

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, SC 29403-5107
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-2019-01314

October 10, 2019

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. Bennett McNeal
B. McNeal Partnership
PO Box 1507
Beaufort, South Carolina 29901

for a permit to construct a light commercial use dock in

Battery Creek

at 45 Belleview Bluff in Port Royal, Beaufort County, South Carolina (Latitude: 32.3829°, Longitude: -80.7226 °), Quad Sheet: Beaufort.

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 constructing a light commercial use dock. In detail, the applicant proposes to construct a 6' x 75' walkway leading to a 20' x 20' covered pierhead, with a 4' x 30' ramp leading to a 12' x 95.5' floating dock. The applicant has not proposed mitigation. The project purpose is for light commercial use as a departure and arrival area for water taxis, charter boat fishing, and sightseeing tours, as well as recreational use by the Reserve Meeting Facility

Members for recreational boating, fishing, and crabbing.

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 1546 square feet of 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.

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 the District Engineer has determined, based on the most recently available information that the West Indian manatee, Atlantic sturgeon, shortnose sturgeon, finback whale, humpback whale, right whale, sei whale, sperm whale, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, and the American wood stork, Federally endangered or threatened species may be present in the vicinity of the project. However, it has been determined that the project will have no effect on the whales, sea turtles, and sturgeons and will not result in the destruction or adverse modification of designated or proposed critical habitat. In addition, the District Engineer has determined that the project is not likely to adversely affect the West Indian manatee and the American wood stork. 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.

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. 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:**

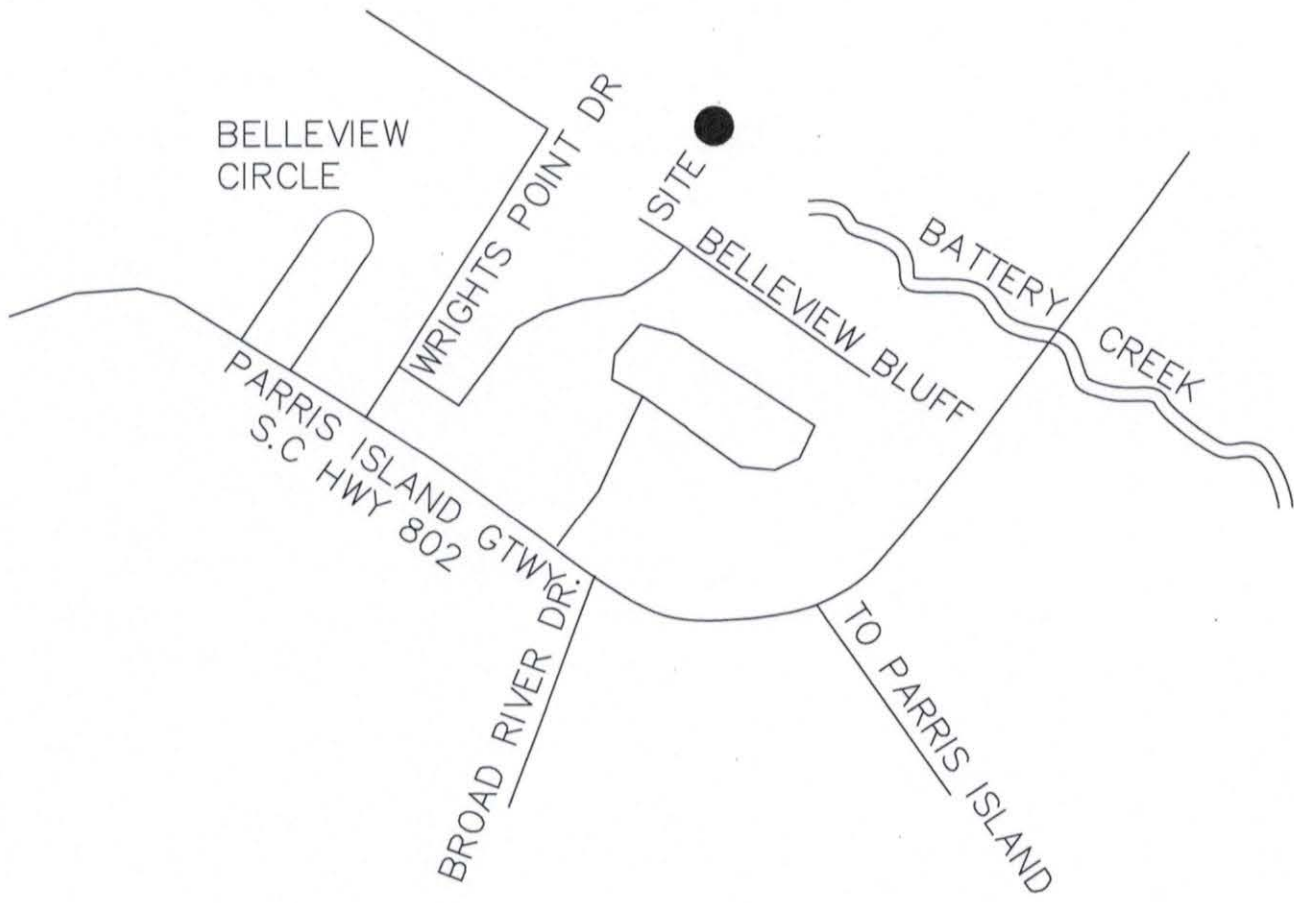
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, SC 29403-5107**

If there are any questions concerning this public notice, please contact Chelsea B. Fannin, Project Manager, at (843) 329-8038, or by email at Chelsea.B.Fannin@usace.army.mil.



GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1798



SURVEYOR SIGNED HEREON IS CHARGED WITH SURVEY MATTERS AND THE PHYSICAL DRAWING ON A COMPUTER DRAFTING SYSTEM ONLY. THIS IS NOT A DESIGN OR INTENDED TO BE ONE. ALL DEPICTIONS THAT ARE NOT SURVEY MATTERS IS PROVIDED BY OTHERS.

[Handwritten Signature]

ADJACENT PROPERTY OWNERS:
 1. FREEMAN FAMILY REVOCABLE TRUST
 R100 034 000 0253 0000
 53 BELLEVIEW BLUFF
 BEAUFORT, SC 29902

 2. DANIEL E. HENDERSON REVOC
 TRUST PARKER FAMILY LP
 R112 032 000 0215 0000
 PO BOX 2500
 RIDGELAND SC 29936

NOT TO SCALE

 R112 034 000 0251 0000
 B MCNEAL PARTNERSHIP LP
 45 BELLEVIEW BLUFF
 BEAUFORT, SC 29902

DOCK PERMIT SURVEY

 IN: BATTERY CREEK
 AT: WRIGHTS POINT SUBDIVISION

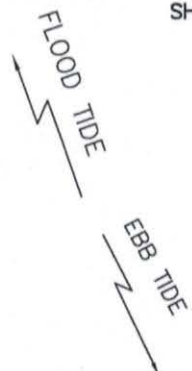
 COUNTY OF: BEAUFORT
 STATE: SOUTH CAROLINA

 DATE: 7/11/2019
 JOB# 51028 Dsgn. #7



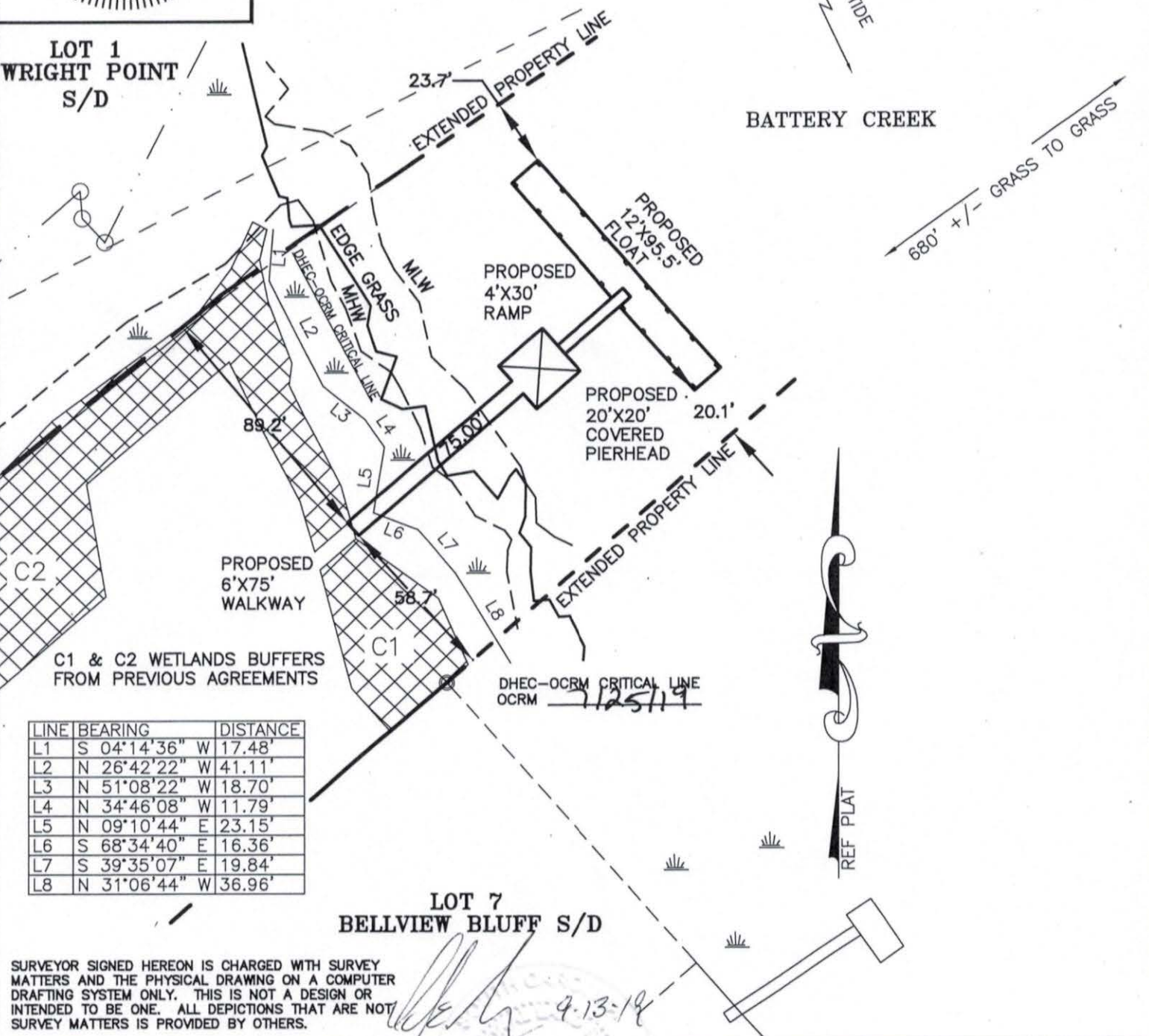
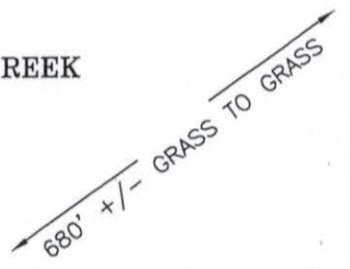
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LOT 1
WRIGHT POINT
S/D

BATTERY CREEK



LINE	BEARING	DISTANCE
L1	S 04°14'36" W	17.48'
L2	N 26°42'22" W	41.11'
L3	N 51°08'22" W	18.70'
L4	N 34°46'08" W	11.79'
L5	N 09°10'44" E	23.15'
L6	S 68°34'40" E	16.36'
L7	S 39°35'07" E	19.84'
L8	N 31°06'44" W	36.96'

LOT 7
BELLVIEW BLUFF S/D

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[Signature]
 4-13-19

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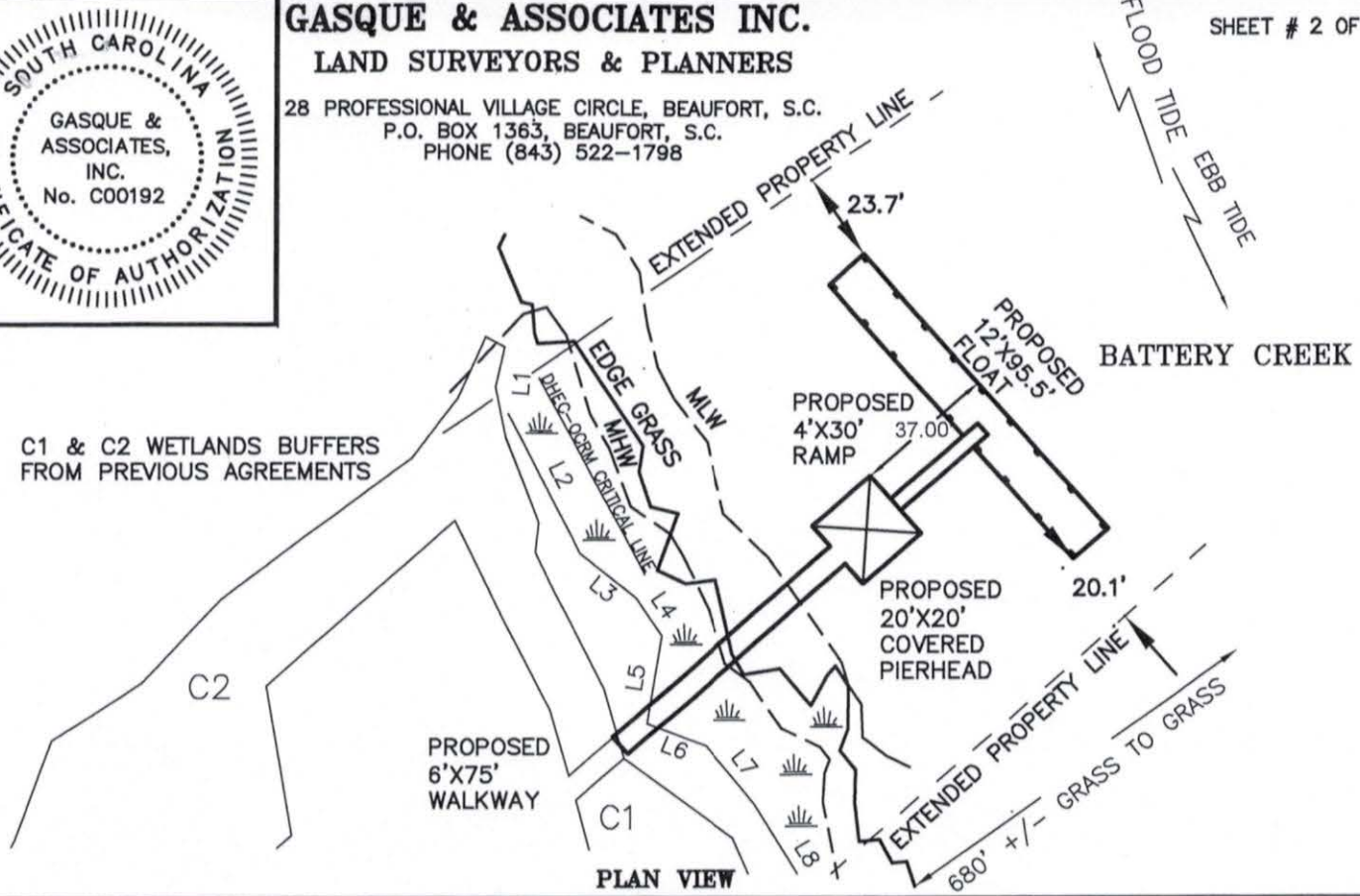
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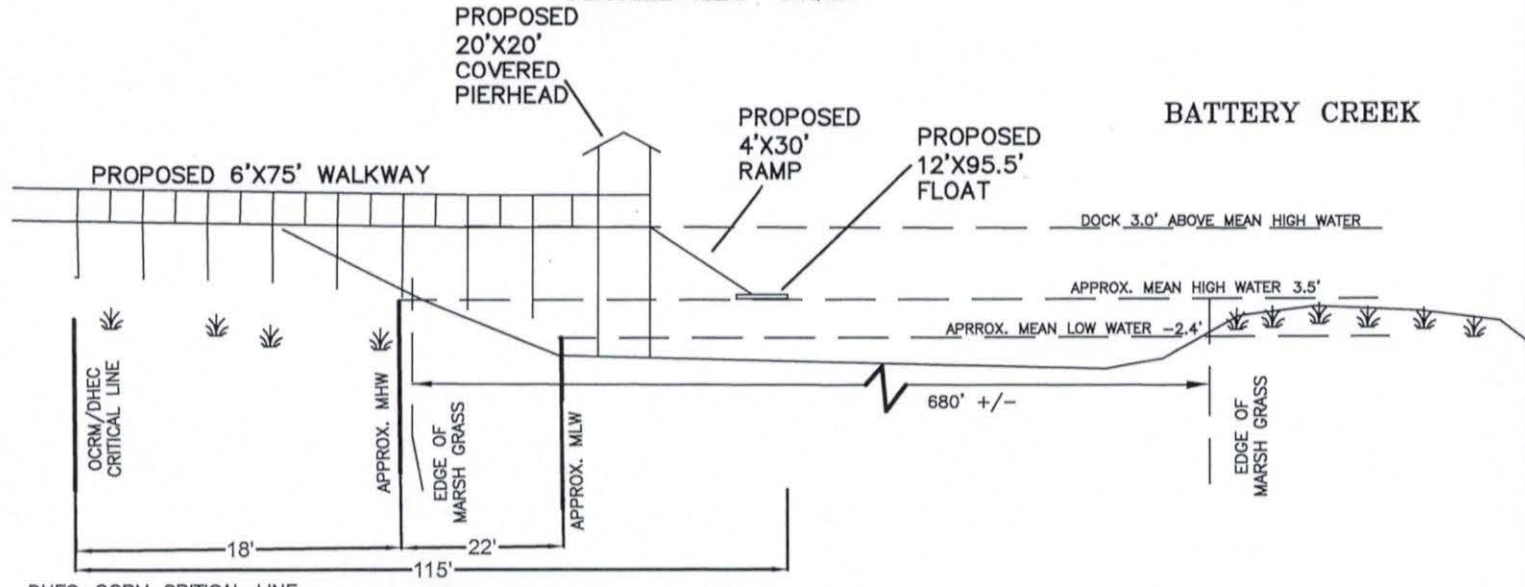


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PROFILE VIEW N.T.S.



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 1-31-19

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