

**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 # 2007-889-2IX**

**APRIL 27, 2007**

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

**LEGAND OAKS COMMERCE SC, LLC**  
**C/O TRICO ENGINEERING**  
**4969 CENTRE POINT DRIVE, SUITE 200**  
**NORTH CHARLESTON SOUTH CAROLINA 29418**

for a permit to place fill material in freshwater wetlands adjacent to a tributary of

**HORSE SAVANNA**

located immediately south of the intersection of Ashley River Road (SC Highway 61) and Bacons Bridge Road (SC Highway 165), Dorchester County, South Carolina (Latitude 32.94478, Longitude 80.20529).

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 both of the above mentioned offices until

**12 O'CLOCK NOON, TUESDAY MAY 29, 2007**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing fill material in 4.579 acres of jurisdictional freshwater wetlands for the construction of access and internal road crossings, parking, building pads and infrastructure for commercial development. In addition, 0.03 acres of non-jurisdictional wetlands will be filled for multi-family residential development. The purpose for the proposed work, according to the applicant, is for commercial office space and multi-family housing.

The applicant proposed to mitigate for the impacts by protecting the remaining 21.206 acres of wetlands with a 9.812 acre upland buffer (50' average width) and purchasing 13 restoration credits and 2.5 preservation credits from an approved mitigation bank.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a

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written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

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 4.579 acres of freshwater wetlands located upstream 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.

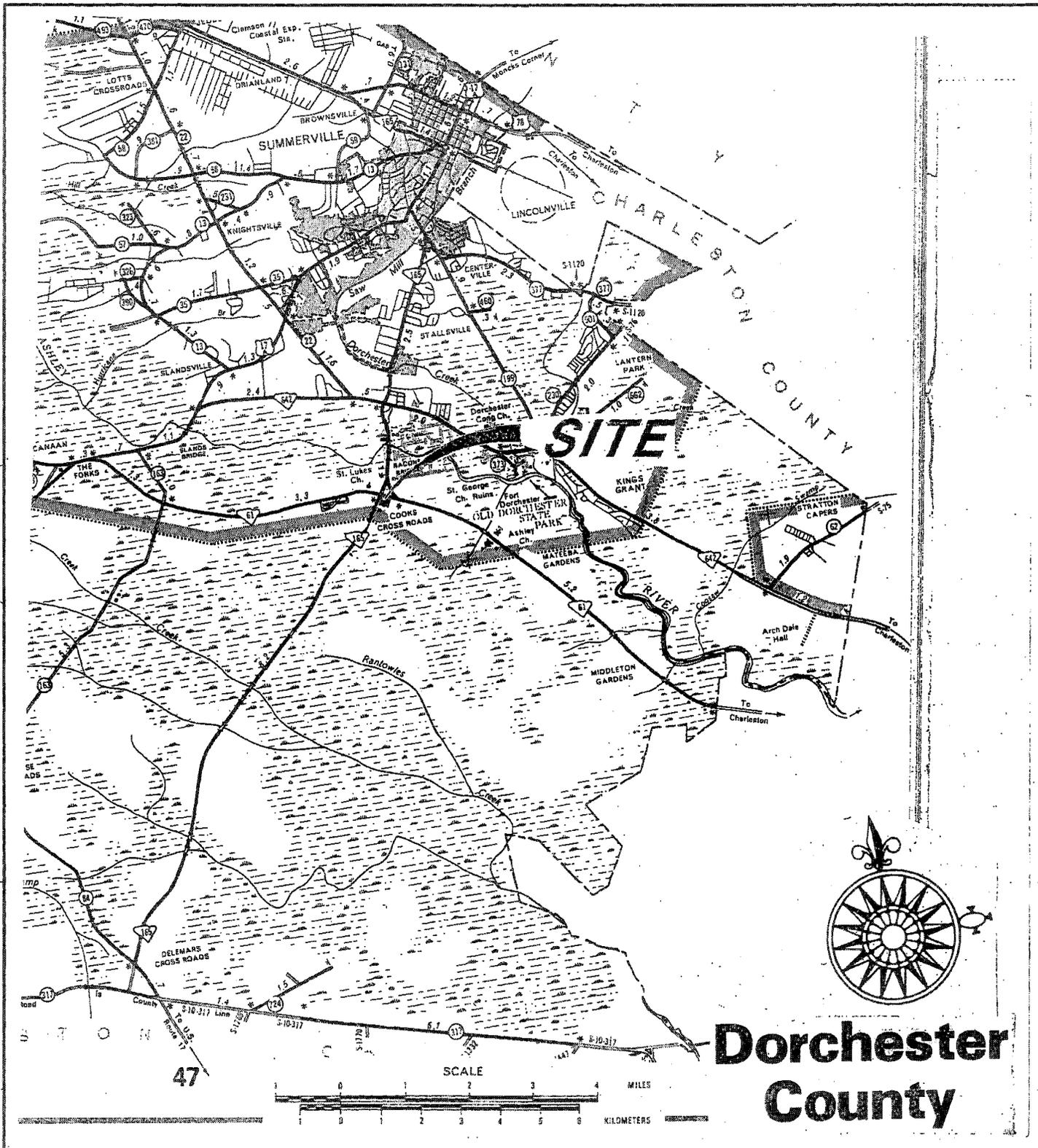
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered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

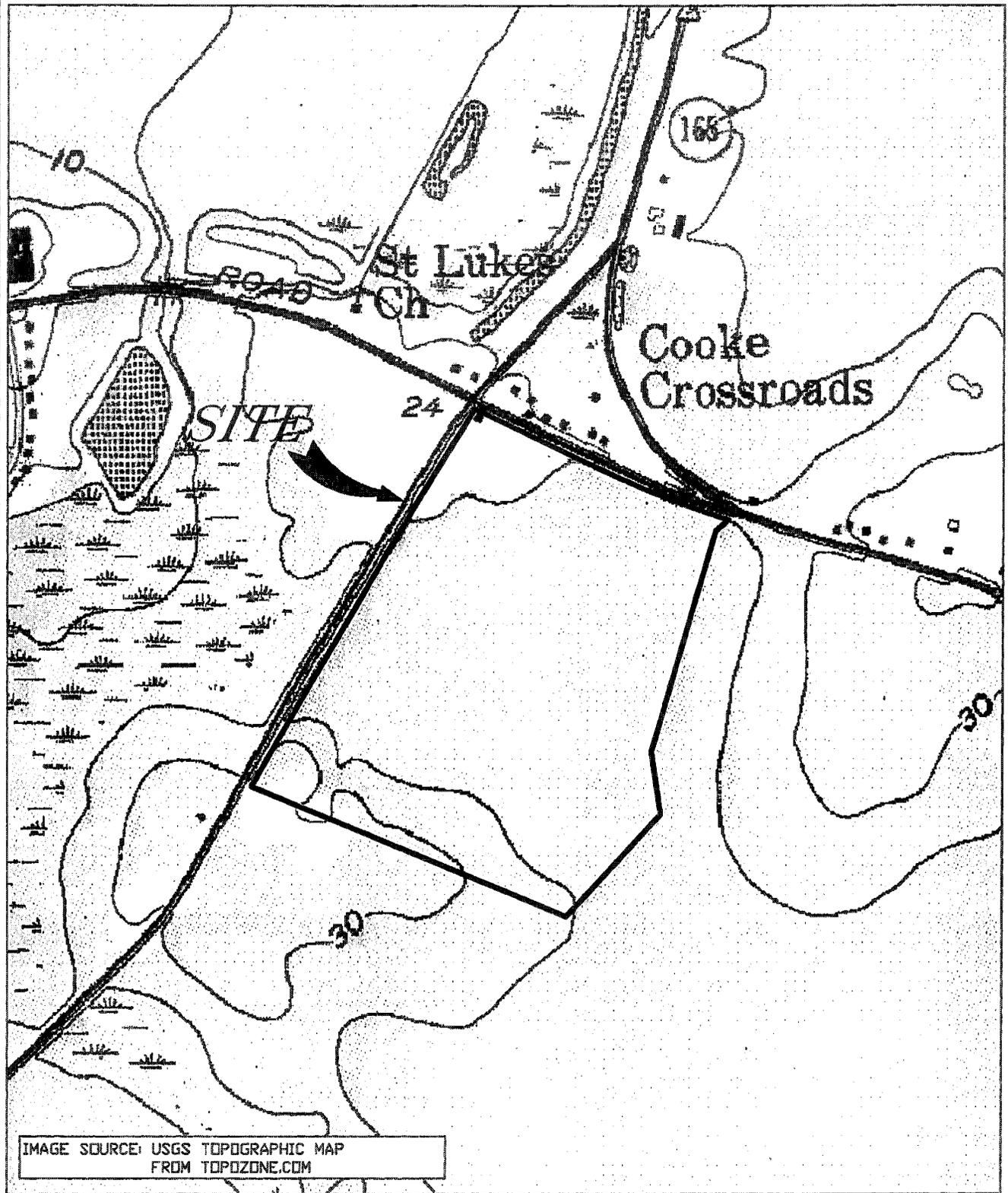
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine 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 Elizabeth Jackson at 843-329-8044 or toll free at 1-866-329-8187.



# Dorchester County

Project Title: LEGEND OAKS COMMONS	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: LEGEND OAKS COMMERCE SC, LLC	
Revisions	
Date	Initials
April 16, 2007	
REF. 2007-889-2IX	SCALE: AS SHOWN
	SHEET 1 OF 7



\*\*SITE BOUNDARIES ARE APPROXIMATE\*\*

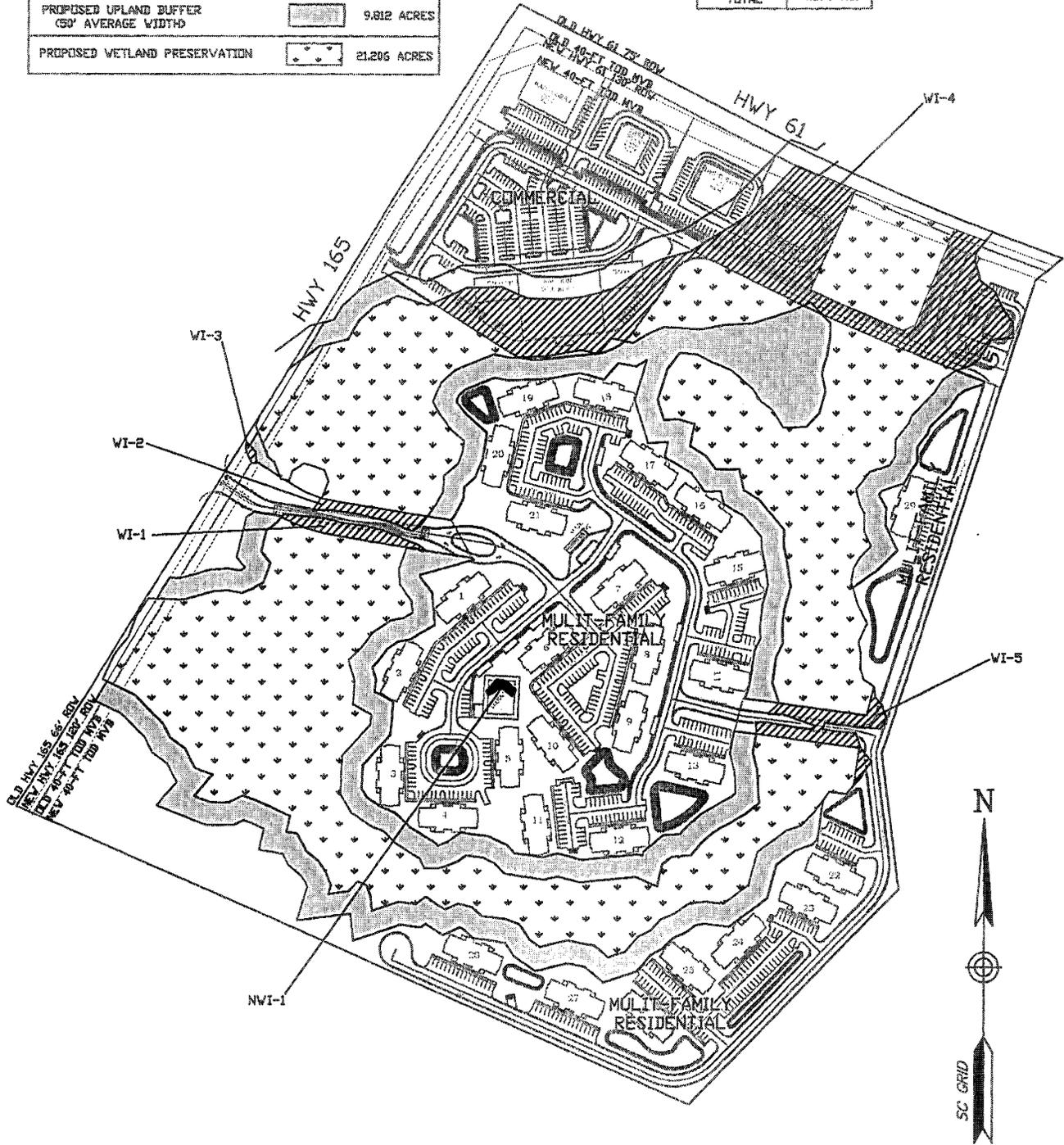
JOB NAME:	DRAWN BY: RKR	CHECKED BY: TNR
LEGEND OAKS COMMONS	SCALE: APPROXIMATELY 1" ~ 700'	
LOCATION:	DATE: 01.16.07	2007-889-2IX
DORCHESTER COUNTY	JOB NUMBER: 02-085	SHEET
SOUTH CAROLINA	APPLICANT:	2 OF 7 ^
TOPOGRAPHICAL MAP	LEGEND OAKS COMMONS	

# WETLAND MASTERPLAN

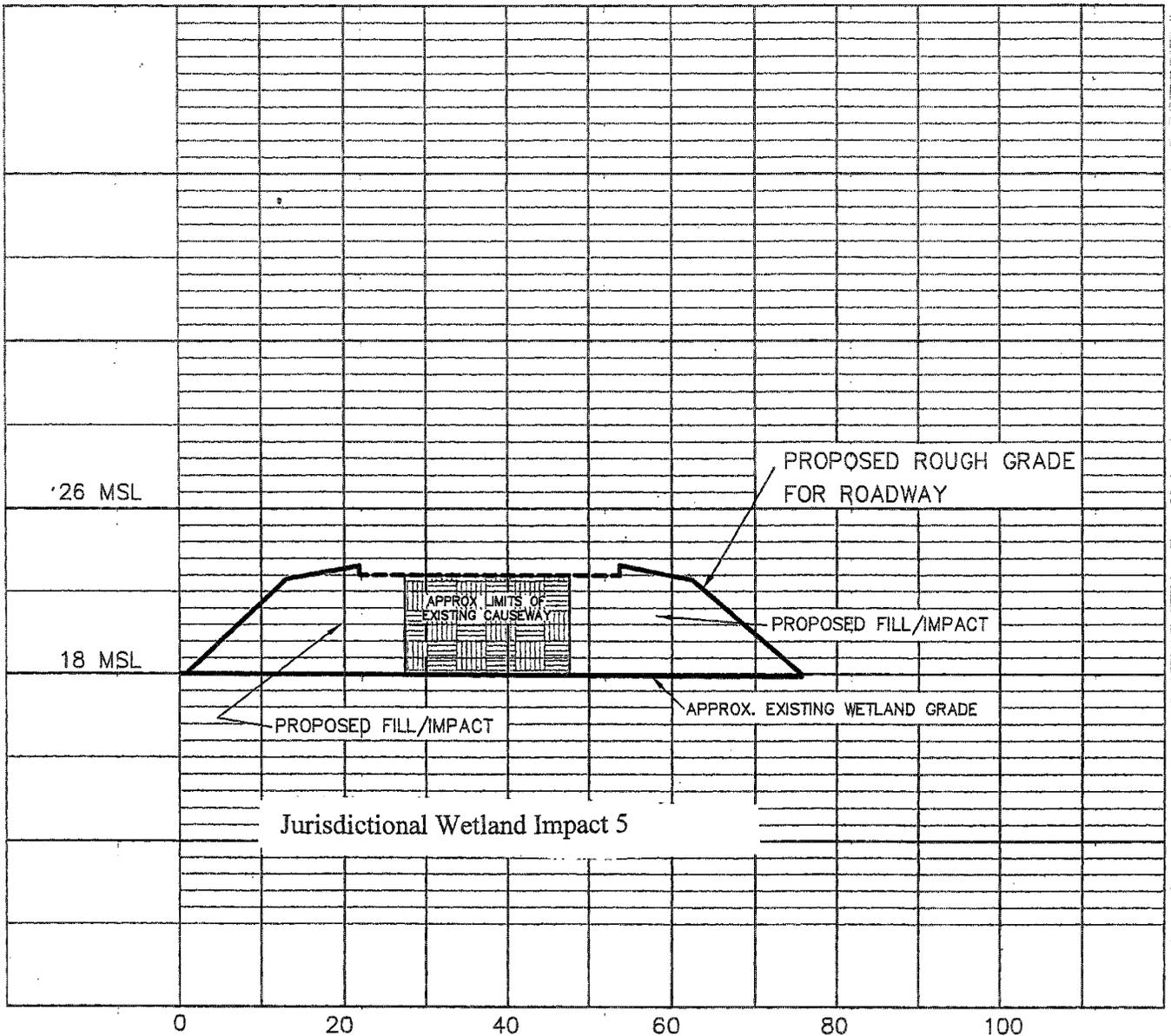
TOTAL PROPOSED WETLAND IMPACT	4,609 ACRES
JURISDICTIONAL WETLAND IMPACT	4,579 ACRES
NON-JURISDICTIONAL WETLAND IMPACT	0.030 ACRES
PROPOSED UPLAND BUFFER 65' AVERAGE WIDTH	9,812 ACRES
PROPOSED WETLAND PRESERVATION	21,286 ACRES

JURISDICTIONAL WETLAND IMPACT	
DESCRIPTION	SIZE
WI-1	0.186 AC.
WI-2	0.141 AC.
WI-3	0.013 AC.
WI-4	3.836 AC.
WI-5	0.403 AC.
TOTAL	4,579 AC.

NON-JURISDICTIONAL WETLAND IMPACT	
DESCRIPTION	SIZE
NWI-1	0.030 AC.
TOTAL	0.030 AC.



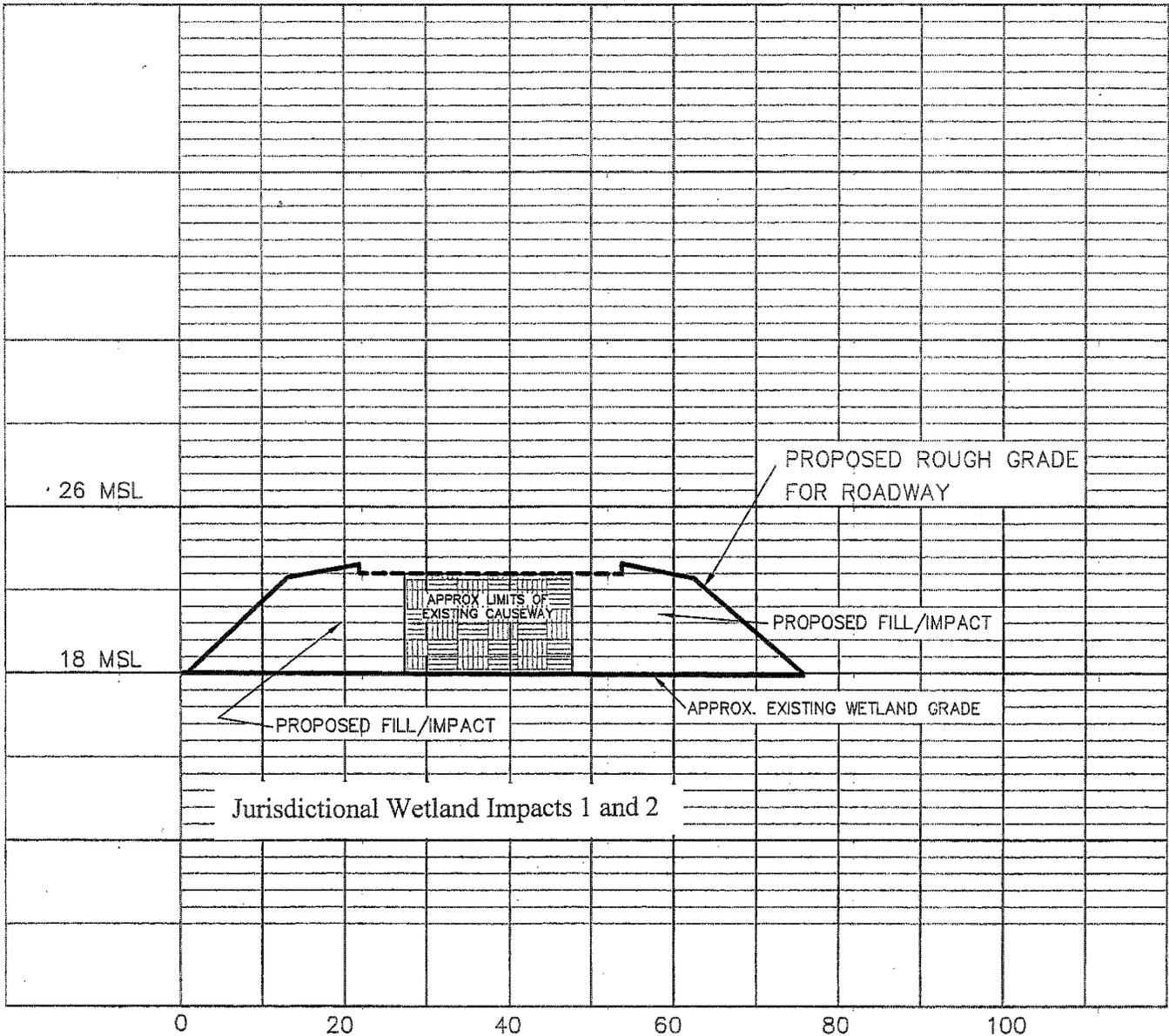
JOB NAME:	DRAWN BY: RKR	CHECKED BY: TNR
LEGEND OAKS COMMONS LOCATION:	SCALE: 1" = 350'	
DORCHESTER COUNTY SOUTH CAROLINA	DATE: 04.16.07	2007-889-2FX
DESCRIPTION:	JOB NUMBER: 02-058	SHEET
IMPACT AND MITIGATION	APPLICANT:	3 OF 7 ^



HORIZONTAL SCALE: 1" = 20'  
 VERTICAL SCALE: 1" = 8'

**PROPOSED EASTERN ROAD CROSSING – 75' R.O.W.**  
**TOTAL EST. VOLUME OF WETLAND FILL: (0.40 ACRES/2600 CU.YD.)**  
 INSTALL 3 – 24" RCP'S @ CROSSING MIDPOINT AT EXISTING WETLAND GRADE

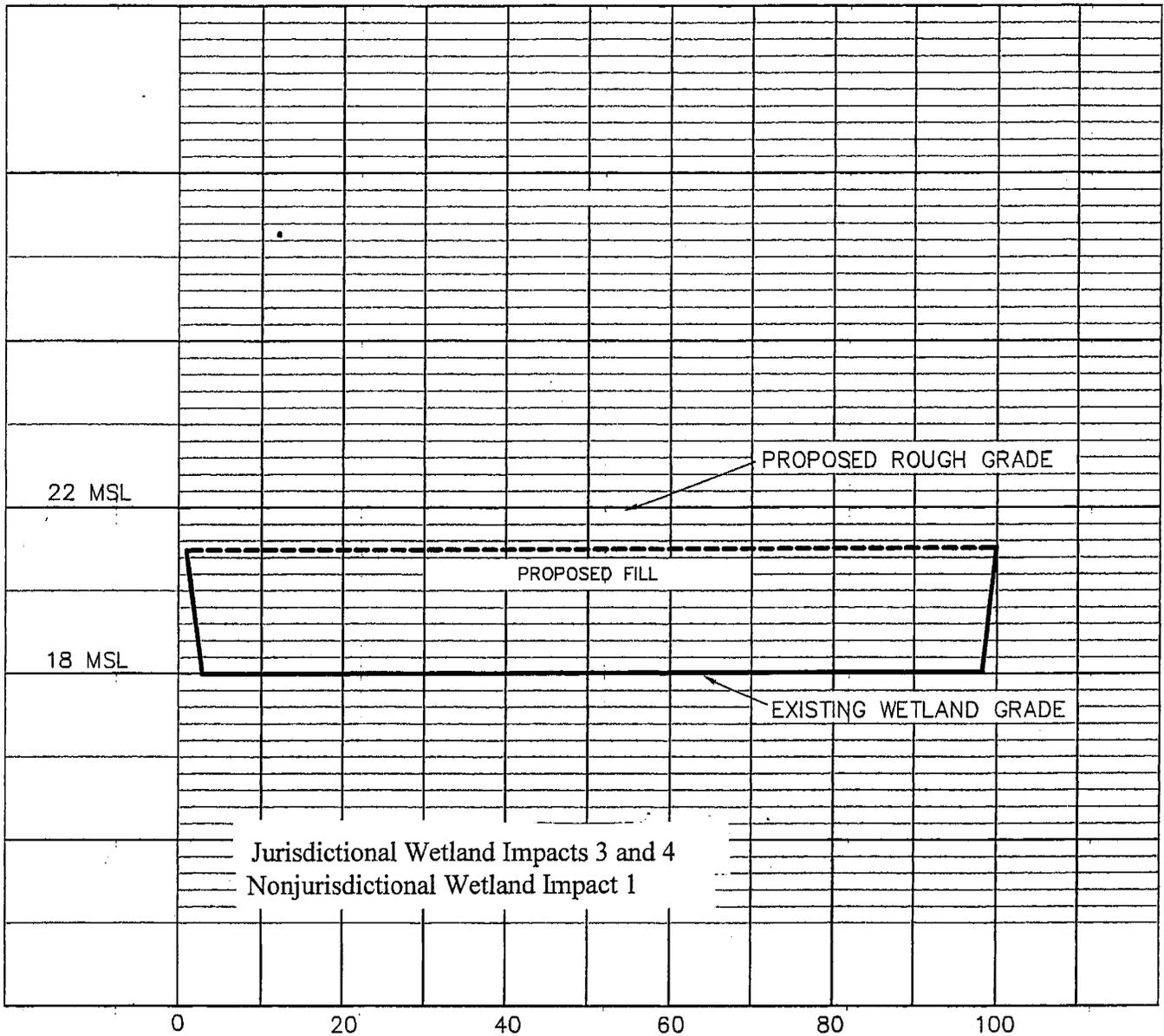
Project Title: LEGEND OAKS COMMONS	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: LEGEND OAKS COMMERCE SC, LLC	
Revisions Date	Initials
April 16, 2007	SCALE: AS SHOWN
REF: 2007-889-2IX	SHEET 4 OF 7



HORIZONTAL SCALE: 1" = 20'  
 VERTICAL SCALE: 1" = 8'

**PROPOSED WESTERN ROAD CROSSING – 75' R.O.W.**  
**TOTAL EST. VOLUME OF WETLAND FILL: (0.33 ACRES/2300 CU.YD.)**  
 INSTALL 3 – 24" RCP'S @ CROSSING MIDPOINT AT EXISTING WETLAND GRADE

Project Title: LEGEND OAKS COMMONS	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: LEGEND OAKS COMMERCE SC, LLC	
Revisions	April 16, 2007
Date	Initials
SCALE: AS SHOWN	
REF: 2007-889-2IX	SHEET 5 OF 7



HORIZONTAL SCALE: 1" = 20'  
 VERTICAL SCALE: 1" = 4'

## GENERAL WETLAND FILL SECTION

TOTAL ESTIMATED VOLUME OF WETLAND FILL: (3.88 ACRES/ 25,000 CU. YD.)

NOTE: RCP'S WILL BE INSTALLED TO MAINTAIN ON SITE WETLAND'S SHEET FLOW TO EXISTING OUTFLOW PIPE

Project Title: LEGEND OAKS COMMONS	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: LEGEND OAKS COMMERCE SC, LLC	
Revisions	
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April 16, 2007	
REF: 2007-889-2IX	SCALE: AS SHOWN
	SHEET 6 OF 7

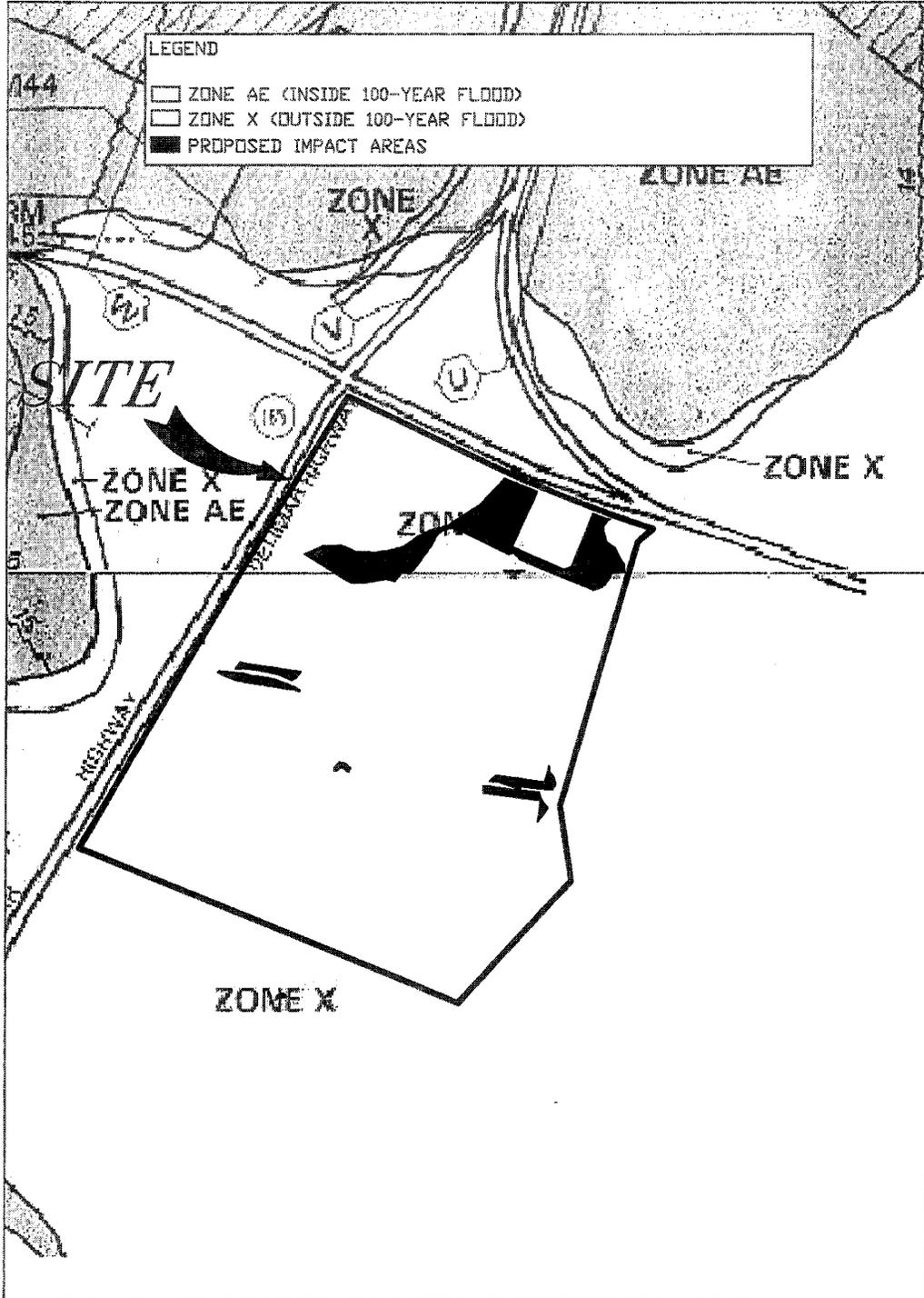


IMAGE SOURCE: FEMA FLOOD INSURANCE RATE MAPS  
 PANEL ID'S #4500680245C AND 4500680310C

\*\*SITE BOUNDARIES ARE APPROXIMATE\*\*

JOB NAME: LEGEND OAKS COMMONS LOCATION: DORCHESTER COUNTY SOUTH CAROLINA DESCRIPTION: FEMA FLOOD ZONE MAP	DRAWN BY: RKR	CHECKED BY: TNR
	SCALE: APPROXIMATELY 1" ~ 700'	
	DATE: 04.16.07	2007-889-2IX
	JOB NUMBER: 02-085	SHEET
	APPLICANT:	7 OF 7 △