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 #2013-00202-2R (Revised) 23 January 2015

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), Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1413), 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 S.C. Department of Health and Environmental Control by

SHIPYARD CREEK ASSOCIATES, LLC C/O RICHARD LEE 3340 PEACHTREE ROAD NE, SUITE 840 ATLANTA, GEORGIA 30326

for a permit application to perform new work and maintenance dredging, remove existing dolphins, construct new dolphins, construct a new mooring area, wharf, retaining wall, and toewall in Shipyard Creek. Additional proposed work would include the construction of a new terminal facility and associated infrastructure, roadway improvements, and the construction of a rail spur in uplands adjacent to

SHIPYARD CREEK

located north of the Arthur Ravenel Bridge on the western side of the Cooper River, in Charleston County, South Carolina. Latitude: 32.834168 N; Longitude: -79.942064.

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.

REGULATORY DIVISION Refer to: P/N #2013-00202-2R

PLEASE NOTE: THE PROJECT WAS ORIGINALLY PLACED ON PUBLIC NOTICE ON APRIL 12, 2013, THE PROJECT WAS LATER REVISED TO INCLUDE ADDITIONAL WORK AND MODIFICATIONS TO THE PREVIOUSLY ADVERTISED WORK. THIS NOTICE SERVES AS A NEW PUBLIC NOTICE OF THE ENTIRE PROJECT AREA. ONLY COMMENTS RECEIVED IN RESPONSE TO THIS PUBLIC NOTICE WILL BE CONSIDERED IN THE PERMIT EVALUATION.

The proposed work consists of performing new work and maintenance dredging over a 42- acre area, removing 13 existing wood dolphins, constructing 2 new 30-pile cluster timber dolphins and 14 new 19-pile cluster timber dolphins, constructing a mooring area, wharf, retaining wall, and toewall in Shipyard Creek. In detail, the existing Upper Shipyard Creek Navigation Channel and Basin will be widened from 200' to 300', and both the channel and turning basin will be deepened to -38' MLLW plus 1 foot overdepth for a total depth of -39' MLLW. A new mooring area on the east side of the creek will be dredged with the following dimensions: 130' wide at -12' MLLW and 65' wide at -7' MLLW. There is one area north of the proposed mooring area, as shown on the project drawings, of potential sloughing (0.28 acre of salt marsh) resulting from the widening of the channel. As proposed, the new work would be conducted via mechanical dredging and the dredged material would be transported to the Charleston ocean dredged material disposal site (ODMDS) for placement. Maintenance dredging is also proposed and would allow for the removal of approximately 49,000 cy of material annually with deposition at either the Charleston ODMDS or the Clouter Island Confined Disposal Facility. Maintenance dredging activities would be conducted via cutterhead or mechanical dredging.

In addition, a 70' x 880' concrete bulk handling wharf will be constructed on the western side of the creek along the Upper Turning Basin. The wharf will be pile supported with a steel sheetpile wall behind it. Armor stone (9,000 cu.yds) will be placed on the slope beneath the wharf and backfill placed behind the sheetpile wall. A 390' long steel retaining wall will be constructed north of the proposed wharf. Impacts below MHW along the turning basin are depicted on the project drawings and include the following: Area 2A = 0.04 acre (200 cy), Area 2B = 0.04 acre (150 cy), Area 3 = 0.02 acre (15 cy). In front of an existing concrete wharf on the western bank of Shipyard Creek, a new 575' long steel sheetpile toewall will be constructed to allow for the proposed dredged deepening without endangering the structural stability of the existing wharf.

Additional upland improvements would be associated with the proposed project to include the construction of terminal facilities, an internal roadway systems and roadway and intersection improvements along Pittsburgh Avenue. An industrial rail siding would also be constructed to connect to the existing adjacent tracks. The rail siding would consist of three, 650' tracks, to be located along the western edge of the property, to allow for storage, operation, and bypass.

In regards to mitigation, the applicant proposes to purchase 4.6 salt marsh enhancement/restoration credits from the Congaree Carton Mitigation Bank, if sufficient credits become available. If sufficient credits are not available, the applicant will purchase the 1.8 mitigation credits that are currently available, and the applicant will obtain the remaining mitigation credits from a Corps approved mitigation bank or will come to an alternative agreement with the Corps prior to impacts to waters of the U.S.

REGULATORY DIVISION Refer to: P/N #2013-00202-2R

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

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

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 the Coastal Zone Management Program (15 CFR 930). 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.

The Marine Protection Research and Sanctuaries Act of 1972 (MPRSA) requires that a Section 103 sediment evaluation of the material proposed for dredging and disposal at an ocean dredged material disposal site (ODMDS) be completed. The applicant has provided a report entitled, "MPRSA Section 103 Sediment Evaluation Shipyard Creek Charleston, South Carolina" that the Corps could adopt to fulfill this responsibility. This report provides information regarding the physical, chemical, and biological testing that was conducted on the proposed dredged material and evaluates the suitability of the material for ocean disposal at the Charleston ODMDS. Prior to a final decision on the adequacy of this document for adoption, the Corps is requesting public review and comment. This report and pertinent associated information is available for review on the Corps' website at:

http://www.sac.usace.army.mil/Missions/Regulatory/ProjectsofInterest
Other attachments/appendices not posted on the website may be available for review at the Corps' District Office by appointment only.

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 42.38 acres (42 acres dredging, 0.1 acre of fill below MHW, and 0.28 acre of potential sloughing along the channel) of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed 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.

REGULATORY DIVISION Refer to: P/N #2013-00202-2R

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.

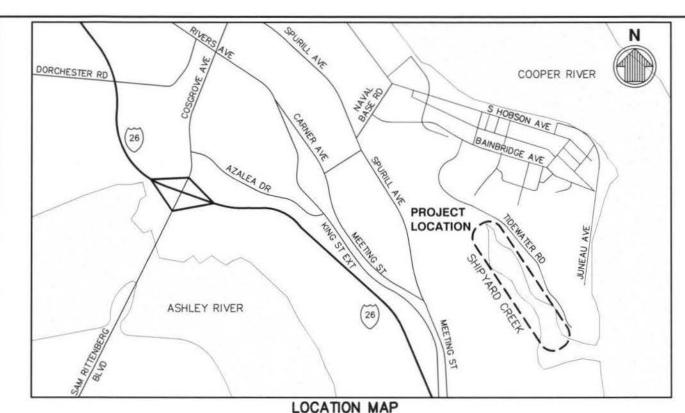
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

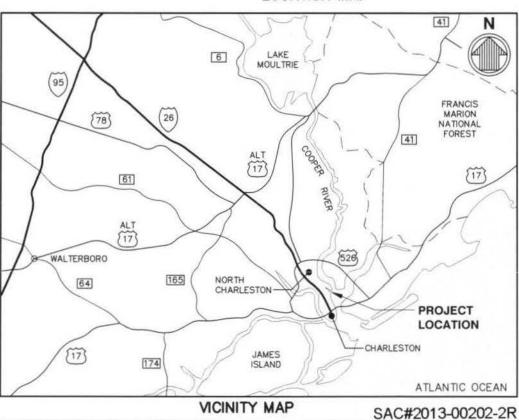
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 of Engineers 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.

If there are any questions concerning this public notice, please contact Courtney M. Stevens at 843-329-8044 or toll free at 1-866-329-8187.





No. 22933 6 AFEY G. SHE

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

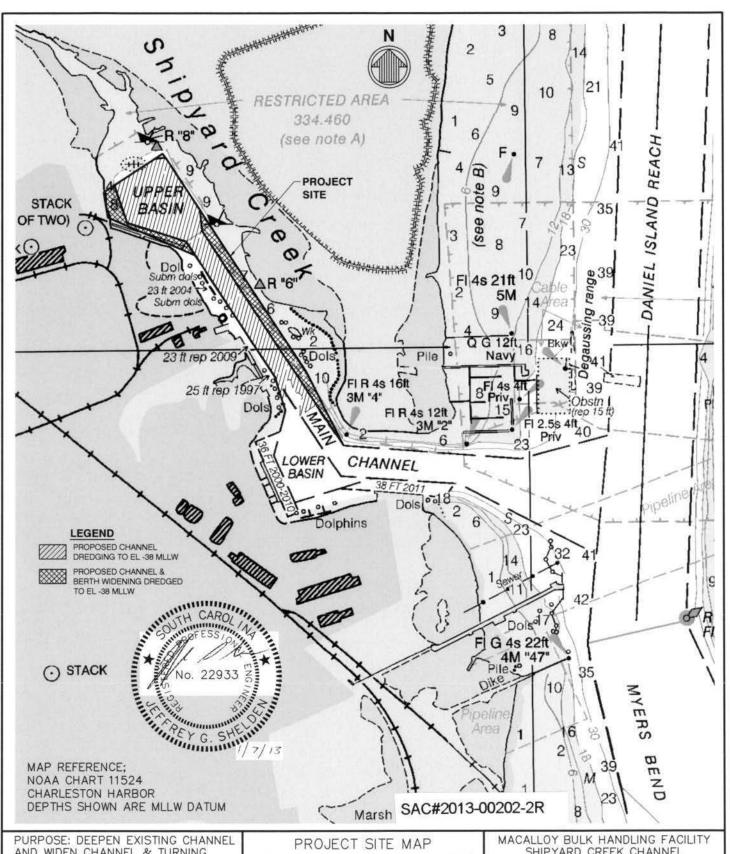
VICINITY & LOCATION MAPS

NOT TO SCALE

SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA 30326 MACALLOY BULK HANDLING FACILITY SHIPYARD CREEK CHANNEL AND TURNING BASIN DREDGING

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 1 OF 20 DATE: 1/13



AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

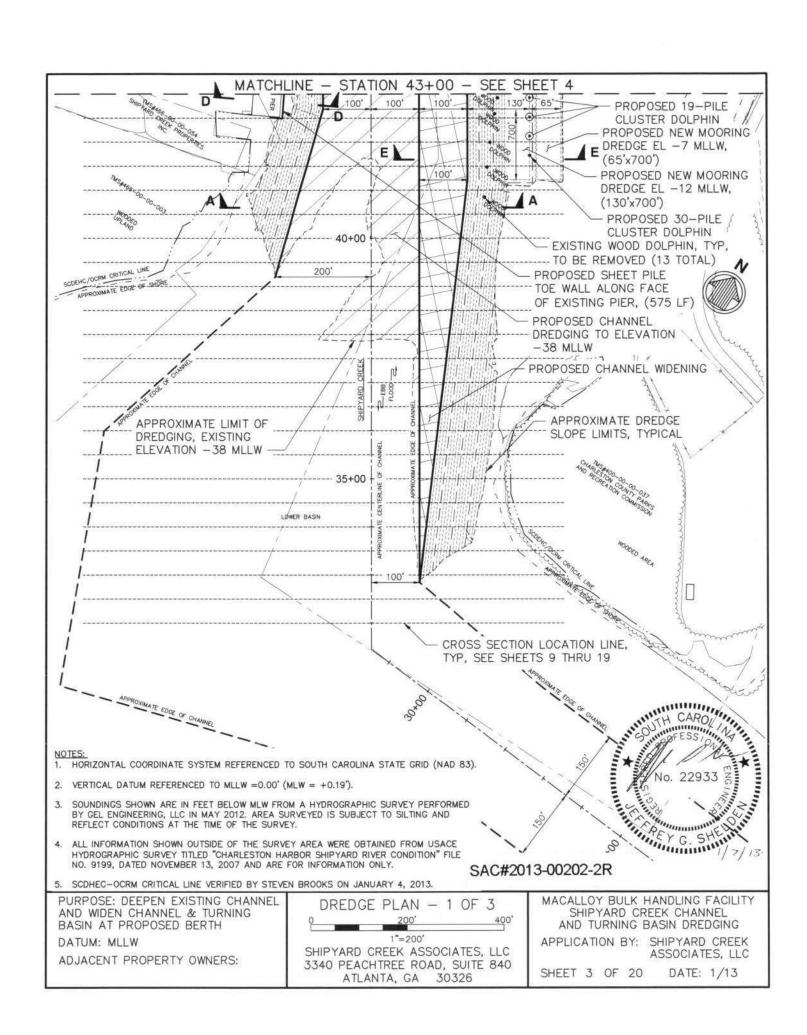


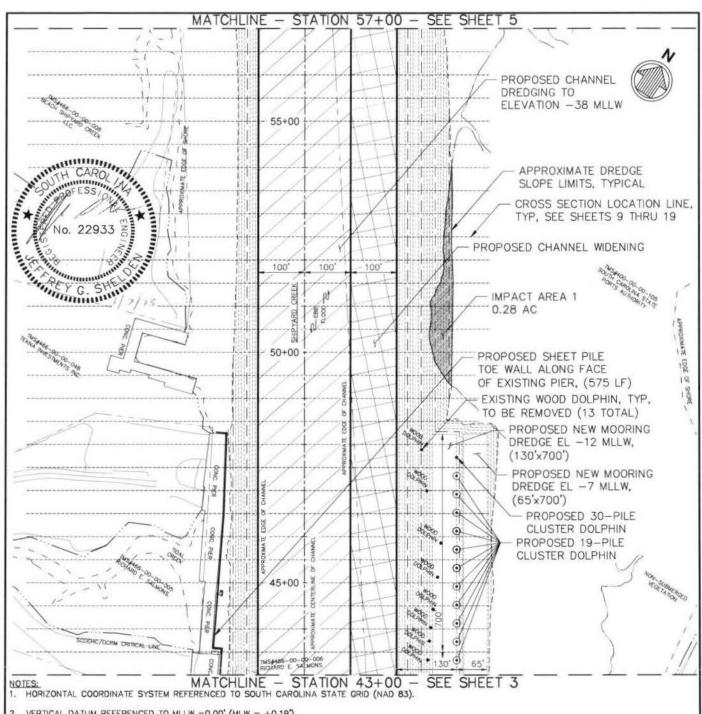
SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA 30326

SHIPYARD CREEK CHANNEL AND TURNING BASIN DREDGING

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 2 OF 20 DATE: 1/13





- 2. VERTICAL DATUM REFERENCED TO MLLW = 0.00' (MLW = +0.19').
- 3. SOUNDINGS SHOWN ARE IN FEET BELOW MLW FROM A HYDROGRAPHIC SURVEY PERFORMED BY GEL ENGINEERING, LLC IN MAY 2012. AREA SURVEYED IS SUBJECT TO SILTING AND REFLECT CONDITIONS AT THE TIME OF THE SURVEY.
- ALL INFORMATION SHOWN OUTSIDE OF THE SURVEY AREA WERE OBTAINED FROM USACE HYDROGRAPHIC SURVEY TITLED "CHARLESTON HARBOR SHIPYARD RIVER CONDITION" FILE NO. 9199, DATED NOVEMBER 13, 2007 AND ARE FOR INFORMATION ONLY.
- 5. SCDHEC-OCRM CRITICAL LINE VERIFIED BY STEVEN BROOKS ON JANUARY 4, 2013.

SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

DREDGE PLAN - 2 OF 3 400 =200

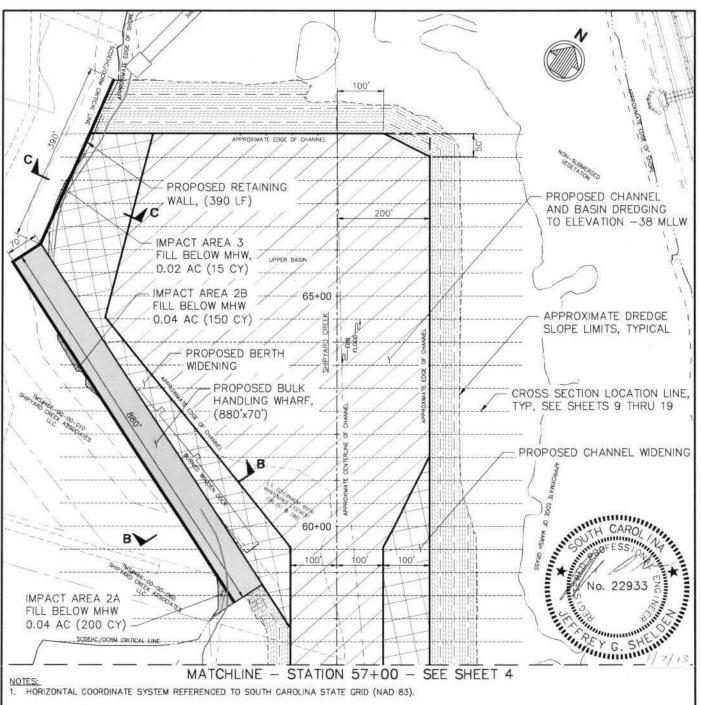
SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA 30326

MACALLOY BULK HANDLING FACILITY SHIPYARD CREEK CHANNEL AND TURNING BASIN DREDGING

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 4 OF 20

DATE: 1/13



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SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

DREDGE PLAN - 3 OF 3

0 200' 400'

1"=200'

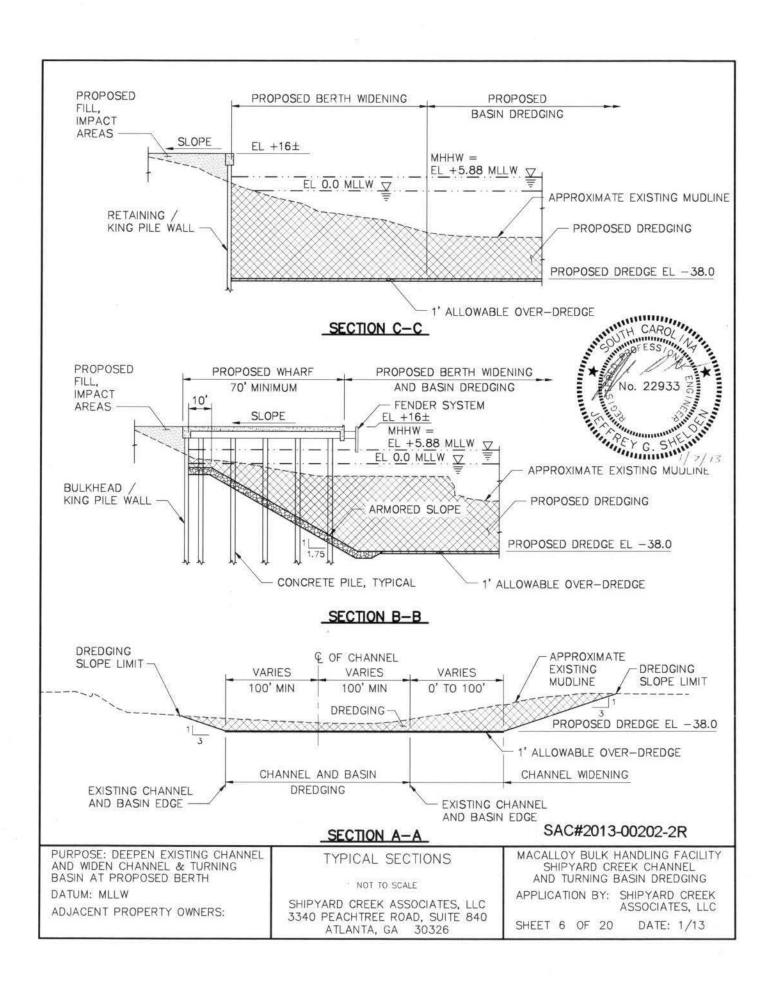
SHIPYARD CREEK ASSOCIATES, LLC
3340 PEACHTREE ROAD, SUITE 840

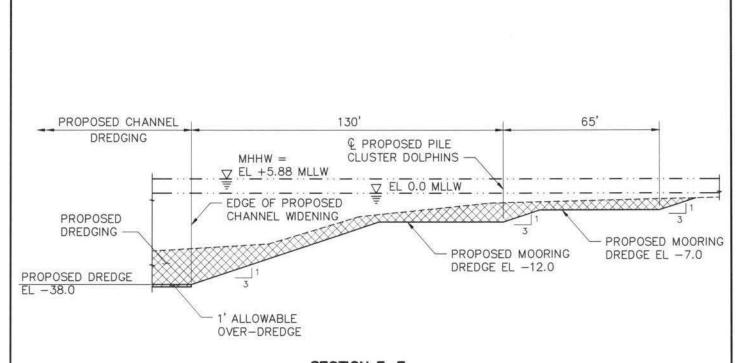
ATLANTA, GA 30326

SHIPYARD CREEK CHANNEL AND TURNING BASIN DREDGING APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

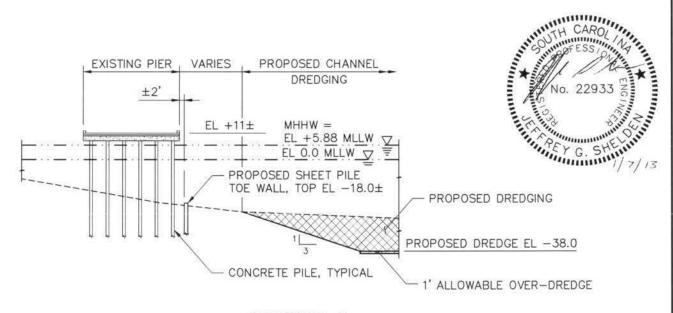
SHEET 5 OF 20 DATE: 1/13

MACALLOY BULK HANDLING FACILITY









SECTION D-D

SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

TYPICAL SECTIONS

NOT TO SCALE

SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA 30326 MACALLOY BULK HANDLING FACILITY SHIPYARD CREEK CHANNEL AND TURNING BASIN DREDGING

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

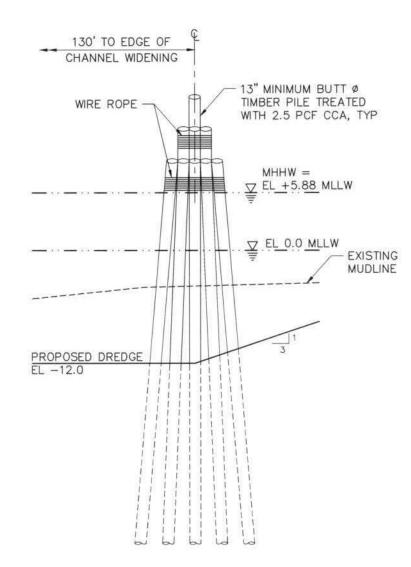
SHEET 7 OF 20 DATE: 1/13



19-PILE CLUSTER
DOLPHIN PLAN
(14 PROPOSED)



30-PILE CLUSTER
DOLPHIN PLAN
(2 PROPOSED)



TYPICAL ELEVATION



SAC#2013-00202-2R

PURPOSE: DEEPEN EXISTING CHANNEL AND WIDEN CHANNEL & TURNING BASIN AT PROPOSED BERTH

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

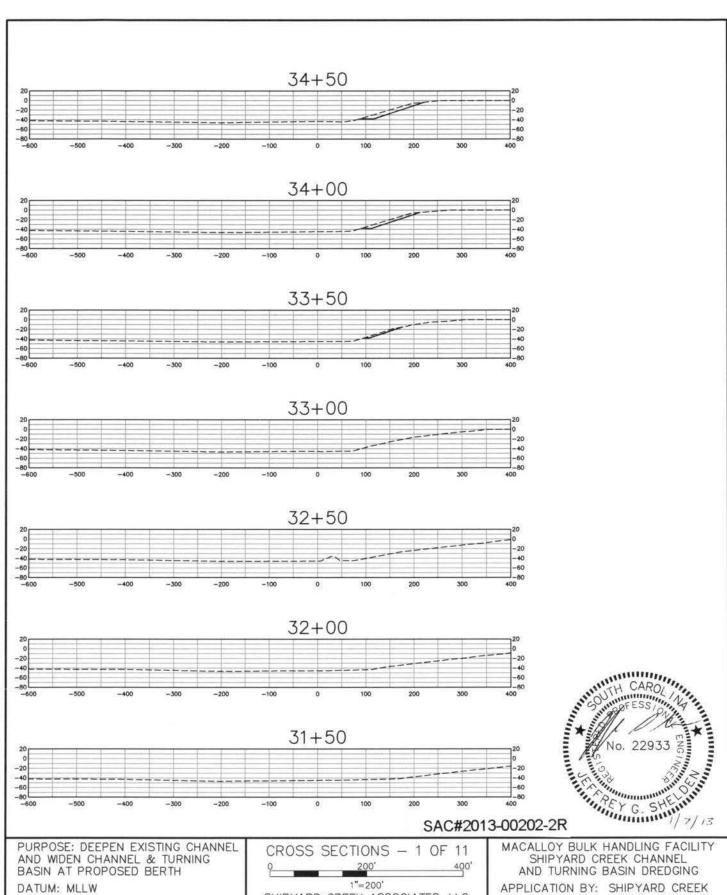
DOLPHIN DETAILS

NOT TO SCALE

SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA 30326 MACALLOY BULK HANDLING FACILITY SHIPYARD CREEK CHANNEL AND TURNING BASIN DREDGING

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 8 OF 20 DATE: 1/13

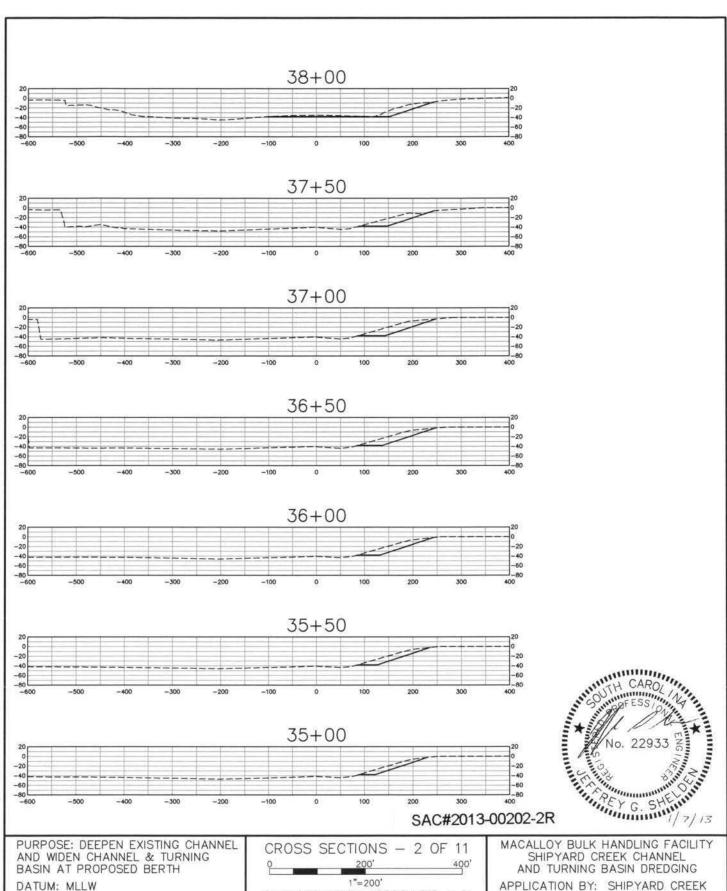


ADJACENT PROPERTY OWNERS:

SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA

ASSOCIATES, LLC

SHEET 9 OF 20 DATE: 1/13

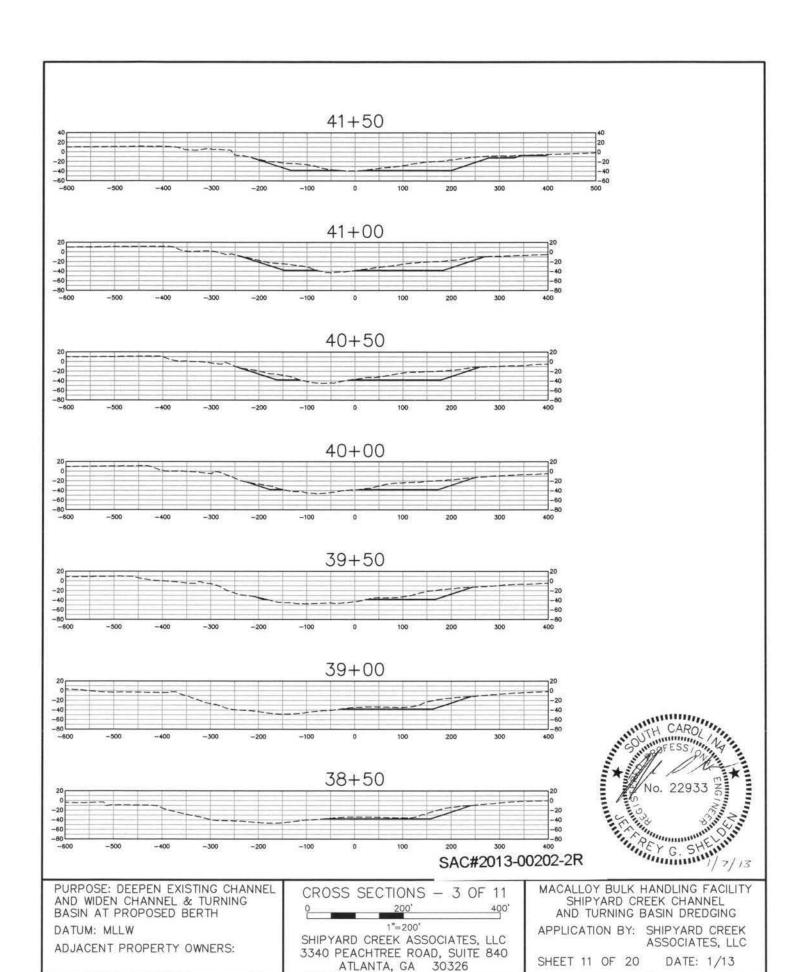


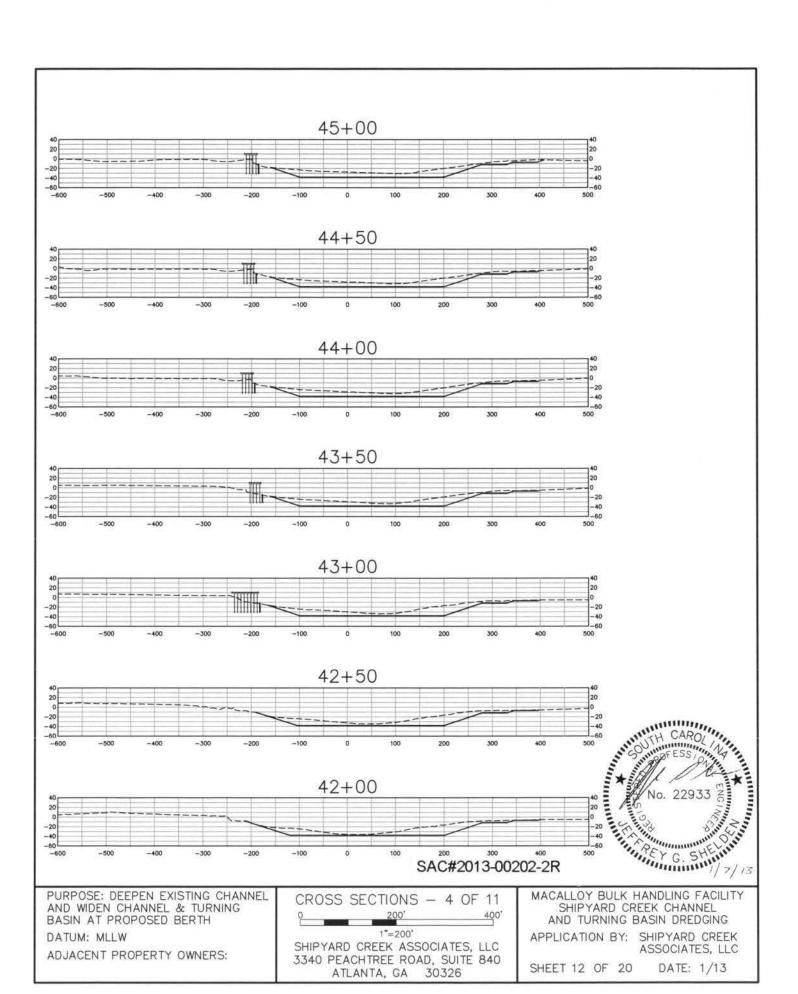
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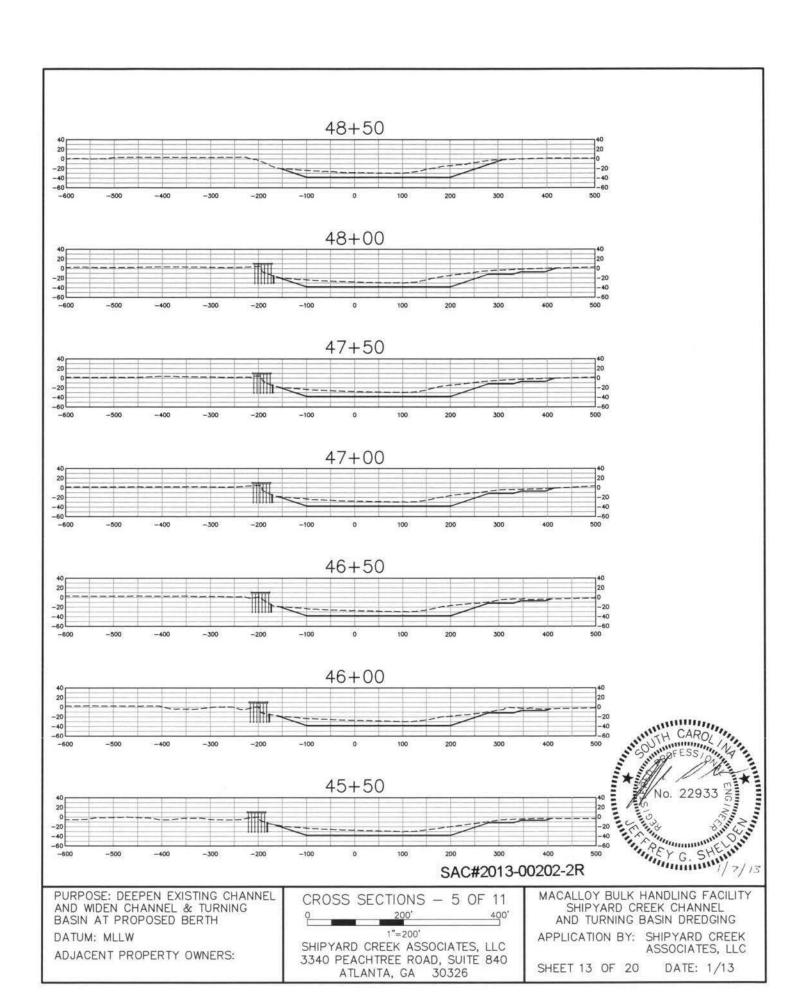
SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA 30326

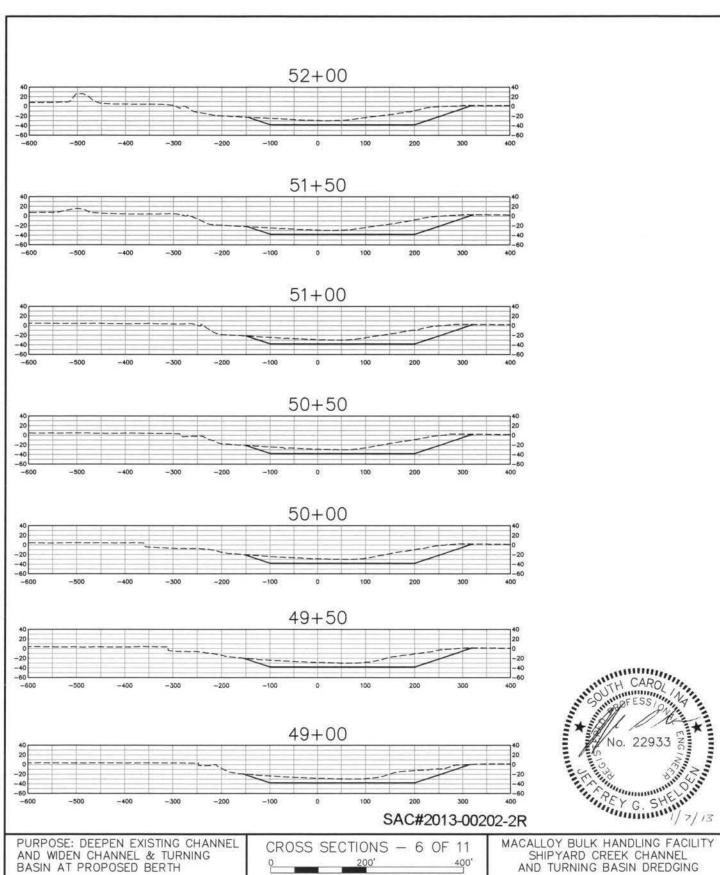
ASSOCIATES, LLC

SHEET 10 OF 20 DATE: 1/13









DATUM: MLLW

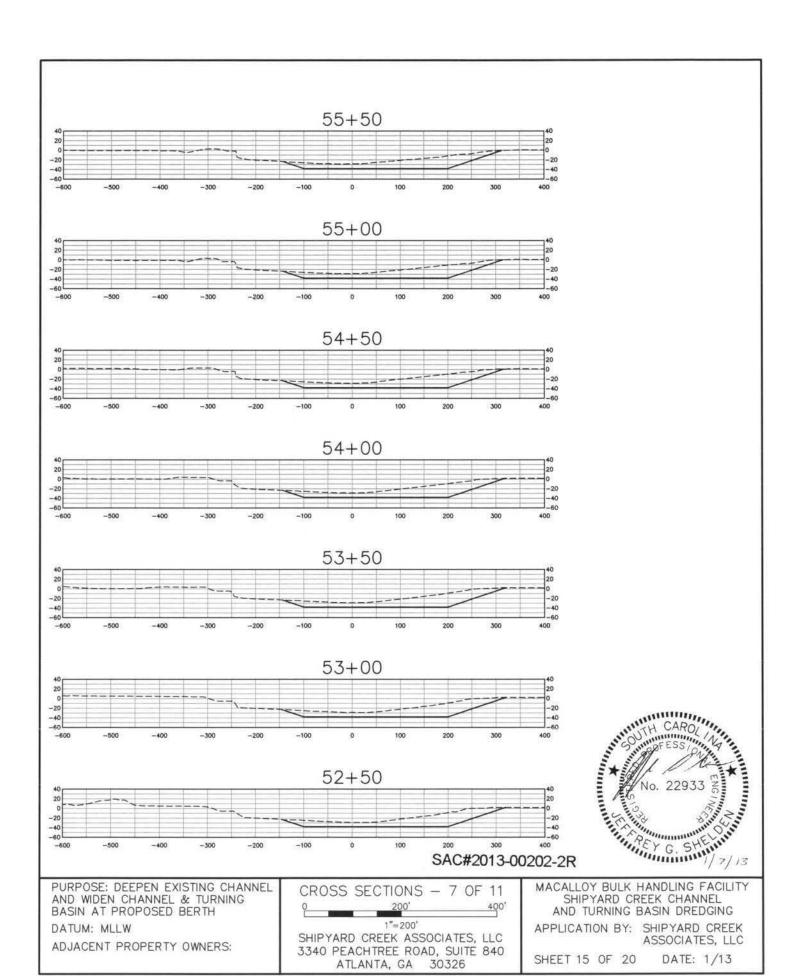
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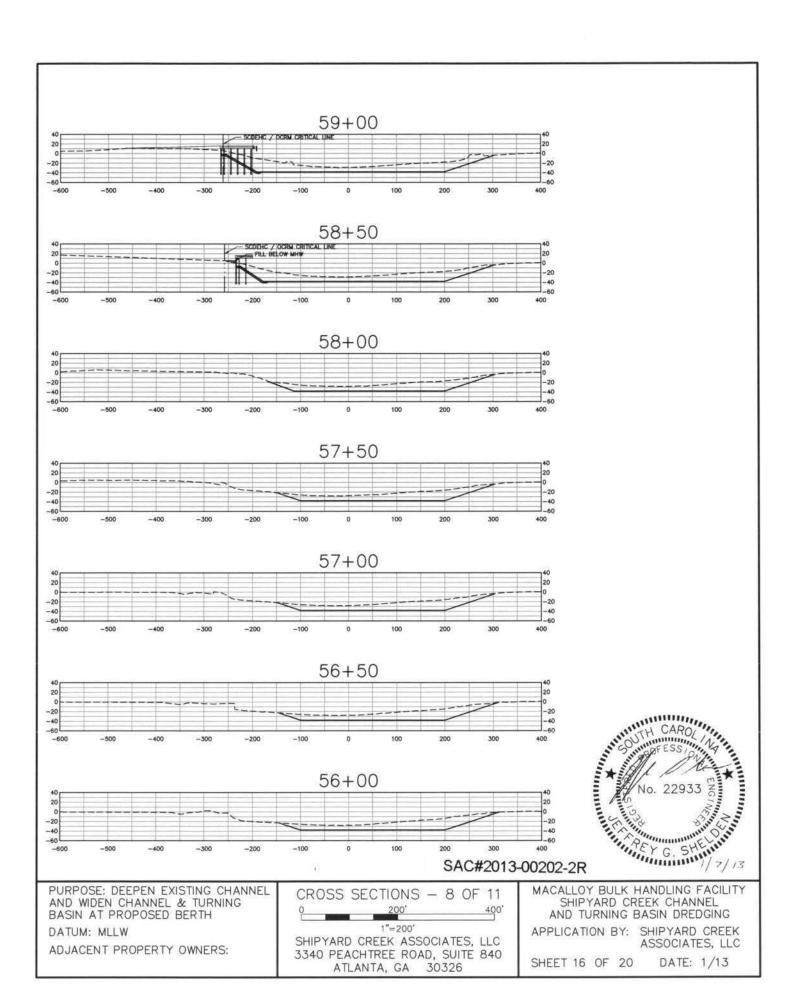
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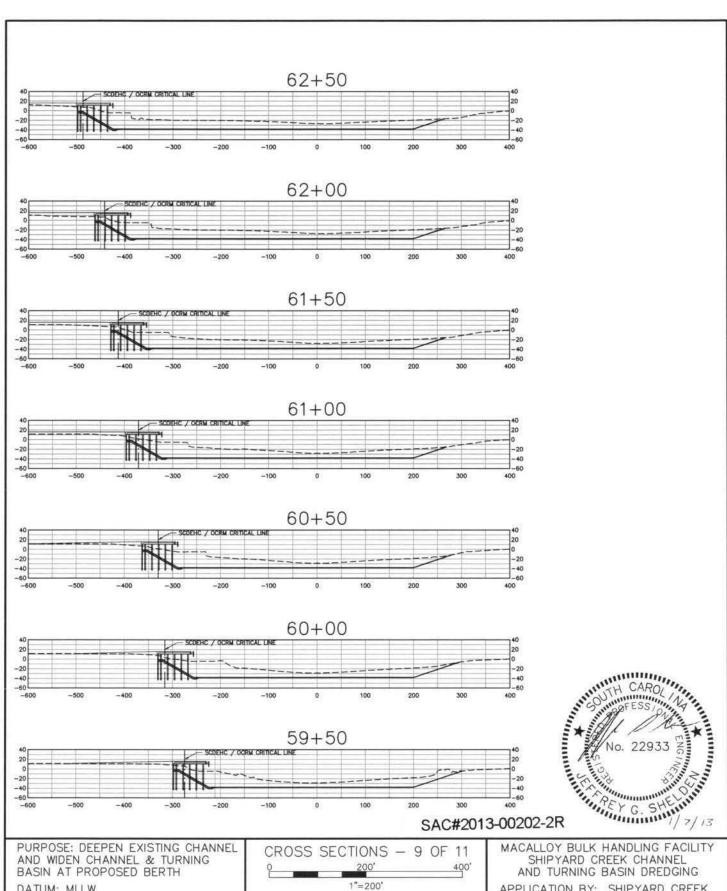
SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA 30326

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

DATE: 1/13 SHEET 14 OF 20

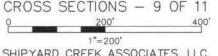






DATUM: MLLW

ADJACENT PROPERTY OWNERS:



SHIPYARD CREEK ASSOCIATES, LLC 3340 PEACHTREE ROAD, SUITE 840 ATLANTA, GA 30326

APPLICATION BY: SHIPYARD CREEK ASSOCIATES, LLC

SHEET 17 OF 20 DATE: 1/13

