

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-165-P (Revised)

13 February 2004

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. JOHN B. BAILEY AND
SNOWWIS PROPERTIES, LLC
C/O MR. RICHARD D. COEN
CHARLESTON HARBOR PARTNERS, LLC
100 HADDRELL STREET
MOUNT PLEASANT, SOUTH CAROLINA 29465

for a permit to construct a new fixed pier and floating docks in

SHEM CREEK

at 1313 Shrimp Boat Lane, in Mount Pleasant, Charleston County, South Carolina (Latitude - 32.79143 N, Longitude -- 79.88326 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, 15 MARCH 2004

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

The proposed work consists of constructing improvements to existing fixed piers and floating docks located on Shem Creek. The existing facilities at 1313 Shrimp Boat Lane consist of an approximately 300 square foot deck, 740 linear feet of 8-foot wide fixed piers, 357 linear feet of 6-foot wide fixed piers, 1,100 linear feet of 6-foot wide walkways, 143 linear feet of 6-foot wide floating docks, and two fuel dispensers.

The applicant plans to replace the existing fixed piers with 1,383 linear feet of continuous 10-foot wide fixed piers. In addition, the applicant plans to replace the existing walkways with 708 linear feet of 10-foot wide walkways, and to incorporate 6,080 square feet of fixed deck into the

existing structure as shown on drawing sheet 10 of 13. Access to Jones Creek will be provided by a 10-foot wide by 5-foot high fixed bridge, which approximates the dimensions of the existing upstream structure.

There are three existing platforms adjacent to the existing fixed pier, which are used for marine related storage. At the western end of the proposed fixed pier, the applicant plans to construct a new 25-foot by 35-foot fixed platform. In addition, the applicant plans to construct a 64-foot by 98-foot platform on high ground (a small island) as shown drawing sheet 3 of 13.

The construction of the new fixed pier will provide an additional 286 linear feet of dock space on the northern side of Shem Creek. 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 provide cart access to the existing fixed piers, to provide additional marine related storage space, and to provide additional mooring space on Shem Creek. It is our understanding that the applicant plans to continue to operate the existing fuel dispensers on the referenced property. 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 0.46 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.

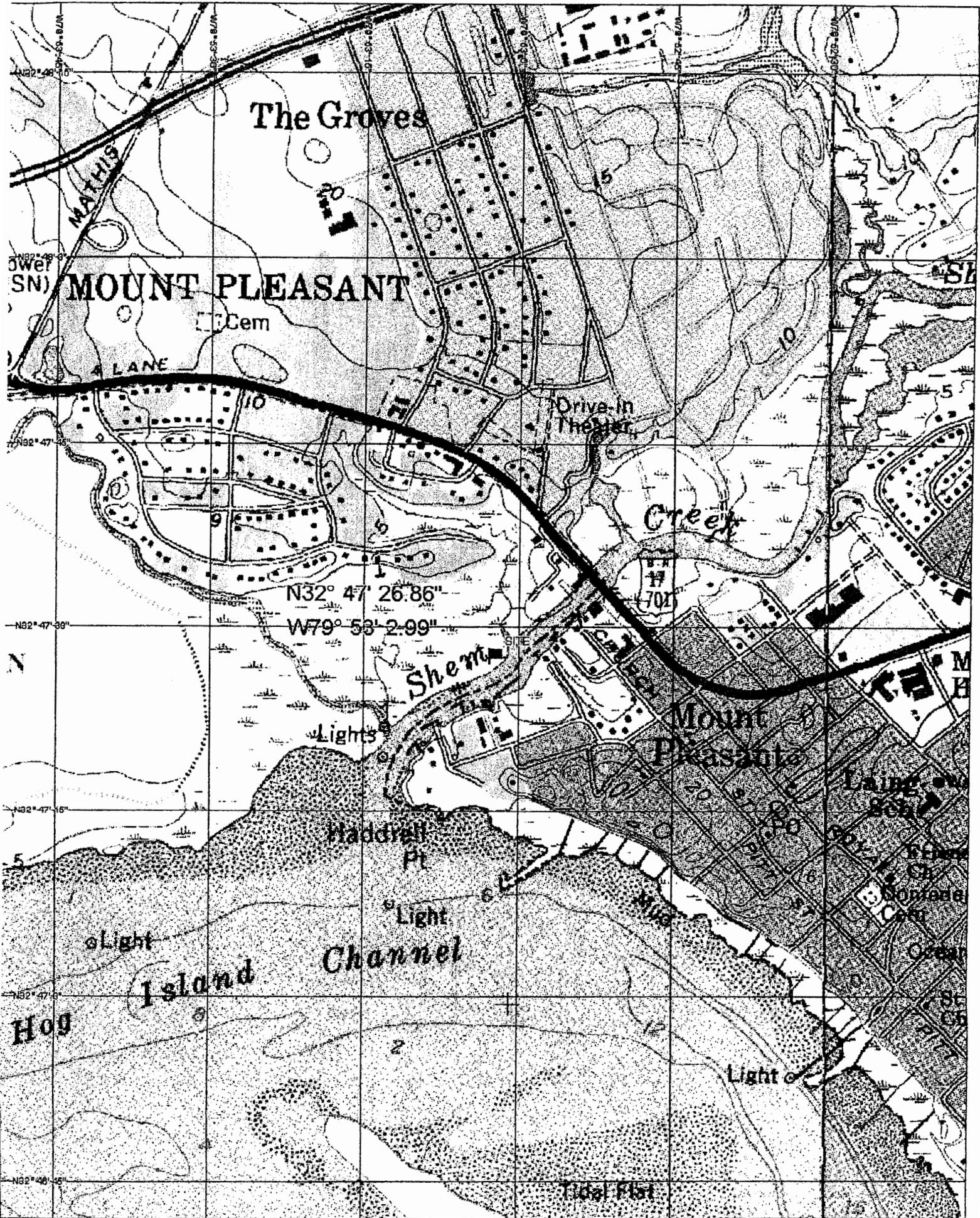
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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.


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





ABANDONED CAUSEWAY (NO ACCESS)

PARKING FOR THIS FACILITY WILL BE PROVIDED IN EXISTING NON-EXCLUSIVE PUBLIC PARKING SPACES IN SHRIMP BOAT LANE AND VIA WATER TAXI AT SLIGHTLY UP THE CREEK SITE-SEE SHEET 4 AND SHEET 13

DETAIL "D"

DETAIL "B"

JONES CREEK

FIXED DOCK 208' x 10'

DETAIL "A"

FIXED DOCK 532' x 10' (UTILIZE EXIST. PILES WHERE POSSIBLE)

DETAIL "C"

DETAIL "B"

FIXED DOCK 192' x 10'

FIXED SPAN BRIDGE (CLEARANCE TO EXISTING BRIDGE)

NON HAZARDOUS MARINE RELATED STORAGE DECK. NO FOOD OR BEVERAGE SERVICE ON DECK.

FIXED DOCK 176' x 10'

FIXED DOCK 888' x 10'

EXIST. PLATFORM 18' x 30'

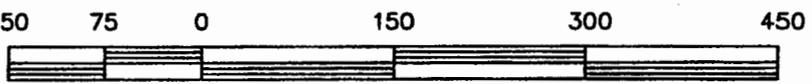
EXIST. PLATFORM 25' x 32'

EXIST. PLATFORM 19' x 30'

FIXED DOCK 295' x 10'

PROP. PLATFORM 25' x 35'

SCALE: 1" = 150'



SCALE IN FEET

PLAN PROPOSED

PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS: SEE ATTACHED SHEET

PROPOSED: DOCK IMPROVEMENTS & ADDITION

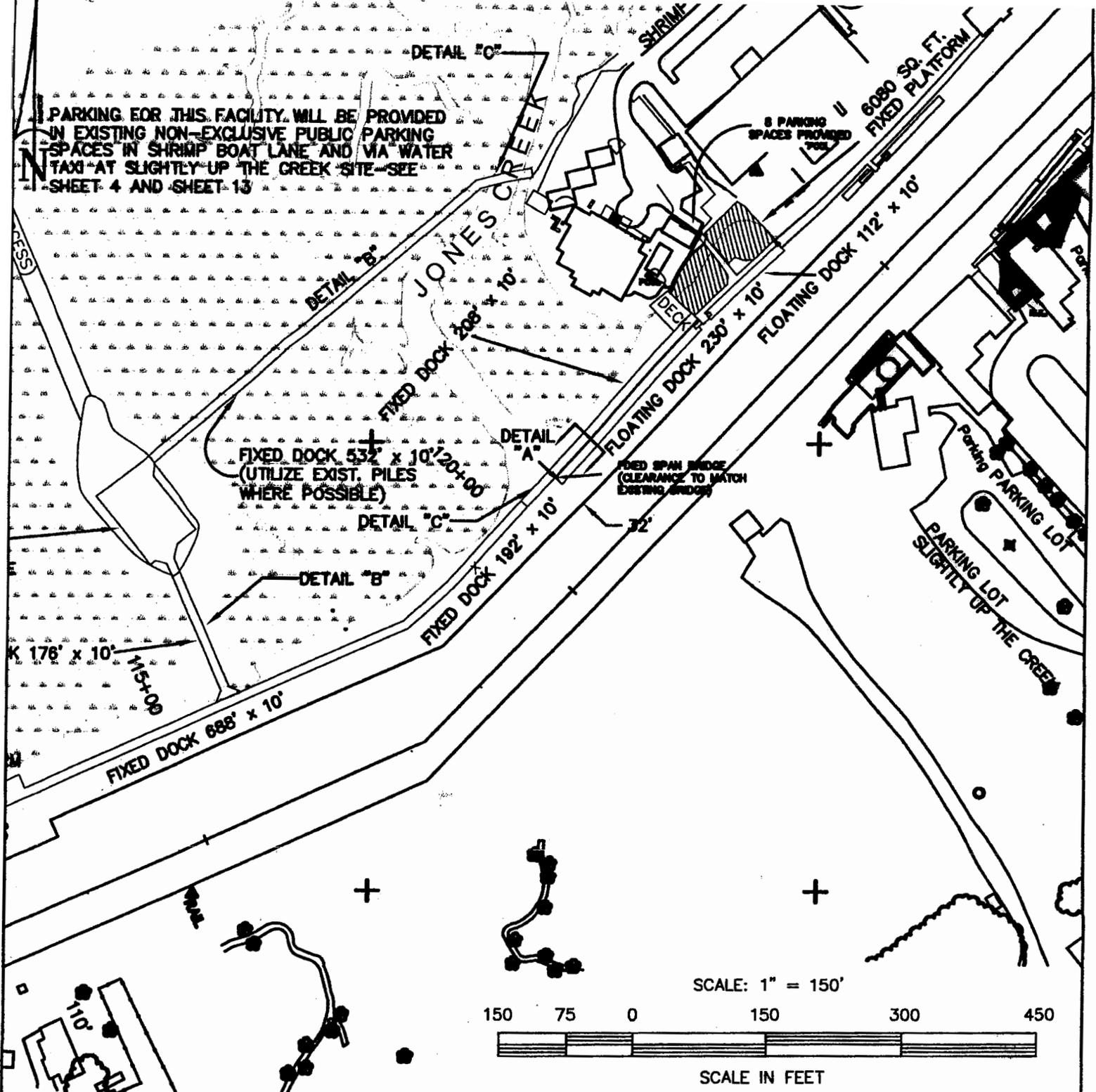
IN: SHEM CREEK

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

APPLICATION BY:
JOHN BAILEY
P.O. BOX 60190
CHARLESTON, S. C. 29419

SHEET 3 OF 13 DATE: 01/15/04

PARKING FOR THIS FACILITY WILL BE PROVIDED IN EXISTING NON-EXCLUSIVE PUBLIC PARKING SPACES IN SHRIMP BOAT LANE AND VIA WATER TAXI AT SLIGHTLY UP THE CREEK SITE - SEE SHEET 4 AND SHEET 13

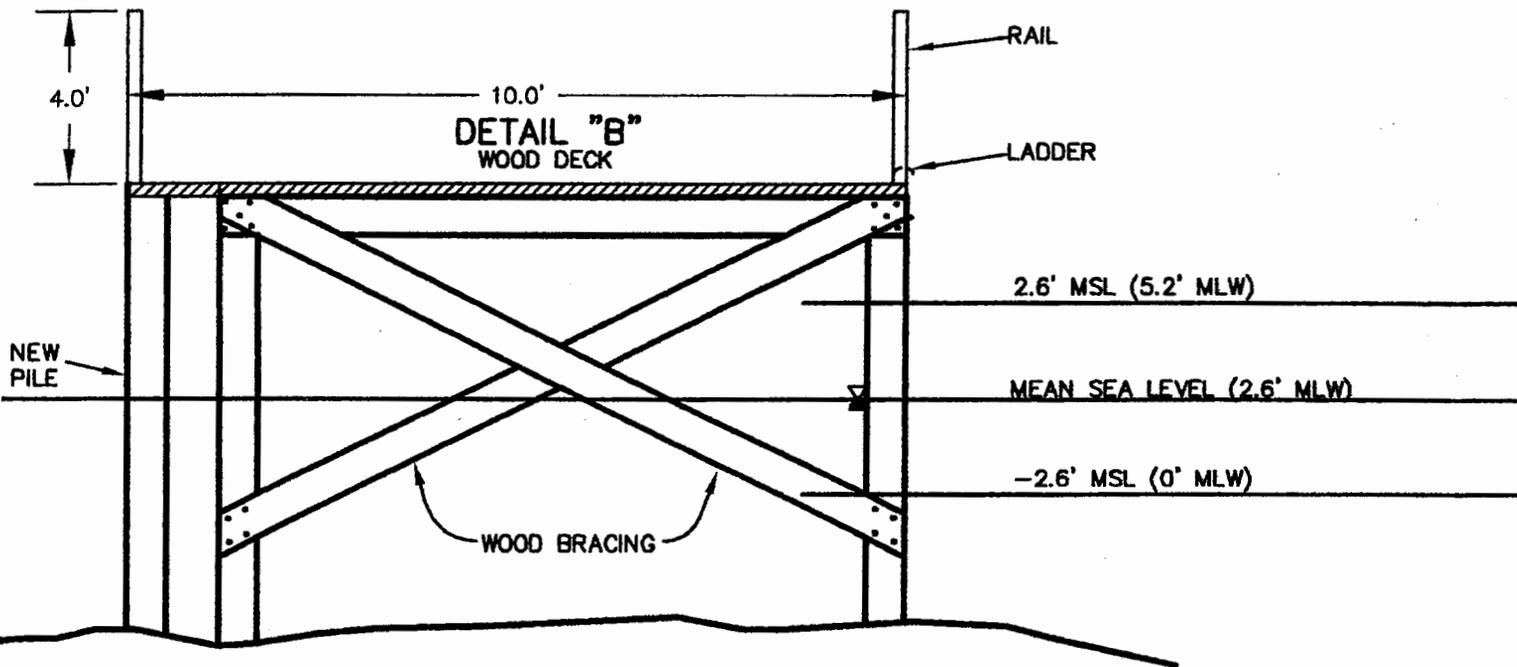
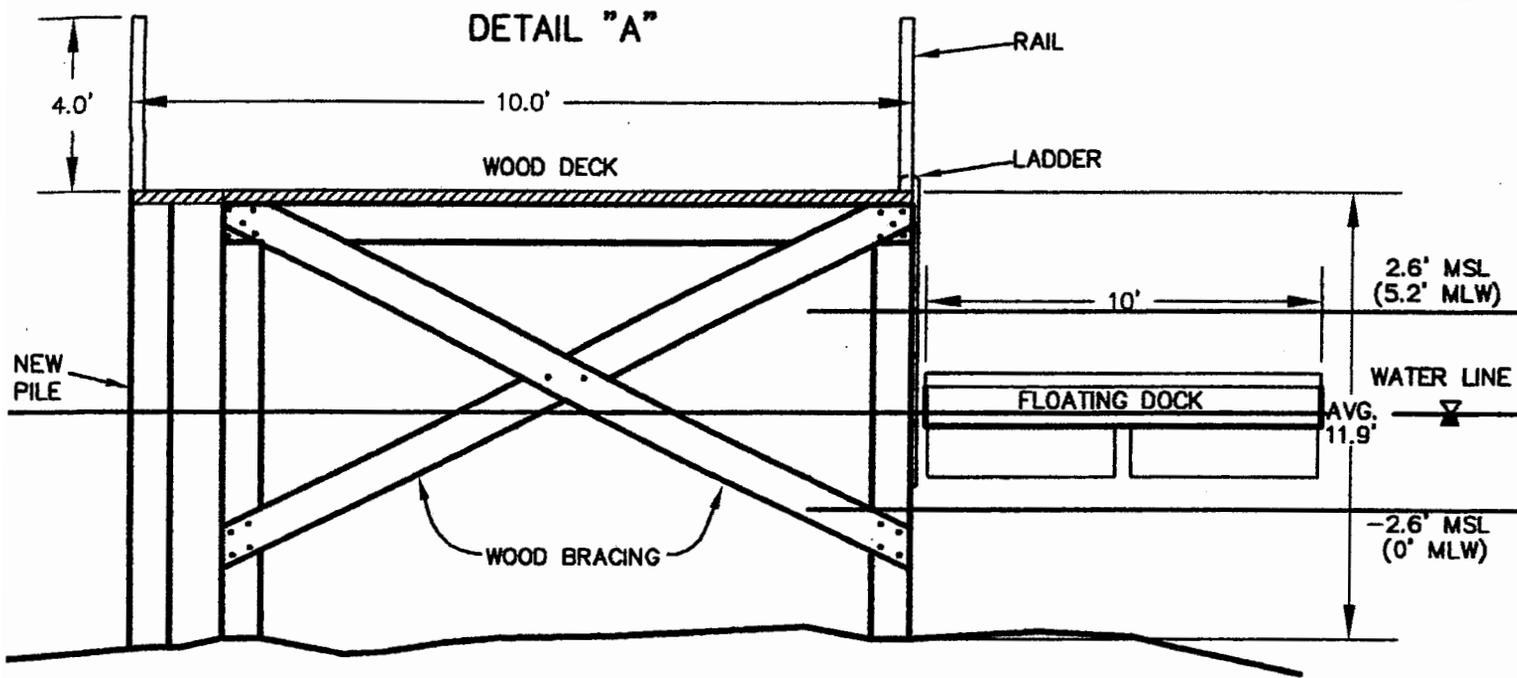


PLAN PROPOSED

PURPOSE: TO IMPROVE EXISTING DOCK
 DATUM: MEAN LOW WATER
 ADJACENT PROPERTY OWNERS:
 SEE ATTACHED SHEET

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

APPLICATION BY:
 JOHN BAILEY
 P.O. BOX 60190
 CHARLESTON, S. C. 29419
 SHEET 4 OF 13 DATE: 01/15/04



**DOCK SECTION
TO BE USED ON EXIST.
AND PROPOSED DOCKS**

NOT TO SCALE

PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

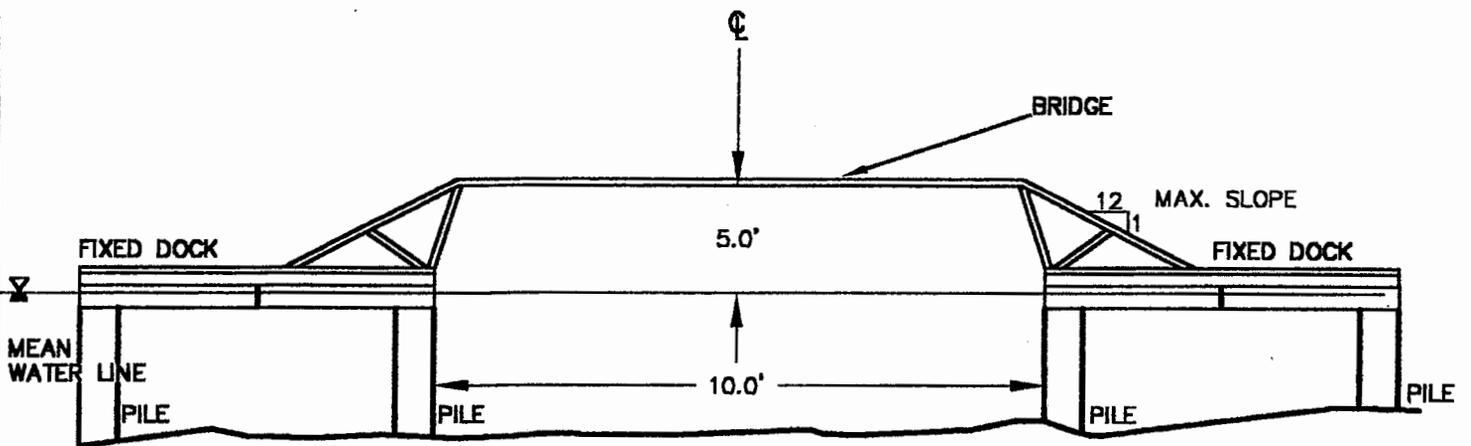
PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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

APPLICATION BY:
JOHN BAILEY
P.O. BOX 60190
CHARLESTON, S. C. 29419

SHEET 5 OF 13 DATE: 01/15/04



DETAIL "C"

FIXED DOCK AND BRIDGE PROFILES

PURPOSE: TO IMPROVE EXISTING DOCK

(NOT TO SCALE)

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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

APPLICATION BY:

JOHN BAILEY

P.O. BOX 60190

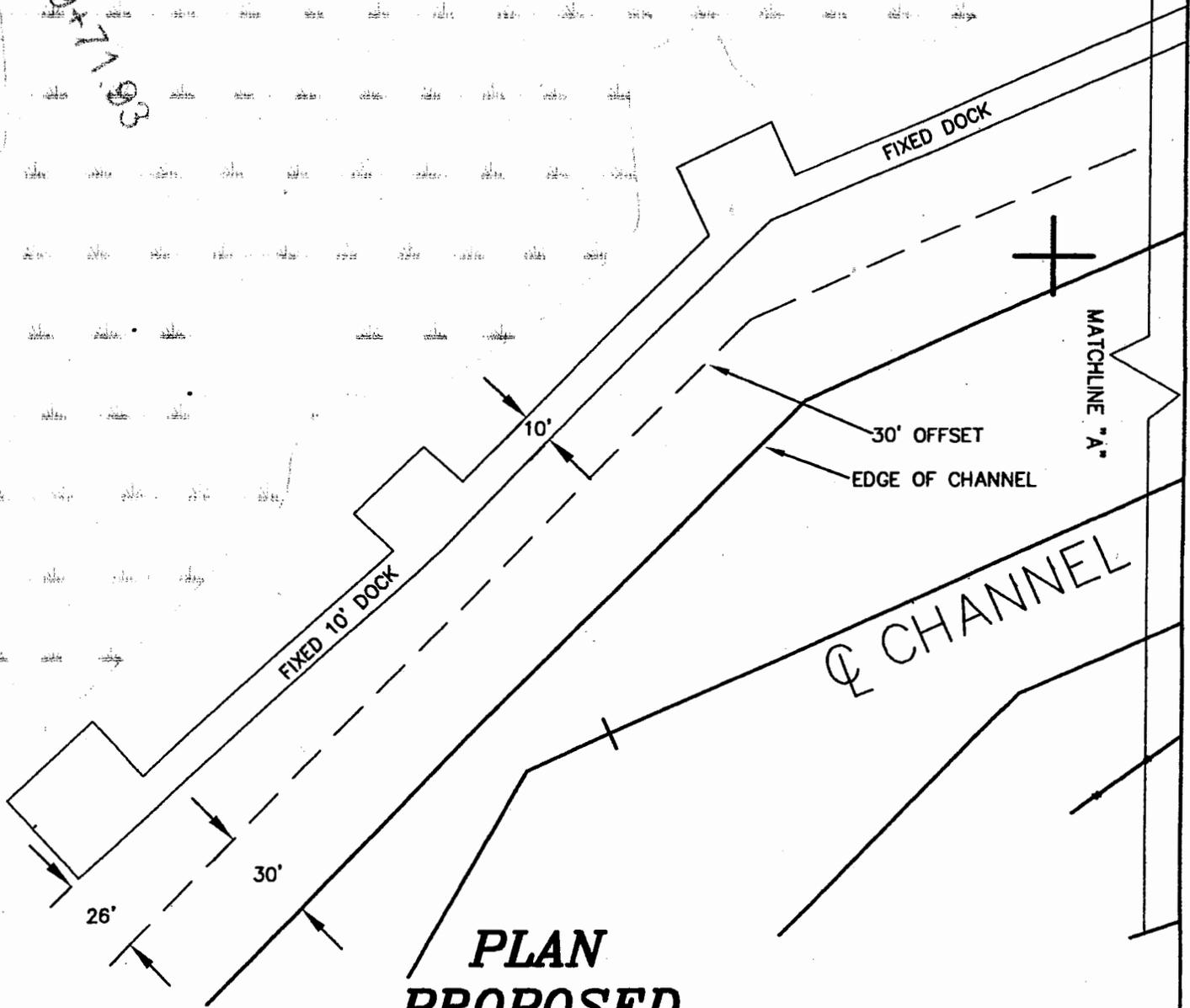
CHARLESTON, S. C. 29419

SHEET 6 OF 13

DATE: 01/15/04



110+00
109+71.93



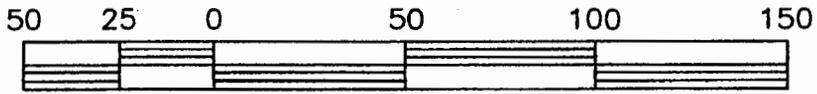
PLAN PROPOSED

PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

SCALE: 1" = 50'



SCALE IN FEET

PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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

APPLICATION BY:
JOHN BAILEY
P.O. BOX 60190
CHARLESTON, S. C. 29419

SHEET 7 OF 13

DATE: 01/15/04



115+00

FIXED DOCK WALKWAY

10'

4'

30'

FIXED DOCK

10'

30' OFFSET

EDGE OF CHANNEL

MATCHLINE "B"

FIXED DOCK

30'

CHANNEL

MATCHLINE "A"

RAIL



PLAN PROPOSED

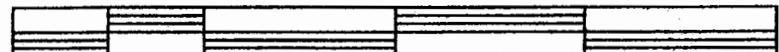
PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

SCALE: 1" = 50'

50 25 0 50 100 150



SCALE IN FEET

PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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

APPLICATION BY:

JOHN BAILEY

P.O. BOX 60190

CHARLESTON, S. C. 29419

SHEET 8 OF 13

DATE: 01/15/04



120+00

BRIDGE

FIXED DOCK

FLOATING DOCK

2'

11'

FIXED DOCK

10'

MATCHLINE "C"

3'

30'

Φ CHANNEL

MATCHLINE "B"

FIXED DOCK

30' OFFSET

EDGE OF CHANNEL

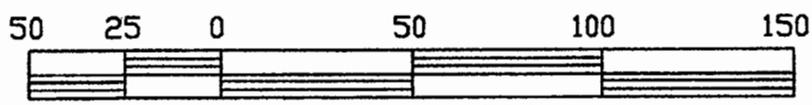
PLAN PROPOSED

PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

SCALE: 1" = 50'



SCALE IN FEET

PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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

APPLICATION BY:

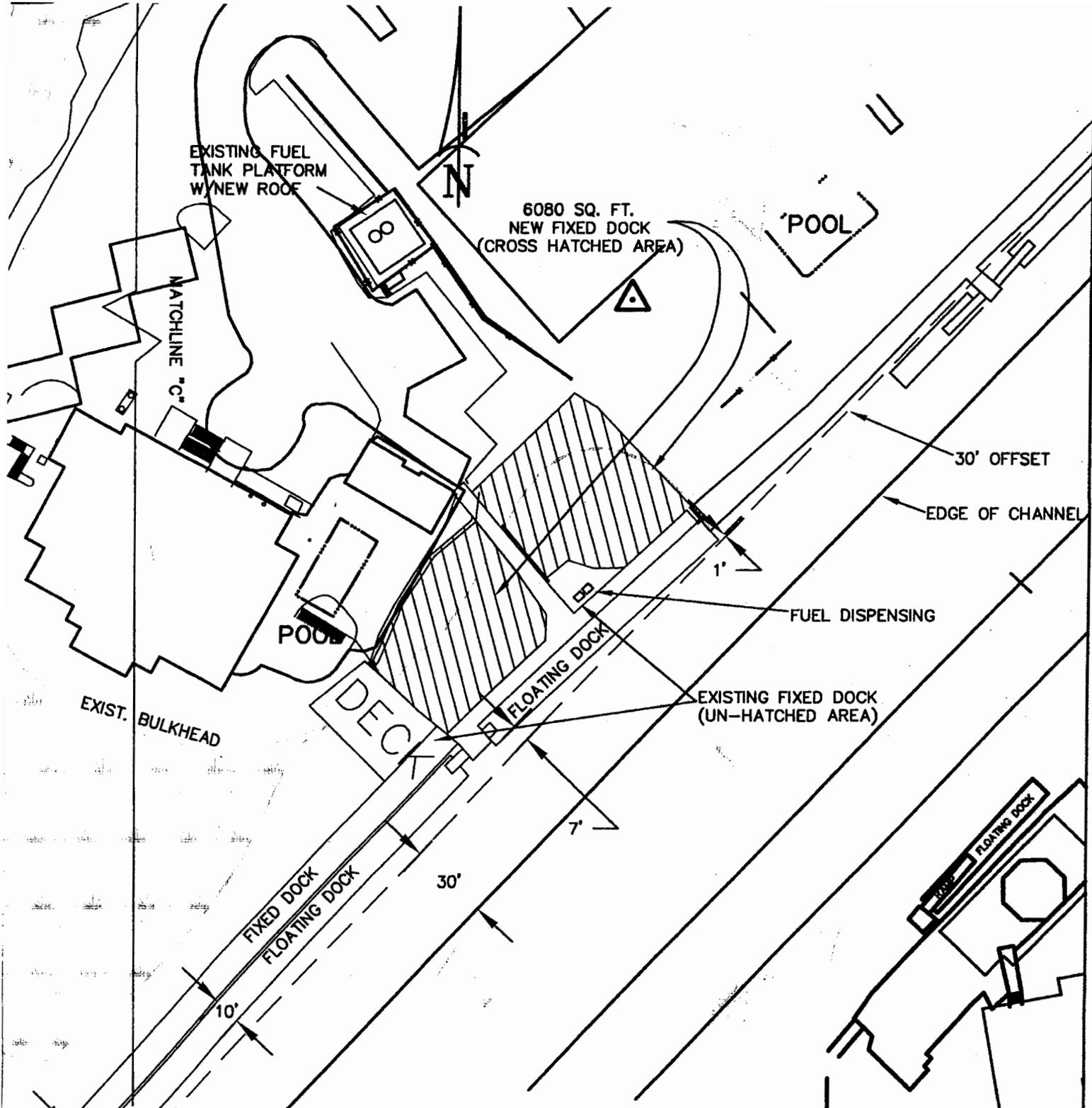
JOHN BAILEY

P.O. BOX 60190

CHARLESTON, S. C. 29419

SHEET 9 OF 13

DATE: 01/15/04



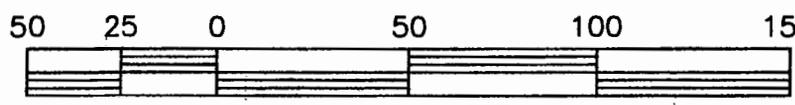
PLAN PROPOSED

PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

SCALE: 1" = 50'



SCALE IN FEET

PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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

APPLICATION BY:
JOHN BAILEY
P.O. BOX 60190
CHARLESTON, S. C. 29419

SHEET 10 OF 13 DATE: 01/15/04



ISLAND

64

OPEN DECK

98

OCRM CRIT. LINE

D.I. 117+65.70

FIXED DOCK WALKWAY

176'

10'

10'

115+00

30'

FIXED DOCK

30' OFFSET

EDGE OF CHANNEL

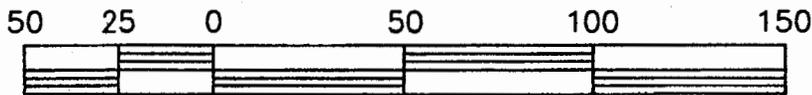
PLAN PROPOSED

PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

SCALE: 1" = 50'



SCALE IN FEET

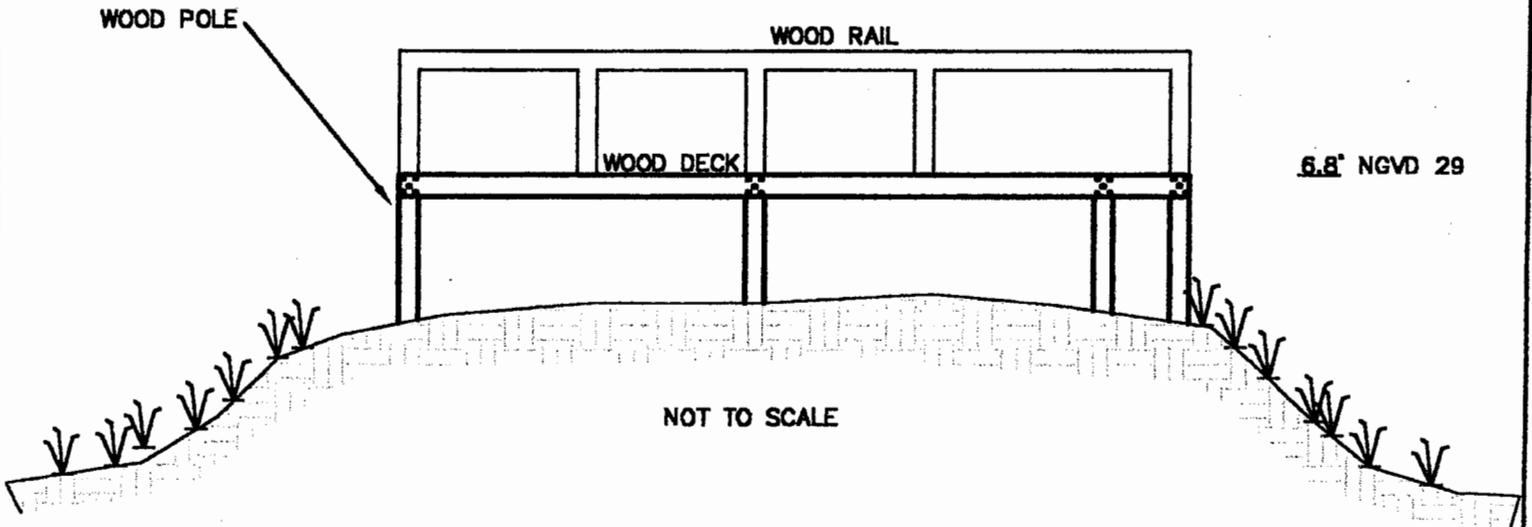
PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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

APPLICATION BY:
JOHN BAILEY
P.O. BOX 60190
CHARLESTON, S. C. 29419

SHEET 11 OF 13 DATE: 01/15/04



PROPOSED ISLAND DECK

PURPOSE: TO IMPROVE EXISTING DOCK

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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

APPLICATION BY:

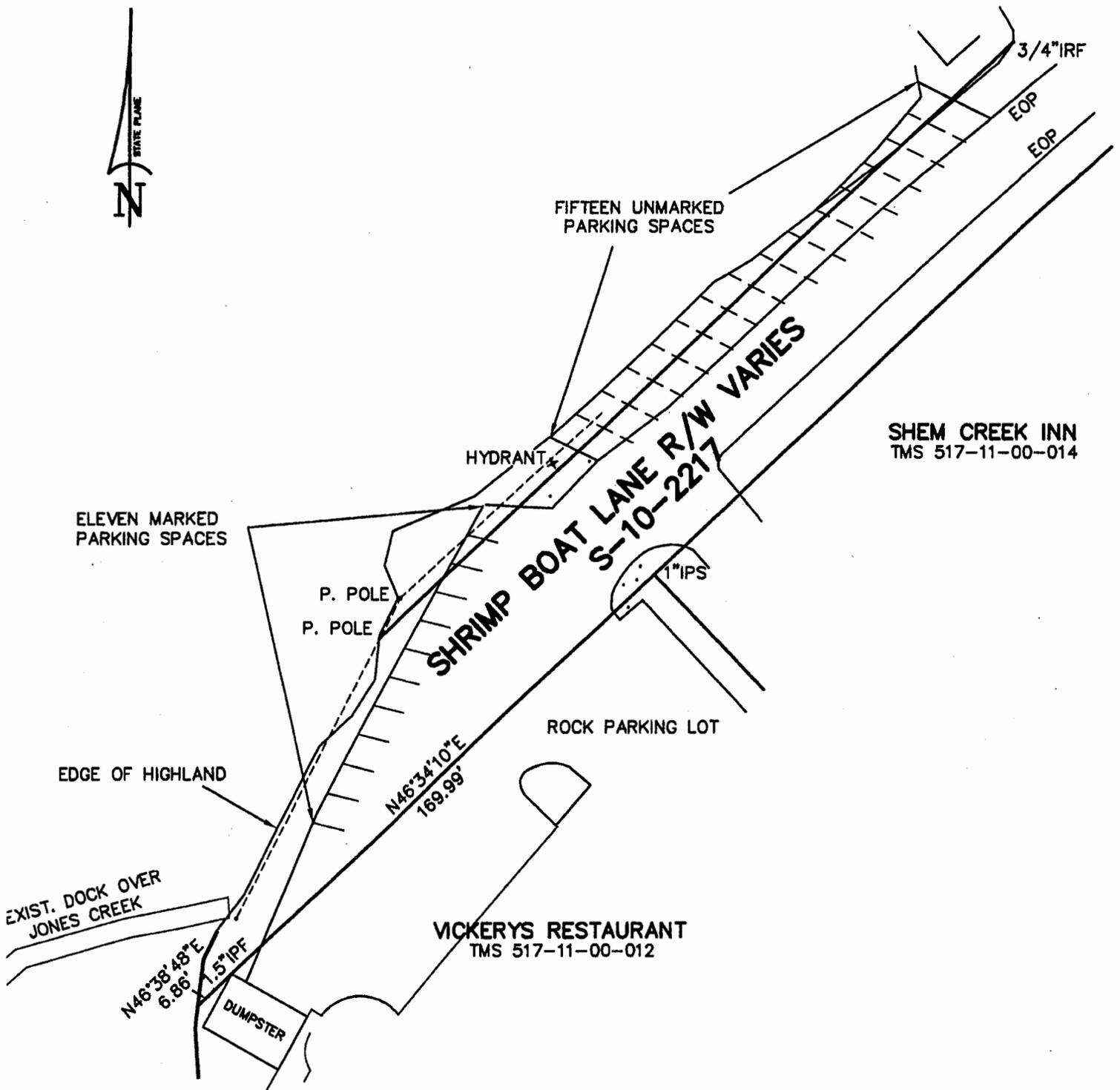
JOHN BAILEY

P.O. BOX 60190

CHARLESTON, S. C. 29419

SHEET 12 OF 13

DATE: 01/15/04



EXIST. PUBLIC PARKING

PURPOSE: TO IMPROVE EXISTING DOCK

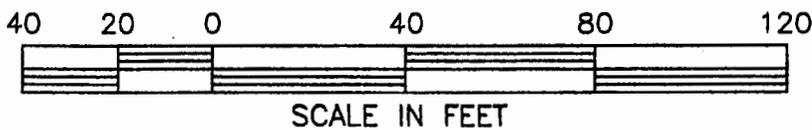
DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
SEE ATTACHED SHEET

PROPOSED: DOCK IMPROVEMENTS & ADDITION

IN: SHEM CREEK

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



APPLICATION BY:
JOHN BAILEY
P.O. BOX 60190
CHARLESTON, S. C. 29419
SHEET 13 OF 13 DATE: 01/15/04