# REPLY TO ATTENTION OF

#### DEPARTMENT OF THE ARMY

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69-A HAGOOD AVENUE CHARLESTON, SOUTH CAROLINA 29403-5107

Regulatory Division

South Carolina Department of Transportation Mr. Sean Connolly P. O. Box 191 Columbia, South Carolina 29202

Dear Mr. Connolly:

This is in response to your application requesting a Department of the Army permit.

Enclosed is your Department of the Army Permit #SAC-2012-00588. It authorizes you to perform the work specified on the attached drawings. This permit is issued under the provisions of the Federal laws for the protection and preservation of the navigable waters of the United States.

Please notify this office promptly, in writing, when you start and complete the work. The enclosed cards may be used for that purpose. You should also be aware that a special condition has been included in this permit which requires that a copy of the permit and drawings must be available at the work site during the entire time of construction.

Sincerely,

Travis G. Hughes

Chief, Regulatory Division

**Enclosures** 



## CHARLESTON DISTRICT, CORPS OF ENGINEERS 69 A Hagood Avenue CHARLESTON, SOUTH CAROLINA 29403-5107

#### REGULATORY DIVISION

#### TO WHOM IT MAY CONCERN:

In issuing this permit, this office has acted with reliance on the plans which you submitted. As you proceed with your project, please exercise every caution to ensure the work is performed exactly as shown on the approved plans and specifications, as deviations of any nature are expressly prohibited without the **prior** authorization of this office.

With this in mind, you will find this office cooperative in authorizing minor deviations if they are clearly within the scope of the original permit; however, you are place on any "unauthorized" deviation from the approved plans will be constructed as a violation of Federal law and, at a minimum, you will be required to submit as-built plans of any deviations. These as-built plans will have to be prepared by a registered land surveyor. You will not be required to submit as-built drawings unless an "unauthorized" deviation is detected by this office or such submittals are required by a special condition in the permit (i.e., certified as-built plans are commonly required for utility crossings and structures adjacent to Federal channels.) If, upon demand, you fail to provide this office with such drawings in the requisite format, this office will request the U.S. Attorney to seek appropriate civil or criminal sanctions in order to maintain the integrity of the Department of the Army permit program.

Please be assured that you will find the Corps of Engineers receptive to minor deviations from the approved plans as long as such deviations are approved **prior** to commencement of work.

### OF WORK AUTHORIZED BY PERMIT

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#### DEPARTMENT OF THE ARMY PERMIT

Permittee: SOUTH CAROLINA DEPARTMENT 955 PARK STREET
OF TRANSPORTATION COLUMBIA, SC 29202

Permit No: SAC-2012-00588

Issuing Office: CHARLESTON DISTRICT

**NOTE**: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

#### **Project Description:**

The work consists of placement of fill/structures within waters of the U.S to improve the existing I-85 & I-385 interchange, improve existing roadways/structures/ramps along both I-85 & I-385, and to construct additional lanes on both I-85 & I-385 at the interchange to improve operational efficiency of the existing I-85 & I-385 interchange to accommodate the existing/project traffic volumes and improvement of traffic safety in accordance with the attached drawings entitled: Applicant: SCDOT; Project: I-85/I-385 Interchange, Greenville and Spartanburg Counties, SC. Sheets 1 thru 2 of 36 dated April 17, 2015 and Sheets 3 thru 36 of 36 revised October 21, 2015.

#### **Project Location:**

The proposed project is located at the existing I-85 and I-385 Interchange in Greenville County (34.834976°N, -82.291037°W).

#### Permit Conditions:

#### **General Conditions:**

- 1. The time limit for completing the work authorized ends on **30 June 2021.** If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

#### **Special Conditions:**

SEE PAGES 4 & 5.

#### Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Manne Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

A I N/M - A

its terms and conditions, have the transferee sign and date below.

(TRANSITEREE)

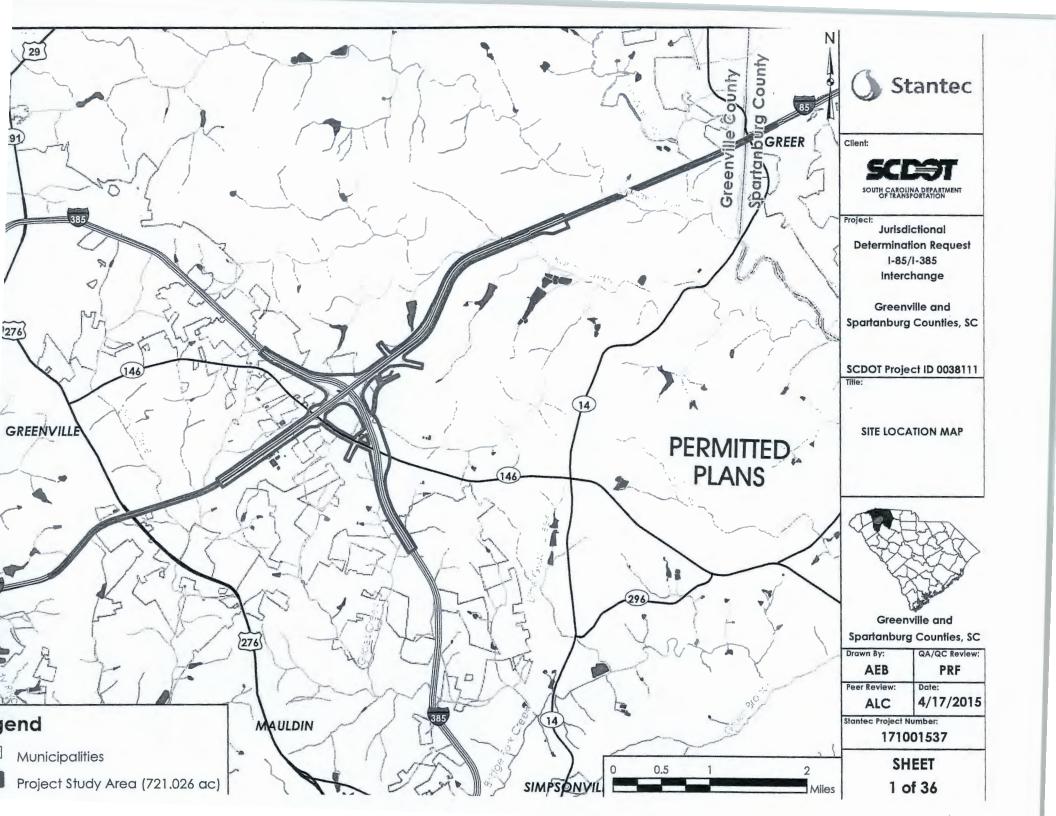
Justic Halloudy Fox Sean Connolly 4-19-16
(PERMITTEE) (DATE)
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
Jackie Galloway
F'RINT NAME
This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.
4/26/16
1/20/10
(DISTRICT ENGINEER) / (DATE)
MATTHEW W. LUZZATTO, P.E., PMP, LTC
or his Designee
Travis G. Hughes
Chief, Regulatory Division
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit w
continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with

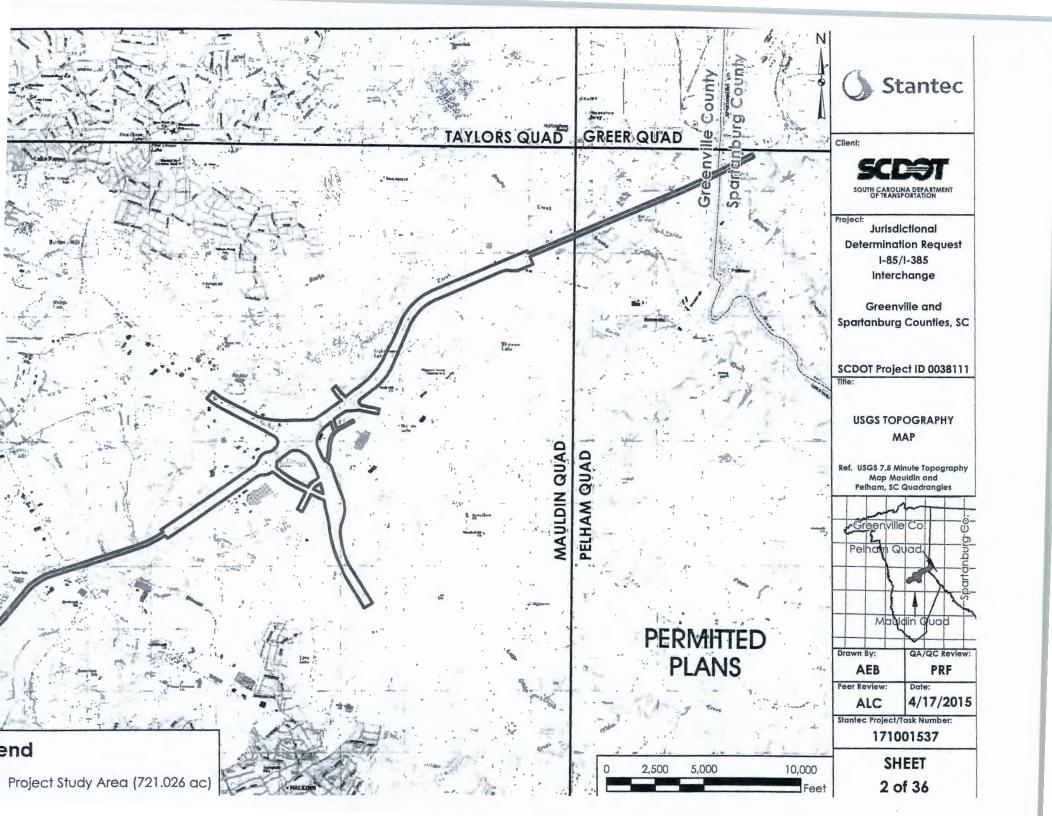
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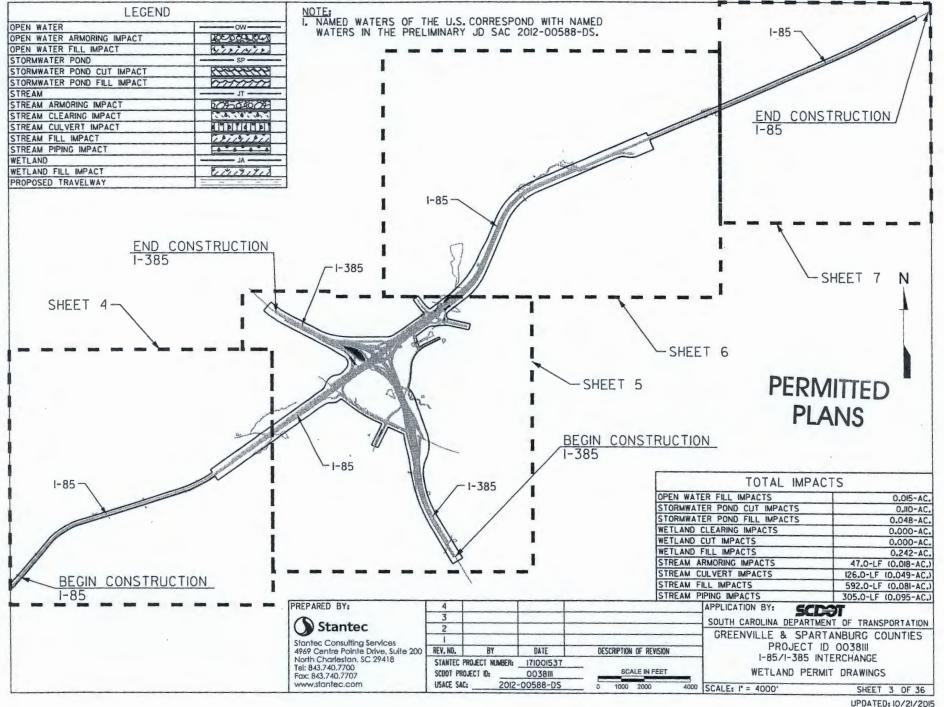
#### A. SPECIAL CONDITIONS FOR PERMIT #: SAC-2012-00588

- a. That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.
- b. That the permittee shall submit a signed compliance certification to the Corps within 60 days following completion of the authorized work and any required mitigation. The certification will include:
  - 1. A copy of this permit;
  - 2. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
  - 3. A statement that any required mitigation was completed in accordance with the permit conditions;
  - 4. The signature of the permittee certifying the completion of the work and mitigation.
- c. That the permittee recognizes that its commitment to perform and implement the following conditions was a deciding factor towards the favorable and timely decision on this permit and that the permittee recognizes that a failure on its 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 this project's impacts to aquatic resources, the permittee agrees to debit a total of 1.45 acres of wetland from the Black River Mitigation Bank.
  - 2. That as compensatory mitigation for this project's impacts to aquatic resources, the permittee agrees to debit a total of 5,904 stream mitigation credits from the Grove Creek Mitigation Bank. At least one- half of the required stream mitigation credits must be stream restoration/ non-buffer enhancement credits (2,952 stream restoration credits). In addition, no more than one-half of the required mitigation credits may be preservation credits (2,952 stream preservation credits).
  - 3. That the permittee must provide receipt of the purchase/debit of the required mitigation credits from both Black River Mitigation Bank and Grove Creek Mitigation Bank to both the Corps of Engineers and DHEC not later than 60 days from the effective date of this authorization, or prior to commencement of the authorized work, whichever is later. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition c.1 and c.2 will not be considered fulfilled until you provide proof of this purchase/debit.
  - 4. In order to assure project compliance with state stormwater requirements/regulations, the permittee shall not commence construction of this project prior to providing the Corps a copy of the SCDHEC stormwater authorization/waiver for this project. Your responsibility to complete the required notification as set forth in this special condition will not be considered fulfilled until you provide the Corps a copy of this projects SCDHEC stormwater authorization/waiver.
  - 5. In order to assure minimization of adverse impacts to aquatic resources, the permittee shall utilize the following during construction sequencing;
    - a. Construct and stabilize the relocated stream channel in upland area as designed on permitted plan sheets 13, 13A, 13B, 30, 31, 36 of 36 (revised 10/21/15), prior to redirecting flow into the newly constructed channel. Once flow is established with the stabilized, reconstructed channel, the commencement of placement of fill in the abandoned segment of Stream 3/Stream 4 may occur.

- b. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The area affected by temporary fills must be re-vegetated, as appropriate.
- c. The permittee must notify the Cops immediately if there are any additional adverse impacts to the waters of the U.S. resulting from the relocation of Stream 3/Stream 4. Corrective measures may be required to stabilize and/or restore affected areas.
- 6. The permittee shall implement appropriate best management practices (to include the use of mulches, turbidity barriers, silt fences, etc.) that will minimize erosion and migration of sediments during construction.
- 7. Prior to the beginning of any construction activities, a silt fence, silt barrier or other suitable control device must be placed between the construction area and the affected waterway and/or wetland and maintained in a functioning capacity until the area is permanently stabilized.
- 8. Appropriate containment measures must be taken to prevent pollutants such as gasoline, oil, tar and debris and other pollutants from entering the adjacent waters or wetlands.
- 9. Only clean earthen material, free of all potential sources of pollution must be used as fill.
- 10. Once project construction is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
- 11. The permittee to takes steps to assure that all seeding mixtures for stabilization of disturbed areas to be free of any FHWA listed invasive plant species. In addition, these construction contracts also requires stabilization activities (temporary and permanent) to occur as soon as is possible on disturbed areas to prevent invasive plant species from colonizing of areas disturbed by earthmoving activities





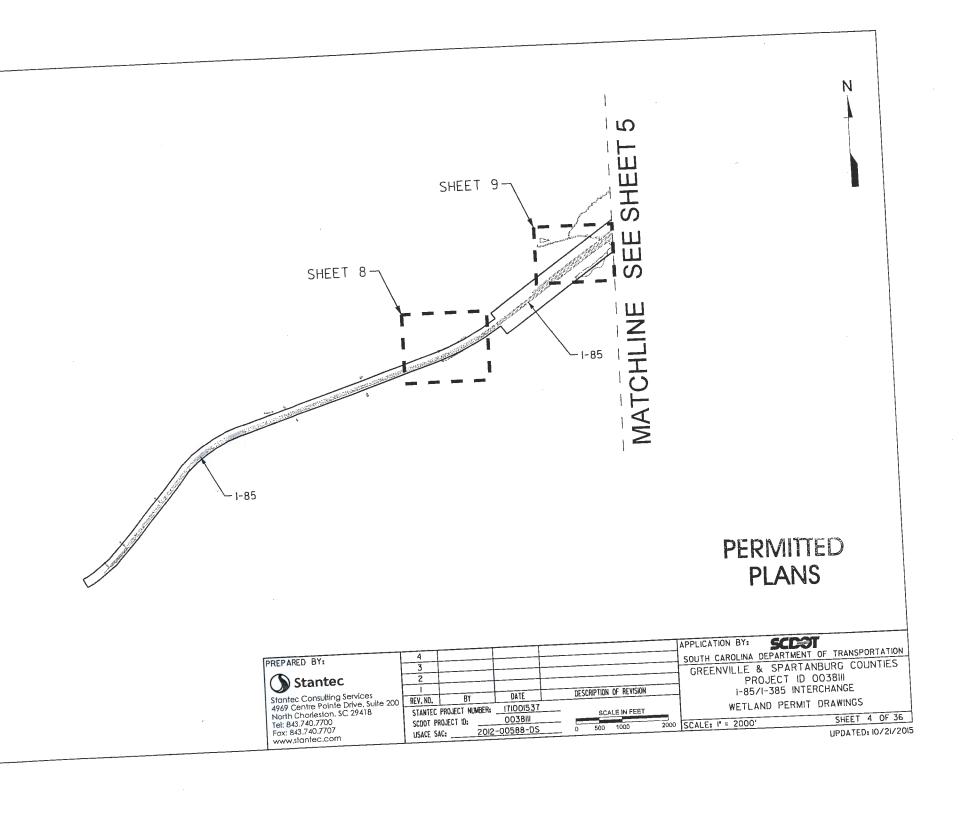


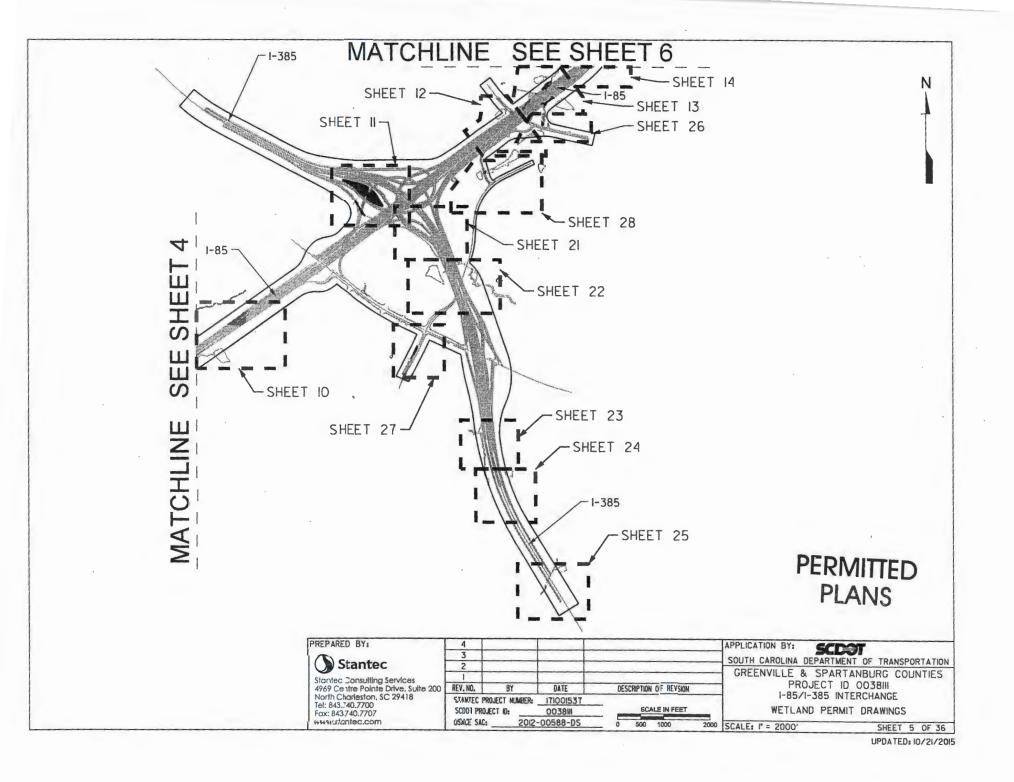
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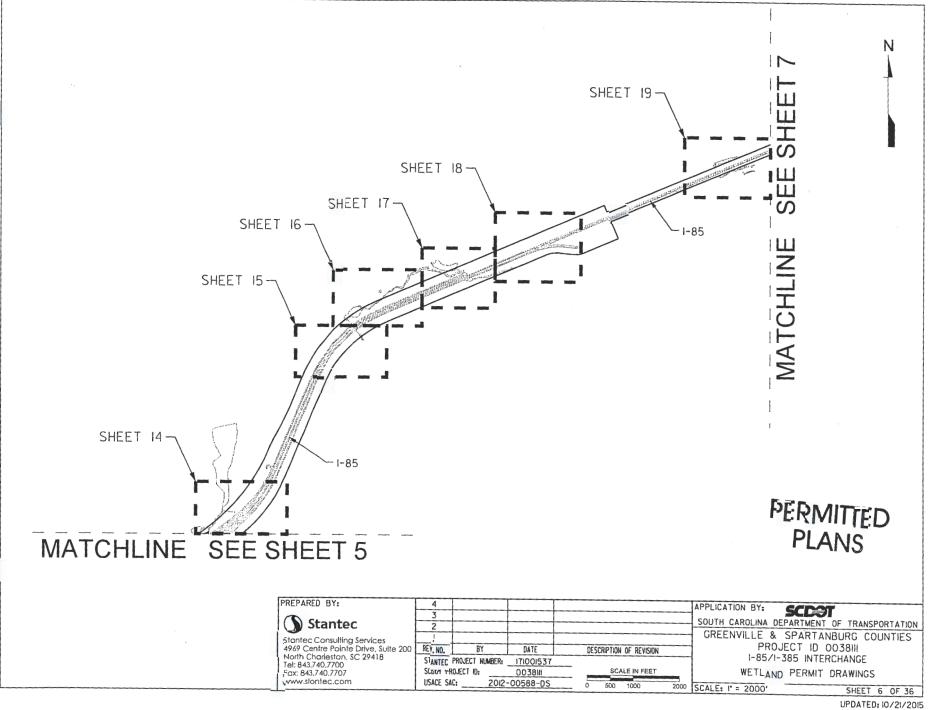
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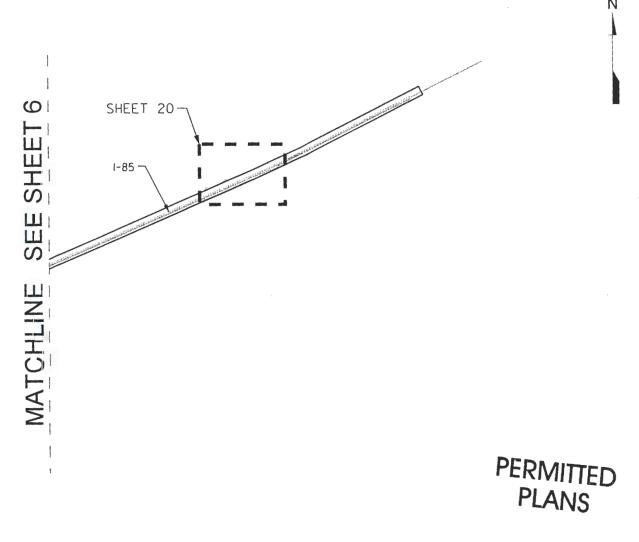
## PERMITTED PLANS

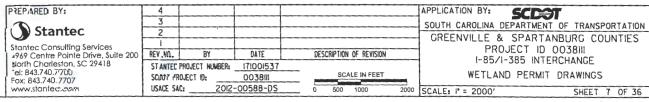
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4%% Centre Pointe Drive, Suite 200 North Charleston, SC 29418 Tel: 843.740.7700 Fax: 843.740.7707	REV. NG.	BY	DATE	DESCRIPTION OF REVISION	PROJECT ID 0038III	
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www.stantec.com	USACE SAC: 2012-00588-DS				SCALE: N/A	SHEET 3A OF 36

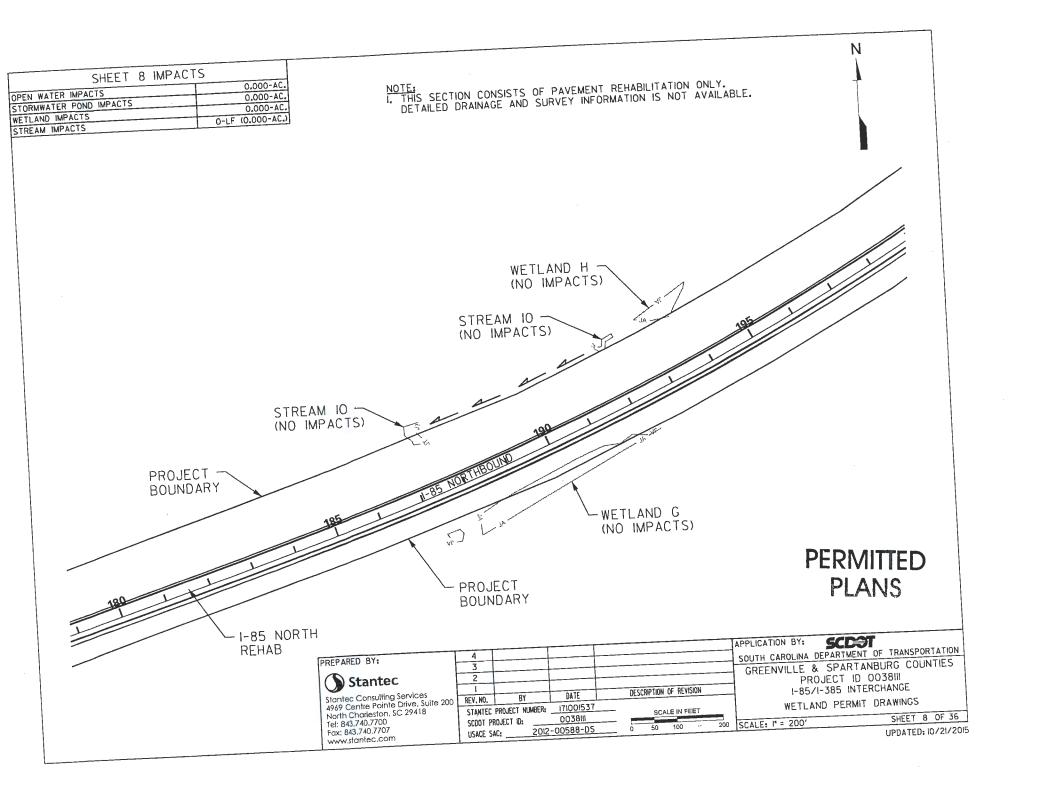


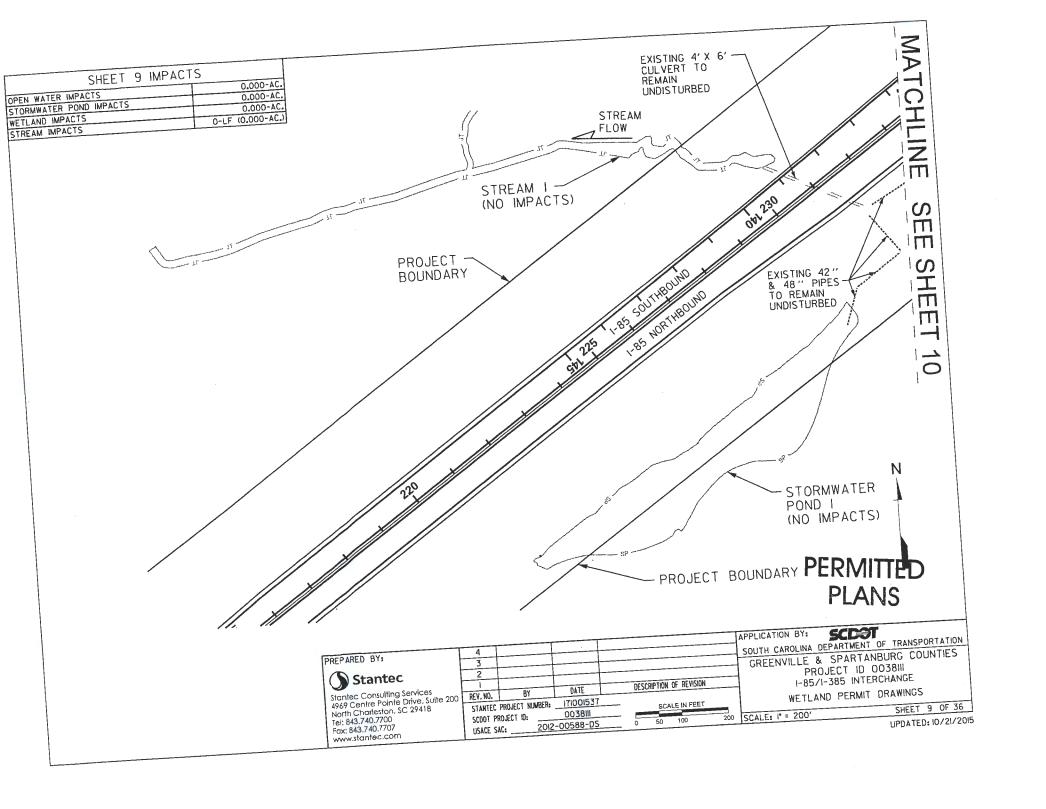


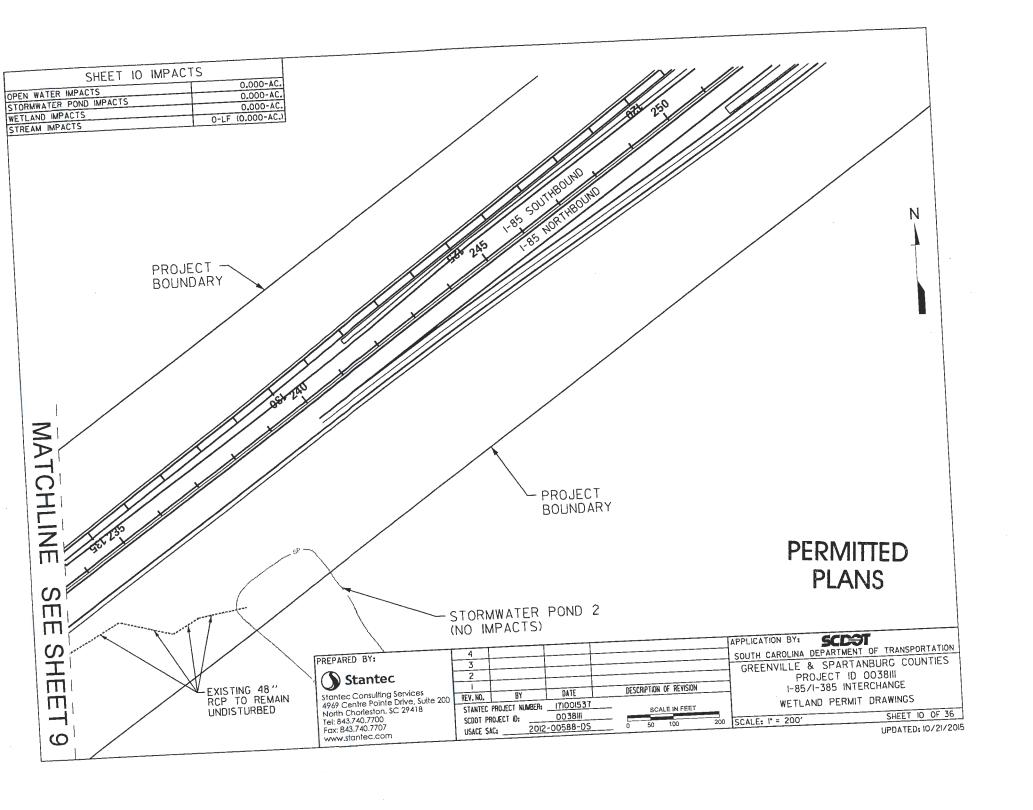


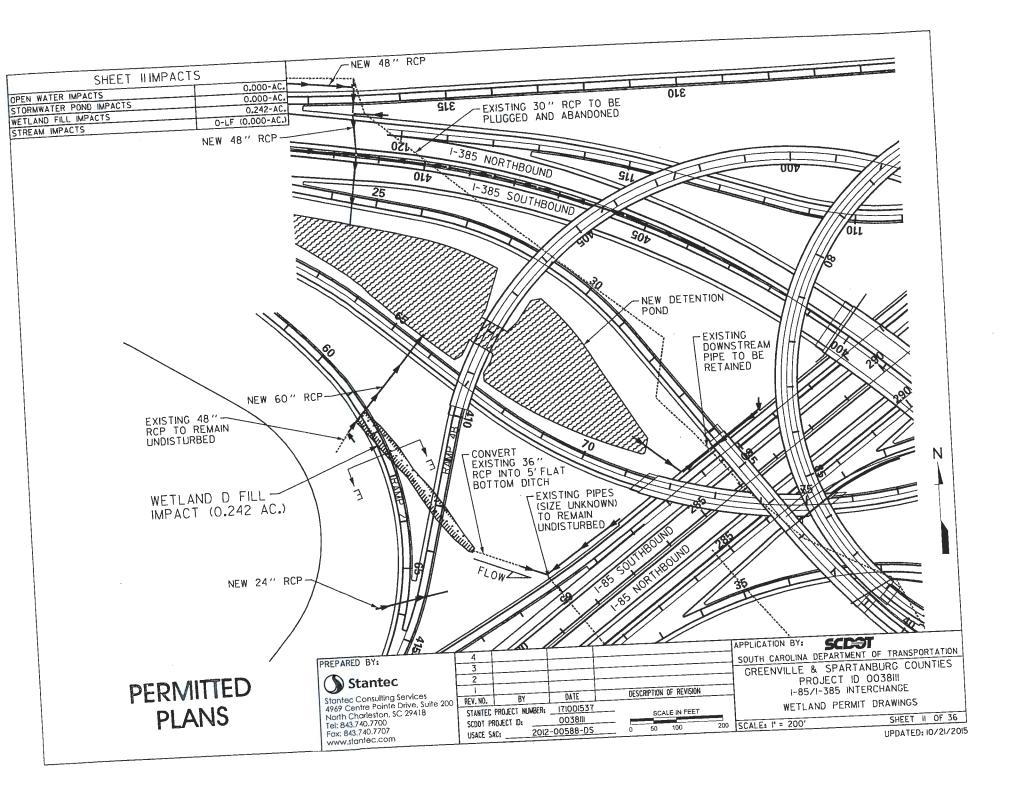


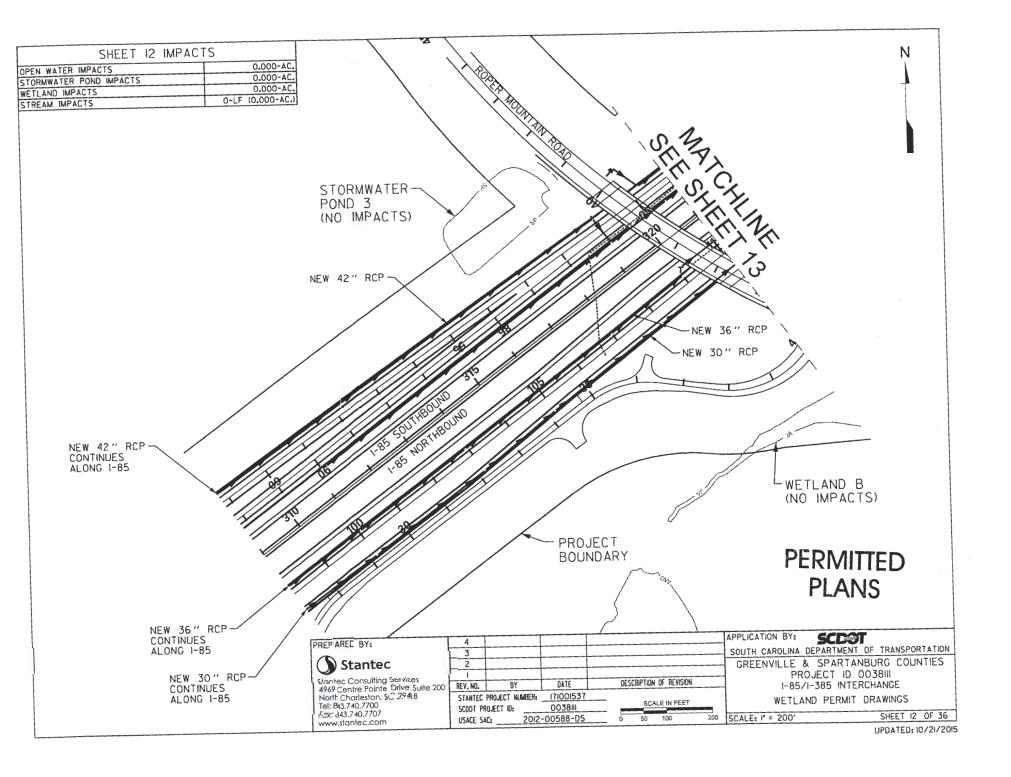


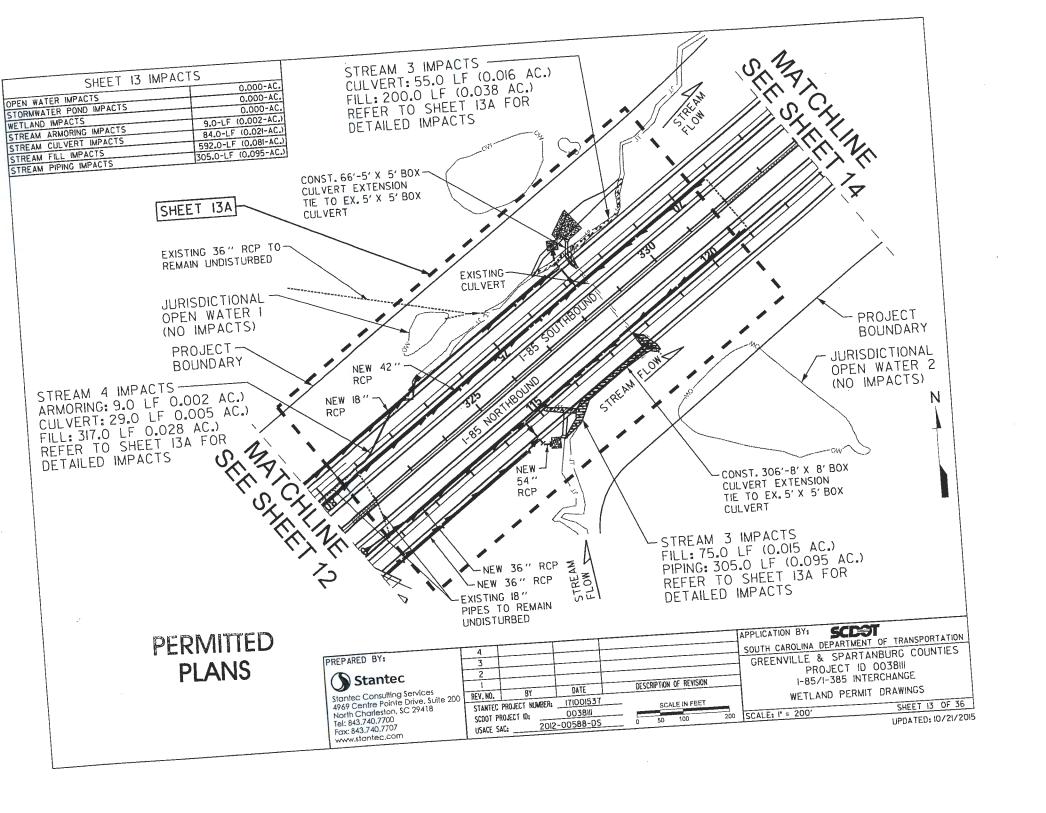


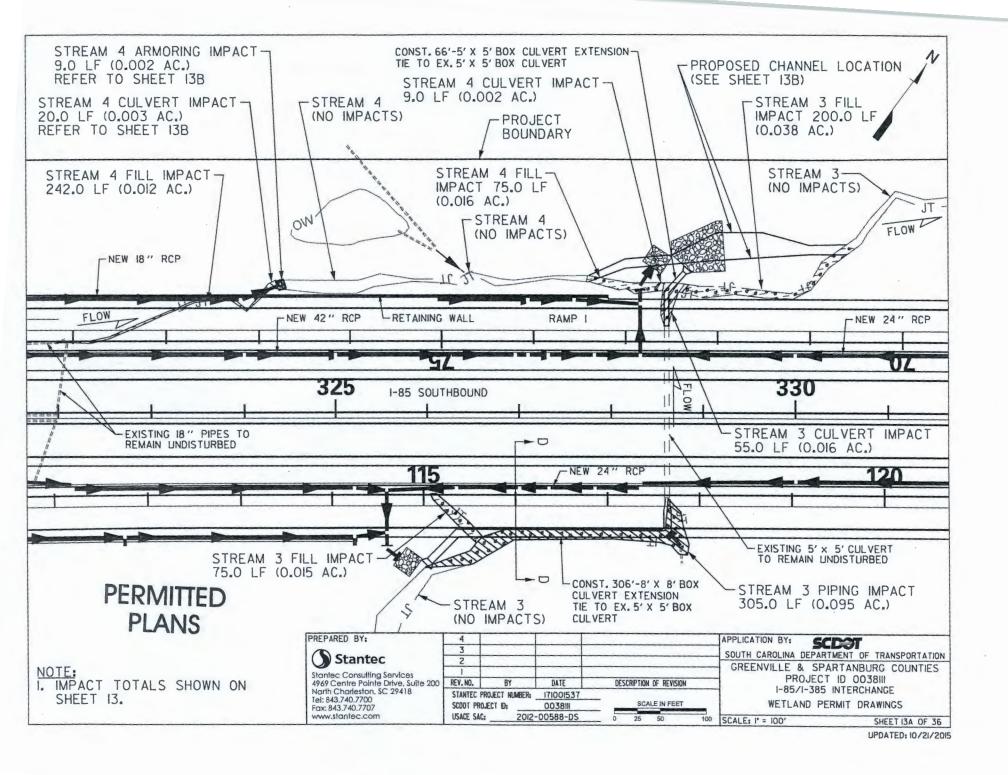


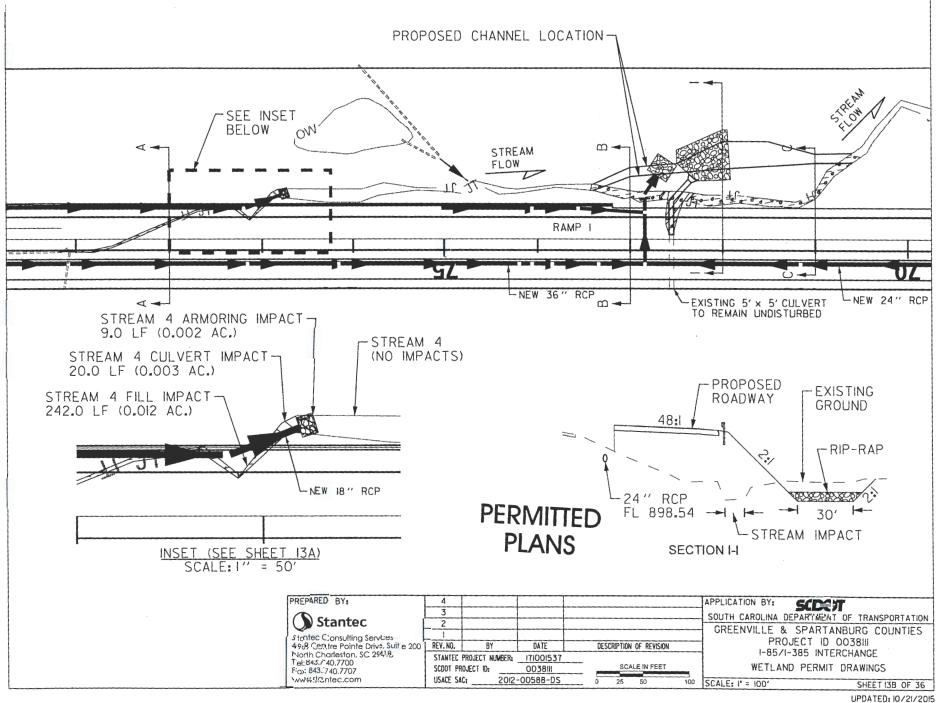


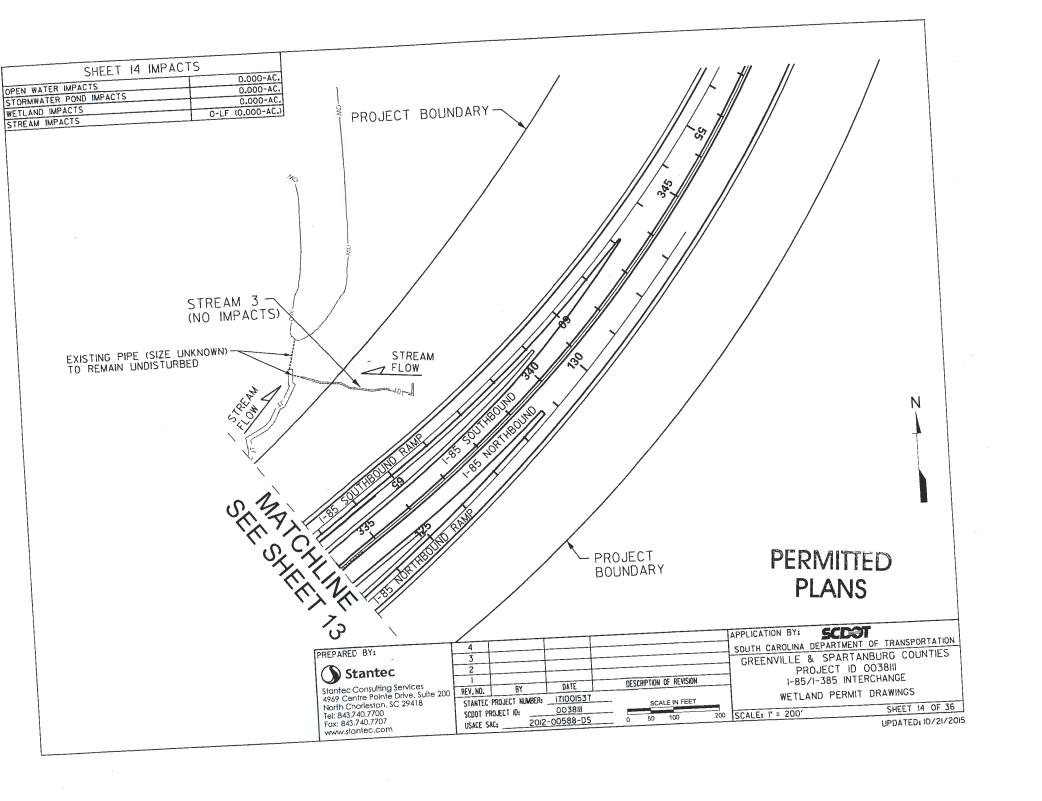


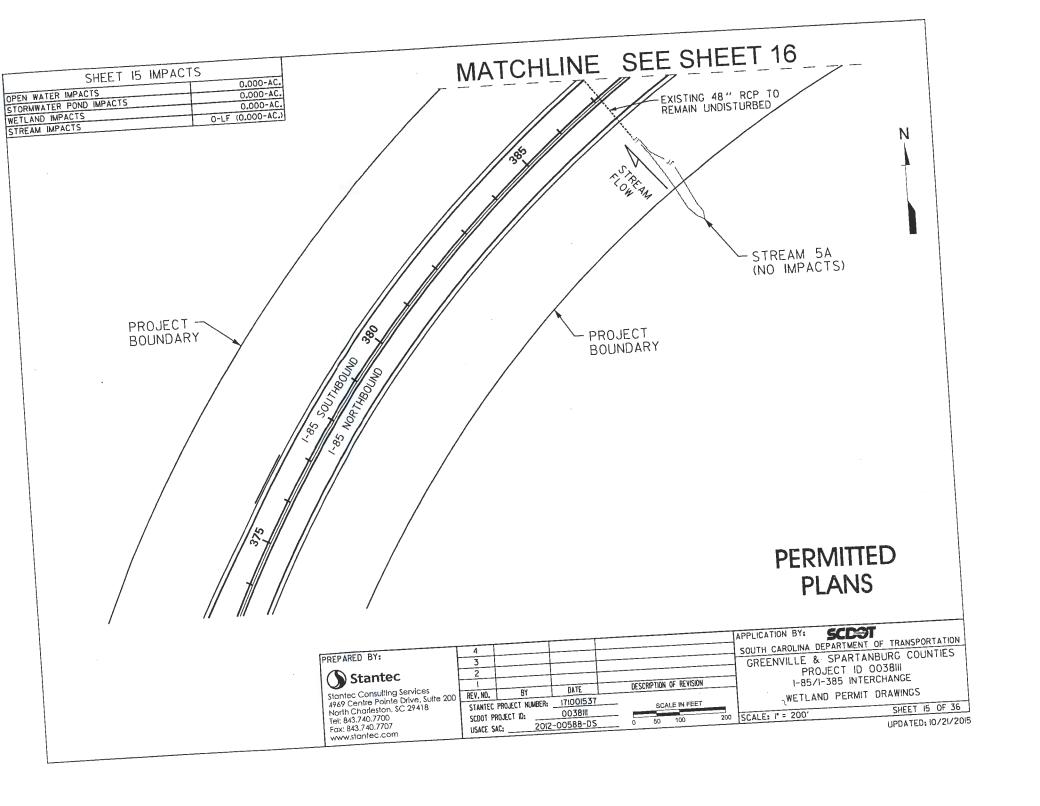


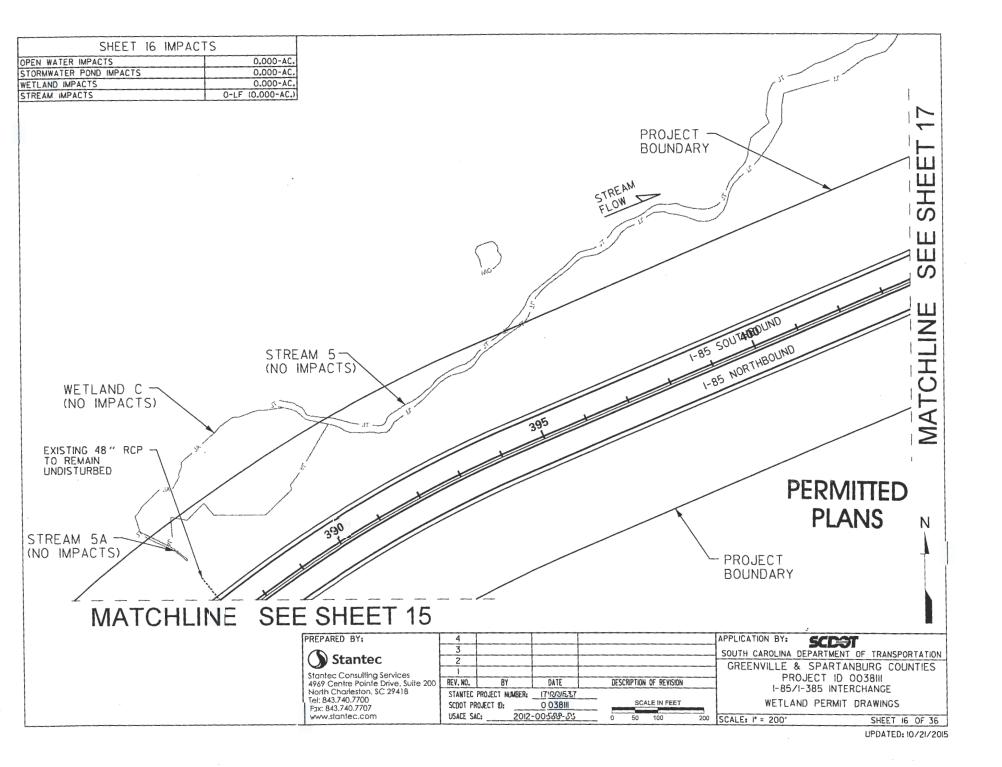


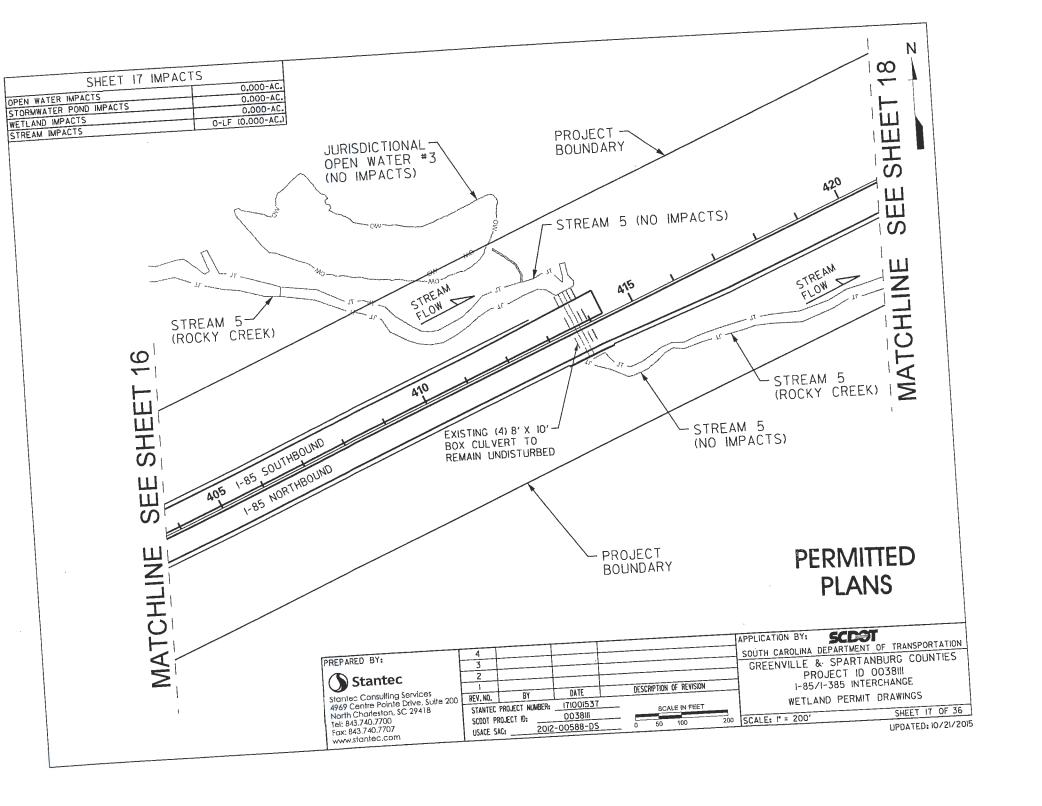


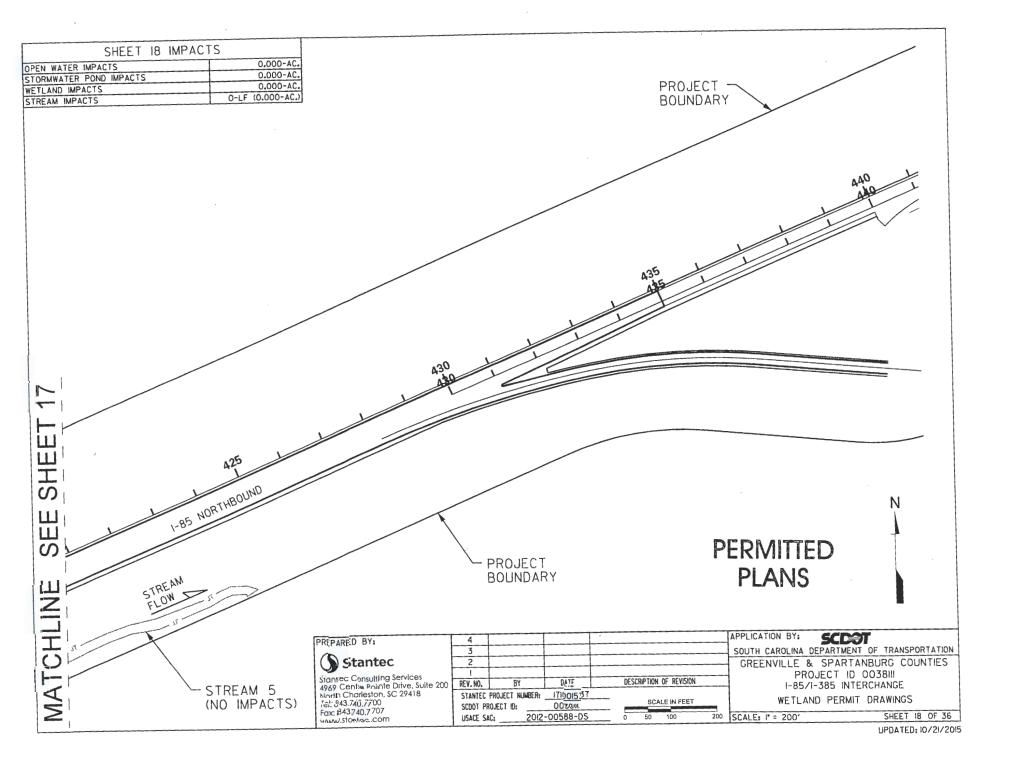


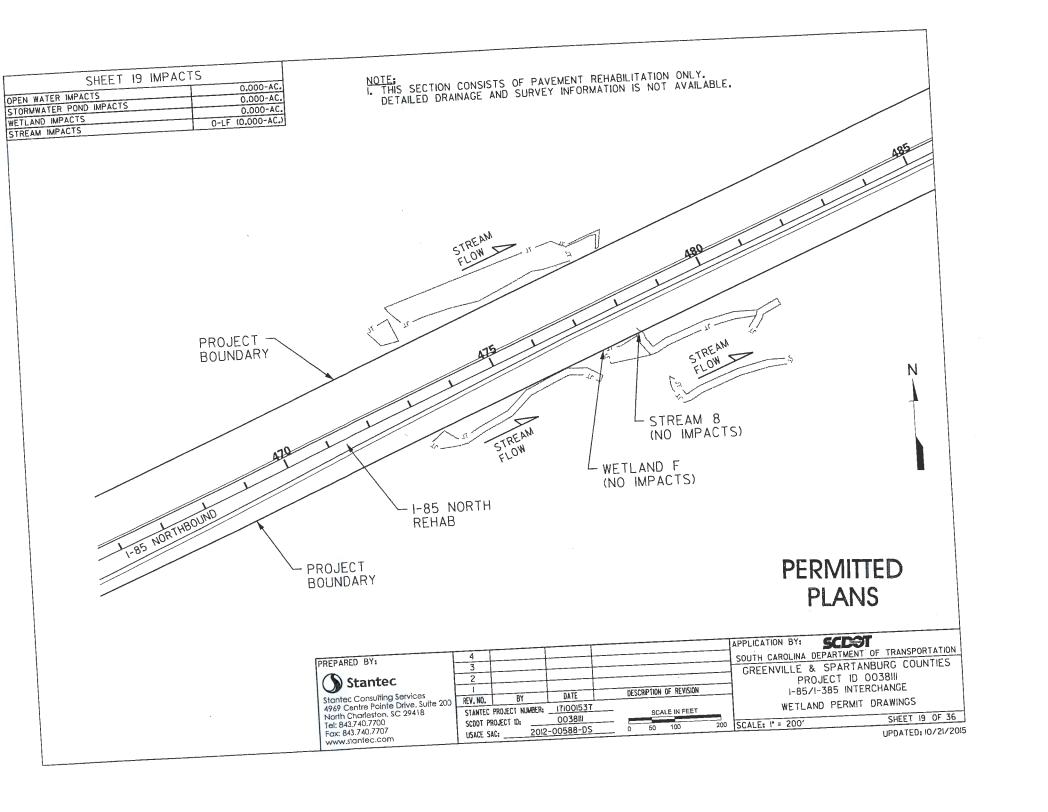


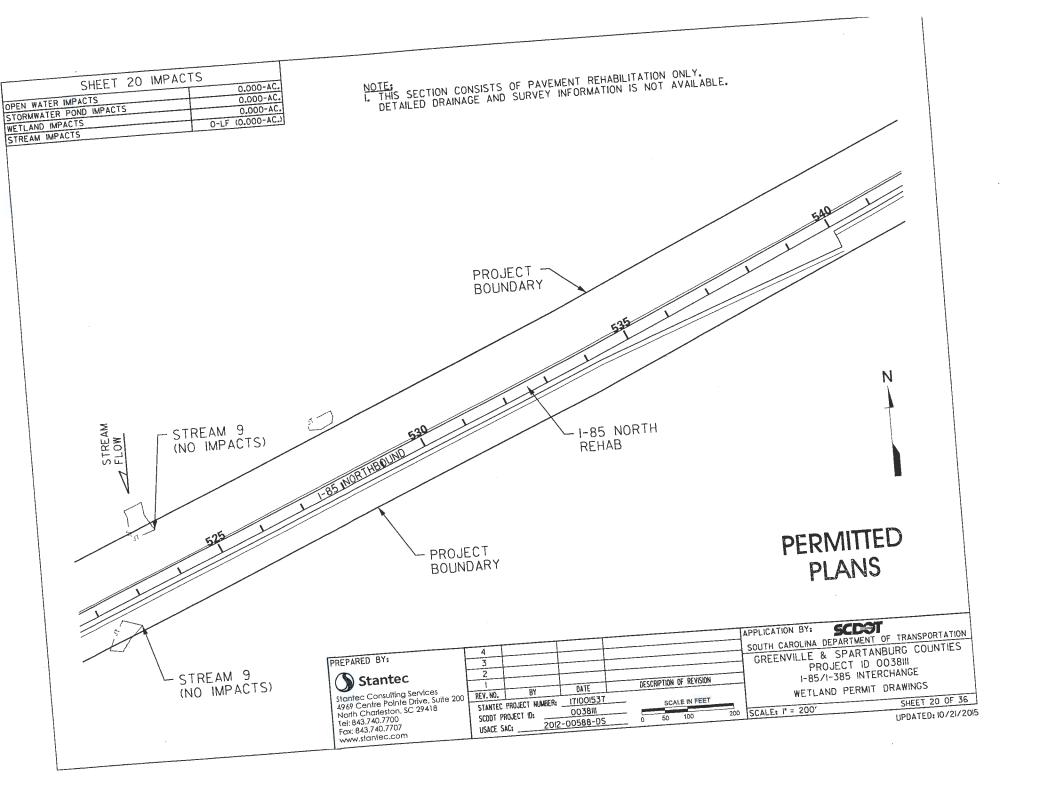


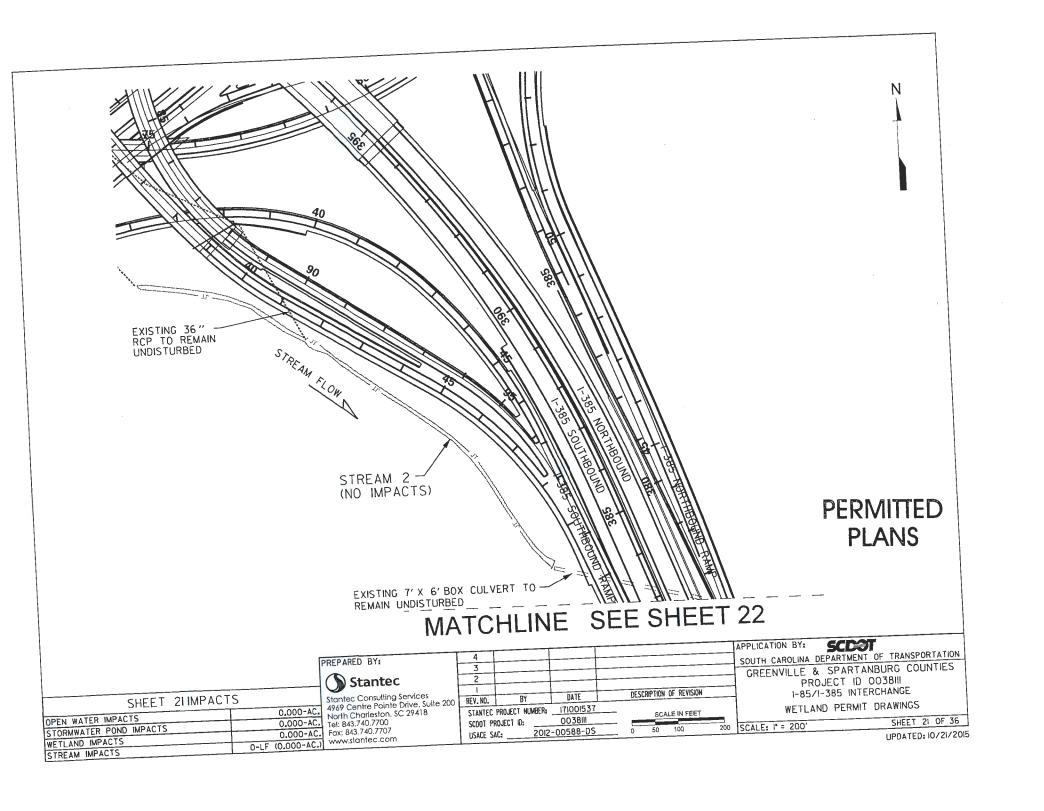


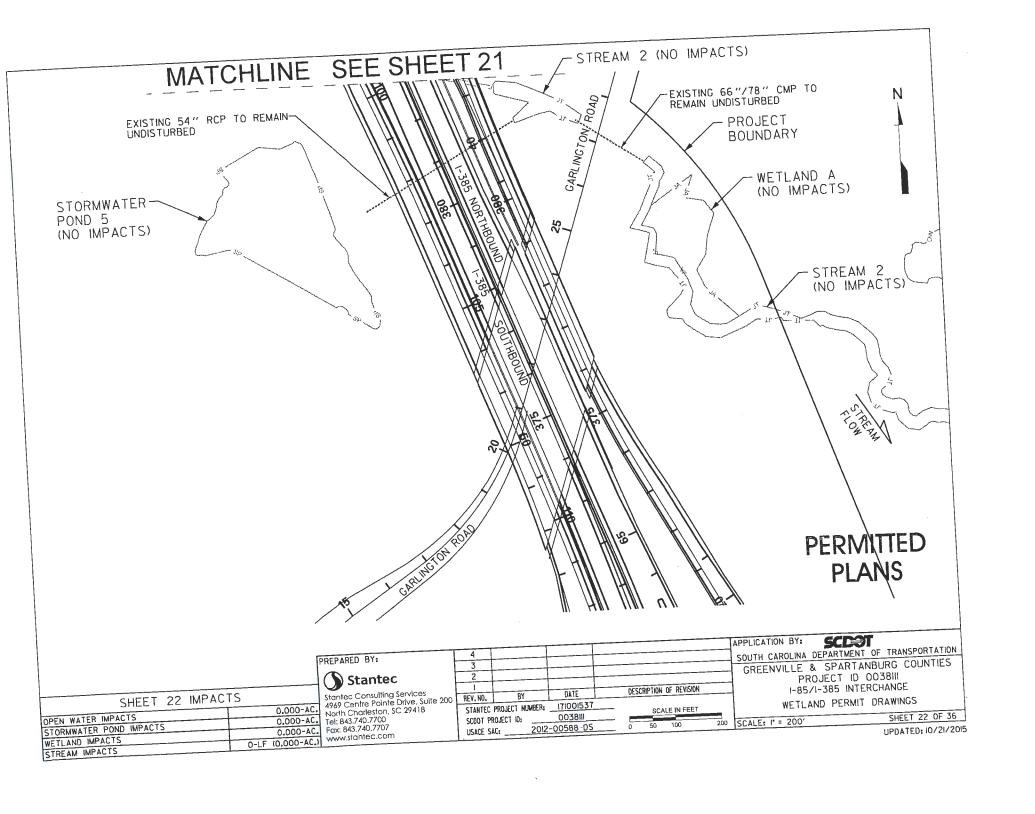


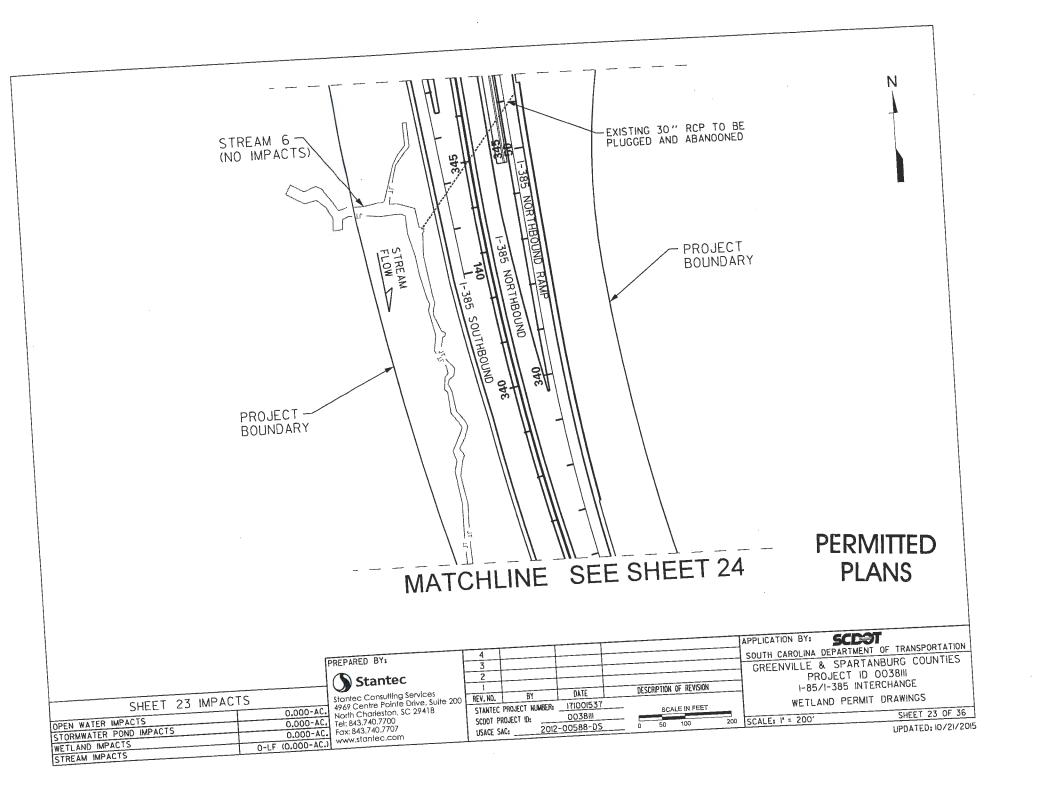


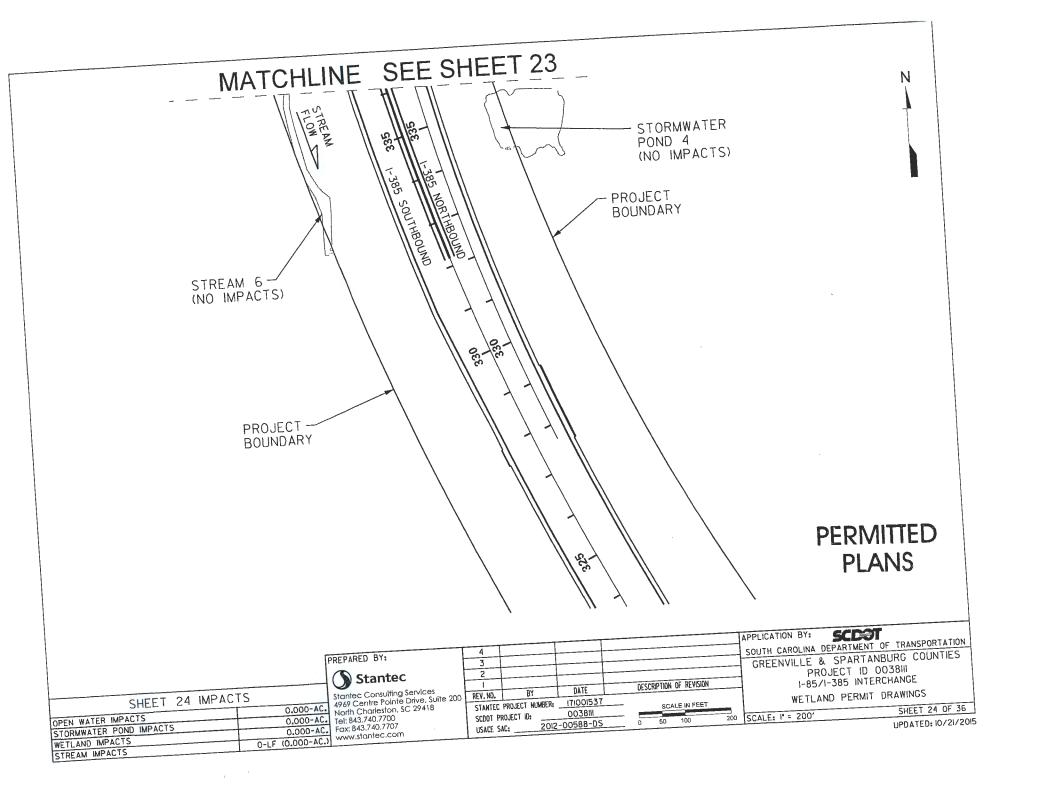


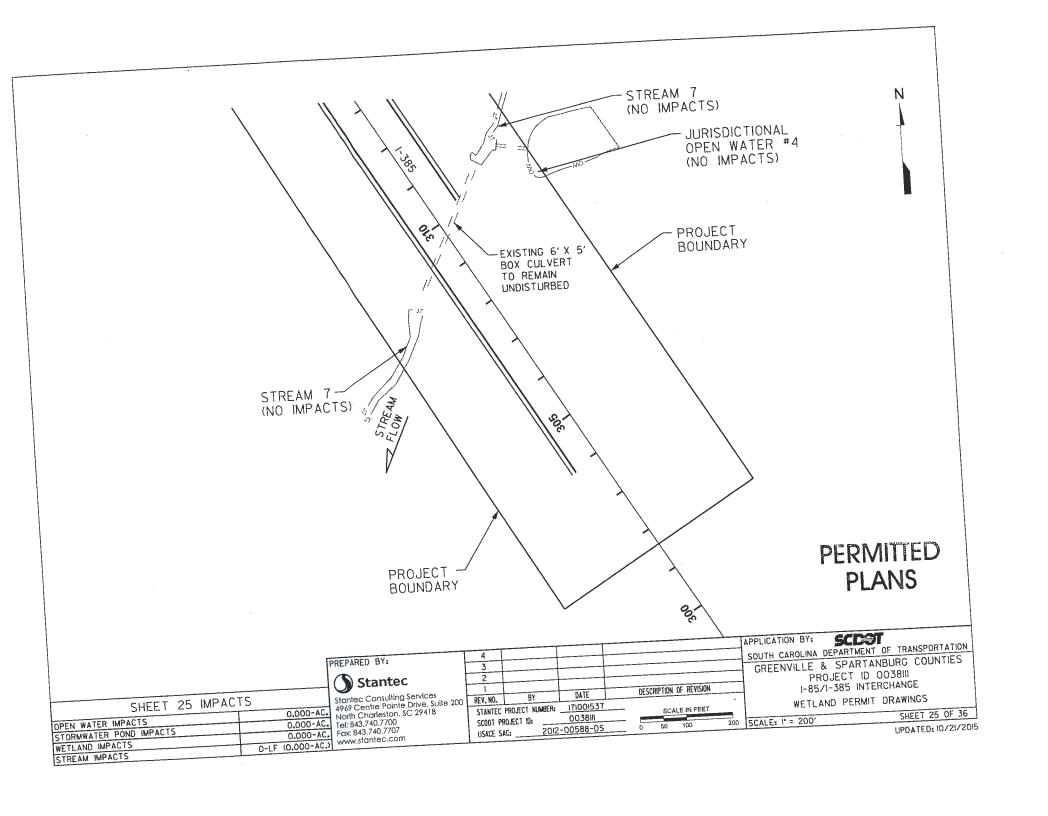


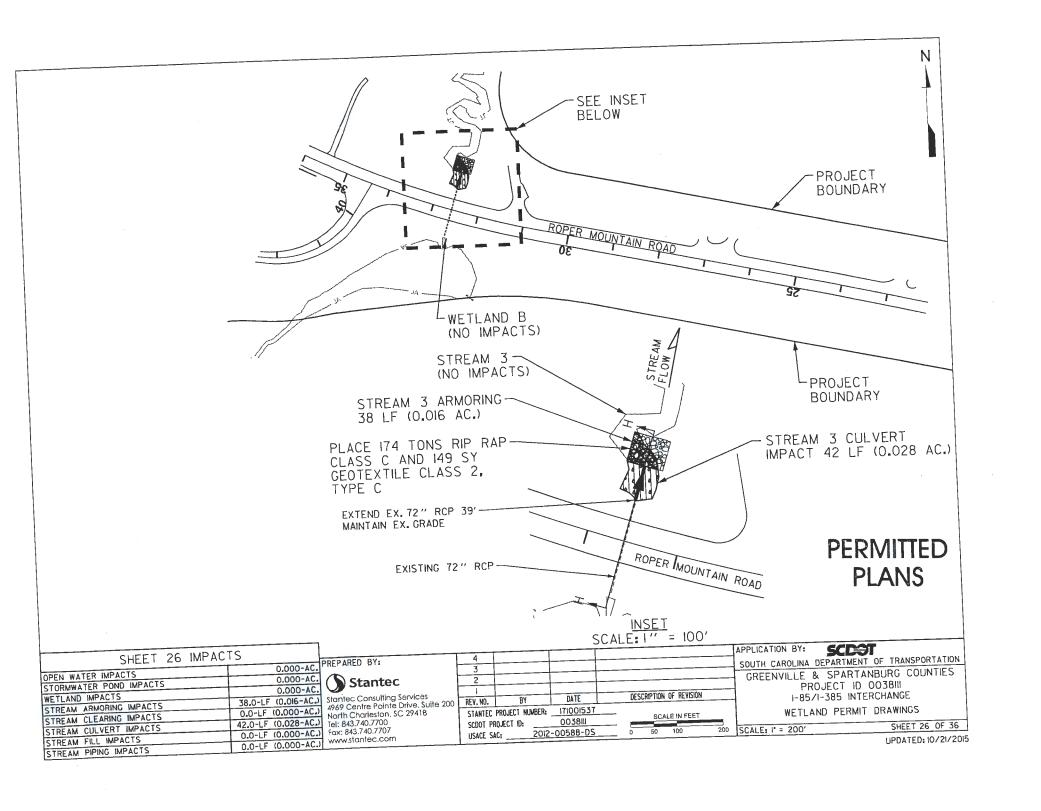


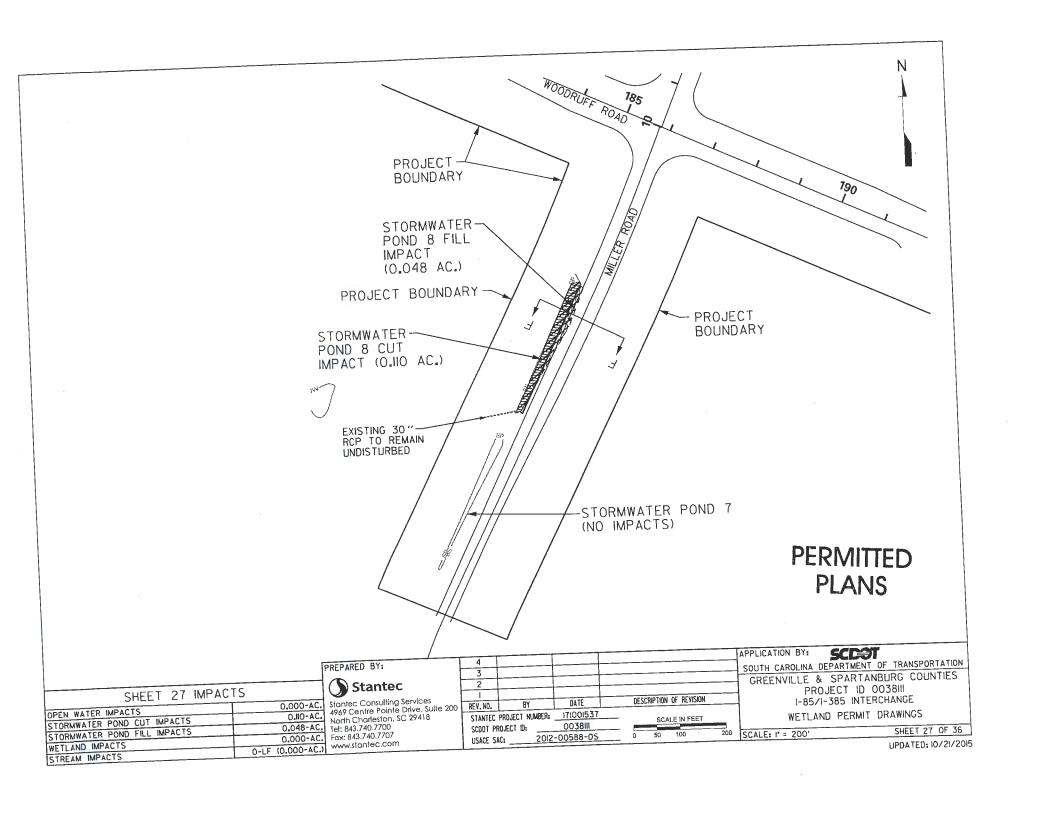


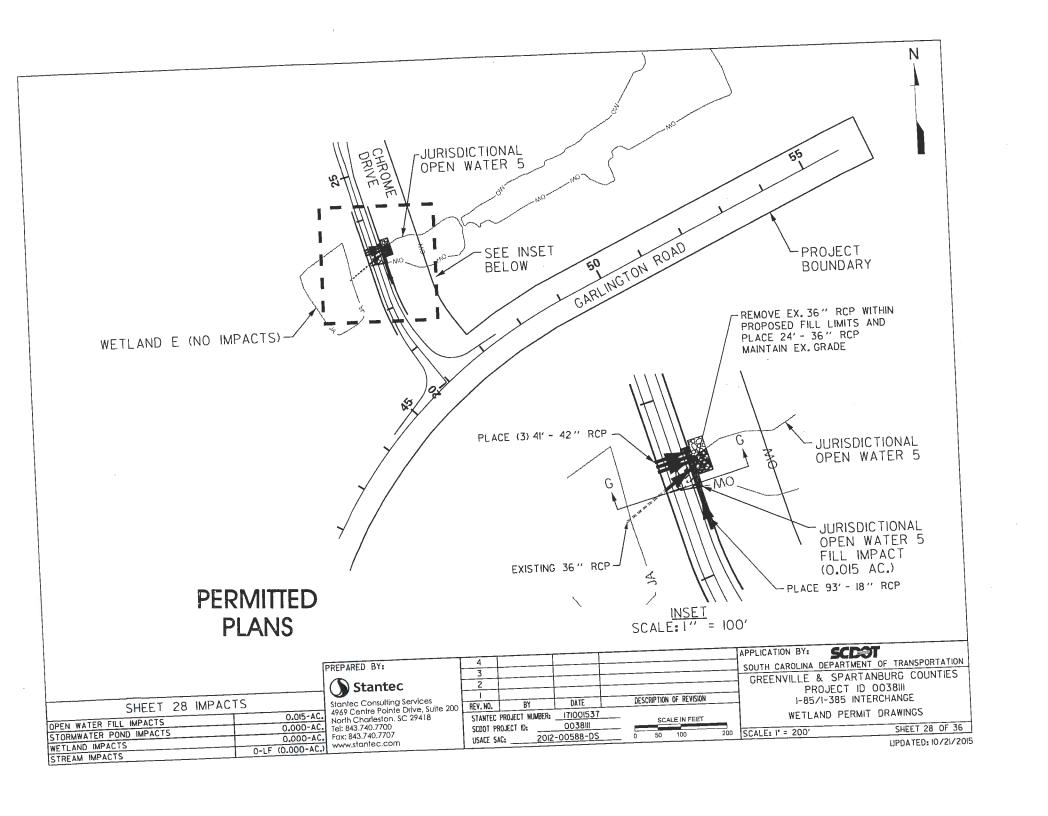


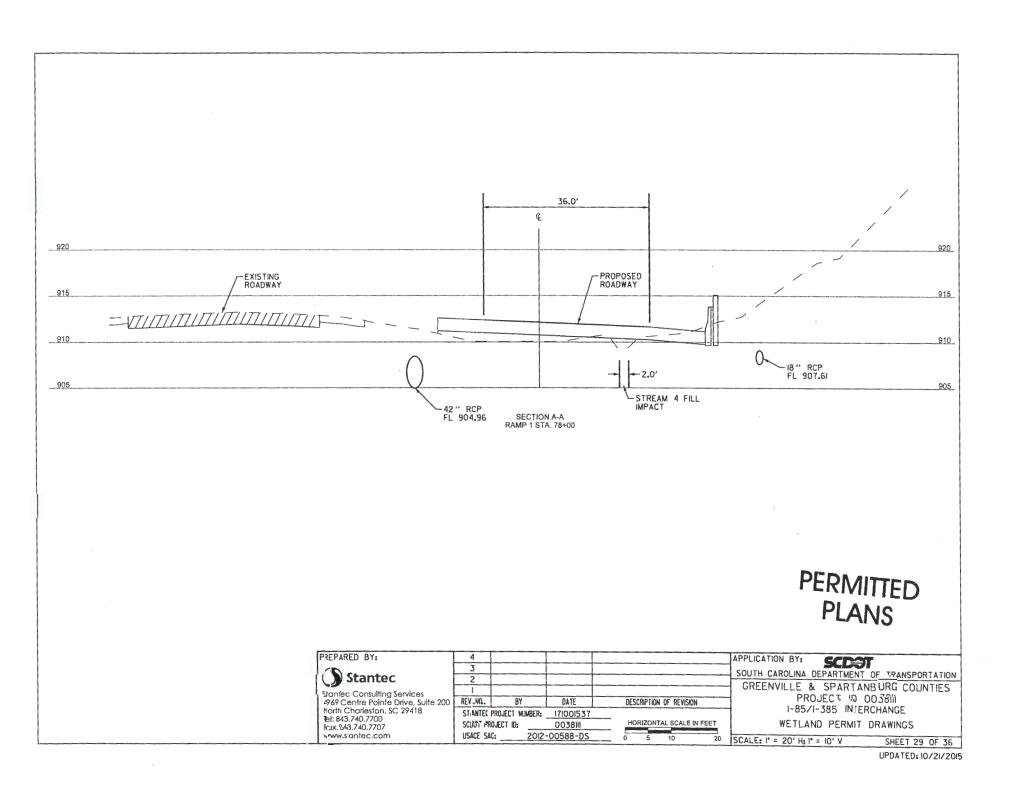


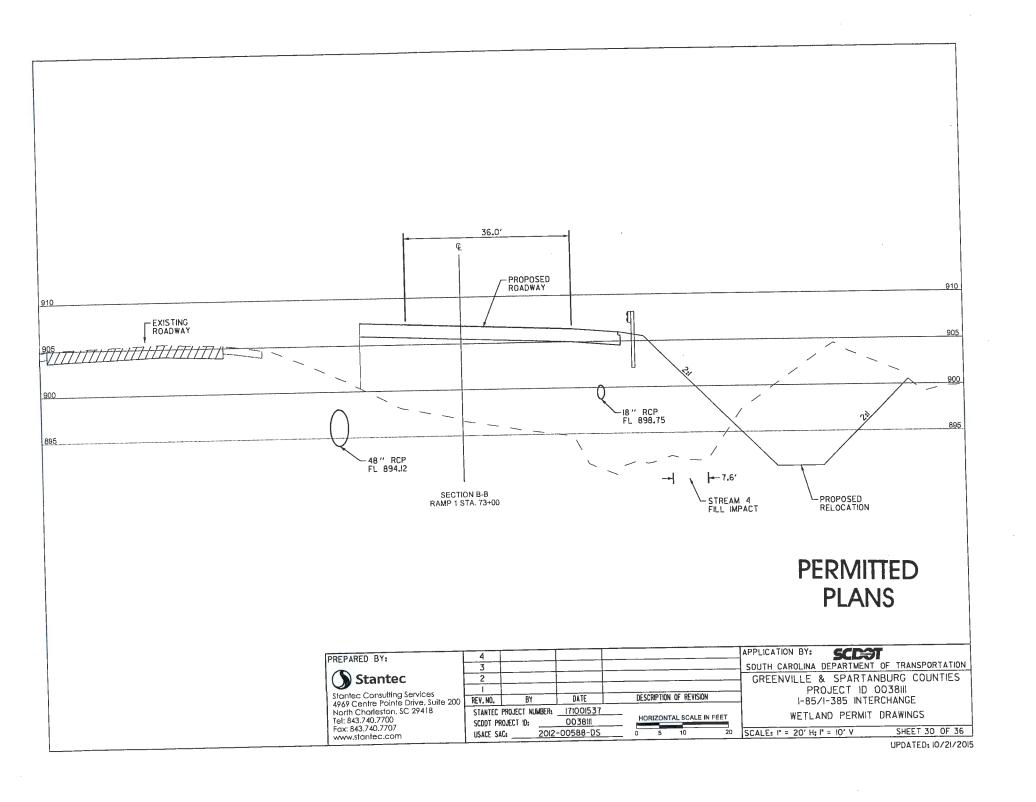


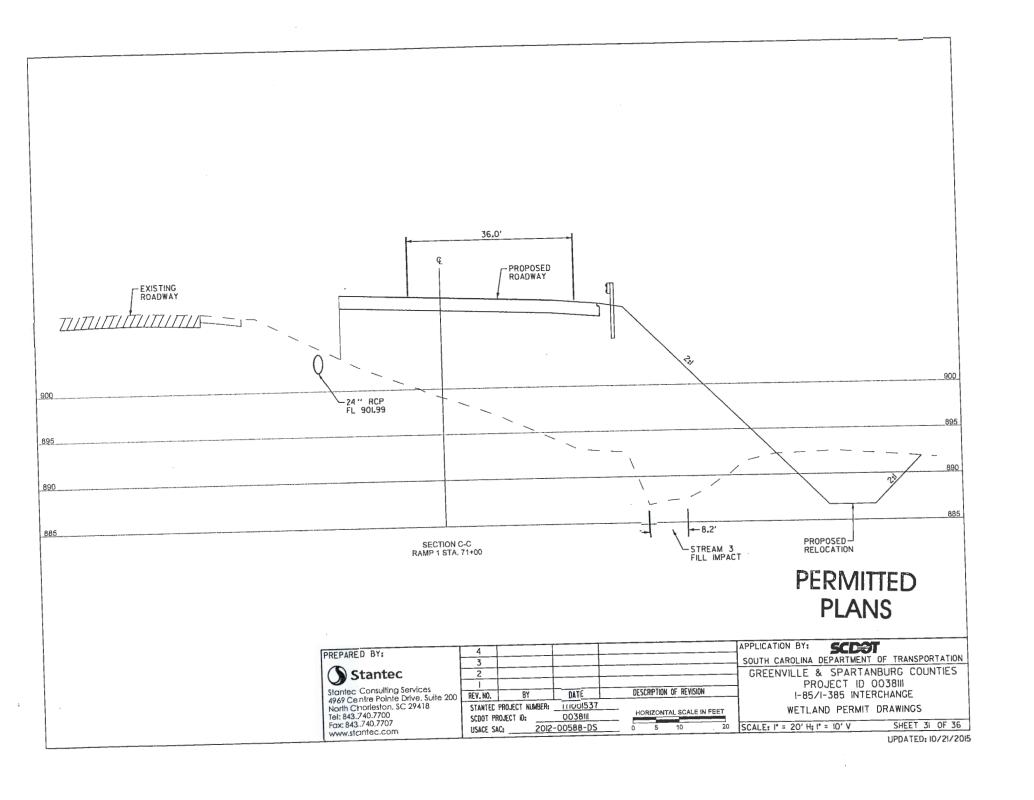


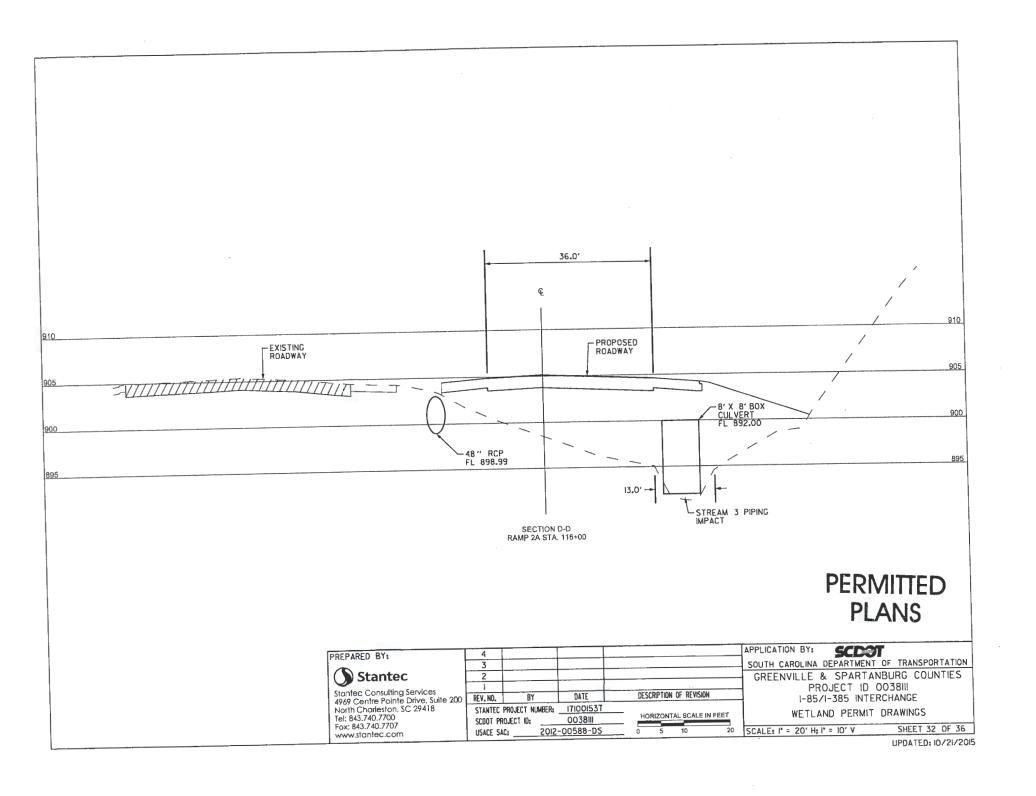


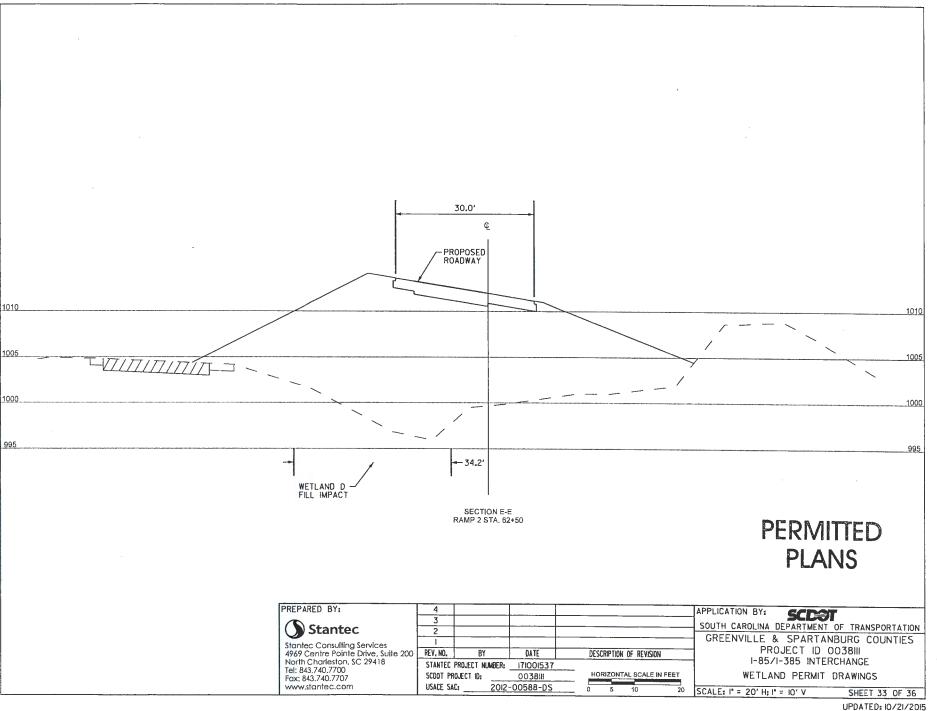


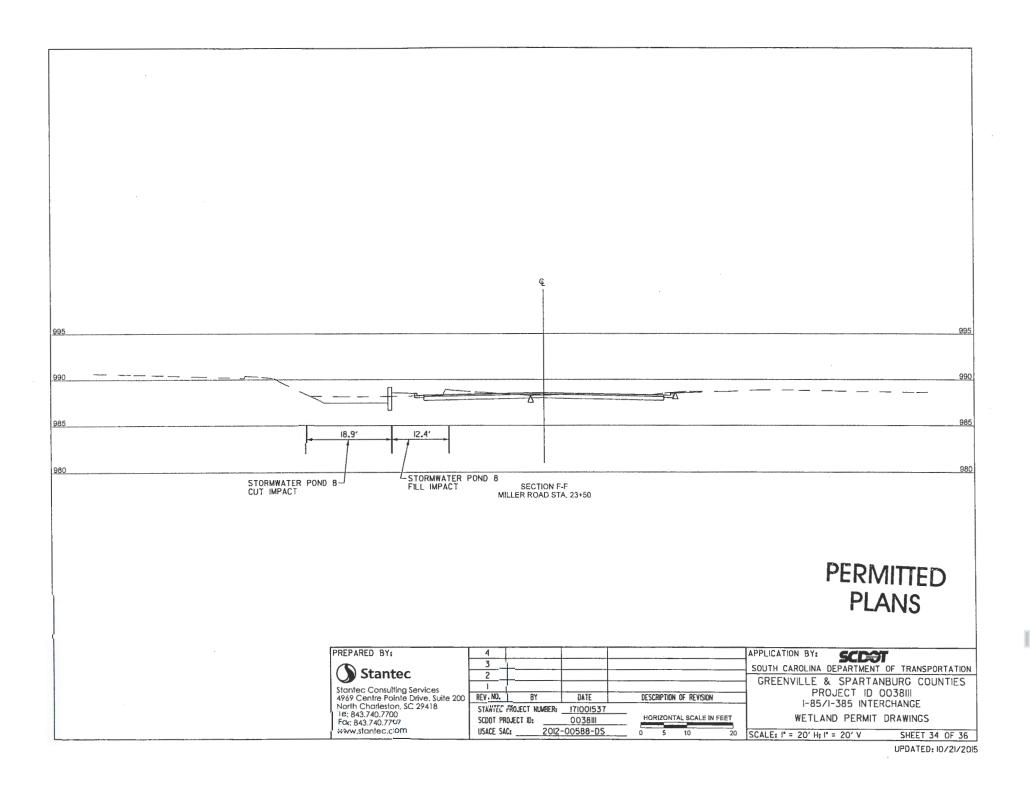


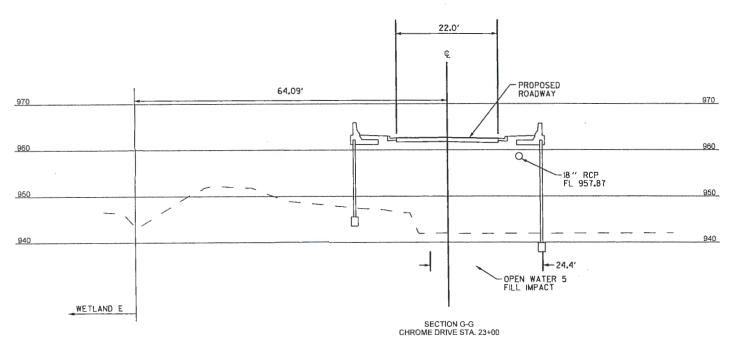




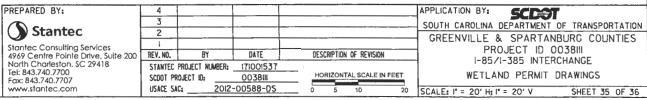


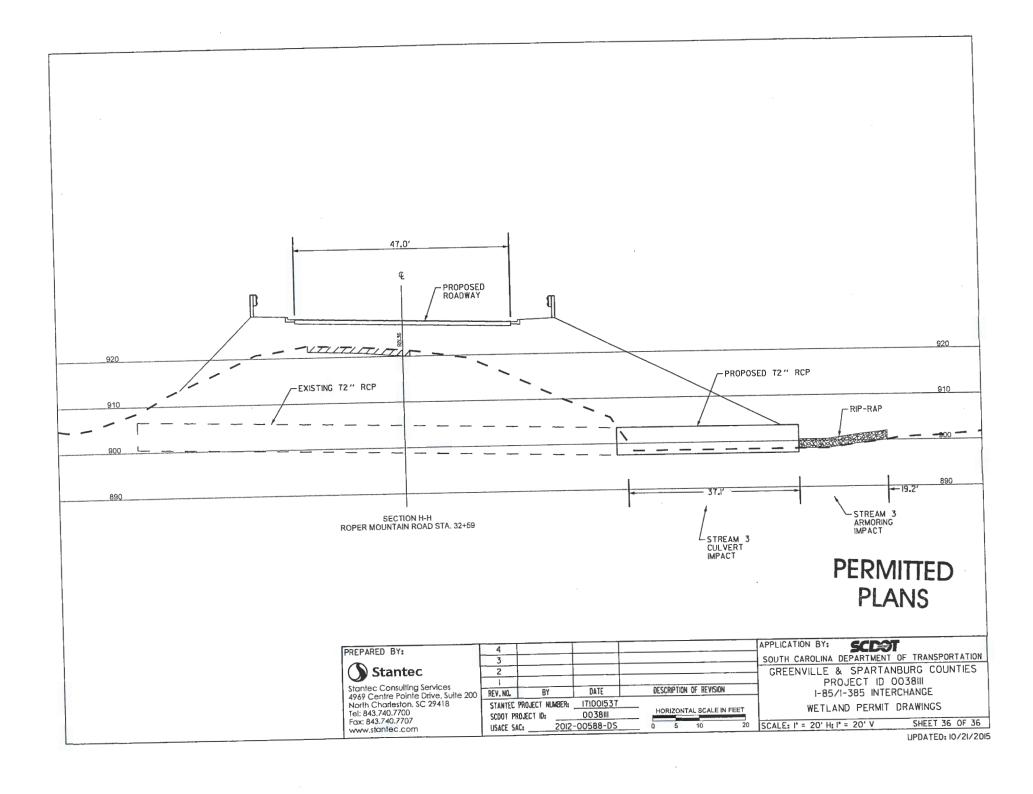






## PERMITTED PLANS







## Catherine E. Heigel, Director Promoting and protecting the health of the public and the environment

April 7, 2016

Mr. Sean Connolly SC Dept of Transportation 955 Park St PO Box 191 Columbia SC 29201-3959

Re: Certification in Accordance with Section 401 of the Clean Water Act, as amended, with conditions pursuant to R. 19-450 et. seq., 1976 SC Code of Laws, Permit For Construction in Navigable Waters

SC Dept of Transportation

Placement of fill in 1,070 linear feet of streams and 0.415-acre of wetlands to improve the existing I-85 and I-385 Interchange

Unnamed tributaries to Gilder Creek, Rocky Creek, Laurel Creek, the Enoree River, and adjacent wetlands

Greenville & Spartanburg Counties P/N 2012-00588-DS

## Dear Sir:

South Carolina Department of Health and Environmental Control (Department) has reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the Certification requirements of Section 401of the Federal Clean Water Act, as amended, and the permitting requirements of R. 19-450 et. seq., 1976 SC Code of Laws.

In accordance with the provisions of Section 401, we certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Federal Clean Water Act, as amended. We also hereby certify that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

This certification is subject to the following conditions:

- The applicant must implement appropriate best management practices that will minimize
  erosion and migration of sediments on and off the project site during and after construction.
  These practices should include the use of appropriate grading and sloping techniques, mulches,
  silt fences, or other devices capable of preventing erosion, migration of sediments and bank
  failure. All disturbed land surfaces and sloped areas affected by the project must be stabilized.
- All necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters, wetlands, or offsite areas.
- 3. Once the project is initiated, it must be carried to completion in an expeditious manner to minimize the period of disturbance to the environment.

Page: 2

SC Dept of Transportation

April 07, 2016

- 4. Upon project completion, all disturbed areas must be permanently stabilized with vegetative cover, riprap or other erosion control methods as appropriate.
- 5. The applicant must compensate for unavoidable impacts by purchasing 5,903.8 stream mitigation credits from Grove Creek Mitigation Bank, and debit 1.452 acres (at a ratio of 3.5:1) from the Black River Mitigation Bank.

The Department reserves the right to impose additional conditions on this Certification to respond to unforeseen, specific problems that may arise and to take any enforcement action necessary to ensure compliance with State water quality standards.

Sincerely.

Heather Preston, Director Division of Water Quality

Bureau of Water

cc: U.S. Army Corps of Engineers, Charleston District Office

SC DHEC, Upstate-Greenville and Spartanburg EQC District Offices