

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-2012-00145

April 16, 2021

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 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. William Scurry
J & W Corp of Greenwood
50 Bush's Branch Road
Bluffton, South Carolina 29909

for a permit to expand the southwest floating docks (parallel to the shoreline) at the Freeport Marina located in the

Copper River (AIWW)

at 50 Freeport Road on Daufuskie Island in Beaufort County, South Carolina (Latitude: 32.1334 °, Longitude: -80.8709 °), 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 Freeport Marina was previously authorized under DA permit modifications issued May 4, 2018 and June 23, 2014, and DA permit issued September 11, 2012. The proposed work consists of installing one 8' x 200' floating dock and three 10' x 120' floating docks on the southwest side of the existing floating docks at the marina. The full proposed marina configuration

consists of a 20' x 190' concrete walkway to a 4' x 25' ramp to a 10' x 40' floating dock on the northeast side and a 4' x 30' ramp to a 10' x 340' floating dock on the southwest side. Waterward is a 4' x 50' ramp to a 10' x 445' floating dock, to a 10' x 50' floating walkway to a 10' x 444' floating dock, to a 10' x 50' floating walkway to a 10' x 433' floating dock. See the attached plans of the proposed marina configuration. Note these plans include the as-built information for the existing structures at the marina. The marina was not completed in full as authorized by the DA permit because some of the floating docks were constructed to be shorter in length. The northeastern side of the marina is used to dock barges directly to the uplands utilizing the off-load pier. Due to the barge operation the floating docks along the northeastern side of the marina have been constructed in a staggered configuration. The applicant offered no compensatory mitigation for impacts associated with the project. The project purpose is to increase dock space to accommodate more customers at the commercial marina.

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 0.10 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 Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined that the project will have no effect on the Frosted flatwoods salamander (*Ambystoma cingulatum*), Eastern black rail (*Laterallus jamaicensis jamaicensis*), American wood stork (*Mycteria americana*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Red knot (*Calidris canutus rufa*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Northern long-eared bat (*Myotis septentrionalis*), Right whale (*Eubalaena glacialis*), Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), and the Loggerhead sea turtle (*Caretta caretta*); and is not likely to adversely affect the West Indian manatee (*Trichechus manatus*) with the incorporation of the

manatee protection guidelines as special conditions to the DA permit. Furthermore, the project 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 these determinations.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

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)(f)(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 e-mail address: Leslie.A.Estill@usace.army.mil, or to the address below:

**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 Leslie Estill, Project Manager, at (843) 329-8039, or by email at Leslie.A.Estill@usace.army.mil.

Location Map



APPLICANT: J & W CORPORATION
OF GREENWOOD
ACTIVITY: COMMERCIAL MARINA DOCK
ADDITION
P/N # SAC-2012-00145

LOCATION: 50 FREEPORT ROAD
DAUFUSKIE ISLAND, SC 29915
COUNTY: BEAUFORT
DATE: APRIL 08, 2021

ADJACENT PROPERTY OWNERS
1) TWO OLD DOGS, LLC
2) MICHAEL S. LOFTUS REVOCABLE TRUST
3) COOPER RIVER LANDINGS & PROPERTIES
(4) JOHN W LEBAK & MARLENE A LEBAK

EXISTING DOCK CONSISTS OF:

- 20' x 190' CONCRETE WALKWAY w/HANDRAILS
- 4' x 25' RAMP
- 10' x 40' FLOATING DOCK
- 4' x 30' RAMP
- 8' x 140' FLOATING DOCK
- 4' x 50' RAMP
- 10' x 325' FLOATING DOCK
- 10' x 50' FLOATING WALKWAY w/ HANDRAILS
- 10' x 324' FLOATING DOCK
- 10' x 50' FLOATING WALKWAY w/ HANDRAILS
- 10' x 313' FLOATING DOCK

(#7 CARVIN ROAD)
N/F
TWO OLD DOGS, LLC
P.O. BOX 7031
HILTON HEAD ISLAND, SC 29939
TM R800-021-000-001A

(#3 CARVIN ROAD)
N/F
MICHAEL S. LOFTUS REVOCABLE TRUST
78 BRANCHVILLE ROAD
RIDGEFIELD, CT 06877
TM R800-021-000-006A

N/F
JOHN W LEBAK & MARLENE A LEBAK
5 PENINSULA PLACE
DAUFUSKIE ISLAND, SC 29915
TM R800-021-000-0028

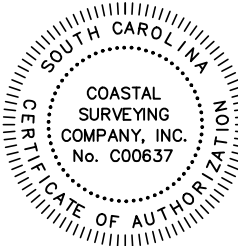
(#256 FREEPORT ROAD)
N/F
COOPER RIVER LANDINGS & PROPERTIES
P.O. BOX 49192
GREENWOOD, SC 29649-9805
TM R800-021-000-0006

PROPOSED DOCK ADDITIONS TO CONSIST OF:

- (1) 8' x 200' FLOATING DOCK EXTENSION
- (3) 10' x 120' FLOATING DOCK EXTENSIONS

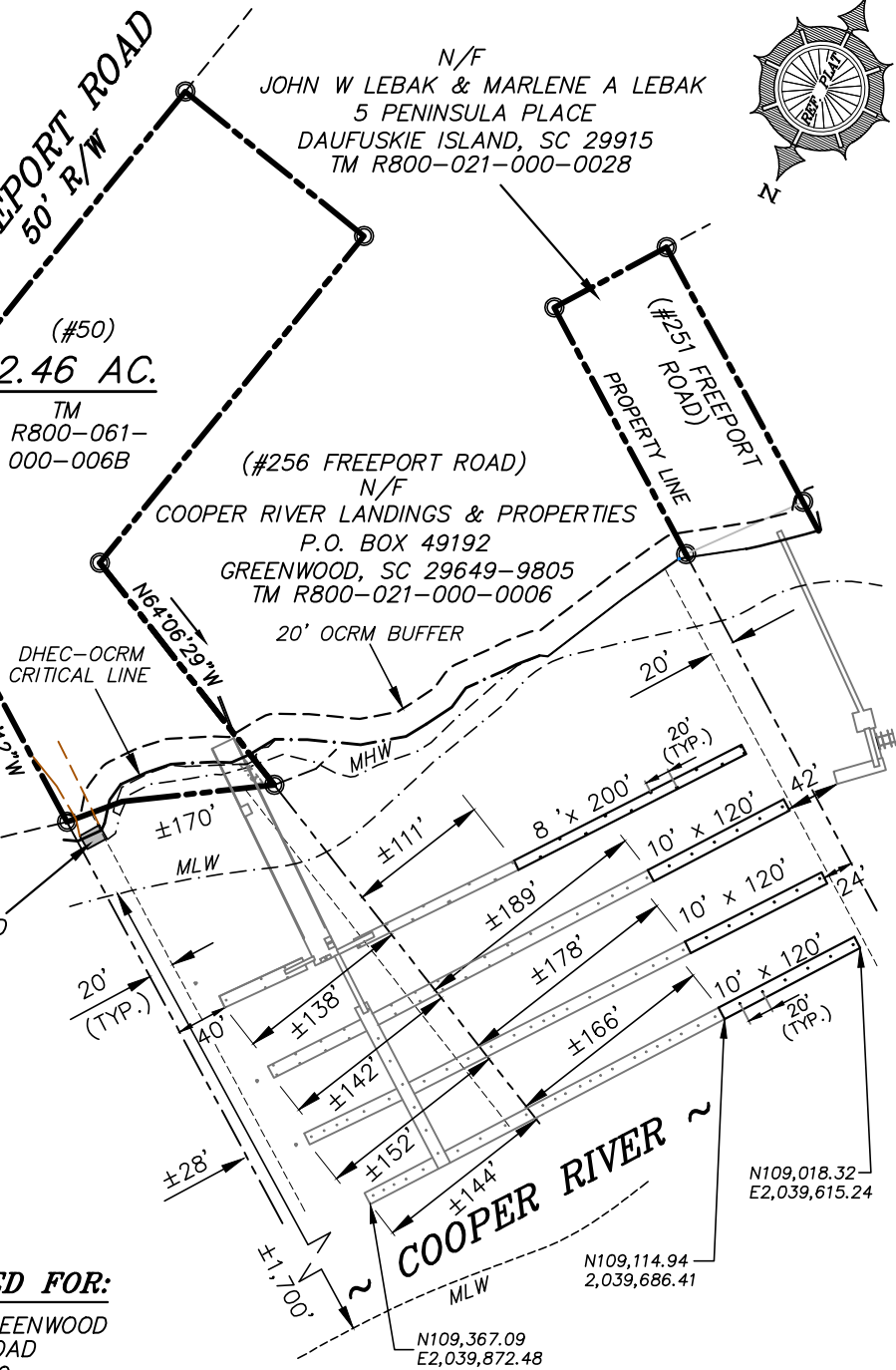
DOCK PLAN PREPARED FOR:

J & W CORPORATION OF GREENWOOD
50 BUSHES BRANCH ROAD
BLUFFTON, SC 29910



" I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND ACCURATELY SHOWS ALL INFORMATION REQUESTED BY SCDHEC-OCRM FOR DOCK PERMIT APPROVAL. THIS SURVEY SHALL NOT BE USED FOR LOAN, CLOSING OR MORTGAGE PURPOSES AND IS NOT FOR RECORDING."

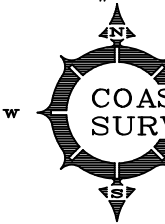
MICHAEL R. DUNIGAN
S.C.P.L.S. NO. 11905



NOTE

DHEC-OCRM CRITICAL LINE VALIDATED BY PAUL WOJOSKI 2/10/17 ON A DHEC-OCRM CRITICAL LINE SURVEY BY COASTAL SURVEYING CO., INC. JOB# 58224-OCRM

SCALE: 1"=150'
DATE: 04/08/21
FIELD CK: DB/MH
DRAWN BY: LAN
OFFICE CK: MRD
JOB No.: 69,588

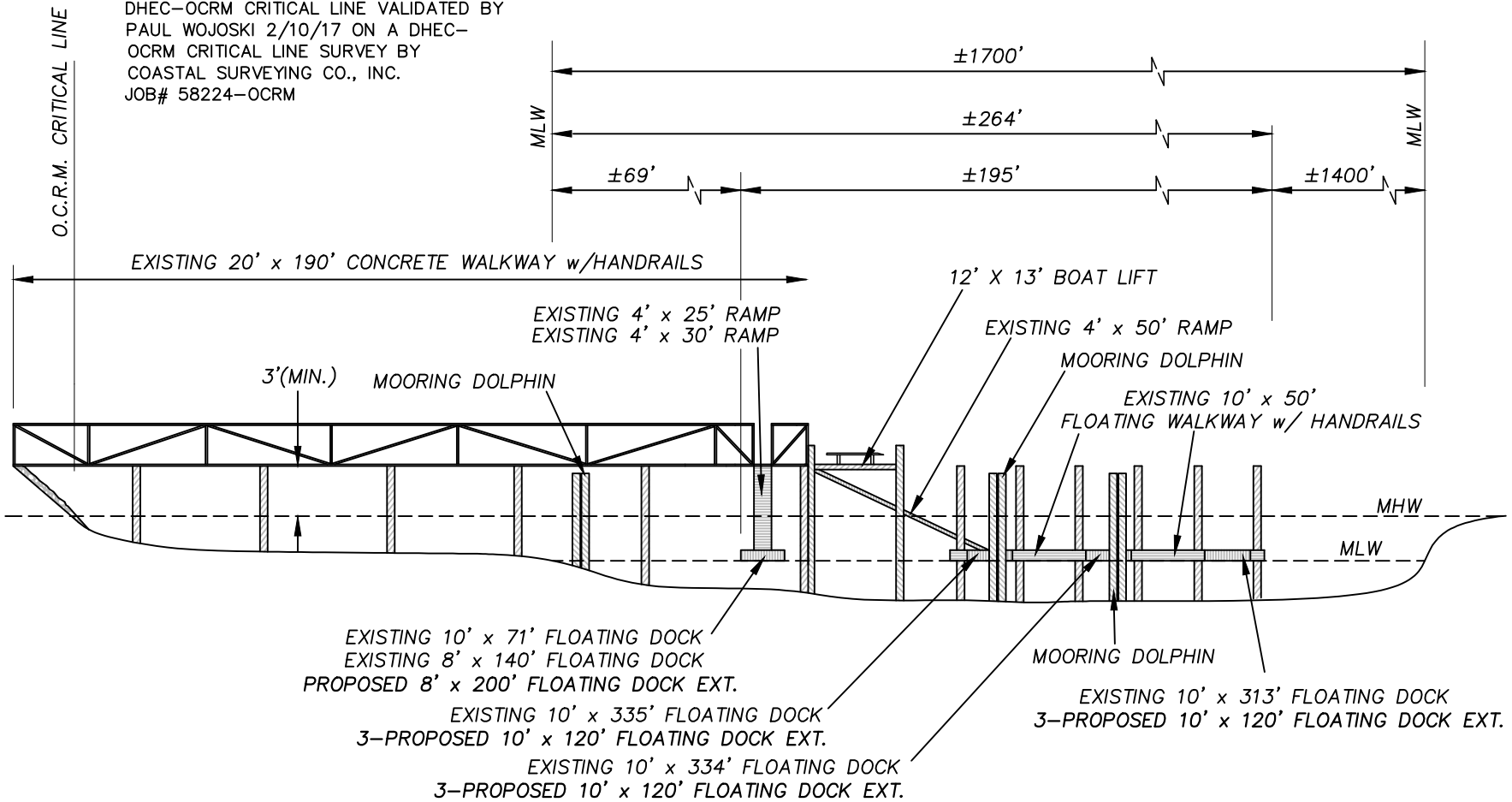


COASTAL SURVEYING CO., INC.
49 RIVERWALK BLVD.
BUILDING 8
RIDGELAND, SC 29936
(843) 645-4446



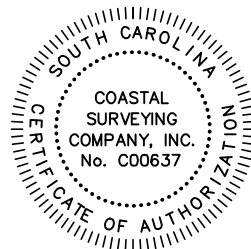
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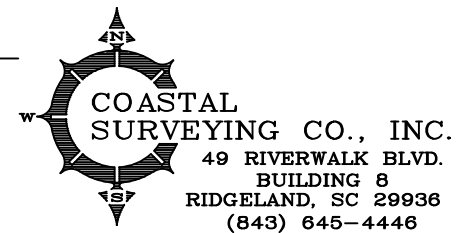
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MICHAEL R. DUNIGAN
S.C.P.L.S. NO. 11905



DOCK ELEVATION

NOT TO SCALE



APPLICANT: J & W CORPORATION
OF GREENWOOD
ACTIVITY: COMMERCIAL MARINA DOCK
ADDITION
P/N # SAC-2012-00145

LOCATION: 50 FREEPORT ROAD
DAUFUSKIE ISLAND, SC 29915
COUNTY: BEAUFORT
DATE: APRIL 12, 2021

ADJACENT PROPERTY OWNERS
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