

JOINT
PUBLIC NOTICE

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-2017-01538

July 2, 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. Jerry Gault
HSCP, LLC
c/o Mr. Brandon Wall
Sligh Environmental Consultants, Inc.
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405

for a permit to create a tidal pond in uplands, excavate tidal waters and install a water intake pipe in the

HARBOR RIVER

at 59 Nathan Pope Road on St. Helena Island in Beaufort County, South Carolina (Latitude: 32.3962 °N, Longitude: -80.5063 °W), (Frogmore Quad Sheet) .

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 the creation of tidal pond, excavation of tidal waters and installation of a water intake pipe. In detail, the proposed project involves the excavation of

approximately 1.66 acres of uplands for the creation of a saltwater tidal pond, the excavation of 250 square feet (34 cubic yards) of material from tidal waters, and the installation of a 36" intake pipe. The proposed project also involves the construction of a headwall and riprap in uplands above the Mean High Water Line at the mouth of the intake pipe. The proposed project involves no discharge of fill material into wetlands or tidal waters. The material from the excavation of the upland saltwater pond will be sold and will not be disposed of onsite. The excavation of 250 square feet (34 cubic yards) of material from tidal waters will occur by high-hoe or an excavator from the uplands. The excavated material will be disposed of onsite but no runback of the material into wetlands or tidal waters will occur. The purpose of the proposed project is to construct and operate a horseshoe crab facility. The horseshoe crabs will be collected and temporarily stored in the newly constructed saltwater pond and transported to an off-site location to have blood drawn for medical purposes, then released back into locations approved by the South Carolina Department of Natural Resources (SCDNR). Tidal waters from the Harbor River will flow freely into the excavated pond through the 36" inch pipe. No mesh or screen will be located on the outside/river side of the pipe. A pipe and riser board control structure will be located in the pond. A screen or mesh will be located on the inside/pond side of the pipe to prevent horseshoe crab interference. The excavation of 250 square feet (34 cubic yards) of material from tidal waters will create a narrow channel that will extend into the tidal creek so that the pond can receive adequate tidal exchange. The invert of the pipe must be at the same elevation of the tidal creek (0.0 feet) with a slight rise to the pond side of the pipe (1.0 feet), which will ensure that the horseshoe crabs in the pond receive enough water each day to survive. The applicant has avoided and minimized impacts to wetlands by locating the pond in uplands and locating the project in the far southeastern corner of the property where the tidal creek is in close proximity to high ground and no wetland fringe is present. In addition, the headwall and riprap associated with the pipe will be located in uplands. No mitigation is being proposed as the project does not involve impacts to wetlands.

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

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 250 square feet 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.

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)(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.

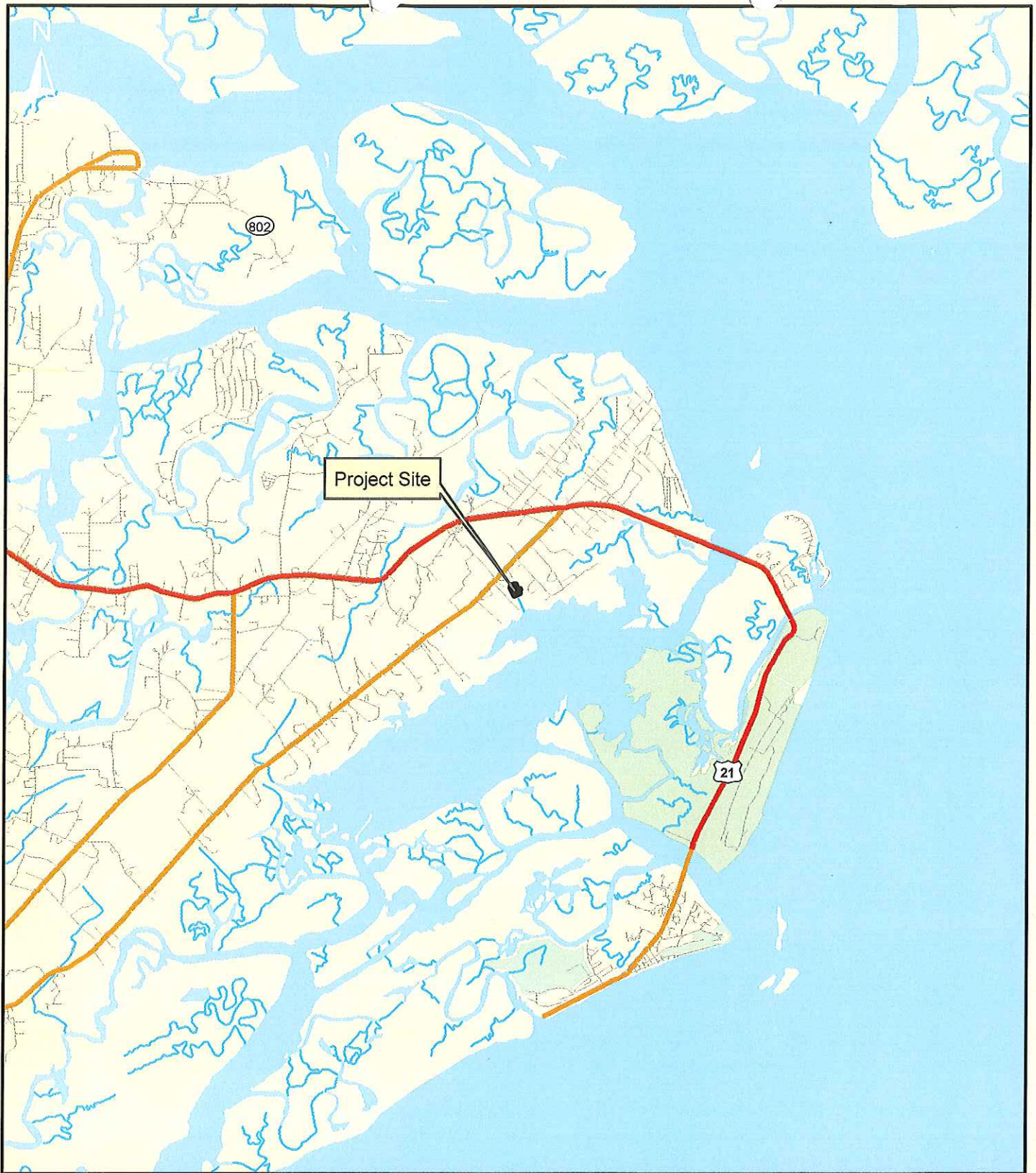
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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


July 2, 2018

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 Tracy D. Sanders, Project Manager, at (843) 329-8190 or toll free at 1-866-329-8187.



 Approximate Project Limits

Prepared By:
sligh environmental consultants, inc.
 31 Park of Commerce Way, Suite 200B
 Savannah, Georgia 31405
 phone (912) 232-0451
 fax (912) 232-0453

Location Map
 Horseshoe Crab Facility
 Beaufort County, South Carolina

2

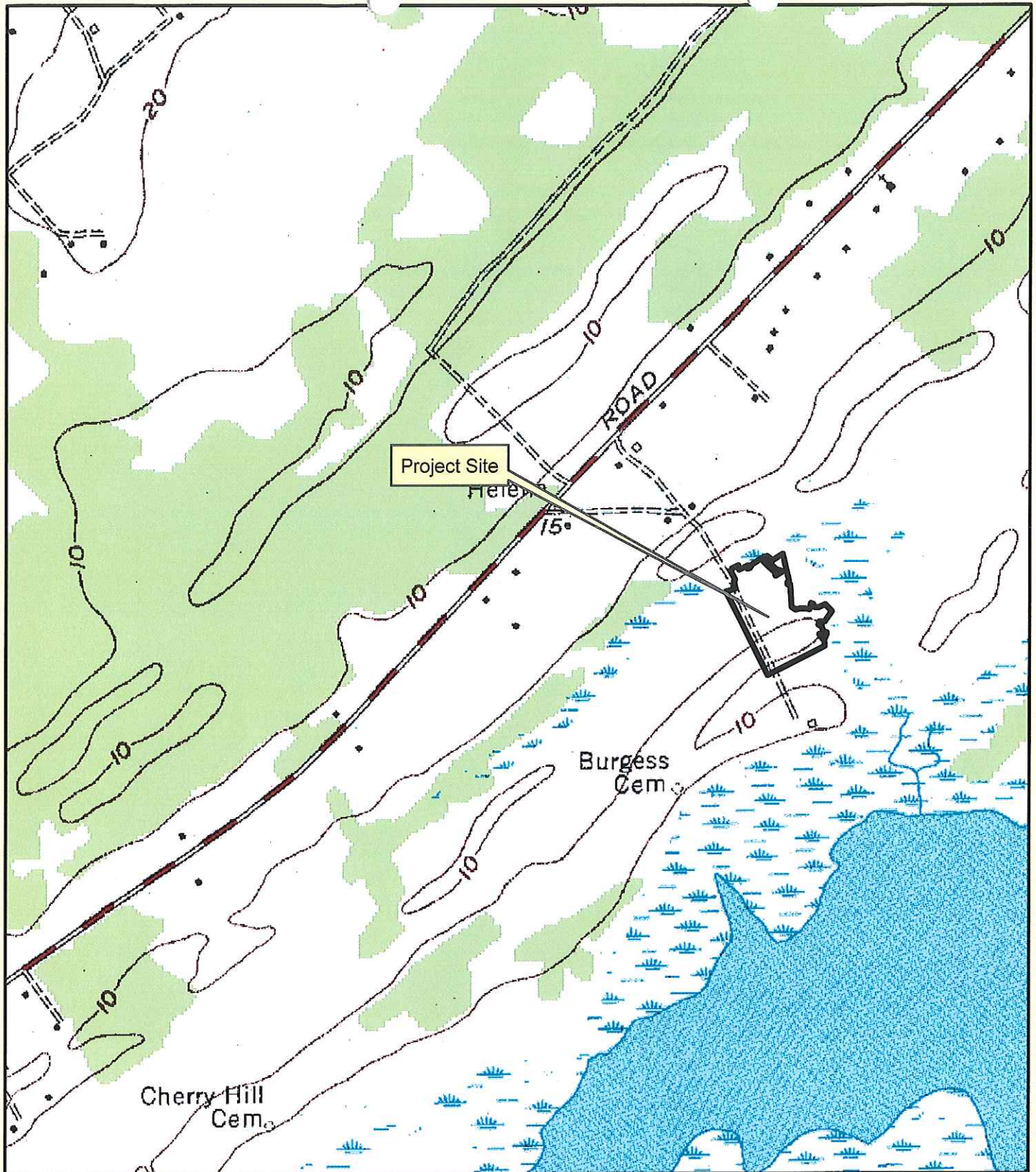
 Miles


Exhibit Date: May 21, 2018

Drawn By: BWW

Reviewed By: DJP

Job Number : 01-18-007



 Approximate Project Limits

Prepared By:

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 31 Park of Commerce Way, Suite 200B
 Savannah, Georgia 31405
 phone (912) 232-0451
 fax (912) 232-0453

USGS - Frogmore Quadrangle
 Horseshoe Crab Facility
 Beaufort County, South Carolina

1,000

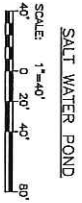
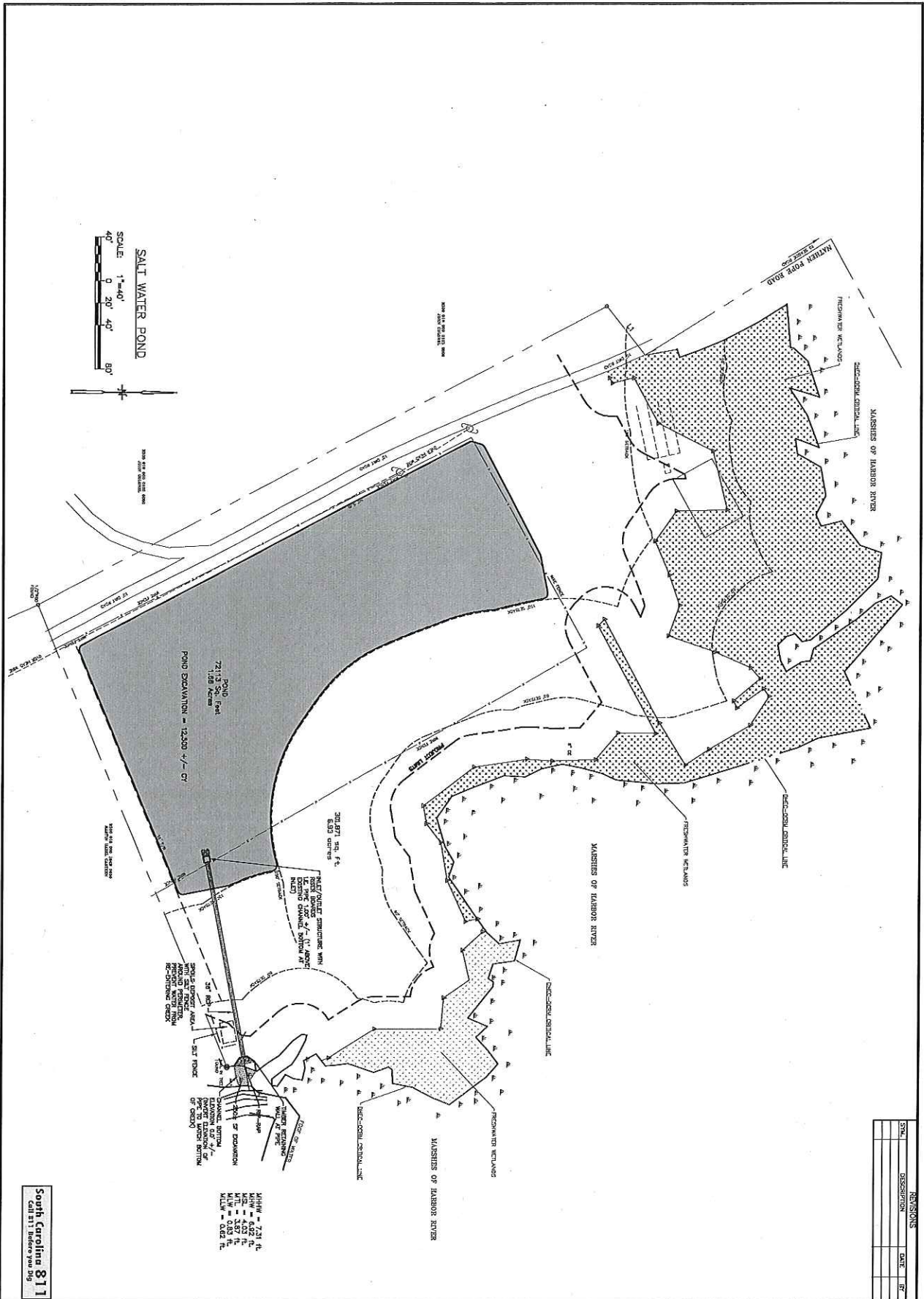
 Feet

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Job Number : 01-18-007



SALT WATER POND

South Carolina 811
Call 811 before you dig

MHHW = 7.31 ft.
MHW = 6.62 ft.
MLW = 3.87 ft.
MLLW = 3.27 ft.
MVLW = 0.82 ft.

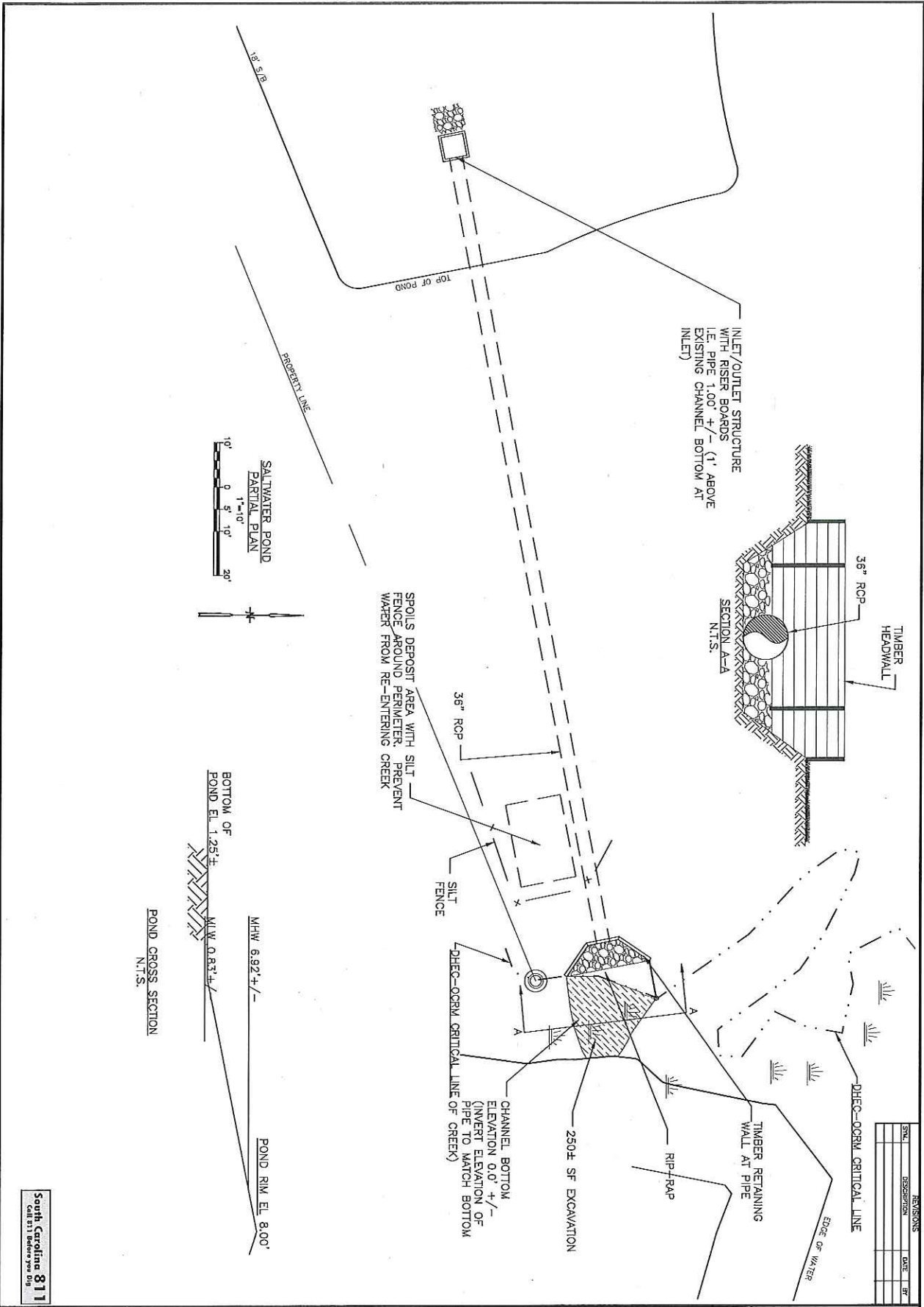
NO.	DATE	REVISIONS

DATE	APR 2018
DESIGNER	PLANK
CHECKER	CLARK
DATE	7/24/18
PROJECT NO.	1

HSCP LLC
SALTWATER POND
BEAUFORT COUNTY, SOUTH CAROLINA

SALTWATER POND LAYOUT





REVISIONS

SYMBOL	DESCRIPTION	DATE	BY

<p>DATE: MAY 2018</p> <p>DESIGNER: C.A.M.</p> <p>CHECKER: F.A.M.</p> <p>PROJECT NO.: 2</p>	<p>HSCP LLC SALTWATER POND BEAUFORT COUNTY, SOUTH CAROLINA</p>	<p>SALTWATER POND DETAIL</p>	<p>LOWCOUNTRY ENGINEERING CONSULTANTS, LLC REGISTERED PROFESSIONAL ENGINEERS SOUTH CAROLINA LICENSE NO. 40339</p>	<p>REGISTERED PROFESSIONAL ENGINEER SOUTH CAROLINA LICENSE NO. 15561 WILLIAM B. WATSON, P.E.</p>
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