

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS

69A Hagood Avenue

Charleston, South Carolina 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-2009-00118

October 14, 2021

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. Mark Douglas

Newpoint Community Association

PO Box 1225

Beaufort, South Carolina 29901

for a permit to modify the existing community dock in

Factory Creek

at the Newpoint Subdivision, at 235 Sams Point Road, on Lady's Island in Beaufort, Beaufort County, South Carolina (Latitude: 32.434998 °, Longitude: -80.647936 °), Beaufort quad sheet.

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 adding a 6' x 30' walkway waterward of the existing pierhead and relocating the existing two 10' x 100' floating docks on either side of the pierhead 30' waterward. The existing community dock in its current configuration was authorized by DA permit SAC-2009-00118 (FKA 2009-0118-1IQ) on August 6, 2009. Siltation along this shoreline has reduced boat access at low tide to the landward side of the floating docks. Therefore, the applicant proposes to extend the dock 30 feet waterward allowing the floating docks to be relocated into deeper water. Factory Creek is not a federal channel, and the proposed dock encroaches less than 1/4th the width of the waterway (425' width from MLW to MLW, and the proposed dock extends 60' into the waterway from MLW). The applicant has not proposed to mitigate for impacts to waters of the United States since there will be no loss of waters of the United States. The project purpose is to provide continued dock access for the community.

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 0.06 acre 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 project will have no effect on the flatwoods salamander, American wood stork, Eastern black rail, piping plover, red-cockaded woodpecker, Rufa red knot, Atlantic sturgeon, shortnose sturgeon, finback whale, humpback whale, Northern long-eared bat, right whale, sei whale, sperm whale, American chaffseed, pondberry, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, and loggerhead turtle; the project is not likely to adversely affect the West Indian manatee; and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service 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.

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 there are historic properties present, but they will not be affected; 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 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.

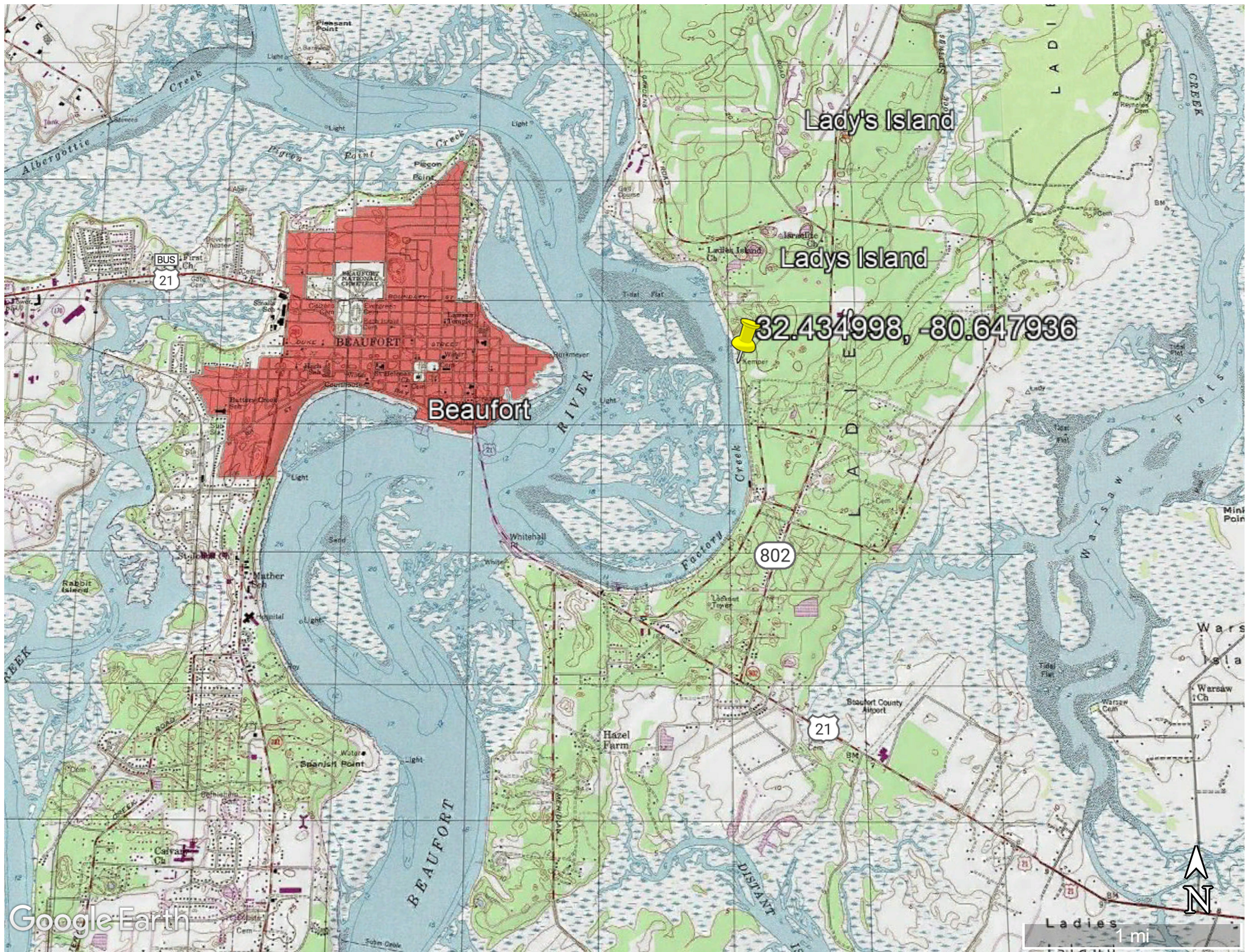
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may 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 29403-5107**

If there are any questions concerning this public notice, please contact Leslie Estill, Project Manager, at (843) 329-8039 or by email at Leslie.A.Estill@usace.army.mil.



Lady's Island

Lady's Island

32.434998, -80.647936

Beaufort

802

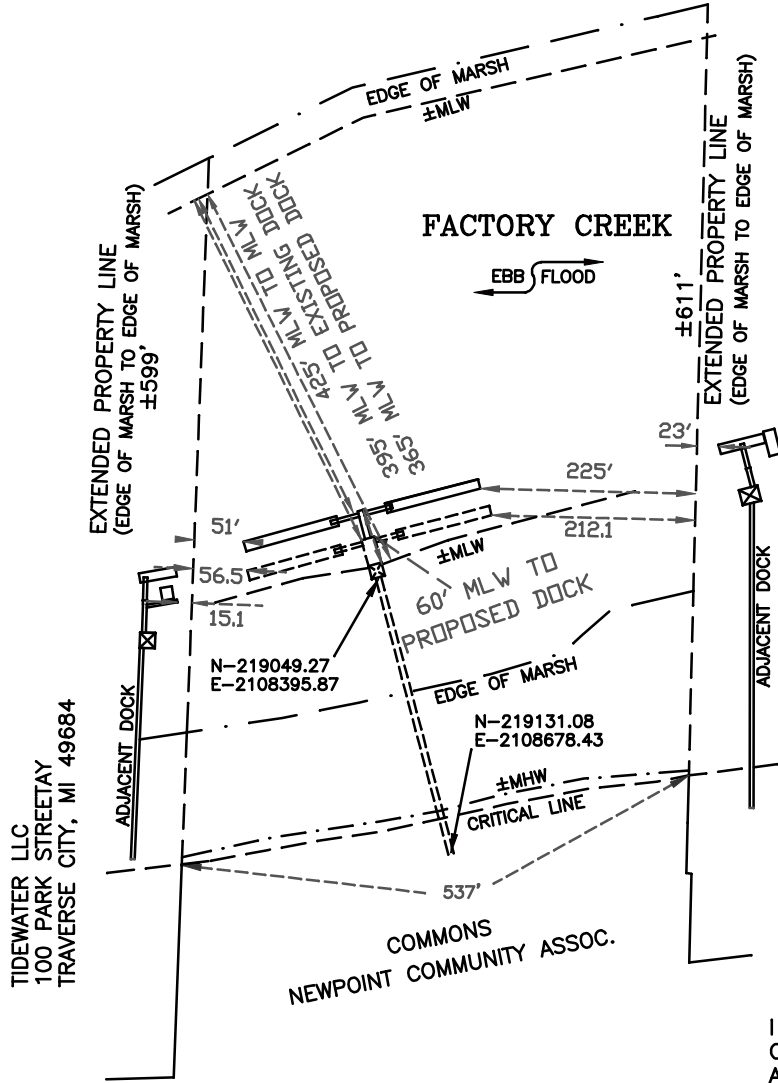
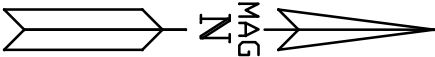
21

Google Earth



Ladies Island 1 mi

**DOCK PERMIT
PREPARED FOR
NEWPOINT COMMUNITY ASSOC.**



NOTES:
 PROPOSED 6' WALKWAY WILL EXTEND 30'
 FROM END OF EXISTING DOCK.
 CREEK WIDTH MARSH TO MARSH IS ±614'
 PROPOSED END OF WALKWAY IS ±417'
 FROM EDGE OF MARSH.
 CREEK WIDTH FROM MEAN LOW WATER TO
 MEAN LOW WATER IS ±425', PROPOSED
 END OF WALKWAY TO MEAN LOW WATER
 IS ±365'.
 THE COMMUNITY DOCK WILL NOT BE USED
 FOR COMMERCIAL USES.

CRITICAL LINE AS APPROVED BY
 TREVOR RABON OF SCDHEC OCRM
 ON NOVEMBER 25, 2020.

KAREN WARNER TRUST
 17 WATERSIDE DR.
 BEAUFORT, SC 29907

I HEREBY CERTIFY TO THE DIMENSIONS SHOWN
 ON THIS SKETCH THAT PERTAIN TO CRITICAL LINE
 AND MARSH LINE.

R200-015-00A-0001-0000(PORION OF)



SCALE 1" = 200'

NOVEMBER 13, 2020
 P13938DP/MMA/MDY

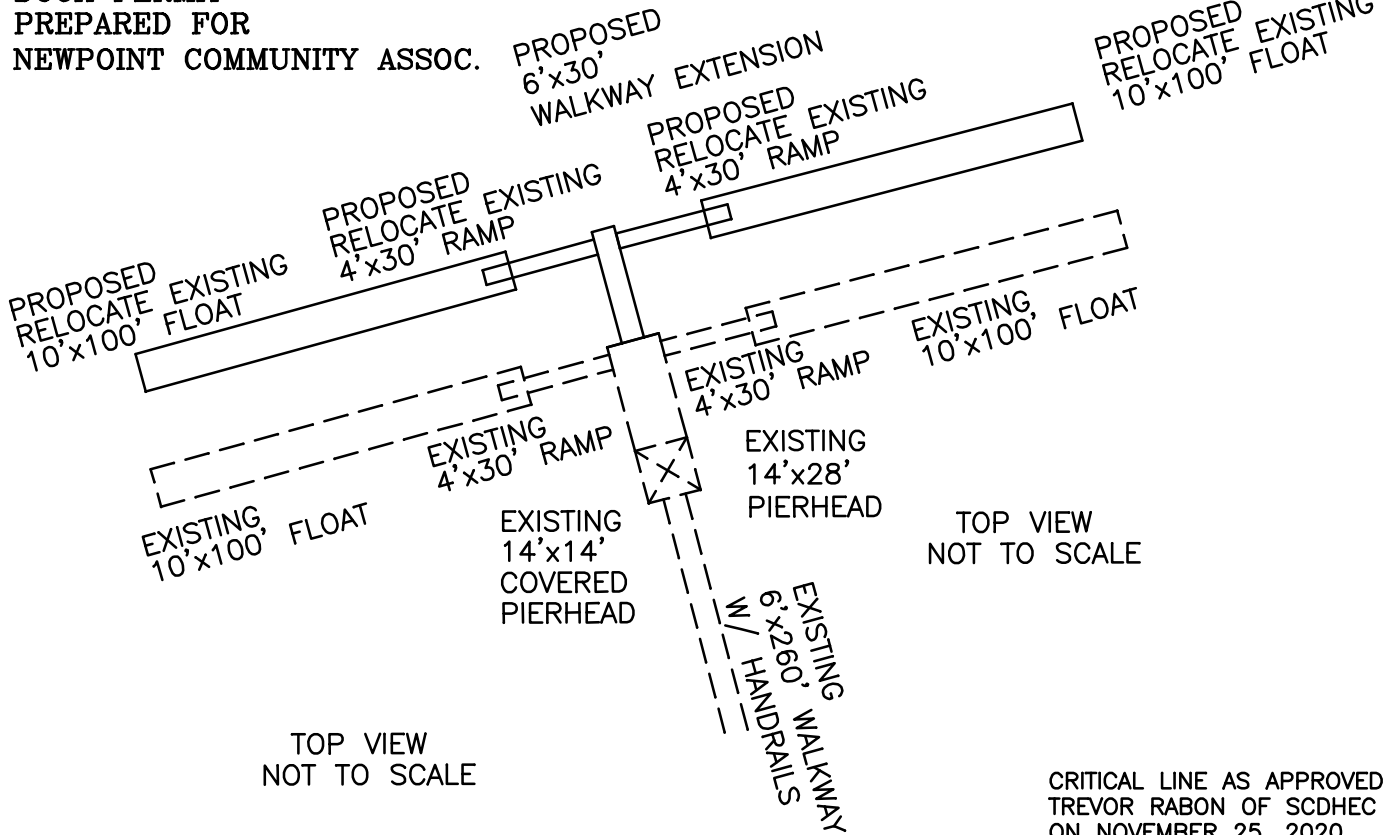
DAVID S. YOUMANS RLS 9765
 BEAUFORT SURVEYING, INC.
 2201 BOUNDARY ST., SUITE 103
 BEAUFORT, S.C. 29902
 PHONE (843) 524-3261

APPLICANT:
 NEWPOINT COMMUNITY ASSOC.
 C/O BUNDY APPRAISAL & MGMT.
 PO BOX 1225
 BEAUFORT, SC 29901
 ACTIVITY: DOCK PERMIT

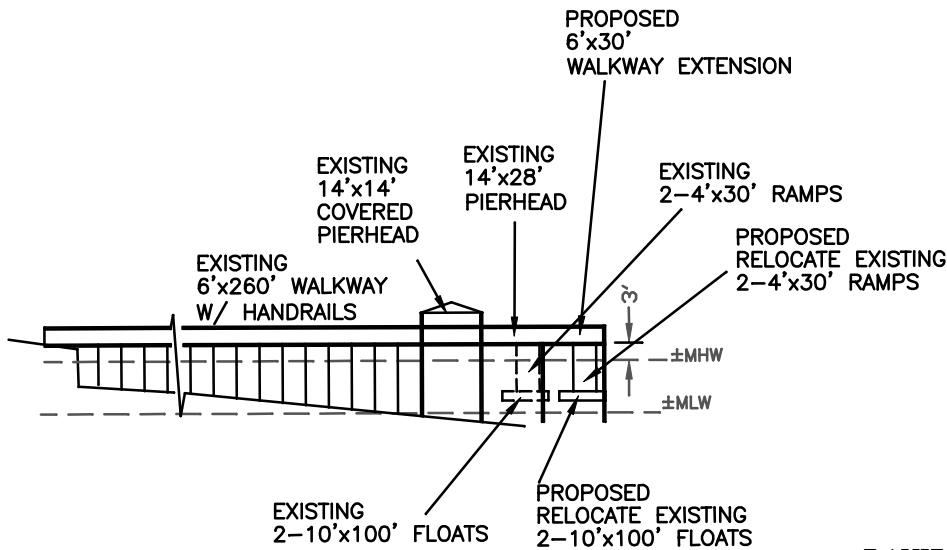
LOCATION: NEWPOINT SUBDIVISION
 LADYS ISLAND
 COUNTY: BEAUFORT
 DATE: 11-13-2020

ADJACENT PROPERTY OWNERS
 TIDEWATER LLC
 100 PARK ST., TRAVERSE CITY, MI, 49684
 KAREN WARNER TRUST
 17 WATERSIDE DR., BEAUFORT, SC 29907

**DOCK PERMIT
PREPARED FOR
NEWPOINT COMMUNITY ASSOC.**



CRITICAL LINE AS APPROVED BY
TREVOR RABON OF SCDHEC OCRM
ON NOVEMBER 25, 2020.



**DAVID S. YOUMANS RLS 9765
BEAUFORT SURVEYING, INC.
2201 BOUNDARY ST., SUITE 103
BEAUFORT, S.C. 29902
PHONE (843) 524-3261**

R200-015-00A-0001-0000(PORTION OF)
P13938DP/MMA/MDY

APPLICANT:
NEWPOINT COMMUNITY ASSOC.
C/O BUNDY APPRAISAL & MGMT.
PO BOX 1225
BEAUFORT, SC 29901
ACTIVITY: DOCK PERMIT

LOCATION: NEWPOINT SUBDIVISION
LADYS ISLAND
COUNTY: BEAUFORT
DATE: 11-13-2020

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