

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: P/N SAC-2021-00118

May 14, 2021

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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 South Carolina Department of Health and Environmental Control by

Mr. Jimmy Love
Sea Cabins on the Ocean IV
P.O. Box 4838
North Myrtle Beach, South Carolina 29597

for a permit to repair a dilapidated section of an existing fishing pier and construct an additional section in the

ATLANTIC OCEAN

located at 6000 North Ocean Boulevard, in the City of North Myrtle Beach, Horry County, South Carolina (Latitude: 33.8383°N, Longitude: -78.6066°W). Quad Sheet: Little River.

In addition, pursuant to Section 14 of the Rivers and Harbors Act of 1899, amended and codified at 33 USC 408 (Section 408), an application has also been received for Department of the Army Section 408 permission for alteration of the federally-authorized Reach 1, Myrtle Beach Shore Protection Project. The request to alter the Reach 1, Myrtle Beach Shore Protection Project will be reviewed as outlined below in order to determine whether the alteration proposed will be injurious to the public interest or impair the usefulness of the project.

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 repairing a dilapidated section of an existing fishing pier and constructing an additional section. In detail, the existing pier consists of a 16' x 876' walkway. The applicant is proposing to repair/replace a 16' by 86.5' section of the walkway that has been damaged, extend the walkway waterward by approximately 23 linear feet, and construct a 16' x 50' "T" shaped fixed pierhead at the waterward end of the walkway. The applicant has also noted that, dependent on the structural analysis, there may be a need to repair additional areas and/or a complete pier rebuild. The applicant states that due to minimal impacts, mitigation is not proposed. The project purpose, as stated by the applicant, is for the Sea Cabins community's continued private recreational use.

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

The work shown on this application must 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 0.35 acres of intertidal beaches and adjacent subtidal ocean bottom 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 project may affect, but not likely to adversely affect green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys Imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), and the West Indian manatee (*Trichechus manatus*). A biological assessment (or other similar document) detailing our analysis of the potential effects of the action will be provided to the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service.

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)), 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.

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. 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. **When providing comments, please reference the project number and provide written comments to the following address (emailing comments is the preferred address):**

SAC.RD.Conway@usace.army.mil

or mail to:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526**

Section 408 Compliance Review

Section 408 is based on factors which are outlined in Engineering Circular (EC) 1165-2-220. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

1. Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the federally authorized project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. All appropriate technical analyses including geotechnical, structural, hydraulic and hydrologic, real estate, and operations and maintenance requirements, must be conducted and the technical adequacy of the design must be reviewed. The Charleston District is working closely with the requestor to ensure that all required technical plans, maps, drawings, and specifications necessary for these analyses are provided and complete. In order to approve a request for modification, it must be determined that the usefulness of the authorized project will not be negatively impacted.

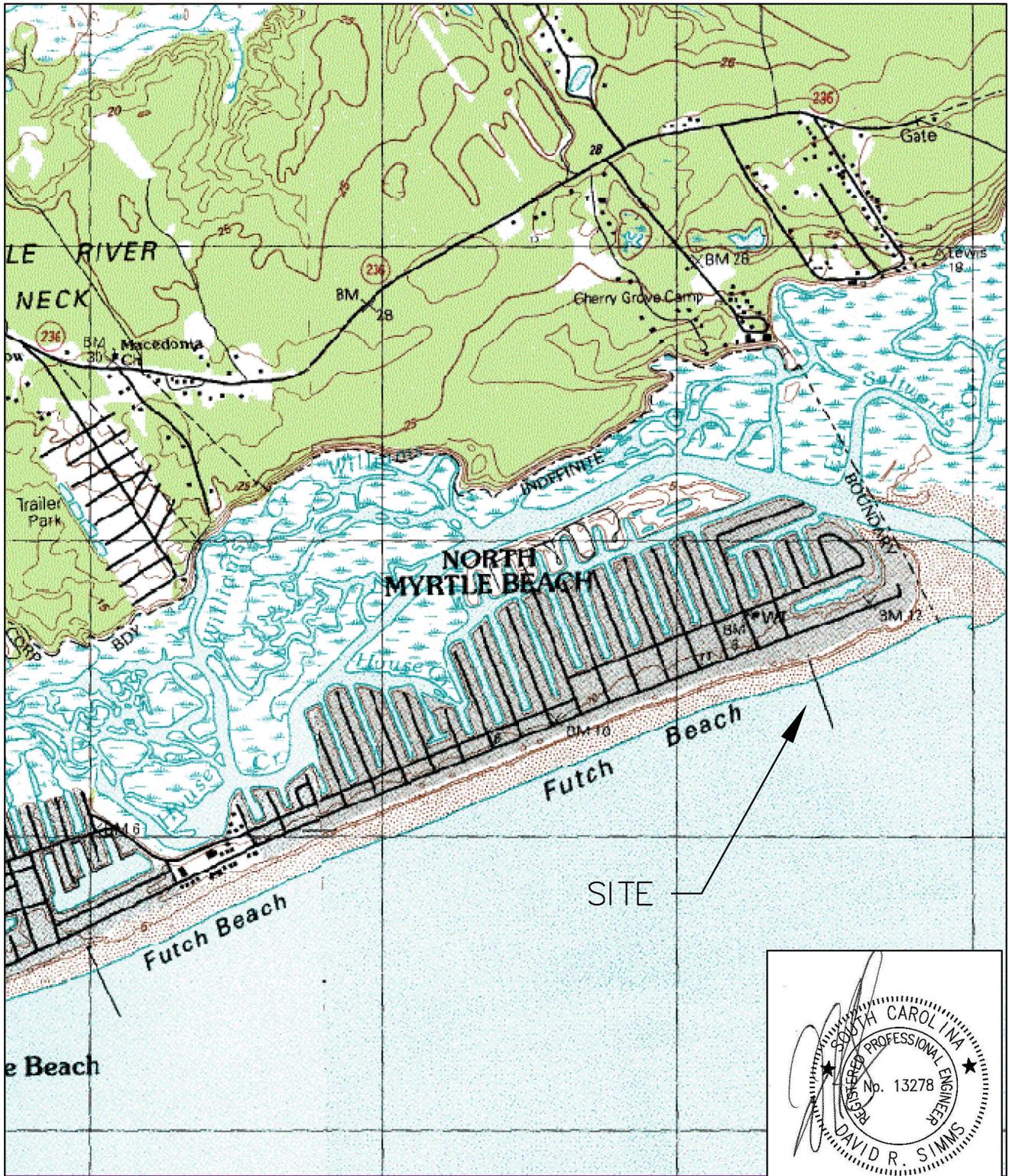
2. Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest. This determination is not the same as the "contrary to the public interest determination" that is undertaken pursuant to Sections 10/404/103.

3. Legal and Policy Compliance. A determination will be made as to whether the proposal meets all legal and policy requirements. This includes the National Environmental Policy Act (NEPA) and other environmental compliance requirements, as well as USACE policy. While ensuring compliance is the responsibility of USACE, the requester is required to provide all information that the Charleston District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances.

408 Process Overview: The basic 408 process for this application is outlined in EC 1165-2-220, Section 7.h. (4). In cases in which a Section 408 permission (except for Section 408 decisions that must be made by the Division Commander, per paragraph 8.c.) and a Regulatory standard individual permit are both required for the same proposed alteration/activity, the district will conduct these evaluations in a coordinated

and concurrent manner resulting in a single decision document. Note that implementing regulations and policies for the Regulatory permit require the evaluation of proposed activities and their compatibility with the purposes of a federal project. The Section 408 analysis informs the compatibility with the purposes of a federal project for Regulatory purposes. In addition, there will be a single transmittal letter to the requester that includes as attachments both the Section 408 decision letter and the Regulatory permit. The District Commander is the deciding official for the single decision document for these cases, although he or she may further delegate these combined decisions following the same requirements as in paragraph 8.d.

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.



SITE LOCATION MAP

FOR PERMITTING ONLY
NOT FOR CONSTRUCTION

APPLICANT:
Sea Cabins on the Ocean IV
HOA Inc.

ACTIVITY: Rebuild Existing
Fishing Pier

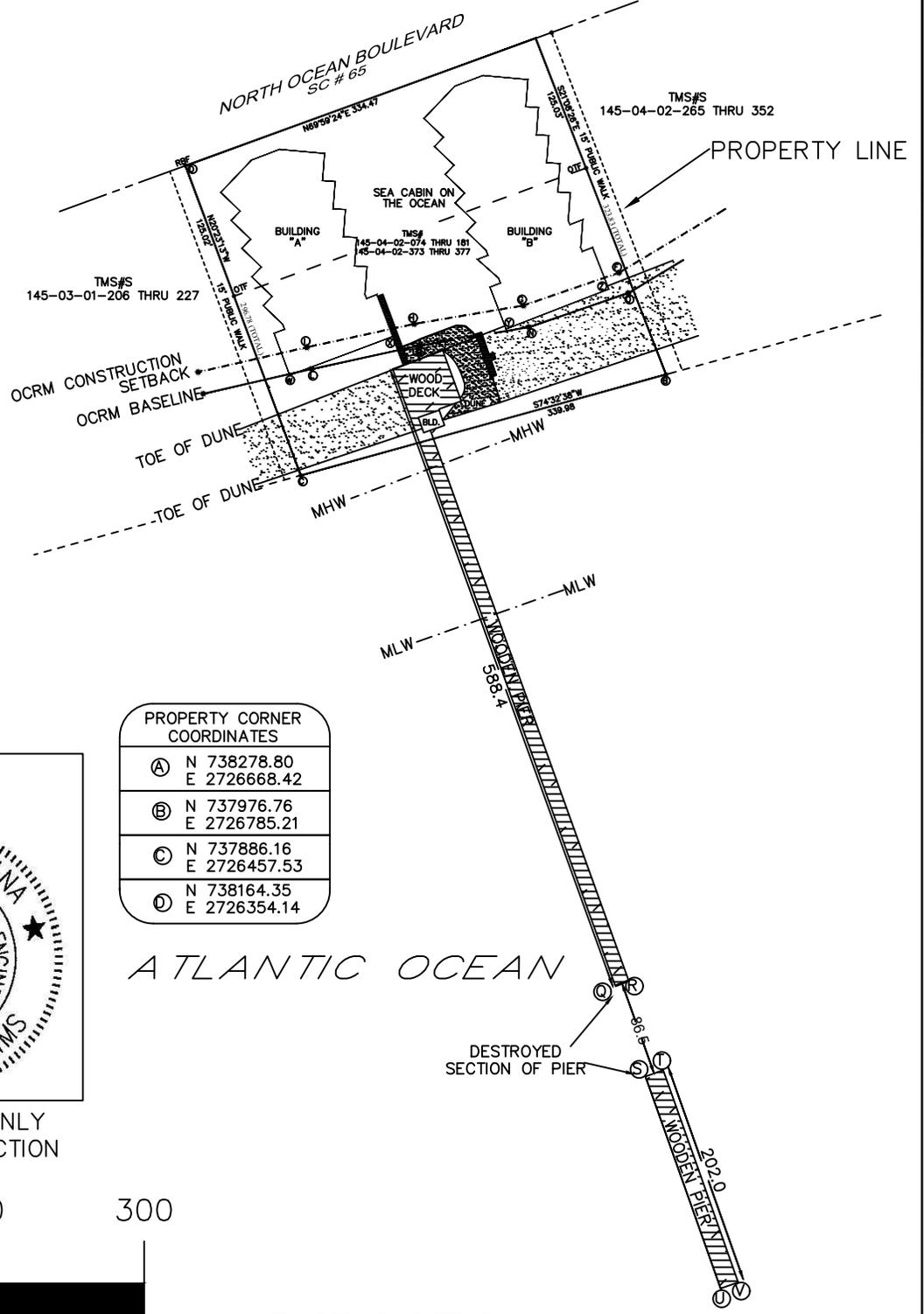
P/N# SAC-2021-00118

LOCATION: Cherry Grove

COUNTY: Horry

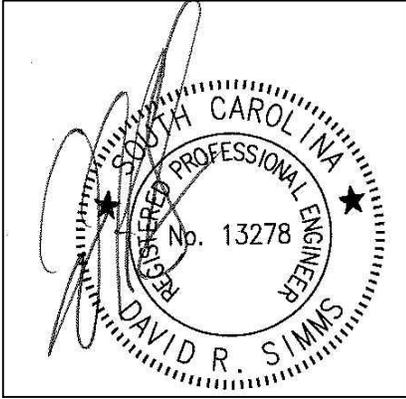
DATE: 12/15/2020

Project: Sea Cabins Fishing Pier
Rehabilitation



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Ⓛ	N 737432.84 E 2726751.67
Ⓜ	N 737346.24 E 2726766.84
Ⓝ	N 737351.91 E 2726782.79
Ⓞ	N 737155.83 E 2726834.26
Ⓟ	N 737161.41 E 2726850.01

PROPERTY CORNER COORDINATES	
Ⓐ	N 738278.80 E 2726668.42
Ⓑ	N 737976.76 E 2726785.21
Ⓒ	N 737886.16 E 2726457.53
Ⓓ	N 738164.35 E 2726354.14



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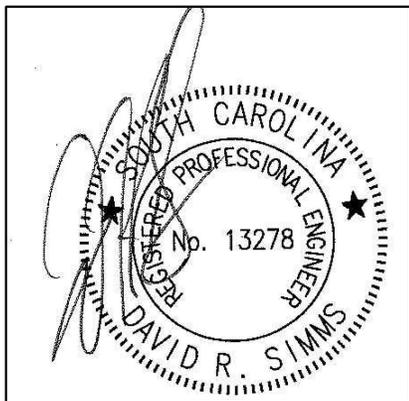
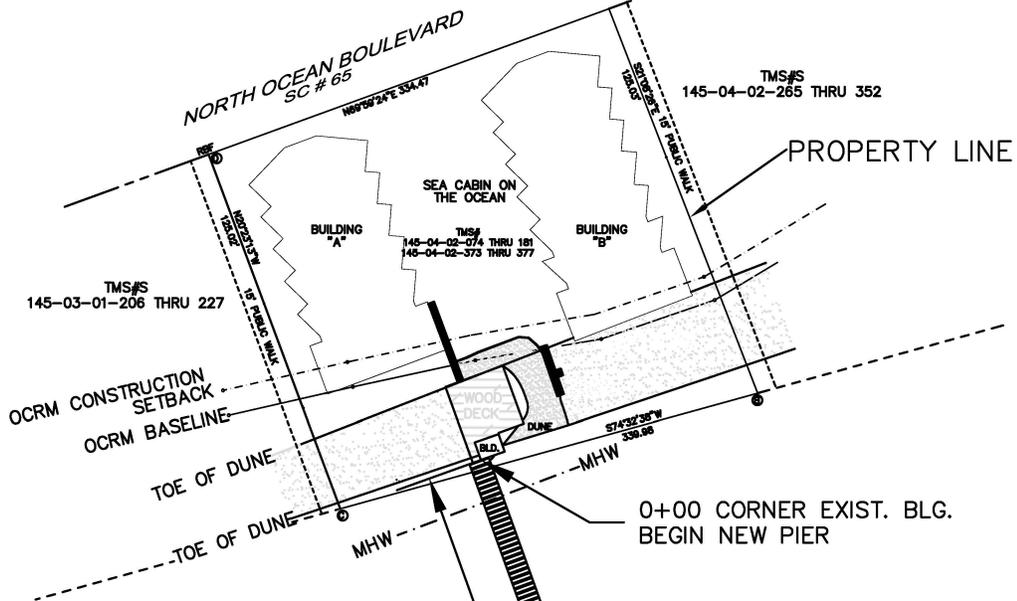
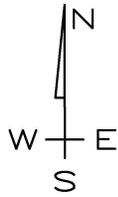
0 75 150 300



1" = 150'

EXISTING SITE PLAN

<p>APPLICANT: Sea Cabins on the Ocean IV HOA Inc.</p> <p>ACTIVITY: Rebuild Existing Fishing Pier</p> <p>P/N# SAC-2021-00118</p>	<p>LOCATION: Cherry Grove</p> <p>COUNTY: Horry</p> <p>DATE: 12/15/2020</p>	<p>Project: Sea Cabins Fishing Pier Rehabilitation</p> <p style="text-align: right;">SHEET 2 of 6</p>
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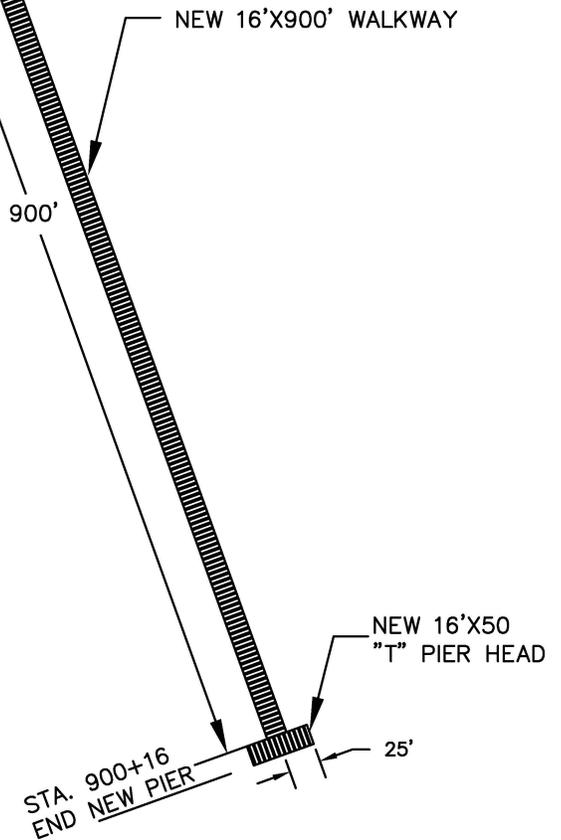
NEW SITE PLAN

0 75 150 300



1" = 150'

ATLANTIC OCEAN



APPLICANT:
Sea Cabins on the Ocean IV
HOA Inc.

ACTIVITY: Rebuild Existing
Fishing Pier

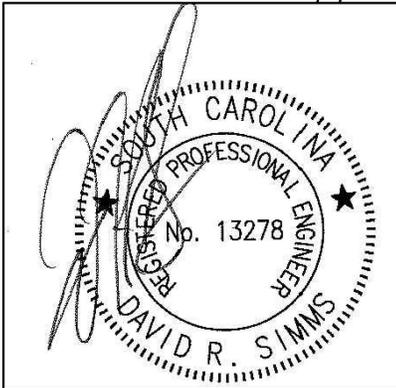
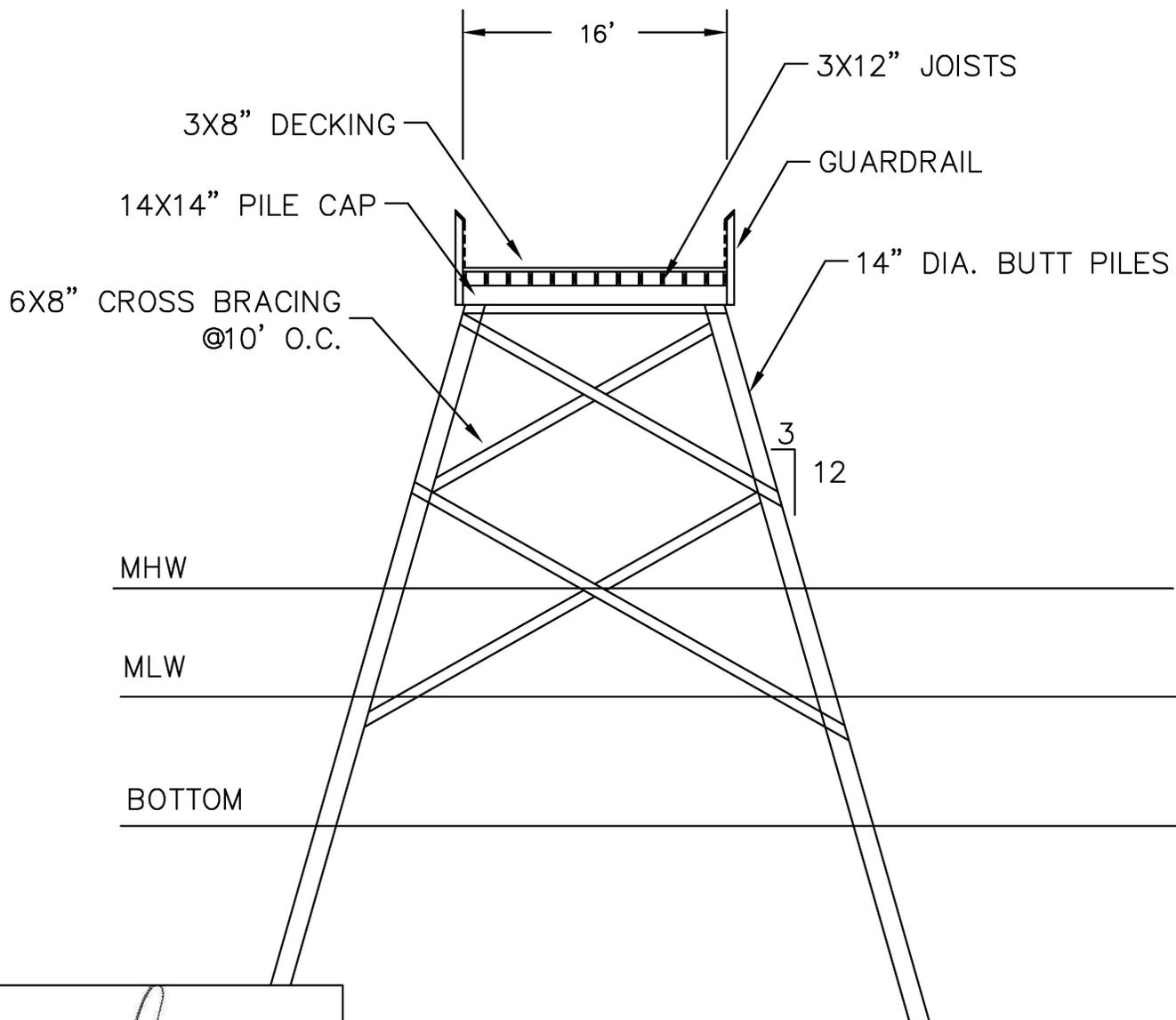
P/N# SAC-2021-00118

LOCATION: Cherry Grove

COUNTY: Horry

DATE: 12/15/2020

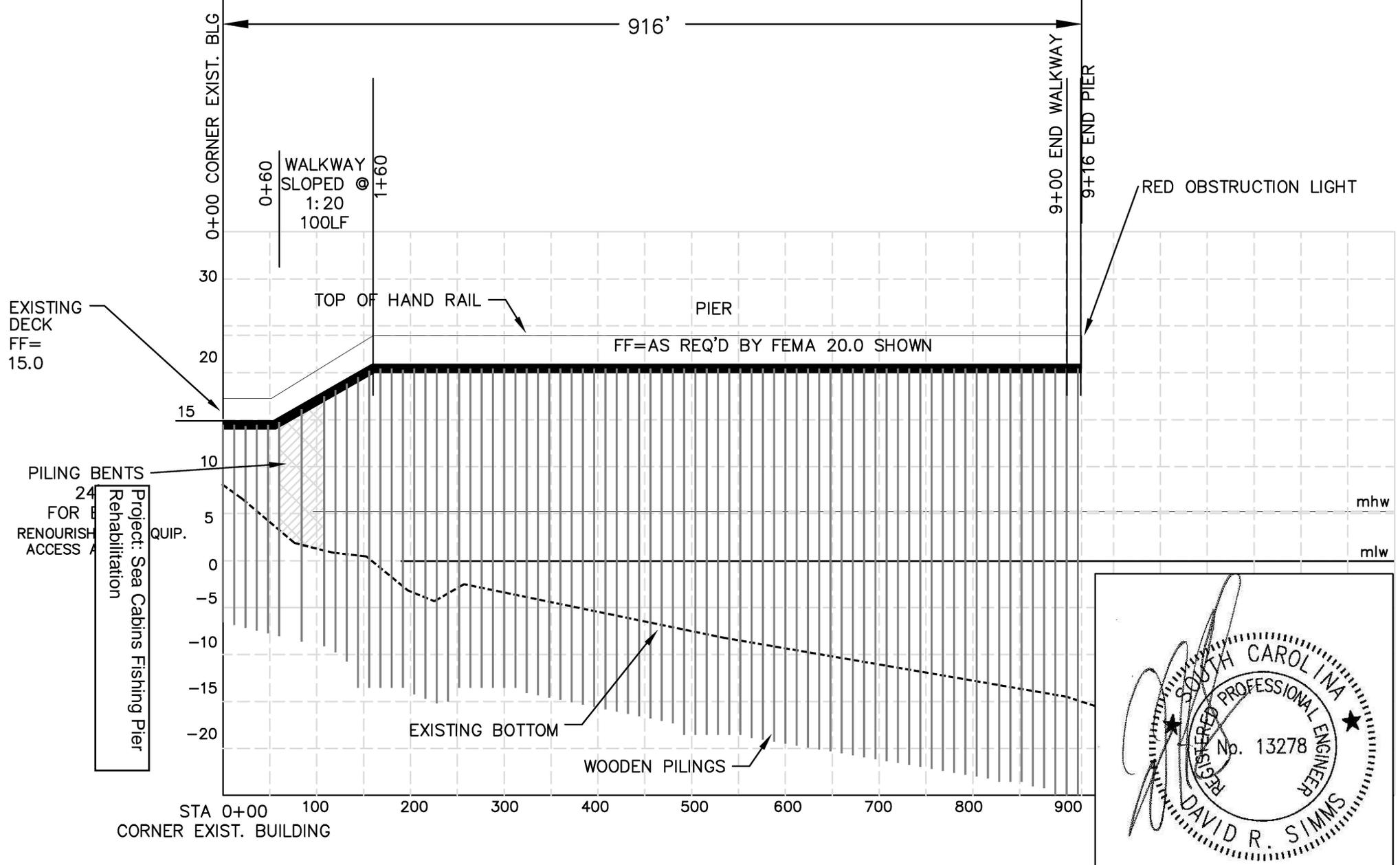
Project: Sea Cabins Fishing Pier
Rehabilitation



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WALKWAY/PIER HEAD SECTION

<p>APPLICANT: Sea Cabins on the Ocean IV HOA Inc.</p> <p>ACTIVITY: Rebuild Existing Fishing Pier</p> <p>P/N# SAC-2021-00118</p>	<p>LOCATION: Cherry Grove</p> <p>COUNTY: Horry</p> <p>DATE: 12/15/2020</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Project: Sea Cabins Fishing Pier Rehabilitation</p> </div> <p style="text-align: right;">SHEET 4 of 6</p>
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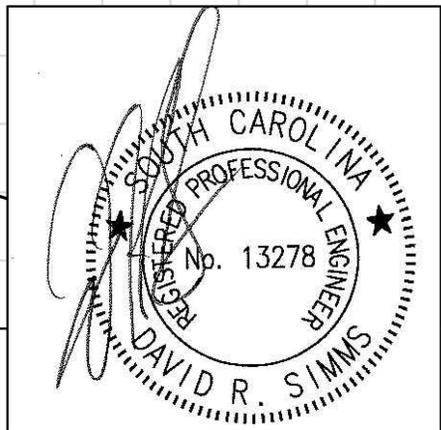
EXISTING DECK
FF= 15.0

Project: Sea Cabins Fishing Pier
Rehabilitation

24' HIGH EQUIP.
FOR RENOURISH ACCESS

SCALE: 1"=150' H 1"=15' V
ELEVATIONS NAVD 88 DATUM

PROFILE



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APPLICANT:
Sea Cabins on the Ocean IV
HOA Inc.

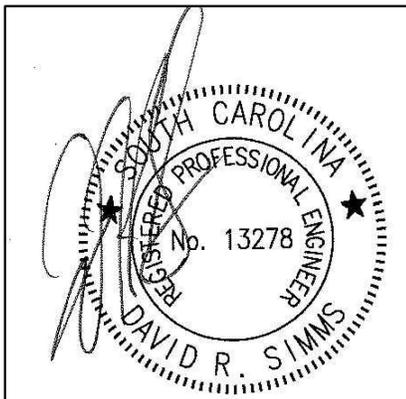
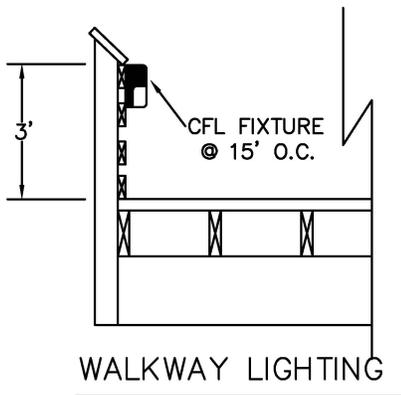
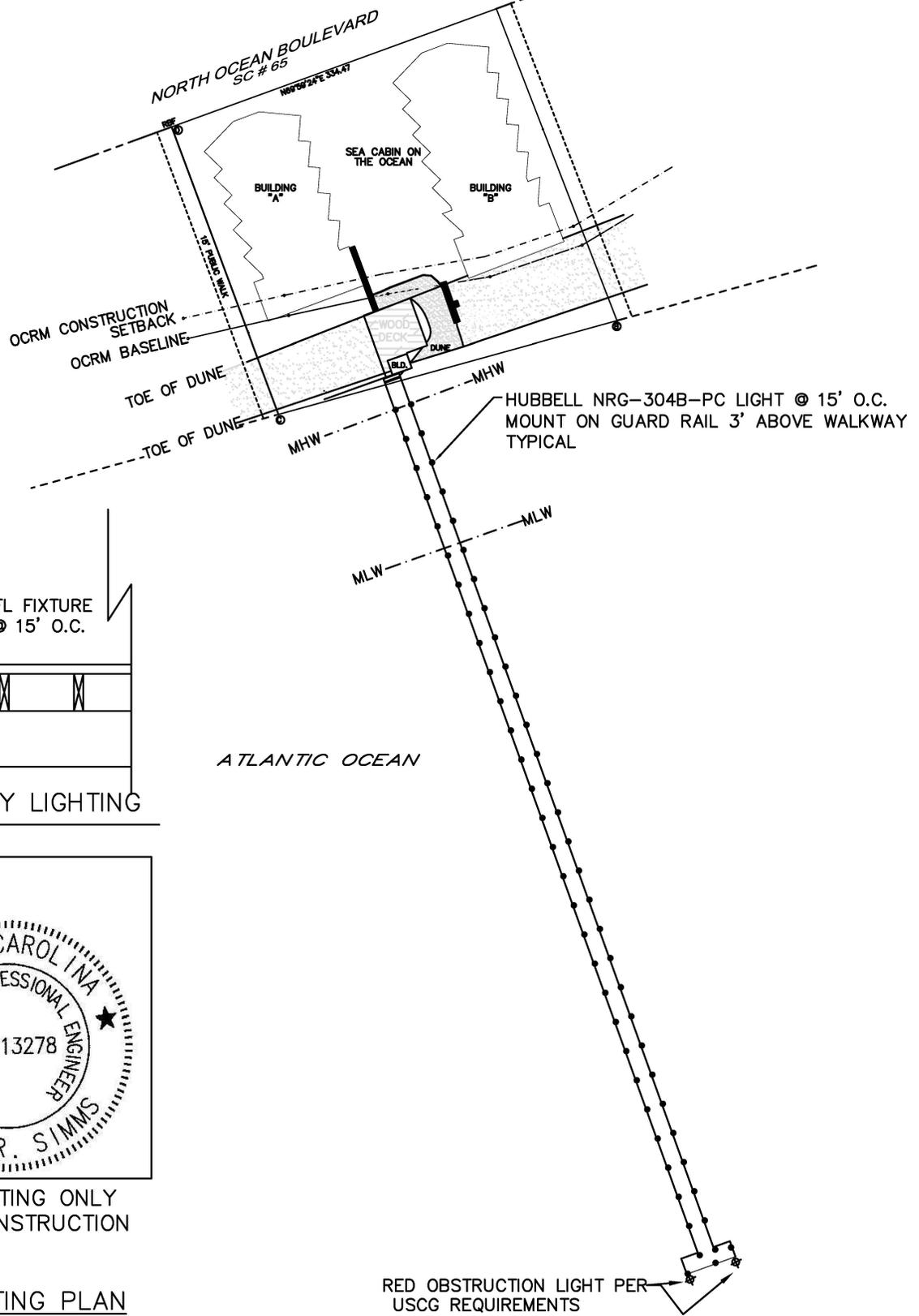
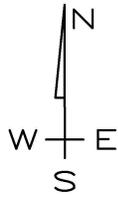
ACTIVITY: Rebuild Existing
Fishing Pier

P/N#

LOCATION: Cherry Grove
Beach S.C.

COUNTY: Horry

DATE: 12/15/2020



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PIER LIGHTING PLAN

<p>APPLICANT: Sea Cabins on the Ocean IV HOA Inc.</p> <p>ACTIVITY: Rebuild Existing Fishing Pier</p> <p>P/N# SAC-2021-00118</p>	<p>LOCATION: Cherry Grove</p> <p>COUNTY: Horry</p> <p>DATE: 12/15/2020</p>	<p>Project: Sea Cabins Fishing Pier Rehabilitation</p> <p style="text-align: right;">SHEET 6 of 6</p>
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