



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-51 07

January 20, 2010

Regulatory Division

MeadWestvaco Forestry, LLC
Attention: Mr. Kenneth T. Seeger
P.O. Box 118005
Charleston, South Carolina 29423

Re: SAC-2009-00521

Dear Mr. Seeger:

This letter is in response to a Pre-Construction Notification (PCN) regarding a proposed commercial business park known as the Pine Hill Business Park in Phase 3 of the East Edisto Development. The project site is located on the north side of Highway 17A, southwest of its intersection with Highway 61, in Dorchester County, South Carolina. By submittal of the PCN, you requested verification that the proposed project is authorized by a Department of the Army Nationwide Permit No. 39.

The PCN contains the following identifying information for this project. The work affecting waters of the United States is part of an overall project known as the East Edisto Development. The project involves impacts to 0.48 acres of waters of the United States and 2.40 acres of non-jurisdictional isolated wetlands. The PCN also includes the following supplemental information:

- a. Drawing sheets 1-18 of 18 titled "East Edisto Business Park" and dated 12/9/2008;
- b. A mitigation plan that consists of the purchase of 4.0 wetland mitigation credits from the Pigeon Pond Mitigation Bank for impacts to 0.48 acres of federally regulated waters;
- c. A delineation of waters of the United States

Based on a review of the PCN, including the supplemental information indicated above, it has been determined that the proposed activity will result in minimal individual and cumulative adverse environmental effects and is not contrary to the public interest. Furthermore, the activity meets the terms and conditions of Department of the Army Nationwide Permit # 39. Please note that the use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers.

For this authorization to remain valid, the project must comply with the enclosed Nationwide Permit General Conditions, Charleston District Regional Conditions, and the following special conditions:

1. That prior to beginning the authorized work the permittee must obtain and provide the Corps with a copy of all appropriate state certifications and/or authorizations (i.e. 401 Water Quality Certification, Coastal Zone Management Consistency Determination, State Navigable Waters Permit). If the permittee fails to obtain the necessary state certifications and/or authorizations prior to beginning work, this will be considered a willful and knowing violation of the Clean Water Act and appropriate enforcement action will be taken.

2. That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee;

3. That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter;

4. That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.

5. That as compensatory mitigation for impacts to federally regulated aquatic resources, the permittee agrees to purchase a total of 4.0 credits from the Pigeon Pond Wetland Mitigation Bank. At least one quarter of the required credits (1.0 credit) must be restoration/non-buffer enhancement credits. In addition, no more than one half of the required mitigation credits (2.0 credits) may be preservation credits.

6. That the permittee must submit evidence of the purchase of the required mitigation credits to both the Corps of Engineers and SCDHEC prior to commencement of the authorized work. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition 5 will not be considered fulfilled until you have received written verification from the U.S. Army Corps of Engineers.

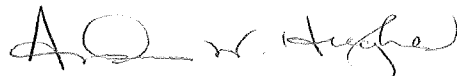
This verification is valid until the Nationwide Permits (NWP) expire or for two (2) years, whichever comes first. The time specified for this authorization will remain valid if the Nationwide Permit(s) is reissued without modification, or the activity complies with any subsequent modification; however, the provisions of 33 CFR 330.6(b) will apply if the Nationwide Permit expires, is suspended or revoked, or is modified such that the activity no longer complies with the original terms and conditions. In general, these provisions provide that if the work authorized by this letter has commenced in accordance with the requisite terms and conditions or you, acting in reliance of this Nationwide Permit, have entered into a contract to have the work performed prior to such date, this authorization will remain in effect if the work can be completed within twelve months of the date of the Nationwide Permit's expiration, modification or revocation unless discretionary authority has been exercised in accordance with 33 CFR 330.4(c) or (d).

Attached to the verification that your project is authorized by a NWP is an approximate approved jurisdictional determination. Please note that this approved jurisdictional determination supersedes previous determinations under Charleston District numbers SAC-

2008-01214-2JY and SAC-2008-01565-2JY. If you are not in agreement with the approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331.

Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to our file number SAC 2009-00521. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact me at 843-329-8044, or toll free at 1-866-329-8187.

Sincerely,



Andrea W. Hughes
Project Manager, Regulatory Division

Enclosures:

Permit Drawings
Charleston District Regional Conditions
Nationwide Permit General Conditions
Compliance Certification Form
Notification of Appeal Options
Jurisdictional Determination Form

Copy Furnished:

U.S. Fish and Wildlife Service
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

S. C. Department of Archives & History
State Historic Preservation Office
8301 Parklane Road
Columbia, South Carolina 29223-4905

South Carolina Department of Health
and Environmental Control
Bureau of Water Pollution Control
2600 Bull Street
Columbia, South Carolina 29201

South Carolina Department of
Health and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

National Marine Fisheries Service
Attn: Mr. Prescott H. Brownell
219 Fort Johnson Road
Charleston, SC 29412-9110

Newkirk Environmental, Inc.
P.O. Box 746
Mt. Pleasant, South Carolina 29465