



C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment.*

## **TO ALL INTERESTED PARTIES**

### **Notification of Public Notice**

Enclosed are public notices issued by the SCDHEC Office of Ocean and Coastal Resource Management and the U.S. Army Corps of Engineers. All interested parties are allowed 30 days for major developments and 15 days for minor developments after receipt of the public notices to file written comments to the OCRM pertaining to the applications. Only those comments received within this period must be reviewed by the OCRM in processing the permit application. Any person wishing notification of the initial OCRM decision on any specific public notice must make written request within the designated review period for that public notice.

<b>APPLICANT</b>	<b>PUBLIC NOTICE NUMBER</b>	<b>SUSPENSE DATE</b>
Westndorff Investments LP	2009-00342-2IY	May 25, 2009

May 01, 2009

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  
Charleston, South Carolina 29405

REGULATORY DIVISION  
Refer to: P/N #2009-00342-21Y

April 24, 2009

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 of the Clean Water Act (33 U.S.C. 1344), the South Carolina Coastal Zone Management Act (48-39-10 et seq.), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

WESTENDORFF INVESTMENTS LP  
P.O. BOX 2080  
MT. PLEASANT, SOUTH CAROLINA 29465

for a permit to construct a community dock adjacent to the

**STONO RIVER**

at a location described as the western terminus of Sea Water Drive in Grimball Shores Subdivision on James Island, Charleston County, South Carolina (Latitude 32.702607, Longitude -79.985688)

*THIS # 334-04-00-024*

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 both of the above mentioned offices until

**12 O'CLOCK NOON, TUESDAY, MAY 26, 2009**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the construction of a community dock with a 4' x 362' walkway with an 20' x 20' covered pierhead and a 10' x 40' floating dock for access to the Stono River.

April 24, 2009

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

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

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). The District Engineer will not process this application to a conclusion until such certifications are received. 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 applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

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 minimally impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that no Federally *endangered* or *threatened* species are present in the vicinity of the project. It has therefore been determined that the project will have no effect on these species and will not 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.

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 the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

REGULATORY DIVISION

Refer to: P/N #2009-00342-2IY

April 24, 2009

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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 of Engineers 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.

If there are any questions concerning this public notice, please contact David Chamberlain at 843-329-8044 or toll free at 1-866-329-8187.

Bill Eisner  
Project Manager  
SCDHEC-OCRM



### Charleston County

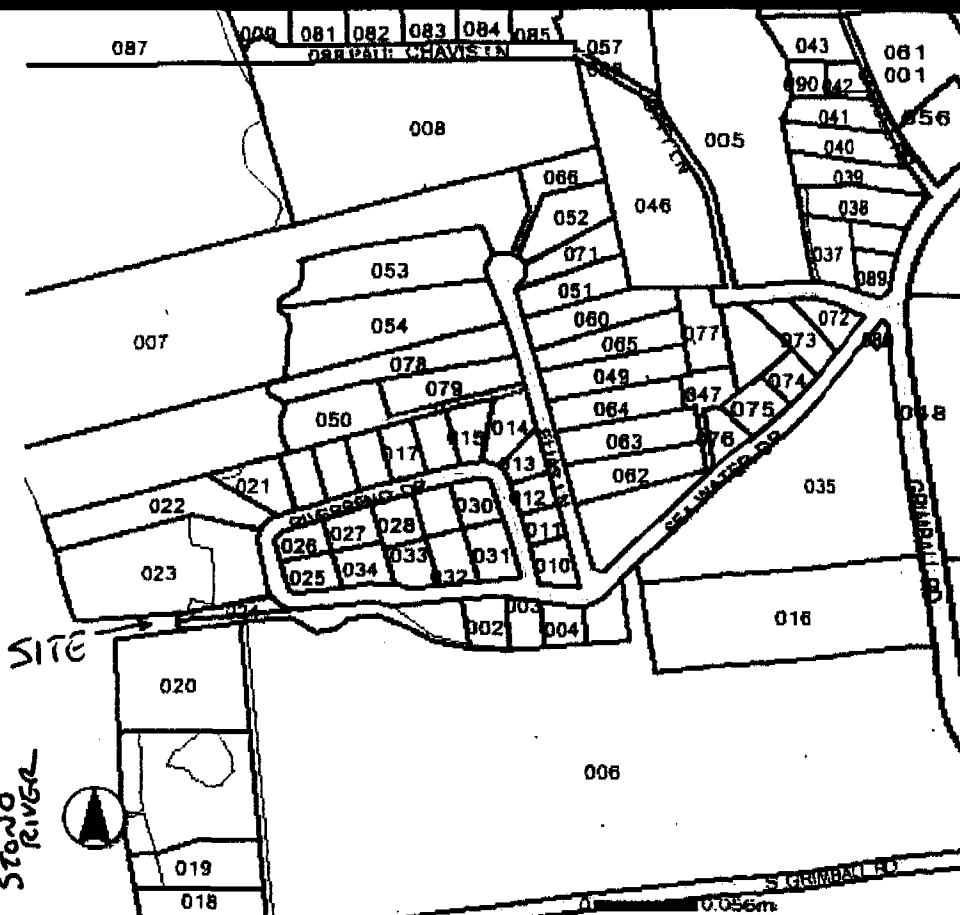
Copyright 2004  
Charleston County GIS  
4045 Bridge View Drive  
North Charleston, SC 29405-7464

#### Legend

Selected Features

Streets/Roads

Parcels



SAC 2009-00342-2I4

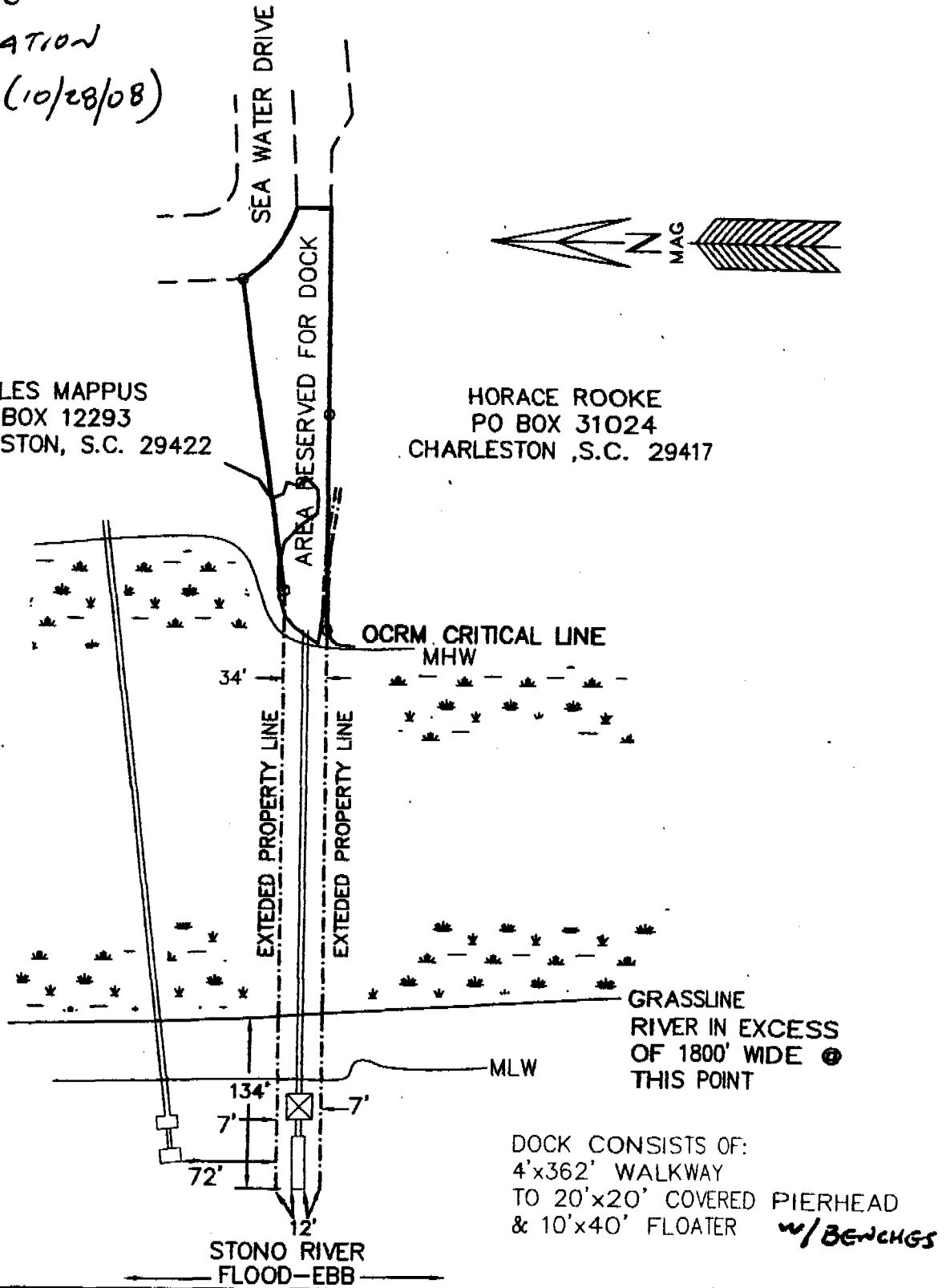
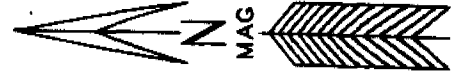
Drawing 1

CLARENCE WESTENDORFF  
SEA WATER DR  
JAMES ISLAND  
TMS # 334-04-00-024

CRITICAL LINE  
 PER DELINEATION  
 BILL EISER (10/28/08)

CHARLES MAPPUS  
 PO BOX 12293  
 CHARLESTON, S.C. 29422

HORACE ROOKE  
 PO BOX 31024  
 CHARLESTON, S.C. 29417

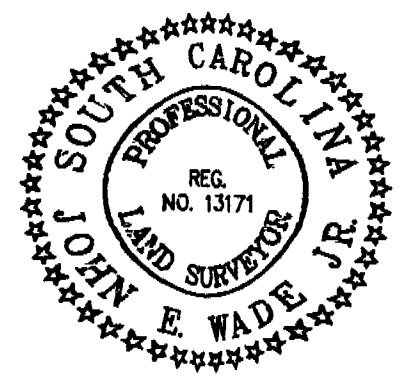


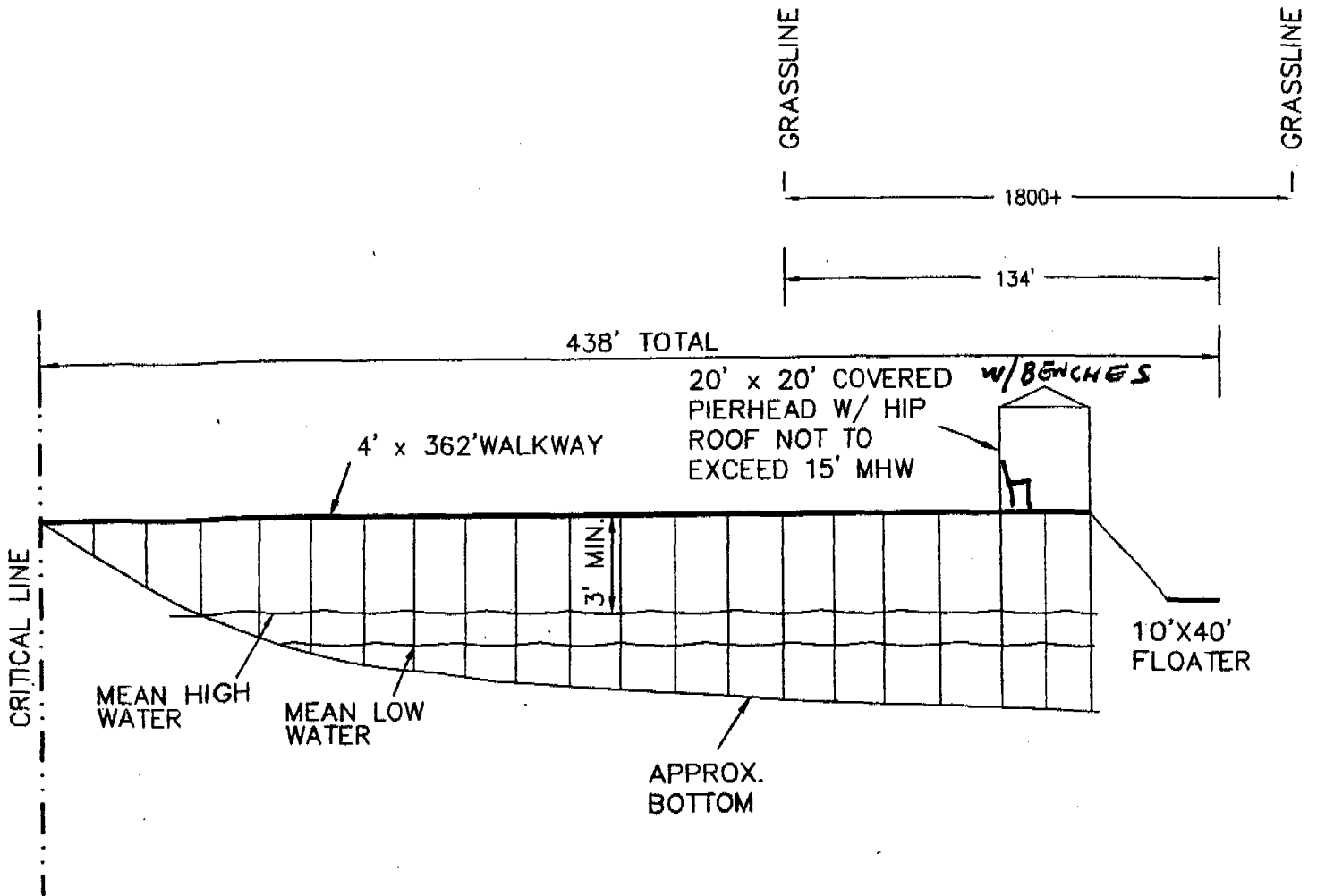
CLARENCE WESTENDORFF  
 SEA WATER DRIVE  
 TMS#334-04-00-024  
 JAMES ISLAND  
 CHARLESTON COUNTY  
 STONO RIVER  
 SAC 2009-00342-2IY  
 Drawing 2

105-00

COMMUNITY DOCK

DATE: OCTOBER 22, 2008  
 SCALE: 1" = 120'





CLARENCE WESTENDORFF  
 SEA WATER DRIVE  
 TMS#334-04-00-024  
 JAMES ISLAND  
 CHARLESTON COUNTY  
 STONO RIVER  
 SAC 2009-00342-2IV  
 Drawing 3  
 105-00

COMMUNITY DOCK  
 DATE: OCTOBER 22, 2008  
 NO SCALE

