

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Ave
Charleston, South Carolina 29403
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-2024-00048

September 18, 2024

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), 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. David Williams
Landmark Industrial
233 Horton Grove Rd
Fort Mill, South Carolina 29715

Mr. William Wilson
Sabine & Waters, Inc.
P.O. Box 1072
Summerville, South Carolina 29483
wwilson@sabinc.net

for a permit to construct inland industrial warehouse facilities and associated infrastructure features adjacent to

Timothy Creek

located along U.S. Hwy 78 on Tax Parcel ID# 086-00-00-039 and 086-00-00-041 in Ridgeville, Dorchester County, South Carolina (Latitude: 33.1335 °, Longitude: -80.3230 °), **Ridgeville Quad.**

In order to give all interested parties an opportunity to express their views

N O T I C E

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.

PLEASE NOTE: This notice supersedes a previous notice issued on September 10, 2024.

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 construct industrial warehouse storage space within a designated "Opportunity Zone" located within Dorchester County.

Project Description

The proposed work consists of the construction of three industrial warehouse facilities and associated infrastructures such as access roads, internal road networks, parking, utilities, stormwater management features, and public infrastructure improvements. In detail, the proposed project would include the discharge of fill material into 6.06 acres of aquatic resources. Specifically, impacts would include 6.06 acres of permanent freshwater wetland fill for building foundations, access roads, and off-site road improvements.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by minimizing impact to those necessary to complete the project. Additionally, the applicant obtained a preliminary jurisdiction determination from the Corps, which describes the existing conditions of aquatic resources on the project site. 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 extent possible, while meeting the project purpose and needs. Furthermore, the applicant has voluntarily provided approximately 3.27 acres of a 25-foot average width upland buffer to be placed around the remaining

15.63 acres of wetlands on site.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for unavoidable impacts to wetlands and/or waters of the United States by purchasing 65.3 wetland mitigation credits from a federally approved mitigation bank.

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 6.06 acres of freshwater wetlands inland and upstream of any 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, including **IPaC Project Code 2024-0031551** information, the following species have the potential to occur in the vicinity of the proposed work: Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Red-cockaded woodpecker (*Picoides borealis*), Northern Long-Eared Bat (*Myotis septentrionalis*), Atlantic sturgeon (*Acipenser oxyrinchus 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 no effect on Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Red-cockaded woodpecker (*Picoides borealis*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), and Shortnose sturgeon (*Acipenser brevirostrum*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Northern Long-Eared Bat (*Myotis septentrionalis*), Tricolored bat (*Perimyotis subflavus*), and Monarch Butterfly (*Danuas Plexippus*) **candidate species** or result in the destruction or adverse modification of designated or proposed critical habitat.

Consultation will be initiated with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) as needed for any determinations, made by the Corps, other than No Effect, and in the case of species under the per view of USFWS, where concurrence has not been already obtained via the USFWS Information for Planning and Consultation (IPaC) Tool (USFWS project code: 2024-0031551). If necessary, a biological assessment (or other similar document) detailing our analysis of the potential effects of the action on these species will be provided to the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service at that time.

To ensure that other listed or proposed threatened or endangered species or designated or proposed critical habitat that the District Engineer is not aware of are not overlooked, this public notice serves as a request to the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and/or any other interested parties to provide information they may have with regard to listed or proposed threatened or endangered species or designated or proposed critical habitat that may be present in the area.

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 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.

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

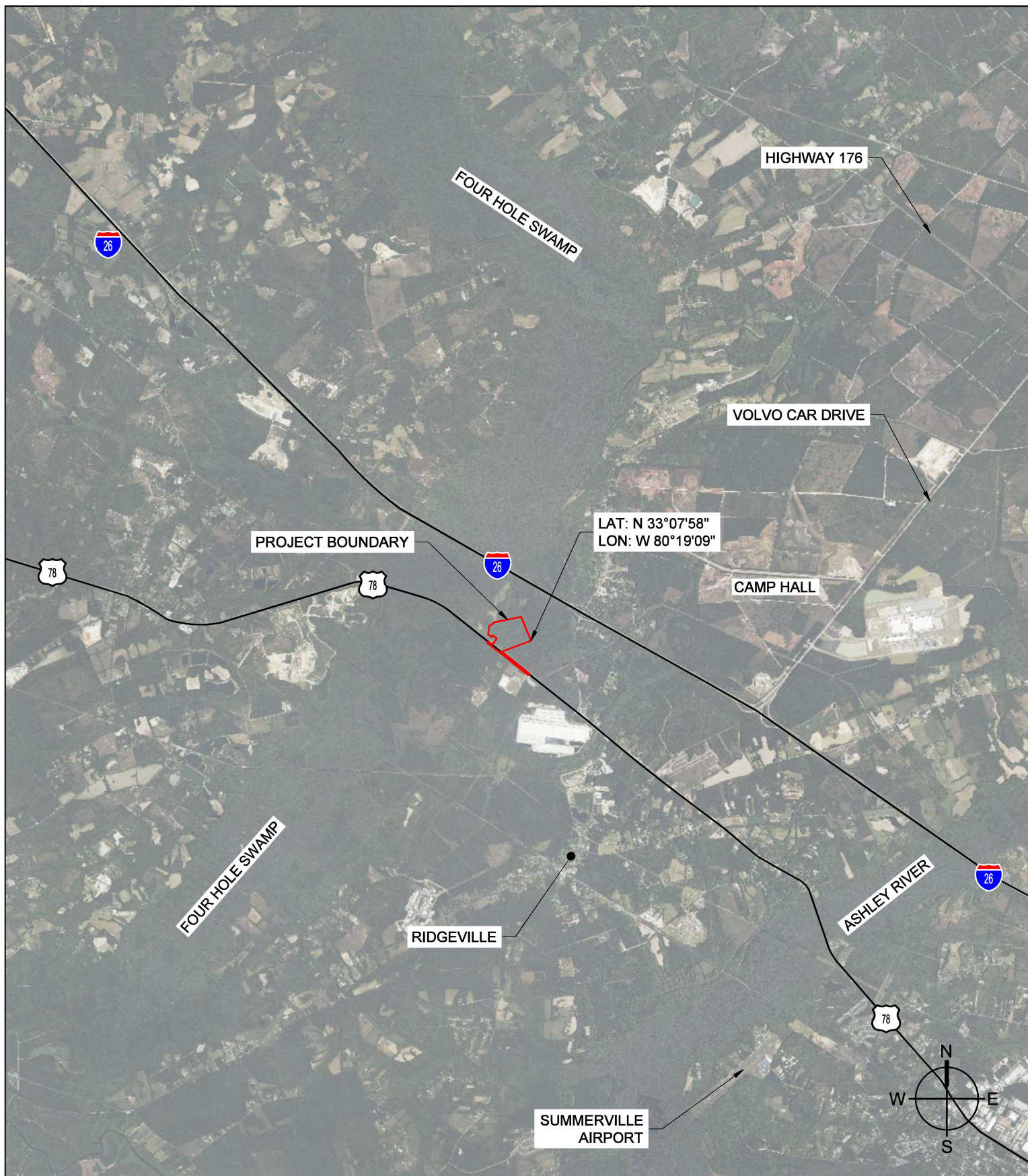
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate

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-2024-00048), to alexander.m.miranda@usace.army.mil or the following address:

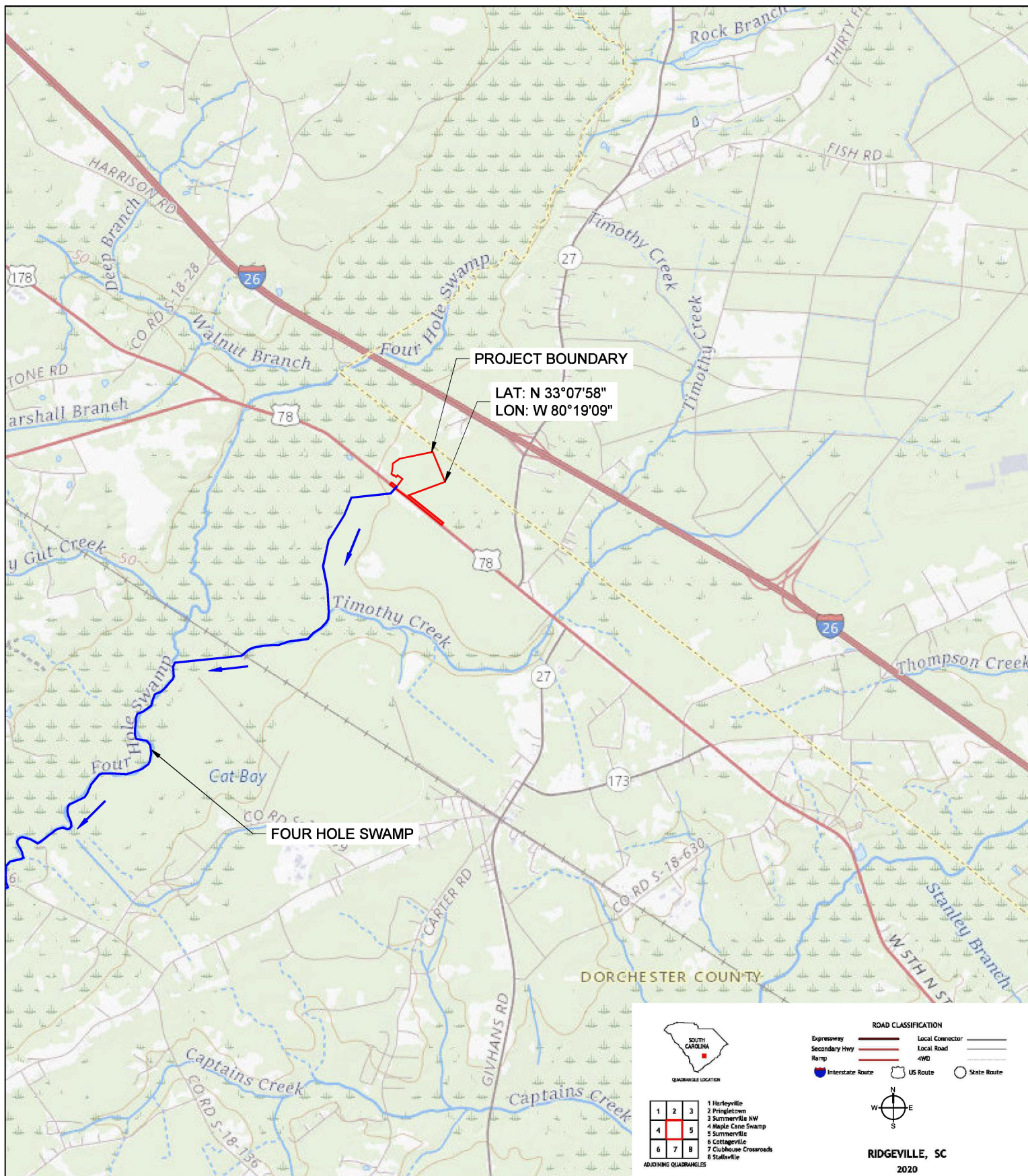
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Ave
Charleston, South Carolina 29403**

If there are any questions concerning this public notice, please contact Alexander M. Miranda, at 843-329-8033, toll free at 1-866-329-8187, or by email at alexander.m.miranda@usace.army.mil.



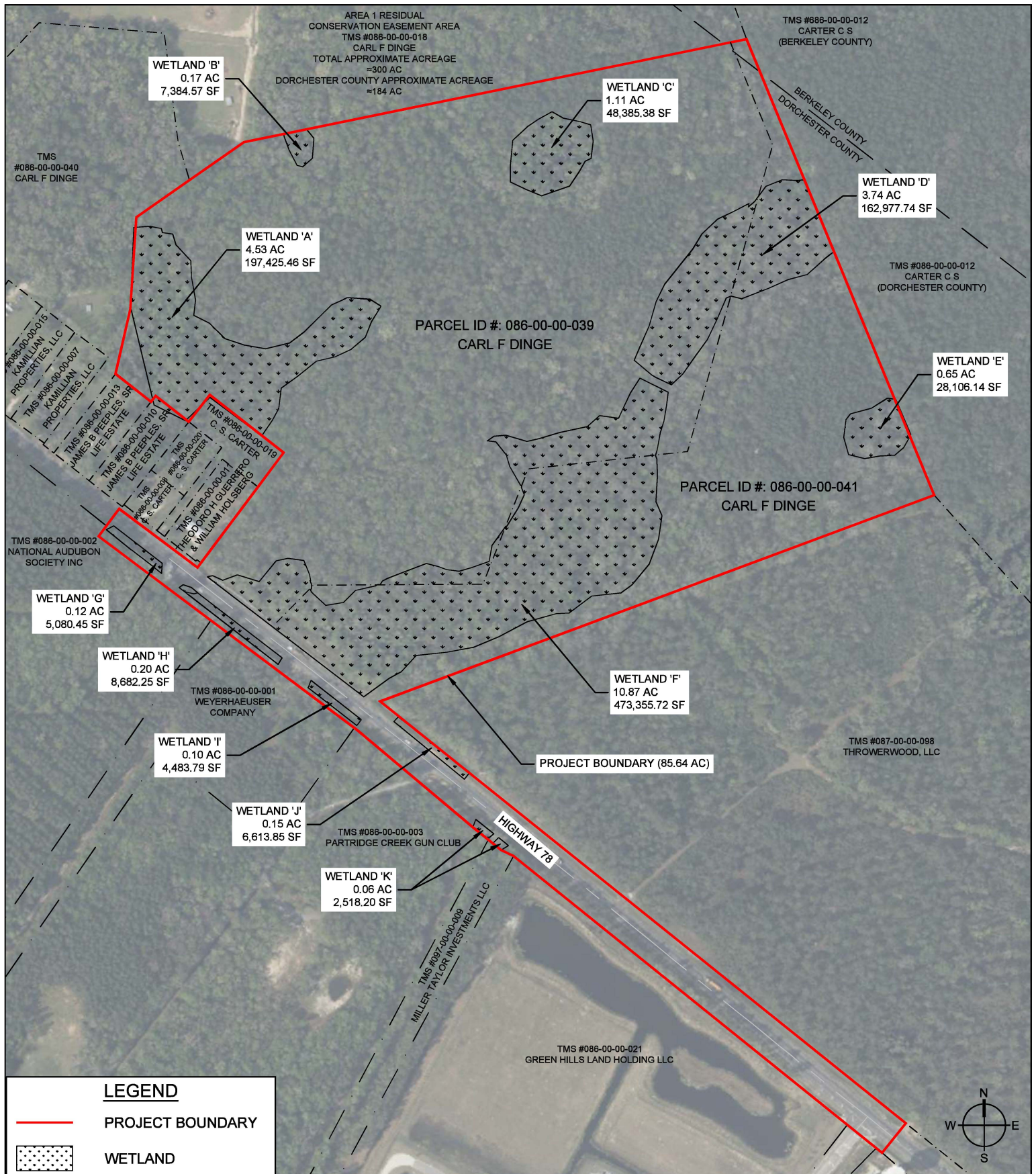
DINGE PROPERTY
SW+ PROJECT: 8938
5/8/2024

SHEET 1
LOCATION EXHIBIT



DINGE PROPERTY
SW+ PROJECT: 8938
5/8/2024

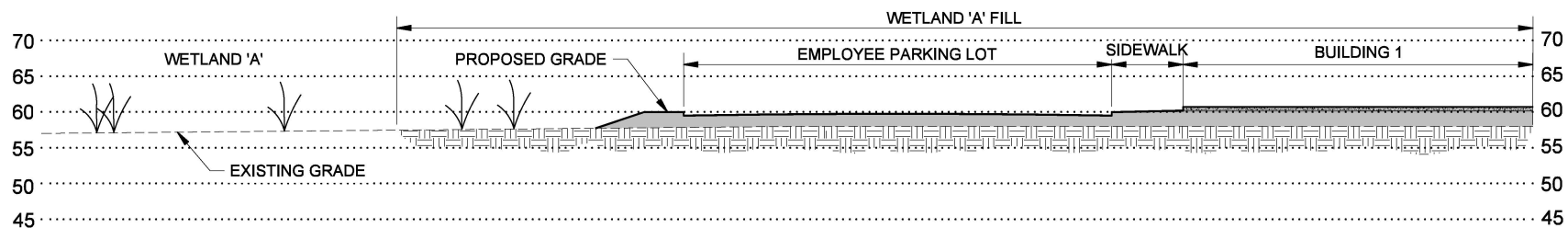
SHEET 2
USGS MAP EXHIBIT



DINGE PROPERTY
SW+ PROJECT: 8938
5/8/2024
1" = 400'

SHEET 3
EXISTING CONDITIONS

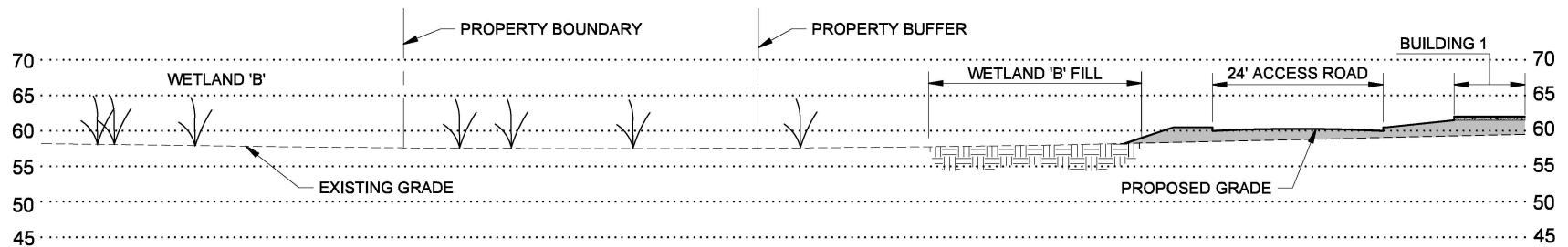




TYPICAL WETLAND FILL

SCALE: N.T.S.

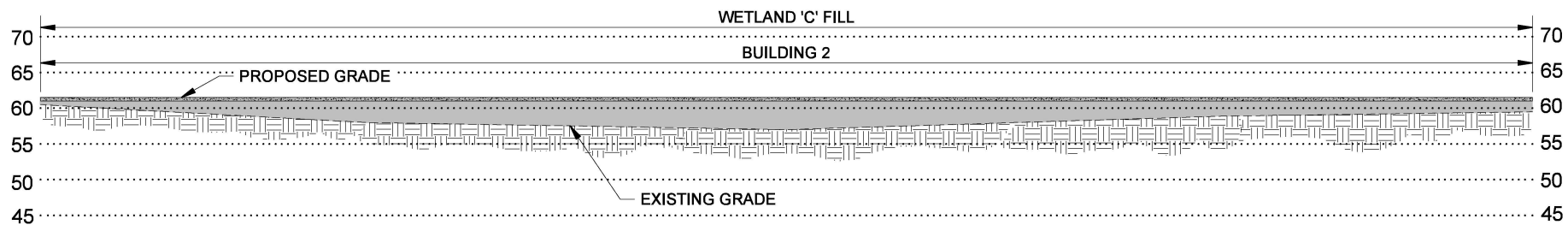
SECTION A-A'



TYPICAL WETLAND FILL

SCALE: N.T.S.

SECTION B-B'



TYPICAL WETLAND FILL

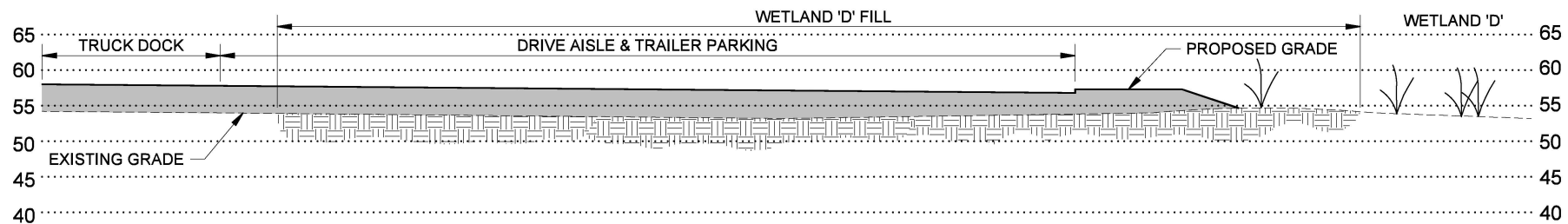
SCALE: N.T.S.

SECTION C-C'



DINGE PROPERTY
 SW+ PROJECT: 8938
 DATE: 5/8/2024
 SCALE: NOT TO SCALE

SHEET 7
 WETLANDS FILL CROSS SECTION C-C'
 WETLAND PERMIT



TYPICAL WETLAND FILL

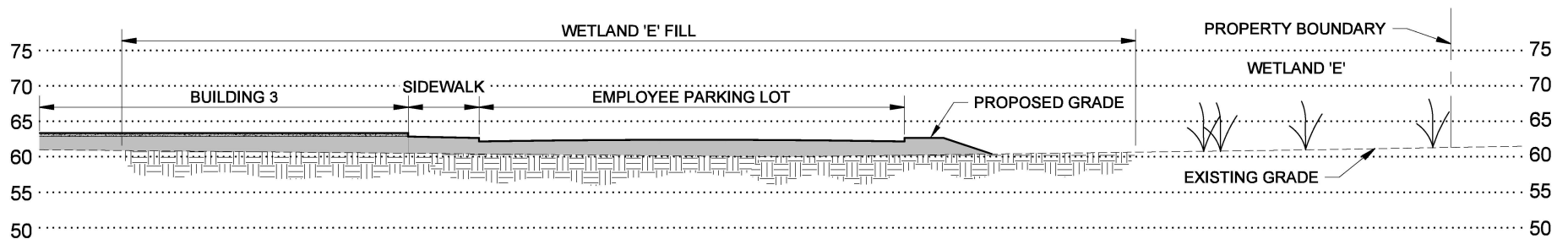
SCALE: N.T.S.

SECTION D-D'



DINGE PROPERTY
SW+ PROJECT: 8938
DATE: 5/8/2024
SCALE: NOT TO SCALE

SHEET 8
WETLANDS FILL CROSS SECTION D-D'
WETLAND PERMIT



TYPICAL WETLAND FILL

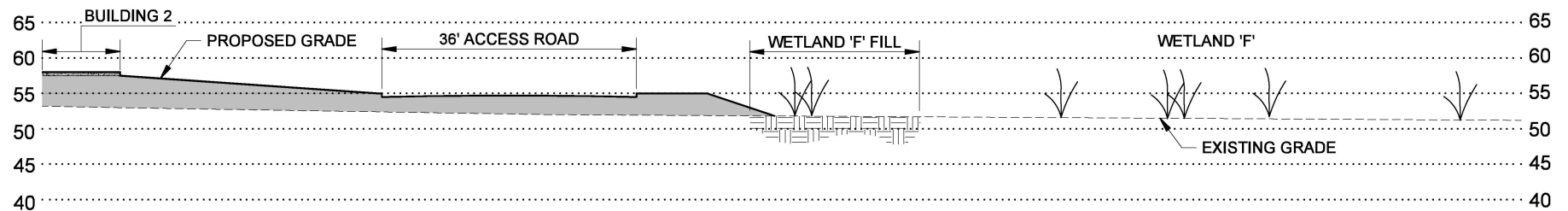
SCALE: N.T.S.

SECTION E-E'



DINGE PROPERTY
 SW+ PROJECT: 8938
 DATE: 5/8/2024
 SCALE: NOT TO SCALE

SHEET 9
 WETLANDS FILL CROSS SECTION E-E'
 WETLAND PERMIT



TYPICAL WETLAND FILL

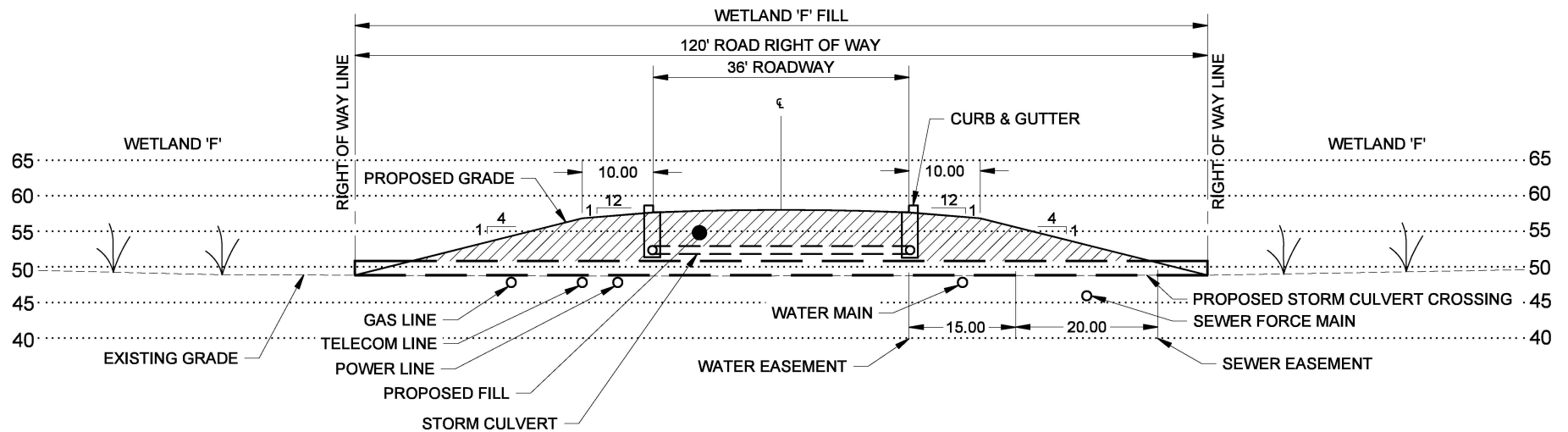
SCALE: N.T.S.

SECTION F-F'



DINGE PROPERTY
 SW+ PROJECT: 8938
 DATE: 5/8/2024
 SCALE: NOT TO SCALE

SHEET 10
 WETLANDS FILL CROSS SECTION F-F'
 WETLAND PERMIT



TYPICAL WETLAND FILL

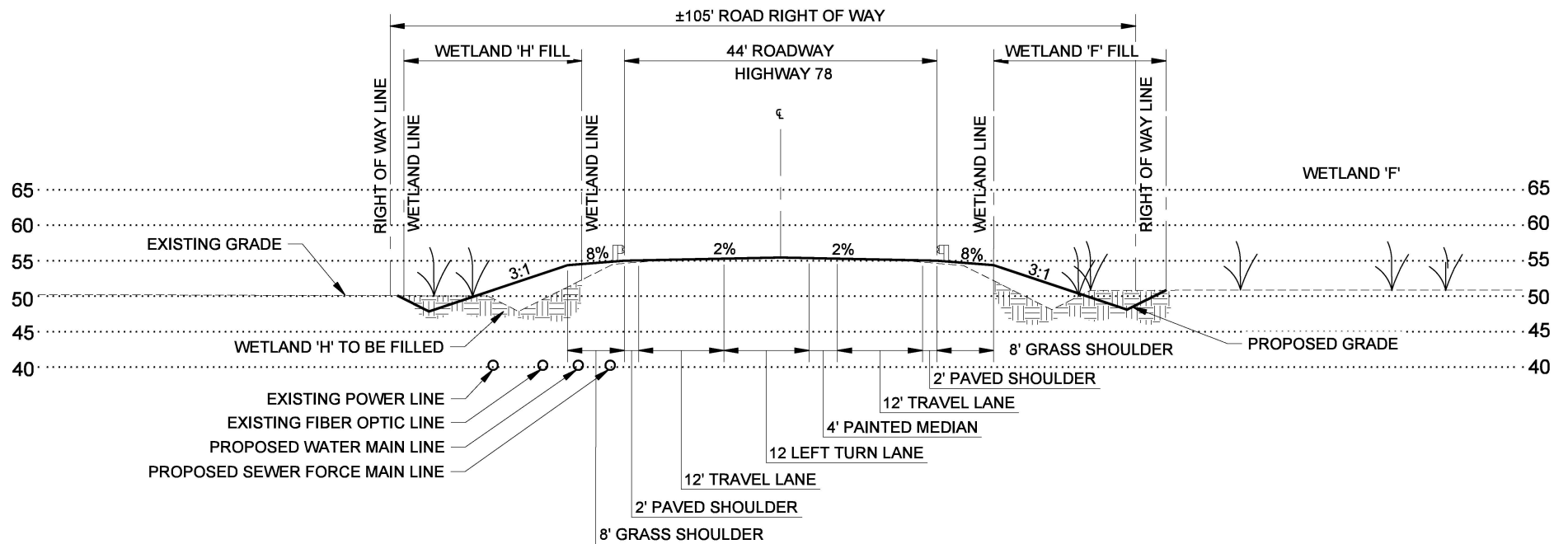
SCALE: N.T.S.

SECTION G-G'



DINGE PROPERTY
 SW+ PROJECT: 8938
 DATE: 5/8/2024
 SCALE: NOT TO SCALE

SHEET 11
 WETLANDS FILL CROSS SECTION G-G'
 WETLAND PERMIT



TYPICAL WETLAND FILL

SCALE: N.T.S.

SECTION H-H'



DINGE PROPERTY
SW+ PROJECT: 8938
DATE: 5/8/2024
SCALE: NOT TO SCALE

SHEET 12
WETLANDS FILL CROSS SECTION H-H'
WETLAND PERMIT