<u>JOINT</u> <u>PUBLIC NOTICE</u>

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue Charleston, SC 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-1997-11134

February 8, 2017

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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 <u>et.seq.</u>), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

MR. FRANK GASTON SHELTER COVE MARINA / GREENWOOD COMMUNITIES & RESORTS 1 SHELTER COVE LANE HILTON HEAD ISLAND, SOUTH CAROLINA 29928

for a permit to perform maintenance dredging to an entrance channel and marina basin in

SHELTER COVE MARINA

at 1 Shelter Cove Lane, Beaufort County, South Carolina (Latitude: 32.1813 °N, Longitude: -80.7302 °W), Quad Sheet- SC- Hilton Head.

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 performing maintenance dredging to an entrance channel and a marina basin at Shelter Cove Marina. In detail, the applicant is requesting authorization under a ten-year maintenance permit to perform an initial, limited dredging of the marina basin that would utilize the remaining capacity of their existing upland confined disposal facility (CDF). They have proposed to hydraulically dredge approximately 29,000 cubic yards (cy) from the marina and entrance channel to a depth of -5 ft MLLW plus one foot allowable over dredge (as shown on attached project drawings Sheets 3-8 and 15-18 of 25). This material will be placed, via a temporary pipeline into their existing CDF. The CDF was constructed for the 2000 maintenance dredging effort, under DA permit # 97-1T-116, and has a capacity of 110,000 cy. In order to be able to use the CDF for subsequent maintenance dredging events the applicant will dewater the CDF and remove 70,000 cy of old dredge material and haul the material to Waste Management Landfills in Ridgeland, South Carolina. Future maintenance efforts (to be performed under this same authorization) will involve hydraulically dredging approximately 70,000 cubic yards of the marina basin and entrance channel to its originally permitted depth of -9 MLLW plus one foot allowable over dredge (as shown on project drawings Sheets 9-14 and 19-22 of 25). This material will be pumped to the existing CDF via the temporary pipeline that runs from the marina basin along the critical line on the north side of Shelter Cove Mall and the Community Park to an existing drainage ditch on the east side of the Park. The pipeline will run along the ditch before crossing beneath Shelter Cove Lane in the permanent conduit, and then be routed over the dike into the CDF in the same influent location as the 2000 maintenance effort. The temporary pipeline will be removed at the completion of the dredging events. In total the applicant is proposing to dredge 15.77 acres of marina basin and entrance channel to the Shelter Cove Marina.

As there are no impacts to wetlands, the applicant is not proposing mitigation. The applicant intends to implement Best Management Practices (BMPs) and proposes to deploy floating turbidity curtains around the immediate work area during bottom disturbing activities to control turbidity and minimize impacts to aquatic resources. The project purpose is to restore and maintain adequate depth to enable safe navigation to, from, and within an existing marina.

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. 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 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 **15.77** acres of estuarine substrates 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 <u>no effect</u> 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.

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)(/(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 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. 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 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, SC 29403-5107

If there are any questions concerning this public notice, please contact Chelsea B. Bowman, Project Manager, at (843) 329-8038 or toll free at 1-866-329-8187.

















































