

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
750 Executive Center Drive, Suite 103
Greenville, South Carolina 29615
and
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: SAC-2023-01463

December 6, 2023

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

Mr. Dan Doty
Rushmark Berkeley Commerce Center, LLC
2900 Fairview Park Drive
Falls Church, Virginia 22042

Mr. Stephen Nichols
Newkirk Environmental Inc
P.O. Box 746
Mt. Pleasant, South Carolina 29465
steve@newkirkenv.com

for a permit to place fill material for a new commercial warehouse facility in

Dawsons Branch and adjacent wetlands

located west of Jedburg Road between Dawson Branch Road and Interstate 26, Berkeley County, South Carolina (Latitude: 33.0806°, Longitude: -80.2235°), Summerville 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: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to construct a commercial warehouse facility in Berkeley County within proximity of the Port of Charleston's primary marine container terminals.

Project Description




The proposed work consists of the placement of fill material in 96.8 linear feet or 0.03 acre of tributary, 2.18 acres of jurisdictional wetlands, and 0.87 acre of non-jurisdictional wetlands to construct a commercial warehouse facility. In detail, the wetlands and tributary will be filled to construct a 340,000 square foot building with tractor trailer loading, parking, stormwater ponds and an entrance road for the facility. The total impacts are shown below:

JURISDICTIONAL IMPACTS		
	WETLAND FILL IMPACT	2.18 AC.
	WETLAND EXCAVATION IMPACT	0.00 AC.
	STREAM IMPACT AREA	0.03 AC.
	STREAM IMPACT LENGTH	96.8 LF.
TOTAL JURISDICTIONAL WETLAND IMPACTS		2.21 AC.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by evaluating alternative layouts and construction alternatives. They stated the layout, as proposed, is necessary for the successful operation and long-term viability of the project. A reduction in any of the proposed components would affect the applicant's ability to meet demand for services and thus fail to achieve the intended goal and expectations of the project. They will also be buffering the remaining waters on site with an average 50-foot buffer. The total proposed buffer areas are shown below:

AVOIDENCE & MINIMIZATION

	BUFFERS (*B) (50' AVERAGE WIDTH)	3.92 AC.
	PRESERVED JURISDICTIONAL WETLANDS AREA	7.59 AC.
	PRESERVED NON-JURISDICTIONAL WETLANDS AREA	2.34 AC.
	TOTAL ACREAGE OF WETLAND FILL	3.08 AC.
	TOTAL ACREAGE OF WETLAND EXCAVATION	0.00 AC.
	TOTAL ACREAGE OF WETLAND IMPACTS	3.08 AC.
	TOTAL ACREAGE OF STREAM IMPACT	0.03 AC.
	TOTAL LENGTH OF STREAM IMPACT	96.8 LF.
	TOTAL UPLAND AREA (*A)	46.78 AC.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 261.4 stream credits and 35.73 wetland credits from an approved mitigation bank with a service area that covers the project area.

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.

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). 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 freshwater wetlands 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: Northern Long-eared Bat (*Myotis septentrionalis*), Red-cockaded Woodpecker (*Picoides borealis*), American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Atlantic Sturgeon (*Acipenser oxyrinchus*), and Shortnose Sturgeon (*Acipenser brevirostrum*).

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 no effect on Red-cockaded Woodpecker (*Picoides borealis*), American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Atlantic Sturgeon (*Acipenser oxyrinchus*), and Shortnose Sturgeon (*Acipenser brevirostrum*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Northern Long-eared Bat (*Myotis septentrionalis*) or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

This public notice serves as a request to the U.S. Fish and Wildlife Service USFWS project code: 20247-0022199) 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)(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

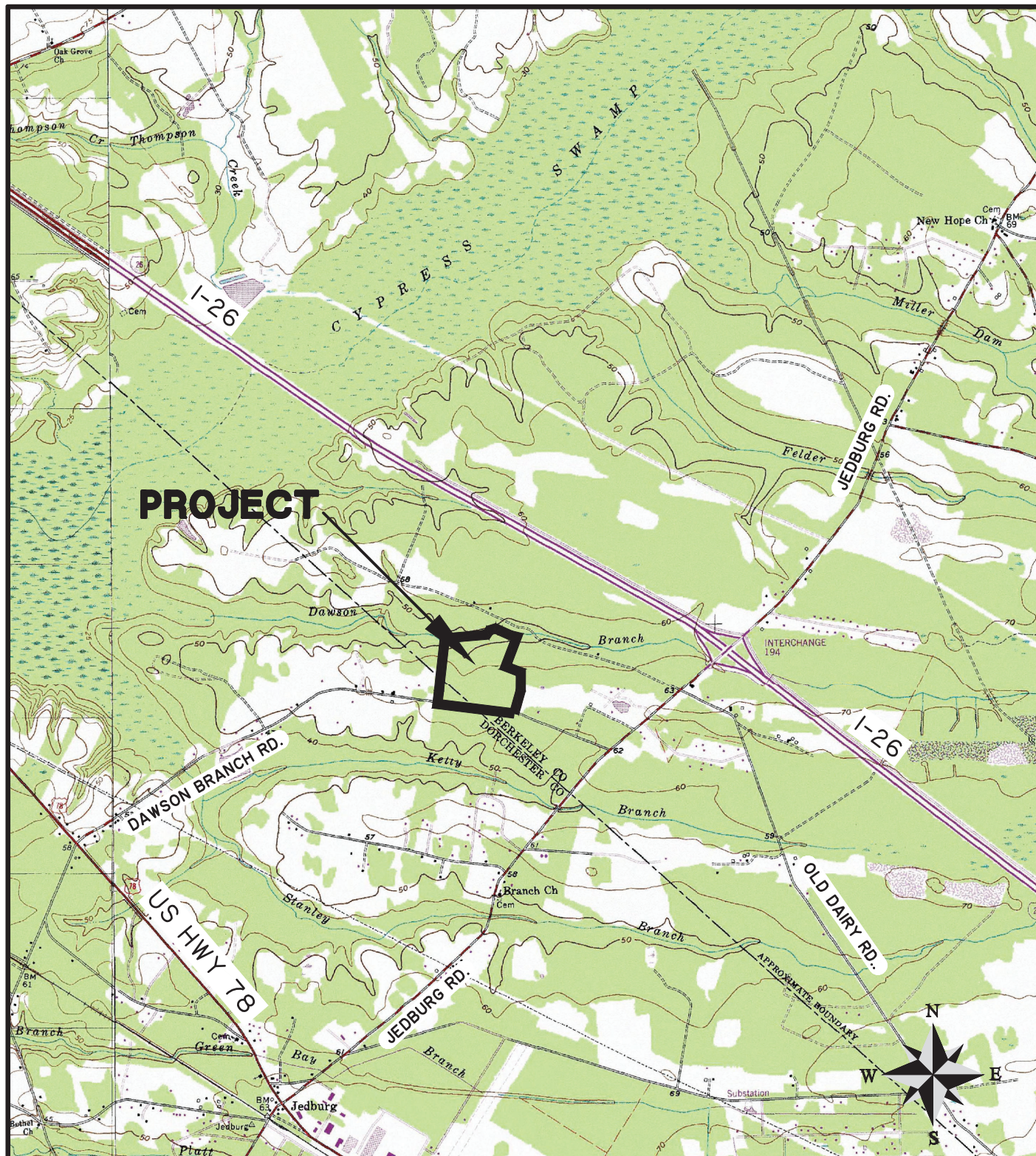
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to

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-2023-01463), to Kristin.B.Andrade@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
750 Executive Center Drive, Suite 103
Greenville, South Carolina 29615**

If there are any questions concerning this public notice, please contact Kristin B. Andrade, Team Leader, at (864) 992-0713, or by email at Kristin.B.Andrade@usace.army.mil.



BCC SOUTH WETLAND PERMIT PLANS

SHEET NAME:

LOCATION MAP

CLIENT:

RUSHMARK BERKELEY COMMERCE CENTER, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 11/2/2023

JOB NUMBER: J-27549.0000

DRAWN BY: JBD

REVIEWED BY: RSO

SHEET: 2

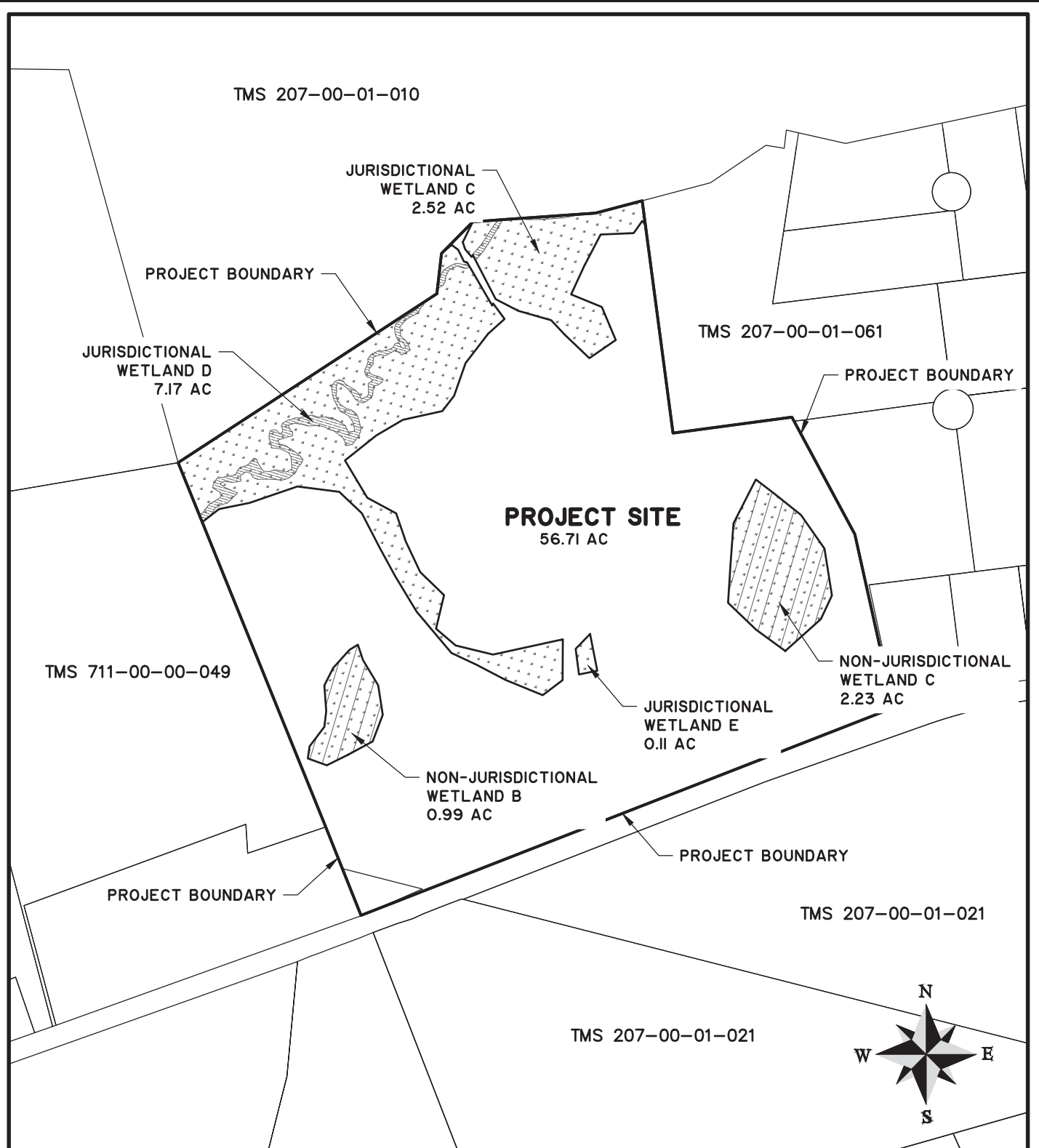
SCALE: 1" = 3000'

**THOMAS
&
HUTTON**

682 Johnnie Dodds Blvd. • Suite 100
Mt. Pleasant, SC 29464 • 843.849.0200

www.thomasandhutton.com

Z:\27549\27549.0000\ENGINEERING\DRAWINGS\WETLAND DRAWINGS - BCCS\CONSTRUCTION PLANS\27549.0000 - EXISTING CONDITIONS SHEETS.DWG - Nov 2, 2023 - 1:31 PM



BCC SOUTH WETLAND PERMIT PLANS

SHEET NAME:

EXISTING CONDITIONS

CLIENT:

RUSHMARK BERKELEY COMMERCE CENTER, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 11/2/2023

JOB NUMBER: J-27549.0000

DRAWN BY: JBD

REVIEWED BY: RSO

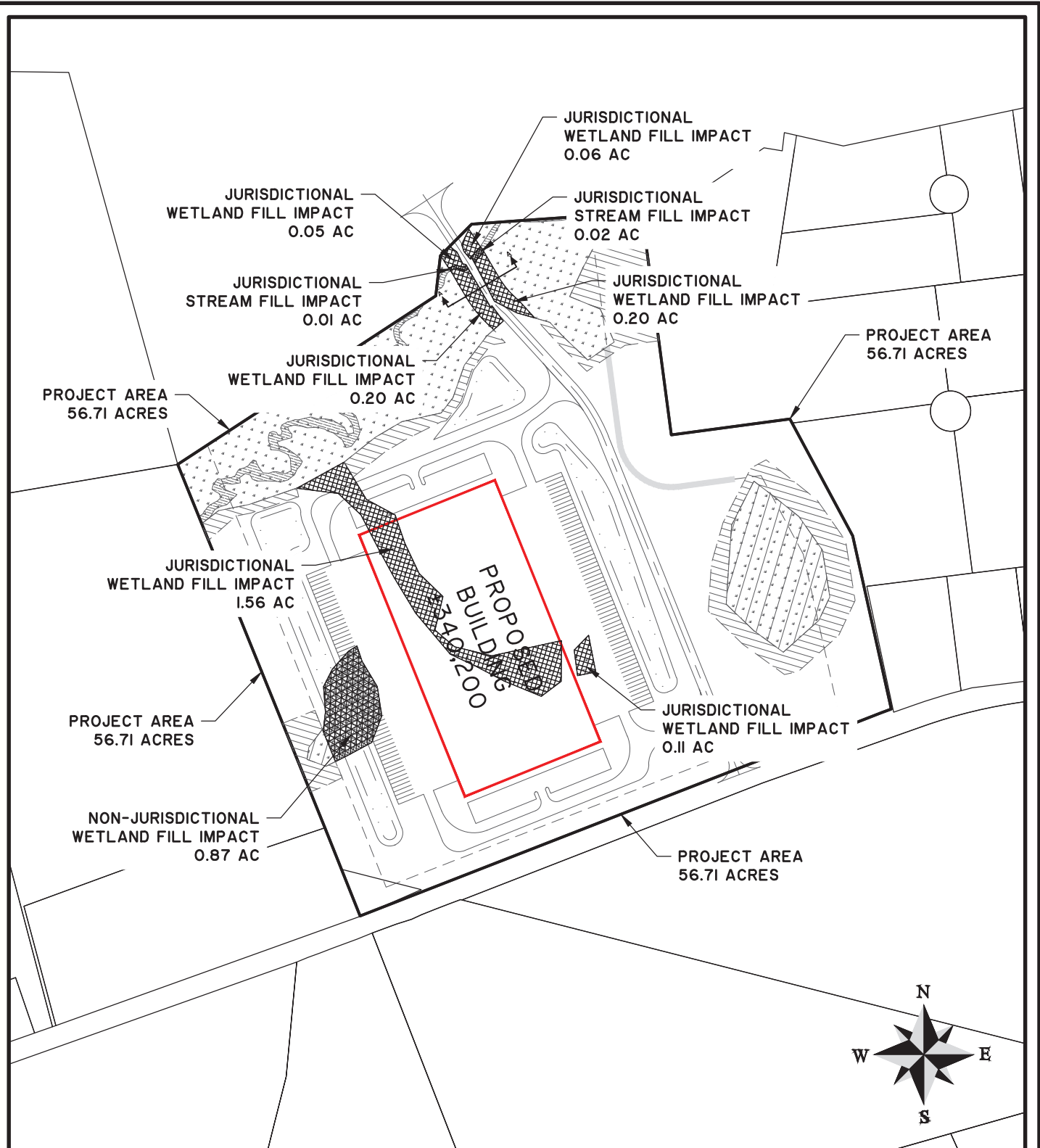
SHEET: 4

SCALE: 1" = 400'

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Mt. Pleasant, SC 29464 • 843.849.0200

www.thomasandhutton.com



BCC SOUTH WETLAND PERMIT PLANS

SHEET NAME:

SITE LAYOUT

CLIENT:

RUSHMARK BERKELEY COMMERCE CENTER, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 11/2/2023

JOB NUMBER: J-27549.0000

DRAWN BY: JBD

REVIEWED BY: RSO

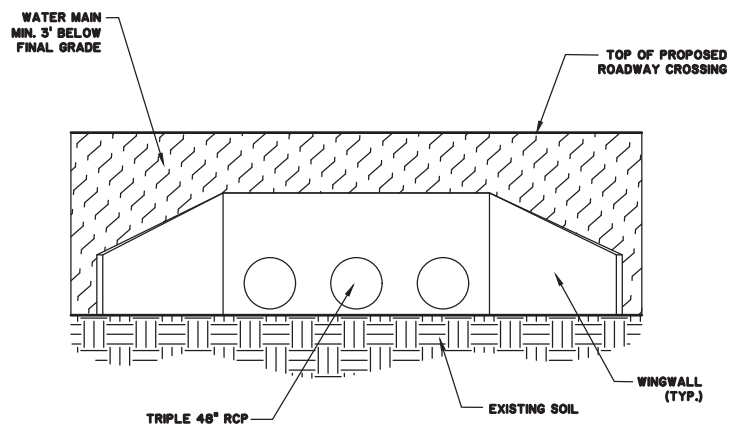
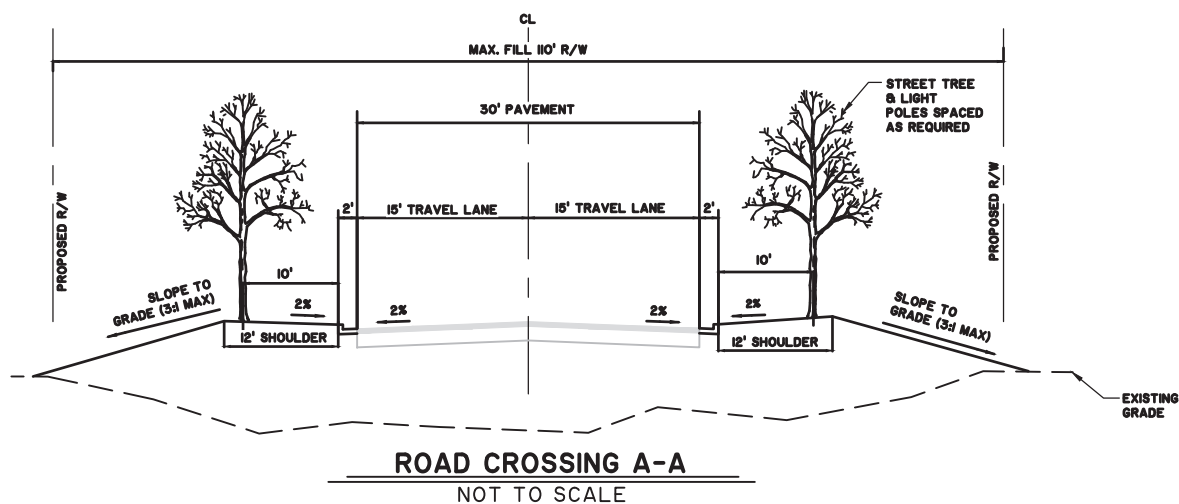
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SCALE: 1" = 400'

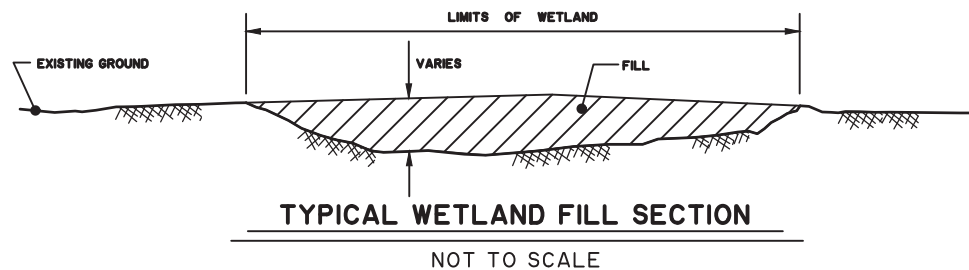
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TYPICAL SECTION PERPENDICULAR TO TRIPLE 48" RCP
NOT TO SCALE



WETLAND PERMIT DRAWINGS

SHEET NAME:

DETAILS

CLIENT:

RUSHMARK BERKELEY COMMERCE CENTER, LLC

LOCATION: BERKELEY COUNTY, SC

DATE: 11/2/2023

JOB NUMBER: J-27549.0000

DRAWN BY: JBD

REVIEWED BY: RSO

SHEET: 6

SCALE: N.T.S.



50 Park of Commerce Way
Savannah, GA 31405 • 912.234.5300

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