

**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 #SAC-2008-1646-2G-REVISED

10 SEPTEMBER 2014

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

HANK FEIDLER  
MARKET SQUARE PROPERTIES, LLC  
C/O STEPHEN FLOREY  
ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.  
6440 SOUTHPOINT PARKWAY  
SUITE 130  
JACKSONVILLE, FLORIDA 32216

for a permit to place fill material in jurisdictional freshwater wetlands near

**GONIX MILL BRANCH**

At a location, on Tricia's Misty Lane and SC Highway 176 in Summerville, Berkeley County, South Carolina (Latitude 33.09717 Longitude -80.123639).

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.

**PLEASE NOTE: ONLY COMMENTS IN RESPONSE TO THIS REVISED PUBLIC NOTICE WILL BE CONSIDERED.**

The proposed work consists of placing 1094 cubic yards of clean fill material in 6.74 acres of jurisdictional freshwater wetlands and 0.47 acres of non-jurisdictional wetlands for access and development of the site to construct a mixed used development with a commercial shopping center and apartment complex. The applicant has revised this project to reduce the proposed impacts presented in a previous submittal. As mitigation for the proposed impacts, the applicant proposes to purchase 74.6 mitigation credits from the Pigeon Pond Mitigation Bank. The purpose of the proposed work is for construction of a commercial and residential development.

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 South Carolina Coastal Zone Management Act (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. Persons wishing to comment or object to State certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

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 (6.74) acres of freshwater wetlands upstream and inland 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.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species 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.

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.

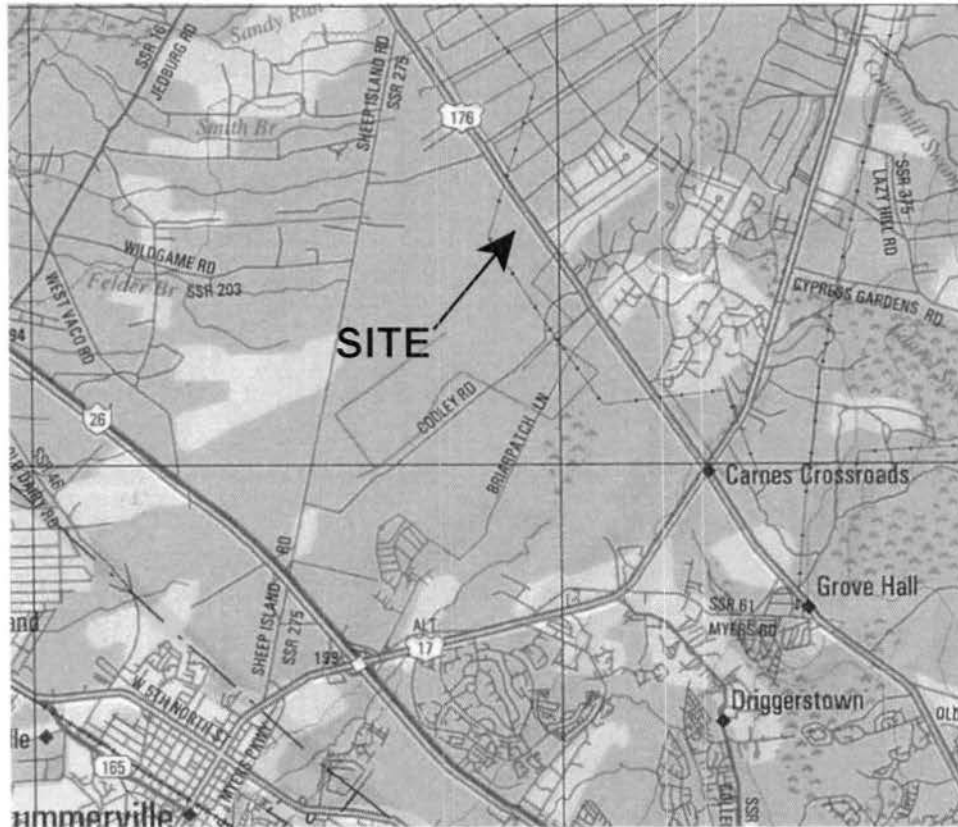
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered 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.

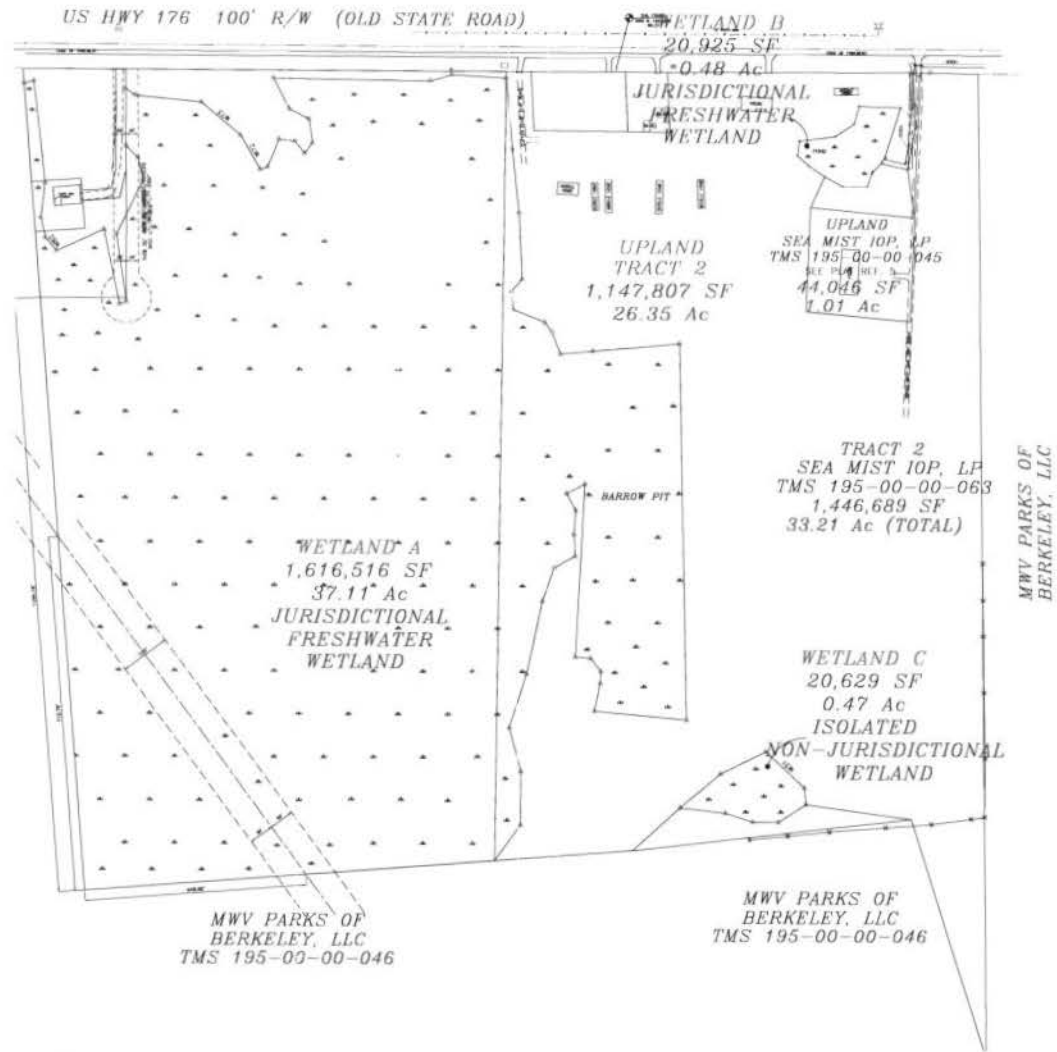
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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.

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.

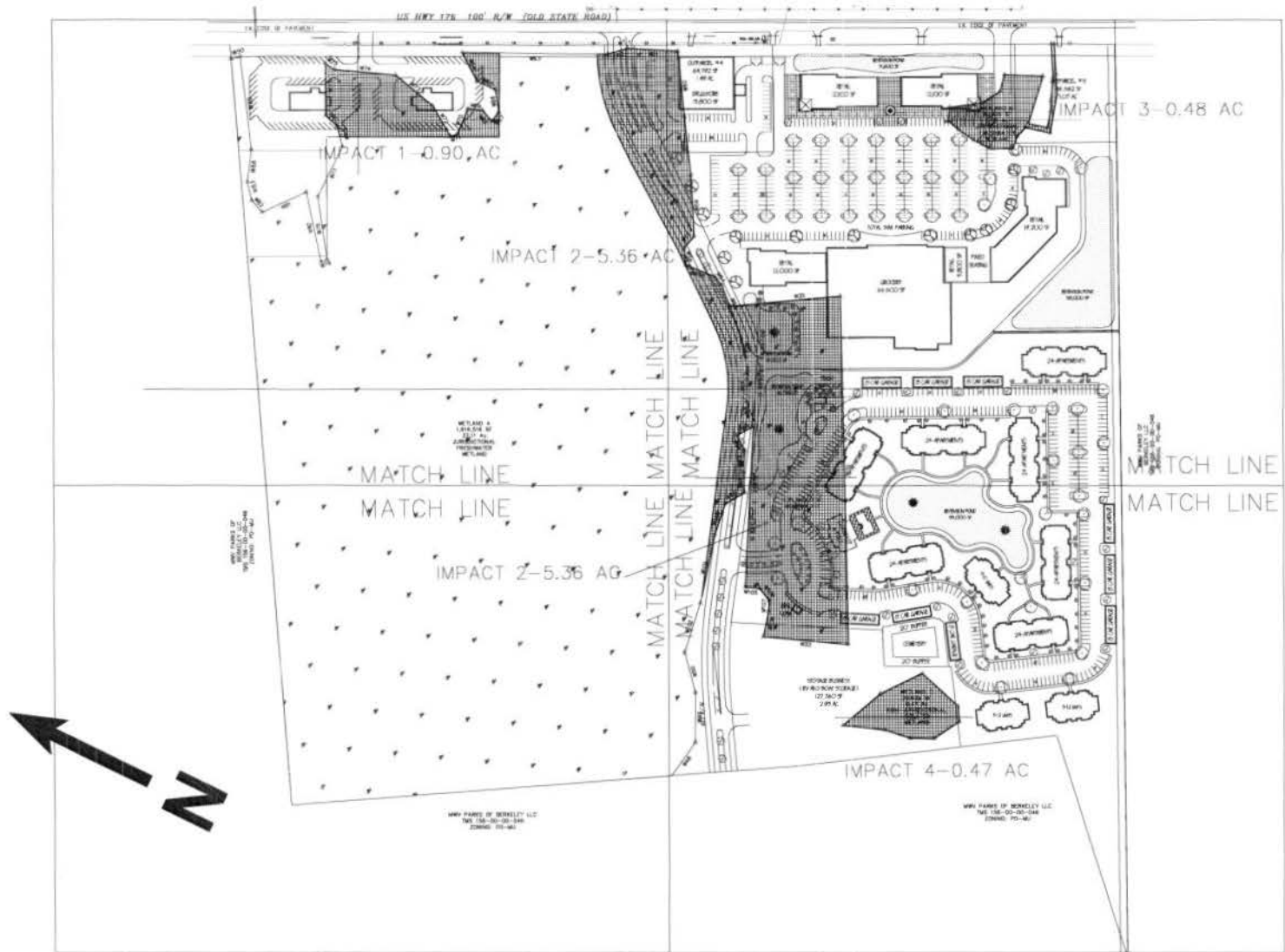
If there are any questions concerning this public notice, please contact Mary Hope Green at 843-329-8044 or toll free at 1-866-329-8187.



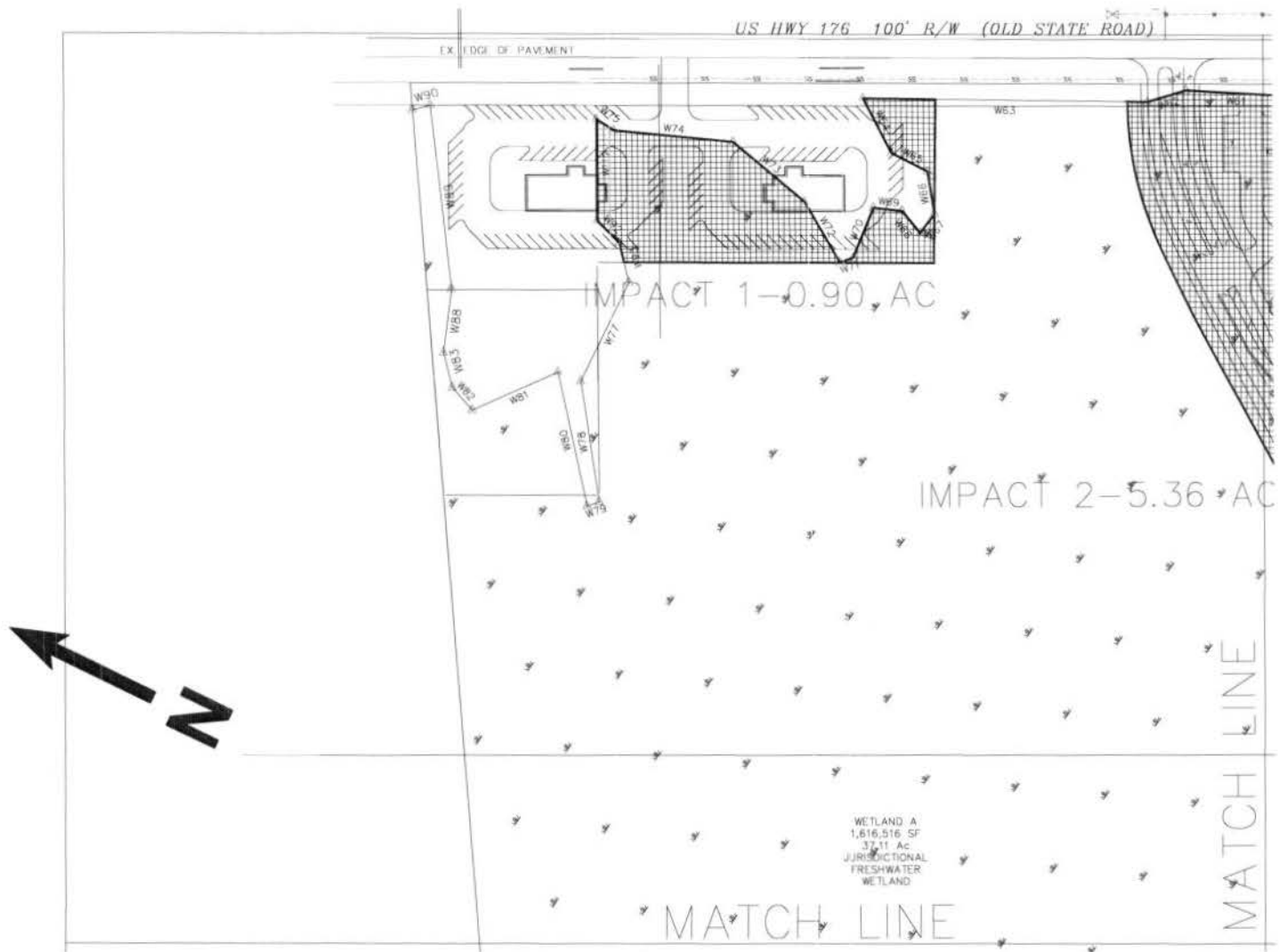
PROJECT TITLE: CANE BAY MARKET SQUARE	
PROJECT LOCATION: 1601 STATE ROAD, SUMMERVILLE, SC	
APPLICANT: MARKET SQUARE PROPERTIES, LLC	
SHEET TITLE: SITE LOCATION	
DATE: JULY 2014	SCALE: 1"=400
APPLICATION # SAC-2008-1646-2IG-Revised	SHEET 1 OF 13



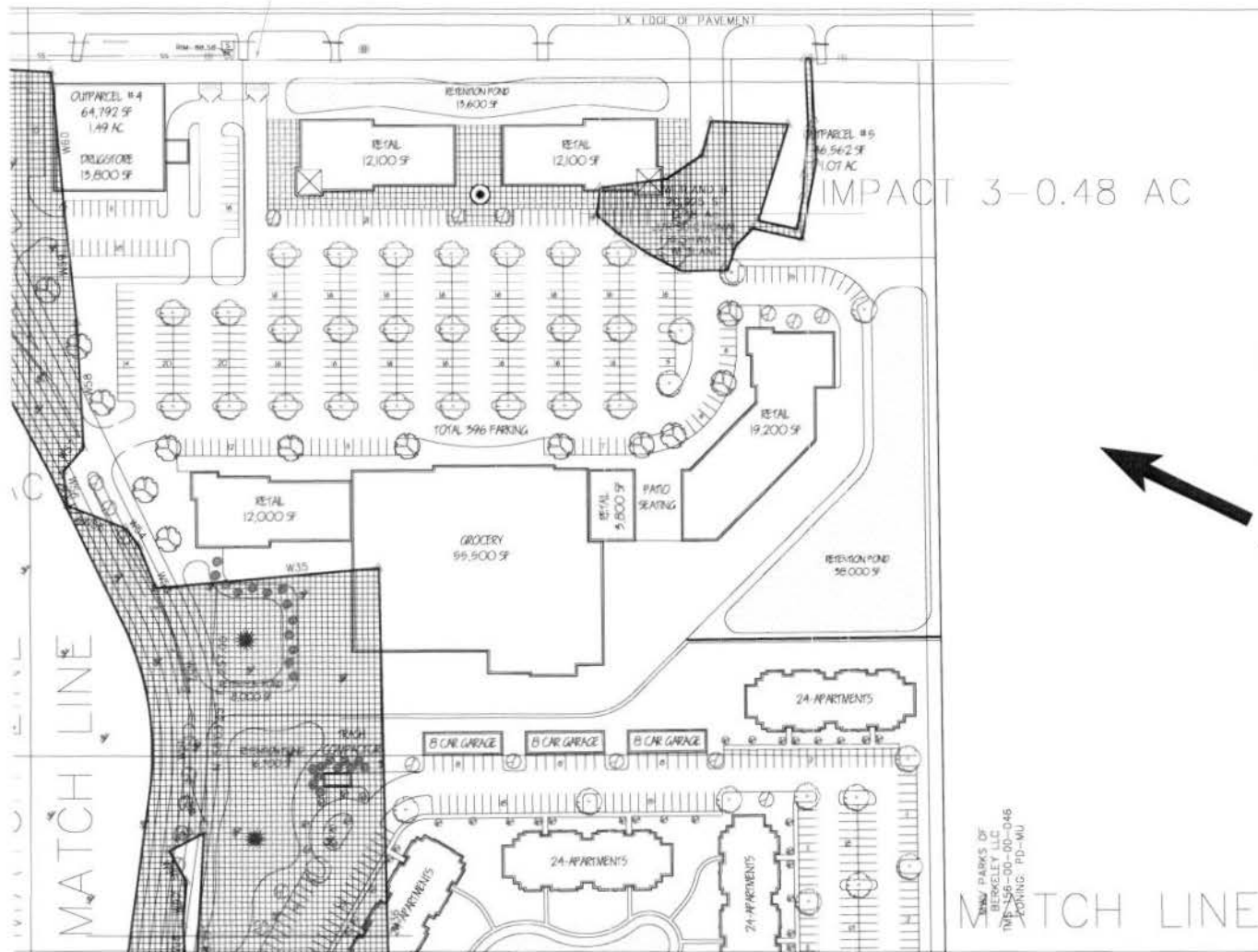
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APPLICANT: MARKET SQUARE PROPERTIES, LLC	
SHEET TITLE: SITE LOCATION	
DATE: JULY 2014	SCALE: 1"= 360"
APPLICATION # SAC-2008-1646-2IG-Revised	SHEET 2 OF 13



PROJECT TITLE: CANE BAY MARKET SQUARE	
PROJECT LOCATION: 1601 STATE ROAD, SUMMERVILLE, SC	
APPLICANT: MARKET SQUARE PROPERTIES, LLC	
DATE: JULY 2014	SCALE: 1"= 340'
APPLICATION # SAC-2008-1646-2IG-Revised	SHEET 3 OF 13

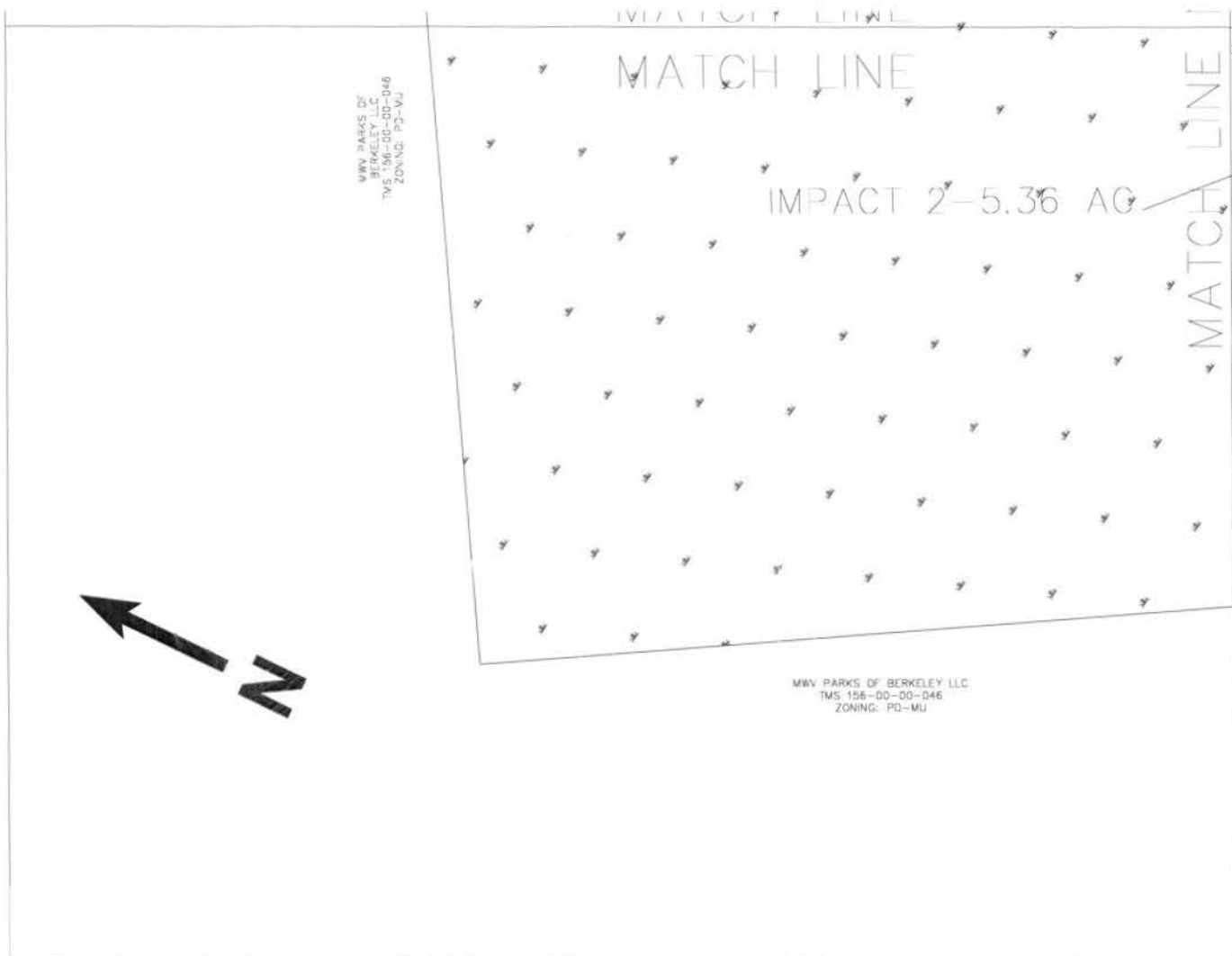


PROJECT TITLE: CANE BAY MARKET SQUARE	
PROJECT LOCATION: 1601 STATE ROAD, SUMMERVILLE, SC	
APPLICANT: MARKET SQUARE PROPERTIES, LLC	
DATE: JULY 2014	SCALE: 1"= 175'
APPLICATION # SAC-2008-1646-2IG-Revised	SHEET 4 OF 13

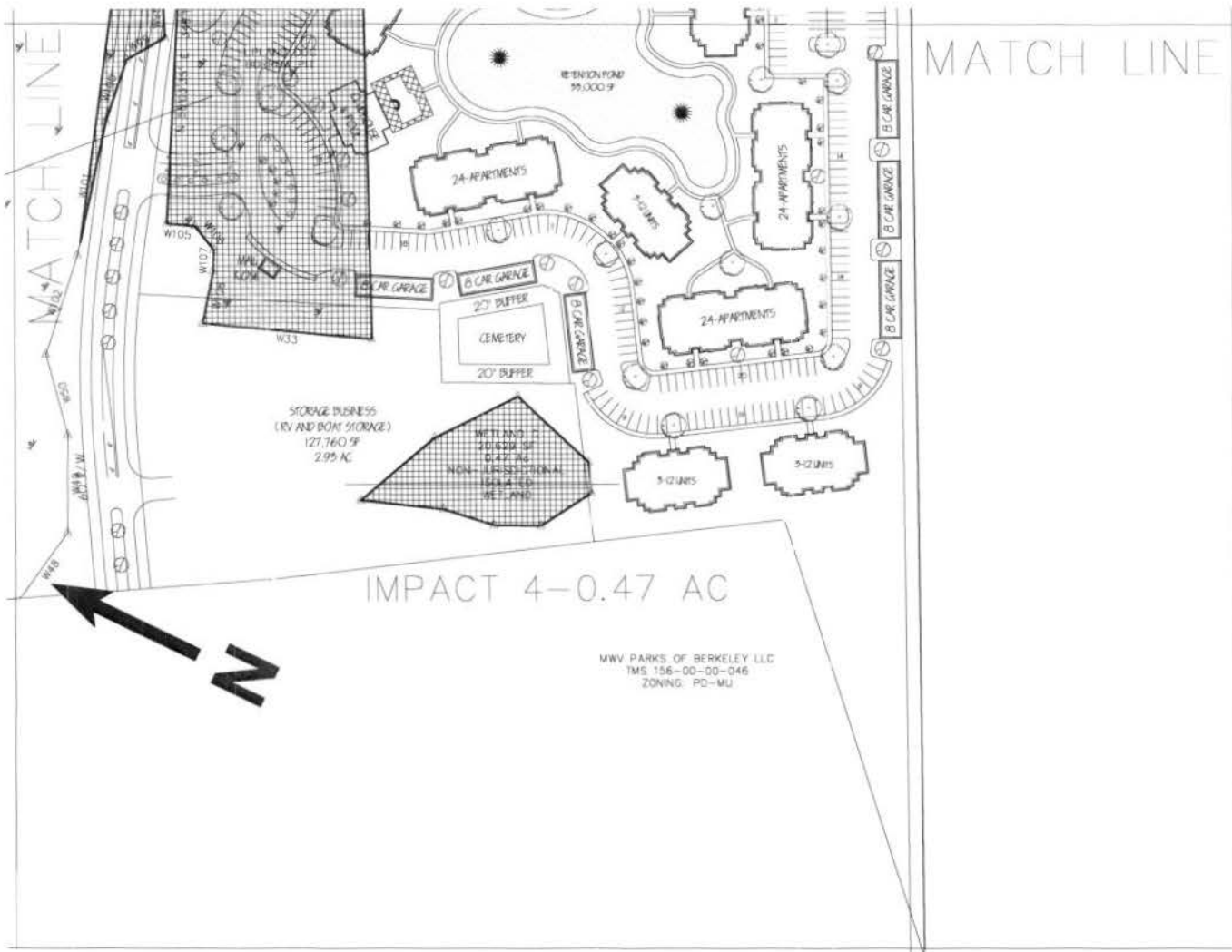


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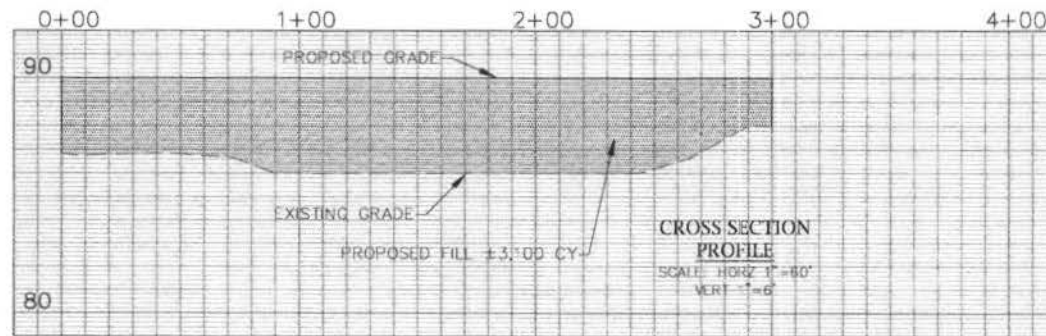




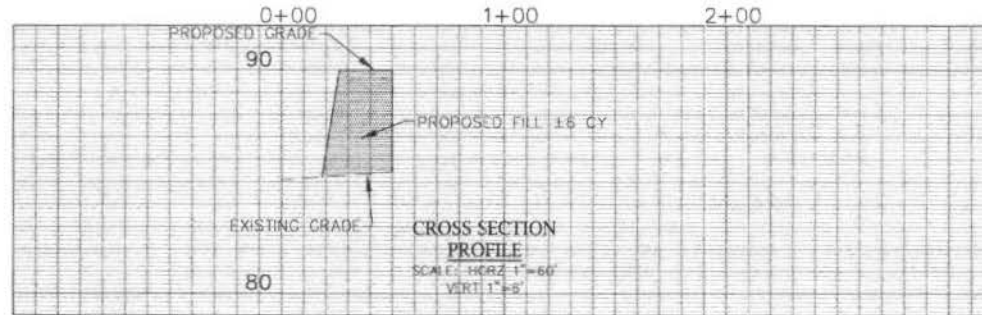
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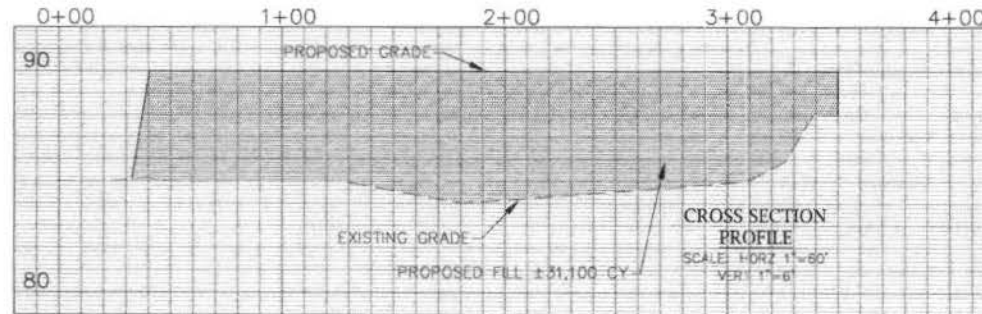
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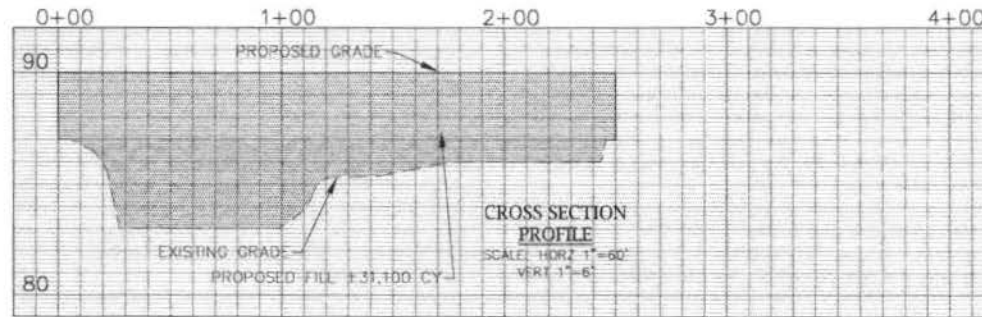
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APPLICANT: MARKET SQUARE PROPERTIES, LLC	
DATE: JULY 2014	
APPLICATION # SAC-2008-1646-2IG-Revised	SHEET 8 OF 13



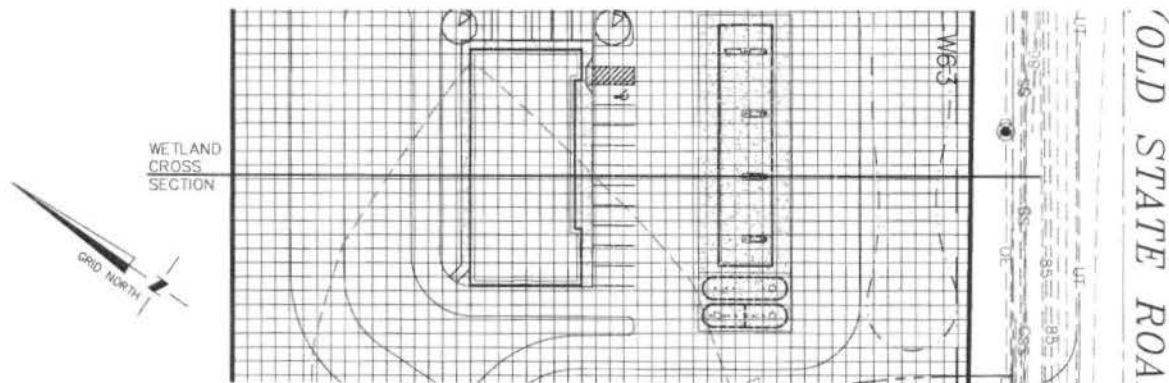
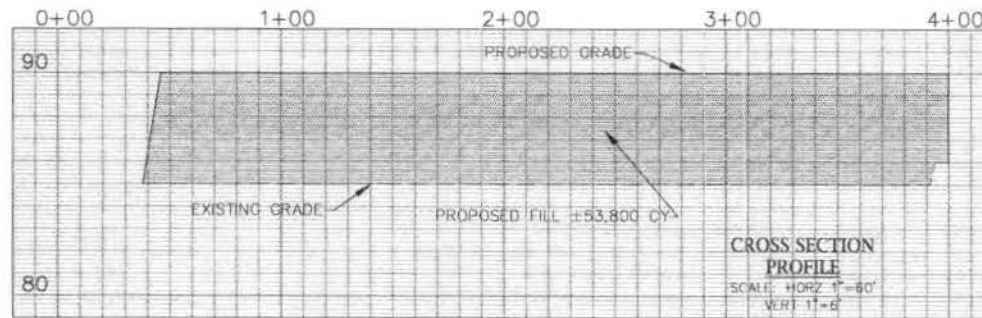
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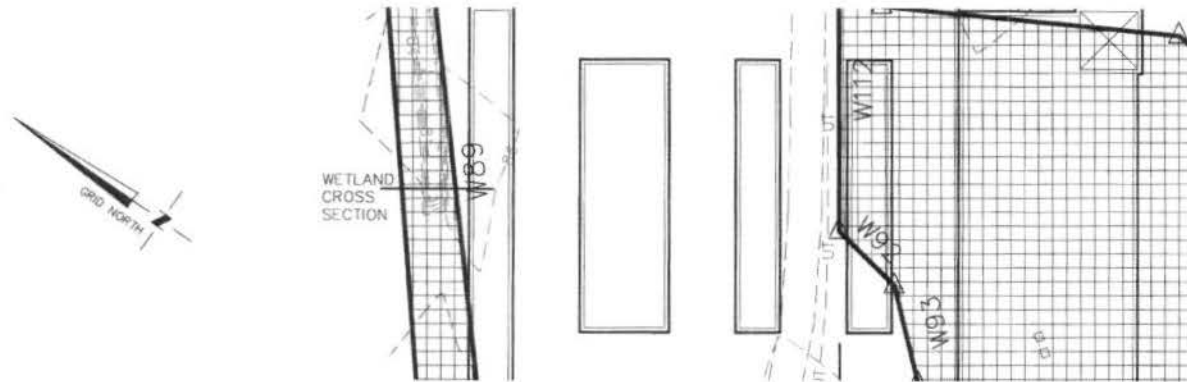
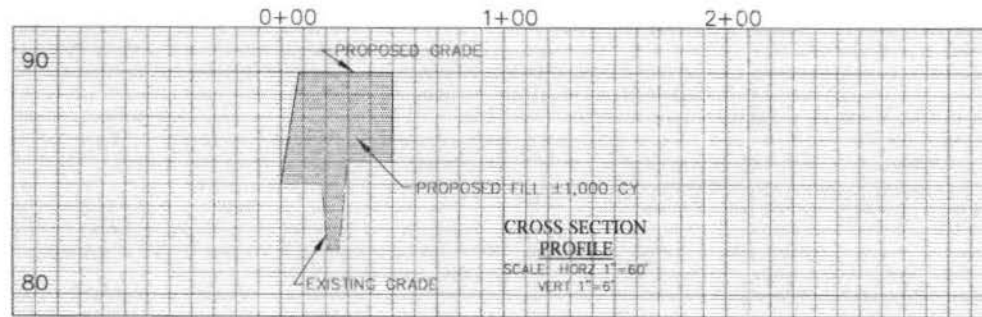
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APPLICATION # SAC-2008-1646-2IG-Revised	SHEET 12 OF 13



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## Required Wetland Mitigation Credit Table and Worksheet

**!** **TIP:** Leave cursor over each factor or option below to pop-up helpful information or definitions.

Required Wetland Mitigation Credit Table						
FACTORS	OPTIONS					
Lost Type	Type C 0.2		Type B 2.0		Type A 3.0	
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0	
Existing Condition	Very Impaired 0.1	Impaired 1.0		Partially Impaired 2.0		Fully Functional 2.5
Duration	0 to 1 Year 0.2	1 to 3 Years 0.5	3 to 5 Years 1.0	5 to 10 Years 1.5		Over 10 Years 2.0
Dominant Impact	Shade 0.2	Clear 1.0	Drain 2.0	Dredge 2.5	Impound/Flood 2.5	Fill 3.0
Cumulative Impact	< 0.25 Acre 0.1	0.25 - 0.99 Acres 0.2	1.0 - 2.99 Acres 0.5	3.0 - 9.99 Acres 1.0		≥ 10.0 Acres 2.0

**NOTE:** The cumulative impact factor for the overall project should be included in the sum of factors for each impacted area on the Required Wetland Mitigation Credit Worksheet

Required Wetland Mitigation Credit Worksheet						
FACTOR	AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	AREA 6
Lost Type	Type B	Type C				
Priority Category	Tertiary	Tertiary				
Existing Condition	Impaired	Impaired				
Duration	Over 10 Years	Over 10 Years				
Dominant Impact	Fill	Dredge				
Cumulative Impact	≥ 10.0 Acres	≥ 10.0 Acres				
Sum of Factors	10.5	8.2				
Impacted Area	6.74	0.47				
R x AA=	70.77	3.854				

Required Wetland Mitigation Credits =  $\Sigma (R \times A) =$

<b>74.624</b>
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