

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N # 2015-00110-1T

July 7, 2015

Pursuant to 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

CYPRESS ACQUISITIONS, LLC
BRIAN PARRO
C/O ECS CAROLINAS, LLP
ERIC MCCLANAHAN
3820 FABER PLACE DRIVE, SUITE 500
NORTH CHARLESTON, SC 29405

for a permit to place fill in wetlands associated with the

ASHLEY RIVER

located at the corner of Lincoln Patriot Boulevard and Dorchester Road in North Charleston, Dorchester County (32.90974 Latitude/ -80.09726 Longitude)

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 neighborhood retail center accompanied by an associated fueling station. In detail, the work includes the discharge of 4000 cubic yards of material into a total of 3.14 acres of wetlands to construct a retail center, fueling station, parking areas, entrances, and stormwater facilities. The project purpose, according to the applicant, is to provide a retail store that will serve as a new neighborhood alternative to other larger shopping centers. The typical layout for this retail center will utilize a smaller footprint than a typical "Big Box" store. The specific turn radii utilized for the delivery entrance is designed to prevent co-mingling of delivery and passenger vehicles. Loading and unloading zone access and stormwater facilities are restricted to areas behind the store.

According to the applicant, complete avoidance of the proposed wetland impacts was not avoidable due to the presence of wetlands over a significant portion of the subject site. With regards to minimization or project impacts, the applicant states that they intend to meet all of the requirements of the Section 404 general and special permit conditions. The requirement for stormwater retention areas to enhance volume and quality management is a significant contributor to a large portion of the needed wetland impacts. This stormwater pond area does, however provide a measure of impact minimization to remaining adjacent aquatic resources. The applicant also states that Best Management Practices (BMPs) including erosion control matting, mulch, silt fences, sediment tubes and other devices will be employed along all cleared boundaries, points of release and open graded areas during and immediately after construction to reduce erosion and sedimentation in remaining adjacent aquatic resources. A stormwater Pollution and Control Plan will be filed and approved by SCDHEC/OCRM prior to the initiation of clearing and construction on the site. In addition, the applicant states that that per municipal policy, the applicant will reduce and minimize the impacts to wetlands through the preservation of a 25-foot property buffer in undisturbed wetlands and uplands on the interior (non-roadway) property lines. Covenants and protections to these areas will be employed as required by local regulations. Please note that the applicant is not proposing to place these wetlands under restrictive covenants with USACE.

To compensate for the impacts to 3.14 acres of wetlands, the applicant proposes to purchase 29.9 mitigation credits from the Congaree-Carton Mitigation Bank.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> . For those unable to access the website, a copy of this notice and the associated plans will be provided, upon receipt of a written request. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided. Your request should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

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 (3.14) 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. Our 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). Our 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, based on the most recently available information that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

In accordance with the NHPA, the District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein and initially determined that no historic properties, nor properties eligible for inclusion in the National Register, are present; therefore, there will be no effect on historic properties. This public notices 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.

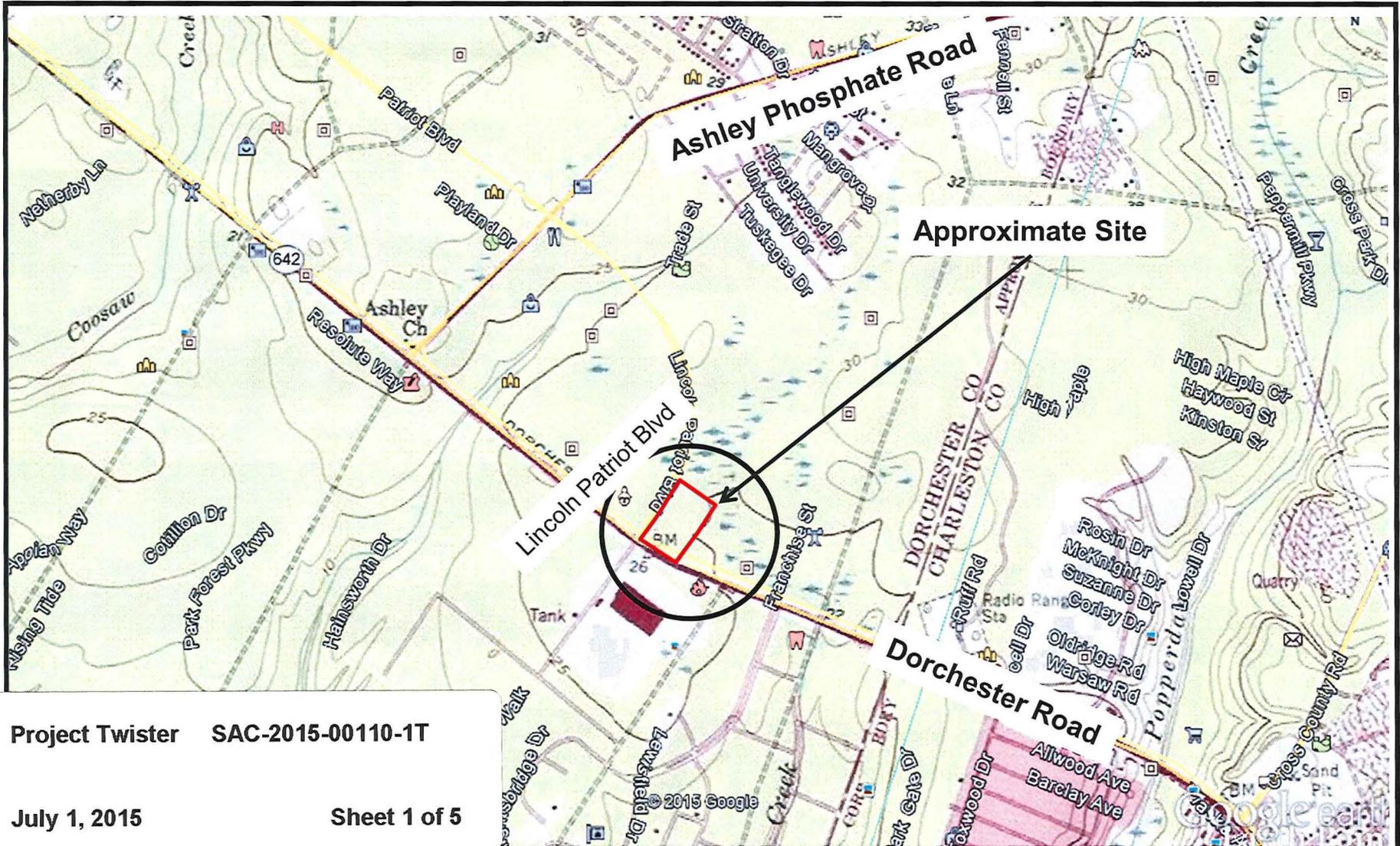
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 103 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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 of Engineers 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 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.

If there are any questions concerning this public notice, please contact **Tracy Sanders** 843-329-8044 or toll free at 1-866-329-8187.

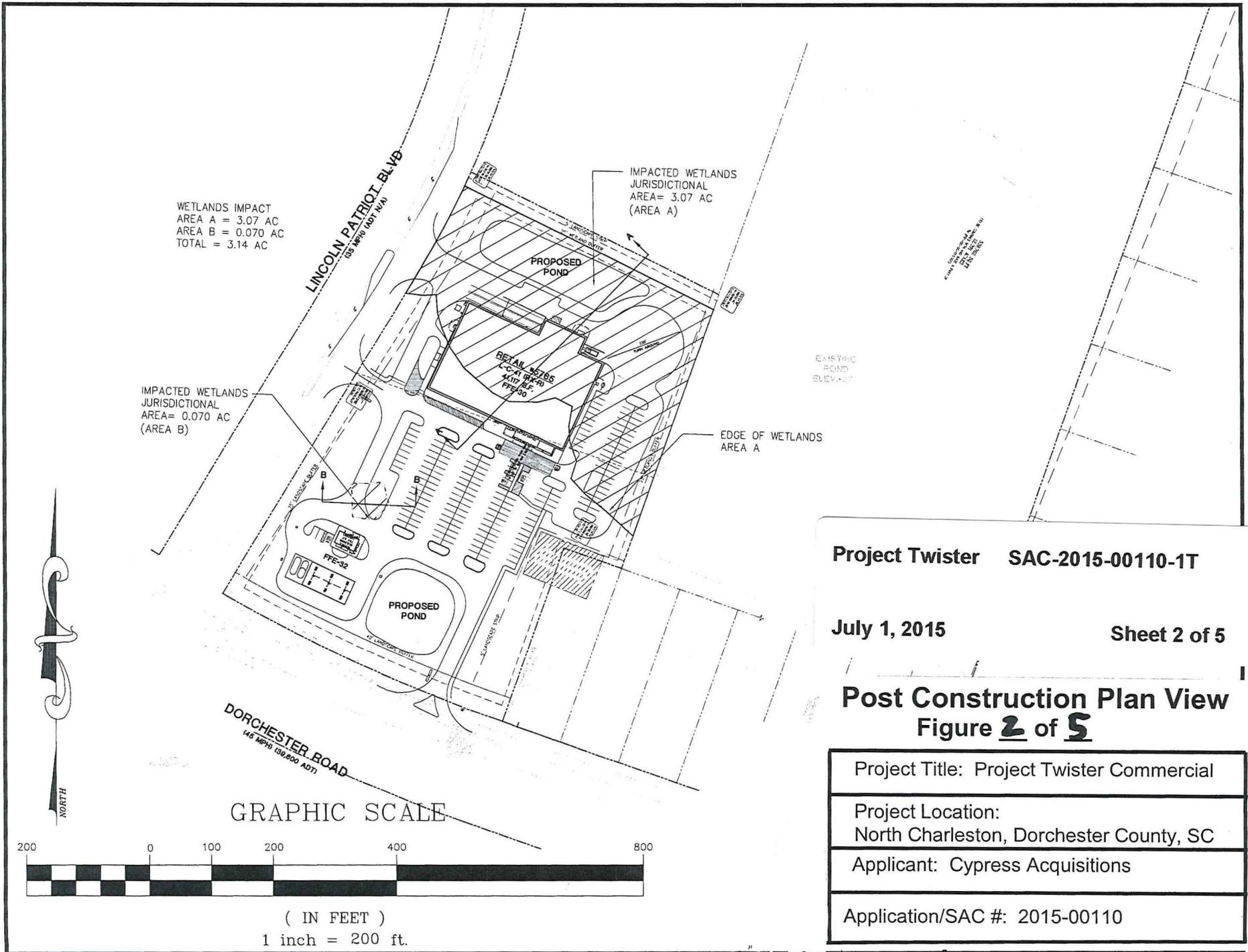


Project Twister SAC-2015-00110-1T

July 1, 2015

Sheet 1 of 5

Location Map			Revisions	
			Date	Initials
Project Title: Project Twister Commercial	Date: 05/21/2015	Scale: NTS		
Project Location: North Charleston, Dorchester County, SC	Application/SAC #: 2015-00110	Figure 1 of 5		
Applicant: Cypress Acquisitions				



Project Twister SAC-2015-00110-1T

July 1, 2015

Sheet 2 of 5

**Post Construction Plan View
 Figure 2 of 5**

Project Title: Project Twister Commercial
Project Location: North Charleston, Dorchester County, SC
Applicant: Cypress Acquisitions
Application/SAC #: 2015-00110



WETLANDS IMPACT
 AREA A = 3.07 AC
 AREA B = 0.070 AC
 TOTAL = 3.14 AC

LINCOLN PATRIOT BLVD
 (56 MPH) (ADT N/A)

IMPACTED WETLANDS
 JURISDICTIONAL
 AREA= 3.07 AC
 (AREA A)

IMPACTED WETLANDS
 JURISDICTIONAL
 AREA= 0.070 AC
 (AREA B)

PROPOSED
 POND

RETAIL 95765
 L-C-41 (X-R)
 4117 S.F.
 FFE 90

150'
 TURN AROUND

EDGE OF
 WETLANDS
 AREA A

Project Twister SAC-2015-00110-1T

July 1, 2015

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GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.

Post Construction Plan View
Figure 3 of 5

Project Title: Project Twister Commercial

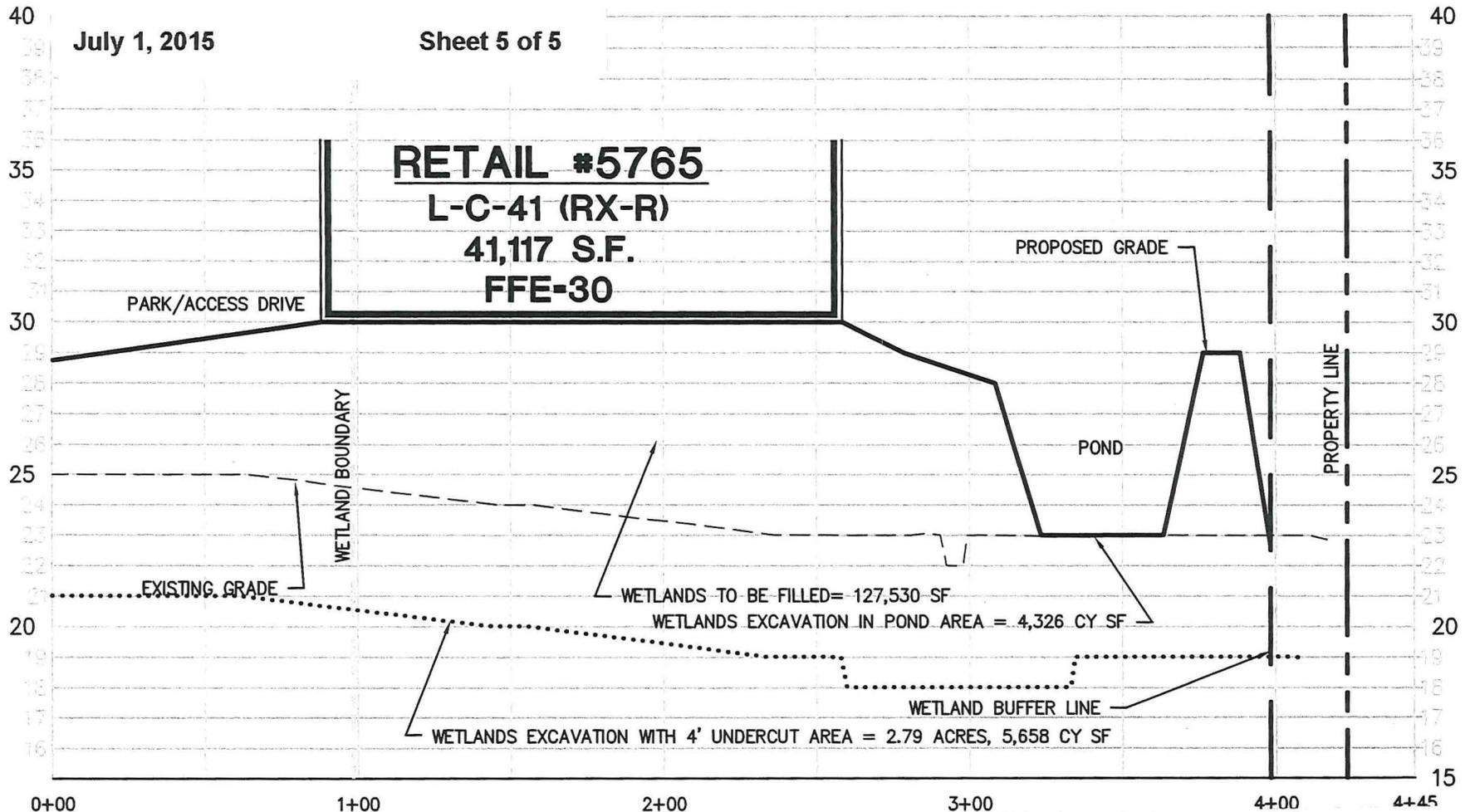
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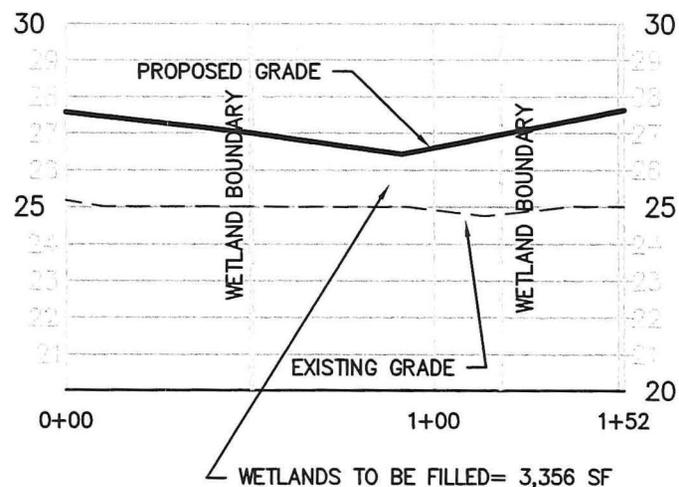
Sheet 5 of 5



Cross Section
Figure 4 of 5

A-A
scale: 1"=50' horizontal
1"=5' vertical

Project Title: Project Twister Commercial
Project Location: North Charleston, Dorchester County, SC
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B-B

scale: 1"=50' horizontal
1"=5' vertical

Cross Section Figure 5 of 5

Project Twister SAC-2015-00110-1T

July 1, 2015

Sheet 4 of 5

Project Title: Project Twister Commercial

Project Location:
North Charleston, Dorchester County, SC

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