<u>JOINT</u> <u>PUBLIC NOTICE</u>

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-2020-01504

March 19, 2025

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and 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. Richard Yates Rye-Build, LLC 668 Marina Drive, Suite B-1 Charleston, South Carolina 29492

for a permit associated with a master-planned residential community known as Medway Tract in the

Sophia Swamp

located TMS# 224-00-02-034, Berkeley County, South Carolina (Latitude: 33.0426°, Longitude: -80.0257°), Goose Creek 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 SCDES 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: <u>http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices</u> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to construct a master planned residential development.

Project Description

According to the applicant, the purpose of the proposed work consists of impacting an additional 1.538-acres of wetlands for road crossings and infrastructure for the residential development. The need for housing in Berkeley County has grown 36.6% and additional housing is needed in the area to accommodate this rising growth in the county.

Avoidance and Minimization

The applicant previously received a nationwide permit (NWP) 29 for impacts to 0.5 acres to construct a residential development on this tract. As mitigation for that project, they purchased mitigation credits as well as preserved the remaining 219.7 acres of wetlands on site (as seen on Sheet 21A). To date, the applicant has only constructed roads authorized under the NWP29. Further, the applicant has stated that while the proposal and plan require impacts to additional wetland resources, they have provided an environmentally sensitive land plan which concentrates the development area and requires less land and impacts to wetlands.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 14.96 freshwater wetland mitigation credits from an established USACE-approved wetland mitigation bank to offset the impacts required for the site development.

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 South Carolina Department of Environmental Services. 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.

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: Red-cockaded woodpecker (*Picoides borealis*), Northern long-eared bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavas*), Monarch butterfly (*Danaus plexippus*), American Chaffseed (Schwalbea americana), Candy's Dropwart (*Oxypolis canbyi*), and Pondberry (*Lindera melissifolia*).

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 <u>no effect</u> on Red-cockaded woodpecker (*Picoides borealis*), Northern long-eared bat (Myotis septentrionalis), Monarch butterfly (Danaus plexippus), American Chaffseed (*Schwalbea americana*), Candy's Dropwart (*Oxypolis canbyi*), and Pondberry (*Lindera melissifolia*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project <u>is not likely to adversely affect</u> Tricolored Bat (*Perimyotis subflavas*). 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 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)(*I*)(1)), and has initially determined that there are historic properties present nearby, but not within the project area or parcel. They will not be affected; therefore, there will be no effect on historic properties. A survey was completed bordering the parcel that had artifacts found but all found to be ineligible.

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. 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.

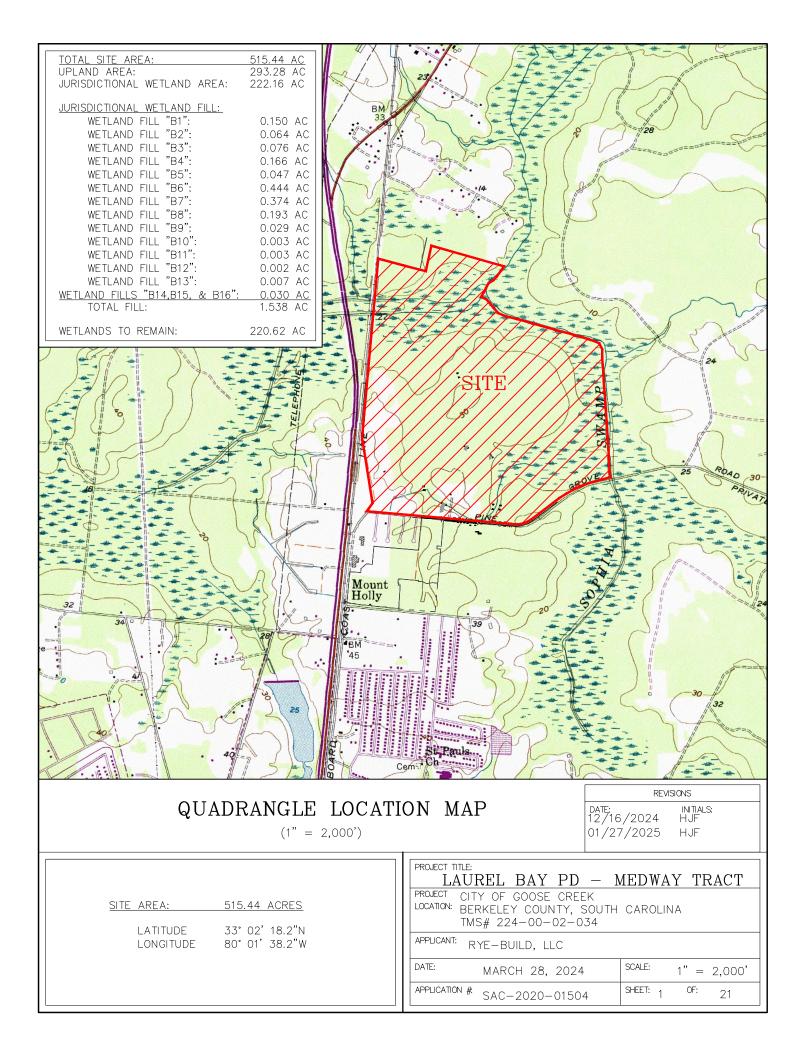
Solicitation of Public Comment

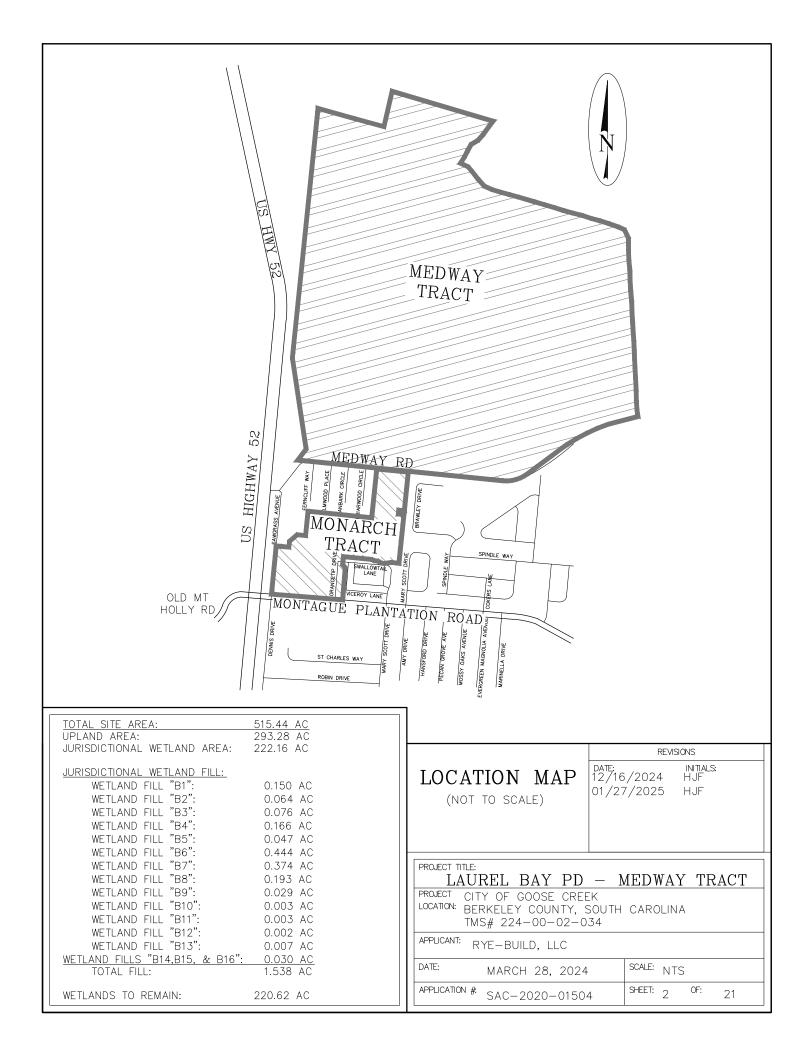
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify,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

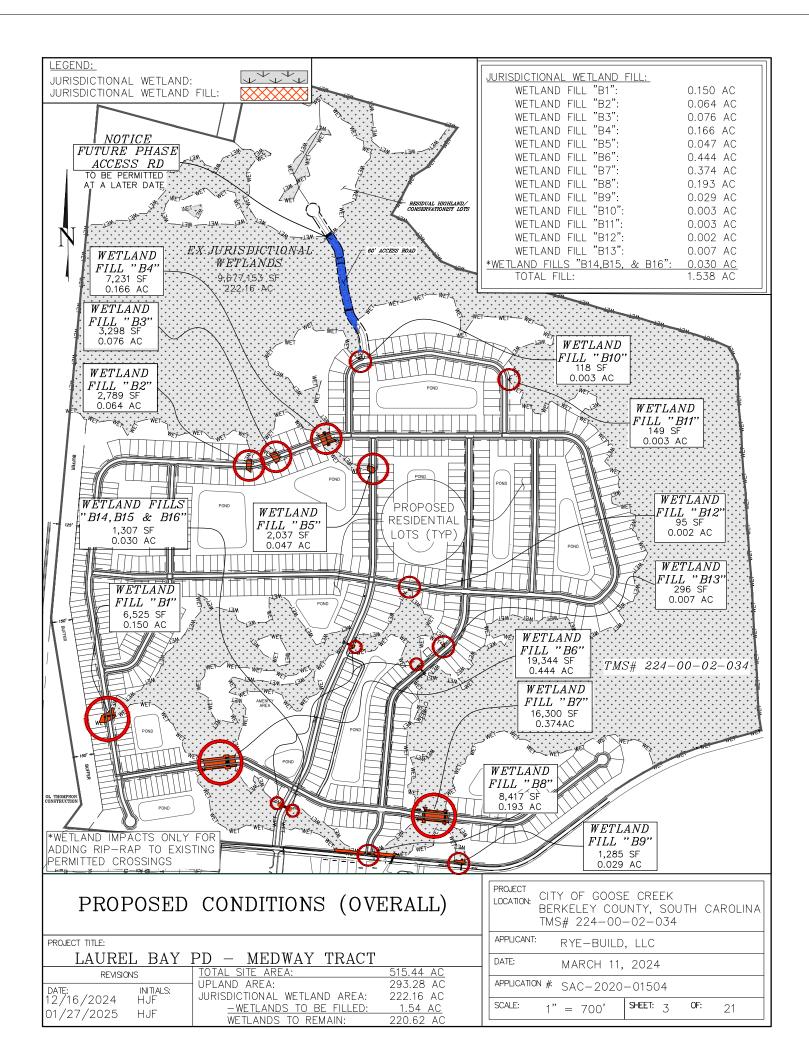
Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2020-01504), to LChantelle.Carroll@usace.army.mil <u>or</u> the following address:

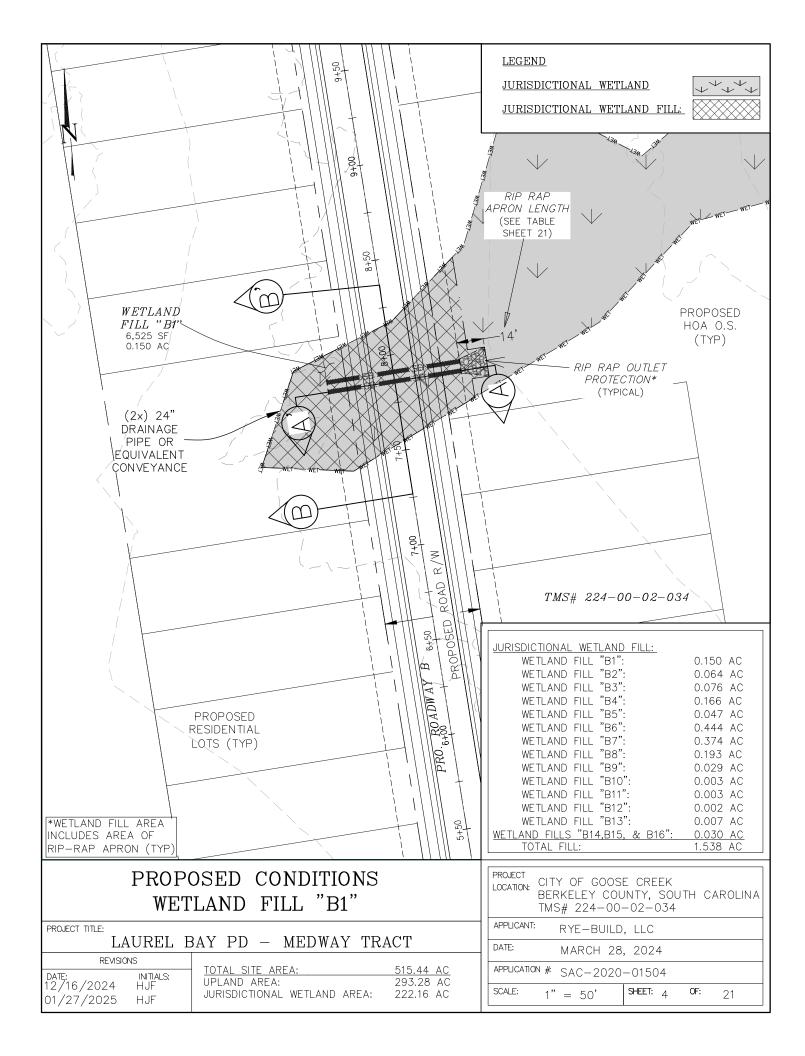
U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69A Hagood Avenue Charleston, South Carolina 29403-5107

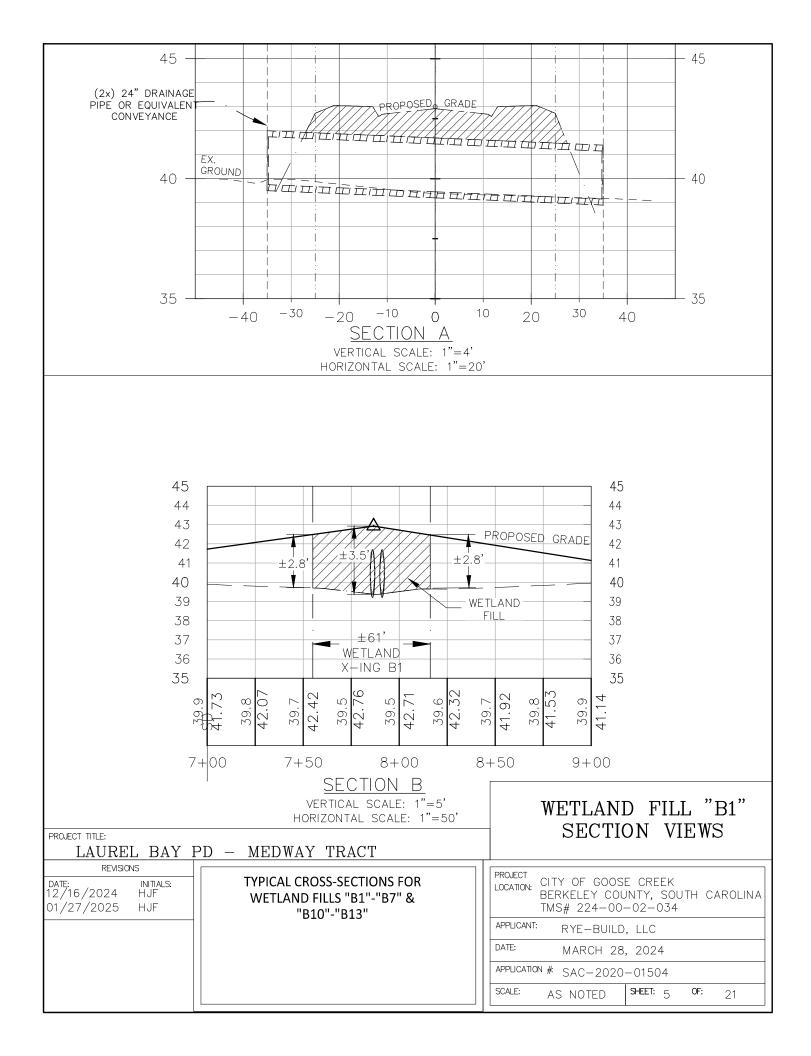
If there are any questions concerning this public notice, please contact Chantelle Carroll, Project Manager, at 843-329-8190, toll free at 1-866-329-8187, or by email at LChantelle.Carroll@usace.army.mil.

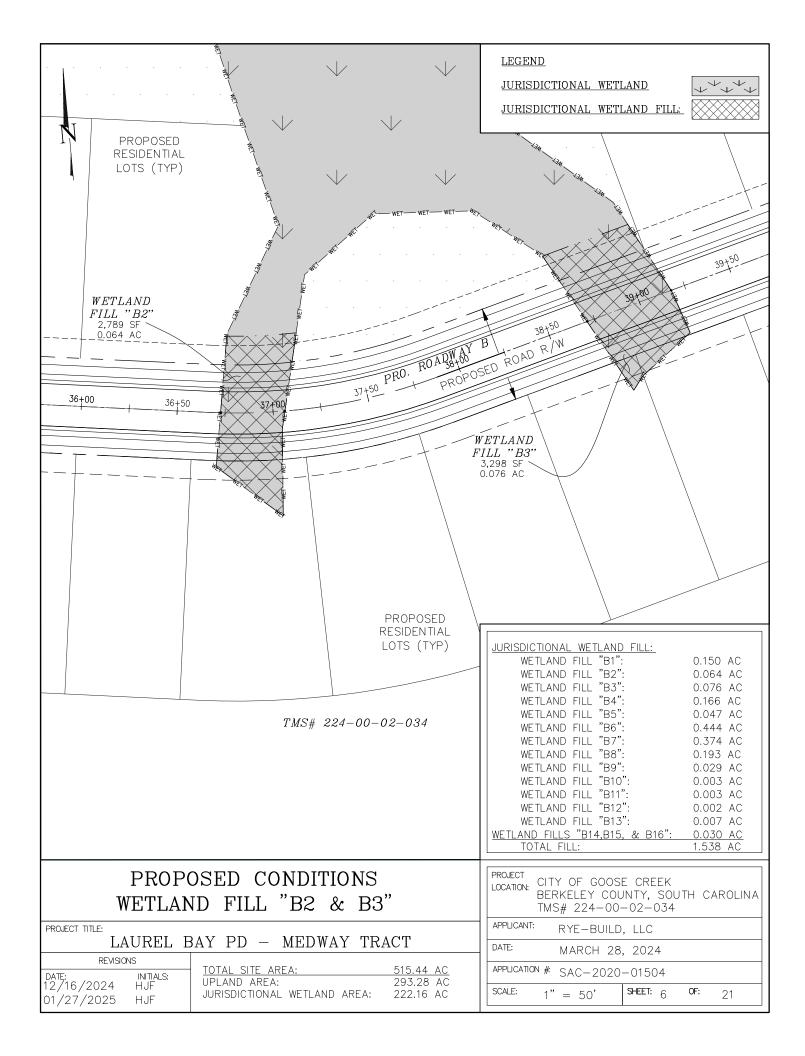


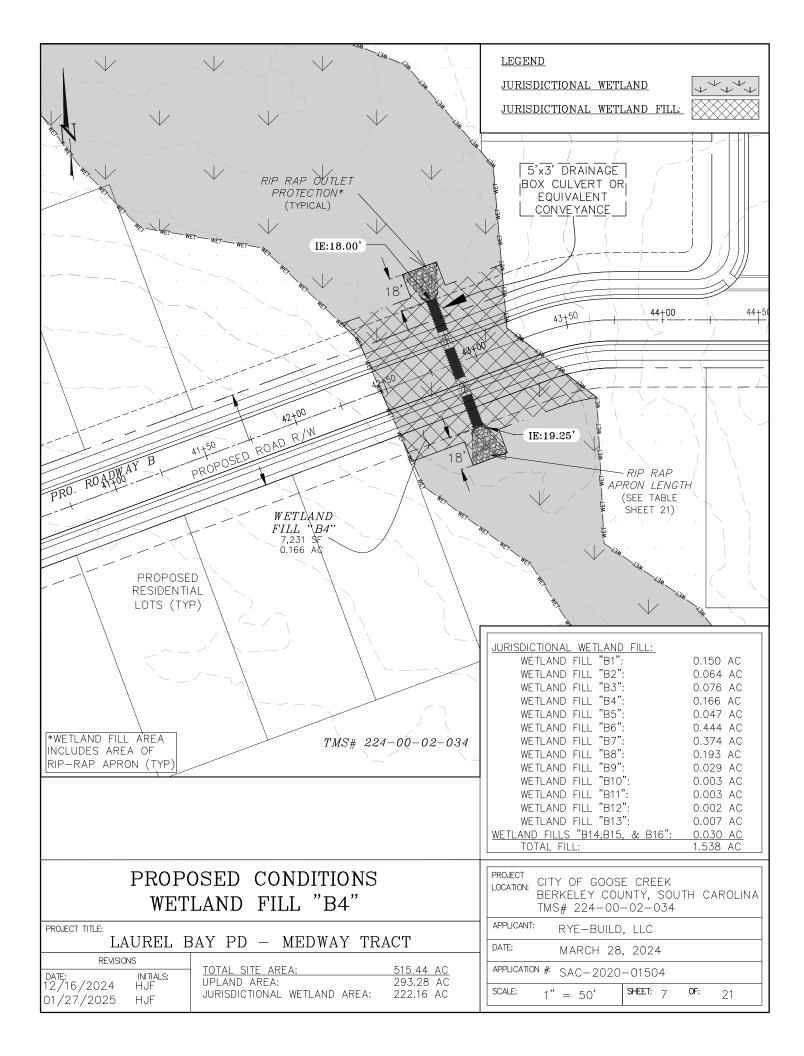


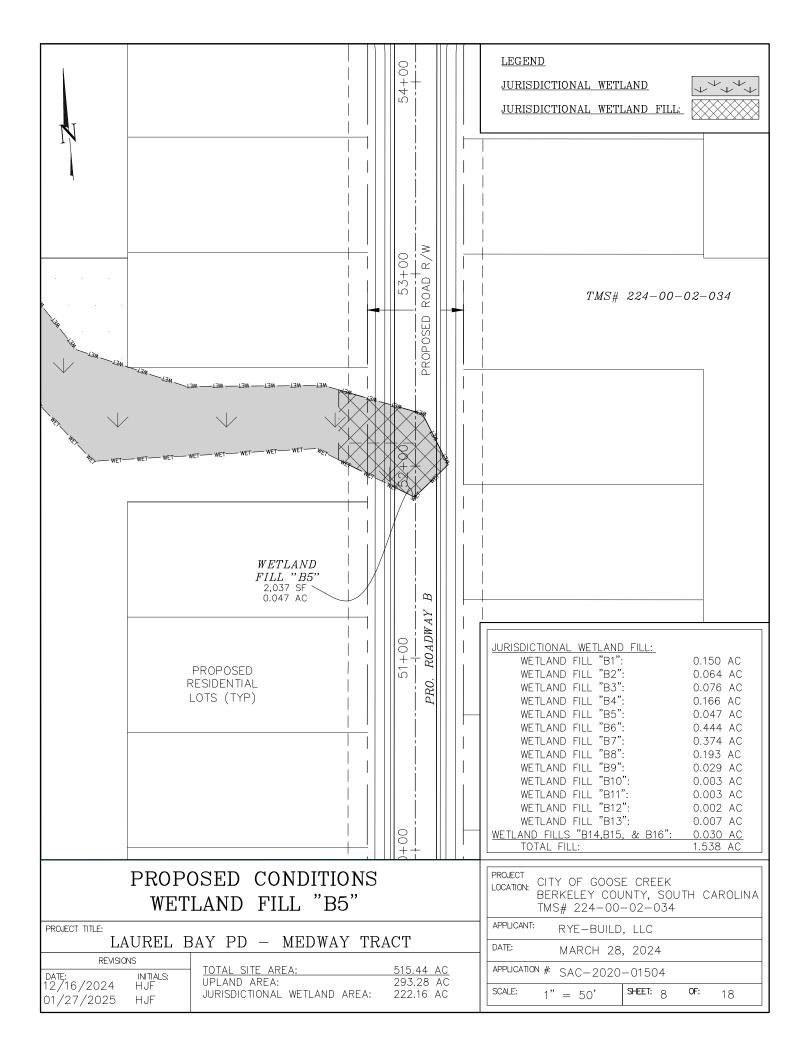


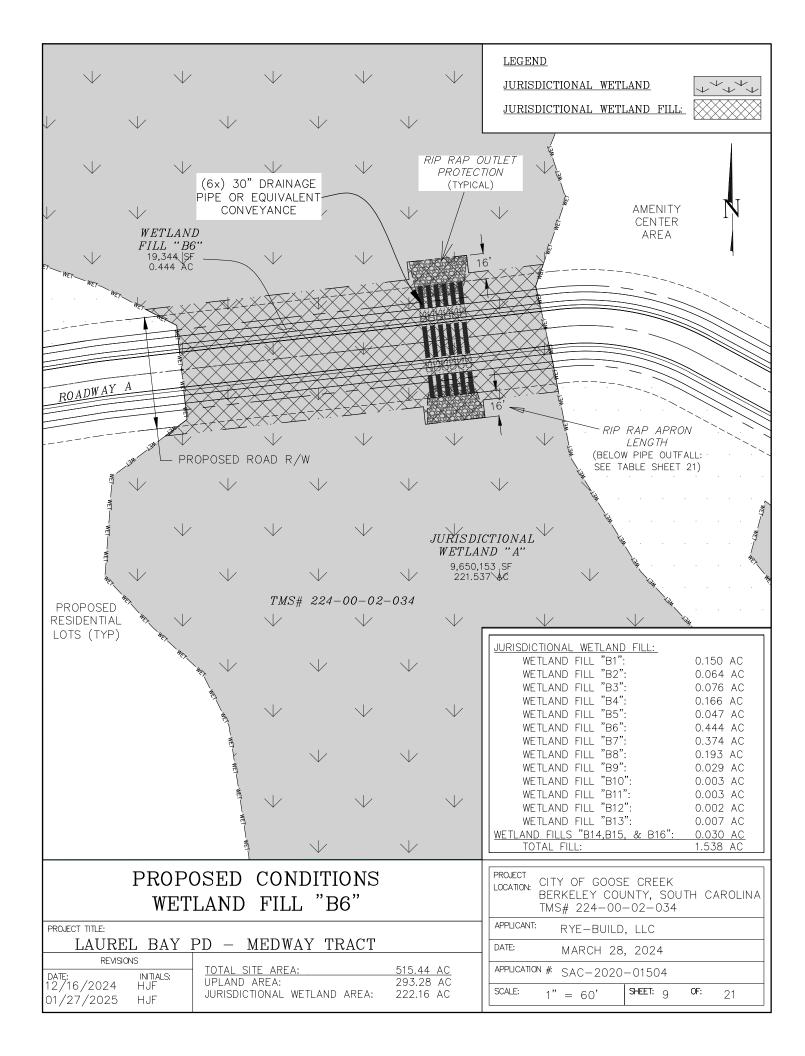


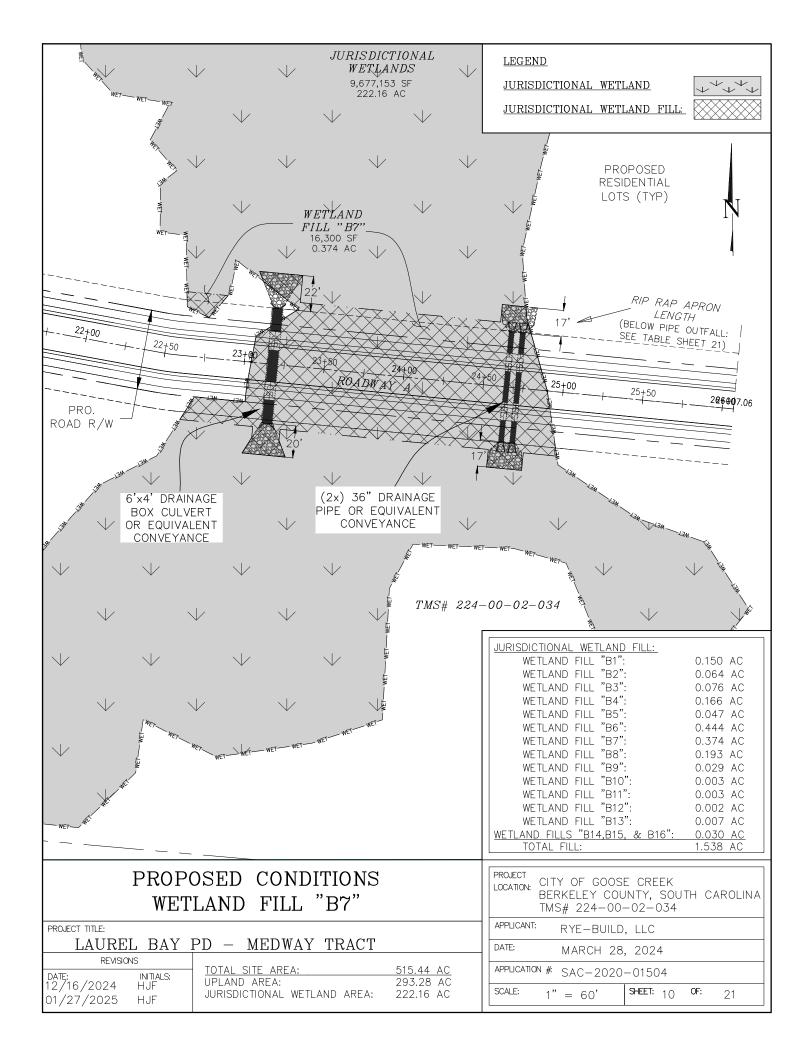


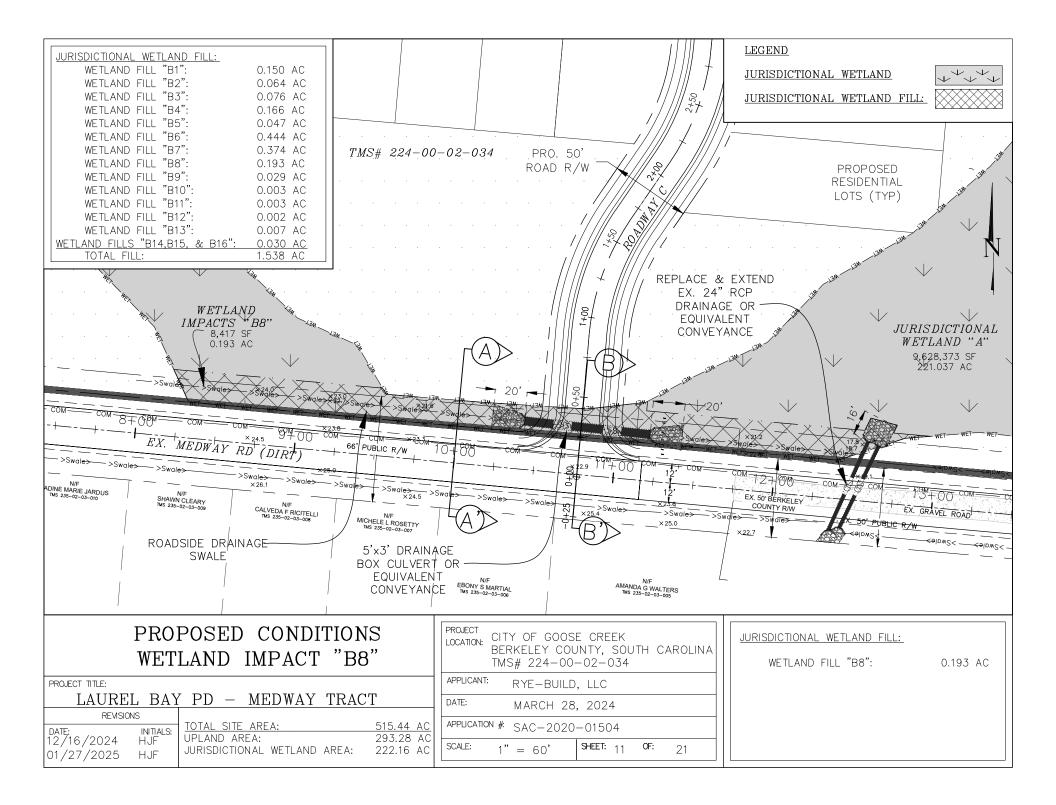


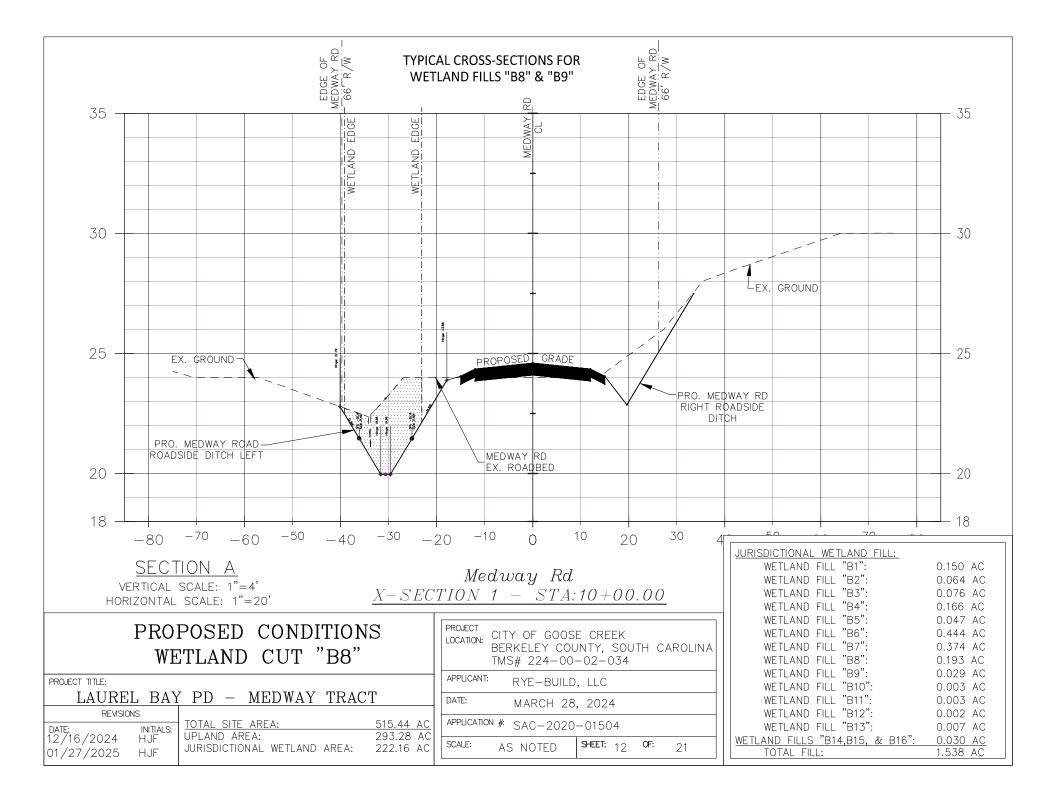


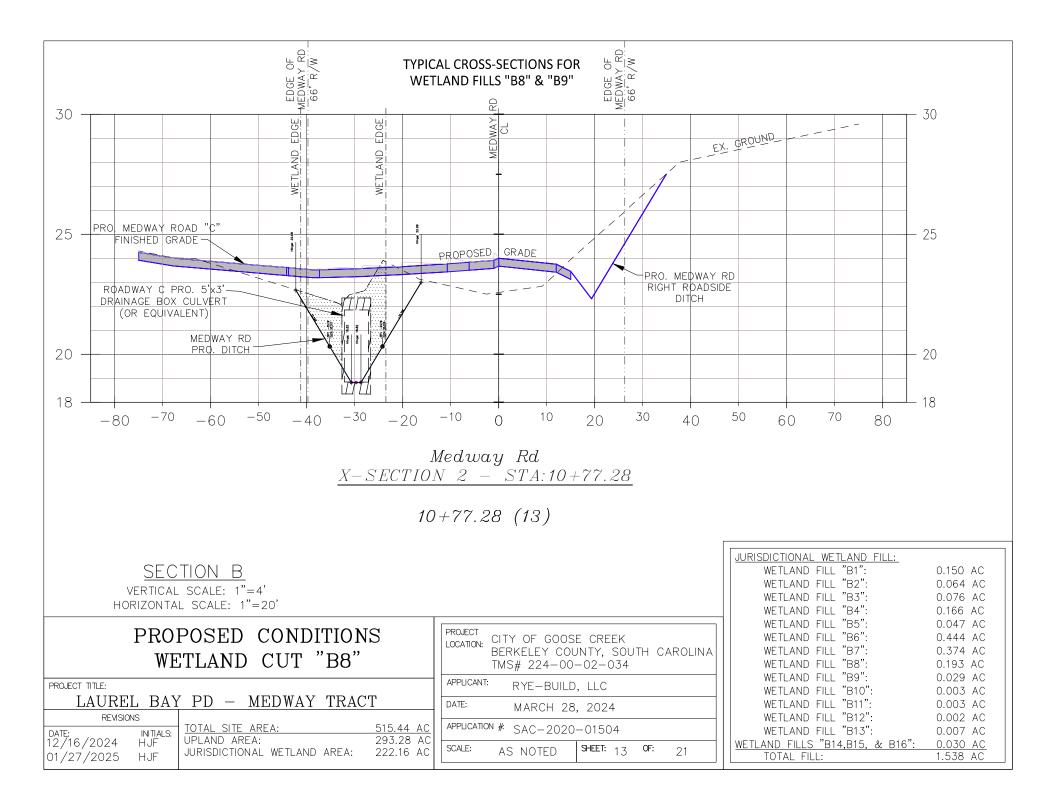


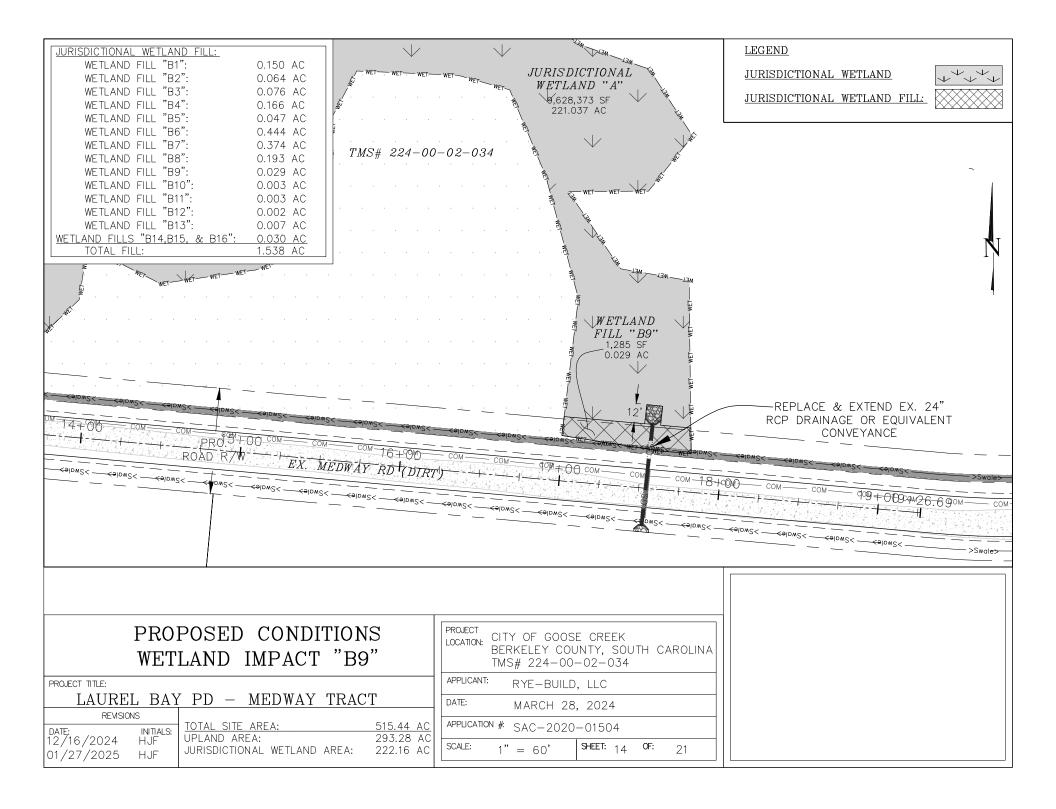


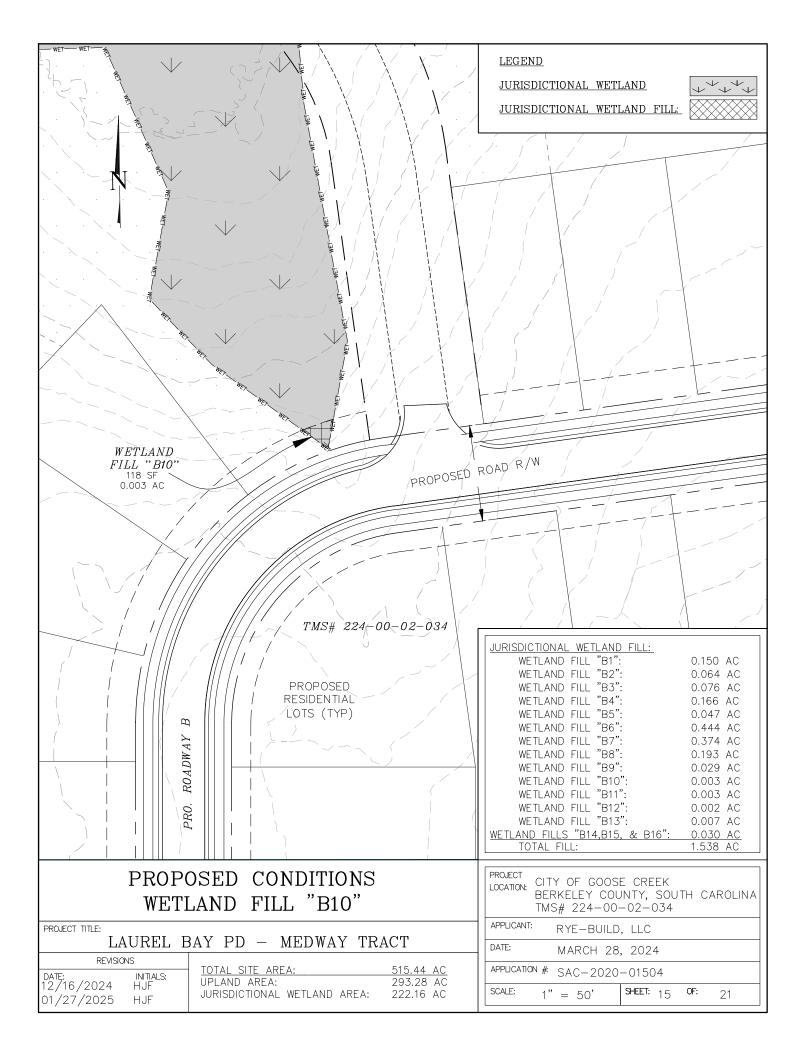


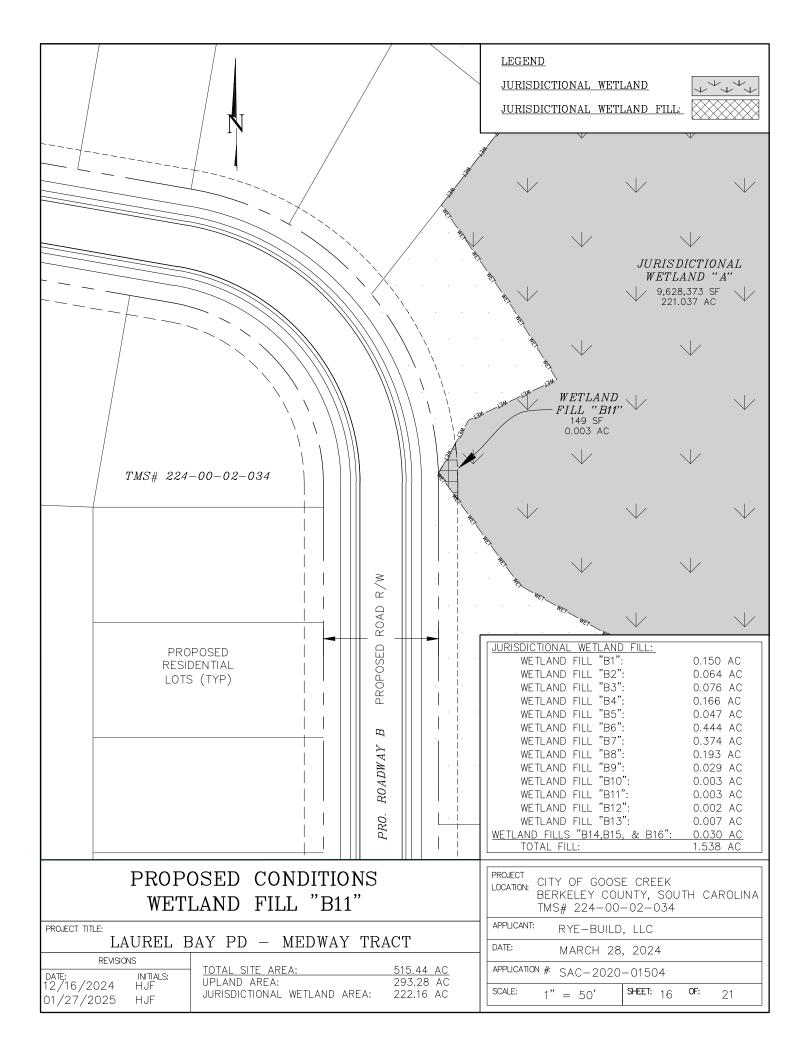


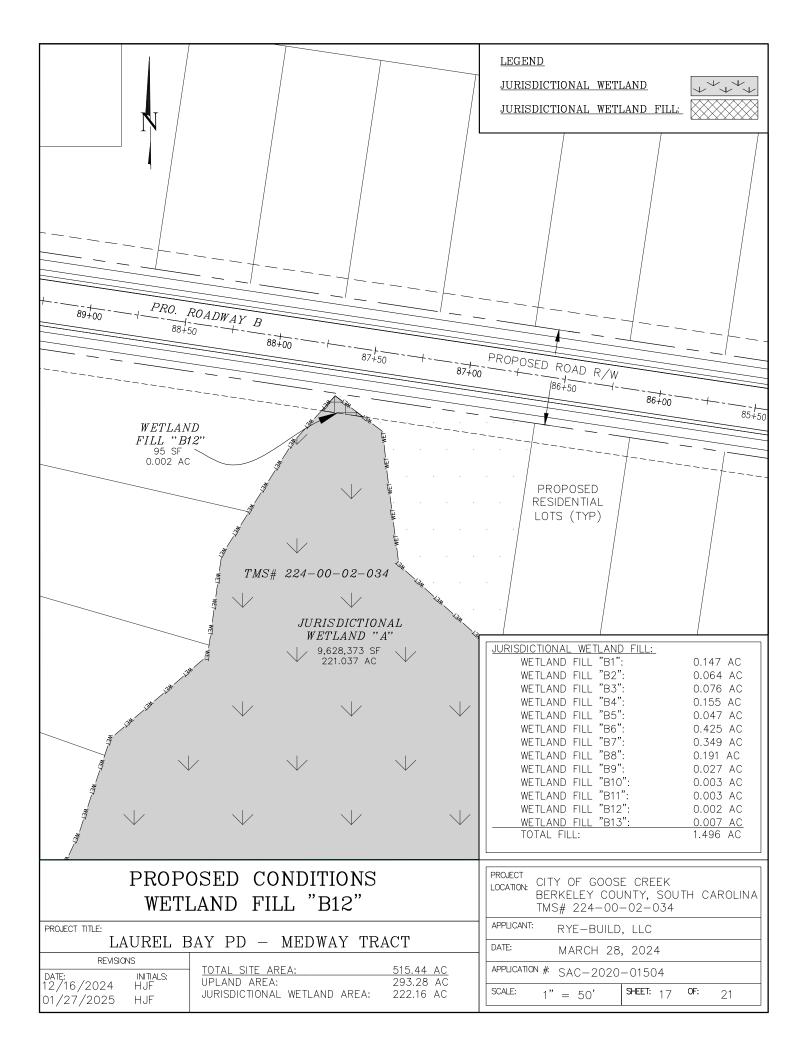


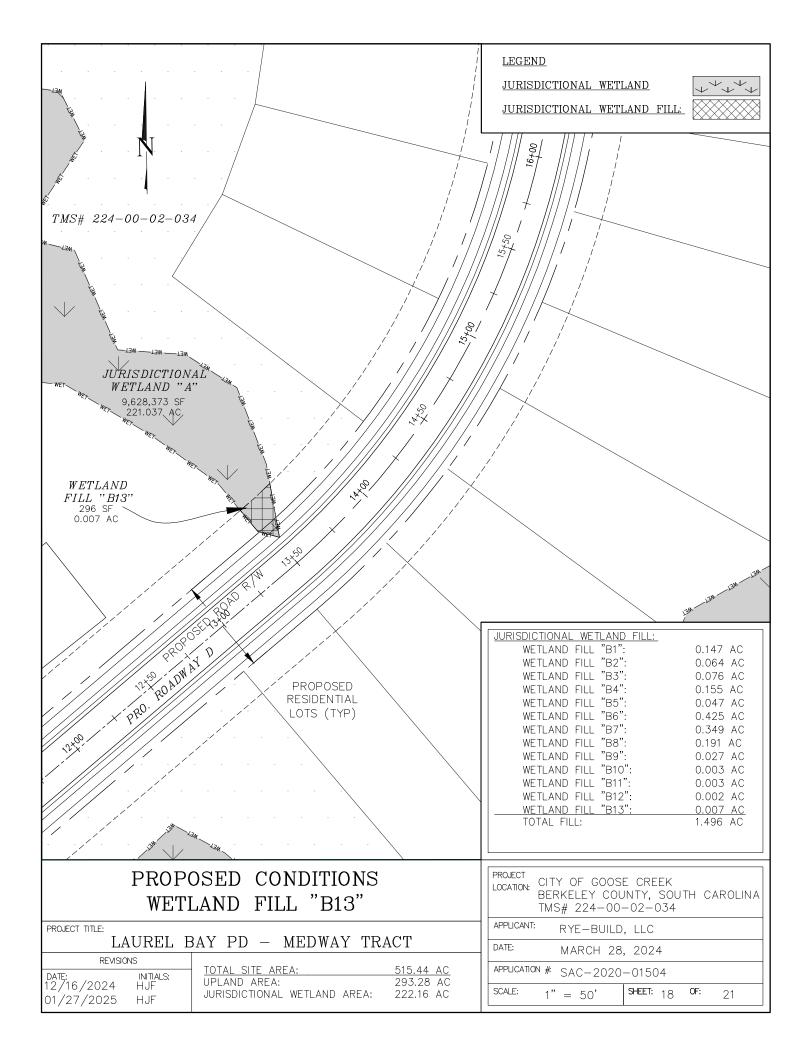


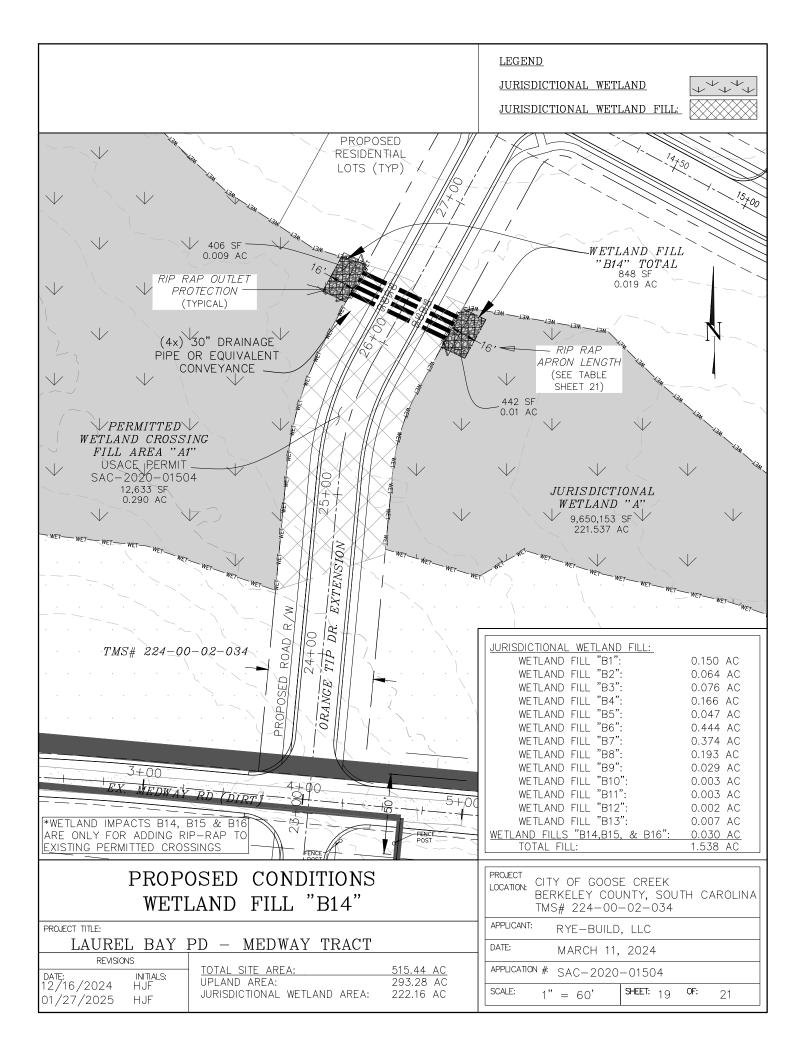


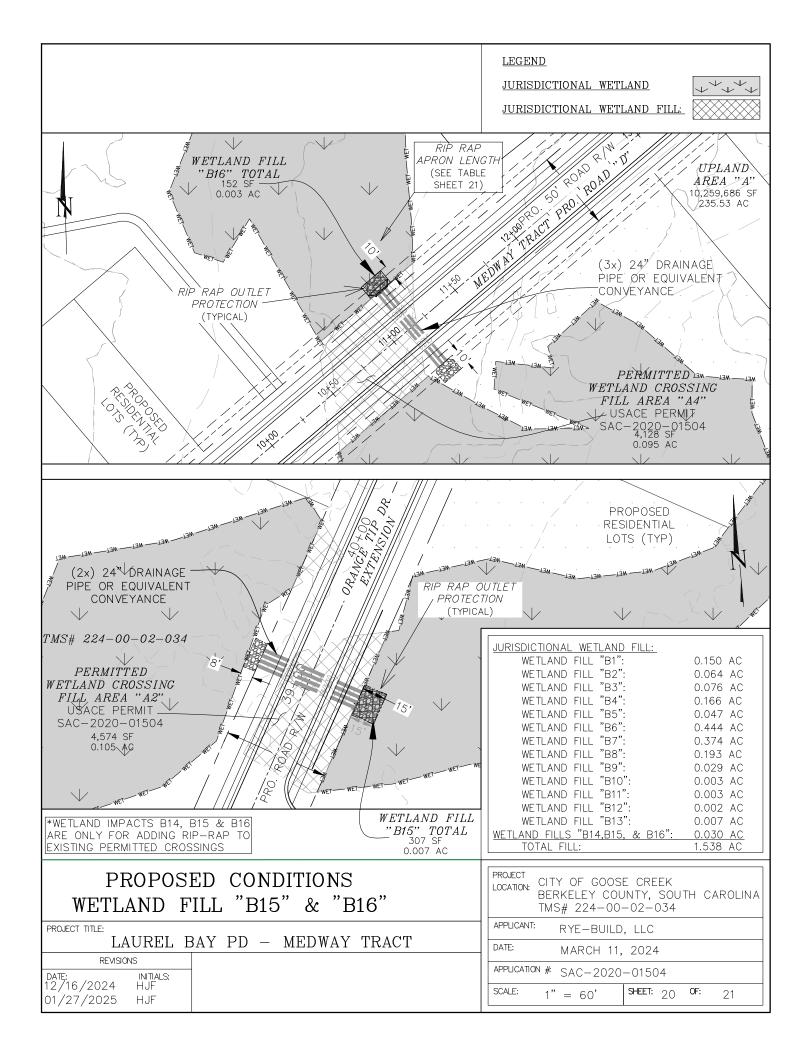












TYPERIPRAPAPRONDIMENSIONSPERPIPESIZEASPERSCDESSTORMWATERBMPHANDBOOK

The table below provides general information for sizing rock and outlet aprons for various sized pipes

Pipe Size (inches)	Average Rock Diameter (inches)	Apron Width (feet)	Apron Length for Low Flow (feet)	Apron Length for High Flow (feet)
8	3	2-3	3-5	5-7
12	5	3-4	4-6	8-12
18	8	4-6	6-8	12-18
24	10	6-8	8-12	18-22
30	12	8-10	12-14	22-28
36	14	10-12	14-16	28-32
42	16	12-14	16-18	32-38
48	20	14-16	18-25	38-44

	JURISDICTIONAL WETLAND FILL: WETLAND FILL "B1":	0.150 AC
	WETLAND FILL "B2": WETLAND FILL "B3": WETLAND FILL "B3": WETLAND FILL "B5": WETLAND FILL "B6": WETLAND FILL "B6": WETLAND FILL "B8": WETLAND FILL "B9": WETLAND FILL "B10": WETLAND FILL "B11": WETLAND FILL "B12": WETLAND FILL "B13":	0.064 AC 0.076 AC 0.166 AC 0.047 AC 0.444 AC 0.374 AC 0.193 AC 0.029 AC 0.003 AC 0.003 AC 0.003 AC 0.002 AC 0.007 AC
	WETLAND FILLS "B14,B15, & B16": TOTAL FILL:	0.030 AC 1.538 AC
TYPICAL RIP RAP OUTLET PROTECTION APRON DIMENSIONS PER PIPE SIZE	PROJECT LOCATION: CITY OF GOOSE CREEK BERKELEY COUNTY, SOUT TMS# 224-00-02-034	TH CAROLINA
PROJECT TITLE: LAUREL BAY PD - MEDWAY TRACT	APPLICANT: RYE-BUILD, LLC	
REVISIONS	DATE: MARCH 11, 2024	
DATE: INITIALS:	APPLICATION # SAC-2020-01504	
12/16/2024 HJF 01/27/2025 HJF	SCALE: N/A SHEET: 21	0F: 21

