

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 Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N # 2007-02281-2IY

October 19, 2007

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

John Avinger
c/o EarthSource Engineering Company, Inc.
887 Johnnie Dodds Boulevard, Ste. 100
Mt. Pleasant, South Carolina 29464

for a permit to clear and fill jurisdictional wetlands near

BERESFORD CREEK

At a location on the east side of Clements Ferry Road approximately 2,200 feet north of the intersection with I-526 in Berkeley County, South Carolina.
(Latitude 32.88529 – Longitude -79.92727)

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 both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, NOVEMBER 19, 2007

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing fill in 0.967 acres of jurisdictional wetlands in order to construct roads and utilities to facilitate the development of a mixed use development with commercial and residential uses. As mitigation for the proposed work, the applicant proposes to preserve 11.62 acres of on-site undisturbed freshwater wetlands, the establishment of 4.94 acres of upland buffers and the purchase of 2.8 credits from the Pigeon Pond Mitigation Bank. The purpose of the proposed work is for access and utilities for a commercial and residential development.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be

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provided for mailing the drawings to you. Your request for drawings should be addressed to the

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

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 South Carolina Coastal Zone Management Act (15 CFR 930). 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. Persons wishing to comment or object to State certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

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 (0.967)acres of freshwater habitat located upstream, of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), threatened, or proposed species 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.

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 the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

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.

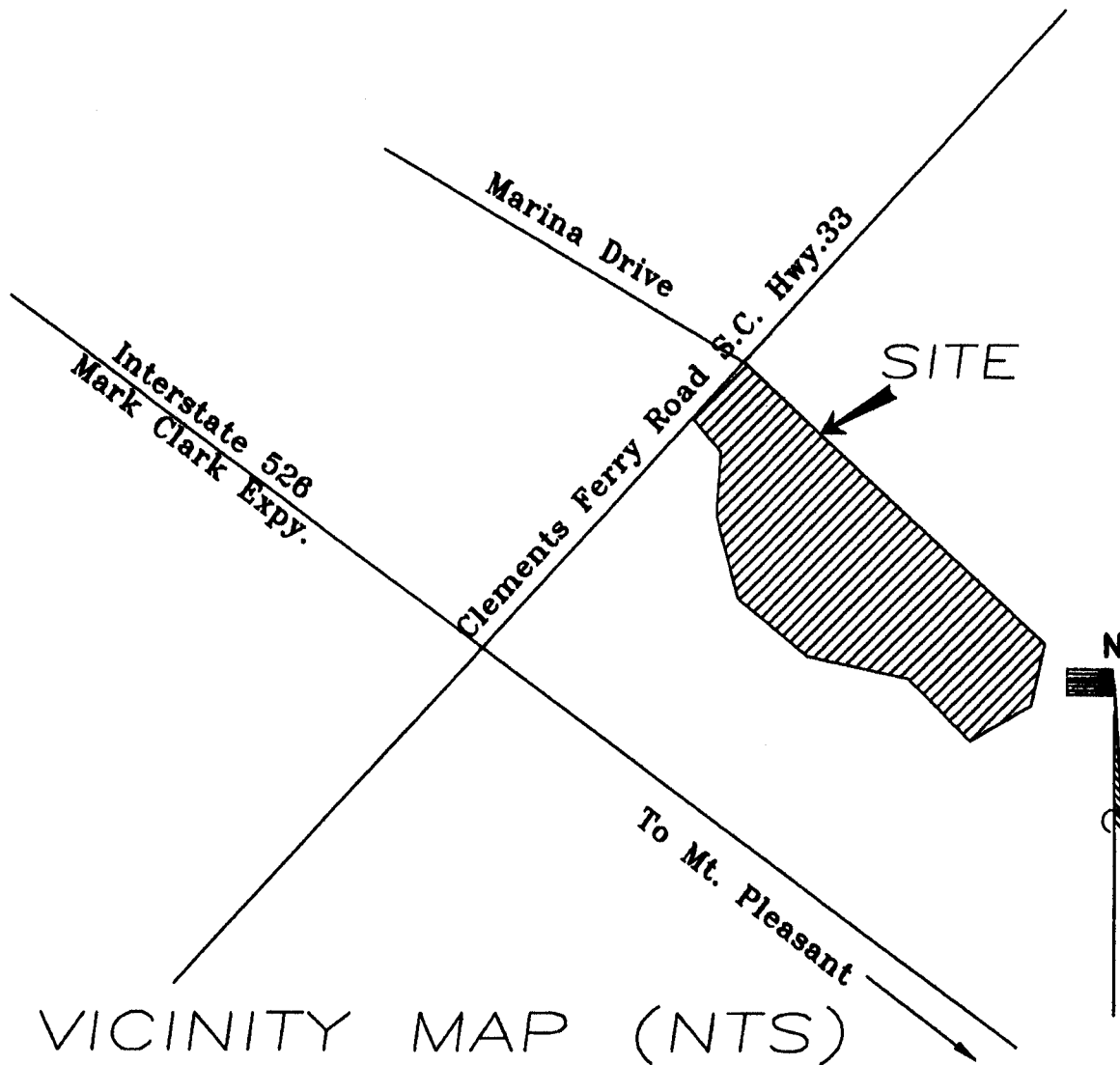
The decision whether to issue a permit will be based on an evaluation of the probable impact including

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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 of Engineers 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.

If there are any questions concerning this public notice, please contact David Chamberlain at 843-329-8044 or toll free at 1-866-329-8187.

LOCATION MAP (NTS)



VICINITY MAP (NTS)

Project Title:
HUGGINS PROPERTY
CLEMENTS FERRY ROAD
BERKELY COUNTY, SC

Revisions

Date:

Initials:

Applicant:

JOHN AVINGER

Date: 04-03-07

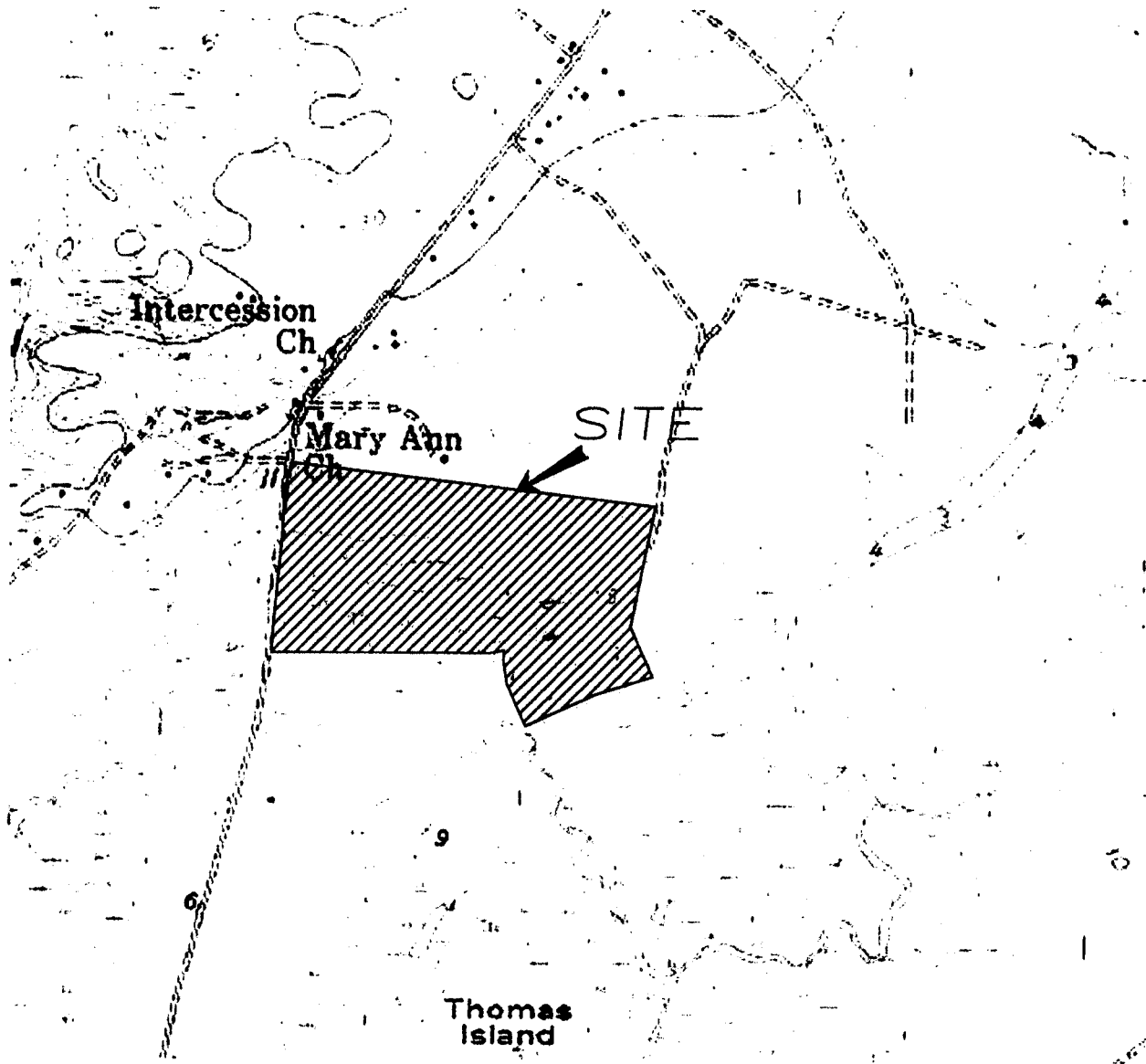
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Sheet Of

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USGS MAP (NTS)



QUAD MAP INFORMATION:

NORTH CHARLESTON (SC)-QUAD TOPO

ORIG DATE: 1979

QUAD SERIES: 7.5'

PAPER SOURCE: 1:24,000

COVERAGE: BERKELEY COUNTY, SC

CHARLESTON COUNTY, SC

VENDOR: USGS

LATITUDE: N32°53'5.5"

LONGITUDE: W79°55'34.3"

Revisions
Date:

Initials:

Project Title:

HUGGINS PROPERTY

CLEMENTS FERRY ROAD

BERKELY COUNTY, SC

Applicant:

JOHN AVINGER

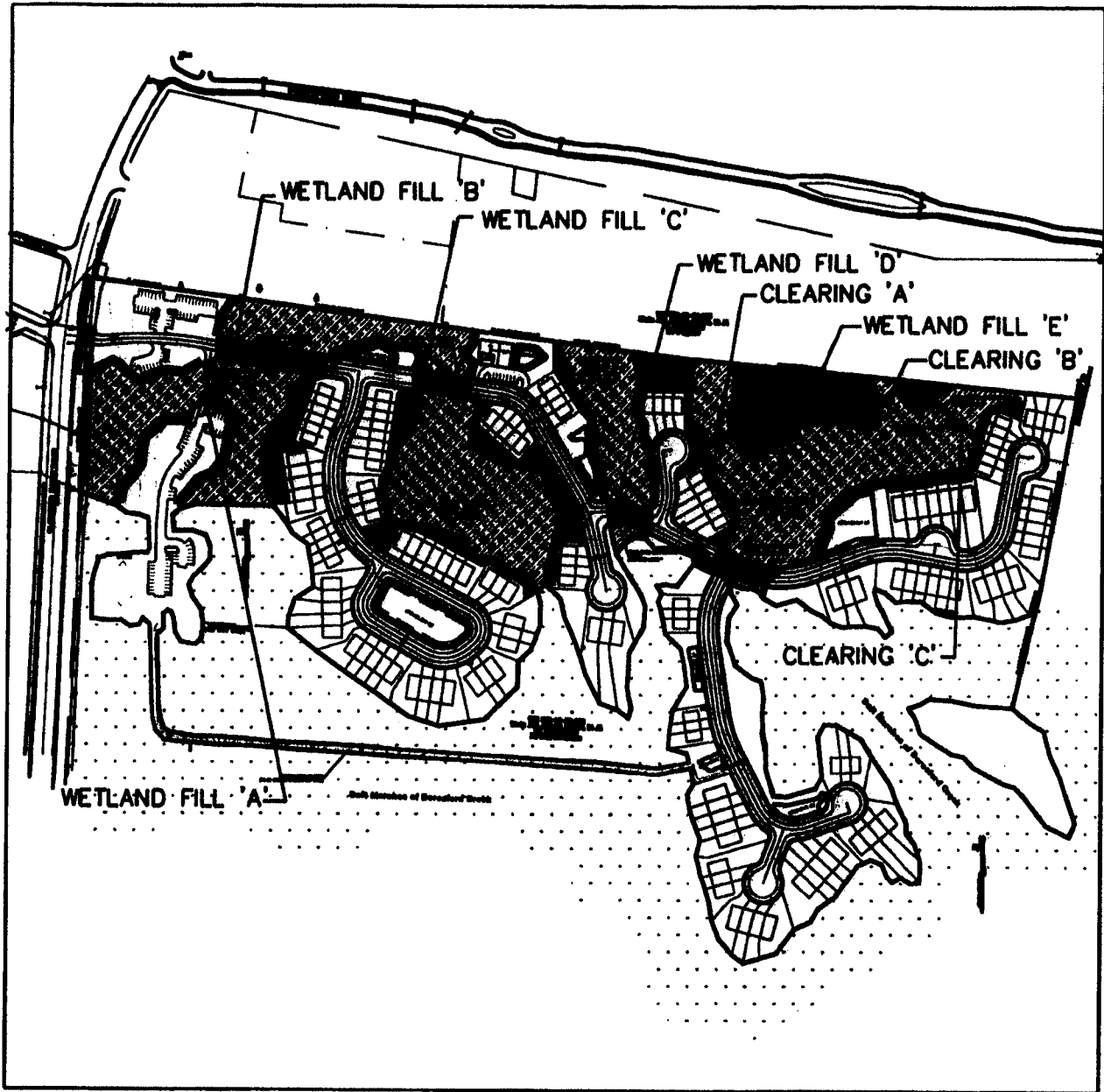
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

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OVERALL LAYOUT



LEGEND

-  PROPERTY LINE
-  WETLANDS BOUNDARY FLAG
-  FRESH WATER WETLANDS
-  WETLANDS TO BE FILLED
-  PROPOSED WETLAND BUFFER
-  UPLAND WETLAND BUFFER
-  SALTWATER WETLANDS

Project Title:
HUGGINS PROPERTY
 CLEMENTS FERRY ROAD
 BERKELY COUNTY, SC

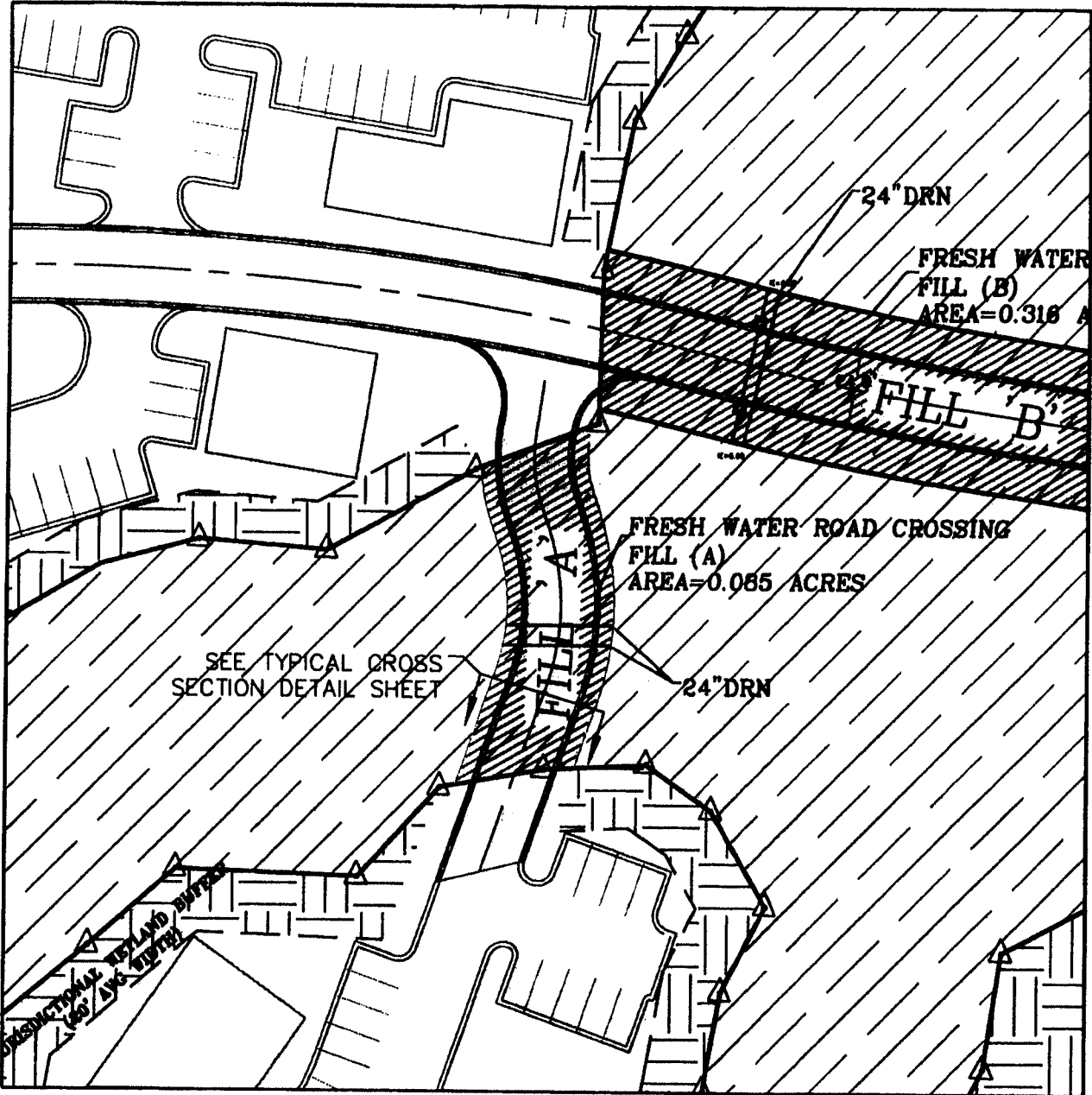
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
Applicant:
JOHN AVINGER
 Date: 04-03-07
 Application #:

Scale: 1" = 400'
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WETLAND IMPACT 'A'



LEGEND

-  PROPERTY LINE
-  WETLANDS BOUNDARY FLAG
-  FRESH WATER WETLANDS
-  WETLANDS TO BE FILLED
-  PROPOSED WETLAND BUFFER
-  UPLAND WETLAND BUFFER
-  SALTWATER WETLANDS

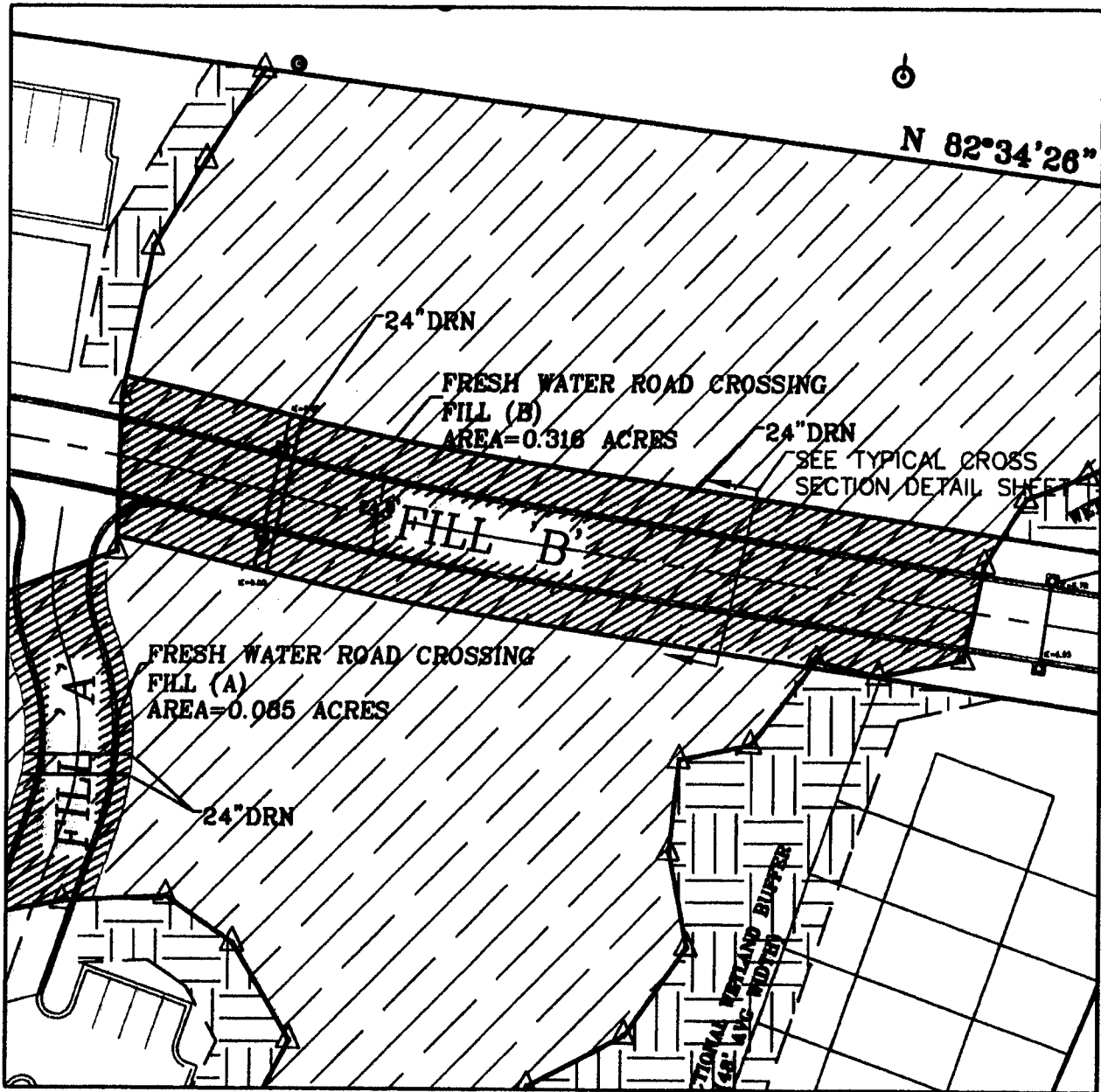
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Project Title:
HUGGINS PROPERTY
CLEMENTS FERRY ROAD
BERKELY COUNTY, SC








Applicant:
JOHN AVINGER
Date: 04-03-07
Application #:

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WETLAND IMPACT 'B'



LEGEND

-  PROPERTY LINE
-  WETLANDS BOUNDARY FLAG
-  FRESH WATER WETLANDS
-  WETLANDS TO BE FILLED
-  PROPOSED WETLAND BUFFER
-  UPLAND WETLAND BUFFER
-  SALTWATER WETLANDS

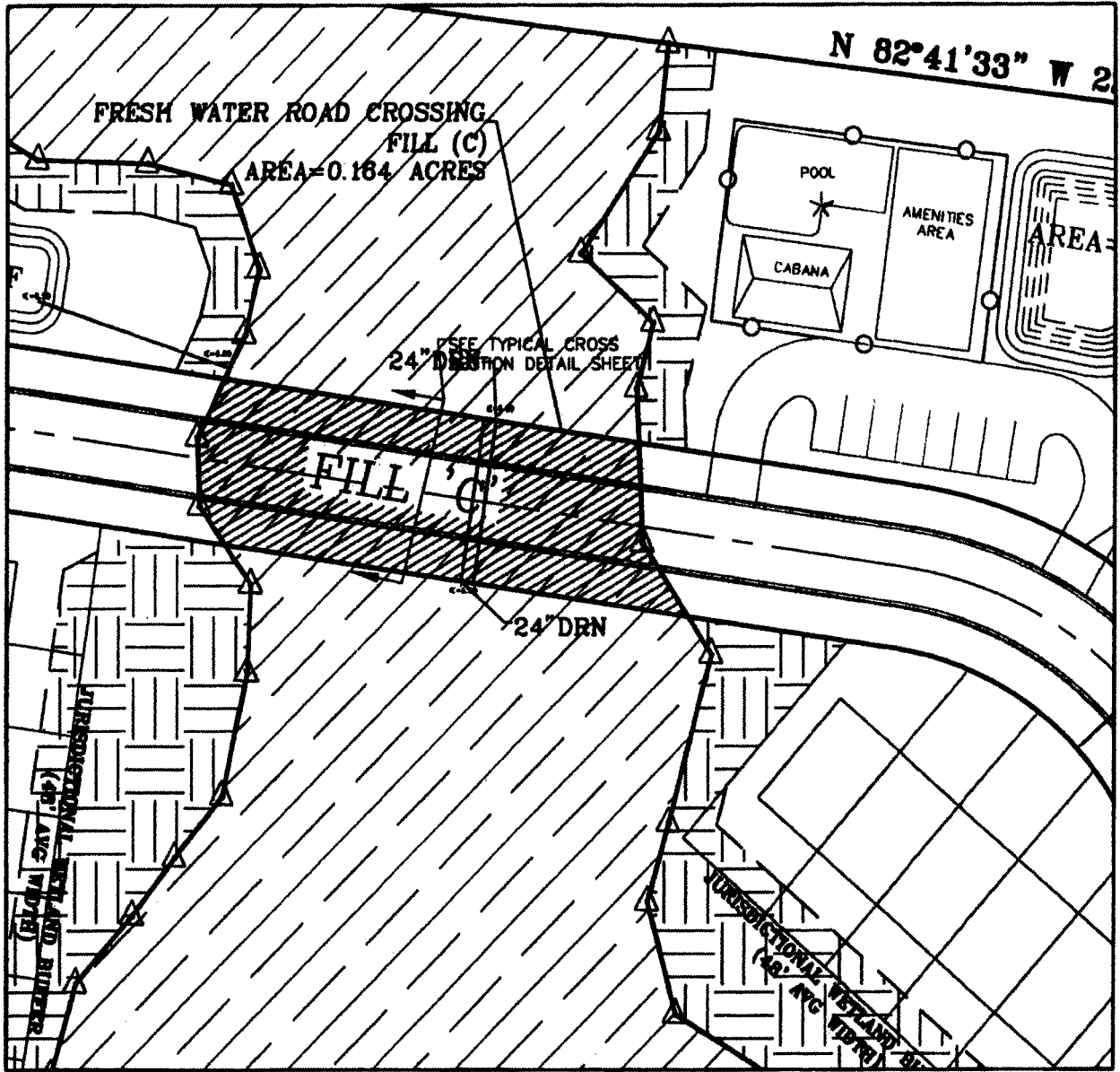
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Date:
Initials:

Project Title:
HUGGINS PROPERTY
CLEMENTS FERRY ROAD
BERKELY COUNTY, SC








Applicant:
JOHN AVINGER
Date: 04-03-07
Application #:

Scale: 1"=50'
Sheet Of
5 12

WETLAND IMPACT 'C'



LEGEND

-  PROPERTY LINE
-  WETLANDS BOUNDARY FLAG
-  FRESH WATER WETLANDS
-  WETLANDS TO BE FILLED
-  PROPOSED WETLAND BUFFER
-  UPLAND WETLAND BUFFER
-  SALTWATER WETLANDS

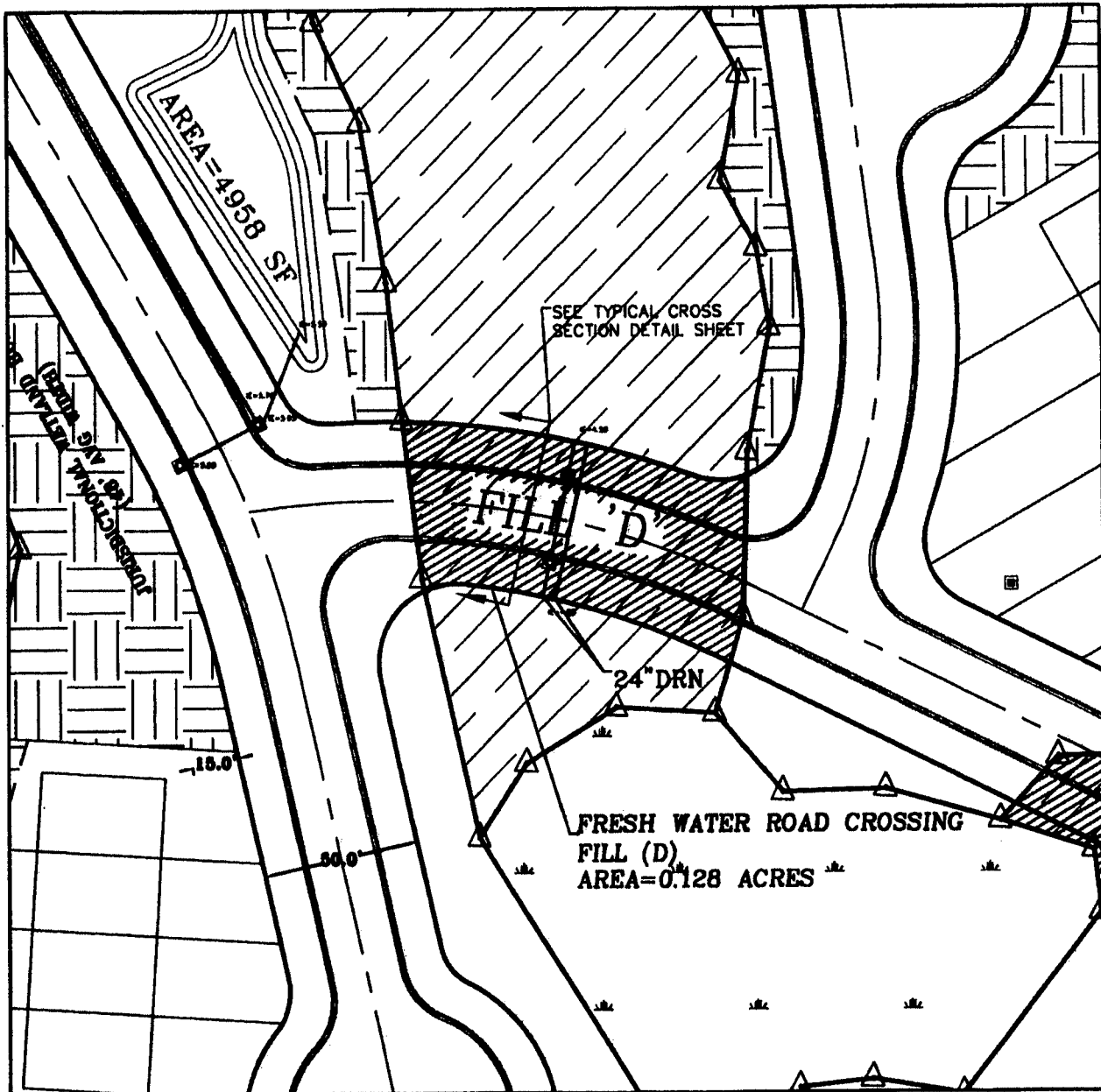
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HUGGINS PROPERTY
 CLEMENTS FERRY ROAD
 BERKELY COUNTY, SC

Revisions
 Date:
 Initials:








Applicant:
JOHN AVINGER
 Date: 04-03-07
 Application #:

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 Sheet Of
6 12

WETLAND IMPACT 'D'



LEGEND

-  PROPERTY LINE
-  WETLANDS BOUNDARY FLAG
-  FRESH WATER WETLANDS
-  WETLANDS TO BE FILLED
-  PROPOSED WETLAND BUFFER
-  UPLAND WETLAND BUFFER
-  SALTWATER WETLANDS

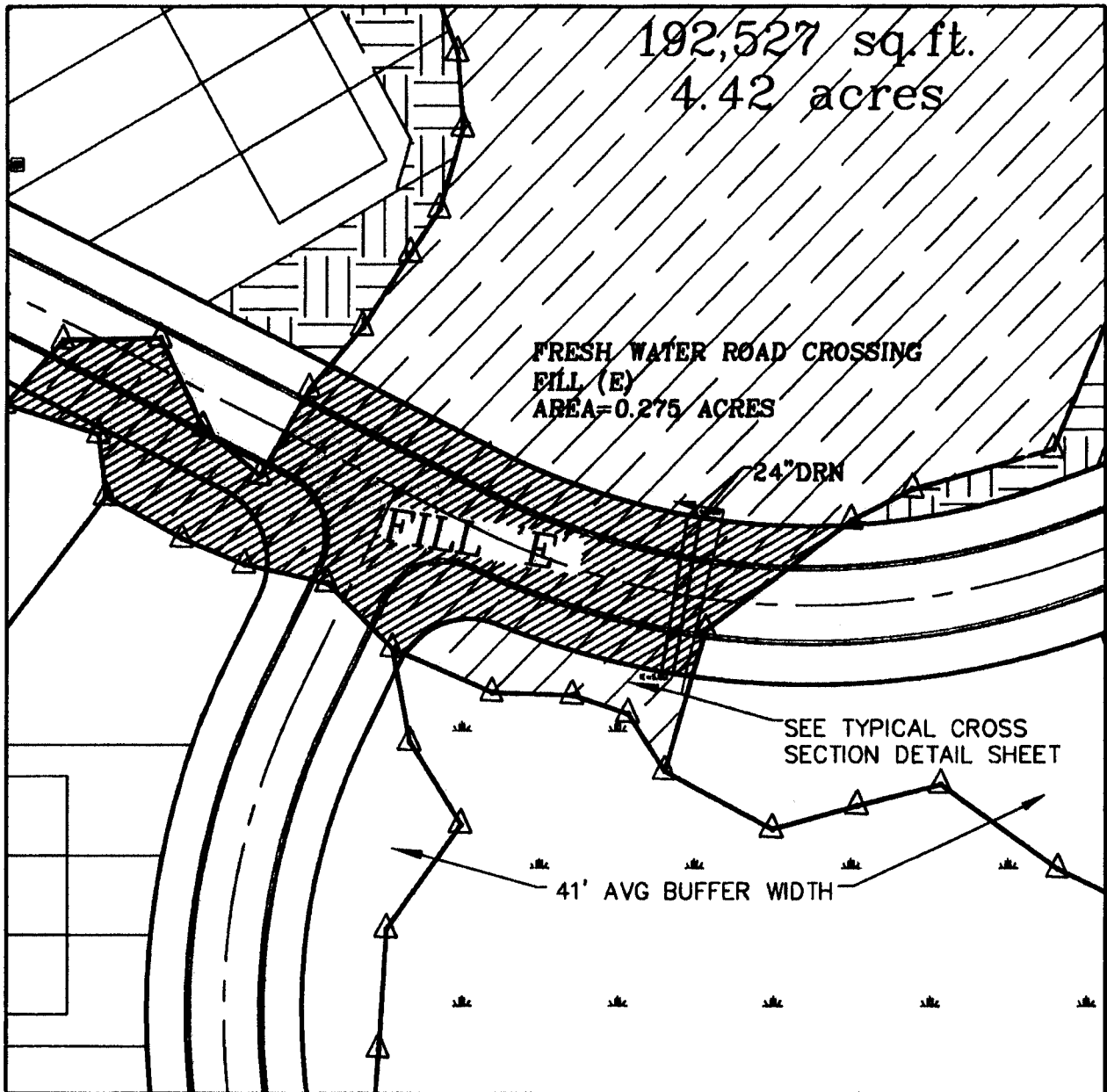
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 CLEMENTS FERRY ROAD
 BERKELY COUNTY, SC

Applicant:
JOHN AVINGER
 Date: 04-03-07
 Application #:

Revisions:
 Date:
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 Sheet 7 Of 12

WETLAND IMPACT 'E'



LEGEND

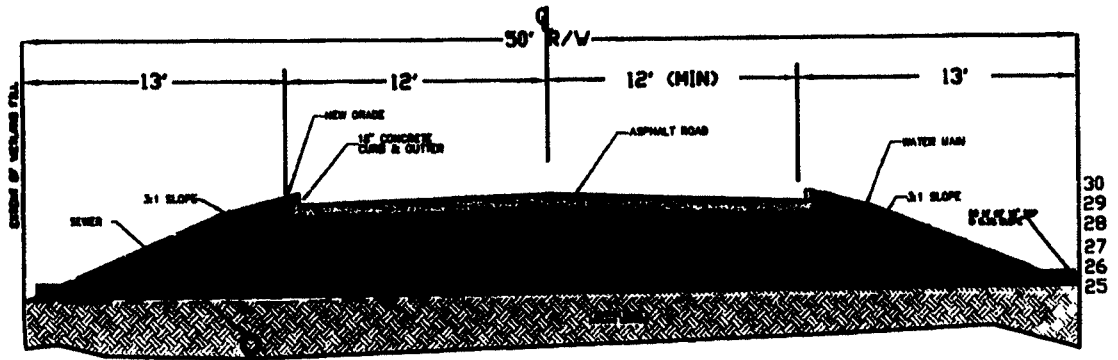
- PROPERTY LINE
- WETLANDS BOUNDARY FLAG
- FRESH WATER WETLANDS
- WETLANDS TO BE FILLED
- PROPOSED WETLAND BUFFER
- UPLAND WETLAND BUFFER
- SALTWATER WETLANDS

Revisions
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Sheet Of
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TYPICAL WETLAND CROSSING CROSS SECTION
A-A

Project Title:
 HUGGINS PROPERTY
 CLEMENTS FERRY ROAD
 BERKELY COUNTY, SC

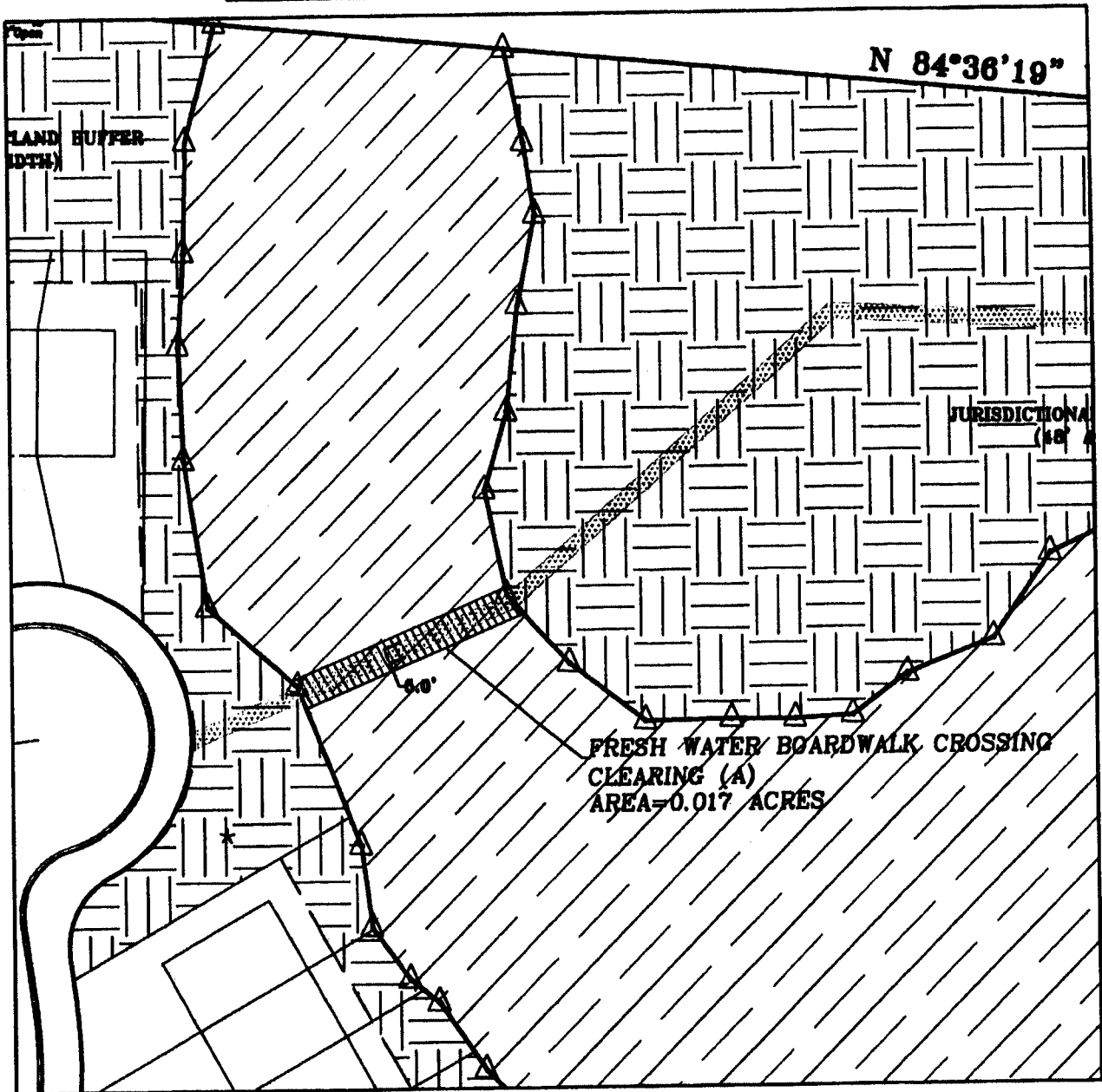
Applicant:
 JOHN AVINGER
 Date: 04-03-07

Application #:








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Revisions
 Date:
 Initials:

WETLAND CLEARING 'A'



LEGEND

-  PROPERTY LINE
-  WETLANDS BOUNDARY FLAG
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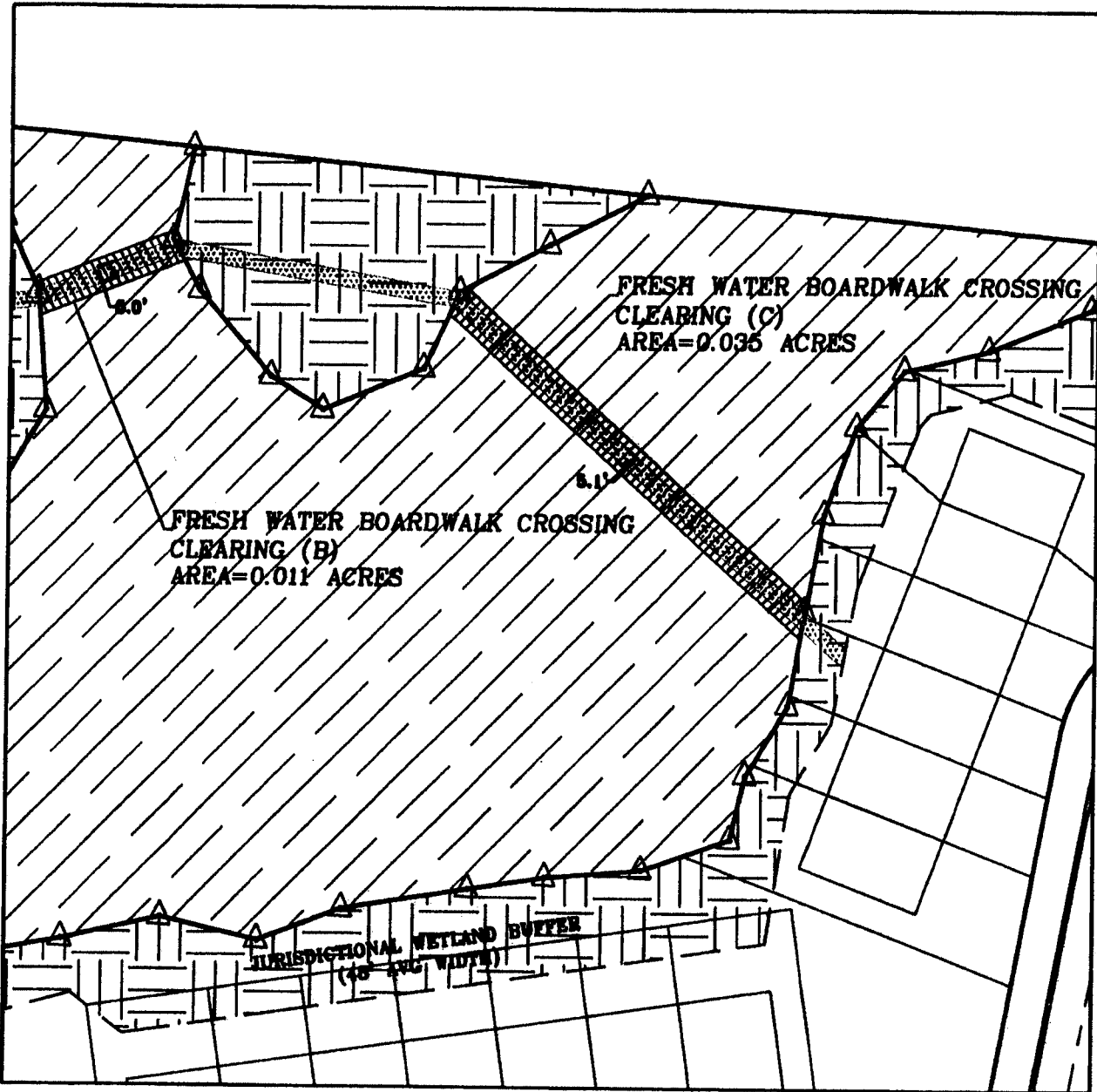
Project Title:
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 CLEMENTS FERRY ROAD
 BERKELY COUNTY, SC

Revisions
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Applicant:
 JOHN AVINGER
 Date: 04-03-07
 Application #:

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 Sheet Of
 10 12

WETLAND CLEARING 'B&C'



LEGEND

- PROPERTY LINE
- WETLANDS BOUNDARY FLAG
- FRESH WATER WETLANDS
- WETLANDS TO BE FILLED
- PROPOSED WETLAND BUFFER
- UPLAND WETLAND BUFFER
- SALTWATER WETLANDS

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Applicant:
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Application #:

Scale: 1" = 50'
Sheet Of
11 12

IMPACT SUMMARY

SITE AREA: 56.36 ACRES
HIGHLAND AREA: 34.02 ACRES
WETLAND AREA: 22.34 ACRES
JURISDICTIONAL FRESHWATER WETLAND: 12.65 ACRES
CRITICAL SALTWATER WETLAND: 9.69 ACRES

JURISDICTIONAL FRESHWATER WETLAND FILL:

FILL SITE (A): 0.085 ACRES
FILL SITE (B): 0.316 ACRES
FILL SITE (C): 0.164 ACRES
FILL SITE (D): 0.128 ACRES
FILL SITE (E): 0.274 ACRES
TOTAL FILL: 0.967 ACRES

JURISDICTIONAL FRESHWATER WETLAND CLEARING:

(A): 0.017 ACRES
(B): 0.011 ACRES
(C): 0.035 ACRES

JURISDICTIONAL FRESHWATER WETLAND PRESERVATION:

JURISDICTIONAL: 11.62 ACRES

AVERAGE UPLAND BUFFER WIDTH:

RESIDENTIAL: 48'
COMMERCIAL: 20'

UPLAND BUFFER AREA:

POA PROPRTY: 4.28 ACRES
TOWNHOME PROPERTY UNDER POA EASEMENT: 0.66 ACRES
TOTAL: 4.94 ACRES

	Project Title: HUGGINS PROPERTY CLEMENTS FERRY ROAD BERKELY COUNTY, SC	
Revisions	Applicant: JOHN AVINGER	
Date:	Date: 04-03-07	Scale: N/A
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