streambed. This notification requirement is in addition to the *PCN* requirements listed in General Condition #32.
28. **For NWP 3**, paragraph (a) and (c) activities, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition # 32, if the proposed *discharge* of dredged or fill material will cause the loss of greater than 1/10-acre of waters of the United States or if the proposed *discharge* of dredged or fill material will be located within a special aquatic site, which includes but is not limited to, wetlands, mudflats, vegetated shallows, *riffle and pool complexes*, sanctuaries, and refuges.
29. **For NWP 3**, paragraph (a) activities, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition # 32, for the repair, rehabilitation or replacement of existing utility lines constructed over *navigable waters* of the United States (i.e., Section 10 waters) and existing utility lines routed in or under *navigable waters* of the United States (i.e., Section 10 waters), even if no *discharge* of dredged or fill material occurs.
30. **For NWP 3**, paragraph (b) activities, excavation of accumulated sediment or other material is not authorized in areas within the immediate vicinity of existing *structures* (e.g., private or commercial dock facilities, piers, canals dug for boating access, marinas, boat slips, etc.).
31. **For NWPs 7 and 12**, the associated intake *structure* must be screened to prevent entrainment of juvenile and larval organisms, and the inflow velocity of the associated intake *structures* cannot exceed 0.5 feet/second.
32. Activities authorized by **NWP 7** must occur in the immediate vicinity of the outfall, and must be necessary for the overall construction or modification of the outfall. **NWP 7** shall not be used to authorize ancillary activities such as construction of access roads, installation of utility lines leading to or from the outfall or intake *structures*, construction of buildings, distant activities, etc.
33. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)** that involve horizontal directional drilling beneath *navigable waters* of the United States (i.e., section 10 waters), the *PCN* must include a proposed remediation plan (i.e., frac-out plan). This requirement is in addition to the *PCN* requirements listed in General Condition #32.
34. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)**, excavated material shall be returned to the trench and any remaining material shall be relocated and retained on an upland disposal site. Substrate containing roots, rhizomes, seeds, and other natural material must be kept viable and replaced at the surface of the excavated site. Impacted wetlands will be replanted with native wetland

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species or allowed to naturally re-vegetate from the replaced substrate, as long as the resulting vegetation is native.

35. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)**, stream banks that are cleared of vegetation will be stabilized using bioengineering techniques and/ or the planting of deep-rooted native species.
36. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)**, construction techniques to prevent draining, such as anti-seep collars, will be required for utility lines buried in waters of the United States when necessary. If no construction techniques to prevent draining are proposed, the prospective permittee must provide appropriate documentation to support that such techniques are not required to prevent drainage of waters of the United States.
37. **For NWP 12**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve temporary *structures*, fills, and/or work. To be complete, the *PCN* must also include the specifications of how pre-construction contours will be re-established and verified after construction. This notification requirement is in addition to the notification criteria listed for this NWP.
38. **For utility line activities authorized by NWP 12, (as well as utility lines associated with projects authorized by NWP 29 and 39)**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, prior to commencing the activity if the activity will involve maintained utility crossings. To be complete, the *PCN* must also include a justification for the required width of the maintained crossing that impacts waters of the United States. This notification requirement is in addition to the notification criteria listed for this NWP.
39. **For NWP 12**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve the construction of a sub-station in waters of the United States. To be complete, the *PCN* must also include a statement of avoidance and minimization for the *loss of waters of the United States* impacted by the utility line sub-station. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
40. **For NWP 12**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve the permanent conversion of forested wetlands to herbaceous wetlands. To be complete, the *PCN* must also include the acreage of conversion impacts of waters of the United States and a *compensatory mitigation* proposal or a statement of why *compensatory mitigation* should not be required. This requirement is in addition to the *PCN* requirements listed in General Condition #32.

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41. **For NWP 13 activities, NWP 54 activities, and living shoreline projects authorized by NWP 27** that require submittal of a *PCN*, the *PCN* must include the following information:

- a. Habitat type along the shoreline;
- b. The presence of stabilization *structures* in the vicinity of the project;
- c. Cause/s, extent, and approximate rate of erosion (if known);
- d. Site specific information which may include: shoreline orientation, slope, bank height, tidal range, nearshore bathymetry, fetch, substrate stability, etc.;
- e. Rationale for selecting the preferred stabilization technique;
- f. A statement that structural materials toxic to aquatic organisms will not be used and if stone is proposed, a statement that only clean stone, free of exposed rebar, asphalt, plastic, soil, etc., will be used; and
- g. A statement that filter fabric will be used as appropriate when stone or other heavy material is proposed.

These requirements are in addition to the *PCN* requirements listed in General Condition #32.

42. Projects qualifying for **NWP 27 and/or NWP 54** will require coordination with appropriate Federal, State, and local agencies. The coordination activity will be conducted by the Corps of Engineers. Agencies will generally be granted 15 days to review and provide comments unless the District Engineer determines that an extension of the coordination period is reasonable and prudent.

43. **For NWP 29**, the *loss of waters of the United States* is limited to a maximum of 1/4-acre for a single family residence.

44. **For NWPs 29 and 39**, the *discharges* of dredged or fill material for the construction of *stormwater management facilities* in *perennial streams* are not authorized.

45. **For NWP 33**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, for temporary construction, access, and dewatering activities that occur in non-tidal waters of the United States, including wetlands. In addition, the *PCN* shall include a restoration plan.

46. **For NWP 36**, only one boat ramp may be constructed on a single lot or tract of land (e.g., each lot within a subdivision).

47. **For NWP 38**, the *PCN* must contain the following information:

- a. documentation that the specific activities are required to effect the containment, stabilization, or removal of hazardous or toxic waste materials as performed, ordered, or sponsored by a government agency with established legal or regulatory authority;
- b. a narrative description indicating the size and location of the areas to be restored, the work involved and a description of the anticipated results from the restoration; and

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c. a plan for the monitoring, operation, or maintenance of the restored area.

This requirement is in addition to the *PCN* requirements listed in General Condition #32.

48. **For NWP 41**, a *PCN* must be submitted to the District Engineer for projects that require mechanized land clearing in waters of the United States, including wetlands, in order to access or perform reshaping activities.
49. **NWP 41** is prohibited in channelized streams or stream relocation projects that exhibit natural stream characteristics and/or perform natural stream functions.
50. **For NWP 48**, changing from bottom culture to floating or suspended culture will require submittal of a *PCN* to the District Engineer. Additionally, new aquaculture activities involving suspended or floating culture will require submittal of a *PCN* to the District Engineer. Refer to the *PCN* requirements listed in General Condition #32. Note: If the District Engineer determines that the proposed floating or suspended culture will result in more than minimal adverse environmental effects, an Individual Permit will be required for the proposed activity.
51. **For NWP 48**, when a new commercial shellfish aquaculture activity will occur adjacent to property that is not owned by the prospective permittee, the activity will require submittal of a *PCN* to the District Engineer. The *PCN* must include the following information in addition to the *PCN* requirements listed in General Condition #32:
  - a. A map or depiction that shows the adjacent property(ies) and adjacent property owners' contact information. Note: This information may be obtained online from the applicable county's tax information pages.
  - b. A signed letter(s) of "no objection" to the proposed commercial shellfish activity from each of the adjacent property owner(s). Each letter shall include the name, mailing address, property address, property Tax Map Parcel (TMS) number, and signature of the property owner.
52. **For NWP 53**, the *PCN* must include a Tier I evaluation, in accordance with the Inland Testing Manual, for the project area immediately upstream of the low-head dam. If the Tier I evaluation indicates contaminated sediments are present, a Tier II evaluation may be required.
53. **For NWP 54 projects and living shoreline and/or oyster restoration projects authorized by NWP 27**, the *PCN* must include the following information in addition to the *PCN* requirements listed in General Condition #32:
  - a. A plan view project sketch that shows the proposed project footprint; the Mean High Water (MHW) Line; the Mean Low Water (MLW) Line; marsh line (if applicable); shoreline; width of the waterway at the project location; location of adjacent *structures*,



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such as docks and boat ramps (if applicable); distance of the project footprint from the MHW line; distance of the project footprint from adjacent *structures*; and proposed location of informational or navigation markers. Refer to c. and d. below, if applicable. Note: Refer to Regional Condition #11 if the proposed project is located in or adjacent to an authorized Federal Navigation project for the additional information that will be required.

b. A cross-section sketch that shows the height of the proposed project above substrate and the water depth at MHW Line and MLW Line in relation to the proposed project.

c. For projects that are 18 inches or less in height above substrate AND consist of hard *structures* or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell and wooden sills, informational signs to alert boaters to the presence of the project area will be required. The *PCN* must include a depiction and description of proposed informational signs. The signs must be made of reflective material or must include reflective tape on the sign or sign post. The signs must be located at each end of the project area and at 100-foot increments along the project area, if applicable. Note 1: Projects that include ONLY the use of loose shell will not require the installation of informational or navigational signs. Note 2: The prospective permittee shall be made aware that the U.S. Coast Guard (USCG) may require the project area to be marked. Prior to commencing work, the permittee shall contact the USCG at U. S. Coast Guard Charleston District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL 33131, or by phone at 305-415-6755 or 305-415-6750, regarding possible markers and/or lighting requirements. The permittee shall install all markers and/or lighting as required by the USCG. In the event that the USCG does not require markers or lighting, the permittee shall mark the project area with Corps approved informational signs as described above. Note 3: These requirements will be added to the NWP verification as special conditions.

d. For projects that are more than 18 inches in height above substrate AND consist of hard *structures* or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell, and wooden sills, the prospective permittee must mark the project area with diamond-shaped white day markers with orange border and black print stating “Danger Obstruction”. The signs shall be located at each end of the project area and at 100-foot increments along the project area, if applicable. Note 1: Projects that include ONLY the use of loose shell will not require the installation of informational or navigational signs. Note 2: Prior to commencing work, the permittee shall contact the USCG at U. S. Coast Guard Charleston District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL 33131, or by phone at 305-415-6755 or 305-415-6750, regarding potential project specific approval of the markers. The permittee shall install all markers and/or lighting as required by the USCG. In the event the USCG does not require these or other markers and/or lighting, the “Danger Obstruction” markers are still required by the Corps. Note 3: These requirements will be added to the NWP verification as special conditions.

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\*\* For the purpose of these regional conditions, the term “stream bed” also includes features determined to be a “tributary” and a “relatively permanent water.”

Note 1: For the purpose of these regional conditions, bankfull is defined as the top-of-bank to top-of bank of the channel in a cross-sectional view.

Note 2: Regional conditions # 14, #15, and #53d were revised on September 7, 2017.



October 2, 2019

Ray Funnye  
Georgetown County  
2236 Browns Ferry Road,  
Georgetown, SC 29440

Re: SAC-2018-01123, HNT-08Y3-SSN8Q, Brick Chimney Road Improvements Phase 1  
Georgetown County, SC

Dear Mr. Funnye:

The US Army Corps of Engineers (Corps) issued a final notice in the Federal Register on March 19, 2017 reissuing the Corps' Nationwide Permits (NWP). The NWP program authorizes activities that have minimal individual and cumulative adverse effects on the aquatic environment. On March 7, 2017, the South Carolina Department of Health and Environmental Control (Department) certified thirty-nine NWP's with and without conditions in accordance with Section 401 of the Clean Water Act and the S.C. Coastal Tidelands and Wetlands Act (48-39-10 et seq.).

Coastal Zone Consistency staff has determined the work, consisting of permanent impacts to 1.45 acres of waters of the U. S. for the construction of a linear transportation project, to be in accordance with the March 19, 2017, Department certification for Section 404 of the Clean Water Act and consistency with the S. C. Coastal Zone Management Program provided the applicant adheres to all conditions of the NWP. Accordingly, you have provided mitigation for the 1.45 acres of permanent impacts through the purchase of 13.93 credits from an approved mitigation bank. According to the conditions of the NWP, at least one half of the required credits [6.97] must be restoration/non-buffer enhancement credits and no more than one half may be preservation credits. Proof of purchase of the required mitigation bank credits must be submitted to this office prior to land disturbance.

This letter serves as our Consistency Determination for the work, as described. Additional certifications may be required on-site for land disturbing activities that will could be subject to NPDES or other state permitting requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J Burger".

Daniel J Burger  
843-953-0251  
BURGERDJ@dhec.sc.gov

Nationwide Permit 401 and CZC Conditions  
Certified March 7, 2017

**NWP 14: Linear Transportation Projects**

Conditions of the 401 Water Quality Certification:

1. A compensatory mitigation plan must be submitted and approved by the SCDHEC for projects with impacts exceeding 0.10 acres or 300 linear feet.
2. Linear transportation projects must cross perpendicular (to the extent practicable) to the aquatic site area. Impacts certified under this NWP must be limited to three crossings per single and complete project and must be in non-tidal wetlands only.
3. This NWP is not certified for activities located in or adjacent to (as determined by SCDHEC) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), or Trout Waters.
4. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions for the Coastal Zone Consistency Determination:

***Provided all the conditions of the 401 Water Quality Certification, plus the following conditions are included, the NWP will be consistent with the S.C. Coastal Zone Management Program.***

1. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC OCRM concurrence.
2. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

Project Number: SAC-2018-01123

Name of Permittee: Ray Funnye  
Georgetown County

Date of Issuance: September 12, 2019

Upon completion of the activity authorized by this Nationwide Permit/General Permit authorization letter, including any compensatory mitigation, sign this certification and return it to the following address:

U.S. Army Corps of Engineers  
Regulatory Division – Northeast Branch  
1949 Industrial Park Road, Suite 140  
Conway, South Carolina 29526

Please note that the authorized activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of your Nationwide Permit authorization letter this office may suspend, modify, or revoke this authorization.

PM:AE

=====

***I hereby certify that the work authorized by the above referenced Nationwide Permit/General Permit authorization letter has been completed in accordance with the terms and conditions of said authorization letter, including the performance of any required compensatory mitigation.***

\_\_\_\_\_  
Signature of Permittee



**DEPARTMENT OF THE ARMY**  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
1949 INDUSTRIAL PARK ROAD, ROOM 140  
CONWAY, SOUTH CAROLINA 29526

September 13, 2019

Regulatory Division

Mr. Ray Funnye  
Georgetown County  
108 Screven Street  
Georgetown, South Carolina 29440  
[rcfunnye@gtcounty.org](mailto:rcfunnye@gtcounty.org)

Dear Mr. Funnye:

This is in response to a Pre-Construction Notification (PCN) (SAC-2018-01123) received on May 20, 2019, and considered complete on August 15, 2019. In submitting the PCN, you requested verification the proposed project is authorized by a Department of the Army (DA) Nationwide Permit (NWP).

The PCN contains identifying information for this project. The work affecting waters of the United States is part of an overall project known as Georgetown County / Brick Chimney Road Phase 1. The activities in waters of the United States include mechanized land clearing, excavation, and filling within jurisdictional waters of the US for a road improvement project located on Brick Chimney Road. The project involves eight separate impacts totaling 1.45 acres of jurisdictional wetlands and 213 linear feet of jurisdictional tributary, which comprise seven single and complete projects. Specifically, this letter authorizes impacts to 0.06 acre of Jurisdictional Wetland 4, 0.23 acre of Jurisdictional Wetland 7, 0.19 acre of Jurisdictional Wetland 11, 0.29 acre of Jurisdictional Wetland 12, 0.26 acre of Jurisdictional Wetland 13, 0.20 acre of Jurisdictional Wetland 14, 0.24 acre of Jurisdictional Wetland 15, and 213 linear feet of Jurisdictional Tributary 1. The project is located on Brick Chimney Road between Johnson Road and Browns Ferry Road, in Georgetown County, South Carolina (Latitude: 33.4242 °, Longitude: -79.3174 °). The PCN also includes the following supplemental information:

- a. Drawing sheets 1-24 of 24 titled "BRICK CHIMNEY ROAD PHASE 1 / GEORGETOWN COUNTY, SC / APPLICATION BY GEORGETOWN COUNTY" and dated July 2019.
- b. The revised Mitigation Calculations for Brick Chimney Road worksheet received on July 9, 2019.
- c. A delineation of wetlands, other special aquatic sites, and other waters (SAC 2018-01123 and verified on May 6, 2019).

Based on a review of the PCN, including the supplemental information indicated above, the Corps has determined the proposed activity will result in minimal individual and cumulative adverse environmental effects and is not contrary to the public interest. Furthermore, the activity meets the terms and conditions of NWP 14 (Linear Transportation Projects).



For this authorization to remain valid, the project must comply with the enclosed NWP General Conditions, Charleston District Regional Conditions, and the following special conditions:

- a. That prior to beginning the authorized work the permittee must obtain and provide the Corps with a copy of all appropriate state certifications and/or authorizations (e.g., 401 Water Quality Certification, Coastal Zone Management Act concurrence, State Navigable Waters Permit, etc.). This PROVISIONAL NWP is NOT VALID until the permittee obtains and provides the requisite state certification(s) and/or authorization(s) in accordance with this special condition.
- b. That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee.
- c. That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter.
- d. That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.
- e. The permittee recognizes that their commitment to perform and implement the following conditions was a deciding factor in the favorable and timely decision on this permit and recognizes that a failure on their part to both actively pursue and implement these conditions may be grounds for modification, suspension or revocation of this Department of the Army authorization:
  1. That as compensatory mitigation for impacts to aquatic resources, the permittee agrees to purchase or debit a total of 13.93 credits from the Carter-Stillley Wetland and Stream Mitigation Bank. At least one half of the required credits [6.97] must be restoration/non-buffer enhancement credits. In addition, no more than one half of the required mitigation credits [6.96] may be preservation credits and;
  2. That the permittee must submit evidence of the purchase or debit of the required mitigation credits to both the Corps of Engineers and SCDHEC prior to commencement of the authorized work. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition "e" will not be considered fulfilled until you have received written verification from the U.S. Army Corps of Engineers.
- f. That the permittee shall incorporate Best Management Practices (BMP's) during construction to protect adjacent wetlands and Waters of the United States from sediment and erosion during construction. BMP's to be utilized, independently or in combination, may include but are not limited to; erosion

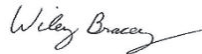
**control matting, mulch, silt fences, sediment tubes, and other devices. BMP's shall be maintained until the fill material is stabilized.**

This verification is valid until March 18, 2022, unless the district engineer modifies, suspends, or revokes the NWP authorization in accordance with 33 CFR 330.5(d). If prior to this date, the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization, the verification continues to remain valid until March 18, 2022. If you commence, or are under contract to commence this activity before the NWP expires, or the NWP is modified, suspended, or revoked by the Chief of Engineers or division engineer in accordance with 33 CFR 330.5(b) or (c), respectively, in such a way that the activity would no longer comply with the terms and conditions of the NWP, you will have 12 months after the date the NWP expires or is modified, suspended, or revoked, to complete the activity under the present terms and conditions of this NWP.

This NWP is being verified based on the information you have provided. It is your responsibility to read the attached NWP(s) along with the General, Regional, and Special Conditions before you begin work. If you determine your project will not be able to meet the NWP and the conditions, you must contact the Corps before you proceed.

In all future correspondence, please refer to our file number SAC-2018-01123. A copy of this letter is being forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Ann Eaddy, Project Manager, at (843) 365-1709, or by email at [Ann.W.Eaddy@usace.army.mil](mailto:Ann.W.Eaddy@usace.army.mil).

Sincerely,



Digitally signed by  
BRACEY.WILEY.C.1295091904  
DN: c=US, o=U.S. Government,  
ou=DoD, ou=PKI, ou=USA,  
cn=BRACEY.WILEY.C.1295091904  
Date: 2019.09.13 14:25:34 -04'00'

Wiley Bracey  
Watershed Manager

Attachments

Permit Drawings  
Nationwide Permit No. 14  
Nationwide Permit General Conditions  
Nationwide Permit Regional Conditions  
Compliance Certification Form

Copies Furnished:

Mr. Britt Feldner  
The Brigman Company, Inc.  
PO Box 1532  
Conway, South Carolina 29528  
[bfeldner@thebrigmancompany.com](mailto:bfeldner@thebrigmancompany.com)

SC DHEC - Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201  
[WQCWetlands@dhec.sc.gov](mailto:WQCWetlands@dhec.sc.gov)

SC DHEC - OCRM  
1362 McMillan Avenue, Suite 400  
North Charleston, South Carolina 29405  
[williabn@dhec.sc.gov](mailto:williabn@dhec.sc.gov)

**Joint Federal and State Application Form  
For Activities Affecting Waters of the United States  
Or Critical Areas of the State of South Carolina**

**This Space for Official Use Only**

Application No. \_\_\_\_\_  
Date Received \_\_\_\_\_  
Project Manager \_\_\_\_\_  
Watershed # \_\_\_\_\_

*Authorities:* 33 USC 401, 33 USC 403, 33 USC 407, 33 USC 408, 33 USC 1341, 33 USC 1344, 33 USC 1413 and Section 48-39-10 et. Seq of the South Carolina Code of Laws. These laws require permits for activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. The Corps of Engineers and the State of South Carolina have established a joint application process for activities requiring both Federal and State review or approval. Under this joint process, you may use this form, together with the required drawings and supporting information, to apply for both the Federal and/or State permit(s).

*Drawings and Supplemental Information Requirements:* In addition to the information on this form, you must submit a set of drawings and, in some cases, additional information. A completed application form together with all required drawings and supplemental information is required before an application can be considered complete. See the attached instruction sheets for details regarding these requirements. You may attach additional sheets if necessary to provide complete information.

1. Applicant Last Name: Funnye		11. Agent Last Name (agent is not required): Feldner	
2. Applicant First Name: Ray		12. Agent First Name: Britt	
3. Applicant Company Name: Georgetown County Dept. of Public Services		13. Agent Company Name: The Brigman Company	
4. Applicant Mailing Address: 108 Screven Street		14. Agent Mailing Address: P.O. Box 1532	
5. Applicant City: Georgetown		15. Agent City: Conway	
6. Applicant State: South Carolina	7. Applicant Zip: 29440	16. Agent State: South Carolina	17. Agent Zip: 29528
8. Applicant Area Code and Phone No.: 843-545-3325		18. Agent Area Code and Phone No.: 843-602-0191	
9. Applicant Fax No.: (843) 545-3648		19. Agent Fax No.:	
10. Applicant E-mail: rcfunnye@gtcounty.org		20. Agent E-mail: bfeldner@thebrigmancompany.com	

21. Project Name: Brick Chimney Road Improvements		22. Project Street Address: Extending from Johnson Road to Browns Ferry Rd., Georgetown, SC.	
23. Project City: Georgetown	24. Project County: Georgetown	25. Project Zip Code: 29440	26. Nearest Waterbody: Black River
27. Tax Parcel ID: Various		28. Property Size (acres): 69.66	
29. Latitude: 33.425249		30. Longitude: -79.315665	

31. Directions to Project Site (Include Street Numbers, Street Names, and Landmarks and attach additional sheet if necessary):  
Brick Chimney is an existing road that is paved from U.S. Hwy 521/17Alt to Johnson Road. From its intersection with Johnson Road northward to Browns Ferry Road it is an unimproved dirt road. The beginning of the project is located on Brick Chimney Road at the intersection with Johnson Road 1.8 miles north of US 17Alt (see vicinity map).

32. Description of the Overall Project and of Each Activity in or Affecting U.S. Waters or State Critical Areas (attach additional sheets if needed)  
Georgetown County is proposing to improve Brick Chimney Road by re-aligning and paving it from Johnson Road to Browns Ferry Road. This will require road crossing impacts to 8 different wetlands/waters of the U.S.

33. Overall Project Purpose and the Basic Purpose of Each Activity In or Affecting U.S. Waters (attach additional sheets if needed):  
The proposed roadway improvements along existing unpaved Brick Chimney Road (S-22-318) from Johnson Road (S-22-318) to Browns Ferry Road (SC 51) include an adjusted alignment and a paved surface. The purpose of these updates are to improve public traffic safety, offer a better pavement section for truck traffic and enhance connectivity and development opportunities in the surrounding area.

34. Type and quantity of Materials to Be Discharged

Dirt or Topsoil:	4075	<input type="checkbox"/> cubic yards
Clean Sand:	_____	<input type="checkbox"/> cubic yards
Mud:	_____	<input type="checkbox"/> cubic yards
Clay:	_____	<input type="checkbox"/> cubic yards
Gravel, Rock, or Stone:	_____	<input type="checkbox"/> cubic yards
Concrete:	_____	<input type="checkbox"/> cubic yards
Other (describe):	_____	<input type="checkbox"/> cubic yards
<b>TOTAL:</b>	<b>4075</b>	<b>cubic yards</b>

35. Type and Quantity of Impacts to U.S. Waters (including wetlands).

Filling:	0.96	<input checked="" type="checkbox"/> acres	<input type="checkbox"/> sq.ft.	4075	<input type="checkbox"/> cubic yards
Backfill & Bedding:	_____	<input type="checkbox"/> acres	<input type="checkbox"/> sq.ft.	_____	<input type="checkbox"/> cubic yards
Landclearing:	0.20	<input type="checkbox"/> acres	<input type="checkbox"/> sq.ft.	_____	<input type="checkbox"/> cubic yards
Dredging:	_____	<input type="checkbox"/> acres	<input type="checkbox"/> sq.ft.	_____	<input type="checkbox"/> cubic yards
Flooding:	_____	<input type="checkbox"/> acres	<input type="checkbox"/> sq.ft.	_____	<input type="checkbox"/> cubic yards
Draining/Excavation:	0.35	<input checked="" type="checkbox"/> acres	<input type="checkbox"/> sq.ft.	579	<input type="checkbox"/> cubic yards
Shading:	_____	<input type="checkbox"/> acres	<input type="checkbox"/> sq.ft.	_____	<input type="checkbox"/> cubic yards
<b>TOTALS:</b>	<b>1.51</b>	<b>acres</b>	<b>65710</b>	<b>sq.ft.</b>	<b>4654</b> <b>cubic yards</b>



36. Individually list wetland impacts including mechanized clearing, fill, excavation, flooding, draining, shading, etc. and attach a site map with location of each impact (attach additional sheets if needed).

Impact No.	Wetland Type	Distance to Receiving Water body (LF)	Purpose of Impact (road crossing, impoundment, flooding, etc)	Impact Size (acres)
4,7,8,11,12,13,14, & 15	various	500' to 1000'	road crossing (fill)	0.96
4,7,8,11,13,14, & 15	various	500' to 1000'	road crossing (excavation)	0.35
4,7,11,12,13,14, & 15	various	500' to 1000'	road crossing (clearing)	0.20
Total Wetland Impacts (acres)				1.51

37. Individually list all seasonal and perennial stream impacts and attach a site map with location of each impact (attach additional sheets )

Impact No.	Seasonal or Perennial Flow	Average Stream Width (LF)	Impact Type (road crossing, impoundment, flooding, etc)	Impact Length (LF)
Total Stream Impacts (Linear Feet)				

38. Have you commenced work on the project site?  YES  NO If yes, describe all work that has occurred and provide dates.

39. Describe measures taken to avoid and minimize impacts to Waters of the United States:

The applicant has chosen to pave/realign Brick Chimney Road to relieve traffic in Georgetown and provide safer travel. the existing alignment was utilized where possible and the geometry of the road was improved by increasing the radii to meet the requirements for a 55mph design speed. The existing sharp curve to the west of the International Paper (IP) canal crossing was inadequate regarding sight distance and design speed, so the alignment was relocated in this area. In addition the applicant has chosen to construct a 2 lane road vs. previously considered 4 lane to reduce project impacts. The road design reflects the minimal amount required for a safe 2 lane road meeting DOT requirements.

40. Provide a brief description of the proposed mitigation plan to compensate for impacts to aquatic resources or provide justification as to why mitigation should not be required (Attach a copy of the proposed mitigation plan for review).

The applicant proposes to mitigate for unavoidable impacts by the acquisition of 14.3 mitigation credits from Carter Stilley Mitigation Bank. A letter of availability is attached hereto.

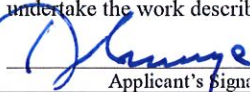
41. See the attached sheet to list the names and addresses of adjacent property owners.

42. List all Corps Permit Authorizations and other Federal , State, or Local Certifications, Approvals, Denials received for work described in this application.

43. Authorization of Agent. I hereby authorize the agent whose name is given on page one of this application to act in my behalf in the processing of this application and to furnish supplemental information in support of this application. <sup>1</sup>


5.9.19  
 Applicant's Signature Date

44. Certification. Application is hereby made for a permit or permits to authorize the work and uses of the work as described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent for the applicant. <sup>1</sup>


5.9.19
\_\_\_\_\_
\_\_\_\_\_  
 Applicant's signature Date Agent's Signature Date

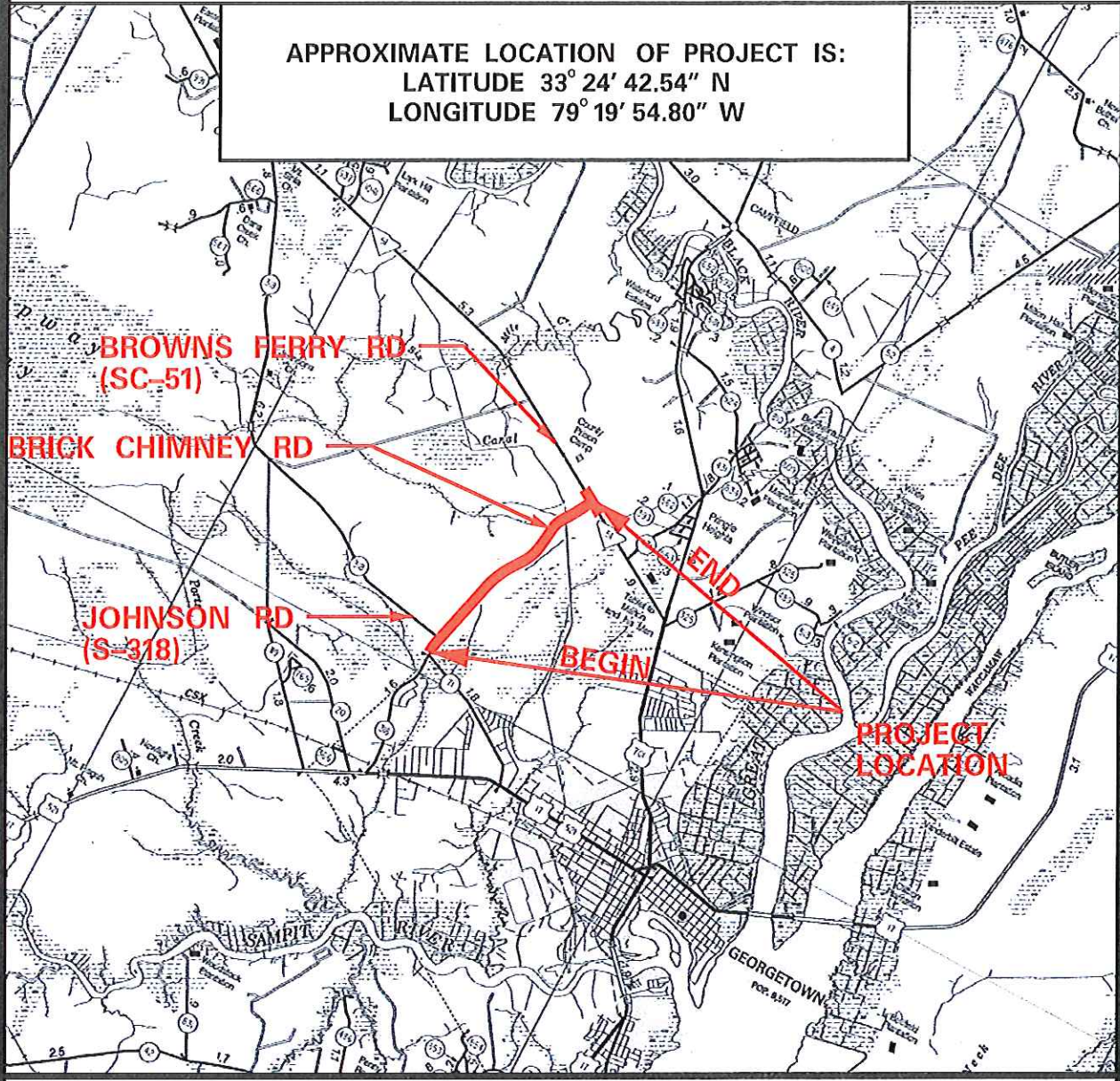
<sup>1</sup>The application must be signed by the person who desires to undertake the proposed activity or it may be signed by a duly authorized agent if the authorization statement in blocks 11 and 43 have been completed and signed. 18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



# VICINITY MAP

FROM: GEORGETOWN COUNTY MAP 2005

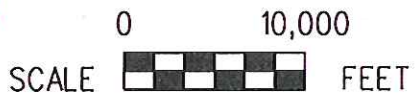
APPROXIMATE LOCATION OF PROJECT IS:  
LATITUDE 33° 24' 42.54" N  
LONGITUDE 79° 19' 54.80" W



SHADED AREA INDICATES COUNTY LOCATION IN SC



**PERMITTED PLANS**



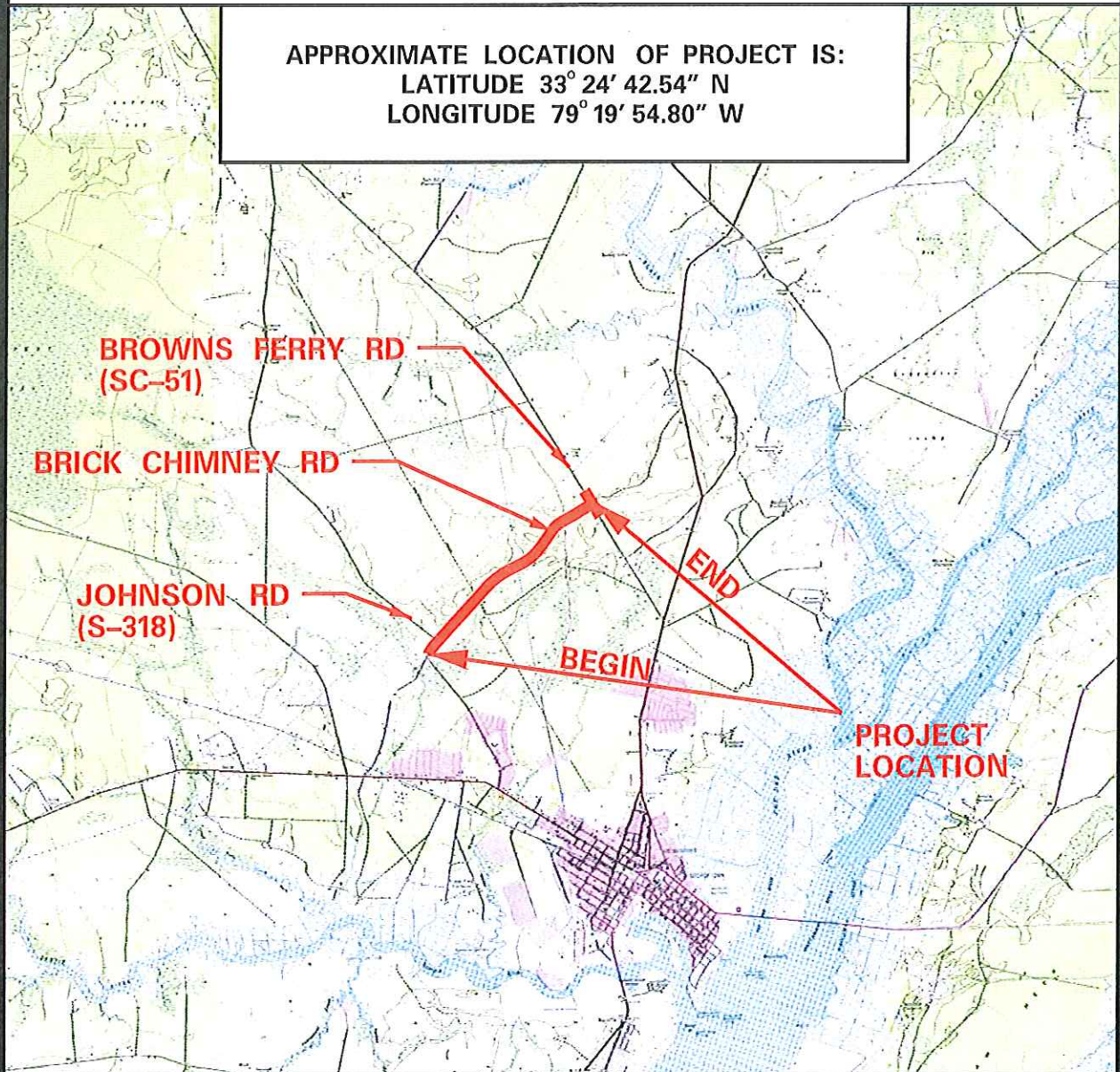
BRICK CHIMNEY ROAD PHASE 1  
PROPOSED WETLAND IMPACTS  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019  
SHEET 1 OF 24



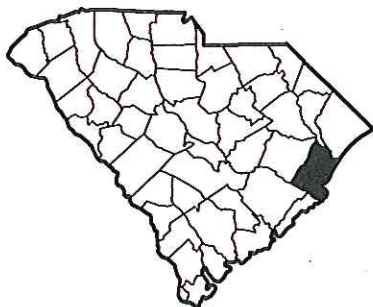
# USGS MAP

FROM: USGS QUAD MAPS  
RHEMS, CARVERS BAY, PLANTERSVILLE, OLIN, GEORGETOWN NORTH,  
WAVERLY MILLS, KILSOCK BAY, GEORGETOWN SOUTH, AND NORTH ISLAND 1977

APPROXIMATE LOCATION OF PROJECT IS:  
LATITUDE 33° 24' 42.54" N  
LONGITUDE 79° 19' 54.80" W



SHADED AREA INDICATES  
COUNTY LOCATION IN SC



**PERMITTED PLANS** SCALE 0 10,000 FEET



BRICK CHIMNEY ROAD PHASE 1  
PROPOSED WETLAND IMPACTS  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019  
SHEET 2 OF 24



WETLAND	SHEET #S	Station Ranges	PERMANENT FILL			EXCAVATION			CLEARING	
			SF	AC	CY	SF	AC	CY	SF	AC
WET 1	7	10+70 TO 11+10	0	0.00	0	0	0.00	0	0	0.00
WET 3	8	70+34 TO 71+77	0	0.00	0	0	0.00	0	0	0.00
WET 4	9	94+48 TO 101+19	906	0.02	163	821	0.02	148	694	0.02
WET 5	10	105+65 TO 106+09	0	0.00	0	0	0.00	0	0	0.00
WET 6	11	113+15 TO 113+56	0	0.00	0	0	0.00	0	0	0.00
WET 7	11	116+23 TO 117+36	5559	0.13	350	3755	0.09	117	530	0.01
WET 9	12	122+19 TO 122+30	0	0.00	0	0	0.00	0	0	0.00
WET 10	12	123+31 TO 123+98	0	0.00	0	0	0.00	0	0	0.00
WET 11	12, 16	125+03 TO 127+12	5095	0.12	516	2116	0.05	109	667	0.02
WET 12	13	128+35 TO 130+51	10857	0.25	1251	0	0.00	0	1700	0.04
WET 13	14	138+36 TO 141+01	8724	0.20	1065	1270	0.03	4	1335	0.03
WET 14	15	414+00 TO 418+00	3424	0.08	183	3319	0.08	113	1918	0.04
WET 15	15	414+00 TO 418+00	5645	0.13	370	3080	0.07	58	1836	0.04
TOTAL WETLAND IMPACTS			40210	0.92	3899	14361	0.33	548	8680	0.20
TRIBUTARY 1 PERMANENT IMPACTS			213 LINEAR FEET							

TOTAL AREA IMPACTS (AC): 1.45

TOTAL PROJECT AREA (AC): 69.66

**PERMITTED  
PLANS**

PREPARED BY: DAVIS & FLOYD, INC. CHARLESTON, SC	BRICK CHIMNEY ROAD PHASE 1 PROPOSED WETLAND IMPACTS GEORGETOWN COUNTY, SC APPLICATION BY GEORGETOWN COUNTY JULY 2019	SHEET 3 OF 24
--	--	---------------

END CONSTRUCTION  
BRICK CHIMNEY RELOCATED  
PHASE I  
STA. 148+79.84

BEGIN CONSTRUCTION  
BEGIN BRICK CHIMNEY OVERLAY  
STA. 12+26.09

END BRICK CHIMNEY OVERLAY  
BEGIN PAVING BRICK CHIMNEY RELOCATED  
STA. 19+58.91

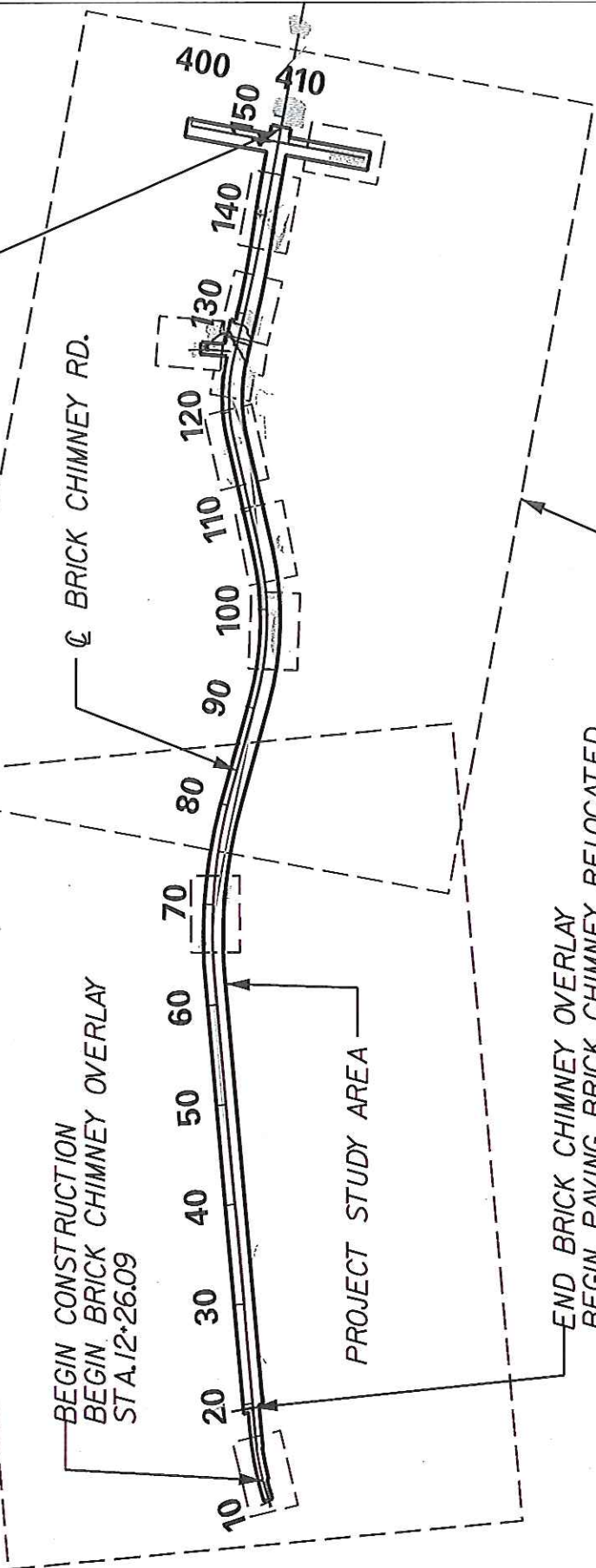
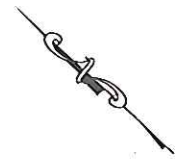
BRICK CHIMNEY RD.

PROJECT STUDY AREA

PERMITTED  
PLANS

SHEET 5

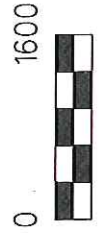
SHEET 6



PREPARED BY:  
DAVIS &  
FLOYD, INC.  
CHARLESTON, SC

**LEGEND**  

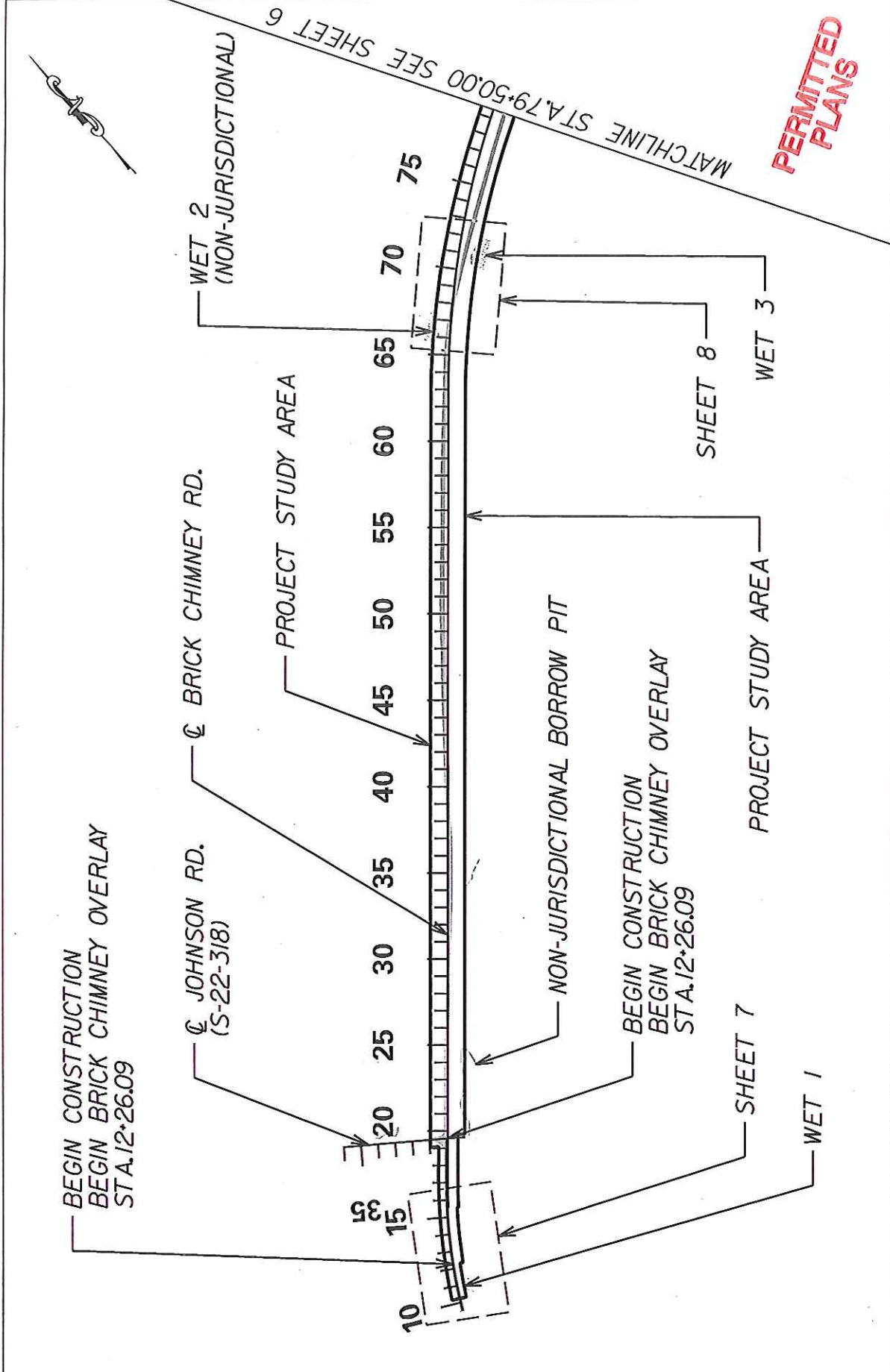
 EXISTING SLAG ROAD  
 WETLAND  
 PROJECT AREA  
 BOUNDARY



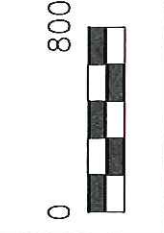
BRICK CHIMNEY ROAD PHASE 1  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019

SHEET 4

**PERMITTED PLANS**



PREPARED BY:  
 DAVIS &  
 FLOYD, INC.  
 CHARLESTON, SC



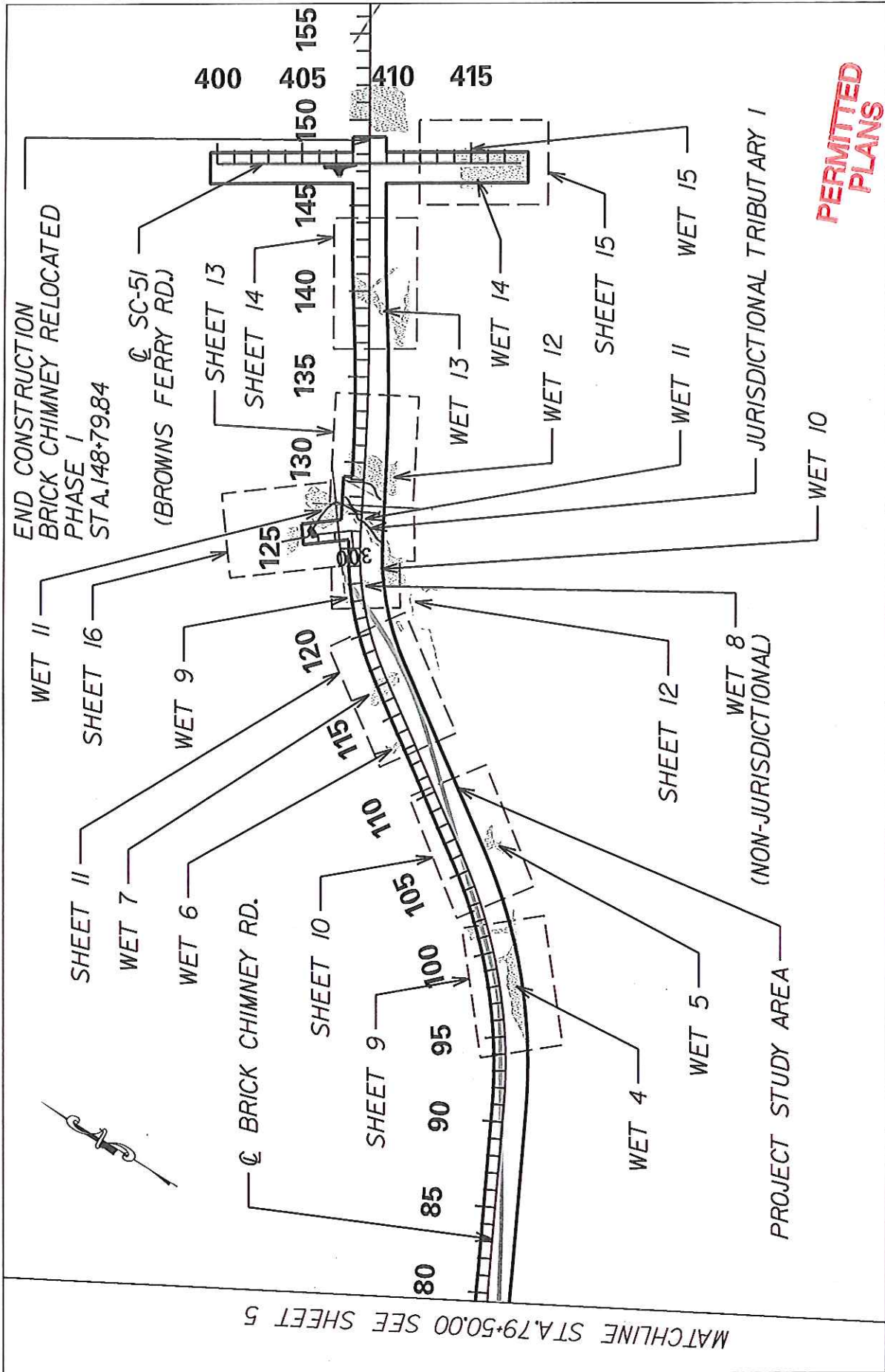
**LEGEND**

- EXISTING SLAG ROAD
- WETLAND
- PROJECT AREA BOUNDARY





BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 JULY 2019

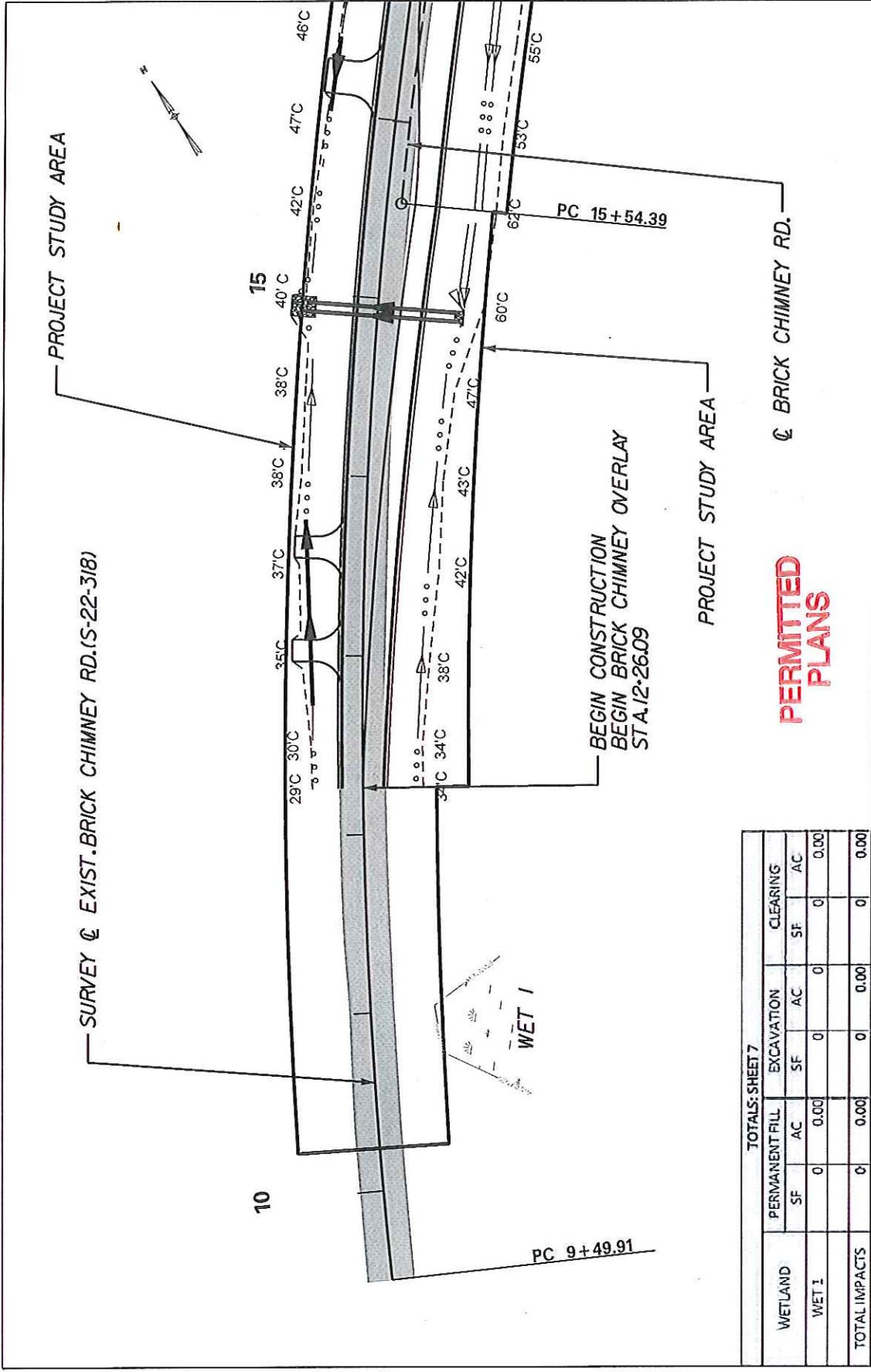
SHEET 5





MATCHLINE STA.79+50.00 SEE SHEET 5

<p>PREPARED BY: DAVIS &amp; FLOYD, INC. CHARLESTON, SC</p>	<p>BRICK CHIMNEY ROAD PHASE 1 GEORGETOWN COUNTY, SC APPLICATION BY GEORGETOWN COUNTY JULY 2019</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> EXISTING SLAG ROAD</li> <li> WETLAND</li> <li> PROJECT AREA BOUNDARY</li> </ul> <p>0 800</p> 	<p>SHEET 6</p>
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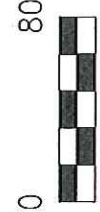
**PERMITTED PLANS**

TOTALS: SHEET 7

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 1	0	0.00	0	0	0	0.00
TOTAL IMPACTS	0	0.00	0	0.00	0	0.00

**LEGEND**

- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- PROJECT AREA BOUNDARY
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND

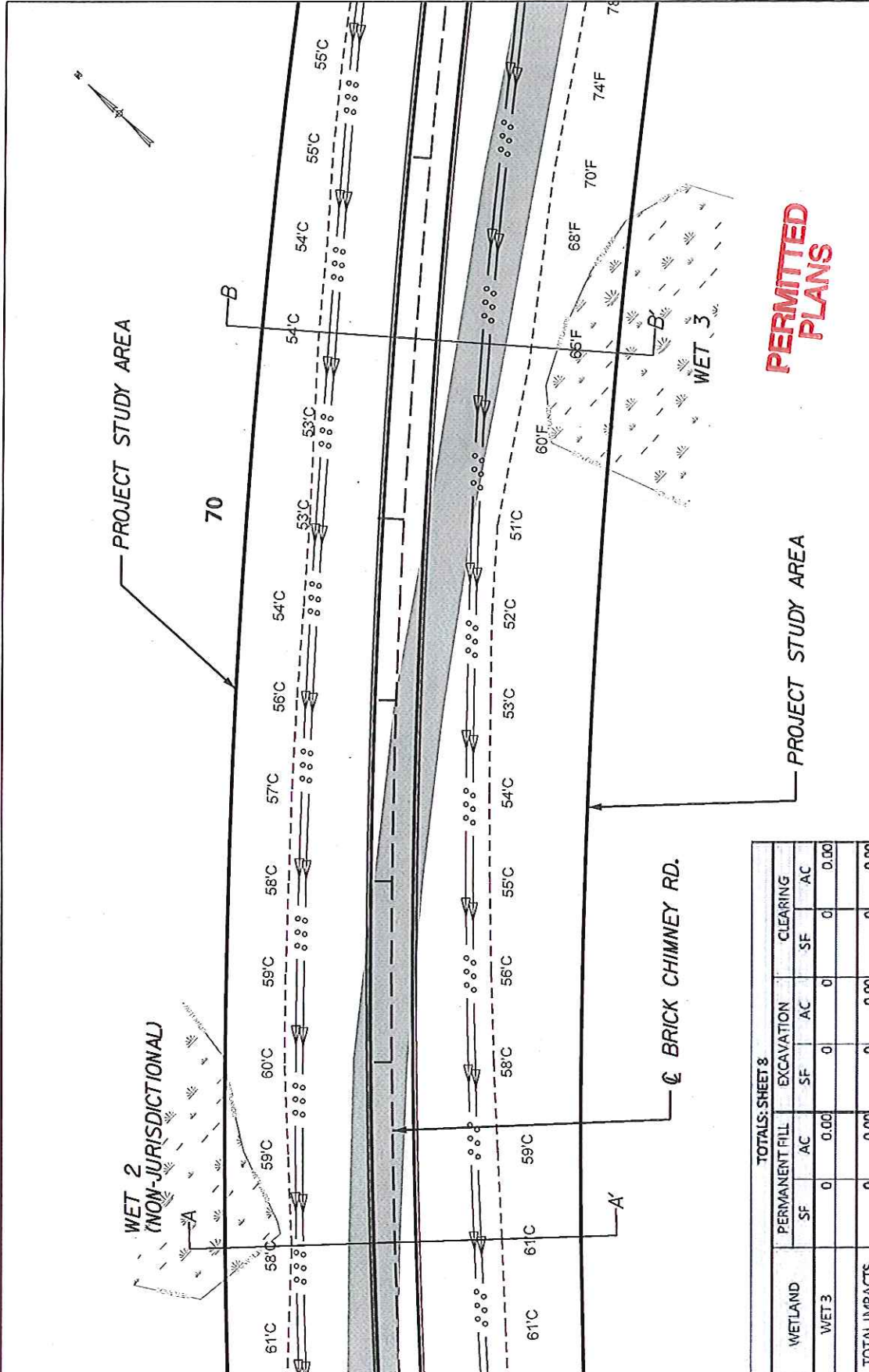


PREPARED BY:  
**DAVIS & FLOYD, INC.**  
 CHARLESTON, SC

**BRICK CHIMNEY ROAD PHASE 1**  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 JULY 2019

WET: 1

SHEET 7

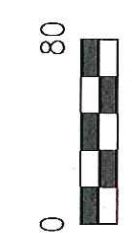


**PERMITTED PLANS**

TOTALS: SHEET 8

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 3	0	0.00	0	0	0	0.00
TOTAL IMPACTS	0	0.00	0	0.00	0	0.00

- LEGEND**
- PERMANENT FILL IMPACT
  - EXCAVATION IMPACT
  - PERMANENT CLEARING IMPACT
  - RIP RAP
  - EXISTING SLAG ROAD
  - WETLAND
  - PROJECT AREA BOUNDARY



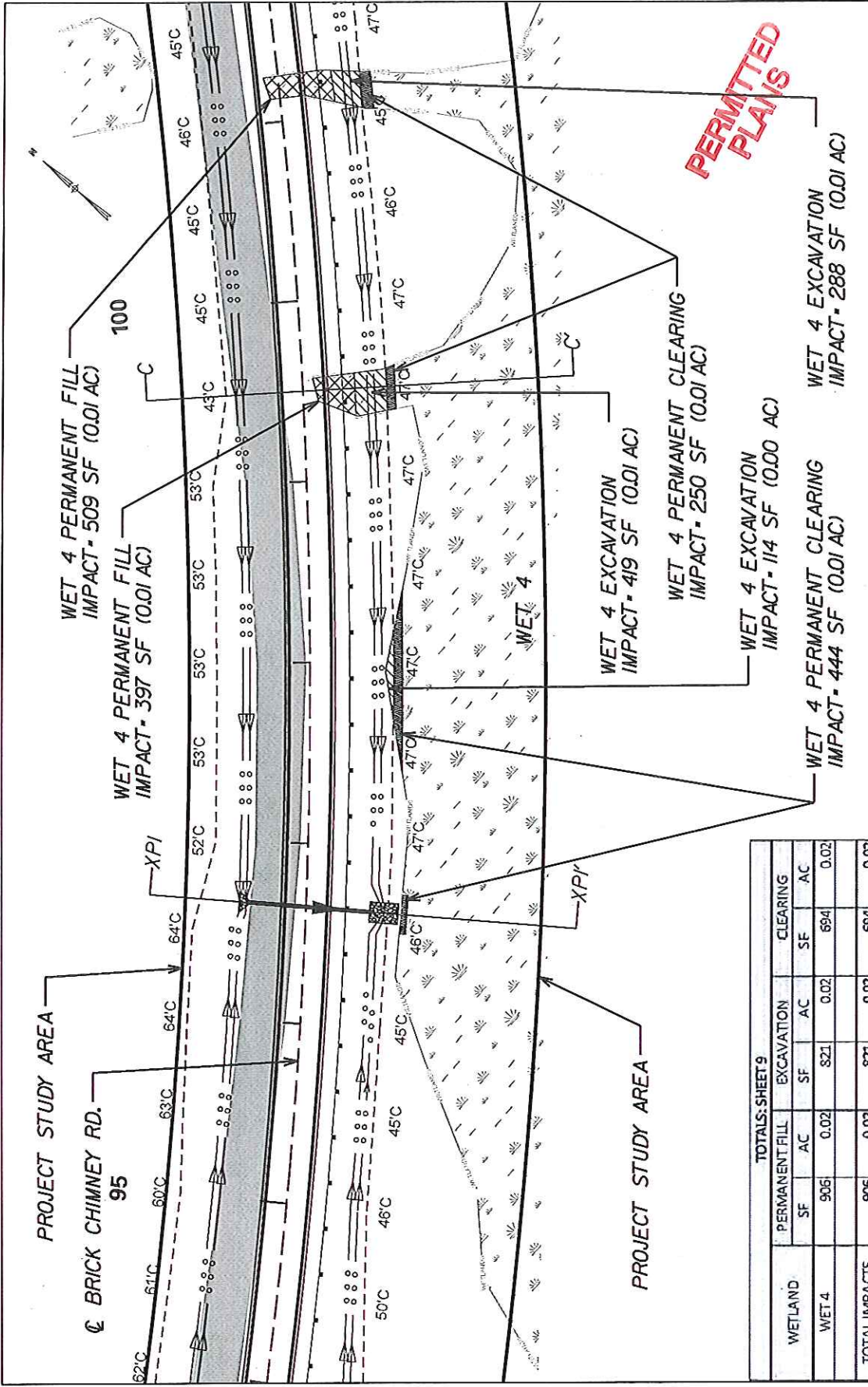
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BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 JULY 2019

WET: 2 AND 3

SHEET 8





**PERMITTED PLANS**

WET 4 PERMANENT FILL  
IMPACT - 509 SF (0.01 AC)

WET 4 PERMANENT FILL  
IMPACT - 397 SF (0.01 AC)

WET 4 EXCAVATION  
IMPACT - 419 SF (0.01 AC)

WET 4 PERMANENT CLEARING  
IMPACT - 250 SF (0.01 AC)

WET 4 EXCAVATION  
IMPACT - 114 SF (0.00 AC)

WET 4 PERMANENT CLEARING  
IMPACT - 444 SF (0.01 AC)

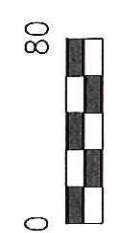
WET 4 EXCAVATION  
IMPACT - 288 SF (0.01 AC)

TOTALS: SHEET 9

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 4	906	0.02	821	0.02	694	0.02
TOTAL IMPACTS	906	0.02	821	0.02	694	0.02

**LEGEND**

- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND
- PROJECT AREA BOUNDARY



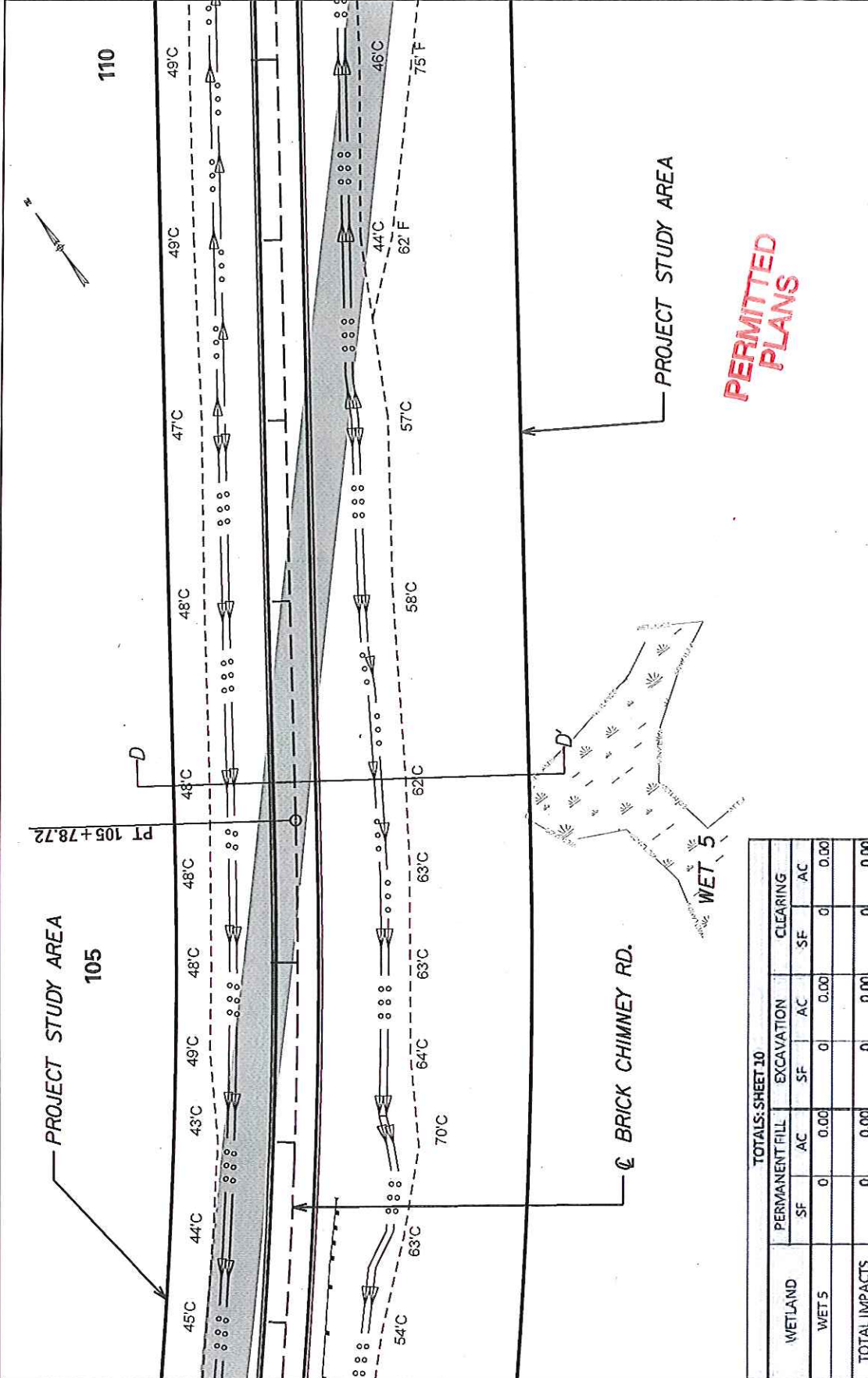
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FLOYD, INC.  
CHARLESTON, SC

BRICK CHIMNEY ROAD PHASE 1  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019

WET: 4

SHEET 9





TOTALS: SHEET 10

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 5	0	0.00	0	0.00	0	0.00
TOTAL IMPACTS	0	0.00	0	0.00	0	0.00

PREPARED BY:  
**DAVIS & FLOYD, INC.**  
 CHARLESTON, SC

0 80

**LEGEND**

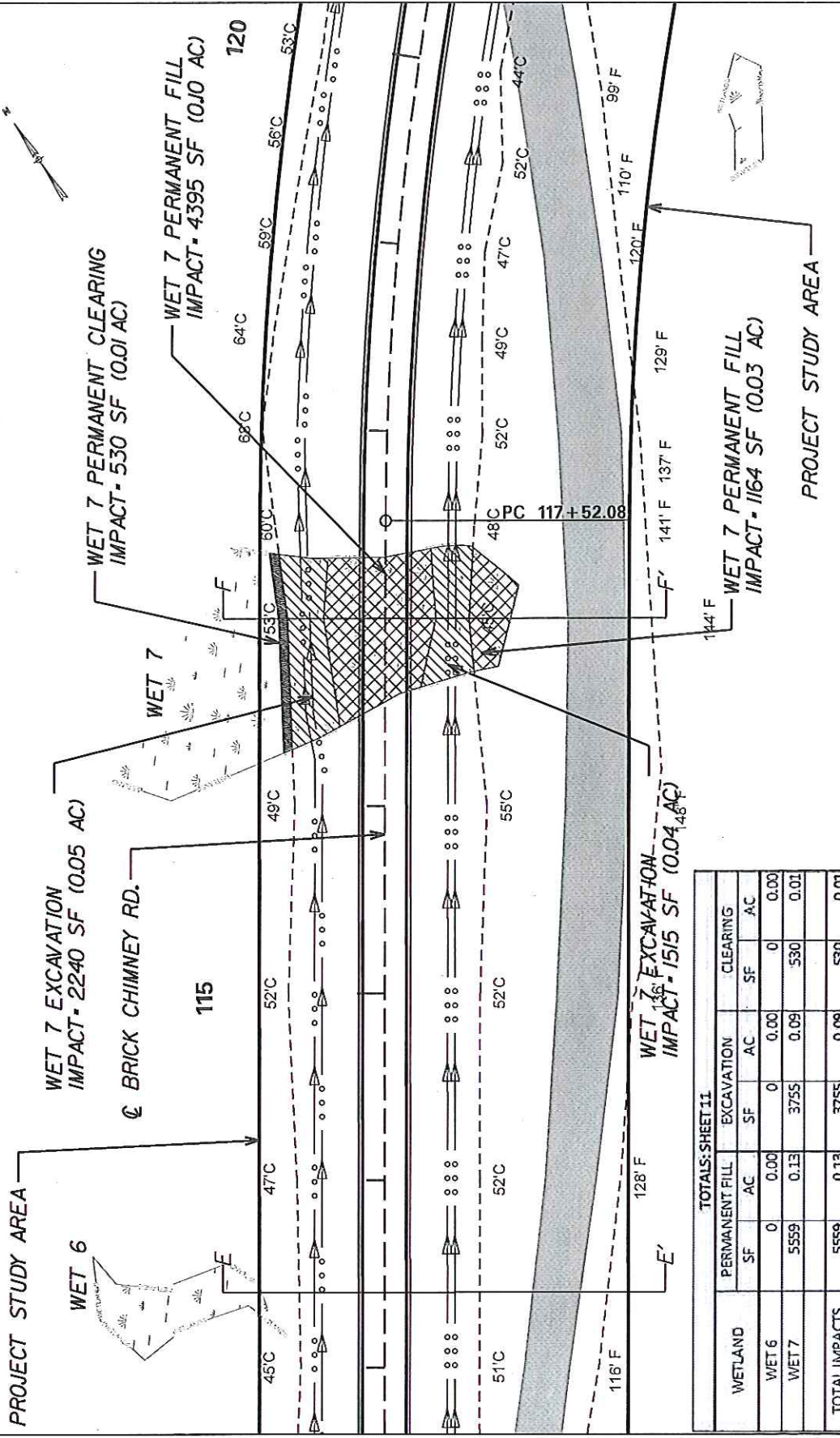
- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- PROJECT AREA BOUNDARY
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND

BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 JULY 2019

WET: 5

SHEET 10

**PERMITTED PLANS**

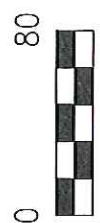


TOTALS: SHEET 11

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 6	0	0.00	0	0.00	0	0.00
WET 7	5559	0.13	3755	0.09	530	0.01
TOTAL IMPACTS	5559	0.13	3755	0.09	530	0.01

**LEGEND**

- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND
- PROJECT AREA BOUNDARY



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CHARLESTON, SC

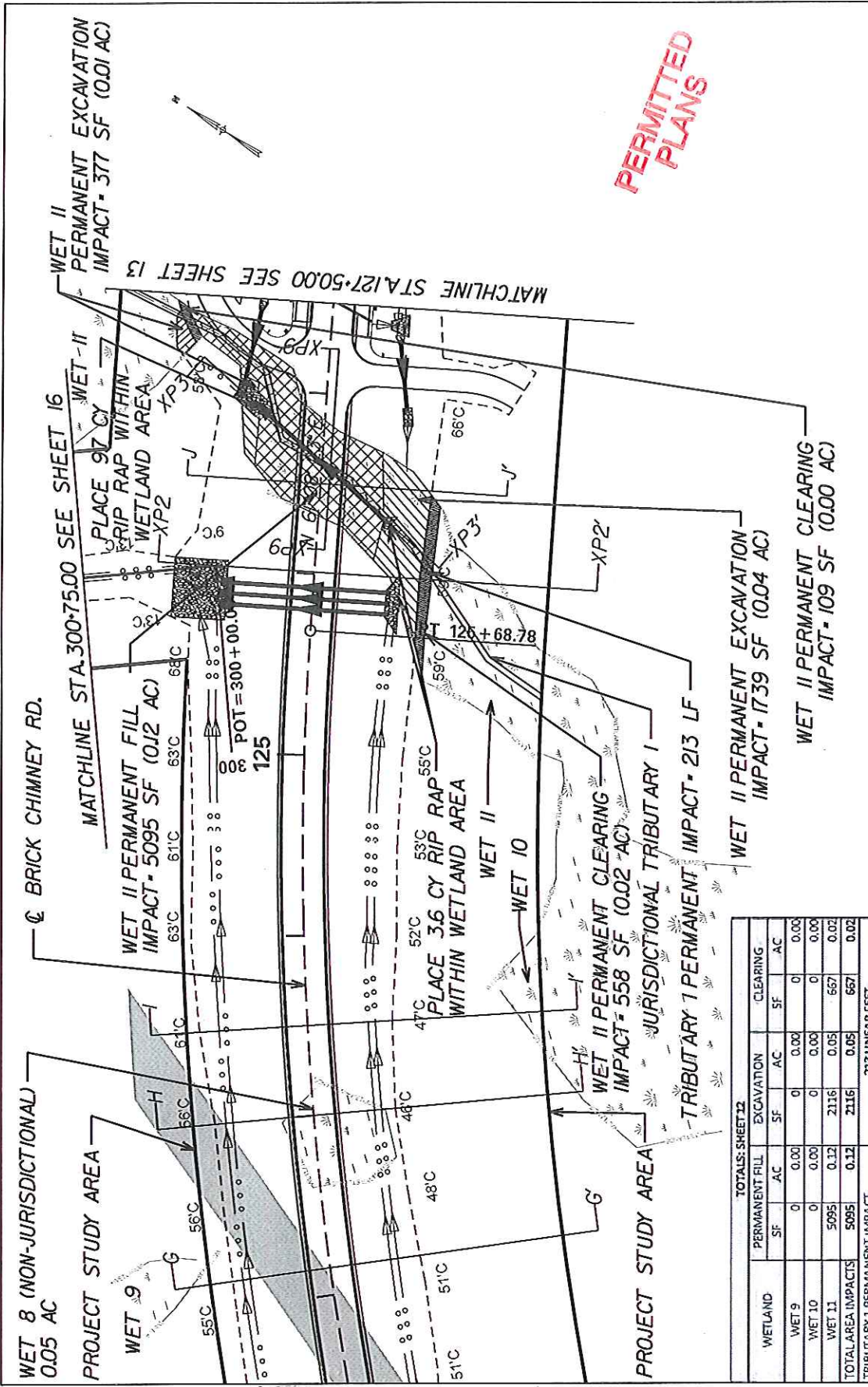
BRICK CHIMNEY ROAD PHASE 1  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019

WET: 6 AND 7

SHEET 11



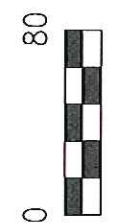
**PERMITTED PLANS**



WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 9	0	0.00	0	0.00	0	0.00
WET 10	0	0.00	0	0.00	0	0.00
WET 11	5095	0.12	2116	0.05	667	0.02
TOTAL AREA IMPACTS	5095	0.12	2116	0.05	667	0.02
TRIBUTARY 1 PERMANENT IMPACT	213 LINEAR FEET					

**LEGEND**

- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- PROJECT AREA BOUNDARY
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND



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BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 JULY 2019

WET: 8, 9, 10, 11  
 AND  
 TRIBUTARY 1

SHEET 12

WET 8 (NON-JURISDICTIONAL)  
 0.05 AC

PROJECT STUDY AREA

WET 9

WET II PERMANENT FILL  
 IMPACT - 5095 SF (0.12 AC)

WET 10

PLACE 3.6 CY RIP RAP  
 WITHIN WETLAND AREA

WET 11

WET II PERMANENT CLEARING  
 IMPACT - 558 SF (0.02 AC)

WET 12

WET II PERMANENT EXCAVATION  
 IMPACT - 1739 SF (0.04 AC)

WET 13

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 16

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 17

WET II PERMANENT EXCAVATION  
 IMPACT - 213 LF

WET 19

WET II PERMANENT CLEARING  
 IMPACT - 558 SF (0.02 AC)

WET 20

WET II PERMANENT EXCAVATION  
 IMPACT - 1739 SF (0.04 AC)

WET 21

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 22

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 23

WET II PERMANENT EXCAVATION  
 IMPACT - 213 LF

WET 24

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 25

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

BRICK CHIMNEY RD.

MATCHLINE STA. 300+75.00 SEE SHEET 16

WET II

PLACE 97 CY RIP RAP WITHIN WETLAND AREA

WET 11

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 12

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 13

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 16

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 17

WET II PERMANENT EXCAVATION  
 IMPACT - 213 LF

WET 19

WET II PERMANENT CLEARING  
 IMPACT - 558 SF (0.02 AC)

WET 20

WET II PERMANENT EXCAVATION  
 IMPACT - 1739 SF (0.04 AC)

WET 21

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 22

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 23

WET II PERMANENT EXCAVATION  
 IMPACT - 213 LF

WET 24

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 25

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 26

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 27

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

MATCHLINE STA. 127+50.00 SEE SHEET 13

WET II

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 11

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 12

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 13

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 16

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 17

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 19

WET II PERMANENT CLEARING  
 IMPACT - 558 SF (0.02 AC)

WET 20

WET II PERMANENT EXCAVATION  
 IMPACT - 1739 SF (0.04 AC)

WET 21

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 22

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 23

WET II PERMANENT EXCAVATION  
 IMPACT - 213 LF

WET 24

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 25

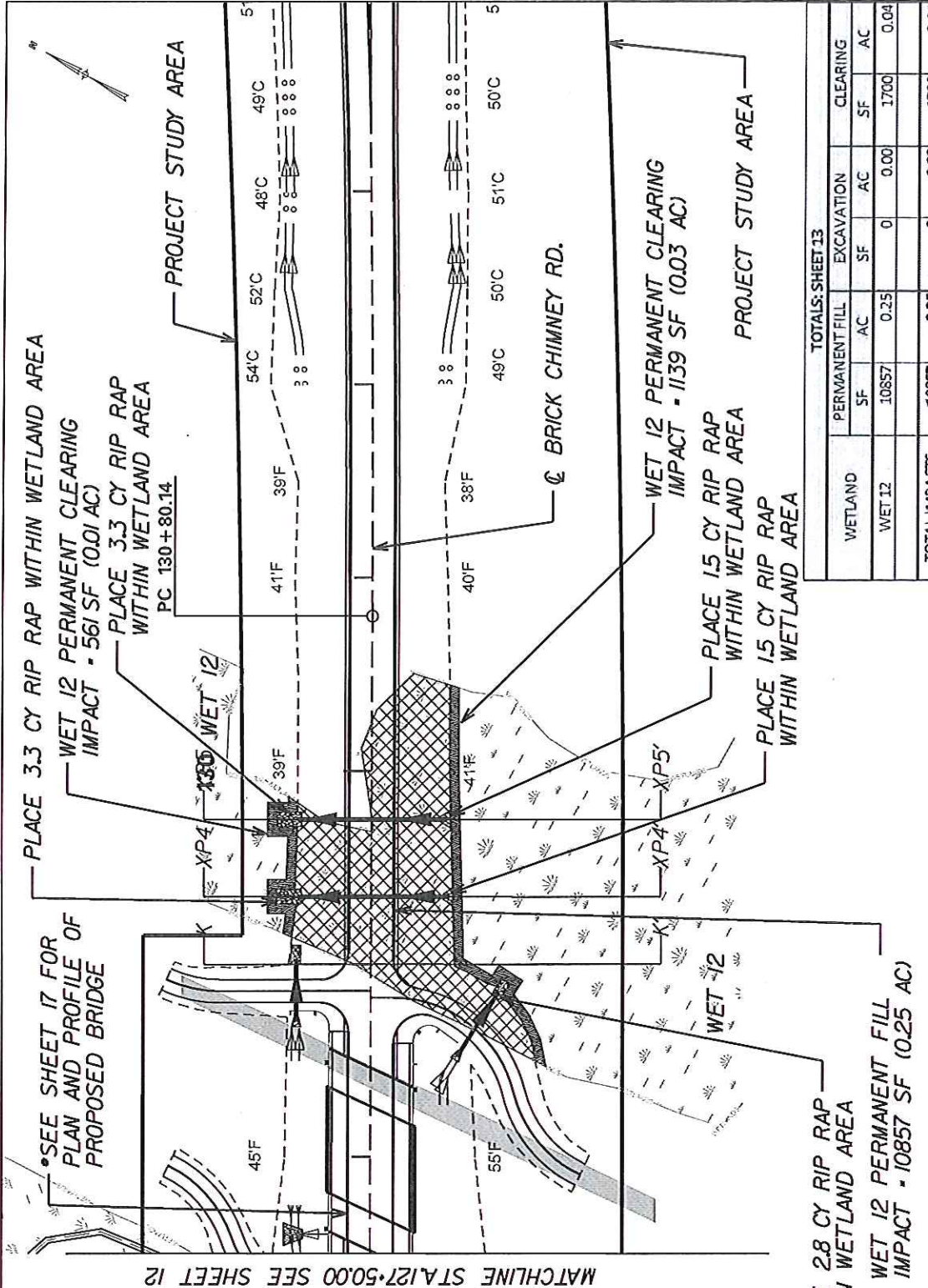
WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

WET 26

WET II PERMANENT EXCAVATION  
 IMPACT - 377 SF (0.01 AC)

WET 27

WET II PERMANENT EXCAVATION  
 IMPACT - 109 SF (0.00 AC)

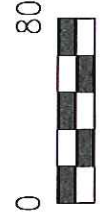


PERMITTED PLANS

TOTALS: SHEET 13

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 12	10857	0.25	0	0.00	1700	0.04
TOTAL IMPACTS	10857	0.25	0	0.00	1700	0.04

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CHARLESTON, SC



**LEGEND**

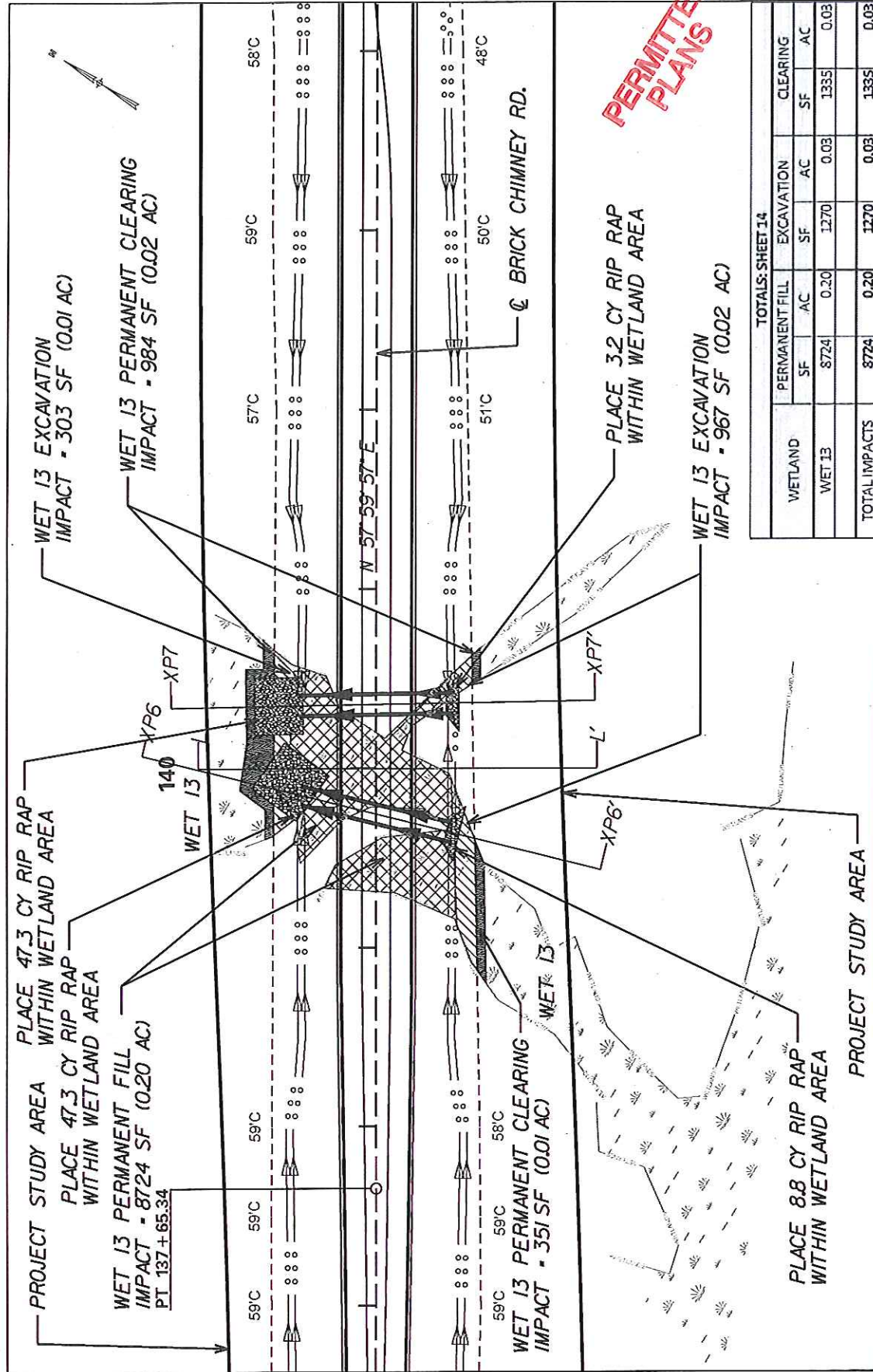
- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND
- PROJECT AREA BOUNDARY

BRICK CHIMNEY ROAD PHASE 1  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019

WET: 12

SHEET 13





PERMITTED  
PLANS

TOTALS: SHEET 14

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 13	8724	0.20	1270	0.03	1335	0.03
TOTAL IMPACTS	8724	0.20	1270	0.03	1335	0.03

**PREPARED BY:**  
DAVIS &  
FLOYD, INC.  
CHARLESTON, SC

0 80

**LEGEND**

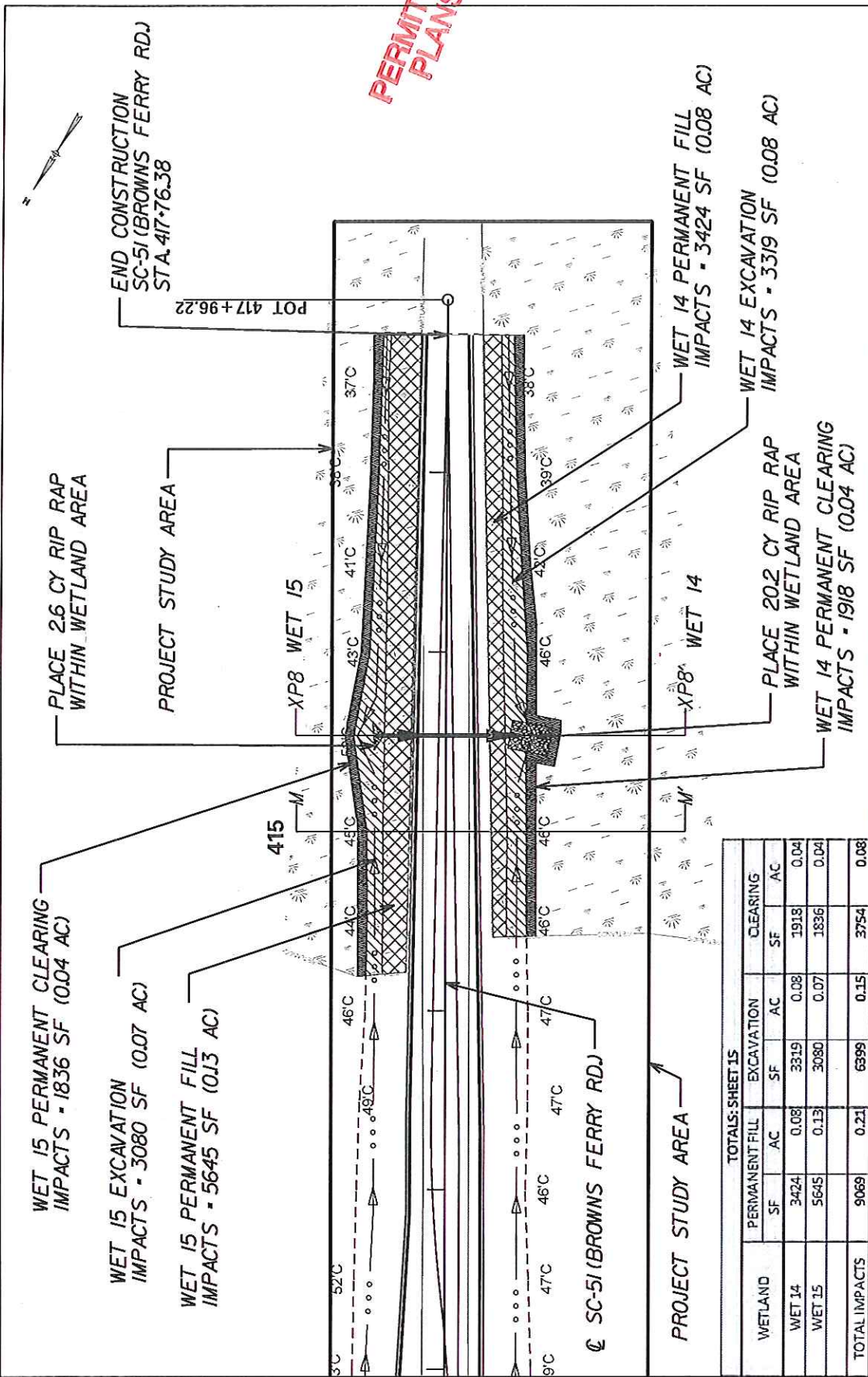
- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND
- PROJECT AREA BOUNDARY

BRICK CHIMNEY ROAD PHASE 1  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019

WET: 13

SHEET 14

PERMITTED  
PLANS



**TOTALS: SHEET 15**

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET 14	3424	0.08	3319	0.08	1918	0.04
WET 15	5645	0.13	3080	0.07	1836	0.04
<b>TOTAL IMPACTS</b>	<b>9069</b>	<b>0.21</b>	<b>6399</b>	<b>0.15</b>	<b>3754</b>	<b>0.08</b>

**LEGEND**

- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND
- PROJECT AREA BOUNDARY

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**DAVIS & FLOYD, INC.**  
CHARLESTON, SC

0      80

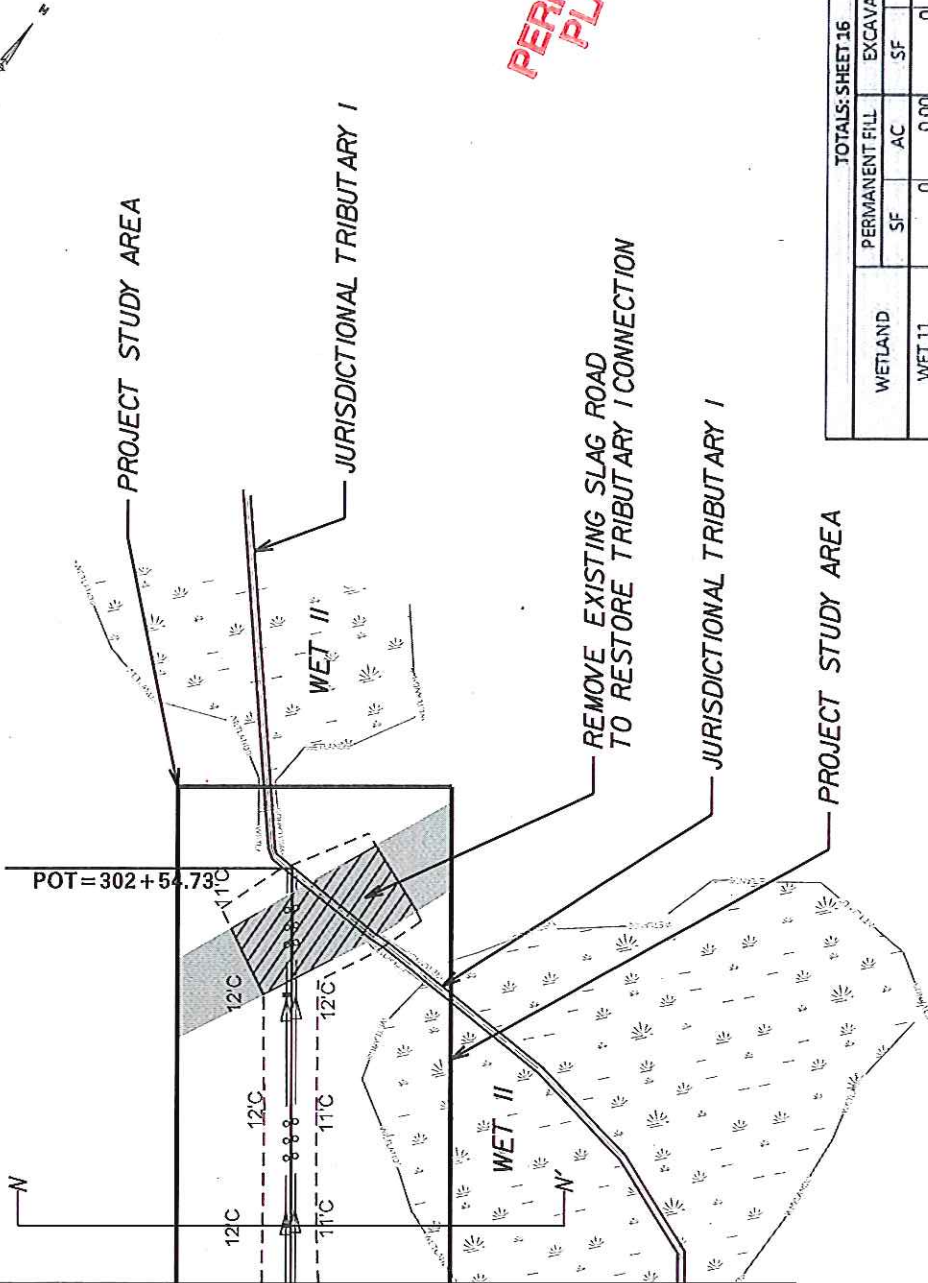
BRICK CHIMNEY ROAD PHASE 1  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019

WET: 14 AND 15

SHEET 15



MATCHLINE STA. 300+75.00 SEE SHEET 12



**PERMITTED  
PLANS**

WETLAND	PERMANENT FILL		EXCAVATION		CLEARING	
	SF	AC	SF	AC	SF	AC
WET II	0	0.00	0	0.00	0	0.00
TOTAL IMPACTS	0	0.00	0	0.00	0	0.00

TOTALS: SHEET 16

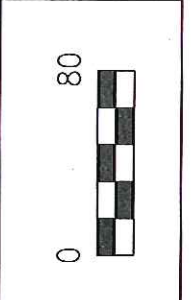
BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 JULY 2019

WET: 11

SHEET 16

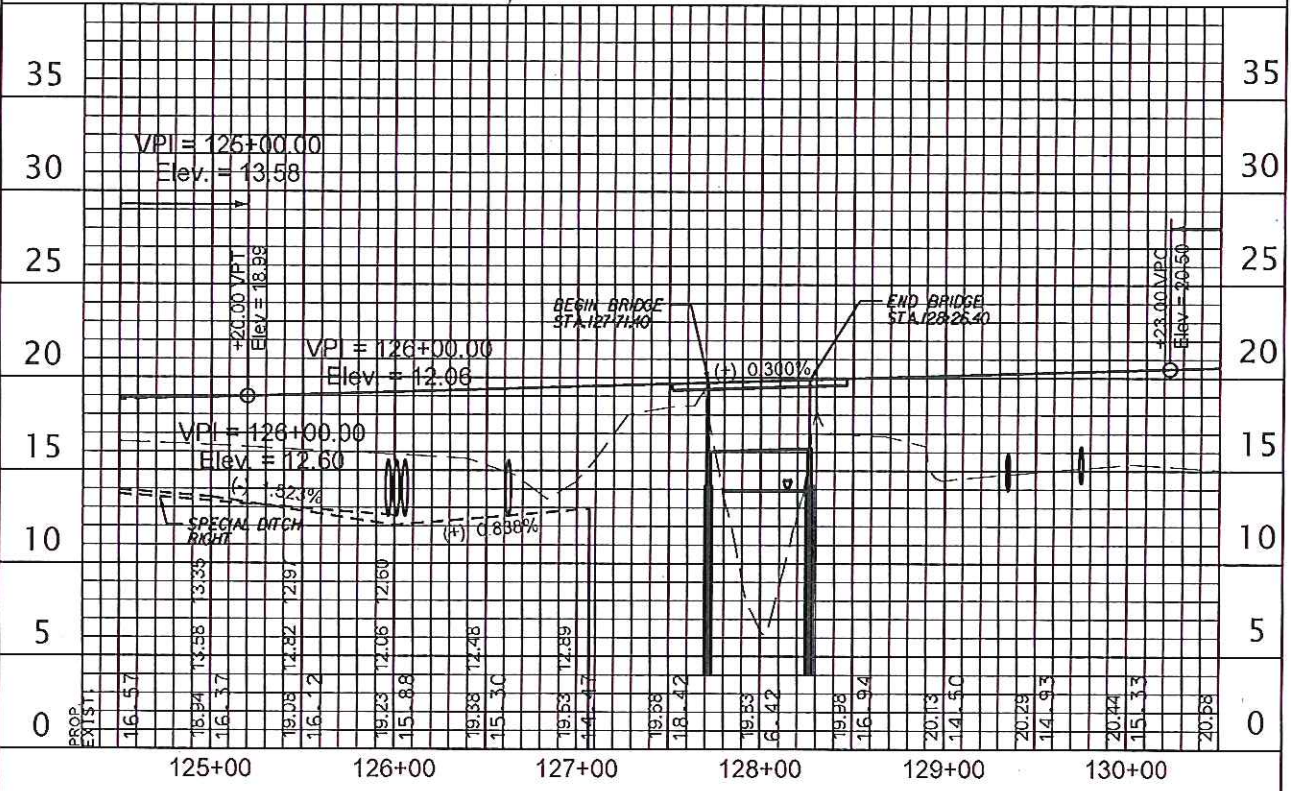
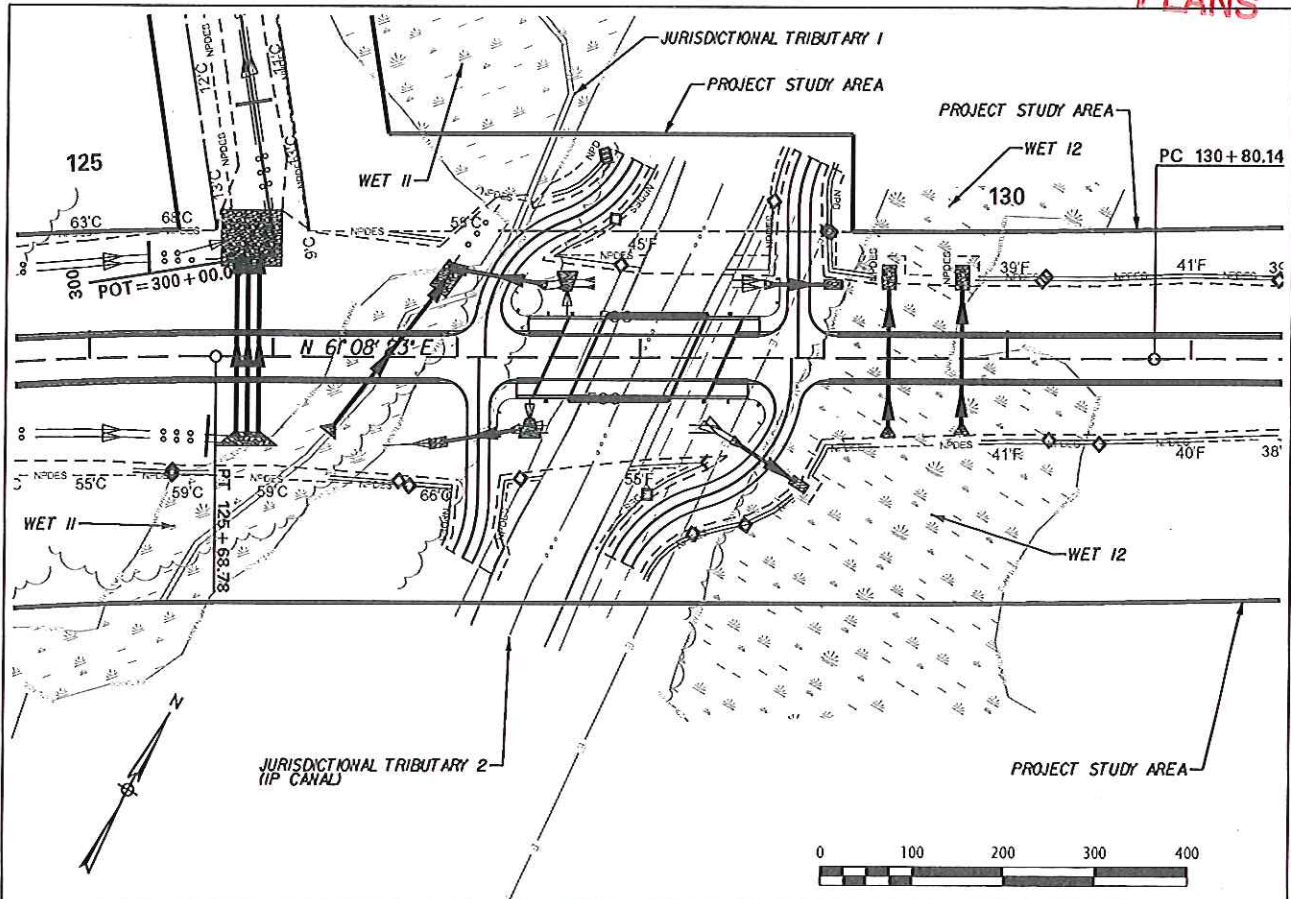
**LEGEND**

- PERMANENT FILL IMPACT
- EXCAVATION IMPACT
- PERMANENT CLEARING IMPACT
- PROJECT AREA BOUNDARY
- RIP RAP
- EXISTING SLAG ROAD
- WETLAND
- SLAG ROAD REMOVAL



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**PERMITTED  
PLANS**

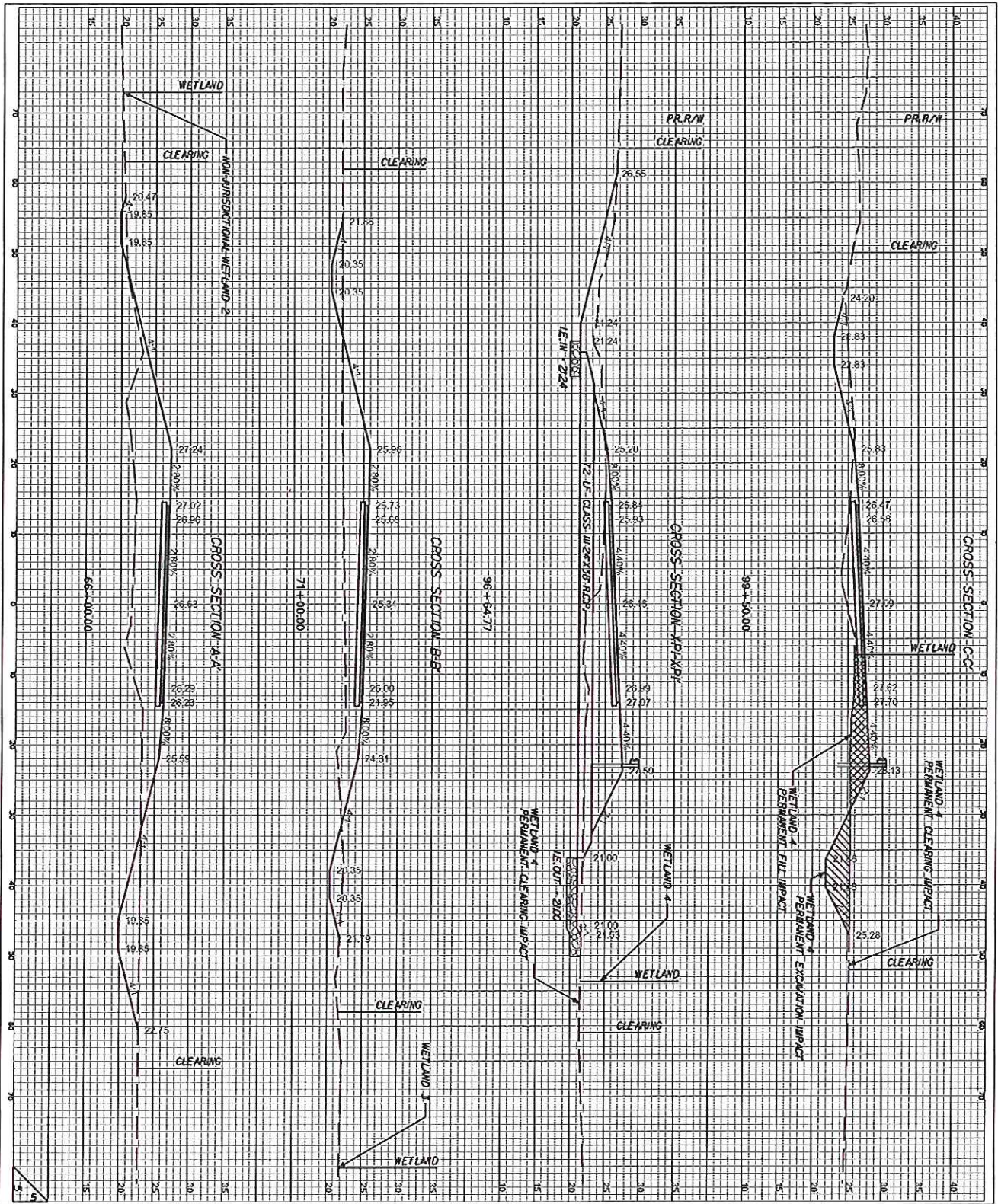


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CHARLESTON, SC

**BRICK CHIMNEY ROAD PHASE 1  
GEORGETOWN COUNTY, SC  
APPLICATION BY GEORGETOWN COUNTY  
JULY 2019**

**BRIDGE CROSSING OVER IP CANAL  
PLAN AND PROFILE SHEET  
SHEET 17  
STA. 124+50.00 TO STA. 131+50.00  
SCALE 1" = 100' HOR. 1" = 5' VER.**





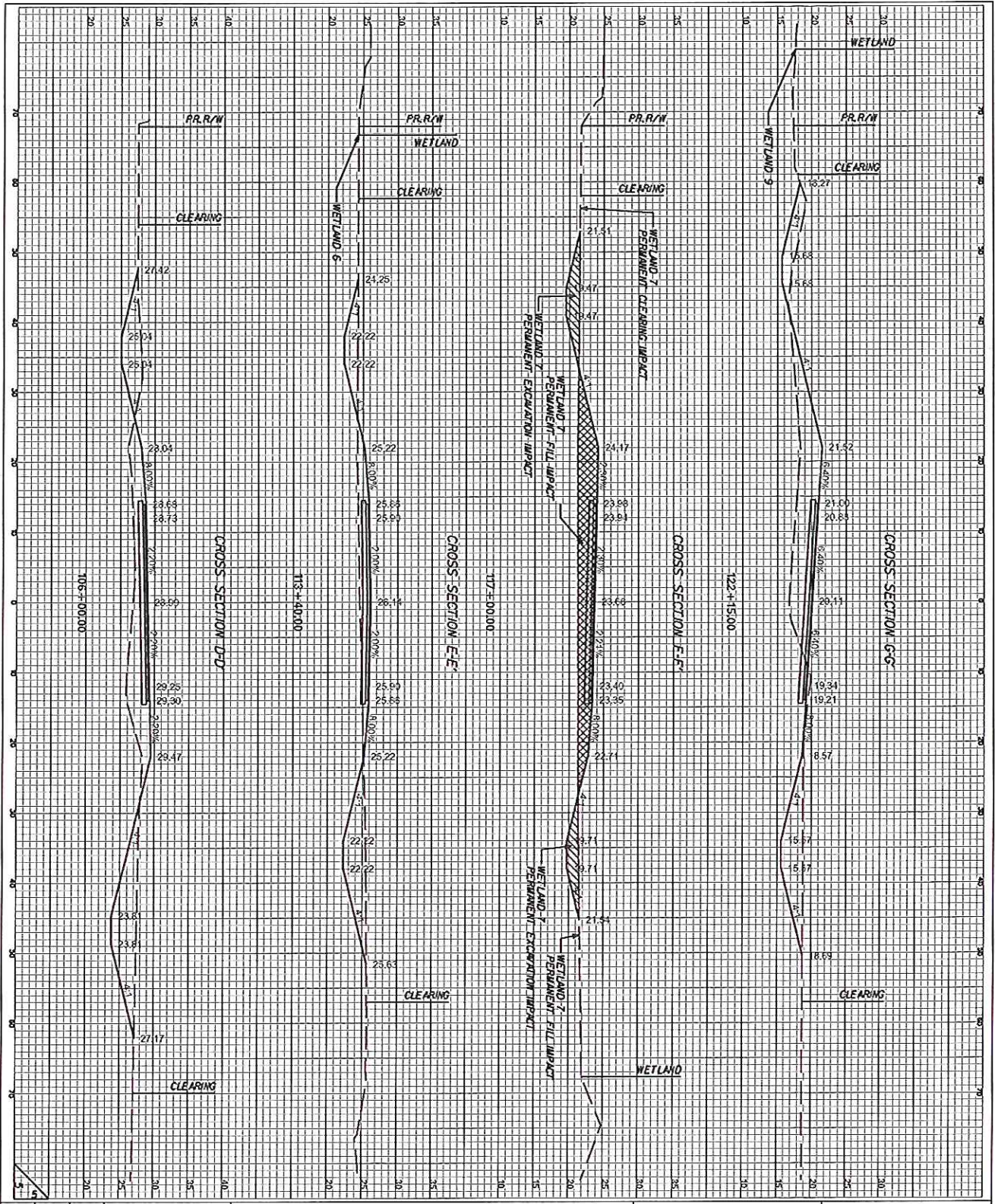
WETLANDS 2,  
3 AND 4  
SHEET 18  
1" = 20'

-  PERMANENT EXCAVATION IMPACT
-  PERMANENT FILL IMPACT

BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 Date: JULY 2019 Sheet 18 of 24

**PERMITTED  
PLANS**





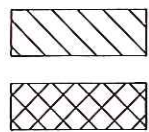
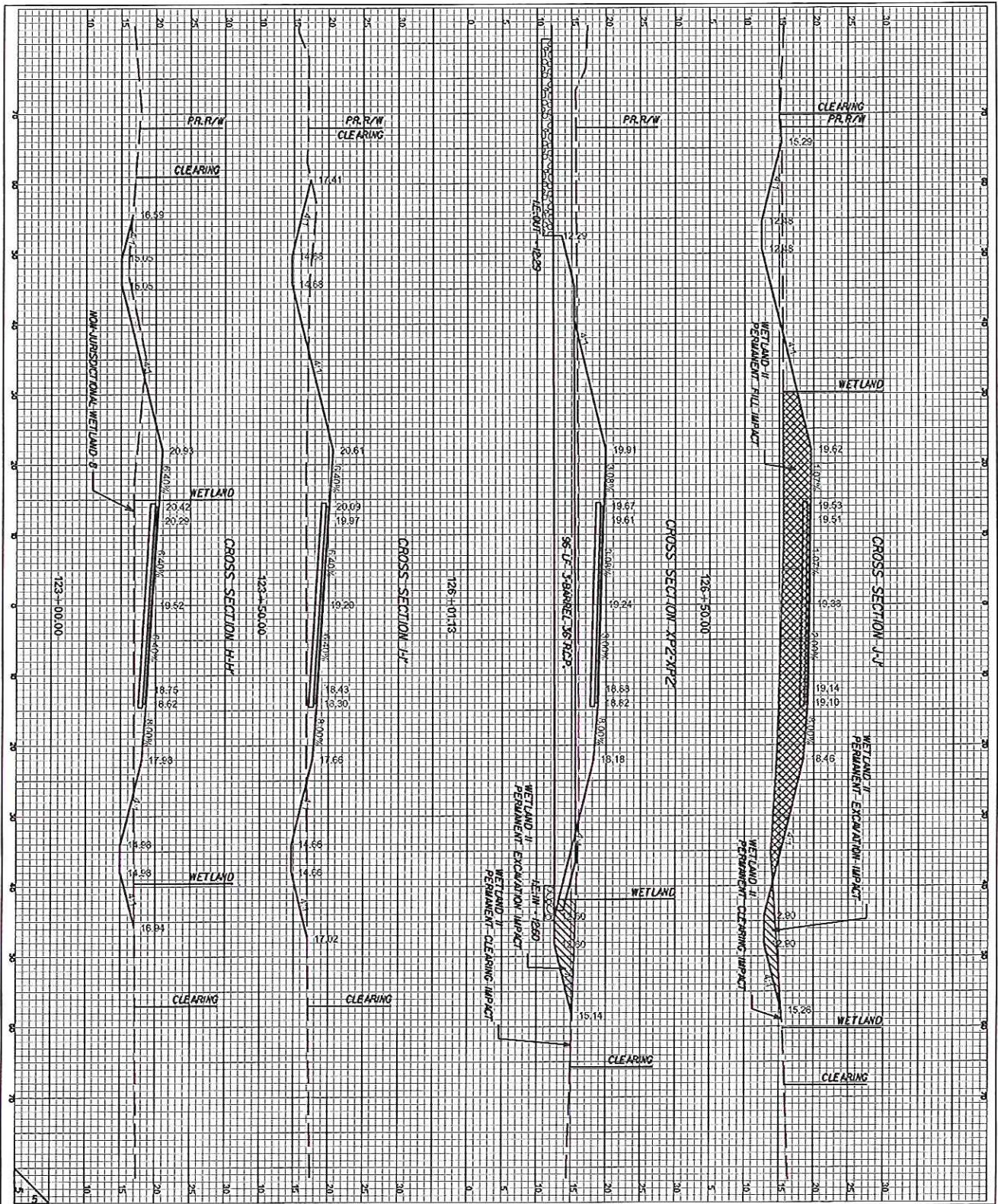
-  PERMANENT EXCAVATION IMPACT
-  PERMANENT FILL IMPACT

BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 Date: JULY 2019 Sheet 19 of 24

**PERMITTED  
 PLANS**

WETLANDS 5,  
 6, 7, AND 9  
 SHEET 19  
 1" = 20'





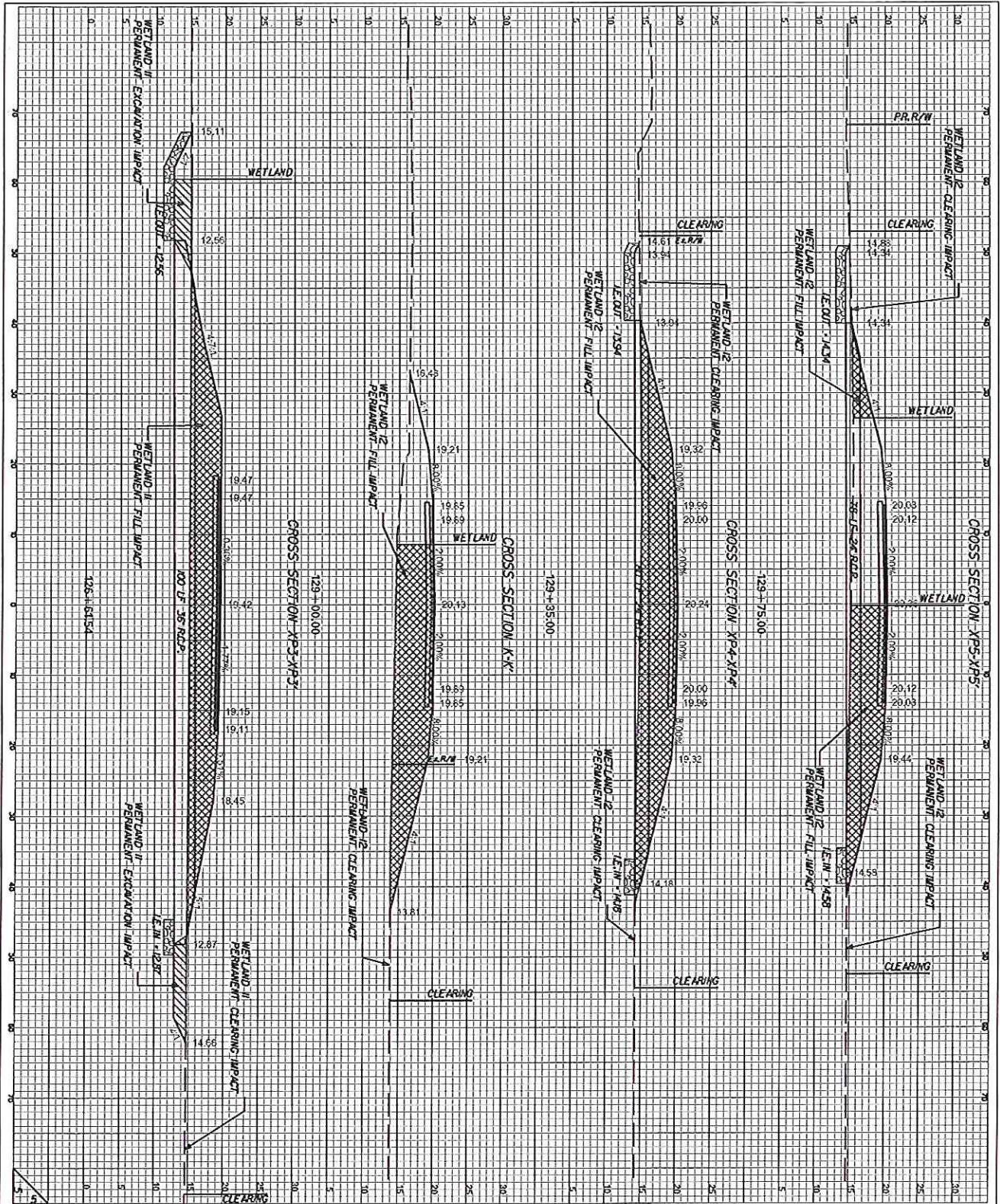
PERMANENT EXCAVATION IMPACT  
 PERMANENT FILL IMPACT

BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 Date: JULY 2019 Sheet 20 of 24

**PERMITTED PLANS**

WETLANDS 8,  
 10, AND 11  
 SHEET 20  
 1" = 20'





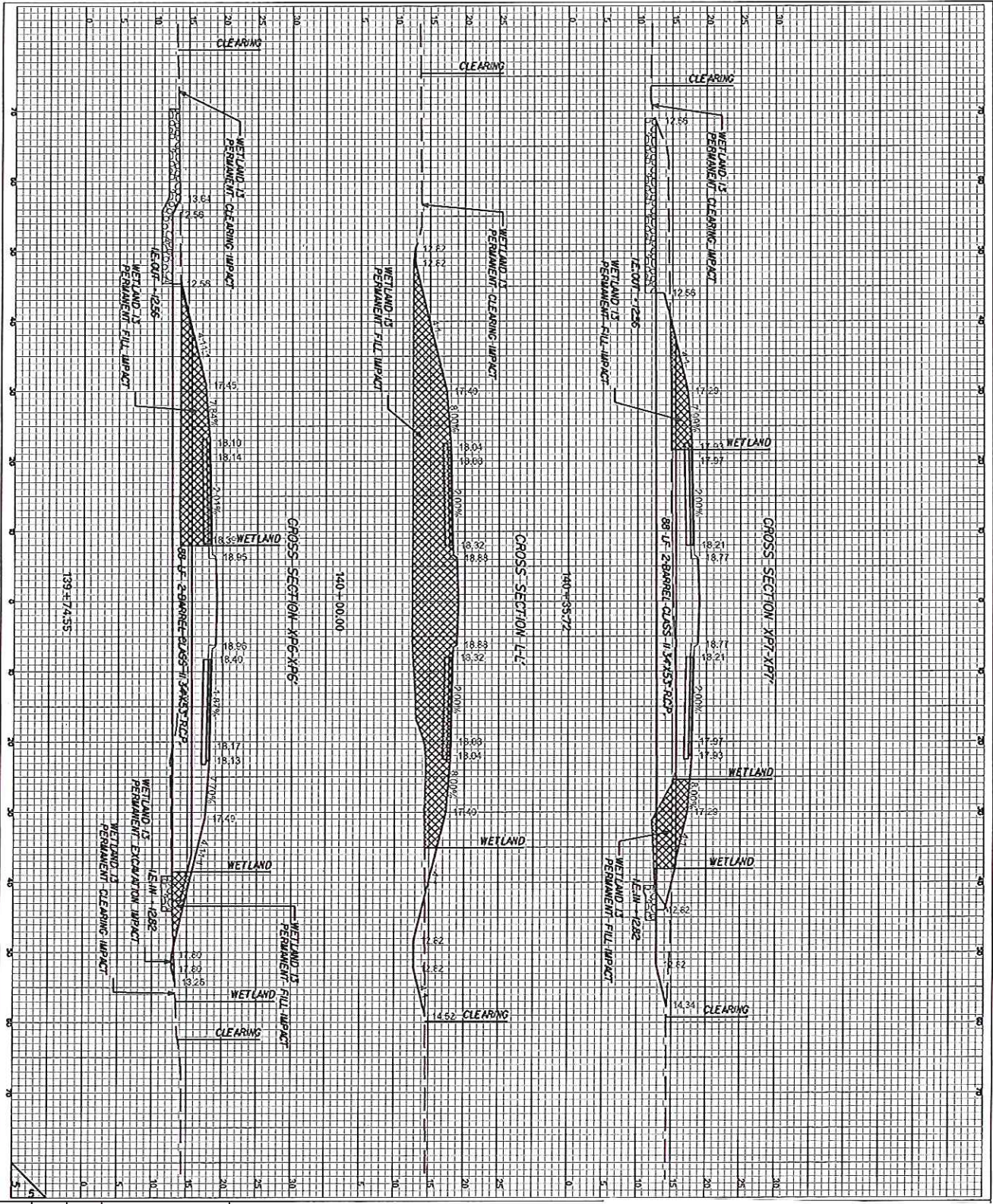
-  PERMANENT EXCAVATION IMPACT
-  PERMANENT FILL IMPACT

BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 Date: JULY 2019 Sheet 21 of 24

**PERMITTED PLANS**

WETLANDS 11  
 AND 12  
 SHEET 21  
 1" = 20'





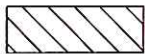
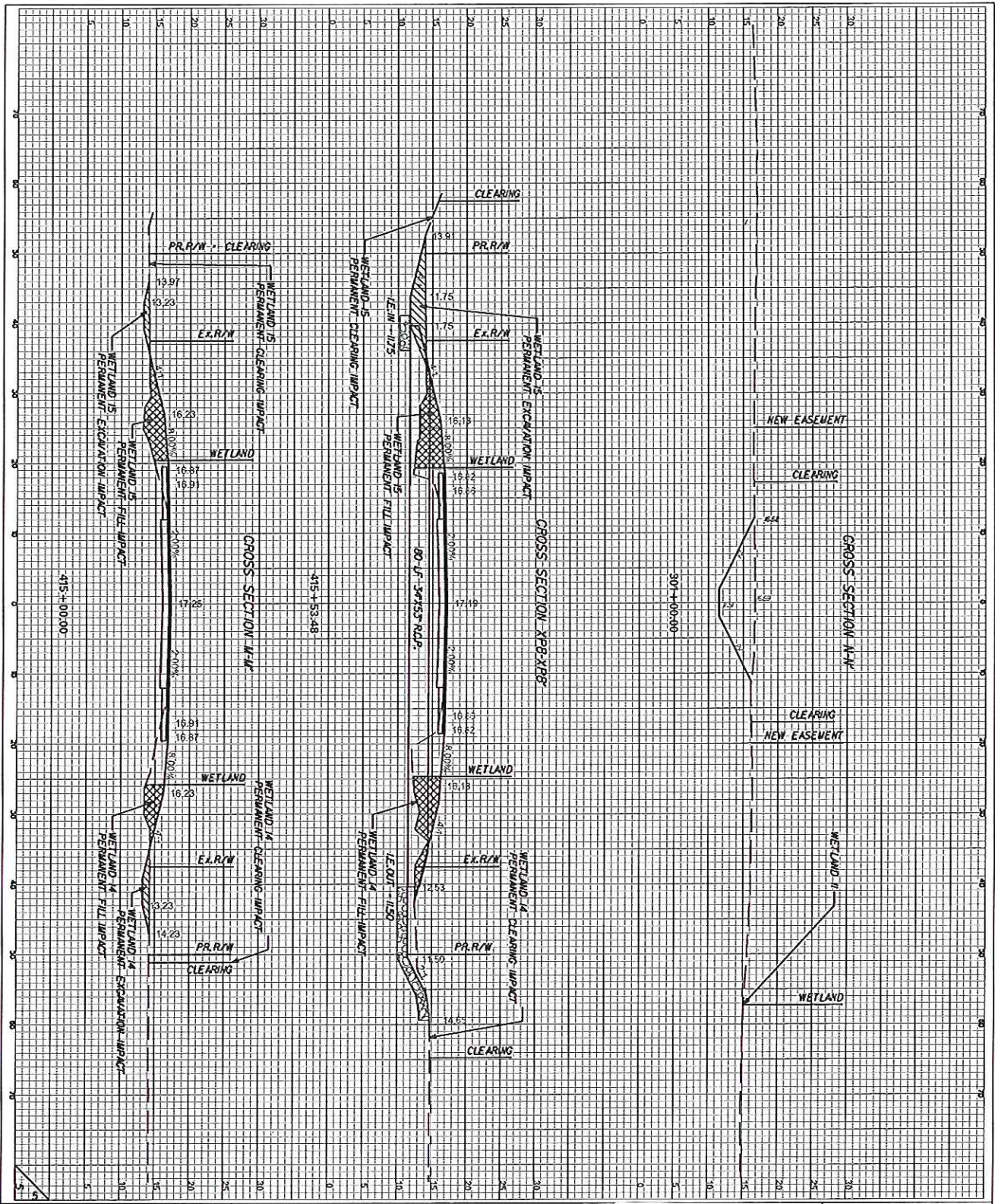
-  PERMANENT EXCAVATION IMPACT
-  PERMANENT FILL IMPACT

BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 Date: JULY 2019 Sheet 22 of 24

**PERMITTED PLANS**

WETLAND 13  
 SHEET 22  
 1" = 20'





PERMANENT EXCAVATION  
IMPACT



PERMANENT FILL IMPACT

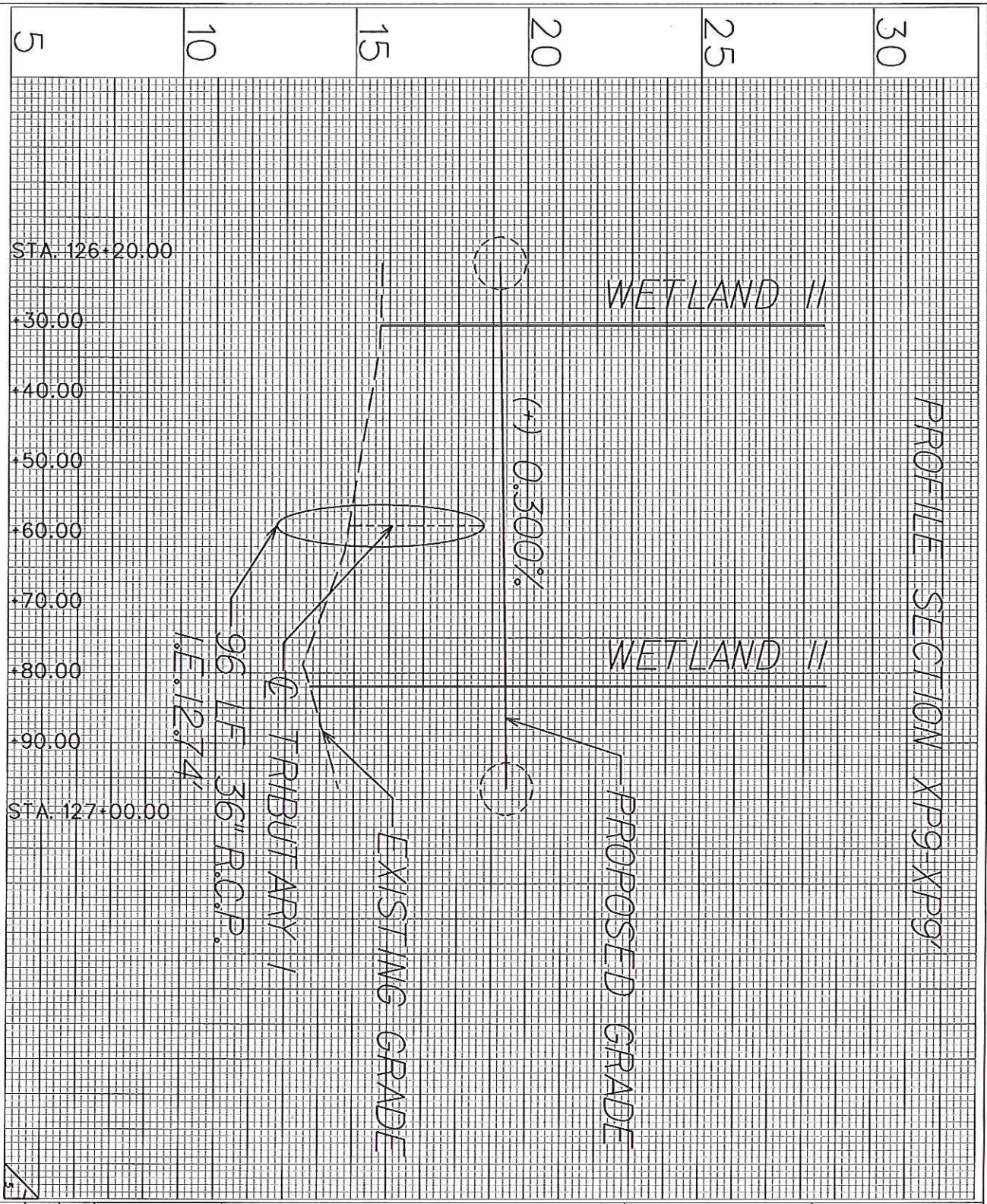
BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 Date: JULY 2019 Sheet 23 of 24

**PERMITTED  
PLANS**

WETLANDS 11,  
14 AND 15  
SHEET 23  
1" = 20'



PROFILE SECTION XP9-XP9'



-  PERMANENT EXCAVATION IMPACT
-  PERMANENT FILL IMPACT

BRICK CHIMNEY ROAD PHASE 1  
 GEORGETOWN COUNTY, SC  
 APPLICATION BY GEORGETOWN COUNTY  
 Date: JULY 2019 Sheet 24 of 24

WET 11 AND  
 TRIBUTARY 1  
 SHEET 24  
 1" = 20' HOR.  
 1" = 5' VER.

**PERMITTED  
 PLANS**