

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Ave
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: SAC-2023-00394

June 9, 2023

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. Chris Ramm
Stony Creek at Bindon LLC
4505 Country Club Rd Ste 220
Winston Salem, North Carolina 27104

Ms. Nancy Lucas
O'Quinn Marine Construction Inc.
95 Sheppard Road
Beaufort, South Carolina 29907
nancy.oquinmarine@icloud.com

for a permit to install a boat ramp and removing an existing dock to install a larger Community dock in the

Pocotaligo River

located at 124 Trasks Parkway Yemassee, Beaufort County, South Carolina (Latitude: 32.6329°, Longitude: -80.848 °), Yemassee USGS Quad.

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.

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 the dock and boat ramp would be for the private recreational use of the Stony Creek residents. Bulkhead and rip rap on boat ramp would be for protection and erosion control. .

Project Description

The proposed work consists of installing a boat ramp and removing an existing approximately 10'x50' long dock and 125' walkway to install a larger Community dock and new walkway. In detail the applicant proposes to construct a 6'x122' walkway with handrails leading to a 12'x20' covered pierhead with water & electricity and a 2'x10' fish cleaning area on landward side of pierhead. On ebb side of pierhead will be an 8'x130' floating dock attached by a 3'x36' ramp. On flood side is a 12'x20' queuing dock attached by a 3'x36' ramp. Applicant also proposes to construct a 13'x89' boat ramp with two 1'x62' bulkheads on each side and add 8'x29' of rip rap on each lower side impacting 0.035acre of tidal wetlands.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by using best management practices and soft blow method when driving piles will be used.

Proposed Compensatory Mitigation

The applicant has not proposed to mitigate for impacts to wetlands and/or waters of the United States since the impact area is minimal.

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 0.035 acres of tidal wetlands upstream 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: Frosted flatwoods salamander (*Ambystoma cingulatum*)

American wood stork (*Mycteria americana*)
Eastern black rail (*Laterallus jamaicensis jamaicensis*)
Piping plover (*Charadrius melodus*)
Red-cockaded woodpecker (*Picoides borealis*)
Rufa red knot (*Calidris canutus rufa*)
Atlantic sturgeon (*Acipenser oxyrinchus*)
Shortnose sturgeon (*Acipenser brevirostrum*)
Finback whale (*Balaenoptera physalus*)
Humpback whale (*Megaptera novaeangliae*)
Northern long-eared bat (*Myotis septentrionalis*)
Right whale (*Eubalaena glacialis*)
Sei whale (*Balaenoptera borealis*)
Sperm whale (*Physeter macrocephalus*)
West Indian manatee (*Trichechus manatus*)
American chaffseed (*Schwalbea americana*)
Pondberry (*Lindera melissifolia*)
Green sea turtle (*Chelonia mydas*)
Kemp's Ridley sea turtle (*Lepidochelys kempii*)
Leatherback sea turtle (*Dermochelys coriacea*)
Loggerhead sea turtle (*Caretta caretta*)

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:

Frosted flatwoods salamander (*Ambystoma cingulatum*)
American wood stork (*Mycteria americana*)
Eastern black rail (*Laterallus jamaicensis jamaicensis*)
Piping plover (*Charadrius melodus*)
Red-cockaded woodpecker (*Picoides borealis*)
Rufa red knot (*Calidris canutus rufa*)
Shortnose sturgeon (*Acipenser brevirostrum*)
Finback whale (*Balaenoptera physalus*)
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Green sea turtle (*Chelonia mydas*)
Kemp's Ridley sea turtle (*Lepidochelys kempii*)
Leatherback sea turtle (*Dermochelys coriacea*)
Loggerhead sea turtle (*Caretta caretta*)

and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect: Atlantic sturgeon (*Acipenser oxyrinchus*) or West Indian manatee (*Trichechus manatus*) 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.

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)(1)), and has initially determined that there are historic properties present, but they will not be affected; 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 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

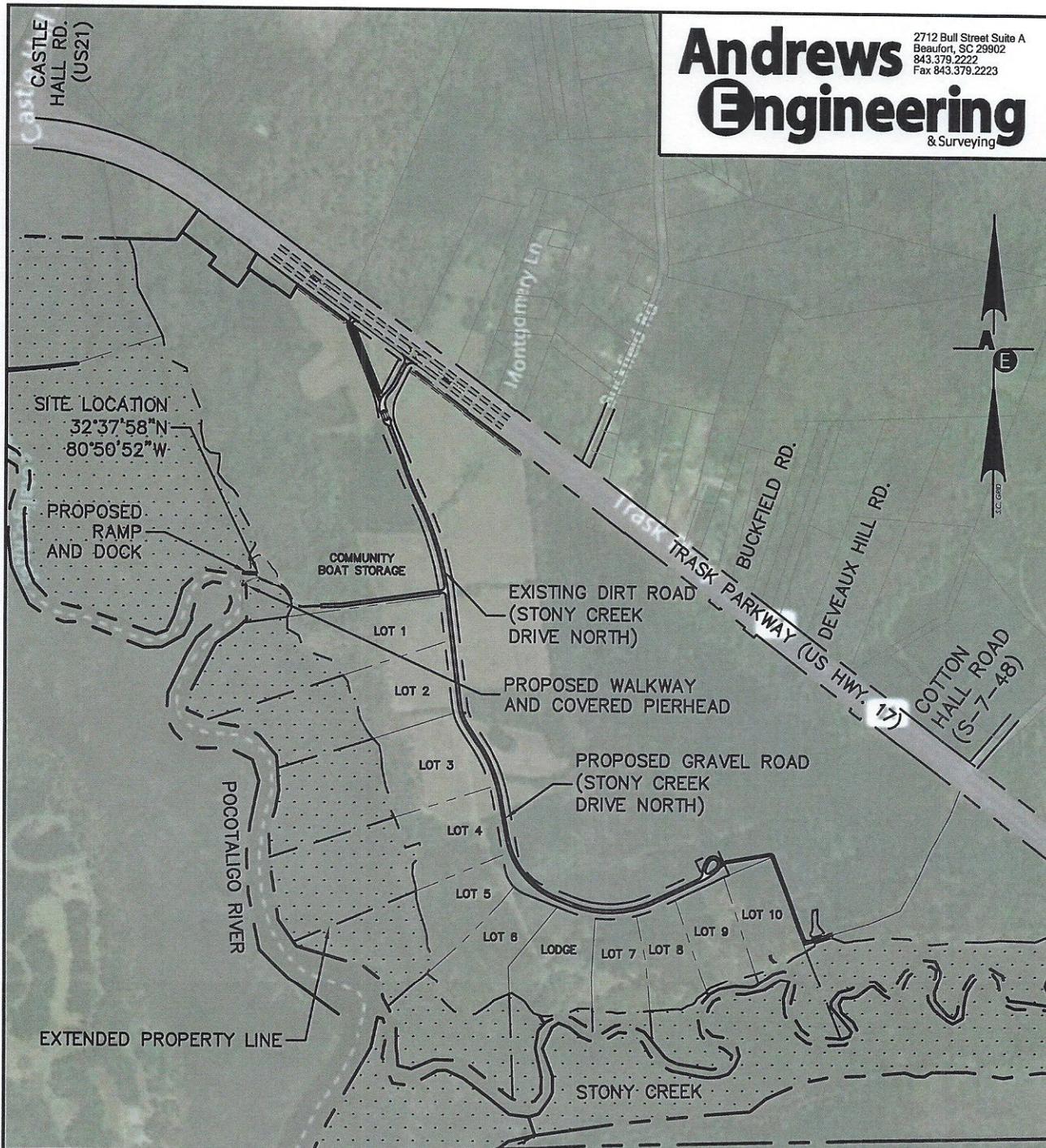
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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.

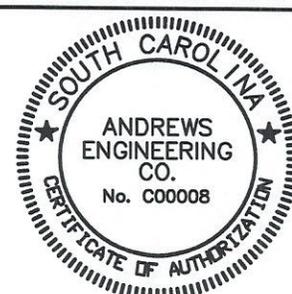
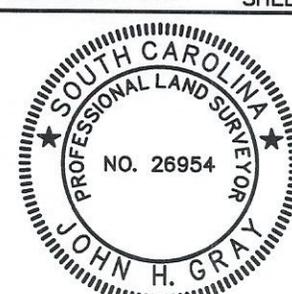
Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2023-00394), to Angela.M.Smith@usace.army.mil or the following address:

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

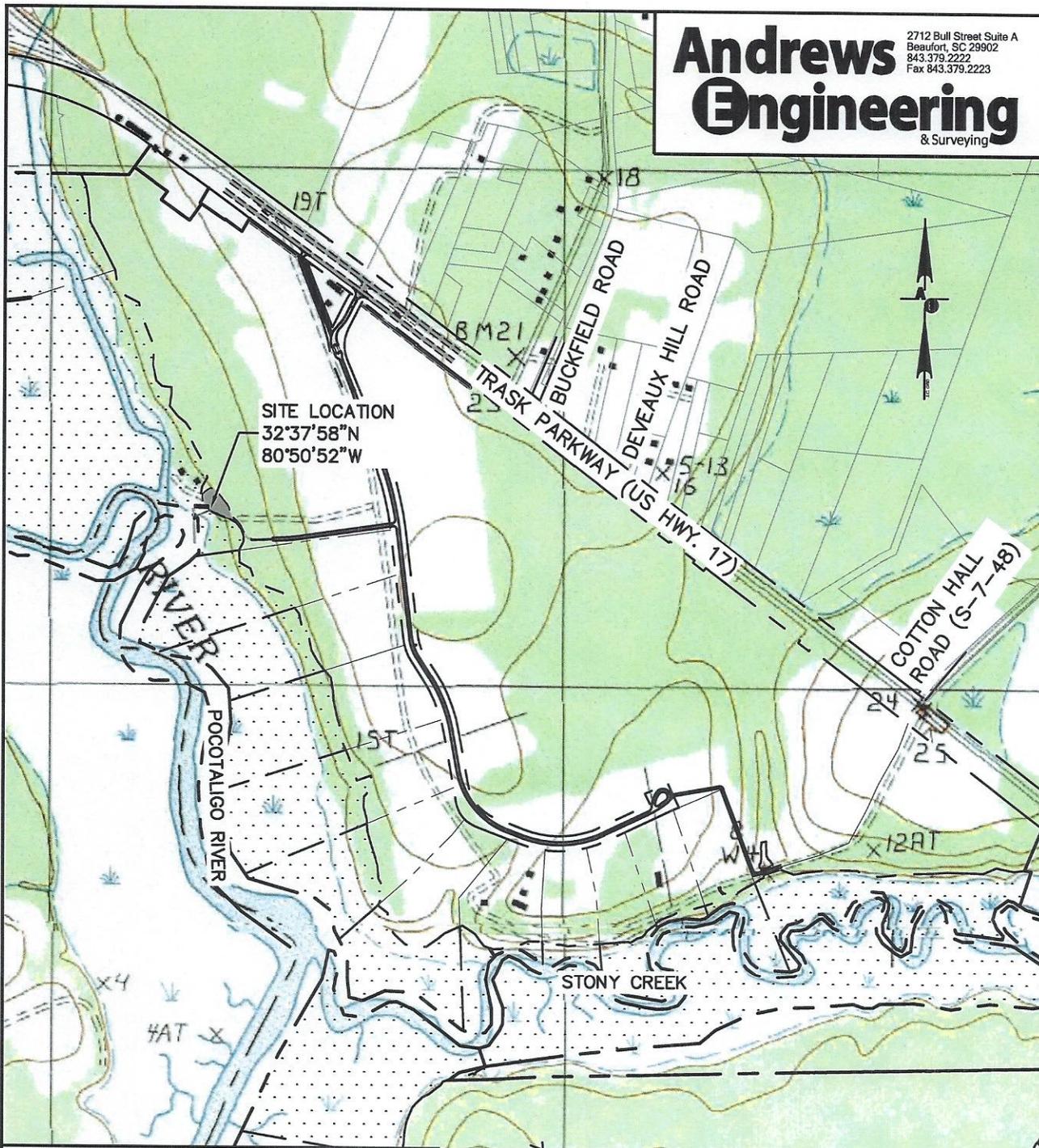
If there are any questions concerning this public notice, please contact Angela Smith, Project Manager, at 803-995-1746 or by email at Angela.M.Smith@usace.army.mil.

Andrews Engineering & Surveying
 2712 Bull Street Suite A
 Beaufort, SC 29902
 843.379.2222
 Fax 843.379.2223



DRAWN BY: RC CHECK BY: JG		SCALE: 1"=1000'		COMMUNITY WALKWAY, COVERED PIERHEAD AND RAMP LOCATION MAP		SHEET 1		
APPLICANT: STONY CREEK AT BINDON PLANTATION ACTIVITY: CONSTRUCTION OF WALKWAY, COVERED PIERHEAD AND RAMP LOCATION: US HWY. 17 (TRASK PKWY.) YEMASSEE, SC DMP#: R710 012 000 0003 0000 COUNTY: BEAUFORT DATE: 05-22-2023 JOB NUMBER: J21046					CERTIFICATE OF AUTHORIZATION		PLS: JOHN H. GRAY PLS No: 26954	

Andrews Engineering & Surveying
 2712 Bull Street Suite A
 Beaufort, SC 29902
 843.379.2222
 Fax 843.379.2223



DRAWN BY: RC
 CHECK BY: JG

SCALE: 1"=1000'

**COMMUNITY WALKWAY, COVERED
 PIERHEAD AND RAMP LOCATION MAP**

SHEET 2

APPLICANT: STONY CREEK AT BINDON PLANTATION
 ACTIVITY: CONSTRUCTION OF WALKWAY, COVERED PIERHEAD AND RAMP
 LOCATION: US HWY. 17 (TRASK PKWY.) YEMASSEE, SC
 DMP#: R710 012 000 0003 0000
 COUNTY: BEAUFORT
 DATE: 05-22-2023
 JOB NUMBER: J21046



CERTIFICATE OF AUTHORIZATION



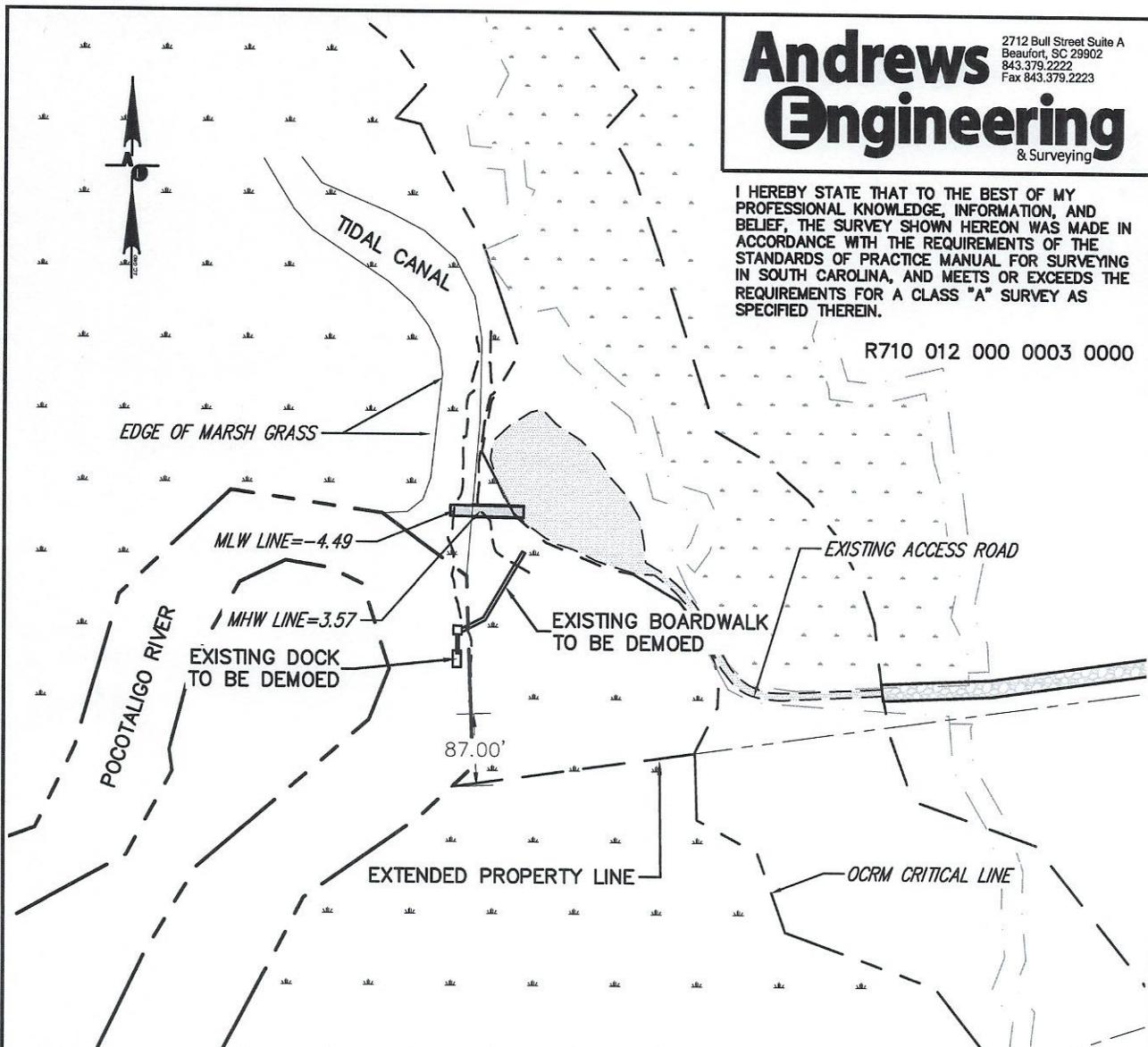
PLS: JOHN H. GRAY
 PLS No: 26954

Andrews Engineering
& Surveying

2712 Bull Street Suite A
Beaufort, SC 29902
843.379.2222
Fax 843.379.2223

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

R710 012 000 0003 0000



SCALE: 1"=200'

NOTES:

1. PROPERTY OWNERSHIP EXTENDS TO MEAN HIGH WATER.
2. BEARINGS ARE BASED ON SC STATE PLANE COORDINATE SYSTEM (NAD 83/2011)
3. THE PURPOSE OF THIS SURVEY IS TO PERMIT THE CONSTRUCTION OF A WALKWAY, COVERED PIERHEAD AND RAMP.
4. ELECTRICAL, LIGHTING, AND WATER SERVICE TO BE PROVIDED TO COVERED PIERHEAD.

DHEC-OCRM CRITICAL LINE SHOWN IS VALID FOR FIVE YEARS FROM 04/28/2022.

LEGEND:

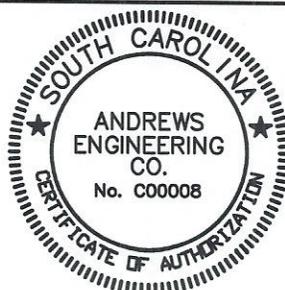
- IPS IRON PIN SET (5/8" REBAR)
- IPF IRON PIN FOUND

DRAWN BY: RC
CHECK BY: JG

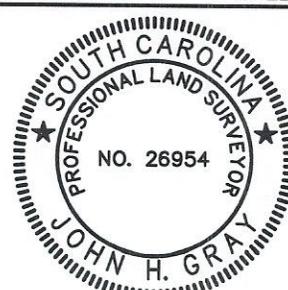
COMMUNITY WALKWAY, COVERED PIERHEAD AND RAMP LOCATION MAP

SHEET 3

APPLICANT: STONY CREEK AT BINDON PLANTATION
ACTIVITY: CONSTRUCTION OF WALKWAY, COVERED PIERHEAD AND RAMP
LOCATION: US HWY. 17 (TRASK PKWY.) YEMASSEE, SC
DMP#: R710 012 000 0003 0000
COUNTY: BEAUFORT
DATE: 05-22-2023
JOB NUMBER: J21046



CERTIFICATE OF AUTHORIZATION



PLS: JOHN H. GRAY
PLS No: 26954

NOTES:

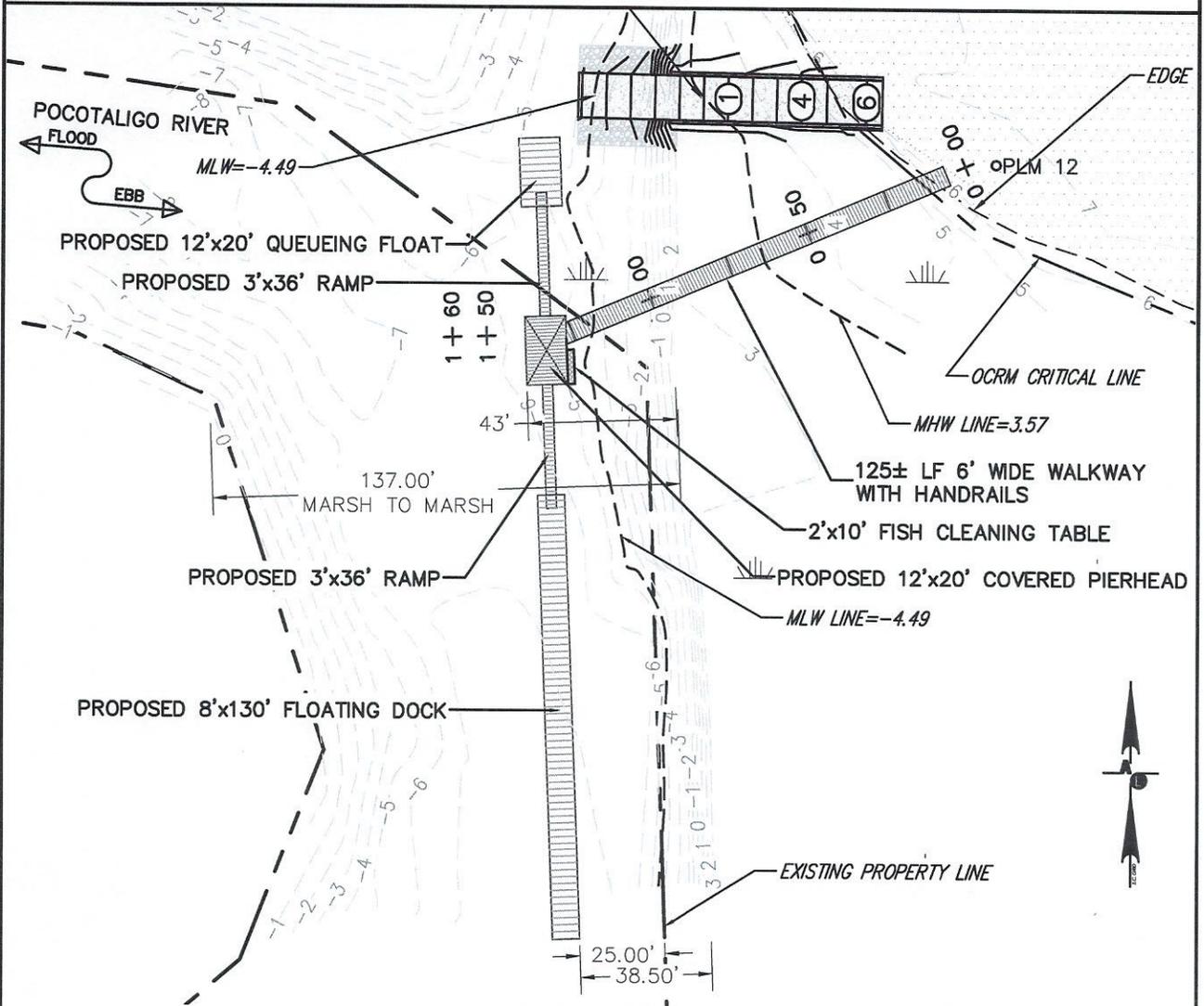
1. PROPERTY OWNERSHIP EXTENDS TO MEAN HIGH WATER.
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 & Surveying

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 Beaufort, SC 29902
 843.379.2222
 Fax 843.379.2223

SCALE: 1"=50'

DHEC-OCRM CRITICAL LINE SHOWN IS VALID FOR FIVE YEARS FROM 04/28/2022.



PLAN VIEW

<p>DRAWN BY: RC CHECK BY: JG</p>	<p>COMMUNITY WALKWAY AND PIERHEAD LAYOUT</p> <p style="text-align: right;">SHEET 4</p>	
<p>APPLICANT: STONY CREEK AT BINDON PLANTATION ACTIVITY: CONSTRUCTION OF WALKWAY, COVERED PIERHEAD AND RAMP LOCATION: US HWY. 17 (TRASK PKWY.) YEMASSEE, SC DMP#: R710 012 000 0003 0000 COUNTY: BEAUFORT DATE: 05-22-2023 JOB NUMBER: J21046</p>	 <p>CERTIFICATE OF AUTHORIZATION</p>	 <p>PLS: JOHN H. GRAY PLS No: 26954</p>

NOTES:

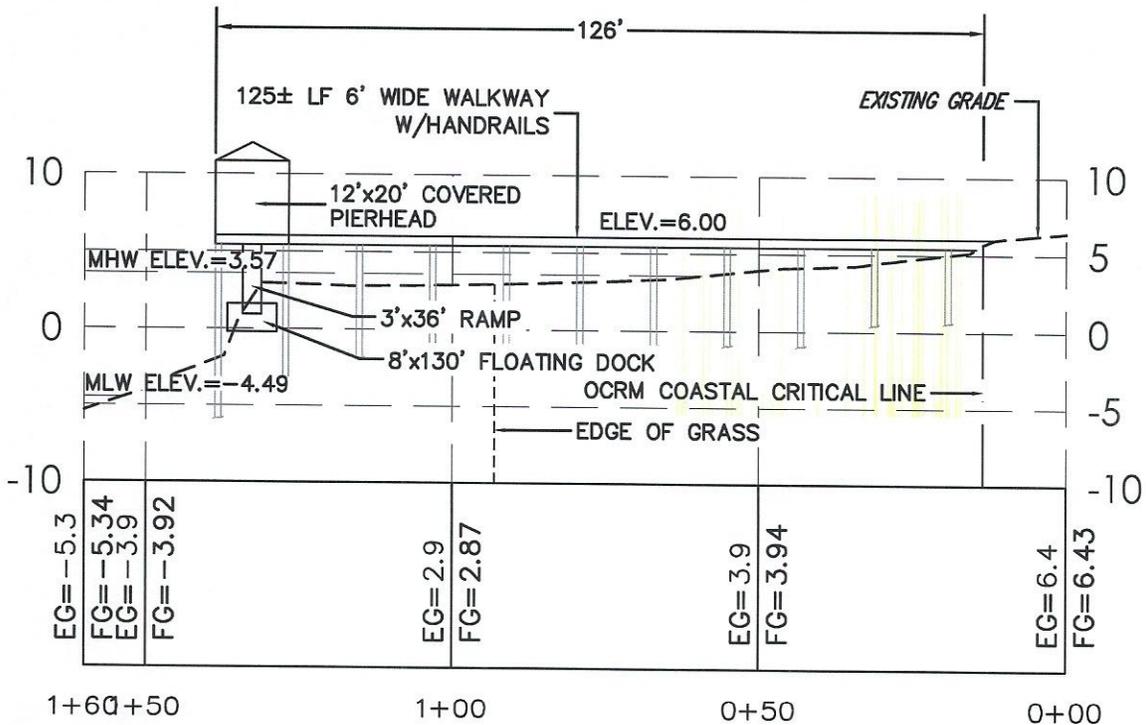
1. PROPERTY OWNERSHIP EXTENDS TO MEAN HIGH WATER.
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DHEC-OCRM CRITICAL LINE SHOWN IS VALID FOR FIVE YEARS FROM 04/28/2022.

SCALE: 1"=30'



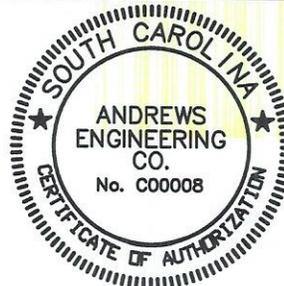
COMMUNITY WALKWAY PROFILE

DRAWN BY: RC
 CHECK BY: JG

COMMUNITY WALKWAY AND PIERHEAD PROFILE

SHEET 5

APPLICANT: STONY CREEK AT BINDON PLANTATION
 ACTIVITY: CONSTRUCTION OF WALKWAY, COVERED PIERHEAD AND RAMP
 LOCATION: US HWY. 17 (TRASK PKWY.) YEMASSEE, SC
 DMP#: R710 012 000 0003 0000
 COUNTY: BEAUFORT
 DATE: 05-22-2023
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CERTIFICATE OF AUTHORIZATION

PLS: JOHN H. GRAY
 PLS No: 26954

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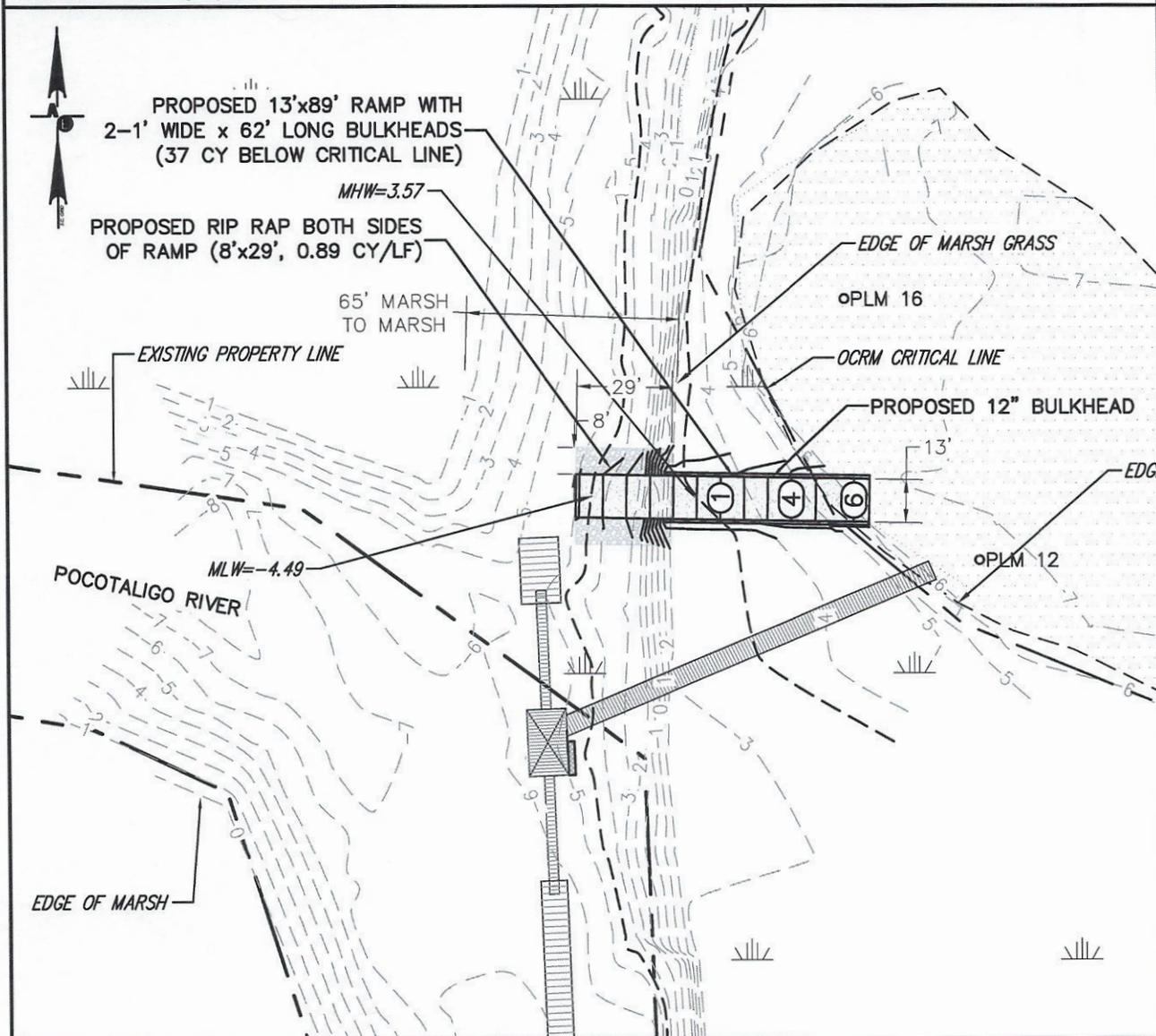
1. PROPERTY OWNERSHIP EXTENDS TO MEAN HIGH WATER.
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3. THE PURPOSE OF THIS SURVEY IS TO PERMIT THE CONSTRUCTION OF A WALKWAY, COVERED PIERHEAD, AND RAMP.
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DHEC-OCRM CRITICAL LINE SHOWN IS VALID FOR FIVE YEARS FROM 04/28/2022.

0.035 AC IMPACT AREA FOR RAMP, BULKHEAD, AND RIP-RAP



SCALE: 1"=50'

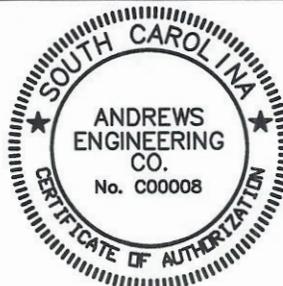


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CHECK BY: JG

COMMUNITY RAMP PLAN

SHEET 6

APPLICANT: STONY CREEK AT BINDON PLANTATION
 ACTIVITY: CONSTRUCTION OF WALKWAY, COVERED PIERHEAD AND RAMP
 LOCATION: US HWY. 17 (TRASK PKWY.) YEMASSEE, SC
 DMP#: R710 012 000 0003 0000
 COUNTY: BEAUFORT
 DATE: 05-22-2023
 JOB NUMBER: J21046



CERTIFICATE OF AUTHORIZATION



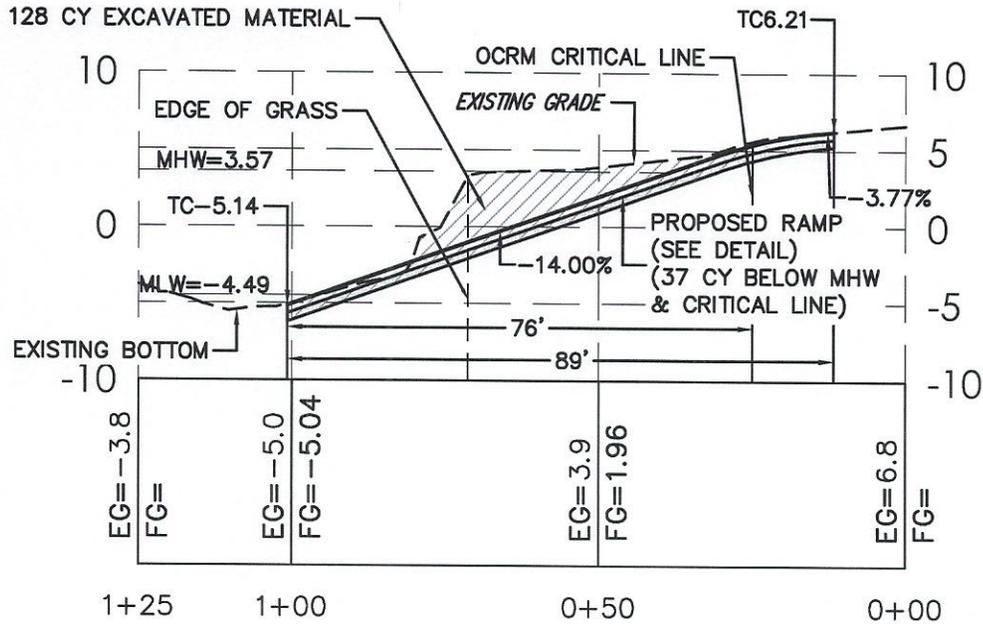
PLS: JOHN H. GRAY
PLS No: 26954

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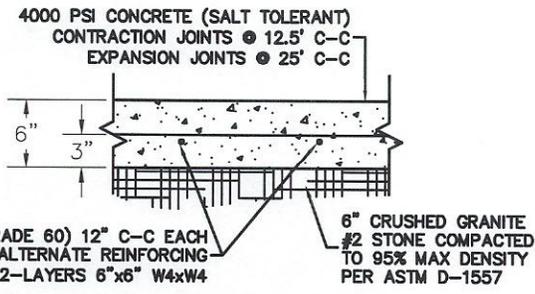
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- DHEC-OCRM CRITICAL LINE SHOWN IS VALID FOR FIVE YEARS FROM 04/28/2022.



SCALE: 1"=30'



COMMUNITY RAMP PROFILE



**TYPICAL BOAT RAMP SECTION
CONCRETE PAVEMENT (N.T.S.)**

DRAWN BY: RC CHECK BY: JG	COMMUNITY RAMP PROFILE		SHEET 7
APPLICANT: STONY CREEK AT BINDON PLANTATION ACTIVITY: CONSTRUCTION OF WALKWAY, COVERED PIERHEAD AND RAMP LOCATION: US HWY. 17 (TRASK PKWY.) YEMASSEE, SC DMP#: R710 012 000 0003 0000 COUNTY: BEAUFORT DATE: 05-22-2023 JOB NUMBER: J21046			
	CERTIFICATE OF AUTHORIZATION	PLS: JOHN H. GRAY PLS No: 26954	