

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: P/N SAC-2020-00209

May 8, 2020

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), 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), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. George Moses
Hartland Properties, LLC.
P.O. Box 1534
Little River, South Carolina 29566

for a permit to excavate a portion of existing rip-rap and construct a commercial docking facility and vinyl bulkhead in the

ATLANTIC INTRACOASTAL WATERWAY (AIWW)

at 2130 Sea Mountain Highway, in the City of North Myrtle Beach, Horry County, South Carolina (Latitude: 33.8516°N, Longitude: -78.6557°W), Wampee Quad Sheet.

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.

The proposed work consists of excavating a portion of existing rip-rap and constructing a commercial docking facility and vinyl bulkhead in the AIWW. In detail, the work

consists of excavating a 0.05 acre (2,352 square foot) area of existing rip-rap and relocating it on top of the remaining existing rip-rap at higher elevations along the bank and constructing an 88 linear foot vinyl bulkhead along the perimeter of the excavated area. In addition, the applicant proposes to construct a 4' x 30' walkway leading to a 10' x 68' floating dock accessed by a 4' x 24' gangway. Approximately 68 cubic yards of sediment will be excavated along with the existing rip-rap. The 68 cubic yards of excavated sediment will be transported by barge to Vereen Road to be offloaded and placed in offsite uplands (Lat: 33.8391°N; Long: -78.6721°W). The barge transporting the excavated sediment has bin walls with two (2) scupper holes that allow the sediment to dewater. The applicant proposes to utilize bails of wheat straw to catch sediment from reentering the waterway through the scupper holes. Approximately 43.7 cubic yards (1,179 square feet) of backfill material will also be placed below the high tide line during the construction of the bulkhead. The applicant offered no compensatory mitigation for impacts associated with the project. It is understood that this work is to be conducted on/or adjacent to an area subject to a prism and/or disposal area held by the United States. Appropriate provisions will be included in the permit to ensure the interests of the Federal Government are understood. The project purpose is for a commercial docking facility to provide vessel mooring for a local business.

NOTE: This public notice and associated plans are available on the Corps' website at:
<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices>.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. 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.

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 0.07 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.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information that the West Indian Manatee (*Trichechus manatus*), Shortnose Sturgeon (*Acipenser brevirostrum*), and the Atlantic Sturgeon (*Acipenser oxyrinchus*), Federally *endangered or threatened* species, are known to occur within the vicinity of the project. However, it has been determined that the project will have no effect on the Shortnose Sturgeon (*Acipenser brevirostrum*) and the Atlantic Sturgeon (*Acipenser oxyrinchus*) species and will not result in the destruction or adverse modification of designated or

proposed critical habitat. Additionally, the District Engineer has determined that the project may affect, but not likely to adversely affect 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.

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. One historic property (Site 326, Little River Bridge) is located adjacent to the project to the southwest, however, it is not located within the Corps' permit area. 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.

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.

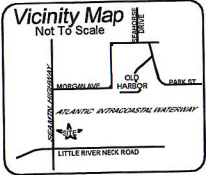
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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.

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

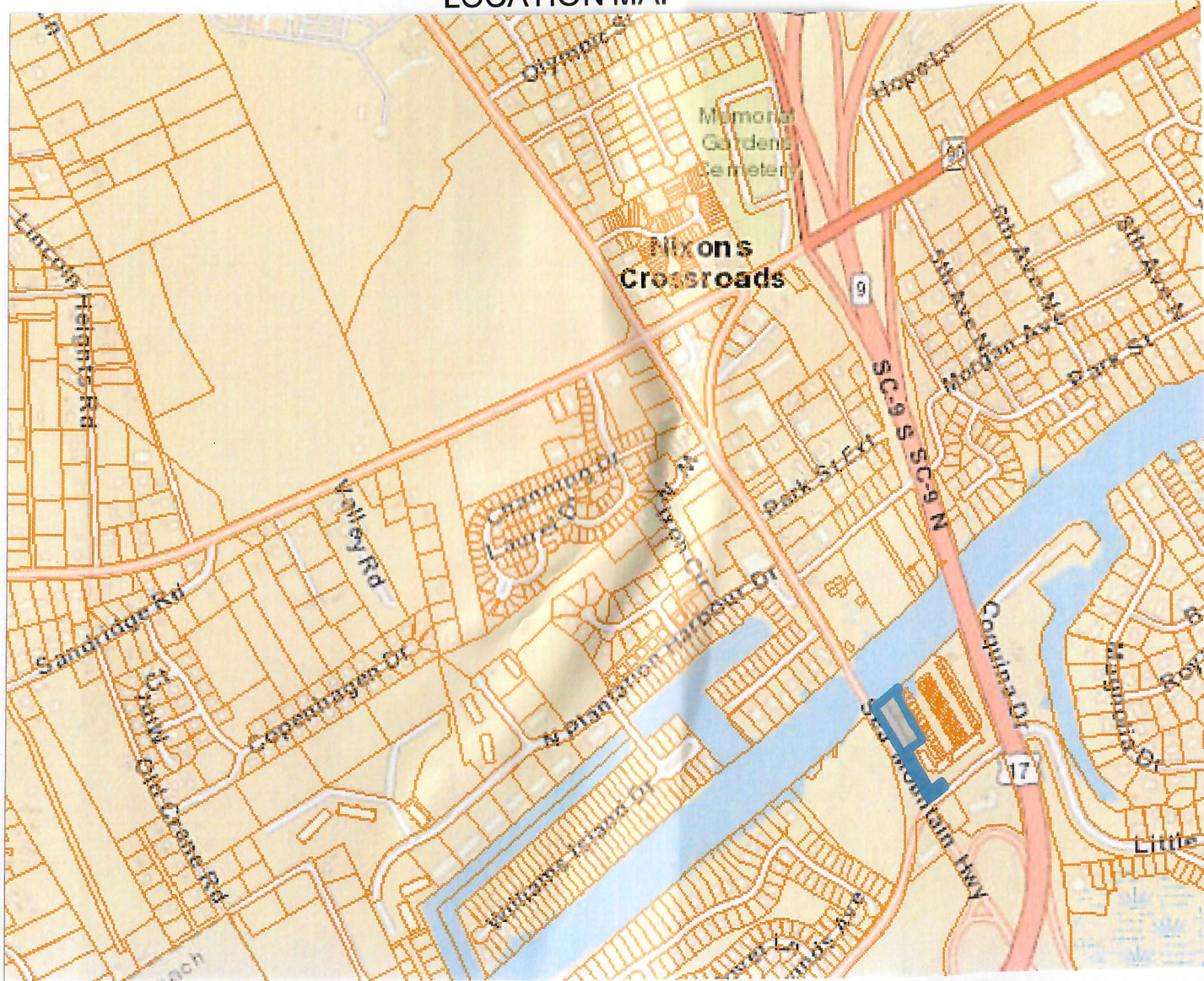
used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. **Please submit comments in writing, identifying the project of interest by public notice number, to 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 Wiley.C.Bracey@usace.army.mil.



LOCATION MAP

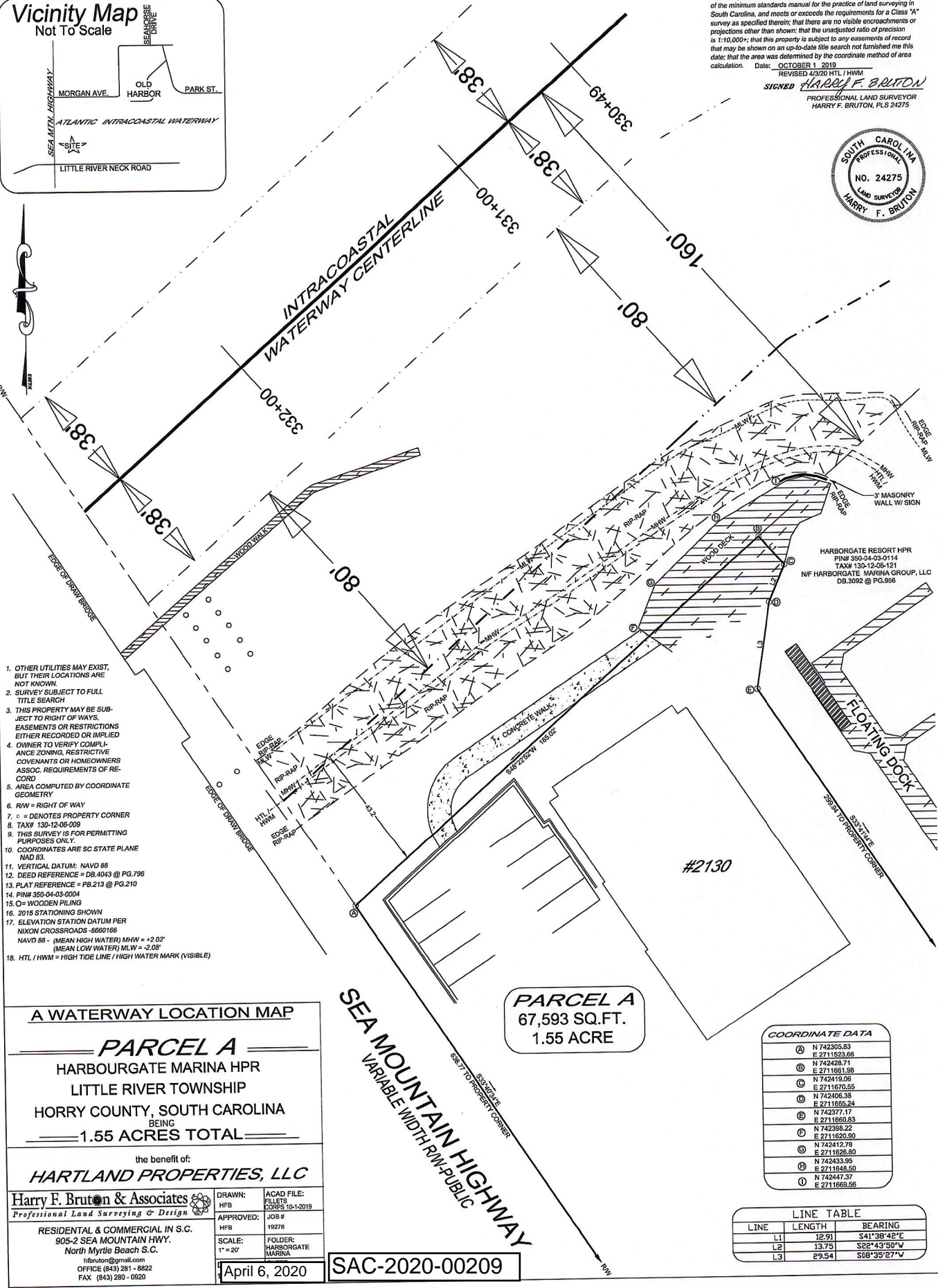
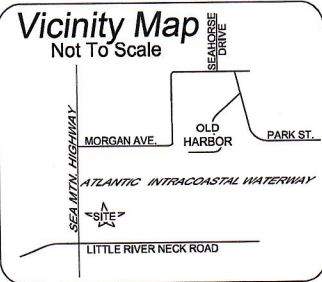


<p>PROJECT NAME: HARTLAND BULKHEAD AND DOCK APPLICANT: HARTLAND PROPERTIES, LLC LOCATION: 2130 SEA MOUNTAIN HWY HARBOURGATE MARINA HPR Horry County, South Carolina</p>	<i>BULKHEAD, WALKWAY, RAMP & FLOATING DOCK</i>	
	TMS: 130-12-06-009	PIN: 350-04-04-0037
	S/S OF WWAY HWY 9; PARCEL A	DB: 4043 / PG: 796
	Rev. APRIL 6, 2020	SHEET 1 OF 5

SAC-2020-00209

EXISTING CONDITIONS

I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the minimum standards manual for the practice of land surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified therein; that there are no visible encroachments or projections other than shown; that the unadjusted ratio of precision is 1:10,000; that this property is subject to any easements of record date; that the area was determined by the coordinate method of area calculation. Date: OCTOBER 1 2019
 REVISED 4/3/20 HTL / HWM
 SIGNED **HARRY F. BRUTON**
 PROFESSIONAL LAND SURVEYOR
 HARRY F. BRUTON, PLS 24275



1. OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.
2. SURVEY SUBJECT TO FULL TITLE SEARCH
3. THIS PROPERTY MAY BE SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED
4. OWNER TO VERIFY COMPLIANCE ZONING, RESTRICTIVE COVENANTS OR HOMEOWNERS ASSOC. REQUIREMENTS OF RECORD
5. AREA COMPUTED BY COORDINATE GEOMETRY
6. RW = RIGHT OF WAY
7. ○ = DENOTES PROPERTY CORNER
8. TAX# 130-12-06-009
9. THIS SURVEY IS FOR PERMITTING PURPOSES ONLY.
10. COORDINATES ARE SC STATE PLANE NAD 83.
11. VERTICAL DATUM: NAVD 88
12. DEED REFERENCE = DB.4043 @ PG.796
13. PLAT REFERENCE = PB.213 @ PG.210
14. PIN# 350-04-03-0004
15. ○ = WOODEN PILING
16. 2015 STATIONING SHOWN
17. ELEVATION STATION DATUM PER NIXON CROSSROADS-8650166
 NAVD 88 - (MEAN HIGH WATER) MHW = +2.02'
 (MEAN LOW WATER) MLW = -2.08'
18. HTL / HWM = HIGH TIDE LINE / HIGH WATER MARK (VISIBLE)

A WATERWAY LOCATION MAP

PARCEL A
 HARBOURGATE MARINA HPR
 LITTLE RIVER TOWNSHIP
 HORRY COUNTY, SOUTH CAROLINA
 BEING
1.55 ACRES TOTAL

the benefit of:
HARTLAND PROPERTIES, LLC

Harry F. Bruton & Associates
 Professional Land Surveying & Design

RESIDENTIAL & COMMERCIAL IN S.C.
 905-2 SEA MOUNTAIN HWY.
 North Myrtle Beach S.C.
 hbruton@gmail.com
 OFFICE (843) 281-8822
 FAX (843) 280-0920

DRAWN: HFB
 ACAD FILE: C:\FILES\10-1-2019

APPROVED: HFB
 JOB #: 19278

SCALE: 1" = 20'
 FOLDER: HARBOURGATE MARINA

April 6, 2020

SEA MOUNTAIN HIGHWAY
 VARIABLE WIDTH RM-PUBLIC

PARCEL A
 67,593 SQ.FT.
 1.55 ACRE

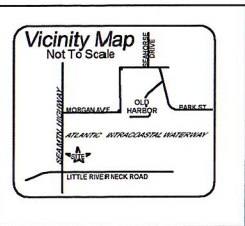
SAC-2020-00209

COORDINATE DATA

Ⓐ	N 742305.83
Ⓑ	E 2711523.66
Ⓒ	N 742428.71
Ⓓ	E 2711681.88
Ⓔ	N 742419.06
Ⓕ	E 2711570.55
Ⓖ	N 742406.38
Ⓗ	E 2711655.24
Ⓘ	N 742377.17
Ⓚ	E 2711659.83
Ⓛ	N 742388.22
Ⓜ	E 2711620.90
Ⓝ	N 742412.78
Ⓟ	E 2711626.90
Ⓡ	N 742433.95
Ⓢ	E 2711648.50
Ⓣ	N 742447.37
Ⓤ	E 2711659.56

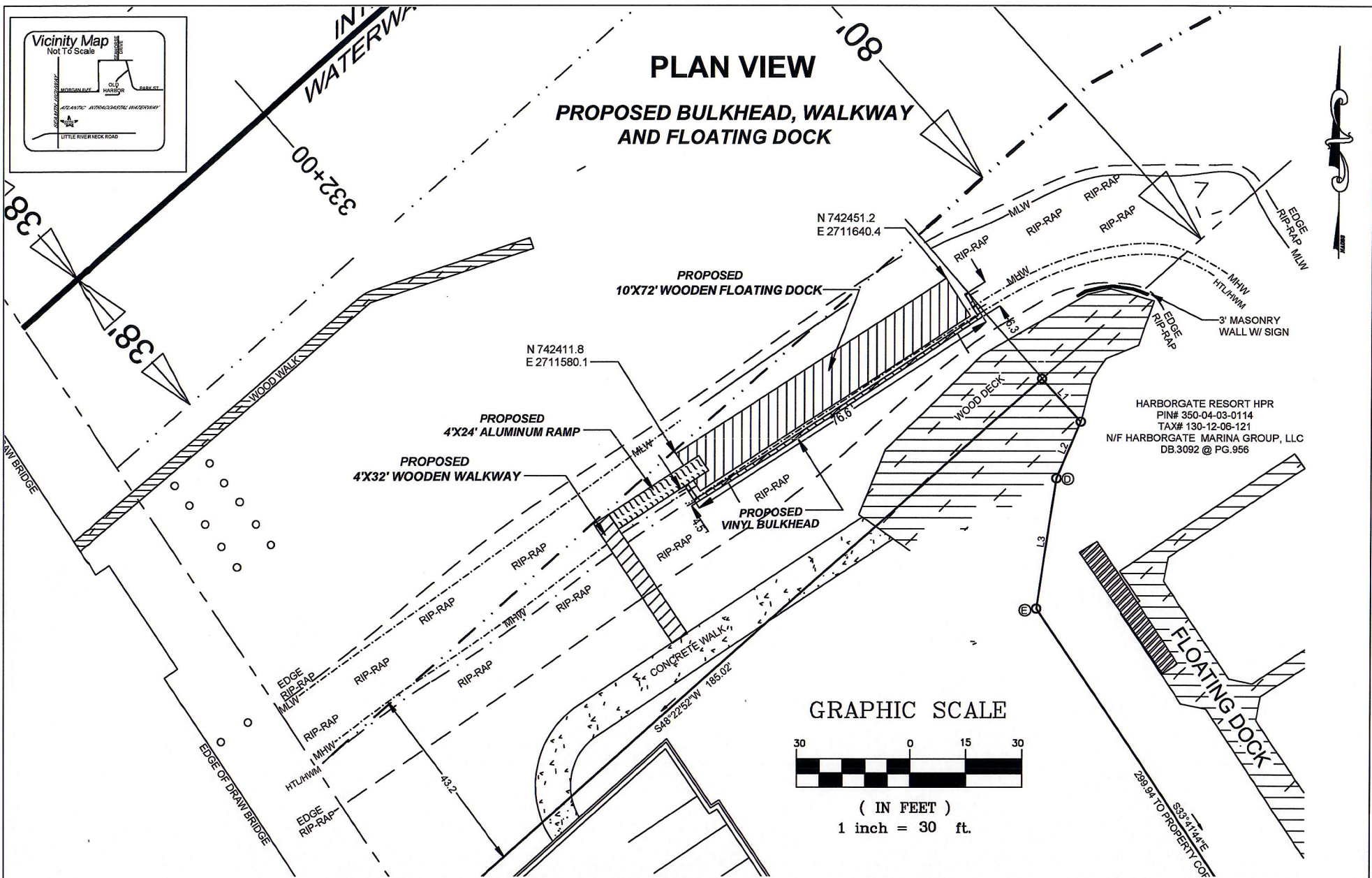
LINE TABLE

LINE	LENGTH	BEARING
L1	12.91	S41°38'42"E
L2	13.75	S22°43'58"W
L3	29.94	S08°35'27"W



PLAN VIEW

PROPOSED BULKHEAD, WALKWAY AND FLOATING DOCK



HARBORGATE RESORT HPR
 PIN# 350-04-03-0114
 TAX# 130-12-06-121
 N/F HARBORGATE MARINA GROUP, LLC
 DB.3092 @ PG.956

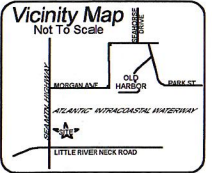
GRAPHIC SCALE



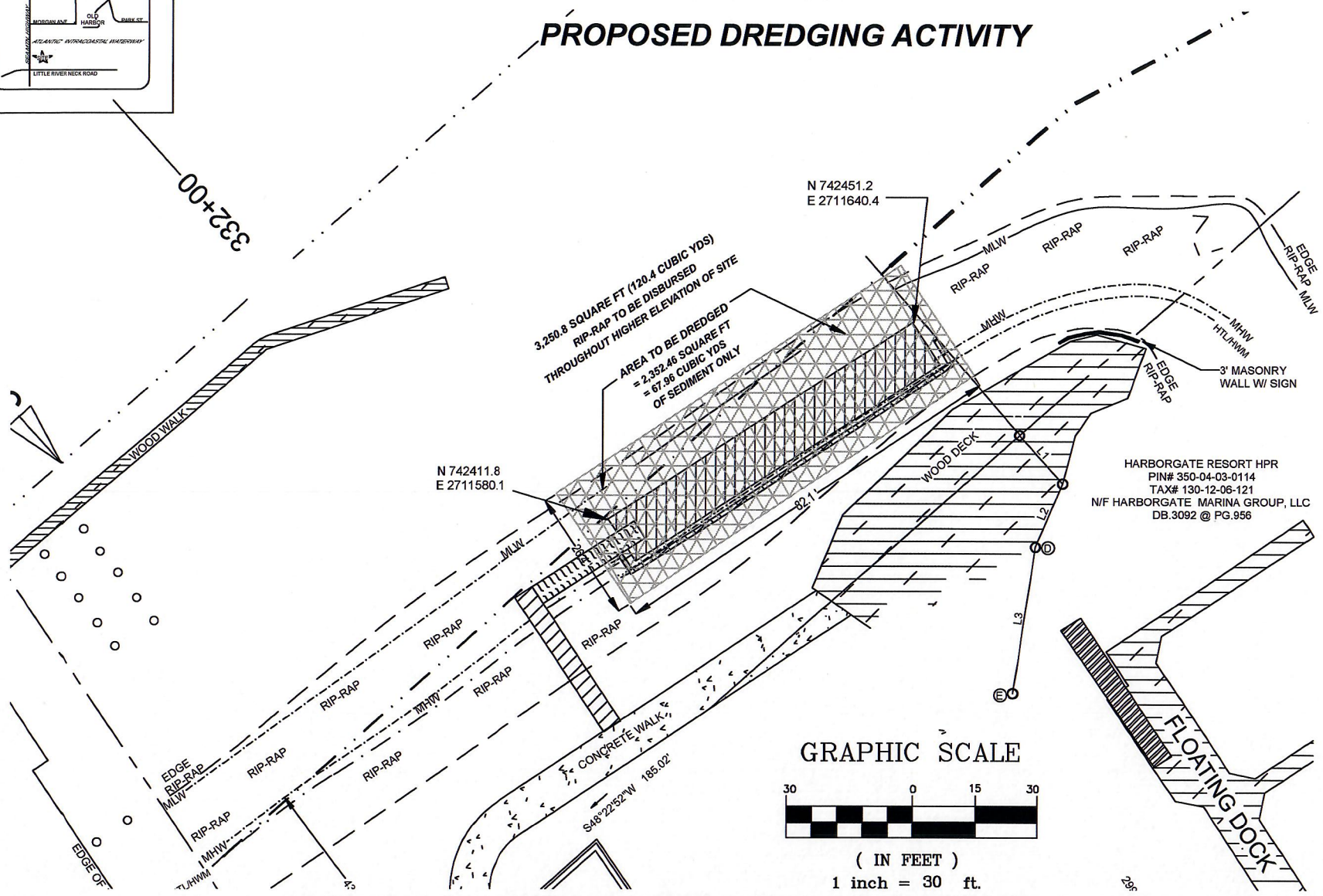
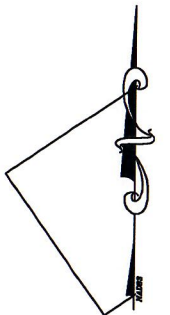
(IN FEET)
 1 inch = 30 ft.

PROJECT NAME: HARTLAND BULKHEAD AND DOCK APPLICANT: HARTLAND PROPERTIES, LLC LOCATION: 2130 SEA MOUNTAIN HWY HARBOURGATE MARINA HPR HORRY COUNTY, SOUTH CAROLINA		BULKHEAD, WALKWAY, RAMP & FLOATING DOCK	
		TMS: 130-12-06-009	PIN: 350-04-04-0037
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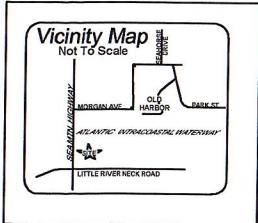
PLAN VIEW PROPOSED DREDGING ACTIVITY



SAC-2020-00209

PROJECT NAME: HARTLAND BULKHEAD AND DOCK
 APPLICANT: HARTLAND PROPERTIES, LLC
 LOCATION: 2130 SEA MOUNTAIN HWY
 HARBOURGATE MARINA HPR
 HORRY COUNTY, SOUTH CAROLINA

<i>BULKHEAD, WALKWAY, RAMP & FLOATING DOCK</i>	
TMS: 130-12-06-009	PIN: 350-04-04-0037
S/S OF WWAY HWY 9; PARCEL A	DB: 4043 / PG: 796
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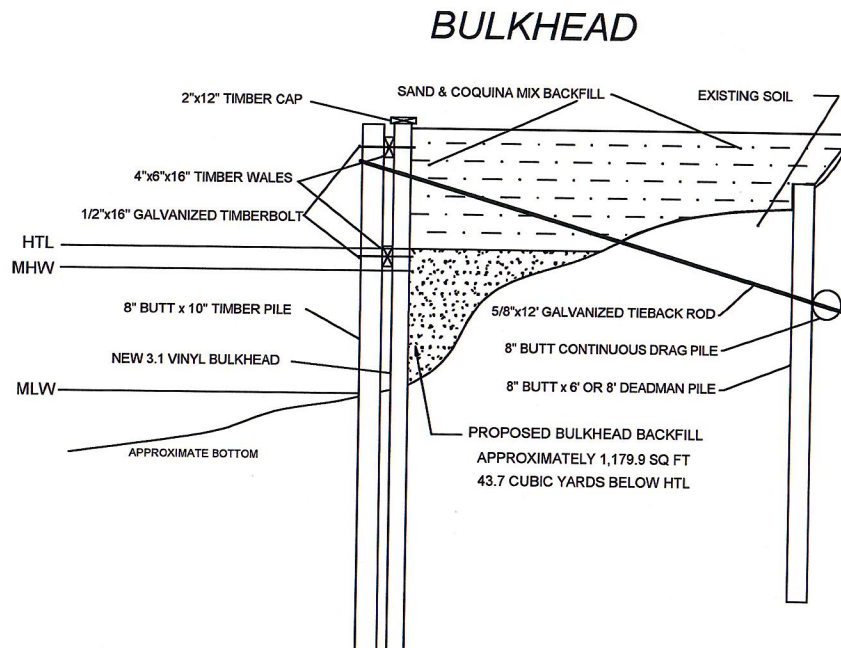


SECTION VIEW

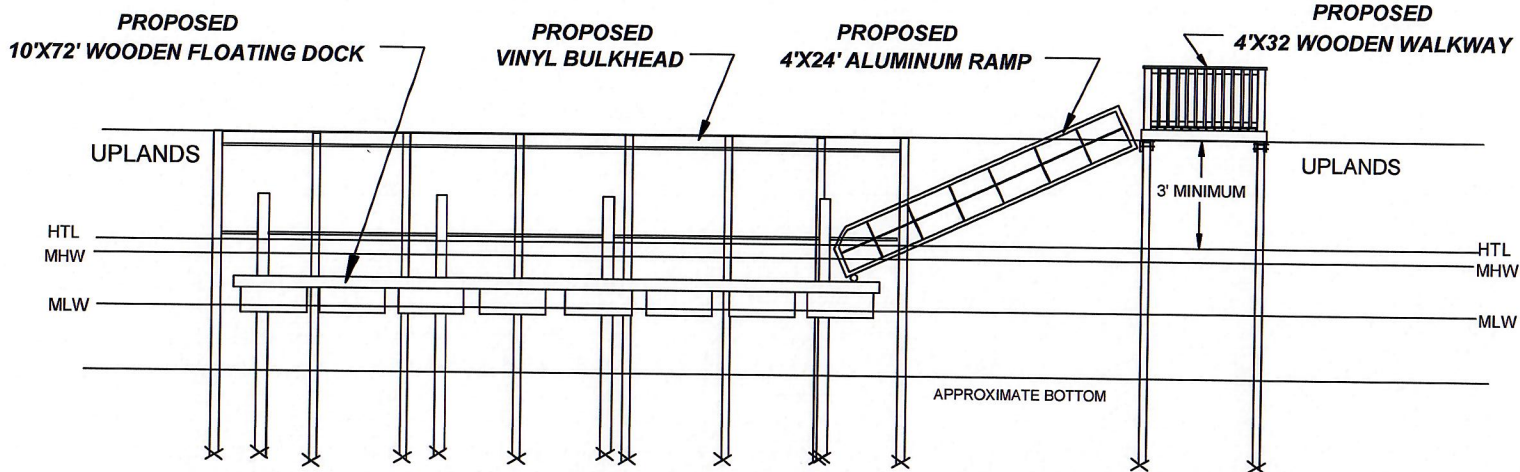
NOT TO SCALE

PROPOSED BULKHEAD, WALKWAY & FLOATING DOCK

FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION



WALKWAY & FLOATING DOCK



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 APPLICANT: HARTLAND PROPERTIES, LLC
 LOCATION: 2130 SEA MOUNTAIN HWY
 HARBOURGATE MARINA HPR
 Horry County, SOUTH CAROLINA

BULKHEAD, WALKWAY, RAMP & FLOATING DOCK

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