

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, SC 29403-5107

and

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-2008-02317

July 12, 2017

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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. Patrick Kelly
Habersham Land Company
22 Market
Beaufort, South Carolina 29906

for a permit to construct a mixed-use residential and commercial development near

Habersham Creek

at a location adjacent and north of Cherokee Farms Road in Port Royal, in Beaufort County, South Carolina (Latitude: 32.4315 °N, Longitude: -80.7768 °W), Quad Sheet: Laurel Bay.

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 constructing a mixed-use residential and commercial development known as Cherokee Farms. In detail, the applicant proposes to impact 1.886 acres of jurisdictional wetlands. Specifically, they propose to fill 1.107 acres of wetlands for road crossings and building pads and to excavate 0.779 acres of wetlands for a stormwater retention pond. All excavated material from the wetlands will be placed on adjacent high land and or disposed of offsite, if necessary. Prior to construction, the applicant will develop a pre- and post-construction stormwater management plan for SCDHEC approval. During construction, sediment control BMPs will be implemented and maintained to prevent erosion of sediment into remaining wetlands or onto offsite properties. The applicant will use clean fill material. The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 16.01 credits from the Sweetleaf Swamp Mitigation Bank. The project purpose is to provide housing and commercial space to support current and future demands in the Burton Community.

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

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 1.886 acres of freshwater 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, 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.

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)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. 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 any 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. 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 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
Charleston, SC 29403-5107**

If there are any questions concerning this public notice, please contact Chelsea B. Fannin, Project Manager, at (843) 329-8044.

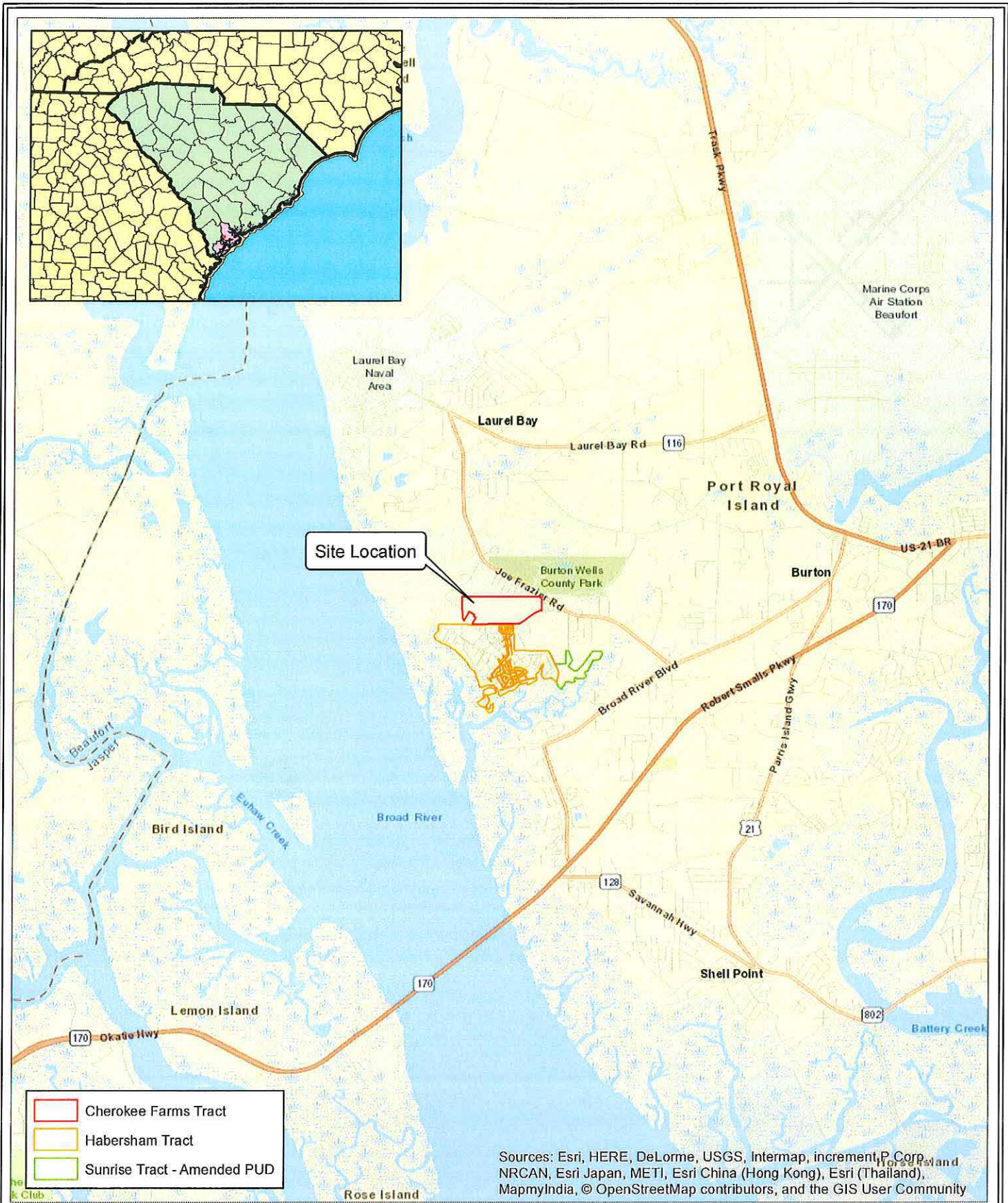
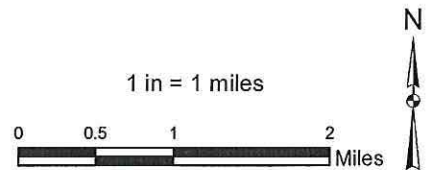


Figure 1: Vicinity Map
 Habersham Land Company -
 Cherokee Farms
 Cherokee Farms Road
 Port Royal, Beaufort County, SC
 Date: March 2017



952 Houston Northcutt Blvd., Suite 100
 Mt. Pleasant, South Carolina 29464
 Ph: (803) 556-2624 Fx: (843) 556-34329
 www.jmt.com



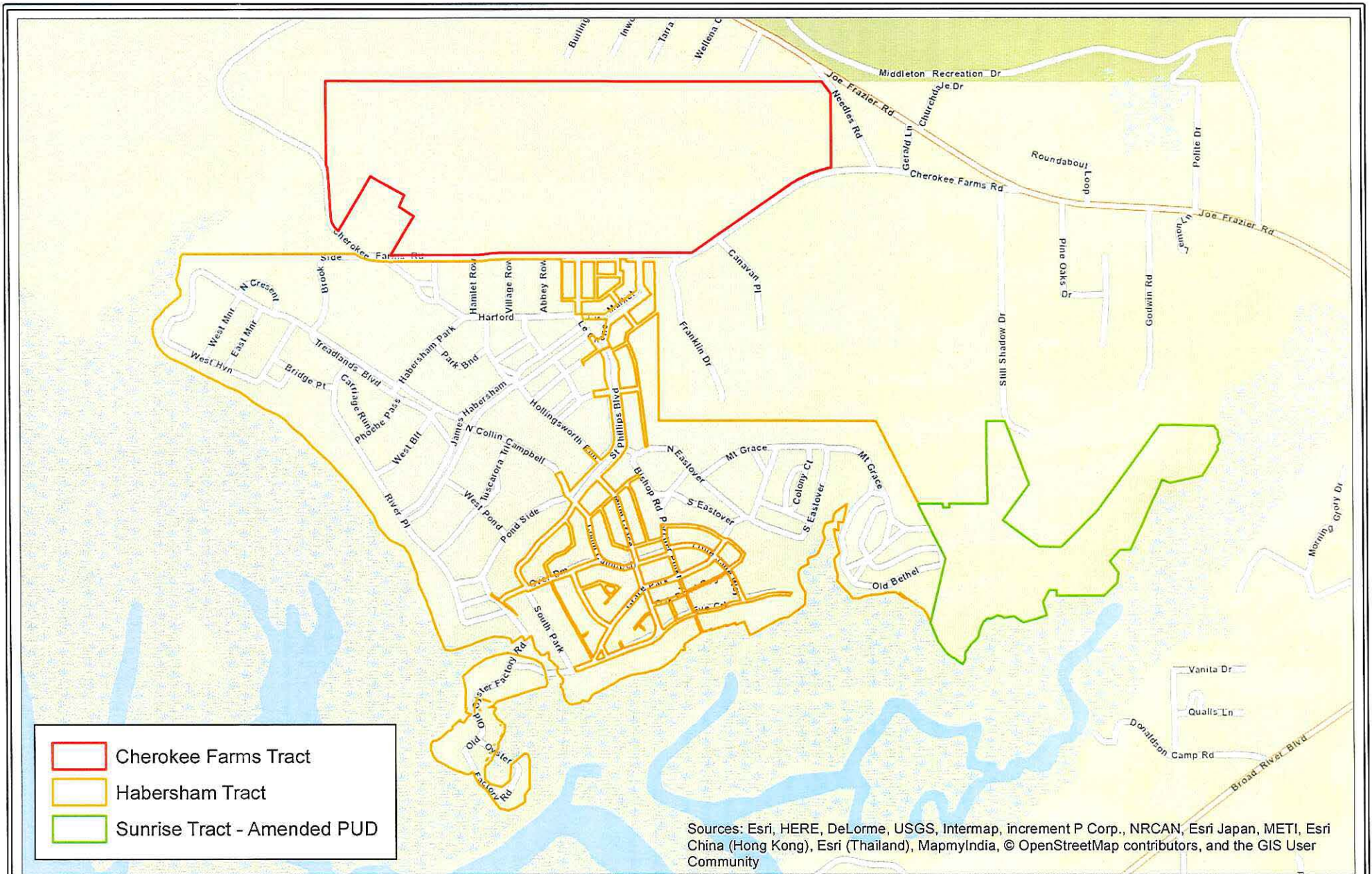
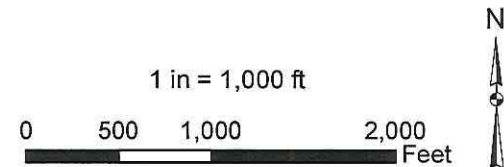
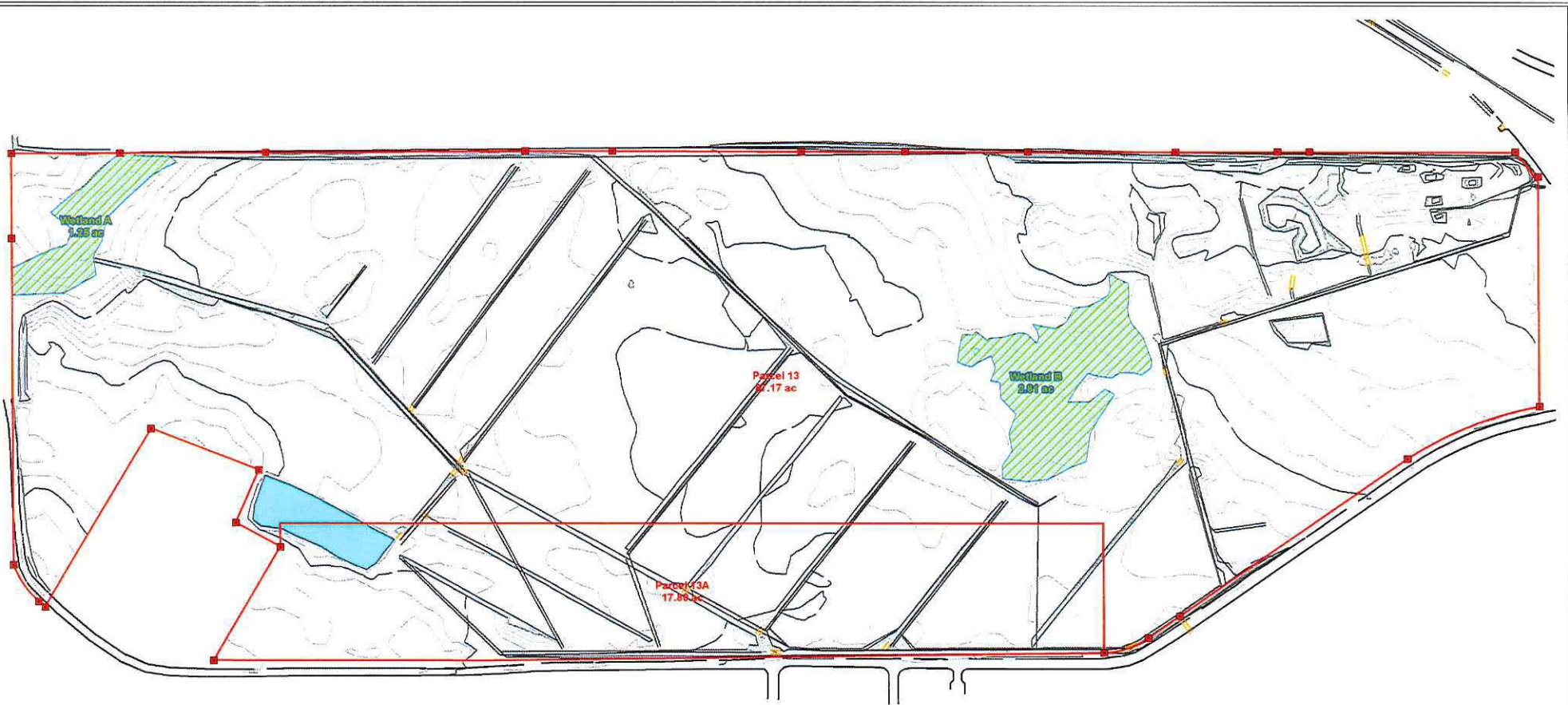



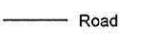

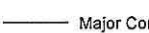




Figure 2: Project Location Map
 Habersham Land Company -
 Cherokee Farms
 Cherokee Farms Road
 Port Royal, Beaufort County, South Carolina
 Date: March 2017


 952 Houston Northcutt Blvd., Suite 100,
 Mt. Pleasant, Charleston County, SC
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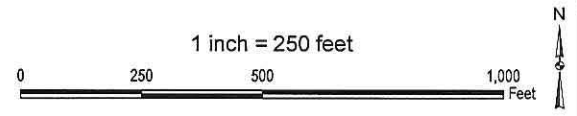


	Parcel 13 (~ 87.17 ac)		Culvert
	Parcel 13A (~ 17.80 ac)		Road
	Jurisdictional Wetland (Approved)		Major Contour
	Pond		Minor Contour



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 Mount Pleasant, South Carolina 29464
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 www.jmt.com

Figure 3 - Existing Conditions
 Habersham Land Company - Cherokee Farms
 Applicant: Habersham Land Company
 Beaufort, South Carolina
 Source: ESRI
 Date: March 2017



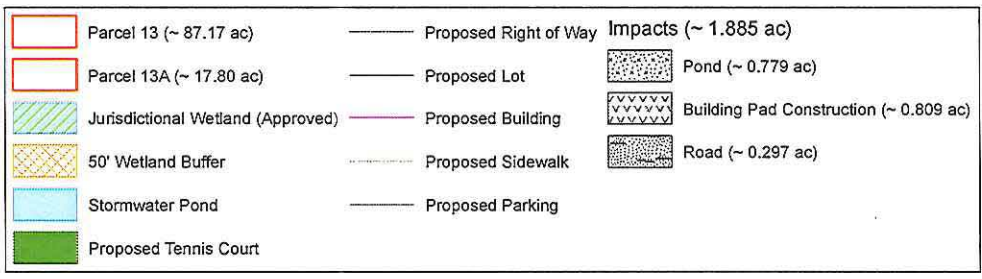
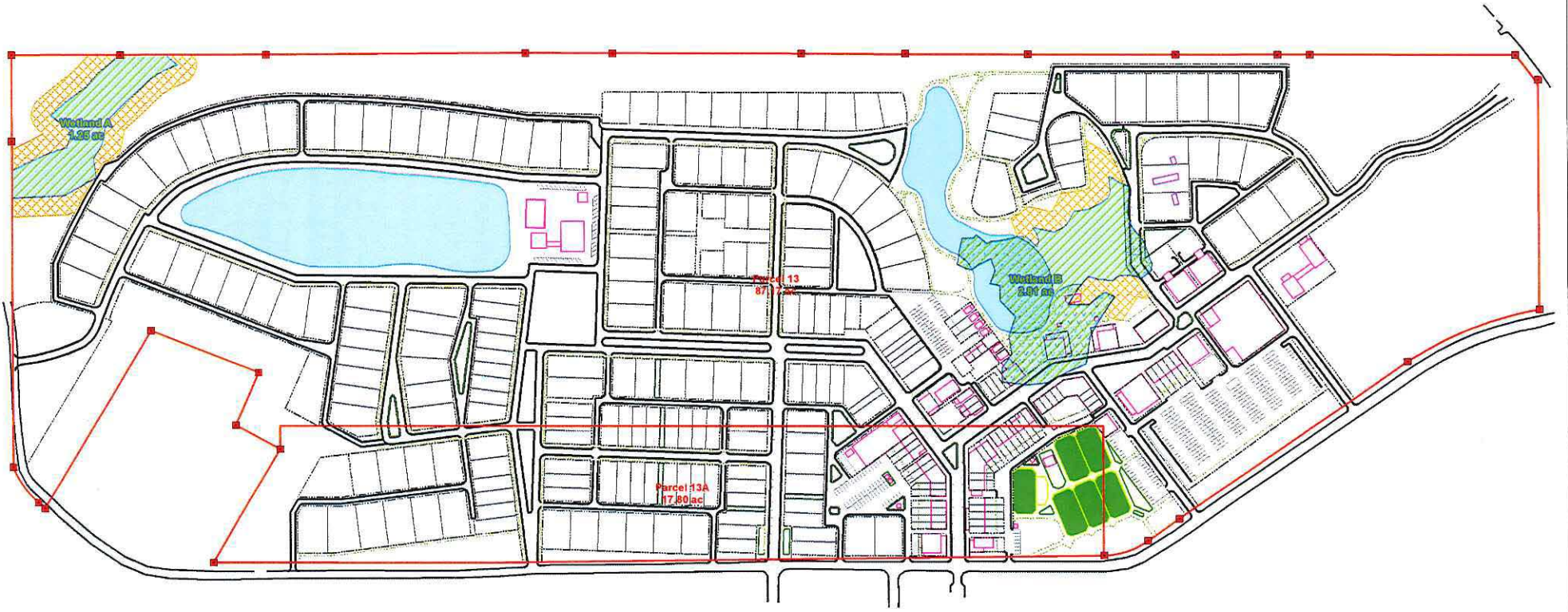
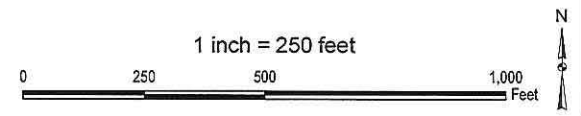


Figure 4 - Proposed Conditions
 Habersham Land Company - Cherokee Farms
 Applicant: Habersham Land Company
 Beaufort, South Carolina
 Source: ESRI
 Date: March 2017



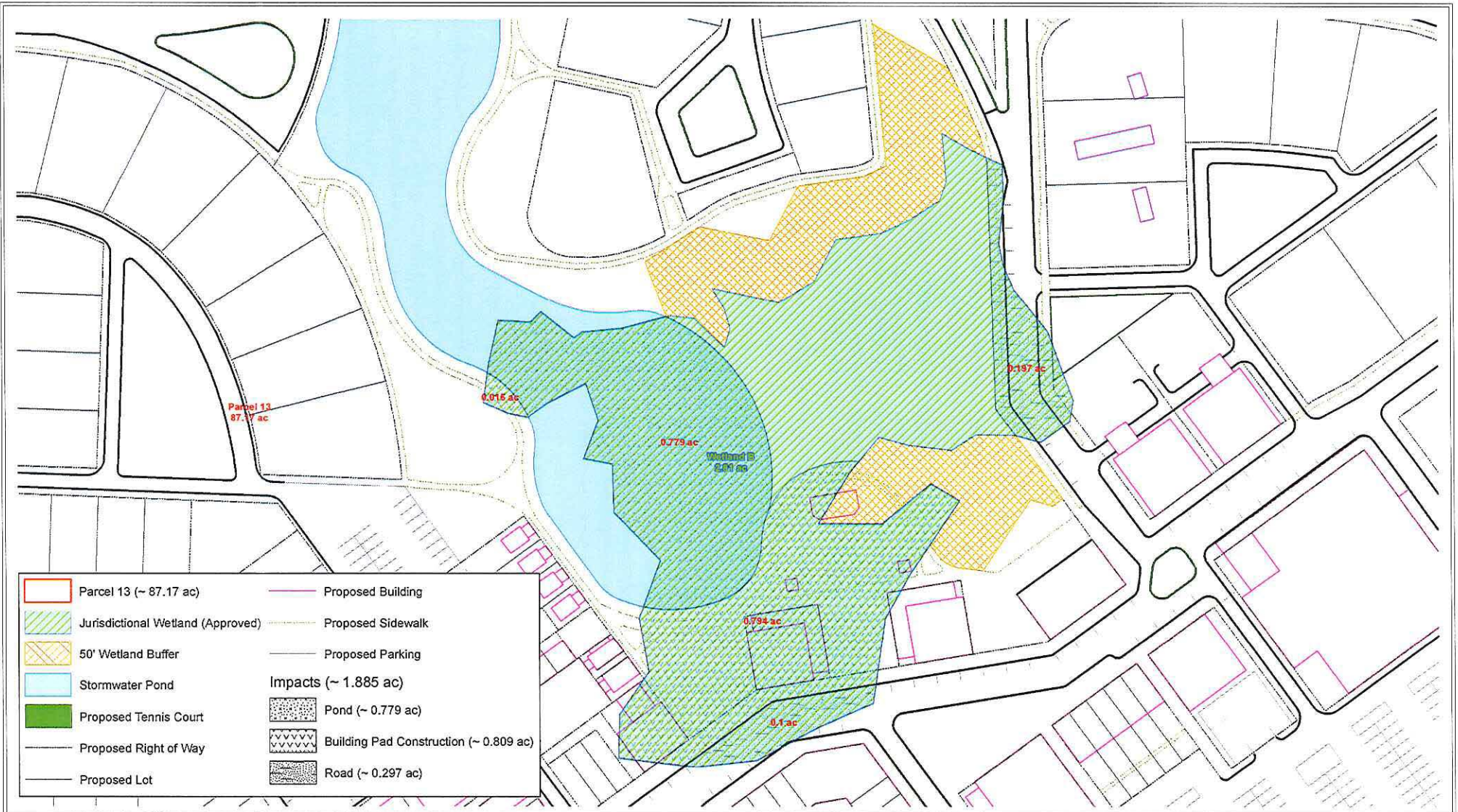
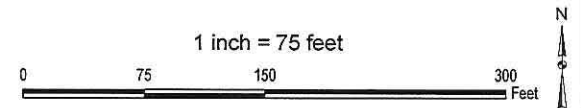
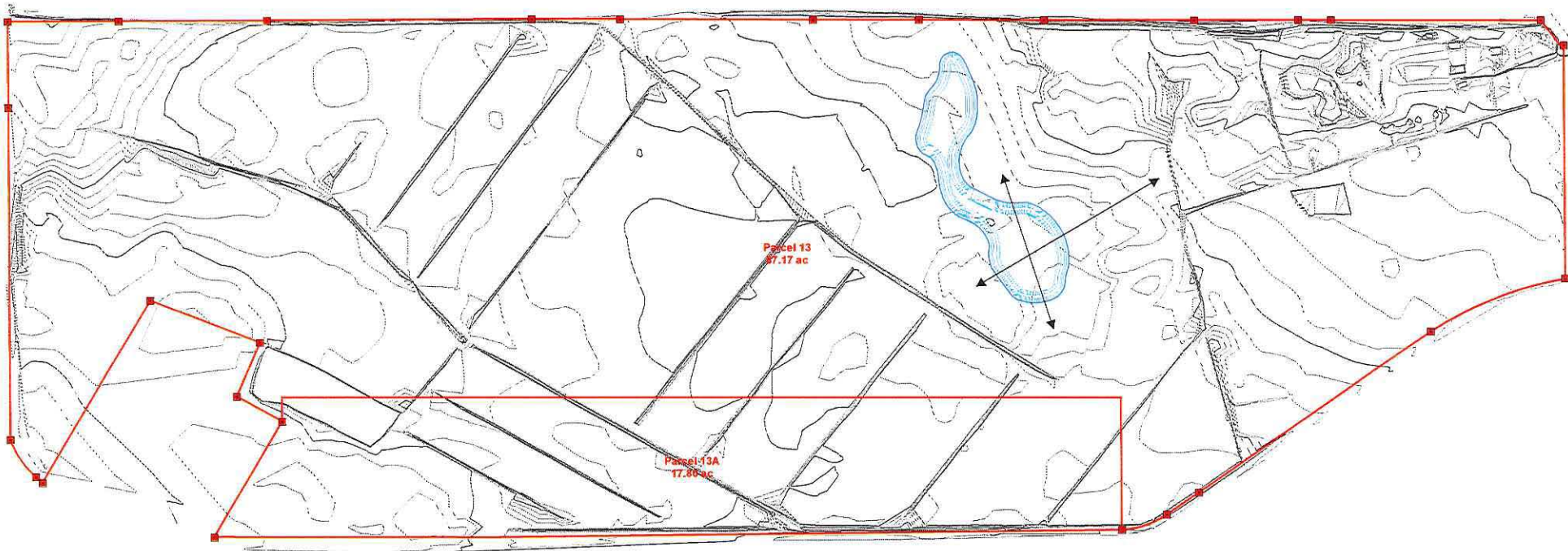


Figure 5 - Proposed Impacts - Wetland B
 Habersham Land Company - Cherokee Farms
 Applicant: Habersham Land Company
 Beaufort, South Carolina
 Source: ESRI
 Date: March 2017



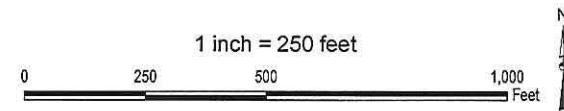


	Parcel 13 (~ 87.17 ac)		Stormwater Pond Boundary		Minor Contour
	Parcel 13A (~ 17.80 ac)		Stormwater Pond Major Contour		Stormwater Pond Minor Contour
	Cross Section		Major Contour		
	Station				



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Figure 6 - Profile Impacts
 Habersham Land Company - Cherokee Farms
 Applicant: Habersham Land Company
 Beaufort, South Carolina
 Source: ESRI
 Date: March 2017



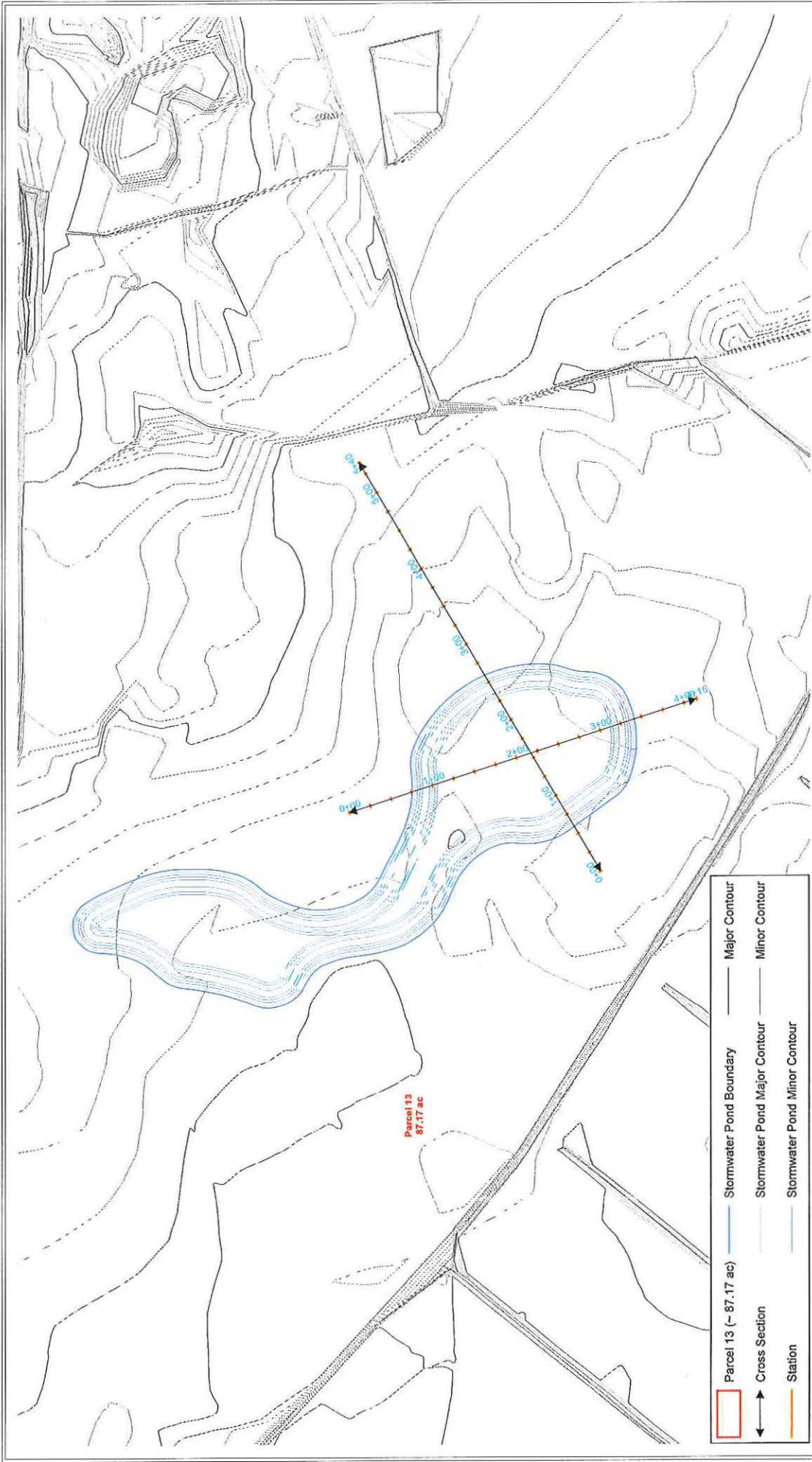
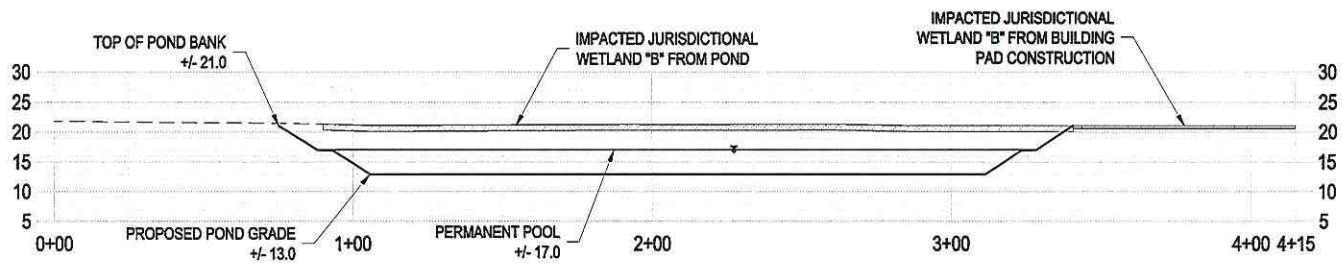


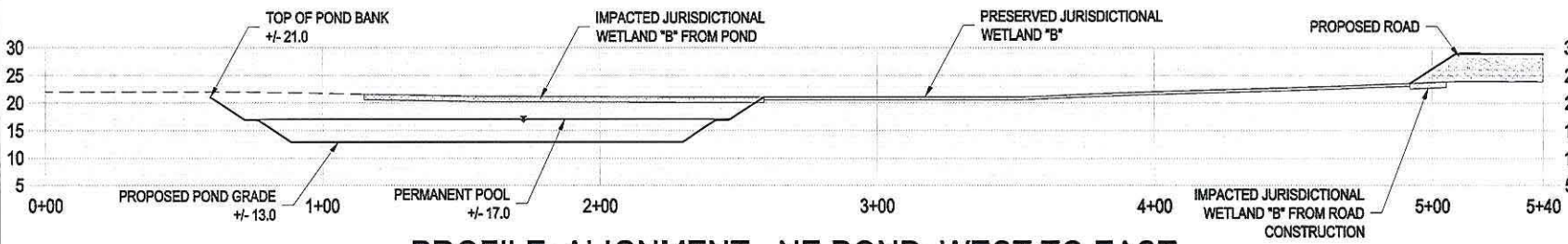
Figure 7 - Profile - Stormwater Basin
 Habersham Land Company - Cherokee Farms
 Applicant: Habersham Land Company
 Beaufort, South Carolina
 Source: ESRI
 Date: March 2017

H:\Jobs\Even\13378-000004 Wetlands Permitting Support\Cherokee Farms Plan- Wetlands Profiles.dwg, 2/20/2017 3:18:14 PM, William L. Balentine, Jr.



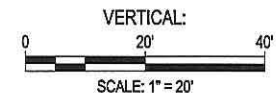
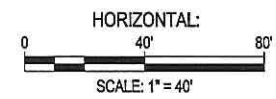
PROFILE: ALIGNMENT - NE POND: NORTH TO SOUTH

SCALES: 1" = 40' HORIZONTAL 1" = 20' VERTICAL



PROFILE: ALIGNMENT - NE POND: WEST TO EAST

SCALES: 1" = 40' HORIZONTAL 1" = 20' VERTICAL



DAVIS & FLOYD
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OWNER: HABERSHAM LAND COMPANY
BEAUFORT, SOUTH CAROLINA
LOCATION: CHEROKEE FARMS
PROJECT TITLE:

DRAWING TITLE: PROPOSED WETLANDS PROFILE

DESIGNED	JWP	WLB	JOB NO.	13378.00
CHECKED	JWP	WLB	DATE	FEBRUARY 2017
APPROVED	JWP			

Fig. 8