

**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-2021-02108

October 19, 2023

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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. Chris Burroughs**  
**c/o: The Brigman Company**  
**PO Box 1532**  
**Conway, South Carolina 29526**  
**bfeldner@thebrigmancompany.com**

for a permit to construct two (2) private-use docks and associated dredging in

**COLLINS CREEK**

located on property identified as Tax Map Sequence (TMS) # 196-17-01-006, north of and adjacent to the terminus of Collins Creek Drive, in Murrells Inlet, Horry County, South Carolina (Latitude: 33.573566 °, Longitude: -79.075976 °), Brookgreen 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 for private recreational boating access and storage within Collins Creek.

#### **Project Description**

The proposed work consists of the construction of two (2) private-use docks and associated dredging. In detail, the proposed work consists of the construction of two (2) separate docking facilities within Collins Creek. The first dock consists of a 15' x 20' covered fixed pierhead with an adjacent 14' x 12.5' covered boatlift which will require dredging 500 cubic yards of material from approximately 2,775 square feet from Collins Creek to depth of -4 feet below mean low water (MLW). Dredging will be completed by a long-arm track hoe stationed within adjacent onsite uplands. The dredged material will be placed within onsite uplands behind a berm with no outfall structure/return water pipe and therefore will not allow any return water to Collins Creek. The dredged material will be allowed to dry in place and once dried will be utilized onsite for general site preparation purposes. The second proposed dock consists of a 15' x 15' covered fixed pierhead with an attached 3' x 16' gangway leading to a 10' x 16' floating dock. In addition, adjacent to the fixed pierhead will be a 12.5' x 12.5' covered boatlift.

#### **Avoidance and Minimization**

The applicant stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by employing Best Management Practices (BMPs) during construction. In addition, the applicant stated dredging is only proposed in the area necessary for boating access.

#### **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 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 0.063 acre 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: 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*), 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 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 there are historic properties present, but they will not be affected; 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 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. 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-2021-02108), 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.





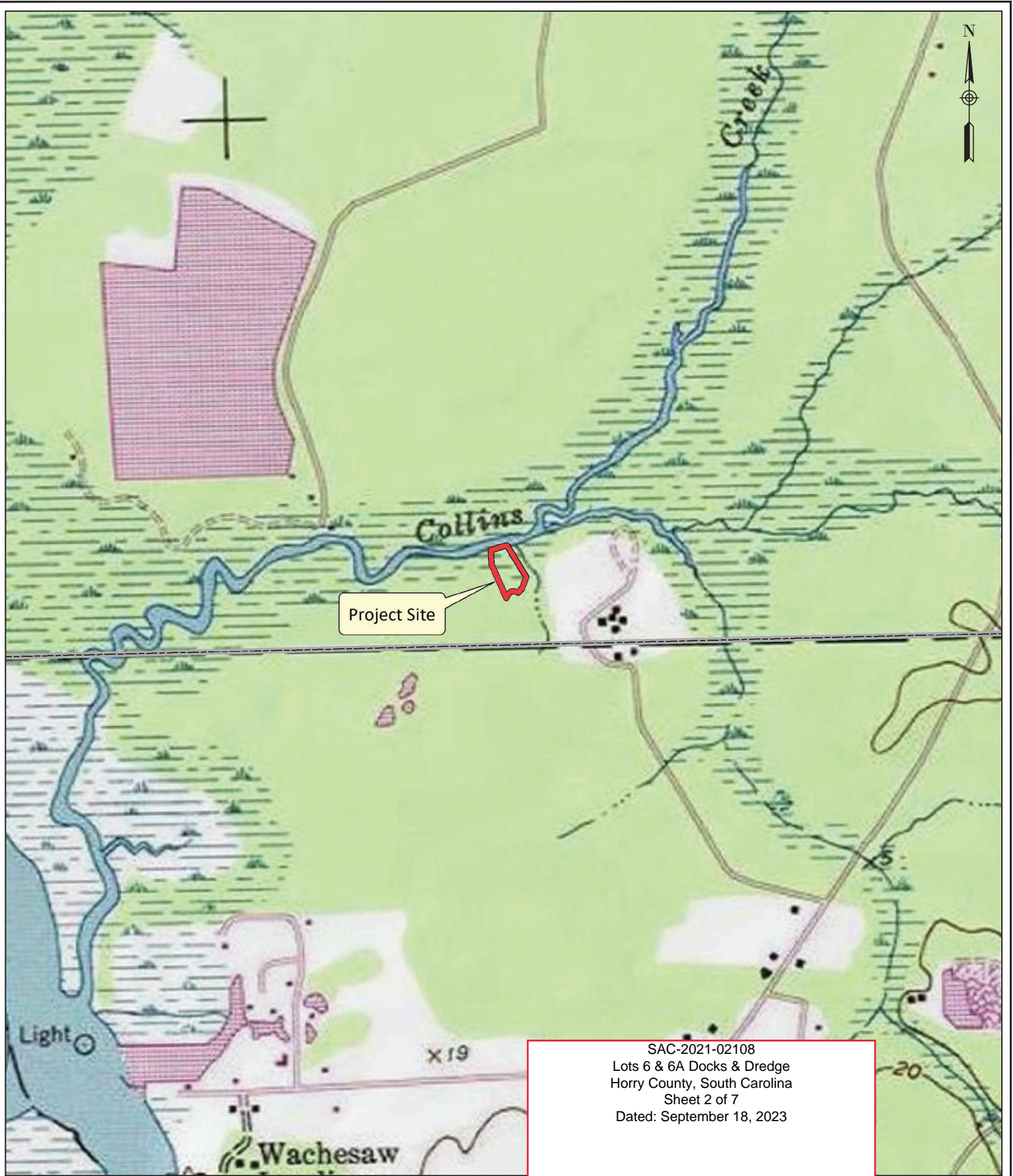
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swatch, Bing, OpenStreetMap contributors, and the GIS User Community



**Vicinity Map**  
 Collins Creek SD - Lot 6 & 6A  
 Horry  
 Date: 9-18-23  
 Application No. Figure 1

Proposed Activity: bank stabilization  
 Applicant: Chris Burroughs





Project Site

SAC-2021-02108  
 Lots 6 & 6A Docks & Dredge  
 Horry County, South Carolina  
 Sheet 2 of 7  
 Dated: September 18, 2023

**USGS Topographic Map**

Collins Creek SD - Lot 6 & 6A  
 Horry  
 Date: 9-18-23  
 Application No.

Figure 2

Proposed Activity: bank stabilization

Applicant: Chris Burroughs



**Proposed Dock/Dredge**  
(see figures 4/6)



**Gary & Kathleen**  
TMS# 196-17-01-005  
3393 Collins Creek Dr.  
Murrells Inlet, SC 29526

Spoil Containment  
see figure 7

**Proposed Dock**  
(see figures 5/6)

**Virginia Lastowitz**  
TMS# 196-17-01-007  
3388 Collins Creek  
Murrells Inlet, SC 29526

**Subject Property**  
TMS# 196-17-01-006

Collins Creek Dr.



Notes:  
1. Drawings are for permitting purposes only and should not be used for construction.

2. Prior to construction, applicant/dock contractor should complete lot survey to establish extended property lines to ensure dock is constructed within the subject property.

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

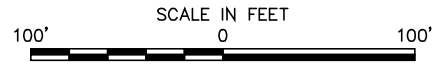
**Overall Plan View**

Collins Creek SD - Lot 6 & 6A  
Horry  
Date: 9-18-23  
Application No.

SAC-2021-02108  
Lots 6 & 6A Docks & Dredge  
Horry County, South Carolina  
Sheet 3 of 7  
Dated: September 18, 2023

Proposed Activity: docking facility/dredging

Applicant: Chris Burroughs







Collins Creek

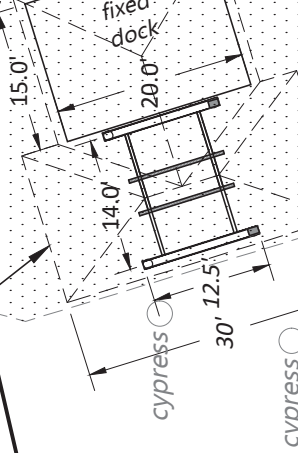


**Impact 2 - Dredge**  
(2,775 sq.ft - 500 cu.yds.)

Vegetation Line/mlw

ex.bulkhead-htl/mlhw  
Permitted Bulkhead  
NWP SAC-2021-02108

**Impact 1 - Dock**  
300sq.ft. (excludes boatlift)



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SAC-2021-02108  
 Lots 6 & 6A Docks & Dredge  
 Horry County, South Carolina  
 Sheet 4 of 7  
 Dated: September 18, 2023

**Plan View**

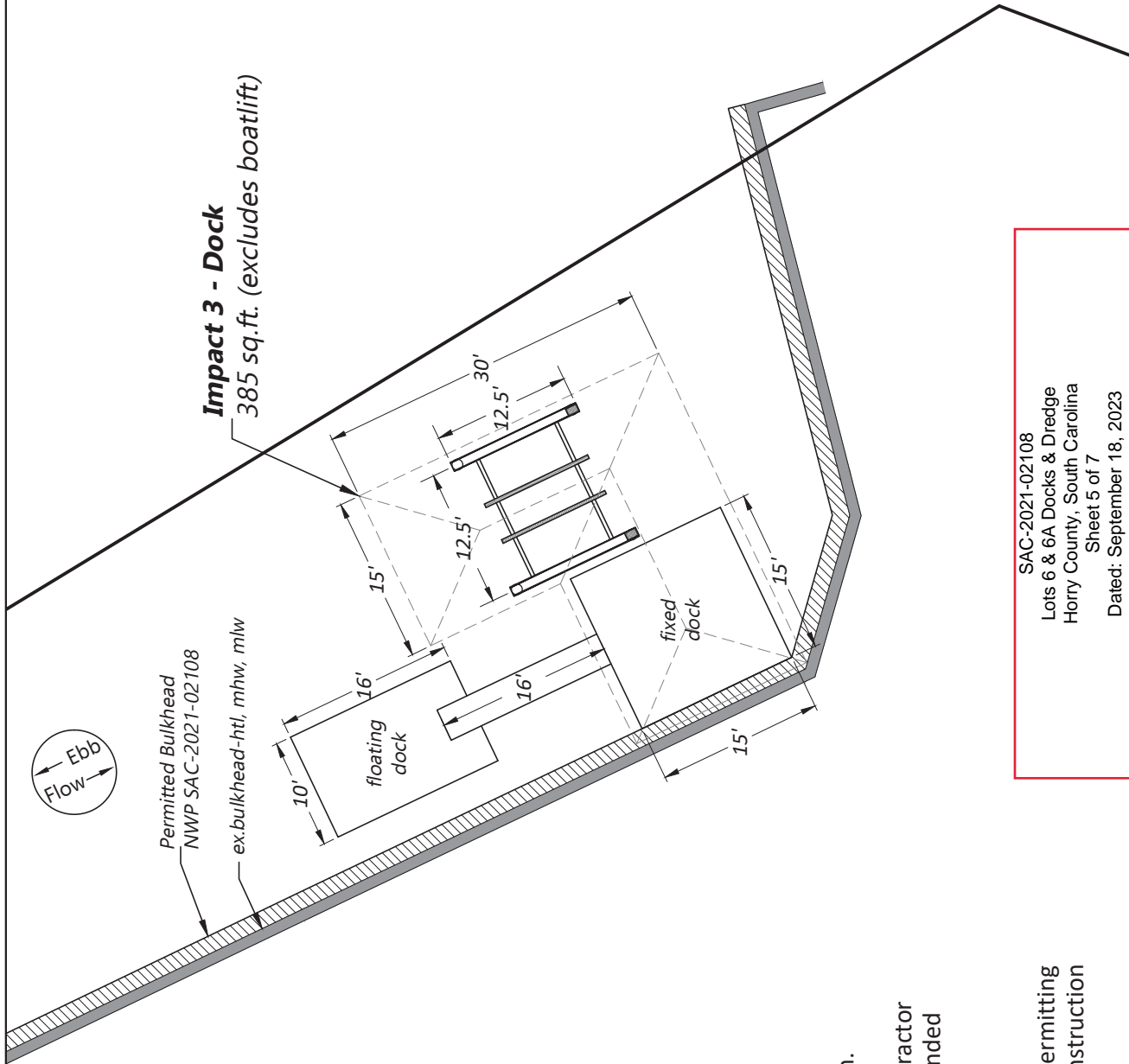
Collins Creek SD - Lot 6 & 6A  
 Horry  
 Date: 9-18-23  
 Application No.



Proposed Activity: docking facilities/dredging  
 Applicant: Chris Burroughs



Figure 4



**Notes:**

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SAC-2021-02108  
 Lots 6 & 6A Docks & Dredge  
 Horry County, South Carolina  
 Sheet 5 of 7  
 Dated: September 18, 2023



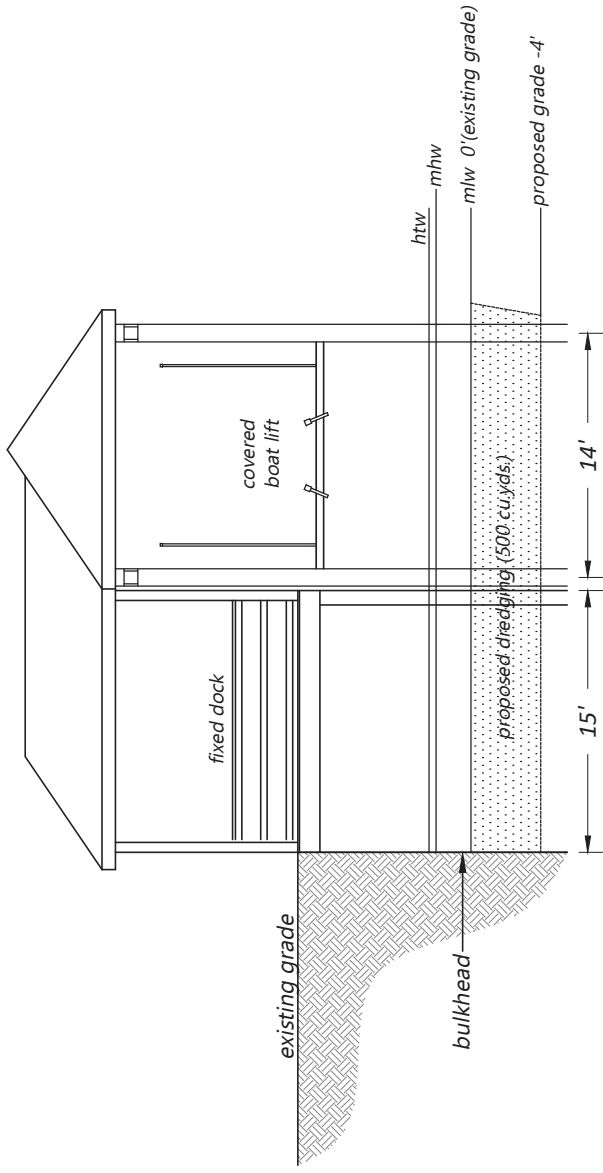
**Plan View**  
 Collins Creek SD - Lot 6 & 6A  
 Horry  
 Date: 9-18-23  
 Application No.

Figure 5

Proposed Activity: docking facilities/dredging  
 Applicant: Chris Burroughs



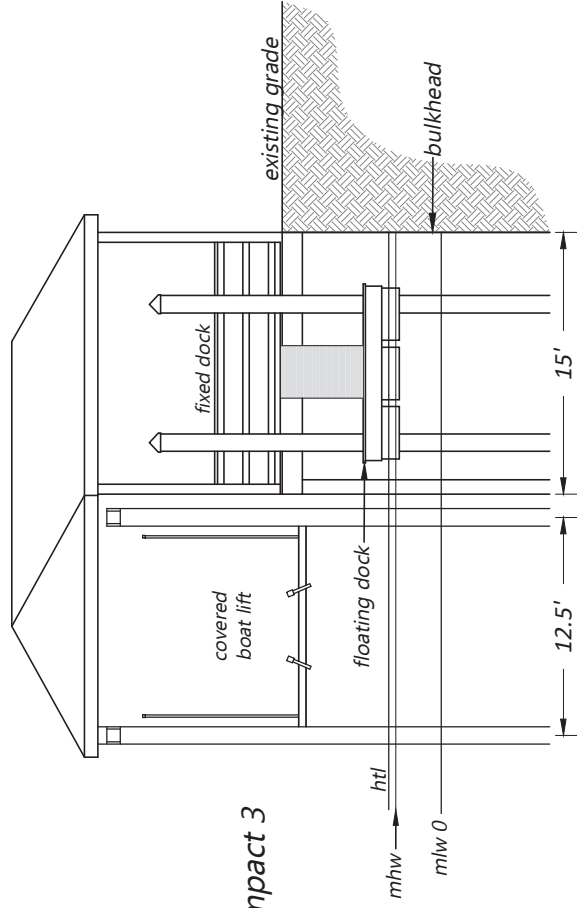
*Dock Section View - Impact 1/2  
not to scale*



**Notes:**

1. Drawings are for permitting purposes only and should not be used for construction.
2. Prior to construction, applicant/dock contractor should complete lot survey to establish extended property lines to ensure dock is constructed within the subject property.
3. Dredge quantities shown hereon are for permitting purposes only and are not to be used for construction cost/estimates.

*Dock Section View (Impact 3  
not to scale*



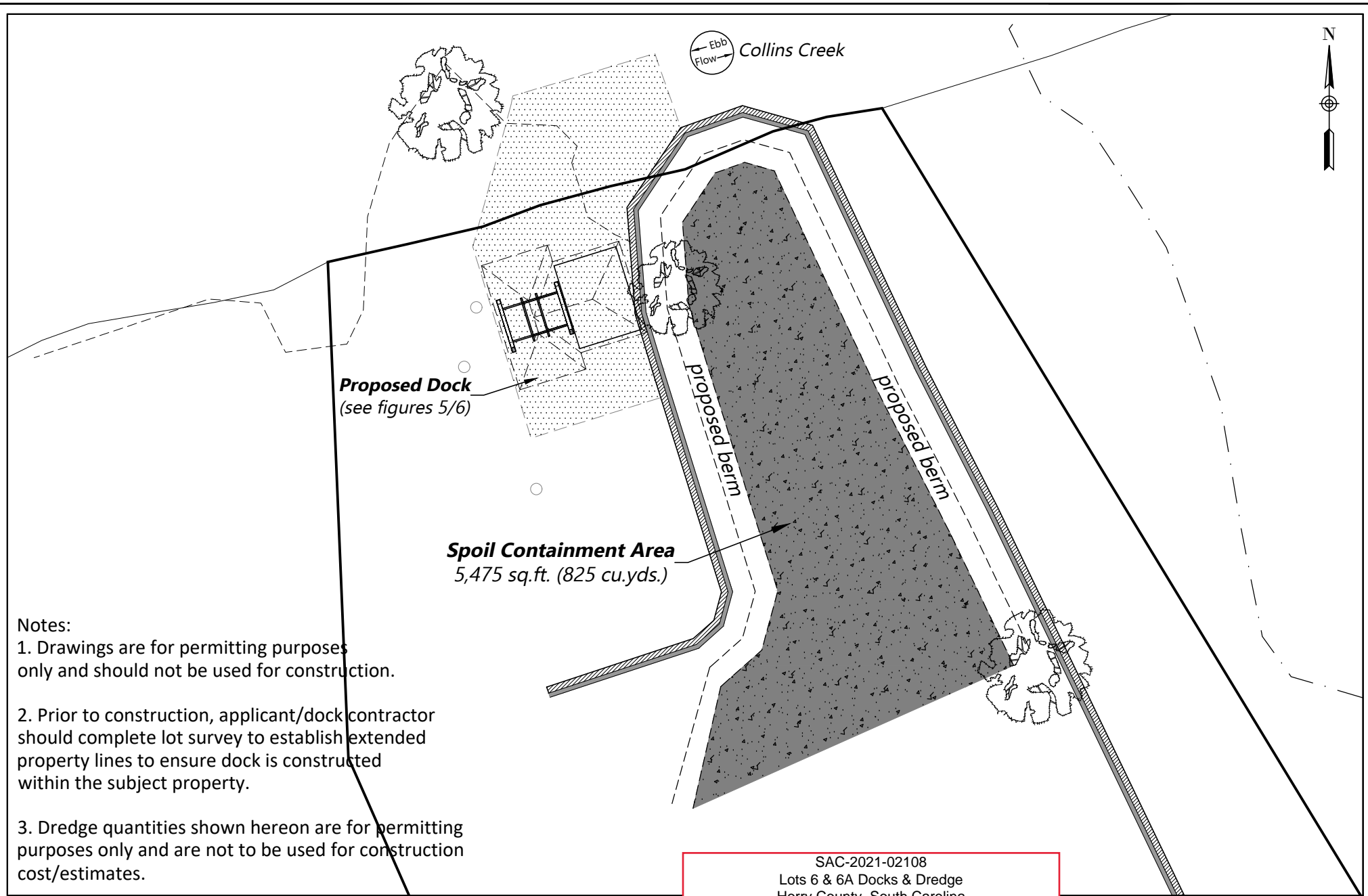
SAC-2021-02108  
 Lots 6 & 6A Docks & Dredge  
 Horry County, South Carolina  
 Sheet 6 of 7  
 Dated: September 18, 2023

**Section View**

Collins Creek SD - Lot 6 & 6A  
 Horry  
 Date: 9-18-23  
 Application No.

Proposed Activity: docking facilities/dredging  
 Applicant: Chris Burroughs





**Notes:**

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SAC-2021-02108  
 Lots 6 & 6A Docks & Dredge  
 Horry County, South Carolina  
 Sheet 7 of 7  
 Dated: September 18, 2023

Proposed Activity: docking facility/dredging  
 Applicant: Chris Burroughs



**Plan View - Spoil Containment**  
 Collins Creek SD - Lot 6 & 6A  
 Horry  
 Date: 9-18-23  
 Application No.



Figure 7