JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 1949 INDUSTRIAL PARK ROAD, ROOM 140 CONWAY, SOUTH CAROLINA 29526

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-2021-00655 April 20, 2021

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

Debordieu Colony Community Association c/o Dr. H. Wayne Beam Beam & Associates, Inc. P.O. Box 3238 North Myrtle Beach, South Carolina 29582

for a permit to maintenance dredge the

Debordieu Colony Canal

at a location within Debordieu Colony adjacent to Luvan Boulevard, in Georgetown, Georgetown County, South Carolina (Latitude: 33.3697°, Longitude: -79.1608°), North Island 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 maintenance dredging the existing access channel (DeBordieu Colony Canal) and associated residential docks. In detail, the applicant is requesting a ten (10) year maintenance dredging permit. The proposed project involves maintenance dredging

of the access channel to a width of 30' and a depth of -3.5' Mean Low Water (MLW) with an allowable overdepth of 1 ft. (to -4.5 MLW) twice during the life of this permit. The dredging events will be performed by hydraulic cutter-head dredge. The first dredging effort will remove up to approximately 40,000 cubic yards of material from approximately 14.2 acres of the canal to restore adequate depths for safe navigation. A future, second dredging effort will remove up to approximately 40,000 cu. yds. over approximately 14.2 acres. The 14.2 ac. dredge footprint is depicted on the proposed plans and will be the same for both dredging events. All dredged material will be pumped to the existing upland Debordieu Colony Confined Disposal Facility (CDF) disposal basin. Additionally, it is proposed that approximately 3,500 cu. yds. of material be mechanically dredged to remove shoals that may develop in the canal during the time period between the two major hydraulic dredging events. Mechanically-dredged material will also be placed in the Debordieu Colony CDF. The applicant stated that the limits of marsh grass and oyster beds existing at the time of the dredging project commences will be field located so that dredging activities will be offset at the required distances so that impacts to theses resources will be avoided. The applicant offered no compensatory mitigation for impacts associated with the project. The project purpose as stated by the applicant is to restore adequate depths for watercraft affording boaters improved access to coastal waters.

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 14.2 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, based on the most recently available information that the West Indian Manatee (*Trichechus manatus*), Eastern Black Rail (Laterallus jamaicensis), Shortnose Sturgeon (*Acipenser brevirostrum*), and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), Federally endangered species may be present in the vicinity of the project. However, it has been determined that the project will have no effect on Shortnose Sturgeon (Acipenser brevirostrum), or Atlantic

sturgeon (*Acipenser oxyrinchus* oxyrinchus), and will not result in the destruction or adverse modification of designated or proposed critical habitat. Additionally, the District Engineer has determined that the project <u>may affect</u>, <u>not likely to adversely affect</u> the West Indian Manatee (*Trichechus manatus*), and the Eastern Black Rail (Laterallus jamaicensis), 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.

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)(I)(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.

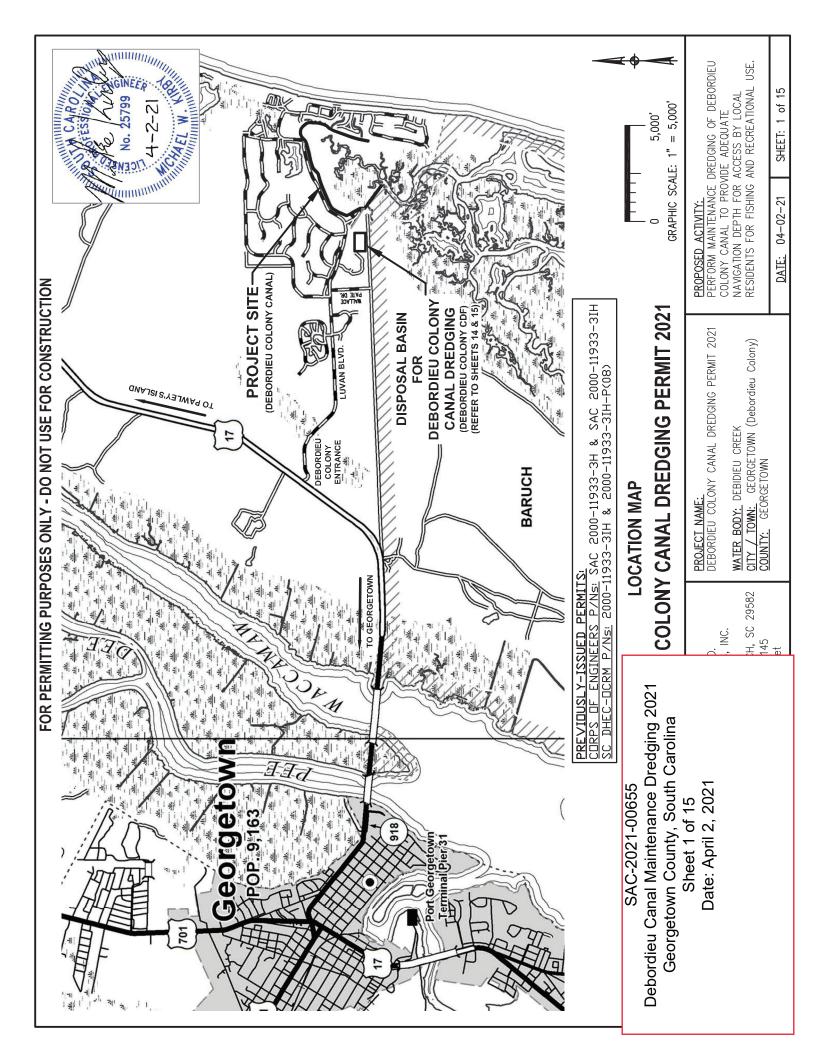
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. 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 cannot undertake to adjudicate rival claims.

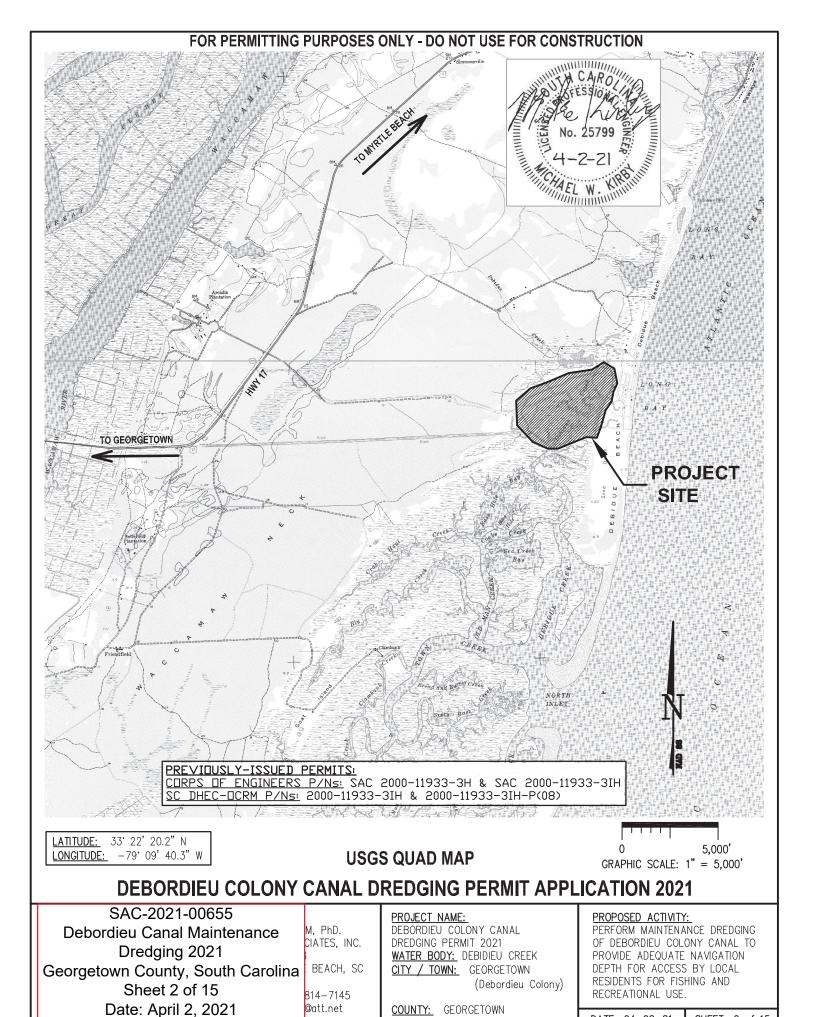
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of

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 1949 INDUSTRIAL PARK ROAD, ROOM 140 CONWAY, SOUTH CAROLINA 29526

If there are any questions concerning this public notice, please contact Rob Huff, Project Manager, by email at Robert.C.Huff@usace.army.mil.





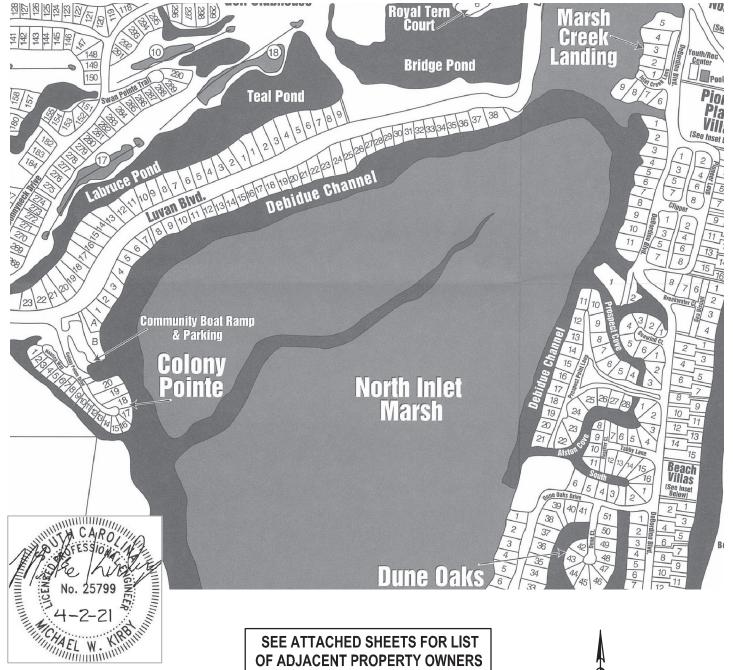
DATE: 04-02-21

SHEET: 2 of 15

FOR PERMITTING PURPOSES ONLY - DO NOT USE FOR CONSTRUCTION

PREVIOUSLY-ISSUED PERMITS:

<u>CDRPS DF ENGINEERS P/Ns:</u> SAC 2000-11933-3H & SAC 2000-11933-3IH SC DHEC-DCRM P/Ns: 2000-11933-3IH & 2000-11933-3IH-P(08)



ADJACENT PROPERTY OWNERS MAP



NO SCALE

DEBORDIEU COLONY CANAL DREDGING PERMIT APPLICATION 2021

SAC-2021-00655
Debordieu Canal Maintenance
Dredging 2021
Georgetown County, South Carolina
Sheet 3 of 15

-79' 09' 40.3" W

LATITUDE: 33' 22' 20.2" N

LONGITUDE:

Date: April 2, 2021

PhD. TES, INC.

EACH, SC -7145 t.net PROJECT NAME:

DEBORDIEU COLONY CANAL

DREDGING PERMIT 2021

WATER BODY: DEBIDIEU CREEK

CITY / TOWN: GEORGETOWN

(Debordieu Colony)

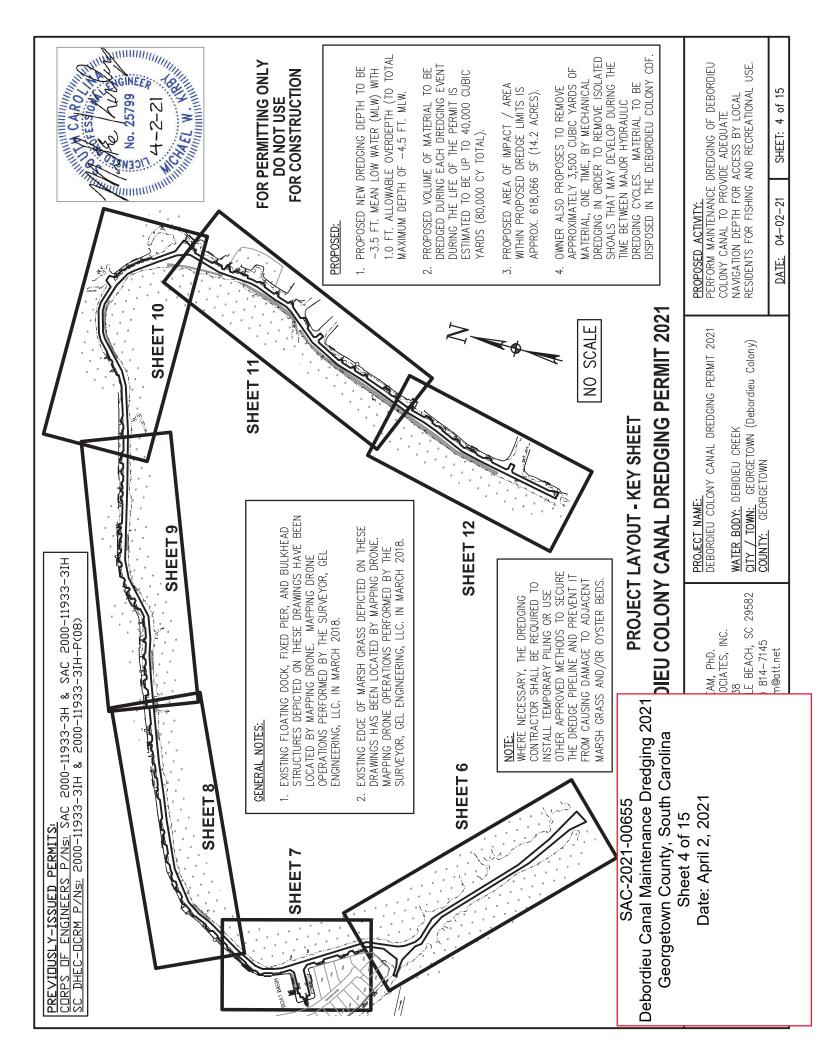
COUNTY: GEORGETOWN

PROPOSED ACTIVITY:

PERFORM MAINTENANCE DREDGING OF DEBORDIEU COLONY CANAL TO PROVIDE ADEQUATE NAVIGATION DEPTH FOR ACCESS BY LOCAL RESIDENTS FOR FISHING AND RECREATIONAL USE.

DATE: 04-02-21 SHEET:

SHEET: 3 of 15

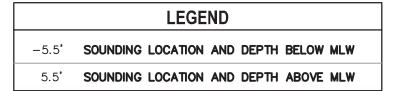


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PREVIOUSLY-ISSUED PERMITS:
CORPS OF ENGINEERS P/Ns: SAC 2000-11933-3H & SAC 2000-11933-3IH SC DHEC-DCRM P/Ns: 2000-11933-3IH & 2000-11933-3IH-P(08)

NOTES

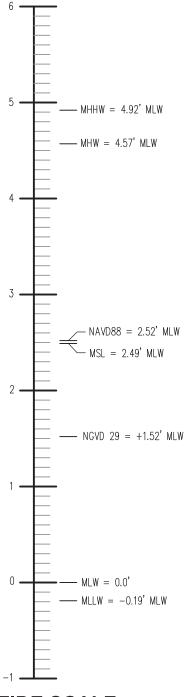
- 1. Soundings were taken byODOM ECHOTRAC CVM obtaining high frequency soundings and are expressed in feet and tenths below MLW.
- 3. Mean tidal range4.6'.........
- 4. The area shown by this chart is subject to silting. The actual depth following the date of the survey may be less then the depths shown. These depths were found on $\dots 11-15-18\dots$.
- 5. Horizontal Coordinates System: Reference to South Carolina State Grid (NAD 83).
- 6. Vertical datum based on MLW (Mean low water) and established by a Trimble R-6 Survey grade GPS on the S.C. VRS network and converted in NOAA VDATUM program.
- 7. Horizontal locations were established by a Survey grade Trimble R-6 Survey grade GPS on the S.C. VRS network.
- 8. Some depths may have been omitted for clarity.
- 9. All soundings are used during volume calculations.
- 10. All information shown outside of survey area is for informational purposes only.





TIDAL REFERENCE DATA FROM: OYSTER LANDING, CRAB HAUL CREEK: STATION I.D.: 8662245

LATITUDE: 33' 22' 20.2" N LONGITUDE: -79° 09' 40.3" W



TIDE SCALE

SURVEY NOTES & TIDE SCALE

INO SCALEI

DEBORDIEU COLONY CANAL DREDGING PERMIT APPLICATION 2021

SAC-2021-00655 Debordieu Canal Maintenance Dredging 2021 Georgetown County, South Carolina Sheet 5 of 15

Date: April 2, 2021

PhD ES. INC.

ACH, SC -7145

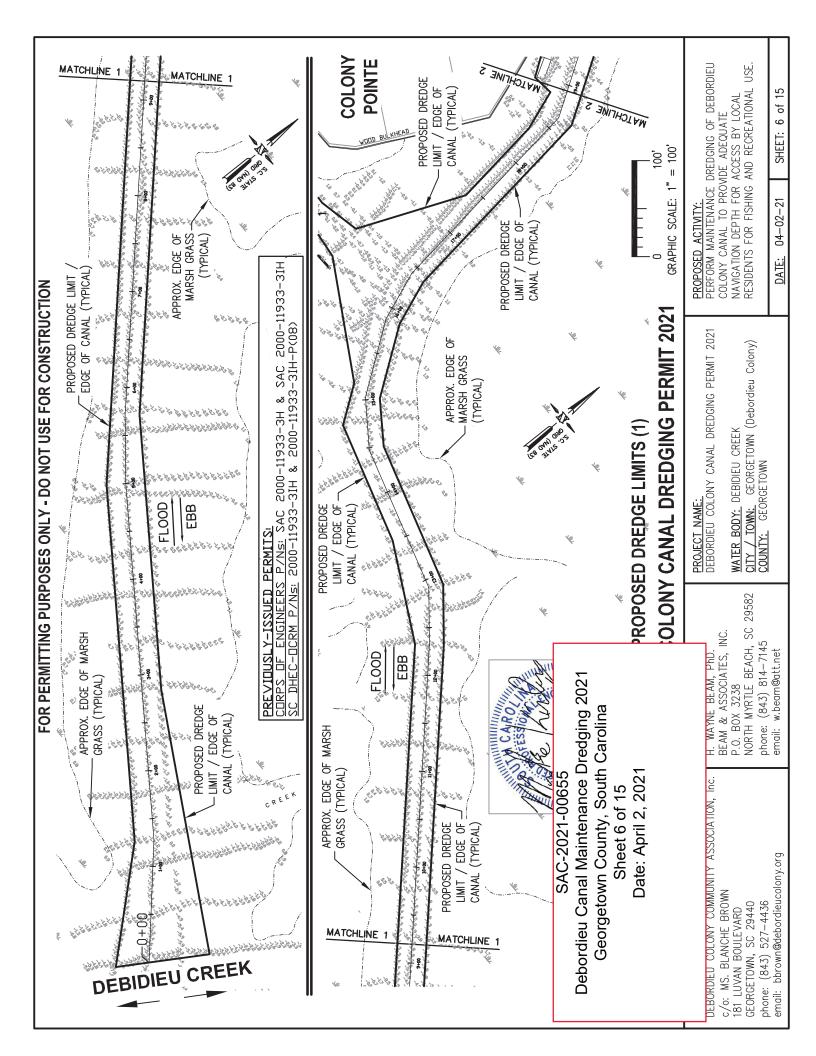
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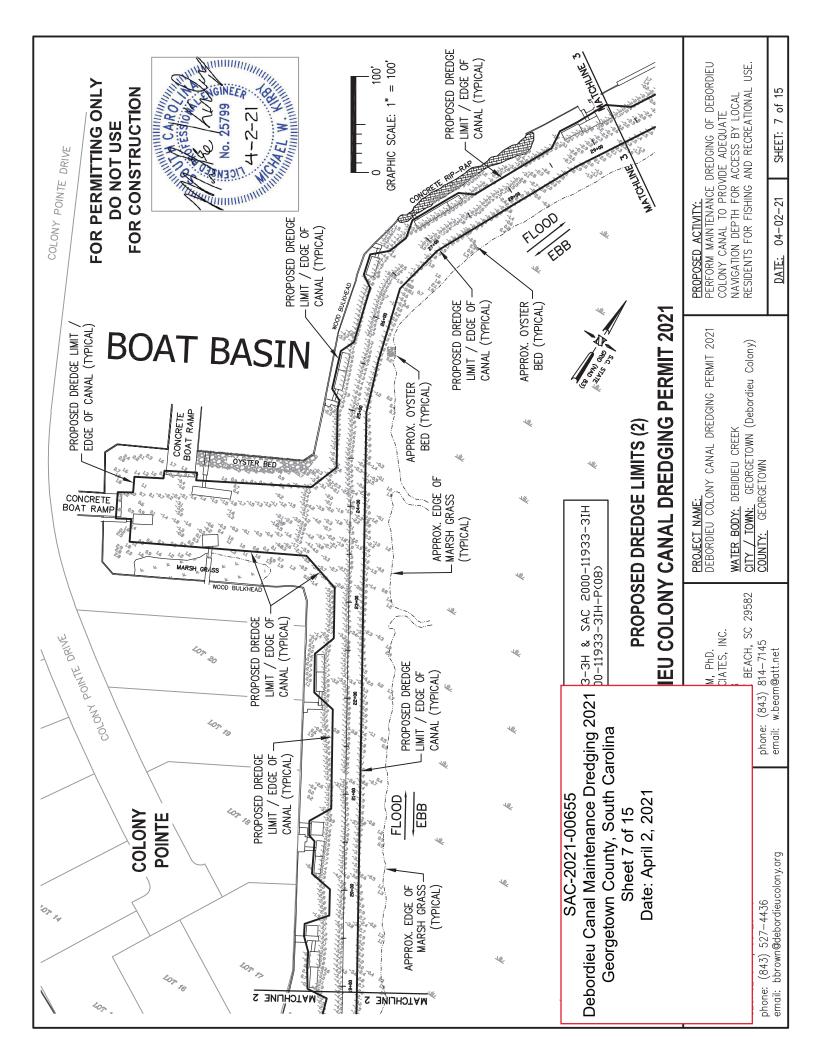
PROJECT NAME: DEBORDIEU COLONY CANAL DREDGING PERMIT 2021 WATER BODY: DEBIDIEU CREEK <u>CITY / TOWN:</u> GEORGETOWN (Debordieu Colony)

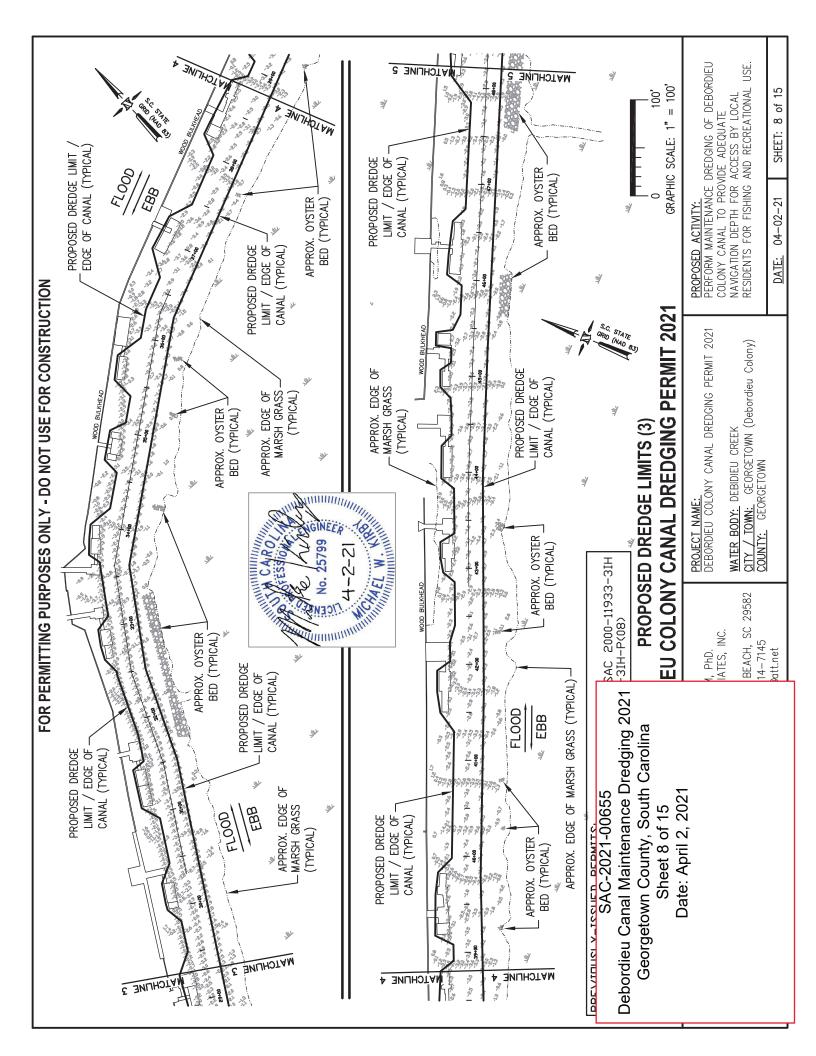
COUNTY: GEORGETOWN

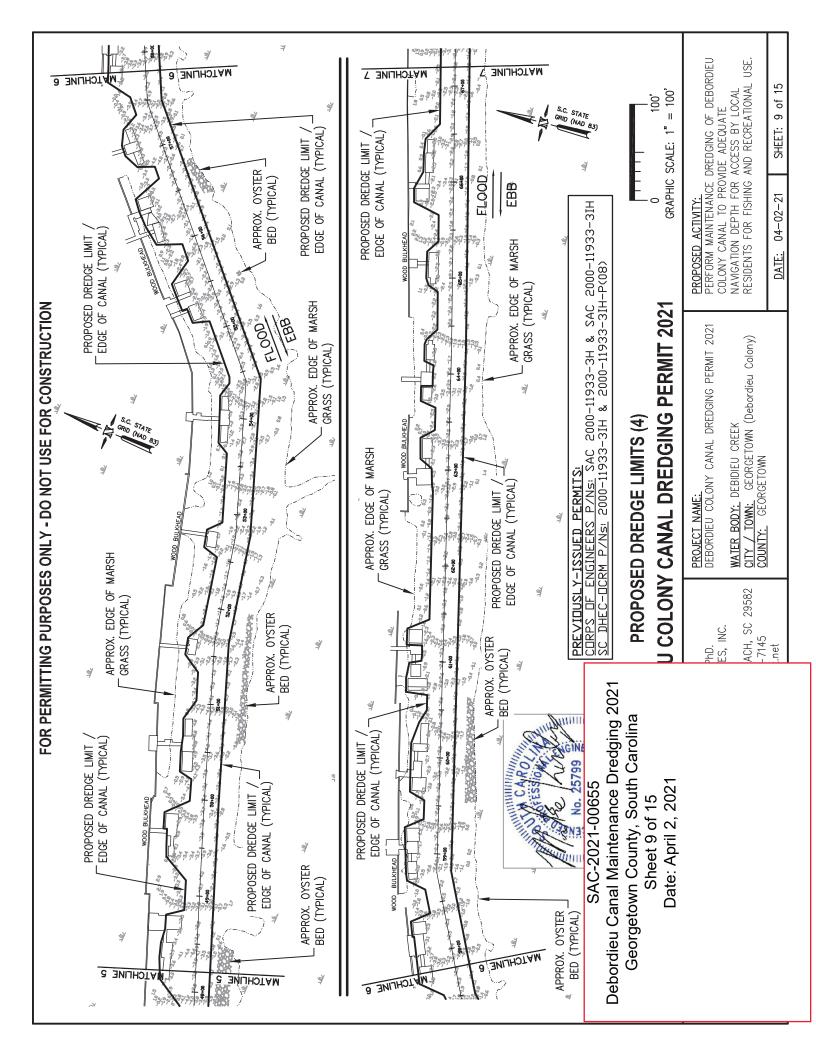
PROPOSED ACTIVITY: PERFORM MAINTENANCE DREDGING OF DEBORDIEU COLONY CANAL TO PROVIDE ADEQUATE NAVIGATION DEPTH FOR ACCESS BY LOCAL RESIDENTS FOR FISHING AND RECREATIONAL USE.

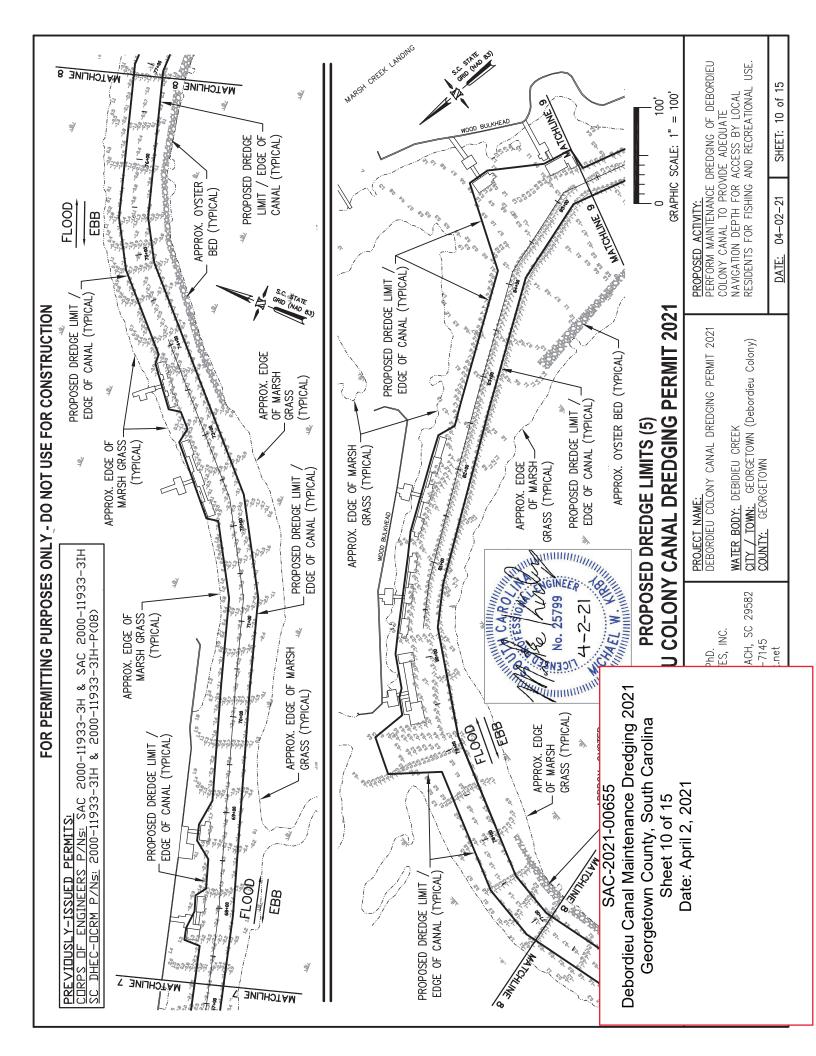
DATE: 04-02-21 SHEET: 5 of 15

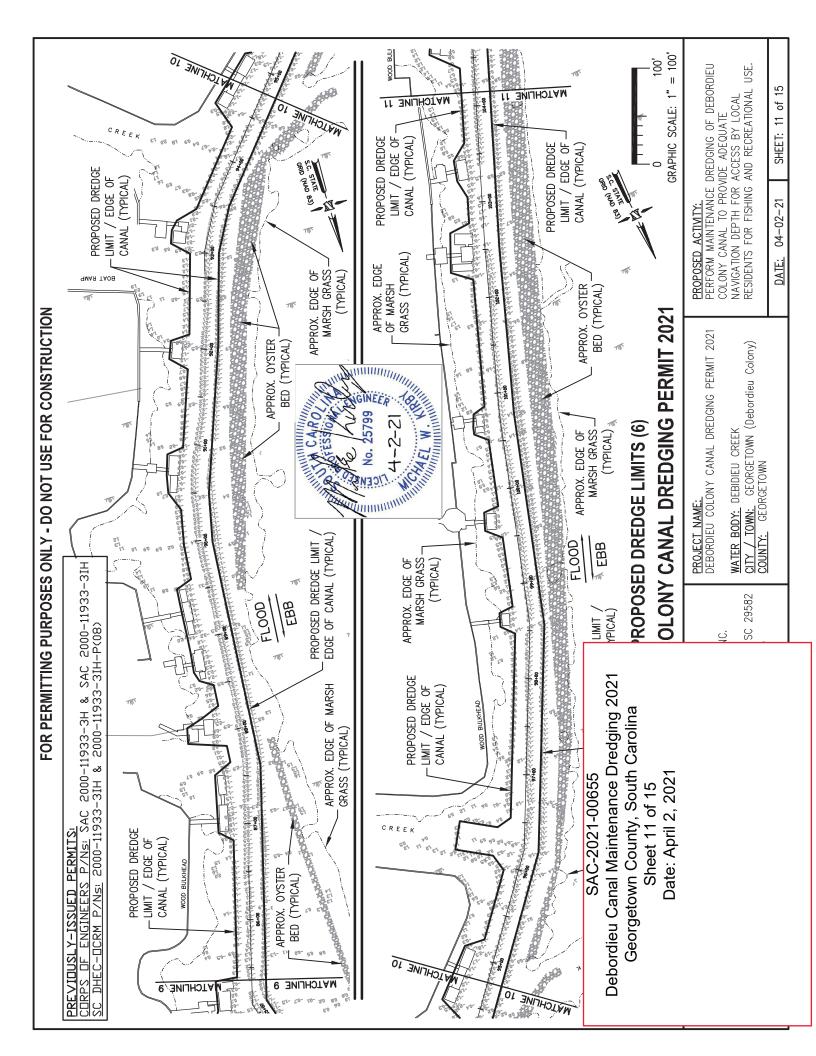


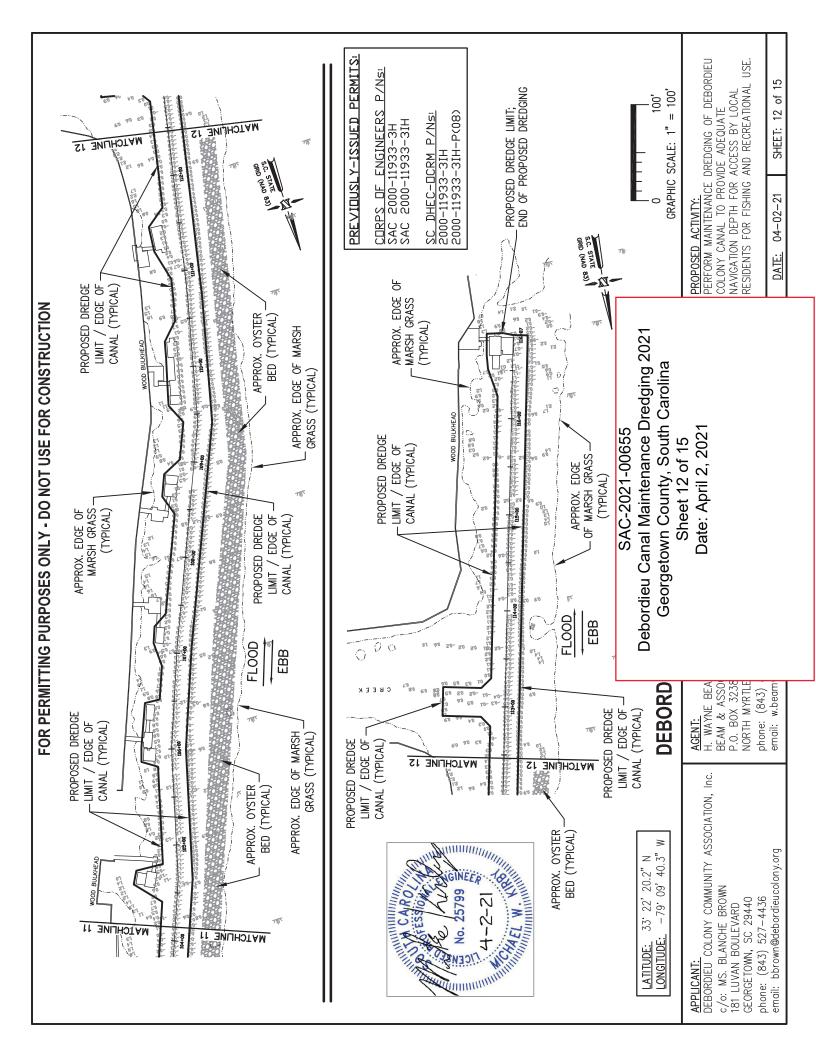


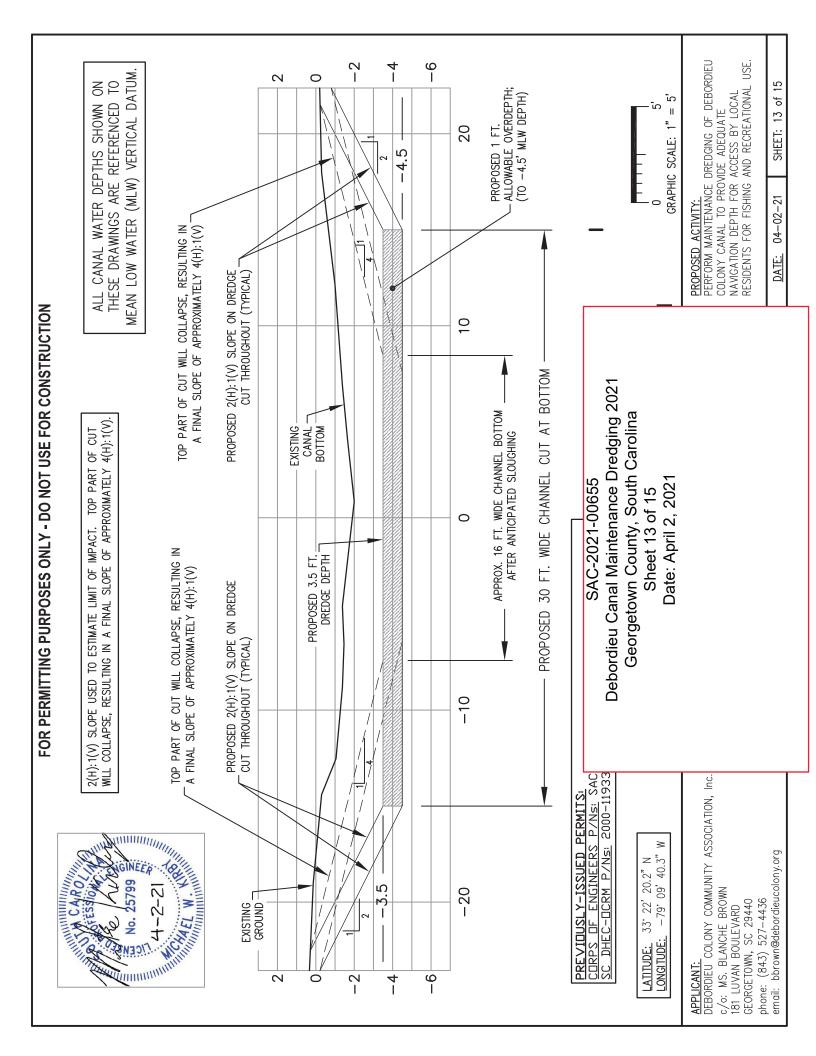


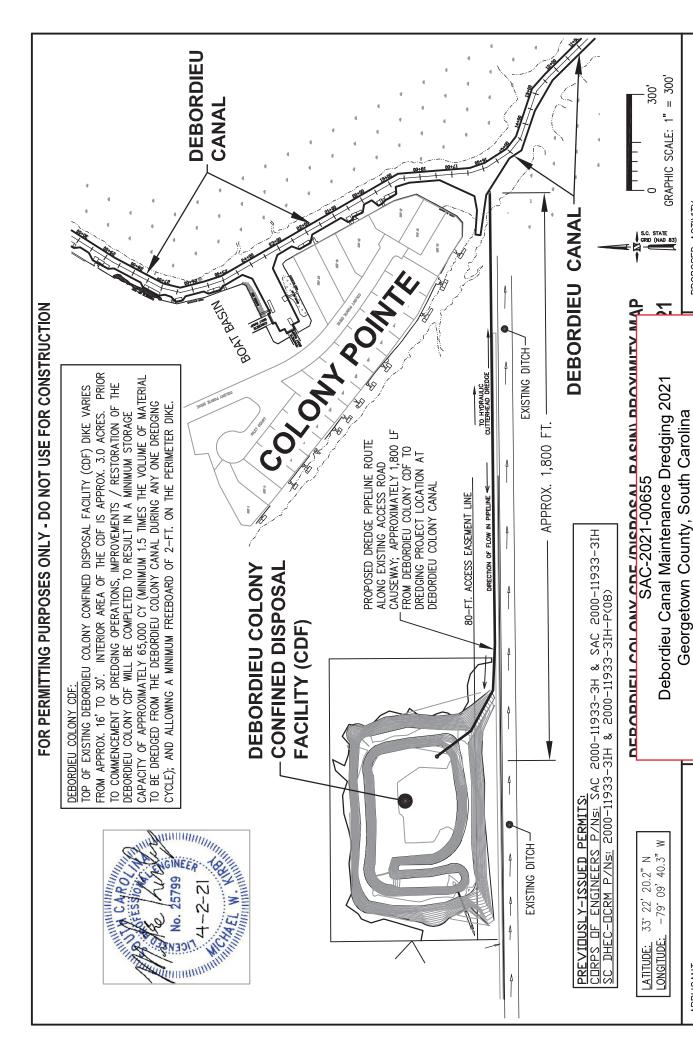












PERFORM MAINTENANCE DREDGING OF DEBORDIEU COLONY CANAL TO PROVIDE ADEQUATE NAVIGATION DEPTH FOR ACCESS BY LOCAL RESIDENTS FOR FISHING AND RECREATIONAL USE.

Sheet 14 of 15 Date: April 2, 2021

DEBORDIEU COLONY COMMUNITY ASSOCIATION, Inc.

c/o: MS. BLANCHE BROWN

email: bbrown@debordieucolony.org

181 LUVAN BOULEVARD GEORGETOWN, SC 29440 phone: (843) 527-4436 SHEET: 14 of 15

04-02-21

DATE:

