

DEPARTMENT OF THE ARMY

CHARLESTON DISTRICT, CORPS OF ENGINEERS 1949 INDUSTRIAL PARK ROAD, ROOM 140 CONWAY, SOUTH CAROLINA 29526

MAY 2 2 2018

Regulatory Division

Mr. Sel Hemingway Georgetown County 716 Prince Street Georgetown, South Carolina 29440

Dear Mr. Hemingway:

This is in response to your application requesting a Department of the Army permit.

Enclosed is your Department of the Army Permit # SAC 2017-01622. It authorizes you to perform the work specified on the attached drawings. This permit is issued under the provisions of the Federal laws for the protection and preservation of the navigable waters of the United States.

Please notify this office promptly, in writing, when you start and complete the work. The enclosed cards may be used for that purpose. You should also be aware that a special condition has been included in this permit which requires that a copy of the permit and drawings must be available at the work site during the entire time of construction.

FOR THE DISTRICT ENGINEER

Respectfully,

Tommy E. Fennel

Chief, Northeast Branch

Enclosures:

DA Permit # SAC 2017-01622

Notice of Commencement/Completion Cards

DEPARTMENT OF THE ARMY PERMIT

Permittee:

Georgetown County

Sel Hemingway 716 Prince Street

Georgetown, South Carolina 29440

Permit No:

SAC-2017-1622

Issuing Office: CHARLESTON DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The work consists of the construction of additional dockage at an existing public boat landing and the South Island Ferry landing. In detail, the work consists of construction of a 10' x 80' floating dock that will be attached south of and adjacent to an existing 8' x 30' floating dock. In addition, an 8' x 40' floating dock that will be installed and situated north of and adjacent to the existing ferry access approach structure. This is in accordance with the attached drawing sheets 1-4 of 4 entitled: "South Island Ferry Boat Landing Dock Additions / Georgetown County, South Carolina" and dated September 14, 2017 and revised February 2, 2018.

Project Location:

The project is located on the Atlantic Intracoastal Waterway (AlWW) at the terminus of South Island Road, in Georgetown County, South Carolina. (Latitude: 33.2505°N, Longitude: -79.2687°W)

Permit Conditions:

General Conditions:

- 1. The time limit for completing the work authorized ends on <u>30 June 2023</u>. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

	_		
Snooial	Cana	ditions:	
Special	COLL	aitions.	

SEE PAGE 4.

Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to: .
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

measures ordered by this office, and if you fail to comply with suc specified in 33 CFR 209.170) accomplish the corrective measure	ch directive, this office may in certain situations (such as those
6. Extensions. General condition 1 establishes a time limit for the there are circumstances requiring either a prompt completion of t decision, the Corps will normally give favorable consideration to a	the authorized activity or a reevaluation of the public interest
Your signature below as permittee, indicates that you accept and Sel Herningway Georgetown County	d agree to comply with the terms and conditions of this permit. (DATE)
Jeffrey \$ Palazzini Lieutenant Colonel, U.S. Army Commander and District Engineer or his designee Tommy Fennel Chief, Northeast Branch	ted to act for the Secretary of the Army, has signed below. 22 MA 1 201 (DATE)
When the structures or work authorized by this permit are still in conditions of this permit will continue to be binding on the new and the associated liabilities associated with compliance with its	owner(s) of the property. To validate the transfer of this permit
(TRANSFEREE)	(DATE)

Special Conditions:

- a. The permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit must be available at the construction site at all times.
- b. The permittee shall submit a signed compliance certification to the Corps within 60 days following completion of the authorized work and any required mitigation. The certification will include:
 - 1. A copy of this permit;
 - 2. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
 - 3. The signature of the permittee certifying the completion of the work and mitigation.
- c. It is recognized that this structure is to be constructed on/or adjacent to an area subject to a prism and/or disposal easement held by the United States in perpetuity in conjunction with a Congressionally authorized project for the maintenance and improvement of the Sampit River Bypass Canal. This permit does not convey any property rights either in real estate or material or any exclusive use privileges; nor does it relinquish any right the United States has for the use of its easement or the maintenance and future widening or deepening of the federal channel pursuant to its easement rights.
- d. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- e. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
- f. Conveyance of this permit applies only to the structure authorized and does not authorize the construction of any permanent structure or any structure suitable for habitation or any utility leading either to permanent structures suitable for habitation or to permanent structures within the bounds of areas on which the Corps of Engineers enjoys easement rights.
- g. That the Secretary of the Army, representing the United States of America, hereby consents to the herein authorized facilities or structures to be located on or across easement lands vested in the United States of America for the construction and operation of the AlWW. The permittee shall not engage in any act which may interfere

with or abridge the easement interests of the United States, except those specifically authorized herein.

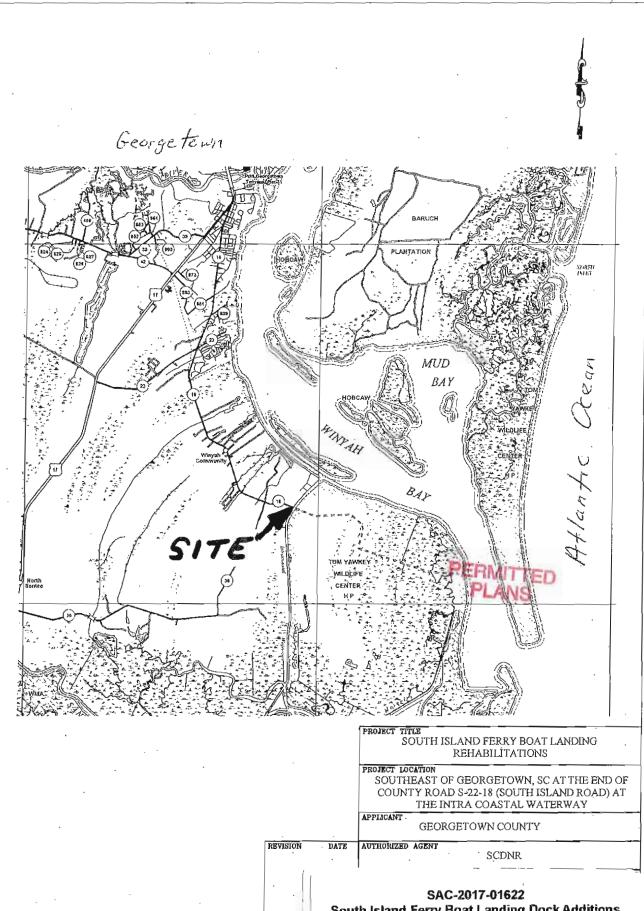
- h. That the permittee agrees to provide, as a part of the completion notification, as-built drawings which indicate all dimensions of the structure as well as the distance between the centerline of the federal channel, and the waterward edge of the authorized structure. The drawings should also include the State Plane Coordinates, NAD 1983, for minimum of two corners on each structure where it is closest to the federal channel. These drawings must be prepared by a registered land surveyor and submitted within sixty (60) days of the completion of the structure. Failure to provide these drawings will result in non-compliance with the General Permit and further enforcement action will be taken.
- i. It is understood and agreed that if the District Engineer determines this structure shall in any way in the future conflict with the improvement, operation, maintenance and widening or deepening of the federal channel, the owners themselves, their heirs, successors and assigns will remove said structure within 45 days from the date that written notice is given by the District Engineer, and there shall be no entitlement to compensation from the United States for damage or injury.
- j. That permittee agrees that no permanent structures, beyond those authorized by this document, will be placed on the prism easement or on any adjacent disposal easement without written approval of the District Engineer.
- k. That the permittee agrees to contact the Boating Division of the South Carolina Department of Natural Resources to advise them of the place and time that the dredging activity will be occurring. The permittee will solicit any information that the Department may have on local boating traffic patterns and activities in the project area. Such information will be used to facilitate dredging plant and appurtenances setup and operation to insure safe navigation through the area of work.
- I. The permittee shall instruct all personnel associated with the project of the potential presence of and the need to avoid collisions with protected species, which may include but is not limited to West Indian manatees, Atlantic sturgeon, shortnose sturgeon, sea turtles, blue whale, fin whale, humpback whale, North Atlantic right whale, sei whale and sperm whale.
- m. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing protected species which are protected under the Marine Mammal Protection Act of 1972 and/or the Endangered Species Act of 1973.
- n. Any siltation barriers used during the project shall be made of material in which protected species cannot become entangled and must be properly secured, and regularly monitored to avoid protected species entrapment.
- o. All vessels associated with the project shall operate at no wake/idle speeds at all times while in the construction area and while in water where the draft of the vessel

provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

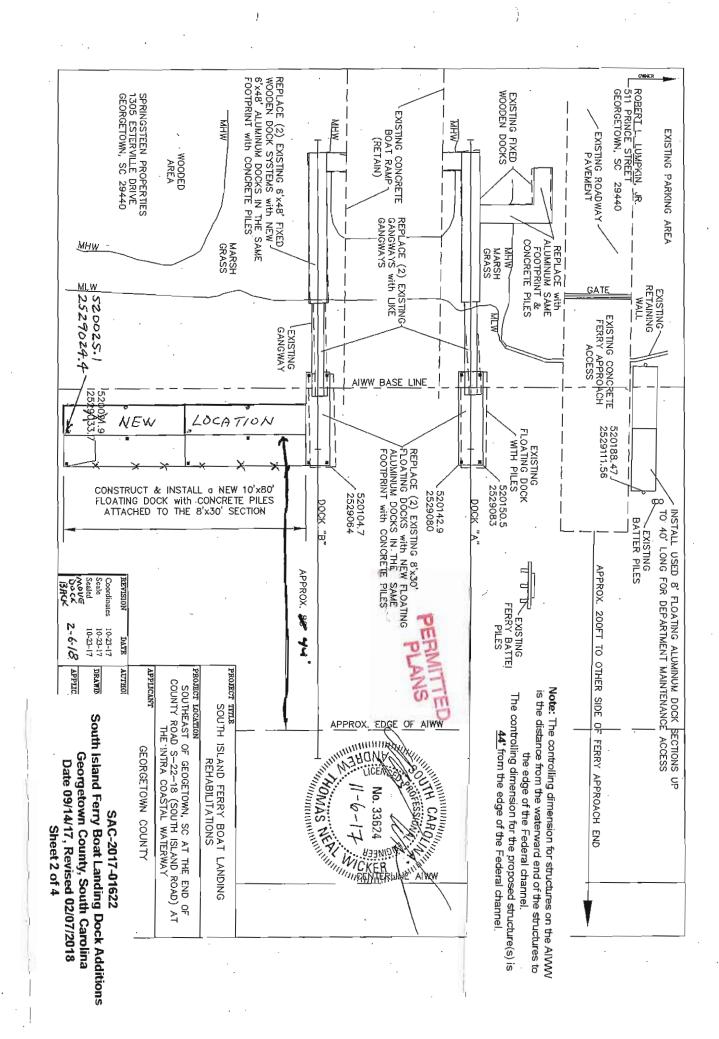
- p. If protected species are seen within 100 yards of the active construction area all appropriate precautions shall be implemented to ensure protection of the protected species. These precautions shall include the operation of all moving equipment no closer than 50 feet to a protected species. Operation of any equipment closer than 50 feet to a protected species shall necessitate immediate shutdown of that equipment. Activities will not resume until the protected species has departed the project area of its own volition.
- a. Incidents where any individuals of sea turtles, Atlantic sturgeon, shortnose sturgeon, blue whale, fin whale, humpback whale, North Atlantic right whale, sei whale and sperm whale listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this DA permit shall be reported to NOAA Fisheries, Office of Protected Species at (727) 824-5312, the SCDNR Hotline at 1-800-922-5431, and the Regulatory Office of the Charleston District of the U.S. Army Corps of Engineers at (843) 329-8044. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.
- r. In order to insure protection and reduce potential construction-related impacts to West Indian manatees that may enter the project area during dredging activities performed outside the winter months (November thru April), to discountable and insignificant levels, the permittee will comply with the following:
- s. All construction personnel must monitor water-related activities for the presence of manatee(s) during May October.
- t. Any collision with and/or injury to a manatee shall be reported immediately to Mr. Jim Valade of the U.S. Fish and Wildlife Service, North Florida Field Office, at (904) 731-3116, and the SCDNR Hotline at 1-800-922-5431.
- u. That the permittee understands and agrees that pile driving activities must be limited to 12 hours per day with a 12-hour rest period between pile driving activities to avoid potential cumulative noise impacts to Federally-listed Threatened and Endangered (T&E) species.
- That the permitee understands and agrees that pilings will be installed using a water
 jet or vibratory hammer. In the event standard pile driving (impact hammer) is
 utilized, the permittee understands and agrees that a soft-strike procedure (three

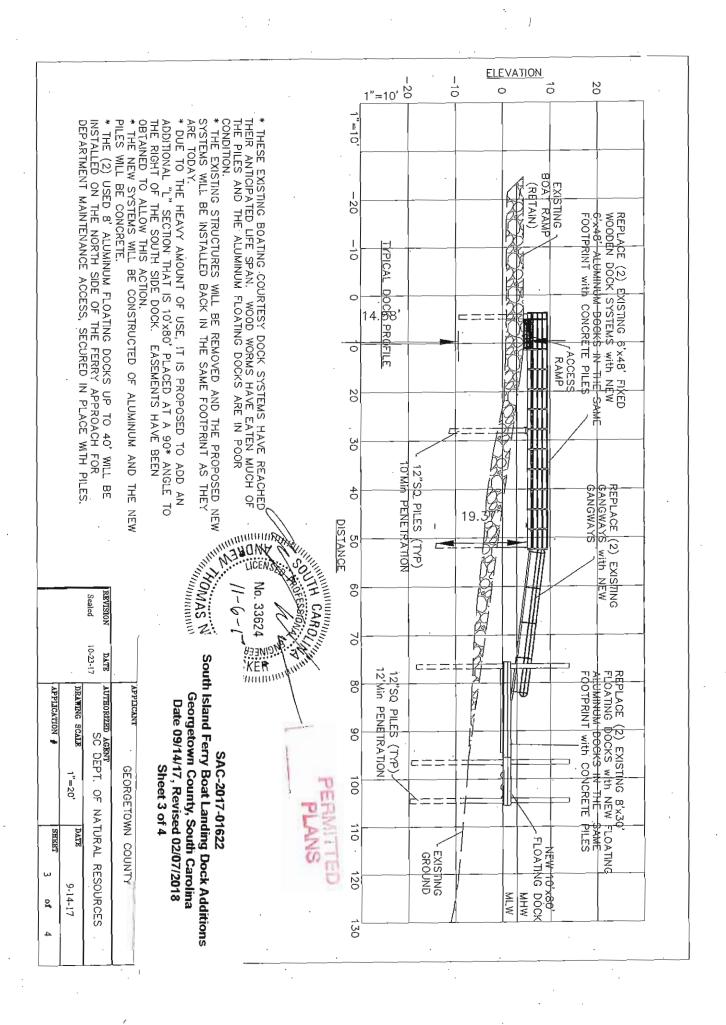
strikes at 40%-60% energy level once a minute for 3 minutes) must be conducted prior to beginning pile driving activities and after any pile driving interruptions of more than 30 minutes

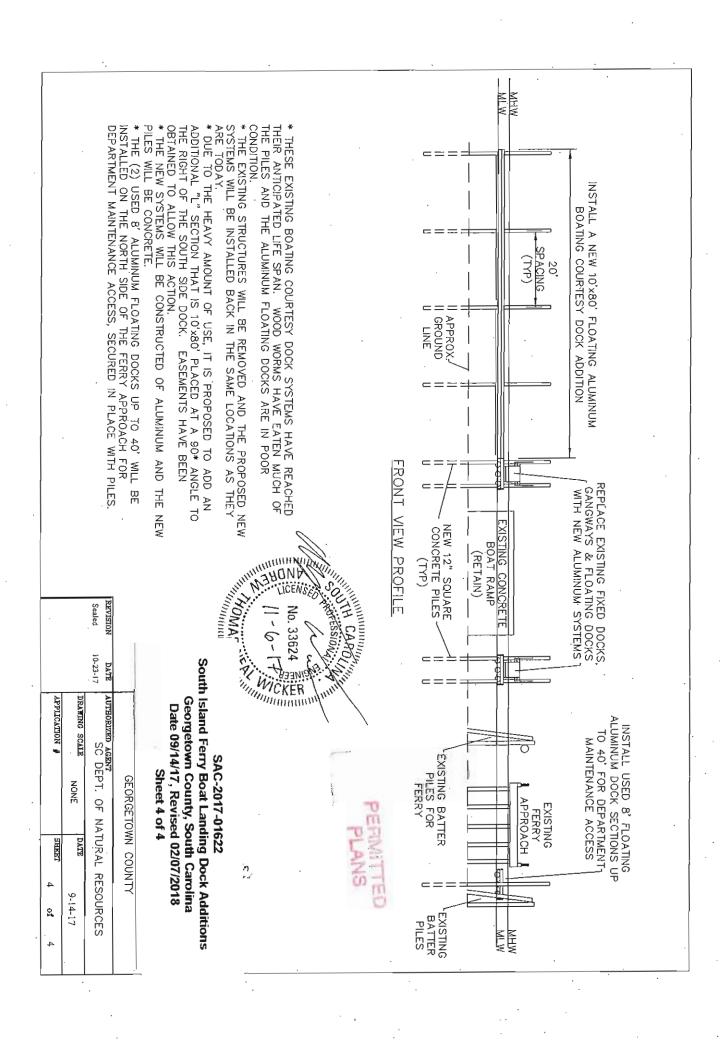
- w. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on authorized facilities. The USCG may be reached at the following address and telephone number: (as of February 2013) U.S. Coast Guard District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL. 33131, and 305-415-6755 or 305-415-6750.
- x. If any previously unknown historic, cultural or archeological remains and artifacts are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify the district engineer of what has been found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.



SAC-2017-01622
South Island Ferry Boat Landing Dock Additions
Georgetown County, South Carolina
Date 09/14/17, Revised 02/07/2018
Sheet 1 of 4







NOTICE OF COMMENCEMENT OR COMPLETION . OF WORK AUTHORIZED BY PERMIT

	•		DATE
MODICALITHODIZED BY BEDAD	TMENT OF THE ADMY DE	SAC 2017 01622	
MIV 7 7 2018	IMENT OF THE ARMY PER	RMITSAC 2017-01622	_
DATED			
TO PERFORM WORK IN	Atlantic	c Intracoastal Waterway (AlWW)	
		(WATERBODY NAME)	
WAS COMMENCED	ON		
WAS COMPLETED (circle appropriate respons	ON(DATE)		
		(SIGNATURE)	
FL 130			
5 MAR 79			
	•		
	·	· · · · · · · · · · · · · · · · · · ·	
•			
	NOTICE OF COMMENCE		
	OF WORK AUTHOR	RIZED BY PERMIT	
			DATE
WORK AUTHORIZED BY DEPART	MENT OF THE ARMY PER	RMIT SAC 2017-01622	
DATEDNAY 2 2.2013	<u> </u>	·	
TO DEDECTIVA MODIZ IN	Atlantic	Intracoastal Matanyay (AIMM)	
TO PERFORM WORK IN	Attantic	C Intracoastal Waterway (AIWW) (WATERBODY NAME)	
WAS COMMENCED			
	ON(DATE)		
WAS COMPLETED (circle appropriate respons			
		(SIGNATURE)	

FL 130 5 MAR 79



REQUEST FOR DHEC-OCRM CONSTRUCTION PLACARD

PERMITTEE/PROPERTY OWNER: Georgetown County			PERMIT #	
ADDRES	S: 716 Prince St			
	Georgetown			
this card in the mail to our office. Y	You will receive a construction placard,	good for six month	zed by the enclosed permit. Then simply drop ns, that must be posted at the work site. If the owever, do not request a placard if you are not	
DATE OF INITIATION OF CON	STRUCTION:			
PERMIT HOLDER/PROPERTY	OWNER OR AGENT SIGNATURE	:		
CONTRACTOR:	LICENSE NUMBER:			
contractor with no license number. the construction placard since this w of 1999 requires that all constructio license for marine class construction	In any event, unlicensed contractors se would be in violation of the S. C. Contra on with a total cost of \$5000 or more mun, except for construction performed by	rving as Agent for actor's Licensing A ast be performed by	wner is required to list himself/herself as the Permittee/Property Owner will not receive let of 1999. The S. C. Contractors Licensing Act y a licensed contractor with a valid contractor's ner for strictly private purposes.	
MAILING ADDRESS TO S	END PLACARD:	WATERWAY:	Atlantic Intracoastal Waterway	
			Georgetown	
			Georgetown (22)	
Please mail completed reque	est form to the DHEC-OCRM o	ffice in your a	rea:	
Charleston:	Myrtle Beach:		aufort:	
SCDHEC-OCRM	SCDHEC-OCRM	SC	DHEC-OCRM	
1362 McMillan Ave.	927 Shine Ave.		4 Parker Drive	
Suite 400	Myrtle Beach, SC 29577	Be	aufort, SC 29906	
Charleston, SC 29405				