

**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**  
Water Quality Certification and Wetlands Section  
2600 Bull Street  
Columbia, South Carolina 29201

REGULATORY DIVISION  
Refer to: P/N SAC-2017-01308

July 18, 2018

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. Rick Mixson**  
**Portside Investment Group, LLC**  
**c/o Mr. Andy Ruocco**  
**Terracon Consultants, Inc.**  
**1450 Fifth Street West**  
**North Charleston, South Carolina 29405**

for a permit to place fill material in freshwater, non-tidal wetlands associated with the

**Stanley Branch**

On Red Bay Road off of Jedburg Road in Summerville, Berkeley County, South Carolina (Latitude: 33.0611 °N, Longitude: -80.18166 °W), (Summerville Quad Sheet).

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 discharge of fill material into freshwater, non-tidal wetlands for the development of heavy construction equipment sales facility. In detail, the proposed

project involves the discharge of fill material into 4.97 acres (16,000 cubic yards) of freshwater, non-tidal wetlands for the construction of two warehouse buildings, a showroom facility, stormwater features, access roads, parking, and an exterior equipment display area. The proposed project also involves the excavation of 0.929 acre (40,000 cubic yards) of freshwater, non-tidal wetlands for the construction of stormwater retention ponds and a drainage feature for stormwater management. Proposed impacts total 5.88 acres of wetlands and waters of the U.S. The proposed project purpose is to develop a used heavy construction sales facility along Interstate 26 in Berkeley County, South Carolina. The need for the proposed project is based on the high local demand for used heavy equipment. Avoidance of impacts to wetlands and waters of the U.S. have occurred by avoiding 0.1 acre of wetlands on the southern portion of the site and 1,003 linear feet of non-wetlands waters on the western portion of the site. The proposed impacts will require 61.4 mitigation credits. To compensate for proposed project impacts, the applicant is proposing to purchase 30.7 restoration/enhancement credits from Congaree Carton Mitigation Bank. In addition, the applicant is also proposing Permittee Responsible Mitigation (PRM) in the form of preservation of approximately 86 acres of wetlands at an offsite location. The PRM site is located 1.8 miles north of the intersection of Red Oak Road and Peirce Road in Cottageville, Colleton County, South Carolina. The proposed PRM site is located in the Edisto River Watershed, HUC 03050206. The site is 153 acres in size and contains approximately 86 acres of wetlands. The applicant has indicated that the preservation of 86 acres of wetlands with 50-foot upland buffers would generate 55.8 credits of preservation. The location of the PRM site and approximate wetland boundaries are included with the public notice drawings. The applicant proposed to place restrictive covenants on the wetlands and buffers. Please note that as of the date of this public notice, the wetland boundaries and acreages of the wetlands on the proposed PRM have not been reviewed and confirmed by the Corps.

**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 5.88 acres of freshwater, non-tidal 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, 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 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.

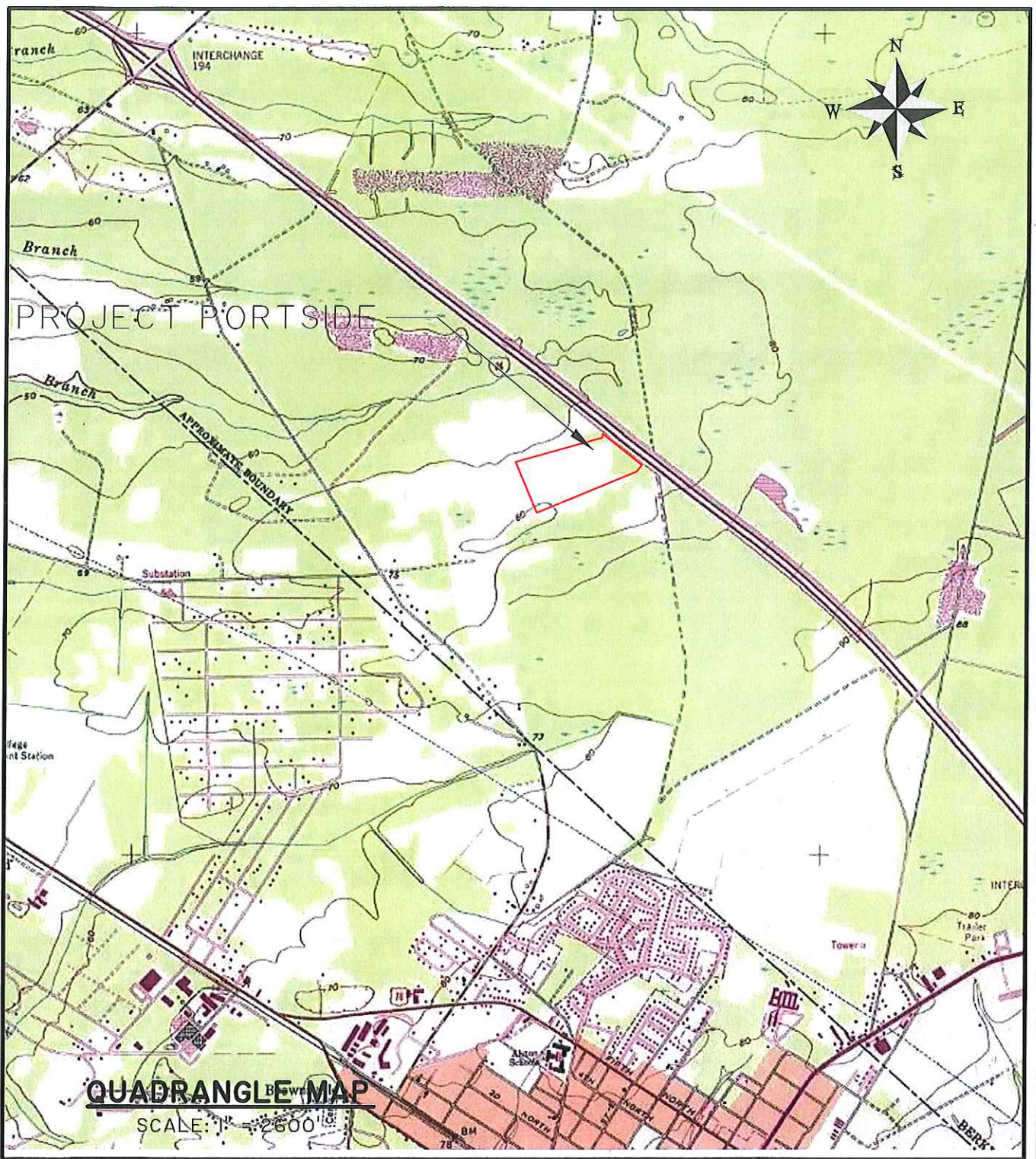
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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 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 Tracy D. Sanders, Project Manager, at (843) 329-8190 or toll free at 1-866-329-8187.



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# PROJECT PORTSIDE

PROPOSED ACTIVITY

WETLAND

CLIENT:

PORTSIDE DEVELOPMENT GROUP, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 07.03.18

JOB NUMBER: J-26941

DRAWN BY: MCL

REVIEWED BY: MBS

SHEET: 1 OF 8

SCALE: 1" = 2600'



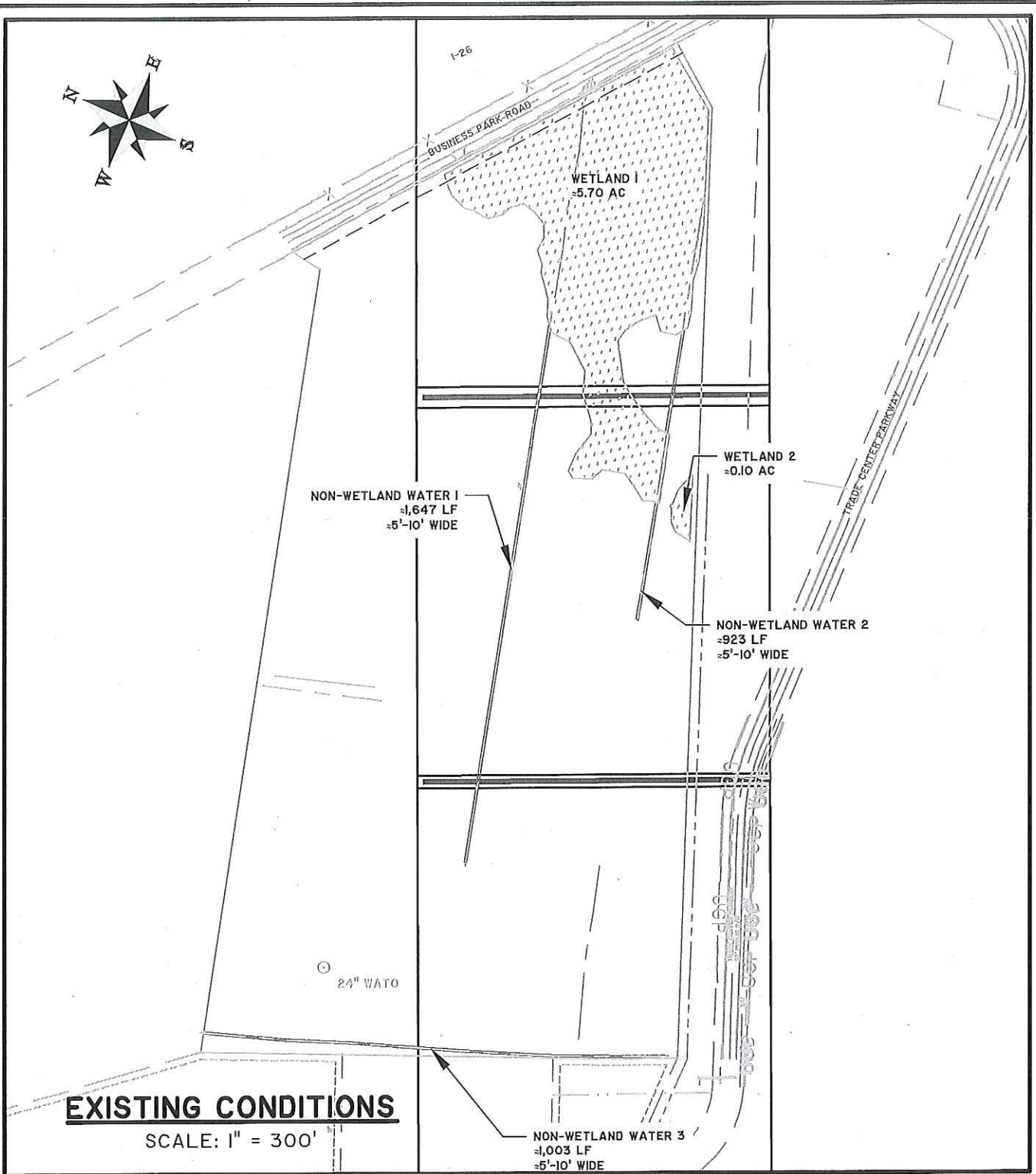
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# PROJECT PORTSIDE

PROPOSED ACTIVITY

WETLAND

CLIENT:

PORTSIDE DEVELOPMENT GROUP, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 06.03.18

JOB NUMBER: J-26941

DRAWN BY: MCL

REVIEWED BY: MBS

SHEET: 2 OF 8

SCALE: 1" = 300'



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<u>FILL</u>	<u>WETLAND IMPACT SUMMARY</u>	<u>TOTAL</u>
	SITE DEVELOPMENT FILL	4.80
	SITE DEVELOPMENT EXCAVATION	0.90
	<u>DITCH IMPACT SUMMARY</u>	
	SITE DEVELOPMENT FILL	0.17
	SITE DEVELOPMENT EXCAVATION	0.01
	<u>PROPERTY SUMMARY</u>	
	TOTAL PROPERTY ACRES:	40.97
	TOTAL WETLAND IMPACT:	5.70
	TOTAL DITCH IMPACT:	0.18
	TOTAL WATERS OF THE US IMPACTS:	5.88

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PROPOSED ACTIVITY

WETLAND

CLIENT:

PORTSIDE DEVELOPMENT GROUP, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 07.03.18

JOB NUMBER: J-26941

DRAWN BY: MCL

REVIEWED BY: MBS

SHEET: 3 OF 8

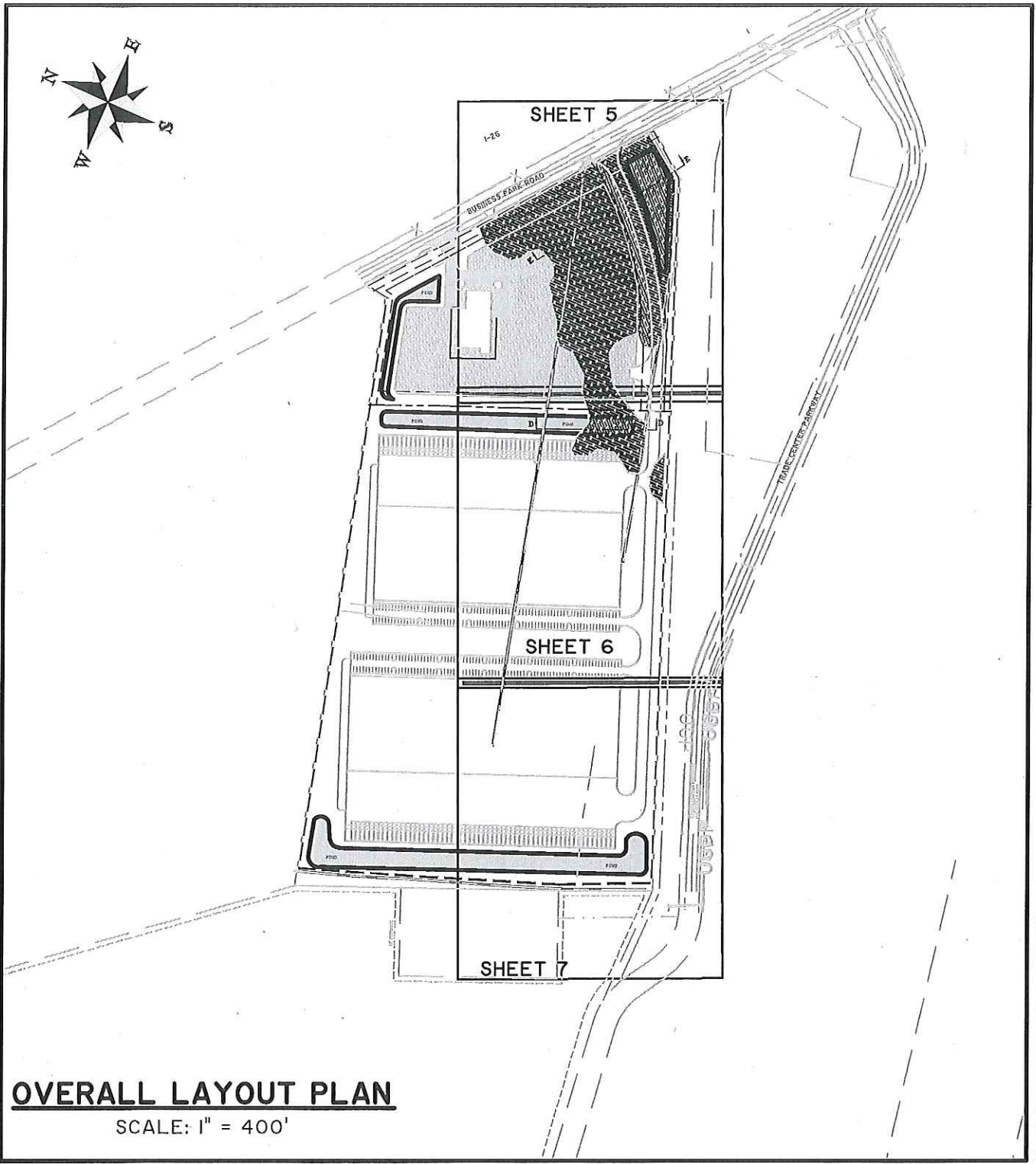
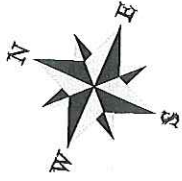
SCALE:

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**OVERALL LAYOUT PLAN**

SCALE: 1" = 400'

**PROJECT PORTSIDE**

PROPOSED ACTIVITY  
WETLAND

CLIENT:  
PORTSIDE DEVELOPMENT GROUP, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 07.03.18  
JOB NUMBER: J-26941

DRAWN BY: MCL  
REVIEWED BY: MBS

SHEET: 4 OF 8  
SCALE: 1" = 400'

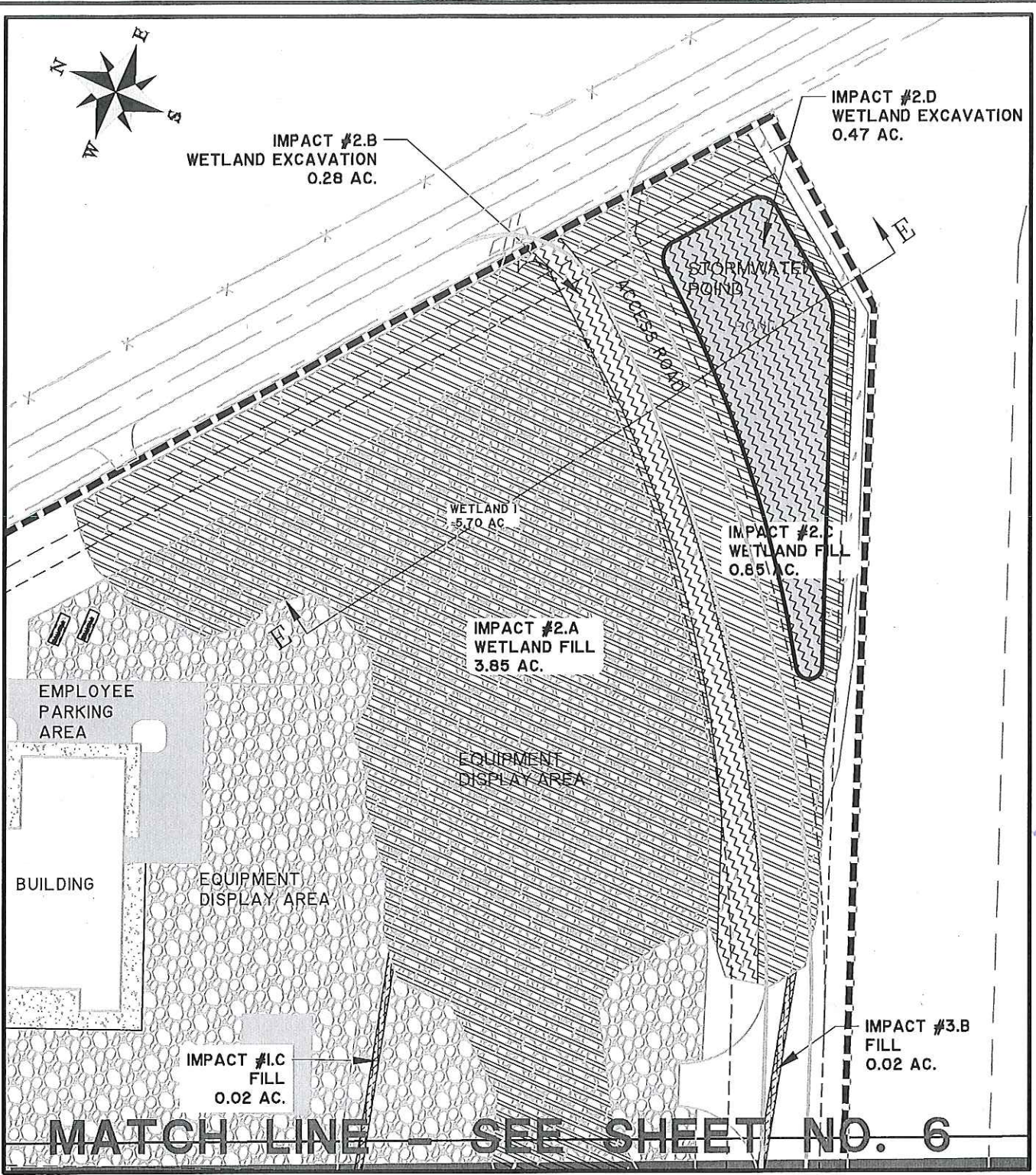


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# PROJECT PORTSIDE

PROPOSED ACTIVITY

WETLAND

CLIENT:

PORTSIDE DEVELOPMENT GROUP, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 07.03.18

JOB NUMBER: J-26941

DRAWN BY: MCL

REVIEWED BY: MBS

SHEET: 5 OF 8

SCALE: 1" = 100'



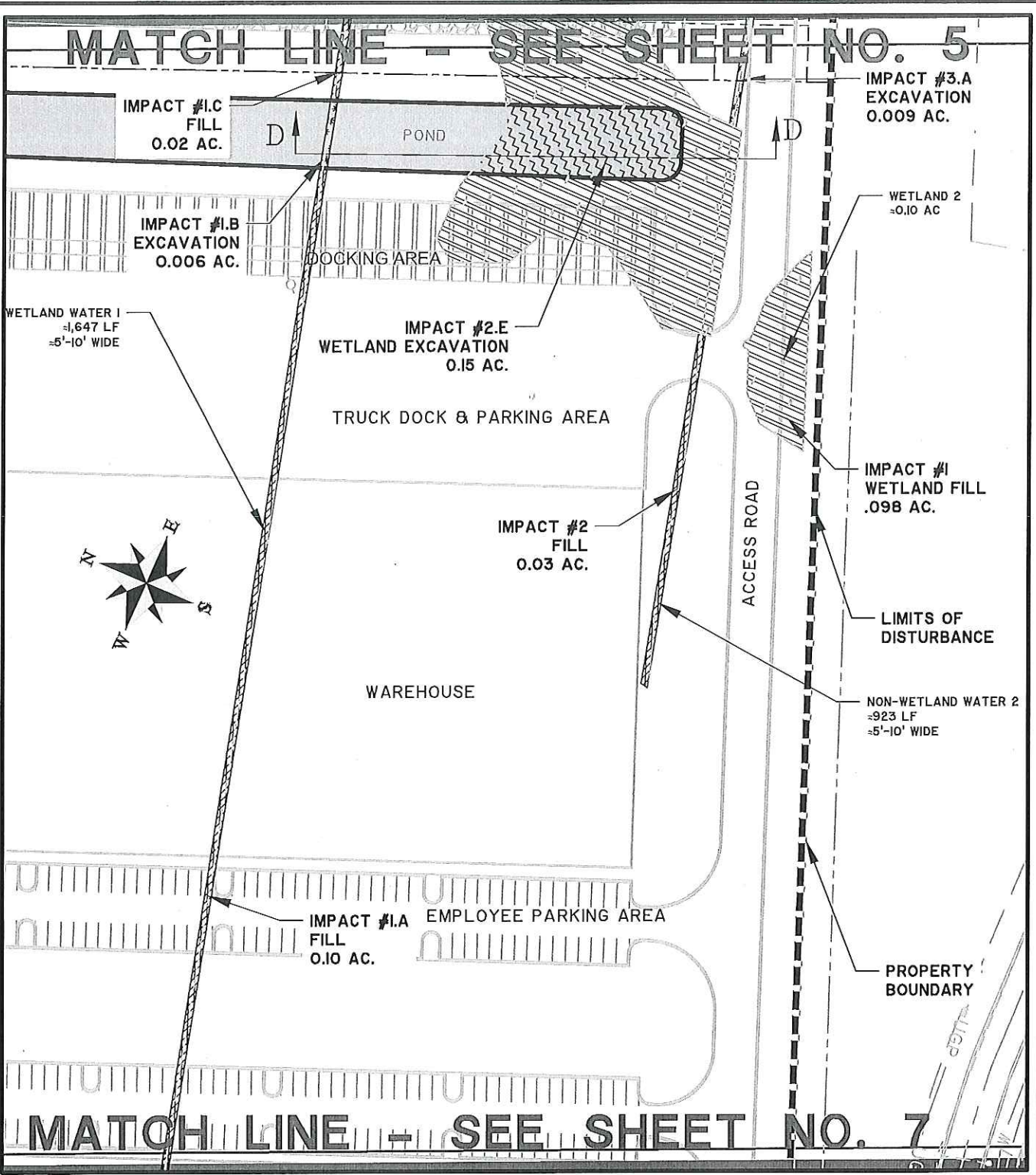
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**PROJECT PORTSIDE**  
 PROPOSED ACTIVITY  
 WETLAND  
 CLIENT:  
 PORTSIDE DEVELOPMENT GROUP, LLC  
 LOCATION: BERKELEY COUNTY, SC  
 DATE: 07.03.18  
 JOB NUMBER: J-26941

DRAWN BY: MCL  
 REVIEWED BY: MBS

SHEET: 6 OF 8  
 SCALE: 1" = 100'

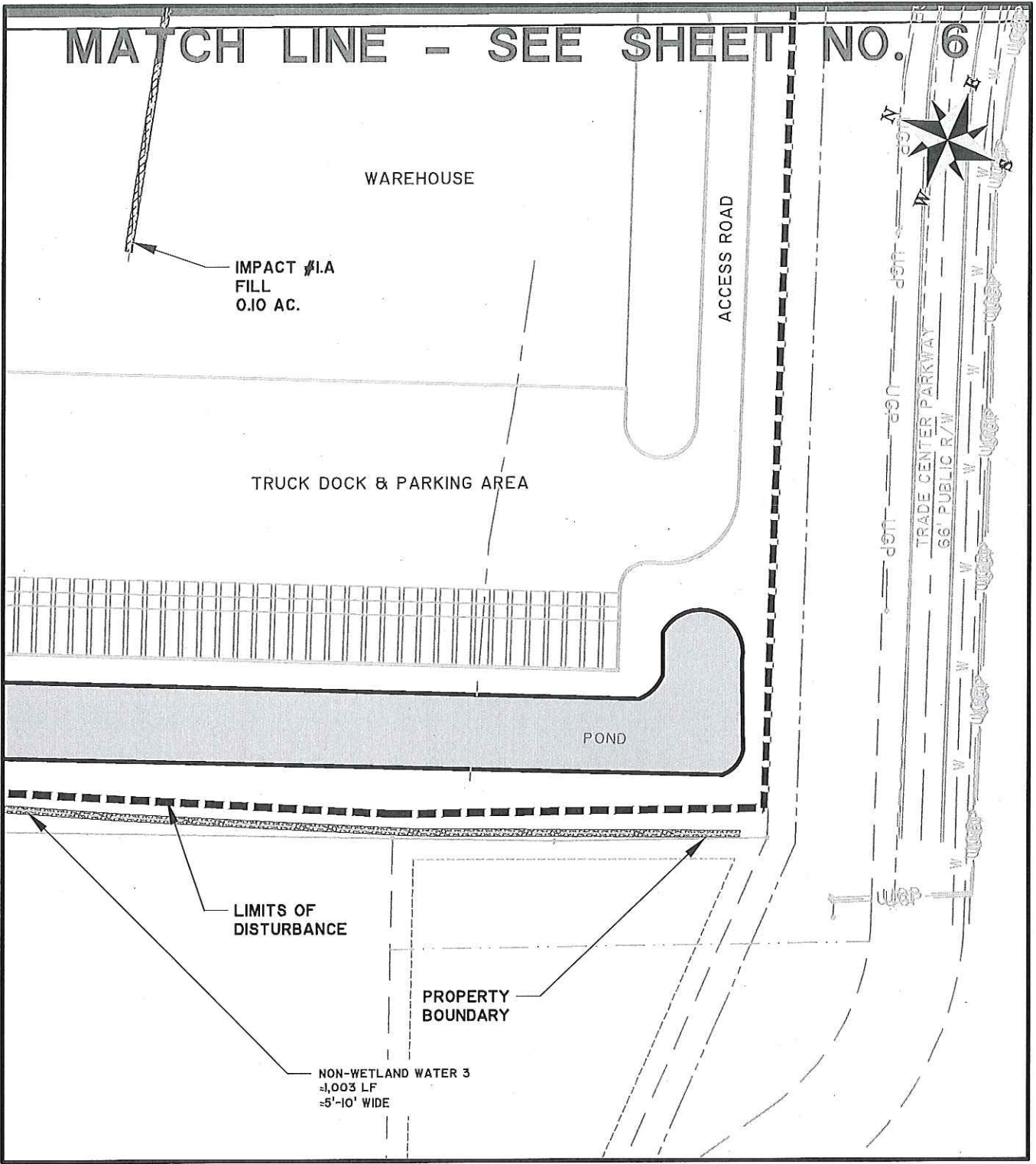
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MATCH LINE - SEE SHEET NO. 6



# PROJECT PORTSIDE

PROPOSED ACTIVITY  
WETLAND

CLIENT:  
PORTSIDE DEVELOPMENT GROUP, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 07.03.18

JOB NUMBER: J-26941

DRAWN BY: MCL

REVIEWED BY: MBS

SHEET: 7 OF 8

SCALE: 1" = 100'

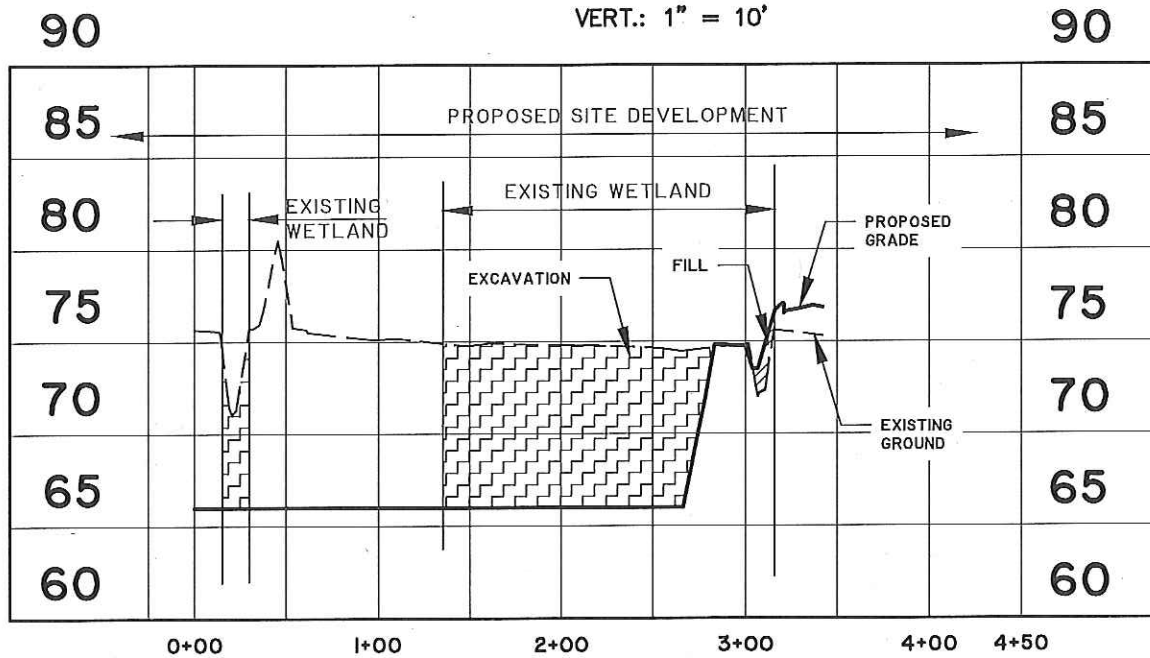
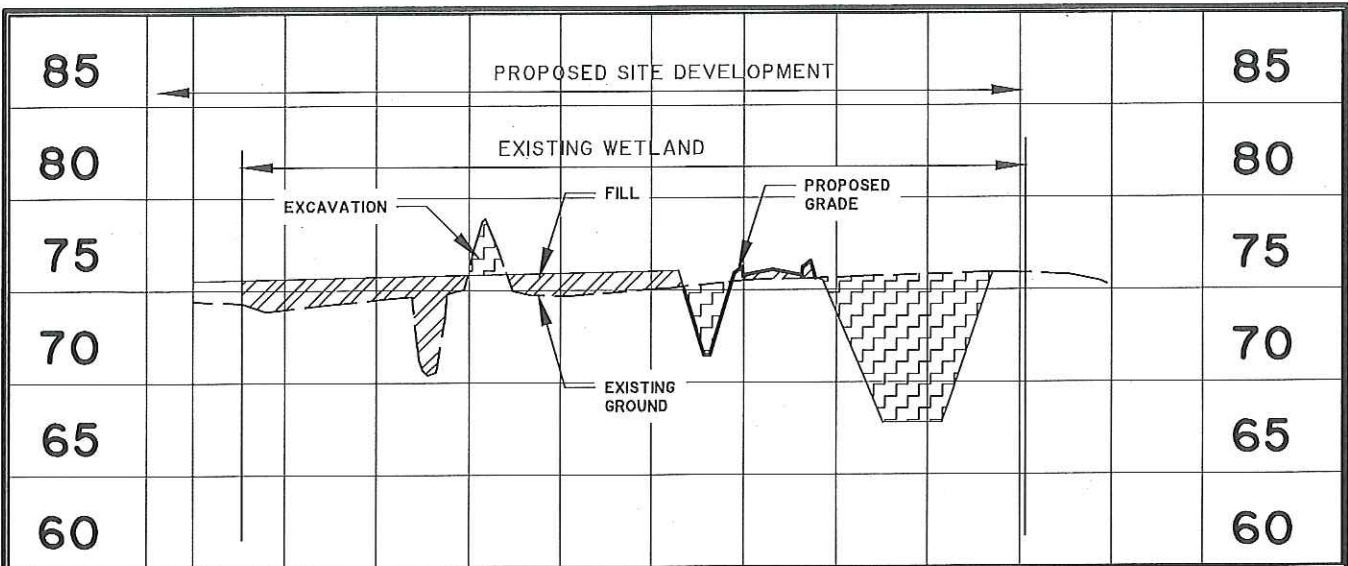
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## PROJECT PORTSIDE

PROPOSED ACTIVITY

WETLAND

CLIENT:

PORTSIDE DEVELOPMENT GROUP, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 07.03.18

JOB NUMBER: J-26941

DRAWN BY: MCL

REVIEWED BY: MBS

SHEET: 8 OF 8

SCALE:

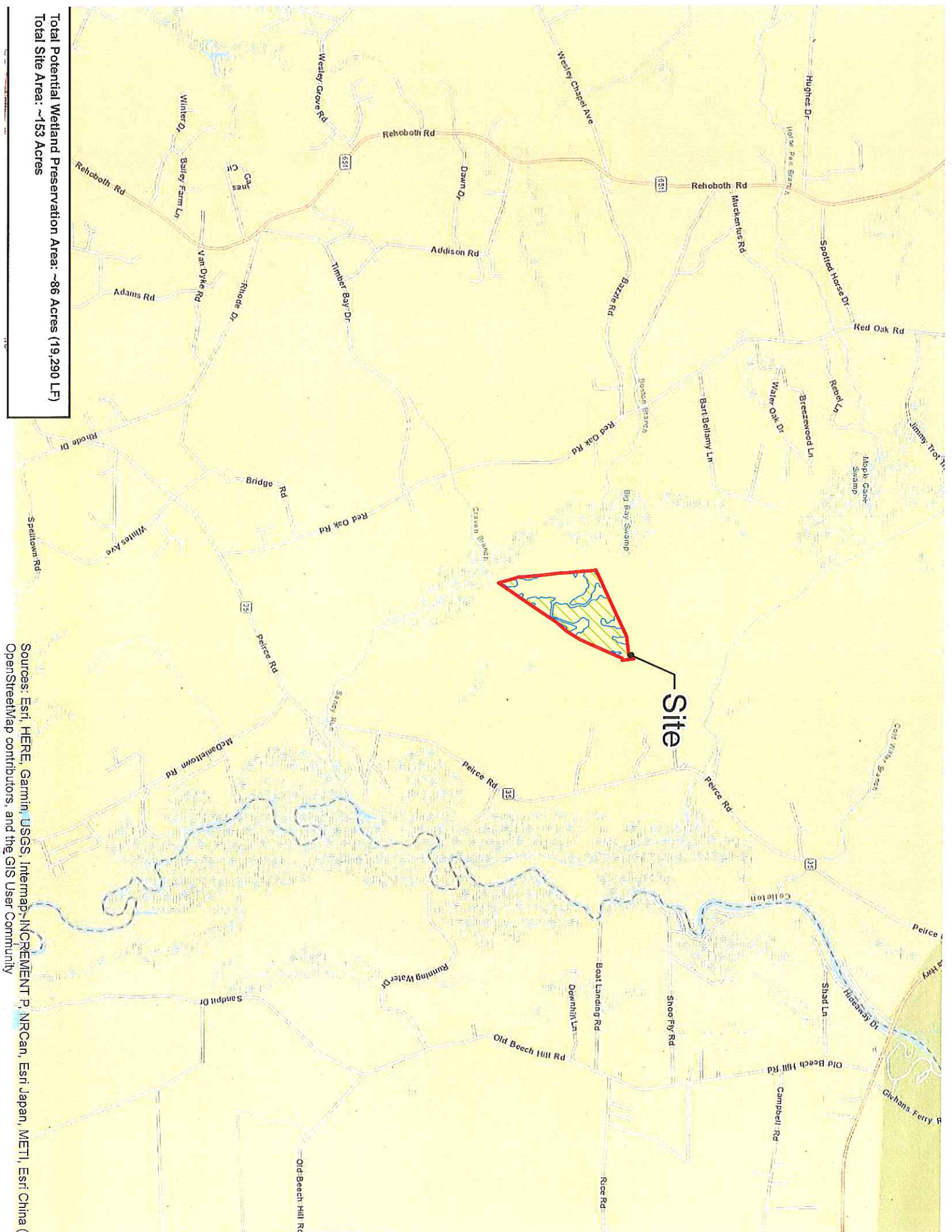
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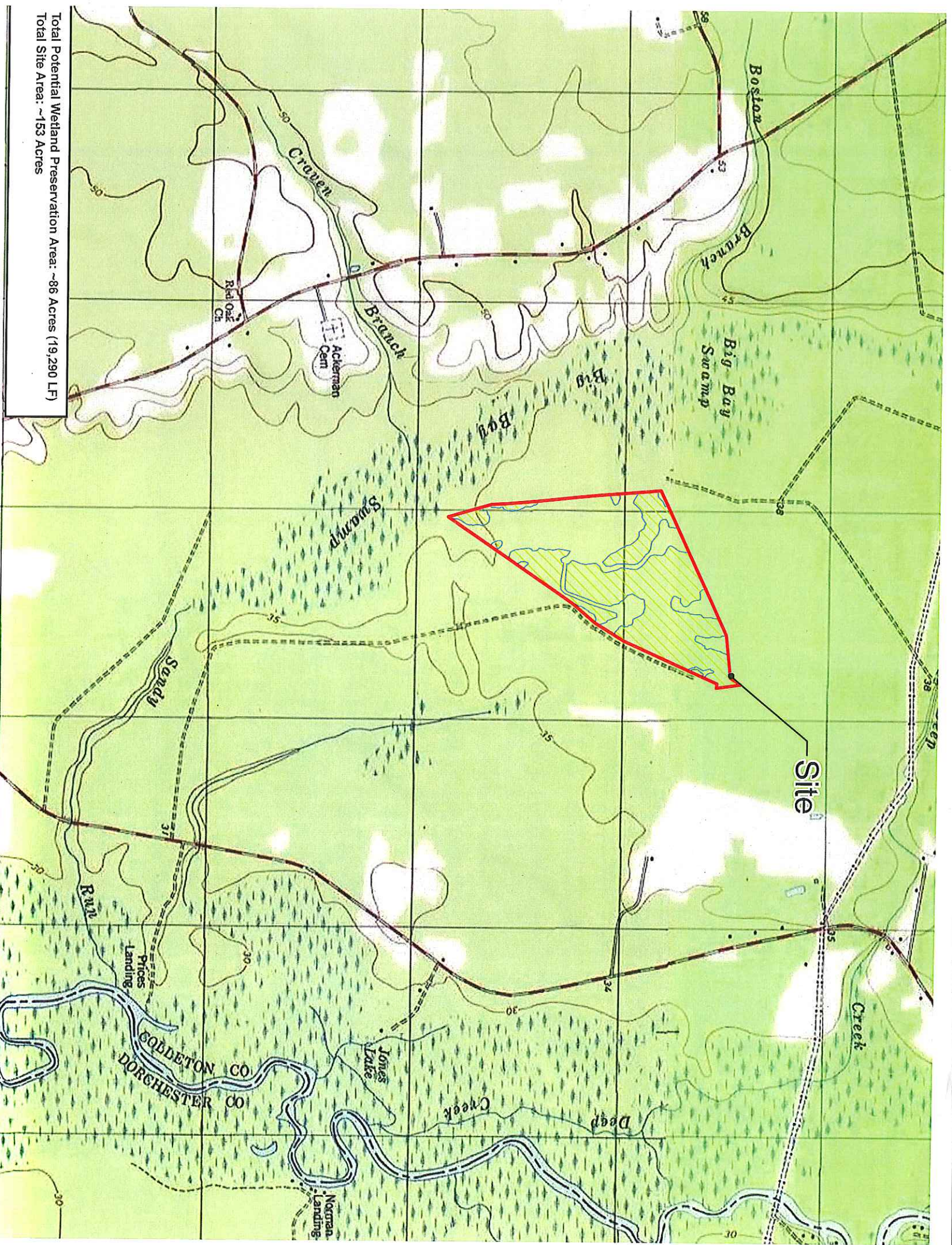


Total Potential Wetland Preservation Area: ~86 Acres (19,290 LF)  
Total Site Area: ~153 Acres



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (P-OpenStreetMap contributors, and the GIS User Community





Total Potential Wetland Preservation Area: ~86 Acres (19,290 LF)  
Total Site Area: ~153 Acres