

## PUBLIC NOTICE

**CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

REGULATORY DIVISION

July 11, 2008

Refer to: GENERAL PERMIT # 2006-10-001 Modification

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) the Charleston District Engineer proposes to issue a modification to General Permit # 2006-10-001. This permit modification would be issued to the General Public and would authorize, subject to special and general conditions, the construction, installation, maintenance and/or repair of piers, floating docks (including joint use and community docks), boat/jet ski lifts, mooring piles, dolphins, covered boat sheds and dock covers, for private non-commercial uses within

### **NAVIGABLE WATERS OF THE UNITED STATES**

within the regulatory jurisdiction of the Charleston District, within the State of South Carolina, excluding areas covered under previously authorized General Permits for specific areas. Those areas include: Lake Murray, Lakes Marion & Moultrie, Lake Wylie, Fishing Creek Reservoir, Great Falls, Rocky Creek, Lake Wateree, Lake Keowee, Ninety-Nine Islands, and Gaston Shoals.

In order to give all interested parties an opportunity to express their views

### **NOTICE**

is hereby given that written statements regarding the proposed issuance of the above referenced modification to the General Permit will be received by this office until

**12 O'CLOCK NOON, MONDAY, AUGUST 11, 2008**

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

The modification will allow additional square footage for joint use docks above and beyond the size allowed for individual docks, not to exceed two times that allowed in subsections I.A.3(a)(i)(1) through (4) of General Permit # 2006-10-001, contingent upon the sharing of the walkway and pierhead.

This modification, if issued, will be effective until the expiration of the General Permit on December 4, 2011.

The proposed modification must be certified as consistent with all applicable provisions of the Coastal Zone Management Program (15 CFR 930) as the activities will be occurring within the coastal counties of South Carolina. The District Engineer will not issue this modification until such certification is received.

This notice initiates Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed modification to the General Permit 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 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

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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 National Historic Preservation Act (NHPA), the District Engineer has evaluated the proposed modification to the General Permit regarding its potential to effect cultural resources including registered properties or properties listed as being eligible for inclusion in the National Register. Provisions have been made in the form of general conditions to the General Permit, which should prevent any adverse effect to 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 Officer to provide any information it may have with regard to impacts this modification to the General Permit may have in 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 modification to the 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 modification to the permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

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 modification to the General Permit. 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 you have any questions concerning this matter, please contact Ms. Stephanie McCary at 843-329-8044.