JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Ave Charleston, South Carolina 29403

and

THE S.C. DEPARTMENT OF ENVIRONMENTAL SERVICES
Bureau of Coastal Management
1362 McMillan Avenue, Suite 400

North Charleston, South Carolina 29405

REGULATORY DIVISION Refer to: SAC-2020-01092

November 7, 2024

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 South Carolina Department of Environmental Services by

Mr. Billy Barnwell 1321 Chuck Dawley Blvd, Suite 105 Mount Pleasant, South Carolina 29464

Mr. Robert Strange
Greentree Land Management, LLC
105 Wappoo Creek Drive, Ste #4A
Charleston, South Carolina 29412
rstrange@greentreelandmanagement.com

for a permit to construct single family residential dwellings adjacent to

The Wando River

located on multiple lots on Cape Island Drive in Paradise Island in the Town of Awendaw, Charleston County, South Carolina (Latitude: 32.9217°, Longitude: -79.7649°), **Cainhoy Quad Scale 1:24000**.

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: http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to develop existing residential lots for residential use.

Project Description

The proposed work consists of the discharge of 3,002 cubic yards of clean fill material into 1.43 acres of freshwater wetlands for the development of six (6) single-family residential lots.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by minimizing impacts to those necessary to complete the project. Additionally, the applicant obtained a preliminary jurisdiction determination from the Corps for majority of the project sites, which describes the existing conditions of aquatic resources on the project sites. This information was used to prepare the permit drawings and to evaluate on-site layouts that avoid and minimize potential impacts to aquatic resources on the project site to the greatest extend possible, while meeting the project purpose and needs.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 12.4 wetland mitigation credits from a federally approved mitigation bank serving the primary service area.

South Carolina Department Environmental Services

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 Environmental Services, 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.

Essential Fish Habitat

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 acres of freshwater wetlands adjacent to 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.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the proposed project and based on location and available information, the following species have the potential to occur in the vicinity of the proposed work: Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), American Chaffseed (Schwalbea americana), Red-cockaded woodpecker (*Picoidesborealis*), Northern Long-Eared Bat (*Myotis septentrionalis*), West Indian Manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis ssp. Jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Wood Stork (*Mycteria americana*), Frosted Flatwood Salamander (*Ambystoma cingulatum*), Atlantic sturgeon (*Acipenseroxyrinchus oxyrinchus*), and Shortnose sturgeon (*Acipenser brevirostrum*) –

proposed species, Tricolored bat (*Perimyotis subflavus*), - candidate species, Monarch Butterfly (*Danuas Plexippus*).

Based on all information provided by the applicant and the most recent available information, the District Engineer has determined the following:

The project will have <u>no effect</u> on Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), American *Chaffseed (Schwalbea americana*), Red-cockaded woodpecker (*Picoidesborealis*), West Indian Manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis ssp. Jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Wood Stork (*Mycteria americana*), Frosted Flatwood Salamander (*Ambystoma cingulatum*), Atlantic sturgeon (*Acipenseroxyrinchus oxyrinchus*), and Shortnose sturgeon (*Acipenser brevirostrum*) 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> the Northern Long-Eared Bat (*Myotis septentrionalis*) or 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 (USFWS project code: 2024-0122220, 2023-0015624, 2023-0015170, and 2022-0082596) 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.

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)(/)(1)), and has initially determined that there are historic properties present, but they will not be affected; 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 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

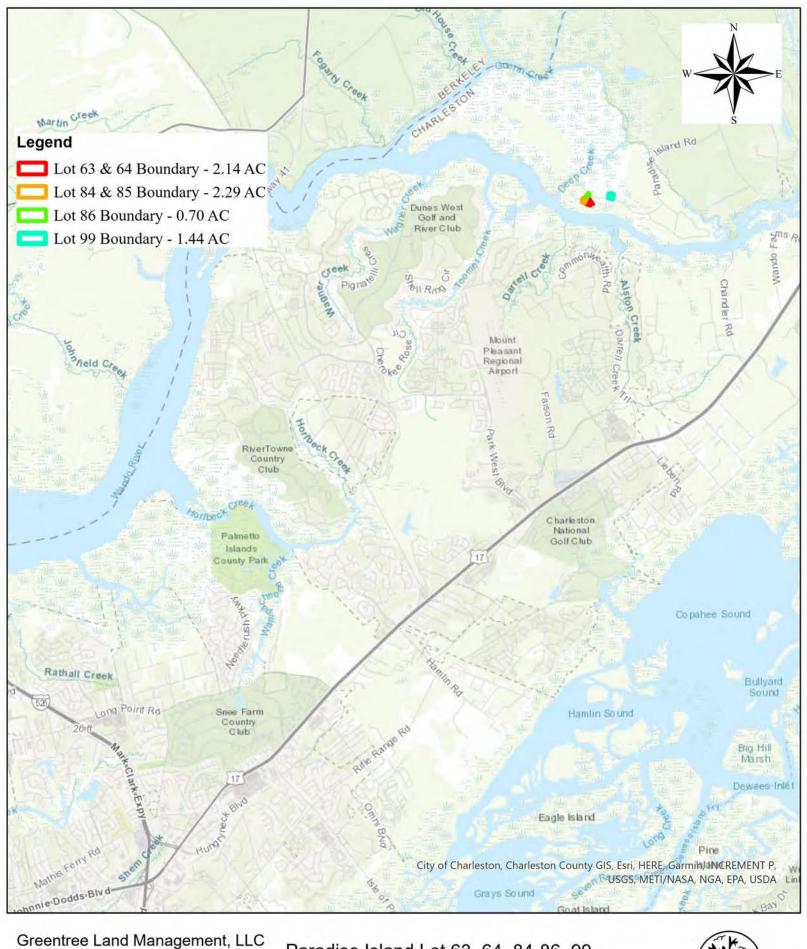
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority 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-2020-01092), to alexander.m.miranda@usace.army.mil or the following address:

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 1949 Industrial Park Road Conway, South Carolina 29526 If there are any questions concerning this public notice, please contact Alexander M. Miranda, Biologist, at 843-329-8033, toll free at 1-866-329-8187, or by email at alexander.m.miranda@usace.army.mil.

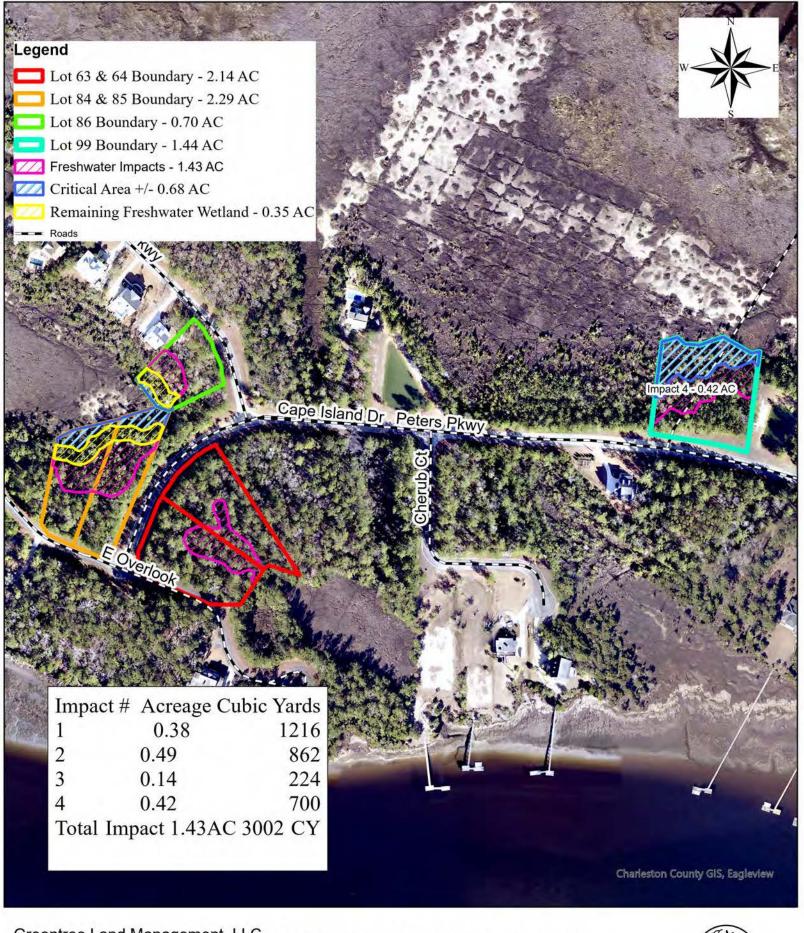


105 Wappoo Creek Drive Suite 1A Charleston, SC 29412 (843)830-5375

0.5

Paradise Island Lot 63, 64, 84-86, 99 **Charleston County**





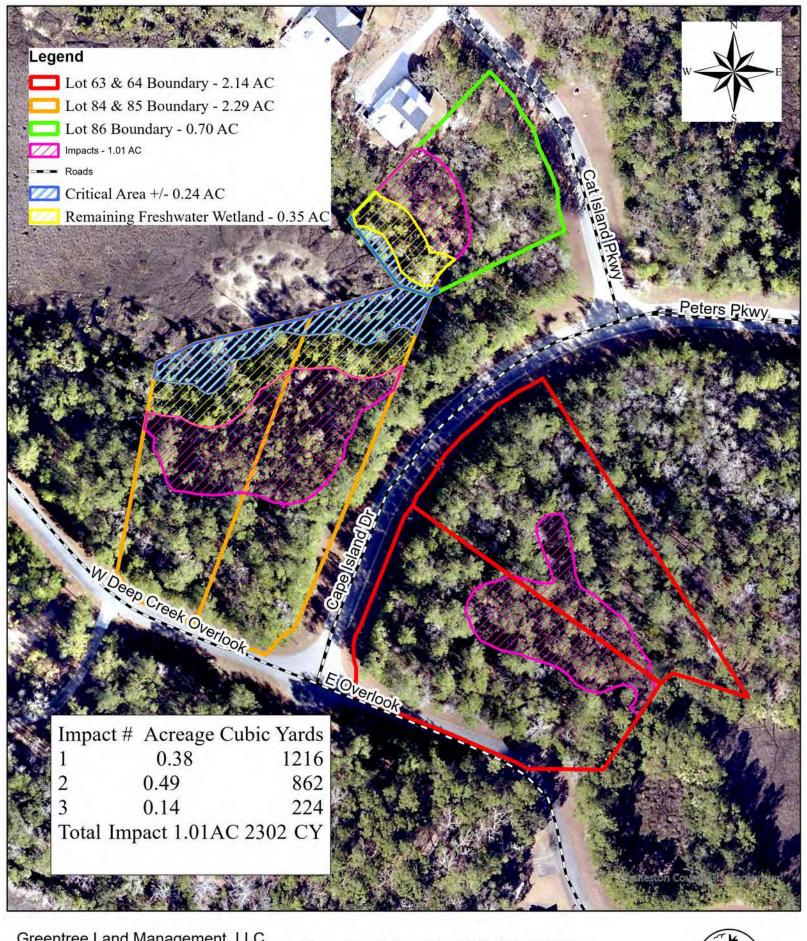
Greentree Land Management, LLC 105 Wappoo Creek Drive Suite 1A Charleston, SC 29412 (843)830-5375

Paradise Island Lot 63, 64, 84-86, 99 **Charleston County**

250 500 750



1,000

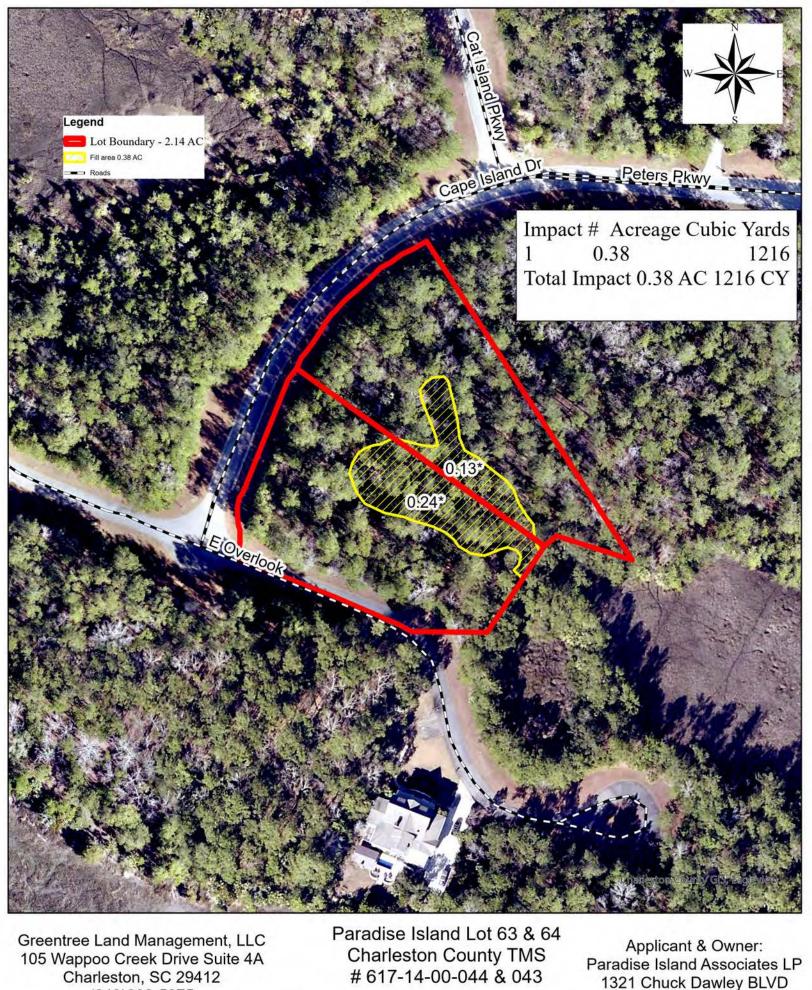


Greentree Land Management, LLC 105 Wappoo Creek Drive Suite 1A Charleston, SC 29412 (843)830-5375

Paradise Island Lot 63, 64, 84-86 Charleston County

0 50 100 200 300 400 Feet





(843)830-5375

240

320

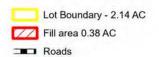
Feet

160

80

1321 Chuck Dawley BLVD Mount Pleasant, SC 29464





Impact # Acreage Cubic Yards 1 0.38 1216 Total Impact 0.38 AC 1216 CY

Fill Elevation - 6.2 Feet MSL

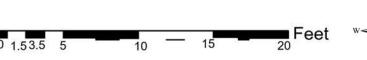
2.2' Fill in deepest portion

4.1' MSL Existing Elevation 6.2' MSL Existing Elevation

Applicant & Owner: Paradise Island Associates 1321 Chuck Dawley BLVD Mount Pleasant, SC 29464

Greentree Land Management, LLC. 105 Wappoo Creek Drive, Suite 4A Charleston, SC 29412 (843) 830- 5375

Paradise Island Lot 63 & 64 Charleston County TMS # 617-14-00-044 and 617-14-00-043



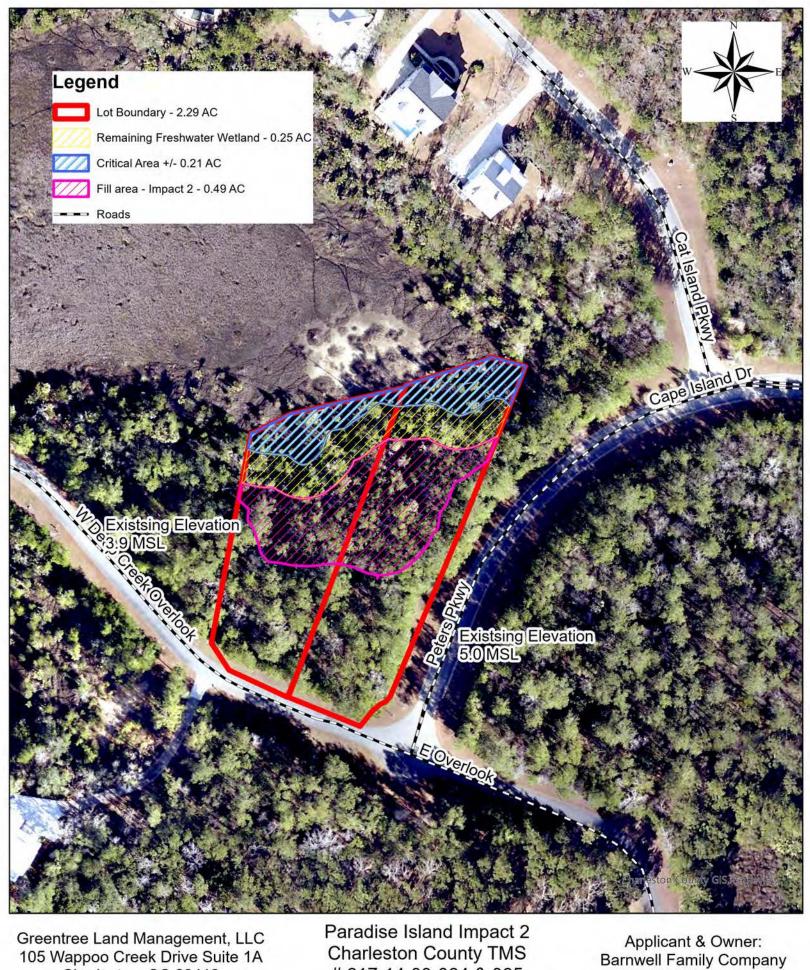




#617-14-00-064 & 065

240 320 160 80 Feet

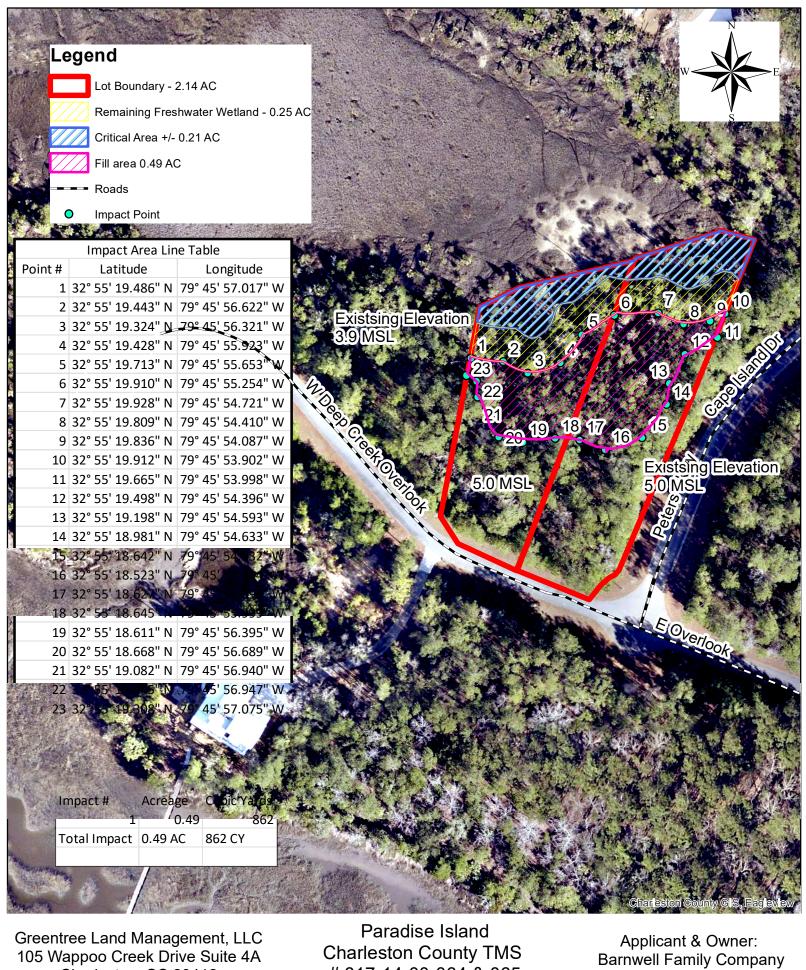
Barnwell Family Company 1321 Chuck Dawley BLVD Mount Pleasant, SC 29464



617-14-00-064 & 065

1321 Chuck Dawley BLVD Mount Pleasant, SC 29464

80 160 240 320 Feet

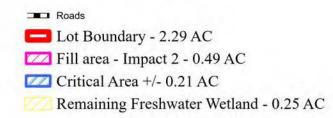


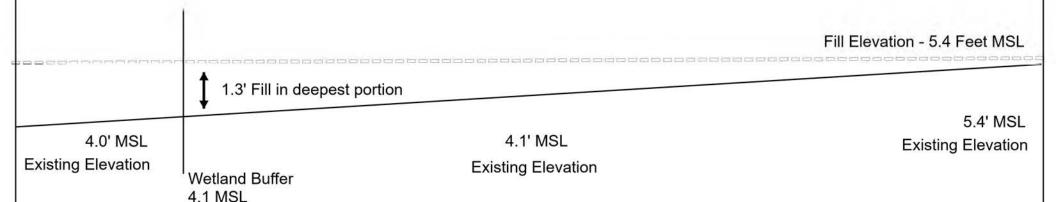
617-14-00-064 & 065

1321 Chuck Dawley BLVD Mount Pleasant, SC 29464

80 160 240 320 40 Feet



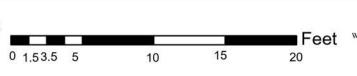


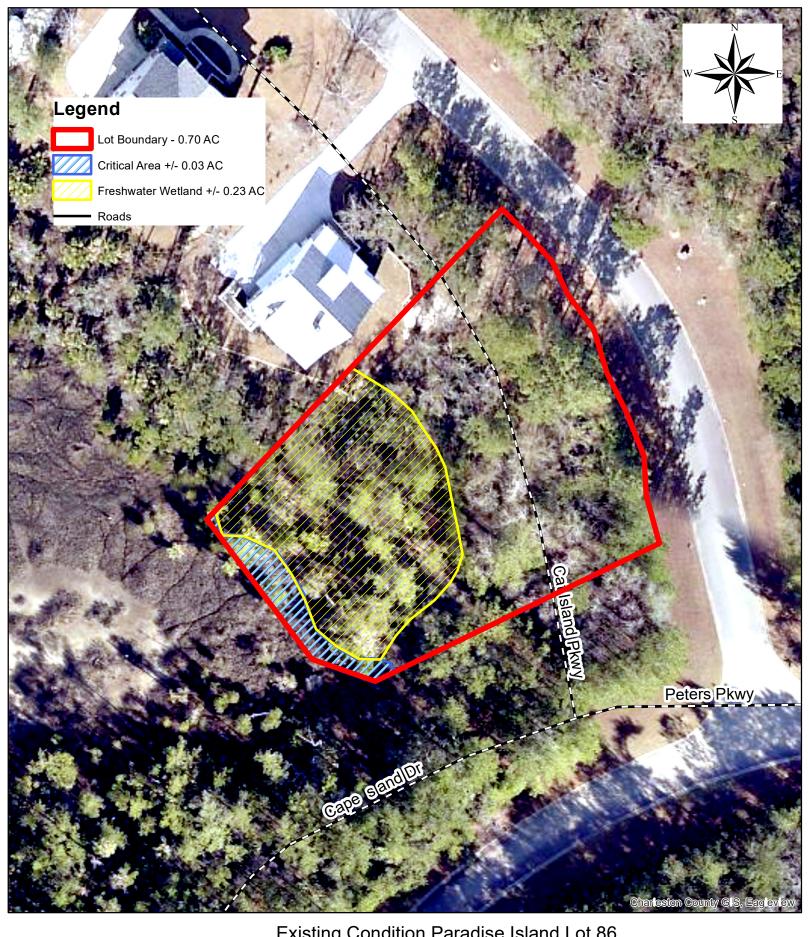


Greentree Land Management, LLC. Charleston, SC 29412 (843) 830-5375

Paradise Island Lot 84 & 85 Impact 2 105 Wappoo Creek Drive, Suite 1A Charleston County TMS # # 617-14-00-064 & 065

Applicant & Owner: Barnwell Family Company 1321 Chuck Dawley BLVD Mount Pleasant, SC 29464

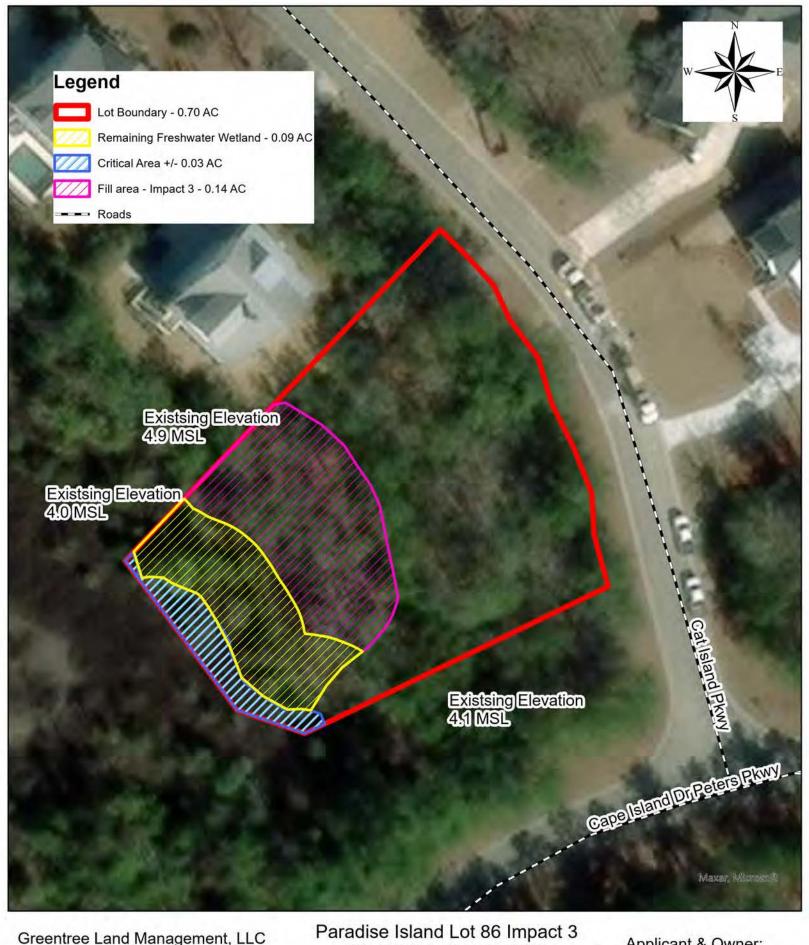




Greentree Land Management, LLC 105 Wappoo Creek Drive Suite 4A Charleston, SC 29412 (843)830-5375 Existing Condition Paradise Island Lot 86
Charleston County TMS
617-14-00-010
Barrel 13
0 15 30 60 90 120

Feet

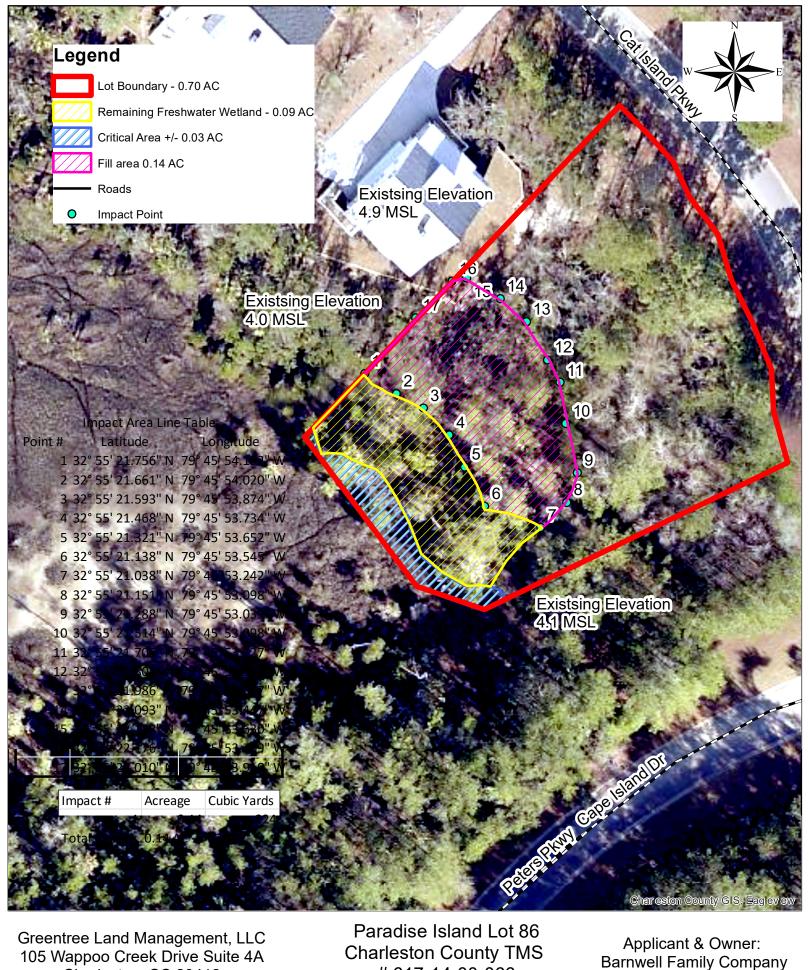
Applicant & Owner: Barnwell Family Company 1321 Chuck Dawley BLVD Mount Pleasant, SC 29464



Greentree Land Management, LLC 105 Wappoo Creek Drive Suite 4A Charleston, SC 29412 (843)830-5375 Paradise Island Lot 86 Impact 3 Charleston County TMS # 617-14-00-066

15 30 60 90 120 ^M

Applicant & Owner: Barnwell Family Company 1321 Chuck Dawley BLVD Mount Pleasant, SC 29464



617-14-00-066

15 30 60 90 120 ■ Feet

1321 Chuck Dawley BLVD Mount Pleasant, SC 29464



Impact Area Line Table		
Point #	Latitude	Longitude
1	32° 55' 21.756" N	79° 45' 54.192" V
2	32° 55' 21.661" N	79° 45' 54.020" V
3	32° 55' 21.593" N	79° 45' 53.874" V
4	32° 55' 21.468" N	79° 45' 53.734" V
5	32° 55' 21.321" N	79° 45' 53.652" V
6	32° 55′ 21.138″ N	79° 45' 53.545" V
7	32° 55′ 21.038″ N	79° 45' 53.242" V
8	32° 55' 21.151" N	79° 45' 53.098" V
9	32° 55′ 21.288″ N	79° 45' 53.039" V
10	32° 55' 21.514" N	79° 45' 53.098" V
11	32° 55' 21.705" N	79° 45' 53.127" V
12	32° 55′ 21.808″ N	79° 45' 53.194" V
13	32° 55′ 21.986″ N	79° 45' 53.307" V
14	32° 55′ 22.093″ N	79° 45' 53.447" V
15	32° 55′ 22.188″ N	79° 45' 53.630" V
16	32° 55′ 22.176″ N	79° 45' 53.709" V
17	32° 55′ 22.010″ N	79° 45' 53.910" V

Lot Boundary - 0.70 AC

Remaining Freshwater Wetland - 0.09 AC

Critical Area +/- 0.03 AC

Fill area 0.14 AC

Roads

Impact Point

Fill Elevation - 4.9 Feet MSL

† c

0.8 ' Fill in deepest portion

4.0' MSL Existing Elevation

Wetland Buffer 4.1 MSL

4.1' MSL Existing Elevation 4.9' MSL Existing Elevation

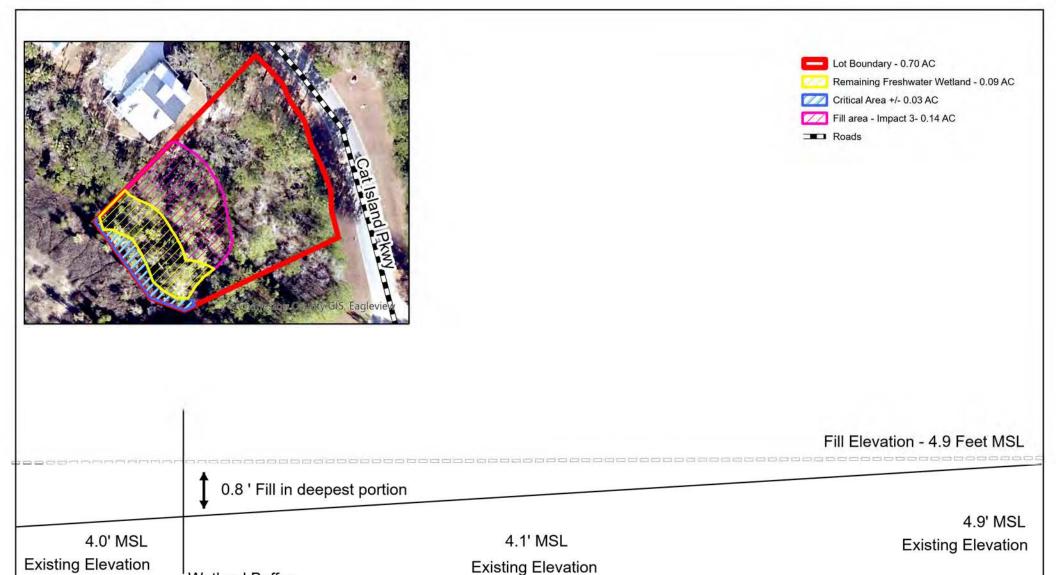
Impact #AcreageCubic Yards10.14224Total Impact0.14 AC224 CY

Greentree Land Management, LLC. 105 Wappoo Creek Drive, Suite 4A Charleston, SC 29412 (843) 830- 5375 Paradise Island Lot 86 Charleston County TMS # 617-14-00-066

Applicant & Owner: Barnwell Family Company 1321 Chuck Dawley BLVD Mount Pleasant, SC 29464







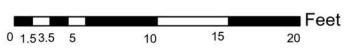
Greentree Land Management, LLC. 105 Wappoo Creek Drive, Suite 1A Charleston, SC 29412 (843) 830- 5375

Wetland Buffer

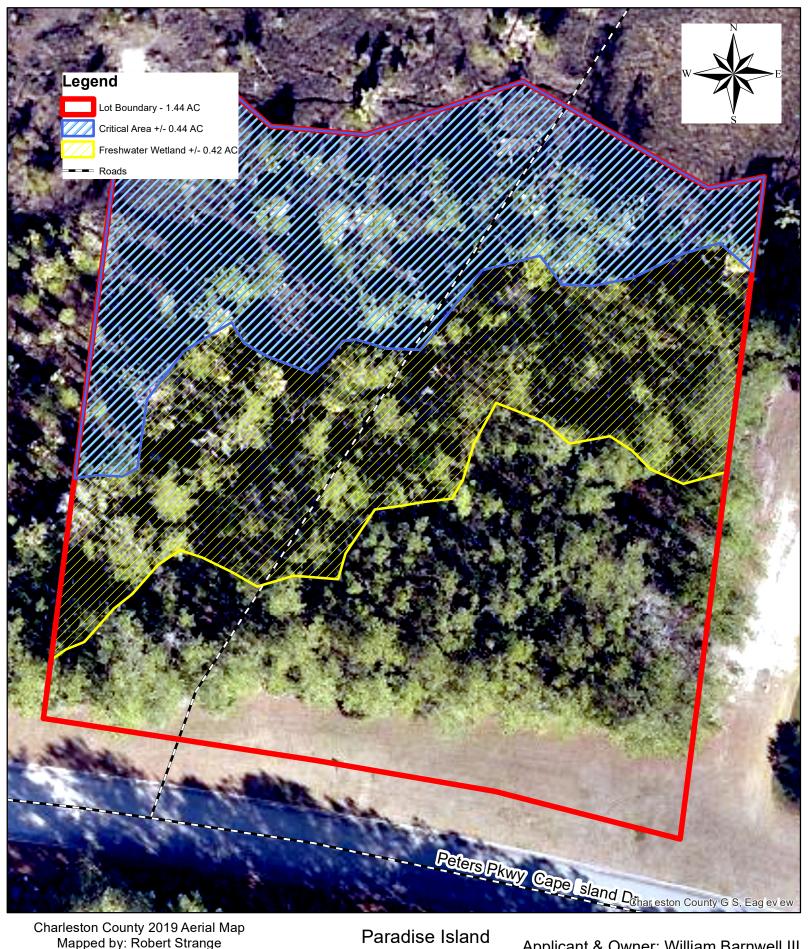
4.1 MSL

Paradise Island Lot 86 Impact 3 Charleston County TMS # 617-14-00-066

Applicant & Owner: Barnwell Family Company 1321 Chuck Dawley BLVD Mount Pleasant, SC 29464







Charleston County 2019 Aerial Map
Mapped by: Robert Strange

Greentree Land Management, LLC
105 Wappoo Creek Drive Suite 4A
Charleston, SC 29412
(843)830-5375

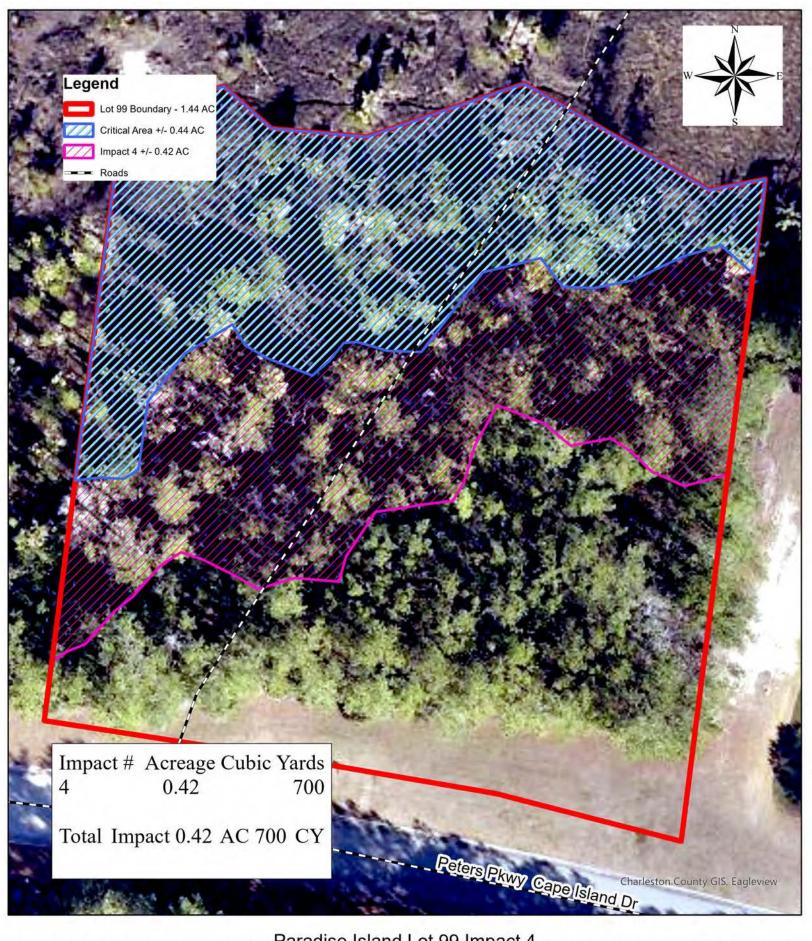
Paradise Island
Charleston County
TMS # 617-14-00-083

15

Applicant & Owner: William Barnwell III 1321 Chuck Dawley BLVD Suite 105 Mount Pleasant, SC 29464

120

■ Feet



Greentree Land Management, LLC 105 Wappoo Creek Drive Suite 1A Charleston, SC 29412 (843)830-5375

Paradise Island Lot 99 Impact 4
Applicant & Owner: William Barnwell III **Charleston County** TMS # 617-14-00-083 30 60 90

1321 Chuck Dawley BLVD Suite 105 Mount Pleasant, SC 29464 120

■ Feet



Impact # Acreage Cubic Yards 4 0.42 700

Total Impact 0.42 AC 700 CY

Fill Elevation - 5.6 Feet MSL

