

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 #2013-01265-3B

Date: January 3, 2014

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

MARK GALLAGHER
C/O TOM JOHNSON
CUSTOM DESIGNS MARINE CONTRACTING, INC.
409 SEA VISTA LANE
NORTH MYRTLE BEACH, SOUTH CAROLINA 29582

for a permit to construct a private boat docking area in the

ATLANTIC INTRACOASTAL WATERWAY (AIWW)

at a location described as Lot 85 Bellasera Circle, in Horry County, Myrtle Beach, South Carolina (Latitude: 33.771312°N; Longitude: -78.809164°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 constructing a boat docking area by excavating approximately 600 square feet of uplands adjacent to the AIWW and the installation of 80 linear feet of bulkhead for erosion control. In addition, approximately 560 cubic yards of material will be dredged from 0.05 acres of the AIWW to allow adequate, safe navigational depths to the upland excavated area. The material will be removed by a long stick,

land based track excavator (stationed within uplands) and placed in a spoil staging area located within uplands on the applicant's property. The spoil staging area will be enclosed by silt fencing and straw bales secured by steel rods to control the sediment from re-entering the AIWW. Once the dredged material has sufficiently dried, the applicant proposes to utilize the material by spreading it over the subject property. Approximately 8.9 cubic yards of material will be placed below the high tide line for the construction of the proposed bulkhead. The bulkhead will also consist of a 10' wide wood deck around the perimeter and steps that lead to the water. A single pole jet ski hoist will be constructed within the boat docking area. The applicant also proposes to install 125 linear feet of rip-rap along the shoreline. However, the proposed rip-rap will be placed above the high tide line and will not require authorization from the Department of the Army. The applicant stated that the project as proposed has avoided impacts to the coastal resources by employing standard and customary construction techniques. The applicant offered no compensatory mitigation for the impacts associated with the proposed work. 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. The purpose of the project is to provide private recreational boat mooring within the AIWW and bank stabilization.

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
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526**

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 (0.05) 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.

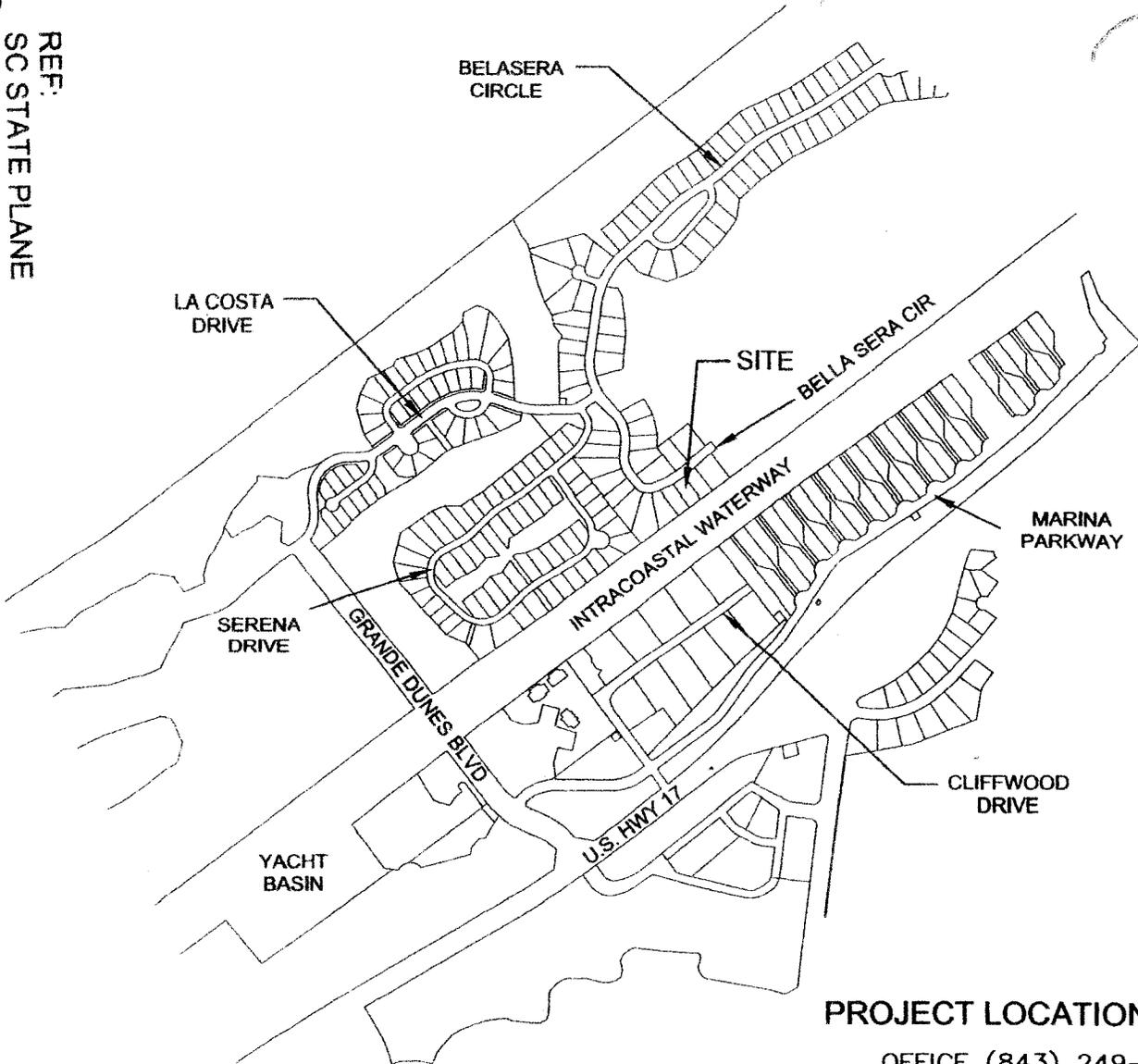
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine 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.



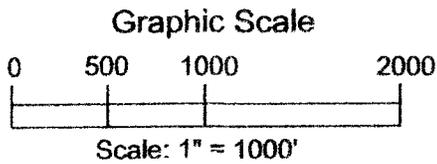
Russell A. Courtney

REF:
SC STATE PLANE



PROJECT LOCATION SHEET

OFFICE (843) 249-7733
Russ Courtney & Assoc., LLC, PLLC
Land Surveying in SC & NC



Lot 85 Bellasera Boat Docking Area

Applicant: Gallagher, Mark
Location: Horry County

Date: January 2, 2014 SAC# 2013-01265-3B

FLOOD NOTE:
THE SUBJECT PROPERTY SHOWN
HEREON DOES LIE IN A SPECIAL
FLOOD HAZARD AREA PER F.E.M.A.
PANEL# 45051C0583 H

MAP FILE (9-120)

DATE:	SCALE: 1" = 1000'
APPLICATION#:	SHEET / OF 4

Legend

- Iron Old •
- As Noted
- Iron New ○
- 1/2" Rebar ○

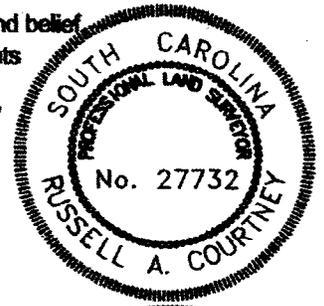
State Plane Coord.

- A N 712025.02
E 2665739.81
- B N 712037.15
E 2665755.71
- C N 711971.25
E 2665768.27
- D N 711995.52
E 2665800.06

I hereby state to the best of my professional knowledge, information, and belief the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified therein; also there are no visible encroachments or projections other than shown.

Date: OCT 27 2013

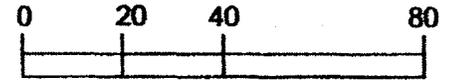
Russell A. Courtney
 RUSSELL A. COURTNEY, SCPLS 27732



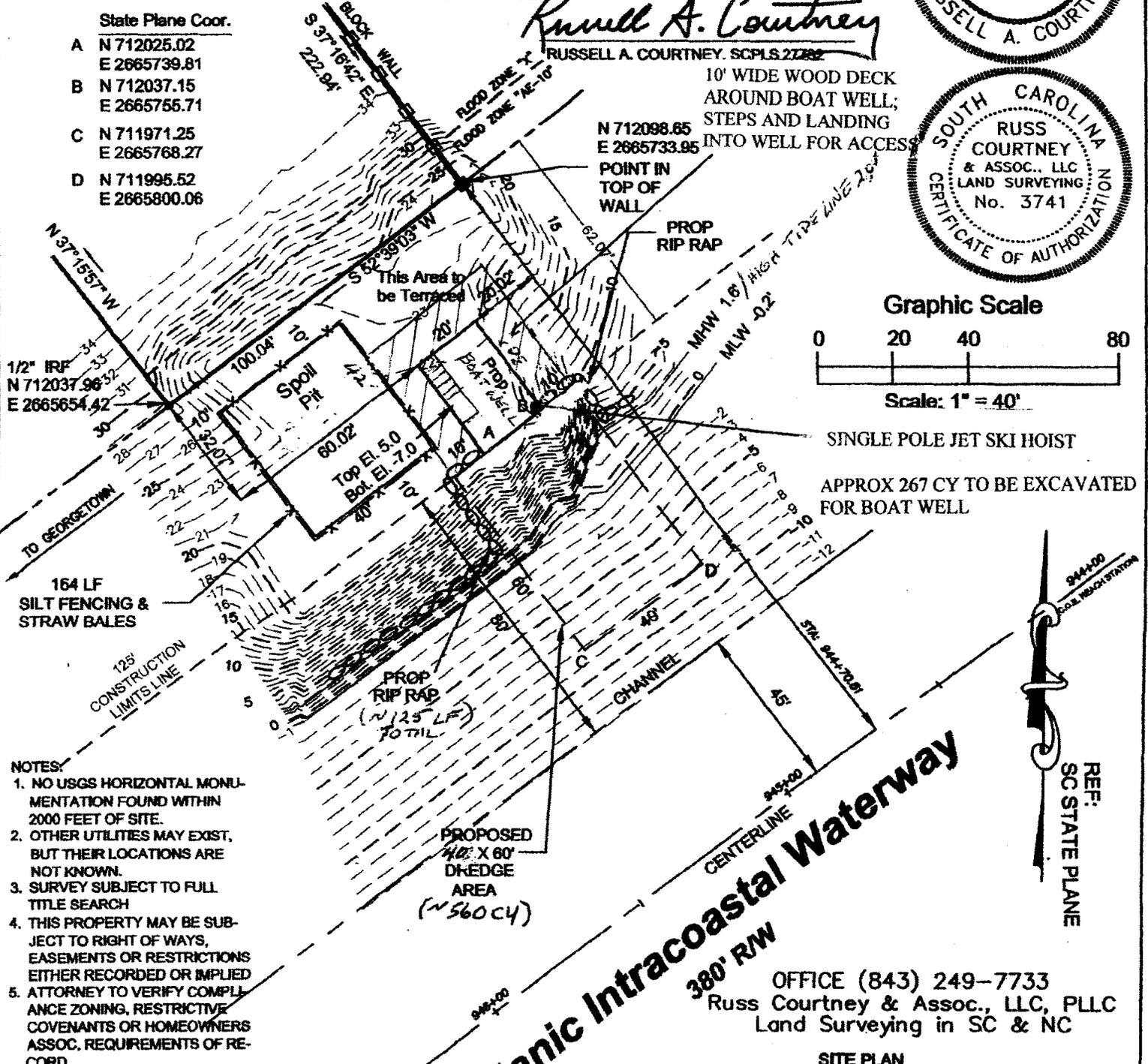
10' WIDE WOOD DECK
 AROUND BOAT WELL;
 STEPS AND LANDING
 INTO WELL FOR ACCESS

N 712098.65
 E 2665733.95
 POINT IN
 TOP OF
 WALL

Graphic Scale



Scale: 1" = 40'



SINGLE POLE JET SKI HOIST
 APPROX 267 CY TO BE EXCAVATED
 FOR BOAT WELL

- NOTES:
1. NO USGS HORIZONTAL MONUMENTATION FOUND WITHIN 2000 FEET OF SITE.
 2. OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.
 3. SURVEY SUBJECT TO FULL TITLE SEARCH
 4. THIS PROPERTY MAY BE SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED
 5. ATTORNEY TO VERIFY COMPLIANCE ZONING, RESTRICTIVE COVENANTS OR HOMEOWNERS ASSOC. REQUIREMENTS OF RECORD
 6. RAW = RIGHT OF WAY
 7. ELEVATIONS BASED ON NAVD 1929
 8. TAX# 156-19-04-038
 9. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
 10. SCALE FACTOR = 0.99979898
 11. 1988 TIDAL DATUM

FLOOD NOTE:
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 HEREON DOES LIE IN A SPECIAL
 FLOOD HAZARD AREA PER F.E.M.A.
 PANEL # 45051C0583 H

Altantic Intra-coastal Waterway
 380' R/W
 CENTERLINE
 PROPOSED 40' X 60' DREDGE AREA (N560CY)

- ### Legend
- Iron Old
 - 1/2" Rebar
 - Iron New
 - 1/2" Rebar

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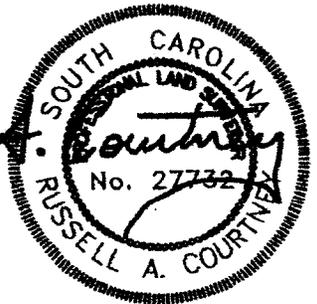
SITE PLAN

Lot 85 Bellasera Boat Docking Area
 Applicant: Gallagher, Mark
 Location: Horry County

Date: January 2, 2014 SAC# 2013-01265-3B

DATE:	SCALE: 1" = 40'
APPLICATION#:	SHEET 3 OF 4

MAP FILE (9-120)



Russell A. Courtney

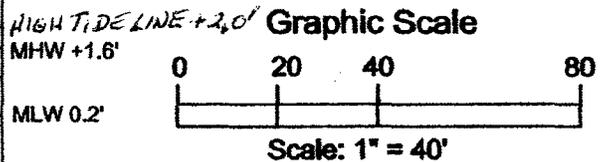
Legend

- Iron Old ●
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Graphic Scale



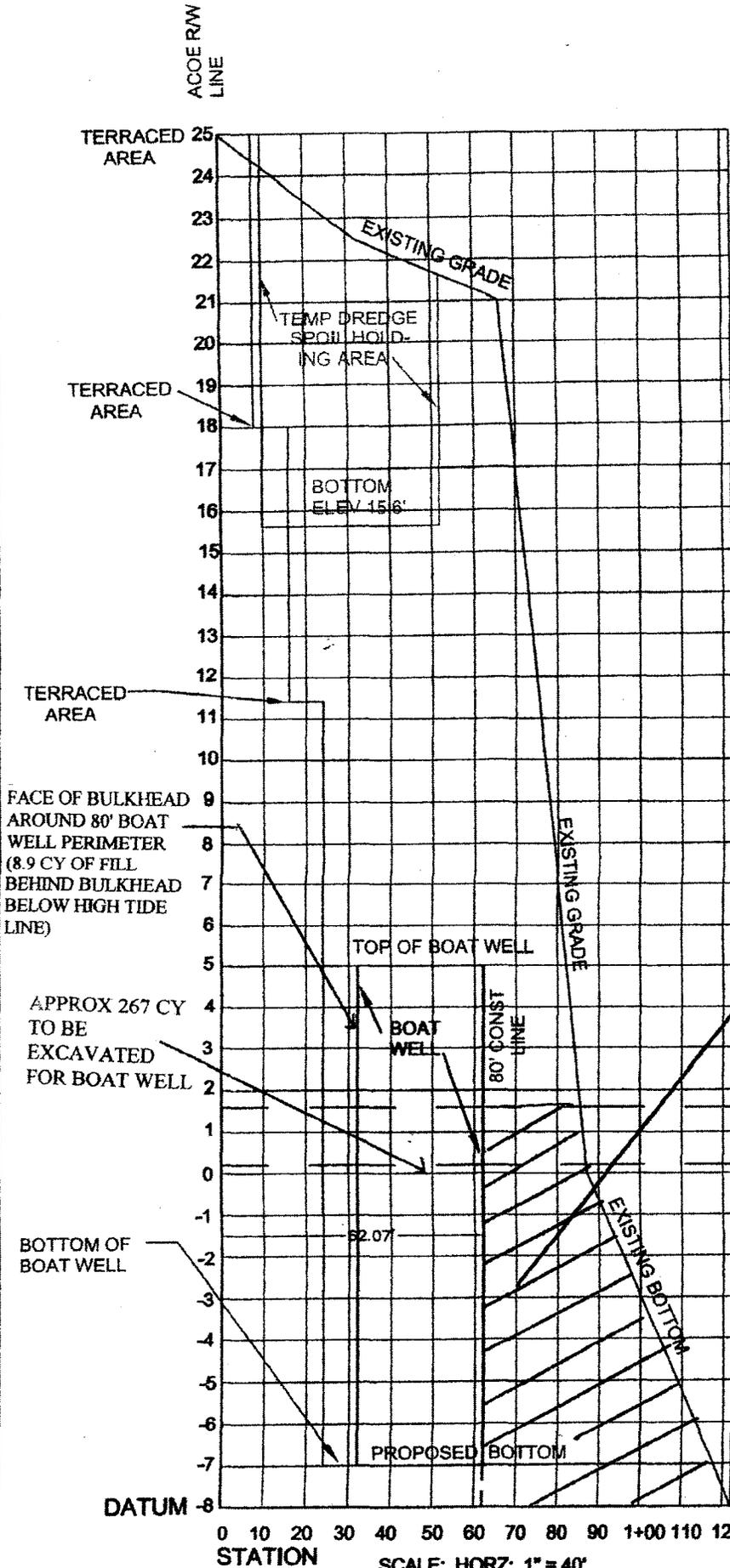
PROFILE SECTION VIEW

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PANEL# 45051C0583 H

ACAD: 85 BELASERA DWG EOLDED - 20 AUG 2013

MAP FILE (9-120)

SCALE: HORIZ: 1" = 40'
VERT: 1" = 4'

DATE:	SCALE: 1" = 40'
APPLICATION#:	SHEET OF 27 4