

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 OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N #2004-1W-260-C

1 OCTOBER 2004

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

CENTEX HOMES, LLC
c/o NEWKIRK ENVIRONMENTAL, INC.
POST OFFICE BOX 746
MT. PLEASANT, SOUTH CAROLINA 29465

for a permit to place fill material in

JURISDICTIONAL WETLANDS ASSOCIATED WITH THE STONO RIVER

at locations on a 222 acre tract located to the north of US Highway 17 south of the City of Charleston in Charleston County, South Carolina (Latitude 32.80617°, Longitude 80.08023°)

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, 1 NOVEMBER 2004

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 0.585 acres of jurisdictional wetlands and 2.28 acres of non-jurisdictional wetlands and performing excavation in 0.18 acres of jurisdictional wetlands and 0.20 acres of non-jurisdictional wetlands to construct Phase II of a residential development. The purpose of the project according to the applicant is to construct roadways to create connectivity between all areas of the site and to provide easy, safe and effective movement of vehicles through the development. The proposed excavation is to create retention/detention ponds and to create aesthetically improved water features throughout the development. A small portion of the proposed fill is for residential development (0.005 acres). Utilities to service the development will be installed in the proposed roadway embankments.

1 OCTOBER 2004

Mitigation is proposed for project impacts and includes the preservation of the remaining wetlands onsite (19.67 acres) along with 14.88 acres of upland buffers. **Please note: The 0.42 acre impact shown for Phase I for a road crossing has been approved and is in the process of being authorized by this office under Nationwide Permit SAC 14-2004-1443-W. The utilities will be placed in the roadway embankment under Nationwide Permit SAC 12-2004-1444-W, which is also approved and in the process of being authorized by this office.**

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 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.

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 a total of 3.24 acres of jurisdictional (0.765 acres) and non-jurisdictional (2.48 acres) 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).

1 OCTOBER 2004

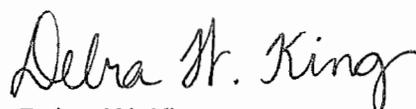
The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed 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.



Debra W. King
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

I. Site Location and Description: The project site is located on an approximate 222-acre tract located just west of U. S. Highway #17 Charleston County, South Carolina. The site can be accessed off of U. S. Highway #17. Approximately 23-acres (20.3-acres of jurisdictional wetlands and 2.61-acres isolated non-jurisdictional wetlands) of Waters of the United States, including wetlands are located within the project's boundaries.

II. Project Description and Need: The proposed project is a residential development consisting of single-family residences. The work, in waters of the United States, including wetlands, involves constructing road crossings and filling to facilitate development of the property. No saltwater wetlands will be affected by construction activities associated with this project. Approximately 0.58-acres of jurisdictional freshwater wetlands will be filled to construct roadway embankments to create connectivity between all portions of the project site and allow for easy, safe and effective movement of vehicles (private, commercial, and public service) throughout the development. Approximately 2.29-acres (2.28-acres of isolated non-jurisdictional wetlands and 0.005-acres of jurisdictional wetlands) will be filled to facilitate development. In light of the growth currently being experienced in this area of Charleston County, there exist a need for residential building blocks to meet current and projected needs. The applicant's intent is to provide a quality development area in close proximity to the metropolitan area of the City of Charleston.

III. Description of Impacts: In order to accomplish the above stated project, the applicant proposes to fill 0.58-acres of jurisdictional freshwater wetlands will be filled to construct roadway embankments to create connectivity between all portions of the project site and allow for easy, safe and effective movement of vehicles (private, commercial, and public service) throughout the development. Also, the applicant proposes to fill approximately 2.29-acres (2.28-acres of isolated non-jurisdictional wetlands and 0.005-acres of jurisdictional wetlands) to facilitate development. Excavation of 0.38-acres (0.18 Jurisdictional wetlands and 0.20-acres of isolated non-jurisdictional wetlands) is proposed to create retention/detention ponds and to create aesthetically improved water features throughout the development. Utilities to service the proposed development will be installed in the proposed roadway embankments.

IV. Background: A pre-application meeting was conducted on June 10, 2004, with SCDNR, NMFS, OCRM, COE, EQC, USFWS, representatives of the applicant, the engineering firm, and Newkirk Environmental, Inc. attending. To the extent possible and practicable, the suggestion and/or revisions discussed on-site have been incorporated into the project plan.

V. Project Purpose: For clarity purposes, the project purpose statement has been divided into “basis project purpose” and “overall project purpose”. This approach is consistent with the evaluation of alternatives required by the 404(b)(1) Guidelines and may assist the COE in conducting their analysis of alternatives. It is clearly recognized that while the COE may consider our stated “basis” and “overall” purpose, it must determine these issues without undue deference to our views.

- The **overall purpose** of the proposed project is to provide a quality development for single-family purposes.
- The **basic purpose** of the work is to provide uplands for residential development to include roadway crossings, residential fills, and excavated ponds.

It is understood that the “basic purpose” statement is used to determine “water dependency” for alternative analysis purposes. Beyond that, the project purpose, as stated in the “overall purpose” paragraph clearly defines the applicant’s intend for this undertaking.

V. Alternative Analysis: The project site is bisected by the wetlands on-site. The proposed work involves constructing roadway embankments across freshwater wetlands to allow vehicular access throughout the development and provide utility corridors at the same locations. Also, wetlands are proposed to be filled to provide sufficient uplands to allow for the creation of an appropriate number of single-family residential lots to make the project economically viable. Stormwater retention/detention is always a necessary part of development and the creation of ponds at various locations is necessary for this purpose as well as to provide aesthetically pleasing water views for certain lot areas. Following is a presentation of impacts for the specific

activities requested with this application and a discussion of alternatives and justification considering cost, technology and logistics for each activity.

Road and Utilities Construction

It is necessary to construct an interior road system to provide access into and throughout the project site. Due to the location and configuration of wetlands on the site, a functional, efficient and safe road network cannot be constructed without impacting wetland resources. Alternatives for constructing roads through wetland systems include bridging and filling. Both bridge and fill alternatives are technically and logistically possible, however, the difference in the cost of bridge construction ($\pm \$2,350.00/LF$) as opposed to construction on fill ($\pm \$890.00/LF$) is $\pm \$1,460.00$ per linear foot. Due to the additional cost associated with bridge construction, this alternative is not considered feasible for the proposed project.

Proposed road crossings are located to minimize impacts to wetland resources while providing necessary and desirable access throughout the site. All roads crossings will be adequately culverted to accommodate existing and anticipated water flows, to maintain flow through the wetlands and prevent flooding of adjacent upland properties. Additional minimization of impacts is provided by incorporating, where practicable, utilities within proposed road right-of-ways. The 0.58-acres of impact to 404 jurisdictional wetlands proposed with the application represent the most practicable alternative for providing necessary access and utility services to and throughout the proposed development.

Lot Development (Residential, Commercial, and Industrial)

In order for the proposed project to be economically viable, creation of a minimum number of residential lots for sale and development is essential. It is technically and logistically possible to create these residential lots anywhere on the project site, however, the value added to the overall project and to the individual lots to be sold by

implementation of a professionally designed development is key to creating an economically viable and successful project and achieving the project purpose.

Purchasers in today's market demand top quality products and services to include active and passive recreational opportunities nearby. Market preference and economic factors drive competitive developments to provide an optimum number of residential lots in developments in order to be competitive in the market place and support the cost of infrastructure and services. A loss of only a few of the necessary lots will adversely impact the project's financial and economic feasibility.

Impacts to 404 jurisdictional wetlands for the creation of residential development lots have been avoided to the maximum extent practicable and feasible. The 2.28-acres of fill proposed in isolated non-jurisdictional wetlands and 0.005-acres of jurisdictional wetlands will not adversely affect the integrity of the wetland system or its functions. The 3.24-acres of total impact proposed, including 2.48-acres of impacts to isolated non-jurisdictional wetlands, represents the most practicable alternative for maintaining a rational land plan and creating the quantity and quality of residential lots required to have an economically viable and successful project.

VII. Mitigation: Proposed compensatory mitigation for project impacts includes preserving the remaining wetlands on site (19.67-acres) and providing upland buffers (14.88-acres) around the remaining undisturbed wetlands.

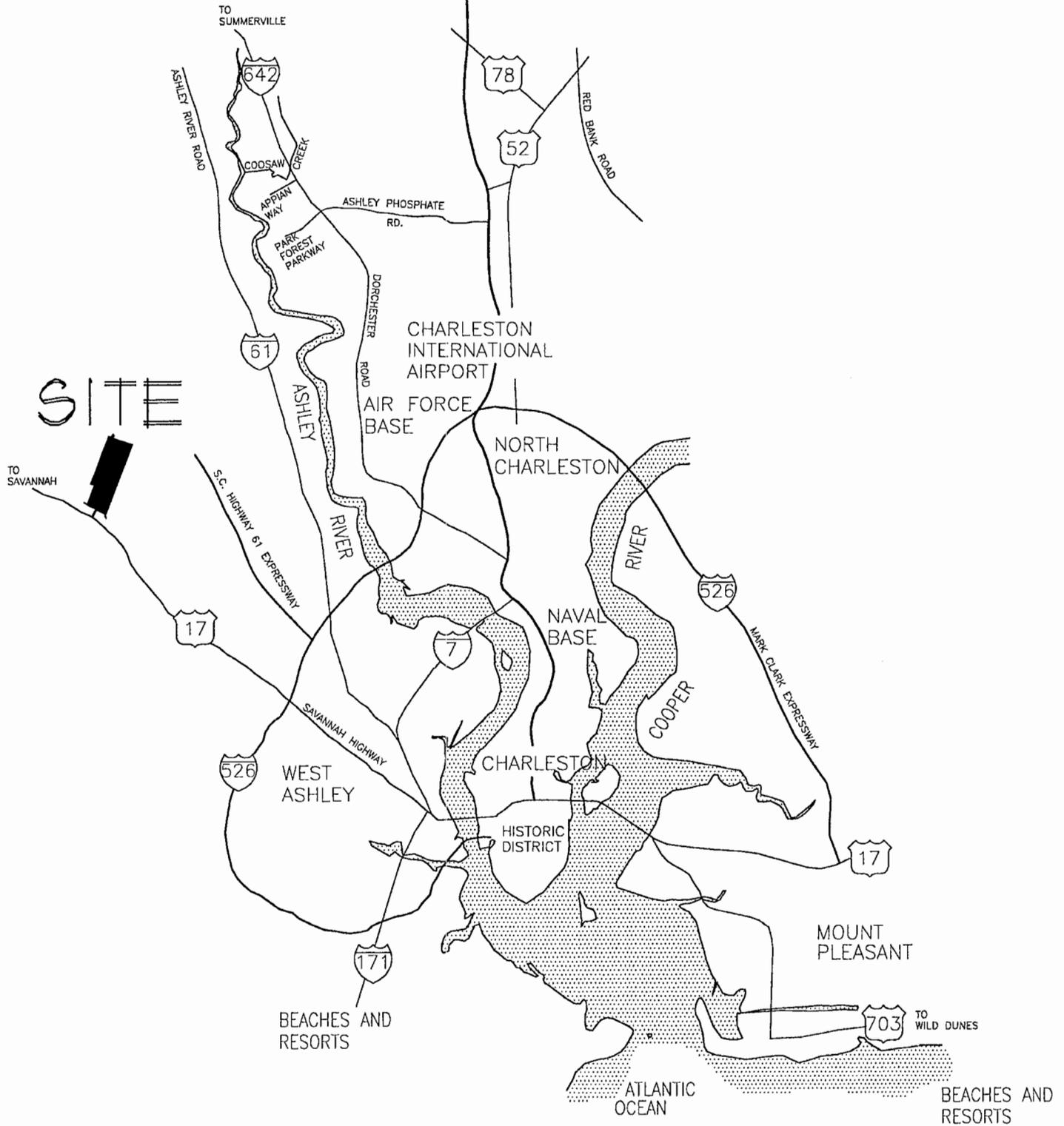
VIII. Endangered Species: A Threatened and Endangered Species Assessment was conducted for the project site. The assessment concluded that, based upon the lack of suitable habitat for any of the listed species and existing records, it is not likely that the proposed use of this property will cause any adverse impact to any federally listed threatened and endangered species. A copy of the assessment is attached hereto.

IX. Cultural Resources/Historic Properties: A cultural resource survey was conducted on the project site. The survey resulted in a finding that no archeological sites of significance were on the project property. Also, no sites listed on or eligible for listing on the National Register for Historic Places will be affected by the proposed project.

X. Cumulative Impacts: The construction of the proposed residential development is not likely to cause or contribute to other construction or development activities in the surrounding area. Given the location and the current trend for housing needs in or near the project area, it is likely that other similar developments will occur regardless of the construction on this site.

XI. Summary: The proposed impacts to wetlands associated with this project represent the least damaging and most practicable alternative for accomplishing the project purpose when considering the cumulative effects, both adverse and beneficial, of the overall project, including compensatory mitigation. Impacts to wetlands (0.76-acres of jurisdictional and 2.48-acres of isolated non-jurisdictional) represent a significantly minor impact to aquatic resources of national importance. Total on-site mitigation includes enhancement and preservation of all remaining wetlands on-site (19.67-Acres of wetlands preserved and 14.88-acres of upland buffers). It is evident that there are no on-site opportunities for restoration or enhancement actions on the project site. Therefore, in order to meet the 25% requirement for restoration/enhancement credits from sources other than buffering, 8.0 credits will be purchased from the Pigeon Pond Mitigation Bank. Given the information provided above, it appears the impacts are truly minimal and the compensatory mitigation exceeds that required by the current SOP.

TO COLUMBIA



North

VICINITY MAP

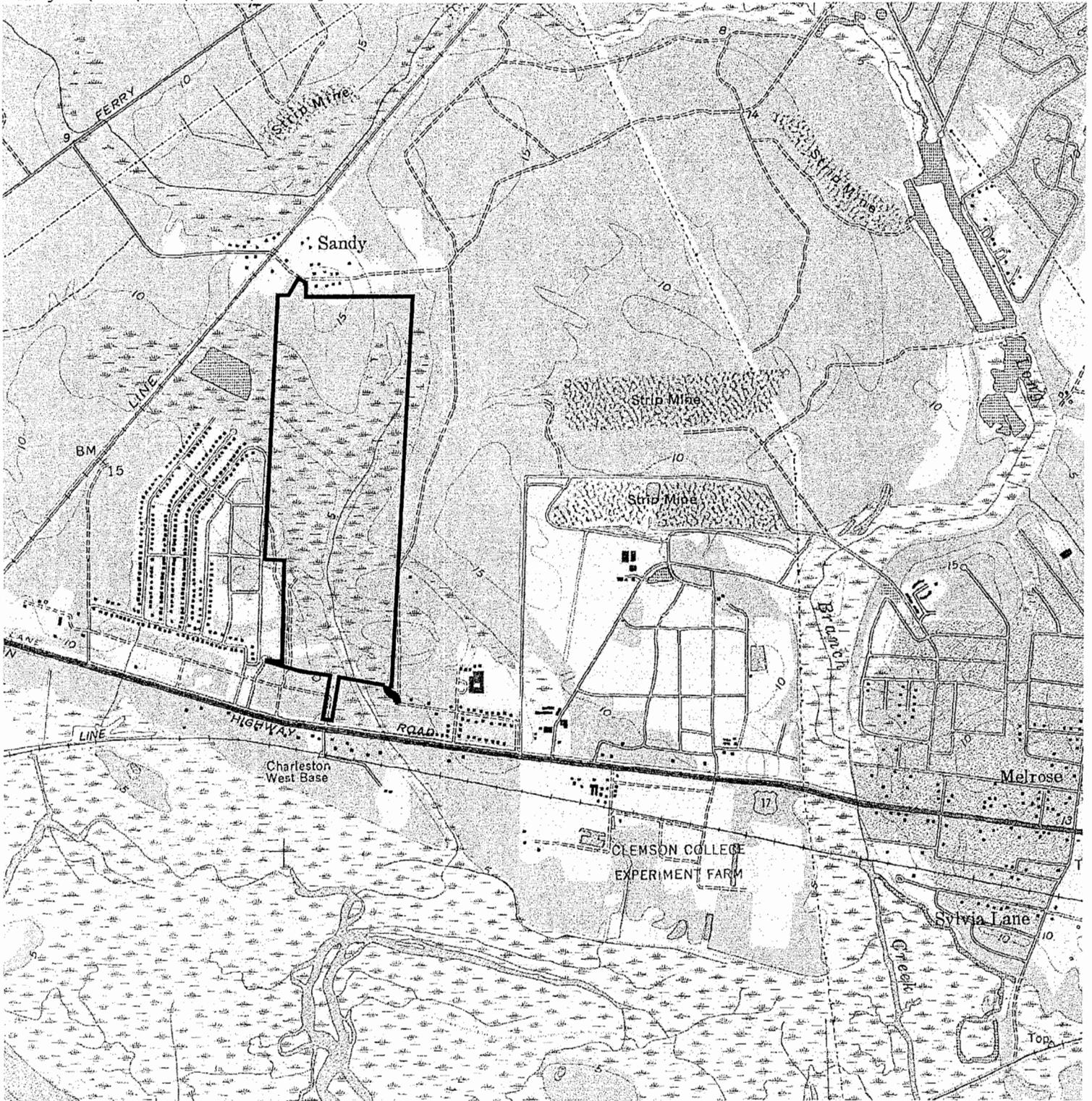


ACTIVITY: RESIDENTIAL DEVELOPMENT
 DATUM: NVGD (MSL)
 2004-1W-260-C
 PHASE 2

CHARLESTON COUNTY, SOUTH CAROLINA
 APPLICANT: CENTEX HOMES

DATE: 12 JULY 04

SHEET 1 OF 8



Graphic Scale: 1" = 2000'



North

USGS LOCATION MAP
 JOHNS ISLAND QUAD
 N 32°-48'-10"
 W 80°-04'-51"

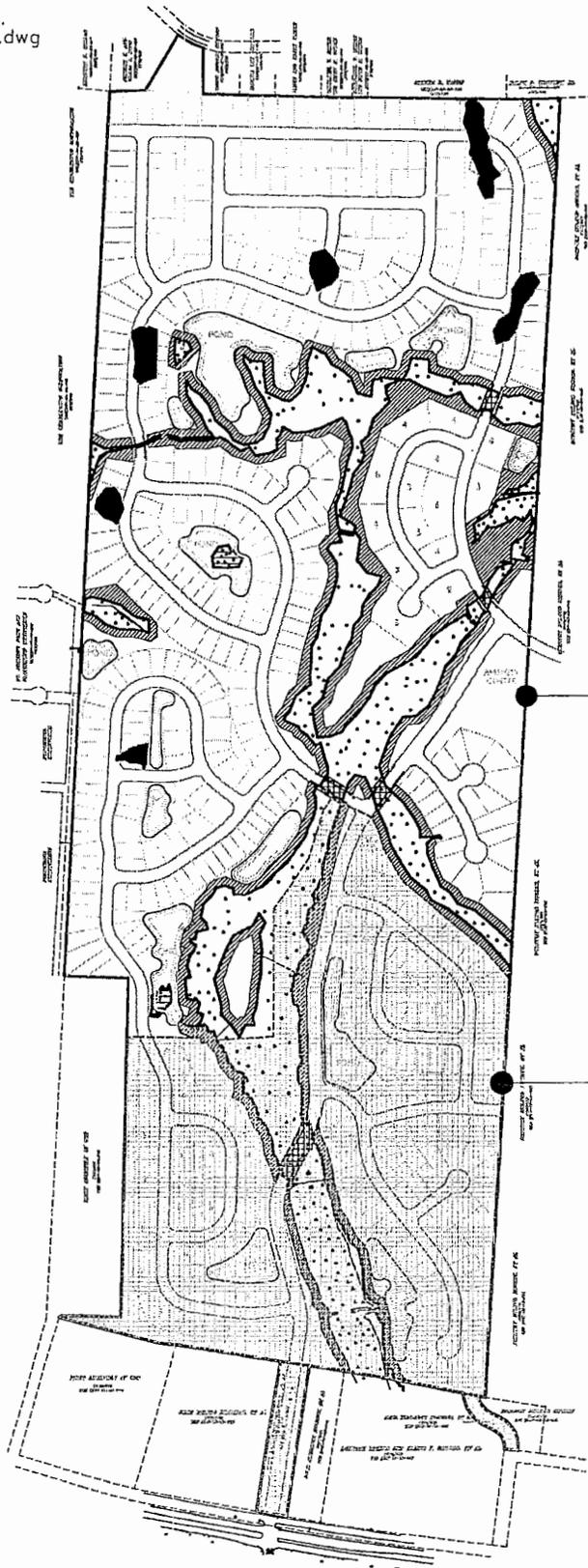


ACTIVITY: RESIDENTIAL DEVELOPMENT
 DATUM: NVGD (MSL)
 2004-1W-260-C
 PHASE 1 & PHASE 2

CHARLESTON COUNTY, SOUTH CAROLINA
 APPLICANT: CENTEX HOMES

DATE: 12 JULY 04

SHEET 2 OF 8



PHASE TWO
 P/N 2004-1W-260

PHASE ONE
 SAC 14-2004-1443
 SAC 12-2004-1444

Legend

-  WETLAND
-  WETLAND BUFFER
-  WETLAND EXCAVATION
-  WETLAND CROSSING
-  WETLAND FILL



Graphic Scale: 1" = 800'



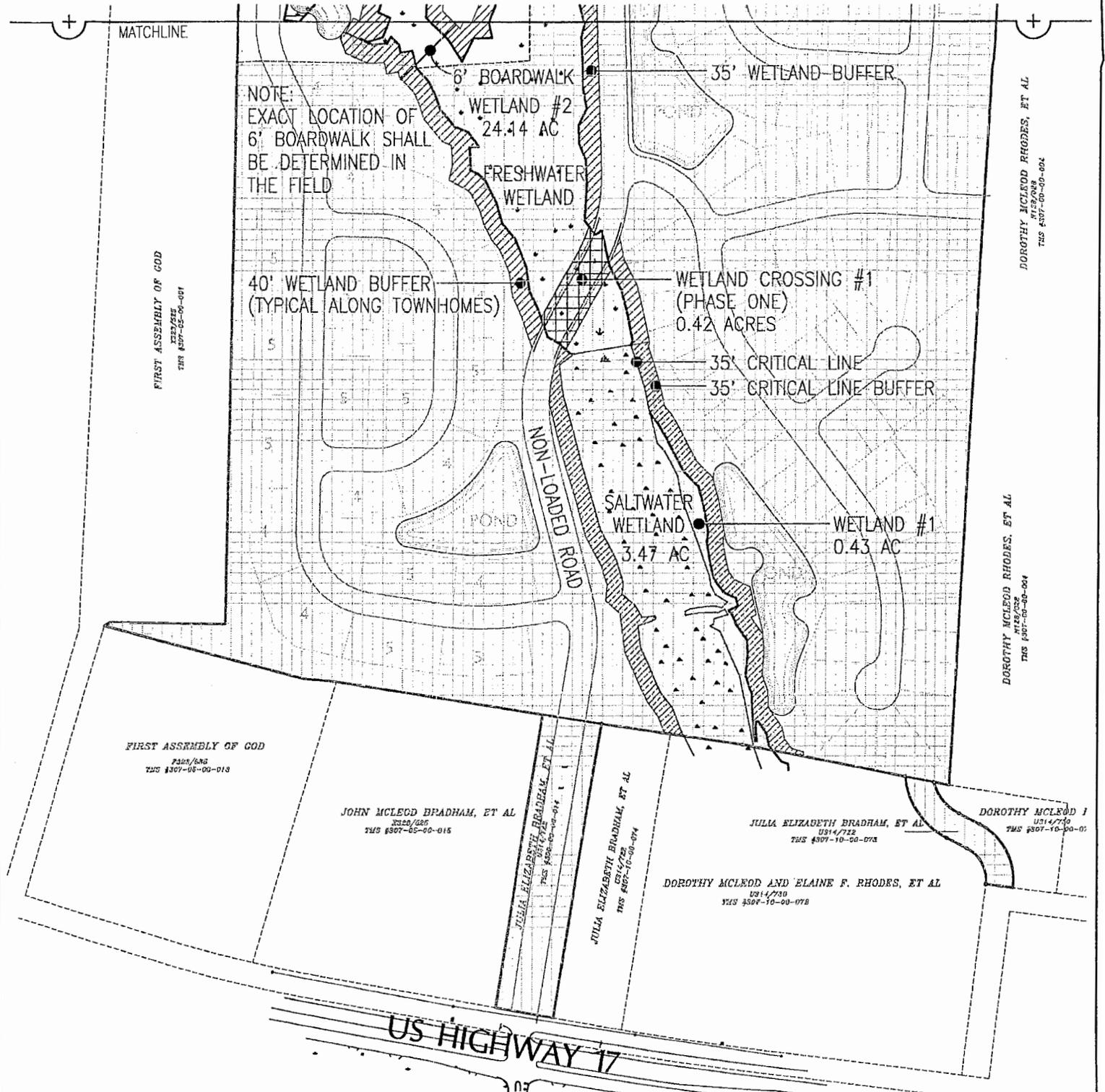
North

OVERALL SITE PLAN



ACTIVITY: RESIDENTIAL DEVELOPMENT
 DATUM: NVGD (MSL)
 2004-1W-260-C
 PHASE 2

CHARLESTON COUNTY, SOUTH CAROLINA
 APPLICANT: CENTEX HOMES
 DATE: 12 JULY 04
 REVISED: 14 SEP 04
 SHEET 3 OF 8



MATCHLINE

NOTE:
 EXACT LOCATION OF
 6' BOARDWALK SHALL
 BE DETERMINED IN
 THE FIELD

FIRST ASSEMBLY OF GOD
 7/25/04
 TMS #307-05-00-001

FIRST ASSEMBLY OF GOD
 7/25/04
 TMS #307-05-00-019

JOHN MCLEOD BRADHAM, ET AL
 3/25/02
 TMS #307-05-00-015

JULIA ELIZABETH BRADHAM, ET AL
 3/14/02
 TMS #307-10-00-014

JULIA ELIZABETH BRADHAM, ET AL
 3/14/02
 TMS #307-10-00-014

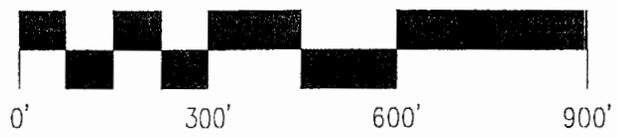
JULIA ELIZABETH BRADHAM, ET AL
 3/14/02
 TMS #307-10-00-014

DOROTHY MCLEOD AND ELAINE F. RHODES, ET AL
 12/14/78
 TMS #307-10-00-078

DOROTHY MCLEOD J
 3/14/78
 TMS #307-10-00-078

DOROTHY MCLEOD RHODES, ET AL
 11/29/88
 TMS #307-00-00-004

DOROTHY MCLEOD RHODES, ET AL
 11/29/88
 TMS #307-10-00-004



Graphic Scale: 1" = 300'



North

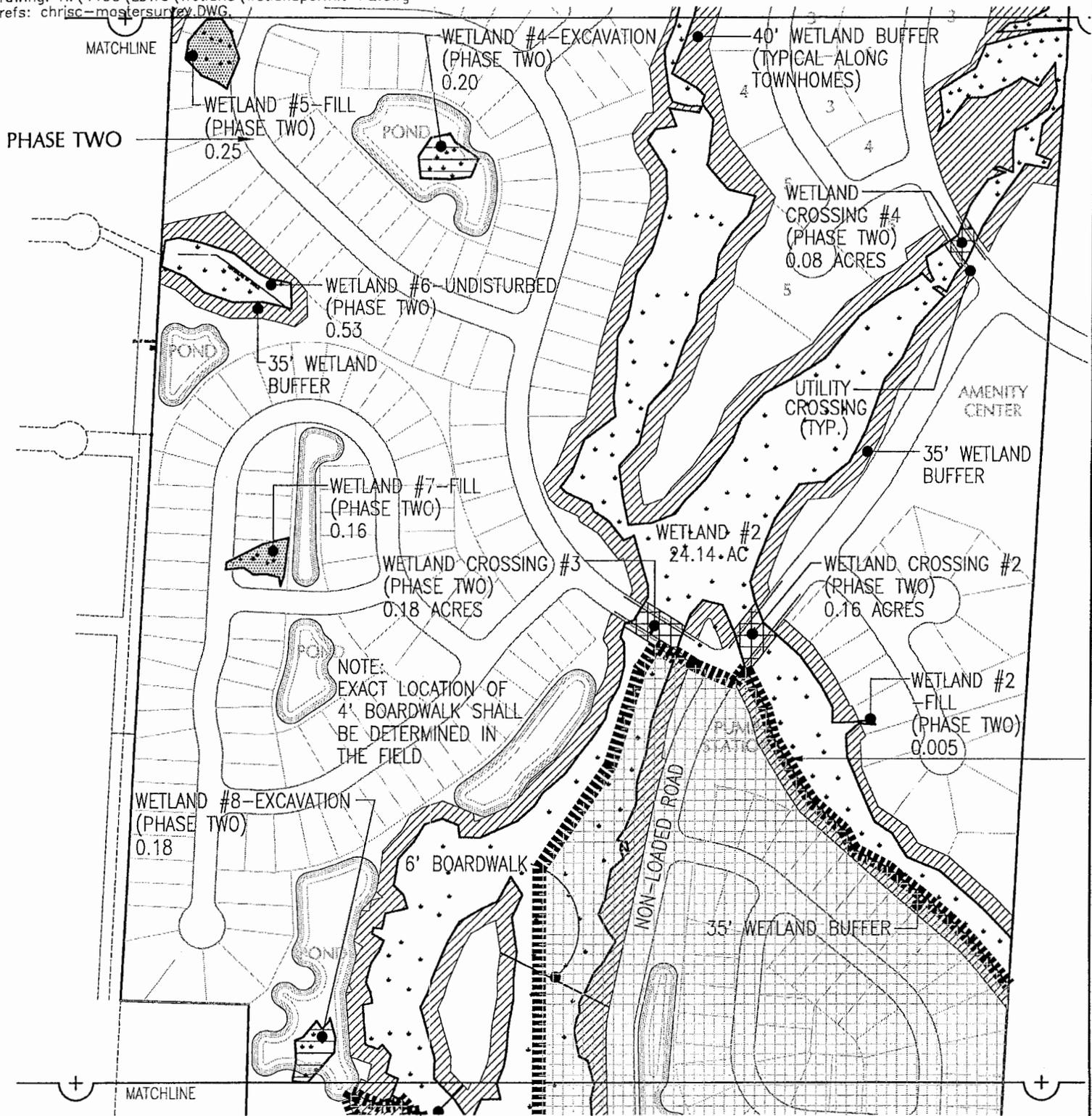
- | | | | | | |
|--|----------------|--|--------------------|--|--------------|
| | WETLAND | | WETLAND EXCAVATION | | WETLAND FILL |
| | WETLAND BUFFER | | WETLAND CROSSING | | |

ENLARGEMENT



ACTIVITY: RESIDENTIAL DEVELOPMENT
 DATUM: NVGD (MSL)
 2004-1W-260-C
 PHASE 2

CHARLESTON COUNTY, SOUTH CAROLINA
 APPLICANT: CENTEX HOMES
 DATE: 12 JULY 04
 REVISED: 14 SEP 04
 SHEET 4 OF 8



NOTE:
 EXACT LOCATION OF
 4' BOARDWALK SHALL
 BE DETERMINED IN
 THE FIELD



Graphic Scale: 1" = 300'



North

- | | | | | | |
|--|----------------|--|--------------------|--|--------------|
| | WETLAND | | WETLAND EXCAVATION | | WETLAND FILL |
| | WETLAND BUFFER | | WETLAND CROSSING | | |

ENLARGEMENT



ACTIVITY: RESIDENTIAL DEVELOPMENT
 DATUM: NVGD (MSL)
 2004-1W-260-C
 PHASE 2

CHARLESTON COUNTY, SOUTH CAROLINA
 APPLICANT: CENTEX HOMES

DATE: 12 JULY 04

SHEET 5 OF 8

SANDERS ROAD

KENNETH E. SMALLS
 THE CHARLESTON CORPORATION
 12/04/00-00-011
 2/20/04

FRANKLYN C. AND
 RANDALL L. DEAS
 THE CHARLESTON CORPORATION
 12/04/00-00-041
 2/20/04

JOSEPH BERNADE HEARD
 THE CHARLESTON CORPORATION
 12/04/00-00-010
 2/20/04

SANDRA KEYFARD
 THE CHARLESTON CORPORATION
 12/04/00-00-011
 2/20/04

JAMES AND NANCY GREE
 THE CHARLESTON CORPORATION
 12/04/00-00-032
 2/20/04

NATHANIEL GREEN
 AND RUTH M. GREEN
 THE CHARLESTON CORPORATION
 12/04/00-00-040
 2/20/04

NATHANIEL F. GREEN
 AND RUTH M. GREEN
 THE CHARLESTON CORPORATION
 12/04/00-00-080
 2/20/04

STEVEN R. TACUE
 THE CHARLESTON CORPORATION
 12/04/00-00-014
 2/20/04

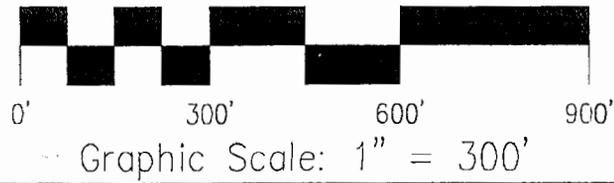
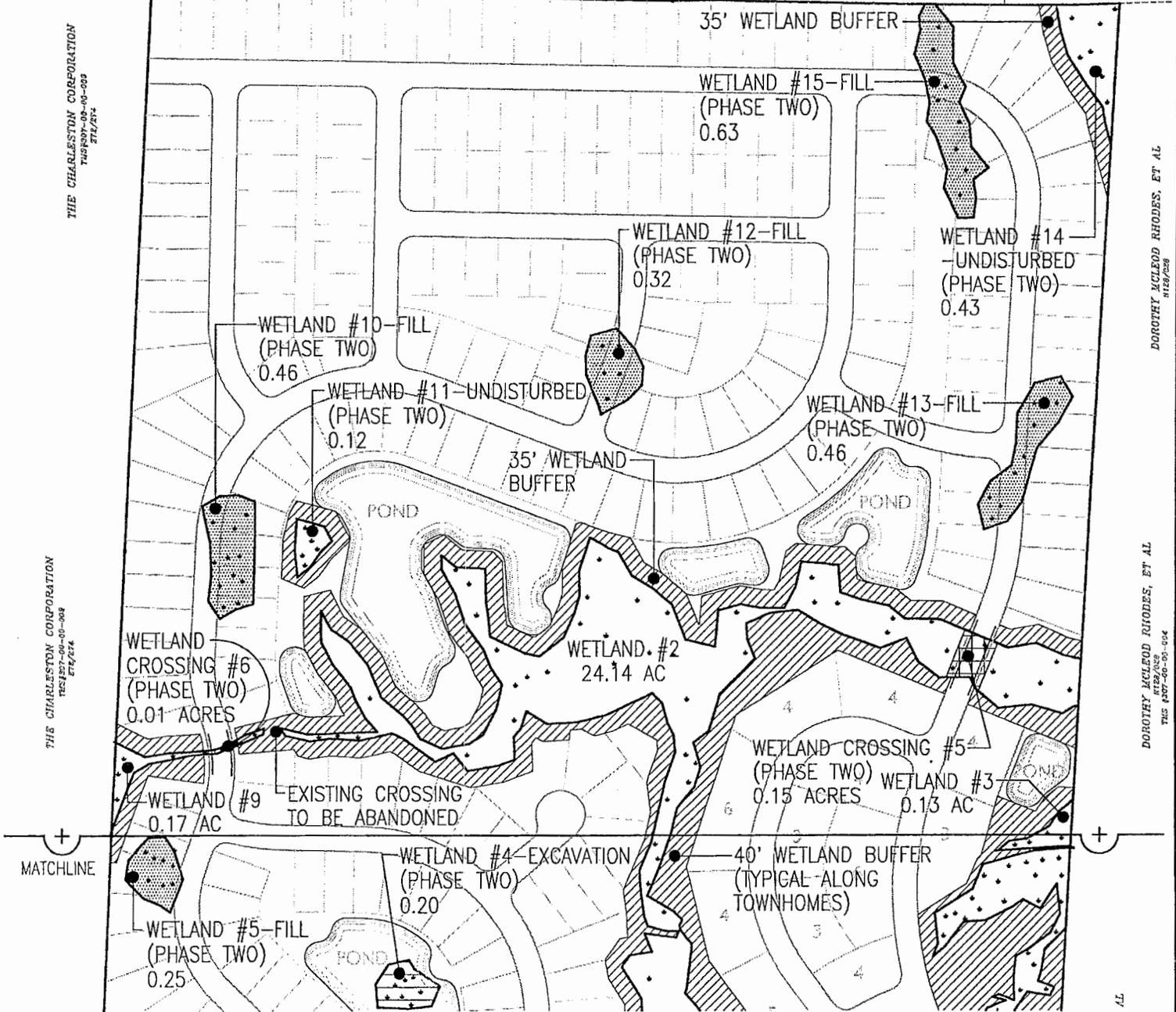
RALPH D. CROWLEY, JR.
 THE CHARLESTON CORPORATION
 12/04/00-00-015
 2/20/04

THE CHARLESTON CORPORATION
 THE CHARLESTON CORPORATION
 12/04/00-00-009
 2/20/04

THE CHARLESTON CORPORATION
 THE CHARLESTON CORPORATION
 12/04/00-00-008
 2/20/04

DOROTHY MCLEOD RHODES, ET AL
 THE CHARLESTON CORPORATION
 12/04/00-00-008

DOROTHY MCLEOD RHODES, ET AL
 THE CHARLESTON CORPORATION
 12/04/00-00-008



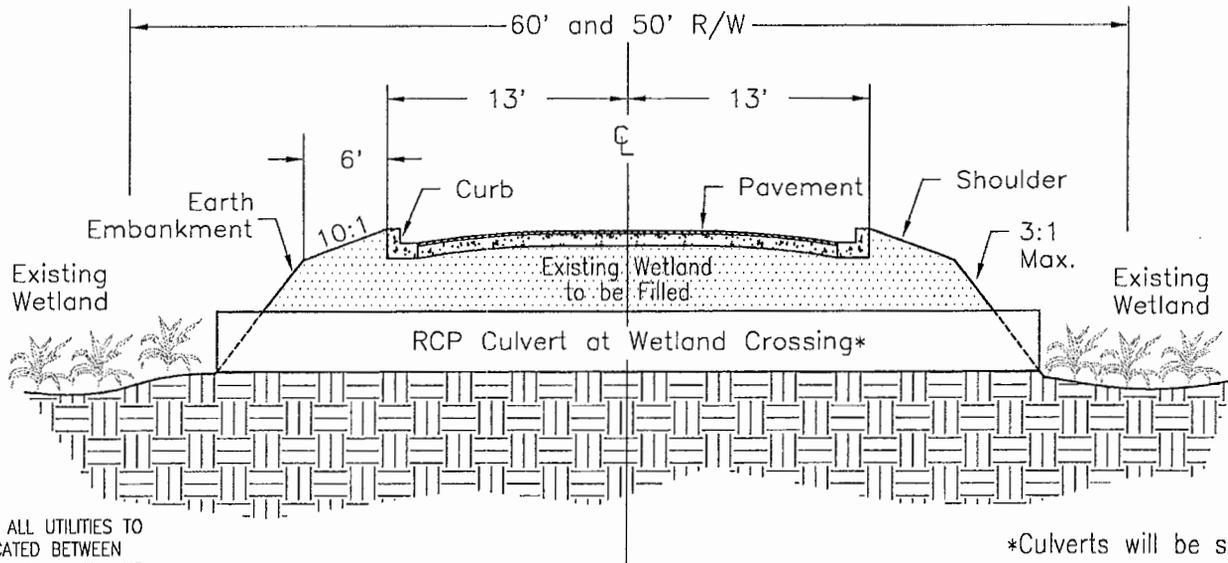
- WETLAND
- WETLAND EXCAVATION
- WETLAND FILL
- WETLAND BUFFER
- WETLAND CROSSING

ENLARGEMENT



ACTIVITY: RESIDENTIAL DEVELOPMENT
 DATUM: NVGD (MSL)
 2004-1W-260-C
 PHASE 2

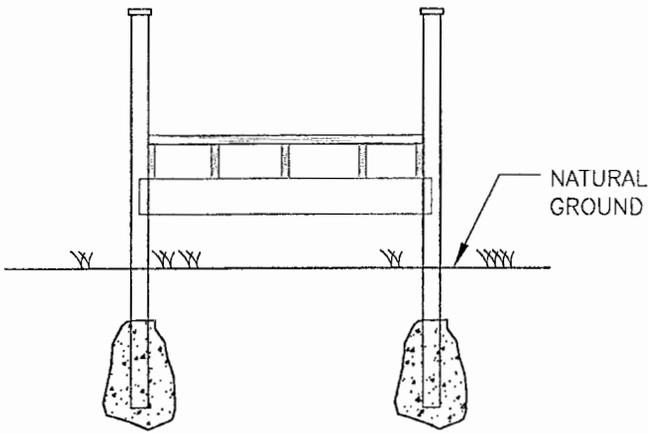
CHARLESTON COUNTY, SOUTH CAROLINA
 APPLICANT: CENTEX HOMES
 DATE: 12 JULY 04
 REVISED: 14 SEP 04
 SHEET 6 OF 8



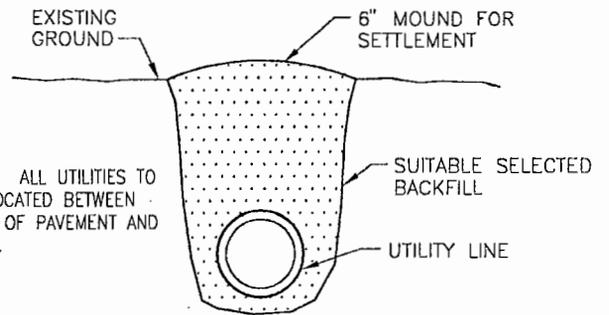
NOTE: ALL UTILITIES TO BE LOCATED BETWEEN EDGE OF PAVEMENT AND R.O.W.

*Culverts will be sized in accordance with OCRM and Local regulations

Typical Road Section (60' and 50' R/W)
 NOT TO SCALE



6' BOARDWALK SECTION THRU WETLAND
 NOT TO SCALE



NOTE: ALL UTILITIES TO BE LOCATED BETWEEN EDGE OF PAVEMENT AND R.O.W.

UNDERGROUND UTILITY
 NOT TO SCALE

DETAILS



ACTIVITY: RESIDENTIAL DEVELOPMENT
 DATUM: NVGD (MSL)
 2004-1W-260-e
 PHASE 2

CHARLESTON COUNTY, SOUTH CAROLINA
 APPLICANT: CENTEX HOMES

DATE: 12 JULY 04

SHEET 7 OF 8

Impact and Mitigation Summary (Phase2)

	404 Jurisdictional Wetland	Isolated Non-Jurisdictional Wetland	Saltwater Wetland	Total
Total Tract (Acres)				222.11
Total Wetlands	20.30	2.61	0	22.91
Wetlands to be Filled	0.005	2.28	0	2.285
Road Crossing Fills	.58	0	0	.58
Wetlands to be Excavated	.18	.20	0	.38
Total Wetland Impacts	.76	2.48	0	3.24
Boardwalk Over Freshwater Wetland		6 Feet Wide, 255 Linear Feet		
Total Wetland Buffers	14.64	0.24	0	14.88

Notes:

1. All phase one items are requested under a Nationwide Permit 14/12. All remaining phases are requested concurrently under an Individual Permit.
2. All road crossings include utility crossings. Utilities will not cross at any other locations.
3. Adjacent Property Owners:
 Dorothy McLeod Rhodes, et al, Elaine F. Rhodes, et al, Julia Elizabeth Bradham, et al,
 John McLeod Bradham, et al, First Assembly of God, Ponderosa Subdivision, St. Andrews Park
 and Playground Commission, The Charleston Corporation, Kenneth E. Smalls, Ezekiel C. and
 Wanda L. Deas, Joseph Bernard Heyward, Sandra Lee Heyward, James and Nancy Green,
 Nathaniel W. Green and Ruth M. Green, Steven R. Tague, Ralph D. Crowley, Jr.

NOTES



ACTIVITY: RESIDENTIAL DEVELOPMENT
 DATUM: NVGD (MSL)
 2004-1W-260-C
 PHASE 2

CHARLESTON COUNTY, SOUTH CAROLINA
 APPLICANT: CENTEX HOMES
 DATE: 12 JULY 04 SHEET 8 OF 8