

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 # 2005-6W-238

12 August 2005

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

THE HOME DEPOT
2455 PACES FERRY ROAD
CONSTRUCTION, B-11
ATLANTA, GEORGIA 30339

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

FOURTEEN MILE CREEK

At a location between Sunset Boulevard and North Lake Drive, northeast of their intersection, in the Town of Lexington, in Lexington County, South Carolina (Latitude 33.99554 N; Longitude 81.22749 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, MONDAY, 22 SEPTEMBER 2005

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 0.29 acres of wetlands and portions of two (2) intermittent streams for a total 940 linear feet. Proposed compensatory mitigation includes the purchase of 3.05 wetland credits and 3,544 stream credits from an approved mitigation bank. The stated purpose of the fill is to facilitate construction of a proposed Home Depot and attendant features.

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 (2.56) acres 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 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

12 August 2005

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.

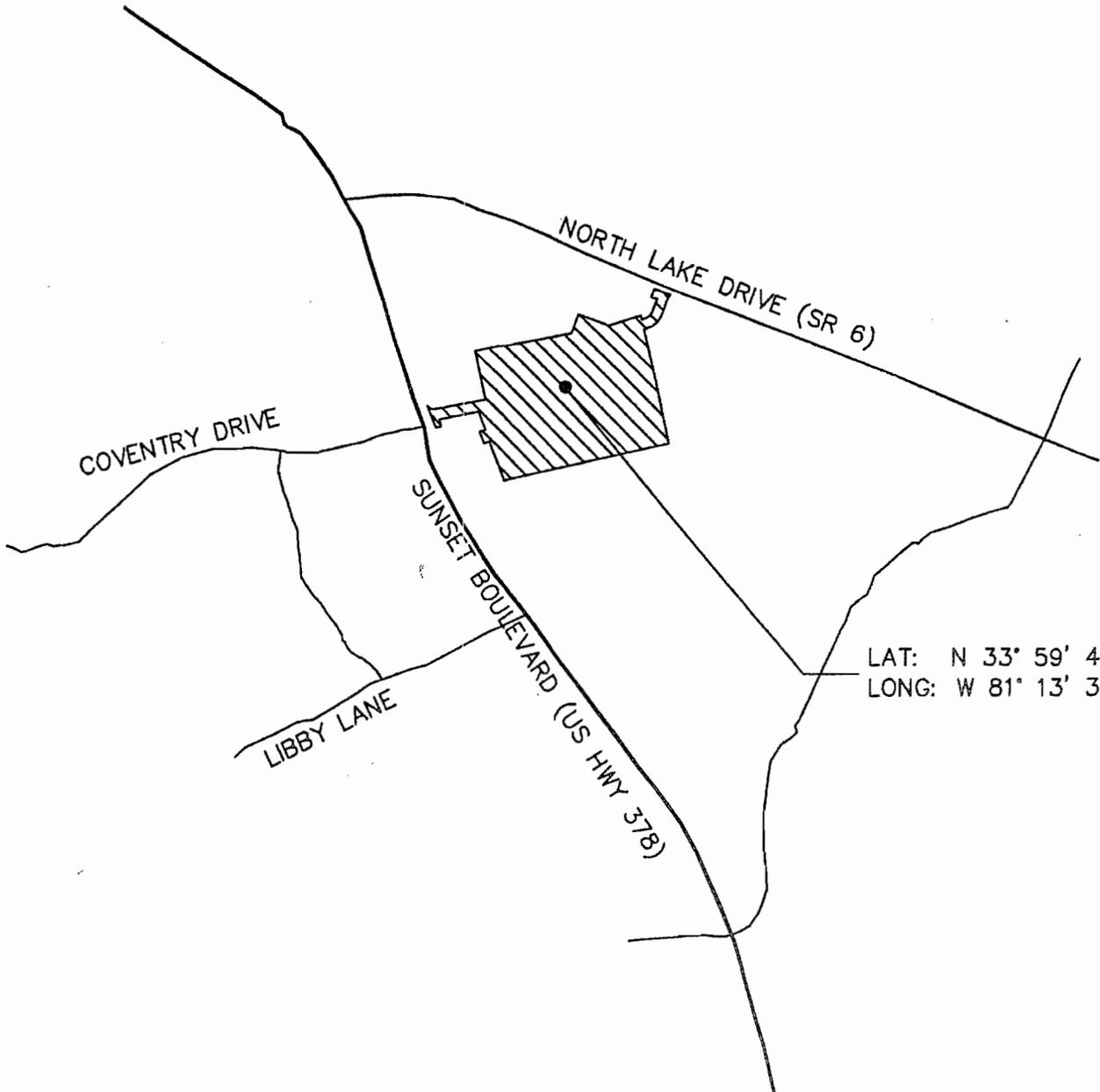
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine 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.



Charlie Crosby
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

CITY OF LEXINGTON,
LEXINGTON COUNTY, SC.



LAT: N 33° 59' 45"
LONG: W 81° 13' 38"

REVISIONS:		
DESCRIPTION:	DWS:	DATE:



PROJECT:
THE HOME DEPOT
LEXINGTON

CLIENT:
JOB NUMBER: 116181001
DATE: 7-13-05 SCALE: 1"=800'

DRAWN BY: EWR 07-13-05
DESIGNED BY: EWR 07-13-05
CHECKED BY: CM 07-13-05

TITLE:
VICINITY MAP

DRAWING NUMBER:
SKETCH NUMBER:
1 of 5



NOW OR FORMERLY
EDENS & AVANT FINANCING LIMITED
TMS#4300-02-026 AND TMS#4300-02-020

NOW OR FORMERLY
RAMDAM PROPERTIES, LLC
TMS#4300-02-040

WETLANDS AREA "A"
0.26 Acre/ 1,209 Sq. Ft.

WETLANDS AREA "B"
0.028 Acre/ 1,239 Sq. Ft.

NOW OR FORMERLY
WM LEXINGTON TRUST
TMS#4300-02-038

NOW OR FORMERLY
SAN SHIN, LLC
TMS#4800-02-037

NOW OR FORMERLY
EAST TOWNE LEXINGTON (E&A), LLC
TMS#4800-02-006

REVISIONS:		
DESCRIPTION:	INS:	DATE:



PROJECT:
**THE HOME DEPOT
LEXINGTON**

CLIENT:
JOB NUMBER: 116181001
DATE: 7-13-05 SCALE: 1" = 200'

DRAWN BY: EWR 07-13-05
DESIGNED BY: EWR 07-13-05
CHECKED BY: CM 07-13-05

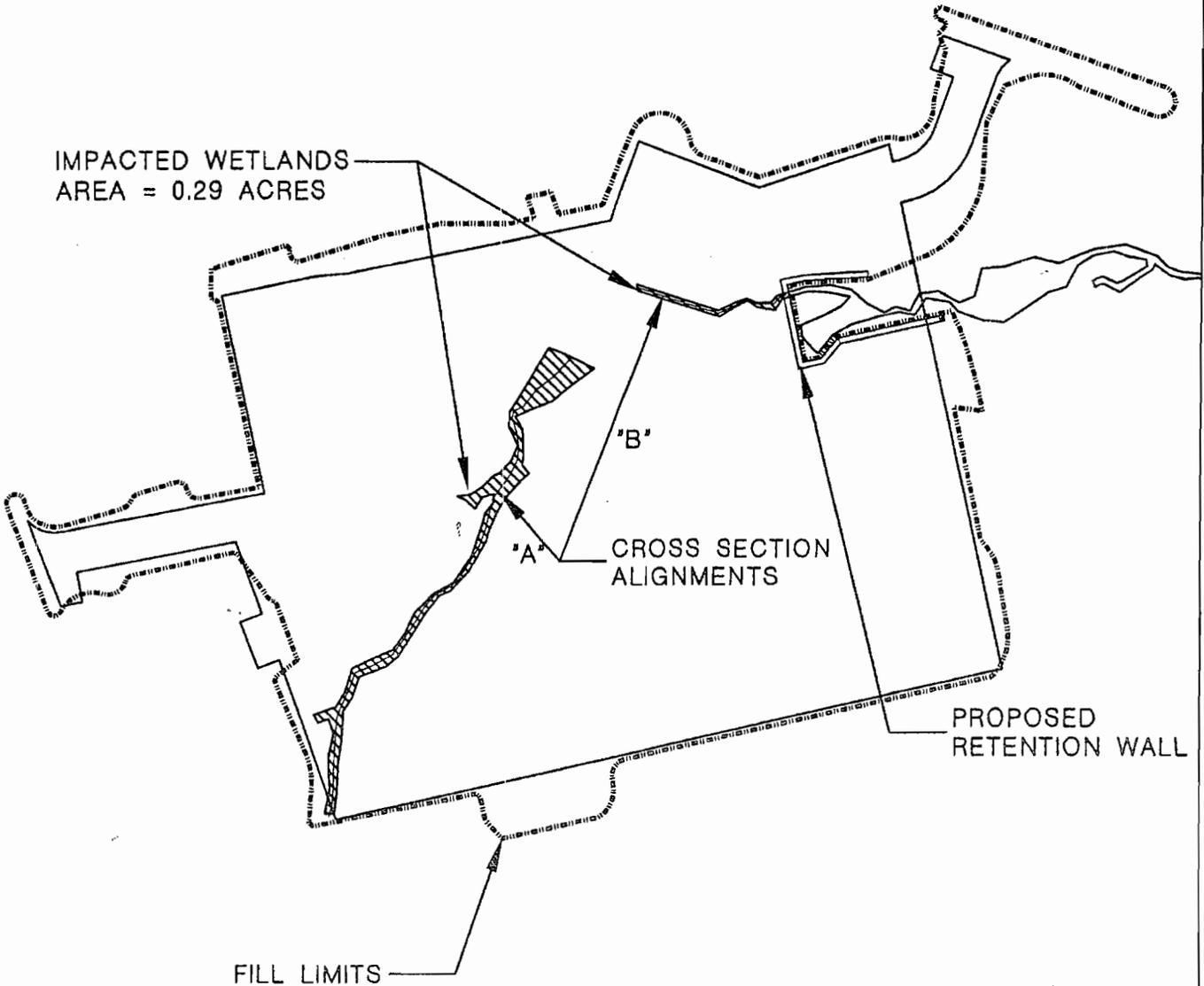
TITLE:
**EXISTING
PLAN VIEW**

DRAWING NUMBER:
SKETCH NUMBER:
2 of 5

TOTAL FILL:
230,000 CY



IMPACTED WETLANDS
AREA = 0.29 ACRES



PROPOSED
RETENTION WALL

FILL LIMITS

CROSS SECTION
ALIGNMENTS

REVISIONS:		
DESCRIPTION:	WS:	DATE:



PROJECT:
THE HOME DEPOT
LEXINGTON

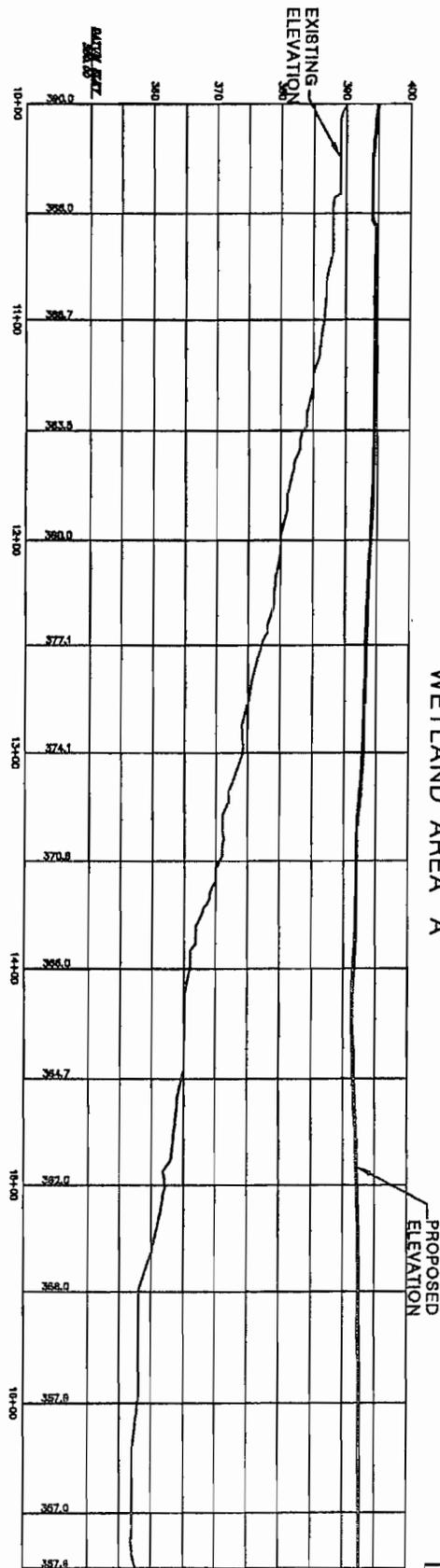
CLIENT:
JOB NUMBER: 116181001
DATE: 7-13-05 SCALE: 1"=200'

DRAWN BY: EWR 07-13-05
DESIGNED BY: EWR 07-13-05
CHECKED BY: CM 07-13-05

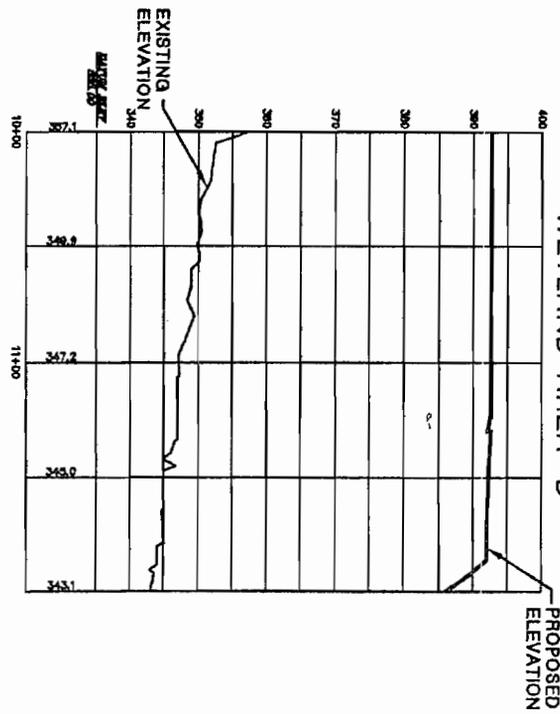
TITLE:
**PROPOSED
PLAN VIEW**

DRAWING NUMBER:
SKETCH NUMBER:
3 of 5

CROSS SECTION
WETLAND AREA 'A'



CROSS SECTION
WETLAND AREA 'B'



REVISIONS:		
DESCRIPTION:	THS:	DATE:



PROJECT:
THE HOME DEPOT
LEXINGTON

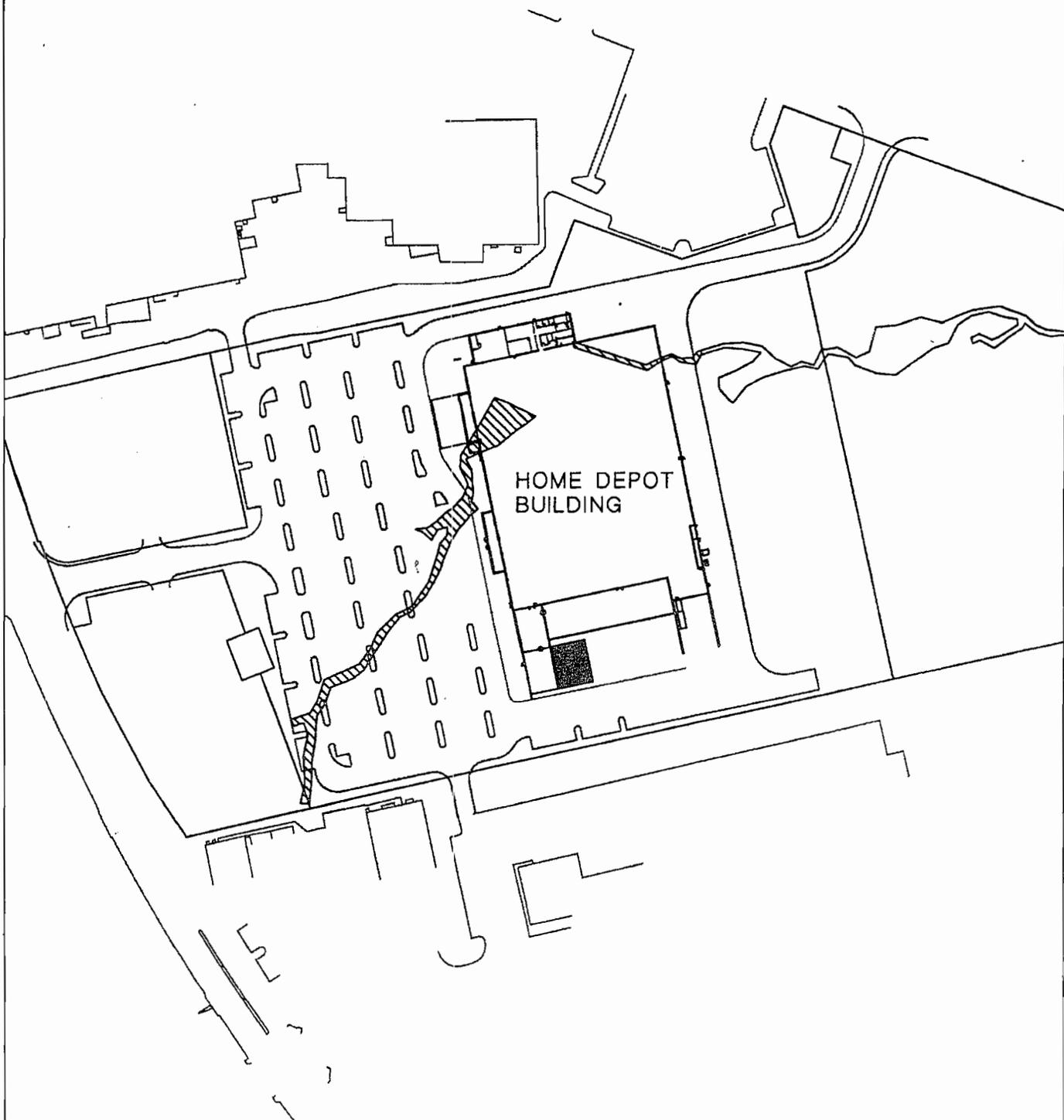
CLIENT: _____
JOB NUMBER: 116181001
DATE: 7-13-05 SCALE: _____

DRAWN BY: EWR 07-13-05
DESIGNED BY: EWR 07-13-05
CHECKED BY: CM 07-13-05

TITLE:
CROSS SECTIONS

DRAWING NUMBER:
SKETCH NUMBER:
4 of 5

NORTH 



HOME DEPOT
BUILDING

REVISIONS		
DESCRIPTION	INS	DATE



PROJECT:
THE HOME DEPOT
LEXINGTON

CLIENT:
 JOB NUMBER: 116181001
 DATE: 7-13-05 SCALE: 1" = 200'

DRAWN BY: EWR 07-13-05
DESIGNED BY: EWR 07-13-05
CHECKED BY: CM 07-13-05

TITLE:
SITE PLAN

DRAWING NUMBER:
SKETCH NUMBER:
5 of 5