

**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 #2003-1L-176-P

25 JULY 2003

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 401 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

**THOMAS BACKMAN**  
**1855 SOL LEGARE RD**  
**CHARLESTON, SC 29412**

for a permit to construct a community dock in

KINGS FLAT CREEK

at 1851 Sol Legare Rd, Charleston, Charleston County, South Carolina.  
(Latitude - 32.67915, Longitude - 79.96821)

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, 11 AUGUST 2003**

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

The proposed work consists of removal of an existing commercial seafood dock and construction of a new community dock. More specifically, removal of an existing commercial seafood dock, several sunken vessels and other miscellaneous debris and construction of a 6' x 170' walkway with handrails leading to a 20' x 20' covered fixed pier head attached to a 5' x 220' fixed dock with boat lift fingers for 18 boats with a 10' x 30' floating dock connected to the upstream side of the last boatlift by a 3' x 20' gangway. The purpose of this work is for the private recreational use of residents of the proposed Kings Flat Condominiums.

**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 0.1 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 this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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.

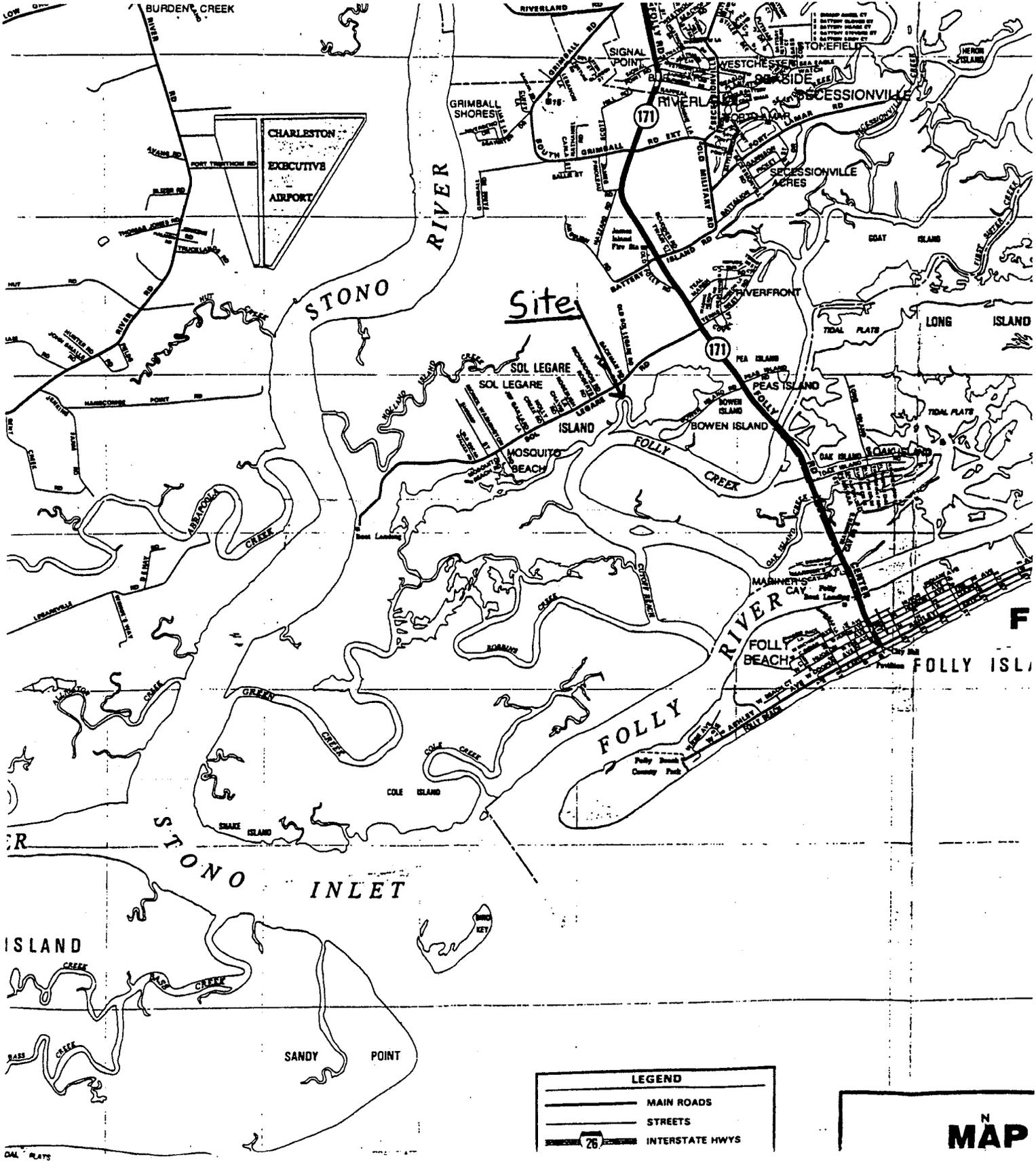
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may 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 me at 843-329-8044 or toll free at 1-866-329-8187.

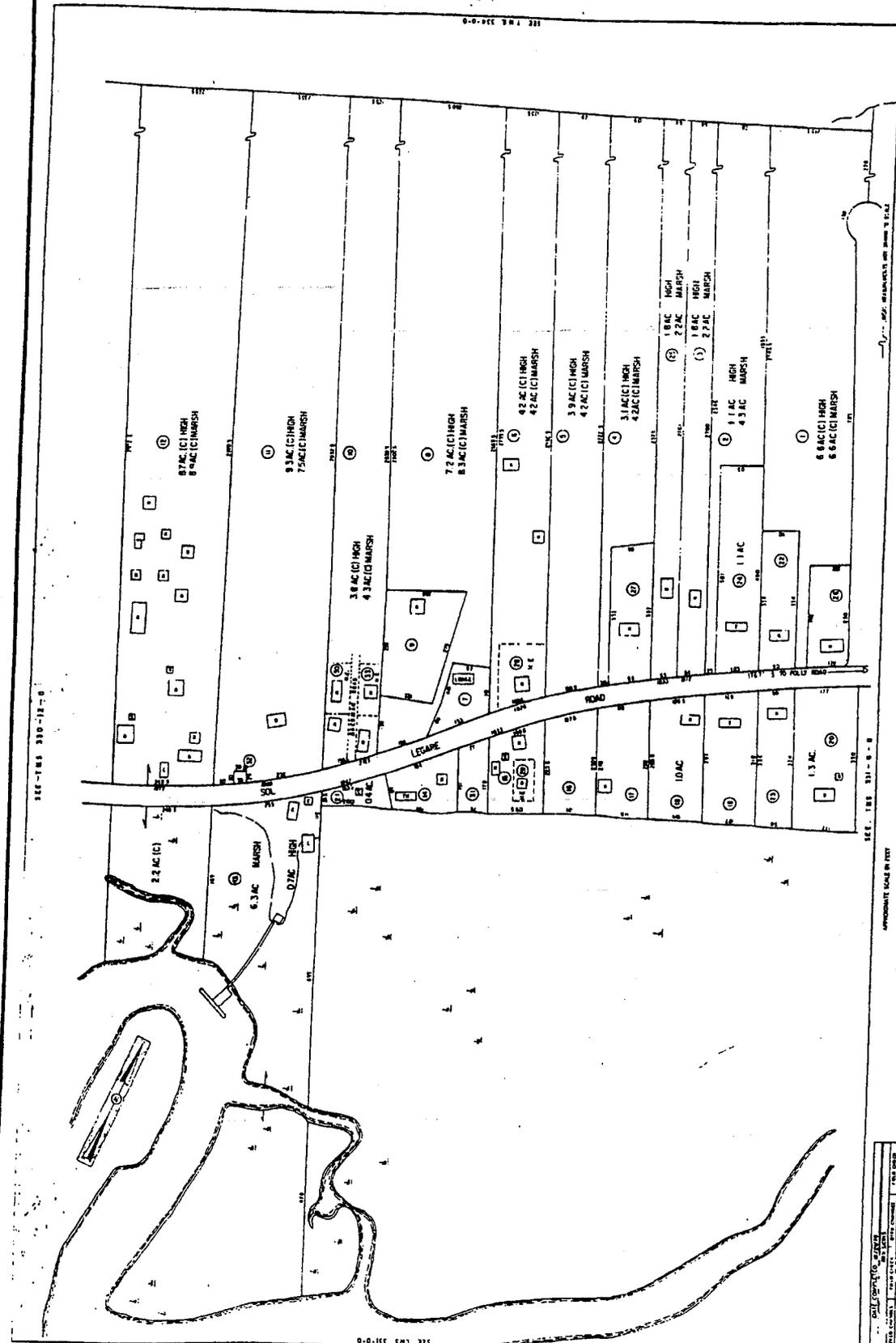


Amy C. Henke  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers



<b>APPLICANT:</b> Thomas Backman, Jr	<b>LOCATION:</b> Backman's Seafood, Inc. 1851 Sol Legare Road Charleston, SC	<b>ADJACENT PROPERTY OWNERS:</b> TMS 331-05-00-012 Abraham Wilder
<b>ACTIVITY:</b> Kings Flat Condominiums Community Dock	<b>COUNTY:</b> Charleston	TMS 331-05-00-021 Bennie Brown
<b>P/N #</b> 2003-1L-176	<b>DATE:</b> Sheet 1 of 6	

30'



TAX MAP NUMBER  
 SCHOOL DISTRICT NO. 3-1  
 AREA: S.D. LEGARE ISLAND  
 AERIAL PHOTO NO. 45-65K, 657, 658  
 W 331-5-0-013  
 CHARLESTON COUNTY S.C.

THE MAP SHOWS THE COUNTY DISTRICTS OF THE COUNTY AND THE CHALLENGE IS UP TO ALL THE OWNERS OF THE LAND TO PRODUCE PROOF OF OWNERSHIP FOR THE PURPOSE OF THE MAP.

APPROXIMATE SCALE IN FEET  
 THE MAP COMPRISES THE LAND THAT IS BEING CHALLENGED AND THE CHALLENGE IS UP TO ALL THE OWNERS OF THE LAND TO PRODUCE PROOF OF OWNERSHIP FOR THE PURPOSE OF THE MAP.

DATE	BY	REVISION
12/11/11	J. L. W.	ISSUED
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**ACTIVITY:** Kings Flat Condominiums Community Dock  
**P/N #** 2003-16-176

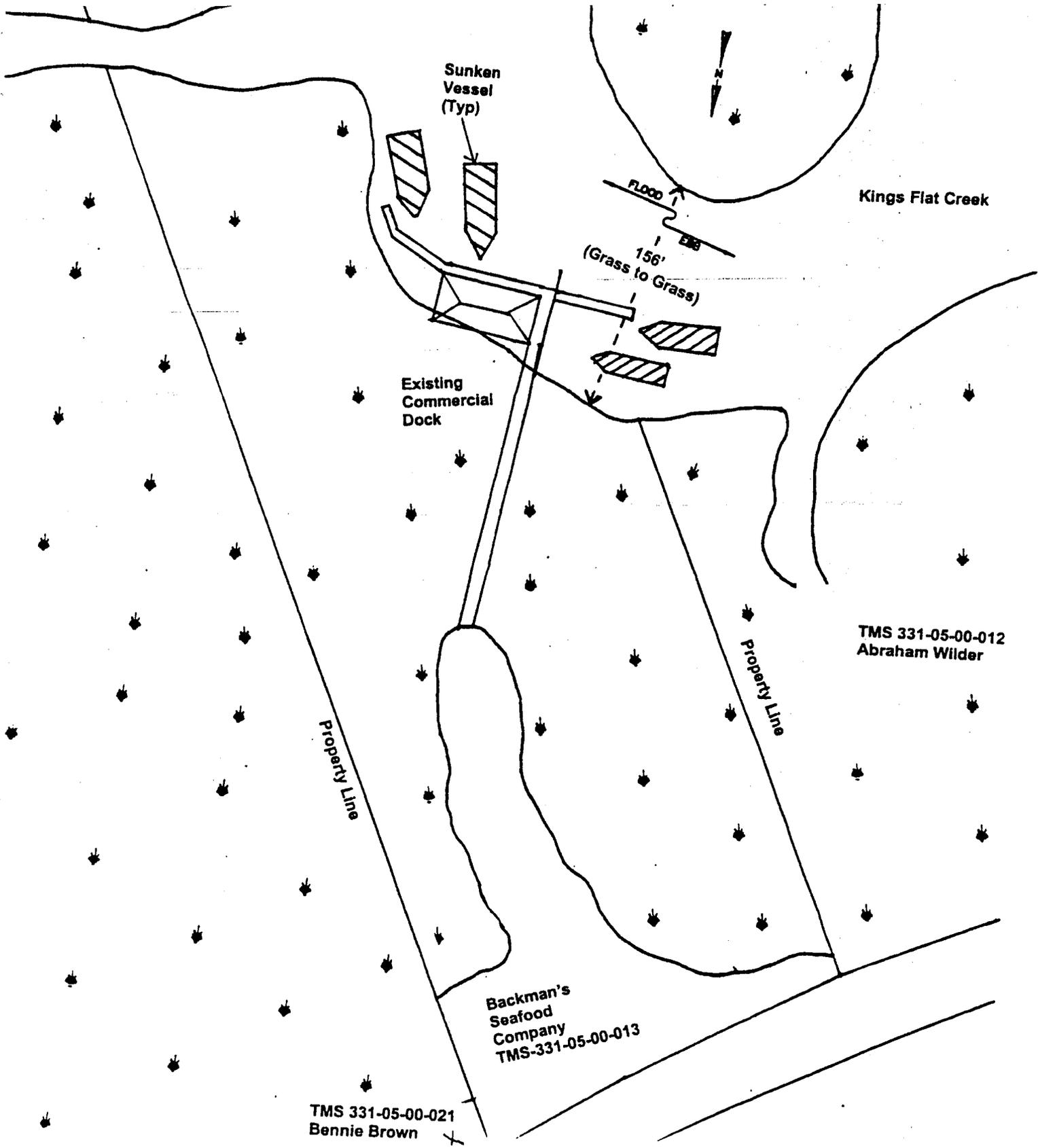
**LOCATION:** Backman's Seafood, Inc.  
 1851 Sol Legare Road  
 Charleston, SC

**COUNTY:** Charleston  
**DATE:**

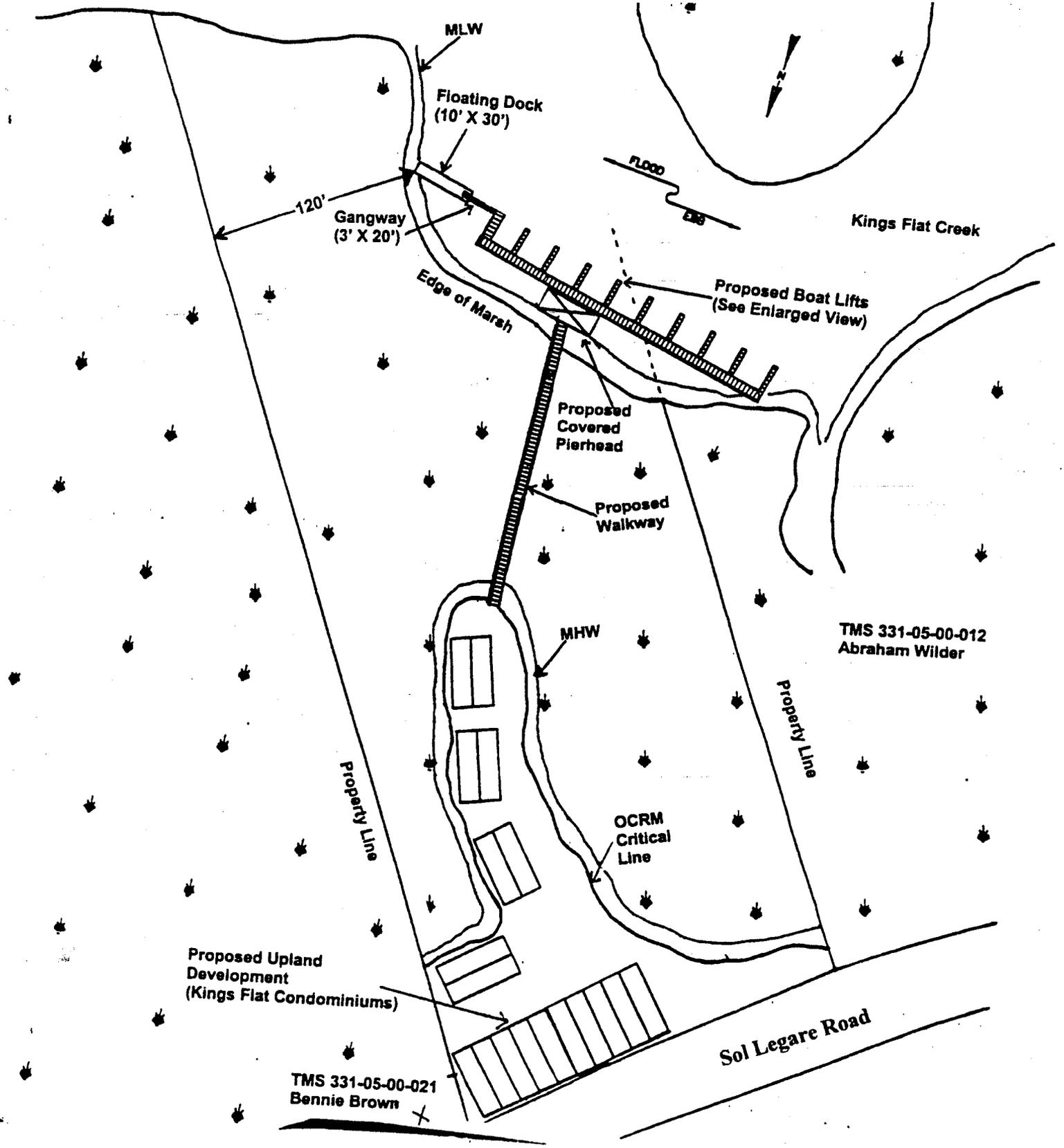
**ADJACENT PROPERTY OWNERS:**  
 Abraham Wilder  
 TMS 331-05-00-012

TMS 331-05-00-021

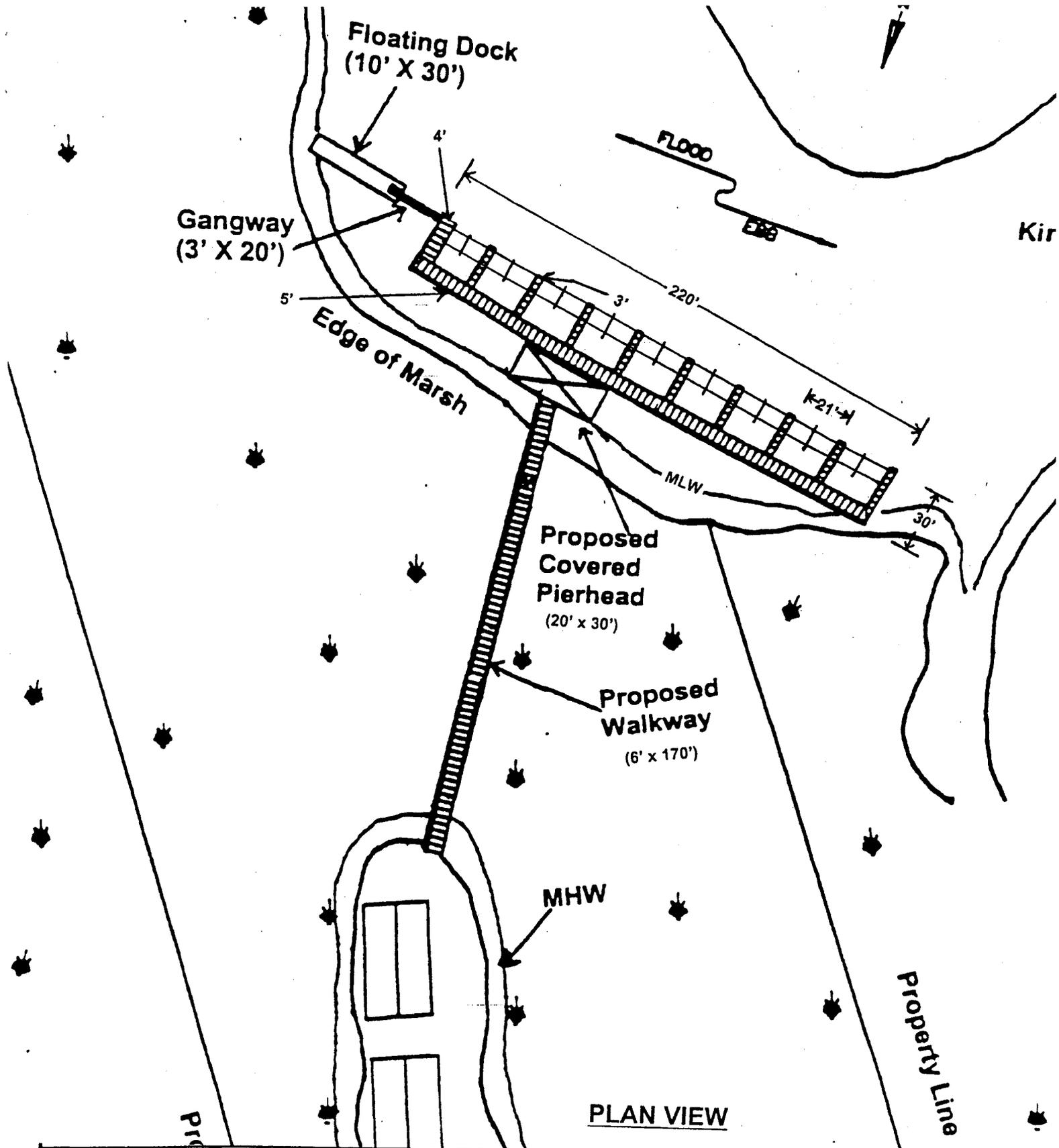
Sheet 2 of 6



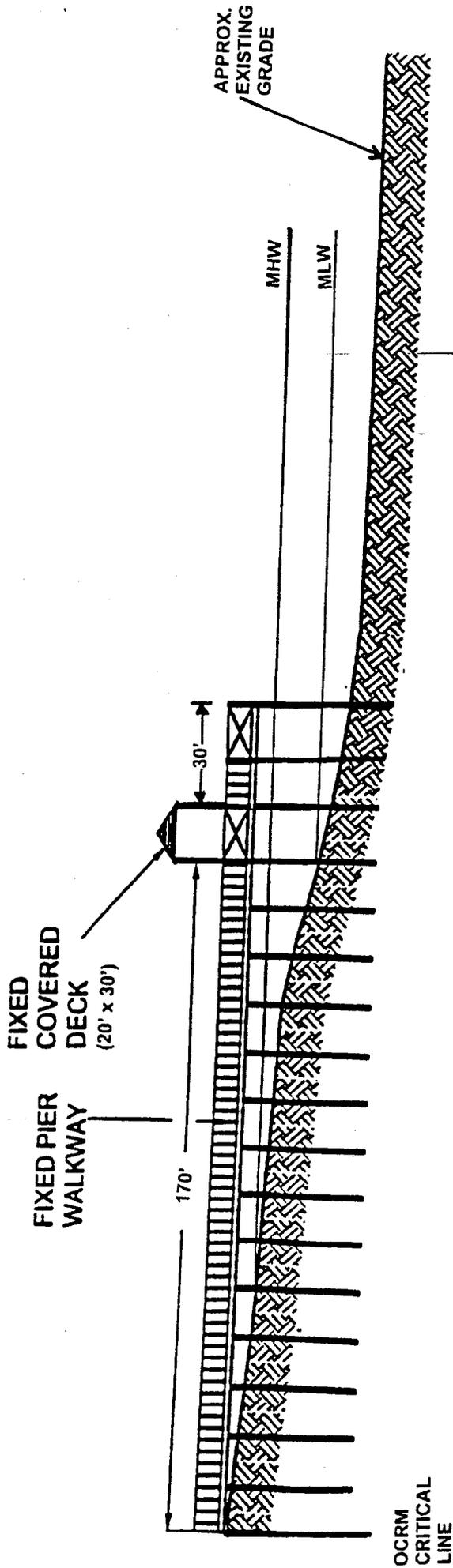
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**SIDE VIEW**

<p><b>APPLICANT:</b> Thomas Backman, Jr.  <b>ACTIVITY:</b> Kings Flat Condominiums Community Dock</p>	<p><b>LOCATION:</b> Backman's Seafood, Inc.          1851 Sol Legare Road          Charleston, SC</p> <p><b>COUNTY:</b> Charleston          NAME</p>	<p><b>ADJACENT PROPERTY OWNERS:</b>          Abraham Wilder          TMS 331-05-00-012</p>
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P/N # 2003-1L-176

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TMS 331-05-00-001