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 Charleston, South Carolina 29405

REGULATORY DIVISION Refer to: P/N SAC-2017-01605

20 December 2017

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

Mr. Tim Wise Molasses Creek Dredging Association C/O Mr. Jack Walker Marcol Dredging Company 2015 Cosgrove Avenue North Charleston, South Carolina 29405

for a permit to perform maintenance dredging in waters of

MOLASSES CREEK AND THE WANDO RIVER

at a location in waters of Molasses Creek and the entrance of Molasses Creek in the Wando River (Site #1), and an additional site in the Wando River surrounding the existing dock adjacent to 176 Wando Reach Court (Site #2), in the Town of Mount Pleasant, Charleston County, South Carolina (Site #1 from approx. Latitude: 32.8191°N, Longitude: -79.9027°W to approx. Latitude: 32.8170°N, Longitude: -79.9017°W and Site #2 Latitude: 32.8161°N, Longitude: -79.9064°W), Charleston 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 performing maintenance dredging by hydraulic cutterhead dredge of an area approximately 4.4 acres in size at two locations as shown on the attached plans. In detail the applicant proposes to dredge approximately 41,760 cubic yards of silty clay and sand material from site #1 and 166 cubic yards from site #2 to a maximum dredge depth of -7.0 feet mlw (current depths range from -0.5 feet to -2.0 feet mlw). The applicant anticipates that two subsequent dredging events will be needed over the 10- year maintenance dredging permit period, not to exceed 41,926 cubic yards per subsequent dredging event and a total of approximately 125,778 cubic yards over the ten year period. The applicant proposes to transport the dredged material via pipeline to the Upland Confined Disposal Facility (CDF) on the south end of Daniel Island (Daniel Island CDF). The applicant also proposes a minimum ten foot setback from the marsh and any potential shellfish resources at the dredging sites during dredging. The applicant also proposes best management practices (BMPs) during dredging as described in the attached Dredging and Disposal Plan. The applicant has requested a ten-year maintenance dredging permit. The project purpose is to allow boats access to and to use waters of Molasses Creek and the adjacent Wando River at all stages of the tide.

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 4.4 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 proposed dredging project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat, with the inclusion of the special conditions for the protection of manatees *Trichechus manatus* and other marine species, including the Sturgeon sp. 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 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:**

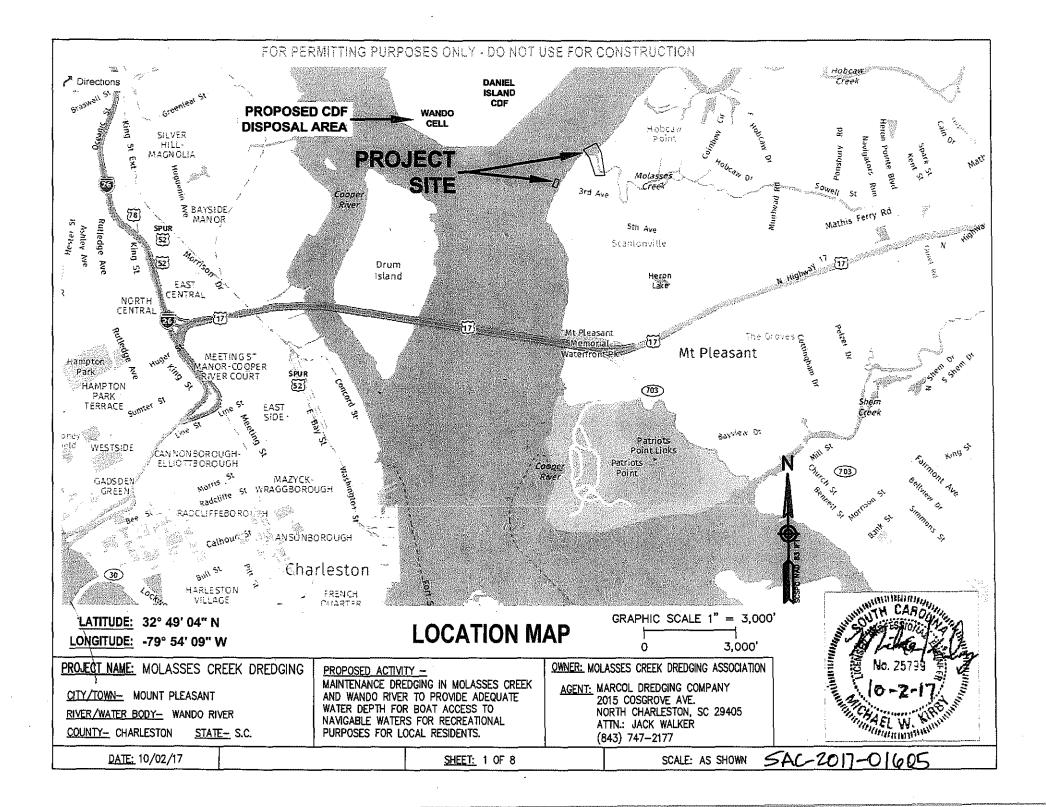
U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION

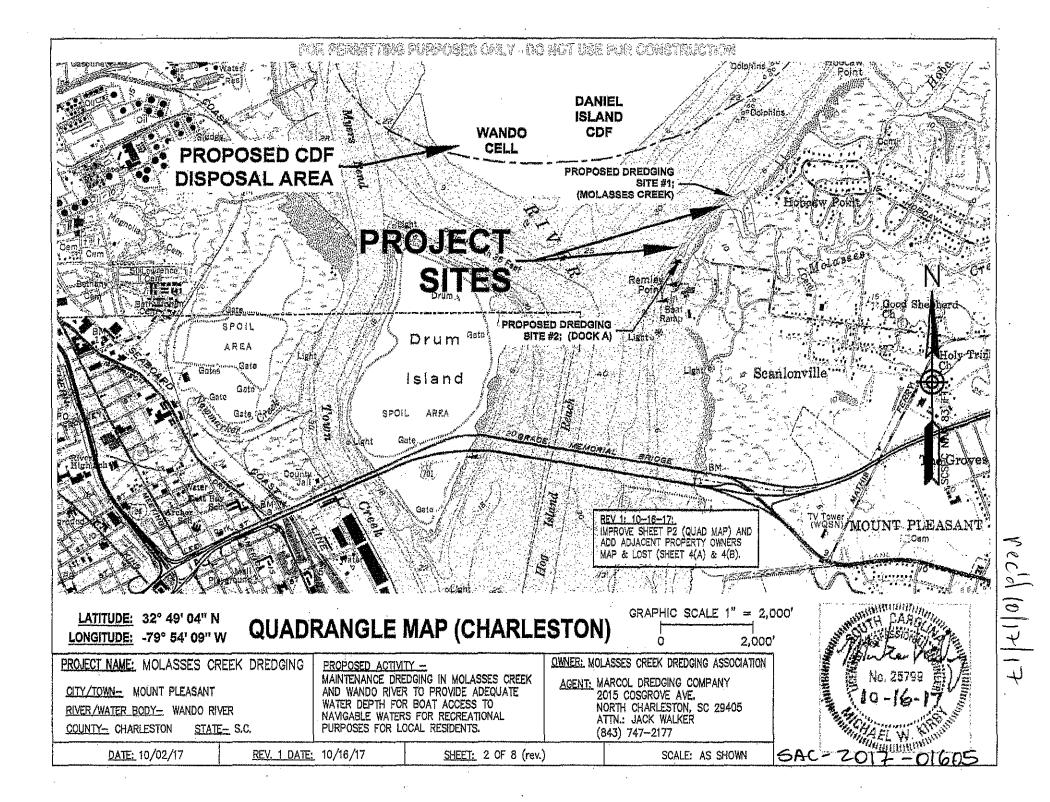
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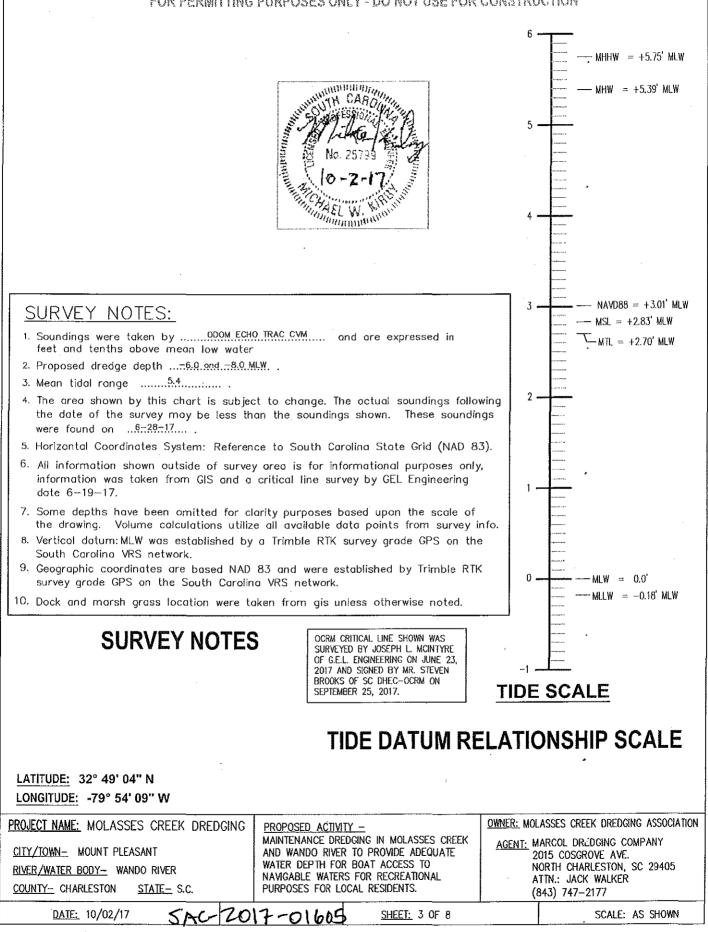
69A HAGOOD AVENUE CHARLESTON, SOUTH CAROLINA 29403-5107

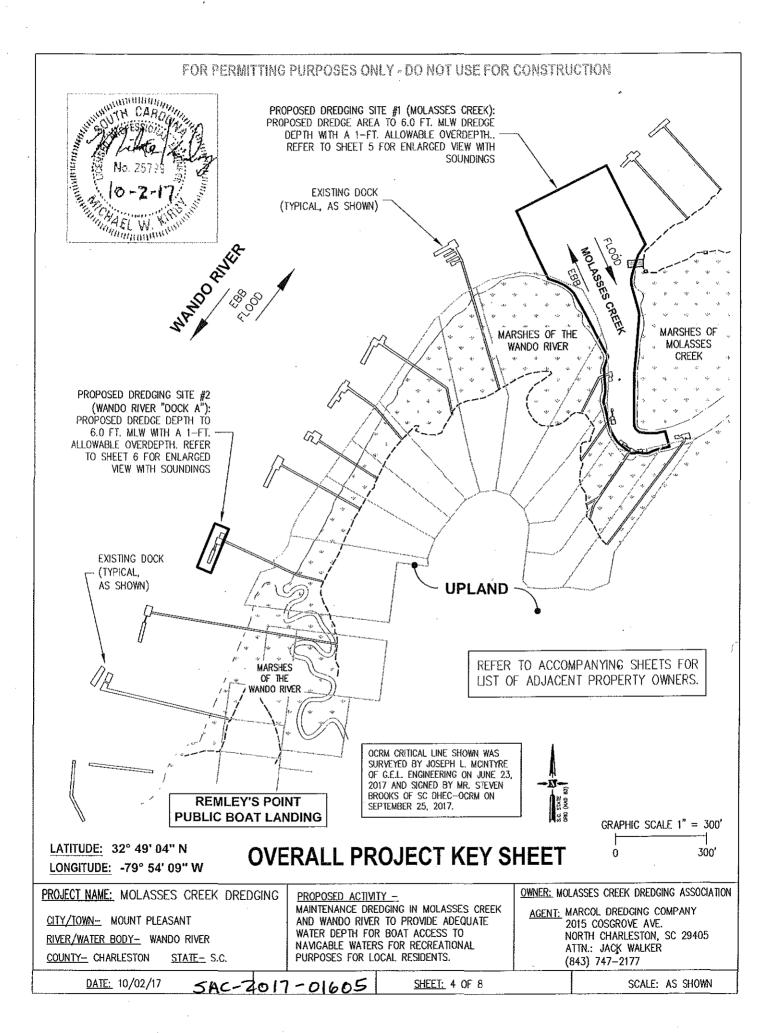
If there are any questions concerning this public notice, please contact Mary Hope Green Project Manager, at (843) 329-8044 X 8034 or toll free at 1-866-329-8187.

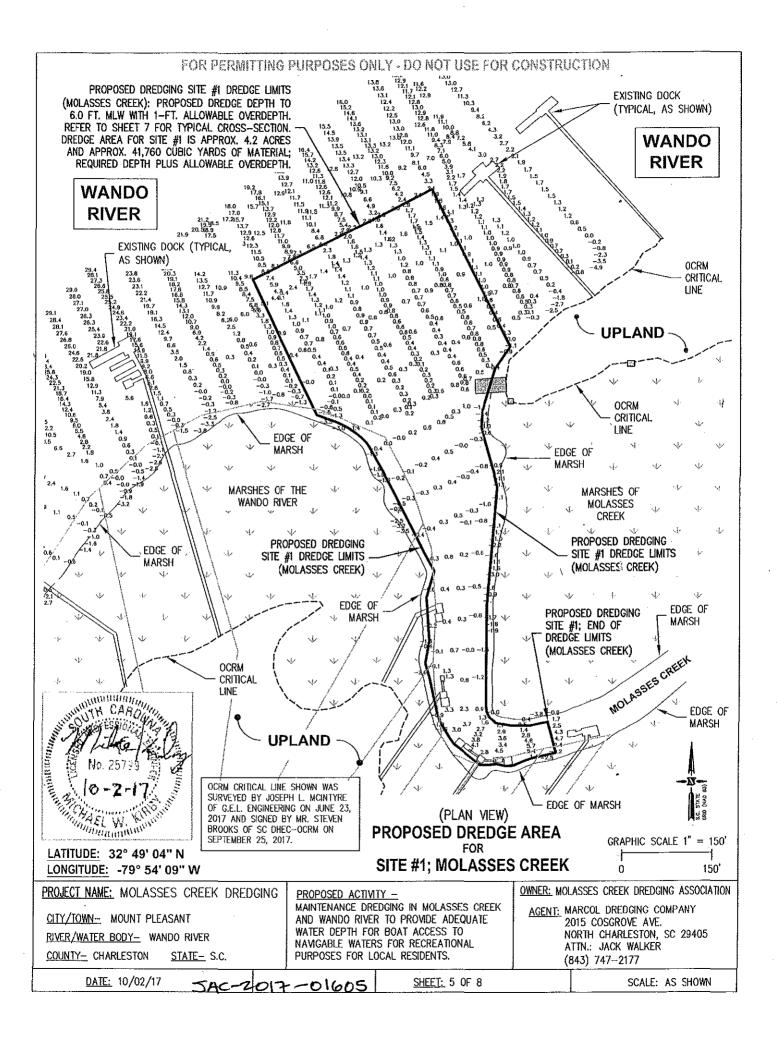


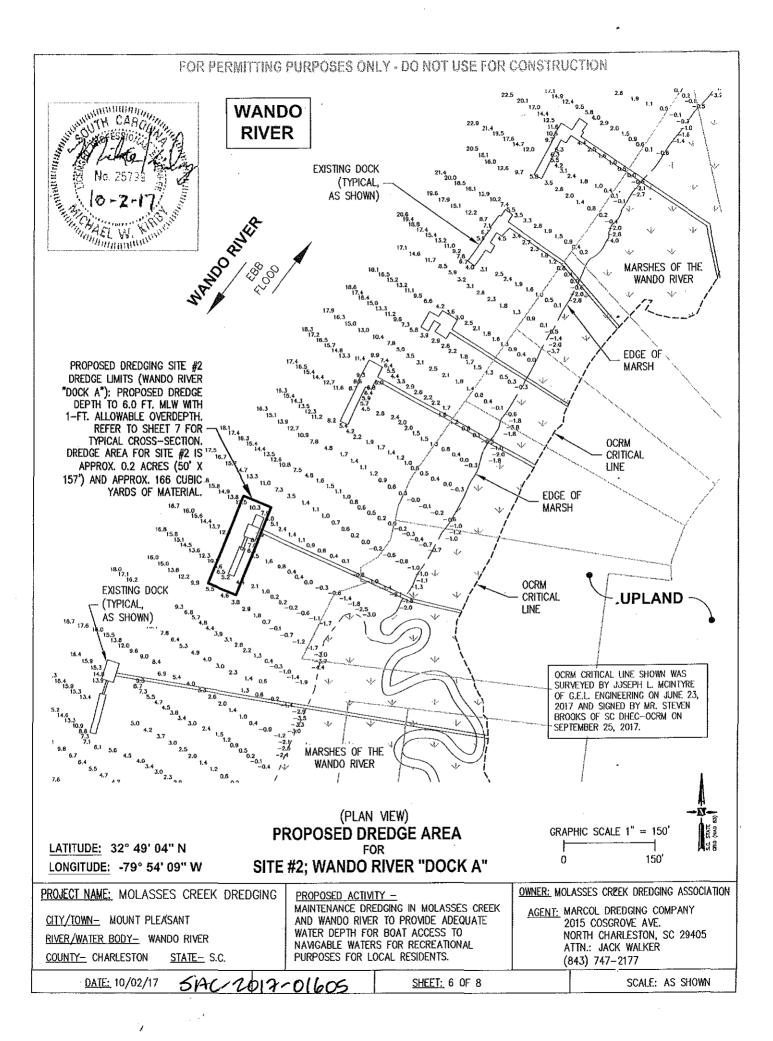


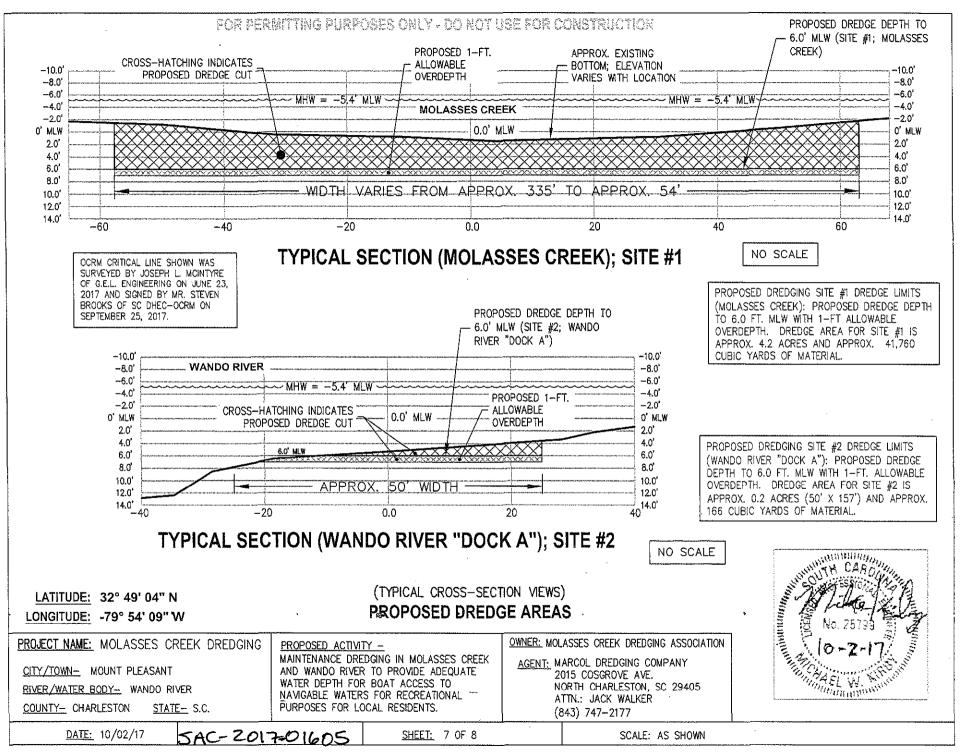
FOR PERMITTING PURPOSES ONLY - DO NOT USE FOR CONSTRUCTION

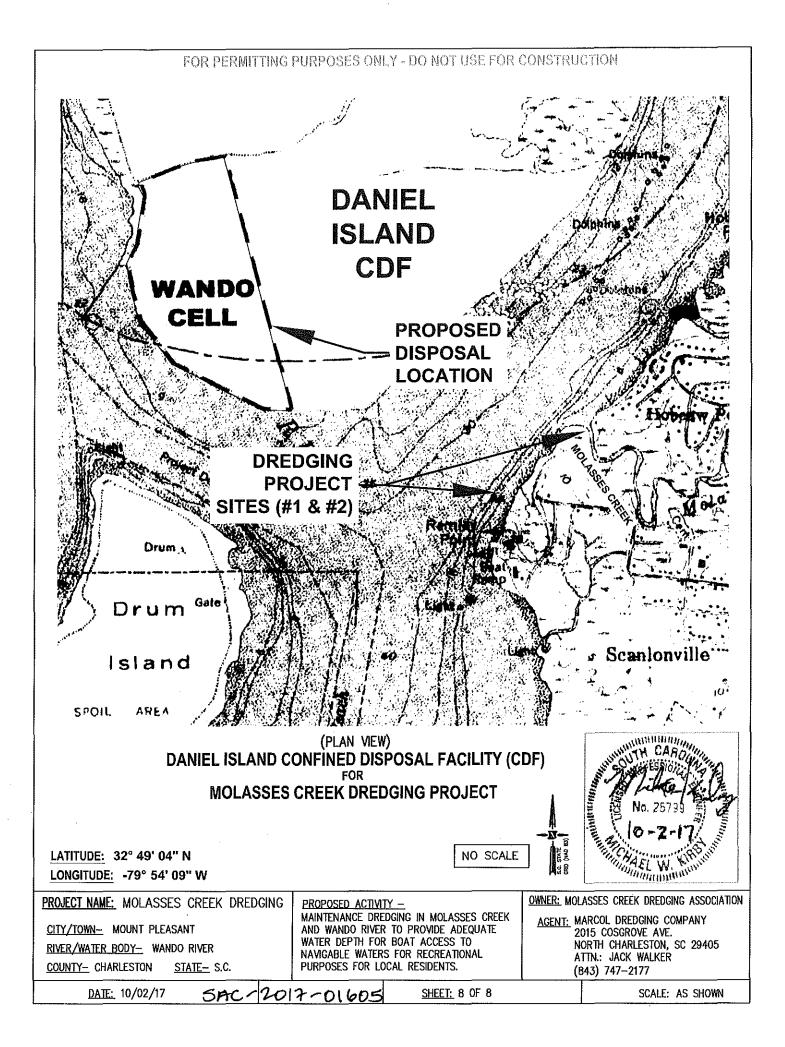












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Alternatives Analysis Molasses Creek Dredging Association Molasses Creek and Wando River Maintenance Dredging Project Charleston District, Corps of Engineers SAC Number: SAC 2017-01605 November 6, 2017

The Molasses Creek Dredging Association (MCDA) properties are located at the junction of Molasses Creek and the Wando River in Mt. Pleasant, South Carolina. The MCDA is applying for the appropriate State and Federal permits to perform maintenance dredging in areas in Molasses Creek and the Wando River. The location of the project site is shown in Figure 1 of 8 of the permit application drawings. Dredge area plan views for the proposed dredge area are shown on Figures 4, 5 and 6 of 8 of the permit application drawings. The sediments are a mix of fine, silty clays and sand and will be dredged by cutter-head suction dredging.

The Applicant has evaluated alternatives to the proposed dredging activity, to include, a no action alternative and possible on-site or off-site alternatives.

Currently existing bottom elevations in the proposed dredged areas, as indicated in Figure 8 of the application drawings, range from approximately - 0.5 foot referenced to mean low water (mlw) to -2.0 feet mlw. Over the past 10-15 years the Applicant and homeowners adjacent to the proposed dredge areas have witnessed accretion from approximately -6.0 feet MLW to the current depths noted above. Use of the proposed dredge areas are currently limited to +/- 1-2 hours around high tide. Based on recent observations, if no dredging in the proposed dredge areas take place, Molasses Creek will not be navigable during any tide cycle in the near future. Additionally, wetland impacts from the proposed activity are expected to be minimal and short term, temporary impacts. Therefore, the no action alternative would not meet the basic project purpose.

Possible on-site and off-site alternatives have been reviewed by the Applicant. One possible on-site alternative would be to decrease the dimensions of the proposed dredge area. Based on the accretion rate witnessed oven the past years, as well as increased vessel traffic planned for the Wando River, accretion would fill in a smaller dredged channel rapidly and subsequent maintenance dredging would be necessary within a few years. No possible off-site alternatives have been identified by the Applicant.

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Dredging and Disposal Plan Molasses Creek Dredging Association Molasses Creek and Wando River Maintenance Dredging Project Charleston District, Corps of Engineers SAC Number: SAC 2017-01605 November 6, 2017

1.0 The Molasses Creek Dredging Association (MCDA) proposes to dredge accumulated sediments from an area in the Wando River and an area in Molasses Creek using a hydraulic cutter head dredge and transporting the sediments via pipeline to the Upland Confined Disposal Facility located on the south end of Daniel Island (Daniel Island CDF). The return waters will be gravity released back to the adjacent Cooper River or the Wando River.

MCDA proposes to conduct maintenance dredging and dredge sediment dewatering using "Best Management Practices" during all stages of the project. Best Management Practices will include, but not be limited to, the methods listed below.

- Constant monitoring of the dredging activities to assure that no dredging will take place closer than the allowable marsh set back to assure that there are no impacts to the project area adjacent marsh. Monitoring will include, but not be limited to visual observation by the dredge "Leverman" and all other Contractor on-site employees.
- Constant monitoring of the Daniel Island CDF discharge pipes to insure that no dredged sediments are returned to the adjacent Cooper and Wando Rivers and that the discharge water does not contain elevated levels of suspended solids. Monitoring will also include constant visual observation of the discharge weir structure to ensure the all weir structure boards are properly placed to allow only clear water to be returned to the adjacent Cooper and Wando Rivers.
- Constant monitoring of the dredge instrumentation by the dredge Leverman, which can
 indicate submerged pipeline leaks and/or above water pipeline to insure that there are no
 leaks in the dredge pipeline.

2.0 Dredging Schedule

Upon authorization for maintenance dredging, the dredge Contractor will mobilize the plant, dredge, pipeline and equipment to the site, and begin dredging in the Wando River and Molasses Creek. The Contractor will notify the Charleston District Corps of Engineers (COE) and the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM) of the order of dredging prior to commencement of maintenance dredging activities.

3.0 Dredging Log

The dredging log will be maintained by the Leverman on the dredge. At a minimum, the items listed below will be recorded on a daily basis in the dredging log.

- · Personnel on site
- Start time of dredging
- Stop time of dredging
- Any down time of the dredging equipment throughout the day
- Weather conditions
- Approximate yardage dredged

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Dredging and Disposal Plan Molasses Creek Dredging Association Molasses Creek and Wando River Maintenance Dredging Project Charleston District, Corps of Engineers SAC Number: SAC 2017-01605 November 6, 2017 (continued)

- · Movements of the dredge
- Personnel responsible for dike and dredge pipeline inspections
- Visual observation of end-of-pipe effluent

4.0 Disposal Procedures

The dredged material will be transported to the Daniel Island CDF via pipeline. The discharge pipe, discharge point, and the dikes will be monitored at all times when the dredge is operating. The dredging Contractor will be responsible for the weir structure riser boards and the operation of the boards to maintain water quality from the disposal site discharge.

5.0 Procedures to Handle Emergency Situations

The dredge Contractor will inspect the dredge pipe and incidental containment dikes for indications of failure. If any indications of failure or potential failure are noted, dredging operations will cease immediately. After repairing the problem, a subsequent inspection will be made. Following the inspection, dredging operations will be initiated followed by an additional inspection of the entire operation. If the inspection proves satisfactory, monitoring of the operating dredge equipment will resume.

In the event of a significant release, dredging operations will cease immediately and the appropriate regulatory agencies will be notified. Copies of this Dredging and Disposal Plan will be distributed to all Contractors on site prior to initiating the dredging activities.

With respect to medical emergencies, on-site personnel will maintain an adequate first aid kit for immediate response and call 911 in the event of an emergency, as needed.