

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-166-W

13 June 2003

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

MR. ARUNN C. DESAI
322 CAROLA LANE
LEXINGTON, SOUTH CAROLINA 29072

for a permit to place fill material in waters of the United States adjacent to an

UNNAMED TRIBUTARY OF TWELVEMILE CREEK

at a location near the intersection of Interstate 20 and US Highway 1 in Lexington, Lexington County, South Carolina (Latitude – 33.97843 N, Longitude – 81.20090 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, JULY 7, 2003

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

The proposed work consists of the placement of fill material in approximately 0.88 acres of jurisdictional wetlands or other waters of the United States to construct a road crossing, a parking area, and four commercial buildings on the referenced property. The applicant previously obtained Department of the Army authorization (SAC 26-95-1260) to place fill material in the identified waters of the United States. However, the proposed work was never begun, and the authorization expired on August 2, 1997.

According to the applicant, the Town of Lexington condemned a portion of the referenced property in 1995 for a utility easement that bisects the site and the wetland system. The installation of the existing sewer line temporarily impacted approximately 0.15 acres of waters of the United States on the referenced property. The applicant plans to fill the entire 0.88-acre wetland system, including the portion that is located within the existing utility easement, in order to develop the property.

It is our understanding that there is a stormwater discharge pipe located along the eastern property boundary. The applicant plans to install 190 linear feet of 12-inch pipe that will convey this stormwater through the site and discharge along the western property boundary. The applicant also plans to construct a central parking area that will be located over the existing sewer line and the proposed stormwater pipe. The proposed commercial buildings will be located adjacent to Interstate 20 or Fergon Tool Road, so that they will not have an adverse effect on the future maintenance of these underground pipes. The purpose of the proposed work is to create approximately 3.0 acres of contiguous uplands for an unspecified 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
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 District Engineer will not process this application to a conclusion until such certification is 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 Water Quality 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 0.88 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.

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

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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.



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



ROAD CLASSIFICATION

- | | | | |
|------------------------------------|-------|--|-------|
| Primary highway,
hard surface | ————— | Light-duty road, hard or
improved surface | ————— |
| Secondary highway,
hard surface | ————— | Unimproved road | ----- |
| Interstate Route | ⊖ | U S Route | ⊖ |
| | | State Route | ⊖ |

LEXINGTON, S. C.
 NW/4 EDMUND 15' QUADRANGLE
 N3352.5—W8107.5/7.5

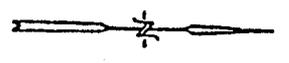
1972

AMS 4751 I NW—SERIES V846

Project Title	R B A LANDMARK	
Project Location	I.20 / US 1 exit 53 Lexington S.C.	
Applicant	ARUNN C. DESAI	
Revision	Date	Authorized Agent
	5.25.95	2003-10-11-125
Drawing Scale		Date 5.3.95

04300

04498



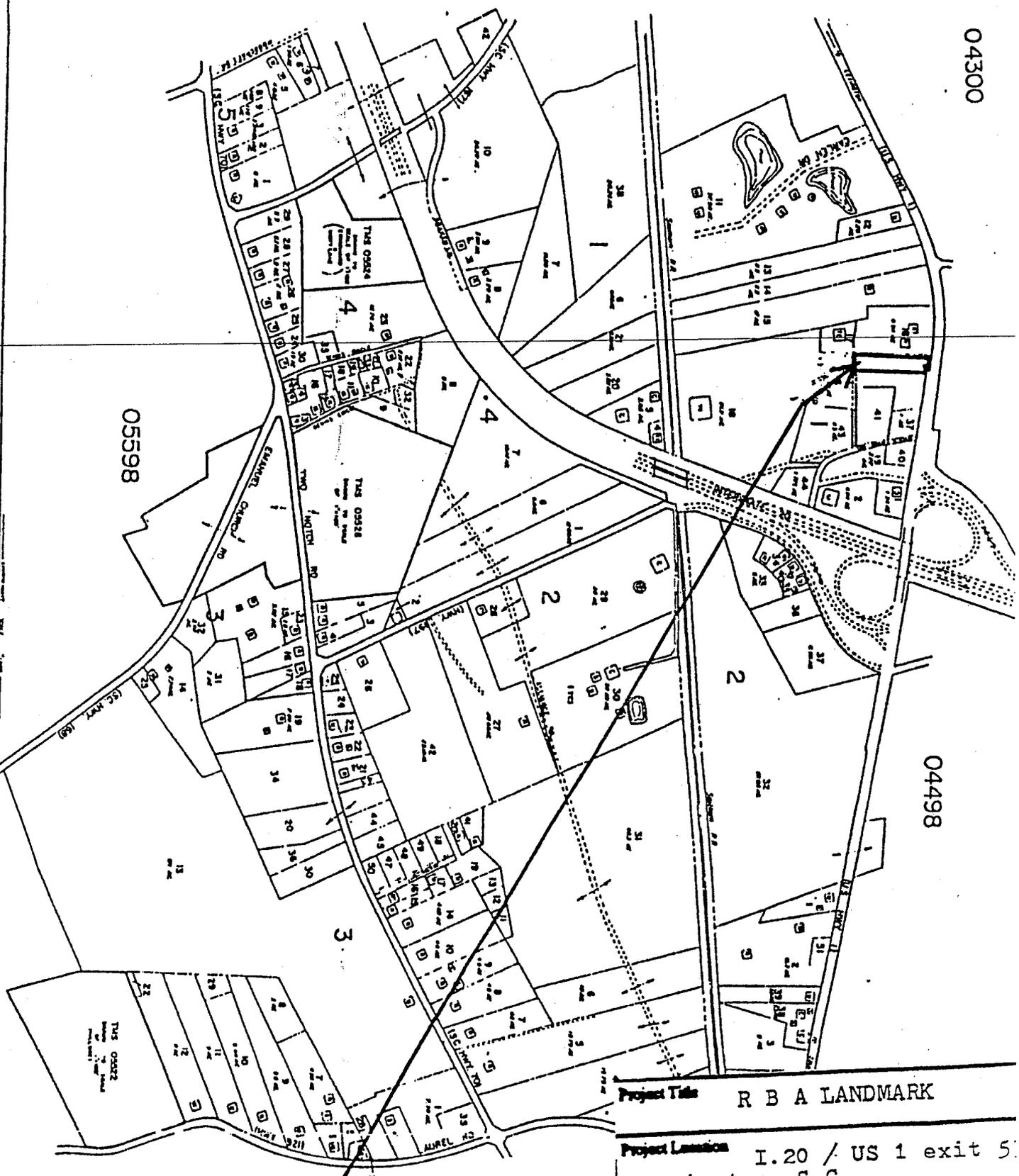
05497

05497

05598

05597

SUBJEC



Project Title R B A LANDMARK

Project Location I.20 / US 1 exit 5
Lexington S.C.

Applicant ARUNN C. DESAI

Authorized Agent 2003-10-Note 2 & 5

Revision Date 5.25.95

Drawing Scale Date 5.3.95

THIS MAP COMPILED FROM DEED, PLAT
RETURNING AND FIELD RECONNOISSANCE
SURVEYS ARE NOT PLOTTED TO
STATE SCALE OR LOCATION TO
DATE OF FINAL PHOTOGRAPHY - APRIL, 95

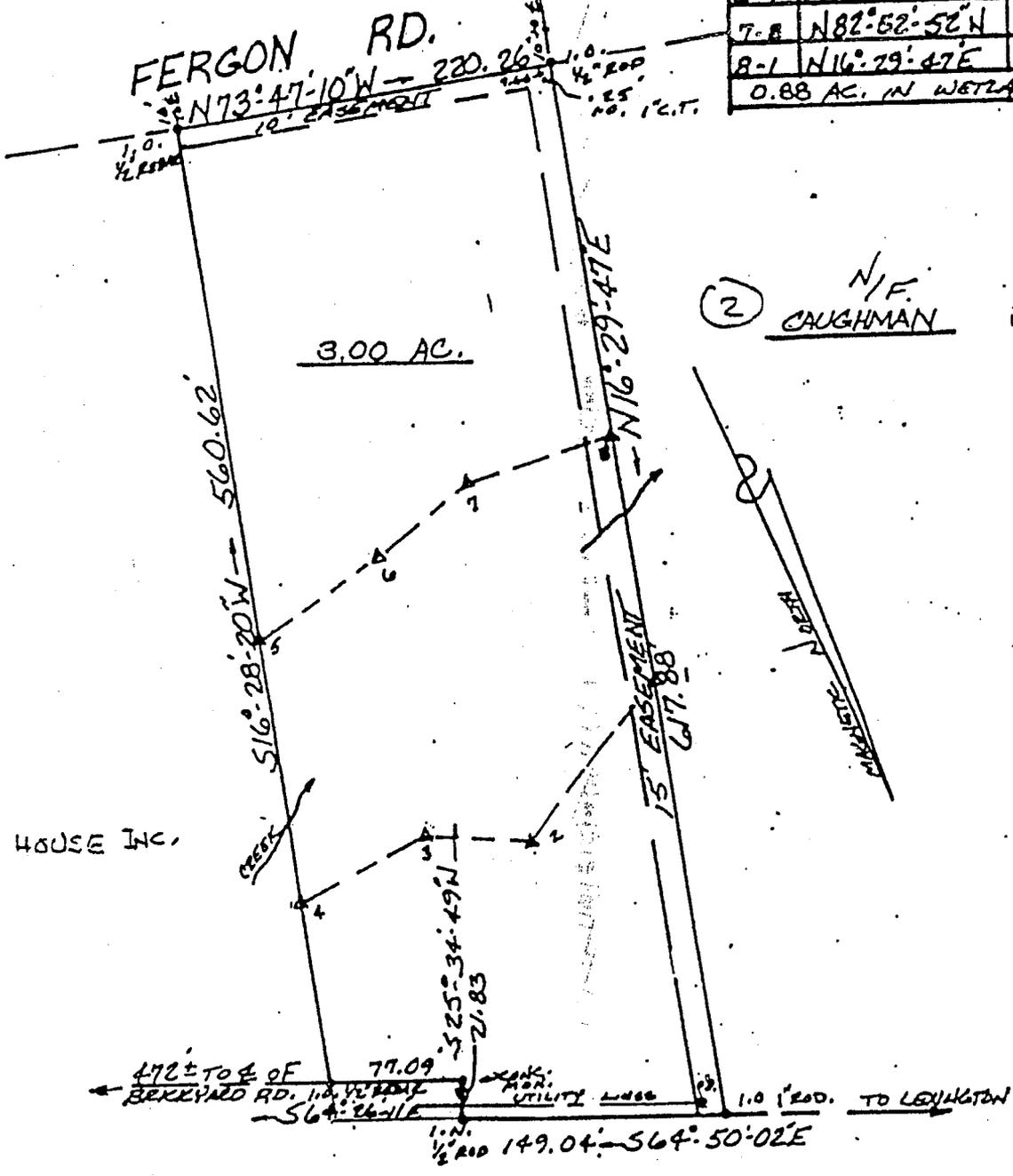
THIS MAP PREPARED BY THE COMPANY'S
ASSISTANT ENGINEER, THE COMPANY'S
ENGINEER AND FIELD RECONNOISSANCE
ENGINEER, HAS BEEN MADE IN ACCORDANCE
WITH THE REQUIREMENTS OF SECTION 1-20
REPRODUCTION FOR RESALE PURPOSES
IS PERMITTED.



TAX DISTRICT NO. 1
SCHOOL DISTRICT NO. 1
AREA S. OF INTEREST 1-20 B HWY 1
SERIAL PHOTO NO. 055

TAX MAP NUMBER
05596

1-2	N62°13'30"E	117.42'
2-3	S61°46'52"E	62.01'
3-4	N87°41'07"E	79.52'
4-5	S16°28'20"W	154.84'
5-6	S80°39'40"W	76.04'
6-7	S75°57'27"W	67.19'
7-8	N82°52'52"W	95.09'
8-1	N16°29'47"E	149.61'
0.88 AC. IN WETLANDS		



(2) N/F CAUGHMAN

N/F
 (1) WAFFLE HOUSE INC.

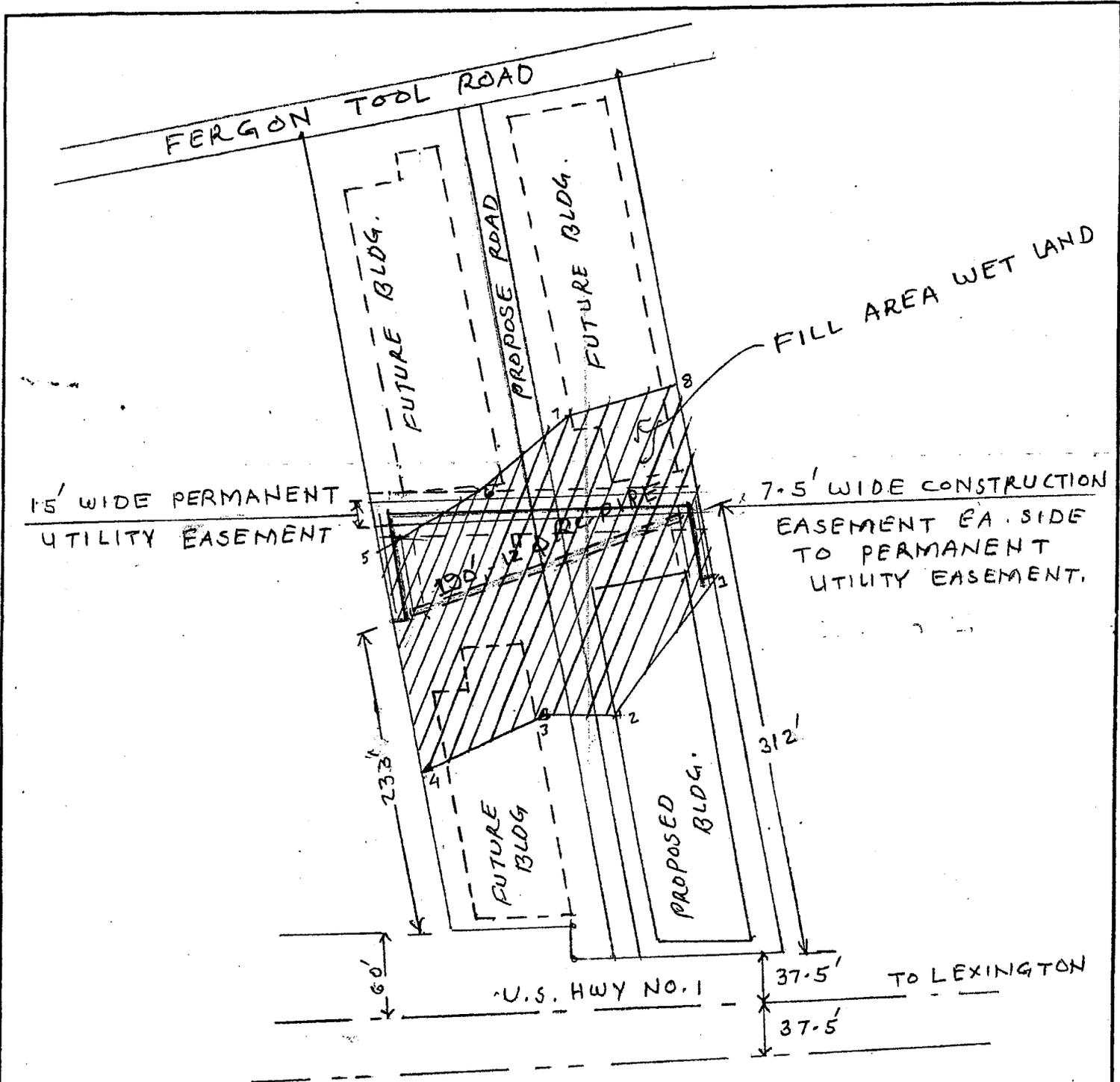
U.S. No 1
 (R/W VARIES)

ADJACANT PROPERTY OWNERS

(1) WAFFLE HOUSE INC.

(2) HAMPTON CAUGHMAN

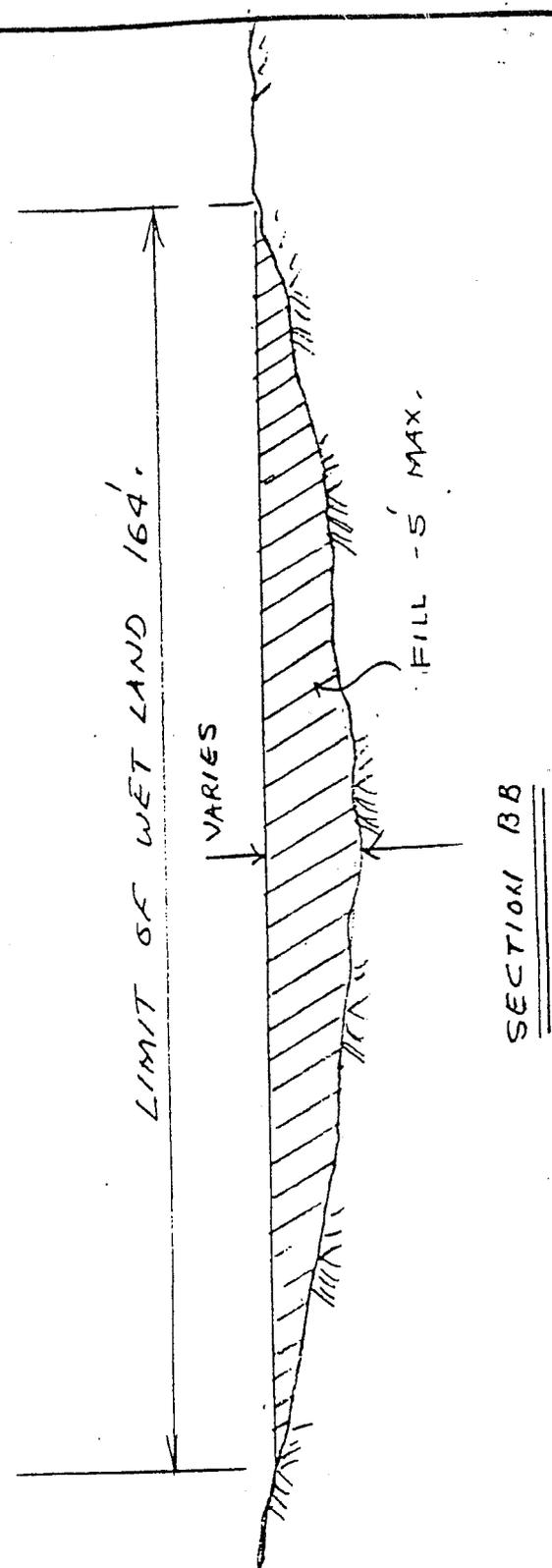
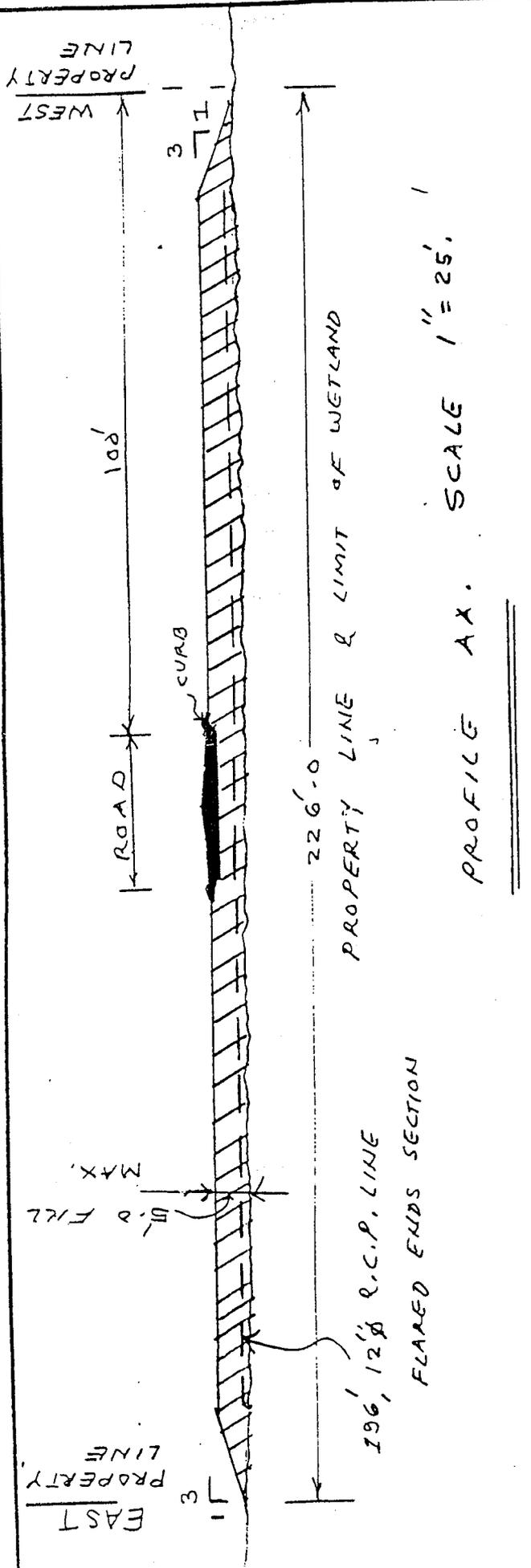
Project Title	R B A LANDMARK	
Project Location	I.20 / US 1 exit 53 Lexington S.C.	
Applicant	ARUNN C. DESAI	
Authorized Agent	2003-10-11-66	3 of 5
Revision	Date	5.25.95
Drawing Scale	1" = 100'	Date 5.3.95



Sewer Line by Town Of Lexington
 Utility easement
 Proposed R.C.Pipe

Revisions	
Date	Initials

Project Title: R B A Landmark	
Project Location: I20/US1 exit 58 Lexington SC	
Applicant: Arunn C.Desai	
Date: 5-2-2003	Scale: 1"=100'
Application #: 2003-IN-1166	Sheet of 4 of 5



Project Title	RBA LANDMARK	
Project Location	I-20 / US-1, LEXINGTON EXIT 58, LEXINGTON SC.	
Applicant	ARUNN C. DESAI	
Revision	Date	Authorized Agent
58-52-5		2005-10-11/5045
Drawing Scale	AS NOTED	Date
		5-8-5