

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-2007-02279

July 27, 2023

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

Mr. Guerry Green
Marhaygue, LLC & Lands End III, LLC
211 Screven Street
Georgetown, South Carolina 29440

for a permit to construct a commercial marina in

WINYAH BAY/GREAT PEE DEE RIVER

at 400 and 410 Marina Drive, situated between Lands End Marina and the U.S. Coast Guard Station, adjacent to Tax Map Parcels (TMS#s) 05-0056-004-00-00 & 05-0056-006-00-00, in Georgetown, Georgetown County, South Carolina (Latitude: 33.3640°N, Longitude: -79.2685°W), Georgetown South.

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

The project purpose as stated by the applicant is to provide boat storage and water access for the wet slip owners/renters of the proposed Winyah Bay Marina.

Project Description

The proposed work consists of the construction of a commercial marina that will provide up to 79 wet slips. In detail, the proposed marina project consists of a "pitch-fork" shaped dock configuration to be accessible from the northwestern properties identified as (TMS #s 05-0056-006-00-00 and 05-0056-004-00). Access will consist of an 8' X 328' fixed walkway extending southeast to a 15' X 15' covered, fixed pier head. A 4' X 15' ramp extends from the northeast side of the pier head to a 10' X 94' floating dock. A second 4' X 15' ramp extends from the southwest side of the pier head to a 10' X 103' floating dock.

Attached to the 10' X 94' floating dock is a proposed 8' X 373' floating dock with eight (8) 5' X 40' finger docks and ten (10) 5' X 30' finger docks. This dock will contain twenty-two (22) 14' X 30' boat lift eligible slips, two (2) 14' X 40' boat slips and sixteen (16) 20' X 40' boat slips for moorage. Attached to the southeast end of the 8' X 373' floating dock is a proposed 8' X 173' floating dock, which will extend 44' to the northeast and 129' to the southwest. The southeast side of this floating dock is proposed to serve as mooring space for variable sized transient boats.

Attached to the 10' X 103' floating dock is a proposed 8' X 297' floating dock with eighteen (18) 5' X 30' finger docks. This dock will contain thirty-six (36) 14' X 30' boat lift eligible slips for moorage.

The floating docks will be secured by forty-two (42) different pilings. Thirty-six (36) will be installed at the end of each finger dock, one on the northwest ends of each 8' walkway (used to access the finger docks) and four (4) on the eastern-most (8') floating dock. Thirty-six (36) additional pilings will be installed in the water (one between each finger dock) to define the slip spaces and for securing boats. A total of 129 pilings will be installed by a barge mounted pile driver. Litter receptacles will be provided on the floating docks. Individual power pedestals and potable water outlets will be provided at the boat slips.

The total linear footage of the dock configuration is 2,364 ft. and total area of dockage is 17,473 square feet.

Avoidance and Minimization

The applicant stated that the location of the marina is of sufficient water depths where dredging will not be required, and floating docks will not rest on the bottom during mean low water (MLW). Therefore, no dredging events are scheduled for this marina project and no future maintenance dredging activities are anticipated for this project due to the natural hydrodynamics of this area. The applicant further stated that measures taken to avoid and minimize impacts to the aquatic resources consist of designing the dock configuration to have minimal impacts on the surrounding areas of Winyah Bay, and not adversely impact existing conditions.

Proposed Compensatory Mitigation

The applicant offered no compensatory mitigation for the impacts associated with the proposed work.

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 0.40 acre of 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: Green Sea Turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempi*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus*), American wood stork (*Mycteria americana*), Eastern black rail (*Laterallus jamaicensis*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Rufa red knot (*Calidris canutus rufa*), Northern long-eared bat (*Myotis septentrionalis*), Finback whale (*Balaenoptera physalus*), Humpback Whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*), Sperm Whale (*Physeter macrocephalus*), American Chaffsee (*Schwalbea americana*), Candy's Dropwort (*Oxypolis canbyi*), Monarch butterfly (*Danaus plexippus*), West Indian manatee (*Trichechus manatus*), Pondberry (*Lindera melissifolia*), and Seabeach amaranth (*Amaranthus pumilus*).

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 wood stork (*Mycteria americana*), Eastern black rail (*Laterallus jamaicensis*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Rufa red knot (*Calidris canutus rufa*), Northern long-eared bat (*Myotis septentrionalis*), Finback whale (*Balaenoptera physalus*), Humpback Whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*), Sperm Whale (*Physeter macrocephalus*), Pondberry (*Lindera melissifolia*), American Chaffsee (*Schwalbea americana*), Candy's Dropwort (*Oxypolis canbyi*), Monarch butterfly (*Danaus plexippus*), and Seabeach amaranth (*Amaranthus pumilus*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect the Green Sea Turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus*), and the West Indian manatee (*Trichechus manatus*), 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.

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.

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 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).

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. 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.

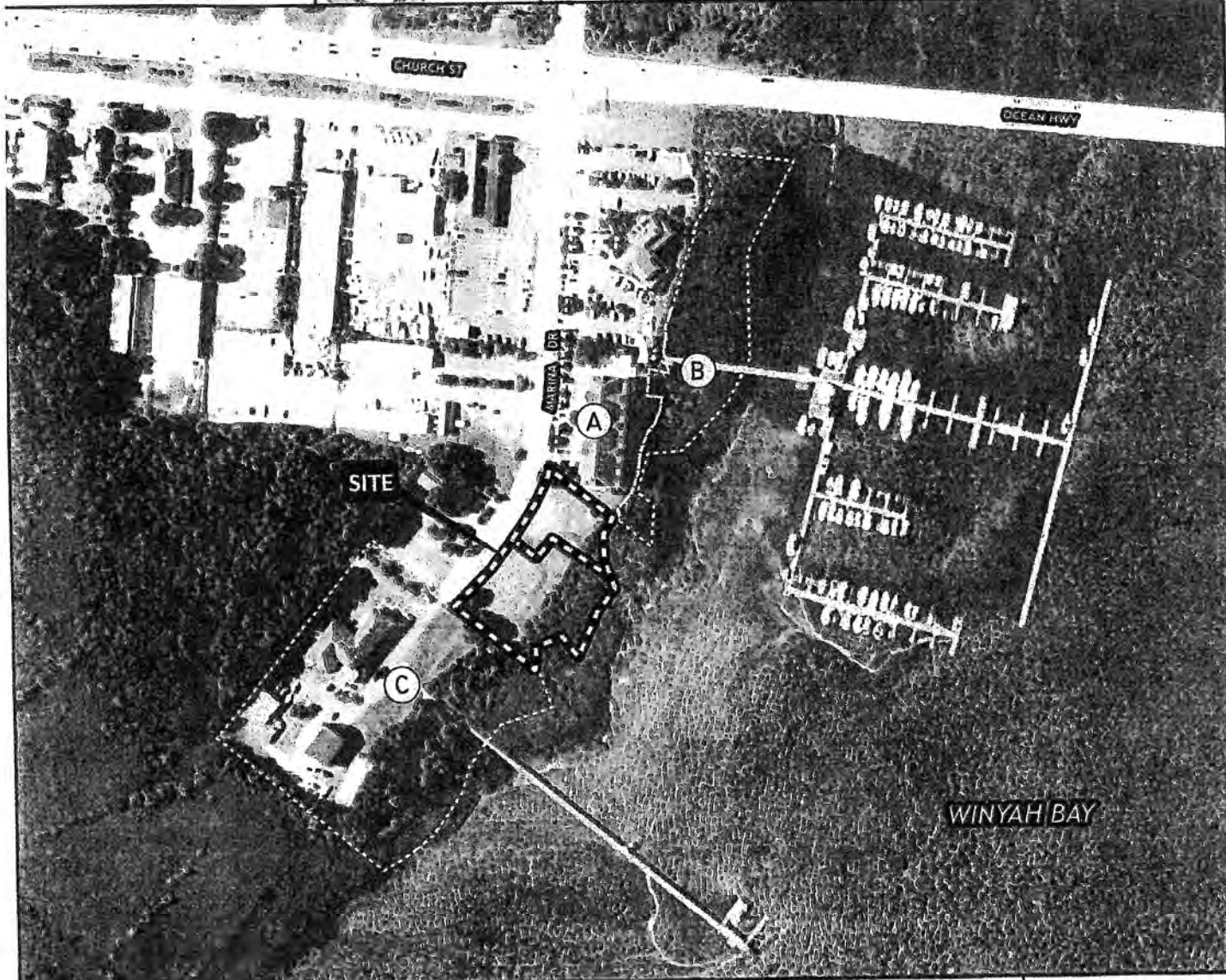
Solicitation of Public Comment

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-2007-02279), 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.



	TMS	OWNER NAME	ADDRESS	CITY, STATE, ZIP
A	05-0056-008-01-00	Georgetown Hotel Assn., LLC	126 Meeting St.	Charleston, SC 29401
B	05-0056-008-02-00	Lands End, LLC	211 Screven St.	Georgetown, SC 29440
C	05-0033-157-01-00	United States of America Seventh Coast Guard District	51 S. W. First Ave., Room 1216	Miami, FL 33130

EARTHWORKS
planning and design consultants

11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 phone - 843-651-7900
 fax - 843-651-7903
 www.earthworksgroup.com

SITE/VICINITY MAP

APPLICANT: LANDS END III, LLC & MARHAYGUE, LLC

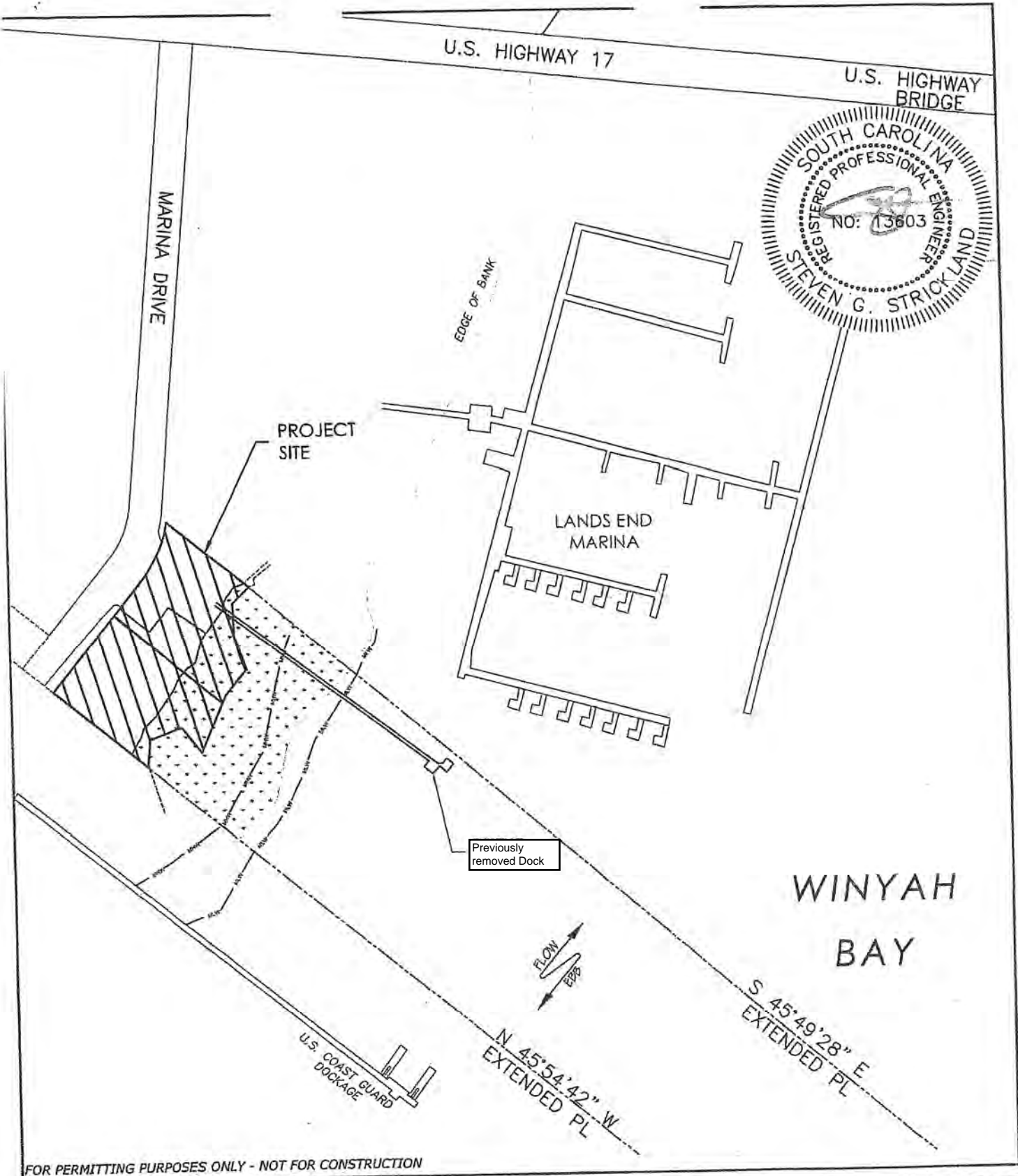
**Winyah Bay Marina
 SAC 2007-02279**

Georgetown County, South Carolina

Sheet 1 of 6, Date: July 20, 2016

5-0056-006-00-00
 WINYAH BAY
 OWN COUNTY

SHEET
1
 TEG PN: 161094



FOR PERMITTING PURPOSES ONLY - NOT FOR CONSTRUCTION

EARTHWORKS
planning and design consultants
 11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 phone - 843.651.7900
 fax - 843.651.7903
 earthworksgroup.com

SITE/EXISTING
 WINYAH BAY MARINA
 USACE MARINA PERMIT APPLICATION

1" = 200'

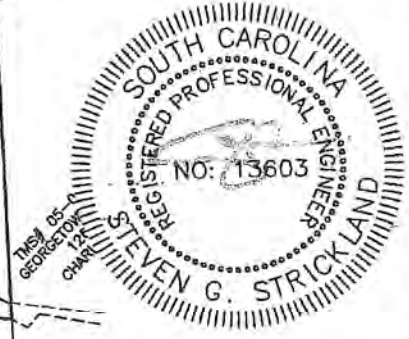
Winyah Bay Marina
SAC 2007-02279
Georgetown County, South Carolina
Sheet 2 of 6, Date: July 20, 2016

100 P.W. 10/10/11

TMS# 05-0033-157-01-01
 US OF AMERICA 7TH COAST
 51 S.W. FIRST AVE.
 ROOM 1216
 MIAMI, FL 33130

TMS# 05-0056-006-00-00
 MARHAYGUE, LLC
 1 BETTER WAY
 GEORGETOWN, SC 29440

TMS# 05-0056-004-00-00
 LANDS END III, LLC
 211 SCREVEN ST
 GEORGETOWN, SC 29440



TMS# 05-0056-008-02-00
 LANDS END III, LLC
 126 MEETING ST
 CHARLESTON, SC 29401

MARINA DRIVE

CRITICAL LINE

MHW

MHW

MHW

MHW

MHW

MLW

MLW

MLW

MLW

MLW

MLW

MLW

MLW

MLW

MLW

MLW

U.S. COAST GUARD
 DOCKAGE

EXTENDED PL
 N 45°54'42" W

EXTENDED PL
 S 45°49'28" E

Previously removed dock

LANDS END MARINA

Winyah Bay Marina
SAC 2007-02279
Georgetown County, South Carolina
Sheet 3 of 6, Date: July 20, 2016

FOR PERMITTING PURPOSES 0

EARTHWORKS
 planning and design consultants
 11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 phone - 843.651.7900
 fax - 843.651.7903
 earthworksgroup.com

SITE/EXISTING
WINYAH BAY MARINA
 USACE MARINA PERMIT APPLICATION

APPLICANT: LANDS END III, LLC & MARHAYGUE, LLC
 211 SCREVEN STREET
 GEORGETOWN, SC 29440
 TMS: 05-0056-004-00-00 & 05-0056-006-00-00
 LOCATION: MARINA DRIVE/WINYAH BAY
 GEORGETOWN, GEORGETOWN COUNTY,
 LAT/LONG: 83°36'46.28", -79°26'9.97"
 USGS QUAD: GEORGETOWN SOUTH

DATE: 8/1/16
 TEG PN: 161094

SHEET
3

TMS# 05-0033-157-01-01
 US OF AMERICA 7TH COAST
 51 S.W. FIRST AVE.
 ROOM 1216
 MIAMI, FL 33130

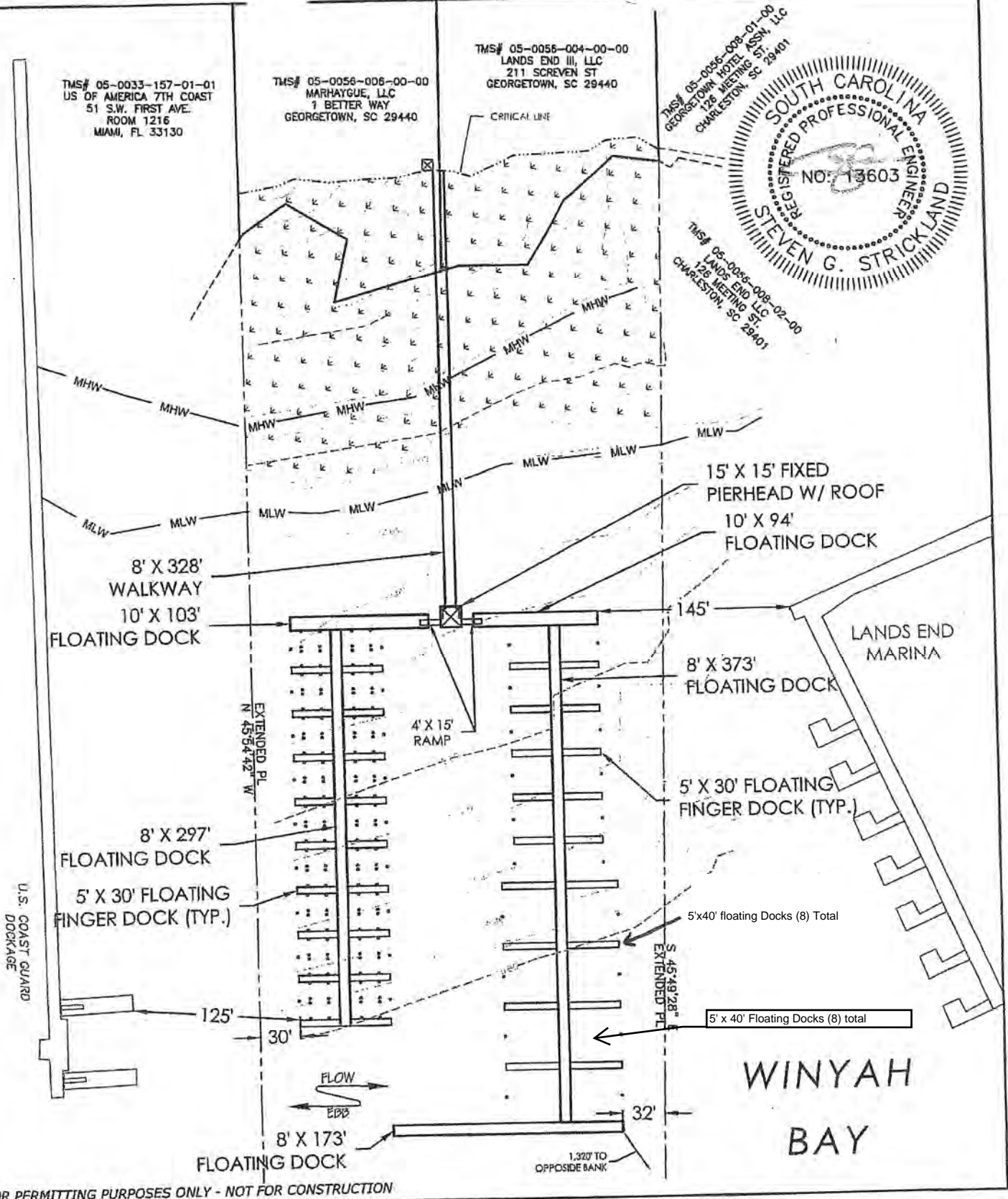
TMS# 05-0056-006-00-00
 MARHAYGUE, LLC
 1 BETTER WAY
 GEORGETOWN, SC 29440

TMS# 05-0056-004-00-00
 LANDS END III, LLC
 211 SCREVEN ST
 GEORGETOWN, SC 29440

TMS# 05-0056-008-01-00
 GEORGETOWN HOTEL ASSN, LLC
 128 MEETING ST.
 CHARLESTON, SC 29401



TMS# 05-0056-008-02-00
 LANDS END III, LLC
 128 MEETING ST.
 CHARLESTON, SC 29401



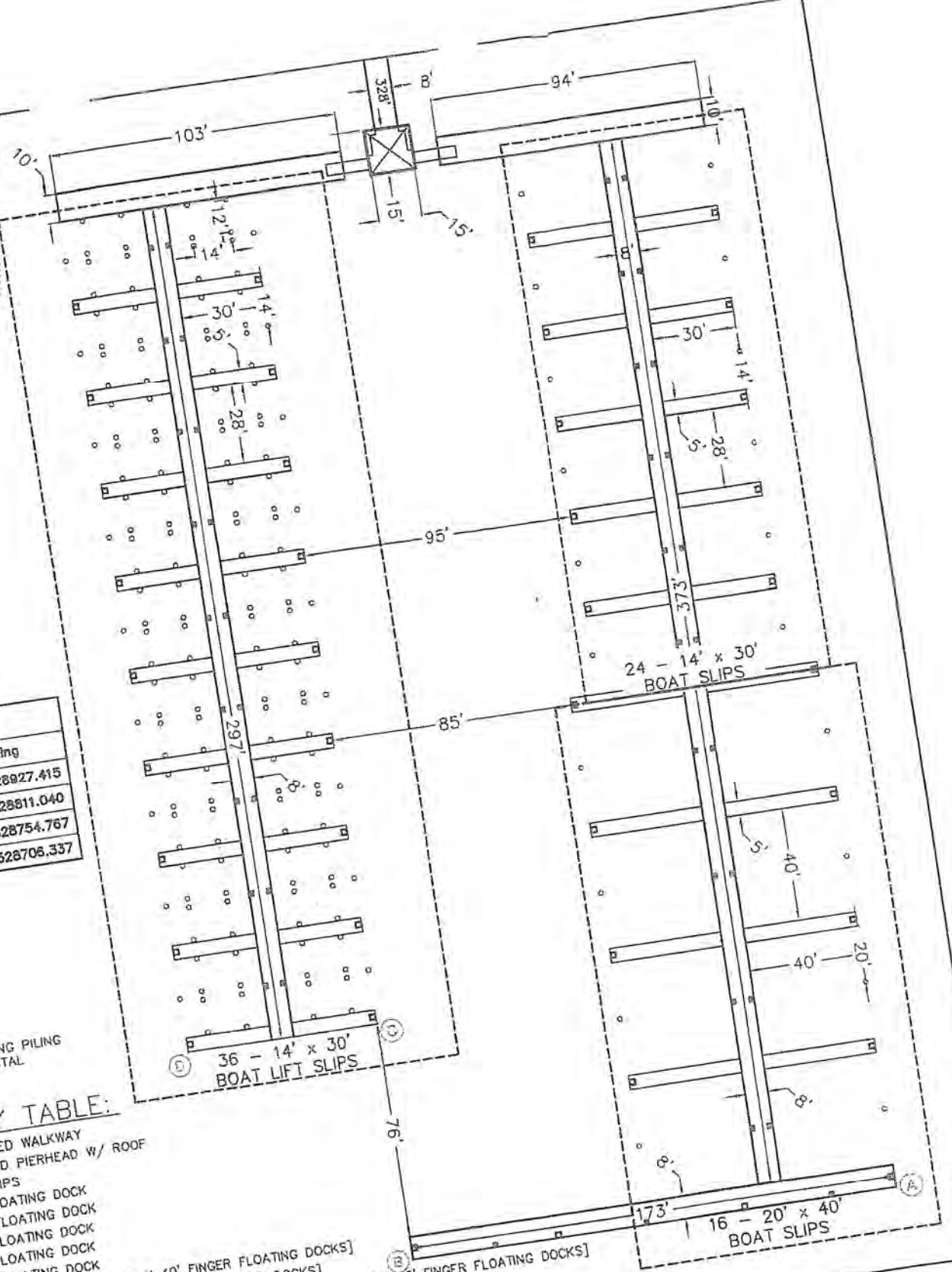
FOR PERMITTING PURPOSES ONLY - NOT FOR CONSTRUCTION

EARTHWORKS
 planning and design consultants
 11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 phone - 843.651.7900
 fax - 843.651.7903
 earthworksgroup.com

PROPOSED DOCKAGE
 WINYAH BAY MARINA
 USACE MARINA PERMIT APPLICATION

SCALE
 1" = 100'

Winyah Bay Marina
 SAC 2007-02279
 Georgetown County, South Carolina
 Sheet 4 of 6, Date: July 20, 2016



Point Table

Point	Northing	Easting
A	561157.335	2528927.415
B	561015.036	2528811.040
C	561074.018	2528754.767
D	561018.695	2528708.337

○ = PILING (TYP.)
 □ = FLOAT LOCATING PILING
 ■ = POWER PEDESTAL

SUMMARY TABLE:

- (1) 8' x 328' FIXED WALKWAY
 - (1) 15' x 15' FIXED PIERHEAD W/ ROOF
 - (2) 4' x 15' RAMPS
 - (1) 10' x 94' FLOATING DOCK
 - (1) 10' x 103' FLOATING DOCK
 - (1) 8' x 373' FLOATING DOCK
 - (1) 8' x 173' FLOATING DOCK
 - (1) 8' x 297' FLOATING DOCK
 - (16) 20' x 40' BOAT SLIPS [(8) 5' x 40' FINGER FLOATING DOCKS]
 - (24) 14' x 30' SLIPS [(10) 5' x 30' FINGER FLOATING DOCKS]
 - (36) 14' x 30' SLIPS WITH 4 PILE 12' x 14' O.C. BOAT LIFTS [(18) 5' x 30' FINGER FLOATING DOCKS]
 - (38) MOORING PILINGS BETWEEN FINGERS
- # OF PILINGS FOR FLOATS TO BE DETERMINED BY OTHERS.
 FOR PERMITTING PURPOSES ONLY - NOT FOR CONSTRUCTION

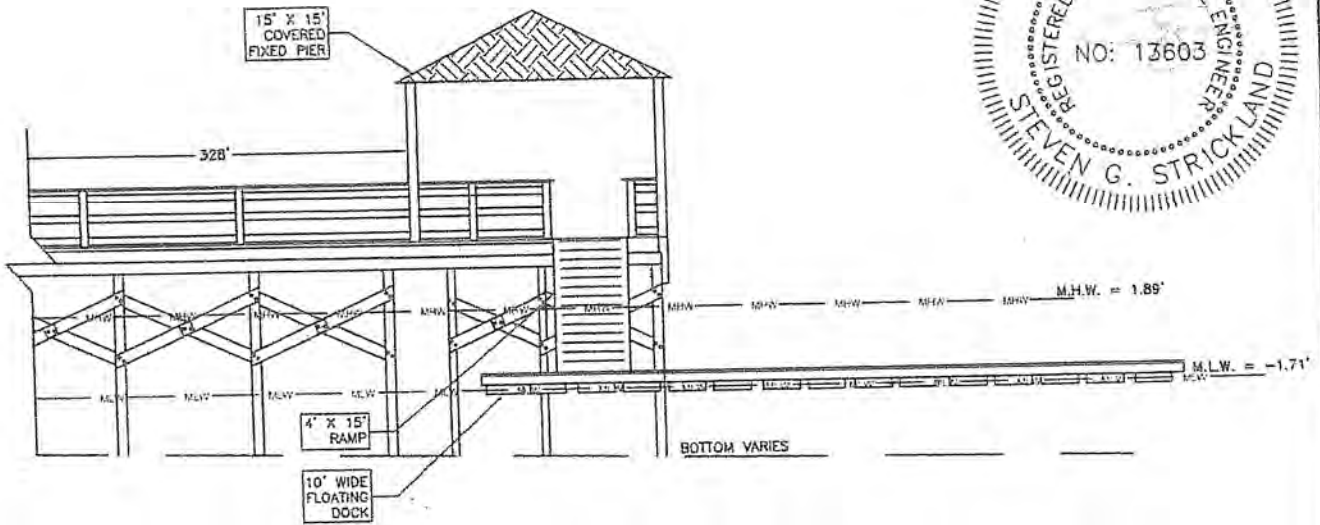
EARTHWORKS
 Planning and design consultants
 11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 Phone - 843.651.7900
 Fax - 843.651.7903
 earthworksgroup.com

**PROPOSED DOCKAGE
 DETAILED VIEW**
 WINYAH BAY MARINA
 USACE MARINA PERMIT APPLICATION

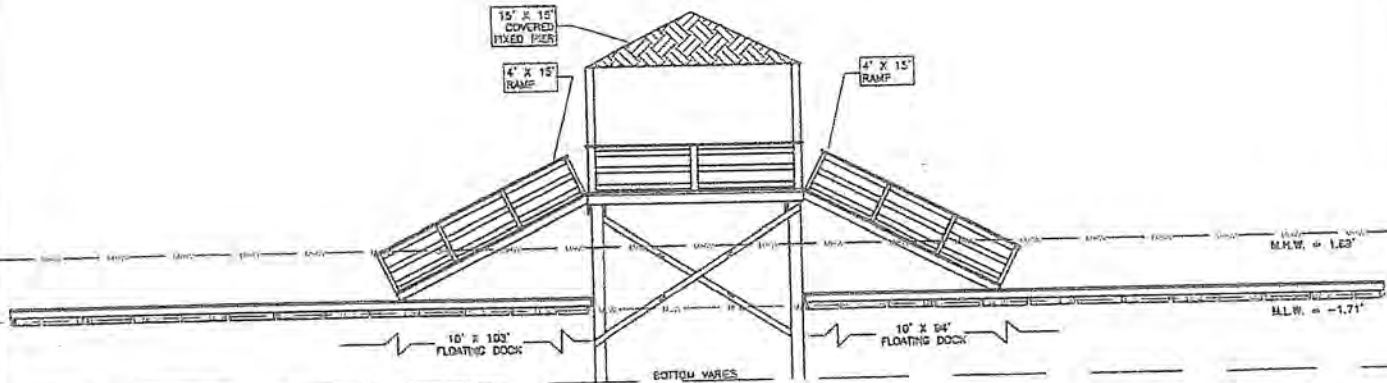
SCALE
 1" = 50'

Winyah Bay Marina
SAC 2007-02279
 Georgetown County, South Carolina
 Sheet 5 of 6, Date: July 20, 2007
 TEG PIN: 161094

SIDE VIEW
1" = 10'



FRONT VIEW
N.T.S.



NOTES:

- FLOATING DOCKS WILL NOT REST UPON THE BOTTOM DURING NORMAL LOW WATER.
- DECKING OF FIXED PIERHEAD CAN BE NO CLOSER THAN 3 FEET ABOVE MHW.
- MAXIMUM ALLOWABLE ROOF HEIGHT SHALL BE 12' AS MEASURED FROM THE FLOOR DECKING OF THE DOCK TO THE HIGHEST POINT OF THE ROOF INCLUDING ANY ORNAMENTAL STRUCTURES.

FOR PERMITTING PURPOSES ONLY - NOT FOR CONSTRUCTION

EARTHWORKS
planning and design consultants
11655 HIGHWAY 707
MURRELLS INLET, SC 29576
phone - 843.651.7900
fax - 843.651.7903
earthworksgroup.com

PROPOSED DOCKAGE
FRONT & SIDE VIEWS
WINYAH BAY MARINA
USACE MARINA PERMIT APPLICATION

SCALE 1" = 10'

Winyah Bay Marina
SAC 2007-02279
Georgetown County, South Carolina
Sheet 6 of 6, Date: July 20, 2016