

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 #2003-1U-347-W

19 December 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

DAYTON STREET, LLC
ATTN: MR. JOSH TUMBLESON
200 MUIRFIELD DRIVE
CAMPOBELLO, SOUTH CAROLINA 29322

for a permit to place fill material in wetlands adjacent to and directly in an unnamed tributary of

HALFWAY BRANCH OF LAWSONS FORK CREEK

at a location immediately north of Spartanburg, between the communities of Hillcrest and Zion Hill on the north side of Highway 29 in Spartanburg County, South Carolina (Latitude 34.97655 N; Longitude 81.87937 W).

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, 20 JANUARY 2004

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

The proposed work consists of the development of a commercial retail center. In detail, the proposed project requires filling 1,315 linear feet of stream (or 0.1 acres) and 1.23 acres of open water. Proposed mitigation includes the preservation and restoration/enhancement of 16.4 acres of waters of the U.S. located on the property, as reflected on Sheet 1A. The purpose of the project, as stated by the applicant, is to construct a commercial retail center.

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 1.33 acres of freshwater habitat 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, 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,

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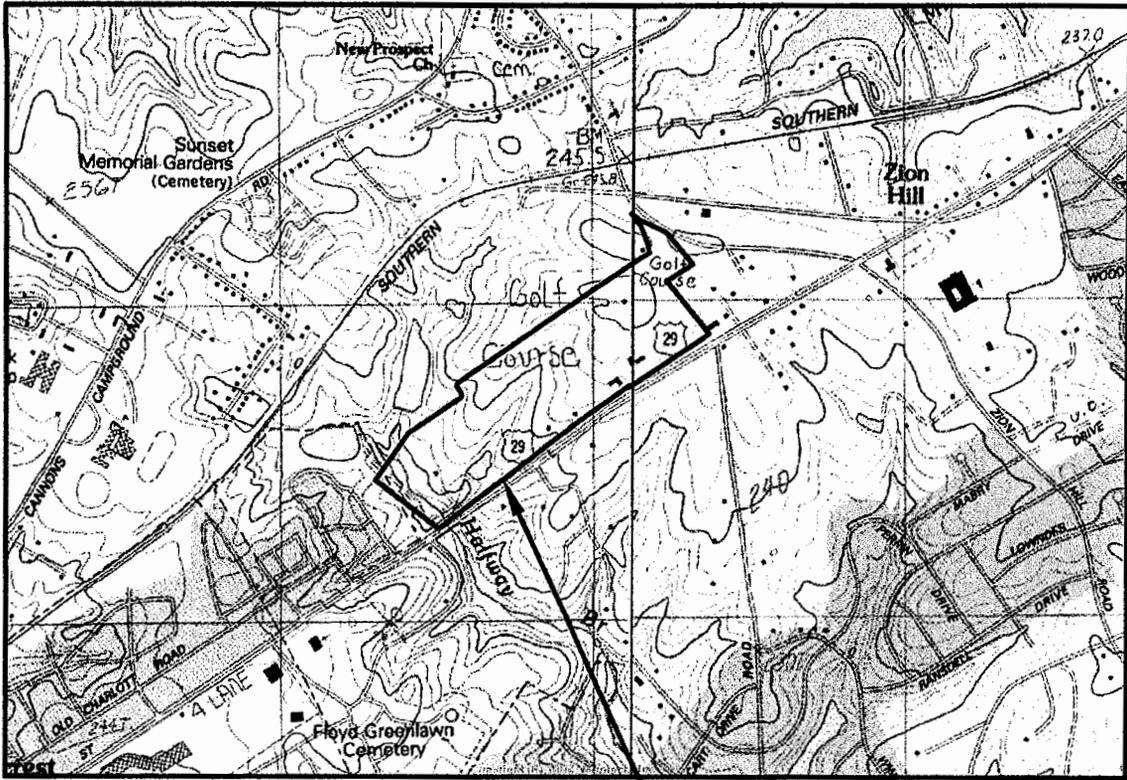
aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, 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.

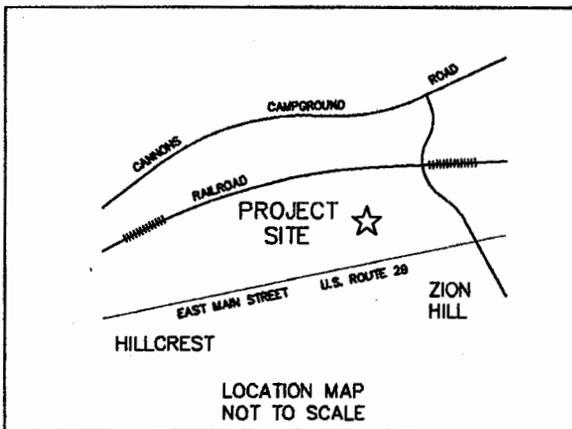
If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Tracy Hurst
Project Manager
Regulatory Division
U.S. Army Corps of Engineers



SITE LOCATION



REVISIONS		
NO.	DRAWN BY:	COMMENT:
1	CSG	Clarification, xsections added

**ENVIRONMENTAL
PERMITTING
CONSULTANTS, INC.**

GRAPHIC SCALE
1000 0 1000 2000
1 inch = 2000 feet

Post Office Box 3744 Greenville, SC 29608 Phone: (864) 271-3040 Fax: (864) 235-9299	DRAWN BY: CSG DATE: 12/08/2003 EPC PROJECT NO.: 03pcn073
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VICINITY MAP
DAYTON STREET RETAIL CENTER
DAYTON STREET, LLC
SPARTANBURG COUNTY, SC
USACE P/N:2003-1U-237

SHEET NO.
1
OF 7

STREAM/POND ENHANCEMENT
6.71 acres total
(50-foot buffers)

STREAM ENHANCEMENT
2.57 acres total
(75-foot buffers)

WETLAND ENHANCEMENT
1.67 acres total
(50-foot buffers)

STREAM RESTORATION
3.18 acres total
(50-foot buffers)

STREAM RESTORATION
2.27 acres total
(75-foot buffers)

1 1/2 STORY FRAME HOUSE

<p>ENVIRONMENTAL PERMITTING CONSULTANTS, INC.</p> <p>Post Office Box 3744 Cordova, SC 29038 Phone: (854) 271-3040 Fax: (854) 235-9239</p>	<p>GRAPHIC SCALE</p> <p>1 inch = 500 feet</p>	<p>DRAWN BY: CSB DATE: 10/29/2003 EPC PROJECT NO.: 03pp0073</p>	<p>NO.</p>	<p>DATE</p>	<p>REVISIONS</p>	<p>USACE P.I.N.: 2003-10-237</p>
			<p>COMMENTS</p>	<p>COMMENTS</p>	<p>COMMENTS</p>	
<p>PROPOSED MITIGATION PLAN DAYTON STREET RETAIL CENTER DAYTON STREET, LLC SPARTANBURG COUNTY, SC</p>			<p>SHEET NO. 1A OF 7</p>			

WETLAND/WATERWAY AREA #2

269 ft
1,344 ft²
0.03 ac

WETLAND/WATERWAY AREA #3

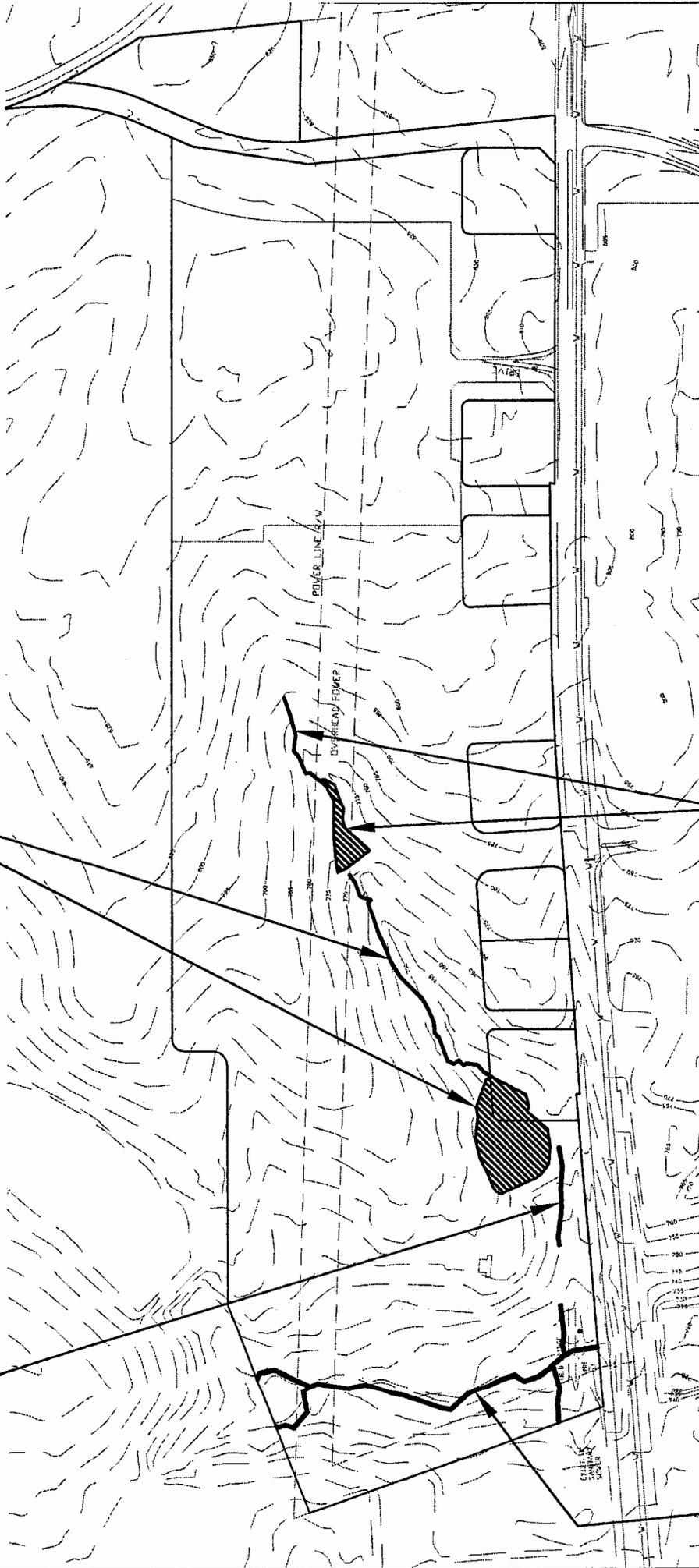
722 ft
45,671 ft²
1.05 ac

WETLAND/WATERWAY AREA #1

1,423 ft
8,915 ft²
0.02 ac

WETLAND/WATERWAY AREA #4

270 ft
10,848 ft²
0.25 ac



REVISIONS	
NO.	DESCRIPTION
1	Clarification, xsections added

GRAPHIC SCALE

1 inch = 400 feet

Post Office Box 3744
Greenville, SC 29608
Phone: (854) 271-3040
Fax: (854) 235-9299

DRAWN BY: CSG
DATE: 12/08/2003
EPC PROJECT NO.: 09pen073

ENVIRONMENTAL PERMITTING CONSULTANTS, INC.

WETLANDS AND WATERWAYS
DAYTON STREET RETAIL CENTER
DAYTON STREET, LLC
SPARTANBURG COUNTY, SC
USACE PIN: 2003-1U-237

SHEET NO. **2**
OF 7

IMPACT AREA #6
Stream Impacts
54 ft
322 ft²
0.01 ac

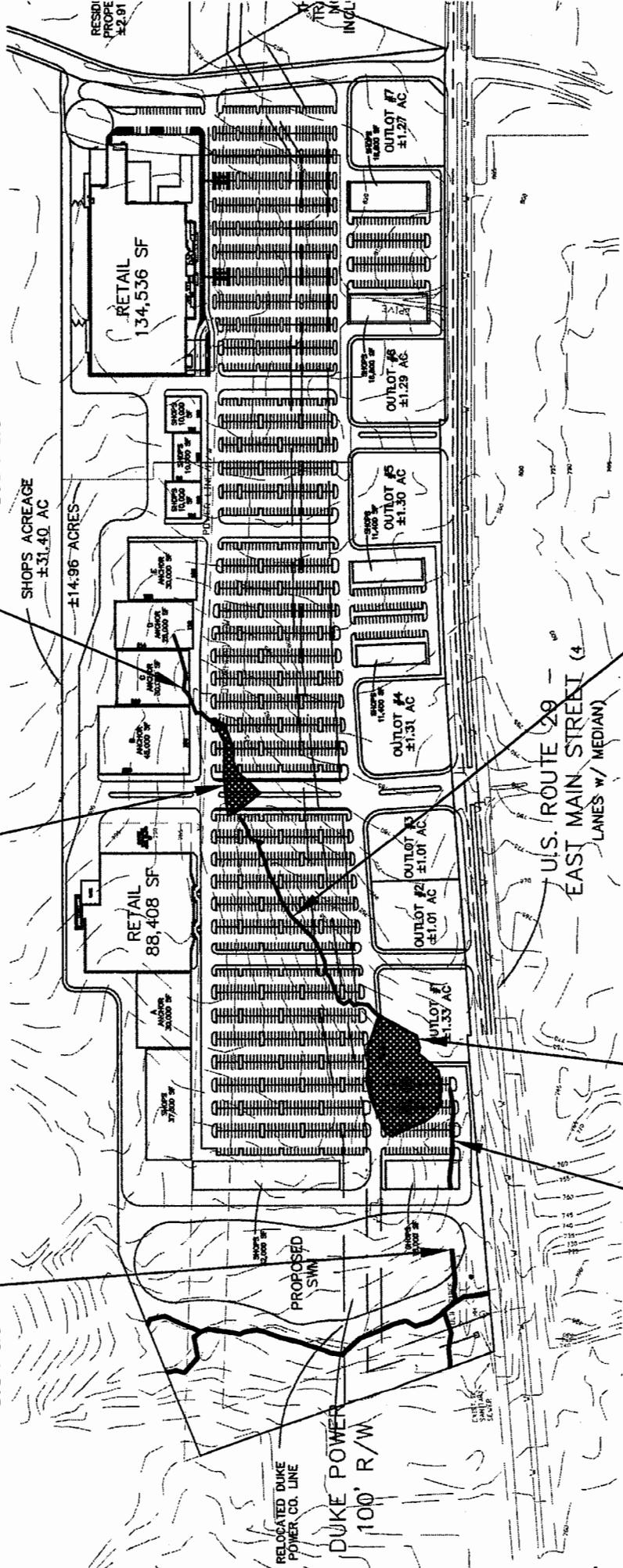
IMPACT AREA #5
Open Water Impacts
10,051 ft²
0.23 ac

IMPACT AREA #4
Stream Impacts
270 ft
433 ft²
0.01 ac

IMPACT AREA #1
Stream Impacts
269 ft
1,344 ft²
0.03 ac

IMPACT AREA #2
Open Water Impacts
43,493 ft²
1.00 ac

IMPACT AREA #3
Stream Impacts
722 ft
2,178 ft²
0.05 ac



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REVISONS	
NO.	COMMENTS
1	Clarification, x-sections added

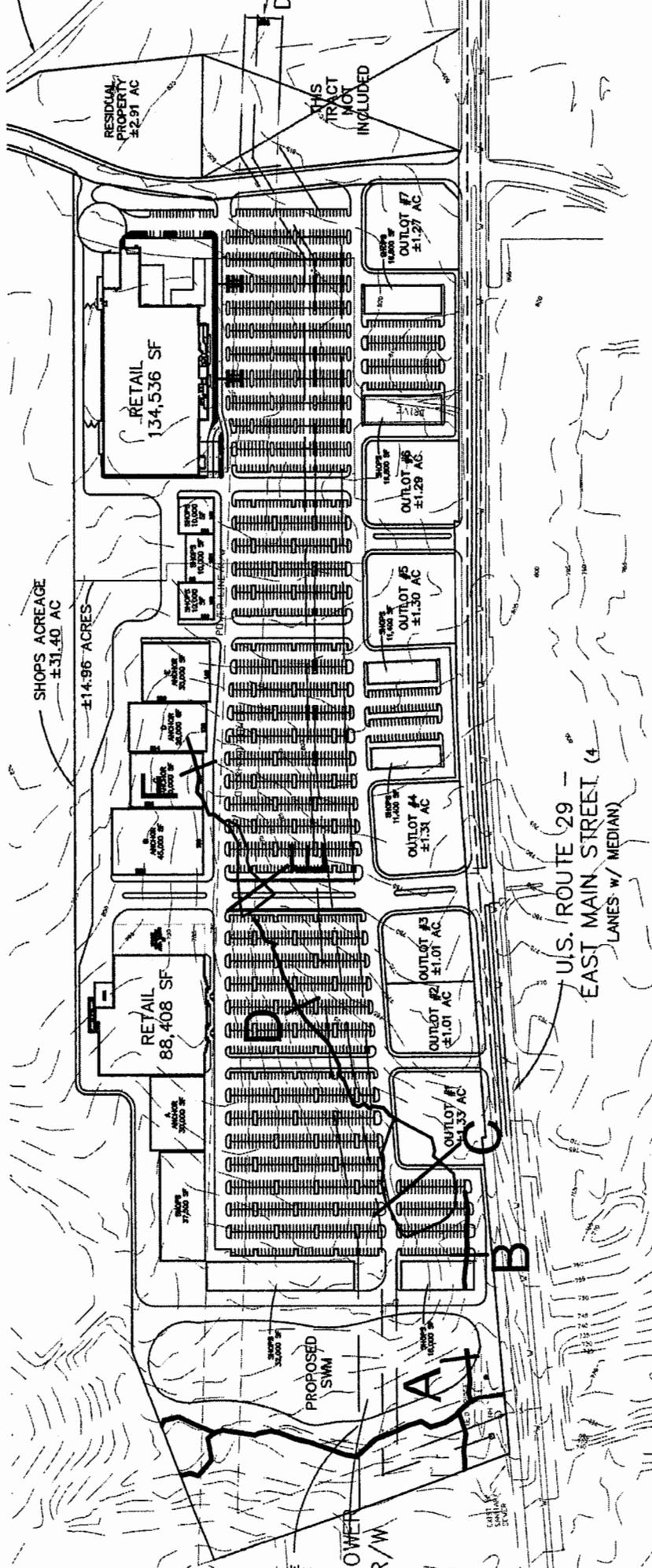
GRAPHIC SCALE
0 200 400
1 inch = 400 feet

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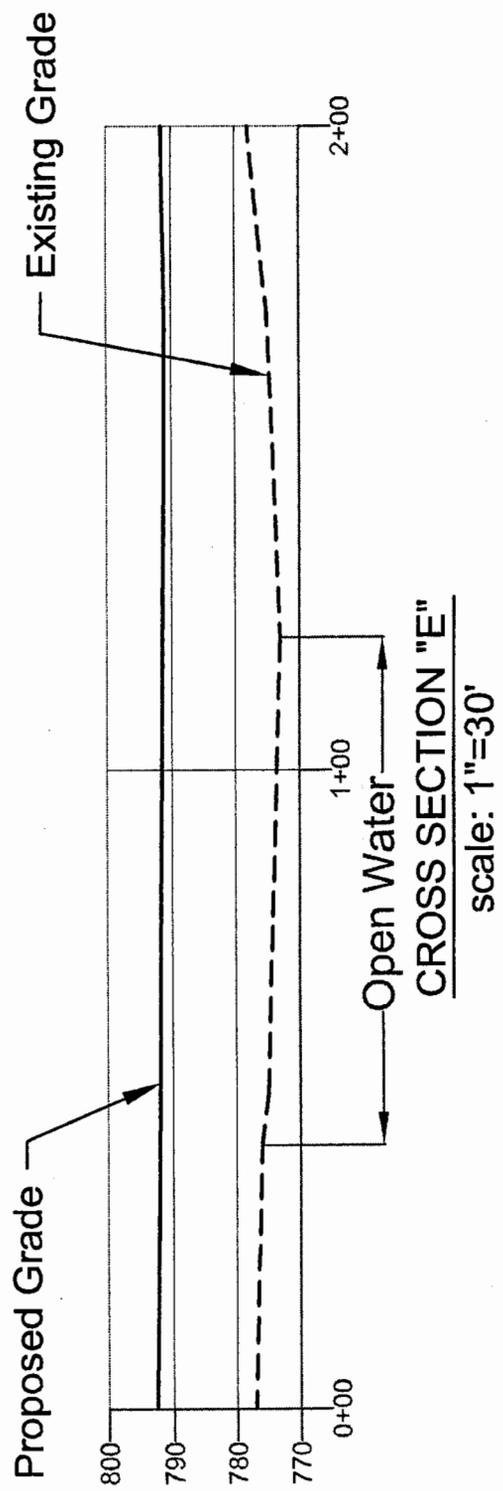
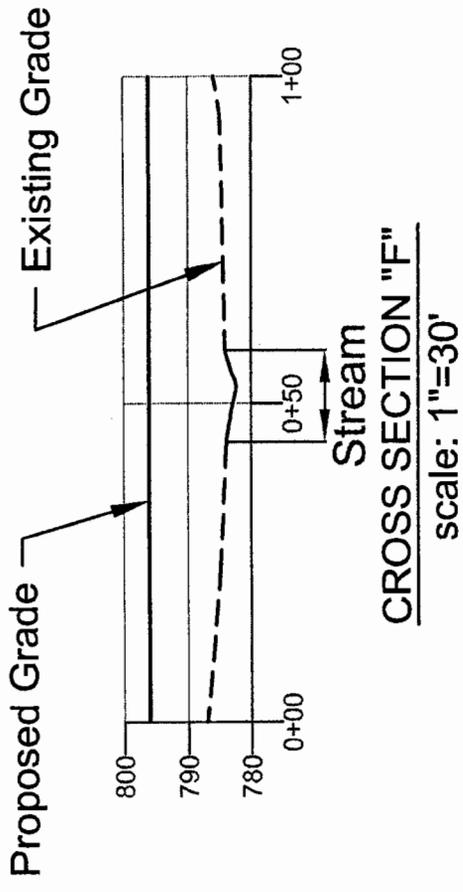
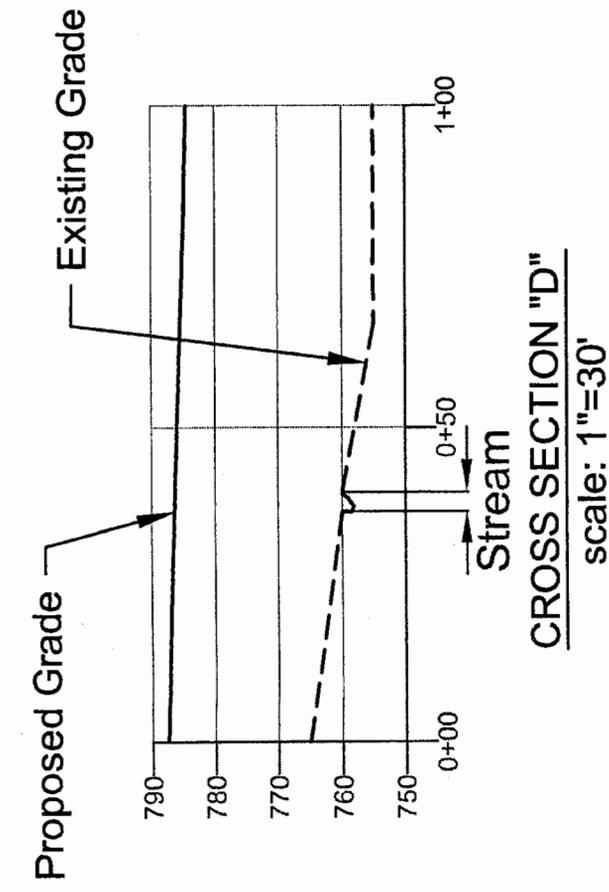
DRAWN BY: CSG
DATE: 12/02/2003
EPC PROJECT NO.: 03pcn073

IMPACT AREAS
DAYTON STREET RETAIL CENTER
DAYTON STREET, LLC
SPARTANBURG COUNTY, SC
USACE P/N:2003-1U-237

SHEET NO. **4** OF 7



ENVIRONMENTAL PERMITTING CONSULTANTS, INC.		CROSS SECTION LOCATIONS DAYTON STREET RETAIL CENTER DAYTON STREET, LLC SPARTANBURG COUNTY, SC USACE P/N:2003-1U-237		SHEET NO. 5 OF 7	
GRAPHIC SCALE 		REVISIONS			
		NO.	DRAWN BY:	DATE:	COMMENTS:
		1	CSG	12/08/2003	Clarification, x-sections added
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**ENVIRONMENTAL
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CONSULTANTS, INC.**

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Greenville, SC 29608
Phone: (864) 271-3040
Fax: (864) 235-9298

DRAWN BY: CSG
DATE: 12/09/2003
EPC PROJECT NO.: 03per073

NO.	DATE	BY	COMMENTS
1	CSG		Classification, x-sections added

CROSS SECTIONS
DAYTON STREET RETAIL CENTER
DAYTON STREET, LLC
SPARTANBURG COUNTY, SC
USACE P/N:2003-1U-237