

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-2017-01482

October 3, 2017

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. JAMES VAN NESS
SOUTH CAROLINA PORTS AUTHORITY
POST OFFICE BOX 22287
CHARLESTON, SOUTH CAROLINA 29413

for a permit to dredge and place fill material in navigable waters of the U.S. in the

COOPER RIVER

at a location immediately adjacent to the Hugh K. Leatherman, Sr. Terminal (HLT) in Charleston County, South Carolina (Latitude: 32.8400 °N, Longitude: -79.9322 °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 new work and maintenance dredging to improve navigation access to HLT and extending the existing rock revetment to protect the shoreline and the base of the pile supported wharf. In detail, the applicant has proposed to

dredge approximately 2.5 million cubic yards of new work material in order to deepen the -49-foot Mean Low Water (MLW) access channel to the same depth as the adjacent Charleston Harbor Post-45 navigation channel (-52 feet Mean Lower Low Water (MLLW) + 2 feet of advanced maintenance + 2 feet of allowable overdepth), and to deepen the berth to a depth of -52 feet MLLW +2 feet of advanced maintenance + 2 feet extreme low tidal variation + 2 feet of allowable overdepth. As shown on drawing sheet 9 of 9, the proposed work includes dredging an approximately 50-foot wide by 10-foot deep area and backfilling this area with a 10-foot deep layer of bedding and armor stone (approximately 130,000 cubic yards).

The construction and operation of HLT and the associated -49 foot MLW berth and access channel was evaluated in the Final Environmental Impact Statement, Proposed Marine Container Terminal, at the Charleston Naval Complex, North Charleston, South Carolina dated December 2006, and was authorized by Department of the Army (DA) permit SAC 2003-1T-016 in April 2007. The first phase of the marine container terminal is currently under construction and is scheduled to open in 2020. Future deepening of the berth and the access channel at HLT (and the existing berths at Wando Welch Terminal and North Charleston Terminal) was considered a cumulative impact in the Charleston Harbor Post-45 Final Integrated Feasibility Report and Final Environmental Impact Statement dated June 2015. However, the SCPA is required to obtain the necessary DA permits prior to conducting additional new work or maintenance dredging at their existing marine container terminals or extending the existing revetment at HLT.

The proposed work described in this public notice is limited to dredging the 84.5-acre footprint of the berth and the access channel at HLT and extending the existing rock revetment. The SCPA will be required to submit separate permit applications for the additional new work dredging at WWT and NCT once the designs for those navigation improvements are completed. The SCPA's compensatory mitigation plan for the construction and operation of HLT (including the -49 foot MLW berth and access channel) included the protection of uplands and aquatic resources within the Cooper River watershed, salt marsh restoration, oyster restoration, and aerial surveys to protect the North Atlantic right whale. No additional compensatory mitigation is proposed for deepening the existing berths and access channel. According to the applicant, the purpose of the proposed project is to deepen the berths and to extend the revetment to support the larger vessels (e.g., Neo-Panamax) that are expected to utilize HLT and the Charleston Harbor Post-45 channel.

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 project would impact 84.5 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 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 may affect the Federally endangered Atlantic sturgeon (*Acipenser oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*), or West Indian manatee (*Trichechus manatus*), or designated critical habitat for the Atlantic sturgeon that is present in the vicinity of the project

area. A biological assessment (or other similar document) detailing our analysis of the potential effects of the action will be provided to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for their review.

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.

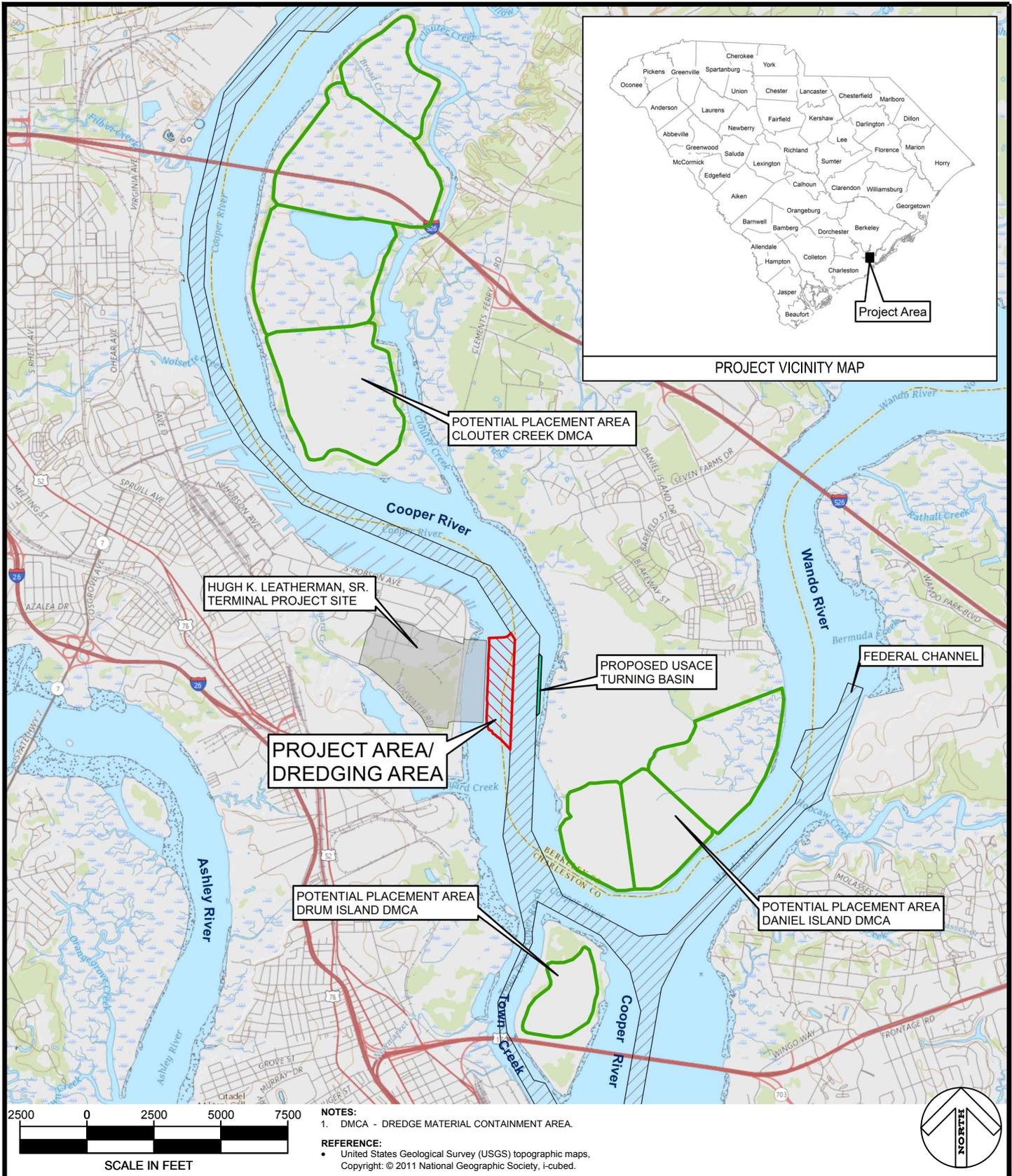
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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.



NOTES:
 1. DMCA - DREDGE MATERIAL CONTAINMENT AREA.

REFERENCE:
 • United States Geological Survey (USGS) topographic maps.
 Copyright: © 2011 National Geographic Society, i-cubed.

VERTICAL DATUM: MLLW (FEET)
 0 FEET (MLLW) = -3.18 FEET (NAVD88)

COORDINATE SYSTEM: S.C. STATE PLANE
 (NAD83 in US FEET)

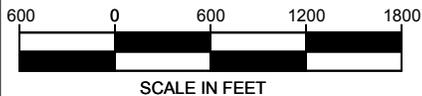
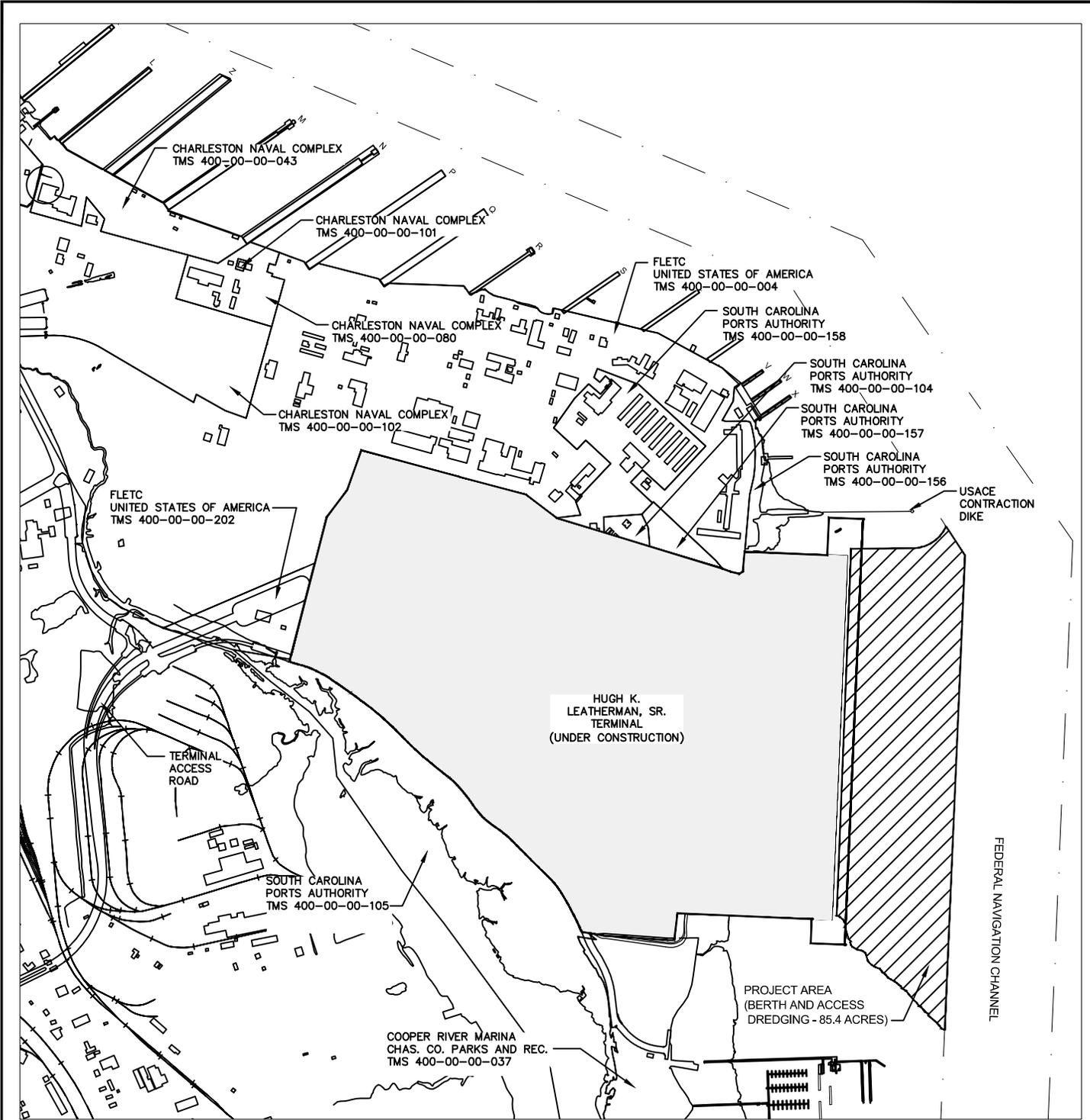
P/N # -

PROJECT LOCATION MAP

SOUTH CAROLINA PORTS AUTHORITY
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROPOSED: HUGH K. LEATHERMAN, SR.
 TERMINAL BERTH AND ACCESS DREDGING
 AND REVETMENT MODIFICATION

IN: NORTH CHARLESTON
AT: CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 1 OF 9 **DATE:** September 25, 2017



NOTES:
 1. PARCEL DATA HAS BEEN DIGITIZED FROM CHARLESTON COUNTY RMS.

REFERENCE:
 • SITE PLAN FROM SOUTH CAROLINA PORTS AUTHORITY NEW CONTAINER TERMINAL PLAN JANUARY 22, 2003.

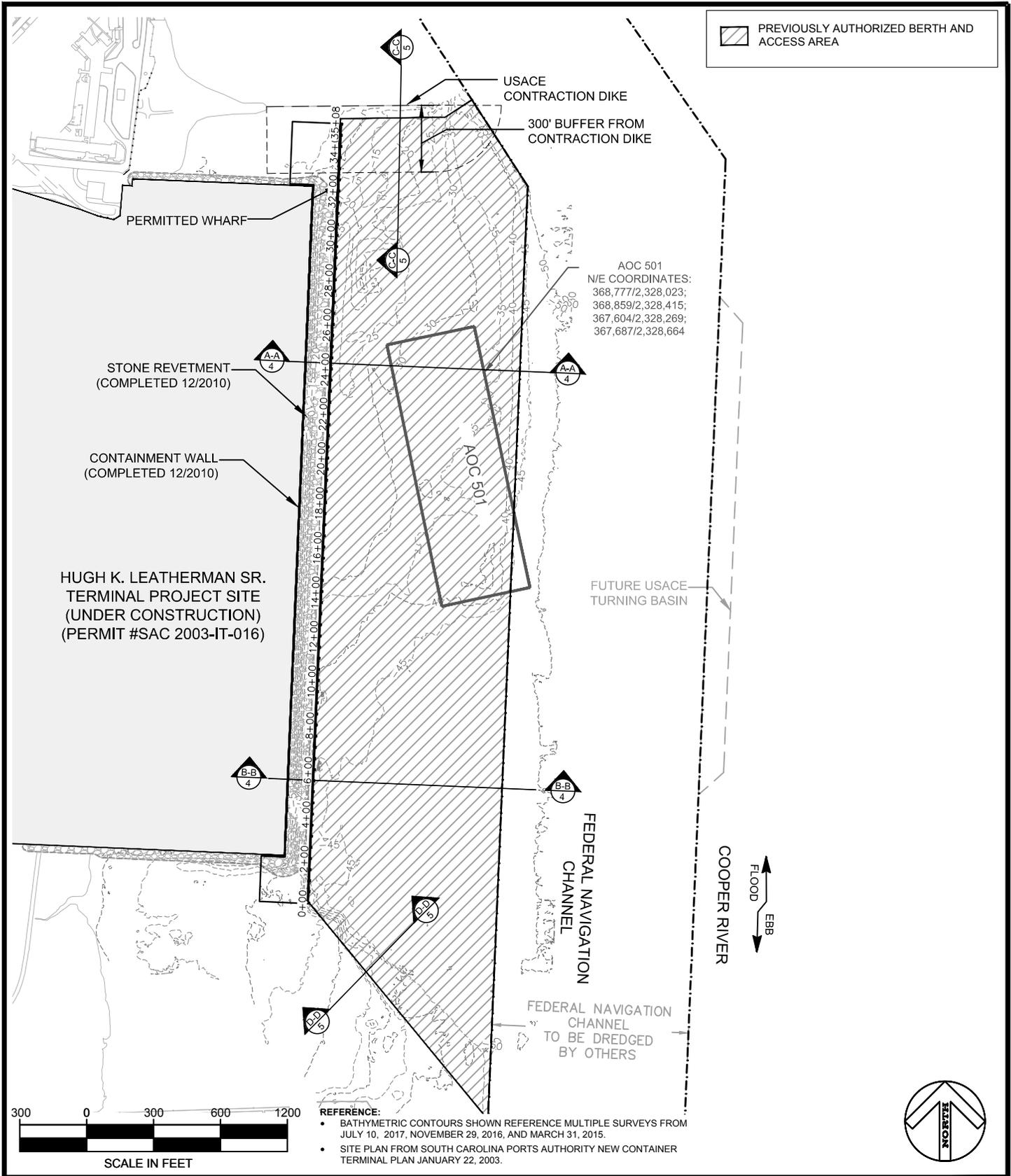


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COORDINATE SYSTEM: S.C. STATE PLANE
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P/N # -

ADJACENT PROPERTY OWNERS
SOUTH CAROLINA PORTS AUTHORITY
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

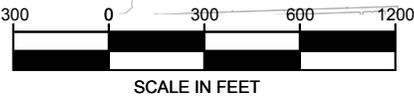
PROPOSED: HUGH K. LEATHERMAN, SR.
 TERMINAL BERTH AND ACCESS DREDGING
 AND REVETMENT MODIFICATION
IN: NORTH CHARLESTON
AT: CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 2 OF 9 **DATE:** September 25, 2017



PREVIOUSLY AUTHORIZED BERTH AND ACCESS AREA

AOC 501
N/E COORDINATES:
368,777/2,328,023;
368,859/2,328,415;
367,604/2,328,269;
367,687/2,328,664

HUGH K. LEATHERMAN SR.
TERMINAL PROJECT SITE
(UNDER CONSTRUCTION)
(PERMIT #SAC 2003-IT-016)



- REFERENCE:
- BATHYMETRIC CONTOURS SHOWN REFERENCE MULTIPLE SURVEYS FROM JULY 10, 2017, NOVEMBER 29, 2016, AND MARCH 31, 2015.
 - SITE PLAN FROM SOUTH CAROLINA PORTS AUTHORITY NEW CONTAINER TERMINAL PLAN JANUARY 22, 2003.

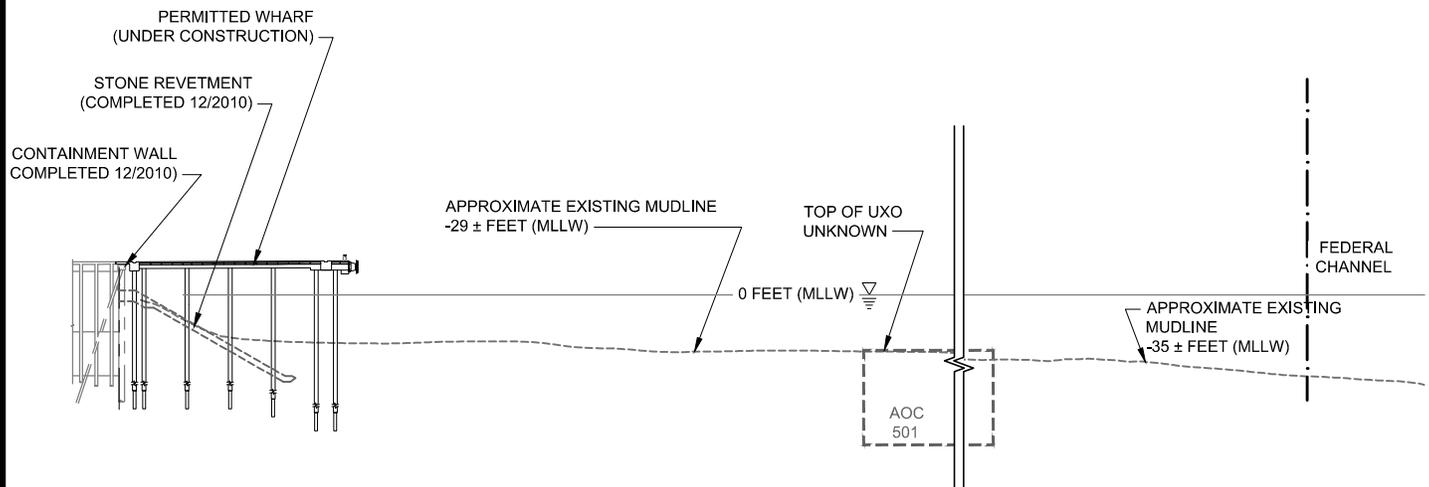


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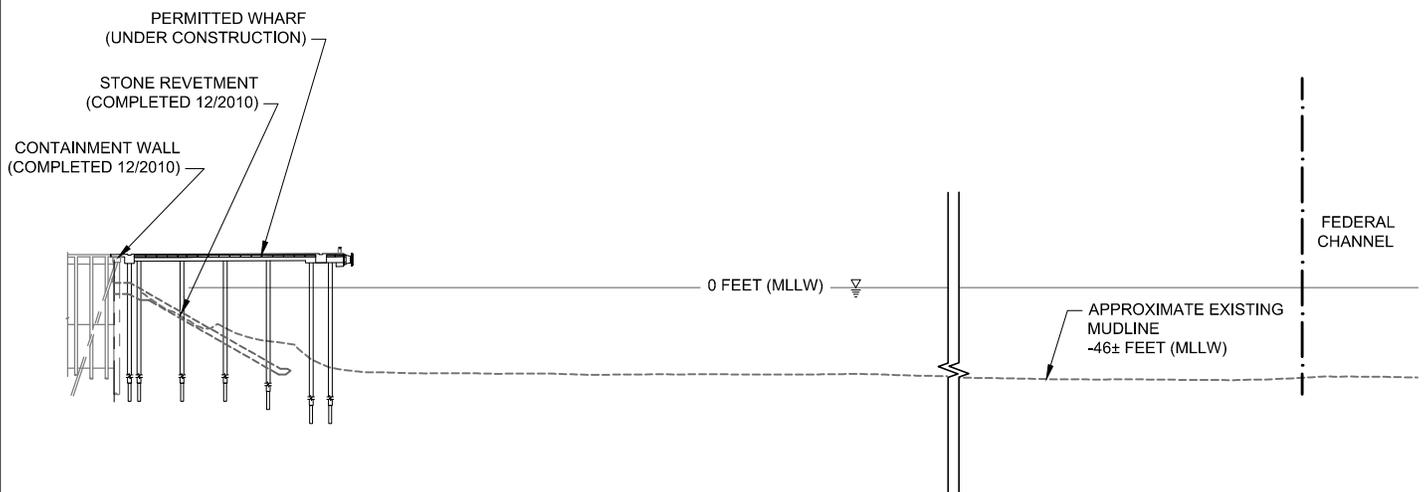
P/N # -

**EXISTING CONDITIONS
PLAN VIEW**
SOUTH CAROLINA PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

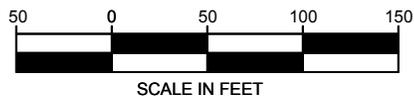
PROPOSED: HUGH K. LEATHERMAN, SR.
TERMINAL BERTH AND ACCESS DREDGING
AND REVETMENT MODIFICATION
IN: NORTH CHARLESTON
AT: CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 3 OF 9 **DATE:** September 25, 2017



(A-A) SECTION - NORTH WHARF STA 24+30
3



(B-B) SECTION - SOUTH WHARF STA 5+55
3



REFERENCE:

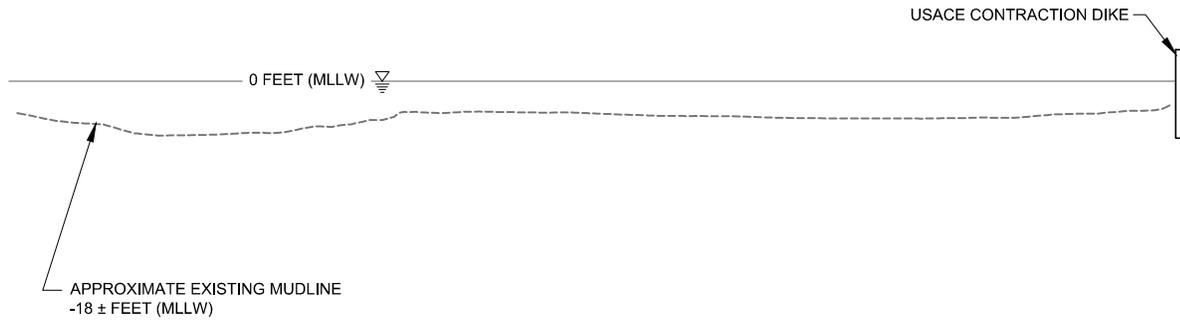
- BATHYMETRIC CONTOURS SHOWN REFERENCE MULTIPLE SURVEYS FROM JULY 10, 2017, NOVEMBER 29, 2016, AND MARCH 31, 2015.
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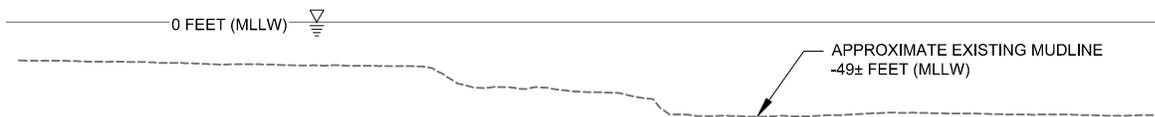
P/N # -

**EXISTING CONDITIONS
PROFILE VIEW**
SOUTH CAROLINA PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
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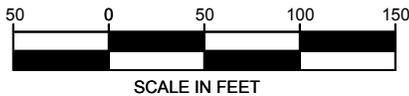
PROPOSED: HUGH K. LEATHERMAN, SR.
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IN: NORTH CHARLESTON
AT: CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 4 OF 9 **DATE:** September 25, 2017



C-C SECTION - NORTH TRANSITION
3



D-D SECTION - SOUTH TRANSITION
3



- REFERENCE:**
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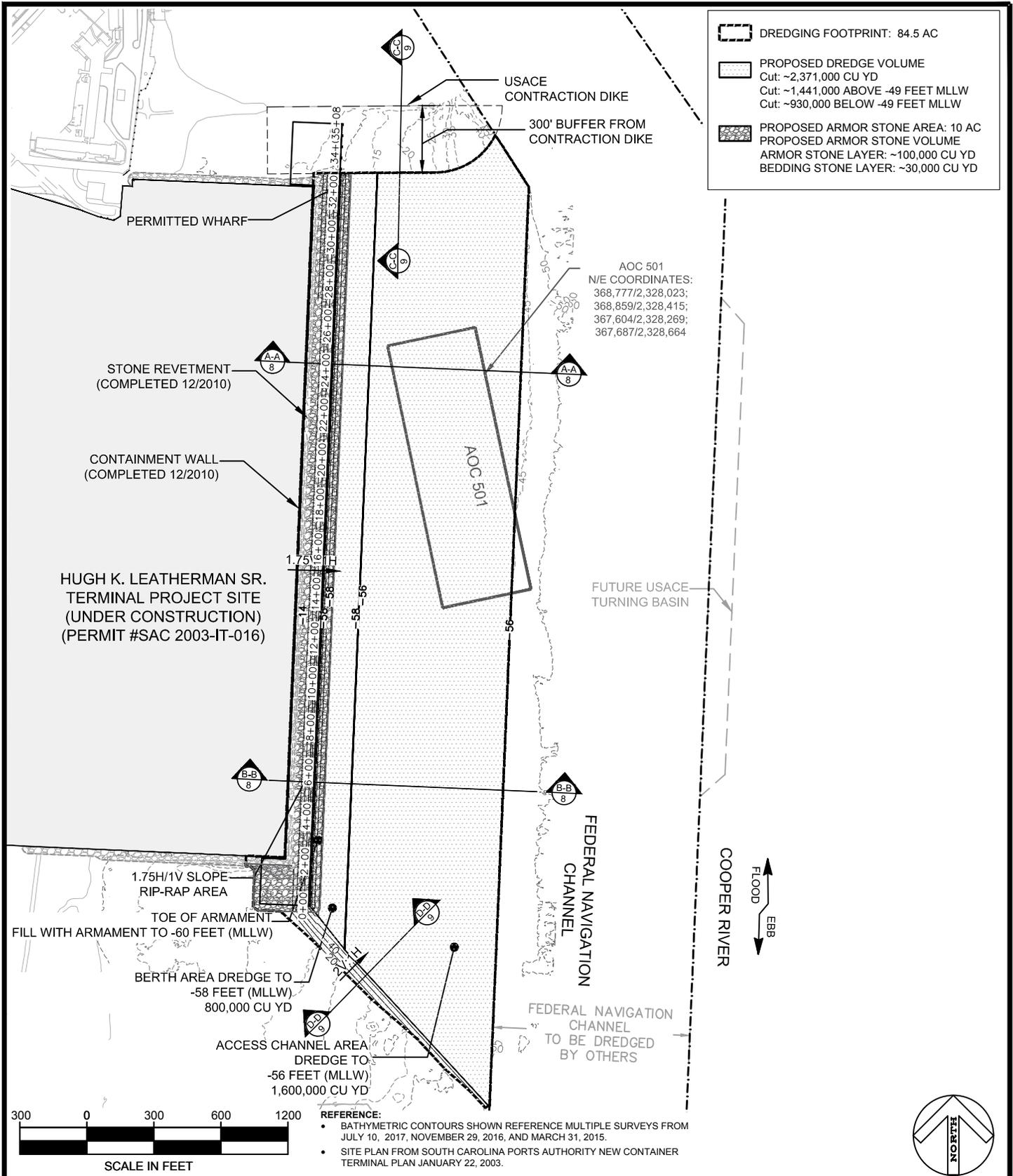
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**EXISTING CONDITIONS
PROFILE VIEW**

SOUTH CAROLINA PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: HUGH K. LEATHERMAN, SR.
TERMINAL BERTH AND ACCESS DREDGING
AND REVETMENT MODIFICATION

IN: NORTH CHARLESTON
AT: CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 5 OF 9 **DATE:** September 25, 2017



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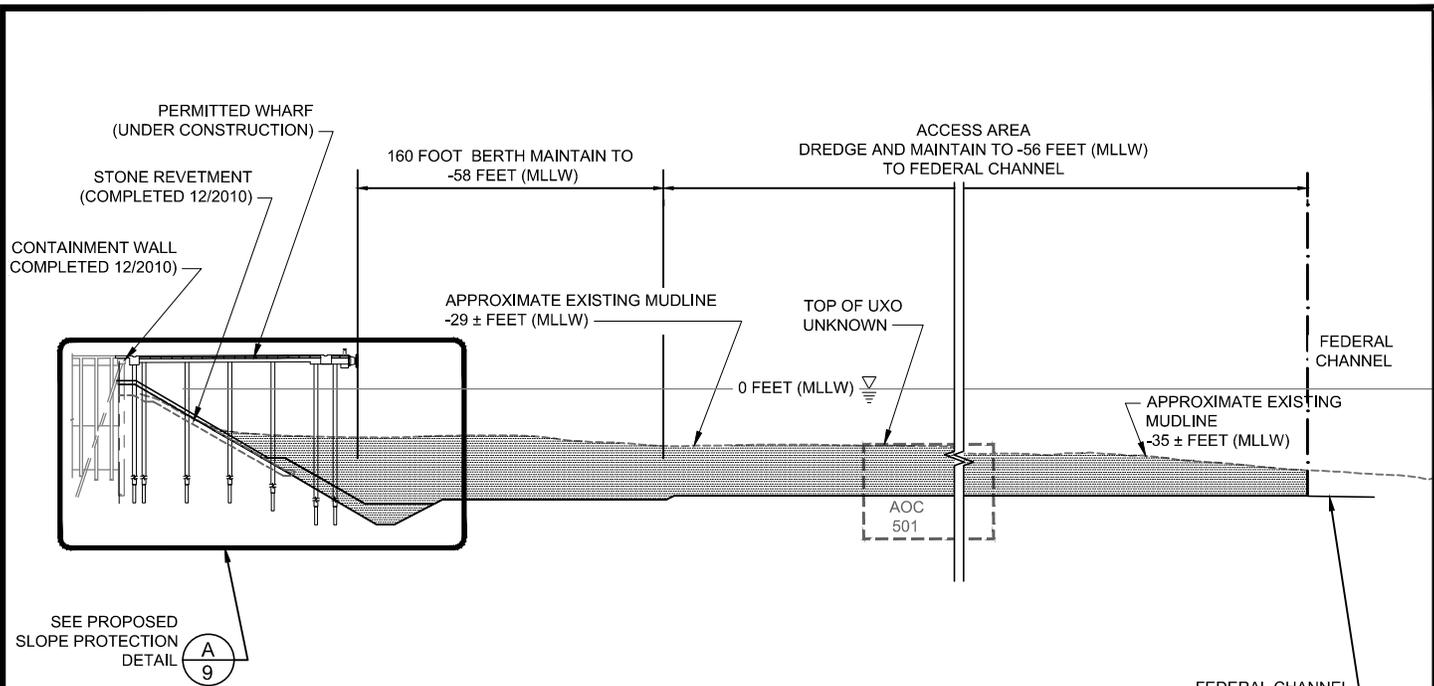
P/N # -

**PROPOSED CONDITIONS
 PLAN VIEW**

SOUTH CAROLINA PORTS AUTHORITY
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

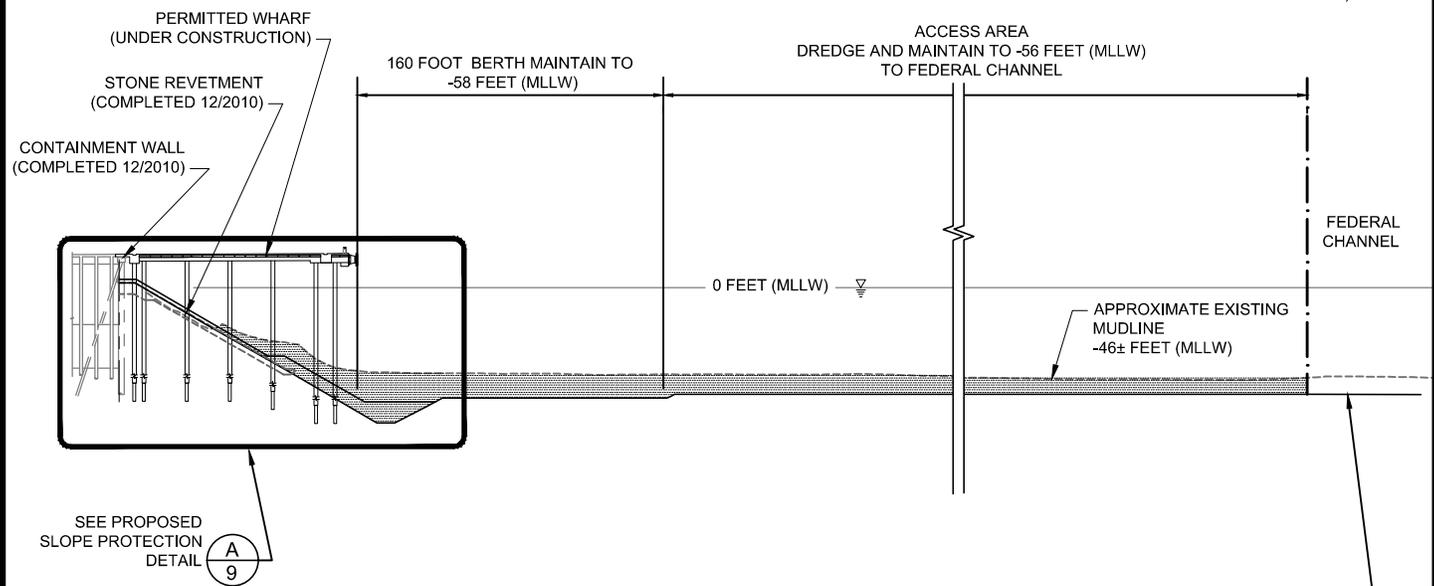
PROPOSED: HUGH K. LEATHERMAN, SR.
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AT: CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC PORTS AUTHORITY
SHEET: 6 OF 9 **DATE:** September 25, 2017



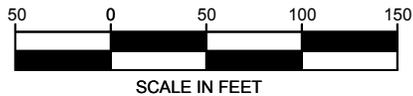
A-A SECTION - NORTH WHARF STA 24+30

FEDERAL CHANNEL AUTHORIZED BY THE WATER INFRASTRUCTURE IMPROVEMENT FOR THE NATION ACT (WIN2016)(-56 FEET MLLW)



B-B SECTION - SOUTH WHARF STA 5+55

FEDERAL CHANNEL AUTHORIZED BY THE WATER INFRASTRUCTURE IMPROVEMENT FOR THE NATION ACT (WIN2016)(-56 FEET MLLW)



- REFERENCE:**
- BATHYMETRIC CONTOURS SHOWN REFERENCE MULTIPLE SURVEYS FROM JULY 10, 2017, NOVEMBER 29, 2016, AND MARCH 31, 2015.
 - SITE PLAN FROM SOUTH CAROLINA PORTS AUTHORITY NEW CONTAINER TERMINAL PLAN JANUARY 22, 2003.

- PROPOSED DREDGE AREA
- PROPOSED ARMAMENT (RIP-RAP) AREA

VERTICAL DATUM: MLLW (FEET)
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COORDINATE SYSTEM: S.C. STATE PLANE
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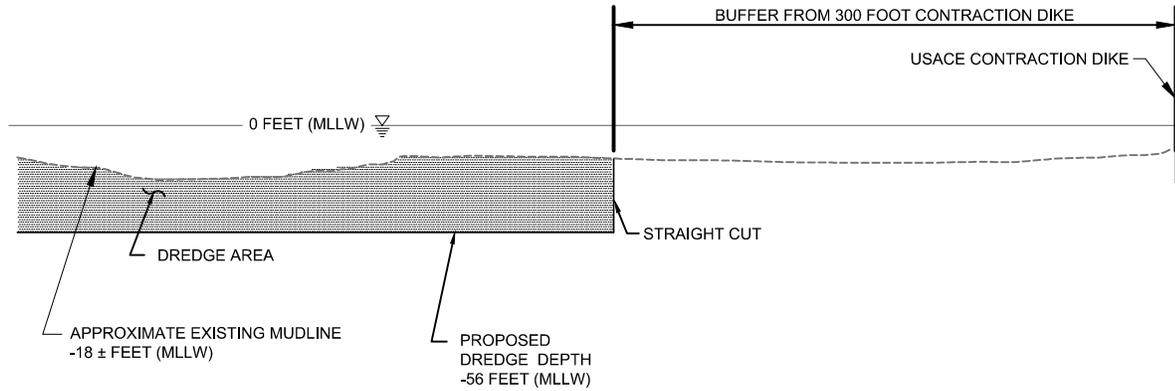
P/N # -

**PROPOSED CONDITIONS
 PROFILE VIEW**

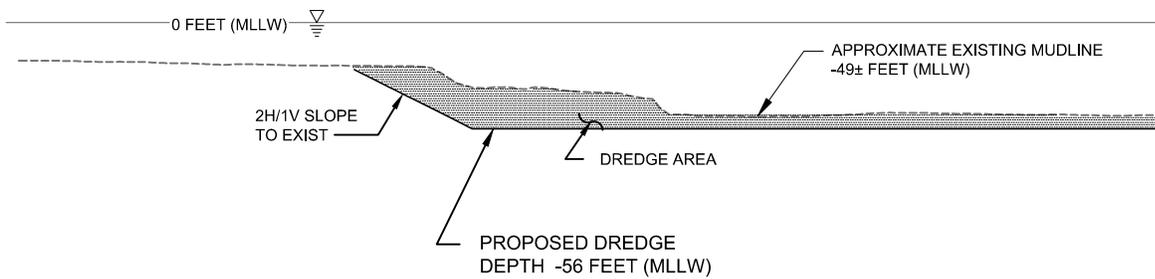
SOUTH CAROLINA PORTS AUTHORITY
 176 CONCORD STREET
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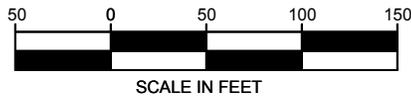
IN: NORTH CHARLESTON
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APPLICATION BY: SC PORTS AUTHORITY
SHEET: 7 OF 9 **DATE:** September 25, 2017



C-C SECTION - NORTH TRANSITION
6



D-D SECTION - SOUTH TRANSITION
6



- REFERENCE:**
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 PROPOSED DREDGE AREA

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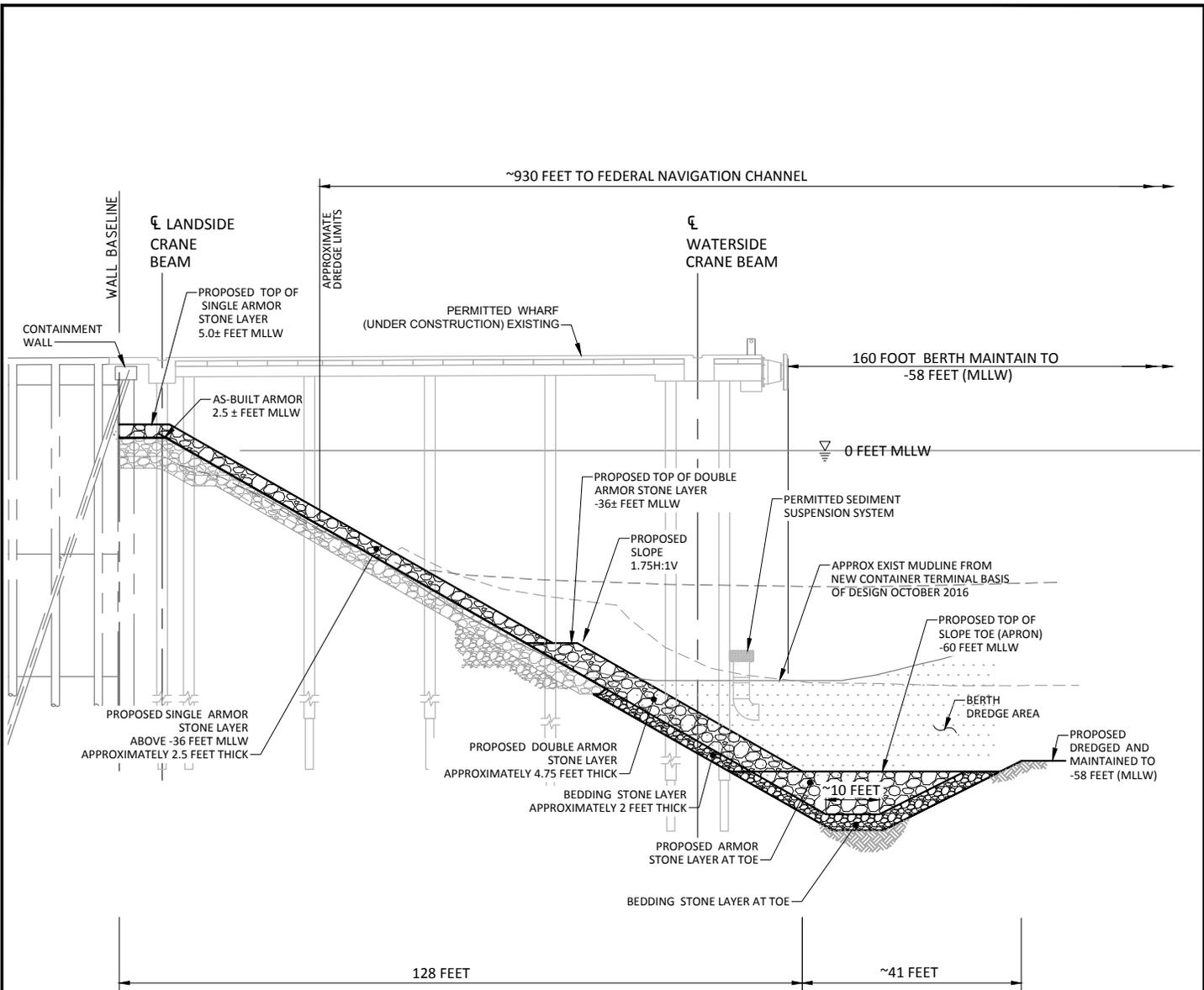
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**PROPOSED CONDITIONS
PROFILE VIEW**

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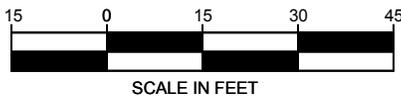
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AT: CHARLESTON COUNTY, SOUTH CAROLINA
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SHEET: 8 OF 9 **DATE:** September 25, 2017



A
7 PROPOSED SLOPE PROTECTION TYPICAL SECTION
1.75V:1H SLOPE - TOP OF SLOPE ALIGNED WITH TOP OF EXISTING REVETMENT

-  PROPOSED DREDGE AREA
-  PROPOSED ARMOR STONE LAYER
-  PROPOSED BEDDING STONE LAYER
-  EXISTING ARMAMENT (RIP-RAP) AREA (PER 2014 ASBUILT)



REFERENCE:
 • *BATHYMETRIC CONTOURS SHOWN REFERENCE MULTIPLE SURVEYS FROM JULY 10, 2017, NOVEMBER 29, 2016, AND MARCH 31, 2015

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PROPOSED SLOPE PROTECTION DETAIL

SOUTH CAROLINA PORTS AUTHORITY
 176 CONCORD STREET
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 CHARLESTON, S.C. 29413-2287

PROPOSED: HUGH K. LEATHERMAN, SR.
 TERMINAL BERTH AND ACCESS DREDGING AND REVETMENT MODIFICATION

IN: NORTH CHARLESTON
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SHEET: 9 OF 9 **DATE:** September 25, 2017