

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 #2013-00202-2R

12 April 2013

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

SHIPYARD CREEK ASSOCIATES, LLC
C/O RICHARD LEE
3340 PEACHTREE ROAD NE, SUITE 840
ATLANTA, GEORGIA 30326

for a permit to perform new work and maintenance dredging, remove existing dolphins, construct new dolphins, construct a new mooring area, wharf, retaining wall, and toewall in

SHIPYARD CREEK

located north of the Arthur Ravenel Bridge on the western side of the Cooper River, in Charleston County, South Carolina. Latitude: 32.834168 N; Longitude: -79.942064.

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 performing new work and maintenance dredging over a 42- acre area, removing 13 existing wood dolphins, constructing 2 new 30-pile cluster timber dolphins and 14 new 19-pile cluster timber dolphins, constructing a mooring area, wharf, retaining wall, and toewall in Shipyard Creek. In detail, the existing authorized Upper Shipyard Creek Navigation Channel and Basin will be widened from 200' to 300', and both the channel and turning basin will be deepened to -38' MLLW plus 1 foot overdepth for a total depth of -39' MLLW. A new mooring area on the east side of the creek will be dredged with the following dimensions: 130'

wide at -12' MLLW and 65' wide at -7' MLLW. There is one area north of the proposed mooring area, as shown on the project drawings, of potential sloughing (0.28 acre of salt marsh) resulting from the widening of the channel. The dredged material will be pumped via pipeline to the Clouter Creek Upland Disposal Area. In addition, a 70' x 880' concrete bulk handling wharf will be constructed on the western side of the creek along the Upper Turning Basin. The wharf will be pile supported with a steel sheetpile wall behind it. Armor stone (9,000 cu.yds) will be placed on the slope beneath the wharf and backfill placed behind the sheetpile wall. A 390' long steel retaining wall will be constructed north of the proposed wharf. Impacts below MHW along the turning basin are depicted on the project drawings and include the following: Area 2A = 0.04 acre (200 cy), Area 2B = 0.04 acre (150 cy), Area 3 = 0.02 acre (15 cy). In front of an existing concrete wharf on the western bank of Shipyard Creek, a new 575' long steel sheetpile toewall will be constructed to allow for the proposed dredged deepening without endangering the structural stability of the existing wharf. The applicant has proposed sediment testing. In regards to mitigation, the applicant proposes to purchase 4.6 salt marsh enhancement/restoration credits from the Congaree Carton Mitigation Bank, if sufficient credits become available. If not, the applicant will purchase the 1.8 mitigation credits that are currently available, and for the remainder of the mitigation the applicant proposes to restore and enhance 0.2 acre of wetlands and create 315 linear feet of new fish passage at a previous filled area associated with Noisette Creek.

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 42.38 acres (42 acres dredging, 0.1 acre of fill below MHW, and 0.28 acre of potential sloughing along the channel) 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.

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 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.

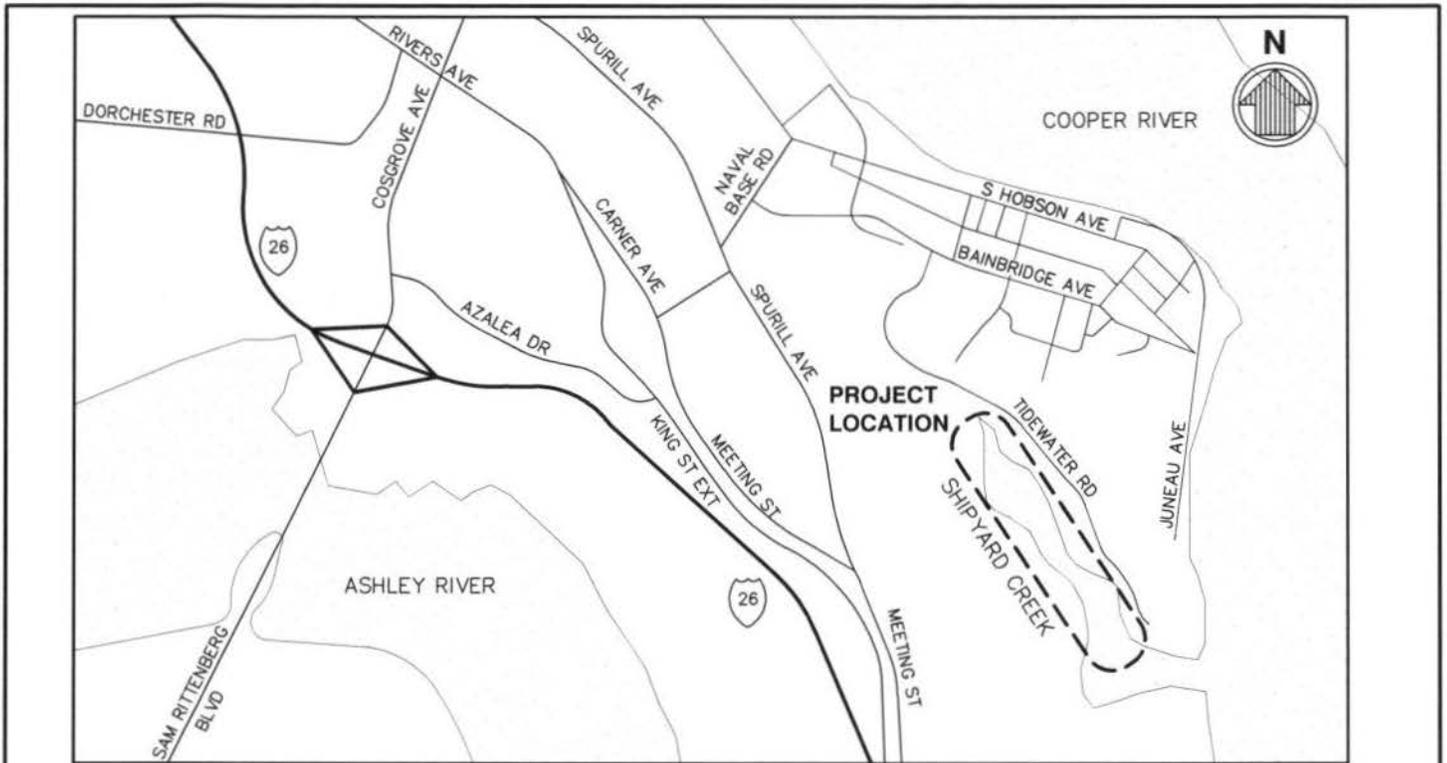
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered 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.

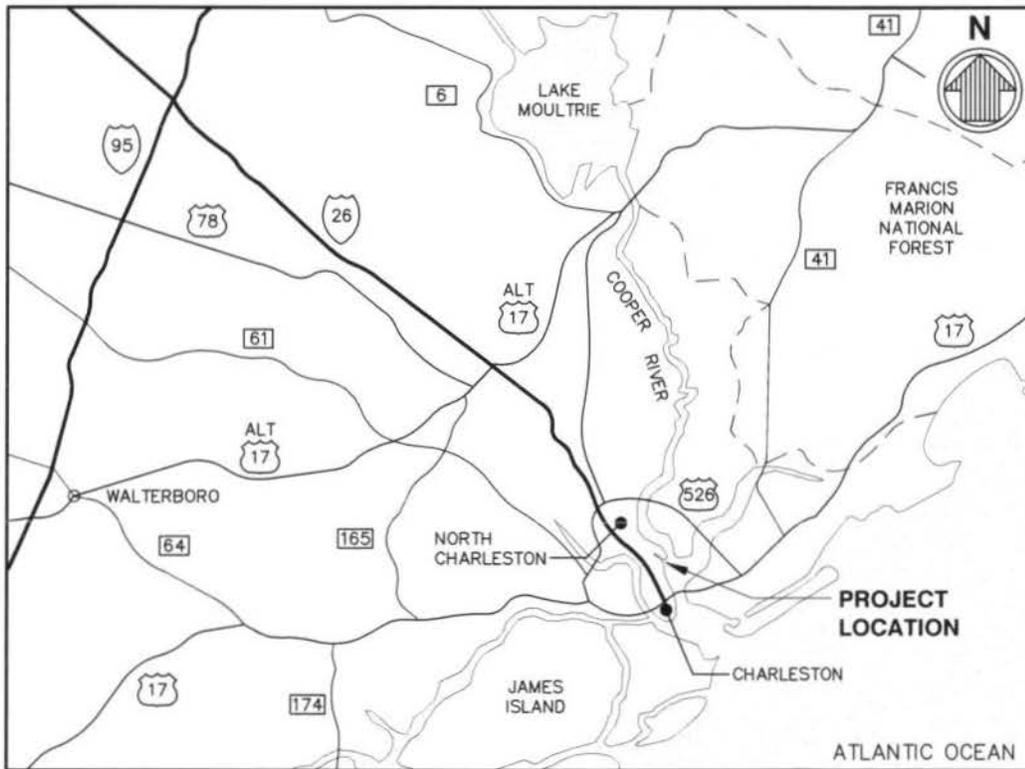
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section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

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 Robin Coller-Socha at 843-329-8044 or toll free at 1-866-329-8187.



LOCATION MAP



VICINITY MAP

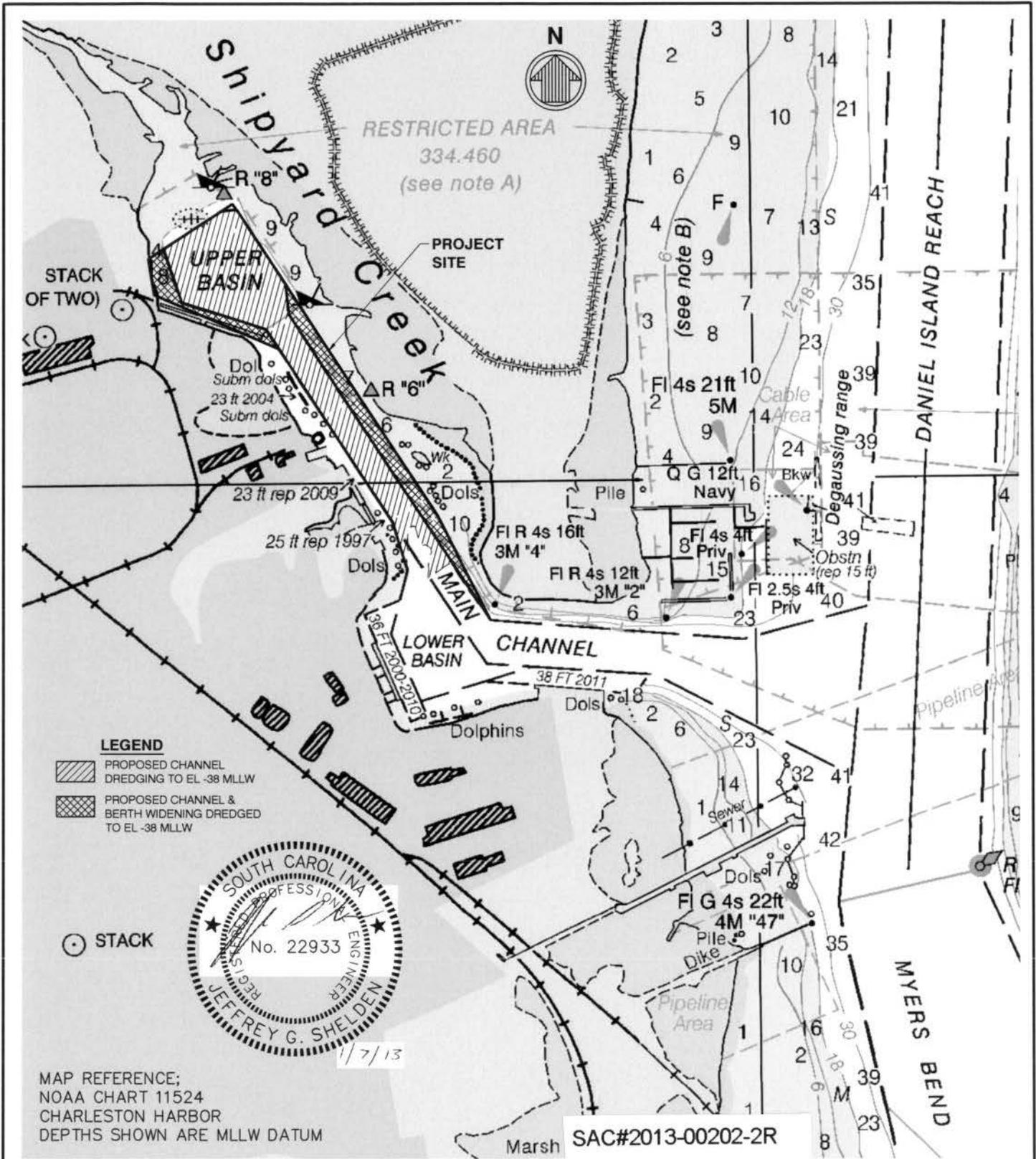
SAC#2013-00202-2R



PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH
 DATUM: MLLW
 ADJACENT PROPERTY OWNERS:

VICINITY & LOCATION MAPS
 NOT TO SCALE
 SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE ROAD, SUITE 840
 ATLANTA, GA 30326

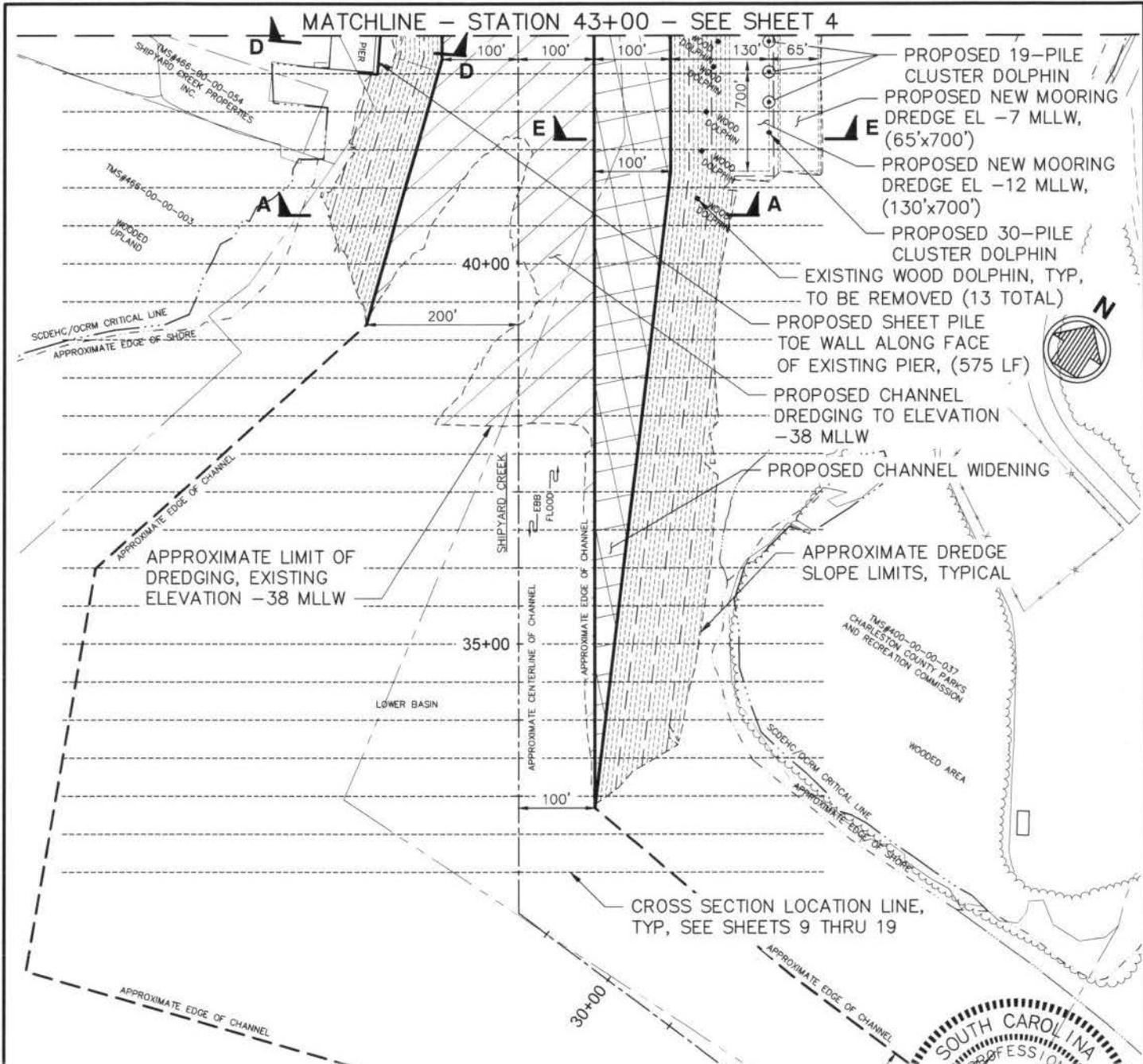
MACALLOY BULK HANDLING FACILITY
 SHIPYARD CREEK CHANNEL
 AND TURNING BASIN DREDGING
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 SHEET 1 OF 20 DATE: 1/13



PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH
 DATUM: MLLW
 ADJACENT PROPERTY OWNERS:

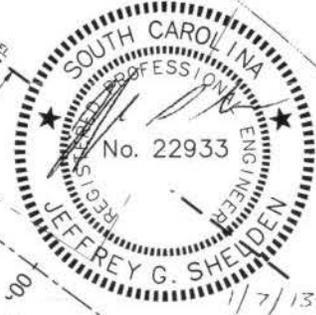
PROJECT SITE MAP
 0 1000' 2000'
 1"=1000'
 SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE ROAD, SUITE 840
 ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
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 SHEET 2 OF 20 DATE: 1/13



NOTES:

1. HORIZONTAL COORDINATE SYSTEM REFERENCED TO SOUTH CAROLINA STATE GRID (NAD 83).
2. VERTICAL DATUM REFERENCED TO MLLW = 0.00' (MLW = +0.19').
3. SOUNDINGS SHOWN ARE IN FEET BELOW MLW FROM A HYDROGRAPHIC SURVEY PERFORMED BY GEL ENGINEERING, LLC IN MAY 2012. AREA SURVEYED IS SUBJECT TO SILTING AND REFLECT CONDITIONS AT THE TIME OF THE SURVEY.
4. ALL INFORMATION SHOWN OUTSIDE OF THE SURVEY AREA WERE OBTAINED FROM USACE HYDROGRAPHIC SURVEY TITLED "CHARLESTON HARBOR SHIPYARD RIVER CONDITION" FILE NO. 9199, DATED NOVEMBER 13, 2007 AND ARE FOR INFORMATION ONLY.
5. SCDHEC-OCRM CRITICAL LINE VERIFIED BY STEVEN BROOKS ON JANUARY 4, 2013.



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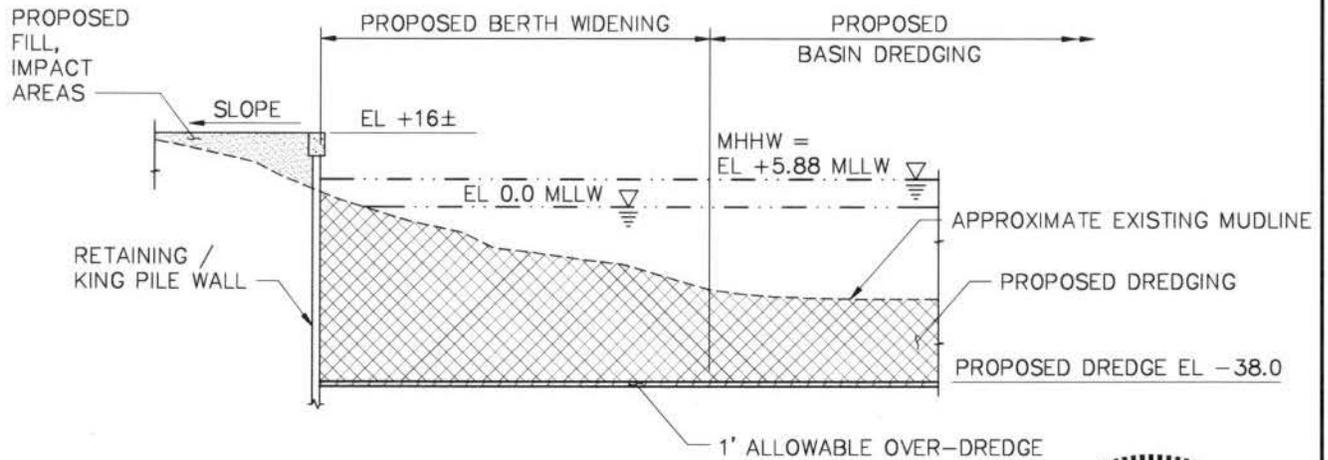
DREDGE PLAN - 1 OF 3

0 200' 400'

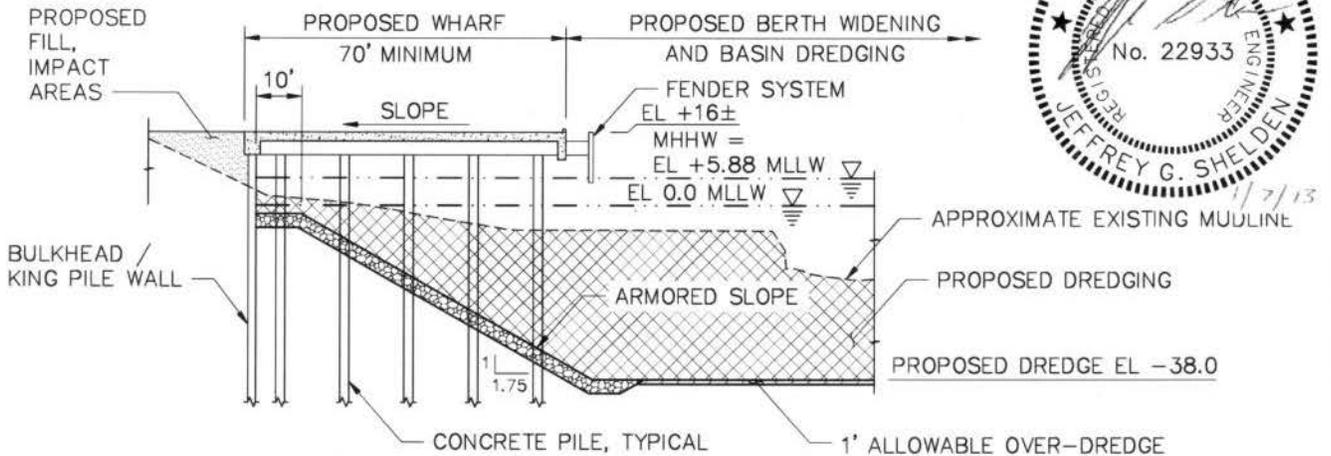
1" = 200'

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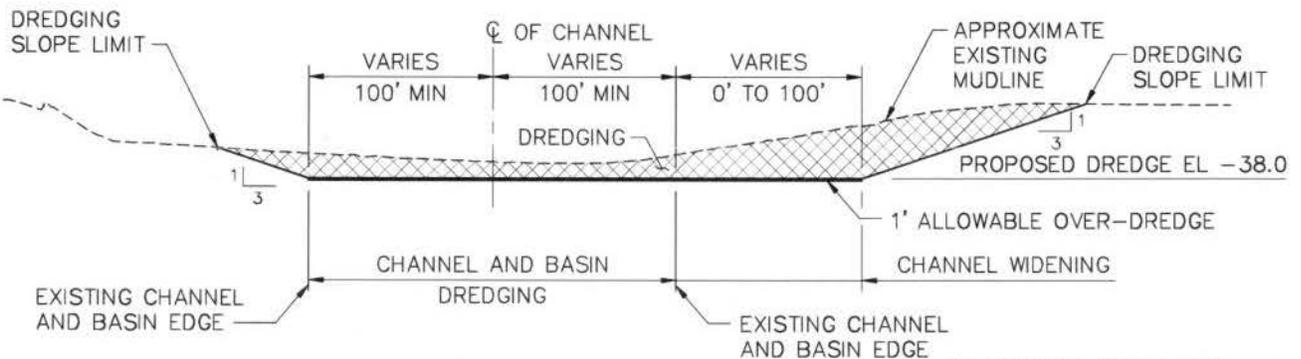
MACALLOY BULK HANDLING FACILITY
 SHIPYARD CREEK CHANNEL
 AND TURNING BASIN DREDGING
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 SHEET 3 OF 20 DATE: 1/13



SECTION C-C



SECTION B-B



SECTION A-A

SAC#2013-00202-2R

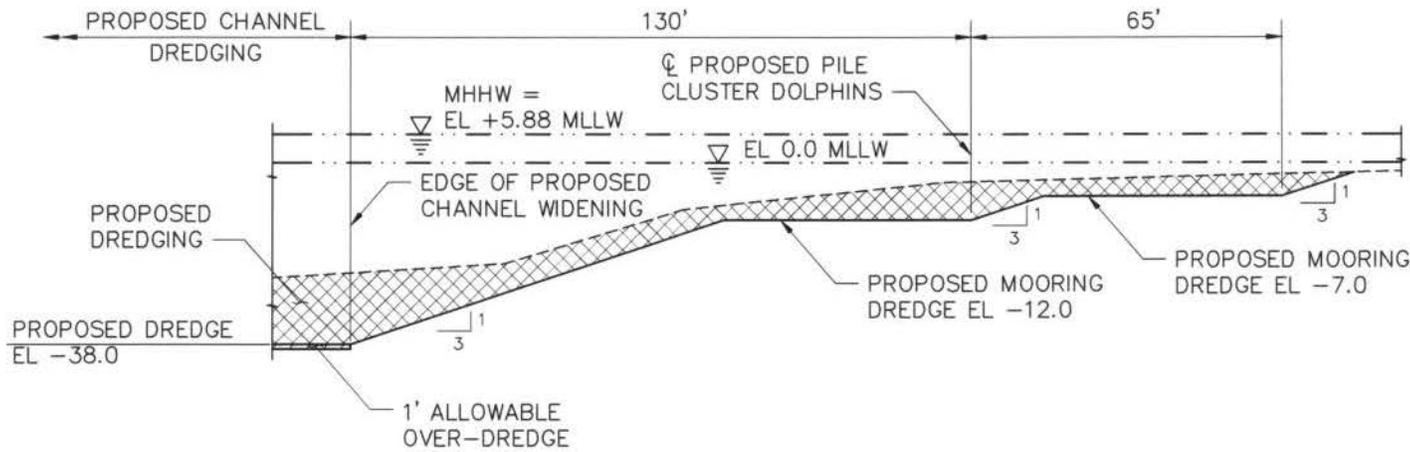
PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH
 DATUM: MLLW
 ADJACENT PROPERTY OWNERS:

TYPICAL SECTIONS

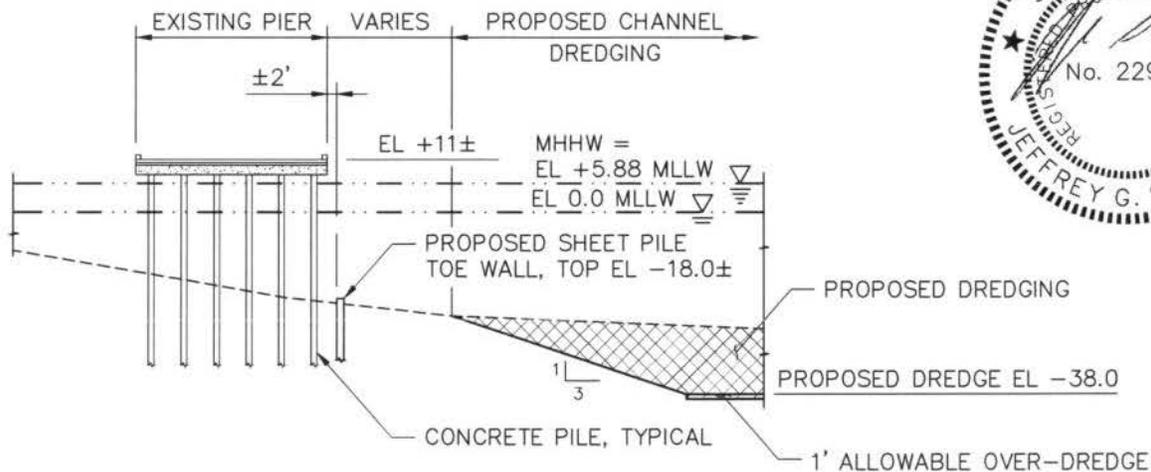
NOT TO SCALE

SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE ROAD, SUITE 840
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MACALLOY BULK HANDLING FACILITY
 SHIPYARD CREEK CHANNEL
 AND TURNING BASIN DREDGING
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 SHEET 6 OF 20 DATE: 1/13



SECTION E-E



SECTION D-D

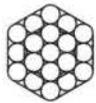


SAC#2013-00202-2R

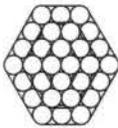
PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH
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 ADJACENT PROPERTY OWNERS:

TYPICAL SECTIONS
 NOT TO SCALE
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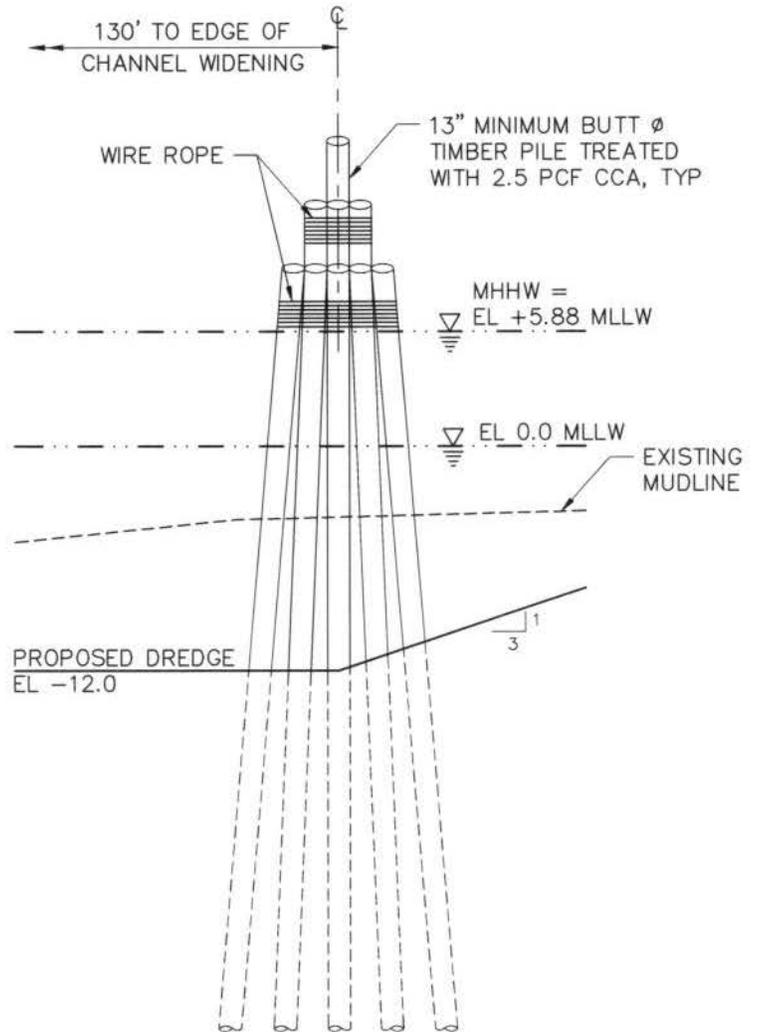
MACALLOY BULK HANDLING FACILITY
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 AND TURNING BASIN DREDGING
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 SHEET 7 OF 20 DATE: 1/13



**19-PILE CLUSTER
DOLPHIN PLAN
(14 PROPOSED)**



**30-PILE CLUSTER
DOLPHIN PLAN
(2 PROPOSED)**



TYPICAL ELEVATION

SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH
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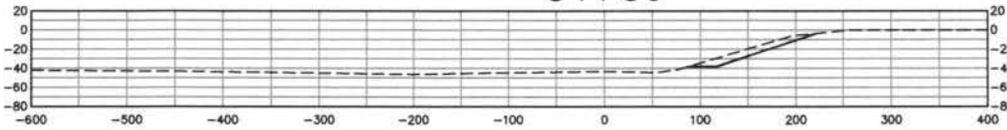
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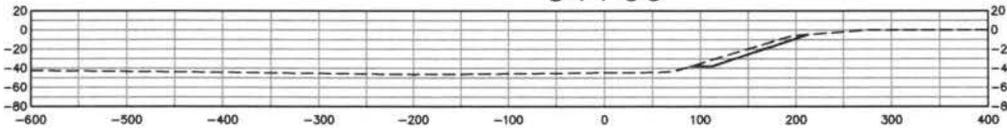
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MACALLOY BULK HANDLING FACILITY
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 SHEET 8 OF 20 DATE: 1/13

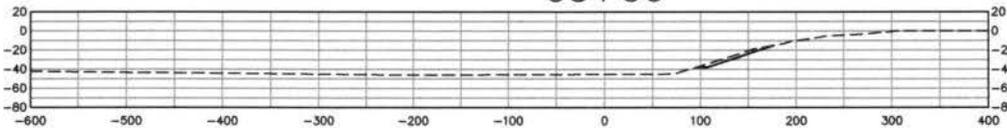
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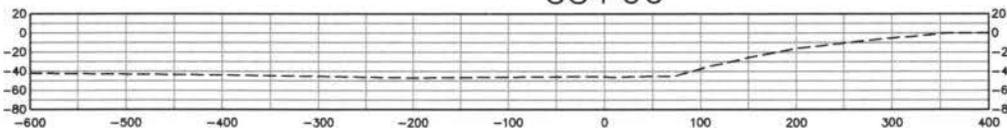
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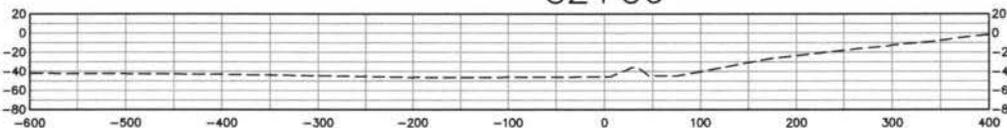
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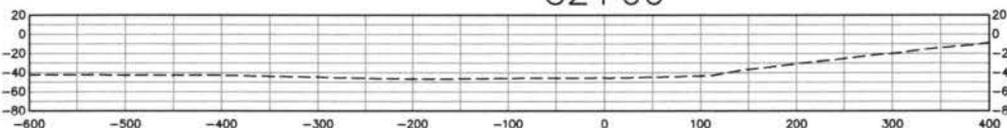
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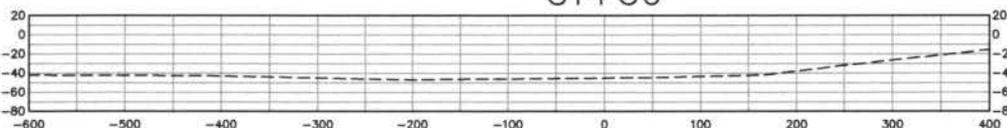
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32+00



31+50



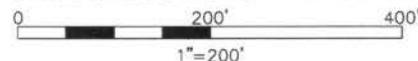
SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS - 1 OF 11



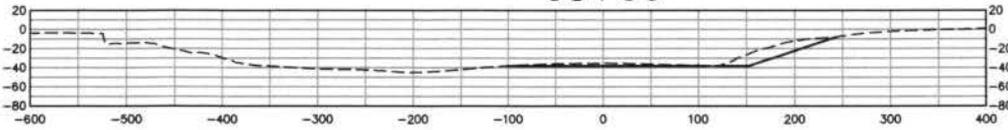
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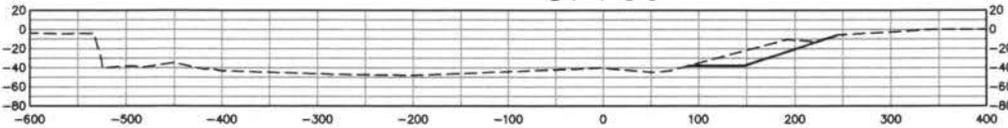
APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 9 OF 20 DATE: 1/13

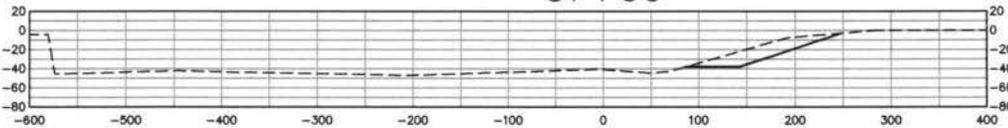
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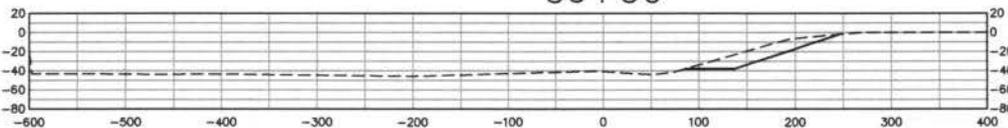
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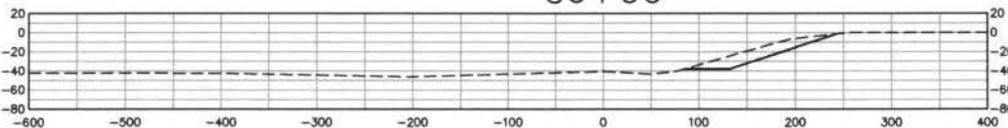
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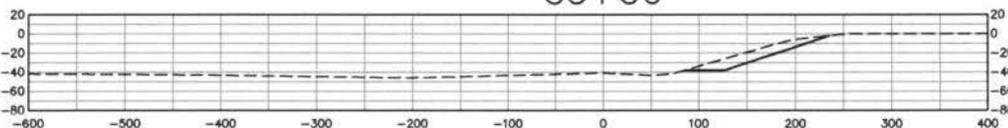
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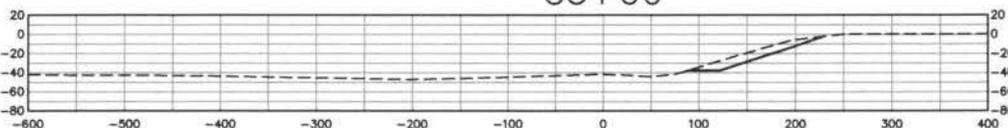
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35+00



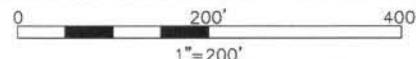
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PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS - 2 OF 11



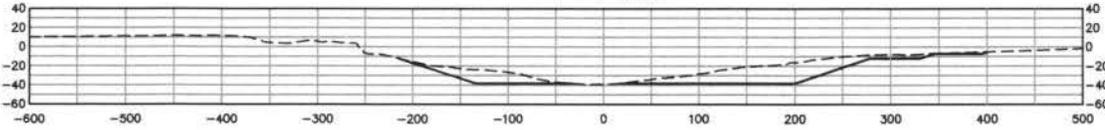
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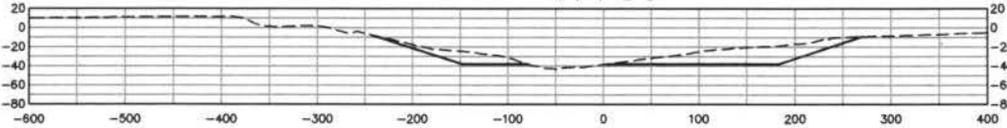
APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 10 OF 20 DATE: 1/13

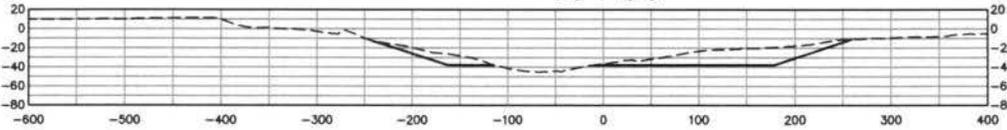
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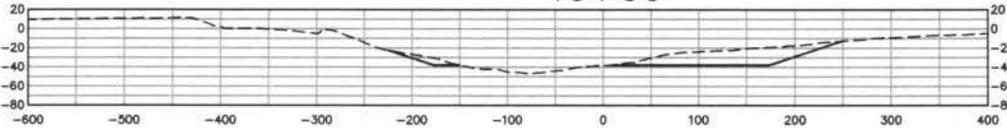
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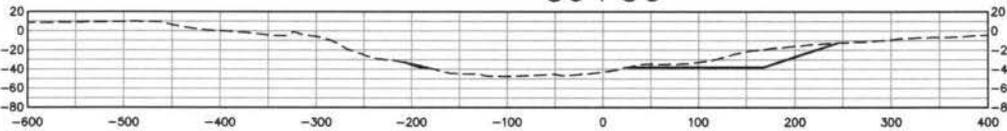
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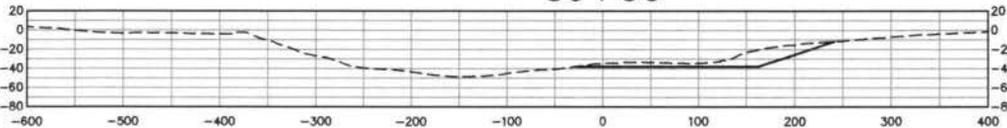
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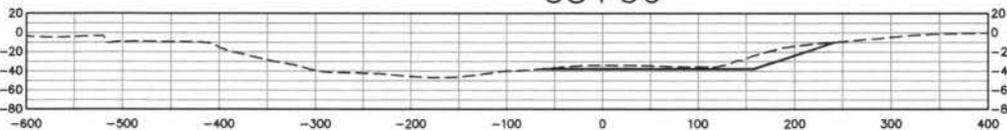
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SAC#2013-00202-2R

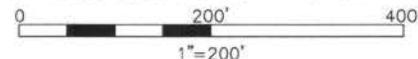


PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS - 3 OF 11



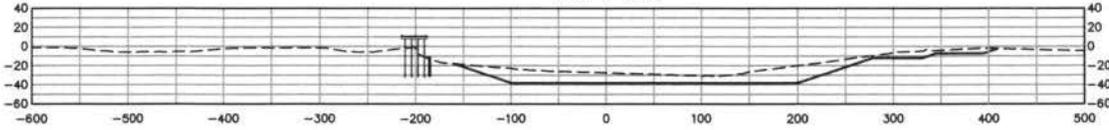
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MACALLOY BULK HANDLING FACILITY
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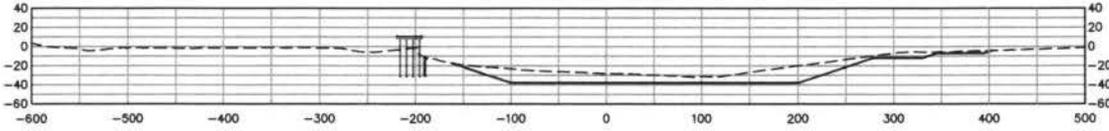
APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 11 OF 20 DATE: 1/13

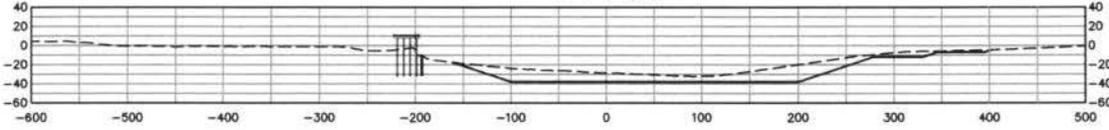
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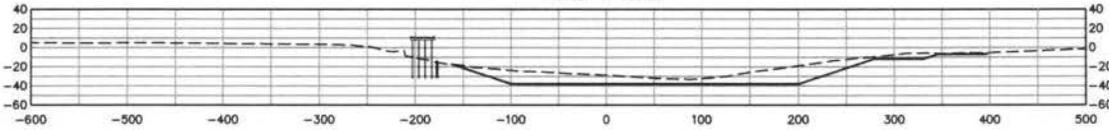
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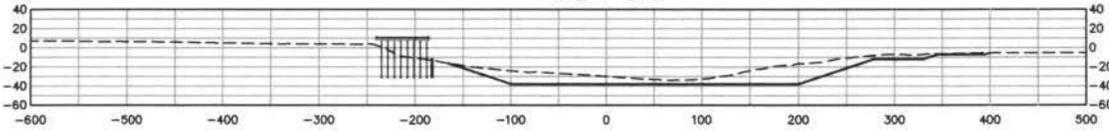
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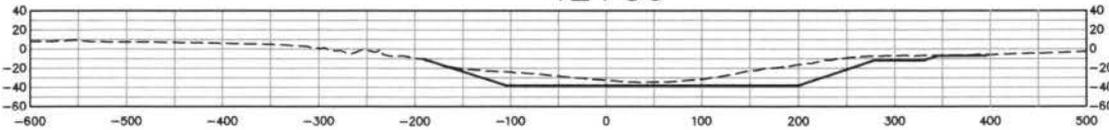
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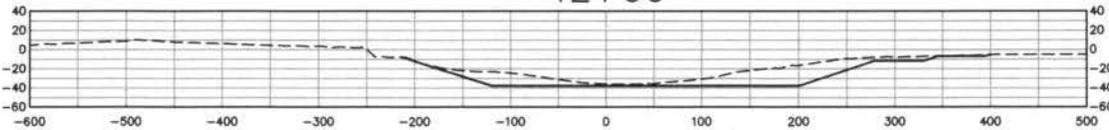
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42+50



42+00



SAC#2013-00202-2R

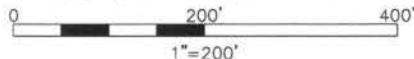


PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS - 4 OF 11



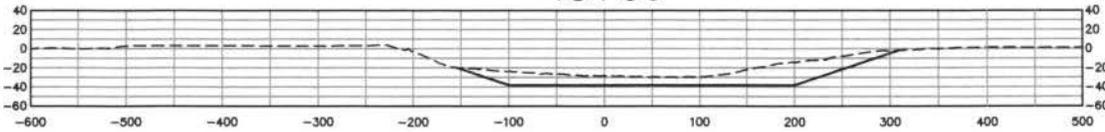
SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
SHIPYARD CREEK CHANNEL
AND TURNING BASIN DREDGING

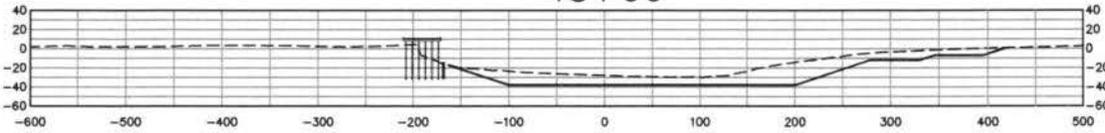
APPLICATION BY: SHIPYARD CREEK
ASSOCIATES, LLC

SHEET 12 OF 20 DATE: 1/13

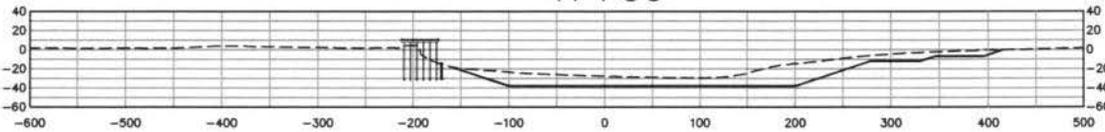
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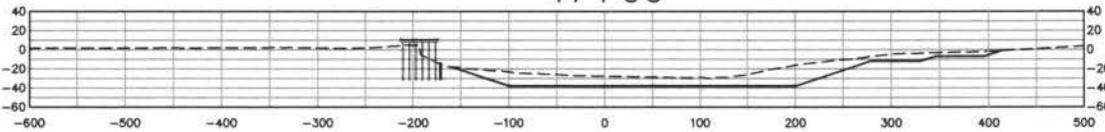
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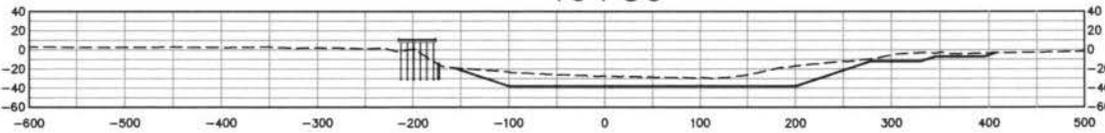
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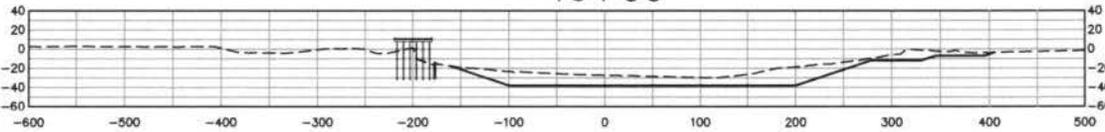
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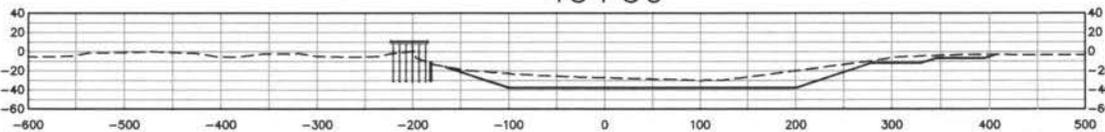
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SAC#2013-00202-2R

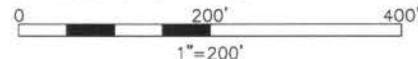


PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS — 5 OF 11



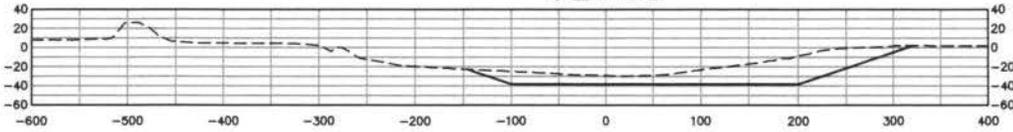
SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
SHIPYARD CREEK CHANNEL
AND TURNING BASIN DREDGING

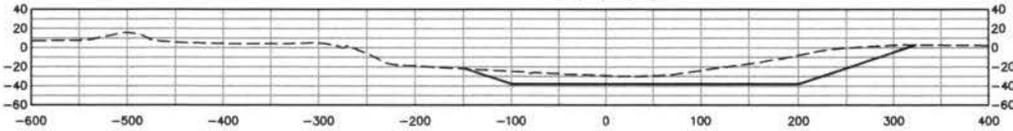
APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 13 OF 20 DATE: 1/13

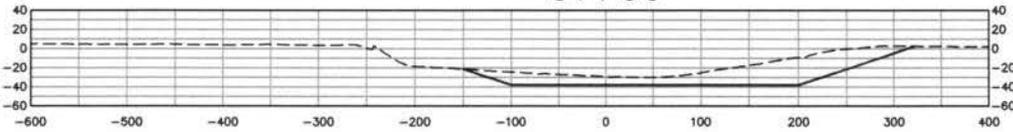
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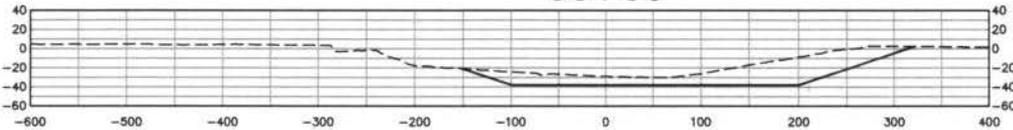
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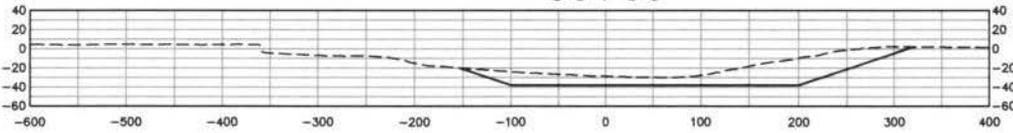
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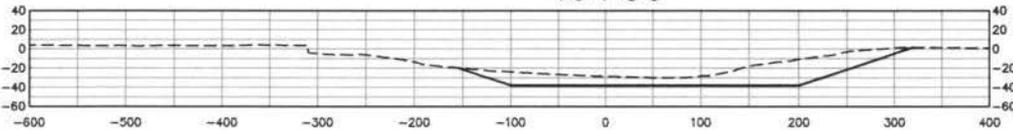
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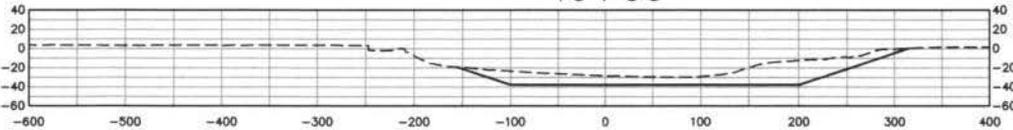
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49+00



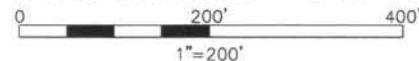
SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS — 6 OF 11



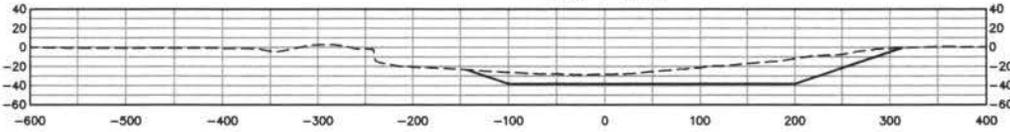
SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
SHIPYARD CREEK CHANNEL
AND TURNING BASIN DREDGING

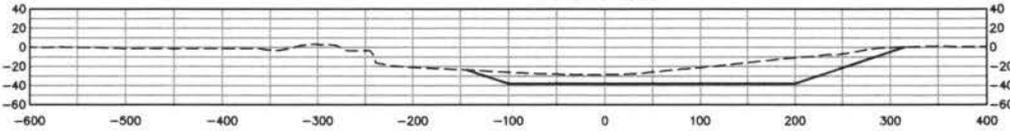
APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 14 OF 20 DATE: 1/13

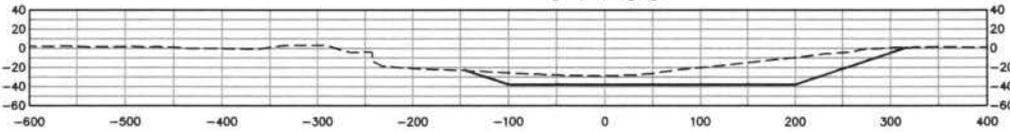
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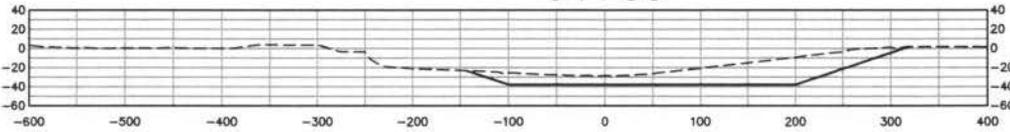
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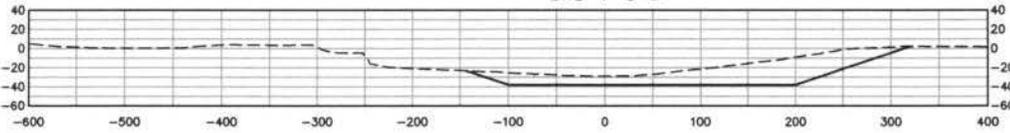
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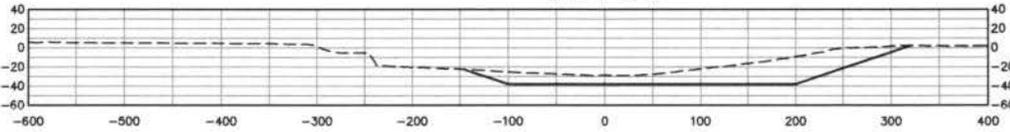
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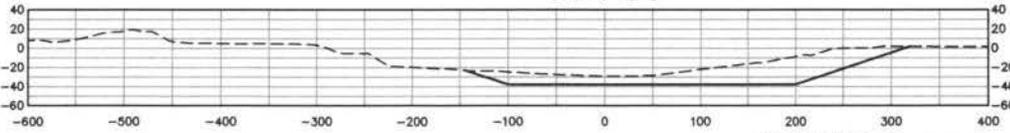
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53+00



52+50



SAC#2013-00202-2R

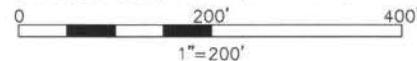


PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS - 7 OF 11

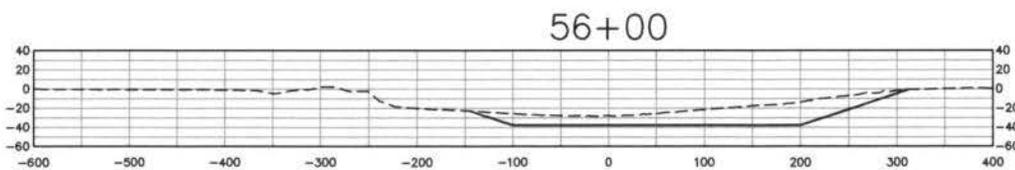
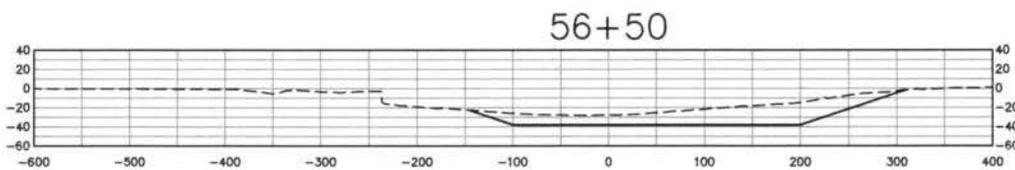
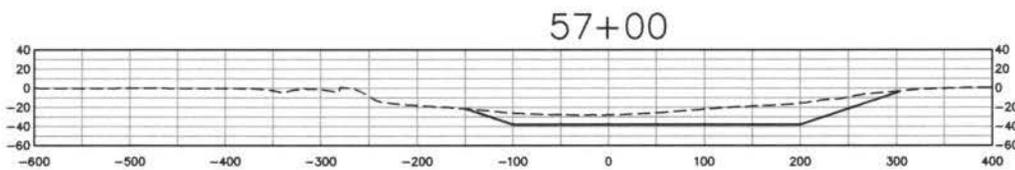
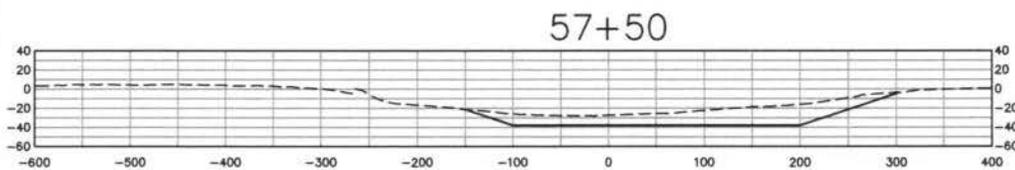
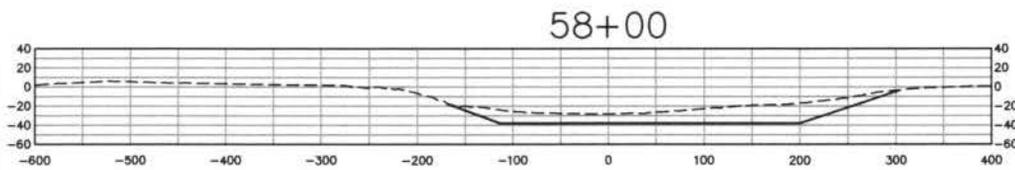
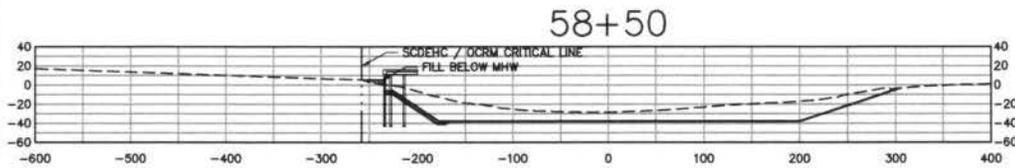
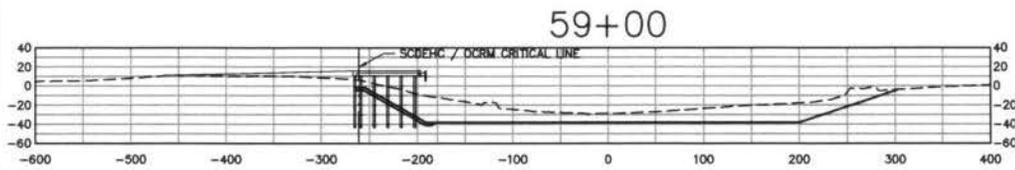


SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
SHIPYARD CREEK CHANNEL
AND TURNING BASIN DREDGING

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 15 OF 20 DATE: 1/13



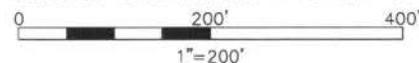
SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS - 8 OF 11



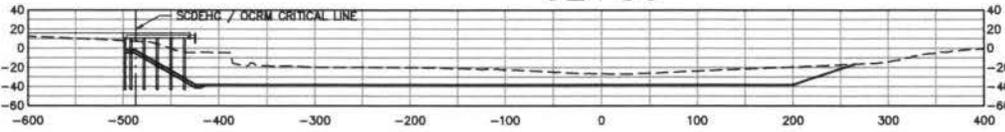
SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
SHIPYARD CREEK CHANNEL
AND TURNING BASIN DREDGING

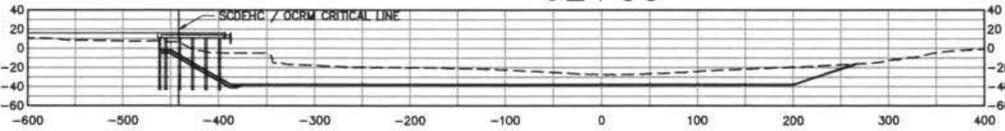
APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 16 OF 20 DATE: 1/13

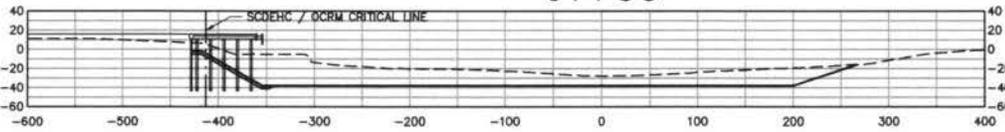
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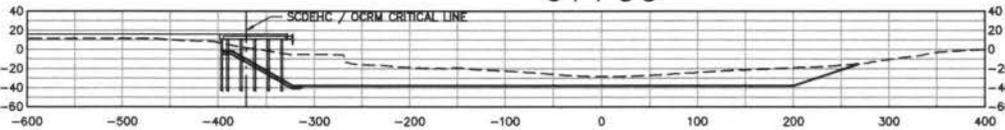
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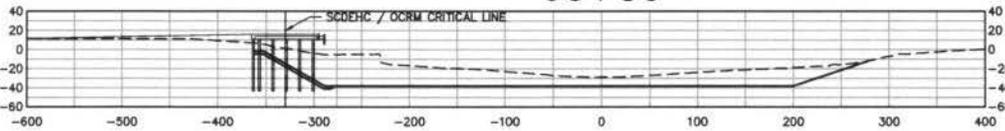
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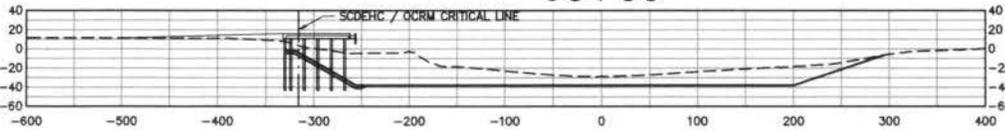
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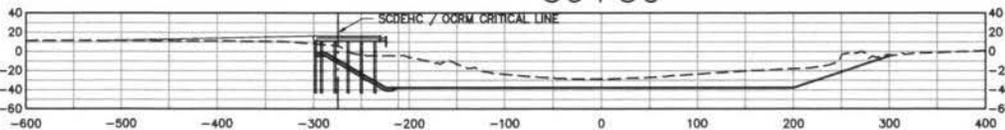
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60+00



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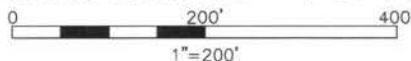
SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

CROSS SECTIONS — 9 OF 11

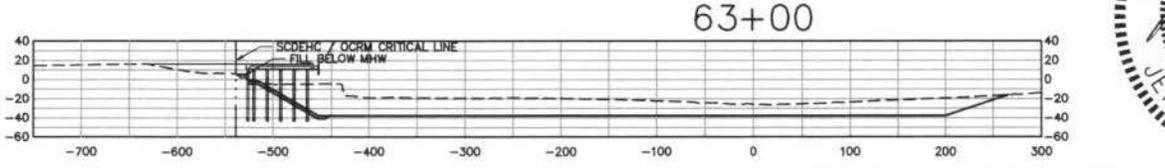
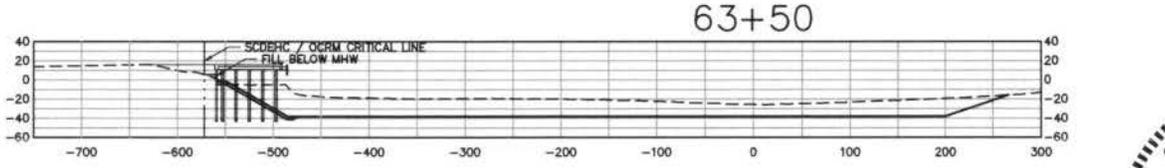
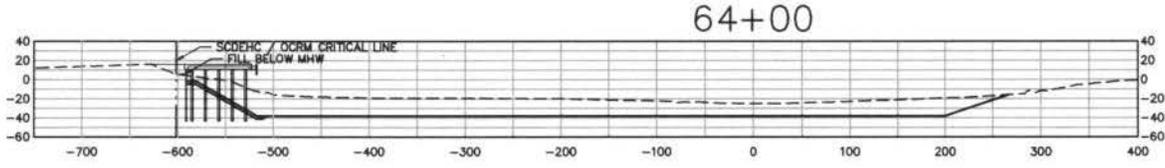
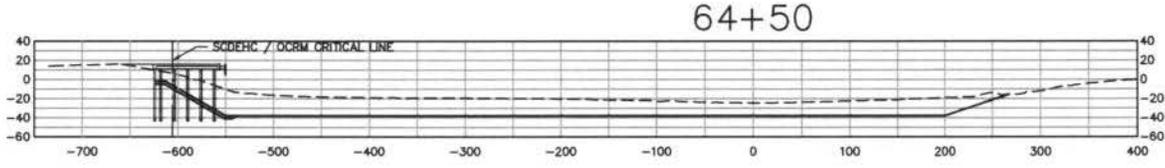
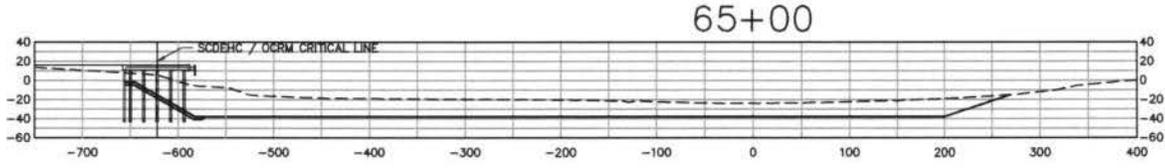
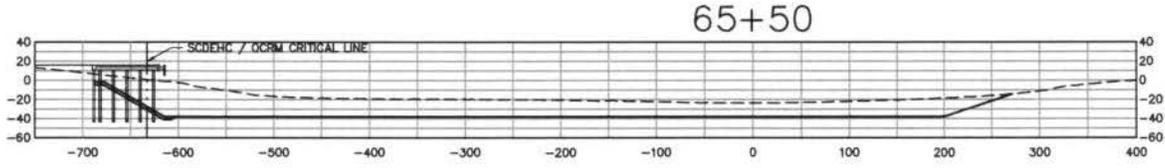
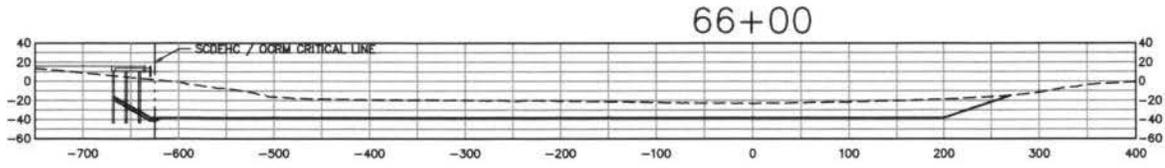


SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
SHIPYARD CREEK CHANNEL
AND TURNING BASIN DREDGING

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 17 OF 20 DATE: 1/13

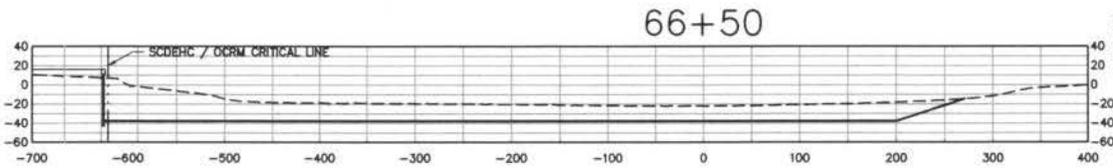
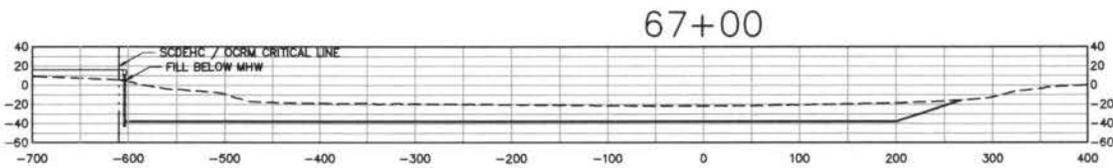
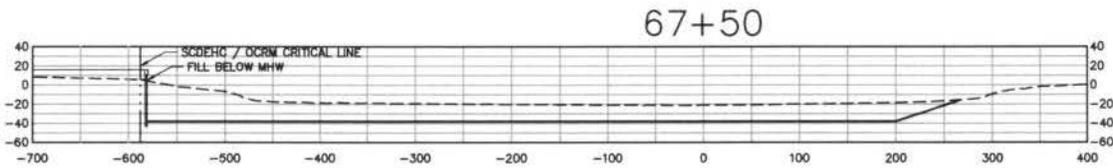
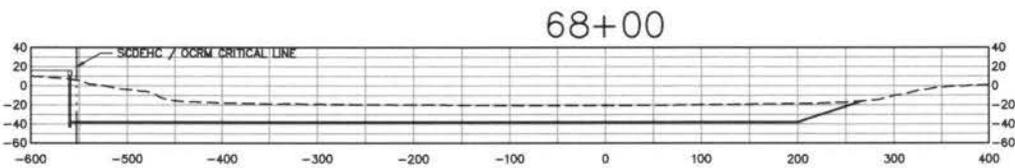
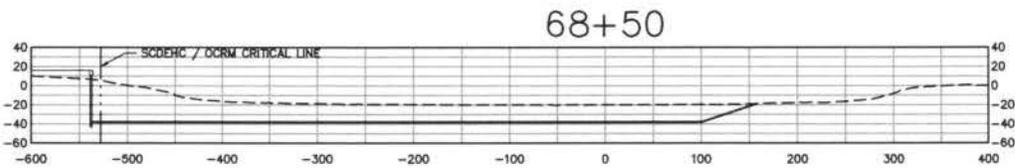


SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH
 DATUM: MLLW
 ADJACENT PROPERTY OWNERS:

CROSS SECTIONS - 10 OF 11
 0 200' 400'
 1"=200'
 SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE ROAD, SUITE 840
 ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
 SHIPYARD CREEK CHANNEL
 AND TURNING BASIN DREDGING
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 SHEET 18 OF 20 DATE: 1/13



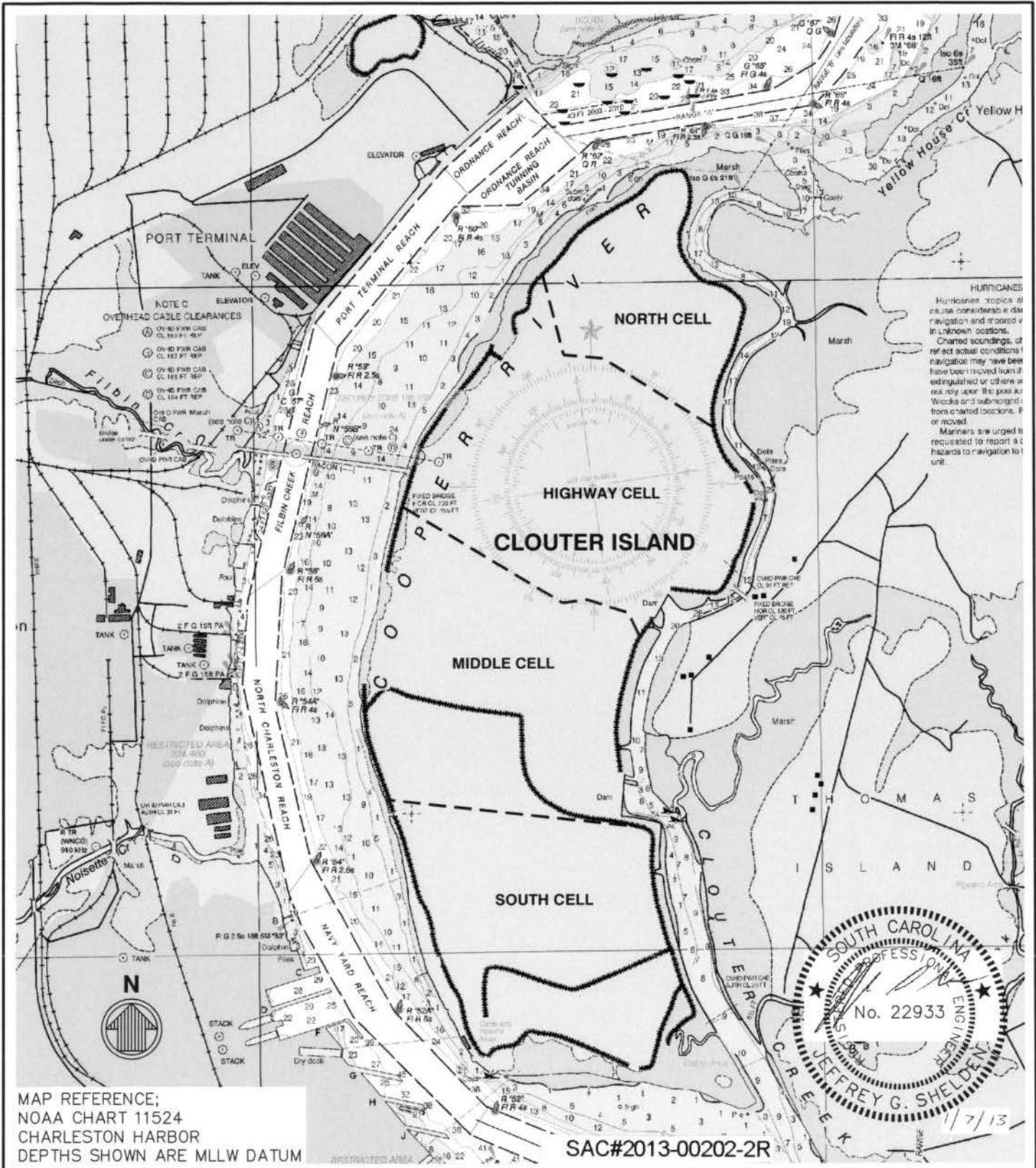
SAC#2013-00202-2R



PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH
 DATUM: MLLW
 ADJACENT PROPERTY OWNERS:

CROSS SECTIONS - 11 OF 11
 0 200' 400'
 1"=200'
 SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE ROAD, SUITE 840
 ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
 SHIPYARD CREEK CHANNEL
 AND TURNING BASIN DREDGING
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 SHEET 19 OF 20 DATE: 1/13



HURRICANES
 Hurricanes, tropical storms, and other weather conditions may cause navigation and mooring conditions to change in unknown locations.
 Charted soundings of navigation may have been changed or otherwise affected by the passage of waves or submerged objects from charted positions, if or moved.
 Mariners are urged to report a hazard to navigation to the unit.

MAP REFERENCE;
 NOAA CHART 11524
 CHARLESTON HARBOR
 DEPTHS SHOWN ARE MLLW DATUM

SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH
 DATUM: MLLW
 ADJACENT PROPERTY OWNERS:

DISPOSAL SITE
 0 2500' 5000'
 1"=2500'
 SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE ROAD, SUITE 840
 ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY
 SHIPYARD CREEK CHANNEL
 AND TURNING BASIN DREDGING
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 SHEET 20 OF 20 DATE: 1/13