

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 Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N #2015-00114-3B

Date: February 11, 2015

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 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

JERRY LEWIS
C/O BRITT FELDNER
THE BRIGMAN COMPANY
P.O. BOX 1532
CONWAY, SOUTH CAROLINA 29528

or a permit to fill in 0.09 acre of tidal waters (TNW) and construct a bulkhead and floating dock in the

ATLANTIC INTRACOASTAL WATERWAY (AIWW)

at a location described as Lot 16 Ed Smith Avenue, in the City of Myrtle Beach, Horry County, South Carolina (Latitude: 33.691552°N; Longitude: -78.997027°W).

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 filling waters of the United States and constructing a bulkhead and floating dock along the AIWW. In detail, the applicant proposes to fill 0.09 acre of open tidal waters of the AIWW located within a single-family residential lot, and construct 161 linear feet of bulkhead and a 10' x 40' floating dock attached to the bulkhead. As stated in the application, the applicant has avoided and minimized impacts to waters of the United States by limiting impacts to the minimal amount necessary to provide adequate buildable

space for the construction of a single family residence, erecting a bulkhead to contain fill material within the proposed impact area and provide bank stabilization, and constructing the dock within the terms and conditions of the dock general permit (RGP# 2011-00940). As stated by the applicant, the proposed impacts will not result in the loss or function of aquatic resources, therefore mitigation is not proposed. As stated by the applicant, the project purpose is to construct a single-family residence on the subject lot.

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
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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 impact (0.09) acres of 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.

The District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely effect any Federally endangered, threatened, or proposed species 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 7(c) of the Endangered Species Act of 1973 (as amended).

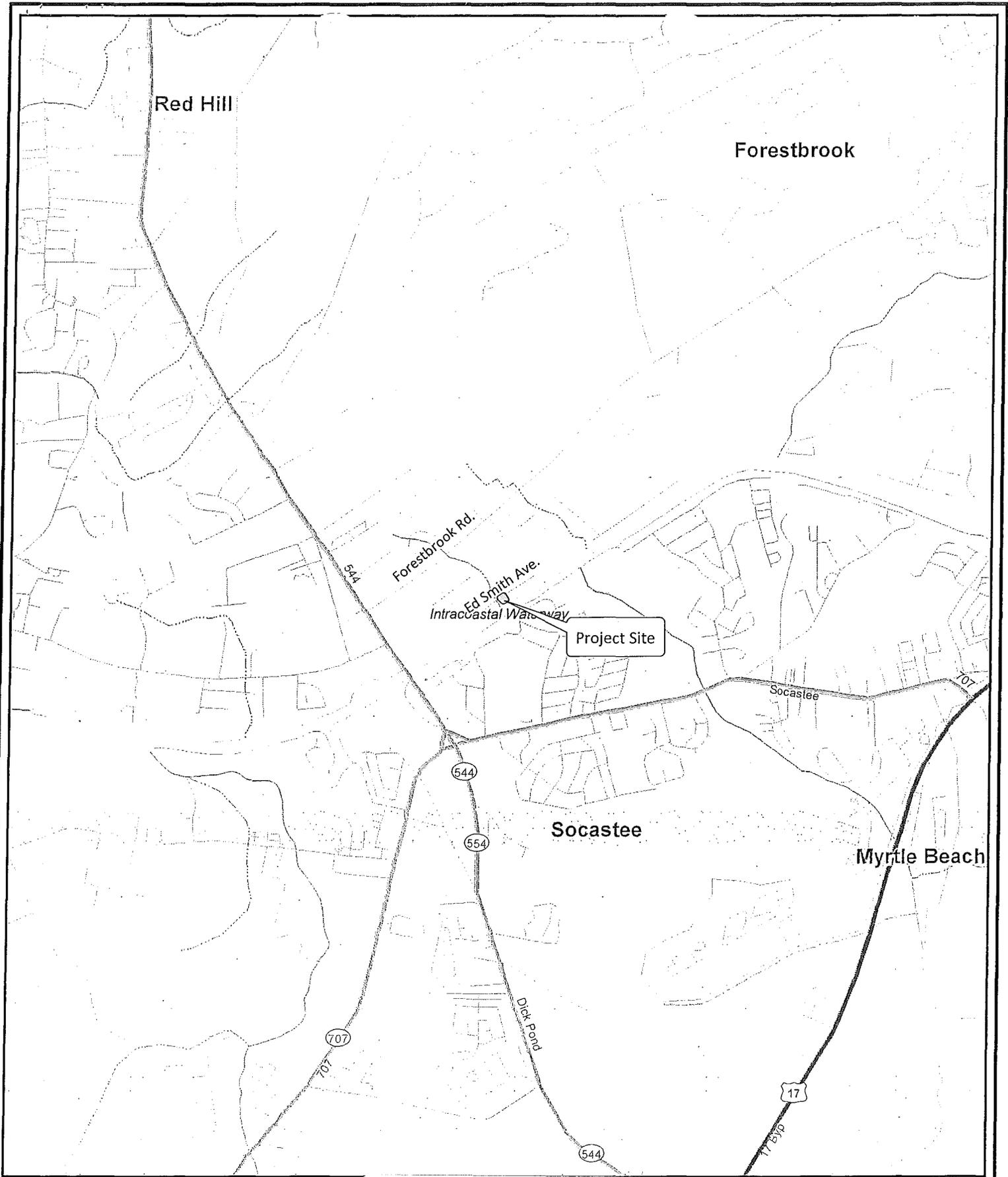
Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

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 Wiley Bracey at 843-365-1707.

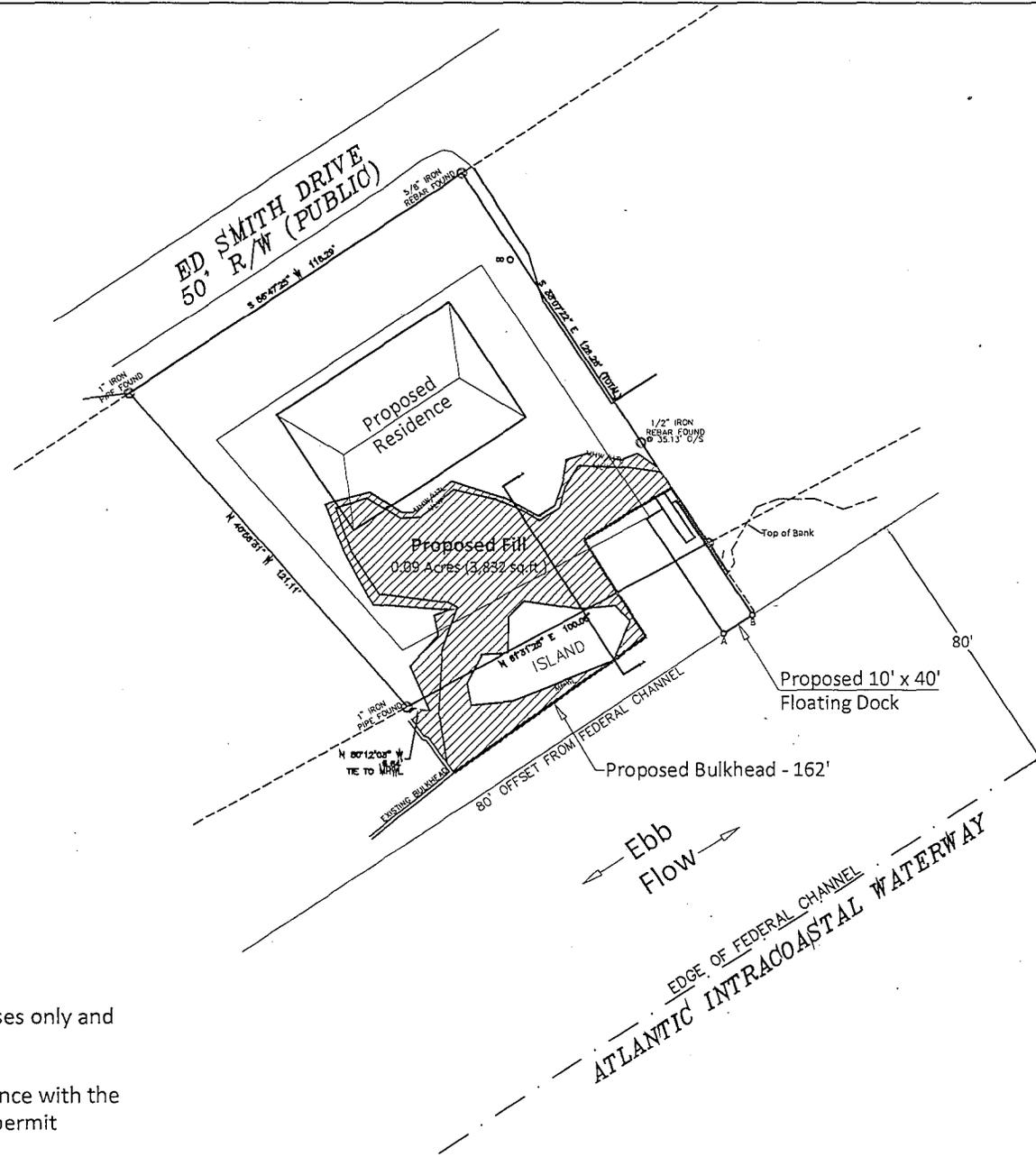


the
BRIGMAN
COMPANY
 wetland consulting - forest management

Lot 16 Ed Smith Ave. Dock, Bulkhead, Fill Pad
 Applicant: Jerry Lewis
 Location: Horry County
 SAC# 2015-00114-3B
 Date: February 10, 2015

Sheet 1 of 4


 1" equals 3,000'



Notes:

1. Drawings are for permitting purposes only and should not be used for construction.
2. Work will be conducted in compliance with the terms and conditions of the general permit #2011-00940



Lot 16 Ed Smith Ave. Dock, Bulkhead, Fill Pad
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Sheet 2 of 4

Proposed Activity: Fill within TNW & proposed floating Dock
 Applicant: Jerry Lewis

SCALE IN FEET
 50' 0 50'

Proposed Residence

Proposed Fill
0.09 Acres (3,832 sq.ft.)

1/2" IRON REBAR FOUND @ 35.13' O/S

N 40°58'31" W 121.11'

MHW/HTL
MLW

MHW/HTL
MLW

Top of Bank

Barisway
Floating Dock

N 61°31'25" E 100.08'
ISLAND

Ebb Flow

1" IRON PIPE FOUND

N 80°12'03" W 6.64'
TIE TO MHWL

EXISTING BULKHEAD

80' OFFSET FROM FEDERAL CHANNEL

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State Plane Coordinates of Structures (NAD83)

	<u>Northing</u>	<u>Easting</u>
A	682034.54	2609234.95
B	682040.00	2609243.33
C	681994.38	2609156.20
D	682033.63	2609212.42



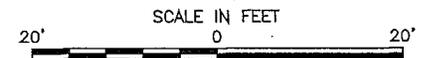
Lot 16 Ed Smith Ave. Dock, Bulkhead, Fill Pad

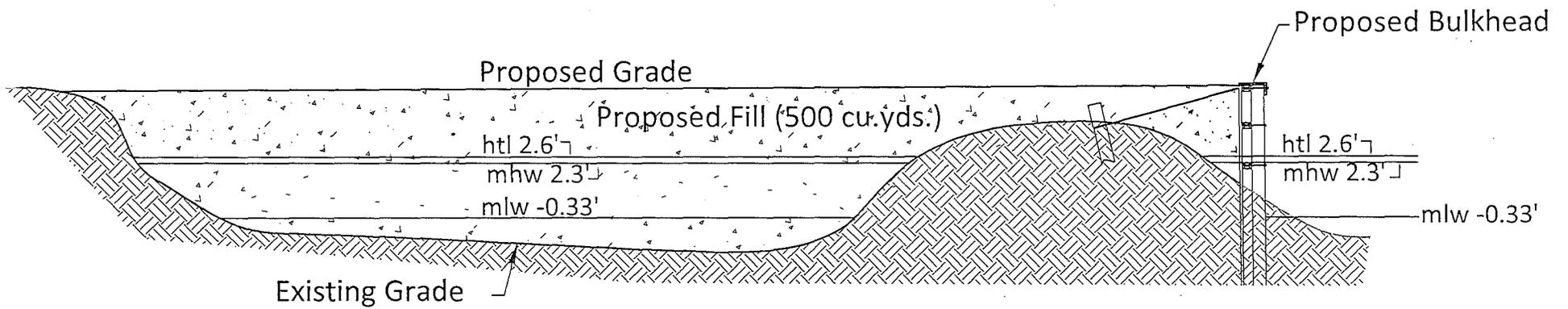
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Sheet 3 of 4

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Sheet 4 of 4

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