

JOINT
PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: SAC 2012-0649-1W

11 JULY 2012

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), an application has been submitted to the Department of the Army by

MERRY LAND PROPERTIES, LLC
c/o **NEWKIRK ENVIRONMENTAL, INC.**
POST OFFICE BOX 746
MT. PLEASANT, SC 29465-0746

for a permit to construct a marina in waters of the

BEAUFORT RIVER (AIWW)

at a location upstream of the Mcteer Bridge (SC Hwy. 802) and adjacent to the Port Royal Landing Marina in the Town of Port Royal in Beaufort County, South Carolina. (Latitude 32.3974° N, Longitude -80.6783° W).

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

from those interested in the activity and whose interests may be affected by the proposed work.

PLEASE NOTE: The current project advertised was previously permitted under Department of the Army permit # 2005-1W-429 that expired on September 30, 2011, before the work could be accomplished. The applicant is requesting another permit for the same work. Please note the change in permit number to SAC 2012-0649-1W.

The South Carolina Department of Health and Environmental Control issued their authorizations under 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.) under the permit #2005-1W-429. These authorizations are still valid until May 17, 2016.

The proposed work consists of constructing a marina. In detail, the work consists of constructing a 6' x 848' walkway leading to a 20' x 30' fixed pierhead and a total of six 4' x 30' ramps that will lead to six floating dock sections, 10' wide x 160' long each. Four of these floating

dock sections will be located along the walkway and two will be located on the landward end of the fixed pierhead. A 5' x 45' ramp will lead to a 10' wide x 250' long floating dock located on the waterward end of the fixed pierhead. This arrangement of the structures will be capable of accommodating approximately 80 boats of various sizes. The purpose of this work is to provide a community marina facility for the use of the future residents of the proposed residential development and the general public. As required by the South Carolina Department of Health and Environmental Control Bureau of Ocean and Coastal Resource Management issued permit, #2005-1W-429, the applicant has provided an Operation and Maintenance Manual for the proposed work.

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
69-A Hagood Avenue
Charleston, South Carolina 29403.**

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 2 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising of 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 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.

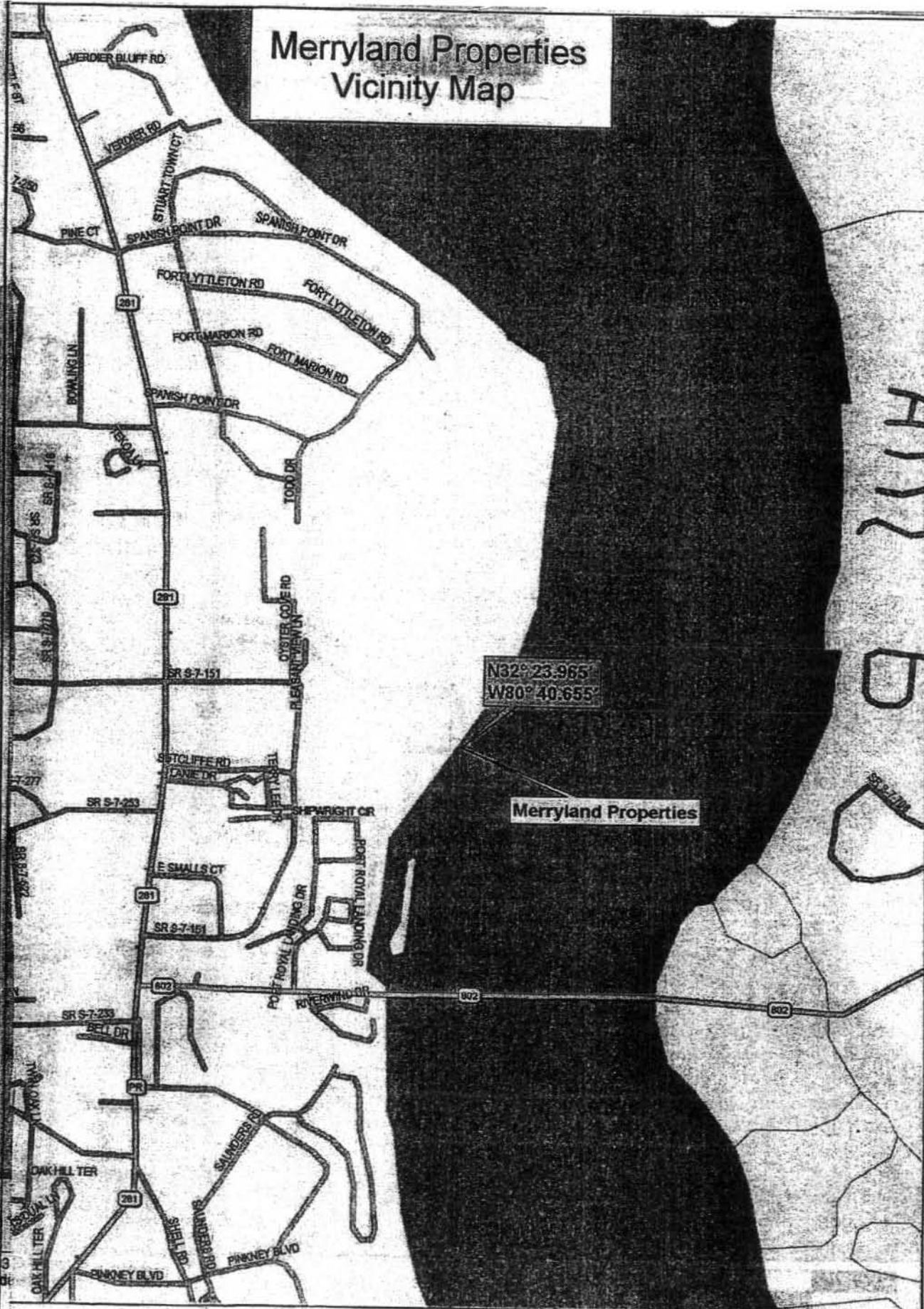
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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.

Merryland Properties Vicinity Map



N32° 23.965'
W80° 40.655'

Merryland Properties

ADJACENT PROPERTY OWNERS:

- | North of Site | West of Site |
|---------------|--------------|
| 1. M10 007 | 1. R10 008 |
| 2. M10 008 | 2. R10 009 |
| 3. M10 009 | 3. R10 010 |
| 4. M10 010 | 4. R10 011 |
| 5. M10 011 | 5. R10 012 |
| 6. M10 012 | 6. R10 013 |
| 7. M10 013 | 7. R10 014 |

LOCATION: PORT ROYAL

SCALE: NO SCALE

COUNTY: BEAUFORT

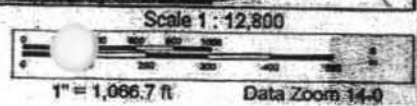
DATE: JULY 7, 2005

APPLICANT: MERRYLAND PROPERTIES

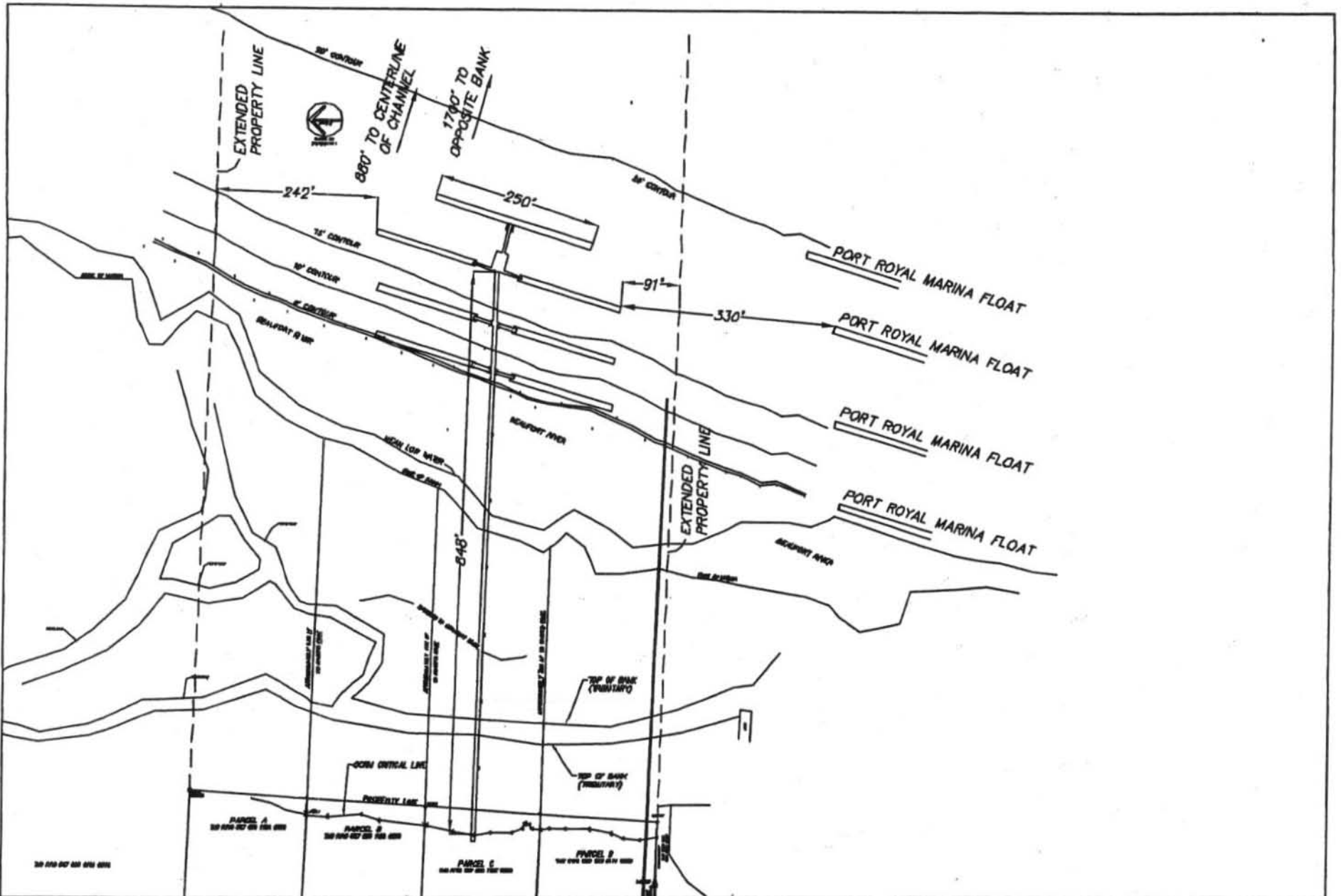
ACTIVITY: PRIVATE MARINA

SAC 2012-0649-1W

D.M.



Sheet 1 of 4



APPLICANT: MERRY LAND PROPERTIES

ACTIVITY: PRIVATE MARINA
SAC 2012-0649-1W

P/N:

LOCATION: PORT ROYAL

SCALE: 1" = 200'

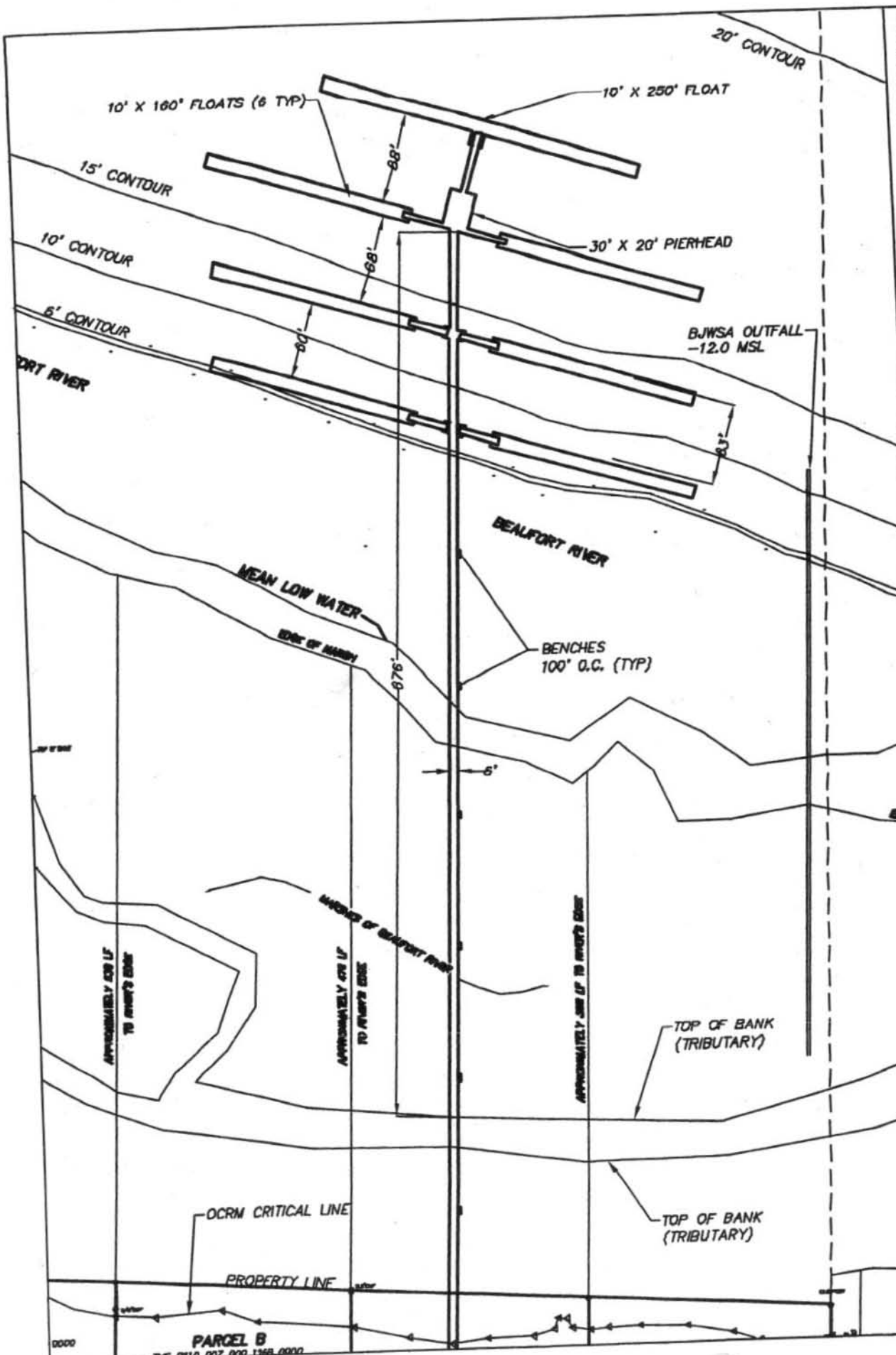
COUNTY: BEAUFORT

DATE: SEPTEMBER 12, 2005

Sheet 2 of 4

ADJACENT PROPERTY OWNERS:

- NORTH OF SITE:**
 1. 8110 007 000 0108 0000
 2. 8110 007 000 0114 0000
- SOUTH OF SITE:**
 1. 8110 008 00A 0028 0000
 2. 8110 008 00A 0027 0000
 3. 8110 008 00A 0028 0000
 4. 8110 008 00A 0025 0000
 5. 8110 008 00A 0024 0000
 6. 8110 008 00A 0023 0000
 7. 8110 008 00A 0022 0000



ADJACENT PROPERTY OWNERS:

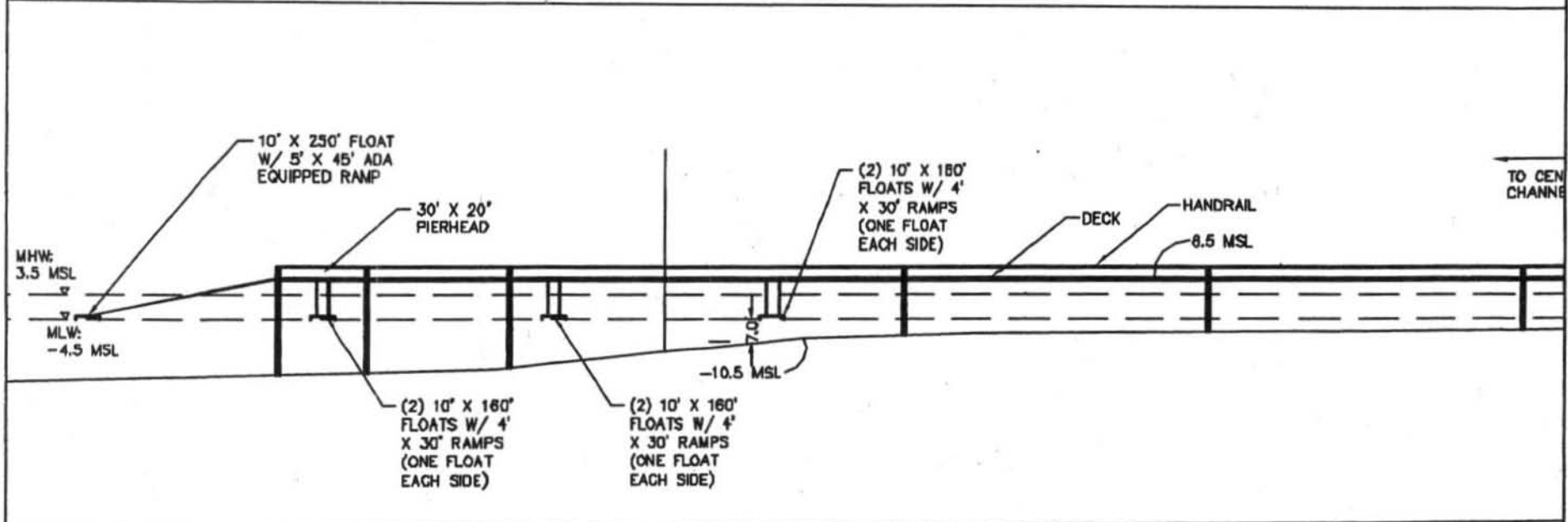
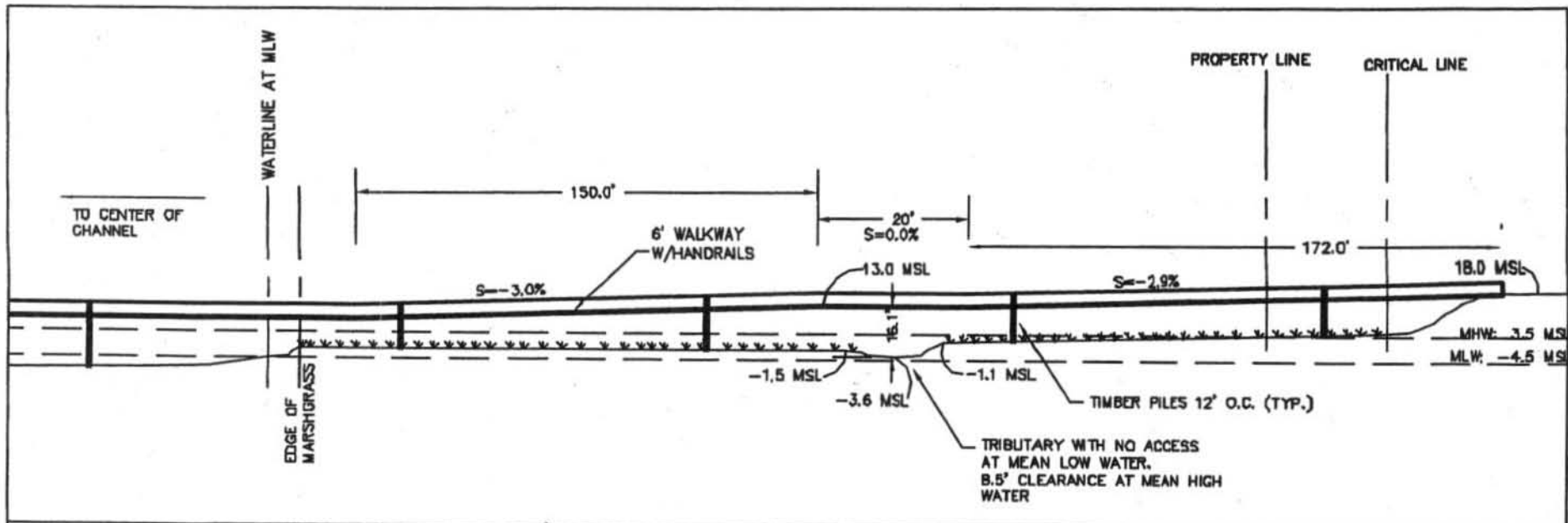
1. R110 007 000 0109 0088
 2. R110 007 000 0114 0080
 3. R110 007 000 0114 0080
 4. R110 009 004 0027 0049
 5. R110 009 004 0027 0049
 6. R110 009 004 0027 0049
 7. R110 009 004 0027 0049

LOCATION: PORT ROYAL
SCALE: 1" = 100'
COUNTY: BEAUFORT
DATE: SEPTEMBER 12, 2005

Sheet 3 of 4

APPLICANT: MERRY LAND PROPERTIES
ACTIVITY: PRIVATE MARINA
SAC 2012-06A9-1W
P/N:

0000
PARCEL B
 THE R110 007 000 1168 0000



APPLICANT: MERRY LAND PROPERTIES	LOCATION: PORT ROYAL	ADJACENT PROPERTY OWNERS:
ACTIVITY: PRIVATE MARINA	SCALE: 1" = 50'	NORTH OF SITE: 1. R110 007 000 0100 0000 2.0 R110 007 000 0114 0000 SOUTH OF SITE: 1. R110 008 00A 0020 0000 2. R110 008 00A 0027 0000 3. R110 008 00A 0028 0000 4. R110 008 00A 0025 0000 5. R110 008 00A 0024 0000 6. R110 008 00A 0023 0000 7. R110 008 00A 0022 0000
P/N: SAC 2012-0649-1W	COUNTY: BEAUFORT DATE: SEPTEMBER 12, 2005	

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