

JOINT
PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
REGULATORY DIVISION
1835 Assembly Street, Rm 865 B-1
Columbia, South Carolina, 29201

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-2018-00603 (REVISED)

January 9, 2019

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and South Carolina Department of Health and Environmental Control by

Mr. Michael Harbor
D & J Machinery
891 Rock N Creek Road
Leesville, South Carolina 29070

for a permit to construct two structures each in the shape of a "T" with a fixed pier, a gangway, and floating dock, along the shoreline of a tract of land on Lake Murray, a navigable water of the U.S., to create 10 slips each for a total of 20 slips of temporary mooring and boat access to provide the boating public access to a future restaurant facility constructed on uplands. Each structure will extend 75 linear feet in

LAKE MURRAY

at a location north of US Highway 378, at 3348 US Highway 378, Leesville, Lexington County, South Carolina (Latitude: 34.0217° N, Longitude: 81.4486° W), LAKE MURRAY WEST QUAD SHEET.

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

15 Days from the Date of this Notice

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

NOTE: A public notice was originally advertised for the proposed work on July 3, 2018. The applicant, as stated above, withdrew the application for a Department of the Army and the South Carolina Department of Health and Environmental Control permit as initially proposed and submitted plans for the revised proposed work. This revised notice constitutes an advertisement of the revised proposed work. **Please be advised, that only comments received in response to this revised notice, dated January 9, 2019, will be considered during the permit review process.**

The revised proposed work consists of the construction of two structures each in the shape of a "T" where each will extend 75 linear feet in Lake Murray and will create temporary mooring and boat access to provide the boating public access to a future restaurant facility constructed on uplands. In detail, each structure will be constructed in the shape of a "T" and create temporary slips for 10 boats, a total of 20 slips for two structures. Each structure will consist of a 25 foot fixed pier and a 20 foot cantilever and articulated gangway leading to the floating dock with 10 slips. The "T" will extend 75 linear feet in Lake Murray and 100 linear feet along and/or parallel to the shoreline of Lake Murray. The 100 feet X 6 foot walkway will be centered on the fixed pier and gangway. The slips will have a 21 foot +/- opening with 3 foot walkways and extend 24 feet lakeward from the 6 foot walkway of the "T" for a total of 30 feet. Again, each structure will extend no more than 75 linear feet in Lake Murray and 100 linear feet along and/or parallel to the shoreline of Lake Murray. The applicant has advised the Corps that the proposed work will not entail the dredging of accumulated sediment and/or benthic substrate in Lake Murray, will not provide permanent mooring for boats or other vessels, and will not provide fuel and/or shore power for boats or other vessels. The applicant has not proposed a compensatory mitigation for impacts to wetlands and/or waters of the United States, as the applicant has stated that there is not a discharge of fill material in freshwater wetlands or submerged aquatic vegetation. The Corps has not approved a mitigation plan as of the date of this notice. The project purpose as stated by the applicant is to provide "temporary safe boat parking" in Lake Murray for a "restaurant accessible by land and water" at the address and location referenced above in this notice.

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 this activity may 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 0.11 acre of freshwater substrate well inland 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 project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. 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.

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)(f)(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.

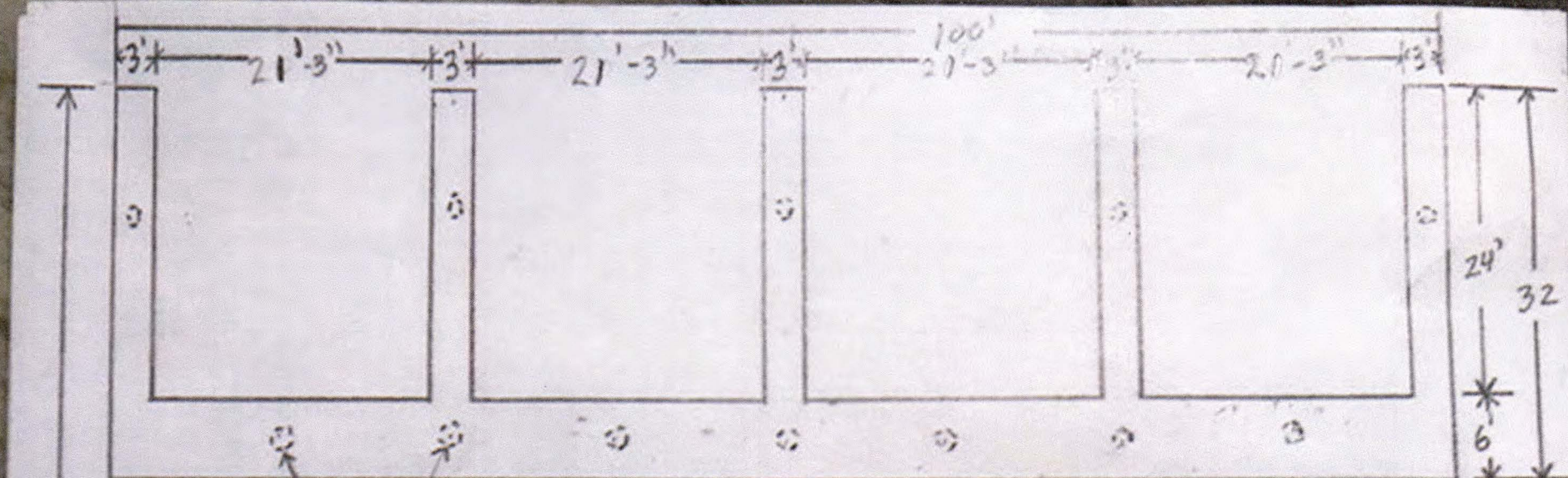
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All 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, CHARLESTON DISTRICT
ATTN: REGULATORY DIVISION
Leslie L. Parker
1835 Assembly Street, Rm 865 B-1
Columbia, South Carolina, 29201**

If there are any questions concerning this public notice, please contact Leslie L. Parker, at (803) 253-3904.

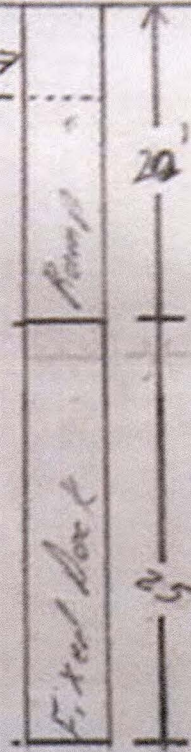


75

Scale
 $\frac{3}{32} = 1 \text{ Foot}$

Spud
 Frames

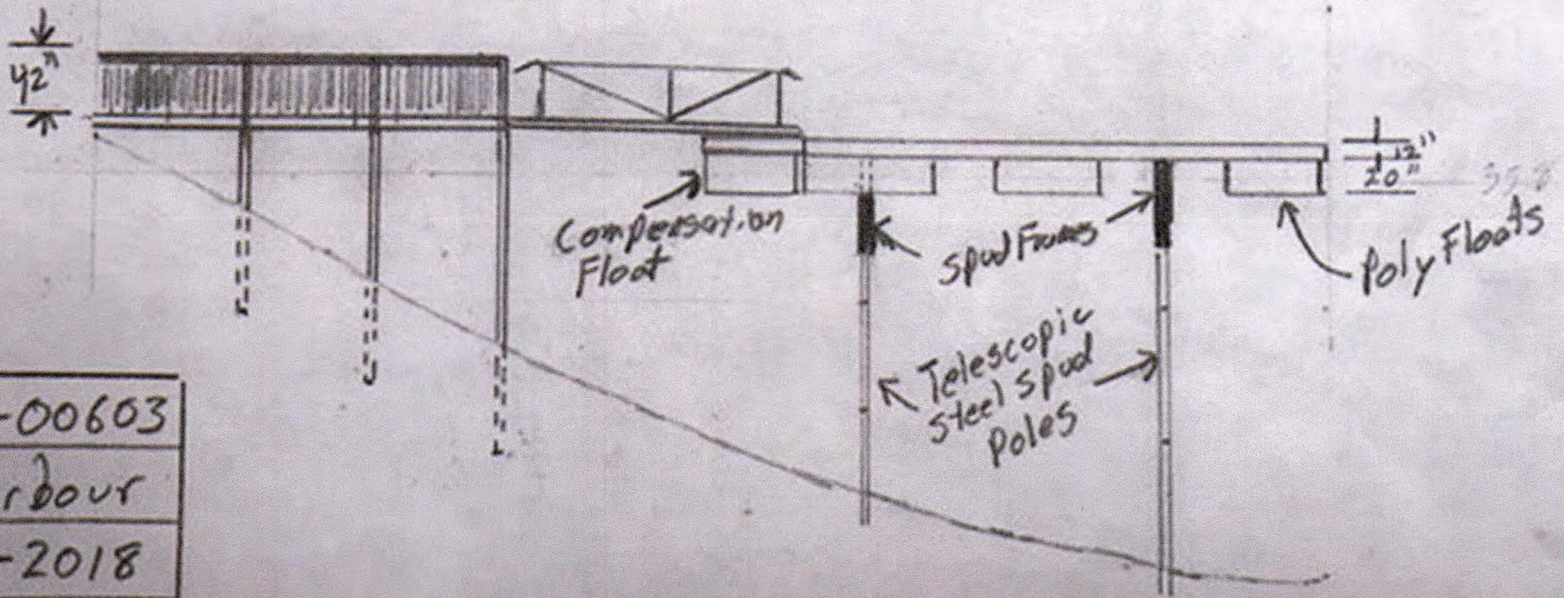
Compensation
 Float
 For
 Ramp.



Dock A+B
 Same Construction

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Michael Harbour
Date 12-20-2018
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Scale $\frac{3}{32} = 1$ Foot



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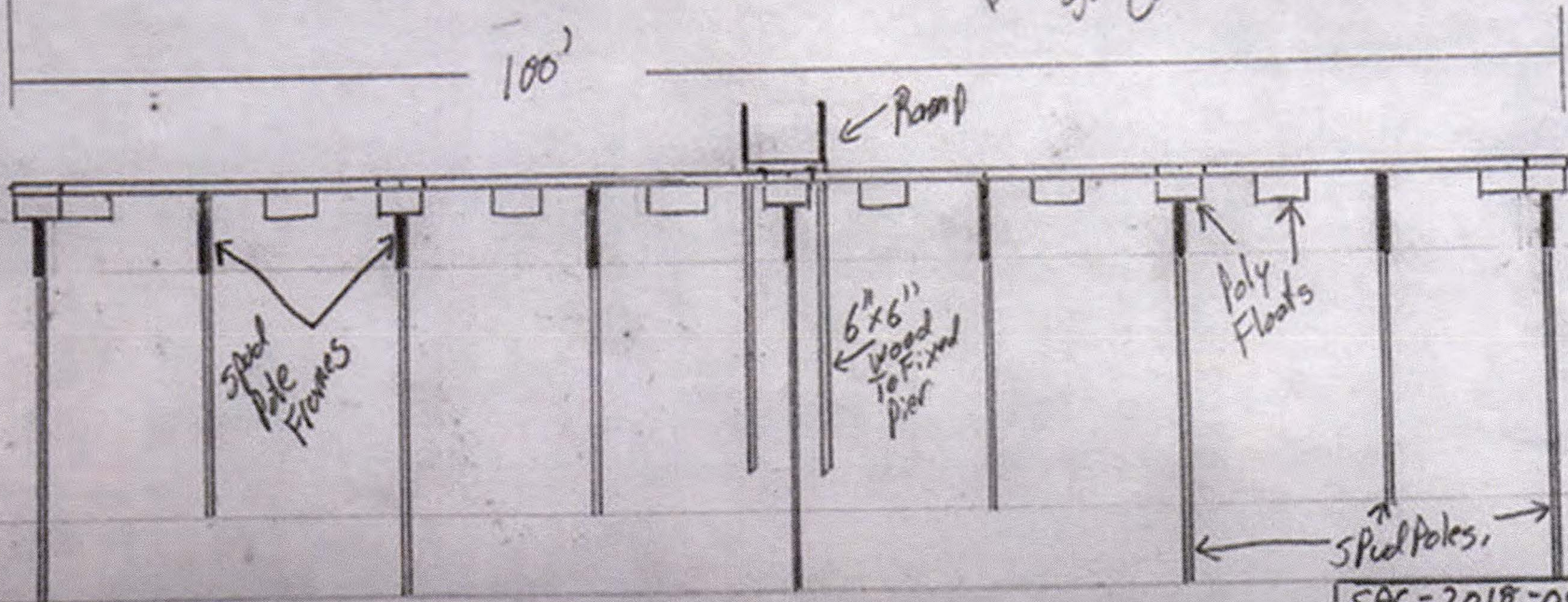
Michael Harbour

Date 12-20-2018

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Scale = 1 Foot
3/32

Dock A+B
same
Construction



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Lake Murray

Dock B

TMS 003025-02-001

Dock A

Hwy 378

Not to Scale

Rocky
ridge road

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Job site

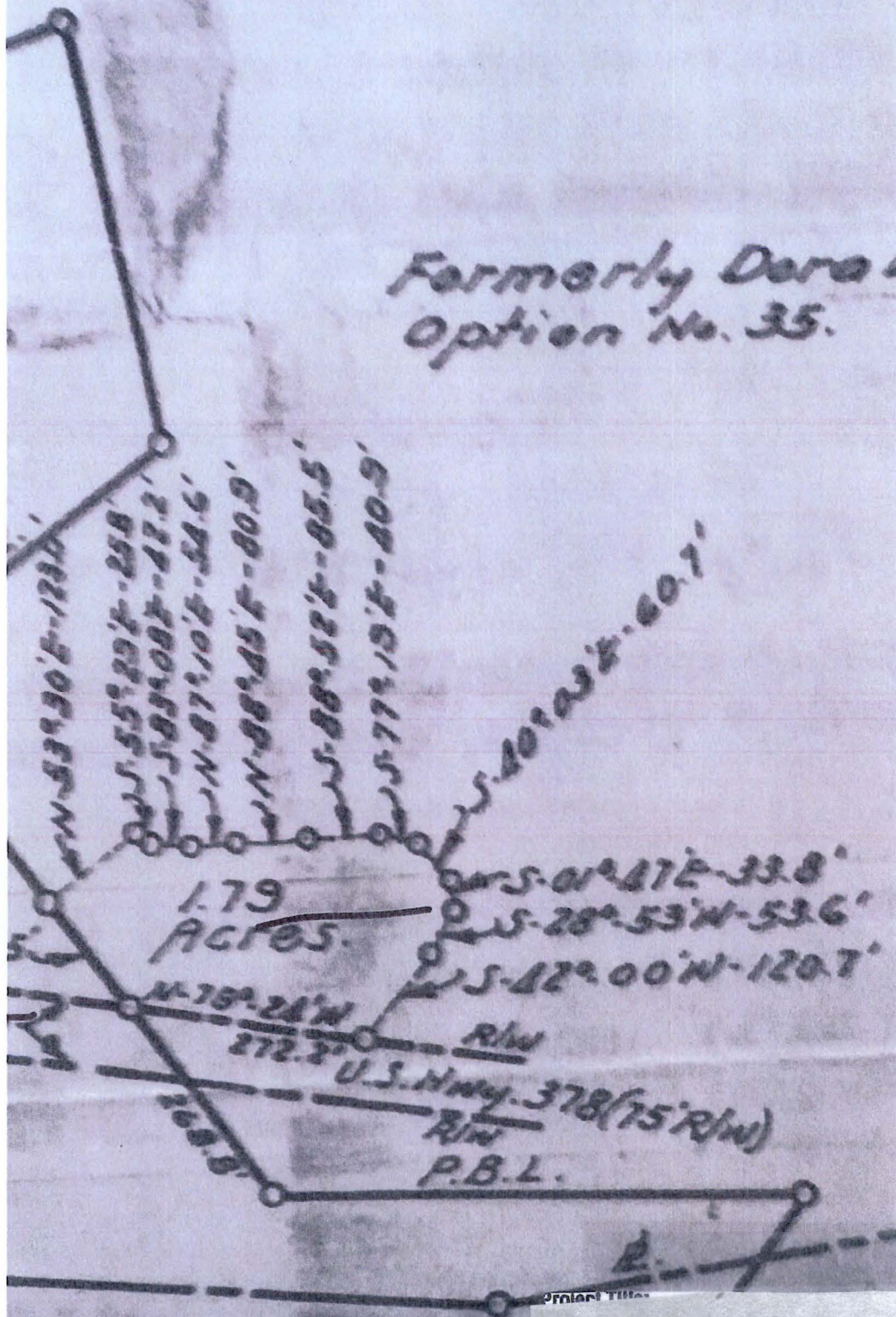
378

Rocky Ridge Rd

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Search for a place o

Formerly Dava
Option No. 35.



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378

Hollow Creek Distillery

The Spiri Lake Mur

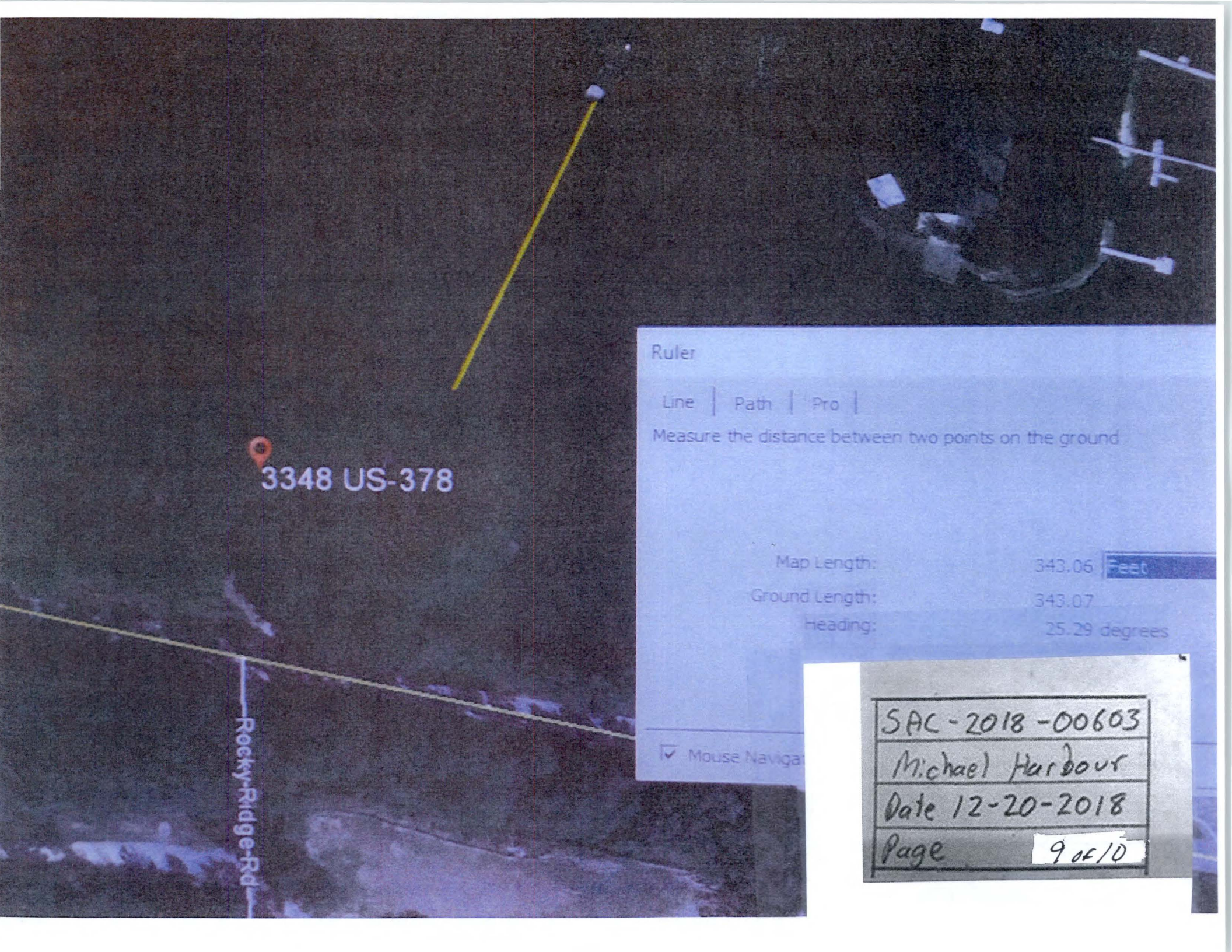
Rocky Ridge Rd

393.06'

383.39'

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Search for a place



3348 US-378

Rocky-Ridge-Rd

Ruler

Line | Path | Pro |

Measure the distance between two points on the ground

Map Length: 343.06 Feet

Ground Length: 343.07

Heading: 25.29 degrees

Mouse Navigat

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Line | Path | Pro |

Measure the distance between two points on the ground

Map Length: 383.39 Feet
Ground Length: 383.39
Heading: 105.11 degrees

Mouse Navigation

Save

Clear

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