

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-2022-01549

November 3, 2022

Pursuant to Sections 10 and 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403 and 33 USC 408 (Section 408), 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

**Mr. Chris Miller
City of Myrtle Beach
PO Drawer 2468
Myrtle Beach, South Carolina 29578
camiller@cityofmyrtlebeach.com**

**Mr. Charles Oates, Jr.
The Brigman Company
P.O. Box 1532
Conway, South Carolina 29528
coates@thebrigmancompany.com**

for a permit to construct an ocean stormwater outfall structure in the

ATLANTIC OCEAN

located at the intersection of 24th Avenue North and Ocean Boulevard in the City of Myrtle Beach, Horry County, South Carolina (Latitude: 33.7027 °, Longitude: -78.8659 °), Ocean Forest 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

30 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 improve stormwater flow, reduce beach erosion by eliminating eleven (11) existing beach outfall pipes, and improve public health, safety and welfare of beach goers by reducing or eliminating human exposure to stormwater runoff that may contain high levels of bacteria.

Project Description

The proposed work consists of constructing an ocean outfall structure for an existing stormwater collection system that currently outfalls through eleven (11) beachfront outfall pipes. In detail, the project involves the construction of a stormwater outfall system consisting of dual 84-inch diameter pipes, terminating approximately 1,500 feet into the Atlantic Ocean at a nozzle system that will be armored with $\frac{3}{4}$ to 1 inch bedding stone, Class "B" rip rap, and armor stones for a total of 270 cubic yards of stone. The proposed outfall system will replace the existing eleven (11) beachfront outfall pipes. The proposed outfall pipes will be installed by dredging a trench within a coffer dam/sheet pile and sidecasting the material adjacent to the trench. The temporary sidecast area will be approximately 50 feet wide located immediately adjacent to both sides of the trenched area. The total quantity of dredged material to be sidecast is estimated to be approximately 34,650 cubic yards. The dredged trench will be approximately 30-foot wide in the coffer dam and 1,300-foot long. (**Note:** The open trench will be backfilled immediately after the placement of several sections of pipe). The project will utilize a temporary trestle with the dimension of 30' wide and 1,432' long to facilitate access for cranes and material during construction. The trestle will be utilized by cranes to complete the dredging operation and construction. The temporary coffer dam system will be installed in approximately 300-foot sections. After installed, each coffer dam section will then be dredged to the proper depth. Within the open trench, filter fabric and bedding stone will be installed first. Then a section of outfall pipe will be lowered into the trench and placed at proper grade. After the pipes are installed, the pipes will be covered by a layer of stone and then backfilled. After the trenches are backfilled, the applicant proposes to leave, any excess dredged material in the ocean and allow littoral drift and wave action to disperse the material to re-establish original contours. Upon completion of the construction

activities, the temporary coffer dam and trestle will be removed in their entirety.

Note: The proposed facility is within the project area of a Federal Civil Works project: Reach 2 of the Myrtle Beach Shore Protection Project.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by employing Best Management Practices (BMPs) during construction. Furthermore, the applicant stated the project has been designed to only impact the minimum area necessary to safely install the outfall system.

Proposed Compensatory Mitigation

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

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 0.70 acres of intertidal marine habitat 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: American wood stork (*Mycteria americana*), Piping plover (*Charadrius melodus*), Red-cockaded woodpecker (*Picoides borealis*), Rufa red knot (*Calidris canutus rufa*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*), Sperm whale (*Physeter macrocephalus*), West Indian manatee (*Trichechus manatus*), American Chaffseed (*Schwalbea americana*), Seabeach amaranth (*Amaranthus pumilus*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*), Oceanic whitetip shark (*Carcharhinus longimanus*), and Giant Manta Ray (*Manta birostris*).

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 the American wood stork (*Mycteria americana*), Red-cockaded woodpecker (*Picoides borealis*), and American Chaffseed (*Schwalbea americana*), 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 Piping plover (*Charadrius melodus*), Rufa red knot (*Calidris canutus rufa*), West Indian manatee (*Trichechus manatus*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*), Sperm whale (*Physeter macrocephalus*), Seabeach amaranth (*Amaranthus pumilus*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*), Oceanic whitetip shark (*Carcharhinus longimanus*), and Giant Manta Ray (*Manta*

birostris), 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.

Section 408

The proposed project described in this notice would require permission pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408). Permission for an alteration under Section 408 may be granted when, in the judgment of the Secretary of the Army, the alteration will not be injurious to the public interest and will not impair the usefulness of the project. Decisions on proposed alterations are delegated to the District Commander unless one or more criteria requiring elevation are triggered.

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, ¶¶ 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.

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-2022-01549), 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, Team Lead, at (843) 365-4239, or by email at Robert.C.Huff@usace.army.mil.



Start of Project
33.704 / -78.867

End of Project
33.7 / -78.863

SAC-2022-01549
City of Myrtle Beach
24th Avenue North Outfall Project
Horry County, South Carolina
Sheet 1 - 10
Date: October 11, 2022

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community




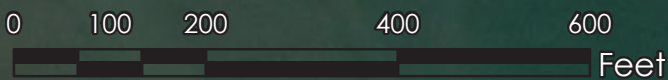
Exhibit 1 - Site Vicinity Map
City of Myrtle Beach
24th Avenue North Outfall Project
Myrtle Beach, Horry County, South Carolina
July 2022





LEGEND

 Construction Limits

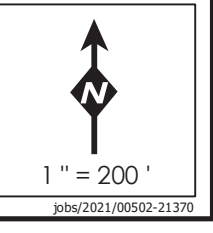


Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

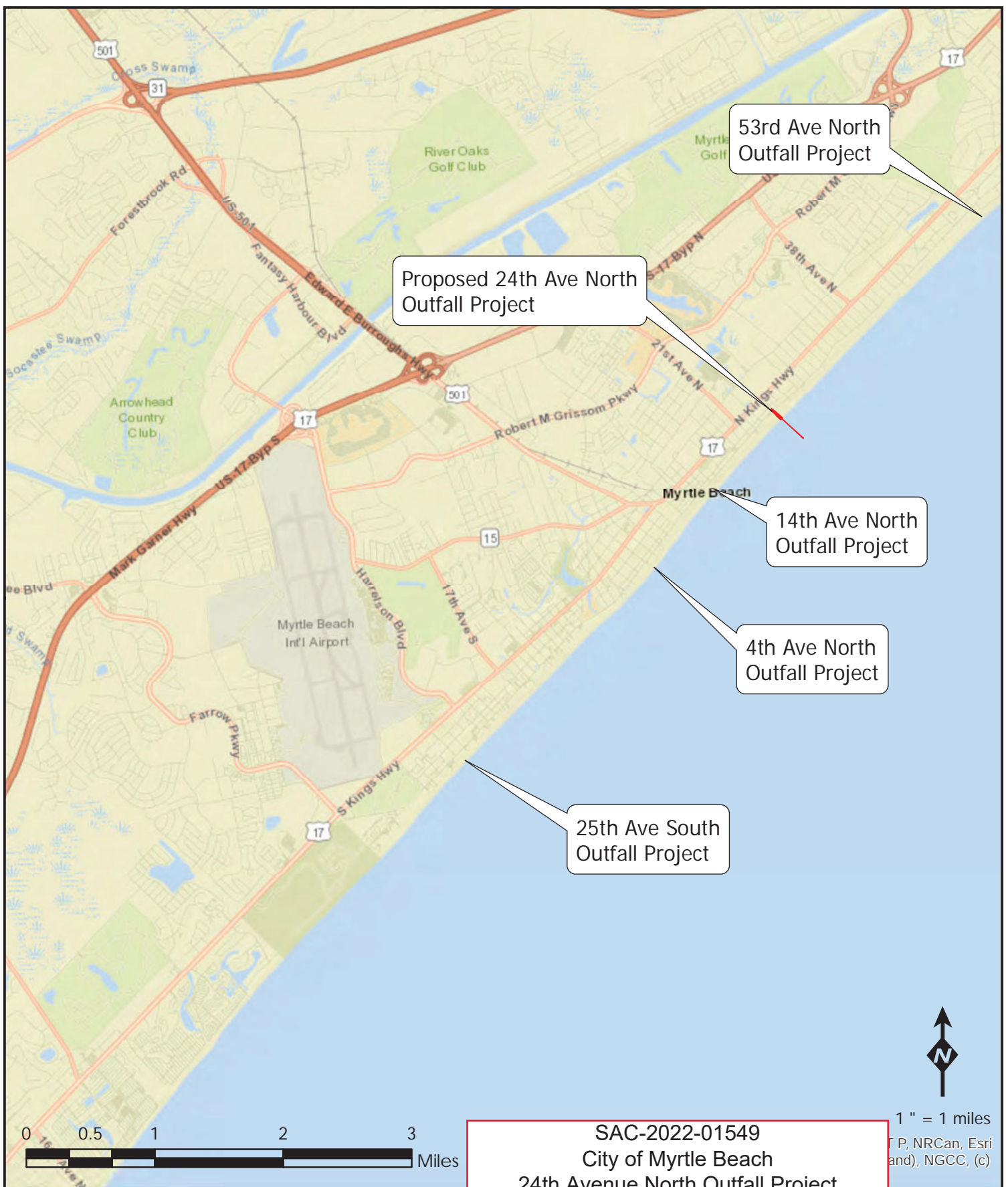


607 Main Street - Conway, SC 29526 - Phone (843) 248-9388 - www.TheBrigmanCo.com

SAC-2022-01549
 City of Myrtle Beach
 24th Avenue North Outfall Project
 Horry County, South Carolina
 Sheet 2 - 10
 Date: October 11, 2022



jobs/2021/00502-21370



53rd Ave North
Outfall Project

Proposed 24th Ave North
Outfall Project

14th Ave North
Outfall Project

4th Ave North
Outfall Project

25th Ave South
Outfall Project



1" = 1 miles

© P, NRCAn, Esri
(and), NGCC, (c)

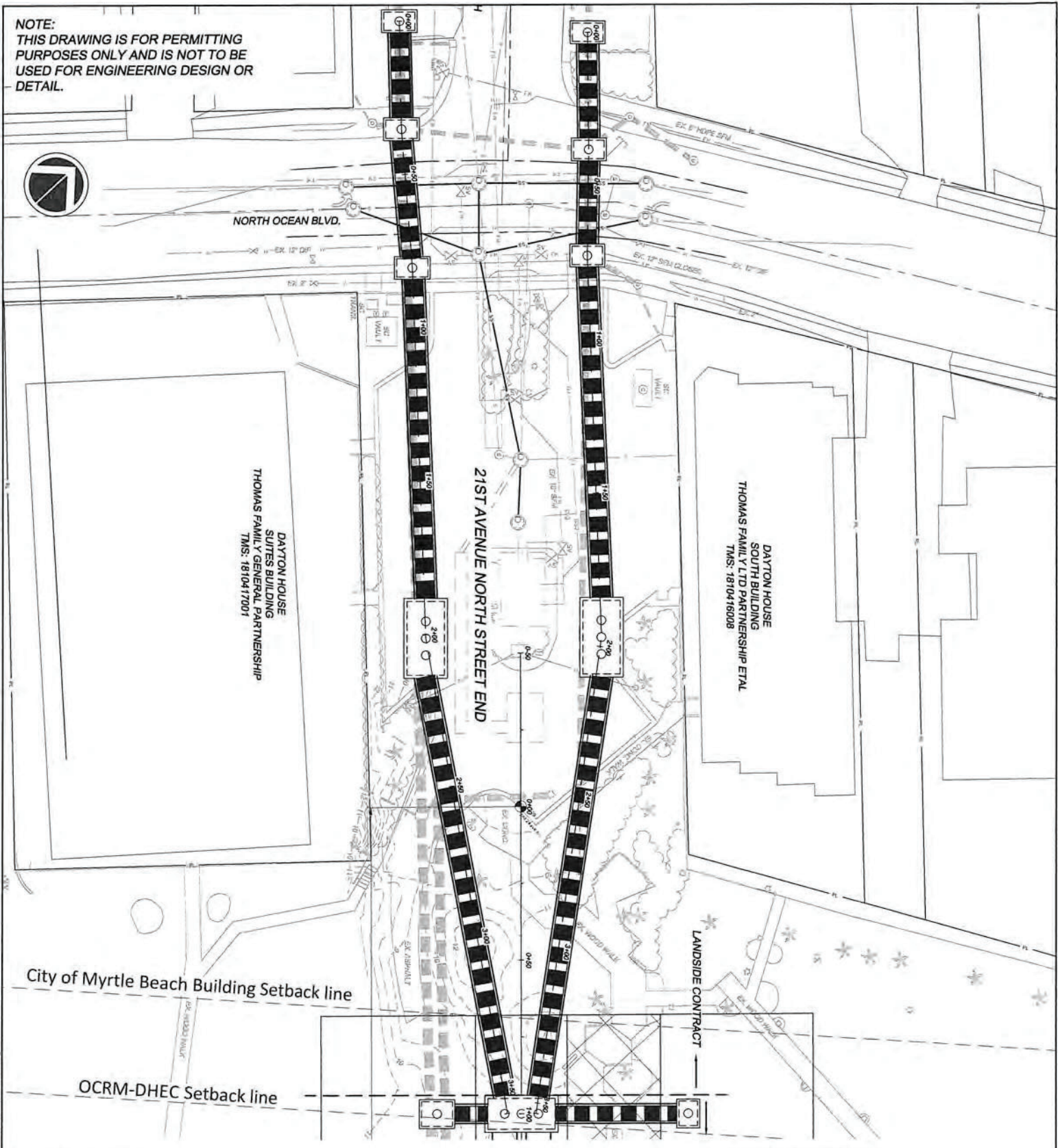
SAC-2022-01549
 City of Myrtle Beach
 24th Avenue North Outfall Project
 Horry County, South Carolina
 Sheet 3 - 10
 Date: October 11, 2022



Exhibit 4 -

Exhibit

NOTE:
THIS DRAWING IS FOR PERMITTING
PURPOSES ONLY AND IS NOT TO BE
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DETAIL.



NAVD DATUM 88

USACOE SAC #

**24TH AVENUE NORTH
OCEAN OUTFALL**

SAC-2022-01549
City of Myrtle Beach
24th Avenue North Outfall Project
Horry County, South Carolina
Sheet 4 - 10
Date: October 11, 2022

PURPOSE: STORMWATER QUALITY
IMPROVEMENTS

BY: HORRY
COUNTY: SOUTH CAROLINA

DDC Engineers
BOLTON & MENK, INC.

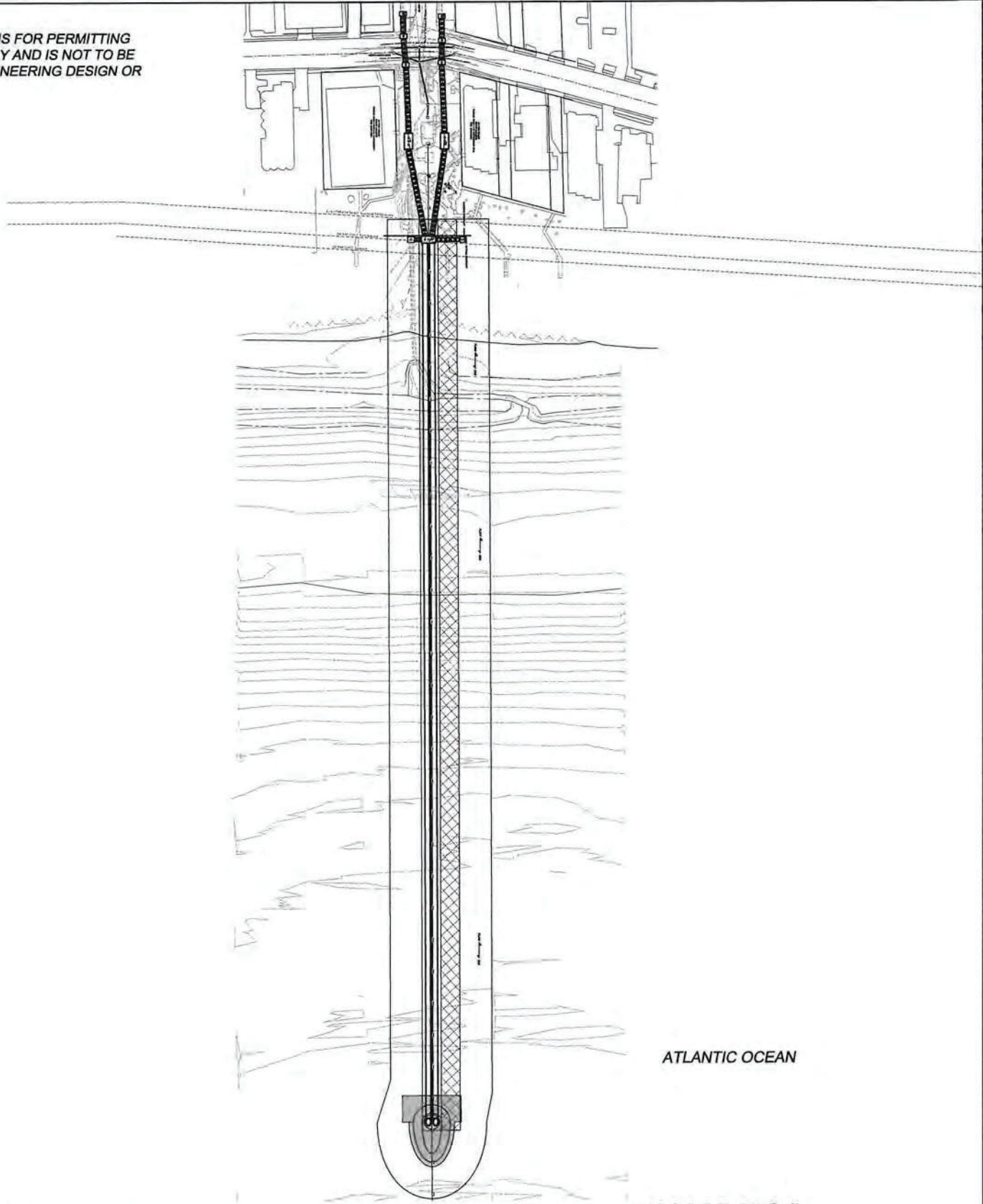
www.ddcinc.com

SHEET

ORIGINAL DATE: 10/11/22
REVISED DATE:

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ATLANTIC OCEAN

NAVD DATUM 88

24TH AVENUE NORTH
OCEAN OUTFALL

SHEET

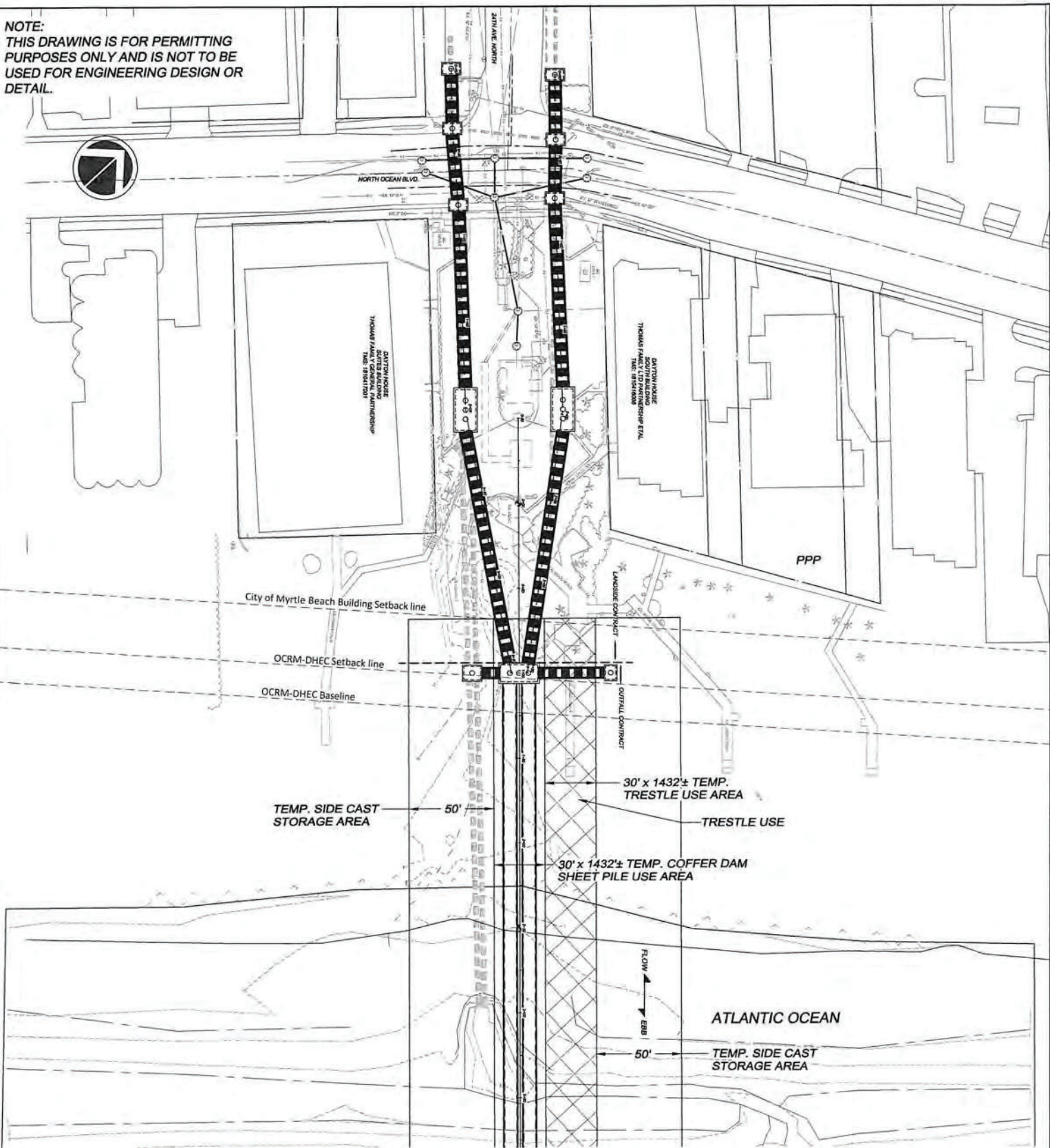
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REVISED DATE:

SAC-2022-01549
City of Myrtle Beach
24th Avenue North Outfall Project
Horry County, South Carolina
Sheet 5 - 10
Date: October 11, 2022

SEWER WASTEWATER QUALITY
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Engineers
MENK, INC.
ddcinc.com

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**24TH AVENUE NORTH
 OCEAN OUTFALL**

SHEET

ORIGINAL DATE: 10/11/22
 REVISED DATE:

SAC-2022-01549
 City of Myrtle Beach
 24th Avenue North Outfall Project
 Horry County, South Carolina
 Sheet 6 - 10
 Date: October 11, 2022

WATER QUALITY

CAROLINA

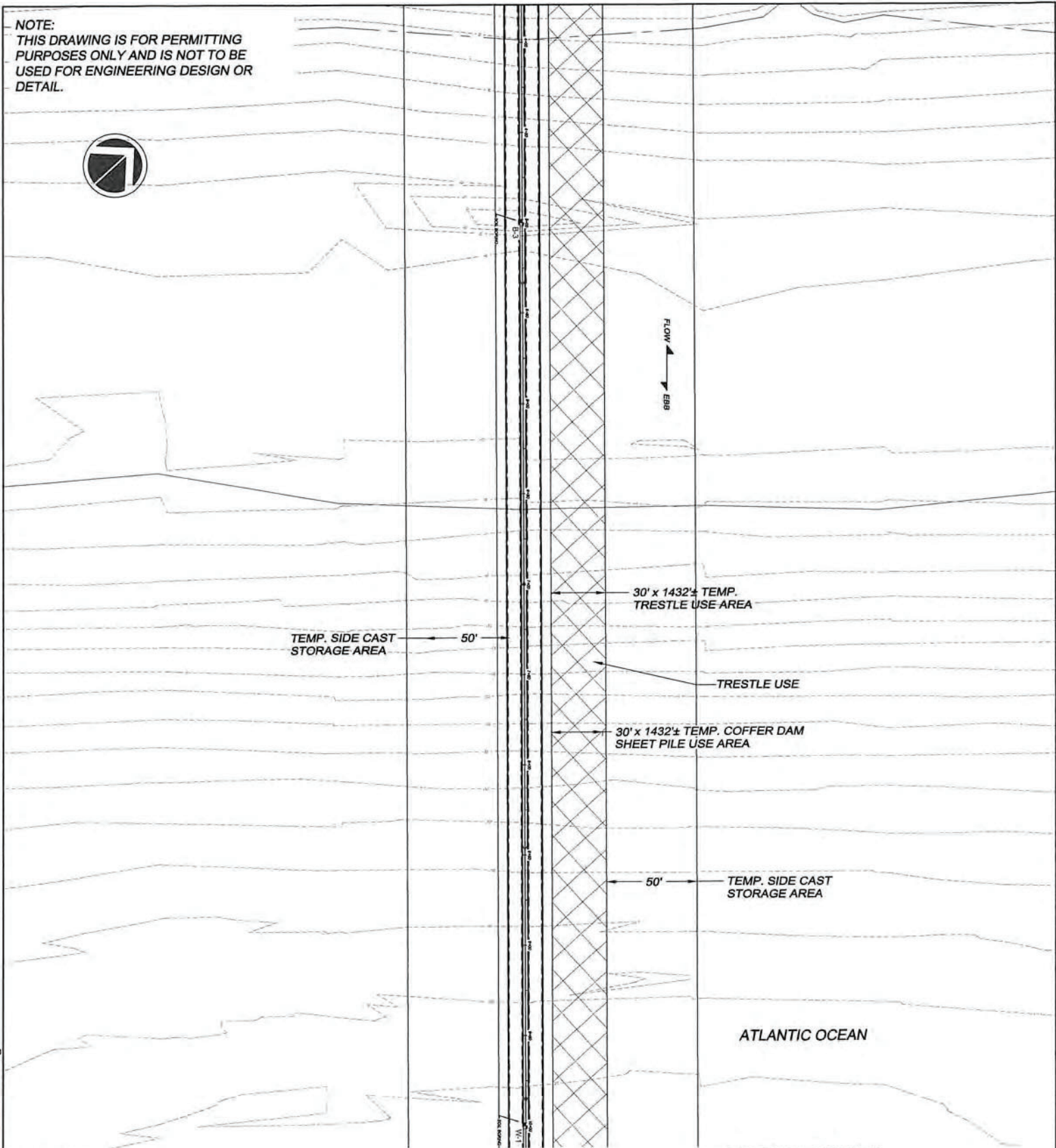
Engineers

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NAVD DATUM 88

**24TH AVENUE NORTH
OCEAN OUTFALL**

SHEET

ORIGINAL DATE: 10/11/22

REVISED DATE:

SAC-2022-01549
City of Myrtle Beach
24th Avenue North Outfall Project
Horry County, South Carolina
Sheet 7 - 10
Date: October 11, 2022

RMWATER QUALITY
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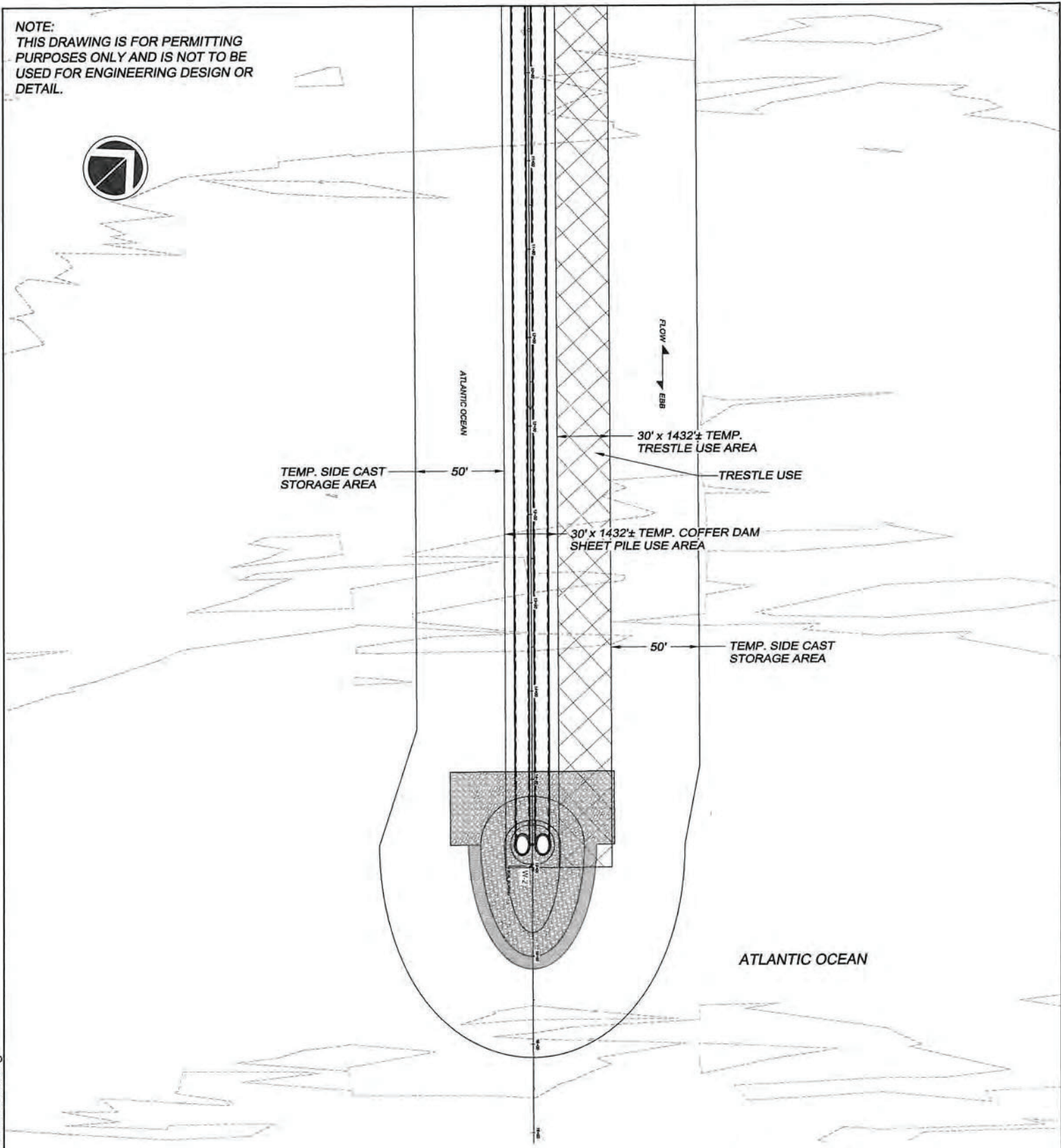
Engineers

MEMPHIS, INC.

ddcinc.com

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**24TH AVENUE NORTH
OCEAN OUTFALL**

SHEET

ORIGINAL DATE: 10/11/22

REVISED DATE:

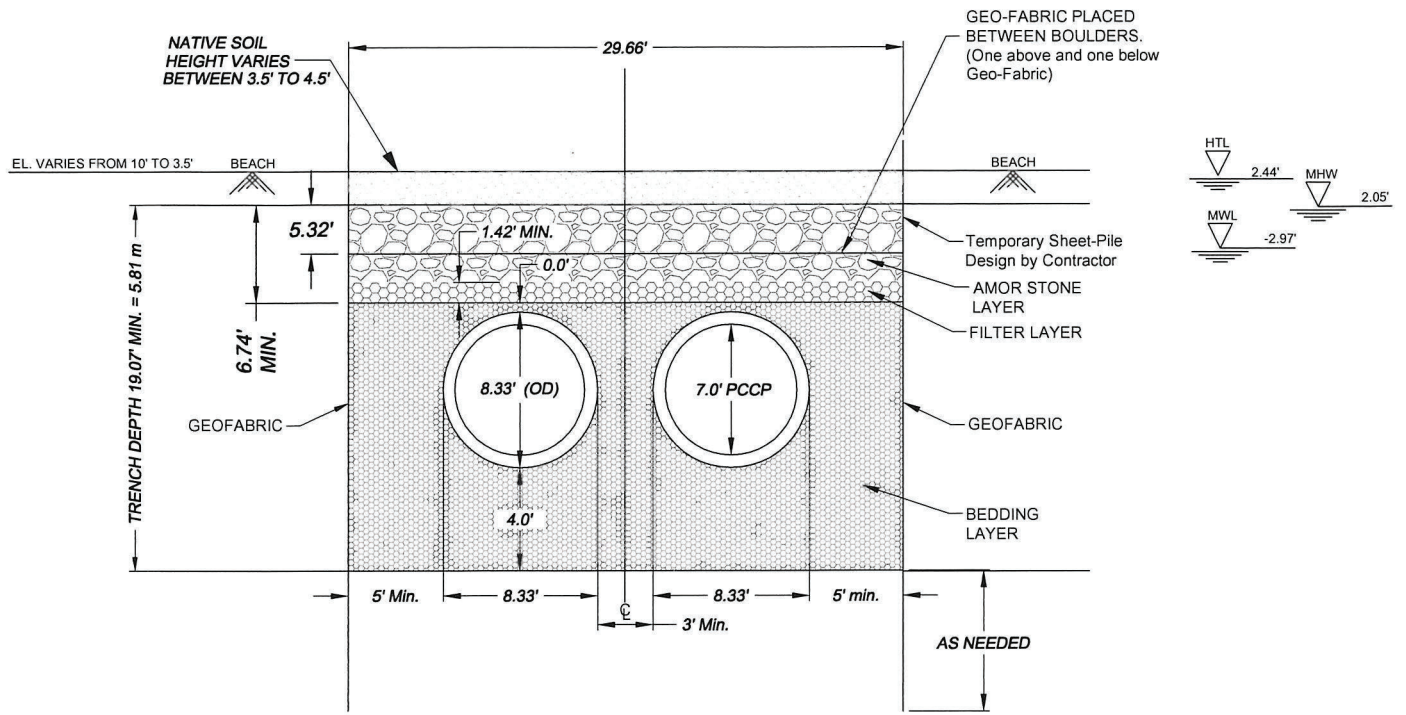
SAC-2022-01549
City of Myrtle Beach
24th Avenue North Outfall Project
Horry County, South Carolina
Sheet 8 - 10
Date: October 11, 2022

ER QUALITY

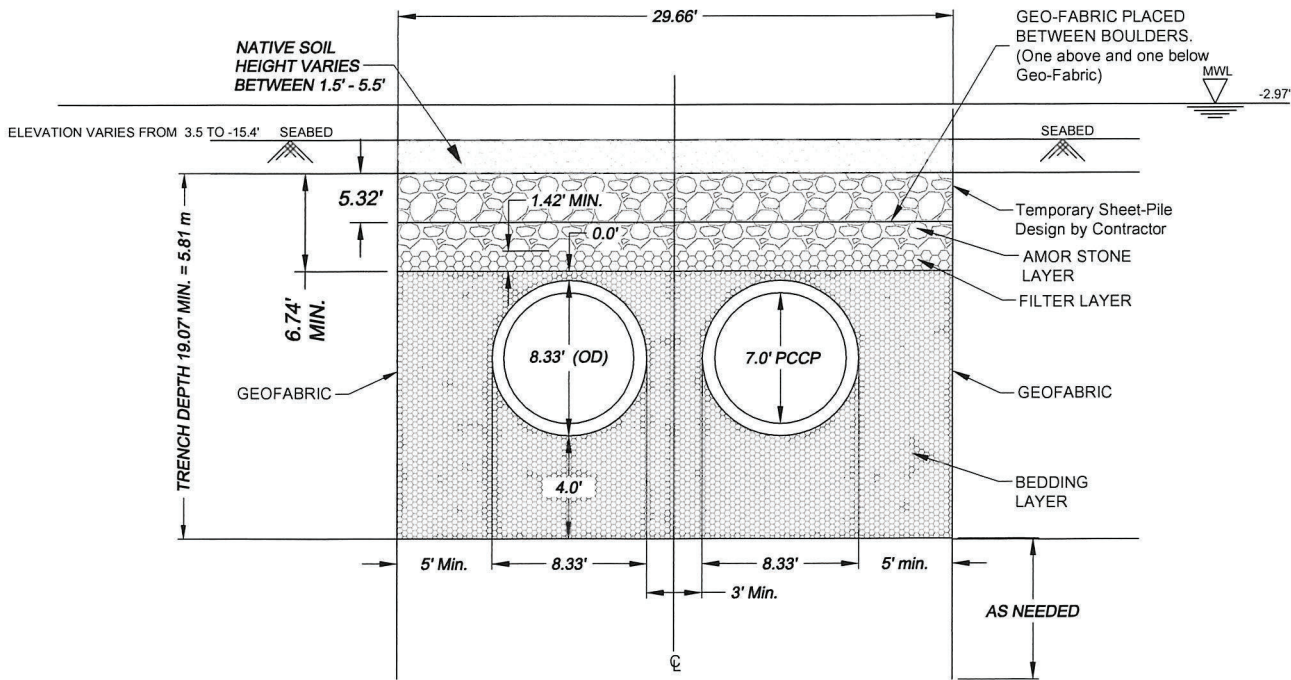
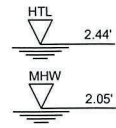
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TYPICAL SECTION
STA. 1+00 to 3+50
BEACH SECTION



TYPICAL SECTION
STA. 3+50 to 8+00



NAVD DATUM 88

USACOE SAC #

SAC-2022-01549
 City of Myrtle Beach
 24th Avenue North Outfall Project
 Horry County, South Carolina
 Sheet 9 - 10
 Date: October 11, 2022

PURPOSE: STORMWATER QUALITY IMPROVEMENTS
 COUNTY: HORRY
 STATE: SOUTH CAROLINA

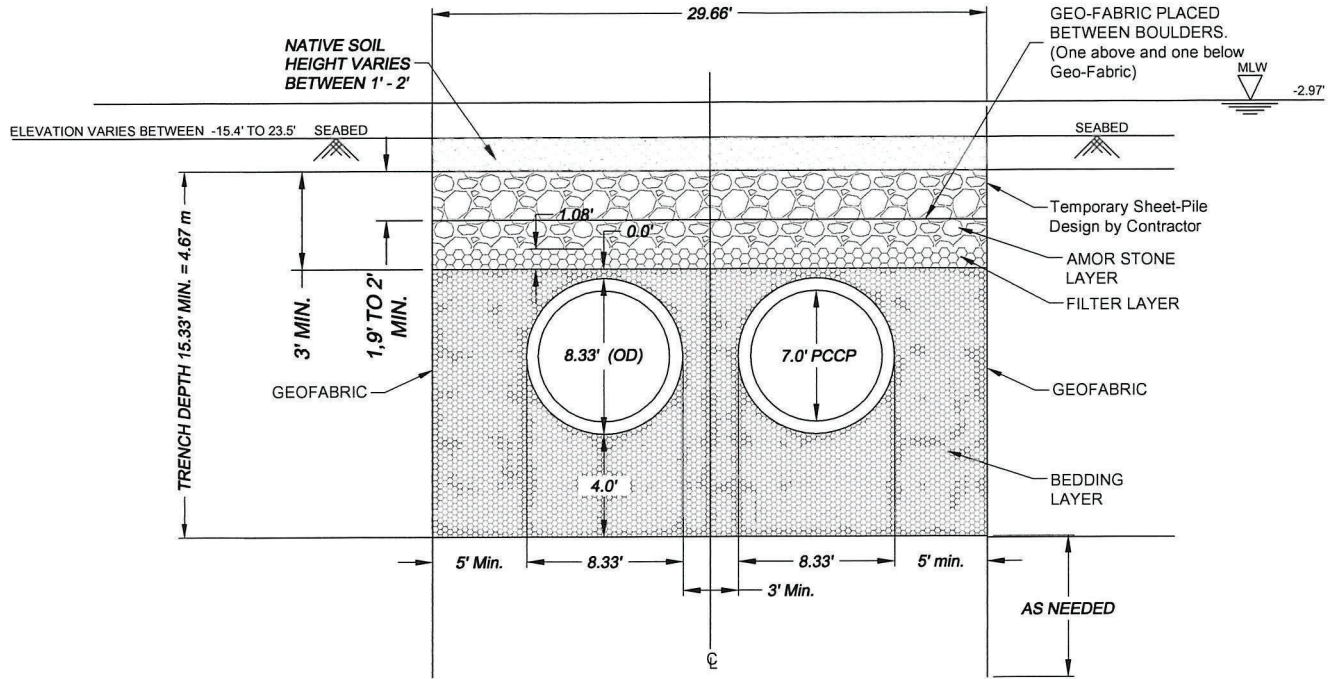
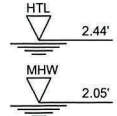


24TH AVENUE NORTH OCEAN OUTFALL

SHEET

ORIGINAL DATE: 10/11/22
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TYPICAL SECTION
STA. 8+00 to 15+00

SAC-2022-01549
City of Myrtle Beach
24th Avenue North Outfall Project
Horry County, South Carolina
Sheet 10 - 10
Date: October 11, 2022

NAVD DATUM 88

USACOE SAC #

**24TH AVENUE NORTH
OCEAN OUTFALL**

OCEAN OUTFALL DETAILS

PURPOSE: STORMWATER QUALITY IMPROVEMENTS
COUNTY: HORRY
STATE: SOUTH CAROLINA

SHEET

DDC PN: 19090E

SCALE: N.T.S.



ORIGINAL DATE: 10/11/22
REVISED DATE:

APPLICANT: CITY OF MYRTLE BEACH

BOLTON & MENK, INC.
www.ddcinc.com

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