

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
North Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N SAC-2016-01711

August 21, 2020

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

Applicant:
Mr. Kuy Scott
Palmetto Bay Marina
PO Box 5088
Hilton Head, South Carolina 29938

Agent:
Mr. Dan Anderson
Barrier Island Marine Contractors
148 Beach City Road
Hilton Head, South Carolina 29926
barrierislandcontractors@gmail.com

for a permit to reconstruct and expand a marina due to damage caused by Hurricane Matthew in the waters of

Broad Creek

at 86 Helmsman Way in the Town of Hilton Head, Beaufort County, South Carolina (Latitude: 32.1780 °, Longitude: -80.7720 °), Bluffton Quad.

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 the **Corps** until

15 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

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

The proposed work consists of completing the reconstruction of a marina due to damage caused by Hurricane Matthew. The reconstruction of the marina would be completed as previously permitted. It should be noted that a portion of the marina has previously been reconstructed under a previous, expired authorization. In addition to the reconstruction, the applicant also currently proposes to expand the previously authorized facility on the east and west side docks. The east side marina expansion would include the addition of a 100' x 8' floating dock on pier 2 and a 100' x 8' floating dock on pier 3. The west side marina expansion would include the addition of a 100' x 8' floating dock on pier 1, a 320' x 8' floating dock on pier 2, and a 440' x 8' floating dock on pier 3. The proposed expansion would not extend the marina footprint further waterward. Please see the attached drawing for further detail.

SITE HISTORY: The marina was originally authorized in 1982. In October 2016, the existing marina was severely impacted by Hurricane Matthew. In December 2016, Corps authorized the reconstruction of the previously constructed marina via NWP 3, Maintenance. Reconstruction efforts were initiated at the marina facility. However, reconstruction was not completed prior to the expiration of the NWP 3 verification on March 18, 2017. The new marina owner is now requesting authorization to rebuild and expand the facility.

NOTE: This public notice and associated plans are available on the Corps' website at:
<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices>.

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 of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. 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 approximately 8 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's 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). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the applicant has provided a protected species survey for the property associated with the activity

described above. Based upon this report, the District Engineer has determined that the project is not likely to adversely affect the following Federally endangered, threatened, or proposed species: the American wood stork (*Mycteria americana*), the West Indian manatee (*Trichechus manatus*), green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), and loggerhead sea turtle (*Caretta caretta*). The proposed project also would 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.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that there are historic properties present, but they will not be affected; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

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.

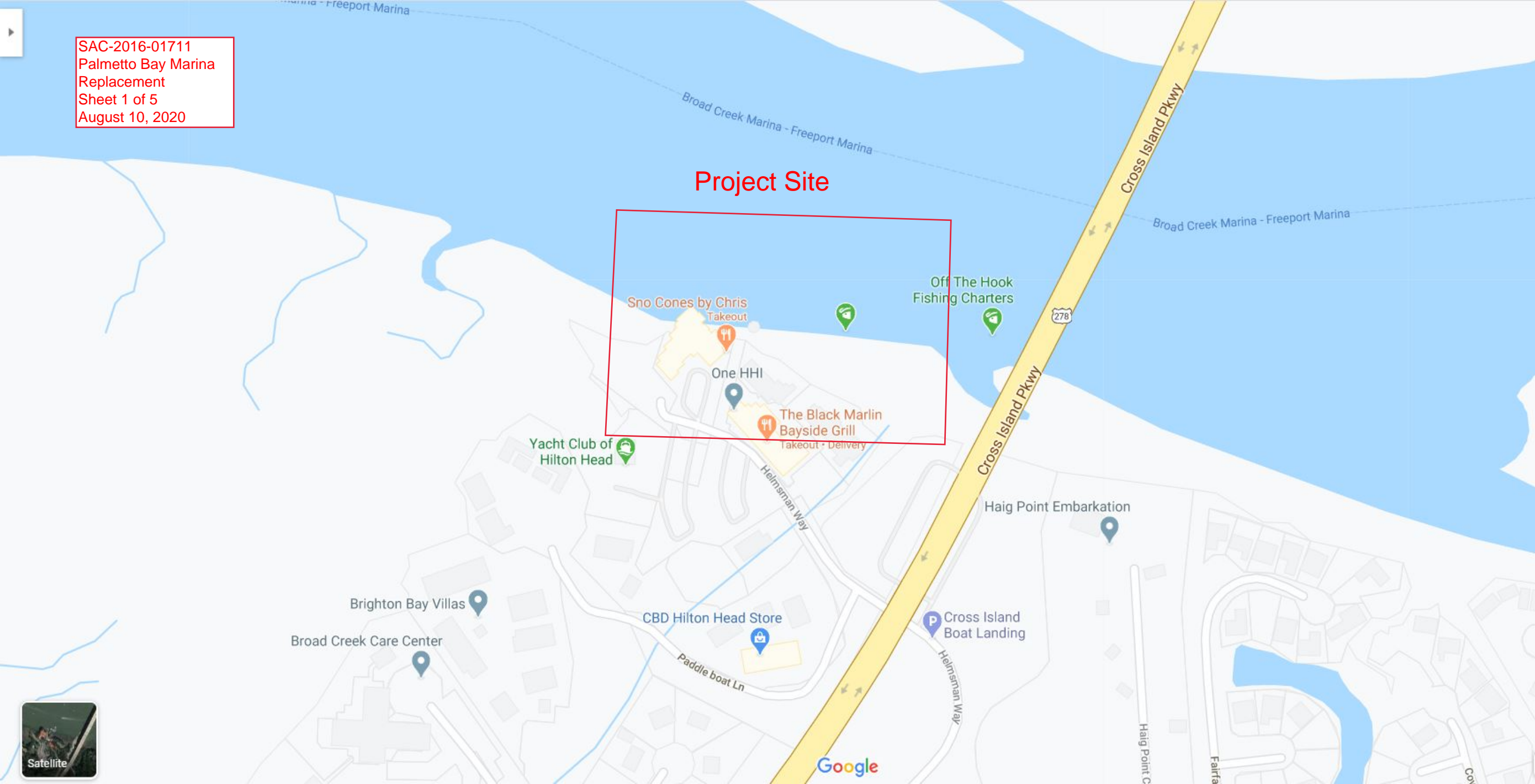
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All 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 cannot undertake to adjudicate rival claims.

The Corps 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 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. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

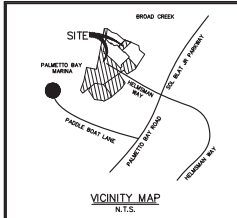
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Courtney M. Stevens, Project Manager, at (843) 329-8027, toll free at 1-866-329-8187, or by email at Courtney.M.Stevens@usace.army.mil.

Project Site



SAC-2016-01711
Palmetto Bay Marina
Replacement
Sheet 2 of 5
August 10, 2020



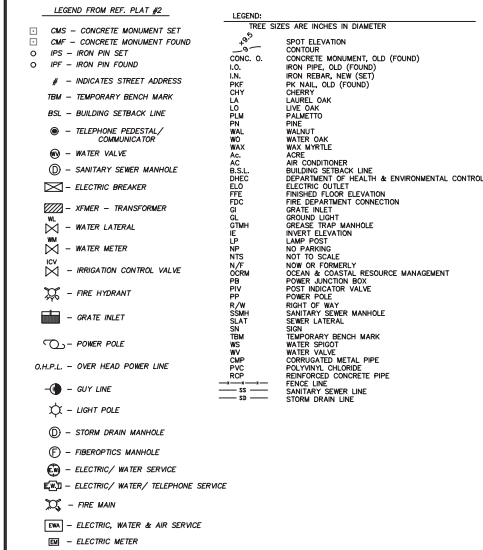
**TOWN OF HILTON HEAD ISLAND LMO
SECTION 16-9-1402 ENSLOUSEMENT STATEMENT**

Some or all of areas on this plot are flood hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas. Reference shall be made to the development, construction and maintenance of this development and requirements of the Town Building Official. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to federally insured mortgage financing in these designated flood hazard areas.

TOWN OF HIL – LMO WETLAND BUFFER CHART		
Hilwa Wetland Buffer, 20' Land Management Ordinance		
TABLE 16-102.0-2.2: WETLAND BUFFER WIDTH ^{1,3}		
TYPE OF ACQUANT DEVELOPMENT	TOTAL WETLAND	FRESHWATER WETLAND
Single-Family(including accessory structure and pervious or impervious surfaces)	Minimum: 20 feet	n/a
Multifamily or Nonresidential Development	Pervious Paved Surfaces Average: 35 feet Minimum: 15 feet Structures Average: 40 feet Minimum: 20 feet Impervious Paved Surfaces Average: 50 feet Minimum: 25 feet	Average: 35 feet Minimum: 10 feet Average: 35 feet Minimum: 20 feet Average: 40 feet Minimum: 20 feet
Lepans and Stormwater Retention or Detention Areas	n/a	Minimum: 20 feet
NOTES: n/a = not applicable		
1. Measured from the outer edge of the wetland, as certified in writing by U.S. Army Corps of Engineers (USACE), a <i>Fee</i> -approved wetlands consultant, or Ocean & Coastal Resource Management (OCRA).		
2. Average buffer width is determined by quantifying the buffer width for every 10-foot linear increment of pervious surface, impervious surface, or structure, as appropriate; summing the number of increments measured. Quantification of each increment of buffer shall be approved by the <i>Official</i> .		
3. Buildings, surface parking lots, and vehicular accessways shall be set back at least 5 feet beyond the outer edge of the <i>wetland buffer</i> ² .		

NOTES: n/a – not applicable

1. Measured from the outer edge of the wetland, as certified in writing by U.S. Army Corps of Engineers (USACE), a **Town**-approved wetlands consultant, or Ocean & Coastal Resource Management (OCRM).
2. Average buffer width is determined by quantifying the buffer width for every 10-foot linear increment of **previous surface, impervious surface, or structure**, as appropriate; summing these; and dividing the number of increments measured. Quantification of each increment of buffer shall be approved by the **Official**.
3. Buildings, surface parking lots, and vehicular accessways shall be set back at least 5 feet beyond the outer edge of the **wetland buffer**.



SPECIAL NOTES

- 1) THE BACKGROUND INFORMATION IS PER REF. PLAT #2, A DIGITAL FILE, AND WAS NOT VERIFIED AT THIS TIME.
- 2) UPDATED ASUBILT & TOPOGRAPHIC INFORMATION SHOWN IS RELATED TO PROPERTY LINES FROM VARIOUS MONUMENTATION FOUND FROM REFERENCE PLATS. THIS IS NOT TO BE CONSTRUED AS A BOUNDARY SURVEY.

NOTES

- 1) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN, WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS AS SPECIFIED THEREIN; ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- 2) AS OF THE DATE OF THIS SURVEY THIS PROPERTY IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.U.D. PANEL 7-2, COMMUNITY NO. 450250, MAP DATED 02/29/86, BASE ELEVATION 14.0' & 15.0' (NGVD 29 DATUM). FLOOD HAZARD OR OTHER BASED BASED ON THE SURVEY SHOULD BE SHOWN BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.

SPECIAL NOTE:

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SCDHEC OCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF SCDHEC OCRM, SCDHEC OCRM IN NO WAY WAIVES THE ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREIN OR NOT.

SIGNATURE	DATE
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SIGNATURE _____ DATE _____

THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS
FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY
LANGUAGE ABOVE

REFERENCE PLATS

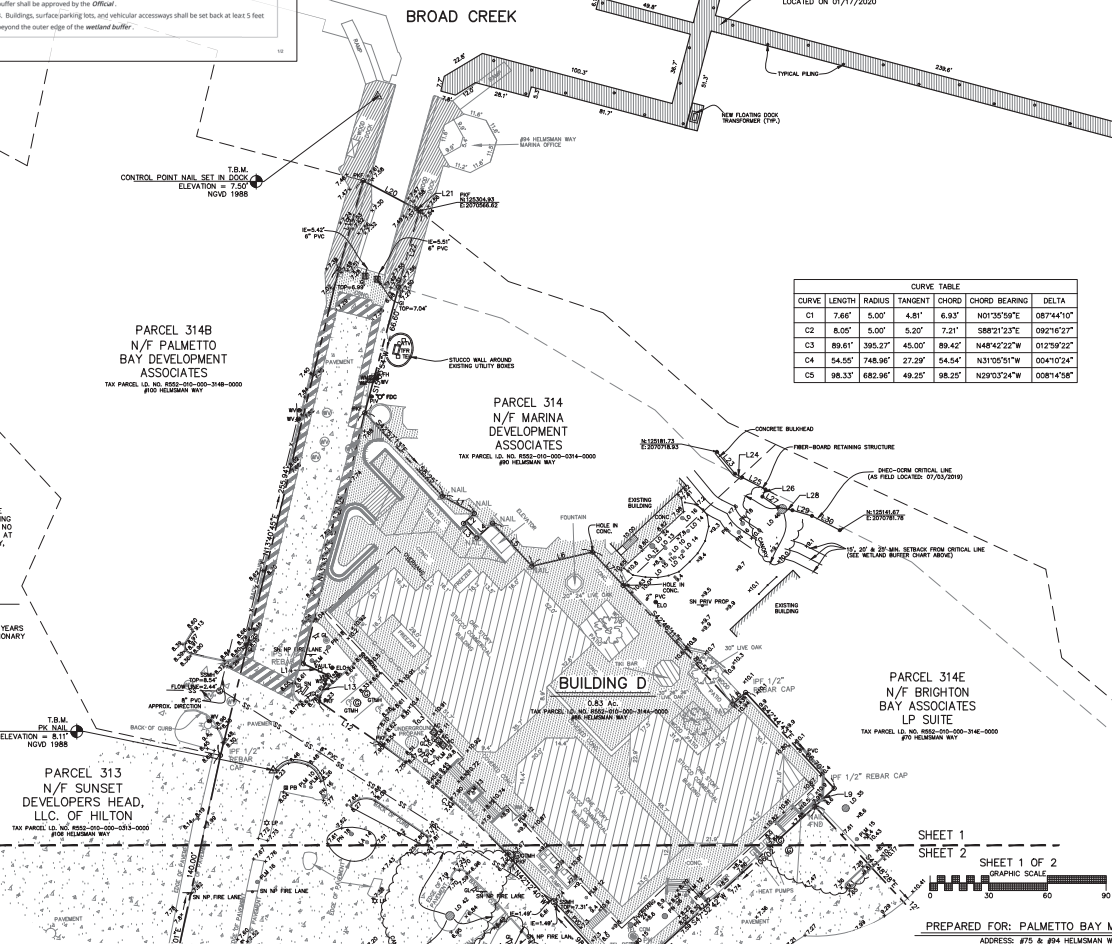
1) A PLAT OF PALMETTO BAY MARINA VILLAGE, A SECTION
OF PALMETTO BAY INTERIOR,
BY: TERRY G. HATCHELL, S.C.R.L.S. No. 11059,
DATED: 03/07/98,
RECORDED: P.B. 35, PG. 156, DATED: 4/20/1988.

2) AN AS-BUILT SURVEY OF PARCELS 314A, 314C, 272 & 273B HELMSMAN WAY, TOWN OF HILTON HEAD ISLAND, BY: FORREST F. BAUGHMAN, S.C.R.L.S. No. 4922, DATED: 09/27/2011.

NOT RECORDED, DIGITAL FILE RECEIVED FROM SURVEYOR

SHEET 4

SHEET 1
SHEET 2



LINE TABLE		
LINE	LENGTH	BEARING
L1	18.60	S51°42'28"E
L2	7.52	S47°28'23"SW
L3	10.00	S42°31'37"E
L4	11.00	S47°28'35"E
L5	28.76	S41°42'00"E
L6	13.77	N76°54'38"E
L7	23.22	S42°40'17"E
L8	8.80	N48°04'36"E
L9	13.50	S47°02'14"W
L10	13.41	S42°17'50"E
L11	17.07	S45°29'54"W
L12	38.43	N05°12'04"E
L13	14.00	N02°10'50"E
L14	14.00	N64°52'50"W
L15	25.50	S33°09'39"W
L16	22.22	N44°09'58"W
L17	16.96	N16°34'14"E
L18	35.35	N35°23'30"W
L19	46.86	N15°17'22"E
L20	30.72	S62°10'27"E
L21	1.85	S51°42'30"E
L22	40.33	N10°35'34"E
L23	14.55	S33°17'10"E
L24	13.42	S62°37'29"E
L25	6.03	S22°57'56"W
L26	9.52	S55°38'02"E
L27	7.58	S78°37'05"E
L28	19.39	S73°44'27"E
L29	16.04	S62°49'37"E

LINE TABLE		
LINE	LENGTH	BEARING
L31	11.19'	N26°32'01"W
L32	7.17'	N18°24'07"W
L33	11.06'	N28°14'41"E
L34	59.61'	N63°42'25"E
L35	19.05'	N38°51'54"E
L36	9.37'	N20°48'04"W
L37	11.12'	N43°34'54"E
L38	25.35'	N83°35'05"E
L39	10.95'	N38°51'54"E

ASBUILT
TREE & TOPOGRAPHIC
SURVEY OF

TRACT III-A, BUILDING D
0.612 ACRE (BOAT YARD) &
N/F GRAVES BOAT YARD

A SECTION OF

PALMETTO BAY MARINA VILLAGE
PALMETTO BAY INTERIOR

N OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 30' DATE: 07/15/01 JOB NO: SC853138

REVISED: 7/31/91; ADDITIONAL DHEC-CONDO CRITICAL LINE FOR TIDEAL DITCH
REVISED: 8/06/91; UPDATED WITH 3 TREES REMOVED FROM TRACT III-A
REVISED: 1/23/2001; UPDATED WITH (ASBUILT) OF NEW FLOATING DOCKS ONLY
REVISED: 3/26/2002; UPDATED WITH 3 NEW FLOATING DOCKS WITH TRANSFORMERS

 SURVEYING CONSULTANTS

PREPARED FOR: PALMETTO BAY MARINA, LLC
ADDRESS: #75 & #94 HELMSMAN WAY

SURVEYING CONSULTANTS

17 Sherington Drive, Suite C, Bluffton, SC 29910
SC Telephone: (843) 815-3304 FAX: (843) 815-3305
GA Telephone: (912) 626-2775
www.SurveyingConsultants.com
Email: SC@SurveyingConsultants.com

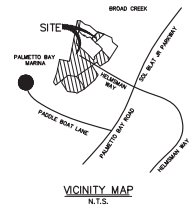
MEMBER OF THE SURVEYING CONSULTANTS

OVER 30 YEARS

SG SURVEYING CONSULTANTS

17 Sherington Drive, Suite C, Bluffton, SC 29910
SC Telephone: (843) 815-3304 FAX: (843) 815-3306
GA Telephone: (912) 828-2775
www.SurveyingConsultants.com
Email: SC@SurveyingConsultants.com

over 142



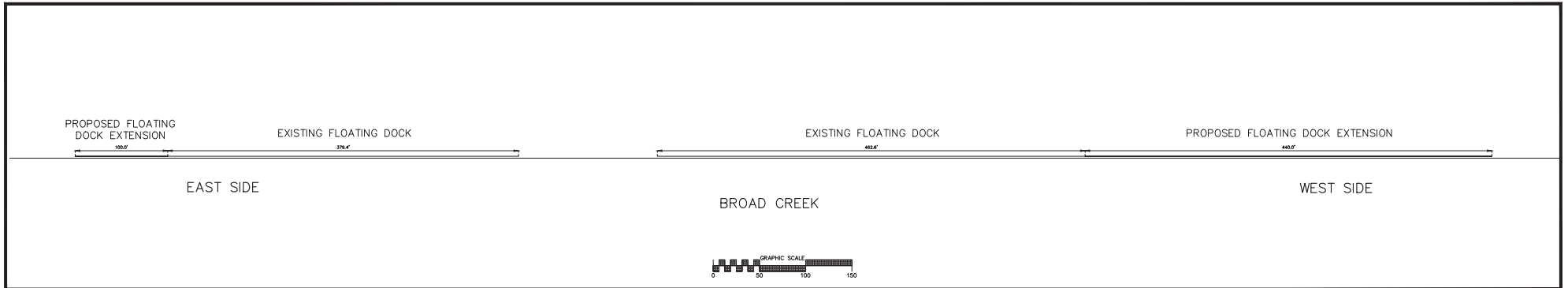
DESIGN NOTE:

SURVEYING CONSULTANTS DOES NOT CERTIFY TO ANY STRUCTURAL DESIGN. PROJECT DETAILS SHOULD BE VERIFIED BY THE APPROPRIATE BUILDING & DESIGN AUTHORITIES.

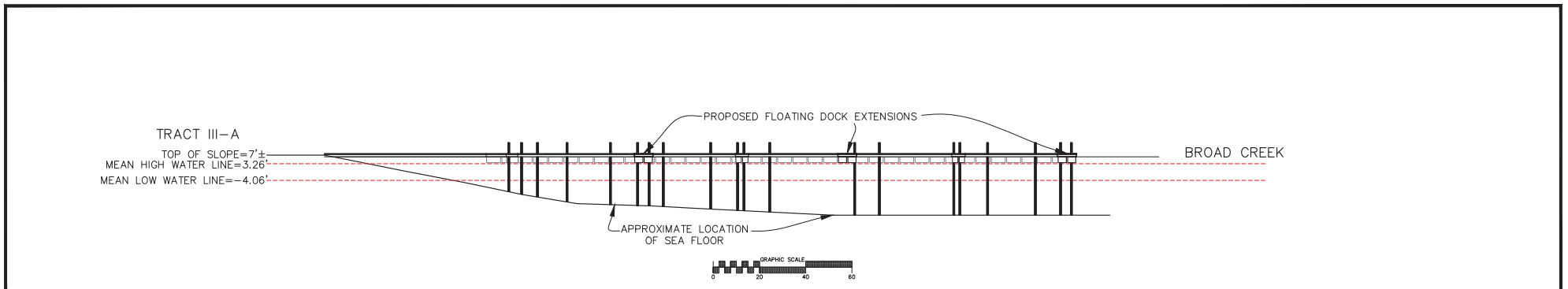
LEGEND:

CONC. O. CONCRETE MONUMENT, OLD (FOUND)
 I.P.C. IRON PIPE, OLD (FOUND)
 D.N.E.C. DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL
 N.T.S. NOT TO SCALE
 N.F. NOW OR FORMERLY
 O.C.R.M. OCEAN & COASTAL RESOURCE MANAGEMENT
 R/W RIGHT OF WAY

SAC-2016-01711
Palmetto Bay Marina
Replacement
Sheet 5 of 5
August 10, 2020



PROPOSED ELEVATION VIEW FROM WATER



PROPOSED EAST SIDE ELEVATION

REFERENCE PLATS:
 1) A PLAT OF PALMETTO BAY MARINA VILLAGE, A SECTION OF PALMETTO BAY INTERIOR, BY: TERRY G. HATCHELL, S.C.R.L.S. No. 11059, DATED: 03/07/98, RECORDED: P.B. 35, PG. 156, DATED: 4/20/1998.
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NOTES

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- BOUNDARY LINES SHOWN ARE BASED ON FIELD MONUMENTATION FOUND. COMPLETE BOUNDARY SURVEYS WERE NOT PERFORMED ON ALL PROPERTY SHOWN ON THIS SURVEY.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT DEPICTED ON THIS SURVEY.

PREPARED FOR: PALMETTO BAY MARINA
 ADDRESS: #24 HELMSMAN WAY
 TAX PARCEL ID. NO. 9552-010-000-314C-0000



SHEET 2 OF 2

ELEVATION VIEWS
 MAJOR SURVEY PERMIT
 SURVEY OF
PROPOSED DOCK EXTENSIONS
 AT
PALMETTO BAY MARINA
 TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
 SCALE: 1" = 50' DATE: 03/26/2020 JOB NO: SC853130

SG SURVEYING CONSULTANTS
 17 Sherington Drive, Suite C, Bluffton, SC 29910
 SC Telephone: (843) 816-3004 FAX: (843) 816-3300
 GA Telephone: (912) 626-2775
 www.SurveyingConsultants.com
 Email: SC@SurveyingConsultants.com