

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526
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: SAC-2022-01059

September 19, 2022

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 S.C. Department of Health and Environmental Control by

Mr. Tom Hall
Fleur de la mer Gtown LLC
421 Front St
Georgetown, South Carolina 29440

C/O Mr. Grant Gibson
The Earthworks Group
11655 Hwy 707
Murrells Inlet, South Carolina 29576
ggibson@earthworksgroup.com

for a permit to perform work in navigable waters of the United States including the reconstruction of a docking facility within the

Sampit River By-Pass Channel

Located on a site identified as TMS # 05-0026-260-00-00 at 100 Wood Street in Georgetown, Georgetown County, South Carolina (Latitude: 33.3681 °, Longitude: - 79.2878 °), **Georgetown South 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.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to provide mooring space for patrons of the adjacent restaurant.

Project Description

The proposed work consists of replacing an existing dock with new docks. In detail, proposed project will replace an existing dock with an 8' x 134' fixed dock attached to highground by a 16' x 17' walkway totaling 1332 square feet. Waterward of the fixed dock will be an 8' x 140' floating dock and five finger docks (4' x 28', 4' x 32', 4' x 35', (2) 4' x 37') totaling 1820 square feet to facilitate vessel mooring. Additionally, 15 piles in poor condition will be replaced and 15 new piles will be installed for additional mooring. It is understood that this work is to be conducted on/or adjacent to an area subject to a prism and/or disposal area held by the United States. Appropriate provisions will be included in the permit to ensure the interests of the Federal Government are understood.

Note: 50 square feet of new rip rap and 300 square feet of existing rip rap (after the fact authorization) will be reviewed under Nationwide Permit #13.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by **"The project is setup to be the minimum amount of anticipated docking space to meet the goals of the site"**.

Proposed Compensatory Mitigation

The applicant offered no compensatory mitigation for impacts associated with the project.

South Carolina Department of Health and Environmental Control

The work shown on this application must 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.

Essential Fish Habitat

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 **0.07** 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.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: American wood stork (*Mycteria americana*), Eastern black rail (*Laterallus jamaicensis jamaicensis*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Rufa red knot (*Calidris canutus rufa*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*), Sperm whale (*Physeter macrocephalus*), West Indian manatee (*Trichechus manatus*), Pondberry (*Lindera melissifolia*), Seabeach amaranth (*Amaranthus pumilus*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*)

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect on Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), American wood stork (*Mycteria americana*), Eastern black rail (*Laterallus jamaicensis jamaicensis*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Rufa red knot (*Calidris canutus rufa*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*), Sperm whale (*Physeter macrocephalus*), Pondberry (*Lindera melissifolia*), Seabeach amaranth (*Amaranthus pumilus*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect West Indian manatee (*Trichechus manatus*), or result in the destruction or adverse modification of designated or proposed critical habitat. 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.

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.

Cultural Resources

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 historic properties, are present; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify the State Historic Preservation Office that the Corps plans to initiate Section 106 consultation on these historic properties. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice. 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.

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.

Corps' Evaluation

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.

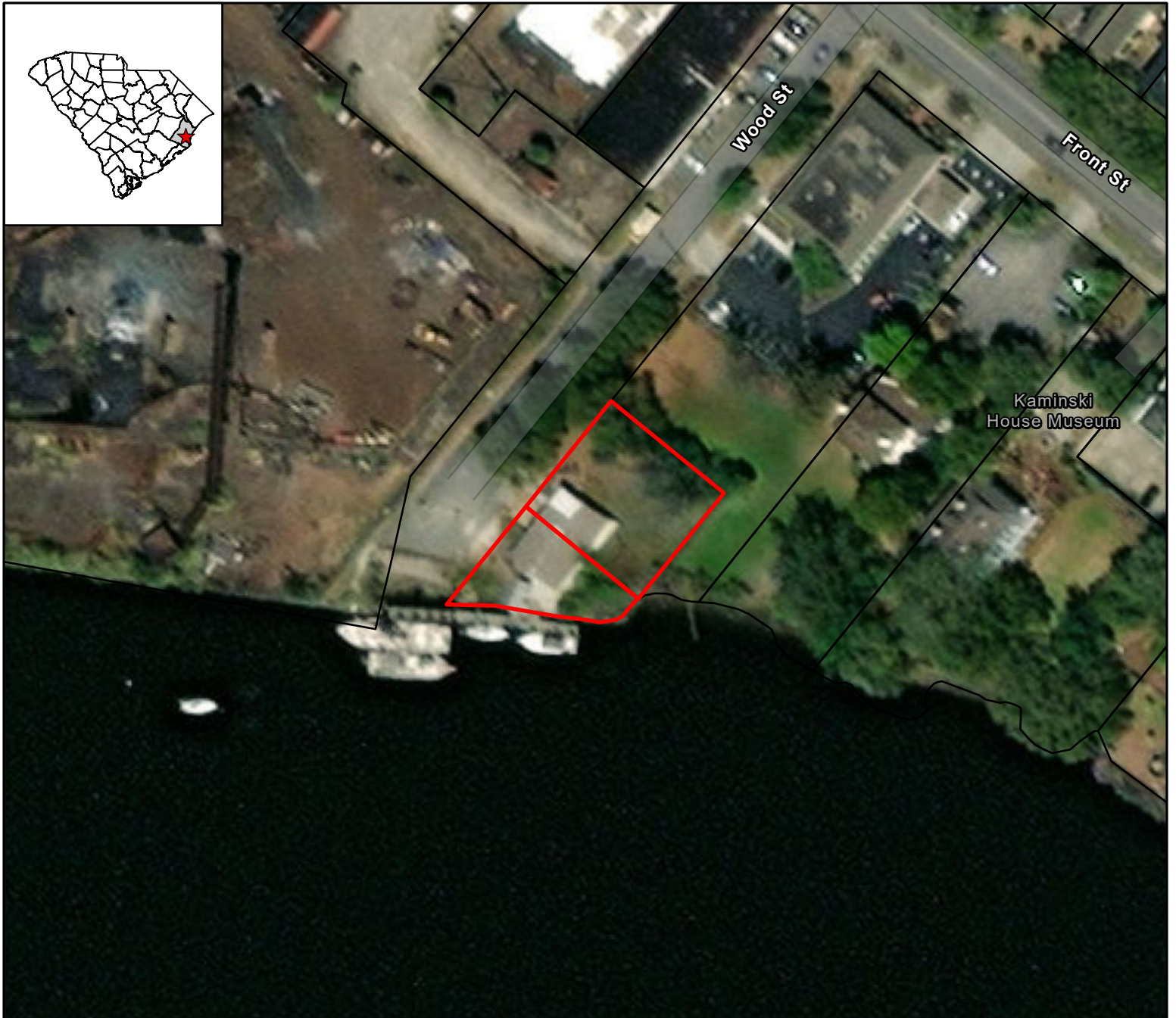
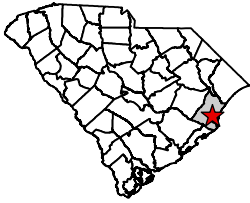
Solicitation of Public Comment

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. 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.

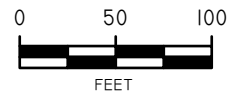
Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2022-01059), to Tony.B.hardee@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526**

If there are any questions concerning this public notice, please contact T. Brian Hardee, Project Manager, at (843) 365-0848, or by email at Tony.B.hardee@usace.army.mil.



**SITE / VICINITY
BETWEEN THE ANTLERS
MARINA**



SCALE
1:1,200
1" = 100'

EARTHWORKS
planning and design consultants

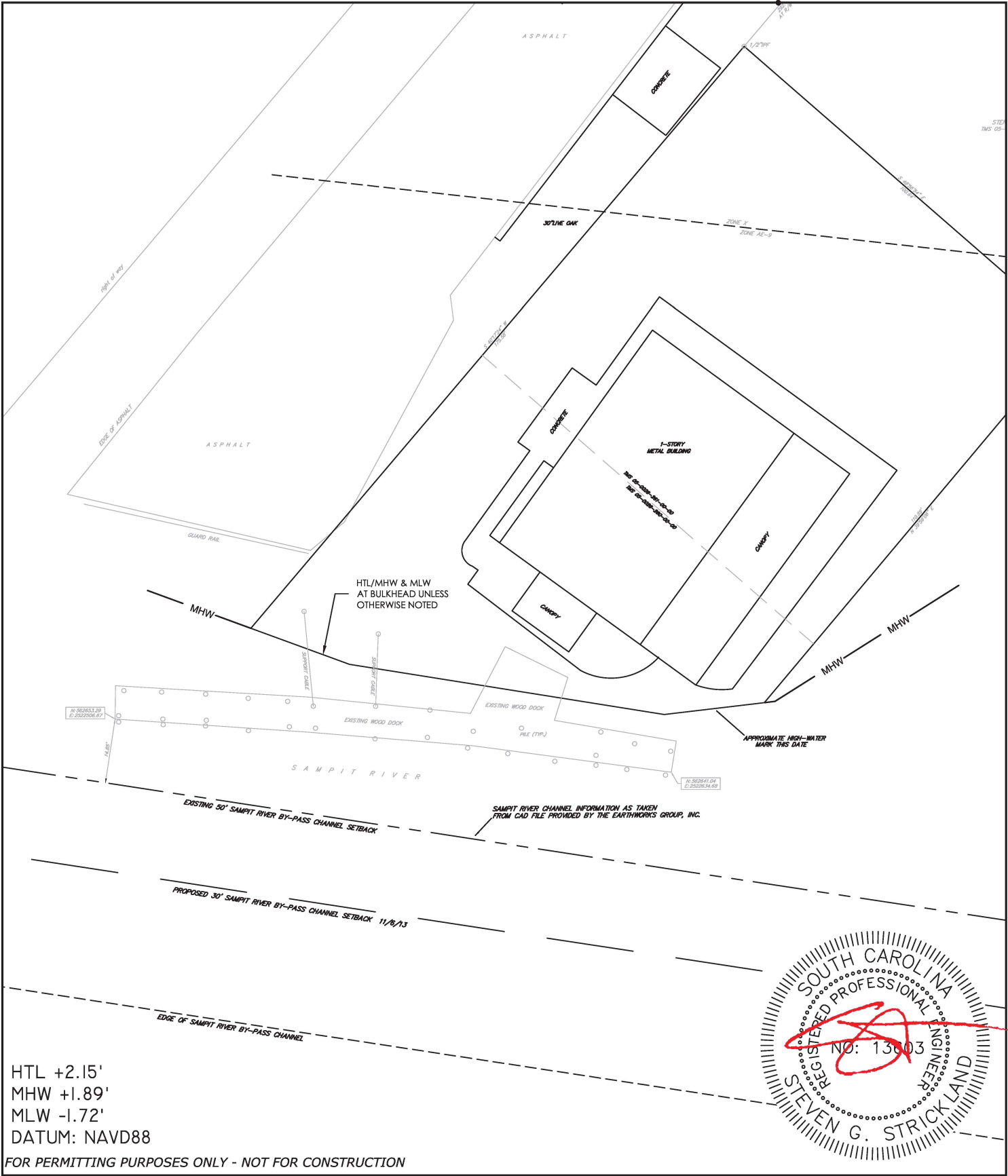
11655 HIGHWAY 707
MURRELLS INLET, SC 29576
P: 843-651-7900 F: 843-651-7903
WWW.EARTHWORKSGROUP.COM

APPLICANT: **Fleur de la mer Glown, LLC**
421 Front Street
Georgetown, SC , 29440
PIN: 05-0026-260-00-00

LOCATION: 100 WOOD STREET
GEORGETOWN COUNTY

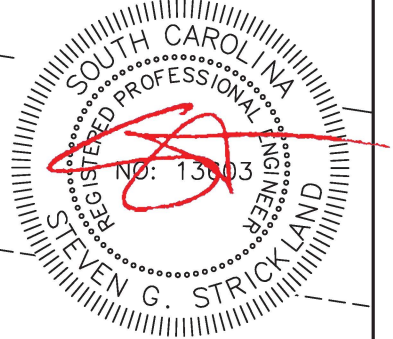
LAT/LONG: 33.3678758 by -79.2879842
USGS QUAD: GEORGETOWN SOUTH

DATE: 8/17/2022



HTL +2.15'
 MHW +1.89'
 MLW -1.72'
 DATUM: NAVD88

FOR PERMITTING PURPOSES ONLY - NOT FOR CONSTRUCTION



EARTHWORKS
 planning and design consultants

11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 phone - 843.651.7900
 fax - 843.651.7903
 earthworksgroup.com

EXISTING SITE
 100 WOOD STREET MARINA

MARINA PERMITTING

0 15 30 SCALE 1" = 30'

↑

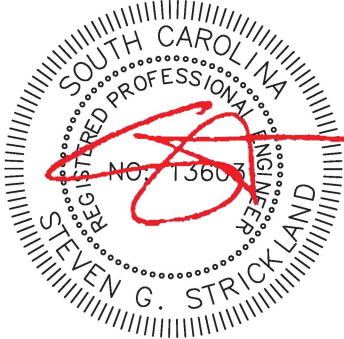
APPLICANT: **CHARLES BASS**
 100 WOOD STREET
 GEORGETOWN, SC

LOCATION: 100 WOOD STREET, GEORGETOWN,
 GEORGETOWN COUNTY, SC
 LAT/LONG: 33.3678758 BY - 79.2879842
 USGS QUAD: GEORGETOWN SOUTH

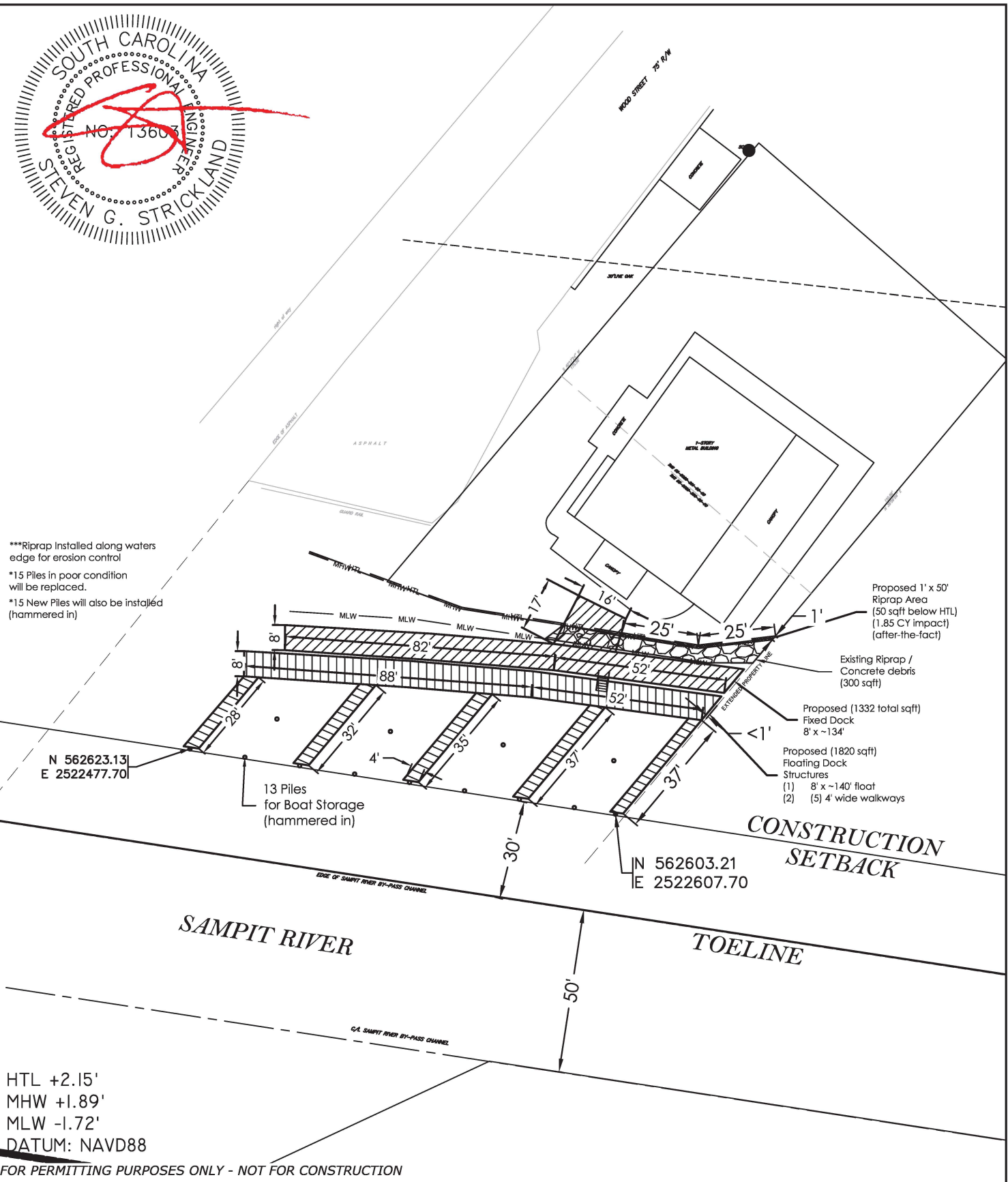
DATE: 11/19/21

TEG PN: 211237

EXISTING



***Riprap Installed along waters edge for erosion control
 *15 Piles in poor condition will be replaced.
 *15 New Piles will also be installed (hammered in)



HTL +2.15'
 MHW +1.89'
 MLW -1.72'
 DATUM: NAVD88

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PROPOSED SITE
 100 WOOD STREET MARINA

MARINA PERMITTING

0 20 40 SCALE 1" = 40'

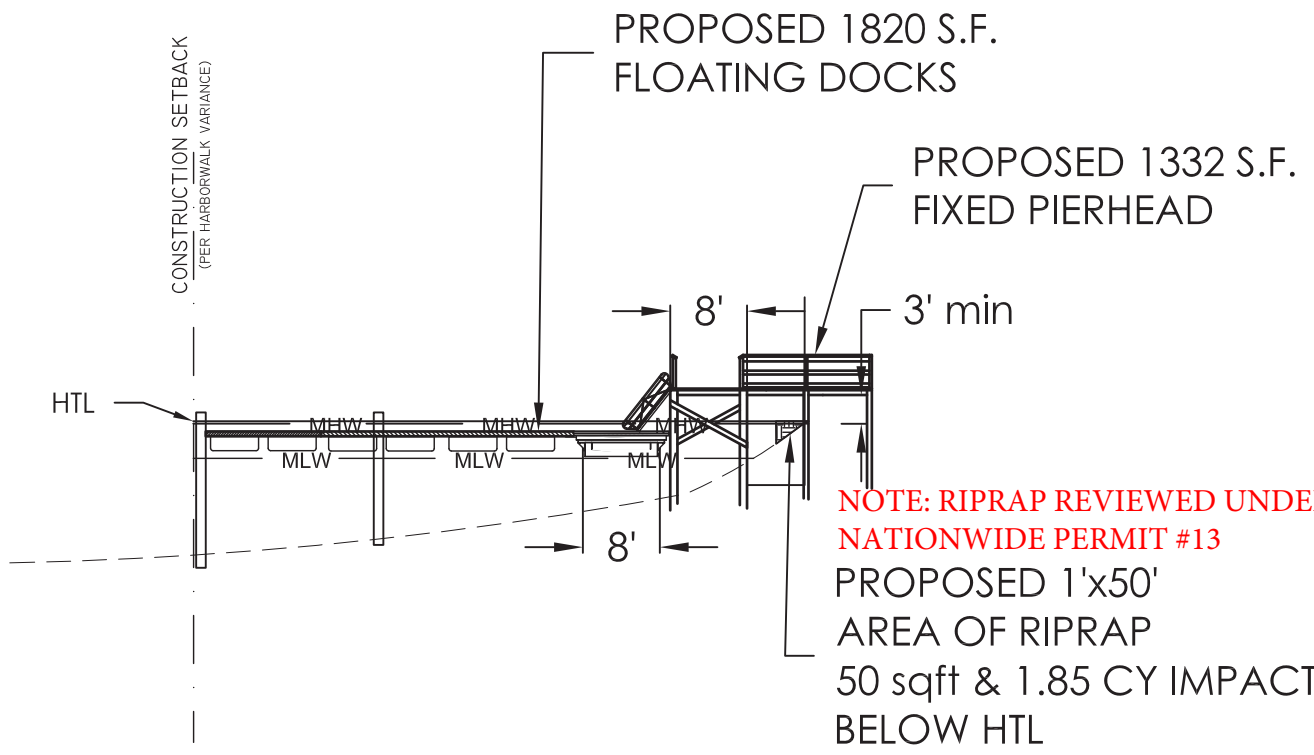
APPLICANT: **Fleur de la mer Glow, LLC**
 421 Front Street
 GEORGETOWN, SC
 PIN# 05-0026-260-00-00

LOCATION: 100 WOOD STREET, GEORGETOWN,
 GEORGETOWN COUNTY, SC

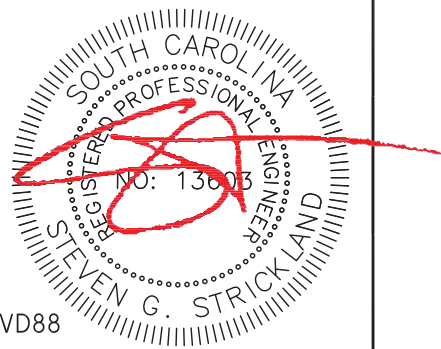
LAT/LONG: 33.3678758 BY - 79.2879842
 USGS QUAD: GEORGETOWN SOUTH

DATE: 9/13/2022

TEG PN: 211237



HTL +2.15'
 MHW +1.89'
 MLW -1.72'
 DATUM: NAVD88



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planning and design consultants

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 earthworksgroup.com

PROFILE VIEW
 100 WOOD STREET MARINA

MARINA PERMITTING

SCALE
 1" = 20'

APPLICANT: **CHARLES BASS**
 100 WOOD STREET
 GEORGETOWN, SC
 PIN# 05-0026-260-00-00

LOCATION: 100 WOOD STREET, GEORGETOWN,
 GEORGETOWN COUNTY, SC

LAT/LONG: 33.3678758 BY - 79.2879842
 USGS QUAD: GEORGETOWN SOUTH

DATE: 8/2/2022

TEG PN: 211237

SHEET
PROFILE