

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-2005-5548-2G (fka 2005-2W-307)

17 MARCH 2015

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 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

JAMES SIMMONS
MAGWOOD DOCK, LLC dba SIMMONS MARINE
C/O JOHN SHAFFER
SHFR WATERFRONT SOLUTIONS
891 RUTLEDGE AVENUE
CHARLESTON, SOUTH CAROLINA 29403

for a permit to replace an existing floating dock, add fuel operations, increase the dry stack storage, and install a sheet pile bulkhead at the existing facility in waters of

SHEM CREEK

at a location, on the east bank of Shem Creek at the former Magwood Marina, 110 Haddrell Street, Mount Pleasant, Charleston County, South Carolina. (Latitude 32.78949° Longitude - 79.88525°)

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.**

James Simmons (applicant) recently purchased Magwood Dock (formerly known as Magwood Marina) and is applying jointly to the U.S. Corps of Engineers (USACE) and the South Carolina Department of Health and Environmental Control (SCDHEC) for authorization to perform

improvements to the marina infrastructure and increase the number of berths in the existing drystack storage structures. Some of this work has already occurred; therefore, this "after-the-fact" application is intended to obtain authorization for infrastructure and operations that are not in compliance with the current permits and/or Operation and Maintenance (O&M) Manual.

Existing Conditions

Magwood Dock was originally authorized by Permit Number 2005-2W-307-P and was constructed circa 2006/2007. The permit authorized the construction of a drystack facility for storage of 65 vessels. No fueling was proposed. Approximately 956 sf of the existing fixed timber pier was proposed to be demolished to enable the installation of the following:

- 12' x 42' "U" shaped fixed pier / drop well (504 sf)
- 4' x 12' gangway
- 18' x 20' floating dock (360 sf)

The facility currently has storage for 79 boats and offers land-based fueling facilities. The existing marine infrastructure consists of:

- 12' x 38' fixed pier / drop well (456 sf)
- 4' x 40' aluminum gangway
- 6' x 14' floating dock (84 sf)
- 6' x 85' floating dock with 189 sf gangway landing (699 sf)
- 1,317 sf fixed timber pier

The number of vessels stored at the facility, fueling operations, and size/location of the large floating dock are not in compliance with the improvements and operations authorized in the original permits.

Proposed Dimensions and Impacts

The applicant proposes to make the following improvements to the facility.

- Increase the number of vessels authorized to be stored at the facility from 65 to 80
- Add fueling operations to the facility
- Replace the current un-permitted floating dock (699 sf) with a new floating dock (968 sf)
- Reconstruct a 20' x 50' (1,000 sf) portion of the existing fixed timber pier (1,317 sf) (not in this permit – authorized by Maintenance and Repair Notification EFIS# 80605, November 25, 2014)
- Install 30 cy of riprap and approximately 20 lf of sheet pile bulkhead at the critical line beneath the existing fixed timber pier to prevent erosion and undermining of the existing land-based structures

The Repair and Maintenance work and the proposed dock improvements will result in a net reduction in shading impacts (i.e. dock area) of 48 sf from the existing conditions. It is noted that the applicant has also proposed the addition of 39 parking spaces on the upland portion of the property to accommodate users of the facility. The applicant has stated that the purpose of the proposed work is to make improvements to an existing marina to improve safety and facilitate access to navigable waters.

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 the Coastal Zone Management Program (15 CFR 930). 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.

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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 approximately 0.006 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising shrimp and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

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 also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

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 of Engineers cannot undertake to adjudicate rival claims.

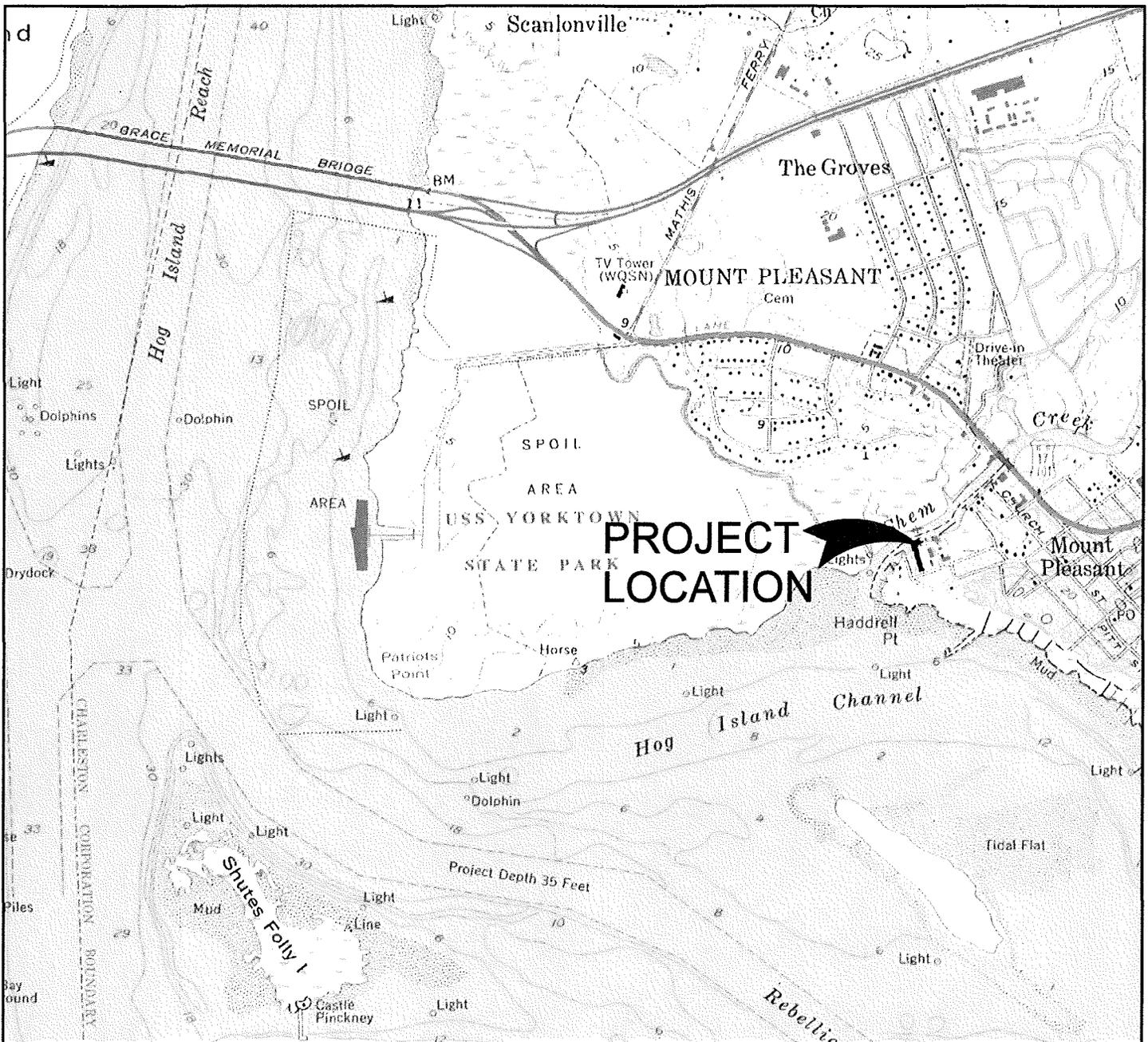
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The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will 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 Mary Hope Green at 843-329-8044 or toll free at 1-866-329-8187.



SOURCE: USGS 7.5 MIN. TOPOGRAPHIC QUADRANGLE "CHARLESTON, SC" OBTAINED FROM SCDNR GIS DATABASE.

W.H. + Ch + PE

12/04/14



NORTH



SCALE: 1" = 2,000'

FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.

PURPOSE: MARINA IMPROVEMENTS
 DATUM: MLW
 APPLICATION BY: JAMES SIMMONS
 USACE #: N/A
 ADJACENT PROPERTY OWNERS: SEE ATTACHED
 DATE: 11/24/14

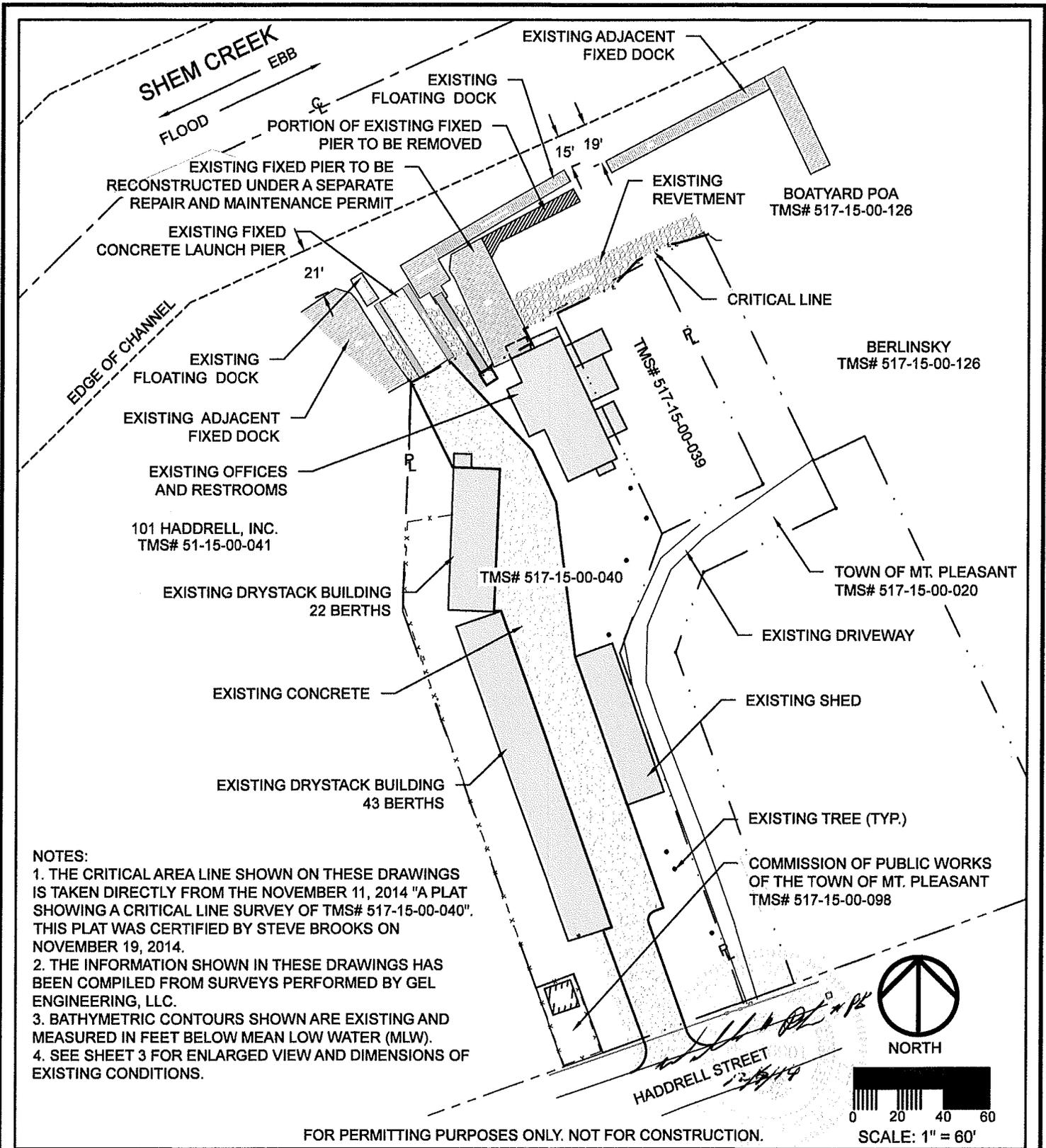
LOCATION MAP

JAMES SIMMONS
 110 HADDRELL STREET
 MOUNT PLEASANT, SC 29464

PROPOSED: REPLACE EXISTING FLOATING STAGING DOCK, ADD FUELING SERVICES, INCREASE QTY. OF DRY STORAGE BERTHS

AT: SHEM CREEK AND HADDRELL STREET
 COUNTY OF: CHARLESTON
 STATE: SOUTH CAROLINA

SHEET 1



NOTES:
 1. THE CRITICAL AREA LINE SHOWN ON THESE DRAWINGS IS TAKEN DIRECTLY FROM THE NOVEMBER 11, 2014 "A PLAT SHOWING A CRITICAL LINE SURVEY OF TMS# 517-15-00-040". THIS PLAT WAS CERTIFIED BY STEVE BROOKS ON NOVEMBER 19, 2014.
 2. THE INFORMATION SHOWN IN THESE DRAWINGS HAS BEEN COMPILED FROM SURVEYS PERFORMED BY GEL ENGINEERING, LLC.
 3. BATHYMETRIC CONTOURS SHOWN ARE EXISTING AND MEASURED IN FEET BELOW MEAN LOW WATER (MLW).
 4. SEE SHEET 3 FOR ENLARGED VIEW AND DIMENSIONS OF EXISTING CONDITIONS.

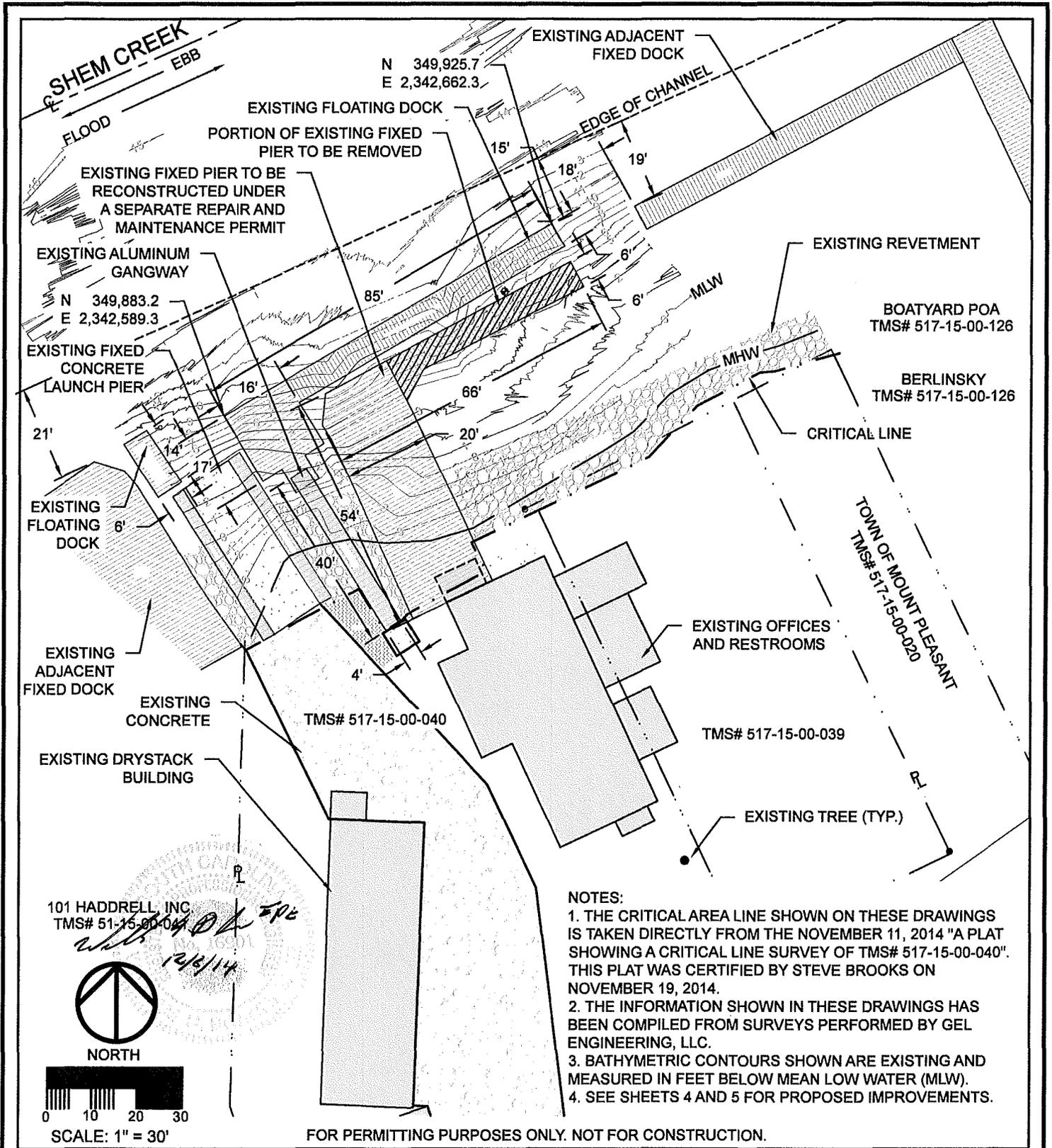
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**EXISTING CONDITIONS
 OVERALL VIEW**
 JAMES SIMMONS
 110 HADDRELL STREET
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 SHEET 2

04/09/10
 D:\M Reconfig Permit.DWG



D:\M_Reconfig_Permit.DWG 04/09/10

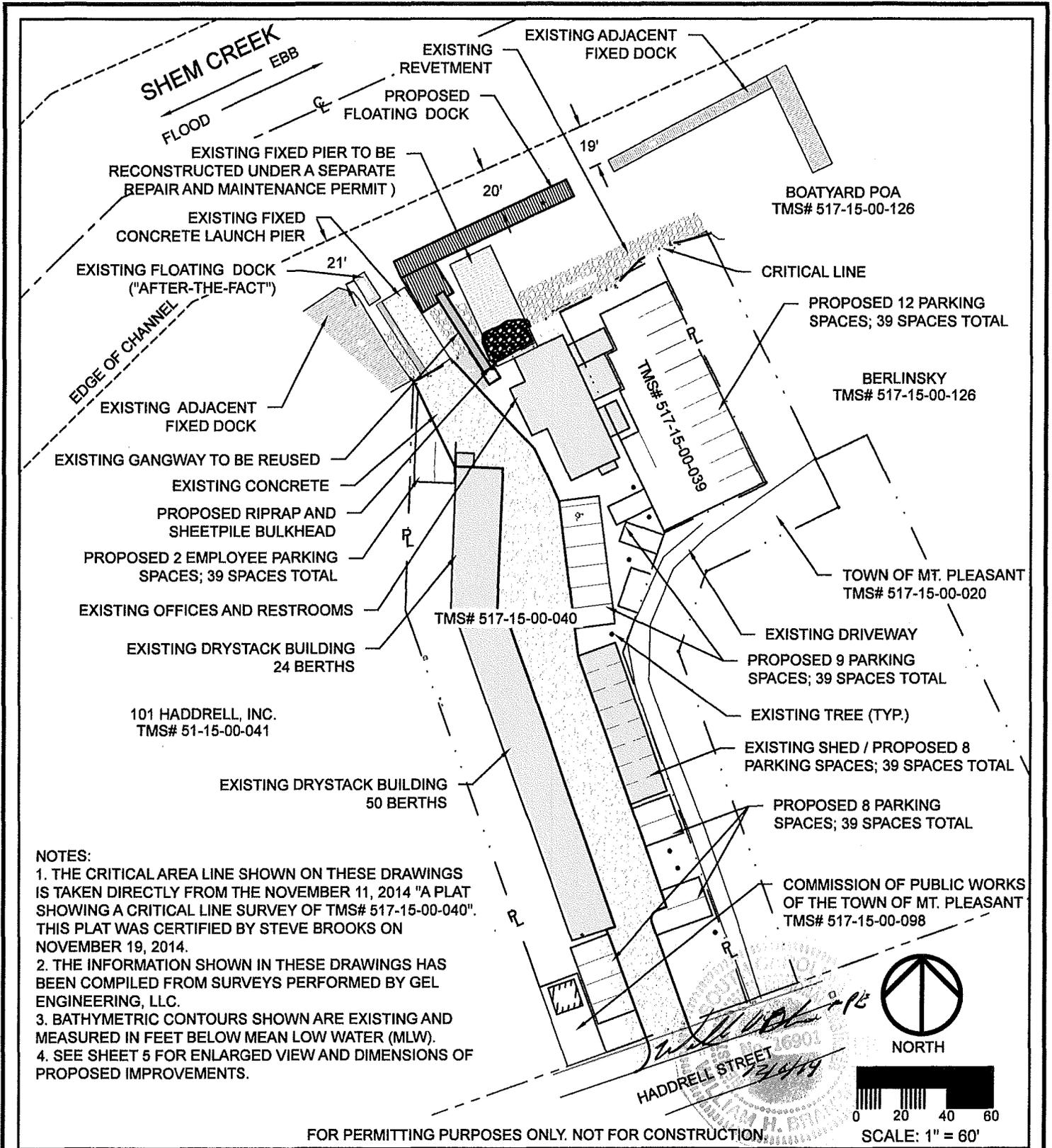
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**EXISTING CONDITIONS
 ENLARGED VIEW**

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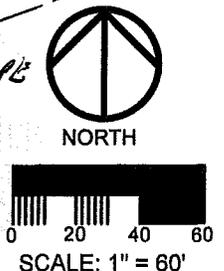
SHEET 3



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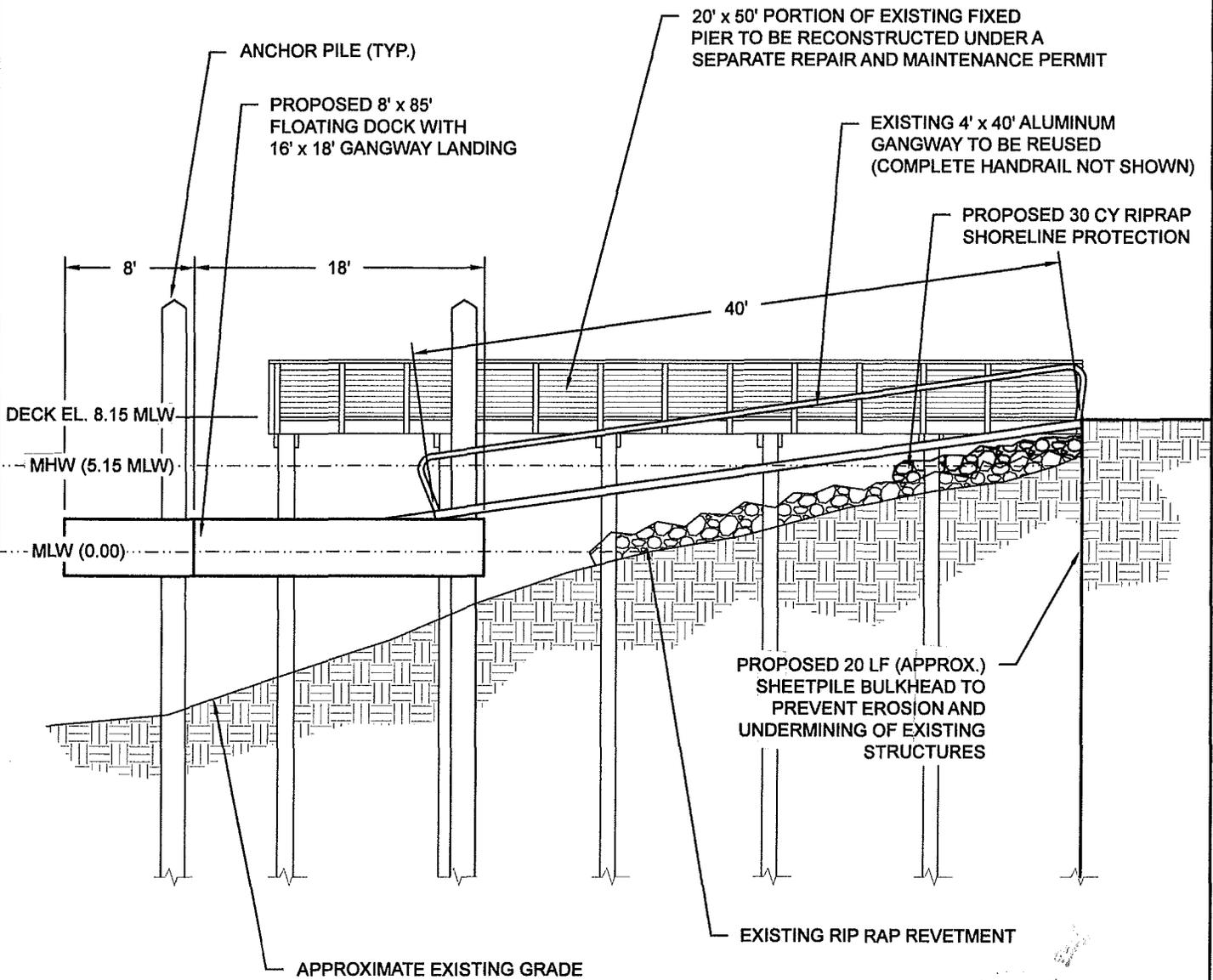


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**PROPOSED IMPROVEMENTS
 OVERALL VIEW**

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 STATE: SOUTH CAROLINA



CROSS SECTION A - A

SCALE: 1" = 10'

Will R. Ph... PE
12/2/14

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CROSS SECTION A - A

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