

# Exhibit A

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BREAKING

## Solicitor: Gilbert Road death appears to be self defense



[http://www.myhorrynews.com/news/local/carolina\\_forest/article\\_50cc8572-6886-11e6-99bc-3fddaac6696c.html](http://www.myhorrynews.com/news/local/carolina_forest/article_50cc8572-6886-11e6-99bc-3fddaac6696c.html)



PREVIOUS

Albini transfers his love of animals into children's books



TOP STORY

## Horry County begins work on International Drive

From staff reports [info@myhorrynews.com](mailto:info@myhorrynews.com) Updated Aug 22, 2016



Horry County won't wait for an appeal.

County officials on Monday announced they are moving forward with the construction of International Drive, despite a court challenge from two conservation groups. Crews began working on the road Friday.

"After lengthy discussions with county staff and legal counsel, Horry County began construction on International Drive," the county said in a news release. "County construction crews began clearing trees and vegetation along the right-of-way corridor of International Drive in order to get the road passable for construction vehicles in the interim. This work is estimated to take approximately 40 days. Horry County will contract the construction and paving operations of International Drive by a request for proposal that is estimated to be publicized around the first of October. Once a contract is awarded the paving operation are estimated to take 8-12 months, but a final date will not be known until a contract is awarded."

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The project in question is the paving and widening of a nearly 6-mile section of road between Carolina Forest and S.C. 90.

Residents have long argued that extending International Drive will benefit their community by providing another evacuation route as well as quicker access to medical facilities.

Although Horry County voters approved the road work in a 2006 sales tax referendum, International Drive is one of the last unfinished projects from the county's road-building program, RIDE II.

Construction was supposed to begin in 2015, but environmental objections put the brakes on the project.

Although conservationists challenged the DHEC certifications in court, last month a judge ruled in the county's favor. The conservationists vowed to appeal the decision, meaning the legal process would be delayed for at least a year.

County officials, however, opted to begin work anyway.

"There are always risks, but this is certainly an acceptable risk we are willing take," Horry County Chairman Mark Lazarus said in the release. "Now that the judge ruled in favor of SC DHEC Sec 401 (water quality) permit, this allowed the U.S. Army Corps to issue their Sec 404 (wetland fill) permit to us on July 22, 2016. We now have all the permits in our possession that allows us to begin construction on this road. There is the potential that a federal court action could be filed to stop us from paving the road, but again we are willing to take that risk. We have the money in the bank and all the required permits for this project, and we are going to get this road built."

The conservation groups plan to ask a judge to issue an "automatic stay" to prevent the county from proceeding with the project during the appeal process, said Nancy Cave, north coast director for the Coastal Conservation League, one of the two groups pursuing the court action (the other is the S.C. Wildlife Federation).

Before Monday's announcement, Cave said she had heard rumblings about the county's plans.

"I wasn't completely surprised by it," she said.

# Exhibit B

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Coastal Conservation League and )  
South Carolina Wildlife Federation, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
United States Army Corps of Engineers, )  
Charleston District, and Lt. General Todd )  
T. Semonite, Lt. Colonel Matthew Luzzato; )  
US Environmental Protection Agency; )  
Gina McCarty; Heather McTeer Toney, )  
Horry County, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Civil Action No.: 4:16-CV-3008-RBH

**HORRY COUNTY’S  
RESPONSE IN OPPOSITION  
TO PLAINTIFFS’ MOTION FOR  
CONTEMPT**

**STANDARD FOR CIVIL CONTEMPT**

The party seeking a rule to show cause based on alleged contempt of court must show more than a bare preponderance of evidence. The proof must be clear and convincing. Levin v. Tiber Holding Corp., 277 F.3d 243 (2<sup>nd</sup> Cir. 2002), citing Stringfellow v. Haines, 309 F.2d 910, 912 (2<sup>nd</sup> Cir. 1962); Schauffler for and on Behalf of N. L. R. B. v. Local 1291, Intern. Longshoremen's Ass'n , 292 F.2d 182, 190 (3<sup>rd</sup> Cir. 1961); Heinold Hog Market, Inc. v. McCoy, 700 F.2d 611 (6<sup>th</sup> Cir. 1983) citing, Vertex Distributing, Inc. v. Falcon Foam Plastics, Inc., 689 F.2d 885, 889 (9th Cir.1982); N.L.R.B. v. Blevins Popcorn Co., 659 F.2d 1173, 1183 (D.C.Cir.1981); In re Irving, 600 F.2d 1027, 1037 (2d Cir.), cert. denied, 444 U.S. 866, 100 S.Ct. 137, 62 L.Ed.2d 89 (1979); United States v. Rizzo, 539 F.2d 458, 465 (5th Cir.1976); Telling v. Bellows-Claude Neon Co., 77 F.2d 584, 585 (6th Cir.1935) ; Federal Practice and Procedure, Wright and Miller, Sec. 2960, Vol. 11, p. 591. Moreover, the mandate alleged to be violated

(1) Except as specified in paragraph (e)(3) of this section, the term fill material means material placed in waters of the United States where the material has the effect of:

(i) Replacing any portion of a water of the United States with dry land; or

(ii) Changing the bottom elevation of any portion of a water of the United States.

(2) Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in the waters of the United States.

(3) The term fill material does not include trash or garbage.

33 CFR Part 323.2(e).

As set forth in detail below, the only wetland identified by Plaintiffs as allegedly having been filled in violation of this Court's Order was filled by mechanized land clearing, an activity which changed the bottom elevation of the wetland and destroyed its wetland functions prior to the date the Order was issued on September 23, 2016. This was true of all of the other wetlands on the non-Lewis Ocean Bay side of the right of way. Offsite fill material was also placed into most of these wetlands prior to the date of the Order. (Exhibit 5, Declaration of Britt Feldner; and Exhibit 4, Declaration of David Gilreath). In the context of the Clean Water Act, therefore, all of these wetlands had been "filled" prior to the date of the Order.

**County Work on the Project Involving Fill of Wetlands:**

The declarations of Mike Wooten, David Gilreath and Britt Feldner explain that by the time this Court's Order was issued on September 23, with minor exceptions, all of the wetlands on the non-Lewis Ocean Bay side of the right of way had been filled by mechanized land

clearing and/or the addition of offsite fill material. All of the wetland functions had been destroyed by this alteration of the wetland. There is no competent evidence to contradict the testimony of these witnesses.

Plaintiffs make reference to an estimate the County's counsel in this case as to the percent to wetlands which had been filled. That estimate was prepared based on information days old by the time it was referenced to Plaintiffs' counsel and is not competent evidence, in any case. The only competent evidence of the areas of wetlands filled is that of the witnesses noted above. (Exhibit 4, Declaration of David Gilreath; Exhibit 5, Declaration of Britt Feldner; Exhibit 6, Declaration of Mike Wooten).

**It is Not Possible to Identify Wetland Fill from an Aerial Fly Over:**

As explained in the Declarations of Britt Feldner and Mike Wooten, both experts in the field of wetland identification and permitting, it is simply not possible to identify wetland fill from an aerial fly over. Only through an on the ground inspection of a site is it possible to determine if a wetland has been disturbed. Plaintiffs never asked for an onsite inspection. The only persons with knowledge of the onsite conditions and the chronology of work at the site are the County's employees and its consultant, Britt Feldner. Observation from an airplane, particularly at an oblique angle, provides only limited information regarding disturbance of a wetland. The Plaintiffs suggest that the water evident in the photographs taken from the air establish that a wetland was in existence. It does not. As explained by Britt Feldner and Mike Wooten, rainfall at the site was heavy for some period of time prior to the photographs being taken. That rainfall in conjunction with the low and flat topography of the site resulted in a condition of inundation that masked the discrete signature that would confirm the presence or absence of any land disturbance or the deposition of fill material. Neither the condition of the

investigate the facts before filing their motion. This sort of “gaming” the court system is unacceptable behavior and justifies that sanctions be imposed by the Court pursuant to F.R.C.P. 11(c) as the motion does not meet the test of Rule 11 (b).

### **CONCLUSION**

For the reasons set out above, Horry County respectfully requests the Court to deny the Plaintiffs’ motion to hold the County in contempt and to impose sanctions on Plaintiffs for pursuing this motion without any competent evidence.

Respectfully submitted,

s/ Stan Barnett

Stan Barnett                      Fed ID # 5306  
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October 20, 2016  
Mount Pleasant, South Carolina

# Exhibit C

## **STAN BARNETT**

Attorney at Law  
305 North Civitas Street  
Mount Pleasant, South Carolina 29464  
(843) 884-1031  
stan.barnett@yahoo.com

December 21, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
1220 Senate Street  
Columbia, S.C. 29201

RE: S.C. DHEC and Horry County Public Works v. SC Coastal Conservation League and SC  
Wildlife Federation: Admin Law Court Case No. 15-ALJ-07-0404-CC  
Appellate Case No.: 2016-001758

Dear Ms Kitchings:

I am writing on behalf of Horry County concerning the Order issued yesterday clarifying the Writ of Supersedeas issued by the Court last Thursday, December 15. The second Order made clear that the Supersedeas was intended to require the County to “halt all work on the road project, including the widening, paving, and realigning of the existing unimproved portion of International Drive....”

The County wants to emphasize that they did not understand the first Order to be a prohibition on continuing work authorized by the Army Corps of Engineers permit. This same understanding was expressed in the media by the Director of one of the Appellants, the S.C. Coastal Conservation League. I have attached the article in which Dana Beach noted that his organization intended to seek a restraining order after the Supersedeas was issued. This was consistent with the County’s interpretation of the December 15 Order and the County anticipated an immediate filing by Appellants. The County wants to make clear that in no way did its officials believe they were violating any prohibition by this Court.

At the time the December 15 Order was issued, all work on International Drive other than some clean up, or “dressing up”, was completed. The County had intended to award a contract today for the concrete and paving work and other details of completion of the road. That will not be done until the case is resolved, or by other direction of the Court.

However, there are some items of work that the County believes need to be done, to avoid pollution and to protect the public. These are placement of barricades for safety purposes,

work to comply the with the N.P.D.E.S. storm water general permit authorization (including some minor grading and grass seeding, which must be commenced within 14 days), and filling a trench some 100 feet long that the County is concerned is a hazard to hunters and others accessing the area. In addition, there is earth material stockpiled on the site the County would like to remove. Except for the barricade placement, the County will not undertake any of the above work without approval from the Court. All of this is consistent with the Court's ruling, as its result is not in furtherance of construction, will not alter the status quo that the Court is directing be maintained, but rather is necessitated to preserve the status quo and provide for the safety of the community. We request that the Court allow this small additional work to that end.

With kindest regards and appreciation, I remain

Sincerely,

A handwritten signature in blue ink that reads "Stan Barnett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stan Barnett

Cc: Amy E. Armstrong, Esq.  
Michael Traynham, Esq.  
Nathan Haber, Esq.  
Arrigo Carotti, Esq.

# Exhibit D

## 2016-001758 SC Coastal Conservation League v. SCDHEC

**From:** Stan Barnett <stan.barnett@yahoo.com>  
**To:** Kitchings, Jenny <jkitchings@sccourts.org>  
**Cc:** Amy Armstrong (amy@scelp.org) <amy@scelp.org>, jessie@scelp.org, amelia@scelp.org, habernm@dhec.sc.gov, traynhms@dhec.sc.gov, michaeltraynham@gmail.com, ameliat@alumni.unc.edu, stan.barnett@comcast.net  
**Subject:** Re: 2016-001758 SC Coastal Conservation League v. SCDHEC  
**Date:** Thursday, December 22, 2016 9:08 AM  
**Size:** 17 KB

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Ms Kitchings:

I apologize for the format of this message. I am out of town and am not able to prepare a letter. I thought it was important to respond to a couple of things Ms Armstrong said in her letter from yesterday.

The implication that the County has in any way been disrespectful of any court order is completely false. Ms Armstrong's motion to hold Horry County in contempt was denied because it was utterly baseless and I believe intended only to paint the County in a bad light as the District judge considered her motion for preliminary injunction. That appears to be what Appellants are doing now in their response to the County's reasonable request to be allowed to do a few things, two for public safety and one to avoid violating the NPDES permit intended to prevent water pollution. It is beyond ironic that two environmental groups who claim to be interested in clean water are openly opposing mandated measures designed by DHEC and EPA to prevent water pollution. The bare dirt must be seeded as per that permit if work is halted more than 14 days. The complaint that this work can't be policed ignores what Appellants are well aware of: DHEC polices compliance with the storm water permit. If the county is in any way prevented from following the requirements of that NPDES permit there will be sediment runoff which will pollute nearby streams and wetlands. The cost of this work is significant, some \$250,000, and is a cost necessitated only by the Court's order to halt further construction. The County absolutely is committed to following the Court's mandate. But it must also try and meet the obligation to prevent water pollution by complying with the NPDES permit. I suggest that DHEC is in the best position to monitor that compliance. In no way does the minor grading and grassing constitute furthering construction of the road.

Ms Armstrong's comments about protecting the public safety are also inappropriate. These actions have nothing to do with advancing construction. They are needed to keep people from being hurt.

The county has proceeded to try and build this road in strict compliance with the law. The chronology of the Appellants' state and federal challenges are set forth in our motion to dismiss.

Again please accept my apologies for the format of this message.

With kindest regards,

Stan Barnett

Sent from my iPhone

On Dec 21, 2016, at 5:07 PM, Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)> wrote:

Dear Counsel:

Attached please find my letter requesting a reply no later than 10:00 am tomorrow morning. Thank you.

**Jenny Abbott Kitchings**

*Clerk of Court*

South Carolina Court of Appeals

1220 Senate Street

Columbia, SC 29201

Ph: (803) 734-1891

Fax: (803) 734-1839

[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)

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<2016\_12\_21\_17\_04\_02.pdf>

# Exhibit E

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

|                                           |   |                                    |
|-------------------------------------------|---|------------------------------------|
| Coastal Conservation League and           | ) | Civil Action No.: 4:16-CV-3008-RBH |
| South Carolina Wildlife Federation,       | ) |                                    |
|                                           | ) |                                    |
| Plaintiffs,                               | ) |                                    |
|                                           | ) |                                    |
| vs.                                       | ) |                                    |
|                                           | ) | <b>HORRY COUNTY’S</b>              |
| United States Army Corps of Engineers,    | ) | <b>RESPONSE IN OPPOSITION</b>      |
| Charleston District, and Lt. General Todd | ) | <b>TO PLAINTIFFS’ MOTION FOR</b>   |
| T. Semonite, Lt. Colonel Matthew Luzzato; | ) | <b>A PRELIMINARY INJUNCTION</b>    |
| US Environmental Protection Agency;       | ) |                                    |
| Gina McCarty; Heather McTeer Toney,       | ) |                                    |
| Horry County,                             | ) |                                    |
|                                           | ) |                                    |
| Defendants.                               | ) |                                    |
| _____                                     | ) |                                    |

## INRODUCTION

This case involves challenges by Plaintiffs to a permit issued by the US Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, 33 U.S.C. Sec. 1344 authoring the discharge of dredged or fill material in to certain wetlands deemed to be jurisdictional “waters of the United States”, such fill being needed to construct a 5.6 mile section of a highway in Horry County by the County known as International Drive. The Plaintiffs seek relief pursuant to the Administrative Procedures Act, 5 U.S.C. Sec. 701-706, and the National Environmental Policy Act (NEPA) 42 U.S.C. Sec. 4321, asserting that the Corps did not follow its regulations in issuing the permit and that it did not comply with NEPA by failing to adequately evaluate the environmental effects likely to result from the project.

Plaintiffs are now moving for a Preliminary Injunction halting any further construction of the road, which has been under construction since August 22, 2016, since September 23 limited

Moreover, it is uncontested that DNR has the sole discretion to manage the Preserve. It was pursuant to that discretion that DNR contracted with Horry County to convey the southwest edge of the property to Horry County for the purpose of constructing the project. That contract specifically provides that DNR – not the County – has the right to harvest the timber in the road right of way. Therefore, those trees could be removed immediately, regardless of the status of the Corps permit, absent an action by Plaintiffs enjoining DNR from exercise of its proprietary control over the property. Such an action would be utterly without foundation.

d. Loss of Wildlife: The only species the Plaintiffs have addressed with evidence they claim indicates the road will harm is the black bear. The risk to the bear is from vehicle collisions. The contract between DNR and the County requires that a speed limit of 45 mph be imposed on the road. Plaintiffs' only bear expert, Joe Hamilton, admitted that no measure to prevent bears from crossing a road are particularly effective, at one point using a figure of 20 percent. "Bears will go where they want to go," he said. He also acknowledged that the 45 mph speed limit would greatly reduce the incidence of collisions, at one point suggesting "in most cases." Hamilton also agreed with DNR's director that the population of bears in Horry County is increasing so fast that measures to control their population are called for – such as a longer hunting season or more kills permitted per hunter. (Exhibit 12, Testimony of Joe Hamilton; Exhibit 15, Testimony of Alvin Taylor). The population of the black bear – which is neither threatened nor endangered – is not at risk in Horry County, despite significant collisions with vehicles that kill bears on existing roads. There is simply no evidence at all, much less clear and convincing evidence, of any irreparable harm to wildlife likely to result from the road.

4. Any damage to the wetlands impacted by construction of the road can be fully repaired through restoration of the wetlands. While it would entail considerable cost to the

County, should this Court rule in favor of the Plaintiffs in this matter, restoration of the wetlands impacted by the road could be ordered. Restoration of wetlands is not difficult. All that is required is removal of whatever has filled them so as to allow natural flow of surface or ground water into them. Restoration can be hastened by revegetation. (Exhibit 5, Declaration of Britt Feldner). Any harm to wetlands from construction of the road would, therefore, not be irreparable should this Court rule in favor of Plaintiffs and invalidate the Corps' permit.

**C. Balancing the Equities.**

While Plaintiffs have failed to clearly establish any irreparable harm to the environment from the project, the County will suffer substantial irreparable harm if the completion of the road is enjoined. That harm will be manifested in both financial and non-monetary forms.

1. Safety has been one of, and perhaps the foremost, purpose for the road. The uncontested evidence is that the road will alleviate a significant safety problem for a substantial number of Horry County residents. The communities along Highway 90 are currently without reliable quick access to emergency room care or to quick response time by EMS, police or fire services due to traffic congestion. While Plaintiffs disregard this conclusion by the County's experts, their own witnesses acknowledge that the County experts are in the best position to make this judgment. (Exhibit 11, Testimony of Steve Gilbert; Exhibit 12, Testimony of Joe Hamilton). The safety risks the people along Highway 90 now face are summarized in the testimony of the Emergency Management Director of the County, Randy Webster, the Chairman of County Council and Mark Lazarus. (Exhibit 19, Testimony of Randy Webster; Exhibit 2, Declaration of Randy Webster; Exhibit 1 Declaration of Mark Lazarus). Without quick access to emergency health care, life threatening conditions are more likely to result in death for many

**CONCLUSION**

The Plaintiffs have failed to establish any of the four required criteria for a preliminary injunction. The International Drive project is a road which, the undisputed evidence proves, is needed for public health and safety for a substantial section of Horry County. Delay in its creation risks not only public funds but life and property. For the reasons set forth above, the County requests that the Plaintiffs’ Motion be denied. In the alternative, the County respectfully requests that, should the Court decide to impose an injunction, the Plaintiffs be required to post a bond of \$1 million.

Respectfully submitted,

s/ Stan Barnett

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October 20, 2016  
Mount Pleasant, South Carolina

# Exhibit F

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

---

COASTAL CONSERVATION LEAGUE and )  
SOUTH CAROLINA WILDLIFE )  
FEDERATION, )

Appellants, )

vs. )

Appellate Case No. 2016-001758

SOUTH CAROLINA DEPARTMENT OF )  
HEALTH AND ENVIRONMENTAL CONTROL )  
and HORRY COUNTY PUBLIC WORKS, )

Respondents. )

---

**DECLARATION OF DANIEL TUFFORD**

I, Daniel Tufford, declare as follows:

1. I live at 4714 Meadowood Road, Columbia, South Carolina.
2. I have an undergraduate degree from Indiana University in Biological Sciences with an emphasis in Ecology. In 1996 I received my PhD from the University of South Carolina in Environmental Health Sciences where my dissertation research was related to hydrology and specifically water quality in South Carolina. Since that time, I've been on

the research faculty of the University of South Carolina, first in the Department of Environmental Health Sciences, then in the Department of Biological Sciences, and currently in the Baruch Institute. My research has focused on hydrology, water quality, aquatic system ecology, watershed ecology, and wetlands. A great deal of my research has been on various kinds of wetlands, mostly focused on the Coastal Plain of the Carolinas.

3. I was a co-investigator on a team grant from the US Environmental Protection Agency in which we studied several aspects at length of geographically isolated wetlands on the Coastal Plain of North and South Carolina. I've also done extensive work in tidal freshwater marshes along the coast of South Carolina, as well as Georgia and North Carolina. I have done significant watershed scale work in the Waccamaw River Watershed, where the disputed project is located, and the nearby Pee Dee River Watershed, looking at stream flow and hydrology, as well as evaluating climate impacts on both hydrology and water quality in those areas.
4. I have utilized aerial photography in my wetlands assessment research, as well as satellite imagery and geographic information system modeling. I have also undertaken quality assessments of the wetlands that I am studying, including looking at the subsurface hydrology and the related water quality as well as habitat issues for those wetlands.
5. I have reviewed Horry Count's Motion to Vacate the Stay and all attached exhibits.

6. Wetlands provide several valuable functions, including the filtering of water; supporting aquatic ecosystems; providing wildlife habitat, including for breeding, nesting, foraging and denning; and serving as a buffer for flooding during heavy rain and storms.
7. Hurricane Matthew was a strong reminder of the flood buffering functions of wetlands. Where wetlands are filled and replaced with impervious surfaces, as proposed for the paving of International Drive, flooding can be exacerbated in the area where such filling occurs. Impervious surfaces, such as a paved road, increase the risk of flooding during storm events because they do not buffer stormwater or allow it to be filtered into the groundwater system, instead causing it to runoff the impervious road surface. When such impervious runoff occurs, and specifically on a roadbed, the runoff carries pollutants associated with vehicular travel.
8. Horry County contains a significant amount of paved and impervious surfaces. During storm events, like Hurricane Matthew, Horry County experienced significant flooding along Highways 90 and 501 according the Declarations of Randall Webster. There is ample scientific basis to determine that the flooding in Horry County would have been lessened if more wetlands had been preserved rather that converted into impervious surfaces. Similarly, if 5.6 miles of 5-lane highway is paved, including the filling and elimination of 24 acres of wetlands and their attendant flood buffering functions, my opinion to a reasonable degree of scientific certainty is that flooding in that area would be exacerbated.
9. Contrary to the assertion that a wetland can easily be restored, the harm caused by filling in wetlands is extremely difficult to remedy. While the fill can be removed, the area

graded and vegetation replanted, it is extremely difficult to undo environmental damage of this sort and to completely restore a wetland to its pre-fill state of functions and values. Ecosystems take time to develop natural processes that give them their wetland characteristics and which help them provide their functions. Hydrology and habitat take time to develop. While one can reset the system to create the conditions that will allow a wetland to restore itself, it is a time consuming process that would almost certainly take greater than five years before coming close to performing pre-fill functions and values.

10. Paving over wetlands would make it more difficult to restore the wetlands than if the wetlands remain filled with dirt. Paving over the wetlands would further compact them, causing a complete loss of their functions and values. Thus, restoration of wetlands from beneath a paved road would take even longer than restoration of wetlands that have been filled with dirt.
11. Paving over wetlands also further degrades and pollutes adjacent wetlands. An unused dirt road may cause some sediment transport into adjacent wetlands. However, wetlands filter sediment when they are fully functioning. Once a road is paved, the use of the road causes more environmentally damaging pollutants to be introduced into adjacent wetlands from vehicular traffic sources such as gasoline, oil, and tires. Those pollutants are not addressed by Horry County's stormwater management plan for the road, which focuses on sediment runoff. Therefore, paving the road does not remove the risk of water pollution (Motion to Vacate p.5), but actually exacerbates water pollution.
12. Wetlands that have had either mechanized clearing and/or some fill would certainly be impacted wetlands and their functions impaired, but not all functions are necessarily

eliminated. The inquiry is dependent upon the nature of the specific wetland and the extent of the fill activity. For example, if wetlands are cleared but the elevation remains constant and they are left undisturbed they will revegetate over a period of time.

Depending on magnitude of impact, some wetland functions may be completely destroyed, but it is impossible to say that a wetland is no longer a wetland simply because the County has taken some actions toward filling that wetland. Some activities that are less than a complete filling of the wetland may result in diminishing all functions or may result in complete loss of some functions (such as habitat), but retention of other functions (such as flood buffering).

13. While some small amounts of sediment may flow into adjacent wetlands, I observed minimal, if any, degradation of those wetlands as a result of sedimentation from the dirt road before construction activities. In fact, one of the important functions of wetlands is to filter sediments and other pollutants. Conversely, paving the road and the pollution associated with runoff from vehicular traffic poses a much more significant and serious threat to water quality than the dirt road.
14. Stabilization measures, when appropriately implemented for the specific site and when properly maintained, will largely eliminate water pollution for long periods of time.
15. There is no scientific basis upon which one could conclude that paving a 5 lane road, including filling and eliminating 24 acres of wetlands, would improve water quality. Water quality in the vicinity of the project has been harmed by the fill of those wetlands and will deteriorate further if the road is paved.

16. There is no scientific basis upon which to conclude that paving a highway does not harm the environment. Every time a natural or dirt area is converted to highway, that results in environmental degradation. That degradation is compounded in this case where the pavement is replacing wetlands and sensitive natural habitat, including Carolina Bays.
17. There is no scientific basis upon which to conclude that the risk of water pollution will be removed by paving a road. To the contrary, water pollution in the wetlands on either side of International Drive will happen if the road is paved.
18. Pursuant to 28 U.S.C. ' 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my professional opinion, knowledge and belief.

Signed on the 17th of January, 2017.

  
Daniel Tufford

# Exhibit G

Print Form

| Joint Federal and State Application Form<br>For Activities Affecting Waters of the United States<br>Or Critical Areas of the State of South Carolina                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         | This Space for Official Use Only                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <p><i>Authorities:</i> 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).</p> <p><i>Drawings and Supplemental Information Requirements:</i> 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.</p> |                                                         | Application No. _____<br>Date Received _____<br>Project Manager _____<br>Watershed # _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                          |
| 1. Applicant Last Name:<br>Gosnell                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 11. Agent Last Name (agent is not required):<br>Feldner |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 2. Applicant First Name:<br>Steve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12. Agent First Name:<br>Britt                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 3. Applicant Company Name:<br>Horry County Public Works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 13. Agent Company Name:<br>The Brigman Company          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 4. Applicant Mailing Address:<br>4401 Privetts Road                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 14. Agent Mailing Address:<br>P.O. Box 1532             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 5. Applicant City:<br>Conway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 15. Agent City:<br>Conway                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 6. Applicant State:<br>SC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 7. Applicant Zip:<br>29526                              | 16. Agent State:<br>SC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 17. Agent Zip:<br>29526                  |
| 8. Applicant Area Code and Phone No.:<br>(843) 915-5160                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 18. Agent Area Code and Phone No.:<br>(843) 248-9388    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 9. Applicant Fax No.:<br>(843) 365-2170                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 19. Agent Fax No.:<br>(843) 248-9596                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 10. Applicant E-mail:<br>gosnells@horrycounty.org                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 20. Agent E-mail:<br>bfeldner@thebrigmancompany         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 21. Project Name:<br>International Drive Re-Alignment/Paving                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 22. Project Street Address:<br>n/a                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 23. Project City:<br>Conway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 24. Project County:<br>Horry                            | 25. Project Zip Code:<br>29526                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 25. Nearest Waterbody:<br>Socastee Swamp |
| 26. Tax Parcel ID:<br>various                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 27. Property Size (acres):<br>72.81                     | 28. Latitude:<br>33.821860                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 29. Longitude:<br>-78.913921             |
| 30. Directions to Project Site (Include Street Numbers, Street Names, and Landmarks and attach additional sheet if necessary):<br>From the intersection of SC-544 E and US-501 S travel east on US-501 for approximately 0.5 miles to the intersection of 501 and E Cox Ferry Road, turn left (northeast) onto E Cox Ferry Road and travel approximately 2 miles to the intersection of E Cox Ferry Road and SC-90, turn right (southeast) onto SC-90 E and travel approximately 4.1 miles to the intersection of SC-90 E and Environmental Parkway to the project beginning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 31. Description of the Overall Project and of Each Activity in or Affecting U.S. Waters or State Critical Areas (attach additional sheets if needed):<br>This project's proposed construction plan & methodologies are intended to relieve current and anticipated congestion for local/transient commuters and to provide a secondary evacuation route for the residents of the Carolina Forest Community. International Drive will provide a direct link between S.C. 90, S.C. 31, and Carolina Forest Boulevard. The project construction will require impacts to 24.88 Acres of freshwater wetlands.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 32. Overall Project Purpose and the Basic Purpose of Each Activity In or Affecting U.S. Waters (attach additional sheets if needed):<br>The purpose of the project is to re-align and pave a 5.6-mile portion of existing unimproved International Drive. The proposed construction will require impacts to 24.88 acres of freshwater wetlands.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
| 33. Type and quantity of Materials to Be Discharged                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                         | 34. Type and Quantity of Impacts to U.S. Waters (including wetlands).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                          |
| Dirt or Topsoil: 104,635 <input checked="" type="checkbox"/> cubic yards<br>Clean Sand: _____ <input type="checkbox"/> cubic yards<br>Mud: _____ <input type="checkbox"/> cubic yards<br>Clay: _____ <input type="checkbox"/> cubic yards<br>Gravel, Rock, or Stone: _____ <input type="checkbox"/> cubic yards<br>Concrete: _____ <input type="checkbox"/> cubic yards<br>Other (describe): _____ <input type="checkbox"/> cubic yards<br><br>TOTAL: 104,635 cubic yards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                         | Filling: 21.33 <input checked="" type="checkbox"/> acres <input type="checkbox"/> sq.ft. 104,635 <input checked="" type="checkbox"/> cubic yards<br>Backfill & Bedding: _____ <input type="checkbox"/> acres <input type="checkbox"/> sq.ft. _____ <input type="checkbox"/> cubic yards<br>Landclearing: 0.22 <input checked="" type="checkbox"/> acres <input type="checkbox"/> sq.ft. _____ <input type="checkbox"/> cubic yards<br>Dredging: _____ <input type="checkbox"/> acres <input type="checkbox"/> sq.ft. _____ <input type="checkbox"/> cubic yards<br>Flooding: _____ <input type="checkbox"/> acres <input type="checkbox"/> sq.ft. _____ <input type="checkbox"/> cubic yards<br>Draining/Excavation: 3.33 <input checked="" type="checkbox"/> acres <input type="checkbox"/> sq.ft. _____ <input type="checkbox"/> cubic yards<br>Shading: _____ <input type="checkbox"/> acres <input type="checkbox"/> sq.ft. _____ <input type="checkbox"/> cubic yards<br><br>TOTALS: 24.88 acres _____ sq.ft. 104,635 cubic yards |                                          |

Tanitra  
Rob Huff

2010-01157-3H(13)  
COC-13-1134

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35. 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) |
|-------------------------------|-----------------------|---------------------------------------|---------------------------------------------------------------|---------------------|
| 1-35 (Appendix E)             | (page 4, section 7.0) | 9000'                                 | road crossing                                                 | 24.88               |
|                               |                       |                                       |                                                               |                     |
|                               |                       |                                       |                                                               |                     |
| Total Wetland Impacts (acres) |                       |                                       |                                                               | 24.88               |

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

| 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) |                            |                           |                                                         |                    |

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

38. Describe measures taken to avoid and minimize impacts to Waters of the United States: The project was designed to utilize existing roadway and upland areas to the maximum extent as possible. However, the majority of the areas between the two project termini contain large wetland complexes with little opportunity for avoidance. The alignment was planned along the existing earthen roadway as much as possible in an effort to avoid and minimize wetland impacts.

39. 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).

Due to the lack of available credits, the applicant is proposing permittee responsible mitigation (Appendix G)

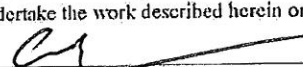
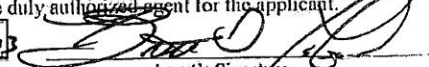
40. See the attached sheet to list the names and addresses of adjacent property owners. See Appendix B.

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

42. 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.

  
 Applicant's Signature Date 11-26-2013

43. 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.

   
 Applicant's Signature Date 11-26-2013 Agent's Signature Date 11-26-13

<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 42 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.

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# Exhibit H



December 18, 2014

Mr. Rob Huff

Department of the Army  
Charleston District, Corps of Engineers  
1949 Industrial Park, Room 140  
Conway, South Carolina 29526

Re: Response to Comments  
Horry County Public Works;  
Project: International Drive Re-Alignment/Paving; (P/N 2010-01157-3H)

Dear Mr. Huff:

This letter provides our response to the questions and comments set forth by the March 11, 2014 United States Army Corps of Engineers' (USACE) letter following initial public notice for a Department of Army permit (P/N 2010-01157-3H) to re-align and pave a 5.6 mile portion of the existing unimproved International Drive near the Carolina Forest Community in Horry County, South Carolina. Outlined in this letter are our responses to the questions expressed by the USACE and other governmental agencies. Public comments from other special interest groups were similar to the USACE's comments and are also addressed at the end of this correspondence.

The purpose of the re-alignment/paving of International Drive is to relieve current and anticipated congestion for local/transient commuters and to provide a secondary evacuation route for the residents of the Carolina Forest Community. International Drive will provide a direct link between S.C. 90, S.C. 31 and Carolina Forest Boulevard. In addition to servicing the residents of the Carolina Forest Community, the proposed re-alignment/paving will provide an additional option to residents/commuters within the Myrtle Beach Community and a large workforce along the Highway 90 corridor through its direct connectivity to Robert M. Grissom Parkway. The proposed project is not expected to cause immediate or long term degradation within the proposed alignment or its adjacent natural communities. In fact, this project has gone through a rigorous review during the planning process that considered numerous alternative approaches, the pre-application process with all commenting agencies, as well as the current regulatory review. The intent of this project is to relieve current and anticipated traffic and provide an additional evacuation route within highly congested areas along the Grand Strand without sacrificing the integrity of the natural resources in the area.

Horry County Public Works has considered the comments received from all parties (regulatory and non-regulatory agencies, special interest groups, and the general public) and offers the following concessions to reduce disturbed wetland areas and minimize the cumulative effects of the proposed International Re-Alignment/Paving:

a no build alternative, and the final selected alternative illustrates a feasible development plan with minimal impacts to natural resources.

#### **No Build/Offsite Alternative**

Our intent was to consider those alternatives that are reasonable in terms of the overall scope/cost of the project. The “No Build” alternative is also considered the offsite alternative which represents abandoning any construction plans to provide an additional route for residents and transients within the Carolina Forest community and its adjoining communities. With population growth in the Carolina Forest Community experiencing greater than 500-percent growth in the last decade, the existing road structure within the area including River Oaks Drive and Carolina Forest Boulevard creates bottlenecks and routine congestion throughout the year during the tourist and non-tourist seasons. With more housing developments and businesses planned and some under construction, additional congestion along Carolina Forest Boulevard and River Oaks Drive is eminent.

Due to the numerous traffic signals and high traffic volume on US Hwy 501, the current travel time between Conway and Myrtle Beach during the regular commuter weekday morning and evening peak travel periods is approximately 30 minutes. The travel time for the 14-mile trip can increase to 45 minutes or more during the busiest travel times of the peak tourist season. The draft version of the Strategic Corridors Section of the SCDOT Multimodal Transportation Plan (August 2014) listed the US Hwy 501 corridor between Conway and Myrtle Beach as the number one most congested corridor in the state of South Carolina when ranked against over 1,000 other strategic corridor segments (see attached Appendix from the SCDOT report. With motorists on US Hwy 501 currently experiencing over 245 vehicle-hours lost to delays daily (between 7AM and 7PM), it is more than 11 times more congested than the average highway of that type, and it is 15 percent more congested than the segment of roadway that ranked No. 2 on the list. Delays are expected to worsen exponentially with the continued growth in the Myrtle Beach area. A copy of this report is included in Appendix L.

In addition, an improved International Drive will provide a much more direct route to the Horry County Solid Waste Authority Landfill and Material Recycling Facility (MRF) for large trash trucks from the Cities of Myrtle Beach and North Myrtle Beach by cutting their travel time by 40 minutes in each direction. International Drive will effectively remove the daily fleet of the cities’ trash trucks from US Hwy 501 and along most of the length of SC 90, which will help in reducing congestions on those roads.

Many of these residents travel into Myrtle Beach, a dedicated portion of these residents will access U.S. 501 at the terminus of Carolina Forest Boulevard and travel north along U.S. 501 towards Conway. The current road system within the Carolina Forest area fails

to support efficient and safe travel ways between the Carolina Forest community and inland areas. In the event of an approaching hurricane or another natural disaster, the existing travel ways are insufficient to support efficient and safe travel during evacuation procedures and during regular weekday commuter peak travel times. Due to the above reasons, the “No Build/offsite” alternative is not a feasible option and should not be considered as a valid alternative. This alternative will not meet project objectives or solve the growing travel issues for local and transient commuters.

#### **Alternative One - Riverstone Virgin Route**

During early evaluation of the project’s objectives, an alternative route called Alternative One- “Riverstone Virgin Route” was explored to avoid any impacts to S.C. Department of Natural Resources’ Lewis Ocean Bay Heritage Preserve and excessive roadway curvature. The route choose a series of large contiguous uplands in order to minimize wetland impacts to the maximum extent possible. This alternative has greater impacts to natural resources, specifically forested wilderness, remote wetlands, and potential protected species habitat. Specifically this route would impact approximately 34.72 acres of fully functional wetlands in comparison to the preferred route impacts totaling 24.19 acres of slightly impaired wetlands (see Appendix F). Construction of this alternative would not result in an overall improvement to the current fragmentation of wetlands within the existing roadbed and further fragment a large undisturbed wetland complex and wildlife habitat. With the construction of this route, a substantial portion of the existing roadbed would be required to remain in place to provide adequate access to the Heritage Preserve, further fragmenting wetlands and wildlife habitat. In addition, the construction cost associated with this route would be substantially greater due extreme access restrictions and the acquisition of 100% of the right-of-way from private landowners. Right-of-way acquisition costs could increase by as much as 300% as Horry County is currently acquiring half of the required 125’ right-of-way from private landowners and 25’ of which is the portion of the right-of-way easement over the existing roadbed that is on private property. Construction costs would also increase due to the need for additional clearing. During avoidance and minimization efforts, this alternative was not considered the preferred route due to the excessive impacts to natural communities and additional right-of-way acquisitions and construction cost.

#### **Preferred Alternative**

The preferred alternate was chosen for its lowest impacts to natural communities. The current International Drive roadway corridor has functioned for greater than 70 years as a non-public use road with extensive wetland fill and fragmentation between wetland and upland communities along existing road corridor. Based on the limits and distribution of wetlands adjacent to the current route, it is evident that the placement of this route over 70 years ago chose the path of least resistance, transecting upland communities as much as possible due to equipment and construction limitations at the