

**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: P/N SAC-2020-01803

March 29, 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

**Mr. Jim Lonergan**  
**Red Apple Development, LLC**  
**800 Corporate Dr., Suite 124**  
**Fort Lauderdale, Florida 33334**

for a permit to discharge fill material into waters of the United States in order to facilitate the construction of a public Charter School in

**freshwater wetlands adjacent to Sawmill Branch**

at a location adjacent to the east of Bacons Bridge Road in Summerville, Dorchester County, South Carolina (Latitude: 32.975 °, Longitude: -80.198 °), Stallville 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 constructing a public Charter School. In detail, the work would consist of the permanent discharge of 0.703 acre of fill material into freshwater wetland to construct a public Charter School and attendant features. In addition, the applicant is proposing to temporarily disturb 0.04 acre of wetlands and excavate 0.877 acres of wetlands. The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by onsite creation and protection of 1.64 acres of wetland and the purchase of 3.66 mitigation credits from Big Run mitigation bank. As stated by the applicant, the project purpose is to enhance educational opportunities available to K-8 students in Dorchester County.

The Sawmill Branch Flood Control Project was endorsed on October 5, 1966, by the authority contained in Section 205 of the Flood Control Act of 1948, Public Law 858, 80<sup>th</sup> Congress, 2d Session, as amended by Section 205 of the Flood Control act of 1962, Public Law 874, 87<sup>th</sup> Congress. Construction of the project was completed on April 27, 1971.

The proposed project described in this notice would require permission pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408) to alter the Sawmill Branch Flood Control Project. Permission for an alteration under Section 408 may be granted when, in the judgment of the Secretary of the Army, the alteration will not be injurious to the public interest and will not impair the usefulness of the project. Decisions on proposed alterations are delegated to the District Commander unless one or more criteria requiring elevation are triggered.

**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). 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 not impact 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 the American wood stork, red-cockaded woodpecker, Atlantic Sturgeon, and Shortnose sturgeon, and will not result in the destruction or adverse modification of designated or proposed critical habitat. Furthermore, the District Engineer has determined that the project is not likely to adversely affect the Northern long-eared bat and will not 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)(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.

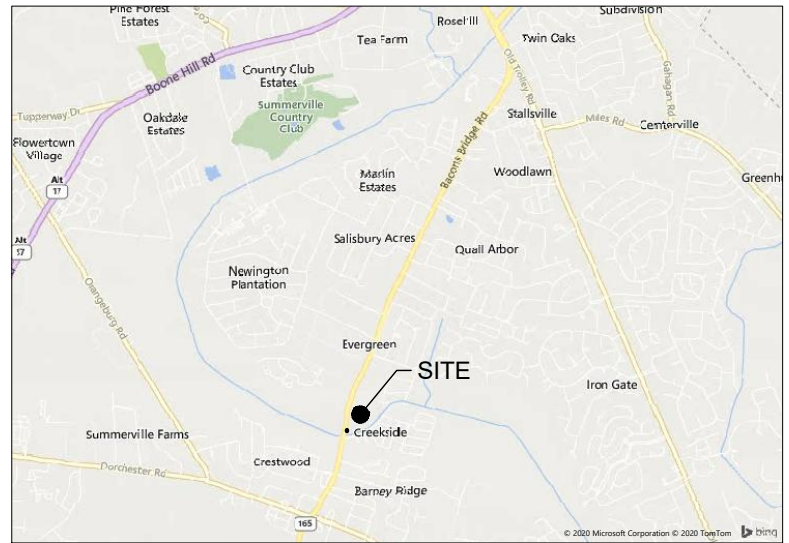
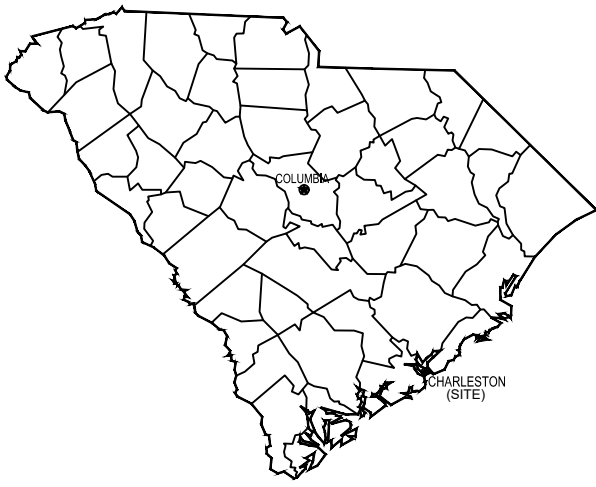
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 Lorin R. Kinney, Project Manager, at 843-329-8037, or by email at [Lorin.R.Kinney@usace.army.mil](mailto:Lorin.R.Kinney@usace.army.mil).



**SHEET TITLE:**  
 SAC-2020-01803 - SUMMERVILLE PREPARATORY ACADEMY NWP 14 APPLICATION

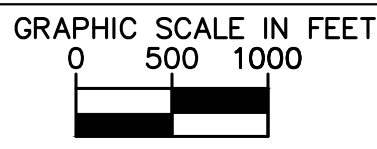
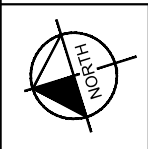
**COUNTY:**  
 DORCHESTER COUNTY

**TMS:**  
 1530000120, 1530000119, 1530000087

**LAT/LONG:**  
 32.975/ -80.198

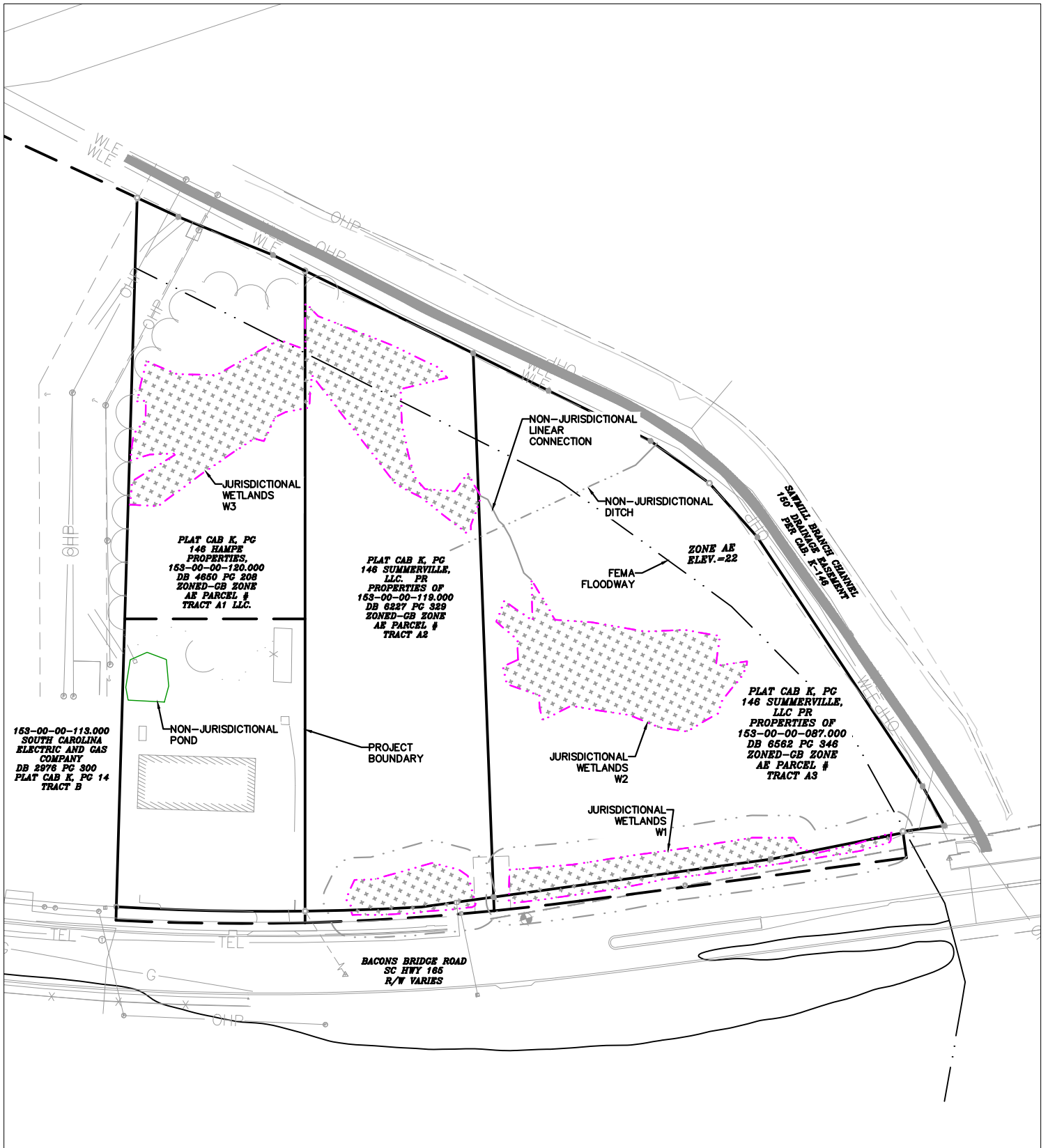
**SHEET DESCRIPTION:**  
 VICINITY MAP

**Kimley»Horn**  
 115 FAIRCHILD STREET, SUITE 250  
 CHARLESTON, SC 29492 919-677-2000



**APPLICANT:**  
 RED APPLE  
 DEVELOPMENT, LLC

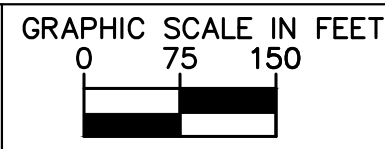
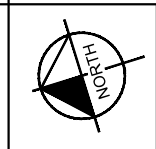
**USGS QUAD NAME:**  
 STALLVILLE  
**DATE:** 03/10/2022  
**SHEET 1 OF 8**



**SHEET TITLE:**  
 SAC-2020-01803- SUMMERVILLE PREPARATORY ACADEMY NWP 14 APPLICATION

<b>COUNTY:</b> DORCHESTER COUNTY	<b>TMS:</b> 1530000120, 1530000119, 1530000087	<b>LAT/LONG:</b> 32.975/ -80.198	<b>SHEET DESCRIPTION:</b> EXISTING SITE MAP
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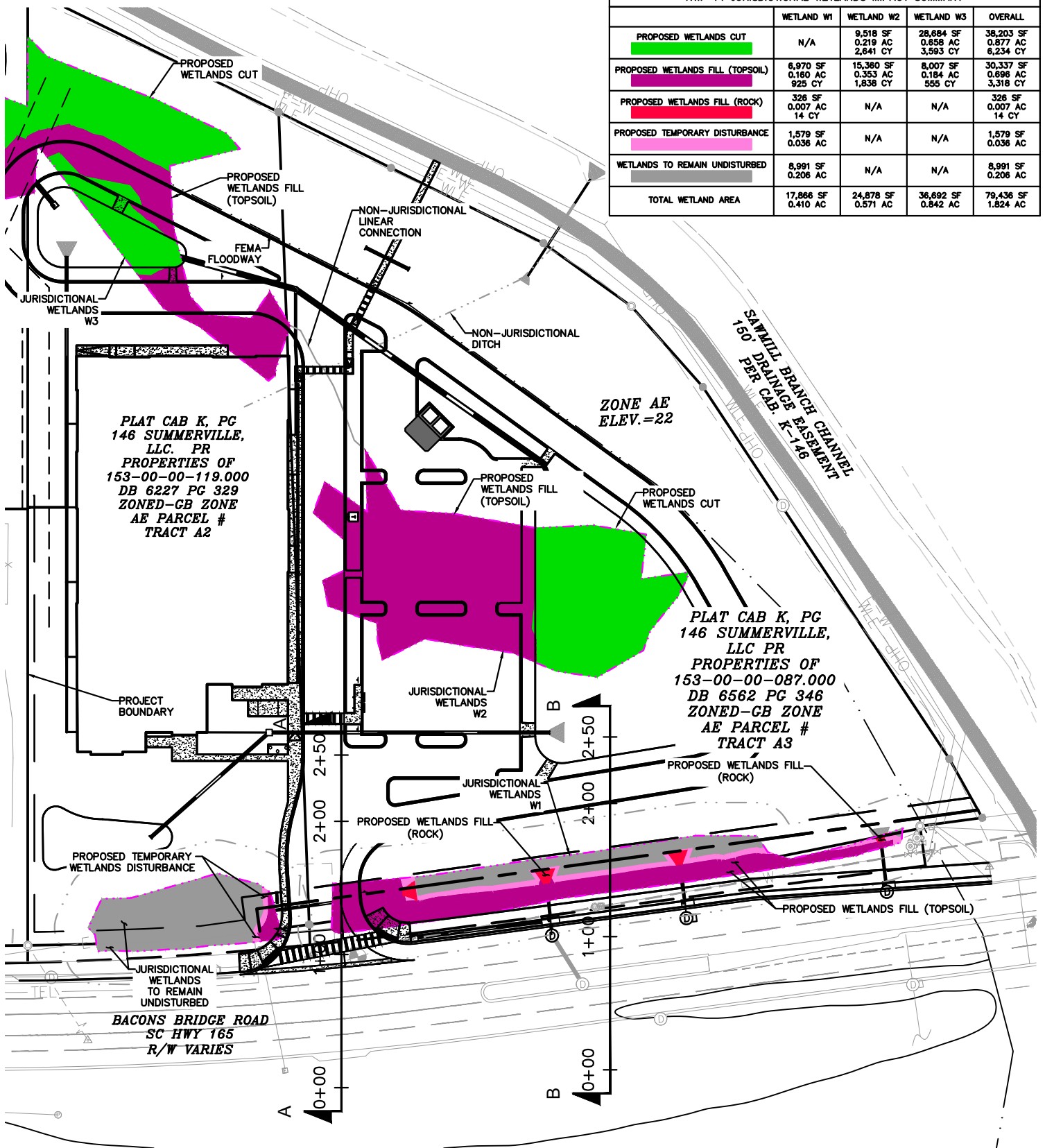
**Kimley»Horn**  
 115 FAIRCHILD STREET, SUITE 250  
 CHARLESTON, SC 29492 919-677-2000



**APPLICANT:**  
 RED APPLE  
 DEVELOPMENT, LLC

**USGS QUAD NAME:**  
 STALLSVILLE  
**DATE:** 03/10/2022  
**SHEET 2 OF 8**

NWP 14 JURISDICTIONAL WETLANDS IMPACT SUMMARY				
	WETLAND W1	WETLAND W2	WETLAND W3	OVERALL
PROPOSED WETLANDS CUT	N/A	9,518 SF 0.219 AC 2,641 CY	28,684 SF 0.658 AC 3,593 CY	38,203 SF 0.877 AC 6,234 CY
PROPOSED WETLANDS FILL (TOPSOIL)	6,970 SF 0.160 AC 925 CY	15,360 SF 0.353 AC 1,838 CY	8,007 SF 0.184 AC 555 CY	30,337 SF 0.696 AC 3,318 CY
PROPOSED WETLANDS FILL (ROCK)	326 SF 0.007 AC 14 CY	N/A	N/A	326 SF 0.007 AC 14 CY
PROPOSED TEMPORARY DISTURBANCE	1,579 SF 0.036 AC	N/A	N/A	1,579 SF 0.036 AC
WETLANDS TO REMAIN UNDISTURBED	8,991 SF 0.206 AC	N/A	N/A	8,991 SF 0.206 AC
<b>TOTAL WETLAND AREA</b>	<b>17,866 SF 0.410 AC</b>	<b>24,878 SF 0.571 AC</b>	<b>36,692 SF 0.842 AC</b>	<b>79,436 SF 1.824 AC</b>



SHEET TITLE:  
SAC-2020-01803 - SUMMERVILLE PREPARATORY ACADEMY NWP 14 APPLICATION

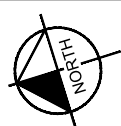
COUNTY:  
DORCHESTER COUNTY

TMS:  
1530000120, 1530000119, 1530000087

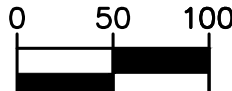
LAT/LONG:  
32.975/ -80.198

SHEET DESCRIPTION:  
PROPOSED SITE MAP

**Kimley»Horn**



GRAPHIC SCALE IN FEET



APPLICANT:  
RED APPLE  
DEVELOPMENT, LLC

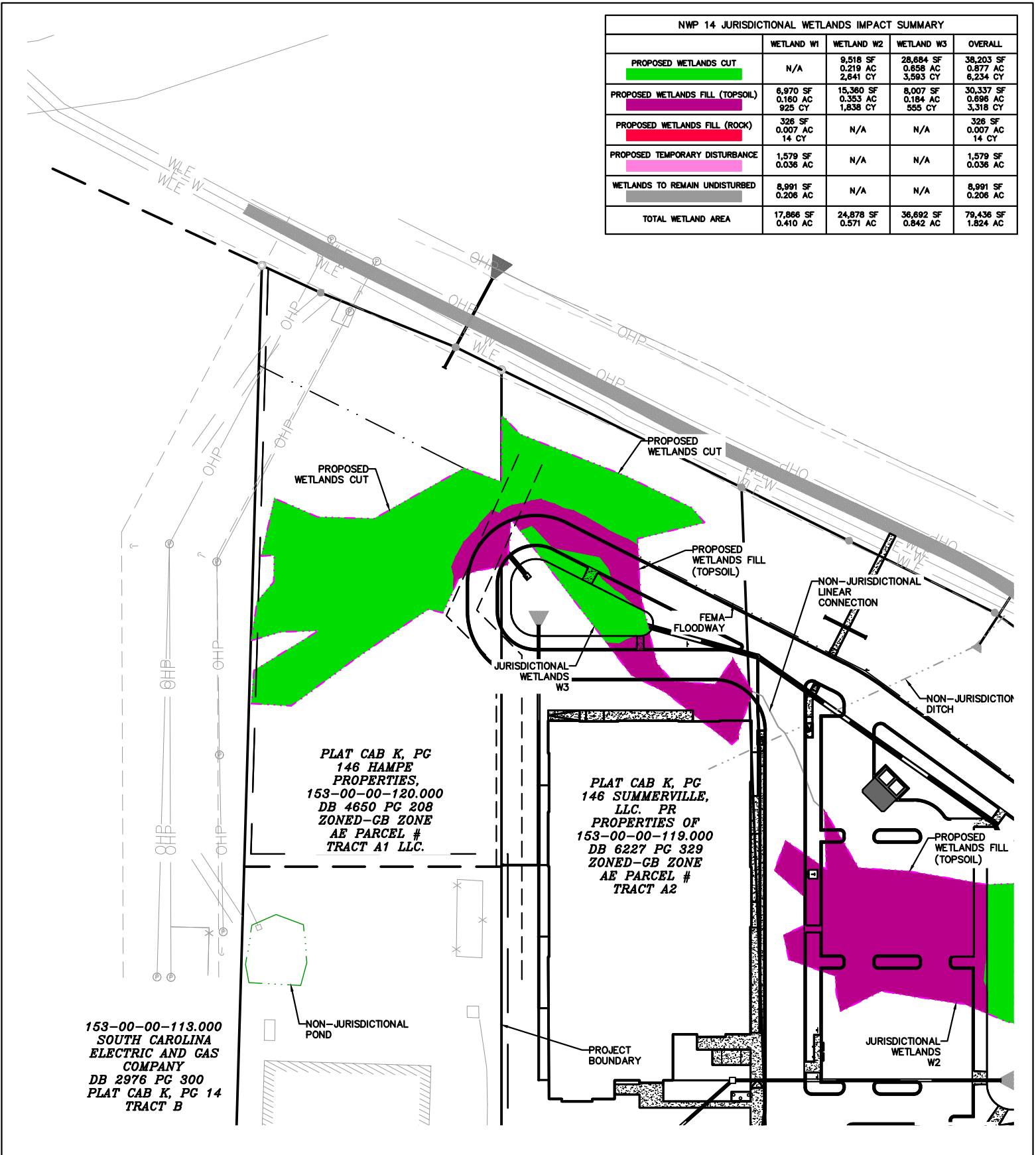
USGS QUAD NAME:  
STALLSVILLE

DATE: 03/10/2022

115 FAIRCHILD STREET, SUITE 250  
CHARLESTON, SC 29492 919-677-2000

SHEET 3 OF 8

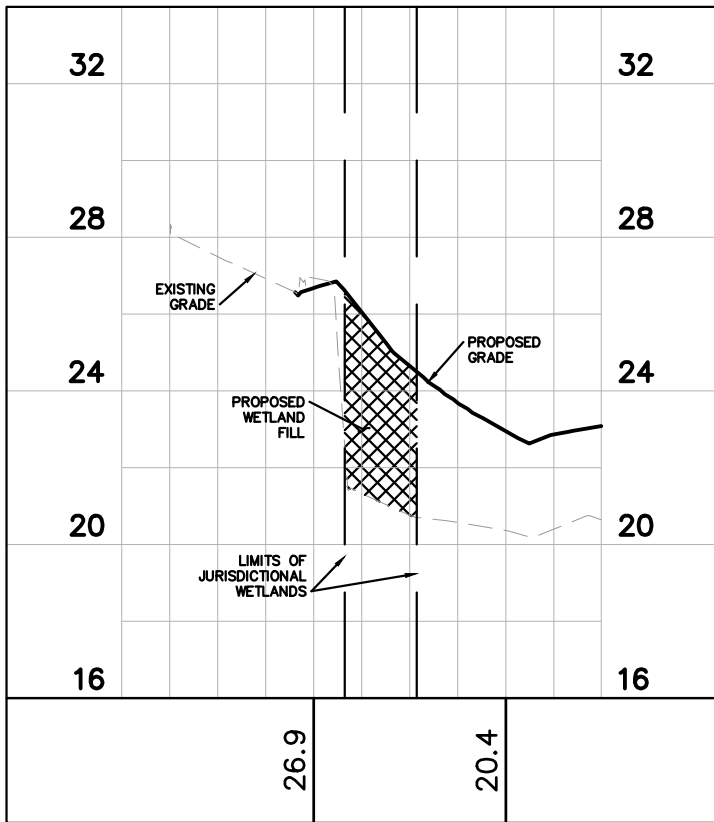
NWP 14 JURISDICTIONAL WETLANDS IMPACT SUMMARY				
	WETLAND W1	WETLAND W2	WETLAND W3	OVERALL
PROPOSED WETLANDS CUT 	N/A	9,518 SF 0.219 AC 2,641 CY	28,684 SF 0.658 AC 3,593 CY	38,203 SF 0.877 AC 6,234 CY
PROPOSED WETLANDS FILL (TOPSOIL) 	6,970 SF 0.160 AC 925 CY	15,360 SF 0.353 AC 1,838 CY	8,007 SF 0.184 AC 555 CY	30,337 SF 0.696 AC 3,318 CY
PROPOSED WETLANDS FILL (ROCK) 	326 SF 0.007 AC 14 CY	N/A	N/A	326 SF 0.007 AC 14 CY
PROPOSED TEMPORARY DISTURBANCE 	1,579 SF 0.036 AC	N/A	N/A	1,579 SF 0.036 AC
WETLANDS TO REMAIN UNDISTURBED 	8,991 SF 0.206 AC	N/A	N/A	8,991 SF 0.206 AC
<b>TOTAL WETLAND AREA</b>	<b>17,866 SF 0.410 AC</b>	<b>24,878 SF 0.571 AC</b>	<b>36,692 SF 0.842 AC</b>	<b>79,436 SF 1.824 AC</b>



**SHEET TITLE:**  
SAC-2020-01803 - SUMMERVILLE PREPARATORY ACADEMY NWP 14 APPLICATION

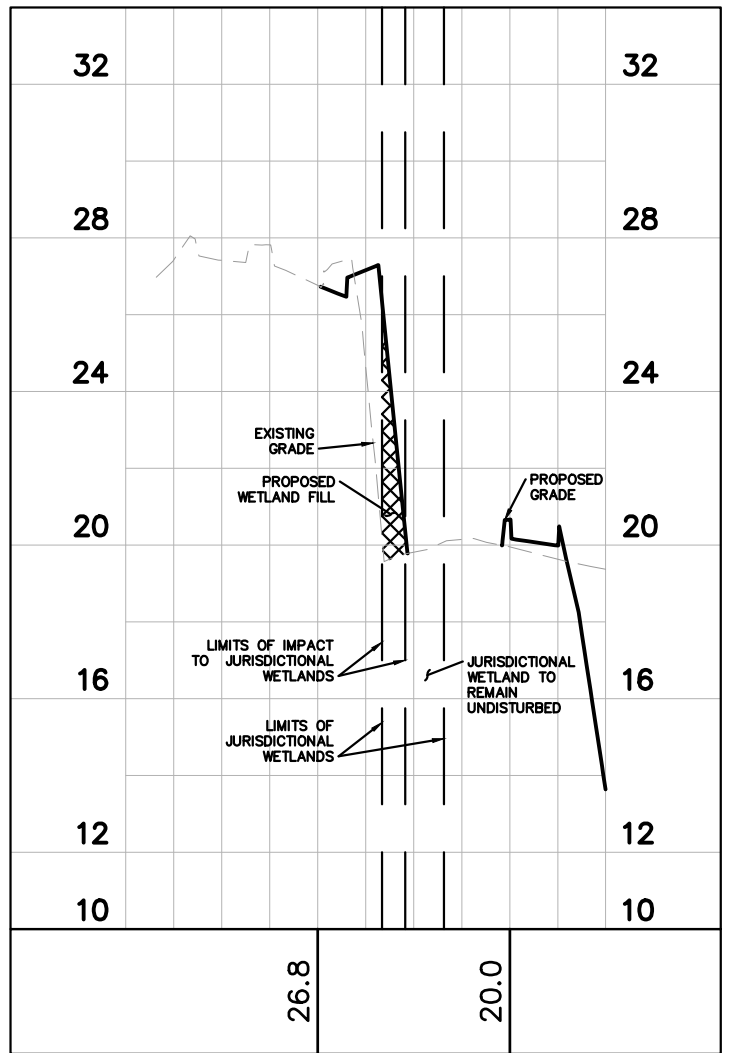
<b>COUNTY:</b> DORCHESTER COUNTY	<b>TMS:</b> 1530000120, 1530000119, 1530000087	<b>LAT/LONG:</b> 32.975/ -80.198	<b>SHEET DESCRIPTION:</b> PROPOSED SITE MAP
<p>115 FAIRCHILD STREET, SUITE 250 CHARLESTON, SC 29492 919-677-2000</p>			<b>APPLICANT:</b> RED APPLE DEVELOPMENT, LLC
<b>USGS QUAD NAME:</b> STALLSVILLE DATE: 03/10/2022 SHEET 4 OF 8			





**SECTION A-A PROFILE**

VERTICAL SCALE: 1"=5'  
 HORIZONTAL SCALE: 1"=100'



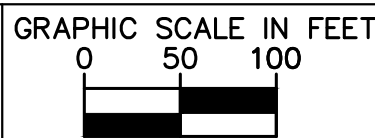
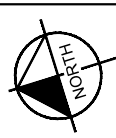
**SECTION B-B PROFILE**

VERTICAL SCALE: 1"=5'  
 HORIZONTAL SCALE: 1"=100'

SHEET TITLE:  
 SAC-2020-01803 - SUMMERVILLE PREPARATORY ACADEMY NWP 14 APPLICATION

COUNTY: DORCHESTER COUNTY	TMS: 1530000120, 1530000119, 1530000087	LAT/LONG: 32.975/ -80.198	SHEET DESCRIPTION: CROSS SECTIONS
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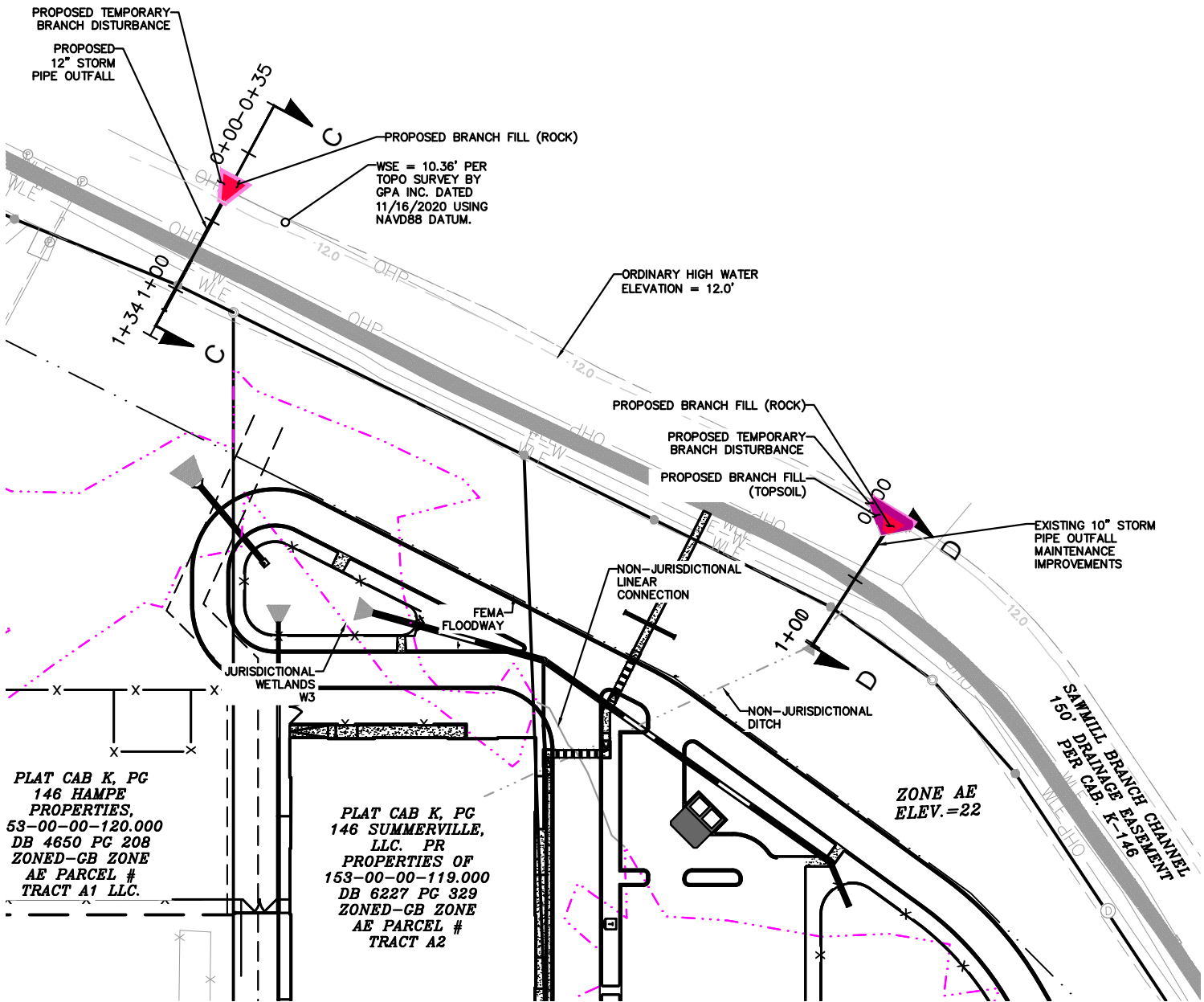
**Kimley»Horn**  
 115 FAIRCHILD STREET, SUITE 250  
 CHARLESTON, SC 29492 919-677-2000



APPLICANT:  
 RED APPLE  
 DEVELOPMENT, LLC

USGS QUAD NAME:  
 STALLSVILLE  
 DATE: 03/10/2022  
 SHEET 5 OF 8

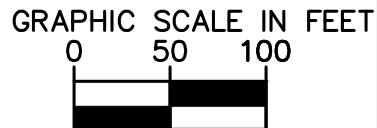
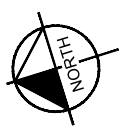
NWP 7 SAWMILL BRANCH IMPACT SUMMARY	
PROPOSED FILL (TOPSOIL)	197 SF / 0.005 AC 11 CY
PROPOSED FILL (ROCK)	258 SF / 0.006 AC 12 CY
PROPOSED TEMPORARY DISTURBANCE	185 SF / 0.004 AC
TOTAL IMPACTED AREA IN SAWMILL BRANCH	640 SF / 0.015 AC



SHEET TITLE:  
SAC-2020-01803 - SUMMERVILLE PREPARATORY ACADEMY NWP 7 APPLICATION

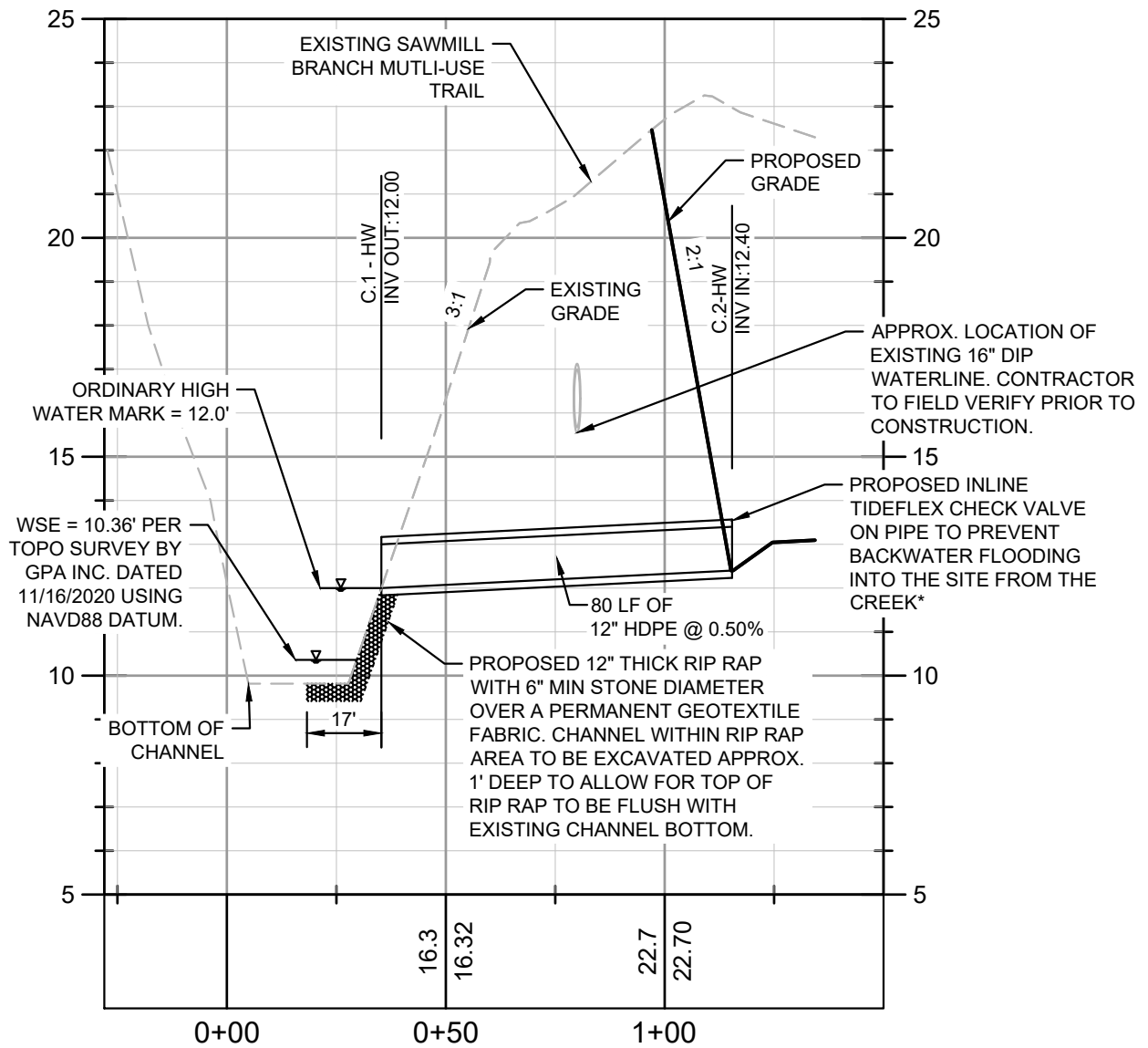
COUNTY: DORCHESTER COUNTY	TMS: 1530000120, 1530000119, 1530000087	LAT/LONG: 32.975/ -80.198	SHEET DESCRIPTION: PROPOSED SITE MAP
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**Kimley»Horn**  
115 FAIRCHILD STREET, SUITE 250  
CHARLESTON, SC 29492 919-677-2000



APPLICANT:  
RED APPLE  
DEVELOPMENT, LLC

USGS QUAD NAME:  
STALLSVILLE  
DATE: 03/10/2022  
SHEET 6 OF 8



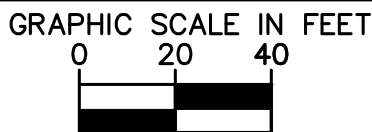
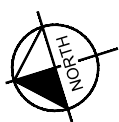
### SECTION C-C PROFILE

VERTICAL SCALE: 1"=4'  
 HORIZONTAL SCALE: 1"=40'

SHEET TITLE:  
 SAC-2020-01803 - SUMMERVILLE PREPARATORY ACADEMY NWP 7 APPLICATION

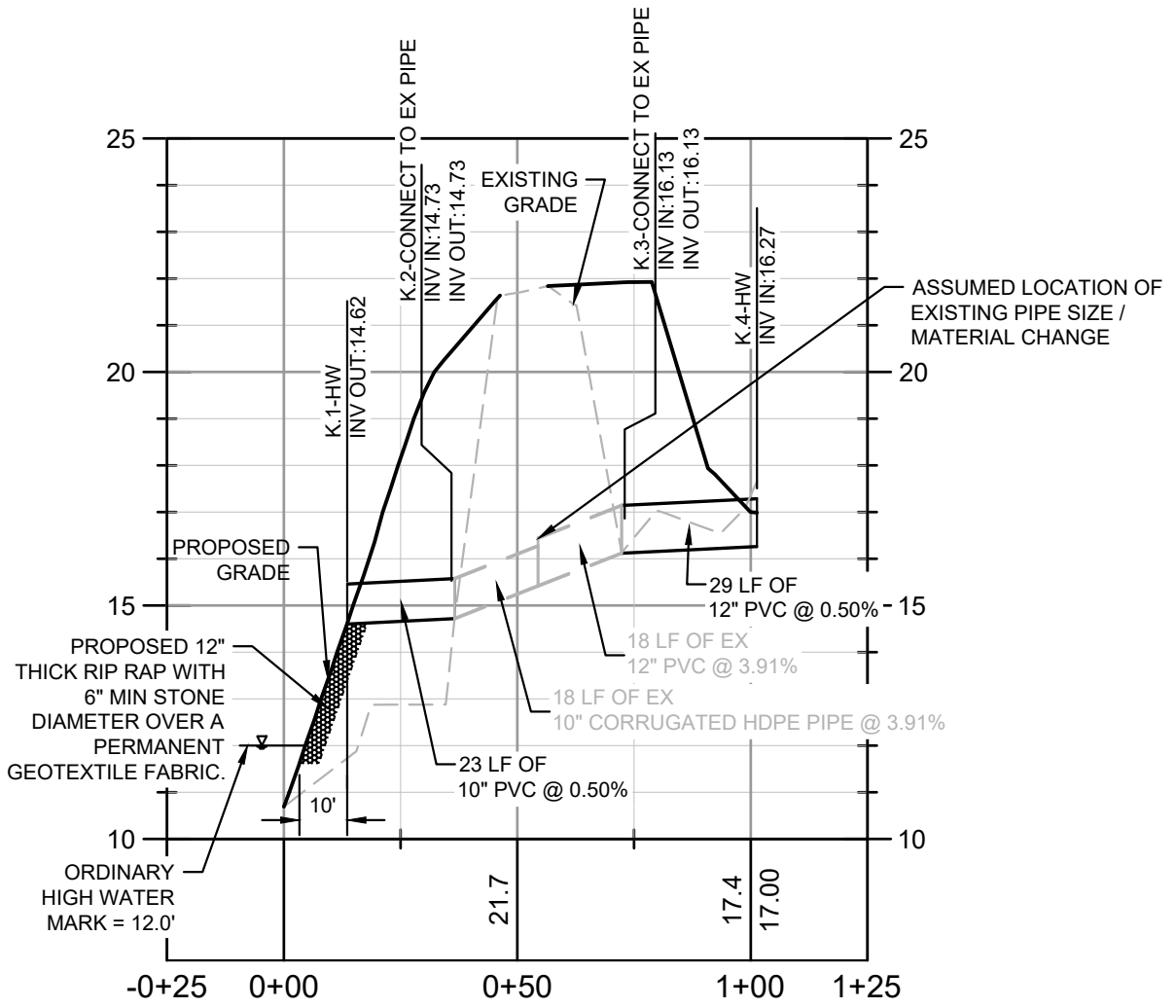
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**Kimley»Horn**  
 115 FAIRCHILD STREET, SUITE 250  
 CHARLESTON, SC 29492 919-677-2000



APPLICANT:  
 RED APPLE  
 DEVELOPMENT, LLC

USGS QUAD NAME:  
 STALLSVILLE  
 DATE: 03/10/2022  
 SHEET 7 OF 8



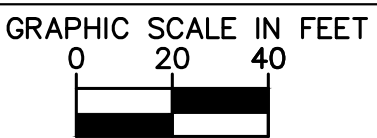
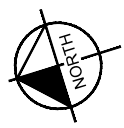
### SECTION D-D PROFILE

VERTICAL SCALE: 1"=4'  
 HORIZONTAL SCALE: 1"=40'

SHEET TITLE:  
 SAC-2020-01803 - SUMMERVILLE PREPARATORY ACADEMY NWP 7 APPLICATION

COUNTY: DORCHESTER COUNTY	TMS: 1530000120, 1530000119, 1530000087	LAT/LONG: 32.975/ -80.198	SHEET DESCRIPTION: CROSS SECTIONS
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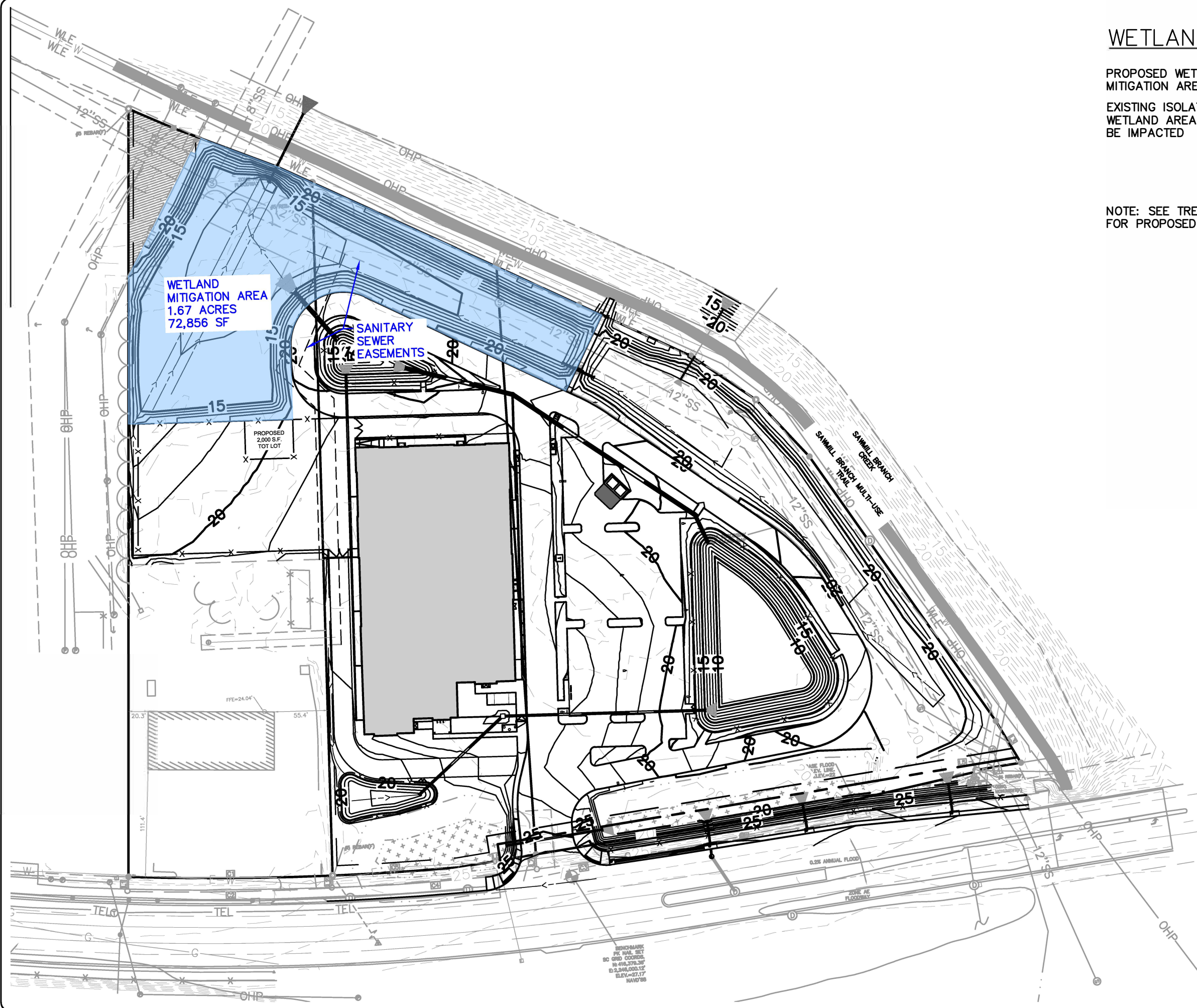
**Kimley»Horn**  
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APPLICANT:  
 RED APPLE  
 DEVELOPMENT, LLC

USGS QUAD NAME: STALLSVILLE
DATE: 03/10/2022
SHEET 8 OF 8

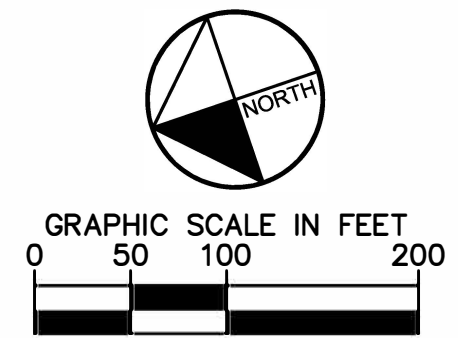
C:\Users\Kaitie.Kincart\OneDrive - KHD\desktop\KH\Ryan Companies - Summerville Charter School\02 - DWG\Exhibits\2021-08-06 Wetlands Mitigation Exhibit\Wetlands Mitigation.dwg Layout1 Aug 09, 2021 4:54pm by: Kaitie.Kincart



### WETLAND SUMMARY:

PROPOSED WETLAND MITIGATION AREA	1.67 ACRES / 72,856 SF
EXISTING ISOLATED WETLAND AREA TO BE IMPACTED	1.36 ACRES / 59,082 SF

NOTE: SEE TREE REPLACEMENT PLANS FOR PROPOSED SITE LANDSCAPING.



**Kimley»Horn**  
 115 FAIRCHILD STREET, SUITE 250  
 CHARLESTON, SOUTH CAROLINA 29492  
 PHONE: (843) 737-6390 | www.kimley-horn.com

CLIENT:  
**RYAN COMPANIES  
 US, INC.**

TITLE:  
**WETLAND  
 MITIGATION EXHIBIT**

PROJECT:  
**SUMMERVILLE  
 PREPARATORY ACADEMY**

JOB NO.: 012587035  
 SCALE: 1" = 100'  
 DATE: 08/09/2021

SHEET:  
**EXHIBIT 1**