

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 Ocean and Coastal Resource Management

1362 McMillan Avenue, Suite 400

Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N SAC-2017-00352

April 10, 2017

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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 Health and Environmental Control by

Mr. Robert Barber, Jr.

1883 Bowens Island Road

Charleston, South Carolina 29412

for a permit to expand upon the existing dock at Bowens Island Restaurant in

Folly Creek

at 1883 Bowens Island Road, Charleston County, South Carolina (Latitude: 32.6749 °N, Longitude: -79.9646 °W), James Island 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** 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.

The proposed work consists of expanding upon the existing dock serving Bowens Island Restaurant. In detail, the applicant proposes to construct a 140' long x 12' wide floating dock with four 40' long x 6' wide finger piers. The new floating dock will be connected to an existing fixed pier by an existing 20' long x 3' wide gangway on one end, and connected to a new proposed 105' long x 6' wide elevated walkway by a new proposed 12' long x 4' wide gangway connected to the shoreline on the other end. The new dock will be used for temporary boat mooring and no power, water, sewer, or utilities are proposed. In addition, there is no proposed dredging associated with

the project. The existing inoperable floating dock and walkway at the proposed project location will be removed prior to construction. The existing Bowens Island Restaurant dock to remain in place consists of a pierhead, fixed dock, floating dock, two wood frame buildings, and a walkway. The existing dock was constructed in 1949 and has no prior authorization from our office. The applicant did not propose to mitigate for impacts to wetlands and/or waters of the United States since the proposed project would not involve the discharge of dredged or fill material. The project purpose is to provide temporary boat mooring that will allow access to the existing facilities at Bowens Island Restaurant.

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

The District Engineer has concluded the work shown on this application must 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 S. C. Department of Health and Environmental Control. 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.

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 0.08 acres 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.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined that the project is not likely to adversely affect any Federally endangered, 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 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)(f)(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.

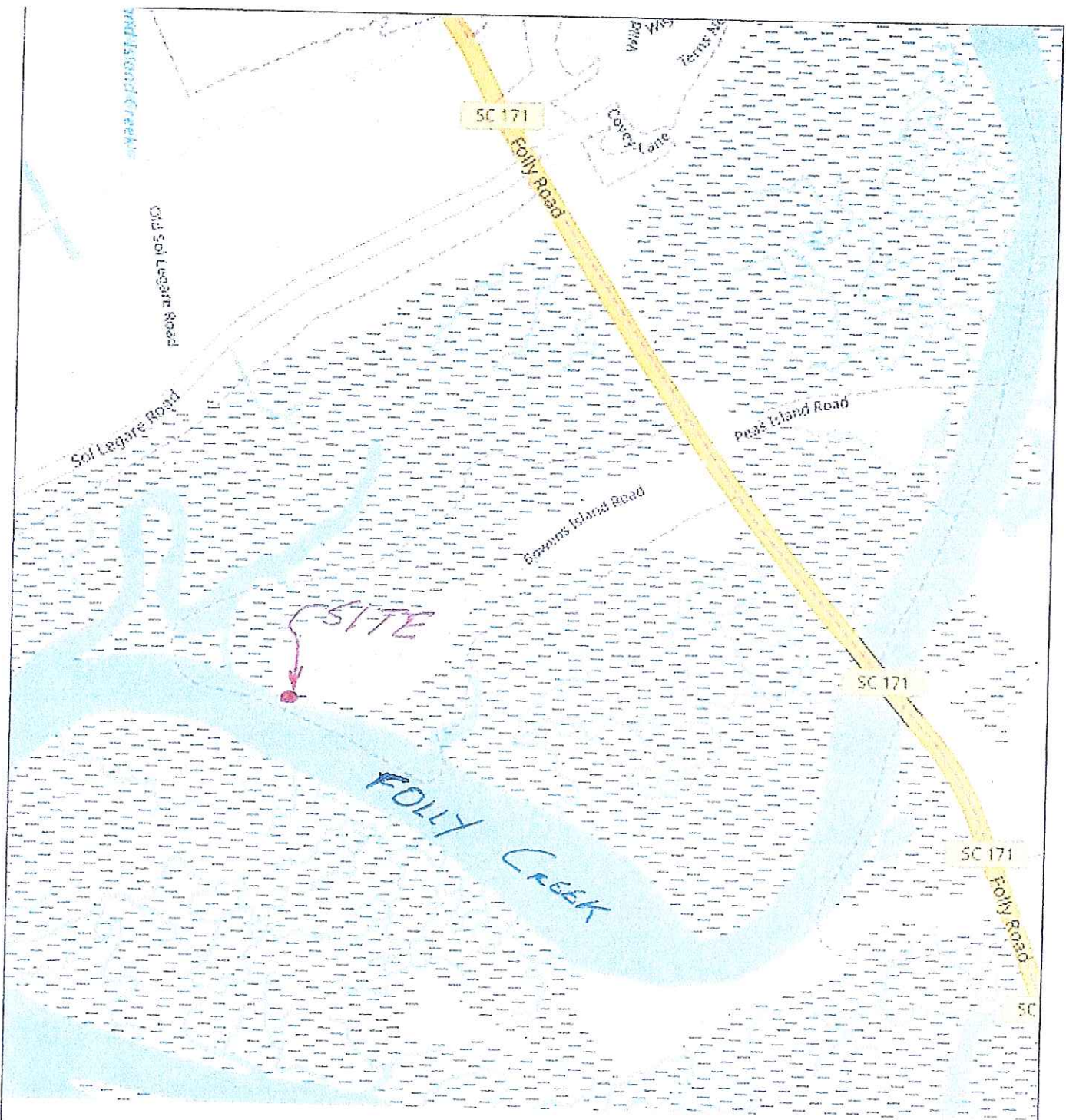
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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. 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.

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. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

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

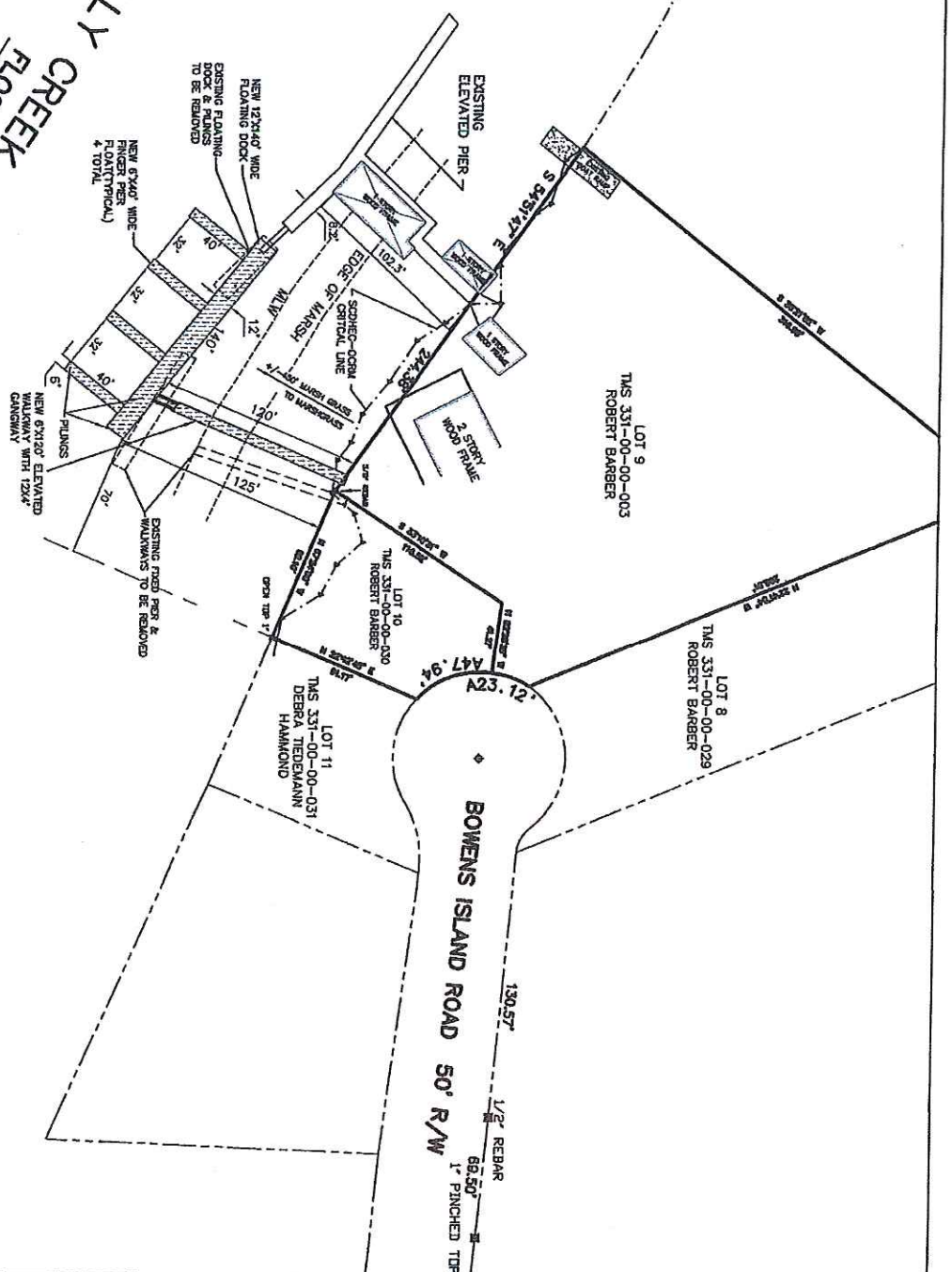
If there are any questions concerning this public notice, please contact Leslie Estill, Project Manager, at (843) 329-8039 or toll free at 1-866-329-8187.



ACTIVITY: MOORING DOCK
1870 BOWEN ISLAND RD
IN: FOLLY CREEK
NEAR: JAMES ISLAND
COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
APPLICATION BY: ROBERT BARBER
SHEET 1 OF 4
DATE: MARCH 3, 2017

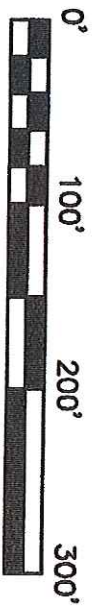
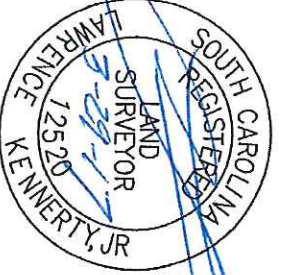
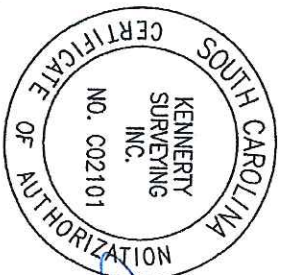


EBB FOLLY CREEK FLOOD

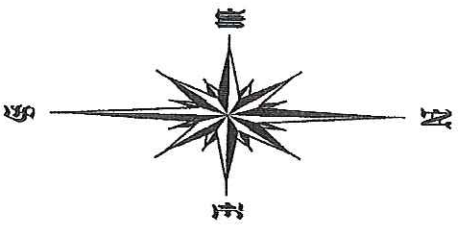


ACTIVITY: MOORING DOCK
 1870 BOWEN ISLAND RD
 IN: FOLLY CREEK
 NEAR: JAMES ISLAND
 COUNTY OF: CHARLESTON
 STATE OF: SOUTH CAROLINA
 APPLICATION BY: ROBERT BARBER
 SHEET 2 OF 4
 DATE: MARCH 29, 2017

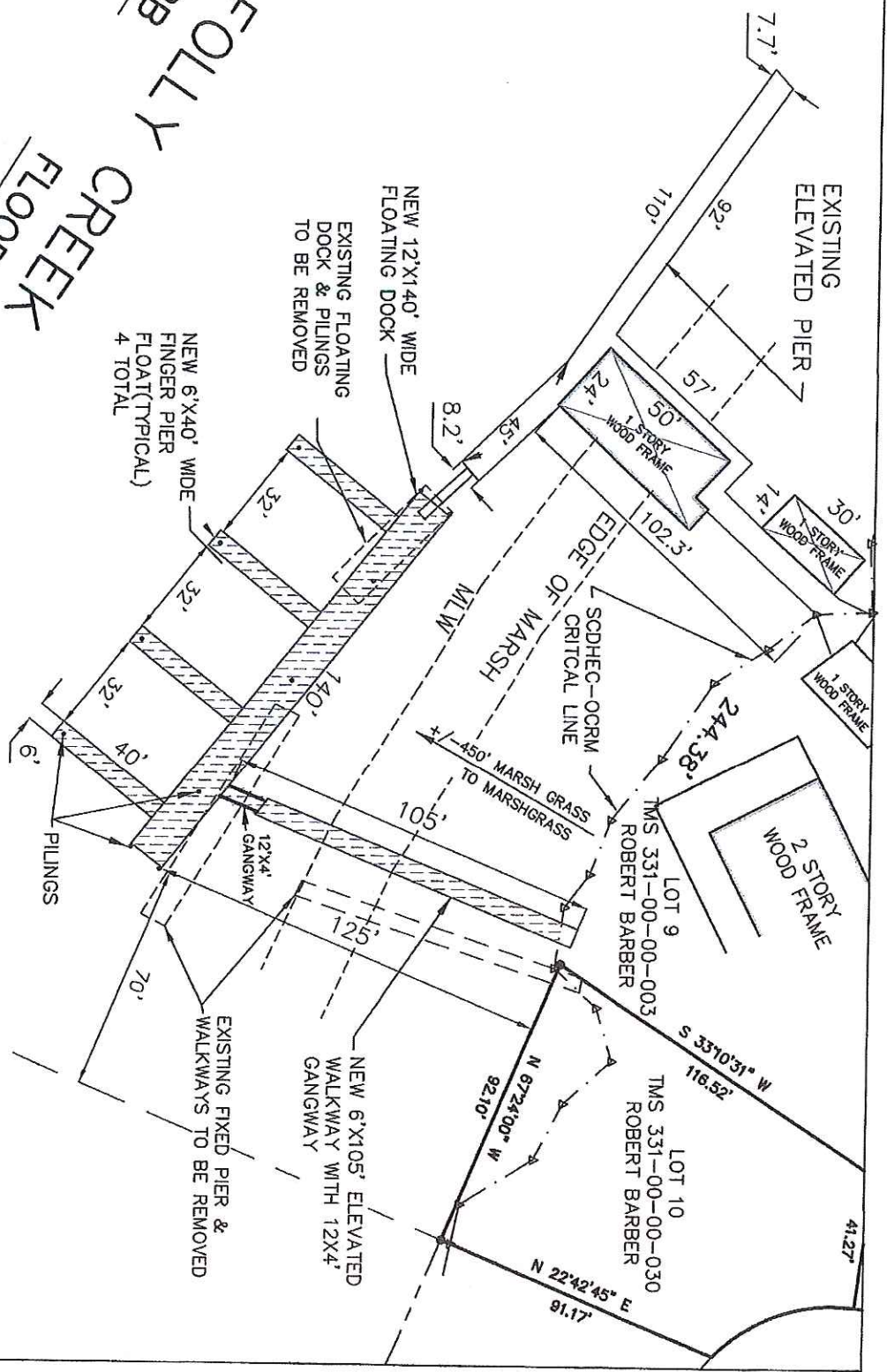
261-16



SCALE: 1"=100'

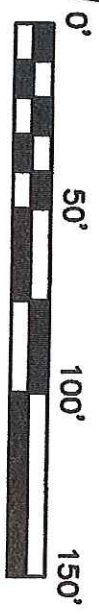
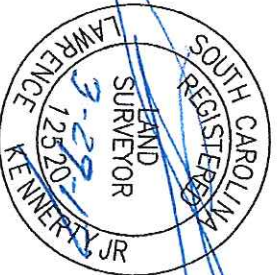
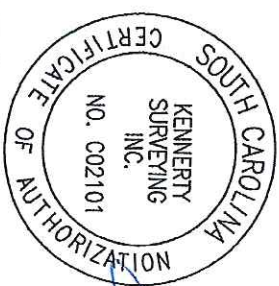


FOLLY CREEK FLOOD EBB

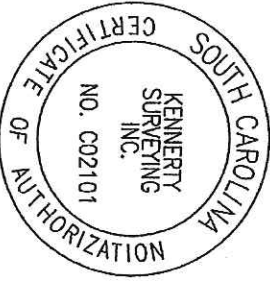


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261-16

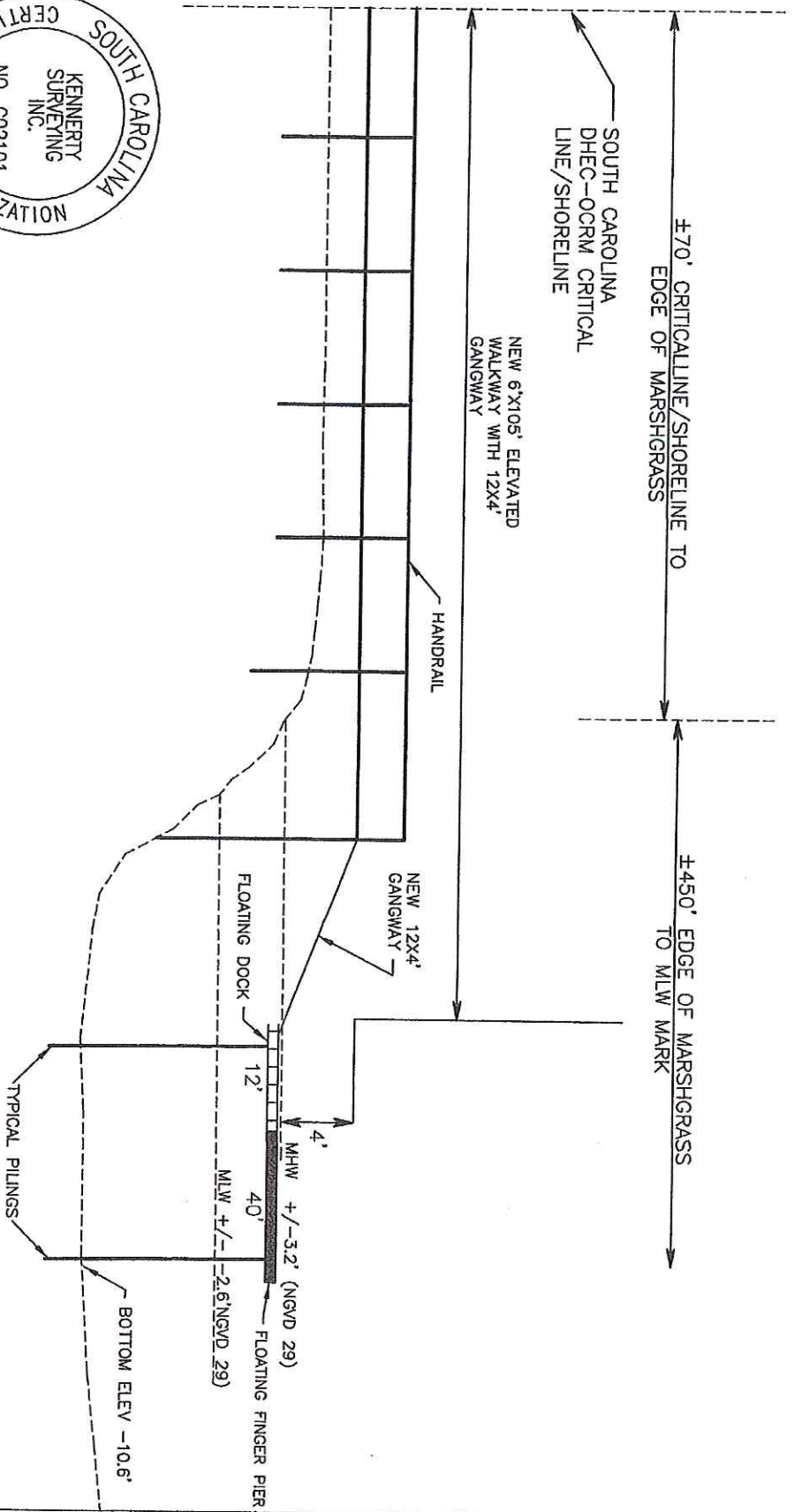
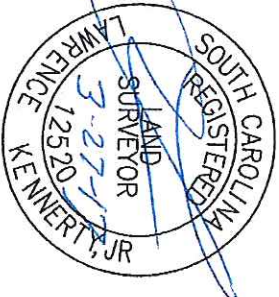


SCALE: 1" = 50'



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 SHEET 4 OF 4
 DATE: MARCH 29, 2017

261-16



DATE: MARCH 29, 2017
 SCALE: NOT TO SCALE