

PUBLIC NOTICE

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

REGULATORY DIVISION

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

July 23, 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)

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

AUGUST 24, 2015

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

The proposed work in waters of the U.S. consists of installing additional pilings underneath the existing wharf at Union Pier Terminal (UPT) as shown on drawing sheets 5 and 6 of 11. The existing marine cargo and cruise terminal consists of 43 acres of uplands, 20 acres of pile supported concrete walkways and structures, 2,470 linear feet of berths with an authorized depth of -45 feet Mean Low Water (MLW), and more than 600,000 square feet of warehouses, transit sheds, and other port related buildings. The additional pilings are required in order to install elevators and escalators inside Building 322, an existing warehouse that the South Carolina Ports Authority (SCPA) has proposed to renovate as part of a plan to relocate existing cruise operations from the southern to the northern end of UPT.

In detail, approximately 20 additional pilings would be installed underneath the existing pile supported wharf using land based equipment. Five openings (for 3 elevators and 2 escalators) would be cut in the concrete decking inside the existing warehouse to provide temporary access during the installation of the pilings, and the new pile caps would be installed at a slightly lower elevation than the existing decking to facilitate the installation of the new elevators and escalators.

July 23, 2015

Based on the available information, UPT has been developed with commercial docks and wharves for more than 100 years. The SCPA has not proposed to mitigate for impacts to waters of the United States because the entire footprint of the 20-acre pile supported structure was previously authorized by the Corps and has been developed as a marine cargo and cruise terminal since the 1970s. The project purpose is to renovate Building 322 to relocate existing cruise operations from the southern to the northern end of UPT.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> . For those unable to access the website, a copy of this notice and the associated plans will be provided, upon receipt of a written request. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided. Your request should be addressed to the

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

The Corps previously determined that the installation of additional pilings in navigable waters of the U.S. and the proposed modifications to buildings and warehouses that are located on the existing pile supported wharf (above waters of the United States) were consistent with the terms and conditions of Nationwide Permit (NWP) #3. However, in order to address the environmental concerns cited in the U.S. District Court's Order and remand dated September 18, 2013, the Corps concluded in August 2014 that the public interest review for the proposed project merited an expanded review process not generally available in an authorization under NWP #3. As a result, the District Engineer elected to exercise his discretionary authority under 33 CFR 330.1(d) to require an individual permit for the proposed project.

The South Carolina Department of Health and Environmental Control (SCDHEC) reviews projects in navigable waters of the State in accordance with the provisions of Section 401 of the Clean Water Act, certifies projects as consistent with applicable provisions of the Coastal Zone Management Act (48-39-10 et. seq.), and evaluates projects for compliance with the S.C. Construction in Navigable Waters Permit Program. In this case, SCDHEC issued a Critical Area Permit and Coastal Zone Consistency Certification for the proposed project on December 18, 2012. Prior to issuing this notice, the Corps requested SCDHEC's position regarding the requirement for a Section 401 water quality certification. According to SCDHEC, no Section 401 water quality certification from the State is required to conduct the proposed work.

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 less than 0.01 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, based on the most recently available information that the West Indian manatee (*Trichechus manatus*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermodochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), shortnose sturgeon (*Acipenser brevirostrum*), and Atlantic sturgeon (*Acipenser oxyrinchus*) may be present in open waters in the vicinity of the project site. However, it has been determined that the project will have no effect on these species and will not result in the destruction or adverse modification of designated or proposed critical habitat.

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 the NHPA, the District Engineer has consulted the latest published version of the National Register of Historic Places (NRHP) for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein and initially determined that there are historic properties and/or properties eligible for inclusion in the National Register present. The majority of UPT, including Buildings 325 (the existing passenger terminal) and Building 322 (the existing warehouse that would be renovated as part of the proposed project), was redeveloped in the 1960s and 1970s and is not considered eligible for the NRHP. However, UPT is located adjacent to the Charleston Historic District, which is listed on the NRHP. In addition, the southeast portion of the peninsula is also considered a National Historic Landmark (NHL).

The Charleston Historic District is composed of almost 5,000 structures dating from circa 1700 to circa 1941. It includes the majority of the developed peninsula south of Morris Street. Specifically, the U.S. Customs House, which is located across Washington Street from UPT, is a contributing member of the Charleston Historic District and is also individually listed on the NRHP. In addition, Ansonborough is located across East Bay Street from UPT, and the French Quarter District is located southwest of UPT within the boundary of the old city walls. Fleet Landing Restaurant is located immediately adjacent to UPT on a former US Navy Pier associated with World War II and was determined eligible for the NRHP by the State Historic Preservation Office (SHPO).

The District Engineer has not made a determination of effect regarding potential impacts associated with the proposed undertaking. However, prior to the issuance of this Public Notice, the Corps received letters from several organizations that expressed an interest in being consulting parties for purposes of the NHPA. This public notice serves to notify the State Historic Preservation Office (SHPO) that the Corps plans to initiate NHPA consultation for the undertaking. The Corps plans to coordinate with the consulting parties and SHPO to gather additional information about the project site and the surrounding area to inform an effects determination. Individuals or groups that would like to be consulting parties for purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice.

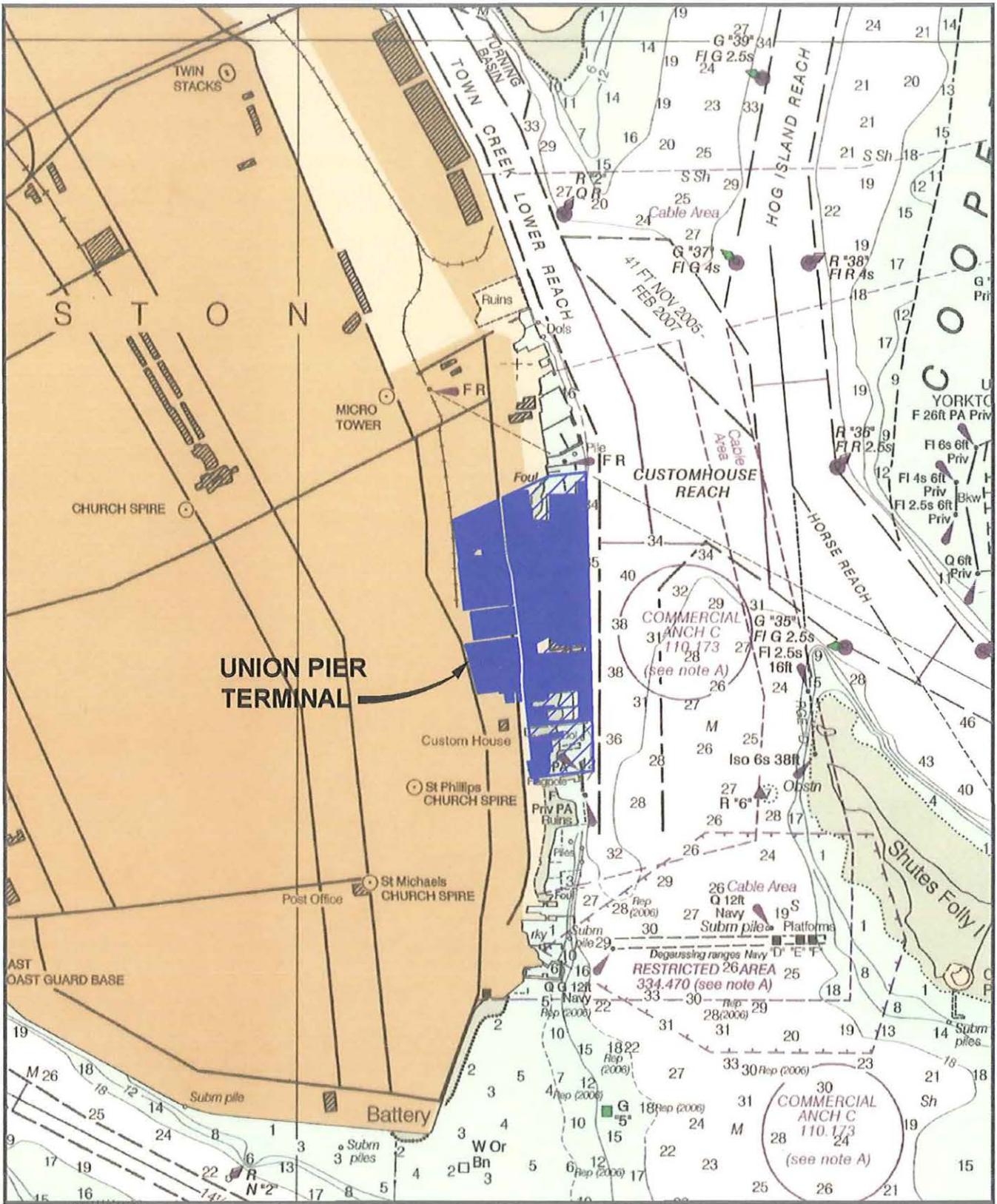
The District Engineer's final effect determinations will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties.

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 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.



**UNION PIER
TERMINAL**

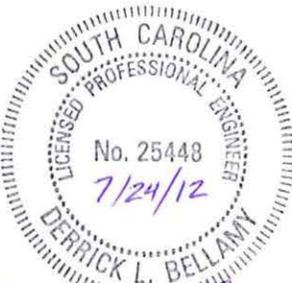
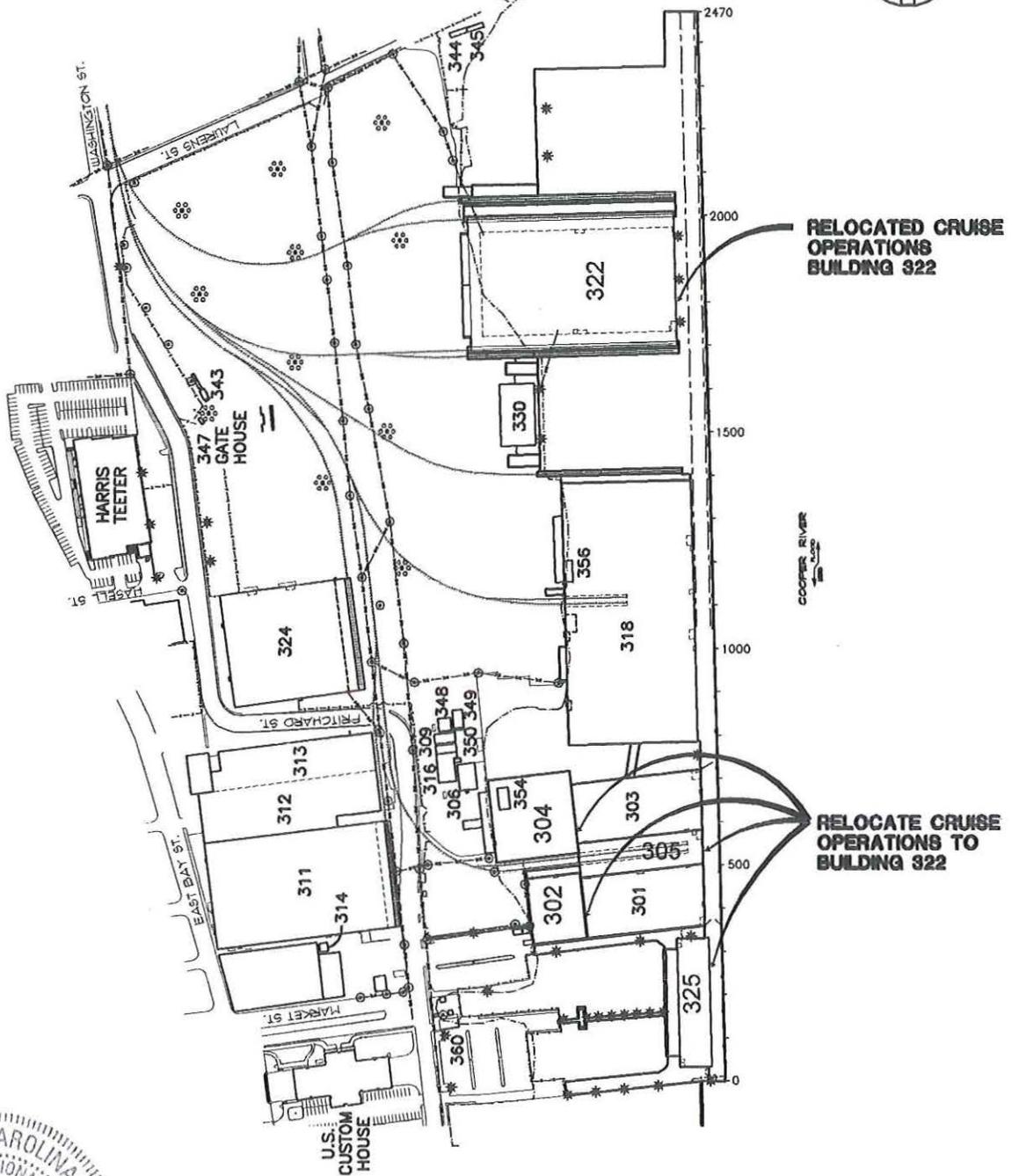
LOCATION

South Carolina State **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

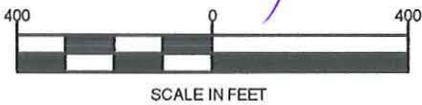
PROJECT NO.: CIF11E006B
FILE NAME: Upcptp1
DATE: JULY 2012
SHEET: 1 OF 11

SOUTH CAROLINA
 LICENSED PROFESSIONAL ENGINEER
 No. 25448
 7/24/12
 DERRICK L. BELLAWAY
Derrick L. Bellaway

DHEC/OCRM CRITICAL LINE
 LOCATED JUNE 2011
 APPROVED BY S. BROOKS
 ON AUGUST 5, 2011



Derrick L. Bellamy

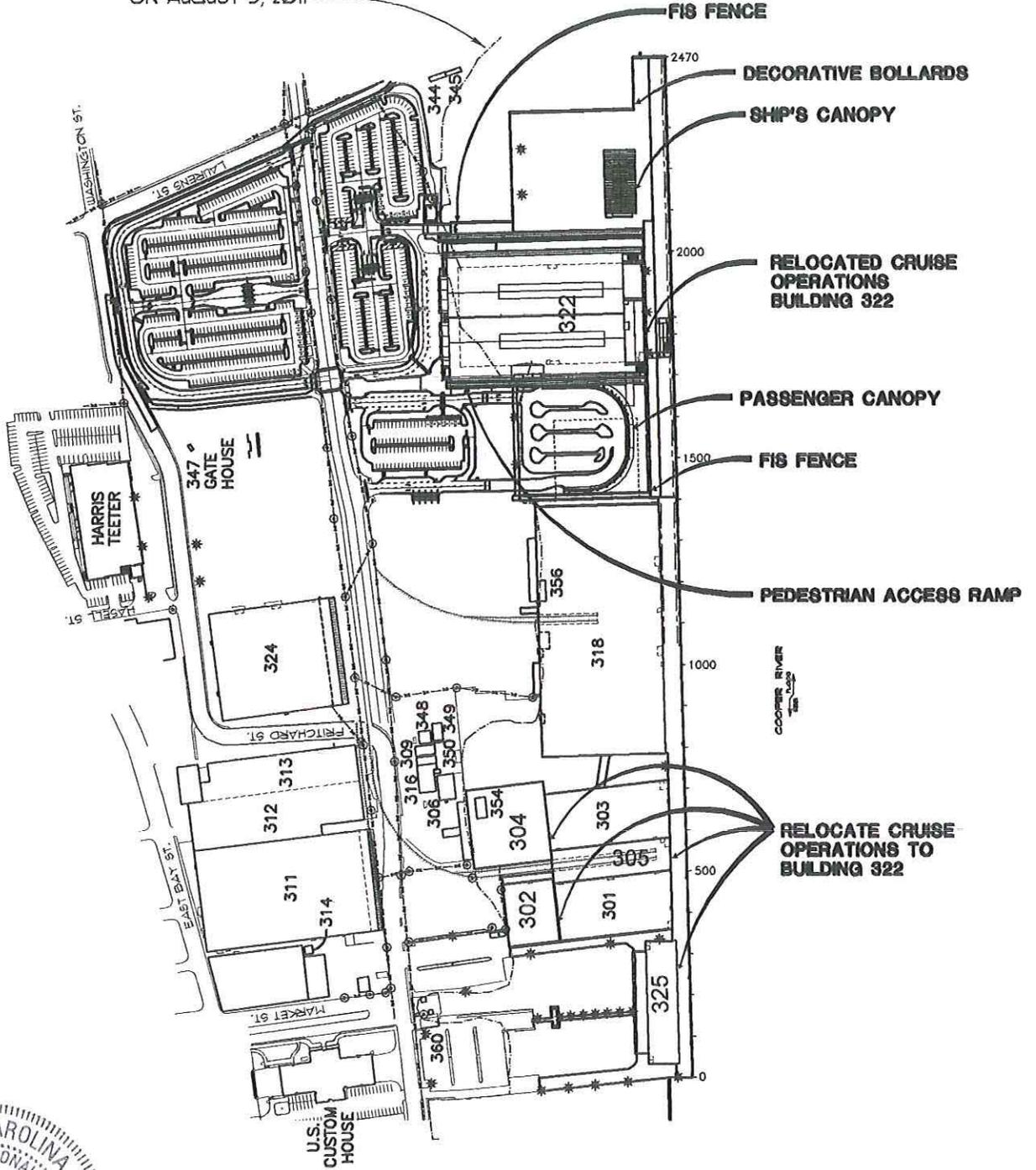


BUILDING LOCATION PLAN
UNION PIER TERMINAL

South Carolina **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROJECT NO.: CIF11E006B
 FILE NAME: Upcptp2
 DATE: MARCH 2012
 SHEET: 2 OF 11

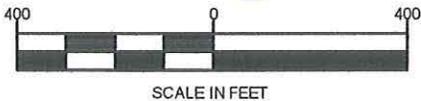
DHEC/OCRM CRITICAL LINE
 LOCATED JUNE 2011
 APPROVED BY S. BROOKS
 ON AUGUST 5, 2011



NEW BUILDING LOCATION PLAN UNION PIER TERMINAL

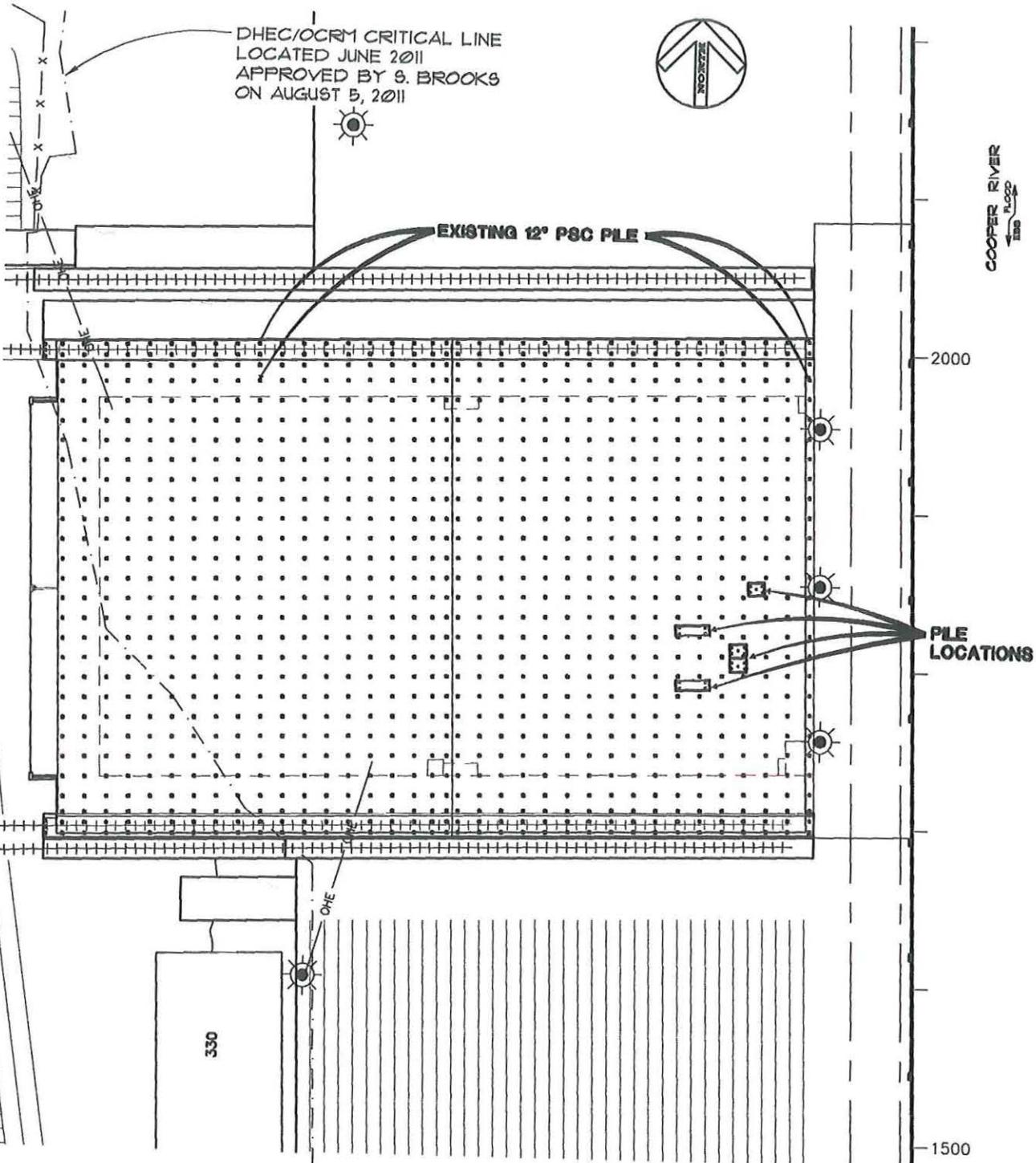


Derrick L. Bellamy

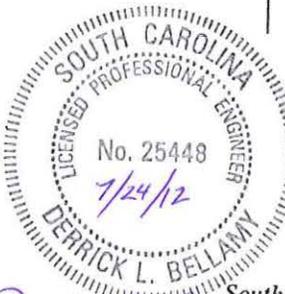
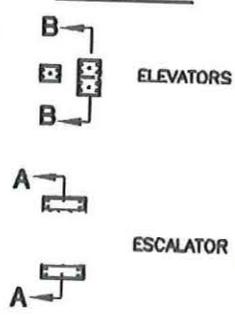


South Carolina State **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROJECT NO.: CIF11E006B
 FILE NAME: Upcptp3
 DATE: MARCH 2012
 SHEET: 3 OF 11

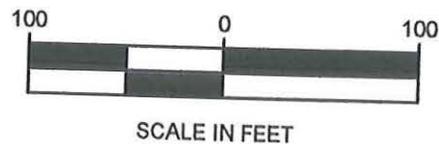


LEGEND

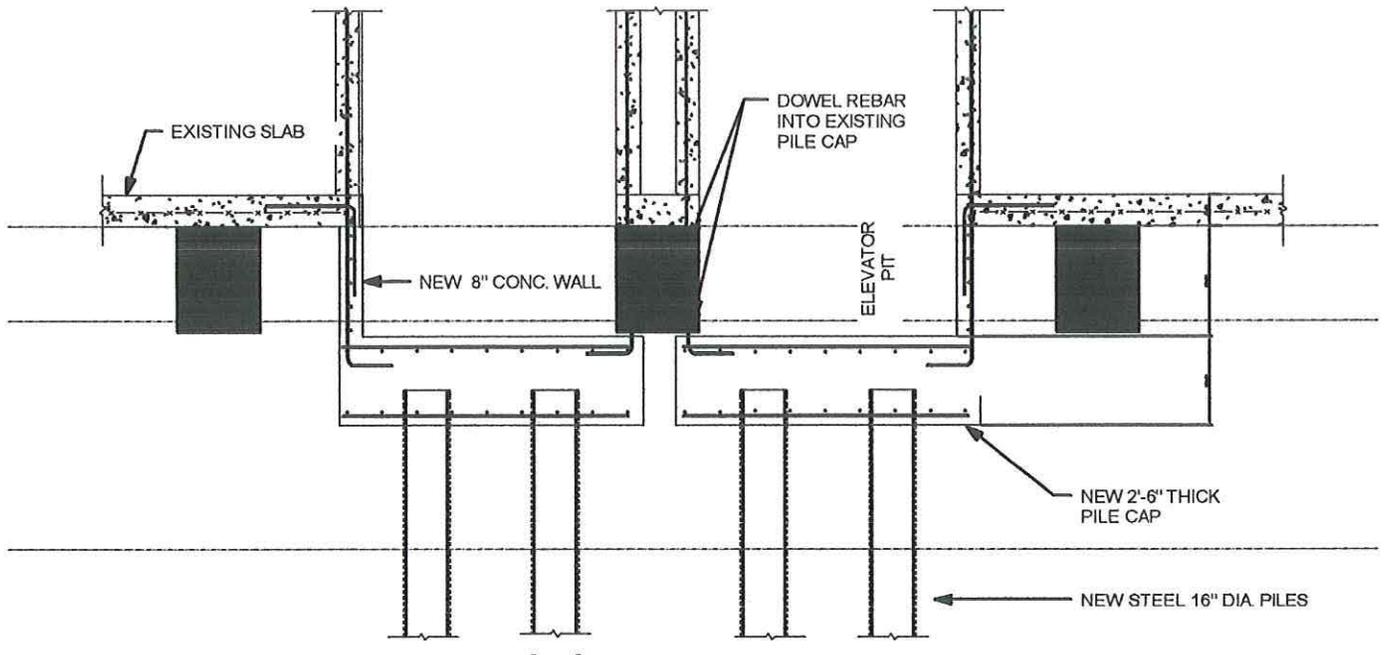


**MODIFICATIONS
(BUILDING 322)**

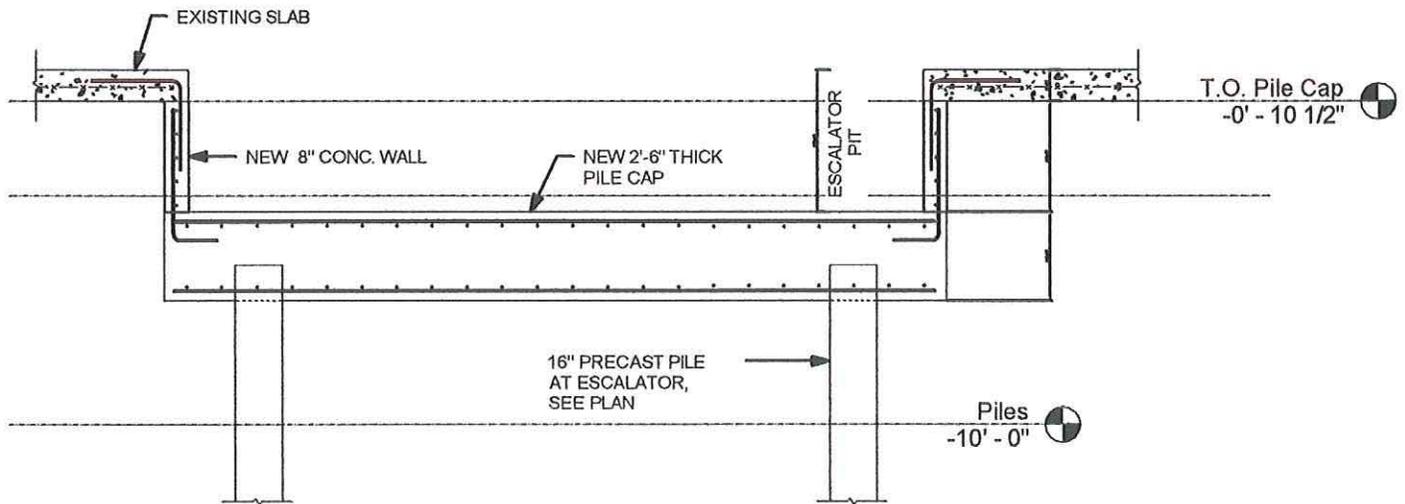
Derrick L. Bellamy
South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287



PROJECT NO.: CIF11E006B
FILE NAME: Upcptp4
DATE: JULY 2012
SHEET: 4 OF 11



A SECTION
ELEVATOR



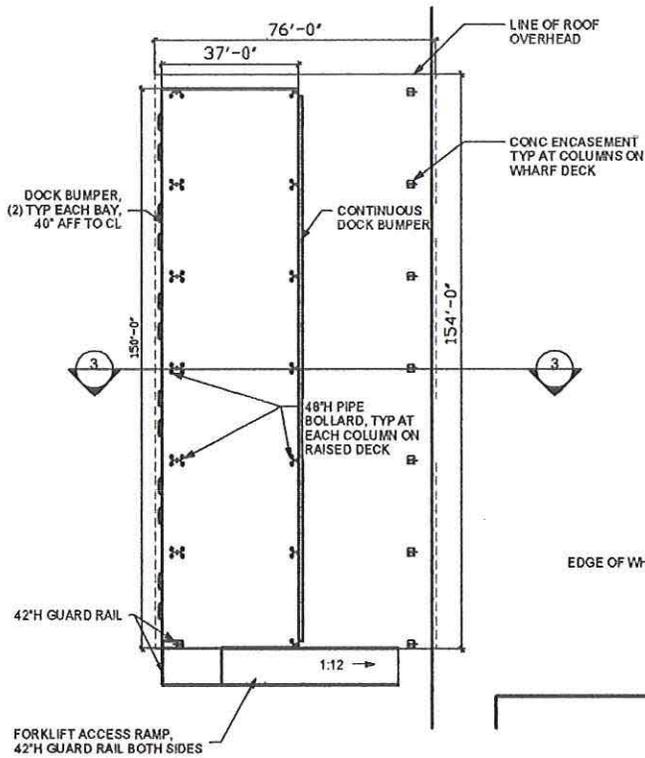
B SECTION
ESCALATOR

**MODIFICATIONS
(CROSS SECTION)**

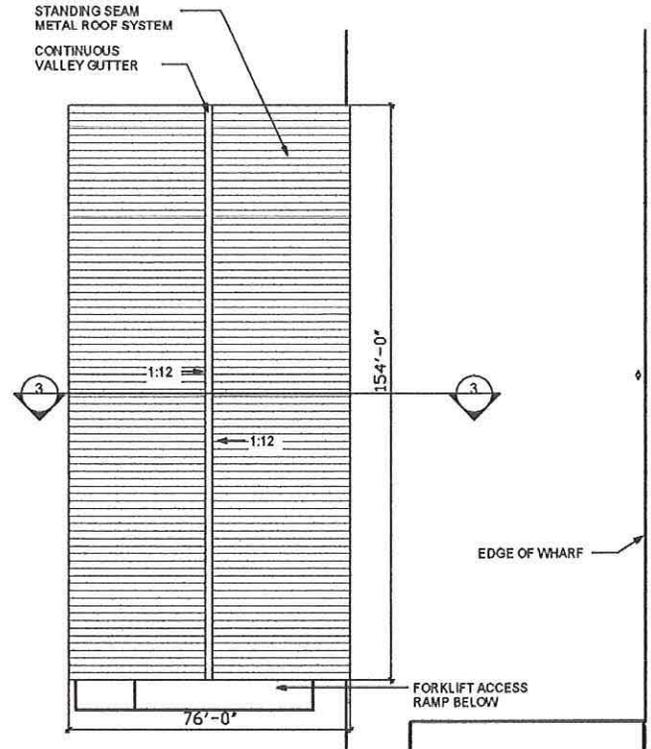
SOUTH CAROLINA
LICENSED PROFESSIONAL ENGINEER
No. 25448
7/24/12
DERRICK L. BELLAMY
Derrick L. Bellamy

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
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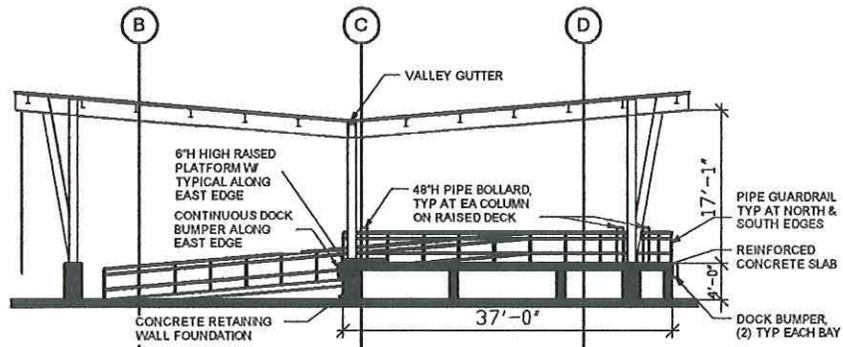
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DATE: JULY 2012
SHEET: 5 OF 11



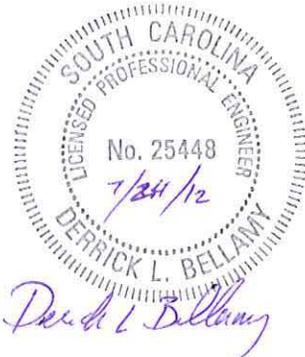
1 STORES CANOPY FLOOR PLAN



2 STORES CANOPY ROOF PLAN



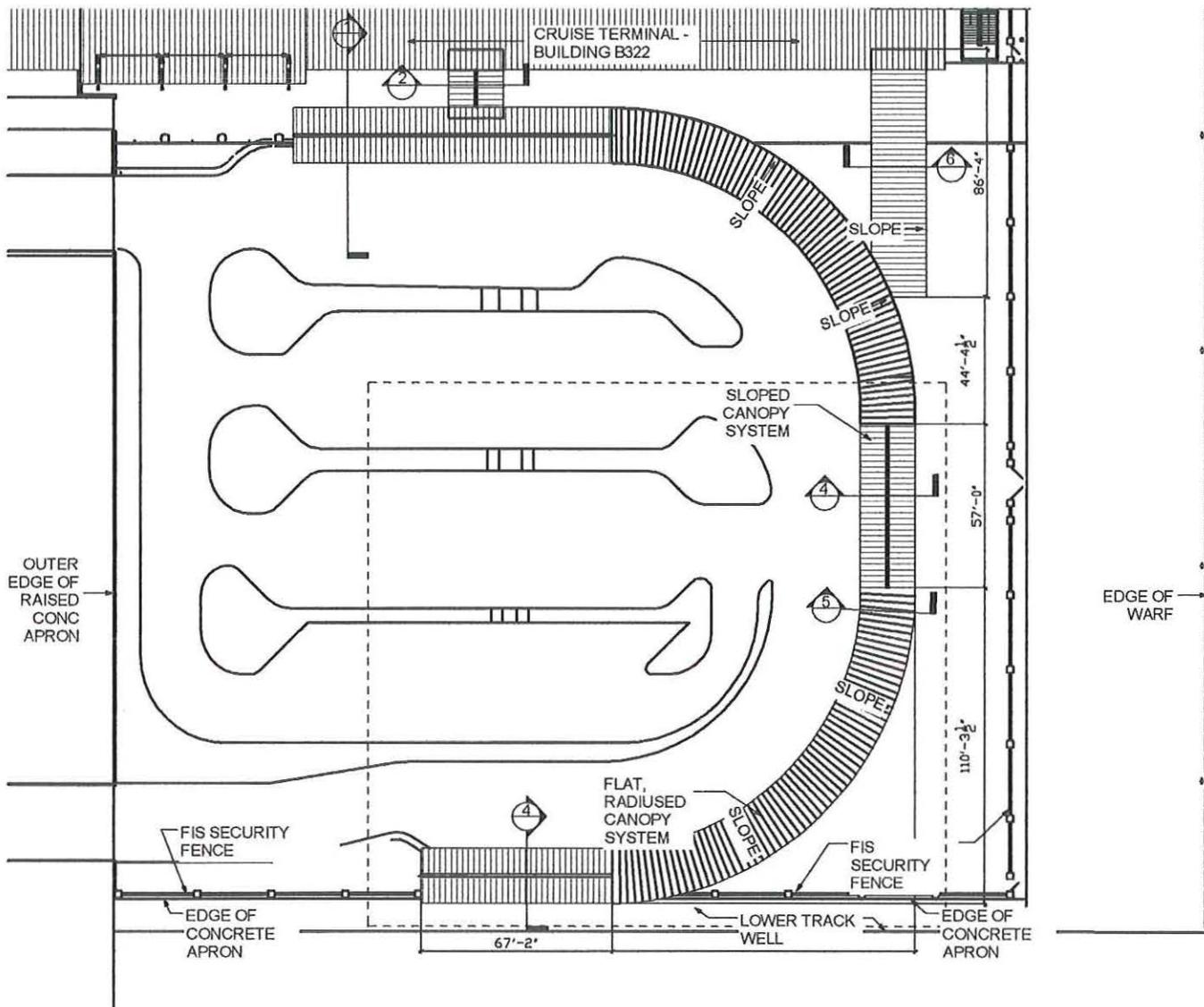
3 STORES CANOPY E-W SECTION



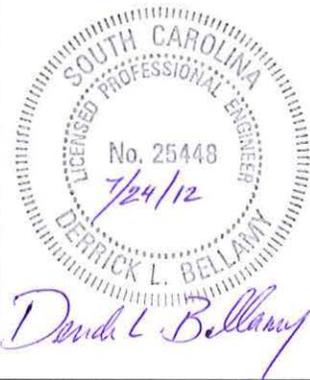
MODIFICATIONS NORTH APRON

South Carolina **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROJECT NO.: CIF11E006B
FILE NAME: Upcptp6
DATE: JULY 2012
SHEET: 6 OF 11



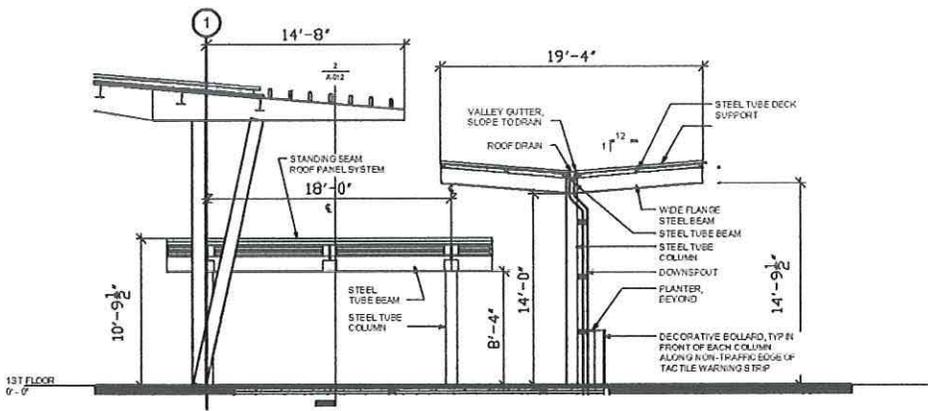
③ PAX CANOPY PLAN



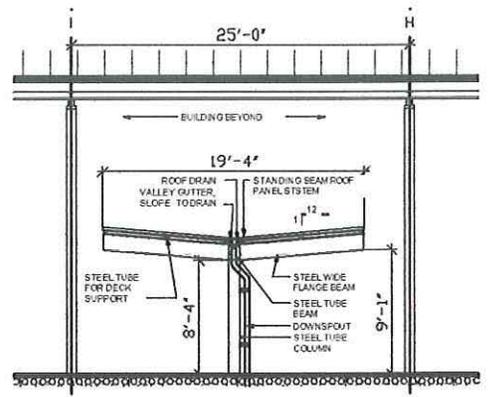
MODIFICATIONS SOUTH APRON

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

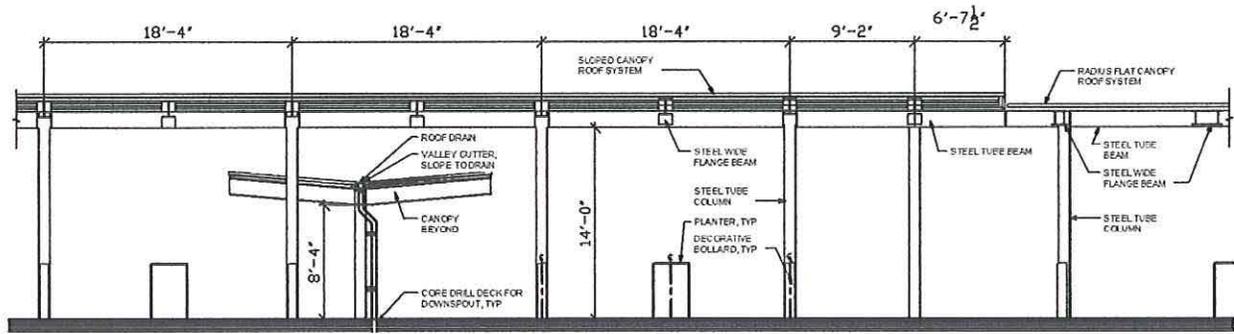
PROJECT NO. : CIF11E006B
FILE NAME : Upcptp7
DATE: JULY 2012
SHEET: 7 OF 11



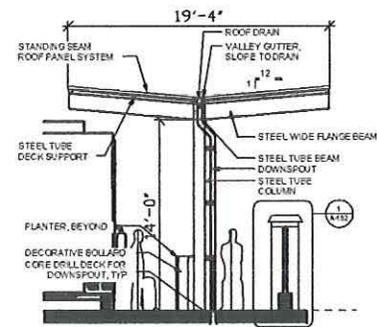
SECTION - PAX DROP OFF ZONE CANOPY



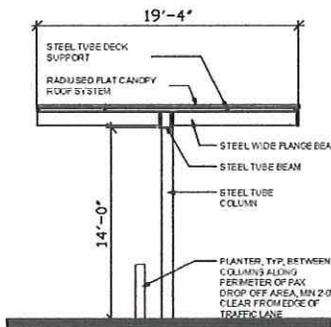
SECTION - PAX DROP OFF ZONE CANOPY @ BLDG INTERSECTION



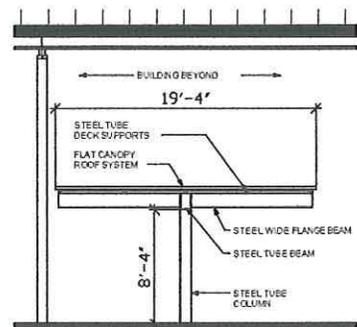
SECTION - PAX ACCESS CANOPY



SECTION - SOUTH PAX ACCESS CANOPY



SECTION - FLAT PAX ACCESS CANOPY



SECTION - FLAT POV BAG CANOPY

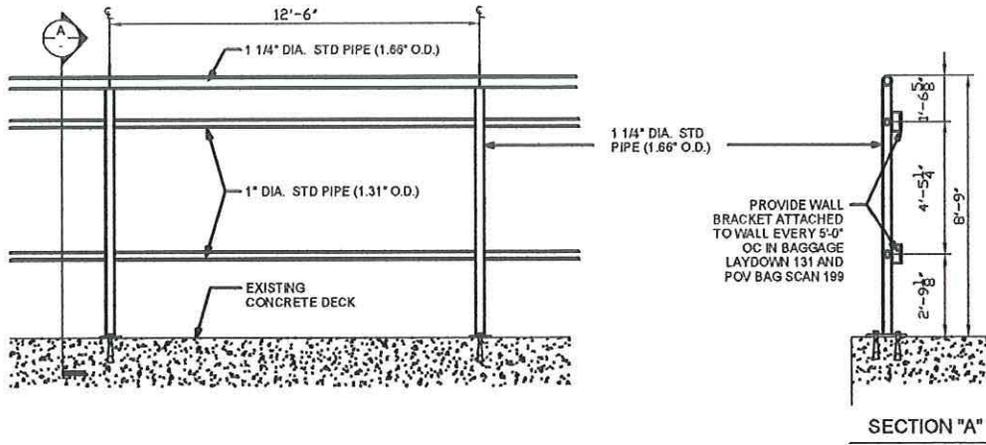


Derrick L. Bellamy

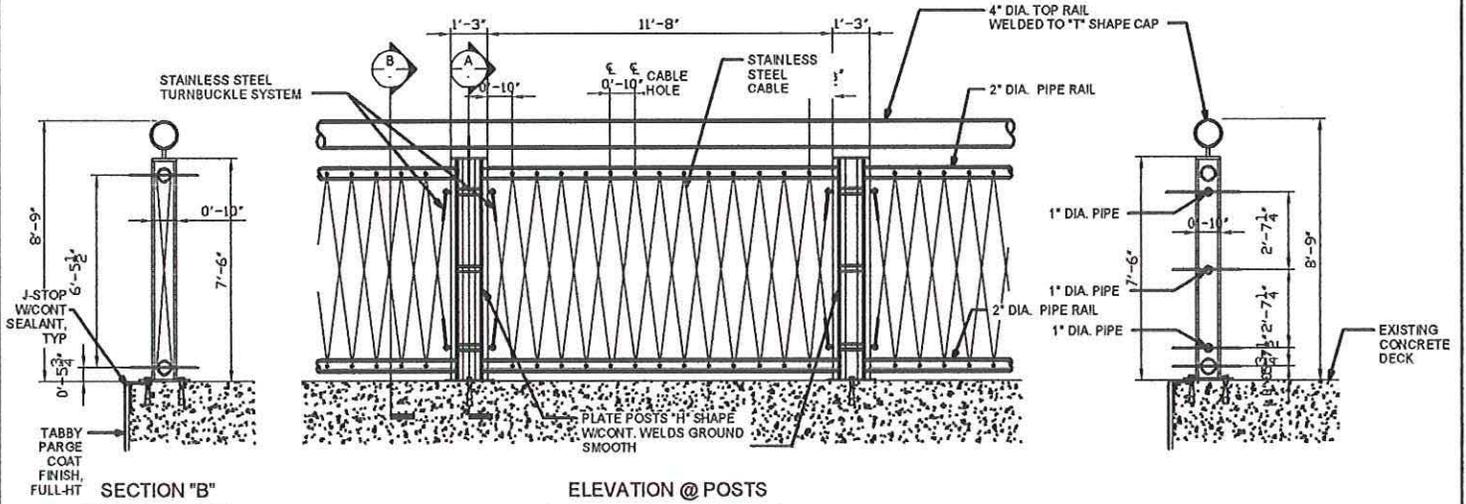
MODIFICATION SOUTH APRON - DETAILS

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROJECT NO.: CIF11E006B
FILE NAME: Upcptp8
DATE: JULY 2012
SHEET: 8 OF 11

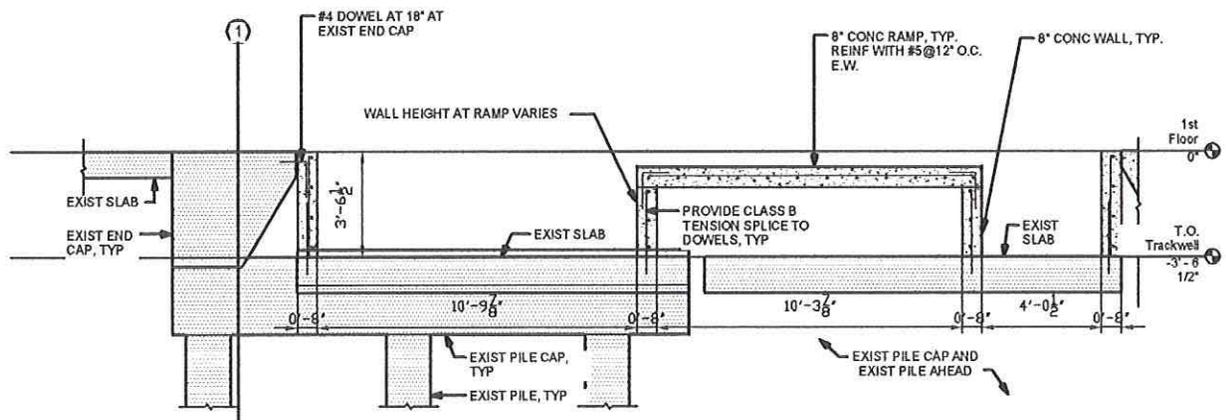


SECTION "A"



ELEVATION @ POSTS

SECTION "A"

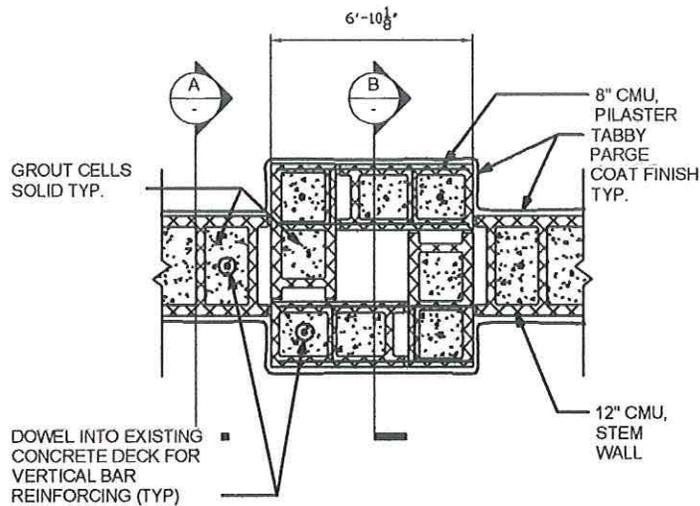


MODIFICATIONS PEDESTRIAN ACCESS RAMP DETAIL

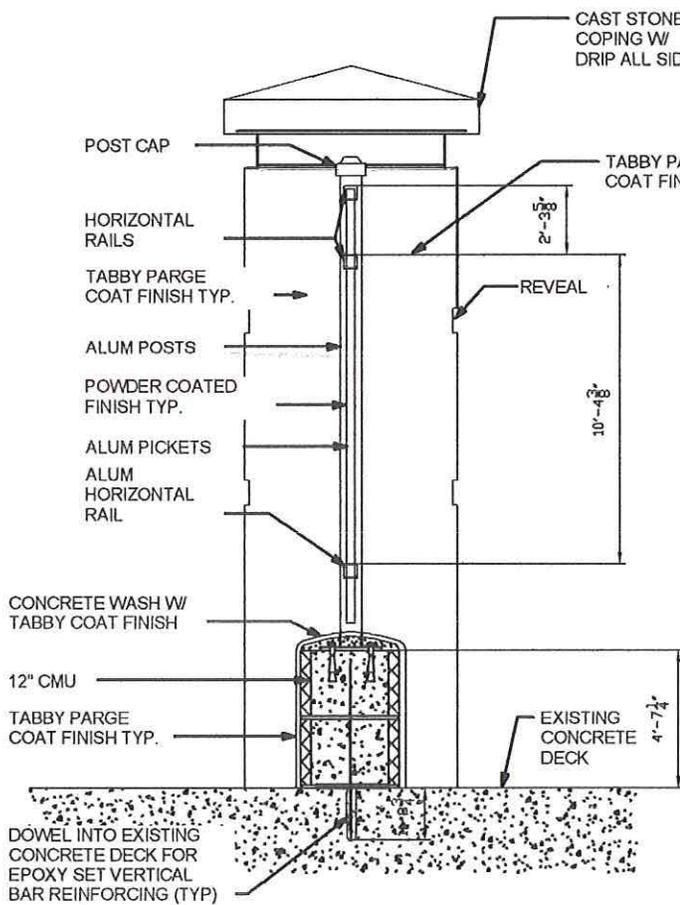
SOUTH CAROLINA
 LICENSED PROFESSIONAL ENGINEER
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 7/24/12
 DERRICK L. BELLAMY
Derrick L. Bellamy

South Carolina State PORTS AUTHORITY
 176 CONCORD STREET
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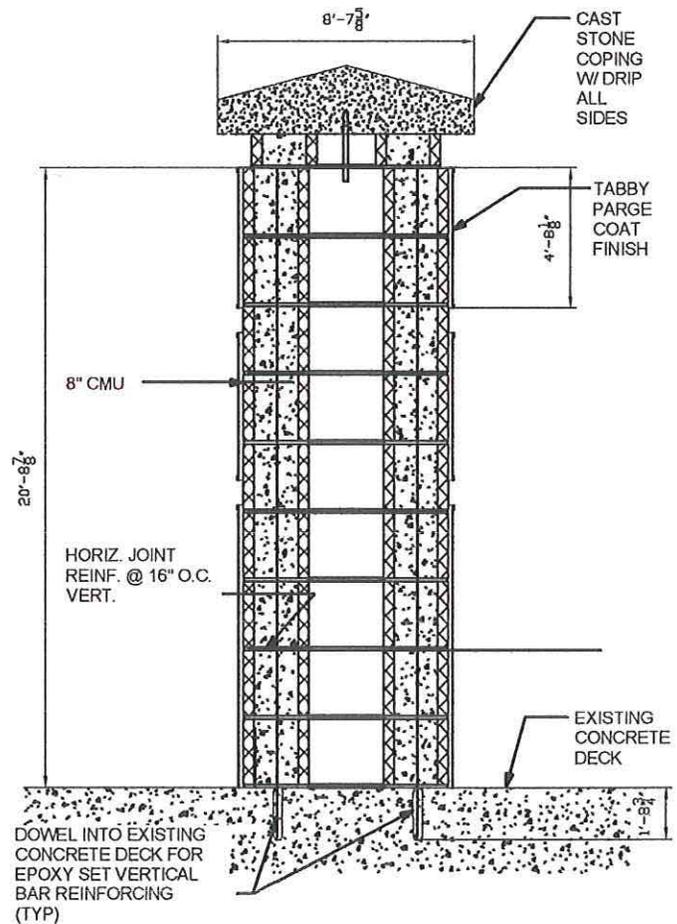
PROJECT NO. : CIF11E006B
 FILE NAME : Upcptp9
 DATE: JULY 2012
 SHEET: 9 OF 11



PLAN DETAIL @ MASONRY PILASTER



WALL SECTION "A" @ MASONRY STEM WALL

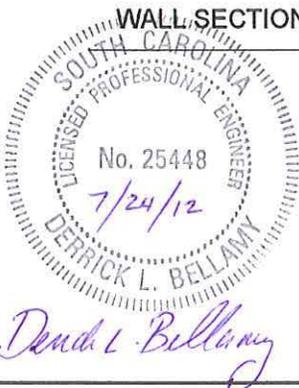


WALL SECTION "B" @ MASONRY PILASTER

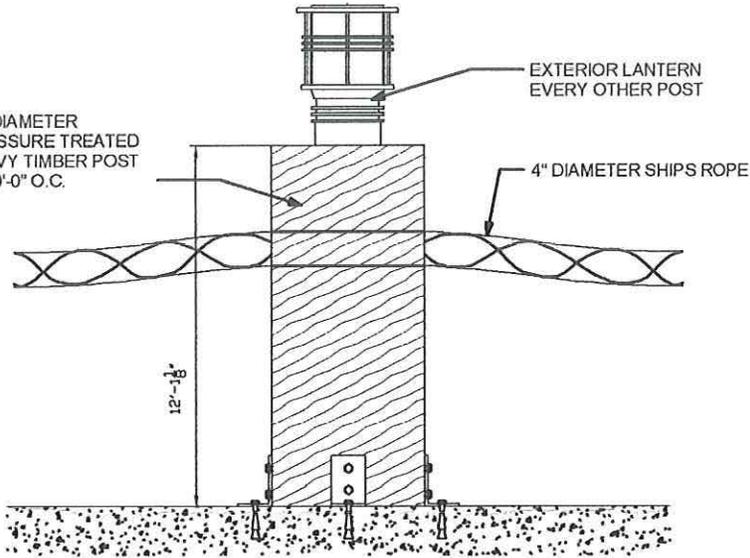
MODIFICATIONS SECURITY FENCE DETAILS

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

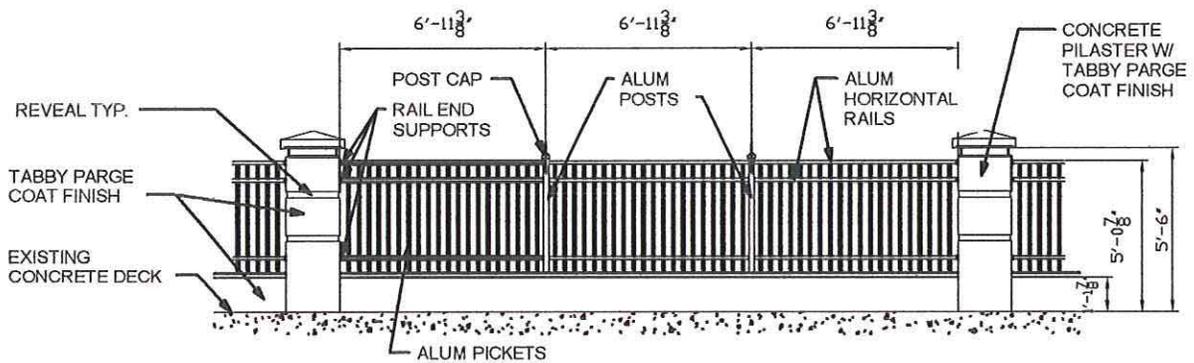
PROJECT NO.: CIF11E006B
FILE NAME: Upcptp10
DATE: JULY 2012
SHEET: 10 OF 11



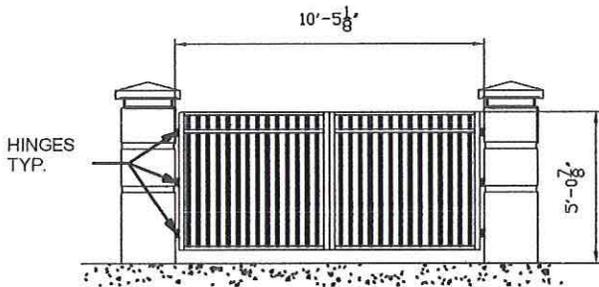
18" DIAMETER
PRESSURE TREATED
HEAVY TIMBER POST
@ 20'-0" O.C.



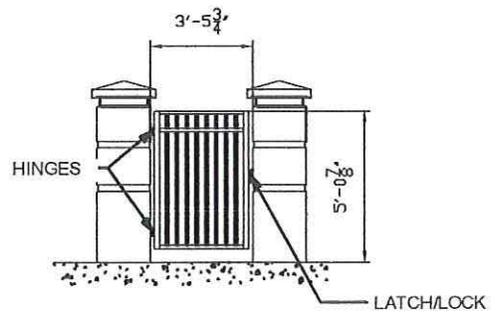
NORTH APRON DECORATIVE BOLLARDS



ELEVATION @ FIS SECURITY FENCE



ELEVATION @ ACCESS GATE



ELEVATION @ PED GATE

MODIFICATIONS SECURITY FENCE DETAILS

South Carolina State **PORTS AUTHORITY**
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PROJECT NO. : CIF11E006B
FILE NAME : Upcptp11
DATE: JULY 2012
SHEET: 11 OF 11



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