

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
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N SAC-2017-00501

November 21, 2017

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. John Mazarella
CJB Investments, LLC
1023 Clements Ferry Road
Charleston, South Carolina 29492

for a permit to place fill material in 0.958 acres of freshwater wetlands adjacent to the

Wando River

at a location within the intersection of Clements Ferry Road and SC Highway 41, Berkeley County, South Carolina (Latitude: 32.9317 °N, Longitude: -79.8197 °W), Cainhoy 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 construction of a commercial retail development. In detail, 0.958 acres of freshwater wetlands are proposed to be filled with 4,012.8 cubic yards of dirt or topsoil for interior roadways, parking, ingress and egress to the site, building pads, and other attendant features. The following amounts of Wetland 1 through 9 are proposed to be filled: 0.597 acres to include Impact A (0.292 acres), Impact B (0.027 acres), Impact C (0.252 acres), Impact D (0.026 acres) of Wetland 1, 0.007 acres of Wetland 2, 0.007 acres of Wetland 3, 0.015 acres of

Wetland 4, 0.005 acres of Wetland 5, 0.186 acres of Wetland 6, 0.037 acres of Wetland 7, 0.093 acres of Wetland 8, and 0.011 acres of Wetland 9. The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 8.4 compensatory wetland mitigation credits from Congaree Carton wetland mitigation bank. The project purpose is to provide commercial retail space.

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 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 0.958 acres of freshwater wetlands upstream 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 District Engineer has consulted the most recently available information and has made no determination of effect on any Federally endangered, threatened, or proposed species. 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 Federally listed or proposed to be listed endangered or threatened species and/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)), 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.

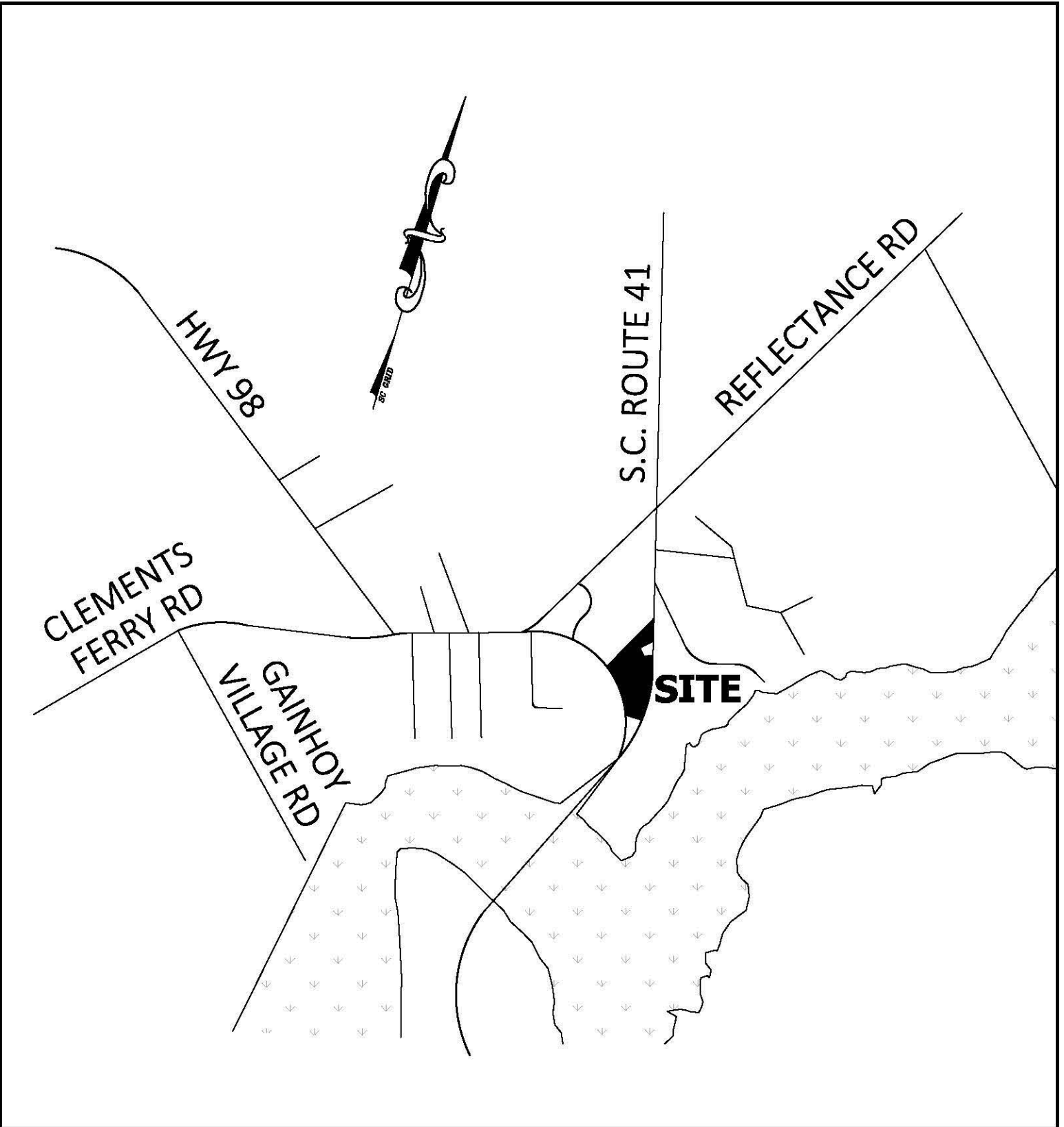
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, 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 Leslie Estill, Project Manager, at (843) 329-8039 or toll free at 1-866-329-8187.

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DEVELOPMENT CONSULTANTS
3030 ASHLEY TOWN CENTER DR.
SUITE 101 A
CHARLESTON, SOUTH CAROLINA 29414
(843) 266-3998; (843) 266-3999 FAX
WWW.LOWCOUNTRYLDC.COM

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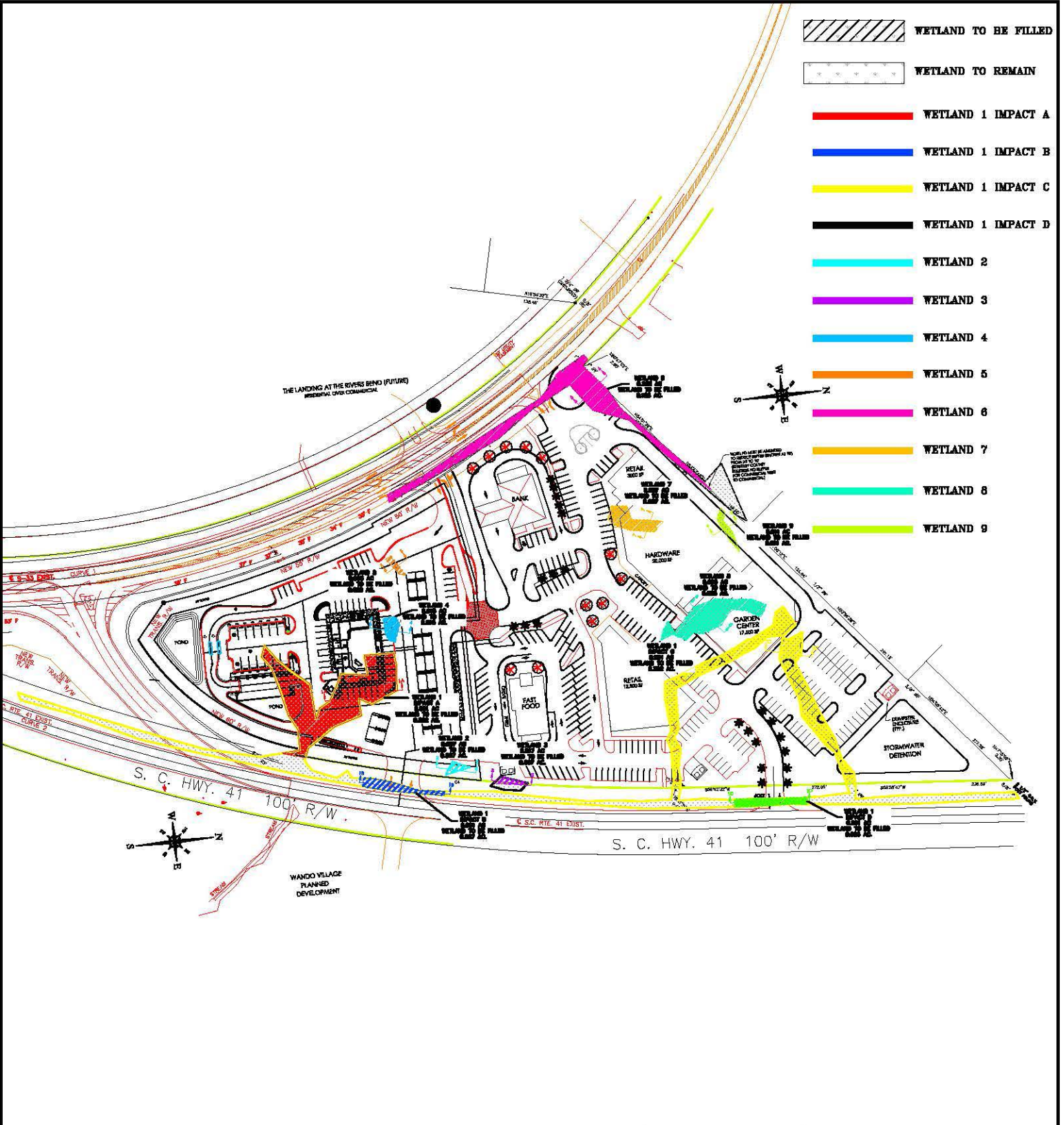


DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: N.T.S.
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 1 OF 16

**WETLANDS FILL PERMIT
SITE MAP
BERKELEY COUNTY
TMS 263-00-03-027**

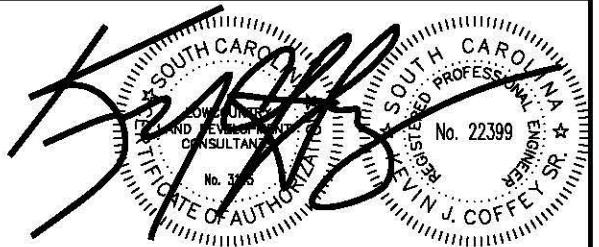
**CJB INVESTMENTS, LLC
1023 CLEMENTS FERRY ROAD
CHARLESTON, SC 29492**

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DESIGNED KJC	CHECKED KJC	JOB NO. 18-128	SCALE: 1"=200'
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 2 OF 16

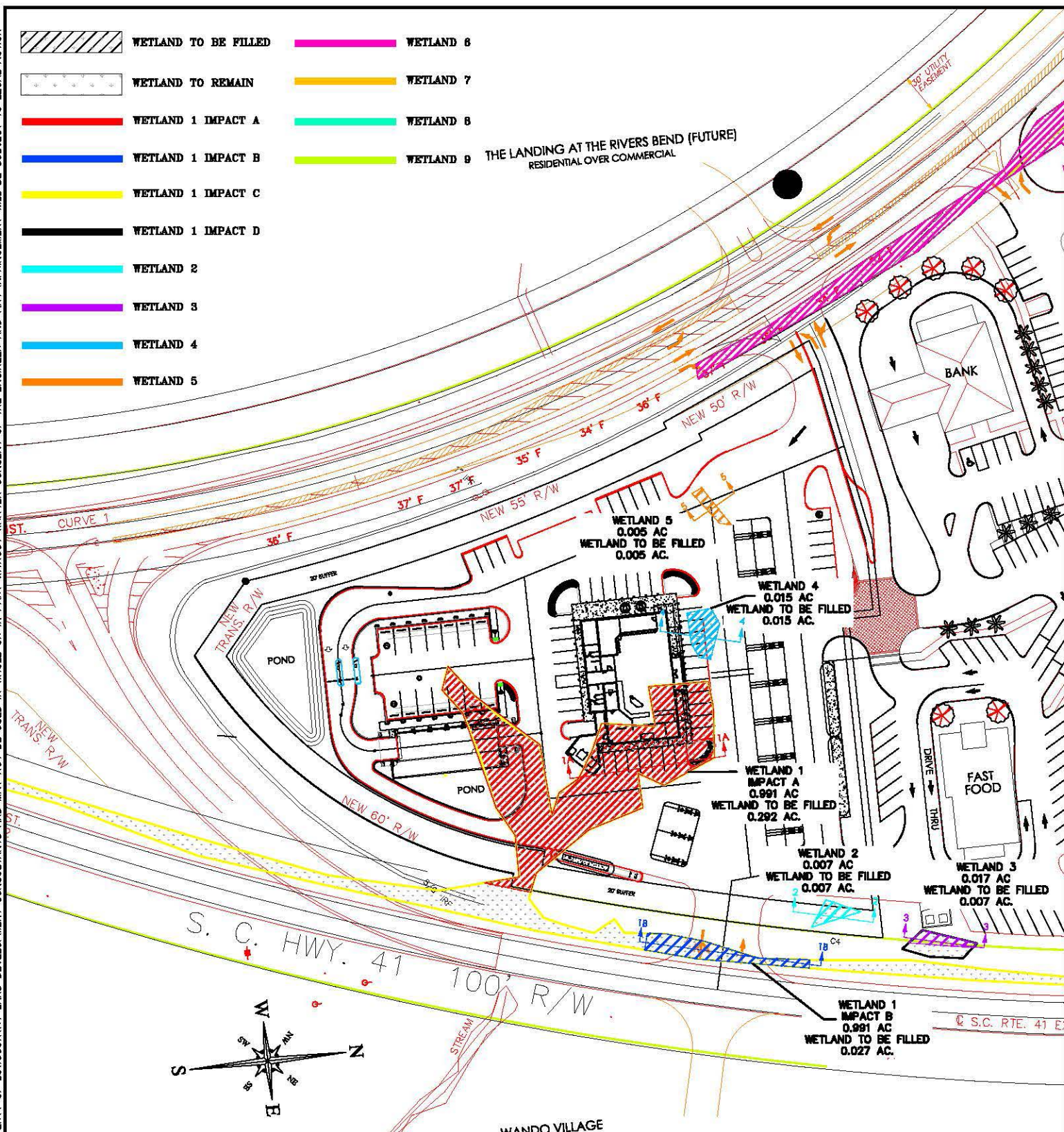
**WETLANDS FILL PERMIT
EXISTING SITE CONDITIONS
BERKELEY COUNTY
TMS 263-00-03-027**

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- WETLAND TO BE FILLED
- WETLAND TO REMAIN
- WETLAND 1 IMPACT A
- WETLAND 1 IMPACT B
- WETLAND 1 IMPACT C
- WETLAND 1 IMPACT D
- WETLAND 2
- WETLAND 3
- WETLAND 4
- WETLAND 5
- WETLAND 6
- WETLAND 7
- WETLAND 8
- WETLAND 9

THE LANDING AT THE RIVERS BEND (FUTURE)
RESIDENTIAL OVER COMMERCIAL



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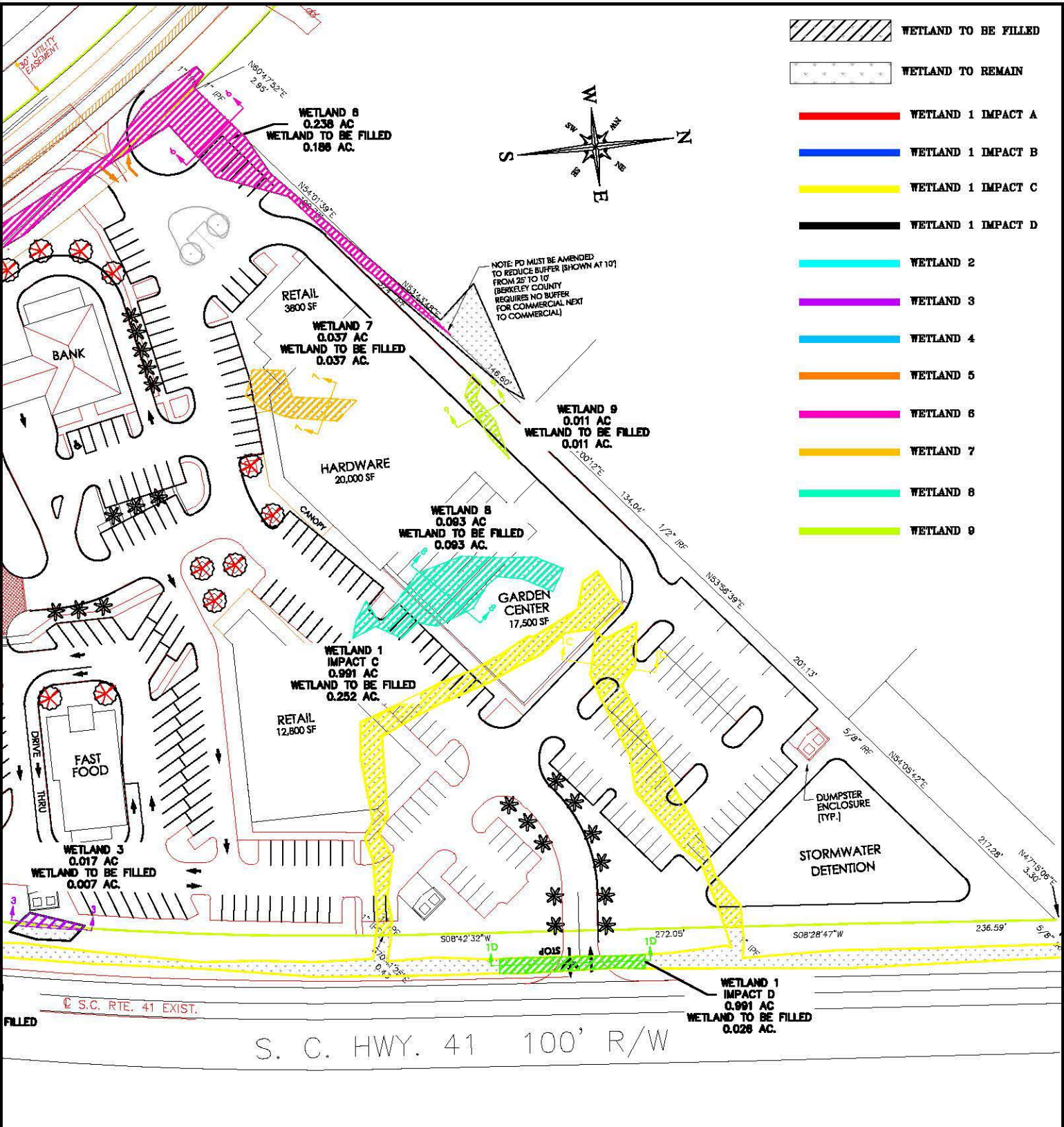
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DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: 1"=100'
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 3 OF 16

**WETLANDS FILL PERMIT
PROPOSED SITE
BERKELEY COUNTY
TMS 263-00-03-027**

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1023 CLEMENTS FERRY ROAD
CHARLESTON, SC 29492**

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- WETLAND TO BE FILLED
- WETLAND TO REMAIN
- WETLAND 1 IMPACT A
- WETLAND 1 IMPACT B
- WETLAND 1 IMPACT C
- WETLAND 1 IMPACT D
- WETLAND 2
- WETLAND 3
- WETLAND 4
- WETLAND 5
- WETLAND 6
- WETLAND 7
- WETLAND 8
- WETLAND 9



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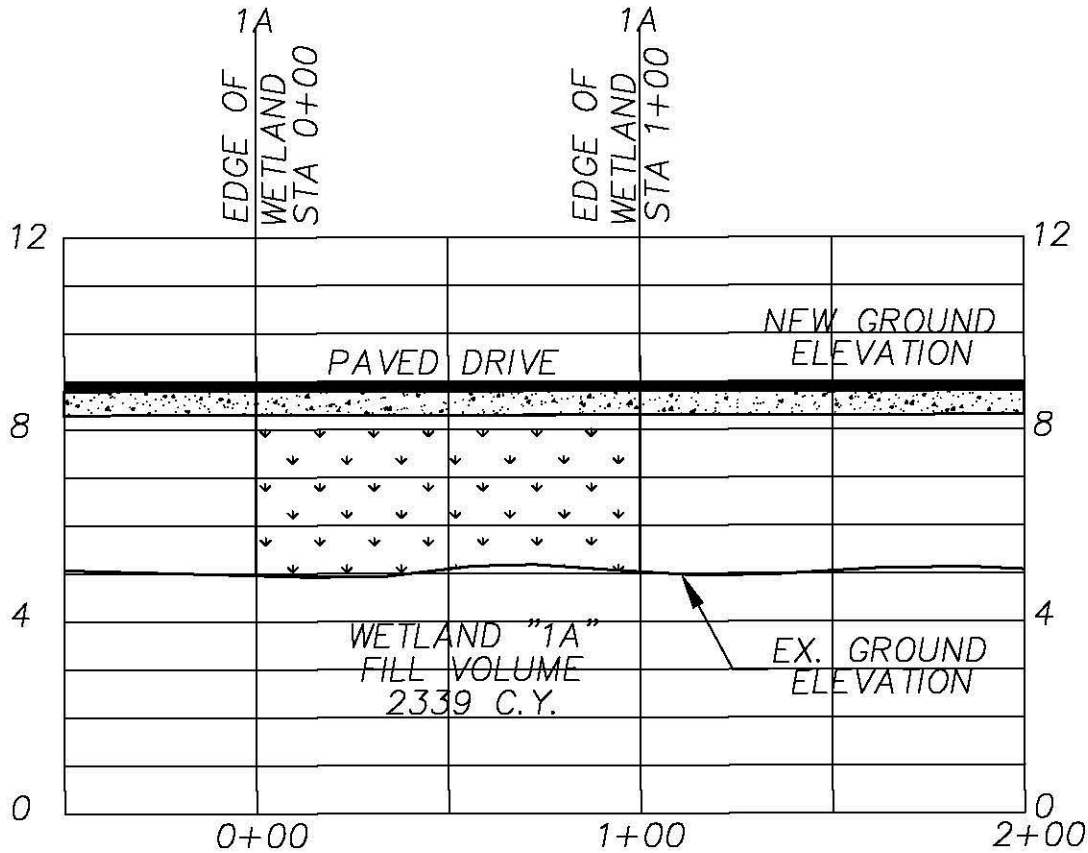
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DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: 1"=100'
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 4 OF 16

**WETLANDS FILL PERMIT
PROPOSED SITE
BERKELEY COUNTY
TMS 263-00-03-027**

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WETLAND 1 – IMPACT A SPINX SITE

SCALES { 1"=50' HORIZ.
1"=4' VERT.



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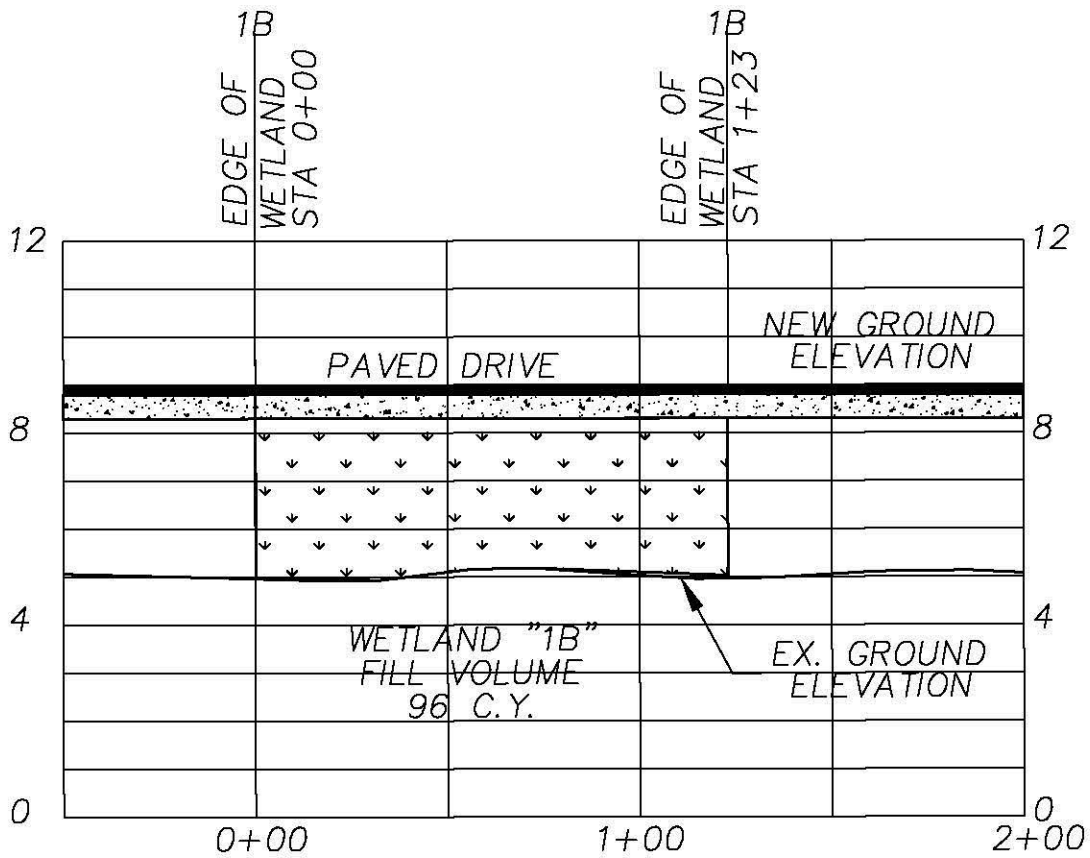


DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 5 OF 16

**WETLANDS FILL PERMIT
WETLAND 1A SECTION
BERKELEY COUNTY
TMS 263-00-03-027**

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1023 CLEMENTS FERRY ROAD
CHARLESTON, SC 29492**

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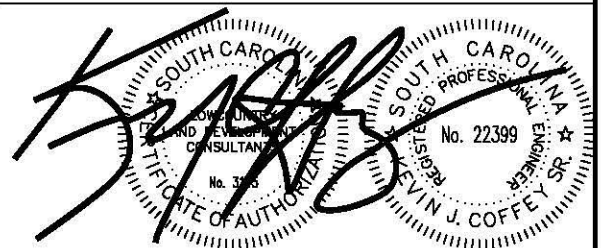
WETLAND 1 – IMPACT B SPINX SITE

SCALES { 1"=50' HORIZ.
1"=4' VERT.



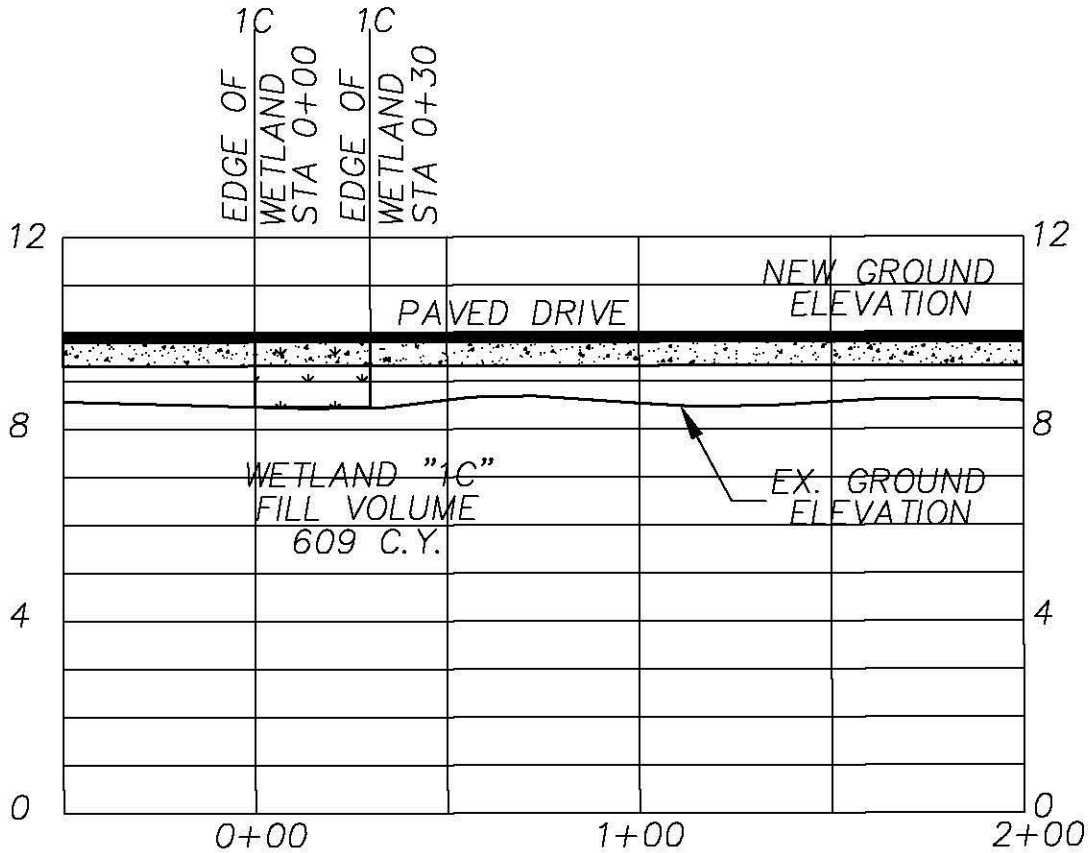
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DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE	WETLANDS FILL PERMIT WETLAND 1B SECTION BERKELEY COUNTY TMS 263-00-03-027	CJB INVESTMENTS, LLC 1023 CLEMENTS FERRY ROAD CHARLESTON, SC 29492
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 6 OF 16		

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WETLAND 1 - IMPACT C SPINX SITE

SCALES { 1"=50' HORZ.
1"=4' VERT.



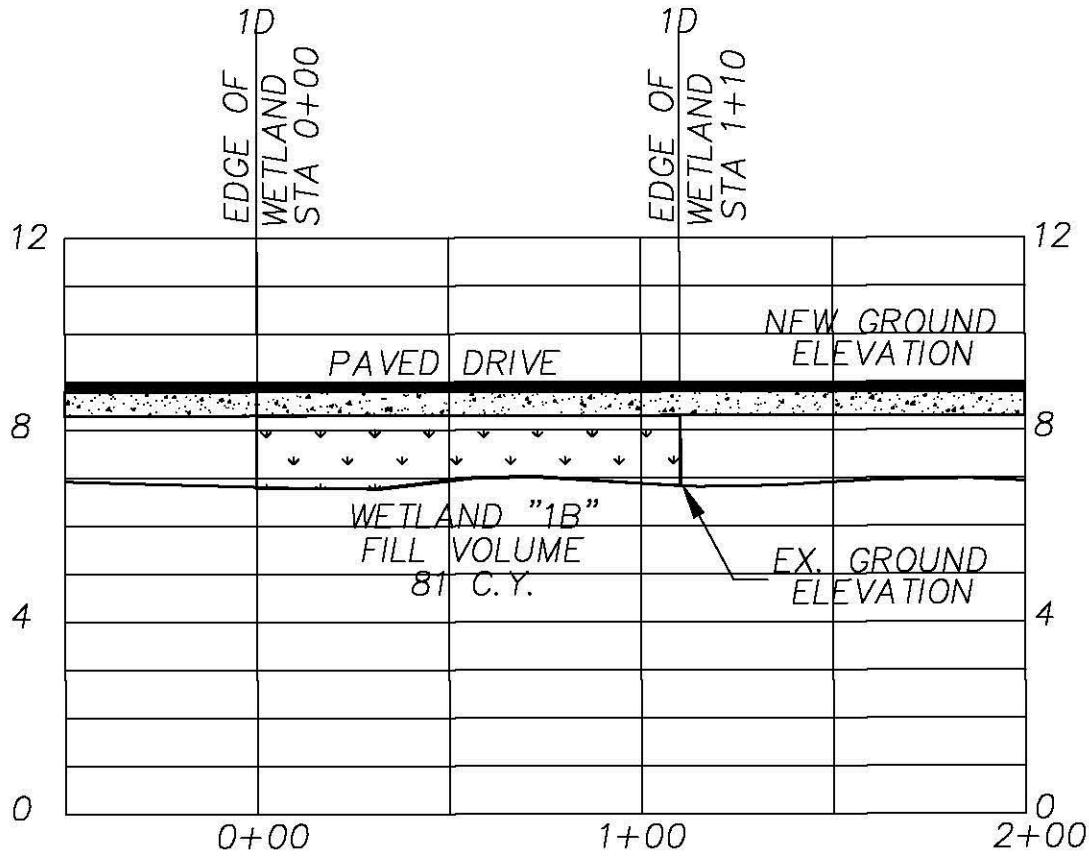
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DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 7 OF 16		

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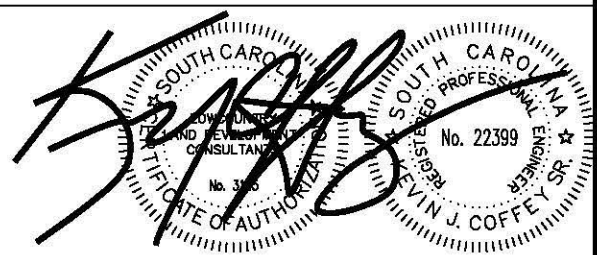
WETLAND 1 - IMPACT D SPINX SITE

SCALES { 1"=50' HORZ.
1"=4' VERT.



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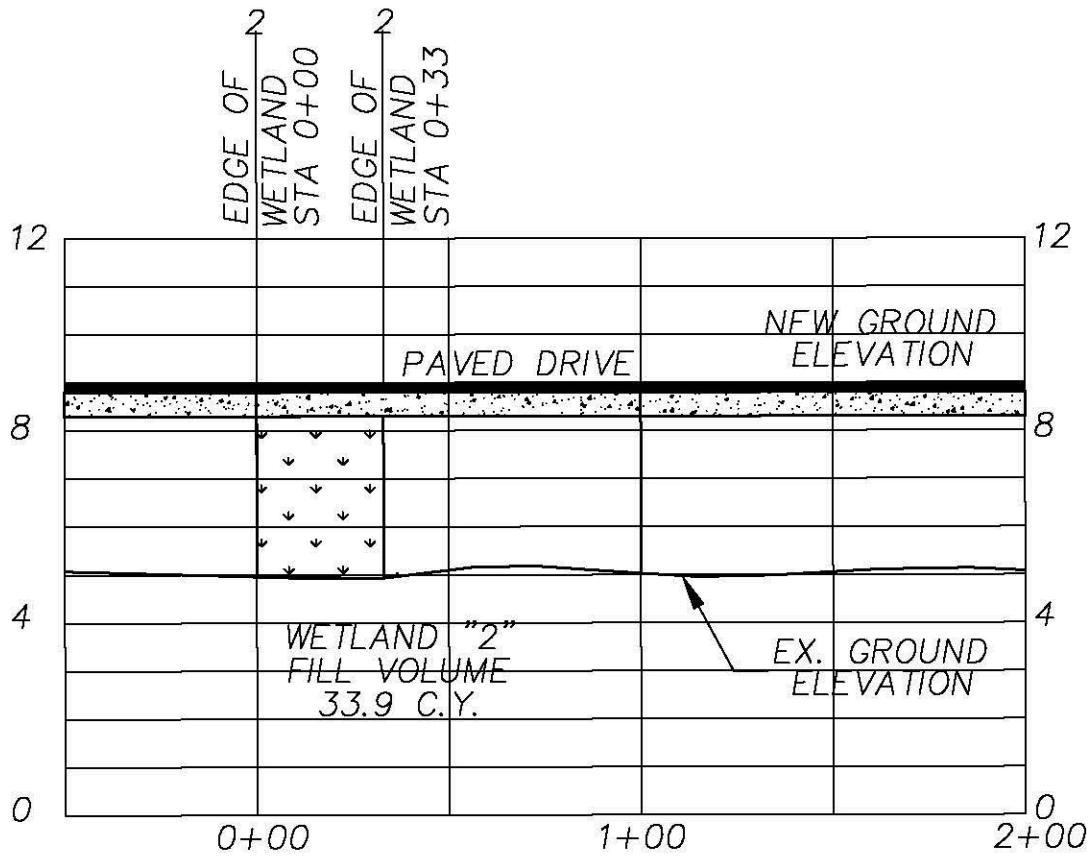


DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 8 OF 16

**WETLANDS FILL PERMIT
WETLAND 1D SECTION
BERKELEY COUNTY
TMS 263-00-03-027**

**CJB INVESTMENTS, LLC
1023 CLEMENTS FERRY ROAD
CHARLESTON, SC 29492**

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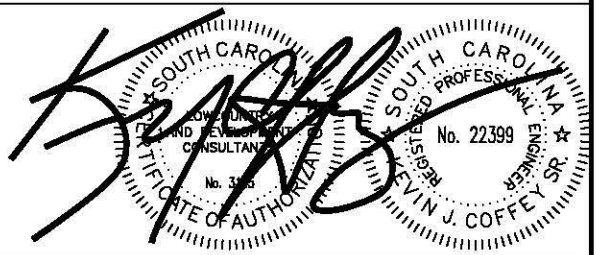
WETLAND 2 SPINX SITE

SCALES { 1"=50' HORZ.
1"=4' VERT.



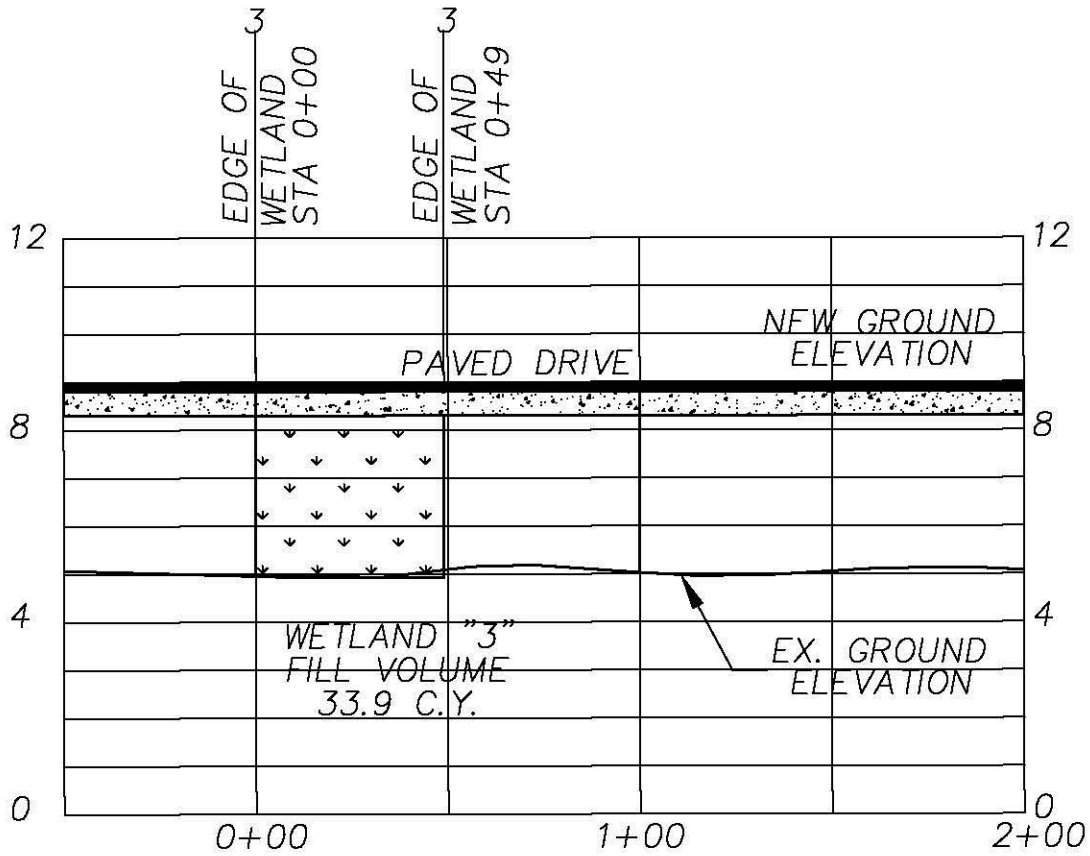
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DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 9 OF 16		

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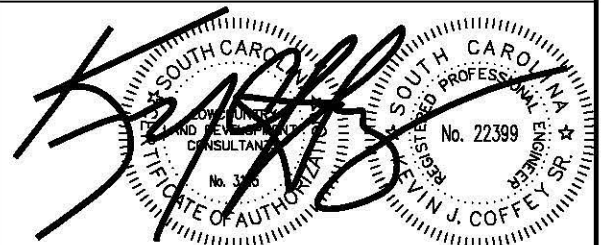
WETLAND 3 SPINX SITE

SCALES { 1"=50' HORZ.
1"=4' VERT.



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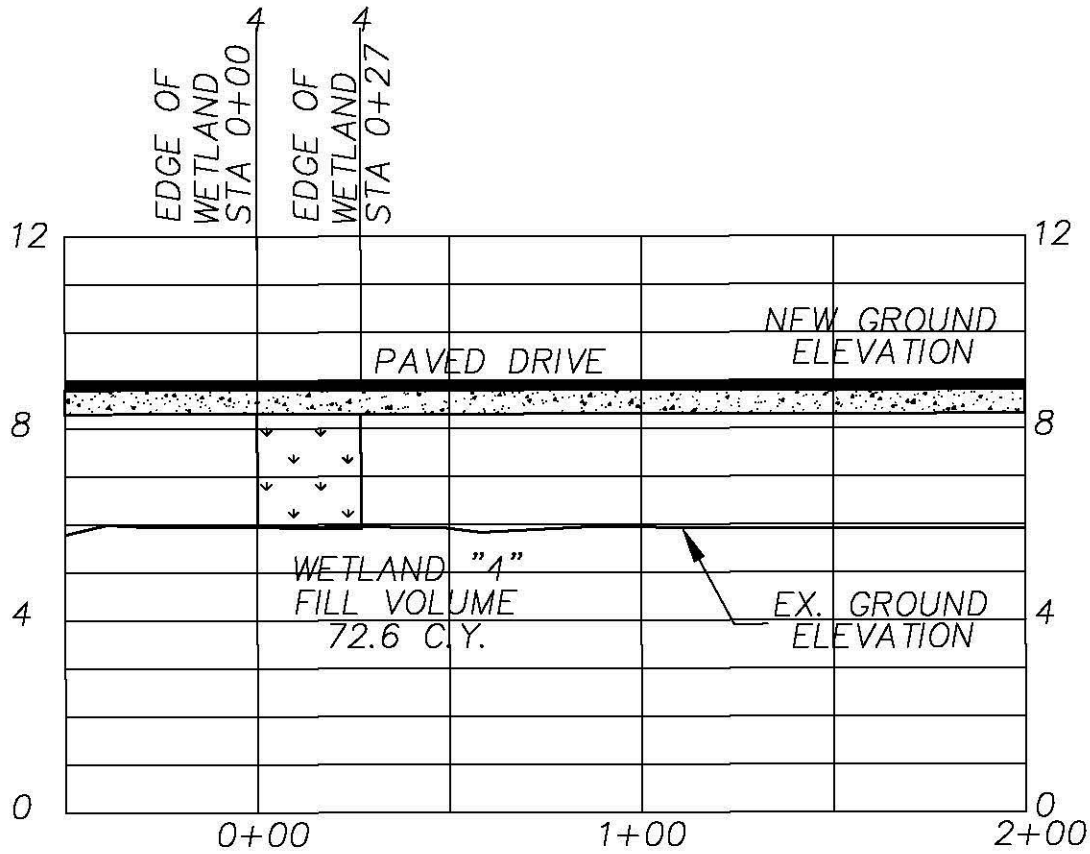


DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 10 OF 18

**WETLANDS FILL PERMIT
WETLAND 3 SECTION
BERKELEY COUNTY
TMS 263-00-03-027**

**CJB INVESTMENTS, LLC
1023 CLEMENTS FERRY ROAD
CHARLESTON, SC 29492**

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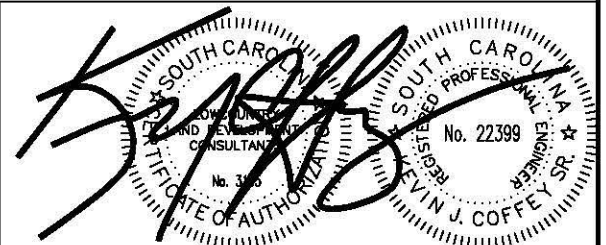
WETLAND 4 SPINX SITE

SCALES { 1"=50' HORZ.
1"=4' VERT.



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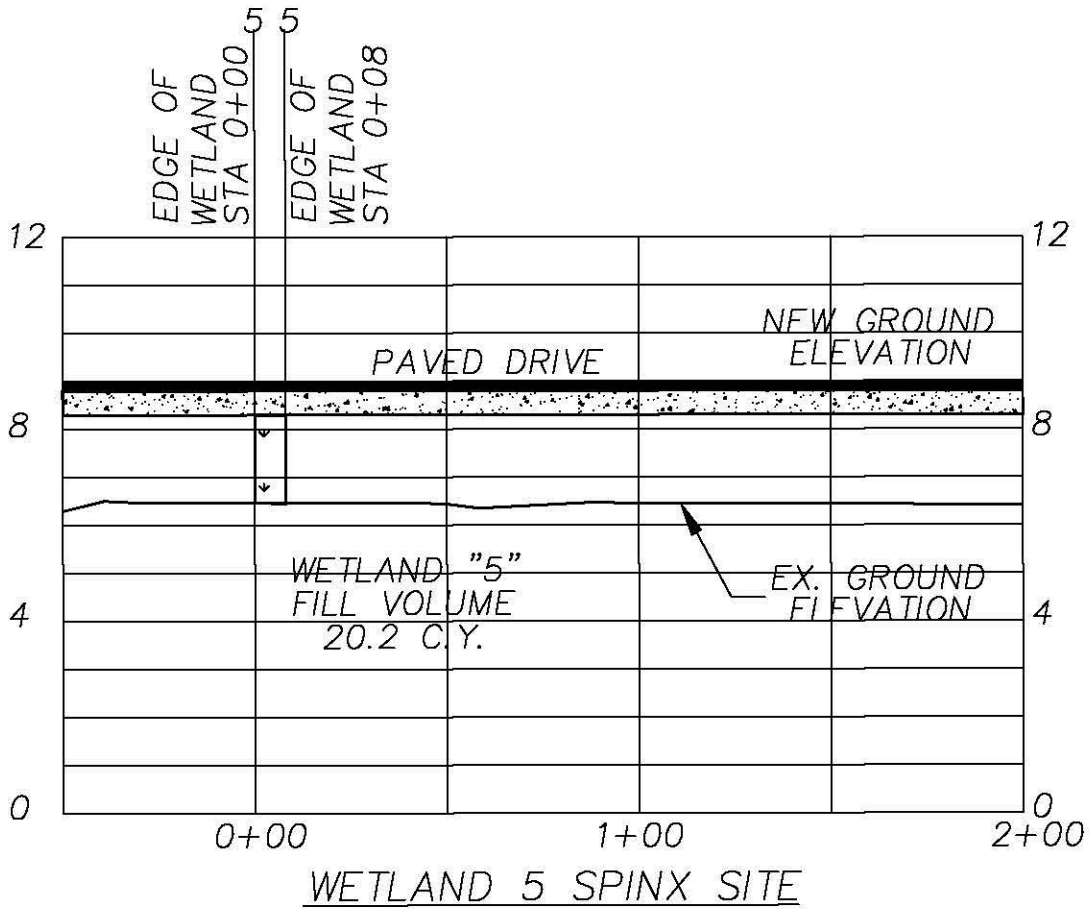


DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 11 OF 16

**WETLANDS FILL PERMIT
WETLAND 4 SECTION
BERKELEY COUNTY
TMS 263-00-03-027**

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1023 CLEMENTS FERRY ROAD
CHARLESTON, SC 29492**

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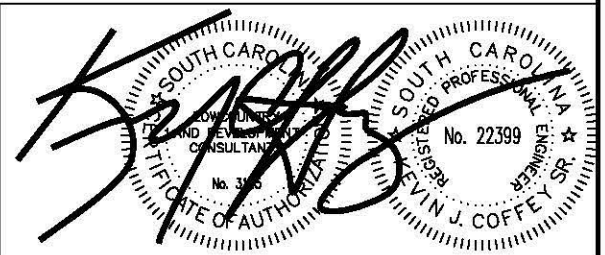


WETLAND 5 SPINX SITE
 SCALES { 1"=50' HORZ.
 { 1"=4' VERT.



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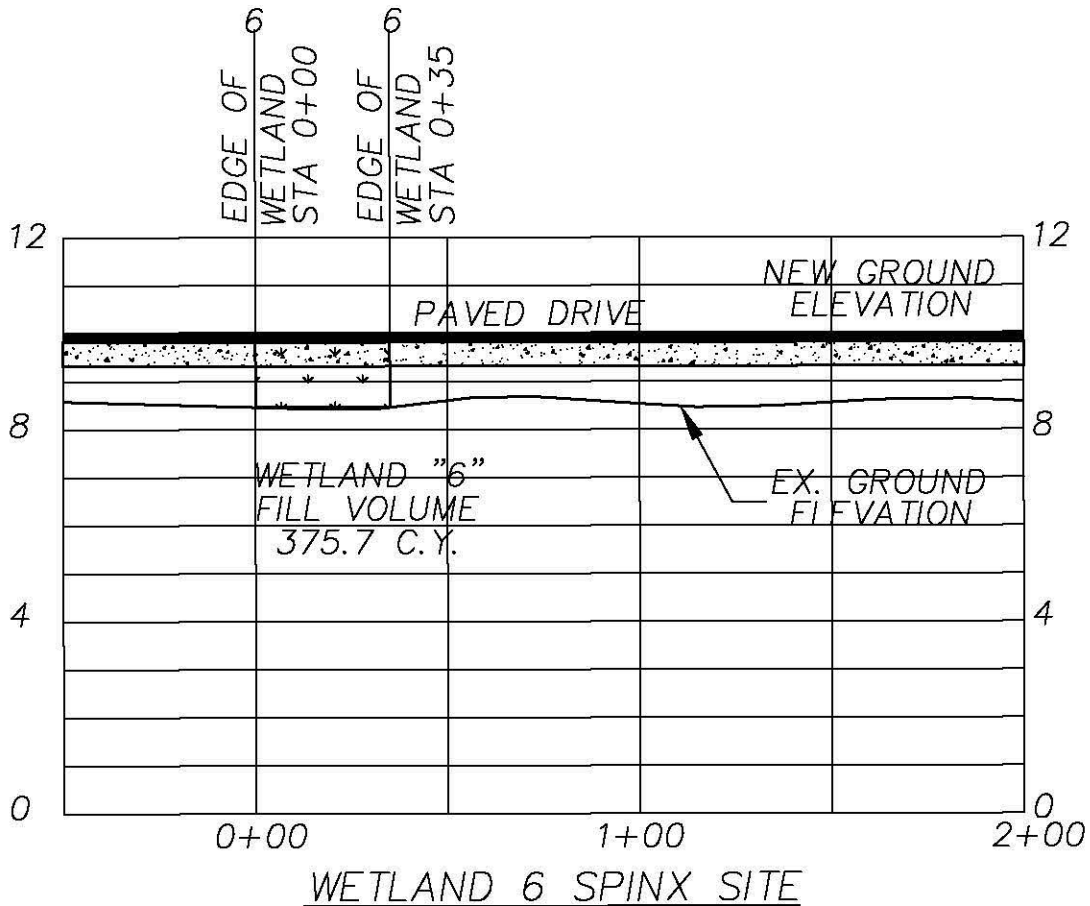


DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 12 OF 16

WETLANDS FILL PERMIT
WETLAND 5 SECTION
BERKELEY COUNTY
TMS 263-00-03-027

CJB INVESTMENTS, LLC
 1023 CLEMENTS FERRY ROAD
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WETLAND 6 SPINX SITE

SCALES { 1"=50' HORZ.
1"=4' VERT.



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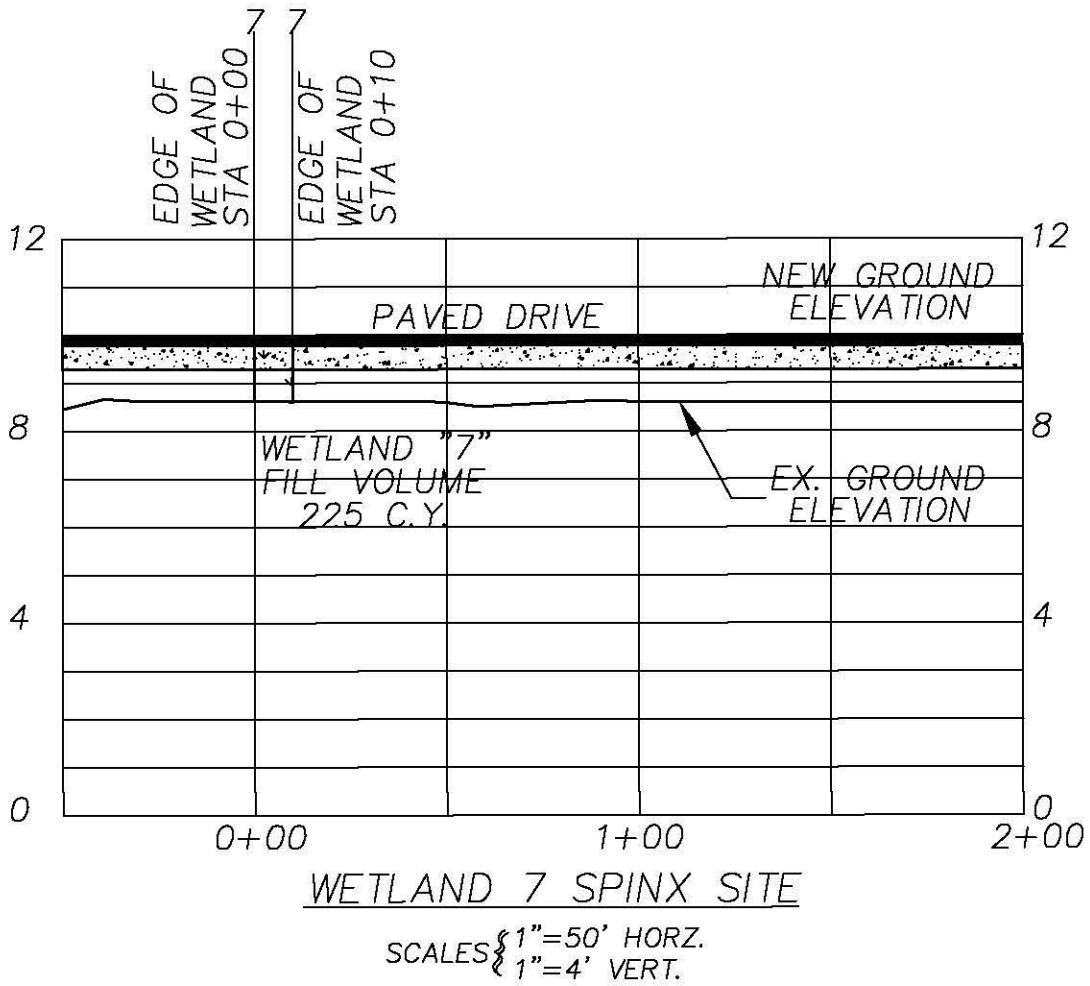


DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 13 OF 16

**WETLANDS FILL PERMIT
WETLAND 6 SECTION
BERKELEY COUNTY
TMS 263-00-03-027**

**CJB INVESTMENTS, LLC
1023 CLEMENTS FERRY ROAD
CHARLESTON, SC 29492**

THE DRAWINGS AND DESIGN THEREON ARE THE PROPERTY OF LOWCOUNTRY LAND DEVELOPMENT CONSULTANTS AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ENGINEER AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION



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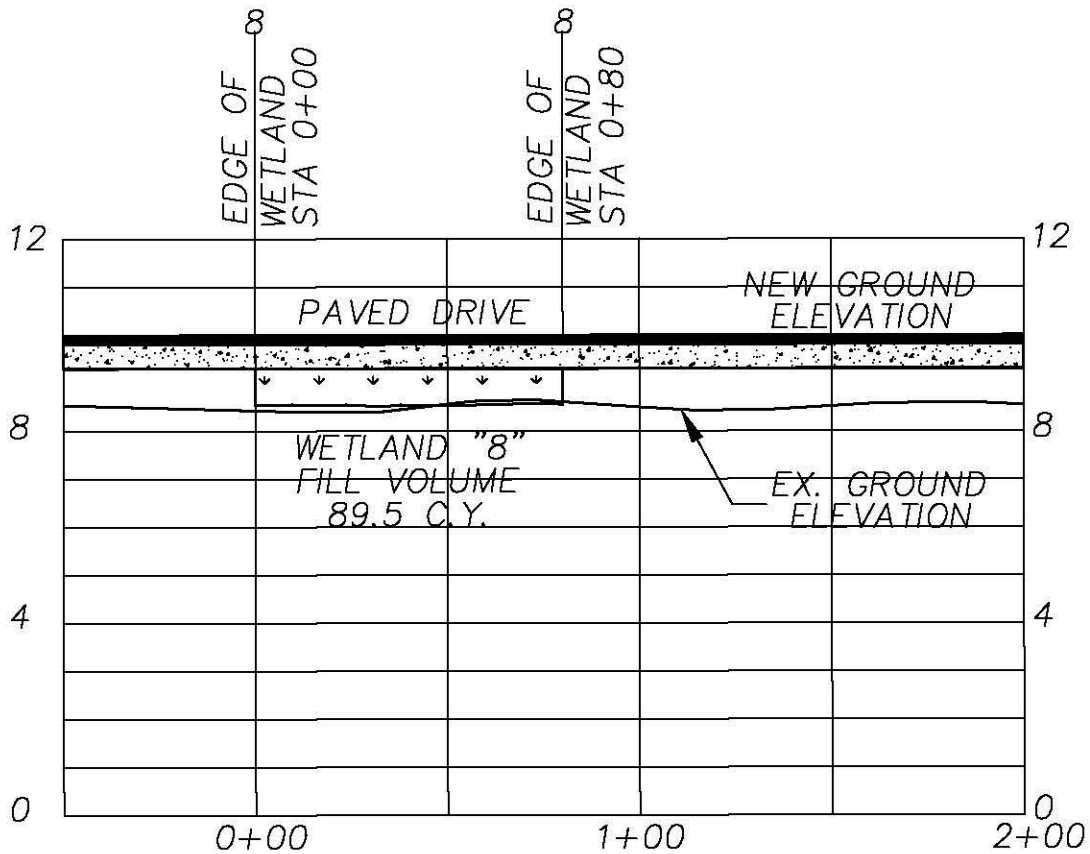


DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 14 OF 16

**WETLANDS FILL PERMIT
WETLAND 7 SECTION
BERKELEY COUNTY
TMS 263-00-03-027**

**CJB INVESTMENTS, LLC
1023 CLEMENTS FERRY ROAD
CHARLESTON, SC 29492**

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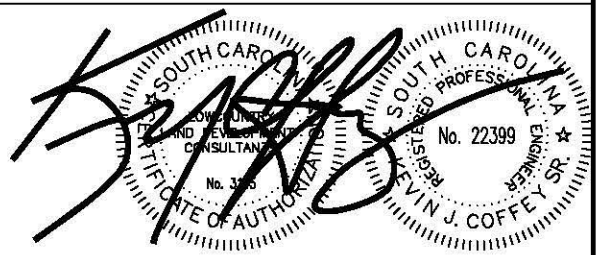


WETLAND 8 SPINX SITE
 SCALES { 1"=50' HORZ.
 { 1"=4' VERT.



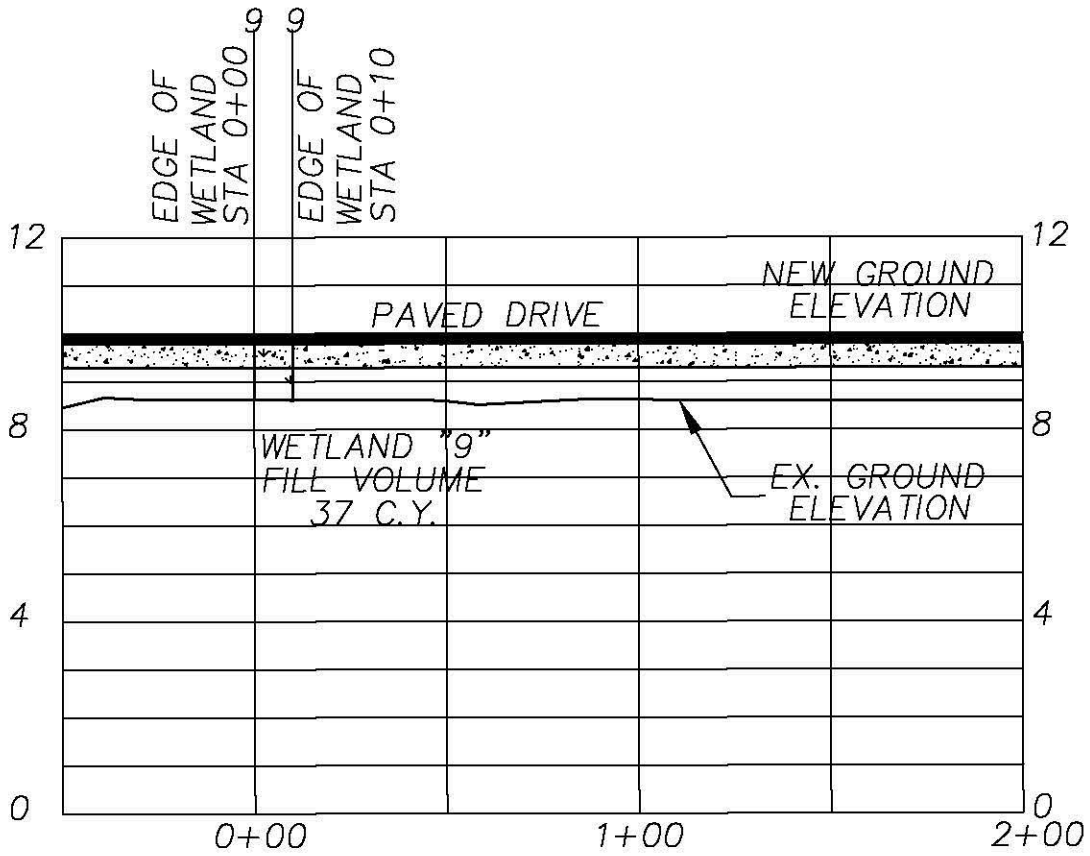
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DESIGNED KJC	CHECKED KJC	JOB NO. 16-126	SCALE: SEE ABOVE	WETLANDS FILL PERMIT WETLAND 8 SECTION BERKELEY COUNTY TMS 263-00-03-027	CJB INVESTMENTS, LLC 1023 CLEMENTS FERRY ROAD CHARLESTON, SC 29492
DRAWN KJC	APPROVED KJC	DATE DEC. 1, 2016	SHEET 15 OF 16		

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WETLAND 9 SPINX SITE

SCALES { 1"=50' HORZ.
1"=4' VERT.



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**WETLANDS FILL PERMIT
WETLAND 9 SECTION
BERKELEY COUNTY
TMS 263-00-03-027**

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