JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 1835 Assembly Street Room 865 B1 Columbia, South Carolina 29201 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: P/N SAC-2007-02129

June 23, 2020

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. Matthew Congdon Crossings Development, LLC 1561 Elite Drive Columbia, South Carolina 29203

for a permit to discharge fill material in waters of the U.S. to construct roads, make improvements to an existing earthen embankment, and construct a new boat ramp for a planned urban development that includes a combination of residential and commercial use in

an impoundment of Roberts Branch and adjacent wetlands

at an approximate 430-acre site generally north of Killian Road, south of North Pines Road, east of Interstate 77, and west of Farrow Road, Blythewood, Richland County, South Carolina (Latitude: 34.1424 °, Longitude: -80.9565 °), Blythewood 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.

PLEASE NOTE: The current project advertised was previously authorized on October 13, 2010, under Department of Army (DA) permit number SAC-2007-02129-5IK, which expired on December 31, 2015, before all of the work could be accomplished. The October 13, 2010

permit authorized 12.237 acres of wetland fill. The work completed under the previous authorization included the placement of fill in 11.03 acres of wetlands to construct suitable bases for building pads and commercial development. The applicant is requesting authorization for 0.852 acre of the previously authorized work that was not completed and would not place fill in 0.355 acre of wetlands where fill was previously authorized. All previously authorized impacts to wetlands are shown on the attached drawing sheet 4 of 25, which distinguishes among impacts which were completed under the 2010 permit, those which are proposed to be completed under a new permit, and those which were permitted previously but are now abandoned. Some drawings showing previously authorized impacts were re-used from the original permit and are stamped "Permitted Plans" in the attached drawings. Only comments received in response to this current public notice will be considered in our evaluation.

The proposed work consists of the placement of fill material in 0.852 acres of waters of the U.S. to construct roads, improve an existing earthen embankment, and construct a new boat ramp for a planned urban development that includes a combination of residential and commercial use. In detail, the proposed work consists of the placement of fill material in 0.15 acre of wetlands for road improvements, fill material in 0.32 acre of wetlands and in 0.15 acre of open water for dam improvements with an access road, fill material in 0.227 acre of wetlands for supports of bottomless culverts and bridges for access roads, and fill material in 0.005 acre of open water for a boat ramp. The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by arranging on-site layouts to avoid and minimize impacts and no longer proposing two previously authorized fill impacts to 0.355 acres of wetlands for road improvements that were not constructed. The applicant has proposed to utilize the compensatory mitigation plan required by the original permit entitled "Proposed Mitigation and Mitigation Alternatives Report", date of last revision May 7, 2008, which included on-site and offsite components. The on-site component consisted of preservation of 5.23 acres of forested wetlands with 4.5 acres of forested upland buffers protected with restrictive covenants. The offsite component consisted of the applicant funding land acquisition, restoration, and preservation, by the National Audubon Society, Inc., of the 411-acre Mims Tract adjacent to the Beidler Forest, in Dorchester County, South Carolina. The applicant states that the previous plan adequately satisfies the compensatory mitigation credit requirement for both the completed impacts and the proposed impacts to aquatic resources. The District Engineer has not reached a decision as to the proposed plan's compliance with current regulations and the Charleston District's Guidelines for Preparing a Compensatory Mitigation Plan. The project purpose is to construct a planned urban development with consolidated residential, retail and commercial interests with shared parking and access.

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

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. 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. 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 0.852 acres of freshwater habitat 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.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information that the project will have no effect on any Federally endangered, threatened, or proposed species 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.

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)(I)(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.

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. 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.

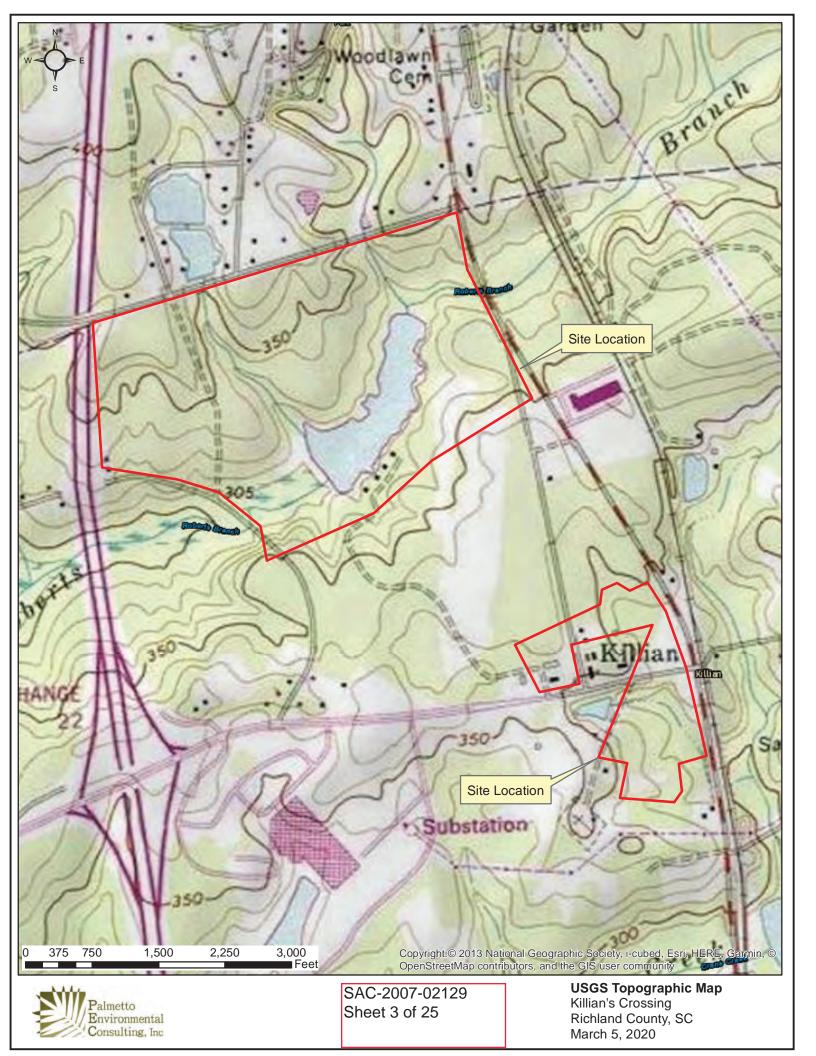
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

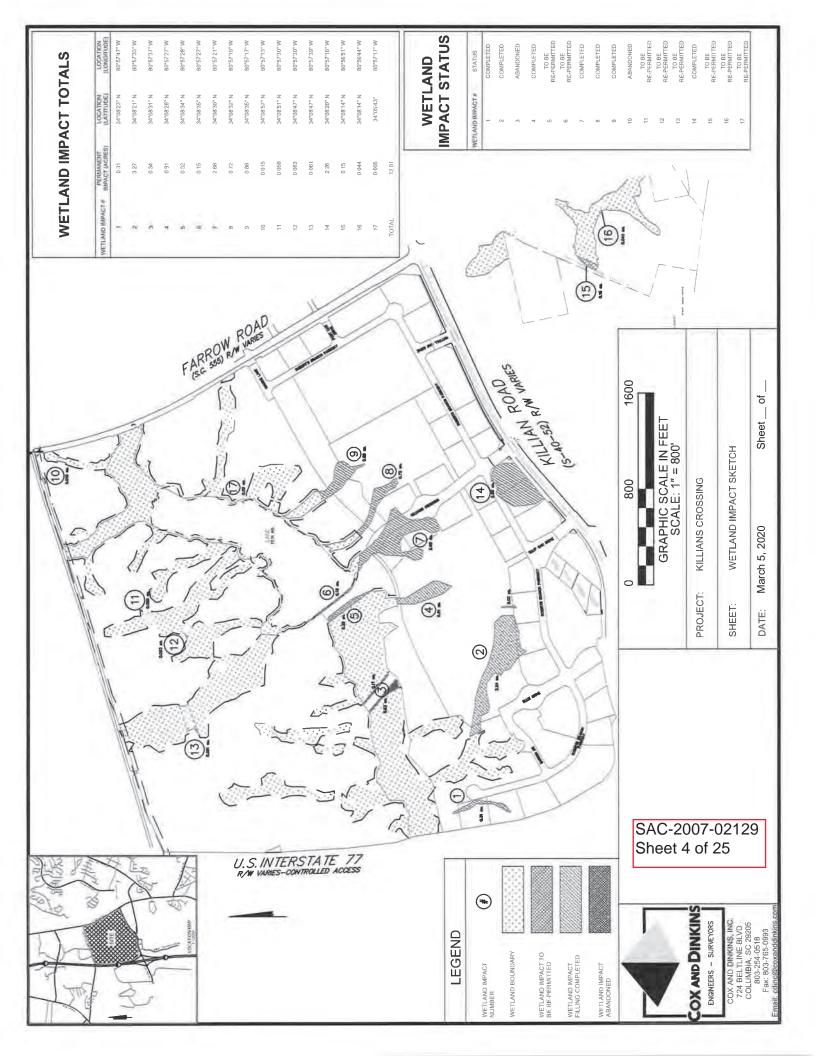
U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 1835 Assembly Street Room 865 B1 Columbia, South Carolina 29201

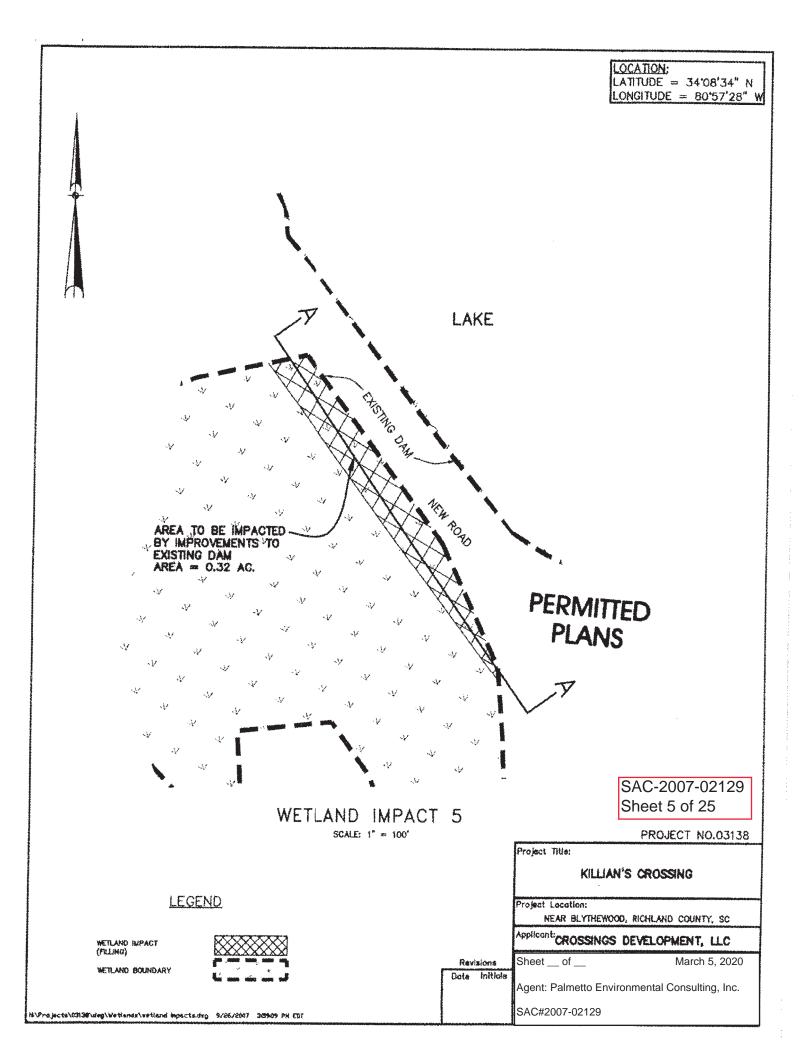
If there are any questions concerning this public notice, please contact Amy Cappellino, Project Manager, at (803) 253-3992, or by email at Amy.e.Cappellino@usace.army.mil.

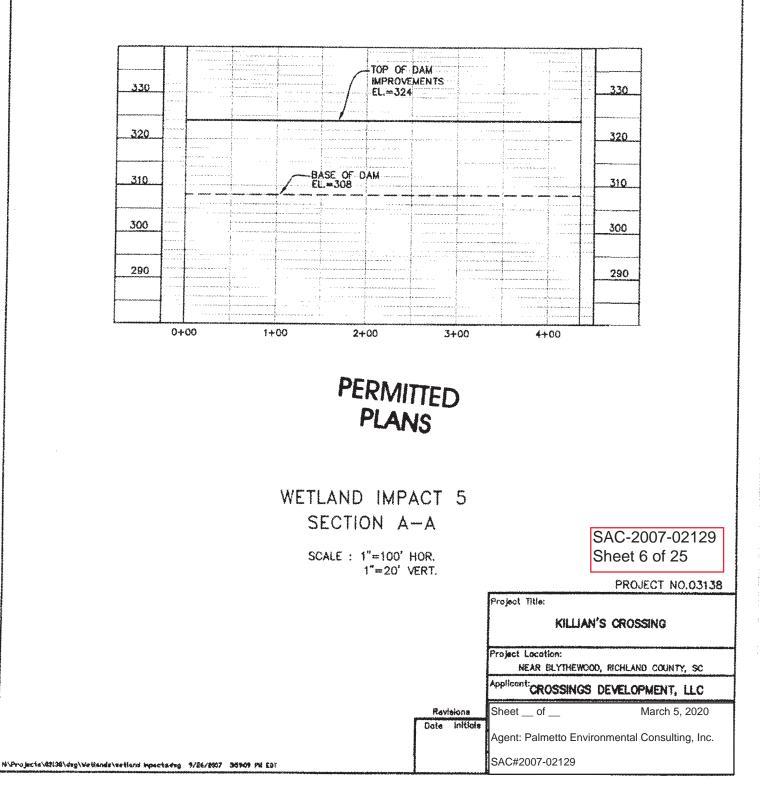


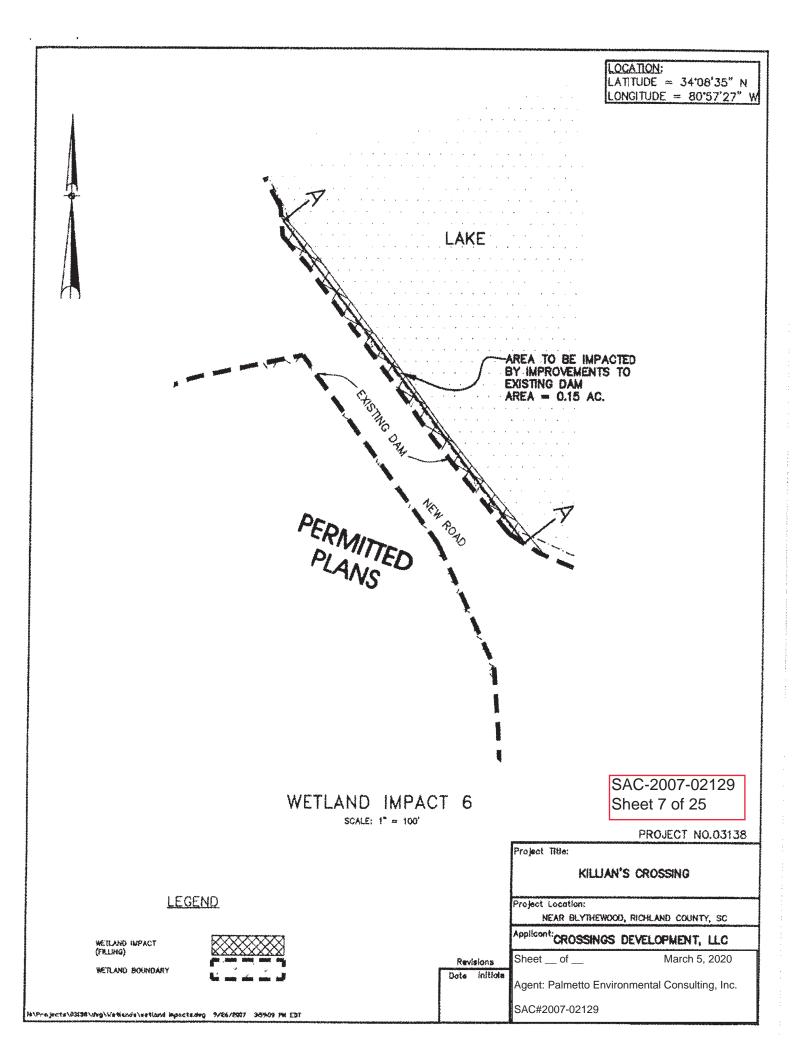


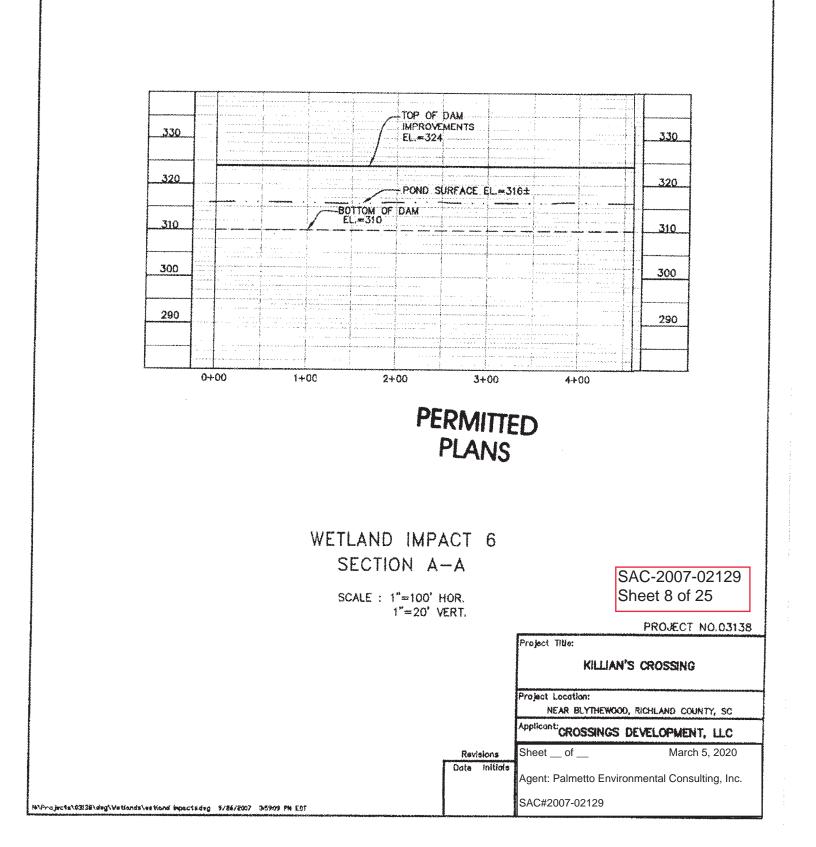


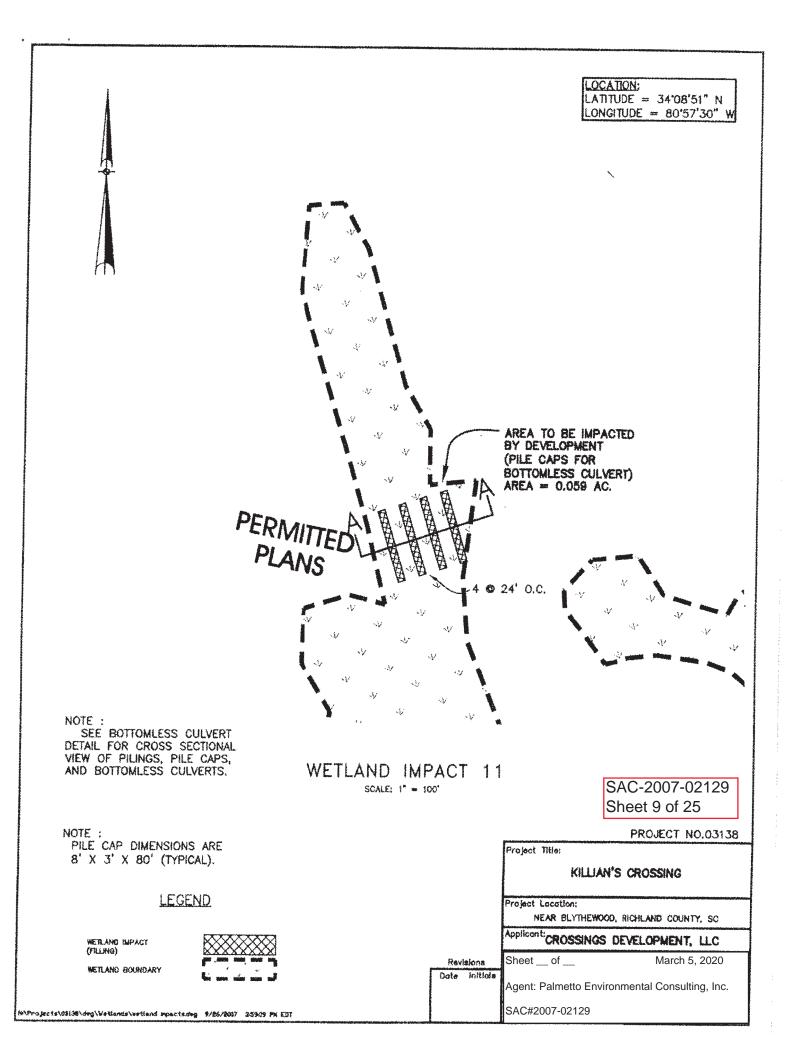


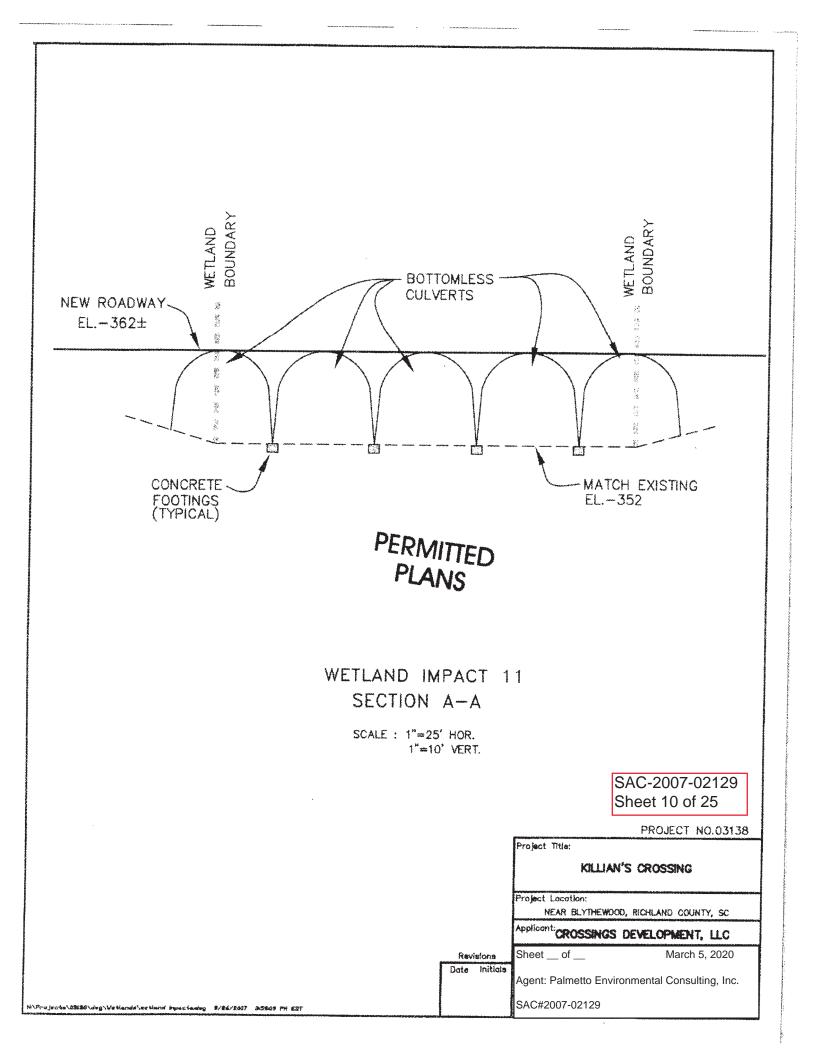


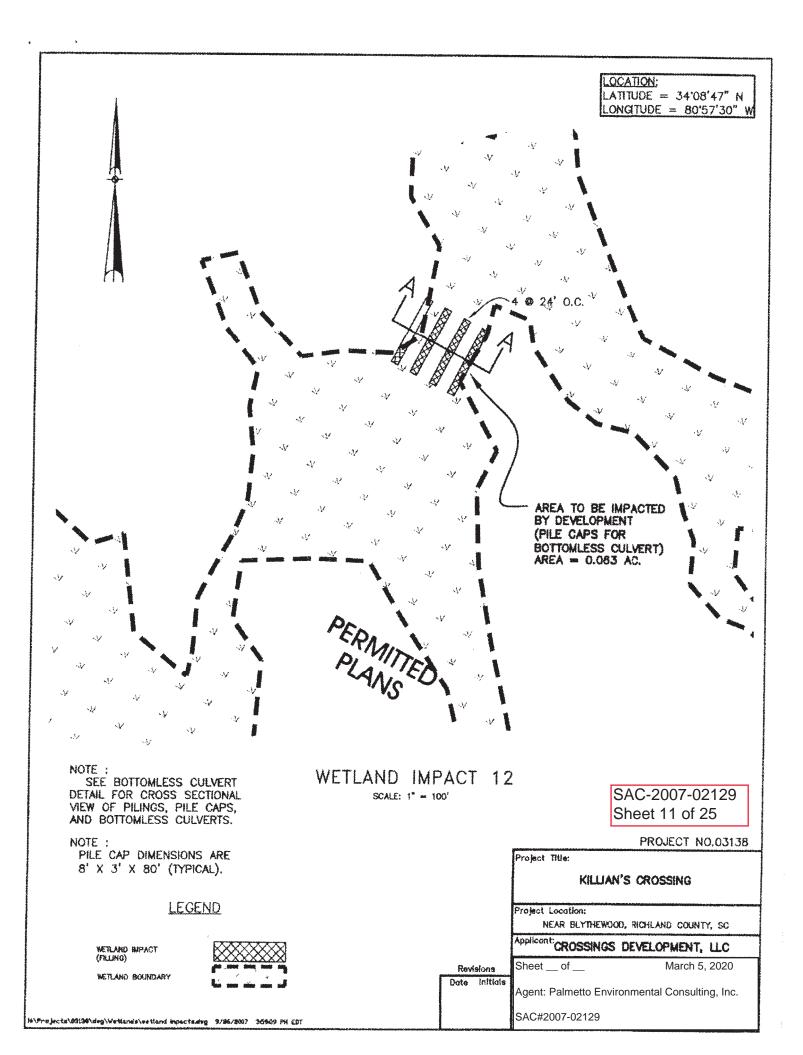


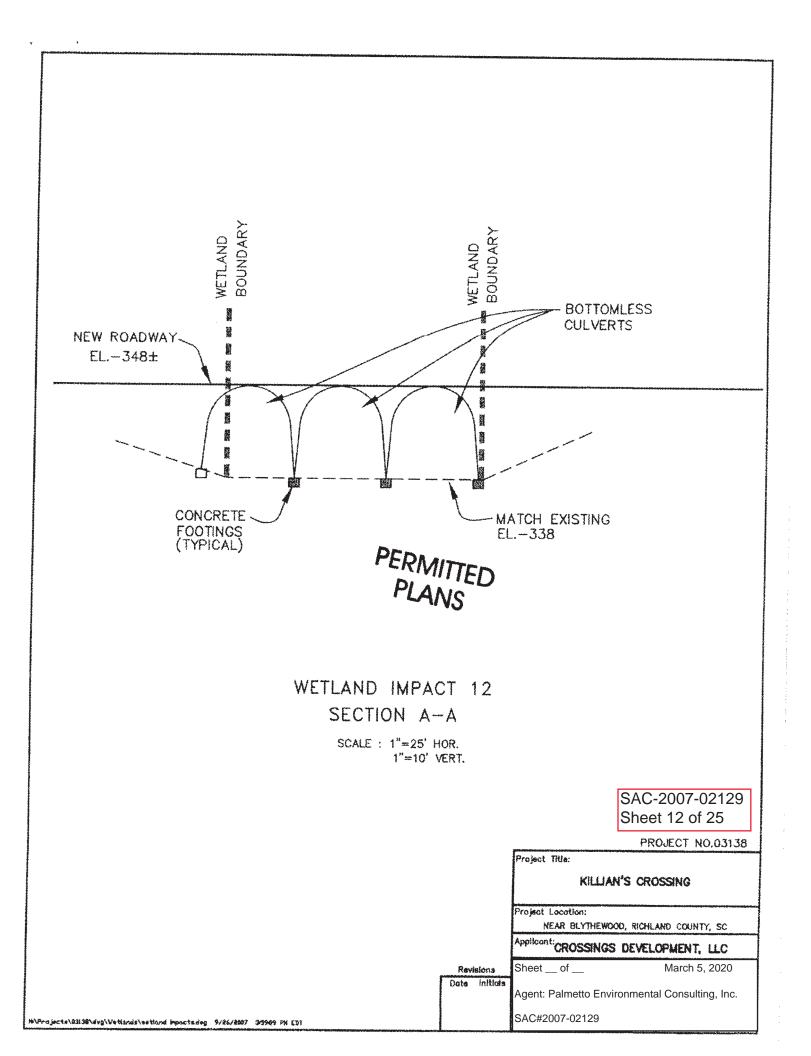


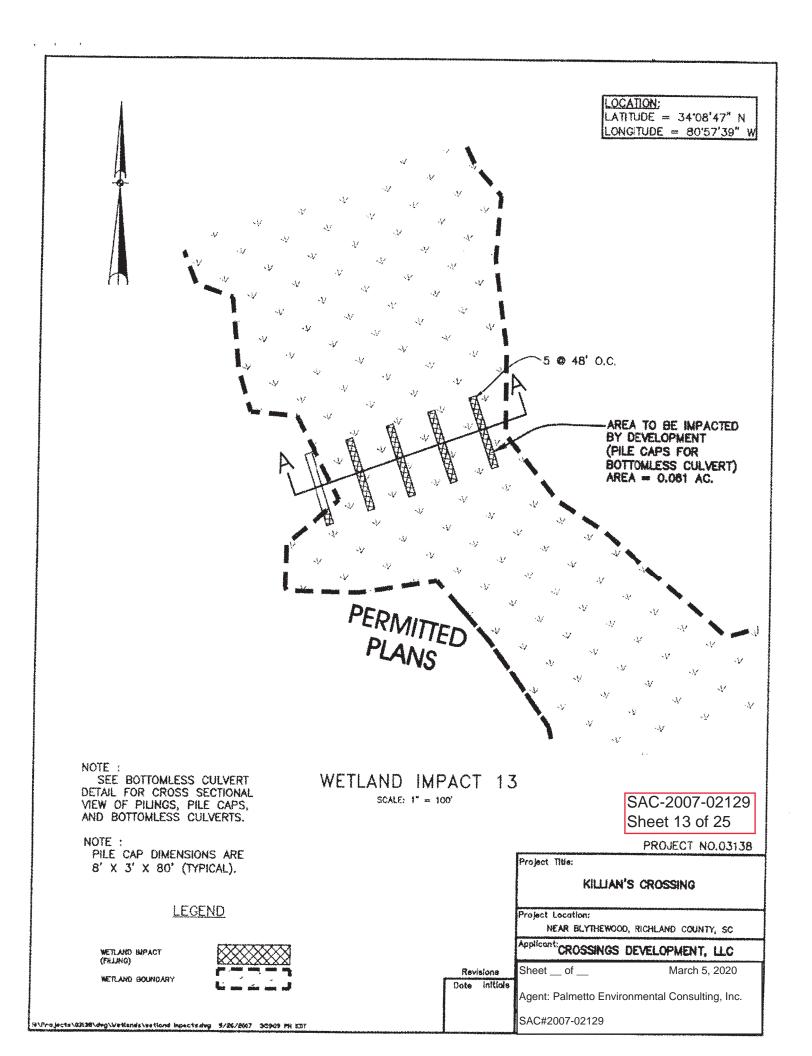


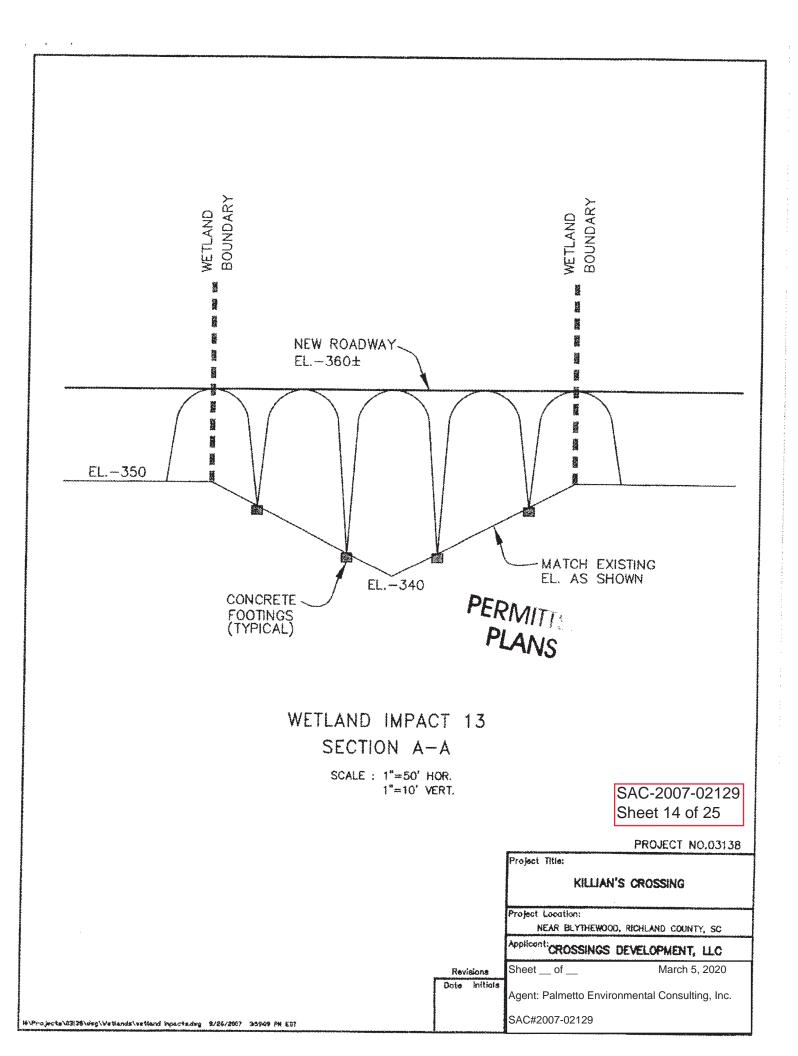


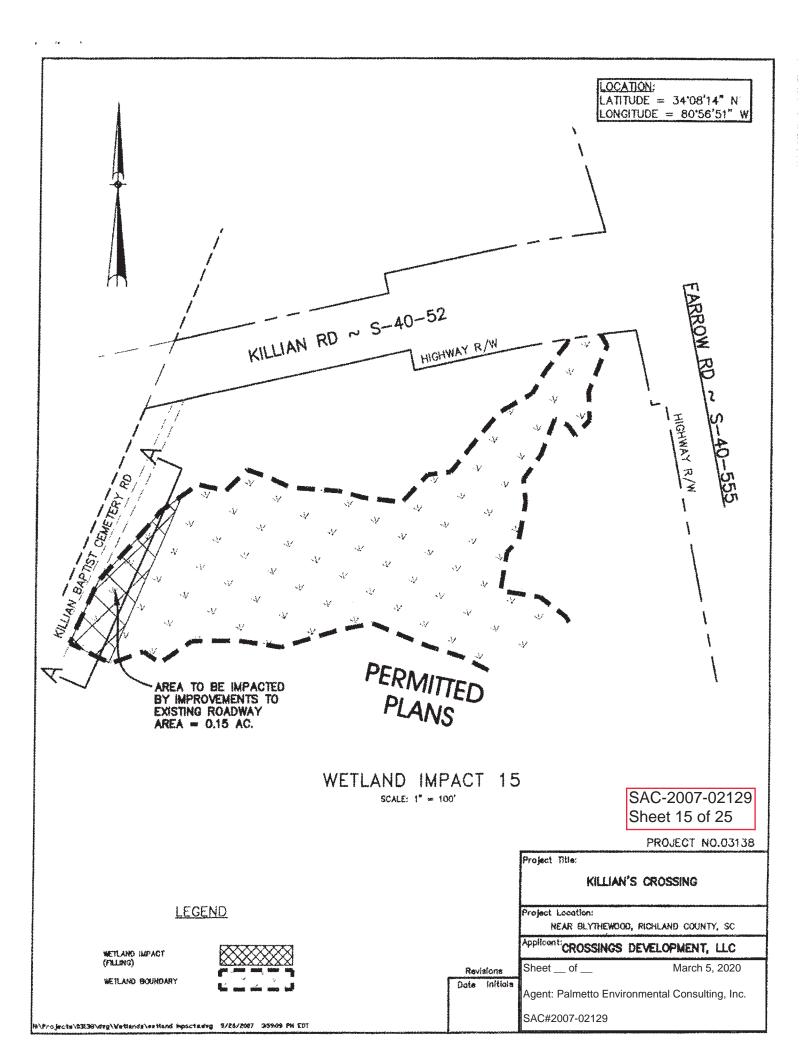


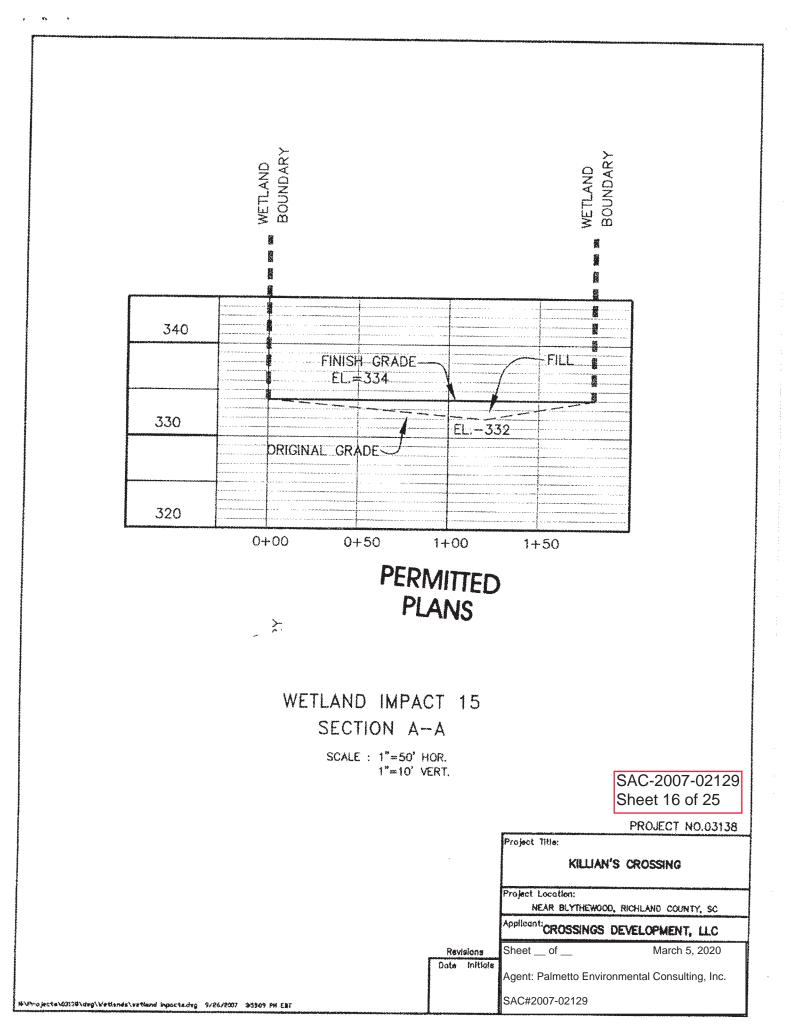


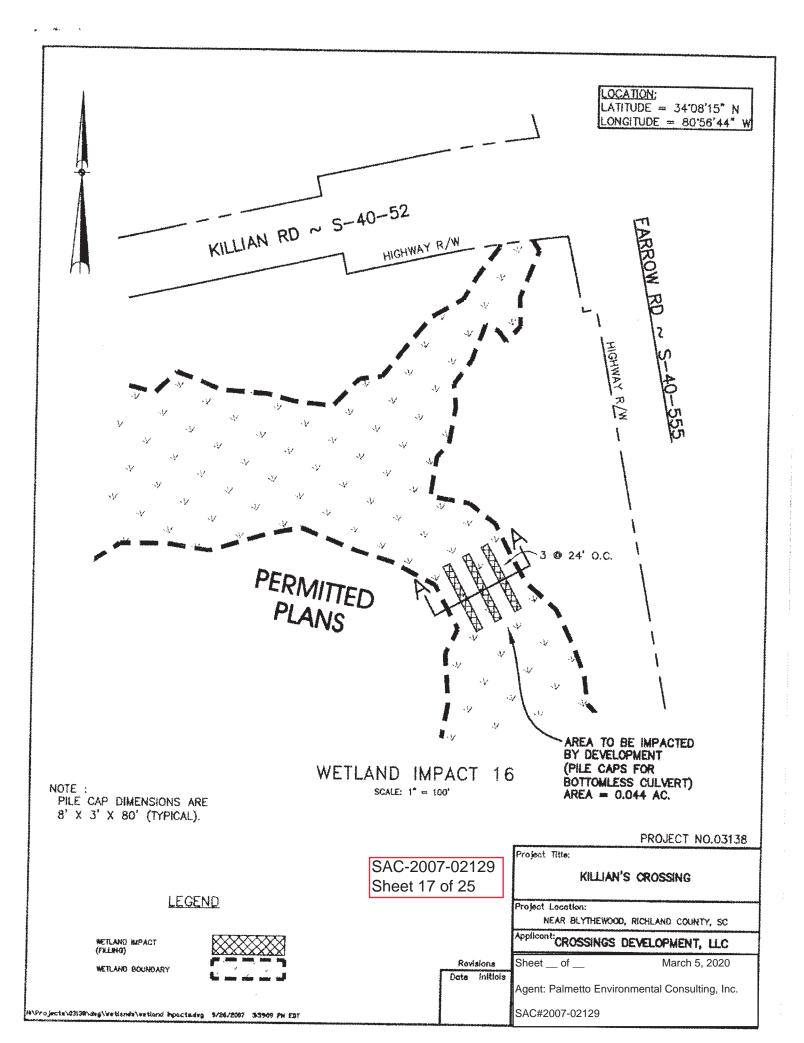


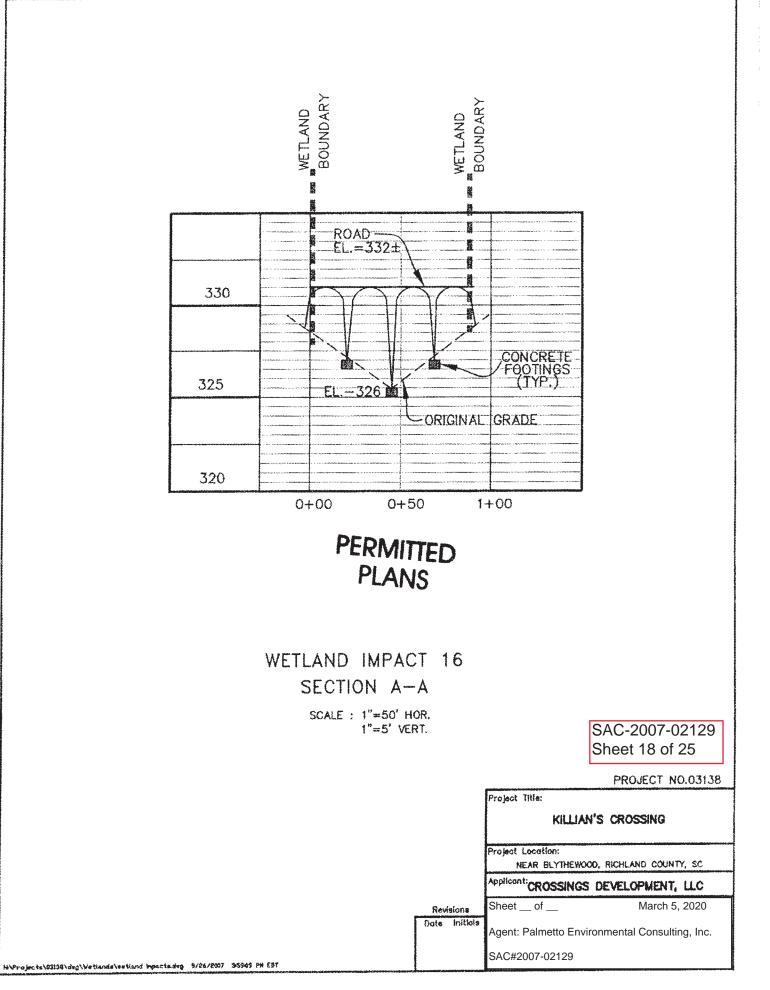


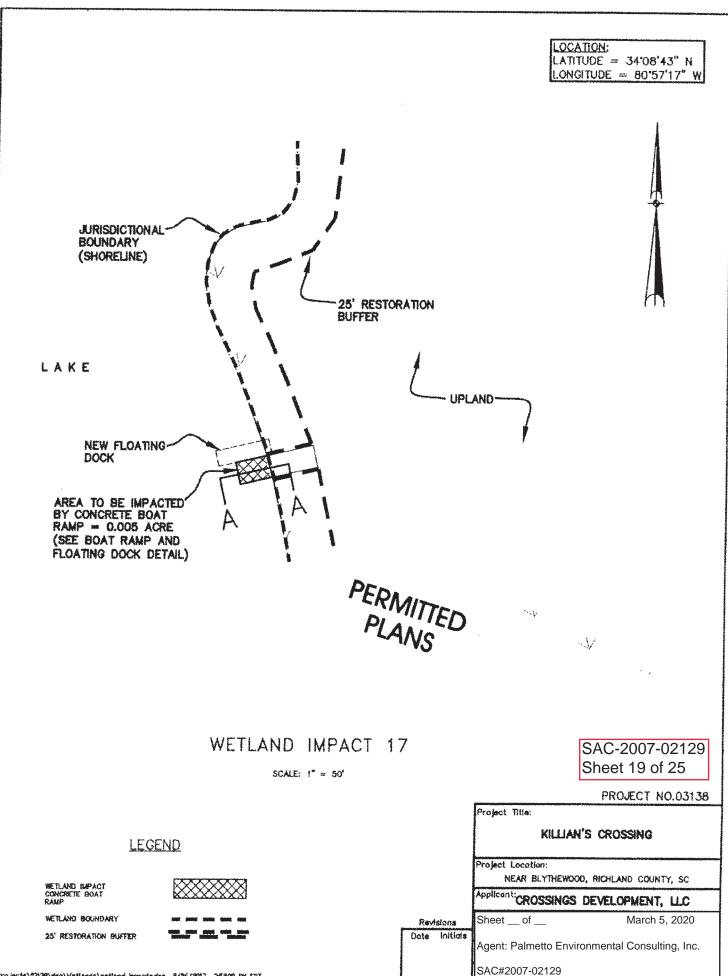






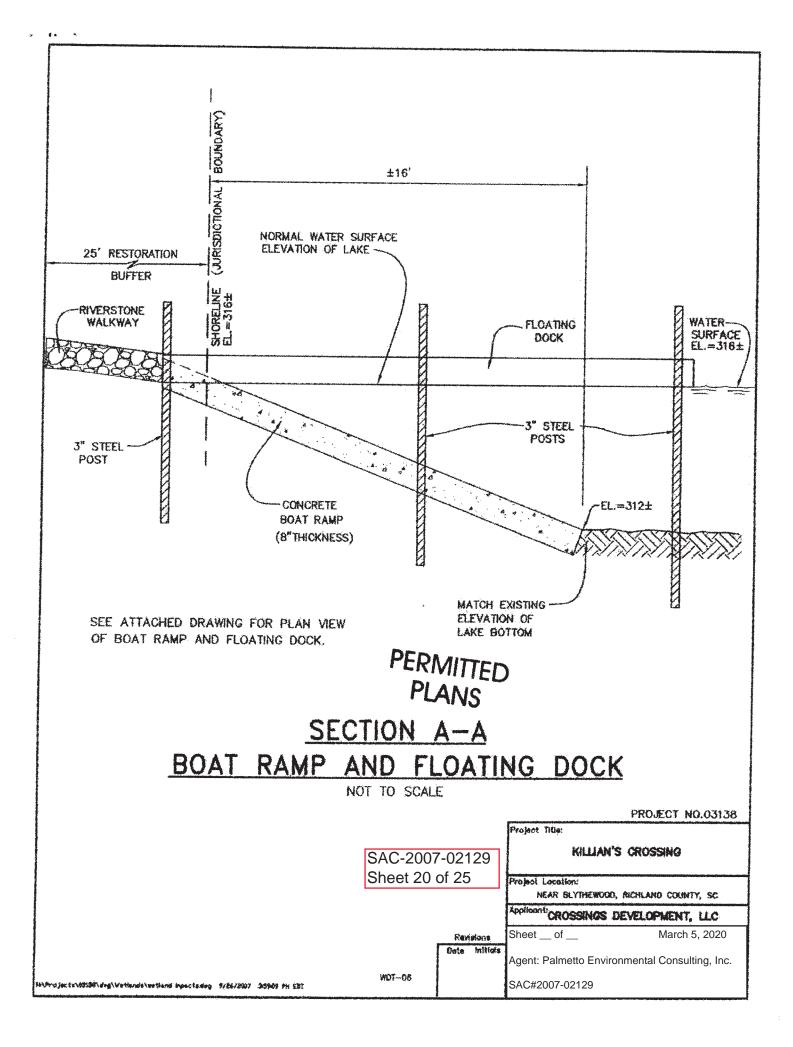


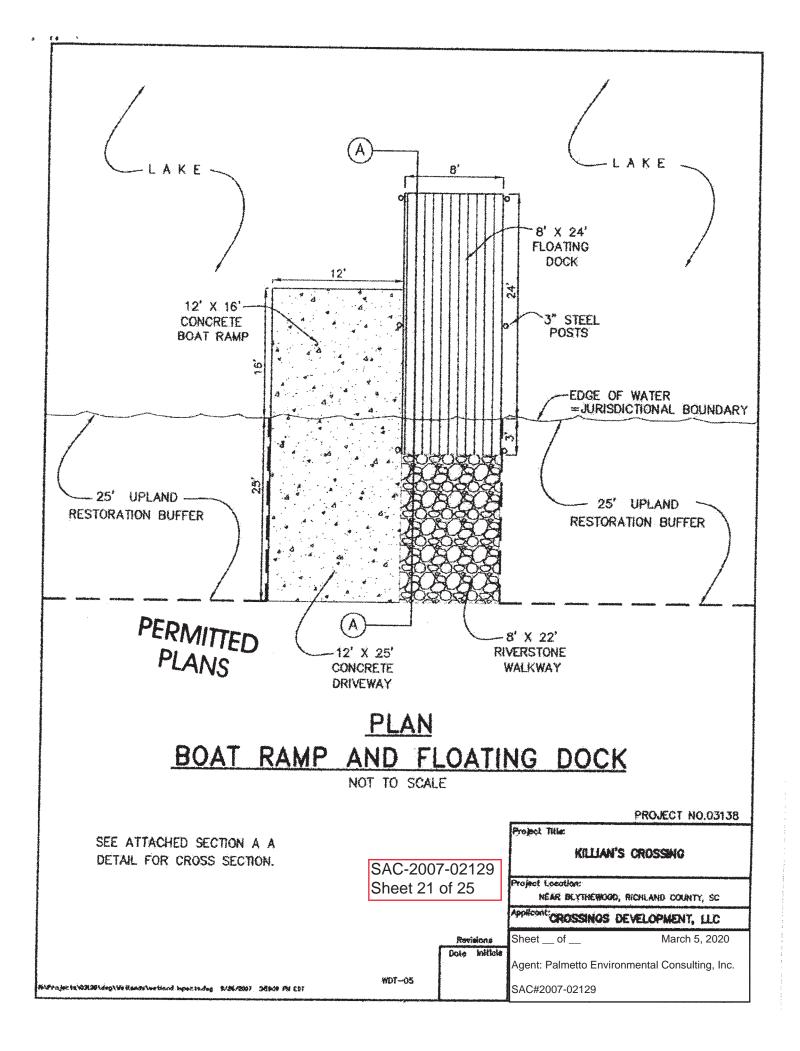


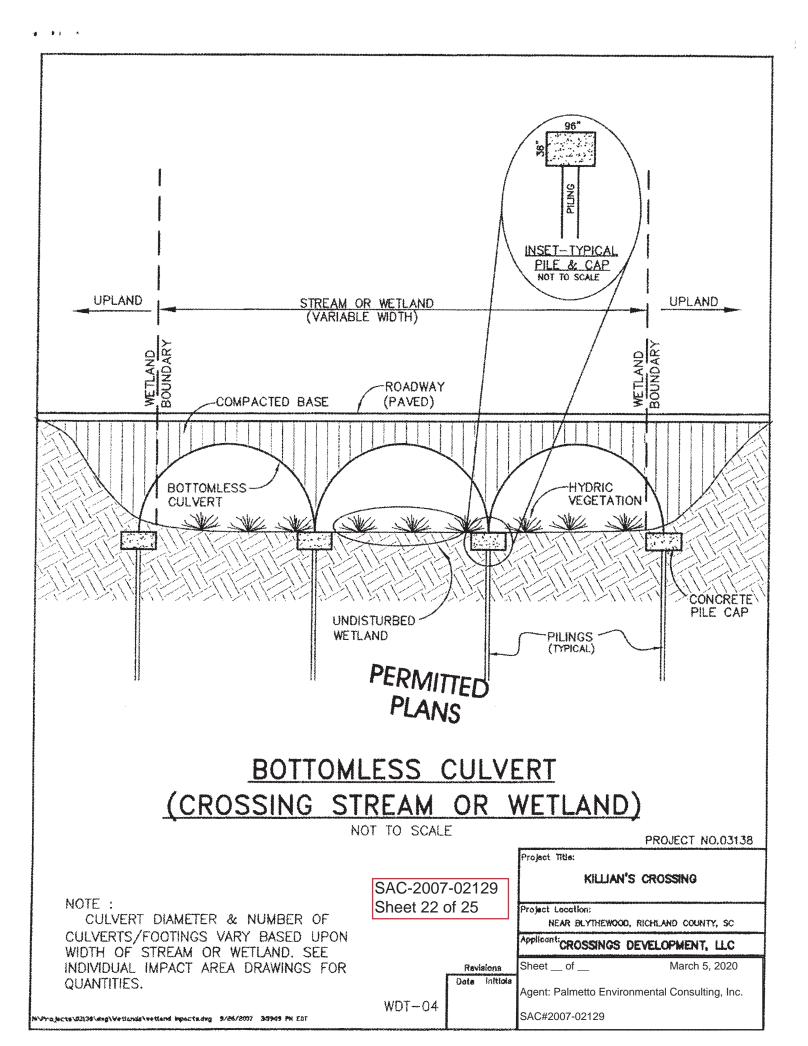


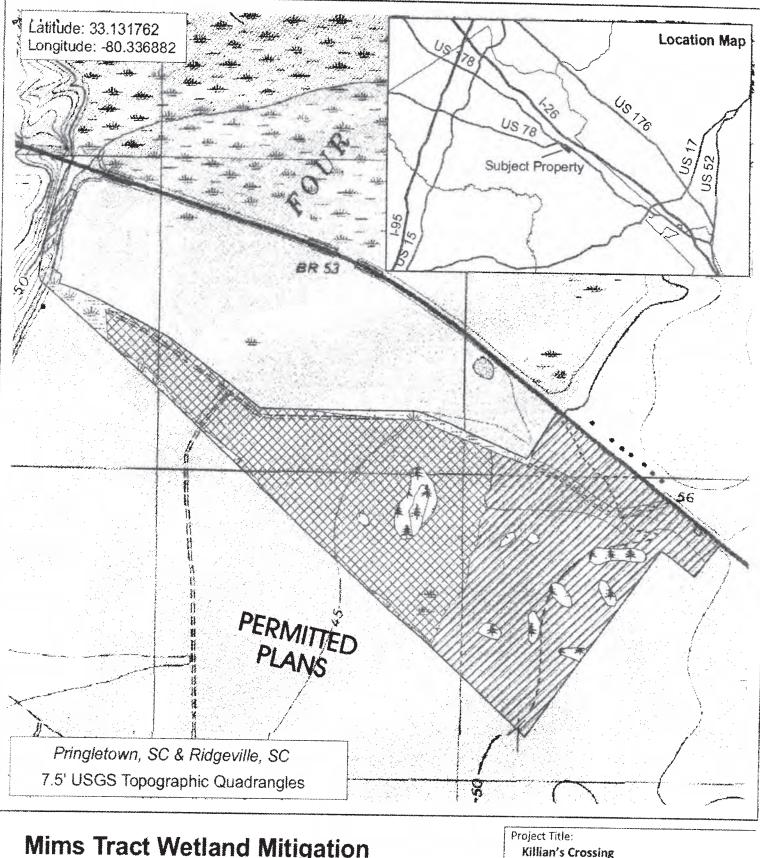
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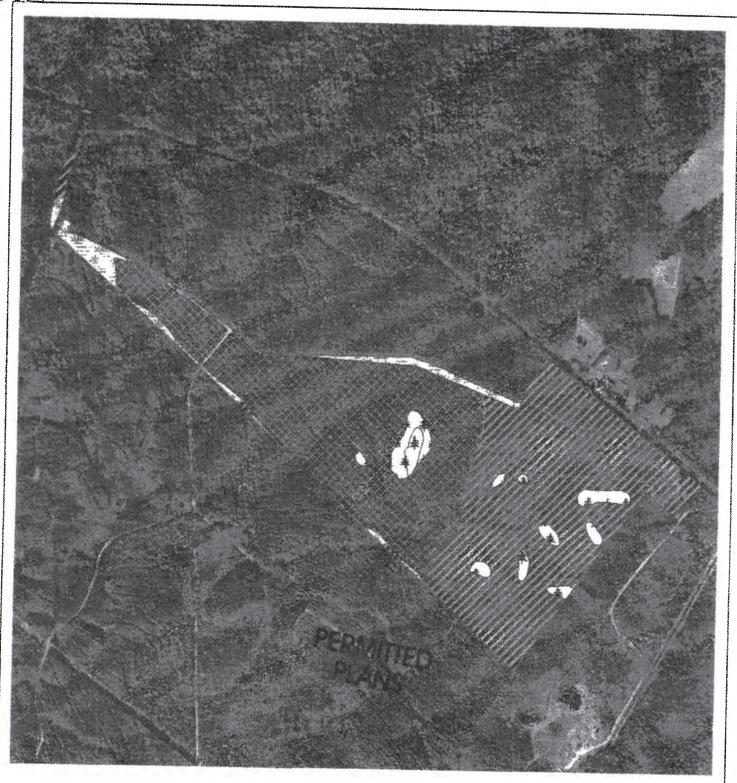








Mims Tract Wetland Mitigation		Project Title: Killian's Crossing	
Land Cover	SAC-2007-02129 Sheet 23 of 25	Project Location: Near Blythewood, Rid Applicant: Crossing's Devi	
Preservation: Isolated Tupelo Gum Forested Wetland (11.27 ac) Preservation: Non-Timbered Forested Wetland (10.43 ac) Buffer Enhancement Wetland Areas (106.5 ac) Restoration: Non-Forested Wetland (106.1 ac)		Sheet of Agent: Palmetto Environm SAC#2007-02129	March 5, 2020



Mim's Tract Proposed Wetland Mitigation

Land	Cover	

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Date

Initials



Preservation: Isolated Tupelo Gum Forested Wetland (11.27 ac) Preservation: Non-Timbered Forested Wetland (10.43 ac) Buffer Enhancement Wetland Areas (106.5 ac)

Restoration: Non-Forested Wetland (106.1 ac)

Project Title: **Killian's Crossing**

Project Location: Near Blythewood, Richland County, SC Applicant: Crossing's Development, LLC Sheet ___ of ___ March 5, 2020 Agent: Palmetto Environmental Consulting, Inc. SAC#2007-02129

