

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N SAC-2019-00138

March 3, 2021

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 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

Clouter Creek Reserve, LLC
c/o Mr. Michael Mann
Applied Technology & Management
941 Houston Northcutt Boulevard
Mt. Pleasant, South Carolina 29464

for a permit to construct a marina in

Clouter Creek

at a location described as TMS: 275-00-00-005, east of and adjacent to the southern end of Clements Ferry Road in Charleston, Berkeley County, South Carolina (Latitude: 32.8708°, Longitude: -79.9359°), Charleston Quad.

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 construction of a new marina facility with wet slips and associated amenities. The marina is to be situated on the east side of Clouter Creek which flows

into the Cooper River. The marina is intended to serve residents of Berkeley and surrounding counties. The marine elements include a fixed walkway that extends from the uplands to a fixed pierhead and a mix of fixed boat lifts and floating dock wet slips which will provide approximately 110 boat slips. The fixed walkway is proposed for entry into the marina from uplands across the marsh. The walkway is proposed to be 10 feet wide and approximately 1,065 feet long with handrails on each side. The access pier will extend waterward in a direct line until it reaches a 30 foot by 40 foot covered pierhead. The pierhead will serve as a place for marina patrons to rest out of the sun- or pop-up rainstorms and to store marina carts and trash receptacles. The pierhead then opens to the fixed boat lift portion of the marina. This portion consists of 4 dock trees that have boat lifts and fixed finger piers on each side. The boat lifts will accommodate vessels up to 30 feet in length and the boats can be accessed by 3 foot wide by 30 foot long finger piers. A 30 foot by 30 foot marina satellite office is proposed along the fixed pier. The satellite office will house an office for the dock master and dock hands and will be used to store emergency equipment. Floating docks are proposed on both the northern and southern ends of the marina. The floating docks will serve larger vessels up to 40 feet in length. The floating dock sections will be accessed from the fixed piers by ADA compliant gangways. The upland portion of the marina will consist of two buildings and marina parking. The buildings will house a ship store, marina manager's office, restrooms, showers, and laundry facilities. Parking for the marina will consist of approximately 73 spaces near the marina access.

No fuel will be provided at the proposed marina. A sewage pump-out system will be provided at the marina for a small fee. The pump out will either be a fixed system in a central location on the docks or offered by a portable pump out boat. The marina location is proposed in depths of water that do not require dredging for marina construction. The marina was placed in an area of the creek bend to avoid accretion and prevent annual dredging events. The upland shoreline is protected by a dense marsh system and does not require stabilization at this time.

As stated by the applicant, several measures have been implemented in the planning and design of the project to avoid and minimize impacts to Waters of the United States, including:

- Lifts for smaller vessels that typically do not contain onboard heads reduces potential for in-water
- sewage spillage.
- No dredging is required due existing water depths.
- No fueling services will be provided onsite to prevent accidental spillage.
- Construction activities will follow standard sturgeon and manatee guidelines and the contractor
- will be instructed to follow Best Management Practices during construction.
- Boat lifts are proposed in leu of floating jet docks to reduce shading.

The applicant offered no compensatory mitigation for impacts associated with the project. The project purpose is vessel mooring and public recreational access to the adjacent navigable waterbody.

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 1.14 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 West Indian Manatee (*Trichechus manatus*) Atlantic Sturgeon (*Acipenser oxyrinchus*) and Shortnose Sturgeon (*Acipenser brevirostrum*) have the potential to occur within the vicinity of the project area. However, it has been determined that the project will have no effect on Atlantic Sturgeon (*Acipenser oxyrinchus*) and Shortnose Sturgeon (*Acipenser brevirostrum*) and will not result in the destruction or adverse modification of their designated or proposed critical habitat. Additionally, the District Engineer has determined that the project is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*) 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 and/or 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)(f)(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 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:**

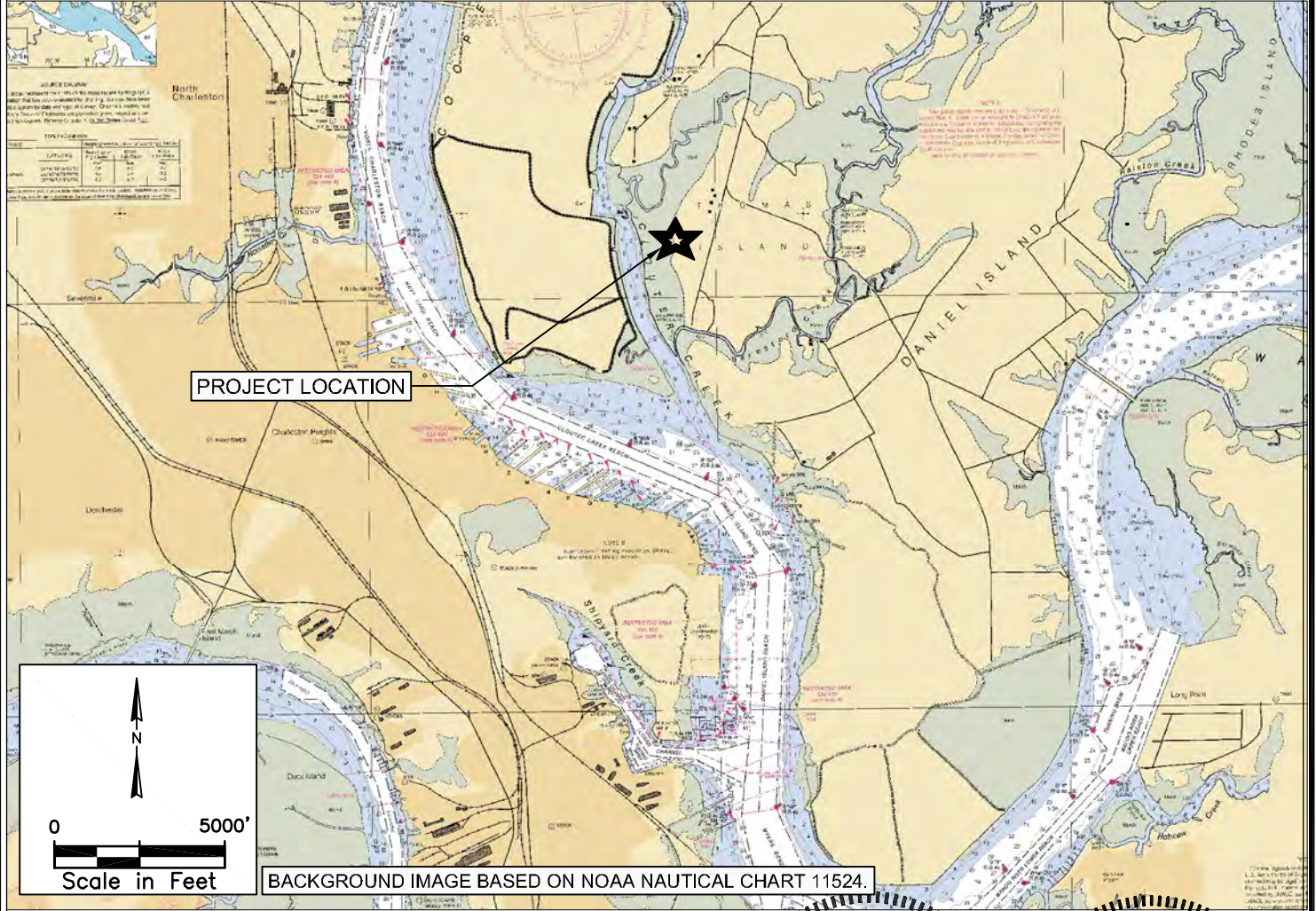
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526**

If there are any questions concerning this public notice, please contact Erica L. Stone, Project Manager, at (843) 365-4239, or by email at Erica.L.Stone@usace.army.mil.

FOR PERMITTING PURPOSES ONLY
 "NOT FOR CONSTRUCTION"

THOMAS ISLAND MARINA

BERKELEY COUNTY, SOUTH CAROLINA



NOAA DATUMS AT STATION 8664945, CLOUTER CREEK, SOUTH SC		
DATUM	ABBREVIATION	ELEV. (FT-MLW)
Mean Higher High Water	MHHW	5.7
Mean High Water	MHW	5.3
North American Vertical Datum of 1988	NAVD88	2.9
Mean Low Water	MLW	0
Mean Lower Low Water	MLLW	-0.2



PROJECT: Thomas Island Marina
 WATERBODY: Clouter Creek
 COUNTY: Berkeley
 STATE: South Carolina
 LATITUDE: 32°52'15.21"N
 LONGITUDE: 79°56'10.31"W

**COVER SHEET &
 LOCATION MAP**

Owner: Clouter Creek Reserve LLC

Project Address: Clements Ferry RD

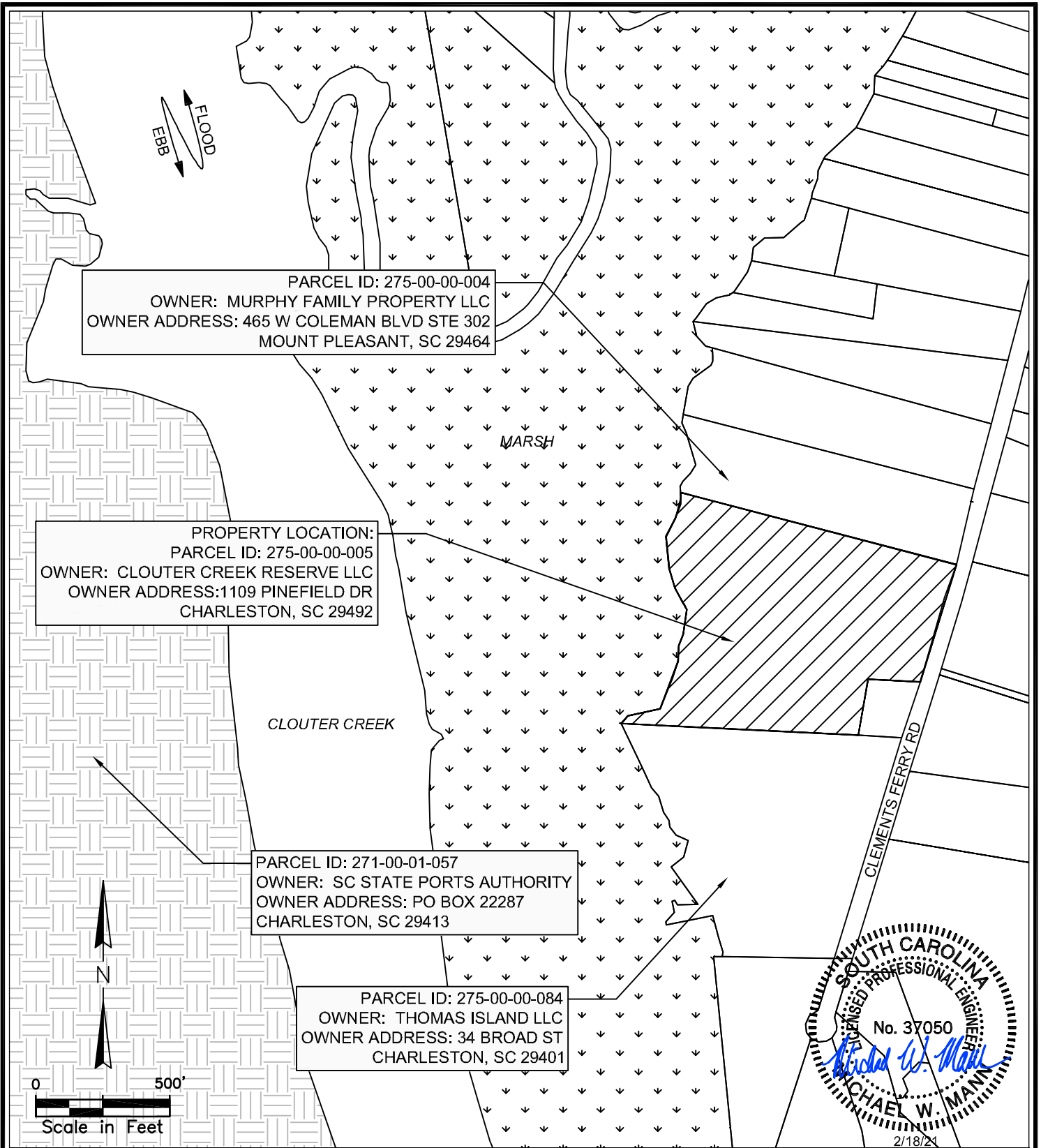
Parcel ID: 275-00-00-005

18-February-2021
 SHEET 01

C:\Projects\20-3514 Thomas Island Reg Inv & Permitting\dwg_permit_plans\20-3514-ThomasIslandPermitPlans.dwg 01 2/18/21
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 APPLIED TECHNOLOGY & MANAGEMENT



PROJECT: Thomas Island Marina
 WATERBODY: Clouter Creek
 COUNTY: Berkeley
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 LATITUDE: 32°52'15.21"N
 LONGITUDE: 79°56'10.31"W

EXISTING CONDITIONS & ADJACENT PROPERTY OWNERS

Owner: Clouter Creek Reserve LLC

Project Address: Clements Ferry Rd

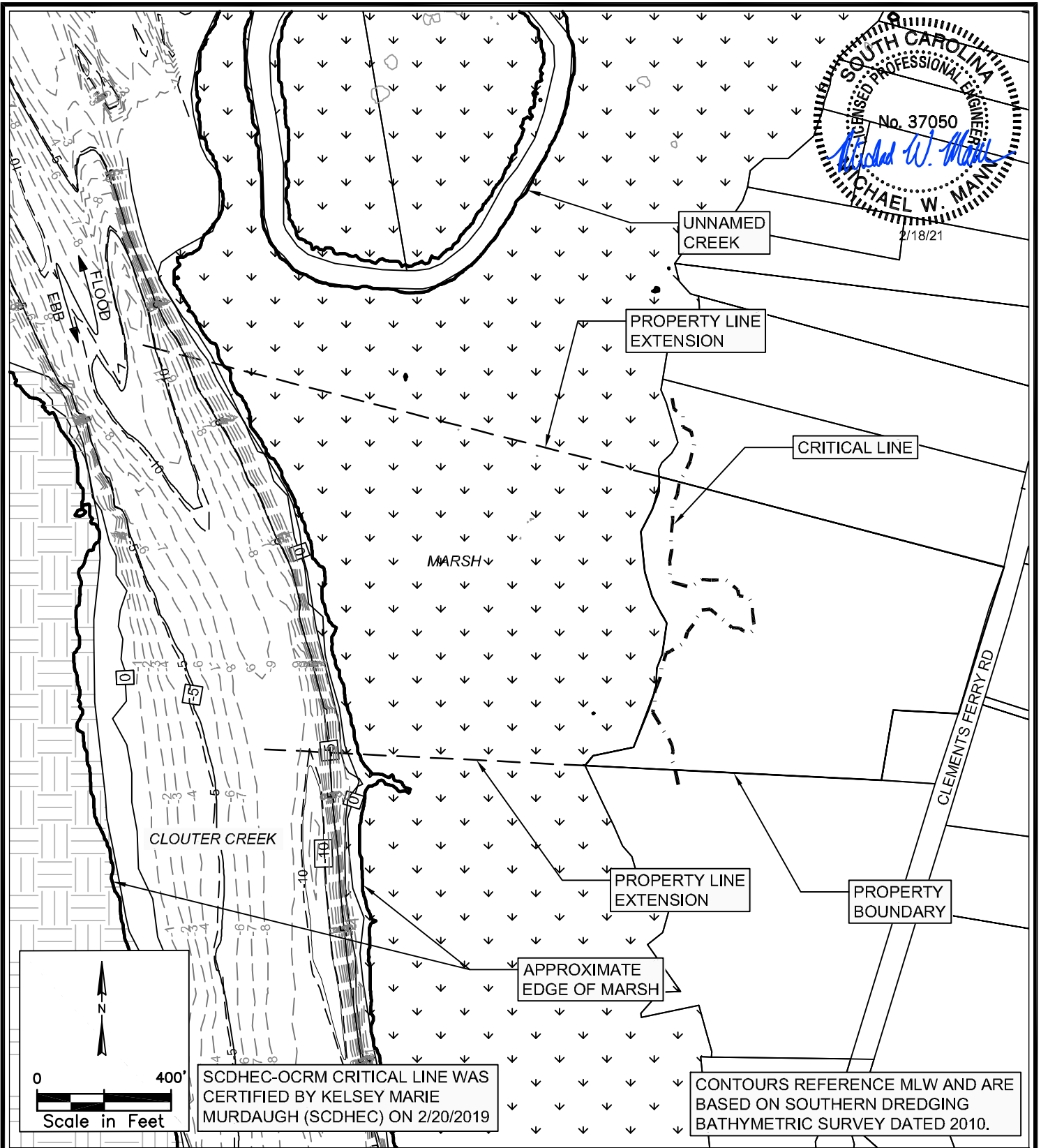
Parcel ID: 275-00-00-005



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 SHEET 02


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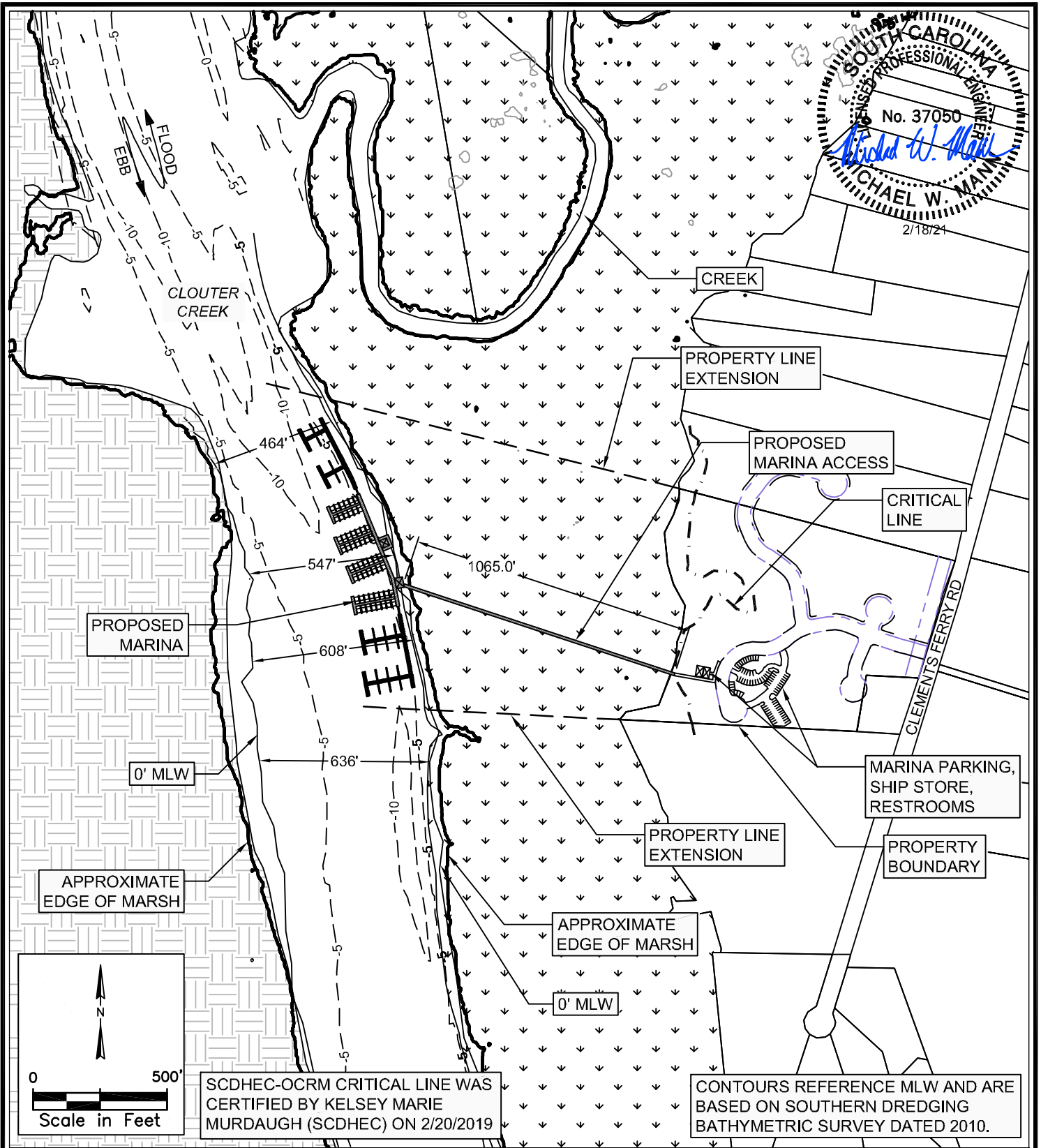
PROJECT: Thomas Island Marina
 WATERBODY: Clouter Creek
 COUNTY: Berkeley
 STATE: South Carolina
 LATITUDE: 32°52'15.21"N
 LONGITUDE: 79°56'10.31"W

EXISTING CONDITIONS	
Owner:	Clouter Creek Reserve LLC
Project Address:	Clements Ferry Rd
Parcel ID:	275-00-00-005


 18-February-2021
 SHEET 03


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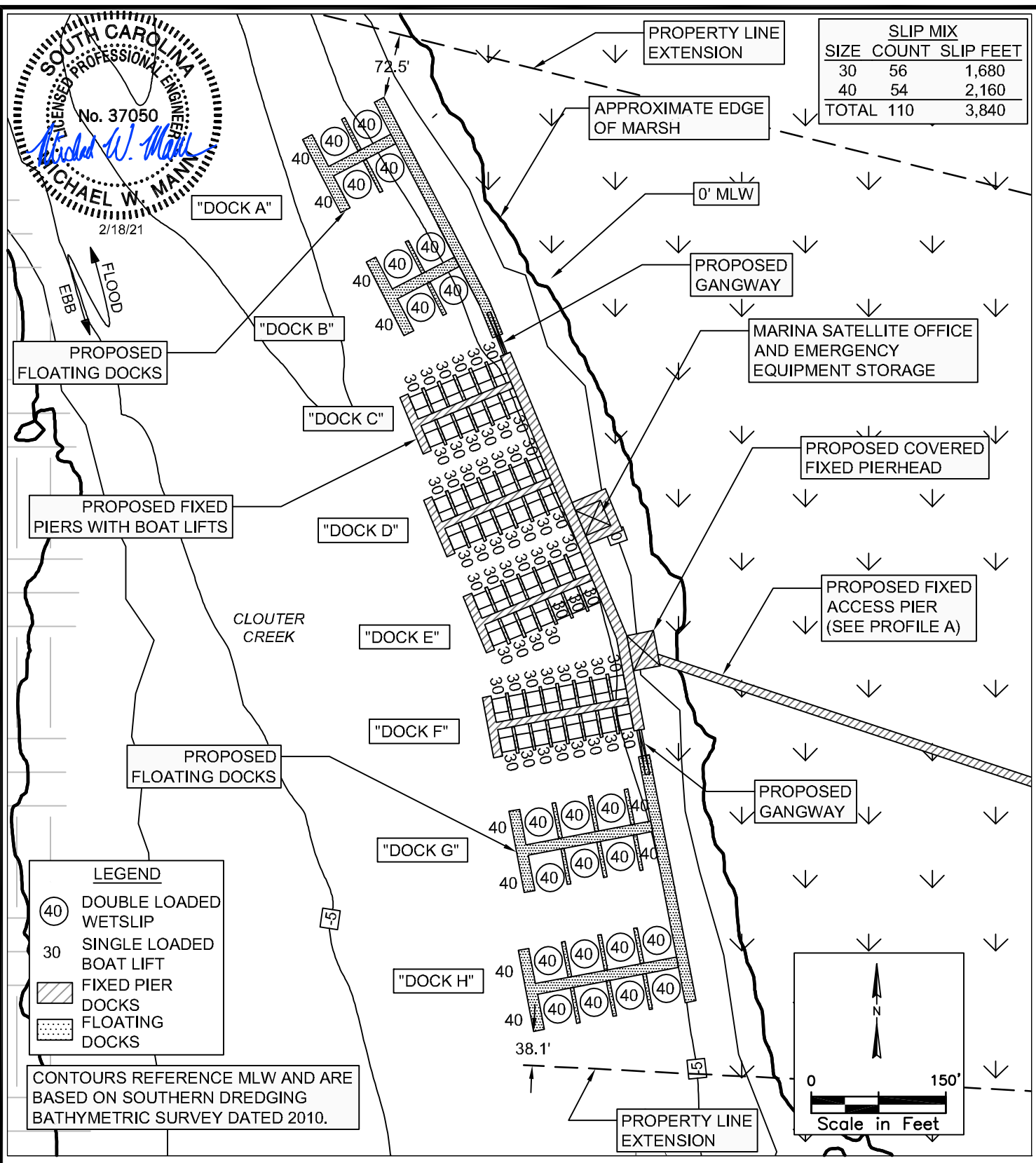
PROJECT: Thomas Island Marina
WATERBODY: Clouter Creek
COUNTY: Berkeley
STATE: South Carolina
LATITUDE: 32°52'15.21"N
LONGITUDE: 79°56'10.31"W

PROPOSED IMPROVEMENTS OVERVIEW	
Owner: Clouter Creek Reserve LLC	
Project Address: Clements Ferry RD	
Parcel ID: 275-00-00-005	


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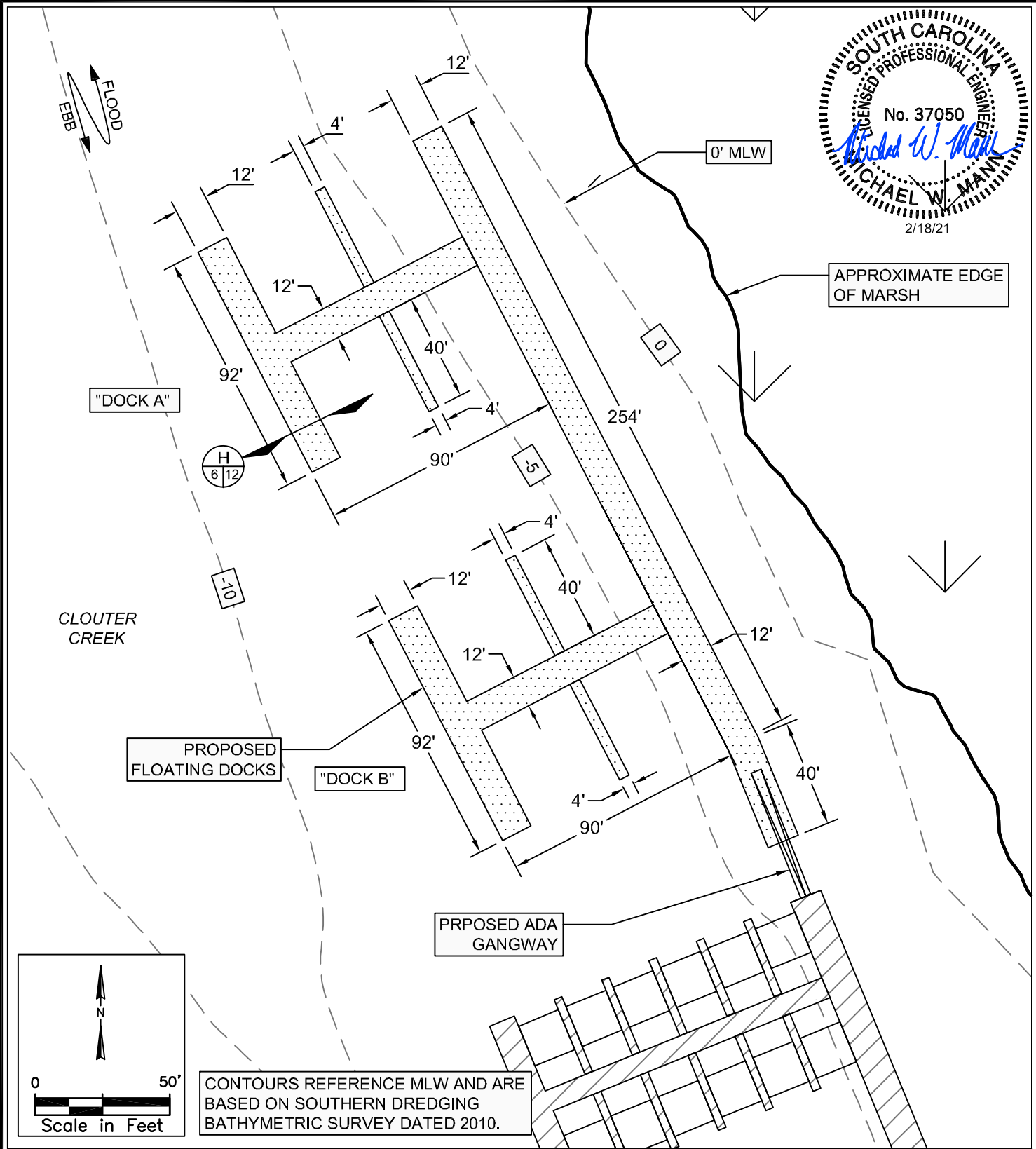


PROJECT: Thomas Island Marina
WATERBODY: Clouter Creek
COUNTY: Berkeley
STATE: South Carolina
LATITUDE: 32°52'15.21"N
LONGITUDE: 79°56'10.31"W

PROPOSED MARINA LAYOUT
 Owner: Clouter Creek Reserve LLC
 Project Address: Clements Ferry RD
 Parcel ID: 275-00-00-005

18-February-2021
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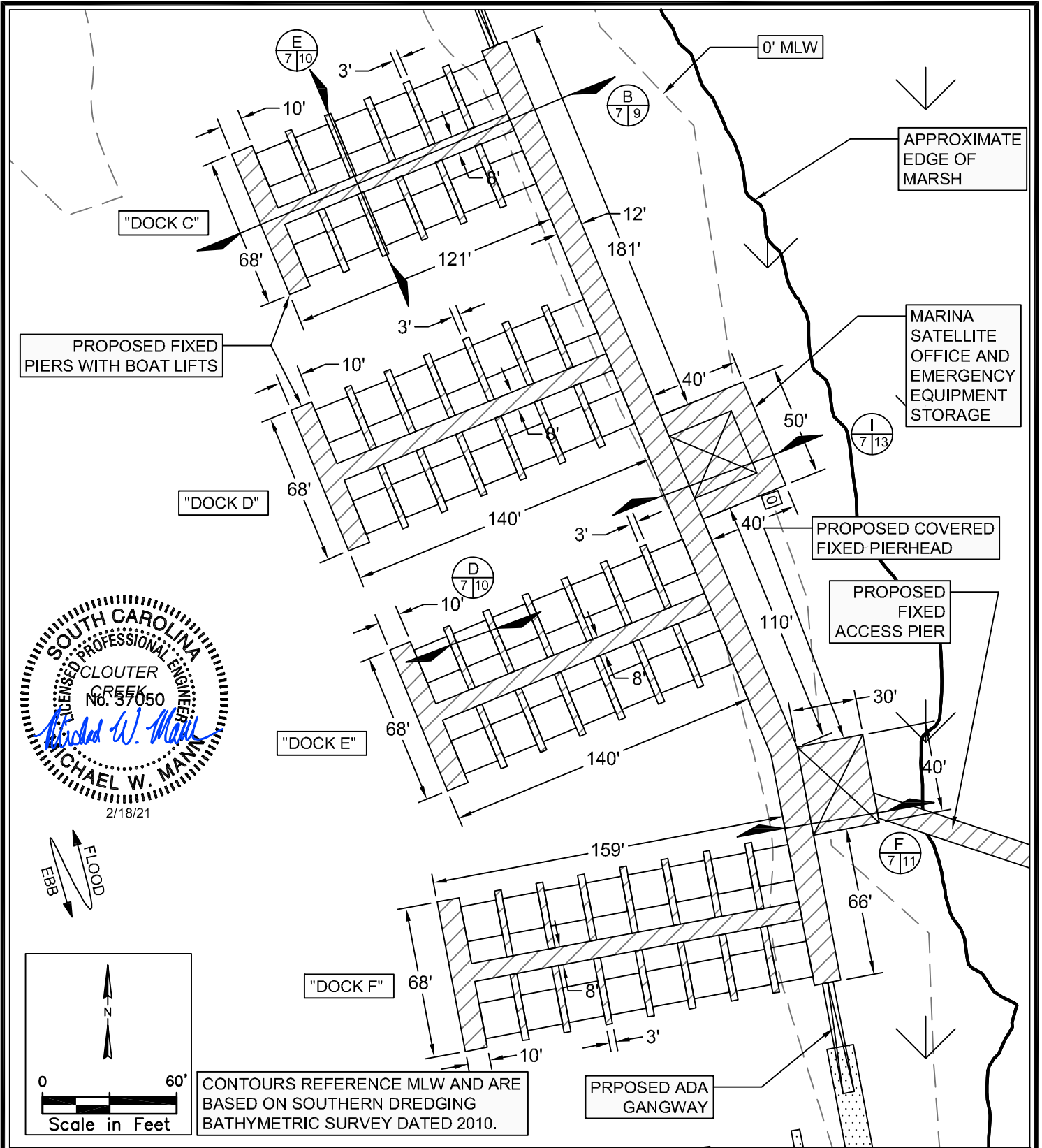
PROJECT: Thomas Island Marina
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 STATE: South Carolina
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PROPOSED IMPROVEMENTS DIMENSIONS	
Owner:	Clouter Creek Reserve LLC
Project Address:	Clements Ferry RD
Parcel ID:	275-00-00-005

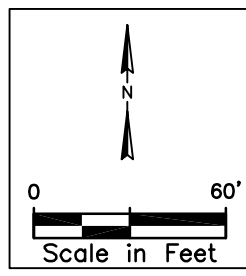
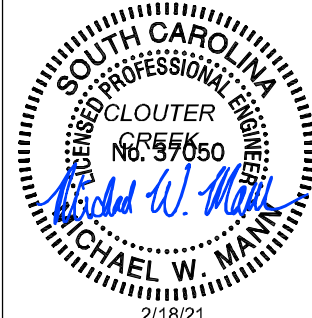


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CONTOURS REFERENCE MLW AND ARE BASED ON SOUTHERN DREDGING BATHYMETRIC SURVEY DATED 2010.

PROJECT: Thomas Island Marina
 WATERBODY: Clouter Creek
 COUNTY: Berkeley
 STATE: South Carolina
 LATITUDE: 32°52'15.21"N
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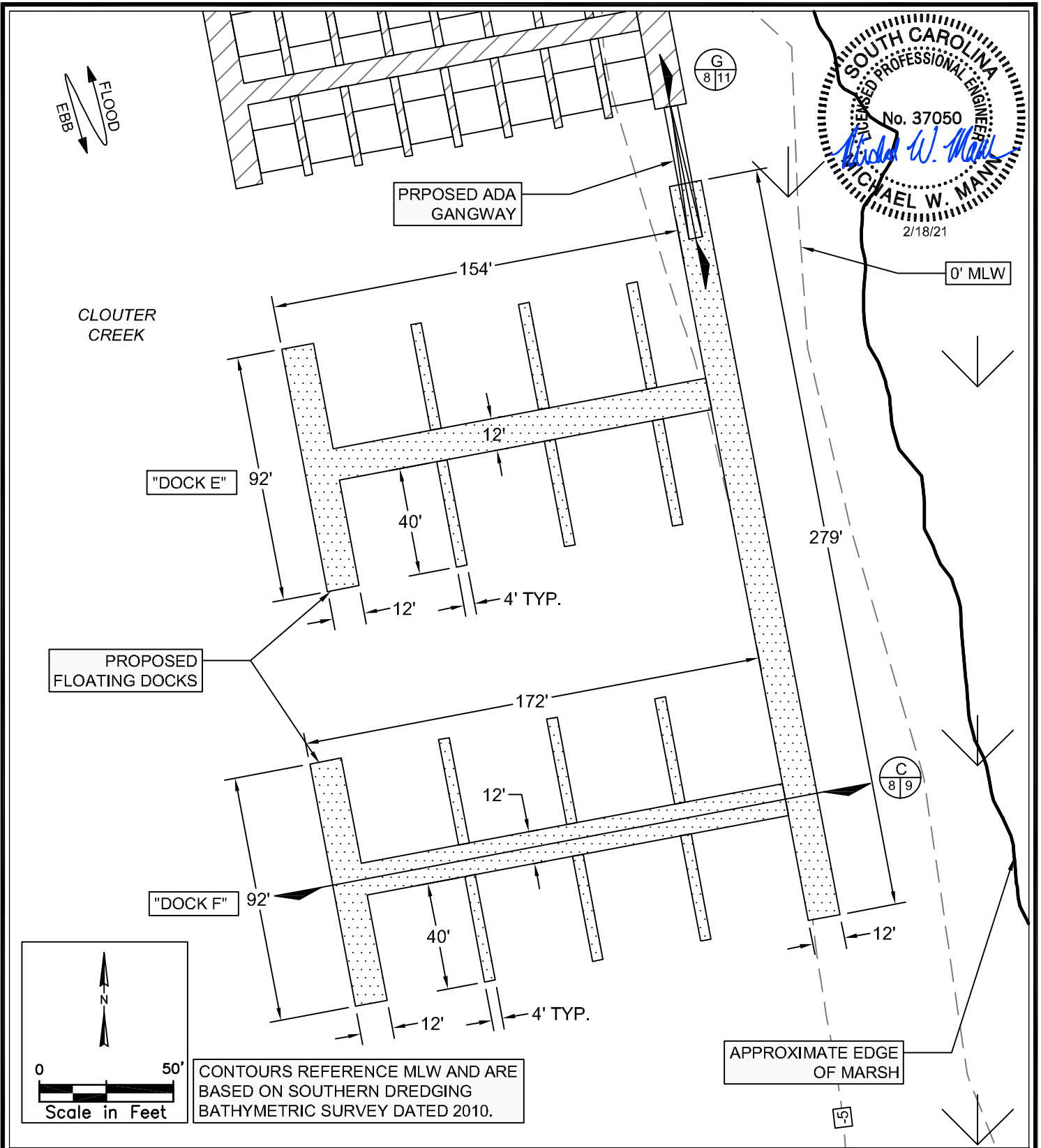
PROPOSED IMPROVEMENTS DIMENSIONS	
Owner:	Clouter Creek Reserve LLC
Project Address:	Clements Ferry RD
Parcel ID:	275-00-00-005



18-February-2021
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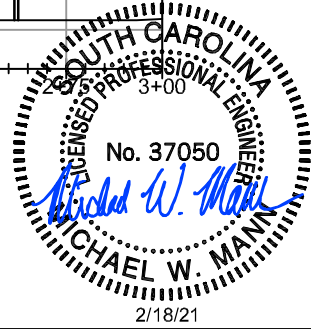
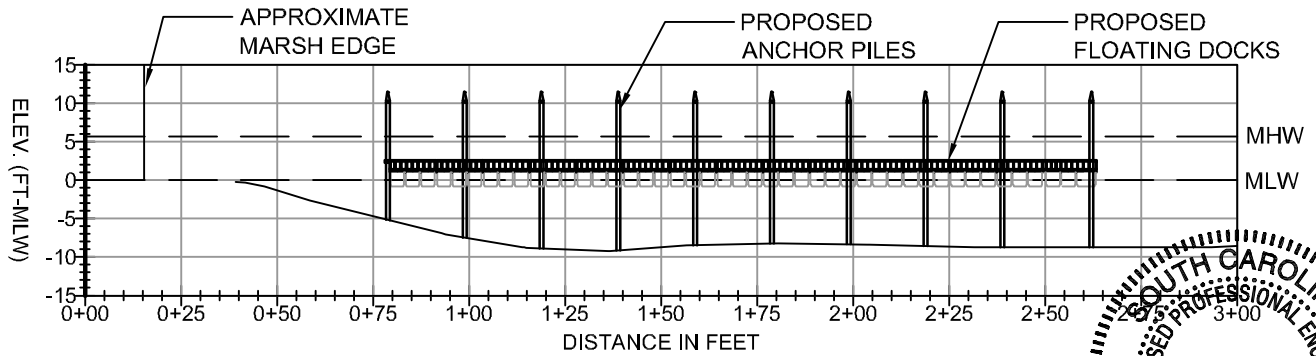
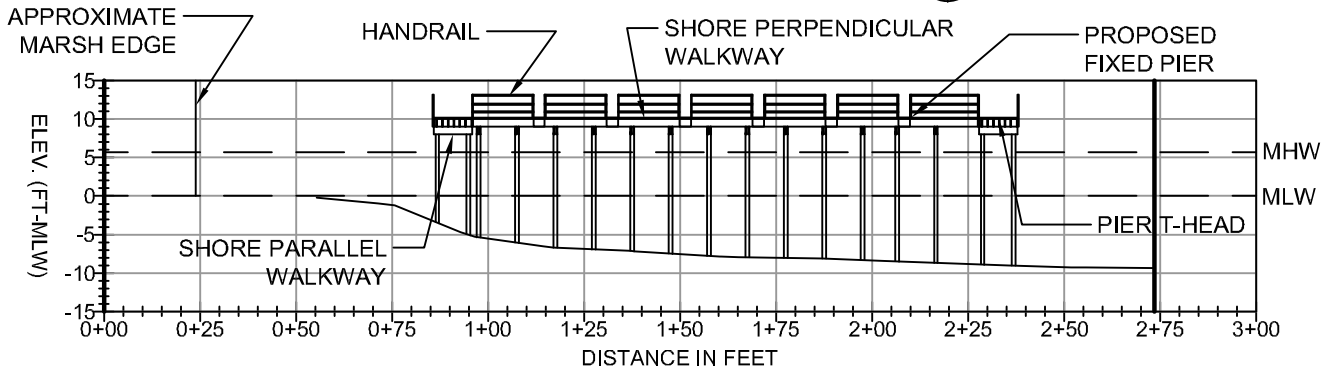
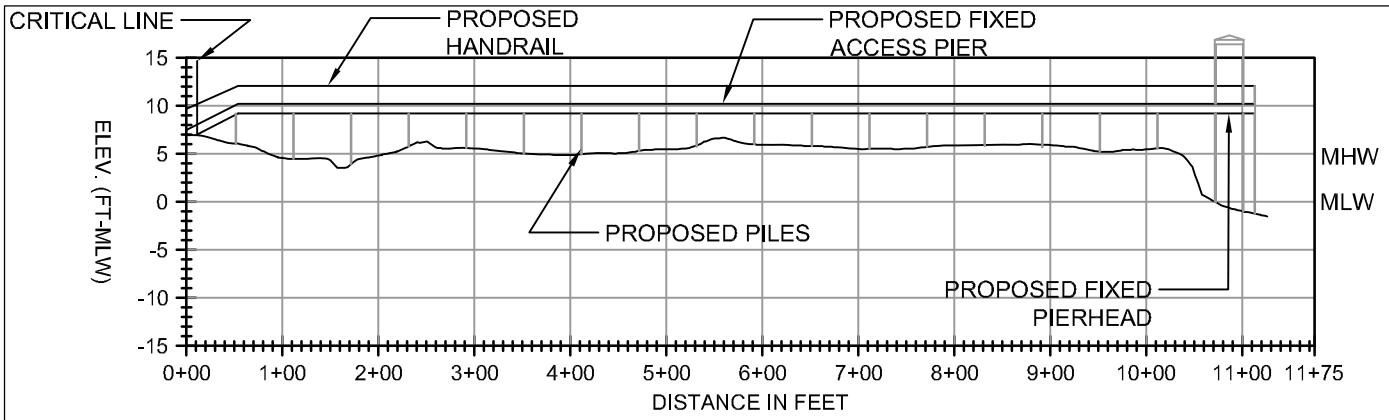


PROJECT: Thomas Island Marina
WATERBODY: Clouter Creek
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STATE: South Carolina
LATITUDE: 32°52'15.21"N
LONGITUDE: 79°56'10.31"W

PROPOSED IMPROVEMENTS DIMENSIONS	
Owner: Clouter Creek Reserve LLC	
Project Address: Clements Ferry RD	
Parcel ID: 275-00-00-005	


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PROJECT: Thomas Island Marina
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**TYPICAL PROFILES
 AND GANGWAY DETAIL**

Owner: Clouter Creek Reserve LLC

Project Address: Clements Ferry RD

Parcel ID: 275-00-00-005

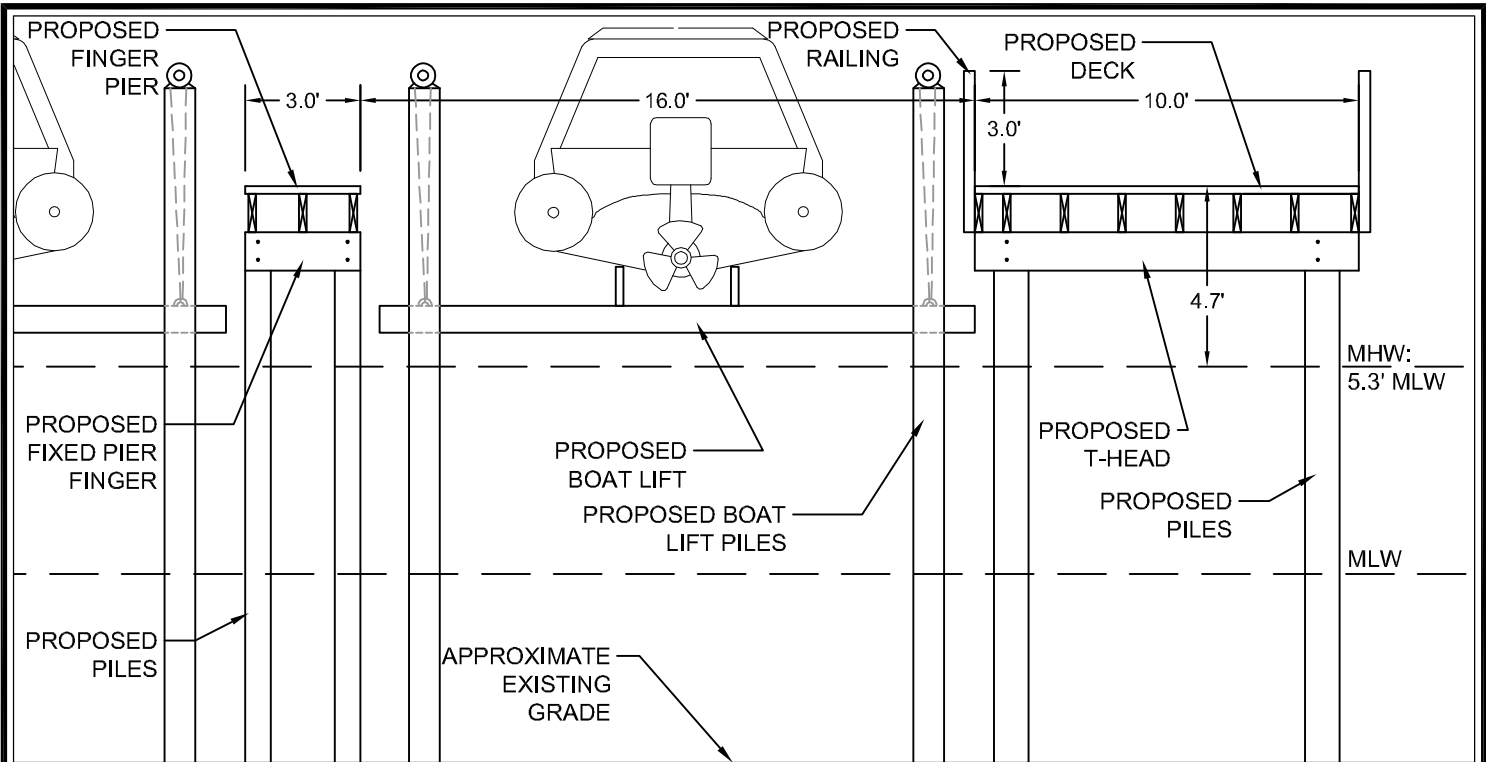


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 SHEET 09

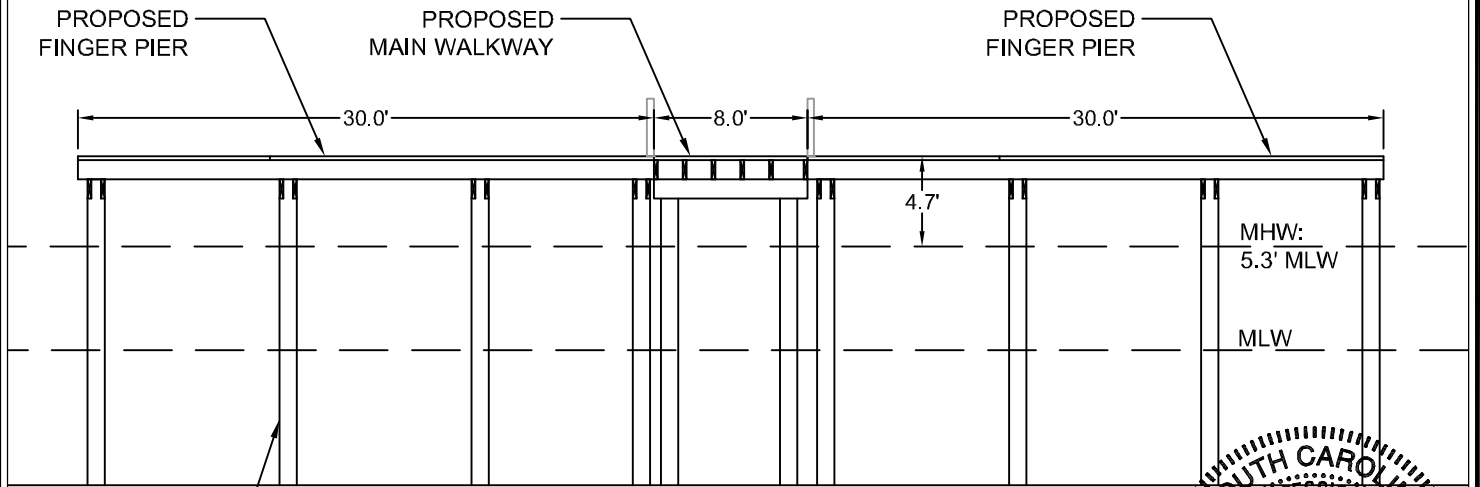
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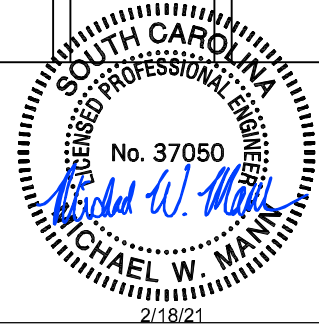
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TYPICAL FIXED PIER & BOAT LIFT SECTION (D)
 SCALE: 1" = 5'



TYPICAL FIXED PIER SECTION (E)
 SCALE: 1" = 10'



2/18/21

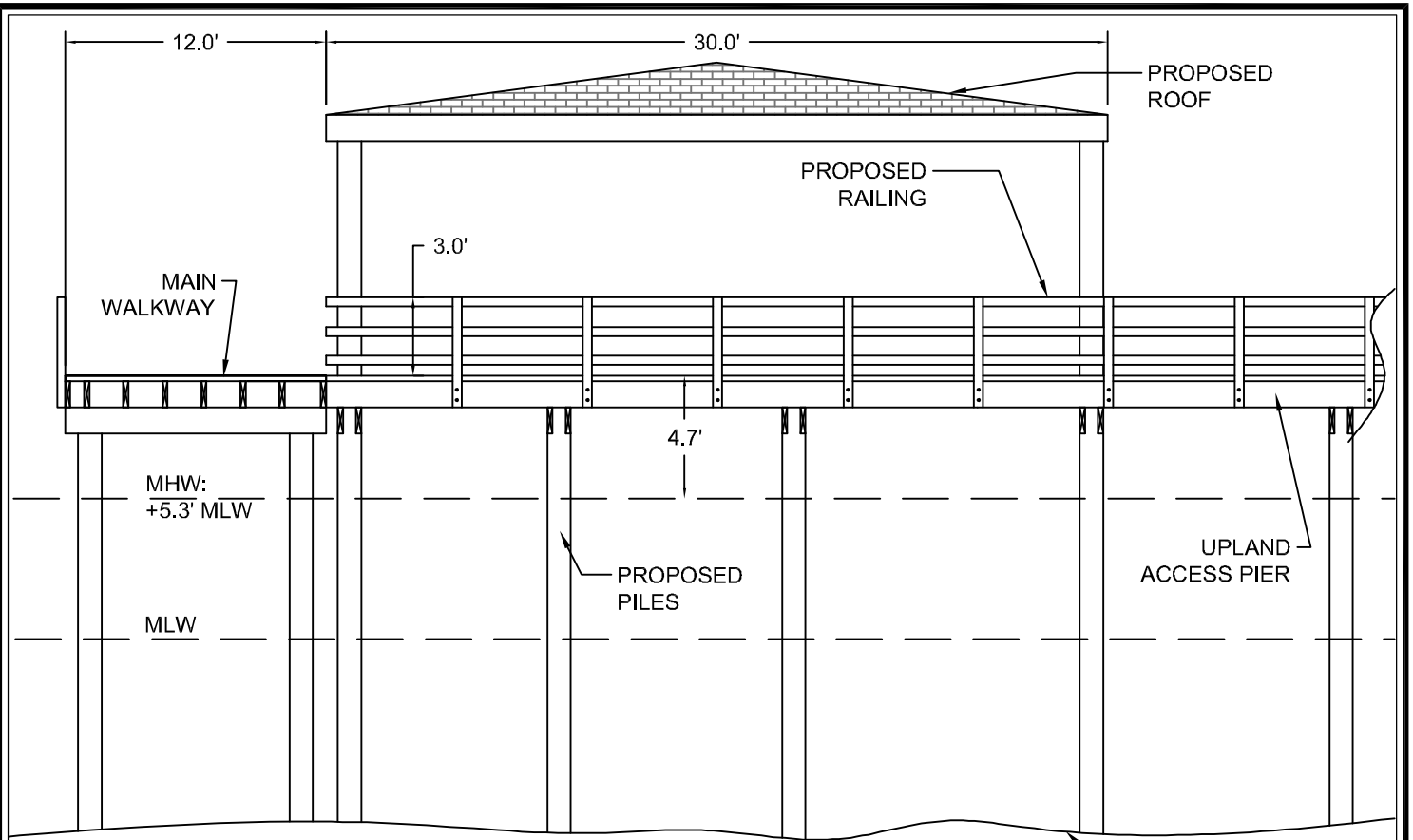
PROJECT: Thomas Island Marina
 WATERBODY: Clouter Creek
 COUNTY: Berkeley
 STATE: South Carolina
 LATITUDE: 32°52'15.21"N
 LONGITUDE: 79°56'10.31"W

TYPICAL FIXED DOCKS & BOAT LIFT DETAILS
 Owner: Clouter Creek Reserve LLC
 Project Address: Clements Ferry RD
 Parcel ID: 275-00-00-005



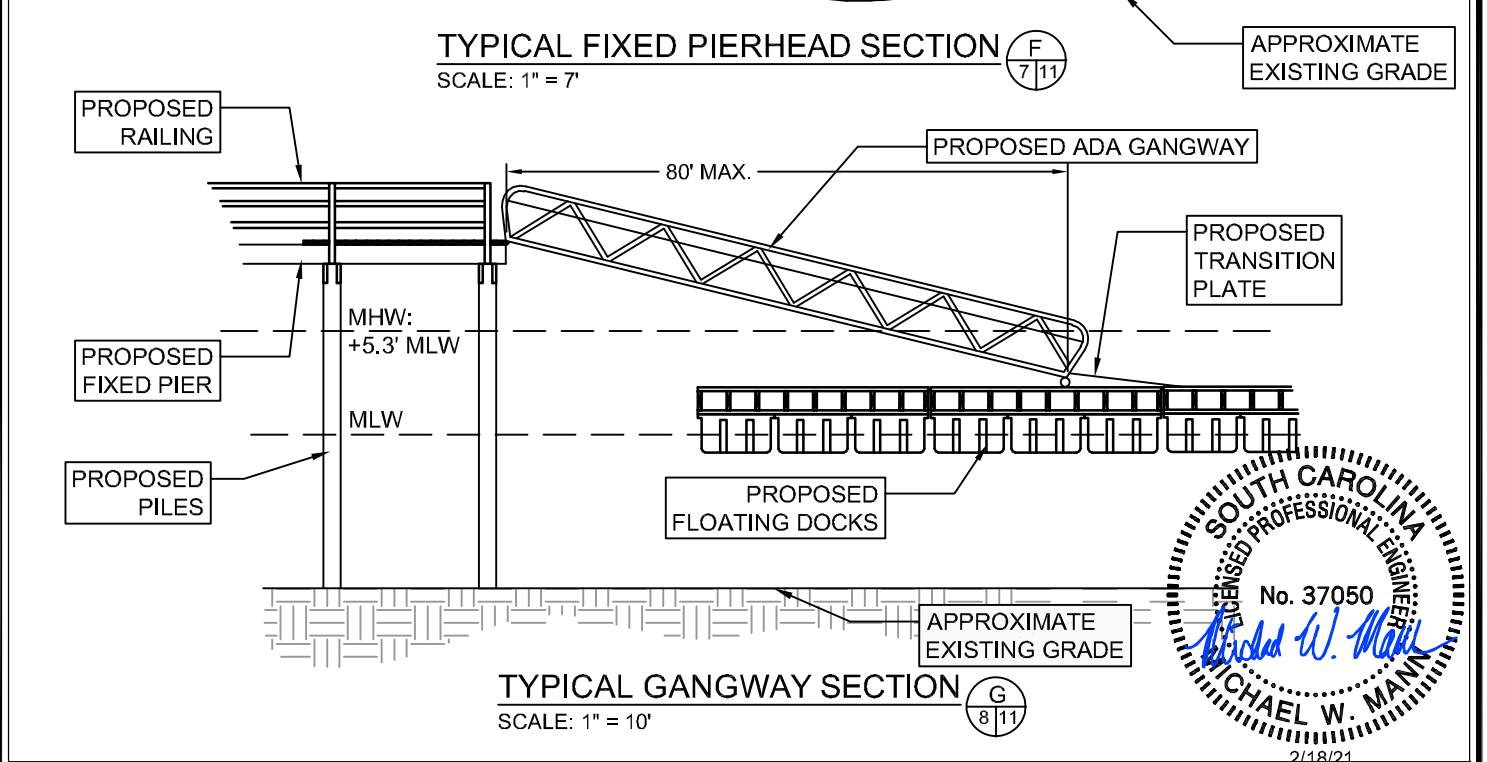
18-February-2021
 SHEET 10

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TYPICAL FIXED PIERHEAD SECTION (F 7/11)
 SCALE: 1" = 7'

APPROXIMATE EXISTING GRADE



TYPICAL GANGWAY SECTION (G 8/11)
 SCALE: 1" = 10'

SOUTH CAROLINA
 REGISTERED PROFESSIONAL ENGINEER
 No. 37050
Michael W. Mann
 MICHAEL W. MANN
 2/18/21

PROJECT: Thomas Island Marina
 WATERBODY: Clouter Creek
 COUNTY: Berkeley
 STATE: South Carolina
 LATITUDE: 32°52'15.21"N
 LONGITUDE: 79°56'10.31"W

TYPICAL PIERHEAD & GANGWAY SECTION

Owner: Clouter Creek Reserve LLC

Project Address: Clements Ferry RD

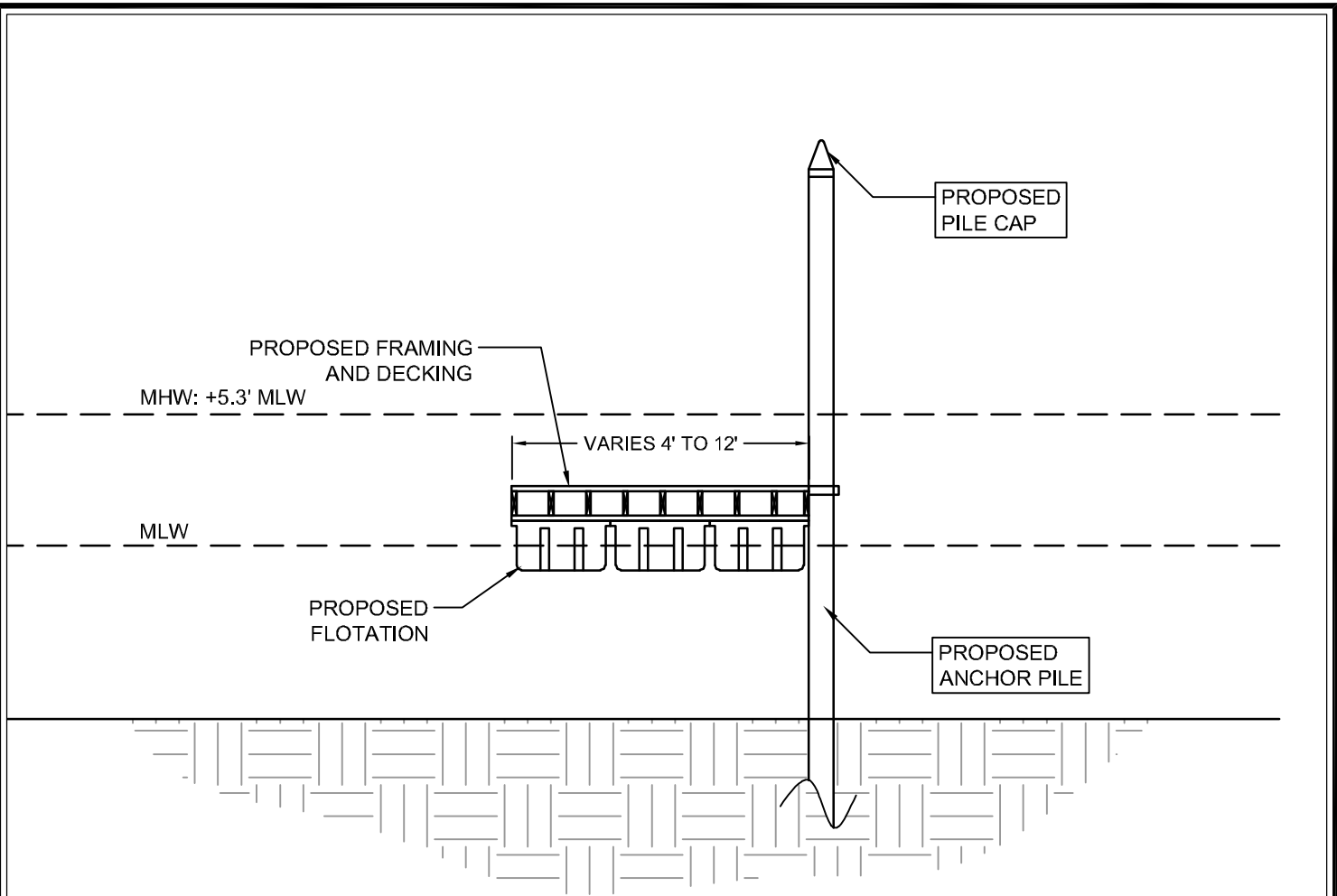
Parcel ID: 275-00-00-005



18-February-2021
 SHEET 11

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TYPICAL FLOATING DOCK SECTION H
6/12
 SCALE: 1" = 7'



PROJECT: Thomas Island Marina
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 COUNTY: Berkeley
 STATE: South Carolina
 LATITUDE: 32°52'15.21"N
 LONGITUDE: 79°56'10.31"W

TYPICAL FLOATING DOCK SECTION

Owner: Clouter Creek Reserve LLC

Project Address: Clements Ferry RD

Parcel ID: 275-00-00-005

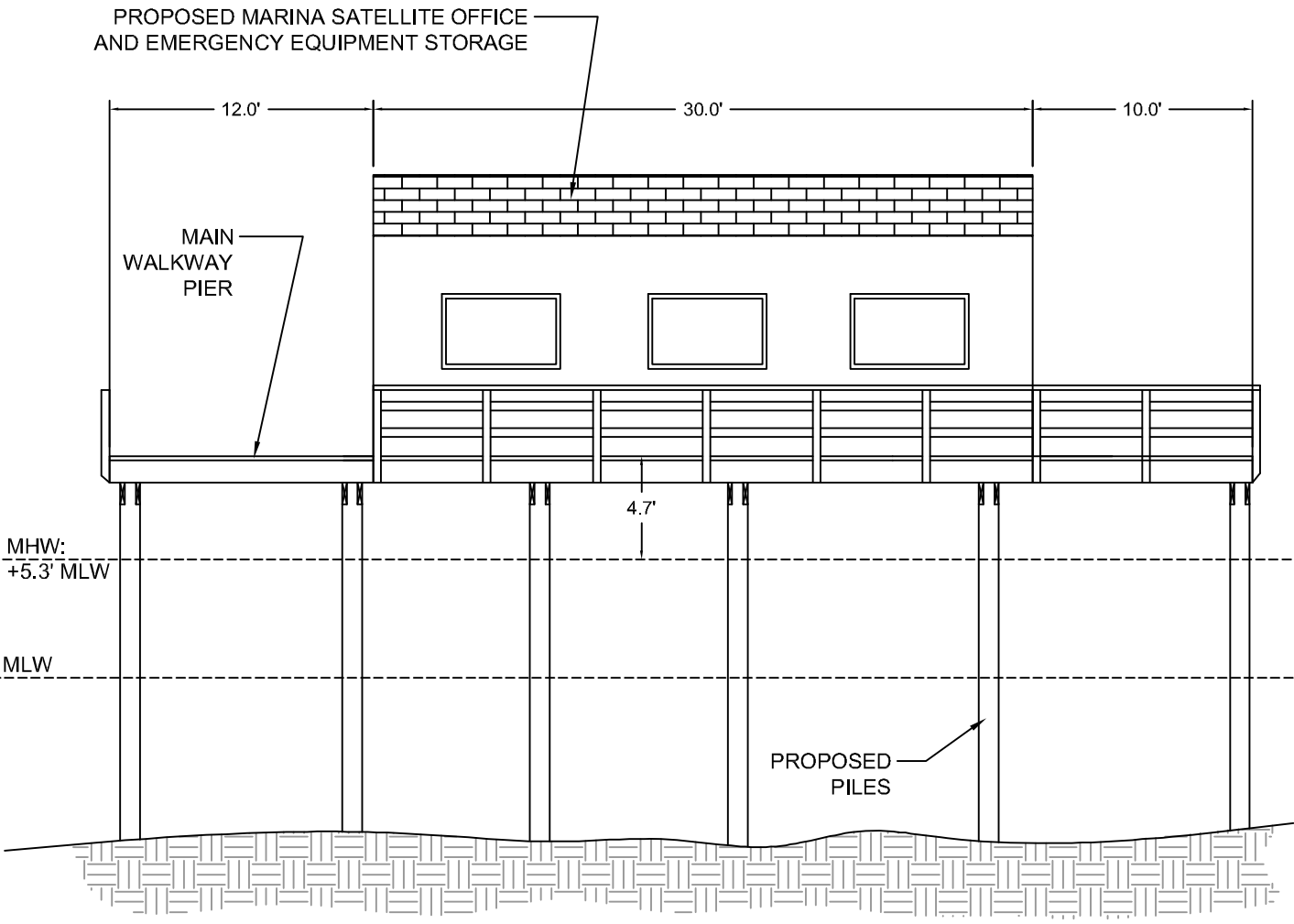


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 SHEET 12

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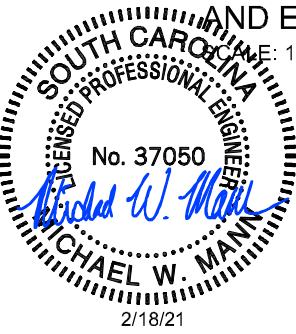
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TYPICAL PROFILE OF MARINA SATELLITE OFFICE AND EMERGENCY EQUIPMENT STORAGE



SCALE: 1" = 8'



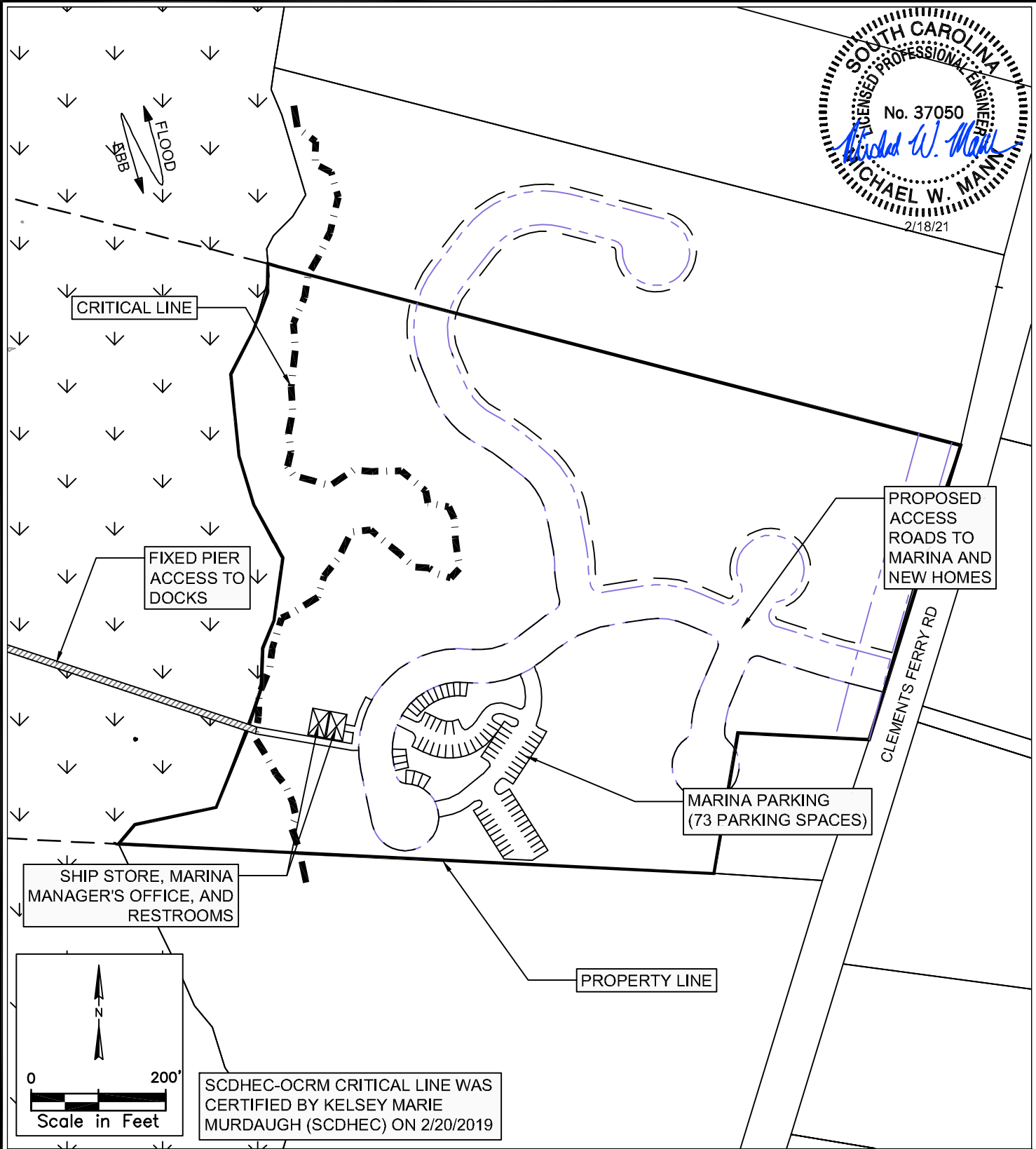
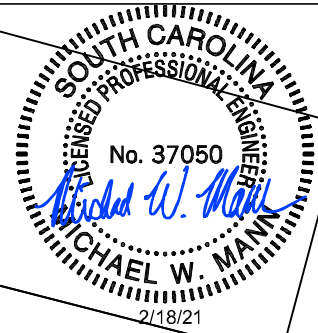
PROJECT:	Thomas Island Marina
WATERBODY:	Clouter Creek
COUNTY:	Berkeley
STATE:	South Carolina
LATITUDE:	32°52'15.21"N
LONGITUDE:	79°56'10.31"W

TYPICAL DETAILS OF SATELLITE OFFICE	
Owner: Clouter Creek Reserve LLC	
Project Address: Clements Ferry RD	
Parcel ID: 275-00-00-005	



18-February-2021
 SHEET 13

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PROJECT: Thomas Island Marina WATERBODY: Clouter Creek COUNTY: Berkeley STATE: South Carolina LATITUDE: 32°52'15.21"N LONGITUDE: 79°56'10.31"W	PROPOSED UPLAND IMPROVEMENTS OVERVIEW	<p>18-February-2021 SHEET 14</p>
	Owner: Clouter Creek Reserve LLC	
	Project Address: Clements Ferry RD	
	Parcel ID: 275-00-00-005	