

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 #2003-1G-094-C

25 APRIL 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

TLC HOLDINGS, INC.
C/O NICK ROARK ECOLOGICAL ASSOCIATES, INC.
4676 BEARS BLUFF ROAD
WADMALAW ISLAND, SOUTH CAROLINA 29487

for a permit to place fill material in wetlands adjacent to

SAWMILL BRANCH

at a location, on a tract of land northeast of the intersection of U. S. Highway 78 and the Berlin Myers Parkway, on both sides of Sawmill Branch, Summerville, Dorchester County, South Carolina.
(Latitude 33°1.477' – Longitude 80°9.575')

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, 27 MAY 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 0.27 acres and performing excavation in 0.46 acres of jurisdictional wetlands. In addition, the applicant proposes to place fill material in 3.912 acres and perform excavation in 1.75 acres of non-jurisdictional wetlands for construction of single-family residential and commercial development and associated parking, roads, and stormwater management. As mitigation for the proposed impacts, the applicant proposes to enhance and preserve 8.04 acres of degraded wetlands by water level manipulation, vegetative planting and control of invasive species, and to preserve and enhance by buffering an additional 2.83 acres of wetlands. The applicant also proposes to establish 9.81 acres of upland buffers adjacent to the preserved wetlands. The purpose of the proposed work is to construct a mixed-use commercial and residential development.

25 APRIL 2003

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 6.38 acres of freshwater wetlands 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.

The District Engineer has consulted the most recently available information and has made no determination of effect on any Federally endangered, threatened, or proposed species. 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 Federally listed or proposed to be listed endangered or threatened species and/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).

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

25 APRIL 2003

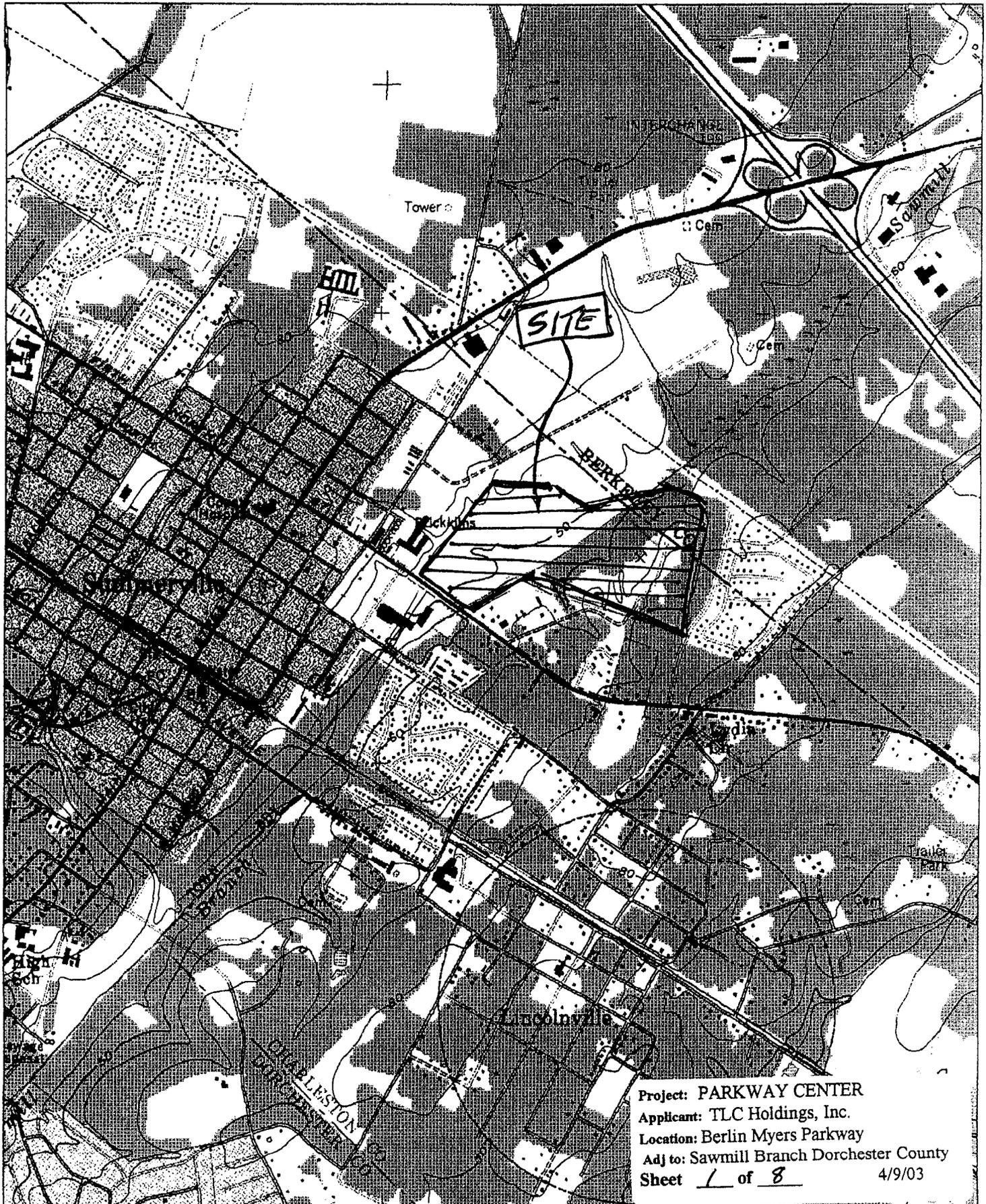
by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the 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.



Mary Hope Glenn
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

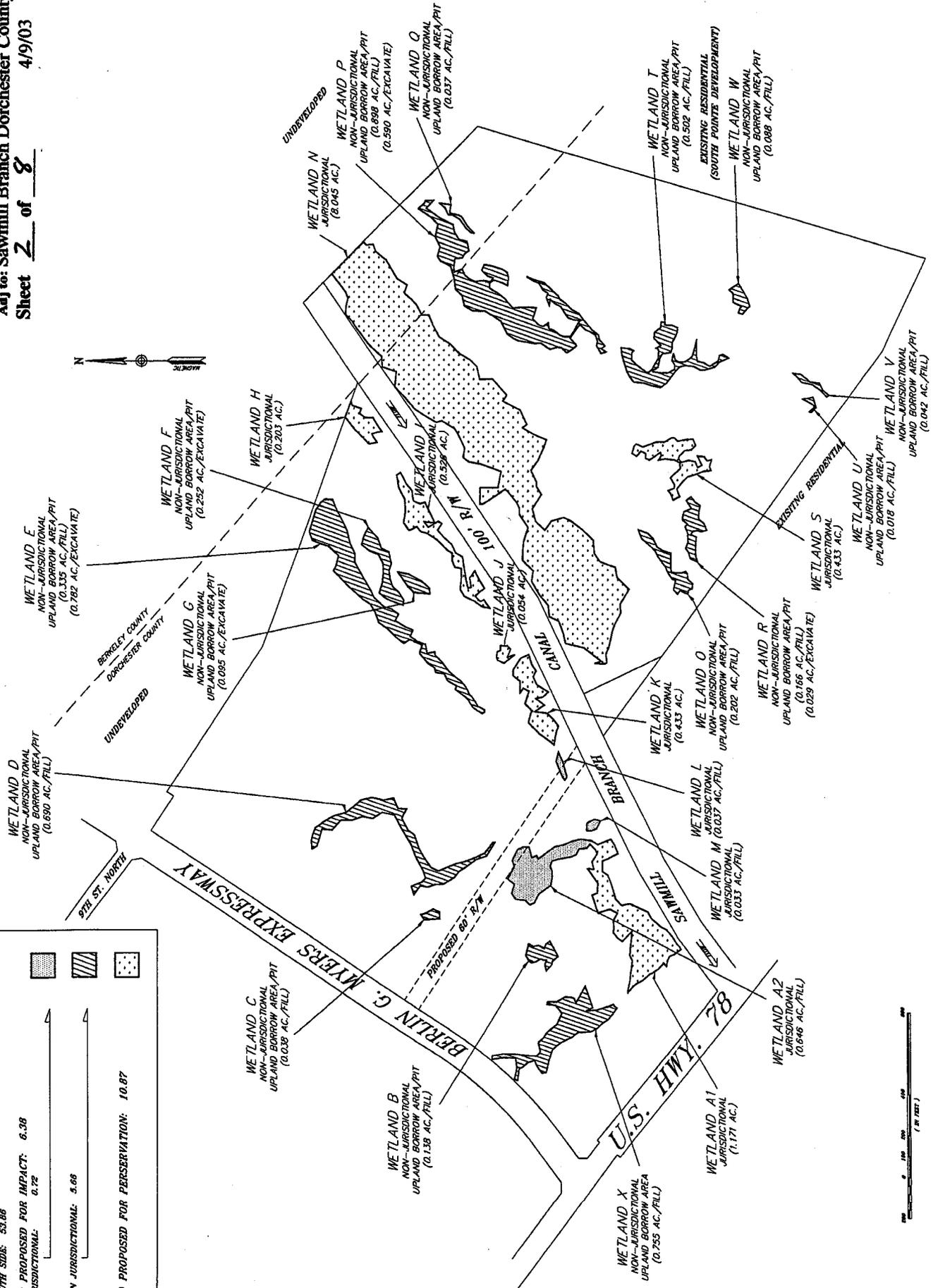


Project: PARKWAY CENTER
 Applicant: TLC Holdings, Inc.
 Location: Berlin Myers Parkway
 Adj to: Sawmill Branch Dorchester County
 Sheet 1 of 8 4/9/03

EXISTING CONDITIONS

Project: PARKWAY CENTER
 Applicant: TLC Holdings, Inc.
 Location: Berlin Myers Parkway
 Adj to: Sawmill Branch Dorchester County
 Sheet 2 of 8 4/9/03

LEGEND	
TOTAL ACREAGE: 110.50	
-NORTH SIDE: 56.64	
-SOUTH SIDE: 53.86	
WETLAND PROPOSED FOR IMPACT: 6.38	
-JURISDICTIONAL: 0.72	
-NON JURISDICTIONAL: 5.66	
WETLAND PROPOSED FOR PRESERVATION: 10.87	



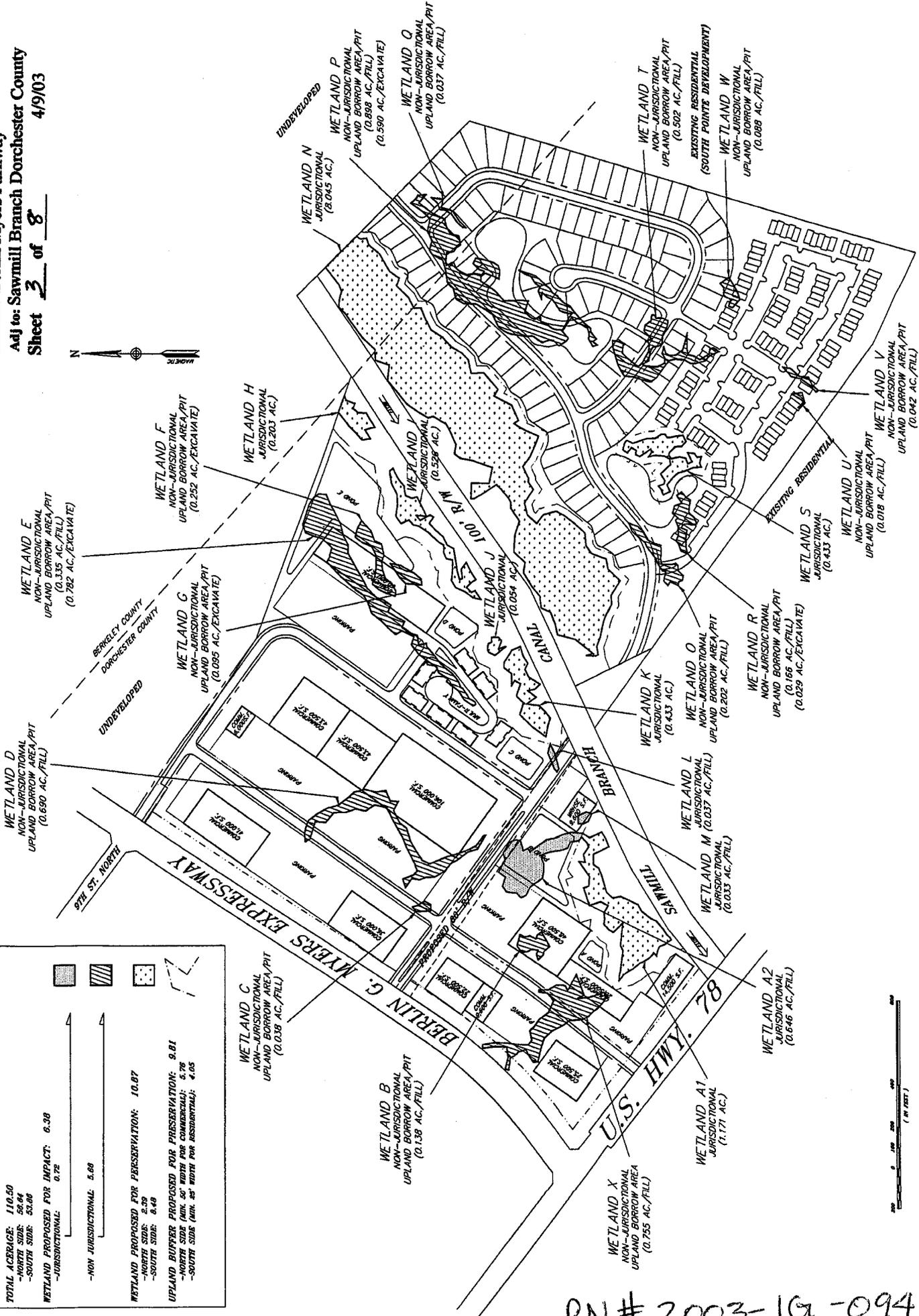
PN # 2003-1G-094

PROPOSED CONDITIONS

Project: PARKWAY CENTER
 Applicant: TLC Holdings, Inc.
 Location: Berlin Myers Parkway
 Adj to: Sawmill Branch Dorchester County
 Sheet 3 of 8 4/9/03

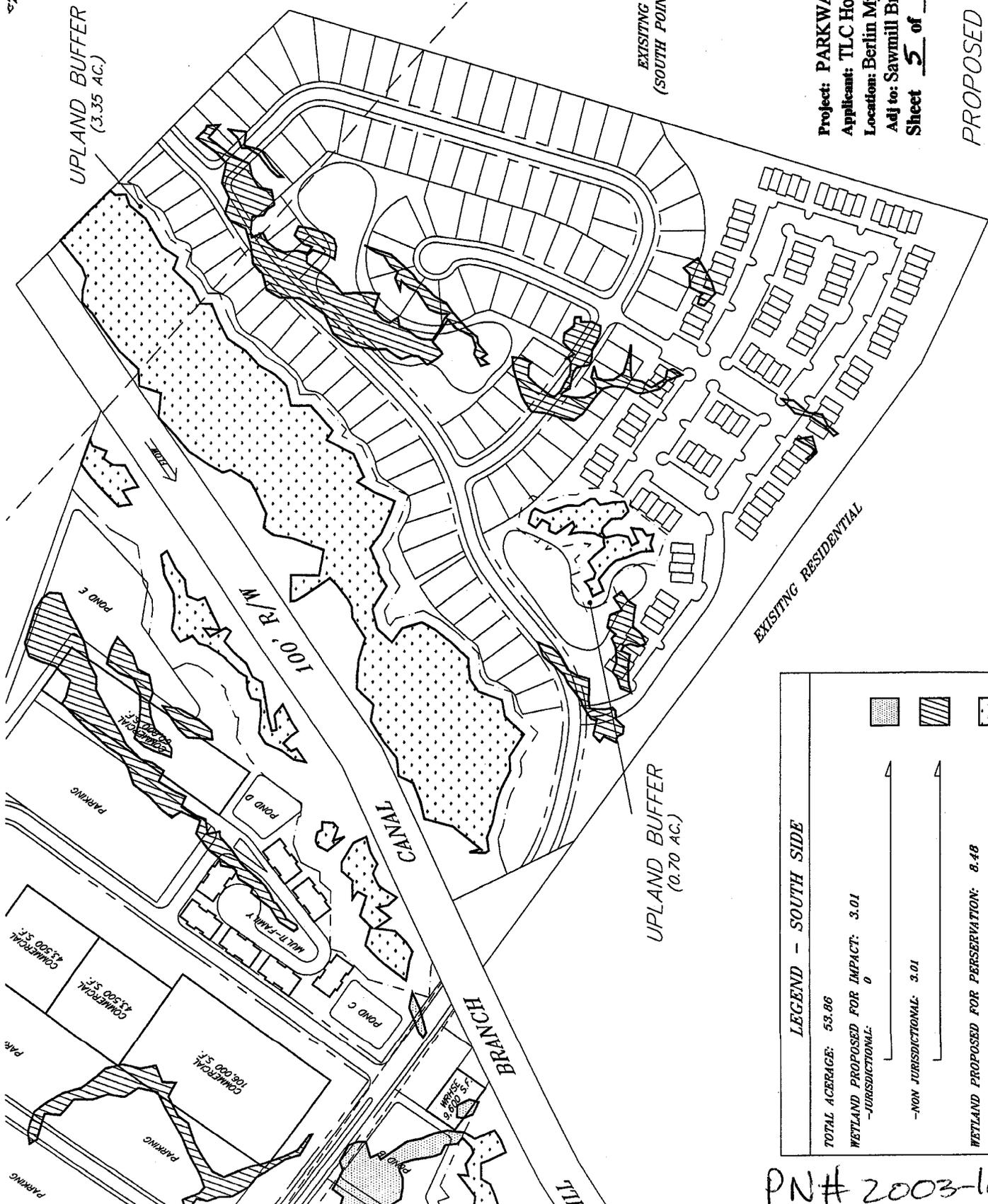


LEGEND	
TOTAL ACERAGE: 110.50	
-NORTH SIDE: 58.84	
-SOUTH SIDE: 51.66	
WETLAND PROPOSED FOR IMPACT: 6.38	
-JURISDICTIONAL: 0.72	
-NON JURISDICTIONAL: 5.66	
WETLAND PROPOSED FOR PRESERVATION: 10.87	
-NORTH SIDE: 2.39	
-SOUTH SIDE: 8.48	
UPLAND BUFFER PROPOSED FOR PRESERVATION: 9.81	
-NORTH SIDE (MIN. 50' WIDTH FOR COMMERCIAL): 5.78	
-SOUTH SIDE (MIN. 25' WIDTH FOR RESIDENTIAL): 4.03	



PN# 2003-10a-094

DEVELOPED



UPLAND BUFFER
(3.35 AC.)

UPLAND BUFFER
(0.70 AC.)

EXISTING RESIDENTIAL
(SOUTH POINTE DEVELOPMENT)

EXISTING RESIDENTIAL

Project: PARKWAY CENTER
 Applicant: TLC Holdings, Inc.
 Location: Berlin Myers Parkway
 Adj to: Sawmill Branch Dorchester County
 Sheet 5 of 8

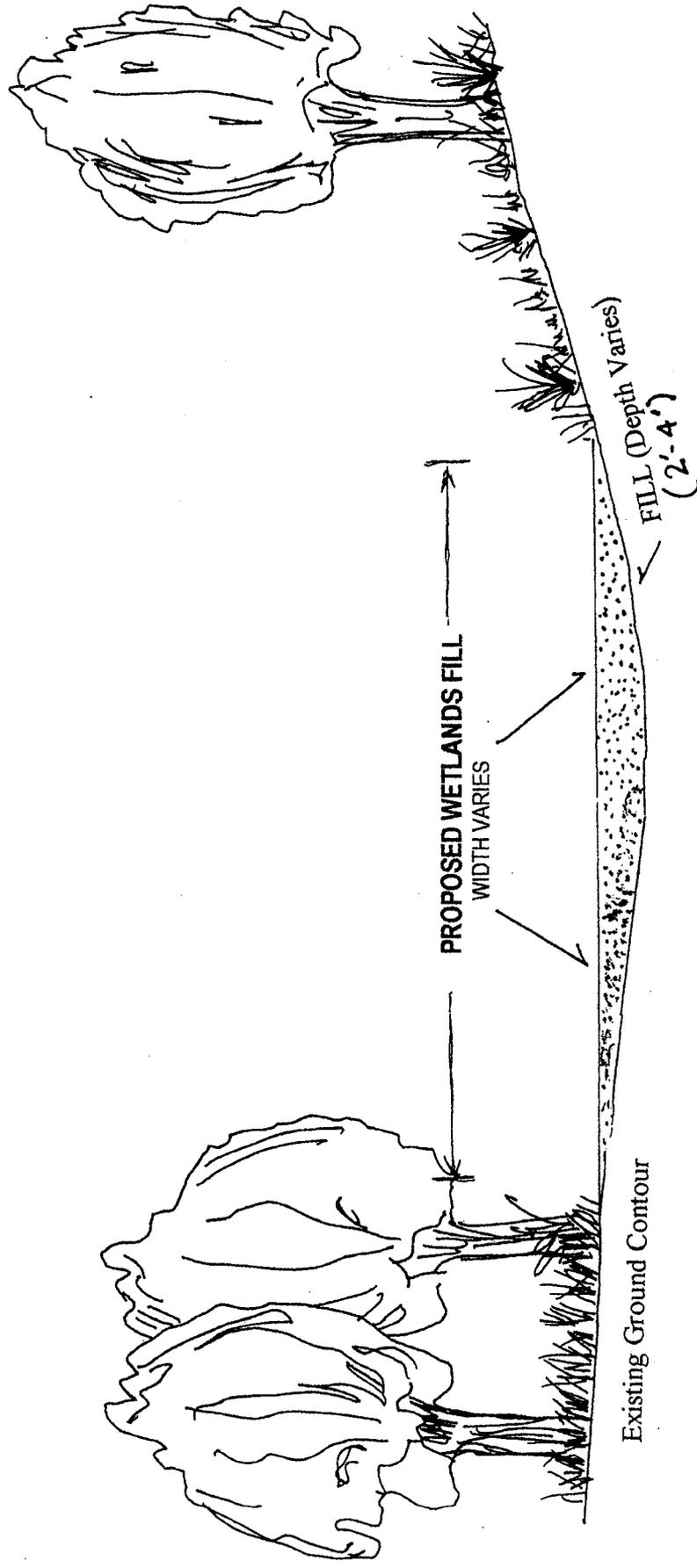
PROPOSED CONDITIONS

4/9/03



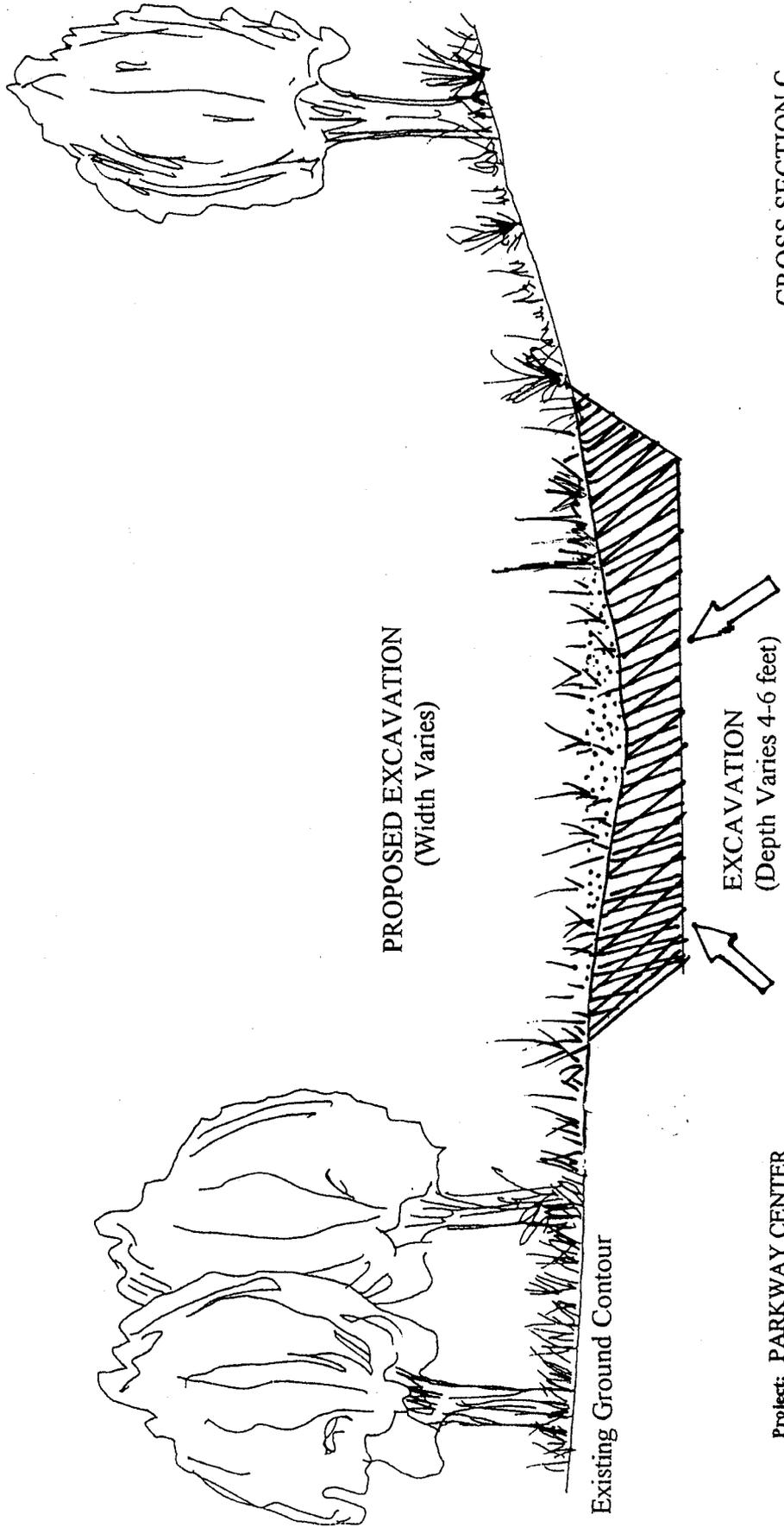
LEGEND - SOUTH SIDE	
	TOTAL AGERAGE: 53.86
	WETLAND PROPOSED FOR IMPACT: 3.01
	-JURISDICTIONAL: 0
	-NON JURISDICTIONAL: 3.01
	WETLAND PROPOSED FOR PRESERVATION: 8.48
	UPLAND BUFFER PROPOSED FOR PRESERVATION: 4.05 (MIN. 25' WIDTH FOR RESIDENTIAL)

PN# 2003-16-09A



CROSS SECTION A
 Typical Cross Section for Fill

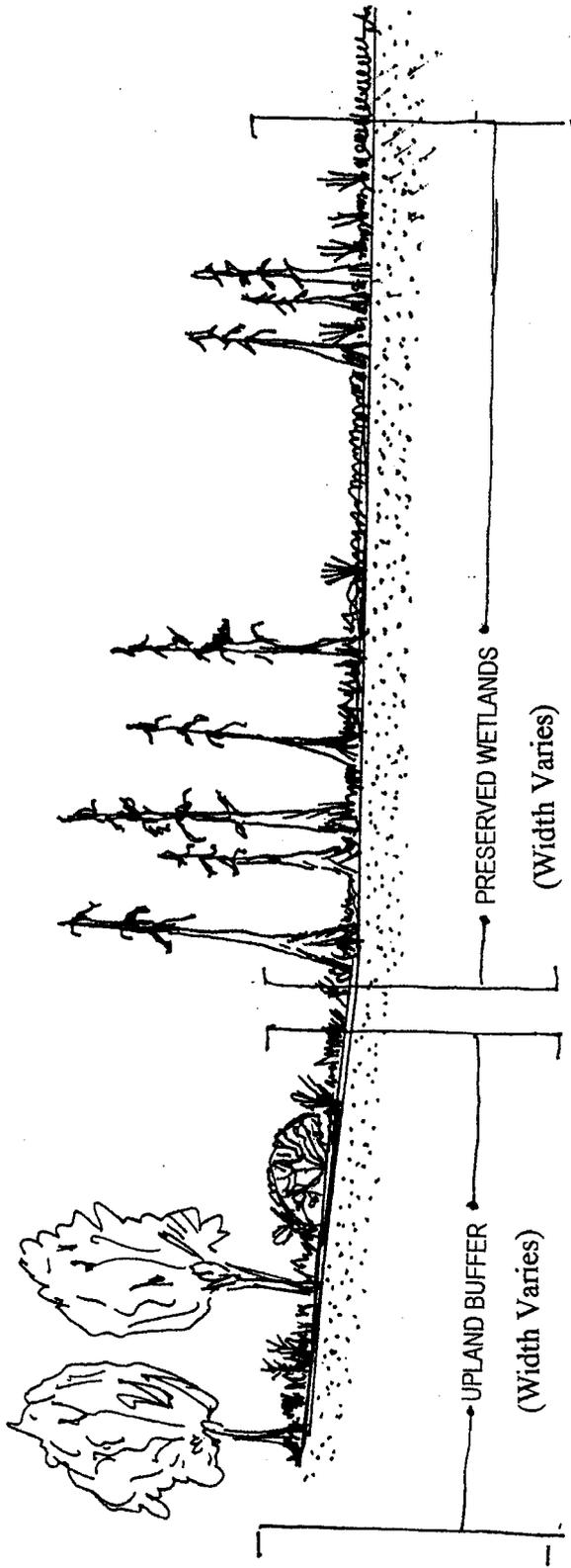
Project: PARKWAY CENTER
 Applicant: TLC Holdings, Inc.
 Location: Berlin Myers Parkway
 Adj to: Sawmill Branch Dorchester County
 Sheet 6 of 8 4/9/03



CROSS SECTION C
 Typical Cross Section
 for Wetland Excavation

Project: PARKWAY CENTER
 Applicant: TLC Holdings, Inc.
 Location: Berlin Myers Parkway
 Adj to: Sawmill Branch Dorchester County
 Sheet 7 of 8 4/9/03

PN # 2003-16-094



MINIMUM 25 FT.

CROSS SECTION B
 TYPICAL CROSS-SECTION
 FOR WETLAND PRESERVATION

Project: PARKWAY CENTER
 Applicant: TLC Holdings, Inc.
 Location: Berlin Myers Parkway
 Adj to: Sawmill Branch Dorchester County
 Sheet 8 of 8 4/9/03

PN# 2003-IG-094

Mitigation for Wetlands

14. Tables and Worksheets.
14.1. Adverse Impacts Table.

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

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		Slightly Impaired 2.0	Fully Functional 2.5	
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3 0.5	3 to 5 1.0	5 to 10 1.5	Over 10 2.0
Dominant Impact	Shade 0.2	Clear 1.0	Dredge 1.5	Drain 2.0	Impound 2.5	Fill 3.0
Cumulative Impact	$0.05 \times Y - AA_i$					

Note: For the Cumulative Impact factor, $Y - AA_i$ stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

Required Mitigation Credits Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Lost Type	0.2	0.2	0.2	0.2		
Priority Category	0.5	0.5	0.5	0.5		
Existing Condition	1.0	1.0	1.0	1.0		
Duration	2.0	2.0	2.0	2.0		
Dominant impact	3.0	1.5	3.0	1.5		
Cumulative Impact	0.3	0	0.3	0.3		
Sum of r Factors	$R_1 = 7.0$	$R_2 = 5.5$	$R_3 = 7.0$	$R_4 = 5.5$	$R_5 =$	$R_6 =$
Impacted Area	$AA_1 = 0.265$	$AA_2 = 0.455$	$AA_3 = 3.921$	$AA_4 = 1.748$	$AA_5 =$	$AA_6 =$
$R \times AA =$	1.855	2.502	27.384	9.614		

Total Required Credits = $(R \times AA) =$ 41.355

- ea 1 = Filling of jurisdictional wetlands
- ea 2 = Excavation of jurisdictional wetlands
- ea 3 = Filling of non-jurisdictional isolated borrow areas
- ea 4 = Excavation of non-jurisdictional isolated borrow areas

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Mitigation for Wetlands

RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Factors	Options				
Net Improvement	Minimal Enhancement 0.1 ----- to ----- Excellent Restoration 4.0				
Control	N. A. 0	Covenant Private 0.1	Covenant POA 0.2	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6
Temporal Lag	N.A.* 0	Over 20 -0.3	10 to 20 -0.2	5 to 10 -0.1	0 to 5 0
Credit Schedule	Schedule 5* 0	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 5 -0.1	Category 4 0	Category 3 0.2	Category 2 0.3	Category 1 0.4
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4

N. A. = Not Applicable

*Use this option to calculate credits for enhancement by buffering

Proposed Restoration or Enhancement Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Net Improvement	1.5	1.5	0.2		
Control	0.2	0.2	0.2		
Temporal Lag	0	0	0		
Credit Schedule	0.4	0.4	0		
Kind	0.4	0.4	0.4		
Location	0.4	0.4	0.4		
Sum of m Factors	$M_1 = 2.9$	$M_2 = 2.9$	$M_3 = 1.2$	$M_4 =$	$M_5 =$
Mitigation Area	$A_1 = 8.045$	$A_2 = 1.171$	$A_3 = 1.654$	$A_4 =$	$A_5 =$
M x A =	23.331	3.396	1.985		

Total Restoration Enhancement Credits = $Y - (M \times A) =$ 28.712

ea 1 = Enhancement by water level manipulation

ea 2 = Enhancement by water level manipulation, planting, and control of invasive vegetation

ea 3 = Enhancement by buffering

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Mitigation for Wetlands

WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS Mitigation Summary Worksheet For Permit Application # Berlin Meyers Parkway

1. Required Mitigation

A. Total Required Mitigation Credits = $4.36 + 37.00 = 41.36$

11. Non-Banking Mitigation Credit Summary	Credits	Acres
B. Creation		
C. Restoration and/or Enhancement (Non-Buffer Enhancement)	26.73	9.22
D. Restoration and/or Enhancement (Buffer Enhancement)	1.98	1.65
E. Total No Net Loss Non-Bank Mitigation = B+C+D	28.71	10.87
F. Preservation		
G. Total Proposed Non-Bank Mitigation = E + F	28.71	10.87

111. Banking Mitigation Credit Summary	Credits	Acres
H. Creation		
1. Restoration and/or Enhancement (Non-Buffer Enhancement)		
J. Restoration and/or Enhancement (Buffer Enhancement)		
K. Total No Net Loss Bank Mitigation = H + I + J		
L. Preservation		
M. Total Proposed Bank Mitigation = K + L		

IV. Grand Totals	Credits	Acres
N. Total Preservation Mitigation = F + L		
O. Total Non-Preservation Mitigation = E + K	28.71	10.87
P. Total Creation = B + H		
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I		
R. Total Proposed Mitigation = G + M	28.71	11.87

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Mitigation for Wetlands

The Total Mitigation Credits (Row R) should be equal to or greater than the total Required Mitigation Credits (Row A) for the proposed mitigation to be acceptable. The other requirements given in the SOP must also be satisfied, e.g., in the credits column, Row 0 must equal at least 50% of Row A and the addition of Row P and Row Q must equal at least 25% of Row A. If the answer to any of the questions below is no, then the proposed mix and/or quantity of mitigation is not in compliance with the policy and the plan should be revised or rejected, unless a variance is approved.

	Yes	No
$PMC \geq RMC$ or in words Are the credits in Row R greater than or equal to Row A ?		X
$PMC_{Non-Preservation} \geq 50\% RMC$ or in words Are the credits in Row 0 greater than or equal to 50% of Row A ?	X	
$PMC_{Creation + Restoration/Enhancement (Non-Buffer Enhancement)} \geq 25\% RMC$ or in words Are the credits in Row P plus the credits in Row Q greater than or equal to 25% of Row A?	X	

September 19, 2002

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