



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Mark Dirks
Berkeley County

Published: August 12, 2025
Expires: August 27, 2025

Charleston District
Permit Application No. SAC-2025-00783

TO WHOM IT MAY CONCERN: The Charleston District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344).

The South Carolina Department of Environmental Services (SCDES) is also reviewing an application pursuant to Section 401 of the Clean Water Act (33 U.S.C. § 1341), the South Carolina Coastal Zone Management Act (48-39-10 et. seq.), as amended). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Mark Dirks
Berkeley County
1003 US 52
Moncks Corner, South Carolina, 29461

AGENT: Barrett Stone
Infrastructure Consulting & Engineering
110 Midlands Court
West Columbia, South Carolina 29169

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Chicken Creek. The project/review area is located at the entrance of Cypress Gardens, east of White Hall Plantation Road / Bushy Park Road, in Moncks Corner, Berkeley County, South Carolina (Latitude 33.0548 ° and Longitude -79.9542 °)

EXISTING CONDITIONS: Cypress Gardens is a 170-acre historic nature preserve, and low-country swamp in Berkeley County. In operation since 1932, the preserve sustained major flood damage in 2015, leading to extensive renovations. It reopened to the public in April 2019 and experienced an immediate surge in attendance, welcoming over 7,000 visitors within the first five days. Specifically, the project occurs on an 8.23-acre site that connects the roundabout at Whitehall Plantation Road to the existing campus' parking lot. The area is primarily an undeveloped forested area with a dominance of wetlands and smaller upland portions. The site contains 6.52 acres of freshwater wetlands.

APPLICANT'S STATED PROJECT PURPOSE: The purpose of the proposed project is to improve the ingress/egress, parking capacity, and internal circulation to Cypress

Gardens. The project is needed to accommodate the existing and projected visitors while providing safe and efficient access.

Basic: Transportation

Overall: According to the applicant, the purpose of this project is to improve ingress / egress and parking capacity for the Cypress Gardens Park .

PROPOSED WORK: The applicant requests authorization to construct a new parking area with an additional 112 spaces and a dedicated exit road that connects the new lot to the existing roundabout at Whitehall Plantation Road. In detail, the applicant proposes to fill 2.066 acres and clear 0.157 acre (2.203 acres of impacts in total).

Wetlands

Name	Sheet Number	Impact Type	Acreage	SqFt
Wetland A	4	Fill	1.486	64,699
Wetland A	4	Clearing	0.039	1,246
Wetland A	5	Fill	0.281	12,248
Wetland A	5	Clearing	0.054	2,353
Wetland A	6	Fill	0.299	13,030
Wetland A	6	Clearing	0.044	1,932
Project Total Impact:			2.203	95,508

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Complete avoidance of impacts is not practicable due to geographic constraints associated with satisfying the purpose and need of the project.

Design: This design was chosen to accommodate a circular flow of traffic due to increased volume of visitors and vehicle/bus traffic. The new roadway will be a one-way exit road that will tie into the existing roadway at the roundabout. The existing roadway will be used as a two-lane entrance. Typical design criteria were followed, minimizing the footprint/impacts to the extent practicable. In addition, clearing limits were reduced to the minimum necessary to maintain adequate erosion control BMPs and safety for the traveling public.

Hydrology and Hydraulics: Culverts and pipes were appropriately sized. Two single barrel 18-inch-diameter reinforced concrete (R.C.) pipes will be located at stations 11+00 and 14+75. A double-barrel 18-inch-diameter R.C. pipe will be located at station 22+30. These pipes are specifically located to maintain hydrologic connection, surface water exchange, and maintain the existing flow patterns between wetland areas.

Construction: During construction, the contractor will be required to implement and maintain BMPs in an effort to further minimize potential indirect impacts associated with

stormwater runoff. The contractor will be required to utilize materials clean of any source of pollution.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Compensatory mitigation for unavoidable impacts will be provided through the purchase of 25.06 mitigation credits from the Palmetto Umbrella Mitigation Bank - Big Run.

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES:

WATER QUALITY: SCDES, as the certifying authority for a 401 Water Quality Certification (401 WQC), is reviewing a request for certification to evaluate whether the proposed activity will comply with applicable water quality requirements in accordance with Clean Water Act section 401 (33 U.S.C. § 1341) and 40 CFR Part 121. The applicant is responsible for requesting a 401 WQC and providing the State any supplemental information that may be required to complete their review. A DA permit may not be issued prior to receipt of a certification (or waiver of certification) from SCDES.

COASTAL ZONE: The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930).

For questions regarding SCDES permitting procedures, please visit <https://des.sc.gov/permits-regulations/permit-central>. SCDES will receive written comments about the proposed work, as outlined above, until August 27, 2025. Comments may be submitted directly to the South Carolina Department of Environmental Services by email at WQCWetlands@des.sc.gov and OCRMPermitting@des.sc.gov.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places (NRHP) and initially determines that:

Historic properties (i.e., properties listed in or eligible for inclusion in the NRHP), are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO).

The District Engineer’s final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking’s potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS), Section 7 Mapper, **and** the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project.

The following species and/or critical habitat have the potential to be present in the action area:

Table 2: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered
West Indian Manatee	<i>Trichechus manatus</i>	Threatened
Red-cockaded Woodpecker	<i>Dryobates borealis</i>	Threatened
Wood Stork	<i>Mycteria americana</i>	Threatened
Monarch Butterfly	<i>Danaus Plexippus</i>	Proposed Threatened
American Chaffseed	<i>Schwalbea americana</i>	Endangered
Canby’s Dropwort	<i>Oxypolis canbyi</i>	Endangered
Pondberry	<i>Lindera melissifolia</i>	Endangered

Pursuant to Section 7 of the ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service (USFWS Project Code: 2025-0132548) for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

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 2.203 acres of estuarine substrates and/or emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's 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). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The proposed project will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated

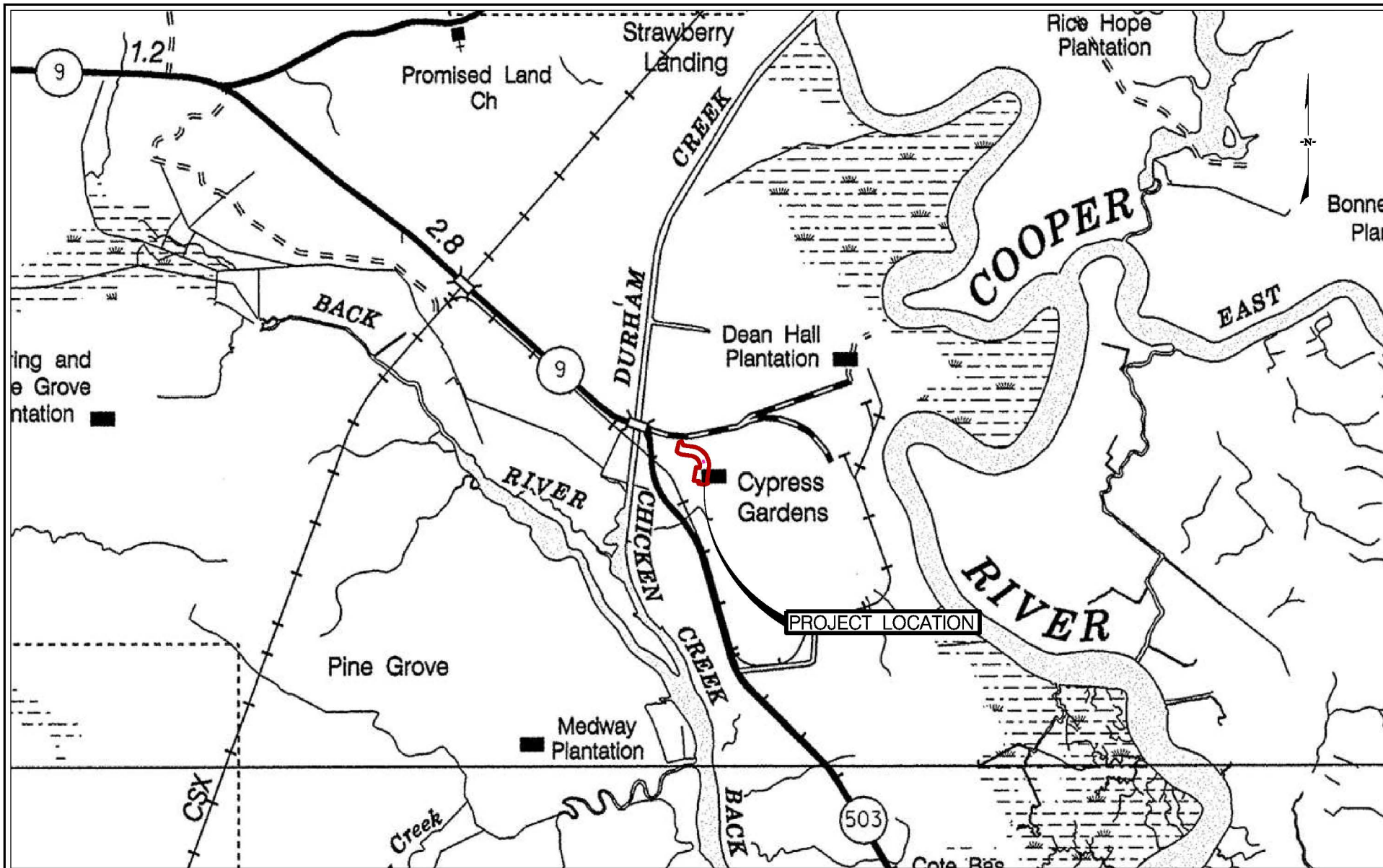
by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Charleston District will receive written comments on the proposed work, as outlined above, until August 27, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Tony Hardee at tony.b.hardee@usace.army.mil. Alternatively, you may submit comments in writing to the District Engineer, U.S. Army Corps of Engineers, Charleston District, Attention: Tony Hardee, 1949 Industrial Park Road Room 140 Conway, South Carolina 29526. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

As noted above, SCDES will receive written comments about the proposed work, as outlined above, until August 27, 2025. Comments may be submitted directly to the South Carolina Department of Environmental Services by email at and wqcwetlands@des.sc.gov.



APPROXIMATE LOCATION OF ROADWAY IS	
BEGIN	
LATITUDE	33°03'12.87" N
LONGITUDE	79°57'10.84" W
END	
LATITUDE	33°03'21.44" N
LONGITUDE	79°57'17.83" W

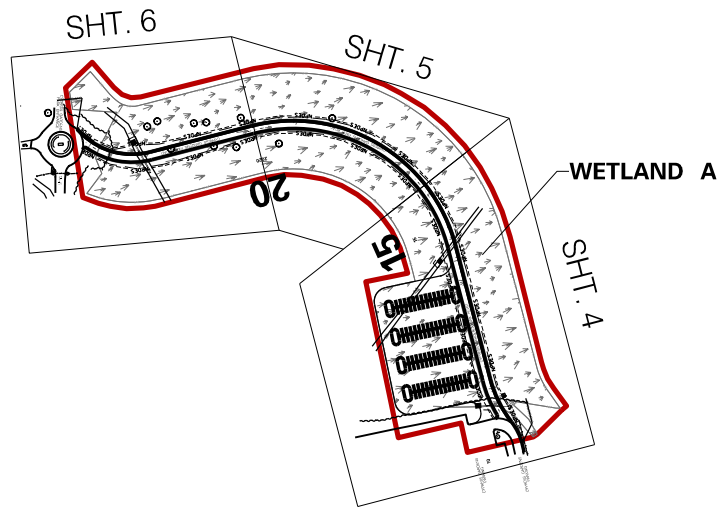
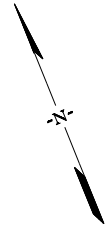
SHEET TITLE
LOCATION MAP
N.T.S.

PROJECT TITLE
BERKELEY COUNTY
CYPRESS GARDENS PARK ROAD
DATE: 08-05-2025 SHEET No. 1 OF 6

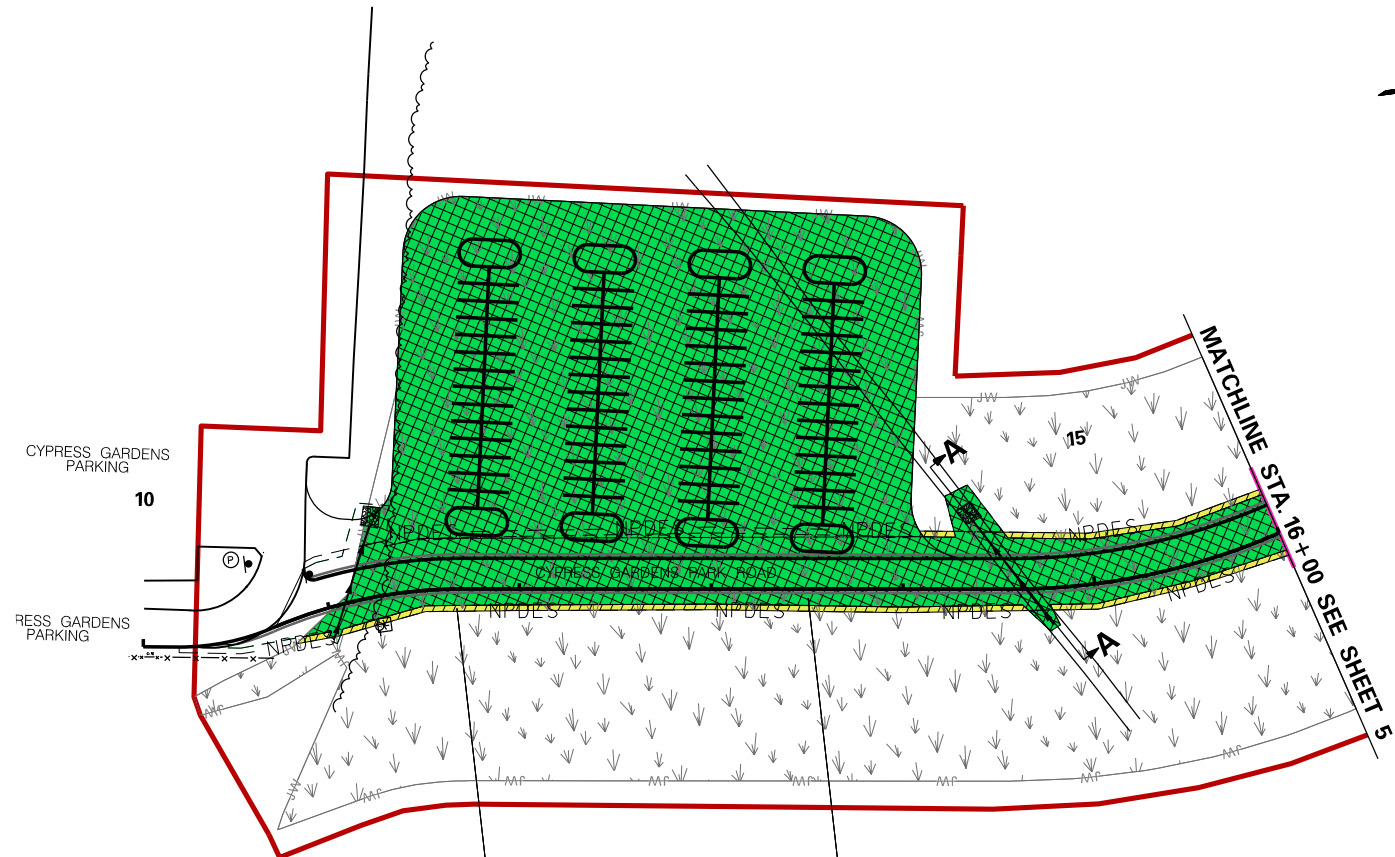
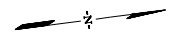
Wetlands

Name	Sheet Number	Impact Type	Acreage	SqFt
Wetland A	4	Fill	1.486	64,699
Wetland A	4	Clearing	0.039	1,246
Wetland A	5	Fill	0.281	12,248
Wetland A	5	Clearing	0.054	2,353
Wetland A	6	Fill	0.299	13,030
Wetland A	6	Clearing	0.044	1,932
Project Total Impact:			2.203	95,508

			SHEET TITLE	PROJECT TITLE
			IMPACT SUMMARY	BERKELEY COUNTY CYPRESS GARDENS PARK ROAD
			SCALE: NTS	DATE: 08-05-2025 SHEET No. 2 of 6



			SHEET TITLE	PROJECT TITLE
			INDEX OF DRAWINGS	BERKELEY COUNTY CYPRESS GARDENS PARK ROAD
			SCALE: 1" = 400'	DATE: 08-05-2025 SHEET No. 3 of 6

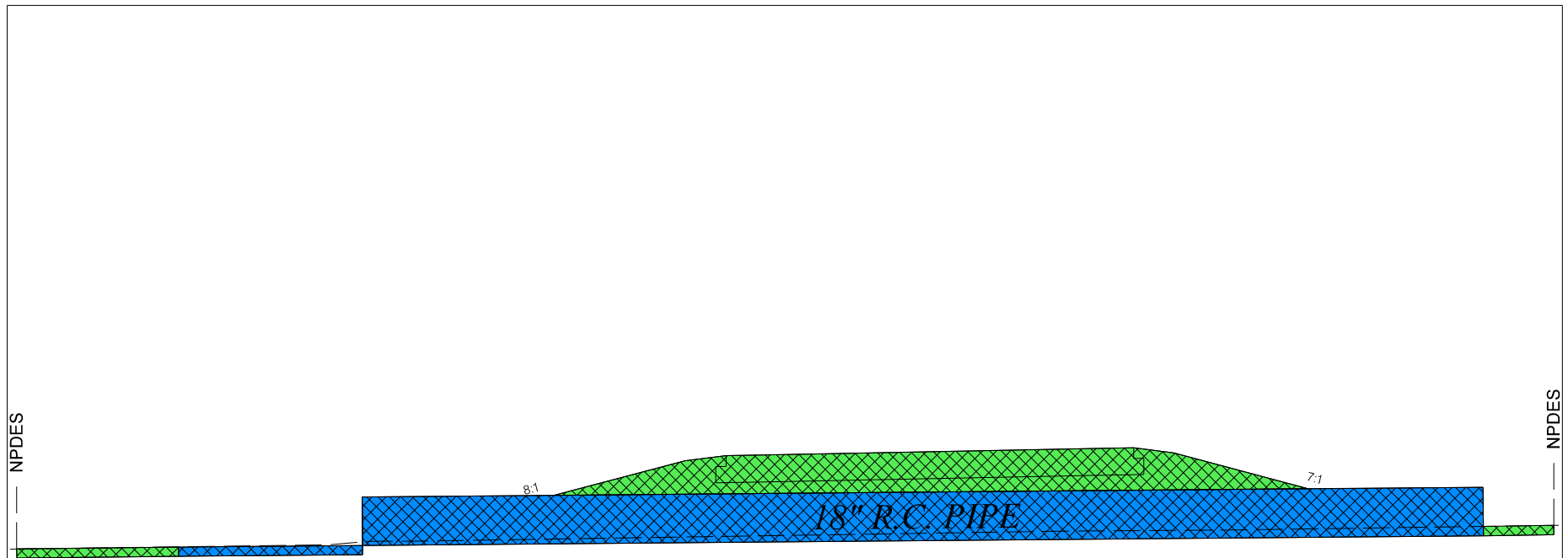


WETLAND A
 0.039 AC (1,246 SF)
 CLEARING IMPACTS

WETLAND A
 1.486 AC (64,699 SF)
 FILL IMPACTS



LEGEND	
	= PROJECT STUDY AREA
	= EXISTING PIPE
	= PROPOSED PIPE
	= WETLAND
	= NON-WETLAND WATER POND
	= NON-WETLAND WATER
	= EXISTING ROADWAY
	= FILL IMPACT
	= NON-WETLAND WATER IMPACT

SHEET TITLE		PROJECT TITLE
USACE IMPACT PLAN VIEW		BERKELEY COUNTY CYPRESS GARDENS PARK ROAD
SCALE: 1" = 100'		DATE: 08-05-2025 SHEET No. 4 of 6



SECTION "A-A"
 CYPRESS GARDEN PARK ROAD
 CROSS SECTION
 STA. 14 + 64.06

LEGEND

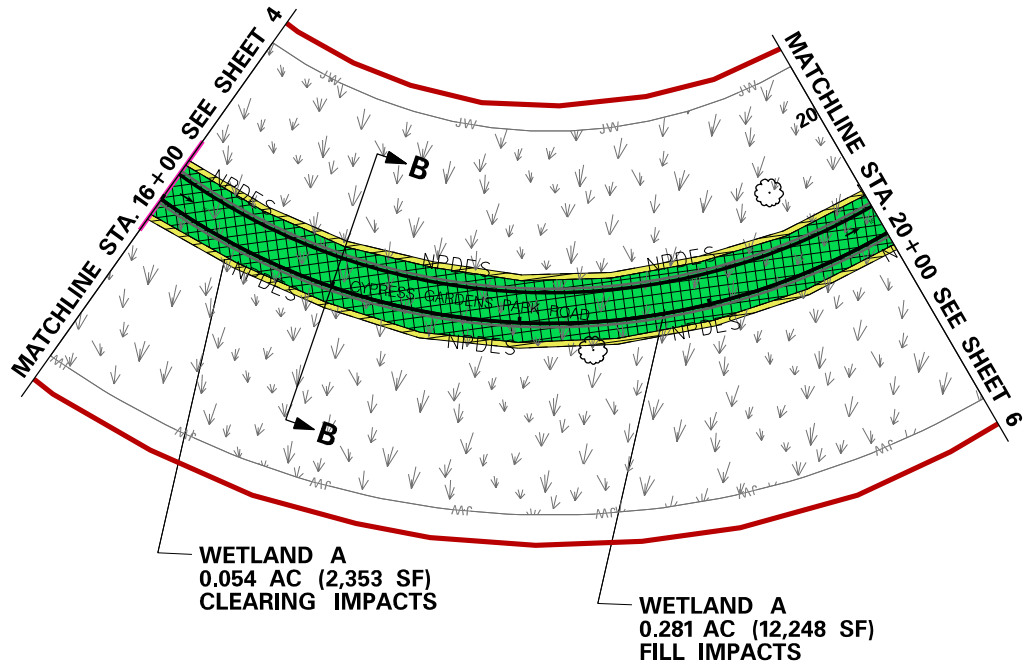
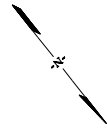
-  WETLAND FILL IMPACT
-  WETLAND PIPE AND RIP IMPACT

SHEET TITLE

USACE IMPACT
 CROSS SECTION
 SHEET

SCALE: 1" = 10' HORI.
 1" = 10' VERT.

BERKELEY COUNTY
 CYPRESS GARDENS PARK ROAD

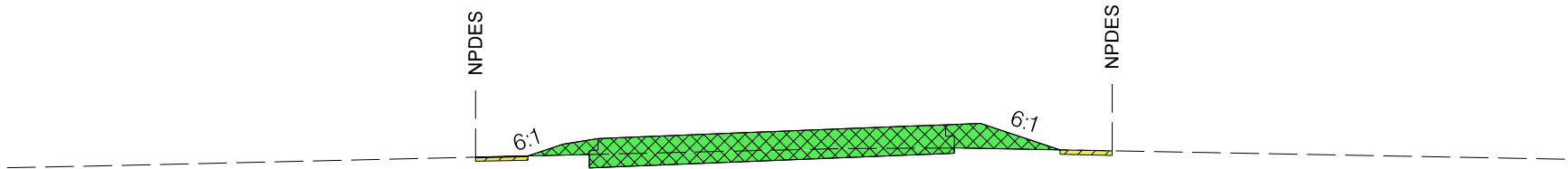


WETLAND A
 0.054 AC (2,353 SF)
 CLEARING IMPACTS

WETLAND A
 0.281 AC (12,248 SF)
 FILL IMPACTS

LEGEND	
	= PROJECT STUDY AREA
	= EXISTING PIPE
	= PROPOSED PIPE
	= WETLAND
	= NON-WETLAND WATER POND
	= NON-WETLAND WATER
	= EXISTING ROADWAY
	= FILL IMPACT
	= NON-WETLAND WATER IMPACT

		SHEET TITLE	PROJECT TITLE
		USACE IMPACT PLAN VIEW	BERKELEY COUNTY CYPRESS GARDENS PARK ROAD
		SCALE: 1" = 100'	DATE: 08-05-2025 SHEET No. 5 of 6



SECTION "B-B"
 CYPRESS GARDEN PARK ROAD
 CROSS SECTION
 STA. 17+00

LEGEND

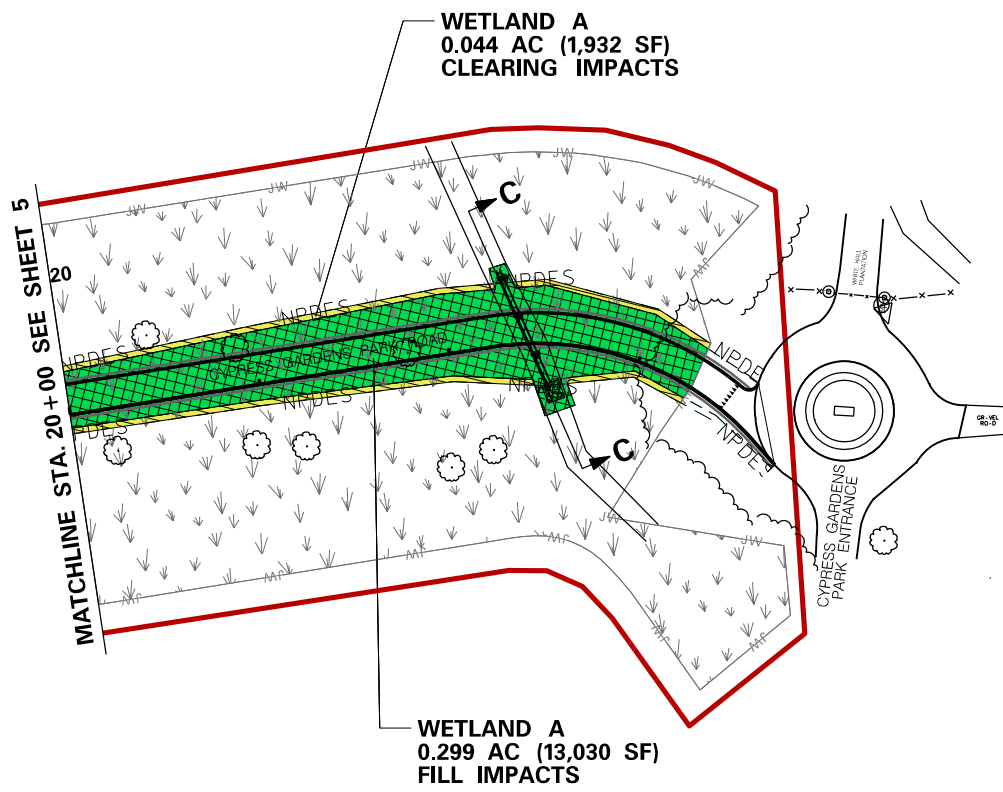
- WETLAND FILL IMPACT
- WETLAND SHORT TERM FILL IMPACT

SHEET TITLE

**USACE IMPACT
 CROSS SECTION
 SHEET**

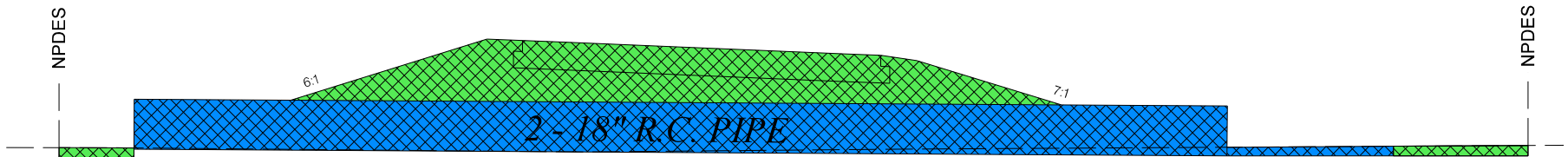
SCALE: 1" = 10' HORI.
 1" = 10' VERT.

**BERKELEY COUNTY
 CYPRESS GARDENS PARK ROAD**





LEGEND	
	= PROJECT STUDY AREA
	= EXISTING PIPE
	= PROPOSED PIPE
	= WETLAND
	= NON-WETLAND WATER POND
	= NON-WETLAND WATER
	= EXISTING ROADWAY
	= FILL IMPACT
	= NON-WETLAND WATER IMPACT

		SHEET TITLE	PROJECT TITLE
		USACE IMPACT PLAN VIEW	BERKELEY COUNTY CYPRESS GARDENS PARK ROAD
		SCALE: 1" = 100'	DATE: 08-05-2025 SHEET No. 6 of 6



SECTION "C-C"
 CYPRESS GARDEN PARK ROAD
 CROSS SECTION
 STA. 22 + 43.04

LEGEND

-  WETLAND FILL IMPACT
-  WETLAND PIPE AND RIP RAP IMPACT

SHEET TITLE

USACE IMPACT
 CROSS SECTION
 SHEET

SCALE: 1" = 10' HORI.
 1" = 10' VERT.

BERKELEY COUNTY
 CYPRESS GARDENS PARK ROAD