

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-2018-00680

December 4, 2018

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. J Allen Patterson
18 Little Capers Rd
Beaufort, South Carolina 29907

for a permit to convert an upland excavated, freshwater pond into a tidally influenced pond by installing an overflow outfall/weir pipe in

tidal marshes of Lucy Creek

at a location described as 18 Little Capers Road, Beaufort County, South Carolina (Latitude: 32.4227 °N, Longitude: -80.6349 °W), **Beaufort 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 converting an upland excavated, freshwater pond into a tidally influenced pond by installing an overflow outfall/weir pipe. In detail, the applicant proposes to install an overflow standpipe, which is connected to a 74' long, 12" diameter inflow/outflow pipe, that will terminate in the tidal marshes of Lucy Creek. The applicant has proposed no mitigation for impacts to wetlands and/or waters of the United States, as the project involves placing structures in

Section 10 waters only and will not result in a loss of waters. The project purpose is to expand the reach of Section 10 waters by converting an upland excavated, freshwater pond into a tidally influenced pond.

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 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. 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 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 **0.01** acre 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, based on the most recently available information that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

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)(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**

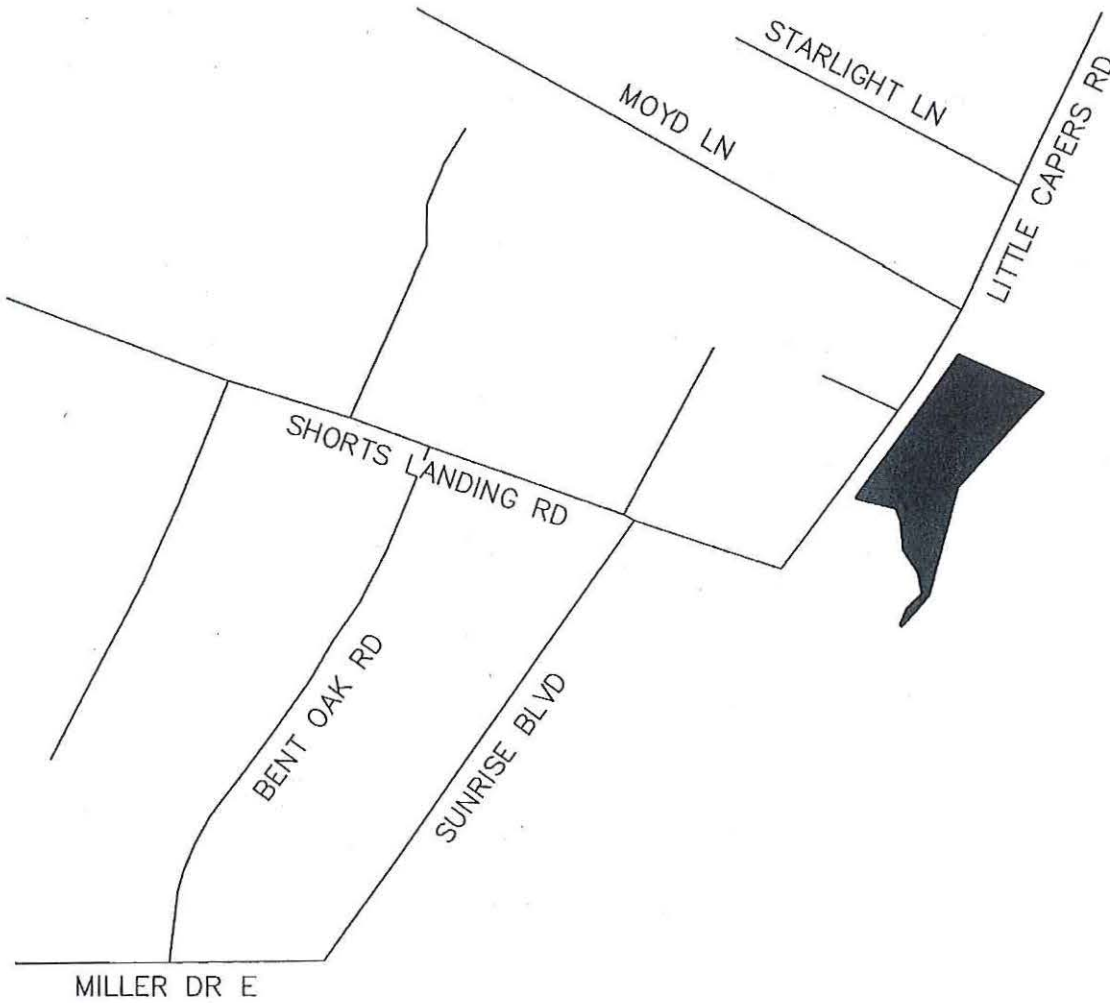
If there are any questions concerning this public notice, please contact Tyler L. Sgro, Project Manager, at (843) 329-8044.



GASQUE & ASSOCIATES INC.

LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1798



SURVEYOR SIGNED HEREON IS CHARGED WITH SURVEY MATTERS AND THE PHYSICAL DRAWING ON A COMPUTER DRAFTING SYSTEM ONLY. THIS IS NOT A DESIGN OR INTENDED TO BE ONE. ALL DEPICTIONS THAT ARE NOT SURVEY MATTERS IS PROVIDED BY OTHERS.

ADJACENT PROPERTY OWNERS:

R200-015-000-039C
 VERNA L. HOLMES
 24 LITTLE CAPERS RD
 BEAUFORT SC 29907

R200-015 000
 JANET S. MARK
 36 SHORTS LANDING RD
 BEAUFORT SC 29907

PREPARED FOR:

R200-015-000-037B
 J ALLEN PATTERSON IV
 18 LITTLE CAPERS RD
 BEAUFORT SC 29907

PROPOSED OVERFLOW WEIR SYSTEM

IN: MARSHES OF THE LUCY CREEK

AT: LADY'S ISLAND

COUNTY OF: BEAUFORT
 STATE: SOUTH CAROLINA

JOB# 36366 DESIGN 6

DATE: 08/29/2017



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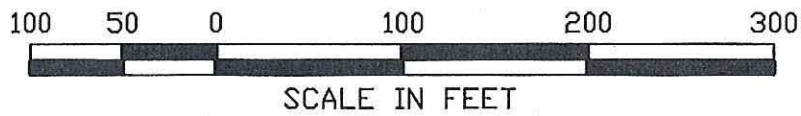
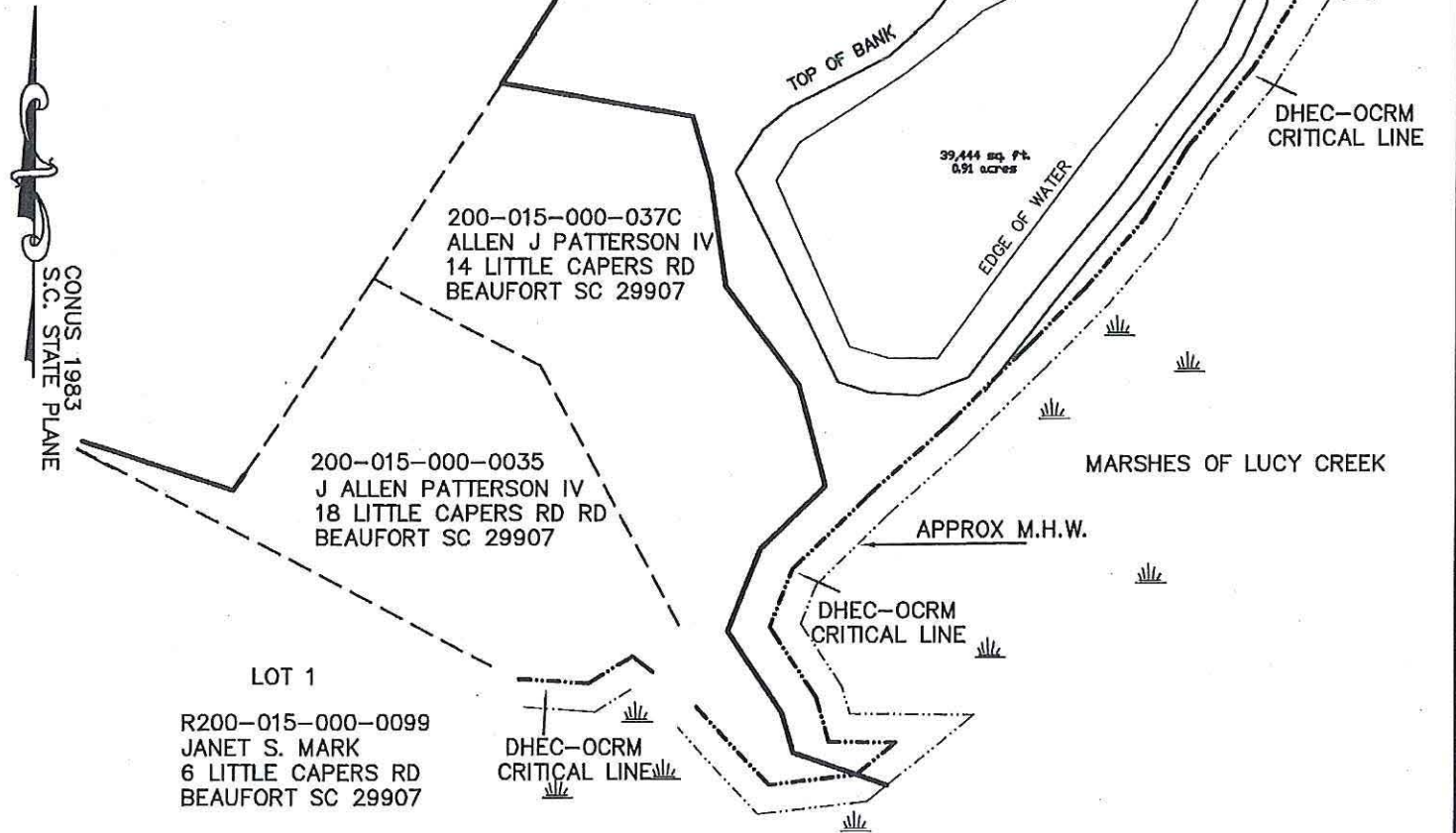
N 214741.1206
E 2112522.6001

N 214636.9173
E 2112752.9417

DHEC-OCRM CRITICAL LINE

THE AREA SHOWN ON THIS PLAT IS A PRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES IT'S RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

SIGNATURE _____ DATE _____
THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.



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 Beaufort SC 29907

N 214741.1206
 E 2112522.6001

N 214636.9173
 E 2112752.9417

200-015-000-037B
 ACREAGE IS TO APPROX M.H.W.
 159,486 sq.ft.

200-015-000-037C
 ALLEN J PATTERSON IV
 14 LITTLE CAPERS RD
 BEAUFORT SC 29907

200-015-000-0035
 J ALLEN PATTERSON IV
 18 LITTLE CAPERS RD RD
 BEAUFORT SC 29907

LOT 1
 R200-015-000-0099
 JANET S. MARK
 6 LITTLE CAPERS RD
 BEAUFORT SC 29907

39,444 sq. ft.
 0.91 acres

EDGE OF WATER

PROPOSED
 OVERFLOW
 WEIR SYSTEM

MARSHES OF LUCY CREEK

APPROX M.H.W.

DHEC-OCRM
 CRITICAL LINE

DHEC-OCRM
 CRITICAL LINE

DHEC-OCRM
 CRITICAL LINE



SCALE IN FEET

SURVEYOR SIGNED HEREON IS CHARGED WITH SURVEY MATTERS AND THE PHYSICAL DRAWING ON A COMPUTER DRAFTING SYSTEM ONLY. THIS IS NOT A DESIGN OR INTENDED TO BE ONE. ALL DEPICTIONS THAT ARE NOT SURVEY MATTERS IS PROVIDED BY OTHERS.

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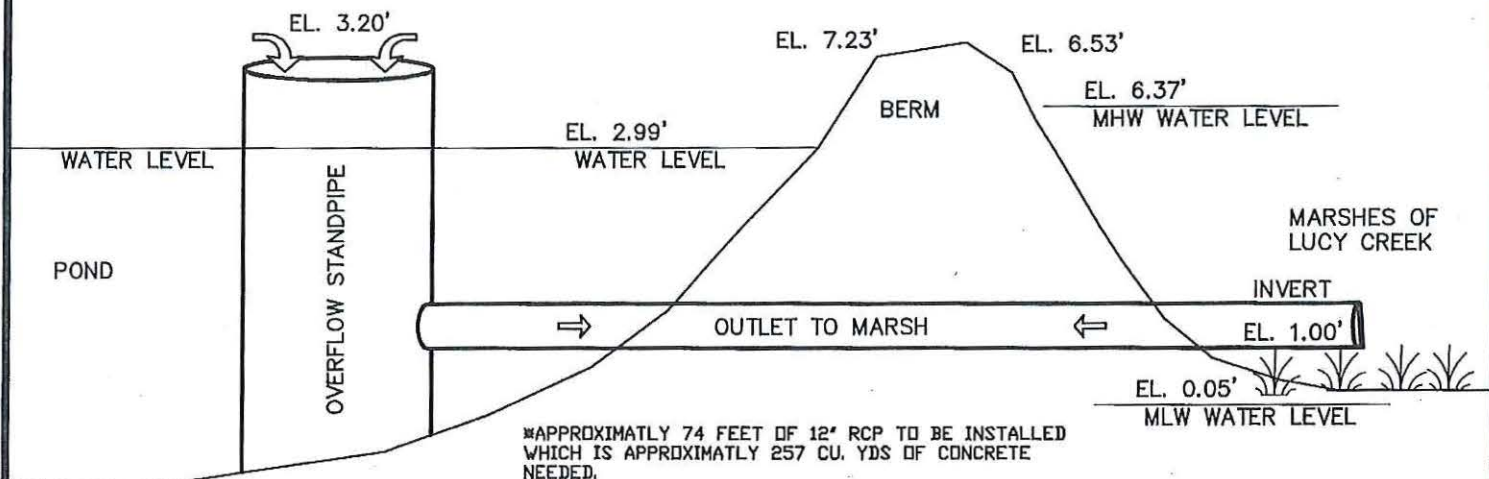
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NOTE: ELEVATIONS ARE BASED ON NAVD '88 DATUM

STATION ID: 8667901 VM#: 4405
 LADIES ISLAND, LUCY POINT CREEK PID#: CK2374

HIGHEST OBS. WATER LEVEL	8.69'
MEAN HIGHER HIGH WATER	MHHW=6.72'
MEAN HIGH WATER	MHW=6.37'
MEAN TIDE LEVEL	MTL=3.21'
MEAN LOW WATER	MLW=0.05'
MEAN LOWER LOW WATER	MLLW=0.00'

OVERFLOW WEIR SYSTEM



*APPROXIMATELY 74 FEET OF 12" RCP TO BE INSTALLED WHICH IS APPROXIMATELY 257 CU. YDS OF CONCRETE NEEDED.

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