

JOINT
PUBLIC NOTICE
FOR PERMIT MODIFICATION

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: SAC #1994-10202-1W, formerly P/N 94-1D-071

21 AUGUST 2012

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

SIMMONS FAMILY HOLDINGS, LLC
c/o MR. MARK RENEW
SEA ISLAND LAND SURVEY
4D MATHEWS COURT
HILTON HEAD ISLAND, SC 29926

for a modification to an existing permit to add an additional floating dock and walkway, to construct a wooden bulkhead and for an after the fact permit for an existing catwalk and floating dock to bring the existing structure into compliance in waters of

BROAD CREEK

at a location adjacent to 11 Simmons Road off of Marshland Road on Hilton Head Island, Beaufort County, South Carolina (Latitude 32.184202°, Longitude -80.756032°)

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.

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The proposed (new) work consists of the construction of an additional floating dock (8' x 75') and walkway (4' x 28'), and the construction of a wooden bulkhead (185 linear feet) above mean high water. This project also includes an after the fact permit request for an existing 2' x 37' catwalk leading to a 12' x 12' boat lift and for an existing 266 square foot floating dock at the existing Broad Creek Marina.

The purpose of the project is to expand the existing facility by adding kayak storage and launching areas for a kayak tour company, to bring the existing structure into compliance with the issued permit and for bank stabilization.

Please note: Because the proposed bulkhead will be located above MHW, no further processing will be required by this office for the construction of the proposed bulkhead.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107.**

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.

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 0.02 additional acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, 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.

The District Engineer has consulted the most recently available information and has determined 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

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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 7(c) of the Endangered Species Act of 1973 (as amended).

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. 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.

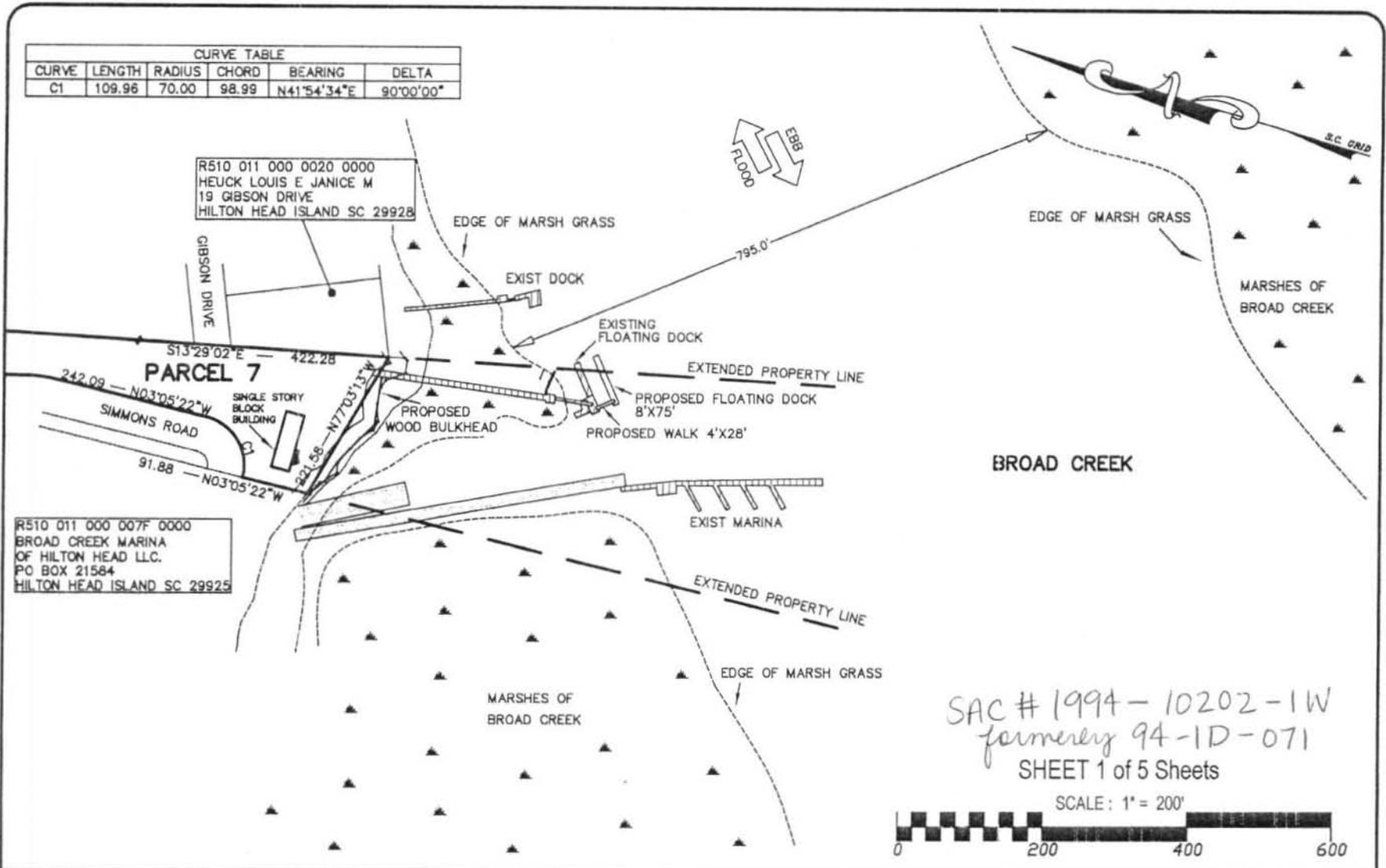
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine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

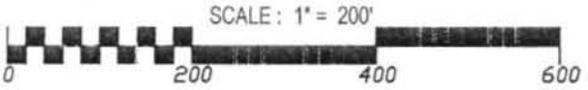
CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
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R510 011 000 0020 0000
HEUCK LOUIS E JANICE M
19 GIBSON DRIVE
HILTON HEAD ISLAND SC 29928

R510 011 000 007F 0000
BROAD CREEK MARINA
OF HILTON HEAD LLC.
PO BOX 21584
HILTON HEAD ISLAND SC 29925



SAC # 1994-10202-1W
formerly 94-ID-071
SHEET 1 of 5 Sheets



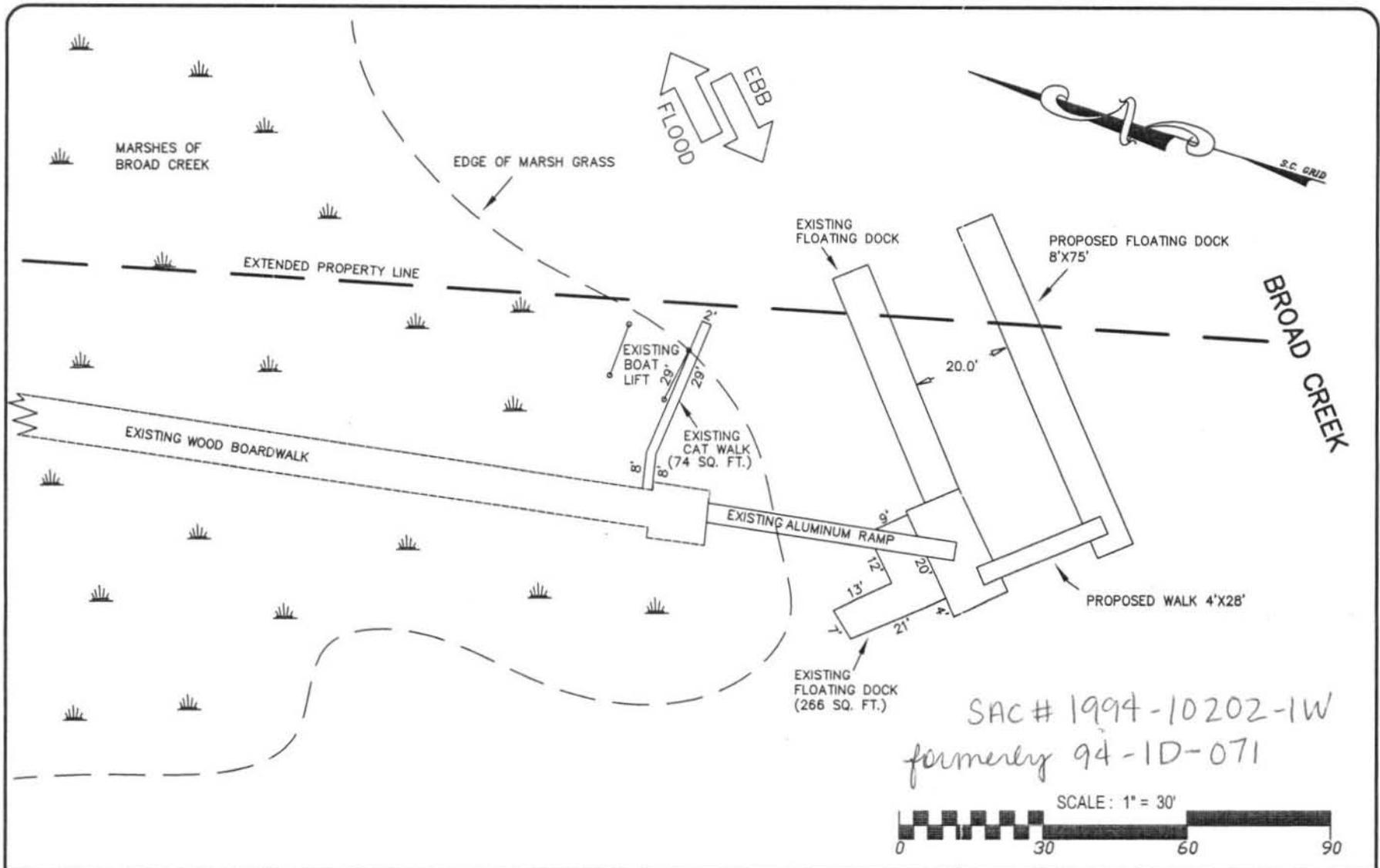
APPLICANT
CHARLES SIMMONS
ADDRESS: P.O. BOX 22944
HILTON HEAD ISLAND
SC, 29925
DATE: APRIL 24, 2012
WATERBODY: BROAD CREEK

LOCATION
ADDRESS: # 11 SIMMONS ROAD
LEGAL: PORTION OF PARCEL 7,
HILTON HEAD ISLAND
SC, 29926
BEAUFORT COUNTY,
SOUTH CAROLINA
TAX PARCEL #: R510 011 000 0007 0000

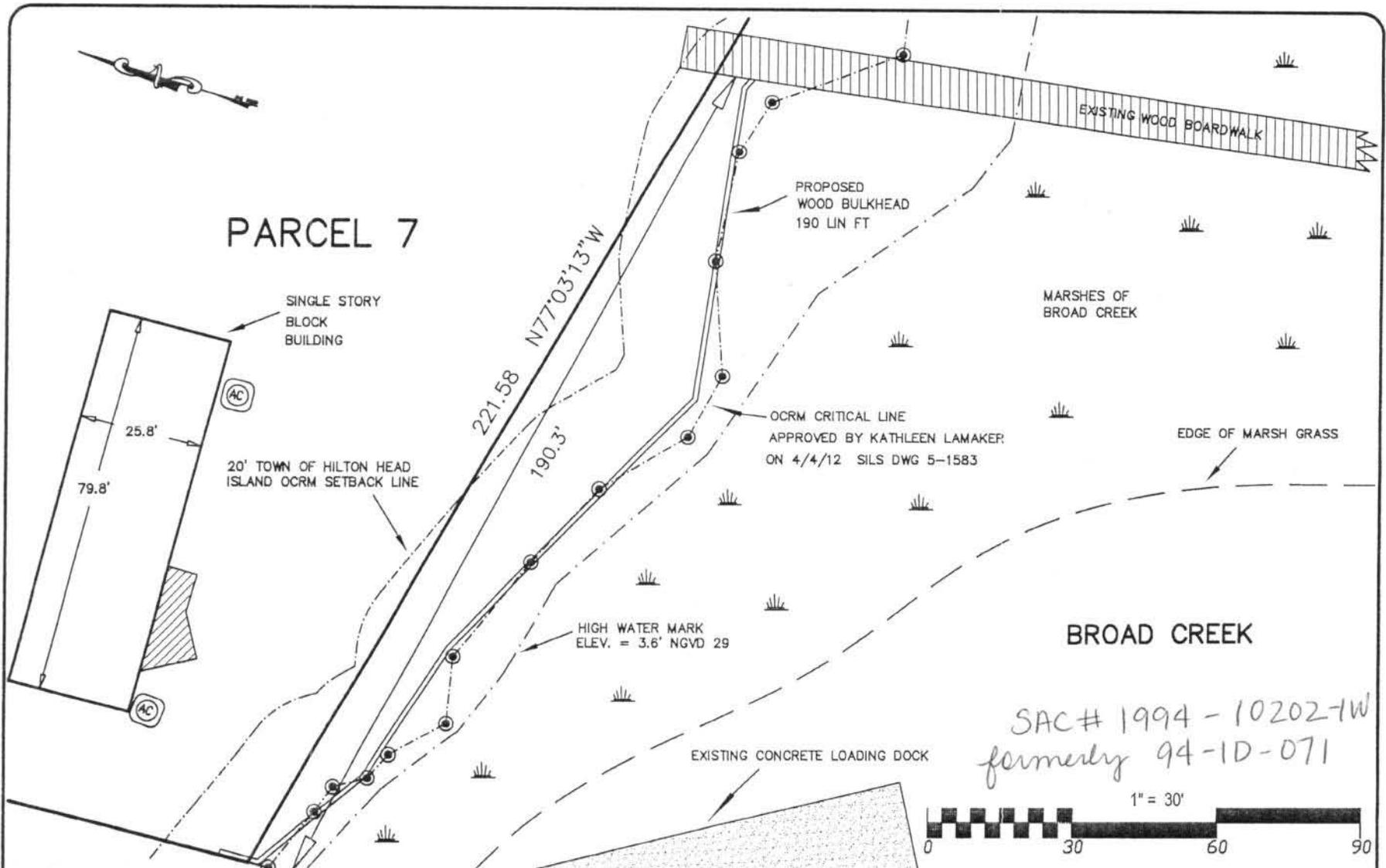


SITE PLAN
PROPOSED BULKHEAD
AND FLOATING DOCK

SIS Sea Island Land Survey, LLC.
4D Mathews Court, Tel (843) 681-3248
Hilton Head Island, Fax (843) 689-3871
SC 29926 E-mail: sils@sprynet.com
FILE No.: 02350/5 DWG No.: 5-1583PERMIT

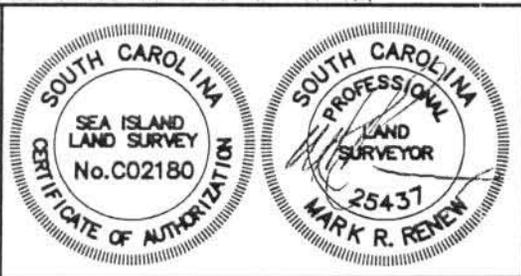


<p>APPLICANT CHARLES SIMMONS ADDRESS: P.O. BOX 22944 HILTON HEAD ISLAND SC, 29925 DATE: APRIL 24, 2012 WATERBODY: BROAD CREEK</p>	<p>LOCATION ADDRESS: #11 SIMMONS ROAD LEGAL: PORTION OF PARCEL 7, HILTON HEAD ISLAND SC, 29926 BEAUFORT COUNTY, SOUTH CAROLINA TAX PARCEL #: R510 011 000 0007 0000</p>		<p>PLAN VIEW PROPOSED FLOATING DOCK SHEET 2 of 3 Sheets</p> <p>SIS Sea Island Land Survey, LLC. 4D Mathews Court, Tel (843) 681-3248 Hilton Head Island, Fax (843) 689-3871 SC 29926 E-mail: sils@sprynet.com FILE No.: 02350/5 DWG No.: 5-1583PERMIT</p>
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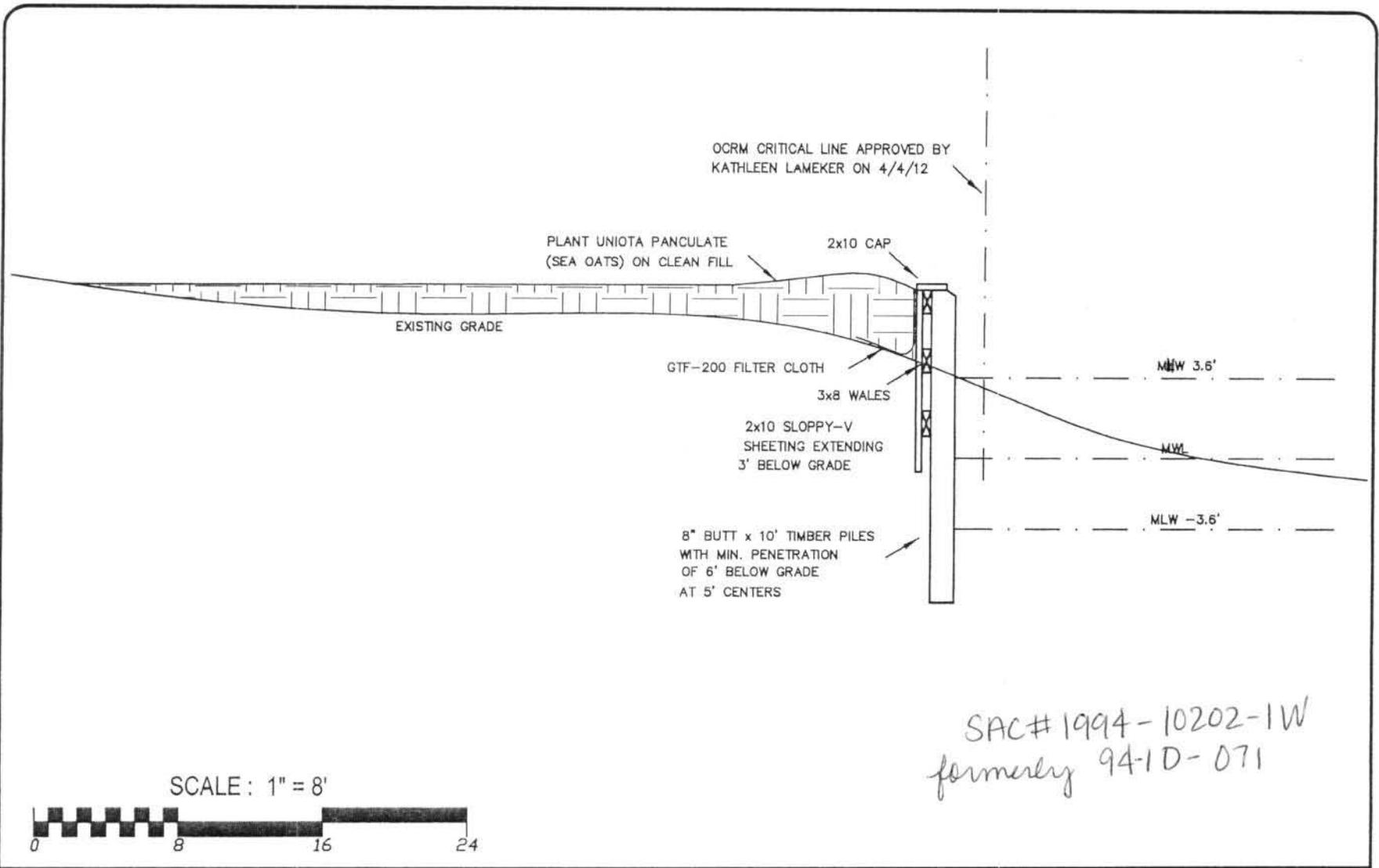
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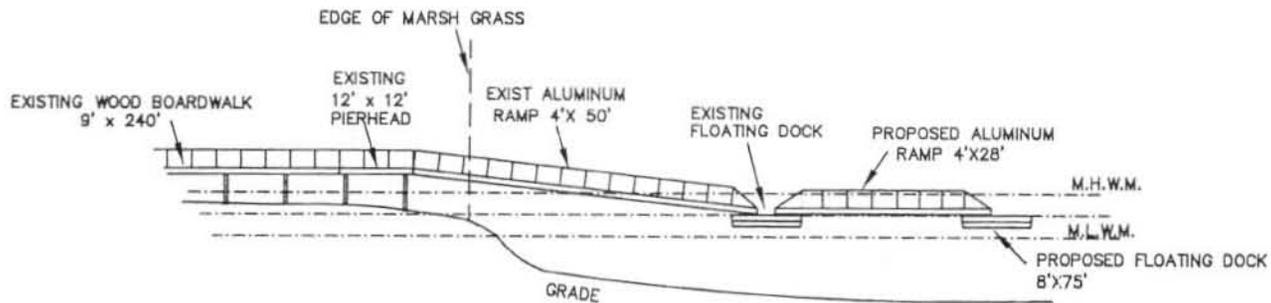


PLAN VIEW
 PROPOSED BULKHEAD
 SHEET 3 of 5 Sheets

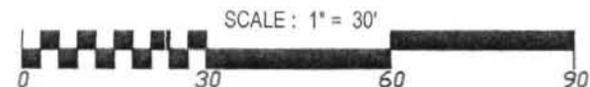
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