

PUBLIC NOTICE

**CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

REGULATORY DIVISION

Refer to: P/N #SAC-2003-13026

August 21, 2015

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), an application has been submitted to the Department of the Army by the

**SOUTH CAROLINA PORTS AUTHORITY
POST OFFICE BOX 22287
CHARLESTON, SOUTH CAROLINA 29413**

for a permit to install additional pilings underneath an existing concrete wharf in the

COOPER RIVER

at Union Pier Terminal, 32 Washington Street in the City of Charleston, Charleston County, South Carolina (Latitude 32.78581 N, Longitude 79.92470 E)

A Public Notice describing the proposed project was issued on July 23, 2015. This Public Notice included a summary of the proposed activities in waters of the United States. Unlike many new projects that are evaluated by this office, where adjacent property owners and interested parties may be unfamiliar with the proposed construction and operation of a new facility, the proposed project consists of renovating an existing warehouse at Union Pier Terminal (UPT) and relocating existing cruise operations from the southern to the northern end of the existing pile supported wharf. As a result, we have received a number of written comments that describe ongoing concerns associated with existing cruise operations and express concerns about continuing cruise operations at UPT.

Further, the SCPA's proposed project has received substantial media attention over the past 2-3 years and during the comment period for the public notice issued on July 23, 2015. Several individuals and organizations have expressed an interest in reviewing the "40,000 pages" that were submitted by the SCPA to the Corps and referenced by the media. However, the SCPA's submission of the 40,000 pages was not a factor in our decision to issue the public notice on July 23, 2015. The majority of the SCPA's background documents consist of Federal and State agency records and other documents (emails, etc) that were submitted by the SCPA and the Plaintiffs in state court litigation several years ago.

A number of comments received to date have requested additional time to provide comments on the SCPA's proposed project, including on the SCPA's background documents (i.e., the 40,000 pages). We believe that the July 23, 2015 public notice contains sufficient information to give a clear understanding of the nature and magnitude of the activity to generate informed and meaningful comment, and the public's review of this documentation is unnecessary. However, the SCPA has agreed to make this information available on DVD for those persons who would still like to review the 40,000 pages. Requests for this information should be submitted to Mr. Patrick Moore at pmoore@SCSPA.com. With regard to the

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commenters who requested an extension to provide comments on the SCPA's proposed project, the Corps has decided to grant this request. Therefore, the original comment period has been extended for an additional 30 days, from August 24, 2015, until September 23, 2015.

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

SEPTEMBER 23, 2015

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

On August 24, 2015, the Corps issued a Public Notice (PN# 2003-13026) that described the proposed project and included drawings of the features that would be constructed on the existing pile supported wharf at UPT. This Public Notice is available on the Charleston District's website at <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices/tabid/5723/Article/610696/sac-2003-13026.aspx>. Please note these are the same drawings that were reviewed and approved by the South Carolina Department of Health and Environmental Control when they issued a Critical Area Permit and Coastal Zone Consistency Certification for the proposed project on December 18, 2012.

As stated in the original Public Notice, 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 of Engineers 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 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 Mr. Nathaniel I. Ball at 843-329-8044 or toll free at 1-866-329-8187.