

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
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: SAC-2021-01249

February 8, 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. Holden Sabato
SL Hardeeville Industrial Park LLC
195 Morristown Road
Basking Ridge, New Jersey 07920

for a permit to fill 13.387 acres of jurisdictional wetlands to construct a commercial facility in

Wetlands of Brickyard Swamp

located at 464 John Smith Road in Hardeeville, Jasper County, South Carolina (Latitude: 32.3008 °, Longitude: -81.0657 °), Hardeeville 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 high-quality, light industrial center to support high-volume logistics for e-commerce warehouse and distribution facilities that provide goods and services to transportation hubs in Southern South Carolina, Savannah, Georgia, and surrounding areas.

Project Description

The proposed work consists of filling 13.387 acres of jurisdictional wetlands and 4.681 acres of non-jurisdictional wetlands to construct a commercial distribution facility. In detail, the project will include two buildings of sufficient size (greater than 1,000,000 square feet each), interior access roads, parking, stormwater, and other necessary infrastructure. The proposed project site is a prime location for the Southeast market because it is abutting I-95 and has access to metropolitan areas like Savannah and the Savannah/Hilton Head International Airport, freight services, and major transportation corridors in the Southeastern United States.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by designing the facility to have the least impact on wetlands within the constraints of logistics and project feasibility.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for impacts to waters of the United States by purchasing in-kind wetland credits from an approved compensatory mitigation bank. Utilizing the mitigation calculation worksheet in accordance with the Charleston District's Guidelines for Preparing a Compensatory Mitigation Plan, the applicant applied Lost Type B, Priority Category Tertiary, Existing Condition Partially Impaired, Duration Over 10 Years, Dominate Impact Fill, and Cumulative Impacts >10 acres to reach 153.95 required credits. The applicant is also proposing to preserve the remaining on-site wetlands with upland buffers, and in accordance with the Guidelines has proposed for a 25% reduction in credits. Therefore, the total proposed credits with the on-site preservation comes to 115.46 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.

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 13.387 acres of jurisdictional wetlands located inland and upstream of estuarine habitat 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 where the work will occur: American chaffseed, frosted flatwoods salamander, Northern long-eared bat, American wood stork, Eastern black rail, piping plover, red-cockaded woodpecker, rufa red knot, West Indian manatee, Atlantic sturgeon, shortnose sturgeon, Finback whale, Humpback whale, right whale, sei whale, sperm whale, green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle.

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 the American chaffseed, American wood stork, Eastern black rail, piping plover, red-cockaded woodpecker, rufa red knot, West Indian manatee, Atlantic sturgeon, shortnose sturgeon, Finback whale, Humpback whale, right whale, sei whale, sperm whale, green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle; and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect the frosted flatwoods salamander and Northern long-eared bat; 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.

This public notice also 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)(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. 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.

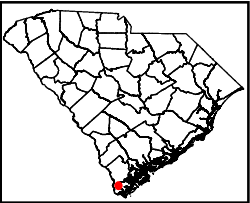
Solicitation of Public Comment

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-2021-01249), to Leslie.A.Estill@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Leslie Estill, Project Manager, at (843) 329-8039, toll free at 1-866-329-8187, or by email at Leslie.A.Estill@usace.army.mil.



Sketch Map provided for illustrative purposes and preliminary planning only. Not intended to be relied upon for exact location, dimension, or orientation. All findings and assessments are subject to verification from the Army Corps of Engineers, SC DHEC, and/or other appropriate local authorities. Do not reproduce map set except in its entirety.



338 S. Sharon Amity Rd. #411
Charlotte NC, 28211

Note: Wetlands WL 8000 and WL 9000 are not included within wetland preservation calculation

Detail 4: Page 5

Detail 1: Page 2

Detail 3: Page 4

Detail 2: Page 3

Interstate 95 South

Whyte Hardee Blvd

John Smith Road

- Legend**
- Wetland Preservation
 - Wetland Impacted
 - Upland Buffer
 - Wetland Buffer Lines

0 500 1000
Feet



Sum of Jurisdictional Impacts: 13,387 Ac
Sum of Non-Jurisdictional Impacts: 4,681 Ac
Total Wetland Impacts: 18,068 Ac

Total Wetland Preservation: ~ 46.506 Acre
Total Upland Buffer: ~ 8.988 Acre
Buffer Width Minimum: < 10 Ft
Buffer Width Maximum: > 100 Ft
Buffer Width Average: ~ 50 Ft



Whyte Hardee Blvd
464 John Smith Road
Hardeeville, SC 29927

Coordinates: 32.30007, -81.06577

Date: November 1, 2022	Checked by JLR
Updated: January 10, 2023	Edited by JTS
For: The Silverman Group	1" = 500'
Attn: Holden Sabato	



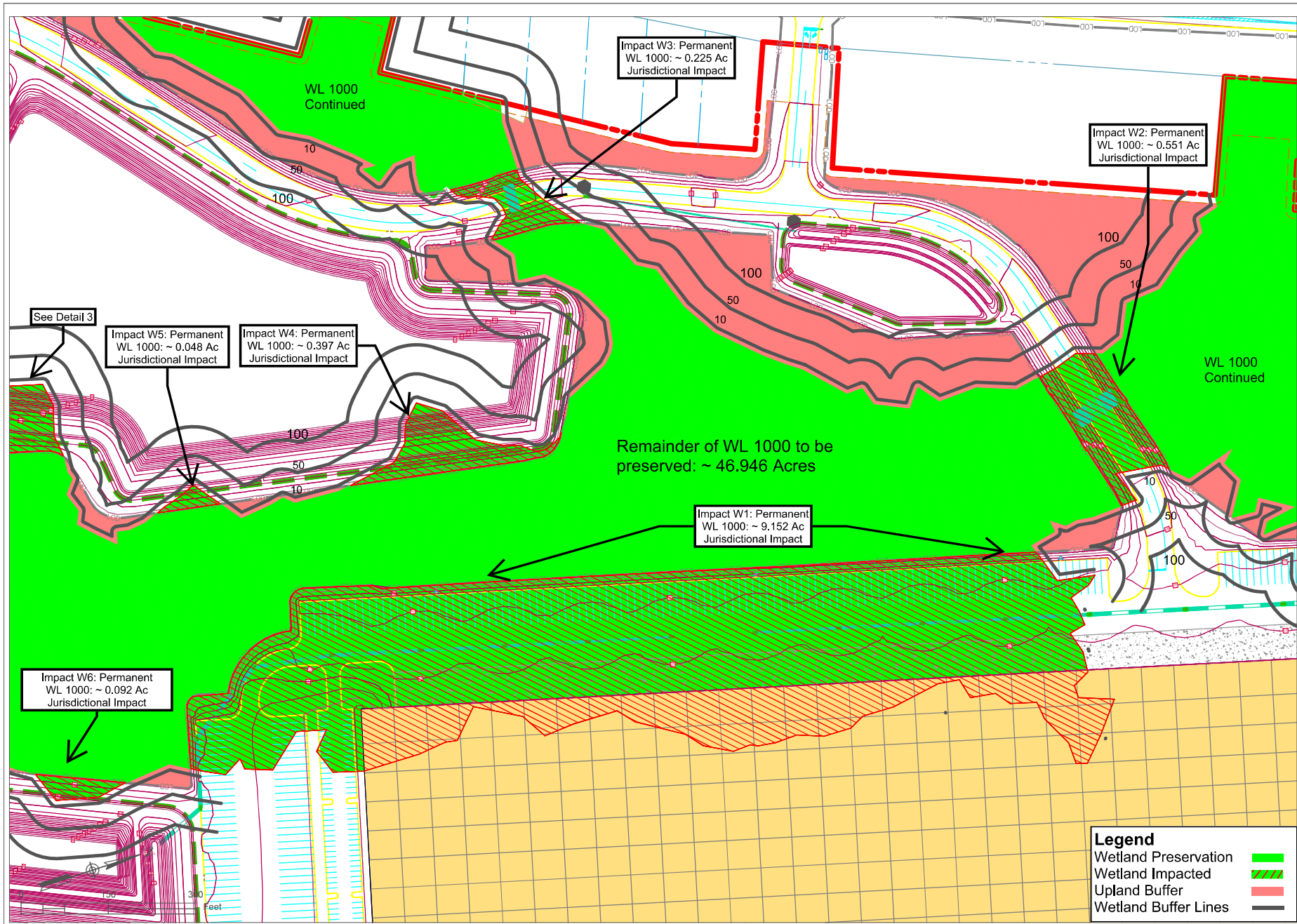
338 S. Sharon Amity Rd, #411
Charlotte NC, 28211

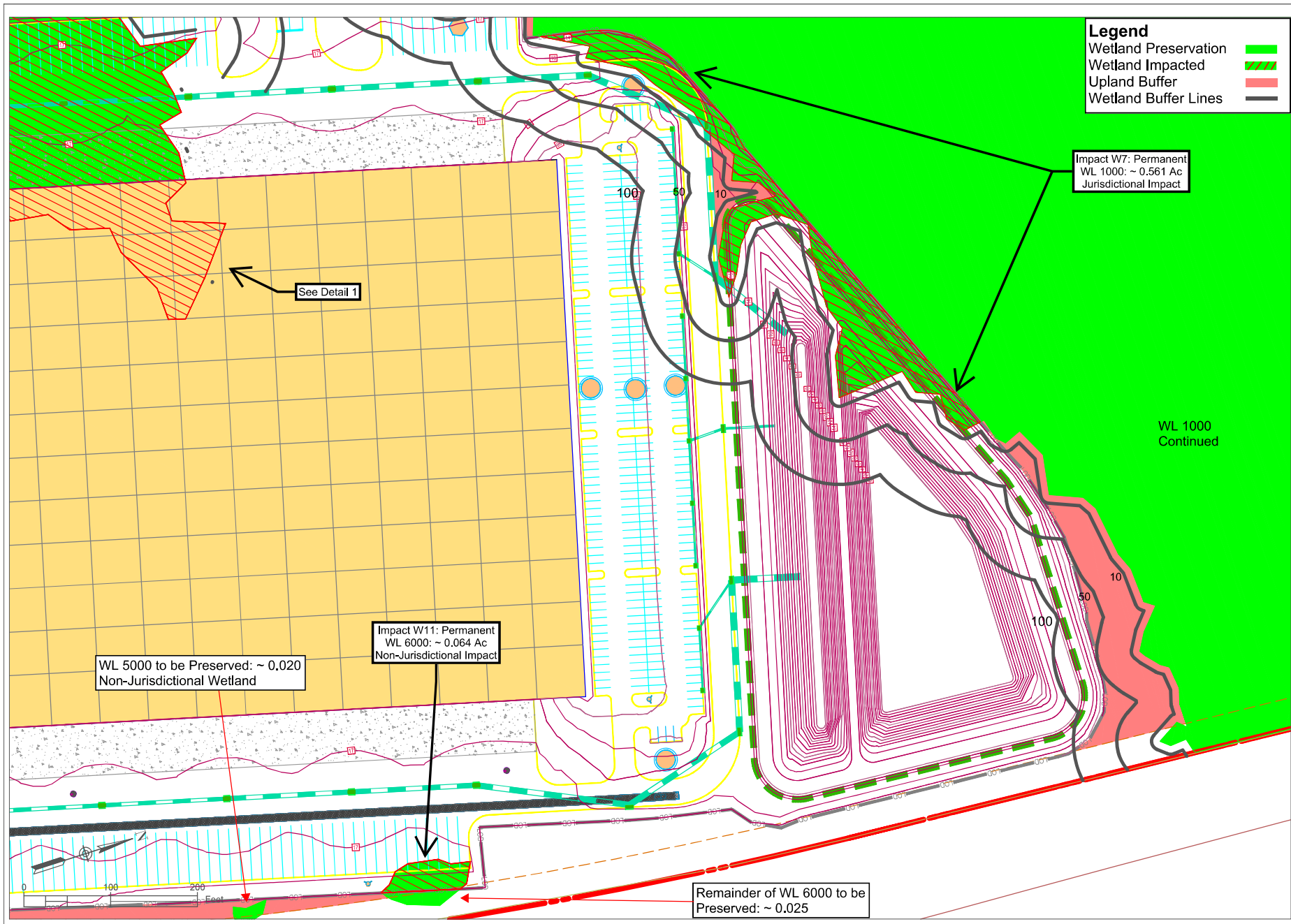
Whyte Hardee Blvd
464 John Smith Road
Hardeeville, SC 29927
Coordinates: 32.30007, -81.06577

Date: November 1, 2022
Updated: January 10, 2023
For: The Silverman Group
Attn: Holden Sabato

Checked by JLR
Edited by JTS

1" = 150'





Legend

- Wetland Preservation
- Wetland Impacted
- Upland Buffer
- Wetland Buffer Lines

Impact W7: Permanent
WL 1000: ~ 0.561 Ac
Jurisdictional Impact

See Detail 1

WL 5000 to be Preserved: ~ 0.020
Non-Jurisdictional Wetland

Impact W11: Permanent
WL 6000: ~ 0.064 Ac
Non-Jurisdictional Impact

Remainder of WL 6000 to be
Preserved: ~ 0.025

WL 1000
Continued



338 S. Sharon Amity Rd. #411
Charlotte NC, 28211

Whyte Hardee Blvd
464 John Smith Road
Hardeeville, SC 29927

Coordinates: 32.30007, -81.06577

Date: November 1, 2022
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For: The Silverman Group
Attn: Holden Sabato

Checked by JLR
Edited by JTS

1" = 100'

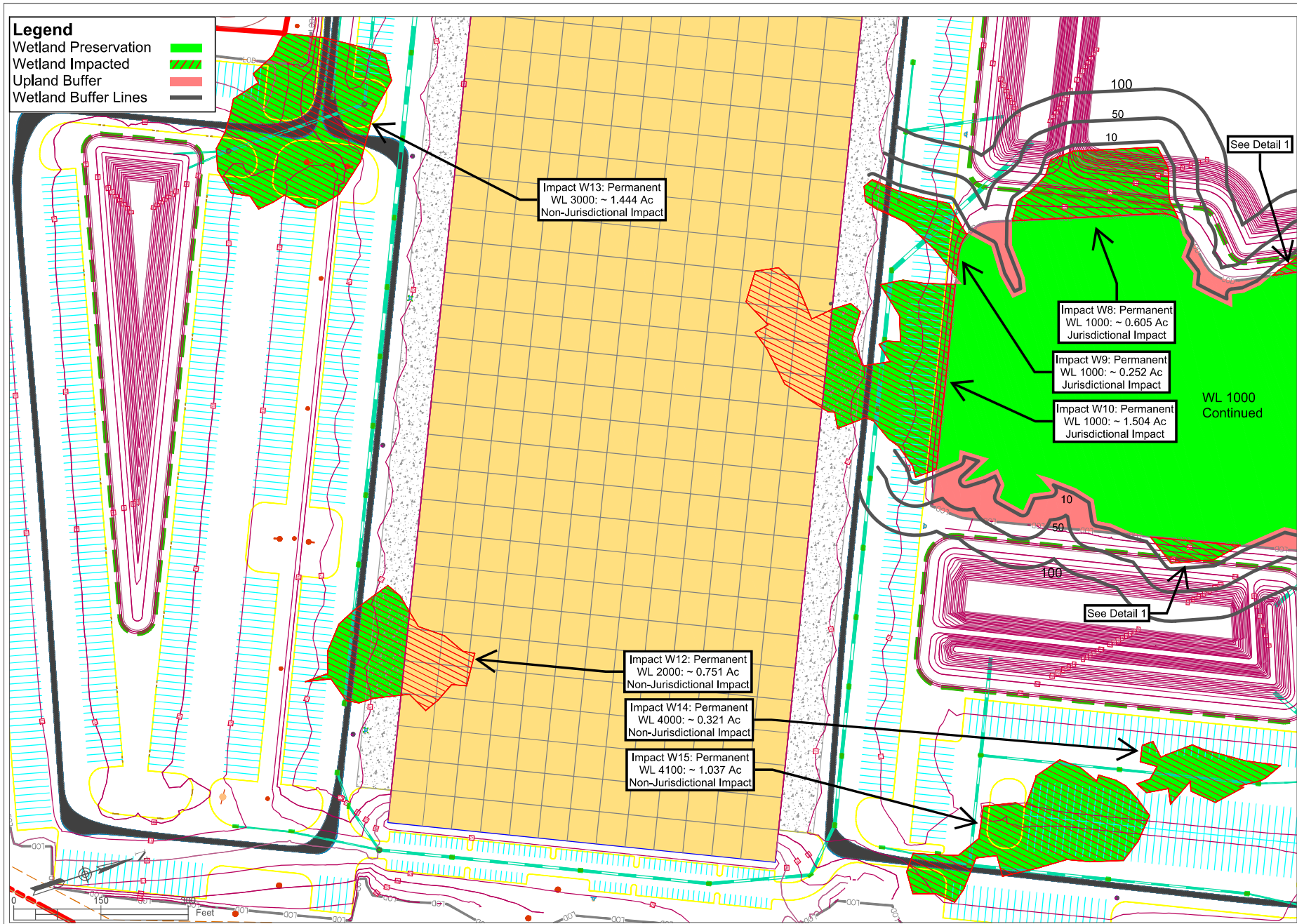


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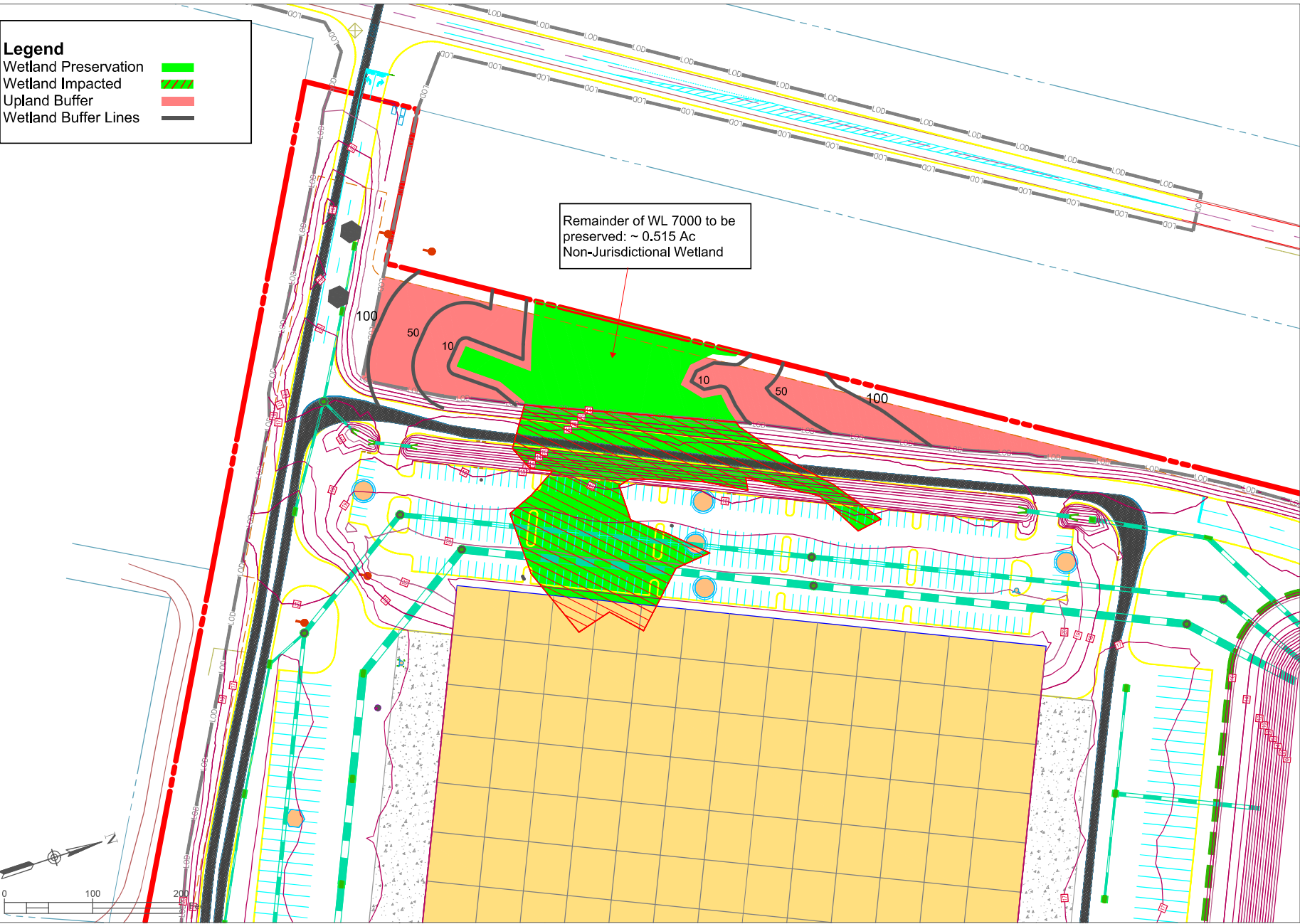
Date: November 1, 2022
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Checked by JLR
Edited by JTS
1" = 150'



Legend

- Wetland Preservation █
- Wetland Impacted █
- Upland Buffer █
- Wetland Buffer Lines —



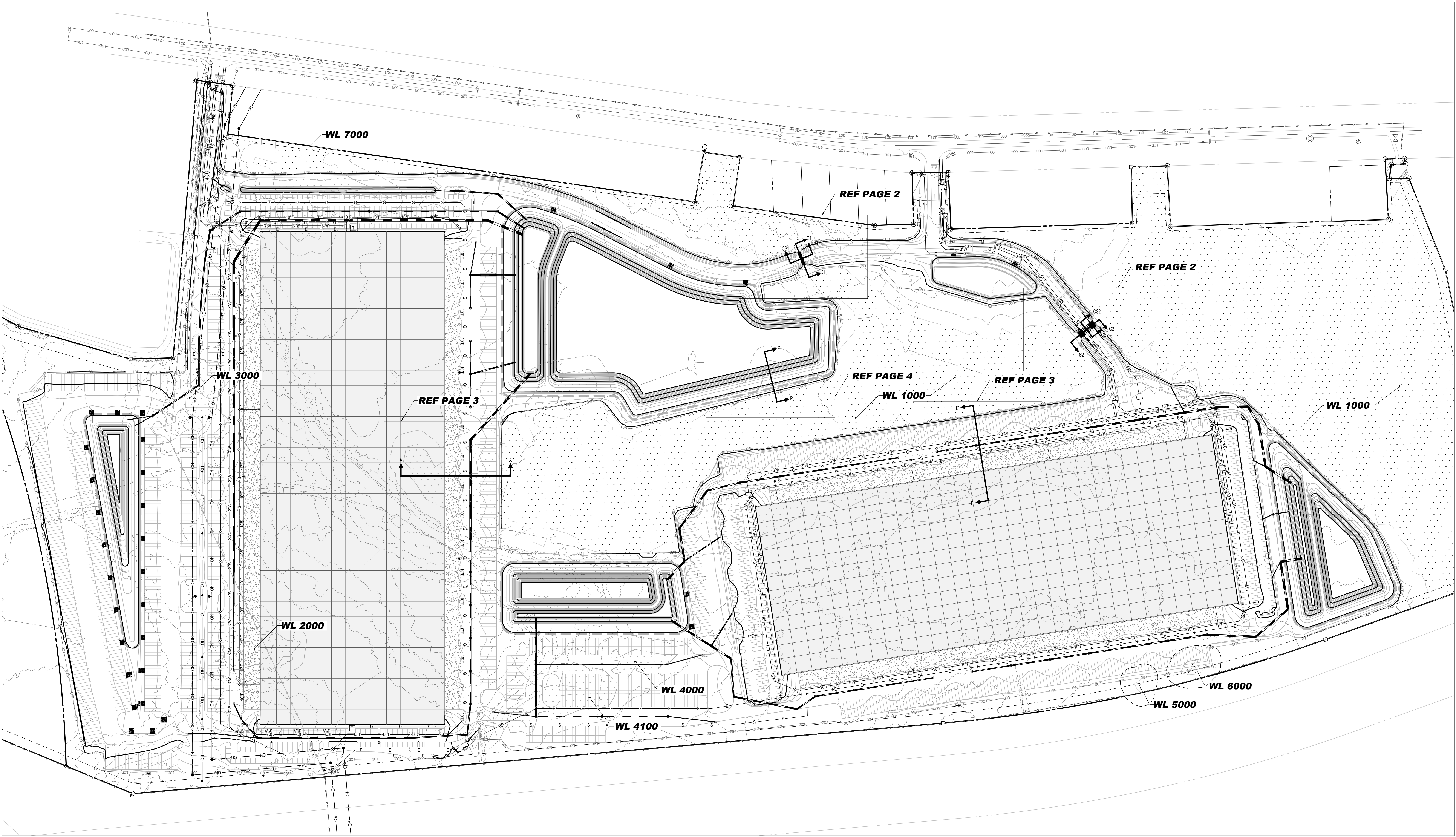
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Whyte Hardee Blvd
464 John Smith Road
Hardeeville, SC 29927

Coordinates: 32.30007, -81.06577

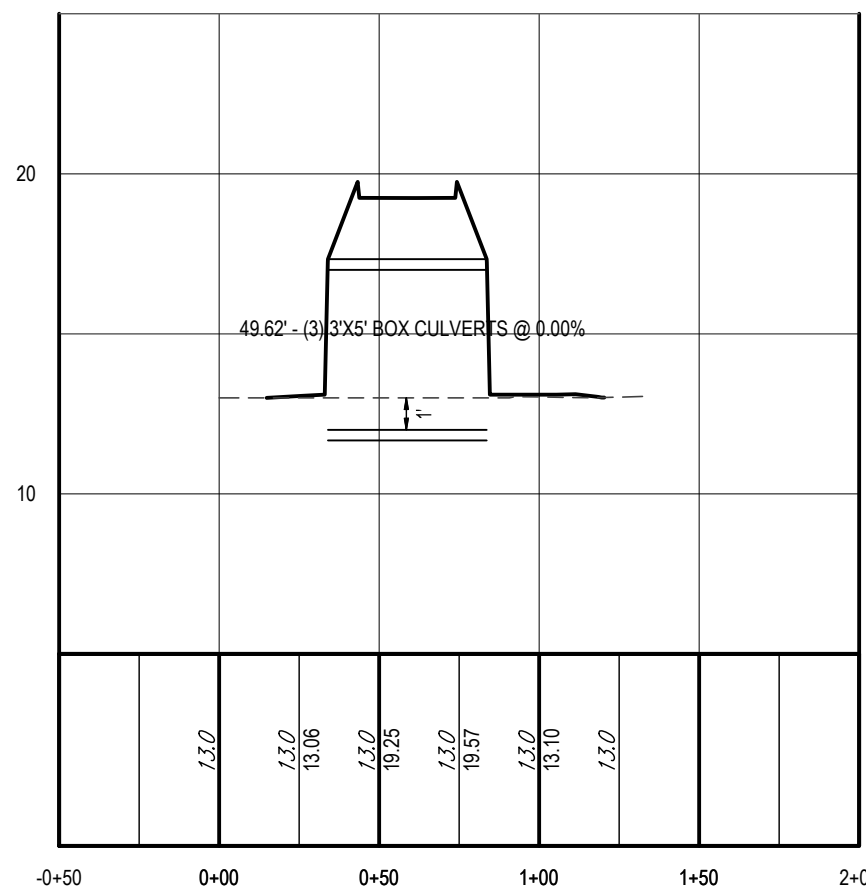
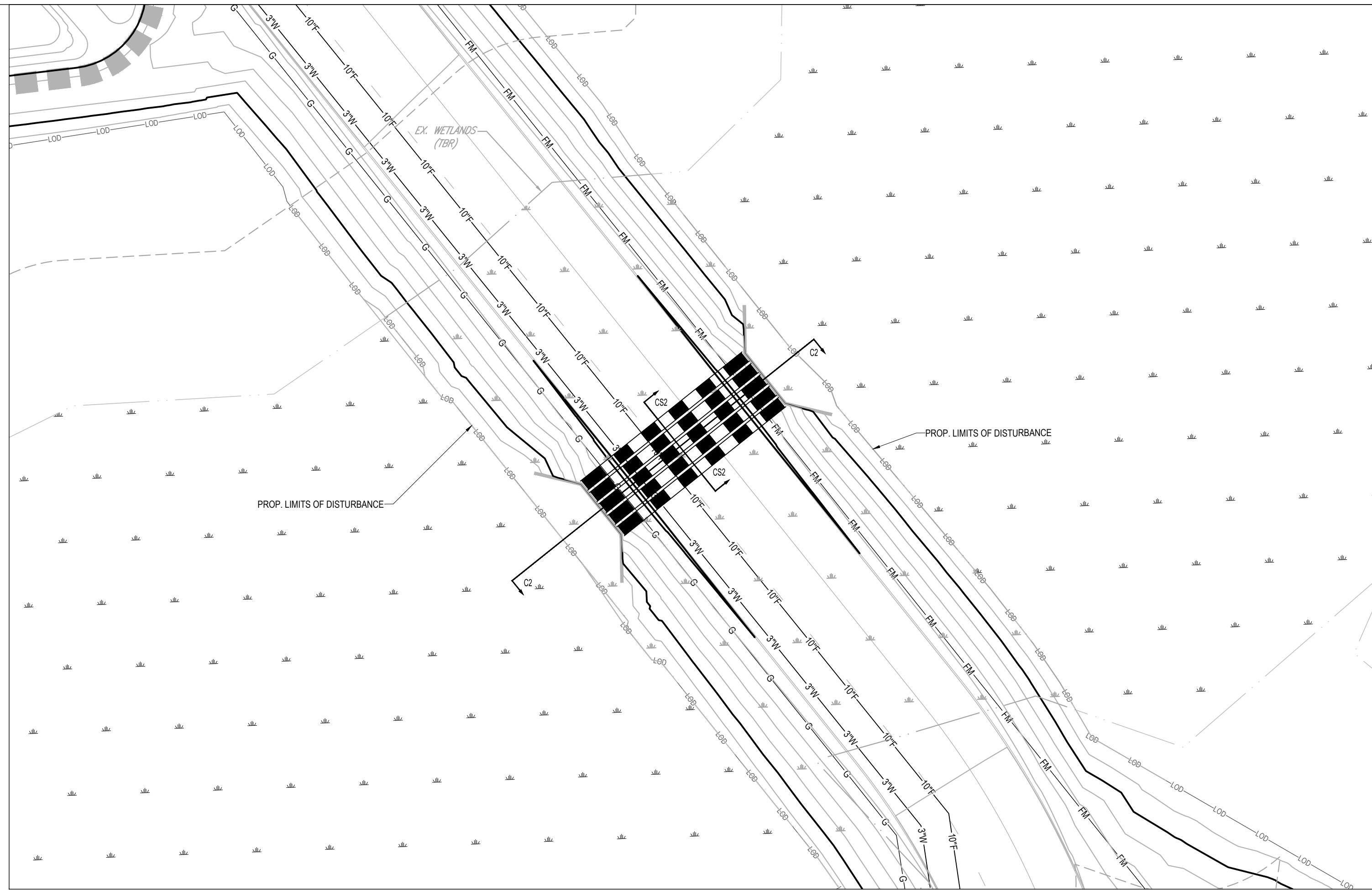
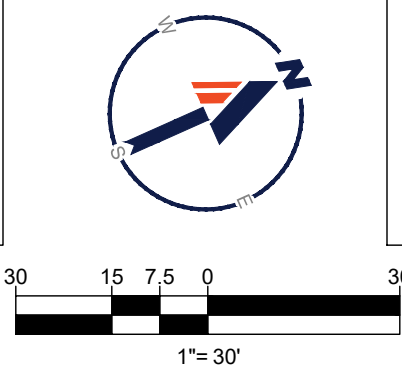
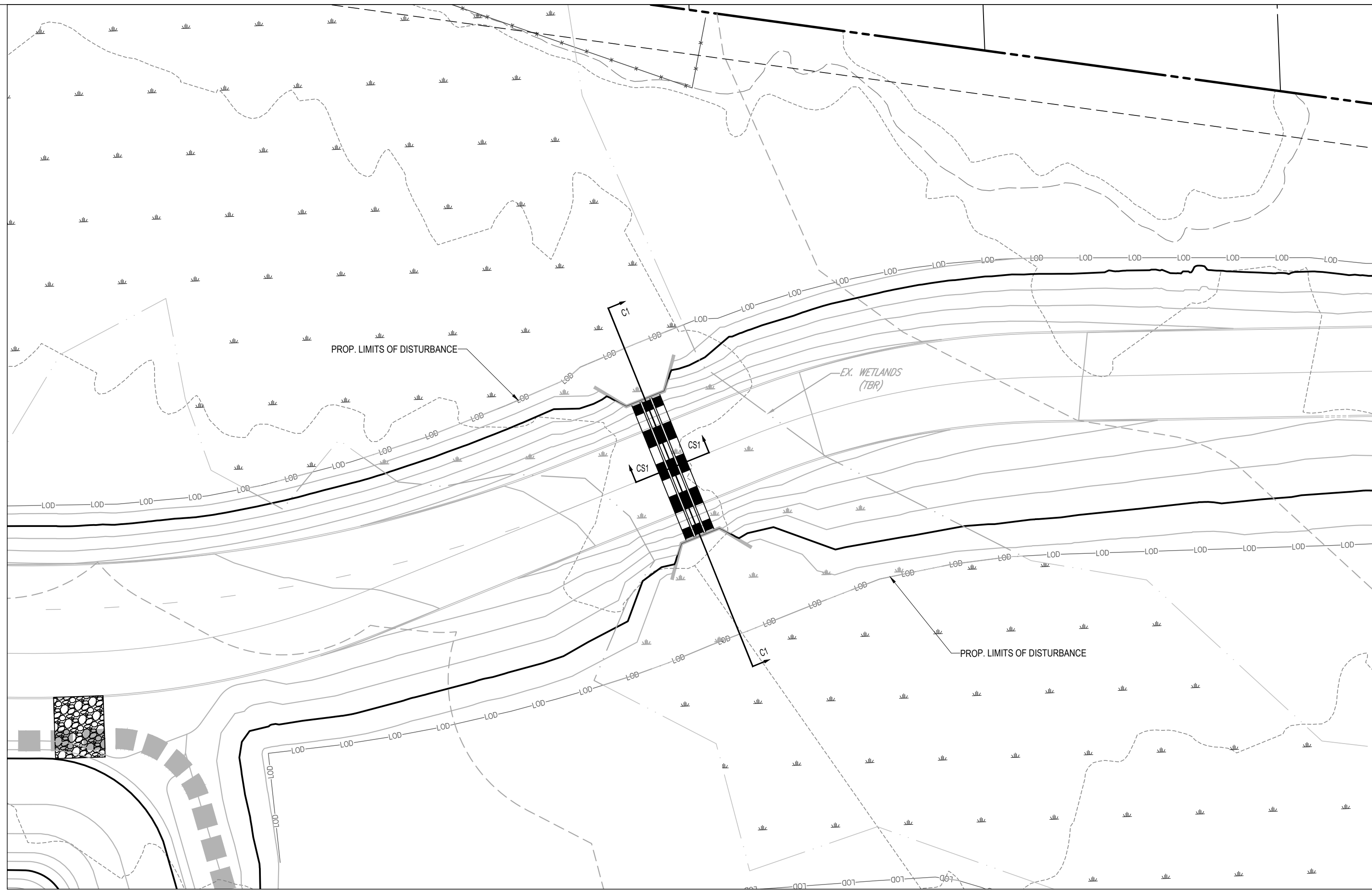
Date: November 1, 2022	Checked by JLR
Updated: January 10, 2023	Edited By JTS
For: The Silverman Group	1" = 100'
Attn: Holden Sabato	

C:\PROJECTS\2023\23002\23002.DWG (PLOT) BOHLER, BT, 10/24/2023 10:41:00 AM, LAYOUT OVERALL

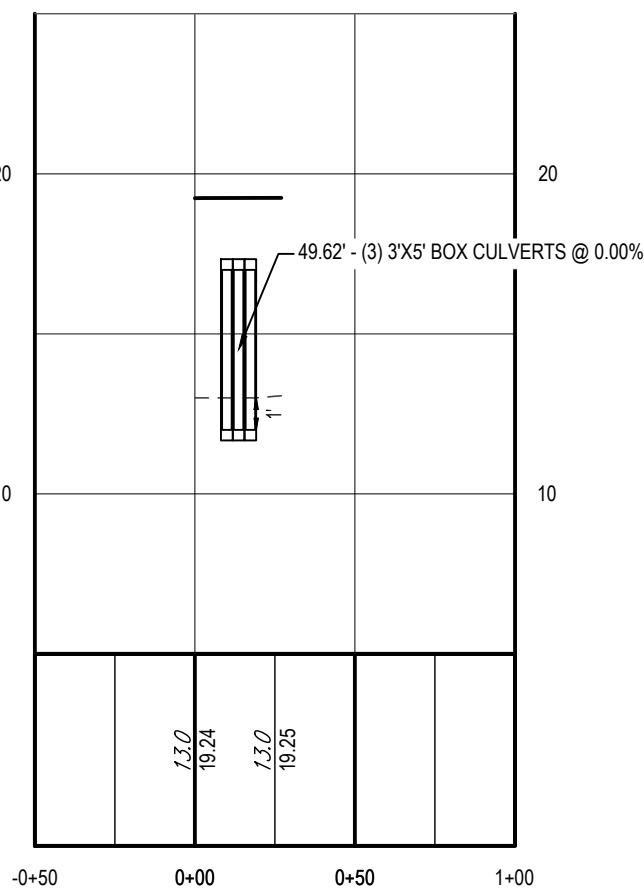


OVERALL WETLAND DISTURBANCE

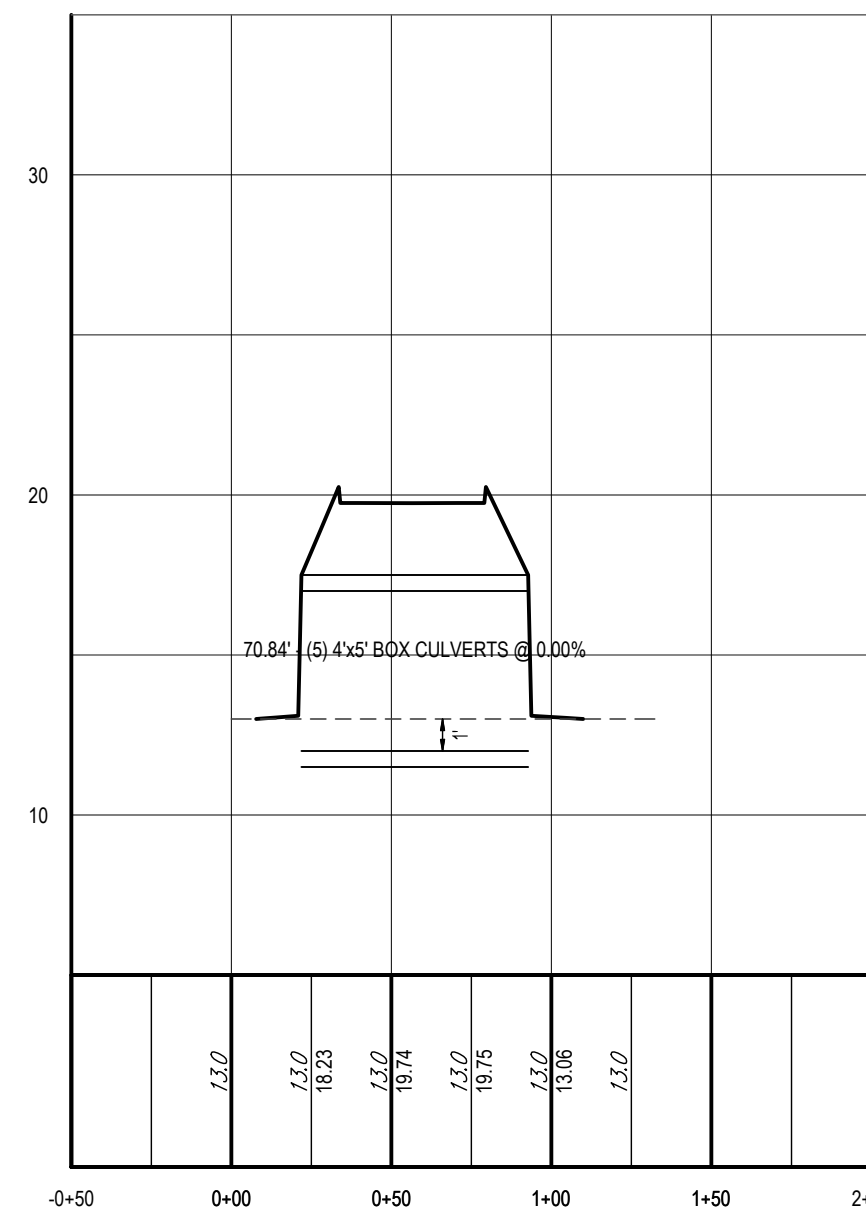
29730 WHYTE HARDEE BLVD HARDEEVILLE, SC 29927



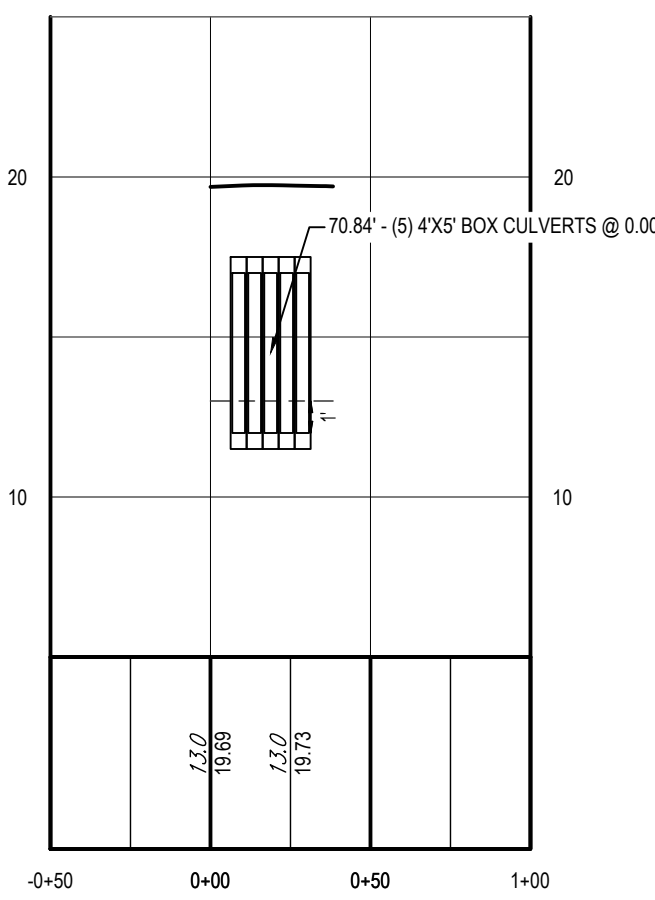
PROP. CULVERT 1
SCALE: 1"= 30' HORIZONTAL
1"= 3' VERTICAL



PROP. CULVERT 1 CROSS-SECTION
SCALE: 1"= 30' HORIZONTAL
1"= 3' VERTICAL

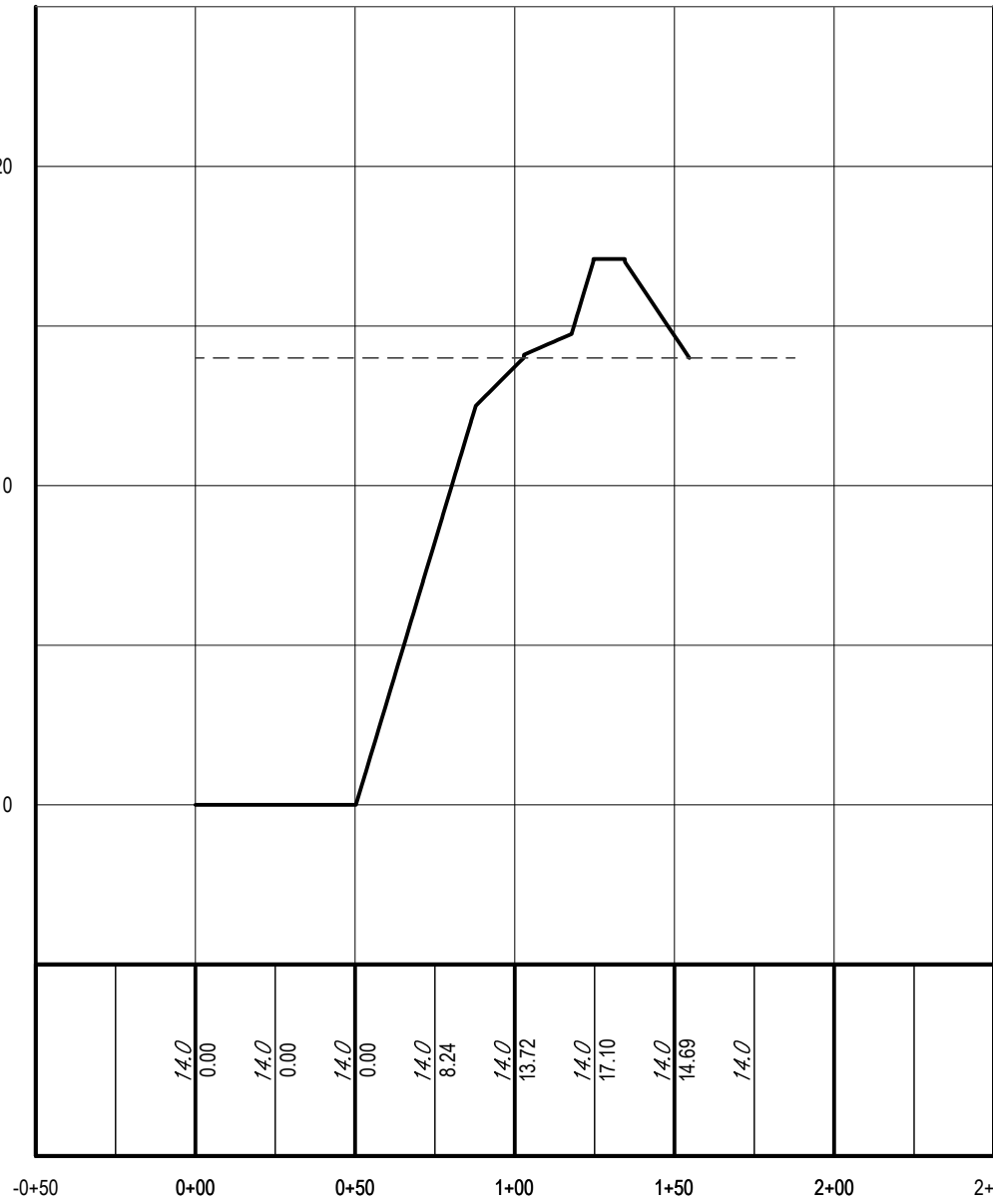
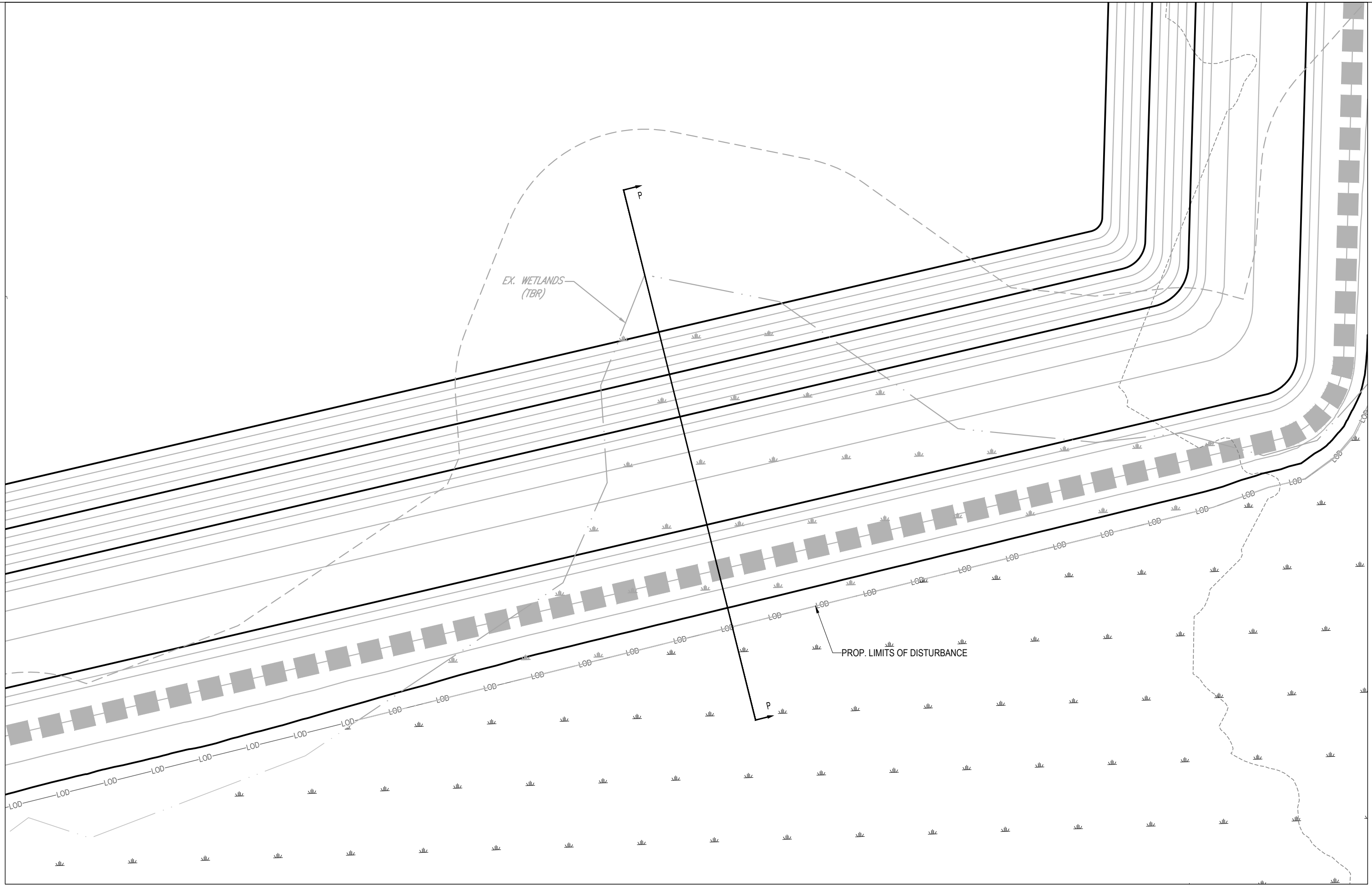


PROP. CULVERT 2
SCALE: 1"= 30' HORIZONTAL
1"= 3' VERTICAL



PROP. CULVERT 2 CROSS-SECTION
SCALE: 1"= 30' HORIZONTAL
1"= 3' VERTICAL

PROFILE LEGEND	
EXISTING GRADE	-----
PROPOSED GRADE	—————



PROP. POND - WETLANDS FILL
SCALE: 1" = 30' HORIZONTAL
1" = 3' VERTICAL

PROFILE LEGEND	
EXISTING GRADE	-----
PROPOSED GRADE	————

PROPOSED POND - WETLAND DISTURBANCE

29730 WHYTE HARDEE BLVD HARDEEVILLE, SC 29927

Wetland Impact Table

<u>Impact</u>	<u>Wetland</u>	<u>Area (Ac)</u>	<u>Duration</u>	<u>Status</u>
W1	WL 1000	9.152	Permanent	Jurisdictional
W2	WL 1000	0.551	Permanent	Jurisdictional
W3	WL 1000	0.225	Permanent	Jurisdictional
W4	WL 1000	0.397	Permanent	Jurisdictional
W5	WL 1000	0.048	Permanent	Jurisdictional
W6	WL 1000	0.092	Permanent	Jurisdictional
W7	WL 1000	0.561	Permanent	Jurisdictional
W8	WL 1000	0.605	Permanent	Jurisdictional
W9	WL 1000	0.252	Permanent	Jurisdictional
W10	WL 1000	1.504	Permanent	Jurisdictional
W11	WL 6000	0.064	Permanent	Non-Jurisdictional
W12	WL 2000	0.751	Permanent	Non-Jurisdictional
W13	WL 3000	1.444	Permanent	Non-Jurisdictional
W14	WL 4000	0.321	Permanent	Non-Jurisdictional
W15	WL 4100	1.037	Permanent	Non-Jurisdictional
W16	WL 7000	1.064	Permanent	Non-Jurisdictional

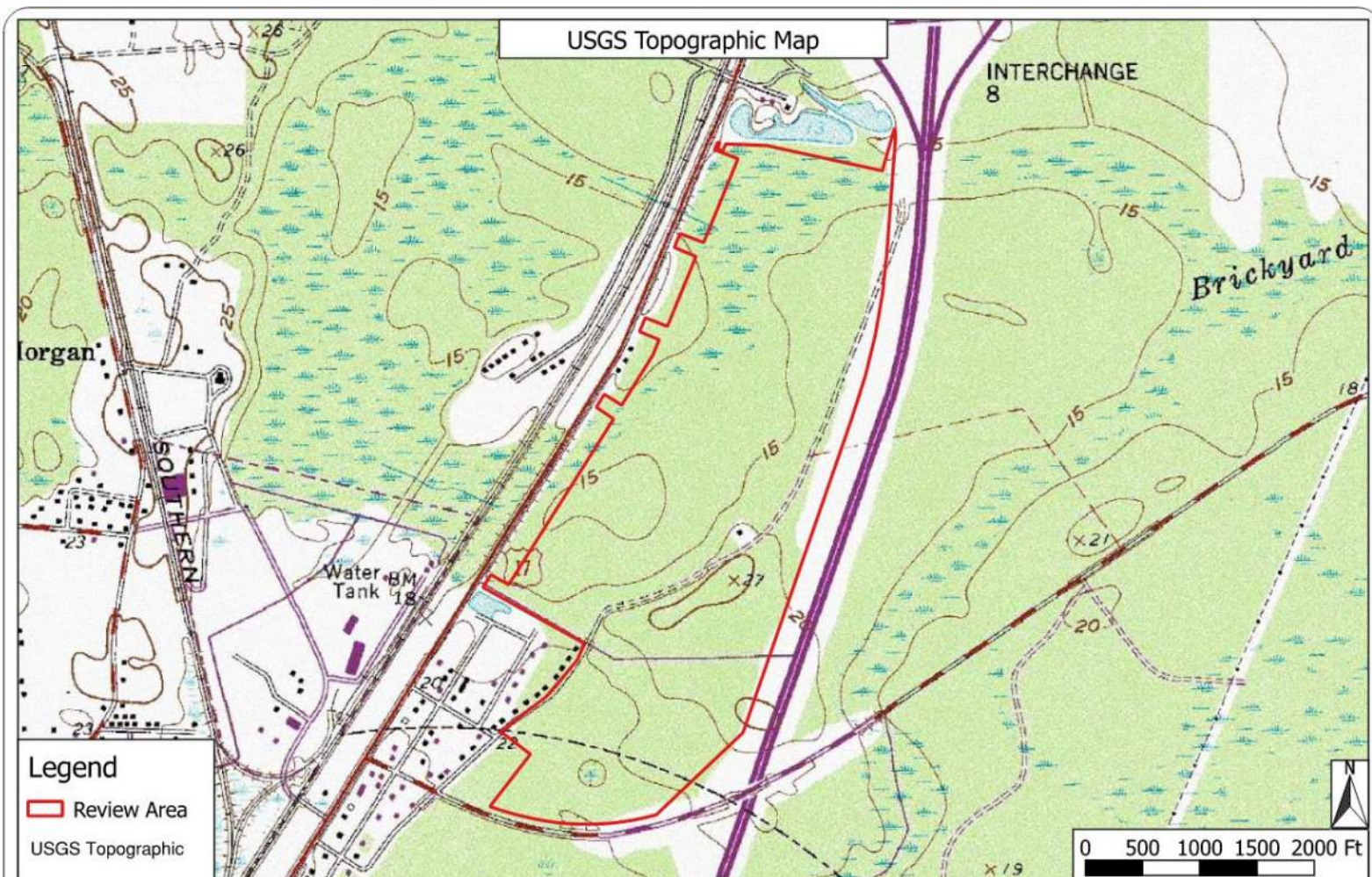
Sum of Jurisdictional Impacts: 13.387 Ac

Sum of Non -Jurisdictional Impacts: 4.681 Ac

Total Wetland Impacts: 18.068 Ac

Wetland Preservation Table

<u>Wetland</u>	<u>Area (Ac)</u>	<u>Status</u>
WL 1000	45.946	Jurisdictional
WL 5000	0.020	Non-Jurisdictional
WL 6000	0.025	Non-Jurisdictional
WL 7000	0.515	Non-Jurisdictional
SUM	46.506	



Project Name: Whyte Hardee Blvd	
Location: 464 John Smith Road, Hardeeville, NC 29927	
For: The Silverman Group Attn: Mr. Holden Sabato	
Coordinates: 32.30007, -81.06577	Date: January 19, 2020