

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 # 2008-1060-2IY

May 23, 2008

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

Legend Oaks Commerce SC, LLC
c/o Stantec Consulting Services, Inc.
4969 Centre Point Drive, Suite 200
North Charleston, South Carolina 29418

for a permit to clear and fill jurisdictional wetlands near the

Ashley River

At a location on the southeast corner of the intersection of S.C. Highway 165 and S.C. Highway 61 at Cooks Cross Roads in Dorchester County, South Carolina.
(Latitude 32.94423 – Longitude -80.20504)

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, MONDAY, JUNE 23, 2008

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

The proposed work consists of placing fill in 0.743 acres of jurisdictional wetlands in order to construct roads and utilities to facilitate the development of a mixed use development with commercial and residential uses. As mitigation for the proposed work, the applicant proposes to preserve 25.432 acres of on-site undisturbed freshwater wetlands, the establishment of 9.932 acres of upland buffers and the purchase of 2.5 credits from an approved off-site mitigation bank. The purpose of the proposed work is for access and utilities for a commercial and residential development.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a 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 (0.967)acres of freshwater habitat 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 is not likely to adversely affect any Federally endangered, threatened Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), 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.

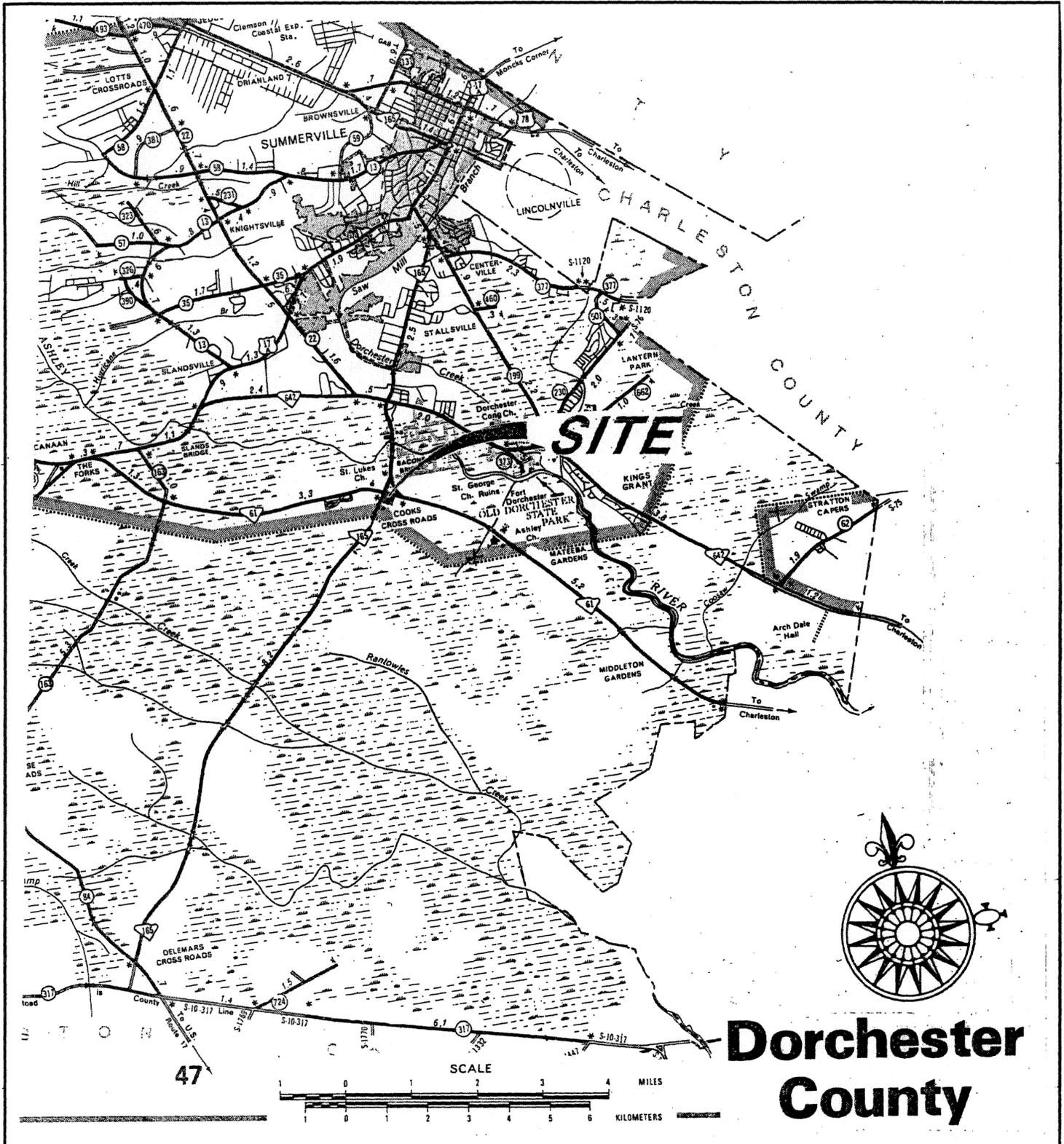
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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

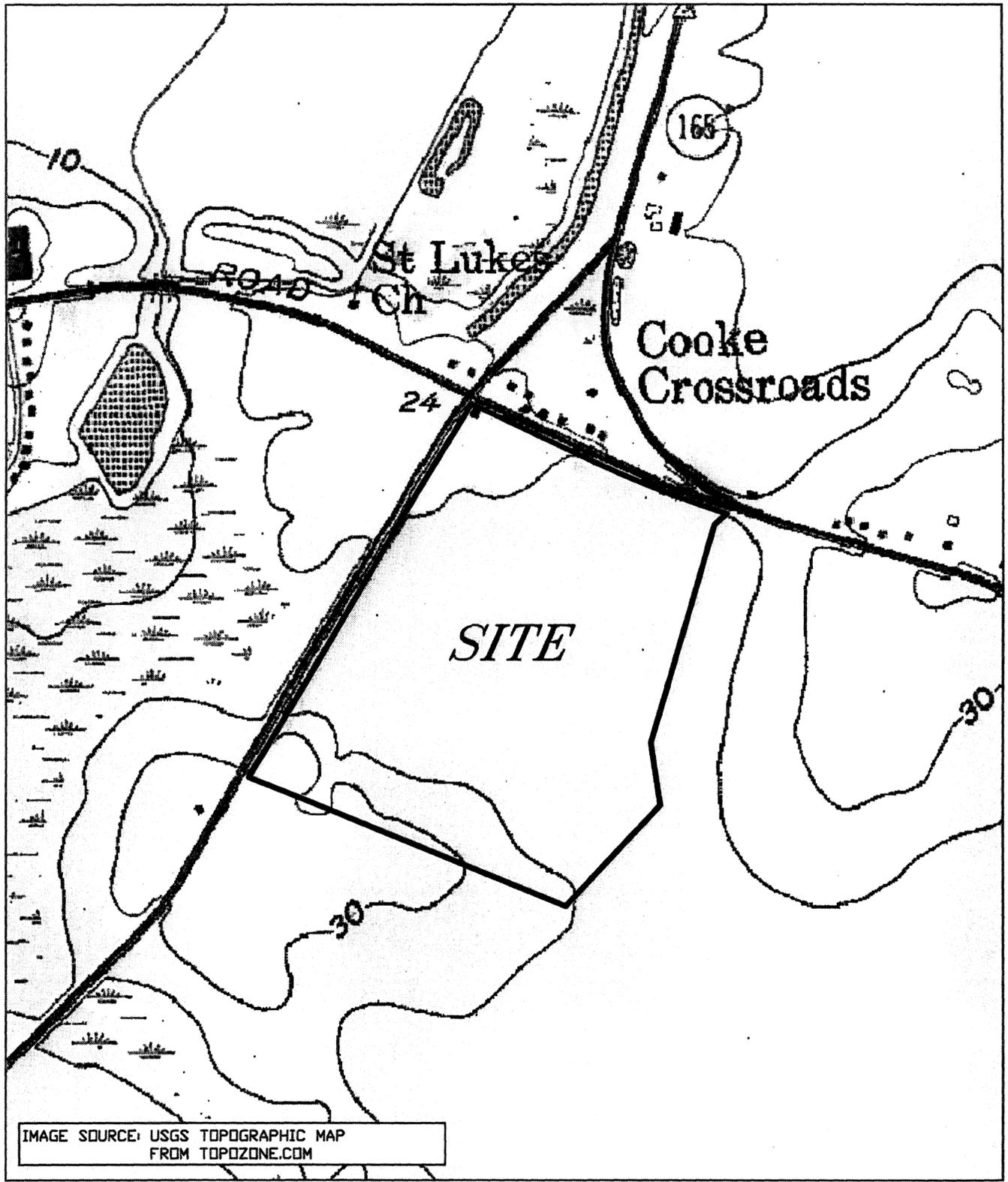


Dorchester County

Project Title: LEGEND OAKS COMMONS	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: LEGEND OAKS COMMERCE SC, LLC	
DATE: 04-09-08	SCALE: AS SHOWN
REF: TNR	SHEET 1 OF 7

Revisions	
Date	Initials

47



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

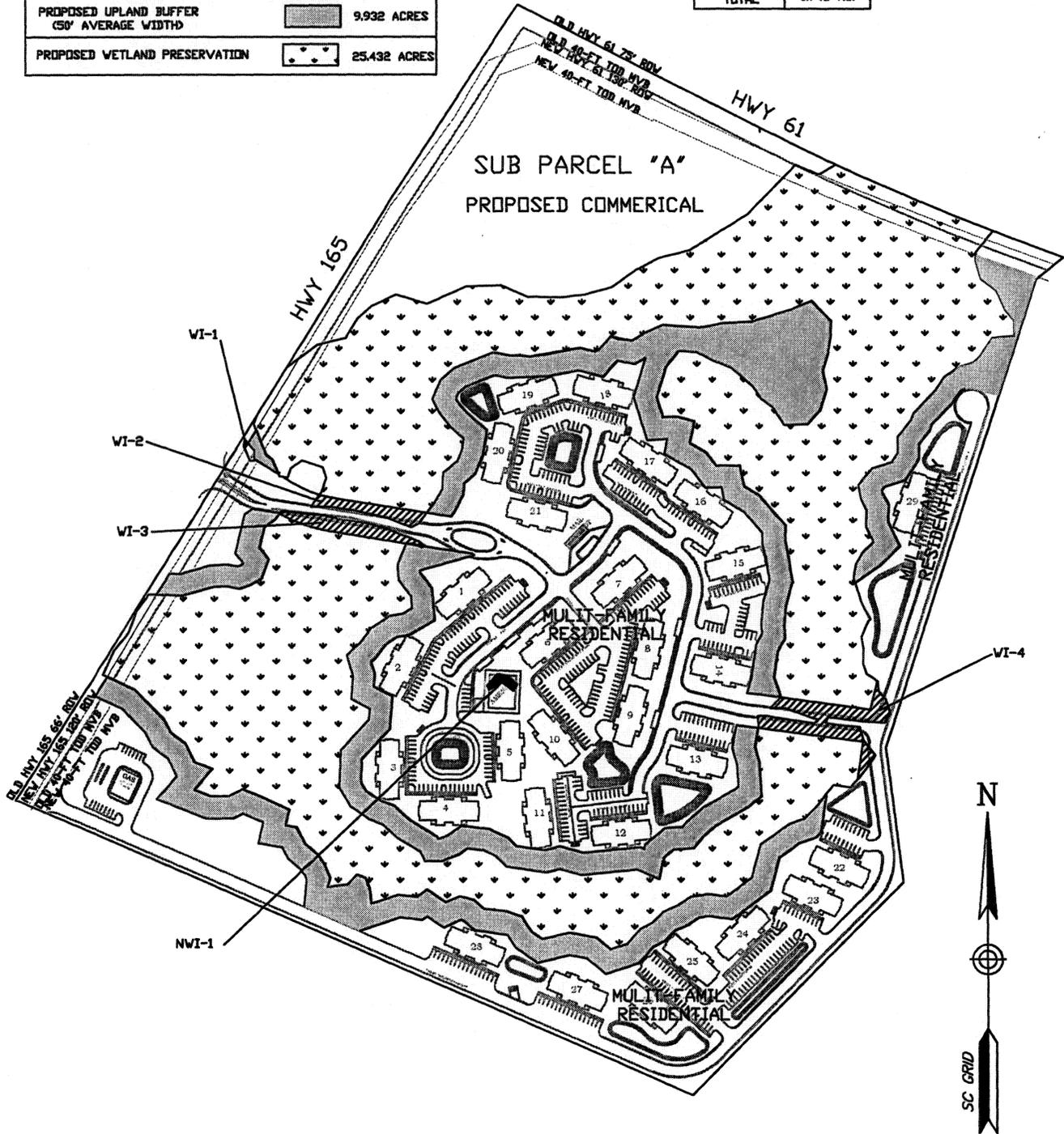
JOB NAME: LEGEND OAKS COMMONS LOCATION: DORCHESTER COUNTY SOUTH CAROLINA	DRAWN BY: RKR	CHECKED BY: TNR
	SCALE: APPROXIMATELY 1" ~ 700'	
	DATE: 04-09-08	
	JOB NUMBER: 02-085	SHEET
DESCRIPTION: TOPOGRAPHICAL MAP	APPLICANT: LEGEND OAKS COMMERCE SC. LLC	2 OF 7 

WETLAND MASTERPLAN

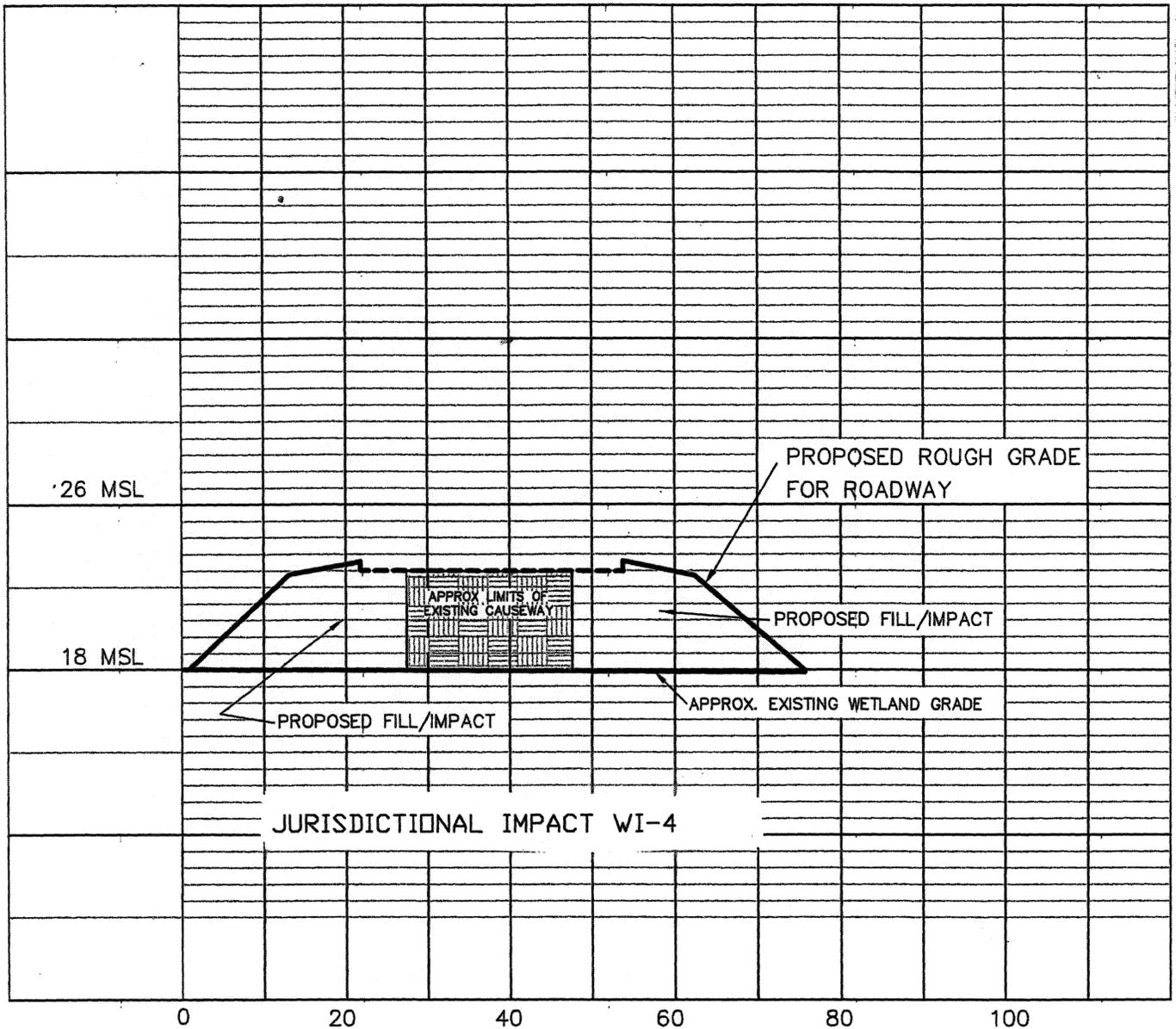
TOTAL PROPOSED WETLAND IMPACT	0.773 ACRES
JURISDICTIONAL WETLAND IMPACT	 0.743 ACRES
NON-JURISDICTIONAL WETLAND IMPACT	 0.030 ACRES
PROPOSED UPLAND BUFFER (50' AVERAGE WIDTH)	 9.932 ACRES
PROPOSED WETLAND PRESERVATION	 25.432 ACRES

JURISDICTIONAL WETLAND IMPACT	
DESCRIPTION	SIZE
VI-1	0.013 AC.
VI-2	0.141 AC.
VI-3	0.186 AC.
VI-4	0.403 AC.
TOTAL	0.743 AC.

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



JOB NAME: LEGEND OAKS COMMONS LOCATION: DORCHESTER COUNTY SOUTH CAROLINA	DRAWN BY: TNR	CHECKED BY: TNR
	SCALE: 1" = 350'	
	DATE: 04-09-08	
	JOB NUMBER: 02-058	SHEET
DESCRIPTION: IMPACT AND MITIGATION	APPLICANT: LEGEND OAKS COMMERCE SC. LLC	3 OF 7 



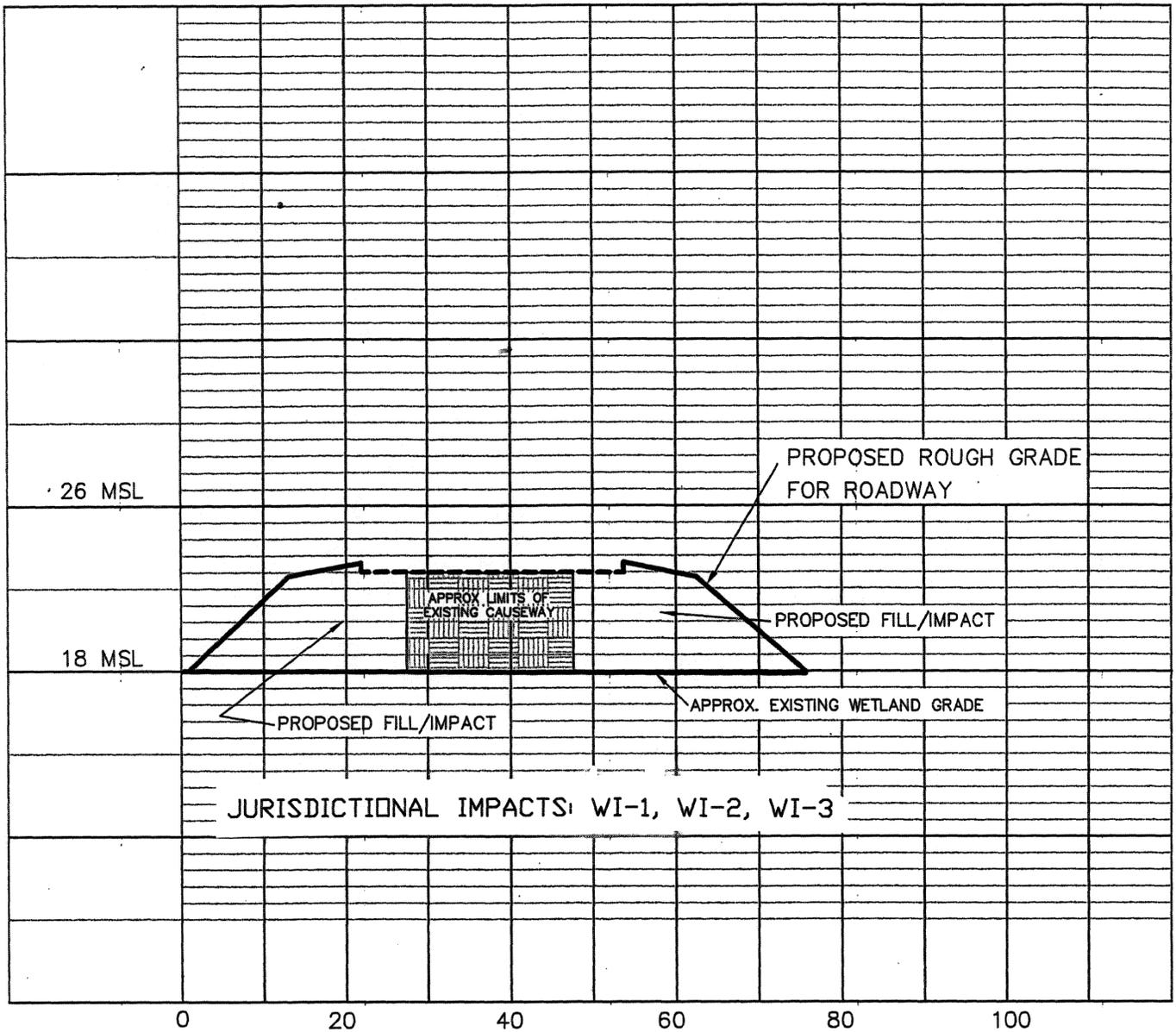
HORIZONTAL SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 8'

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

Revisions	
Date	Initials

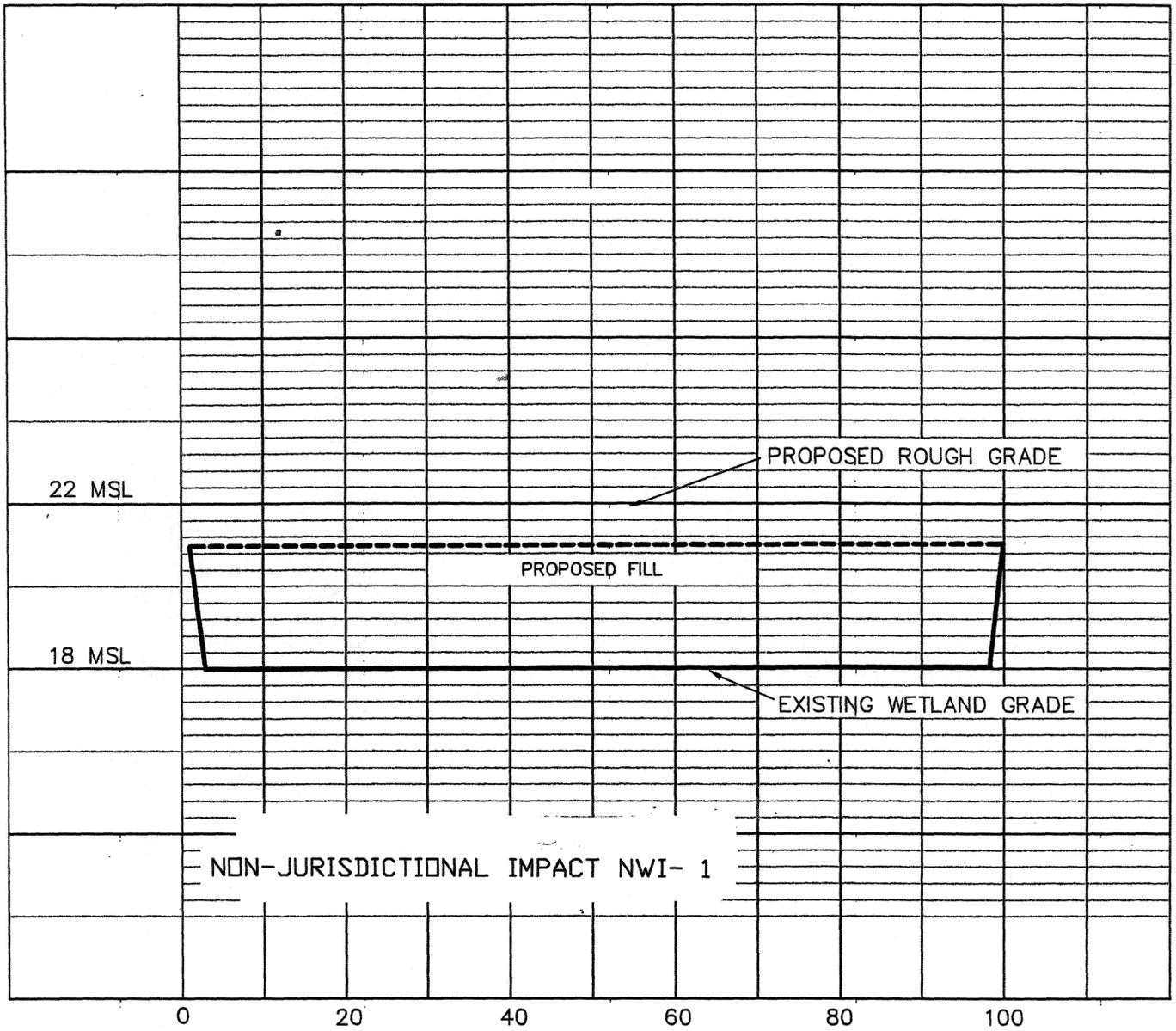
Project Title: LEGEND OAKS COMMONS	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: LEGEND OAKS COMMERCE SC, LLC	
DATE: 04-09-08	SCALE: AS SHOWN
REF: TNR	SHEET 4 OF 7



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		DATE: 04-09-08	SCALE: AS SHOWN
Date	Initials	REF: TNR	SHEET 5 OF 7



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

GENERAL WETLAND FILL SECTION

TOTAL ESTIMATED VOLUME OF WETLAND FILL: (.030 ACRES/ 300 CU. YD.)

Revisions	
Date	Initials

Project Title: LEGEND OAKS COMMONS	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: LEGEND OAKS COMMERCE SC, LLC	
DATE: 04-09-08	SCALE: AS SHOWN
REF: TNR	SHEET 6 OF 7

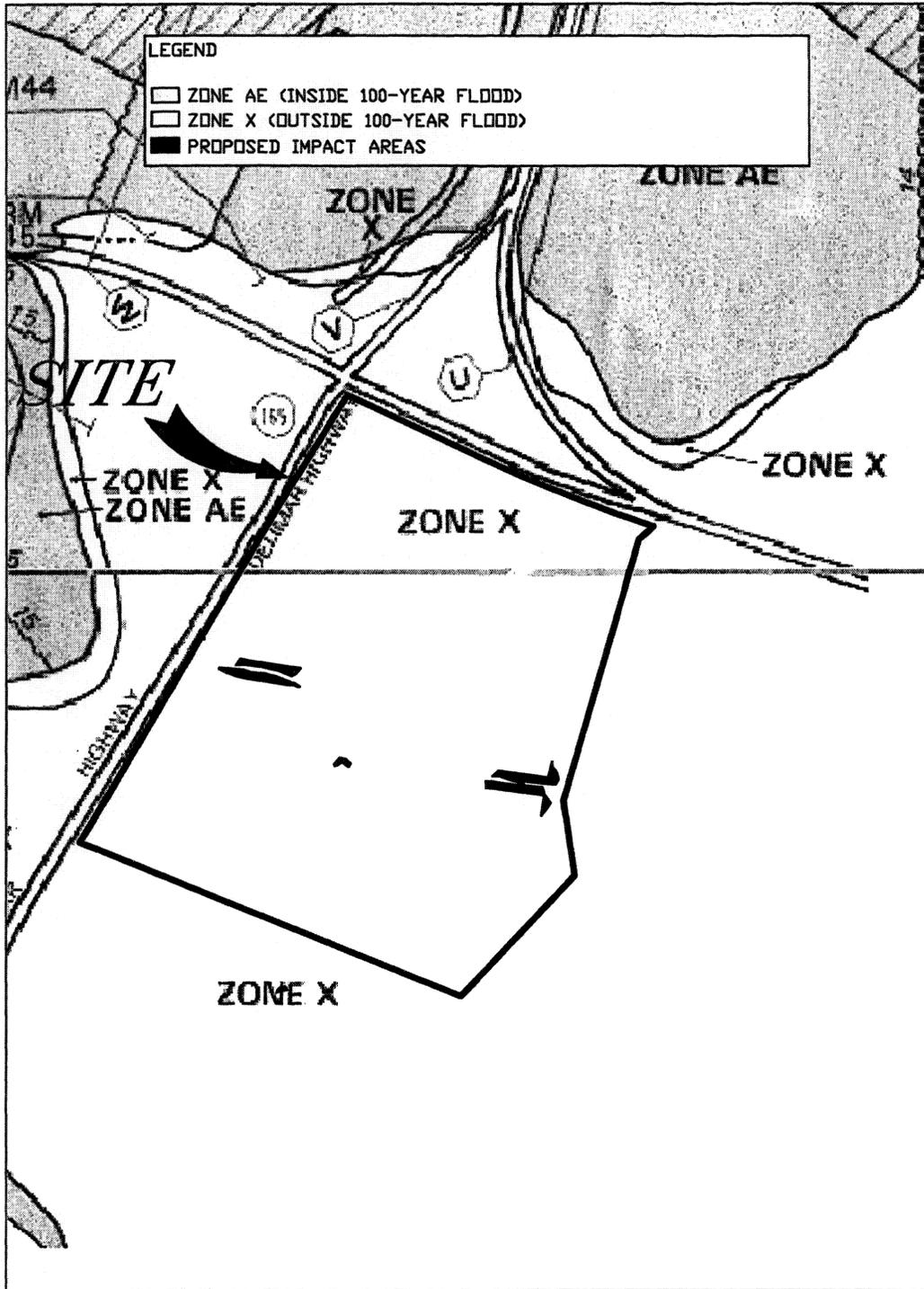


IMAGE SOURCE: FEMA FLOOD INSURANCE RATE MAPS
 PANEL ID'S #4500680245C AND 4500680310C

SITE BOUNDARIES ARE APPROXIMATE

JOB NAME: LEGEND OAKS COMMONS	DRAWN BY: RKR	CHECKED BY: TNR
	SCALE: APPROXIMATELY 1" ~ 700'	
LOCATION: DORCHESTER COUNTY SOUTH CAROLINA	DATE: 04-9-08	
	JOB NUMBER: 02-085	SHEET
DESCRIPTION: FEMA FLOOD ZONE MAP	APPLICANT: LEGEND OAKS COMMERCE SC, LLC	7 OF 7 △