

**PUBLIC NOTICE**

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

REGULATORY DIVISION  
Refer to: P/N #2004-1Z-341

29 October 2004

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), which was extended to the seaward limit of the Outer Continental Shelf by Section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1333(e)), an application has been submitted to the Department of the Army by the

**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES (SCDNR)  
c/o ARTIFICIAL REEF COORDINATOR  
P.O. BOX 12559  
CHARLESTON, SC 29422**

for an extension of time to continue work authorized by Department of the Army permit 95-1D-211, located in the

**ATLANTIC OCEAN**

at a location approximately 13 nautical miles east of Winyah Bay Entrance Channel Marker "2WB", off the coast of South Carolina. The latitude/longitude coordinates marking the four corners of the reef site are identified on the plans attached to this public notice.

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

**NOTICE**

is hereby given that written statements regarding the proposed permit extension will be received by the Corps of Engineers until

**12 O'CLOCK NOON, MONDAY, 29 NOVEMBER 2004**

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

The proposed extension of work will allow the continuation of placing suitable materials at the Wayne Upchurch Reef, constructed and maintained by the SCDNR. Over the next ten years, the applicant proposes to continue the addition of structure such as landing craft, steel hulled vessels including trawlers and barges, fish aggregation devices, and other suitable materials as they become available. No structure will be added to the reef that is greater in height from the ocean floor than previously permitted. Approval of this permit will give Federal authorization for adding materials to the reef site for a period of ten (10) years from the date of issuance. The applicant will be required to present plans for future expansion to the District Engineer for approval prior to accomplishing the work. All work is to be performed in accordance with Federal and State regulations governing such activities at the time the work is undertaken.

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The purpose of the proposed work is to enhance fishing opportunities for the State's recreational fishermen and to provide habitat for a number of marine finfish species.

**NOTE: Plans depicting the work sitedescribed 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 because the applicant is not a federal agency, federal funding is not involved, and the reef site is located beyond three miles from the coast, a consistency certification is not required pursuant to the South Carolina Coastal Zone Management Act (48-39-10 et.seq.).

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Although the permitted reef site occupies approximately 212 acres of ocean floor; only a fraction of the site currently contains reef material. Other than the structure already placed for reef construction, the ocean floor within the reef site is void of relief or live bottom substrates. Our initial determination is that the proposed extension 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 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.



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

From NOAA chart 11520  
reef in the Atlantic Ocean 13 NM, E  
(105°) of Winyah Bay channel buoy "2WB"

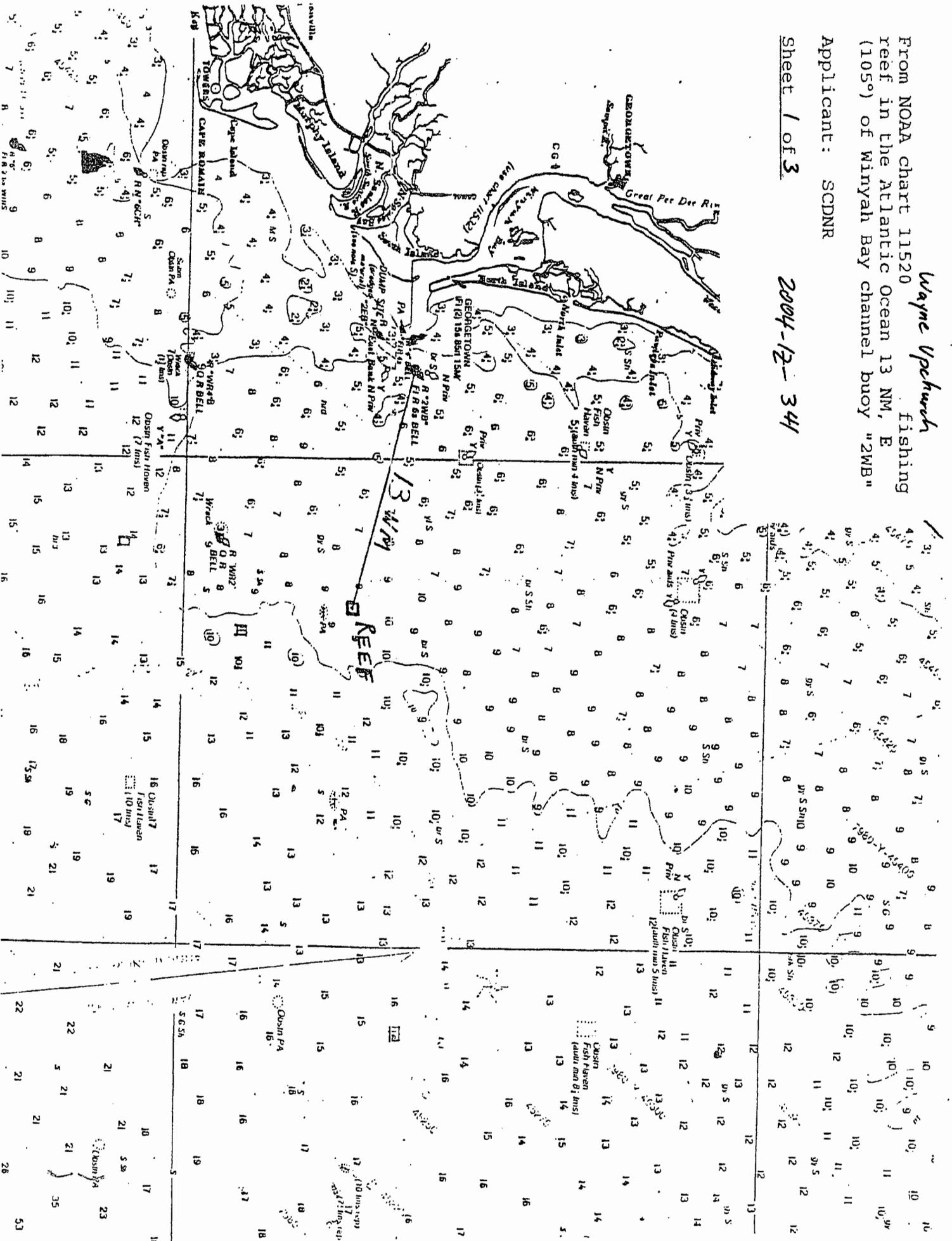
Wayne Upchurch

Fishing

Applicant: SCDNR

Sheet 1 of 3

2004-12-344



South Carolina Artificial Reefs

MAP: UPCHURCH  
UPPER LATITUDE  
LOWER LATITUDE

FILE: UPCHURCH DATE: 09-17-2004 TIME: 16:02:44  
33 08.850 LEFT LONGITUDE 78 51.100  
33 08.150 RIGHT LONGITUDE 78 50.371

2004-12-341

