

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, SC 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 SAC-2008-02305

June 20, 2017

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

Mr. Lee Fleming
CMMC, LLC
1670 Drydock Avenue, Suite 100
North Charleston, South Carolina 29405

for a permit modification of an existing permit (SAC-2008-02305) on the

Cooper River

on the north side of Pier Juliet (J) at the existing CMMC, LLC facility located in North Charleston. Charleston County, South Carolina (Latitude: 32.8607 °N, Longitude: -79.951 °W), Quad Sheet: SC- North Charleston.

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.

The proposed work consists of modifying the existing permit (SAC-2008-02305) to allow for implementing the use of bed leveling at Pier J. In detail the applicant is requesting a one-time approval to implement bed leveling (a form of maintenance dredging) in accordance with the Pilot Study Plan for Bed Leveling (Plan) dated March 24, 2017. The Plan was coordinated and

conceptually approved by all regulatory and resource agencies prior to submittal of this permit modification, and is available upon request. Bed leveling is a method of maintenance dredging that is accomplished by dragging an I-Beam assembly across the high spots within the berth with the use of a tug boat. The beam will be dragged across the bottom in a direction generally parallel to the length of the berth. The applicant is proposing to conduct the bed leveling during one ebb tide and one flood tide in order to obtain the real-time data specified in the Plan. As the beam is dragged across the bottom with transects beginning along the face of the berth and extending outward, it is anticipated that the shoaled material identified in the pre-dredge survey will be relocated to the deeper water in the outward portion of the berth but not into the federal navigation channel, thus leveling the material in the berth. In addition to the pre- and post- dredge surveys specified in the Plan, water depths will be measured periodically during the operation to evaluate changes in depth in the berth. The modification may become a permanent approval if the Plan is deemed successful. Success criteria include the following: 1) Bed leveling successfully creates an acceptable depth for vessels utilizing the facility; 2) During the movement of the sediments within the berth, there are no significant deposits in the adjacent berths; and 3) During the movement of the sediments within the berth, there are no significant deposits in the Federal Channel. The purpose of the project modification and Plan is to evaluate an alternative method to the presently approved/ active hydraulic dredging, in order to establish and maintain safe operating depths between hydraulic dredging events that are concurrent with Federal maintenance dredging events in the adjacent channel.

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 3.72 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 that the project may affect but is not likely to adversely affect the Atlantic

sturgeon (*Acipenser oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*) and the West Indian manatee (*Trichechus manatus*) and will not result in the destruction or adverse modification of designated or proposed critical habitat. The District Engineer has also determined that the project will have no effect on the Kemp's Ridley sea turtle (*Lepidochelys kempii*), the leatherback sea turtle (*Dermochelys coriacea*), or the loggerhead sea turtle (*Caretta caretta*) and will not 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.

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.

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. 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

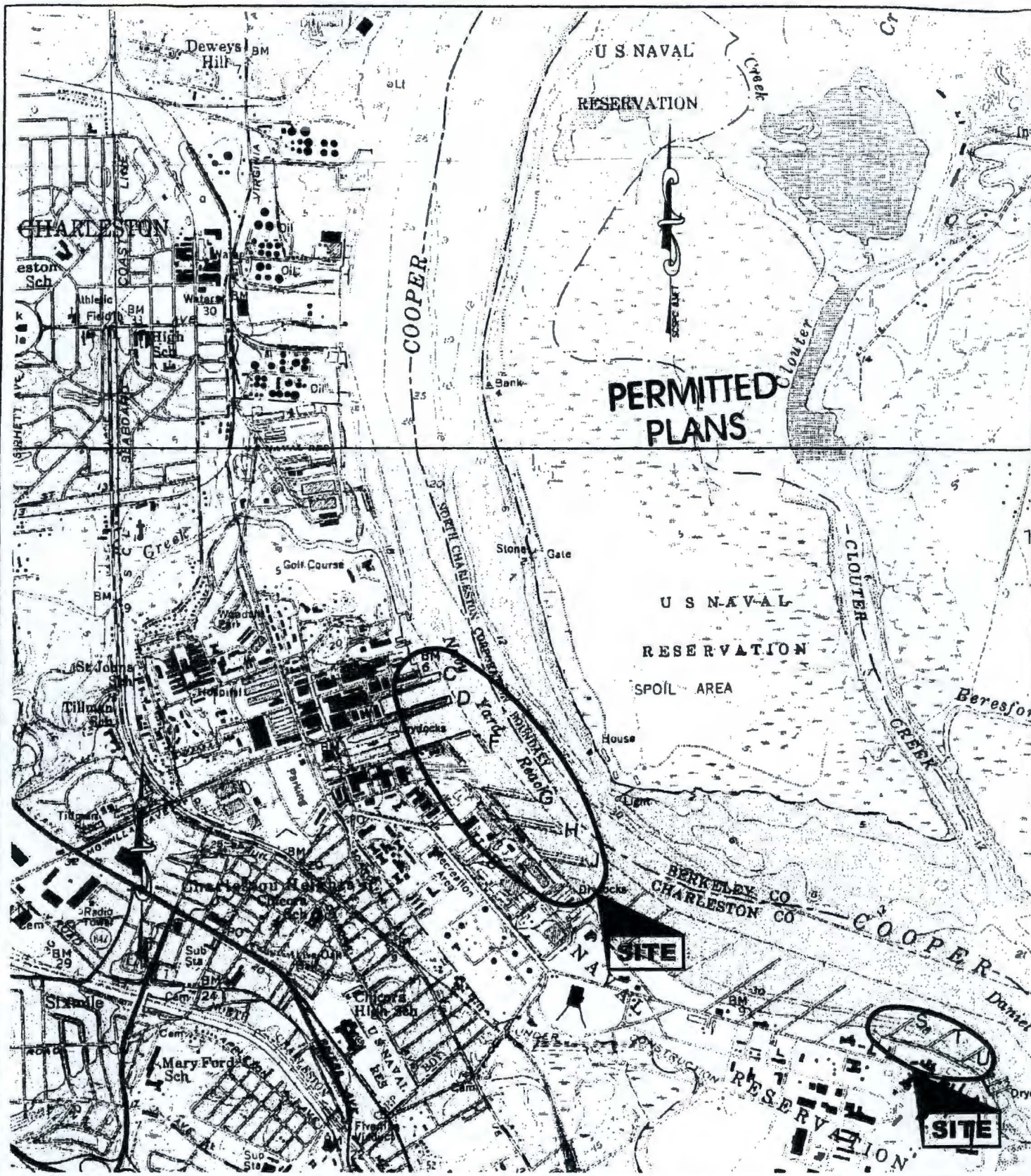
June 20, 2017

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
69A Hagood Avenue
Charleston, SC 29403-5107**

If there are any questions concerning this public notice, please contact Chelsea B. Fannin, Project Manager, at (843) 329-8038.

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PURPOSE: MAINTAIN SAFE OPERATING DEPTH
FOR DEEP-DRAFT VESSELS

ADJACENT PROPERTY OWNERS

CITY OF NORTH CHARLESTON
SEACREST MARINE HOLDINGS, LLC

SURVEY DATUM: NGVD 29

FIGURE 1
LOCATION MAP
USGS QUAD "CHARLESTON"

NOT TO SCALE

CMMC, LLC
NORTH CHARLESTON
SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING

AT: NORTH CHARLESTON

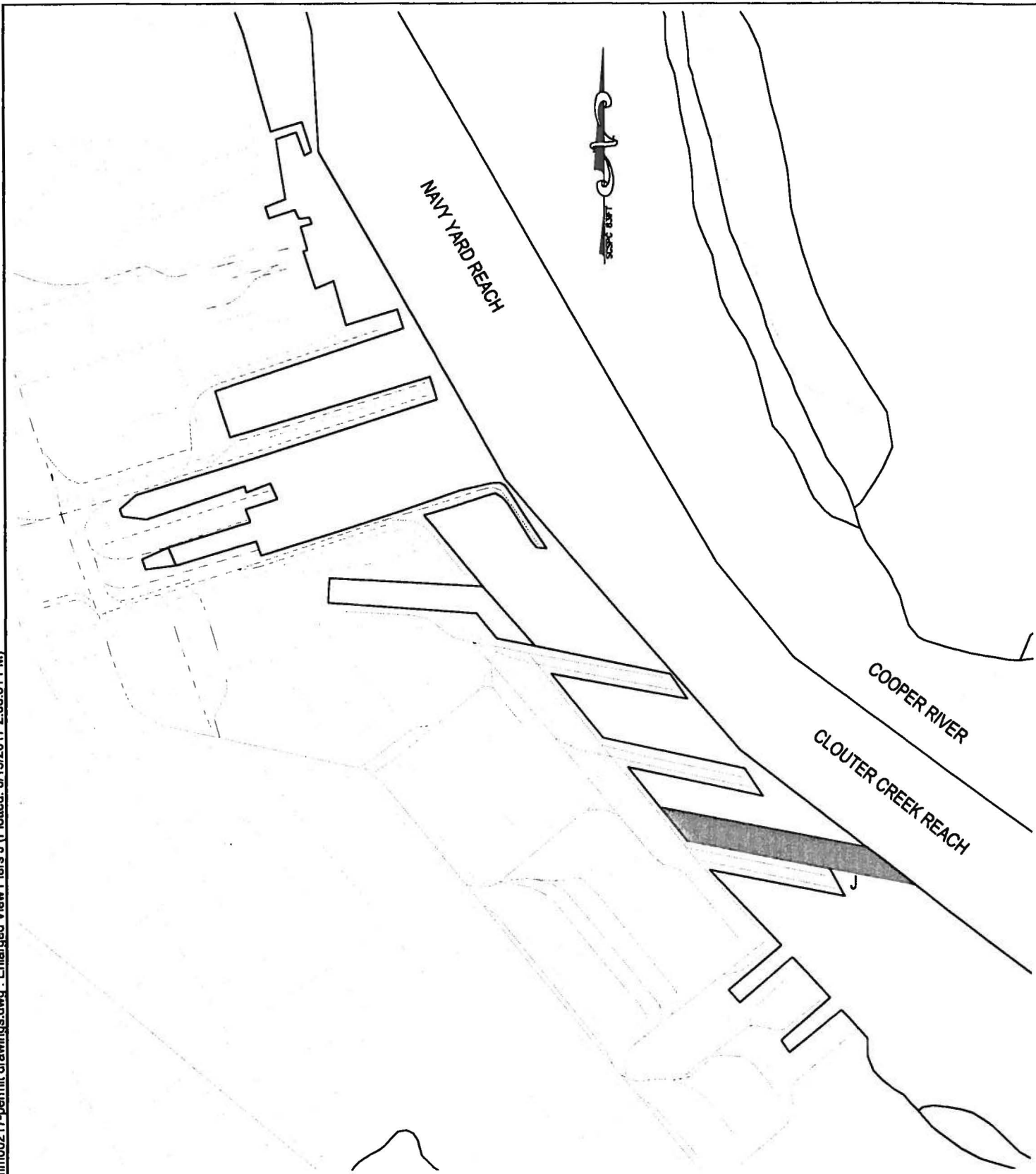
IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 1 OF 2

DATE: 11/11/08

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PURPOSE: MAINTAIN SAFE OPERATING DEPTH
FOR DEEP-DRAFT VESSELS

ADJACENT PROPERTY OWNERS

CITY OF NORTH CHARLESTON
SEACREST MARINE HOLDINGS, LLC

SURVEY DATUM: NGVD 29

FIGURE 3
ENLARGED VIEW PIER J

SCALE: 1" = 720'

0' 360' 720' 1080'

CMMC, LLC
NORTH CHARLESTON
SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING

AT: NORTH CHARLESTON

IN: COOPER RIVER

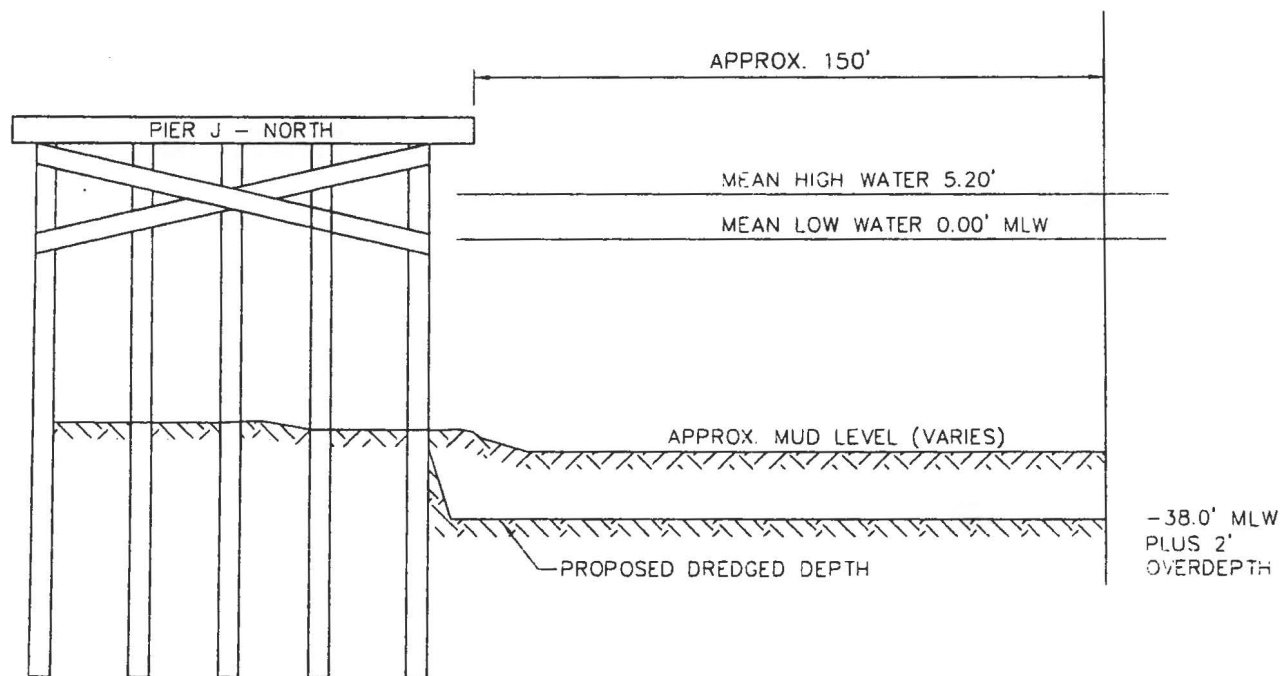
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 23

DATE: 11/11/08

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PERMITTED
PLANS



PURPOSE: MAINTAIN SAFE OPERATING DEPTH
FOR DEEP-DRAFT VESSELS

ADJACENT PROPERTY OWNERS

CITY OF NORTH CHARLESTON
SEACREST MARINE HOLDINGS, LLC

SURVEY DATUM: NGVD 29

FIGURE 15
CROSS-SECTION

NOT TO SCALE

CMMC, LLC
NORTH CHARLESTON
SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING

AT: NORTH CHARLESTON

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 15 OF 23

DATE: 11/11/08