

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-2006-02193

March 23, 2022

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 401 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. Edwin Barnhart
Hamilton Village Marina Horizontal Property Regime
15 Sunset Blvd #1204
Beaufort, South Carolina 29907

for a permit to modify an existing marina on

Factory Creek

at 15 Sunset Boulevard in Beaufort, Beaufort County, South Carolina (Latitude: 32.4189°, Longitude: -80.6561°), Beaufort, SC 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.

The proposed work consists of extending the marina 30' waterward and adding nine 12' x 30' storage devices (aka floating drive on boat lifts). The existing 18' x 18' and 10 x 8' drive on floats will be relocated with the waterward extension. The overall proposed marina consists of a 5' x 120' walkway to an 18' x 18' covered pierhead to a 5' x 30' walkway extension to a 5' x 32' ramp to a 10' x 186' parallel floating walkway with six 6' x 30' boat slip finger piers with nine 12' x 30' storage devices, an 18' x 18' drive on float, and a 10' x 8' drive on float. The community marina was originally permitted on February 12, 2008, under SAC-2006-02193 (FKA 2006-2193-11W). The dock is used for the private recreational use by the owners of the Hamilton Village Marina. The applicant has proposed no mitigation for impacts to waters of the United States since the proposed project will not result in the loss of aquatic resources. The project purpose is to provide navigable water depths at all tide levels for vessels utilizing the marina. Siltation along the outer bend of Factory Creek has resulted in shallower depths at the marina.

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 coordinated with the South Carolina Department of Health and Environmental Control and concluded that the project will need to be reviewed by their office as marina 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 Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 0.18 acre of estuarine habitat 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 frosted flatwoods salamander, American wood stork, eastern black rail, piping plover, red-cockaded woodpecker, rufa red knot, northern long-eared bat, Atlantic sturgeon, shortnose sturgeon, finback whale, humpback whale, right whale, sei whale, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, American chaffseed, and pondberry. Furthermore, the District Engineer has determined that 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 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 proposed 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 or to Leslie.A.Estill@usace.army.mil:**

**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.

S10398 DOCK

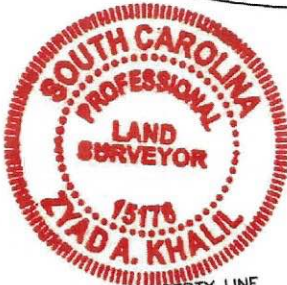
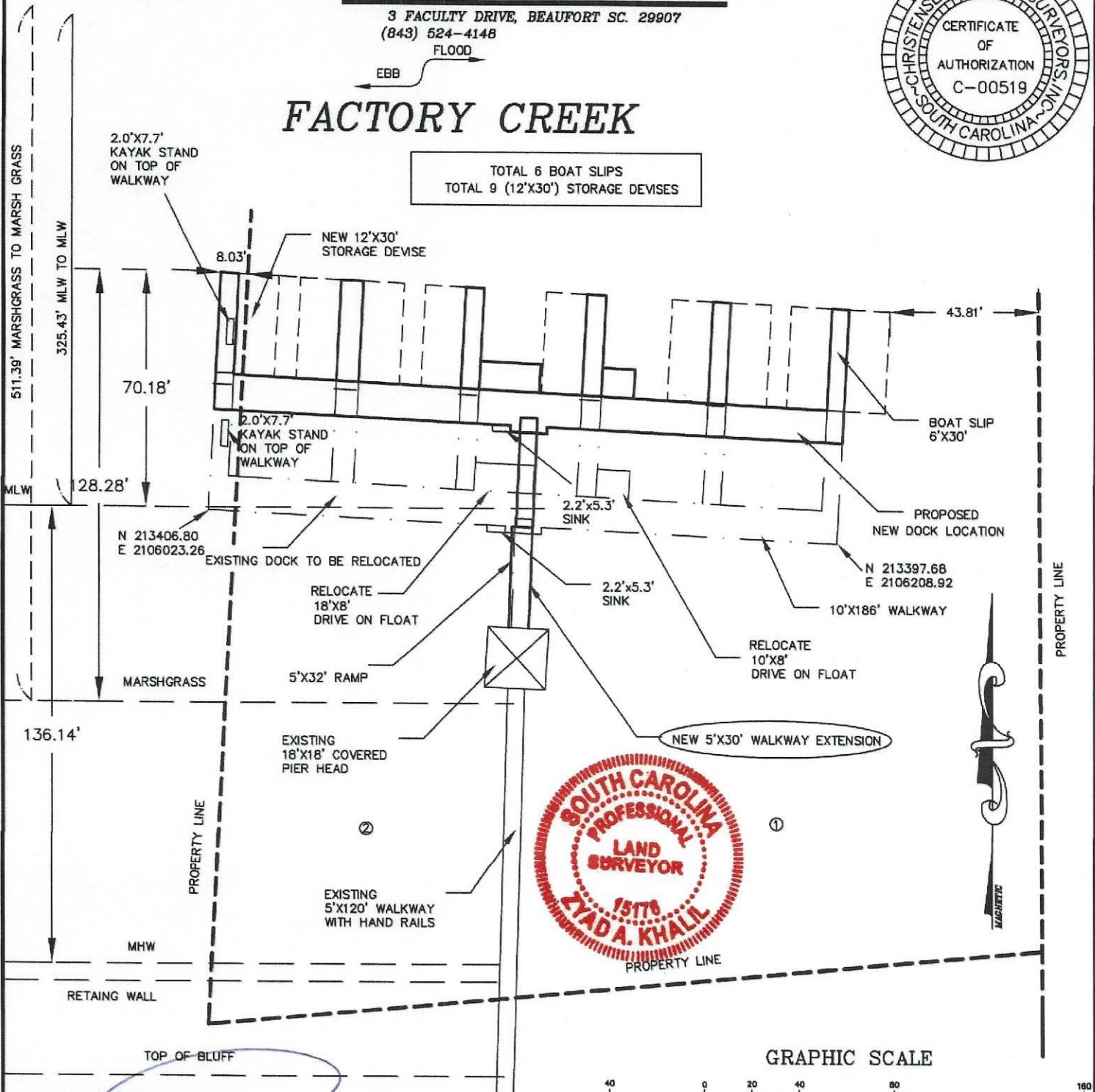
CHRISTENSEN ~ KHALIL SURVEYORS, INC.

3 FACULTY DRIVE, BEAUFORT SC. 29907
(843) 524-4148



FACTORY CREEK

TOTAL 6 BOAT SLIPS
TOTAL 9 (12'X30') STORAGE DEVICES



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

CERTIFICATION:

I HEREBY CERTIFY THAT THE DISTANCES THAT PERTAIN TO CRITICAL LINE AND MARSH LINES ARE CORRECT AND THAT THERE ARE NO ENCROACHMENTS ACROSS EXTENDED PROPERTY LINE.

ZYAD A. KHALIL
SC REGISTERED LAND SURVEYOR # 15176

OCRM PERMIT #

REVISED, FEB. 4., 2022
REVISED, JAN. 18, 2022
REVISED, JAN. 17, 2022
REVISED, OCT. 10, 2021

APPLICANT: HAMILTON VILLAGE LLC
325 FALLEN OAK DRIVE
COLUMBIA, SC. 29229

ACTIVITY: RELOCATED EXISTING BOAT SLIPS

LOCATION: 15 SUNSET BLVD
BEAUFORT, SC. 29902
R123 015 000 0137 0000

COUNTY: BEAUFORT
DATED: DATED: OCT. 1, 2021

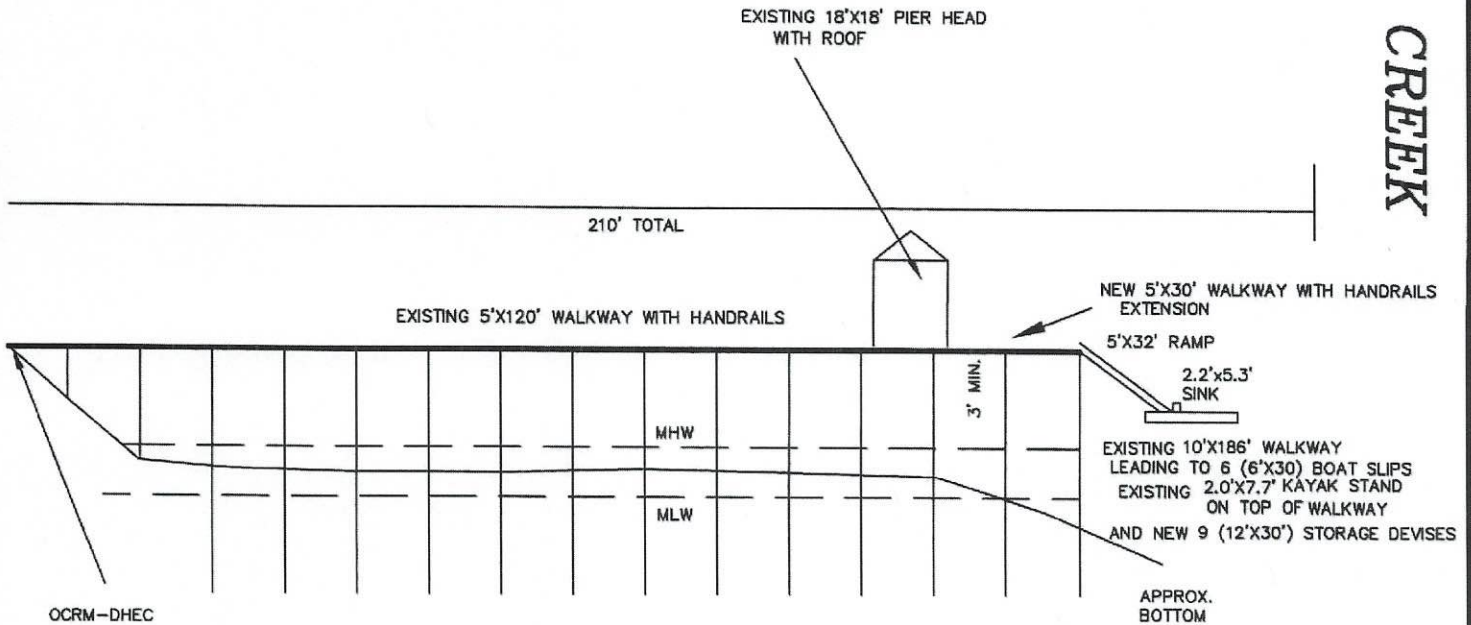
ADJACENT PROPERTY:
1.) AMERICAN CAPITAL RESOURCES COMPANY
108 CLEARVIEW DR.
McMINNVILLE, TN 37110
2.) BEAUFORT SR. LIVING PROP. LLC
PO BOX 92129
SOUTH LAKE TX 76092

S10398 DOCK

CHRISTENSEN ~ KHALIL SURVEYORS, INC.

3 FACULTY DRIVE, BEAUFORT SC. 29907
(843) 524-4148

FACTORY CREEK



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ZYAD A. KHALIL
SC REGISTERED LAND SURVEYOR # 15176

OCRM PERMIT #

SCALE: 1"=40'
REVISED, FEB 4, 2022
REVISED, JAN. 18, 2022
REVISED, OCT. 10, 2021

APPLICANT: HAMILTON VILLAGE LLC
325 FALLEN OAK DRIVE
COLUMBIA, SC. 29229

ACTIVITY:
RELOCATED EXISTING BOAT SLIPS

LOCATION: 15 SUNSET BLVD
BEAUFORT, SC. 29902
R123 015 000 0137 0000

COUNTY: BEAUFORT
DATED: DATED: OCT. 1, 2021

ADJACENT PROPERTY:
1.) AMERICAN CAPITAL RESOURCES COMPANY
108 CLEARVIEW DR.
McMINNVILLE, TN 37110
2.) BEAUFORT SR. LIVING PROP. LLC
PO BOX 92129
SOUTH LAKE TX 76092