

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: P/N SAC-1999-11740

July 14, 2023

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) 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. 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

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 provide expanded space and access for the recreational commercial dock. The dock is utilized by the applicant for kayak tours/rentals and boat tours.

Project Description

The proposed work consists of removing the existing 4' x 155' boardwalk with a 4' x 18' gangway to a 12' x 16' pierhead with a gangway to floating kayak launch docks on each end. The proposed new dock's access would be constructed approximately 120 feet southeast along the shoreline from the current dock's access. The proposed new dock consists of a 6' x 170' long boardwalk leading to a 12' x 24' covered pierhead. From the pierhead a 6' x 7' landing with a 5' x 30' ADA gangway will lead to a 20' x 36' floating dock with two 20' x 28' floating docks on either side with kayak launches and kayak storage racks. The proposed work was revised from the work detailed in the Public Notice dated January 18, 2022. The dock was originally permitted on March 13, 2000 under SAC-1999-11740 (formally known as 99-1E-248).

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. Furthermore, the existing pile supported structure will be removed.

Proposed Compensatory Mitigation

The applicant has proposed no mitigation for impacts to wetlands or waters of the United States since the proposed project would not result in the 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). 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 0.049 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 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 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; and will not result in the destruction or adverse modification of designated or proposed critical habitat.

Furthermore, the District Engineer has determined that 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 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)), 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 impacts, 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 Leslie.A.Estill@usace.army.mil or the following address:

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

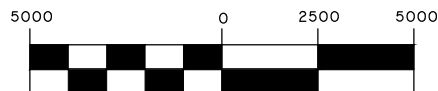
If there are any questions concerning this public notice, please contact Leslie Estill, Project Manager, at (843) 329-8039, or by email at Leslie.A.Estill@usace.army.mil.



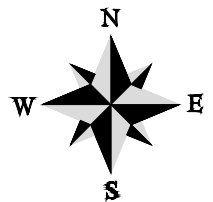
SITE



GRAPHIC SCALE



(IN FEET)
1 inch = 5000ft.



MINGO POINT KAYAK DOCK REPLACEMENT

SHEET NAME:
VICINITY MAP

APPLICANT:
KIAWAH ISLAND GOLF RESORT

LOCATION: KIAWAH ISLAND, SC
DATE: 8/26/2021 REV. 6/20/2023
JOB NUMBER: J - 29380.0000

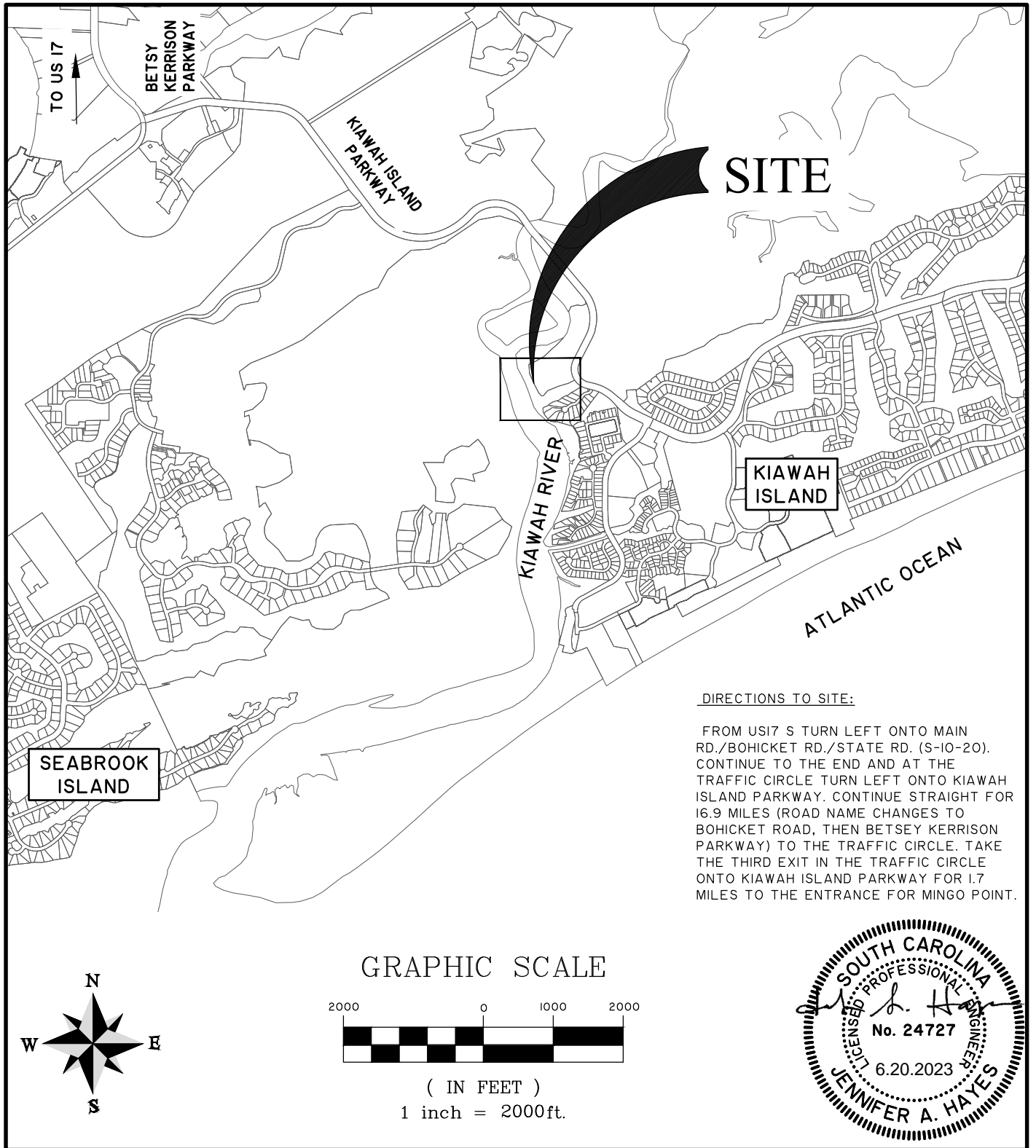
ORIGINAL PERMIT
91-3E-135P

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

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MINGO POINT KAYAK DOCK REPLACEMENT

SHEET NAME:
LOCATION MAP

ORIGINAL PERMIT
91-3E-135P

APPLICANT:
KIAWAH ISLAND GOLF RESORT

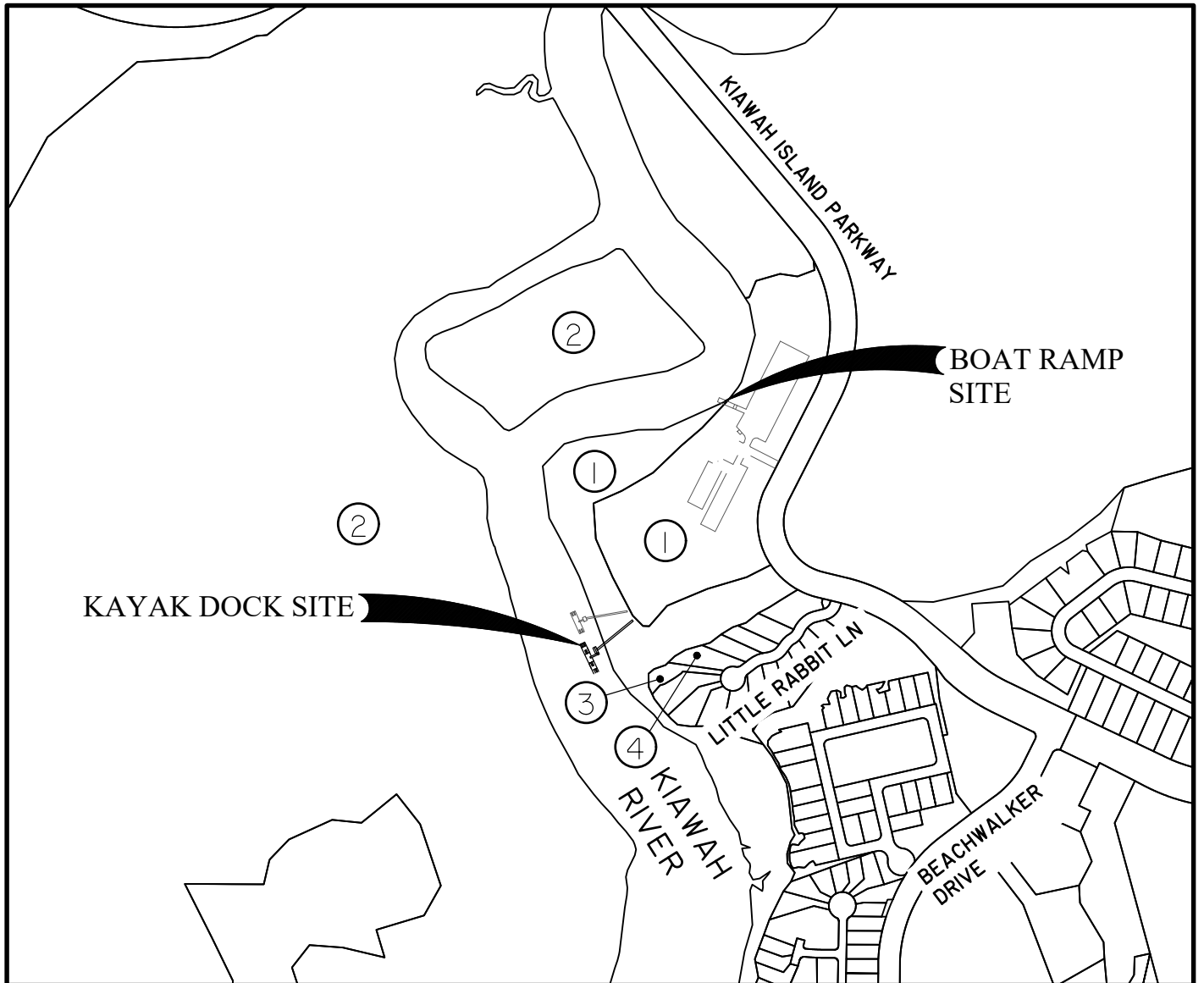
LOCATION: KIAWAH ISLAND, SC
DATE: 8/26/2021 REV. 6/20/2023
JOB NUMBER: J - 29380.0000

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

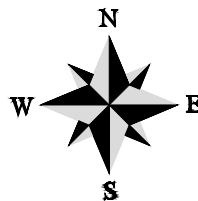
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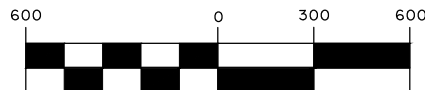
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- ① TMS: 207-00-00-009
Kiawah Resort Associates LP
- ② TMS: 205-00-00-004
Lowcountry Open Land Trust
- ③ TMS: 207-02-00-093
Pointe On Kiawah River HOA Inc
- ④ TMS: 207-02-00-084
Shawn D & Virginia Cepeda

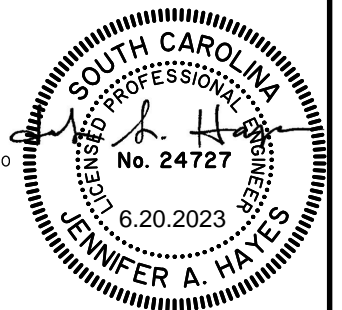


GRAPHIC SCALE



(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. 6/20/2023
JOB NUMBER: J - 29380.0000

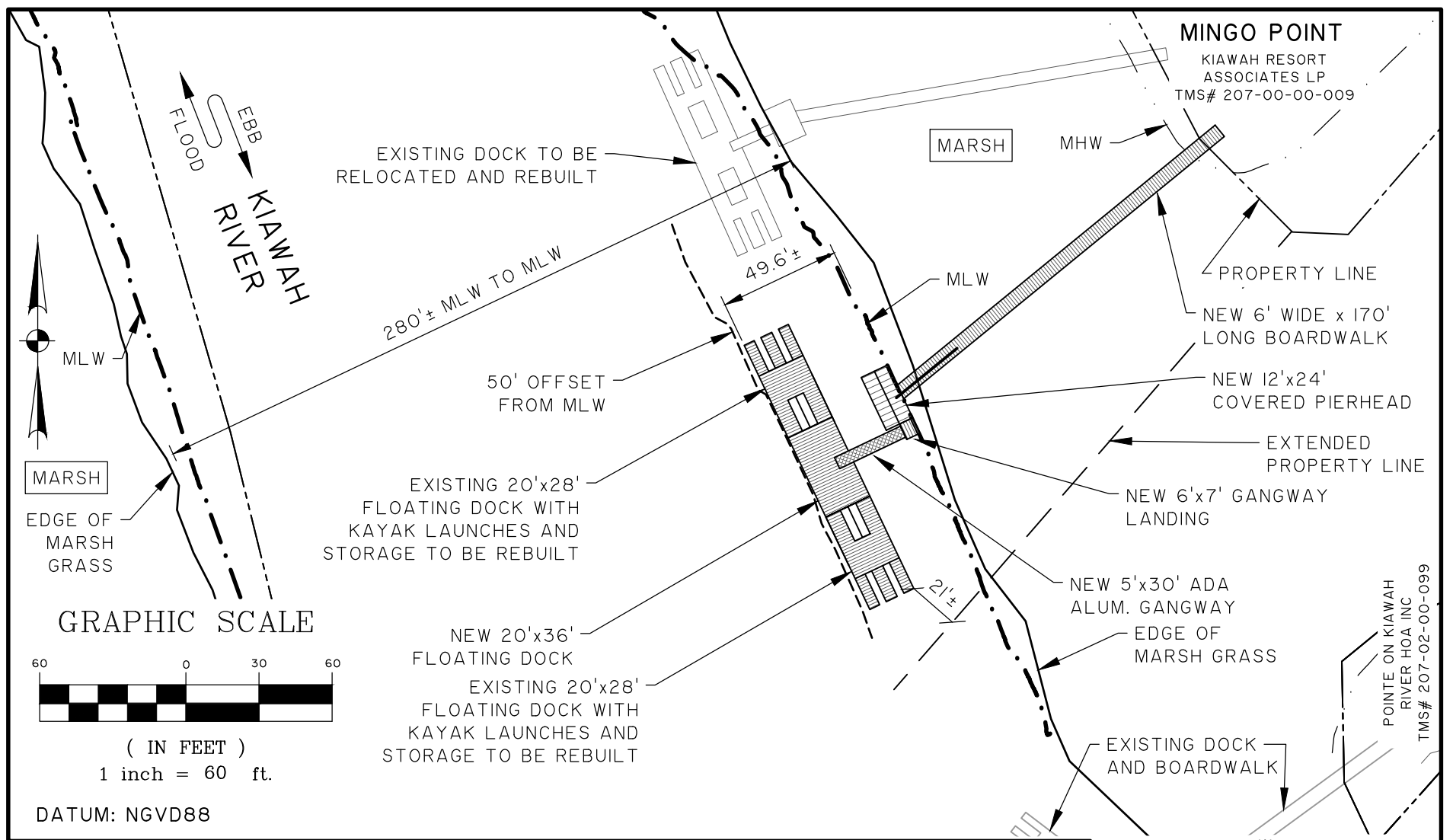
ORIGINAL PERMIT
91-3E-135P

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

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

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. 6/20/2023

JOB NUMBER: J - 29380.0000

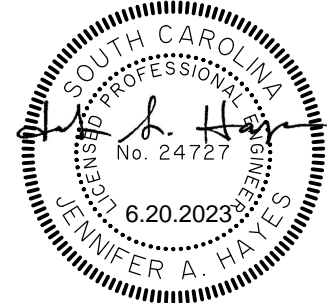
SHEET: 4 OF 9

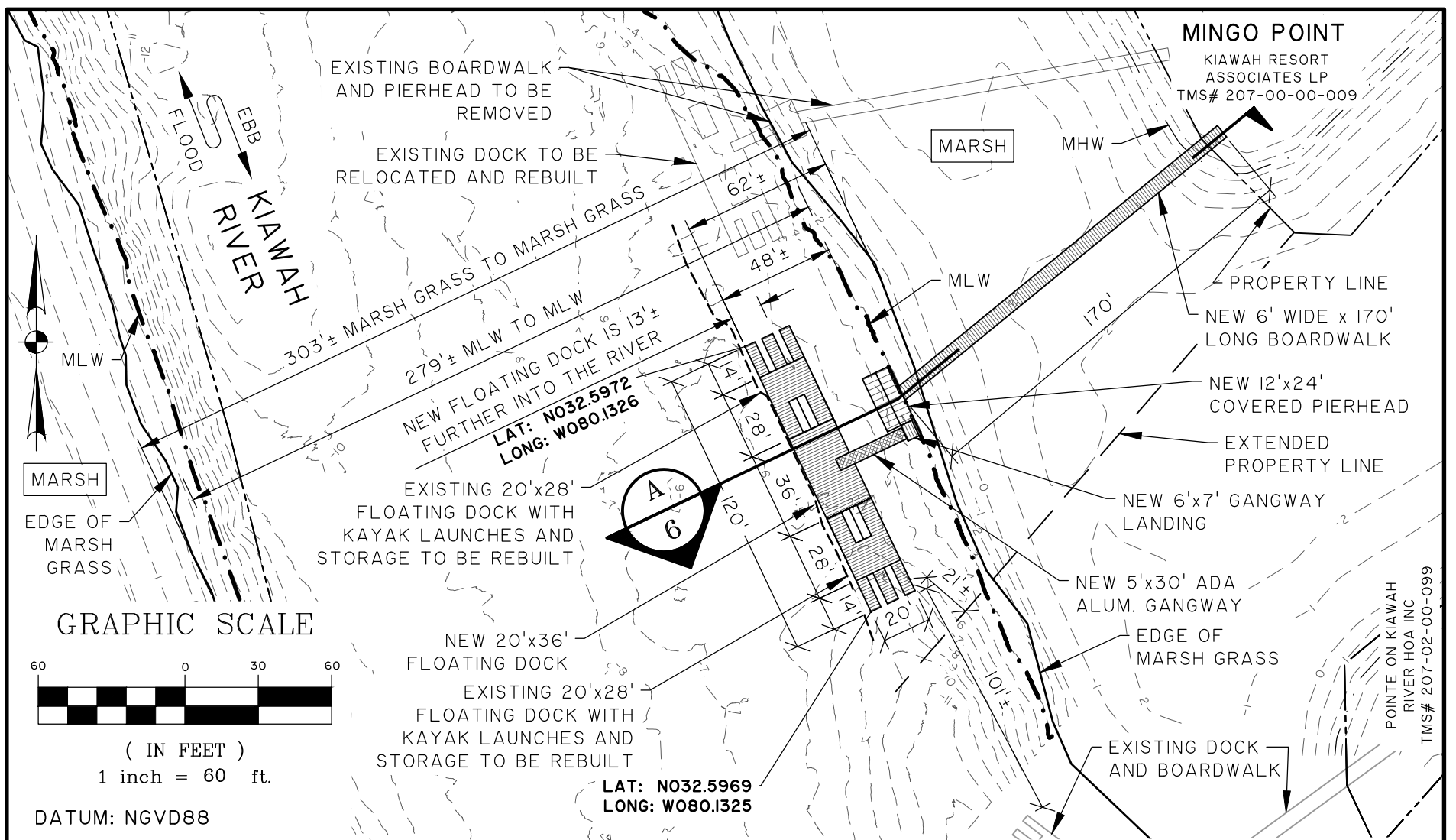
SCALE: 1" = 60'

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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. 6/20/2023

JOB NUMBER: J - 29380.0000

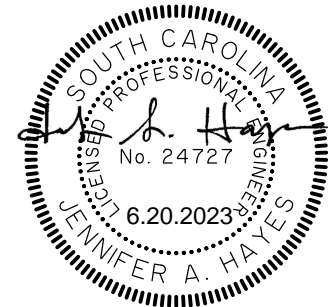
SHEET: 5 OF 9

SCALE: 1" = 60'

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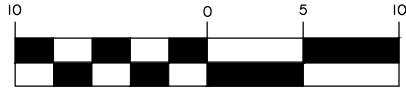
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GRAPHIC SCALE



(IN FEET)

1 inch = 10 ft.

170' LONG X 6' WIDE
BOARDWALK

WOODEN
RAILING
(BEYOND)

12'x24' COVERED
FIXED PIERHEAD

T/ROOF
EL. 20.0

12" MAX. OVERHANG

T/BOARDWALK
AND PIERHEAD
EL. 8.0

5'x30' ADA ALUMINUM
GANGWAY (BEYOND)

KIAWAH RIVER

20'x36' FLOATING DOCK

MHW = 2.49

MLW = -3.10

MARSH GRASS LINE

SPLIT
PILE
CAP

STRINGER

WOOD CROSS
BRACING

MLW
LINE

TIMBER PILES

231'± TO MLW LINE
OPPOSITE BANK

APPROXIMATE
GRADE OF
RIVER BOTTOM

241'± TO MARSH GRASS
LINE OPPOSITE BANK

A

SECTION

6

1" = 10'

DATUM: NGVD88

MINGO POINT KAYAK DOCK REPLACEMENT

SHEET NAME:

SECTION

APPLICANT:

KIAWAH ISLAND GOLF RESORT

LOCATION: KIAWAH ISLAND, SC

DATE: 8/26/2021 REV. 6/20/2023

JOB NUMBER: J - 29380.0000

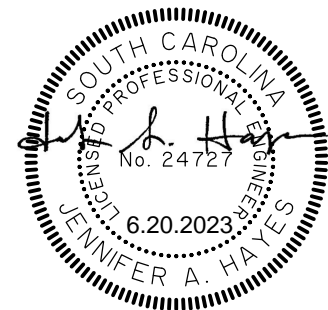
SHEET: 6 OF 9

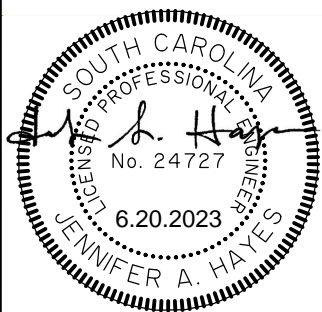
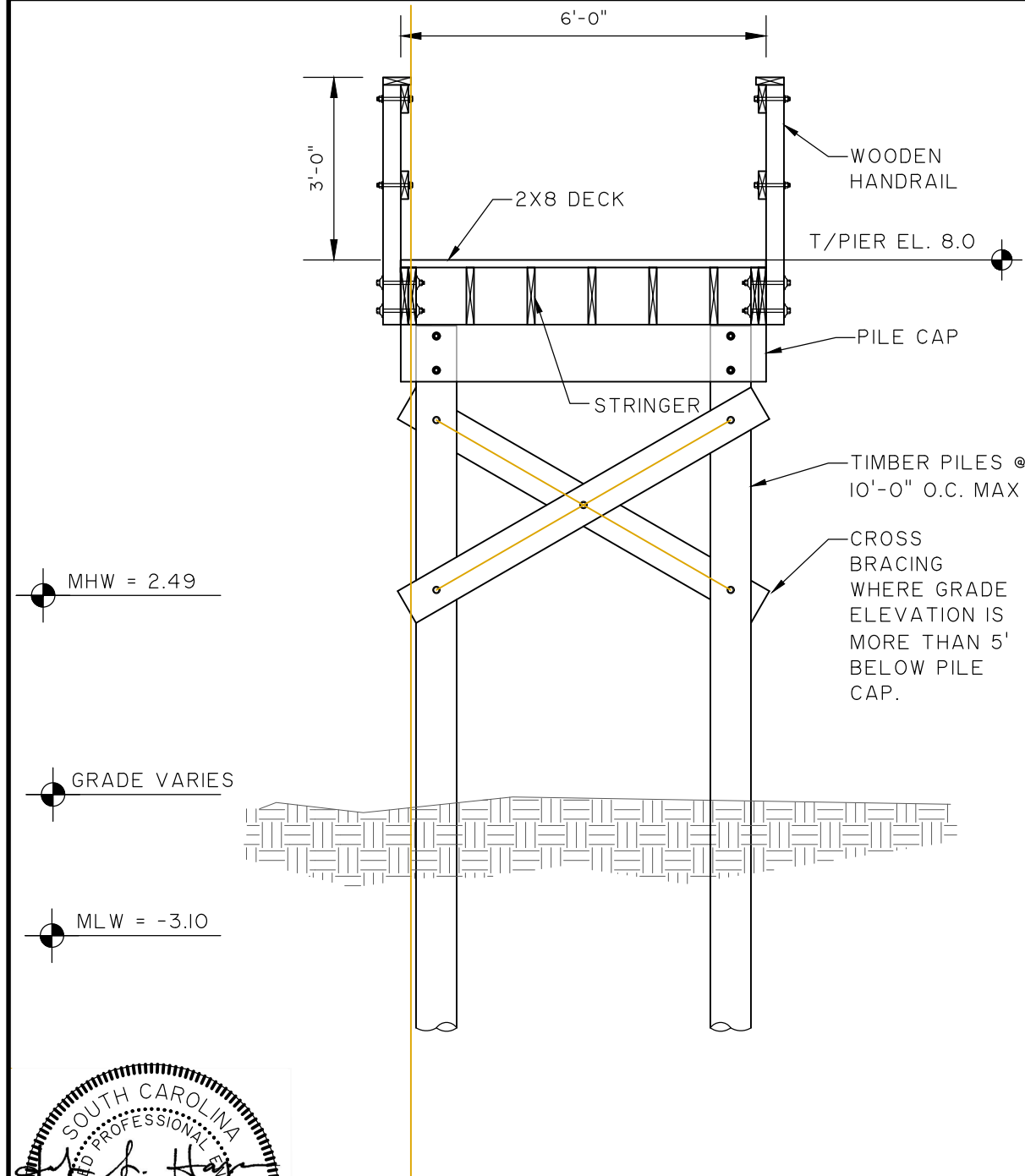
SCALE: 1" = 10'

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MINGO POINT KAYAK DOCK REPLACEMENT

SHEET NAME:

BOARDWALK SECTION

APPLICANT:

KIAWAH ISLAND GOLF RESORT

LOCATION: KIAWAH ISLAND, SC

DATE: 8/26/2021 REV. 6/20/2023

JOB NUMBER: J - 29380.0000

SHEET: 7 OF 9

SCALE: 3/8" = 1'-0"



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