

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-2010-00449

June 15, 2022

Pursuant to Section 10 and 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403 and 33 USC 408 (Section 408)) 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. Frank Boulineau
c/o Curtis Joyner
Bridgeview Environmental Consulting
P.O. Box 30937
Charleston, South Carolina 29417

for a permit to construct a commercial fishing pier in the

ATLANTIC OCEAN

at a location described as TMS# 145-05-51-001 on the ocean at the intersection of Sea Mountain Highway and Ocean Boulevard in North Myrtle Beach, Horry County, South Carolina (Latitude: 33.8269 °, Longitude: -78.6429 °), **WAMPEE 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.

The proposed work consists of the construction of a commercial fishing pier. The pier will consist of distinct sections of differing widths and structures. In detail the construction of a commercial four story 10, 000 sq.ft. building landward of the of the SCDHEC-OCRM baseline, of which 5,000 sq.ft will be landward of the SCDHEC-OCRM setback line. Seaward of the OCRM baseline will be a 30' x 60' covered deck. From the deck will be 1,200' pier that will extend out into the Atlantic Ocean. The pier's walkway will be 30' in width for 550' until it intersects with a 3,000 sq. ft. octagonal shaped shelter that will house the tackle shop. From the shelter the walkway will continue 18' in width for 510' leading to a 46' x 80' pierhead with a 20' x 40' covered shelter area. The proposed facility is within the project area of a Federal Civil Works Project: Reach 1 of the Myrtle Beach Shore Protection Project. The applicant offered no compensatory mitigation for impacts associated with the project. The project purpose, as stated by the applicant, is commercial 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 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.

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 0.78 acre 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, not likely to adversely affect the Loggerhead Sea Turtle (*Caretta caretta*), Kemp's Ridley Sea Turtle (*Lepidochelys*

kempii), Leatherback Sea Turtle (*Dermochelys coriacea*), Hawksbill sea turtle (*Eretmochelys imbricate*), Green Sea Turtle (*Chelonia mydas*), West Indian Manatee (*Trichechus manatus*), Humpback Whale (*Megaptera novaengliae*), Sei whales (*Balaenoptera borealis*), Sperm whales (*Physeter microcephalus*), Fin whale (*Balaenoptera physalus*), and the North Atlantic Right Whale (*Eubalaena glacialis*) and/or designated critical habitat. 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)(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 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.

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.

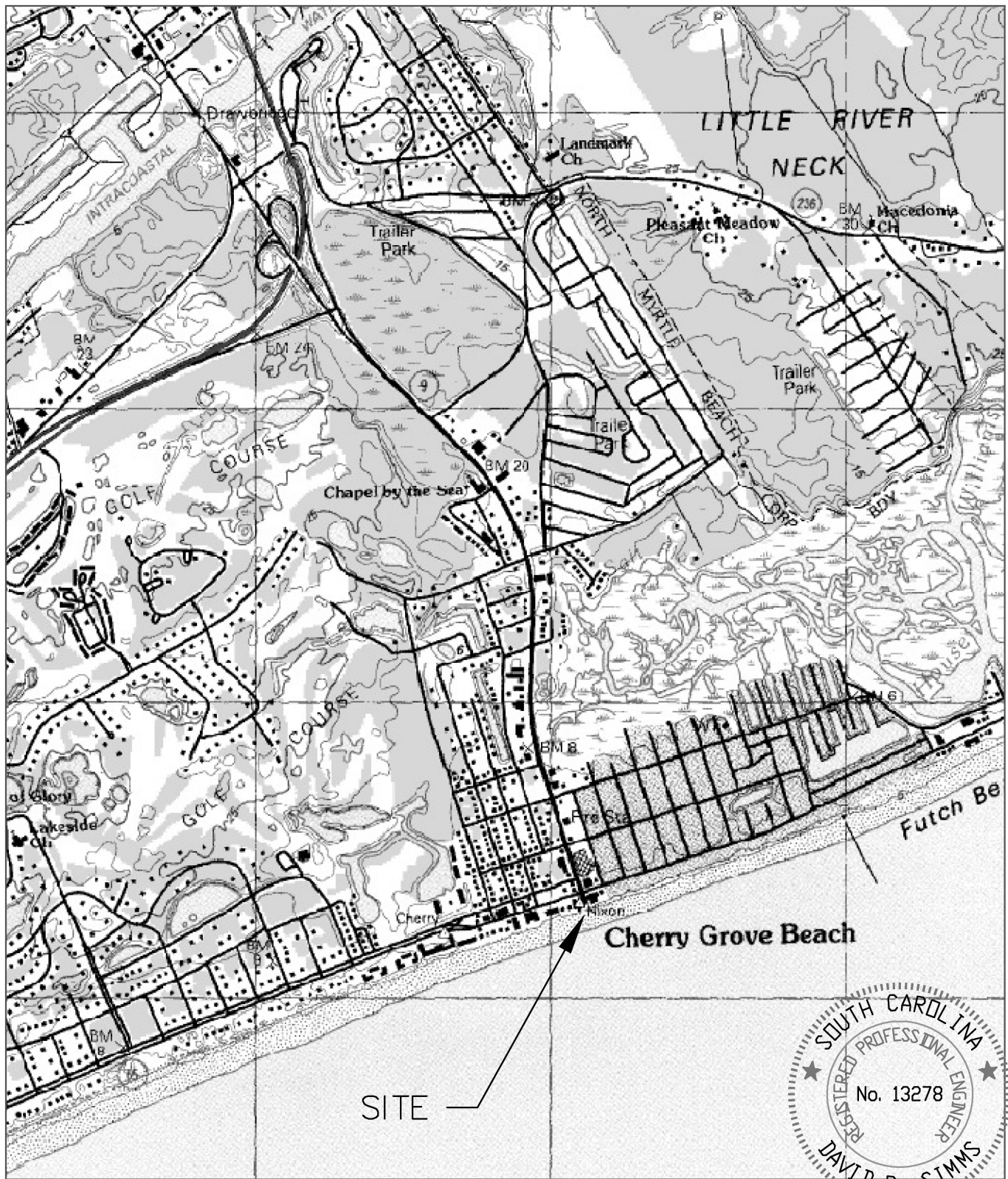
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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**

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.



SITE LOCATION MAP

FOR PERMITTING ONLY
NOT FOR CONSTRUCTION

APPLICANT:
Frank Boulineau
ACTIVITY: Construct Fishing
Pier

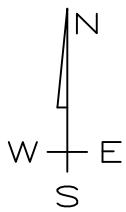
LOCATION: Cherry Grove

COUNTY: Horry

DATE: 12/15/2009

P/N#

SHEET 1 of 9



NORTH OCEAN BLVD

PROPERTY LINE

* NOTE: NO BUILDINGS TO BE CONSTRUCTED SEAWARD OF MHW

SETBACK LINE
BASE LINE

PIER HEAD - 5000 SF HEATED
SEAWARD OF SETBACK (4 STORIES
@ 1250 SF/EACH)

COVERED DECK

MLW

550' X 30' WALKWAY



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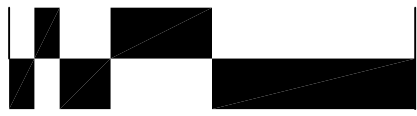
SHELTER

18' X 510' WALKWAY

PIER HEAD

SHELTER

0 100 200 400



1" = 200'

OVERALL SITE PLAN

APPLICANT:
Frank Boulineau
ACTIVITY: Construct Fishing
Pier

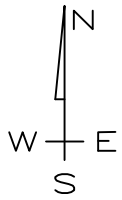
LOCATION: Cherry Grove

REV. 1/2012

P/N#

COUNTY: Horry
DATE: 12/15/2009

SHEET 2 of 8



NORTH OCEAN BLVD

PROPERTY LINE

PORPOSED PARKING

9'

LANDING

OCRM SETBACK LINE

OCRM BASE LINE

5'

PROPOSED 8' WIDE STEPS TO BEACH

30'

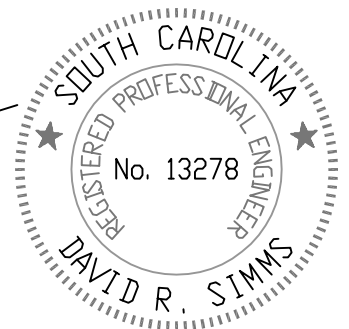
30'

30'

PROPOSED 10000 SF BUILDING
5000 SF SEAWARD OF SETBACK
(4 STORIES @1250 SF/EA)

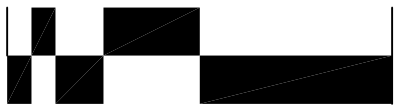
PROPOSED PIER

COVERED DECK



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0 25 50 100



1"=50'

BUILDING SITE PLAN

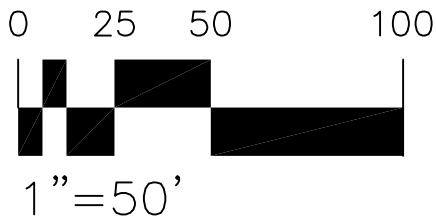
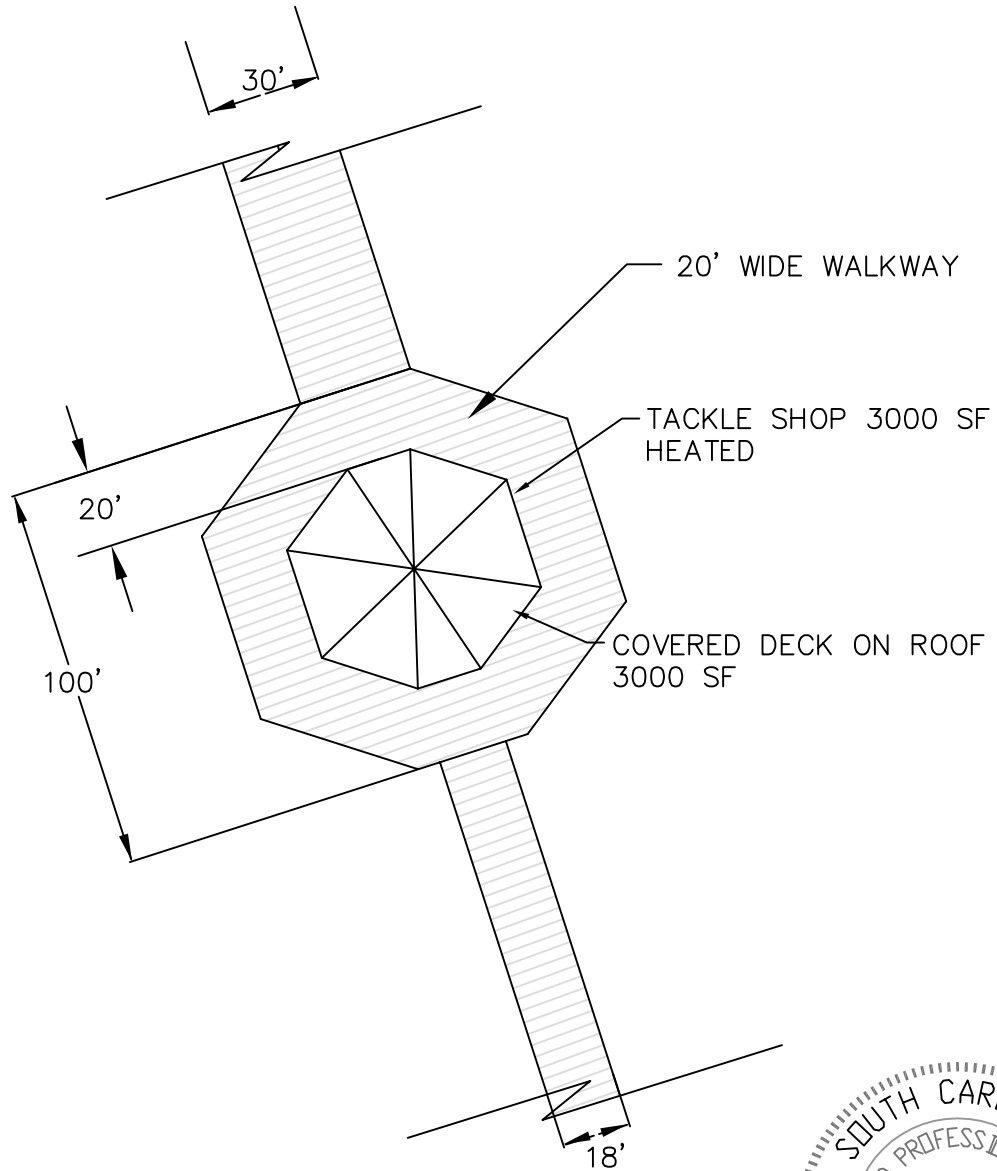
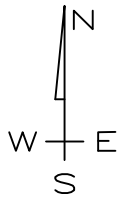
APPLICANT:
Frank Boulineau
ACTIVITY: Construct Fishing
Pier

LOCATION:Cherry Grove

P/N#

COUNTY:Horry
DATE: 12/15/2009

SHEET 3 of 9



TACKLE SHOP PLAN



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NOT FOR CONSTRUCTION

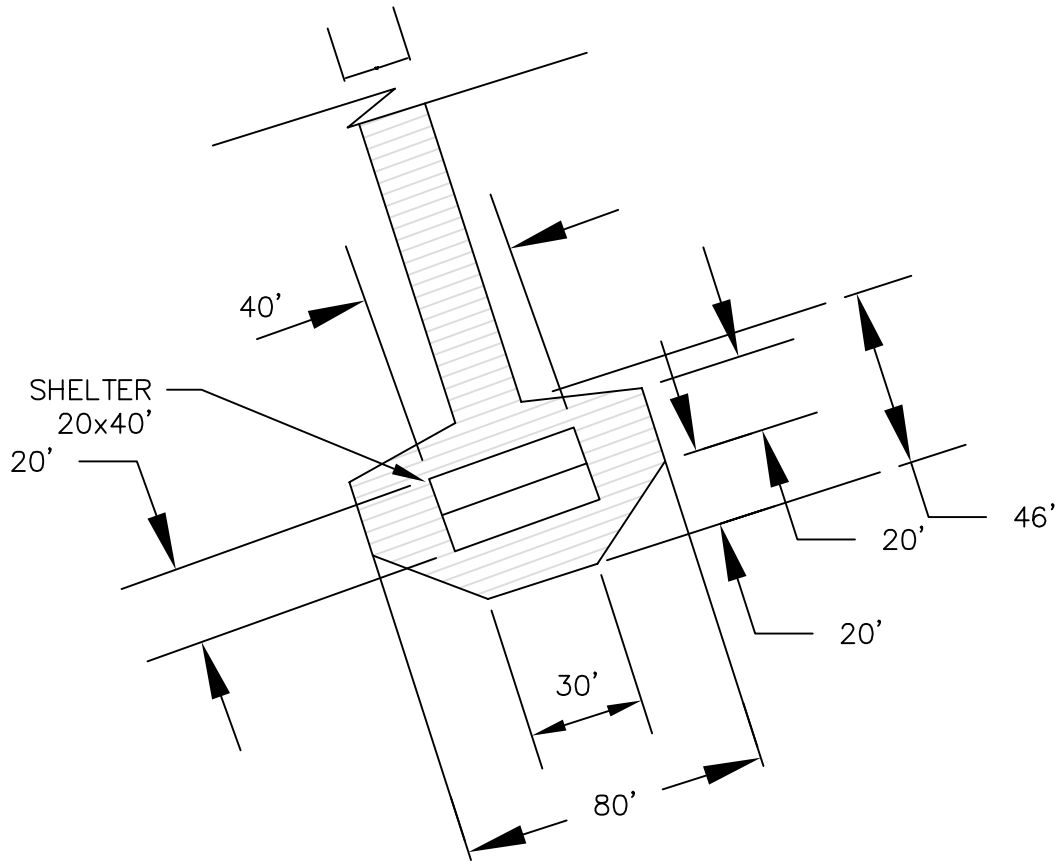
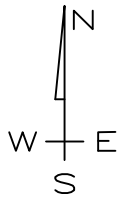
APPLICANT:
Frank Boulineau
ACTIVITY: Construct Fishing
Pier

LOCATION: Cherry Grove

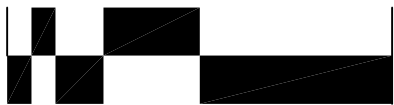
P/N#

COUNTY: Horry
DATE: 12/15/2009

SHEET 4 of 9



0 25 50 100



1"=50'

PIER HEAD PLAN



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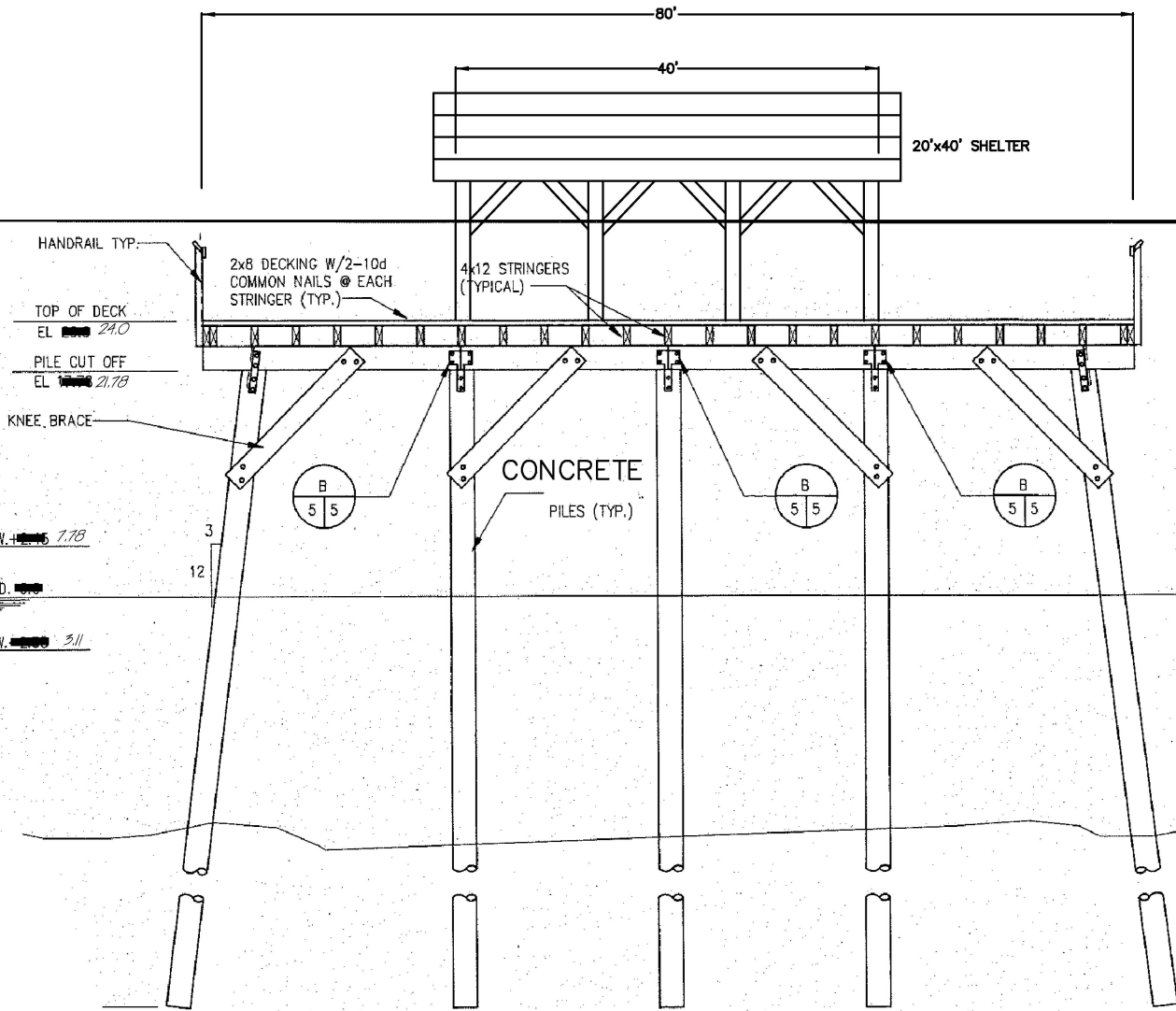
APPLICANT:
Frank Boulineau
ACTIVITY: Construct Fishing
Pier

LOCATION: Cherry Grove

P/N#

COUNTY: Horry
DATE: 12/15/2009

SHEET 5 of 9



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PIER HEAD SECTION

APPLICANT:
Frank Boulineau
ACTIVITY: Construct Fishing
Pier

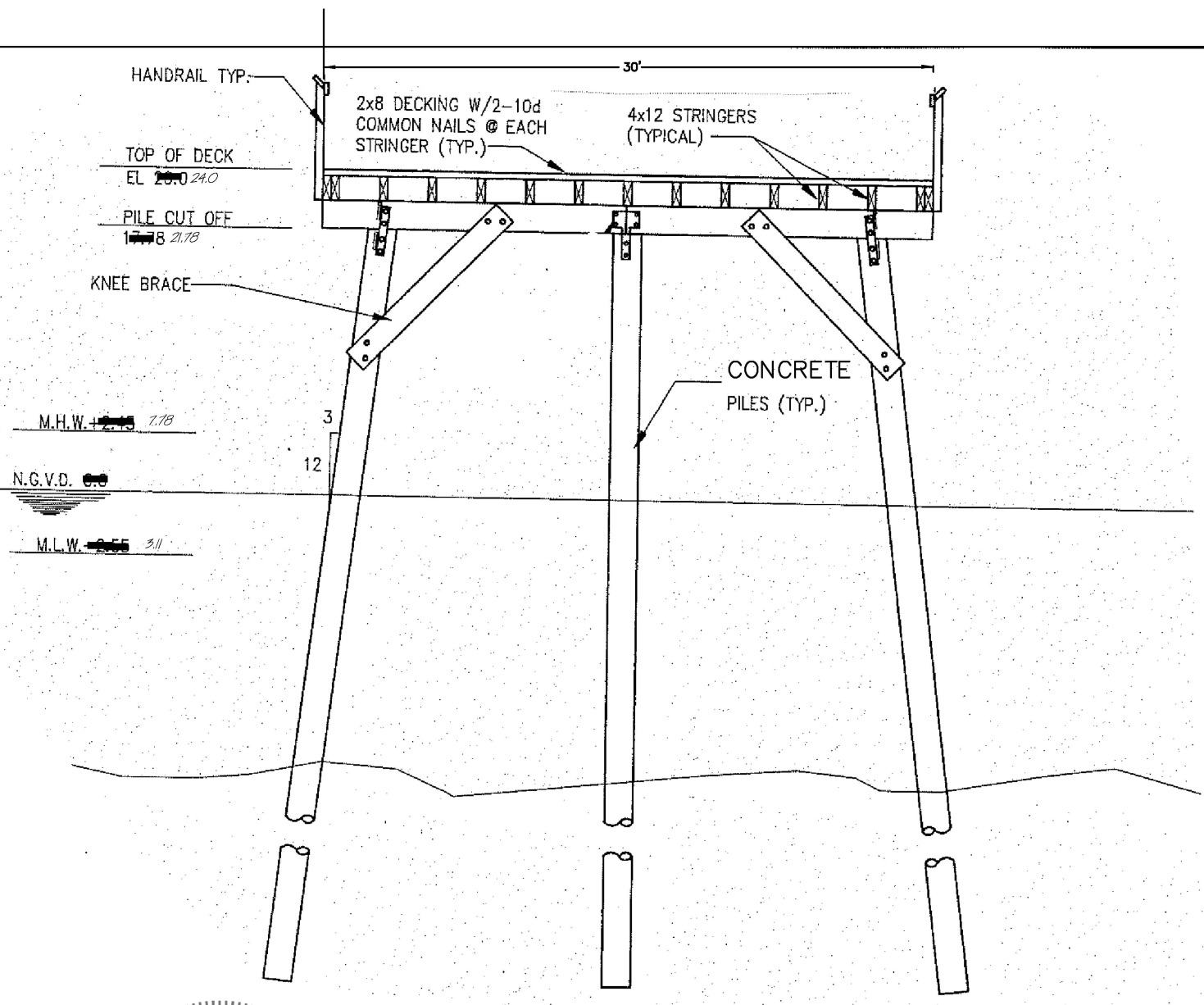
LOCATION: Cherry Grove

COUNTY: Horry

P/N#

DATE: 12/15/2009

SHEET 6 of 9



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WALKWAY SECTION

APPLICANT:
Frank Boulineau
ACTIVITY: Construct Fishing
Pier

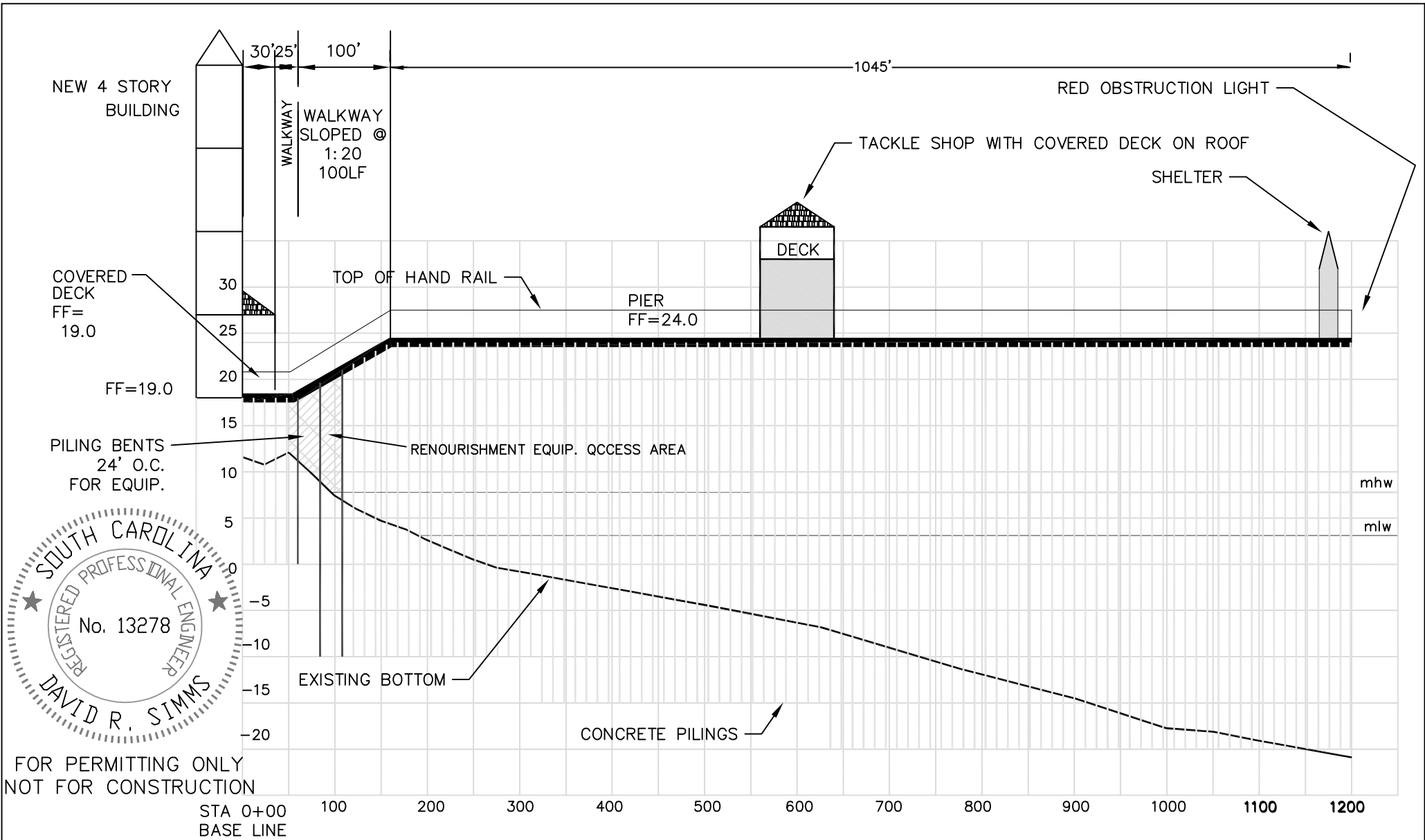
LOCATION: Cherry Grove

COUNTY: Horry

P/N#

DATE: 12/15/2009

SHEET 7 of 9



PROFILE

SCALE: 1"=150' H 1"=15' V
 ELEVATIONS NGVD29 DATUM

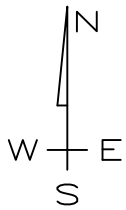
APPLICANT: Frank Boulineau

ACTIVITY: Construct Fishing Pier

P/N#

LOCATION: Cherry Grove Beach S.C.

COUNTY: Horry
 DATE: 12/15/2009



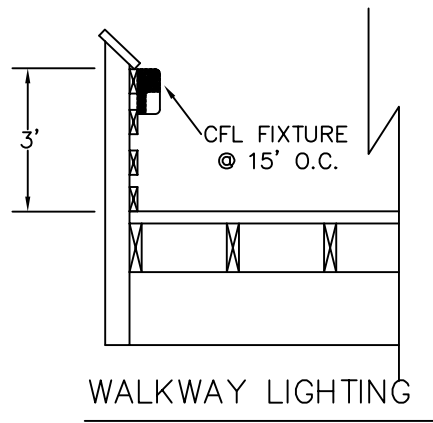
NORTH OCEAN BLVD

MLW

HUBBELL NRG-304B-PC LIGHT @ 15' O.C.
MOUNT ON GUARD RAIL 3' ABOVE WALKWAY
TYPICAL



FOR PERMITTING ONLY
NOT FOR CONSTRUCTION



RED OBSTRUCTION LIGHT PER
USCG REQUIREMENTS

PIER LIGHTING PLAN

APPLICANT:
Frank Boulineau
ACTIVITY: Construct Fishing
Pier

LOCATION: Cherry Grove

COUNTY: Horry

DATE: 12/15/2009

P/N#