

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Ave
Charleston, South Carolina 29403
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-2023-01329

March 27, 2024

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 South Carolina Department of Health and Environmental Control by

Mr. J. Tracy Stakely
National Park Service, Fort Sumter & Fort Moultrie NHP
1214 Middle Street
Sullivan's Island, South Carolina 29482

Mr. Nicholas Sarata
Childs Engineering
34 William Way
Bellingham, Massachusetts 02019
saratan@childseng.com

for a permit to replace the Park's pier at Fort Moultrie in

The Cove

located at TMS# 523-07-00-056, Sullivans Island, Charleston County, South Carolina (Latitude: 32.7629 °, Longitude: -79.8565 °), Fort Moultrie 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 to replace the Park's pier at Fort Moultrie to ensure safe access to Fort Sumter while reducing annual and corrective maintenance requirements. The completed project will facilitate annual inspections, accommodate both administrative and visitor vessels, create resiliency, promote safer transitions during loading and unloading, and will ease significant mooring positioning efficiencies.

Project Description

The proposed work consists of removing and expanding the Park's existing pier at Fort Moultrie. In detail, the applicant proposes to remove the existing 133.67' x 20.58' concrete pier and the 63.5' x 8' concrete floating platform and construct a new T-shaped pier consisting of the existing 195' x 12' concrete walkway leading to a new 108.75' x 24' fixed pier head. To the flood side of the fixed pierhead a 30' x 4' aluminum gangway will lead to a 60' x 8' concrete floating dock. To the ebb side of the fixed pierhead a 30' x 4' aluminum gangway will lead to a 30' x 8' concrete floating dock. Construction will be similar to the existing pier and include the installation of 38 new concrete foundation piles with associated concrete pile caps, prestressed concrete deck planks and timber fender system which includes driving 47 timbers fender piles. Additionally, the two new floating docks will be held in place by a total of 6 steel pipe guide piles.

Avoidance and Minimization

The applicant has stated that a contractor has not been selected yet, but the project management team will ensure that a qualified marine contractor with extensive experience with similar projects is selected. The contractor will likely determine that the best procedure for construction will be to conduct much of the work using a barge mounted crane. An additional barge will likely be required to aid in the storing of material. In addition to the barges, the contractor will likely use small floating platforms to conduct work and utilize a small tugboat and small utility boat. The contractor will be required to abide by all necessary local, state, and federal construction regulations as

well as all conditions applied to the project. They will also be held to all necessary safety regulations and navigational regulations set forth by the U.S. Coast Guard.

Proposed Compensatory Mitigation

No mitigation is being proposed as the project involves the installation of structures and will not result in the loss of wetlands. The project does not involve excavation/dredging or filling of wetlands. The anticipated impact (shading) to delineated wetland habitat is 0.084-acre.

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 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 0.084 acre 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 where the work will occur: Eastern Black Rail (*Laterallus jamaicensis ssp.*), Red-cockaded Woodpecker (*Picoides borealis*), West Indian Manatee (*Trichechus manatus*), American chaffseed (*Schwalbea*

americana), Canby's dropwort (*Oxpolis canbyi*), 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*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Atlantic sturgeon (*Acipenser oxyrinchus*), and Shortnose sturgeon (*Acipenser brevirostrum*).

Based on all information provided by the applicant and the most recently available information, the District Engineer has made no determination of effect on any Federally endangered, threatened, or proposed species. As the lead federal agency pursuant to NEPA, the National Park Service (NPS) made the determination that the proposed project would have no effect on the Eastern Black Rail (*Laterallus jamaicensis ssp.*), American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxpolis canbyi*), Pondberry (*Lindera melissifolia*), Red-cockaded Woodpecker (*Picoides borealis*), Piping Plover (*Charadrius melodus*), or the Red Knot (*Calidris canutus rufa*).

The NPS determined the project is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), Atlantic sturgeon (*Acipenser oxyrinchus*), and Shortnose sturgeon (*Acipenser brevirostrum*) or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service (USFWS project code: 2024-0021292) 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 initially determined that historic properties, are present; however has made no determination of effect for the undertaking. The National Park Service, as the lead federal agency, by letter date January 22, 2024, the NPS provided their determination that no historic property will be adversely affected by the proposed undertaking to the SHPO. On March 15, 2024, the SHPO concurred with the NPS' determination that the project would have no adverse effect to historic properties.

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. 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-2023-01329), to Eileen.K.Foss@usace.army.mil or the following address:

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

If there are any questions concerning this public notice, please contact Eileen Foss, Project Manager, at 843-329-8037, or by email at Eileen.K.Foss@usace.army.mil.