

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
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N SAC-2021-00938

July 7, 2023

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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. Glen Maddux
MSP RE Development, LLC
146 Williman Street, Suite 100
Charleston, South Carolina 29403

for a permit to construct a residential development in

wetlands adjacent to Nowell Creek and Beresford Creek

at a location near the intersection of US Interstate 526 and Clements Ferry Road on Daniel Island, Charleston County, South Carolina (Latitude: 32.8771°, Longitude: -79.9251°), Charleston, SC USGS 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 impacting 1.43 acres of freshwater wetlands to construct a single and multi-family residential development. In detail, the fill impacts are for the construction of bridge approaches (0.61 acre of impact), road crossings, building pads, and associated parking (0.82 acre of impact). The applicant has proposed to mitigate the loss of waters of the U.S. by purchasing 15 freshwater wetland mitigation credits from a Corps approved mitigation bank.

In addition to the proposed freshwater wetland fill, the applicant proposes to construct two community docks in the critical area for utilization by residents to access Nowell Creek and Beresford Creek. A 305' by 6' board walk will lead from the development and split toward a north and south dock. A 217' by 6' board walk will proceed from the split to the northern dock structure. A 197' by 6' board walk will proceed from the split to the southern dock structure. Each dock will consist of a 10' x 8' covered pierhead attached to a 20' x 8' floating dock by a 20' x 3' gangway. Due to the number of proposed residential units, the docks include 6' wide walkways to accommodate handicap access for residents. The proposed docks will be for day use only and will not contain long term mooring accommodations for boats. It is anticipated that primary uses will be for kayak/paddleboard access as well as sightseeing and fishing.

Lastly, the applicant proposes to construct an 854' x 36' pile-supported timber vehicular bridge over critical area for primary access to the residential development. The bridge will be constructed to meet current City of Charleston requirements and the capacities to provide primary access for passenger and heavy truck traffic. The 854' x 36' pile-supported vehicular bridge is considered by this office a bridge regulated under Section 9 of the Rivers and Harbors Act.

The bridge structures may require a permit under Section 9 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401). The regulatory authority over bridges and causeways was transferred to the Secretary of Transportation under the Transportation Act of October 15, 1966 (49 U.S.C. 1155g(6)(A)). Therefore, a Department of the Army permit is not required for the bridge structures. The U.S. Coast Guard, as the federal agency that regulates bridge projects in the State of South Carolina, can provide further guidance regarding Section 9 of the Rivers and Harbors Act of 1899.

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 1.43 acre of freshwater wetlands located upstream from 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.

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 the frosted flatwoods salamander, Bachman's warbler, Easter black rail, piping plover, red-cockaded woodpecker, Rufa red knot, Canby's dropwort, American chaffseed, and pondberry; the project is not likely to adversely affect the Northern long-eared bat and the American wood stork; and the project 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)(1)(1)), and has initially determined that historic properties, are present; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify the State Historic Preservation Office that the Corps plans to initiate Section 106 consultation on these historic properties. Individuals or

groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice. 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 other interested parties to provide any information they may have with regard to historic properties.

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.

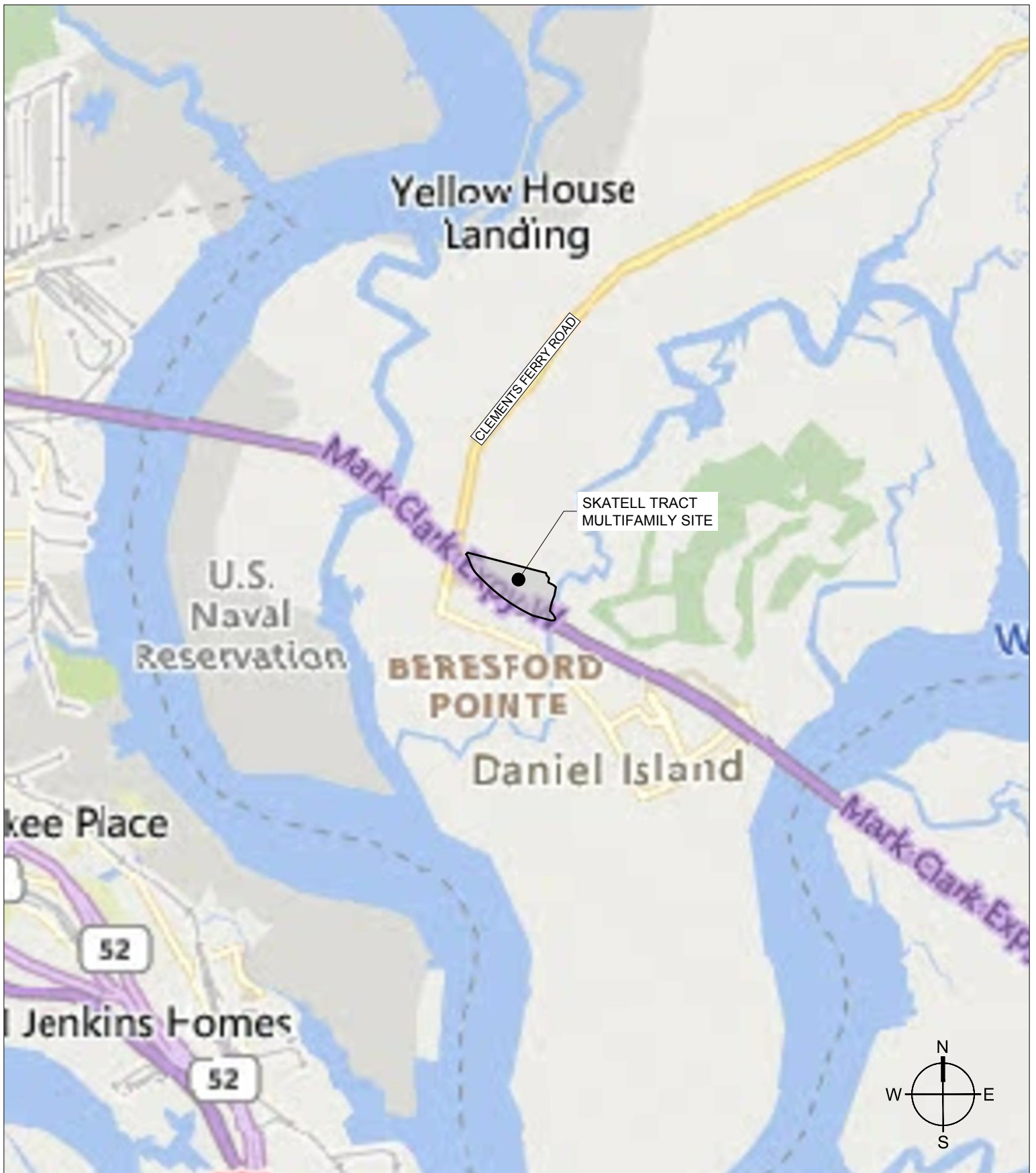
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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, South Carolina 29403-5107**

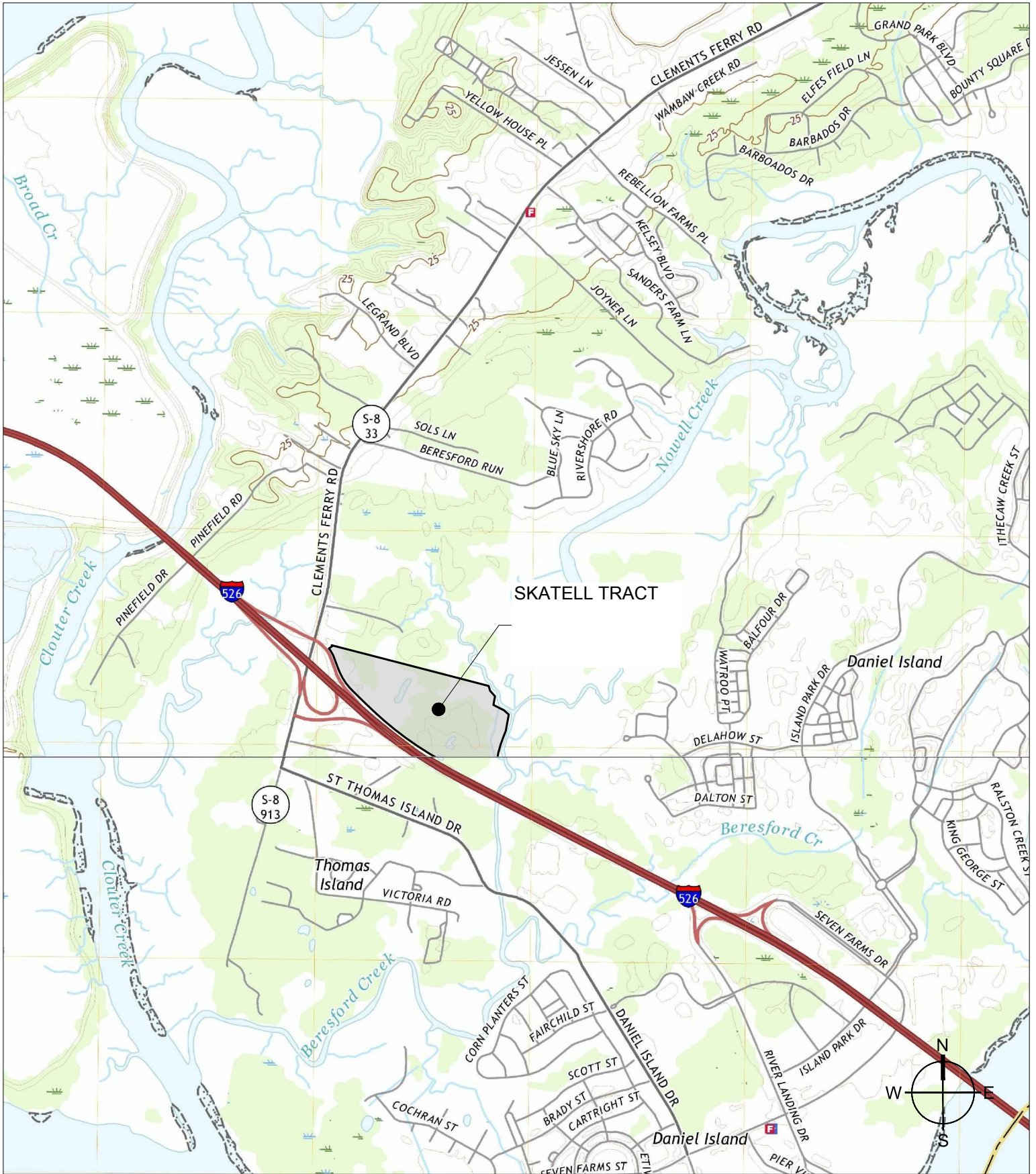
If there are any questions concerning this public notice, please contact Carl Johnson, Project Manager, at (843) 494-0348, or by email at Carl.a.Johnson@usace.army.mil.



PROJECT NAME: SKATELL TRACT MULTI-FAMILY
 PROJECT #: 8915
 CHARLESTON, SC
 DATE: 12/19/2022

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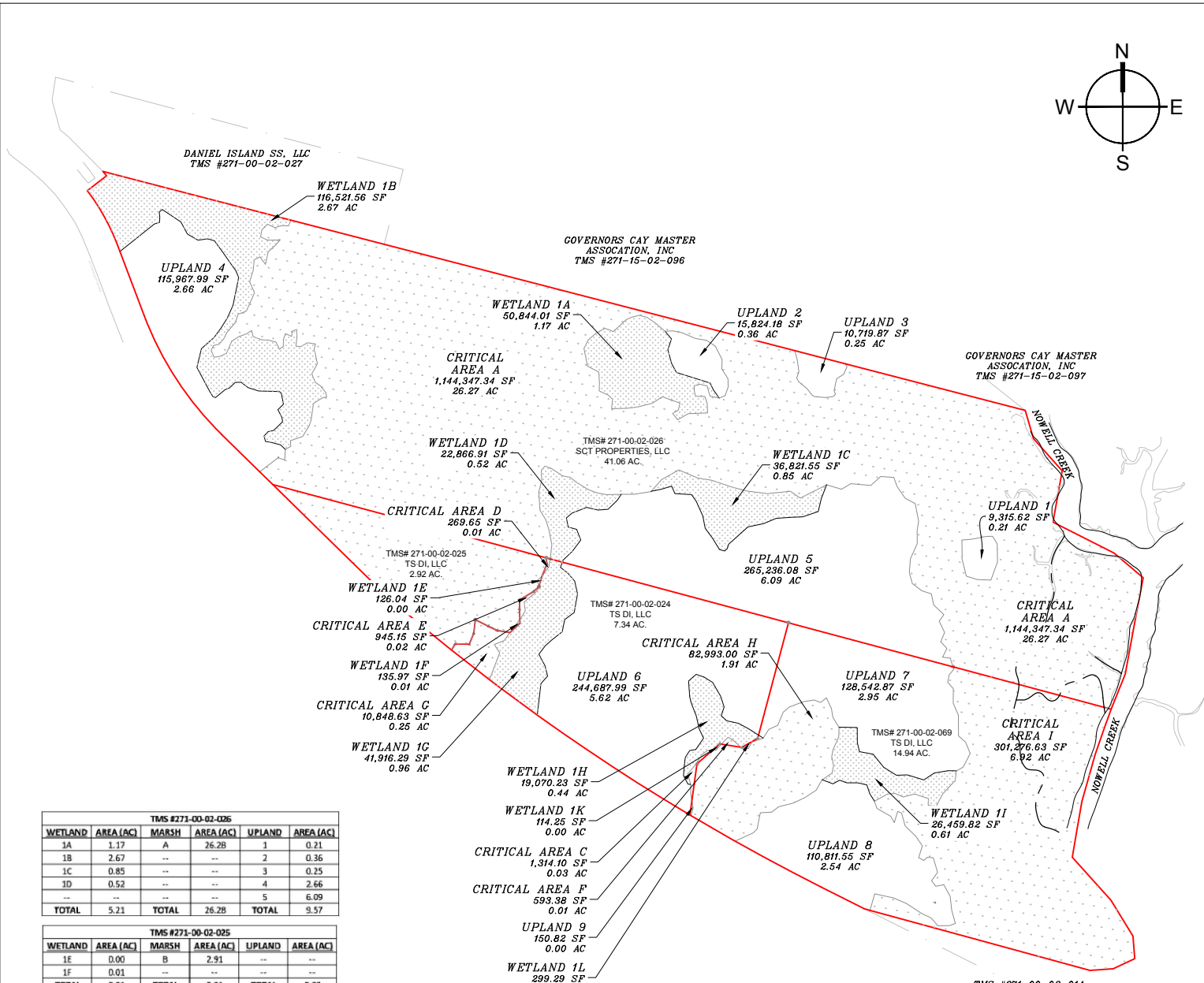
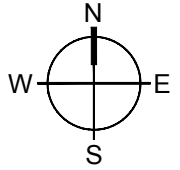
VICINITY MAP
 SHEET 1



PROJECT NAME: SKATELL TRACT MULTI-FAMILY
PROJECT #: 8915
CHARLESTON, SC
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QUAD MAP
SHEET 2



| TMS #271-00-02-026 | | | | | |
|--------------------|-------------|--------------|--------------|--------------|-------------|
| WETLAND | AREA (AC) | MARSH | AREA (AC) | UPLAND | AREA (AC) |
| 1A | 1.17 | A | 26.28 | 1 | 0.21 |
| 1B | 2.67 | -- | -- | 2 | 0.36 |
| 1C | 0.85 | -- | -- | 3 | 0.25 |
| 1D | 0.52 | -- | -- | 4 | 2.66 |
| -- | -- | -- | -- | 5 | 6.09 |
| TOTAL | 5.21 | TOTAL | 26.28 | TOTAL | 9.57 |

| TMS #271-00-02-025 | | | | | |
|--------------------|-------------|--------------|-------------|--------------|-------------|
| WETLAND | AREA (AC) | MARSH | AREA (AC) | UPLAND | AREA (AC) |
| 1E | 0.00 | B | 2.91 | -- | -- |
| 1F | 0.01 | -- | -- | -- | -- |
| TOTAL | 0.01 | TOTAL | 2.91 | TOTAL | 0.00 |

| TMS #271-00-02-024 | | | | | |
|--------------------|-------------|--------------|-------------|--------------|-------------|
| WETLAND | AREA (AC) | MARSH | AREA (AC) | UPLAND | AREA (AC) |
| 1G | 0.96 | C | 0.03 | 6 | 5.62 |
| 1H | 0.44 | D | 0.01 | -- | -- |
| -- | -- | E | 0.02 | -- | -- |
| -- | -- | F | 0.01 | -- | -- |
| -- | -- | G | 0.25 | -- | -- |
| TOTAL | 1.40 | TOTAL | 0.32 | TOTAL | 5.62 |

| TMS #271-00-02-069 | | | | | |
|--------------------|-------------|--------------|-------------|--------------|-------------|
| WETLAND | AREA (AC) | MARSH | AREA (AC) | UPLAND | AREA (AC) |
| 1J | 0.61 | H | 1.91 | 7 | 2.95 |
| 1K | 0.00 | I | 6.92 | 8 | 2.54 |
| 1L | 0.01 | -- | -- | 9 | 0 |
| TOTAL | 0.62 | TOTAL | 8.83 | TOTAL | 5.49 |

TOTAL PROJECT AREA: 66.26 ACRES

EXISTING CONDITIONS:

WETLANDS: 7.24 ACRES

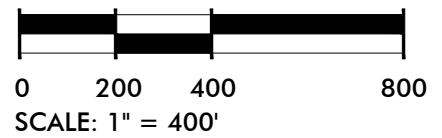
CRITICAL AREA: 38.34 ACRES

UPLAND: 20.68 ACRES

TOTAL: 66.26 ACRES

LEGEND

- WETLAND
- CRITICAL AREA
- UPLAND

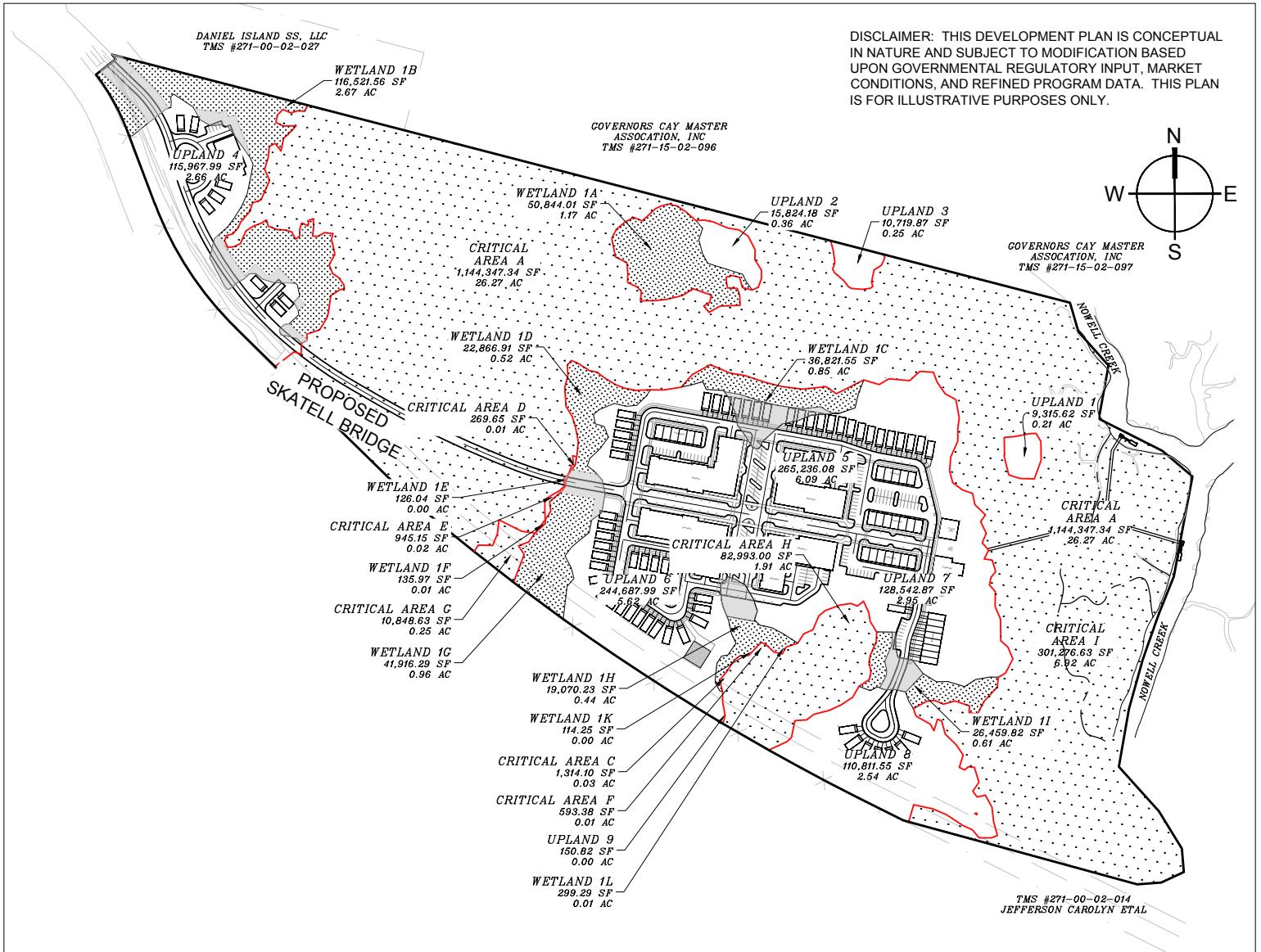


PROJECT NAME: SKATELL TRACT MULTI-FAMILY
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EXISTING CONDITIONS
SHEET 3

DISCLAIMER: THIS DEVELOPMENT PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO MODIFICATION BASED UPON GOVERNMENTAL REGULATORY INPUT, MARKET CONDITIONS, AND REFINED PROGRAM DATA. THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY.



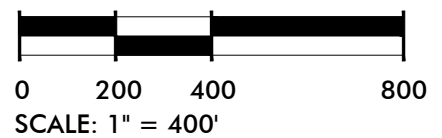
| | |
|-----------------------------|-------------|
| TOTAL PROJECT AREA: | 66.26 ACRES |
| EXISTING CONDITIONS: | |
| WETLANDS: | 7.24 ACRES |
| CRITICAL AREA: | 38.34 ACRES |
| UPLAND: | 20.68 ACRES |
| TOTAL: | 66.26 ACRES |

| | |
|------------------------|------------|
| IMPACTS: | |
| WETLAND FILL: | 1.43 ACRES |
| CRITICAL AREA FILL: | 0.00 ACRES |
| TOTAL AREA OF IMPACTS: | 1.43 ACRES |

TOTAL APPROX. WETLAND FILL: 9,317 CY

BRIDGE SPAN OVER CRITICAL AREA:
 TOTAL LENGTH: 854' X 36'
 TOTAL AREA: 31193 SF (0.72 AC)

DOCK BOARDWALK SPAN OVER CRITICAL AREA:
 TOTAL LENGTH: 787' X 6'
 TOTAL AREA: 4722 SF (0.11 AC)



LEGEND

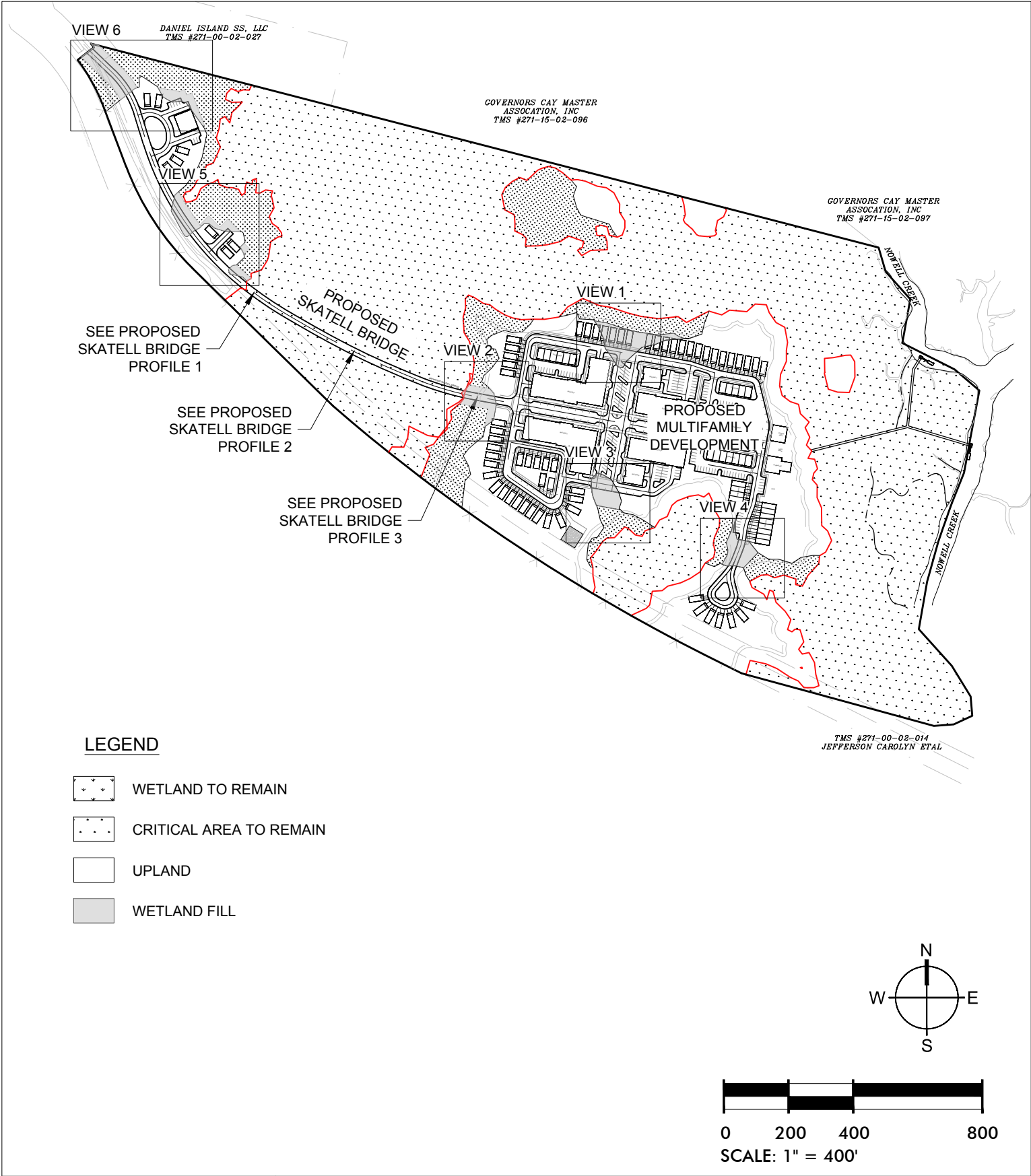
- WETLAND TO REMAIN
- CRITICAL AREA TO REMAIN
- UPLAND
- WETLAND FILL



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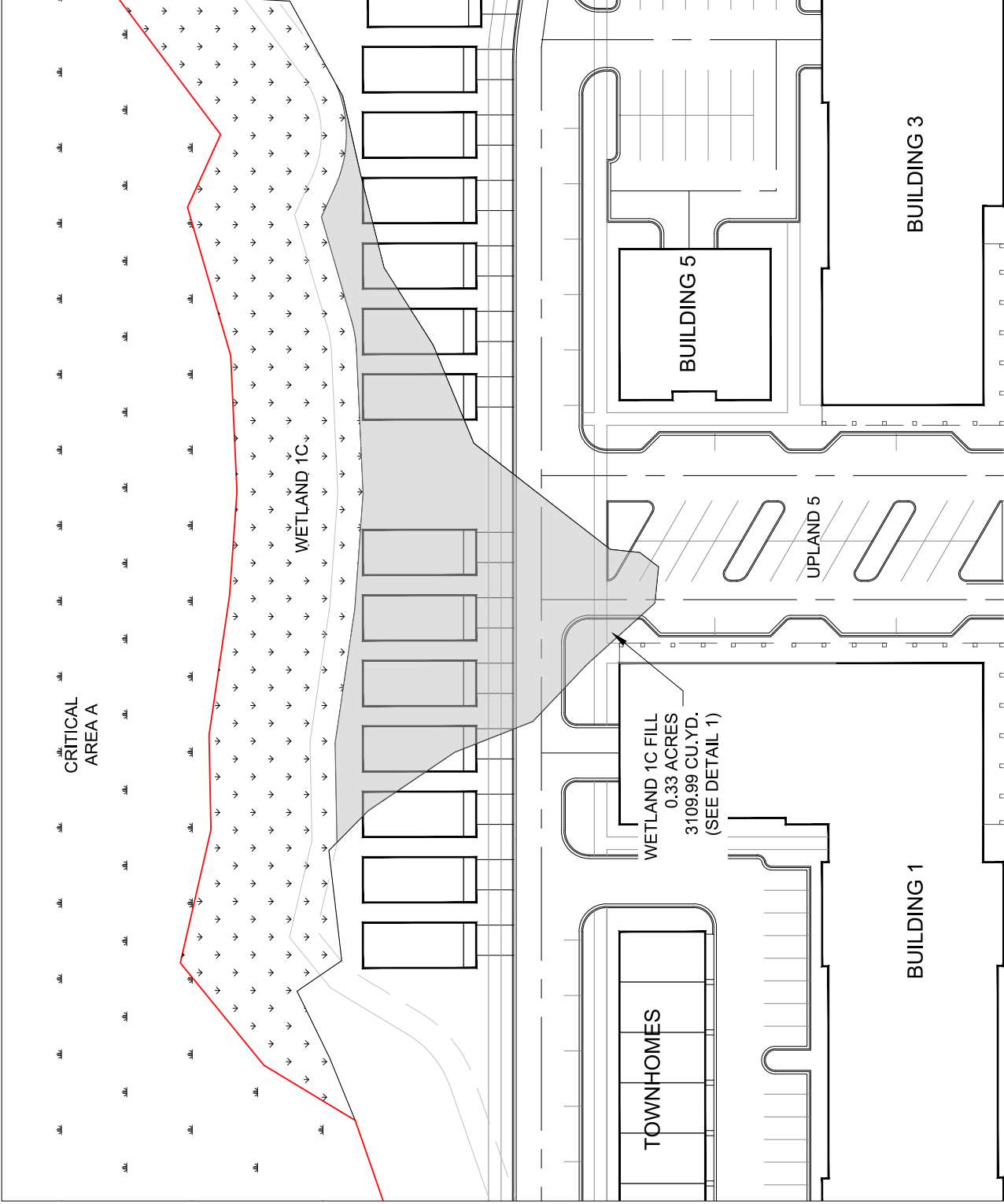
OVERALL VIEW
 SHEET 4







PROJECT NAME: SKATELL TRACT MULTI-FAMILY
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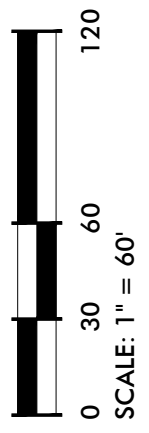
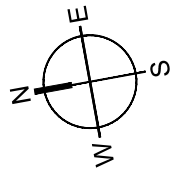
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KEY SHEET
SHEET 5



LEGEND

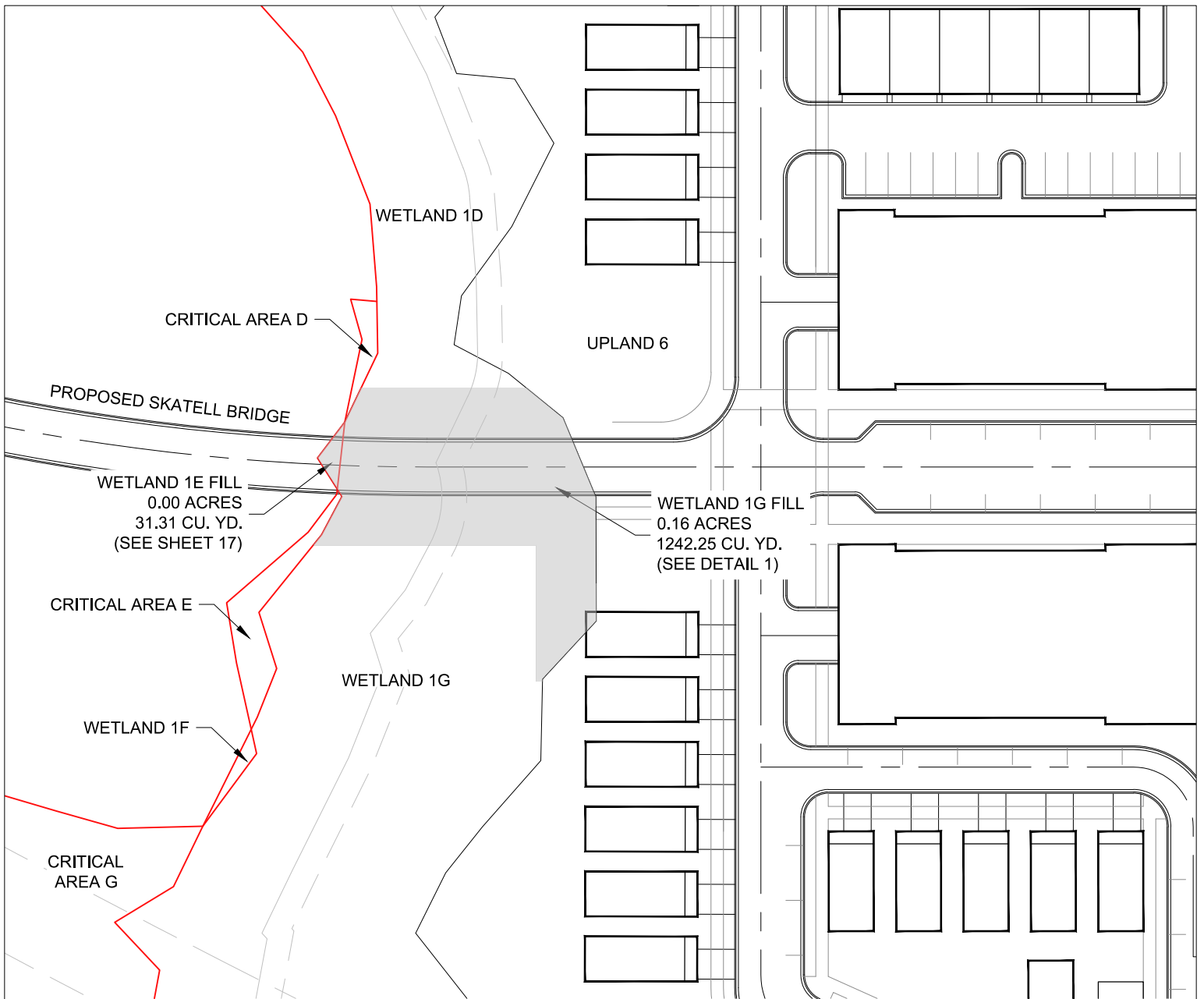
-  WETLAND TO REMAIN
-  CRITICAL AREA TO REMAIN
-  UPLAND
-  WETLAND FILL



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VIEW 1
 SHEET 6



CRITICAL AREA D

WETLAND 1D

UPLAND 6

PROPOSED SKATELL BRIDGE

WETLAND 1E FILL
0.00 ACRES
31.31 CU. YD.
(SEE SHEET 17)

WETLAND 1G FILL
0.16 ACRES
1242.25 CU. YD.
(SEE DETAIL 1)





CRITICAL AREA E

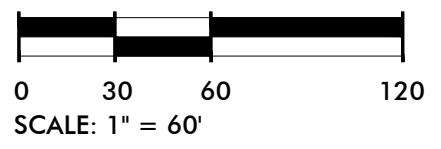
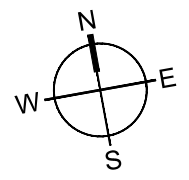
WETLAND 1G

WETLAND 1F

CRITICAL AREA G

LEGEND

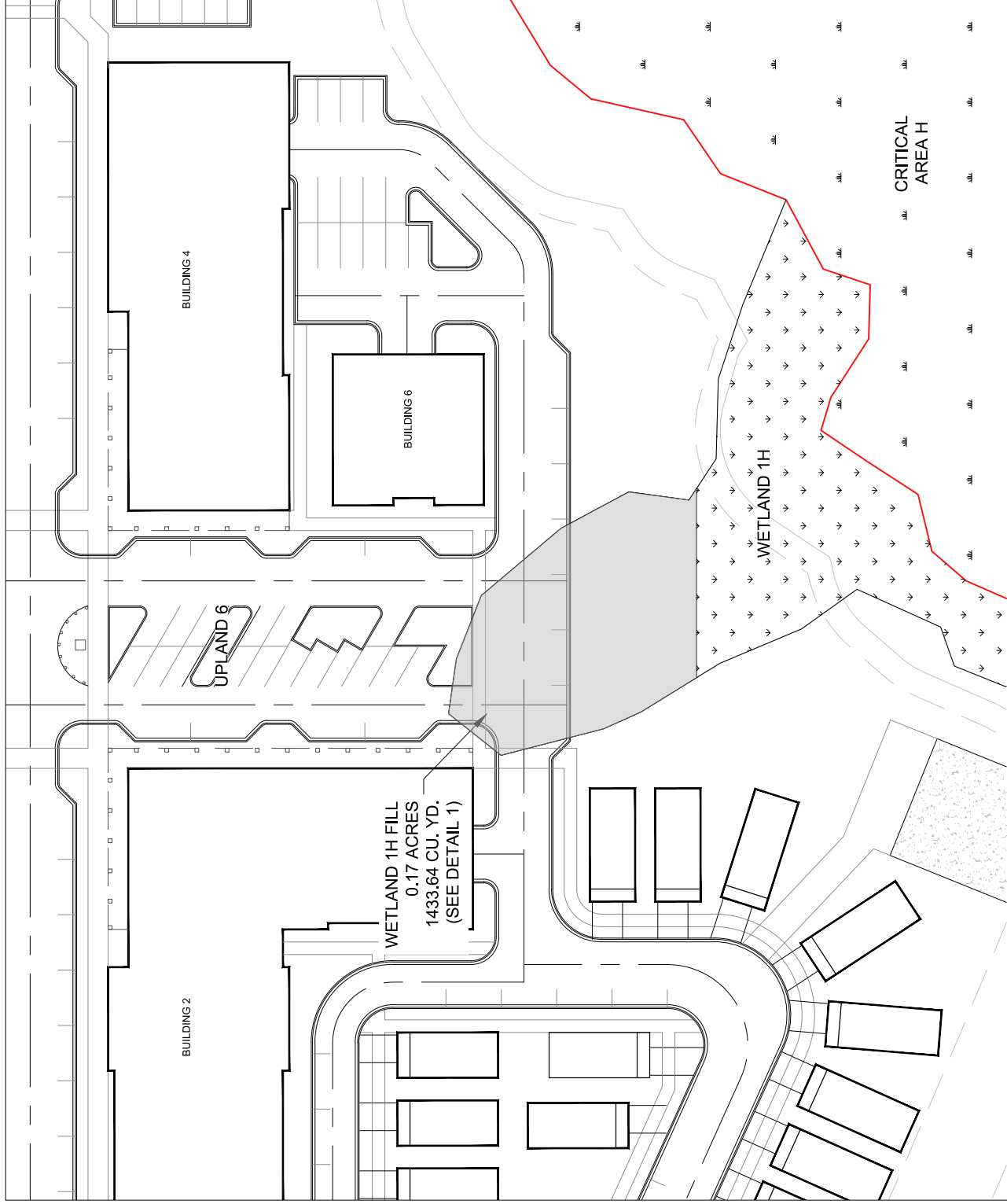
-  WETLAND TO REMAIN
-  CRITICAL AREA TO REMAIN
-  UPLAND
-  WETLAND FILL







PROJECT NAME: SKATELL TRACT MULTI-FAMILY
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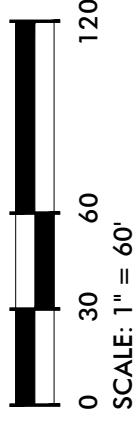
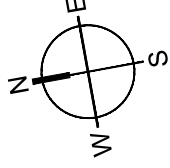
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VIEW 2
SHEET 7



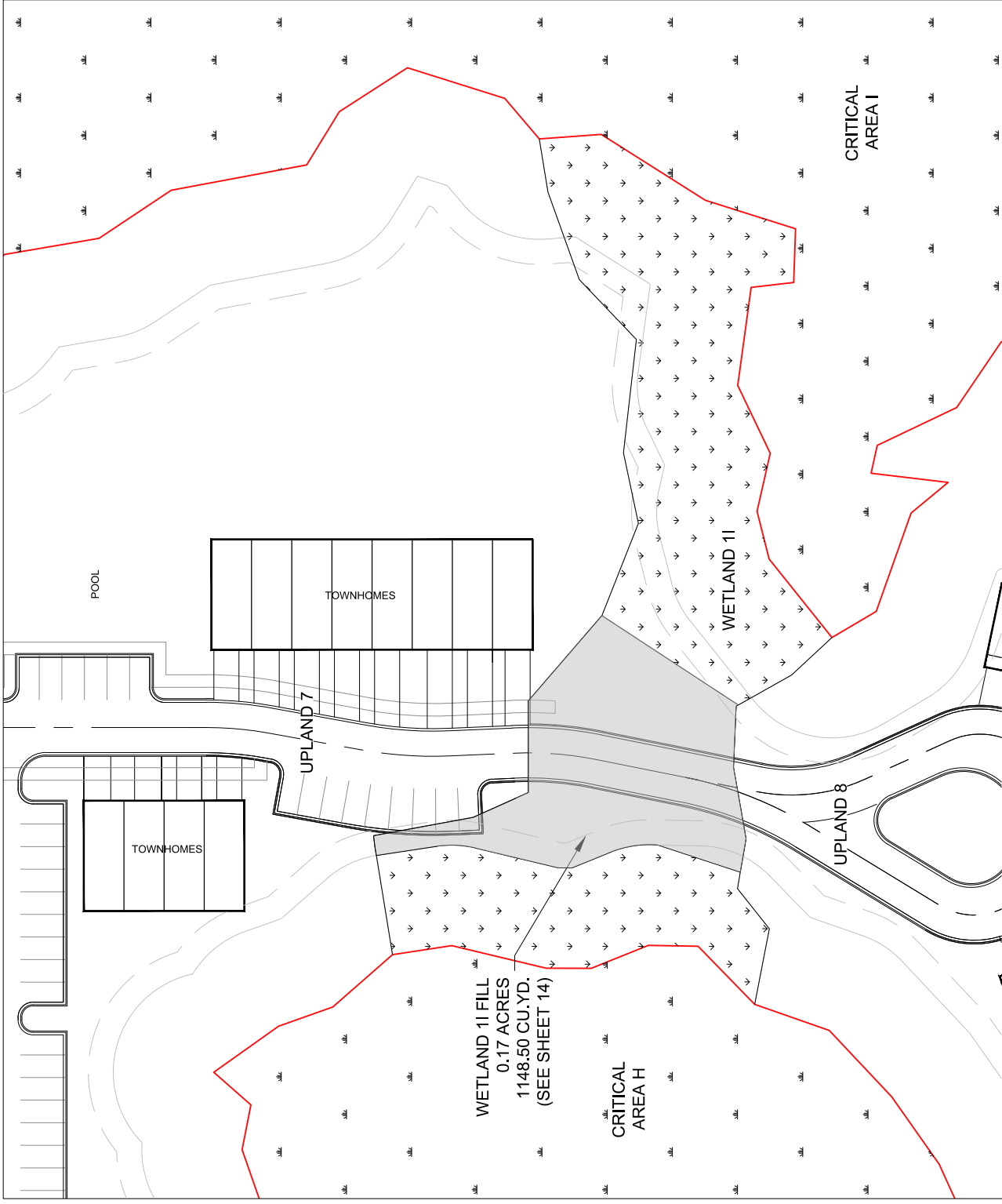
LEGEND

-  WETLAND TO REMAIN
-  CRITICAL AREA TO REMAIN
-  UPLAND
-  WETLAND FILL







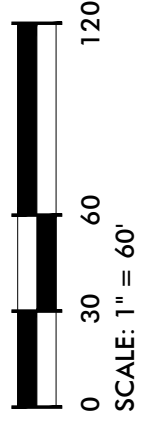
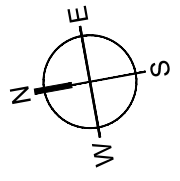
PROJECT NAME: SKATELL TRACT MULTI-FAMILY
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 VIEW 3
 SHEET 8



LEGEND

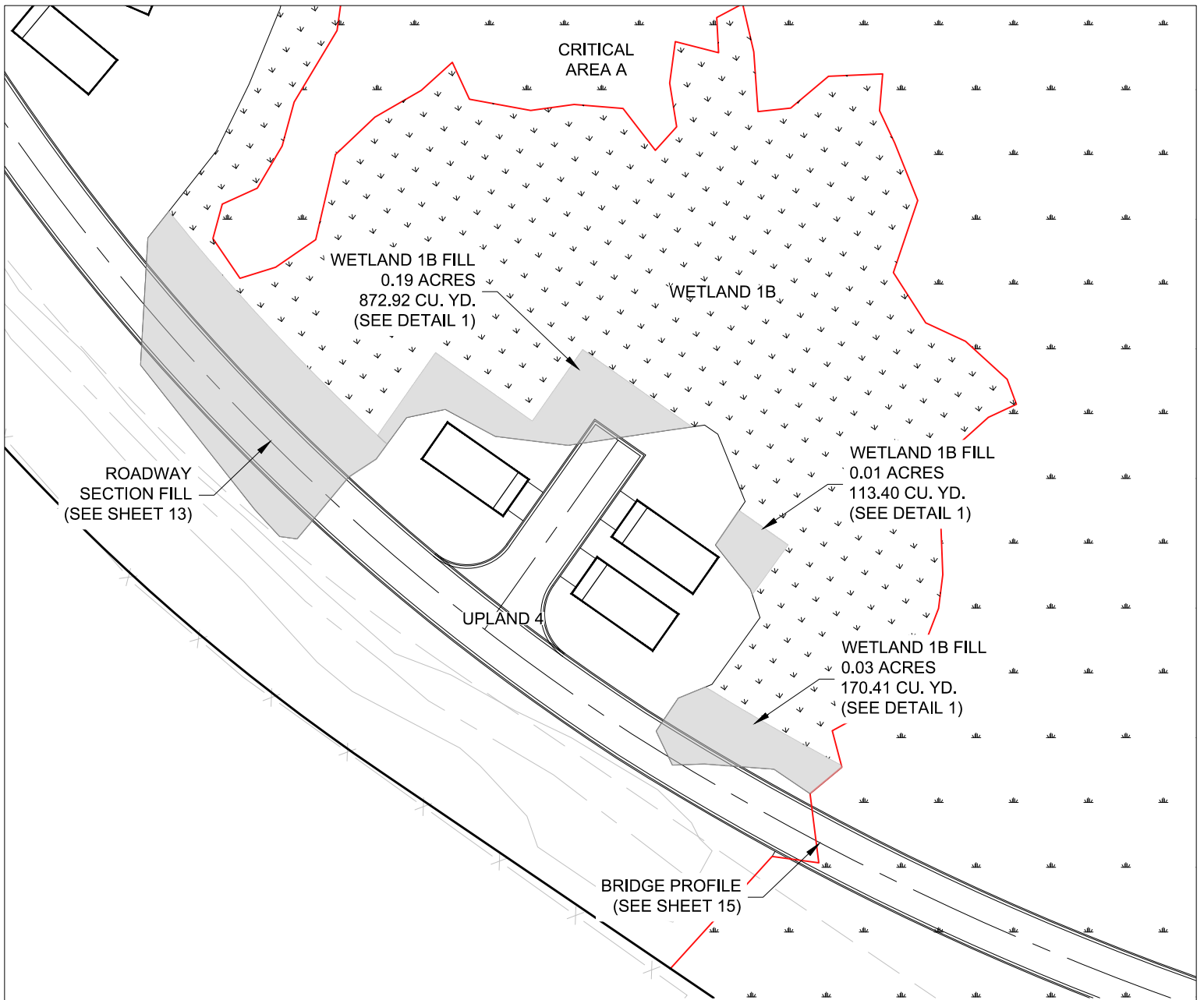
-  WETLAND TO REMAIN
-  CRITICAL AREA TO REMAIN
-  UPLAND
-  WETLAND FILL







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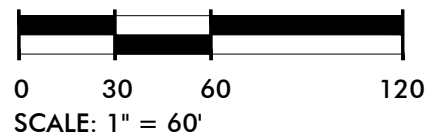
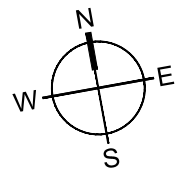
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VIEW 4
 SHEET 9



LEGEND

-  WETLAND TO REMAIN
-  CRITICAL AREA TO REMAIN
-  UPLAND
-  WETLAND FILL



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VIEW 5
 SHEET 10

DANIEL ISLAND SS, LLC
TMS #271-00-02-027





WETLAND 1B FILL
0.26 ACRES
708.40 CU. YD.
(SEE SHEET 12)

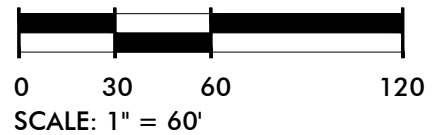
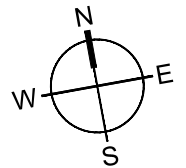
WETLAND 1B

WETLAND 1B FILL
0.10 ACRES
485.80 CU. YD.
(SEE DETAIL 1)

UPLAND 4

LEGEND

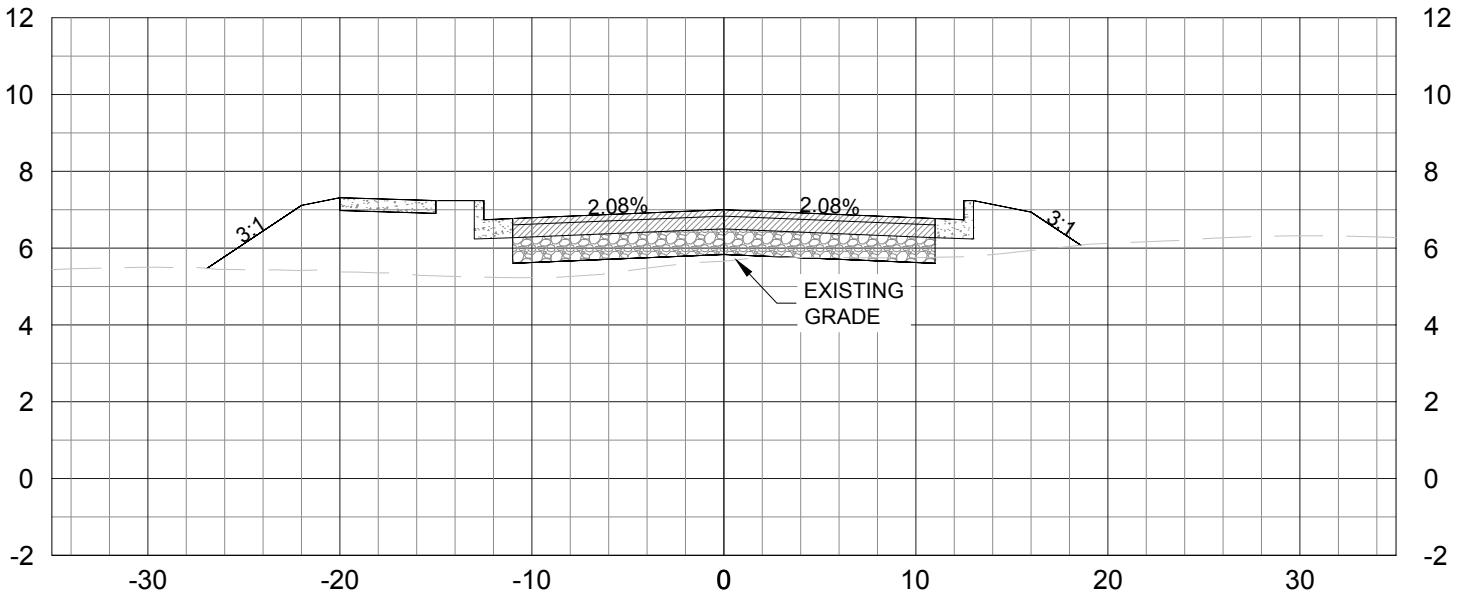
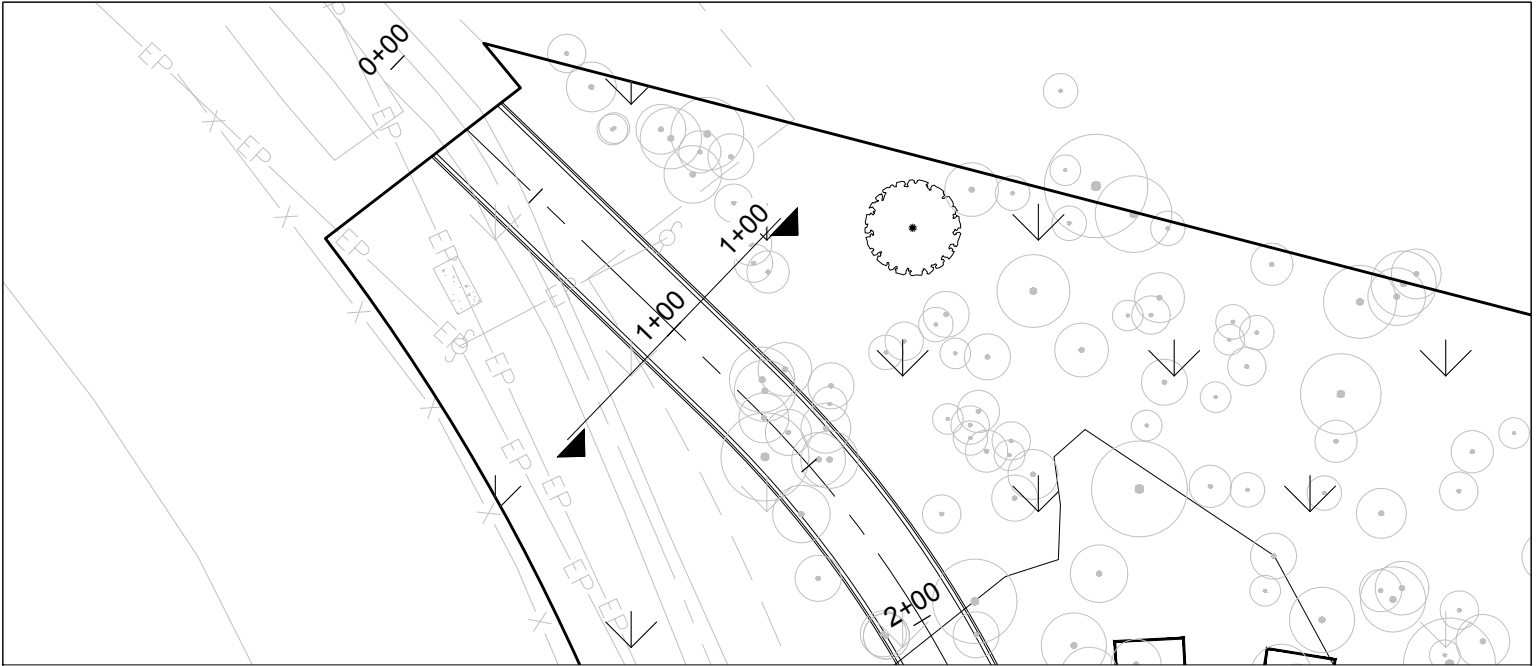
-  WETLAND TO REMAIN
-  CRITICAL AREA TO REMAIN
-  UPLAND
-  WETLAND FILL



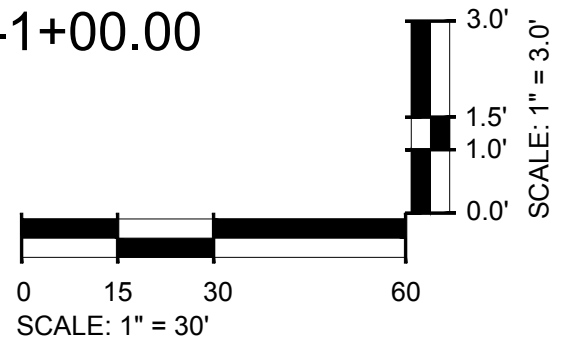
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VIEW 6
SHEET 11



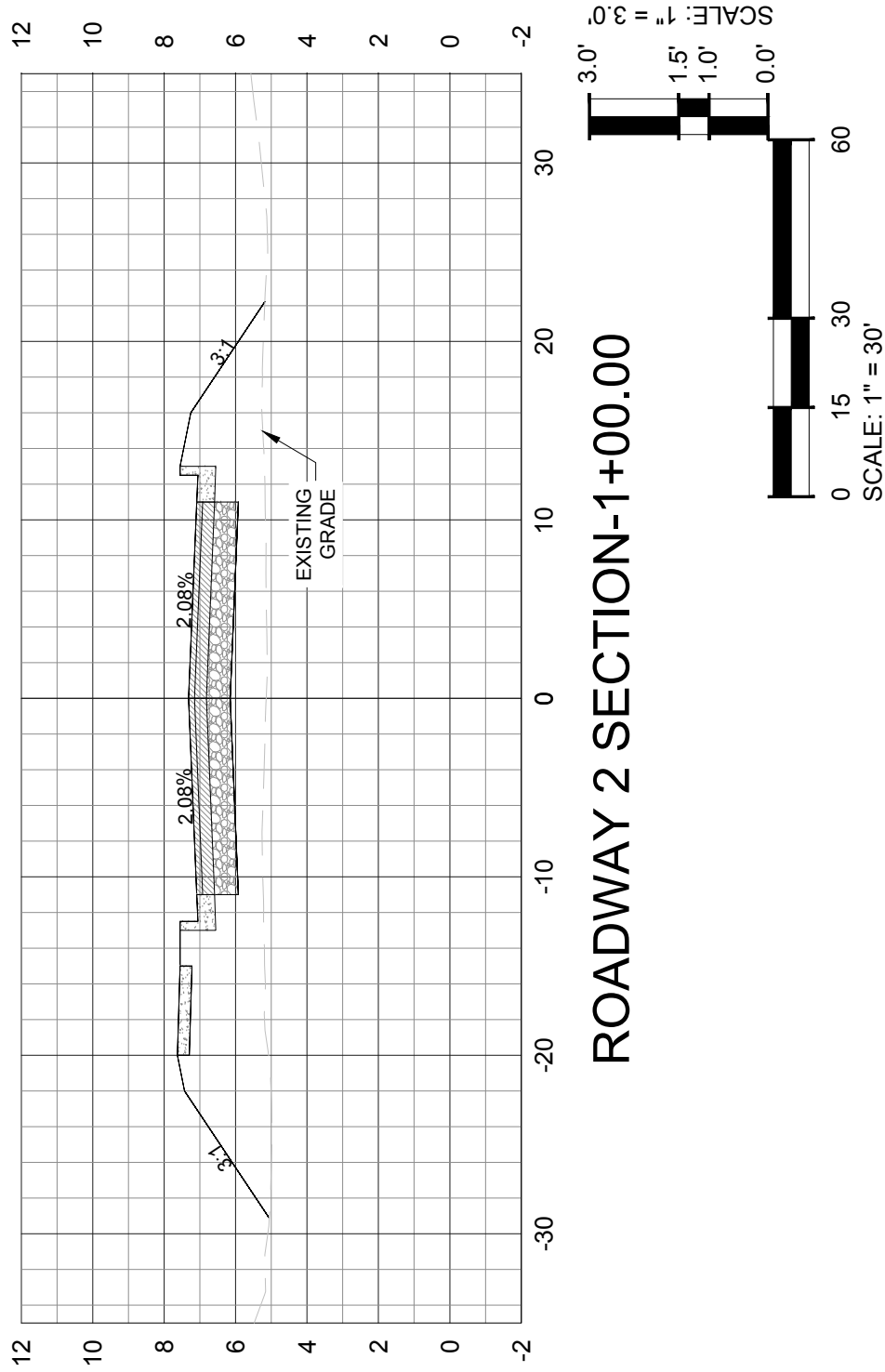
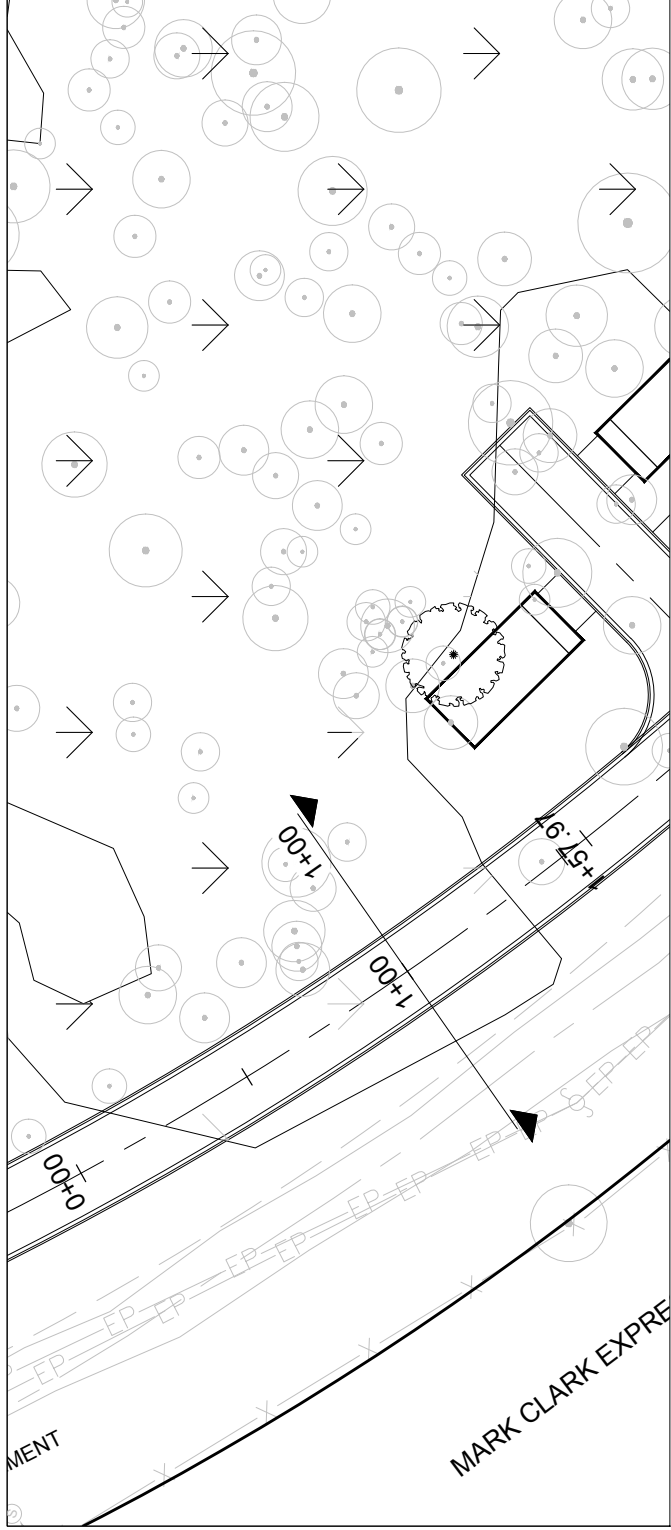
ROADWAY 1 SECTION-1+00.00



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ROADWAY SECTION 1
 SHEET 12



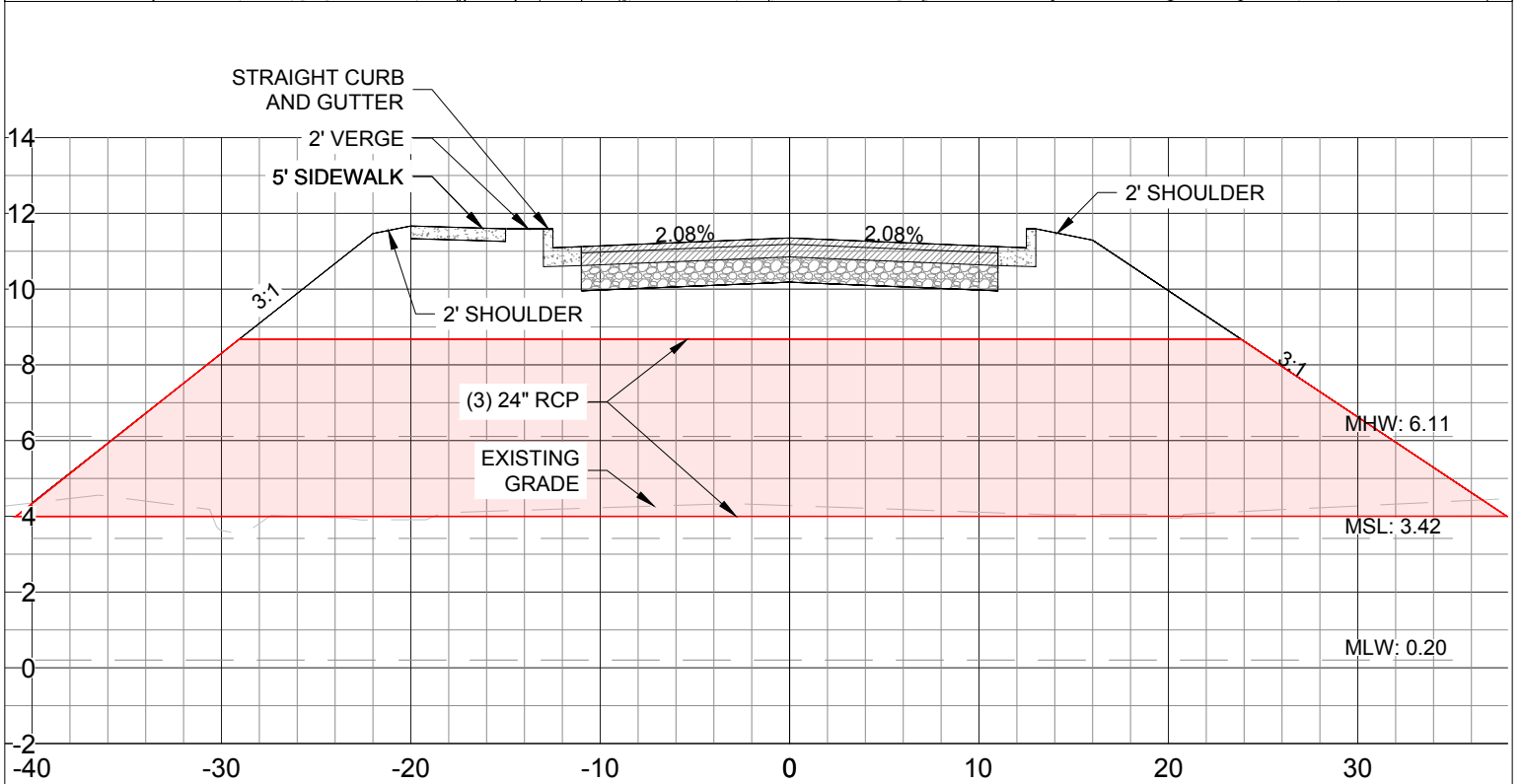
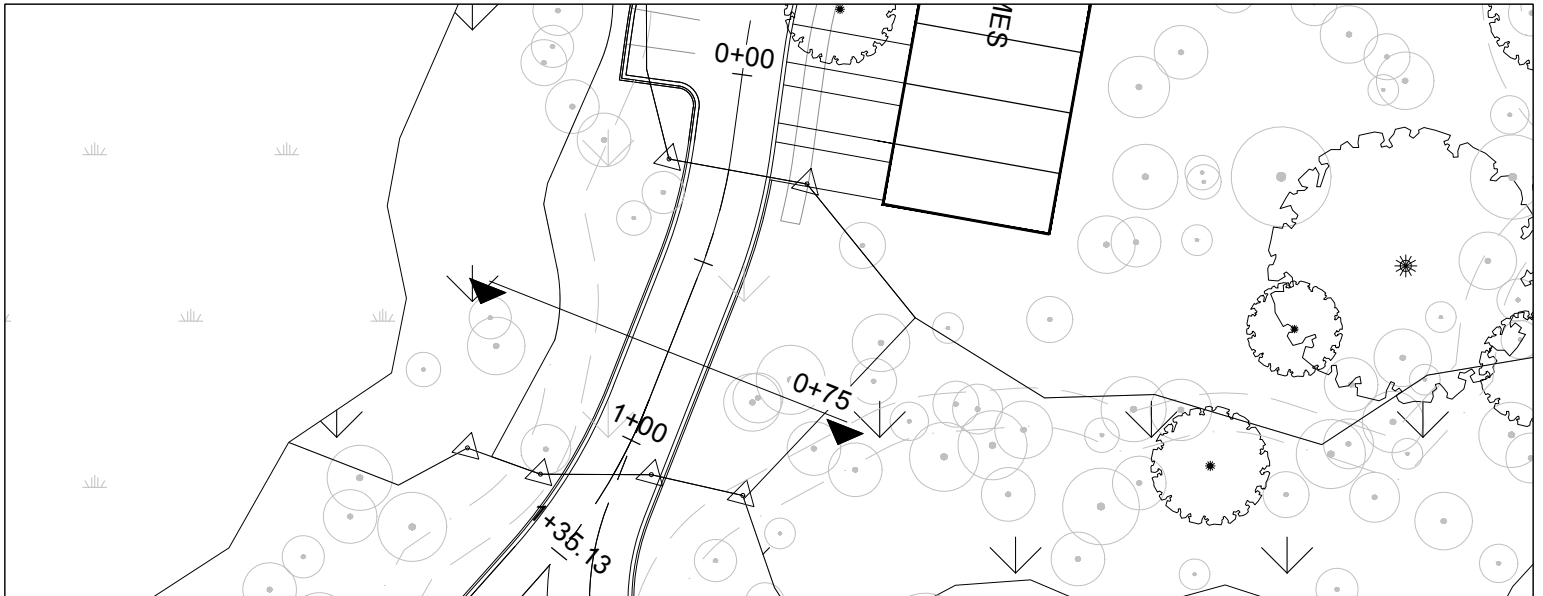
ROADWAY 2 SECTION-1+00.00



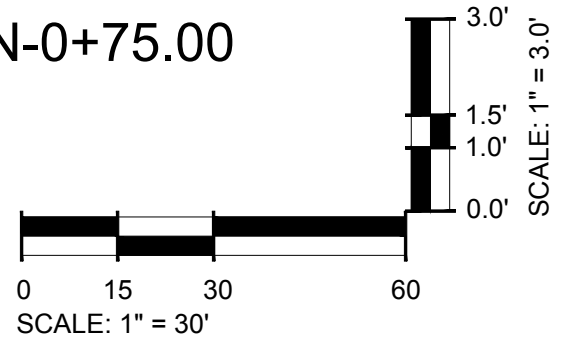
PROJECT NAME: SKATELL TRACT MULTI-FAMILY
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ROADWAY SECTION 2
 SHEET 13



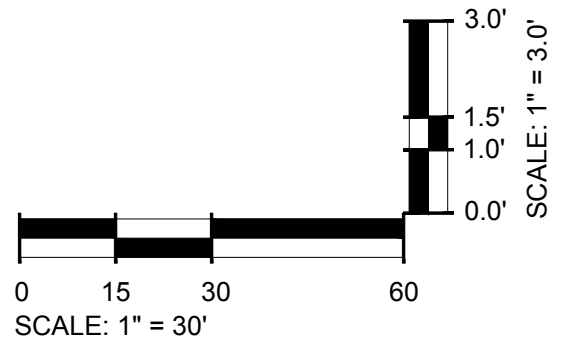
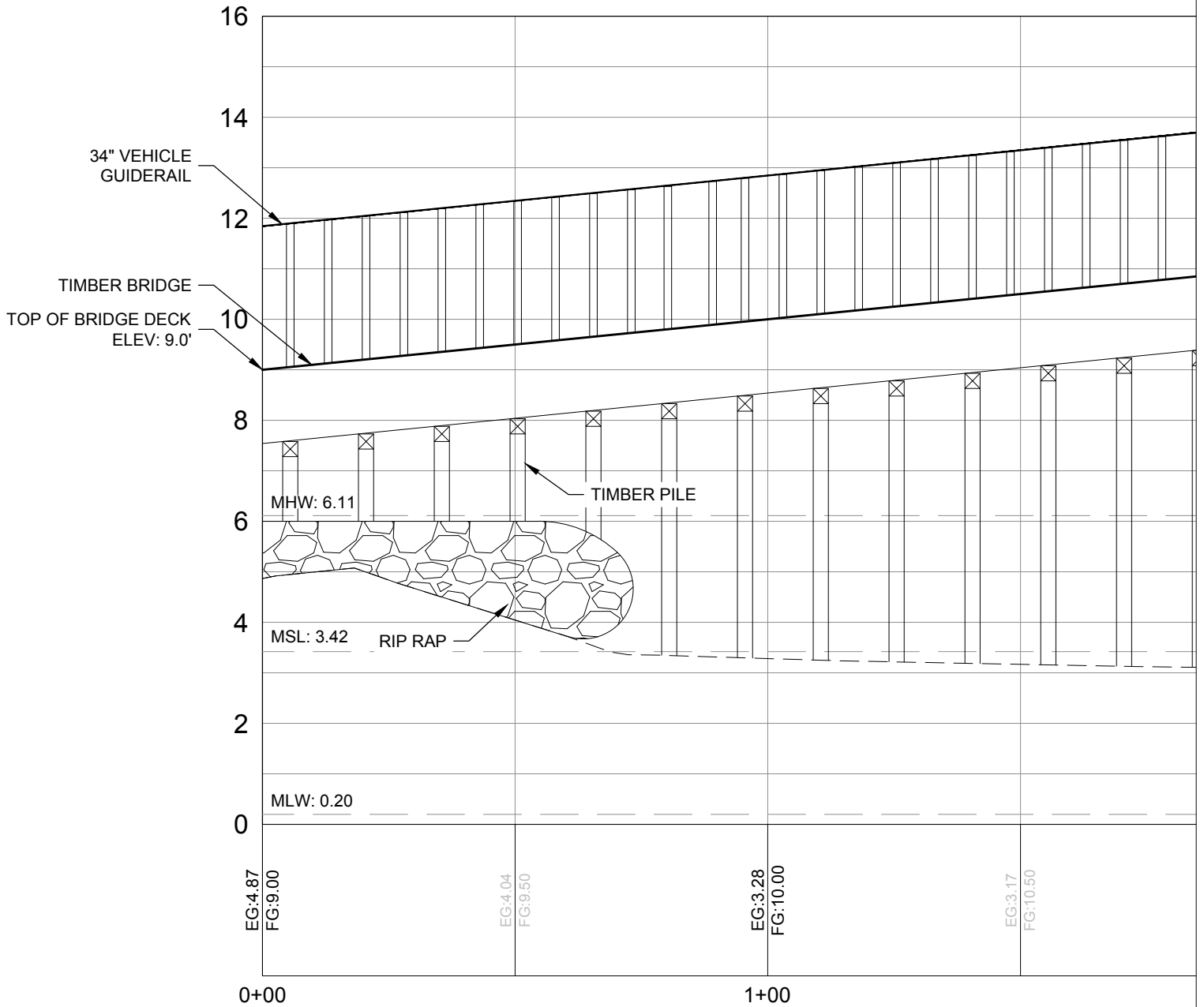
ROADWAY 3 SECTION-0+75.00



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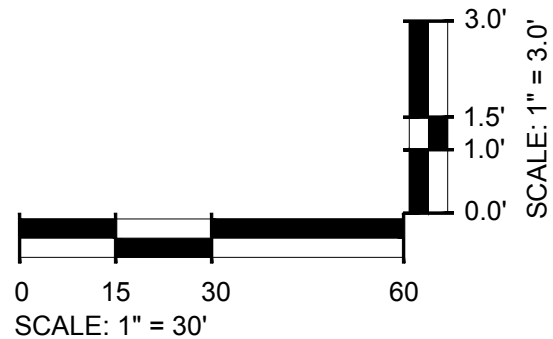
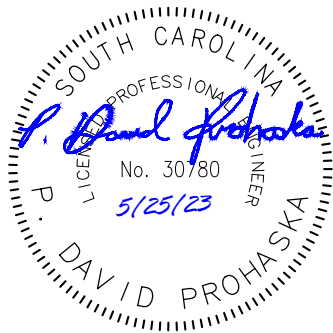
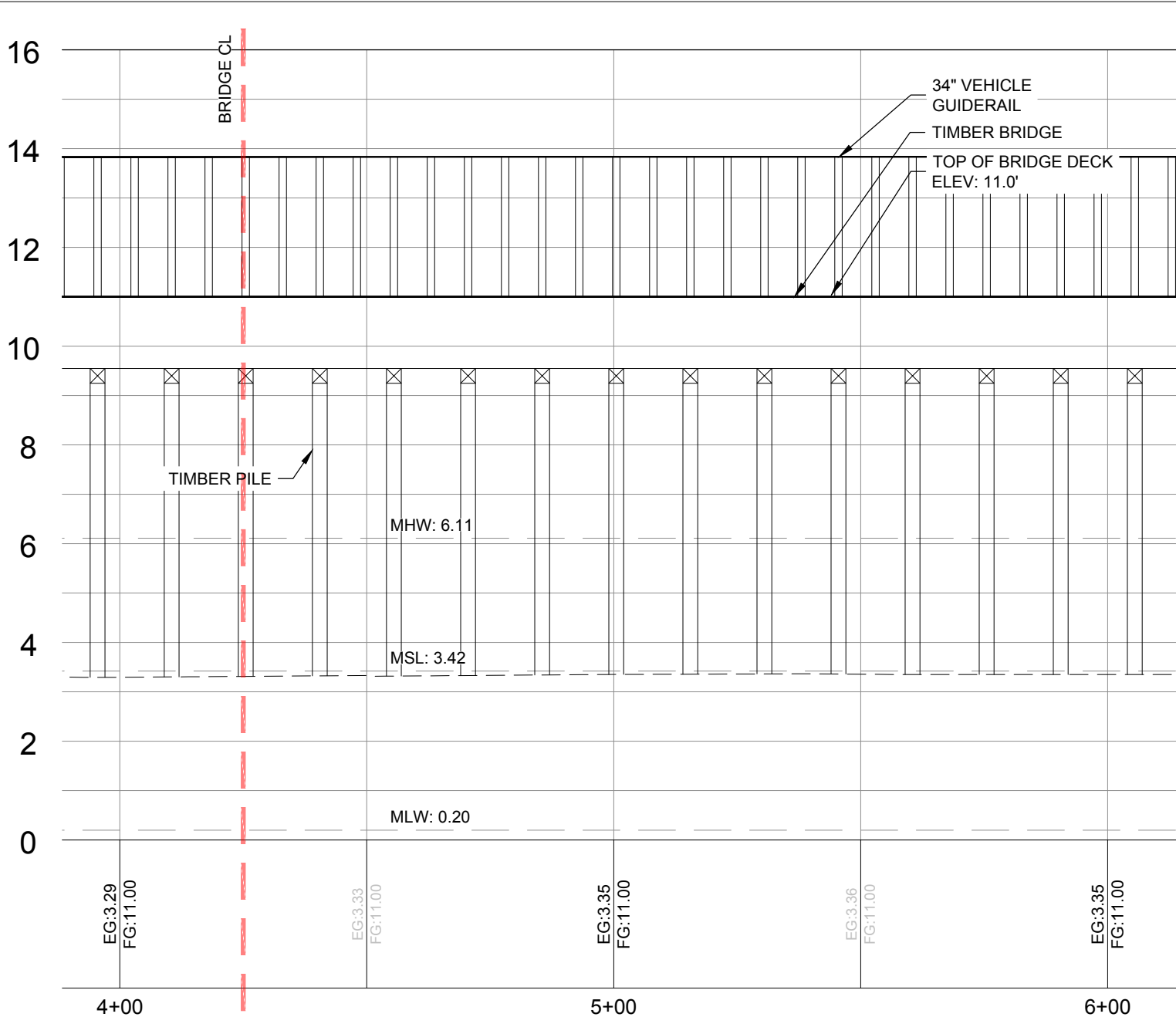
ROADWAY SECTION 3
 SHEET 14



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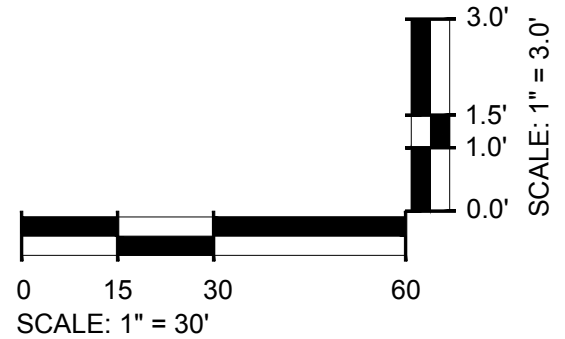
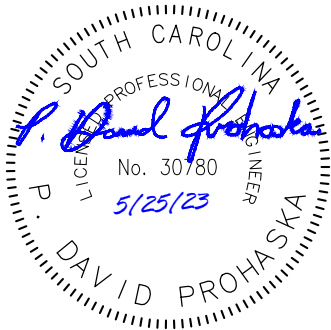
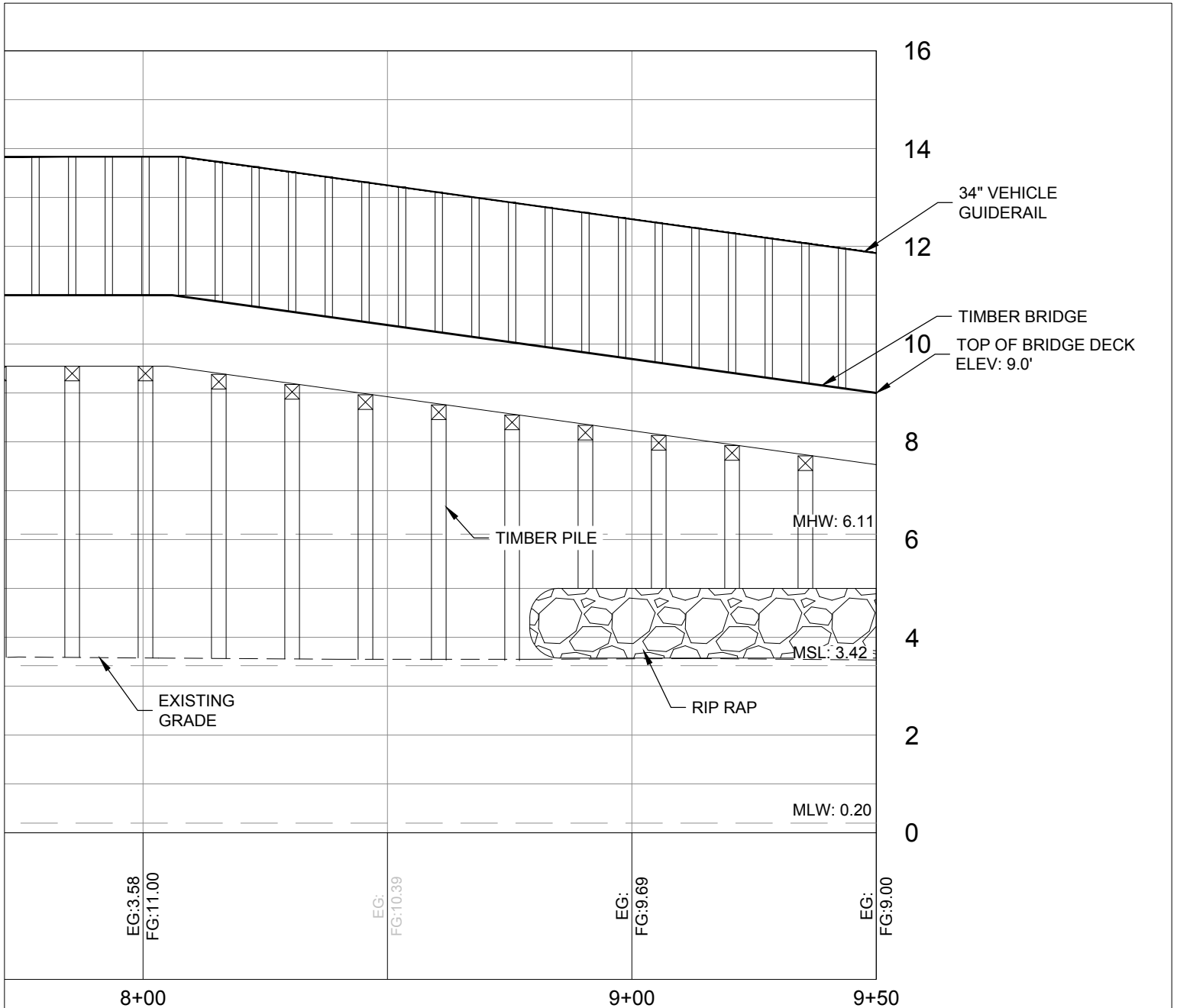
PROPOSED SKATELL
 BRIDGE PROFILE 1
 SHEET 15



PROJECT NAME: SKATELL TRACT MULTI-FAMILY
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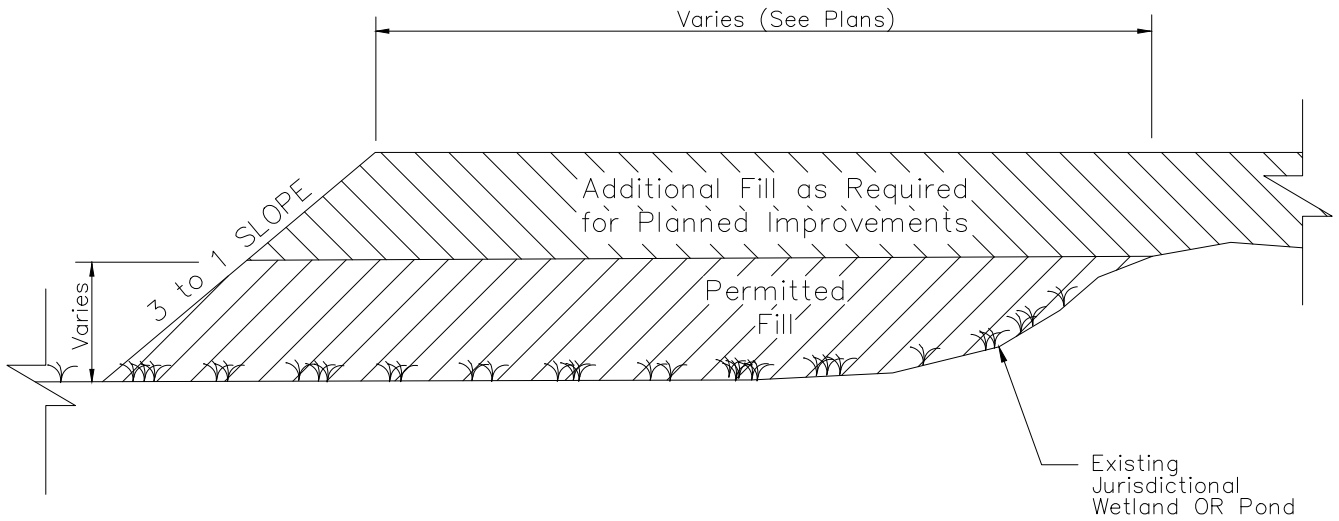
PROPOSED SKATELL
BRIDGE PROFILE 2
SHEET 16



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PROPOSED SKATELL
 BRIDGE PROFILE 3
 SHEET 17



1

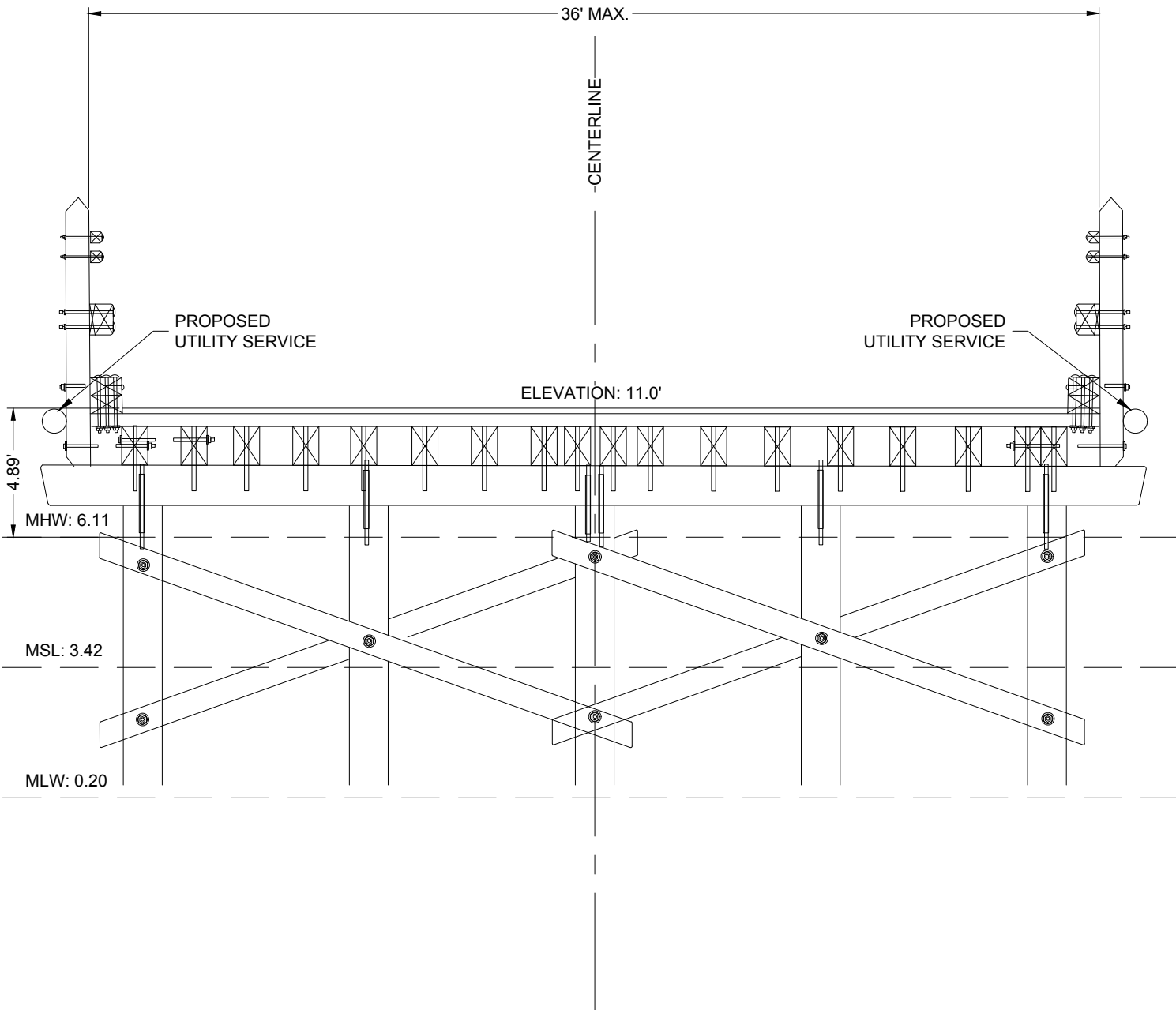
Typical Partial Wetland Fill
(NOT TO SCALE)



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DETAIL 1
SHEET 18



4

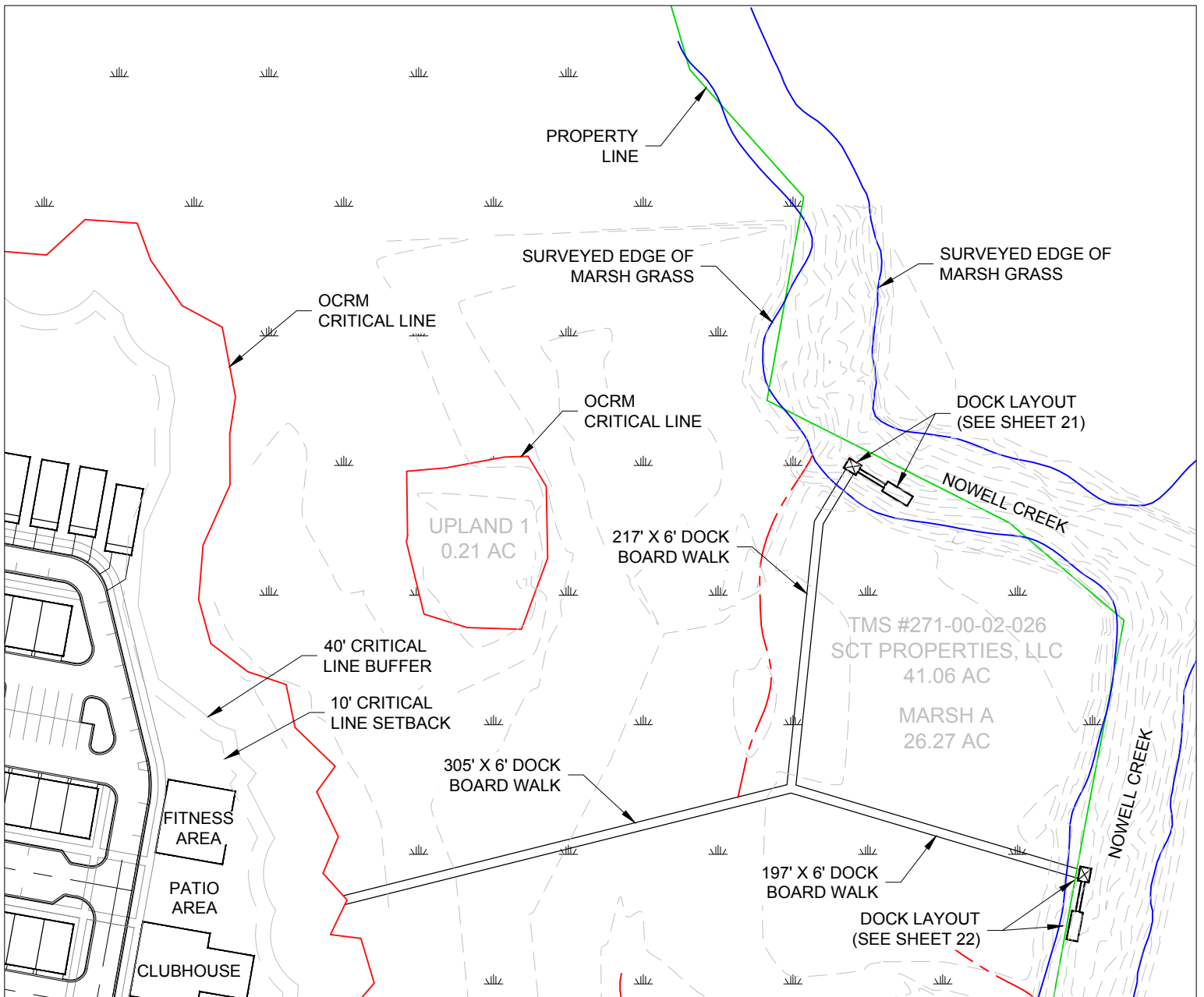
Typical Proposed Skatell Bridge – Section View

(NOT TO SCALE)



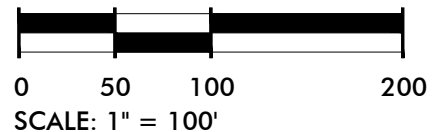
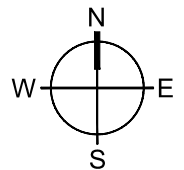
PROJECT NAME: SKATELL TRACT MULTI-FAMILY
 PROJECT #: 8915
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 SECTION VIEW
 SHEET 19



LEGEND

- WETLAND TO REMAIN
- CRITICAL AREA TO REMAIN
- UPLAND
- WETLAND FILL

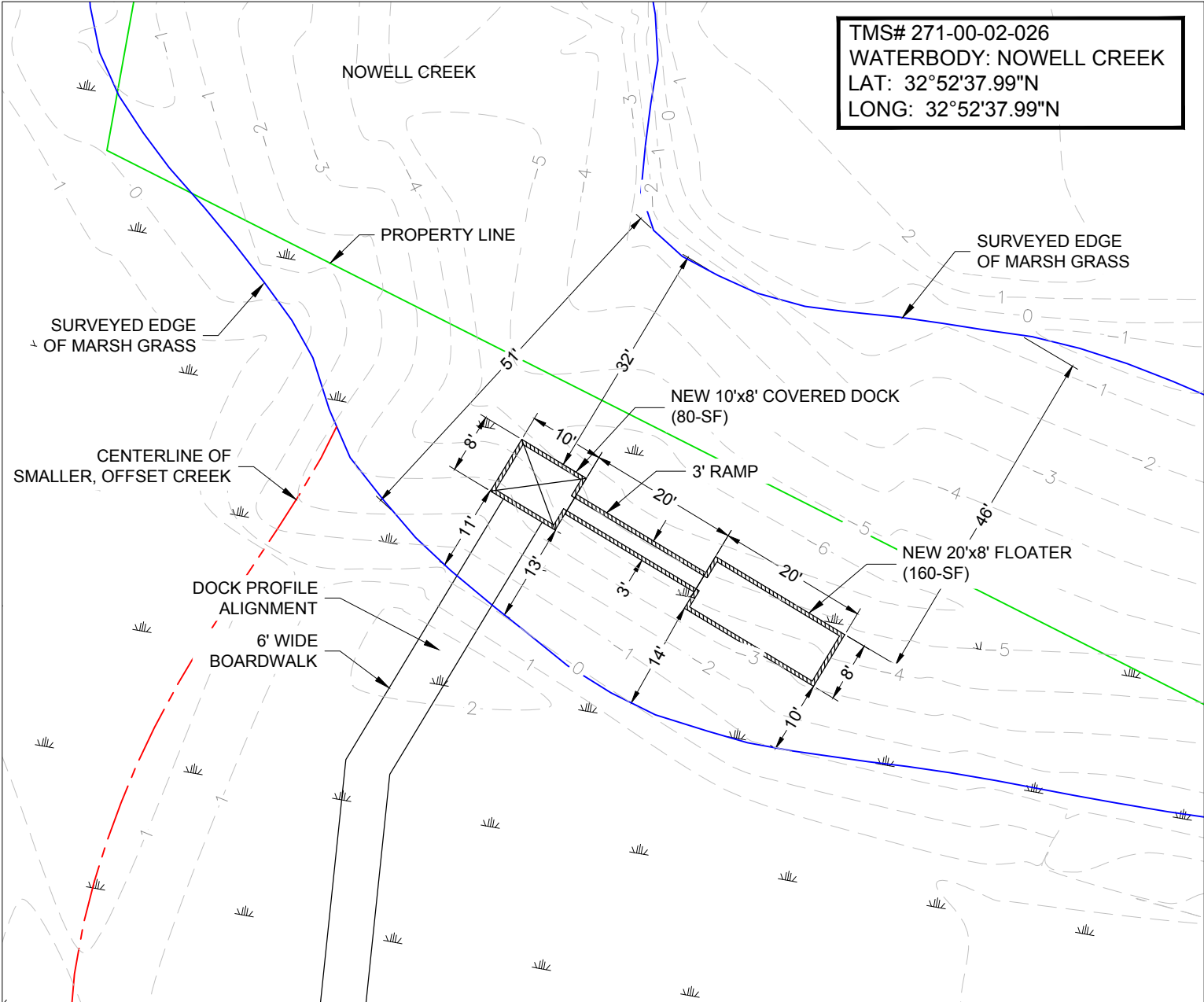


PROJECT NAME: SKATELL TRACT MULTI-FAMILY
 PROJECT #: 8915
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



DOCK SITE PLAN
 SHEET 20

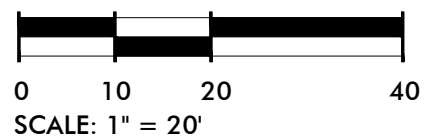
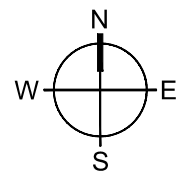
TMS# 271-00-02-026
 WATERBODY: NOWELL CREEK
 LAT: 32°52'37.99"N
 LONG: 32°52'37.99"W



MEAN SEA LEVELS
 MLW: 0.20
 MHW: 6.11

LEGEND

-  WETLAND TO REMAIN
-  CRITICAL AREA TO REMAIN
-  UPLAND
-  WETLAND FILL

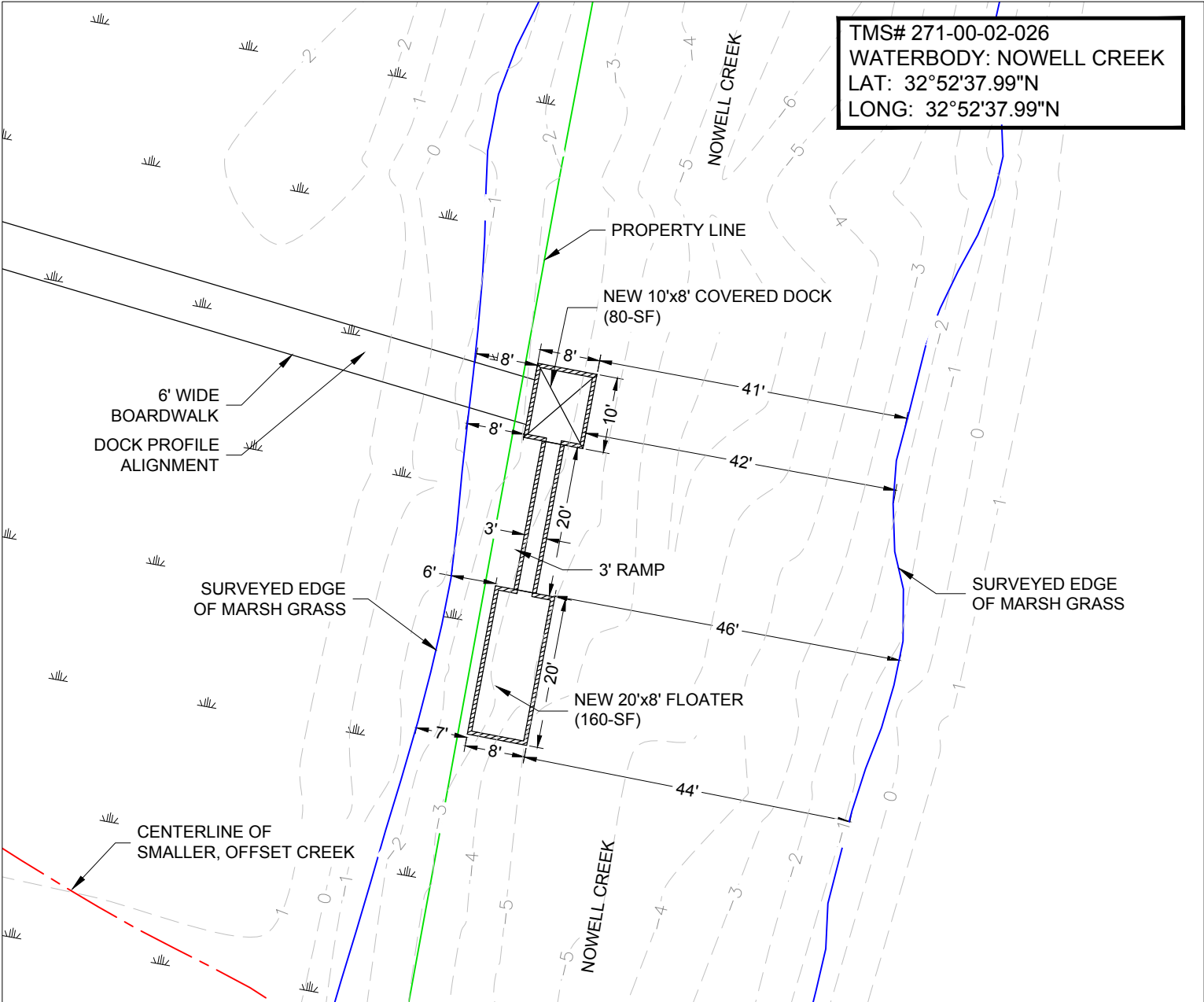


PROJECT NAME: SKATELL TRACT MULTI-FAMILY
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 CHARLESTON, SC
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DOCK NE LAYOUT
 SHEET 21

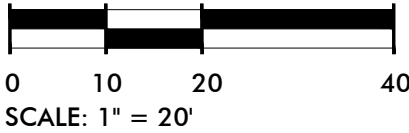
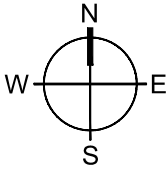
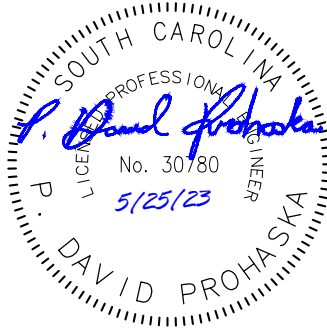
TMS# 271-00-02-026
 WATERBODY: NOWELL CREEK
 LAT: 32°52'37.99"N
 LONG: 32°52'37.99"N



MEAN SEA LEVELS
 MLW: 0.20
 MHW: 6.11

LEGEND

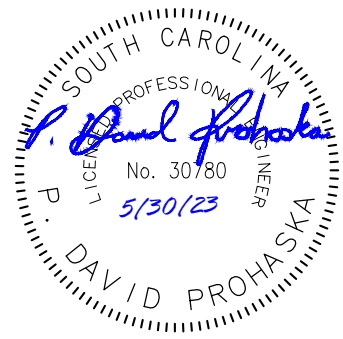
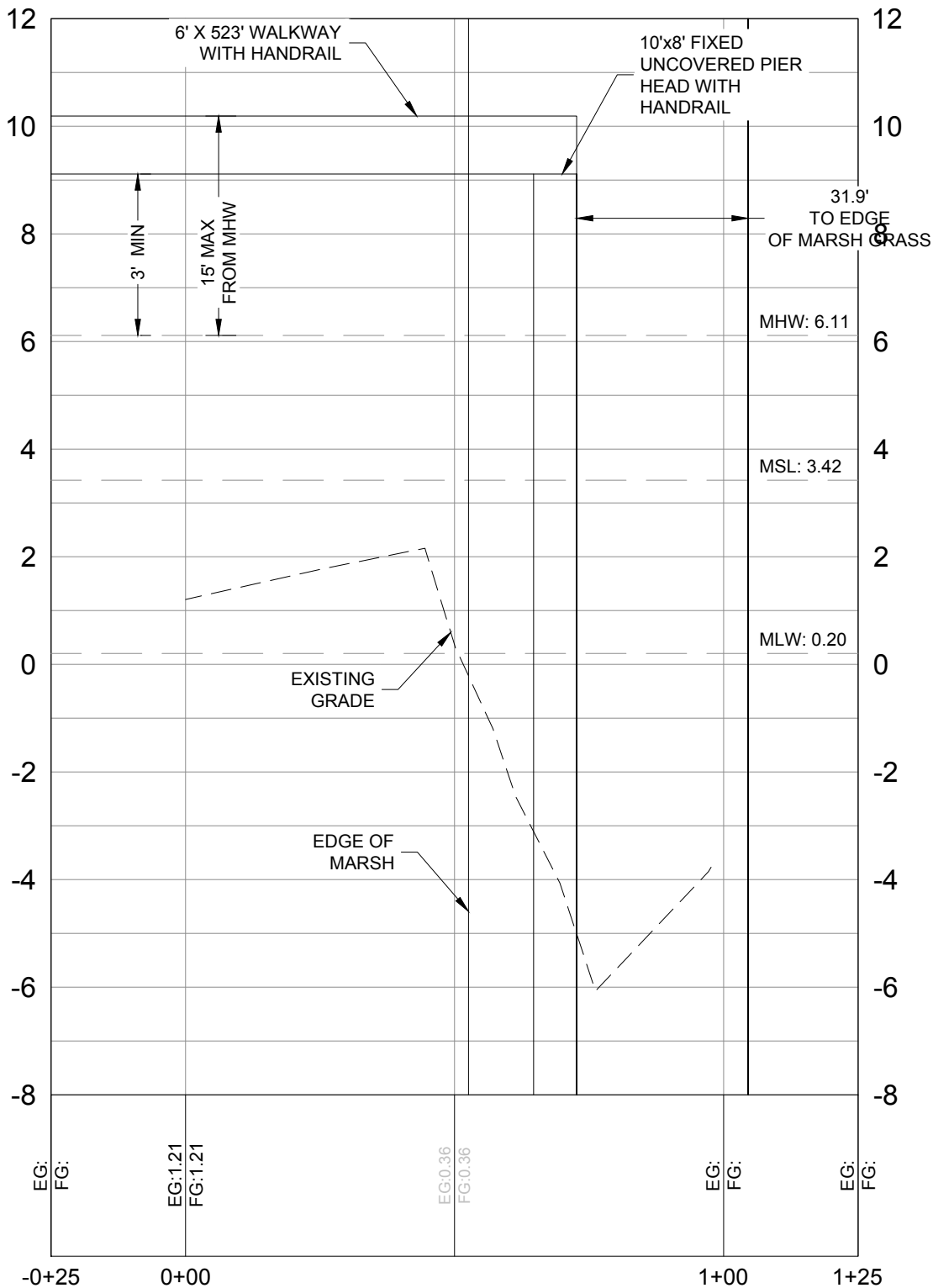
-  WETLAND TO REMAIN
-  CRITICAL AREA TO REMAIN
-  UPLAND
-  WETLAND FILL



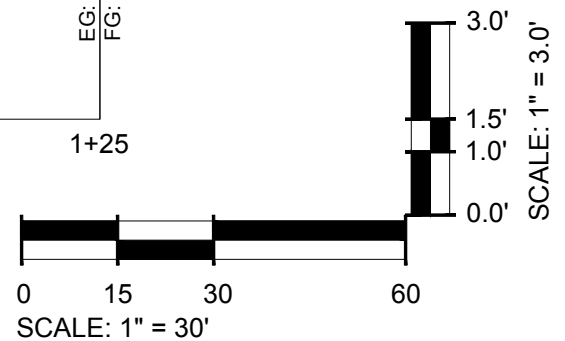
PROJECT NAME: SKATELL TRACT MULTI-FAMILY
 PROJECT #: 8915
 CHARLESTON, SC
 DATE: 5/16/2023

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DOCK SE LAYOUT
 SHEET 22



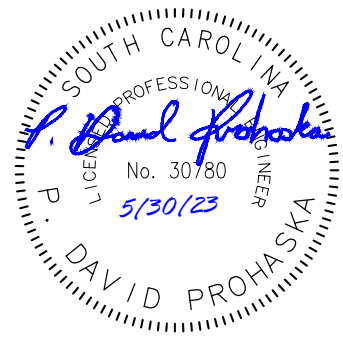
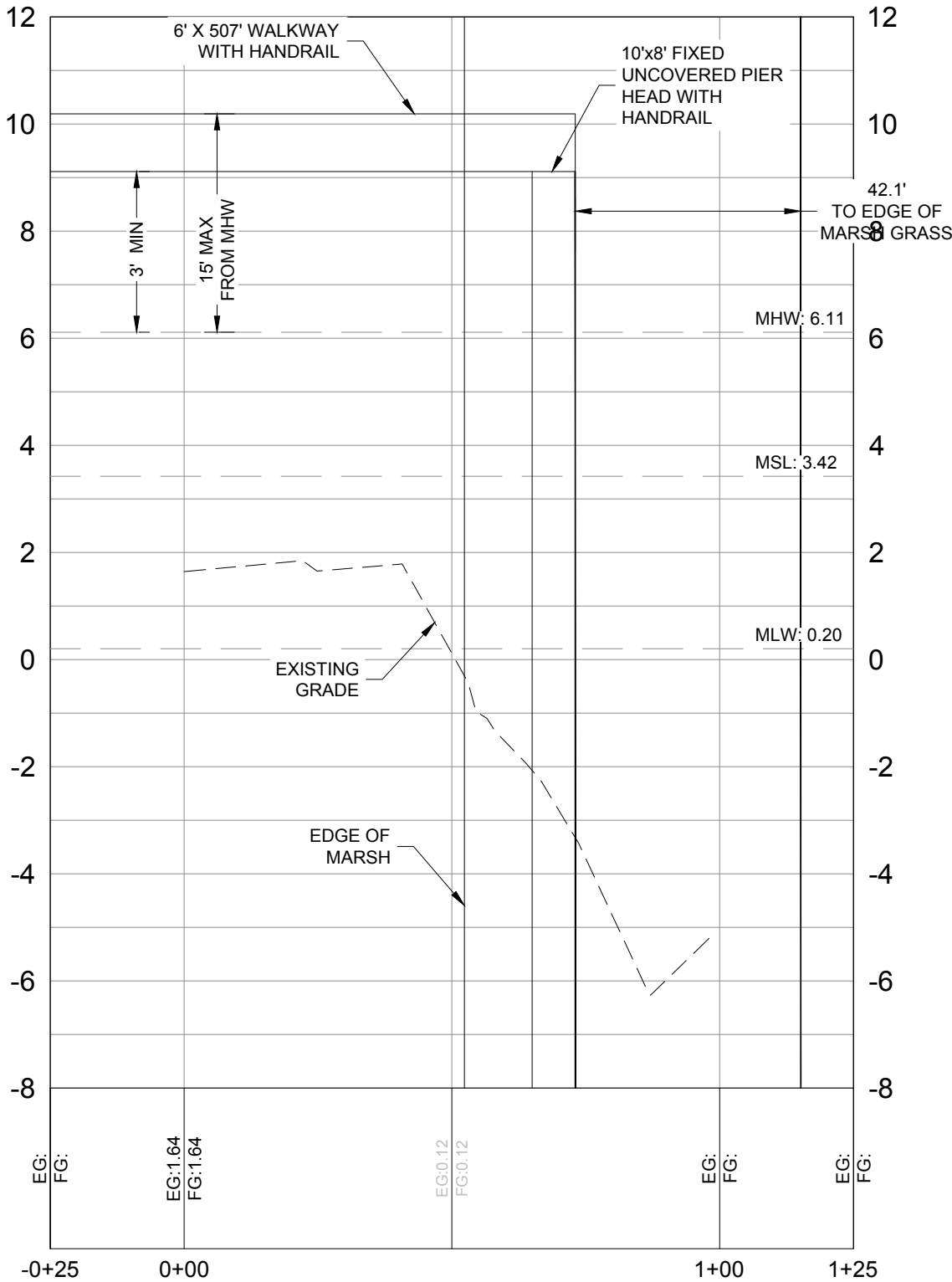
DOCK NE PROFILE



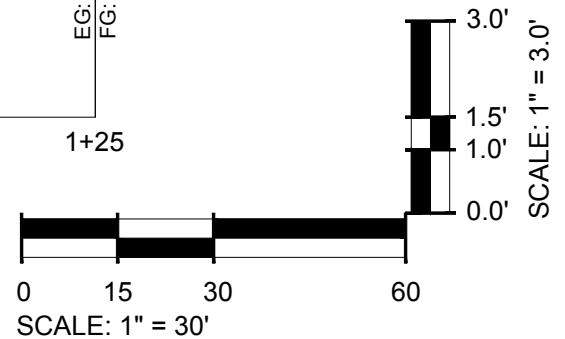
PROJECT NAME: SKATELL TRACT MULTI-FAMILY
 PROJECT #: 8915
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DOCK NE PROFILE
 SHEET 23



DOCK SE PROFILE



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DOCK SE PROFILE
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