JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 1519 TAYLOR STREET COLUMBIA SC 29201

and THE S.C. DEPARTMENT OF ENVIRONMENTAL SERVICES Water Quality Certification and Wetlands Section 2600 Bull Street Columbia, South Carolina 29201

REGULATORY DIVISION Refer to: SAC-2023-01074

September 10, 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 <u>et.seq.</u>), an application has been submitted to the Department of the Army and the South Carolina Department of Environmental Services by

Mr. Eric Meyer Weber USA Corporation 230 Seven Farms Drive, Suite 103 Charleston, South Carolina 29492

and

Mr. J.D. Collins Sabine & Waters, Inc. PO Box 1072 Summerville, South Carolina 29484

for a permit to construct a mixed-use development including industrial, commercial, and multi-family residential development with associated infrastructure on a 313.22-acre tract located on

wetlands and non-wetland waters near McChune Branch

located northeast of the intersection of Palmetto Commerce Parkway and Weber Boulevard, west of the intersection of Highway 78 and I-26, in Charleston County, South Carolina (Latitude: 32.97037 °, Longitude: -80.09194 °), Ladson 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** and SCDES 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, "the development of an environmentally sensitive industrial, commercial, and multi-family residential development with compatible zoning, infrastructure and proximity to active rail line in place to provide much needed jobs, housing and retail to meet the needs of the rapidly growing Tri-County area of South Carolina."

Project Description

The proposed work consists of the placement of fill to create suitable high ground within an approximately 313.22 acres site for a new mixed-use development which would include industrial, commercial, medical, and residential development with required road network. In detail, the project would impact 30.12 acres of wetlands (23.3 acres of fill, 6.82 acres excavated and flooded), 1,547 linear feet of non-wetland waters (1320 linear feet fill, 227 linear feet pipe/culvert), and 0.37 acre of non-wetland open water (fill) for site development, buildings, roads, and storm water management.

Avoidance and Minimization

The applicant has stated the proposed project will avoid and/or minimize impacts to the aquatic environment through, "*careful development design, with input from project architects and engineers along with other team members.*" Design elements minimizing impacts include efforts to site wetland crossings at narrow points in the wetlands, and to locate necessary utilities within road footprints. The applicant proposes to utilize silt fencing during construction. The applicant has stated that 70.43 acres of wetlands, 6,148 linear feet of non-wetland water, and 7.89 acres of upland buffer would be preserved with restrictive covenants. The applicant has not requested a reduction in required compensatory mitigation credits.

Proposed Compensatory Mitigation

The applicant has proposed to provide compensatory mitigation for impacts to wetlands and/or waters of the United States by purchasing 312 wetland credits and 7,629 stream credits from an approved mitigation bank located within the same watershed the impacts are proposed.

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 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 30.86 acres of freshwater wetland and non-wetland waters inland 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 proposed project and based on location and available information, the following species have the potential to occur in the vicinity of the proposed work:

American Chaffseed (*Schwalbea americana*) Canby's Dropwort (*Oxypolis canbyi*) Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*) Green Sea Turtle (*Chelonia mydas*) Kemp's Ridley Sea Turtle (*Lepidochelys kempii*) Leatherback Sea Turtle (*Dermochelys coriacea*) Piping Plover (*Charadrius melodus*) Pondberry (*Lindera melissifolia*) Red-cockaded Woodpecker (*Picoides borealis*) Rufa Red Knot (*Calidris canutus rufa*) Wood Stork (*Mycteria americana*) Tricolored Bat (*Perimyotis subflavus*) Proposed Endangered

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 American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*) Red-cockaded Woodpecker (*Picoides borealis*) 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> Piping Plover (*Charadrius melodus*), Pondberry (*Lindera melissifolia*), Rufa Red Knot (*Calidris canutus rufa*), and Wood Stork (*Mycteria americana*) or 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.

The proposed endangered Tricolored Bat (*Perimyotis subflavus*) may also be present within the project area. Because the Corps is not aware of any known roost trees nor hibernaculum on site, the Corps has determined that the proposed project is not likely to jeopardize the continued existence of the proposed species and conference with USFWS is not required. This public notice serves as a request to the U.S. Fish and Wildlife Service (USFWS project code: 2024-0048780) 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.

Brockington and Associates, Inc. conducted a cultural resources survey of the Dear/Weber Industrial Development Tract in Charleston County, SC, from August 1-17, 2022. The survey, done for Reveer Group and Capital Investment Partners, aimed to comply with federal and state regulations regarding historic properties.

The report determines that SCIAA Site No. 38CH2690/SHPO Site No. 8538 is eligible for the National Register of Historic Places (NRHP) under Criterion D. The current plan is to preserve SCIAA Site No. 38CH2690/SHPO Site No. 8538 in situ as an outparcel with an easement for public access. Additionally, the report recommends that SCIAA Site No. 38CH2687 is eligible for the NRHP under Criteria A and D. Given that all or part of SCIAA Site No. 6043-2 falls within an area of the project tract that cannot be preserved, a Memorandum of Agreement (MOA) should be developed in consultation with the SHPO, the USACE, and other relevant stakeholders.

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.

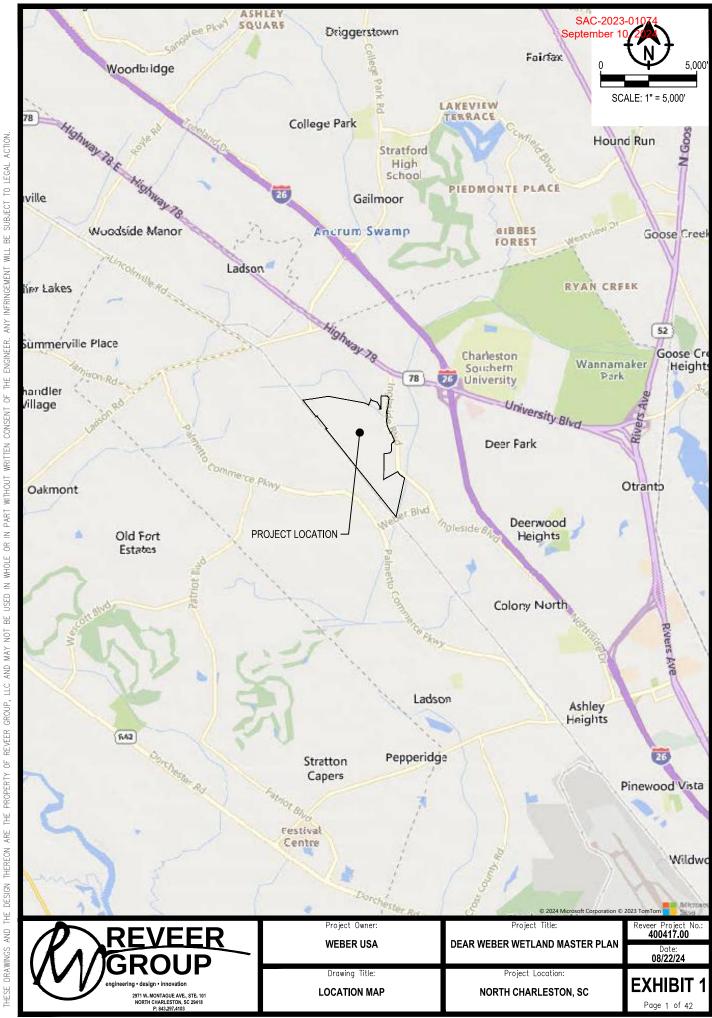
Solicitation of Public Comment

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.

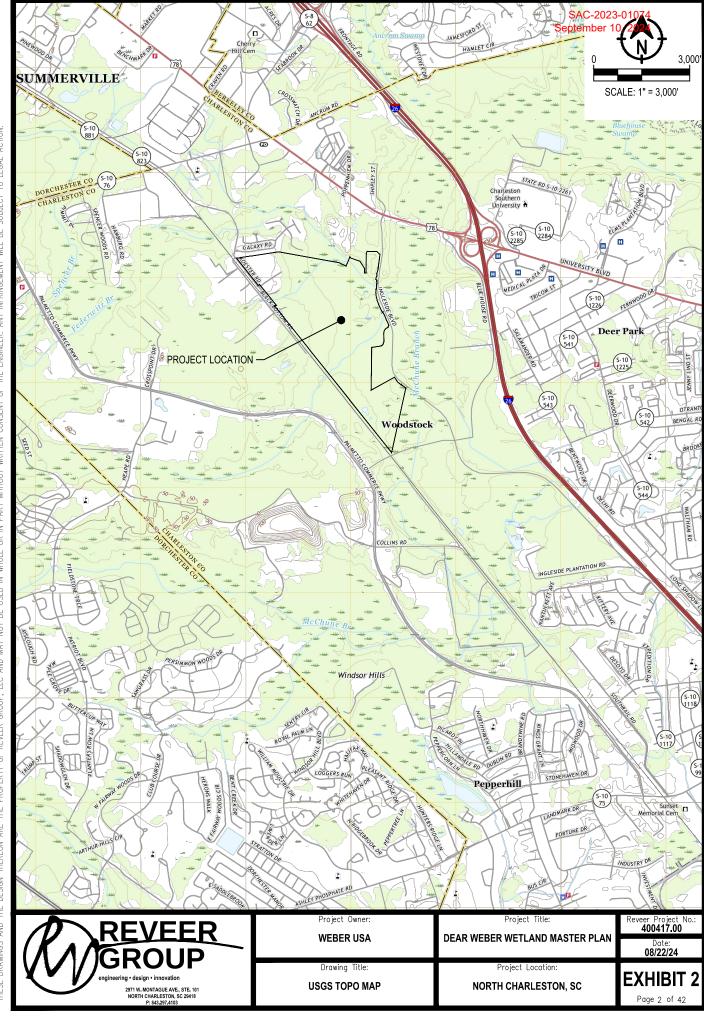
Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2023-01074), to Laura.M.Boos@usace.army.mil <u>or</u> the following address:

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 1519 Taylor Street Columbia SC 29201

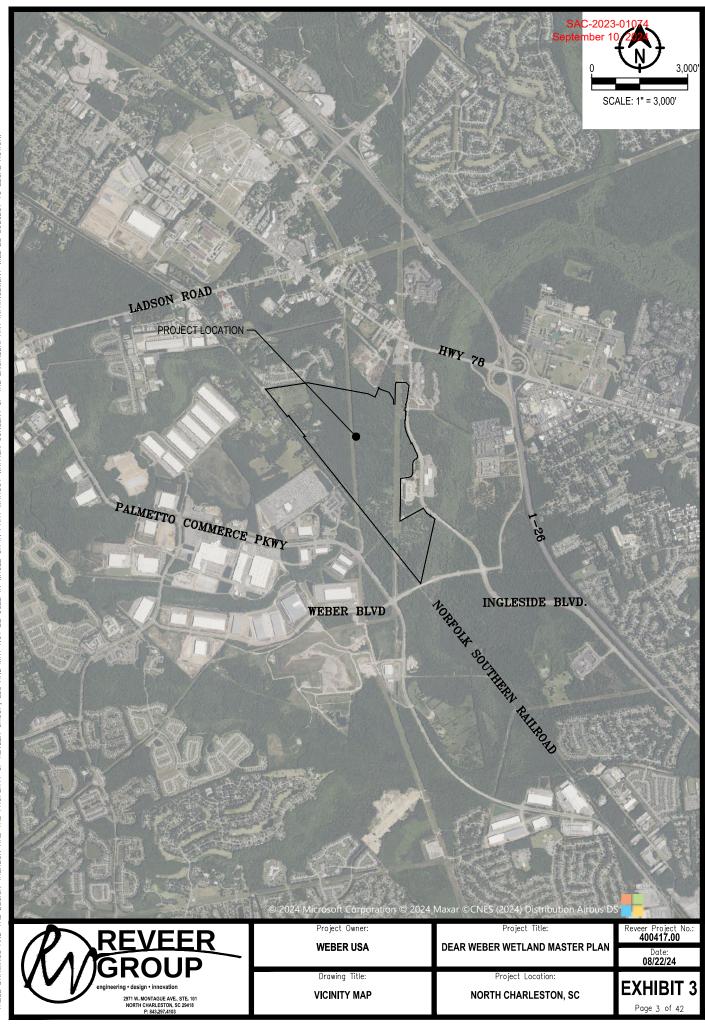
If there are any questions concerning this public notice, please contact Laura M. Boos, Team Leader, at (803) 253-3444, or by email at Laura.M.Boos@usace.army.mil.



ANY THE ENGINEER. - Wetland Master Plan Location & Vicinity.dwg, 8/22/2024, KGROOMS THESE DRAWINGS AND THE DESIGN THEREON ARE THE PROPERTY OF REVEER GROUP, LLC AND MAY NOT BE S: \400417.00_Dear Road A - Documents\(2) CAD\C3D\Exhibits\Wetland Master Plan\Dear Weber Road A



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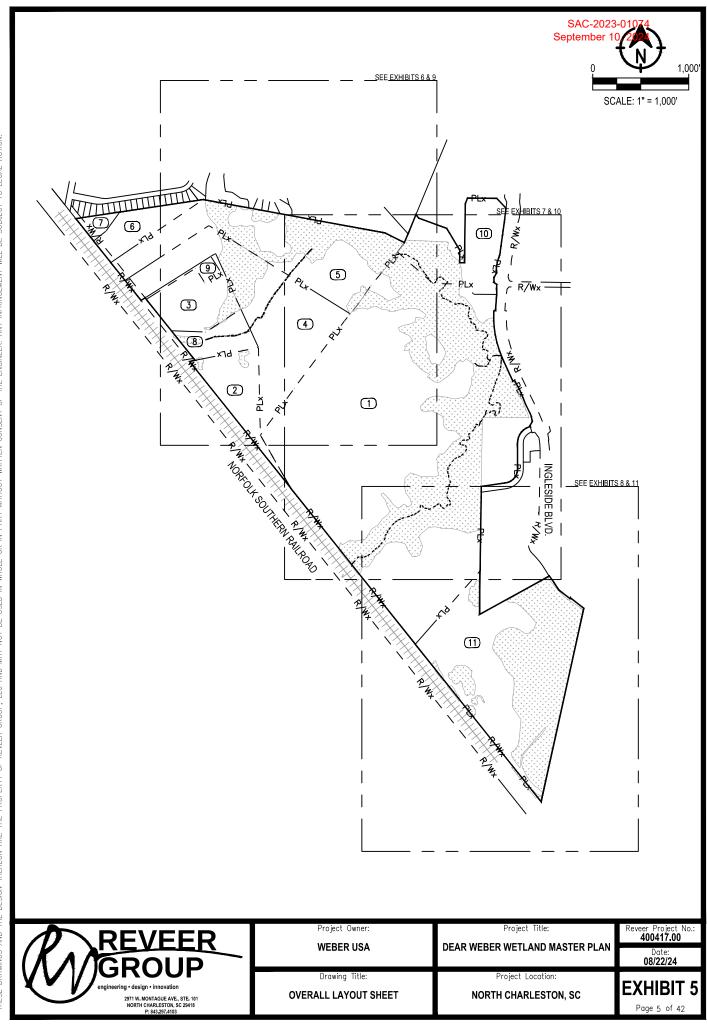
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engineering • design • Innovation 2971 W. MONTAGUE AVE, 3TE. 101 NORTH CHARLESTON, 5C 29418 P. 563277-101		NOTES AND LEGEND		NORTH CHARLESTON, SC		
REVEER				Project Title: DEAR WEBER WETLAND MASTER PLAN Project Location:		
01	OFFICE SPACE		266,500 SF		Reveer Project No.: 400417.00	
М	ULTI-FAMILY	320 UNITS				
		1,288,000 SF				
	DEVELOPMEN				-	
10 HIGHWAY 78 11 WEBER USA C		INGLESIDE BLVD		393-00-00-139 393-00-00-132		
9 WEBER MEYE		KOESTER RD		390-00-00-154		
8 WEBER MEYE	ER DEAR LLC	KOESTER RD		390-00-00-150		
7 WEBER MEYE		KOESTER RD		390-00-00-059		
5 WEBER MEYE		KOESTER RD KOESTER RD		390-00-057 390-00-058		
4 WEBER MEYE		KOESTER RD		390-00-056		
3 WEBER MEYE	ER DEAR LLC	KOESTER RD		390-00-055		
1 WEBER USA C 2 WEBER MEYE		KOESTER RD		393-00-007		
TRACT NO. PROPERT 1 WEBER USA C		PHYSICAL ADDRESS		TAX MAP REFERENCE		
	PROPERTY					
*NWW = NON WETLAND W/	ATER					
FILL IMPACT		23.30 ACRES		ES 215	215,700 CY	
EXCAVATION IMPACT		6.82 ACR		ES 70,300 CY		
NWW PRESERVED*		- >	2.00 ACRE	ES 614	6148 LF	
NWW IMPACTED*		->	0.37 ACRE	ES 154	7 LF	
NWW TOTAL*		– – – → 2.37 ACR				
				0.37 ACRES		
NWW POND TOTAL*			0.37 ACRES			
BUFFER TO BE PRESERVE	D	· · · · · · · · · · · · · · · · · · ·	7.89 ACRES			
WETLAND TO BE PRESERV			70.43 ACRES			
WETLAND IMPACTS				30.12 ACRES		
WETLANDS				100.55 ACRES		
PROJECT LIMITS				313.22 ACRES		
		———— R/W———				
PROPERTY BOUNDARY		— — — PLx —		N/A		
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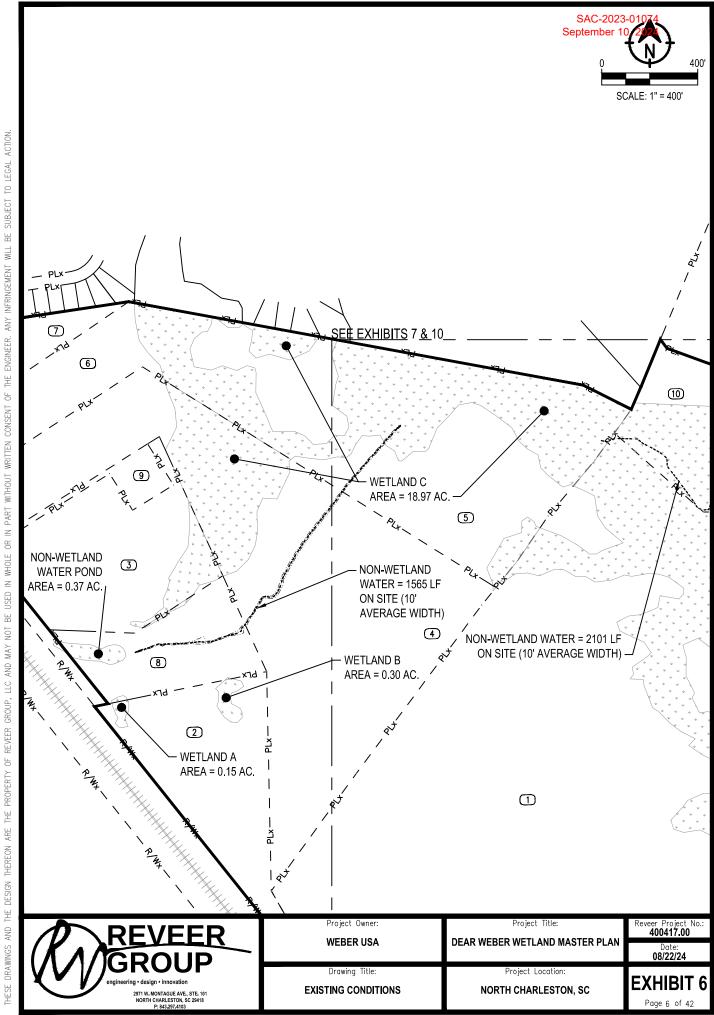
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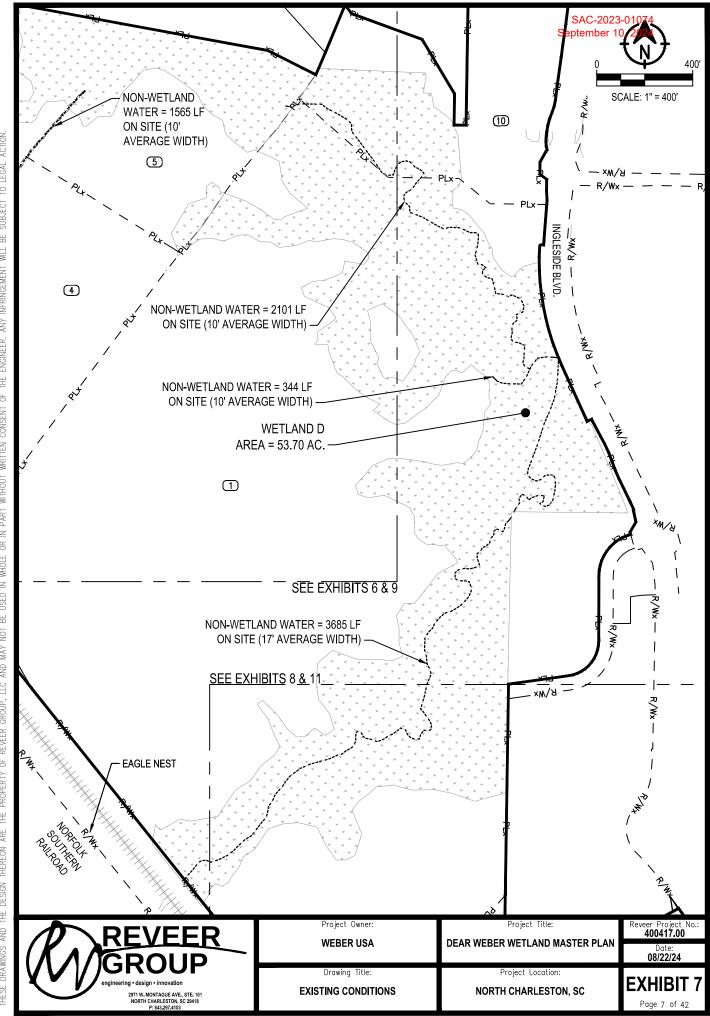
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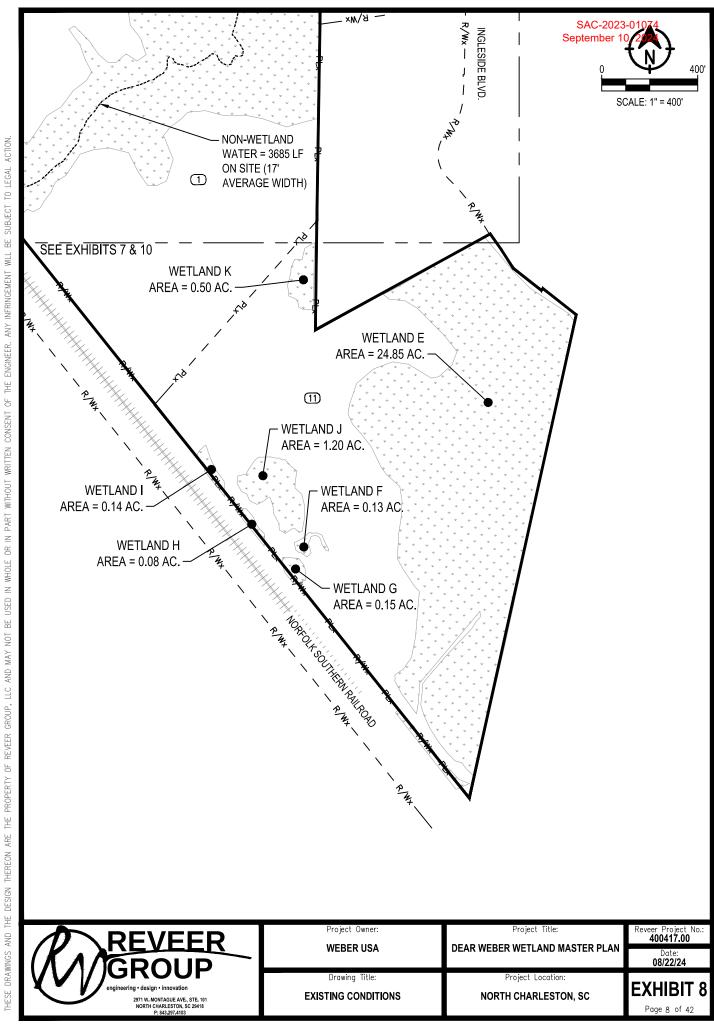
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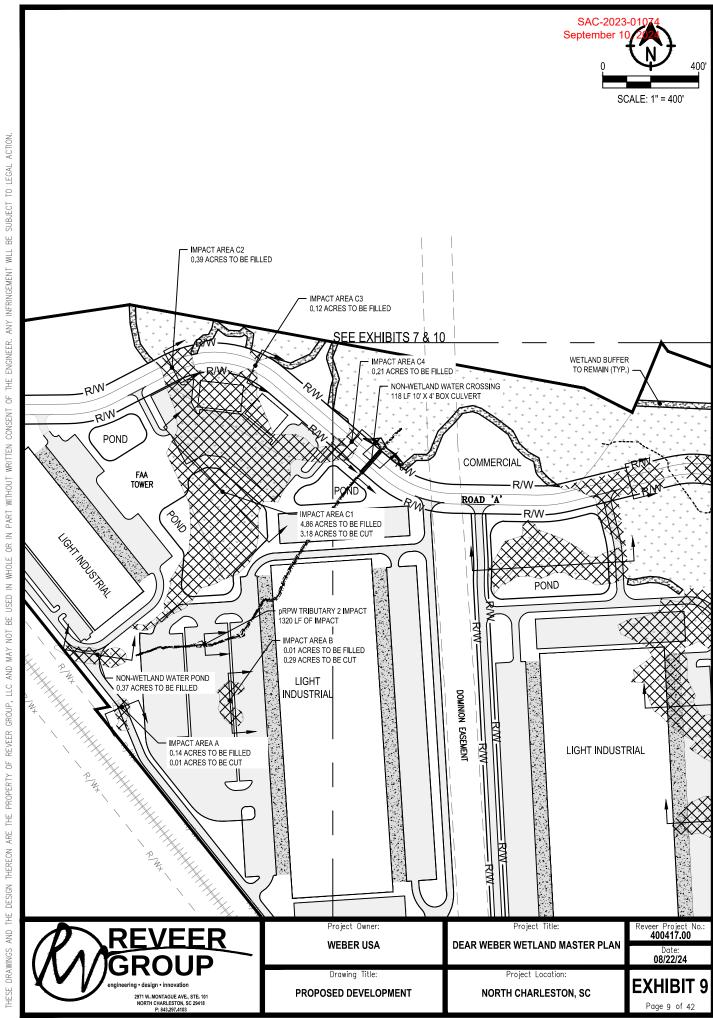
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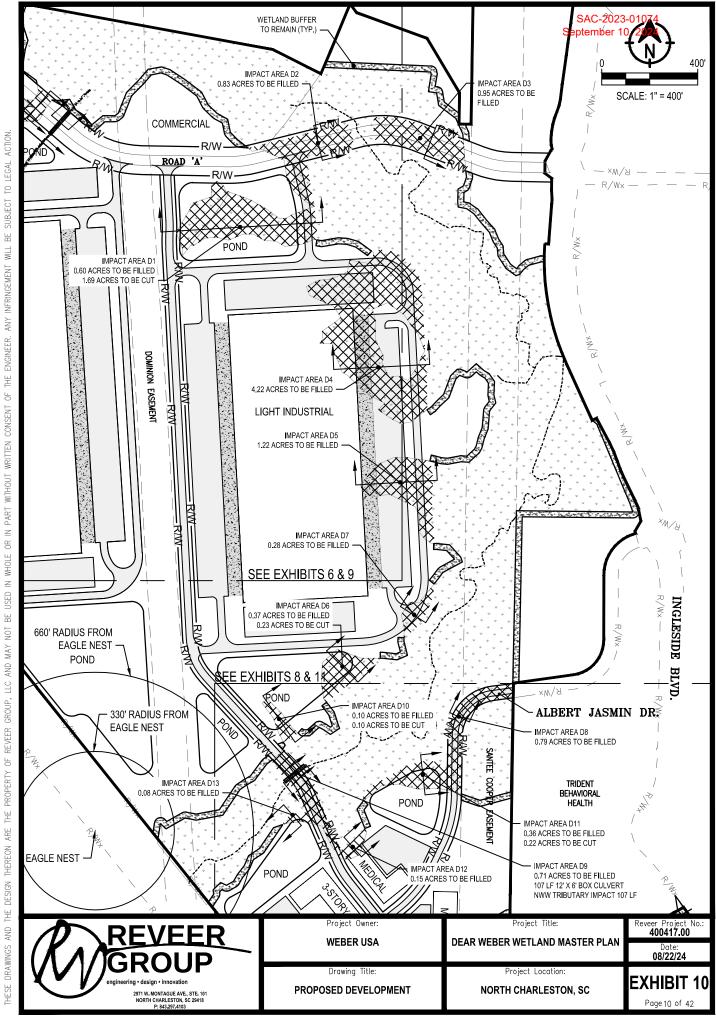
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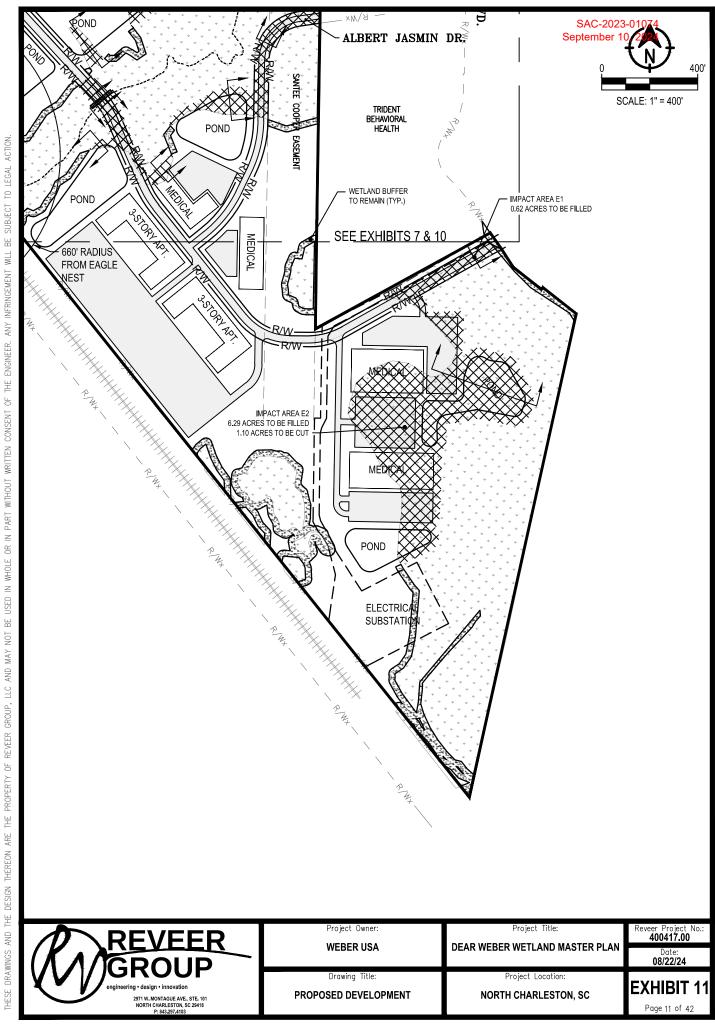
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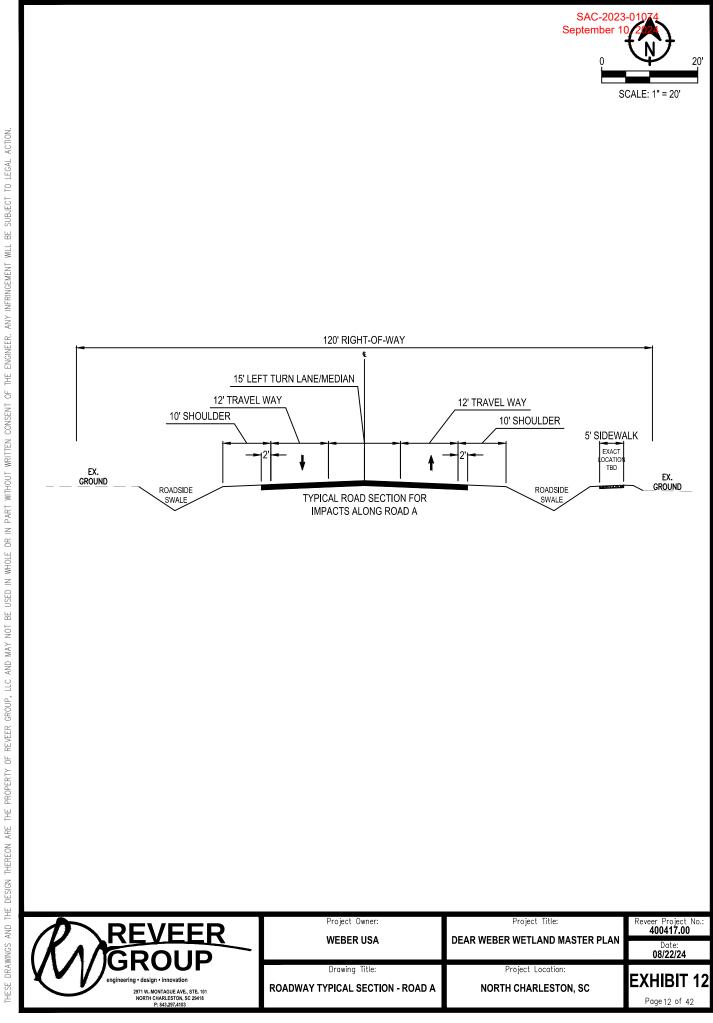
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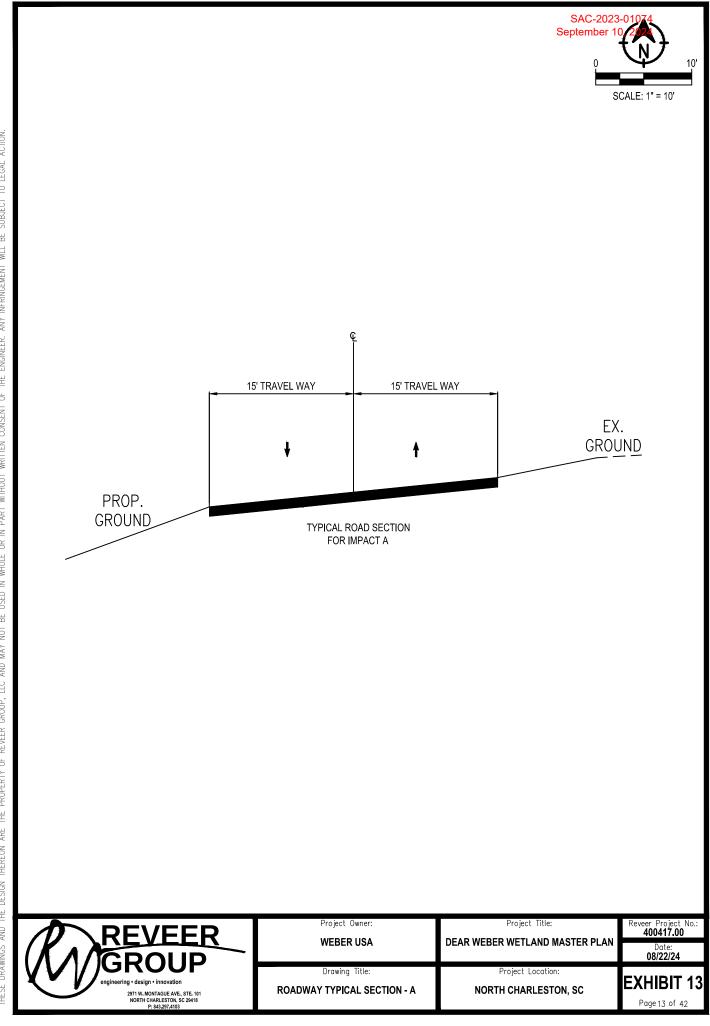
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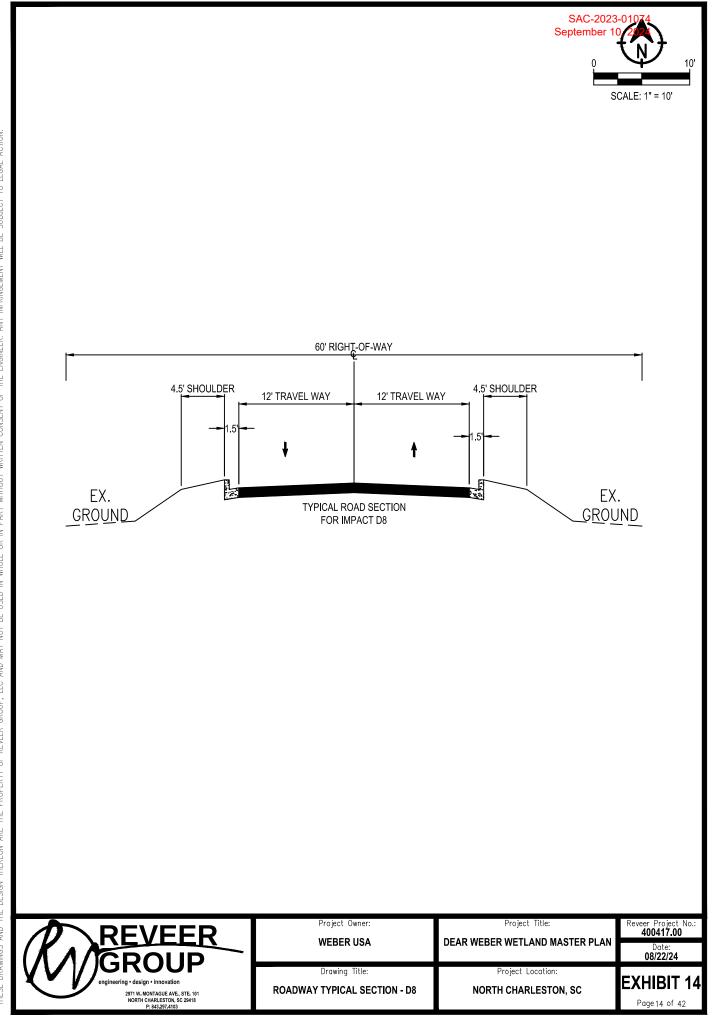
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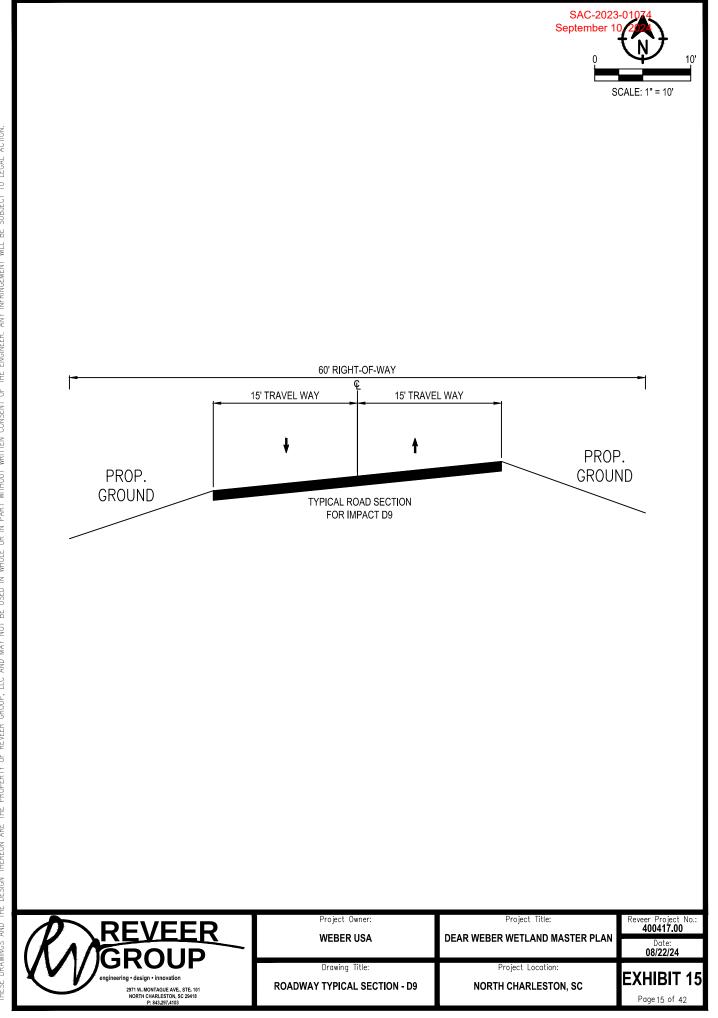
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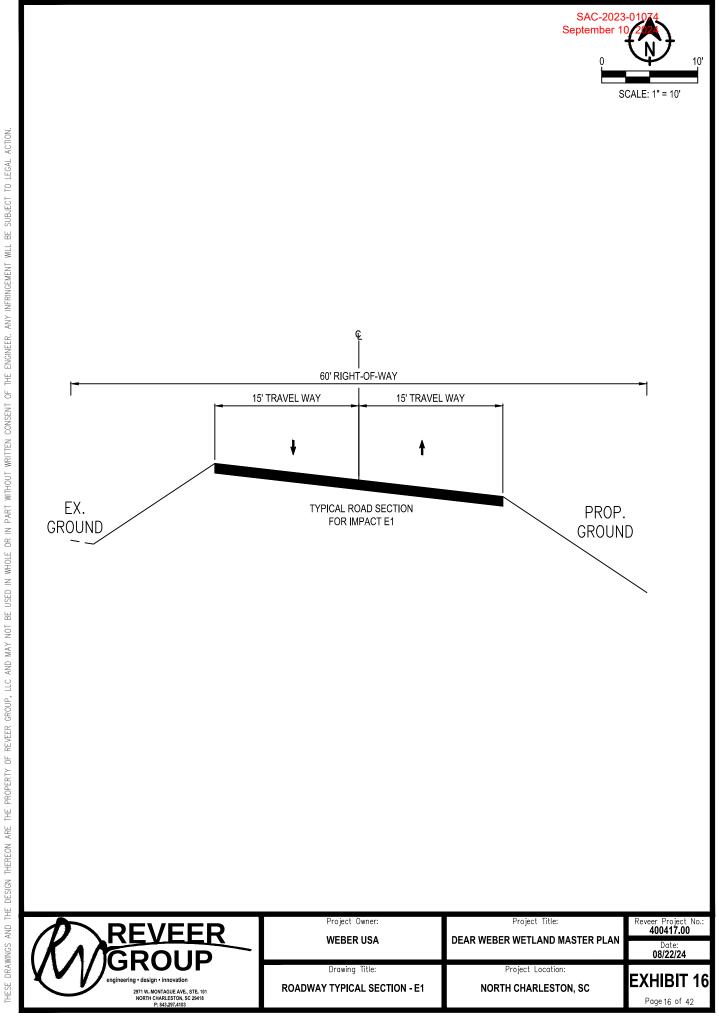
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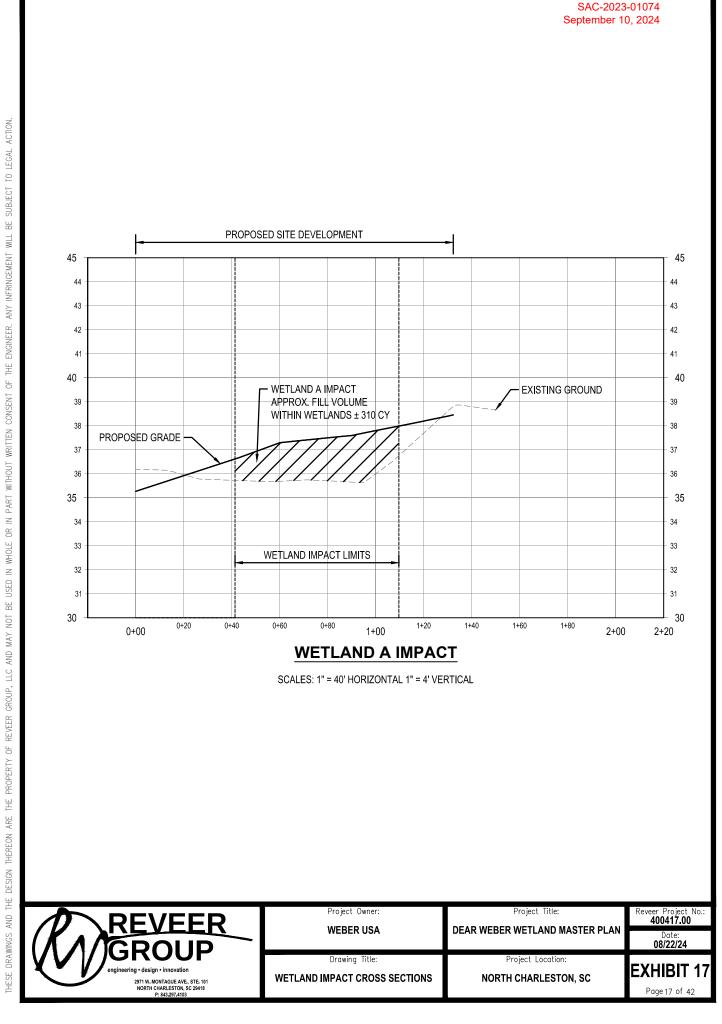
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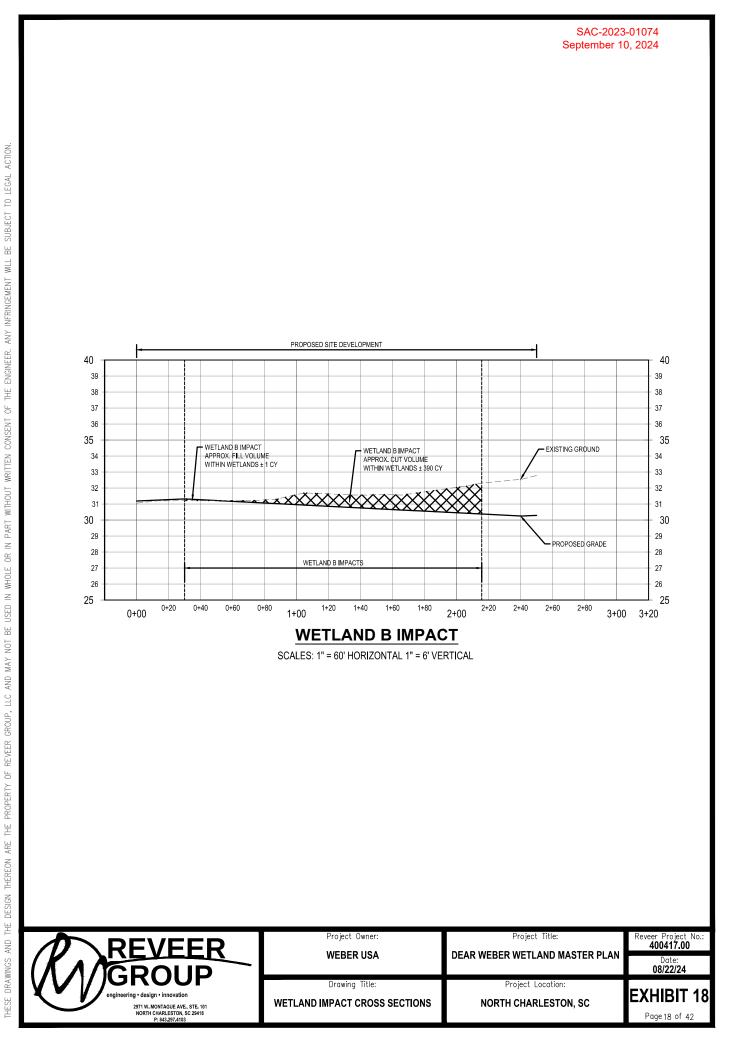
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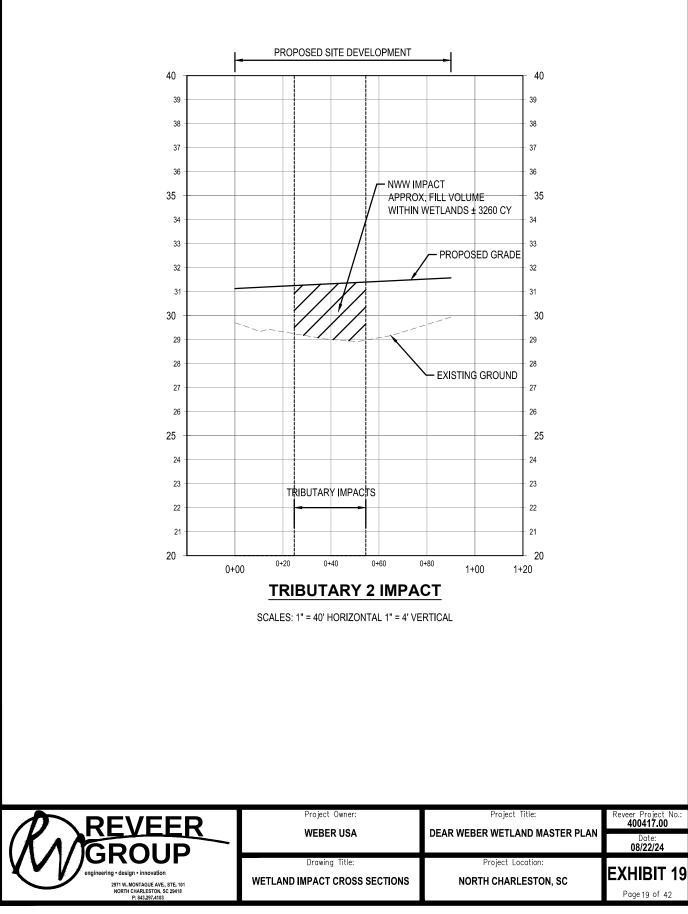
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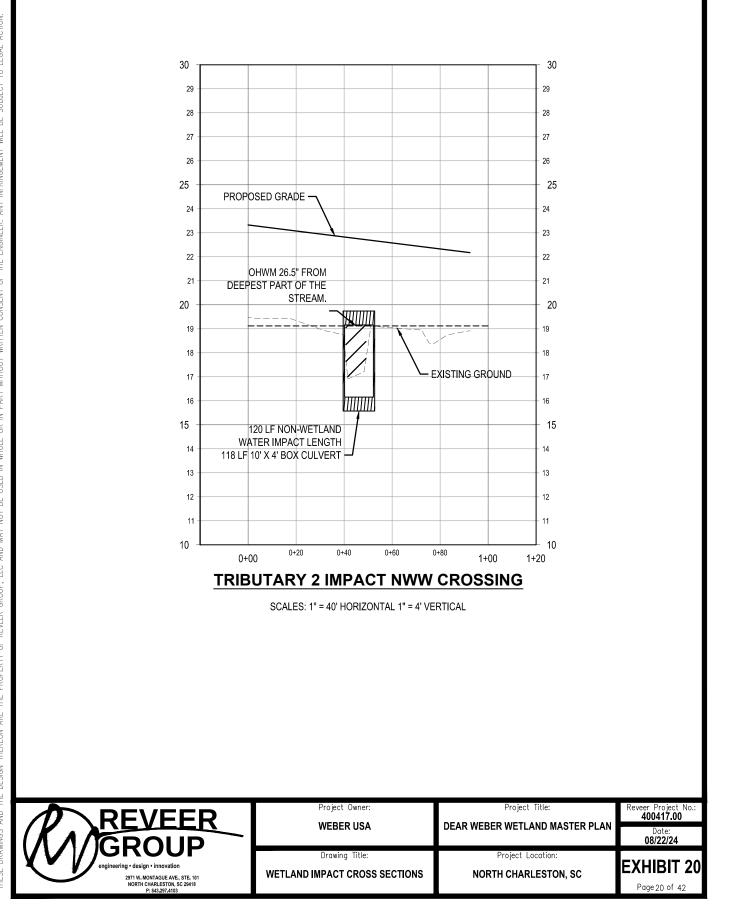


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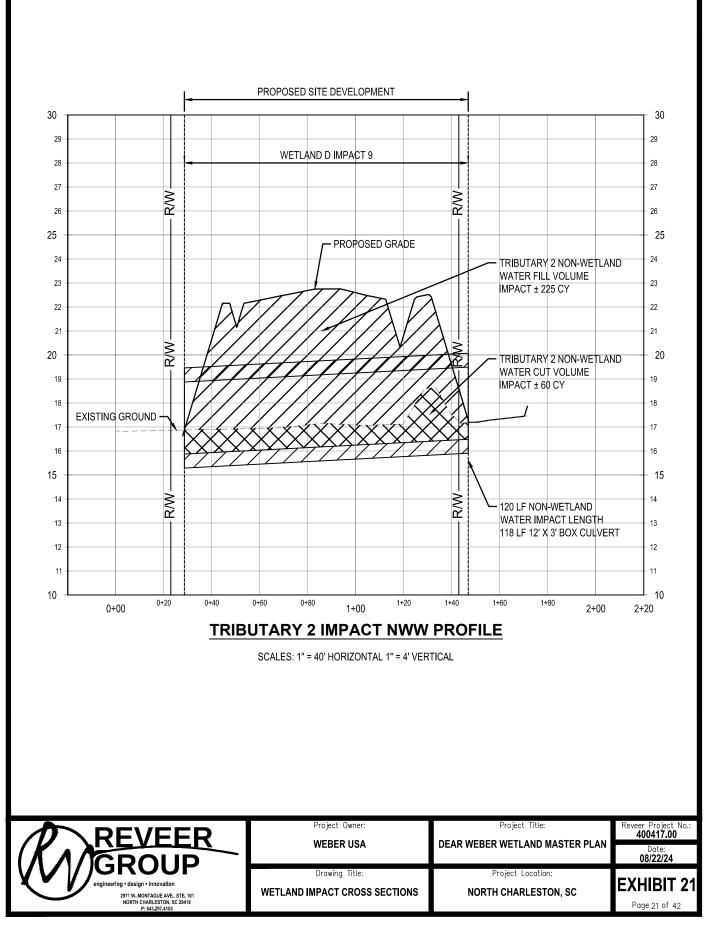


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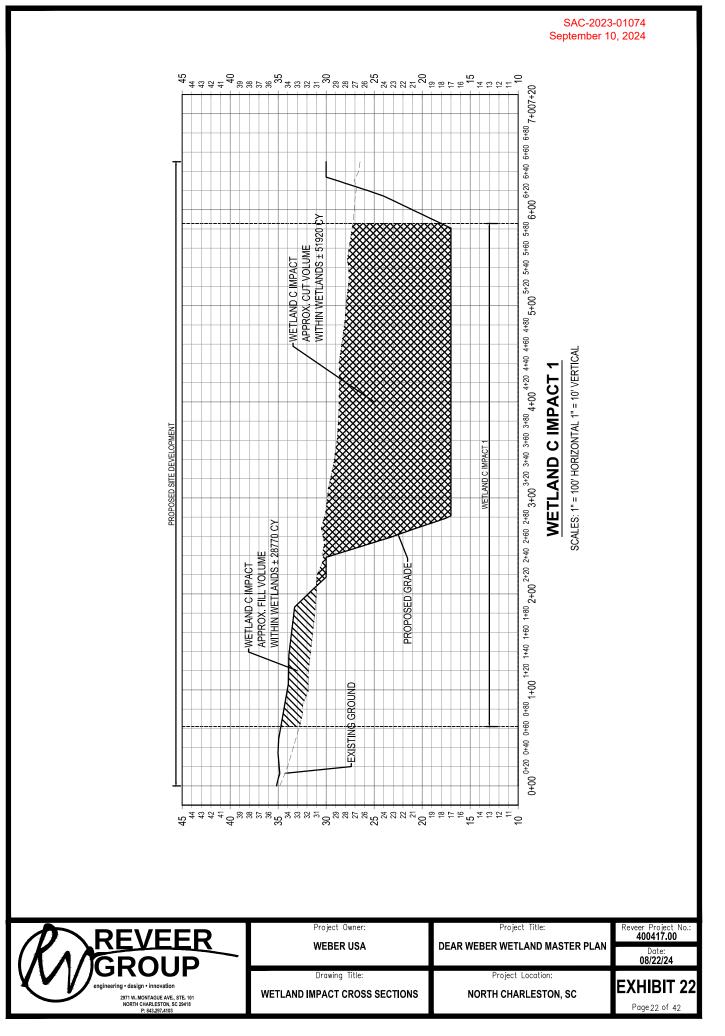




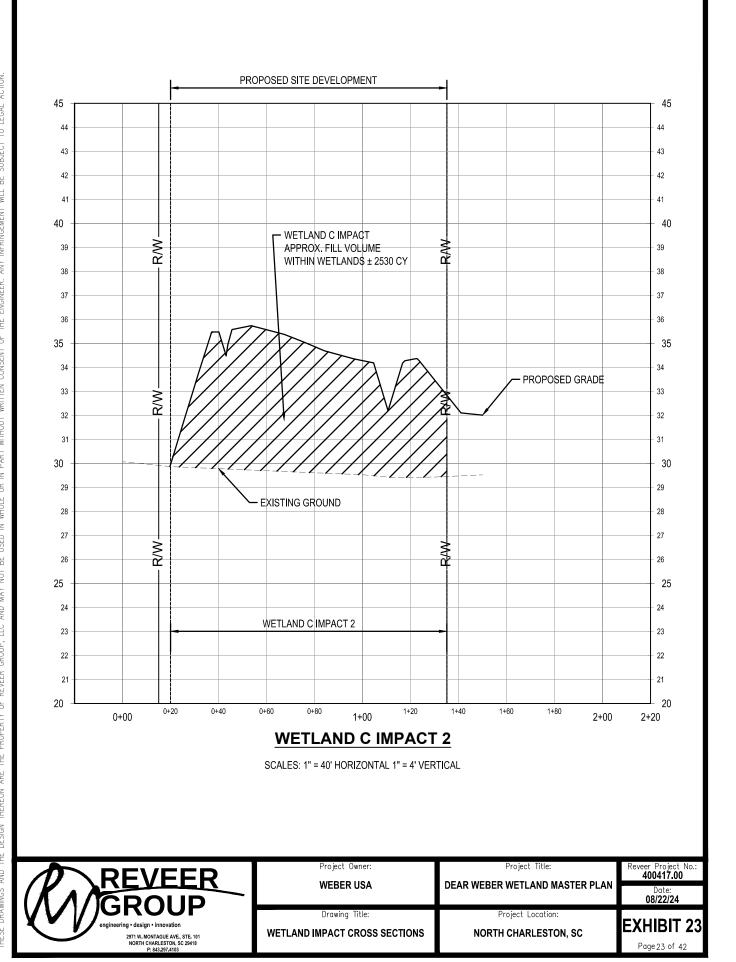


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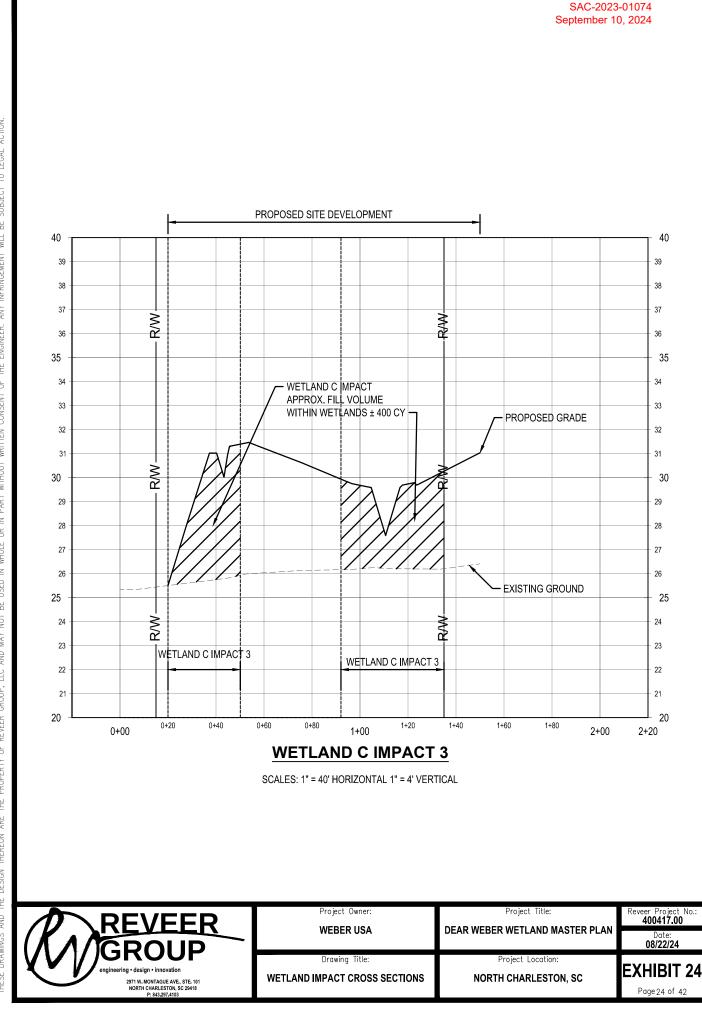
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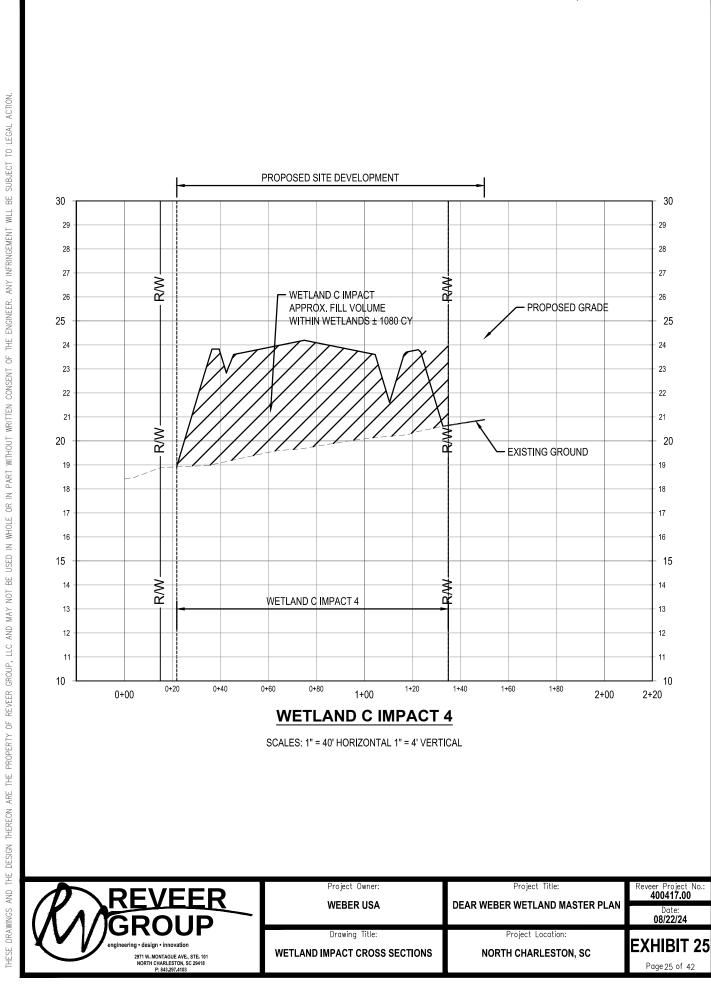




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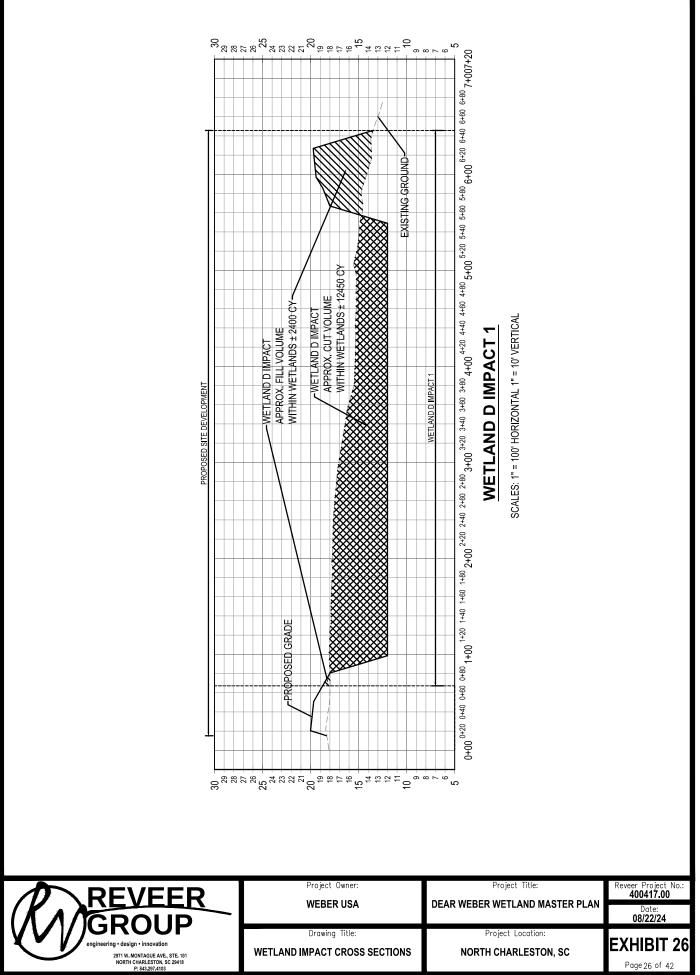
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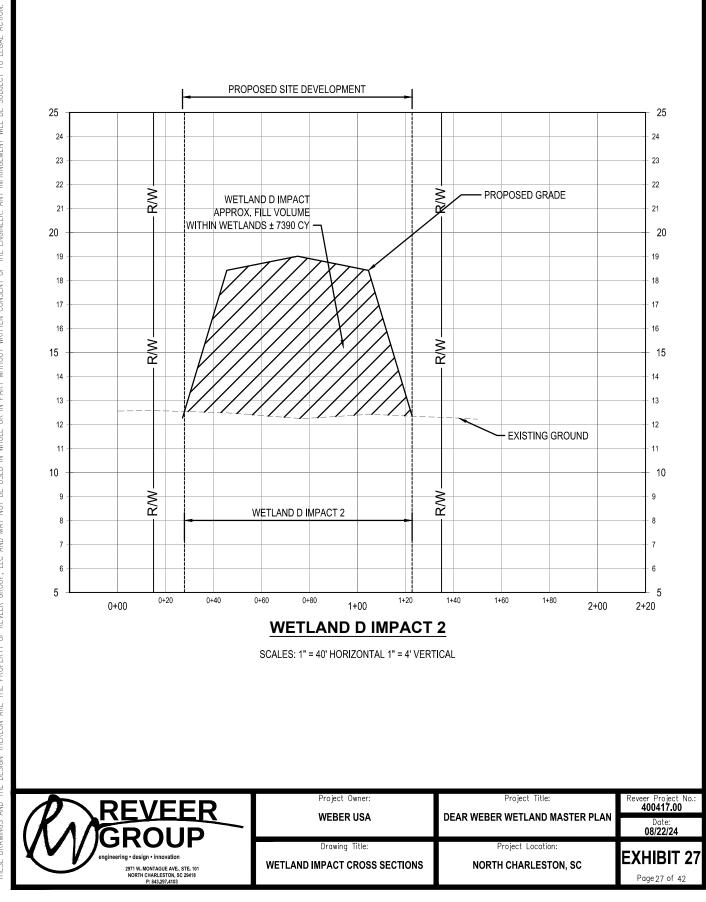
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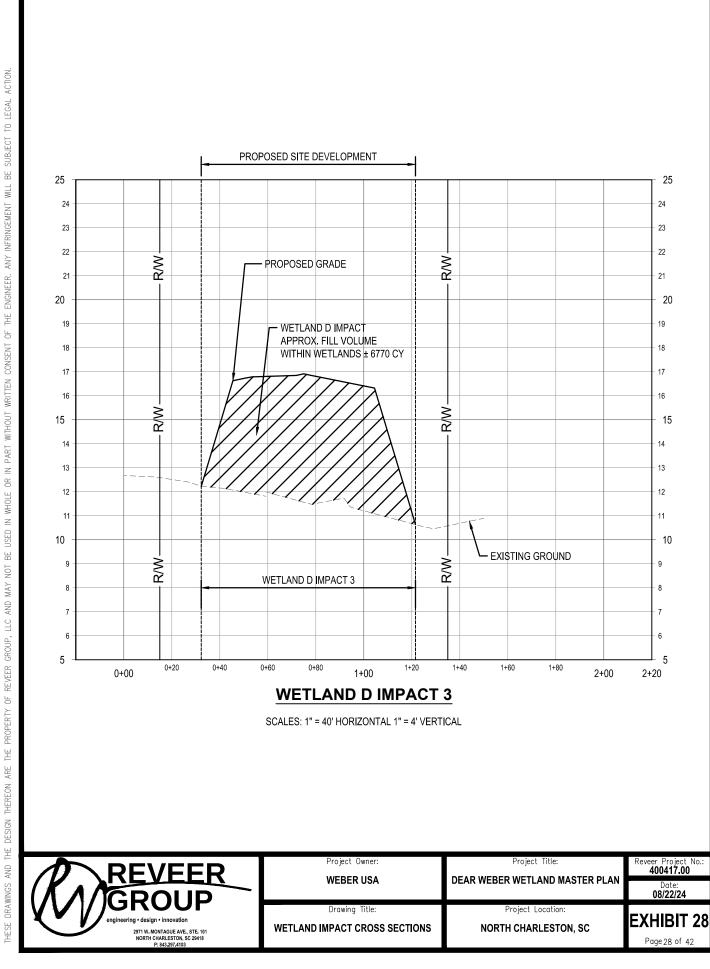
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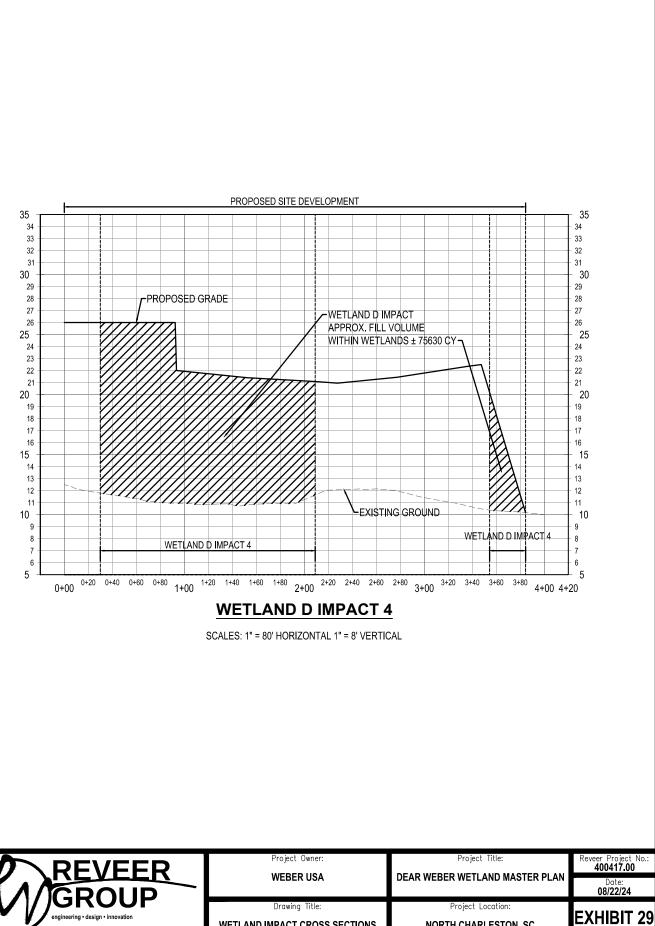


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WETLAND IMPACT CROSS SECTIONS

2971 W. MONTAGUE AVE., STE. 101 NORTH CHARLESTON, SC 29418 P: 843.297.4103

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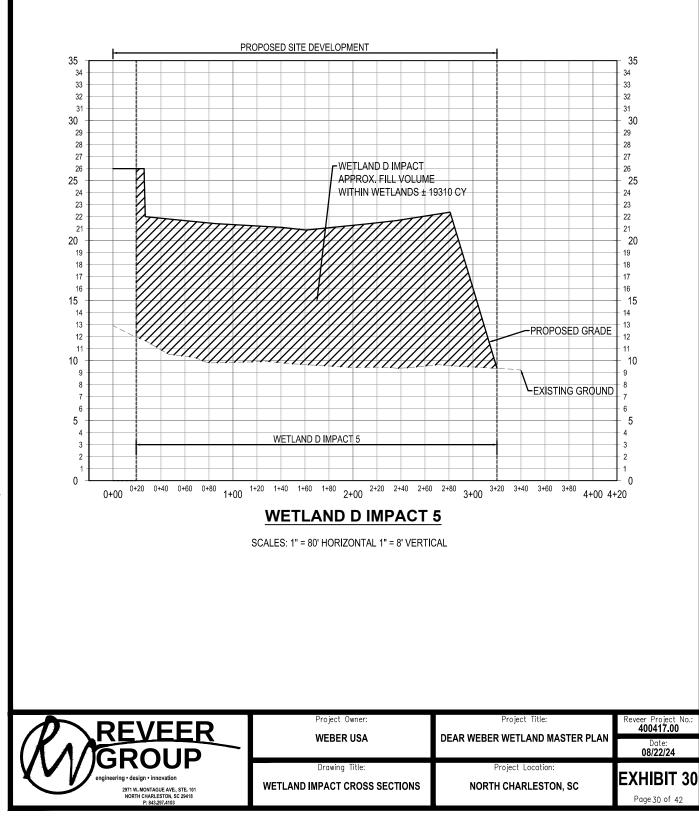
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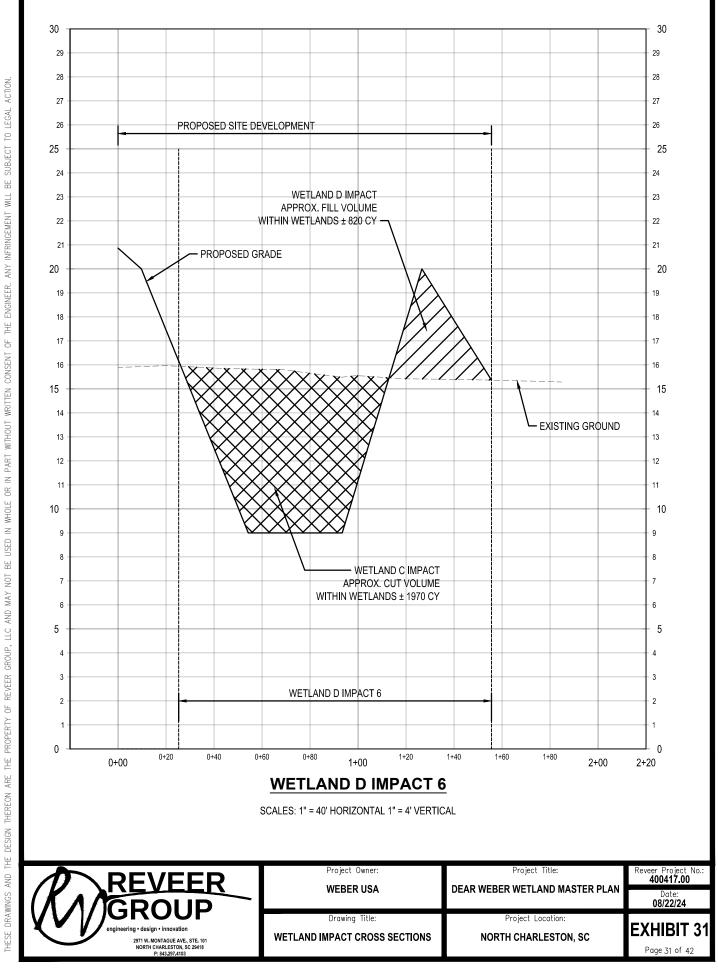
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NORTH CHARLESTON, SC





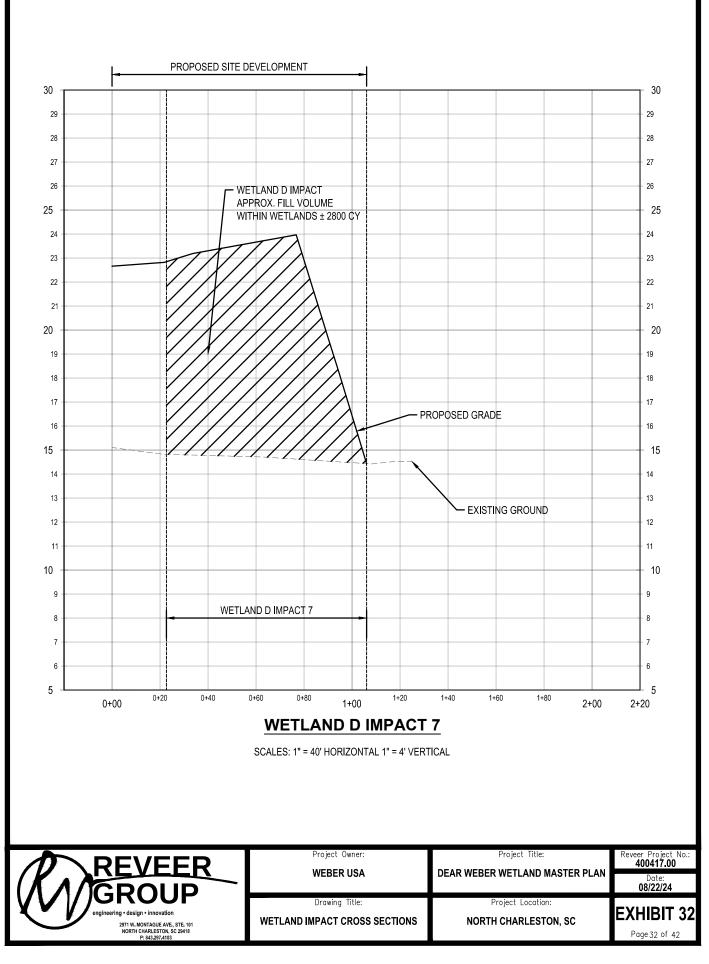


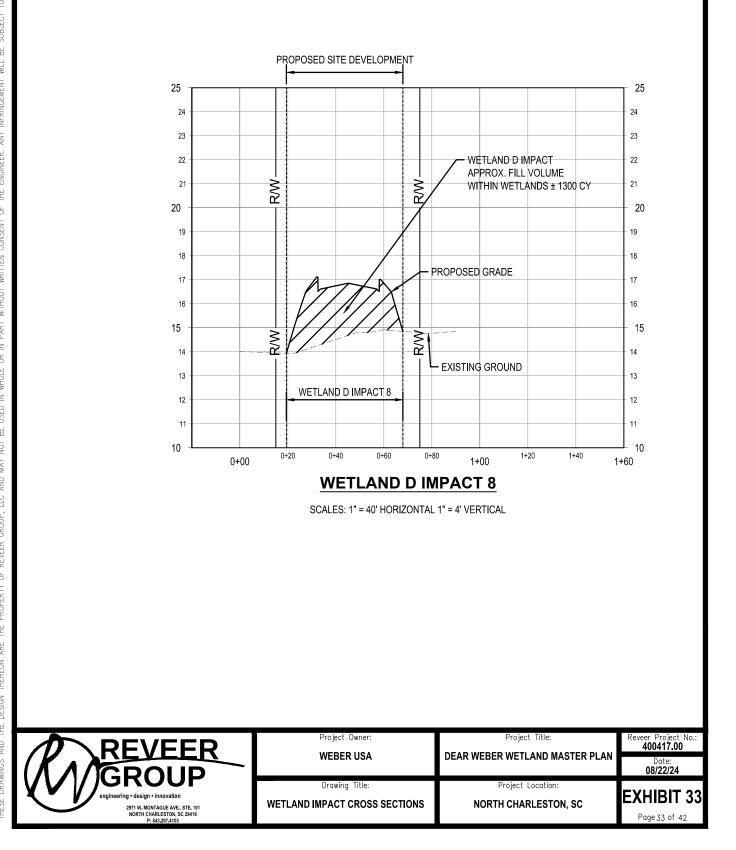


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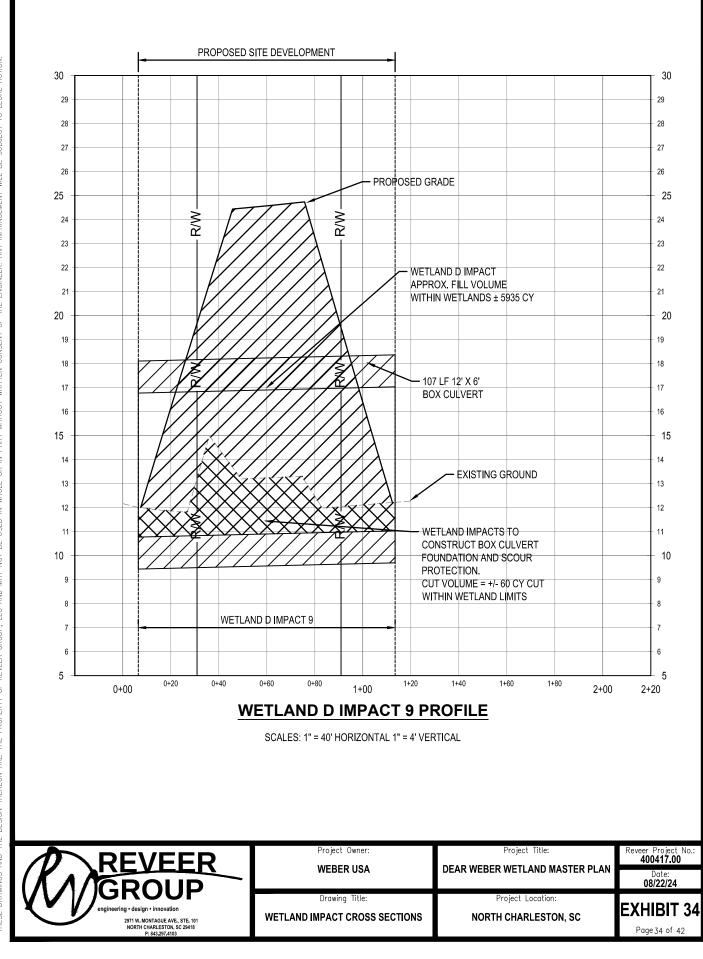




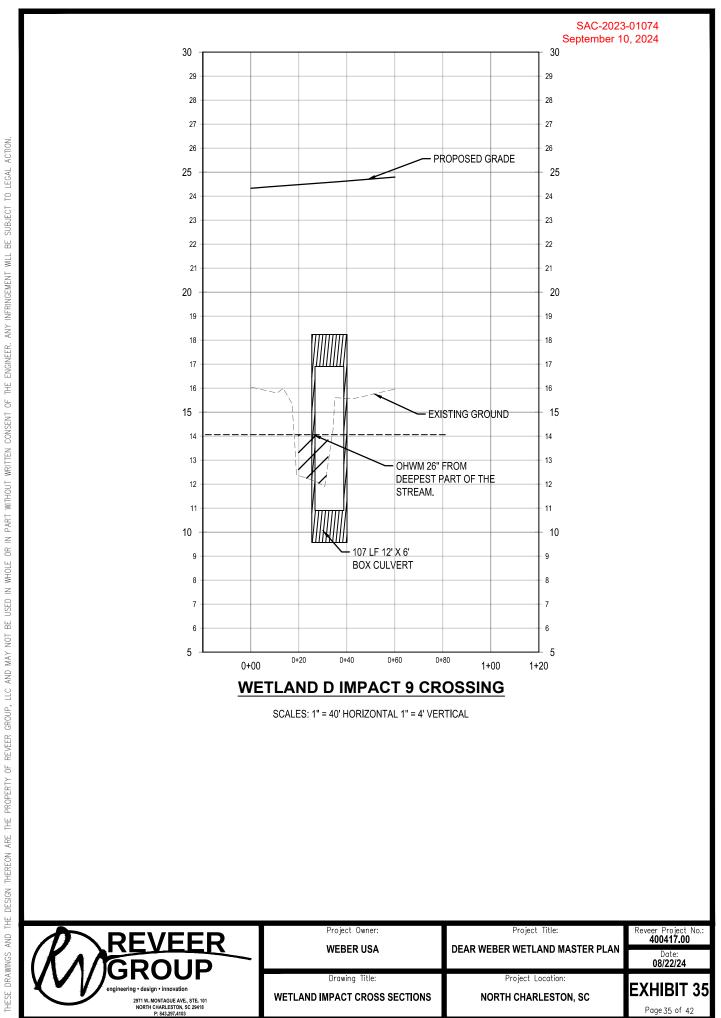








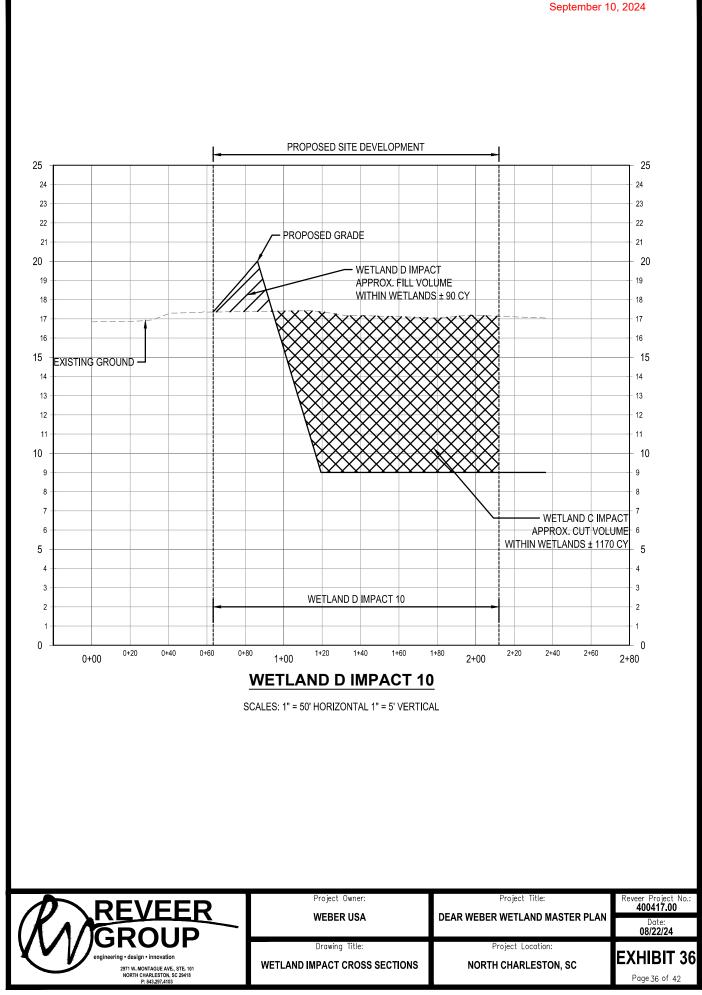
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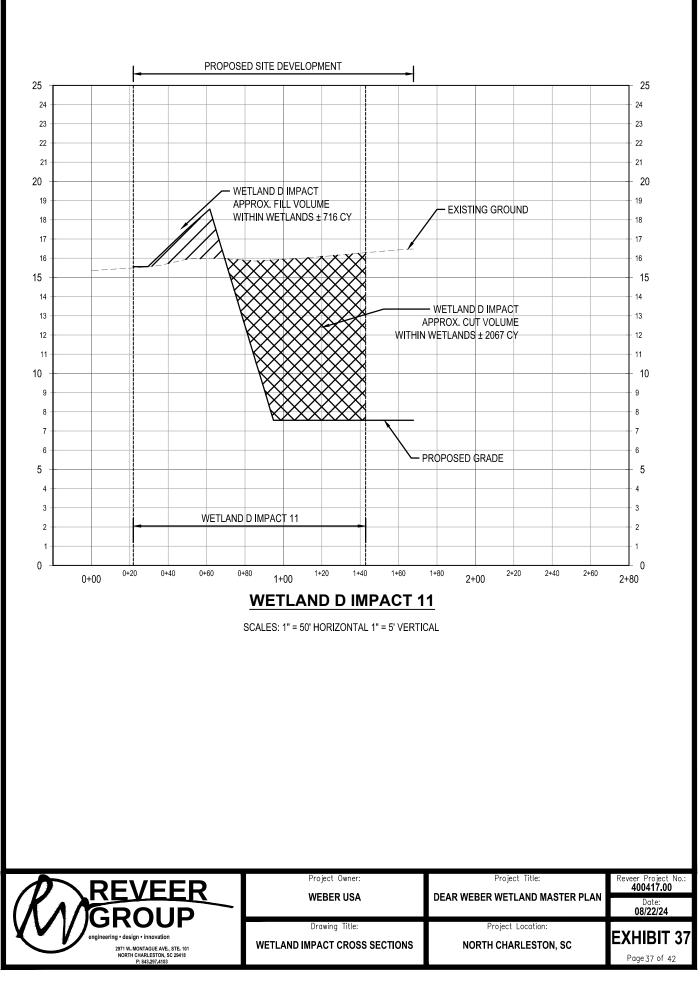




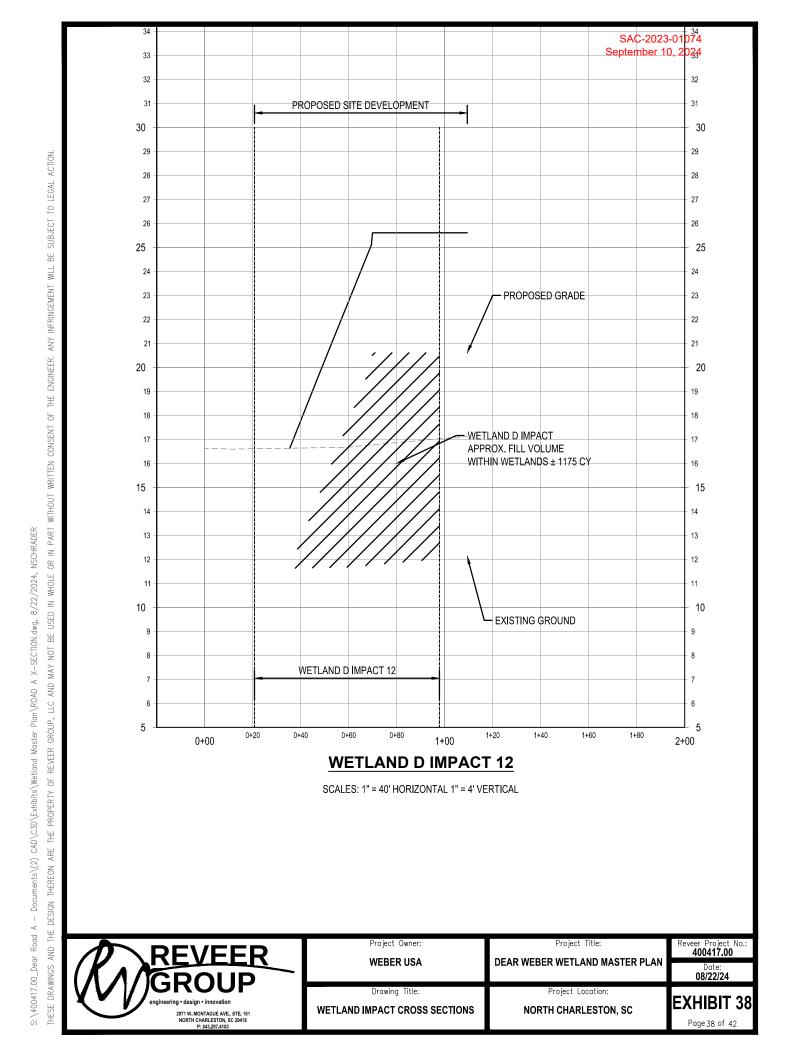
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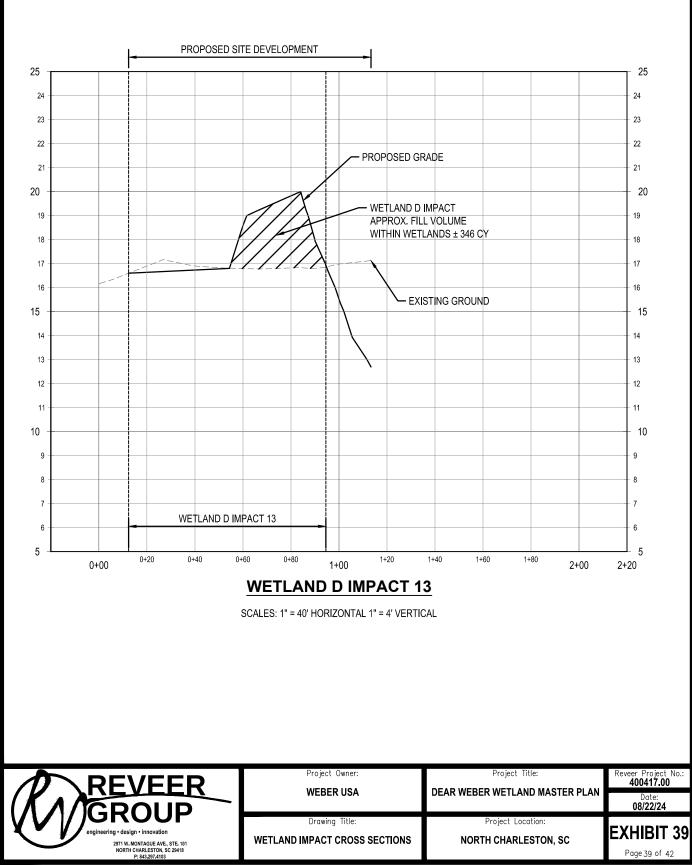




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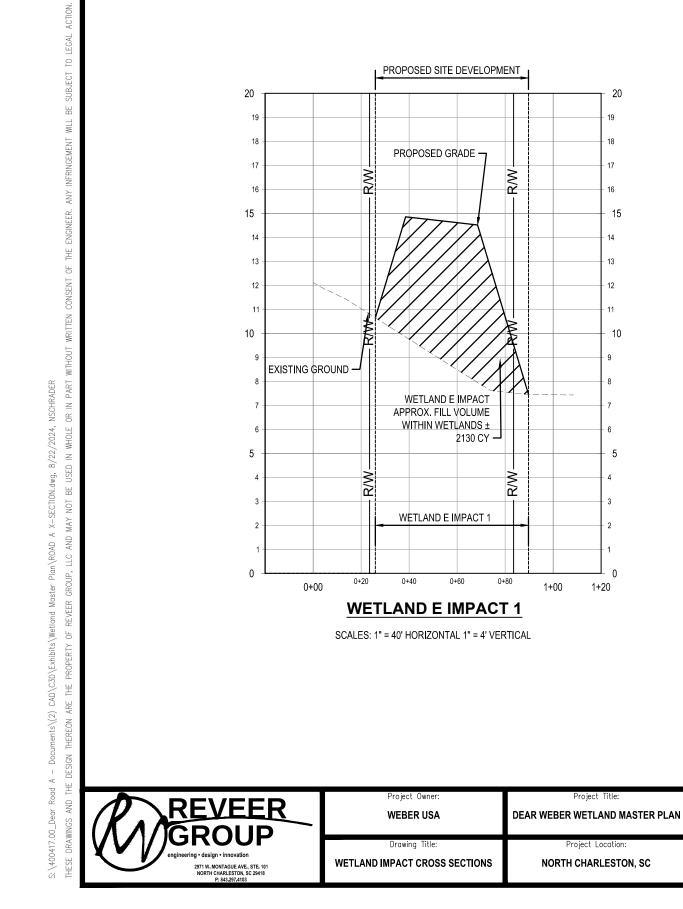


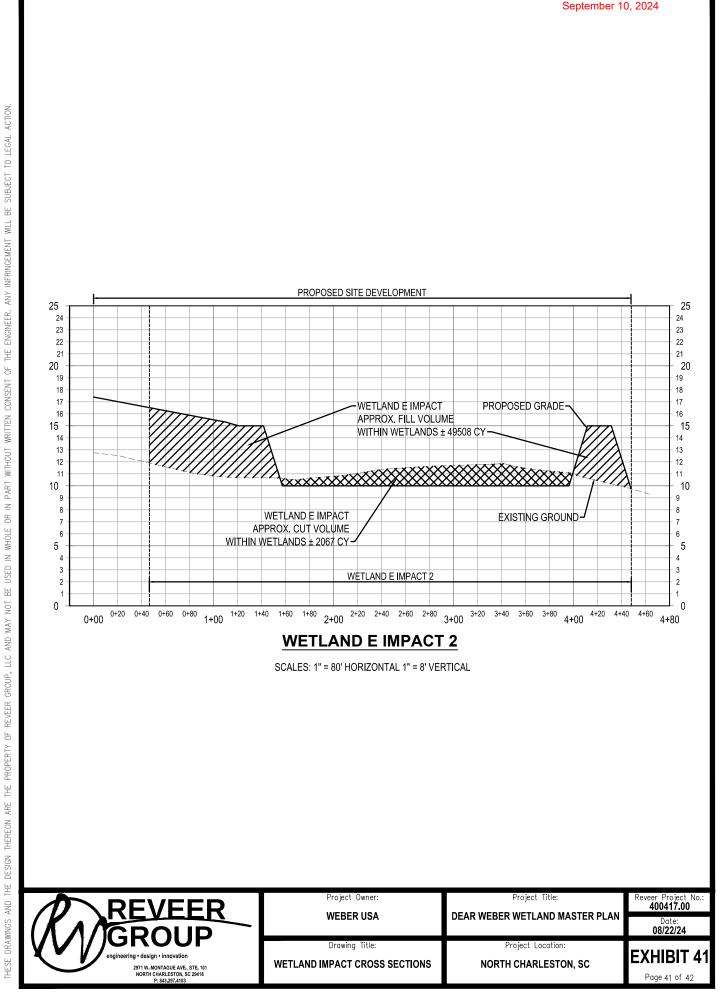
Reveer Project No.: 400417.00

Date: **08/22/24**

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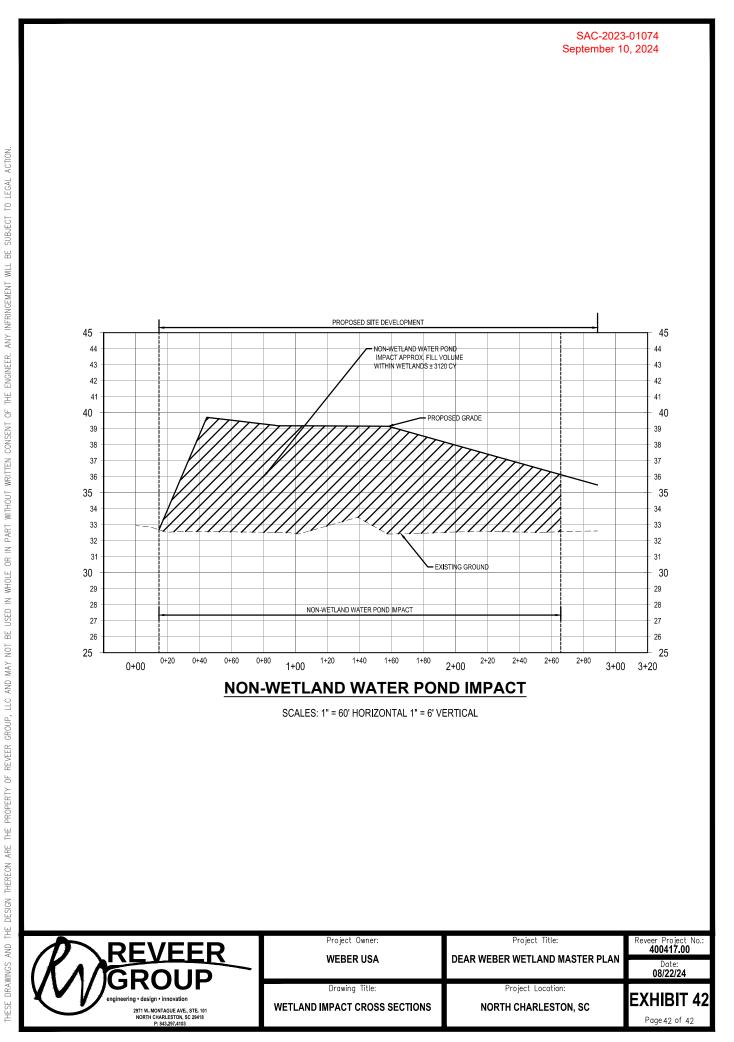
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