

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-1900-02598

May 21, 2021

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 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

Ms. Suzanna Johnston
Moss Creek Owners Association
c/o Mr. William Bates
McSweeney Engineers
495C Meeting Street
Charleston, South Carolina 29403

for a modification of an existing marina on

MOSS CREEK

at 100 Devil's Elbow, Hilton Head Island, Beaufort County, South Carolina (Latitude: 32.252778 °, Longitude: -80.8 °), **Spring Island 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.

The proposed work consists of the addition of modification of an existing, previously authorized, marina. In detail, the proposed work involves the installation of a new approximate 196' x 6' floating access pier that would be connected to an existing floating pier, and the

installation of two (2) 103' X 6' perpendicular floating piers, each with three (3) 56' X 6' T-heads that would create two (2) 22', two (2) 25' and two (2) 38' boat slips per perpendicular floating pier. The applicant has taken the following steps to avoid and minimize impacts: All activities will be performed in a manner to minimize turbidity in the stream; there will be no oils or other pollutants release from the proposed activities which will reach the stream; all work performed during construction will be done in a manner to prevent interference with any legitimate water uses; all work will be conducted by barge and soil erosion is not expected and is unlikely due to construction; and the proposed floating docks shall extend a minimum distance into Moss Creek as required for operating the floating dock through the tidal range. No compensatory mitigation is being proposed as the proposed activities will have minimal environmental impact. The purpose of the proposed project is to increase boater access and to provide a safe harbor for those transiting the area.

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 0.1 acre open tidal waters over 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.

CHOOSE 1 OF THE FOLLOWING 6 PARAGRAPHS AND DELETE THE REST:

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 project will have no effect on any Federally endangered, threatened, or proposed species and 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.

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,

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 wren (*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*), Eastern black rail (*Laterallus jamaicensis jamaicensis*), Canby's dropwort (*Oxypolis canbyi*), and pondberry (*Lindera melissifolia*) are Federally endangered or threatened species is present in the vicinity of the project. The proposed 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 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.

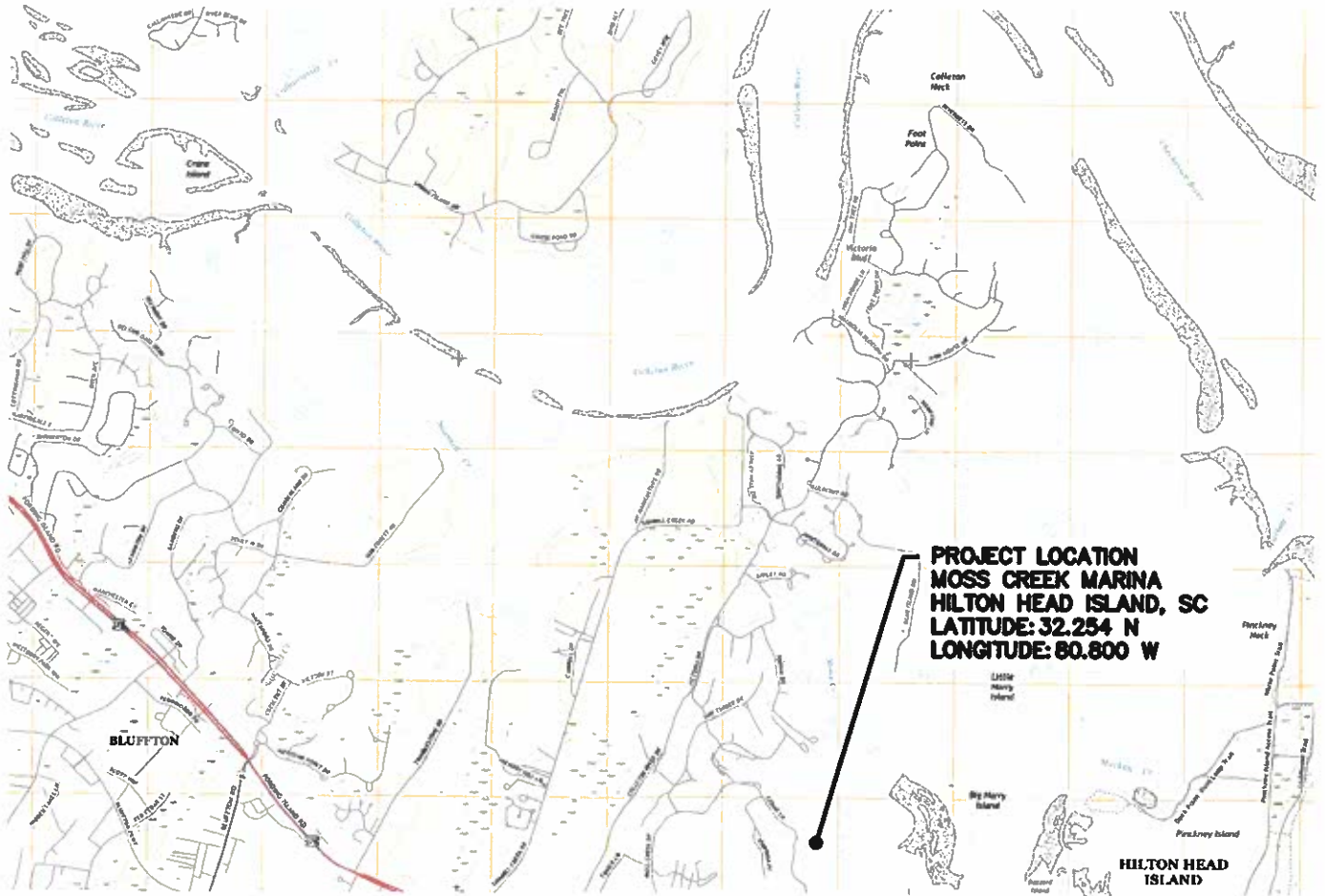
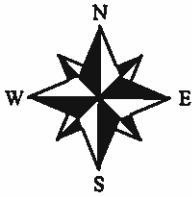
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All 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 Tracy D. Sanders, Project Manager, at (843) 329-8190, toll free at 1-866-329-8187, or by email at Tracy.D.Sanders@usace.army.mil.



PROJECT LOCATION
MOSS CREEK MARINA
HILTON HEAD ISLAND, SC
LATITUDE: 32.254 N
LONGITUDE: 80.800 W

DIRECTIONS TO SITE FROM CHARLESTON:

- FROM WEST ASHLEY FOLLOW SIGNS FOR US-17 SOUTH
- AFTER 51 MILES, USE RIGHT LANE TO TAKE THE RAMP TO US 21 S
- AT THE TRAFFIC CIRCLE, TAKE THE SECOND EXIT ONTO US-21 TOWARDS BEAUFORT
- TURN RIGHT ONTO US-21 S/PARRIS ISLAND GATEWAY
- TURN SLIGHT RIGHT ONTO SC-170 W
- MERGE ONTO US-278 E/FORDING ISLAND ROAD
- TURN LEFT ONTO MOSS CREEK DRIVE
- CONTINUE ONTO CEDAR LANE
- TURN LEFT ONTO MOSS CREEK DRIVE
- SITE IS ON THE LEFT



PROJECT VICINITY

SCALE: 1:5000

PURPOSE: COASTAL ACCESS

ADJACENT PROPERTY OWNERS:
 SEE SCHEDULE SHEET B

FIGURE 1
VICINITY MAP
 1:5000



APPLICANT
 MOSS CREEK OWNERS ASSOCIATION INC.
AGENT
 McSWEENEY ENGINEERS, LLC

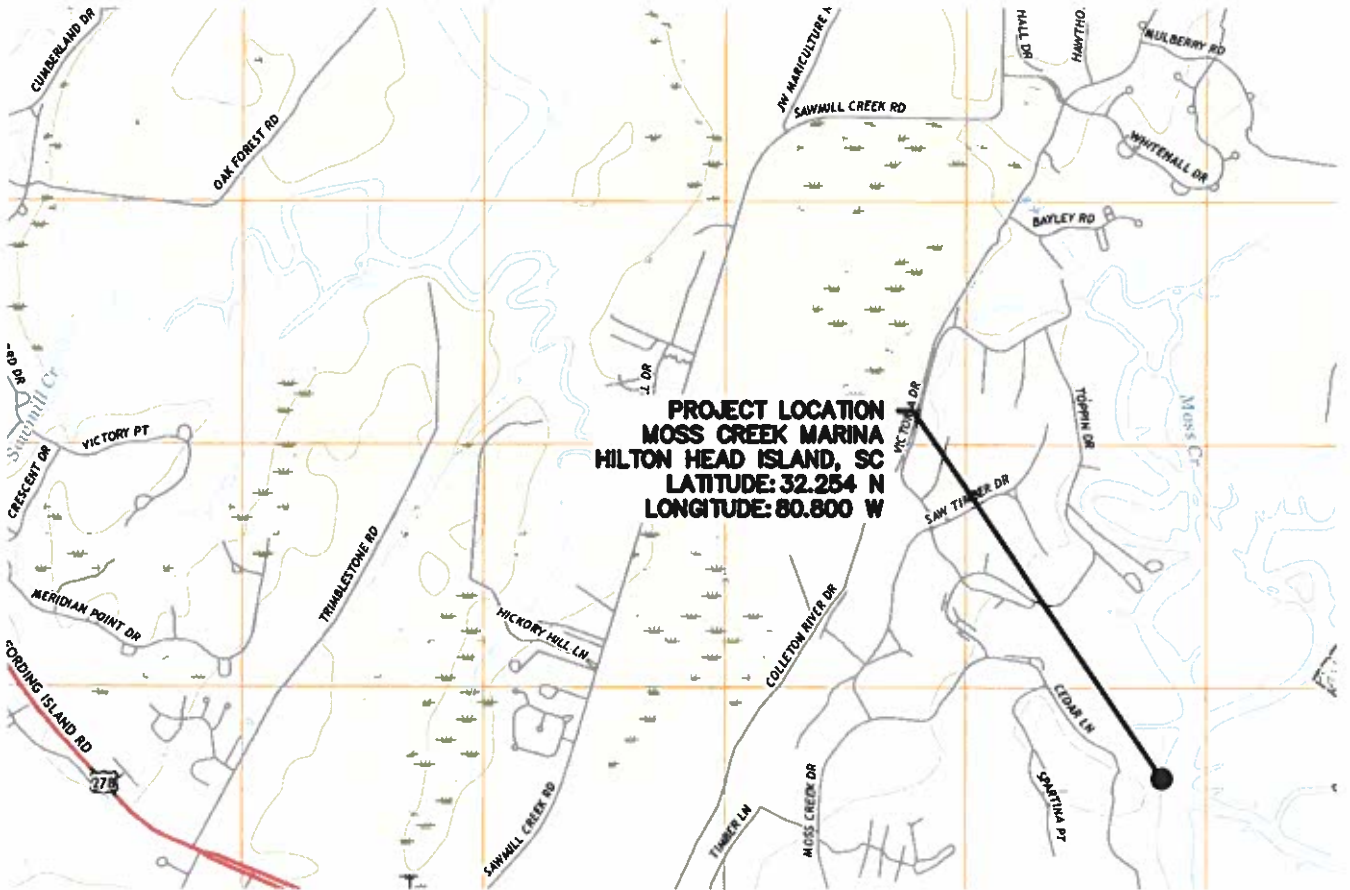
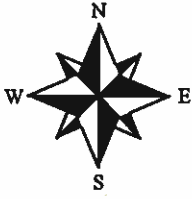
PROPOSED: MARINA UPGRADES

WATERWAY: MOSS CREEK
IN: HILTON HEAD ISLAND, SC

COUNTY OF: BEAUFORT

APPLICATION NO. TBD

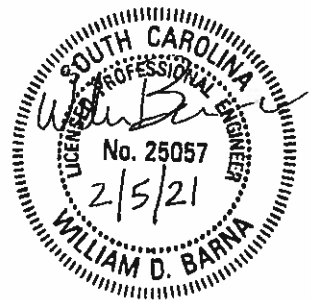
SHEET: 1 OF 8 **DATE:** 02/05/21



PROJECT LOCATION
MOSS CREEK MARINA
HILTON HEAD ISLAND, SC
LATITUDE: 32.254 N
LONGITUDE: 80.800 W

DIRECTIONS TO SITE FROM CHARLESTON:

- FROM WEST ASHLEY FOLLOW SIGNS FOR US-17 SOUTH
- AFTER 51 MILES, USE RIGHT LANE TO TAKE THE RAMP TO US 21 S
- AT THE TRAFFIC CIRCLE, TAKE THE SECOND EXIT ONTO US-21 TOWARDS BEAUFORT
- TURN RIGHT ONTO US-21 S/PARRIS ISLAND GATEWAY
- TURN SLIGHT RIGHT ONTO SC-170 W
- MERGE ONTO US-278 E/FORDING ISLAND ROAD
- TURN LEFT ONTO MOSS CREEK DRIVE
- CONTINUE ONTO CEDAR LANE
- TURN LEFT ONTO MOSS CREEK DRIVE
- SITE IS ON THE LEFT



PROJECT LOCATION

SCALE: 1: 2500

PURPOSE: COASTAL ACCESS

ADJACENT PROPERTY OWNERS:
 SEE SCHEDULE SHEET 8

FIGURE 2
LOCATION MAP

1: 2500



APPLICANT
 MOSS CREEK OWNERS ASSOCIATION INC.
AGENT
 MCSWEENEY ENGINEERS, LLC

PROPOSED: MARINA UPGRADES

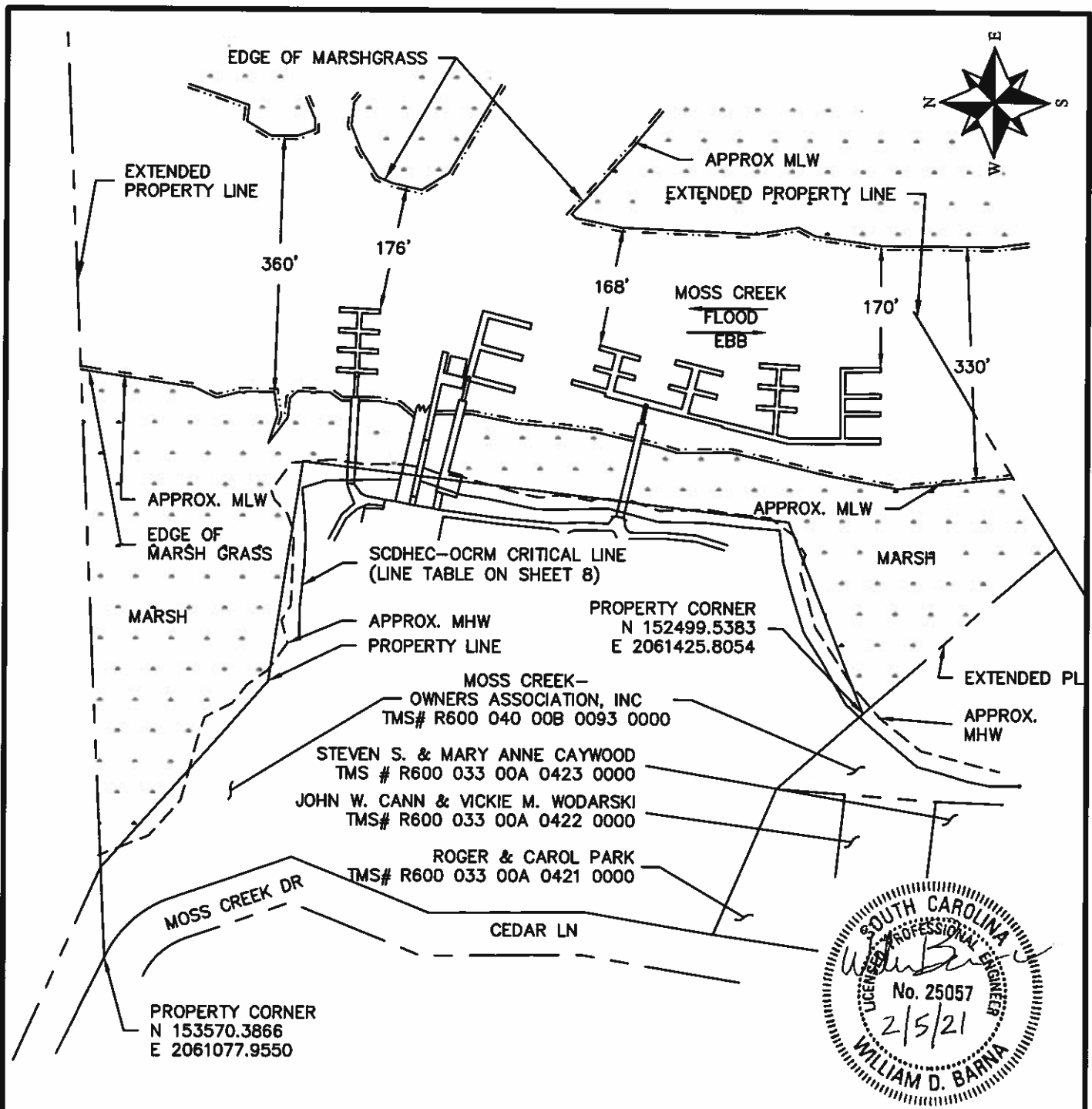
WATERWAY: MOSS CREEK
IN: HILTON HEAD ISLAND, SC

COUNTY OF: BEAUFORT

APPLICATION NO. TBD

SHEET: 2 OF 8

DATE: 02/05/21



NOTE: THIS DRAWING IS FOR PERMITTING PURPOSES ONLY AND IS NOT TO BE USED FOR ENGINEERING DESIGN OR DETAIL.

EXISTING SITE PLAN
SCALE: 1:200

ALL CRITICAL LINE INFORMATION IS OBTAINED FROM A PLAT PERFORMED BY ANDREWS ENGINEERING ON 05-27-20 AND WAS CERTIFIED BY DHEC-OCRM ON 06-09-20.

PURPOSE: COASTAL ACCESS

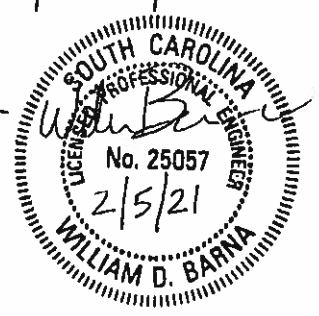
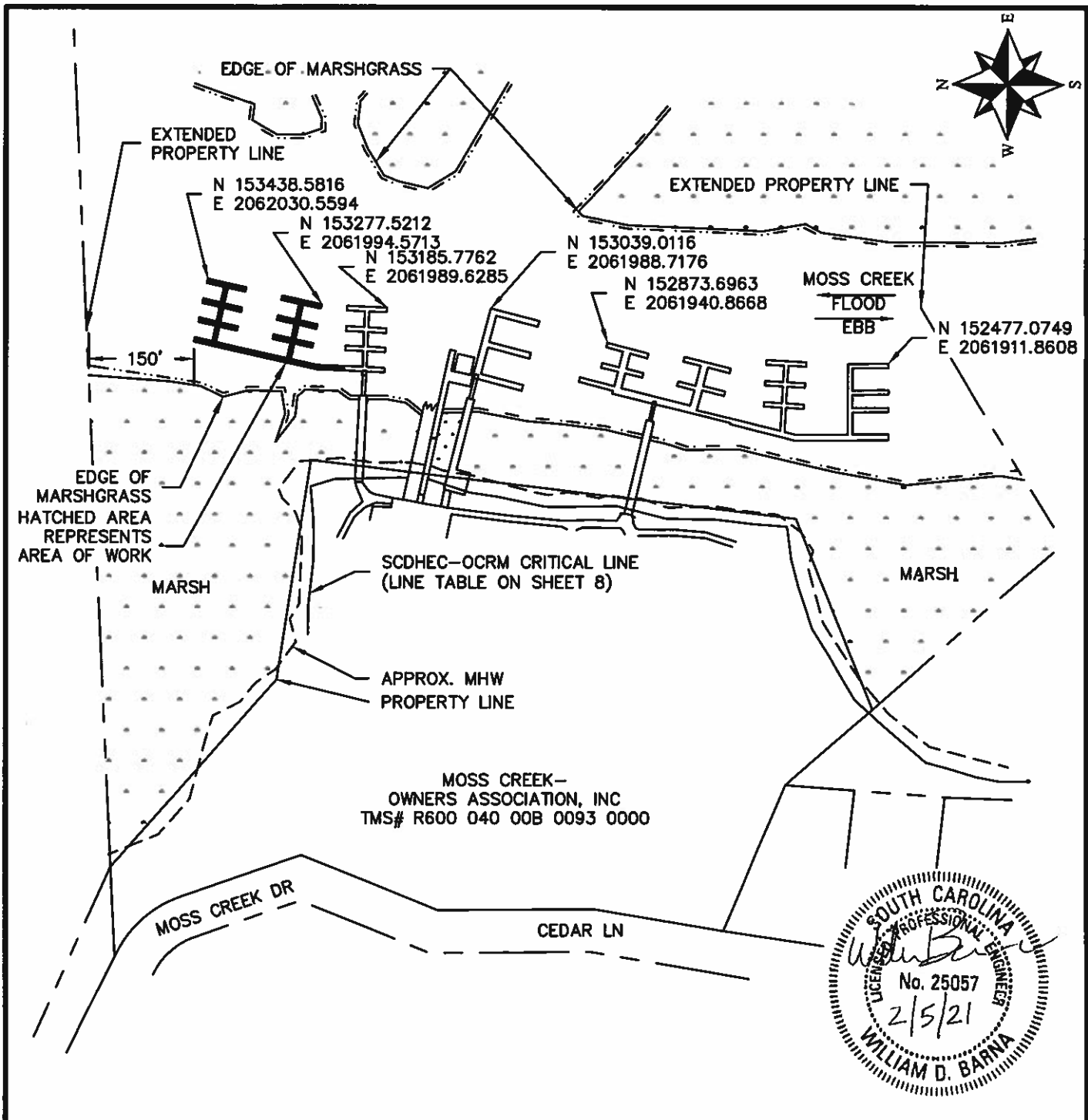
ADJACENT PROPERTY OWNERS: SEE SCHEDULE SHEET 8

FIGURE 3
EXISTING SITE PLAN
1:200

APPLICANT
MOSS CREEK OWNERS ASSOCIATION INC.
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: MARINA UPGRADES

WATERWAY: MOSS CREEK
IN: HILTON HEAD ISLAND, SC
COUNTY OF: BEAUFORT
APPLICATION NO. TBD
SHEET: 3 OF 8 **DATE:** 02/05/21



ALL CRITICAL LINE INFORMATION IS OBTAINED FROM A PLAT PERFORMED BY ANDREWS ENGINEERING ON 05-27-20 AND WAS CERTIFIED BY DHEC-OCRM ON 06-09-20.

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PROPOSED SITE PLAN
SCALE: 1:200

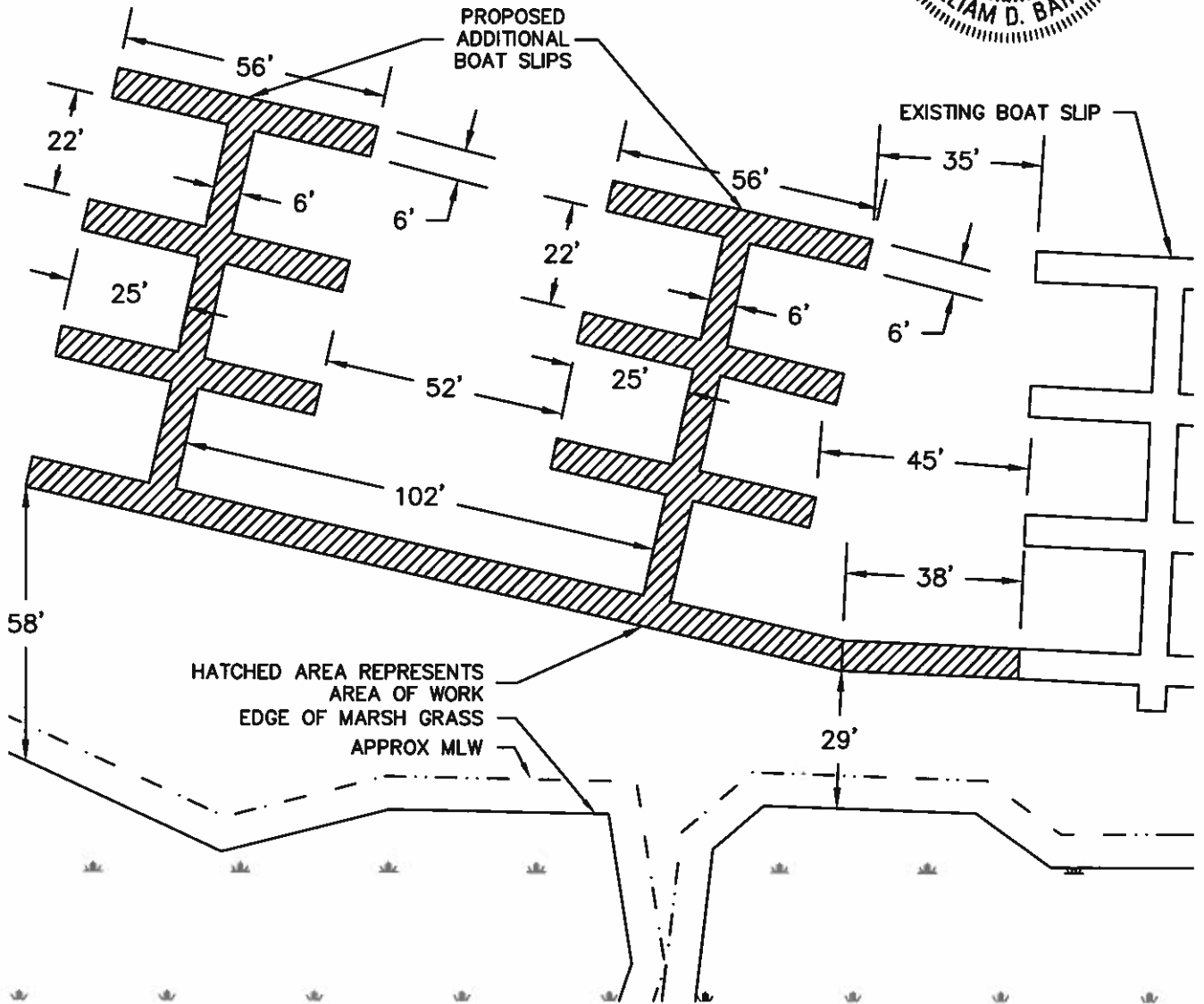
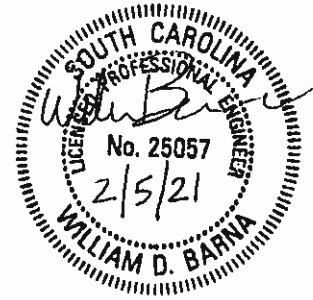
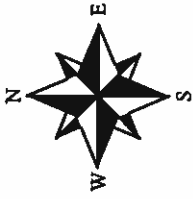
PURPOSE: COASTAL ACCESS

ADJACENT PROPERTY OWNERS: SEE SCHEDULE SHEET 8



APPLICANT
MOSS CREEK OWNERS ASSOCIATION INC.
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: MARINA UPGRADES
WATERWAY: MOSS CREEK
IN: HILTON HEAD ISLAND, SC
COUNTY OF: BEAUFORT
APPLICATION NO. TBD
SHEET: 4 OF 8 **DATE:** 02/05/21



HATCHED AREA REPRESENTS
AREA OF WORK
EDGE OF MARSH GRASS
APPROX MLW

NOTE: THIS DRAWING IS FOR PERMITTING PURPOSES ONLY AND IS NOT TO BE USED FOR ENGINEERING DESIGN OR DETAIL.

DIMENSION PLAN
SCALE: 1: 35

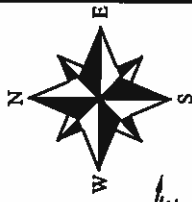
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PURPOSE: COASTAL ACCESS

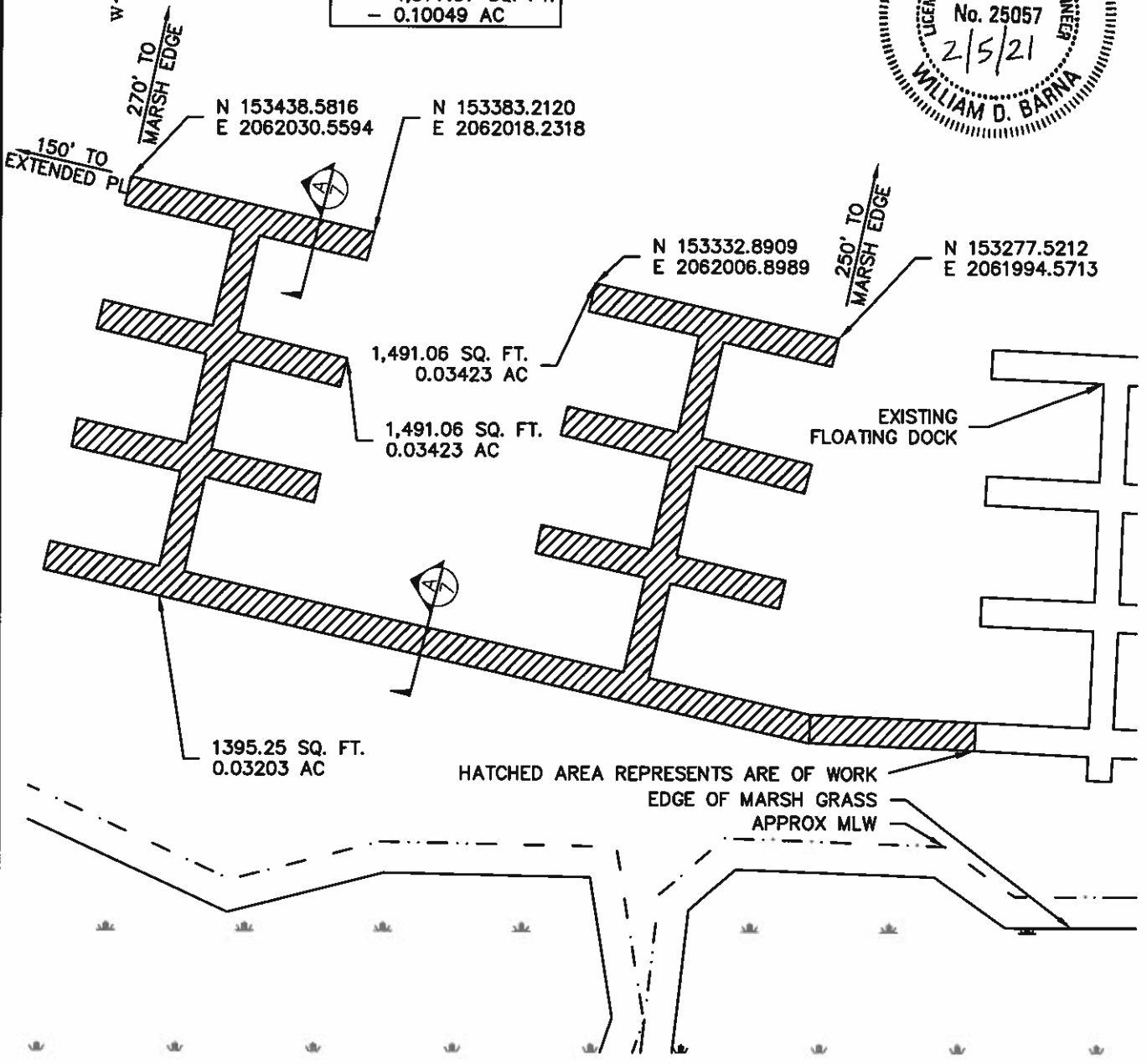
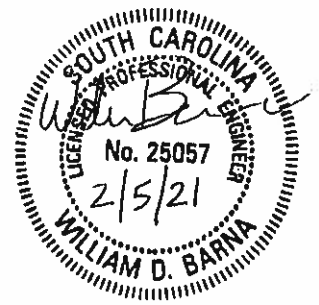
ADJACENT PROPERTY OWNERS: SEE SCHEDULE SHEET 8

FIGURE 5
DIMENSION PLAN
1: 35
0' 35' 70'
APPLICANT
MOSS CREEK OWNERS ASSOCIATION INC.
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: MARINA UPGRADES
WATERWAY: MOSS CREEK
IN: HILTON HEAD ISLAND, SC
COUNTY OF: BEAUFORT
APPLICATION NO. TBD
SHEET: 5 OF 8 **DATE:** 02/05/21



IMPACTS:
 - FLOATING DOCKS:
 - 4,377.37 SQ. FT.
 - 0.10049 AC



NOTE: THIS DRAWING IS FOR PERMITTING PURPOSES ONLY AND IS NOT TO BE USED FOR ENGINEERING DESIGN OR DETAIL.

**IMPACTS AND SECTION
KEY PLAN**
 SCALE: 1: 35

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PURPOSE: COASTAL ACCESS

ADJACENT PROPERTY OWNERS:
SEE SCHEDULE SHEET 8

FIGURE 5
 IMPACTS & SECTION KEY PLAN
 1: 35

APPLICANT
 MOSS CREEK OWNERS ASSOCIATION INC.
AGENT
 MCSWEENEY ENGINEERS, LLC

PROPOSED: MARINA UPGRADES

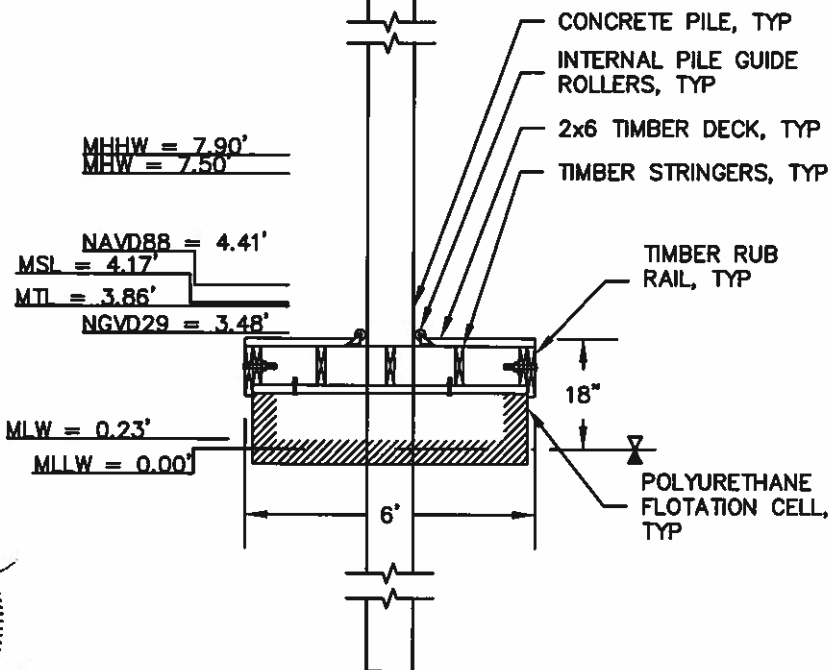
WATERWAY: MOSS CREEK
IN: HILTON HEAD ISLAND, SC

COUNTY OF: BEAUFORT

APPLICATION NO. TBD

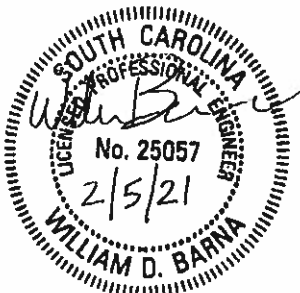
SHEET: 6 OF 8 **DATE:** 02/05/21

TOP OF PILE 13.0' MLW



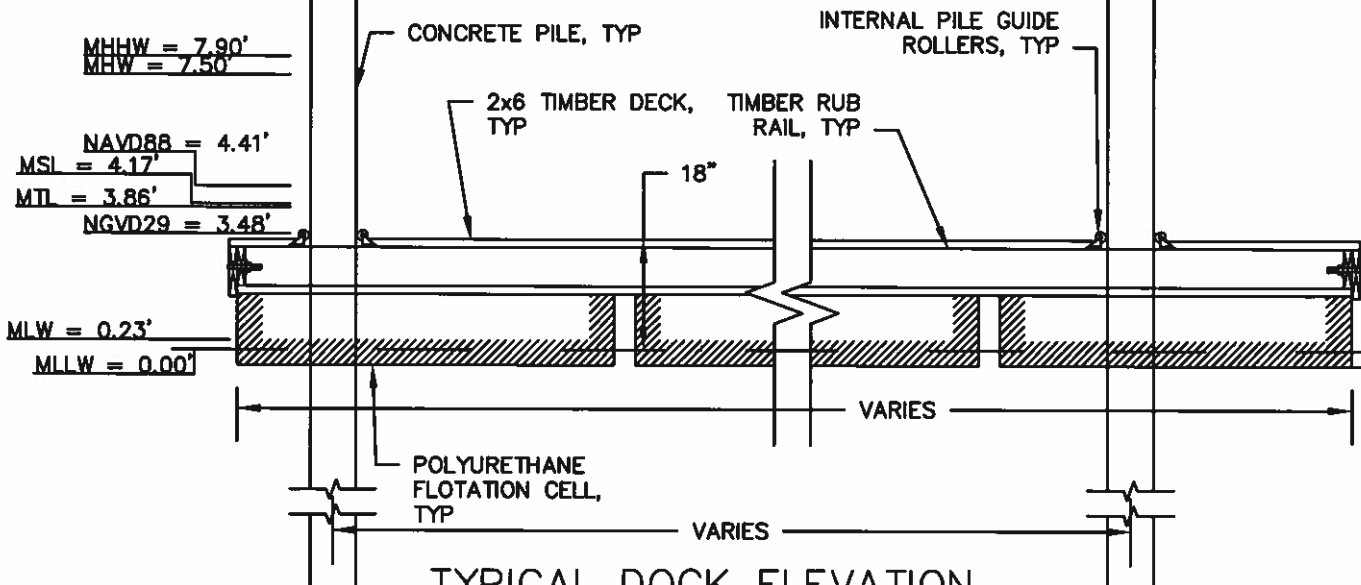
SECTION A

SCALE: 1:4



TOP OF PILE 13.0' MLW

NOTES:
DRAWING FOR PERMIT ONLY.
NOT FOR CONSTRUCTION



TYPICAL DOCK ELEVATION

SCALE: 1:4

PURPOSE: COASTAL ACCESS

ADJACENT PROPERTY OWNERS:
SEE SCHEDULE SHEET 8

FIGURES 6&7
TYPICAL SECTIONS
1:4



APPLICANT
MOSS CREEK OWNERS ASSOCIATION INC.
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: MARINA UPGRADES

WATERWAY: MOSS CREEK
IN: HILTON HEAD ISLAND, SC

COUNTY OF: BEAUFORT

APPLICATION NO. TBD

SHEET: 7 OF 8 **DATE:** 02/05/21

8-
7-
6-
5-
4-
3-
2-
1-
0-

- MHHW = 7.90 FEET

- MHW = 7.50 FEET

- NAVD 88 = 4.41 FEET

- MSL = 4.17 FEET

- MTL = 3.86 FEET

- NGVD29 = 3.48 FEET

- MLW = 0.23 FEET

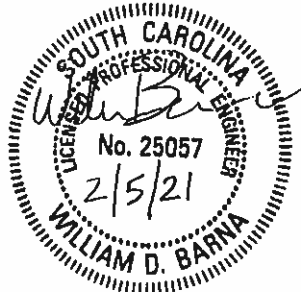
- MLLW = 0.00 FEET

ADJACENT PROPERTY OWNERS SCHEDULE

TMS NO.:	TMS NO.:	TMS NO.:
R600-033-00A-0421-0000	ROGER & CAROL PARK	103 CEDAR LANE HILTON HEAD ISLAND, SC 29926
R600-033-00A-0422-0000	JOHN W. CANN & VICKIE M. WODARSKI	105 CEDAR LANE HILTON HEAD ISLAND, SC 29926
R600-033-00A-0423-0000	STEVEN S. & MARY ANNE CAYWOOD	107 CEDAR LANE HILTON HEAD ISLAND, SC 29926

LINE TABLE

LINE #	BEARING	LENGTH	LINE #	BEARING	LENGTH
L1	N00°34'27"W	40.16'	L16	N01°06'46"E	69.88'
L2	N11°02'46"E	34.34'	L17	N14°20'44"E	71.87'
L3	N16°44'49"E	39.90'	L18	N01°18'49"W	56.86'
L4	N14°46'14"E	33.93'	L19	N00°04'39"E	45.65'
L5	N40°16'45"E	44.02'	L20	N11°52'09"E	67.68'
L6	N40°27'35"E	45.39'	L21	N08°30'31"E	39.74'
L7	N42°40'10"E	43.49'	L22	N17°47'36"E	61.20'
L8	N59°23'08"E	35.71'	L23	N04°14'44"E	31.53'
L9	N60°24'59"E	35.88'	L24	N01°12'08"W	101.72'
L10	N57°43'03"E	45.02'	L25	N16°47'11"W	35.01'
L11	N71°52'48"E	60.87'	L26	S84°49'25"W	41.52'
L12	N74°49'18"E	41.42'	L27	S87°53'17"W	28.10'
L13	N82°37'09"E	46.38'	L28	N88°12'10"W	38.11'
L14	N04°18'42"E	50.33'	L29	N83°49'04"W	58.75'
L15	N06°41'45"E	51.53'	L30	N88°57'42"W	42.12'



TIDAL DATUM RELATIONSHIPS

NOAA STATION ID: 8669133

PID: CK2037

VM: 4553

TIDAL DATUM

SCALE: 1:1

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PURPOSE: COASTAL ACCESS

ADJACENT PROPERTY OWNERS:
SEE SCHEDULE THIS SHEET

FIGURE B&B

ADJACENT PROPERTY OWNERS AND TIDAL DATUM



APPLICANT
MOSS CREEK OWNERS ASSOCIATION INC.
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: MARINA UPGRADES

WATERWAY: MOSS CREEK
IN: HILTON HEAD ISLAND, SC

COUNTY OF: BEAUFORT

APPLICATION NO. TBD

SHEET: 8 OF 8 **DATE:** 02/05/21