

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 SAC-2018-00928

September 24, 2018

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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 South Carolina Department of Health and Environmental Control by

Mr. Richard Lee
Shipyard Creek Associates, LLC
c/o Mr. Steve Brooks of Brooks Environmental Consulting Services
3340 Peachtree Road NE, Suite 600
Atlanta, Georgia 30326

for a permit to construct a public boardwalk in

Shipyard Creek

at 1800 Pittsburgh Avenue, North Charleston, Charleston County, South Carolina (Latitude: 32.8379 °N, Longitude: -79.9501 °W), Charleston Quad Sheet.

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 creation of a mixed-use development on the subject property with waterfront dining and retail establishments. Specifically, the in water work consists of

the construction of a public use boardwalk. The proposed structure would include a 20' x 1,190' fixed timber boardwalk with handrails and benches, five (5) 12' wide access walkways (from North to South) - one at 74' long, one at 128' long, one at 56' long, one at 57' long and one at 103' long), three (3) 24' wide access walkways (from North to South - one at 51' long, one at 110' long and one at 40' long), three (3) covered observation platforms (from North to South - one at 18' x 37', one at 16' x 24' and one at 32' x 33'), one (1) multi-level covered observation tower (30' x 30' footprint, 20' x 20' covered observation platform, total height of 52.5' above mean low water - approximately 43' above the existing grade on the shoreline). No docking facilities are proposed. The applicant has not proposed to mitigate for impacts to wetlands and/or waters of the United States. The applicant stated that the project purpose is to facilitate public access along the shoreline to observe and appreciate the waters of Shipyard Creek.

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. 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 0.76 acre 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 the project would have no effect on the Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), Shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*). Additionally, the proposed project is not likely to adversely affect the West Indian manatee (*Trichechus manatus*) or the wood stork (*Mycteria americana*). Furthermore, the District Engineer has determined that the proposed project would not 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.

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.

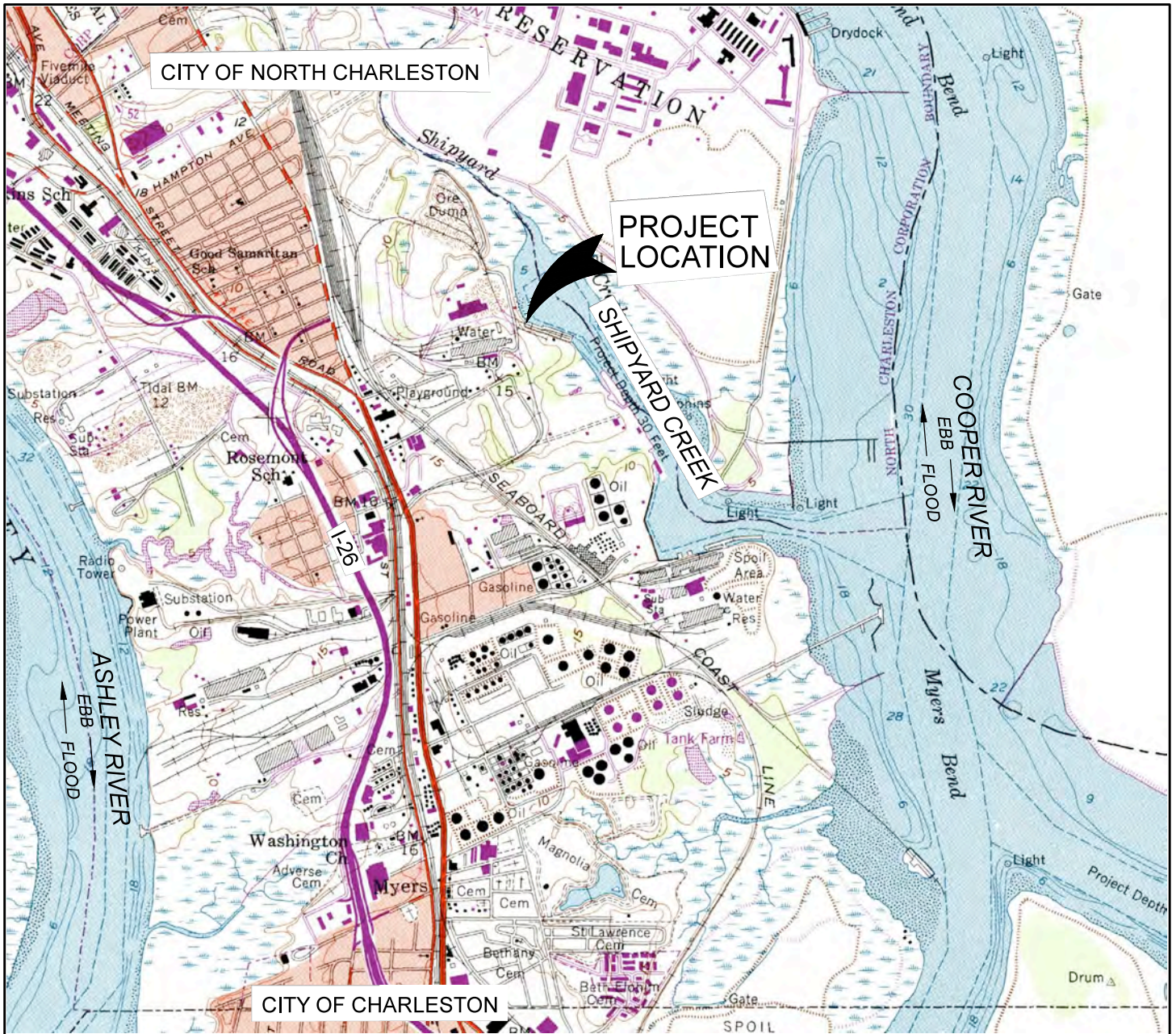
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All 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
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Courtney M. Stevens, Project Manager, at (843) 329-8027.



SOURCES:
 1. USGS 7.5 MIN. TOPOGRAPHIC QUADRANGLE "CHARLESTON, SC", OBTAINED FROM SCDNR GIS DATABASE.



NORTH



SCALE: 1" = 2,000'

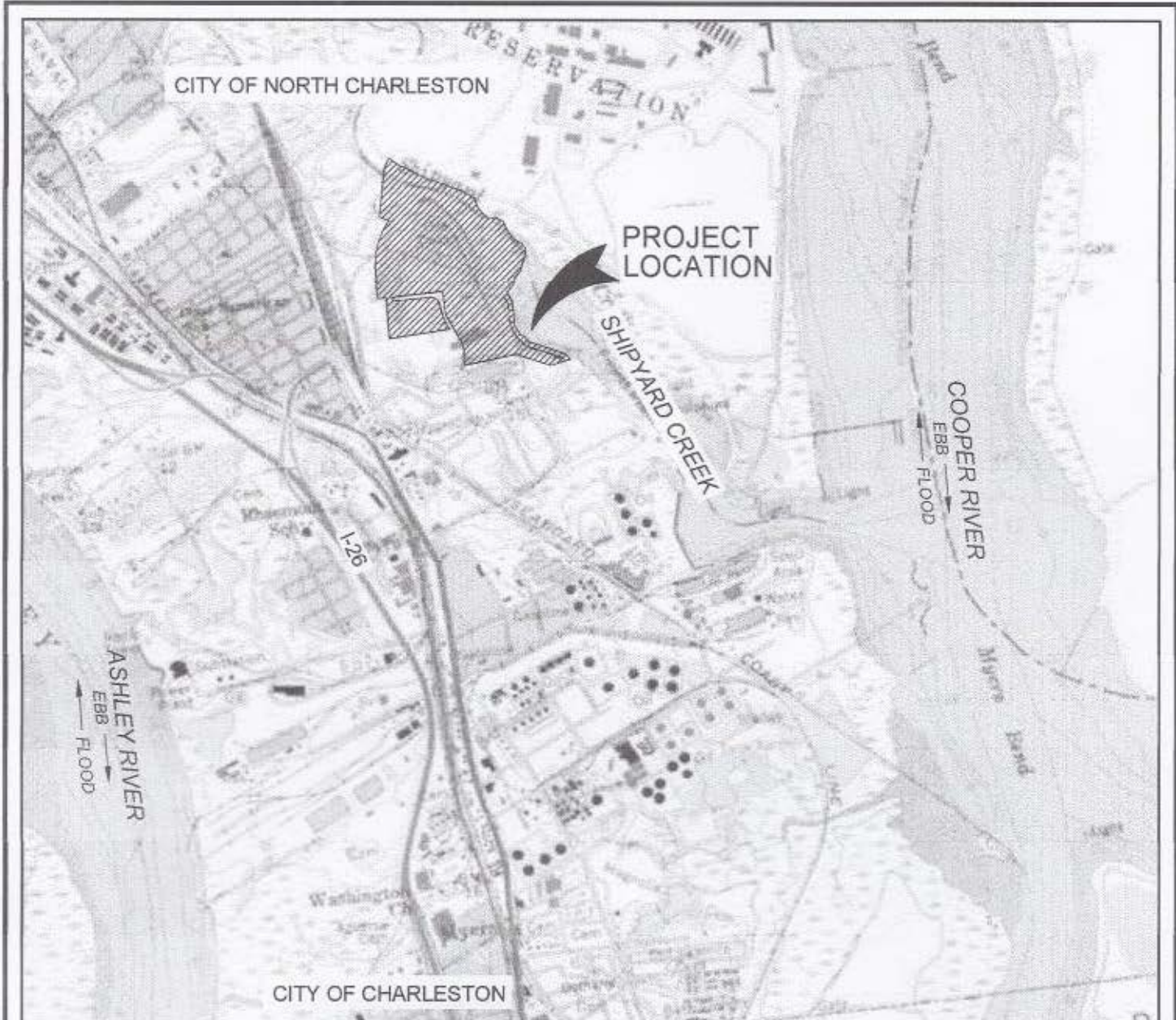
FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.

PURPOSE: PUBLIC ACCESS BOARDWALK
 DATUM: MLW
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 USACE #: N/A
 ADJACENT PROPERTY OWNERS: SEE EXHIBIT B
 DATE: 06/06/18

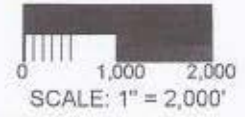
LOCATION MAP

SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE RD. NE, STE. 600
 ATLANTA, GA 30326

SAC-2018-00928
 Shipyard Creek Boardwalk
 Sheet 1
 September 21, 2018



SOURCES:
 1. USGS 7.5 MIN. TOPOGRAPHIC QUADRANGLE
 "CHARLESTON, SC", OBTAINED FROM SCDNR GIS DATABASE.



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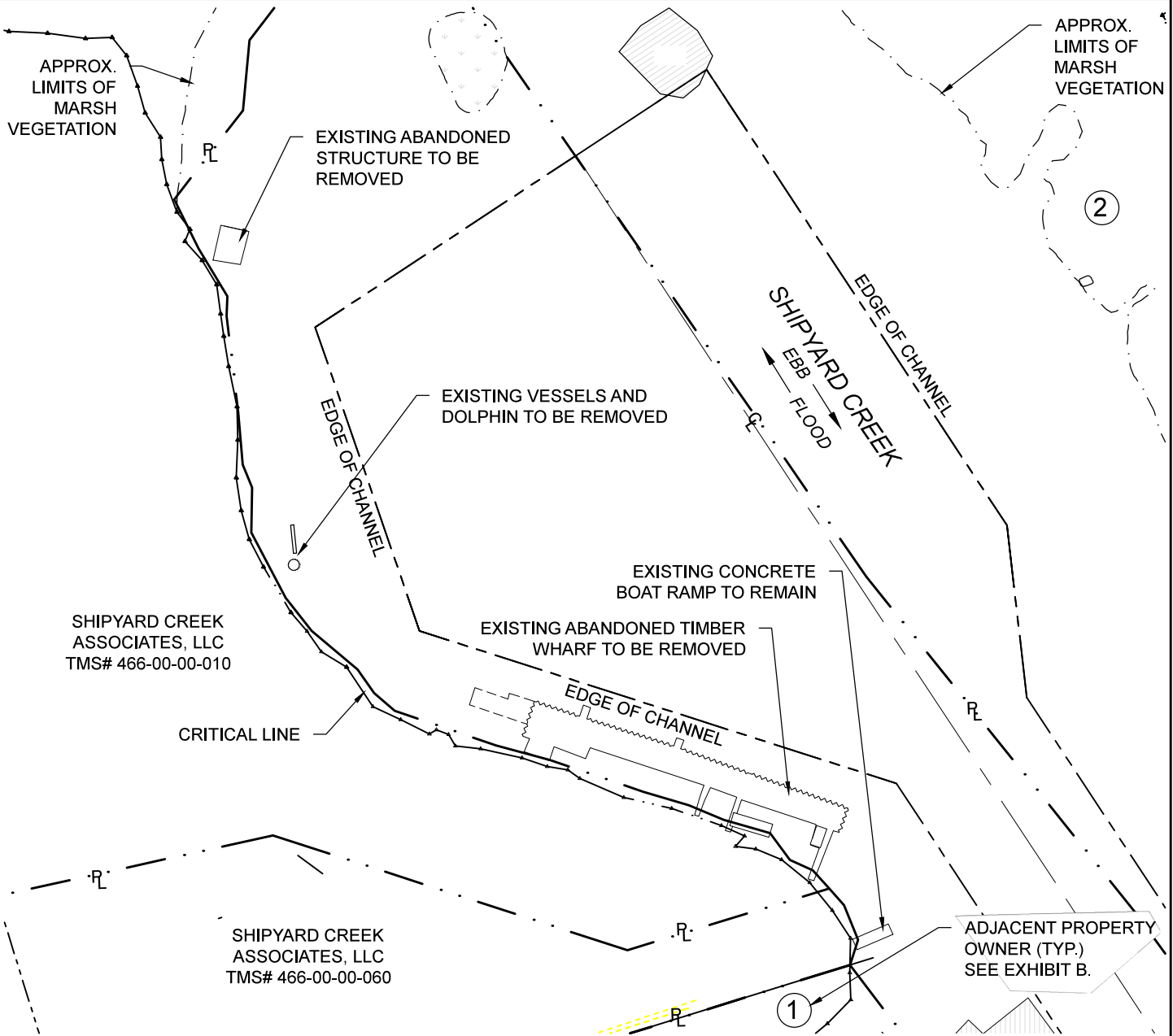
PURPOSE: PUBLIC ACCESS BOARDWALK
 DATUM: MLW
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 USACE #: N/A
 ADJACENT PROPERTY OWNERS: SEE EXHIBIT B
 DATE: 06/06/18

LOCATION MAP

SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE RD. NE, STE. 600
 ATLANTA, GA 30326

PROPOSED: PUBLIC BOARDWALK
 AT: 1800 PITTSBURGH AVENUE AND SHIPYARD CREEK
 COUNTY OF: CHARLESTON
 STATE: SOUTH CAROLINA SHEET 1

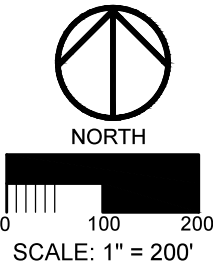
DIM Reporting Permit: DW11 04/06/10



SHIPYARD CREEK ASSOCIATES, LLC
TMS# 466-00-00-010

SHIPYARD CREEK ASSOCIATES, LLC
TMS# 466-00-00-060

- NOTES:
1. BASE INFORMATION COMPILED FROM SURVEYS PERFORMED BY GEL ENGINEERING, LLC.
 2. SOUNDINGS SHOWN ARE EXISTING, MEASURED IN FEET, AND REFERENCED TO MEAN LOW WATER (MLW). DATE OF BATHYMETRIC SURVEY: MAY 2012.
 3. SEE SHEETS 3, 4 AND 5 FOR PROPOSED IMPROVEMENTS. SEE SHEETS 6 AND 7 FOR TYPICAL CROSS SECTIONS.



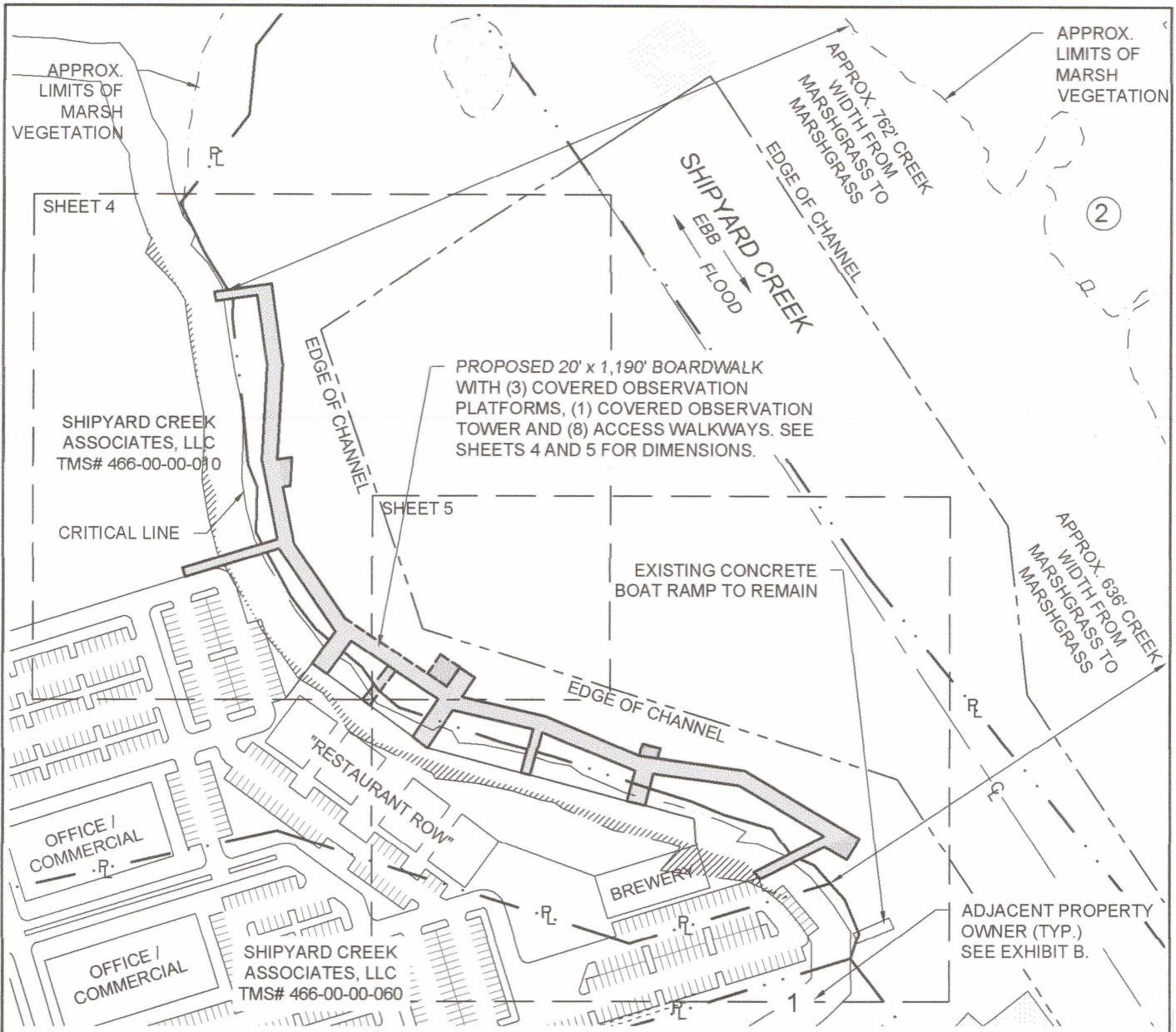
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PURPOSE: PUBLIC ACCESS BOARDWALK
 DATUM: MLW
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 USACE #: N/A
 ADJACENT PROPERTY OWNERS: SEE EXHIBIT B
 DATE: 06/06/18

EXISTING CONDITIONS
 SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE RD. NE, STE. 600
 ATLANTA, GA 30326

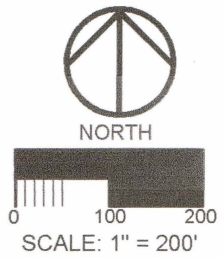
SAC-2018-00928
 Shipyard Creek Boardwalk
 Sheet 3
 September 21, 2018

DIM Reconfig Permit.DWG 04/09/10



- NOTES:
1. BASE INFORMATION COMPILED FROM SURVEYS PERFORMED BY GEL ENGINEERING, LLC.
 2. SOUNDINGS SHOWN ARE EXISTING, MEASURED IN FEET, AND REFERENCED TO MEAN LOW WATER (MLW). DATE OF BATHYMETRIC SURVEY: MAY 2012.
 3. SEE SHEETS 4 AND 5 FOR ENLARGED VIEWS OF PROPOSED IMPROVEMENTS. SEE SHEETS 6 AND 7 FOR TYPICAL CROSS SECTIONS.
 4. PROPOSED UPLAND SITE PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE PENDING LOCAL APPROVALS AND FINAL DESIGN.

M. K. B. C.
9-11-18
6/6/2018



FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.

<p>PURPOSE: PUBLIC ACCESS BOARDWALK DATUM: MLW APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC USACE #: N/A ADJACENT PROPERTY OWNERS: SEE EXHIBIT B DATE: 06/06/18</p>	<p>PROPOSED IMPROVEMENTS</p> <p>SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE RD. NE, STE. 600 ATLANTA, GA 30326</p>	<p>PROPOSED: PUBLIC BOARDWALK AT: 1800 PITTSBURGH AVENUE AND SHIPYARD CREEK COUNTY OF: CHARLESTON STATE: SOUTH CAROLINA</p> <p style="text-align: right;">SHEET 3</p>
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CRITICAL LINE
PROPERTY LINE
AND MLW LINE

SHIPYARD CREEK
ASSOCIATES, LLC
TMS# 466-00-00-010

N: 367271.57
E: 2323253.23

N: 367165.26
E: 2323268.01

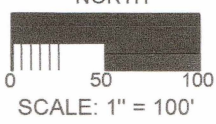
N: 367045.89
E: 2323279.84

N: 367009.28
E: 2323277.93

N: 366790.68
E: 2323472.10

N: 366760.29
E: 2323516.73

- NOTES:
1. BASE INFORMATION COMPILED FROM SURVEYS PERFORMED BY GEL ENGINEERING, LLC.
 2. SOUNDINGS SHOWN ARE EXISTING, MEASURED IN FEET, AND REFERENCED TO MEAN LOW WATER (MLW). DATE OF BATHYMETRIC SURVEY: MAY 2012.
 3. SEE SHEET 5 FOR ENLARGED VIEWS OF SOUTHEASTERN PORTION OF PROPOSED BOARDWALK. SEE SHEET 6 FOR CROSS SECTION A - A. SEE SHEET 7 FOR CROSS SECTION B - B.
 4. PROPOSED UPLAND SITE PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE PENDING LOCAL APPROVALS AND FINAL DESIGN.
- FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.



M. J. B. / 9-11-18

PURPOSE: PUBLIC ACCESS BOARDWALK
 DATUM: MLW
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 USACE #: N/A
 ADJACENT PROPERTY OWNERS: SEE EXHIBIT B
 DATE: 06/06/18

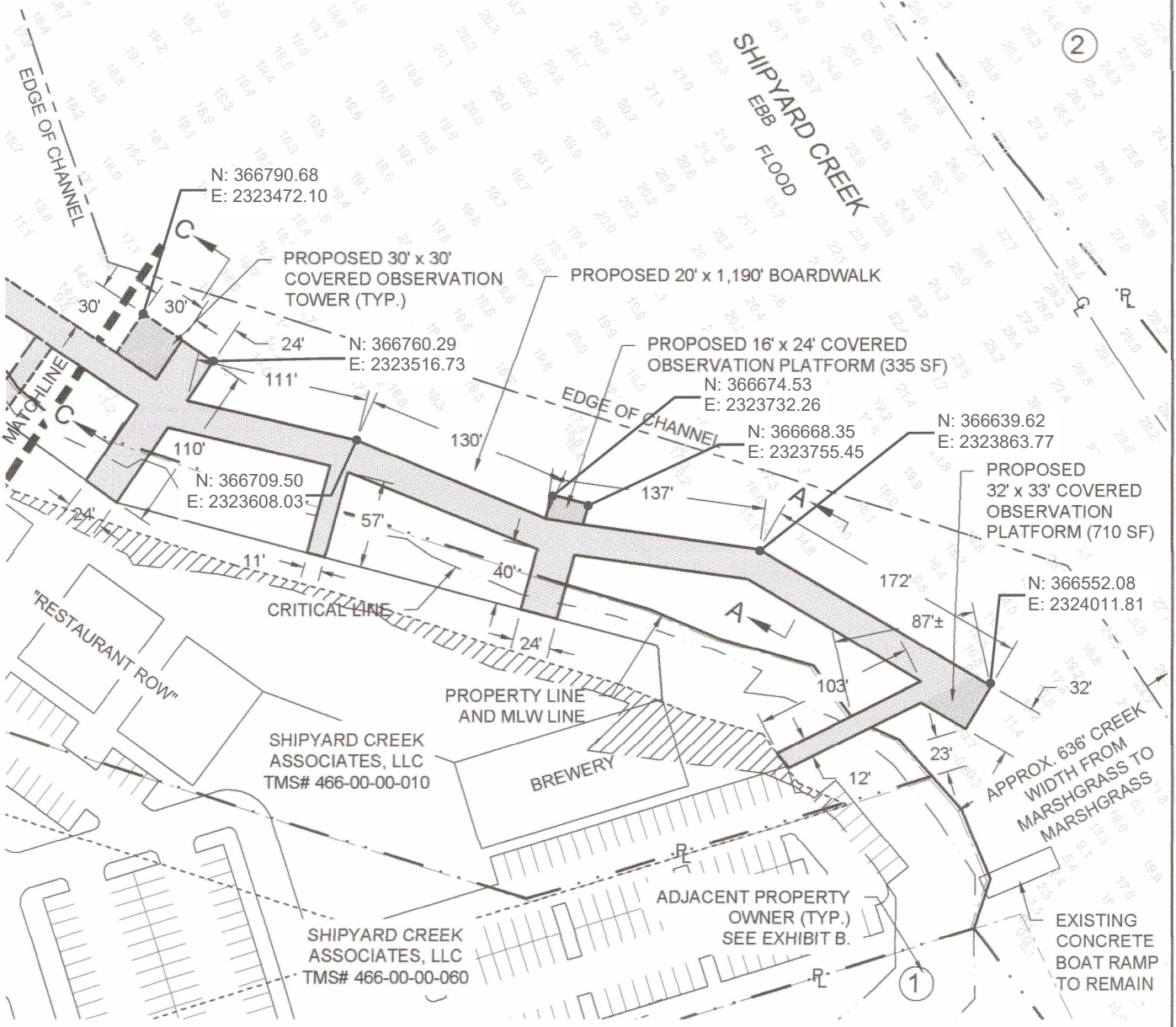
**PROPOSED IMPROVEMENTS
ENLARGED VIEW**
 SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE RD. NE, STE. 600
 ATLANTA, GA 30326

PROPOSED: PUBLIC BOARDWALK
 AT: 1800 PITTSBURGH AVENUE AND SHIPYARD CREEK
 COUNTY OF: CHARLESTON
 STATE: SOUTH CAROLINA
 SHEET 4

DIM Reconfig Permit DWG 04/09/10

2

SHIPYARD CREEK
EBB FLOOD



N: 366790.68
E: 2323472.10

PROPOSED 30' x 30'
COVERED OBSERVATION
TOWER (TYP.)

PROPOSED 20' x 1,190' BOARDWALK

PROPOSED 16' x 24' COVERED
OBSERVATION PLATFORM (335 SF)
N: 366674.53
E: 2323732.26

N: 366639.62
E: 2323863.77

PROPOSED
32' x 33' COVERED
OBSERVATION
PLATFORM (710 SF)

N: 366552.08
E: 2324011.81

CRITICAL LINE

PROPERTY LINE
AND MLW LINE

SHIPYARD CREEK
ASSOCIATES, LLC
TMS# 466-00-00-010

BREWERY

ADJACENT PROPERTY
OWNER (TYP.)
SEE EXHIBIT B.

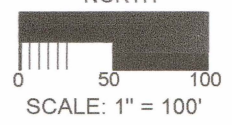
SHIPYARD CREEK
ASSOCIATES, LLC
TMS# 466-00-00-060

APPROX. 636' CREEK
WIDTH FROM
MARSHGRASS TO
MARSHGRASS

EXISTING
CONCRETE
BOAT RAMP
TO REMAIN

NOTES:

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2. SOUNDINGS SHOWN ARE EXISTING, MEASURED IN FEET, AND REFERENCED TO MEAN LOW WATER (MLW). DATE OF BATHYMETRIC SURVEY: MAY 2012.
3. SEE SHEET 6 FOR CROSS SECTION A - A. SEE SHEET 7 FOR CROSS SECTION B - B. SEE SHEET 8 FOR ELEVATION C - C.
4. PROPOSED UPLAND SITE PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE PENDING LOCAL APPROVALS AND FINAL DESIGN.



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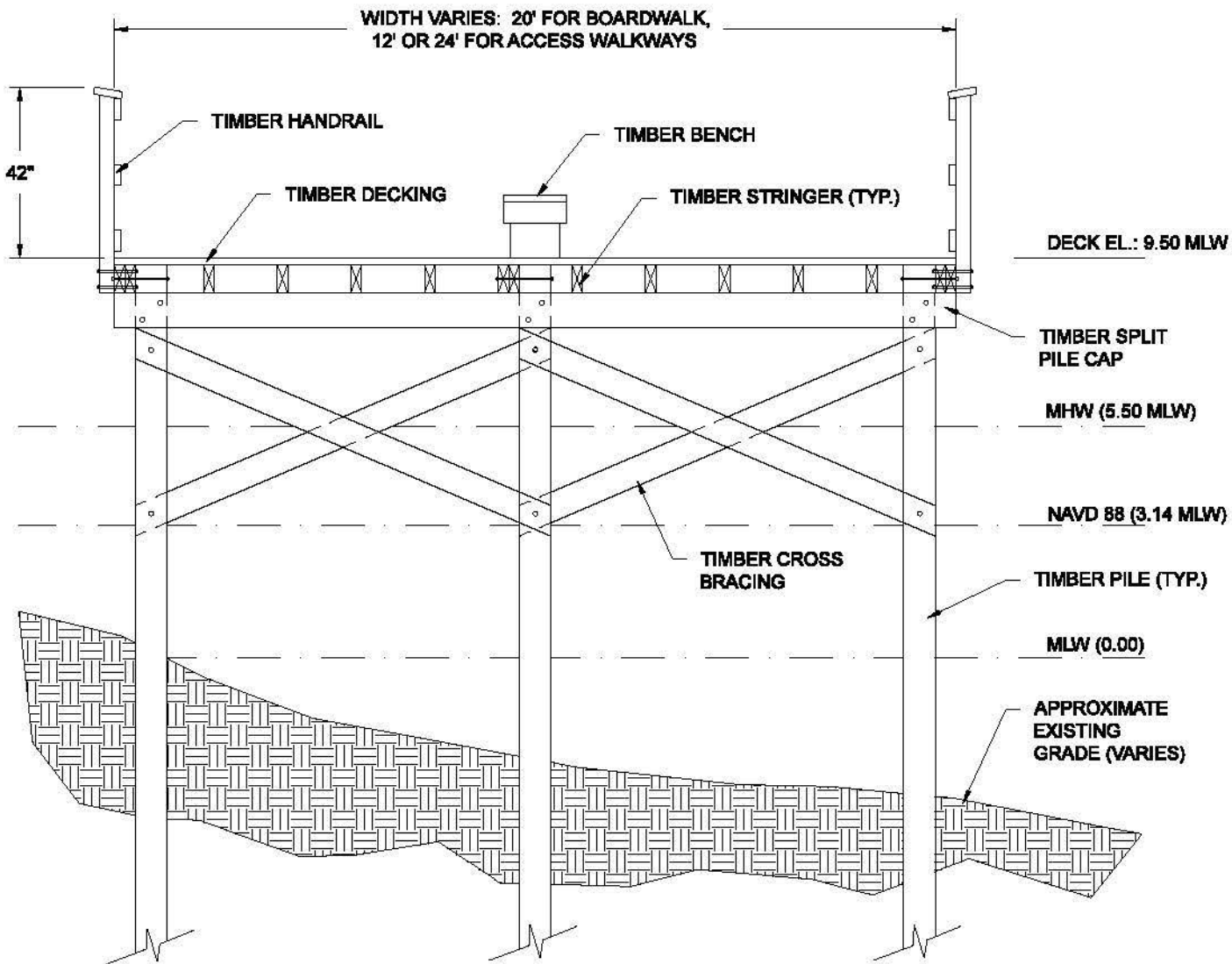
M. W. B. C.
9-11-18

PURPOSE: PUBLIC ACCESS BOARDWALK
 DATUM: MLW
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 USACE #: N/A
 ADJACENT PROPERTY OWNERS: SEE EXHIBIT B
 DATE: 06/06/18

PROPOSED IMPROVEMENTS
 ENLARGED VIEW
 SHIPYARD CREEK ASSOCIATES, LLC
 3340 PEACHTREE RD. NE, STE. 600
 ATLANTA, GA 30326

PROPOSED: PUBLIC BOARDWALK
 AT: 1800 PITTSBURGH AVENUE AND SHIPYARD CREEK
 COUNTY OF: CHARLESTON
 STATE: SOUTH CAROLINA SHEET 5

DIM Reconfig, Permit-DWG 04/09/10



CROSS SECTION A - A
SCALE: 1" = 4'



FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.

PURPOSE: PUBLIC ACCESS BOARDWALK
 DATUM: MLW
 APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC
 USACE #: N/A
 ADJACENT PROPERTY OWNERS: SEE EXHIBIT B
 DATE: 06/06/18

CROSS SECTION A - A

SHIPYARD CREEK ASSOCIATES, LLC
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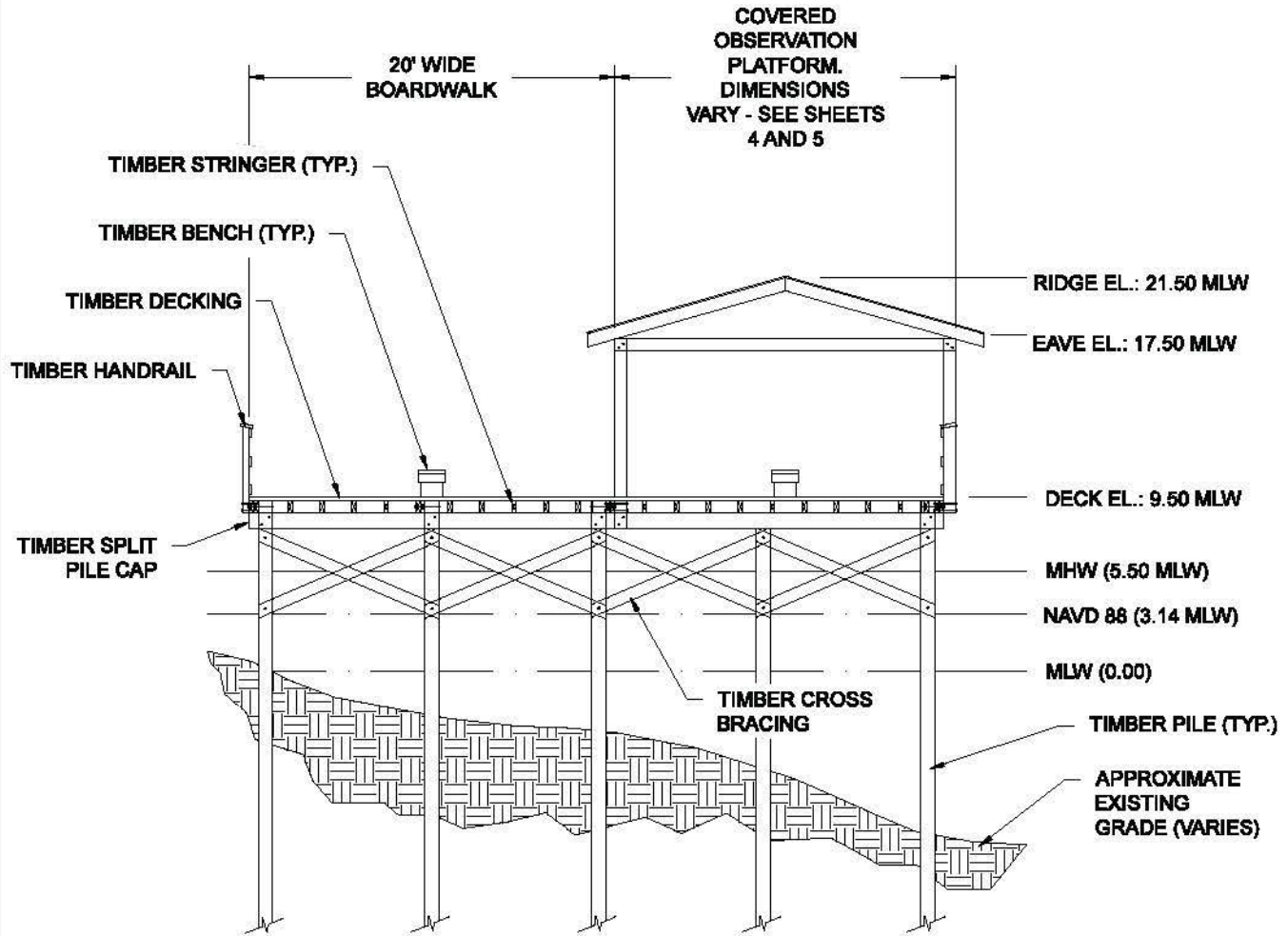
PROPOSED: PUBLIC BOARDWALK

AT: 1800 PITTSBURGH AVENUE AND SHIPYARD CREEK

COUNTY OF: CHARLESTON

STATE: SOUTH CAROLINA

SHEET 6



CROSS SECTION B - B

SCALE: 1" = 10'



FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.

PURPOSE: PUBLIC ACCESS BOARDWALK

DATUM: MLW

APPLICATION BY: SHIPYARD CREEK
ASSOCIATES, LLC

USACE #: N/A

ADJACENT PROPERTY OWNERS: SEE EXHIBIT B

DATE: 06/06/18

CROSS SECTION B - B

SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE RD. NE, STE. 600
ATLANTA, GA 30326

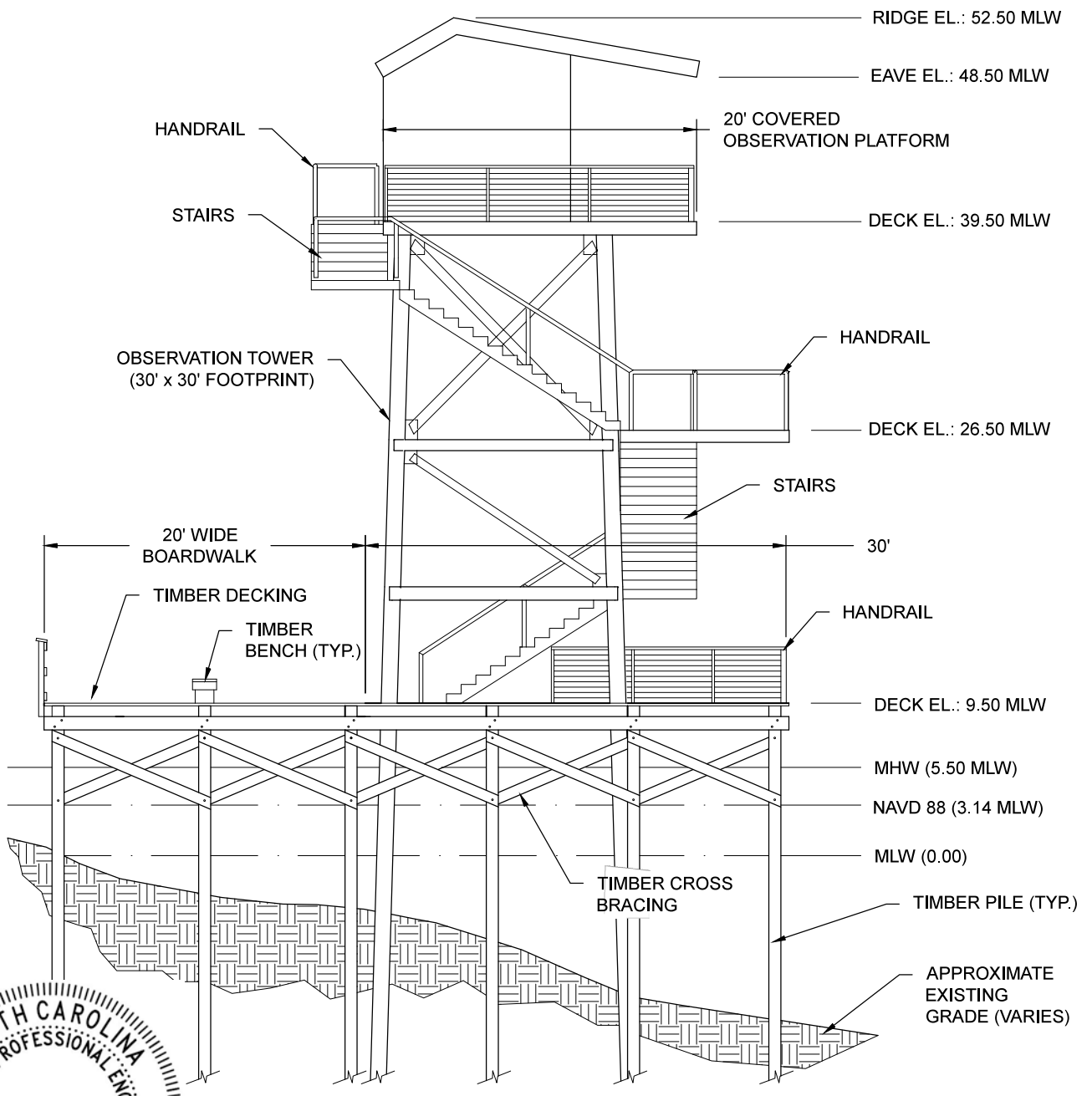
PROPOSED: PUBLIC BOARDWALK

AT: 1800 PITTSBURGH AVENUE AND
SHIPYARD CREEK

COUNTY OF: CHARLESTON

STATE: SOUTH CAROLINA

SHEET 7



ELEVATION C - C
SCALE: 1" = 10'

FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.

PURPOSE: PUBLIC ACCESS BOARDWALK

DATUM: MLW

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

USACE #: N/A

ADJACENT PROPERTY OWNERS: SEE EXHIBIT B

DATE: 06/06/18

CROSS SECTION C - C

SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE RD. NE, STE. 600
ATLANTA, GA 30326

SAC-2018-00928

Shipyards Creek Boardwalk
Sheet 1

September 21, 2018



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