



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Forrest Beverly
Beverly Homes, LLC

Published: May 20, 2022
Expires: June 3, 2025

**Charleston District
Permit Application No. SAC-2023-01438**

TO WHOM IT MAY CONCERN: The Charleston District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403).

The South Carolina Department of Environmental Services (SCDES) is also reviewing an application pursuant to 401 the Clean Water Act (33 U.S.C. § 1341), 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). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Forrest Beverly
Beverly Homes, LLC
9007 Highway 544
Myrtle Beach, SC 29588

AGENT: Thomas Ballou
Ballou Associates
216 Ripley Station Road
Columbia, SC 29212

WATERWAY AND LOCATION: The project would affect navigable waters of the United States associated with Atlantic Intracoastal Waterway. The project/review area is located off Timber Oaks Drive in Myrtle Beach, Horry County, South Carolina (Latitude 33.6847 ° and Longitude -79.0316 °)

EXISTING CONDITIONS: The 0.07 acre project site abuts a residential development. The site contains 0.03 acres of freshwater wetlands and 0.005 acres of other waters. The site is located off of a portion of the previously preserved buffer associated with DA Permit SAC-2020-00028 for the construction of the residential development.

APPLICANT'S STATED PROJECT PURPOSE:

Basic: Boat Ramp and Docks

Overall: Improve recreational access to the AIWW and Waccamaw River for residents of residential development.

PROPOSED WORK: The applicant requests authorization to discharge fill for a 100' x 24' concrete boat ramp with a 100' x 4' wooden walkway on each side leading to 24' x 4' wooden floating courtesy docks. The work would require discharge of fill in 0.03 acres of wetlands for the boat ramp and shade 0.005 ac of other waters with the floating docks. This project requires encroachment into 0.07 acres of upland and wetlands protected by restrictive covenants under DA Permit SAC-2020-00028. These restrictive covenants would be amended to remove the 0.07 acres.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: "Wetland impacts will be minimized by locating the proposed boat ramp and courtesy docks at an existing unimproved boat launch located at the end of an unpaved dirt road leading from undeveloped Lot 305 on Water Breeze Court, which has been rough graded only. No large trees will be removed during construction, and the amount of fill proposed is the minimum required to construct a boat ramp for small boats. This work will improve recreational access for small boats and will stabilize the existing unimproved launch."

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The proposed boat ramp will be located within an upland buffer and wetland area protected under restrictive covenants as mitigation for DA Permit SAC 2020-00028. It will affect a total of 0.07 acre of protected area, half of which is wetlands and half upland buffer. The applicant proposes to purchase 1.6 wetland credits from the Carter Stilley Wetland Mitigation Bank which is double the required mitigation credits of 0.8 credits to offset the 0.07 acre removed from the restrictive covenants.

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES:

WATER QUALITY: SCDES, as the certifying authority for a 401 Water Quality Certification (401 WQC), is reviewing a request for certification to evaluate whether the proposed activity will comply with applicable water quality requirements in accordance with Clean Water Act section 401 (33 U.S.C. § 1341) and 40 CFR Part 121. The applicant is responsible for requesting a 401 WQC and providing the State any supplemental information that may be required to complete their review. A DA permit may not be issued prior to receipt of a certification (or waiver of certification) from SCDES.

COASTAL ZONE: The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930).

STATE NAVIGABLE WATERS: This activity may also require evaluation for compliance with the S.C. Construction in Navigable Waters Permit Program.

For questions regarding SCDES permitting procedures, please visit <https://des.sc.gov/permits-regulations/permit-central>. SCDES will receive written comments about the proposed work, as outlined above, until June 3, 2025. Comments may be submitted directly to the South Carolina Department of Environmental Services by email at WQCWetlands@des.sc.gov and OCRMPermitting@des.sc.gov.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places (NRHP) and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the NRHP) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO).

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.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project.

The following species and/or critical habitat have the potential to be present in the action area:

Table ##: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or	Scientific Name	Federal Status	
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Critical Habitat Name			Effect Determination
American Chaffseed	<i>Schwalbea americana</i>	Endangered	No Effect
Canby's Dropwort	<i>Oxypolis canbyi</i>	Endangered	No Effect
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened	No Effect
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered	No Effect
Piping Plover	<i>Charadrius melodus</i>	Threatened	May Affect, Not Likely to Adversely Affect
Pondberry	<i>Lindera melissifolia</i>	Endangered	No Effect
Red-cockaded Woodpecker	<i>Dryobates borealis</i>	Threatened	No Effect
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	May Affect, Not Likely to Adversely Affect
West Indian Manatee	<i>Trichechus manatus</i>	Threatened	May Affect, Not Likely to Adversely Affect
Wood Stork	<i>Mycteria americana</i>	Threatened	No Effect
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	No Effect
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	No Effect

Pursuant to Section 7 of the ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service (USFWS Project Code: 2024-0024491) for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 0.03 acres of wetlands and 0.005ac of other waters. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages:

<i>Species</i>	<i>Life Stage</i>
Spiny Lobster	ALL
Snapper Grouper	ALL

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: Based on the South Carolina State Plane coordinates provided by the applicant, the waterward edge of the proposed structure is 72 feet away from the near bottom edge of the Atlantic Intercoastal Water Way federal channel.

SECTION 408: The proposed project will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

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. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection

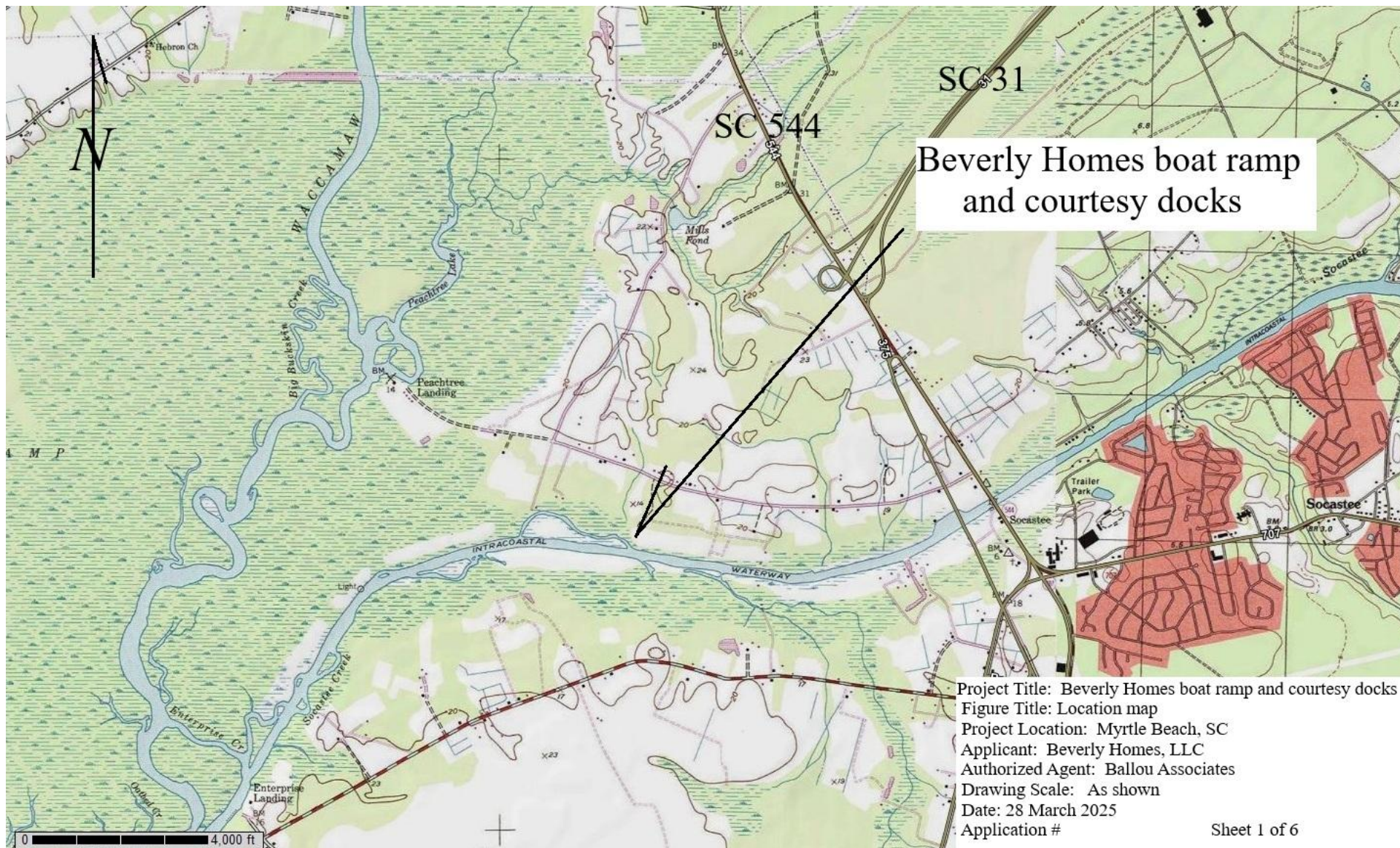
Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: 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 proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Charleston District will receive written comments on the proposed work, as outlined above, until June 3, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Angel Smith at Angela.M.Smith@usace.army.mil. Alternatively, you may submit comments in writing to the District Engineer, U.S. Army Corps of Engineers, Charleston District, Attention: Angel Smith, 1519 Taylor Street, SC 29201. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

As noted above, SCDES will receive written comments about the proposed work, as outlined above, until June 3, 2025. Comments may be submitted directly to the South Carolina Department of Environmental Services by email at OCRMPermitting@des.sc.gov and wqcwetlands@des.sc.gov.

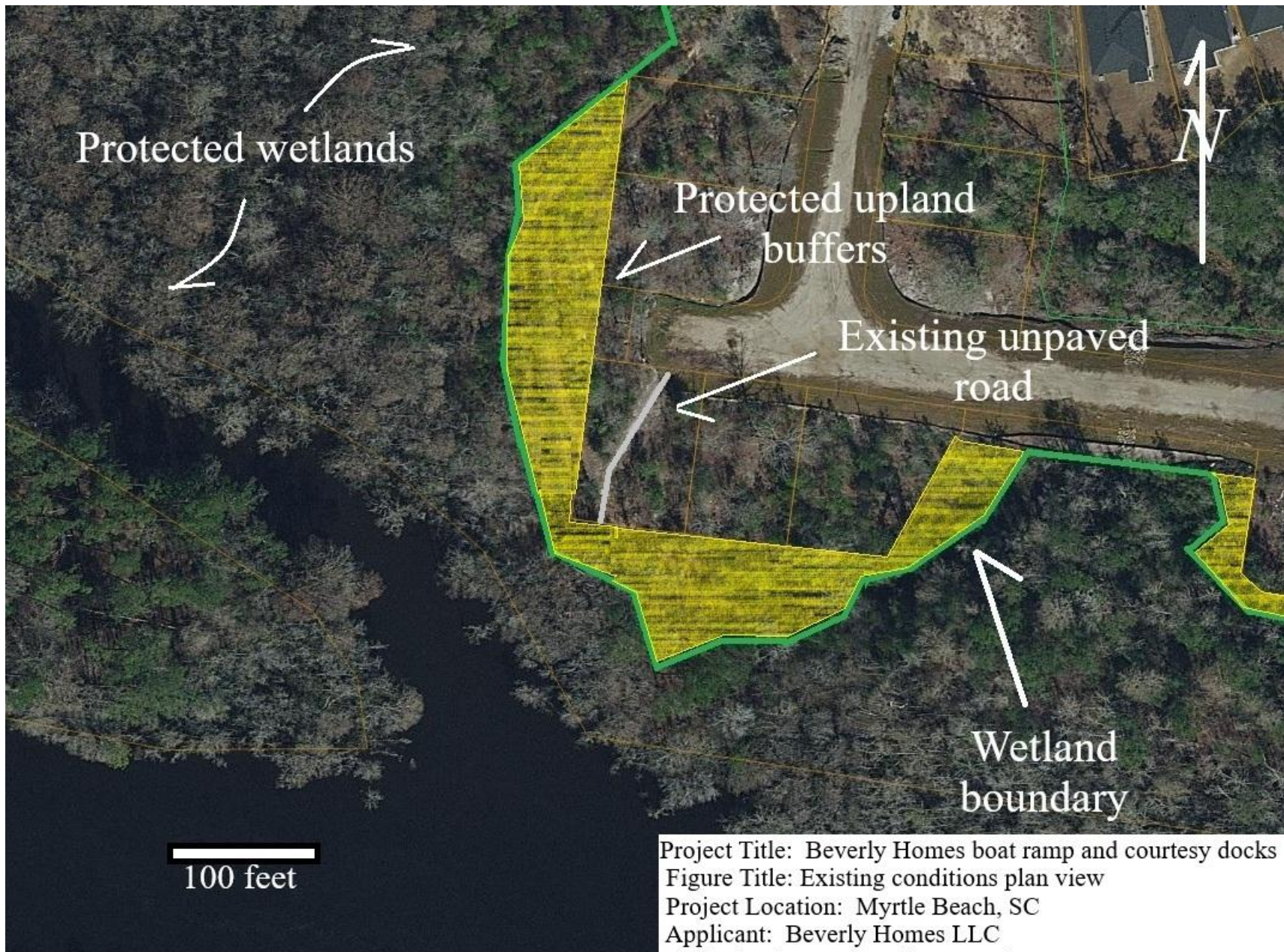




Beverly Homes boat ramp
and courtesy docks

300 feet

Project Title: Beverly Homes boat ramp and courtesy docks
Figure Title: Location map
Project Location: Myrtle Beach, SC
Applicant: Beverly Homes LLC
Authorized Agent: Ballou Associates
Drawing Scale: As shown
Date: 28 March 2025
Application #



Project Title: Beverly Homes boat ramp and courtesy docks
Figure Title: Existing conditions plan view
Project Location: Myrtle Beach, SC
Applicant: Beverly Homes LLC
Authorized Agent: Ballou Associates
Drawing Scale: As shown
Date: 28 March 2025
Application #

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Project Title: Beverly Homes boat ramp and courtesy docks

Figure Title: Proposed conditions plan view

Project Location: Myrtle Beach, SC

Applicant: Beverly Homes LLC

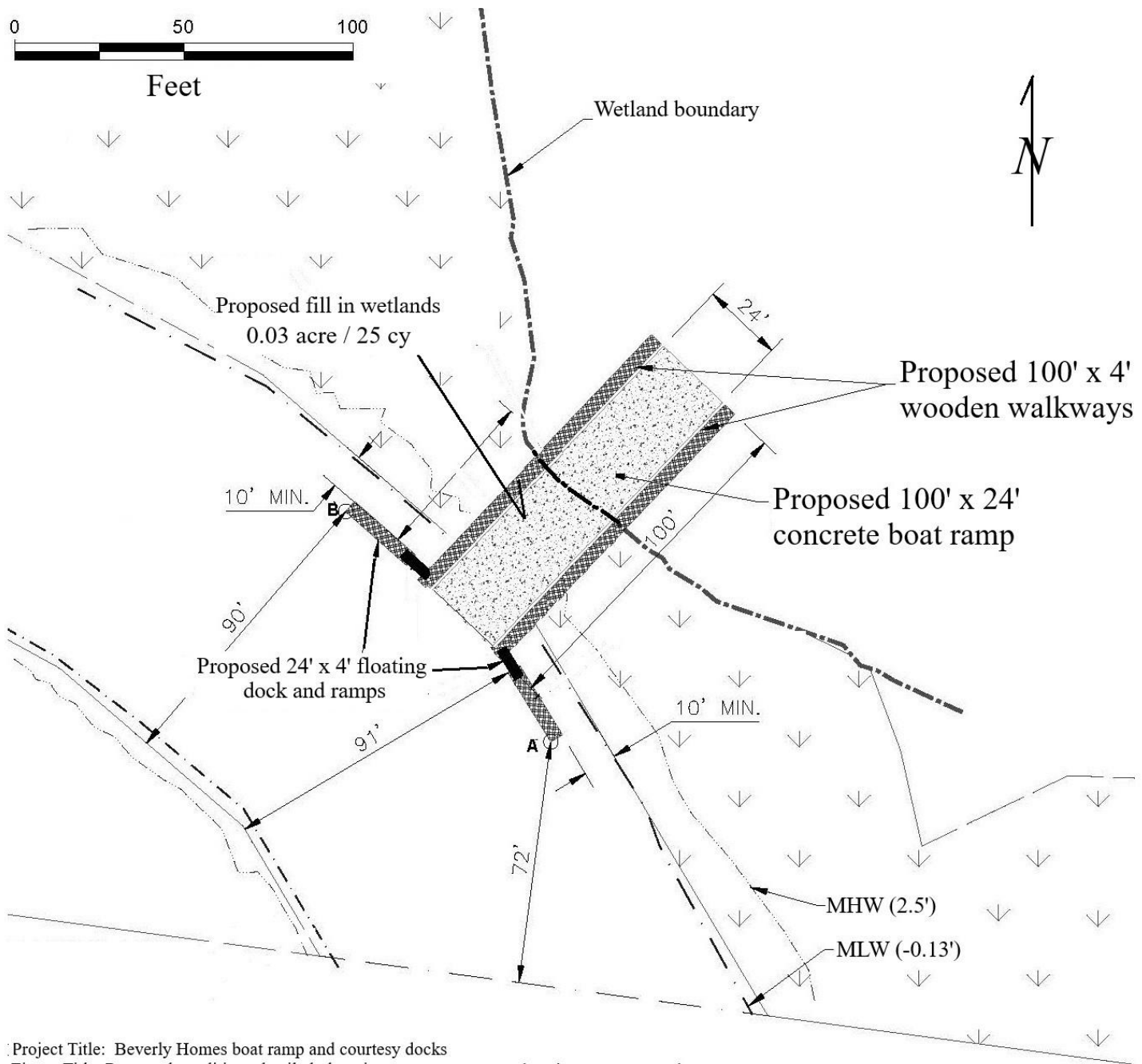
Authorized Agent: Ballou Associates

Drawing Scale: As shown

Date: 28 March 2025

Application #

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Project Title: Beverly Homes boat ramp and courtesy docks
 Figure Title: Proposed conditions detailed plan view
 Project Location: Myrtle Beach, SC
 Applicant: Beverly Homes LLC
 Authorized Agent: Ballou Associates
 Drawing Scale: As shown
 Date: 28 March 2025
 Application #

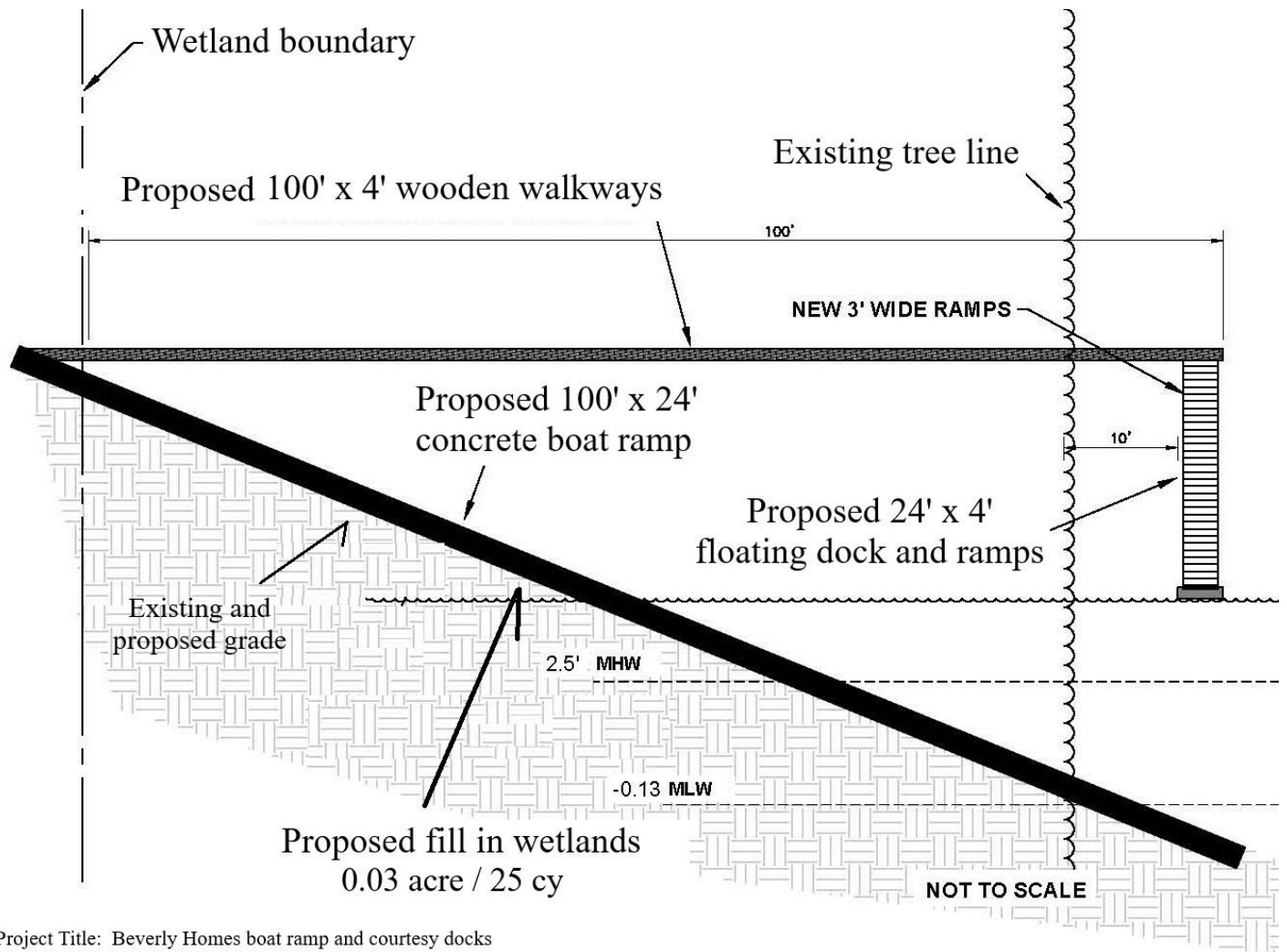
Sheet 5 of 6

Atlantic Intracoastal Waterway

COORDINATES

POINT A:
N: 679257.1935
E: 2598600.8999

POINT B:
N: 679325.1913
E: 2598540.2423



Project Title: Beverly Homes boat ramp and courtesy docks

Figure Title: Proposed conditions cross section

Project Location: Myrtle Beach, SC

Applicant: Beverly Homes LLC

Authorized Agent: Ballou Associates

Drawing Scale: As shown

Date: 28 March 2025

Application #

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