## 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 Water Quality Certification and Wetlands Section 2600 Bull Street Columbia, South Carolina 29201

REGULATORY DIVISION Refer to: P/N SAC-2021-01591

December 2, 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 <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. Karl Rakes Old Canal Marina, LLC 1038 Jenkins Road Charleston, South Carolina 29407

for a permit to dredge and redevelop a marina in a

## Canal to the Tailrace Canal

at the existing Hidden Cove Marina at 547 Reid Hill Rd, Moncks Corner, Berkeley County, South Carolina (Latitude: 33.2135 °, Longitude: -79.9808 °), Quad Sheet- Cordesville.

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 dredging the entrance canal and marina basin as well as redeveloping the Hidden Cove Marina. In detail, the applicant is proposing to mechanically dredge 1.21 acres of portions of the entrance canal and marina basin to a depth of -3' NAVD88 with 1' allowable overdepth. The applicant is requesting to initially dredge 5,600 cubic yards with a requested ten-year maintenance dredging quantity of up to 2,200 cubic yards per year. The dredge material will be placed in a dewatering basin in the uplands and will be dried and trucked to a private property located at 501 Lawton Farm Road, Jamestown, SC. The dredging and drying operation will be completed in phases as the dewatering basin allows.

The applicant also proposes to redevelop the existing Hidden Cove Marina. The improvements include a 90-slip dry stack boat storage, 38 in water slips and a floating restaurant dock. Specifically, the applicant proposes to construct an 8' x 20' and 8' x 10' dry stacking floating queuing docks (110 total linear feet and 880 square feet). An 8' x 320' restaurant floating dock is proposed (2,560 square feet). The applicant also proposes to construct a 10' x 30' and 10' x 10' fixed access pier, with a 4' x 60' ADA accessible gangway leading to an 8' x 48' and 8' x 8' fixed pier access to a new 8' x 434' floating spine dock with 19 3' x 20' floating finger docks. Lastly, the applicant proposes upland excavation to install 93 linear feet of bulkhead associated with the drop well for the dry stack boat storage and excavation associated with the installation of 455 cubic yards of riprap for a total of 8,200 square feet. The applicant has not proposed to mitigate as there are no impacts to wetlands. The project purpose is to allow safe recreational access to Waters of the U.S. for the public.

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

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 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 frosted flatwoods salamander, American wood stork, Redcockaded woodpecker, West Indian manatee, Atlantic sturgeon, shortnose sturgeon, Northern long-eared bat, American chaffseed, Canby's dropwort, and pondberry have the potential to occur within the vicinity of the project area. However, it has been determined that the project will have no effect on the frosted flatwoods salamander, American wood stork, red-cockaded woodpecker, Atlantic sturgeon, shortnose sturgeon, Northern long-eared bat, American chaffseed, Canby's dropwort, and pondberry and will not result in the destruction or adverse modification of their designated Atlantic sturgeon critical habitat. In addition, the District Engineer has determined that the project may affect but is not likely to adversely affect the West Indian manatee. 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 historic properties, are present; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify the State Historic Preservation Office that the Corps plans to initiate Section 106 consultation on these historic properties. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice. 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.

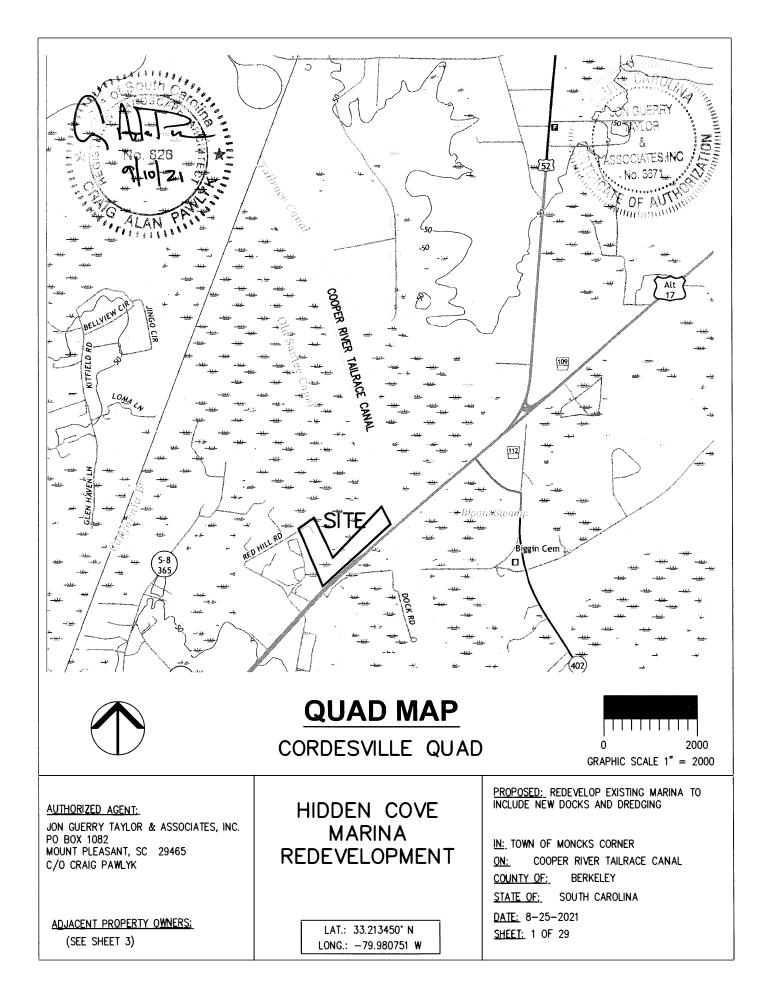
The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified 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.

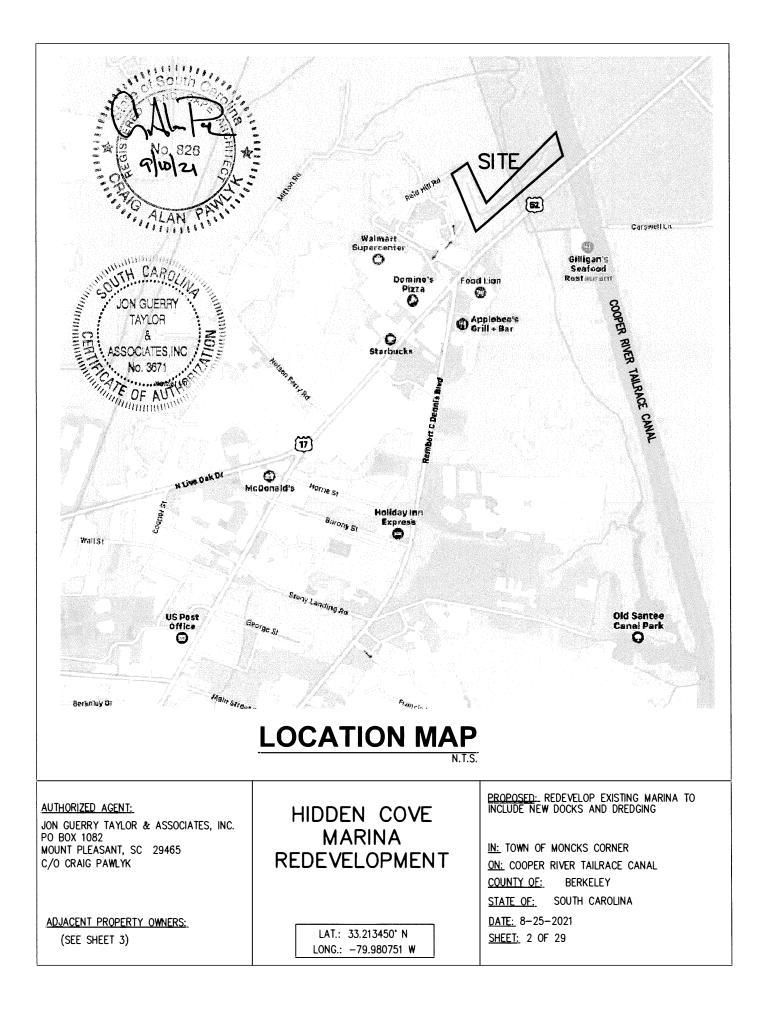
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act. 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.

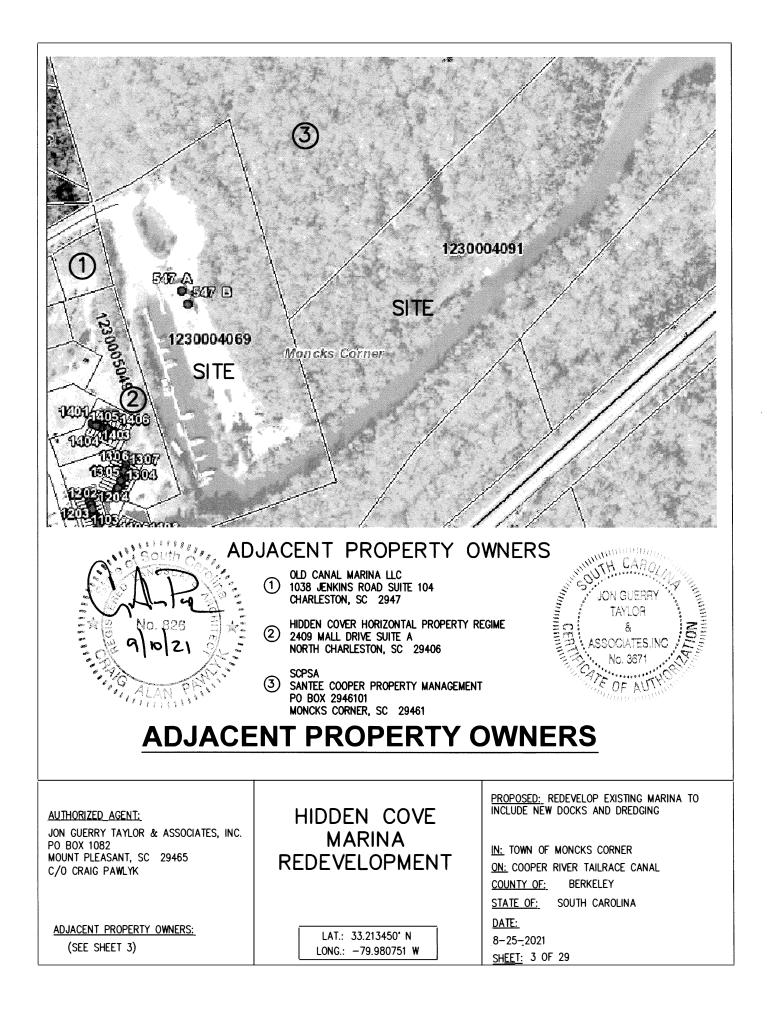
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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:** 

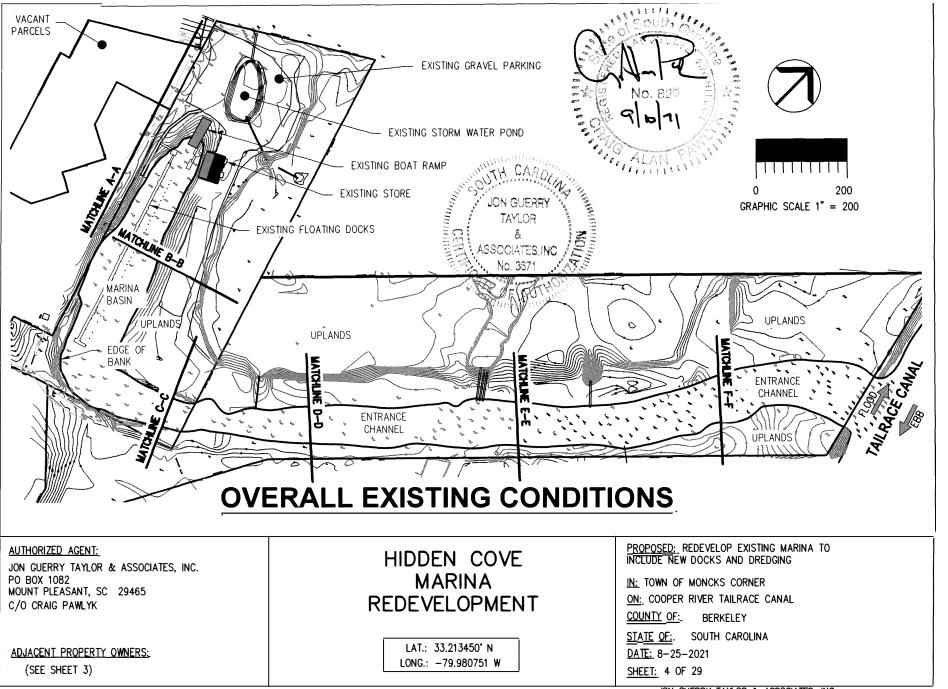
#### U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69A Hagood Avenue Charleston, SC 29403-5107

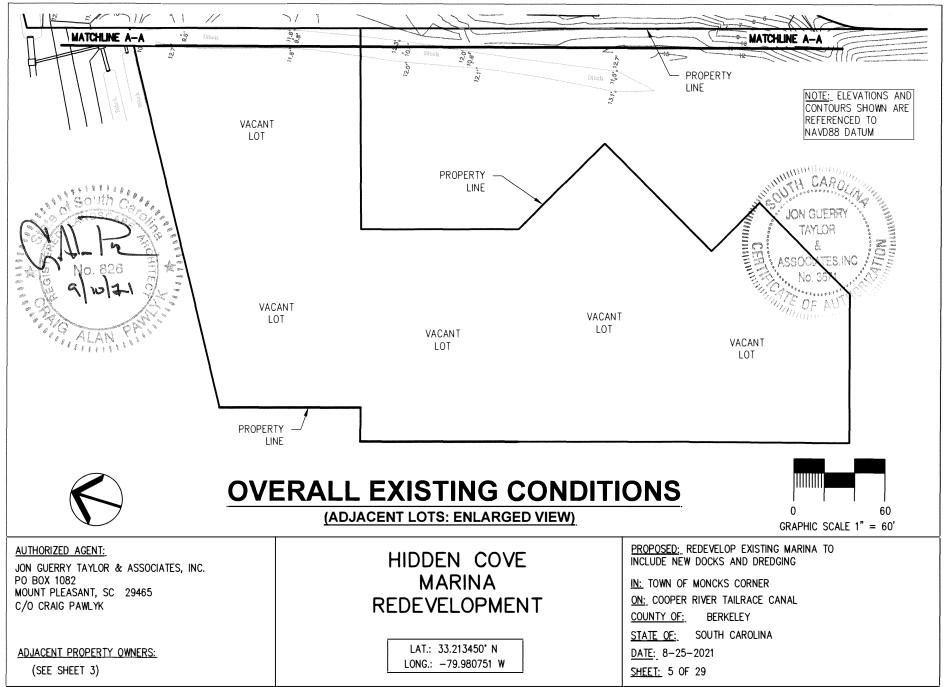
If there are any questions concerning this public notice, please contact Chelsea B. Fannin, Project Manager, at (843) 329-8038, toll free at 1-866-329-8187, or by email at Chelsea.B.Fannin@usace.army.mil.

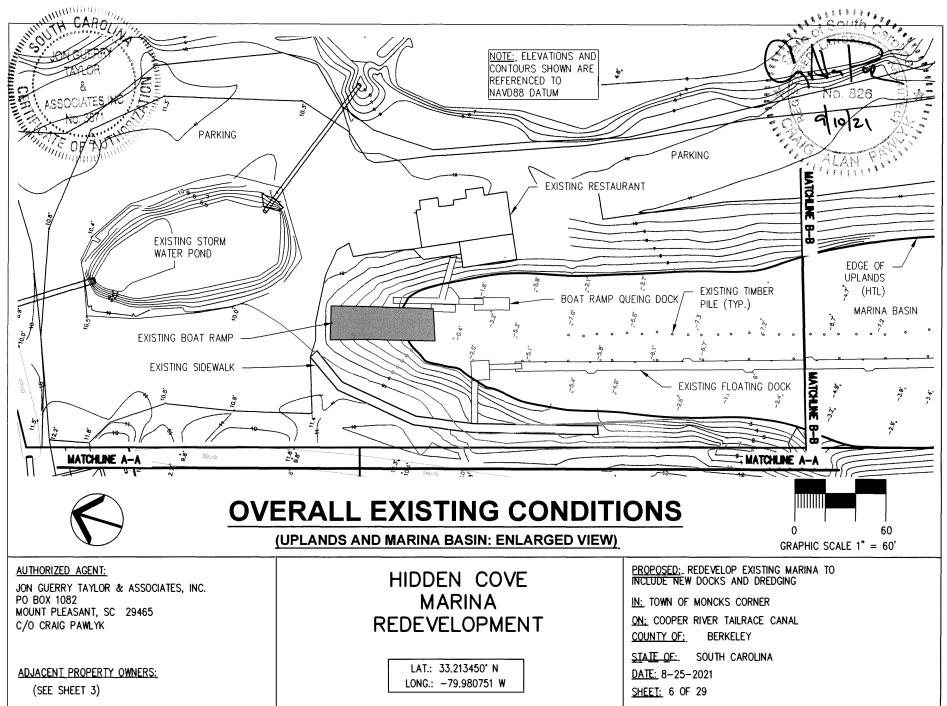


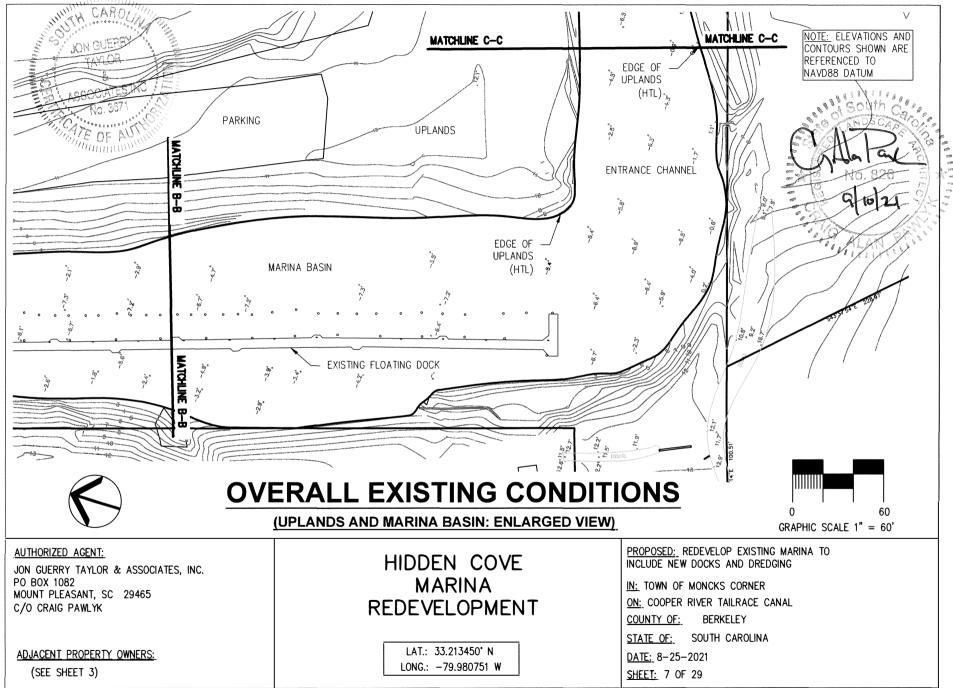




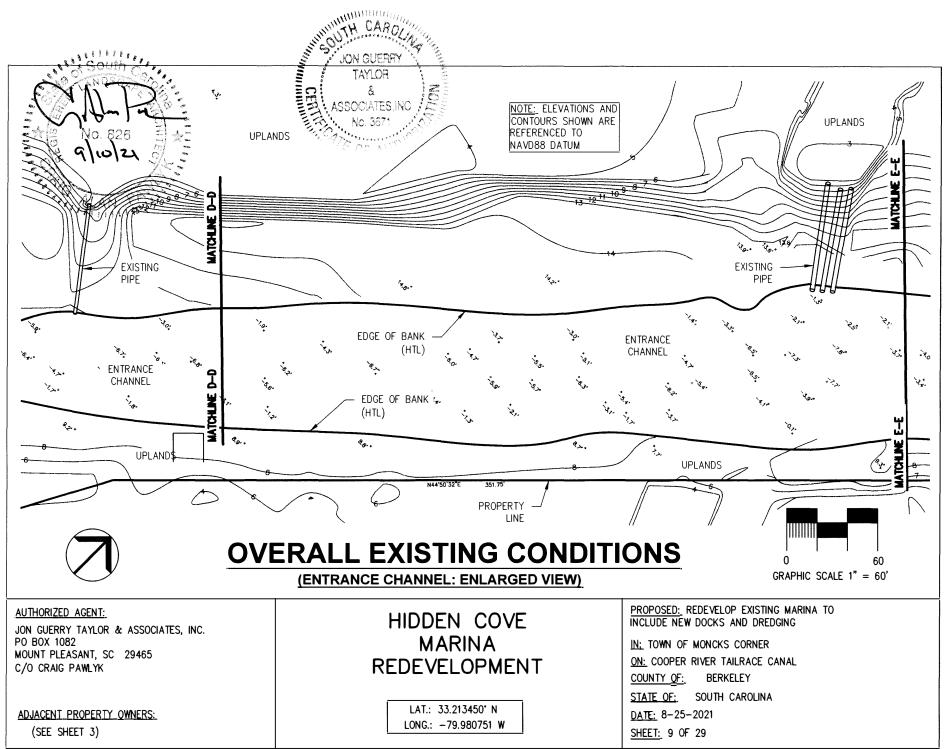


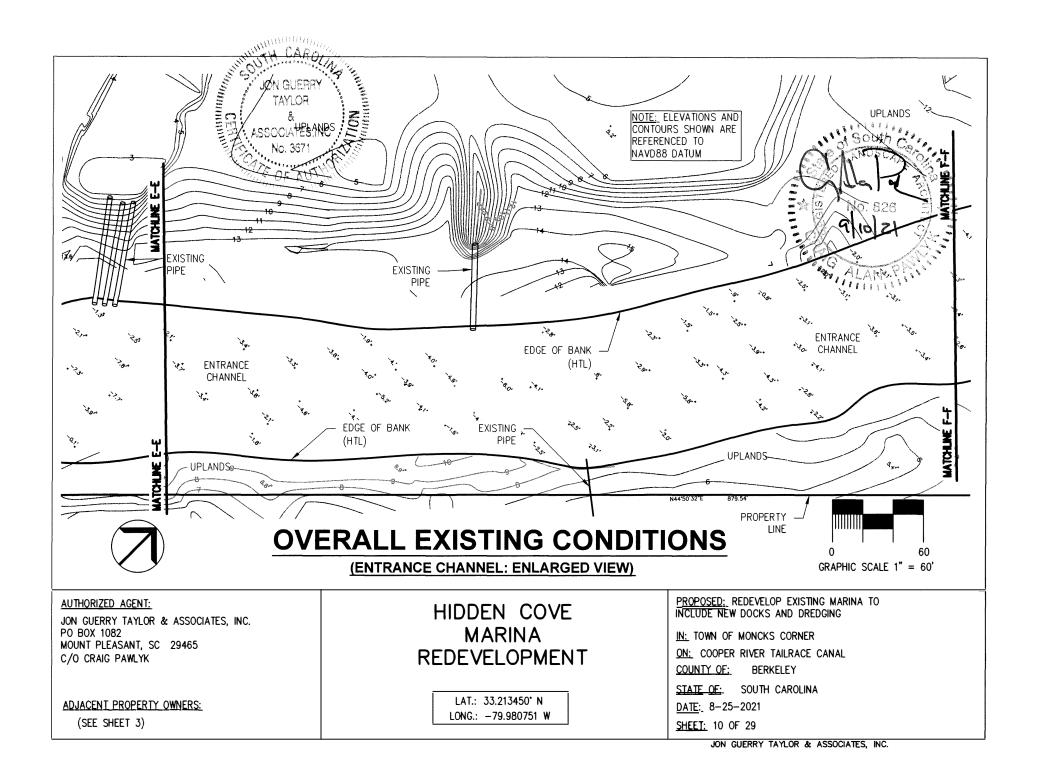


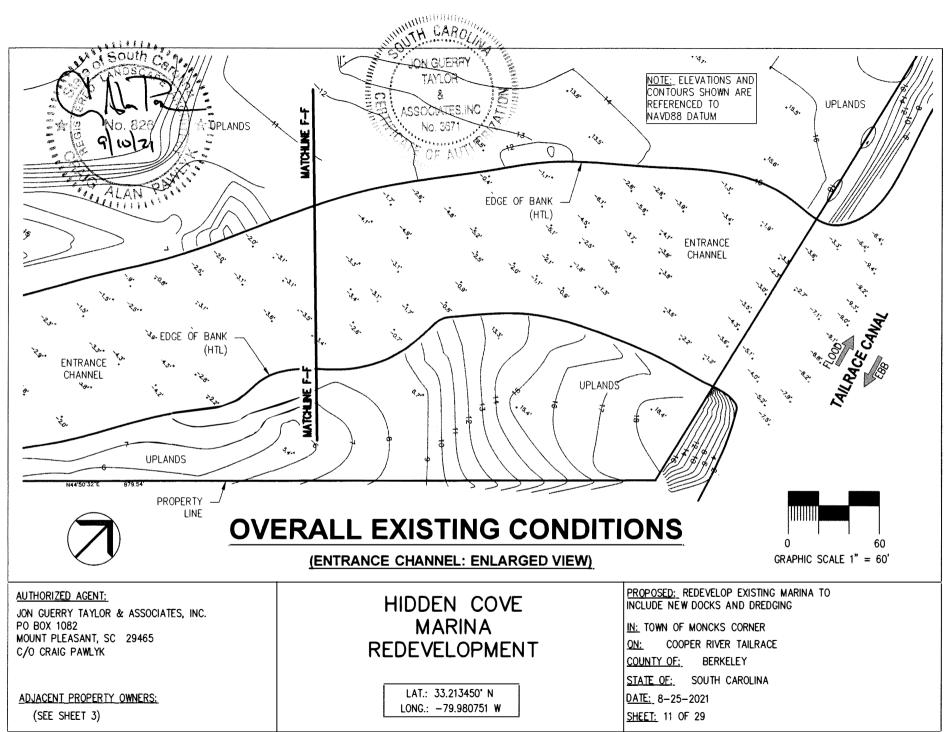


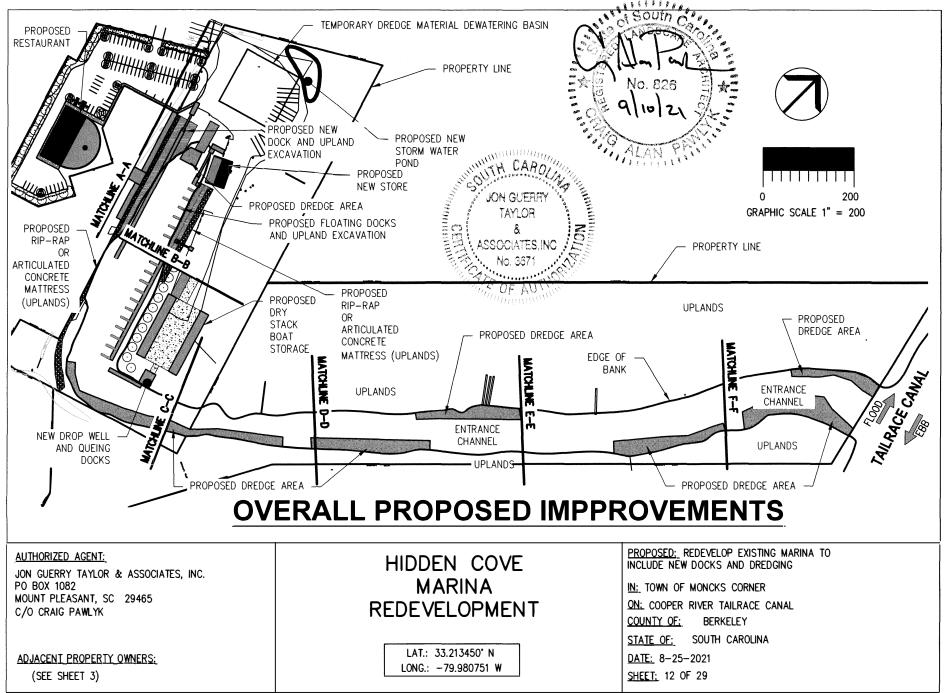


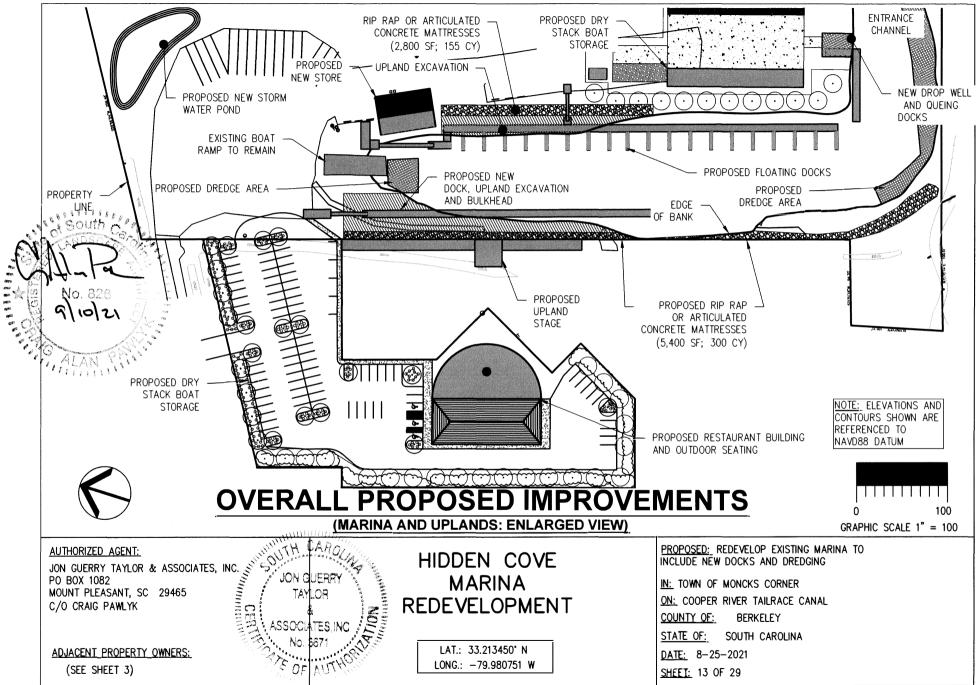


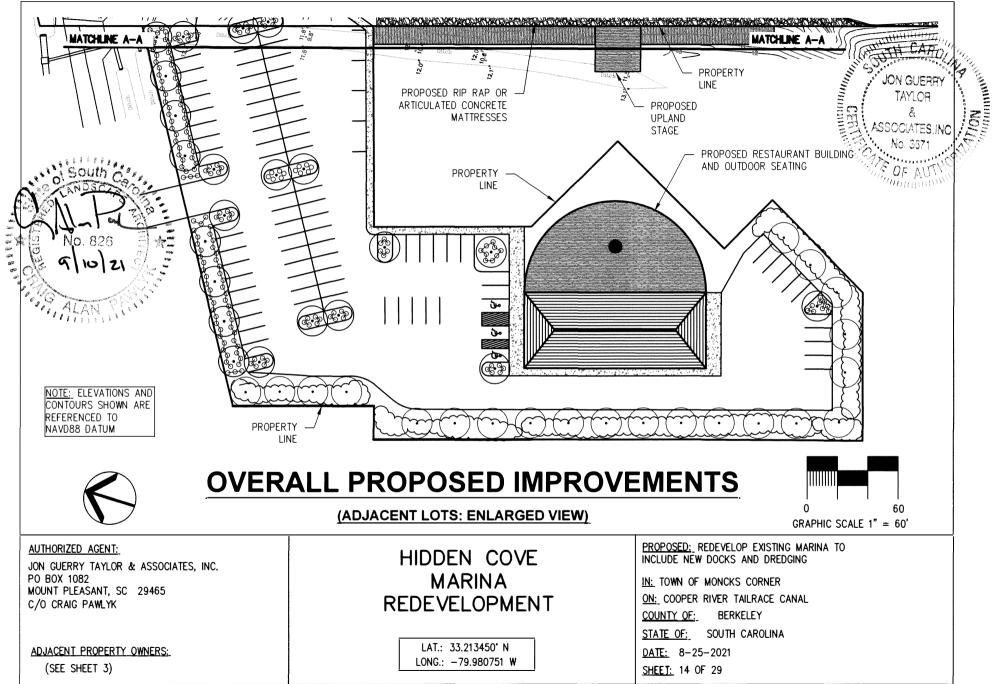


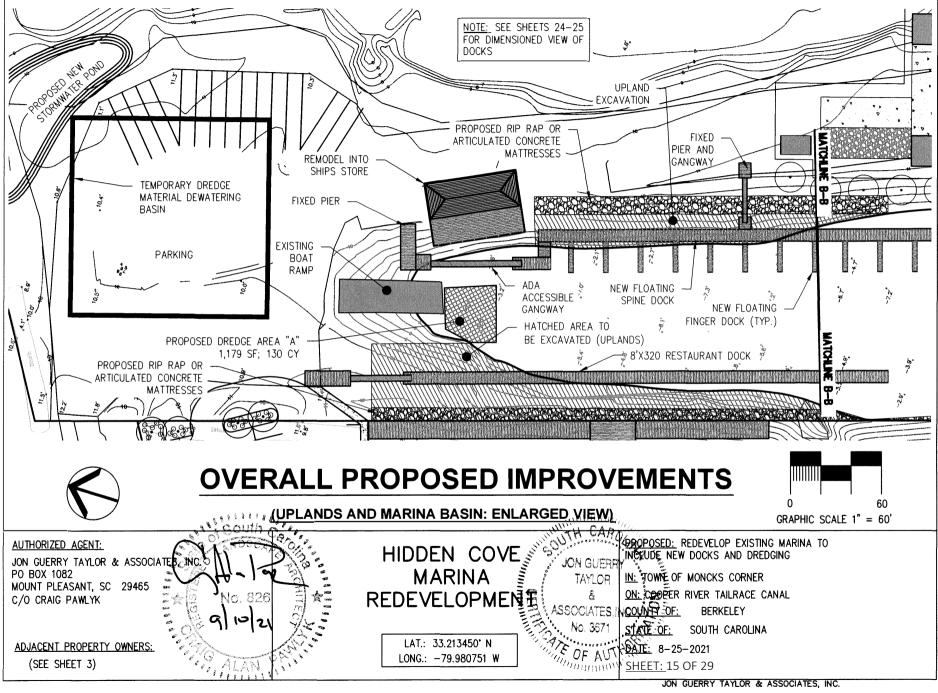




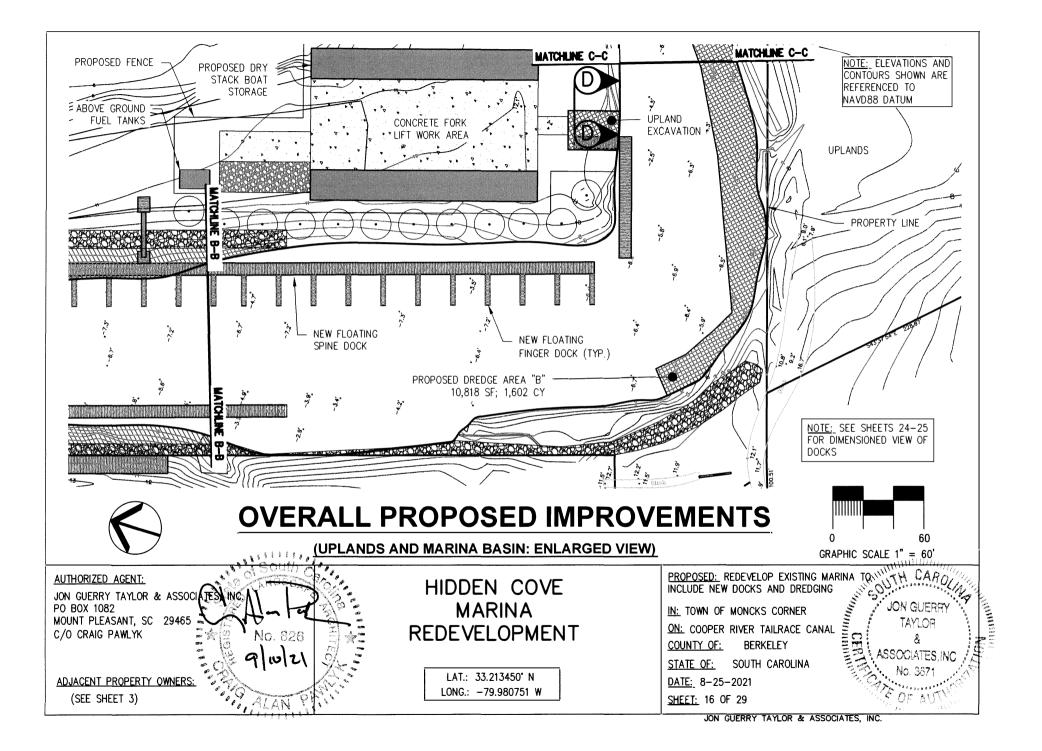


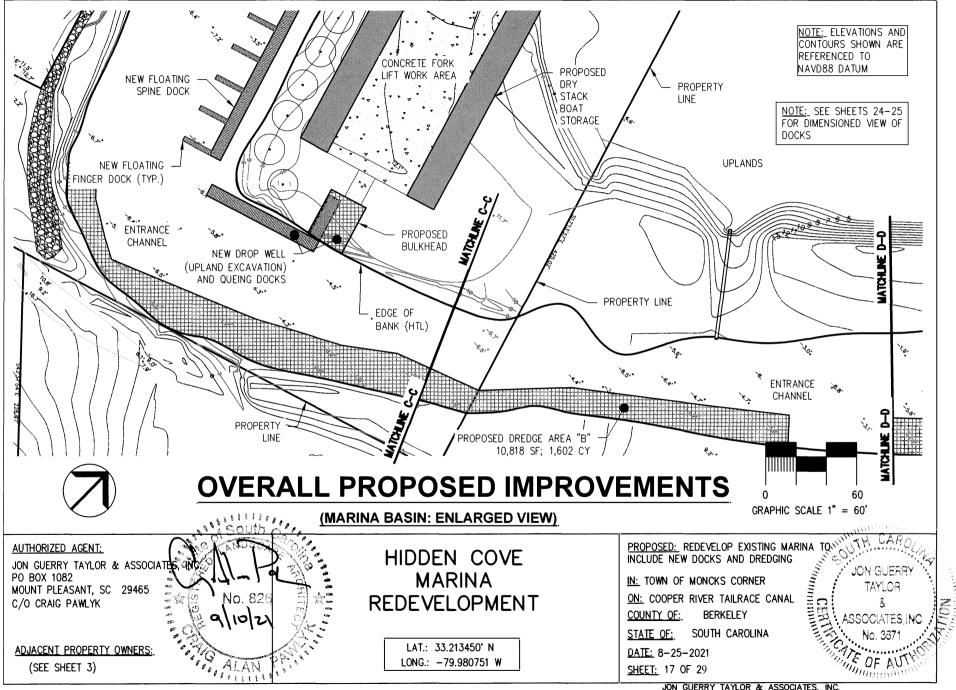


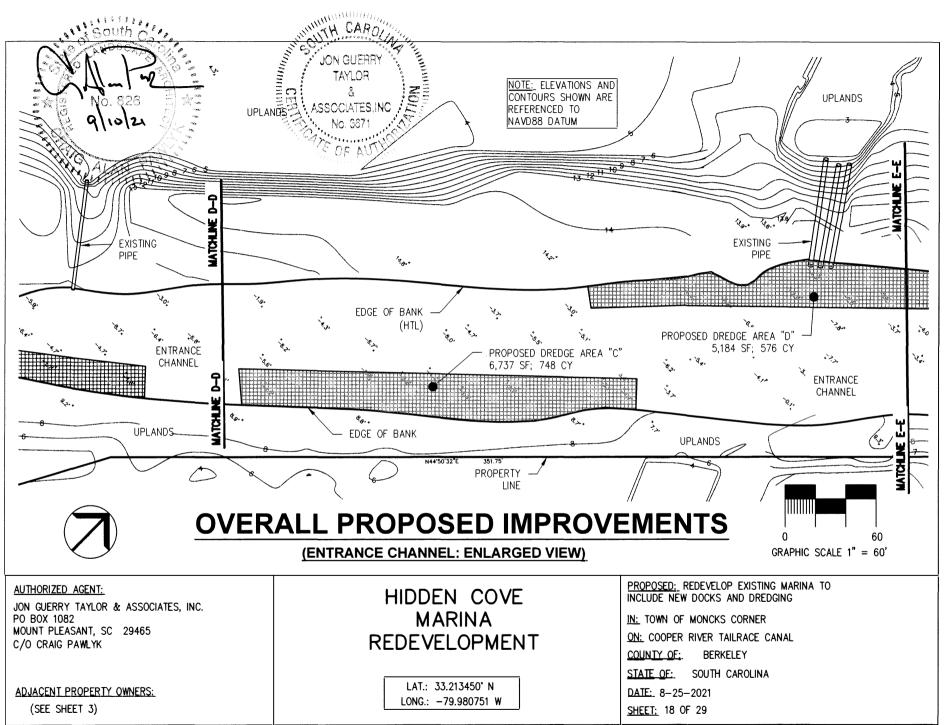


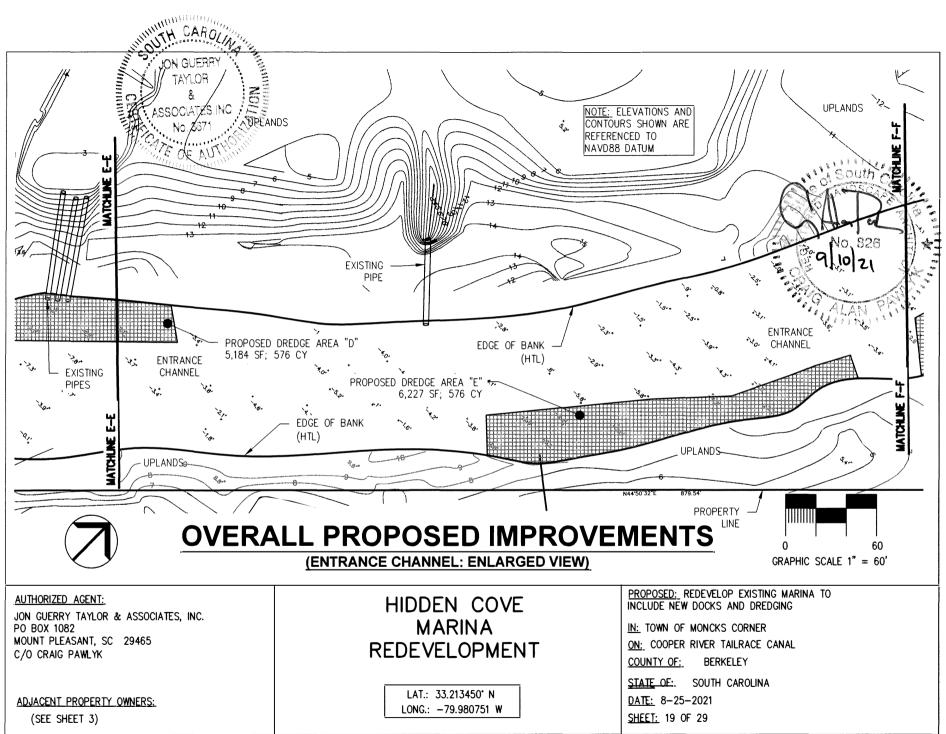


JON GUERRY TAYLOR & ASSOCIATES, INC.









JON GUERRY TAYLOR & ASSOCIATES, INC.

