

## **PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, SC 29403-5107**

REGULATORY DIVISION

Refer to: P/N SAC-1999-11740

February 8, 2024

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), an application has been submitted to the Department of the Army by:

**Mr. Jake Feary  
Kiawah Real Estate Company  
1 Kiawah Island Parkway  
Kiawah, South Carolina 29455**

for a permit to replace a commercial dock on the

### **Kiawah River**

at Mingo Point on Kiawah Island in Charleston County, South Carolina  
(Latitude: 32.59737°, Longitude: -80.13265 °), Quad Sheet: Rockville.

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**

from those interested in the activity and whose interests may be affected by the proposed work.

PLEASE NOTE: Only comments received from this public notice will be considered during permit evaluation. The proposed work consists of modifying and extending an existing permit (SAC-1999-11740).

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

### **Applicant's Stated Purpose**

According to the applicant, the purpose of the proposed project is to provide expanded space and access for the recreational commercial dock. The dock is used by

the applicant for kayak tours/rentals and boat tours.

### **Project Description**

The proposed work consists of repairing and modifying an existing dock. The existing 4' x 155' boardwalk and the existing 12' x 16' pierhead would be rebuilt in their current location. The pierhead would also be expanded by 20' towards the channel, resulting in a pierhead with final dimensions of 32' x 16'. The existing 20' x 86' floating dock with kayak launches and storage would be rebuilt or replaced with a new dock with the same dimensions. The floating dock would be accessed from the existing 4' x 20' aluminum gangway, which would be relocated to the end of expanded pierhead. The proposed pierhead expansion would place the floating dock 19' further into the channel, and no other changes are proposed.

The dock was originally permitted on March 13, 2000 under SAC-1999-11740 (FKA 99-1E-248). Public notices for the proposed modification of this dock were previously issued by the Corps on January 18, 2022, and July 14, 2023. In 2022, the applicant had proposed to expand the floating dock from 20' x 86' to 20' x 114' feet, extend the length of the board walk from 155' to 175', and replace the 4' x 20' gangway with a 5' x 50' gangway. The proposed changes would have extended the dock further into the channel. The applicant subsequently revised their application in 2023 and proposed to relocate the boardwalk and pierhead slightly to the south to reduce the distance that the modified dock would have extended into the channel. In the revised application, the applicant also proposed to expand the floating dock from 20' x 86' to 20' x 120', extend the boardwalk from 155' to 170', and replace the 4' x 20' gangway with a 5' x 30' gangway.

The current proposal under consideration by the Corps and described above would only expand the existing pierhead 20' towards the channel and the floating dock and gangway would not increase in size.

PLEASE NOTE: Only comments received from this public notice will be considered during permit evaluation.

### **Avoidance and Minimization**

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by only constructing a pile supported structure with minimal shading impacts.

### **Proposed Compensatory Mitigation**

The applicant has not proposed mitigation for impacts to wetlands or waters of the United States since the proposed project would not result in a loss of aquatic resources.

## **South Carolina Department of Health and Environmental Control**

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The South Carolina Department of Health and Environmental Control issued a Critical Area Permit and Coastal Zone Consistency Certification on January 5, 2024.

### **Essential Fish Habitat**

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 0.051 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.

### **Endangered Species**

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: the frosted flatwoods salamander, northern long-eared bat, red-cockaded woodpecker, Atlantic sturgeon, shortnose sturgeon, finback whale, humpback whale, right whale, sei whale, sperm whale, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, American chaffseed, Canby's dropwort, seabeach amaranth, West Indiana Manatee, rufa red knot, piping plover, eastern black rail, and the American wood stork.

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect on the frosted flatwoods salamander, northern long-eared bat, red-cockaded woodpecker, Atlantic sturgeon, shortnose sturgeon, finback whale, humpback whale, right whale, sei whale, sperm whale, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, American chaffseed, Canby's dropwort, and seabeach amaranth. Furthermore, the project will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect the West Indiana Manatee (with utilization of the manatee protection measures), rufa red knot, piping plover, eastern black rail, and the American wood stork. 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.

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 listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

### **Cultural Resources**

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)(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.

### **Corps' Evaluation**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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.

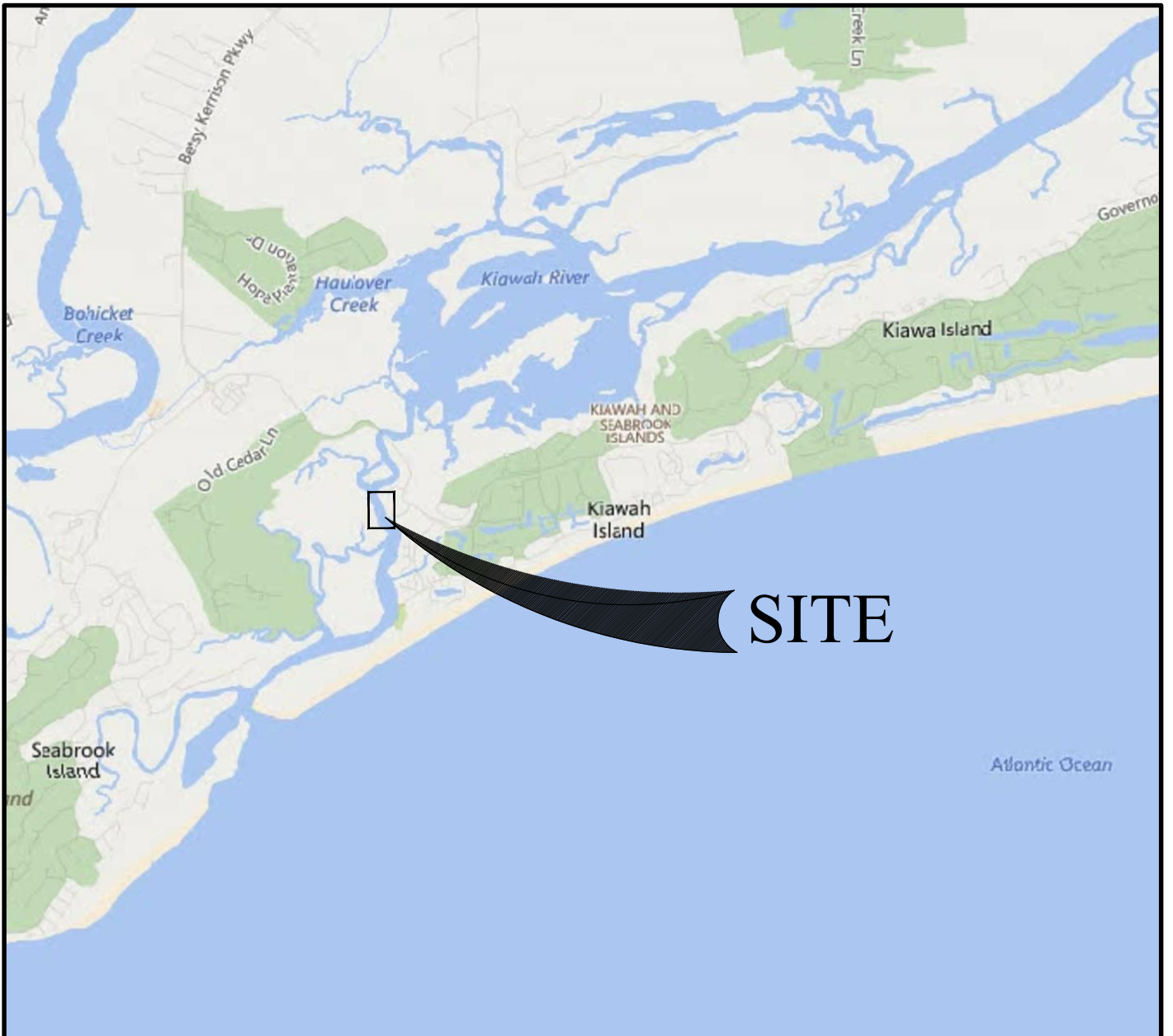
### **Solicitation of Public Comment**

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. 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.

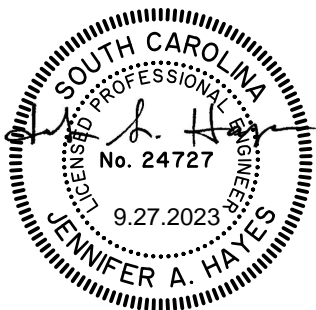
**Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-1999-11740), to [Jesse.M.Rice@usace.army.mil](mailto:Jesse.M.Rice@usace.army.mil) or the following address:**

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

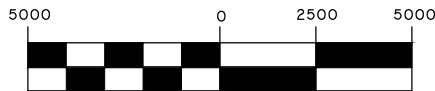
If there are any questions concerning this public notice, please contact Jesse Rice, Project Manager, at (602) 230-6854 or by email at [Jesse.M.Rice@usace.army.mil](mailto:Jesse.M.Rice@usace.army.mil).



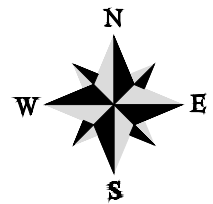
**SITE**



GRAPHIC SCALE



( IN FEET )  
1 inch = 5000ft.



**MINGO POINT KAYAK DOCK REPLACEMENT**

SHEET NAME:  
VICINITY MAP

ORIGINAL PERMIT  
91-3E-135P

APPLICANT:  
KIAWAH ISLAND GOLF RESORT

LOCATION: KIAWAH ISLAND, SC  
DATE: 8/26/2021 REV. 9/27/2023  
JOB NUMBER: J - 29380.0000

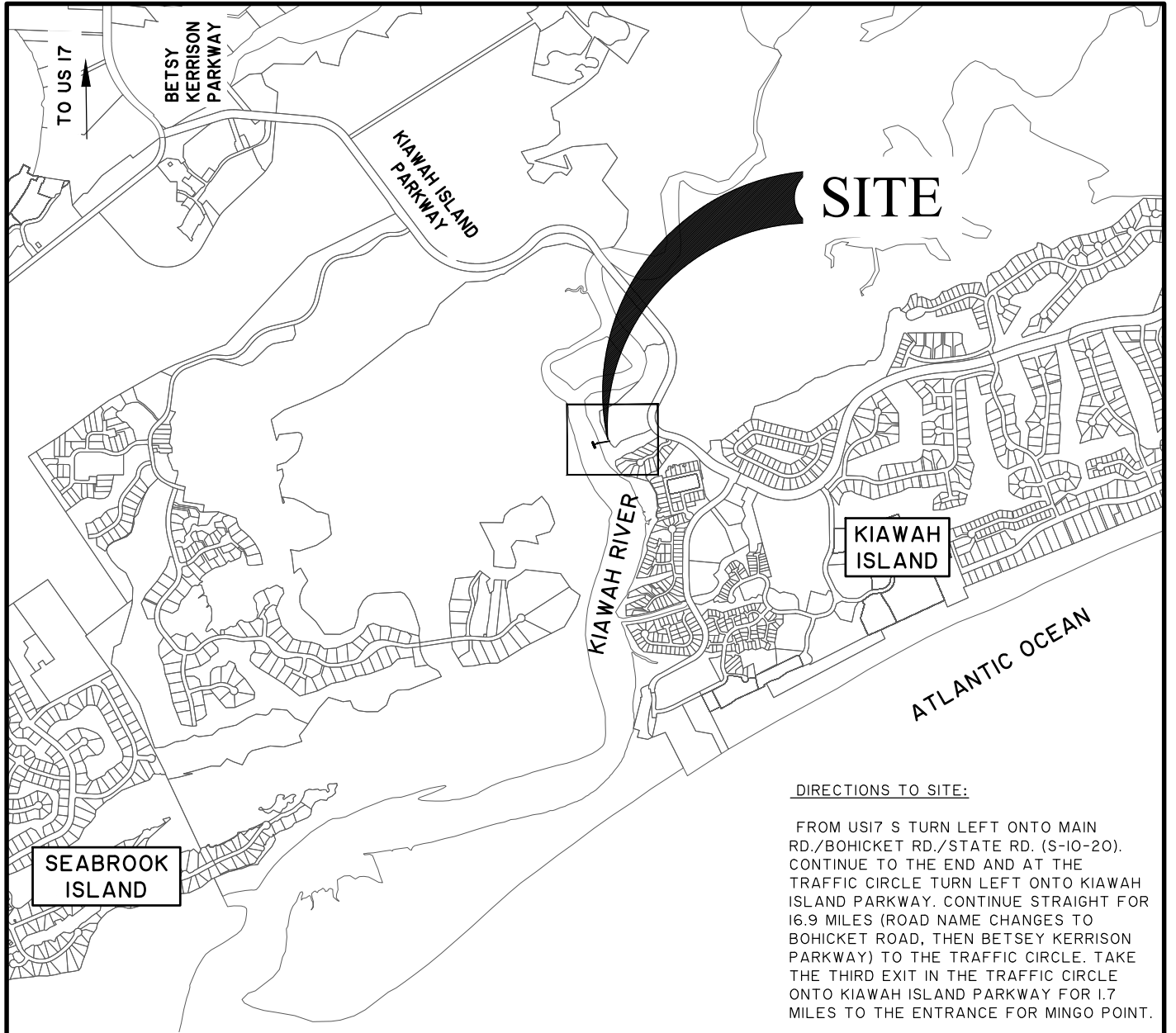
SHEET: 1 OF 9  
SCALE: 1" = 5000'

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[www.thomasandhutton.com](http://www.thomasandhutton.com)

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SEABROOK ISLAND

BETSY KERRISON PARKWAY

KIAWAH ISLAND PARKWAY

KIAWAH RIVER

SITE

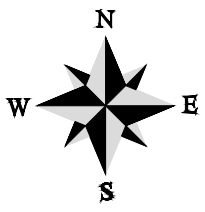
KIAWAH ISLAND

ATLANTIC OCEAN

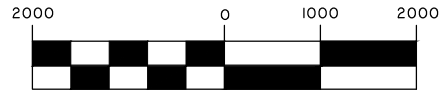
TO US 17

DIRECTIONS TO SITE:

FROM US17 S TURN LEFT ONTO MAIN RD./BOHICKET RD./STATE RD. (S-10-20). CONTINUE TO THE END AND AT THE TRAFFIC CIRCLE TURN LEFT ONTO KIAWAH ISLAND PARKWAY. CONTINUE STRAIGHT FOR 16.9 MILES (ROAD NAME CHANGES TO BOHICKET ROAD, THEN BETSEY KERRISON PARKWAY) TO THE TRAFFIC CIRCLE. TAKE THE THIRD EXIT IN THE TRAFFIC CIRCLE ONTO KIAWAH ISLAND PARKWAY FOR 1.7 MILES TO THE ENTRANCE FOR MINGO POINT.



GRAPHIC SCALE



( IN FEET )  
1 inch = 2000ft.



MINGO POINT KAYAK DOCK REPLACEMENT

SHEET NAME:  
LOCATION MAP

ORIGINAL PERMIT  
91-3E-135P

APPLICANT:  
KIAWAH ISLAND GOLF RESORT

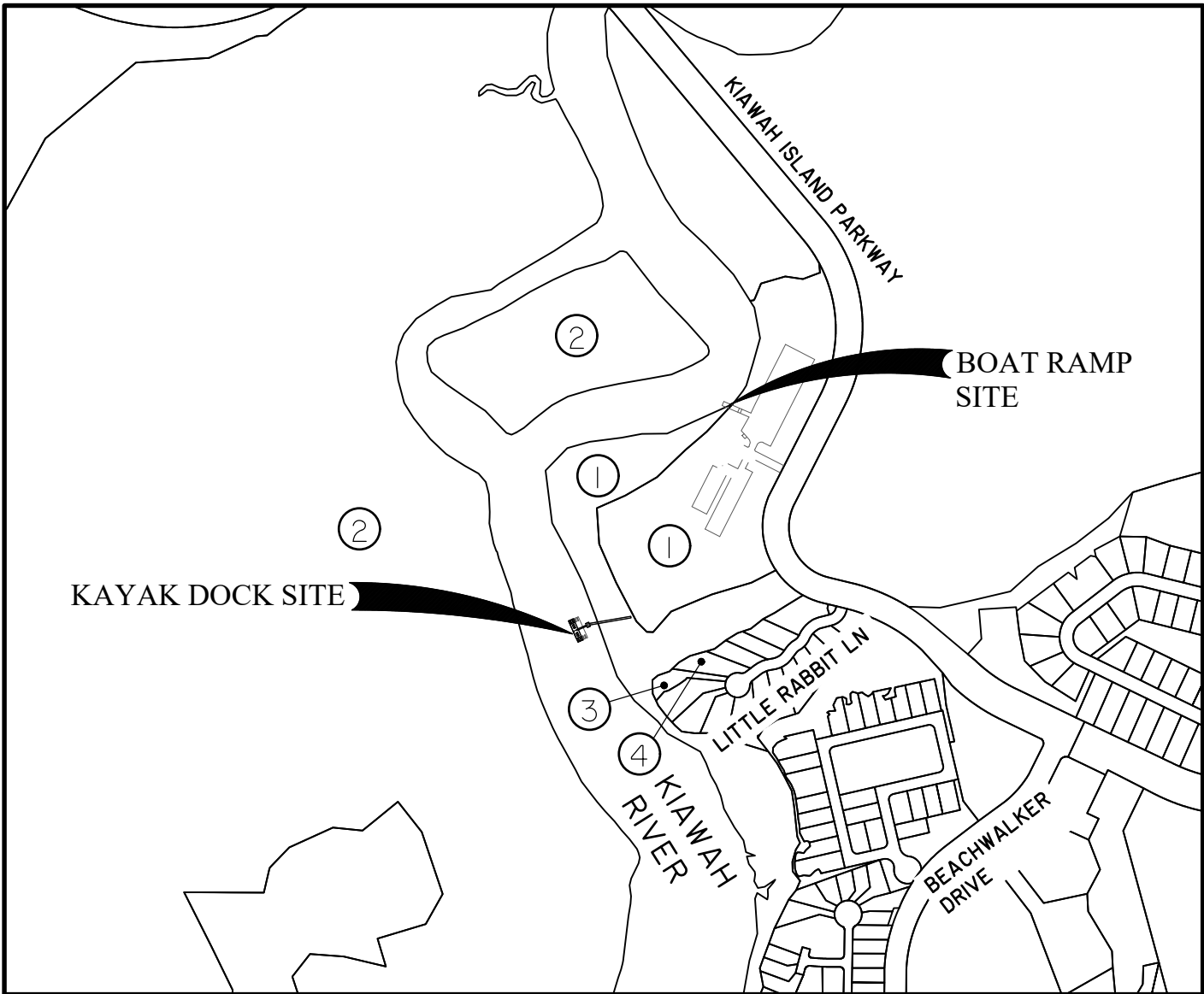
LOCATION: KIAWAH ISLAND, SC  
DATE: 8/26/2021 REV. 9/27/2023  
JOB NUMBER: J - 29380.0000

SHEET: 2 OF 9  
SCALE: 1"=2000'

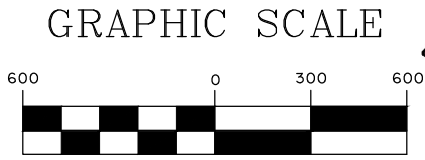
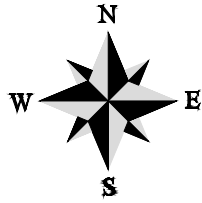
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- ① TMS: 207-00-00-009  
Kiawah Resort Associates LP
- ② TMS: 205-00-00-004  
Lowcountry Open Land Trust
- ③ TMS: 207-02-00-093  
Pointe On Kiawah River HOA Inc
- ④ TMS: 207-02-00-084  
Shawn D & Virginia Cepeda



( IN FEET )  
1 inch = 600 ft.



### MINGO POINT KAYAK DOCK REPLACEMENT

SHEET NAME: OWNERS MAP  
 APPLICANT: KIAWAH ISLAND GOLF RESORT  
 LOCATION: KIAWAH ISLAND, SC  
 DATE: 8/26/2021 REV. 9/27/2023  
 JOB NUMBER: J - 29380.0000

ORIGINAL PERMIT  
 91-3E-135P

SHEET: 3 OF 9  
 SCALE: 1"=2000'

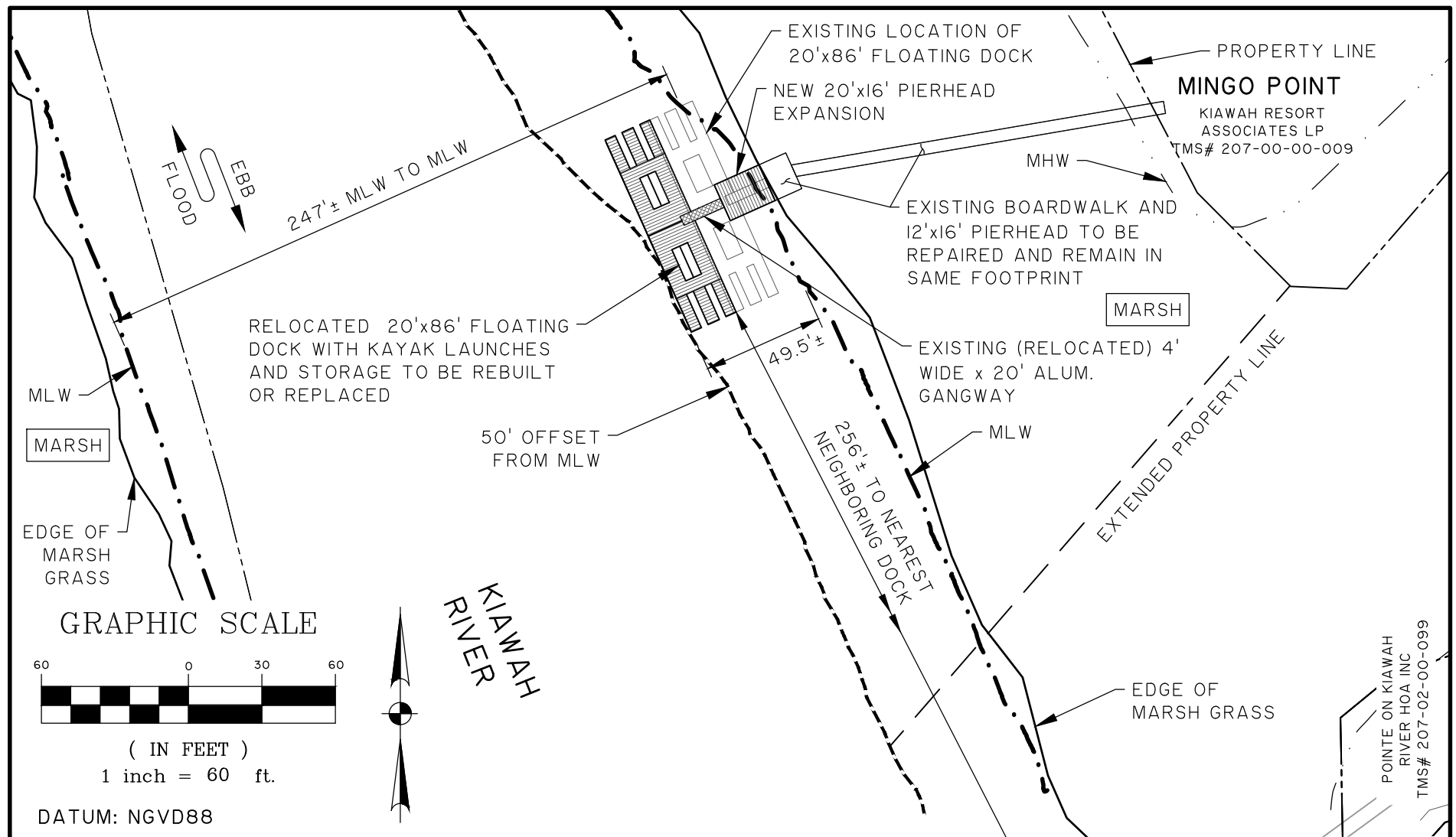


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# MINGO POINT KAYAK DOCK REPLACEMENT

SHEET NAME:  
 KAYAK DOCK MLW OFFSET EXHIBIT  
 APPLICANT:  
 KIAWAH ISLAND GOLF RESORT

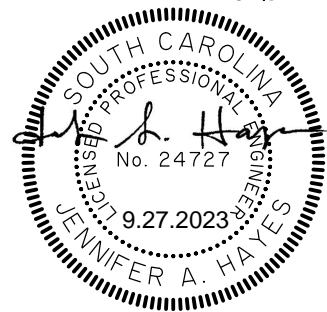
LOCATION: KIAWAH ISLAND, SC  
 DATE: 8/26/2021 REV. 9/27/2023  
 JOB NUMBER: J - 29380.0000

SHEET: 4 OF 9  
 SCALE: 1" = 60'



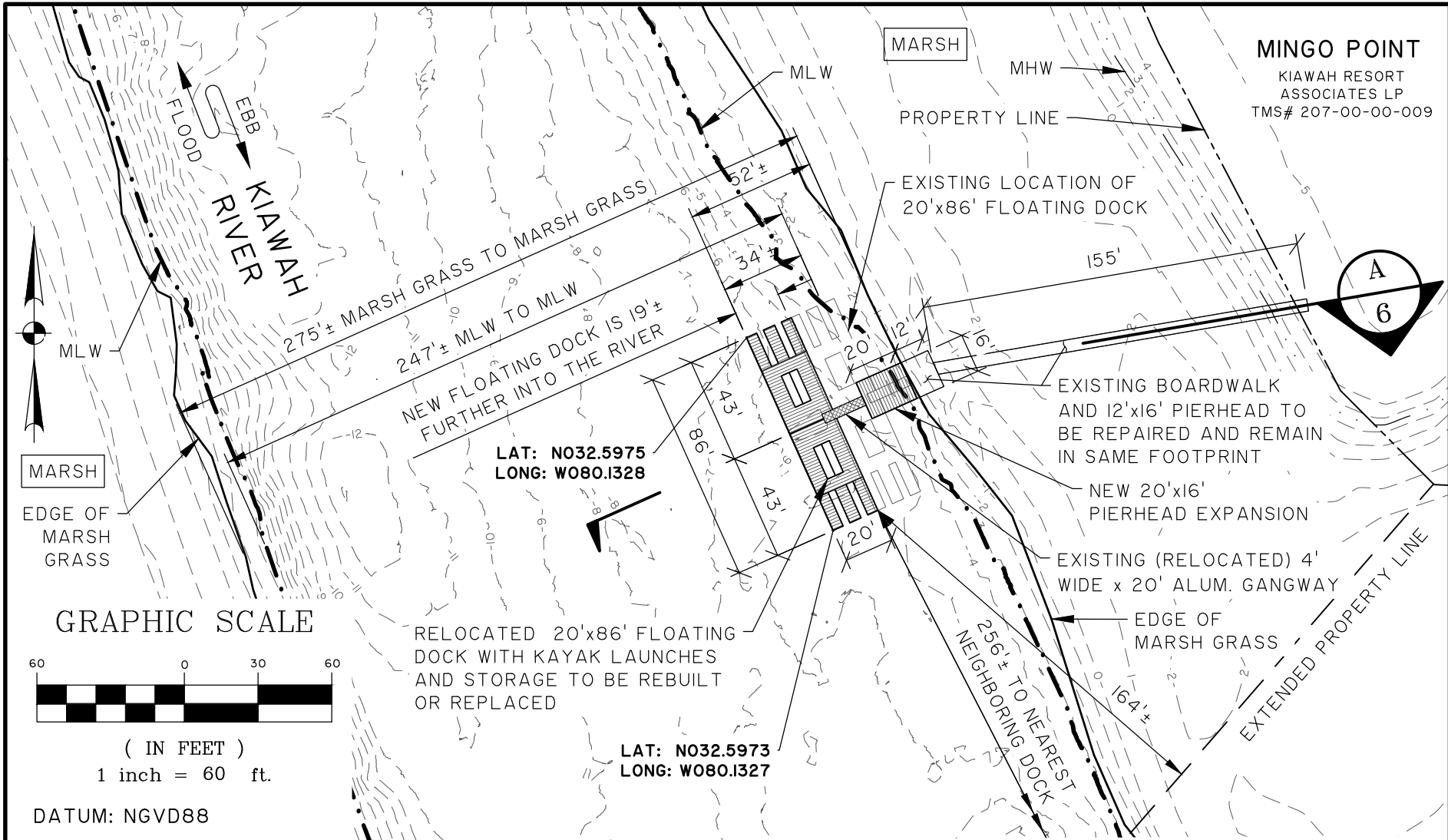
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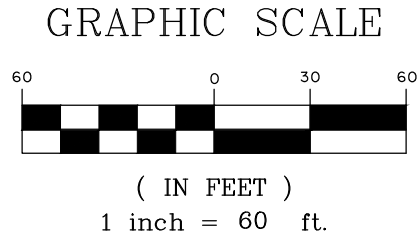


POINTE ON KIAWAH  
 RIVER HOA INC  
 TMS# 207-02-00-099

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**MINGO POINT**  
 KIAWAH RESORT  
 ASSOCIATES LP  
 TMS# 207-00-00-009



DATUM: NGVD88

**MINGO POINT KAYAK DOCK REPLACEMENT**

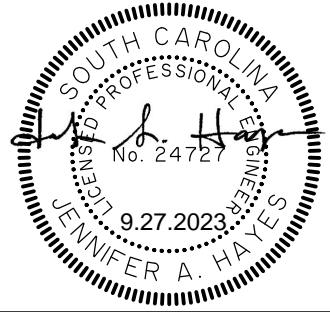
SHEET NAME:  
**KAYAK DOCK SITE PLAN**  
 APPLICANT:  
**KIAWAH ISLAND GOLF RESORT**  
 LOCATION: KIAWAH ISLAND, SC  
 DATE: 8/26/2021 REV. 9/27/2023  
 JOB NUMBER: J - 29380.0000

SHEET: 5 OF 9  
 SCALE: 1" = 60'

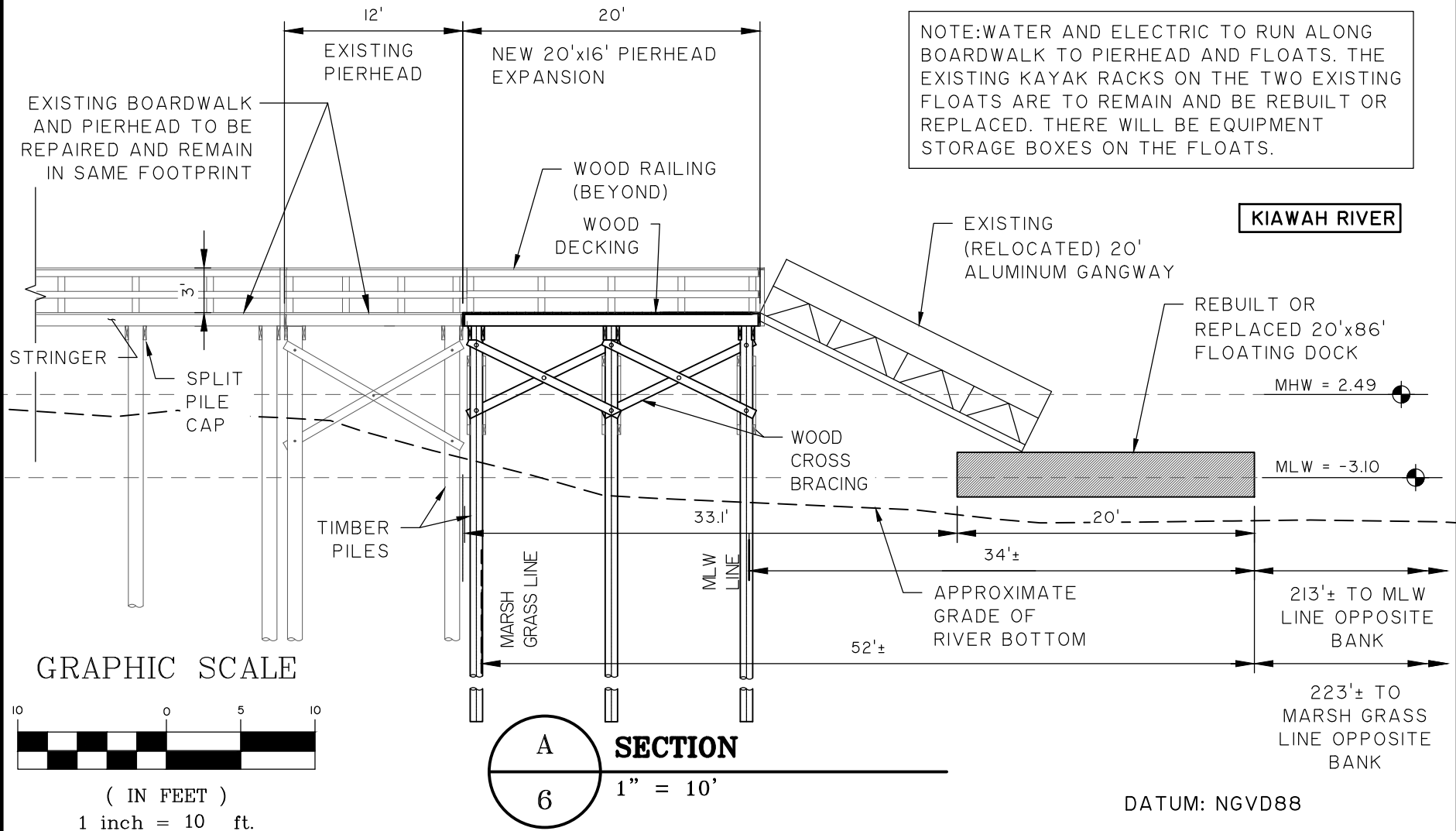


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DATUM: NGVD88

**MINGO POINT KAYAK DOCK REPLACEMENT**

SHEET NAME:  
SECTION

APPLICANT:  
KIAWAH ISLAND GOLF RESORT

LOCATION: KIAWAH ISLAND, SC  
DATE: 8/26/2021 REV. 9/27/2023  
JOB NUMBER: J - 29380.0000

SHEET: 6 OF 9  
SCALE: 1" = 10'

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