

**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-2021-01076

January 25, 2024

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**Horry County Government**  
**c/o The Brigman Company**  
**P.O. Box 1532**  
**Conway, South Carolina 29526**  
**bfeldner@thebrigmancompany.com**

for a permit to place fill material into freshwater wetlands adjacent to

**MILL CREEK**

on a 71-acre site identified as Tax Map Sequence (TMS) #139-00-03-001, located south of and adjacent to South Carolina Highway 90, in Conway, Horry County, South Carolina (Latitude: 33.817769 °, Longitude: -78.940200 °), Nixonville 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 to construct a Veterans Nursing Home to meet the current and growing need to provide skilled nursing care to Veterans in Horry County.

### **Project Description**

The proposed work consists of the construction of a Veterans Nursing Home. In detail, the work consists of constructing a 104-bed nursing home and associated attendant features. The work will require the placement of 2,750 cubic yards (CY) of clean earthen fill material into 1.07 acres of freshwater wetlands. Specifically, the access road will require the placement of 2,645 CY of material into 1.03 acres of freshwater wetlands and perimeter access will require the placement of 105 CY of material into 0.04 acre of freshwater wetlands.

### **Avoidance and Minimization**

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by limiting wetland impacts to only those unavoidable to meet the project purpose. Best Management Practices shall be employed during construction to minimize erosion and the migration of sediment off-site. These practices may include but not be limited to the use of mulches, geotextile fabric, hay bales, silt fence and other devices capable of preventing erosion and the migration of sediments off-site.

### **Proposed Compensatory Mitigation**

The applicant has proposed to mitigate for impacts to wetlands by purchasing 11.2 wetland mitigation credits from an approved mitigation bank.

### **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 CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge.

The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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 1.07 acres of waters upstream from 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: American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), Northern Long-Eared Bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Pondberry (*Lindera melissifolia*), Red-cockaded woodpecker (*Picoides borealis*), rufa red knot (*Calidris canutus rufa*), Tricolored bat (*Perimyotis subflavus*), West Indian Manatee (*Trichechus manatus*), Wood Stork (*Mycteria americana*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), and Shortnose sturgeon (*Acipenser brevirostrum*).

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 American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), Piping Plover (*Charadrius melodus*), Pondberry (*Lindera melissifolia*), Red-cockaded woodpecker (*Picoides borealis*), rufa red knot (*Calidris canutus rufa*), Tricolored bat (*Perimyotis subflavus*), West Indian Manatee (*Trichechus manatus*), Wood Stork (*Mycteria americana*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), and Shortnose sturgeon (*Acipenser brevirostrum*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Northern Long-Eared Bat (*Myotis septentrionalis*) or result in the destruction or adverse modification of designated or proposed critical habitat.

Consultation will be initiated with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) as needed for any determinations, made by the Corps, other than No Effect, and in the case of species under the per view of USFWS, where concurrence has not been already obtained via the USFWS Information for Planning and Consultation (IPaC) Tool (USFWS project code: 2024-0009920). If necessary, a biological assessment (or other similar document) detailing our analysis of the potential effects of the action on these species will be provided to the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service at that time.

To ensure that other listed or proposed threatened or endangered species or designated or proposed critical habitat that the District Engineer is not aware of are not overlooked, this public notice serves as a request to the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and/or any other interested parties to provide information they may have with regard to listed or proposed threatened or endangered species or designated or proposed critical habitat that may be present in the area.

### **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 no historic properties are present; 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 any 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 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 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-2021-01076), 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, Watershed Manager, at (843) 365-4239, or by email at Robert.C.Huff@usace.army.mil.





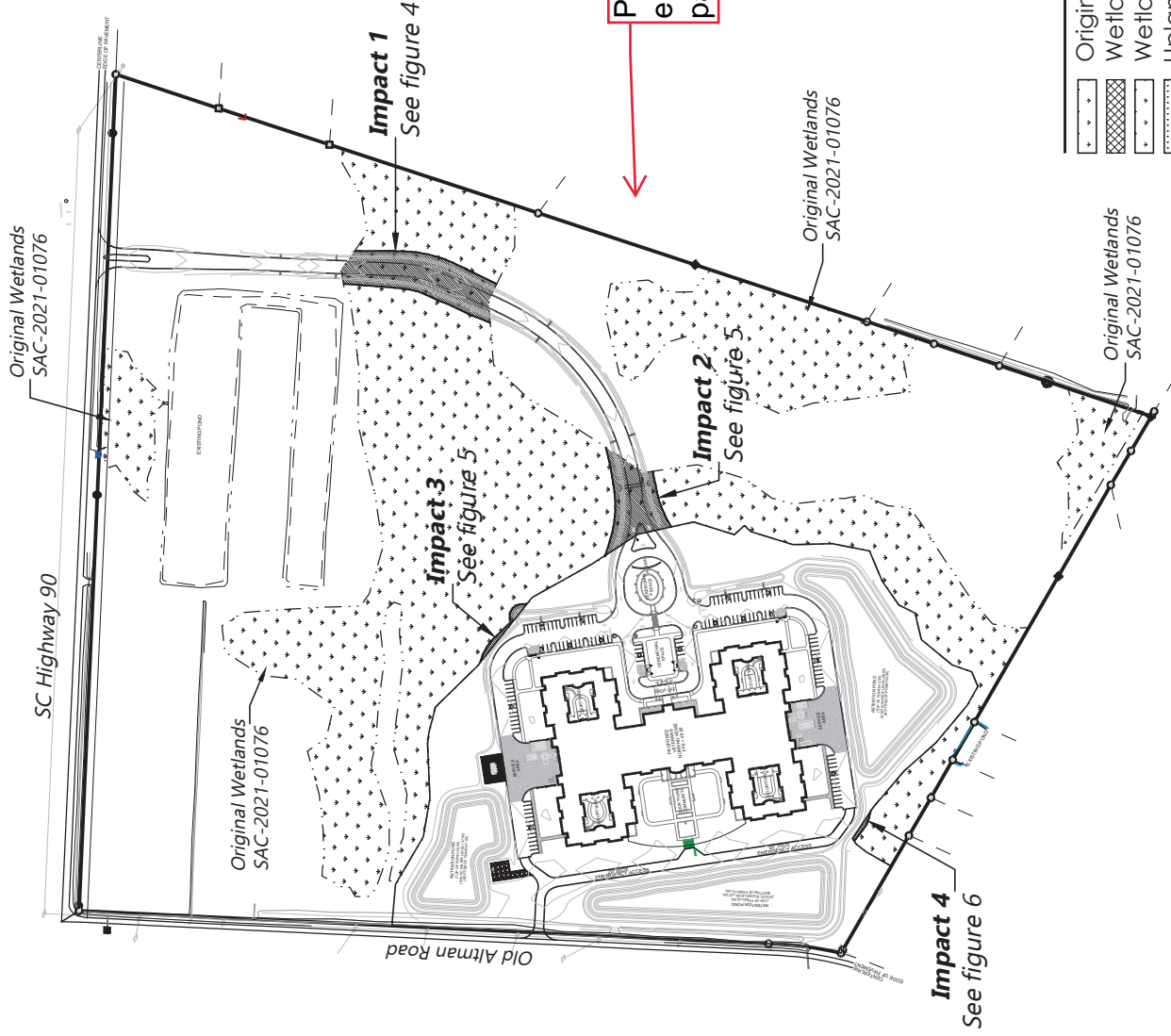
**TBC**  
THE BRIGMAN CO.

### Vicinity Map

HC - Proposed Veterans Nursing Home  
Horry County  
Date: 11-15-23  
Application No.

Figure 1

SAC-2021-01076  
HC - Veterans Nursing Home  
Horry County, SC  
Sheet 1 of 6  
Date: November 15, 2023



Permit Area is the entire 71 Acre parcel

**AREA SUMMARY**

Original Wetlands	20.23 Acres
Wetland Fill	1.07 Acres
Wetland Preservation	N/A Acres
Upland Buffer	N/A Acres
Project Area	72.73 Acres

Notes:  
 1. Drawings are for permitting purposes  
 SAC-2021-01076

HC - Veterans Nursing Home  
 Horry County, SC  
 Sheet 2 of 6  
 Date: November 15, 2023

**Overall Plan View**

HC - Proposed Veterans Nursing Home  
 Horry County  
 Date: 11-15-23  
 Application No.

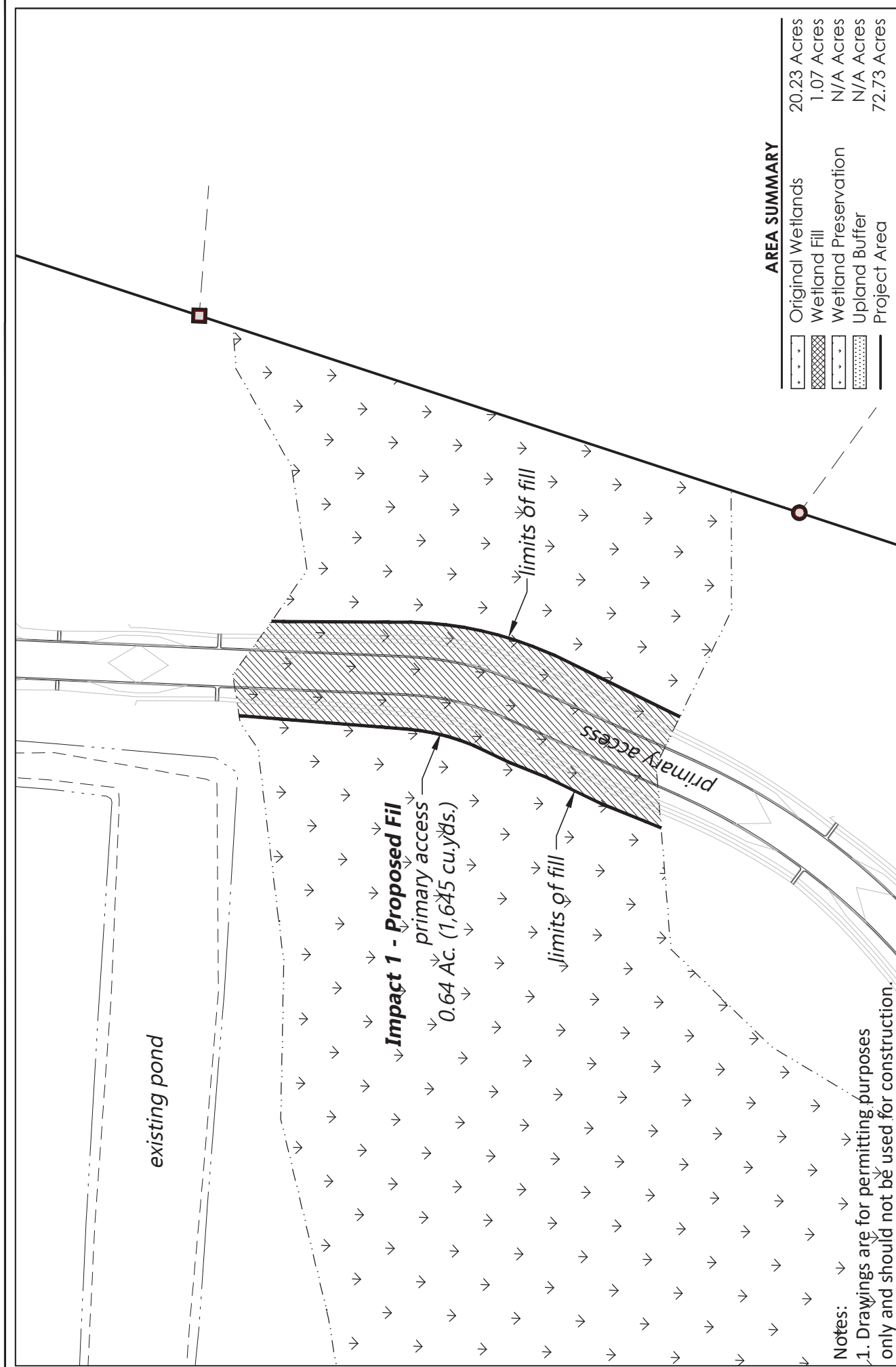
Proposed Activity: Wetland Fill

Applicant: Horry County Government



Figure 3





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

AREA SUMMARY	
	Original Wetlands
	Wetland Fill
	Wetland Preservation
	Upland Buffer
	Project Area
	20.23 Acres
	1.07 Acres
	N/A Acres
	N/A Acres
	72.73 Acres

Proposed Activity: Wetland Fill  
 Applicant: Horry County Government

SCALE IN FEET  
 100' 0 100'

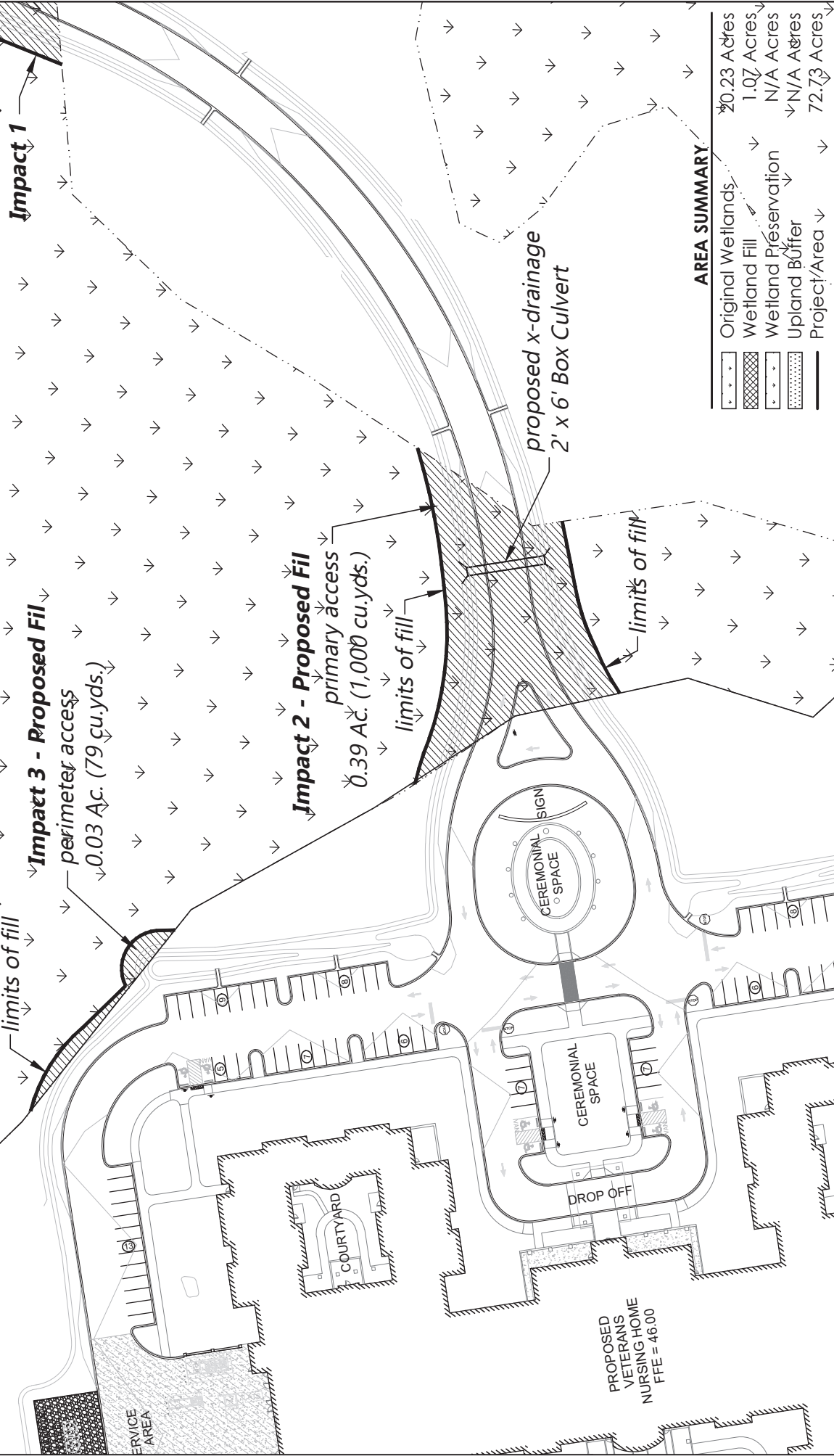
**Plan View**  
 HC - Proposed Veterans Nursing Home  
 Horry County  
 Date: 11-15-23  
 Application No.

SAC-2021-01076  
 HC - Veterans Nursing Home  
 Horry County, SC  
 Sheet 3 of 6  
 Date: November 15, 2023

Figure 4

**Notes:**

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



**AREA SUMMARY**

Original Wetlands	20.23 Acres
Wetland Fill	1.07 Acres
Wetland Preservation	N/A Acres
Upland Buffer	N/A Acres
Project/Area	72.73 Acres

**Plan View**

HC - Proposed Veterans Nursing Home  
 Horry County  
 Date: 11-15-23  
 Application No.

SAC-2021-01076  
 HC - Veterans Nursing Home  
 Horry County, SC  
 Sheet 4 of 6  
 Date: November 15, 2023

Proposed Activity: Wetland Fill

Applicant: Horry County Government

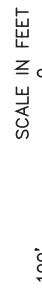
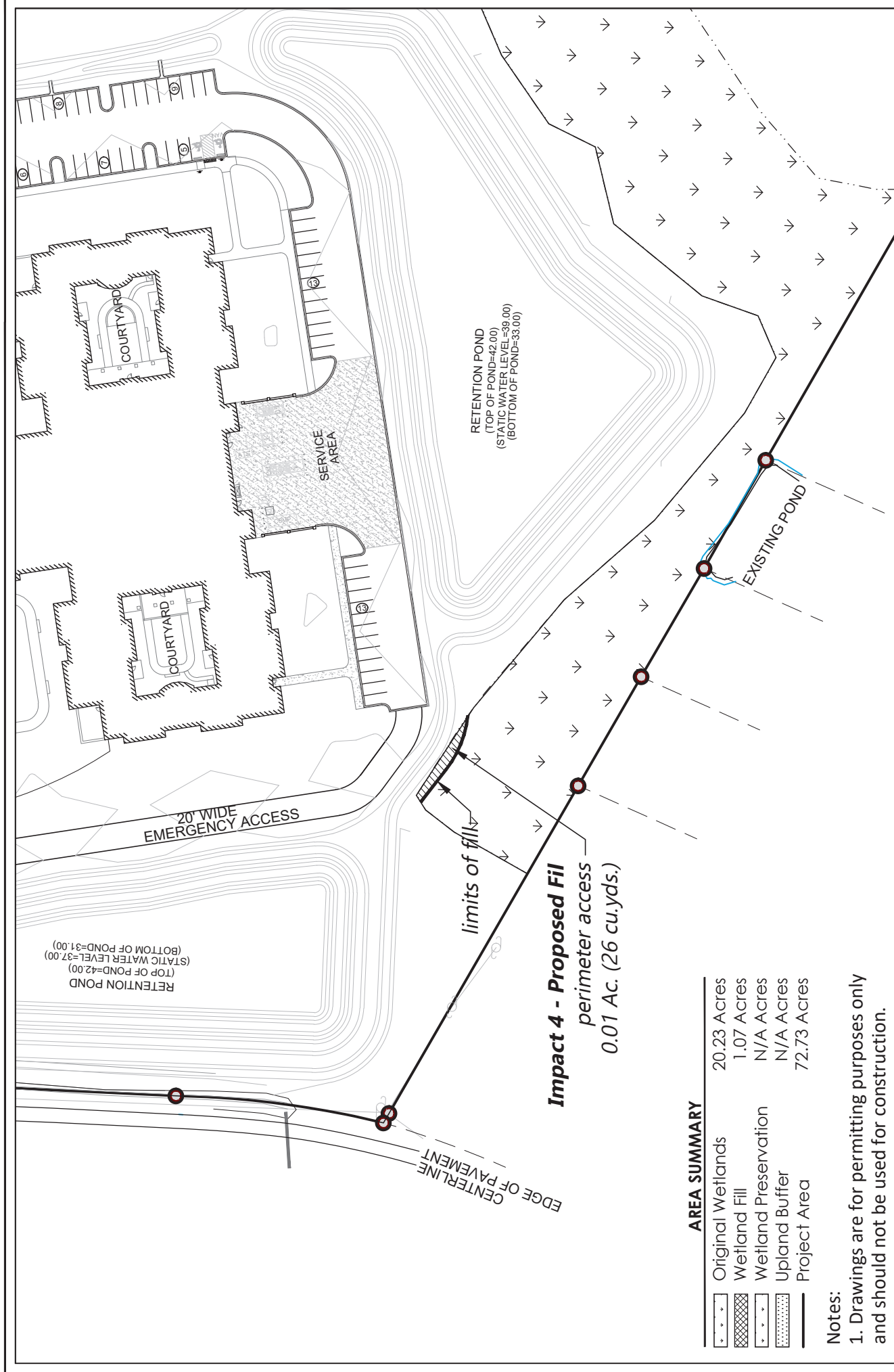


Figure 5



**AREA SUMMARY**

	Original Wetlands	20.23 Acres
	Wetland Fill	1.07 Acres
	Wetland Preservation	N/A Acres
	Upland Buffer	N/A Acres
	Project Area	72.73 Acres

**Notes:**

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

SAC-2021-01076  
HC - Veterans Nursing Home  
Horry County, SC  
Sheet 5 of 6  
Date: November 15, 2023

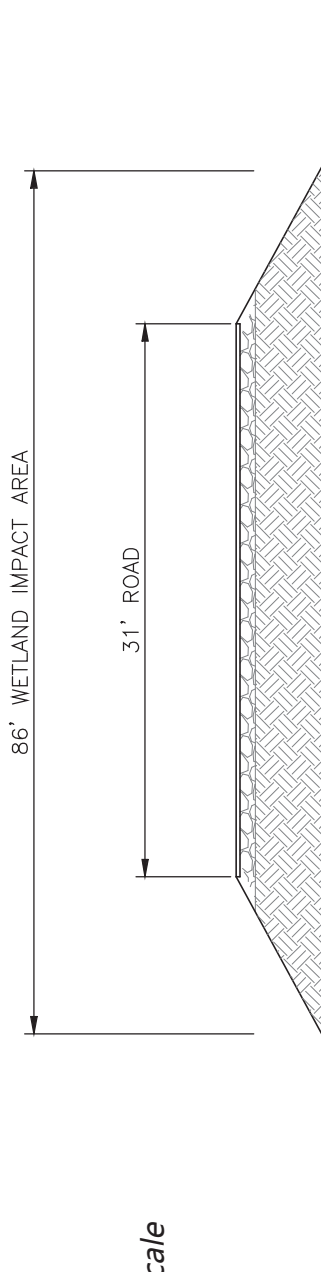
**Plan View**  
HC - Proposed Veterans Nursing Home  
Horry County  
Date: 11-15-23  
Application No.

Proposed Activity: Wetland Fill  
Applicant: Horry County Government

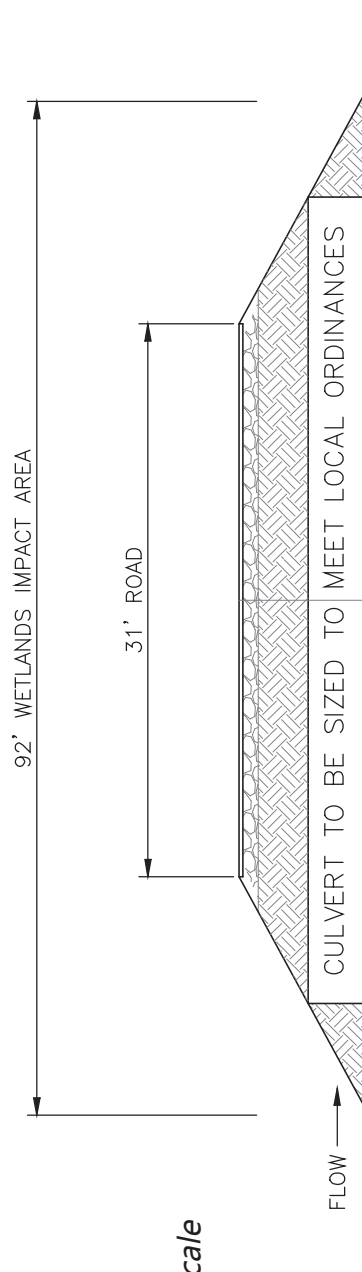


Figure 6

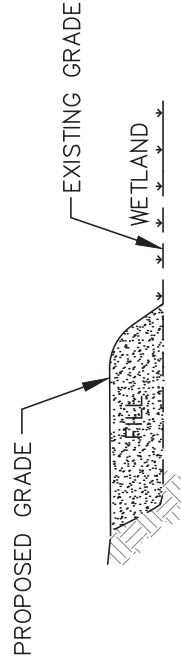
**Impact 1 - not to scale**



**Impact 2 - not to scale**



**Impact 3 - not to scale**



**Notes:**

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

SAC-2021-01076

HC - Veterans Nursing Home  
Horry County, SC

Sheet 6 of 6

Date: November 15, 2023

**Section View**

HC - Proposed Veterans Nursing Home  
Horry County

Date: 11-15-23

Application No.

88 - Fax (843) 248-9596 - www.thebrigmancompany.com

Proposed Activity: Wetland Fill

Applicant: Horry County Government

Figure 7