JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue Charleston, SC 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-2019-01124

August 13, 2019

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 <u>et.seq.</u>), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Ms. Desiree Fragoso City of Isle of Palms c/o Mr. Kirby Marshall Applied Technology & Management, Inc. P.O. Box 20336 Charleston, South Carolina 29413

for a permit to discharge fill material and install structures in

MORGAN CREEK AND THE ATLANTIC INTRACOASTAL WATERWAY (AIWW)

at the Isle of Palms Marina located at 50 41st Avenue in the City of Isle of Palms, Charleston County, South Carolina (Latitude: 32.8058 °, Longitude: -79.7599 °) (Fort Moultrie 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 the demolition and modification/replacement of the floating dock system, associated marina utilities, and boat ramp at the Isle of Palms Marina. The proposed

project is divided into four (4) activities: The Intracoastal Dock, Morgan Creek Dock 1 (Restaurant Dock and Face Dock), Morgan Creek Dock 2 (the Charter and Fuel Docks), and the Boat Ramp. In detail, the proposed work consists of the following:

1) <u>Intracoastal Dock</u>: The existing fixed pier will remain. The proposed work consists of the construction of a 10' X 10' access pier with a 6' X 80' ADA Compliant gangway leading to a 10' X 272' T-head floating dock and nineteen (19) floating jet docks.

2) <u>Morgan Creek Dock 1</u>: Morgan Creek Dock 1 includes the Restaurant Dock and the Face Dock. The Restaurant Dock will be parallel with the shoreline and the proposed work includes the construction of a 6' X 40' ADA Compliant gangway from land leading to a 298' long pier with a 40' long section that will be 12' wide and the remaining 258' will be 8' wide. The floating pier will include one (1) 4' X 40' finger pier, one (1) 8' X 36' and 5' X 51' U-shaped finger pier, and six (6) floating jet docks. The proposed work includes the construction of a 6' X 80' ADA Compliant gangway from land leading to a 16' X 104' access floating dock, six (6) floating jet docks that will be adjacent to the boat ramp and will lead to the 273' X 12' floating Face Dock.

3) <u>Morgan Creek Dock 2</u>: Morgan Creek Dock 2 includes Restaurant Docks and the Fuel Pier. The Restaurant Docks include the construction of a 3' X 25' gangway from land and a 6' X 80' gangway from an 8' X 5' fixed access pier both leading to a 192' long floating dock with a width of 15' along an approximate 100' section and10' along the remaining that will be parallel to the shoreline. The work also includes the construction of an 8' X 110' finger pier, an 8' X 65' finger pier, two (2) 5' X 45' finger piers, and twelve (12) floating jet docks. Construction of the Fuel Pier includes the construction of a 3' X 30' gangway from the access pier leading to a 9' X 88' floating pier that is parallel from the shoreline, a 10' X 63' floating pier, a 23.5' X 23.5' floating fuel hut, and a 12' X 122' fuel dock, and two (20 floating jet docks.

4) <u>Boat Ramp:</u> The existing Boat Ramp will be demolished and regraded. The proposed work includes the discharge of 400 cubic yards of material into tidal waters for the construction of a 50' X 100' concrete boat ramp.

<u>Project Purpose</u>: As stated by the applicant, the project purpose is to replace an approximate 30year old timber floating dock system that is failing with a new, purpose-designed floating dock system that is specifically engineered for the subject site. The proposed project will slightly modify the marina layout in response to market demands as well as current marina industry design standards for patron safety and navigation. The gangways proposed in the new layout will promote accessibility throughout the marina in compliance with the American Disabilities Act (ADA). The proposed project will also replace the existing, aged concrete boat ramp with a safer, more userfriendly ramp. Some of the slips/dockage at the existing marina are currently used for and will continue to be used for commercial purposes, which include paddleboard and kayak rentals, eco tour boats, charter fishing boats, and other tour boats, etc.

(Note: the following information was included in the permit application):

With regards to the existing Intracoastal Dock, it will be modified to better serve marina users through the removal of the existing finger piers and mooring piles to create a side-tie (lay along) dock. The existing finger piers on this dock are quite short (partial length of the slip) and prove difficult for boaters to properly utilize. The mooring piles are similarly difficult to use for marina patrons. With this in mind, the applicant proposes to remove the existing finger piers and mooring piles and shift the shore-parallel portion of this dock waterward (toward the AIW) to create a side tie dock that is more user friendly and positioned in slightly deeper water. This will allow the

full use of both sides (shore side and AIW side) of this dock for berthing. ADA gangway access will also be provided at this relocated dock structure. Lastly, a series of Jet Docks are shown attached to this relocated dock to facilitate the potential use of such on this dock in the future (as marina demand trends may warrant).

With regards to the Morgan Creek Docks, the modified layout will provide safer, ADAaccessible access for all users. The existing fuel dock will be located and oriented in a similar position to the existing, however the outer (waterward) dock will be widened from 10.5-ft. to 12-ft. to better accommodate fuel dispensers, pumpout station, and marina fueling operations. The marina fuel hut will be replaced with an enclosure of similar dimensions. All sides of the hut will be accessible with a minimum distance of 4 ft from the hut walls to the edge of the floating dock. The finger piers behind the marina store will be configured in a "double loaded" configuration which means that two vessels will be accommodated between finger piers (as opposed to the current "single loaded" configuration). The proposed finger piers will be wider, however, to ensure appropriate stability. It is noted that the existing finger piers behind the marina store are highly prone to twisting and instability due to their long-narrow arrangement. The finger pier closest to the boat ramp will be widened to 8-ft. (from 4-ft.) to provide additional stability for slip users as well as for boat ramp patrons. It is noted that this finger pier is the most heavily used by ramp patrons at the existing marina. An 80-ft. fully ADA-compliant gangway will be integrated into the dock system behind the marina store to provide safe and clear access for all marina patrons in this area of the marina.

Jet docks are shown in each slip to accommodate such usage by the marina operator. The floating docks on Morgan Creek to the North/West of the boat ramp will be reconfigured to provide more stable, safer, and ADA-compliant access for marina users. Specifically, this will include: An 80-ft. fully ADA-compliant gangway will be provided immediately to the north/west of the boat ramp to provide access for marina patrons as well as boat ramp users. This gangway will land on a 104-ft. floating dock that will provide improved boat ramp staging as well as access to an outer shore-parallel side tie marina dock. This arrangement will greatly improve boat ramp staging and reduce congestion in the boat ramp area. The outer shore-parallel side tie marina dock will extend slightly farther into Morgan Creek than the existing, but this is necessary to provide the requisite boat ramp staging, accommodate the ADA gangway, and provide appropriate navigation clearance between this outer dock and the inner, shore-parallel floating dock that is immediately proximate to the bulkhead behind the restaurant. This outer dock is also depicted at 12-ft. wide (existing dock is 10.5-ft. wide). This is necessary to provide safe, stable berthing on both sides of the dock for large vessels. The inner, shore-parallel floating dock mentioned above will be replaced in a similar arrangement to the existing condition at the marina, but this dock will be increased slightly in width to provide safer, more stable access. A limited number of finger piers are proposed for the outer (AIW) end of this inner, shore-parallel dock to provide additional slip space to accommodate dockage demand. Jet docks are shown in selected locations in this dockage area to provide the flexibility to utilize such.

With regards to the existing boat ramp, if offers a very slight grade that requires many users to submerge the axles of their tow vehicles when launching. Additionally, the concrete ramp surface is rather smooth and slippery which causes launching/retrieving difficulty and presents a life/safety issue with regard to pedestrian footing/slip & fall hazard. Lastly, the existing boat ramp is too short for many vessels to safely launch during periods of extreme low water and has a dramatic "drop off" at the toe of the ramp. The proposed project includes the demolition of the existing boat ramp, regrading of the ramp to ensure safe and dry launching, incorporation of "grooved" concrete for better tire and foot traction per SCDNR/industry design guidelines, and a slight extension of the ramp to provide for safer launching at extreme low water levels. This extension will also remedy the

drop off at the toe of the ramp which creates a distinct hazard for many users, including less experienced boaters.

<u>Avoidance and Minimization:</u> According to the applicant, the proposed project aims to replace the existing docks in a similar configuration to the existing marina. Limited increases in the dimensions of specific docks will occur only to provide improved accessibility, safety and stability to the structures. The existing single-loaded finger pier arrangement behind the marina store will be converted to a double loaded configuration that results in the elimination of four finger piers and related piling and shading impacts. The mooring piles and finger piers on the Intracoastal Dock will be permanently removed, resulting in the decrease of 425 square feet of floating dock and 7 mooring piles. The boat ramp will be redeveloped in its current footprint with limited additional fill utilized to correct a noted safety problem (drop off at the toe of the ramp). Provisions for Jet Docks are included in the layout but shall be confined within the footprint of the marina slips proposed. This provision will greatly enhance the long-term market viability of the marina without needing to add additional floating docks/ slips to increase capacity in the future.

<u>Mitigation:</u> The applicant is not proposing mitigation. As mentioned, the proposed project will replace an existing marina in much the same footprint. The project is also located in an area of substantial marine development (adjacent marinas, docks, dredging and boating [recreational and commercial] activity). No impacts are anticipated to adjacent marsh vegetation.

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 0.77 acres of open tidal waters over estuarine substrates 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 Frosted flatwoods salamander (Ambystoma cingulatum), American wood stork (Mycteria Americana), Bachman's warbler (Vermivora bachmanii), piping plover (Chadrius melodus), red-cockaded woodpecker (Picoides borealis), red knot (Calidris canutus rufa), shortnose sturgeon (Acipenser brevirostrum). Atlantic sturgeon (Acipenser oxyrinchus). Northern long-eared bat (Myotis septentrionalis), finback whale (Balaenoptera physalus), humpback whale (Megaptera novaeangliae), right whale (Eubalaena glacialis), West Indian manatee (Trichechus manatus), green sea turtle (Chelonia mydas), Kemp's Ridley sea turtle (Lepdochelys kempii), leatherback sea turtle (Dermochelys coriacea), loggerhead sea turtle (Caretta caretta), Canby's dropwort (Oxypolis canbyi), and pondberry (Lindera melissifolia) Federally endangered or threatened species is present in the vicinity of the project. The proposed project may affect, but is not likely to adversely affect the West Indian manatee and will have no effect on the remaining species listed above. In addition, the proposed project will not result in the destruction or adverse modification of designated or proposed critical habitat.

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 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 69A Hagood Avenue Charleston, SC 29403-5107

If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at (843) 329-8190, toll free at 1-866-329-8187, or by email at Tracy.D.Sanders@usace.army.mil.





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