

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
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
Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N SAC-2018-01718

November 30, 2018

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), Section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1413), 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. WALTER LAGARENNE
SOUTH CAROLINA PORTS AUTHORITY
POST OFFICE BOX 22287
CHARLESTON, SOUTH CAROLINA 29413

for a permit to conduct annual maintenance dredging in the

COOPER RIVER

at Union Pier Terminal, which is located at 32 Washington Street in the City of Charleston, Charleston County, South Carolina (Latitude: 32.7858 °N, Longitude: -79.9247 °W), Charleston, South Carolina USGS Quadrangle map.

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 conducting annual maintenance dredging, the discharge of sediment laden water from an existing Dredged Material Containment Area (DMCA), and the

transportation of dredged material from UPT to the Charleston Ocean Dredged Material Disposal Site (ODMDS) for the purpose of ocean disposal. In detail, the applicant has proposed to dredge approximately 100,000 cubic yards of accumulated sediment each year in order to maintain the depth of the berth at UPT (-44 feet Mean Lower Low Water +1 foot of allowable overdepth).

The existing DA permit (SAC-2003-13026) authorizes the SCPA to use a hydraulic cutterhead or a mechanical dredge to remove accumulated sediment from the berth at UPT. As shown on drawing sheets 2 and 3 of 8, the existing berth is 2,670 feet long and 125 feet wide (7.66 acres), and the total depth is -45 feet Mean Lower Low Water. Depending on the method of dredging, maintenance material is hydraulically pumped to an existing DMCA (e.g., Clouter Island, Daniel Island, and/or Drum Island) or placed in scows before being pumped into one of these existing DMCAs. The existing DA permit is scheduled to expire on March 31, 2024.

The proposed work is consistent with the existing DA permit and would not alter the length, width, or depth of the berth at UPT. In addition, the SCPA has proposed to use the same two dredging methods to remove accumulated sediment, and the dredged material would be hydraulically pumped to an existing DMCA or placed in scows before being pumped into an existing DMCA. The only difference is that the SCPA has also proposed to transport dredged material from UPT to the Charleston ODMDS for the purpose of ocean disposal. The Charleston ODMDS is located approximately 9 nautical miles southeast of Charleston, South Carolina and is identified as "Dump Site (dredged material)" on NOAA Nautical Chart 11521, Charleston Harbor and Approaches.

The Charleston ODMDS was designated by the U.S. Environmental Protection Agency (EPA) for the long-term placement of dredged material associated with the Charleston Harbor Federal navigation channel and other dredging projects near Charleston, South Carolina. Over the past 20 years more than 22 million cubic yards of new work material and approximately 1 million cubic yards per year of maintenance material has been placed within the ODMDS (a total of more than 42 million cubic yards). Since the existing berth at UPT is located immediately adjacent to the Federal navigation channel, the SCPA believes there may be opportunities for contractors to use the same dredging equipment to conduct work associated with both projects.

In accordance with Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA), the SCPA recently conducted sediment testing to help determine whether maintenance material from the berth at UPT is considered suitable for placement in the ODMDS. This data is currently being evaluated by the Corps, EPA, and the other regulatory and resource agencies. Please note the SCPA has also conducted sediment testing for the Hugh K. Leatherman, Sr. Terminal (HLT), Wando Welch Terminal (WWT), and Columbus Street Terminal (CST). Since each port facility has its own dredging permit, the SCPA has submitted requests to modify existing DA permits or to obtain new DA permits for dredging associated with the existing berths at HLT, WWT, and CST.

As described above, the proposed work consists of conducting maintenance dredging at UPT, placing dredged material in an existing DMCA, and transporting dredged material from UPT to the Charleston ODMDS for the purpose of ocean disposal. Dredged material that is determined to be suitable for ocean disposal would be placed in the Charleston ODMDS in accordance with the approved Site Management and Monitoring Plan dated June 2016. The SCPA has not proposed compensatory mitigation to offset impacts associated with maintaining the depth of the existing berth, discharging sediment laden water from an existing DMCA, or transporting dredged material from UPT to the Charleston ODMDS. According to the applicant, the purpose of the

proposed project is to maintain authorized depths and to provide full and safe access for vessels calling at UPT through all stages of the tidal cycle.

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). 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 modification would result in impacts to 7.66 acres 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, including the transportation of dredged material to the Charleston ODMDS for the purpose of ocean disposal, 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 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 would have no effect on the Federally endangered shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus*), North Atlantic right whale (*Eubalaena glacialis*), designated critical habitat for the Atlantic sturgeon, or designated critical habitat for the North Atlantic right whale, and may affect, but is not likely to adversely affect the Federally endangered West Indian manatee (*Trichechus manatus*), which are known to be present in the vicinity of the project area. 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)(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.

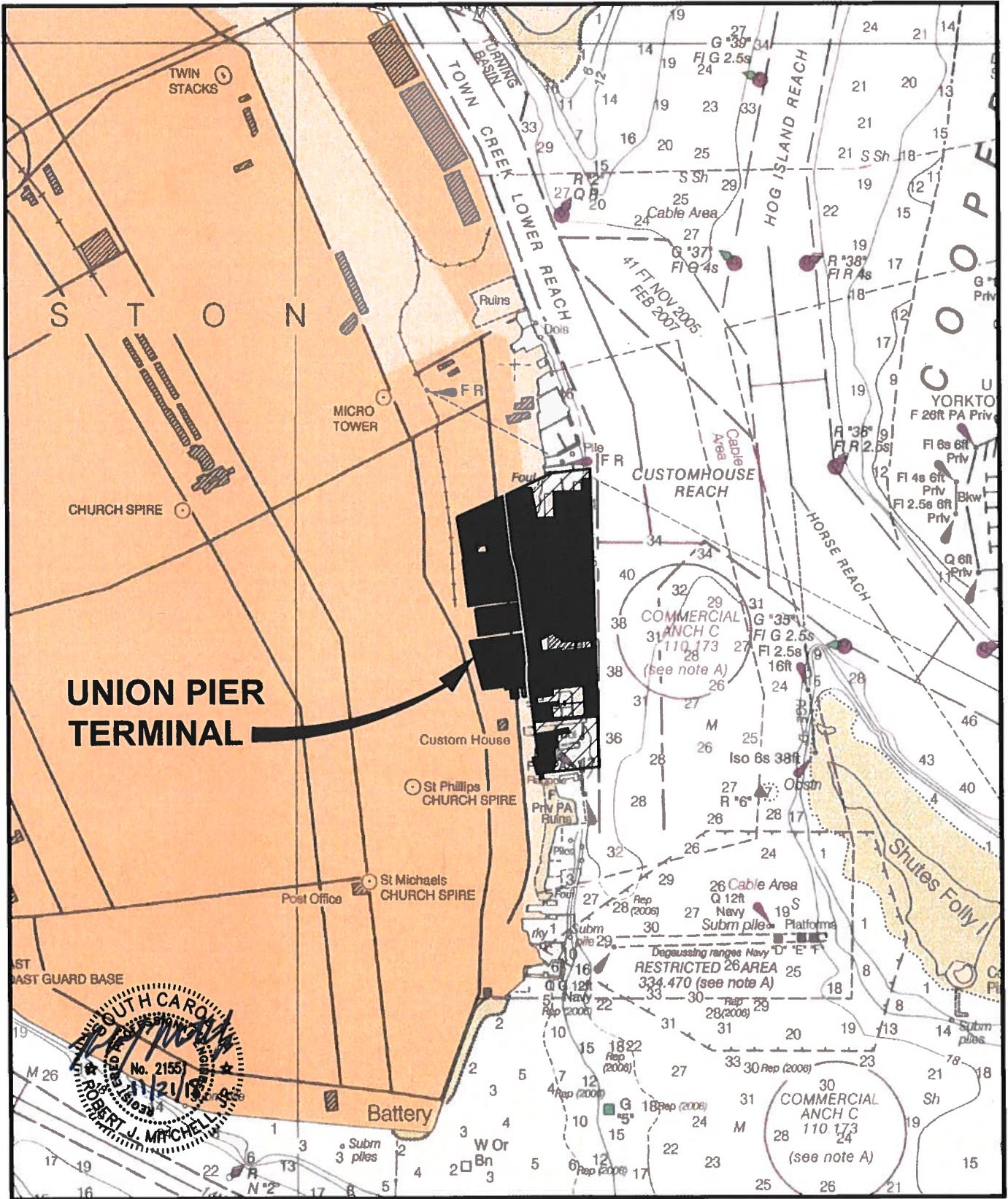
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 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. 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 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**

If there are any questions concerning this public notice, please contact Nat Ball, Project Manager, at (843) 329-8047 or toll free at 1-866-329-8187.



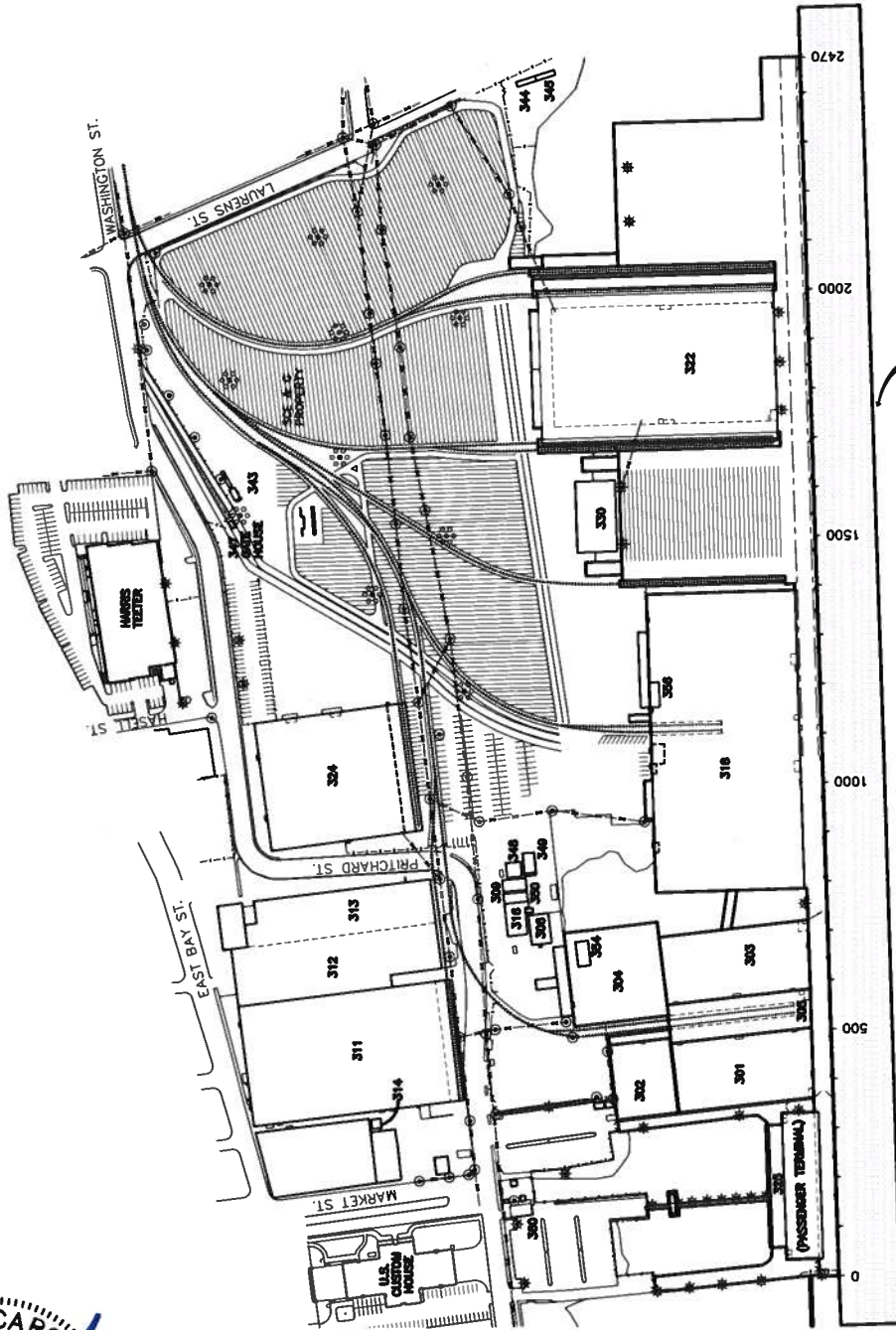
PURPOSE: Adequate Depth for Vessels

LOCATION

South Carolina **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROPOSED: Berth Maintenance Dredging

IN: Custom House Reach
AT: Union Pier Terminal - State Pier 2
 Charleston County, South Carolina
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 1 OF 7 **DATE:** NOV 2018



125' x 2670'
AREA TO BE
DREDGED

COOPER RIVER



SCALE IN FEET

PURPOSE: Adequate Depth for Vessels

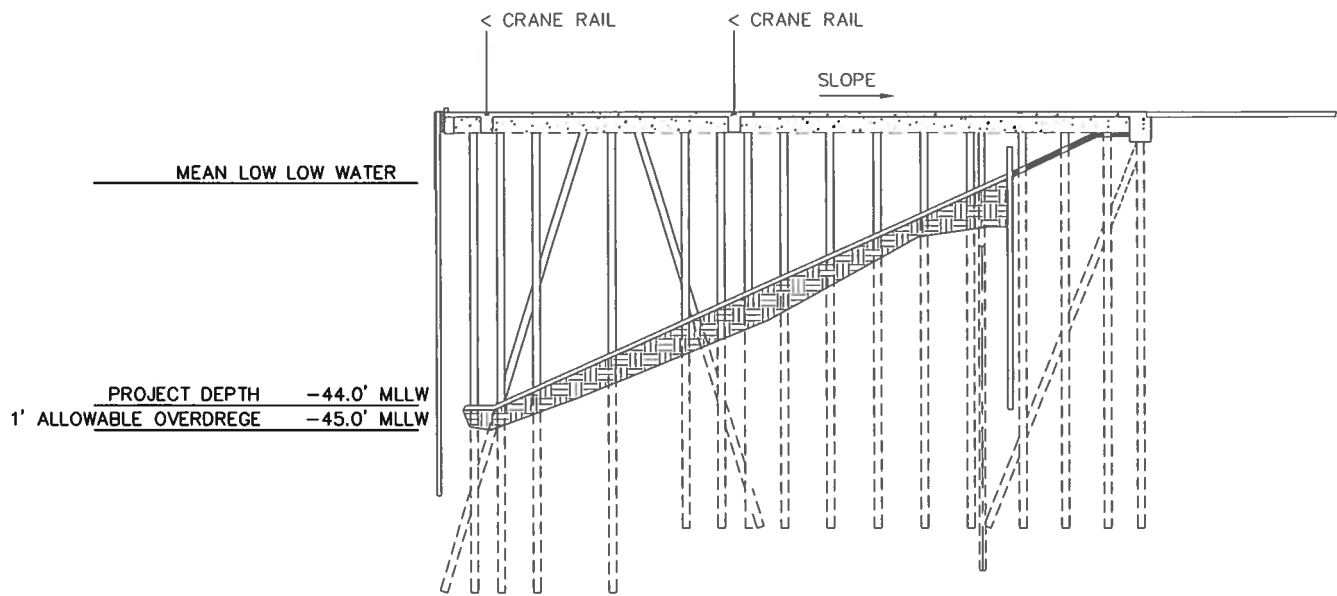
TERMINAL LAYOUT

South Carolina **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: Berth Maintenance Dredging

IN: Custom House Reach
AT: Union Pier Terminal - State Pier 2
Charleston County, South Carolina

APPLICATION BY: SC PORTS AUTHORITY
SHEET: 2 OF 7 **DATE:** NOV 2018



PURPOSE: Adequate Depth for Vessels

WHARF CROSS SECTION

South Carolina **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROPOSED: Berth Maintenance Dredging

IN: Custom House Reach
AT: Union Pier Terminal - State Pier 2
 Charleston County, South Carolina
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 3 OF 7 **DATE:** NOV 2018



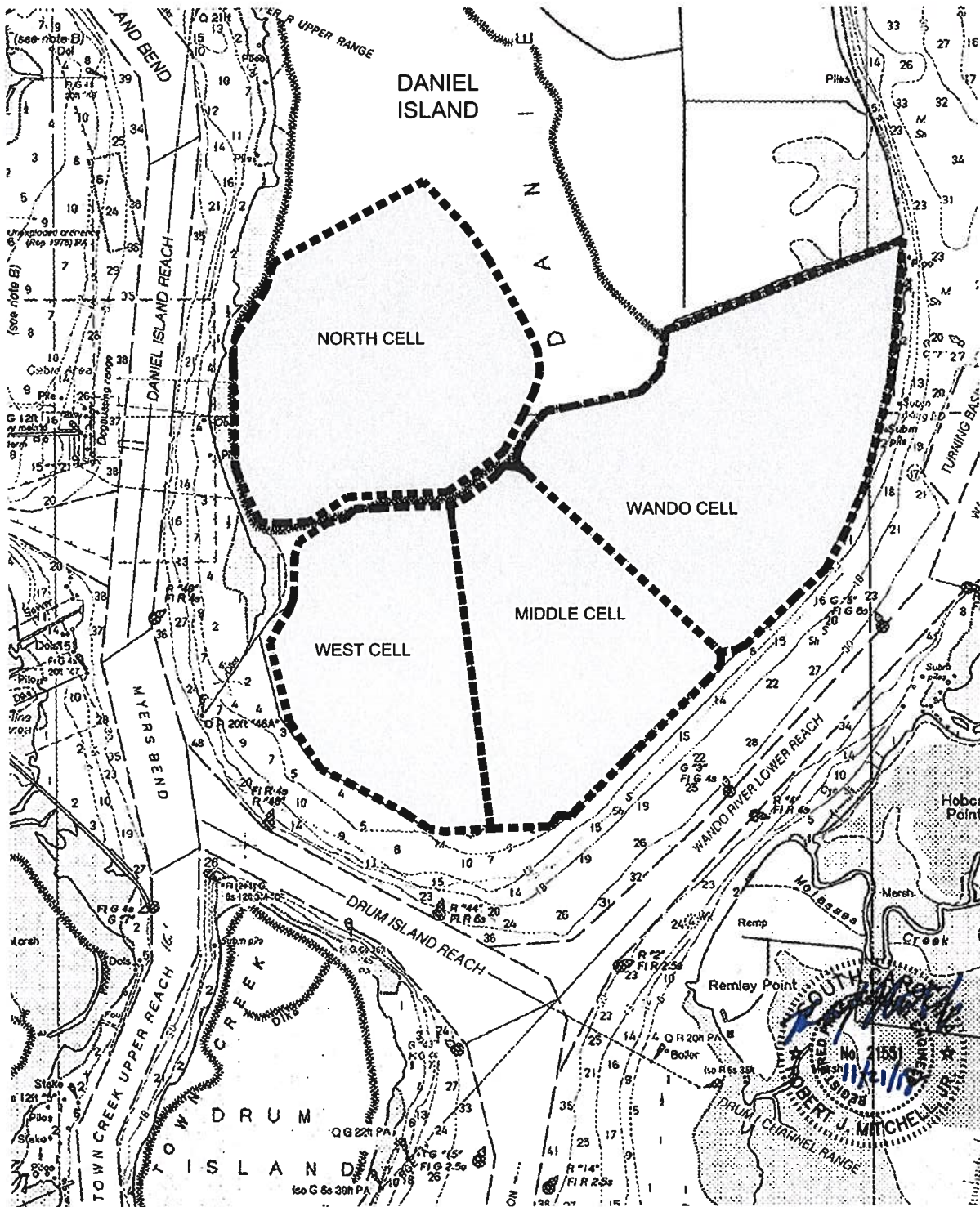
PURPOSE: Adequate Depth for Vessels

DISPOSAL SITE

South Carolina **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROPOSED: Berth Maintenance Dredging

IN: Custom House Reach
AT: Union Pier Terminal - State Pier 2
 Charleston County, South Carolina
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 4 OF 7 **DATE:** NOV 2018



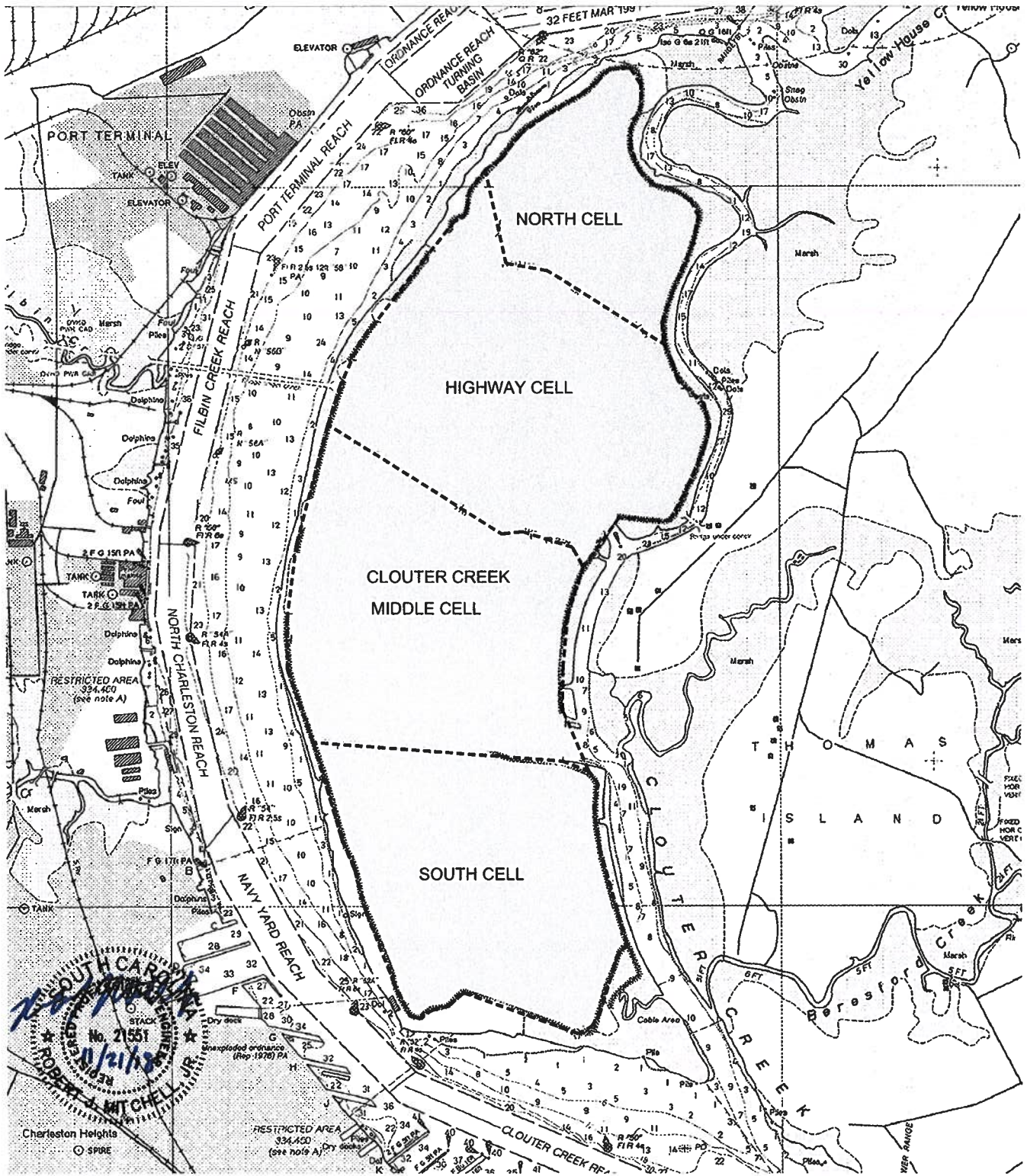
PURPOSE: Adequate Depth for Vessels

DISPOSAL SITE

South Carolina **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROPOSED: Berth Maintenance Dredging

IN: Custom House Reach
AT: Union Pier Terminal - State Pier 2
 Charleston County, South Carolina
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 5 OF 7 **DATE:** NOV 2018



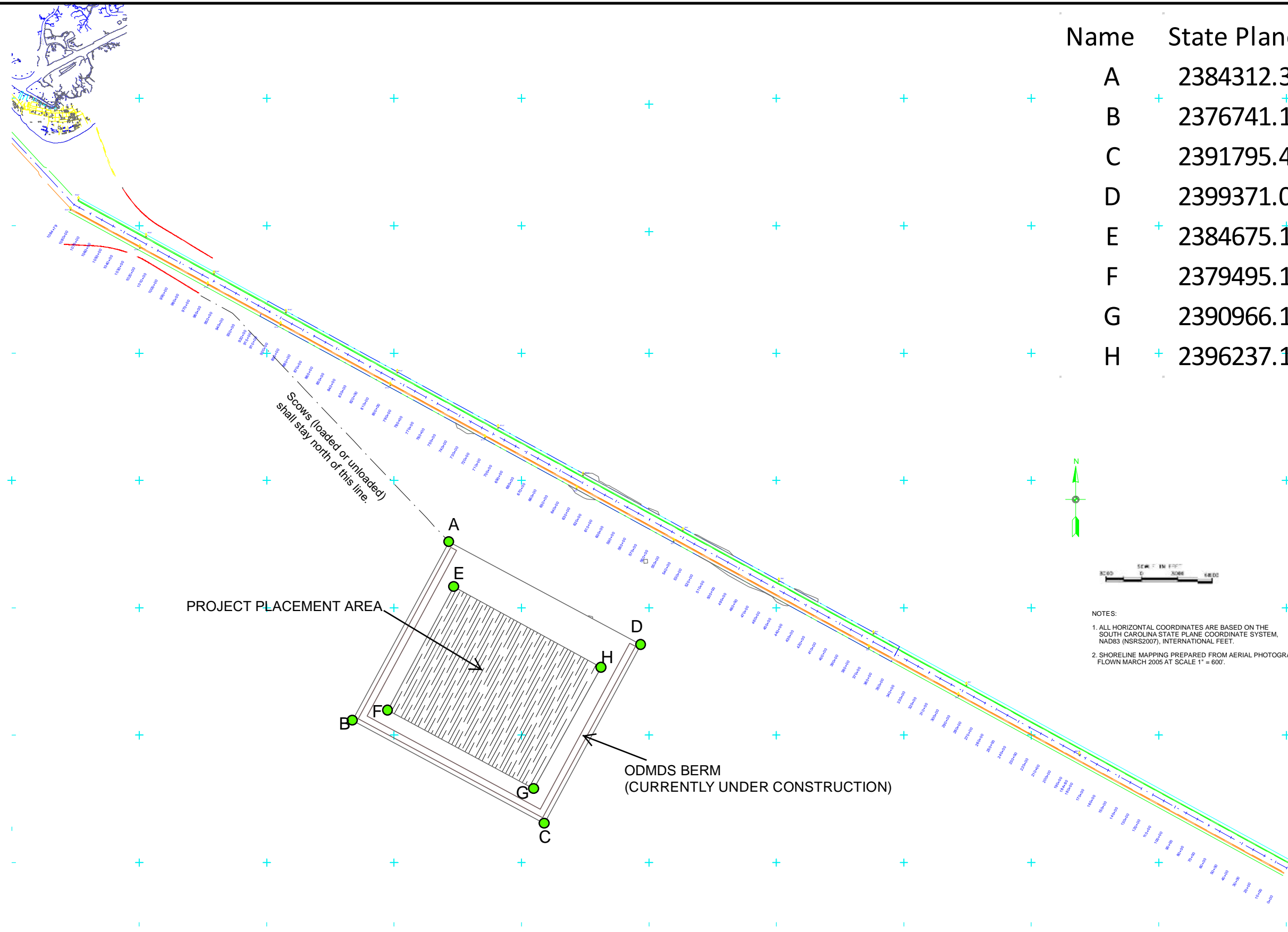
PURPOSE: Adequate Depth for Vessels

DISPOSAL SITE

South Carolina **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROPOSED: Berth Maintenance Dredging

IN: Custom House Reach
AT: Union Pier Terminal - State Pier 2
 Charleston County, South Carolina
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 6 OF 7 **DATE:** NOV 2018



Name	State Plane X	State Plane Y
A	2384312.304	305185.821
B	2376741.168	291170.826
C	2391795.475	283067.786
D	2399371.043	297104.717
E	2384675.135	301659.432
F	2379495.145	291963.45
G	2390966.182	285797.391
H	2396237.184	295312.397

Scows (loaded or unloaded) shall stay north of this line.

PROJECT PLACEMENT AREA

ODMDS BERM (CURRENTLY UNDER CONSTRUCTION)

NOTES:
 1. ALL HORIZONTAL COORDINATES ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83 (NSRS2007), INTERNATIONAL FEET.
 2. SHORELINE MAPPING PREPARED FROM AERIAL PHOTOGRAPHY FLOWN MARCH 2005 AT SCALE 1" = 600'.

PURPOSE: Adequate Depth for Vessels

OCEAN DISPOSAL SITE - CHARLESTON ODMDS
 South Carolina **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2187

PROPOSED: Berth Maintenance Dredging
IN: Custom House Lower Reach
AT: Union Pier Terminal - State Pier 2
 Charleston County, SC
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 7 of 7 **DATE:** NOV 2018