

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
North Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N SAC-2020-00593

June 10, 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. Jake McMillan
Windmill Harbour Marina
161 Harbour Passage
Hilton Head Island, South Carolina 29926

for a permit to perform maintenance dredging in the

Calibogue Sound/ Atlantic Intracoastal Waterway

at the entrance channel of the Windmill Harbour Marina located at 161 Harbour Passage on Hilton Head Island, Beaufort County, South Carolina (Latitude: 32.2154 °, Longitude: -80.7826 °), Quad sheet: Bluffton.

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 performing maintenance dredging of the entrance channel to the Windmill Harbour Marina. The Windmill Harbour Marina is a lock-harbor facility with an entrance channel that is approximately 60' x 350'. Since the lock/harbor's construction in 1985, dredging has not been required within the entrance channel. In detail, the applicant is requesting

authorization for a ten-year maintenance dredging permit to mechanically dredge the channel to a depth of -8.0 feet MLW with an allowable 1' overdepth. The approximate dimensions of the proposed dredge area are 40' x 350'. The anticipated volume of material to be dredged is approximately 2,400 cubic yards for the initial dredge event. Anticipated dredge volumes for future dredge events are unknown, however, the applicant anticipates future events would not exceed 1,500 cubic yards of material to be dredged. The material will be dredged mechanically with placement into a small scow or onto a specially designed barge with containers to hold the dredged material. The scow/ barge will then be transported to the nearby C.C. Haigh, Jr. boat landing, which is approximately one mile from the marina. At the boat landing, the sediment will be offloaded into dump trucks that will then dispose of the dredged material at a private upland pit owned by Cleland Site Prep, Inc (Latitude: 32.2272 °, Longitude: -80.9553 °). As there are no impacts to wetlands, the applicant is not proposing mitigation. The project purpose is to maintain depths needed for all tidal access to/from the lock-harbor marina.

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 0.45 acre of estuarine substrates 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 the West Indian manatee, Atlantic sturgeon, shortnose sturgeon, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, and the loggerhead sea turtle 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 sturgeon and sea turtles and will not result in the destruction or adverse modification of their designated or proposed critical habitat. In addition, the District Engineer has determined that the project is not likely to adversely affect the West Indian manatee. 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.

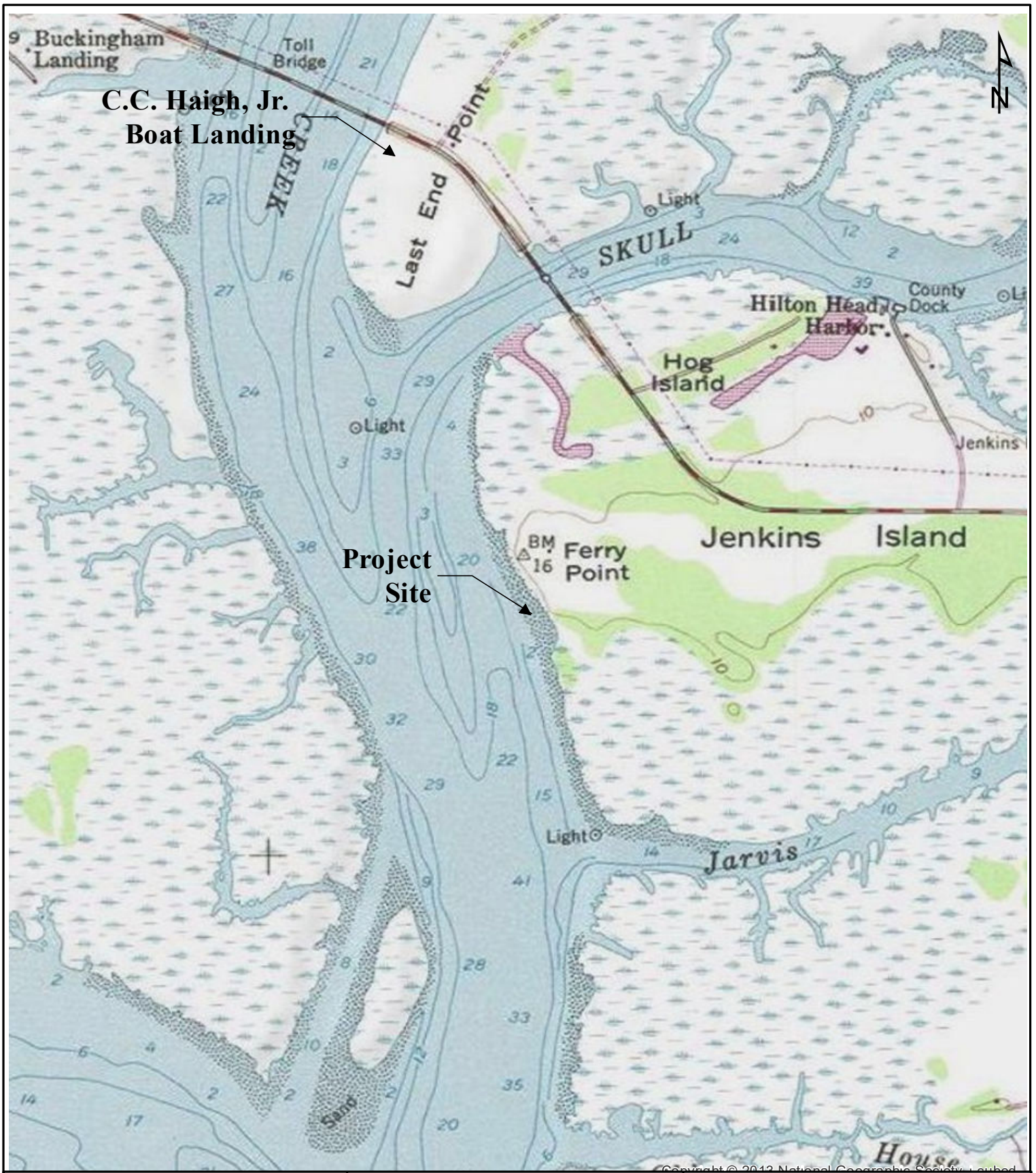
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act. 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
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, or by email at Chelsea.B.Fannin@usace.army.mil.



PURPOSE: MAINTAIN SAFE OPERATING DEPTHS

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

DATUM: NAD83

FIGURE 1

SITE LOCATION MAP



WINDMILL HARBOUR MARINA
161 HARBOUR PASSAGE
HILTON HEAD ISLAND, SOUTH CAROLINA

PROPOSED: ENTRANCE CHANNEL DREDGING

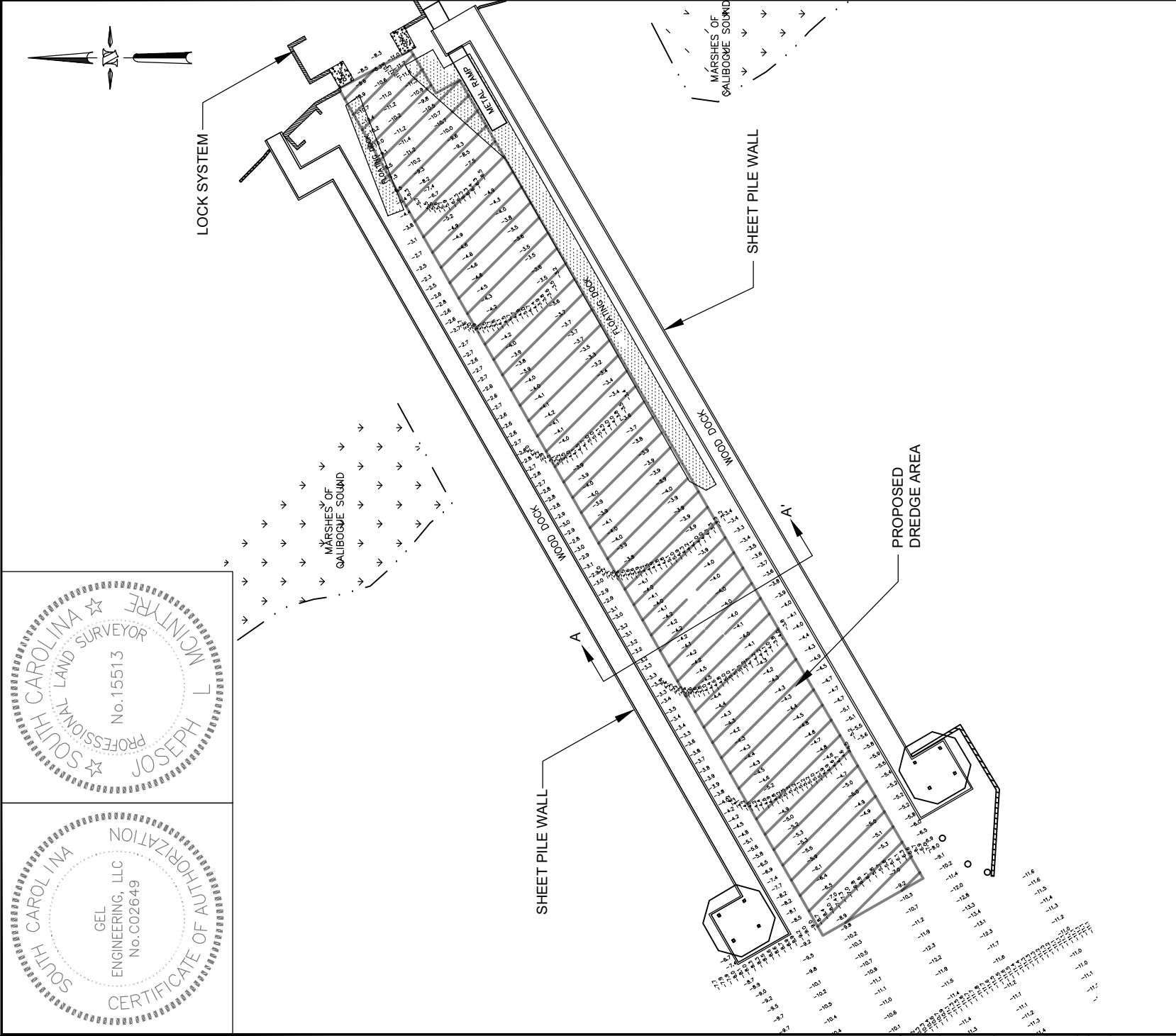
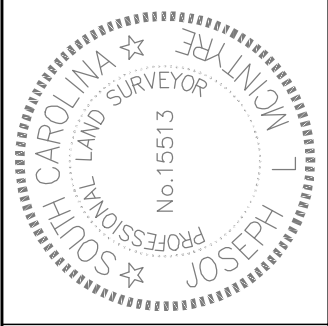
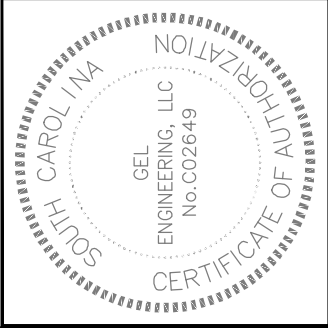
AT: HILTON HEAD ISLAND

IN: CALIBOGUE SOUND

COUNTY: BEAUFORT, SOUTH CAROLINA

SHEET: 1 OF 5

DATE: 6/9/2020



PURPOSE: MAINTAIN SAFE OPERATING DEPTHS

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: NAD83

FIGURE 3
ENTRANCE CHANNEL

APPROXIMATE SCALE: 1"= 50'

0' 25' 50' 100'

WINDMILL HARBOUR MARINA
161 HARBOUR PASSAGE
HILTON HEAD ISLAND, SOUTH CAROLINA

PROPOSED: ENTRANCE CHANNEL DREDGING

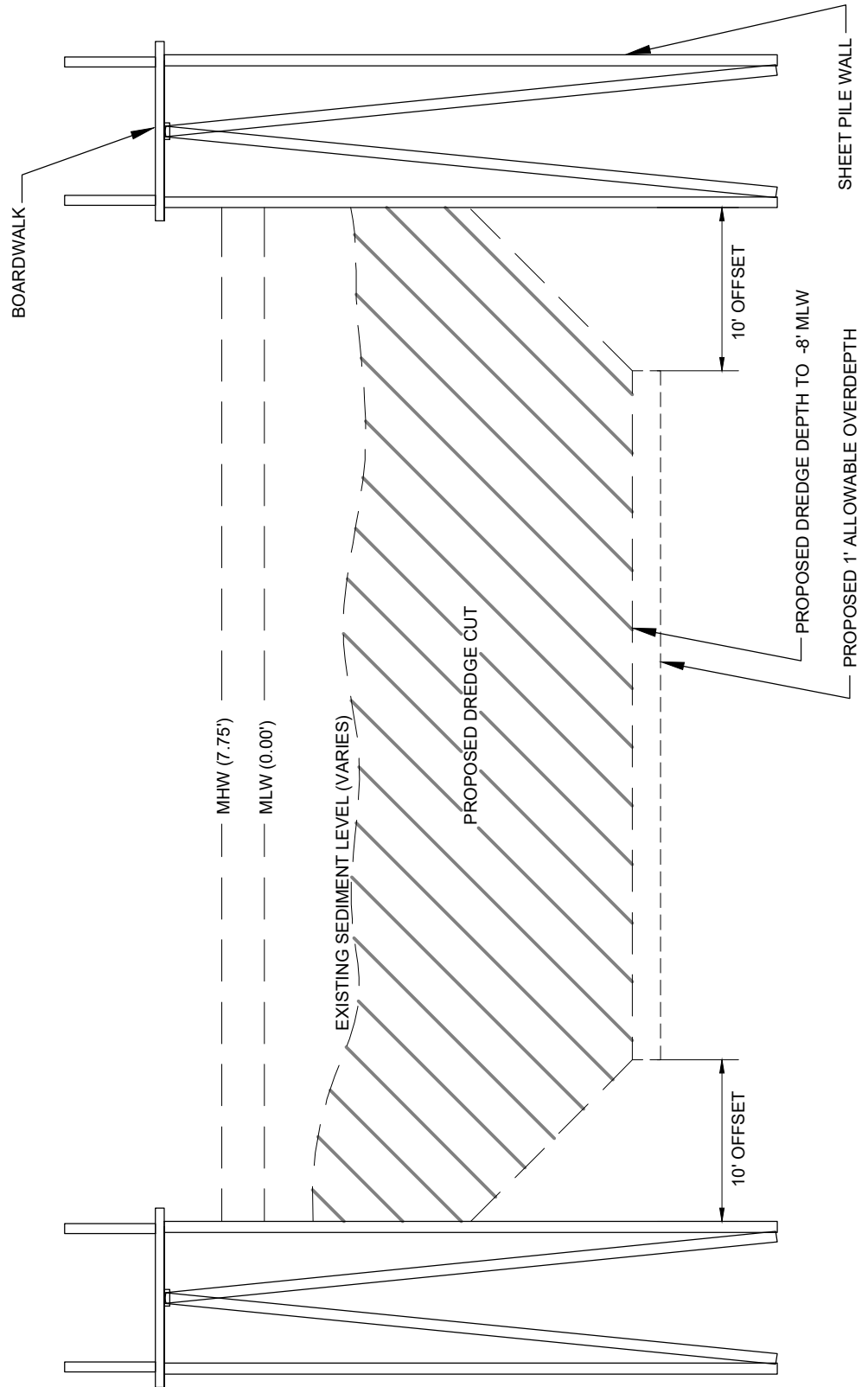
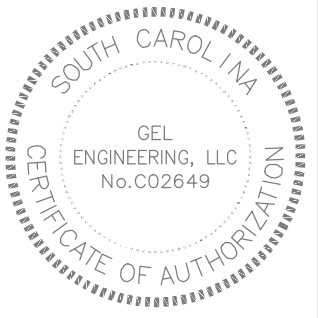
AT: HILTON HEAD ISLAND

IN: CALIBOGUE SOUND

COUNTY OF: BEAUFORT, SOUTH CAROLINA

SHEET: 3 OF 5

DATE: 06/09/2020



FILE LOC: T:\06-2020\wmmh\wmmh00119\wmmh00119_permit.dwg L-YOUT 1-B: 4
 PLOTTED: Feb 13, 2020 - 9:05am BY: lp

PURPOSE: MAINTAIN SAFE OPERATING DEPTHS

ADJACENT PROPERTY OWNERS
 SEE ATTACHED LIST

SURVEY DATUM: NAD83

FIGURE 4
 A - A' CROSS-SECTION

NOT TO SCALE

WINDMILL HARBOUR MARINA
 161 HARBOUR PASSAGE
 HILTON HEAD ISLAND, SOUTH CAROLINA

PROPOSED: ENTRANCE CHANNEL DREDGING

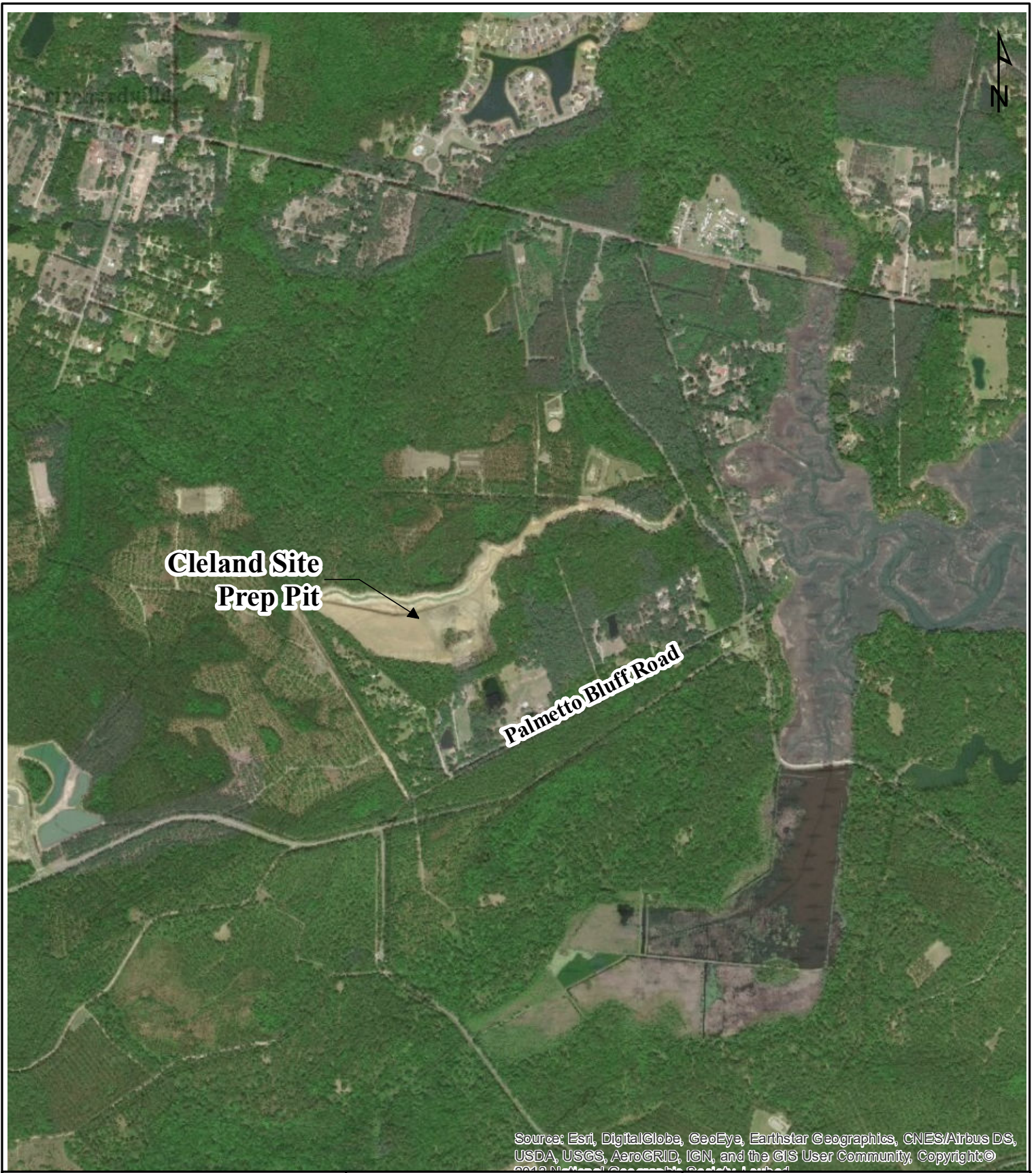
AT: HILTON HEAD ISLAND

IN: CALIBOGUE SOUND

COUNTY OF: BEAUFORT, SOUTH CAROLINA

SHEET: 4 OF 5

DATE: 06/09/2020



PURPOSE: MAINTAIN SAFE OPERATING DEPTHS

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

DATUM: NAD83

FIGURE 5

UPLAND DISPOSAL LOCATION MAP

0 650 1,300 2,600

Feet

WINDMILL HARBOUR MARINA
161 HARBOUR PASSAGE
HILTON HEAD ISLAND, SOUTH CAROLINA

PROPOSED: ENTRANCE CHANNEL DREDGING

AT: HILTON HEAD ISLAND

IN: CALIBOGUE SOUND

COUNTY: BEAUFORT, SOUTH CAROLINA

SHEET: 5 OF 5

DATE: 6/9/2020