

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 # 2007-2527-1IT

21 December 2007

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

PORT ROYAL HARBOUR, LLC
C/O THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BLVD
MT. PLEASANT, SOUTH CAROLINA 29464

for a permit to change the use of a wharf at

BATTERY CREEK

Located at the end of Paris Avenue at the former South Carolina State Ports Authority bulk cargo terminal in Port Royal, Beaufort County, South Carolina (32.37248 Latitude/ 80.69247 Longitude)

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 both of the above mentioned offices until

12 O'CLOCK NOON, TUESDAY, JANUARY 22, 2008

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

The proposed project involves the change of use of an existing wharf from a South Carolina State Ports Authority (SPA) bulk cargo terminal to a privately owned mixed commercial facility that will include a marina office, retail space, and a hotel. The change of use is part of a larger redevelopment project of the area. The zoning for the site has been established by the creation of a Planned Unit Development (PUD) within the Town of Port Royal. The change of use will include the construction of new buildings within the 375' X 160' footprint of the existing terminal shed. The new buildings will have a 58' maximum height restriction. No additional work within waters is proposed with this project. Please note that a future marina is planned at this location, but the permit will be applied for separately at a later date.

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 work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certification is received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the South Carolina Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This 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 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 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.

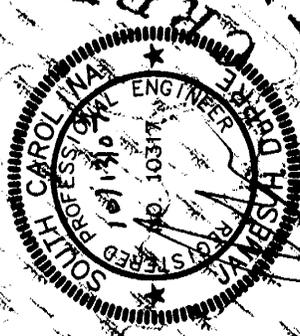
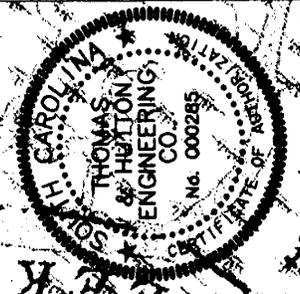
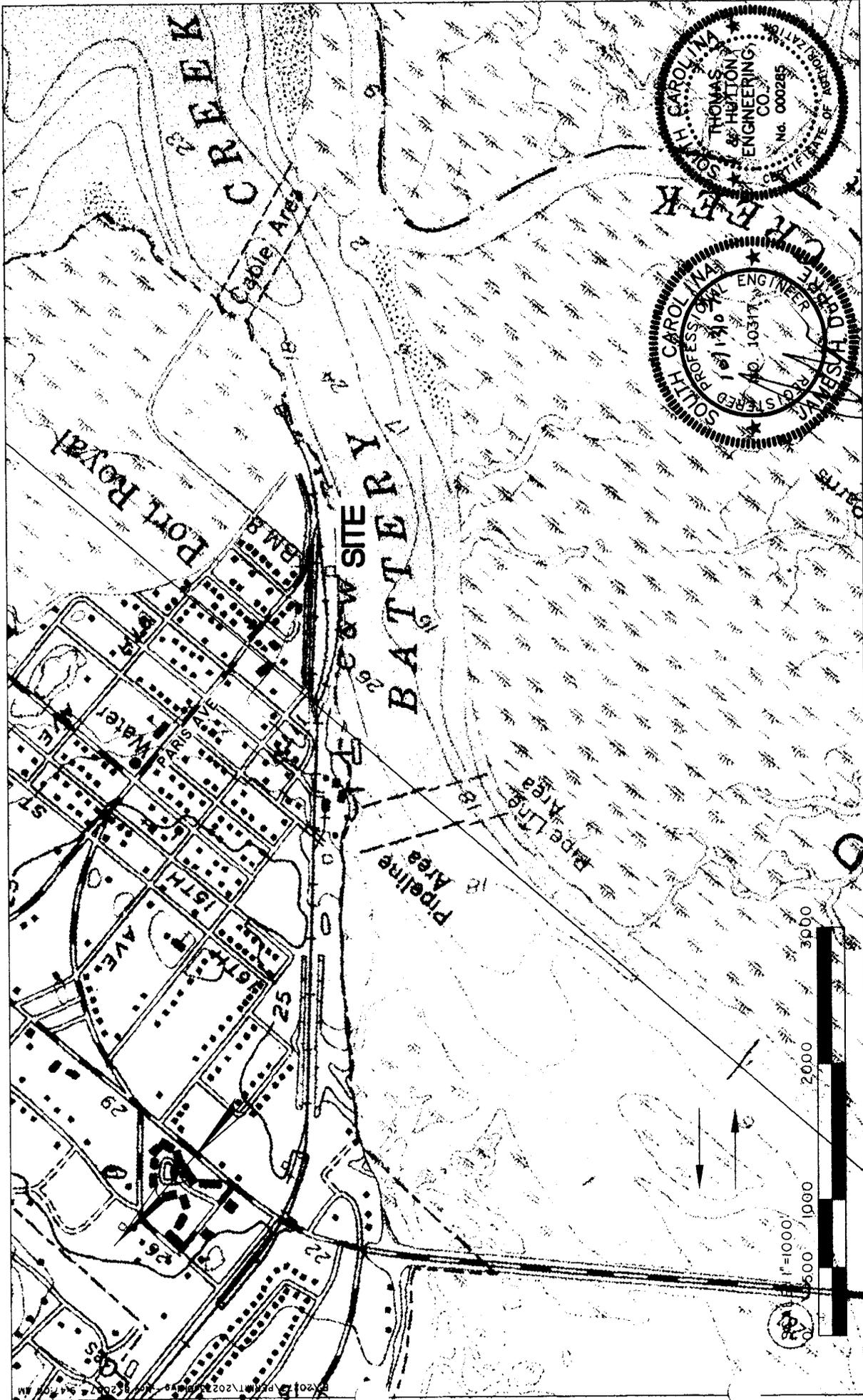
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered 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 Tracy C. Dotolo at 843-329-8044 or toll free at 1-866-329-8187.



PROPOSED ACTIVITY: CHANGE OF USE

COUNTY: BEAUFORT
 APPLICANT: MAIN STREET REALTY
 OCTOBER 25, 2007

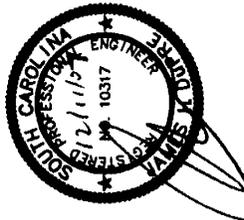
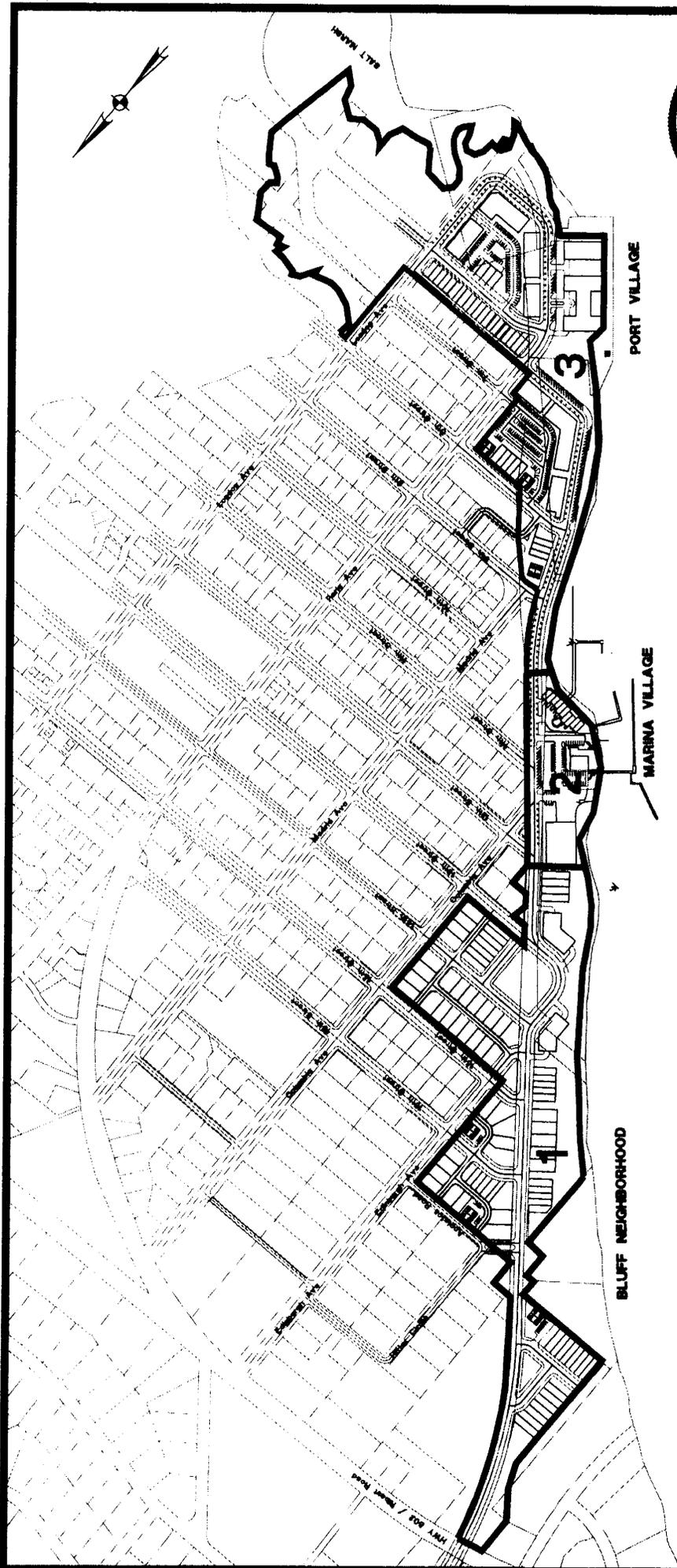
Port Royal Harbour, LLC Permit
 Drawings, P/N 2007-2527-1IT

Sheet 1 of 6

**SITE PLAN
 PROPOSED HOTEL**

935 HOUSTON NORTHCUTT
 BOULEVARD
 MOUNT PLEASANT, SC 29464
 (843)849-0200
 SAVANNAH, GA
 MYRTLE BEACH, SC





Battery Creek

LOCATION: PORT ROYAL, SOUTH CAROLINA
APPLICANT: MAIN STREET REALTY
 200 MAIN STREET, SUITE 201
 HILTON HEAD ISLAND, SC 29926
 (843) 681-5500

PROJ. # 20273

THOMAS & HUTTON
 ENGINEERING CO.
 935 HOUSTON NORTHCU
 BOULEVARD, SUITE 100
 MOUNT PLEASANT, SC 29465
 (843) 849-0200
 SAVANNAH BRUNSWICK, GA
 MYRTLE BEACH, SC
 WILMINGTON, NC

PORT ROYAL OVERALL PLAN

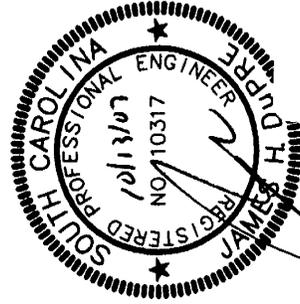
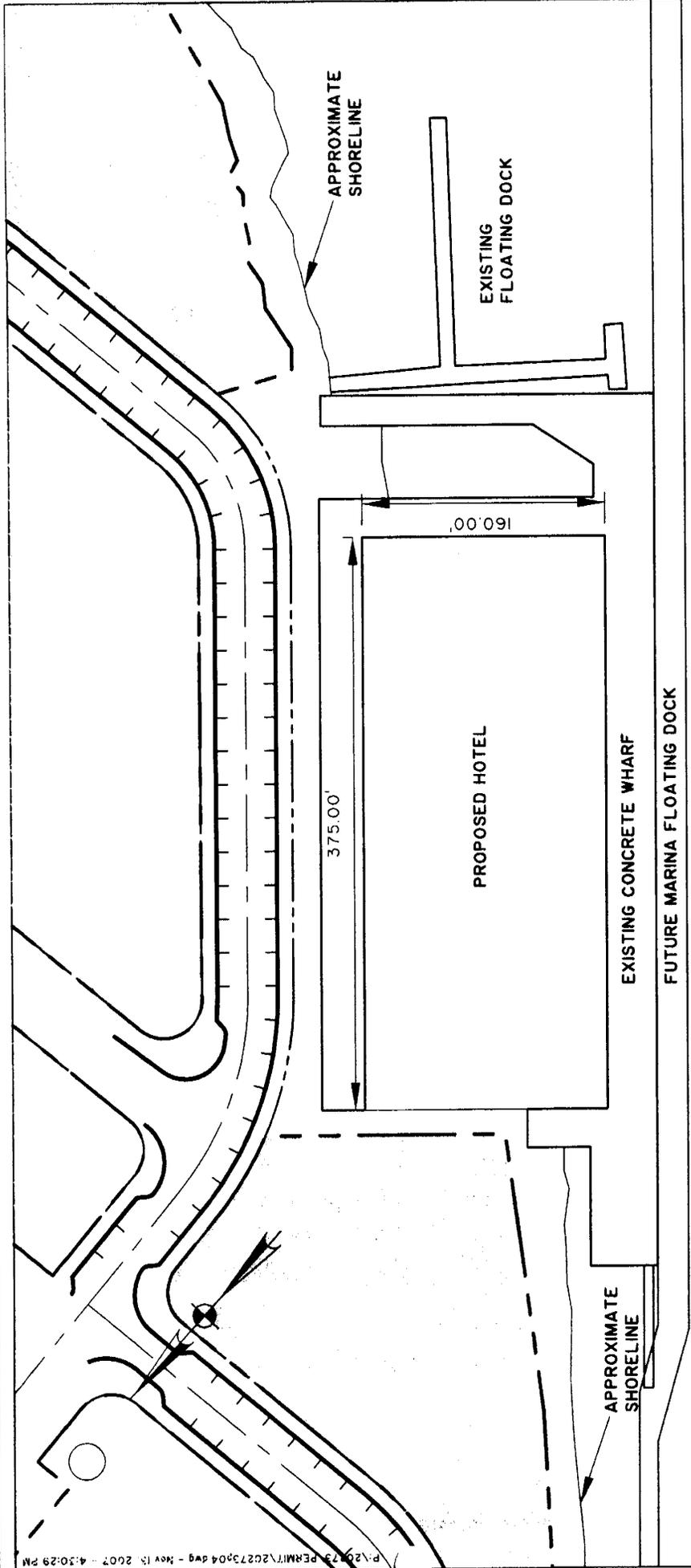
SCALE 1" = 600'

DATE: 12/06/07

Port Royal Harbour, LLC Permit Drawings, P/N 2007-2527-11T

DEC 11 2007

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SITE PLAN
1"=100'

Port Royal Harbour, LLC Permit
Drawings, P/N 2007-2527-11T

PROPOSED ACTIVITY: CHANGE OF USE
COUNTY: BEAUFORT
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OCTOBER 25, 2007

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PROPOSED HOTEL**

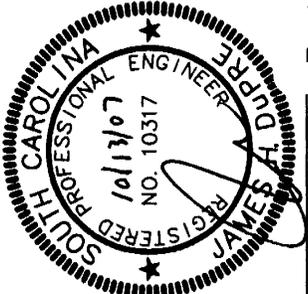
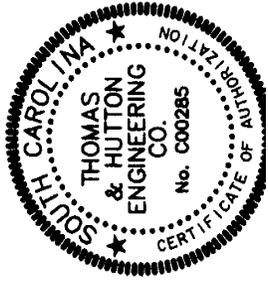
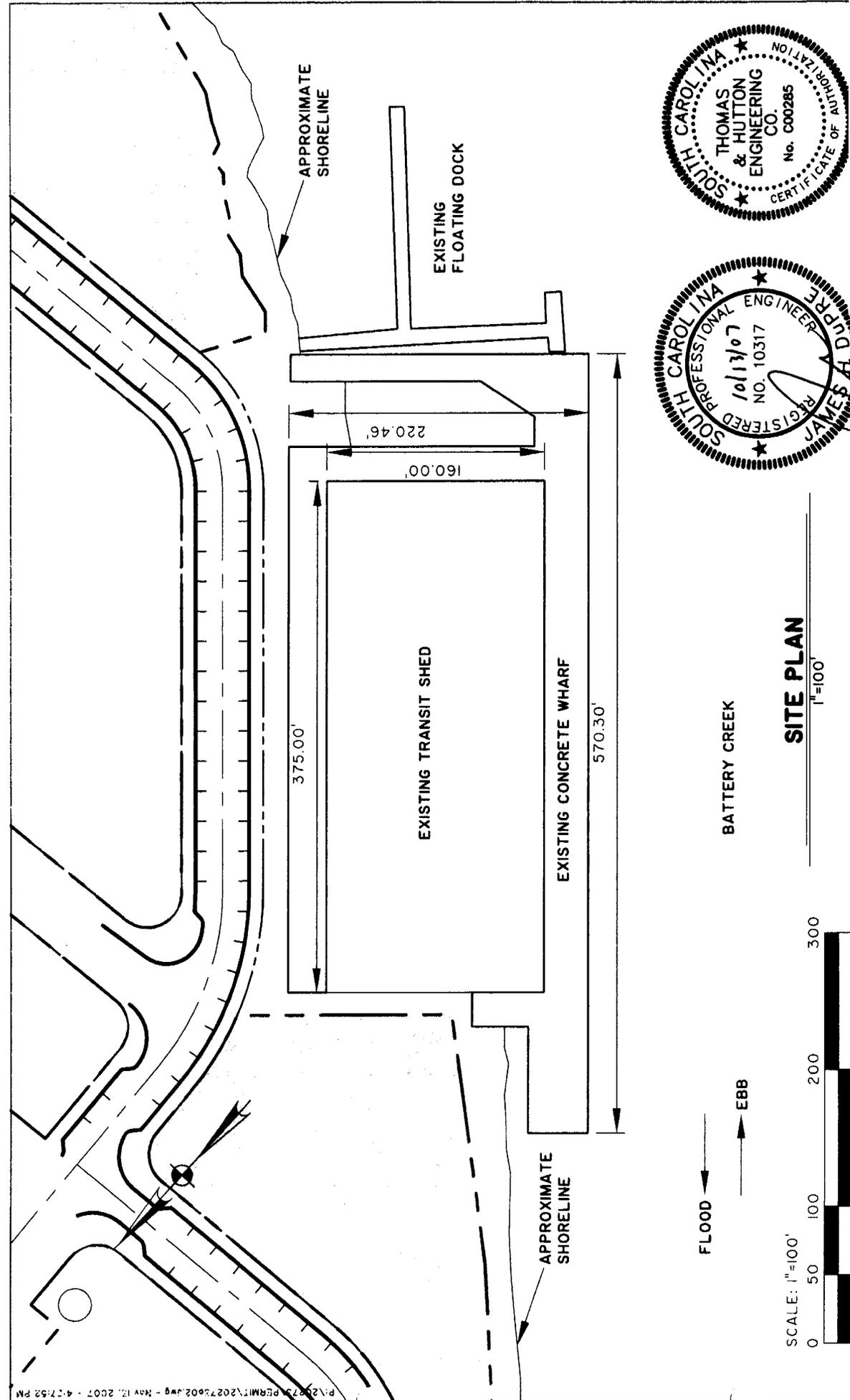
935 HOUSTON NORTHCUTT
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MOUNT PLEASANT, SC 29464
(843)849-0200
SAVANNAH, GA
MYRTLE BEACH, SC



Sheet 3 of 6

SCALE 1" = 100'
SHEET 4 OF 5

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SITE PLAN

1"=100'



Port Royal Harbour, LLC Permit
Drawings, P/N 2007-2527-1IT

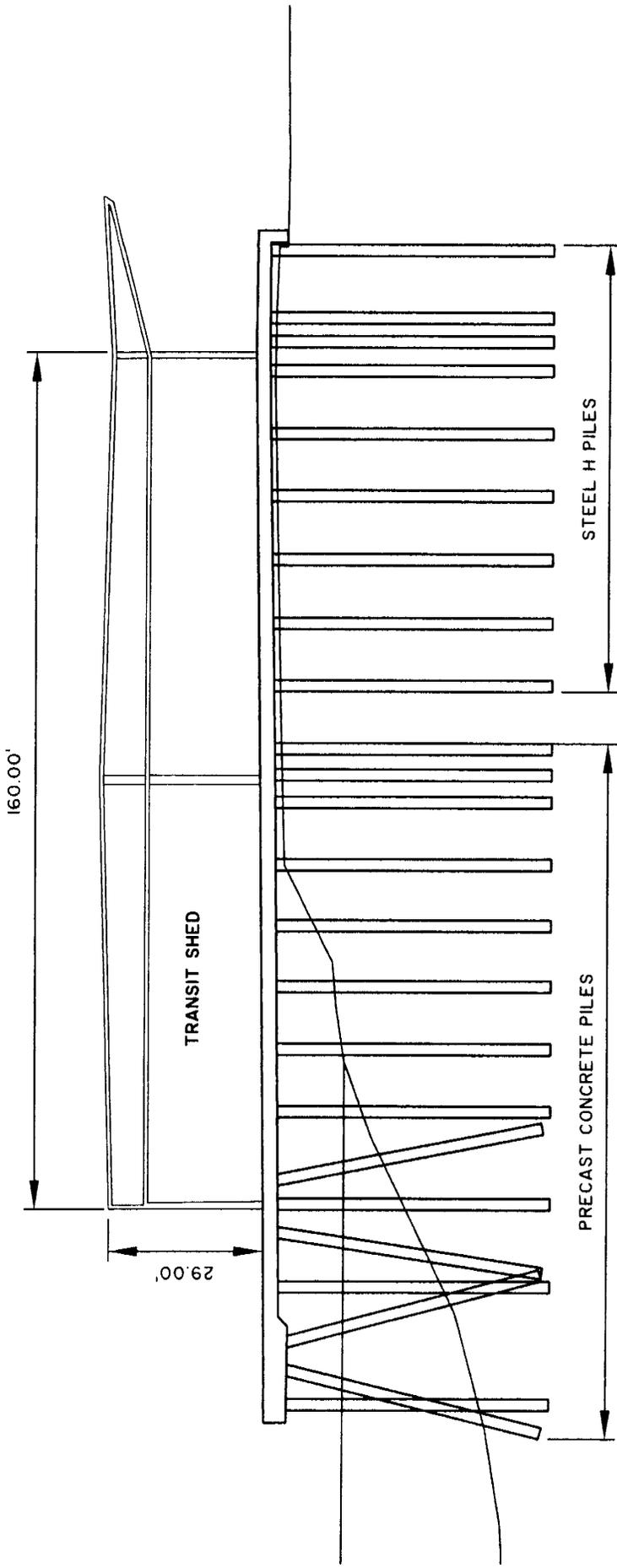
Sheet 4 of 6

SITE PLAN

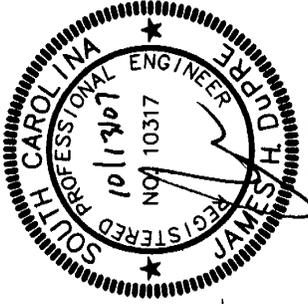
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COUNTY: BEAUFORT
APPLICANT: MAIN STREET REALTY
OCTOBER 25, 2007

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SCALE 1" = 100'
SHEET 2 OF 5



TYPICAL SECTION
1"=30'



**TYPICAL SECTION
EXISTING SHED**

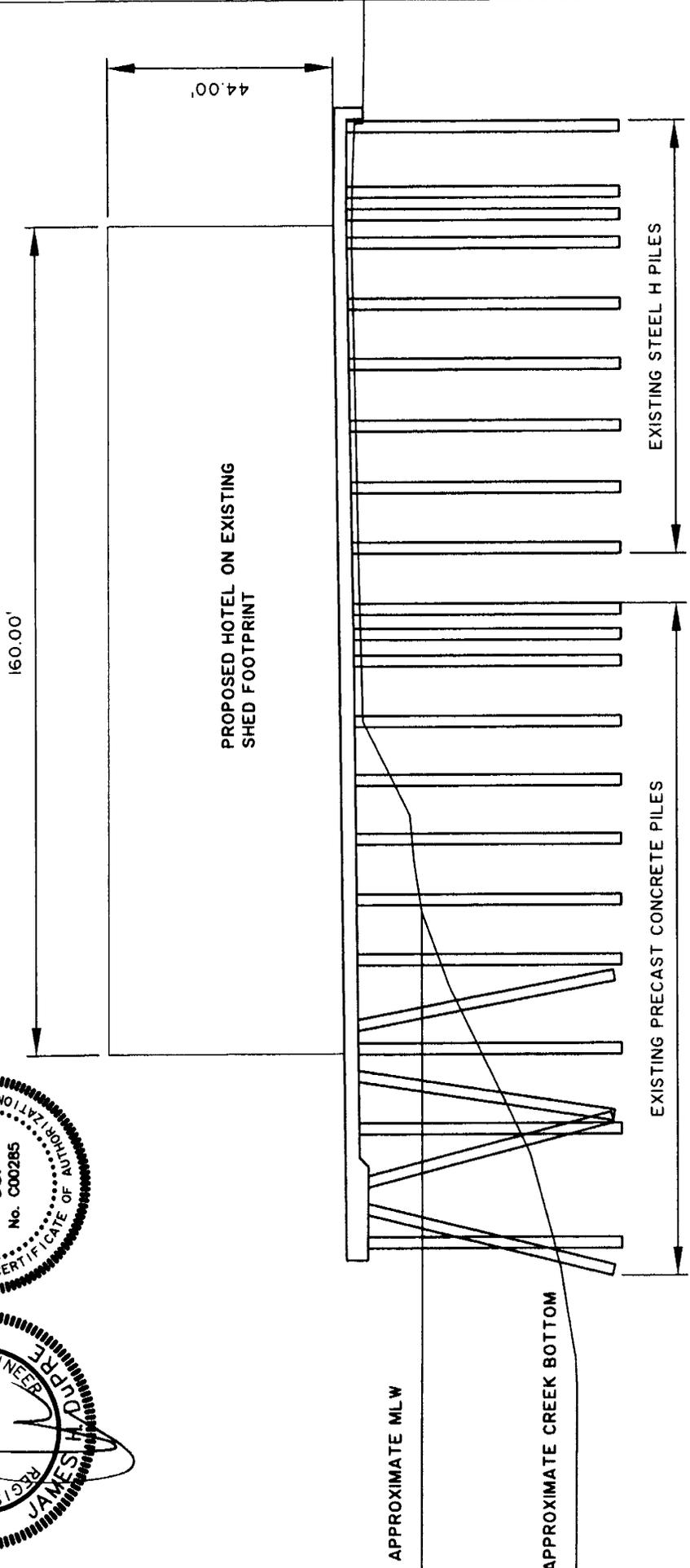
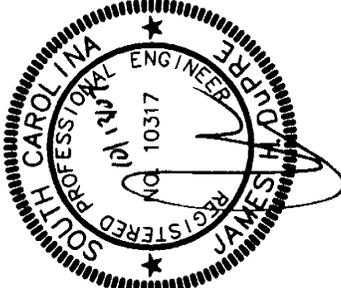
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 COUNTY: BEAUFORT
 APPLICANT: MAIN STREET REALTY
 OCTOBER 25, 2007



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SCALE 1" = 30'
 SHEET 3 OF 5



TYPICAL SECTION

1"=30'

TYPICAL SECTION

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