## JOINT PUBLIC NOTICE

# CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue Charleston, South Carolina 29403-5107

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N SAC-2014-01050 DATE: February 3, 2017

Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. William Herring Hunter Quinn Homes 852 Lowcountry Blvd., Suite 100A Mt. Pleasant, South Carolina 29464

for a permit to place fill material in 0.918 acres of freshwater wetlands adjacent to the

#### **ASHLEY RIVER/SAWPIT CREEK**

at a location on the south end of Parks Gate Drive in the Parks at Rivers Edge subdivision in the City of North Charleston, Charleston County, South Carolina (Latitude: 32.89274°N, Longitude: -80.09187°W), Ladson Quad.

In order to give all interested parties an opportunity to express their views

## NOTICE

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

## 15 Days from the Date of this Notice,

and SCDHEC will receive written statements regarding the proposed work until

#### 30 Days from the Date of this Notice

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the construction of a residential development to complete phase II at the Parks at Rivers Edge subdivision. The proposed construction work involves filling 0.918 acres of freshwater wetlands with 1,934 cubic yards of fill material for the construction of roads and shovel ready residential lots. In detail 0.155 acres of Wetland B, 0.050 acres of Wetland C, 0.212 acres of Wetland F, 0.063 acres of Wetland R, 0.367 acres of Wetland V, and 0.071 acres of

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Wetland X would be filled. The proposed fill area along the sanitary sewer easement within the non-jurisdictional stormwater pond is not regulated by Section 404 of the Clean Water Act nor Section 10 of the Rivers and Harbors Act, and therefore is not included in the impact amounts. Residential lots in the development would be designed to not include any wetlands or other waters of the U.S. The applicant has proposed to mitigate for impacts to the jurisdictional wetlands and/or waters of the U.S. by purchasing 8.6 wetland mitigation credits from Pigeon Pond. The project's purpose is to provide residential housing to accommodate the population growth in this area of North Charleston.

The Corps has previously authorized work within the area of the proposed project associated with the development of this subdivision. A NWP # 14 verification was issued November 19, 2007, to fill 0.15 acre of wetland to construct a road crossing (SAC-2007-2446). This authorized work was not completed and the verification has since expired. Note this previously permitted road crossing is the Pomfret Street extension over Wetland F in the proposed plans. A NWP # 39 verification was issued January 27, 2004, to fill 0.08 acres of waters of the U.S., including wetlands, to construct a road, covert a jurisdictional ditch to uplands, and improve a stormwater pond. This authorized work was completed and as compensatory mitigation 6 acres of the remaining wetlands were preserved on-site within the subdivision. The preserved wetlands are labeled on the proposed plans and will not be impacted by the proposed project.

NOTE: This public notice and associated plans are available on the Corps' website at: <a href="http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices">http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices</a>.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.918 acres of freshwater wetlands upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined that the federally endangered or threatened red-cockaded woodpecker (*Picoides borealis*), wood stork (*Mycteria Americana*), kirtland's warbler (*Setophaga kirtlandii*), and

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bachmani's warbler (*Vermivora bachmanii*) species may be present in the vicinity of the project. However, the project <u>is not likely to adversely affect</u> any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(/)(1)), and has initially determined that there are historic properties present, but they will not be affected; therefore, there will be no effect on historic properties. The Ashley River Historic District boarders the proposed project. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are

used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant

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to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:** 

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69A Hagood Avenue

If there are any questions concerning this public notice, please contact Leslie Estill, Project Manager, at (843) 329-8039 or toll free at 1-866-329-8187.

Charleston, South Carolina 29403-5107

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#### SITE ACREAGE SUMMARY

TOTAL SITE 50.31 AC.

WATERS OF THE U.S. 12.34 AC.

JURISDICTIONAL FW WETLANDS 6.70 AC.

JURISDICTIONAL TNW 0.09 AC.

OCRM CRITICAL TNW 5.55 AC.

UPLANDS 31.023 AC.

NON-JURISDICTIONAL POND 0.947 AC.

PREVIOUSLY PRESERVED AREA 6.00 AC.

SAC39-2003-1434

#### **IMPACT SUMMARY**

TOTAL IMPACTS

0.918 AC.

WETLAND B

0.155 AC.

WETLAND C

WETLAND F

0.212 AC.

WETLAND R

0.063 AC.

WETLAND V

WETLAND X

0.071 AC

### AVOIDANCE/MINIMIZATION SUMMARY

TOTAL TO REMAIN 17.42 AC.

PREVIOUSLY PRESERVED AREA 6.0 AC. WATERS OF THE U.S. 11.42 AC.

Revision	Date	Description				Survey Da	tum: NAVD88
				Drawing: SITE A	ACREAGE SUMMARY		
	TH CA	ROLIA		Project Title:	PARK AT RIVERS EDGE		
	STANTEC CONSULTING		\ -\\	Project Location:	CITY OF NORTH CHARLESTO	N, SOUTH	CAROLINA
ルゴ		RVICES, INC	/ <del>\</del> \	Applicant:	HUNTER QUINN HOMES		
1/6		\\$\\		Date:	AUGUST 5, 2016	Scale:	As Shown
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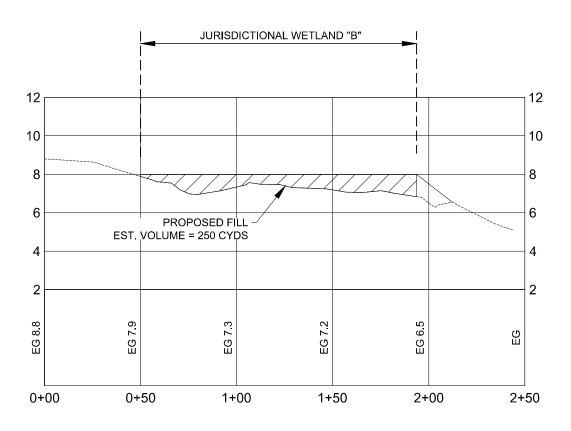
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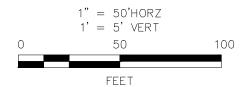
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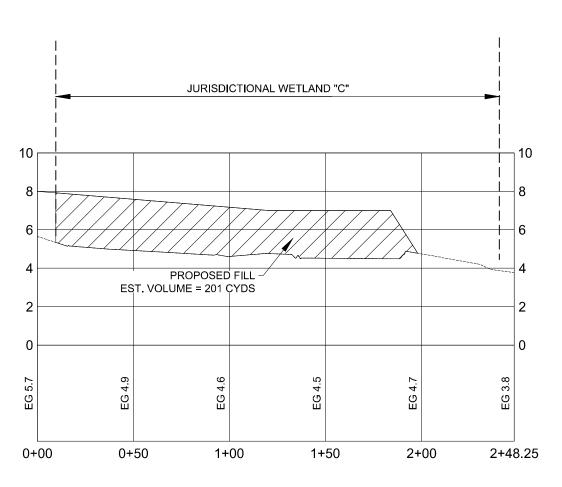
# WETLAND B PROFILE

**SHEET 12 OF 18** 



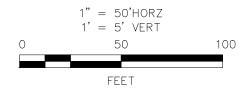
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	TH CA	ROLITA	Project Title:	PARK AT RIVERS EDGE	
CER	STAN1 CONSUL	TING	Project Location:	CITY OF NORTH CHARLESTO	N, SOUTH CAROLINA
111 - 11	SERVICES, INC No. C02310		Applicant:	HUNTER QUINN HOMES	
			Date:	AUGUST 5, 2016	Scale: As Shown
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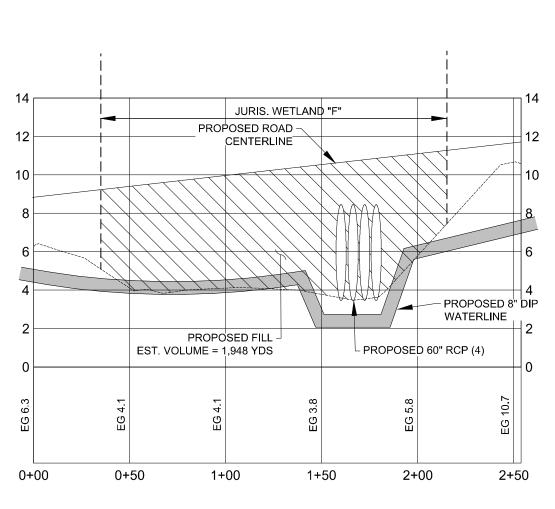
# WETLAND C PROFILE

**SHEET 12 OF 18** 



Revision	Date	Description			Survey Datum: NAVD88				
				Drawing: WET	LAND C PROFILE				
	H CA	ROLIA		Project Title:	PARK AT RIVERS EDGE				
	STANTEC CONSULTING		- \ \\\	Project Location	: CITY OF NORTH CHARL	eston, south	CAROLINA		
	SERVICES  Io. CO:	$6$ , INC $\left  \begin{array}{c} 1 \\ 1 \\ 1 \end{array} \right $		Applicant:	HUNTER QUINN HOMES				
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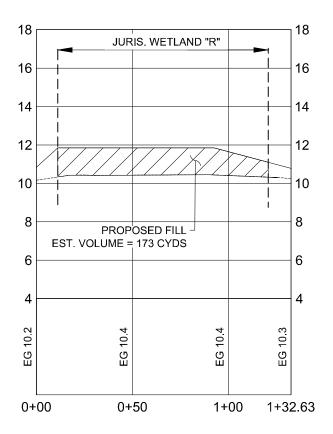
# WETLAND-ROAD CROSSING PROFILE

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Revision	Date	Description			Survey Datum: NAVD88
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	TH CA	ROLIA	Project Title:	PARK AT RIVERS EDGE	
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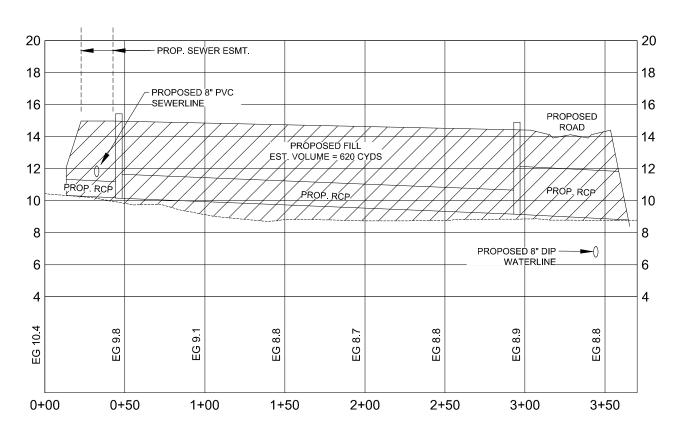
# WETLAND R PROFILE

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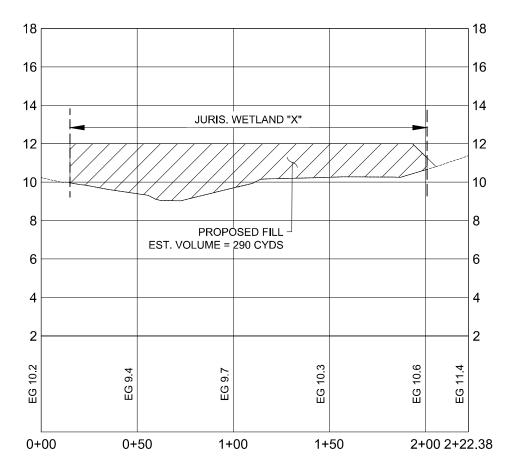


# WETLAND V PROFILE

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(CE)				Project Location:	CITY OF NORTH CHARLESTO	ON, SOUT	TH CAROLINA	
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# WETLAND X PROFILE

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111 71				Applicant:	HUNTER QUINN HOMES		
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