

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
**1949 Industrial Park Lane Room 140**  
**Conway, South Carolina 29528**  
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 #2007-708-3IJ

May 18, 2007

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

**BEN MULLER**  
**c/o BEAM AND ASSOCIATES**  
**P.O. BOX 11863**  
**COLUMBIA, SOUTH CAROLINA 29211**

for a permit to dredge in the

**ATLANTIC INTRACOASTAL WATERWAY**

at a location described as lot #87 off of Gray Heron Drive, Dye Estates, in the city of North Myrtle Beach, Horry County, South Carolina (Latitude 33.80436°, Longitude 78.74105°).

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 both of the above mentioned offices by

**12 O'CLOCK NOON, MONDAY, 11 JUNE 2007**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of dredging the footprint of a proposed dock structure previously authorized by Department of the Army permit #1998-1X-304. In detail, the applicant proposes to utilize a track hoe positioned in uplands to excavate 2,000 cubic yards of material from the AIWW to a depth -6.0 MLW. The area to be dredged is depicted on sheet 4 of 8 of the attached drawings. The excavated material will be placed in a temporary spoil basin on Lot #87. Due to the limited capacity of the temporary, onsite basin, the process will be conducted in phases until the project is complete. A 3' X 12' dike will be constructed along the perimeter of the basin to prevent discharge to the AIWW. Once dried, the excavated material will be loaded by track hoe onto trucks and transported to an upland disposal site located at Beargrass Road, in Longs, South Carolina.

The purpose of the proposed work is to provide sufficient depth for the safe navigation of the owner's personal watercraft.

**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 Lane Room 140  
Conway, South Carolina 29528**

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 South Carolina Coastal Zone Management Act (15 CFR 930). 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. Persons wishing to comment or object to State certification 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 0.06 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 will have no effect on 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

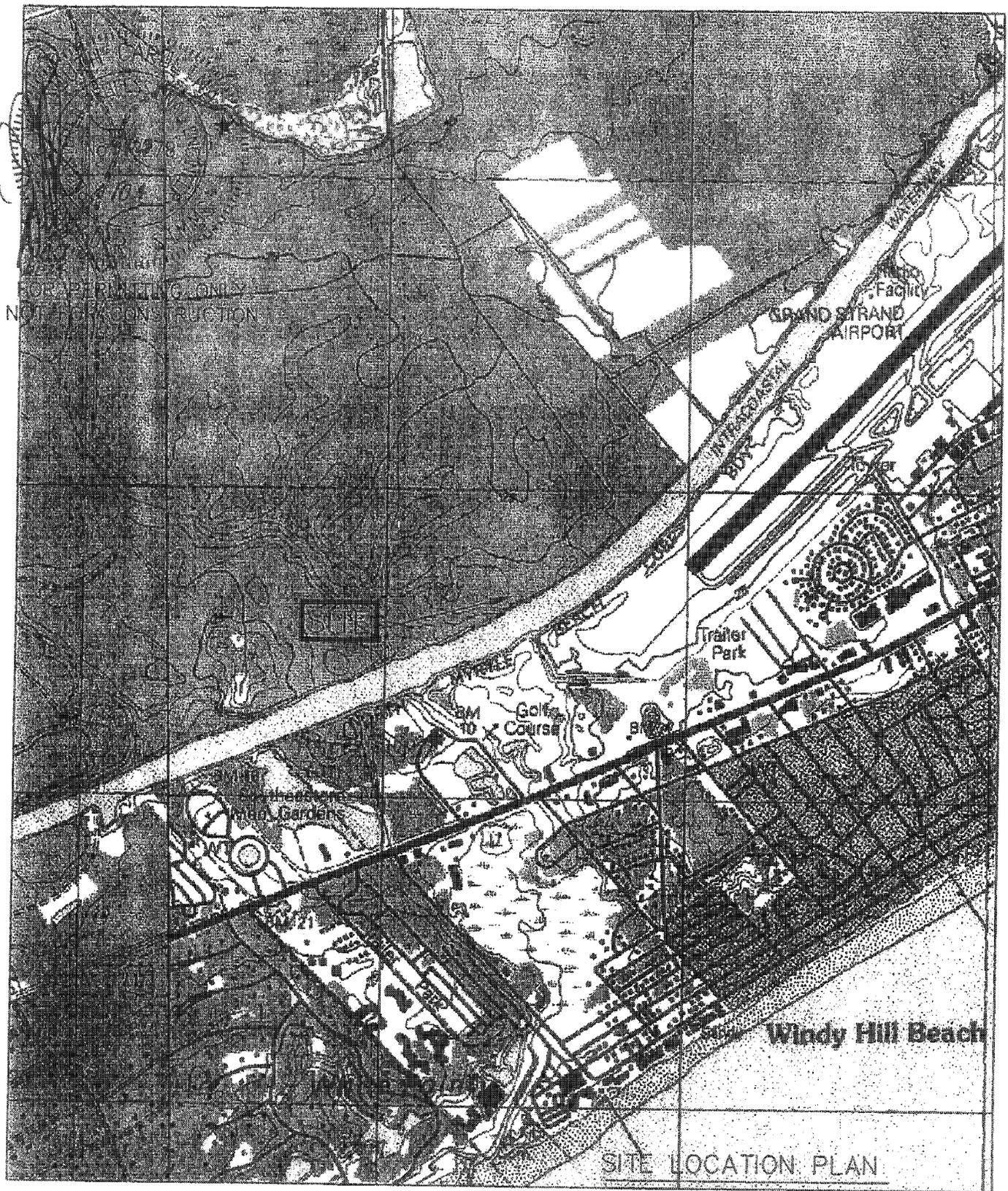
Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

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 Justin Johnson at 1-843-365-1724.



SITE LOCATION PLAN  
 USGS WAMPEE QUAD

APPLICANT:  
 BEN MULLER  
 ACTIVITY: DREDGE

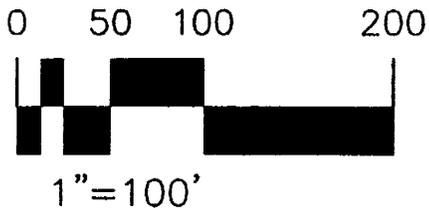
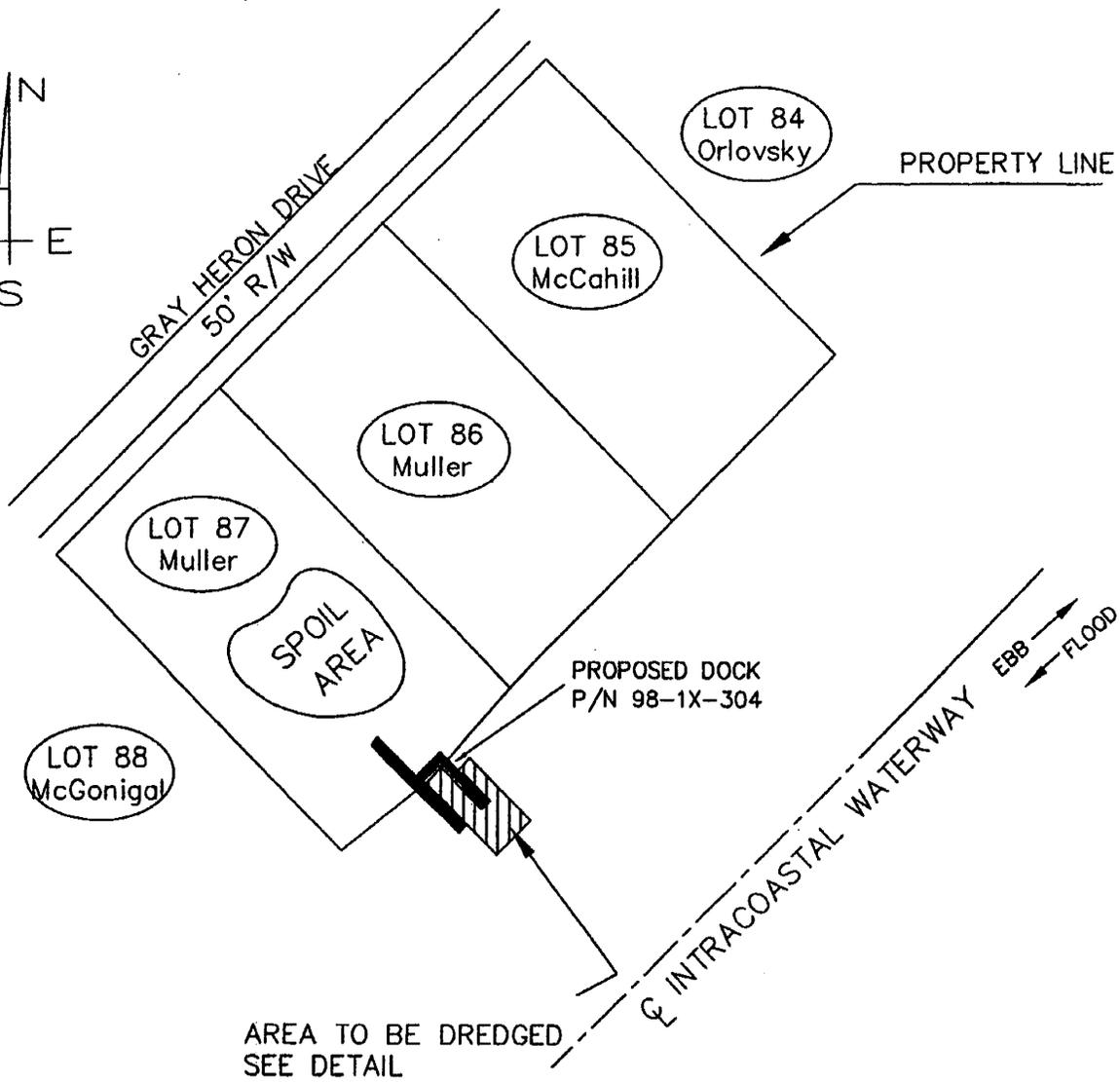
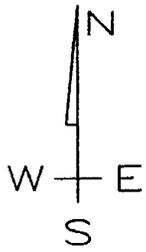
LOCATION: North Myrtle  
 Beach  
 Barefoot Landing F

SAC# 2007-708-31J  
 Ben Muller Dredge Project  
 Lot 87 Gray Heron Drive  
 N. Myrtle Beach, Horry County, SC

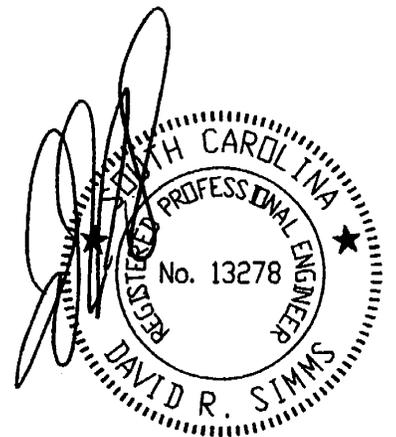
P/N#

COUNTY: Horry  
 DATE: 2/2/200

May 9, 2007

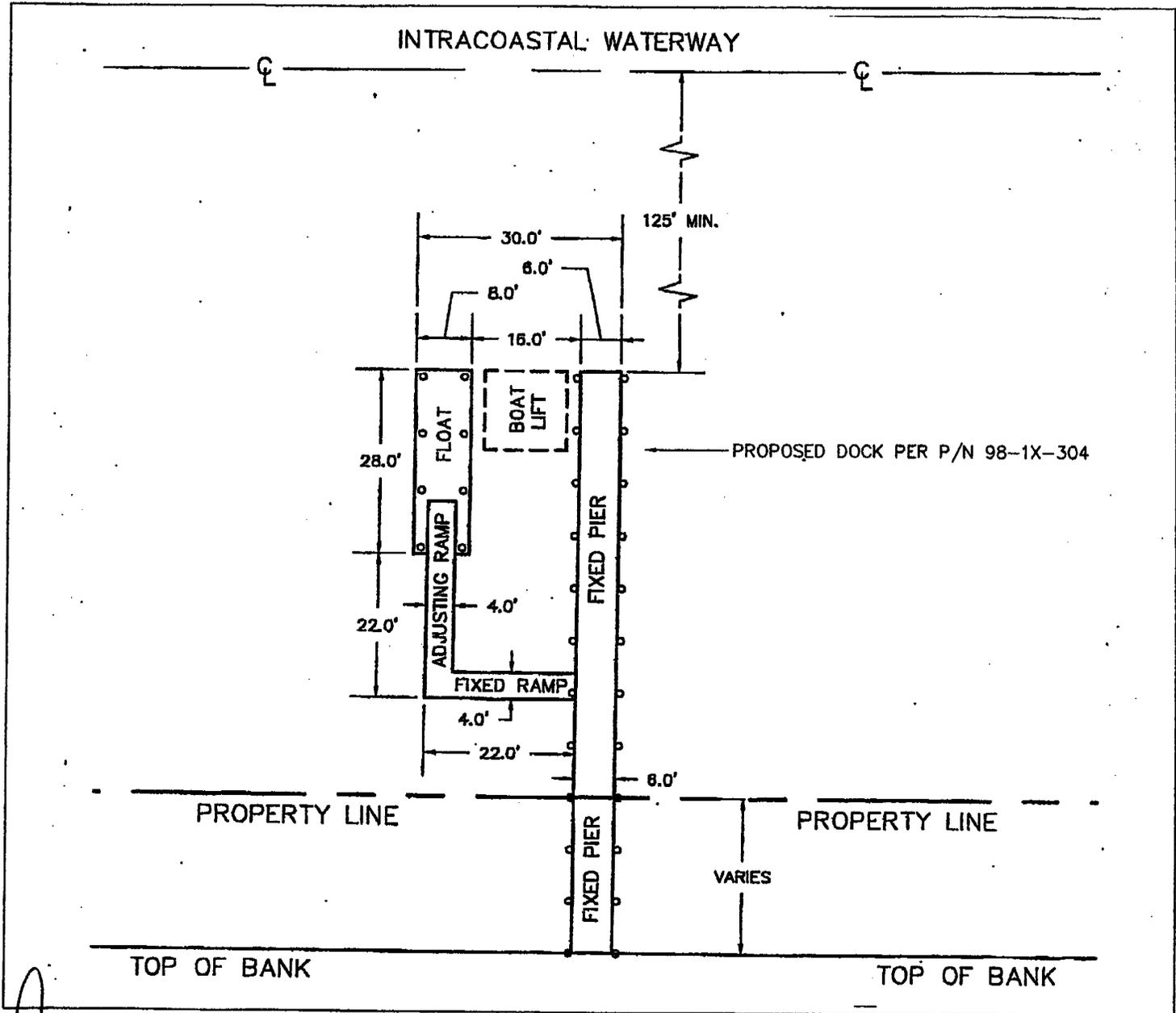


SITE PLAN



FOR PERMITTING ONLY  
NOT FOR CONSTRUCTION

<p>APPLICANT: Ben Muller</p> <p>ACTIVITY: Dredge</p> <p>P/N#</p>	<p>LOCATION: North Myrtle Beach Barefoot Landing</p> <p>COUNTY: Horry</p> <p>DATE: 2/2/07</p>	<p>SAC# 2007-708-31J Ben Muller Dredge Project Lot 87 Gray Heron Drive N. Myrtle Beach, Horry County, SC</p> <p>May 9, 2007</p> <p>Sheet 2 of 8</p>
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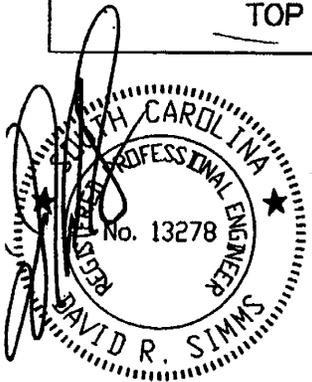
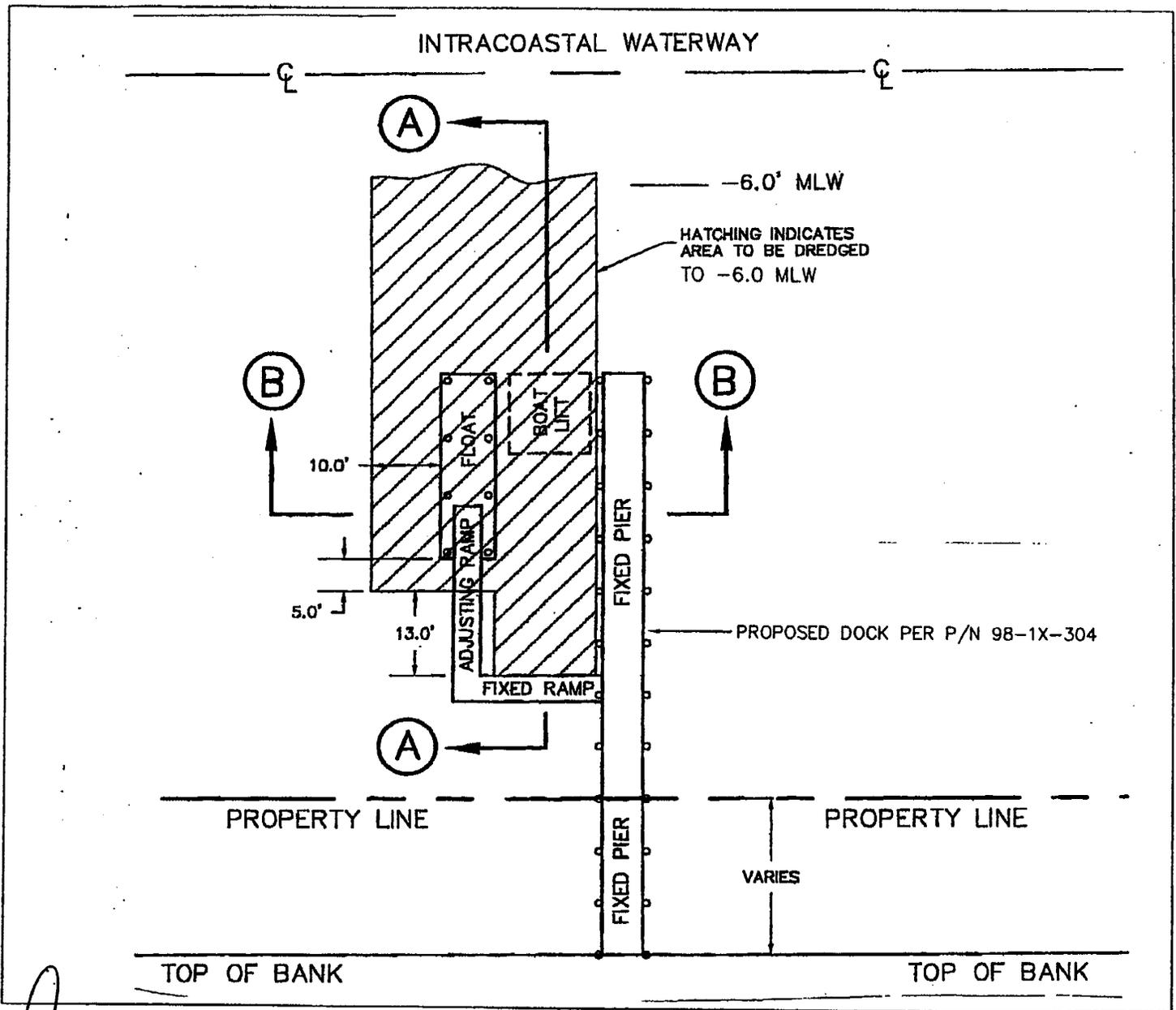


EXISTING SITE PLAN



FOR PERMITTING ONLY  
NOT FOR CONSTRUCTION

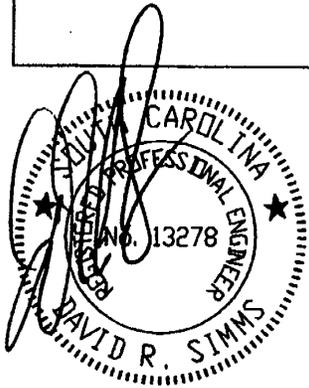
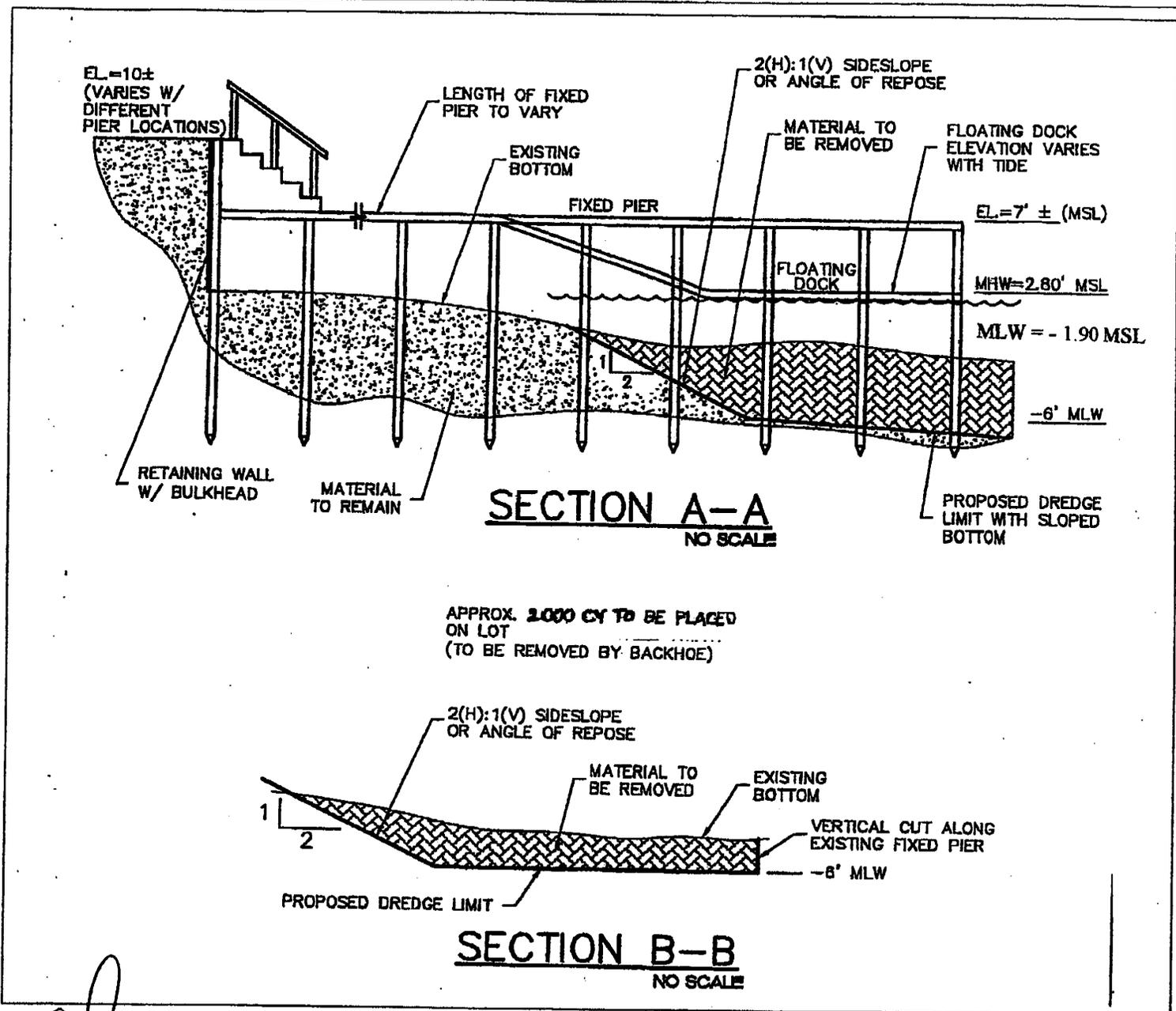
<p>APPLICANT: Ben Muller</p> <p>ACTIVITY: Dredge</p>	<p>LOCATION: North Myrtle Beach Barefoot Landing</p> <p>COUNTY: Horry</p> <p>DATE: 2/2/2006</p>	<p>SAC# 2007-708-31J Ben Muller Dredge Project Lot 87 Gray Heron Drive N. Myrtle Beach, Horry County, SC</p> <p>May 9, 2007</p>
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DREDGING PLAN

FOR PERMITTING ONLY  
NOT FOR CONSTRUCTION

<p>APPLICANT: Ben Muller</p> <p>ACTIVITY: Dredge</p>	<p>LOCATION: North Myrtle Beach Barefoot Landing</p> <p>COUNTY: Horry</p> <p>DATE: 2/2/2007</p>	<p>SAC# 2007-708-31J Ben Muller Dredge Project Lot 87 Gray Heron Drive N. Myrtle Beach, Horry County, SC</p> <p style="text-align: center;">May 9, 2007</p>
		<p>Sheet 4 of 8</p>



SECTIONS

FOR PERMITTING ONLY  
 NOT FOR CONSTRUCTION

APPLICANT: Ben Muller

ACTIVITY: Dredge

LOCATION: North Myrtle Beach

Barefoot Landing

COUNTY: HORRY

DATE: 2/2/20

SAC# 2007-708-31J

Ben Muller Dredge Project

Lot 87 Gray Heron Drive

N. Myrtle Beach, Horry County, SC

May 9, 2007

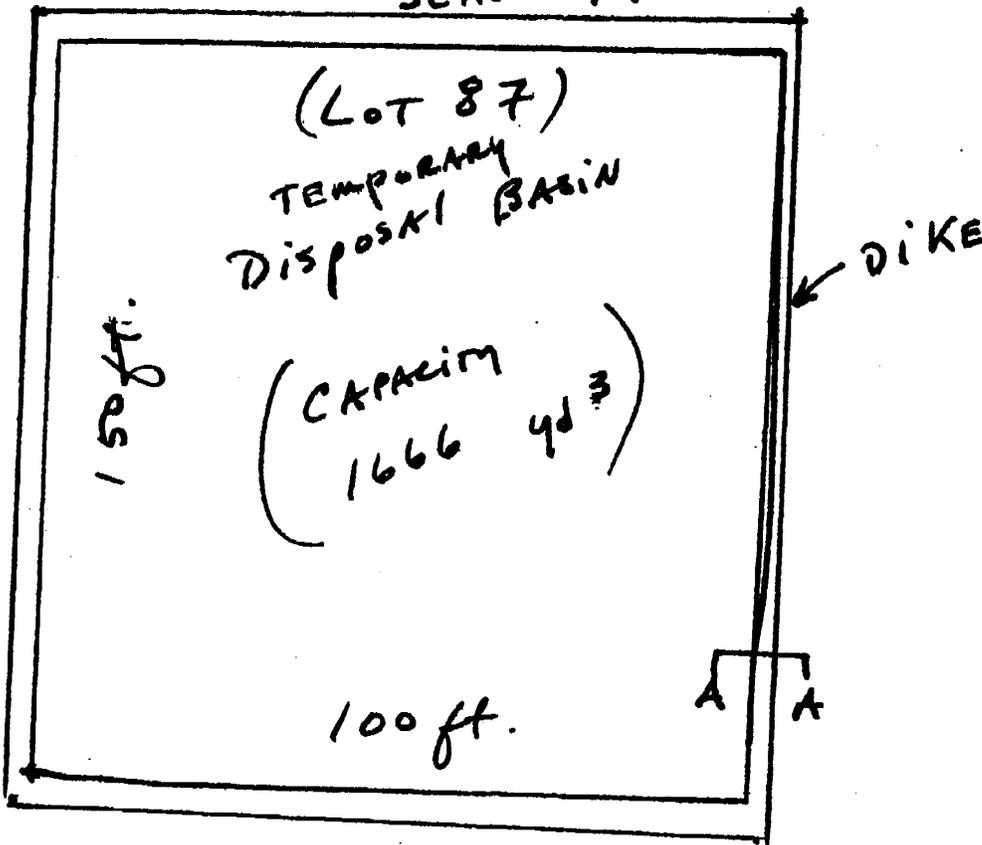
EXHIBIT B

P/N 2007-708-36J

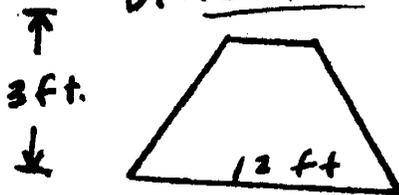
BEN MULLER

PLAN VIEW

SCALE: NTS



DIKE X SECTION (A-A)



SCALE: NTS

SAC# 2007-708-31J  
Ben Muller Dredge Project  
Lot 87 Gray Heron Drive  
N. Myrtle Beach, Horry County, SC

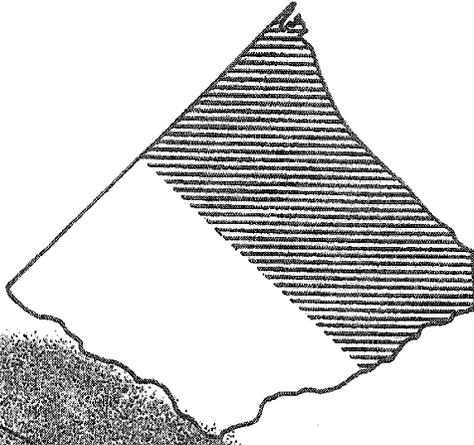
May 9, 2007

Sheet 6 of 8

EXCAVATED MATERIAL = 2000 yd<sup>3</sup>  
BASIN CAPACITY = 1666 yd<sup>3</sup>

# HORRY COUNTY

# EXHIBIT A



HORRY - SOUTHEAST

SAC# 2007-708-31J  
 Ben Muller Dredge Project  
 Lot 87 Gray Heron Drive  
 N. Myrtle Beach, Horry County, SC

May 9, 2007

Sheet 7 of 8

## Legend

- Inside County Public Boat Ramp
- Outside County Public Boat Ramp
- Public Fishing Pier
- Handicapped Fishing Access

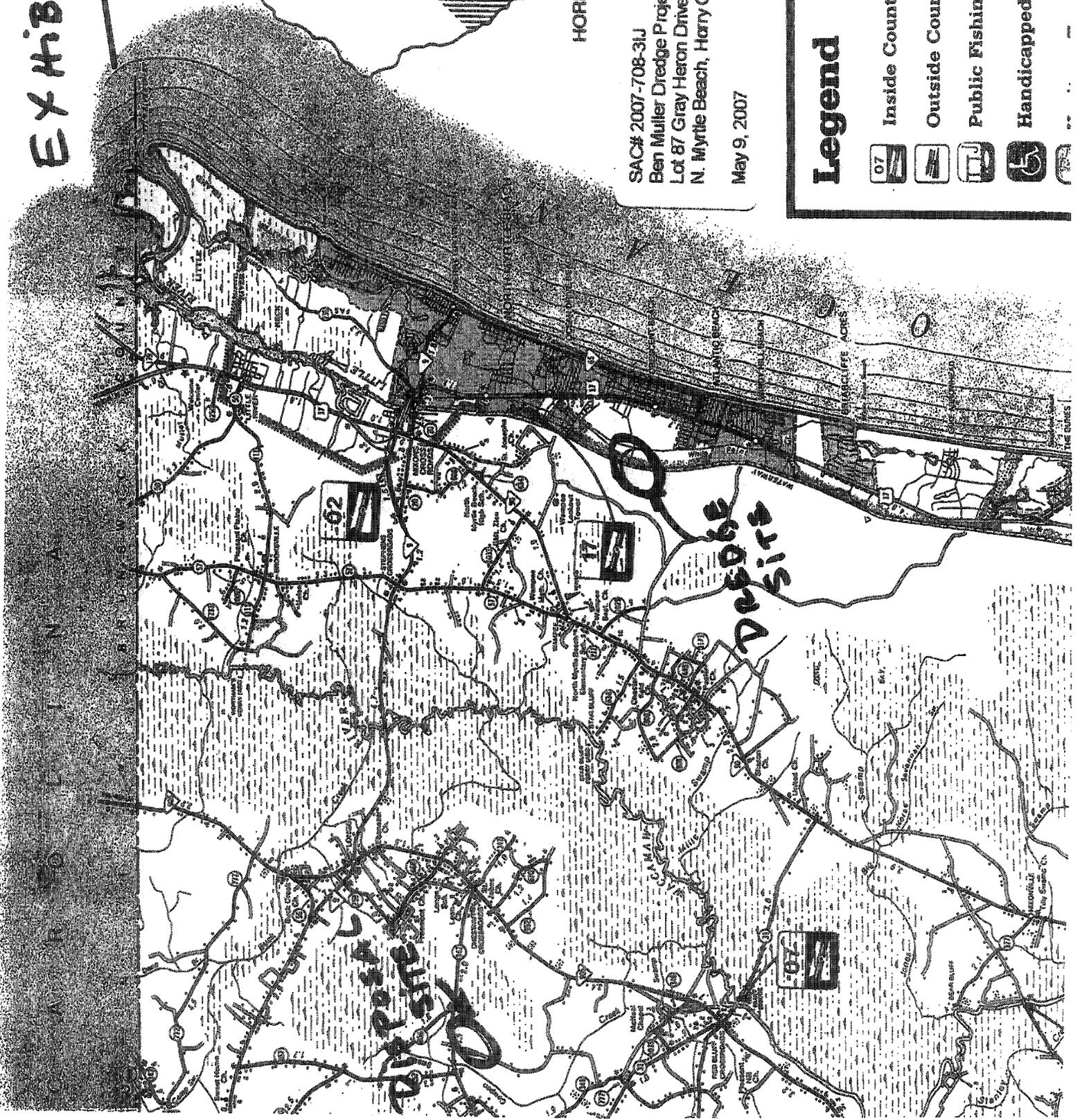


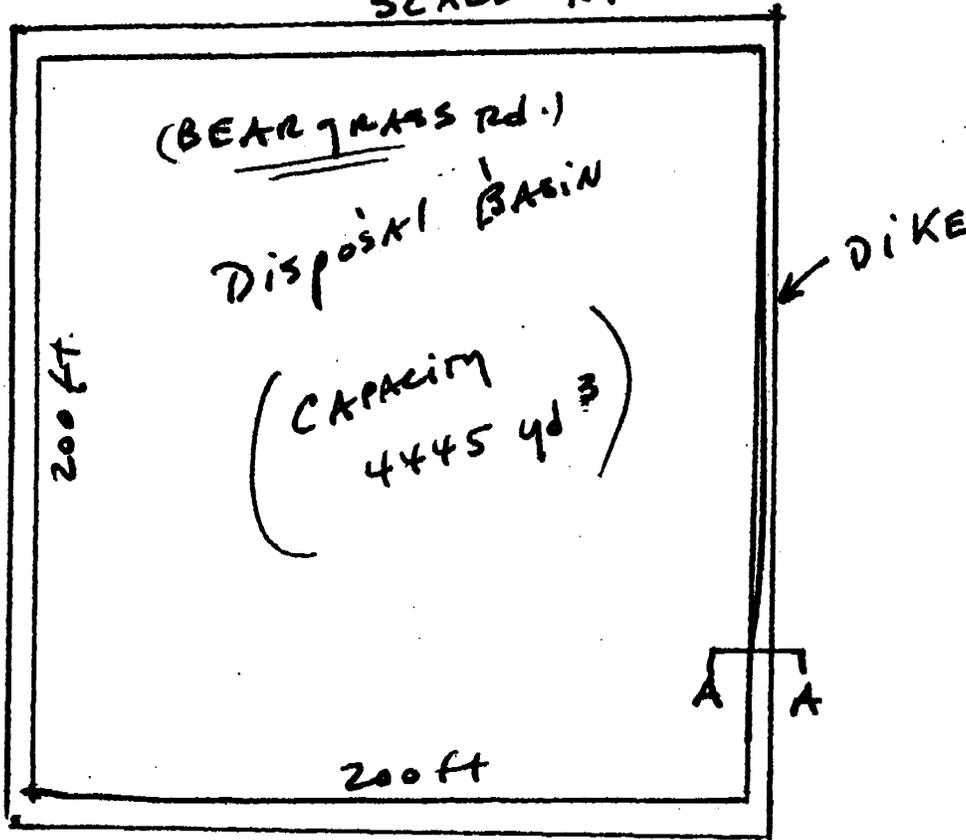
EXHIBIT C

P/N 2007-708-36J

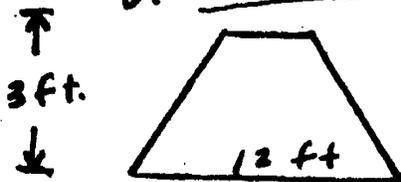
BEN MULLER

PLAN VIEW

SCALE = NTS



DIKE X SECTION (A-A)



SAC# 2007-708-31J  
Ben Muller Dredge Project  
Lot 87 Gray Heron Drive  
N. Myrtle Beach, Horry County, SC

May 9, 2007

Sheet 8 of 8

SCALE = NTS

EXCAVATED material = 2000 yd<sup>3</sup>  
BASIN CAPACITY = 4445 yd<sup>3</sup>

∴ 2.22 Times CAPACITY REQUIRED