#### JOINT PUBLIC NOTICE

### CHARLESTON DISTRICT, CORPS OF ENGINEERS 69 A HAGOOD AVENUE CHARLESTON SC 29403-5107

#### and

# THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL Water Quality Certification and Wetlands Section 2600 Bull Street Columbia. South Carolina 29201

REGULATORY DIVISION Refer to: SAC-2006-03447

December 1, 2022

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 S.C. Department of Health and Environmental Control by

Mr. Shane Alford
Stanley Martin Homes
100 Executive Center Drive
Columbia, South Carolina 29210

for a permit to provide access and utilities for the Abney Hill Estates Subdivision in

#### unnamed streams and wetlands

located east of Abney Hill Road and west of Mt. Valley Road and Fulmer Road, near the Town of Blythewood, in Richland County, South Carolina (Latitude: 34.181576°, Longitude: -81.018675°), Irmo NE Quad.

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 the **Corps** until

15 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the proposed work until

#### 30 Days from the Date of this Notice

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

NOTE: This public notice and associated plans are available on the Corps' website at: <a href="http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices">http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices</a> .

#### **Applicant's Stated Purpose**

According to the applicant, the purpose of the proposed project is to provide access and utilities for a residential development.

#### **Project Description**

The proposed work consists of completion of a residential subdivision for which an earlier Nationwide Permit was verified on December 11, 2006 and has since expired. The previously approved work was partially completed. At this time, the applicant proposes to complete the previously approved work with some modifications. In detail, the currently proposed work would include new temporary impacts to 30 linear feet of stream and 0.018 acre of wetlands, as well as new permanent impacts to 401 linear feet of stream and 0.03 acre of wetlands. Current site conditions include two previously approved road crossings that have already been completed. Proposed work includes three new culverted road crossings (0.03 acre of wetlands, 153 linear feet of stream, 106 linear feet of stream permanent impact proposed), the relocation of one existing, previously permitted road crossing to a location slightly downstream of its current location (142 linear feet stream permanent impact proposed), and three crossings for utility lines (0.018 acre wetlands, 15 linear feet stream, 15 linear feet stream temporary impact proposed).

#### **Avoidance and Minimization**

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by, "choosing the smallest practical footprint for the development," and stated that, "[a]II standard erosion and sediment control measures will be employed to minimize siltation of adjacent wetlands/waters."

#### **Proposed Compensatory Mitigation**

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 856.7 stream credits (at least 50% restoration, no more than 50% preservation) from Sandy Fork Mitigation Bank. To qualify for a 25% reduction in credits required, the applicant proposes to preserve and buffer all remaining waters on site. This would total 46.9 acres comprised of 5.02 acre of wetlands, 12,520 linear feet of stream, and 41.83 acres of upland buffer. The area that would be preserved for the 25%

reduction was previously put into restrictive covenants as compensatory mitigation for work authorized by the previously verified Nationwide Permit. The applicant proposes to modify those restrictive covenants to account for updated site plans. The currently preserved area is 46.9 acres comprised of 5.07 acre of wetlands, 12,550 linear feet of stream, and 41.83 acres of upland buffer. Because the restrictive covenants, which were the only compensatory mitigation required at the time of the previous verification, are proposed to be used for a current 25% reduction in credit requirements, the applicant proposes to include the existing two road crossings that were already completed (83 linear feet and 99 linear feet) in the current mitigation calculations as impacts for required credits.

#### **South Carolina Department of Health and Environmental Control**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. 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.

#### **Essential Fish Habitat**

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 0.11 acre of freshwater stream and wetland well inland of estuarine substrates and 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.

#### **Endangered Species**

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: American wood stork (*Mycteria americana*), Red-cockaded woodpecker (*Picoides borealis*), Shortnose sturgeon (*Acipenser brevirostrum*), Canby's dropwort (*Oxypolis canbyi*), Rough-leaved loose strife (*Lysimachia asperulaefolia*), Smooth coneflower (*Echinacea laevigata*).

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have <u>no effect</u> on the American wood stork (*Mycteria americana*), Red-cockaded woodpecker (*Picoides borealis*), Shortnose sturgeon (*Acipenser brevirostrum*), Canby's dropwort (*Oxypolis canbyi*), Rough-leaved loose strife (*Lysimachia asperulaefolia*), or Smooth coneflower (*Echinacea laevigata*) 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.

#### **Cultural Resources**

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(/)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

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.

#### **Corps' 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 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 cannot undertake to adjudicate rival claims.

#### **Solicitation of Public Comment**

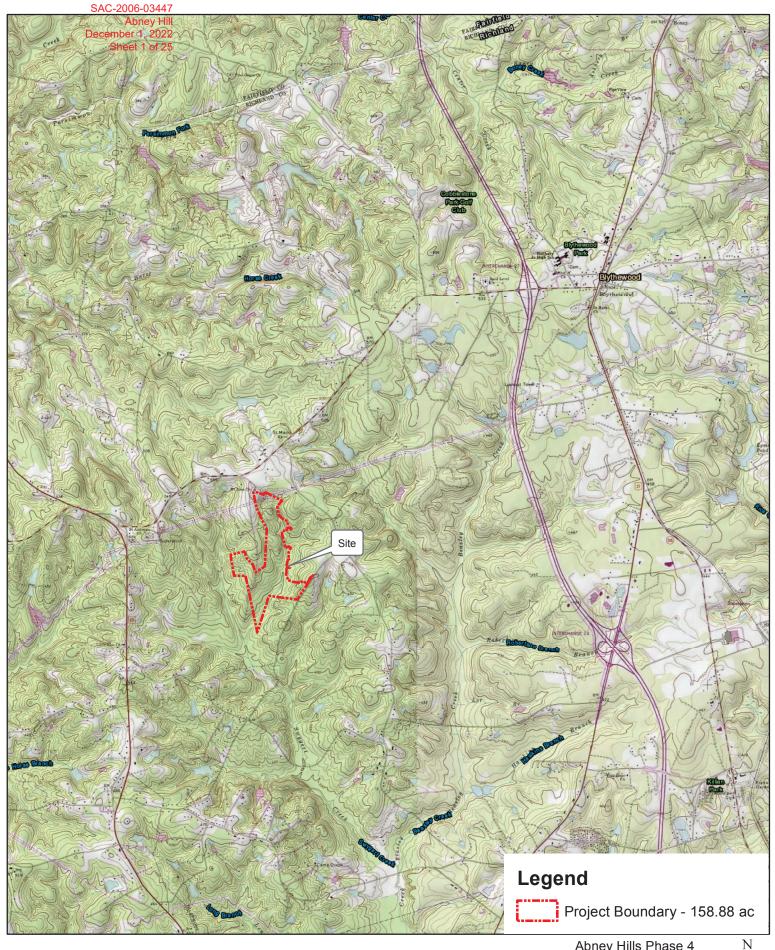
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify,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

Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2006-03447), to Laura.M.Boos@usace.army.mil or the following address:

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION

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If there are any questions concerning this public notice, please contact Laura M. Boos at (803) 253-3444, or by email at Laura.M.Boos@usace.army.mil.

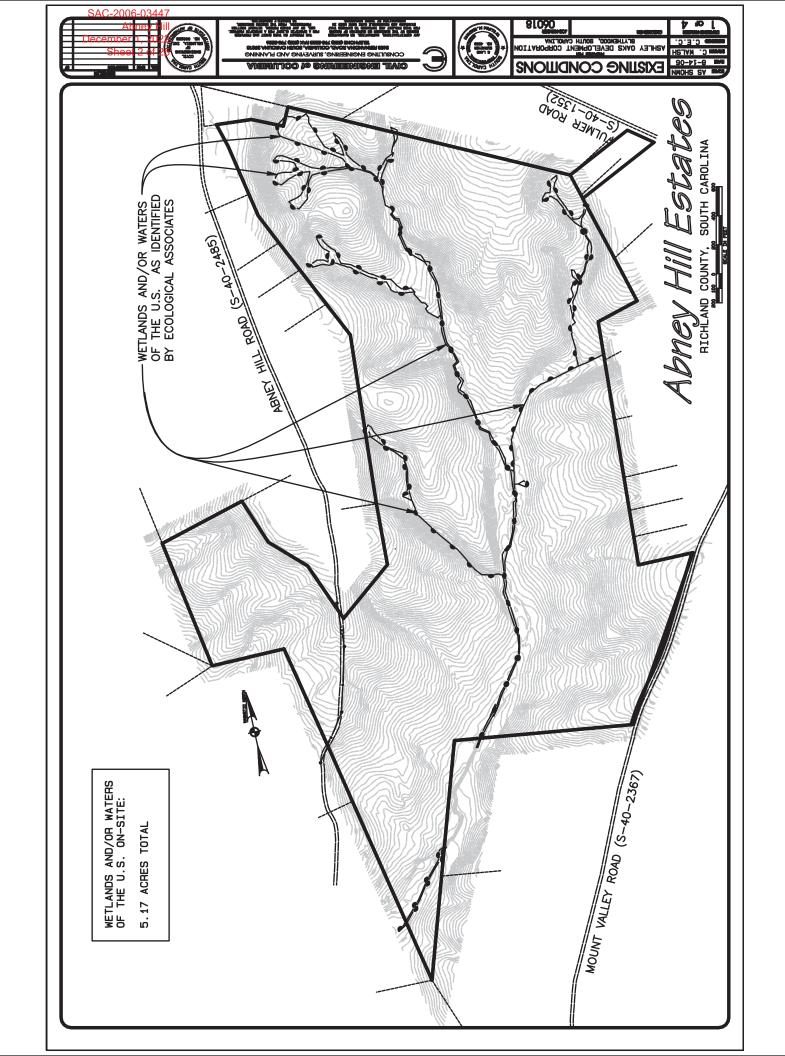


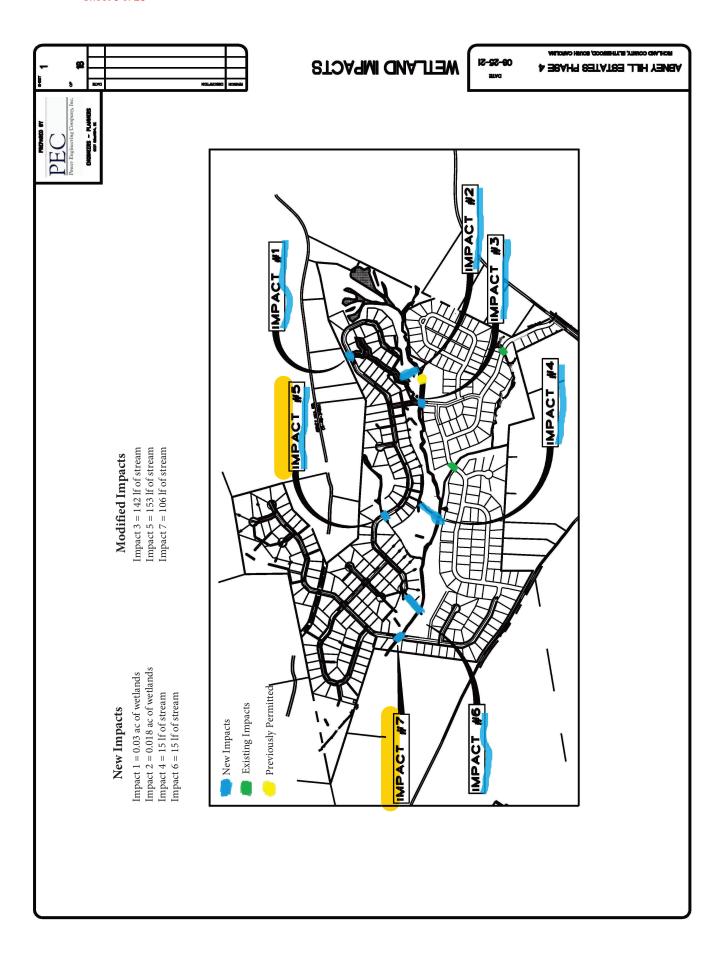
Ecological Associates, Inc PO Box 357 Johns Island, S.C. 29457 (704) 517-4804 carlwgambrell@gmail.com

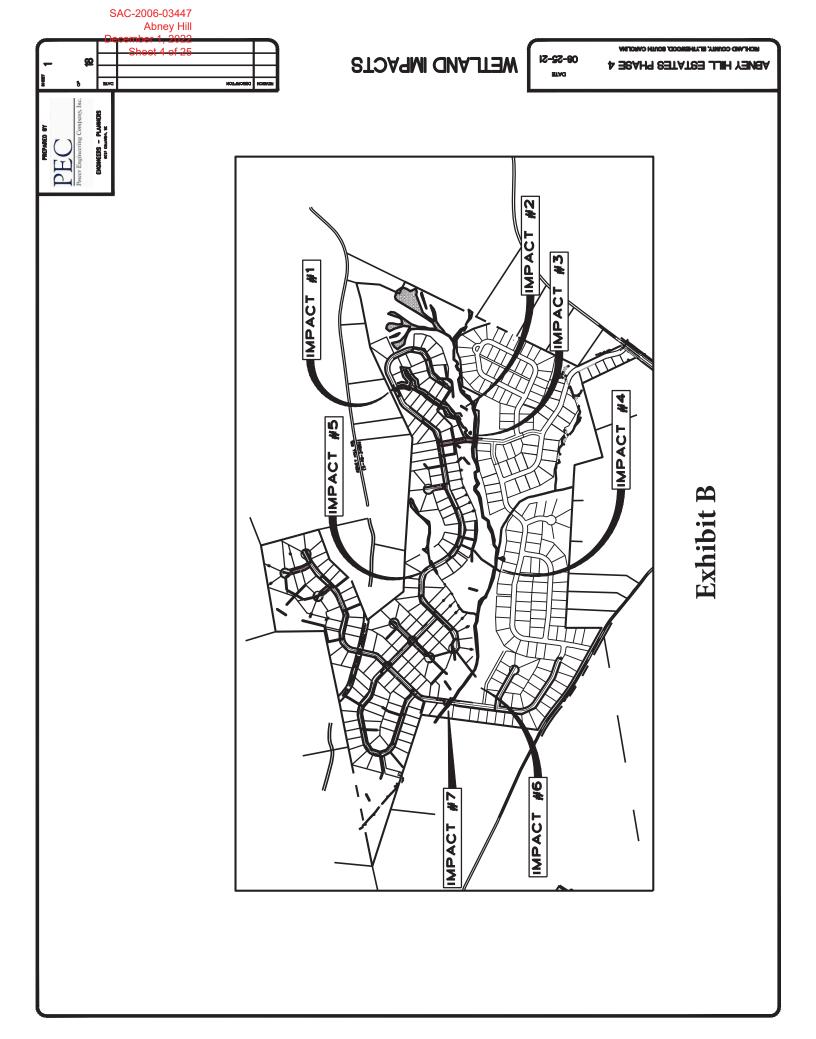
## Abney Hills Phase 4 Vicinity Map

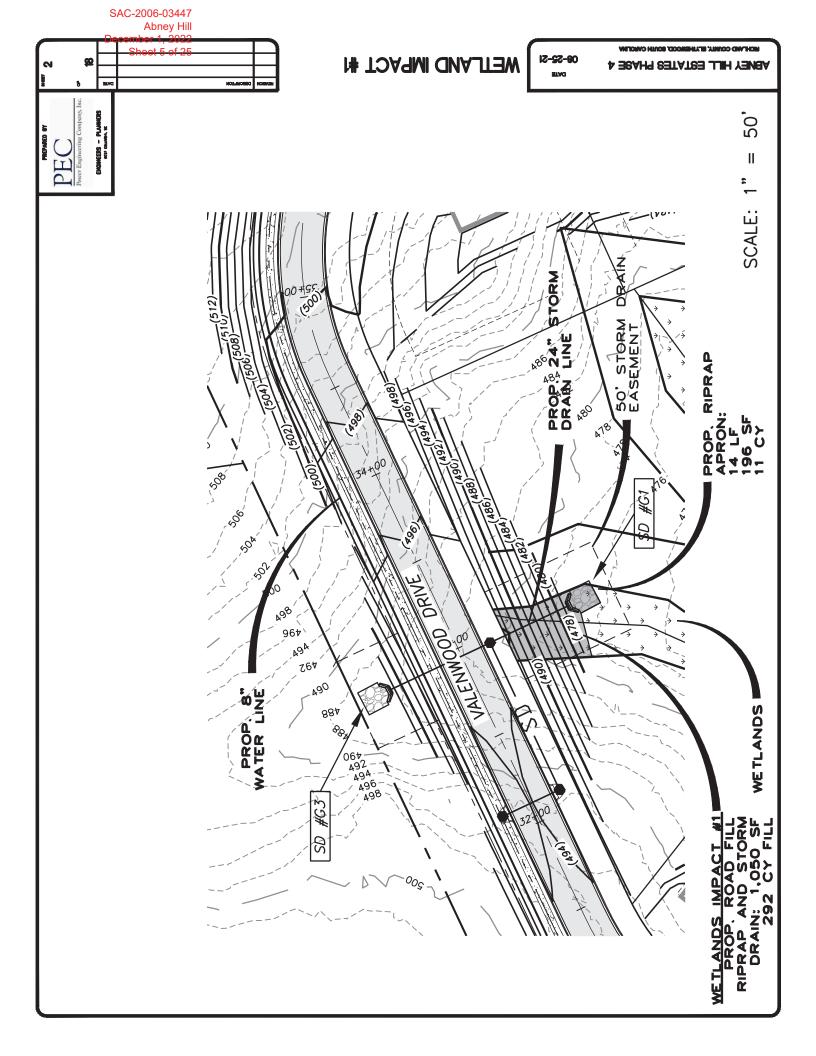
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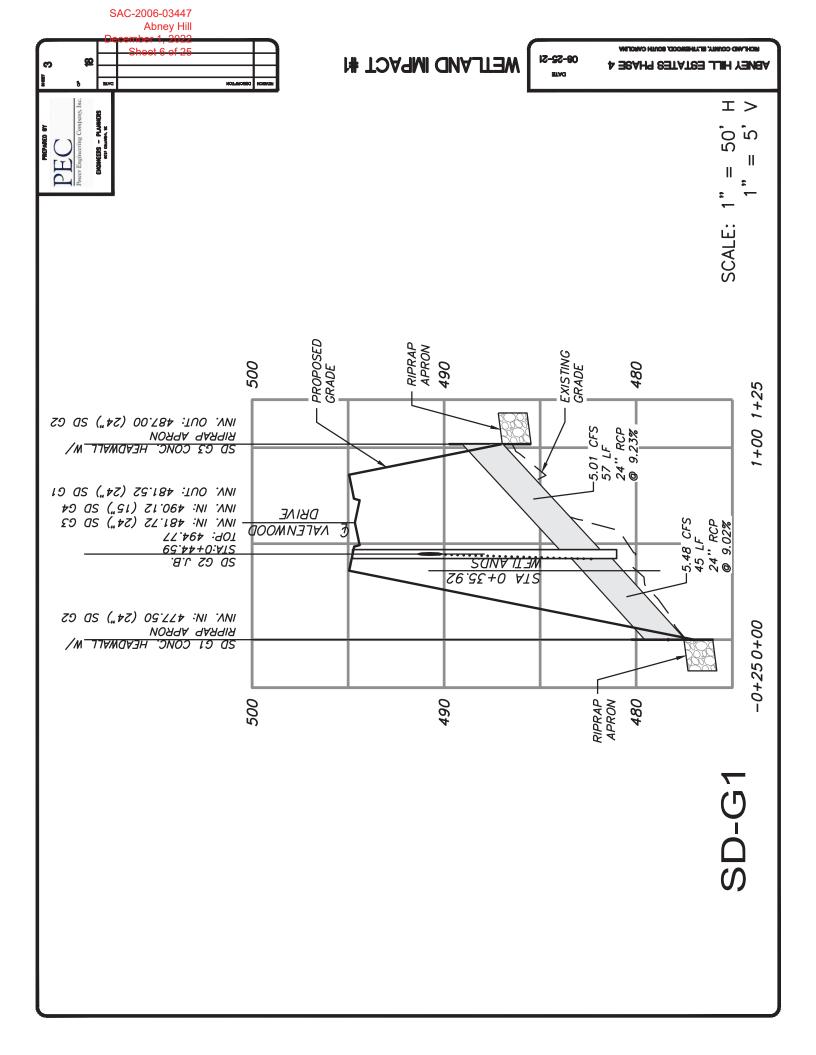
Abney Hills Phase 4 N
Stanley Martin Homes
Richland County
South Carolina
0 3,250 6,500 Feet

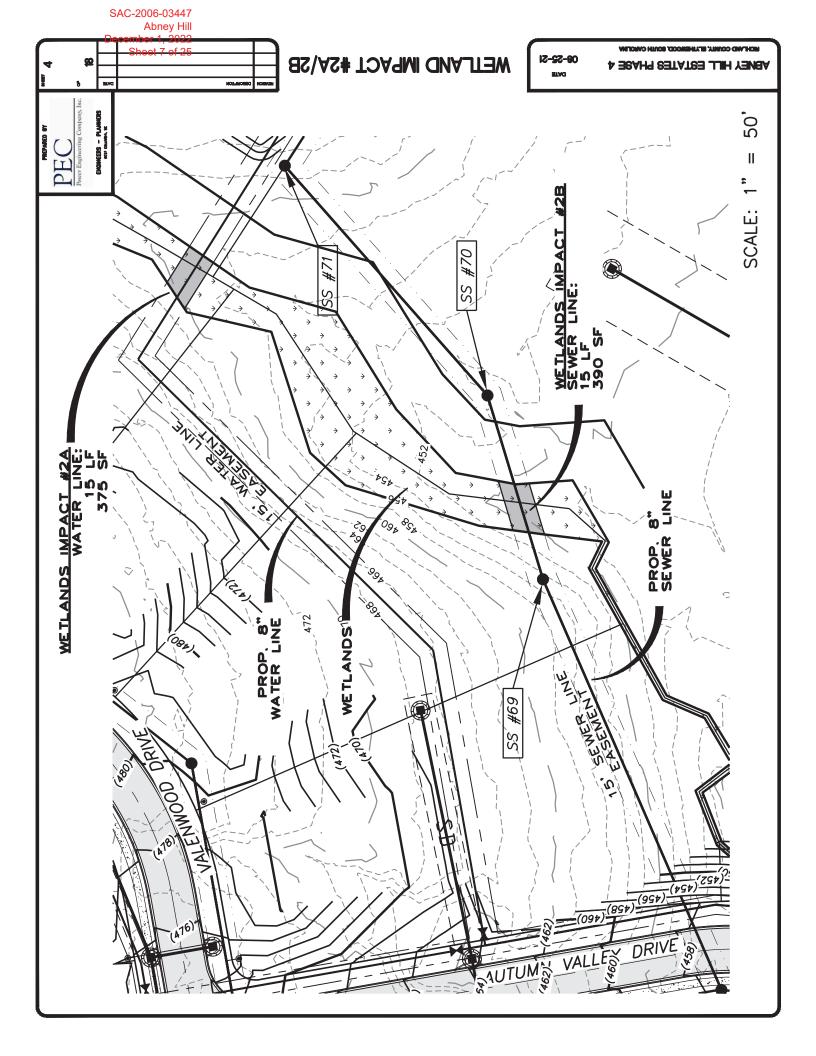


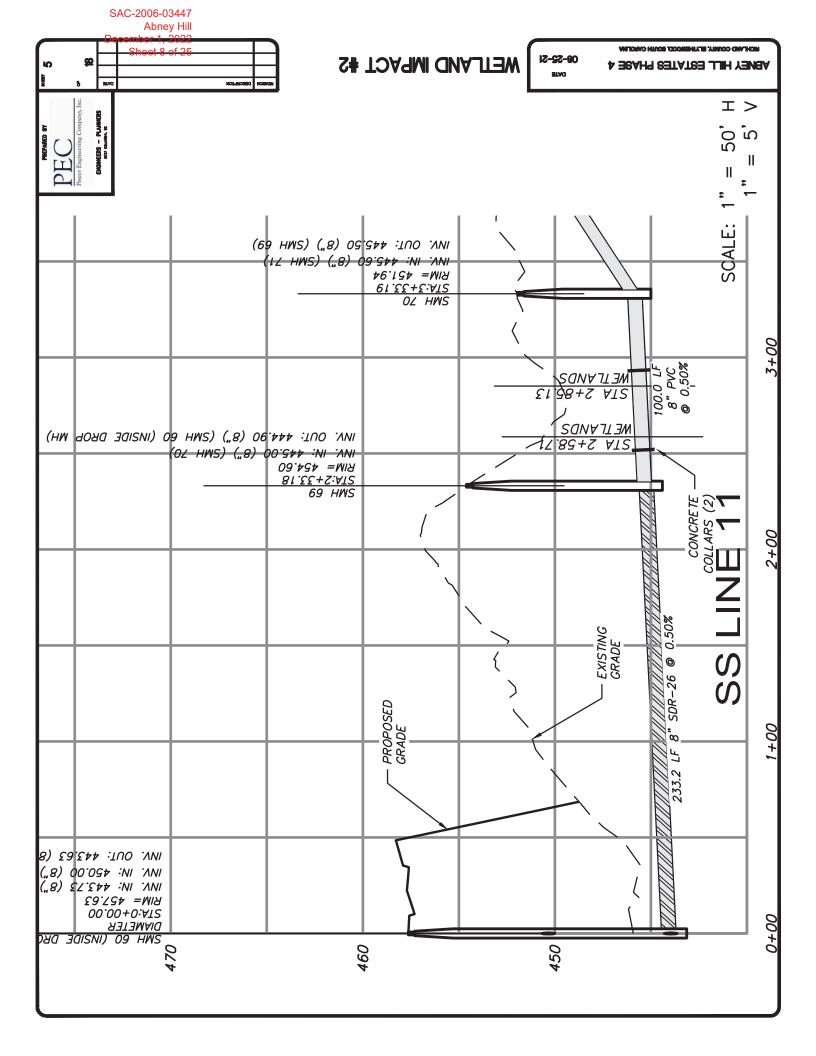


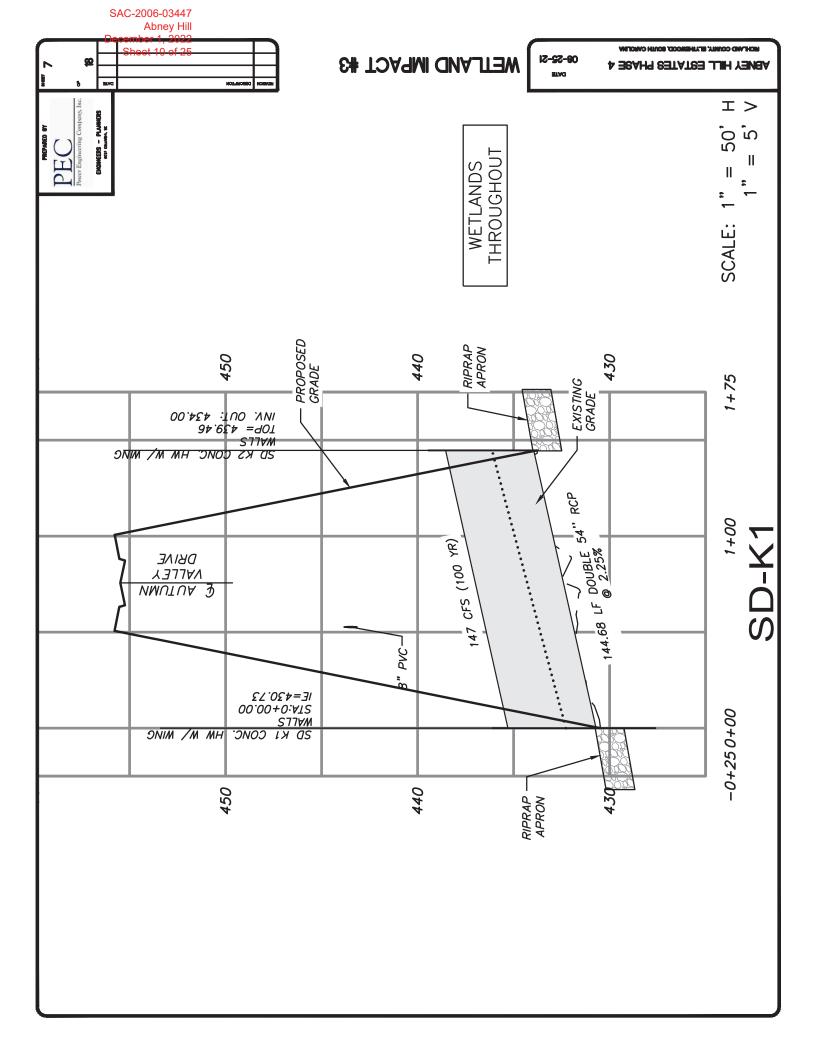


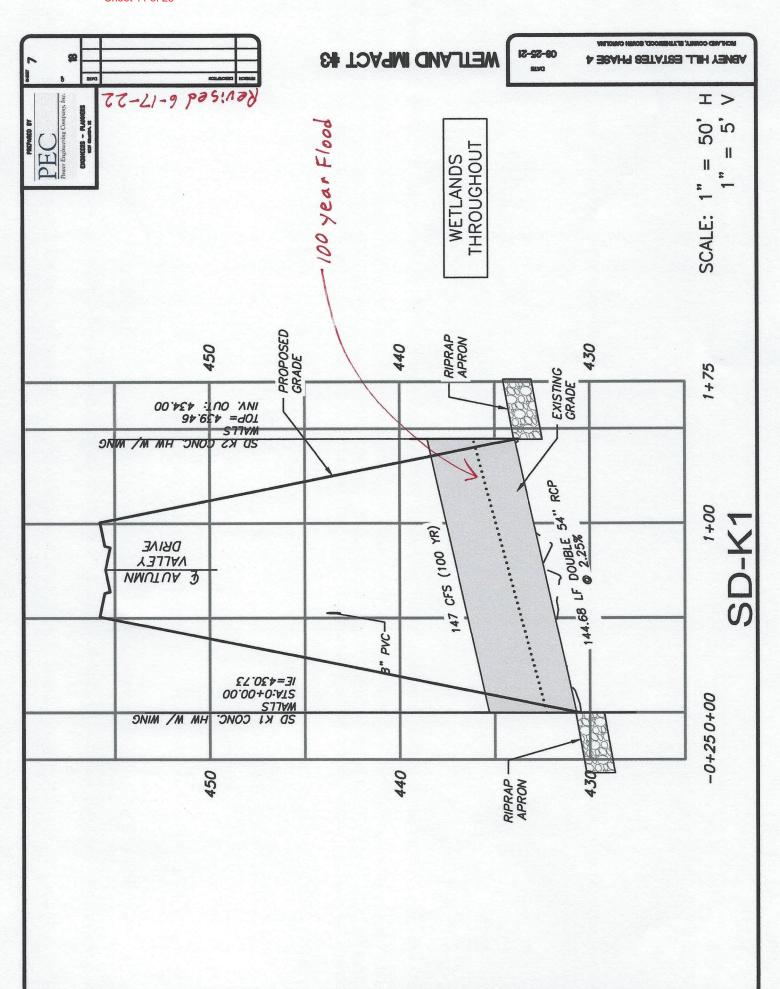


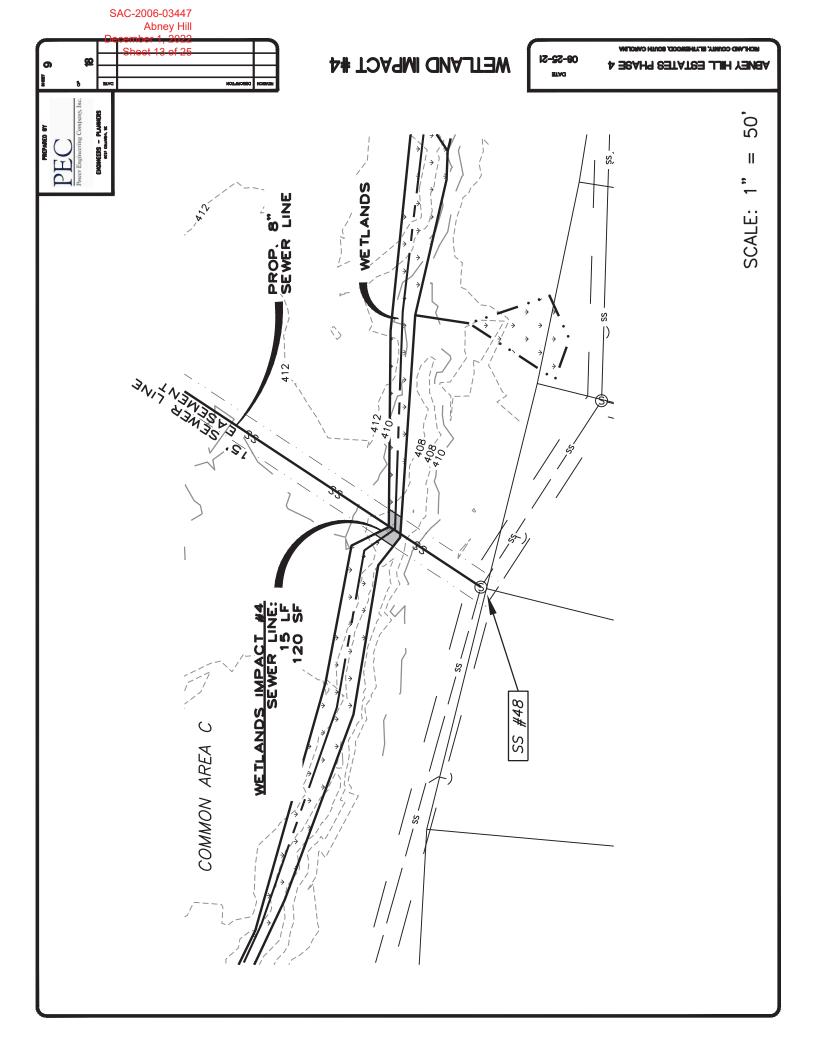


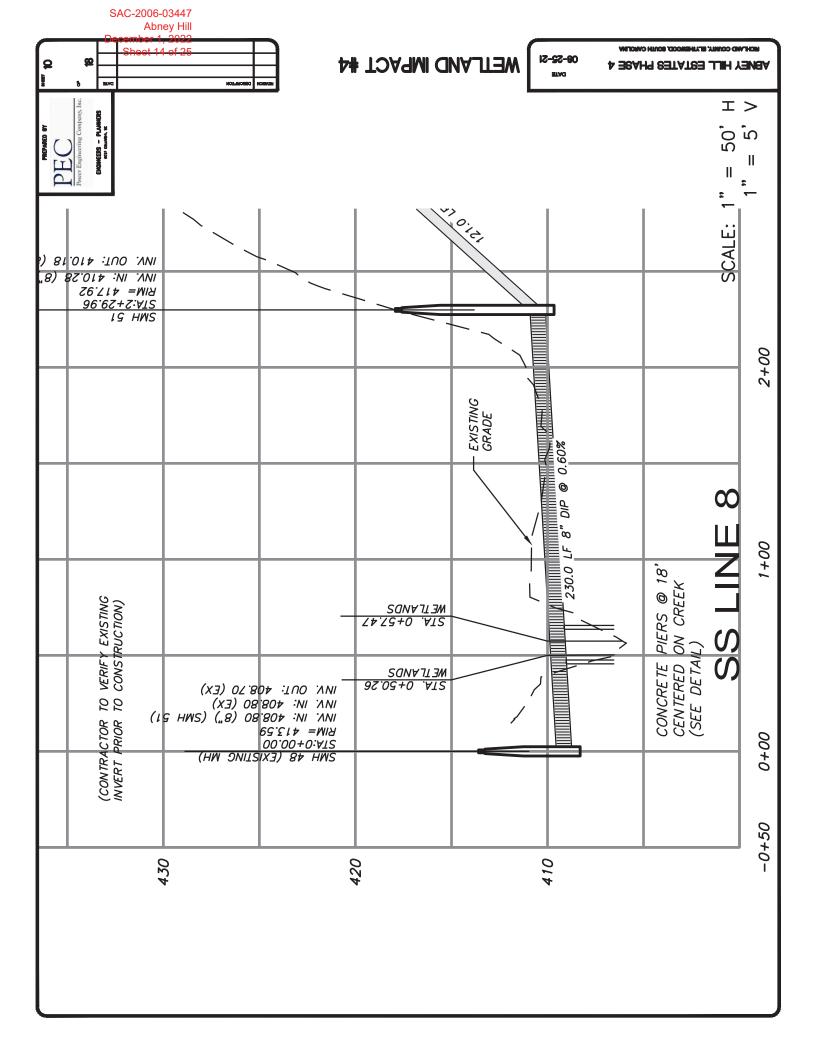


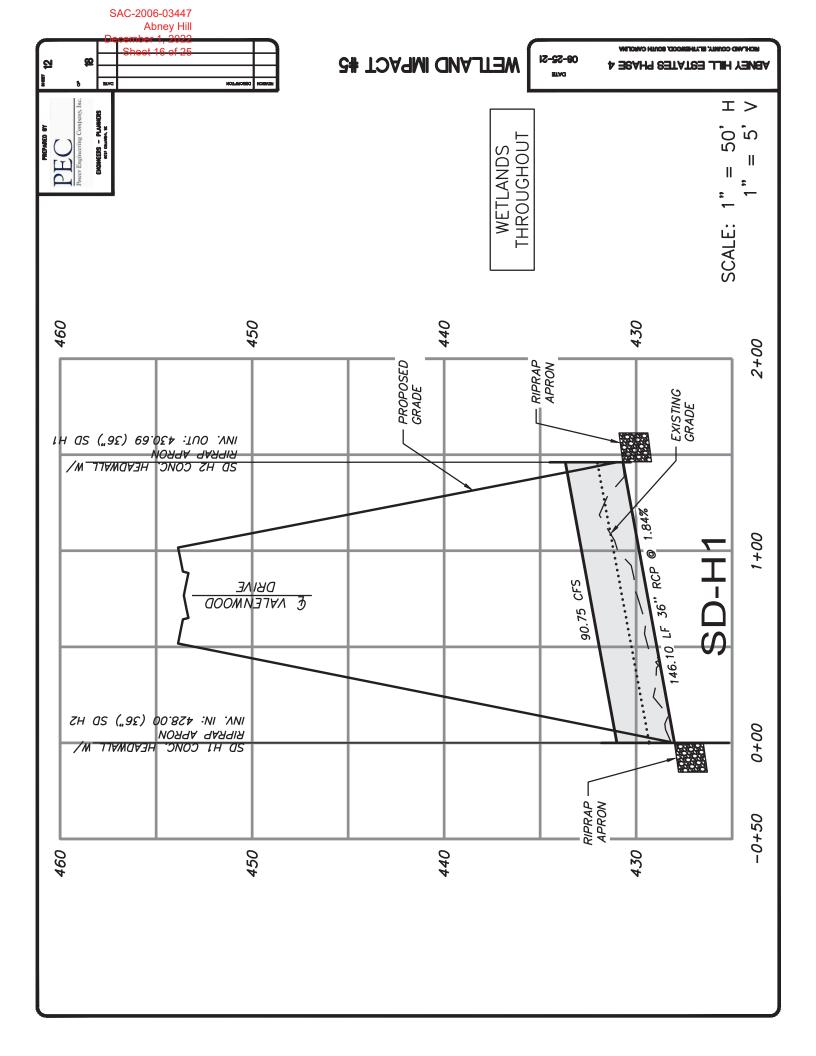


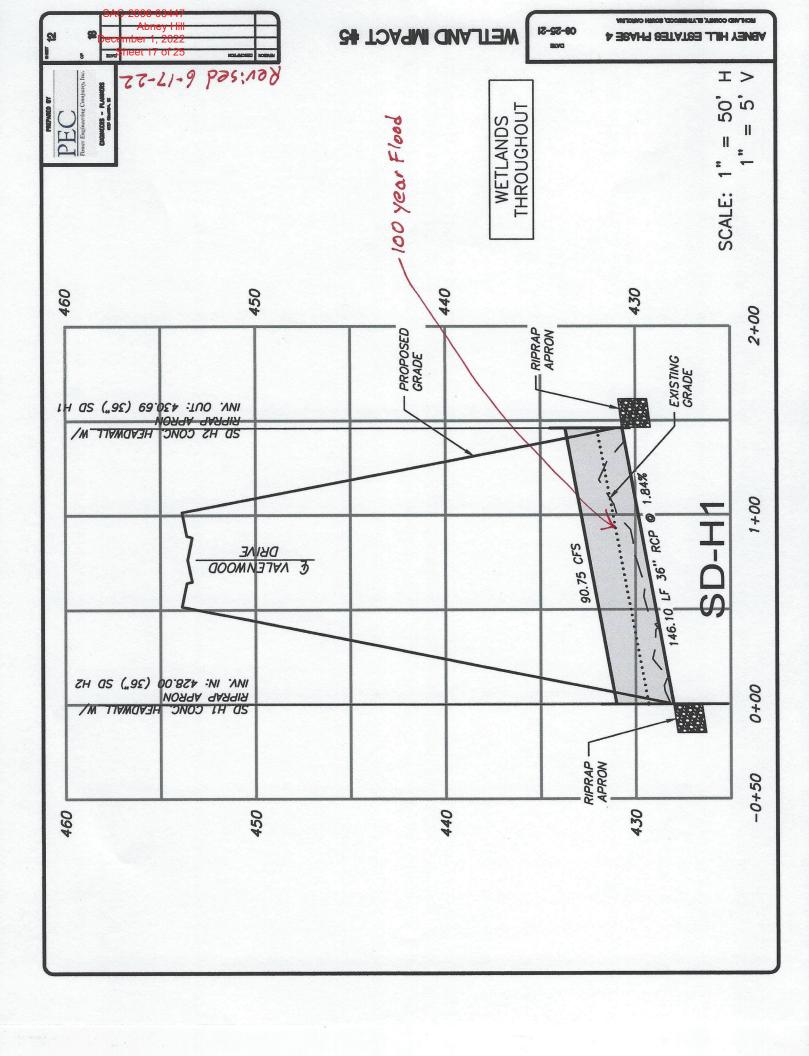


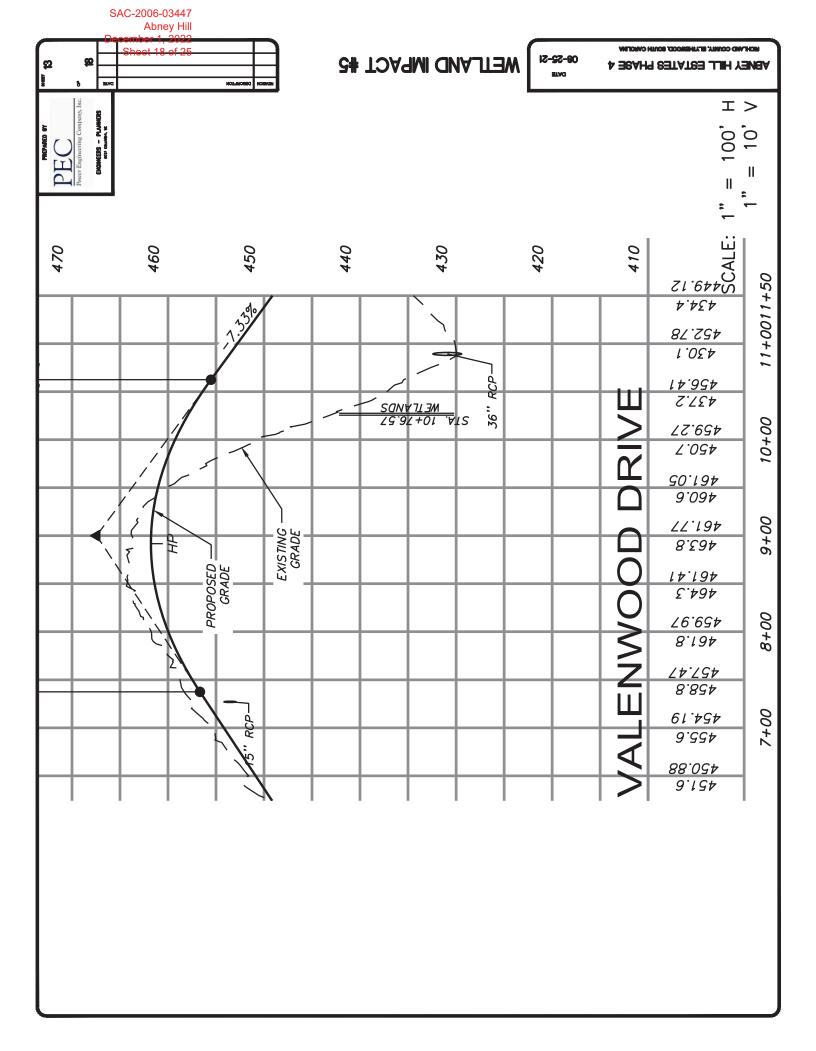


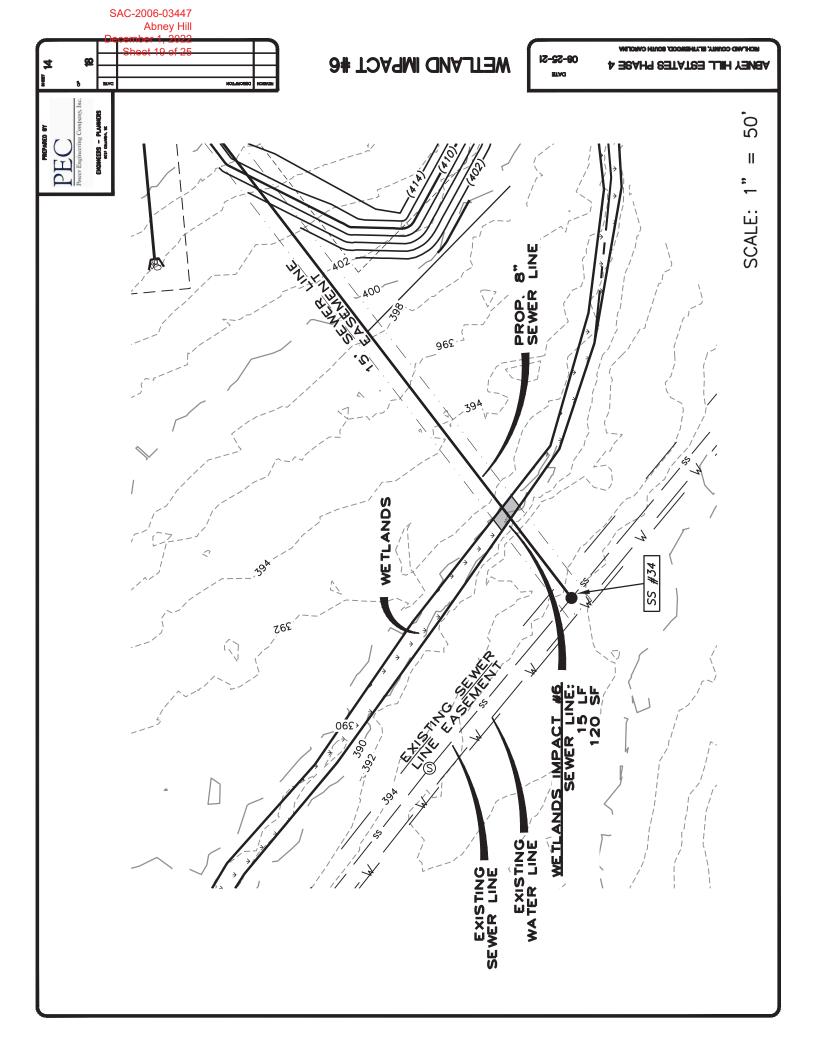


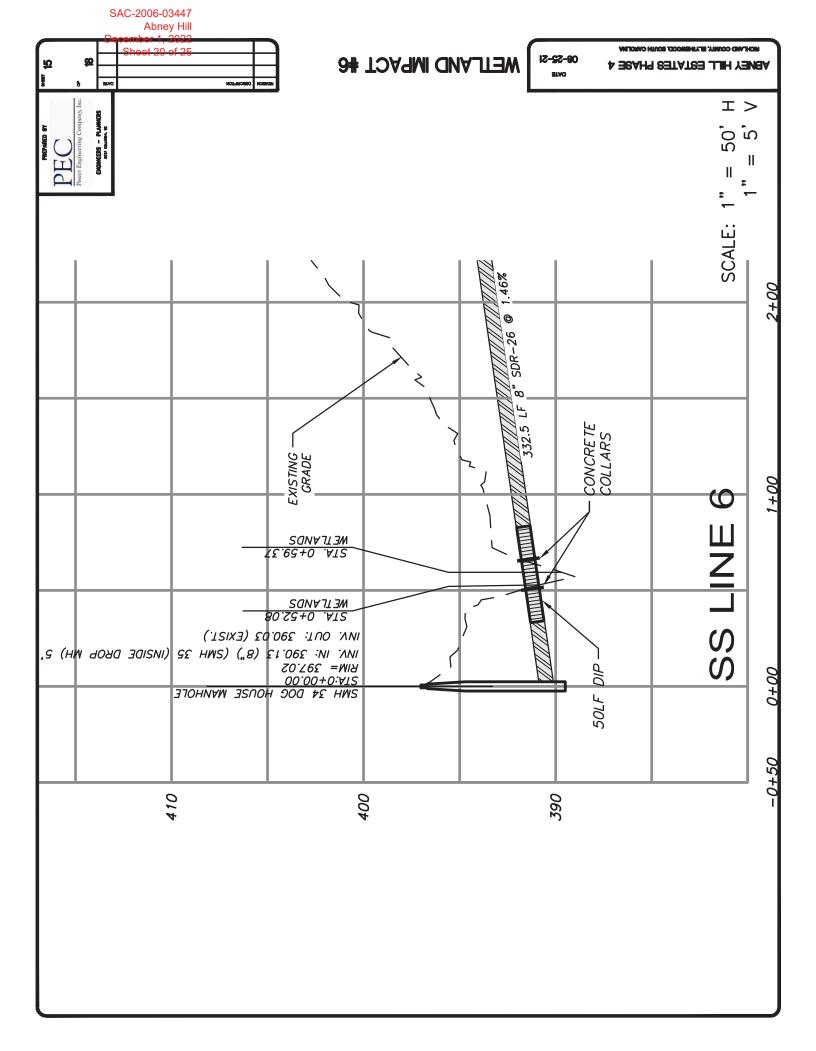


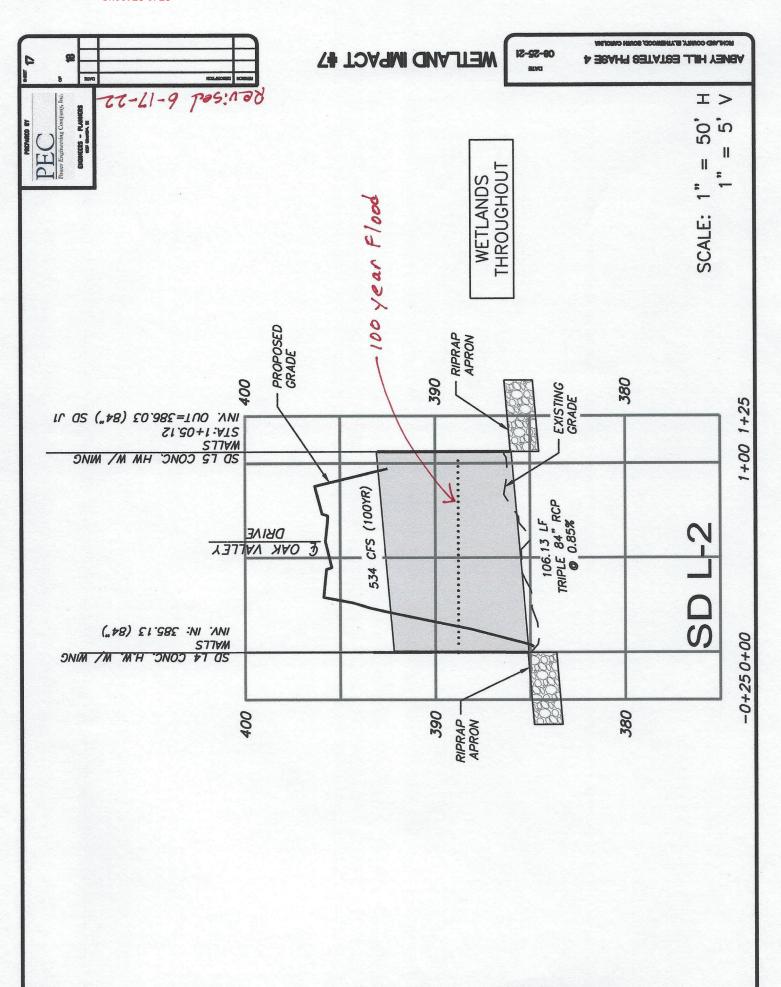












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POWER ENGINEERS - PLANNERS

POWER ENGINEERS - PLANNERS

POWER ENGINEERS BY



STANLEY MARTIN COMPANIES, LLC
ABUEY HILL ESTATES PHASE 4
BIOFLER AVERAGE PLAN
BIOFLAD COUNT, BETHEBOOD, SOUTH CAROLINA



