

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 #2003-1Z-152-P

23 MAY 2003

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 the

CITY OF CHARLESTON
75 CALHOUN STREET, 3RD FLOOR
CHARLESTON, SOUTH CAROLINA 29401-3506

for a permit to excavate temporary observation pits in

CHARLESTON HARBOR AND THE ASHLEY RIVER

along historic seawalls adjacent to East Battery Street, Murray Boulevard, and Lockwood Drive, in Charleston, Charleston County, South Carolina (Latitude – 32.7702°, Longitude – 79.9390°).

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, MONDAY, 23 JUNE 2003

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

The proposed work consists of excavating temporary observation pits immediately adjacent to the seaward side of historic seawalls located in Charleston, South Carolina. In detail, the applicant proposes to excavate 2 pits along the Marina seawall (adjacent to Lockwood Drive), 10 pits along the Low Battery seawall (adjacent to Murray Boulevard), and 4 pits along the High Battery seawall (adjacent to East Battery Street). The specific location of the observations pits will be determined at a later date. The proposed pits are to measure approximately 7' deep, 12' x 12' at the ground surface and 4' x 4' at the base. Excavation activities are to occur during low tide, and it is anticipated that each pit will be excavated and subsequently backfilled within a single tidal cycle. The purpose of the proposed work is to allow engineers the opportunity to observe and document the existing conditions of the various seawall foundations and to establish the requirements necessary for the seawalls to be repaired.

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 0.05 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).

The District Engineer has 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 has determined that the proposed work will occur within the boundaries of the "Charleston Historic District," an area included in the National Register of Historic Places. The District Engineer has made a preliminary determination that the project will have "no adverse effect" on the characteristics which resulted in the "Charleston Historic District" being determined eligible for inclusion in the National Register of Historic Places. By copy of this notice, the views of the State Historic Preservation Officer and his concurrence in the above stated "no adverse effect" determination are being sought.

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.

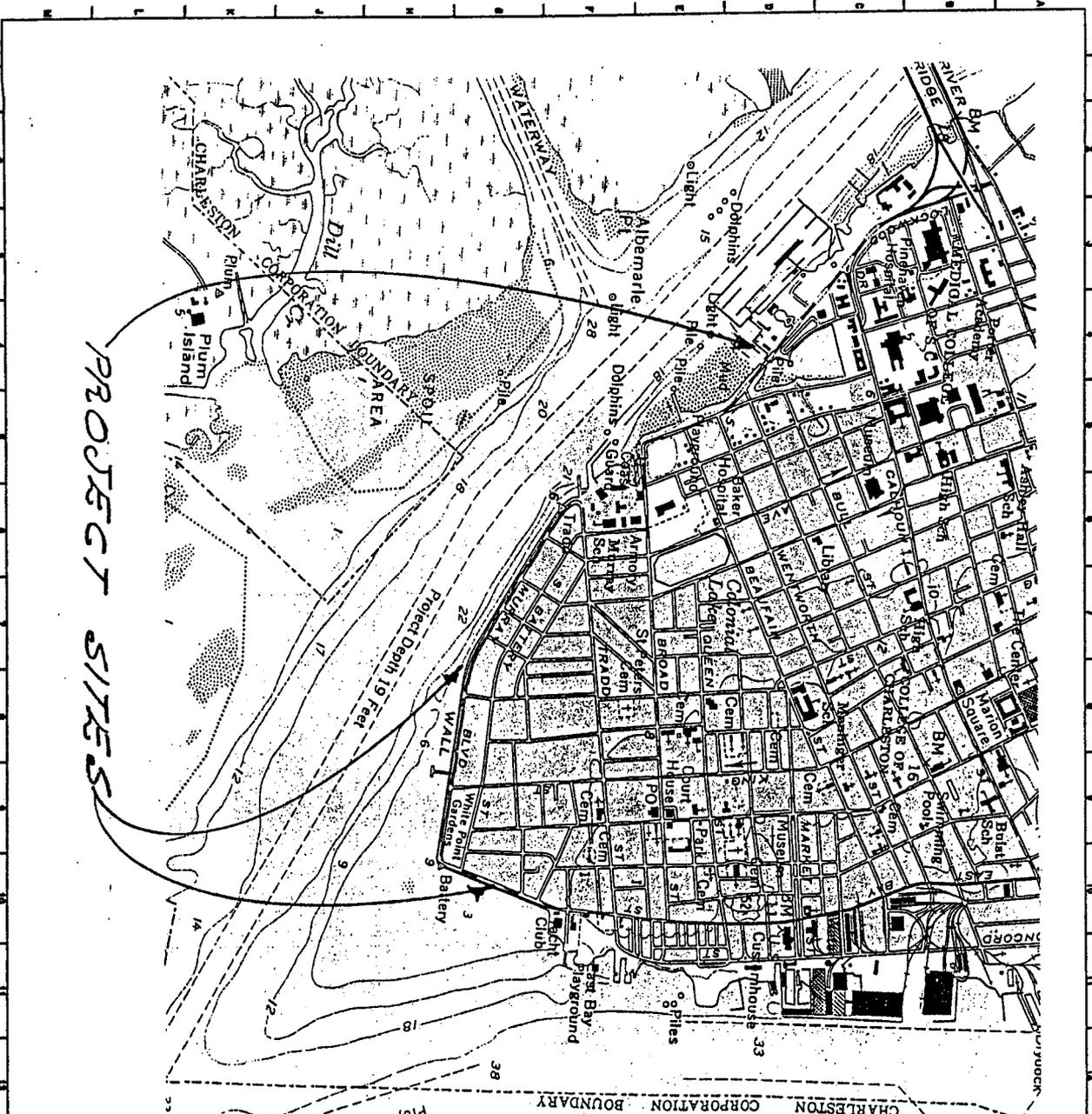
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 me at 843-329-8044 or toll free at 1-866-329-8187.



Larry Hanford
Project Manager
Regulatory Division
U.S. Army Corps of Engineers



PROJECT SITES

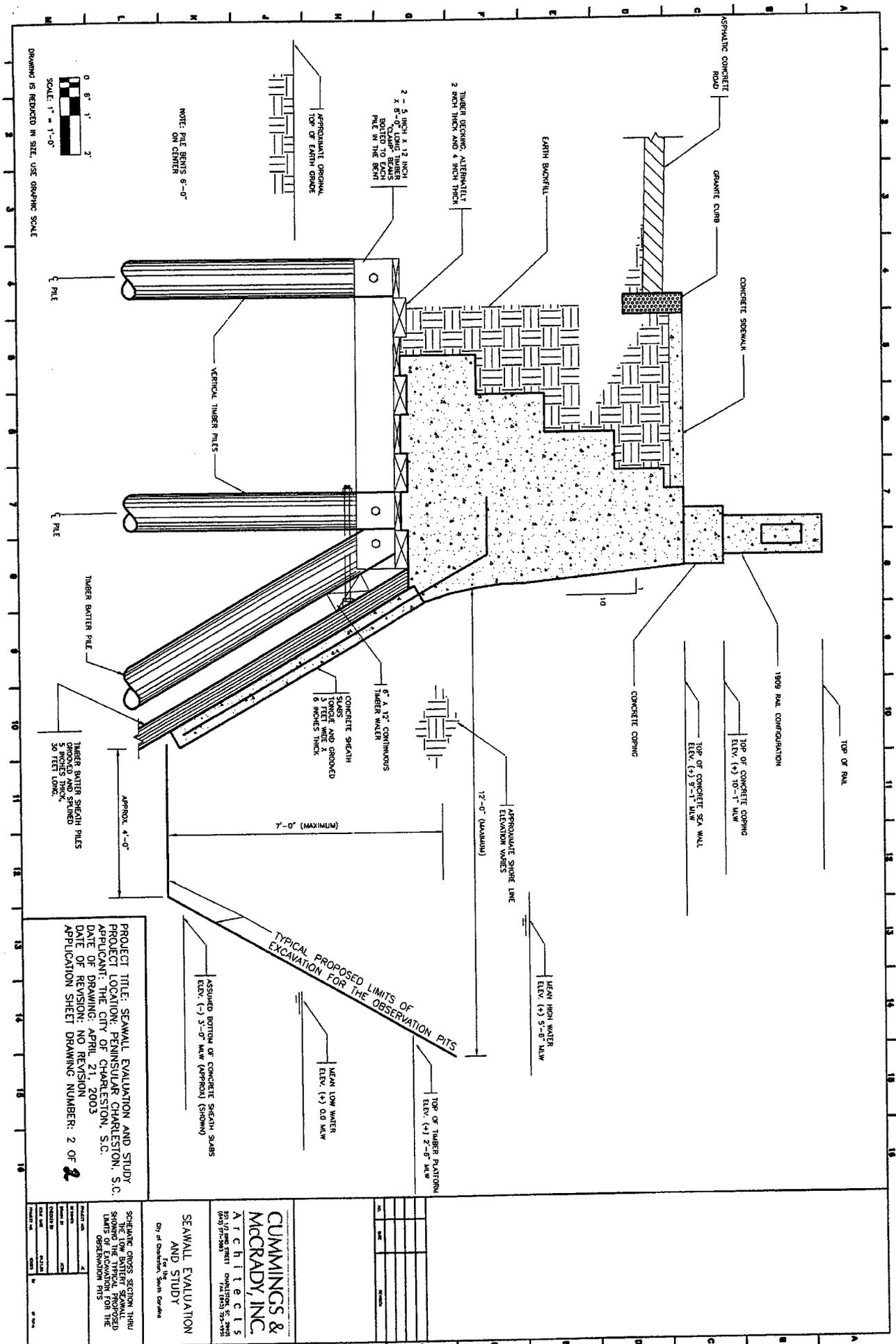
PROJECT TITLE: SEAWALL EVALUATION AND STUDY
 PROJECT LOCATION: PENINSULAR CHARLESTON, S.C.
 APPLICANT: THE CITY OF CHARLESTON, S.C.
 DATE OF DRAWING: APRIL 21, 2003
 DATE OF REVISION: NO REVISION
 APPLICATION SHEET DRAWING NUMBER: 1 OF 2
 LONGITUDE OF PROJECT SITE: 32 (D) 48 (MIN)
 LONGITUDE OF PROJECT SITE: 79 (D) 56 (MIN)
 QUADRANGLE SHEET FOR PROJECT: CHARLESTON, S.C.

PROJECT SITE LOCATION MAP	

CUMMINGS & McCRADY, INC.
 ARCHITECTS
 201/2nd Street Charleston, S.C. 29401
 TEL: 704.525.1111 FAX: 704.525.1112
 WWW.CUMMINGSANDMCCRADY.COM

SEAWALL EVALUATION AND STUDY
 City of Charleston, South Carolina

NO.	DATE	DESCRIPTION



PROJECT TITLE: SEAWALL EVALUATION AND STUDY
 PROJECT LOCATION: PENINSULAR CHARLESTON, S.C.
 APPLICANT: THE CITY OF CHARLESTON, S.C.
 DATE OF DRAWING: APRIL 21, 2003
 DATE OF REVISION: NO REVISION
 APPLICATION SHEET DRAWING NUMBER: 2 OF 2

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SEAWALL EVALUATION AND STUDY
 For the
 City of Charleston, South Carolina

CUMMINGS & MCCRADY, INC.
 ARCHITECTS
 1000 MARKET STREET
 CHARLESTON, SOUTH CAROLINA 29403
 TEL: (803) 733-1100
 FAX: (803) 733-1100

SCHEMATIC CROSS SECTION THRU THE SEAWALL SHOWING THE TYPICAL PROPOSED LIMITS OF EXCAVATION FOR THE OBSERVATION PITS