

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-2021-01557

September 24, 2021

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. James Clark
c/o The Brigman Company
PO Box 1532
Conway, South Carolina 29526

for a permit to construct a private-use dock and dredge in the

ATLANTIC INTRACOASTAL WATERWAY (AIWW)

at a location described as Lot 81 in Dye Estates, along Gray Heron Drive, in the City of North Myrtle Beach, Horry County, South Carolina (Latitude: 33.8092 °, Longitude: - 78.7318 °), 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 private-use dock and associated dredging in the AIWW. In detail the applicant proposes to construct a 14' x 30' covered boatlift accessed by a 4' x 43' fixed walkway with an attached 3' x 20' gangway leading to a 10' x 14' floating dock.

Additionally, the applicant is proposing to dredge 987 Cubic yards (5,249 sq. ft.) to provide adequate water depths for navigation and boat storage for the proposed docking structures. The applicant proposes to dredge to a depth of 5' below mean low water. The dredging will be conducted by mechanical means using a long reach excavator from a barge with a fixed storage bin in place behind the track hoe. The barge holds approximately 80 cubic yards of material with small scuffle holes for drainage. The small scuffle holes will be lined with silt fence and straw bales to limit sediment from re-entering the AIWW during transportation. The dredged material located on the barge will be offloaded by a loader and placed into dump trucks and transported to the final upland disposal site. The final upland disposal site is identified as TMS #144-03-01-002, located at 1015 Vereen Drive, North Myrtle Beach, in Horry County, South Carolina.

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 to provide private recreational access, navigable depths and vessel mooring within the AIWW.

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 0.12 acres 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 Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), Federally endangered species are present in the vicinity of the project. However, it has been determined that the project will have no effect on Shortnose Sturgeon (*Acipenser brevirostrum*), or Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), 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, 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)), 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.

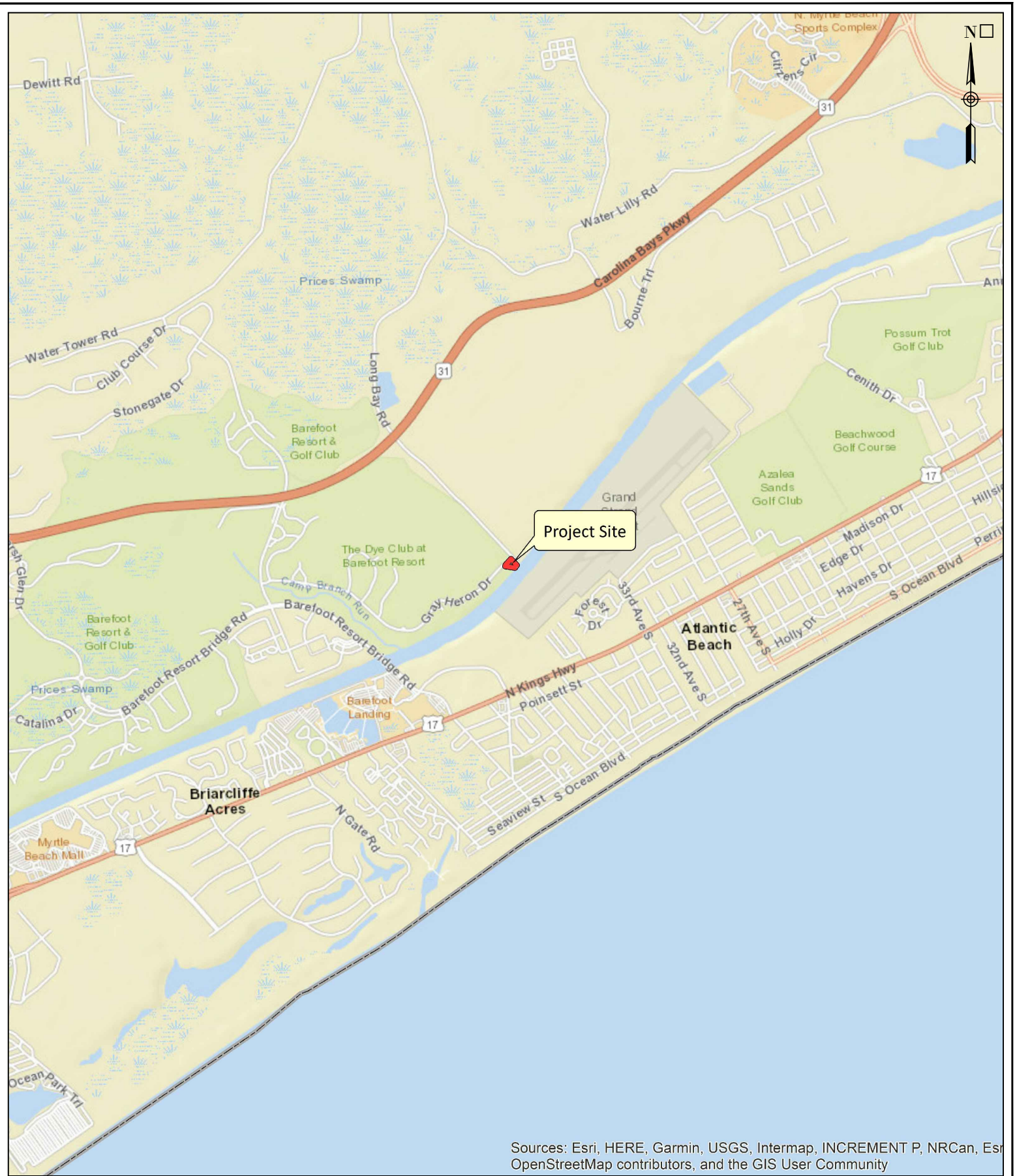
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 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 e-mail address: SAC.RD.Conway@usace.army.mil, or via USPS at the address below:**

**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.



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri OpenStreetMap contributors, and the GIS User Community

Vicinity Map

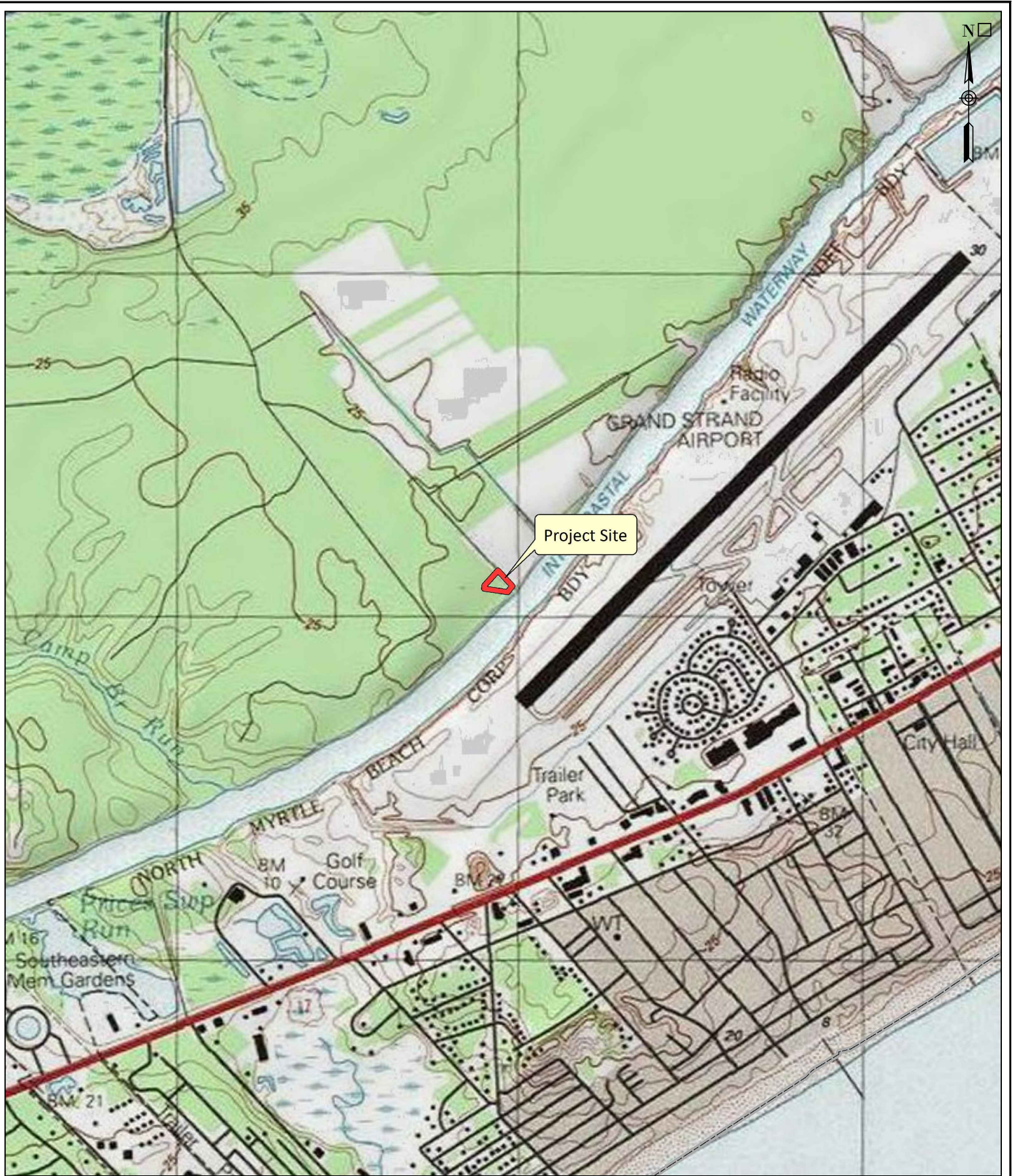
Dye Estates Lot 81
 County: Horry
 Date: 7-2-21
 Application No.

Proposed Activity: Docking structure and dredging

Applicant: James Clark

Figure 1





USGS Topographic Map

Dye Estates Lot 81
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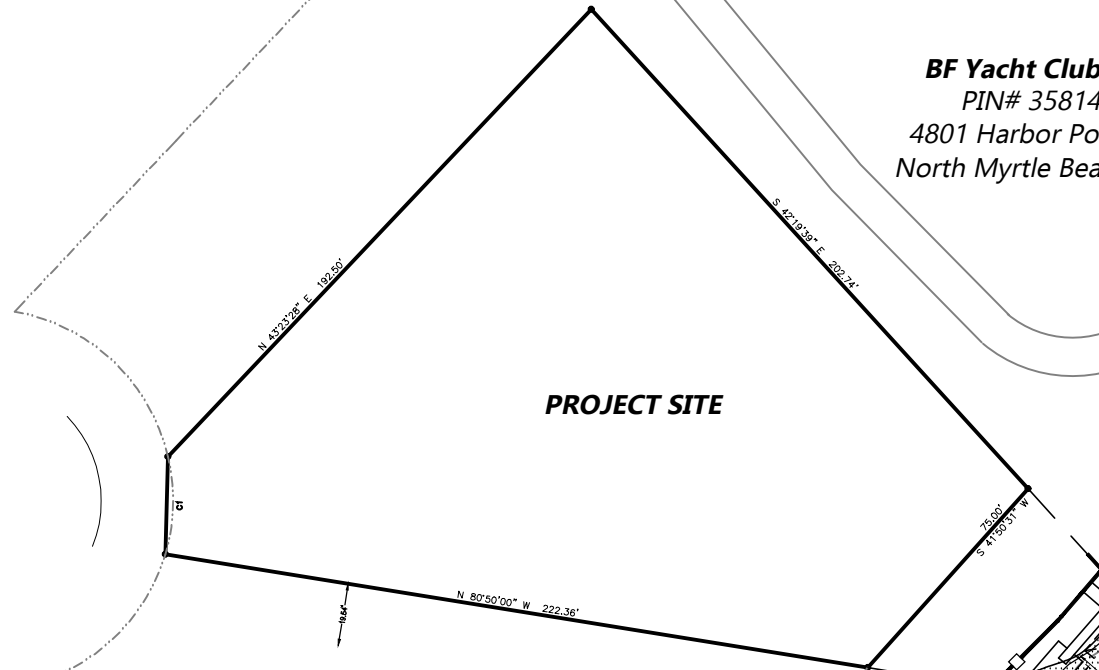
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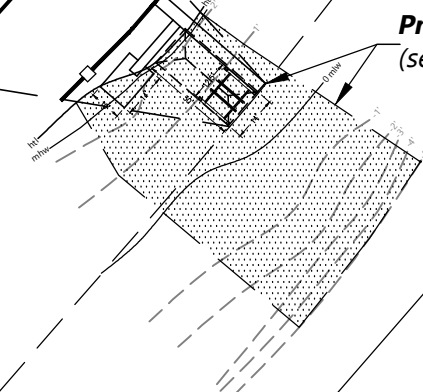
Figure 2



BF Yacht Club Villa, LLC
 PIN# 35814010018
 4801 Harbor Point Dr. #110
 North Myrtle Beach, SC 29582



Erwin Warfield
 TMS# 156-19-01-023
 4002 Gray Heron Dr.
 North Myrtle Beach, SC 29582



Proposed Docking & Dredging
 (see plan views)

- Notes:
1. Drawings are for permitting purposes only and should not be used for construction.
 2. Prior to construction, applicant/dock contractor should complete lot survey to establish extended property lines and channel offset to ensure dock is constructed in compliance to AIWW channel setbacks and within the subject property.



Overall Plan View

Dye Estates Lot 81
 County: Horry
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Proposed Activity: Docking structure and dredging

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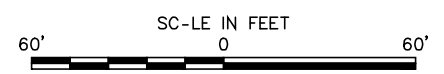
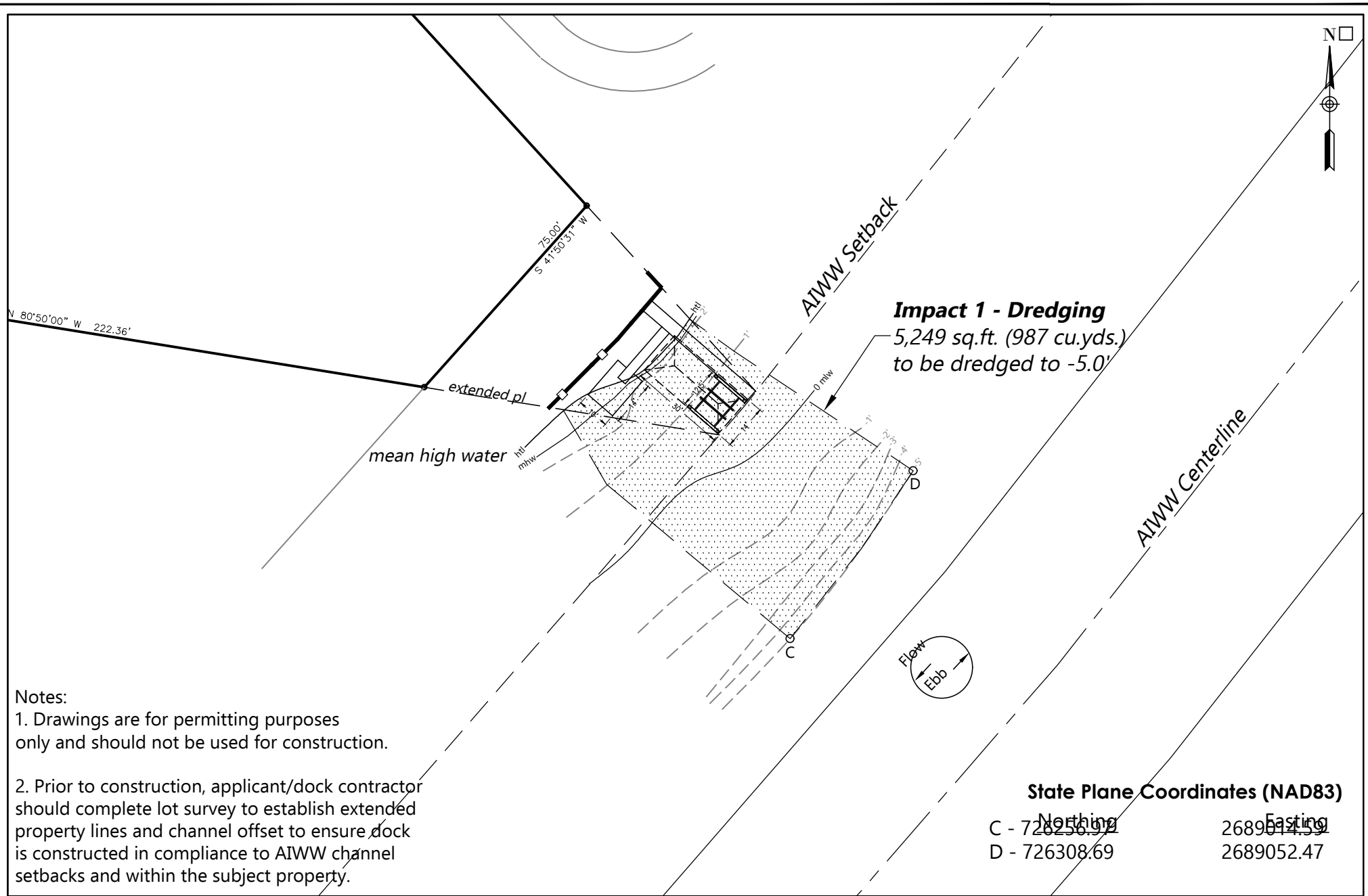


Figure 3



- Notes:
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Impact 1 - Dredging
 5,249 sq.ft. (987 cu.yds.)
 to be dredged to -5.0'

State Plane Coordinates (NAD83)

	Northing	Easting
C - 726256.92	2689014.59	
D - 726308.69	2689052.47	

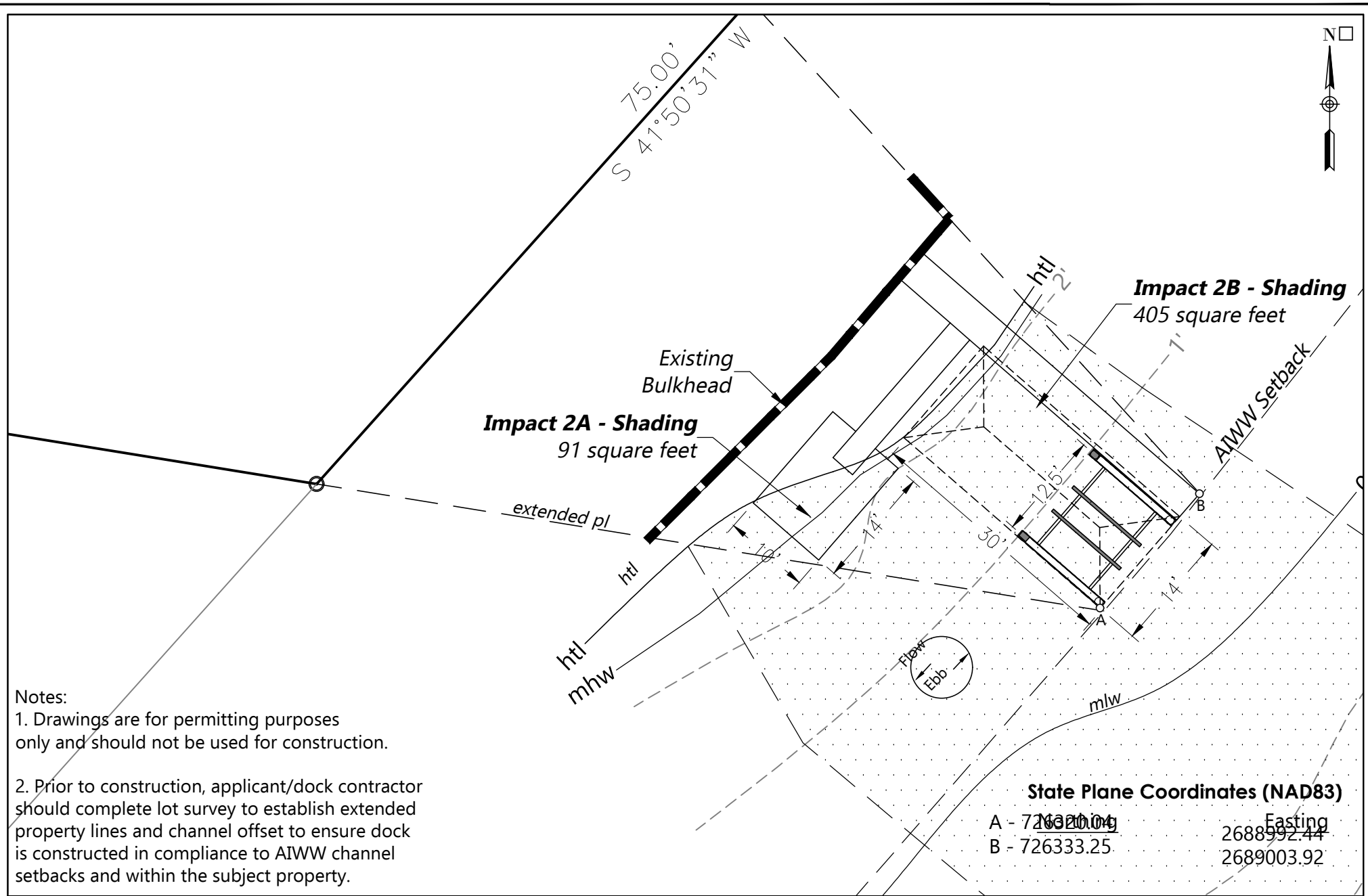


Plan View - Dredging
 Dye Estates Lot 81
 County: Horry
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 Applicant: James Clark

SC-LE IN FEET

Figure 4



- Notes:
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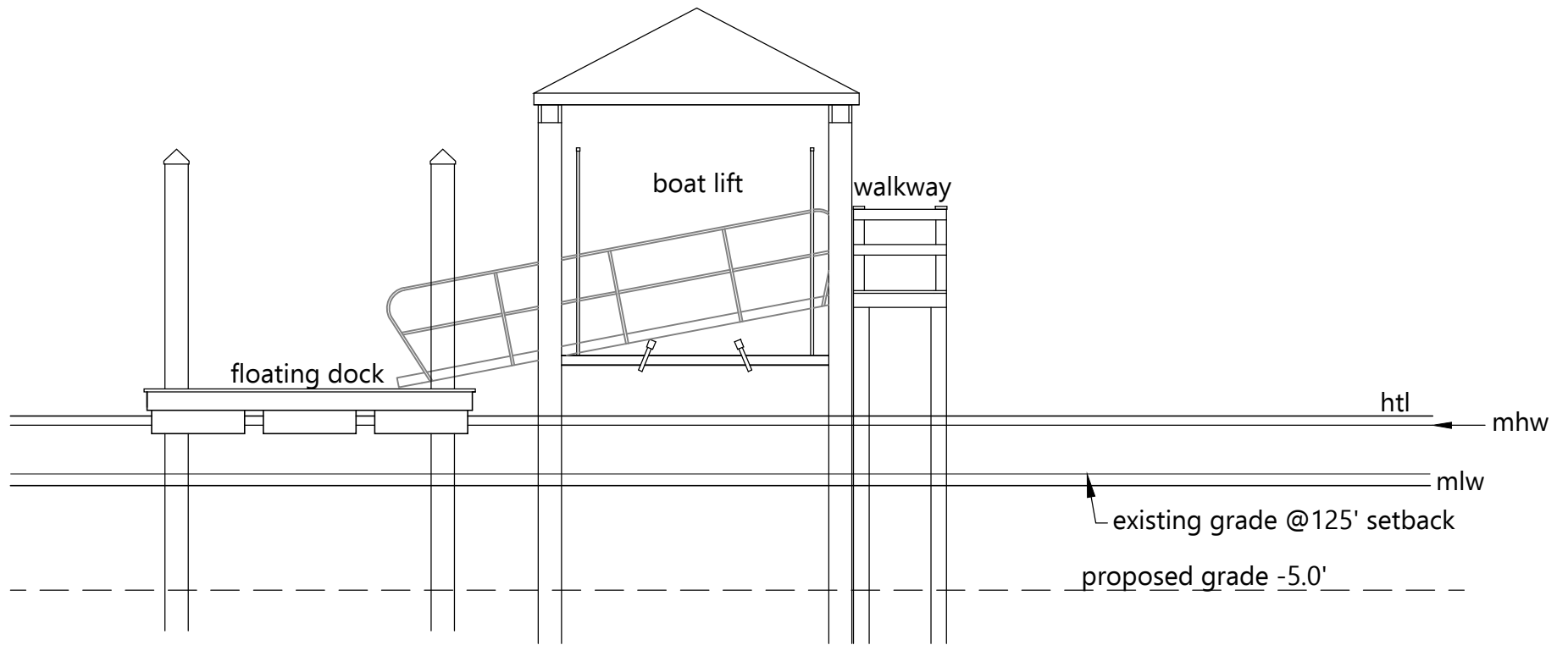


Plan View - Dock Detail
 Dye Estates Lot 81
 County: Horry
 Date: 7-2-21
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Proposed Activity: Docking structure and dredging
 Applicant: James Clark

Figure 5

15' 0 15'
SC-LE IN FEET



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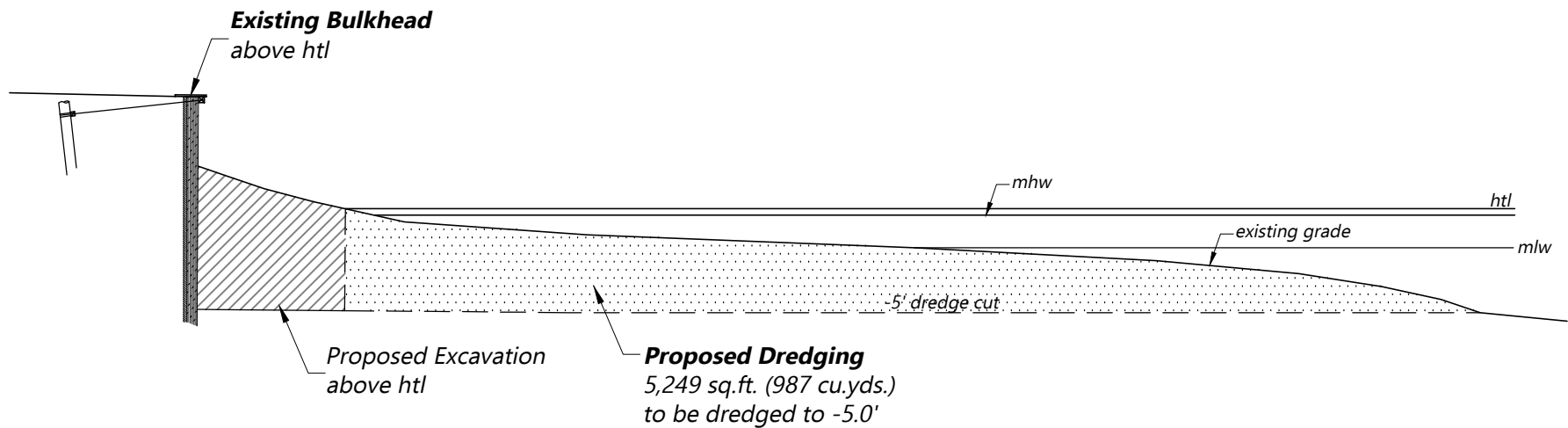


Section View - Dock Detail

Dye Estates Lot 81
 County: Horry
 Date: 7-2-21
 Application No.

Figure 6

Proposed Activity: Docking structure and dredging
 Applicant: James Clark



Notes:

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Section View - Dredge Detail

Dye Estates Lot 81
County: Horry
Date: 7-2-21
Application No.

Figure 7

Proposed Activity: Docking structure and dredging

Applicant: James Clark