

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A 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-2019-00595

May 21, 2019

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

Ms. Penny Westerfelhaus
Charleston County Parks & Commission
861 Riverland Drive
Charleston, South Carolina 29412

for a permit to replace the existing public floating queuing dock and to construct a new public fishing pier on the

Stono River

located at 2444 Sol Legare Road in Charleston, Charleston County, South Carolina (Latitude: 32.6682 °, Longitude: -79.9973 °), James Island USGS 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.

In detail, the proposed work consists of removing the existing 8' x 80' floating queuing dock and the associated 13' x 75' concrete base pad, and then constructing a new 8' x 120' floating queuing dock with a new 11' x 75' concrete base pad. The concrete base pad supports the floating queuing dock on the river bottom at low tide. The applicant proposes to discharge 24 cubic yards

of concrete within 0.02 acre of river bottom to construct the new concrete base pad. In detail, the proposed work also includes constructing a new fishing pier consisting of a 6' x 110' fixed walkway to a 20' x 16' covered fixed pierhead. The applicant has proposed no compensatory mitigation since there will be no loss of waters of the US. The project purpose is to provide public access to the Stono 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 0.06 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 and examined all information provided by the applicant. The District Engineer has determined that the project is not likely to adversely affect the American wood stork (*Mycteria americana*) and West Indian manatee (*Trichechus manatus*) (w/ manatee protection guidelines). The District Engineer has determined that the project will have no effect on the Frosted flatwoods salamander (*Ambystoma cingulatum*), Bachman's warbler (*Vermivora bachmanii*), Red knot (*Calidris canutus rufa*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Northern long-eared bat (*Myotis septentrionalis*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), and Seabeach amaranth (*Amaranthus pumilus*). In addition, the project will not 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 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.

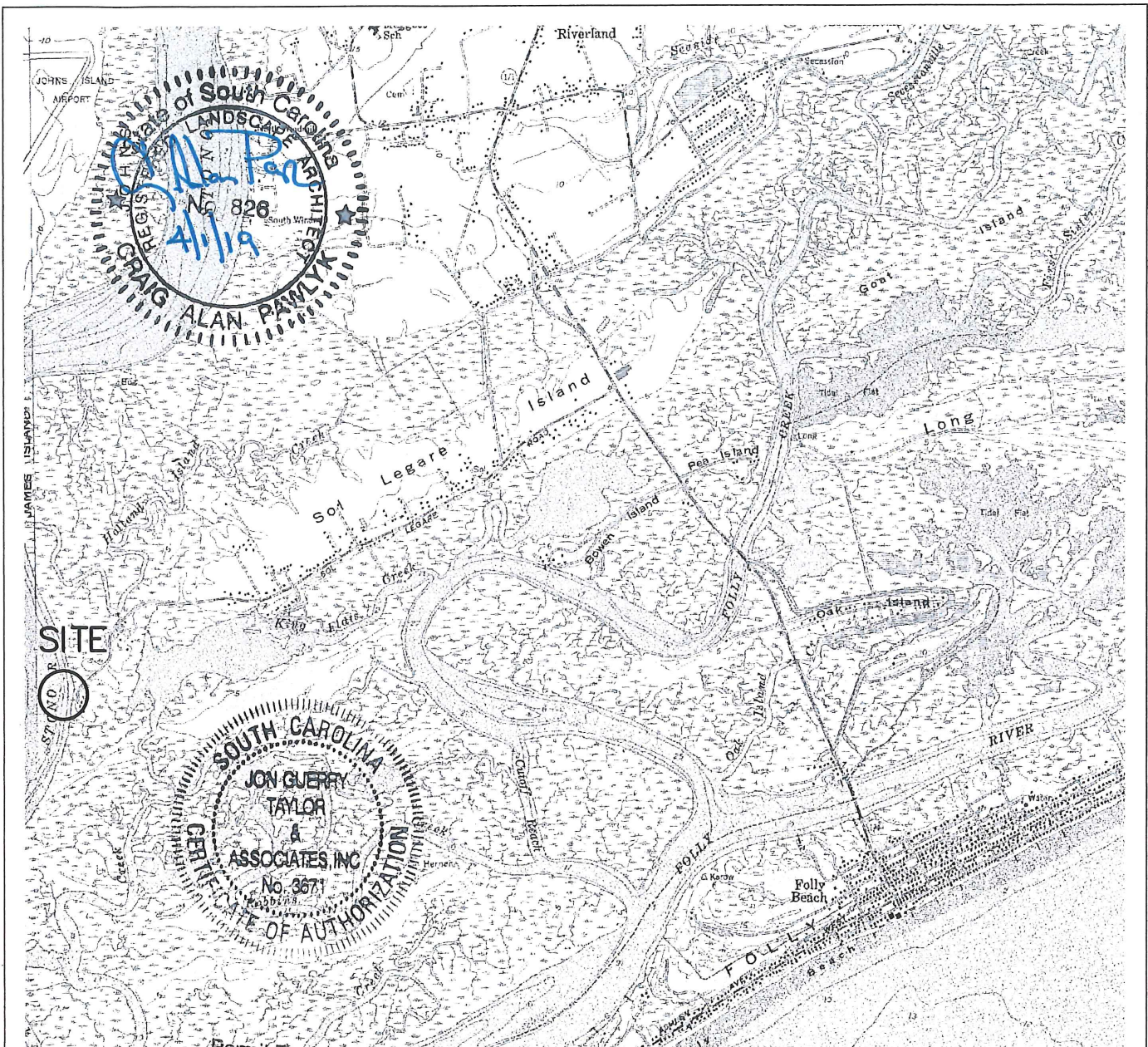
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 and, as appropriate. 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.

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, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Leslie Estill, Project Manager, at (843) 329-8039, toll free at 1-866-329-8187, or by email at Leslie.A.Estill@usace.army.mil.

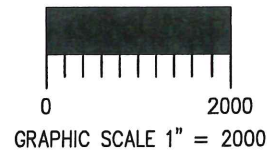


Permit Purposes Only
Not For Construction



QUAD MAP

JAMES ISLAND QUAD



AUTHORIZED AGENT:

JON GUERRY TAYLOR & ASSOCIATES, INC.
PO BOX 1082
MOUNT PLEASANT, SC 29465
C/O CRAIG PAWLYK

ADJACENT PROPERTY OWNERS:

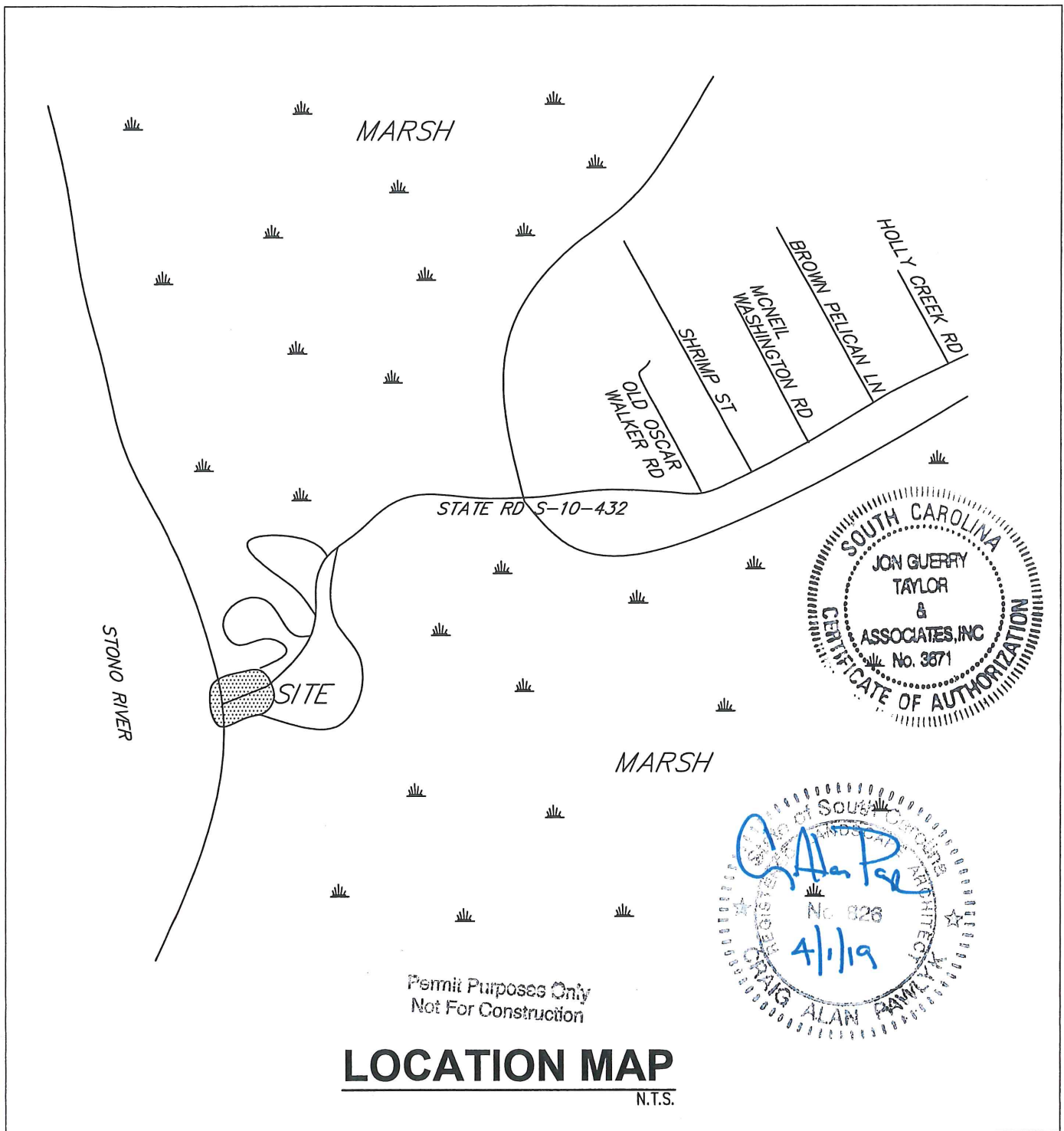
(SEE SHEET 3)

SOL LEGARE BOAT LANDING DOCKS REPLACEMENT AND FISHING PIER ADDITION

LAT.: 32.668348° N
LONG.: -79.997251° W

PROPOSED: REPLACEMENT AND EXPANSION
OF EXISTING BOAT RAMP QUEING DOCK AND
ADDITION OF FISHING PIER

IN: CITY OF CHARLESTON
ON: STONO RIVER
COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
DATE: 3-8-19



AUTHORIZED AGENT:
 JON GUERRY TAYLOR & ASSOCIATES, INC.
 PO BOX 1082
 MOUNT PLEASANT, SC 29465
 C/O CRAIG PAWLYK

ADJACENT PROPERTY OWNERS:
 (SEE SHEET 3)

**SOL LEGARE BOAT
 LANDING DOCKS
 REPLACEMENT AND
 FISHING PIER ADDITION**

LAT.: 32.668348' N
 LONG.: -79.997251 W

PROPOSED: REPLACEMENT AND EXPANSION
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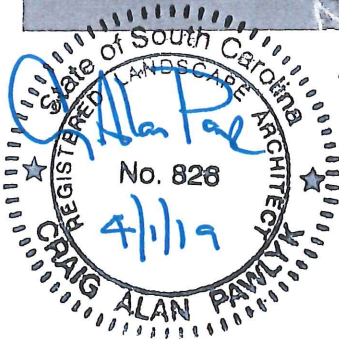
IN: CITY OF CHARLESTON
ON: STONO RIVER
COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
DATE: 3-8-19

SHEET: 2 OF 11



ADJACENT PROPERTY OWNERS

- ① JASON AND SUSAN ROSENTHAL
1330 JULIAN CLARK ROAD
CHARLESTON, SC 29412
- ② LOUIS H. SCHLUFTER
2501 SOL LEGARE ROAD
CHARLESTON, SC 29412-8558



ADJACENT PROPERTY OWNERS

AUTHORIZED AGENT:

JON GUERRY TAYLOR & ASSOCIATES, INC.
PO BOX 1082
MOUNT PLEASANT, SC 29465
C/O CRAIG PAWLYK

ADJACENT PROPERTY OWNERS:

(SEE SHEET 3)

**SOL LEGARE BOAT
LANDING DOCKS
REPLACEMENT AND
FISHING PIER ADDITION**

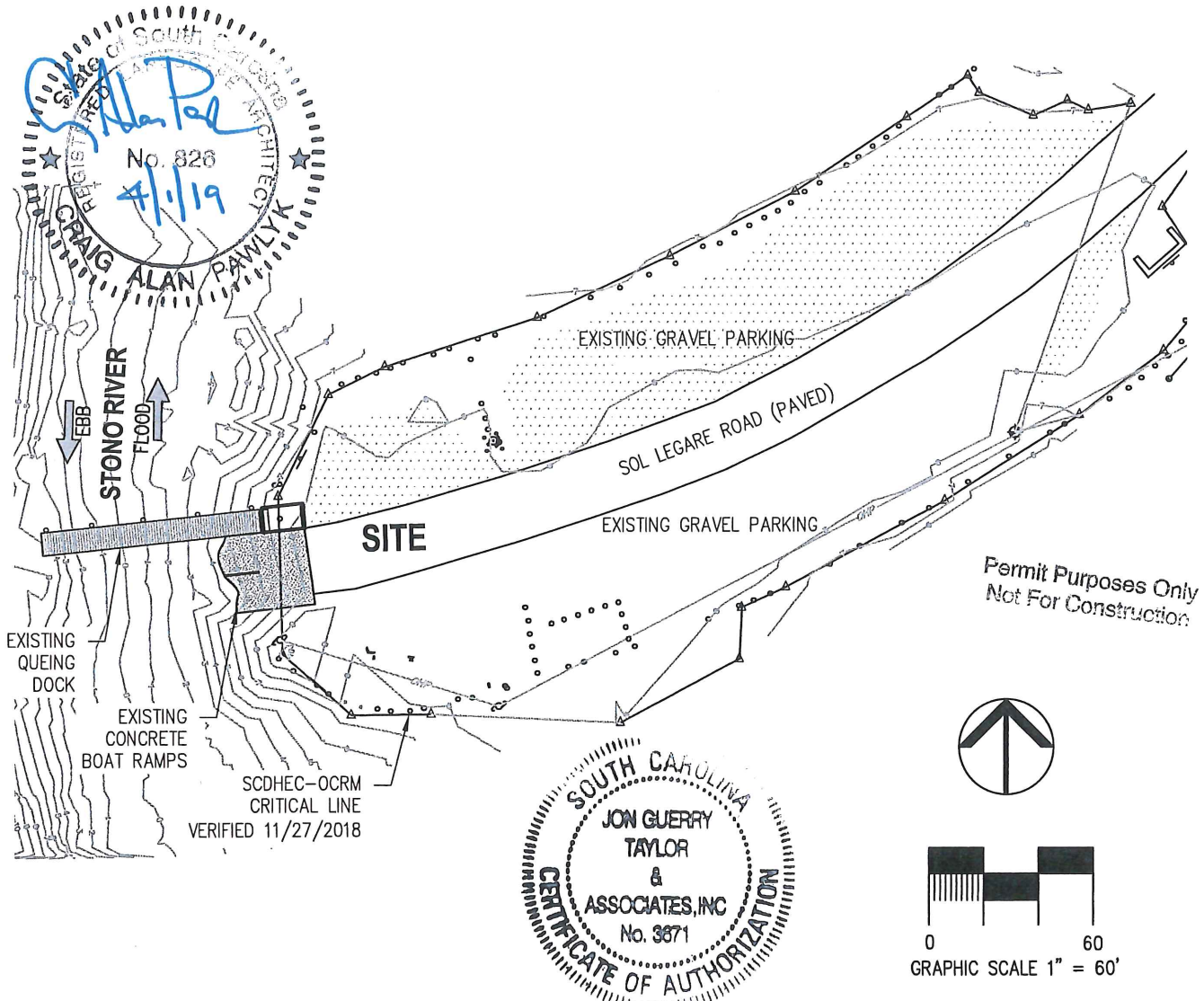
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STATE OF: SOUTH CAROLINA
DATE: 3-8-19

NOTE:
 UPLAND AND HYDROGRAPHIC
 SURVEY INFORMATION
 PROVIDED BY PARKER LAND
 SURVEYING.

- NOTES:**
1. ELEVATIONS BASED ON MEAN LOW WATER (MLW) DATUM.
 2. ELEVATIONS CONVERTED FROM N.A.V.D. 1988 DATUM USING N.O.A.A. VDATUM (ONLINE VERTICAL DATUM TRANSFORMATION).
 3. HORIZONTAL DATUM NAD 83 (2011).



OVERALL EXISTING CONDITIONS

AUTHORIZED AGENT:
 JON GUERRY TAYLOR & ASSOCIATES, INC.
 PO BOX 1082
 MOUNT PLEASANT, SC 29465
 C/O CRAIG PAWLYK

SOL LEGARE BOAT LANDING DOCKS REPLACEMENT AND FISHING PIER ADDITION

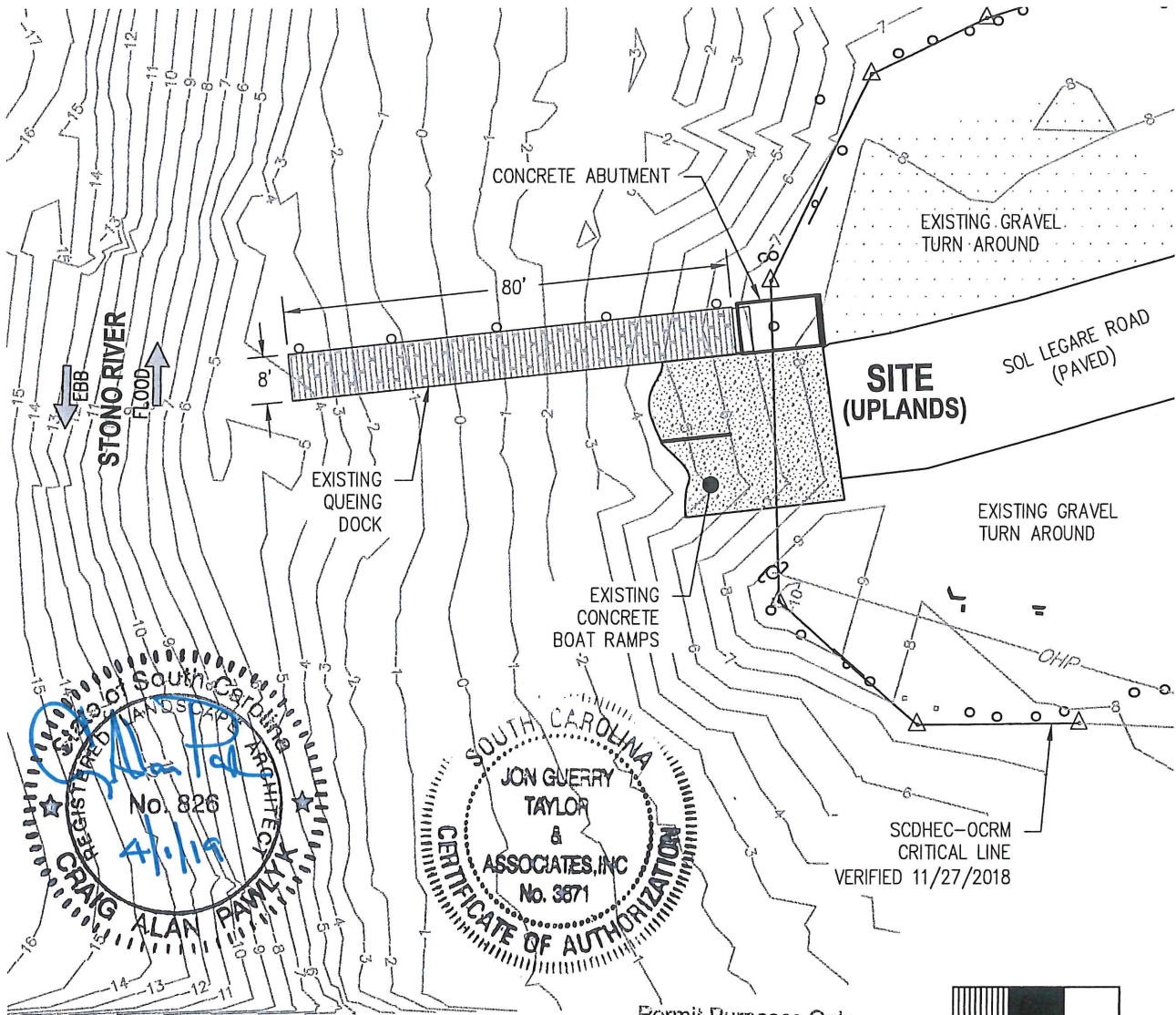
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COUNTY OF: CHARLESTON
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DATE: 3-8-19

ADJACENT PROPERTY OWNERS:
 (SEE SHEET 3)

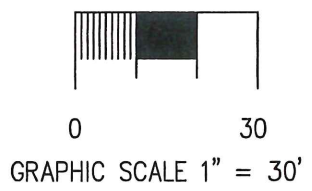
NOTE:
HYDROGRAPHIC INFORMATION IS
REFERENCED TO MEAN LOW WATER



EXISTING CONDITIONS

(ENLARGED VIEW)

Permit Purposes Only
Not For Construction



AUTHORIZED AGENT:
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SOL LEGARE BOAT LANDING DOCKS REPLACEMENT AND FISHING PIER ADDITION

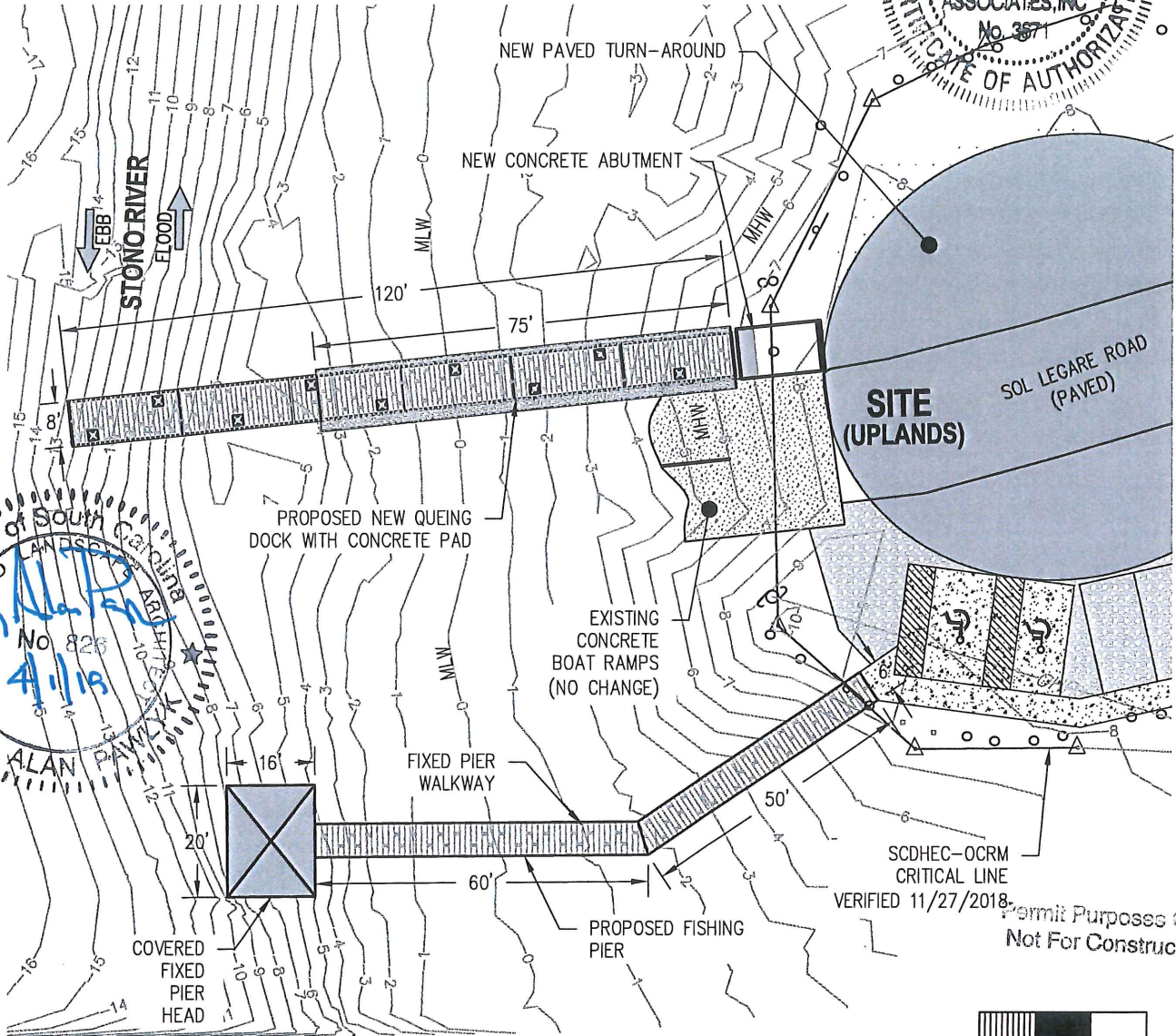
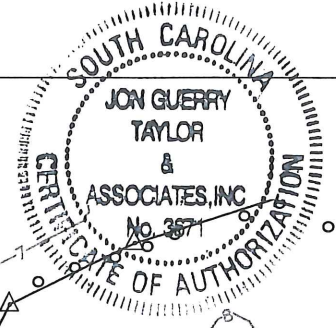
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ADJACENT PROPERTY OWNERS:
(SEE SHEET 3)

NOTE:
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0 30
GRAPHIC SCALE 1" = 30'



PROPOSED IMPROVEMENTS

AUTHORIZED AGENT:
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SOL LEGARE BOAT LANDING DOCKS REPLACEMENT AND FISHING PIER ADDITION

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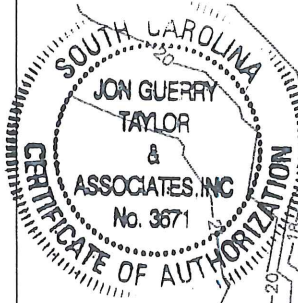
ADJACENT PROPERTY OWNERS:
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NOTE:
HYDROGRAPHIC INFORMATION IS
REFERENCED TO MEAN LOW WATER

THE WIDTH OF THE STONO RIVER
AT THIS SITE IS APPROX. 1,398'

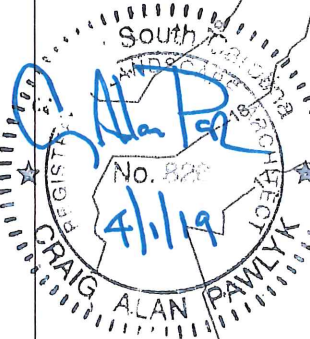


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E: 2308465.77

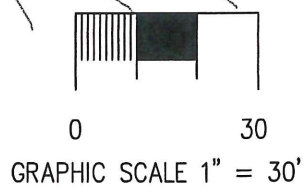
N: 305324.67
E: 2308457.60

N: 305263.91
E: 2308485.24

N: 305243.87
E: 2308485.42



COORDINATE EXHIBIT



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AUTHORIZED AGENT:
JON GUERRY TAYLOR & ASSOCIATES, INC.
PO BOX 1082
MOUNT PLEASANT, SC 29465
C/O CRAIG PAWLYK

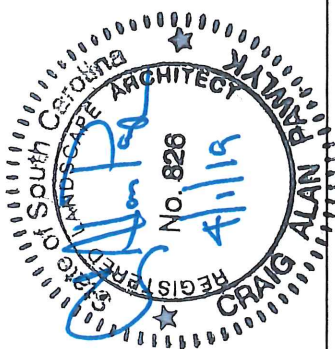
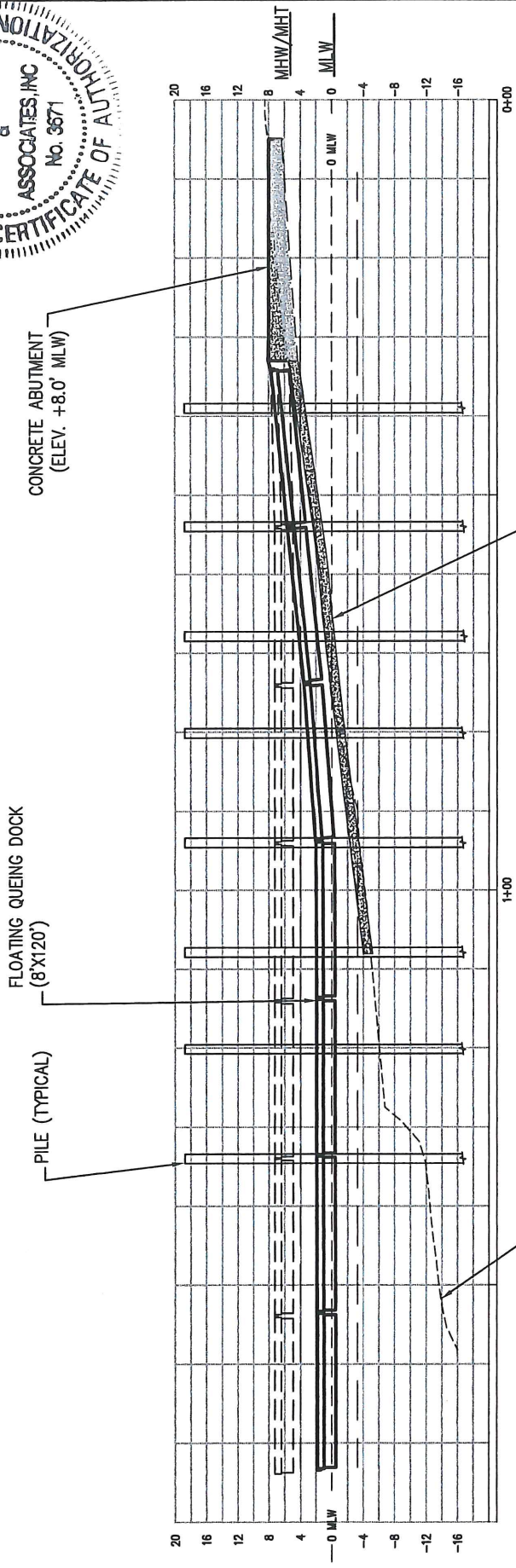
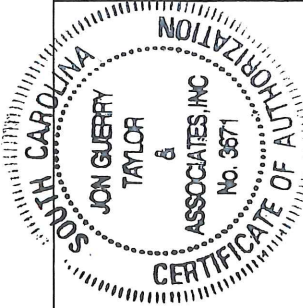
SOL LEGARE BOAT LANDING DOCKS REPLACEMENT AND FISHING PIER ADDITION

LAT.: 32.668348° N
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PROPOSED: REPLACEMENT AND EXPANSION
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IN: CITY OF CHARLESTON
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STATE OF: SOUTH CAROLINA
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ADJACENT PROPERTY OWNERS:
(SEE SHEET 3)



PROPOSED NEW CONCRETE GROUNDOUT PAD (11' X 75') FOR GROUNDOUT COURTESY DOCK. EXCAVATION OF APPROXIMATELY 54 CUBIC YARDS OF MATERIAL (75' X 13' X 1.5' DEEP) AND REPLACE WITH FILTER FABRIC, #4 BEDDING STONE, AND CONCRETE PAD TO PREVENT EROSION AND PROVIDE STABLE BASE FOR DOCK TO GROUND OUT.

EAST ELEVATION: BOAT RAMP
N.T.S

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SOL LEGARE BOAT LANDING DOCKS REPLACEMENT AND FISHING PIER ADDITION

LAT.: 32.668348° N
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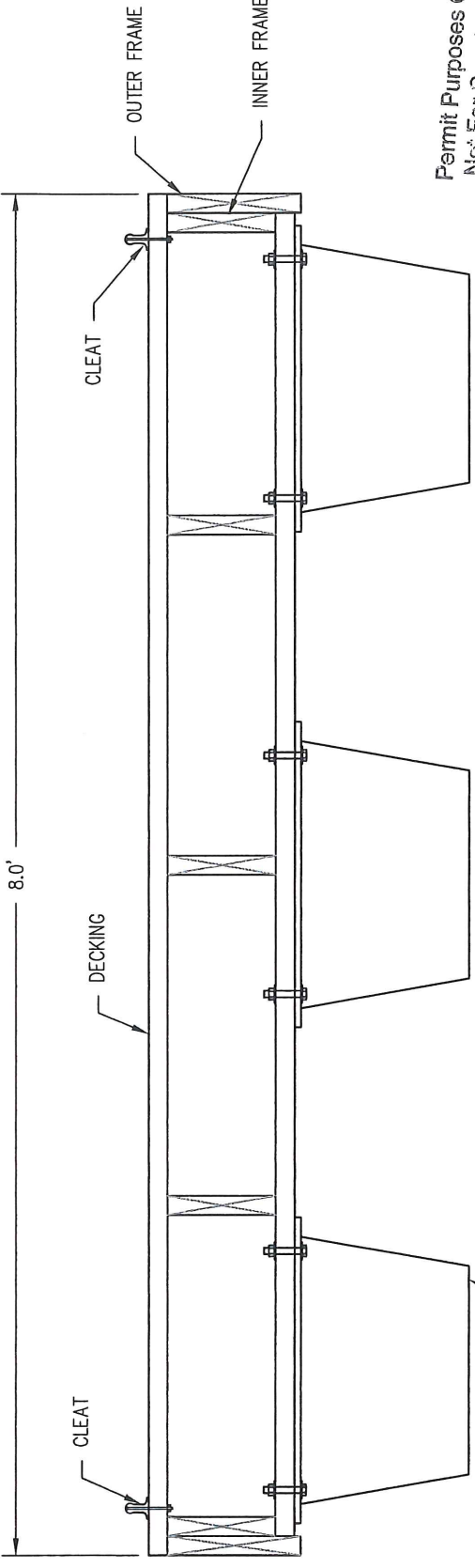
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IN: CITY OF CHARLESTON
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AUTHORIZED AGENT:
JON GUERRY TAYLOR & ASSOCIATES, INC.
P.O. BOX 1082
MT. PLEASANT, SC 29465
c/o CRAIG PAWLYK

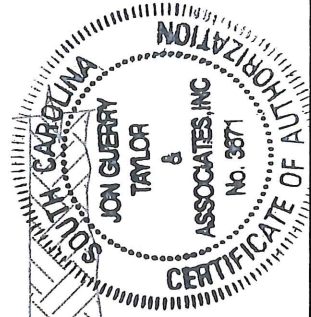
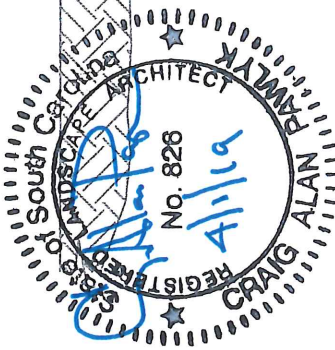
ADJACENT RIPARIAN PROPERTY:
SEE SHEET 3

JON GUERRY TAYLOR & ASSOCIATES, INC.
SHEET: 8 OF 11



Permit Purposes Only
Not For Construction

(FLOATING DOCK—WIDTH VARIES)



FLOATING DOCK SECTION A--A
NOT TO SCALE

AUTHORIZED AGENT:
JON GUERRY TAYLOR & ASSOCIATES, INC.
PO BOX 1082
MOUNT PLEASANT, SC 29465
C/O CRAIG PAWLYK

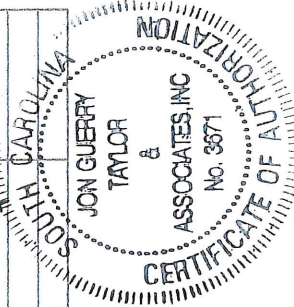
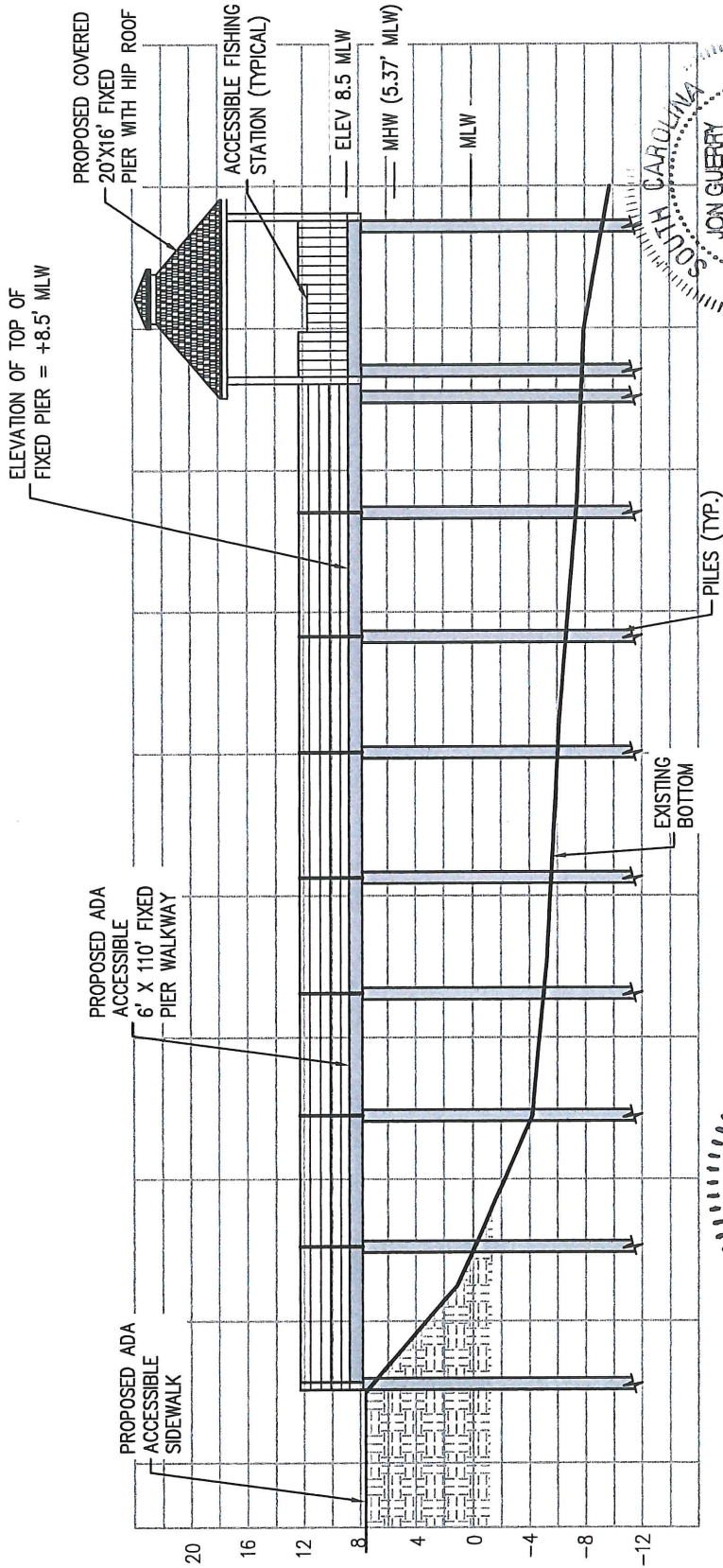
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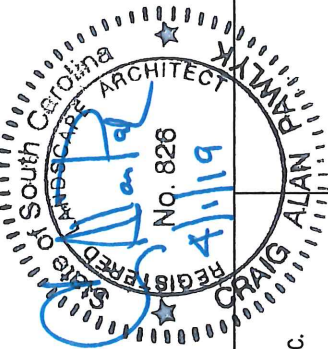
ADJACENT PROPERTY OWNERS:
(SEE SHEET 3)

LAT: 32.668348° N
LONG: -79.997251° W

**SOL LEGARE BOAT
LANDING DOCKS
REPLACEMENT AND
FISHING PIER ADDITION**



ELEVATION VIEW
NOT TO SCALE



PROPOSED: REPLACEMENT AND EXPANSION
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IN: CITY OF CHARLESTON
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SHEET: 10 OF 11

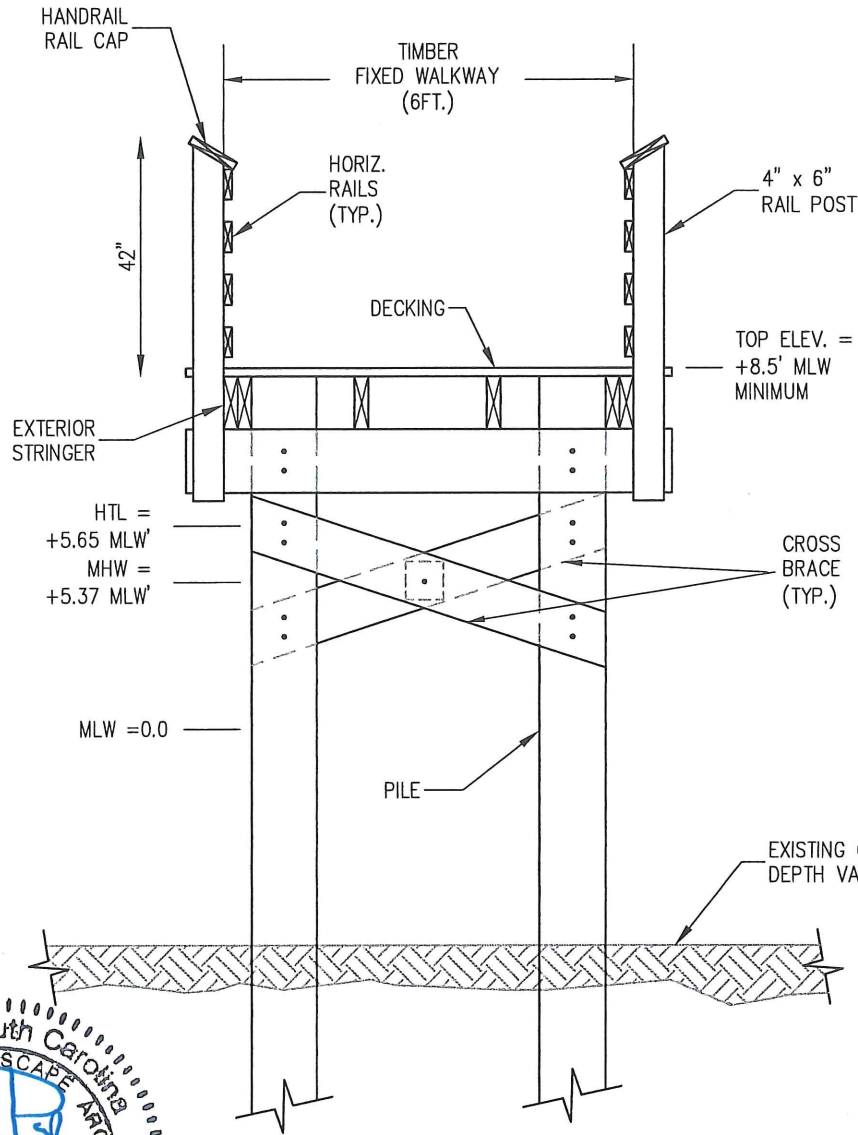
JON GUERRY TAYLOR & ASSOCIATES, INC.

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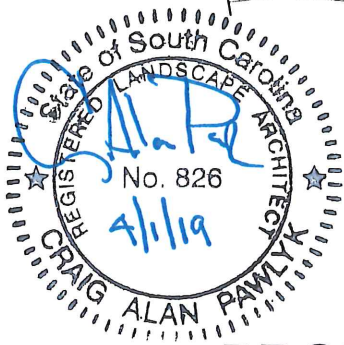
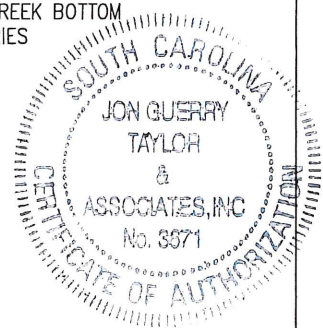
LAT.: 32.668348° N
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PO BOX 1082
MOUNT PLEASANT, SC 29465
C/O CRAIG PAWLYK

ADJACENT PROPERTY OWNERS:
(SEE SHEET 3)



Permit Purposes Only
Not For Construction



SECTION B-B
(FIXED PIER WALKWAY)
NOT TO SCALE

ALL ELEVATIONS SHOWN OR REFERENCED ARE BASED ON MEAN LOW WATER (MLW) DATUM.

PROPOSED IMPROVEMENTS

AUTHORIZED AGENT:
JON GUERRY TAYLOR & ASSOCIATES, INC.
PO BOX 1082
MOUNT PLEASANT, SC 29465
C/O CRAIG PAWLYK

**SOL LEGARE BOAT
LANDING DOCKS
REPLACEMENT AND
FISHING PIER ADDITION**

PROPOSED: REPLACEMENT AND EXPANSION OF EXISTING BOAT RAMP QUEING DOCK AND ADDITION OF FISHING PIER

IN: CITY OF CHARLESTON
ON: STONO RIVER
COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
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ADJACENT PROPERTY OWNERS:
(SEE SHEET 3)

LAT.: 32.668348' N
LONG.: -79.997251 W