

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 OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N # 2014-00621-2T

26 June 2014

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

D. R. HORTON
DOUG NICOLL
C/O NEWIRK ENVIRONMENTAL, INC.
RYAN CLAREY
P.O. BOX 746
MT. PLEASANT, SOUTH CAROLINA 29465

for a permit to place fill in wetlands and waters of

HAMLIN CREEK/GRAY BAY

At Oyster Point located at the end of Six Mile Road in Mt. Pleasant, South Carolina 29466 (32.824722 Latitude/ -79.803889 Longitude)

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 tidal wetlands and waters /OCRM Critical Area for the construction of Phase 2 D and 3 of the Oyster Point residential development. The proposed impacts will occur by filling all or portions of seven (7) tidal linear

features for 0.50 acres of permanent impacts. Also included is the installation of utility lines beneath one linear conveyance by means of open cut excavation with 0.01 acres of temporary impacts. Impacts associated with the proposed project total 0.51 acres. The purpose of the proposed project is to establish a viable residential development.

Please note that construction of Phase 1 of Oyster Point is underway and consists of no impacts to jurisdictional wetland or waters regulated by the U.S. Army Corps of Engineers. However, impacts to isolated non-jurisdictional wetlands associated with Phase 1 construction were previously approved by OCRM under an OCRM NPDES Permit SCR10R419.

The applicant states that avoidance and minimization of project impacts has occurred by masterplanning a +/- 200-acre site that includes permanent wetland impacts to only 0.50 acres of relic upland dug agricultural ditches that have become tidal.

To compensate for the 0.50 acres of permanent tidal wetland impacts, the applicant provided a mitigation plan that includes the onsite creation of 1.0 acres of tidal wetlands/saltwater marsh by excavating 0.56 acres of adjacent uplands and removing a 0.46 acre non-functioning berm/dike. The upland area proposed for excavation is adjacent to and forms a peninsula within existing intertidal smooth grass (*Spartina alterniflora*) marsh associated with Hamlin Creek. The existing vegetation in the upland area includes wax myrtle (*Morella cerifera*), juvenile loblolly pine (*Pinus taeda*) and groundsel tree (*Baccharis glomeruliflora*). The berm/dike area proposed for removal is approximately 2000 feet long and 10 feet wide. The berm is dominated by groundsel trees and interspersed with red cedar (*Juniperus virginiana*), Palmetto (*Sabal palmetto*) and an occasional live oak (*Quercus virginiana*). Two live oaks will remain and the portion of the berm that protects their roots will not be removed. These areas were determined to be uplands under a previous and valid Corps' jurisdictional wetland determination. The areas will be excavated to the level of the adjacent marsh. Prior to removing equipment, the creation areas will be monitored during at least one tidal cycle to document that proper elevations for normal tidal inundation was achieved. Once proper elevations achieved, the creation areas will be manually planted with *Spartina alterniflora* sprigs transplanted and "borrowed" from the adjacent marsh. The transplants will be hand planted on three (3) foot centers throughout the site. Monitoring is proposed annually for three years after the first year.

Please note that several historic resources that are eligible and potentially eligible for listing on the National Register of Historic Places, including Fort Palmetto Historic Area, are present within the boundaries of the proposed project; however, these areas are located in portions of Oyster Point not proposed for development. In addition, the applicant indicated that coordination with the State Historic Preservation Office has already occurred in conjunction with the development of Phase 1.

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 the Coastal Zone Management Program (15 CFR 930). 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 0.50 acres of estuarine substrates and emergent wetlands

utilized by various life stages of species comprising the red drum, 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.

The District Engineer has consulted the most recently available information and has determined 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 7(c) of the Endangered Species Act of 1973 (as amended).

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 the NHPA, the District Engineer has also 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 this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

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 of Engineers cannot undertake to adjudicate rival claims.

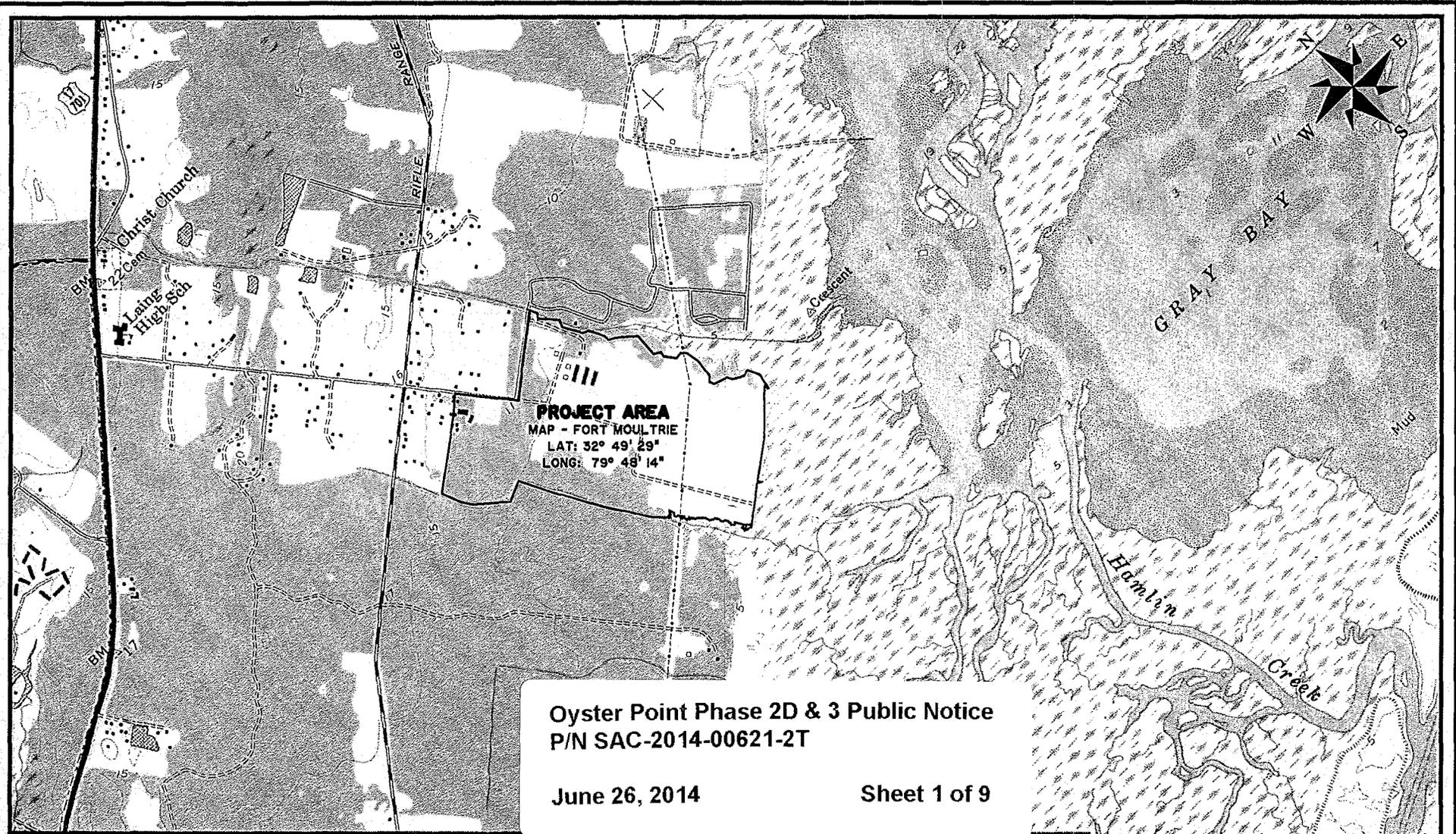
REGULATORY DIVISION

Refer to: P/N # 2014-00621-2T

26 June 2014

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** at 843-329-8044 or toll free at 1-866-329-8187.



**Oyster Point Phase 2D & 3 Public Notice
P/N SAC-2014-00621-2T**

June 26, 2014

Sheet 1 of 9

Oyster Point

SHEET NAME:
USGS Quad Map

APPLICANT:
D R Horton

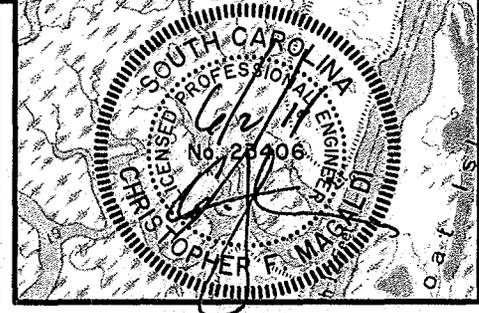
LOCATION: Mount Pleasant, SC
DATE: May 30, 2014
JOB NUMBER: J - 24936.0000

SHEET: 1 of 9
SCALE: 1" = 2000'

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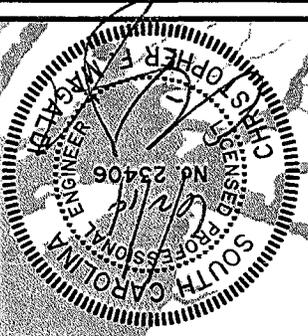
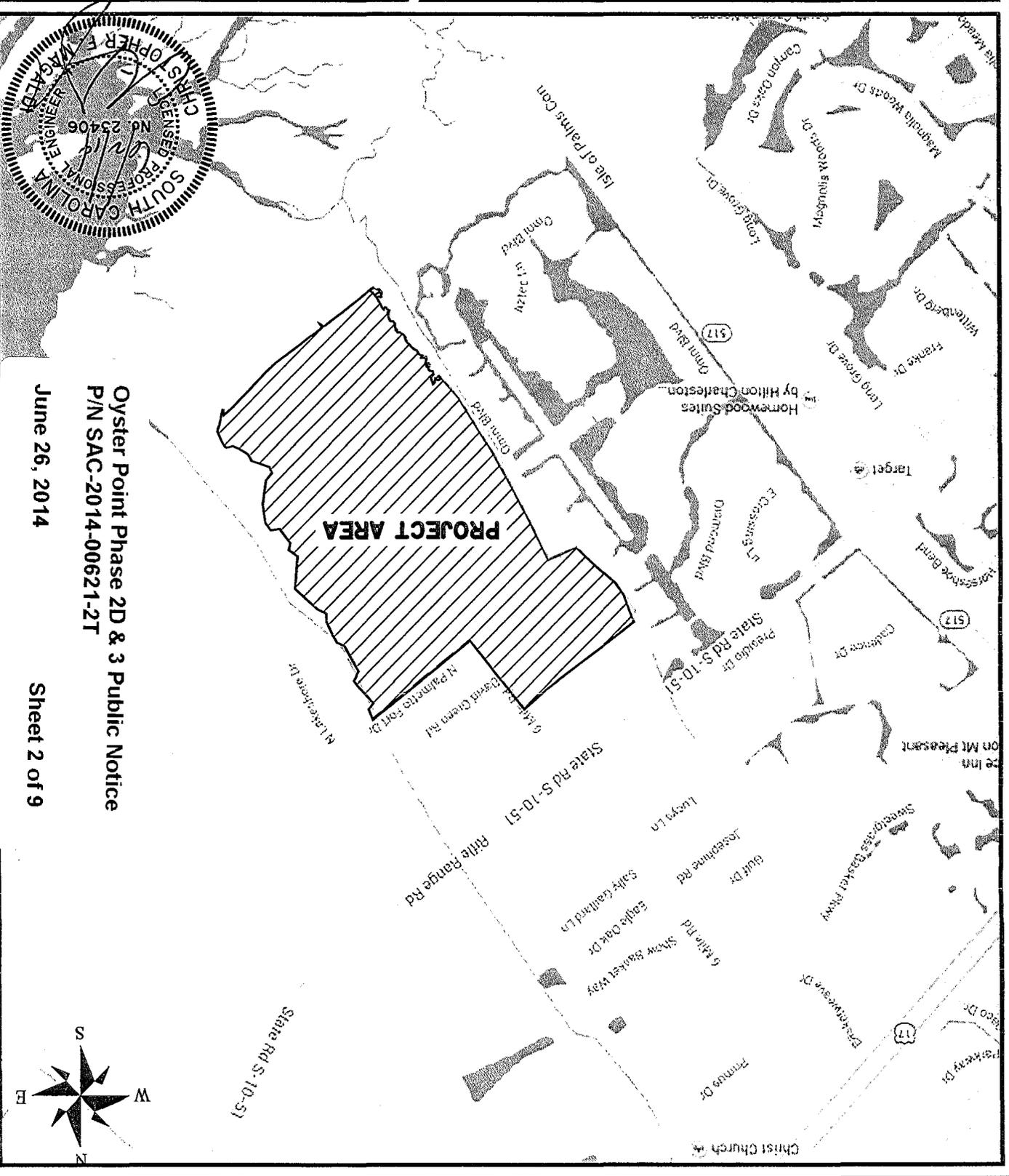
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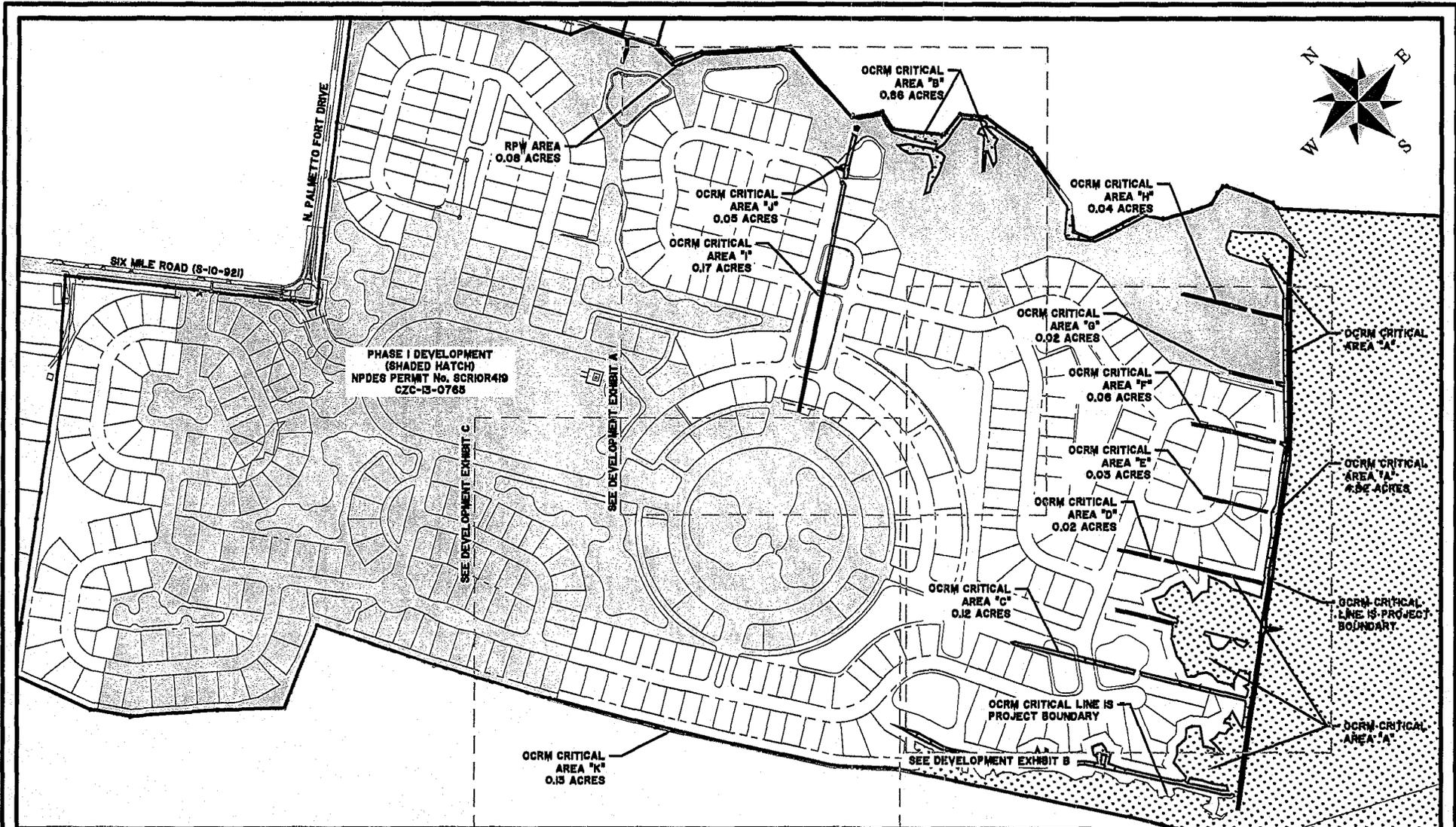
Oyster Point
 DRAWING TITLE:
 Site Location Map
 CLIENT:
 D R Horton
 LOCATION: Mount Pleasant
 DATE: May 30, 2014
 JOB NUMBER: J - 29436.0000

SHEET: 2 of 9
 SCALE: N.T.S.

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Oyster Point Phase 2D & 3 Public Notice
 P/N SAC-2014-00621-2T
 June 26, 2014
 Sheet 2 of 9



Oyster Point

SHEET NAME:
Existing Wetlands Map

APPLICANT:
D R Horton

LOCATION: Mount Pleasant, SC
DATE: May 30, 2014
JOB NUMBER: J - 24936.0000

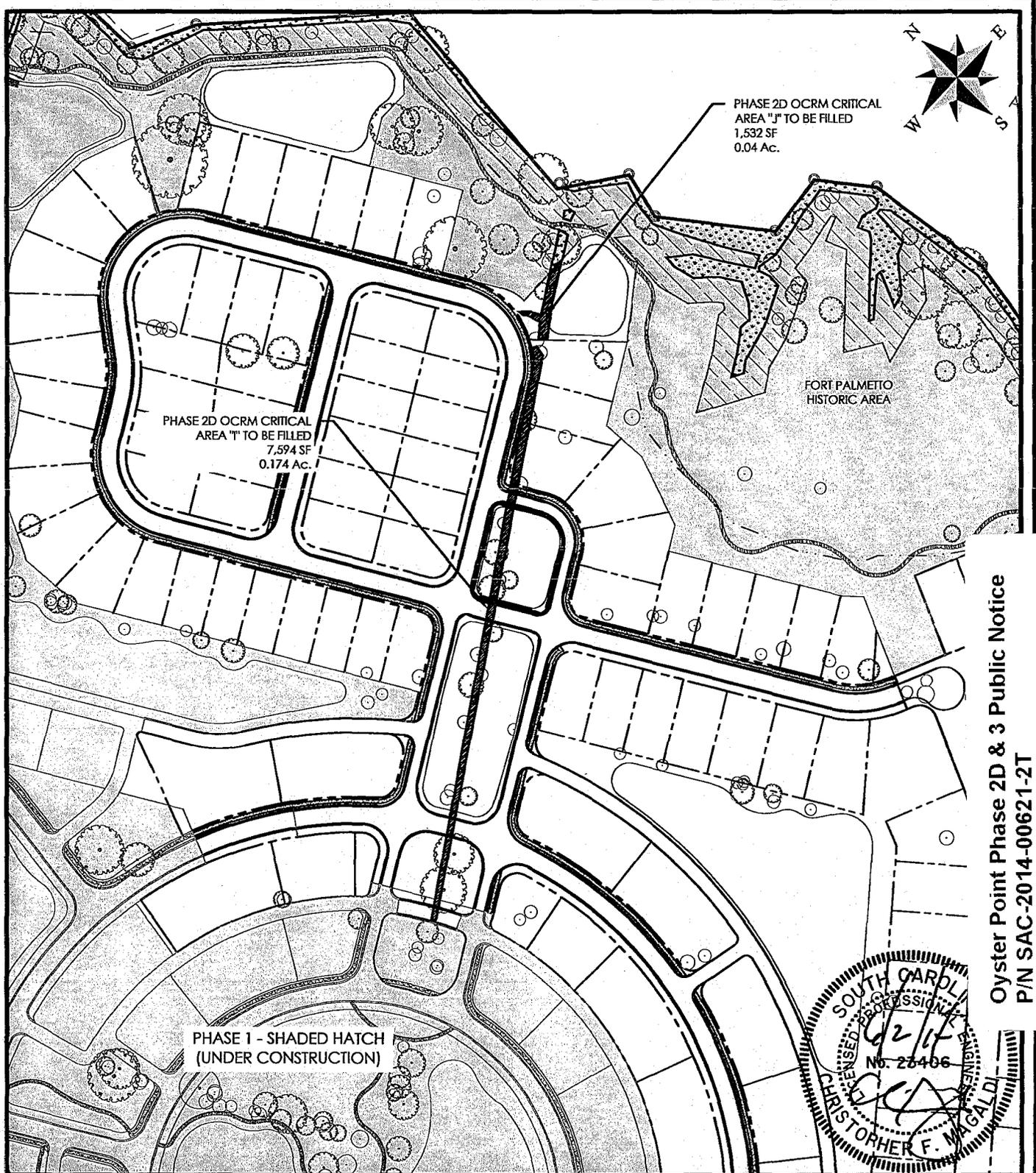
SHEET: 3 of 9
SCALE: 1" = 500'

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Oyster Point Phase 2D & 3 Public Notice
P/N SAC-2014-00621-2T





Oyster Point Phase 2D & 3 Public Notice
P/N SAC-2014-00621-2T

June 26, 2014 Sheet 4 of 9

Oyster Point
 DRAWING TITLE:
Critical Area Fill Exhibit A
 APPLICANT:
D R Horton
 LOCATION: Mount Pleasant
 DATE: May 30, 2014
 JOB NUMBER: J - 29436.0000

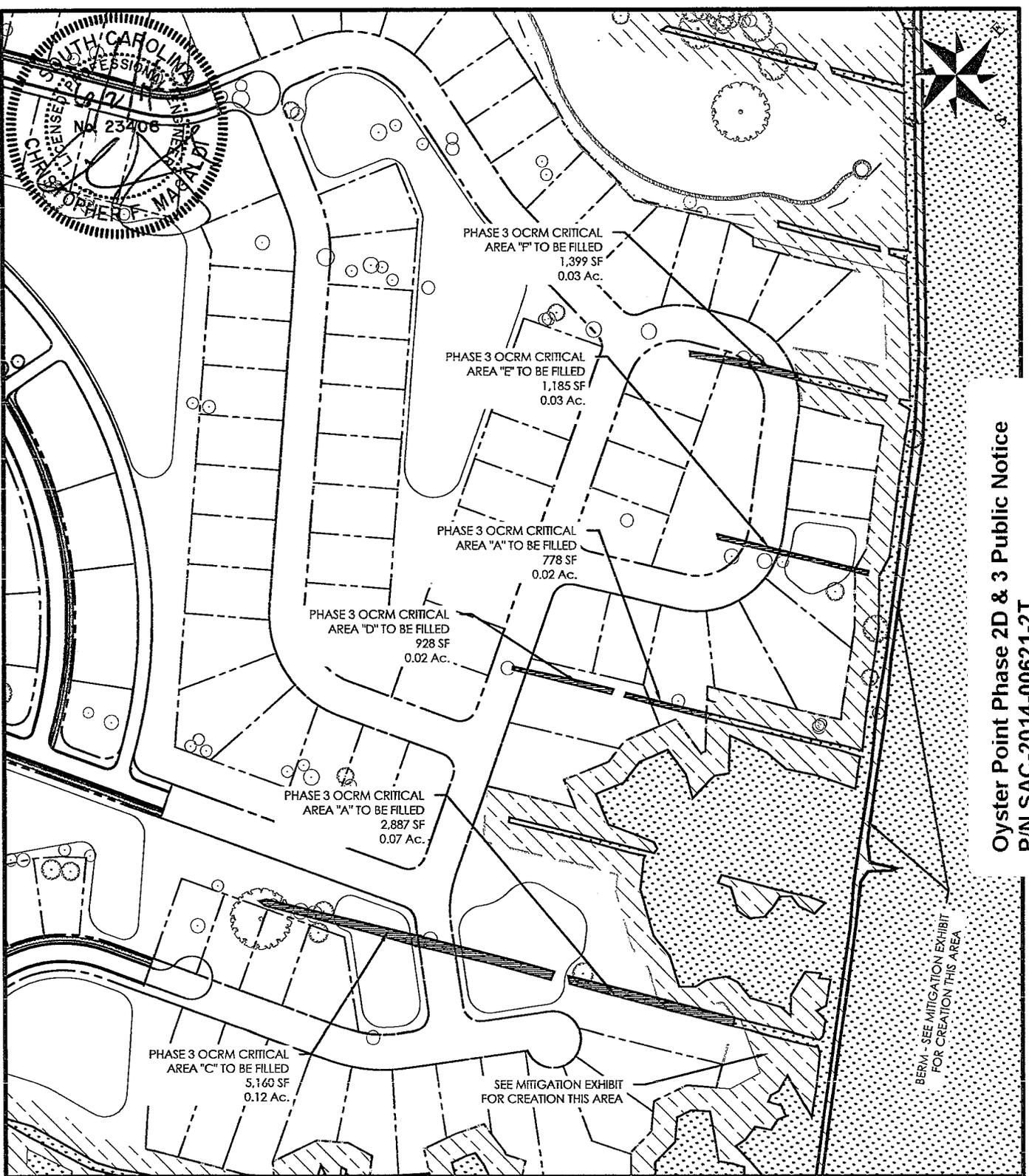
SHEET: 4 of 9
 SCALE: 1" = 200'

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Oyster Point Phase 2D & 3 Public Notice
P/N SAC-2014-00621-2T

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June 26, 2014

Oyster Point

DRAWING TITLE:
Critical Area Fill Exhibit B

APPLICANT:
D R Horton

LOCATION: Mount Pleasant
DATE: May 30, 2014
JOB NUMBER: J - 29436.0000

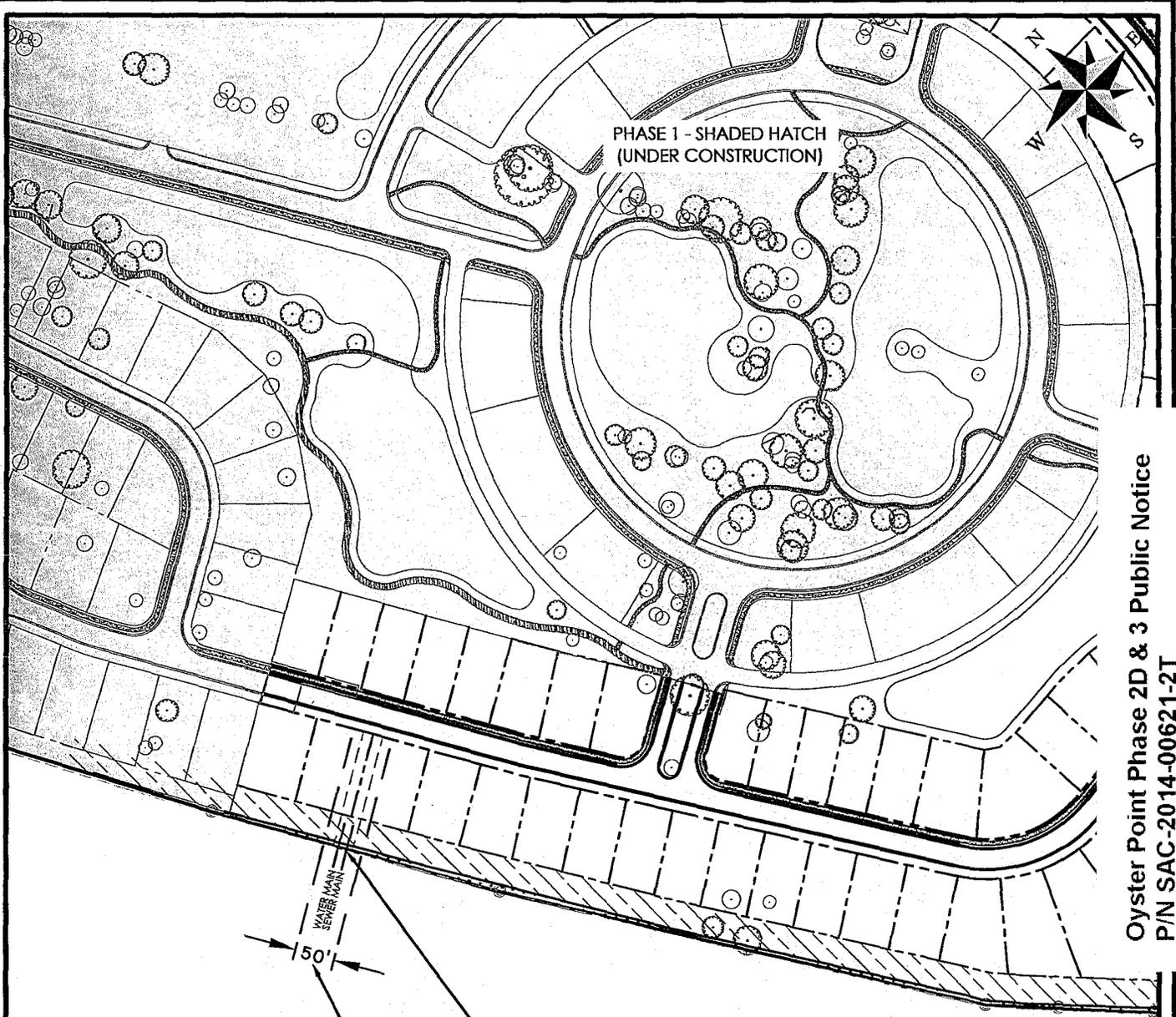
SHEET: 5 of 9
SCALE: 1" = 200'



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Oyster Point Phase 2D & 3 Public Notice
P/N SAC-2014-00621-2T

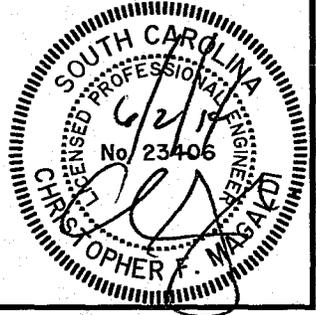
Sheet 6 of 9

June 26, 2014



2 LINEAR UTILITY CONNECTIONS UNDER OCRM CRITICAL AREA "K" AS INDICATED TO BE MADE BY OPEN CUT:
- 8" DIP SEWER MAIN
- 10" C900 PVC WATER MAIN

50' CONSTRUCTION WIDTH. MAXIMUM OCRM CRITICAL DITCH DISTURBANCE:
375 SF
0.01 Ac.



Oyster Point

DRAWING TITLE:
Critical Area Fill Exhibit C

APPLICANT:
D R Horton

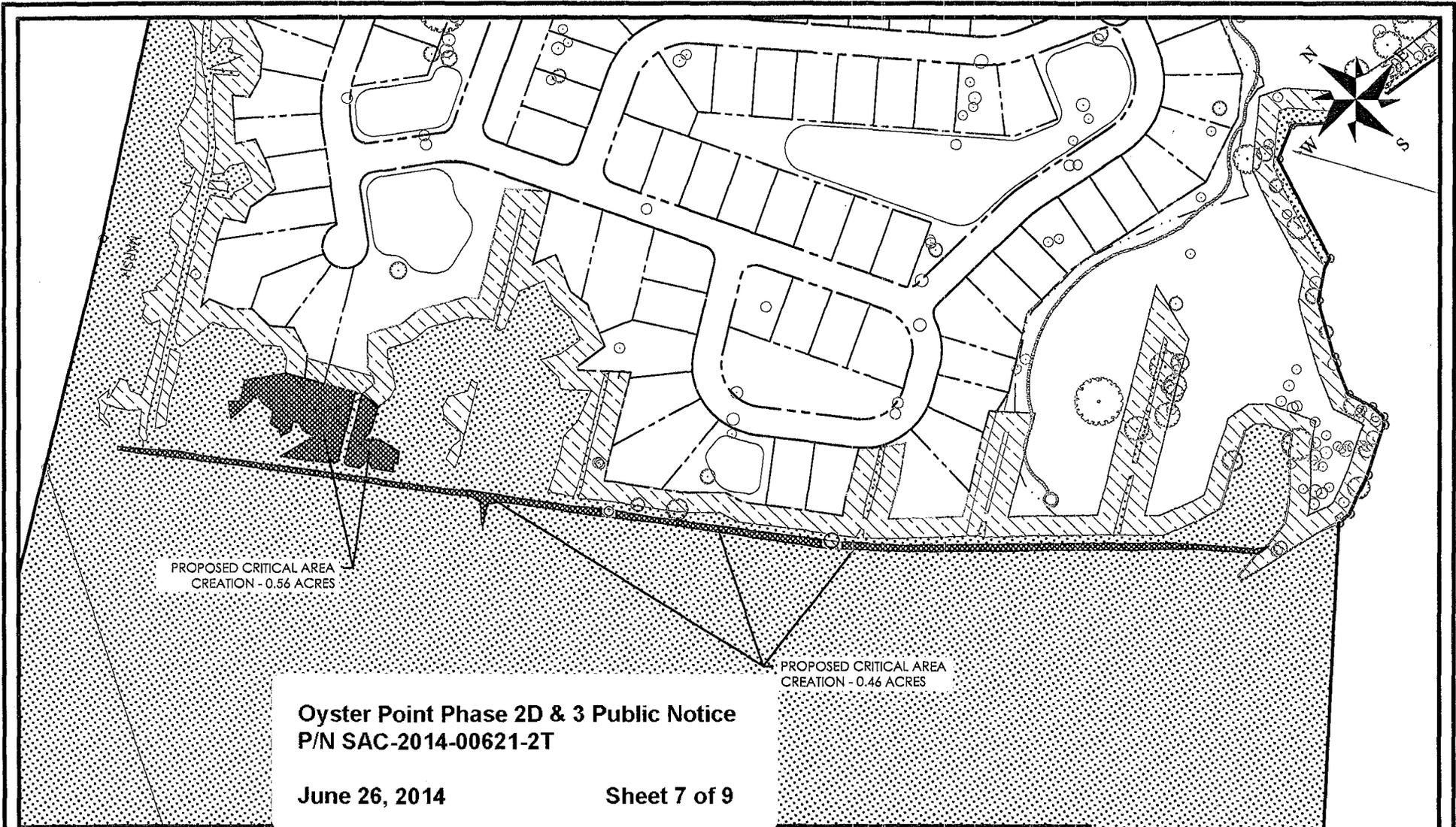
LOCATION: Mount Pleasant
DATE: May 30, 2014
JOB NUMBER: J - 29436.0000

SHEET: 6 of 9
SCALE: 1" = 200'

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**Oyster Point Phase 2D & 3 Public Notice
P/N SAC-2014-00621-2T**

June 26, 2014

Sheet 7 of 9

Oyster Point

SHEET NAME:
Mitigation Exhibit

APPLICANT:
D R Horton

LOCATION: Mount Pleasant, SC
DATE: May 30, 2014
JOB NUMBER: J - 24936.0000

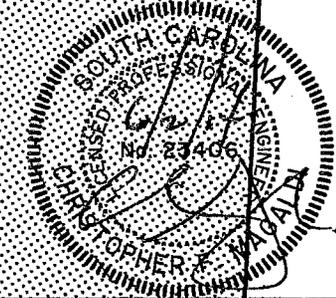
SHEET: 7 of 9
SCALE: 1" = 250'



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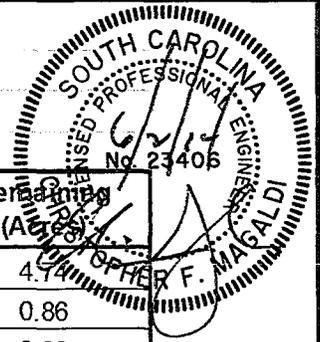
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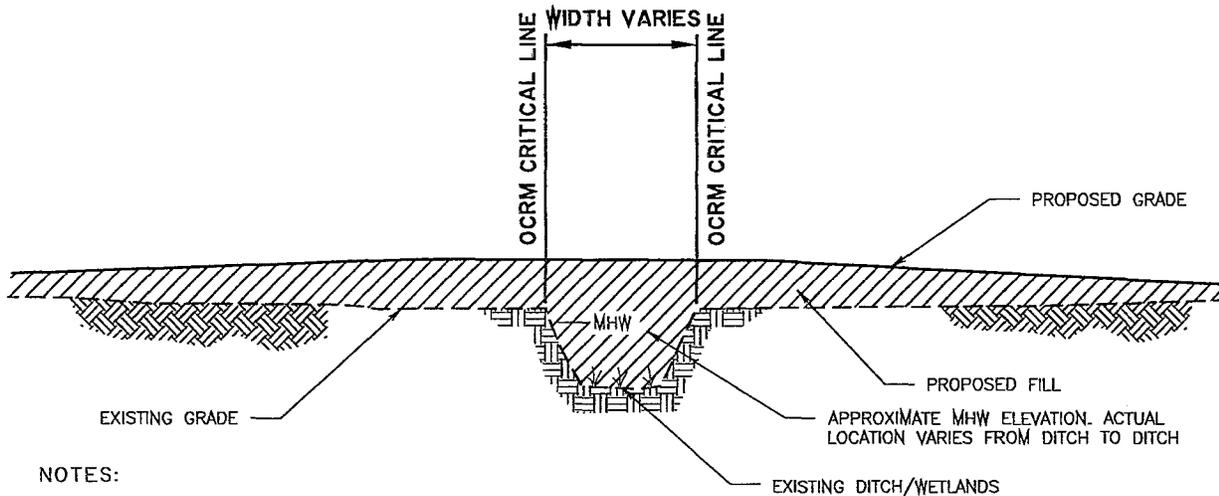


Oyster Point

OCRM Critical Area Summary



Critical Area ID	Size (Acres)	Impacts (Acres)	Estimated Fill Volume (CY)	Remaining (Acres)
A	4.83	0.09	390	4.74
B	0.86	0.00	0	0.86
C	0.12	0.12	300	0.00
D	0.02	0.02	65	0.00
E	0.03	0.03	85	0.00
F	0.06	0.03	115	0.03
G	0.03	0.00	0	0.03
H	0.04	0.00	0	0.04
I	0.17	0.17	560	0.00
J	0.05	0.04	230	0.01
K	0.13	0.01	0	0.12
Total	6.34	0.51	1745	5.83



NOTES:

1. MEAN HIGH WATER (MHW) ELEVATION is 3.19 BASED ON NOAA TIDE STATION 8665530 (CHARLESTON, SC) AND USING THE NVGD29 DATUM.
2. MEAN LOW WATER (MLW) ELEVATION is -2.03 BASED ON NOAA TIDE STATION 8665530 (CHARLESTON, SC) AND USING THE NVGD29 DATUM.

TYPICAL CRITICAL DITCH FILL SECTION

SCALE: N.T.S

Oyster Point Phase 2D & 3 Public Notice
P/N SAC-2014-00621-2T

Sheet 8 of 9

June 26, 2014

Oyster Point

DRAWING TITLE:
Fill Cross Section and Site Analysis

APPLICANT:
D R Horton

LOCATION: Mount Pleasant
DATE: May 30, 2014
JOB NUMBER: J - 29436.0000

SHEET: 8 of 9
SCALE: N.T.S.

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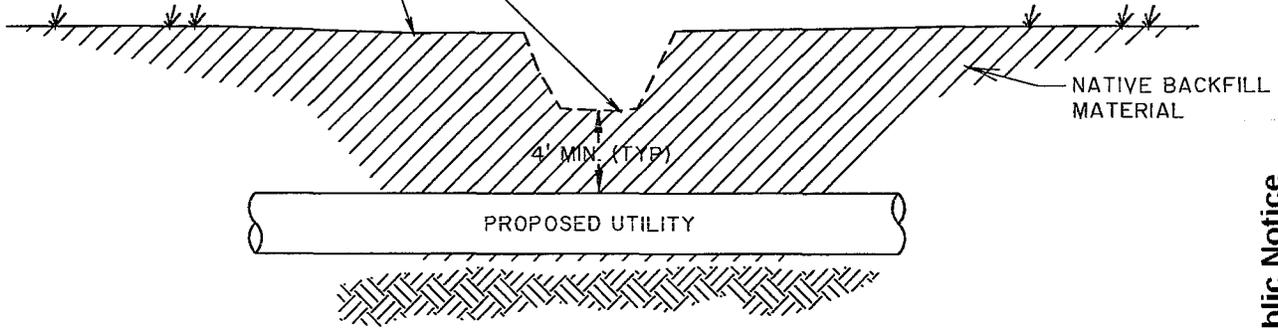
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FINAL GRADE TO MATCH THE PRE CONSTRUCTION EXISTING GRADE ELEVATION

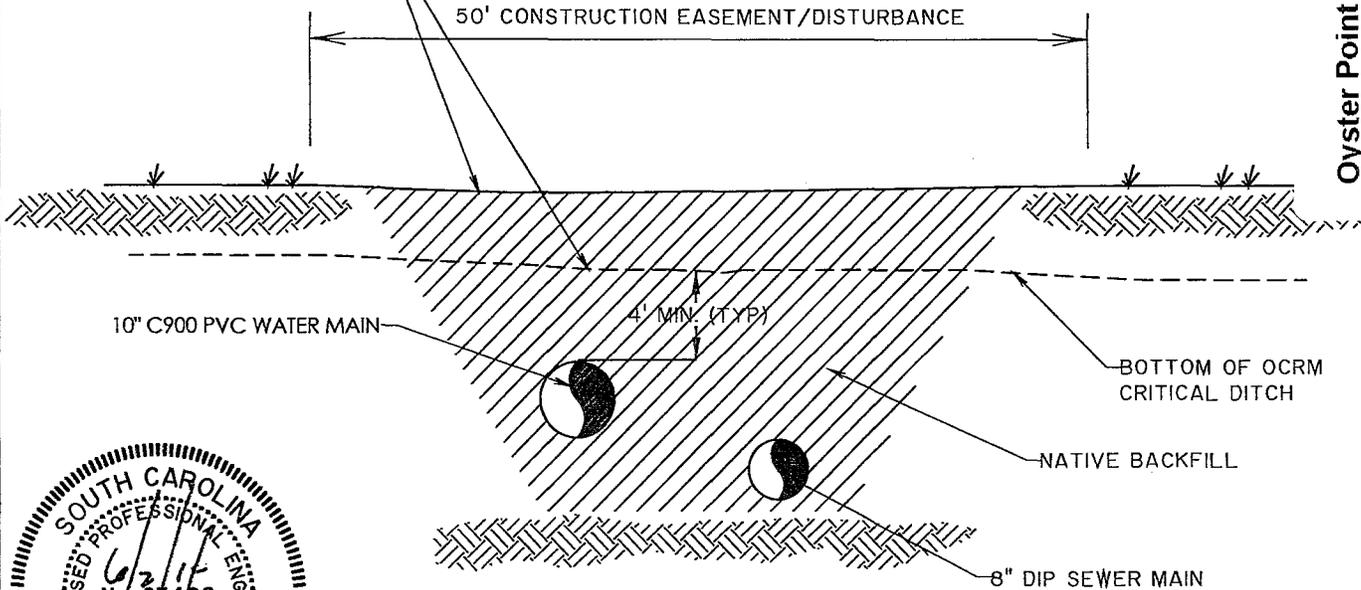
LIMIT OF OCRM CRITICAL AREA (VARIES)



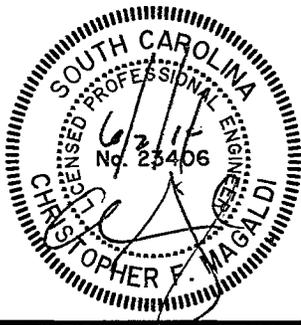
SECTION A

FINAL GRADE TO MATCH THE PRE CONSTRUCTION EXISTING GRADE ELEVATION

50' CONSTRUCTION EASEMENT/DISTURBANCE



SECTION B



Oyster Point Phase 2D & 3 Public Notice
P/N SAC-2014-00621-2T

Sheet 9 of 9

June 26, 2014

Oyster Point

DRAWING TITLE:
Utility Crossing Section

APPLICANT:
D R Horton

LOCATION: Mount Pleasant
DATE: May 30, 2014
JOB NUMBER: J- 29436.0000

SHEET: 9 of 9
SCALE: N.T.S.



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