

**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**  
**Water Quality Certification and Wetlands Section**  
**2600 Bull Street**  
**Columbia, South Carolina 29201**

REGULATORY DIVISION  
Refer to: SAC-2023-01308

November 2, 2023

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

**Mr. Joseph Landau**  
**The ZD Group**  
**c/o Mr. Britt Feldner**  
**The Brigman Company**  
**P O BOX 1532**  
**Conway, South Carolina 29528**  
**[bfeldner@thebrigmancompany.com](mailto:bfeldner@thebrigmancompany.com)**

for a permit to construct a marina and drystack facility in the

**ATLANTIC INTRACOASTAL WATERWAY (AIWW)**

located adjacent to the terminus of Bowline Boulevard on a parcel identified as Tax Parcel ID # 1300008058, in Little River, Horry County, South Carolina (Latitude: 33.843206°, Longitude: -78.671699°), Myrtle Beach 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 recreation boating access and day storage within the AIWW.

### **Project Description**

The proposed work consists of the construction of a bulkhead, a marina, drystack facility and associated dredging. In detail, the work will include excavating 3,836 square feet of uplands above the high tide line of the AIWW for the proposed drystack basin. The proposed marina structures will consist of two (2) separate covered 20' x 40' fixed pierheads with adjacent (4 total) 10' x 50' floating docks accessed by (4 total) 4' x 24' gangways. The fixed pierhead to the south will be accessed by a 6' x 32' walkway. The fixed pierhead to the north will be accessed by a 6' x 19' walkway. The project will also consist of a 34-slip finger dock and a 42-slip finger dock. Access to the finger docks will be provided by four (4) 6' walkways with attached (5 total) 4' x 80' ADA gangways. In addition, the work will include the construction of two (2) 10' x 105' floating docks to provide boat staging for the proposed drystack marina. To provide for bank stabilization, the proposed work will include the construction of a bulkhead which will require the placement of clean earthen fill into 2,049 square feet (492.2 linear feet) below the high tide line (HTL) of the AIWW. Lastly, the proposed work will include dredging approximately 36,310 cubic yards of material from 4.1 acres of the AIWW to a depth -7' MLW. The proposed dredge cut has been designed to allow proper drainage (flushing) by being sloped from the bank to the existing channel. The dredging will be conducted by mechanical means using a long reach excavator from a barge with a fixed storage bin in place behind the track hoe. The barge holds approximately 80 cubic yards of material with small scuffle holes. The small scuffle holes will be lined with filter fabric and straw bales to limit sediment from re-entering the waterway during the transportation process. The dredge material will be transported to an adjacent approved upland spoil disposal site located at 1015 Vereen Drive, in North Myrtle Beach. The dredged material will be offloaded with a loader from the barge hopper to dump trucks and transported to the disposal area directly adjacent to AIWW. The disposal area has protective measures such as perimeter berms, silt fencing and a retention area for dewatering. 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.

### **Avoidance and Minimization**

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by limiting the proposed docking facility to the minimal amount possible to provide sufficient boat storage to accommodate potential users of the RV park and drystack facility. In addition, the proposed bulkhead was limited to the minimal amount possible below the high tide line while accounting for existing grades and bank failure. The barge scuffle holes will be lined with filter fabric and straw bales to limit sediment from re-entering the waterway during the transportation process.

### **Proposed Compensatory Mitigation**

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

### **South Carolina Department of Health and Environmental Control**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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.

## **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 4.1 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 proposed project and based on location and available information, the following species have the potential to occur in the vicinity of the proposed work: West Indian Manatee (*Trichechus manatus*), Shortnose Sturgeon (*Acipenser brevirostrum*), and Atlantic sturgeon (*Acipenser oxyrinchus*), American wood stork (*Mycteria americana*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Sei whale (*Balaenoptera borealis*), Right whale (*Eubalaena glacialis*), Humpback whale (*Megaptera novaeangliae*), Sperm whale (*Physeter macrocephalus*), Finback whale (*Balaenoptera physalus*), Seabeach amaranth (*Amaranthus pumilus*), American chaffseed (*Schwalbea americana*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Green sea turtle (*Chelonia mydas*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), Tricolored bat (*Perimyotis subflavus*), Northern long-eared bat (*Myotis septentrionalis*), and Rufa red knot (*Calidris canutus rufa*).

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 Shortnose Sturgeon (*Acipenser brevirostrum*), and Atlantic sturgeon (*Acipenser oxyrinchus*), American wood stork (*Mycteria americana*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Sei whale (*Balaenoptera borealis*), Right whale (*Eubalaena glacialis*), Humpback whale (*Megaptera novaeangliae*), Sperm whale (*Physeter macrocephalus*), Finback whale (*Balaenoptera physalus*), Seabeach amaranth (*Amaranthus pumilus*), American chaffseed (*Schwalbea americana*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Green sea turtle (*Chelonia mydas*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), Tricolored bat (*Perimyotis subflavus*), Northern long-eared bat (*Myotis septentrionalis*), and Rufa red knot (*Calidris canutus rufa*) 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 (USFWS project code: 2024-0006285) 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 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.

### **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 and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. 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 cannot undertake to adjudicate rival claims.

### **Solicitation of Public Comment**

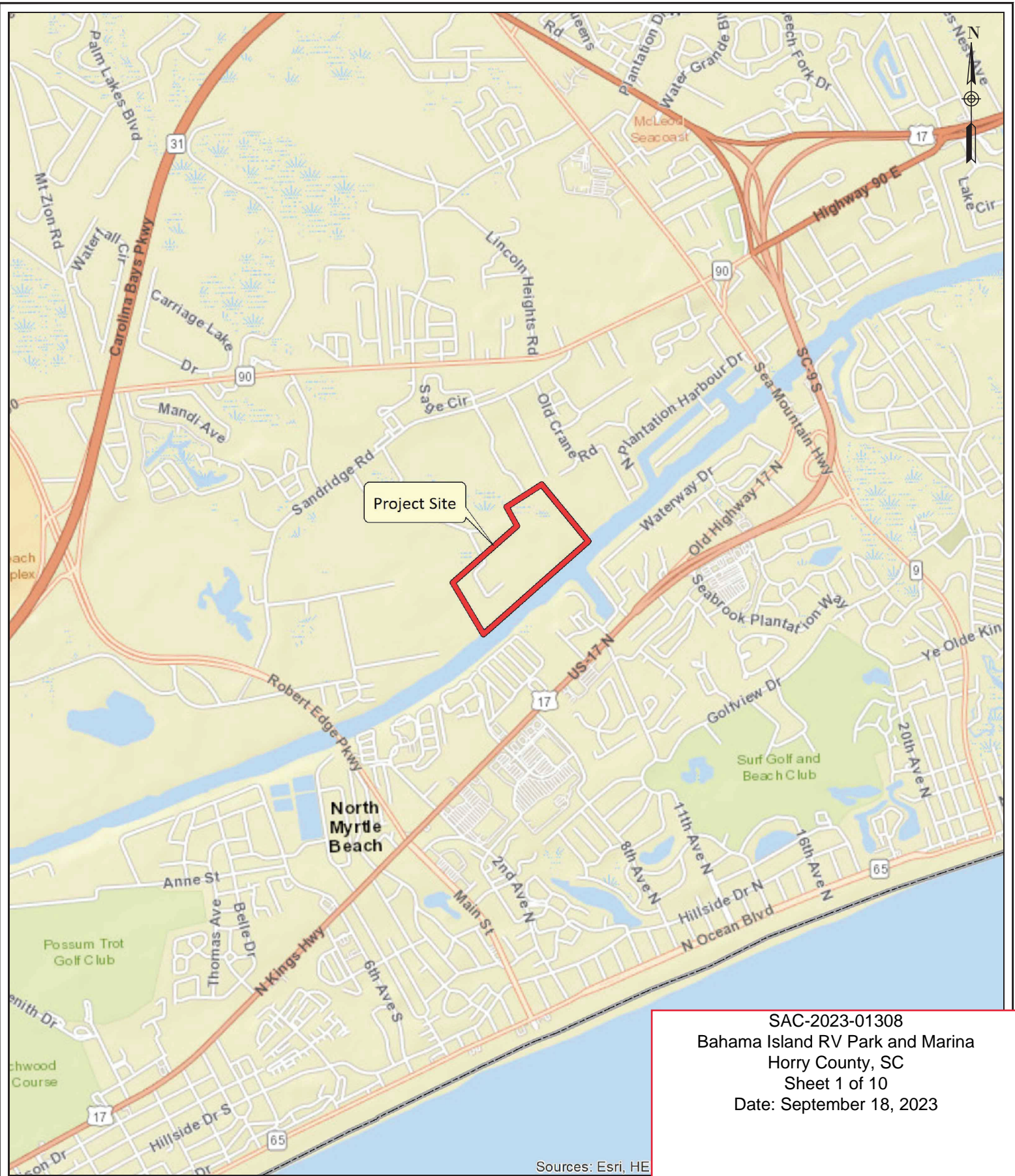
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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-2023-01308), to Robert.C.Huff@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 Rob Huff, Team Lead, at (843) 365-4239, or by email at Robert.C.Huff@usace.army.mil.





SAC-2023-01308  
 Bahama Island RV Park and Marina  
 Horry County, SC  
 Sheet 1 of 10  
 Date: September 18, 2023

Sources: Esri, HE



**TBC**  
 THE BRIGMAN CO.

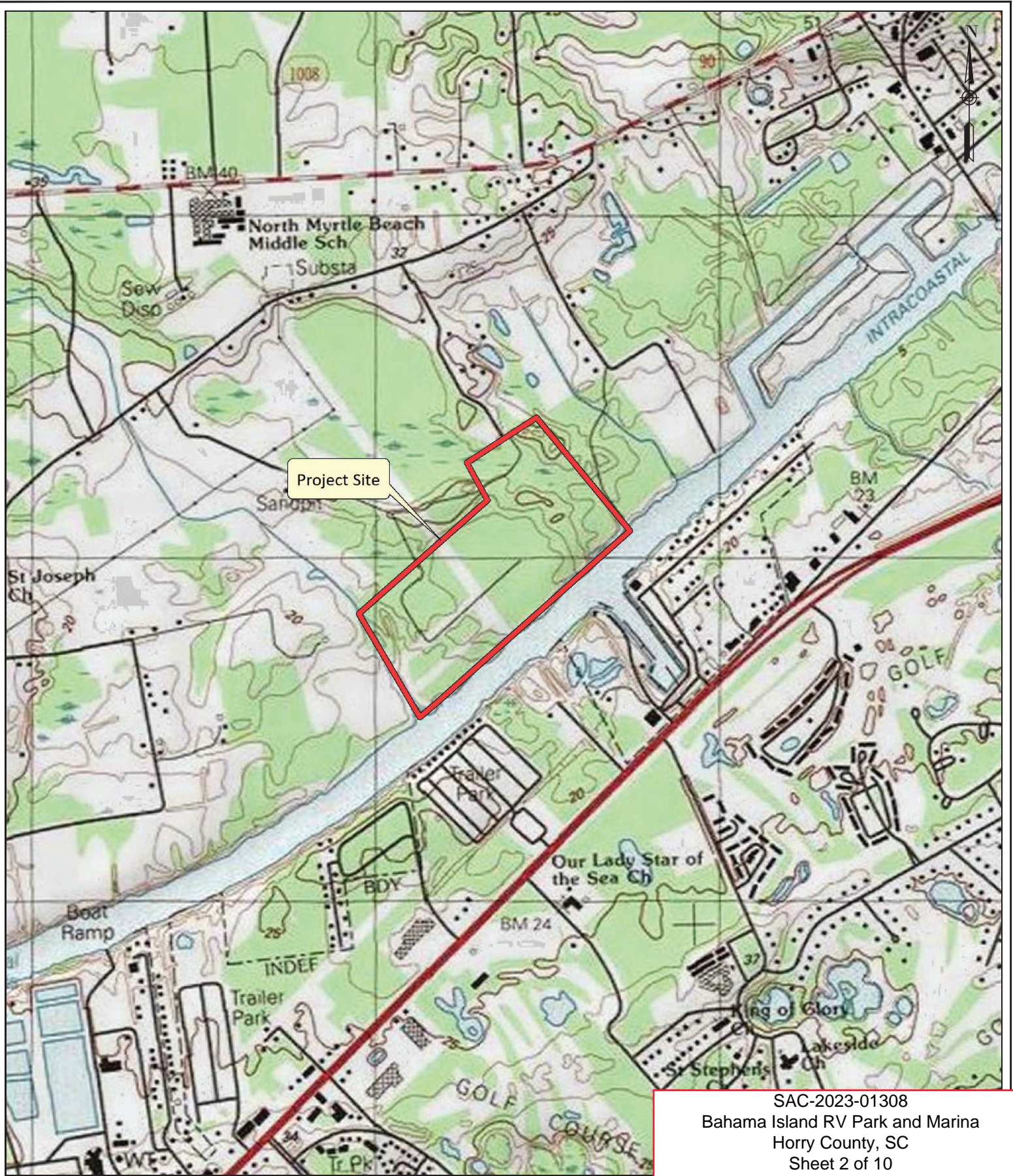
**Vicinity Map**

Bahama Island RV Park and Marina  
 Horry County  
 Date: 9-18-23  
 Application No.

Figure 1

Proposed Activity: docking facilities, dredging & bank stabilization  
 Applicant: The ZD Group





SAC-2023-01308  
 Bahama Island RV Park and Marina  
 Horry County, SC  
 Sheet 2 of 10  
 Date: September 18, 2023

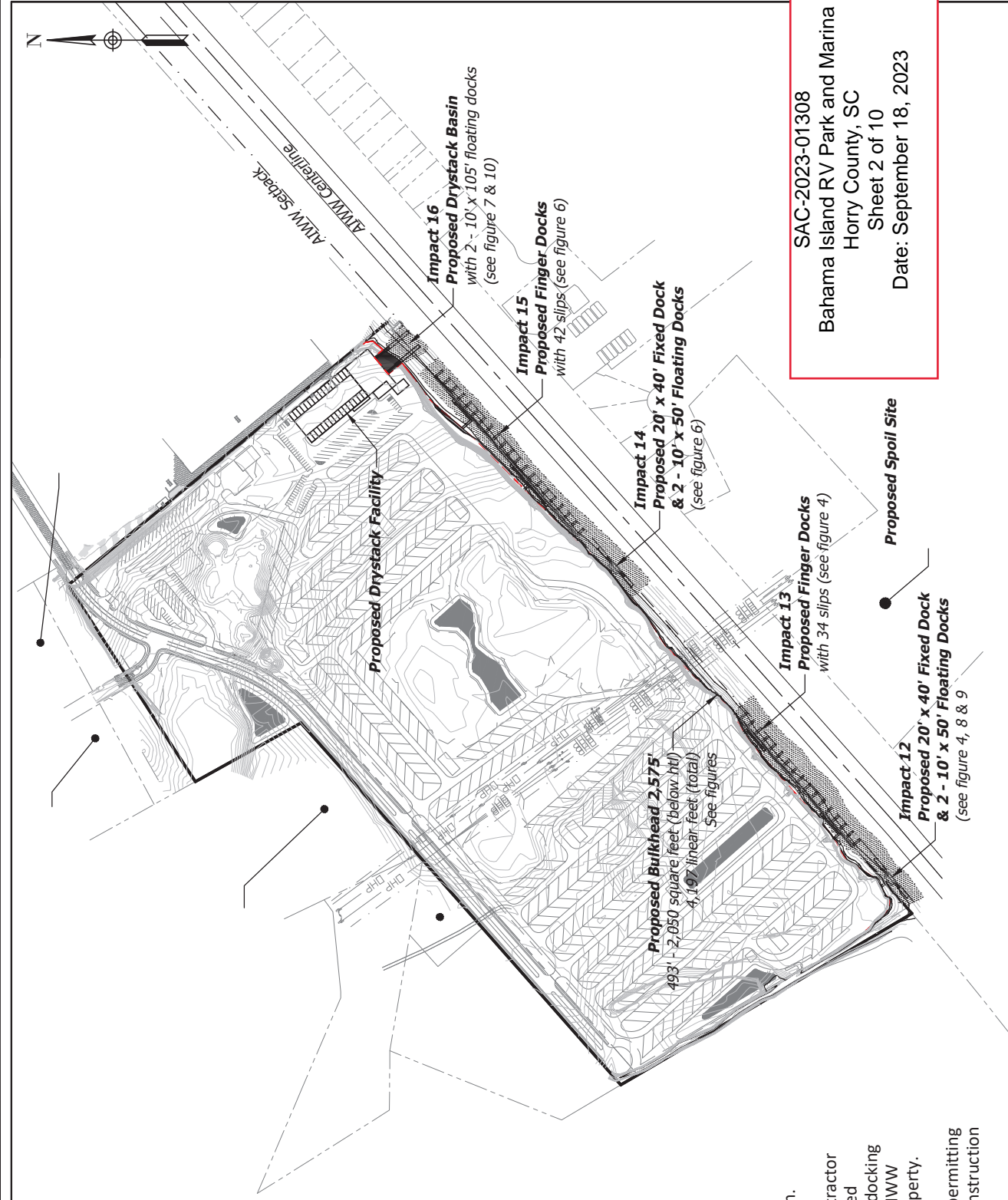


**USGS Topographic Map**  
 Bahama Island RV Park and Marina  
 Horry County  
 Date: 9-18-23  
 Application No.

Applicant: The ZD Group

Figure 2





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 Bahama Island RV Park and Marina  
 Horry County, SC  
 Sheet 2 of 10  
 Date: September 18, 2023

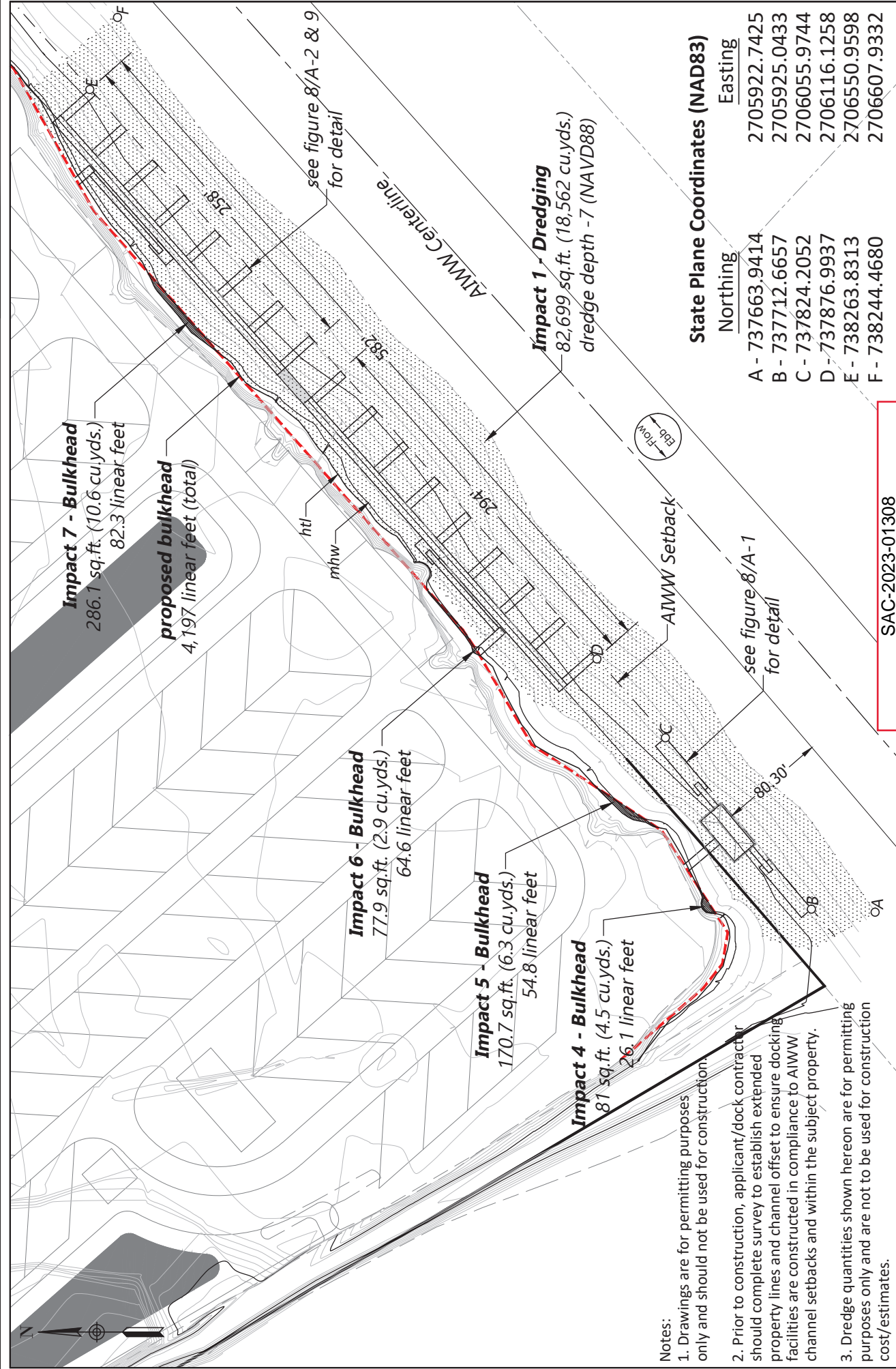
Proposed Activity: docking facilities, dredging & bank stabilization  
 Applicant: The ZD Group  
 SCALE IN FEET  
 400' 0 400'  
 01954-20182

- Notes:
1. Drawings are for permitting purposes only and should not be used for construction.
  2. Prior to construction, applicant/dock contractor should complete survey to establish extended property lines and channel offset to ensure docking facilities are constructed in compliance to AIWW channel setbacks and within the subject property.
  3. Dredge quantities shown hereon are for permitting purposes only and are not to be used for construction cost/estimates.

**Overall Plan View**  
 Bahama Island RV Park and Marina  
 Horry County  
 Date: 9-18-23  
 Application No.



Figure 3



**Impact 7 - Bulkhead**  
 286.1 sq.ft. (10.6 cu.yds.)  
 82.3 linear feet

**proposed bulkhead**  
 4,197 linear feet (total)

**Impact 6 - Bulkhead**  
 77.9 sq.ft. (2.9 cu.yds.)  
 64.6 linear feet

**Impact 5 - Bulkhead**  
 170.7 sq.ft. (6.3 cu.yds.)  
 54.8 linear feet

**Impact 4 - Bulkhead**  
 81 sq.ft. (4.5 cu.yds.)  
 26.1 linear feet

**Impact 1 - Dredging**  
 82,699 sq.ft. (18,562 cu.yds.)  
 dredge depth - 7 (NAVD88)

- Notes:
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**State Plane Coordinates (NAD83)**

	Northing	Easting
A -	737663.9414	2705922.7425
B -	737712.6657	2705925.0433
C -	737824.2052	2706055.9744
D -	737876.9937	2706116.1258
E -	738263.8313	2706550.9598
F -	738244.4680	2706607.9332

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 Bahama Island RV Park and Marina  
 Horry County, SC  
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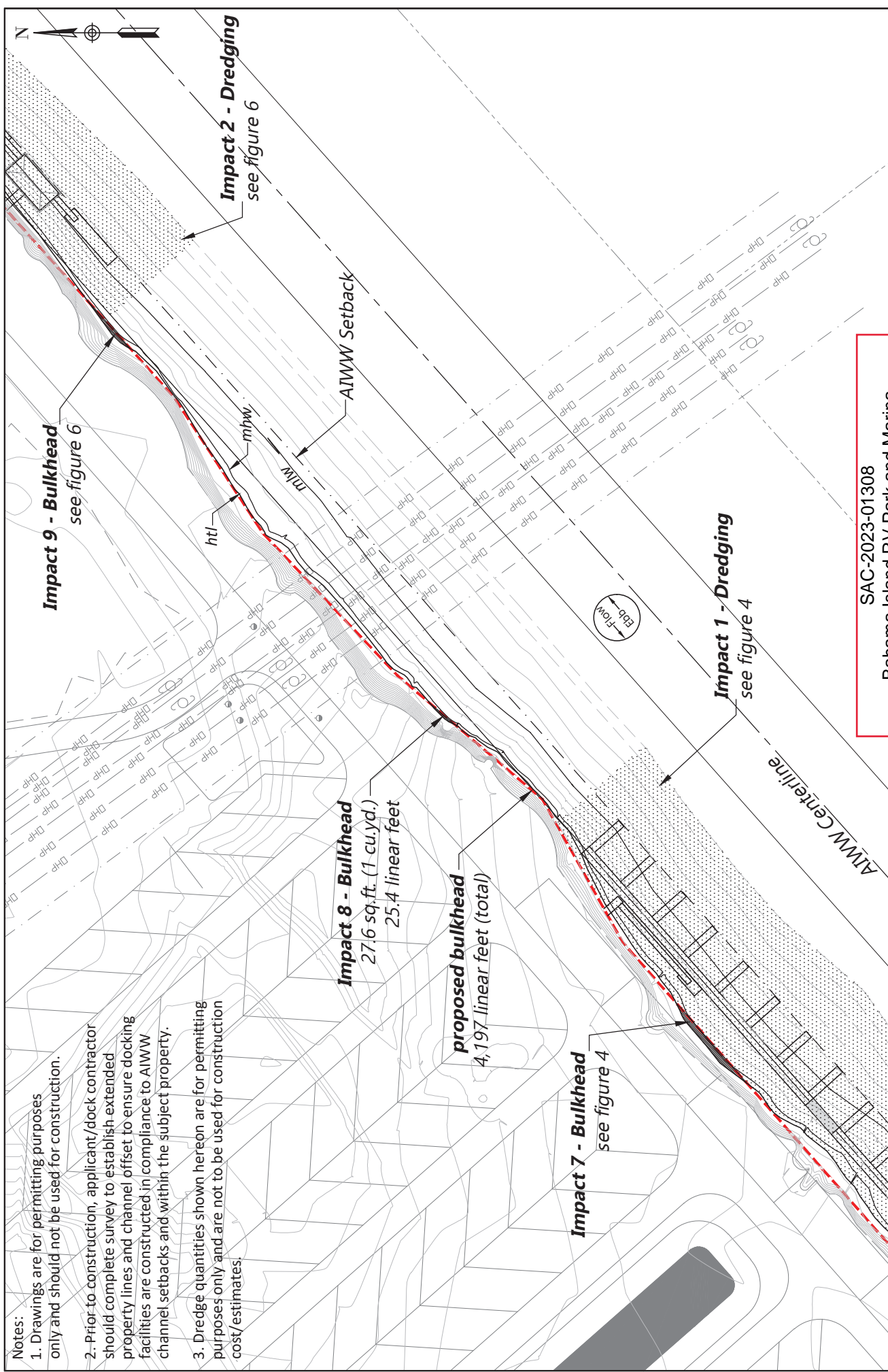
**Plan View**  
 Bahama Island RV Park and Marina  
 Horry County  
 Date: 9-18-23  
 Application No.



Proposed Activity: docking facilities, dredging & bank stabilization  
 Applicant: The ZD Group  
 SCALE IN FEET  
 100' 0 100'  
 Figure 4



- Notes:**
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Proposed Activity: docking facilities, dredging & bank stabilization  
 Applicant: The ZD Group  
 SCALE IN FEET  
 100' 0 100'  
 01954-20182

SAC-2023-01308  
 Bahama Island RV Park and Marina  
 Horry County, SC  
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 Date: September 18, 2023

**Plan View**  
 Bahama Island RV Park and Marina  
 Horry County  
 Date: 9-18-23  
 Application No.

**TBC**  
 THE BRIGMAN CO.



**Notes:**

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3. Dredge quantities shown hereon are for permitting purposes only and are not to be used for construction cost/estimates.

**Impact 11 - Bulkhead**  
1,281 sq.ft. (47.5 cu.yds.)  
172.4 linear feet

**proposed bulkhead**  
4,197 linear feet (total)

**Impact 10 - Bulkhead**  
31.7 sq.ft. (1.2 cu.yds.)  
16.9 linear feet

**Impact 2 - Dredging**  
85,913 sq.ft. (16,698 cu.yds.)  
dredge depth -7 (NAVD88)

**Impact 9 - Bulkhead**  
92.7 sq.ft. (3.4 cu.yds.)  
49.7 linear feet

**State Plane Coordinates (NAD83)**

	Northing	Easting
G	- 738589.2249	2706994.7048
H	- 738647.7407	2706982.5773
I	- 738762.0638	2707111.0850
J	- 738814.5747	2707170.1111
K	- 739297.1234	2707712.5340
L	- 739313.4684	2707755.0103

Proposed Activity: docking facilities, dredging & bank stabilization

Applicant: The ZD Group

SCALE IN FEET  
0 120' 120'

01954-20182

SAC-2023-01308

**Bahama Island RV Park and Marina**  
Horry County, SC  
Sheet 6 of 10  
Date: September 18, 2023

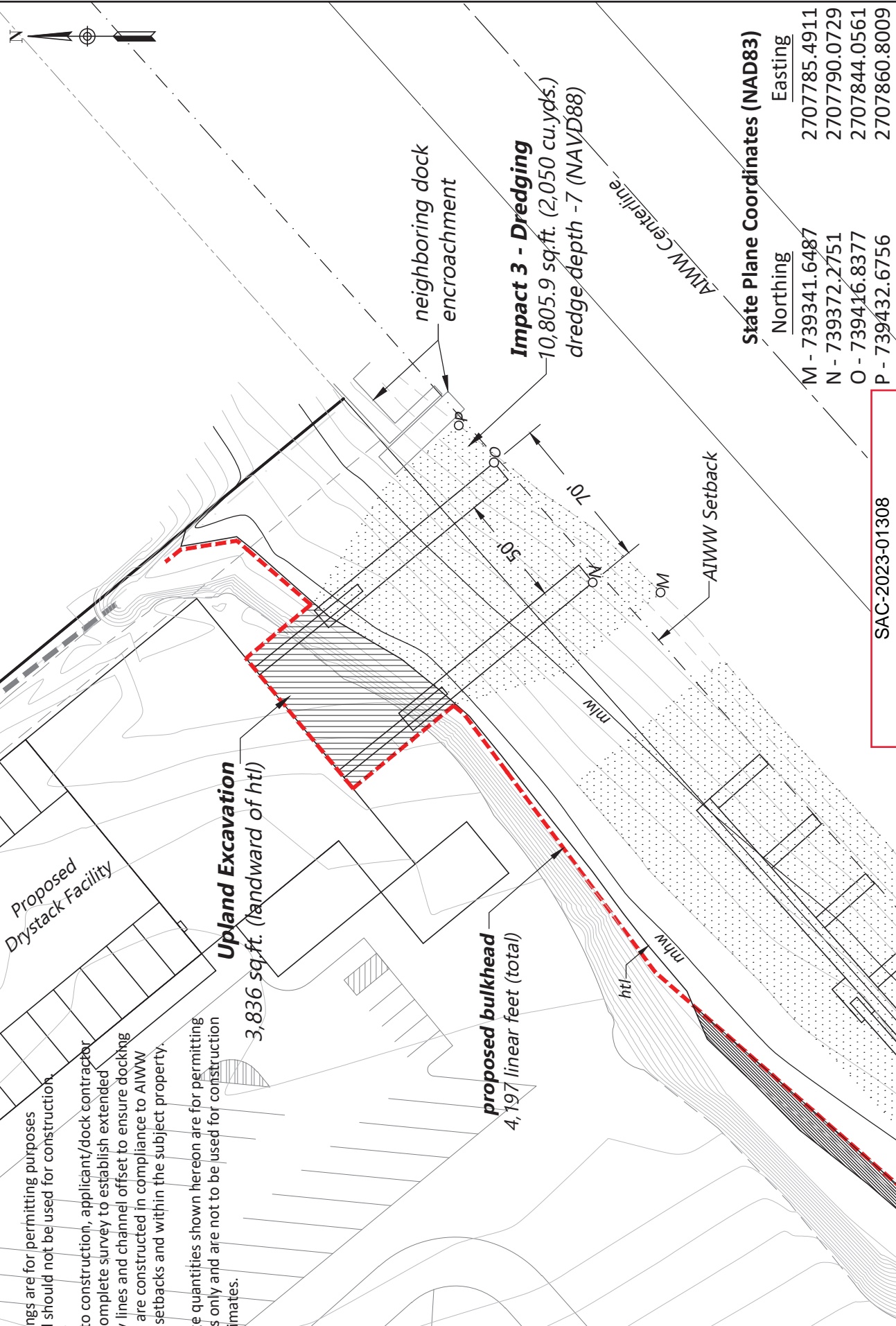
**Plan View**

Bahama Island RV Park and Marina  
Horry County  
Date: 9-18-23  
Application No.



**Notes:**

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**State Plane Coordinates (NAD83)**

Northing	Easting
M - 739341.6487	2707785.4911
N - 739372.2751	2707790.0729
O - 739416.8377	2707844.0561
P - 739432.6756	2707860.8009

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 Bahama Island RV Park and Marina  
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 Sheet 7 of 10  
 Date: September 18, 2023

**Plan View**  
 Bahama Island RV Park and Marina  
 Horry County  
 Date: 9-18-23  
 Application No.

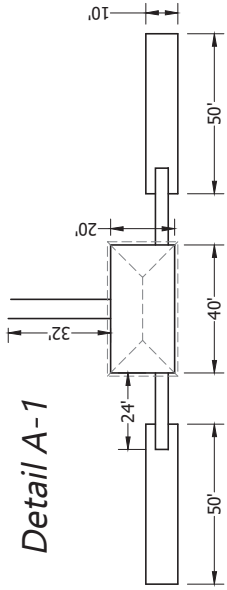
Proposed Activity: docking facilities, dredging & bank stabilization  
 Applicant: The ZD Group  
 SCALE IN FEET  
 60' 0 60'



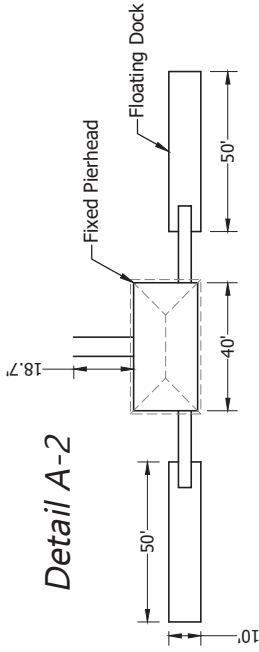
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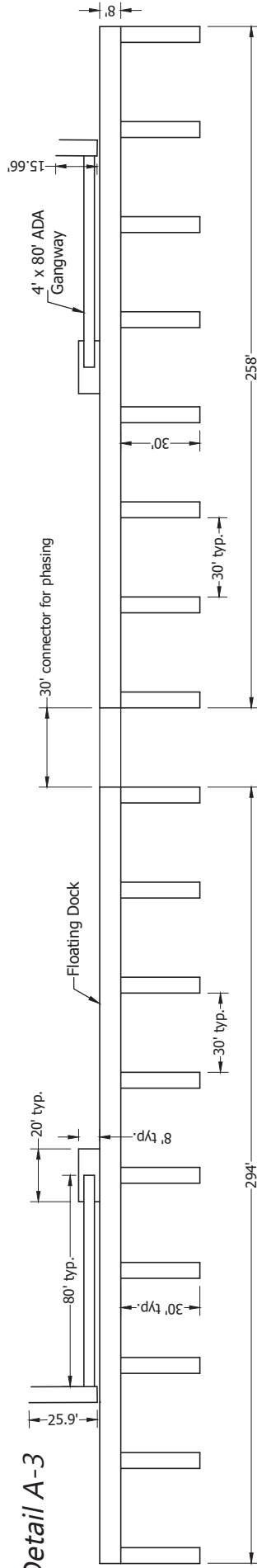
**Detail A-1**



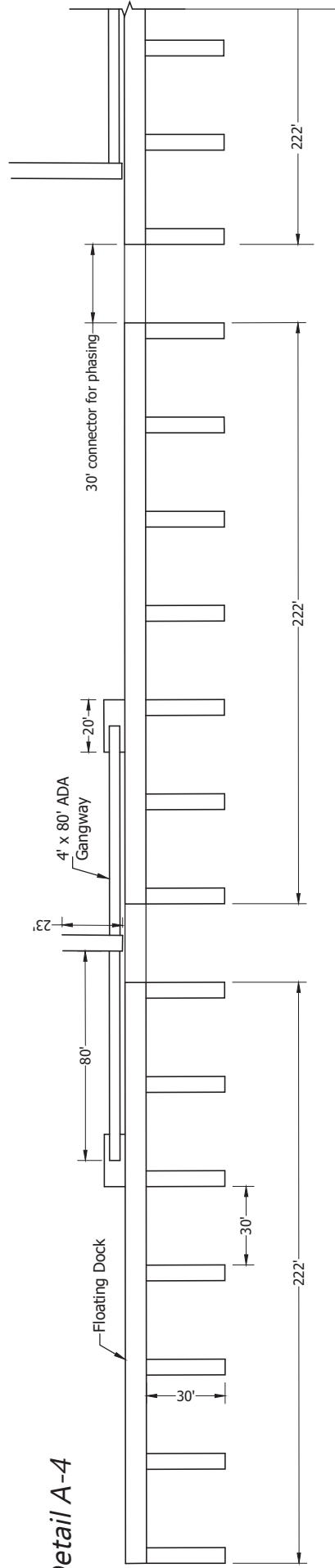
**Detail A-2**



**Detail A-3**



**Detail A-4**



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**Dock Detail**

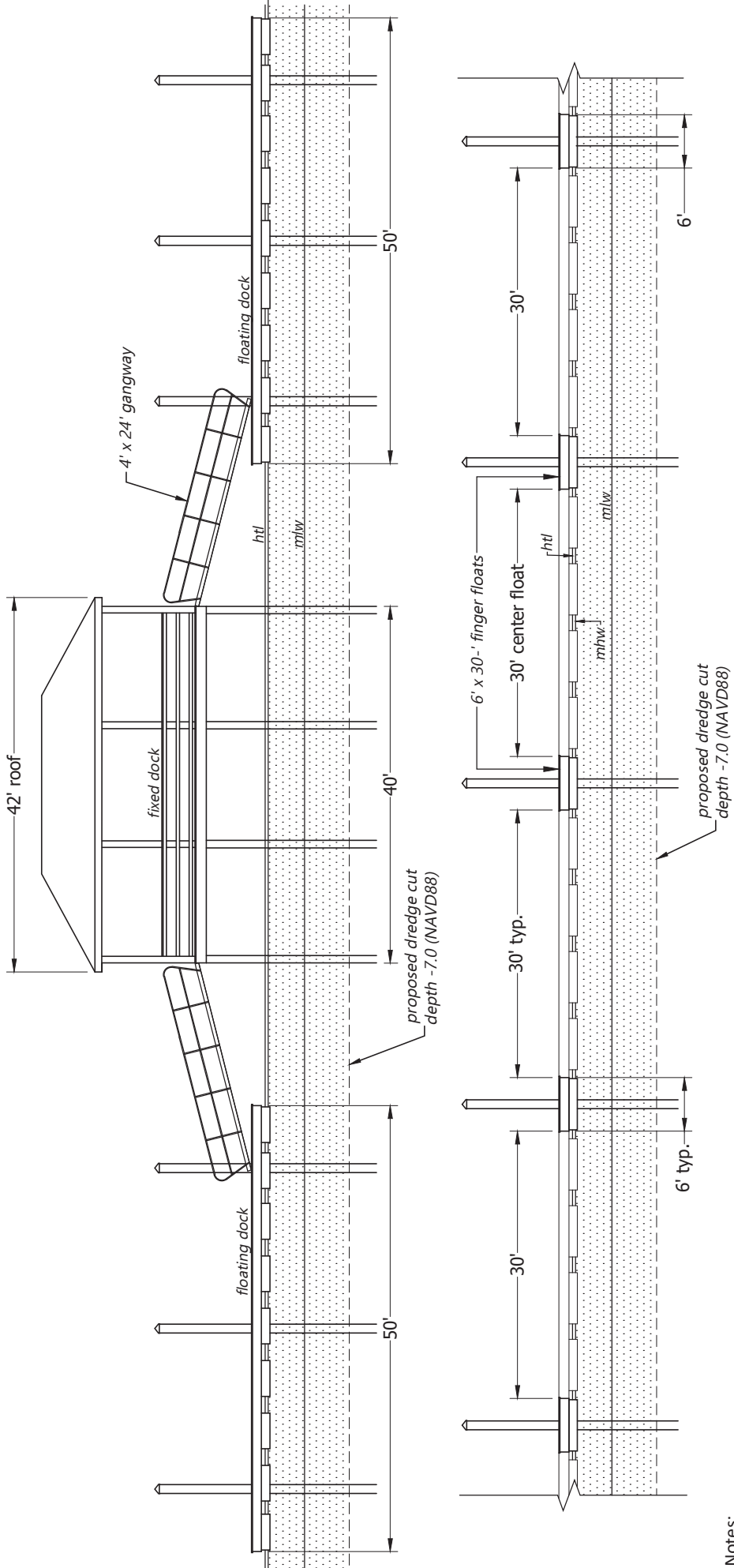
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 Horry County  
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Proposed Activity: docking facilities, dredging & bank stabilization

Applicant: The ZD Group







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**TBC**  
THE BRIGMAN CO.

**Section View**  
Bahama Island RV Park and Marina  
Horry County  
Date: 9-18-23  
Application No.

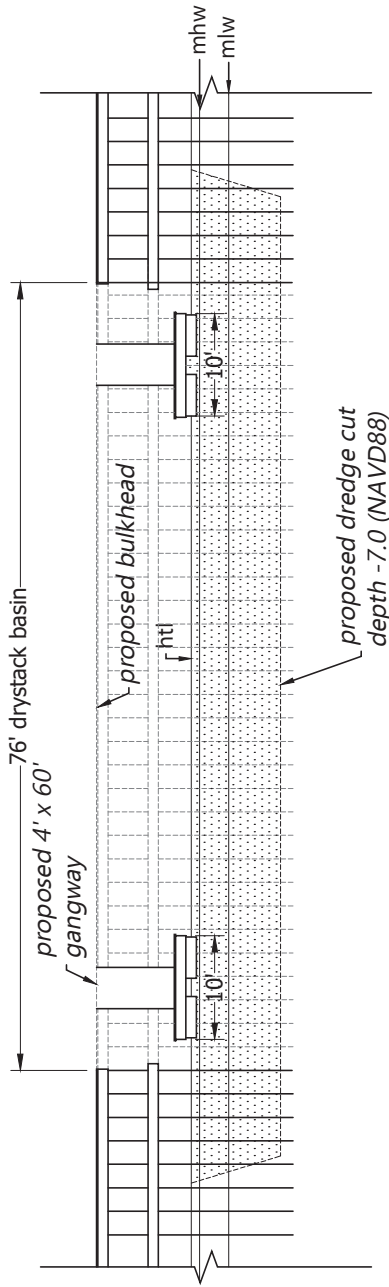
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Bahama Island RV Park and Marina  
Horry County, SC  
Sheet 9 of 10  
Date: September 18, 2023

Proposed Activity: docking facilities, dredging & bank stabilization  
Applicant: The ZD Group

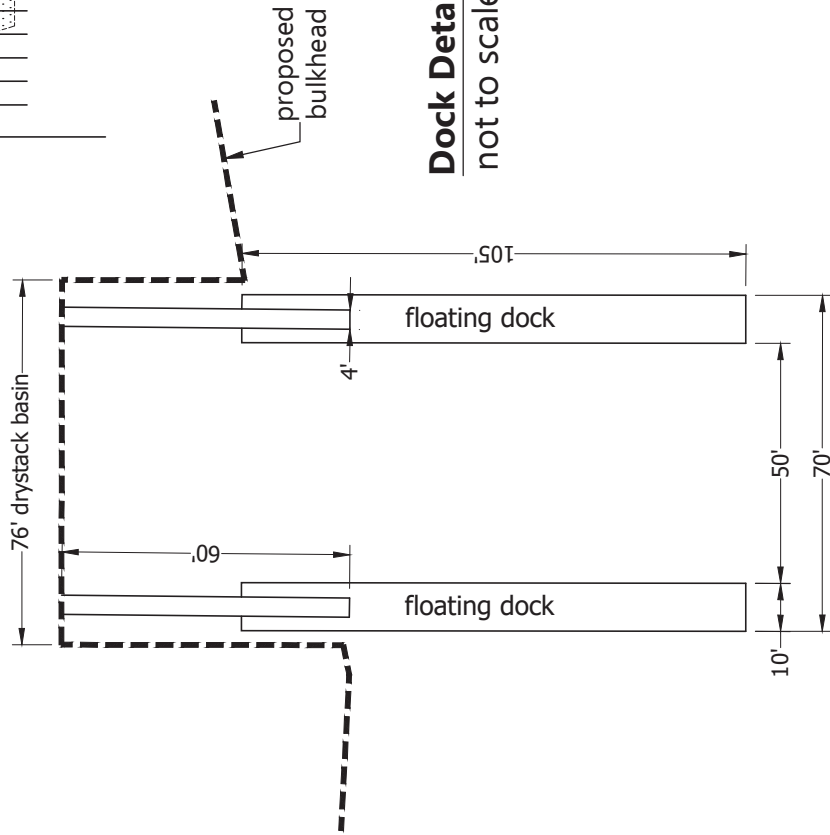
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**Section View**  
not to scale



**Dock Detail**  
not to scale



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Bahama Island RV Park and Marina  
Horry County, SC  
Sheet 10 of 10  
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**Dock Detail/Section View**  
Bahama Island RV Park and Marina  
Horry County  
Date: 9-18-23  
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Proposed Activity: docking facilities, dredging & bank stabilization  
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Figure 10