

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS

**69 A 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-2019-01382

June 29, 2020

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. David Bodenman
Highland Resources, Inc.
2198 Milford Street
Charleston, South Carolina 29405**

for a permit to construct an overlook (Heriot Overlook), a boardwalk (Kings Grant Boardwalk), a public pier (Landing Lane Pier) and a marina (Parker Heights Marina) in the

Ashley River

at the terminus of Braswell Street in Charleston, Charleston County, South Carolina (Latitude: 32.8240°, Longitude: -79.9623°), North Charleston 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

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 an overlook, a boardwalk, a public pier and a marina. In detail the Heriot Overlook would consist of a 3,267 square feet "D" shaped overlook on the western side of the existing Heriot Street Bridge. The Kings Grant Boardwalk would consist of a 10' x 974'

boardwalk with handrails leading to a 3 level covered overlook, a 10' x 426' walkway with handrail would lead from the western side of the overlook to a 3,800 square feet covered circular waterside overlook with a 10' x 60' gangway leading to a 12' x 75' floating day dock north and south of the walkway. The Landing Lane Pier would consist of 20' x 505' walkway with handrails leading to an 800 square feet covered waterside pavilion, located north and south of the pavilion would be a 25' x 200' fixed pier with a 3' x 20' gangway leading to a 12' x 75' floating dock. The Parker Heights Marina would consist of a 30' x 50' gangway leading from an existing pier to a 15' x 501' walkway pier, three 10' x 145' piers located landward of the walkway pier would facilitate the construction of 15 boat slips. The marina would be publicly accessible and serve transient (short stay), seasonal, and annual dockage for recreation boaters with vessels up to 40 feet in length. Additionally, a 6' x 160' freeboard kayak dock would be constructed on the southern portion of the existing pier in the vicinity of the Parker Heights Marina. The applicant has not proposed to mitigate for impacts to wetlands and/or waters of the United States. The project purpose is to provide safe and reliable access to the Ashley River.

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 2.41 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 Federally endangered or threatened species may be present in the vicinity of the project. However, it has been determined that the project will have no effect on the Frosted flatwoods salamander (*Ambystoma cingulatum*), Bachman's warbler (*Vermivora bachmanii*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Red knot (*Calidris canutus rufa*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Northern long-eared bat (*Myotis septentrionalis*), Right whale (*Eubalaena glacialis*), American Chaffseed (*Schwalbea Americana*), Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*) and

Seabeach amaranth (*Amaranthus pumilus*).

Further, the District Engineer has determined that the project is not likely to adversely affect the American wood stork (*Mycteria americana*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), West Indian manatee (*Trichechus manatus*) Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), and Loggerhead sea turtle (*Caretta caretta*) 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.

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.

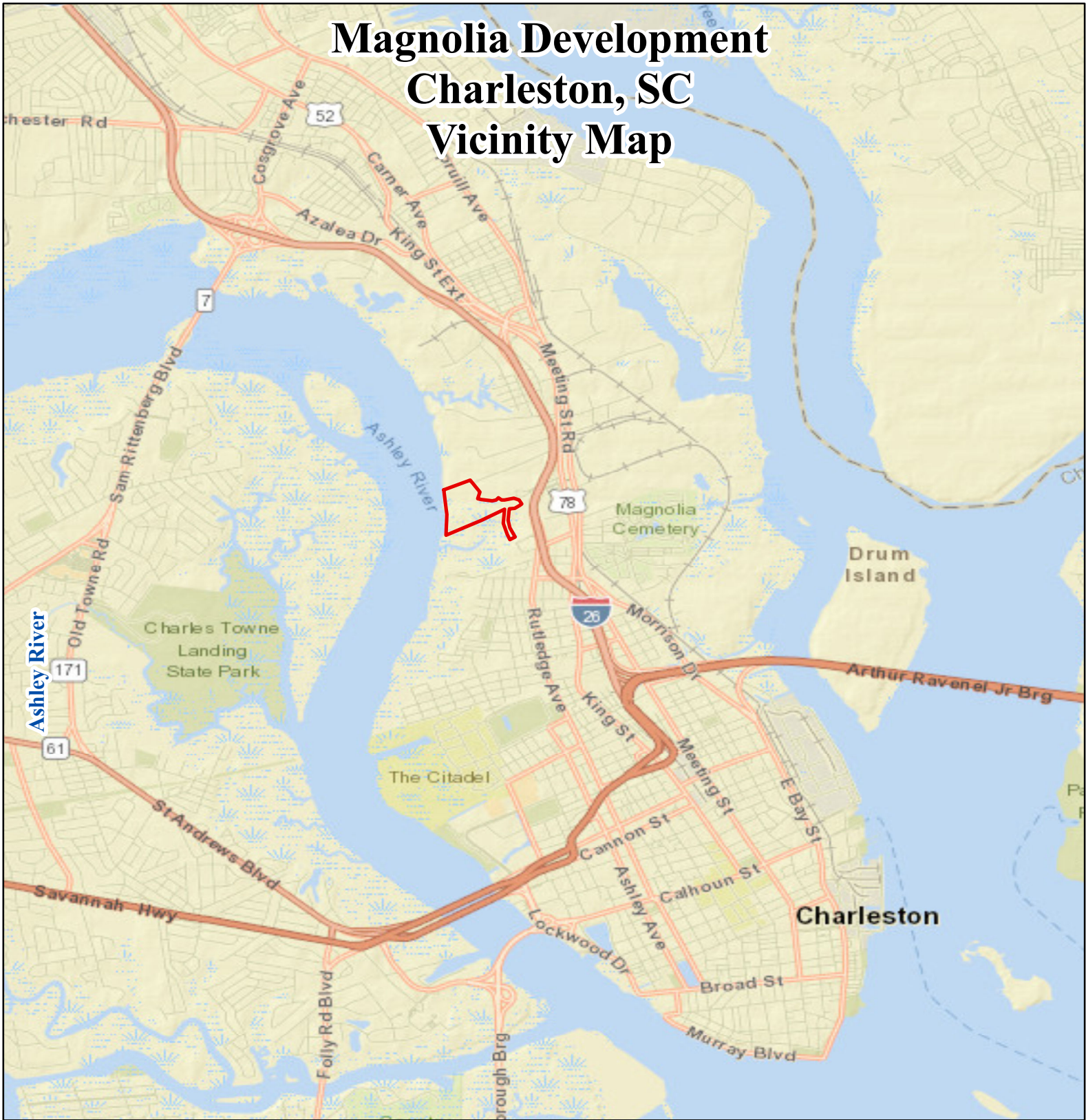
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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
ATTN: REGULATORY DIVISION
69 A Hagood Avenue
Charleston, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Jeremy M. Kinney, Project Manager, at (843) 329-8033, toll free at 1-866-329-8187, or by email at Jeremy.M.Kinney@usace.army.mil.

Magnolia Development Charleston, SC Vicinity Map

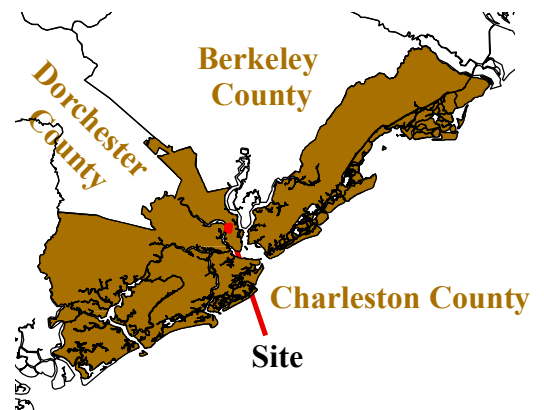


Legend

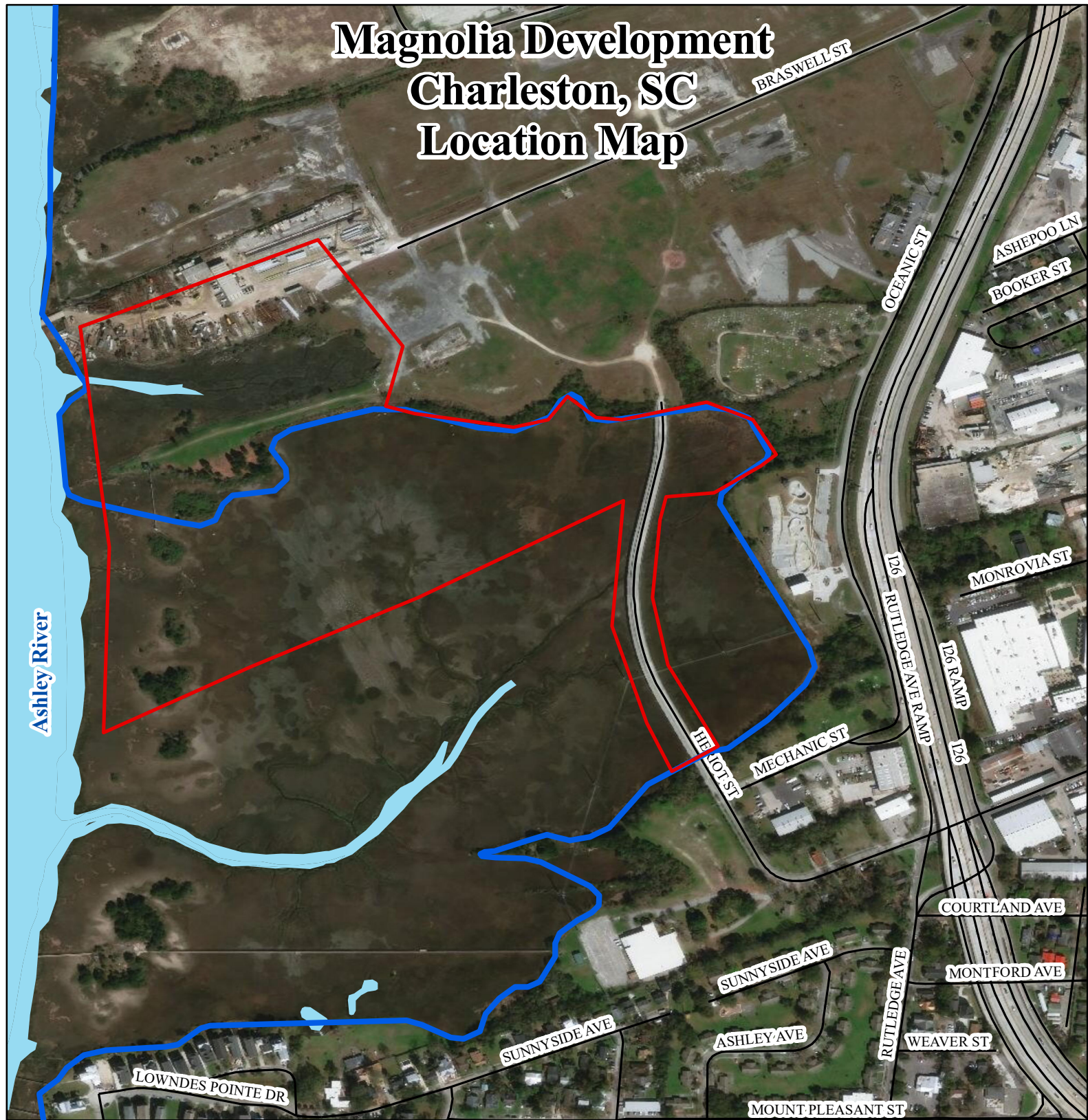
 Site



0 5,000 10,000 Feet



Magnolia Development Charleston, SC Location Map

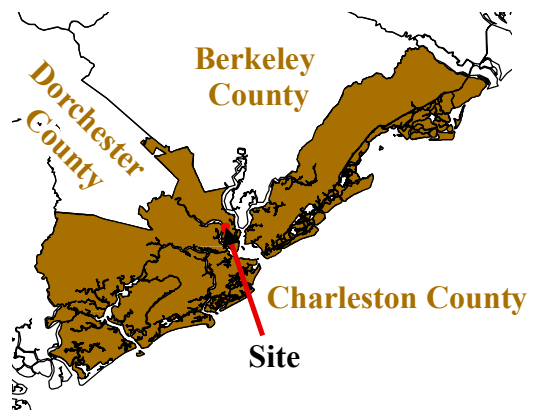


Legend

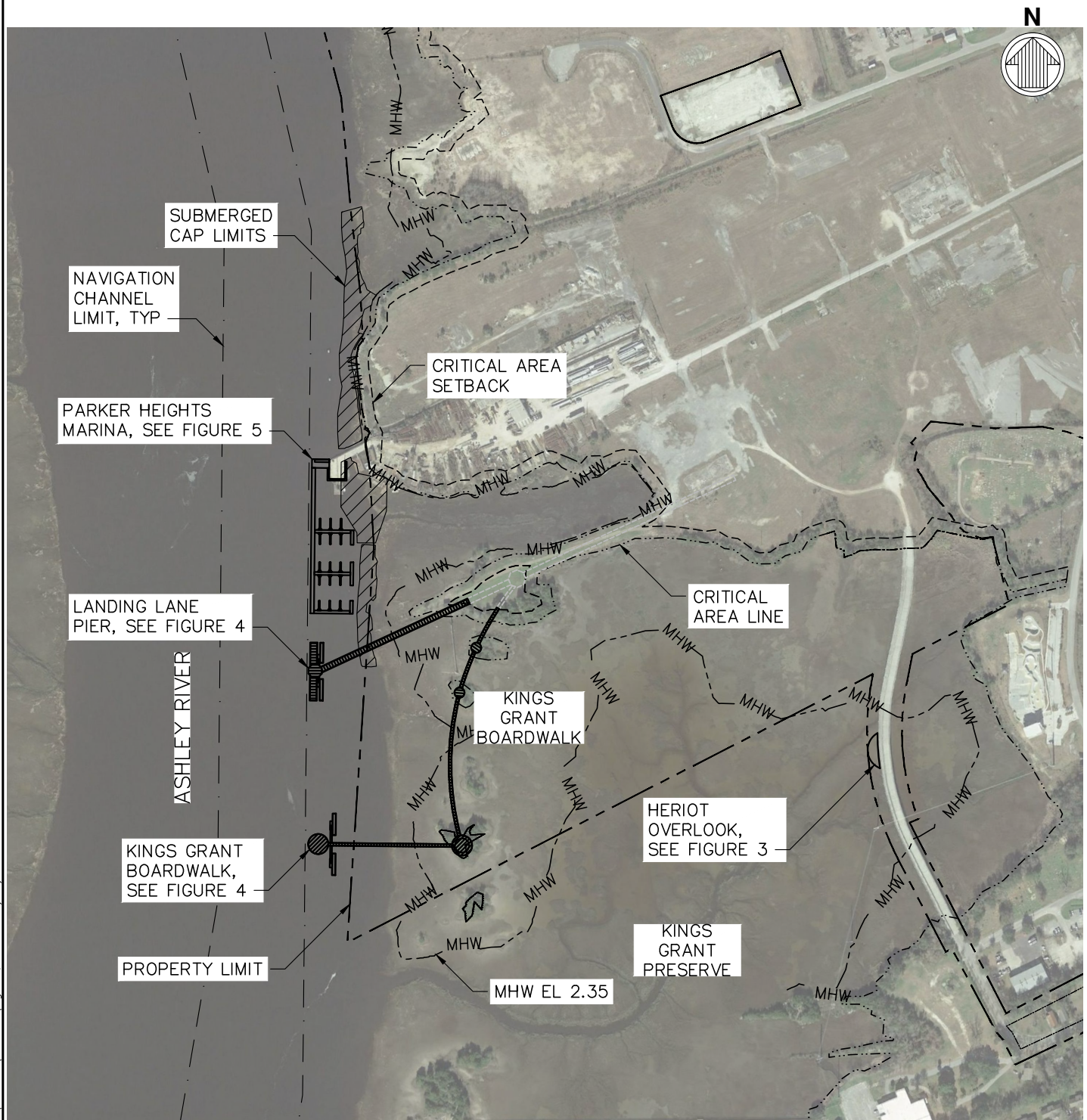
Site Coastline Streets Rivers and Streams



0 500 1,000 Feet



File: Q:\LB\10244 Magnolia Charleston\cadd\Active\Permit\Figure2; Plotted: 4/29/2020 11:54 AM



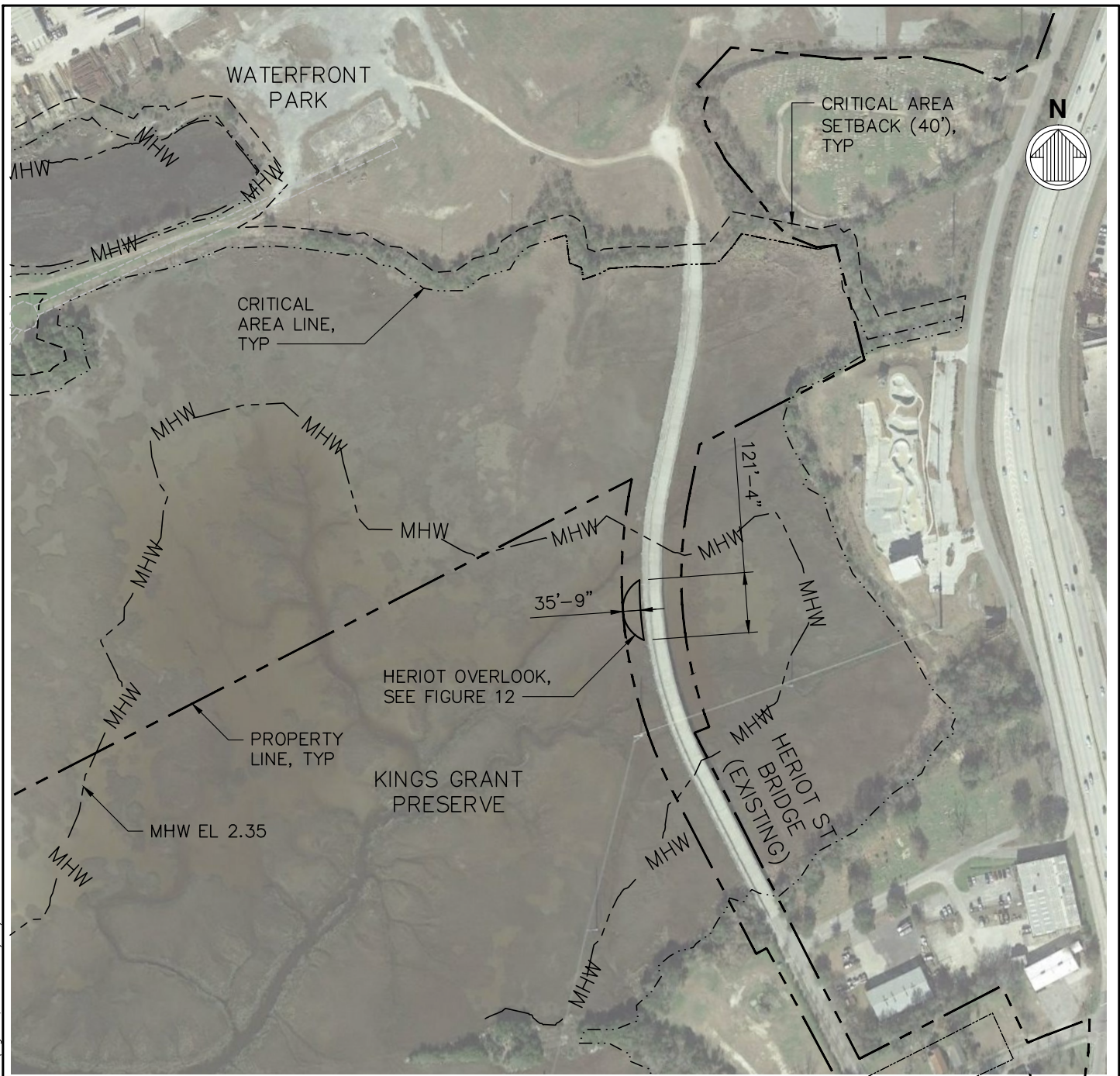
NOTE:
ELEVATIONS IN NAVD88
MAGNOLIA DEVELOPMENT
CHARLESTON, SC

PROPOSED
WATERFRONT PLAN
1"=500'

FIGURE 2



File: Q:\LB\10244 Magnolia Charleston\cadd\Active\Permit\Figure3. Plotted: 4/29/2020 11:55 AM



HERIOT OVERLOOK

PILE SUPPORTED OVERLOOK

DECK ELEVATION. MATCH BRIDGE

NUMBER. 1

AREA. 3,267 SF (MHW)
3,267 SF (CAL)

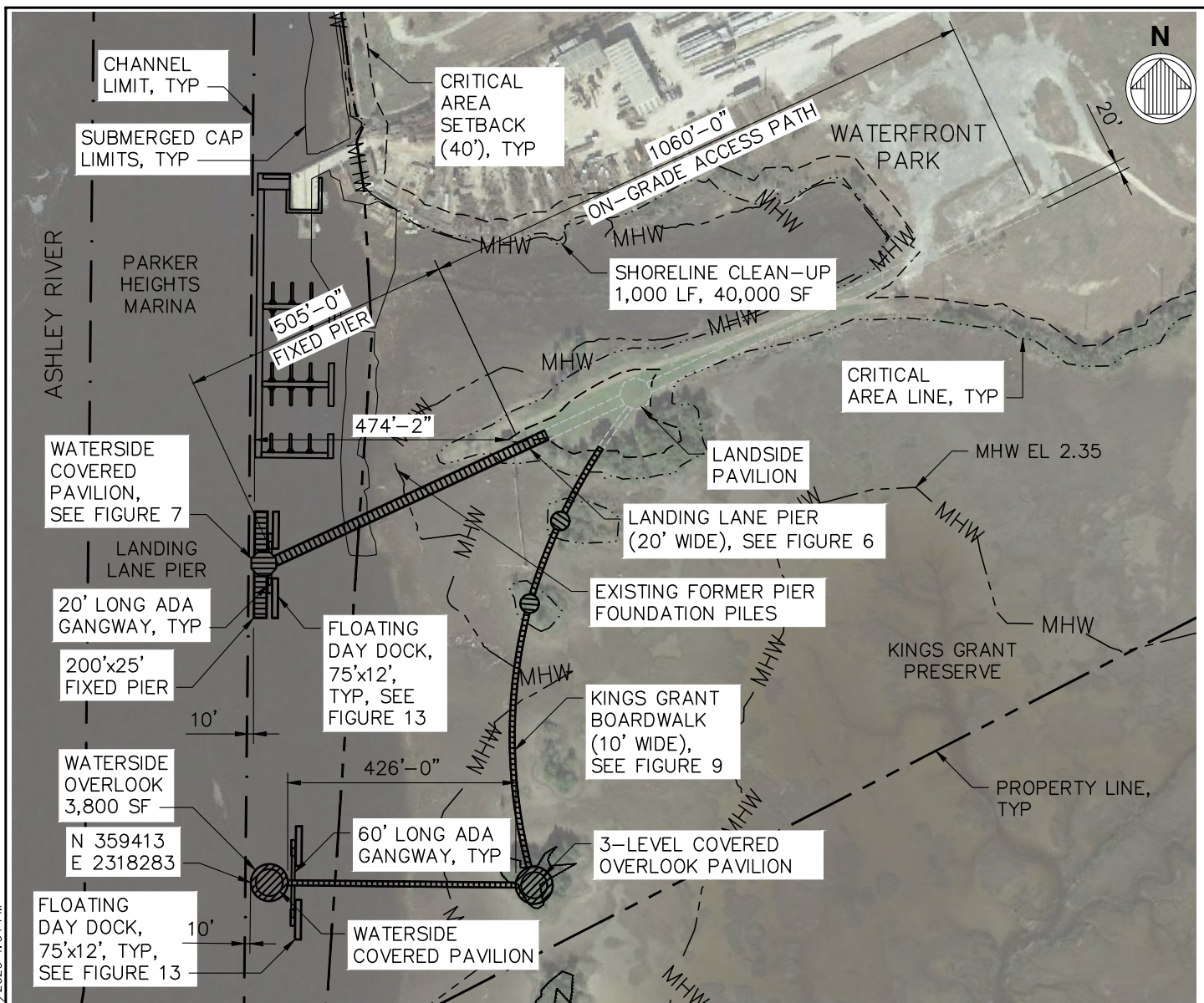
NOTE:
ELEVATIONS IN NAVD88
MAGNOLIA DEVELOPMENT
CHARLESTON, SC

KINGS GRANT
PRESERVE OVERLOOKS
1"=300'

FIGURE 3



Fig. 4: \LB\10244 Magnolia Charleston\cadd\Active\Permit\Figure4; Plotted: 6/11/2020 4:04 PM



LANDING LANE PIER

PILE SUPPORTED FIXED PIER
DECK ELEVATION. +12.0
OVERALL LENGTH. 625 LF
AREA (PIER). 11,500 SF (MHW)
15,300 SF (CAL)

WATERSIDE PAVILION
FOOTPRINT. 800 SF

FLOATING DAY DOCKS
FREEBOARD. 12"
AREA. 2,500 SF
SIDE TIE. 150 LF

NOTE:
ELEVATIONS IN NAVD88
MAGNOLIA DEVELOPMENT
CHARLESTON, SC

KINGS GRANT BOARDWALK

TIMBER PILE SUPPORTED BOARDWALK
DECK ELEVATION. +6.0 TO ±12.0
OVERALL LENGTH. 1,400 LF
AREA. 7,500 SF (MHW)
20,800 SF (CAL)

OVERLOOK PAVILION. 1,900 SF(3 LEVELS)
WATERSIDE PAVILION. 1,900 SF

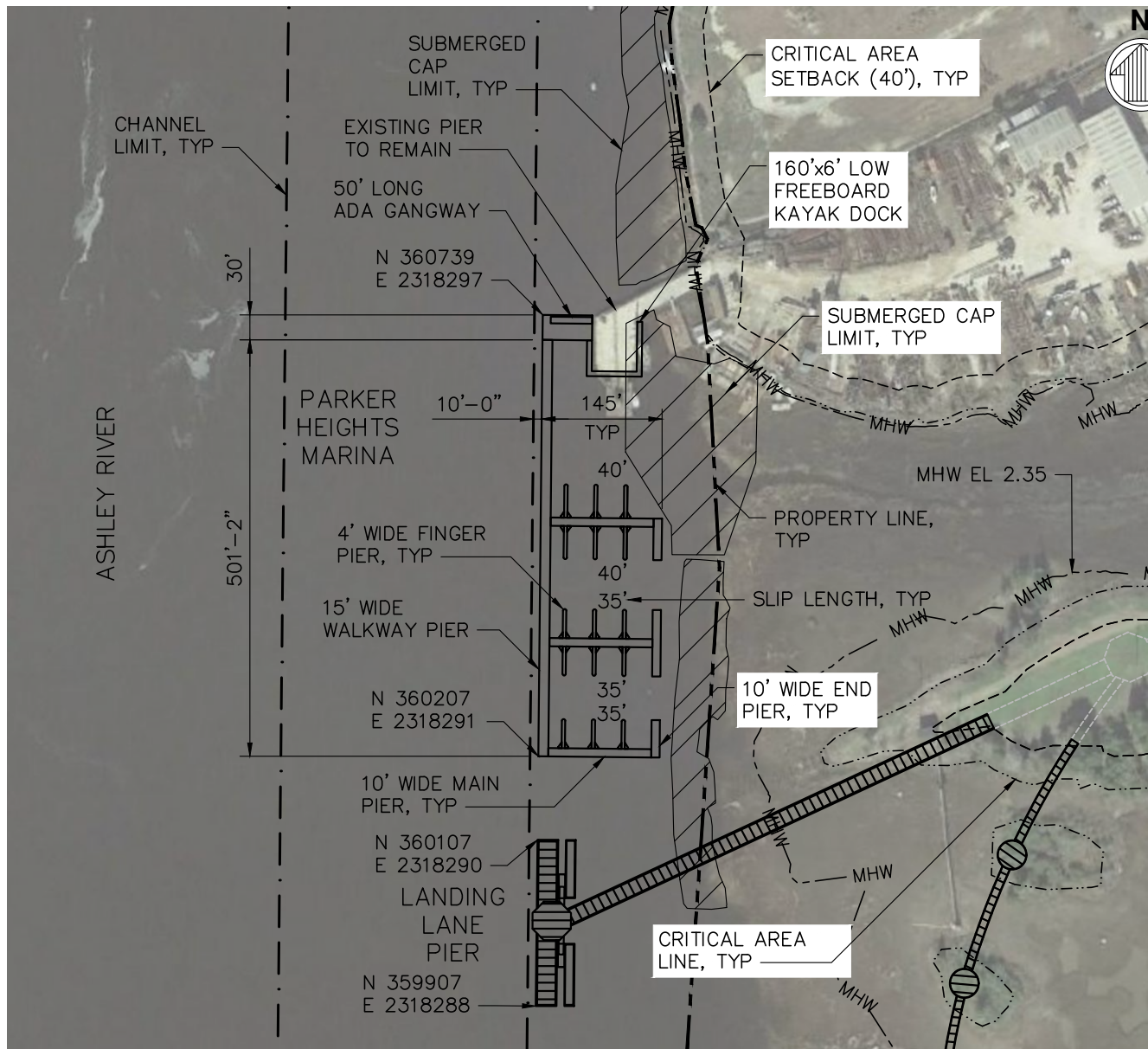
FLOATING DAY DOCKS
FREEBOARD. 12"
AREA. 3,000 SF
SIDE TIE. 150 LF

LANDING LANE & KINGS GRANT

1"=300'

FIGURE 4

File: Q:\LB\10244 Magnolia Charleston\cadd\Active\Permit\Figure5; Plotted: 6/11/2020 4:05 PM



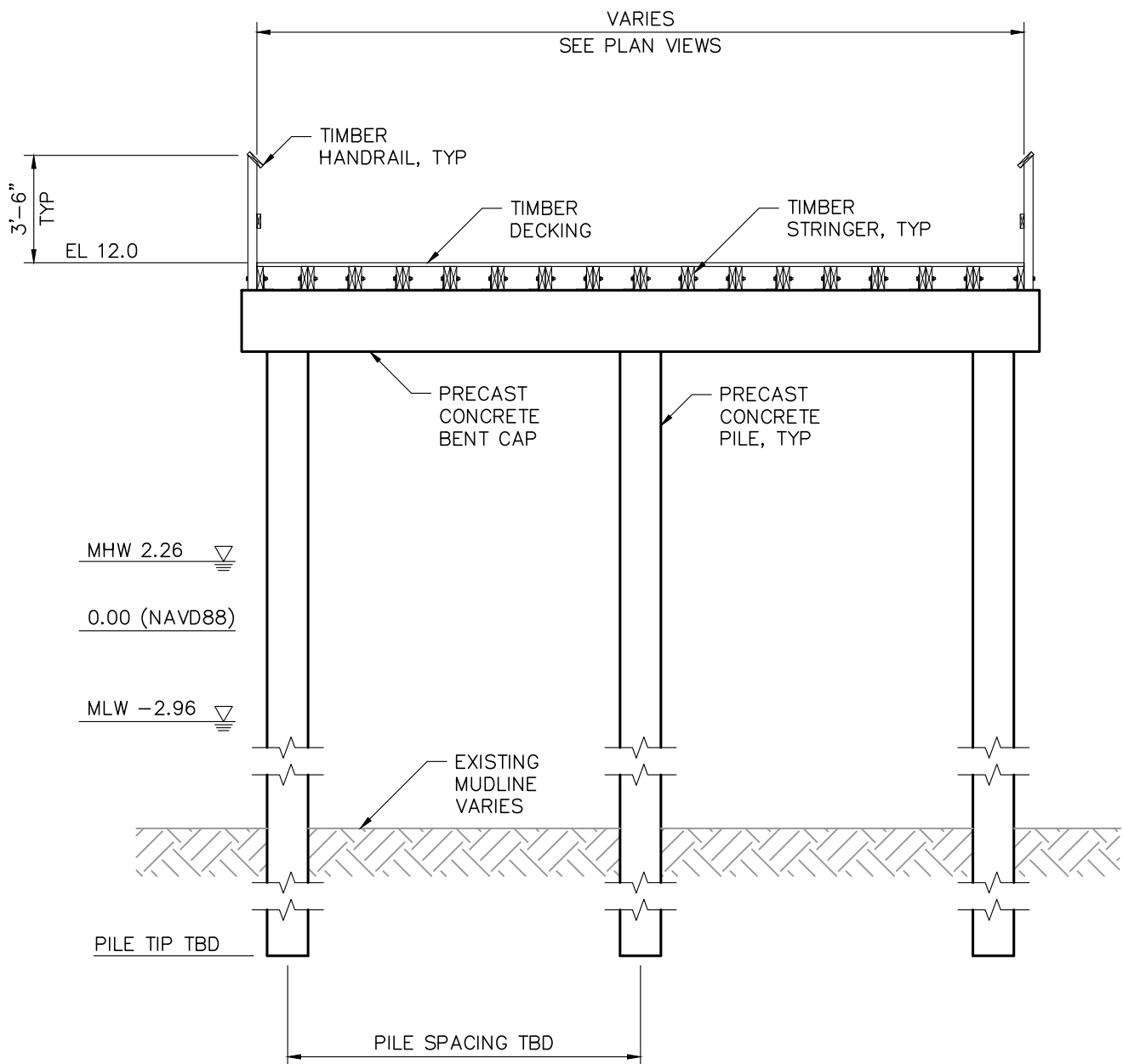
PARKER HEIGHTS MARINA
FLOATING DOCKS (SEE FIGURE 13)

FREEBOARD.	18"
AREA.	17,500 SF (MHW & CAL)
SIDE TIE.	650 LF (15 SLIPS)
END TIE.	175 LF (4 SLIPS)
SLIPS.	34 (1,255 LF)

NOTE:
ELEVATIONS IN NAVD88
MAGNOLIA DEVELOPMENT
CHARLESTON, SC

**PARKER HEIGHTS
MARINA**
1"=200'

FIGURE 5

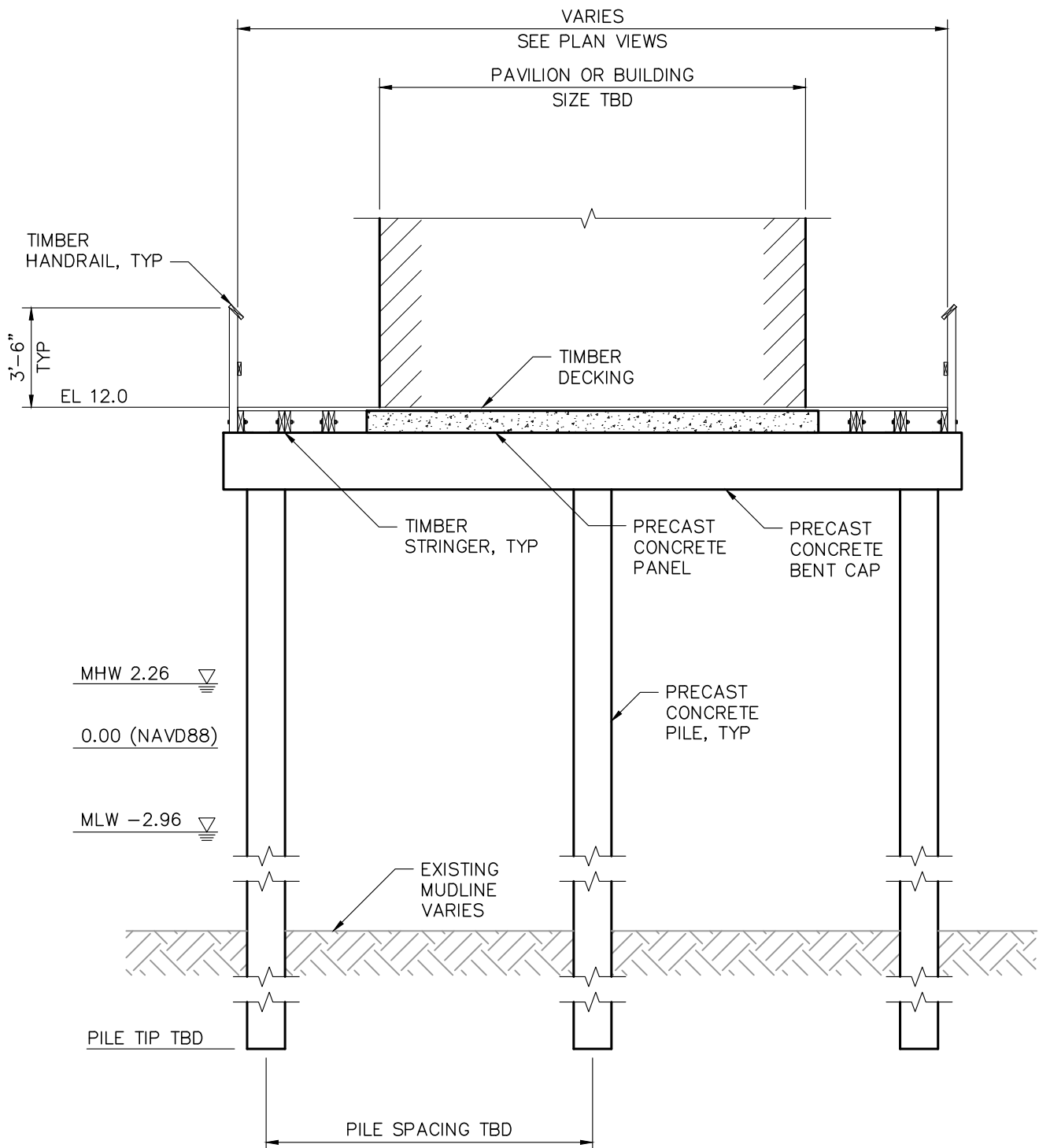


NOTE:
FOR ELEVATION, SEE FIGURE 8

TYPICAL FIXED
PIER— SECTION
NOT TO SCALE

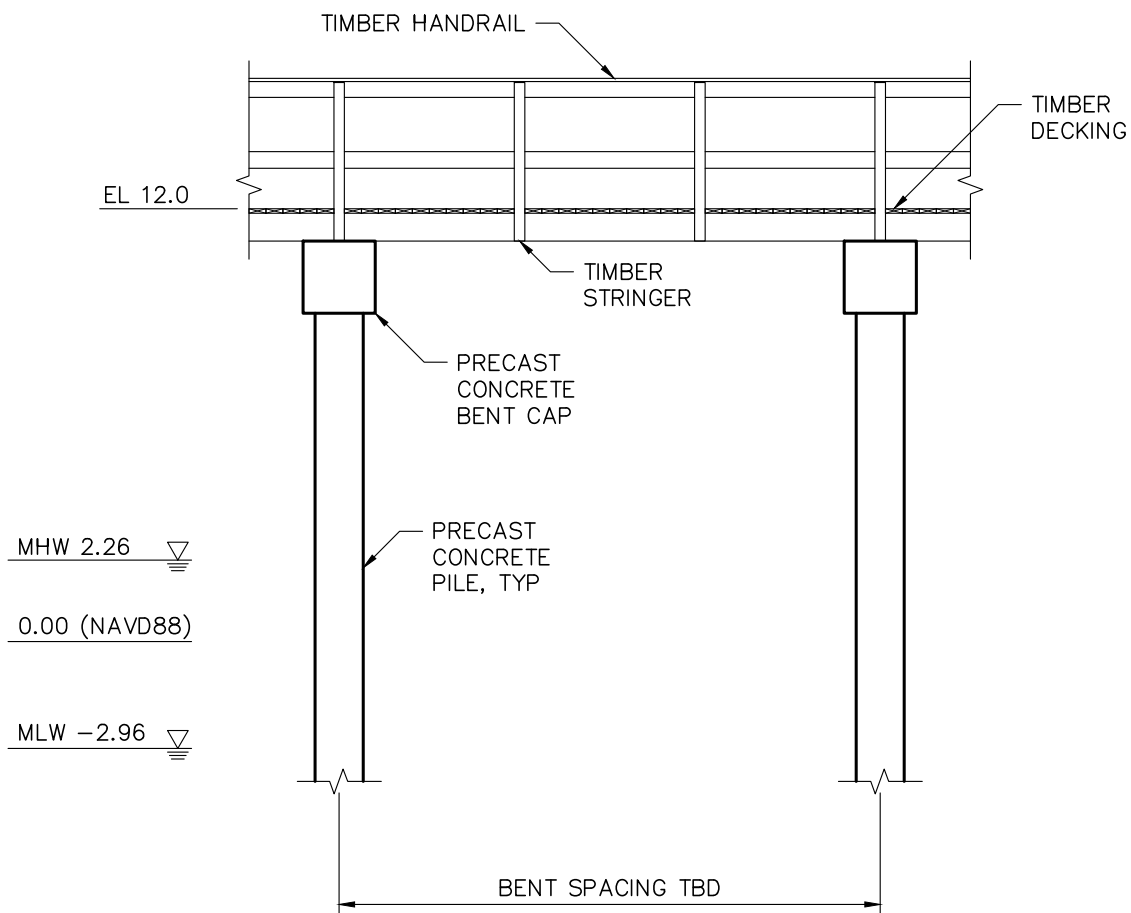
MAGNOLIA DEVELOPMENT
CHARLESTON, SC

FIGURE 6



**TYPICAL STRUCTURE
ON PIER—SECTION**
NOT TO SCALE

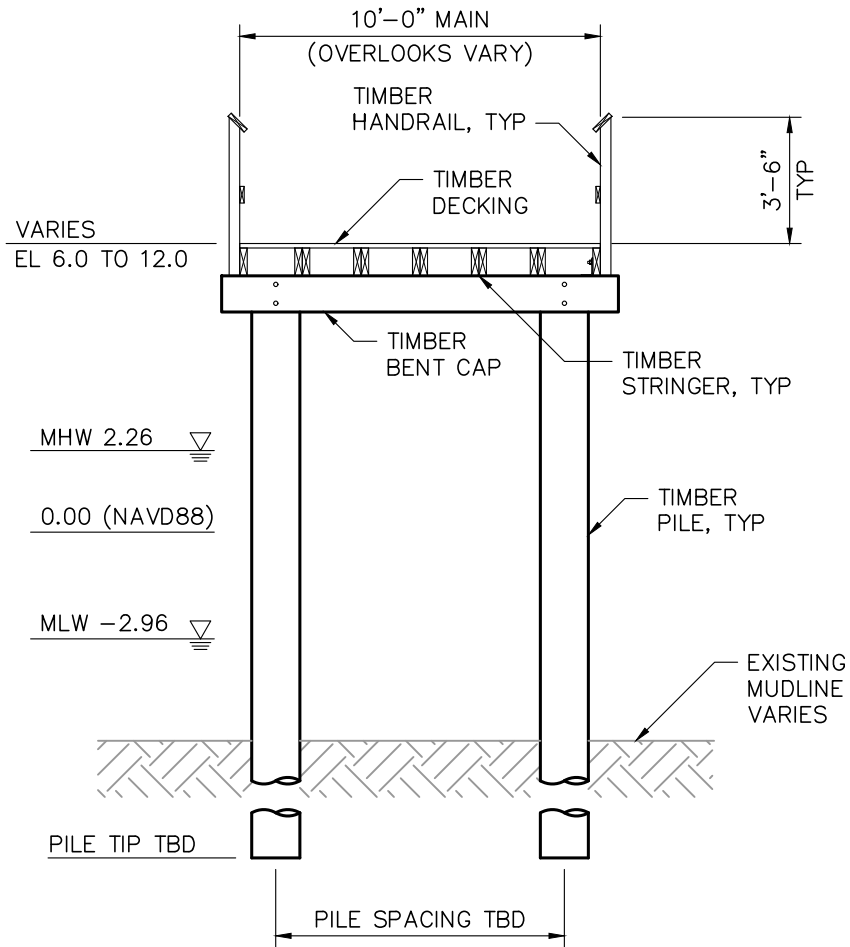
FIGURE 7



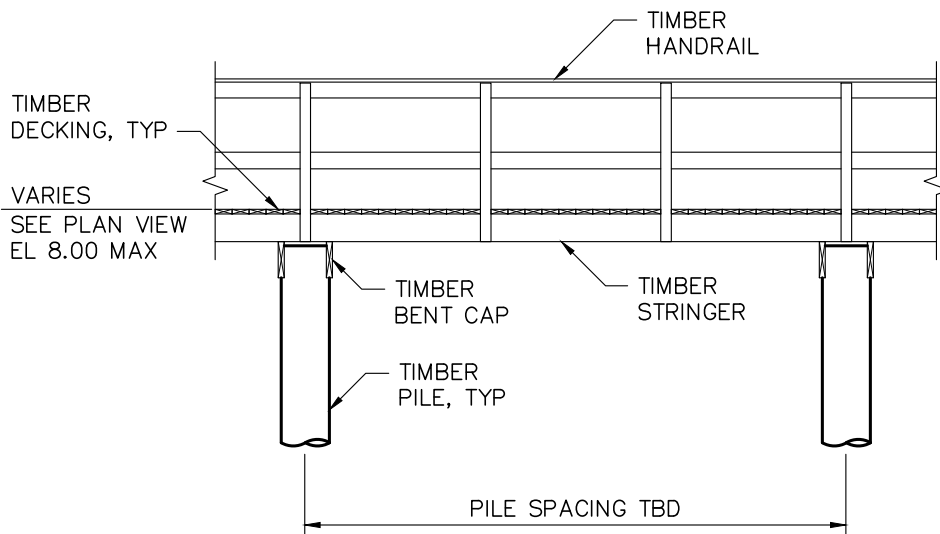
**TYPICAL FIXED
PIER— ELEVATION**
NOT TO SCALE

FIGURE 8

MAGNOLIA DEVELOPMENT
CHARLESTON, SC



SECTION



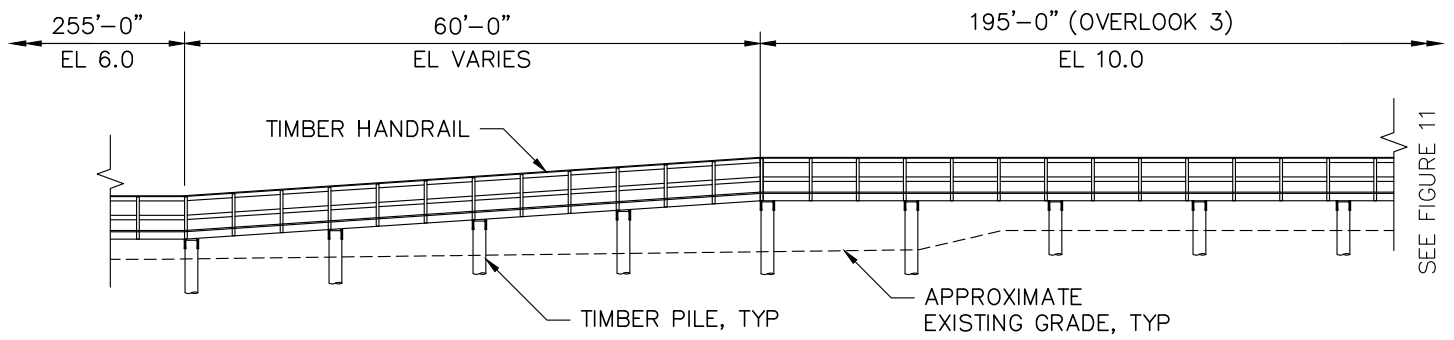
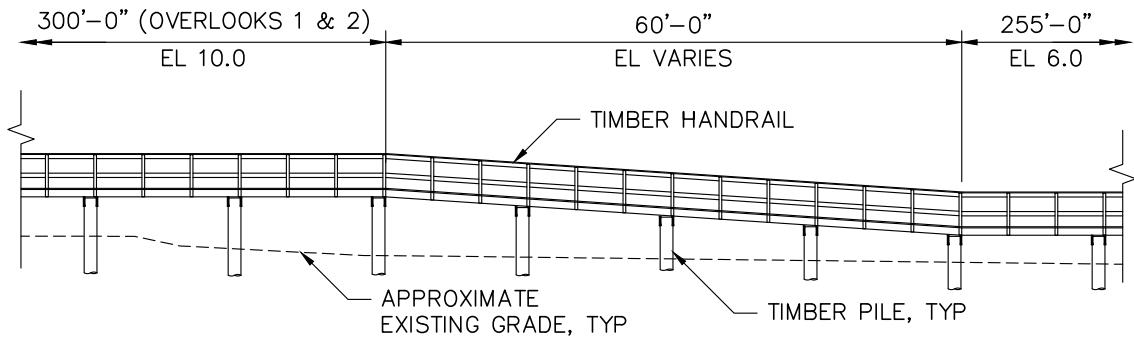
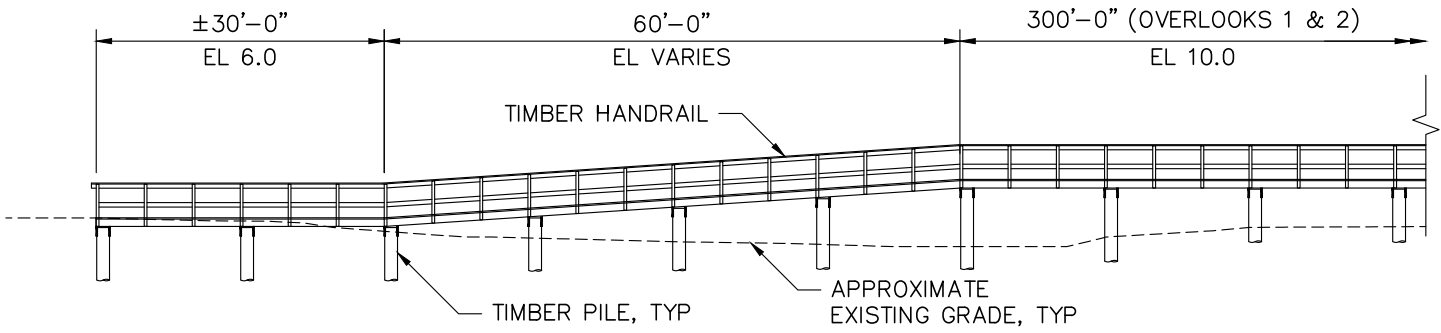
ELEVATION

NOTE:
FOR ELEVATION, SEE
FIGURE 10 & FIGURE 11

KINGS GRANT
BOARDWALK
NOT TO SCALE

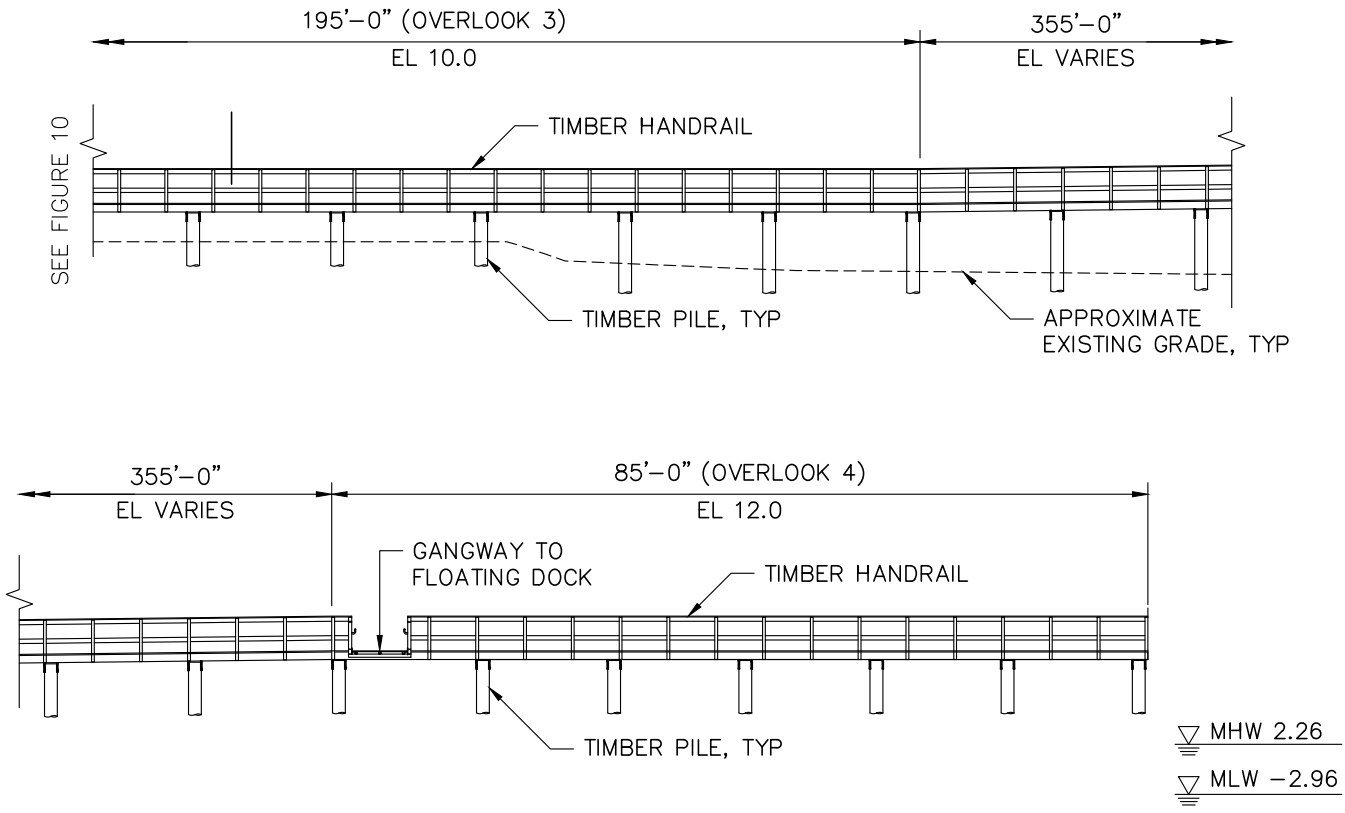
MAGNOLIA DEVELOPMENT
CHARLESTON, SC

FIGURE 9

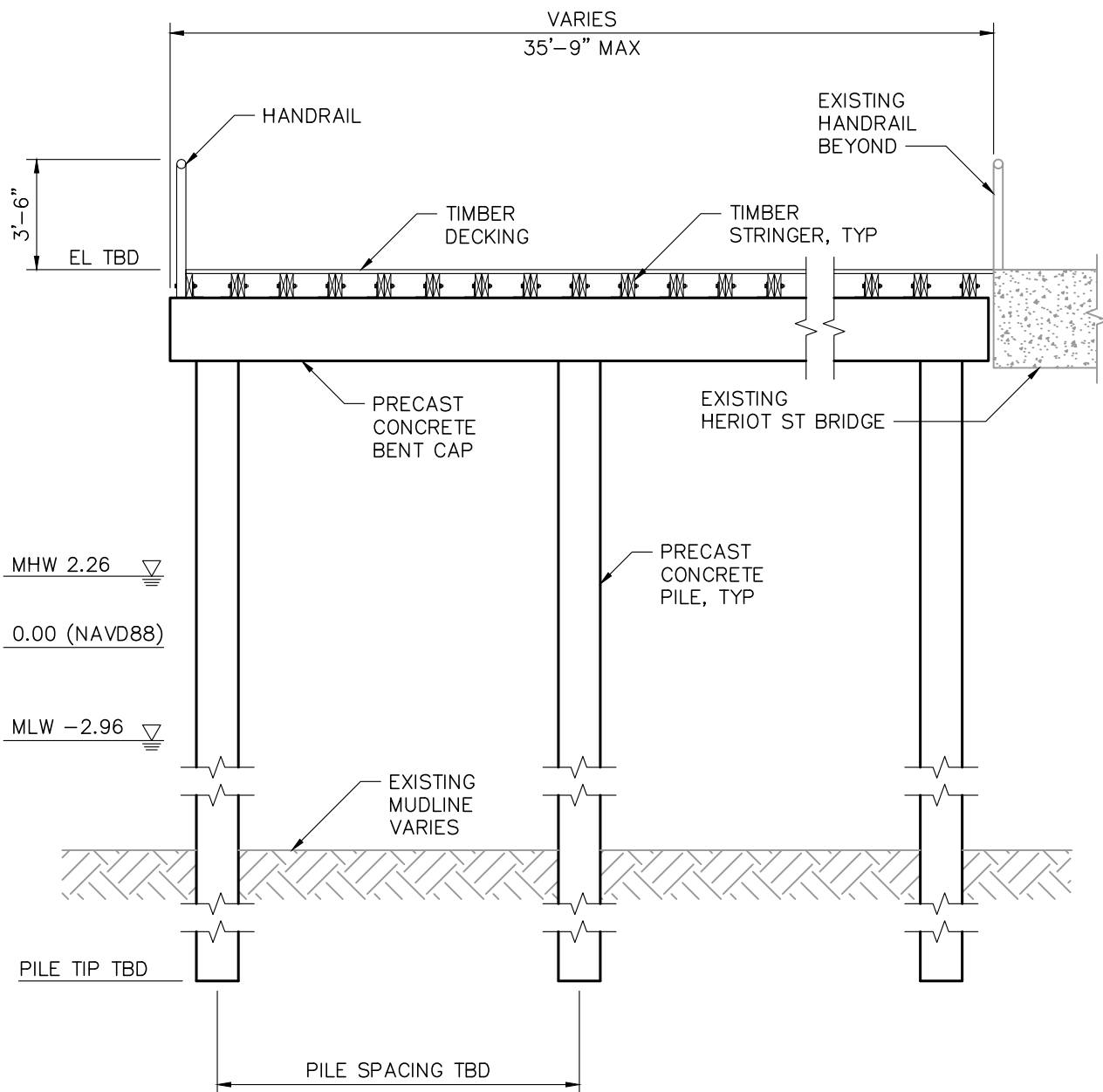


KINGS GRANT
BOARDWALK
1"=20'

FIGURE 10



KINGS GRANT
BOARDWALK
1"=20'

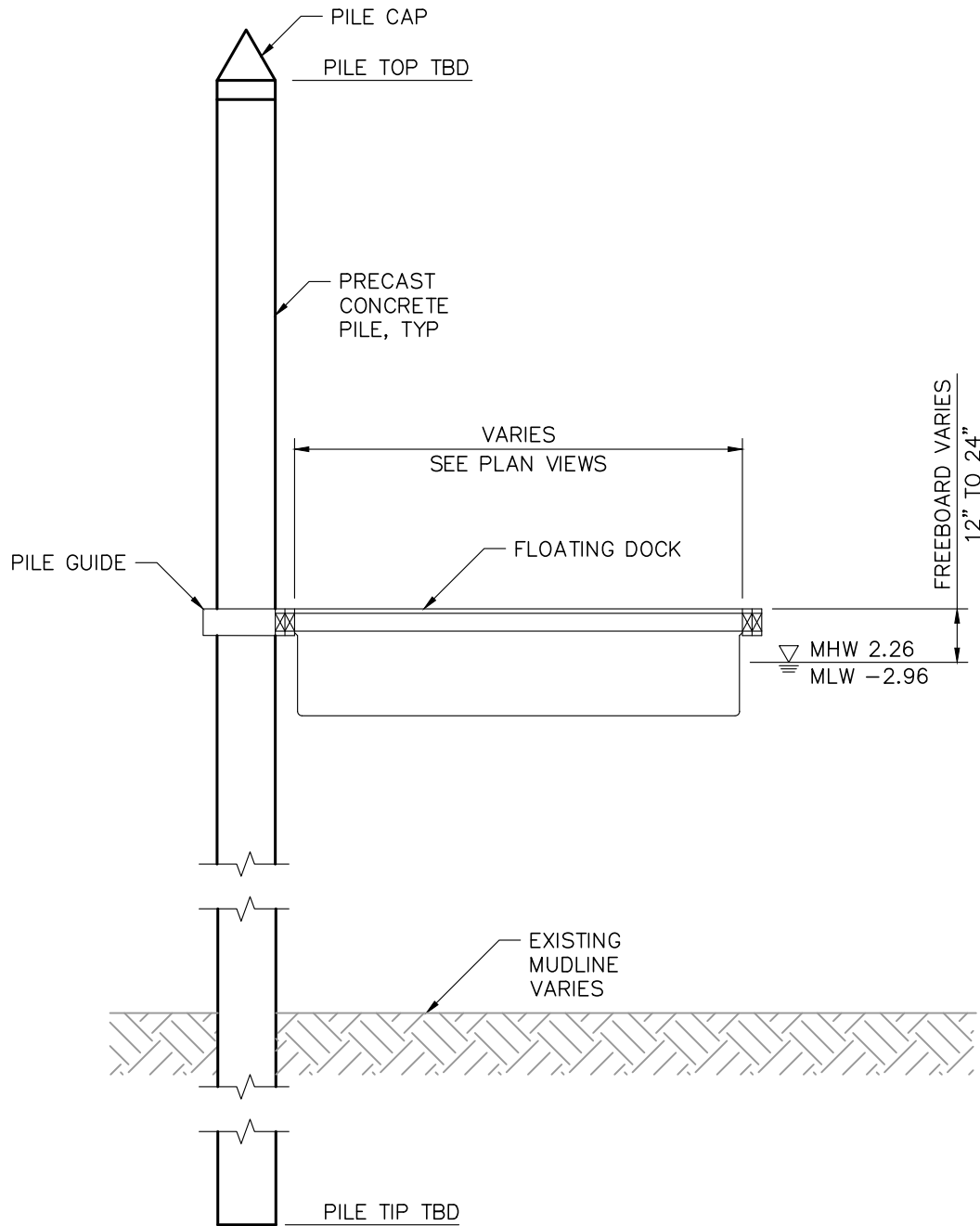


HERIOT ST OVERLOOK
SECTION
NOT TO SCALE

MAGNOLIA DEVELOPMENT
CHARLESTON, SC

FIGURE 12





NOTE:
FOR GANGWAY CONNECTION,
SEE FIGURE 14

TYPICAL FLOATING
DOCK—SECTION
NOT TO SCALE

FIGURE 13

MAGNOLIA DEVELOPMENT
CHARLESTON, SC

GANGWAY
NOT TO SCALE

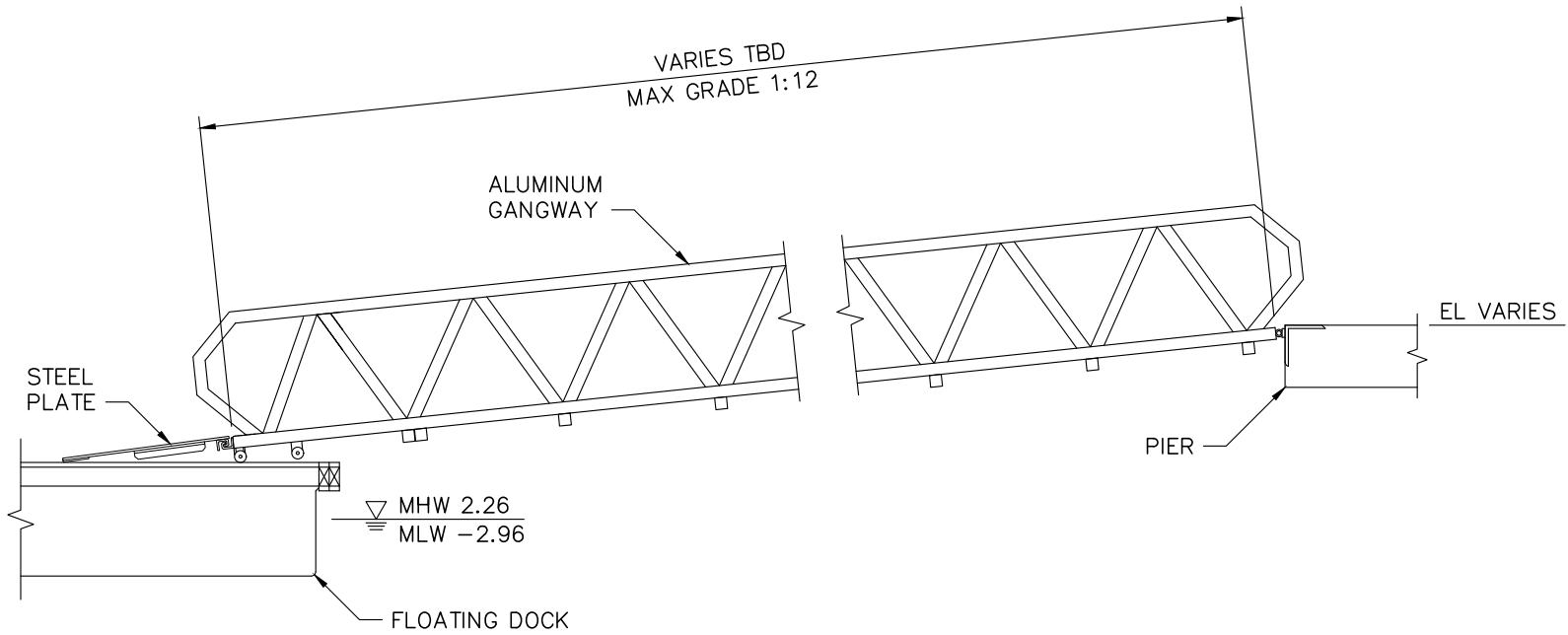


FIGURE 14