#### JOINT PUBLIC NOTICE

#### CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A HAGOOD AVENUE CHARLESTON SOUTH CAROLINA 29403 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 2019-00767

May 30, 2019

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

#### Mr. Brian Boan Nexans High Voltage USA Inc. c/o Jason Evert Johnson, Mirmiran & Thompson 2008 Riverside Avenue, Suite 200 Jacksonville, FL 32204

for a permit to construct a pile supported wharf, a loading platform and a second mooring berth and to conduct dredging in the

#### COOPER RIVER

at 1716 Bushy Park Road in Goose Creek on the Cooper River, Berkeley County, South Carolina (Latitude: 32.988898°, Longitude: -79.926729°).

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 constructing a pile supported concrete wharf, a second mooring berth, and a loading platform. The work also includes dredging the berthing areas and an area for a turning basin as well as placing riprap revetment along the shoreline. In detail, the proposed work includes the following:

Pile Supported Concrete Wharf: The pile supported concrete wharf will consist of:

- 24" concrete piles in the water facing portion;
- 20" concrete piles in the rear of the wharf;
- 5' X 3' concrete pile caps;
- Simple span concrete deck;
- Short cut off wall at top of slope
- Rip-rap slope stabilization under wharf

The concrete wharf will consist of driven concrete displacement piles, cast in place concrete pile caps and connected with a concrete deck spanning over the water. Concrete piles will be installed using an impact pile driving hammer. Concrete piles will be moved into position and set into proper location by placing a choker cable around a pile and lifting it into vertical position with a crane. Once a pile is properly positioned (likely within a template), the hammer will be used to drive the pile into the substrate until it reaches the bearing elevation or refusal is achieved. The top of the wharf will be around 14.00 MLLW and the bottom of the concrete piles will be around -48 MLLW. The wharf segment will be 100' X 500'.

**Loading Platform:** A 50' X 75' loading platform will be located on the northern end of the concrete wharf. The platform will support a single caterpillar cable feeding machine that guides the cable into the vessel cable loading system and connected to the secondary berthing area via 4' wide walkway.

**Secondary Berth:** A proposed "T" head mooring arrangement of dolphins are proposed to the north of the pile supported concrete wharf and loading platform. The mooring dolphins will be accessed primarily by pedestrians and will have specific pre-manufactured 4' aluminum gangways with interior support bents as needed. Access to the mooring dolphins will be from the loading platform on the northern end of the marine terminal. The loading platform will be connected by a 70' walkway to the first 12' X 12' mooring dolphin, continuing north by 4' X 150' walkway to another 12' X 12' mooring dolphin, connected to a 4' X 65' walkway to a 16' X 22' platform, connected via 4' X 50' walkway to a 20' X 40' platform, connected by 4' X 50' walkway to another 16' X 22' platform, connected via 4' X 65' walkway to a 12' X 12' mooring dolphin. This secondary berth will provide needed stability for the UR-141 tow barge and will allow access to berthed vessel and to the berthing/ mooring bollard tie-up locations.

**Dredging Berths and Turning Basin:** Approximately 80,000 cubic yards of material will be dredged from the Cooper River in the vicinity of the pile supported concrete wharf, the secondary berth and a turning basin to depths of -35.90 MLLW. This will allow for efficient movement of loading vessels to facilitate access to the berthing areas during all phases of the tidal cycle. The footprint of the overall area to be dredged is 19.85 acres, as shown on the proposed plans. The primary method of dredging is mechanical clamshell dredge or excavator, and the material will be deposited on the adjacent uplands for dewatering prior to being transported. The dredged material will be handled by temporarily transporting the material to a barge and the barge will be towed to a temporary stockpile location on site. The on-site temporary stockpile location will be contained by a single row of silt fencing around the perimeter and a double row of silt fencing along the Cooper River. The material will be stockpiled on site to allow for during for sufficient period of time. Drying

time is expected to vary depending on weather conditions, availability of transport trucks and load quantities, however the applicant anticipates that the material will be stockpiled on-site for a minimum of one week. The dredged material will be placed into trucks and transported to the upland disposal site. The applicant intends to dispose of the material at a 30+acre sand mine identified as Primus Tract located off Primus Ferry Road. The dredged material will be utilized as part of the ongoing mine reclamation process.

The applicant has indicated that a Tier 1 evaluation will be conducted to determine the need for evaluation of pathways, identify the pathways (if any) that should be evaluated further and identify receptors of concern and contaminants or constituents of concern, if any, for further evaluation. The applicant does not intend to conduct sediment testing analyses for the proposed project as the dredged material was determined to be suitable for disposal under the previous permit authorization SC 2010-00710.

**Purpose:** The purpose of the proposed work is to construct a marine terminal that will support import/ export operations and ship loadout of high voltage submarine cables at the Nexans facility.

The applicant is requesting a ten-year permit to allow for maintenance dredging within the proposed 19.85 acre footprint. It is anticipated that the maintenance dredging activities will be required no more than twice during a ten-year period.

**Rip-rap Revetment:** The applicant proposed to install rock revetment along the entire shoreline in an area comprising of approximately 3.73 acres. The purpose of the revetment is to prevent additional erosion and scour along the bank and to adequately prepare the site for construction. According to the applicant, the riprap or slope stabilization is necessary to decrease the risk of erosion of the embankment of the berthing areas. The revetment will be constructed of riprap and extend from the top of the existing bank to the toe of the slope at or near mean low water. A geotextile fabric may be used under the stone. Grading at a 2:1 slope will be used to create a stable surface for instillation of the riprap.

**NOTE:** There is currently a DA permit (SAC 2010-00710) authorizing work on the proposed property valid until March 31, 2021. The authorized work consists of the construction of 500' of marine bulkhead and associated fill of 0.29 acres of open water and 0.02 acres of wetlands, the construction of 8 mooring dolphins, installed to a depth of 30' to 80' into the water, and dredging 3.56 acres of the Cooper River to depths of -35' MLW for a total of 62,000 cubic yards. The dredge area is located adjacent to the authorized bulkhead and the primary method of dredging is mechanical clamshell dredge or excavator. Dredged material would be deposited on adjacent uplands for dewatering prior to disposal elsewhere on site. Current authorized work is shown on the attached drawing labeled "Currently Authorized Work via SAC 2010-00710". Due to the nature of the currently proposed work and substantial changes, the project is being considered a new project.

DA permit SAC 2010-00710 authorized the discharge of fill material into 0.02 acre of freshwater wetland adjacent to the Cooper River. According to the applicant, these wetlands were filled as a component of the original permit. The original permit authorized the discharge of fill material to be placed in this 0.02 acre of freshwater wetland as well as backfilling 0.29 acre of open water. A special condition of DA permit SAC 2010-00710 required the purchase of 1.8 credits from the Congreve Carton Mitigation Bank and 1.8 credits from the Francis Beidler In-Lieu Fee Program. While the 0.02 acre of freshwater wetland was filled, no open waters were filled. The applicant has indicated that the mitigation credits were not purchased prior to the filling of the 0.02 acre of wetland and the current changes do not require the filling of the 0.29 acre of open water. The

applicant proposed to purchase 0.5 freshwater wetland enhancement credits from the Palmetto Umbrella Bank to compensate for the previous wetland impact.

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

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 approximately 20 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 that the project may affect but is <u>not likely to adversely affect</u> the West Indian Manatee (*Trichechus manatus*). 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.

Additionally, the District Engineer has consulted the most recently available information and <u>has made no determination of effect</u> on the proposed project's potential effect on Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) or the shortnose sturgeon (*Acipenser brevirostrum*) or designated critical habitat.

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).

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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.

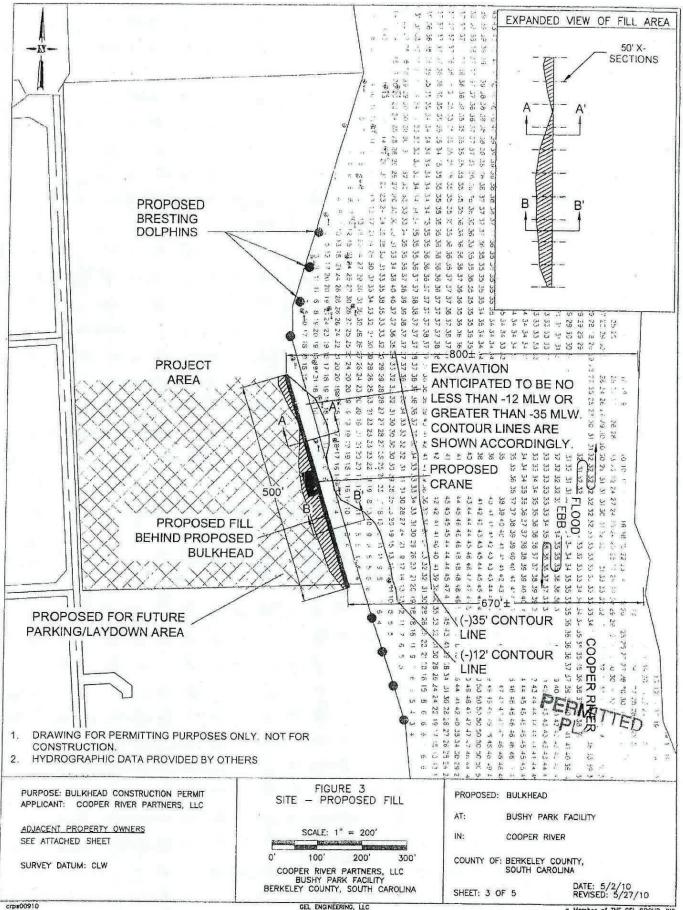
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 (SAC 2019-00767), to the following address:** 

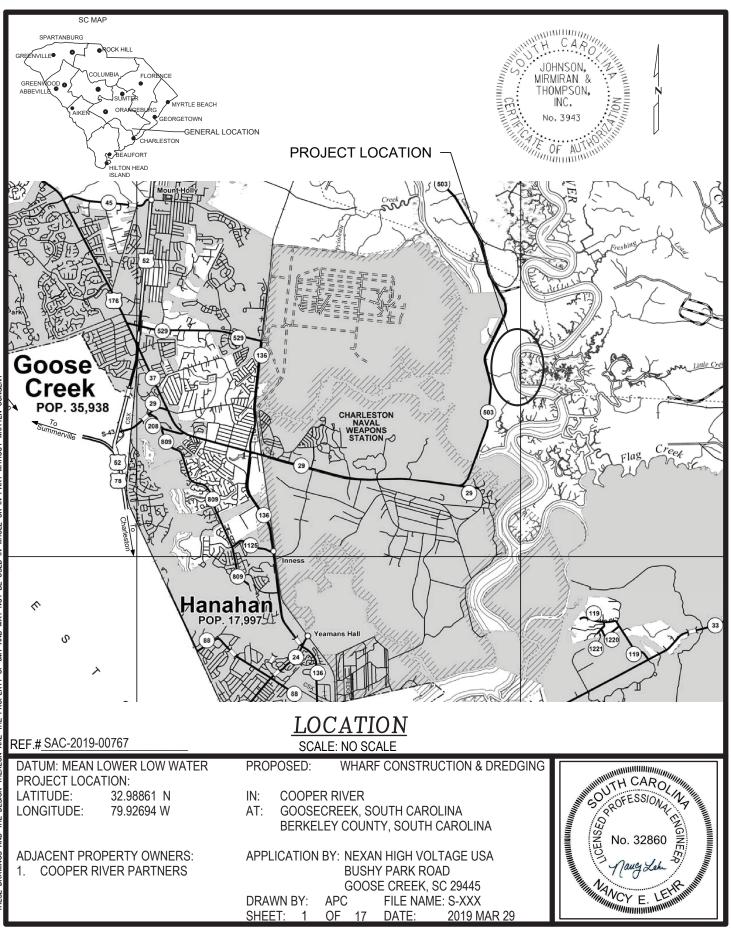
U.S. Army Corps of Engineers ATTN: Elizabeth Williams Regulatory Division 69A Hagood Avenue Charleston, South Carolina 29403-5107

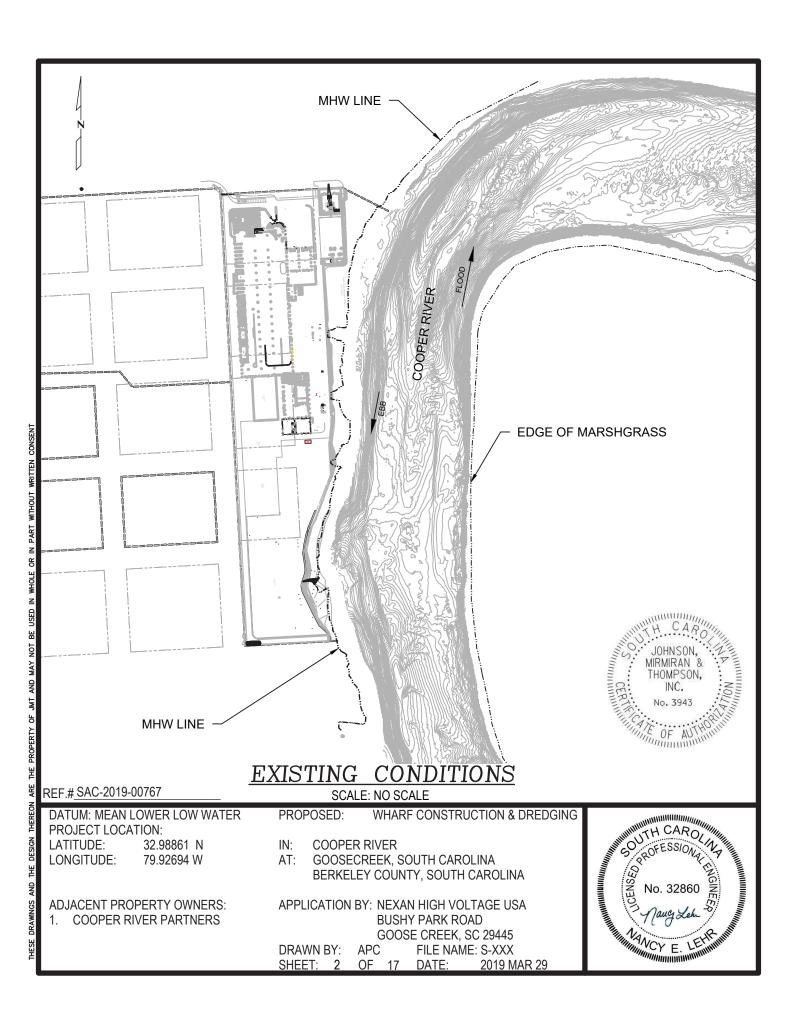
If there are any questions concerning this public notice, please contact Elizabeth Williams, Project Manager, at 843-329-8044 or toll free at 1-866-329-8187.

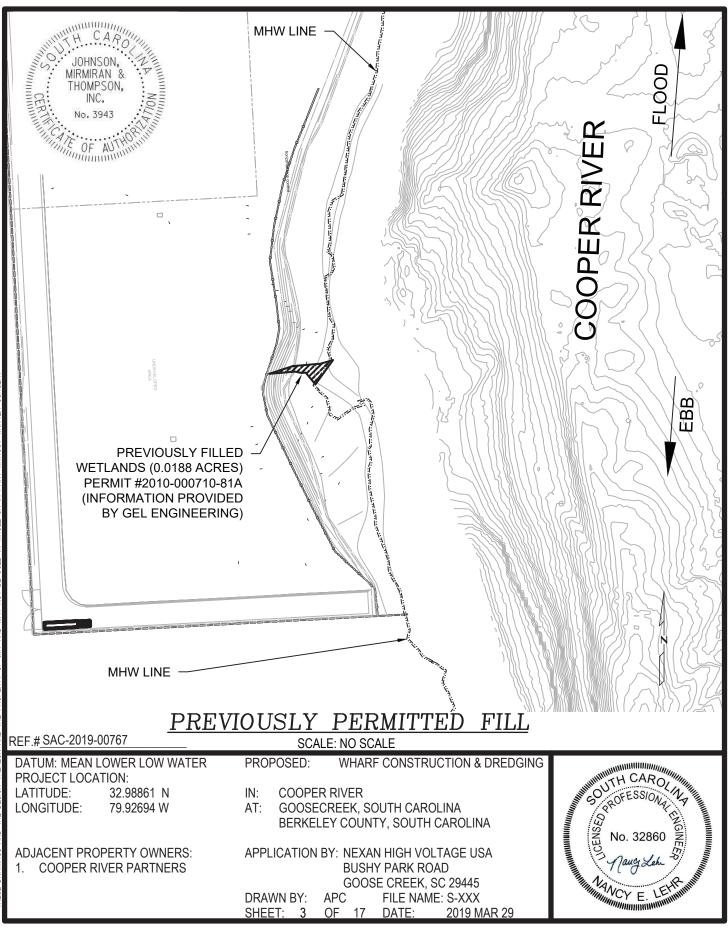
## Currently Authorized Work via SAC 2010-710



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