

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-2019-00781

July 24, 2023

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 Mr. Britt Feldner
The Brigman Company
P.O. Box 1532
Conway, South Carolina 29528

for a permit to place fill material, clear and excavate in wetlands associated with an

Unnamed tributary of Cowford Swap and Big Swamp

located adjacent to Big Bull Landing Road and east of and adjacent to Bucksports Road, in Conway, Horry County, South Carolina (Latitude: 33.6813 °, Longitude: -79.1176 ° (road) Latitude: 33.6803 °, Longitude: -79.1114 ° (bypass channel), **Bucksville 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 protect the Bucksport community from flood conditions as well as the duration of flood events (particularly when flood waters back up from the Pee Dee River).

Project Description

The proposed work consists of filling and raising a 2,500 LF portion of Big Bull Landing Road (a County maintained dirt road) to an approximate elevation of 15 feet (NAVD88) as well as the installation of three (3) additional 36-inch reinforced concrete pipes (RCP) to improve drainage. In addition, the proposed Bucksport Road Bypass Channel will include a relief ditch and 48-inch reinforced concrete pipe (RCP) that will outfall to the Waccamaw River. The proposed relief system will be located about 2,200 feet south of the Big Bull Landing Road. These proposed improvements will result in the deposition of fill material, clearing and minor excavation activities within wetland resources. The proposed construction activities associated with the raising of Big Bull Landing Road will consist of the deposition of 0.085 acres of fill within wetlands associated with an unnamed tributary to Cowford Swamp. The proposed roadbed improvements will also include the installation of three (3) additional 36-inch reinforced concrete pipes (RCP) to improve drainage. The construction activities associated with the proposed Bucksport Road Bypass Channel will result in 0.042 acres of clearing and 0.018 acres of wetland clearing/excavation.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by limiting the proposed impacts to only those necessary to complete the proposed flood mitigation project. The existing cross drainage will be improved resulting in a more transparent hydrologic transfer under Big Bull Landing Road post construction. The proposed bypass channel results in minimal clearing and excavation which will not alter the character or function of adjacent wetlands.

Proposed Compensatory Mitigation

The applicant has proposed to mitigate for impacts to wetlands and/or waters of the

United States by purchasing 1.47 mitigation credits. The applicant proposes to acquire the required mitigation credits from Carter Stilly Wetland and Stream 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 0.145 acres upstream 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: West Indian Manatee (*Trichechus manatus*), Shortnose Sturgeon (*Acipenser brevirostrum*), and Atlantic sturgeon (*Acipenser oxyrinchus*), American wood stork (*Mycteria americana*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Sei whale (*Balaenoptera borealis*), Right whale (*Eubalaena glacialis*), Humpback whale (*Megaptera novaeangliae*), Sperm whale (*Physeter macrocephalus*), Finback whale (*Balaenoptera physalus*), Seabeach amaranth (*Amaranthus pumilus*), American chaffseed (*Schwalbea americana*), Kemp's Ridley Sea turtle (*Lepidochelys kempii*), Green Sea turtle (*Chelonia mydas*), Leatherback Sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), Northern long-eared bat (*Myotis septentrionalis*), and Rufa red knot (*Calidris canutus rufa*).

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 West Indian Manatee (*Trichechus manatus*), Shortnose Sturgeon (*Acipenser brevirostrum*), and Atlantic sturgeon (*Acipenser oxyrinchus*), American wood stork (*Mycteria americana*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Sei whale (*Balaenoptera borealis*), Right whale (*Eubalaena glacialis*), Humpback whale (*Megaptera novaeangliae*), Sperm whale (*Physeter macrocephalus*), Finback whale (*Balaenoptera physalus*), Seabeach amaranth (*Amaranthus pumilus*), American chaffseed (*Schwalbea americana*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Green sea turtle (*Chelonia mydas*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), Rufa red knot (*Calidris canutus rufa*), 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 Northern long-eared bat (*Myotis septentrionalis*) 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 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.

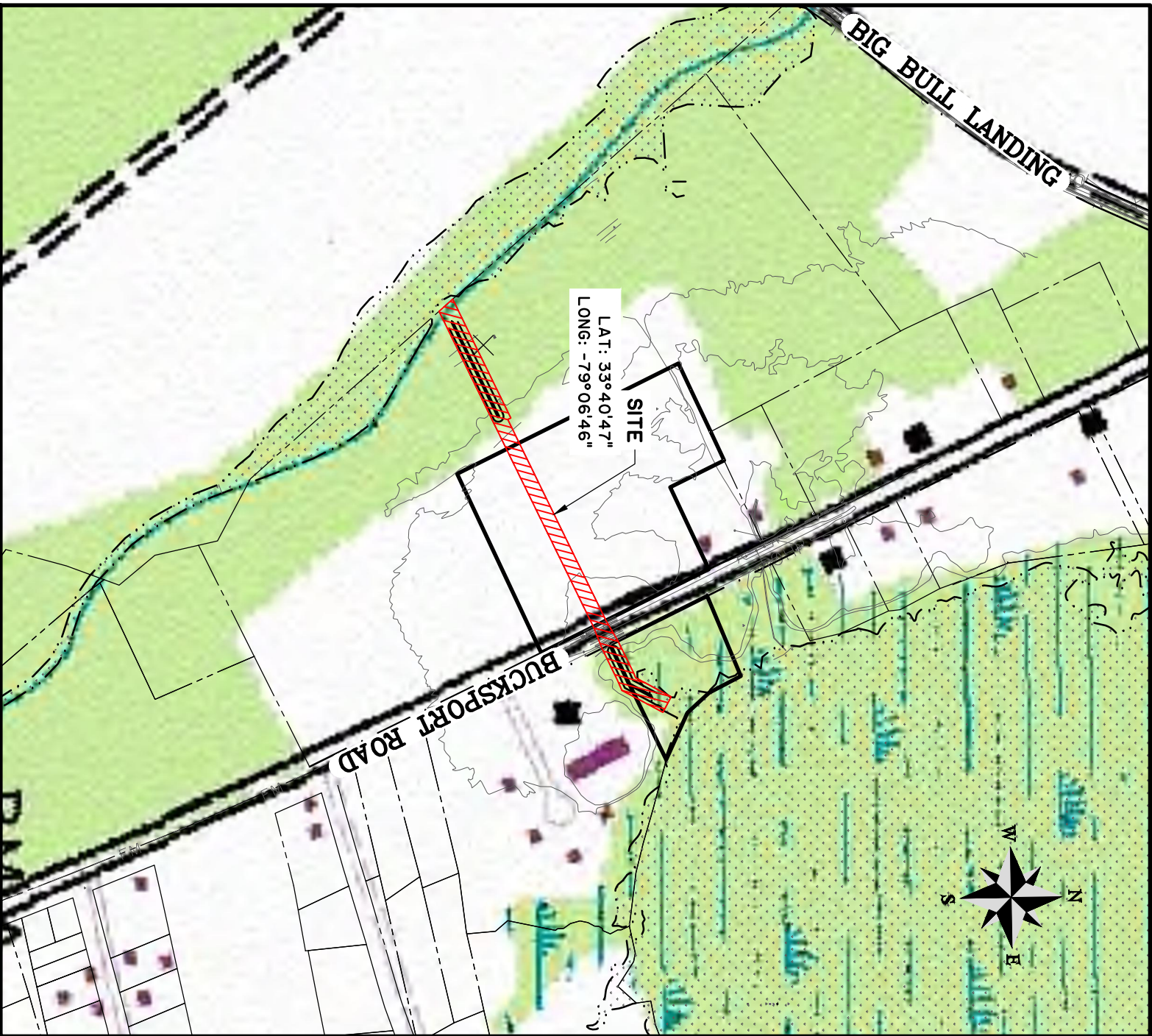
Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2019-00781), to Megan.N.Jackson@usace.army.mil or the following address:

**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 Megan N. Jackson, Project Manager, at (843) 365-4239 or by email at Megan.N.Jackson@usace.army.mil.



Appendix I – Wetland Permit Plans



Wetland Impact Exhibit - Location Map

PROJECT:
BuckSPORT Road

CLIENT:
Horry County

LOCATION: Horry County, South Carolina
DATE: 6/21/23
JOB NUMBER: J-27636.0000

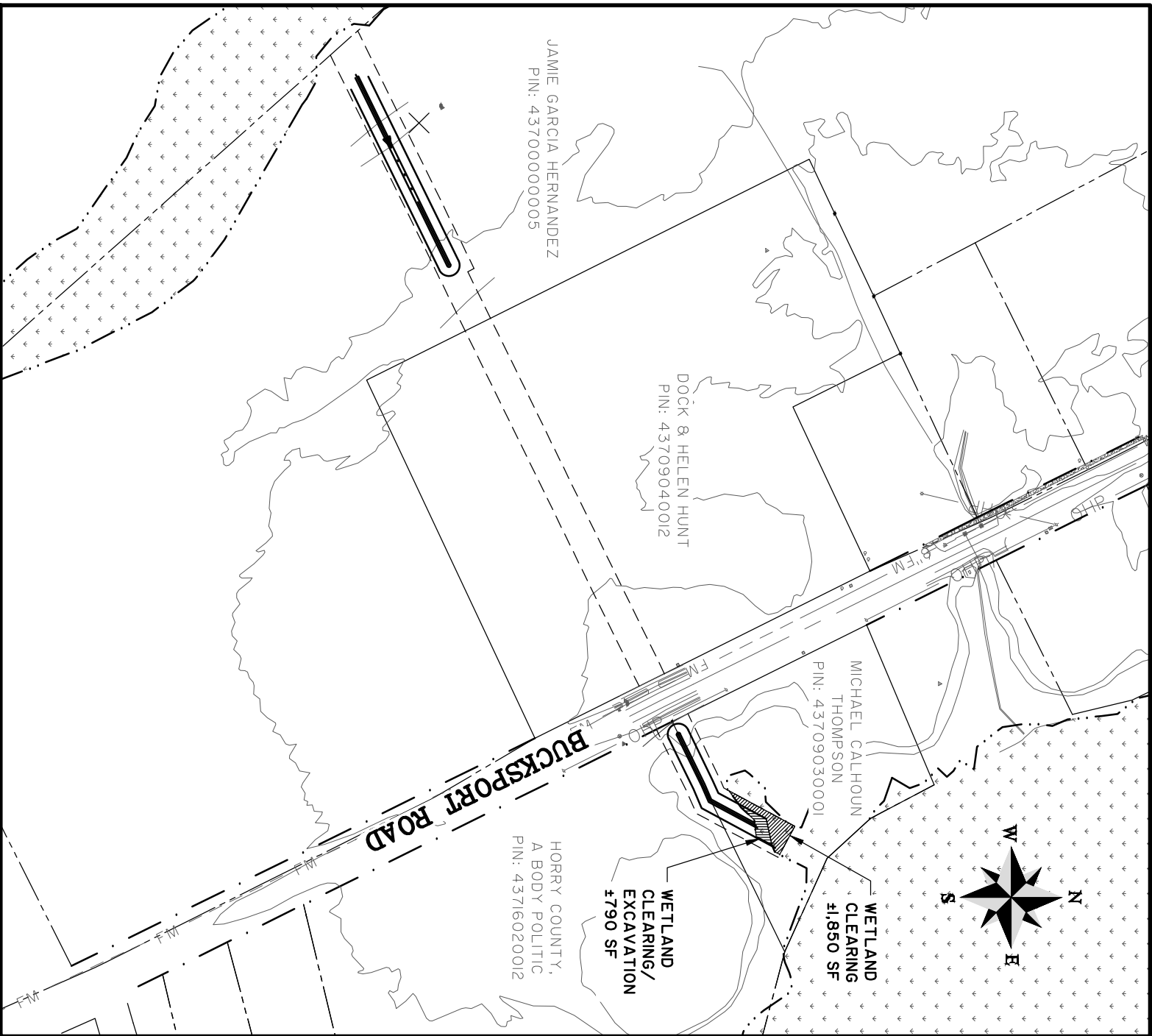
DRAWN BY: JML
REVIEWED BY: RPK

SHEET: 1 of 4
SCALE: 1" = 400'



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Wetland Impact Exhibit - Site Plan

PROJECT:
BuckSPORT Road

CLIENT:
Horry County

LOCATION: Horry County, South Carolina
DATE: 6/21/23
JOB NUMBER: J-27636.0000

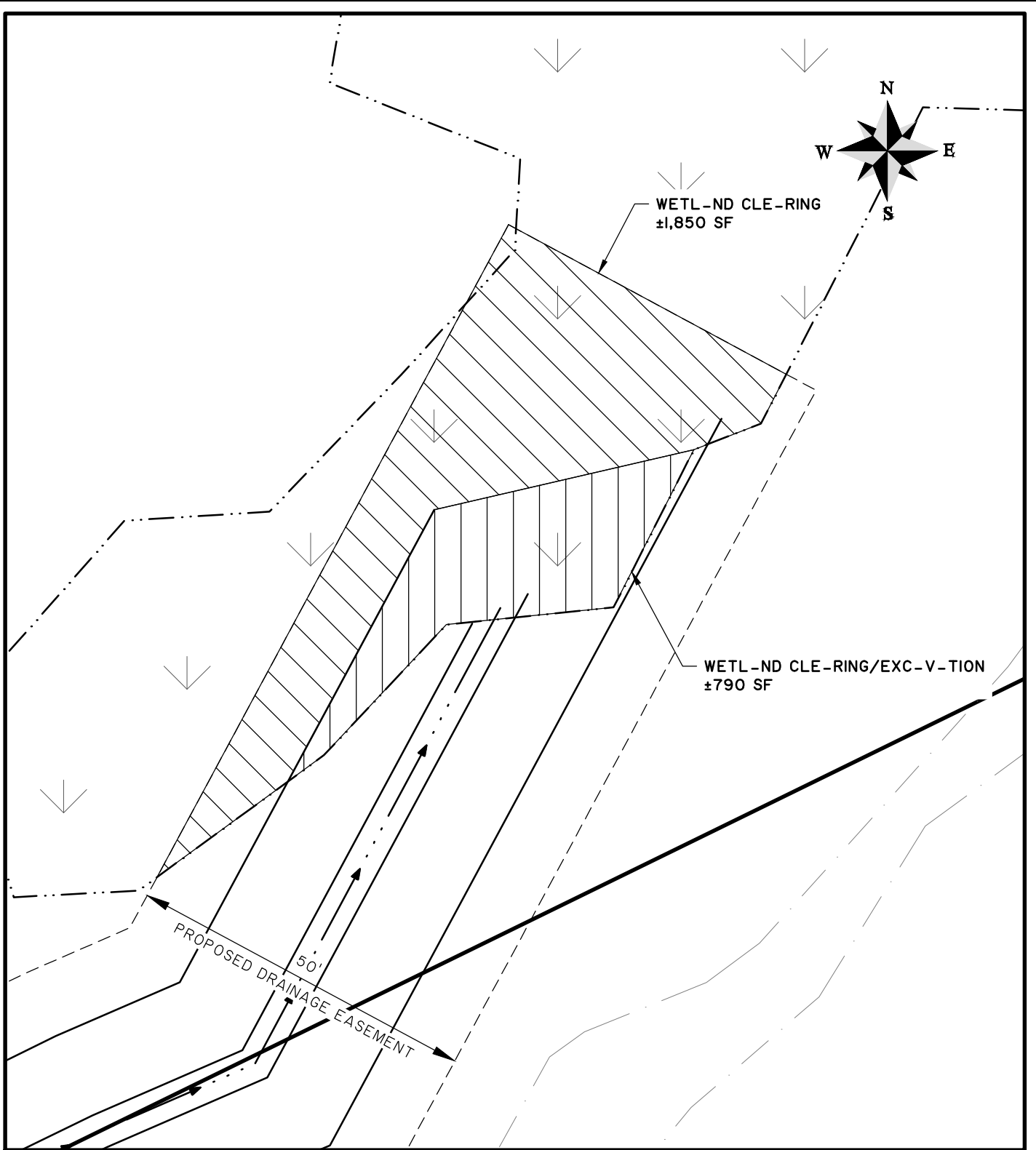
DRAWN BY: JML
REVIEWED BY: RPK

SHEET: 2 of 4
SCALE: 1" = 200'



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Wetland Impact Exhibit

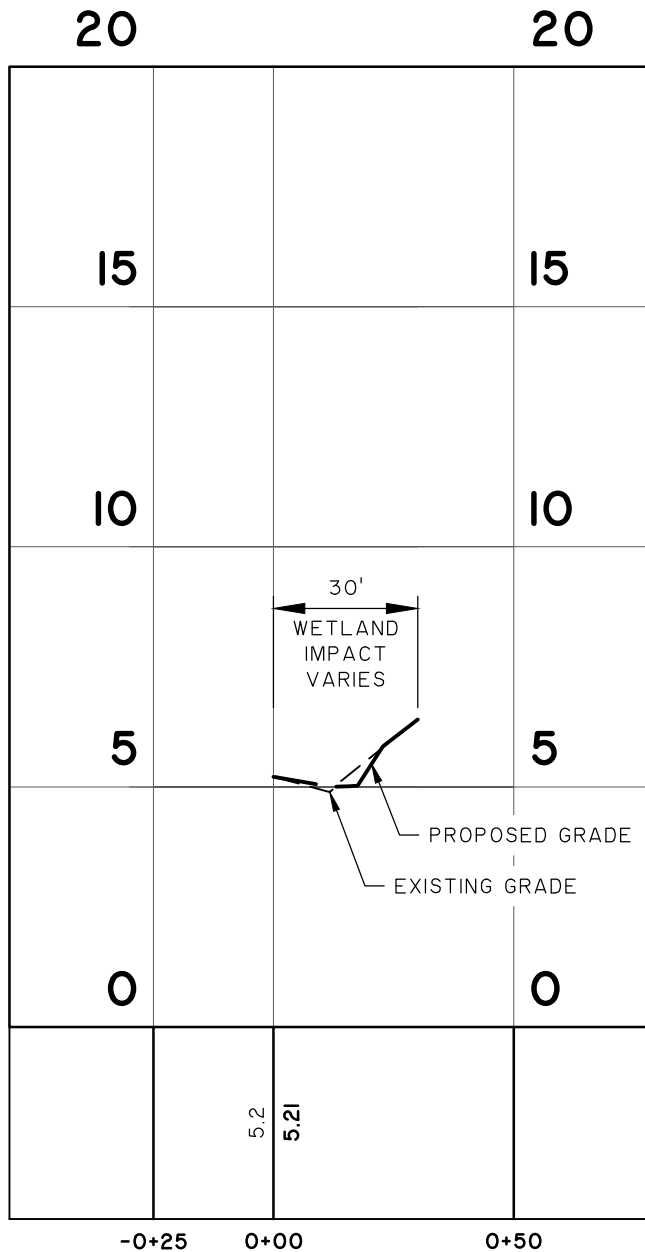
PROJECT:
Bucksport Road
CLIENT:
Horry County

LOCATION: Horry County, South Carolina
DATE: 6/21/23 DRAWN BY: JML SHEET: 3 of 4
JOB NUMBER: J-27636.0000 REVIEWED BY: RPK SCALE: 1" = 20'



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WETLAND IMPACT SECTION

ST-TIONS: -0+25 - 0+50

SC-LE: HORZ.: 1" = 40'

VERT.: 1" = 4'

Wetland Impact Exhibit - Section

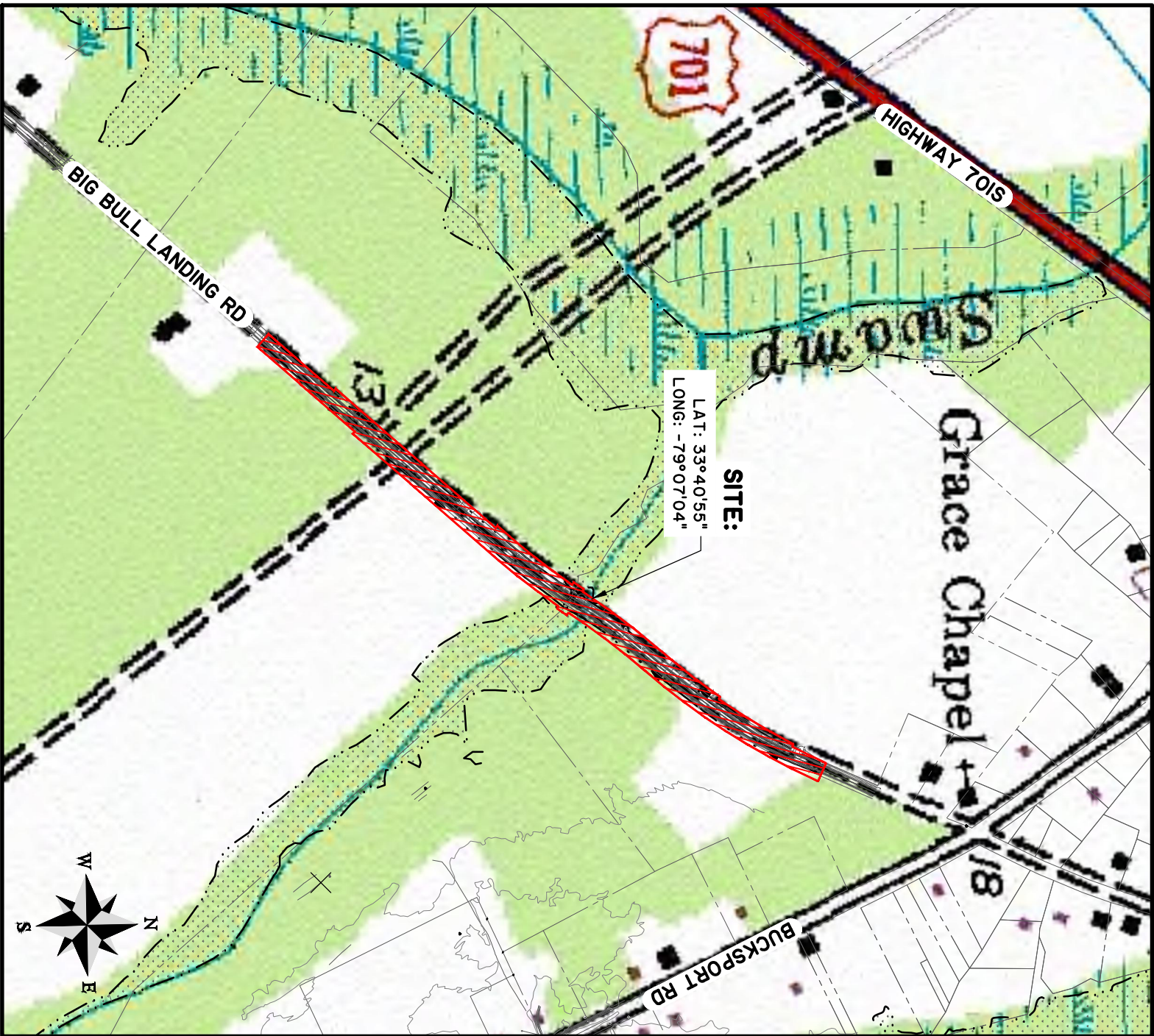
PROJECT:
Bucksport Road
CLIENT:
Horry County

LOCATION: Horry County, South Carolina
DATE: 6/21/23 DRAWN BY: JML SHEET: 4 of 4
JOB NUMBER: J-27636.0000 REVIEWED BY: RPK SCALE: 1" = 40'



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Wetland Impact Exhibit - Location Map

Project:
Cowford Swamp

CLIENT:
Horry County

LOCATION: South Carolina
DATE: June 21, 2023
JOB NUMBER: J-27636.0002

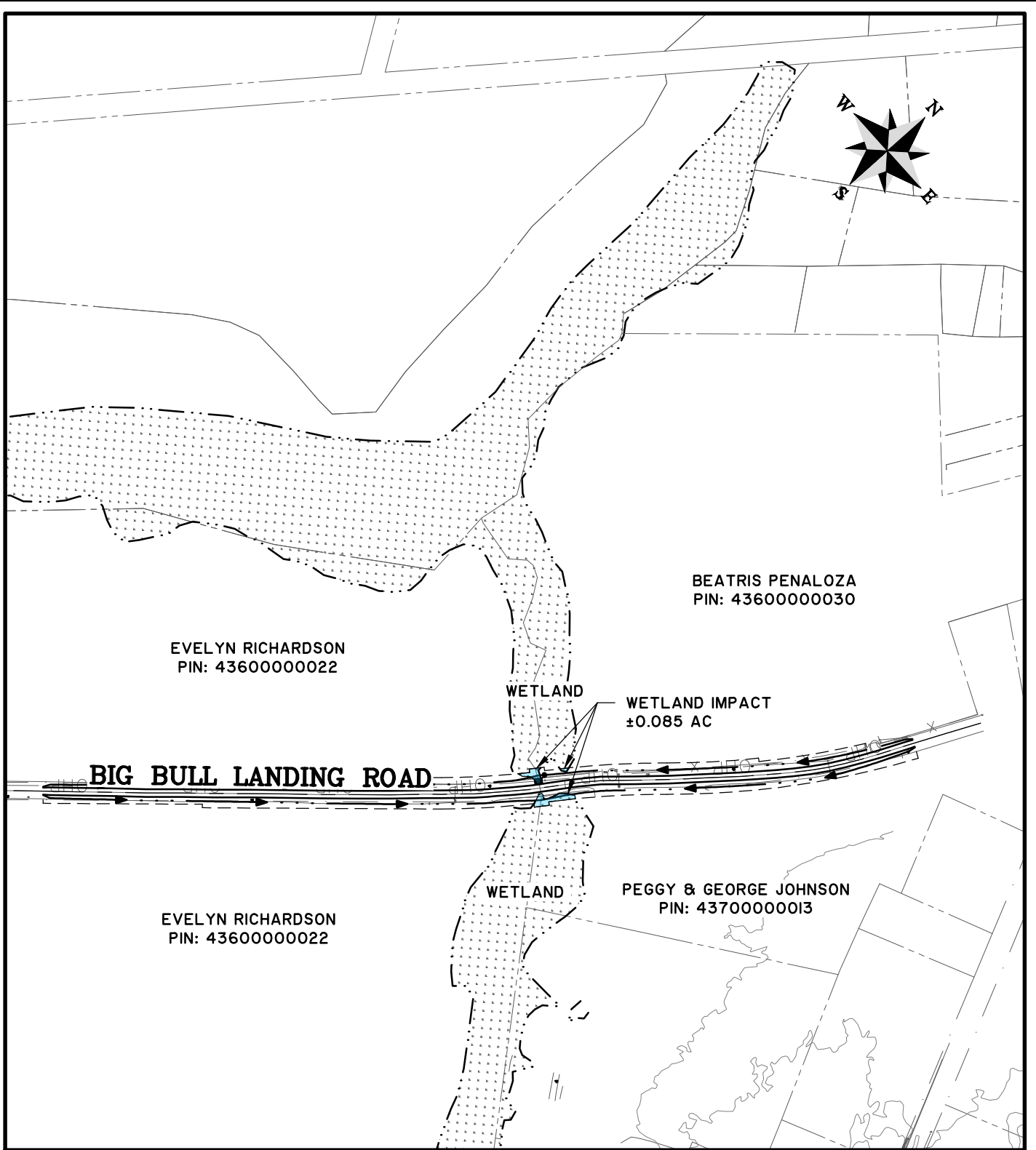
DRAWN BY: JML
REVIEWED BY: RPK

SHEET: 1 of 4
SCALE: 1" = 500'



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Wetland Impact Exhibit - Site Plan

Project:
Cowford Swamp

CLIENT:
Horry County

LOCATION: South Carolina
DATE: June 21, 2023
JOB NUMBER: J-2636.0002

DRAWN BY: JML
REVIEWED BY: RPK

SHEET: 2 of 4
SCALE: 1" = 400'



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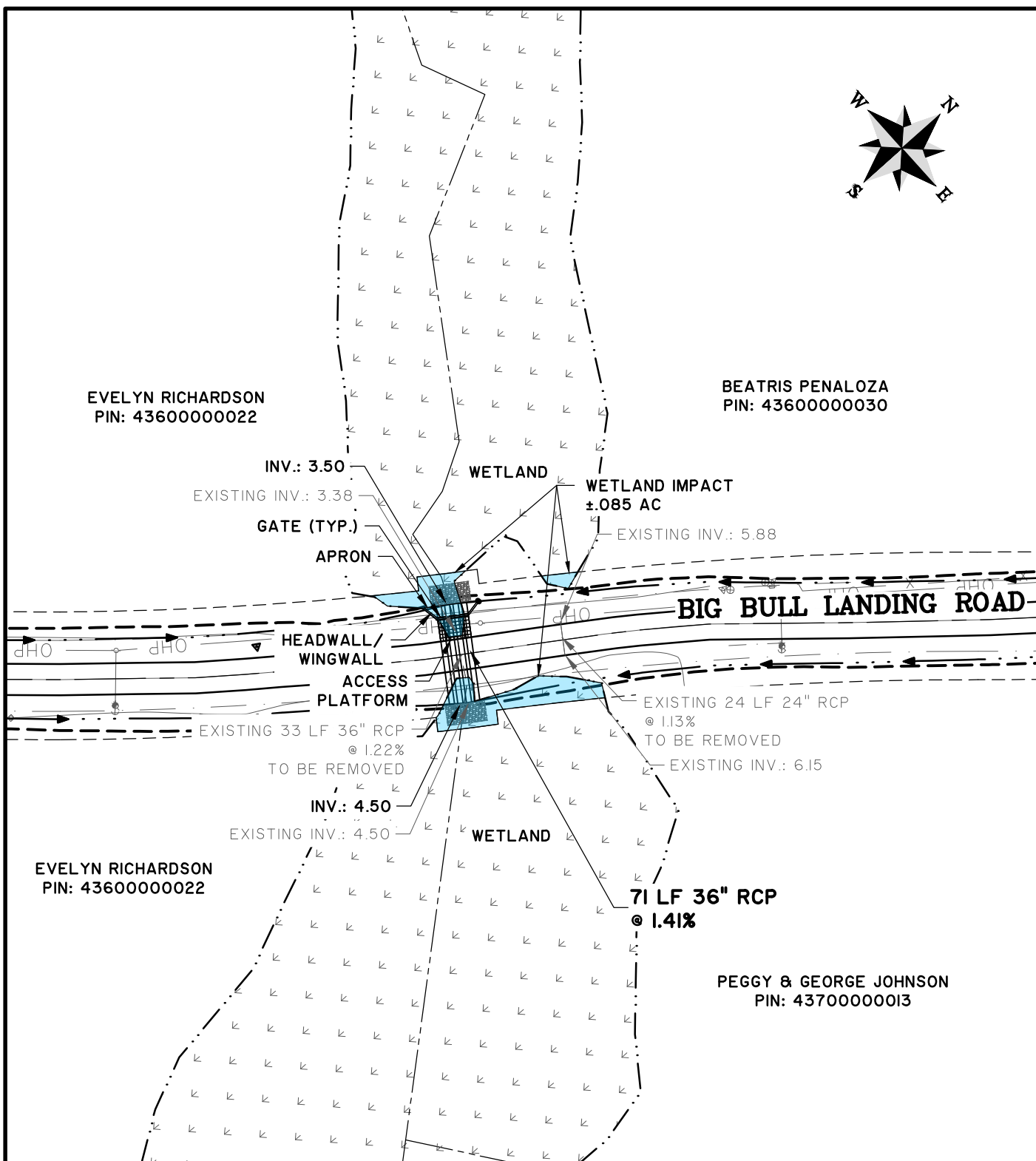
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EVELYN RICHARDSON
PIN: 4360000022

BEATRIS PENALOZA
PIN: 4360000030



EVELYN RICHARDSON
PIN: 4360000022

71 LF 36" RCP
@ 1.41%

PEGGY & GEORGE JOHNSON
PIN: 4370000013

Wetland Impact Exhibit

Project:
Cowford Swamp

CLIENT:
Horry County

LOCATION: South Carolina
DATE: June 21, 2023
JOB NUMBER: J-2636.0002

DRAWN BY: JML
REVIEWED BY: RPK

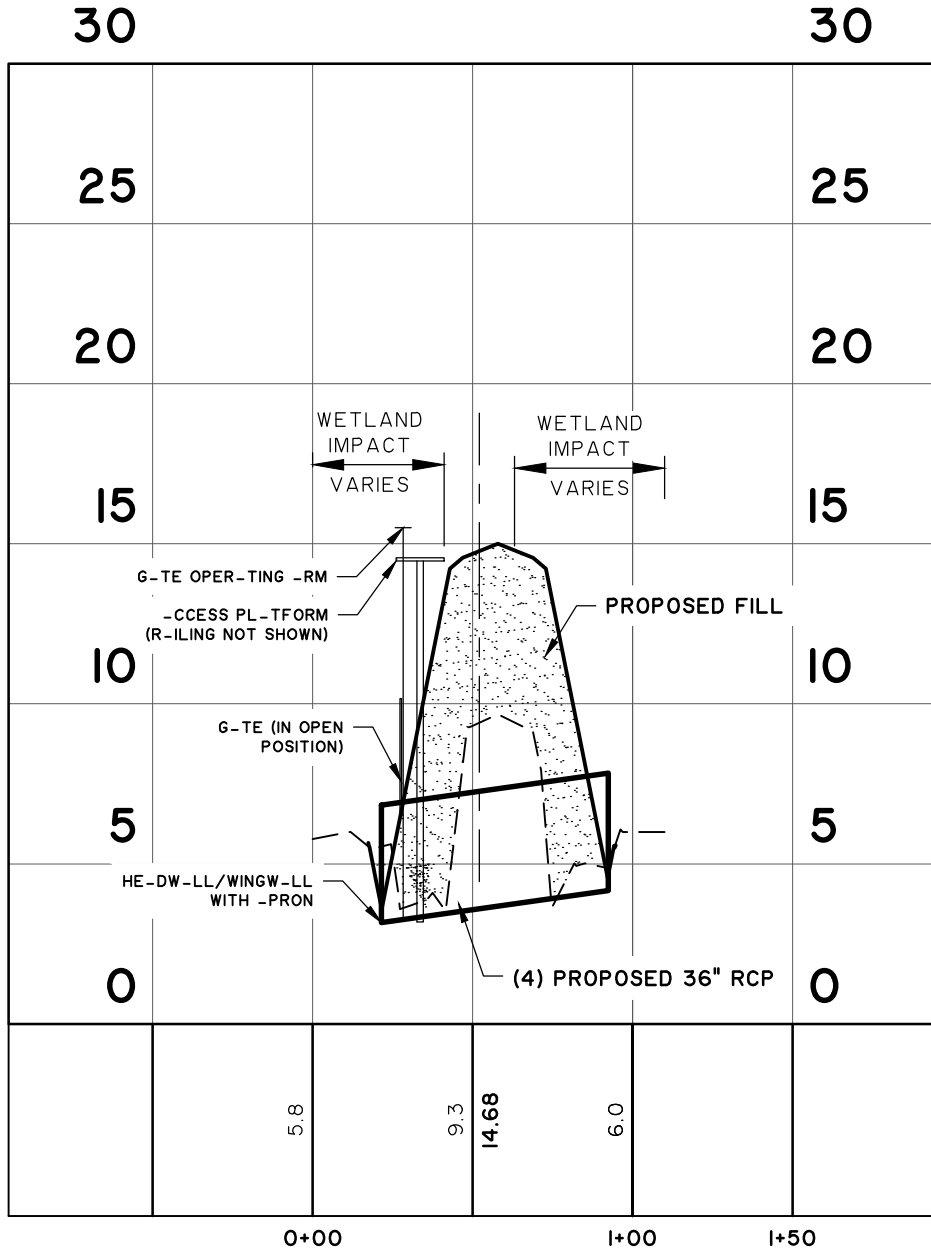
SHEET: 3 of 4
SCALE: 1" = 100'



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WETLAND IMPACT SECTION

ST-TIONS: -0+50 - 1+50

SC-LE: HORZ.: 1" = 60'

VERT.: 1" = 6'

Wetland Impact Exhibit - Section

Project:
Cowford Swamp

CLIENT:
Horry County

LOCATION: South Carolina
DATE: June 21, 2023
JOB NUMBER: J-2636.0002

DRAWN BY: JML
REVIEWED BY: RPK

SHEET: 4 of 4
SCALE: 1" = 60'



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