

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 Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

3 October 2012

Refer to: **P/N #2012-00911-3IH**

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

RICK ROSE
c/o **WALL ENGINEERING, LLC**
314B LAUREL STREET
CONWAY, SOUTH CAROLINA 29526

for after-the-fact authorization of an existing fixed dock, and a permit to construct a floating dock, dual P.W.C. float and boatlift and to dredge in the

ATLANTIC INTRACOASTAL WATERWAY

at a location described as Lot 1 Marina Bay Drive, North Myrtle Beach, TMS # 130-15-01-029, in Horry County, South Carolina (Latitude 33.841110°N, Longitude -78.670438°W)

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 dredging the Atlantic Intracoastal Waterway (AIWW), the construction of a floating dock, a dual P.W. C. float and a boat lift and after-the-fact authorization of an existing fixed dock. In detail, the proposed work consists of mechanically dredging approximately 172 cubic yards of material from 0.08 acres of the AIWW. The material will be dredged by a barge mounted excavator and placed onto a separate floating barge. The dredge material will be transferred from the barge to the staging area via an excavator stationed within uplands of the residential lot. The spoil staging area will be partially surrounded by dual runs of

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silt fencing. The dredged material will be retained onsite. In addition, the applicant is proposing to construct a 15'-4" x 12' floating dock, an 11'-6" x 10' dual P.W.C. float and a 28' x 9' boatlift attached to the existing fixed dock. Finally, the applicant is requesting after-the-fact authorization for an existing 28.3' x 8.7' fixed dock attached to uplands by a 4' x 53.3' walkway. The applicant stated that the project as proposed has avoided impacts to the coastal resources by employing standard and customary construction techniques. The applicant offered no compensatory mitigation for the impacts associated with the proposed work. 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 purpose of the project is to provide private, recreational vessel mooring within the AIWW for the owner of Lot 1, Marina Bay Drive.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

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

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). The District Engineer will not process this application to a conclusion until such certifications are received. 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 applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

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 (0.08) acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. 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, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

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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.

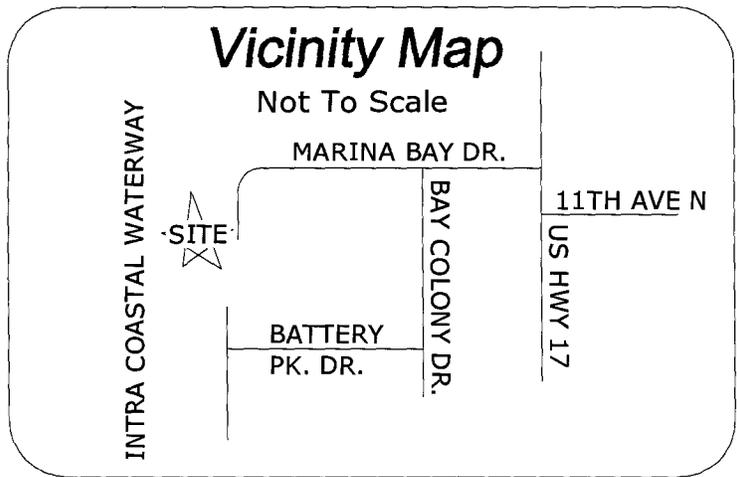
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

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 of Engineers cannot undertake to adjudicate rival claims.

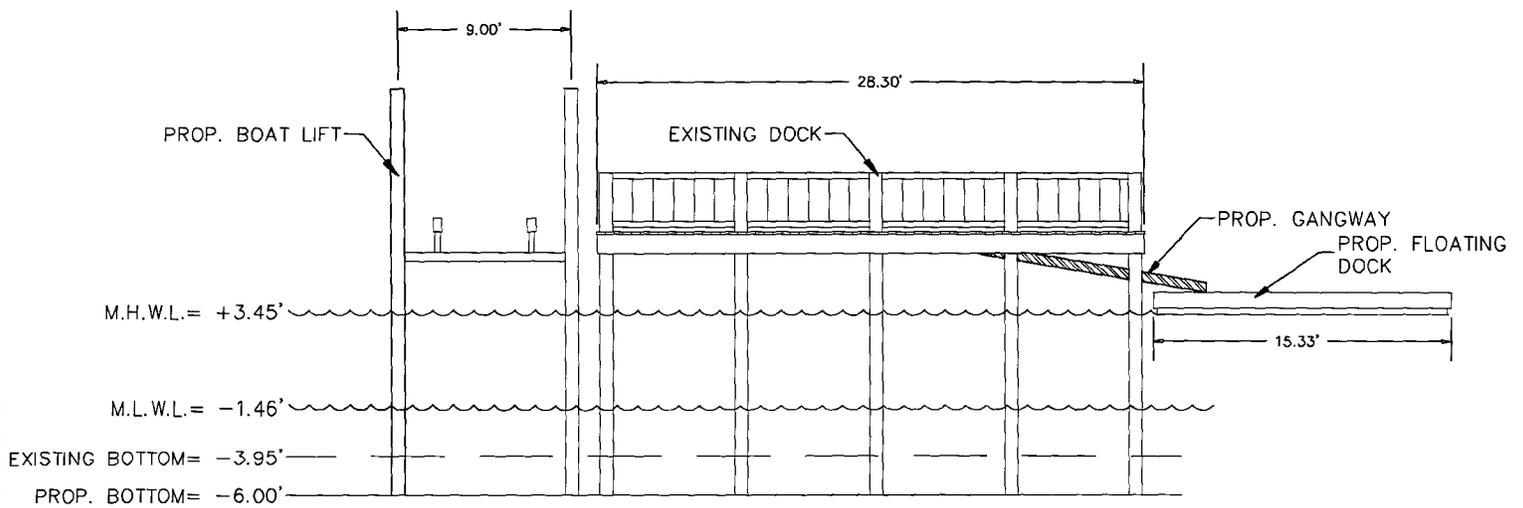
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine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

If there are any questions concerning this public notice, please contact Rob Huff at 843-365-4239.



Rose- Boat Lift & Floating Dock
SAC # 2012-00911-3IH
HorryCounty, South Carolina
Sheet 1 of 4 Dated: 08/30/2012
Revised: 09/26/12

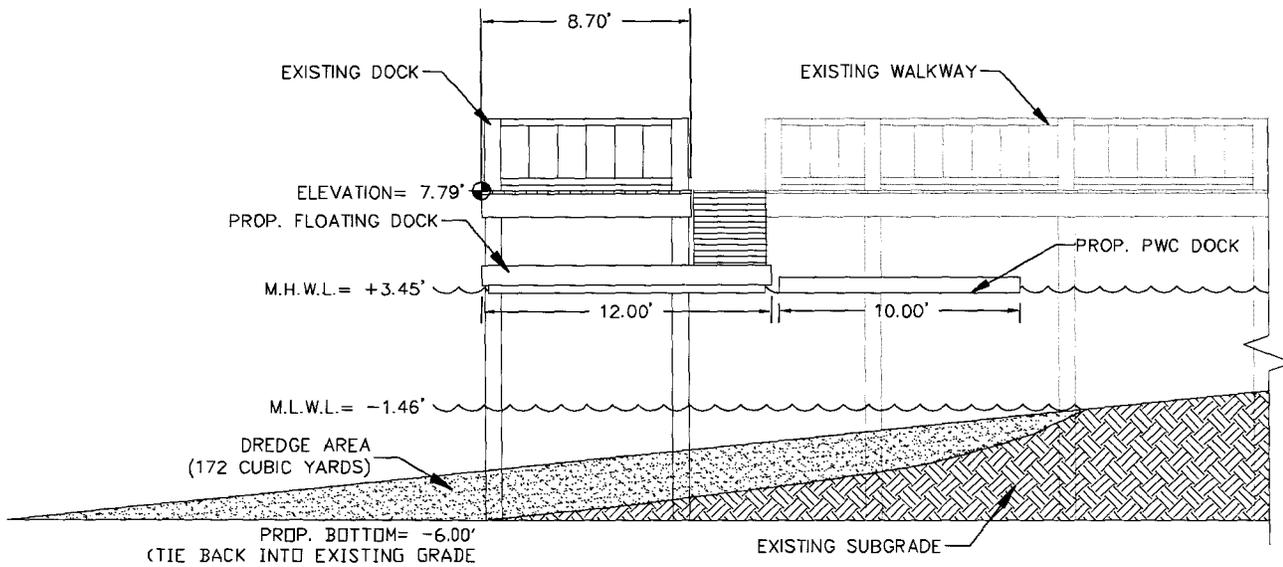
ROSE- BOAT LIFT & FLOATING DOCK DATE: 08/30/12	VICINITY MAP SHEET 1 of 4	
ADJACENT PROPERTY OWNERS: MCKEAN PROPERTIES, LLC 9519 CARRINGTON DR. MYRTLE BEACH, SC 29579 TMS#130-15-01-030 HORRY COUNTY A BODY POLITIC P.O. BOX 296 CONWAY, SC 29528 TMS#144-03-01-012	STREET ADDRESS: MYRTLE BEACH, SC COUNTY OF: HORRY TMS #: 130-15-01-029	



SCALE: 1:10

Rose- Boat Lift & Floating Dock
SAC # 2012-00911-3IH
HorryCounty, South Carolina
Sheet 3 of 4 Dated: 08/30/2012
Revised: 09/26/12

ROSE- BOAT LIFT & FLOATING DOCK	PROFILE VIEW	 
DATE: 09/26/12	SHEET 3 of 4	
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SCALE: 1:8

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Sheet 4 of 4 Dated: 08/30/2012
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