<u>JOINT</u> PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 1835 Assembly Street, Room 865B-1 Columbia, South Carolina 29201 and THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL Water Quality Certification and Wetlands Section 2600 Bull Street Columbia, South Carolina 29201

REGULATORY DIVISION Refer to: P/N SAC-2021-00520

July 9, 2021

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. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, <u>et. seq.</u>, 1976 <u>S.C. Code of Laws</u>, as amended), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

Mr. Brandon Crutchfield Bear Creek Partner, LLC 2381 Dutch Fork Road Chapin, South Carolina 29036

for a permit to remove and replace an existing marina in

Lake Murray

at Putnam's Landing marina, south of Putnam Drive, in Crenshaw Cove, on Lake Murray, Lexington County, South Carolina (Latitude: 34.0523 °, Longitude: -81.2035 °), Quad Sheet- Irmo.

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 would consist of the redevelopment of an existing marina in Lake Murray, including removal of existing multi-slip dock structures, dredging, placement of fill material for shoreline stabilization, and construction of new multi-slip dock structures, bringing total number of docks from 43 (existing) to 120 (proposed). In detail, the proposed project would include:

<u>Structure removal.</u> Removal of existing structures including four floating docks with a total of 43 slips (a 32 slip dock, a 4 slip dock, a 5 slip fueling dock, and a 2 slip loading dock), one fixed pier/boardwalk/loading dock, and approximately 1,340 linear feet (If) of failing wooden bulkhead and/or rip-rap shoreline stabilization. Note that the existing boat ramp with floating dock is proposed to remain in place.

<u>Dredging.</u> Dredging of approximately 450 cubic yards (cy) in a 0.3 acre area of Lake Murray including a portion of the existing earthen peninsula and surrounding the earthen peninsula to create the new dry dock storage launch and proper channel depth for safe navigation to and from a proposed dry dock launch. According to the applicant, the dredged material would be spread on site as part of the grading operations unless deemed unsuitable after testing. If unsuitable, the material would be taken to an appropriate landfill facility.

<u>Placement of fill material.</u> Placement of approximately 890cy clean fill material (590cy concrete, 100cy riprap, 200cy earthen) will be placed in approximately 0.4 acre of Lake Murray for the construction of the new dry dock launch, abutments, and concrete bulkhead (approximately 1,340lf). A temporary sheet pile dam may be necessary to dewater 0.05 acre of Lake Murray for the construction of the new dry dock launch.

<u>Construction of new structures.</u> Construction of a new fixed wooden pier walkway with metal gangway leading to a new 120 covered slip dock tree (docks "A," "C," "D"). The docks would be secured in place with wood pilings, and a new uncovered fueling/pump-out/handicap dock (dock "B"), with metal gangway would be attached to a new concrete abutment/walkway and secured in place with wood pilings. In total the proposed dock tree would extend approximately 202' waterward from the 360' full pool elevation and would parallel the shoreline and the applicant's property line, spanning approximately 638' of shoreline. Attending structures such as dry dock storage buildings, office buildings, roads, parking lots, and water quality ponds, would be constructed in the uplands above the 360' full pool elevation.

The applicant has not proposed compensatory mitigation. Per the applicant, the purpose of the proposed project is for lake access/recreation and erosion control in this area.

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. 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 0.7 acre of freshwater habitat well inland 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 <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.

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 and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. 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 1835 Assembly Street, Room 865B-1 Columbia, South Carolina 29201

If there are any questions concerning this public notice, please contact Jonathan Swartz, Project Manager, at (803) 260-5536, toll free at 1-866-329-8187, or by email at Jonathan.M.Swartz@usace.army.mil.





























