

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-099-C

23 MAY 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

FOUR BROTHERS OF SOUTH CAROLINA, LLC
C/O THE EARTHWORKS GROUP
658 WACHESAW ROAD
MURRELLS INLET, SOUTH CAROLINA 29576

for a permit to place fill material in wetlands adjacent to

CABOTS CREEK

at a location, the northwest corner of the intersection of Highway 544 and Highway 814, near Conway, Horry County, South Carolina (Latitude 33.73393° - Longitude -79.02672°).

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, 23 JUNE 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 0.45 acres of freshwater wetlands for access and development of the 28.27- acre site. As mitigation for the proposed impacts, the applicant proposes to preserve and enhance the remaining 2.71 acres of wetlands onsite with 1.24 acres of 50 - foot average width buffers and purchase an additional 2 mitigation credits from an approved mitigation bank. The purpose of the proposed work is for access and commercial development of the site.

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 0.45 acre of freshwater wetlands 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).

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.

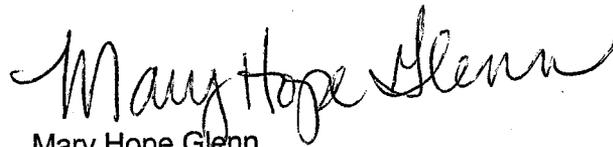
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection,

23 MAY 2003

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

Legend

- 2000 Centerline Data
- 2000 Parcel Data
- ▭ 814 Tract

Parcel Centroid
79°01'36.01"W by 33°43'58.79"N

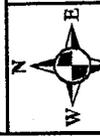
FIGURE 1 of 6
Date 3/24/03
814 TRACT

SITE VICINITY MAP

HORRY COUNTY
SOUTH CAROLINA
BUCKSVILLE QUADRANGLE

2000 Parcel & Centerline Data Courtesy
Horry Co. GIS Dept. USGS Topographic
Quadrangle DRG Imagery Courtesy SCDNR.

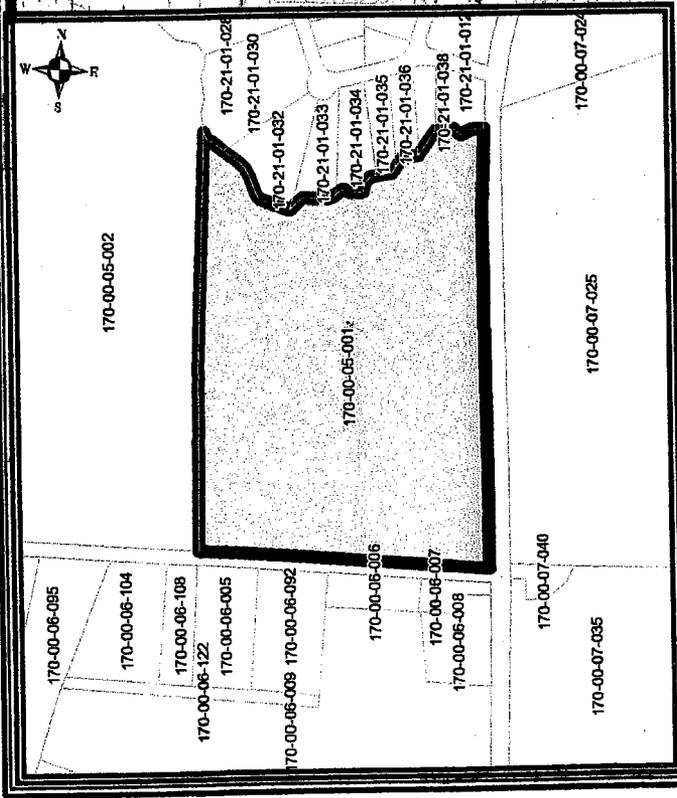
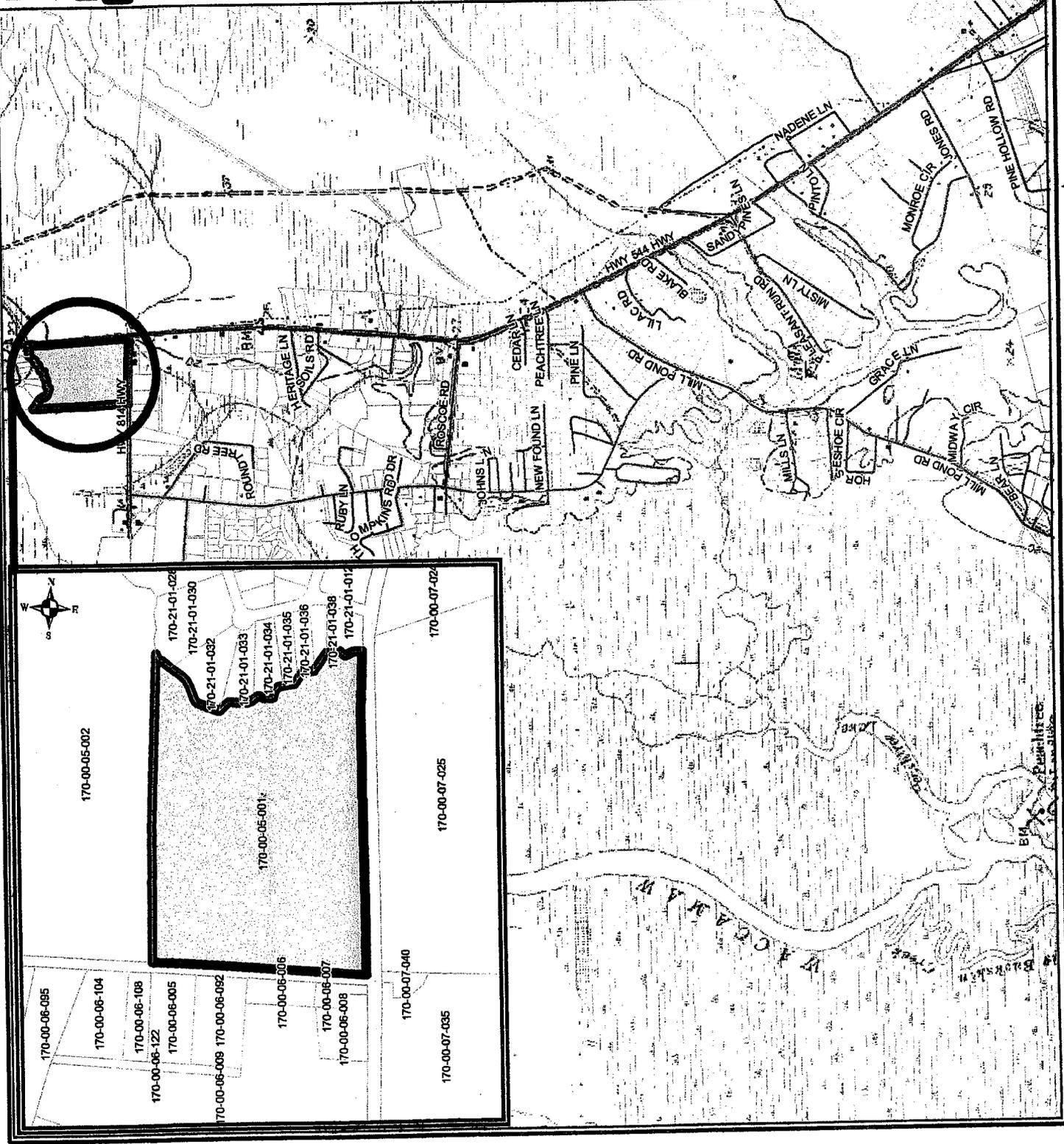
SCALE 1" = 2000'



Prepared For:

USACOE
69-A Haygood Ave
Charleston, SC 29403-8044

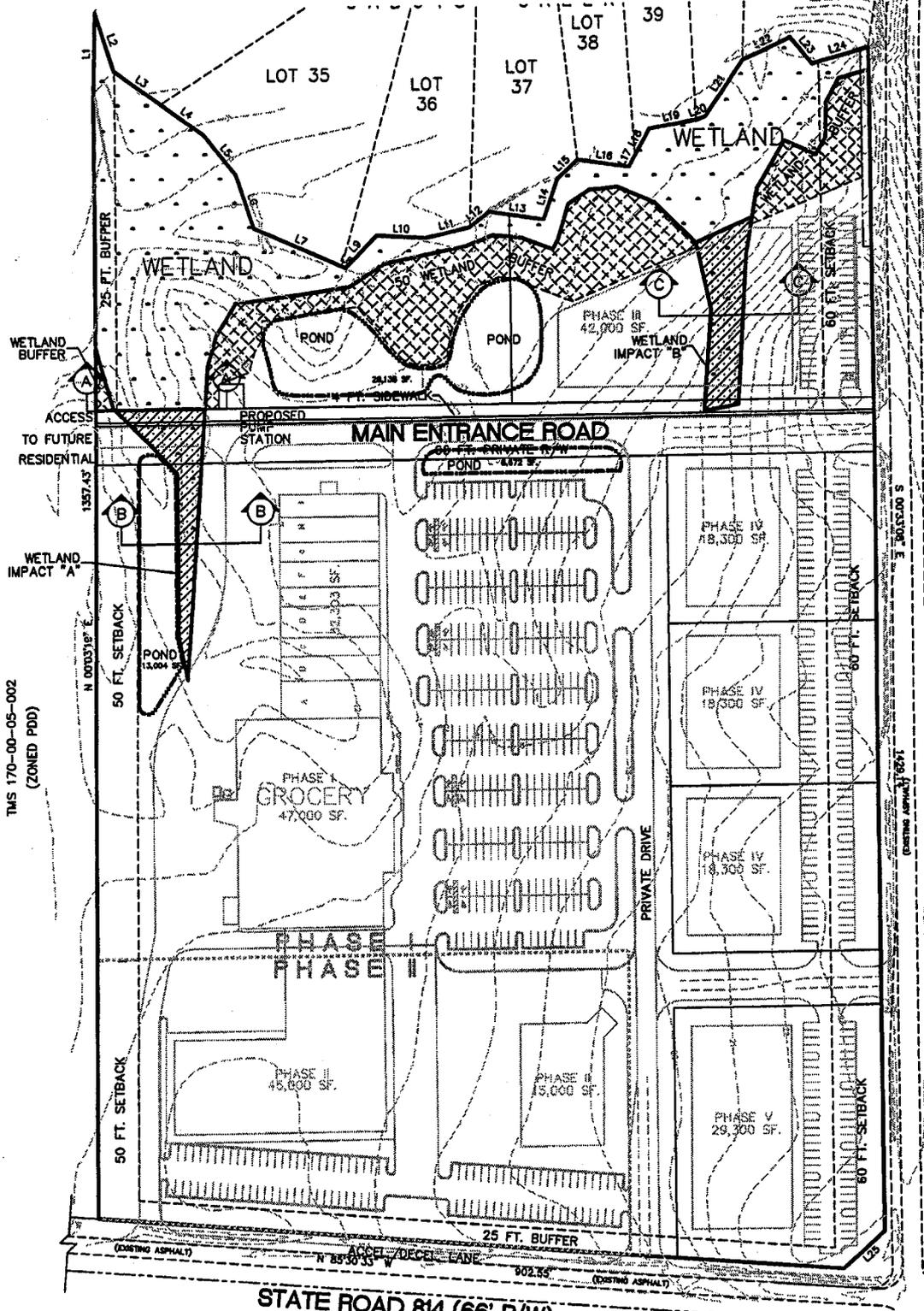
THE EARTHWORKS GROUP
688 Wacheseaw Rd.
Murrells Inlet, SC 29576
843-651-7900 Phone
843-651-7903 Fax
www.earthworksgroup.com



PN # 2003-16-099

**WELLONS BROTHERS
GENERAL PARTNERSHIP**

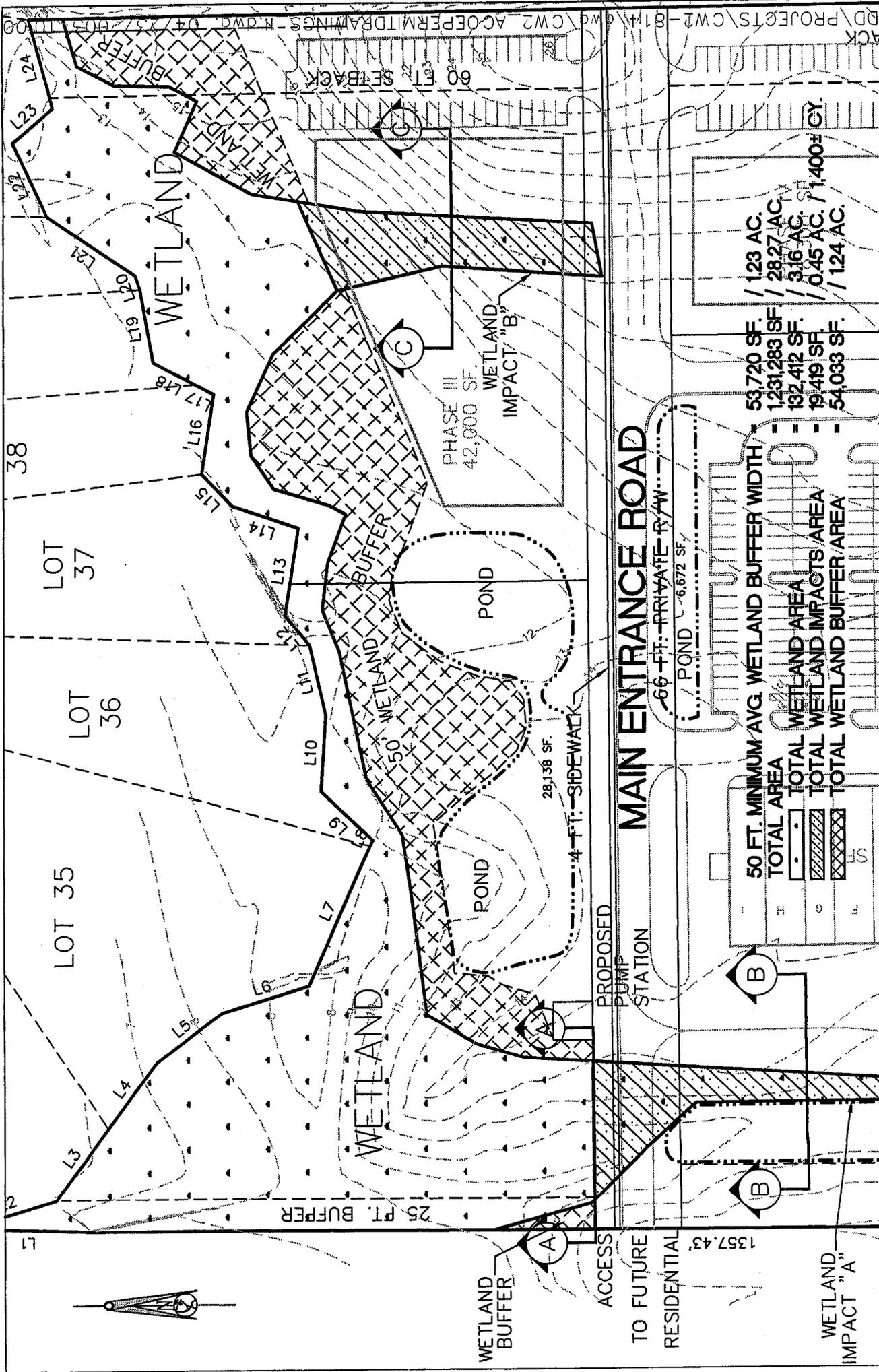
TMS 170-00-05-002
(ZONED PDD)



S.C. HIGHWAY 544 (ORIGINAL 66' R/W TO A NEW 90' R/W)

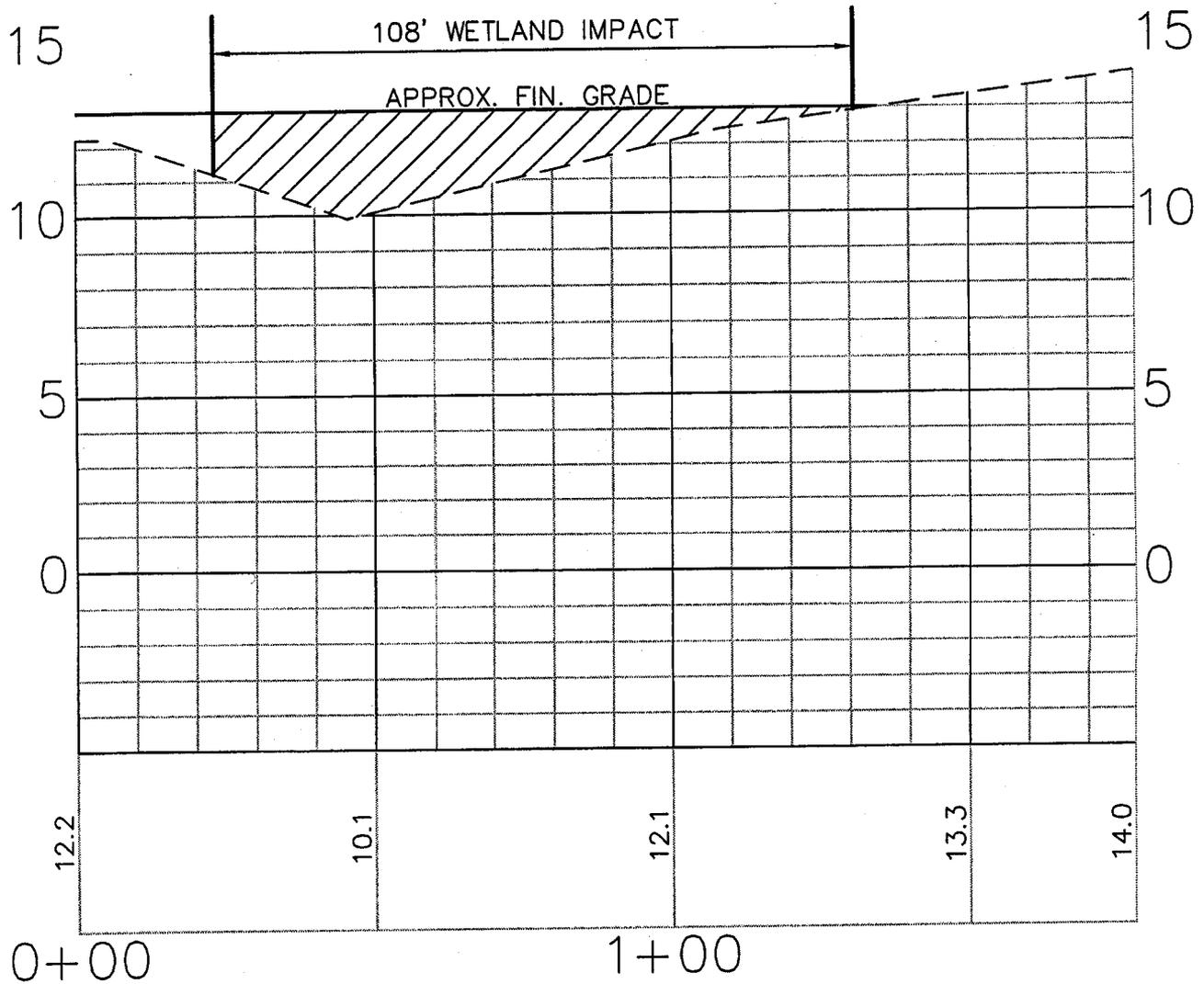
50 FT. MINIMUM AVG. WETLAND BUFFER WIDTH	= 53,720 SF. / 1.23 AC.
TOTAL AREA	= 1,231,283 SF. / 28.27 AC.
TOTAL WETLAND AREA	= 132,412 SF. / 3.16 AC.
TOTAL WETLAND IMPACTS AREA	= 19,419 SF. / 0.45 AC. / 1,400± CY.
TOTAL WETLAND BUFFER AREA	= 54,033 SF. / 1.24 AC.

Applicant: FOUR BROTHER OF S.C.	Revisions		OVERALL SITE	
	Date	Initials		
Project Title: PALMETTO BAYS	4/8/03	JRH	Date: 24 MARCH 03	Scale: 1" = 200'
	4/23/03	JRH		
Project Location: HWY 544 AND 814 HORRY COUNTY, SOUTH CAROLINA			Application #	Sheet 2 of 6
			2003-167099	



Applicant: FOUR BROTHER OF S.C. Project Title: PALMETTO BAYS Project Location: HWY 544 AND 814 Horry County, South Carolina		Revisions <table border="1"> <thead> <tr> <th>Date</th> <th>Initials</th> </tr> </thead> <tbody> <tr> <td>4/8/03</td> <td>JRH</td> </tr> <tr> <td>4/23/03</td> <td>JRH</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Date	Initials	4/8/03	JRH	4/23/03	JRH					Sheet Title: WETLAND IMPACT AREAS Date: 24 MARCH 03 Application # 2003-16-079	
Date	Initials														
4/8/03	JRH														
4/23/03	JRH														
Scale: 1" = 100'		Sheet 3 of 6													

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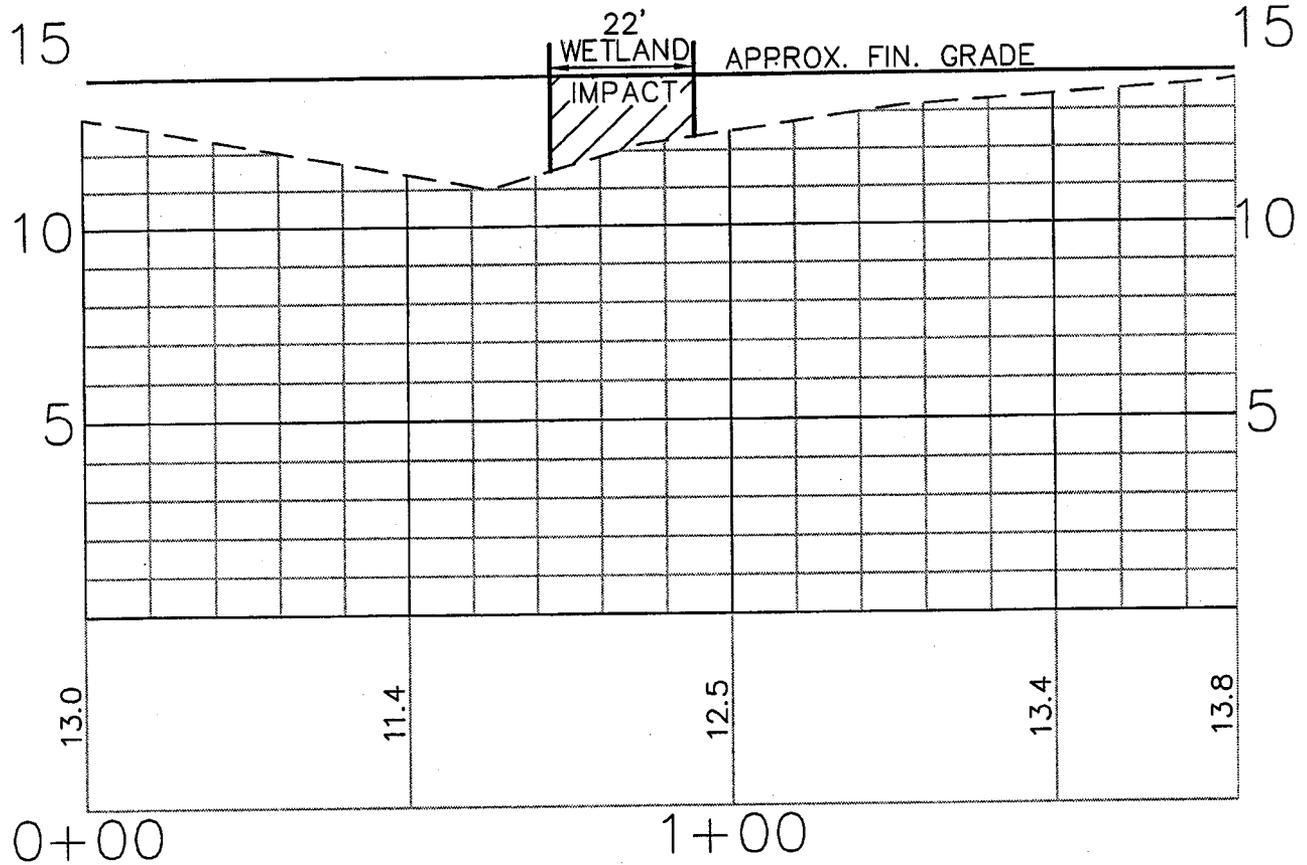
WETLAND IMPACT - SECTION "A"

SCALE: 1" = 30' HORIZ.
1" = 5' VERT.

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Applicant: FOUR BROTHER OF S.C.	Revisions		WETLAND - SECTION "A"	
	Date	Initials		
Project Title: PALMETTO BAYS			Date: 24 MARCH 03	Scale: 1" = N.A.
Project Location: HWY 544 AND 814 HORRY COUNTY, SOUTH CAROLINA			Application # 2003-16-099	Sheet 4 of 6

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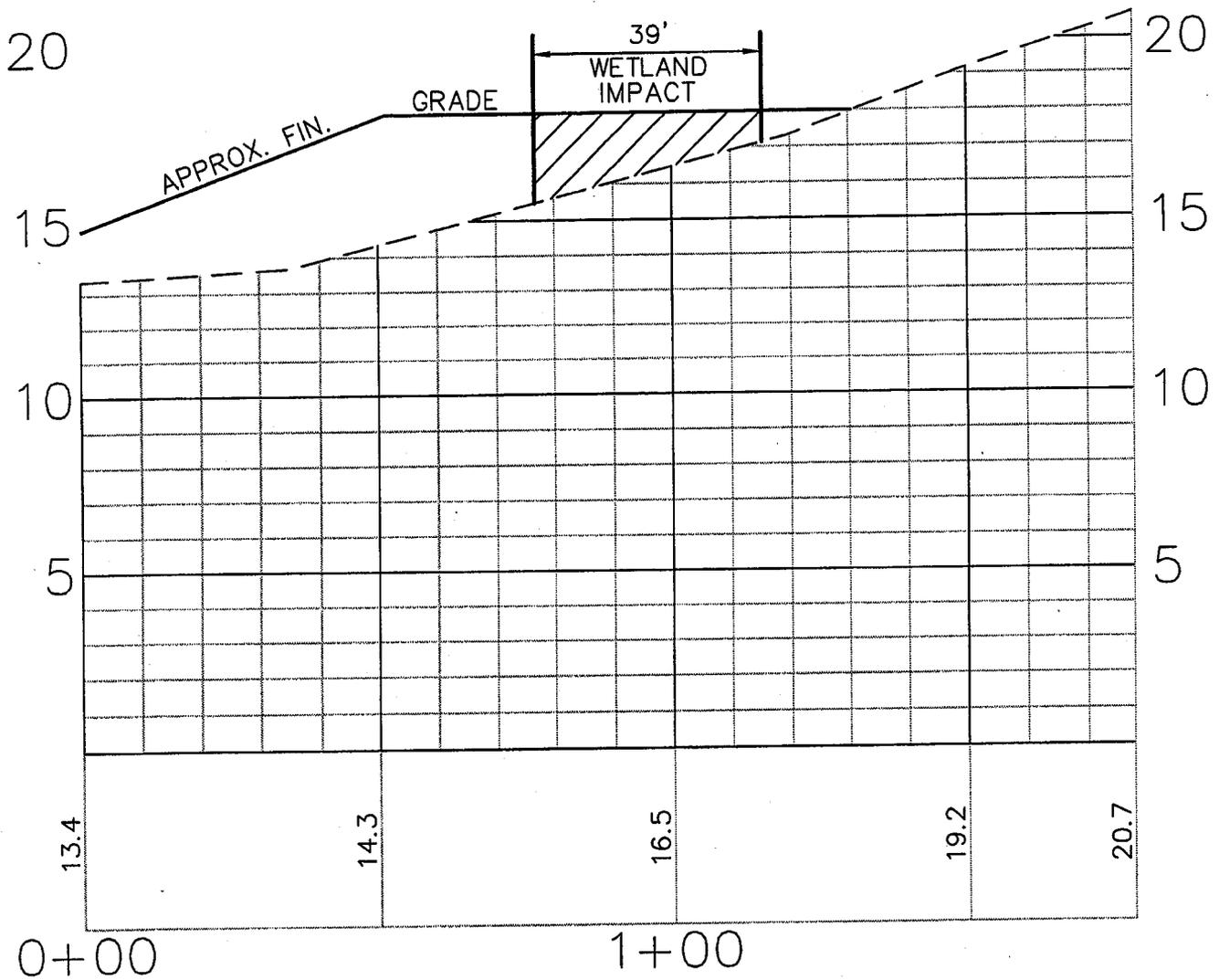


WETLAND IMPACT - SECTION "B"

SCALE: 1" = 30' HORIZ.
1" = 5' VERT.

Applicant: FOUR BROTHER OF S.C.	Revisions		WETLAND - SECTION "B"	
	Date	Initials		
Project Title: PALMETTO BAYS			Date: 24 MARCH 03	Scale: 1" = N.A.
Project Location: HWY 544 AND 814 HORRY COUNTY, SOUTH CAROLINA			Application # 2003-19-099	Sheet 5 of 6

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WETLAND IMPACT - SECTION "C"

SCALE: 1" = 30' HORIZ.
1" = 5' VERT.

Applicant: FOUR BROTHER OF S.C.	<u>Revisions</u>		WETLAND - SECTION "C"	
	Date	Initials		
Project Title: PALMETTO BAYS			Date: 24 MARCH 03	Scale: 1" = N.A.
Project Location: HWY 544 AND 814 HORRY COUNTY, SOUTH CAROLINA			Application # 2003 19-099	Sheet 6 of 6

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**Palmetto Bays
Required Mitigation Credits Sample Worksheet**

Factor	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Lost Type	3.0					
Priority Category	0.5					
Existing Condition	0.1					
Duration	2.0					
Dominant Impact	3.0					
Cumulative Impact	0					
Sum of r Factors	R ₁ = 8.6	R ₂ =	R ₃ =	R ₄ =	R ₅ =	R ₆ =
Impacted Area	AA ₁ = 0.45	AA ₂ =	AA ₃ =	AA ₄ =	AA ₅ =	AA ₆ =
R × AA =	3.9					

Total Required Credits = $\sum (R \times AA) =$ 3.9

14.2. Enhancement by Buffering Credits for Wetlands

14.2.1. Enhancement by Buffering. If the buffer zone meets the requirements specified below, a portion of the buffered aquatic site will qualify for enhancement credit. Both the buffer and the buffered aquatic area must be preserved through acceptable restrictive covenants or other approved protective measures (except in the case of publicly owned waters such as streams/rivers). Buffers will not be given direct enhancement credits. **No more than half of required non-preservation credits (from restoration, creation, and/or enhancement) may be generated through buffering.** Buffer credits exceeding this cap will be considered as preservation credits. SCDHEC/OCRM master planned projects may be exempt from this requirement on a case-by-case basis as determined by SCDHEC and the Corps.

14.2.2. Qualitative Considerations. The following issues should be considered when evaluating buffers in terms of the overall quality and general acceptability of a mitigation plan.

- In order to assure that buffers serve the intended use in perpetuity, they must be protected by covenants, easements, or other approved measures. Buffers without acceptable protective measures will not be included in calculation of credits.
- Buffers or portions of buffers may be excluded from calculation of credits if their contribution to system integrity is of questionable value due to shape, condition, location, inadequate or excessive width, or other reasons (e.g. around drained wetlands which require restoration to maintain hydrologic viability).
- Buffers may not include aquatic areas. It is not allowable to designate aquatic areas as buffer in order to satisfy buffering goals. The credited buffer must consist of uplands.

Palmetto Bays
Restoration and Enhancement Table

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

Factors	Options				
	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	0.1				
Control	0.2				
Temporal Lag	0				
Credit Schedule	0.4				
Kind	0.4				
Location	0.4				
Sum of m Factors	M ₁ = 1.5	M ₂ =	M ₃ =	M ₄ =	M ₅ =
Mitigation Area	A ₁ = 1.24	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M × A =	1.86				

Total Restoration/Enhancement Credits = $\sum (M \times A) =$

1.86

Palmetto Bays
Preservation Table

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

Factors	Options				
	Priority Category	Tertiary 0.1		Secondary 0.2	
Existing Condition	Impaired -0.1		Slightly Impaired 0		Fully Functional 0.1
Degree of Threat	Low -0.1		Moderate 0.1		High 0.2
Control	Covenant Private 0		Covenant POA 0.1		Conservation Easement 0.4
					Transfer Fee Title Conservancy 0.6
Kind	Category 5 -0.1	Category 4 0	Category 3 0.1	Category 2 0.2	Category 1 0.3
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.1	Zone 2 0.2	Zone 1 0.3

Note: Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

Proposed Preservation Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Priority Category	0.1				
Existing Condition	-0.1				
Degree of Threat	0.1				
Control	0.1				
Kind	0.3				
Location	0.3				
Sum of m Factors	$M_1 = 0.6$	$M_2 =$	$M_3 =$	$M_4 =$	$M_5 =$
Mitigation Area	$A_1 = 1.47$	$A_2 =$	$A_3 =$	$A_4 =$	$A_5 =$
$M \times A =$	0.88				

Total Preservation Credits = $\sum (M \times A) =$

0.88

Mitigation for Wetlands

14.6. Mitigation Summary Worksheet.

WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS
 Mitigation Summary Worksheet For Permit Application # 2003-16-099

I. Required Mitigation

A. Total Required Mitigation Credits =	3.9
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II. Non-Banking Mitigation Credit Summary	Credits	Acres
B. Creation	—	—
C. Restoration and/or Enhancement (Non-Buffer Enhancement)	—	—
D. Restoration and/or Enhancement (Buffer Enhancement)	1.86	1.24
E. Total No Net Loss Non-Bank Mitigation = B + C + D	1.86	1.24
F. Preservation	0.88	1.47
G. Total Proposed Non-Bank Mitigation = E + F	2.74	2.71

III. Banking Mitigation Credit Summary	Credits	Acres
H. Creation	—	—
I. Restoration and/or Enhancement (Non-Buffer Enhancement)	2	
J. Restoration and/or Enhancement (Buffer Enhancement)	—	—
K. Total No Net Loss Bank Mitigation = H + I + J	2	
L. Preservation	—	—
M. Total Proposed Bank Mitigation = K + L	2	

IV. Grand Totals	Credits	Acres
N. Total Preservation Mitigation = F + L	0.88	1.47
O. Total Non-Preservation Mitigation = E + K	3.86	
P. Total Creation = B + H	—	
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	2	
R. Total Proposed Mitigation = G + M	4.74	

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, c.g., in the credits column, Row O 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 ?	✓	
$PMC_{\text{Non-Preservation}} \geq \frac{1}{2} RMC$ or in words Are the credits in Row O greater than or equal to 50% of Row A ?	✓	
$PMC_{\text{Creation + Restoration/Enhancement (Non-Buffer Enhancement)}} \geq \frac{1}{4} RMC$ or in words Are the credits in Row P plus the credits in Row Q greater than or equal to 25% of Row A?	✓	

September 19, 2002

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