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
North Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N #SAC-2010-00739-Modification 20 October 2020

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

TOWN CREEK INVESTORS, LLC
MICHAEL SHULER
C/O PHILIP SLAGLE, P.E.
APPLIED TECHNOLOGY & MANAGEMENT, INC.
POST OFFICE BOX 20336
CHARLESTON, SOUTH CAROLINA 29413

for a permit to modify an existing marina in

TOWN CREEK

at a location, the existing Seabreeze Marina, at 50 Immigration Street, Charleston, Charleston County, South Carolina (Latitude: 32.8030°, Longitude: -79.9321°), Charleston.

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 modification of the existing marina and previously permitted plans (SAC-2020-00739). In detail, the revised wet slip marina layout would provide:

• Thirty-five (35) dedicated wet slips, for vessels 30-50' in length;

- Up to 755 linear feet of side-tie dockage on wave attenuator docks, including for mega yacht dockage on the exterior face of the attenuators;
 - Attenuator docks will be in two sections (420'x14' and 150'x14') to protect interior boats from wind-waves and passing vessel wakes;
- Thirty-four (34) jet-docks for boats up to 22' in length;
- Associated shore power and potable water utilities at each slip and side-tie berth;
- 10'-wide timber access pier with ADA-compliant gangway access to all new wet slips.

Additional components requested for permit under this application include:

- Renovation of the existing timber deck platform behind the travel lift with installation of an open-sided roof structure to support marina operations (within the existing footprint).
- Extension of the existing timber deck platform over the water and between the travel lift piers to support marina operations (35 ft x 50 ft).
 - A 186 ft floating fuel dock including fuel dispensers, pump-out (with walkway transitions to existing floating docks used for the drystack staging).
 - o For access by marina patrons and area boaters;
 - With allowance for pick up / drop-off by water taxi;
 - o Located south of Vardell Creek and adjacent to the existing pier.

Compared to the permitted layout, the proposed footprint of the marina docks would be retracted by 29ft (minimum) from the channel and closer to shore. With this change from the permitted layout, it is proposed to allow larger vessels to safely dock on the outside of the wave attenuator.

The redevelopment will initially require the demolition and removal of the existing (aged) floating docks, anchor piles, and gangways north of Vardell Creek. The existing gangways are connected to steel platforms connected to each travel lift pier. Removal will total 2,925 square feet for the 'T'-shaped dock and floating walkway and 730 square feet for the small side-tie dock inside the travel lift.

The wet slips and jet docks will be accessible via a fixed timber pier and ADA-compliant gangway that will run adjacent to the decommissioned travel lift pier. The interior floating docks will consist of commercial grade timber (frame and deck) on poly-tub floats. All docks will be anchored using steel pipe piles. The outermost (waterward) floating docks will consist of a wide, concrete floating attenuator system designed to protect the vessels in the marina from both wind-generated waves and passing vessel wakes.

Parking for the proposed marina will be accommodated via existing parking spaces on the upland property. Based on the Applicant's understanding that the City of Charleston requires a ratio of 2:1 for slips to parking spaces, there is a requirement for approximately 47 parking spaces: (35 dedicated slips + 34 jet docks + 25 boats on 755 LF of side-tie) x 0.5 spots per boat = 47. Currently, there are 56 parking spaces on the upland parcel (north of Vardell Creek). During peak periods, additional parking is available within close proximity to the site with access by transport vehicles to/from the marina.

The marina will also allow the temporary arrival of water taxis for pick-up and drop-off of passengers, either at the fuel dock or the attenuator docks at the discretion of the Dock Master.

In summary, the new proposed layout includes the following key changes compared to the

permitted layout:

Parameter	Permitted Layout	Proposed Layout
Total number of dedicated slips	43 slips	68 slips and jet docks
Total additional side-tie linear footage	383 LF	755 LF
Floating Dock Offset from USACE channel edge	125 ft	154 ft (minimum)
Total Shaded Area	21,900 SF (incl. access pier)	32,865 SF (incl. access pier, platform extension, fuel dock, and jet docks)
ADA-Compliant Gangway Access to Slips	No	Yes
Berthing on the outside of the attenuator	No	Yes, with change in attenuator position 29' closer to shore
Fuel	None	Fuel dock included
Works at timber deck platform	None	Refurbishment of existing deck for new roof structure within footprint; inclusion of new deck extension (35' x 50') over the water and between the decommissioned travel lift piers

The general purposes of the proposed modifications are to adapt the currently permitted marina plan to more closely match the current market conditions, provide more flexible berthing, to provide improved navigable access, and to provide safer and easier access to fueling facilities for boaters.

- The proposed modification in the number and size of the wet slips and jet docks is in direct response to realized market demand from seasonal and transient boaters. By utilizing the exterior side of the attenuator for side-tie, the marina will maintain higher efficiency and flexibility to accommodate a wide range of users. The addition of jet docks will help to meet the strong demand for these types of offerings in the area.
- With regards to fuel, the nearest marina with fuel services is the Charleston Harbor Resort Marina located in Charleston Harbor near Patriot's Point in Mt Pleasant. Accessing the fuel dock at CHRM can be challenging for boaters as the dock is located behind wave attenuators. Entering and exiting through the attenuators can be challenging especially during busy periods or swift current conditions. By contrast, the side-tie fuel dock proposed at Seabreeze Marina will be parallel to the waterway and

much easier and safer to access.

- The existing timber deck at the decommissioned travel lift currently provides no operational or functional support to the wet slips. The Applicant seeks to refurbish this deck to incorporate a roof structure to provide shade within its current footprint. As there is no other shaded area within vicinity of the docks, and as the management office is located by the drystack, the refurbished platform at this location will become vitally important as a remote station for marina management and operational staff to work from. The area will also be important for marina users and waiting guests. Creating a suitable working and gathering area on this platform will significantly improve emergency response.
- In addition to the shaded structure on the timber deck platform, the Applicant also
 proposes to construct an extension to the deck over the water and between the two
 travel lift piers. The purpose of the structure is to increase the useable deck area for
 marina guests and operational staff, as well as to provide support during events such as
 a weighing station for fishing tournaments. The deck would have handrails along the
 perimeter for safety, and it will create an improved vantage point for marina operations.

To minimize potential impacts from the proposed work, the proposed footprint of the marina has been limited to the previous permitted footprint, with the exception of a 10' wide floating fuel dock to be located on the exterior face of the existing 'L'-shaped pier and south of Vardell Creek. The modified layout also moves the attenuator dock face away from the channel offset line and closer to shore by an additional 29 ft (minimum) compared to the permitted layout (for at least 154' offset from the edge of the USACE channel).

During the pre-application phase of the project, the Applicant has held discussions with tug companies, the Charleston Harbor Pilots, USCG, OCRM, and the Army Corps in order to discuss the proposed layout and steps taken to minimize impacts to the existing waterway use and navigation.

Dock lighting will be incorporated on the outer docks (attenuator docks and fuel dock) in compliance and in consultation with the USCG to promote safe navigation in the shared waterway and for avoidance of collisions.

The Applicant notes that the special conditions of the existing permit required that, prior to pile driving works, sand blankets and floating silt curtains be installed around the active work zone, where the silt curtain must extend from the water surface to the bottom sediments. Upon further discussion with local marine contractors, these techniques are considered unfeasible for the local conditions or otherwise will have a net negative environmental impact.

Due to the riverbed depths of up to 50ft in the work zone area, sand blankets cannot be accurately placed without dumping of significant volumes of sand. Additionally, the ebb currents in Town Creek typically exceed 3 knots, and the silt curtains as described are not durable enough to be anchored to full depth and to withstand the typical tidal flows and current-induced forces. A concern is that implementation of these measures will cause unnecessary disruption to local habitats, the seabed, and to surrounding waters. In lieu of these measures, the Applicant proposes to commit to the following techniques and best practices which can be implemented successfully and with less impact to the environment:

 Piles will be hollow steel pipe only. Compared to concrete or timber piles, there will be significantly less disturbance to the seabed or stirring up of sediments into the water column.

• Piles will be installed by non-impulsive techniques (vibratory hammer). Vibratory hammers are less harmful than impact hammers and have much lower amplitude sound levels and frequencies. While Impact hammer energy is mostly concentrated between 100 and 800 Hz, the frequencies thought to be most harmful to fish species, the sound energy from the vibratory hammer is concentrated around 20 to 30 Hz. Additionally, the sound pressure rises much less rapidly for vibratory driving, and the SPLs may potentially not exceed ambient sound levels with the noise created by current. References:

- Lohn, (2002). Endangered Species Act –Section 7 Consultation Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation: Hood Canal Bridge Retrofit and Replacement Project. NOAA Fisheries No. 2002-00546.
- Reyff, J.A. 2006. Russian River Bridge at Geyserville: Underwater sound measurement data for driving permanent 48-inch CISS piles. Illingworth and Rodkin, Inc., Petaluma, California
- Pile driving will utilize soft-start methods (i.e., ramp-ups, applying lower energy levels at the commencement of piling allowing any noise-sensitive species to move from the area).
- Piling and construction activities limited to daylight hours only.

These best practices will also promote the protection of ESA-listed species. The Acoustics Tool by NMFS SERO was used to calculate the effects of pile driving noise on ESA-listed species. Without any attenuation, sound levels calculated for vibratory driving will not exceed the 206 dB peak criteria. Calculated distances for the onset of physical injury are 43 ft for fish smaller than 102 grams, with effectively no physical injury to fish greater than 102 grams.

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 have minimal impact on 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 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 loggerhead sea turtle (*Caretta caretta*) and other swimming sea turtles, the shortnose sturgeon (*Acipenser brevirostrum*) and the Atlantic sturgeon(*Acipenser oxyrhynchus*), 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 these species and will not result in the destruction or adverse modification of designated critical habitat for the Atlantic sturgeon.

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 the West Indian manatee (*Trichechus manatus*), a federally endangered or threatened species may be present in the vicinity of the project. However, the District Engineer has determined that the project is not likely to adversely affect the West Indian manatee (*Trichechus manatus*), since the standard endangered species conditions for in-water work and the standard manatee conditions will be included as special conditions should a federal permit be issued. 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.

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)), 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,

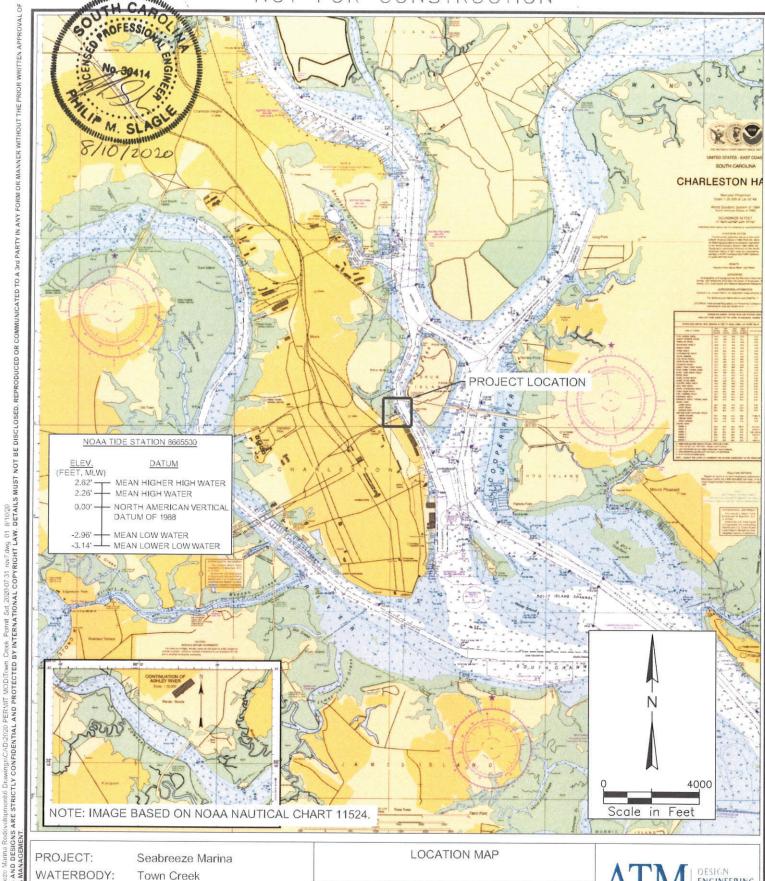
general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, 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 69-A Hagood Avenue Charleston, South Carolina 29403

If there are any questions concerning this public notice, please contact Mary Hope Green, Project Manager at 843-329-8044, toll free at 1-866-329-8187, or by email at mary.h.green@usace.army.mil

FOR PERMITTING PURPOSES ONLY NOT FOR CONSTRUCTION"



PROJECT: WATERBODY: Seabreeze Marina

COUNTY:

Town Creek

STATE:

Charleston South Carolina

LATITUDE: LONGITUDE: 32°48'12"N 79°55'58"W

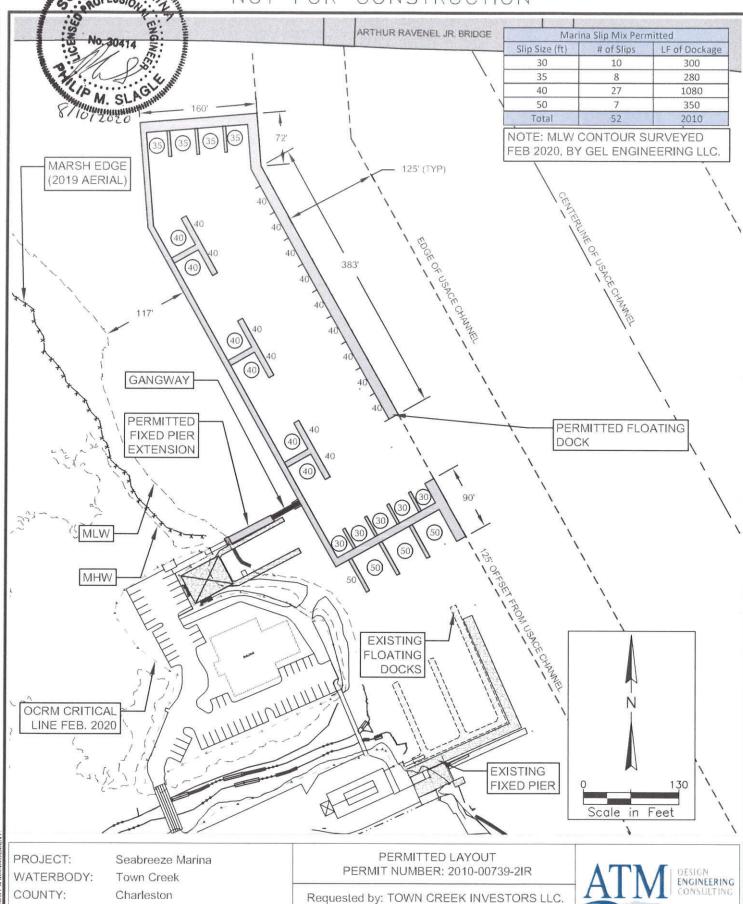
LOCATION MAP

Requested by: TOWN CREEK INVESTORS LLC.

Project Address: 50 Immigration St., Charleston, SC

Parcel ID: 4590700030





Project Address: 50 Immigration St., Charleston, SC

Parcel ID: 4590700030

10-August-2020

SHEET 02

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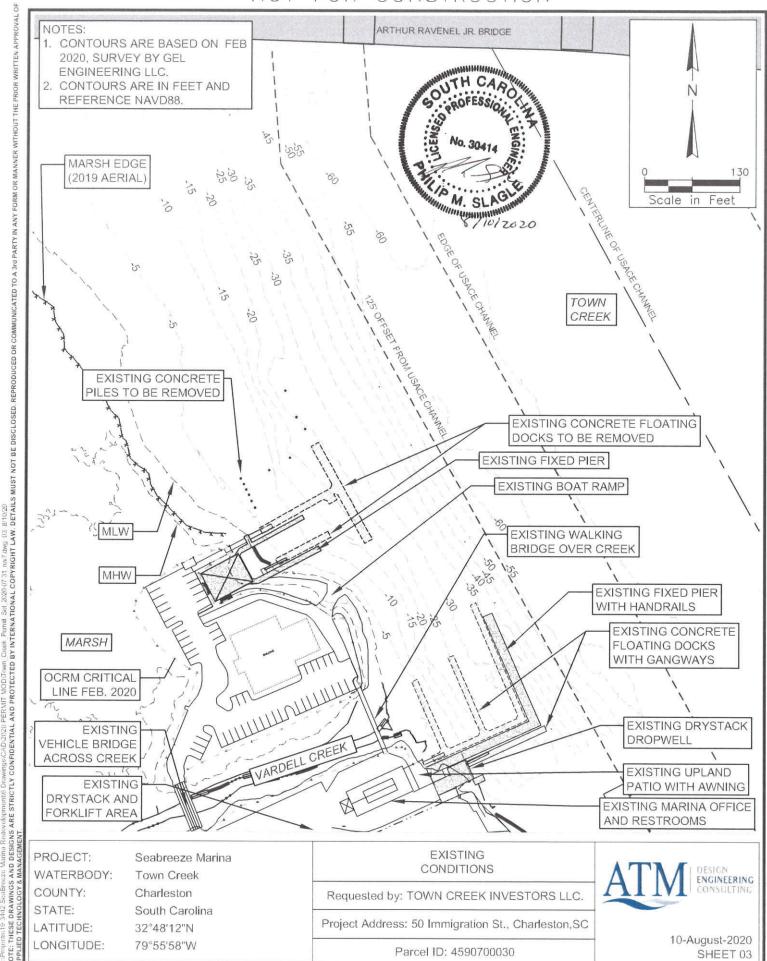
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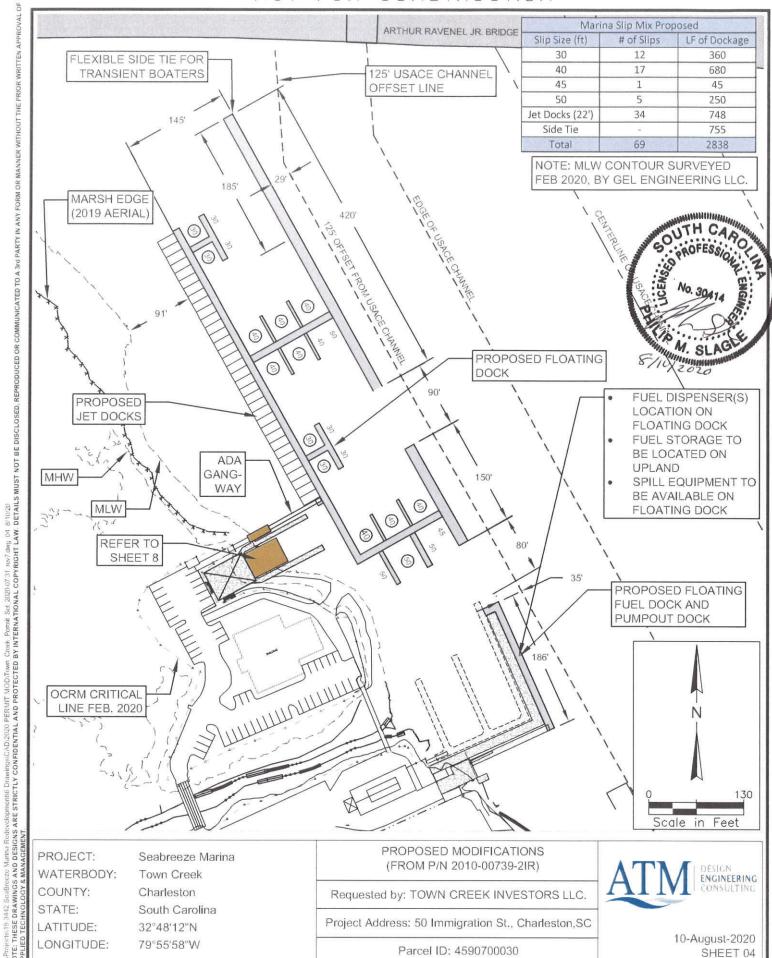
LONGITUDE:

South Carolina

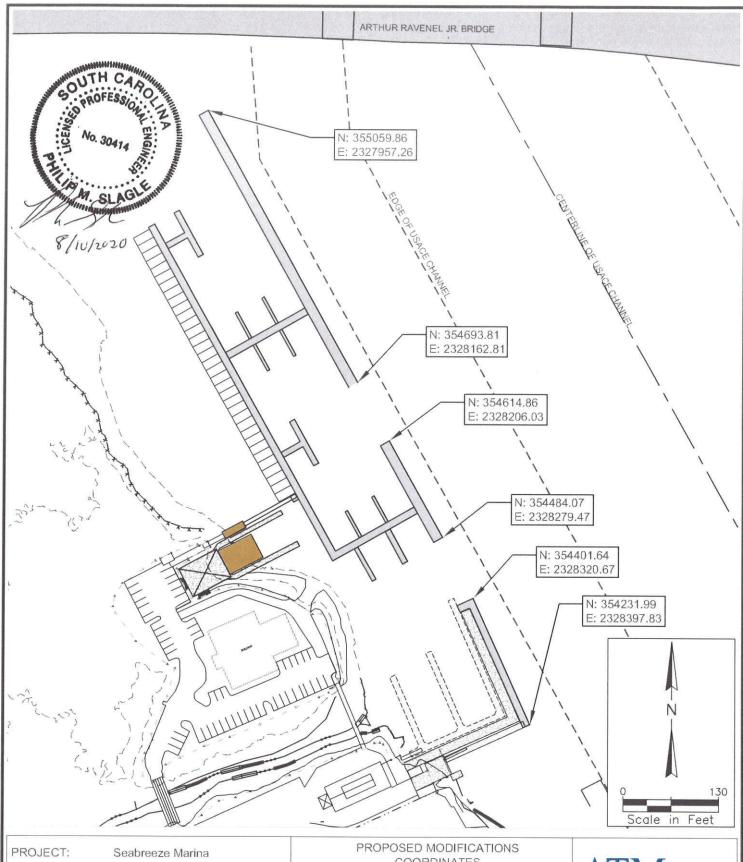
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FOR PERMITTING PURPOSES ONLY NOT FOR CONSTRUCTION"



WATERBODY:

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COUNTY:

Town Creek

STATE:

Charleston South Carolina

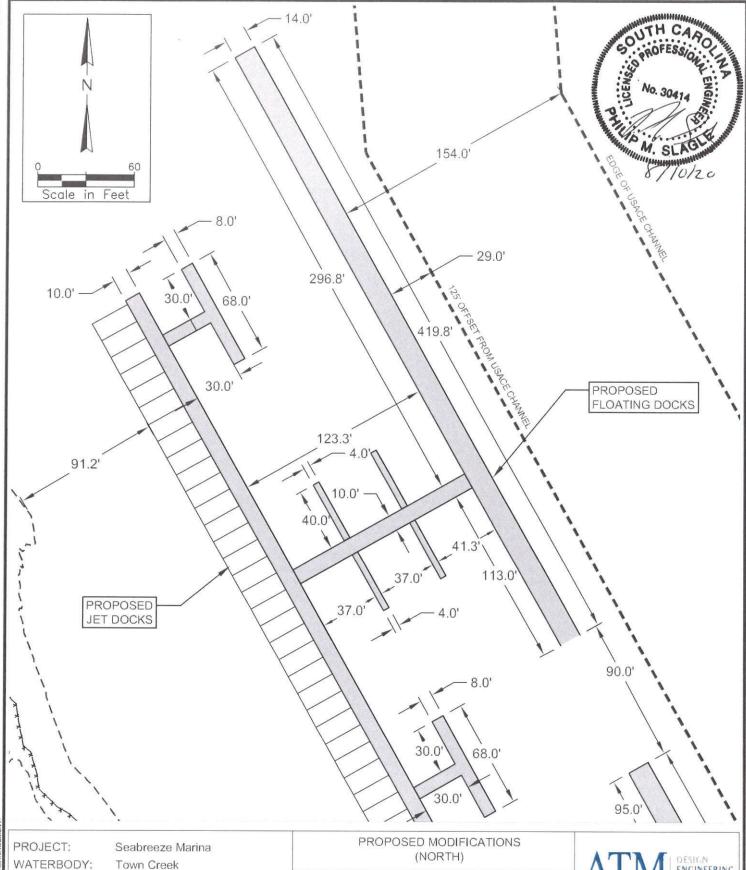
LATITUDE: LONGITUDE: 32°48'12"N 79°55'58"W COORDINATES

Requested by: TOWN CREEK INVESTORS LLC.

Project Address: 50 Immigration St., Charleston, SC

Parcel ID: 4590700030





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COUNTY: STATE:

LATITUDE: LONGITUDE: Town Creek Charleston

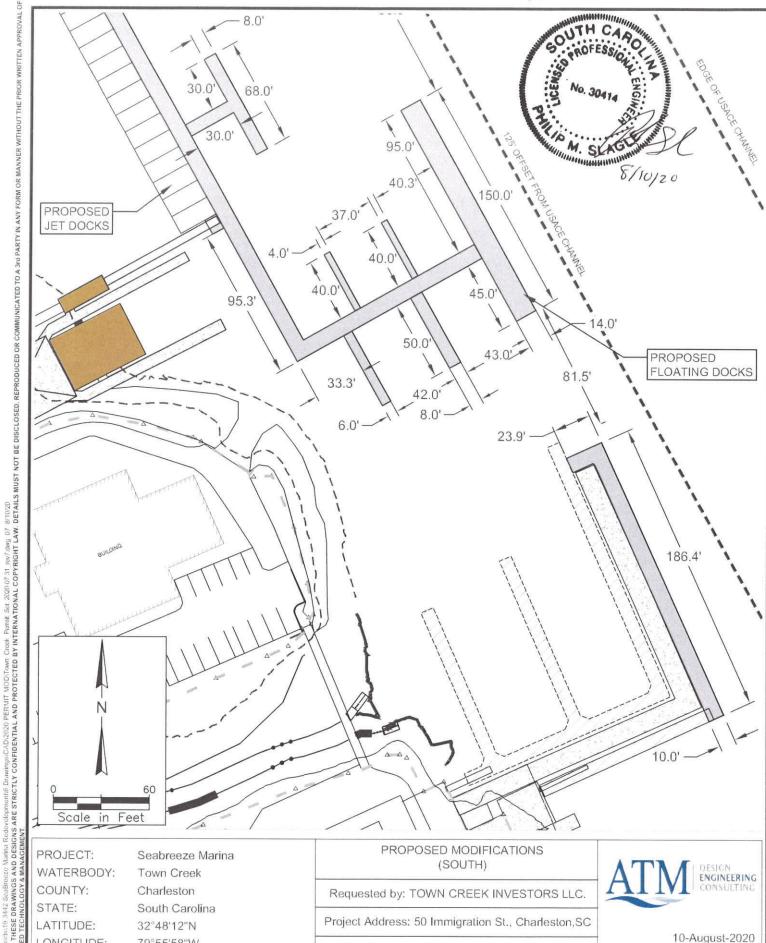
South Carolina 32°48'12"N 79°55'58"W Requested by: TOWN CREEK INVESTORS LLC.

Project Address: 50 Immigration St., Charleston, SC

Parcel ID: 4590700030



FOR PERMITTING PURPOSES ONLY NOT FOR CONSTRUCTION



PROJECT:

WATERBODY:

Town Creek

COUNTY: STATE:

Charleston

LATITUDE: LONGITUDE: South Carolina 32°48'12"N 79°55'58"W

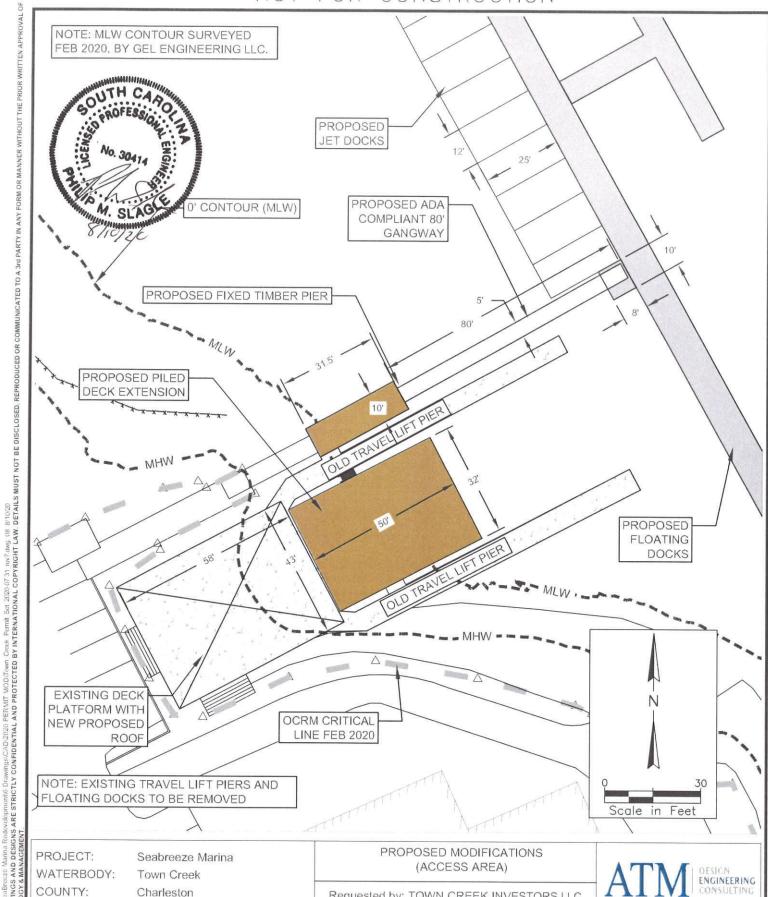
(SOUTH)

Requested by: TOWN CREEK INVESTORS LLC.

Project Address: 50 Immigration St., Charleston, SC

Parcel ID: 4590700030





Requested by: TOWN CREEK INVESTORS LLC.

Project Address: 50 Immigration St., Charleston, SC

Parcel ID: 4590700030

10-August-2020

SHEET 08

STATE:

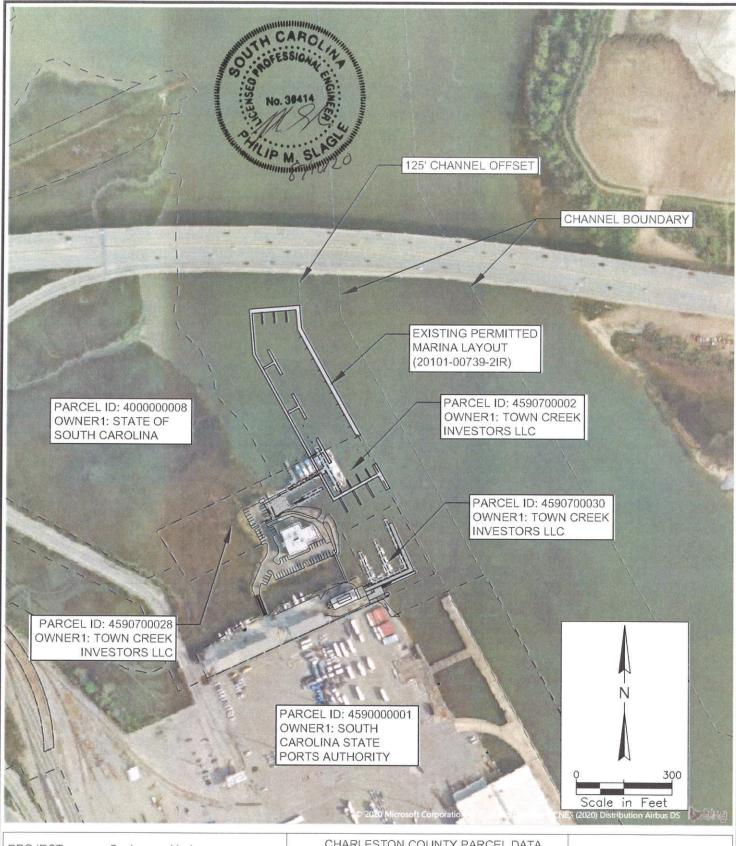
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LONGITUDE:

South Carolina

32°48'12"N

79°55'58"W



PROJECT:

Seabreeze Marina

WATERBODY: COUNTY:

Town Creek

STATE:

Charleston South Carolina

LATITUDE: LONGITUDE: 32°48'12"N 79°55'58"W

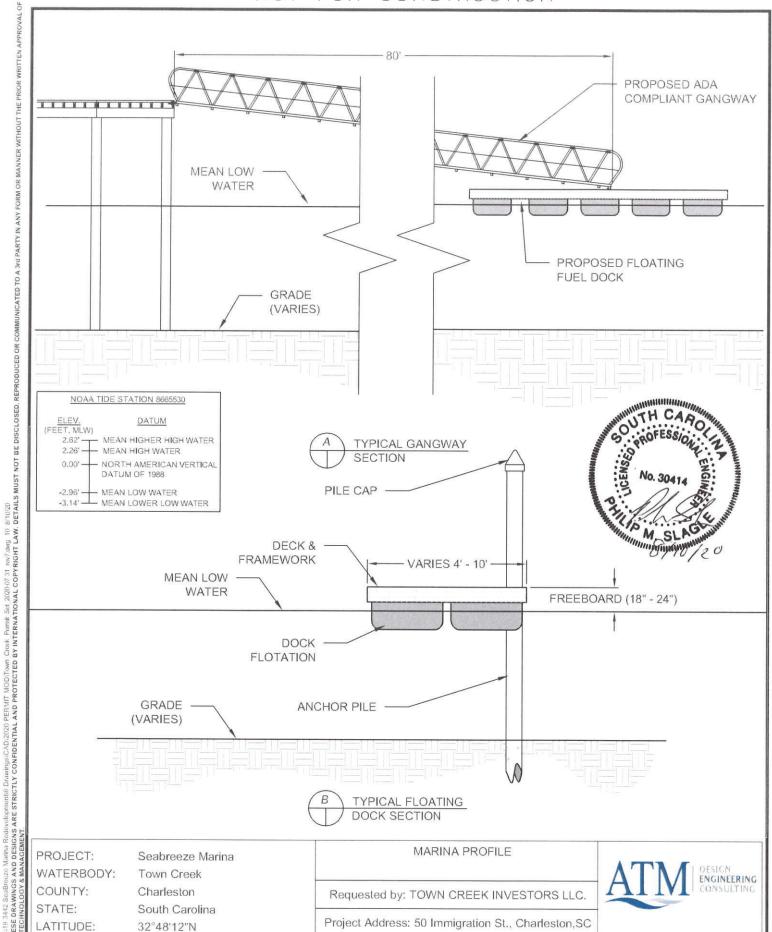
CHARLESTON COUNTY PARCEL DATA

Requested by: TOWN CREEK INVESTORS LLC.

Project Address: 50 Immigration St., Charleston, SC

Parcel ID: 4590700030





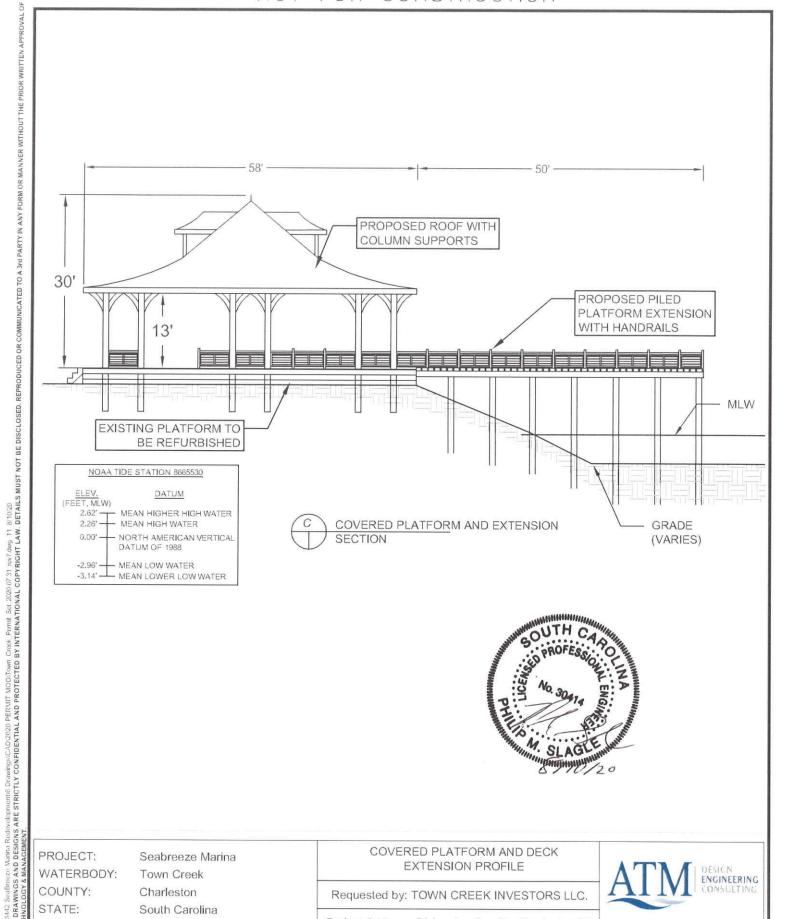
Parcel ID: 4590700030

LONGITUDE:

79°55'58"W

10-August-2020

SHEET 10



PROJECT:

Seabreeze Marina

WATERBODY: COUNTY:

Town Creek

STATE:

Charleston

LATITUDE: LONGITUDE: South Carolina 32°48'12"N 79°55'58"W

COVERED PLATFORM AND DECK **EXTENSION PROFILE**

Requested by: TOWN CREEK INVESTORS LLC.

Project Address: 50 Immigration St., Charleston, SC

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