

**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: SAC-1986-08495

March 9, 2023

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 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. Desiree Fragoso**  
**City of Isle of Palms**  
**PO Box 508**  
**Isle of Palms, South Carolina 29451**

**c/o Mr. Michael Mann**  
**Applied Technology and Management**  
**941 Houston Northcutt Blvd - Suite 201**  
**Mount Pleasant, South Carolina 29464**  
**mmann@appliedtm.com**

for a permit modification to construct a public dock on the

**Atlantic Intracoastal Waterway**

Located at 50 41<sup>st</sup> Avenue on the Isle of Palms, Charleston County, South Carolina (Latitude: 32.80578 °, Longitude: -79.76119 °), 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> .**

**\*\*\*\*This is a proposed modification of previously authorized Department of the Army Permit, SAC-1986-08495, that was issued on November 4, 2020. The authorized dock was not constructed.**

### **Applicant's Stated Purpose**

According to the applicant, the purpose of the proposed project is for recreational water access by the public for dock-based fishing, crabbing or shrimping activities.

The applicant intends to demolish the existing "Watersports Dock" at the Isle of Palms marina site. The applicant stated the following in the permit application:

*The watersports rental business no longer operates at this location and the City has designated this dock as an area for public access and use at the marina. Due to limited size of the structure, poor condition of the floating dock and gangway, lack of ADA accessibility, and the desire and demonstrated need to provide safe public kayak launching and accessible public access to the water at the site, the need for new marine infrastructure is apparent.*

The applicant also stated the following:

*The existing dock is only 5-ft. wide. This provides limited space for the public to safely and comfortably pass (and social distance) while walking on the dock. Further, with the need to incorporate a public kayak launch in this area of the marina, the 5-ft. dock width is insufficient to allow the public to transport kayaks on the dock. Additionally, the existing pierhead is small and oddly configured. A wider, purpose-designed dock is necessary to provide suitable access. The proposed dock width of 16-ft. is carried out to the end of the fixed pier structure to enable safe, clear access for the public to the end of the pier structure while also enabling some level of social distancing. Two shade structures are included in the design which are intended to provide a respite for pier users from the summertime heat. These structures will have swings installed beneath them for the public to rest and observe the Waterway. The ADA gangway will provide*

*a safe accessible route to a new engineered floating dock system. This floating dock system will include an ADA-accessible kayak launch for public use. This kayak launch is strategically located within the marina to segregate non-motorized vessel launch/retrieval from motorized vessel launch/retrieval which occurs at the on-site boat ramp and has led to conflict between user groups in the past. The floating dock will also allow non-motorized vessels to stage briefly in this area while preparing to leave for or returning from a paddle. Also, the floating dock will enable the public an opportunity to access the water for dock-based fishing, crabbing, or shrimping. No swimming will be allowed.*

### **Project Description**

The proposed work consists of the demolition of the existing commercial “Watersports Dock” and construction of a new “Public Dock”. In detail, the proposed work includes the construction of an 16’ wide X 152’ fixed pier with a 10’ X 16.3’ X 21’ fixed platform to an 8’ X 80’ ADA compliant gangway connecting to a 10’ X 28’ and 75’ X 10’ floating T-head with a 30’ X 15’ floating kayak launch. The proposed fixed pier will include two (2) 8’ X 20’ covered seating areas on the pier.

### **Avoidance and Minimization**

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by the following:

*The fixed pier width has been kept to a minimum to enable safe patron access and clearances. This public pier width is approximately half as wide of what similar structures such as the Mount Pleasant Waterfront Park pier are. No pierhead is proposed.*

*The length of the fixed pier from shore does not extend all the way to the Intracoastal Waterway Construction Setback limit. It is merely long enough to achieve its intended purpose.*

*The proposed fixed pier is oriented in a straight alignment as opposed to the existing pier which utilizes an inflection point over the marsh. This straight alignment further limits the length of the fixed pier and minimizes shading impacts to the marsh.*

*The proposed pier will be constructed with timber pilings as opposed to concrete or steel pipe pilings which can be more impactful to marine mammals and fishes during installation.*

*The floating docks will be anchored with timber pilings or steel pipe pilings which are less impactful to marine mammals and fishes during installation. The use of pilings to secure the floating dock rather than chain and anchor will also mitigate the possibility for marine mammal entanglement.*

*The length of the floating dock is limited to 75-ft. which is less than the existing and less than what may be allowable if the dock extended as close as possible to the adjacent property line.*

*The primary use of the proposed dock will shift from motorized vessels such as jet skis and parasail tour boats to less impactful non-motorized craft such as paddleboards and kayaks. It is noted that the proposed kayak launch is positioned and oriented in such a manner that it will be fully accessible at all tide levels.*

*The proposed shade structures are limited to serve their intended purpose and do not span the width of the entire fixed pier. This will help reduce shading impacts to the waters of the US.*

### **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.

### **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 approximately 4,000 square feet 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 area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information that the Frosted flatwoods salamander (*Ambystoma cingulatum*), American wood stork (*Mycteria Americana*), piping plover (*Chadrius melodus*), red-cockaded woodpecker (*Picoides borealis*), red knot (*Calidris canutus rufa*), shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus*), Northern long-eared bat (*Myotis septentrionalis*), finback whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), right whale (*Eubalaena glacialis*), West Indian manatee (*Trichechus manatus*), green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepdochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), Canby's dropwort (*Oxypolis canbyi*), Seabeach amaranth (*Amaranthus pumilus*) and pondberry (*Lindera melissifolia*), Federally endangered or threatened species are present in the vicinity of the project.

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project may affect, but is not likely to adversely affect the West Indian manatee and will have no effect on the remaining species listed above. In addition, the proposed project will not 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 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 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.

### **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.

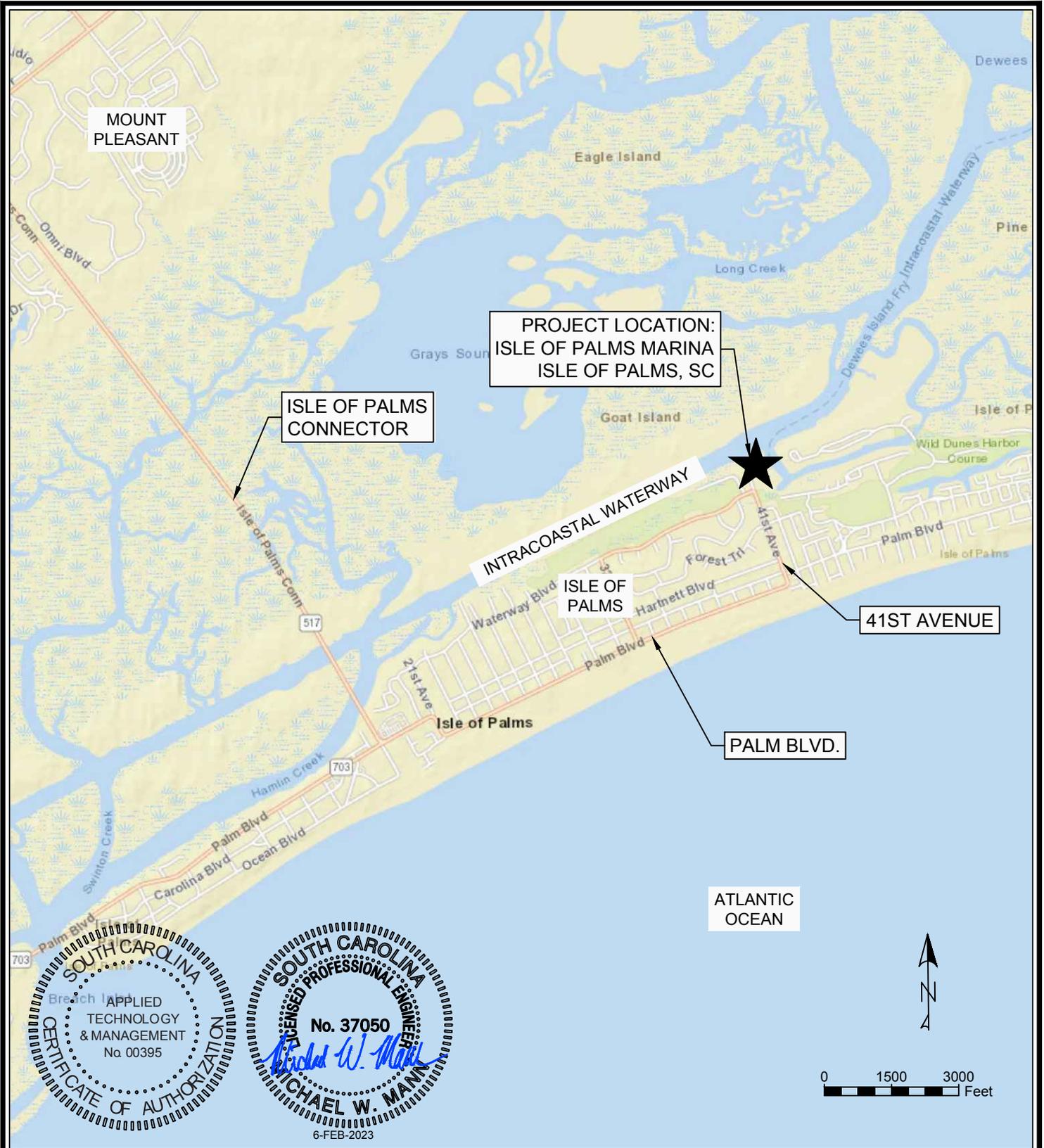
**Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-1986-08495), to [SAC.RD.Charleston@usace.army.mil](mailto:SAC.RD.Charleston@usace.army.mil) or the following address:**

**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 at (843) 329-8044, toll free at 1-866-329-8187, or by email at SAC.RD.Charleston@usace.army.mil.

FOR PERMITTING PURPOSES ONLY  
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PROJECT: IOP Public Dock Modifications  
 WATERBODY: Atlantic Intracoastal Waterway  
 COUNTY: Charleston  
 STATE: South Carolina  
 LATITUDE: 32°48'20.14"N  
 LONGITUDE: 79°45'39.45"W

LOCATION MAP

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Requested by: City of Isle of Palms

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Project Address: 50 41st Avenue, Isle of Palms

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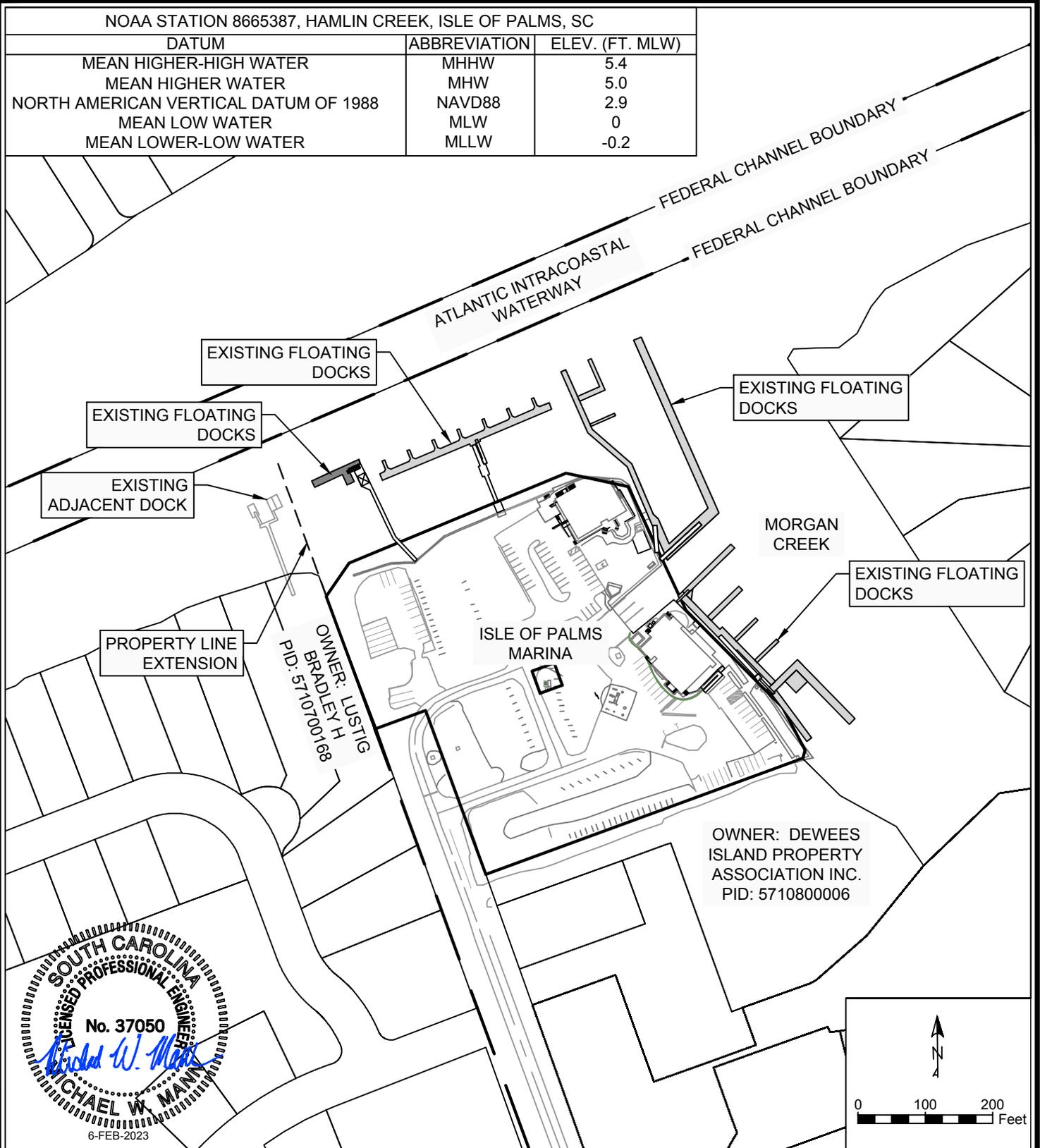
Parcel ID: 571080007



A Geosyntec Company

6-February-2023  
SHEET 01

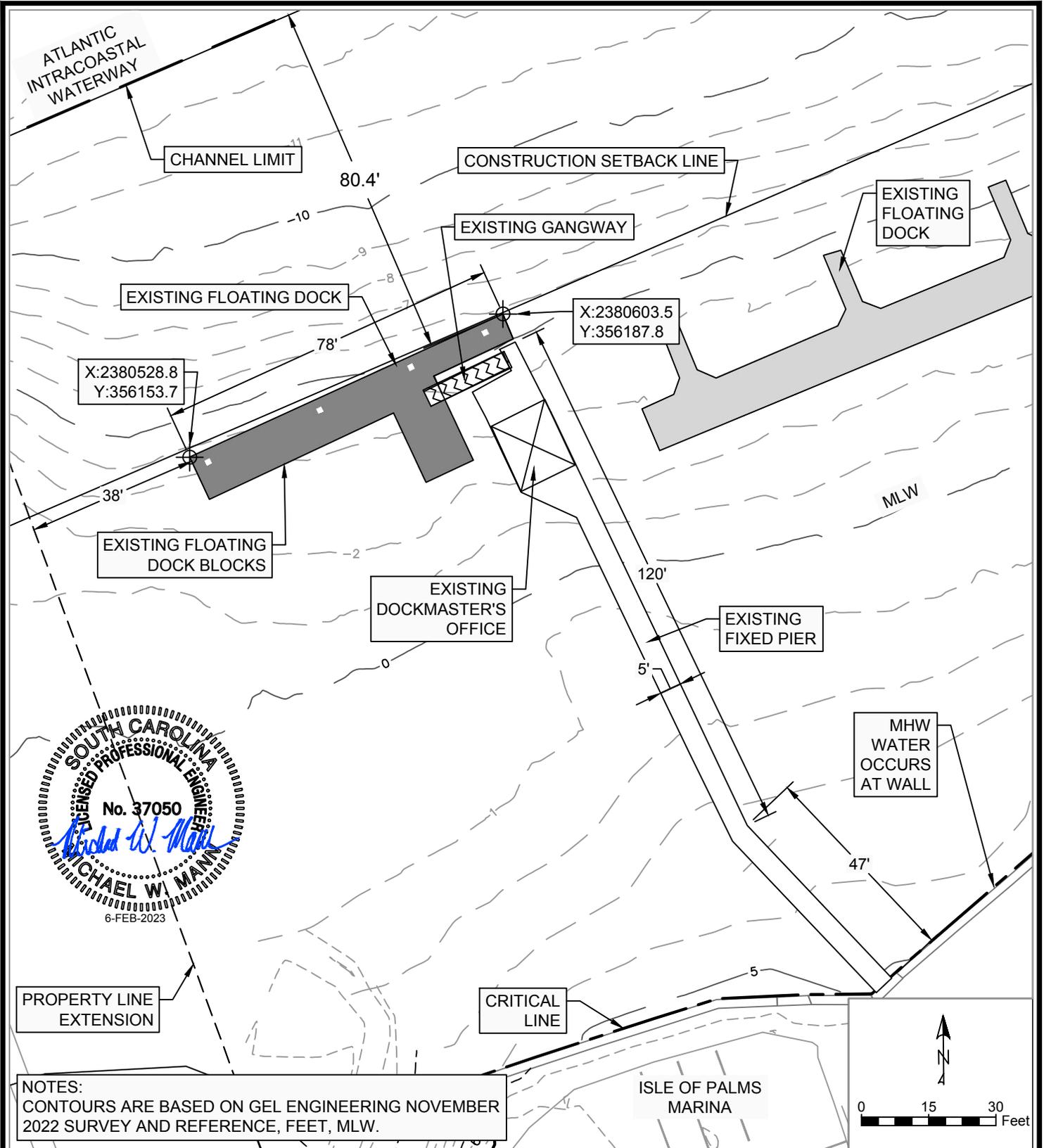
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PROJECT:	IOP Public Dock Modifications	EXISTING CONDITIONS & ADJACENT PROPERTY OWNERS  Requested by: City of Isle of Palms  Project Address: 50 41st Avenue, Isle of Palms  Parcel ID: 5710800007	 A Geosyntec Company  6-February-2023 SHEET 02
WATERBODY:	Atlantic Intracoastal Waterway		
COUNTY:	Charleston		
STATE:	South Carolina		
LATITUDE:	32°48'20.14"N		
LONGITUDE:	79°45'39.45"W		

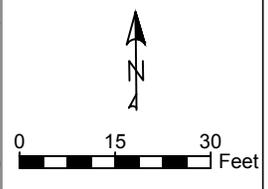
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PROPERTY LINE  
EXTENSION

NOTES:  
 CONTOURS ARE BASED ON GEL ENGINEERING NOVEMBER  
 2022 SURVEY AND REFERENCE, FEET, MLW.



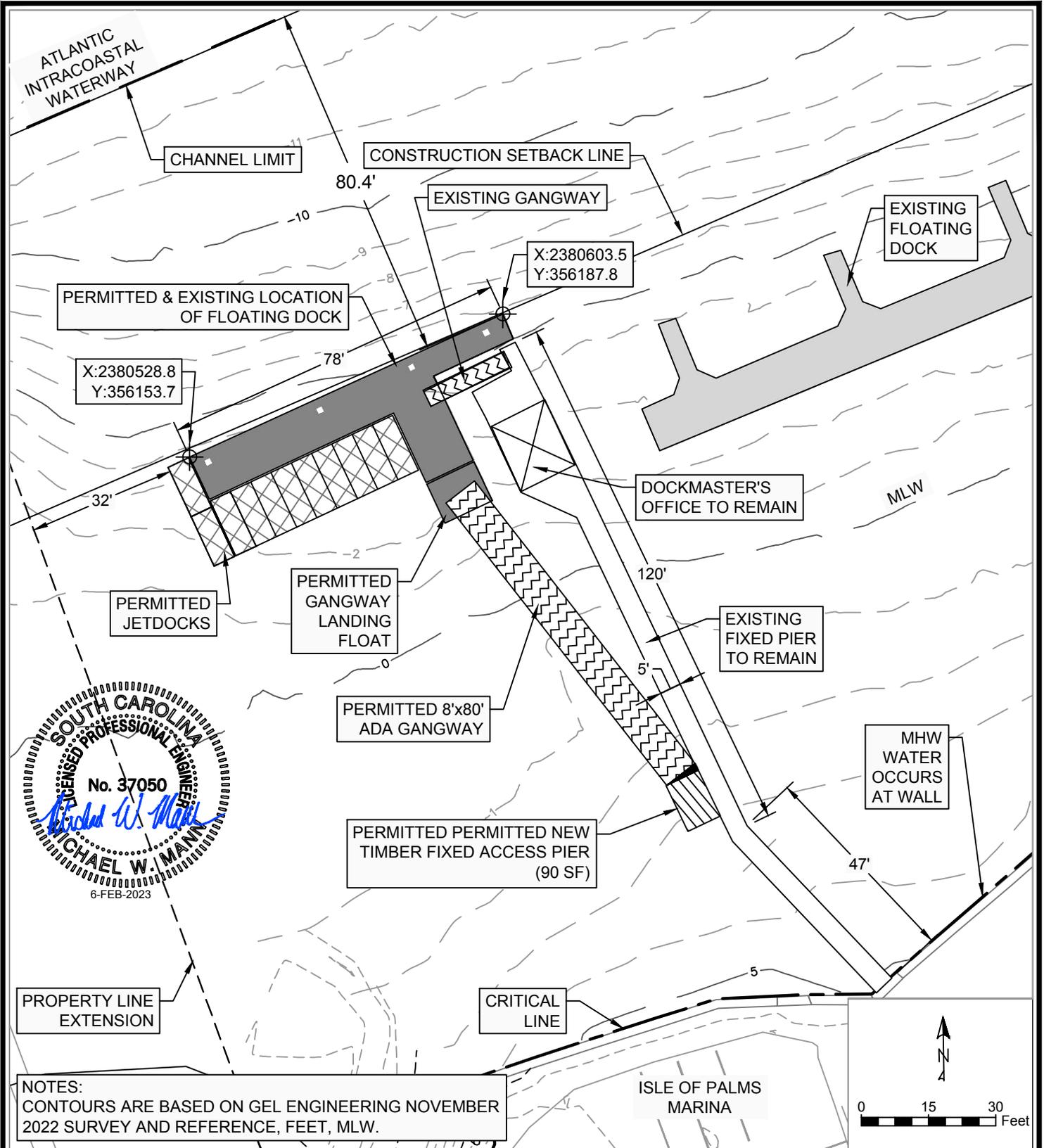
PROJECT: IOP Public Dock Modifications  
 WATERBODY: Atlantic Intracoastal Waterway  
 COUNTY: Charleston  
 STATE: South Carolina  
 LATITUDE: 32°48'20.14"N  
 LONGITUDE: 79°45'39.45"W

EXISTING CONDITIONS  
 Requested by: City of Isle of Palms  
 Project Address: 50 41st Avenue, Isle of Palms  
 Parcel ID: 571080007

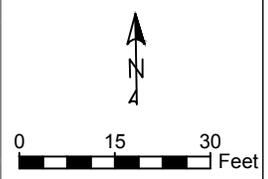
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 6-February-2023  
 SHEET 03

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**NOTES:**  
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**PROJECT:** IOP Public Dock Modifications  
**WATERBODY:** Atlantic Intracoastal Waterway  
**COUNTY:** Charleston  
**STATE:** South Carolina  
**LATITUDE:** 32°48'20.14"N  
**LONGITUDE:** 79°45'39.45"W

**PERMITTED CONDITIONS**

Requested by: City of Isle of Palms

Project Address: 50 41st Avenue, Isle of Palms

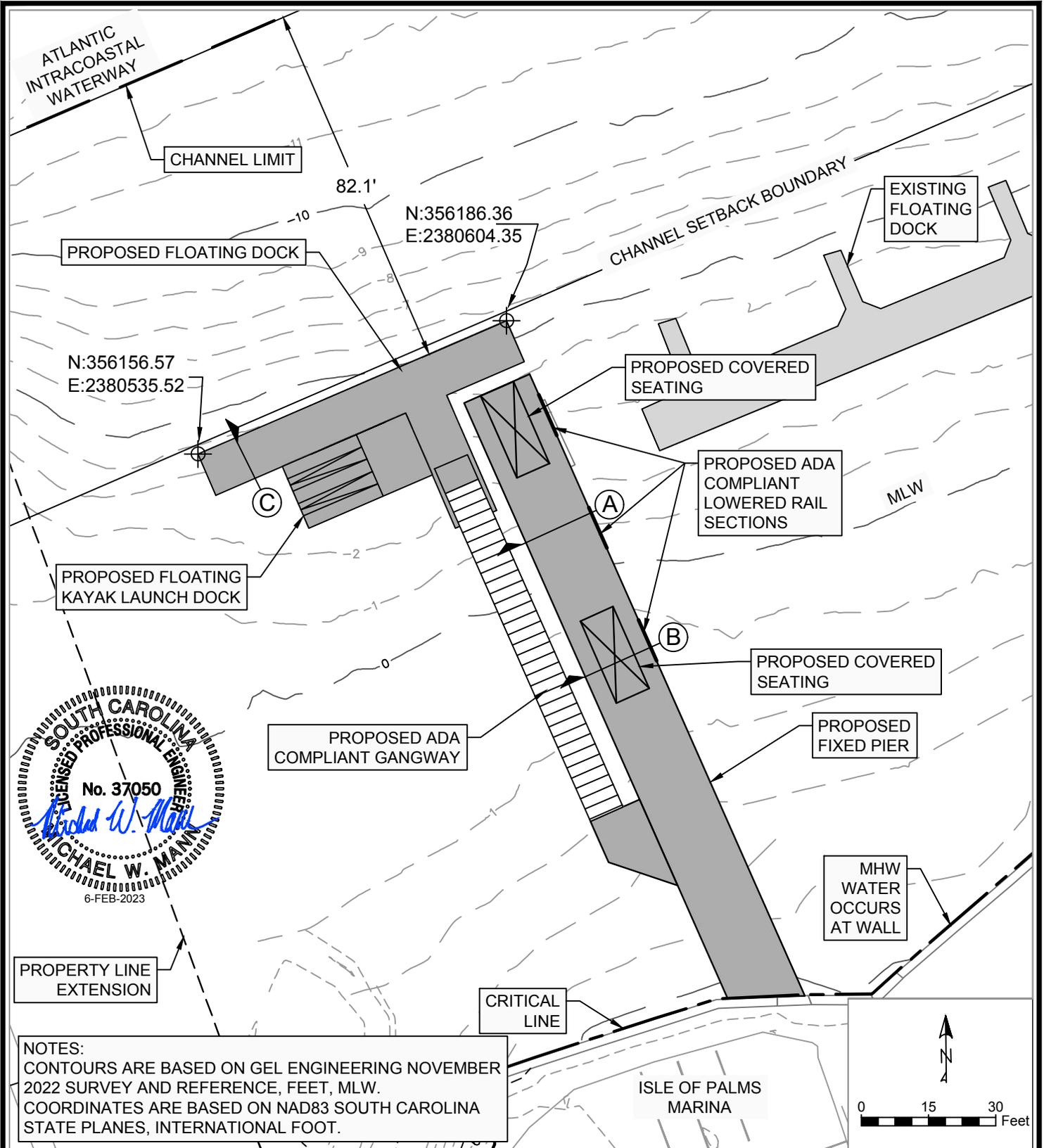
Parcel ID: 571080007

**ATM**  
 A Geosyntec Company

6-February-2023  
 SHEET 04

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NOTES:  
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 COORDINATES ARE BASED ON NAD83 SOUTH CAROLINA STATE PLANES, INTERNATIONAL FOOT.

PROJECT: IOP Public Dock Modifications  
 WATERBODY: Atlantic Intracoastal Waterway  
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 LATITUDE: 32°48'20.14"N  
 LONGITUDE: 79°45'39.45"W

**PROPOSED IMPROVEMENTS OVERVIEW**

Requested by: City of Isle of Palms

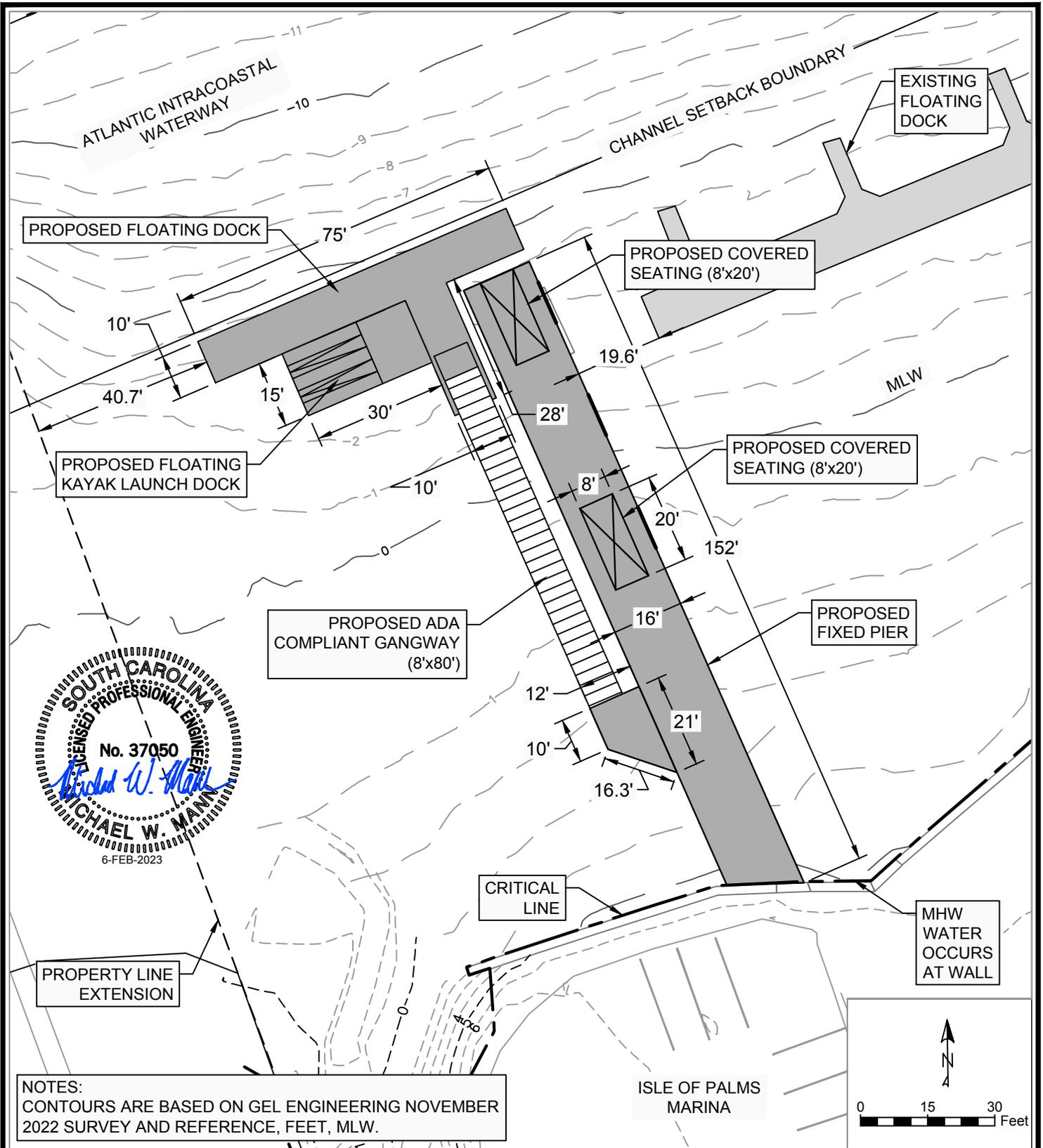
Project Address: 50 41st Avenue, Isle of Palms

Parcel ID: 5710800007

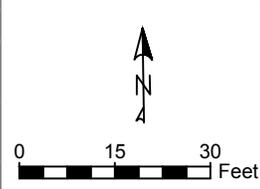
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 SHEET 05

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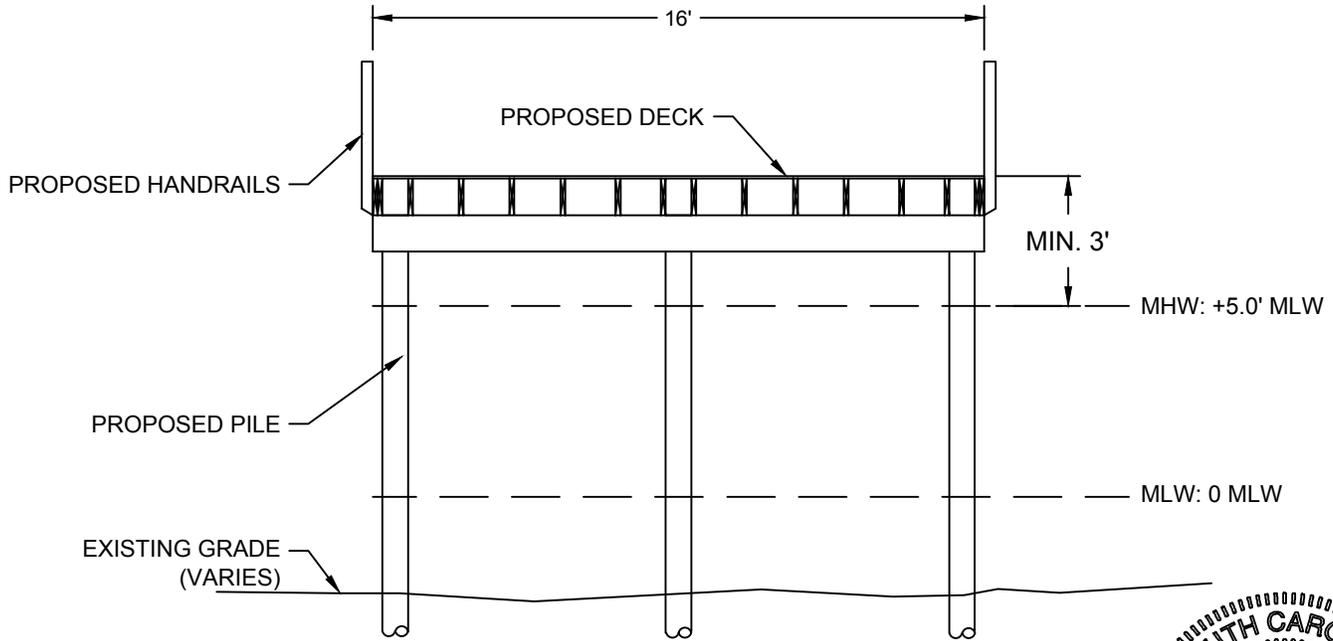
PROJECT: IOP Public Dock Modifications  
 WATERBODY: Atlantic Intracoastal Waterway  
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**PROPOSED FIXED PIER & FLOATING DOCK DIMENSIONS**  
 Requested by: City of Isle of Palms  
 Project Address: 50 41st Avenue, Isle of Palms  
 Parcel ID: 5710800007

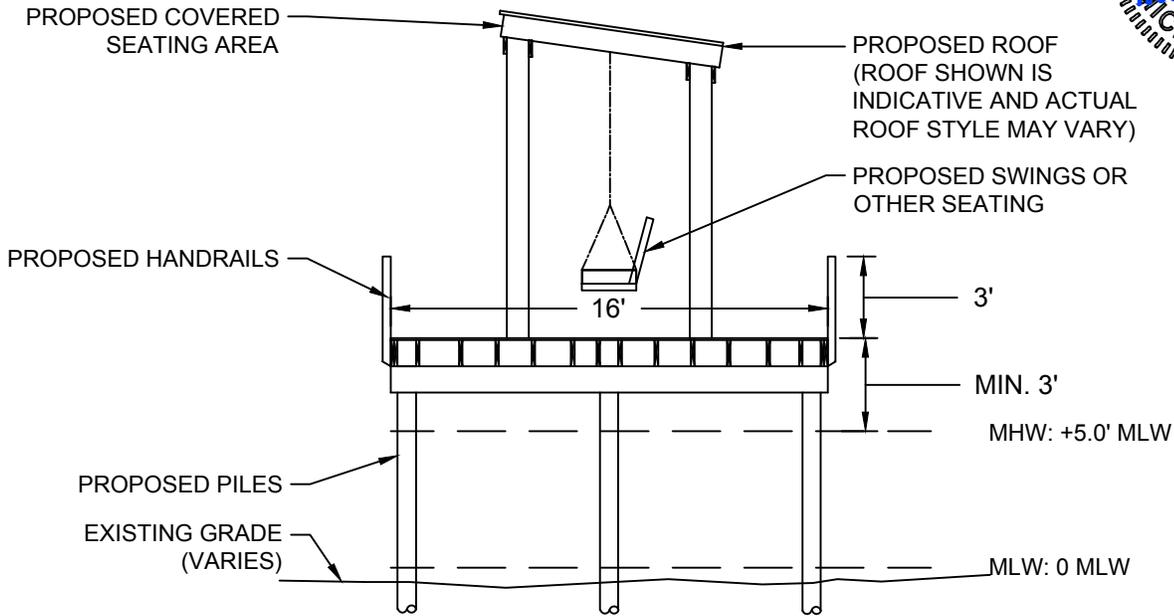
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 SHEET 06

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**(A)** TYPICAL FIXED PIER SECTION  
 SCALE: 1" = 5'



**(B)** TYPICAL COVERED SEATING ON FIXED PIER SECTION  
 NTS

PROJECT: IOP Public Dock Modifications  
 WATERBODY: Atlantic Intracoastal Waterway  
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 LATITUDE: 32°48'20.14"N  
 LONGITUDE: 79°45'39.45"W

FIXED PIER  
 TYPICAL DETAILS

Requested by: City of Isle of Palms

Project Address: 50 41st Avenue, Isle of Palms

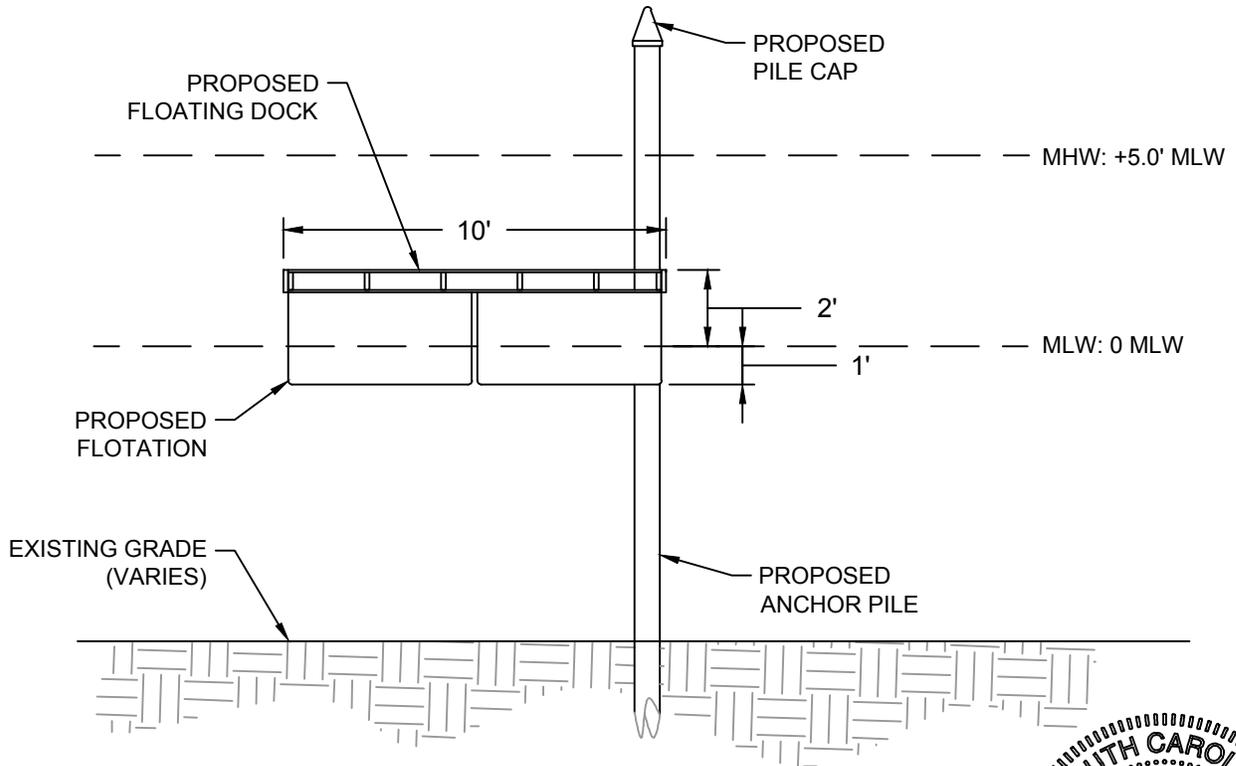
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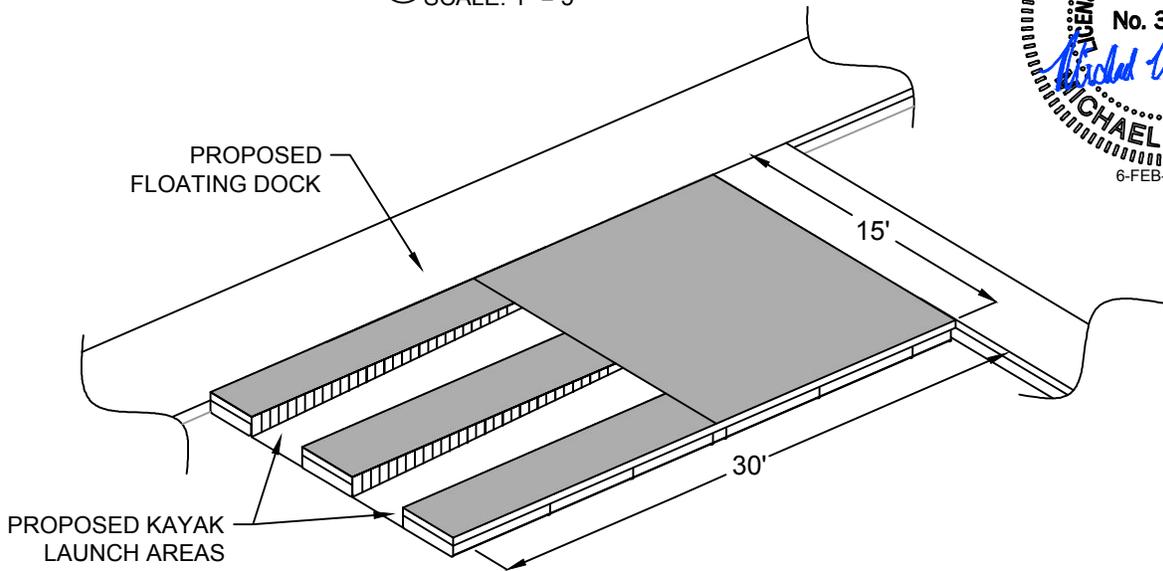
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C TYPICAL FLOATING DOCK SECTION  
 SCALE: 1" = 5'



D FLOATING KAYAK DOCK ISOMETRIC VIEW  
 NTS

PROJECT: IOP Public Dock Modifications  
 WATERBODY: Atlantic Intracoastal Waterway  
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FLOATING DOCK & KAYAK DOCK  
 TYPICAL DETAILS

Requested by: City of Isle of Palms

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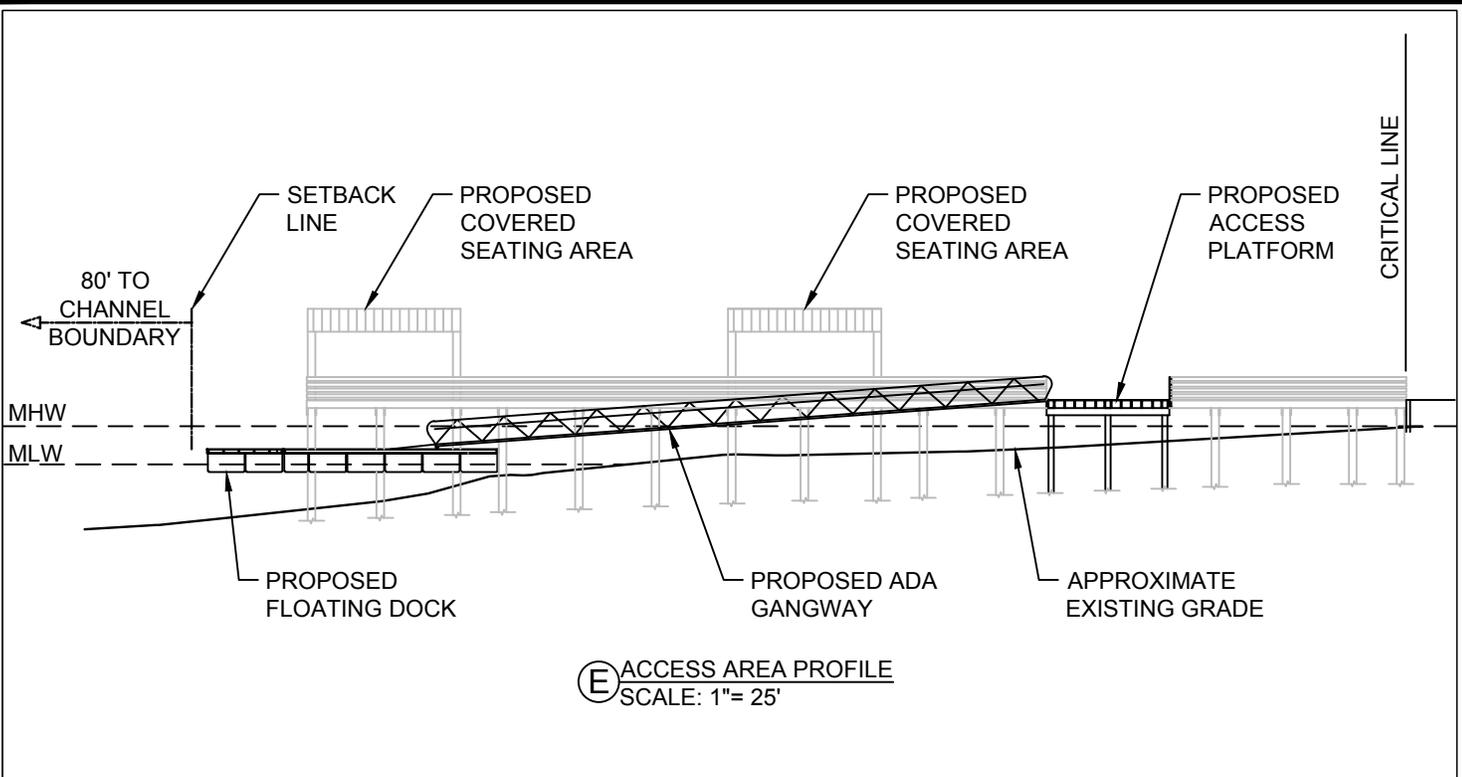
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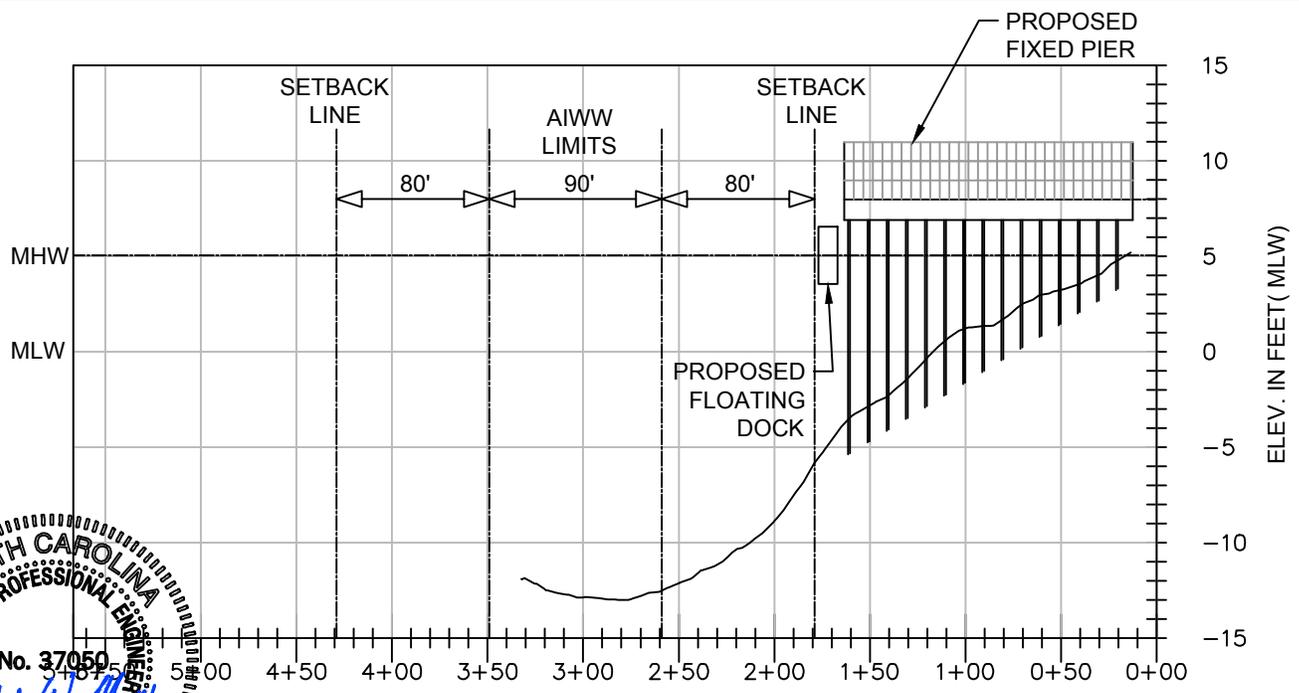
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(E) ACCESS AREA PROFILE  
 SCALE: 1"= 25'



(F) CHANNEL PROFILE WITH PROPOSED DOCK  
 VERTICAL SCALE EXAGGERATED

**SOUTH CAROLINA**  
 LICENSED PROFESSIONAL ENGINEER  
 No. 37050  
 MICHAEL W. MANN  
 6-FEB-2023

PROJECT: IOP Public Dock Modifications  
 WATERBODY: Atlantic Intracoastal Waterway  
 COUNTY: Charleston  
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 LATITUDE: 32°48'20.14"N  
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ACCESS AREA PROFILE  
 Requested by: City of Isle of Palms  
 Project Address: 50 41st Avenue, Isle of Palms  
 Parcel ID: 571080007



6-February-2023  
 SHEET 09

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