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 Ocean and Coastal Resource Management 1362 McMillan Avenue, Suite 400 North Charleston, South Carolina 29405

REGULATORY DIVISION Refer to: SAC-2023-01503

January 5, 2024

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), and the South Carolina Coastal Zone Management Act (48-39-10 <u>et.seq.</u>), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. Mike Mahaney (City Manager) City of North Myrtle Beach c/o Dr. H. Wayne Beam Beam & Associates, Inc. 125 Sikes Ave Clemson, South Carolina 29631 w.beam@att.net

for a permit to perform dredging activities within

House Creek / Major Canal

at a location described as House Creek and Major Canal which flow to Hog Inlet, Cherry Grove section of North Myrtle Beach, Horry County, South Carolina (Latitude: 33.8425°N, Longitude: -78.6114°W), Quad Sheet: Little River.

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: <u>http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices</u> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to achieve sufficient depths in the Major Canal to provide local residents and the general public with water access for fishing and recreation through enjoyment of navigable coastal waters.

Project Description

The proposed work consists of dredging approximately 75,000 cubic yards (cy) of material from the Major Canal on a 5-to-7 year maintenance cycle. Approximately 25,000 cy of material will be dredged during one (1) dredging event, for a total of 75,000 cy of material over the course of three (3) dredging events. The dredging area encompasses approximately 20 acres within the existing Major Canal. Dredged material will be removed by hydraulic dredge and pumped to the Horry County-owned confined disposal facility (CDF 320, Tidewater Disposal Basin) near Tidewater Plantation adjacent to the Atlantic Intracoastal Waterway (AIWW). The proposed width of the dredge path in Major Canal will range from approximately 85 feet to 185 feet. The proposed minimum required dredge depth is -5.0 feet mean low water (MLW); for a maximum total proposed depth of up to -6.0 MLW. Dredge side slopes will be 4(h) :1(v).

The proposed dredging will be accomplished with a small (8" -to- I4") hydraulic basket cutterhead, swinging ladder, self-propelled dredge. Dredges of this type generally have three spuds, one of which is used to push the dredge forward to advance into the project cut. The dredge will operate within the footprint of the project. The dredge pipeline, which will consist of high-density polyethylene (HDPE), will either be rafted to the site in 500-foot lengths or may be trucked to the Tidewater Confined Disposal Facility (CDF) in approximately 40-foot lengths and fused into 400-to-500-footlong sections. A flange will be fused to each end. At high tide, sections will be floated into position and the flanges bolted together to form a continuous pipeline from Major Canal in the vicinity of Cherry Grove to the Tidewater CDF. Weights and anchors and/or temporary pilings will be required to secure the pipeline along the banks of Major Canal and along the dredge pipeline route in House Creek en route to the transition from the water to the upland pipeline route. It is approximately 18,300 feet distance from the farthest end of Major Canal to the discharge location at the Tidewater CDF. It is anticipated that one or two booster pumps may be required to pump the material to the Tidewater CDF. Prior to commencement of dredging, old boards, trash, etc. will be

removed from the spillway structure and riser boards reinstalled to provide 2-to-3 feet of ponding at the outlet structure. Once dredging operations commence, the solids will settle out and be retained in the CDF. Excess water will be controlled to ensure that only clean, clear water is released through the spillway outlet structure. Once dredging operations have been completed, an aggressive program will be pursued to dewater and dry the material and prepare it for removal from the CDF. Final removal and relocation of the material will be completed in accordance with the Department of the Army Dredging Permit, and the Horry County Consent Agreements. Once the Tidewater CDF is restored to pre-disposal conditions, a survey will be conducted and submitted to the Corps and Horry County with a request for final inspection and release of Major Canal Dredging *(for City of North Myrtle Beach)* from the Consent Agreements.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by utilizing the dredge path layout and limits which were developed to avoid impacts to adjacent marsh grass and oyster beds. Dredge depths have been established which will result in positive flushing of Major Canal so that isolated pockets of stagnant water will not be created. Dredge path layout has also been configured to connect with naturally occurring deep water so that the areas of deep water are incorporated into the proposed dredge path in order to minimize necessary dredging.

Proposed Compensatory Mitigation

The applicant stated that no mitigation is warranted.

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 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 20 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, Spiny lobster, snapper-grouper management complexes, Atlantic Sharpnose shark, and Sand Tiger shark. 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).

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and determined that the following species have the potential to occur in the vicinity of the proposed work: 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), West Indian Manatee (Trichechus manatus), Wood stork (Mycteria americana), Atlantic Sturgeon (Acipenser oxyrinchus oxyrinchus), Shortnose Sturgeon (Acipenser brevirostrum), Tricolored bat (Perimyotis subflavus), and the Northern Long-Eared bat (Myotis septentrionalis).

Based on a review of the most recently available information, including the existing conditions of the proposed project area and all information provided by the applicant, the District Engineer has made the following determinations:

The project will have <u>no effect</u> on the American Chaffseed (Schwalbea americana), Seabeach Amaranth (Amaranthus pumilus), Canby's Dropwort (Oxypolis canbyi), Pondberry (Lindera melissifolia), Red-cockaded Woodpecker (Picoides borealis), Wood stork (Mycteria americana), Tricolored Bat (Perimyotis subflavus), and the Northern Long-Eared Bat (Myotis septentrionalis), and will not result in the destruction or adverse modification of designated or proposed critical habitat. The project <u>is not likely to adversely affect</u> the Green Sea Turtle (Chelonia mydas), Kemp's Ridley Sea Turtle (Lepidochelys kempii), Leatherback Sea Turtle (Dermochelys coriacea), Loggerhead Sea Turtle (Caretta caretta), Rufa Red Knot (Calidris canutus rufa), Atlantic Sturgeon (Acipenser oxyrinchus oxyrinchus), Shortnose Sturgeon (Acipenser brevirostrum), and Piping Plover (Charadrius melodus), or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

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 purview of the USFWS, where concurrence has not been already obtained via the USFWS Information for Planning and Consultation (IPaC) Tool (USFWS project code: 2024-0027766). 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 and may be affected by the activity.

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)(*I*)(1)), and has initially determined that there are historic properties present, but they will not be affected; 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 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).

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 guality, 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

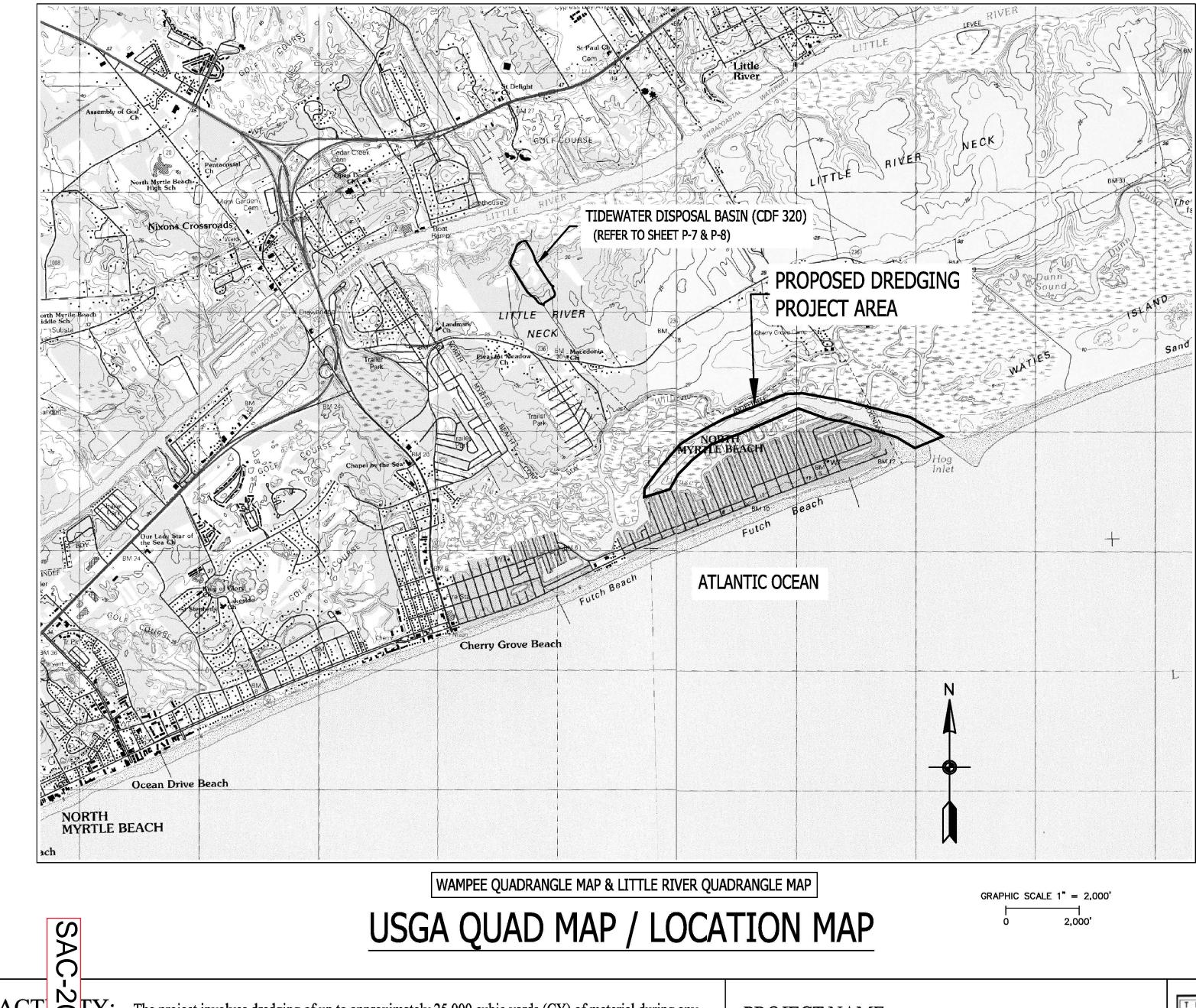
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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-2023-01503), to Wiley.C.Bracey@usace.army.mil <u>or</u> 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 Wiley Bracey, Team Lead, at (843) 365-1707, or by email at <u>Wiley.C.Bracey@usace.army.mil</u>.

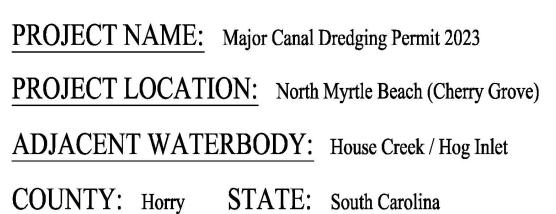


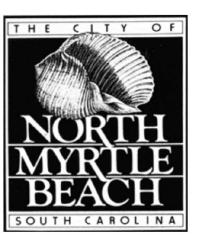


PROPOSED ACT \mathcal{O} **TY**: The project involves dredging of up to approximately 25,000 cubic yards (CY) of material during any one (1) dredging event from app Dredged material will be remov County-owned spoil basin (CDF proposed dredge channel will va on approximately 85 to 185 feet in width and will be dredged to a minimum required depth of -5.0 ft. MLW; with 1-ft. allowable overdepth (total o depth up to -6.0 ft. MLW). At locations that are in close proximity to marsh vegetation or oyster beds the dredge limits will be adjusted to ω ain minimum required offset distances to avoid impacts. Dredged side slopes will be approximately 4(h) :1(v).

MAJOR CANAL DREDGING PERMIT 2023 FOR CITY OF NORTH MYRTLE BEACH LOCATED IN: HORRY COUNTY, SC

ORIGINAL ISSUE DATE: November 20, 2023





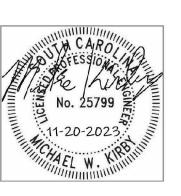
APPLICANT:

City of North Myrtle Beach 1018 Second Avenue South North Myrtle Beach, SC 29582 Contact: Mike Mahaney; City Manager mgmahaney@nmb.us (email) (843) 280-5555 (phone)

USGS QUAD SHEET / LOCATION PROPOSED DREDGING PROJEC PROPOSED DREDGING LIMITS; PROPOSED DREDGING LIMITS; PROPOSED DREDGING LIMITS; CROSS-SECTION 'A-A' -&- CRO PROPOSED DREDGE PIPELINE PROPOSED DISPOSAL BASIN LA

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ENGINEER: Mike Kirby, P.E. 1158-1 Village Creek Ln. Mount Pleasant, SC 29464 mkirby@sigiellc.com (email) (864) 590-0256 (cell)

AGENT:

H. Wayne Beam, Phd. Beam & Associates, Inc. 125 Sikes Avenue Clemson, SC 29631 w.beam@att.net (email) (843) 814-7145 (cell)

SHEET: P-1 of 8

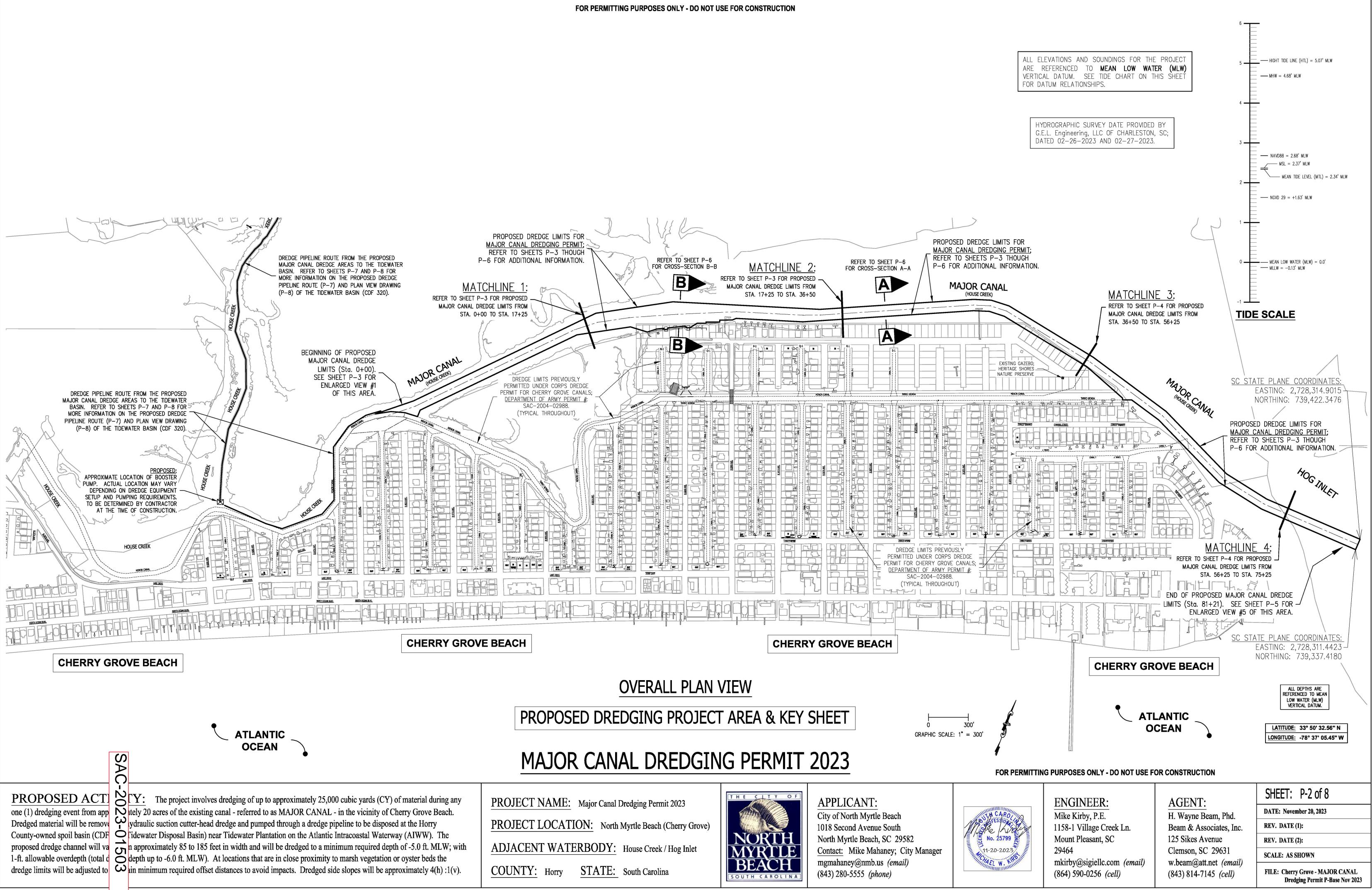
DATE: November 20, 2023

REV. DATE (1):

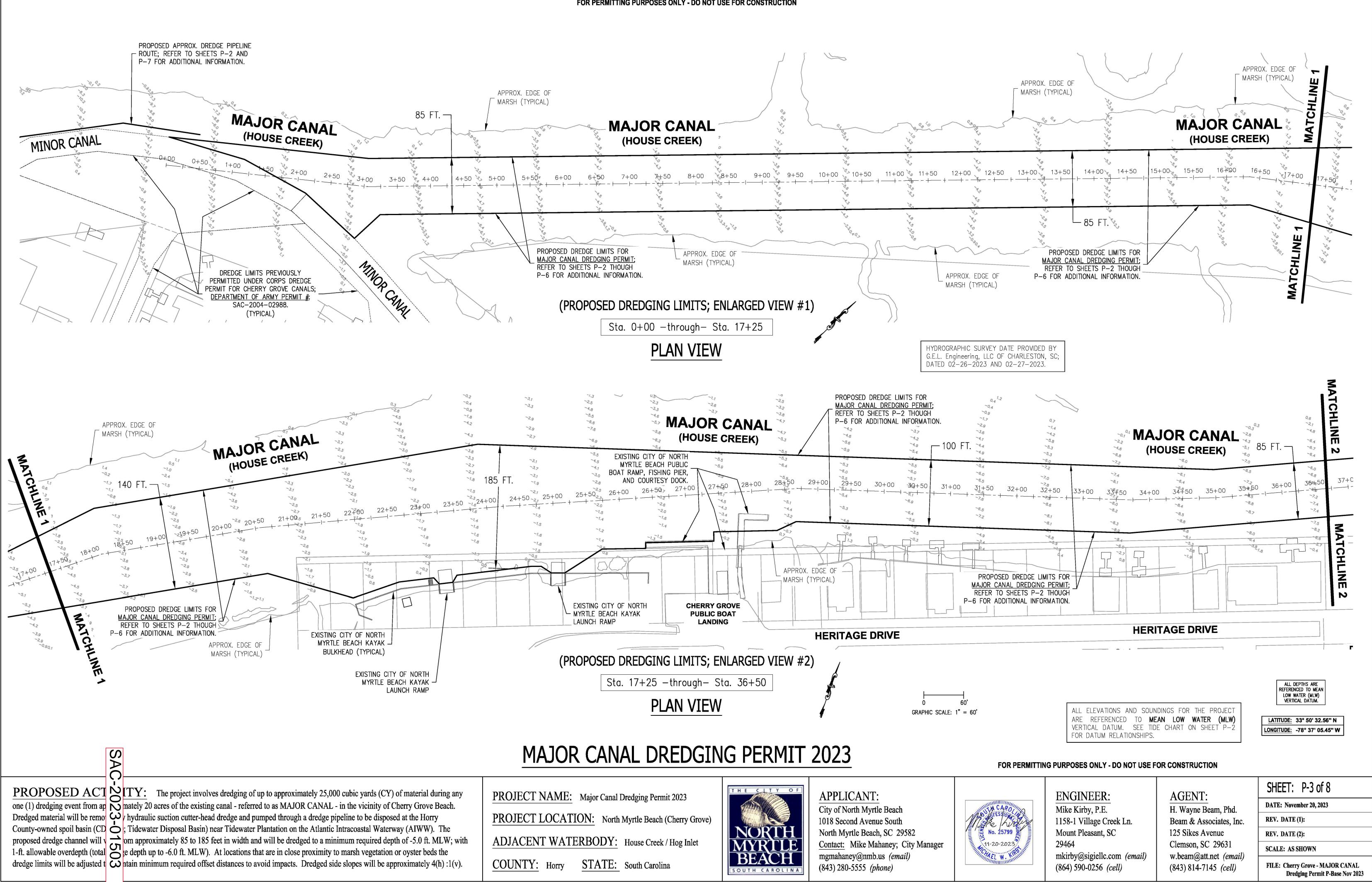
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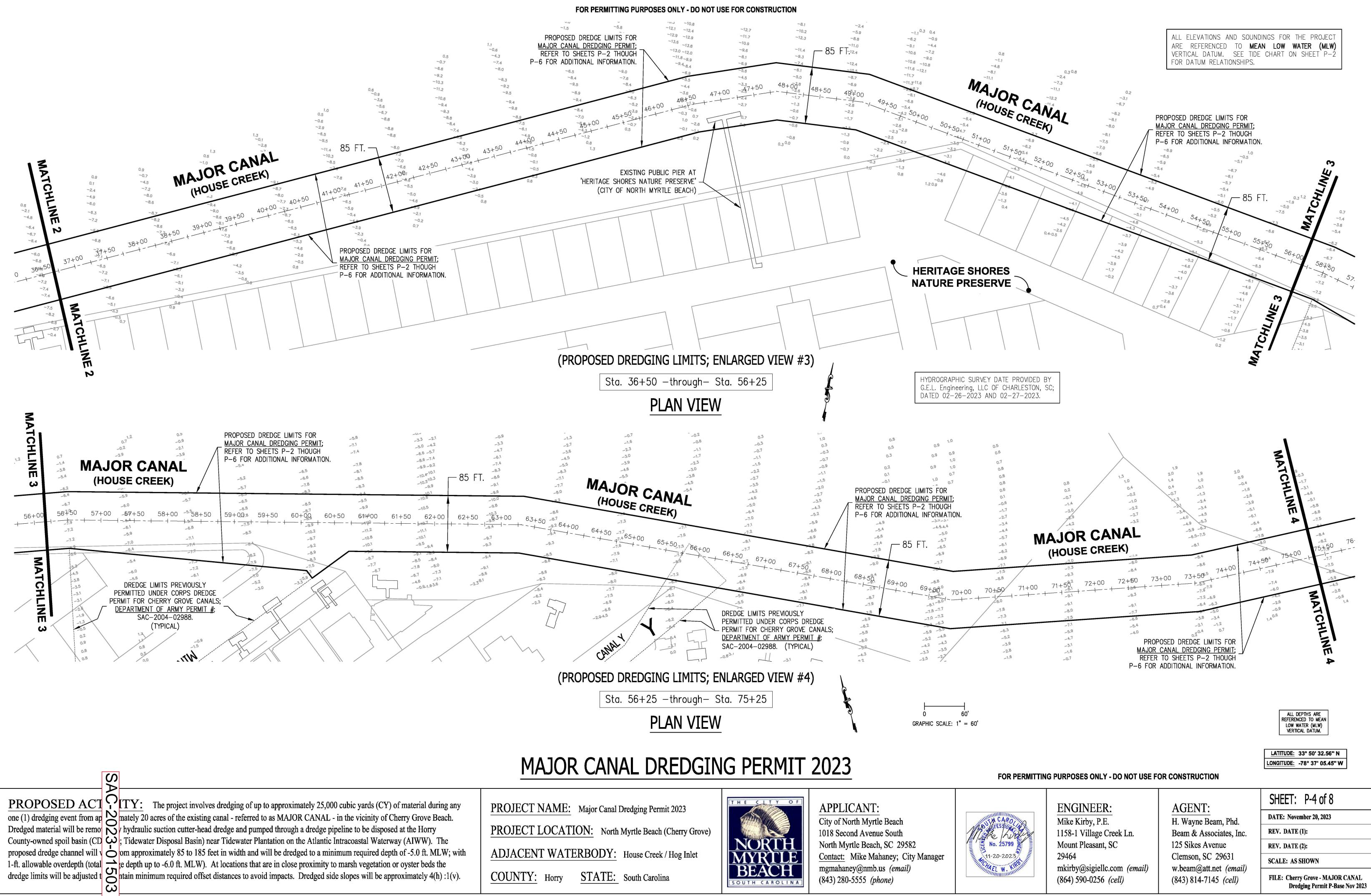
SCALE: AS SHOWN

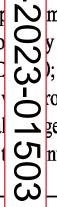
FILE: Cherry Grove - MAJOR CANAL Dredging Permit P-Base Nov 2023





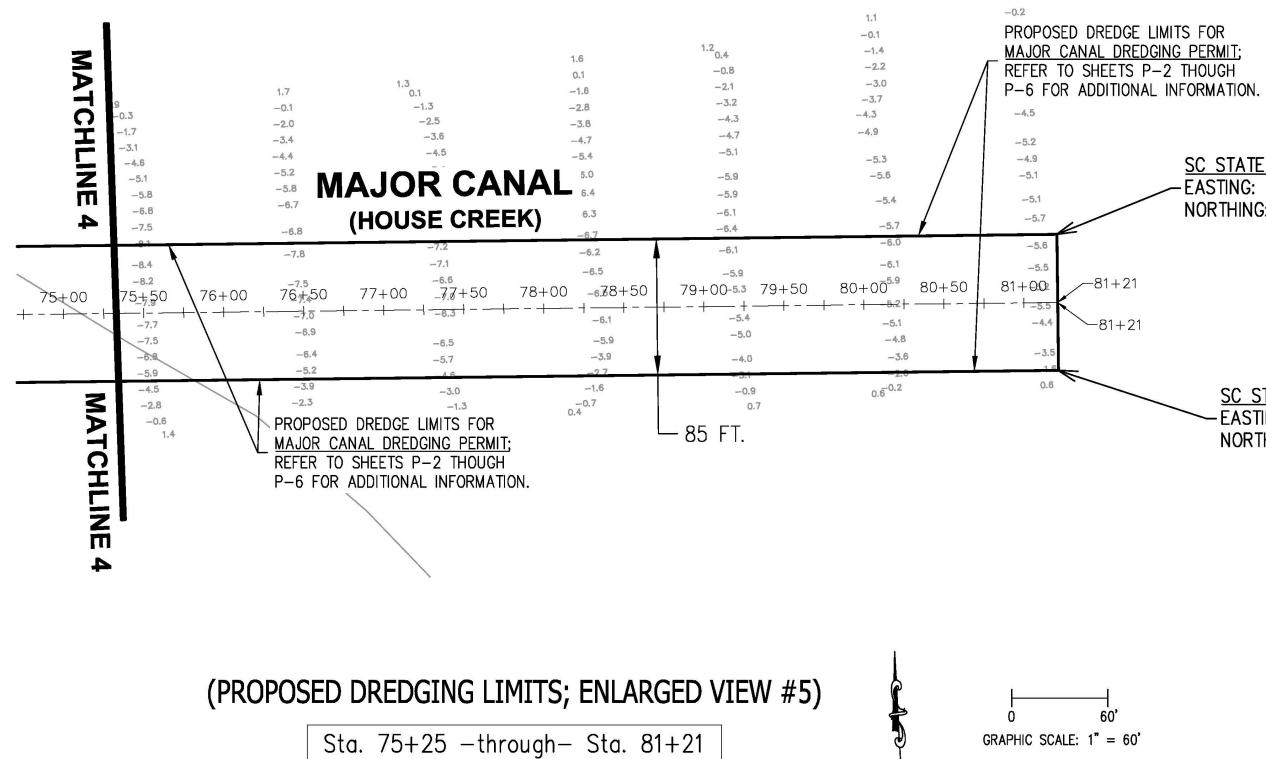






AS A

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PLAN VIEW

HYDROGRAPHIC SURVEY DATE PROVIDED BY G.E.L. Engineering, LLC OF CHARLESTON, SC; DATED 02-26-2023 AND 02-27-2023.

MAJOR CANAL DREDGING PERMIT 2023

PROJECT NAME: Major Canal Dredging Permit 2023 PROJECT LOCATION: North Myrtle Beach (Cherry Grove) ADJACENT WATERBODY: House Creek / Hog Inlet

COUNTY: Horry STATE: South Carolina



APPLICANT: City of North Myrtle Beach 1018 Second Avenue South

North Myrtle Beach, SC 29582 Contact: Mike Mahaney; City Manager mgmahaney@nmb.us (email) (843) 280-5555 (phone)

ALL ELEVATIONS AND SOUNDINGS FOR THE PROJECT ARE REFERENCED TO **Mean low water (mlw)** VERTICAL DATUM. SEE TIDE CHART ON SHEET P-2 FOR DATUM RELATIONSHIPS.

SC STATE PLANE COORDINATES: -EASTING: 2,728,314.9015 NORTHING: 739,422.3476

SC STATE PLANE COORDINATES: -EASTING: 2,728,311.4423 NORTHING: 739,337.4180

ALL DEPTHS ARE REFERENCED TO MEAN LOW WATER (MLW) VERTICAL DATUM.

LATITUDE: 33° 50' 32.56" N LONGITUDE: -78° 37' 05.45" W

FOR PERMITTING PURPOSES ONLY - DO NOT USE FOR CONSTRUCTION



ENGINEER: Mike Kirby, P.E. 1158-1 Village Creek Ln. Mount Pleasant, SC 29464 mkirby@sigiellc.com (email) (864) 590-0256 (cell)

AGENT:

H. Wayne Beam, Phd. Beam & Associates, Inc. 125 Sikes Avenue Clemson, SC 29631 w.beam@att.net (email) (843) 814-7145 (cell)

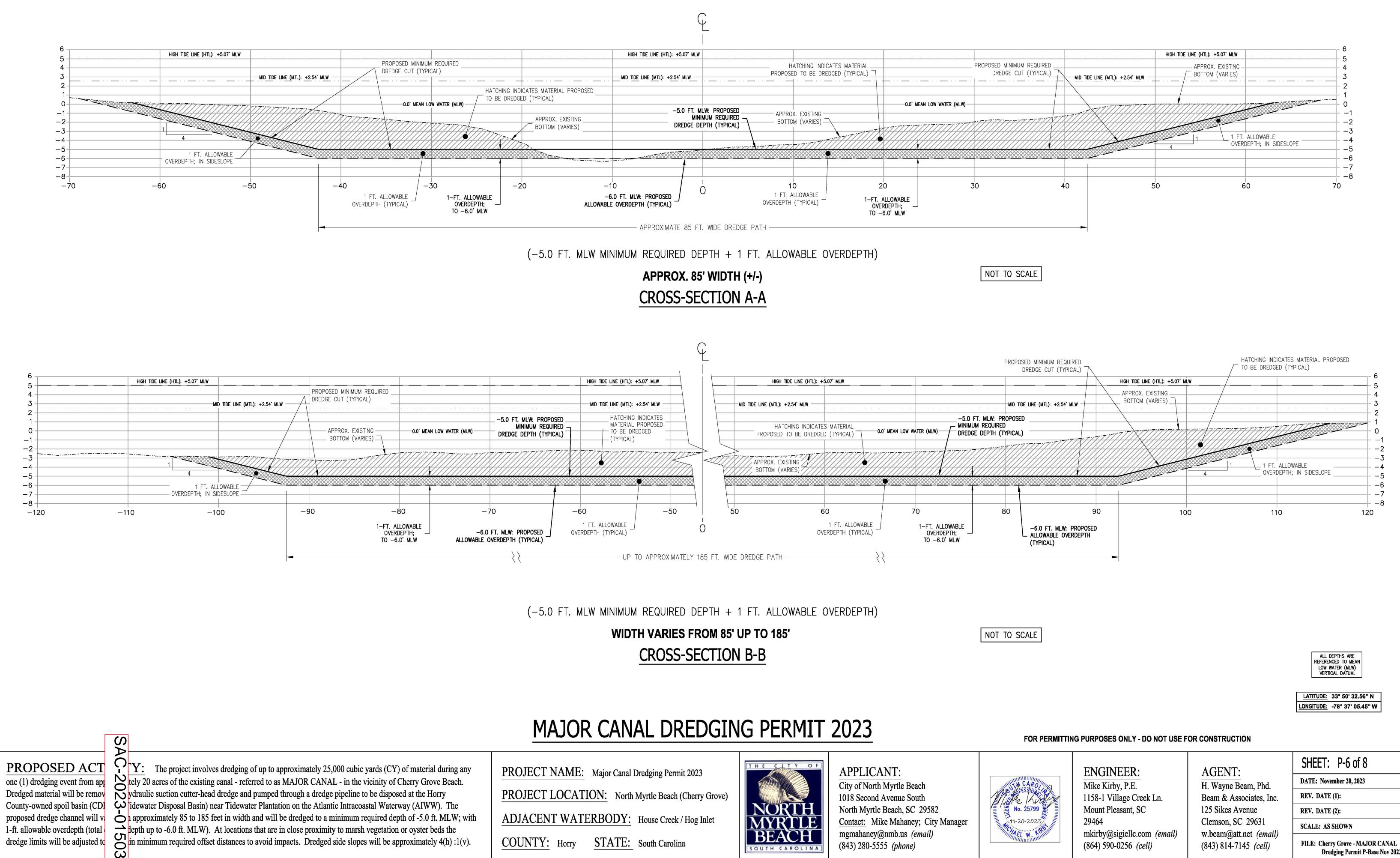
SHEET: P-5 of 8

DATE: November 20, 2023

REV. DATE (1): REV. DATE (2):

SCALE: AS SHOWN

FILE: Cherry Grove - MAJOR CANAL Dredging Permit P-Base Nov 2023



ALL ELEVATIONS AND SOUNDINGS FOR THE PROJECT ARE REFERENCED TO MEAN LOW WATER (MLW) VERTICAL DATUM. SEE TIDE CHART ON SHEET P-2 FOR DATUM RELATIONSHIPS.

Dredging Permit P-Base Nov 2023

