

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
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 #2004-1E-154-C

28 May 2004

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

EAST COAST WATERWAY PROPERTIES, LLC (LOT 45)
R. DOUGLAS THERRELL FAMILY, LIMITED PARTNERSHIP (LOT 46)
DAVID J. AND CARLENE GEORGE (LOT 47)
LEO MASCIULLI AND ANN M. MUSCLE (LOT 48)
c/o LAW OFFICES OF C. C. HARNESS, III, ATTORNEYS AT LAW
325 COLEMAN BOULEVARD
MT. PLEASANT, SOUTH CAROLIAN 29464

for a permit to dredge and construct a joint use dock structure in the

ATLANTIC INTRACOASTAL WATERWAY (AIWW)

at Location 45 thru 48, the Battery on the Waterway, in Dogwood Neck Township, Horry County, South Carolina. (Latitude – 33.7401, Longitude –78.8717)

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 until

12 O'CLOCK NOON, MONDAY, 28 JUNE 2004

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

The proposed work consists of dredging, by hydraulic means, approximately 3600 cubic yards of material in front of Lots 45 thru 48. The material will be piped to an upland disposal area currently being processed by P/N #2003-1L-369. In addition, a joint use boat dock consisting of an "E"-shaped dock structure with 4' x 23' walkway leading from highland to a 4' x 64' walkway parallel to the AIWW with three (3) 4' x 31' walkways – one on each end of the parallel walkway and one in the middle. A total of four (4) boat lifts, two (2) on each side of the middle walkway, are to be installed. It is understood that this work will be conducted on/or adjacent to an area subject to a prism and/or disposal easement held by the United States in perpetuity in conjunction with a

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Congressionally authorized project for the maintenance and improvement of the Atlantic Intracoastal Waterway. Should a permit be issued, appropriate provisions will be included to ensure the interests of the Federal Government are understood. The purpose of this work is for the private recreational use of the owners of Lots 45 thru 48, The Battery on the Waterway.

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
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

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 0.5 acre 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).

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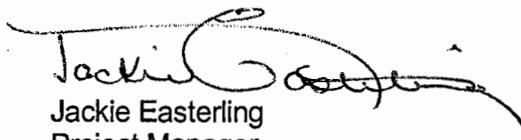
The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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.

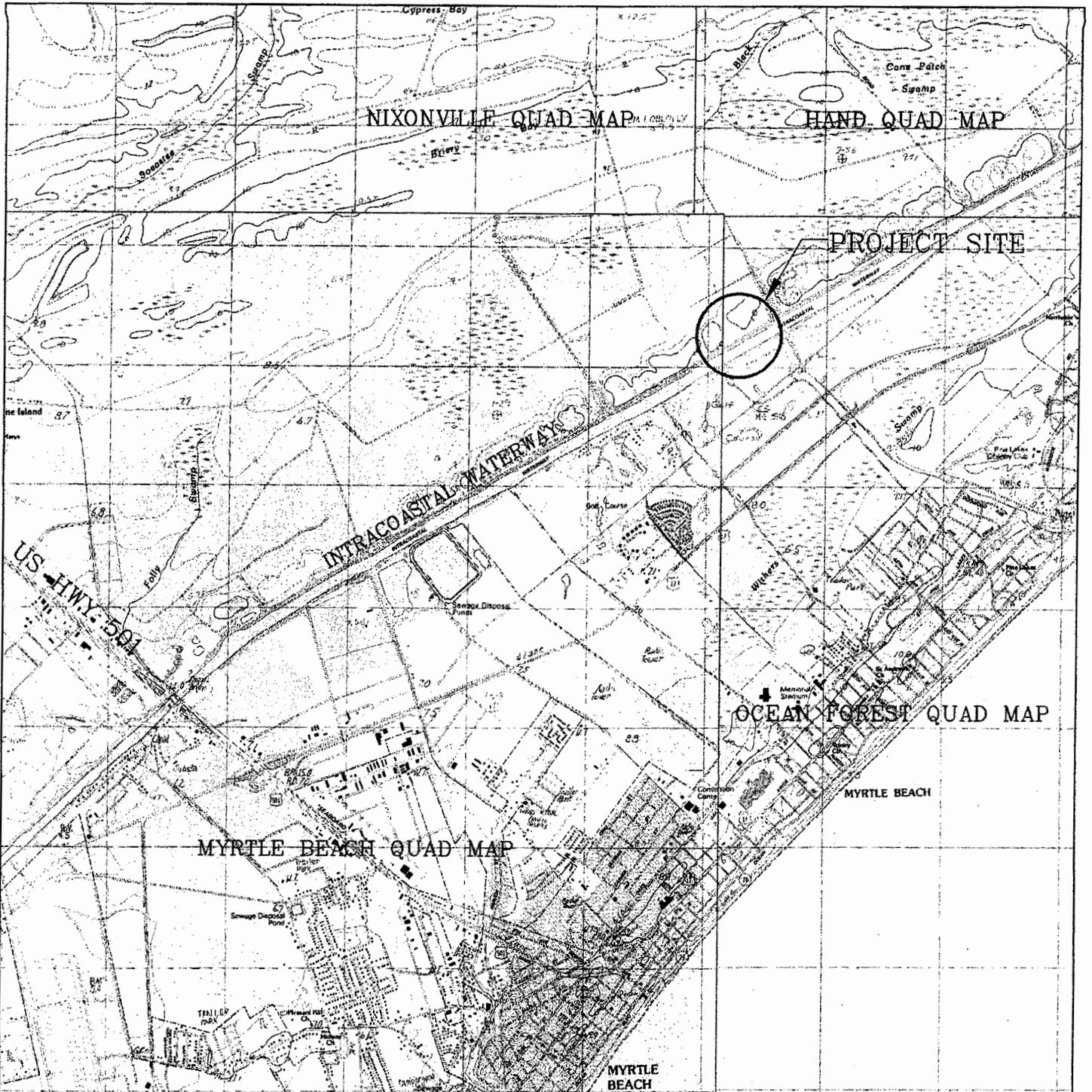
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 me at 843-329-8044 or toll free at 1-866-329-8187.



Jackie Easterling
Project Manager
Regulatory Division
U.S. Army Corps of Engineers



PURPOSE: JOINT-USE DOCKS
FOR ACCESS TO AIWW

ADJACENT PROPERTY:

LOT 44
 ① DOMINICK V. DEFOE,
 AND BERNADETTE DALESANDRO
 32 BARONE STREET
 NETCONG, NJ 07857

LOT 49
 ② JIMMY K. AND MARGARET C. STEGALL
 617 E. FRANKLIN
 MONROE, NC 28110

**THE BATTERY
LOCATION MAP**

PROPERTY OWNERS:

① EAST COAST WATERWAY
PROPERTIES, LLC

② R. DOUGLAS THERRELL FAMILY

③ DAVID J. AND CARLENE GEORGE

④ LEO MASIULLI, AND ANN M. MUSCLE

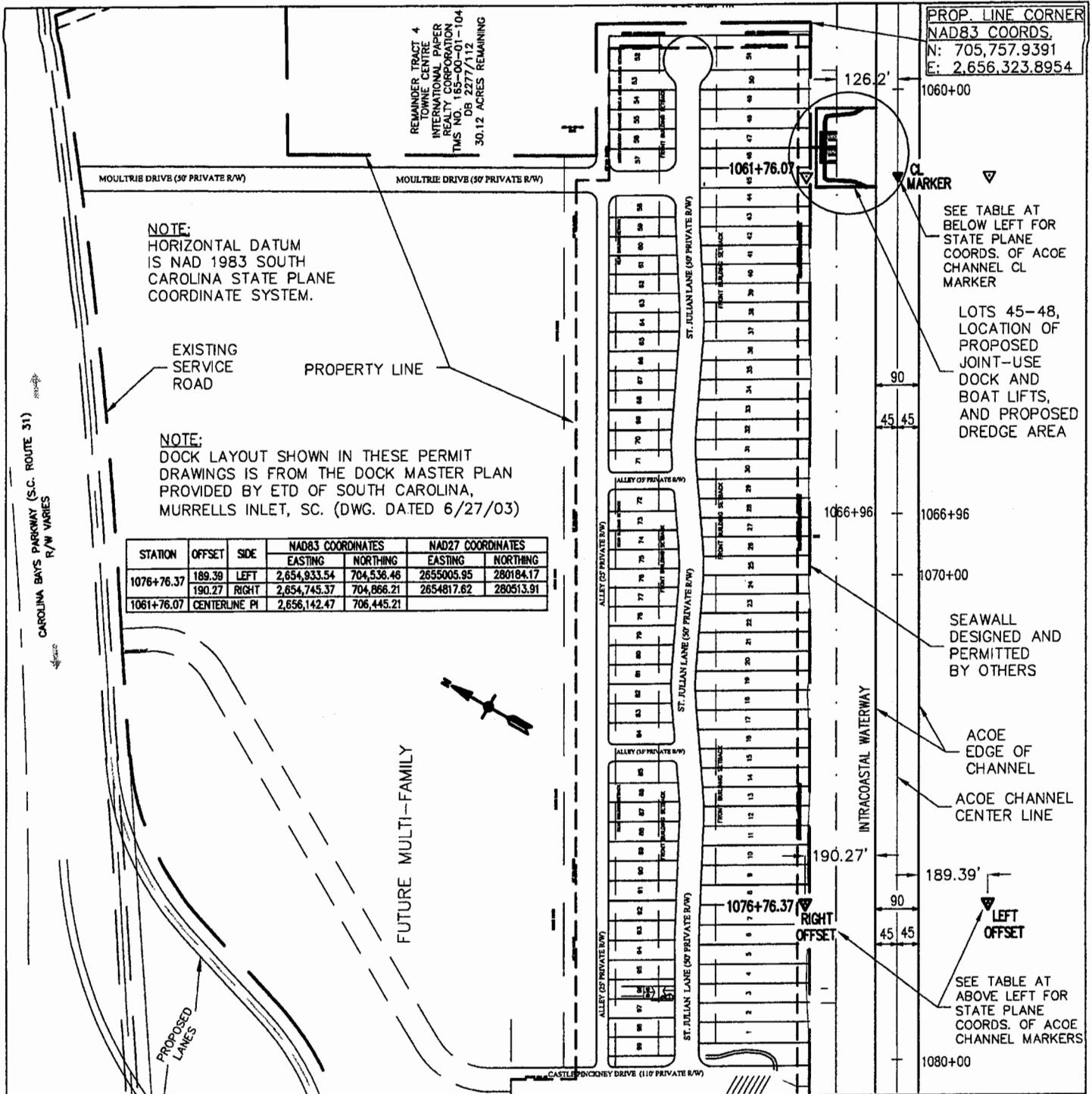
NO SCALE

PROPOSED: CONSTRUCTION OF
JOINT-USE BOAT DOCK
WITH BOAT LIFTS

IN: DOGWOOD NECK TOWNSHIP
ON: INTRACOASTAL WATERWAY
COUNTY OF: HORRY
STATE OF: SOUTH CAROLINA
SHEET: 1 OF 6 **DATE:** 4/15/04
REV. #1 DATE: 5/18/04

0004-1E-154

ZANDE-JON GLERRY TAYLOR P.E., INC.
FILE: BATTERY-P-BASE(FINAL 5-14-04)



NOTE:
HORIZONTAL DATUM
IS NAD 1983 SOUTH
CAROLINA STATE PLANE
COORDINATE SYSTEM.

EXISTING
SERVICE
ROAD

PROPERTY LINE

NOTE:
DOCK LAYOUT SHOWN IN THESE PERMIT
DRAWINGS IS FROM THE DOCK MASTER PLAN
PROVIDED BY ETD OF SOUTH CAROLINA,
MURRELLS INLET, SC. (DWG. DATED 6/27/03)

STATION	OFFSET	SIDE	NAD83 COORDINATES		NAD27 COORDINATES	
			EASTING	NORTHING	EASTING	NORTHING
1076+76.37	189.39	LEFT	2,654,933.54	704,536.48	2655005.95	280184.17
1061+76.07	190.27	RIGHT	2,654,745.37	704,866.21	2654817.62	280513.91
		CENTERLINE PI	2,656,142.47	706,445.21		

PROP. LINE CORNER
NAD83 COORDS.
N: 705,757.9391
E: 2,656,323.8954

SEE TABLE AT
BELOW LEFT FOR
STATE PLANE
COORDS. OF ACOE
CHANNEL CL
MARKER

LOTS 45-48,
LOCATION OF
PROPOSED
JOINT-USE
DOCK AND
BOAT LIFTS,
AND PROPOSED
DREDGE AREA

SEAWALL
DESIGNED AND
PERMITTED
BY OTHERS

ACOE
EDGE OF
CHANNEL

ACOE CHANNEL
CENTER LINE

SEE TABLE AT
ABOVE LEFT FOR
STATE PLANE
COORDS. OF ACOE
CHANNEL MARKERS

PURPOSE: JOINT-USE DOCKS
FOR ACCESS TO AIWW

ADJACENT PROPERTY :

- LOT 44
① DOMINICK V. DEFOE,
AND BERNADETTE DALESANDRO
32 BARONE STREET
NETCONG, NJ 07857
- LOT 49
② JIMMY K. AND MARGARET C. STEGALL
617 E. FRANKLIN
MONROE, NC 28110

THE BATTERY EXISTING SITE

PROPERTY OWNERS:

- ① EAST COAST WATERWAY
PROPERTIES, LLC
- ② R. DOUGLAS THERRELL FAMILY
- ③ DAVID J. AND CARLENE GEORGE
- ④ LEO MASCIULLI, AND ANN M. MUSCLE

SCALE: 1" = 300'

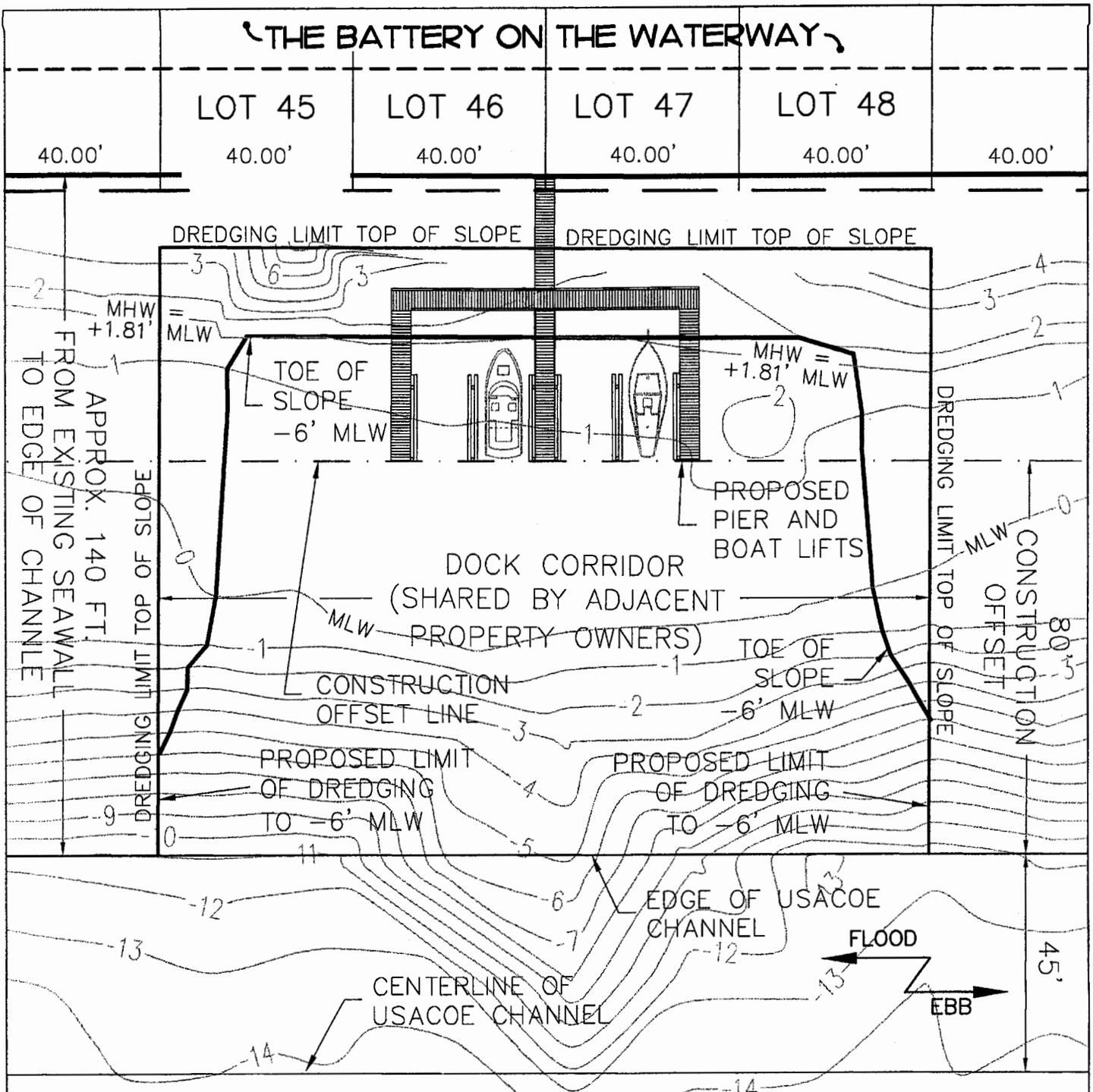
PROPOSED: CONSTRUCTION OF
BOAT DOCK WITH BOAT LIFTS

IN: HORRY COUNTY
ON: INTRACOASTAL WATERWAY
COUNTY OF: HORRY
STATE OF: SOUTH CAROLINA
SHEET: 2 OF 6 DATE: 4/15/04
REV #1 DATE: 5/18/04

ZANDE-JON GLERRY TAYLOR P.E., INC.
FILE: BATTERY-P-BASE(FINAL 5-14-04)

2004-1E-154

THE BATTERY ON THE WATERWAY



PURPOSE: JOINT-USE DOCKS FOR ACCESS TO AIWW

ADJACENT PROPERTY :

LOT 44
 ① DOMINICK V. DEFOE, AND BERNADETTE DALESANDRO
 32 BARONE STREET
 NETCONG, NJ 07857

LOT 49
 ② JIMMY K. AND MARGARET C. STEGALL
 617 E. FRANKLIN
 MONROE, NC 28110

THE BATTERY

PROPOSED IMPROVEMENTS

PROPERTY OWNERS:

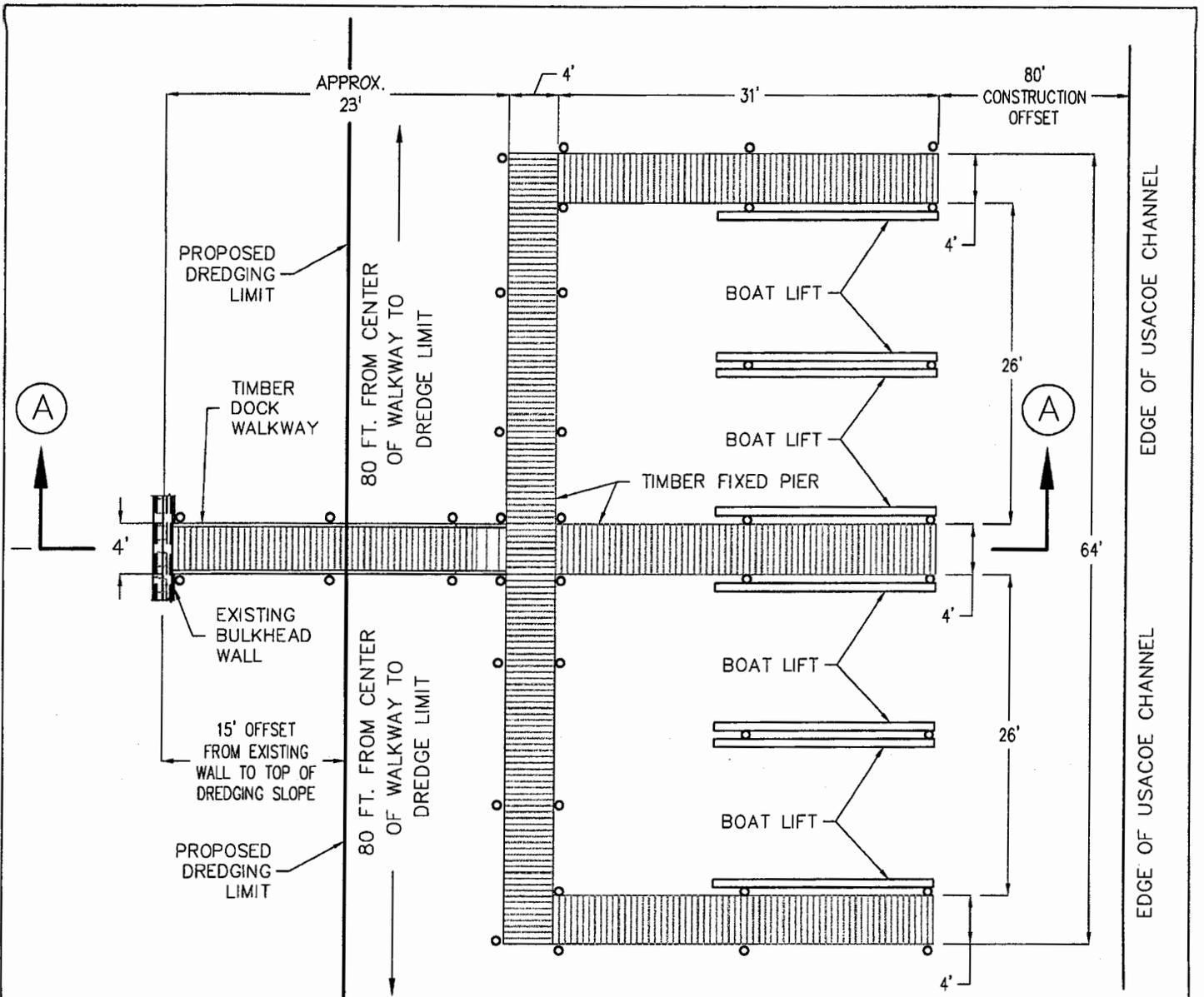
① EAST COAST WATERWAY PROPERTIES, LLC
 ② R. DOUGLAS THERRELL FAMILY
 ③ DAVID J. AND CARLENE GEORGE
 ④ LEO MASCIULLI, AND ANN M. MUSCLE

SCALE: 1" = 30'

PROPOSED: CONSTRUCTION OF BOAT DOCK WITH BOAT LIFTS

IN: HORRY COUNTY
 ON: INTRACOASTAL WATERWAY
 COUNTY OF: HORRY
 STATE OF: SOUTH CAROLINA
 SHEET: 3 OF 6 DATE: 4/15/04
 REV. #1 DATE: 5/18/04

2004-1E-154



NOTE:
DOCK LAYOUT SHOWN IN THESE PERMIT DRAWINGS IS FROM THE DOCK MASTER PLAN PROVIDED BY ETD OF SOUTH CAROLINA, MURRELLS INLET, SC. (DWG. DATED 6/27/03)

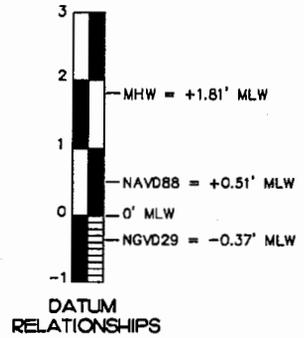
FIXED PIER AND BOAT LIFT PLAN

<p>PURPOSE: JOINT-USE DOCKS FOR ACCESS TO AIWW</p> <p>ADJACENT PROPERTY :</p> <p>LOT 44 ① DOMINICK V. DEFOE, AND BERNADETTE DALESANDRO 32 BARONE STREET NETCONG, NJ 07857</p> <p>LOT 49 ② JIMMY K. AND MARGARET C. STEGALL 617 E. FRANKLIN MONROE, NC 28110</p>	<p style="text-align: center;">THE BATTERY</p> <p style="text-align: center;">PROPOSED DOCK AND BOAT LIFT</p> <hr/> <p>PROPERTY OWNERS:</p> <p>① EAST COAST WATERWAY PROPERTIES, LLC</p> <p>② R. DOUGLAS THERRELL FAMILY</p> <p>③ DAVID J. AND CARLENE GEORGE</p> <p>④ LEO MASCILLI, AND ANN M. MUSCLE</p>	<p style="text-align: right;">NOT TO SCALE</p> <p>PROPOSED: CONSTRUCTION OF BOAT DOCK WITH BOAT LIFTS</p> <p>IN: HORRY COUNTY ON: INTRACOASTAL WATERWAY COUNTY OF: HORRY STATE OF: SOUTH CAROLINA SHEET: 4 OF 6 DATE: 4/15/04 REV #1 DATE: 5/18/04</p>
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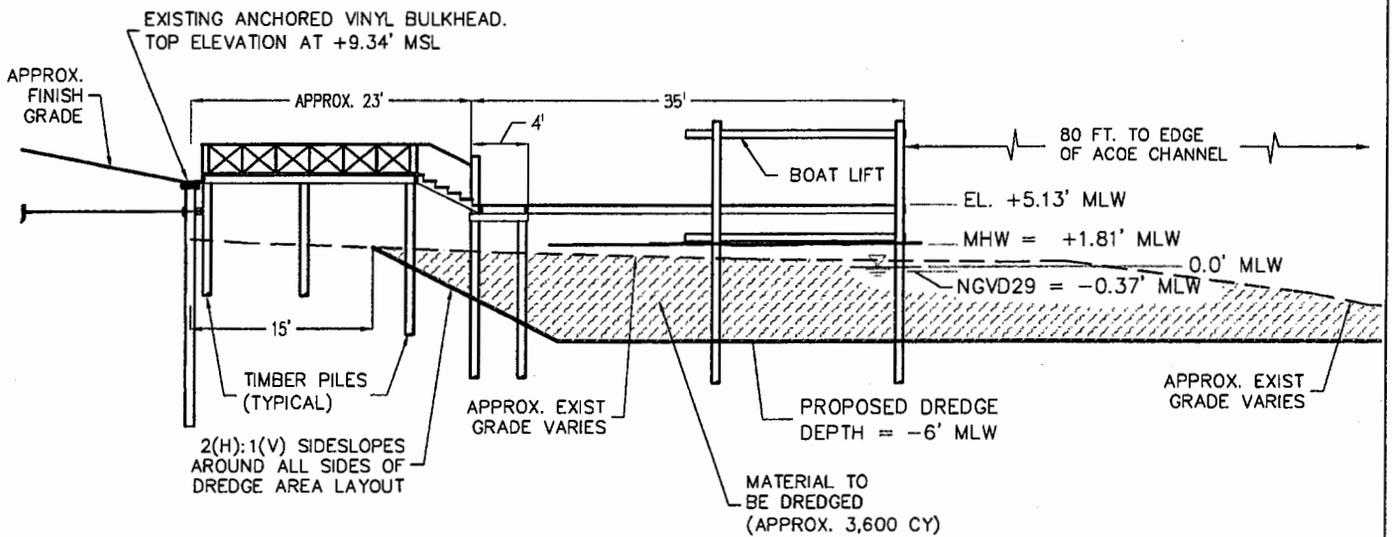
2004-1E-154

ZANDE-JON GUERRY TAYLOR P.E., INC.
FILE: BATTERY-P-BASE(FINAL 5-14-04)

NOTE:
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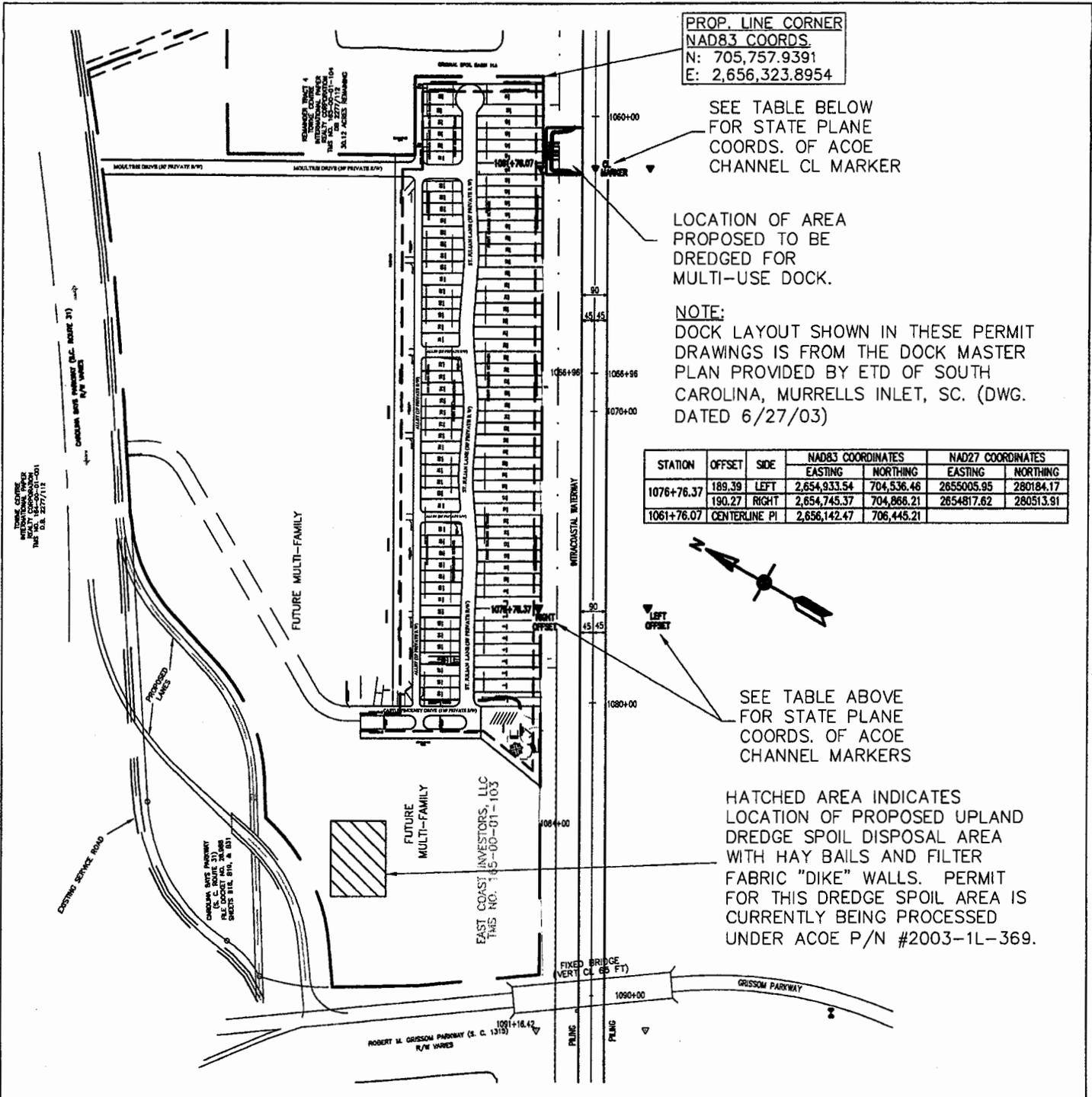
CONSTRUCTION NOTE:
ENGINEER OF RECORD FOR WALL SHALL VERIFY THE EXPOSED HEIGHT OF THE WALL AND THE STRUCTURAL CAPACITY OF THE WALL INCLUDING DREDGING.



SECTION A-A

FIXED PIER AND BOAT LIFT ELEVATION

<p>PURPOSE: JOINT-USE DOCKS FOR ACCESS TO AIWW ADJACENT PROPERTY :</p> <p>LOT 44 ① DOMINICK V. DEFOE, AND BERNADETTE DALESANDRO 32 BARONE STREET NETCONG, NJ 07857</p> <p>LOT 49 ② JIMMY K. AND MARGARET C. STEGALL 617 E. FRANKLIN MONROE, NC 28110</p>	<p align="center">THE BATTERY PROPOSED DOCK AND BOAT LIFT</p> <p>PROPERTY OWNERS:</p> <p>① EAST COAST WATERWAY PROPERTIES, LLC ② R. DOUGLAS THERRELL FAMILY ③ DAVID J. AND CARLENE GEORGE ④ LEO MASCIULLI, AND ANN M. MUSCLE</p>	<p align="right">NOT TO SCALE</p> <p>PROPOSED: CONSTRUCTION OF BOAT DOCK WITH BOAT LIFTS</p> <p>IN: HORRY COUNTY ON: INTRACOASTAL WATERWAY COUNTY OF: HORRY STATE OF: SOUTH CAROLINA SHEET: 5 OF 6 DATE: 4/15/04 REV #1 DATE: 5/18/04</p>
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PROP. LINE CORNER
 NAD83 COORDS.
 N: 705,757.9391
 E: 2,656,323.8954

SEE TABLE BELOW
 FOR STATE PLANE
 COORDS. OF ACOE
 CHANNEL CL MARKER

LOCATION OF AREA
 PROPOSED TO BE
 DREDGED FOR
 MULTI-USE DOCK.

NOTE:
 DOCK LAYOUT SHOWN IN THESE PERMIT
 DRAWINGS IS FROM THE DOCK MASTER
 PLAN PROVIDED BY ETD OF SOUTH
 CAROLINA, MURRELLS INLET, SC. (DWG.
 DATED 6/27/03)

STATION	OFFSET	SIDE	NAD83 COORDINATES		NAD27 COORDINATES	
			EASTING	NORTHING	EASTING	NORTHING
1076+76.37	189.39	LEFT	2,654,933.54	704,536.46	2655005.95	280184.17
1061+76.07	190.27	RIGHT	2,654,745.37	704,866.21	2654817.62	280513.91
1061+76.07		CENTERLINE PI	2,656,142.47	706,445.21		



SEE TABLE ABOVE
 FOR STATE PLANE
 COORDS. OF ACOE
 CHANNEL MARKERS

HATCHED AREA INDICATES
 LOCATION OF PROPOSED UPLAND
 DREDGE SPOIL DISPOSAL AREA
 WITH HAY BAILS AND FILTER
 FABRIC "DIKE" WALLS. PERMIT
 FOR THIS DREDGE SPOIL AREA IS
 CURRENTLY BEING PROCESSED
 UNDER ACOE P/N #2003-1L-369.

PURPOSE: JOINT-USE DOCKS
 FOR ACCESS TO AIWW

ADJACENT PROPERTY :

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 ① DOMINICK V. DEFOE,
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 NETCONG, NJ 07857

LOT 49
 ② JIMMY K. AND MARGARET C. STEGALL
 617 E. FRANKLIN
 MONROE, NC 28110

**THE BATTERY
 DISPOSAL AREA**

PROPERTY OWNERS:

① EAST COAST WATERWAY
 PROPERTIES, LLC

② R. DOUGLAS THERRELL FAMILY

③ DAVID J. AND CARLENE GEORGE

④ LEO MASCIULLI, AND ANN M. MUSCLE

SCALE: 1" = 500'

PROPOSED: CONSTRUCTION OF
 BOAT DOCK WITH BOAT LIFTS

IN: HORRY COUNTY
 ON: INTRACOASTAL WATERWAY
 COUNTY OF: HORRY
 STATE OF: SOUTH CAROLINA
 SHEET: 6 OF 6 DATE: 4/15/04
 REV #1 DATE: 5/18/04