

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
North Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: SAC-2023-01547

January 12, 2024

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 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408) 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

Mr. Michael Shuler
Ripley Yacht Club Investors
50 Immigration Street
Charleston, South Carolina 29403

Mr. Jack Walker
Coastal Marinas
50 Immigration St
Charleston, South Carolina 29403
jack@coastalmarinas.com

for a permit to maintenance dredging to provide adequate depths for recreational & commercial vessels at

Ripley Light Marina Basin

located TMS# 4211100085, Charleston County, South Carolina (Latitude: 32.77772 °, Longitude: -79.96225 °), Charleston Quad Sheet.

In order to give all interested parties an opportunity to express their views

N O T I C E

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.

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 maintain safe operating depths during all tidal stages for recreational vessels using the Ripley Light Marina Basin.

Project Description

The proposed work consists of maintenance dredging of 70,000 cubic yards of material as-needed from a 9.63 acre site to a depth of -8.0 feet MLW in the Ripley Cove fairway and to -7.0 feet MLW in the Ripley Cove boat slips, plus 1.0 foot of allowable over dredge in both the Ripley Cove fairway and boat slips. The material will be dredged using either a hydraulic cutterhead dredge or a mechanical dredge with an environmental clamshell bucket. Dredge material will be disposed of in an approved Dredge Material Placement Facility (DMPF) or if a DMPF is not available, the Applicant proposes to hydraulically pump dredged sediments to an on-site mechanical dewatering process. The applicant is requesting both forms of dredging to provide for greater flexibility when hydraulic dredging is not available. When hydraulically dredging, the material would be transported via pipeline or pumped to a hopper barge for transportation to a DMPF (if available). If a DMPF is not available, the dredge material would go through the dewatering process and the dewatered sediments would be loaded onto dump trucks and trucked to a pre-approved disposal area. The applicant is requesting authorization under a ten-year Department of the Army (DA) permit.

The applicant was previously authorized to dredge to this depth under DA permit SAC-2011-00807 which expired September 30, 2023.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by following best management practices during the dredging operation.

Proposed Compensatory Mitigation

The applicant has proposed no mitigation since the work consists of continued maintenance dredging and will not result in the loss of waters of the United States.

South Carolina Department of Health and Environmental Control

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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.

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 9.63 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: American chaffseed, Canby's dropwort, pondberry, Northern long-eared bat, American wood stork, Eastern black rail, piping plover, Rufa red knot, red-cockaded woodpecker, West Indian manatee, Atlantic sturgeon, shortnose sturgeon, finback whale, humpback whale, right whale, sei whale, sperm whale, Kemp's Ridley sea turtle, green sea turtle, leatherback sea turtle, and loggerhead sea turtle.

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 American chaffseed, Canby's dropwort, pondberry, Northern long-eared bat, American wood stork, Eastern black rail, red-cockaded woodpecker, or the whales and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect sturgeons, sea turtles, piping plover, Rufa red knot or the West Indian manatee 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.

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 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.

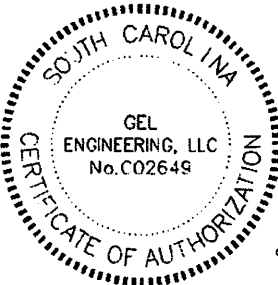
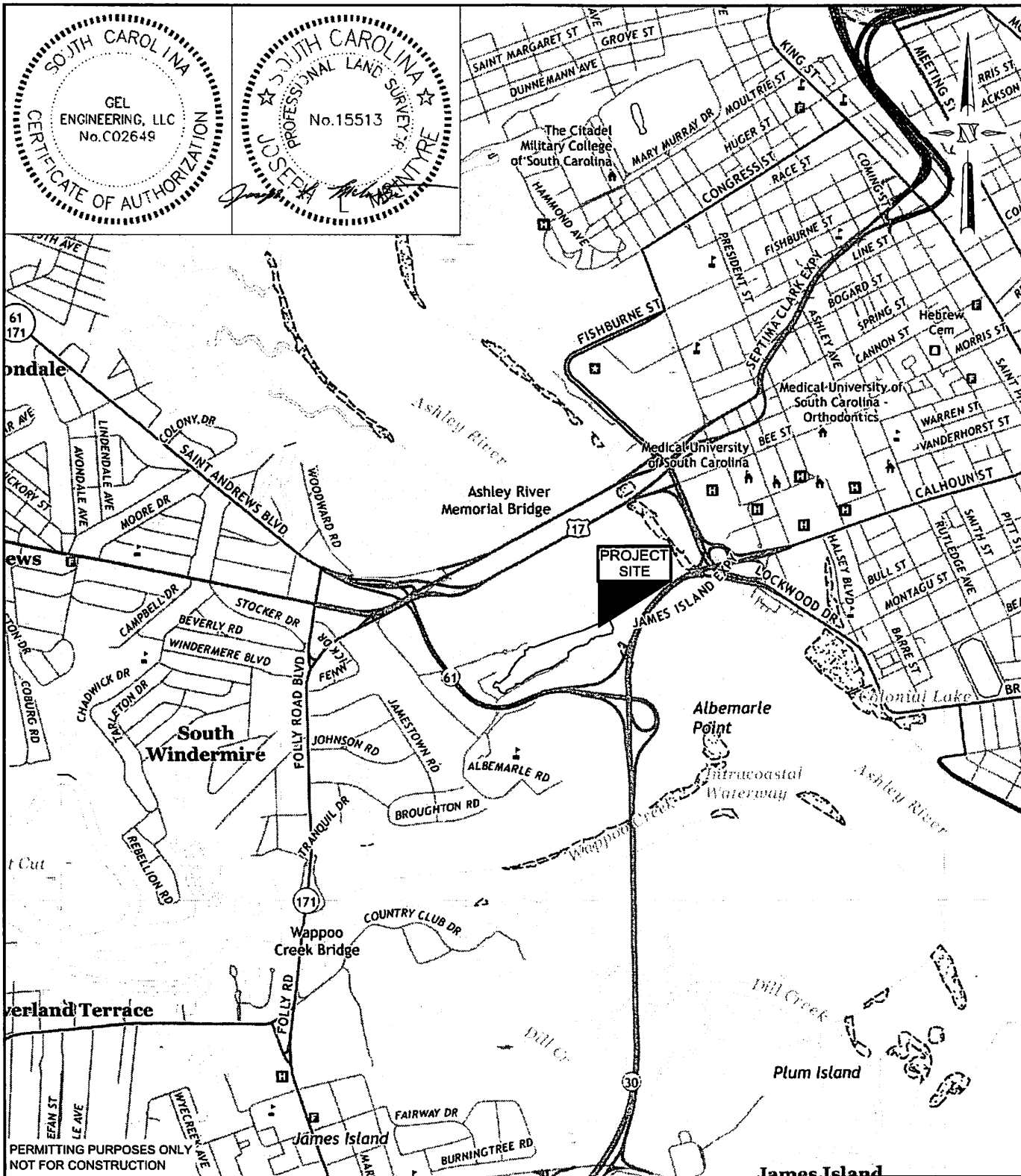
Solicitation of Public Comment

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-2023-01547), to brittany.a.fournet@usace.army.mil or the following address:

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

If there are any questions concerning this public notice, please contact Brittany Fournet, Project Manager, at 843-329-8046, or by email at brittany.a.fournet@usace.army.mil.



PURPOSE: ALL TIDE NAVIGATION

1. ADJACENT PROPERTY OWNERS:
SEE ATTACHED LIST

2. CRITICAL LINE PLAT BY:
RICHARD D. LACEY, HLA DATED AUGUST 9, 2022

3. REFERENCE DEEDS & PLATS:
DEED BOOK 1117, PAGES 445-447

4. TAX MAP NUMBERS:
421-11-00-054
421-00-00-274
421-00-00-275

FIGURE 1

LOCATION MAP
USGS QUAD "CHARLESTON"

SCALE: 1" = 2000'

RIPLEY LIGHT YACHT CLUB INVESTORS, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

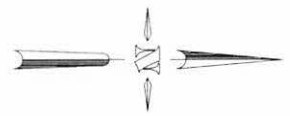
PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE
ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 1 OF 10 DATE: 10/17/2023



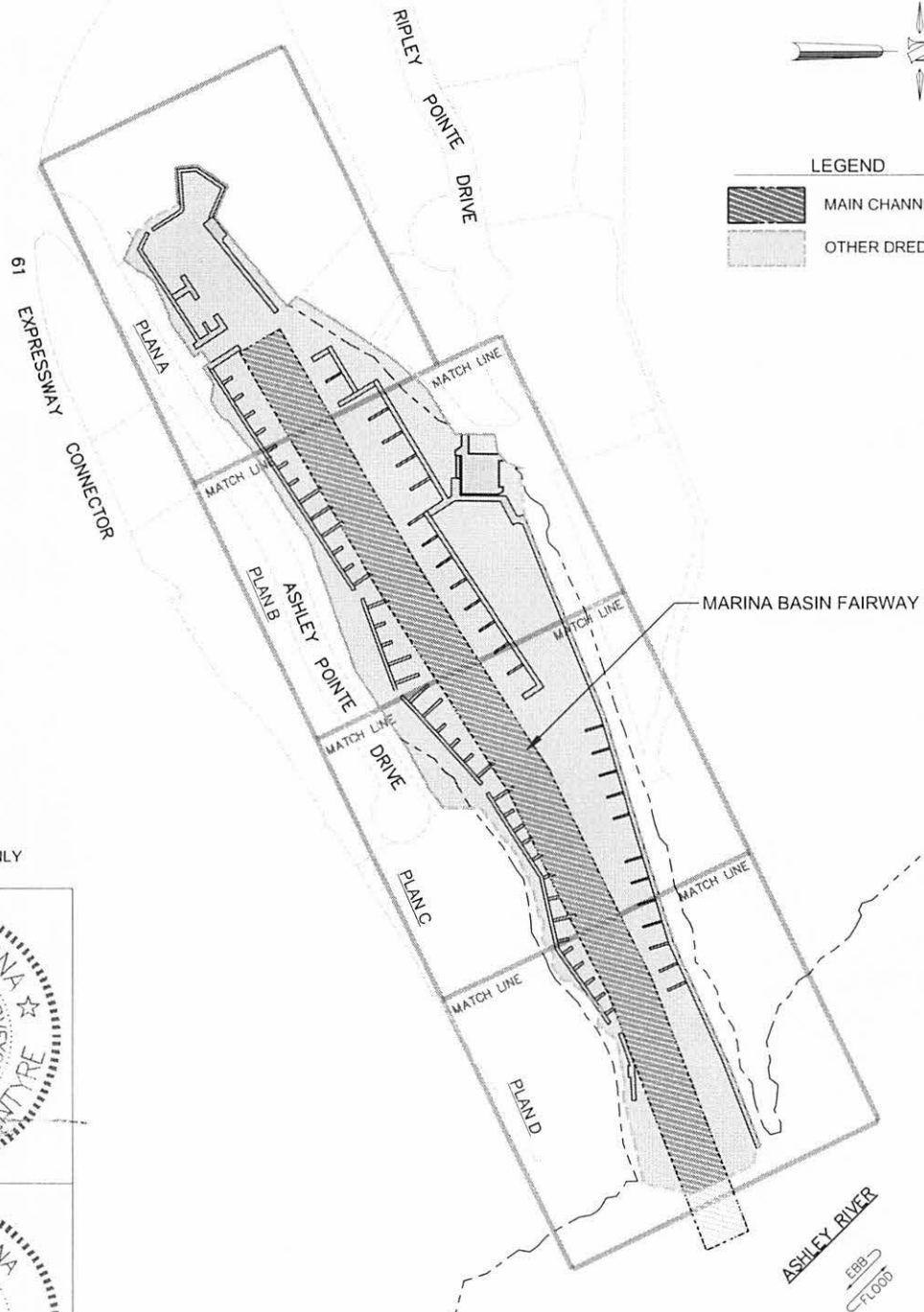
LEGEND



MAIN CHANNEL: -8 MLW



OTHER DREDGE AREAS: -7 MLW



PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION



NOTE: SCDHEC-OCRM CRITICAL
LINE VERIFIED 8/20/22

PURPOSE: ALL TIDE NAVIGATION

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

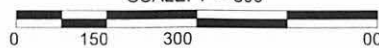
HORIZONTAL SURVEY DATUM:
NAD83 SOUTH CAROLINA STATE GRID

VERTICAL SURVEY DATUM:
RELATIVE TO MEAN LOW WATER

FIGURE 2

DREDGE AREA - PLAN VIEW

SCALE: 1" = 300'



RIPLEY LIGHT YACHT CLUB INVESTORS, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE
ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 2 OF 10

DATE: 10/17/2023

LEGEND

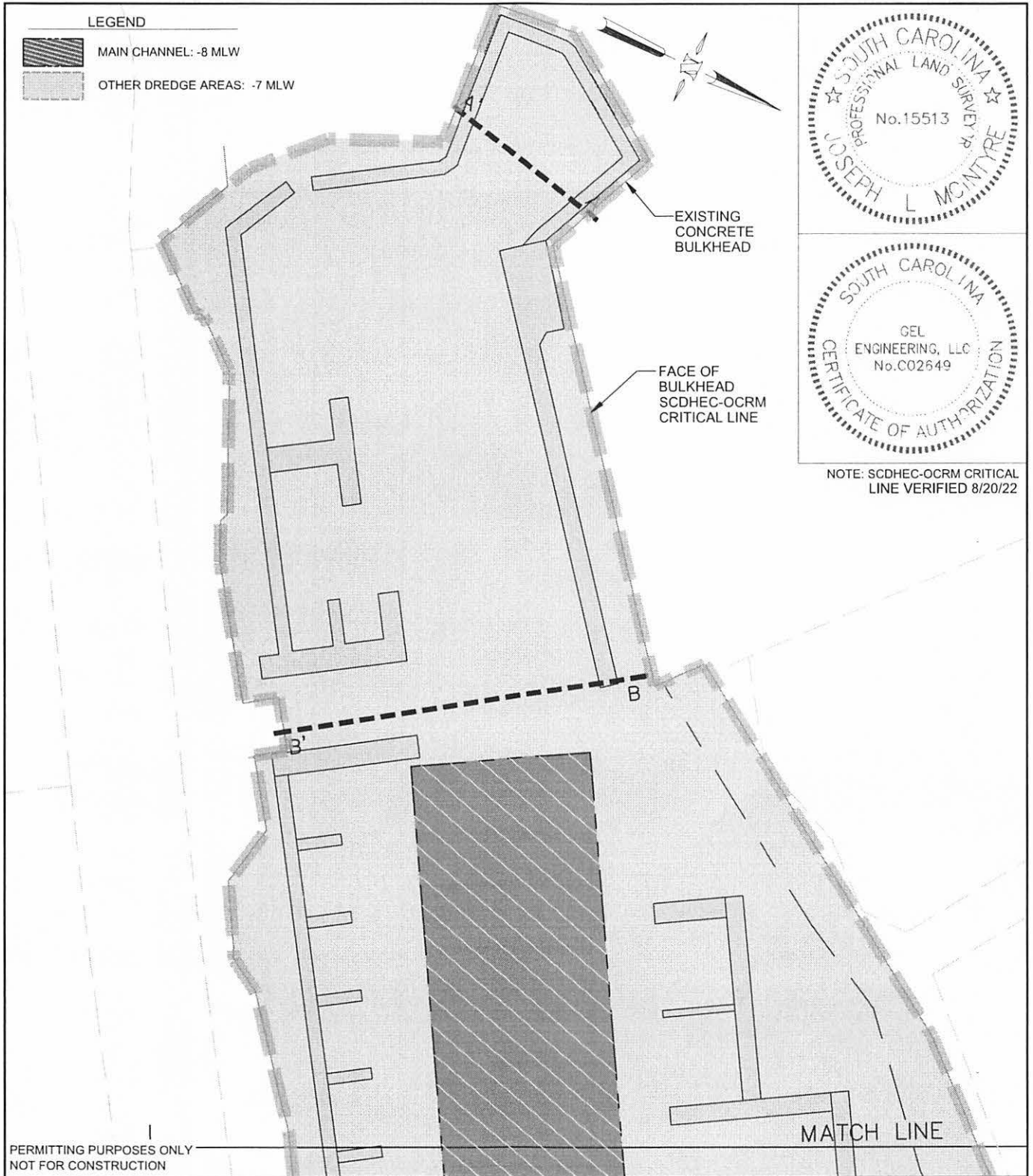


MAIN CHANNEL: -8 MLW

OTHER DREDGE AREAS: -7 MLW



NOTE: SCDHEC-OCRM CRITICAL LINE VERIFIED 8/20/22



PURPOSE: ALL TIDE NAVIGATION

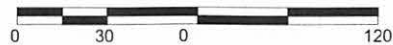
ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

HORIZONTAL SURVEY DATUM:
NAD83 SOUTH CAROLINA STATE GRID

VERTICAL SURVEY DATUM:
RELATIVE TO MEAN LOW WATER

FIGURE 3
DREDGE AREA
PLAN A

SCALE: 1" = 60'



RIPLEY LIGHT YACHT CLUB INVESTORS, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

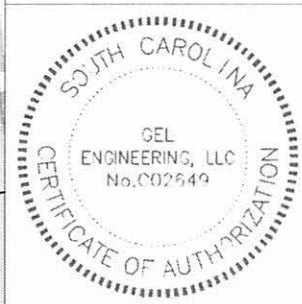
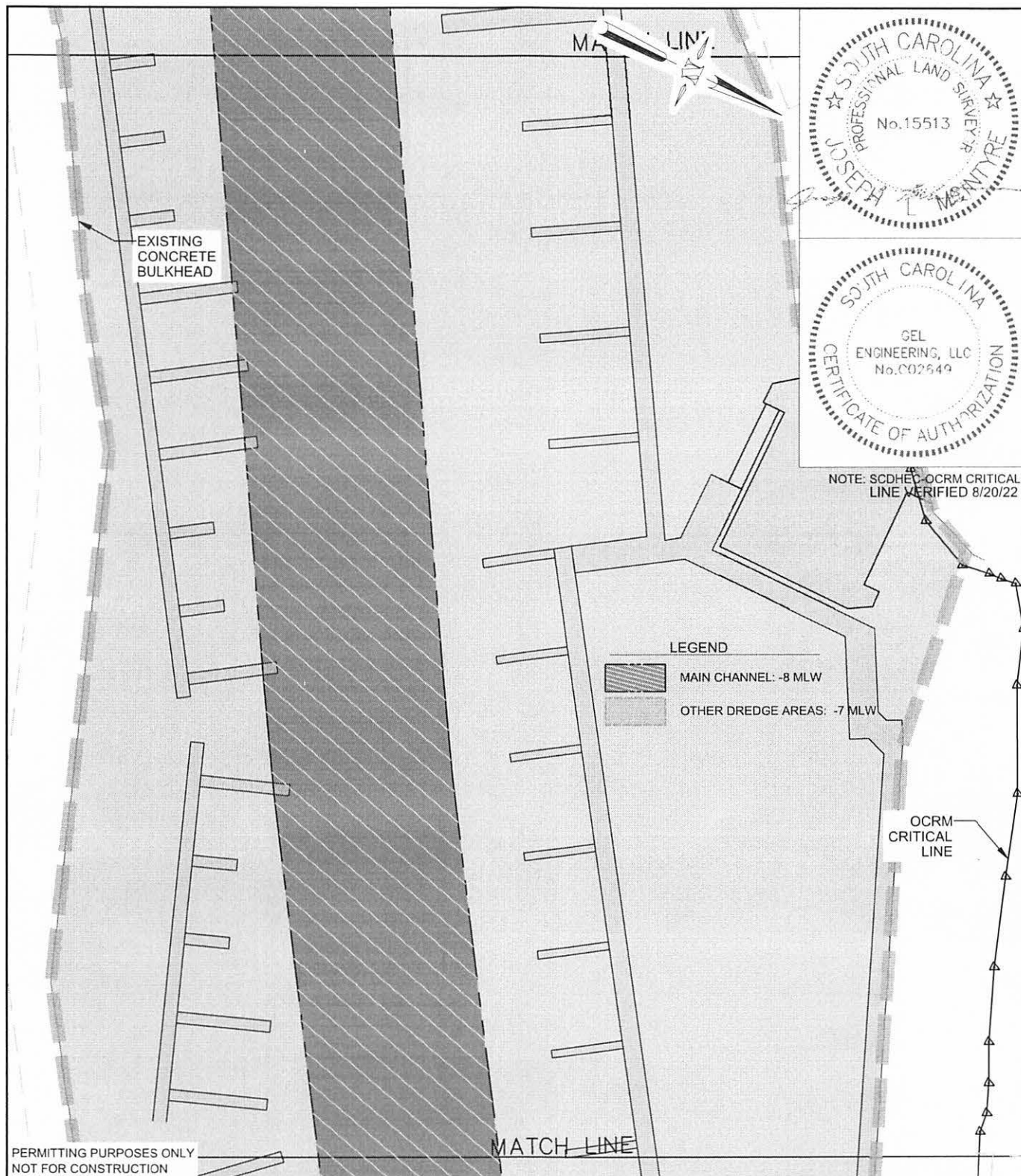
AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE
ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 10

DATE: 10/17/2023



PURPOSE: ALL TIDE NAVIGATION

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

HORIZONTAL SURVEY DATUM:
NAD83 SOUTH CAROLINA STATE GRID

VERTICAL SURVEY DATUM:
RELATIVE TO MEAN LOW WATER

FIGURE 4
DREDGE AREA
PLAN B

SCALE: 1" = 60'

0 30 0 120

RIPLEY LIGHT YACHT CLUB INVESTORS, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

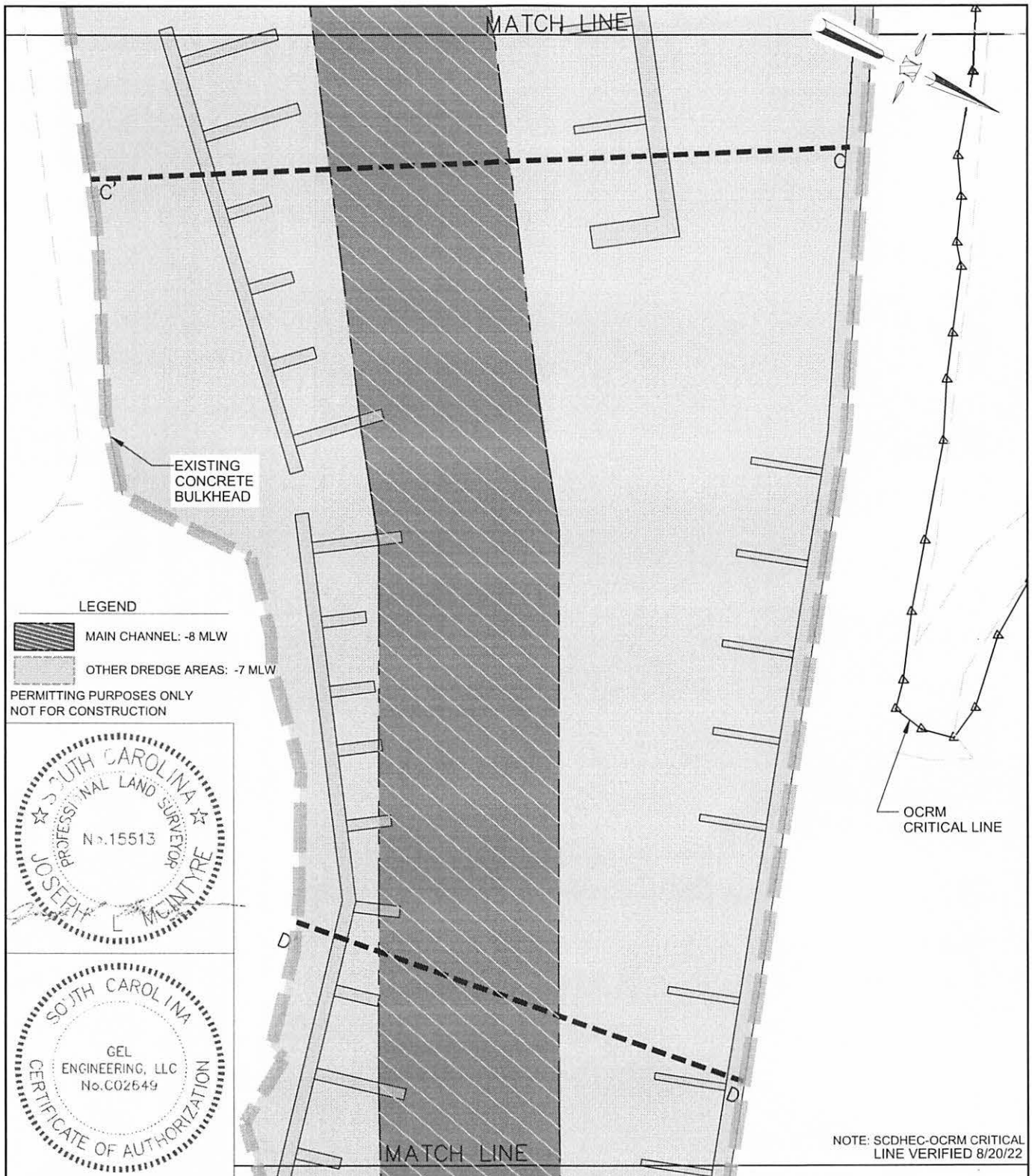
PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE
ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 4 OF 10 DATE: 10/17/2023



PURPOSE: ALL TIDE NAVIGATION

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

HORIZONTAL SURVEY DATUM:
NAD83 SOUTH CAROLINA STATE GRID

VERTICAL SURVEY DATUM:
RELATIVE TO MEAN LOW WATER

FIGURE 5
DREDGE AREA
PLAN C

SCALE: 1" = 60'

0 30 0 120

RIPLEY LIGHT YACHT CLUB INVESTORS, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

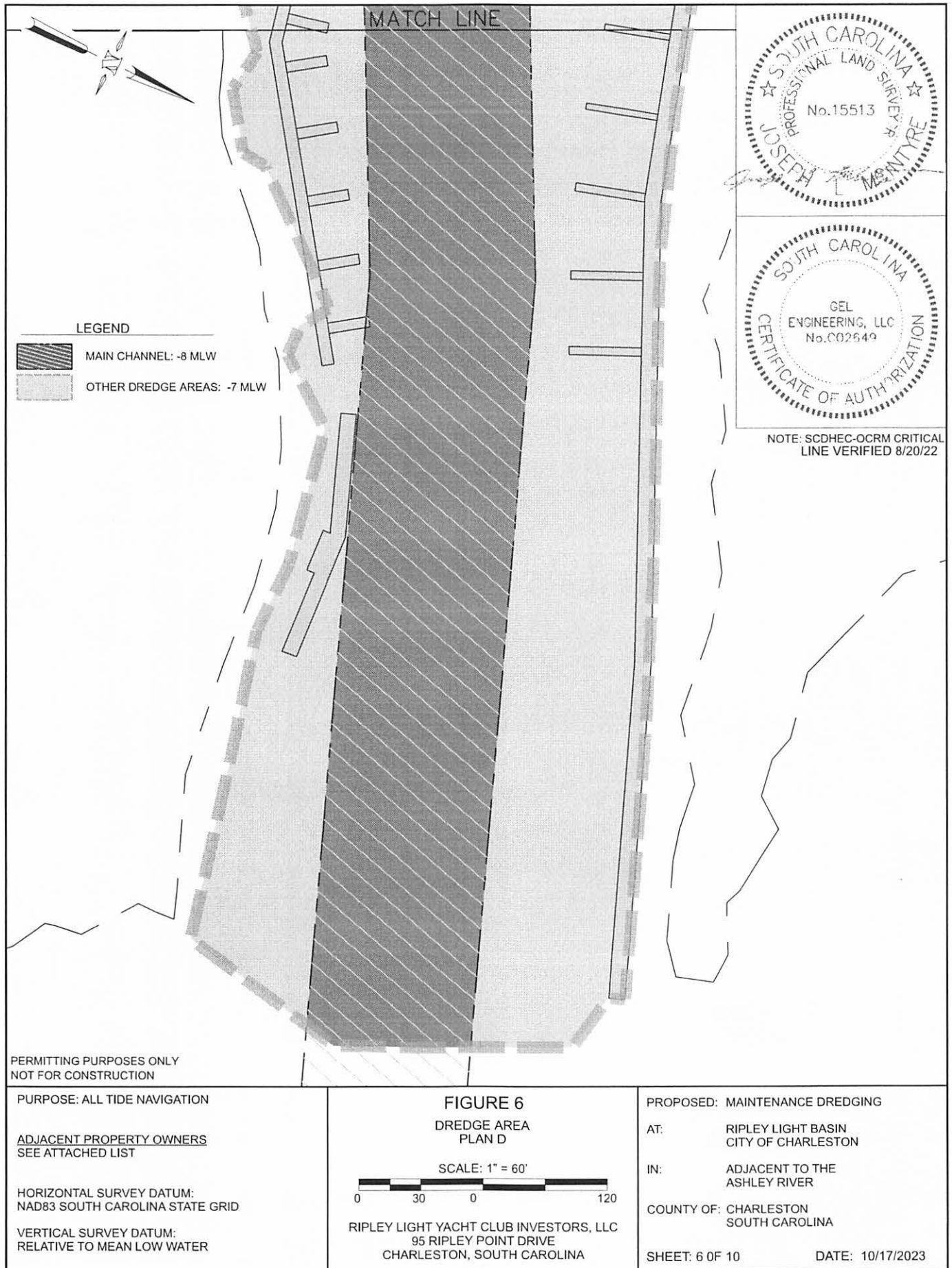
AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE
ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 5 OF 10

DATE: 10/17/2023



LEGEND



MAIN CHANNEL: -8 MLW

OTHER DREDGE AREAS: -7 MLW



NOTE: SCDHEC-OCRM CRITICAL LINE VERIFIED 8/20/22

PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

PURPOSE: ALL TIDE NAVIGATION

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

HORIZONTAL SURVEY DATUM:
NAD83 SOUTH CAROLINA STATE GRID

VERTICAL SURVEY DATUM:
RELATIVE TO MEAN LOW WATER

FIGURE 6
DREDGE AREA
PLAN D

SCALE: 1" = 60'



RIPLEY LIGHT YACHT CLUB INVESTORS, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

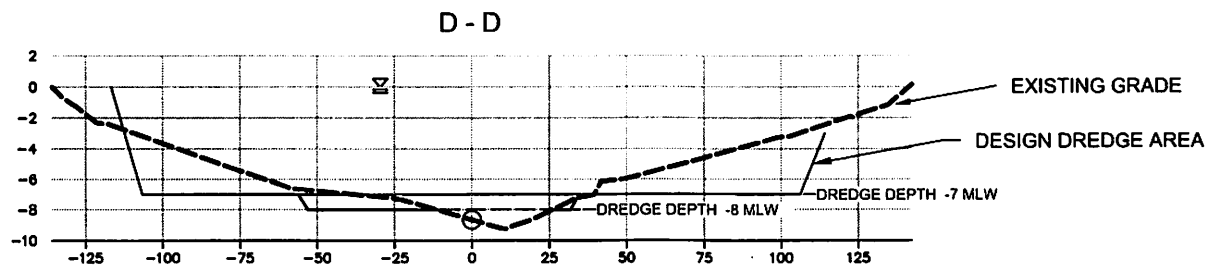
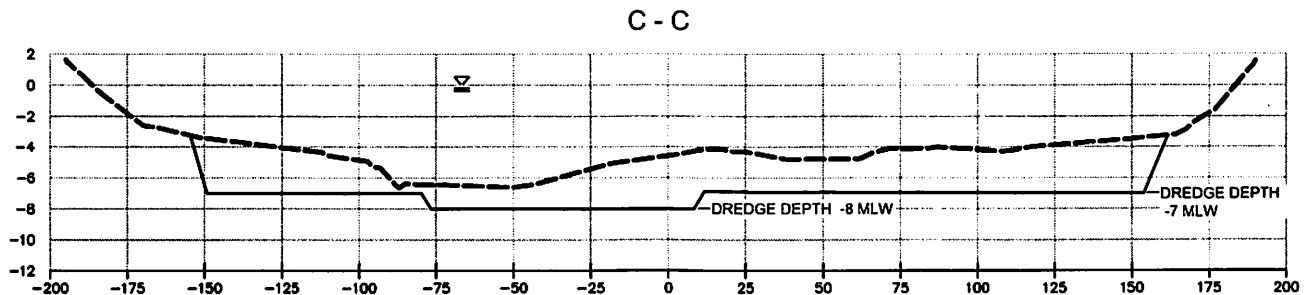
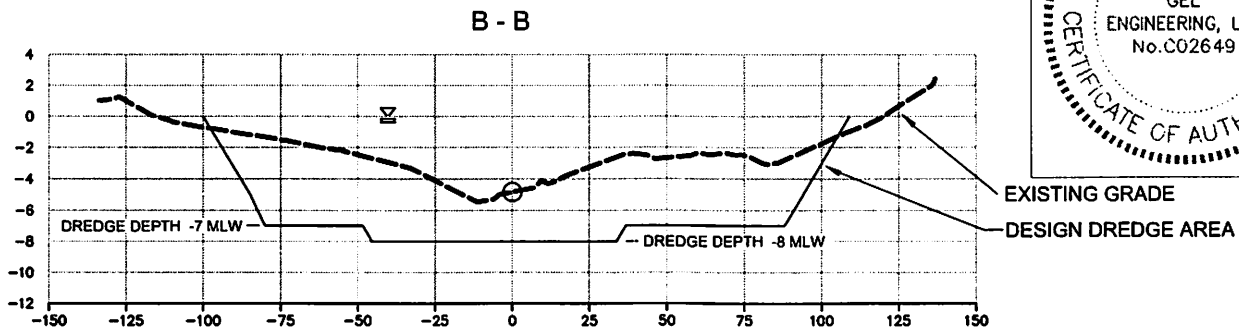
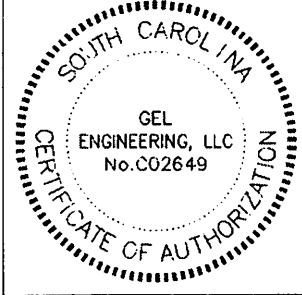
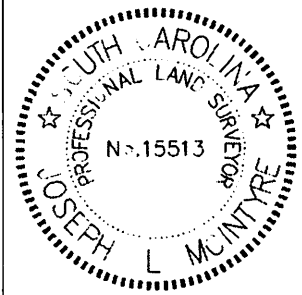
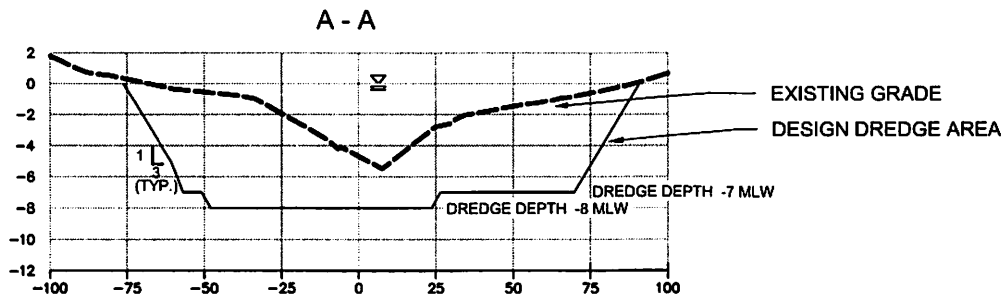
AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE
ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 6 OF 10

DATE: 10/17/2023



PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

PURPOSE: ALL TIDE NAVIGATION

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

HORIZONTAL SURVEY DATUM:
NAD83 SOUTH CAROLINA STATE GRID

VERTICAL SURVEY DATUM:
RELATIVE TO MEAN LOW WATER

FIGURE 7 PROPOSED DREDGE SECTIONS

RIPLEY LIGHT YACHT CLUB INVESTORS, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

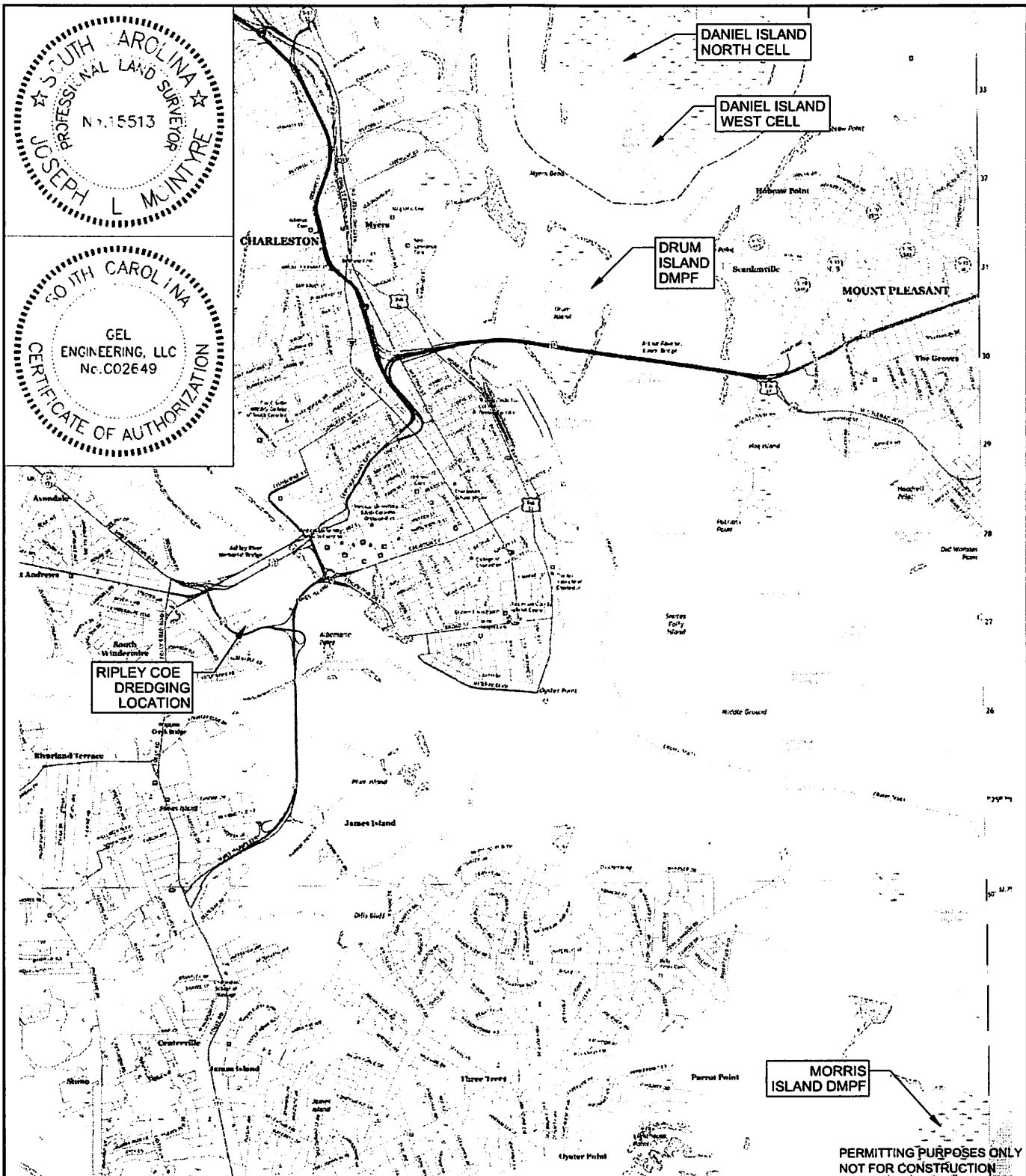
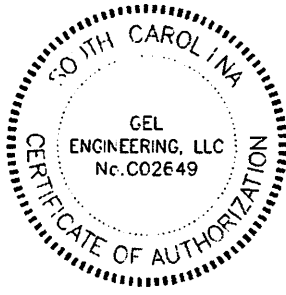
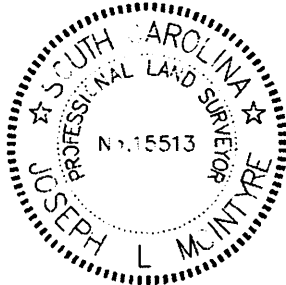
AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE
ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 7 OF 10

DATE: 10/17/2023



PURPOSE: ALL TIDE NAVIGATION

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

HORIZONTAL SURVEY DATUM:
NAD83 SOUTH CAROLINA STATE GRID

VERTICAL SURVEY DATUM:
RELATIVE TO MEAN LOW WATER

FIGURE 8
UPLAND DISPOSAL FACILITIES

SCALE: 1" = 5000'
0 2500 5000 10000

RIPLEY LIGHT YACHT CLUB INVESTORS, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

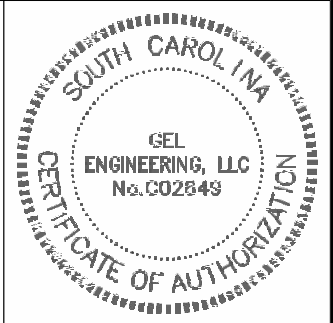
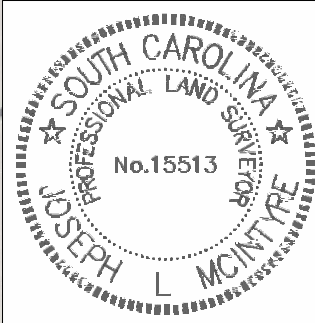
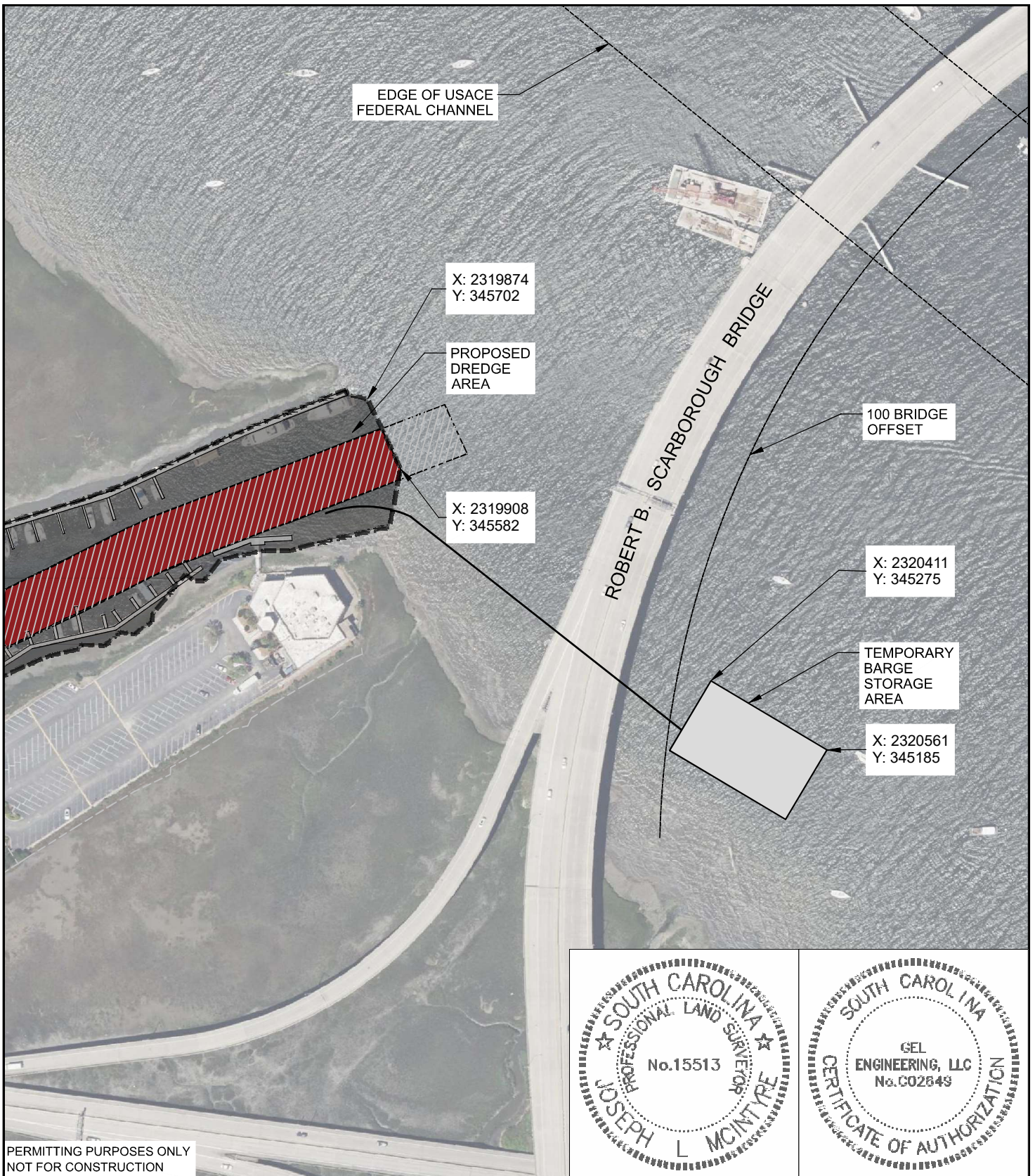
IN: ADJACENT TO THE
ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

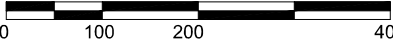
SHEET: 8 OF 10

DATE: 10/17/2023

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NOT FOR CONSTRUCTION



PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

<p>PURPOSE: ALL TIDE NAVIGATION</p> <p>ADJACENT PROPERTY OWNERS SEE ATTACHED LIST</p> <p>HORIZONTAL SURVEY DATUM: NAD83 SOUTH CAROLINA STATE GRID</p> <p>VERTICAL SURVEY DATUM: RELATIVE TO MEAN LOW WATER</p>	<p>FIGURE 9 BARGE TRANSPORT</p> <p>SCALE: 1" = 200'</p>  <p>RIPLEY LIGHT YACHT CLUB INVESTORS, LLC 95 RIPLEY POINT DRIVE CHARLESTON, SOUTH CAROLINA</p>	<p>PROPOSED: MAINTENANCE DREDGING</p> <p>AT: RIPLEY LIGHT BASIN CITY OF CHARLESTON</p> <p>IN: ADJACENT TO THE ASHLEY RIVER</p> <p>COUNTY OF: CHARLESTON SOUTH CAROLINA</p> <p>SHEET: 9 OF 10 DATE: 10/17/2023</p>
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