

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A 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: P/N SAC-2022-00440

June 24, 2022

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

Ms. Alvin Johnson
Levi Grantham Land Group
572 Savannah Highway
Charleston, South Carolina 29407
c/o Sydni Redmond
Passarella & Associates
363 Wando Place Drive, Suite 200
Mt. Pleasant, South Carolina 9464
SydniR@passarella.net

for a permit to discharge fill material into freshwater wetlands associated with the

Seaside Creek

located on the east side of Folly Road, south of Rafael Lane and north of Grimball Road Extension in James Island, Charleston County, South Carolina (Latitude: 32.703297 °, Longitude: -79.964877 °), James Island 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.

The proposed work consists of the discharge of fill material into 0.23 acre of non-tidal, forested wetlands for the construction of a mixed-used development including both residential and commercial components. In detail, the proposed work involves the discharge of fill material into 0.20 acre of non-tidal, forested wetlands for the construction of a commercial parking lot and the permanent clearing of 0.03 non-tidal forested wetlands associated with trench and backfill for installation of a stormwater drainage structure. The proposed work also includes the excavation of 0.08 acre of a non-jurisdictional wetland. The purpose of the proposed project is for the construction of a mixed-use development including residential and commercial components with associated infrastructure, utilities, and stormwater management facilities. The applicant has avoided and minimized impacts to wetlands by limited the proposed wetland fill to 0.2 acre of wetlands and the permanent clearing of 0.03 acre. The applicant will also preserve the remaining 0.75 acre of wetlands (with no upland buffers). To compensate for the wetland impacts, the applicant proposes to purchase a total of 3.06 credits from an Approved Mitigation Bank.

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. 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. This Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 **0.23** acres of 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.

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 the Section 7 of the Endangered Species Act of 1973 (as amended), the applicant has provided a protected species survey for the property associated with the activity described above. Based upon this report, the District Engineer has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species 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.

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)(f)(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 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.

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
69A Hagood Avenue
Charleston, SC 29403-5107**

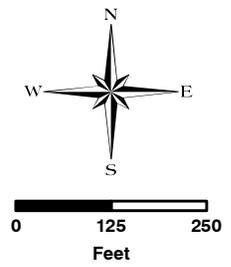
If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at (843) 329-8190, toll free at 1-866-329-8187, or by email at Tracy.D.Sanders@usace.army.mil.

J:\SOUTH CAROLINA\2021\SC-21LGL3697\GIS\2022\COE_NWP\SHEETS\AERIAL WITH BOUNDARY.MXD - 3/18/2022 @ 11:20:29 AM



LEGEND

 MOULTRIE



NOTES:

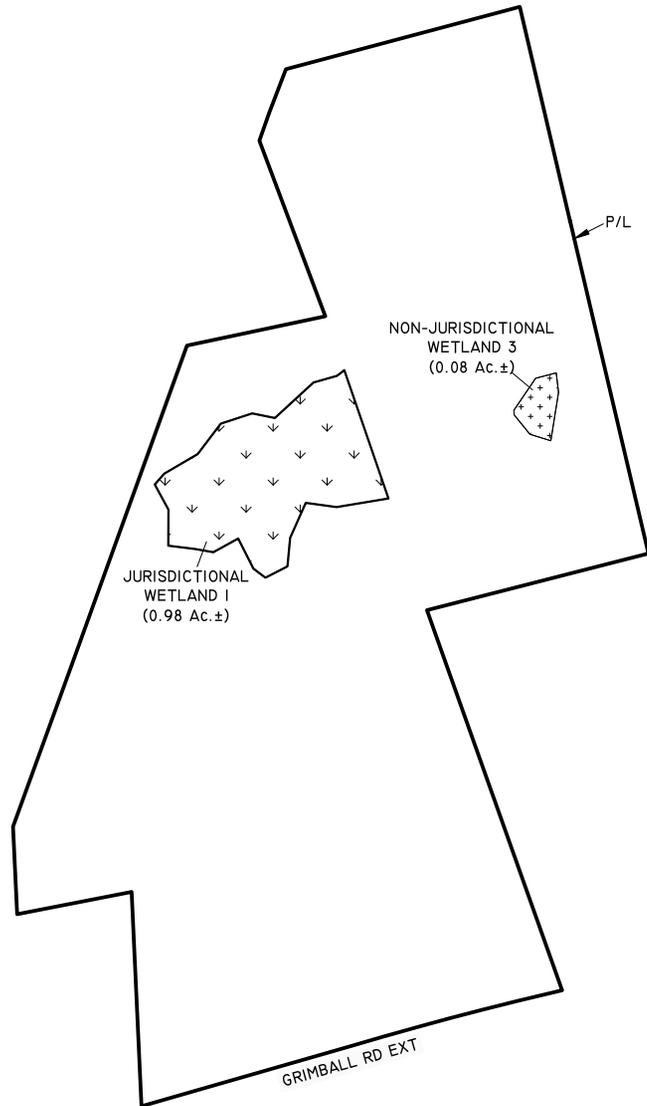
AERIAL PHOTOGRAPHS WERE ACQUIRED FROM THE SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE WITH FLIGHT DATES OF JANUARY THROUGH MARCH 2020.

PROPERTY BOUNDARY PER BOWMAN DRAWING No. 150012-01-010 BOUNDARY.DWG DATED JANUARY 20, 2022.

PROJECT NAME: MOULTRIE	AERIAL WITH BOUNDARY	
	DWG. No. SC-21LGL3697-2	SHEET: 2 OF 6
APPLICANT: LEVI GRANTHAM LAND GROUP	DRAWN BY: W.C.	DATE: 1/24/22
	REVISIONS:	SCALE: 1" = 250'



SCALE: 1" = 250'



LEGEND:



JURISDICTIONAL WETLAND
(0.98 Ac. ±)



NON-JURISDICTIONAL WETLAND
(0.08 Ac. ±)



SURVEYED WETLAND LINE

NOTES:

PROPERTY BOUNDARY AND JURISDICTIONAL WETLAND LINE PER BOWMAN DRAWING No. 150012-01-010 BOUNDARY.DWG DATED JANUARY 20, 2022.

NON-JURISDICTIONAL WETLAND LINE PER BOWMAN DRAWING No. ACAD-150012-01-010-REV-MODEL.DWG DATED JANUARY 20, 2022.

PROJECT NAME: MOULTRIE

COE WETLAND MAP

DWG. No. SC-21LGL3697-3

SHEET: 3 OF 6

APPLICANT: LEVI GRANTHAM LAND GROUP

DRAWN BY: W.C.

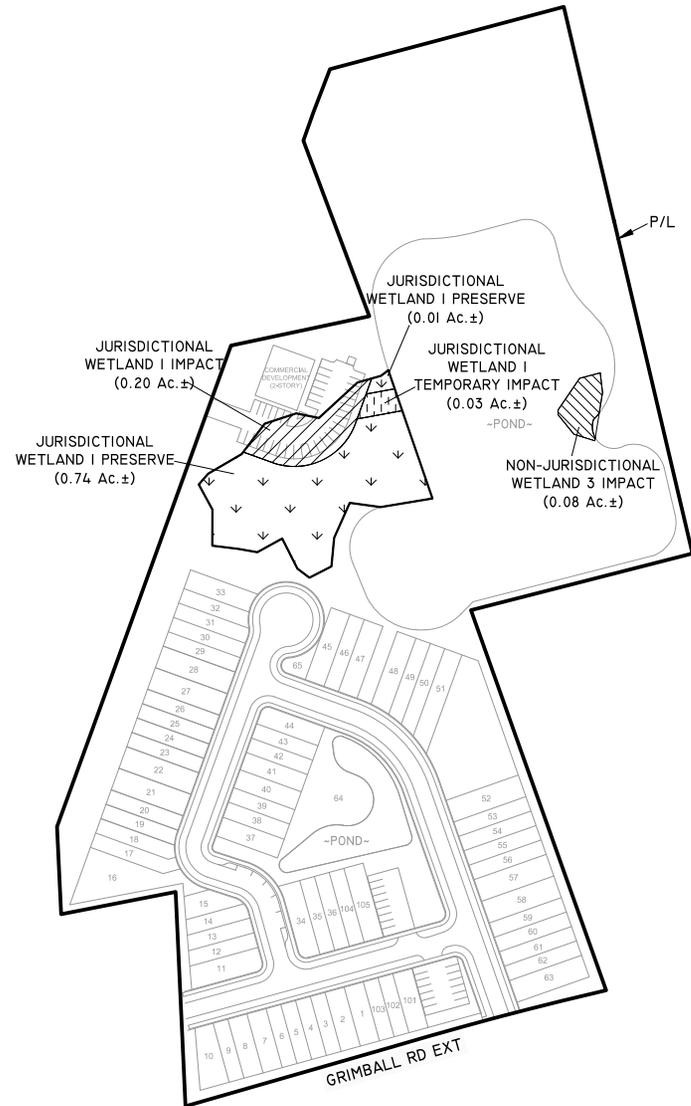
DATE: 1/24/22

REVISIONS:

SCALE: 1" = 250'



SCALE: 1" = 250'



LEGEND:

- JURISDICTIONAL WETLAND PRESERVE (0.75 Ac.±)
- JURISDICTIONAL WETLAND TEMPORARY IMPACT (0.03 Ac.±)
- JURISDICTIONAL WETLAND IMPACT (0.20 Ac.±)
- NON-JURISDICTIONAL WETLAND IMPACT (0.08 Ac.±)
- SURVEYED WETLAND LINE

NOTES:

PROPERTY BOUNDARY AND JURISDICTIONAL WETLAND LINE PER BOWMAN DRAWING No. 150012-01-010 BOUNDARY.DWG DATED JANUARY 20, 2022.

NON-JURISDICTIONAL WETLAND LINE AND SITE PLAN PER BOWMAN DRAWING No. ACAD-150012-01-010-REV-MODEL.DWG DATED JANUARY 20, 2022.

WETLAND No.	JURISDICTIONAL WETLAND PRESERVE	JURISDICTIONAL TEMPORARY WETLAND IMPACT	JURISDICTIONAL WETLAND IMPACT	NON-JURISDICTIONAL WETLAND IMPACT	TOTAL
1	0.75 Ac.±	0.03 Ac.±	0.20 Ac.±	-	0.98 Ac.±
3	-	-	-	0.08 Ac.±	0.08 Ac.±
TOTAL	0.75 Ac.±	0.03 Ac.±	0.20 Ac.±	0.08 Ac.±	1.06 Ac.±

PROJECT NAME: MOULTRIE

WETLAND IMPACT MAP

DWG. No. SC-21LGL3697-4

SHEET: 4 OF 6

APPLICANT: LEVI GRANTHAM LAND GROUP

DRAWN BY: W.C.

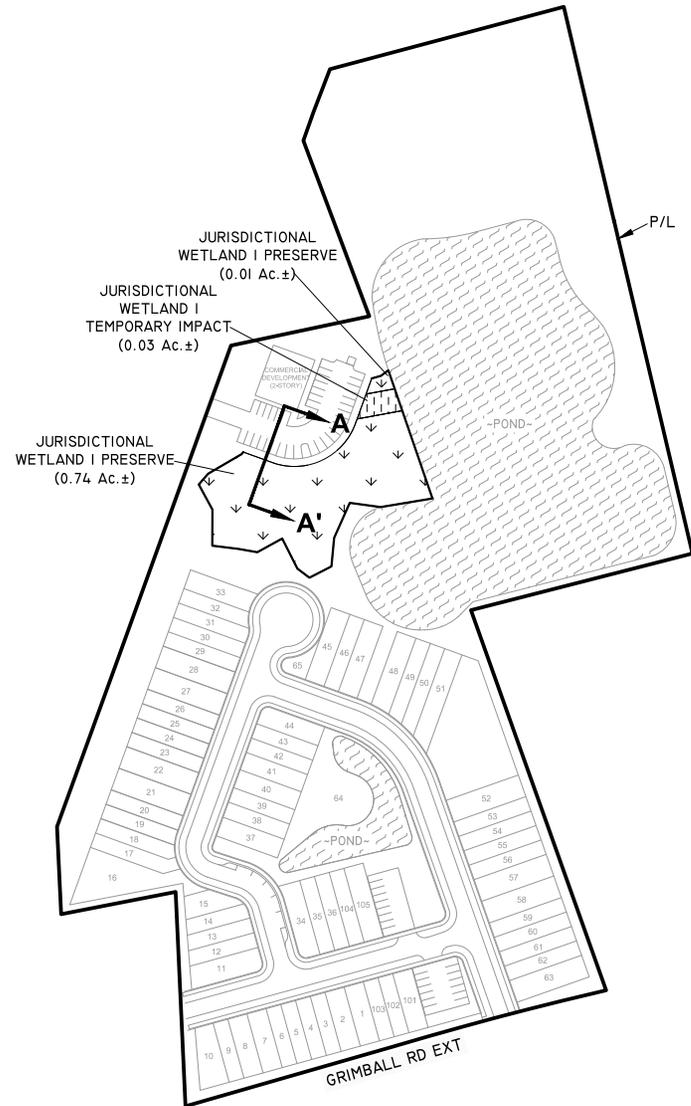
DATE: 1/24/22

REVISIONS:

SCALE: 1" = 250'



SCALE: 1" = 250'



LEGEND:

- JURISDICTIONAL WETLAND PRESERVE (0.75 Ac.±)
- JURISDICTIONAL WETLAND TEMPORARY IMPACT (0.03 Ac.±)
- SURVEYED WETLAND LINE

WETLAND No.	JURISDICTIONAL WETLAND PRESERVE	JURISDICTIONAL WETLAND TEMPORARY IMPACT	TOTAL
1	0.75 Ac.±	0.03 Ac.±	0.78 Ac.±
TOTAL	0.75 Ac.±	0.03 Ac.±	0.78 Ac.±

NOTES:

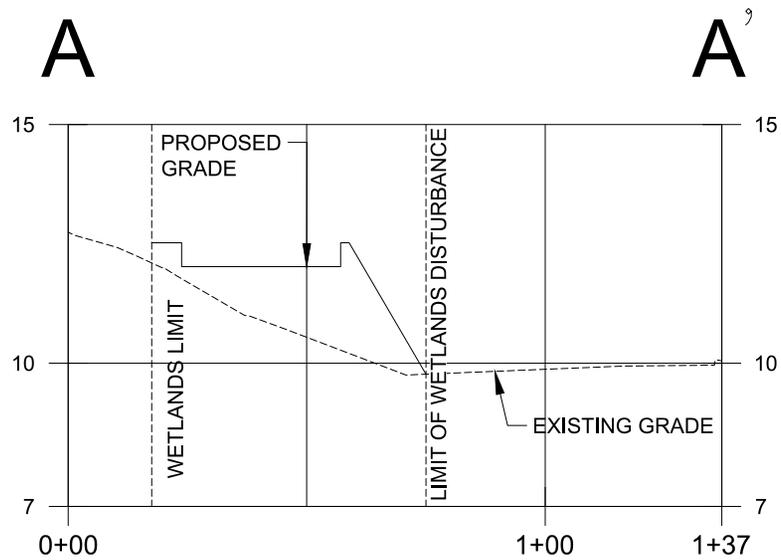
PROPERTY BOUNDARY AND JURISDICTIONAL WETLAND LINE PER BOWMAN DRAWING No. I50012-01-010 BOUNDARY.DWG DATED JANUARY 20, 2022.

SITE PLAN PER BOWMAN DRAWING No. ACAD-I50012-01-010-REV-MODEL.DWG DATED JANUARY 20, 2022.

J:\South Carolina\2021\SC-21LGL3697\2022\CCCE\NWP\SHEET 5 SITE PLAN WITH CROSS SECTION LOCATIONS.DWG TAIL SHEET 5 MAR 08, 2022 - 11:22AM PLOTTED BY: REID

PROJECT NAME: MOULTRIE	SITE PLAN WITH CROSS SECTION LOCATIONS	
	DWG. No. SC-21LGL3697-5	SHEET: 5 OF 6
APPLICANT: LEVI GRANTHAM LAND GROUP	DRAWN BY: W.C.	DATE: 1/24/22
	REVISIONS:	SCALE: 1" = 250'

J:\South Carolina\2021\SC-21LGL3697\2022\CCF-WWP\SHEET 6 TYPICAL CROSS SECTIONS.DWG TAB. SHEET 6 MAR. 08. 2022 - 11:23AM PLOTTED BY: REB



SECTION A-A'

NOTES:

CROSS SECTION PER BOWMAN DRAWING No.
ACAD-150012-01-010-REV-MODEL.DWG DATED
JANUARY 20, 2022.

PROJECT NAME: MOULTRIE

CROSS SECTIONS

DWG. No. SC-21LGL3697-6

SHEET: 6 OF 6

APPLICANT: LEVI GRANTHAM LAND GROUP

DRAWN BY: W.C.

DATE: 1/24/22

REVISIONS:

SCALE: N.T.S.