

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 #2012-00367-3M

May 31, 2012

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

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

for a permit to dredge and construct a docking facility in the

ATLANTIC INTRACOASTAL WATERWAY

located on Nightingale Drive in the City of Myrtle Beach, Horry County, South Carolina. The property is described in the Horry County Property Records as TMS # 173-20-01-107. (Latitude: 33.728548°N; Longitude: -78.893476°N).

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 dredging and constructing a docking facility in the Atlantic Intracoastal Waterway (AIWW). In detail, the work consists of constructing a 12.5' x 12.5' boatlift attached to a 16' x 16' fixed pierhead which will all be covered by a 16' x 32' roof. Two (2) floating personal watercraft drive-on structures (5' x 12.5' each) will be attached to a 12' x 16' floating dock. The floating structure will be connected by a 3' x 16' gangway to a T-shaped 4' x 12' walkway. The remainder of the walkway connecting the entire structure to the

subject property is a 4' x 25' walkway constructed landward of an existing bulkhead. Approximately 745 cubic yards of material will also be dredged from the (AIWW) to provide adequate water depths for navigation. The applicant proposes to dredge 6,700 SF (0.154 AC) at 3' below existing grades which will provide adequate depths ranging from 4' to 5' at low tide. The proposed dredge cut is designed to allow proper drainage (flushing) within the constructed slips with a proper slope going from the bank to the existing channel. The material will be mechanically removed by utilizing a conventional excavator on a barge in the waterway. The barge will be equipped with a water tight cargo bay or roll-off containers which will be lined with filter fabric preventing any dredged material from returning to the AIWW. The dredged material will be off loaded onto transfer containers at a nearby boat landing and transported to the approved disposal site via truck. The containers lined with filter fabric **will** allow return water to re-enter the AIWW. The applicant's stated project purpose is to provide recreational access and storage for boating on the AIWW. The applicant proposes no mitigation due to the minimal impacts associated with the proposed project.

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 0.154 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.

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.

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 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 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 Joshua Mitchell at 843-365-0583.

Location Map



Proposed Shelburne Dock

Horry County

Date: 4-5-12

Date Revised:

Application No. _____

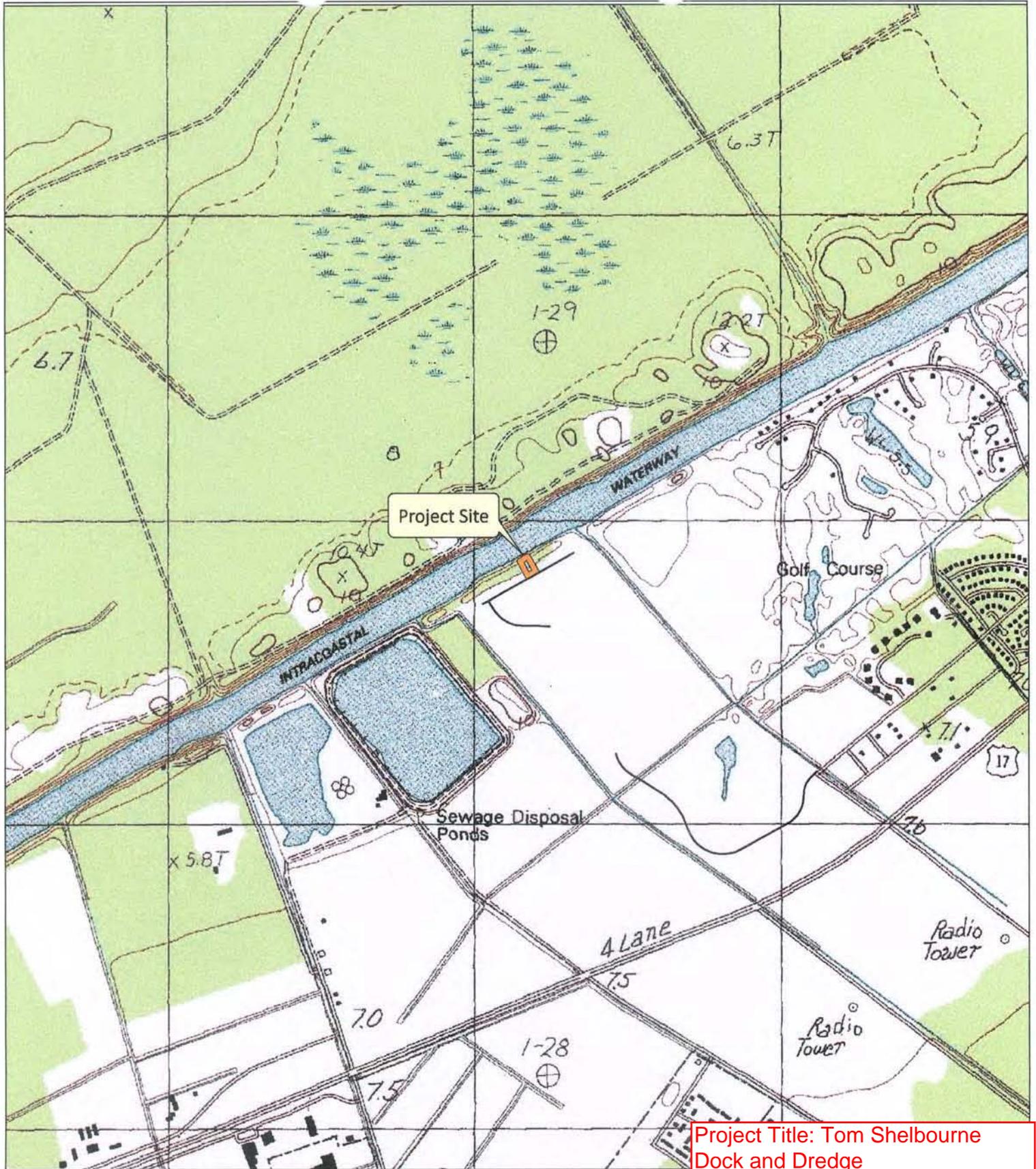


FIGURE

1

Project Title: Tom Shelbourne
Dock and Dredge
Applicant: Tom Shelbourne
Location: Nightingale Drive
Myrtle Beach, SC
TMS: 173-20-01-107
May 31, 2012
Sheet 1 of 7

USGS Topographic Map



Proposed Shelburne Dock

Horry County

Date: 4-5-12

Date Revised:

Application No. _____



FIGURE

2

Project Title: Tom Shelburne
Dock and Dredge

Applicant: Tom Shelburne

Location: Nightingale Drive

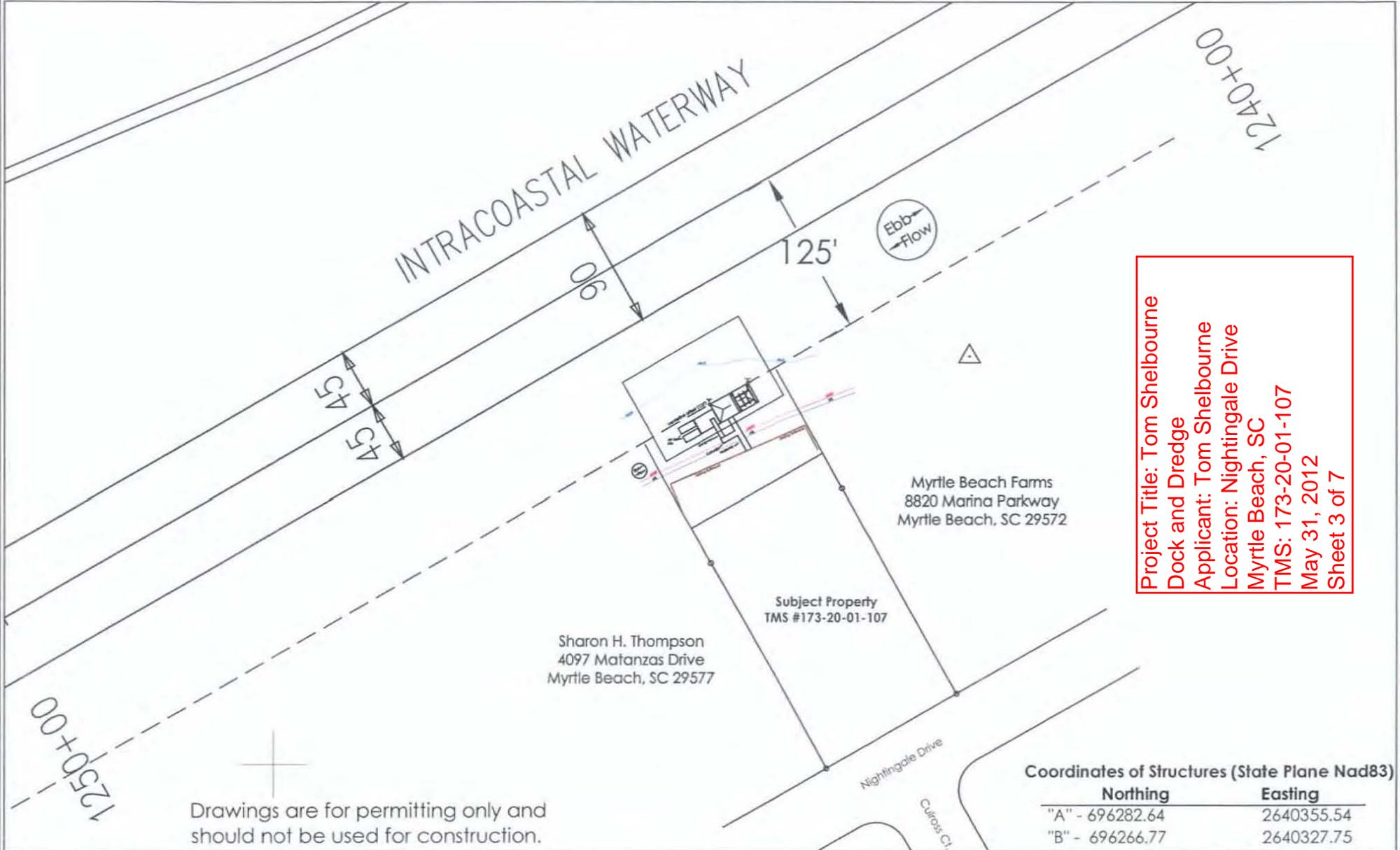
Myrtle Beach, SC

TMS: 173-20-01-107

May 31, 2012

Sheet 2 of 7

Overall Plan View



**Project Title: Tom Shelburne
 Dock and Dredge**
Applicant: Tom Shelburne
**Location: Nightingale Drive
 Myrtle Beach, SC**
TMS: 173-20-01-107
May 31, 2012
Sheet 3 of 7

Drawings are for permitting only and should not be used for construction.

Coordinates of Structures (State Plane Nad83)

	<u>Northing</u>	<u>Easting</u>
"A"	696282.64	2640355.54
"B"	696266.77	2640327.75

Proposed Shelburne Dock

Horry County
 Date: 1-11-12
 Date Revised: 5-10-12
 Application No. _____

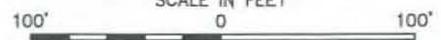


FIGURE
3

PROPOSED ACTIVITY: Dock/Dredging

APPLICANT: Tom Shelburne

SCALE IN FEET



Plan View

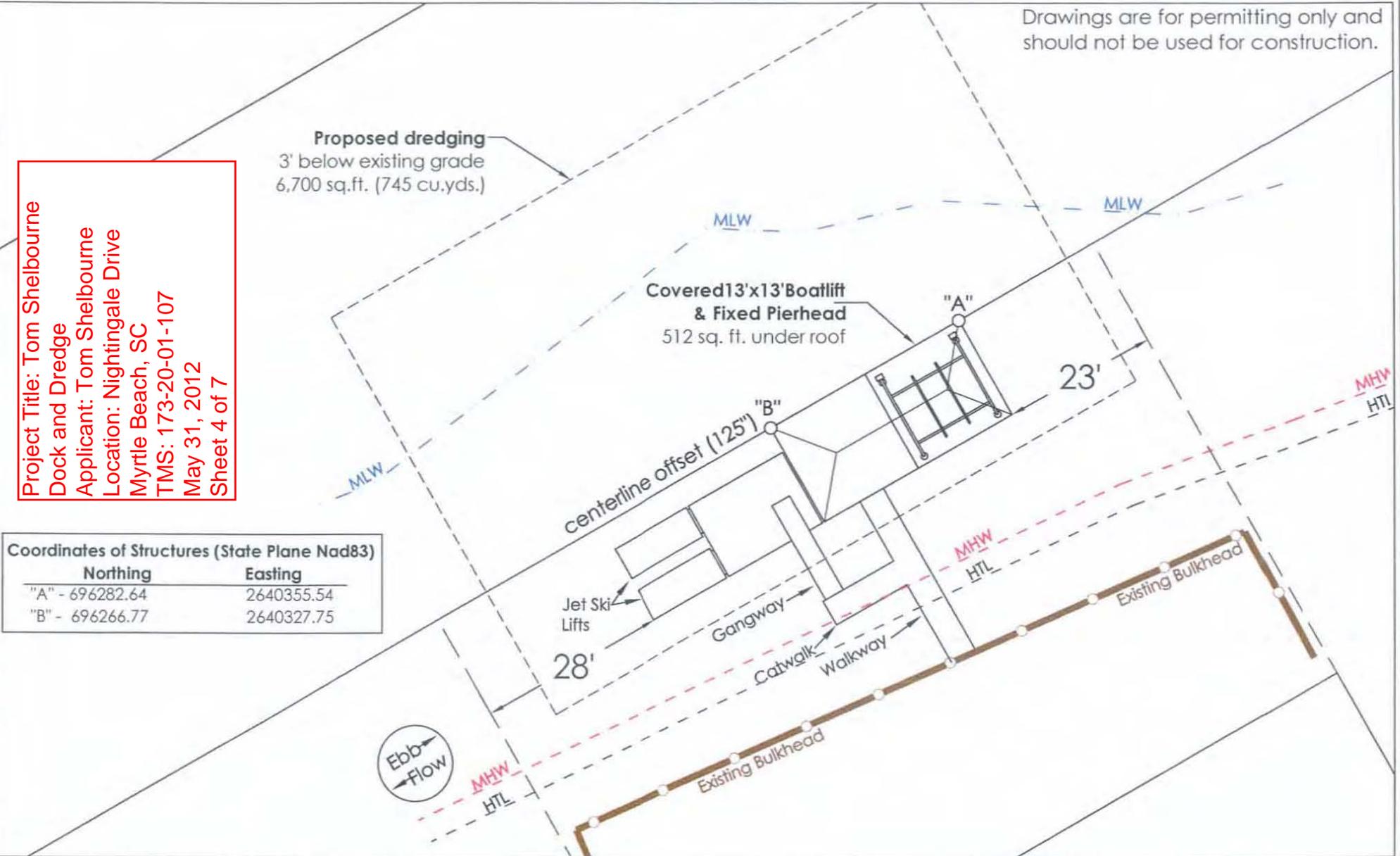
Drawings are for permitting only and should not be used for construction.

Project Title: Tom Shelburne
 Dock and Dredge
 Applicant: Tom Shelburne
 Location: Nightingale Drive
 Myrtle Beach, SC
 TMS: 173-20-01-107
 May 31, 2012
 Sheet 4 of 7

Proposed dredging
 3' below existing grade
 6,700 sq.ft. (745 cu.yds.)

Coordinates of Structures (State Plane Nad83)

Northing	Easting
"A" - 696282.64	2640355.54
"B" - 696266.77	2640327.75



Proposed Shelburne Dock

Horry County

Date: 1-11-12

Date Revised: 5-10-12

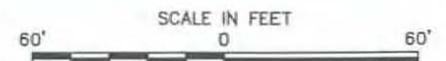
Application No. _____



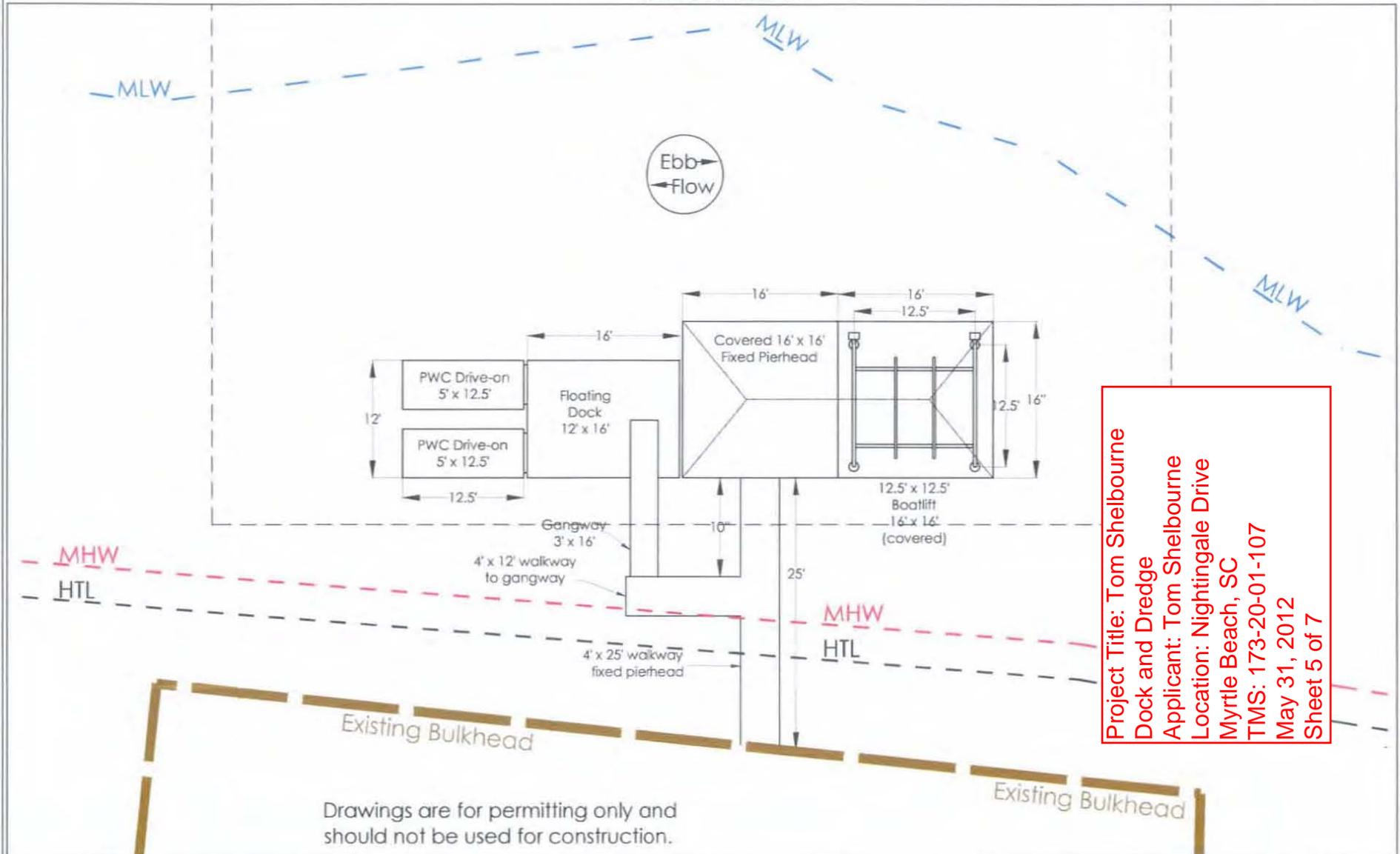
FIGURE
4

PROPOSED ACTIVITY: Dock/Dredging

APPLICANT: Tom Shelburne



Detail View



Project Title: Tom Shelburne Dock and Dredge
 Applicant: Tom Shelburne
 Location: Nightingale Drive Myrtle Beach, SC
 TMS: 173-20-01-107
 May 31, 2012
 Sheet 5 of 7

Drawings are for permitting only and should not be used for construction.

Proposed Shelburne Dock

Horry County

Date: 1-11-12

Date Revised: 5-10-12

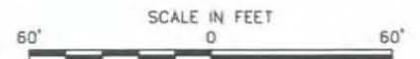
Application No. _____



FIGURE
5

PROPOSED ACTIVITY: Dock/Dredging

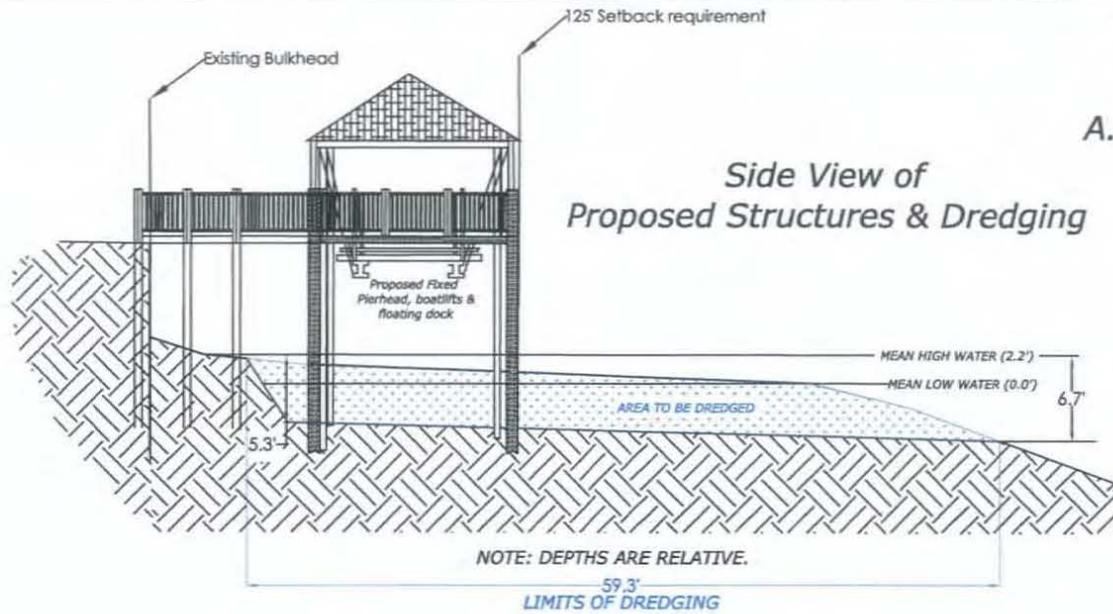
APPLICANT: Tom Shelburne



Cross Sectional Views

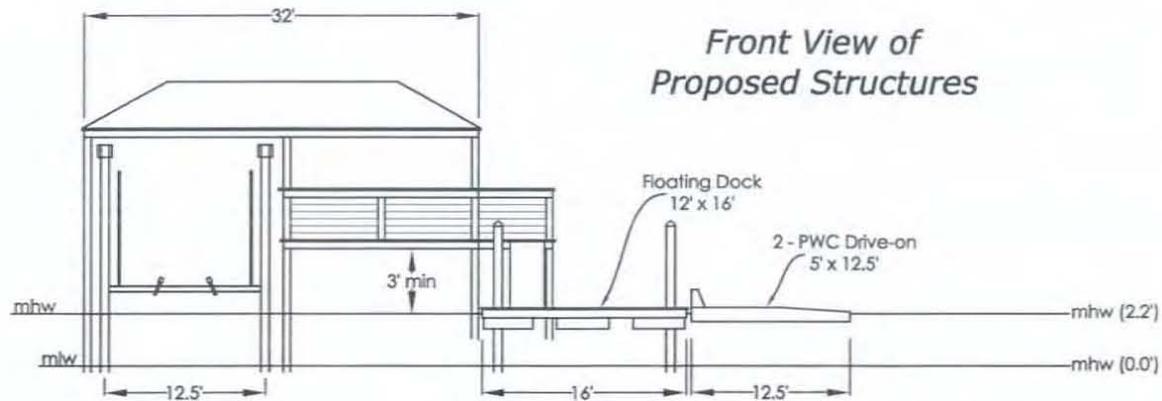
Drawings are for permitting only and should not be used for construction.

A.I.W.W.



Side View of Proposed Structures & Dredging

Project Title: Tom Shelbourne Dock and Dredge
 Applicant: Tom Shelbourne
 Location: Nightingale Drive Myrtle Beach, SC
 TMS: 173-20-01-107
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 Sheet 6 of 7



Front View of Proposed Structures

Proposed Shelburne Dock

Horry County

Date: 1-11-12

Date Revised: 5-10-12

Application No. _____



FIGURE

6

PROPOSED ACTIVITY: Dock/Dredging

APPLICANT: Tom Shelburne



Disposal Site
6.3 Acres

Project Title: Tom Shelbourne
Dock and Dredge
Applicant: Tom Shelbourne
Location: Nightingale Drive
Myrtle Beach, SC
TMS: 173-20-01-107
May 31, 2012
Sheet 7 of 7



Site Map
Proposed Disposal Site
TMS#: 117-00-05-018
Little River, Horry County, SC
August 25, 2011

