

**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 # 2003-1N-268-P

5 September 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

**MR. RICHARD D. COEN**  
**COENCO, LLC**  
**100 HADDRELL STREET**  
**MOUNT PLEASANT, SOUTH CAROLINA 29465**

for a permit to construct a fixed deck and a new floating dock in

**SHEM CREEK**

at 130 Mill Street, in Mount Pleasant, Charleston County, South Carolina  
(Latitude - 32.79150 N, Longitude - 79.88213 W).

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, 6 OCTOBER 2003**

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

The proposed work consists of constructing improvements to the existing fixed pier and floating dock located at the northern end of Church Street on Shem Creek. The existing structure consists of approximately 3,961 square feet of deck and a 60-foot long by 8-foot wide floating dock located on the southern side of Shem Creek.

As shown on sheet 3 of 4, the applicant plans to construct 1,428 square feet of new deck that will be incorporated into the existing structure. In addition, the applicant plans to replace the existing floating docks with a continuous 106-foot long by 12-foot wide floating dock. It is understood that this work will be conducted on/or adjacent to an area subject to a prism and/or disposal easement held by the United States in perpetuity in conjunction with a Congressionally

authorized project for the maintenance and improvement of Shem Creek. Should a permit be issued, appropriate provisions will be included to ensure the interests of the Federal Government are understood. According to the applicant, the purpose of the proposed work is to construct improvements to the existing facilities on Shem Creek. The available dock space will be leased to recreational and/or commercial fishing boats, rented to transient boaters for overnight docking, used for temporary mooring of boats by restaurant patrons, and to possibly operate a water taxi.

**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 0.08 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.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the shortnose sturgeon (*Acipenser brevirostrum*) a Federally endangered species is present in the vicinity of the project. However, it has been determined that the project will have no effect on this species and will 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.

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.

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.

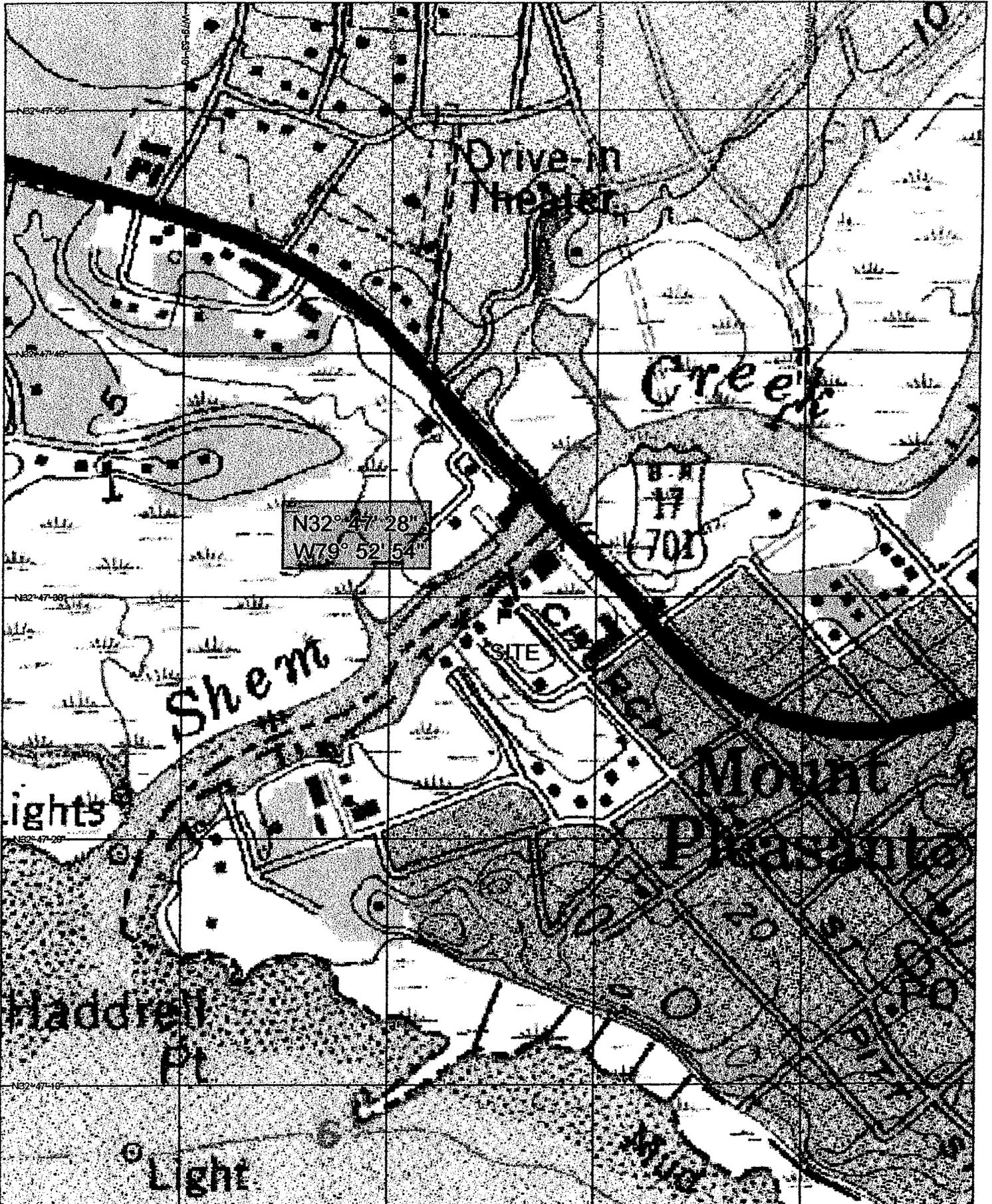
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may 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.

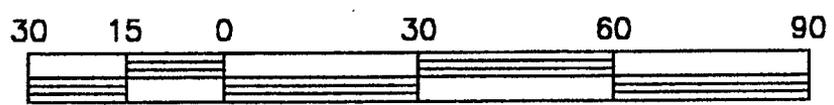
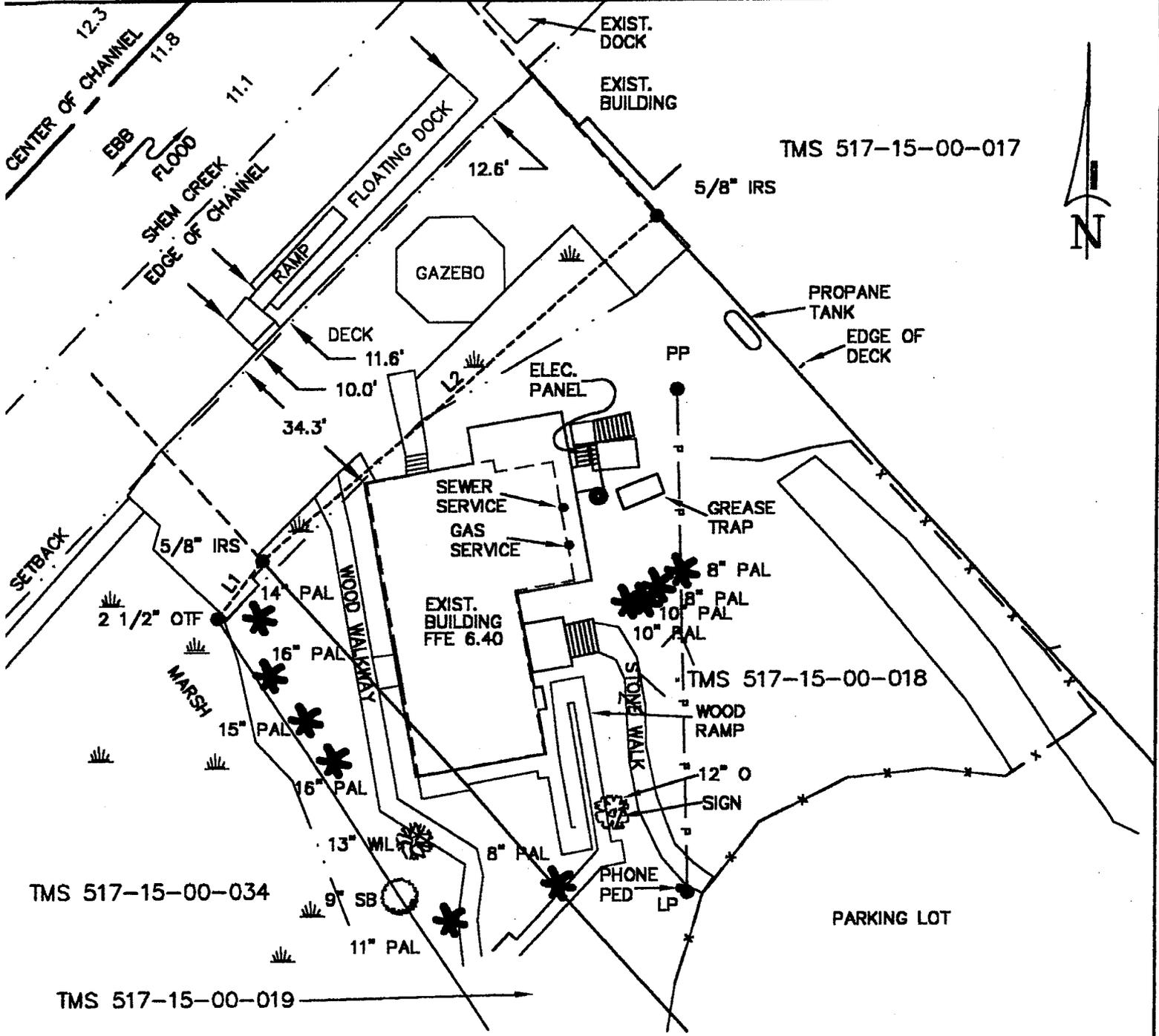
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine 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.



Nathaniel I. Ball  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers





SCALE: 1" = 30'      SCALE IN FEET

# PLAN EXISTING

PURPOSE: TO IMPROVE EXISTING DOCK  
 DATUM: MEAN LOW WATER

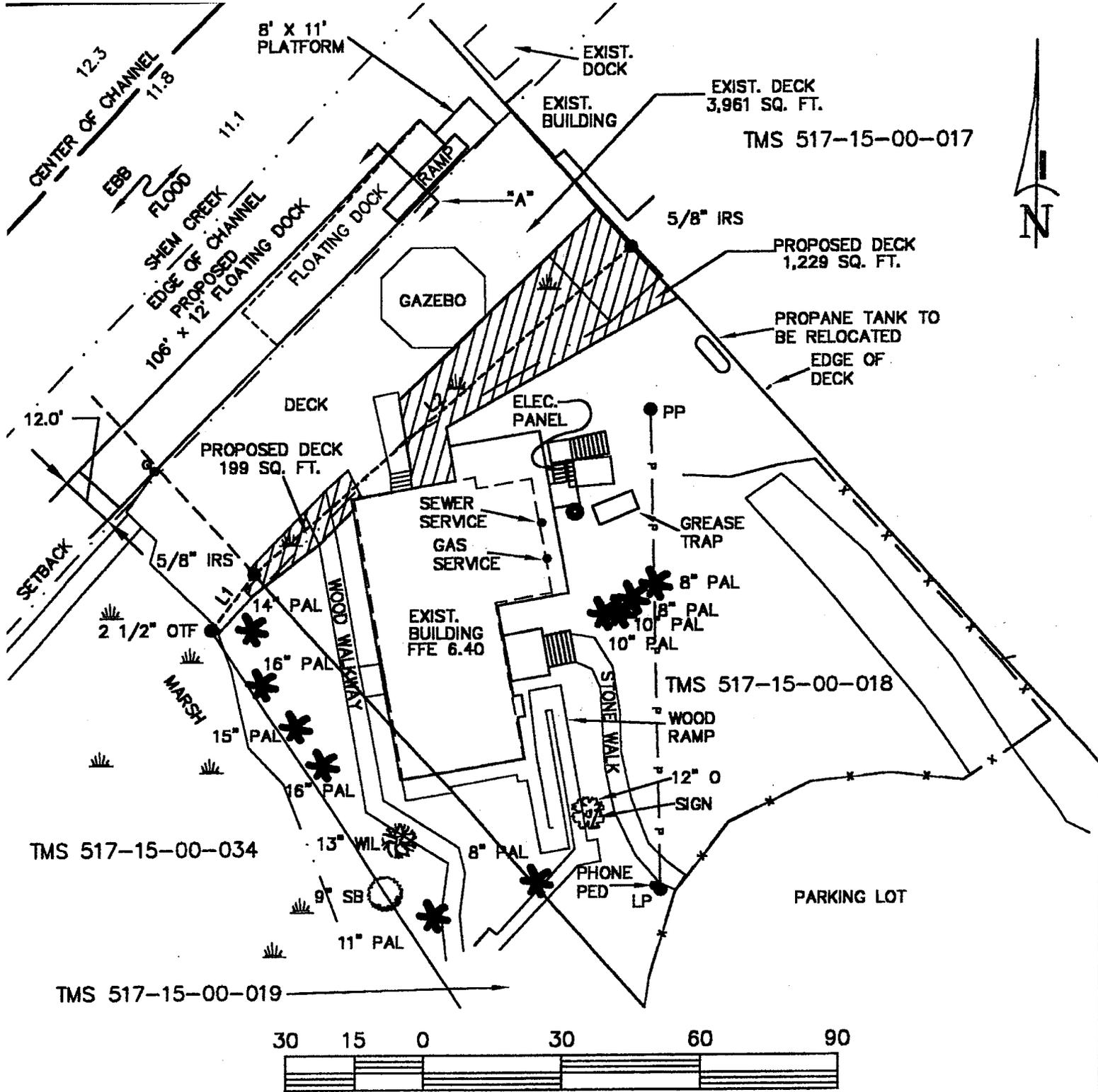
ADJACENT PROPERTY OWNERS:  
 TMS 517-15-00-017  
 BOALS ENTERPRISES, INC.  
 PO BOX 519  
 MT. PLEASANT, S. C. 29465

TMS 517-15-00-034  
 SHEM CREEK SEAFOOD LLC  
 362 SCHWEERS LAND  
 MT. PLEASANT, S. C. 29464

PROPOSED: DOCK IMPROVEMENTS & ADDITION  
 IN: SHEM CREEK  
 AT: MT. PLEASANT  
 CHARLESTON COUNTY, S. C.

APPLICATION BY:  
 ROBERT E. MAGWOOD, JR.  
 1095 COTTINGHAM DR.  
 MT. PLEASANT, S. C. 29464-3551  
 SHEET 2 OF 4      DATE: 05/12/03

REVISED: 08/06/03



SCALE: 1" = 30' SCALE IN FEET

# PLAN PROPOSED

PURPOSE: TO IMPROVE EXISTING DOCK  
 DATUM: MEAN LOW WATER

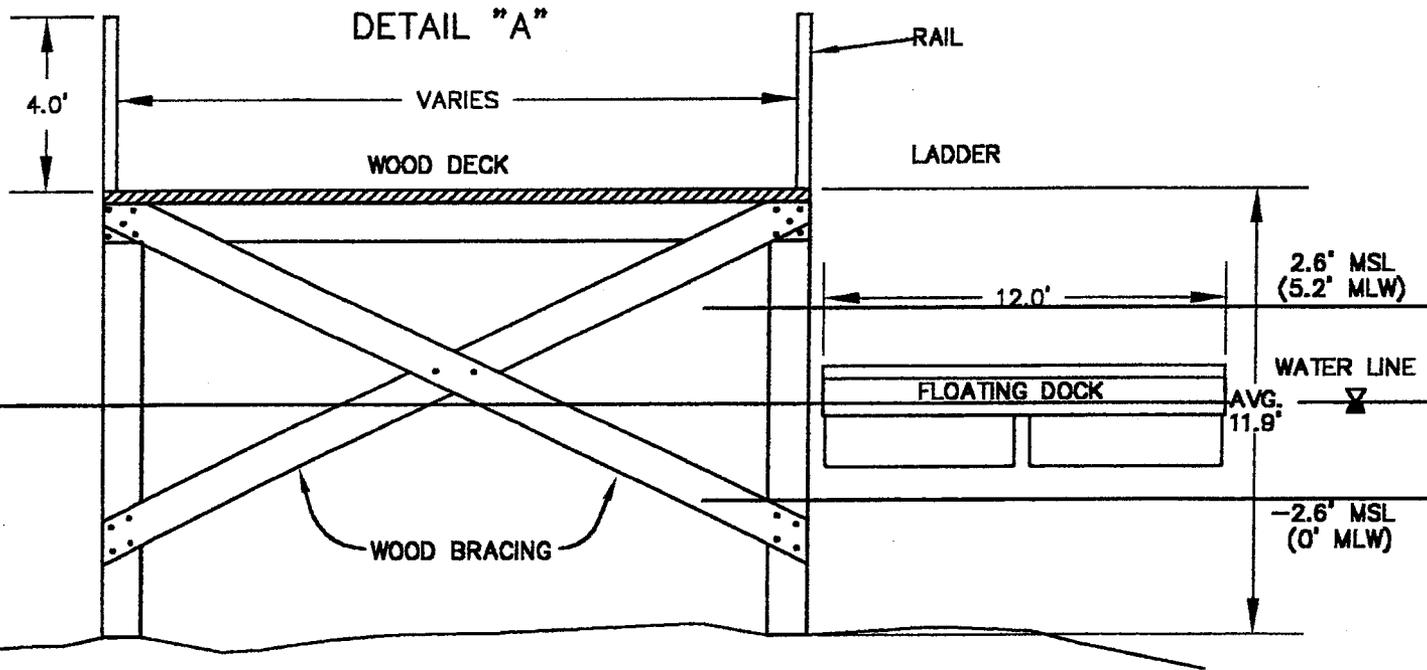
ADJACENT PROPERTY OWNERS:  
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 BOALS ENTERPRISES, INC.  
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 MT. PLEASANT, S. C. 29464-3551  
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## **DOCK SECTION TO BE USED ON EXIST. AND PROPOSED DOCKS**

PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:

TMS 517-15-00-017  
BOALS ENTERPRISES, INC.  
PO BOX 519  
MT. PLEASANT, S. C. 29465

TMS 517-15-00-034  
SHEM CREEK SEAFOOD LLC  
362 SCHWEERS LAND  
MT. PLEASANT, S. C. 29464

PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

AT: MT. PLEASANT  
CHARLESTON COUNTY, S. C.

APPLICATION BY:

ROBERT E. MAGWOOD, JR.  
1095 COTTINGHAM DR.

MT. PLEASANT, S. C. 29464-3551

SHEET 4 OF 4

DATE: 05/12/03

REVISED: 08/06/03