

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-2024-00254

May 7, 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. Robert Ashley
P.O. Box 314
McClellanville, South Carolina 29458

Mr. Curtis Joyner
Bridgeview Coastal Consulting
P.O. Box 30937
Charleston, South Carolina 29417
joynercm@bridgeviewec.com

for a permit to modify an existing commercial pier in

Jeremy Creek

located at TMS# 7641400120, in McClellanville, Charleston County, South Carolina (Latitude: 33.0837 °, Longitude: -79.4649 °), McClellanville 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 modify and expand an existing commercial dock.

Project Description

The existing structure consists of a 9.4' x 9.9' access walkway leading to an 8' x 59' fixed pier. The applicant proposes to repair, as needed, the existing walkway and fixed pier as well as remove 96 square feet of the existing fixed pier and adding a new 3' x 20' ramp leading ebb side to a new 8' x 40' floating dock.

Avoidance and Minimization

The applicant has stated that the dock will be pile supported and therefore impacts will be minimal.

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.

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 0.016 acre (715 square feet) of open water from shading impacts to 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.

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 (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Wood Stork (*Mycteria americana*), 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*), Northern Long-eared bat (*Myotis septentrionalis*), 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 determined the following:

The project will have no effect on Eastern Black Rail (*Laterallus jamaicensis ssp.*), American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Red-cockaded Woodpecker (*Picoides borealis*), 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*), Northern long-eared bat (*Myotis septentrionalis*), or the Wood Stork (*Mycteria americana*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), 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 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)(l)(1)), and initially determined that historic properties, are present; moreover, these historic properties may be affected by the undertaking. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice. 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.

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.

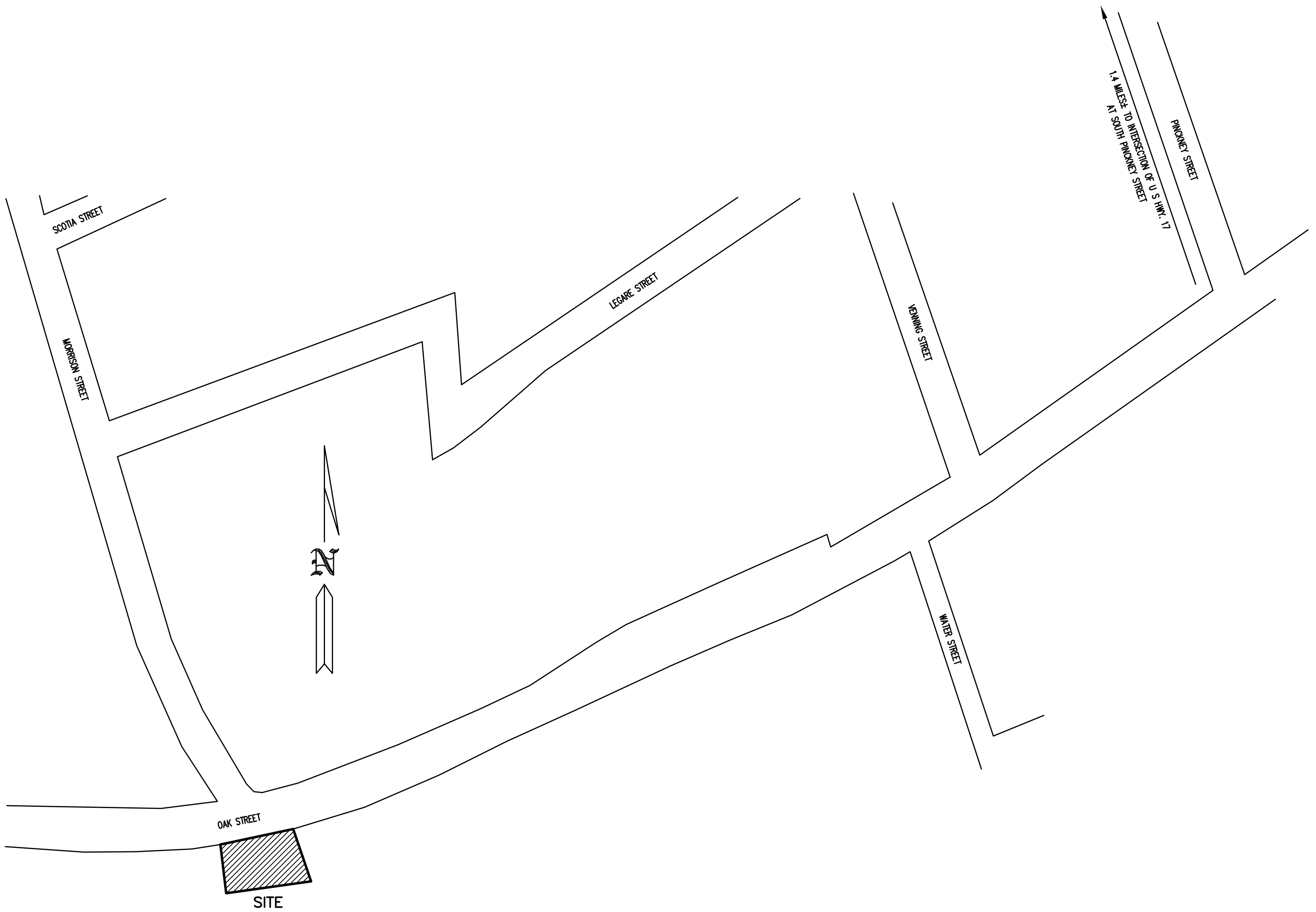
Solicitation of Public Comment

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-2024-00254), to Eileen.K.Foss@usace.army.mil or the following address:

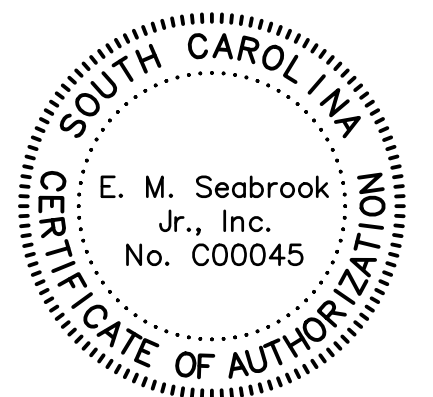
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Ave
Charleston, South Carolina 29403**

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.



LOCATION MAP

NOT TO SCALE

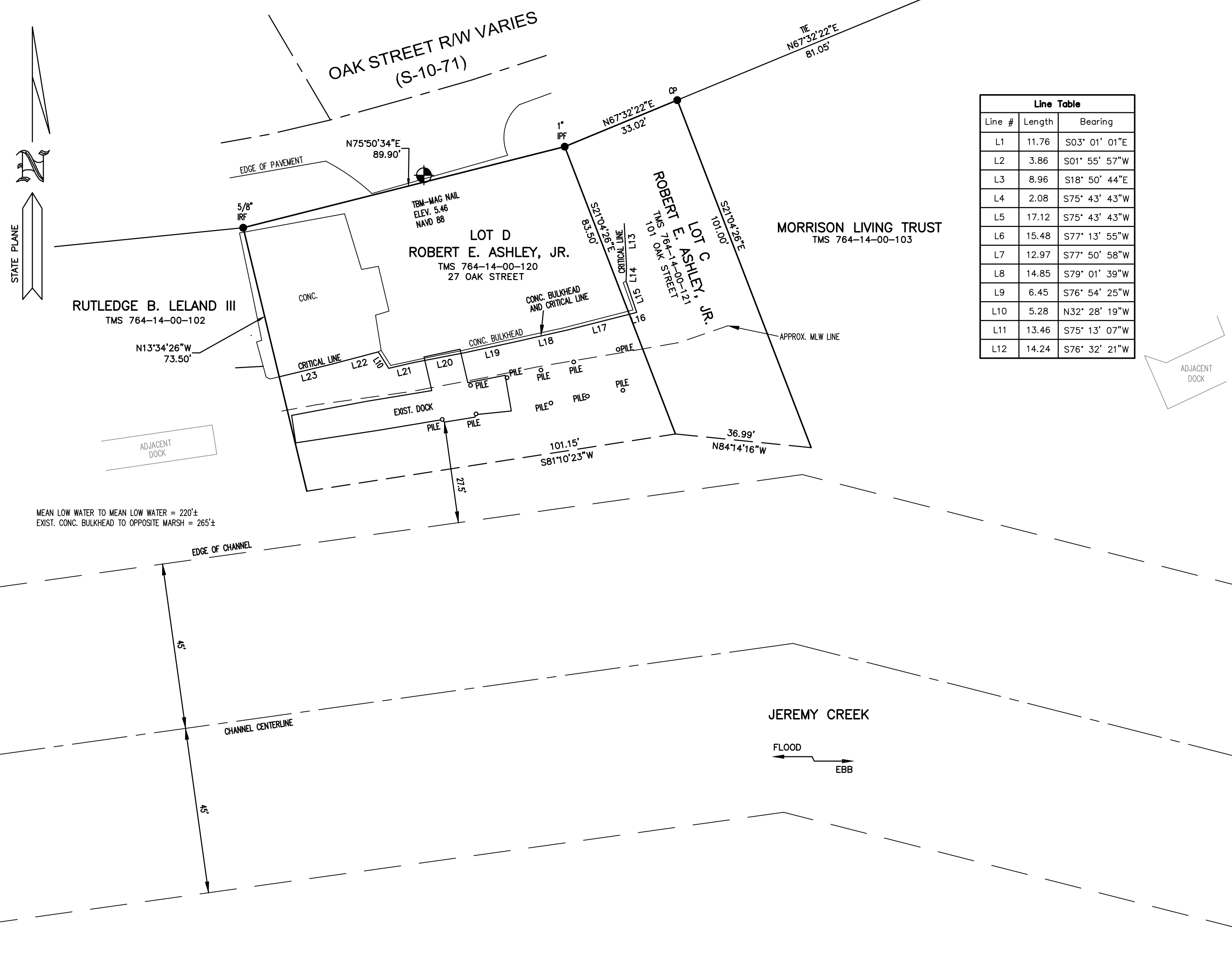


PURPOSE: TO CONSTRUCT A PRIVATE DOCK
 DATUM: NAVD88
 ADJACENT PROPERTY OWNERS:
 1. RUTLEDGE B. LELAND III (TMS 764-14-00-102)
 21 MORRISON AVE.
 MCCLELLANVILLE, SC 29458
 2. MORRISON LIVING TRUST (TMS 764-14-00-103)
 PO BOX 275
 MCCLELLANVILLE, SC 29458

PROPOSED: DOCK
 IN: JEREMY CREEK
 AT: 27 & 101 OAK STREET (LOTS D & C)
 MCCLELLANVILLE
 CHARLESTON COUNTY, S.C.
 TMS TMS 764-14-00-120 & 121
 APPLICATION BY:
 ROBERT E. ASHLEY, JR.
 PO BOX 314
 MCCLELLANVILLE, SC 29458
 SHEET 1 OF 5 DATE: 04/16/24

REFERENCES:

1. PLAT BY EXO HILTON DATED JULY 1969, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK Z PAGE 133
2. SHEET 21 OF 62 U S ARMY CORPS OF ENGINEERS DRAWINGS OF THE ATLANTIC INTRACOASTAL WATERWAY STA 482+32N TO STA 531+12N AIWW STA 0+45 TO STA 42+80 JEREMY CREEK

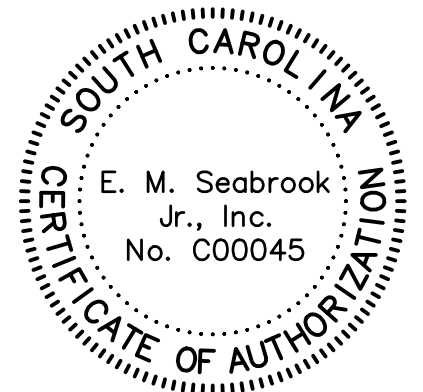


Line Table		
Line #	Length	Bearing
L1	11.76	S03° 01' 01"E
L2	3.86	S01° 55' 57"W
L3	8.96	S18° 50' 44"E
L4	2.08	S75° 43' 43"W
L5	17.12	S75° 43' 43"W
L6	15.48	S77° 13' 55"W
L7	12.97	S77° 50' 58"W
L8	14.85	S79° 01' 39"W
L9	6.45	S76° 54' 25"W
L10	5.28	N32° 28' 19"W
L11	13.46	S75° 13' 07"W
L12	14.24	S76° 32' 21"W

MEAN LOW WATER TO MEAN LOW WATER = 220'±
EXIST. CONC. BULKHEAD TO OPPOSITE MARSH = 265'±

**EXISTING CONDITIONS
LOTS D & C**

SCALE: 1"=20'



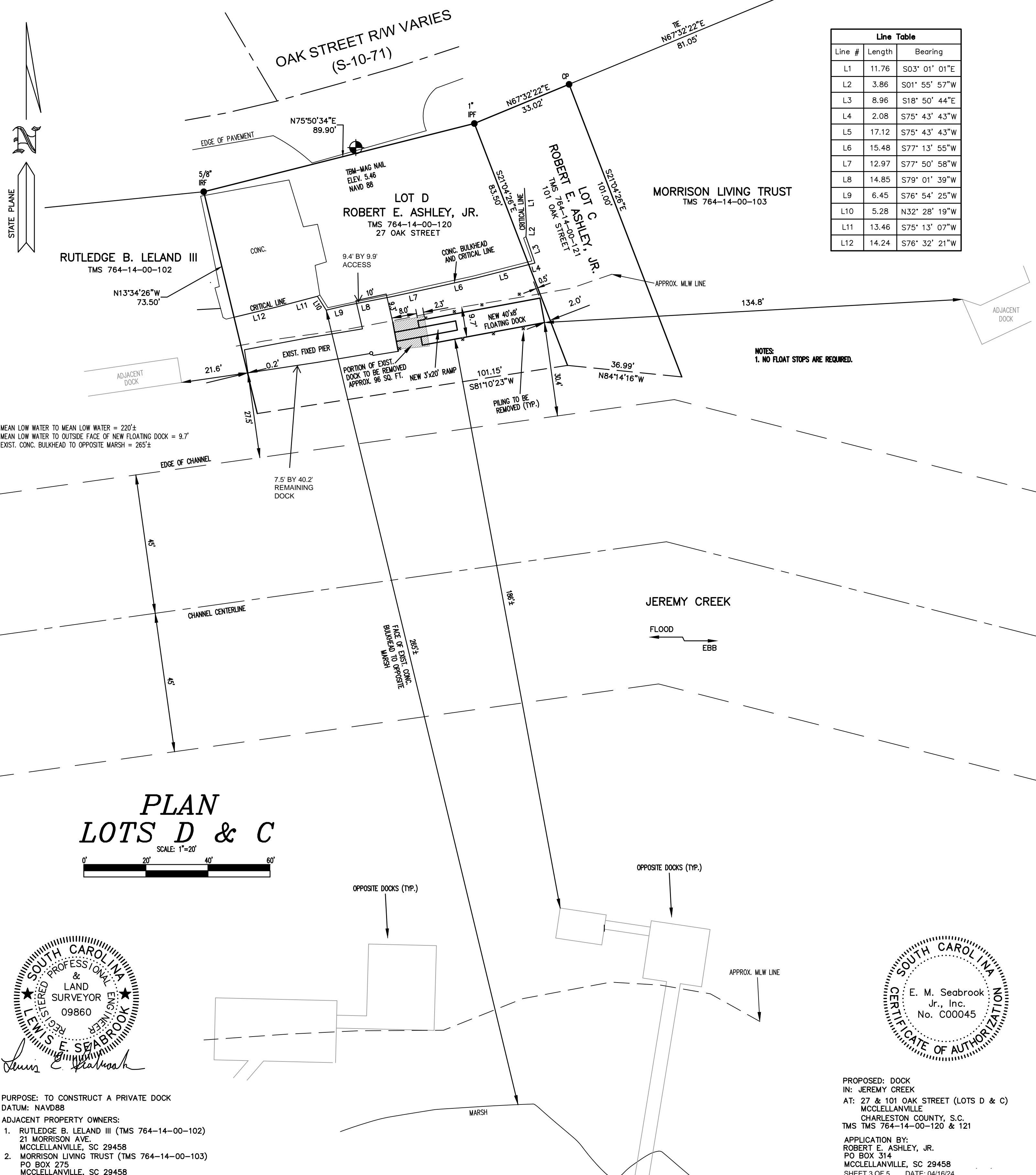
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PLAN LOTS D & C
SCALE: 1"=20'

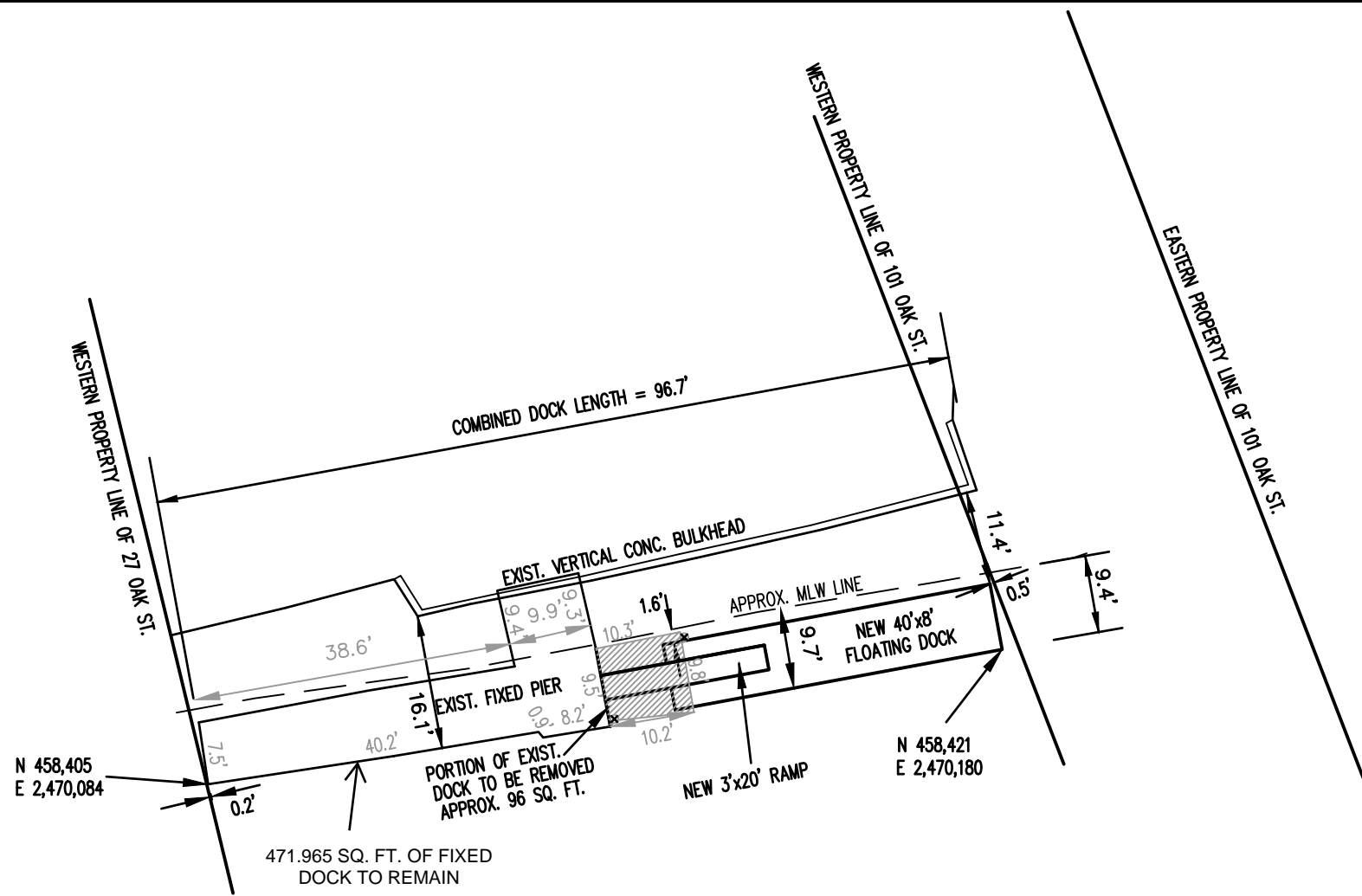


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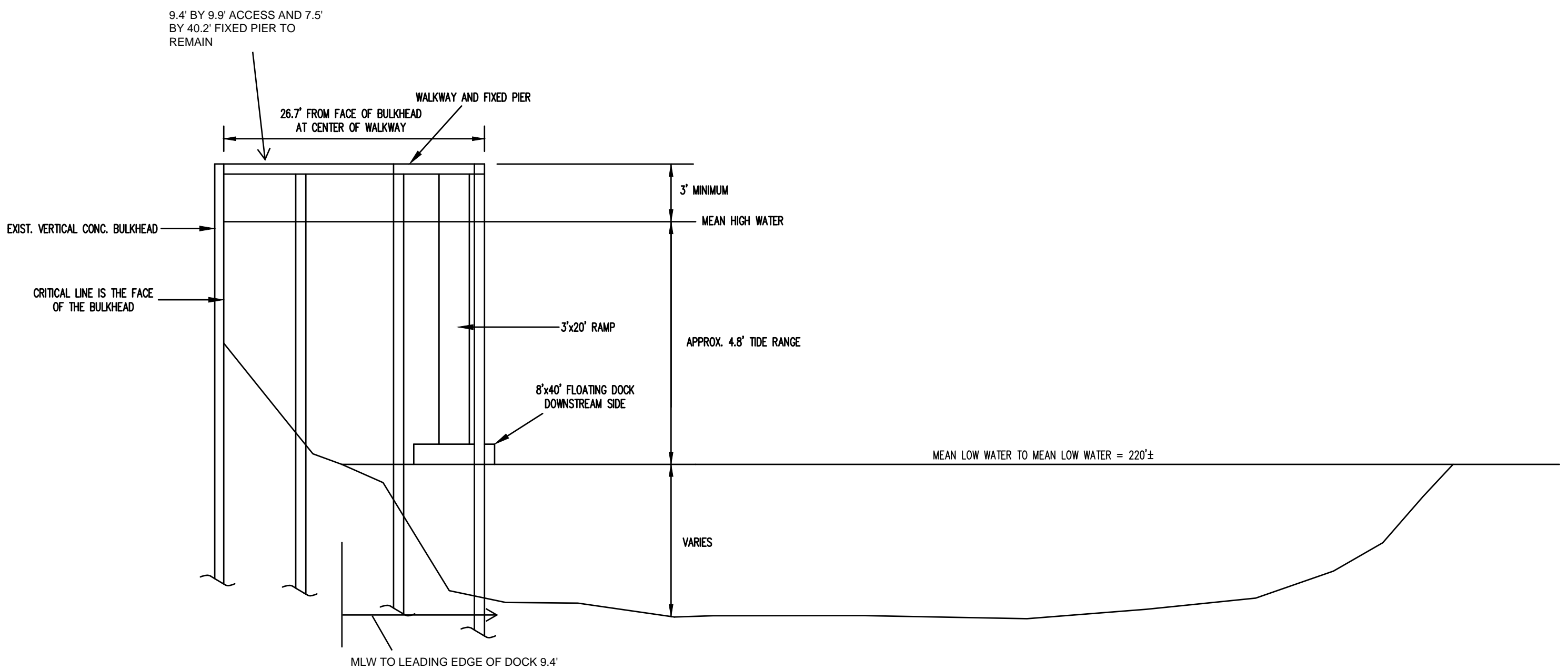
23181-ASHLEY

MEAN LOW WATER TO MEAN LOW WATER = 220'±
 MEAN LOW WATER TO OUTSIDE FACE OF NEW FLOATING DOCK = 9.7'
 EXIST. CONC. BULKHEAD TO OPPOSITE MARSH = 265'±



DOCK PLAN DETAIL LOTS D & C

SCALE: 1"=20'



DOCK ELEVATION LOTS D & C

HORIZ. SCALE: 1"=10'
 VERT. NOT TO SCALE

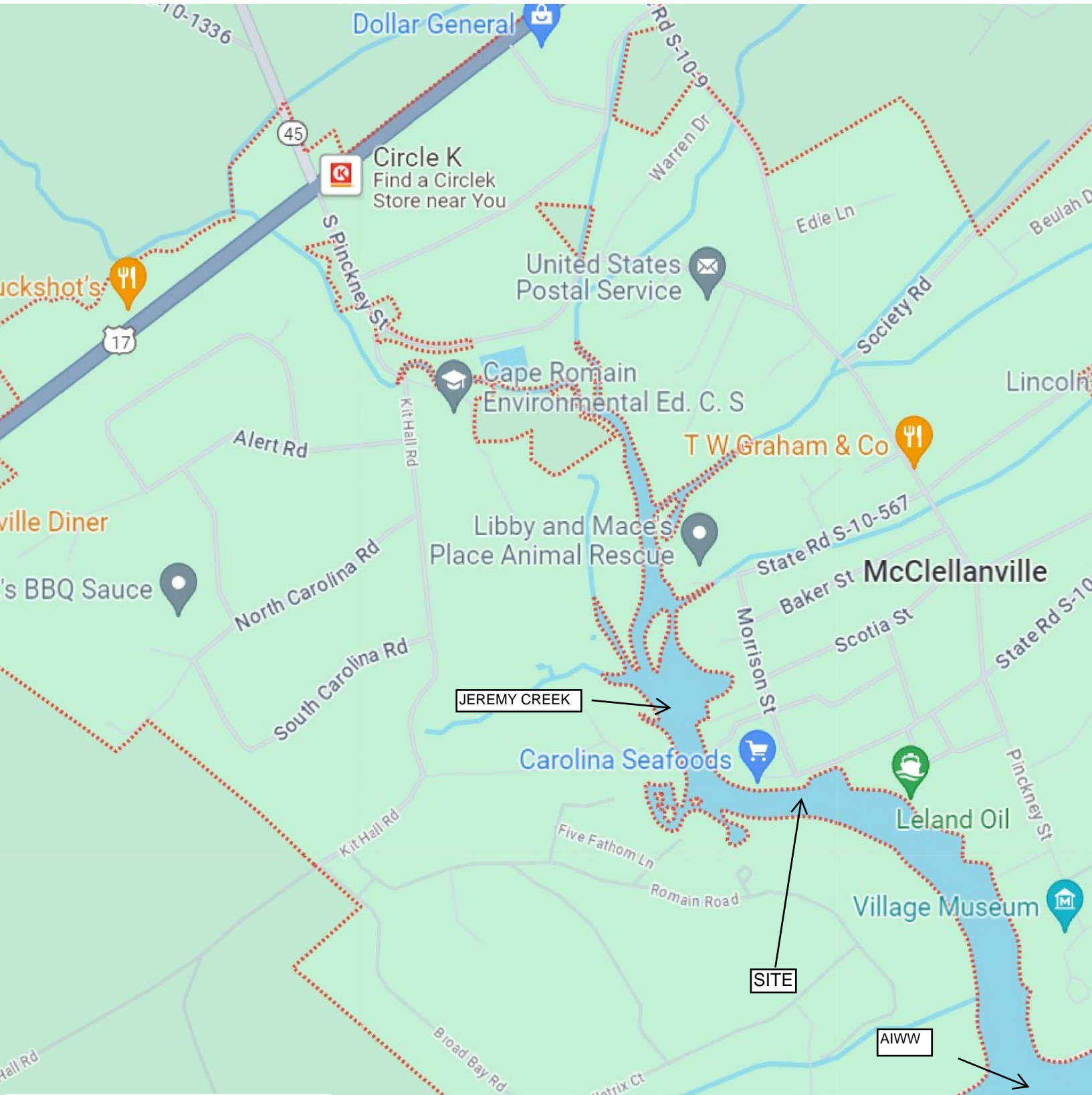


E. M. Seabrook, Jr.



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TMS 754-14-00-120 & 121
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SHEET 5 OF 5 4/16/24

VICINITY MAP