

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: SAC-2023-01187

November 2, 2023

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. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

Open Space Institute Land Trust
c/o McSweeney Engineers
300 W Coleman Blvd, Suite 203B
Mount Pleasant, South Carolina 29464
hunter@mcsweeneyengineers.com

for a permit to construct a concrete kayak launching ramp in the

BLACK RIVER

located north of U.S. Highway 521, on property identified as Tax Parcel ID # 45-204-001 near Kingstree, in Williamsburg County, South Carolina (Latitude: 33.583828 °, Longitude: -79.788801 °), Salters 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 provide public kayak launching within the Black River.

Project Description

The proposed work consists of the construction of a concrete kayak launch. In detail, the work consists of the construction of a 25' x 84' concrete kayak launch ramp with adjacent riprap scour protection. The work will involve the placement of fill material (15 cubic yards of riprap and concrete) into 0.01 acre of freshwater wetlands and the placement of 9 cubic yards of concrete and 20 cubic yards riprap below the ordinary highwater mark (OHWM) of the Black River. The concrete kayak ramp will be constructed in uplands as a push slab and then pushed into the water.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by utilizing Best Managements during construction, and measures will be taken not to interfere with public usage of the Black River.

Proposed Compensatory Mitigation

The applicant offered no compensatory mitigation for impacts associated with the project.

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 CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a

Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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 0.01 acre of freshwater wetlands and waters upstream 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.

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 have the potential to occur in the vicinity of the proposed work: Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Northern Long-Eared Bat (*Myotis septentrionalis*), Red-cockaded woodpecker (*Picoides borealis*), and Tricolored bat (*Perimyotis subflavus*).

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 American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Northern Long-Eared Bat (*Myotis septentrionalis*), Red-cockaded woodpecker (*Picoides borealis*), and Tricolored bat (*Perimyotis subflavus*). and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) or 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.

This public notice serves as a request to the U.S. Fish and Wildlife Service (USFWS project code: 2024-0010499) 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)(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).

This public notice serves to notify the State Historic Preservation Office that the Corps plans to initiate Section 106 consultation on these historic properties. 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 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, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. 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.

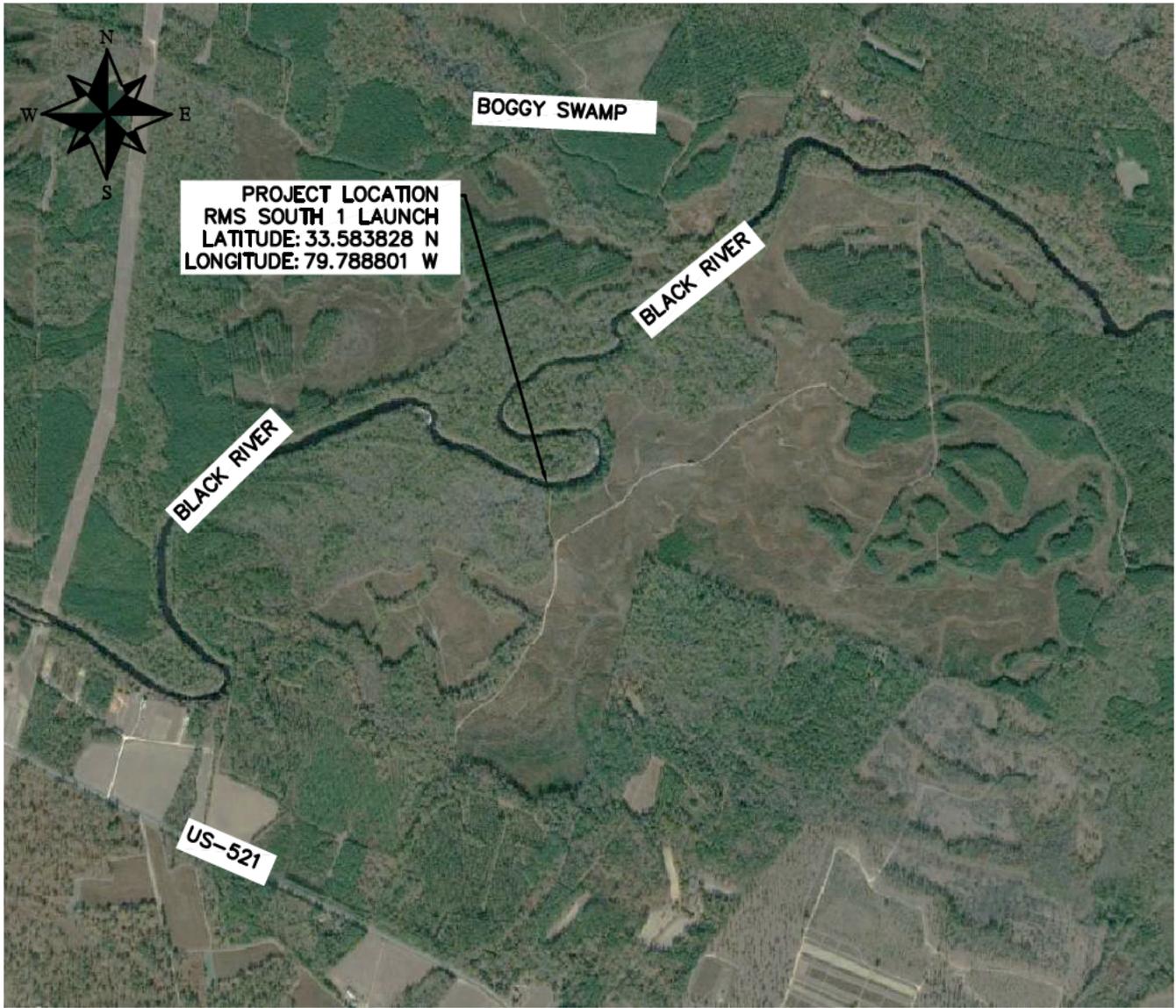
Solicitation of Public Comment

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-2023-01187), to Robert.C.Huff@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526**

If there are any questions concerning this public notice, please contact Rob Huff, Team Lead, at (843) 365-4239, or by email at Robert.C.Huff@usace.army.mil.



DIRECTIONS TO SITE FROM CHARLESTON:

- HEAD NORTH ON MEETING ST TOWARD COURT HOUSE SQUARE
- TURN LEFT ONTO THE RAMP TO NORTH CHARLESTON/COLUMBIA
- FOLLOW I-26 W AND US-52 W TO US-521 S IN SALTERS
- TURN LEFT OFF OF US-521, FOLLOW TRAIL FOR APPROXIMATELY 1.06 MILES
- SITE LOCATED AT THE MEANDER IN THE RIVER
- CONTACT NICK WALLOVER (OSI) FOR ACCESS: (843) 743-2923

PROJECT VICINITY

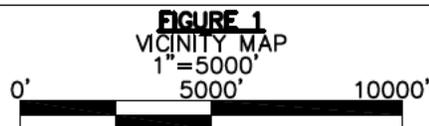
SCALE: 1"=5000'

ALL CRITICAL LINE INFORMATION IS OBTAINED FROM A PLAT PERFORMED BY PALMETTO LAND SURVEYING ON 6-1-23.



PURPOSE: RECREATIONAL ACCESS

ADJACENT PROPERTY OWNERS:
SEE SCHEDULE SHEET 6



APPLICANT
OPEN SPACE INSTITUTE LAND TRUST
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: KAYAK LAUNCH
WATERWAY: BLACK RIVER

COUNTY OF: WILLIAMSBURG
SITE NAME: RMS SOUTH 1
SHEET: 1 OF 6 **DATE:** 8/29/23



DIRECTIONS TO SITE FROM CHARLESTON:

- HEAD NORTH ON MEETING ST TOWARD COURT HOUSE SQUARE
- TURN LEFT ONTO THE RAMP TO NORTH CHARLESTON/COLUMBIA
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PROJECT LOCATION

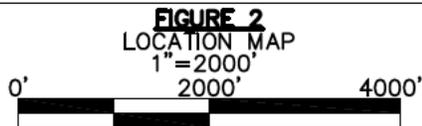
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ALL CRITICAL LINE INFORMATION IS OBTAINED FROM A PLAT PERFORMED BY PALMETTO LAND SURVEYING ON 6-1-23.



PURPOSE: RECREATIONAL ACCESS

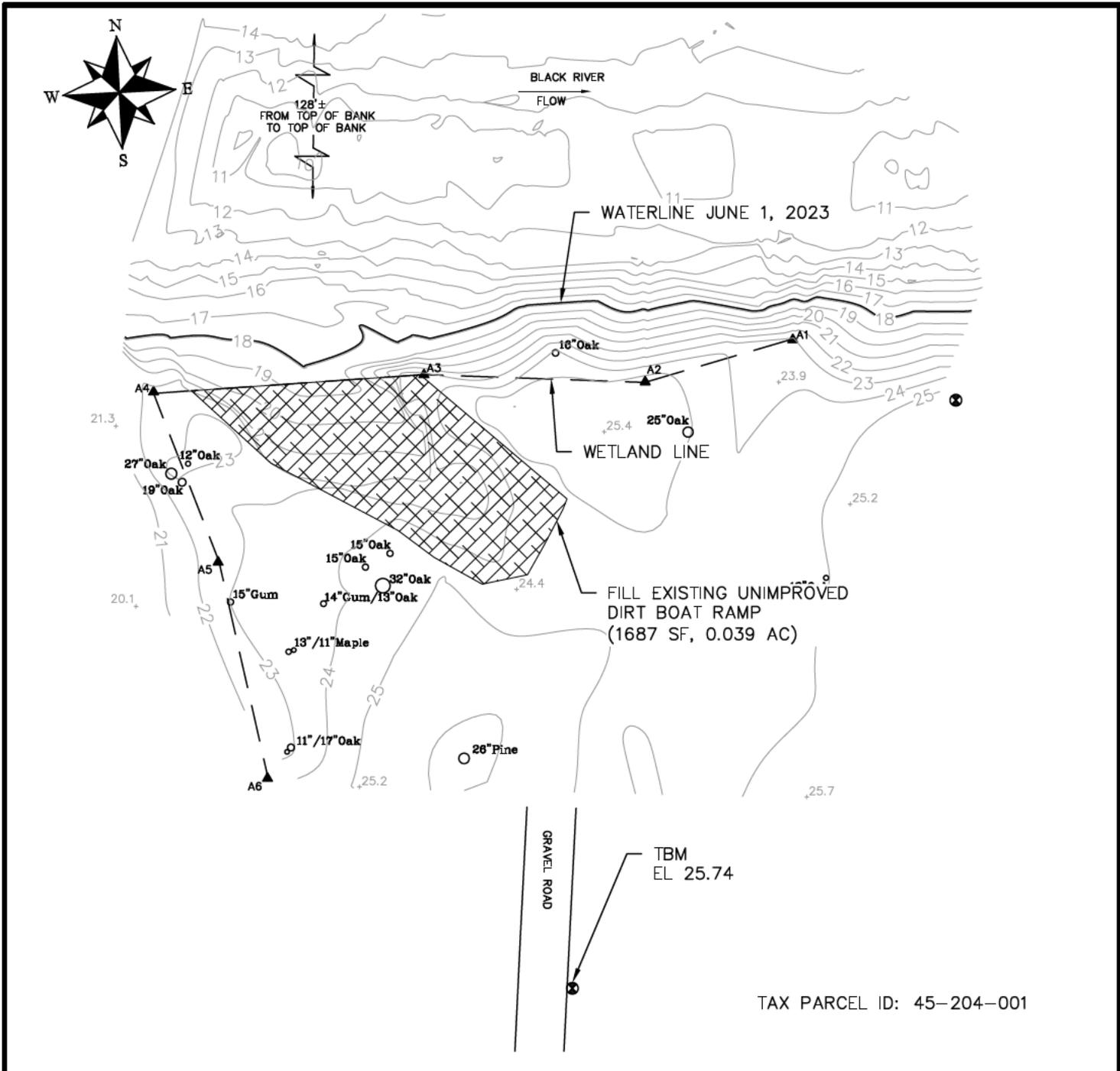
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SEE SCHEDULE SHEET 6



APPLICANT
OPEN SPACE INSTITUTE LAND TRUST
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: KAYAK LAUNCH
WATERWAY: BLACK RIVER

COUNTY OF: WILLIAMSBURG
SITE NAME: RMS SOUTH 1
SHEET: 2 OF 6 **DATE:** 8/29/23



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

EXISTING SITE PLAN

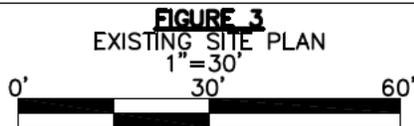
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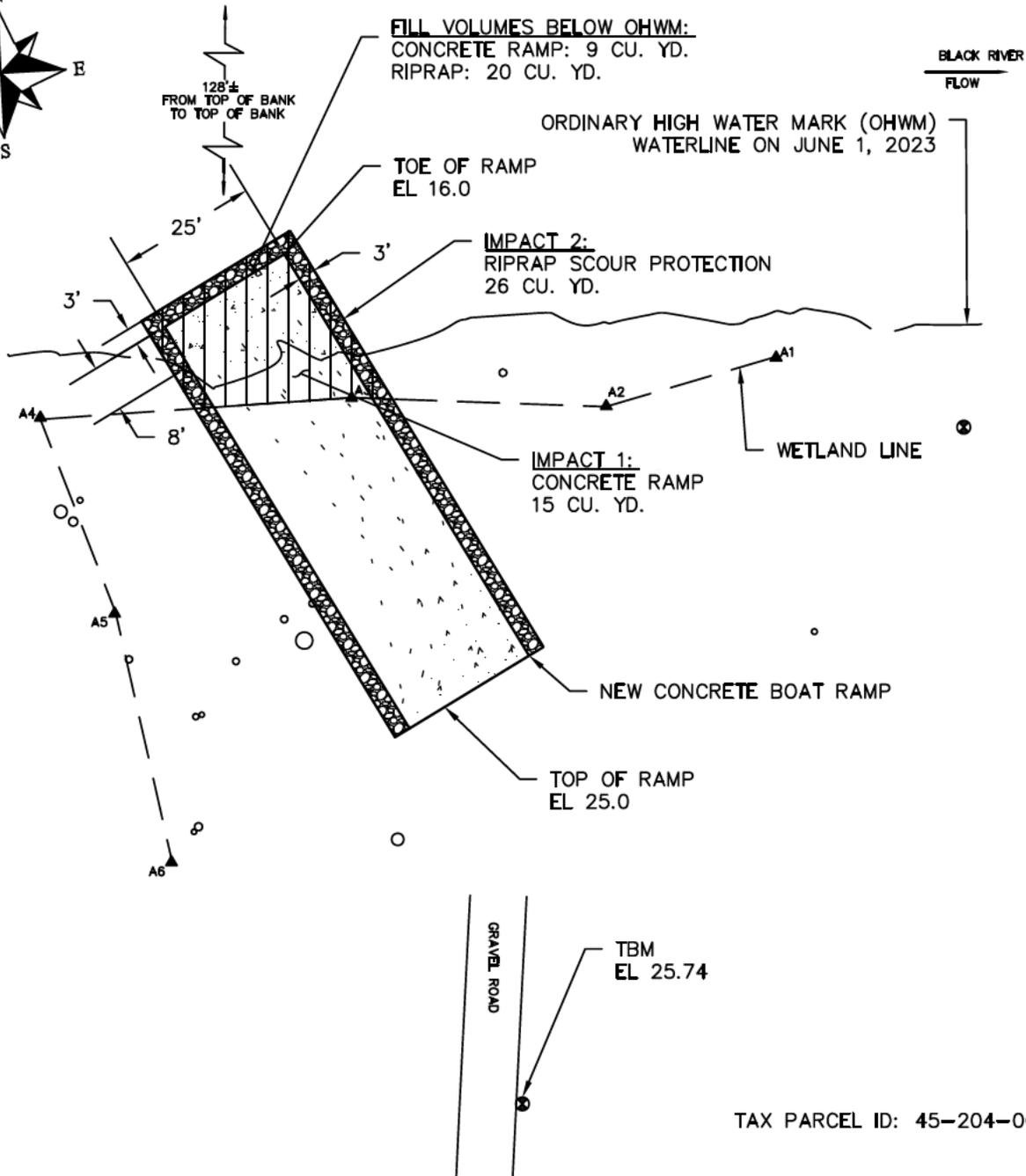
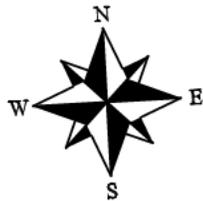
ADJACENT PROPERTY OWNERS:
SEE SCHEDULE SHEET 6



APPLICANT
OPEN SPACE INSTITUTE LAND TRUST
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: KAYAK LAUNCH
WATERWAY: BLACK RIVER

COUNTY OF: WILLIAMSBURG
SITE NAME: RMS SOUTH 1
SHEET: 3 OF 6 **DATE:** 8/29/23



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PROPOSED SITE PLAN

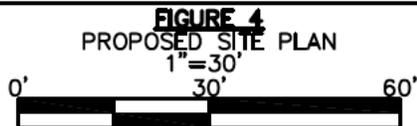
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ALL CRITICAL LINE INFORMATION IS OBTAINED FROM A PLAT PERFORMED BY PALMETTO LAND SURVEYING ON 6-1-23.



PURPOSE: RECREATIONAL ACCESS

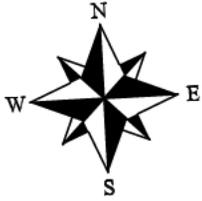
ADJACENT PROPERTY OWNERS: SEE SCHEDULE SHEET 6



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 McSWEENEY ENGINEERS, LLC

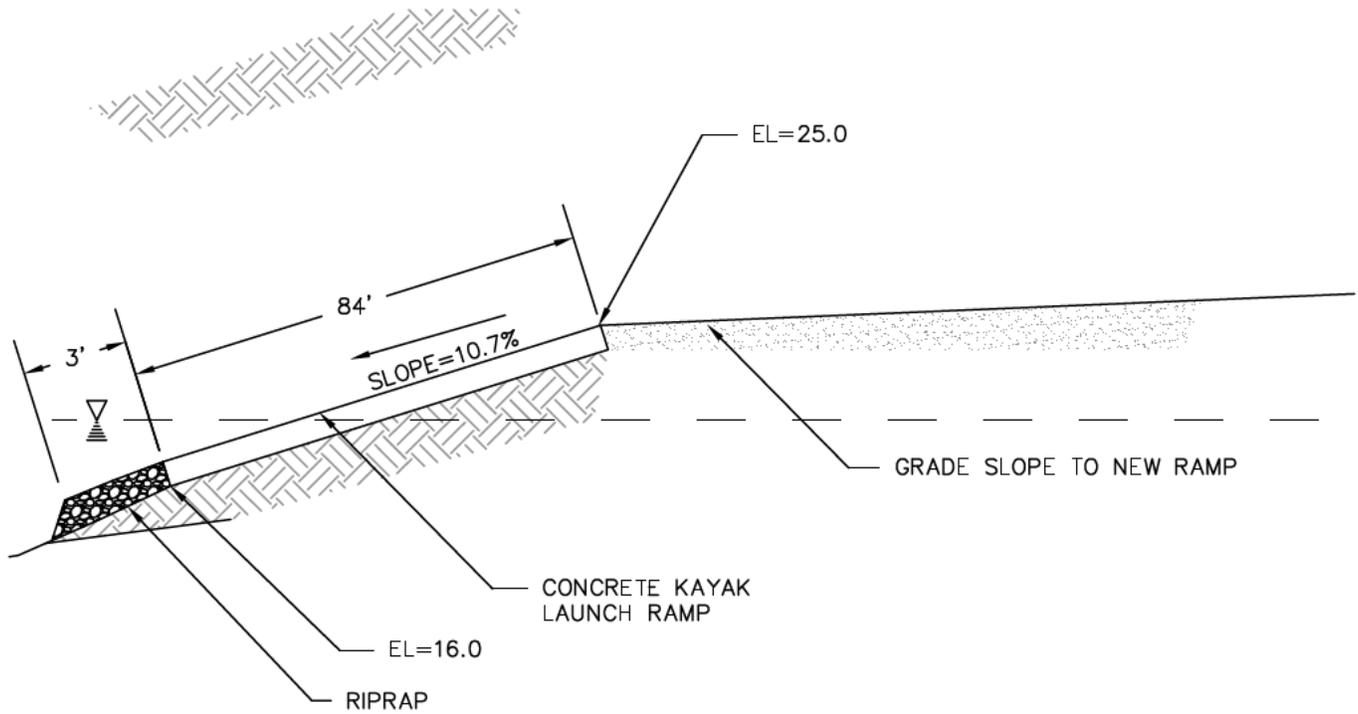
PROPOSED: KAYAK LAUNCH
WATERWAY: BLACK RIVER

COUNTY OF: WILLIAMSBURG
SITE NAME: RMS SOUTH 1
SHEET: 4 OF 6 **DATE:** 8/29/23



WETLAND COORDINATES

NUMBER	NORTHING	EASTING
A1	639081.421	2368866.448
A2	639072.479	2368836.102
A3	639074.091	2368790.667
A4	639070.218	2368735.195
A4	639035.752	2368748.599
A5	638991.065	2368758.728



PROPOSED KAYAK LAUNCH SECTION

SCALE: NTS

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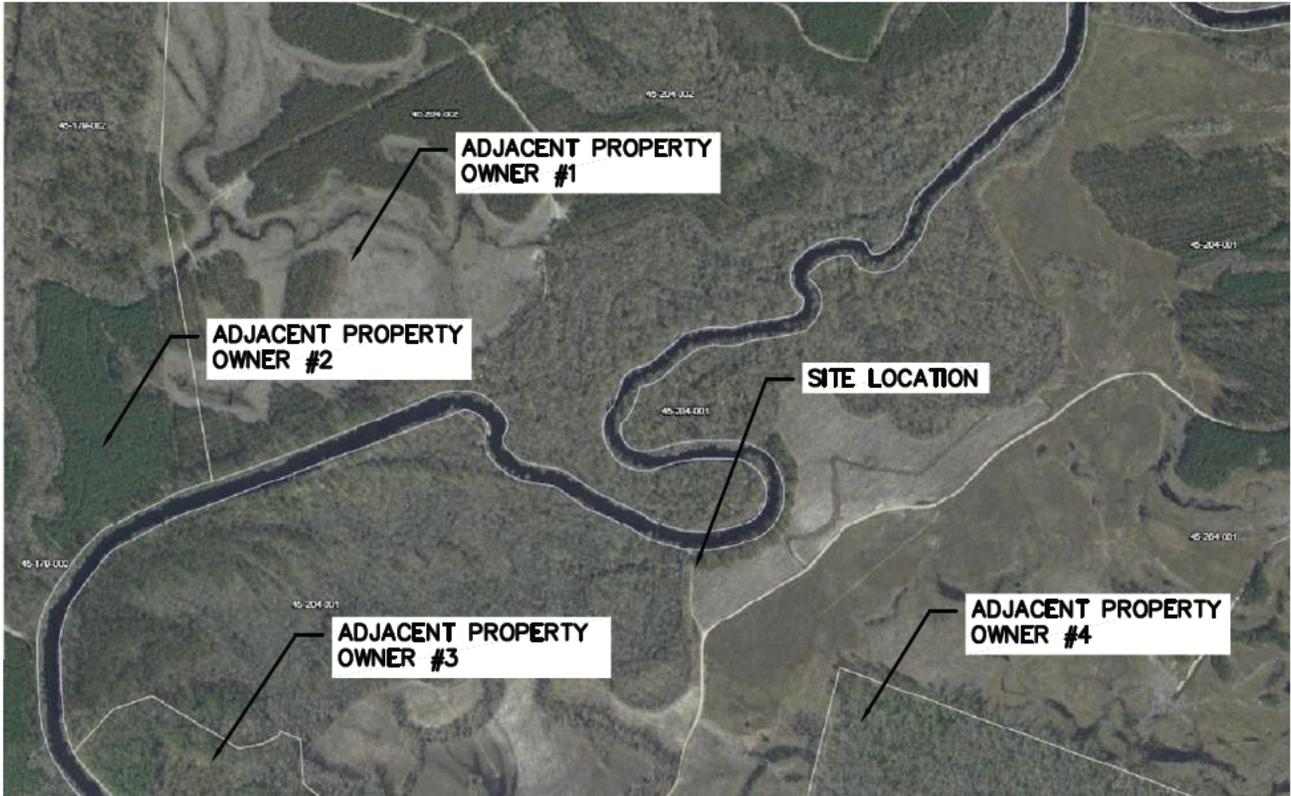
ADJACENT PROPERTY OWNERS:
SEE SCHEDULE THIS SHEET 6

FIGURE 5
TYPICAL SECTION
SCALE: NTS

APPLICANT
OPEN SPACE INSTITUTE LAND TRUST
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: KAYAK LAUNCH
WATERWAY: BLACK RIVER

COUNTY OF: WILLIAMSBURG
SITE NAME: RMS SOUTH 1
SHEET: 5 OF 6 **DATE:** 8/29/23



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PURPOSE: RECREATIONAL ACCESS

ADJACENT PROPERTY OWNERS:
SEE SCHEDULE THIS SHEET

FIGURE 6
ADJACENT PROPERTY OWNERS MAP
SCALE: NTS

APPLICANT
OPEN SPACE INSTITUTE LAND TRUST
AGENT
McSWEENEY ENGINEERS, LLC

PROPOSED: KAYAK LAUNCH
WATERWAY: BLACK RIVER

COUNTY OF: WILLIAMSBURG
SITE NAME: RMS SOUTH 1
SHEET: 6 OF 6 **DATE:** 8/29/23