

**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-2022-01441

September 22, 2023

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), 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

**Georgetown County Government**  
**c/o Reggie Reeves**  
**GEL Engineering, LLC**  
**PO Box 30712**  
**Charleston, South Carolina 29417**

for a permit to dredge in

**OAKS CREEK**

located at the mouth of Oaks Creek near Murrells Inlet, Georgetown County, South Carolina (Latitude: 33.5308 °, Longitude: -79.0399 °), Brookgreen 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.

**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 re-establish navigable depths at the mouth of Oaks Creek during all tidal cycles for public and commercial users.

### **Project Description**

The proposed work consists of dredging in Oaks Creek. In detail, the applicant proposes to dredge 20,000 cubic yards from the mouth of Oaks Creek via hydraulic cutterhead dredge. The proposed dredge channel is 100 feet wide and 1,050 feet long totaling 2.39 acres. The proposed dredge depth is -8.0 feet below mean low water (MLW) with an overdepth allowance of 1.0 foot for a total dredge depth of -9.0 feet. Dredge material will be transported through a pipeline that will be discharged as a slurry and placed directly on the front beach at either Garden City Beach or the west end of the south jetty on Hunting Beach State Park. During construction, temporary training dikes of sand will be used to contain the discharge and control the fill placement. Fill sections will be graded by land-based equipment, such as bulldozers, articulated front-end loaders, and other equipment as necessary to achieve the desired placement profile. **Note:** The proposed project will be done in conjunction with the USACE Civil Works Murrells Inlet Maintenance Dredging project.

### **Avoidance and Minimization**

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by limiting the dredging to the shoal of sandy sediments immediately adjacent to the Federal channel. No vegetated wetlands will be impacted by the proposed dredging.

### **Proposed Compensatory Mitigation**

The applicant has not proposed to mitigate for impacts to wetlands and/or waters of the United States.

### **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 2.39 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.

### **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: the northern long-eared bat (*Myotis septentrionalis*), red-cockaded woodpecker (*Picoides borealis*) Eastern black rail (*Laterallus jamaicensis jamaicensis*), West Indian manatee (*Trichechus manatus*), piping plover (*Charadrius melodus*), rufa red knot (*Calidris canutus rufa*), loggerhead sea turtle (*Caretta caretta*), and green sea turtle (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*) and leatherback (*Dermochelys coriacea*), american chaffseed (*Schwalbea americana*) canby's dropwort (*Oxypolis canbyi*), pondberry (*Lindera melissifolia*), and seabeach amaranth (*Amaranthus pumilus*)

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 northern long-eared bat (*Myotis septentrionalis*), red-cockaded woodpecker (*Picoides borealis*), american chaffseed (*Schwalbea americana*), canby's dropwort (*Oxypolis canbyi*), and pondberry (*Lindera melissifolia*) 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 Eastern black rail (*Laterallus jamaicensis jamaicensis*), West Indian manatee (*Trichechus manatus*), seabeach amaranth (*Amaranthus pumilus*), the Kemp's ridley (*Lepidochelys kempii*) and leatherback (*Dermochelys coriacea*) 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 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 the piping plover (*Charadrius melodus*) and its designated critical habitat (Unit SC-10), rufa red knot (*Calidris canutus rufa*) and its proposed critical habitat (Unit SC-16), loggerhead sea turtle (*Caretta caretta*), and green sea turtle (*Chelonia mydas*). 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.

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).

### **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. 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.

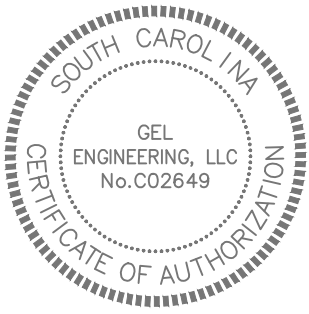
### **Solicitation of Public Comment**

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.

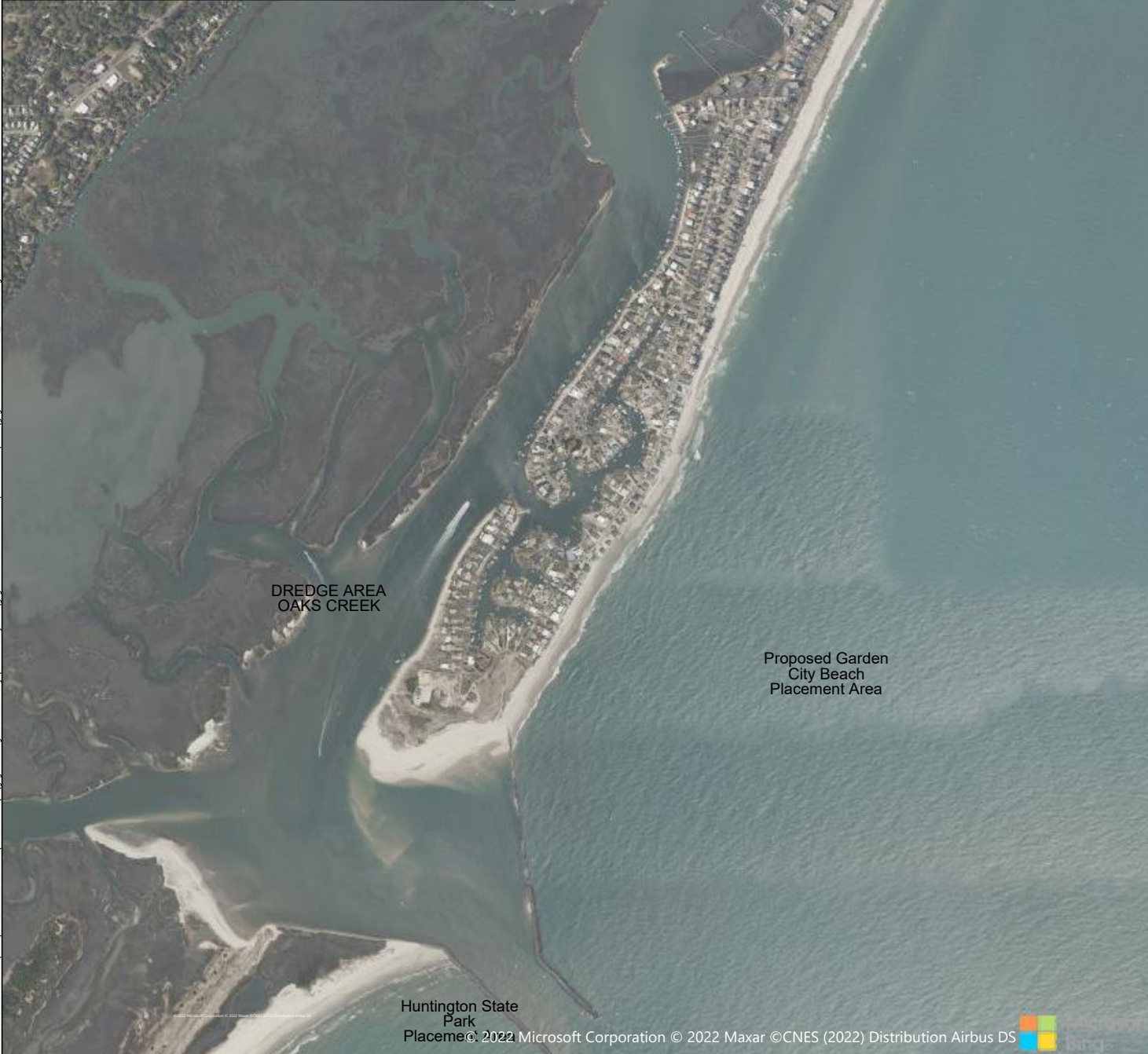
**Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2022-01441), to [Megan.N.Jackson@usace.army.mil](mailto:Megan.N.Jackson@usace.army.mil) or the following address:**

**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 Megan N. Jackson, Project Manager, at (843) 365-4239 or by email at [Megan.N.Jackson@usace.army.mil](mailto:Megan.N.Jackson@usace.army.mil).



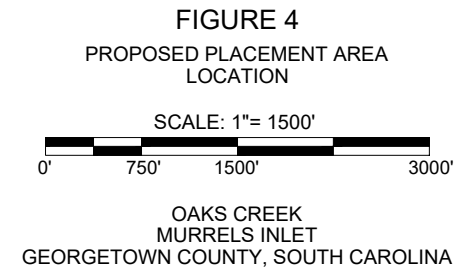
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PURPOSE: DREDGING

ADJACENT PROPERTY OWNERS  
SEE ATTACHED

SURVEY DATUM: NAD83



PROPOSED: DREDGING

AT: OAKS CREEK

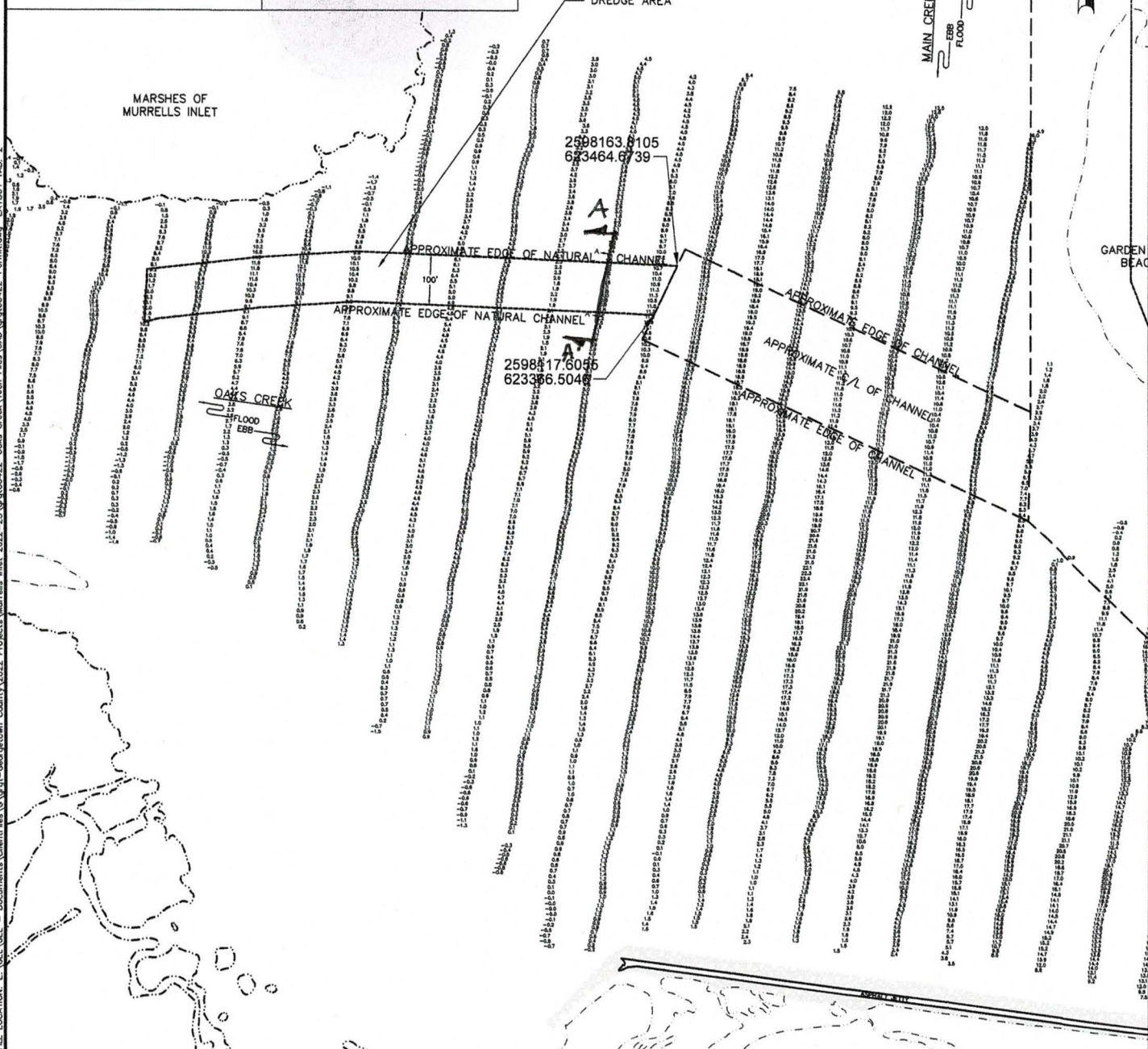
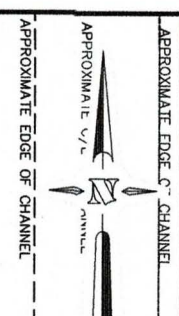
IN: MURRELS INLET

COUNTY OF: CHARLESTON  
SOUTH CAROLINA

SHEET: 4 OF 7      DATE: 12/01/2022



*J.M.*  
9/28/22



PLOTTED: Sep 22, 2022 - 4:15pm BY: hroms FILE LOCATION: E:\GEL\GEE - Documents\ClientFiles\G\grt-Georgetown County\2022-Projects\Murrells Inlet 2022-23\grt00422-Oaks Creek\Tech Files\CAD\grt00422-Permit.dwg LAYOUT TAB: 2 grt00422

PURPOSE: DREDGING

ADJACENT PROPERTY OWNERS  
SEE ATTACHED

SURVEY DATUM: NAD83

**FIGURE 2**  
PROPOSED PLAN VIEW

SCALE: 1" = 300'

OAKS CREEK  
MURRELLS INLET  
GEORGETOWN COUNTY, SOUTH CAROLINA

PROPOSED: DREDGING

AT: OAKS CREEK

IN: MURRELLS INLET

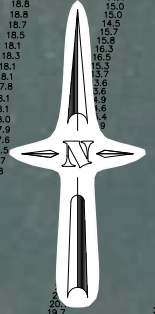
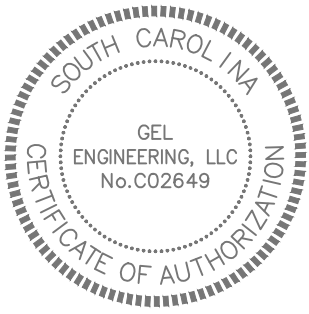
COUNTY OF: CHARLESTON  
SOUTH CAROLINA

SHEET: 2 OF 4      DATE: 09/20/2022

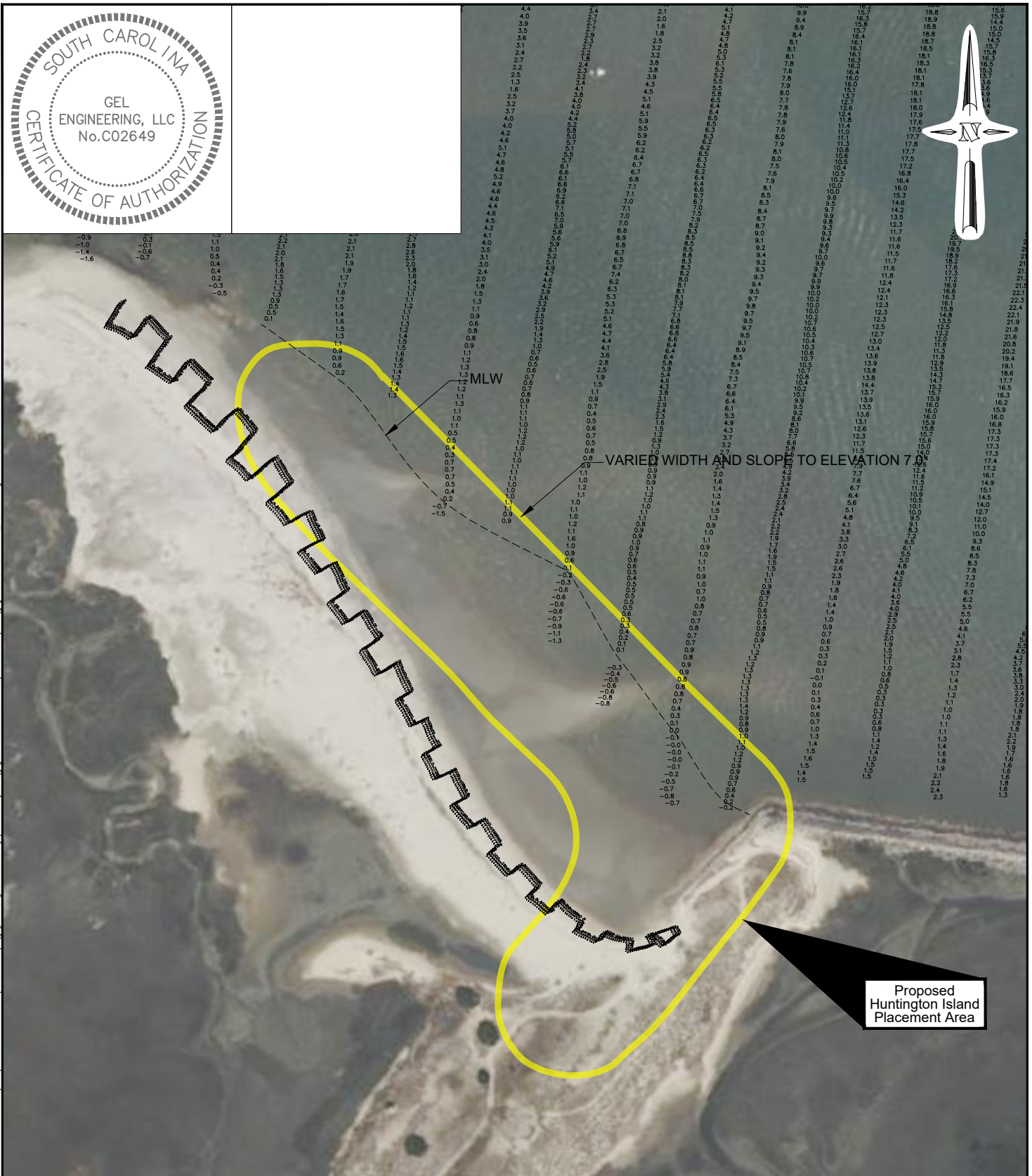








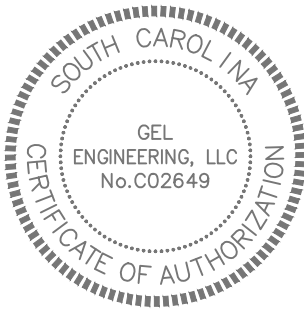
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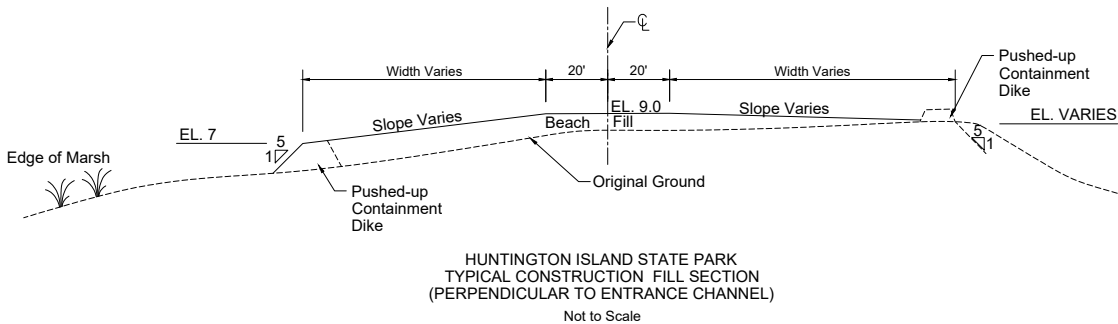
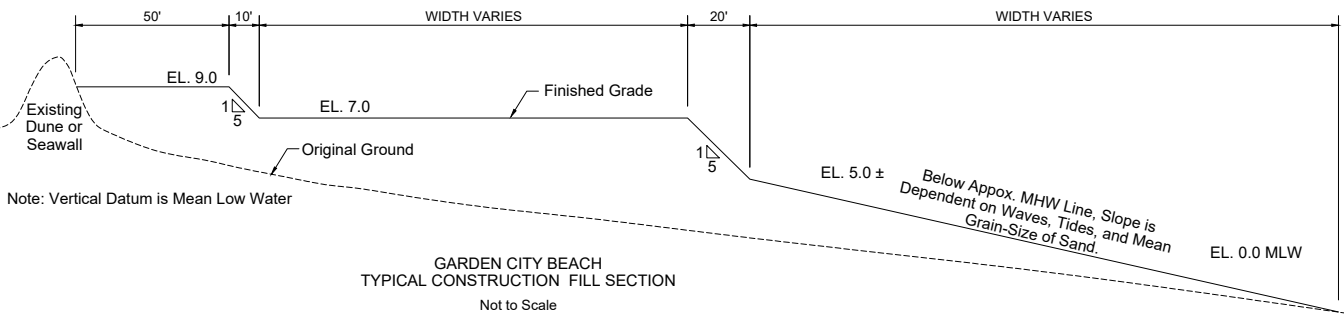
**PURPOSE: DREDGING**  
  
**ADJACENT PROPERTY OWNERS**  
 SEE ATTACHED  
  
**SURVEY DATUM: NAD83**

**FIGURE 6**  
**PROPOSED HUNTINGTON ISLAND**  
**PLACEMENT AREA**  
  
**SCALE: 1"= 200'**  
  
**OAKS CREEK**  
**MURRELS INLET**  
**GEORGETOWN COUNTY, SOUTH CAROLINA**

**PROPOSED: DREDGING**  
  
**AT: OAKS CREEK**  
**IN: MURRELS INLET**  
  
**COUNTY OF: CHARLESTON**  
**SOUTH CAROLINA**  
  
**SHEET: 6 OF 7** **DATE: 12/01/2022**



PLOTTED: Dec 16, 2022 - 8:47am BY: thoma FILE LOCATION: E:\GEL\GEE - Documents\ClientFiles\G\grgt-Georgetown County\2022 Projects\grgt00422-Oaks Creek\Tech Files\CAD\grgt00422-2022-12\_Permit.dwg LAYOUT TAB: 7

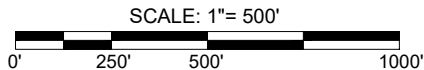


PURPOSE: DREDGING

ADJACENT PROPERTY OWNERS  
SEE ATTACHED

SURVEY DATUM: NAD83

**FIGURE 7**  
PROPOSED CROSS-SECTIONS



OAKS CREEK  
MURRELS INLET  
GEORGETOWN COUNTY, SOUTH CAROLINA

PROPOSED: DREDGING

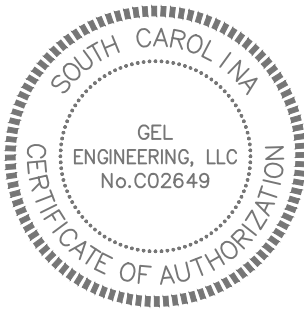
AT: OAKS CREEK

IN: MURRELS INLET

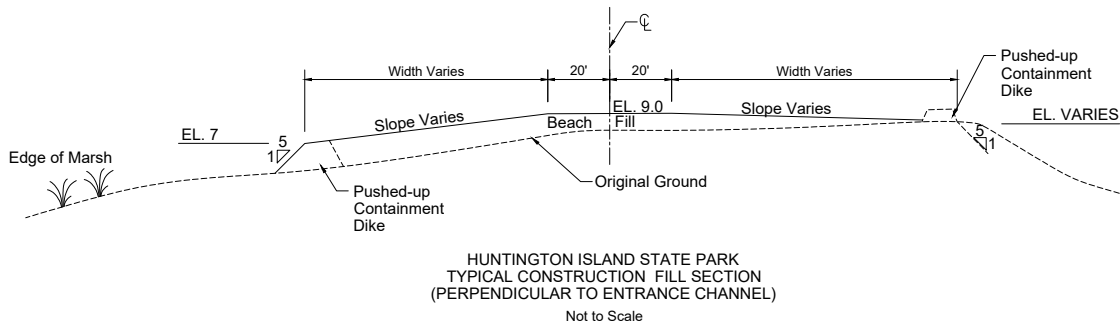
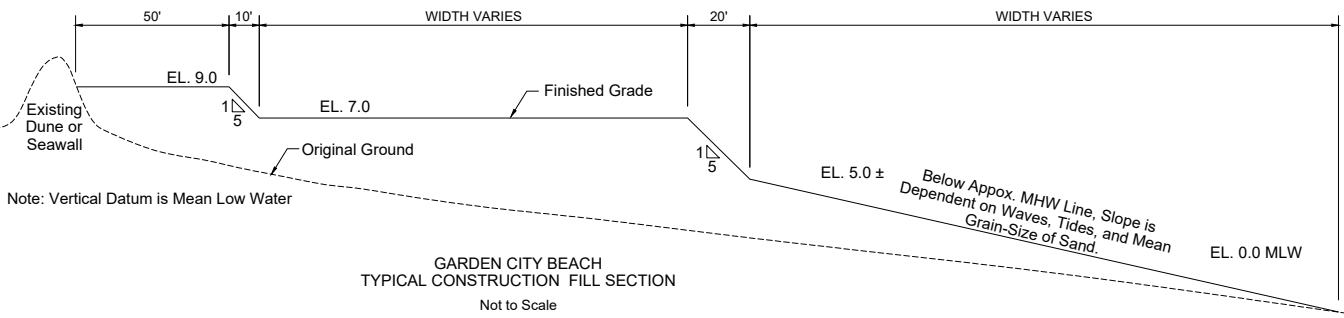
COUNTY OF: CHARLESTON  
SOUTH CAROLINA

SHEET: 7 OF 7

DATE: 12/01/2022



PLOTTED: Dec 16, 2022 - 8:47am BY: thoma FILE LOCATION: E:\GEL\GEE - Documents\ClientFiles\G\grgt-Georgetown County\2022 Projects\grgt00422-Oaks Creek\Tech Files\CAD\grgt00422-2022-12\_Permit.dwg LAYOUT TAB: 7

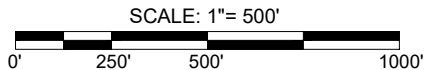


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SURVEY DATUM: NAD83

**FIGURE 7**  
**PROPOSED CROSS-SECTIONS**



OAKS CREEK  
 MURRELS INLET  
 GEORGETOWN COUNTY, SOUTH CAROLINA

PROPOSED: DREDGING

AT: OAKS CREEK

IN: MURRELS INLET

COUNTY OF: CHARLESTON  
SOUTH CAROLINA

SHEET: 7 OF 7

DATE: 12/01/2022