

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: SAC-2022-01023

October 4, 2022

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408), 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. Thomas Calcote
Peacock Investment, LLC
PO Box 916
Sullivans Island, South Carolina 29482

Mr. Britt Feldner
The Brigman Company
P O Box 1532
Conway, South Carolina 29528
bfeldner@thebrigmancompany.com

for a permit to discharge fill material in wetlands associated with

GUM BRANCH

located on Highway 78 near Winding Wood Road and on Winding Wood road near Spring Road in St. George, Dorchester County, South Carolina (Latitude: 33.18186 °, Longitude: -80.53700 °), Saint George 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.

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

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to construct a commerce park to provide greater economic output in Dorchester County by providing critical infrastructure suitable for a variety of commercial users.

The applicant provided the following information in the permit application:

The proposed project of the Winding Woods Commerce Park includes the construction of 8 commercial facilities ranging from 84,000 square feet to 1.4 million square feet. The focus of the development are the 1,423,520 square foot and 1,085,280 square foot facilities, which will support the SC Ports mission with the remaining smaller facilities provided a mixed use of industries that will support the County and Region with diverse industry types to create economic development investments and job growth. The property owners worked with the Dorchester County Economic Development office to prepare the property to be a viable Commerce Park to drive economic development in western Dorchester County. Due to the size and length of Dorchester County, historically, the western portion has been more rural while the eastern portion from Summerville to North Charleston has been more urban/suburban and the financial hub and employment center of the County. The development of this property would drive investment and job creation in this rural area of the County, which is near both I-26 and I-95.

Project Description

The proposed work consists of the discharge of fill material into 10.90 acres of freshwater jurisdictional wetlands for the construction of a commerce park. In detail, the proposed project includes the discharge of fill material into 4.61 acres of wetlands for the construction of internal roads and 6.29 acres associated with building pads, parking and utilities. The proposed project also includes impacts to 9.81 acres of non-jurisdictional wetlands. The proposed project would result in the construction of 8 commercial facilities

ranging from 84,000 square feet to 1.4 million square feet in size and associate supporting infrastructure.

The proposed project is adjacent to the Federal Civil Works Project of the Lake Marion Regional Water Distribution System.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid impacts to 105.81 acres of wetlands located within the project area. The applicant is proposing to preserve the 105.81 acres of avoided wetlands and 40.27 acres of upland buffers.

Proposed Compensatory Mitigation

The proposed project will require 136.38 credits to compensate for impacts to 10.91 acres of jurisdictional wetlands. Because the applicant is proposing to preserve 105.81 acres of remaining wetlands and 40.27 acres of upland buffers, the applicant is eligible for the 25% reduction to the required mitigation credits, reducing that number to 102.29 credits. Therefore, the applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 102.29 credits from an approved mitigation bank within the watershed.

South Carolina Department of Health and Environmental Control

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 Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

Essential Fish Habitat

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 10.9 acres of freshwater wetlands upstream and

inland 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.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: American word stork (*Mycteria americana*), Red-cockaded woodpecker (*Picoides borealis*), Atlantic sturgeon (*Acipenser oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*) and northern long-eared bat (*Myotis septentrionalis*).

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect on American word stork (*Mycteria americana*), Red-cockaded woodpecker (*Picoides borealis*), Atlantic sturgeon (*Acipenser oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect the northern long-eared bat (*Myotis septentrionalis*) 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.

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.

Cultural Resources

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. 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.

Corps' Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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.

Solicitation of Public Comment

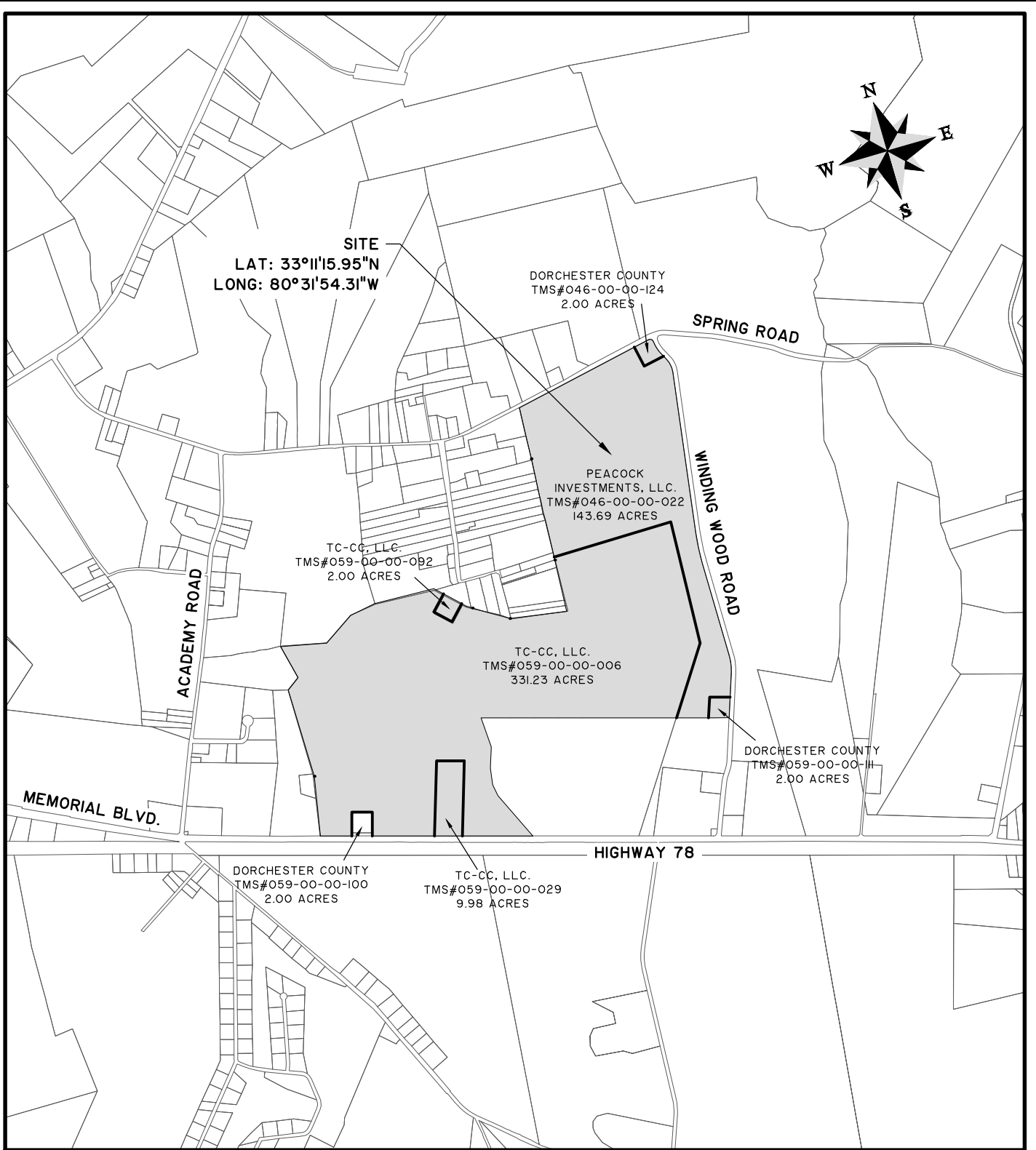
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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. 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.

Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2022-01023), to Tracy.D.Sanders@usace.army.mil or 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 by email at Tracy.D.Sanders@usace.army.mil.



WETLAND PERMIT PLANS

SHEET NAME:
COVER SHEET

CLIENT:
PEACOCK INVESTMENTS, LLC

LOCATION: DORCHESTER COUNTY, SC	DRAWN BY: CHH	SHEET: 1
DATE: 08/22/2022	REVIEWED BY: RSO	SCALE: 1" = 200'
JOB NUMBER: J-26087.0007		





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Mt. Pleasant, SC 29464 • 843.849.0200


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LEGEND


ACREAGE SUMMARY TABLE

	TOTAL PROJECT ACREAGE	489.72 AC.
	TOTAL JURISDICTIONAL WETLAND AREA	116.18 AC.
	TOTAL NON-JURISDICTIONAL WETLAND AREA	10.34 AC.
	TOTAL UPLAND AREA	363.20 AC.




JURISDICTIONAL IMPACTS

	WETLAND ROAD IMPACT	4.61 AC.
	WETLAND SITE IMPACT	6.29 AC.
TOTAL JURISDICTIONAL WETLAND IMPACTS		10.90 AC.

NON-JURISDICTIONAL IMPACTS

	WETLAND ROAD IMPACT	0.39 AC.
	WETLAND SITE IMPACT	9.42 AC.
TOTAL NON-JURISDICTIONAL WETLAND IMPACTS		9.81 AC.

AVOIDENCE & MINIMIZATION

	BUFFERS (50' AVERAGE WIDTH)	40.27 AC.
	PRESERVED JURISDICTIONAL WETLANDS AREA	105.28 AC.
	PRESERVED NON-JURISDICTIONAL WETLANDS AREA	0.53 AC.

WETLAND PERMIT PLANS

SHEET NAME:

LEGEND

CLIENT:

PEACOCK INVESTMENTS, LLC

LOCATION: DORCHESTER COUNTY, SC

DATE: 08/22/2022

DRAWN BY: CHH

SHEET: 2

JOB NUMBER: J-26087.0007

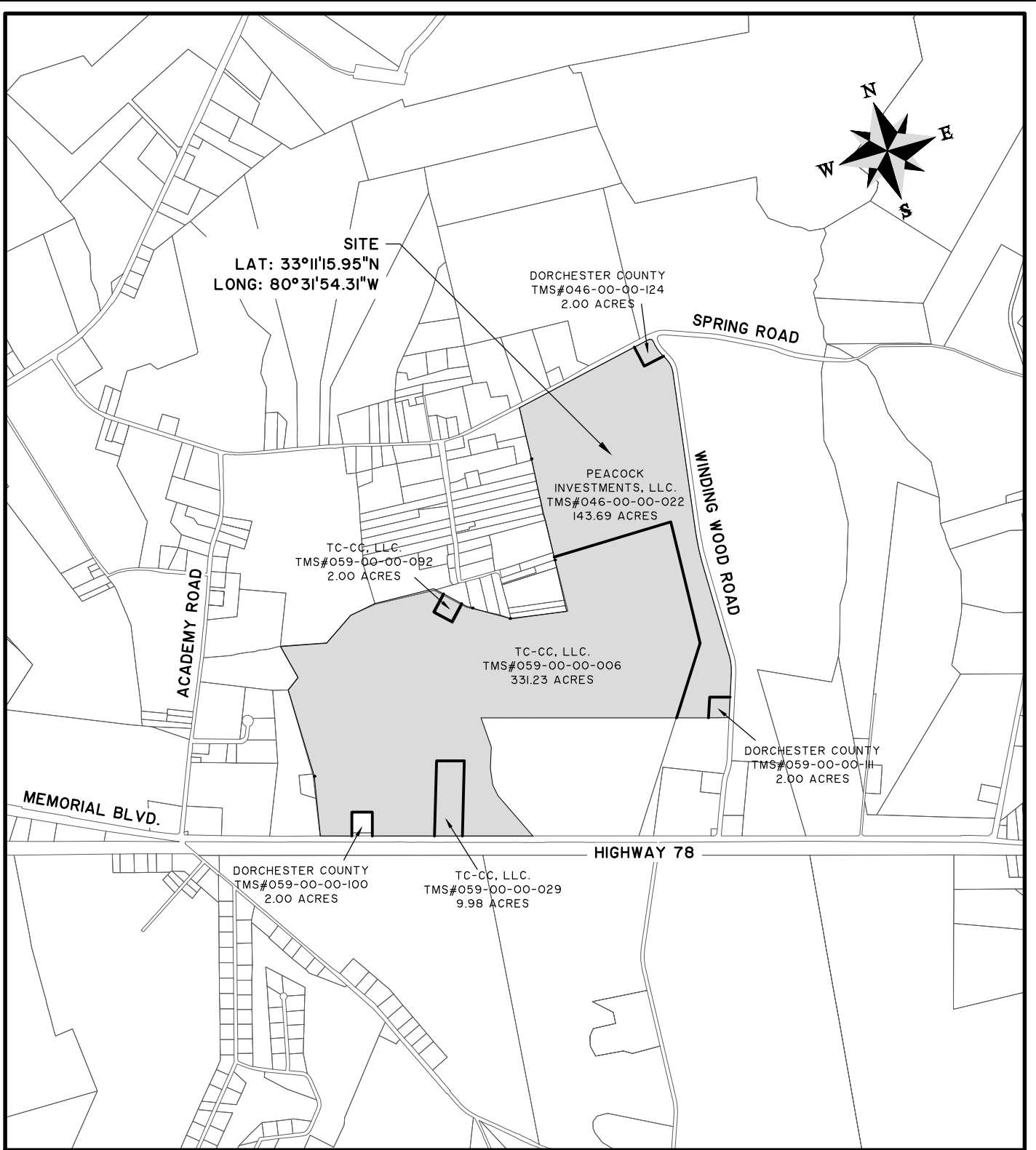
REVIEWED BY: RSO

SCALE: N.T.S.



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CLIENT:
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LOCATION: DORCHESTER COUNTY, SC	DRAWN BY: CHH	SHEET: 1
DATE: 08/22/2022	REVIEWED BY: RSO	SCALE: 1" = 2000'
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


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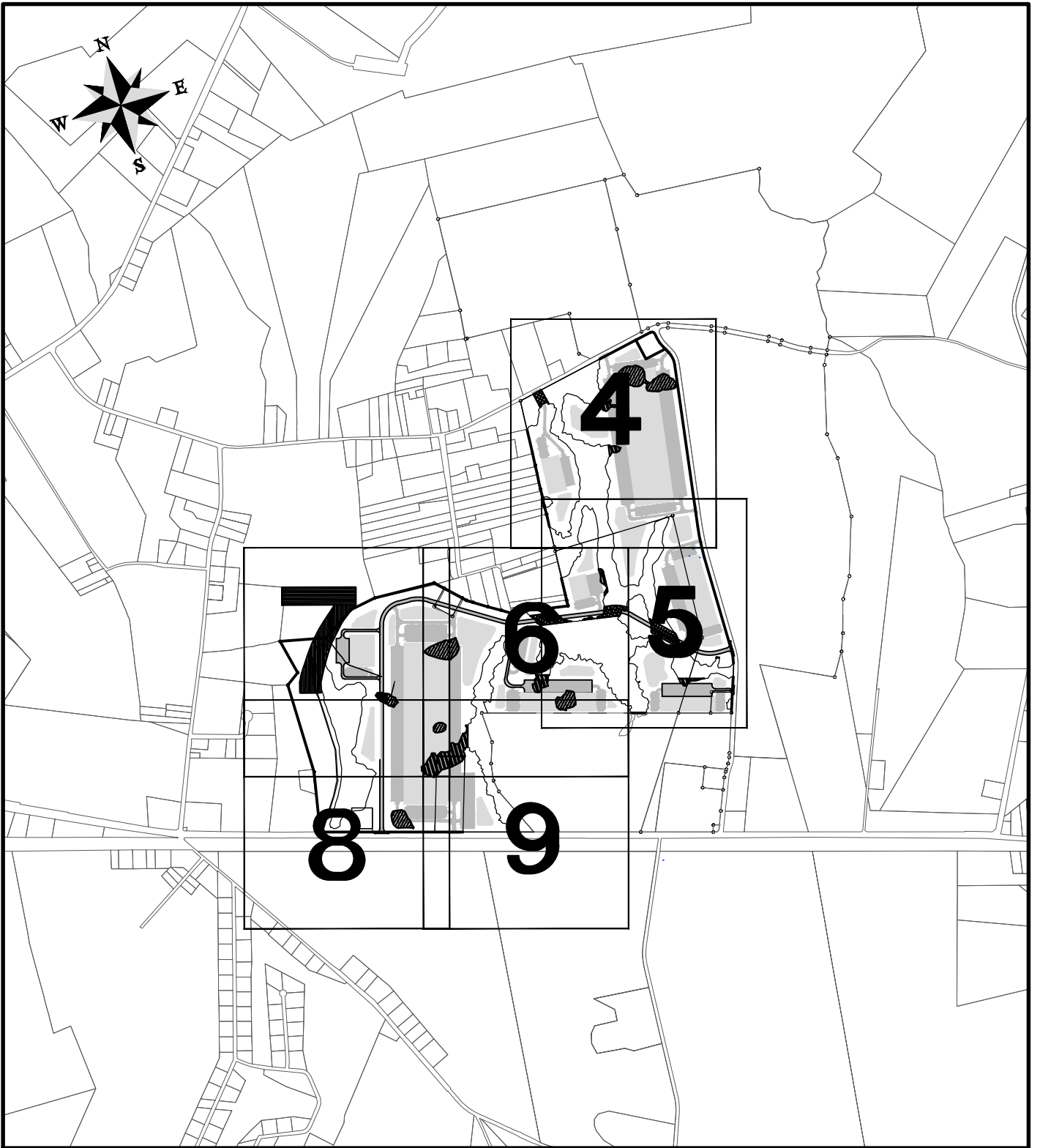
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WETLAND PERMIT PLANS

SHEET NAME:

SHEET INDEX

CLIENT:

PEACOCK INVESTMENTS, LLC

LOCATION: DORCHESTER COUNTY, SC

DATE: 08/22/2022

DRAWN BY: CHH

SHEET: 3

JOB NUMBER: J-26087.0007

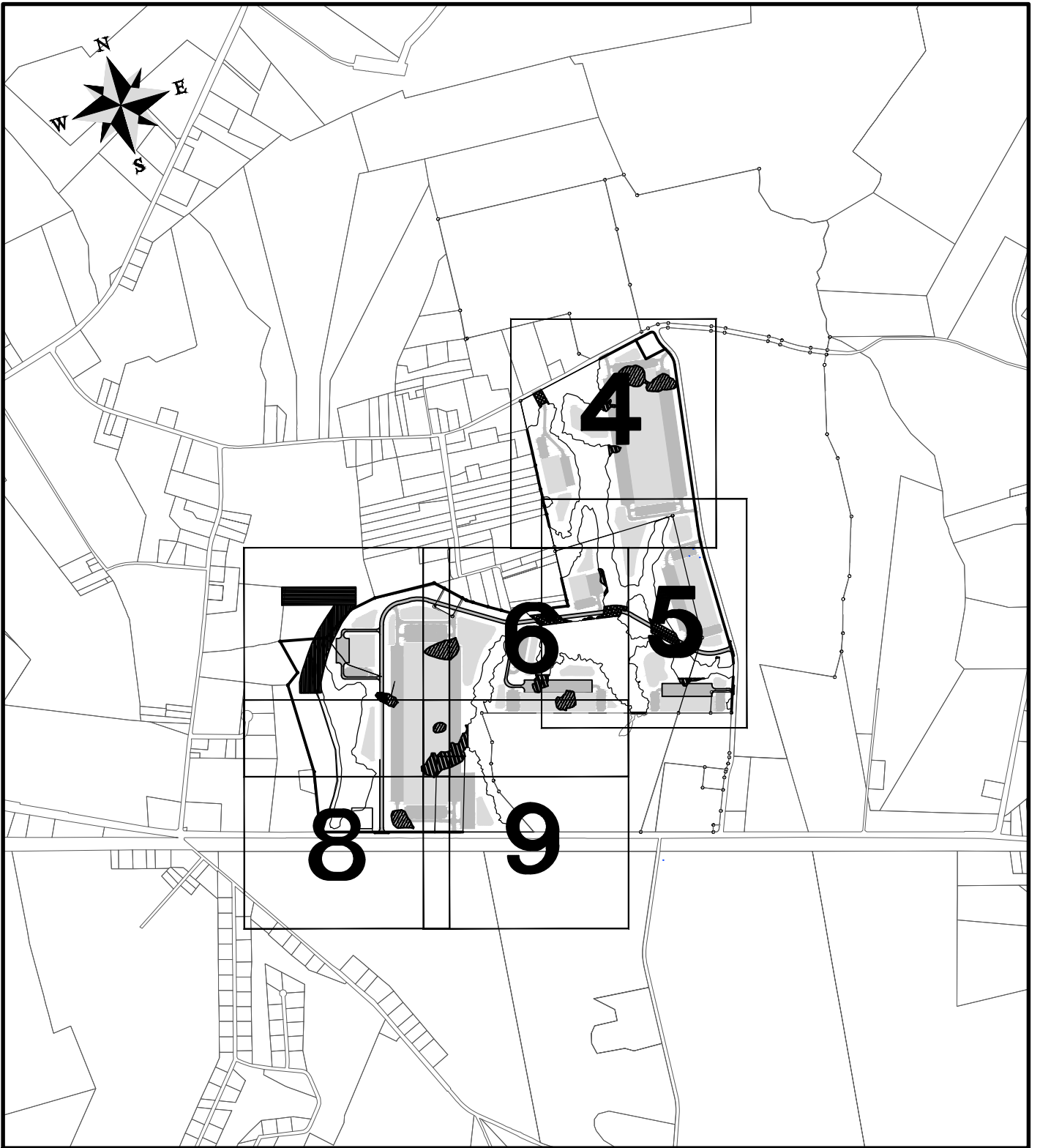
REVIEWED BY: RSO

SCALE: 1" = 200'



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WETLAND PERMIT PLANS

SHEET NAME:

SHEET INDEX

CLIENT:

PEACOCK INVESTMENTS, LLC

LOCATION: DORCHESTER COUNTY, SC

DATE: 08/22/2022

DRAWN BY: CHH

SHEET: 3

JOB NUMBER: J-26087.0007

REVIEWED BY: RSO

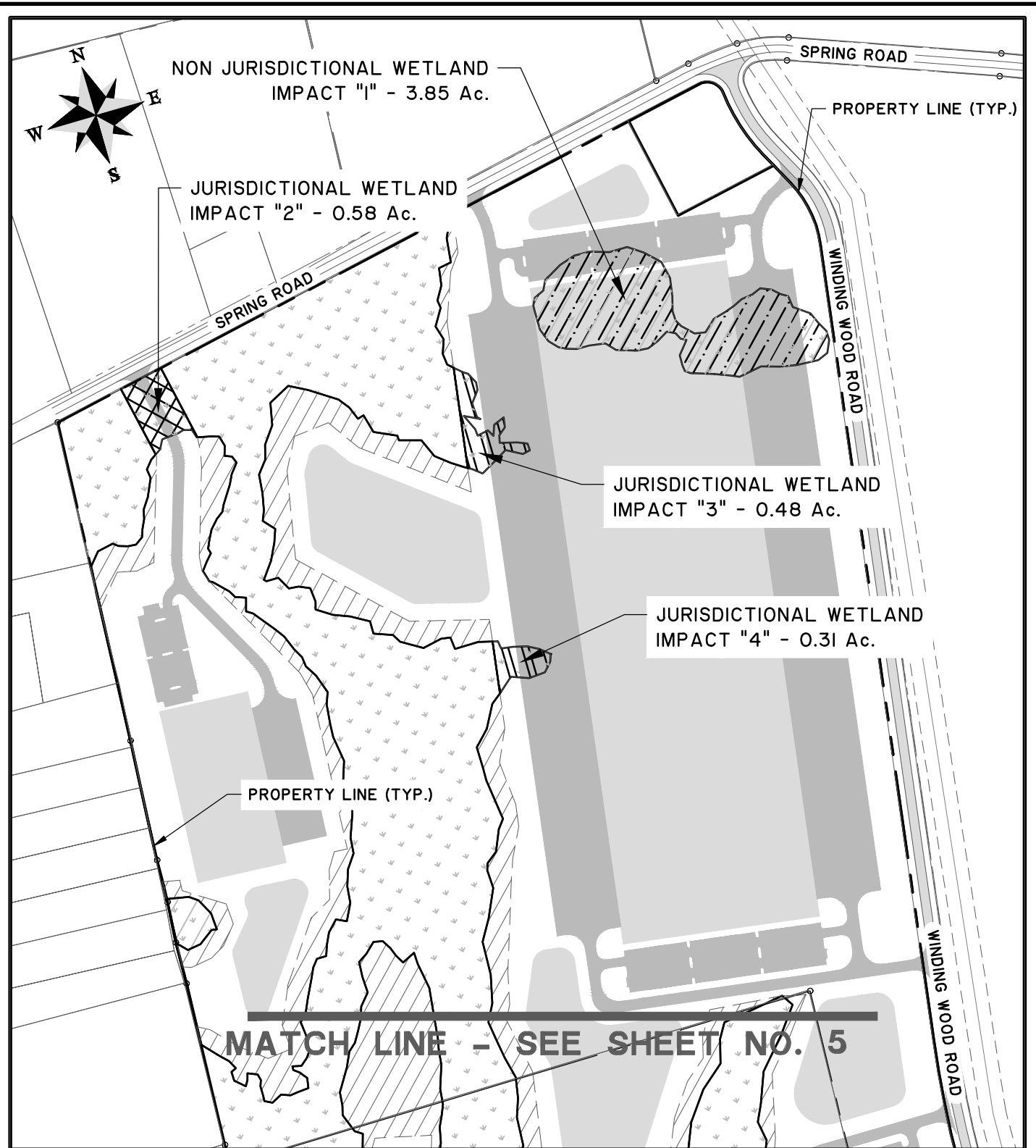
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WETLAND PERMIT PLANS

SHEET NAME:
WETLAND IMPACT DRAWINGS

CLIENT:
PEACOCK INVESTMENTS, LLC

LOCATION: DORCHESTER COUNTY, SC

DATE: 08/22/2022

JOB NUMBER: J-26087.0007

DRAWN BY: CHH

REVIEWED BY: RSO

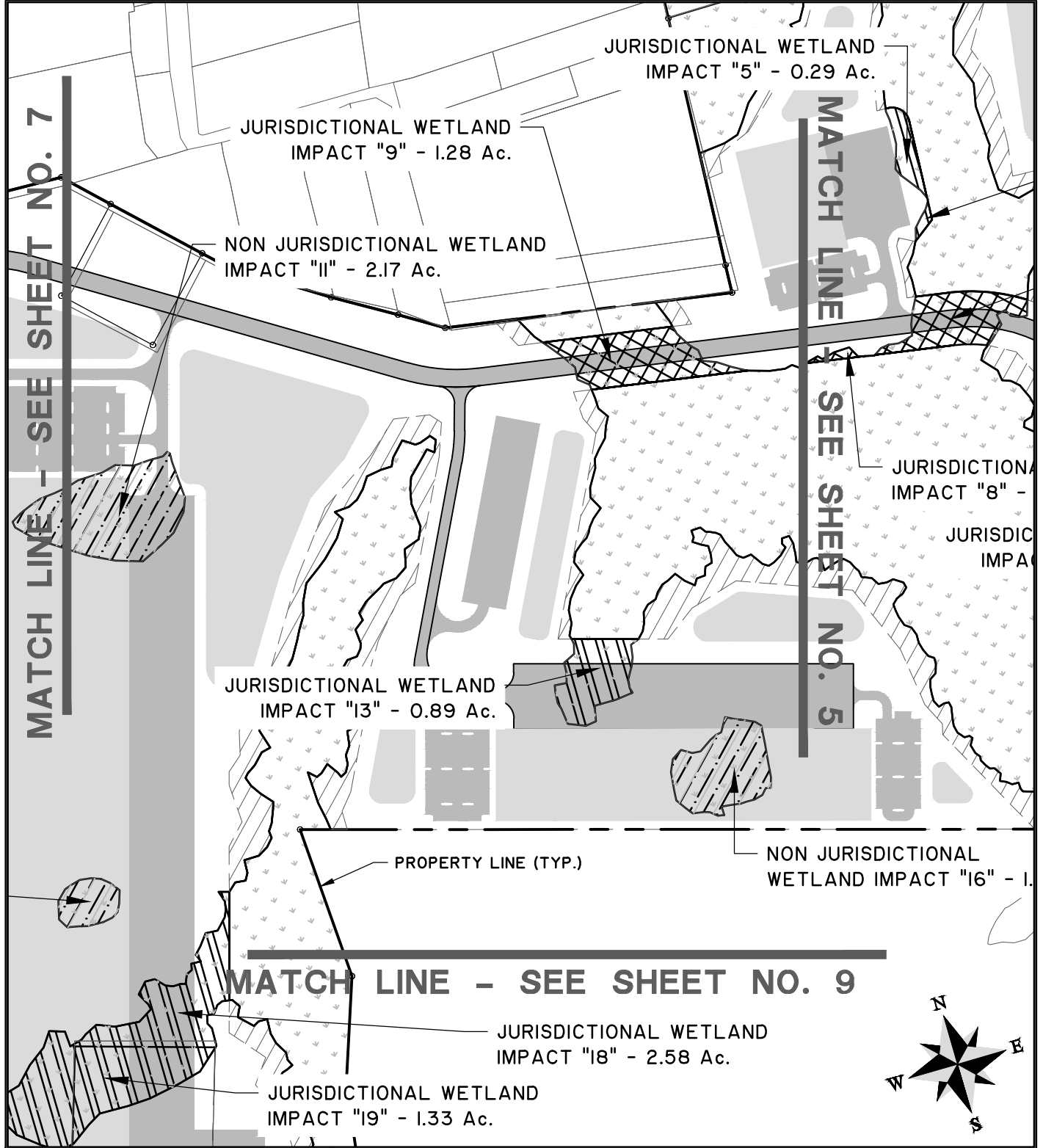
SHEET: 4

SCALE: 1" = 400'



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WETLAND PERMIT PLANS

SHEET NAME:
 WETLAND IMPACT DRAWINGS
 CLIENT:
 PEACOCK INVESTMENTS, LLC
 LOCATION: DORCHESTER COUNTY, SC
 DATE: 08/22/2022
 JOB NUMBER: J-26087.0007

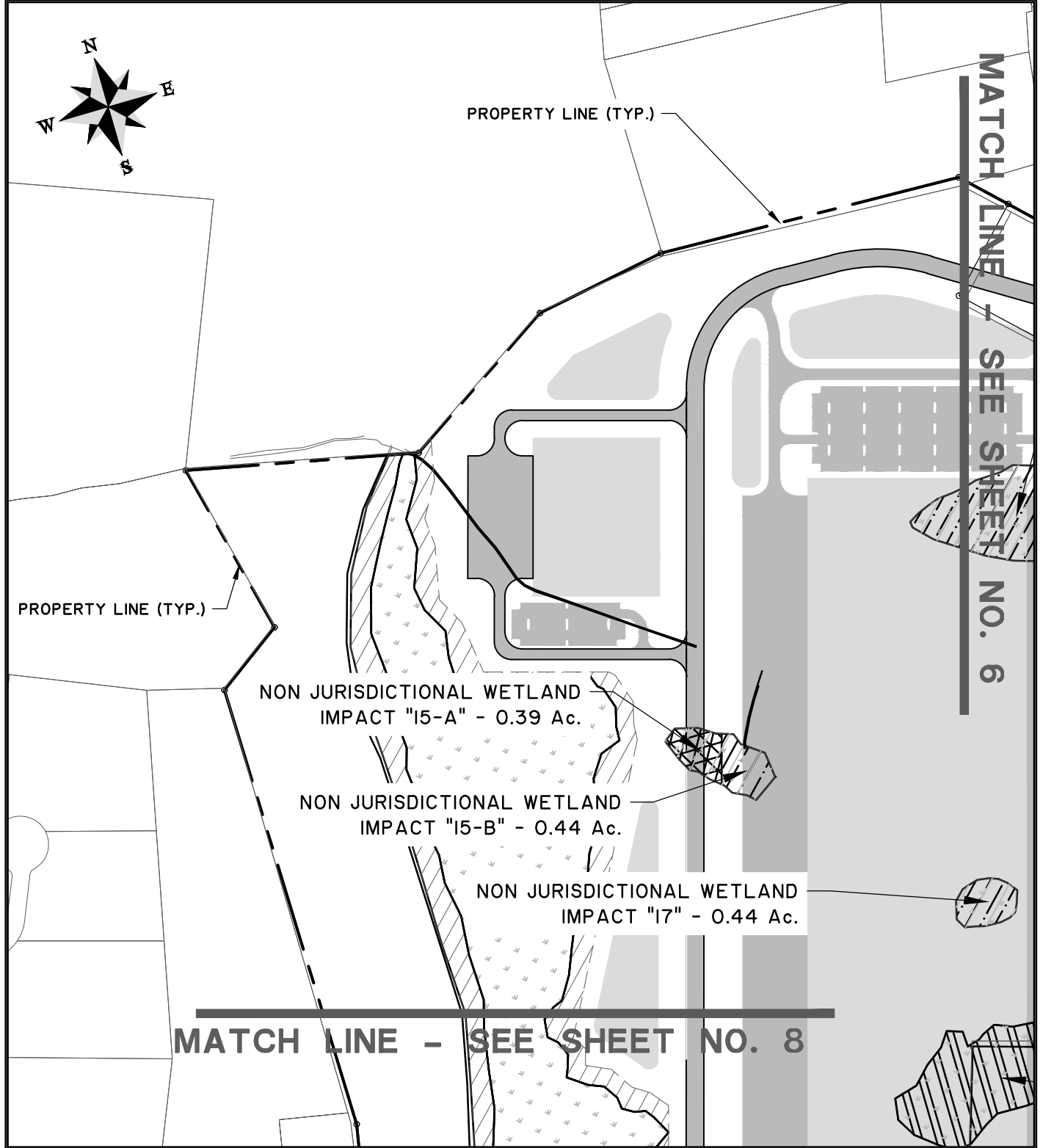
DRAWN BY: CHH
 REVIEWED BY: RSO

SHEET: 6
 SCALE: 1" = 400'



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WETLAND PERMIT PLANS

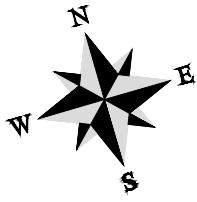
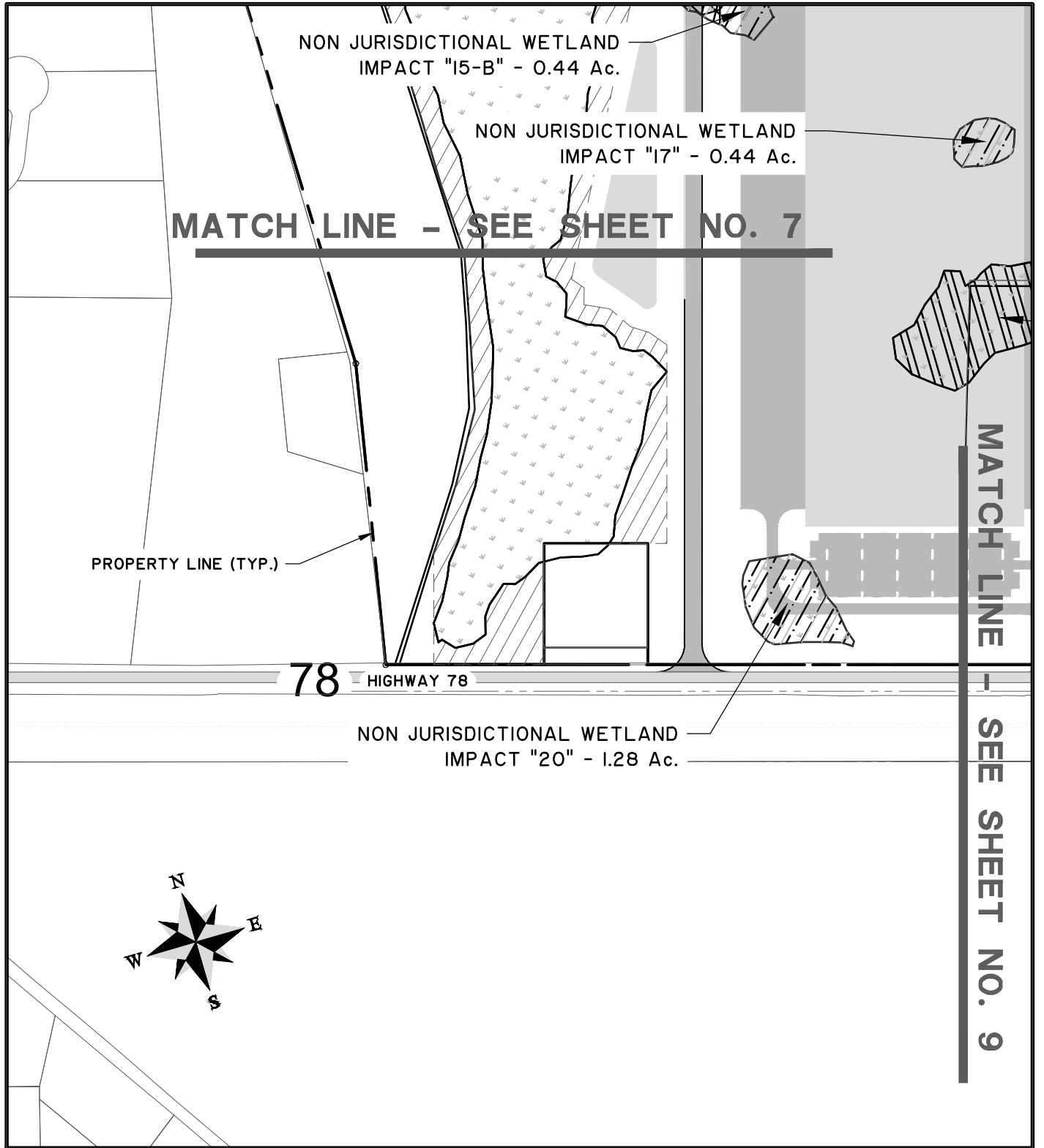
SHEET NAME:
 WETLAND IMPACT DRAWINGS
 CLIENT:
 PEACOCK INVESTMENTS, LLC

LOCATION: DORCHESTER COUNTY, SC
 DATE: 08/22/2022 DRAWN BY: CHH SHEET: 7
 JOB NUMBER: J-26087.0007 REVIEWED BY: RSO SCALE: 1" = 400'



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WETLAND PERMIT PLANS

SHEET NAME:
WETLAND IMPACT DRAWINGS
CLIENT:
PEACOCK INVESTMENTS, LLC
LOCATION: DORCHESTER COUNTY, SC
DATE: 08/22/2022
JOB NUMBER: J-26087.0007

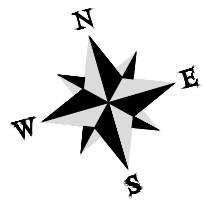
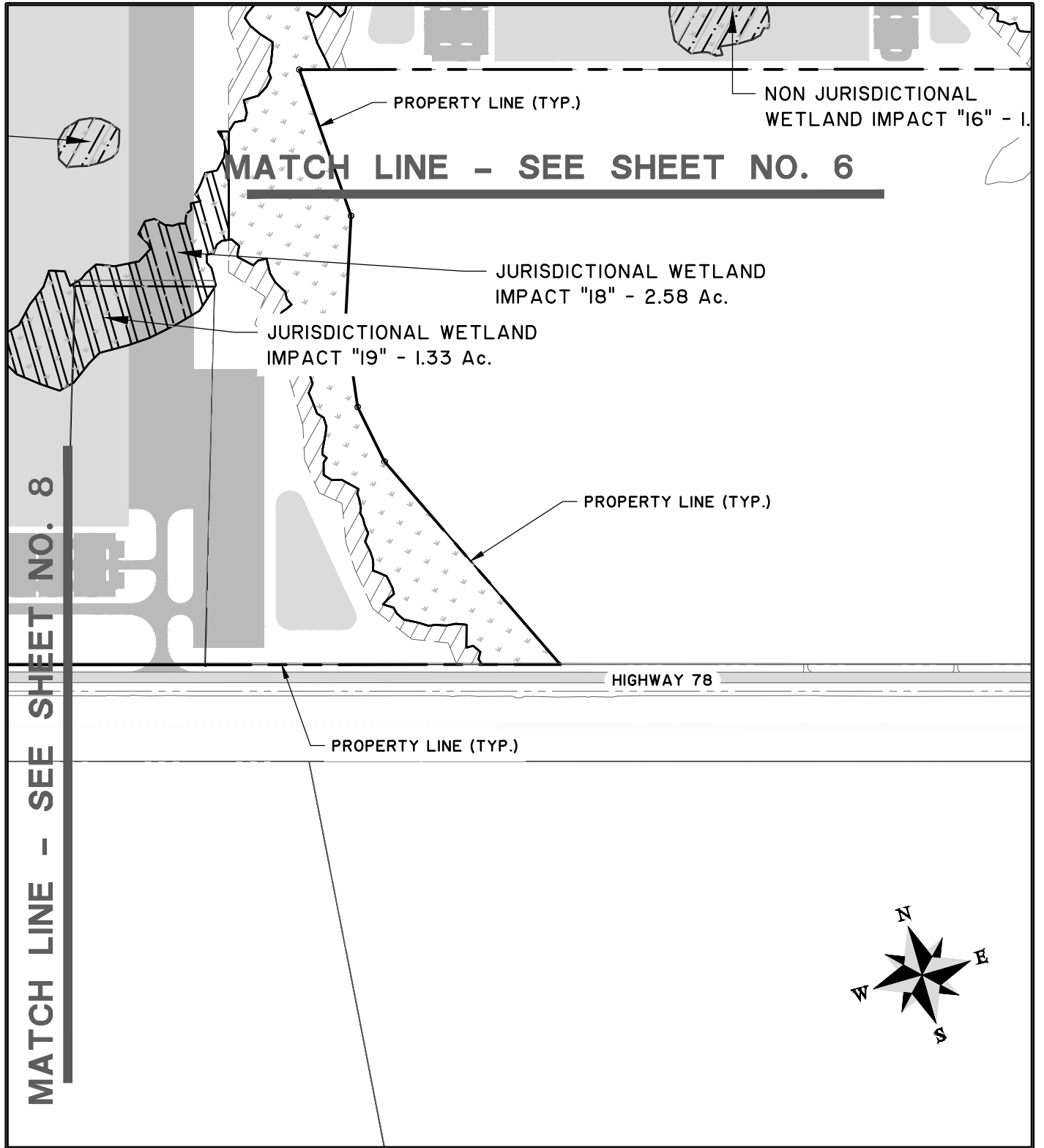
DRAWN BY: CHH
REVIEWED BY: RSO

SHEET: 8
SCALE: 1" = 400'



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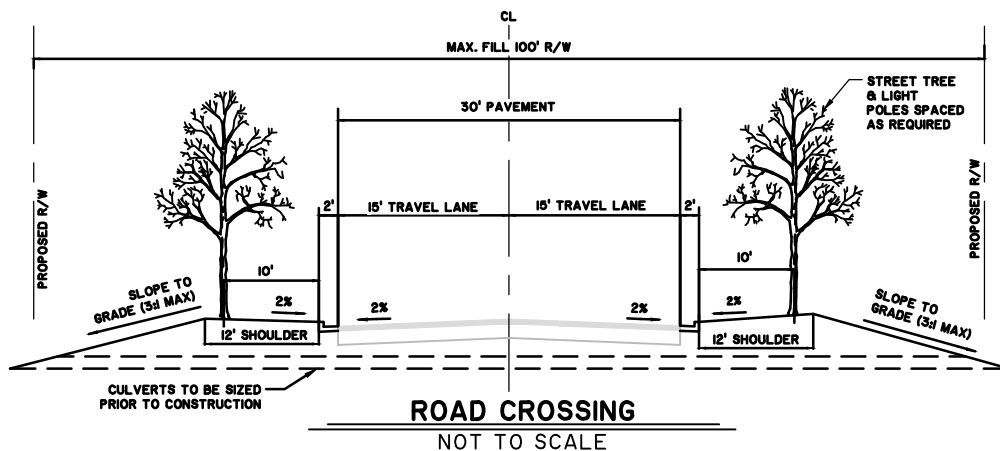
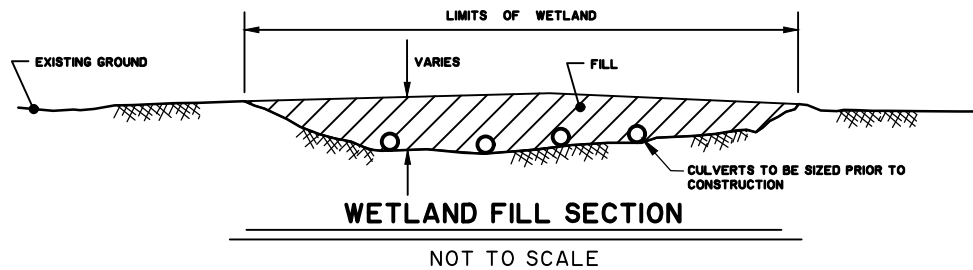
WETLAND PERMIT PLANS

SHEET NAME:
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 CLIENT:
PEACOCK INVESTMENTS, LLC
 LOCATION: DORCHESTER COUNTY, SC
 DATE: 08/22/2022 DRAWN BY: CHH SHEET: 9
 JOB NUMBER: J-26087.0007 REVIEWED BY: RSO SCALE: 1" = 400'



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WETLAND PERMIT PLANS

SHEET NAME:
DETAILS

CLIENT:
PEACOCK INVESTMENTS, LLC

LOCATION: DORCHESTER COUNTY, SC

DATE: 08/22/2022

JOB NUMBER: J-26087.0007

DRAWN BY: CHH

REVIEWED BY: RSO

SHEET: 10

SCALE: N.T.S.



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