

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526

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-2019-00023

January 4, 2019

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 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

SJG Creek LLC
c/o GEL Engineering, LLC
P.O. Box 30712
Charleston, SC 29417

for a permit to maintenance dredge a section of Flaggpoint Canal, adjacent to

MAIN CREEK

at a location situated east of U.S. Highway 17 Business, north of Lawton Hall Drive, south of Flaggpoint Lane, near the town of Murrells Inlet, Georgetown County, South Carolina (Latitude: 33.5639°N, Longitude: -79.0268°W), Brookgreen 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 maintenance dredging a section of Flaggpoint Canal. In detail, the project consist of removing approximately 2,000 cubic yards of material over approximately 0.35 acres.

Specific Project Details Provided by the Applicant:

The proposed maintenance dredging includes approximately 425-450 feet of canal at average bottom width of 25 feet. The proposed dredge depth is -3.0 feet Mean Low Water (MLW). The dredge area will extend from the face of existing docks 25 feet into the canal. The material will be dredged either by a small hydraulic cutterhead suction dredge or small mechanical excavator. The proposed dredge material will be transferred via pipeline or scow/roll-off container to an upland site for dewatering and processing. Figure 2 (sheet 2 of 5) of the proposed plans depict the location of the upland dewatering site(s). The dredged material will either be placed in geotubes to separate water and sediments or staged for a short period of time in the scow/roll off container to allow water separation and sufficient drying prior to being transported to a final upland disposal site. The effluent water (return water) from the dewatering system will be discharged via pipeline back to Flagpoint Canal.

The temporary pipelines will be laid along the existing canal and will not impact vegetated wetlands. If necessary, the pipeline will have weights and/or anchors to ensure the pipelines stays secure and does not impact the nearby marsh grass or oyster reefs. The pipeline will also have signs and buoys to mark its location and warn the boating public of its presence. The pipelines will be removed after the completion of the dredging.

Avoidance and Minimization:

The applicant stated that impacts to marsh grass and oyster reefs will be avoided by maintaining a 15-foot minimum setback. The setback will be clearly marked in the field and remain in place for the duration of the dredging event. The dredging contractor will make every effort to avoid having the dredge pipeline cross the vegetated marsh.

Proposed Mitigation:

The applicant offered no compensatory mitigation for the proposed impacts and stated: No mitigation is being proposed for this activity since it will not impact vegetated wetlands or oyster beds.

Project Purpose:

The project purpose as stated by the applicant is to provide year round access to Flagpoint Canal during all tidal cycles.

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 0.35 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 West Indian Manatee (*Trichechus manatus*), Green Sea Turtle (*Chelonia myda*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), Atlantic Sturgeon (*Acipenser oxyrinchus*) and Shortnose Sturgeon (*Acipenser brevirostrum*) 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 Atlantic Sturgeon (*Acipenser oxyrinchus*) and Shortnose Sturgeon (*Acipenser brevirostrum*) and will not result in the destruction or adverse modification of their designated or proposed critical habitat. Additionally, the District Engineer has determined that the project is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*) or result in the destruction or adverse modification of designated or proposed critical 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. 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)(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

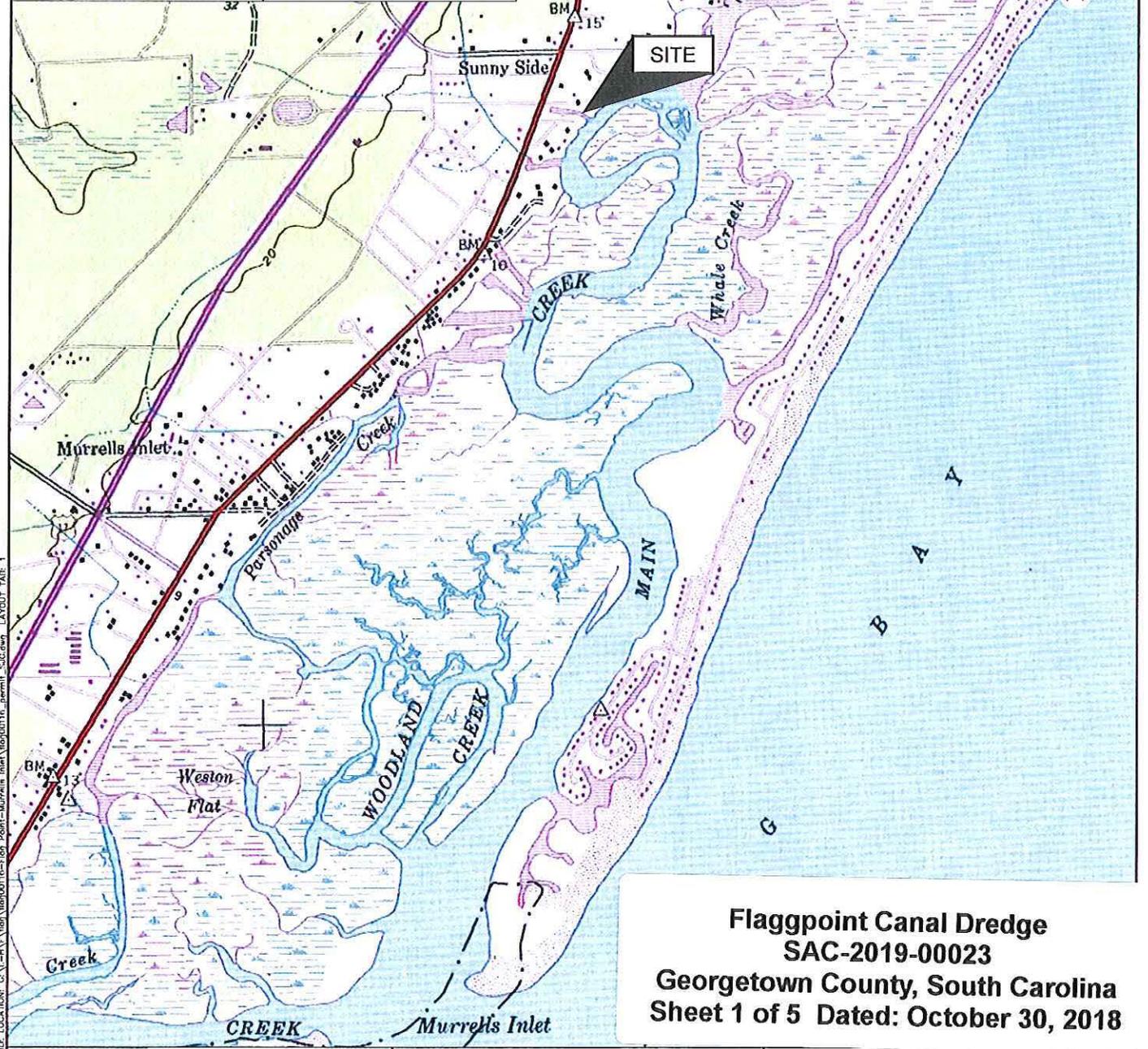
a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 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 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
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526**

If there are any questions concerning this public notice, please contact Rob Huff, Watershed Manager, at (843) 365-4239.



Flagpoint Canal Dredge
SAC-2019-00023
Georgetown County, South Carolina
Sheet 1 of 5 Dated: October 30, 2018

PURPOSE: YEAR ROUND ACCESS ALL TIDAL CYCLES

ADJACENT PROPERTY OWNERS
 SEE ATTACHED

SURVEY DATUM: NAD 83

FIGURE 1
 LOCATION MAP
 USGS QUAD "BROOKGREEN, 1973"

APPROXIMATE SCALE: 1"= 2000'

SJG CREEK, LLC
 MURRELLS INLET, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: MURRELLS INLET, SC

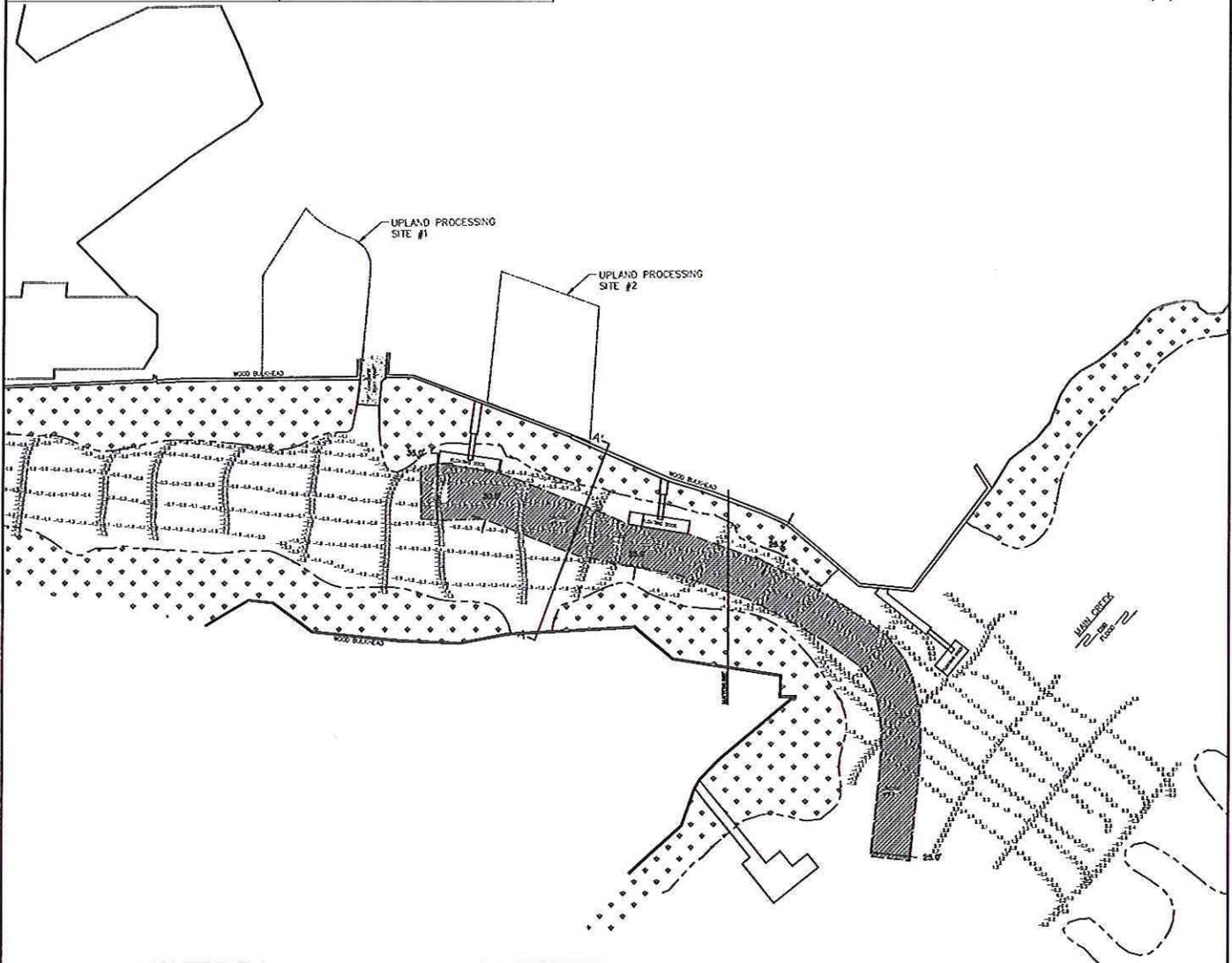
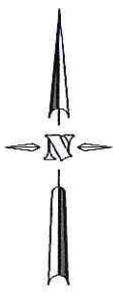
IN: FLAGPOINT CANAL AND MAIN CREEK

COUNTY OF: GEORGETOWN SOUTH CAROLINA

DATE: 10/30/2018

PLOTTER: Oct 31, 2018 - 1:06pm BY: jlp FILE LOCATION: G:\F-H\A\Map0016-Flag Point-Murrells Inlet\Map0016_permit_SJG.dwg LAYOUT TAB: 1

Fig00116



**Flagpoint Canal Dredge
SAC-2019-00023
Georgetown County, South Carolina
Sheet 2 of 5 Dated: October 30, 2018**

PURPOSE: YEAR ROUND ACCESS ALL TIDAL CYCLES

ADJACENT PROPERTY OWNERS
SEE ATTACHED

SURVEY DATUM: NAD 83

**FIGURE 2
PLAN VIEW**

APPROXIMATE SCALE: 1" = 100'

SJG CREEK, LLC
MURRELLS INLET, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

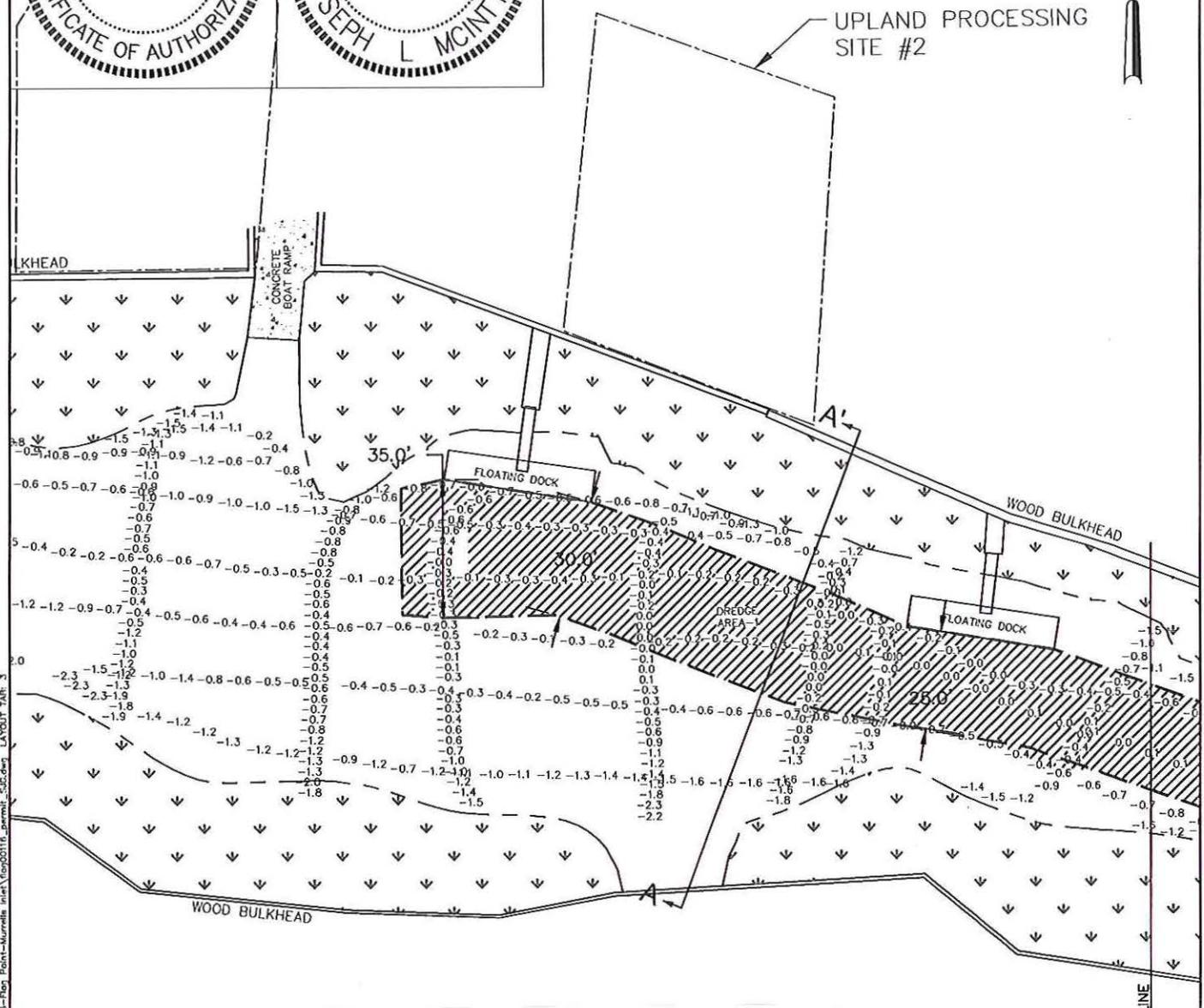
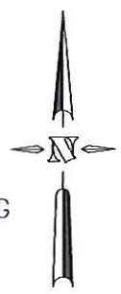
AT: MURRELLS INLET, SC

IN: FLAGPOINT CANAL AND MAIN CREEK

COUNTY OF: GEORGETOWN SOUTH CAROLINA

DATE: 10/30/2018

PLOTED: Oct 31, 2018 - 11:06pm BY: jlp FILE LOCATION: C:\F-H\A\Iron\Icep00116-Flag Point-Murrells Inlet\Icep00116_permit_sjg.dwg LAYOUT: TAB1: 2 Fog00116



**Flagpoint Canal Dredge
SAC-2019-00023
Georgetown County, South Carolina
Sheet 3 of 5 Dated: October 30, 2018**

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PURPOSE: YEAR ROUND ACCESS ALL TIDAL CYCLES

ADJACENT PROPERTY OWNERS
SEE ATTACHED

SURVEY DATUM: NAD 83

**FIGURE 3
ENLARGED PLAN VIEW**

APPROXIMATE SCALE: 1"= 40'

SJG CREEK, LLC
MURRELLS INLET, SOUTH CAROLINA

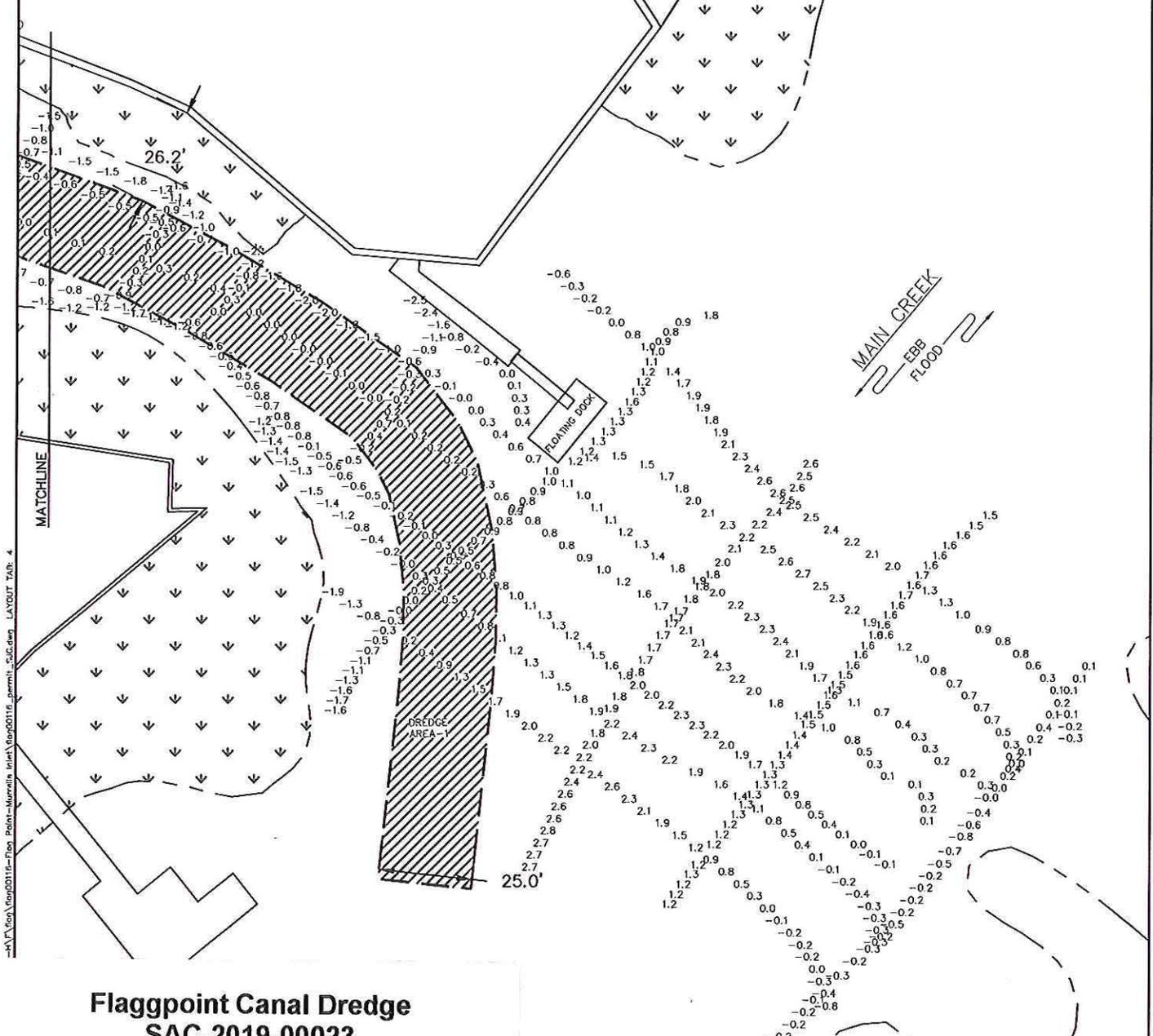
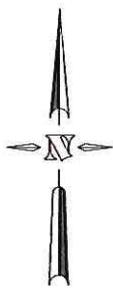
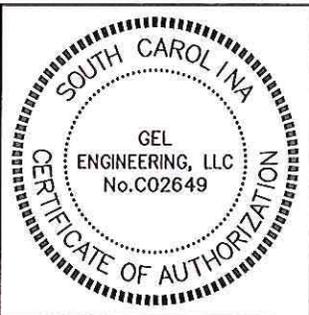
PROPOSED: MAINTENANCE DREDGING

AT: MURRELLS INLET, SC

IN: FLAGPOINT CANAL AND MAIN CREEK

COUNTY OF: GEORGETOWN SOUTH CAROLINA

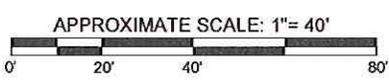
DATE: 10/30/2018



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ADJACENT PROPERTY OWNERS
SEE ATTACHED

SURVEY DATUM: NAD 83



SJG CREEK, LLC
MURRELLS INLET, SOUTH CAROLINA

FIGURE 4
LARGED PLAN VIEW

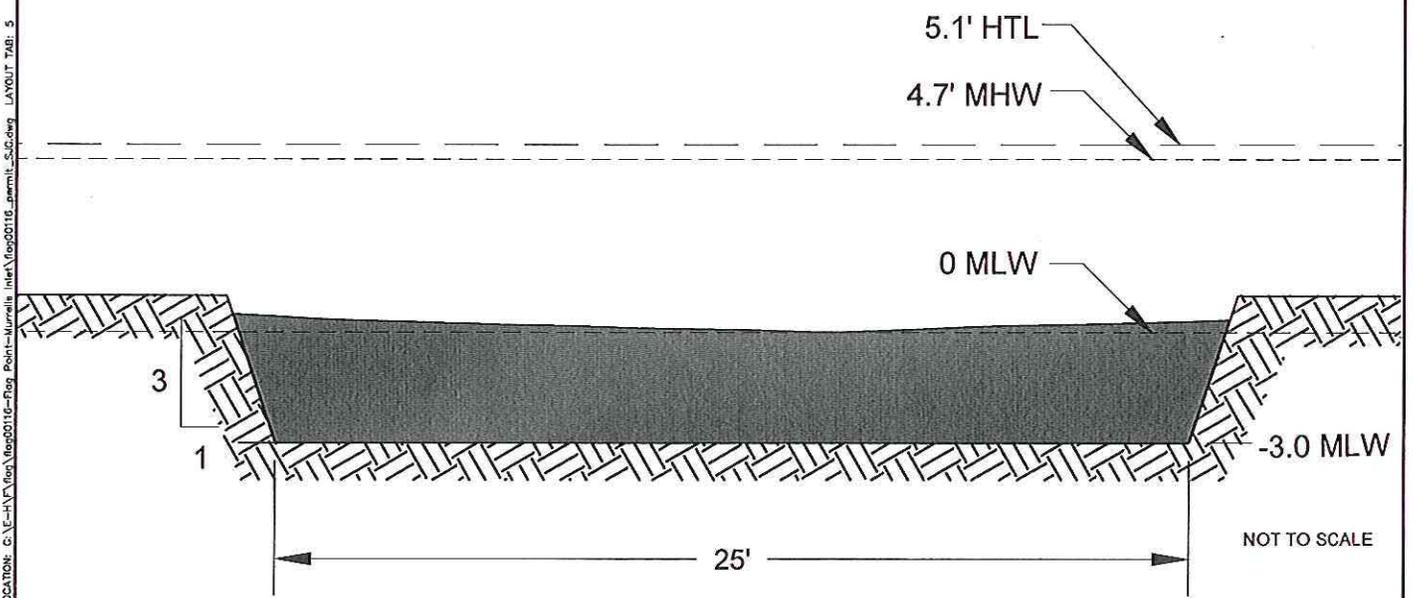
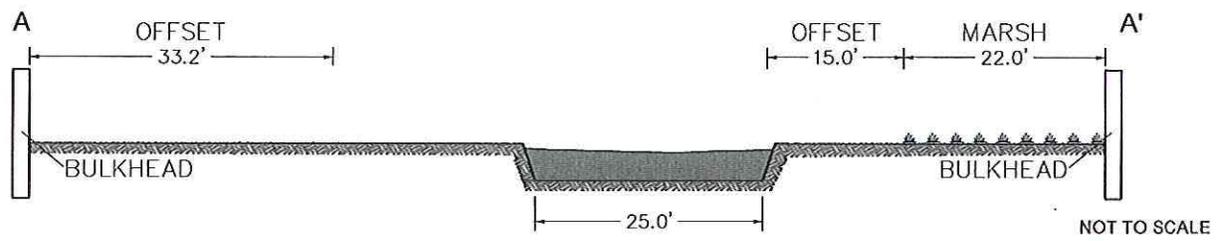
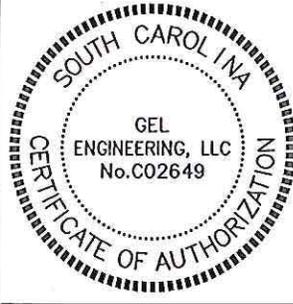
PROPOSED: MAINTENANCE DREDGING

AT: MURRELLS INLET, SC

IN: FLAGPOINT CANAL AND MAIN CREEK

COUNTY OF: GEORGETOWN SOUTH CAROLINA

DATE: 10/30/2018



PURPOSE: YEAR ROUND ACCESS ALL TIDAL CYCLES

FIGURE 5
TYPICAL CROSS SECTION A - A'

PROPOSED: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNE
SEE ATTACHED

Flagpoint Canal Dredge
SAC-2019-00023
Georgetown County, South Carolina
Sheet 5 of 5 Dated: October 30, 2018

AT: MURRELLS INLET, SC
N: FLAGPOINT CANAL AND MAIN CREEK
COUNTY OF: GEORGETOWN SOUTH CAROLINA

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DATE: 10/30/2018

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