

JOINT
PUBLIC NOTICE

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

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 SAC-2016-00821

4 August 2016

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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 South Carolina Department of Health and Environmental Control by

Mr. Jared Hulteen
2064 Saint James Dr
Charleston, South Carolina 29412

for a permit to install floating OysterGro cages at two locations in

OCELLA CREEK

which is located at the south end of Edisto Island in Charleston County, South Carolina (Site #1- Latitude: 32.571097 °N, Longitude: -80.219483 °W), (Site #2- Latitude: 32.570439 °N, Longitude: -80.225196 °W) (**Rockville Quad Sheet**) .

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 the installation of a total of 360 floating OysterGro cages.

In detail, the proposed work consists of the installation of 140 floating OysterGro cages at Site #1 and 220 floating OysterGro cages at Site #2. At Site #1, there will be two lines of gear containing 70 cages per line. Each line of gear will be anchored with 14 auger anchors (28 total). The gear will be 35 feet from the northeast shoreline and there will be 30 feet between the gear lines. The applicant is proposing to install approximately 4 PVC pipe with U.S. Coast Guard diamond shaped day markers along the perimeter of the project area. At Site #2, there will be two lines of gear containing 110 cages per line. Each line of gear will be anchored with 22 auger anchors (44 total). Gear will be approximately 41 feet from the northwest shoreline and there will be 30 feet between each gear line. The applicant is proposing to install approximately 4 PVC pipe with U.S. Coast Guard diamond shaped day markers along the perimeter of the project area. The proposed project areas will cover approximately 3.7 acres of open water.

For both Sites #1 and #2, a total of 10 floating cages will be daisy chained together per "line". Refer to Figure 8 of 9 of the drawings for a depiction of daisy chaining. Daisy chaining the floating cages together is a slightly different gear setup than what is prescribed for the OysterGro systems. The applicant is testing this method in deference to concerns raised about the possibility of endangered species and marine mammal entanglement. The applicant has also included an alternative gear layout (as prescribed by OysterGro) that he is proposing to employ if he encounters difficulty retaining the equipment in the permitted area due to challenges related to daisy chaining the cages. Refer to the enclosed depiction showing the Alternative Gear Installation Method (as prescribed by OysterGro).

The purpose of the proposed project is to establish a working commercial mariculture operation. The floating gear will be used to grow oyster seed to market size and the sold locally. Seed for this project will be obtained from Frank Roberts of Lady's Island Oysters in Seabrook, South Carolina.

SCDNR Office of Fisheries Management has conditionally approved the proposed project.

Impacts to navigation have been minimized by locating the project areas in the outside bend of the creek where the shoreline has been subject to erosional forces, which has created steep declines from the marsh edge to the creek bottom. This allows for the gear to be located close to the shoreline, leaving 80% or more of the creek width available for boat use. In addition, very little natural oyster resource exists on the shoreline adjacent to the project areas.

The applicant has provided a storm plan that describes steps that will be taken to secure equipment in the event that a hurricane is expected to impact the coast of South Carolina. The applicant also submitted multiple costs estimates for removal of the OysterGro gear. These estimates will be used by the permitting agencies to determine the amount of a surety bond that the applicant will be required to obtain for the proposed project.

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

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 3.7 acres of open waters above 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, the District Engineer has determined that the project is not likely to adversely affect the West Indian Manatee or 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 addition, the District Engineer has made no determination of effect on the Atlantic Sturgeon, Shortnose Sturgeon and Sea Turtles. 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 Federally listed or proposed to be listed endangered or threatened species and/or designated or proposed critical habitat may be present in the area which would be affected by the activity

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)(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).

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

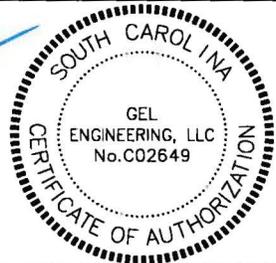
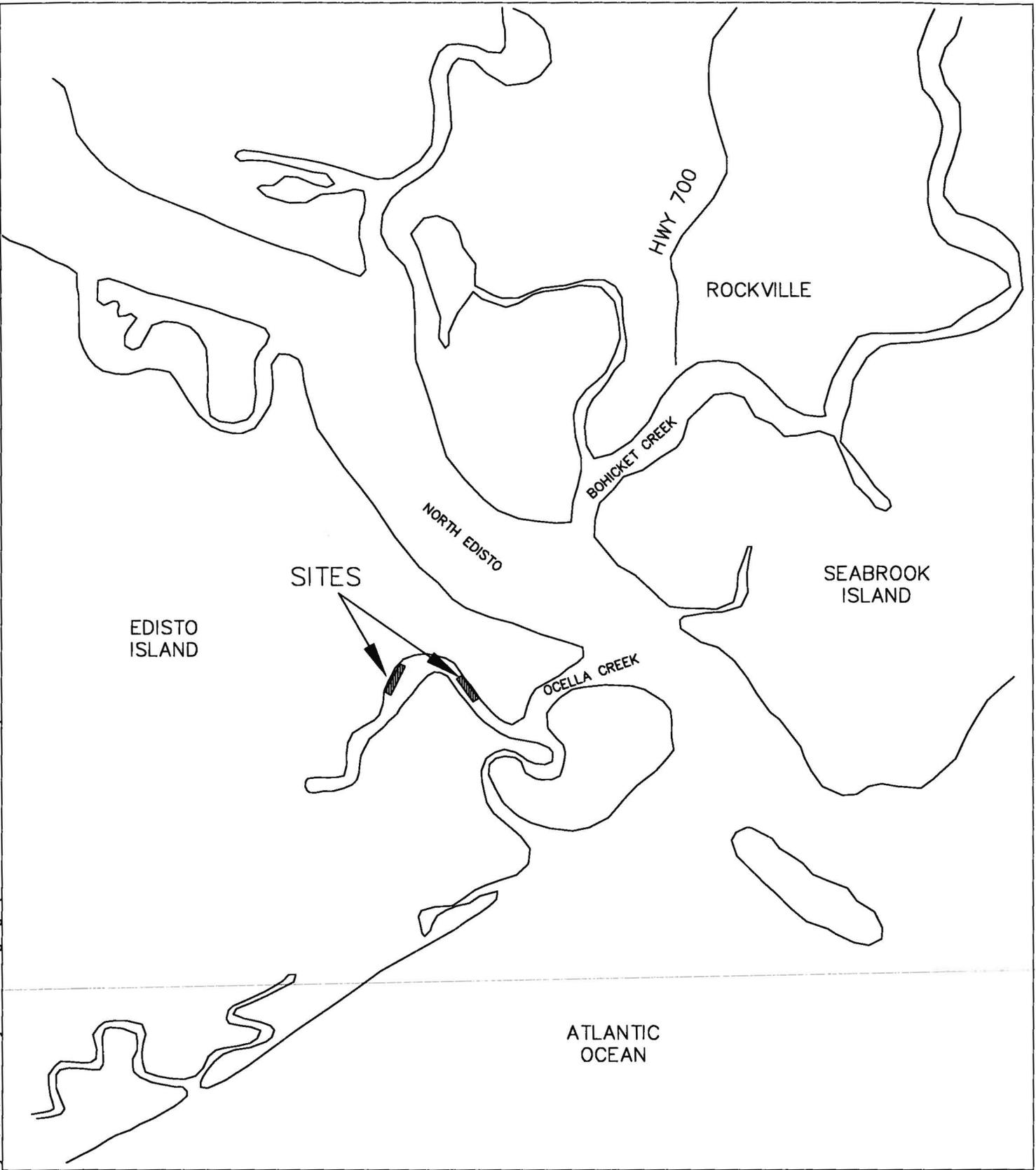
reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental 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
Charleston
69-A Hagood Avenue
Charleston, South Carolina 29403**

If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at 843-329-8190 or toll free at 1-866-329-8187.

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VICINITY MAP

NOT TO SCALE

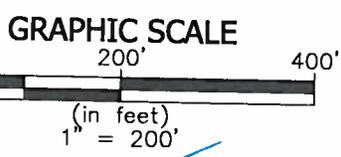
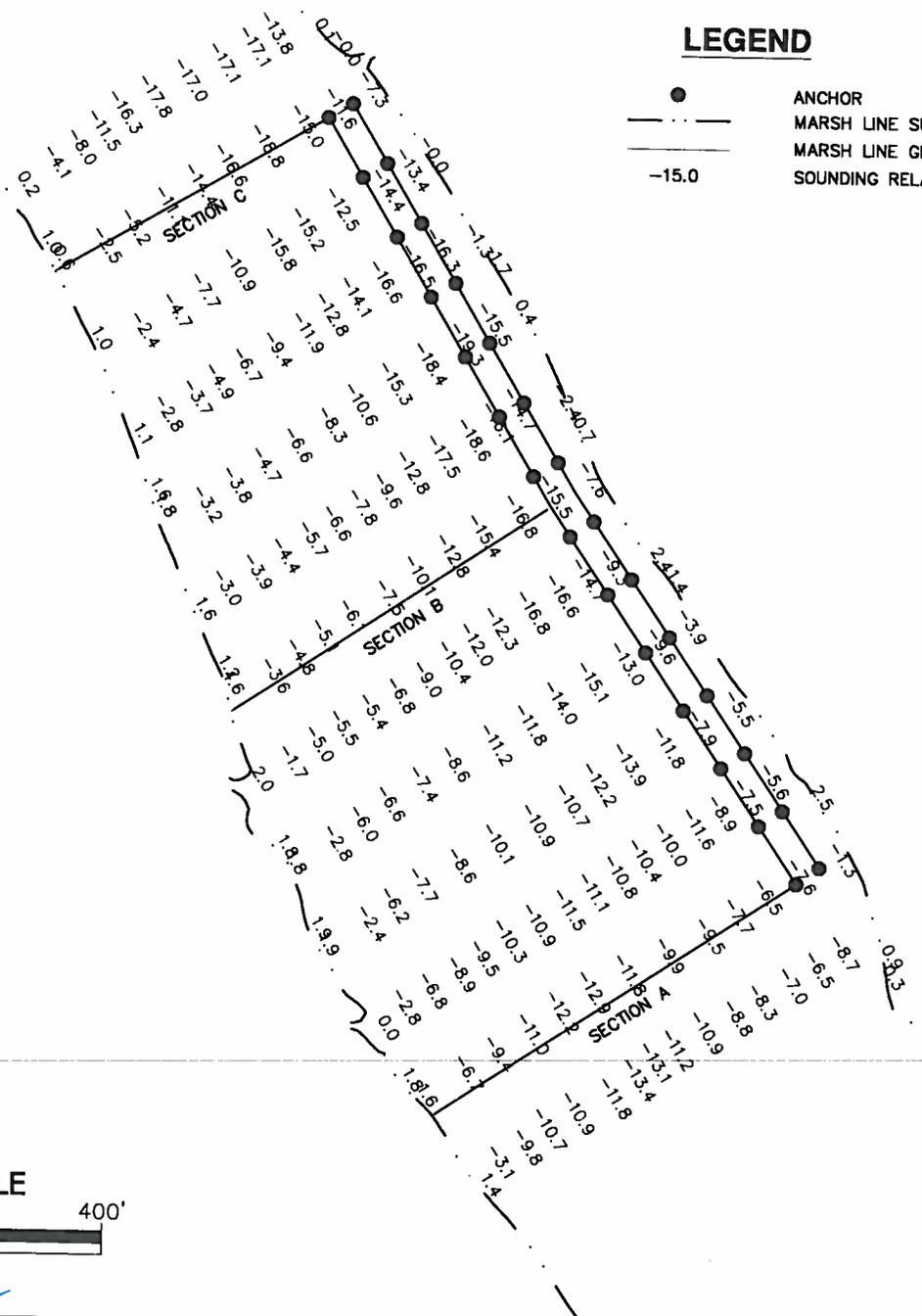
FIGURE 1 OF 9

PURPOSE: TO CONSTRUCT OYSTERGRO MARICULTURE CAGES
 PROPOSED: OYSTERGRO MARICULTURE CAGES
 AT: SOUTH END OF EDISTO ISLAND
 IN: OCELLA CREEK
 COUNTY OF: CHARLESTON, SOUTH CAROLINA
 DATE: 6-28-16

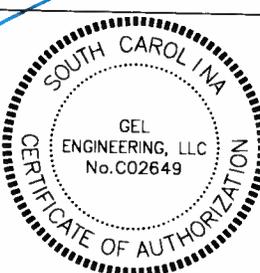


LEGEND

- ANCHOR
- MARSH LINE SURVEYED
- MARSH LINE GIS
- 15.0 SOUNDING RELATIVE TO MLW



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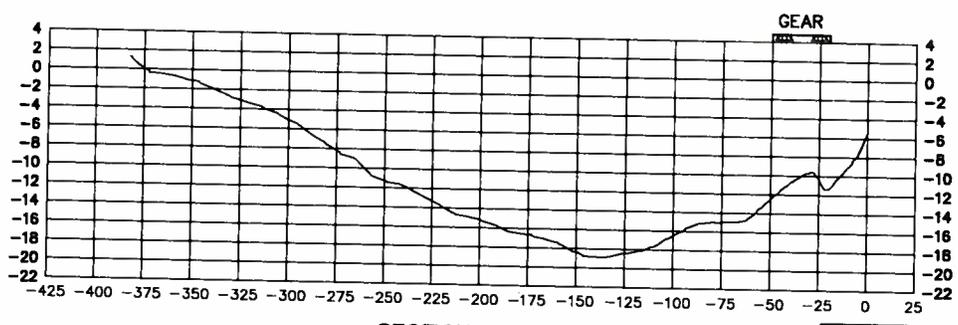


WATER DEPTHS

OCELLA CREEK SITE-1

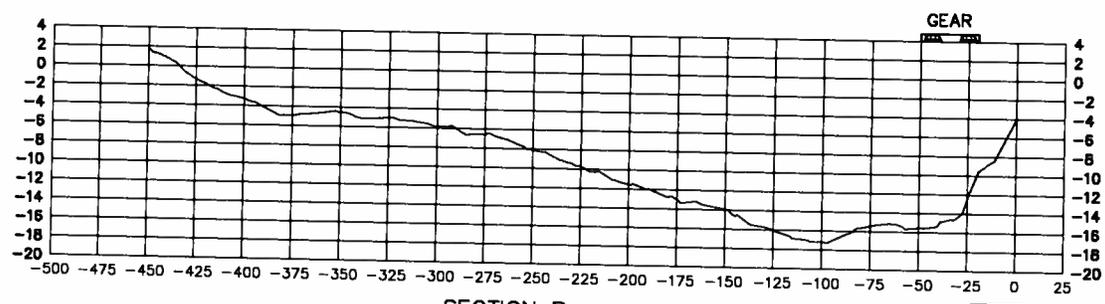
FIGURE 3 OF 9

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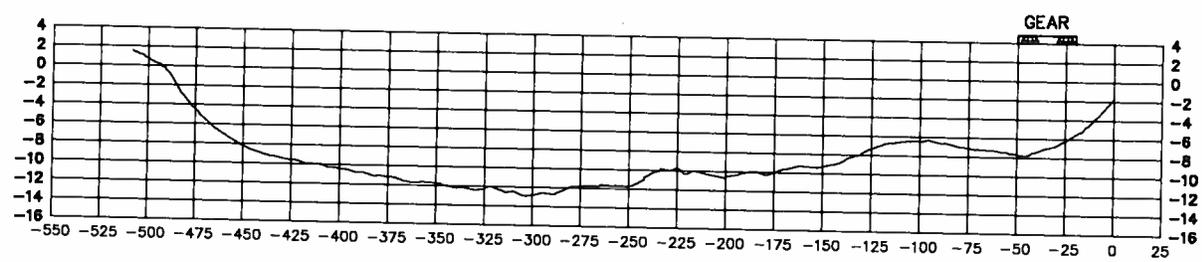
SECTION C

9+55



SECTION B

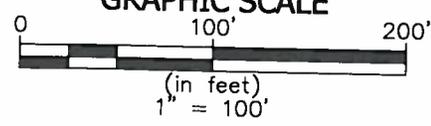
4+79



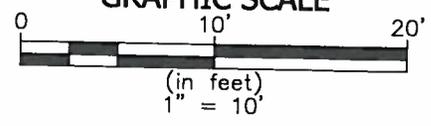
SECTION A

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HORIZONTAL GRAPHIC SCALE



VERTICAL GRAPHIC SCALE



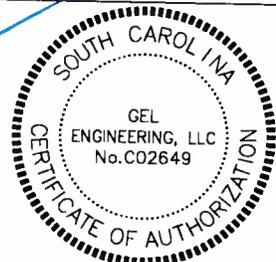
CROSS SECTIONS

OCELLA CREEK SITE-1

FIGURE 4 OF 9

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OYSTERGRO GEAR WILL RUN PARALLEL TO THE SHORELINE. THERE WILL BE TWO LINES OF GEAR CONTAINING 110 FLOATING CAGES EACH. EACH LINE OF GEAR WILL BE ANCHORED WITH 22 AUGER ANCHORS. GEAR WILL BE +/- 41FT FROM THE NORTHWEST SHORELINE, WITH 30FT BETWEEN EACH GEAR LINE.

PVC PIPES WILL BE USED TO POST US COAST GUARD DIAMOND SHAPED DAY MARKER WARNING SIGNS AS REQUIRED (APPROXIMATELY 4 AT THE PERIMETER 6' ABOVE MHW).

AUGER ANCHOR (TYP.)
SEE DETAIL

44 ANCHORS WILL BE USED TO HOLD CAGES IN ANY WEATHER OR TIDAL CONDITION. ANCHORS WILL BE MOVED WITHIN THE PERMITTED FOOTPRINT AS NEEDED FOR STABILITY DUE TO TIDE AND WEATHER.

LEGEND

-  ANCHOR
-  MARSH LINE SURVEYED
-  MARSH LINE GIS



N 269136.1765
E 2238644.5208

N 269119.6299
E 2238669.5450

53.00'

486.16'
SECTION F

GEAR LINE

31.45'

380.83'
SECTION E

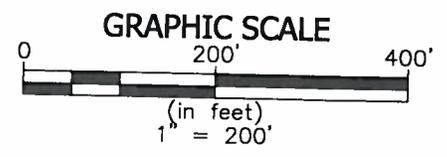
N 267907.8787
E 2237832.3460

41.00'

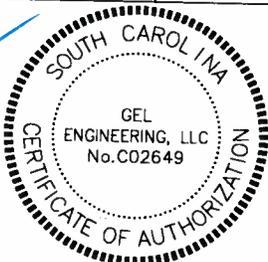
N 267891.3321
E 2237857.3703

319.39'
SECTION D

OCELLA CREEK
2-1-2009
888-2



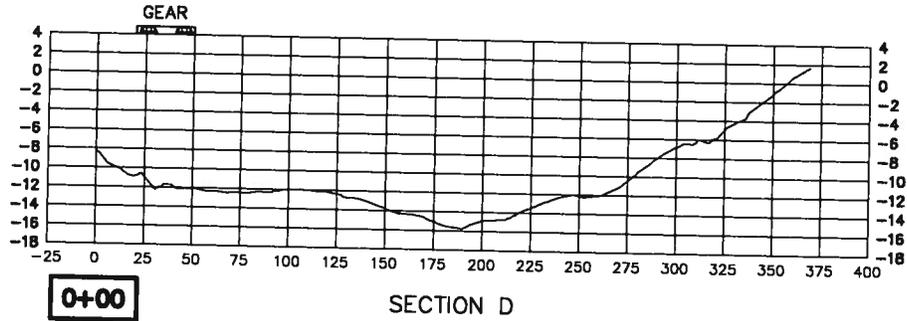
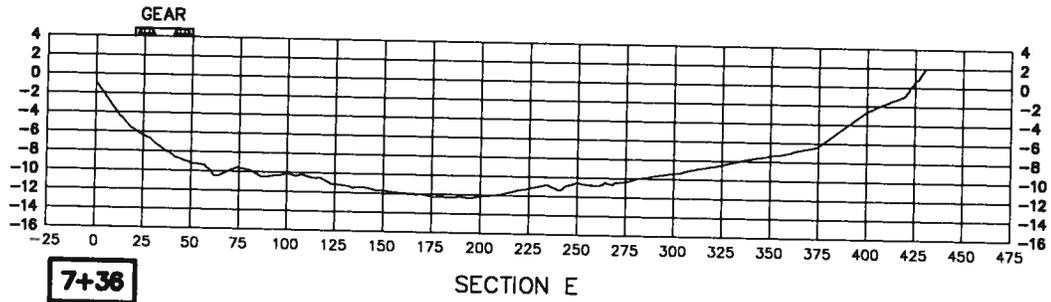
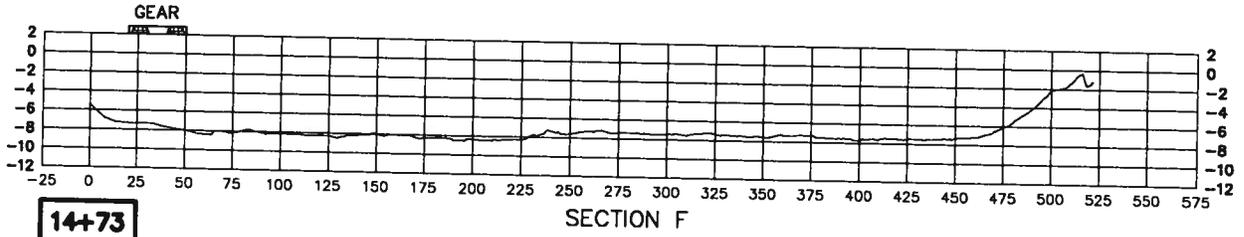
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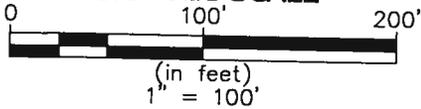
**STRINGS SHELLFISH
WET STORAGE
OCELLA CREEK
SITE-2**

FIGURE 5 OF 9

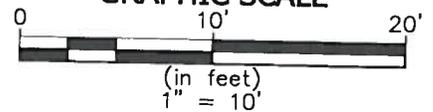
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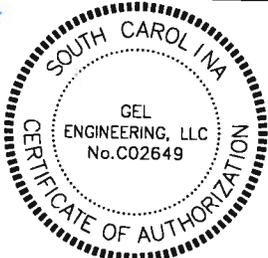
HORIZONTAL GRAPHIC SCALE



VERTICAL GRAPHIC SCALE



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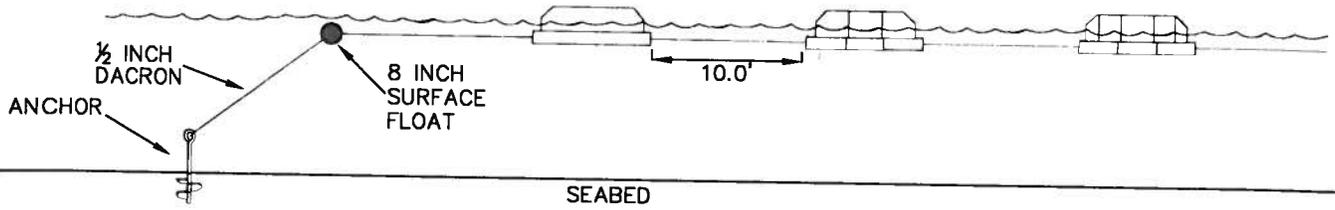


CROSS SECTIONS

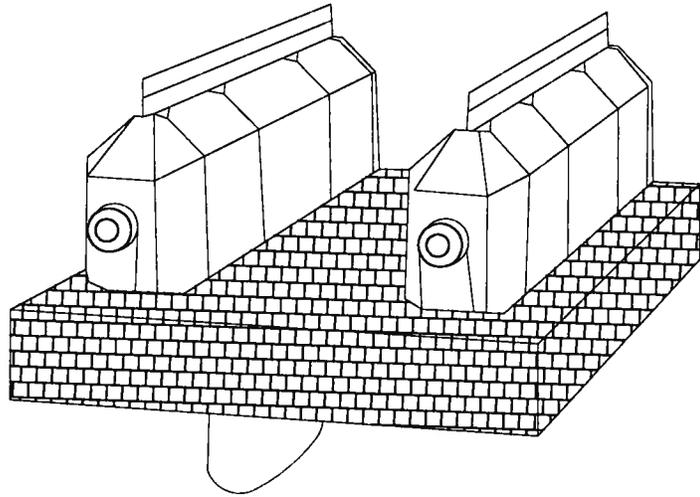
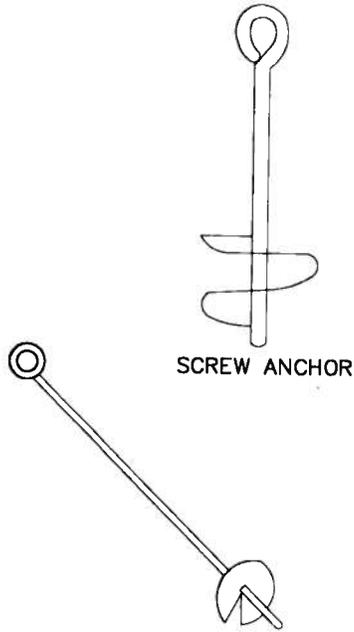
OCELLA CREEK
SITE-2

FIGURE 7 OF 9

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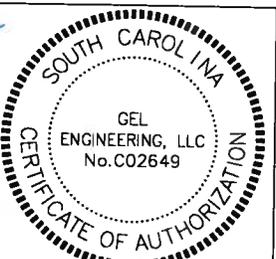
GEAR DIMENSIONS: 60 IN (L) X 40 IN (W) X 20 IN (H)



7/8" SHAFT DIAMETER
40" SHAFT LENGTH
7" SCREWHEAD
RATED FOR 10,000 LBS

ROPE BRIDLE ON EACH ENDS.
LATERAL LINES ARE ATTACHED
TO ROPE BRIDLE

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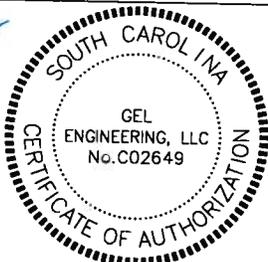
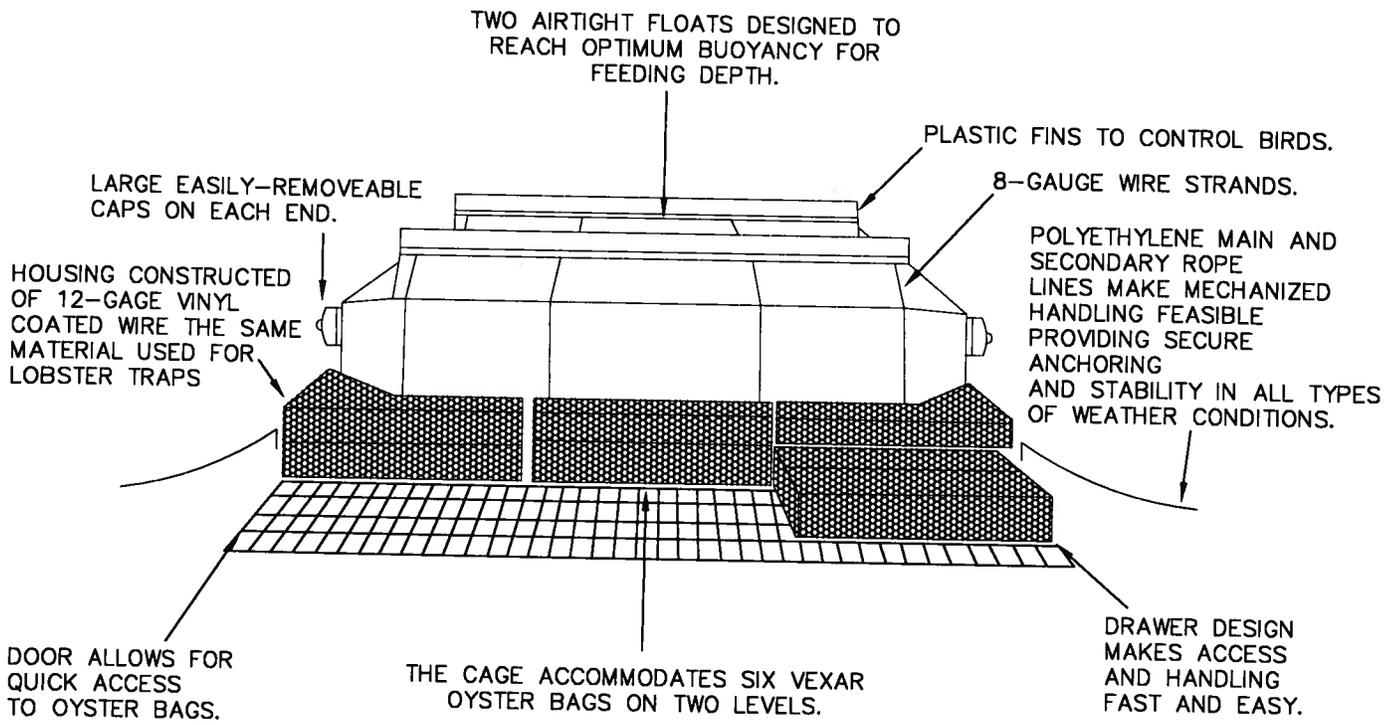


FLOAT DETAIL
NOT TO SCALE

FIGURE 8 OF 9

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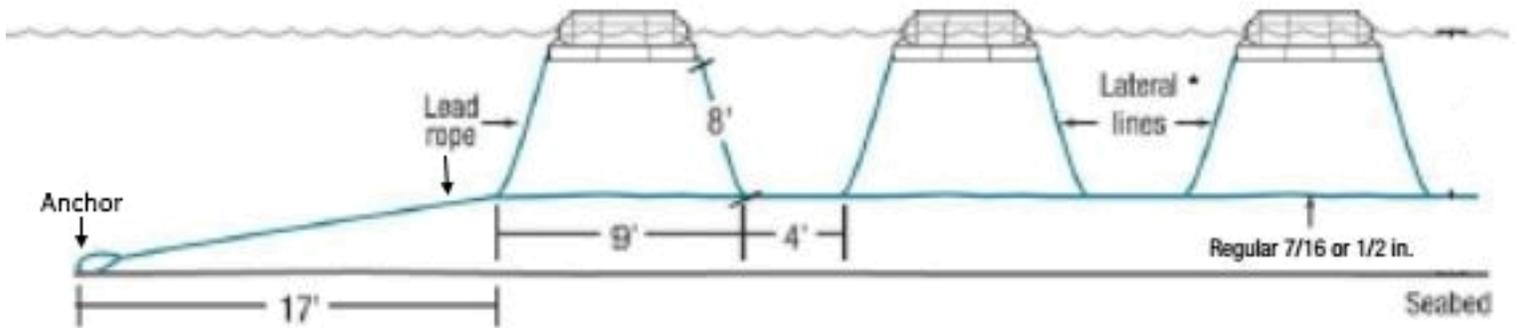


CAGE DETAIL
NOT TO SCALE

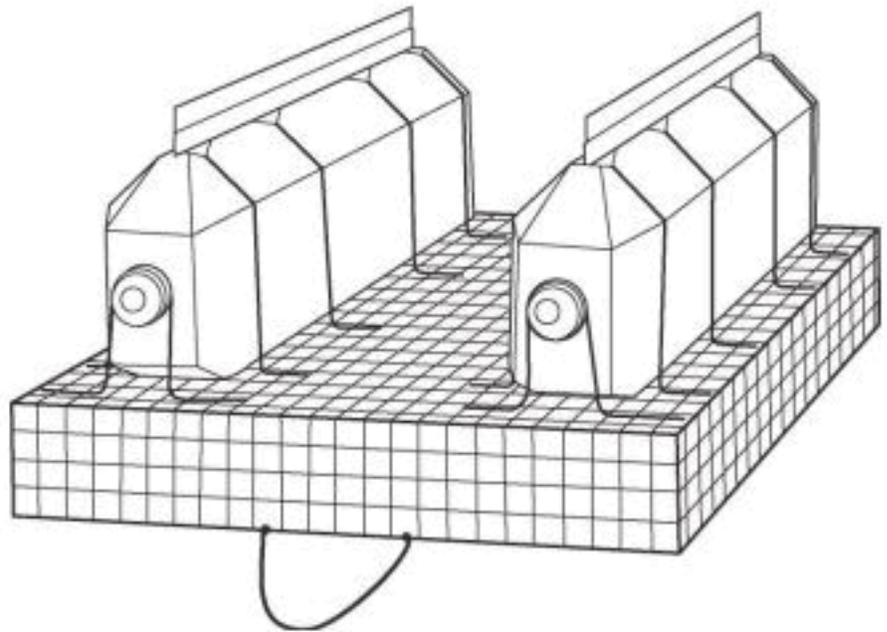
FIGURE 9 OF 9

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Alternative Gear Installation Method (As prescribed by OysterGro)



Screw Anchor



Rope bridge on each ends.

*Lateral lines are attached to rope bridge

