

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 # 2003-1N-067-C

14 March 2003

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

MR. WALT D. MARTIN
CENTEX HOMES
2430 MALL DRIVE, SUITE 450
NORTH CHARLESTON, SOUTH CAROLINA 29406

for a permit to place fill material in jurisdictional wetlands or other waters of the United States adjacent to

FOSTER CREEK

at a location near the intersection of US Highway 52 and Liberty Hall Road in Berkeley County, South Carolina (Latitude – 33.01248 N, Longitude – 80.01521 E).

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 14 APRIL 2003

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 3.26 acres of jurisdictional wetlands in order to expand two existing access roads and to construct three new road crossings. The expansion of the existing roads will provide access to approximately 365 acres of undeveloped uplands. The developable uplands are subdivided into three areas by approximately 306 acres of forested wetlands.

In addition, the applicant plans to disturb approximately 1.99 acres of jurisdictional wetlands and other waters of the United States to install 2,600 linear feet of sanitary sewer. The disturbance will consist of the clearing of wetland vegetation within a 35-foot wide temporary construction easement, and the excavation and backfilling of wetlands to install the sanitary sewer line. Once the pipe is installed, the land surface will be restored to preconstruction contours and the easement will be allowed to revegetate naturally.

In addition, the applicant plans to place fill material in 0.77 acres of isolated, non-jurisdictional wetlands in order to create high ground that will be used for the development of a single-family residential subdivision. The applicant has proposed to fill this area in order to construct a cul-de-sac and develop six residential lots. The applicant also plans to place material in 0.04 acres of non-jurisdictional borrow pits in order to create high ground that will be used for the construction of an unspecified residential/commercial development.

The applicant has proposed a mitigation plan that consists of the preservation of the remaining 302.20 acres of jurisdictional wetlands and 19.45 acres of upland buffers. The proposed upland buffers will be 25-foot wide. In accordance with the 2002 Standard Operating Procedures for Compensatory Mitigation, the applicant has also proposed to purchase 15.0 restoration credits an approved mitigation bank to offset the remaining wetland impacts. According to the applicant, the purpose of the proposed project is to construct a single-family residential development and an unspecified residential/commercial 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
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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. 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 0.38 acres of waters of the United States 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.

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 red-cockaded woodpecker (*Picoides borealis*) a Federally endangered species is present in the vicinity of the project area. However, it has been determined that the proposed work is not likely to adversely affect this species and will not 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.

The District Engineer has 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. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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.

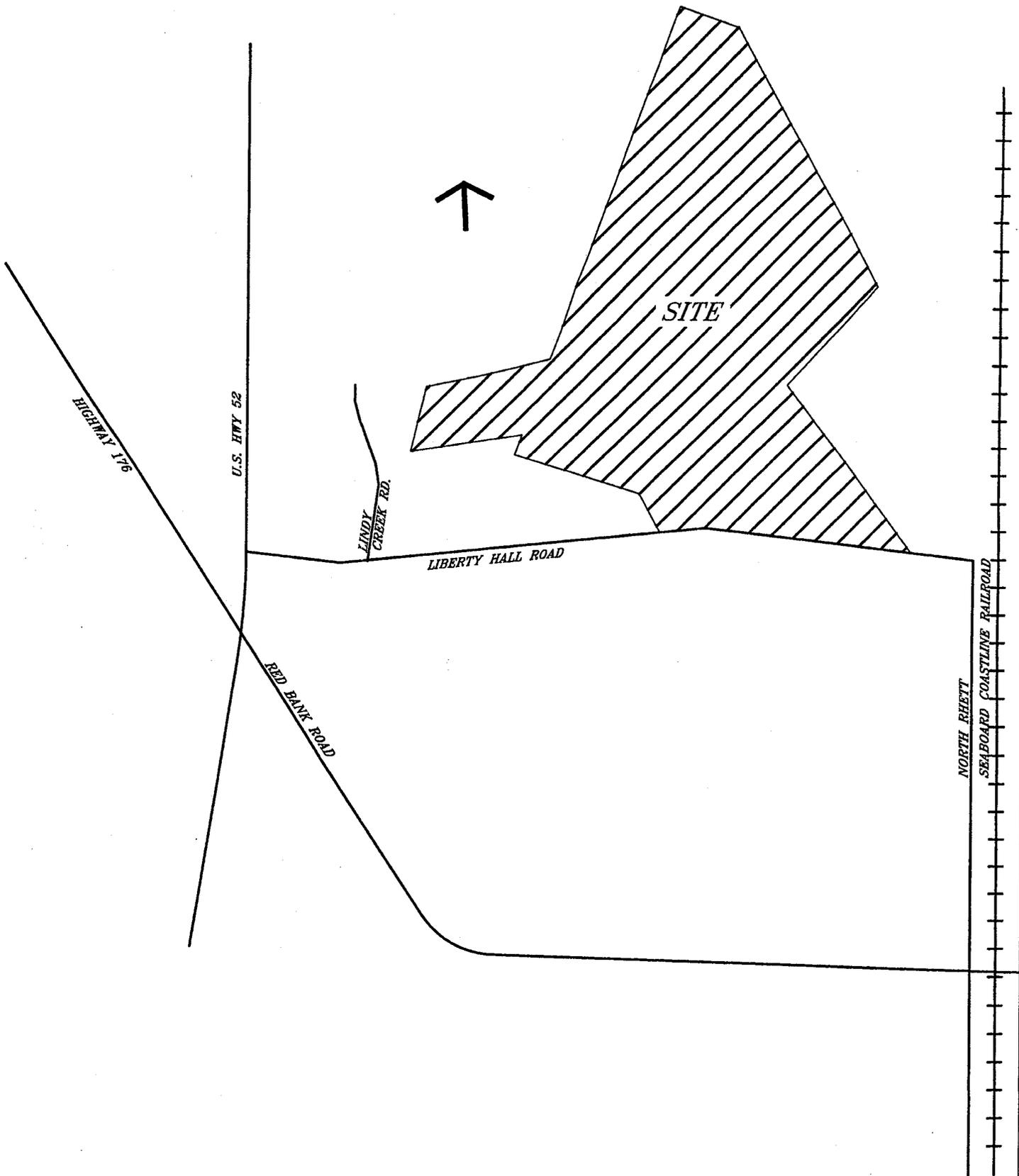
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 me at 843-329-8044 or toll free at 1-866-329-8187.



Nathaniel I. Ball
Project Manager
Regulatory Division
U.S. Army Corps of Engineers



NOT TO SCALE

LOCATION MAP



PROJECT: LIBERTY TRACT
 PROJECT #: 3845
 ACTIVITY: DISTURB WETLAND TO FACILITATE
 ROADWAY, LOT AND SEWER CONSTRUCTION
 DATUM: NGVD 1929

COUNTY OF: CHARLESTON
 STATE OF: SOUTH CAROLINA
 APPLICATION BY: CENTEX HOMES
 DATE: FEBRUARY 17, 2003

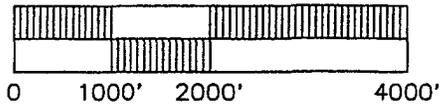
SHEET 1 OF 17



SITE LONGITUDE: W 81°01'00"

SITE LATITUDE: N 33°00'28"

GRAPHIC SCALE: 1" = 2000'



U.S.G.S. LOCATION MAP LADSON AND MOUNT HOLLY QUADRANGLES



PROJECT: LIBERTY TRACT

PROJECT # - 3845

ACTIVITY: DISTURB WETLAND TO FACILITATE
ROADWAY, LOT AND SEWER CONSTRUCTION

DATUM: NGVD 1929

COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
APPLICATION BY: CENTEX

DATE: FEBRUARY 17, 2003

SHEET 2 OF 17

WETLAND MASTER PLAN SUMMARY

TOTAL WETLAND AREA = 306.27 AC.*
 TOTAL UPLAND AREA = 365.93 AC.
 TOTAL SITE AREA = 672.20 AC.

TOTAL WETLAND TO BE FILLED FOR ROADWAY AND LOT CONSTRUCTION = 4.07 AC.
 TOTAL WETLAND TO BE DISTURBED FOR SEWER CONSTRUCTION = 1.99 AC.
 TOTAL WETLAND TO BE IMPACTED = 6.06 AC.
 TOTAL WETLAND TO BE PRESERVED = 302.20 AC.

TOTAL UPLAND BUFFER = 19.45 AC. AREA TO BE PRESERVED

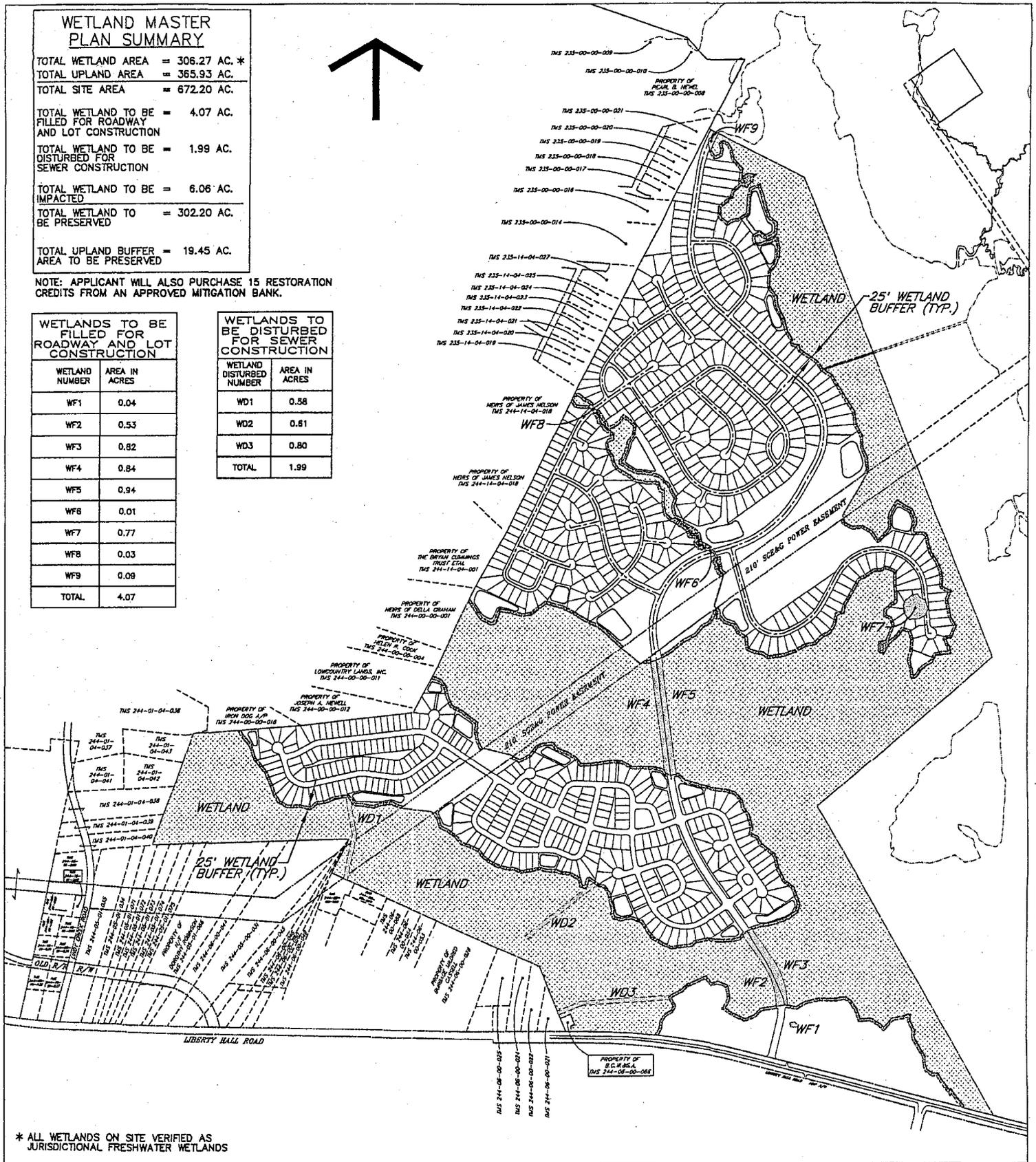
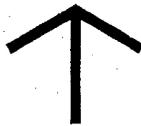
NOTE: APPLICANT WILL ALSO PURCHASE 15 RESTORATION CREDITS FROM AN APPROVED MITIGATION BANK.

WETLANDS TO BE FILLED FOR ROADWAY AND LOT CONSTRUCTION

WETLAND NUMBER	AREA IN ACRES
WF1	0.04
WF2	0.53
WF3	0.82
WF4	0.84
WF5	0.94
WF6	0.01
WF7	0.77
WF8	0.03
WF9	0.09
TOTAL	4.07

WETLANDS TO BE DISTURBED FOR SEWER CONSTRUCTION

WETLAND DISTURBED NUMBER	AREA IN ACRES
WD1	0.58
WD2	0.61
WD3	0.80
TOTAL	1.99



* ALL WETLANDS ON SITE VERIFIED AS JURISDICTIONAL FRESHWATER WETLANDS

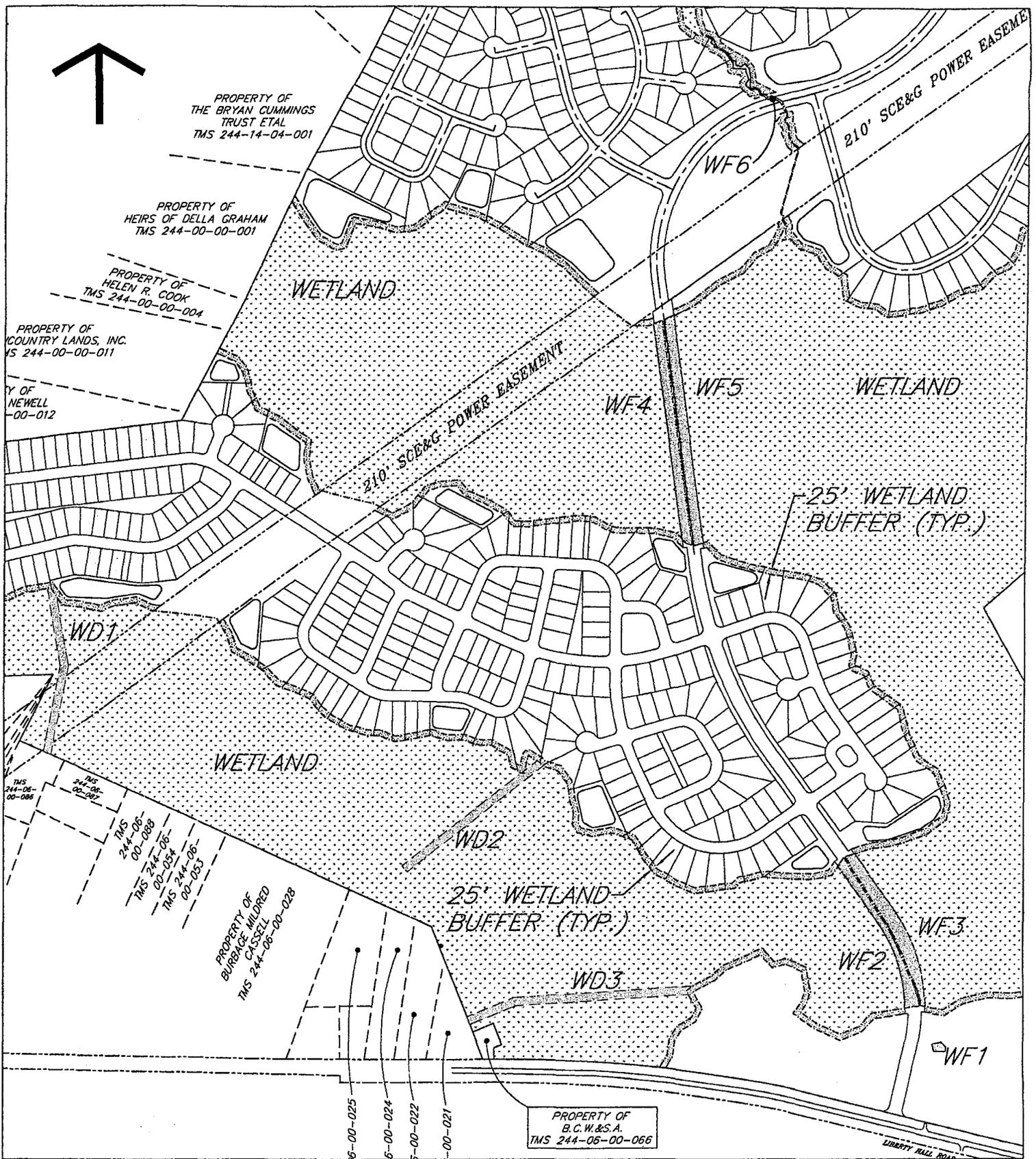
1" = 1200'

WETLAND MASTER PLAN



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1" = 600'

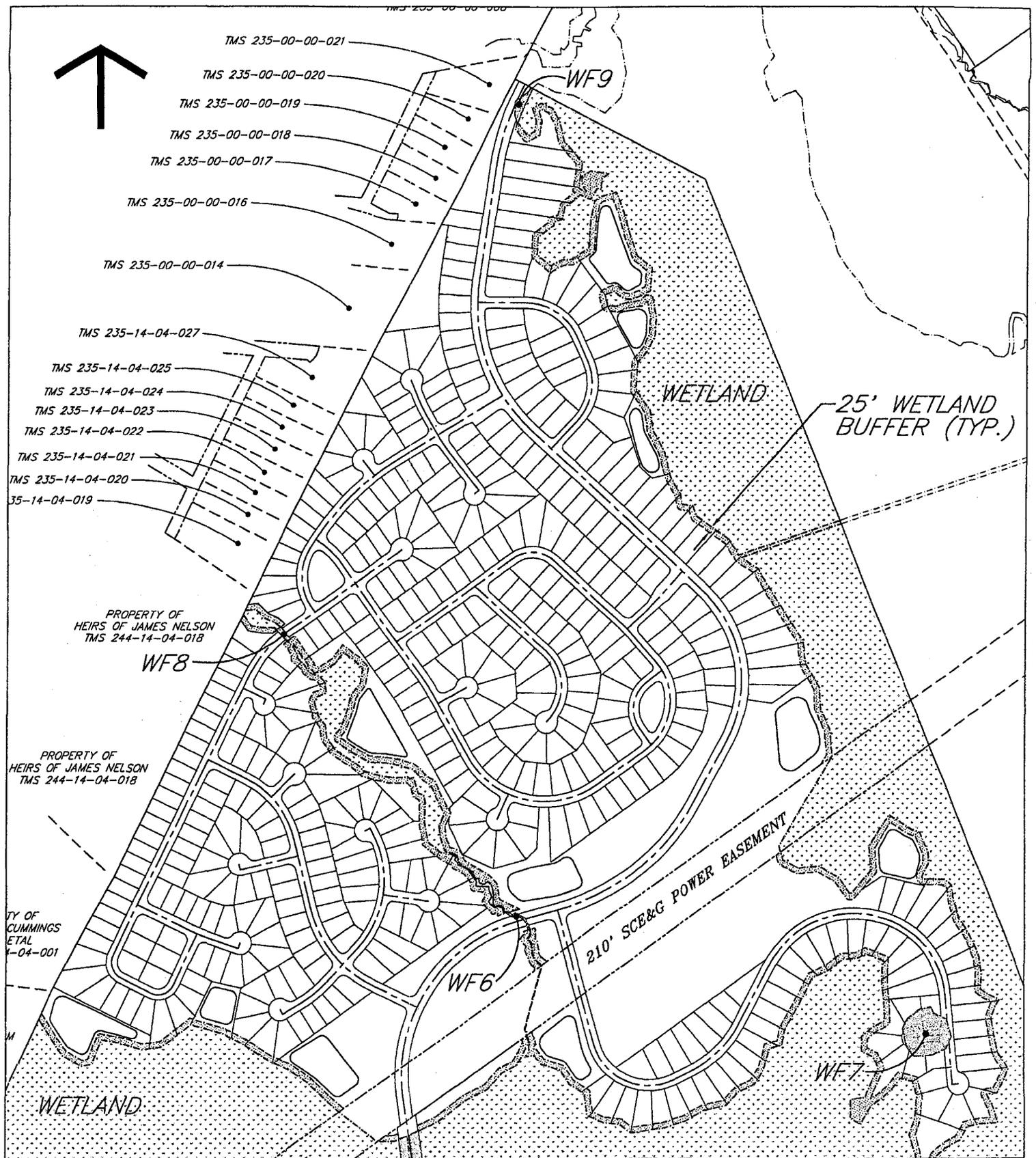
WETLAND MASTER PLAN



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SHEET 4 OF 17



1" = 600'

WETLAND MASTER PLAN



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WETLAND

WETLAND
BUFFER

PROPOSED ROADWAY

WF1
FILL
0.04
AC
161 C.Y.

"E"

"E"

LIBERTY HALL ROAD

100' R/W



WD1
FILL
0.00 AC

DENOTES WETLANDS TO BE DISTURBED
FOR SEWER CONSTRUCTION

WF1
FILL
0.00 AC

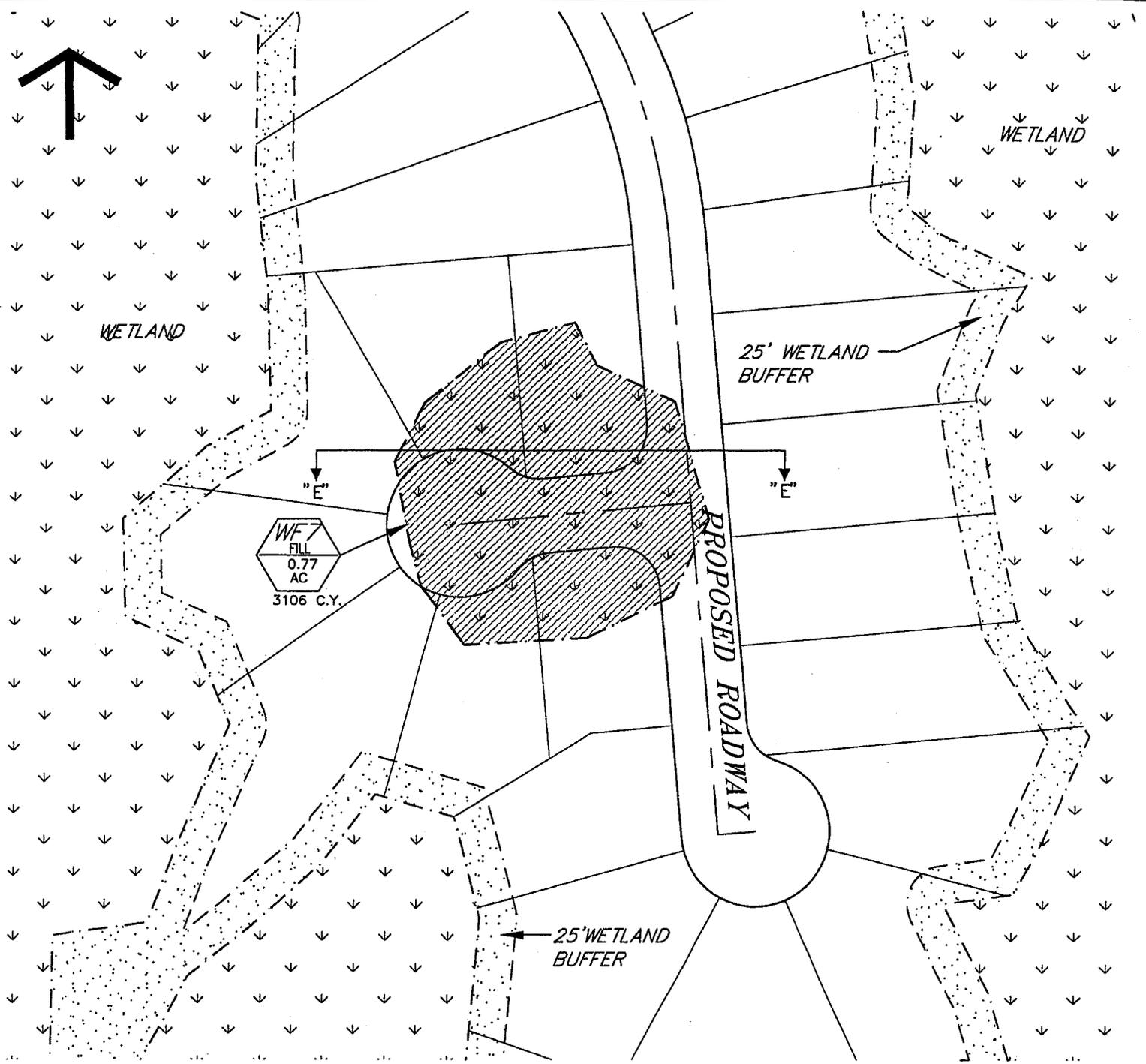
DENOTES WETLAND TO BE FILLED
FOR ROADWAY AND LOT CONSTRUCTION

1" = 100'



PROJECT: LIBERTY TRACT
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DATE: FEBRUARY 17, 2003



1" = 100'

WD1
FILL
0.00 AC

DENOTES WETLANDS TO BE DISTURBED FOR SEWER CONSTRUCTION

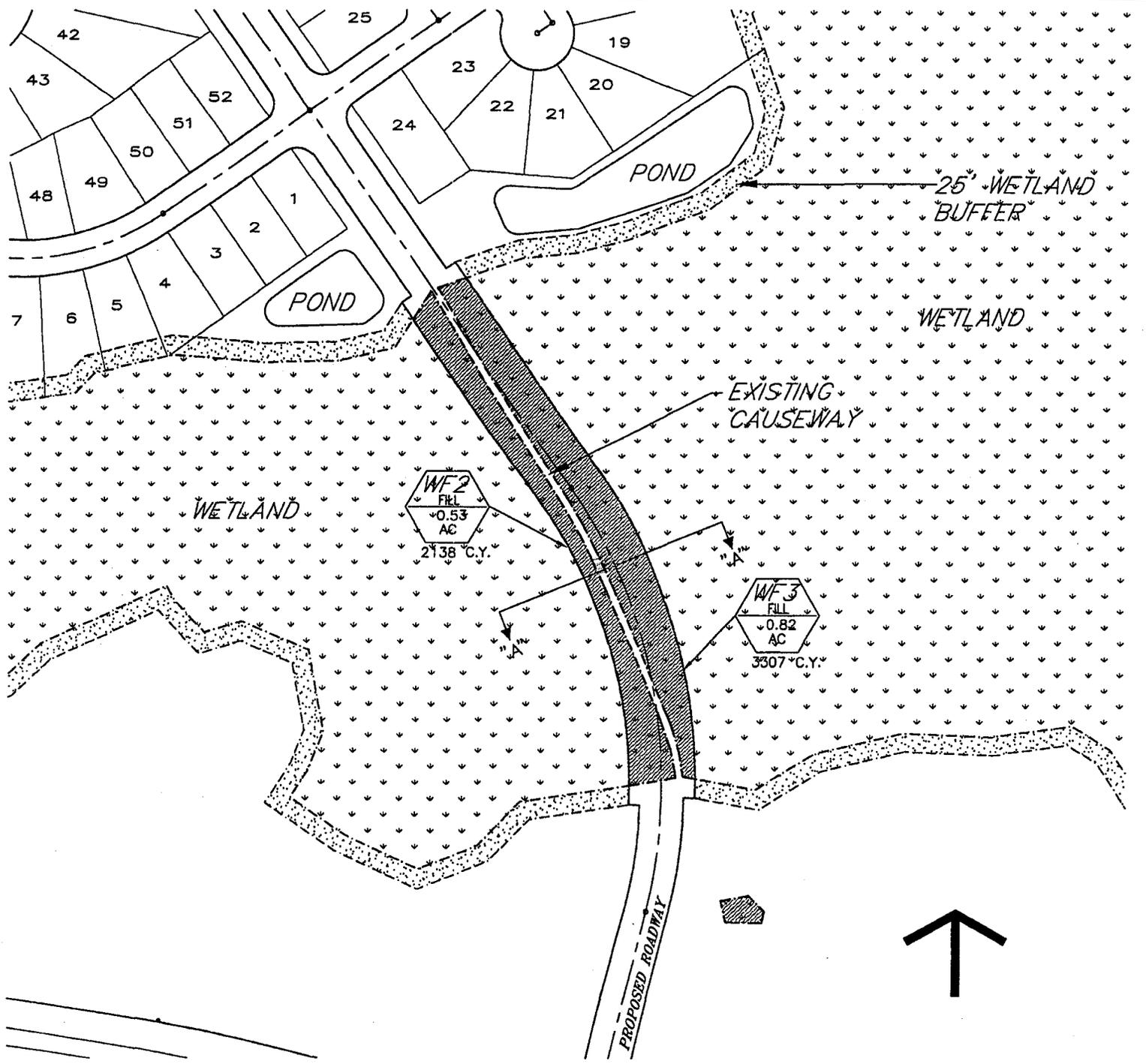
WF1
FILL
0.00 AC

DENOTES WETLAND TO BE FILLED FOR ROADWAY AND LOT CONSTRUCTION



PROJECT: LIBERTY TRACT
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WD1
FILL
0.00 AC

DENOTES WETLANDS TO BE DISTURBED FOR SEWER CONSTRUCTION

WF1
FILL
0.00 AC

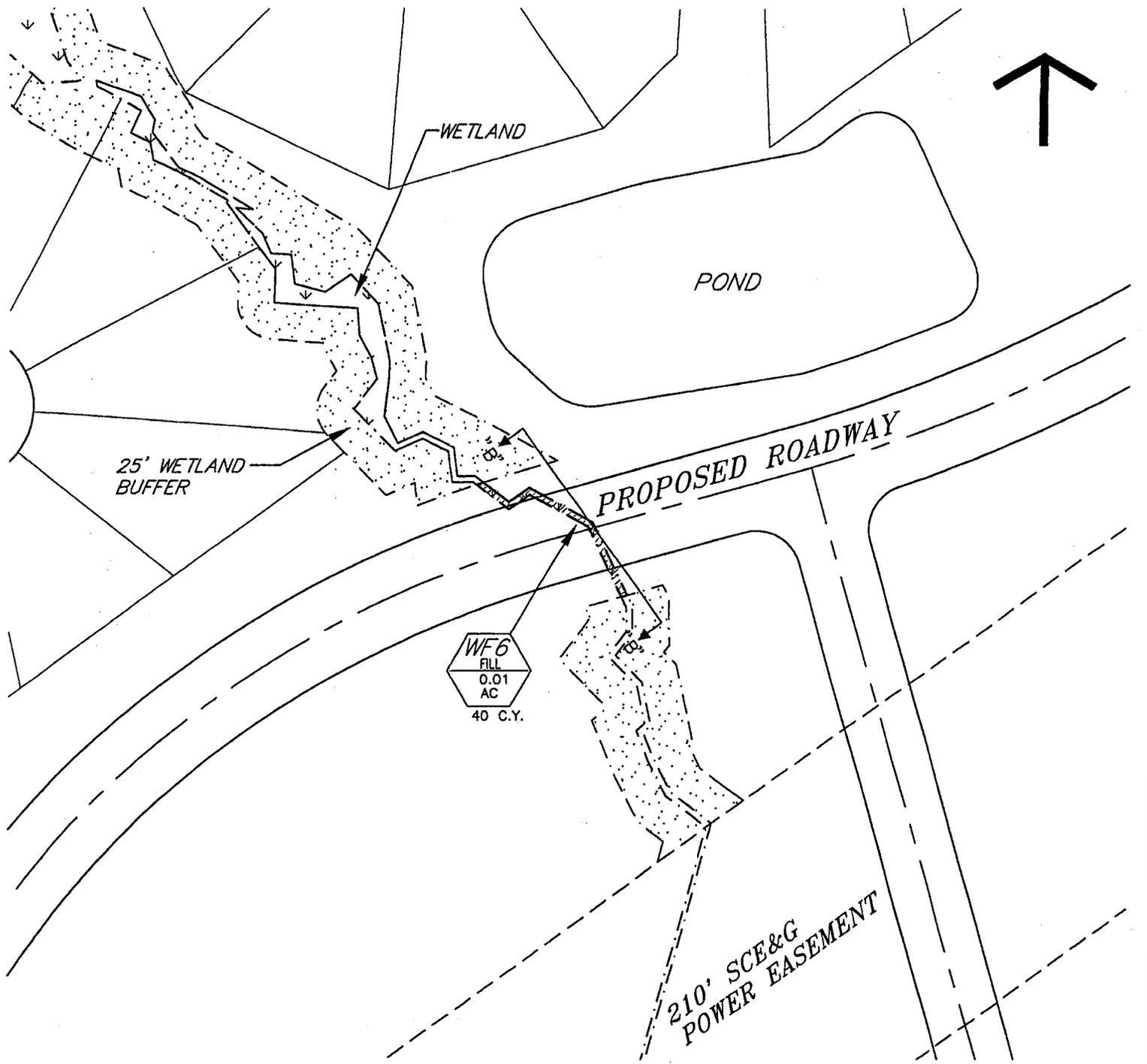
DENOTES WETLAND TO BE FILLED FOR ROADWAY AND LOT CONSTRUCTION

1" = 200'



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1" = 100'

WD1
FILL
0.00 AC

DENOTES WETLANDS TO BE DISTURBED FOR SEWER CONSTRUCTION

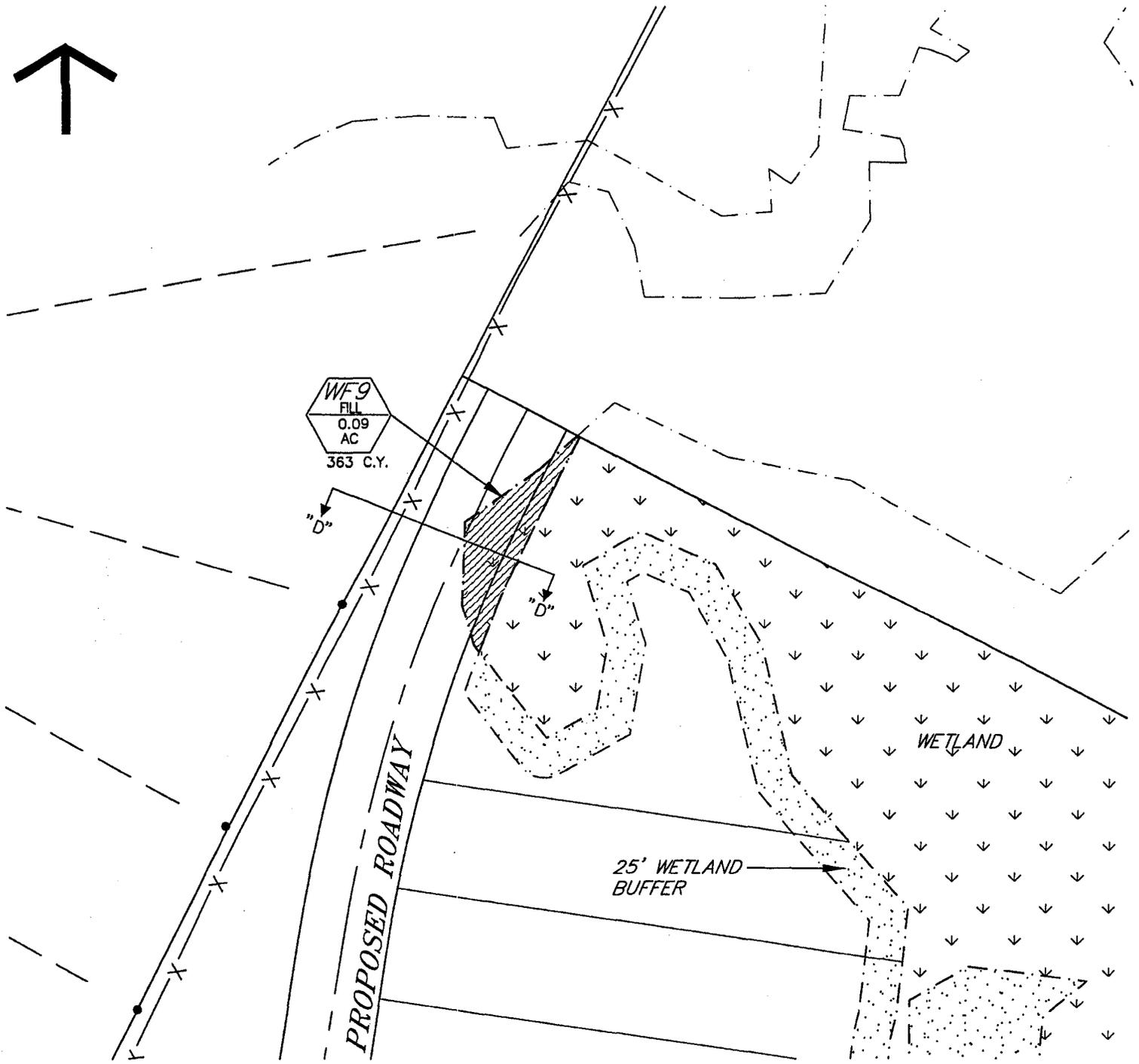
WF1
FILL
0.00 AC

DENOTES WETLAND TO BE FILLED FOR ROADWAY AND LOT CONSTRUCTION



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 DATE: FEBRUARY 17, 2003



WF9
FILL
0.09
AC
363 C.Y.

WETLAND

25' WETLAND
BUFFER

PROPOSED ROADWAY

WD1
FILL
0.00 AC

DENOTES WETLANDS TO BE DISTURBED
FOR SEWER CONSTRUCTION

WF1
FILL
0.00 AC

DENOTES WETLAND TO BE FILLED
FOR ROADWAY AND LOT CONSTRUCTION

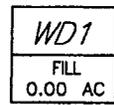
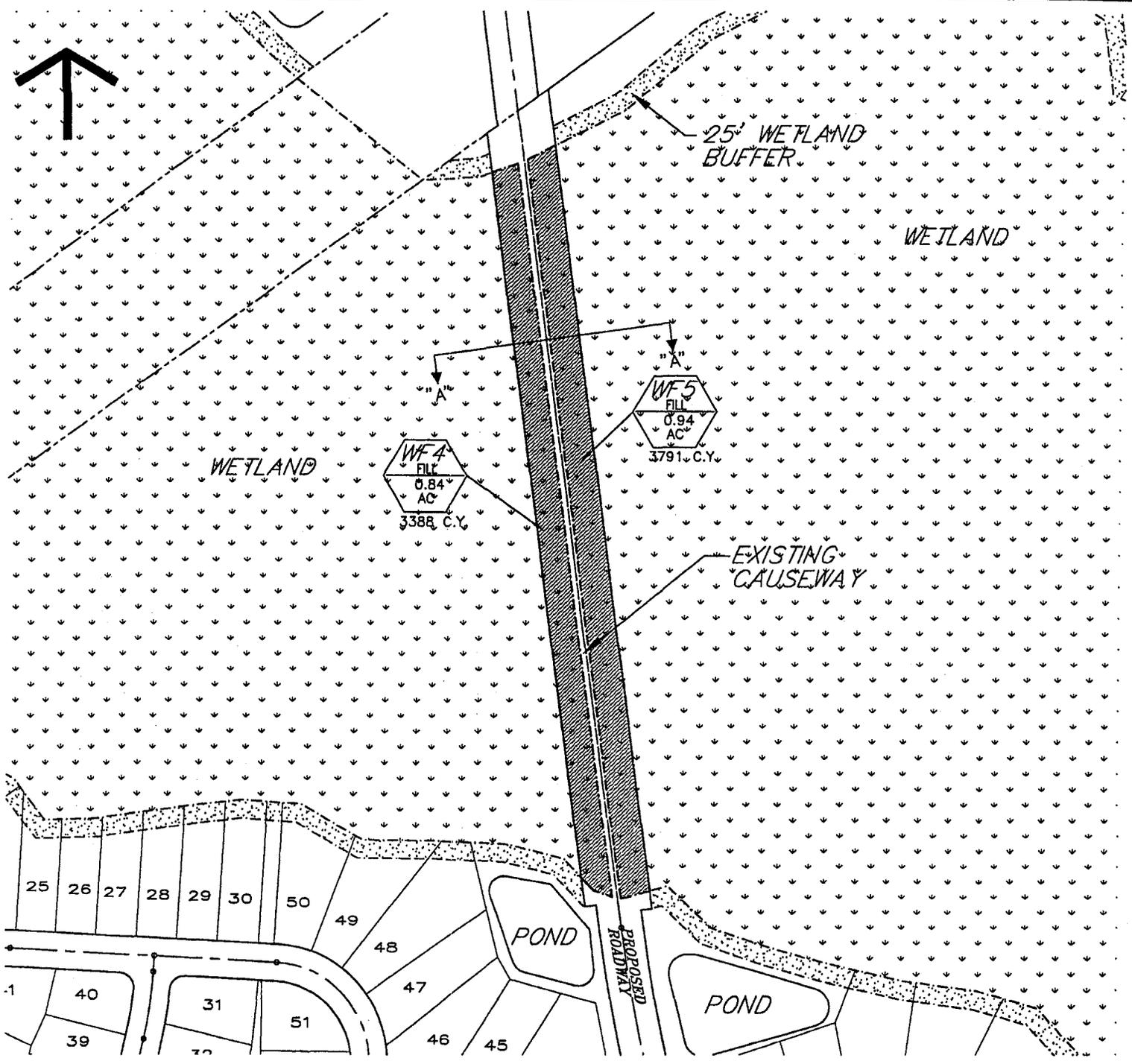
1" = 100'



PROJECT: LIBERTY TRACT
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ACTIVITY: DISTURB WETLAND TO FACILITATE
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COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
APPLICATION BY: CENTEX HOMES
DATE: FEBRUARY 17, 2003

SHEET 11 OF 17



DENOTES WETLANDS TO BE DISTURBED FOR SEWER CONSTRUCTION



DENOTES WETLAND TO BE FILLED FOR ROADWAY AND LOT CONSTRUCTION

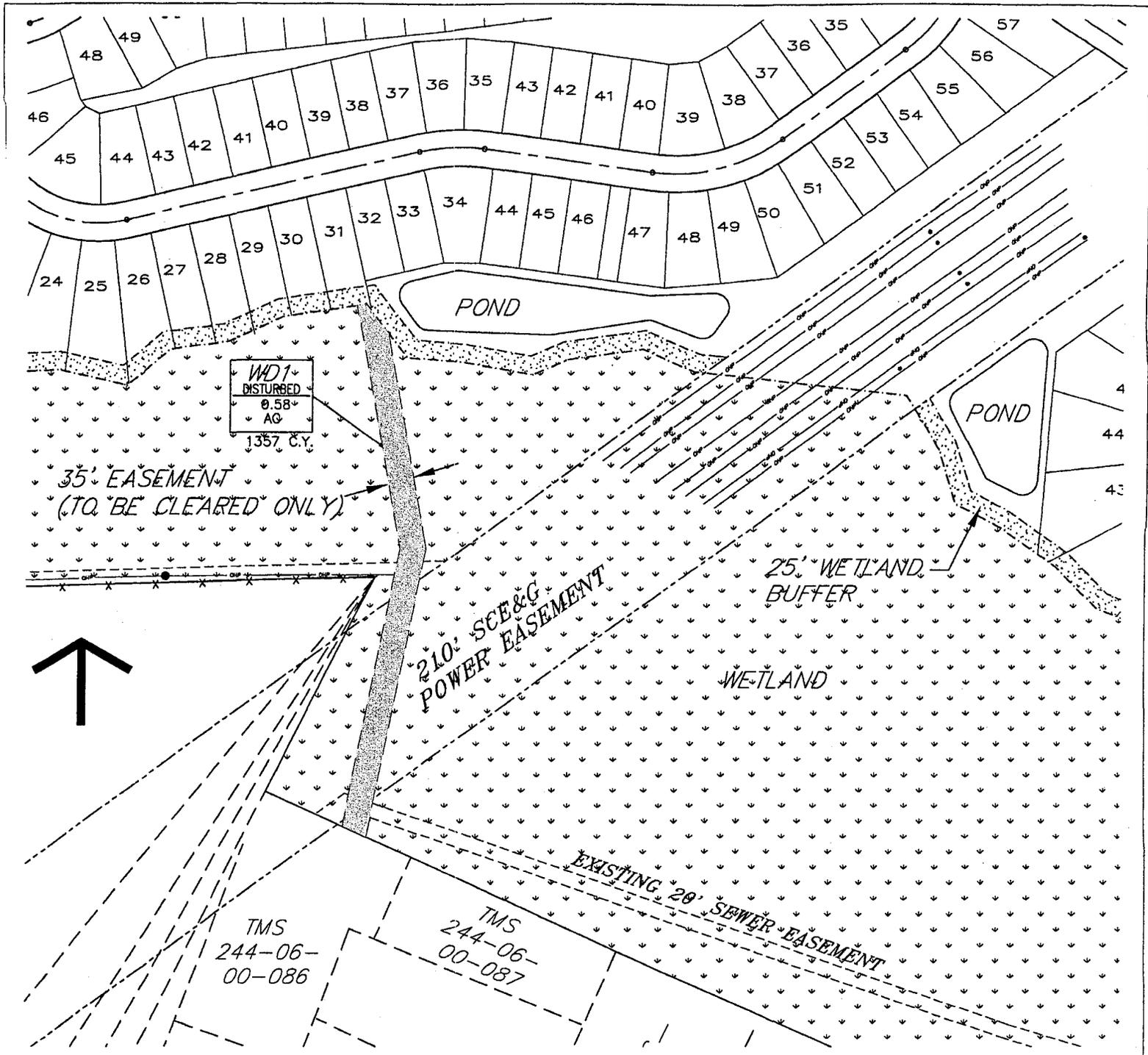
1" = 200'



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 STATE OF: SOUTH CAROLINA
 APPLICATION BY: CENTEX HOMES
 DATE: FEBRUARY 17, 2003

SHEET 12 OF 17



35' EASEMENT TO BE CLEARED FOR SEWER MAIN INSTALLATION. ORIGINAL GRADE TO BE RE-ESTABLISHED AFTER CONSTRUCTION IS COMPLETE. VEGETATION IN EASEMENT WILL BE ALLOWED TO NATURALIZE AND NOT BE MAINTAINED.



DENOTES WETLANDS TO BE DISTURBED FOR SEWER CONSTRUCTION



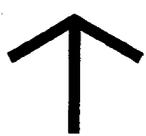
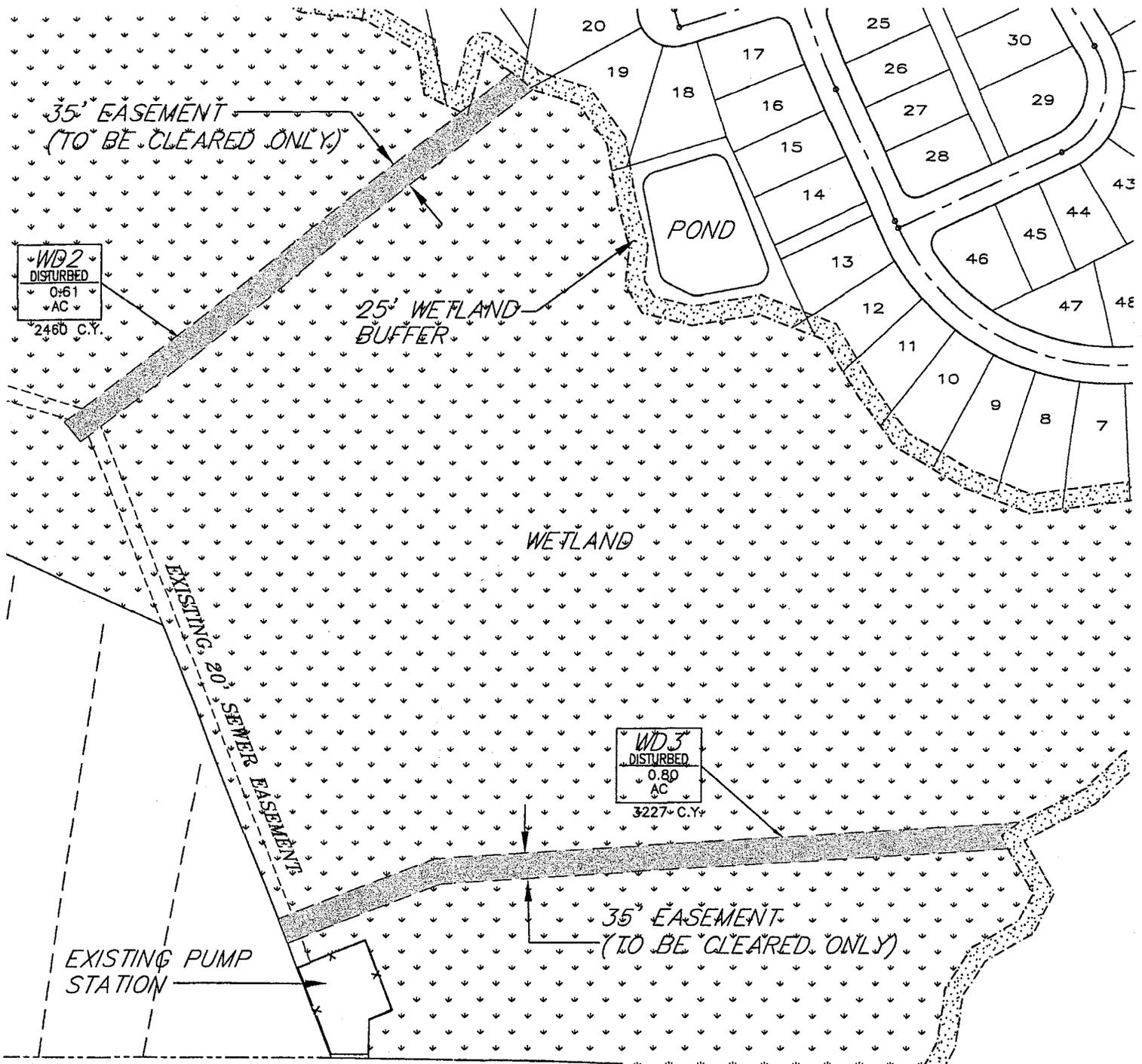
DENOTES WETLAND TO BE FILLED FOR ROADWAY AND LOT CONSTRUCTION

1" = 200'



PROJECT: LIBERTY TRACT
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 ACTIVITY: DISTURB WETLAND TO FACILITATE ROADWAY, LOT AND SEWER CONSTRUCTION
 DATUM: NGVD 1929

COUNTY OF: CHARLESTON
 STATE OF: SOUTH CAROLINA
 APPLICATION BY: CENTEX HOMES
 DATE: FEBRUARY 17, 2003



1" = 200'

35' EASEMENT TO BE CLEARED FOR SEWER MAIN INSTALLATION. ORIGINAL GRADE TO BE RE-ESTABLISHED AFTER CONSTRUCTION IS COMPLETE. VEGETATION IN EASEMENT WILL BE ALLOWED TO NATURALIZE AND NOT BE MAINTAINED.

WD1
FILL
0.00 AC

DENOTES WETLANDS TO BE DISTURBED FOR SEWER CONSTRUCTION

WF1
FILL
0.00 AC

DENOTES WETLAND TO BE FILLED FOR ROADWAY AND LOT CONSTRUCTION

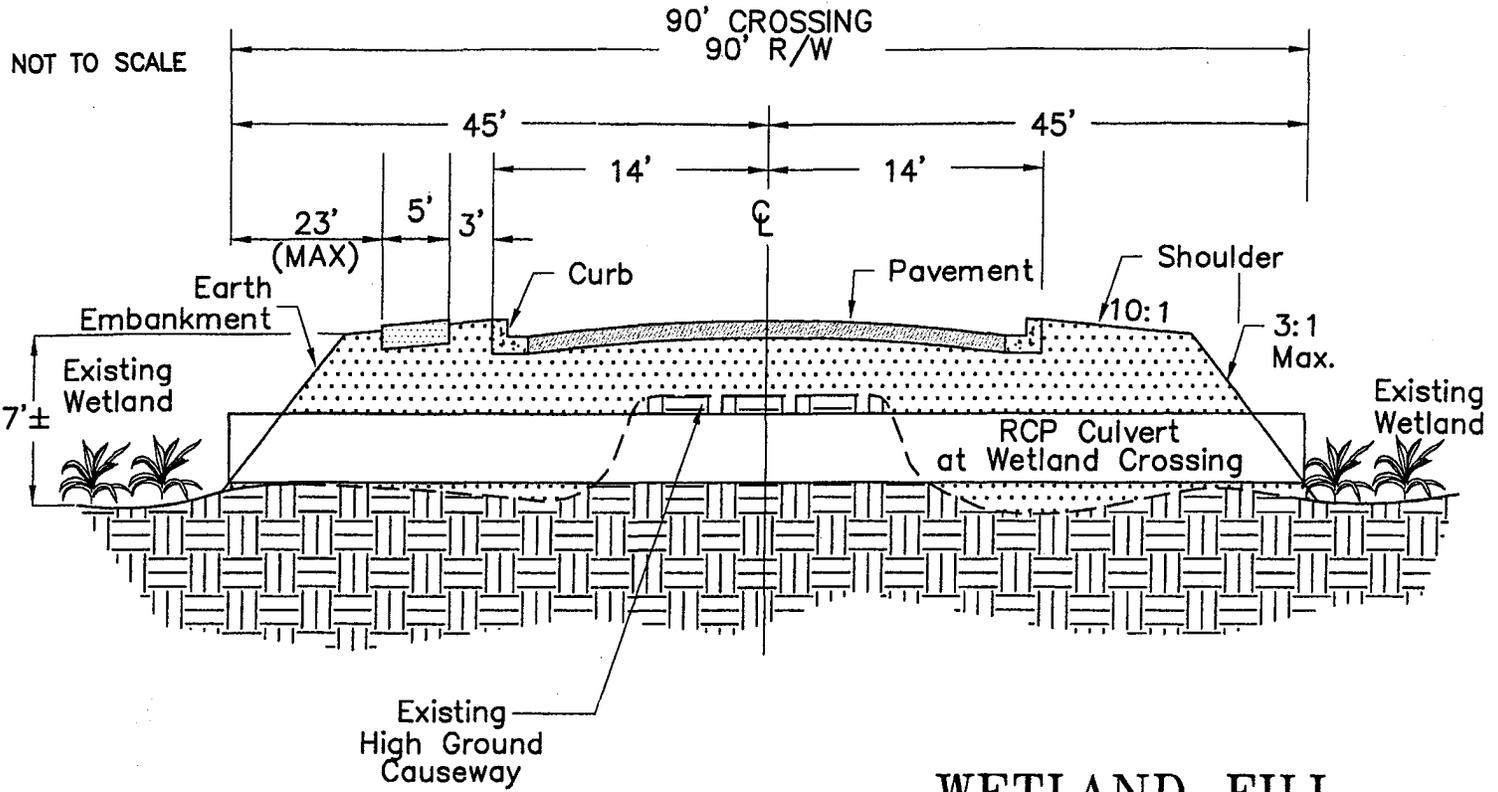


PROJECT: LIBERTY TRACT
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ACTIVITY: DISTURB WETLAND TO FACILITATE ROADWAY, LOT AND SEWER CONSTRUCTION
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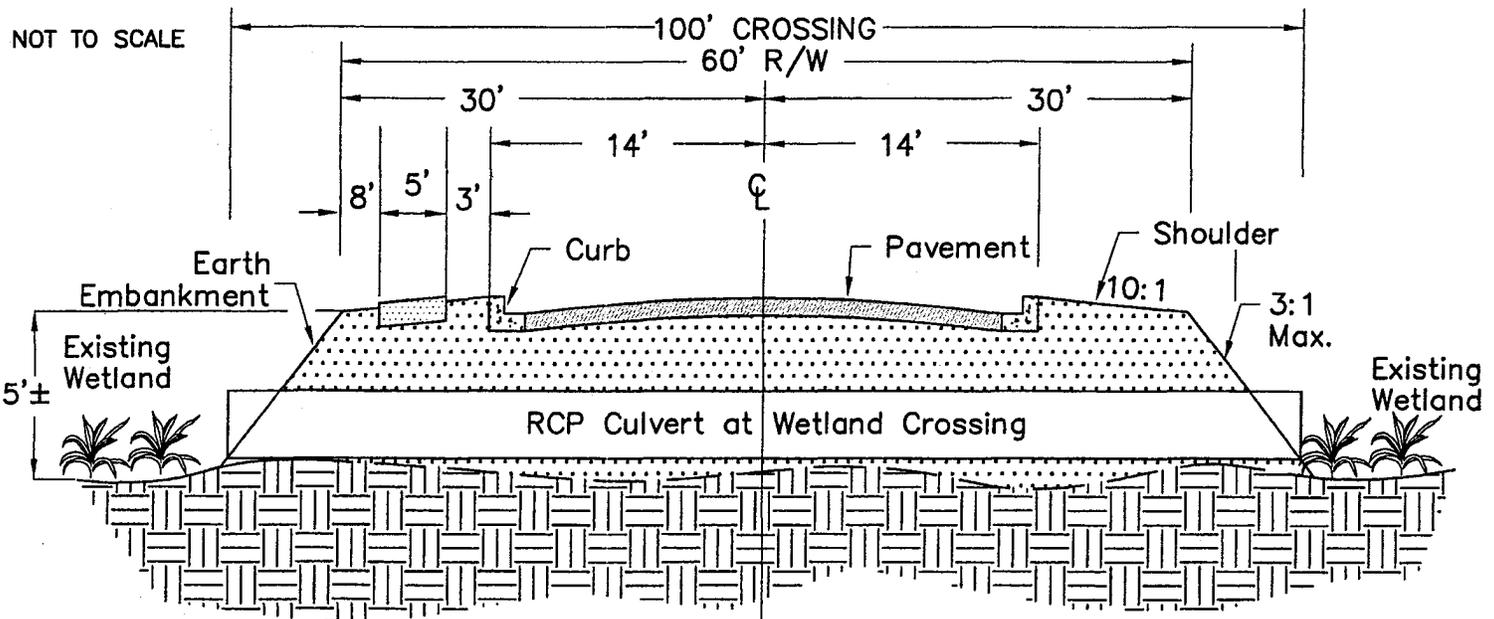
DATE FEBRUARY 17, 2003

SHEET 14 OF 17



NOT TO SCALE

WETLAND FILL
 WF2, WF3, WF4 & WF5
 SECTION DETAIL: "A - A"



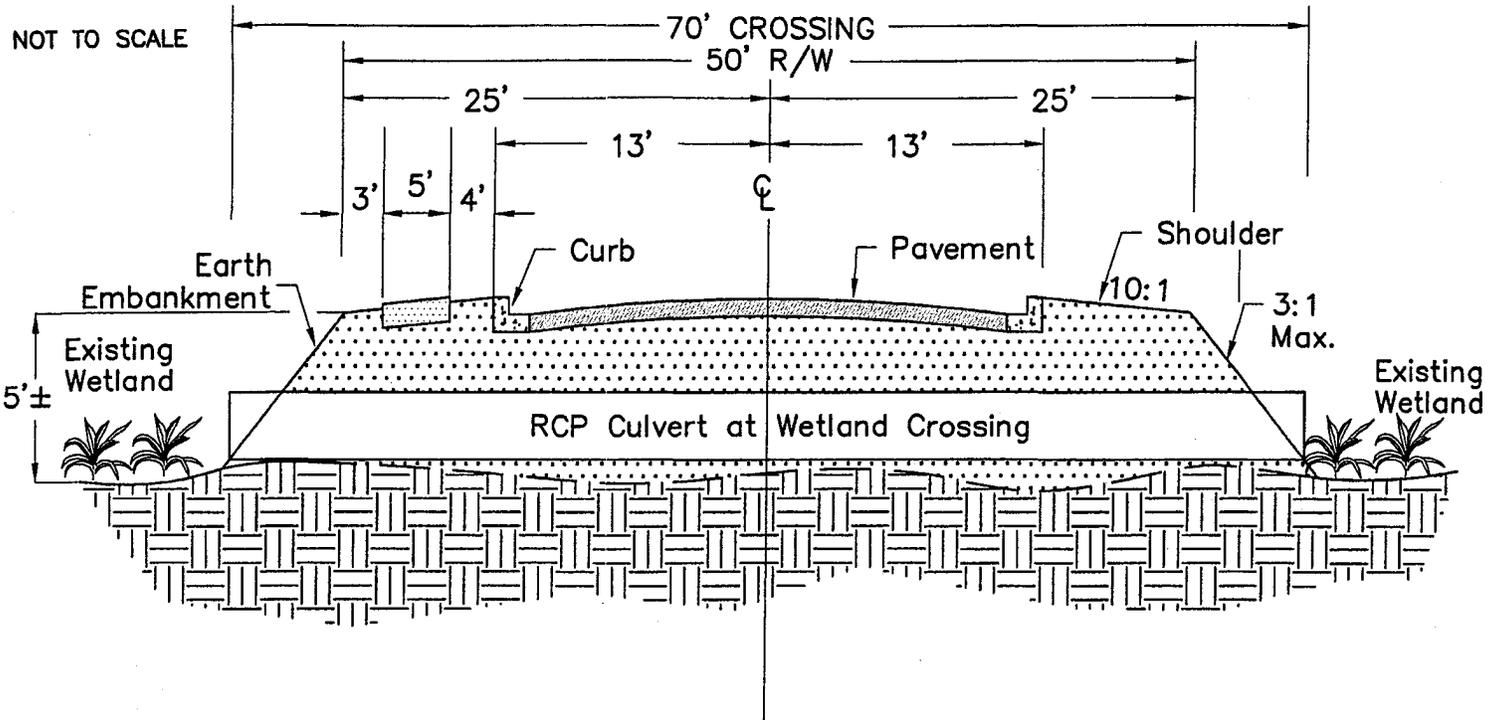
NOT TO SCALE

WETLAND FILL - WF6
 SECTION DETAIL: "B - B"



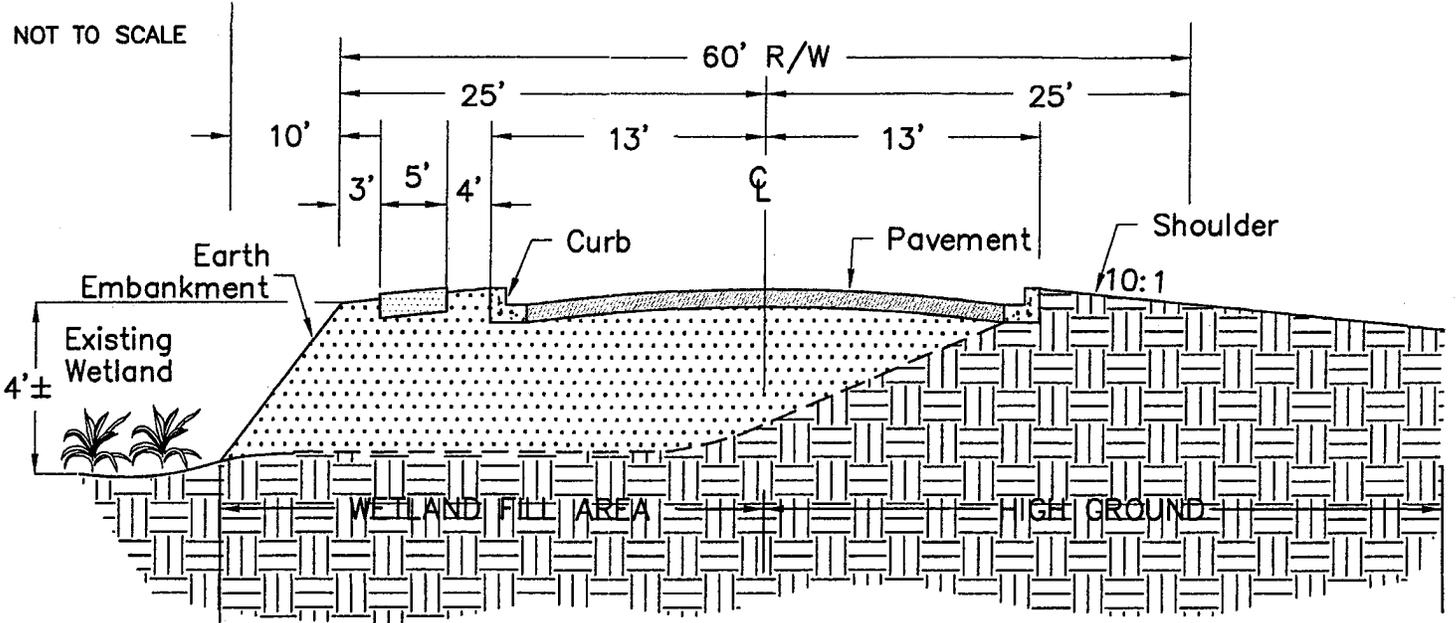
PROJECT: LIBERTY TRACT
 PROJECT # 3845
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 ROADWAY, LOT AND SEWER CONSTRUCTION
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COUNTY OF: CHARLESTON
 STATE OF: SOUTH CAROLINA
 APPLICATION BY: CENTEX HOMES
 DATE: FEBRUARY 17, 2003



NOT TO SCALE

WETLAND FILL - WF8
SECTION DETAIL: "C - C"



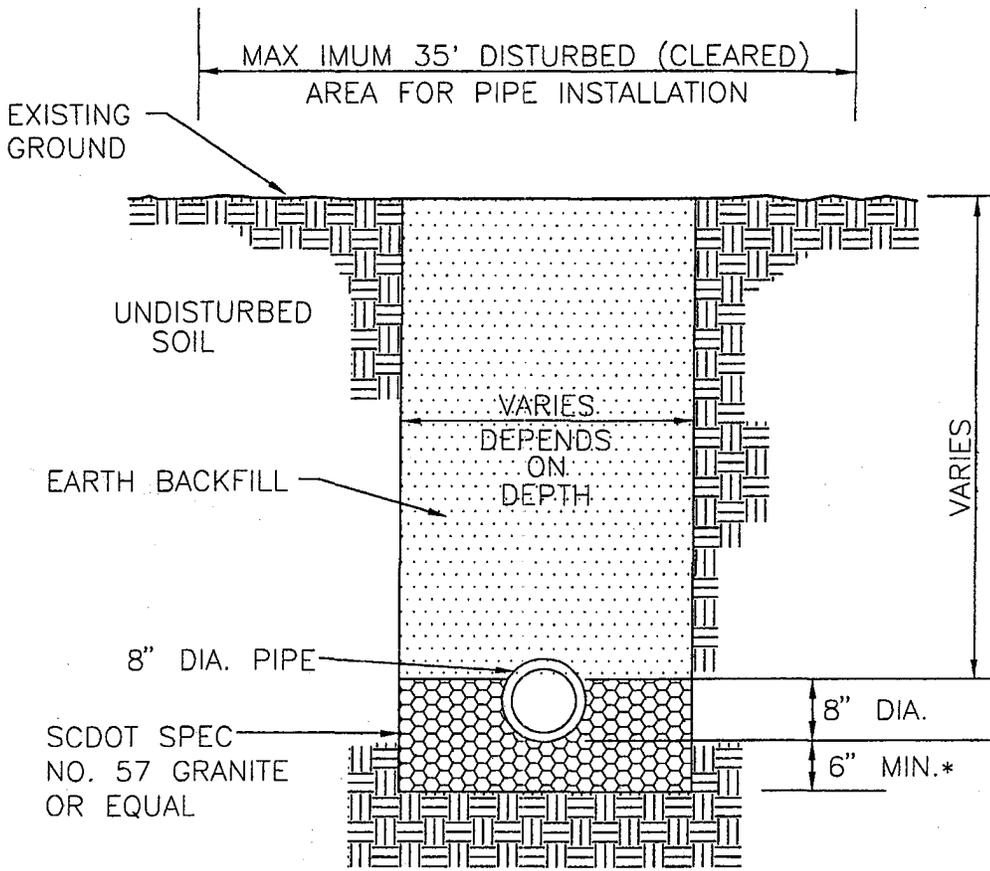
NOT TO SCALE

WETLAND FILL WF9
SECTION DETAIL: "D - D"



LIBERTY TRACT
PROJECT # 3845
ACTIVITY: DISTURB WETLAND TO FACILITATE
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STATE OF SOUTH CAROLINA
APPLICATION BY: CENTEX HOMES
DATE: FEBRUARY 17, 2003

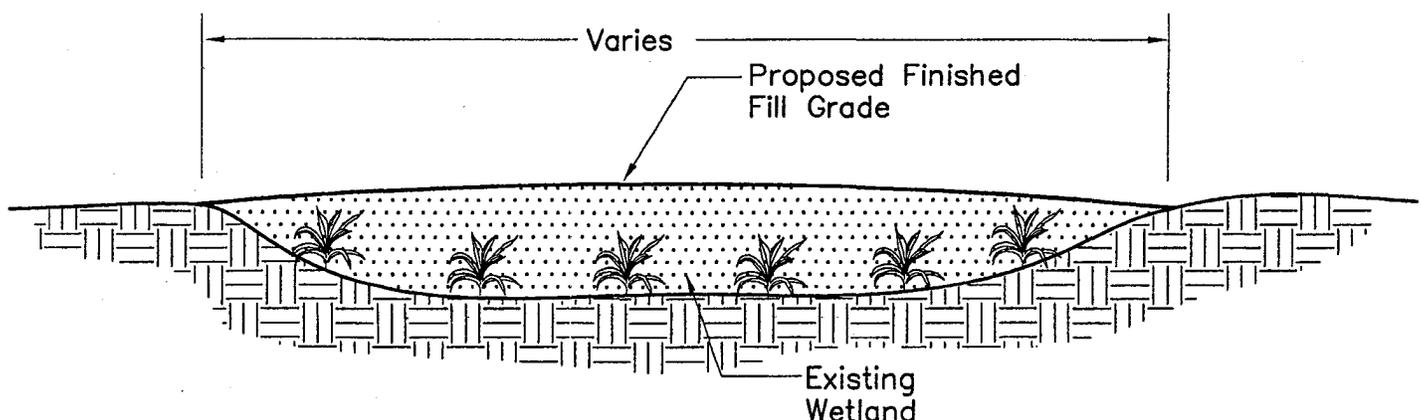


NOTE: ORIGINAL GRADE TO BE RE-ESTABLISHED AFTER CONSTRUCTION IS COMPLETE.

VEGETATION IN EASEMENT WILL BE ALLOWED TO NATURALIZE AND NOT BE MAINTAINED.

**DETAIL: TYPICAL SEWER TRENCH SECTION
WD1, WD2, AND WD3**

NOT TO SCALE



**WETLAND FILL WF1 & WF7
SECTION DETAIL: "E - E"**

NOT TO SCALE



PROJECT: LIBERTY TRACT
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COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
APPLICATION BY: CENTEX HOMES
DATE: APRIL 30, 2002