## 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: SAC-2022-01192

October 28, 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. Gabe Ebner Lennar Homes 1941 Savage Road. Suite 100-C Charleston, South Carolina 29407

for a permit to construct a mixed-use development in

# 1.01 acres of freshwater wetlands and 666.8 linear feet of tributaries that flow into the Ashley River

located off Dorchester Road in Summerville, Dorchester County, South Carolina (Latitude: 32.9649°, Longitude: -80.2153°), Stallsville, SC quad sheet.

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.

NOTE: This public notice and associated plans are available on the Corps' website at: <a href="http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices">http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices</a> .

#### **Applicant's Stated Purpose**

According to the applicant, the purpose of the proposed project is to construct a clustered residential community in Summerville to support the increasing housing demand.

#### **Project Description**

The proposed work consists of constructing a residential community with commercial and recreational components. In detail, constructing the mixed-used development necessitates access roads, lot development, and a utility crossing which would fill 0.92 acres of wetlands, permanently clear 0.02 acres of wetlands, temporarily impact 0.07 acres of wetlands, and culvert 666.8 linear feet of tributaries.

### **Avoidance and Minimization**

The applicant has stated that the proposed project was designed to avoid and minimize impacts to the aquatic environment. Impacts primarily consist of road crossings through narrow sections of wetlands and streams. Two of these stream crossings utilize existing trails. While road crossings which span aquatic resources provide greater hydrologic connectivity as opposed to culverted crossings, the applicant has concluded that due to the number of crossings needed and the width of the areas in question, constructing spanned road crossings is not financially feasible. Permanent impacts not associated with road crossings are limited to 0.33 acres of wetlands and are needed for utility installation and to support a contiguous community design. Alternative site designs were explored, but due to space requirements for attendant features such as internal roadways and stormwater management features, minor impacts to waters of the U.S. were unavoidable. Furthermore, an alternatives analysis was provided in the permit application package which includes project constraints in more detail.

#### **Proposed Compensatory Mitigation**

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 6.88 freshwater wetland credits and 1,777.7 stream credits from an approved mitigation bank or banks. In addition, the applicant has proposed to preserve the remaining 118.34 acres of wetlands and 5,286.2 linear feet of tributaries onsite to include a 25' minimum upland buffer.

### 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 South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. 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.

#### **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 1.01 acres of freshwater wetlands and 666.8 linear feet of tributaries located 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.

#### **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 where the work will occur: American wood stork, red-cockaded woodpecker, Atlantic sturgeon, shortnose sturgeon, and Northern long-eared bat.

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 the red-cockaded woodpecker, Atlantic sturgeon, and shortnose sturgeon; is <u>not likely to adversely affect</u> the American wood stork and 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 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.

#### **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 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.

### **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. 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.

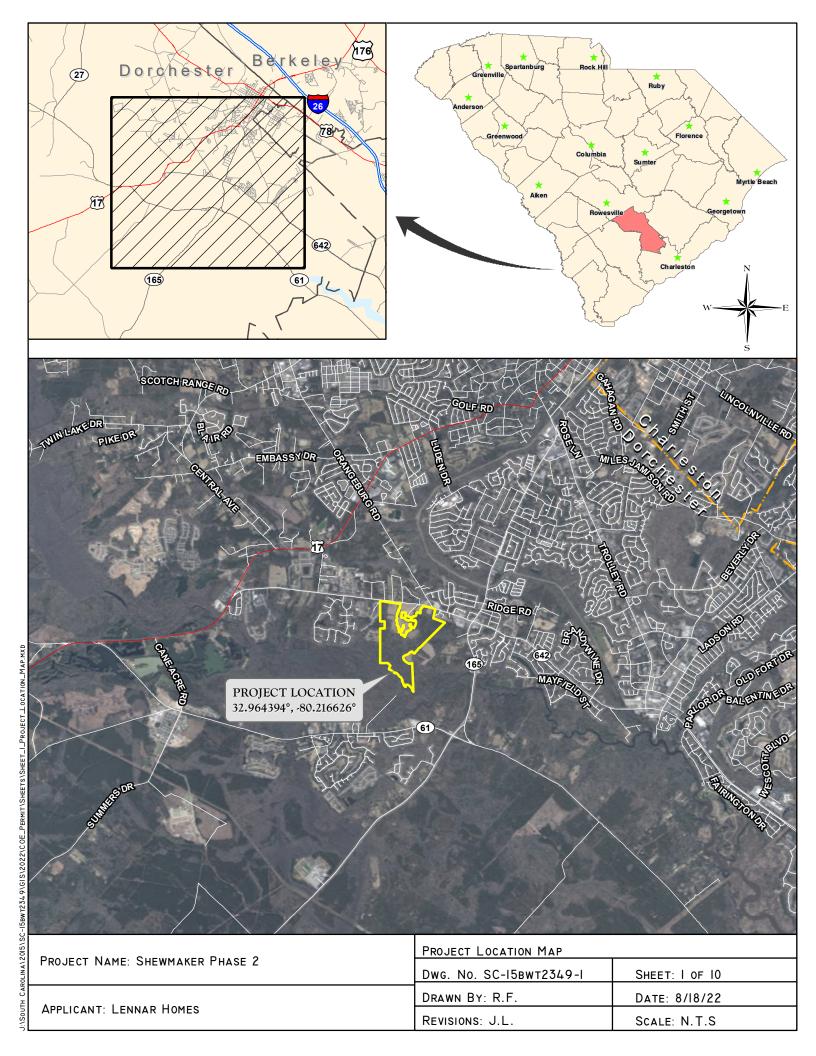
#### **Solicitation of Public Comment**

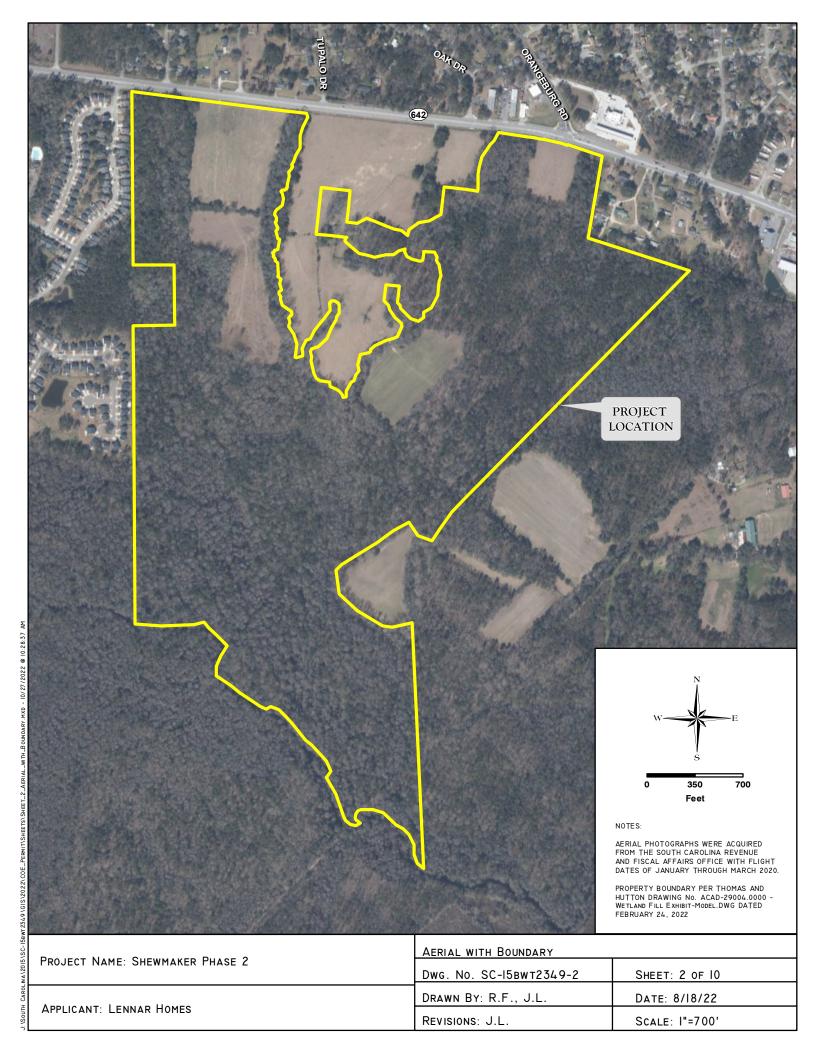
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify,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

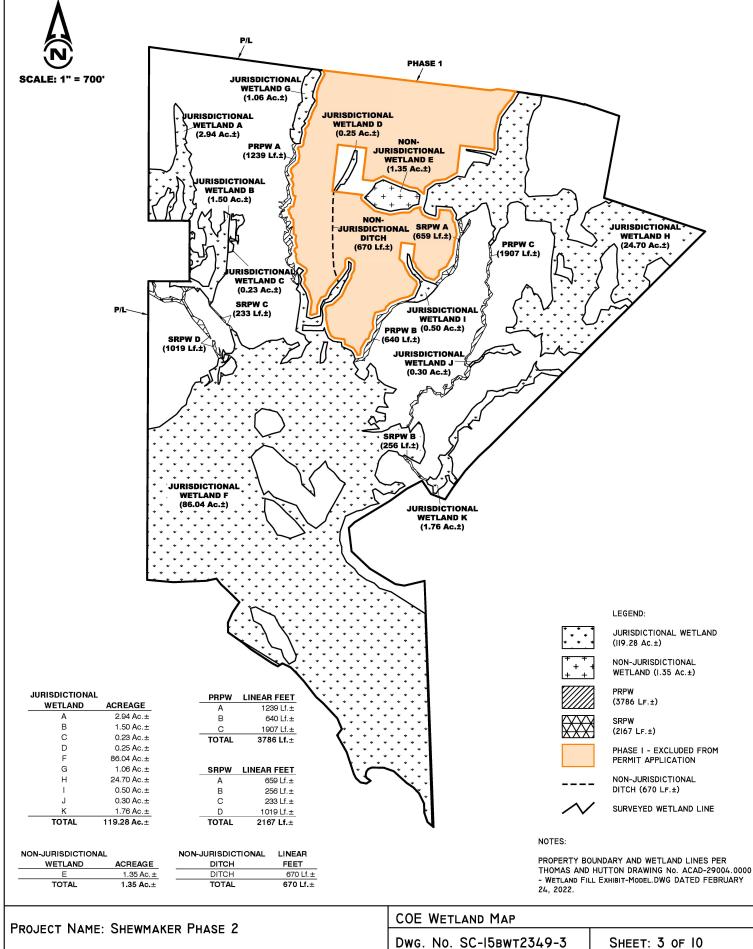
Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2022-01192), to Leslie.A.Estill@usace.army.mil or the following address:

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

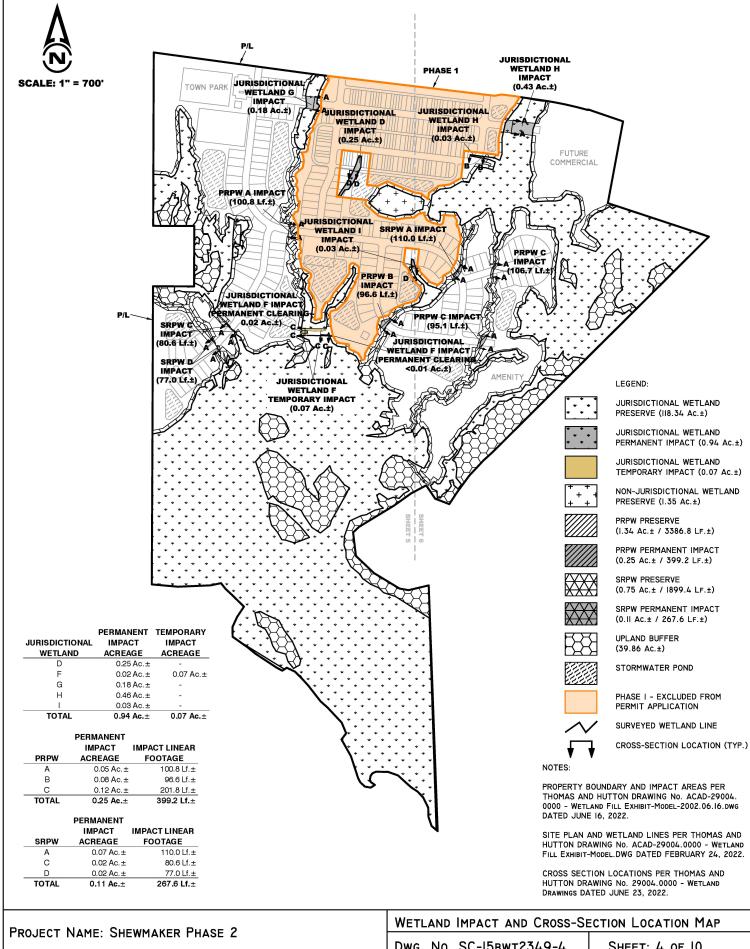
If there are any questions concerning this public notice, please contact Leslie Estill, Project Manager, at (843) 329-8039, or by email at Leslie.A.Estill@usace.army.mil.





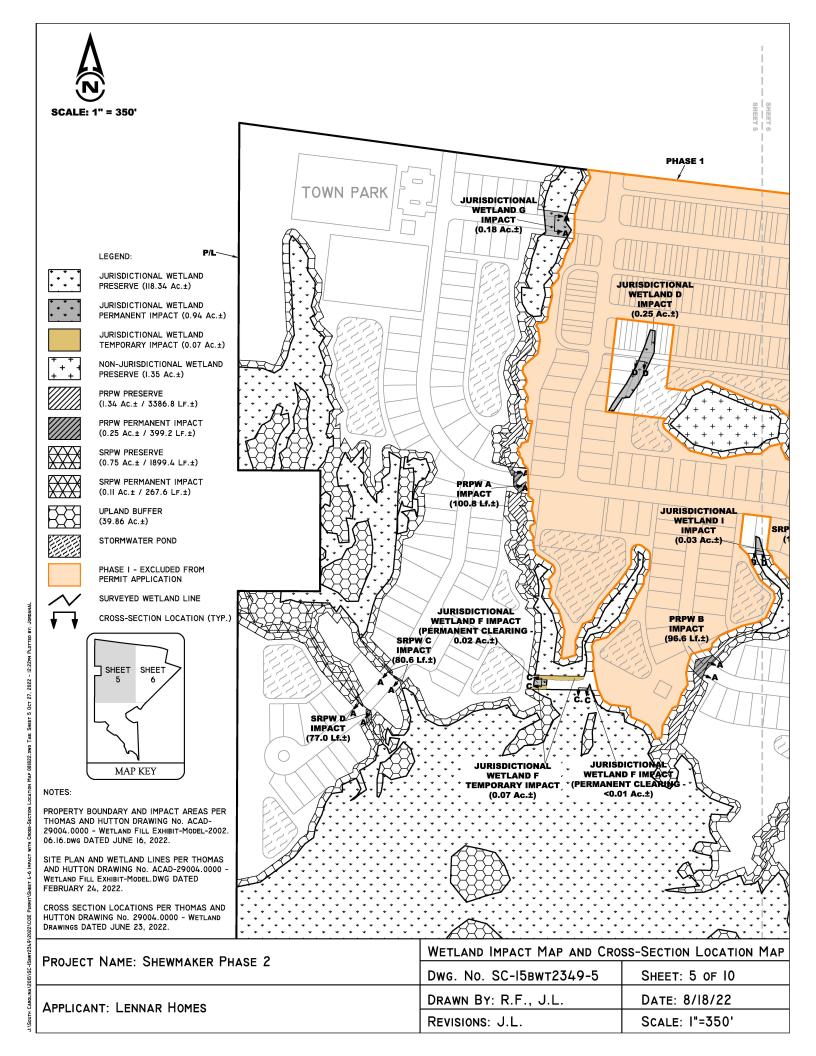


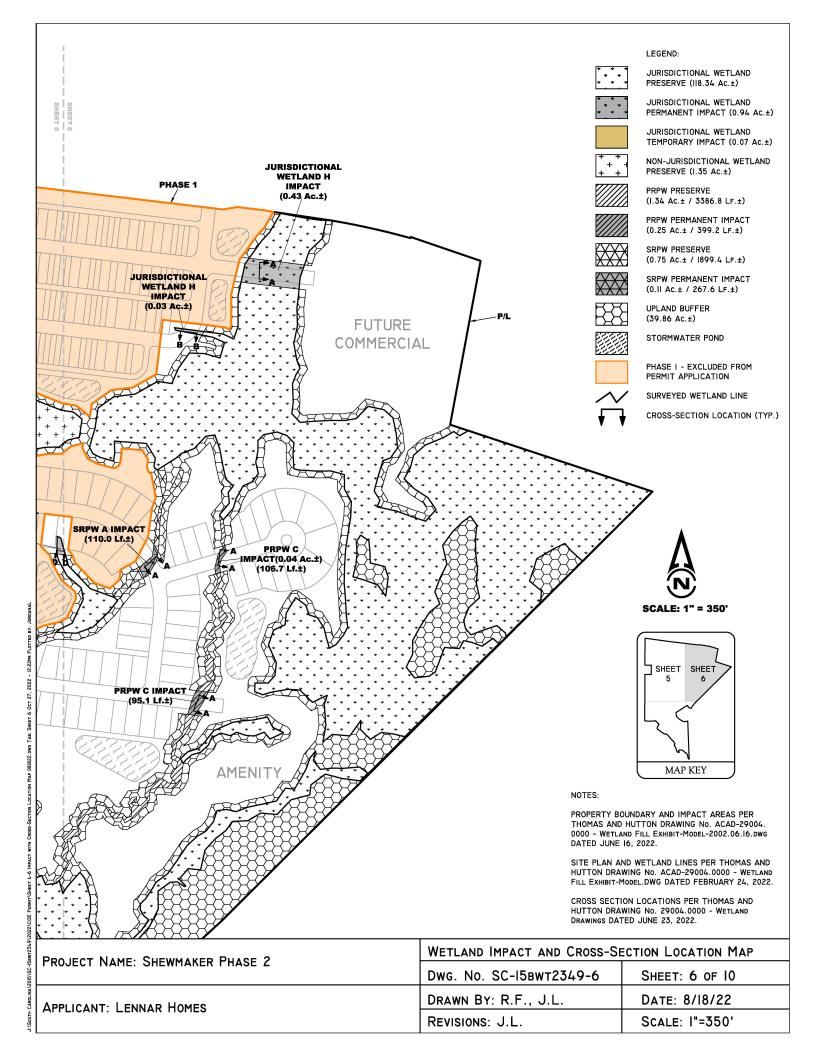
J.\South Carouna\2015\SC-158WT2349\2022\COE PERMIT\SHEET 3 COE WETLAND MAP 081822.bWG TAB: SHEET 3 OCT 27, 2022 - 10:4JAM PLOTTED BY:

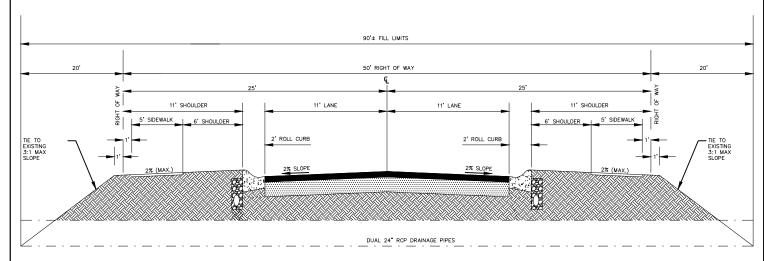


U:\South Carolina\2015\SC-158WT2349\2022\COE PERMIT\SHEET 4-6 IMPACT WITH GROSS-SECTION LOCATION MA

081822.DWG TAB: SHEET 4 OCT 27, 2022 - 12:22PM PLOTTED BY:

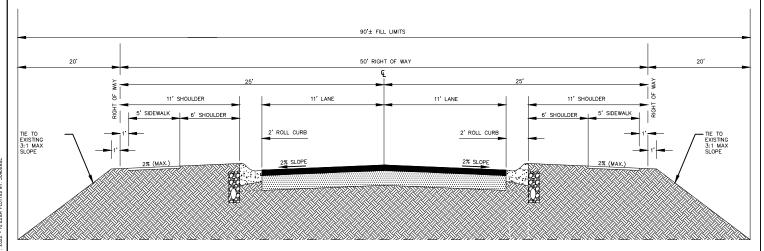






SECTION A
50' R/W TYPICAL WETLAND CROSSING SECTION
(WITH CULVERTS)

NOT TO SCALE



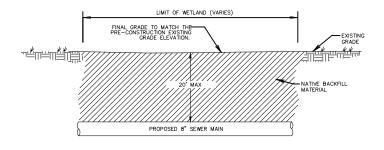
SECTION B
50' R/W TYPICAL WETLAND CROSSING SECTION
(WITHOUT CULVERTS)

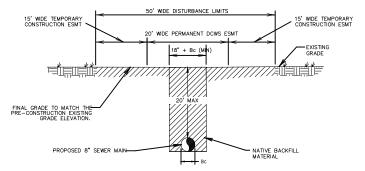
NOT TO SCALE

NOTES:

TYPICAL CROSS SECTIONS PER THOMAS HUTTON DRAWING No. ACAD-29004.0000 - WETLAND TYPICAL SECTIONS-MODEL.DWG DATED FEBRUARY 24, 2022.

PROJECT NAME: SHEWMAKER PHASE 2	Typical Cross Sections	
	Dwg. No. SC-I5BwT2349-7	SHEET: 7 OF 10
APPLICANT: LENNAR HOMES	DRAWN BY: J.L.	DATE: 8/18/22
	REVISIONS:	SCALE: N.T.S.





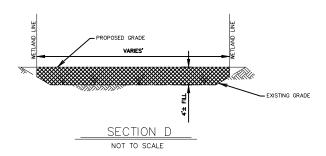
NOTE: NO MANHOLES WILL BE INSTALLED IN THE WETLANDS. TEMPORARY CONSTRUCTION EASEMENT AREA SHALL BE TEMPORARY IMPACT AND ALLOWED TO RE VEGETATE.

TYPICAL SEWER MAIN INSTALLATION WITHIN WETLANDS

NOT TO SCALE

SECTION C
TYPICAL SEWER MAIN INSTALLATION WITHIN WETLANDS

NOT TO SCALE



#### NOTES:

TYPICAL CROSS SECTIONS PER THOMAS HUTTON DRAWING No. ACAD-29004.0000 - WETLAND TYPICAL SECTIONS-MODEL.DWG DATED FEBRUARY 24, 2022.

PROJECT NAME: SHEWMAKER PHASE 2	TYPICAL CROSS SECTIONS	
	Dwg. No. SC-I5BwT2349-8	SHEET: 8 OF 10
APPLICANT: LENNAR HOMES	DRAWN BY: J.L.	DATE: 8/18/22
	REVISIONS:	SCALE: N.T.S.

SITE PLAN		
Dwg. No. SC-I5Bwt2349-9	SHEET: 9 OF 10	
DRAWN BY: R.F., J.L.	DATE: 8/18/22	

PROJECT NAME: SHEWMAKER PHASE 2

APPLICANT: LENNAR HOMES

DRAWN BY: R.F., REVISIONS: J.L.

SITE PLAN

SCALE: I"=700'