

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
North Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N SAC-2021-01816

November 4, 2021

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

Mr. Mark Messersmith
South Carolina Ports Authority
200 Ports Authority Drive
Mount Pleasant, South Carolina 29464

for a permit to conduct maintenance and new work dredging in navigable waters of the U.S. in the

Cooper River

at the existing Veterans Terminal (VT) at 1150 North Port Drive in North Charleston, Charleston County, South Carolina (Latitude: 32.85407°, Longitude: -79.95105°), 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 maintenance and new work dredging to maintain and improve navigation access within the existing berths at Pier Zulu (Z). In detail, the applicant has proposed to dredge 345,000 cubic yards of maintenance and new work material to deepen the existing berths from -39 feet Mean Low Water to -42 feet Mean Lower Low Water (MLLW). The volume of dredged material is much greater than usual because the existing berths at Pier Z have only been dredged once in the past 10 years and sediment has been allowed to accumulate in the berths. Approximately 145,000 cubic yards of maintenance material would need to be dredged every 12 to 24 months (as needed) to maintain the depth of the existing berths.

Department of the Army (DA) permit # SAC-2011-00062 authorizes the South Carolina Ports Authority (SCPA) to deepen the existing berths at VT (Piers Mike (M), November (N), and Zulu (Z)) from -38 feet MLW to -42 feet MLLW through March 31, 2022. Although both of the berths at Pier Z were deepened to -39 feet MLLW, the remainder of the new work dredging was never conducted. It is our understanding Piers M and N have been transferred to the Department of Homeland Security, and the U.S. Coast Guard will be responsible for obtaining DA permit and conducting maintenance and new work dredging associated with the berths at Piers M and N.

The proposed work would be conducted using a hydraulic cutterhead or a mechanical dredge (clamshell), and the dredged material would be hydraulically pumped into the Clouter Creek, Daniel Island, and/or Drum Island Dredged Material Management Area (DMMA). If a mechanical dredge is used, a tugboat and scow would be used to transport the dredged material to one of these DMMA's before it is hydraulically pumped from the scow into the DMMA. The applicant has not proposed to mitigate for impacts to wetlands and/or other waters of the United States because the proposed work is a continuation of the of the existing port facility's maintenance dredging program. The project purpose is to maintain and improve navigation access within the existing berths at Pier Z so cargo ships can load and unload at 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). 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 16.7 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 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, examined all information provided by the applicant, and has determined that Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*), and West Indian manatee (*Trichechus manatus*) are known to occur within open water near the project site. In addition, the project site is located within a portion of the Cooper River that has been designated as critical habitat for the Atlantic sturgeon. Based on the available information, the District Engineer has determined the proposed project may affect, but is not likely to adversely affect these Federally endangered or threatened species and will not result in the destruction or adverse modification of designated critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and 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)), 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.

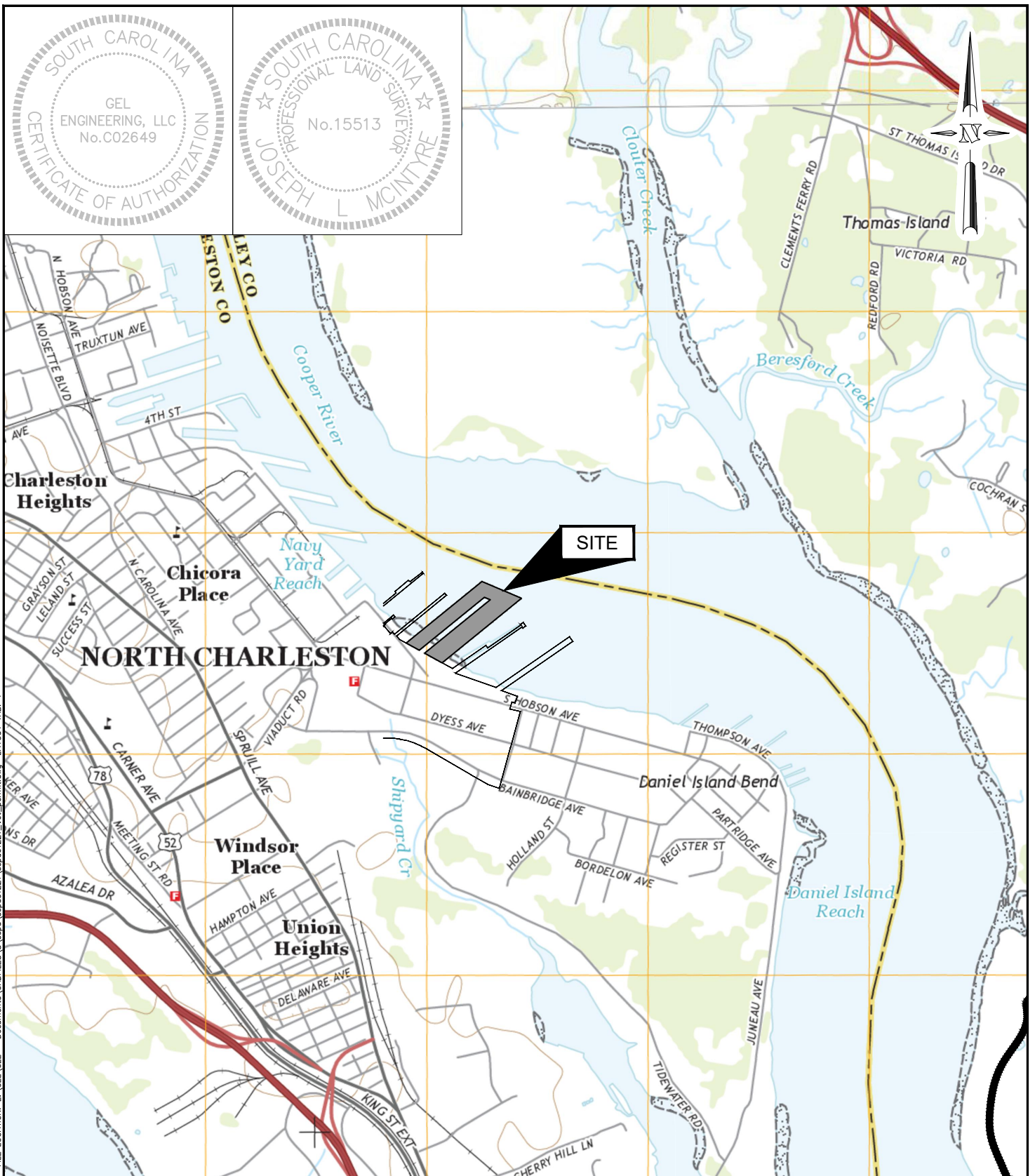
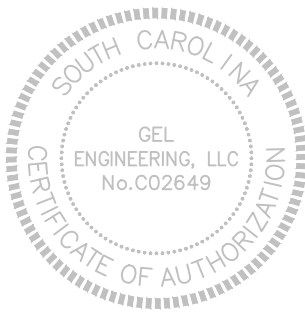
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 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**

If there are any questions concerning this public notice, please contact Nat Ball, Project Manager, at (843) 329-8047, toll free at 1-866-329-8187, or by email at nathaniel.i.ball@usace.army.mil.

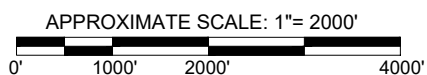


PURPOSE: ADEQUATE DEPTH FOR VESSELS

ADJACENT PROPERTY OWNERS
SEE ATTACHED

SURVEY DATUM: NAD83

FIGURE 1
LOCATION MAP
USGS QUAD "CHARLESTON"



SOUTH CAROLINA STATE PORTS AUTHORITY
200 PORTS AUTHORITY DRIVE
MOUNT PLEASANT, SC 29464

PROPOSED: BERTH MAINTENANCE
DREDGING

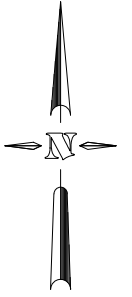
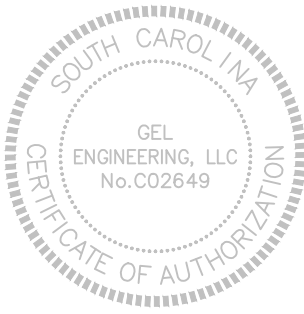
AT: VETERANS TERMINAL

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 1 OF 6

DATE: 10/11/2021

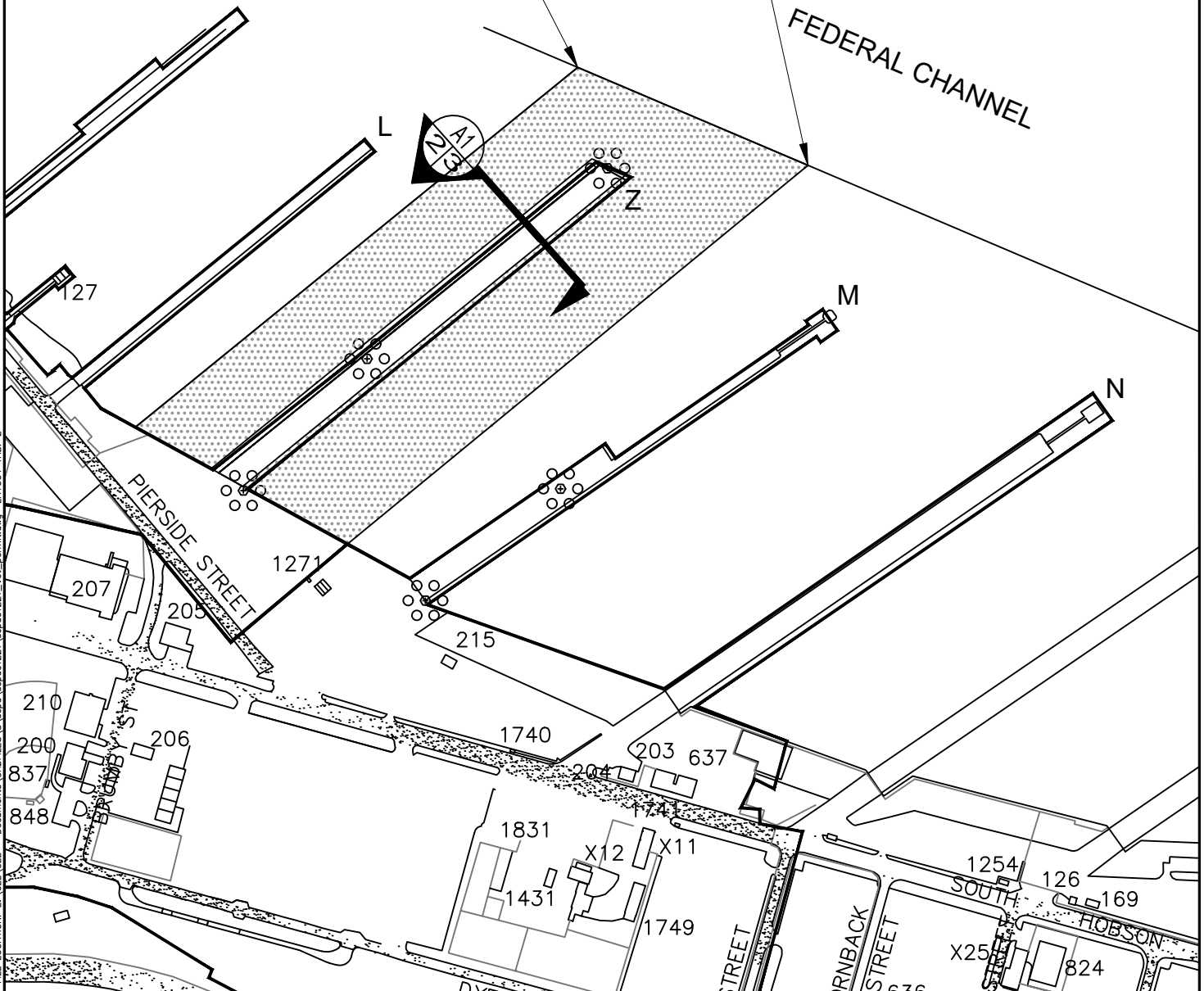


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COOPER RIVER
FLOOD EBB

FEDERAL CHANNEL



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SURVEY DATUM: NAD83

FIGURE 2
TERMINAL LAYOUT



SOUTH CAROLINA STATE PORTS AUTHORITY
200 PORTS AUTHORITY DRIVE
MOUNT PLEASANT, SC 29464

PROPOSED: BERTH MAINTENANCE
DREDGING

AT: VETERANS TERMINAL

IN: COOPER RIVER

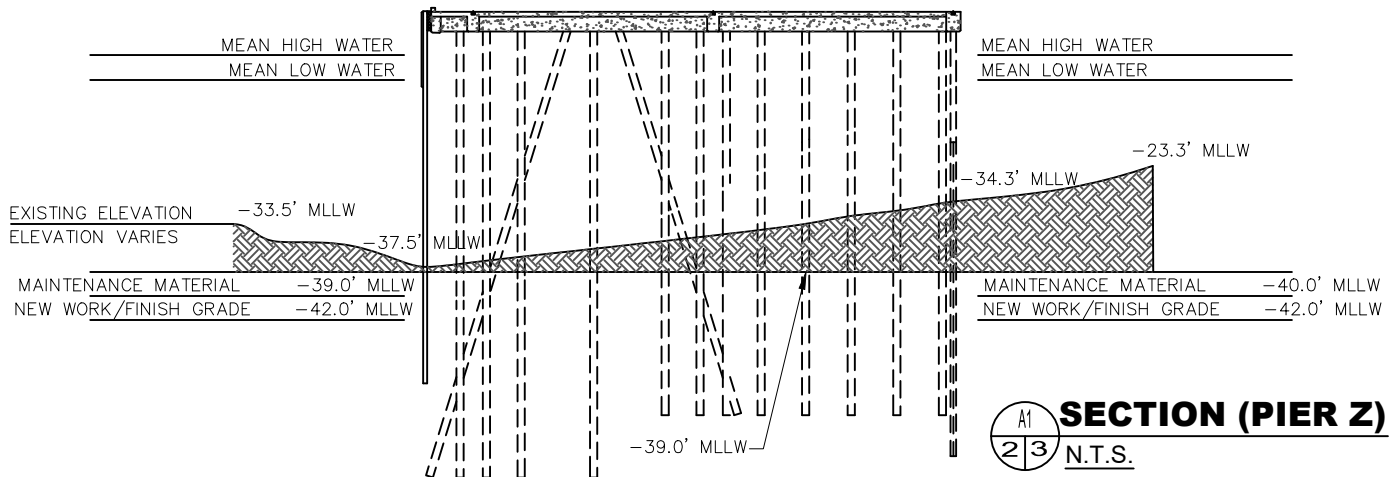
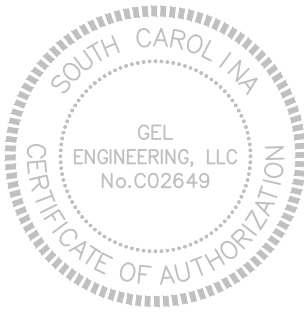
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 2 OF 6

DATE: 10/11/2021

FILE LOCATION: E:\GEL\GEE - Documents\CADFILES\SC\apps\scpa01221\scpa01221_vet_permit.dwg LAYOUT TAB: 2
PLOT: Oct 21, 2021 - 2:29pm BY: hromd

scpa01221



PURPOSE: ADEQUATE DEPTH FOR VESSELS

ADJACENT PROPERTY OWNERS
SEE ATTACHED

SURVEY DATUM: NAD83

FIGURE 3
WHARF CROSS-SECTION

NOT TO SCALE

SOUTH CAROLINA STATE PORTS AUTHORITY
200 PORTS AUTHORITY DRIVE
MOUNT PLEASANT, SC 29464

PROPOSED: BERTH MAINTENANCE
DREDGING

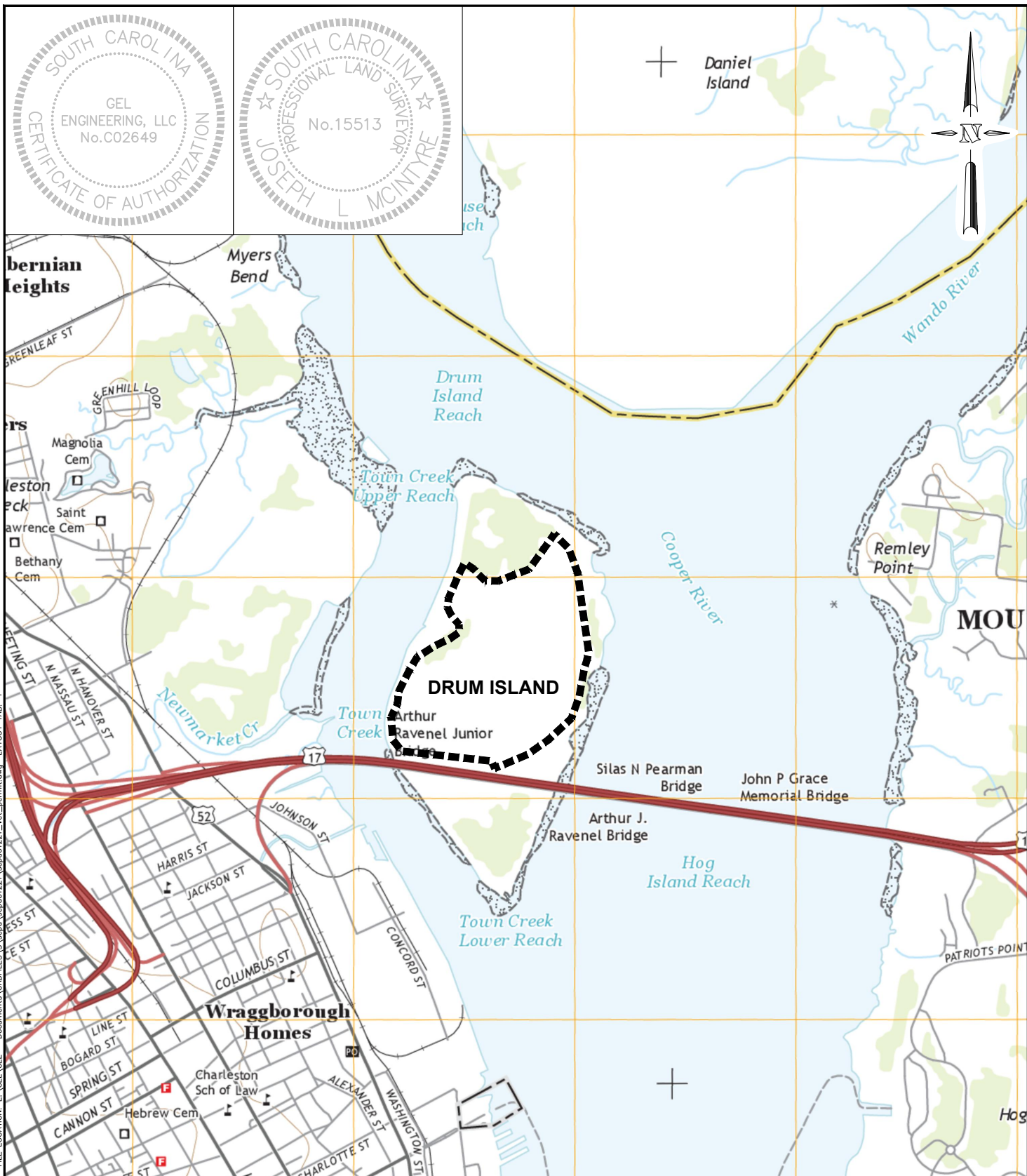
AT: VETERANS TERMINAL

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 6

DATE: 10/28/2021



PURPOSE: ADEQUATE DEPTH FOR VESSELS

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FIGURE 4
DRUM ISLAND DMPF

APPROXIMATE SCALE: 1"= 2000'

0' 1000' 2000' 4000'

SOUTH CAROLINA STATE PORTS AUTHORITY
200 PORTS AUTHORITY DRIVE
MOUNT PLEASANT, SC 29464

PROPOSED: BERTH MAINTENANCE
DREDGING

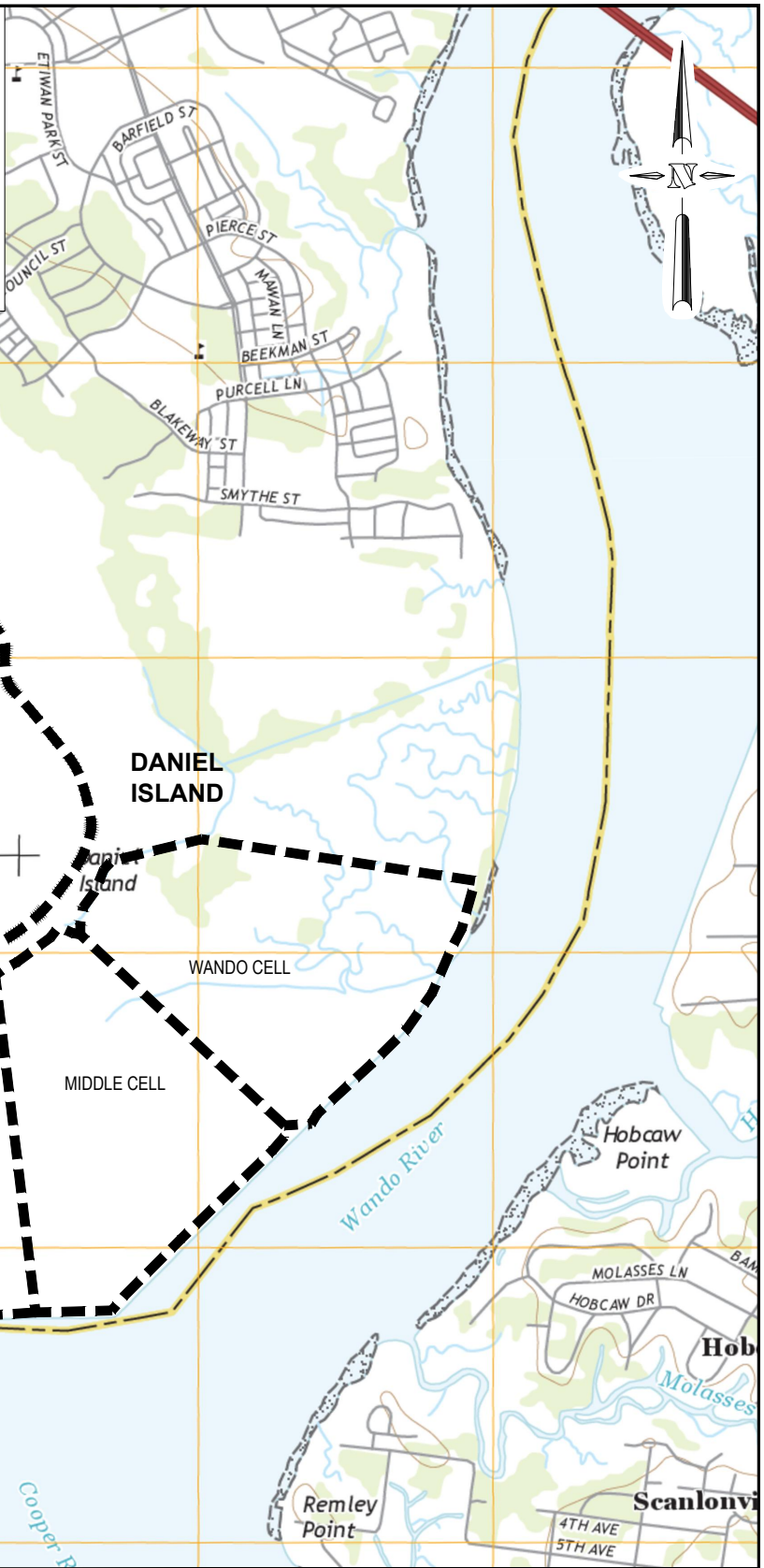
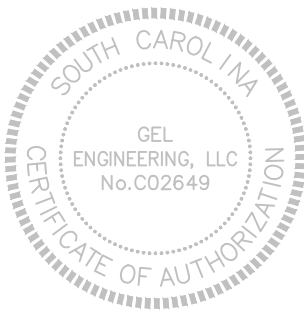
AT: VETERANS TERMINAL

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 4 OF 6

DATE: 10/11/2021



PURPOSE: ADEQUATE DEPTH FOR VESSELS

ADJACENT PROPERTY OWNERS
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SURVEY DATUM: NAD83

FIGURE 5
DANIEL ISLAND DMPF



SOUTH CAROLINA STATE PORTS AUTHORITY
200 PORTS AUTHORITY DRIVE
MOUNT PLEASANT, SC 29464

PROPOSED: BERTH MAINTENANCE
DREDGING

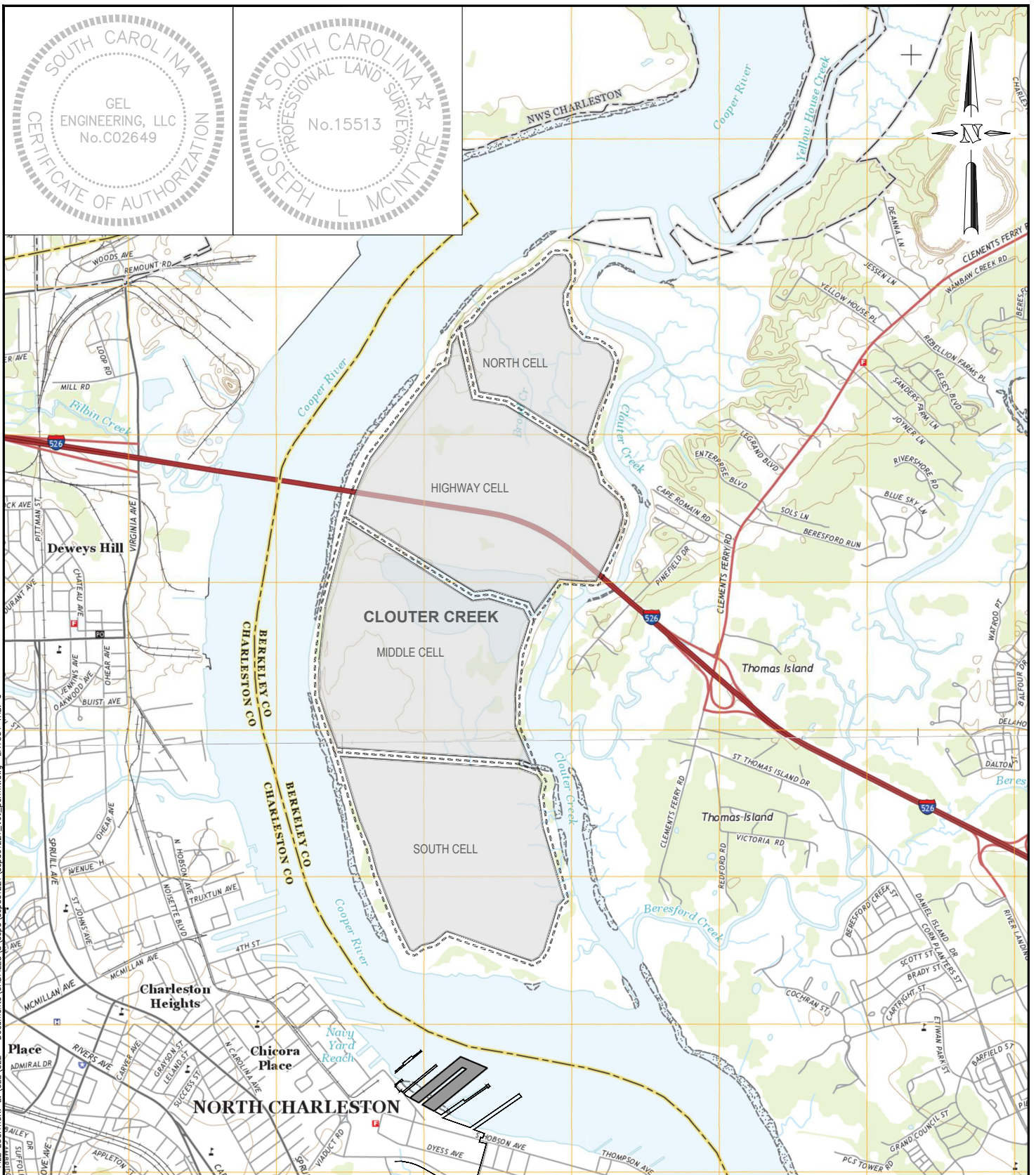
AT: VETERANS TERMINAL

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 5 OF 6

DATE: 10/11/2021



PURPOSE: ADEQUATE DEPTH FOR VESSELS

ADJACENT PROPERTY OWNERS
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SURVEY DATUM: NAD83

FIGURE 6
CLOUTER CREEK DMPF



SOUTH CAROLINA STATE PORTS AUTHORITY
200 PORTS AUTHORITY DRIVE
MOUNT PLEASANT, SC 29464

PROPOSED: BERTH MAINTENANCE
DREDGING

AT: VETERANS TERMINAL

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 6 OF 1

DATE: 10/11/2021