

June 6, 2022

SEE SPECIAL CONDITION(S)

Georgetown County Capitol Projects c/o Mr. Art Baker P.O. Box 421270 Georgetown, SC 29442

91 7199 9991 7030 0131 2065

Re:

OCRM03642 - Georgetown County - Pawleys Island South End Parking Lot Improvements

Dear Mr. Baker:

The Office of Ocean and Coastal Resource Management (the Department) has reviewed your application to make improvements to the Pawleys Island South End Parking Lot at the south end of Springs Avenue, Pawley's Island, Georgetown County, South Carolina and has issued a permit for this work. You should carefully read the description of the authorized project and special conditions that have been placed on the permit, as these conditions may modify the permitted activity. In addition, there are a series of general conditions that should be reviewed. The original and one photocopy of the permit, as issued, are enclosed. After carefully reading the permit, if you wish to accept the permit as issued, sign and date in the signature block entitled "PERMITTEE" on the original version of the permit and **return it to this Department. Keep the photocopy for your records.** 

<u>PLEASE READ CAREFULLY</u>: You are required to sign and return the original version of your permit to this Department. If this permit is not signed and returned <u>within thirty (30) days of issuance</u>, OR appealed within 15 days as described on the enclosed "Guide to Board Review", the Department reserves the right to cancel this permit. Please carefully review the enclosed "Guide to Board Review" for information and deadlines for appealing this permit.

We have also enclosed a "request for a construction placard" card. You must send in this card before the time you wish to start construction. At that time a construction placard will be sent to you to post at the construction site.

<u>PLEASE NOTE</u>: You are not authorized to commence work under the permit until we have received the original version of the entire permit signed and accepted by you, and a construction placard has been issued and posted at the construction site. The receipt of this permit does not relieve you of the responsibility of acquiring any other federal, state, or local permits that may be required. Please return the signed permit to the following address:

Office of Ocean and Coastal Resource Management 1362 McMillan Ave., Suite 400 Charleston, SC 29405

Sincerely,

Matthew J. Slagel

Beachfront Permitting Project Manager

Critical Area Permitting Section

**Enclosure** 

cc: Mr. Blair Williams, Critical Area Permitting Section Manager Mr. Grant Gibson, Earthworks Group, Agent

### South Carolina Board of Health and Environmental Control

### Guide to Board Review

# Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

### I. Filing of Request for Final Review

- 1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15<sup>th</sup> day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
- 2. RFRs shall be in writing and should include, at a minimum, the following information:
  - The grounds for amending, modifying, or rescinding the staff decision;
  - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
  - the relief requested;
  - a copy of the decision for which review is requested; and
  - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
- 3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control

Attention: Clerk of the Board

2600 Bull Street

Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).

- 4. The filing fee may be paid by cash, check or credit card and must be received by the 15<sup>th</sup> day.
- 5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
- 6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
- 7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
- 8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will

respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

- 9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
- 10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

# II. Final Review Conference Scheduling

- 1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
- 2. The Clerk will request Department staff provide the Administrative Record.
- 3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
  - include the place, date and time of the Conference;
  - state the presentation times allowed in the Conference;
  - state evidence may be presented at the Conference;
  - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
  - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
- 4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

### III. Final Review Conference and Decision

- 1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
  - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
    - Type of decision (permit, enforcement, etc.) and description of the program.
    - Parties
    - Description of facility/site
    - Applicable statutes and regulations
    - Decision and materials relied upon in the administrative record to support the staff decision.
  - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] NOTE: The burden of proof is on the Requestor(s)
  - Rebuttal by Department staff [15 minutes]
  - Rebuttal by Requestor(s) [10 minutes]
    - Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
- 2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
- 3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
- 4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
- 5. All Conferences are open to the public.
- 6. The officers may deliberate in closed session.
- 7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
- 8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council. The FAD will be sent by certified mail, return receipt requested.
- 9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.

# SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

### **CRITICAL AREA PERMIT & COASTAL ZONE CONSISTENCY CERTIFICATION**

Permittee:

**Georgetown County Capitol Projects** 

Permit Number:

OCRM03642

Date of Issuance:

June 6, 2022

**Expiration Date:** 

June 6, 2027

Location:

Adjacent to the Atlantic Ocean and Pawleys Creek at the South end of Springs

SEE SPECIAL

CONDITION(S)

Avenue,

Pawleys Island, Georgetown County, South Carolina. TMS#: 42-0177-004-01-00.

This permit is issued under the provisions of S. C. Code Ann. Section 48-39-10, et seq., and 23A S.C. Code Ann. Regs. 30-1 through 30-18, as amended. Please carefully read the project description and special conditions that appear on this permit/certification as they will affect the work that is allowed and may modify the work from that shown on the submitted plans. All special conditions attached to the permit will take precedence over submitted plans. The general conditions are also a part of this permit/certification and should be read in their entirety. The S. C. Contractor's Licensing Act of 1999, enacted as S.C. Code Ann. Section 40-11-5 through 430, requires that all construction with a total cost of \$5,000 or more be performed by a licensed contractor with a valid contractor's license for marine class construction, except for construction performed by a private landowner for strictly private purposes. Your signature on and acceptance of this permit denotes your understanding of the stated law regarding use of licensed contractors. All listed special and general conditions will remain in effect for the life of the permit. This applies to permittee, future property owners, or permit assignees.

## **DESCRIPTION OF THE PROJECT, AS AUTHORIZED**

The plans submitted by you, attached hereto, show the authorized work consists of repaving and remarking the Pawleys Island South Parking Lot, relocating railroad ties, installing new sand fencing, and installing stormwater structure replacements on the Pawleys Creek side of the parking lot. The existing wooden ramp and handicap access ramp will be removed and replaced with 63' of 6' wide handicap beach access ramps with 2 level landings (6' x 5' and 6' x 10'). The work as described is to improve the Pawleys Island South Parking Lot.

### **SPECIAL CONDITIONS**

- 1. The parking lot improvements must not result in an enlarged parking lot or result in seaward encroachment of the existing parking lot.
- 2. The replacement knee wall cannot be constructed in a manner that results in it functioning as an erosion control structure.

Permit Number: OCRM03642

- 3. The installation of sand fencing, planting of beach/dune vegetation, and maintenance activities must be consistent with the South Carolina Critical Area Permitting Regulations in S.C. Code Ann. Regs. 30-13(L).
- 4. The replacement dune walkover structure is exempt from DHEC-OCRM permitting provided that the regulatory requirements in S.C. Code Ann. Regs. 30-13(O)(1) are adhered to. See "Attachment A".
- 5. No sand from the beach may be used during construction.
- 6. Construction shall not alter or impact existing sand dunes, dune vegetation, or the beach.
- 7. No materials or equipment are allowed to be stored in the beach/dune critical area.
- 8. All necessary measures must be taken to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or beach environment during construction.
- 9. Best Management Practices (BMP's) such as silt fences must be used during construction to prevent sedimentation reaching adjacent waters or the beach.
- 10. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
- 11. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

# CONDITION(S)

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND FIVE (5).BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF. ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS AND SPECIFICATIONS SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR MODIFICATION OF THIS PERMIT AND THE INSTITUTION OF SUCH LEGAL PROCEEDINGS AS THE DEPARTMENT MAY CONSIDER APPROPRIATE.

OCRM03642

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PERMITTEE

Georgetown County Capitol Projects

JUN 2 9 2022

DATE

This permit becomes effective when the State official, designated to act for the Office of Ocean and Coastal Resource Management, has signed below.

BEACHERONT PERMITTING PROJECT MANAGER

CHERONI FERMITTING PROJECT MANAGET

Matthew J. Slagel

**Or Other Authorized State Official** 

6/6/2022 DATE

### **GENERAL CONDITIONS:**

This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

- The permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the Department and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
- 2. If the activity authorized herein is not constructed or completed within five years of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than thirty days prior to the expiration date.
- 3. All authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
- 4. This permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further, to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
- 5. This permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to allenate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
- 6. The permittee shall permit the Department or its authorized agents or representatives to make periodic inspections at any time deemed necessary to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
- 7. Any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the Department
- 8. This permit may not be transferred to a third party without prior written notice to the Department, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit and thereby agreeing to comply.
- 9. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
- 10. The permit construction placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
- 11. The structure or work authorized herein shall be in accordance with the permit, as issued, and shall be maintained in good condition. Failure to build in accordance with the permit, as issued, or failure to maintain the structure in good condition, shall result in the revocation of this permit.

- 12. The authorization for activities or structures herein constitutes a revocable license. The Department may require the permittee to modify activities or remove structures authorized herein if it is determined by the Department that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that the Department intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
- 13. The Department shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is in violation of the terms and/or conditions, including any special conditions of the permit. That the permittee, upon receipt of the Department's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, the Department shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the Department.(South Carolina Code Section 1-23-370 shall govern the procedure for revocation, suspension or modification herein described).
- 14. Any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against the Department or the State of South Carolina or any employee, agent, or representative of the Department or the State of South Carolina.
- 15. All activities authorized herein shall be, if they involve a discharge or deposit into navigable waters or ocean waters, at all times consistent with all applicable water quality standards, effluent limitations, and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
- 16. Extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of others. This permit authorizes no invasion of adjacent private property, and the Department assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.

# ATLANTIC OCEAN

# SEE SPECIAL CONDITION(S)

# PAWLEYS ISLAND SOUTH PARKING LOT SITE IMPROVEMENT PLANS

GEORGETOWN COUNTY, SC

PREPARED FOR:
GEORGETOWN COUNTY CAPITAL PROJECTS

1920 CHURCH STREET GEORGETOWN, SC 29440

04-27-2020

# REPORTO, NE CHERON REPULL AND REPURCHES NALLE SENDIDO AND CONTROLLED SENDIDO PROPERTO PROMICALO AND CONTROLLED SENDIDO PROPERTO PROMICALO AND CONTROLLED SENDIDO PROPERTO PROMICALO AND CONTROLLED SENDIDO PROPERTO PROPERTO PROPERTO AND CONTROLLED SENDIDO PROPERTO TOT CONTINUED A ACTIVITIES SEEM, REPERTIONS MATERIAL OCCUPANT AS SEEM REPERTIONS MATERIAL OF AT LOCATION AS THE CONTINUE AS TH LOTHER TOWN TO A CORPORATE ALL AND CONTRACT LIMITELLE WALLE THACKHOLL, THE WARTH SHOULD HE HATTEL BEDOWN SERVICE AND THE THACKHOLL THE HATTEL BEDOWN SERVICE AND THE THACKHOLL THE THACKHOLL T COMMO DEPOMACES FINE RITE ARE RECIBITED. NACED BY AN EPROPERATE COMPONE. NETHINGTHE FINEN WAS DEAD OF COMPONE. NETHINGTHE FINEN WAS DEAD. NETHINGTHE FINENCE FINEN WAS DEAD. 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CONSTRUCTION

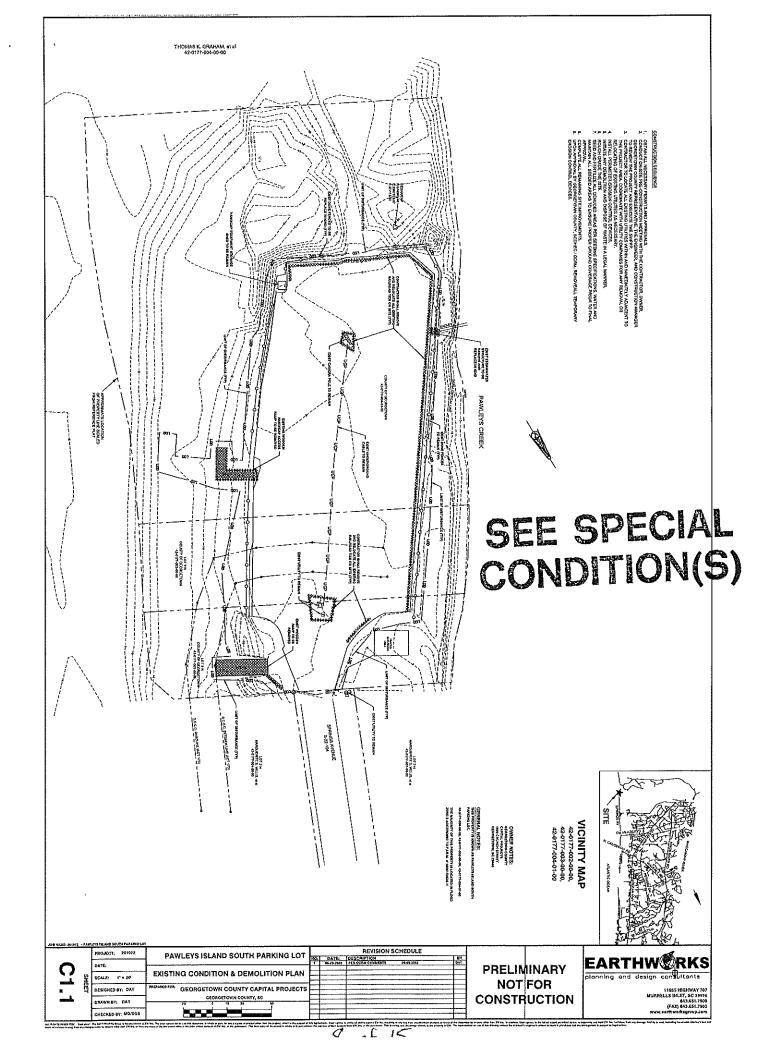
all grassed areas shall be seeded and watered until 70% Of the area is stabilized, all bane areas shall be retheated Every 14 days until grass is established.

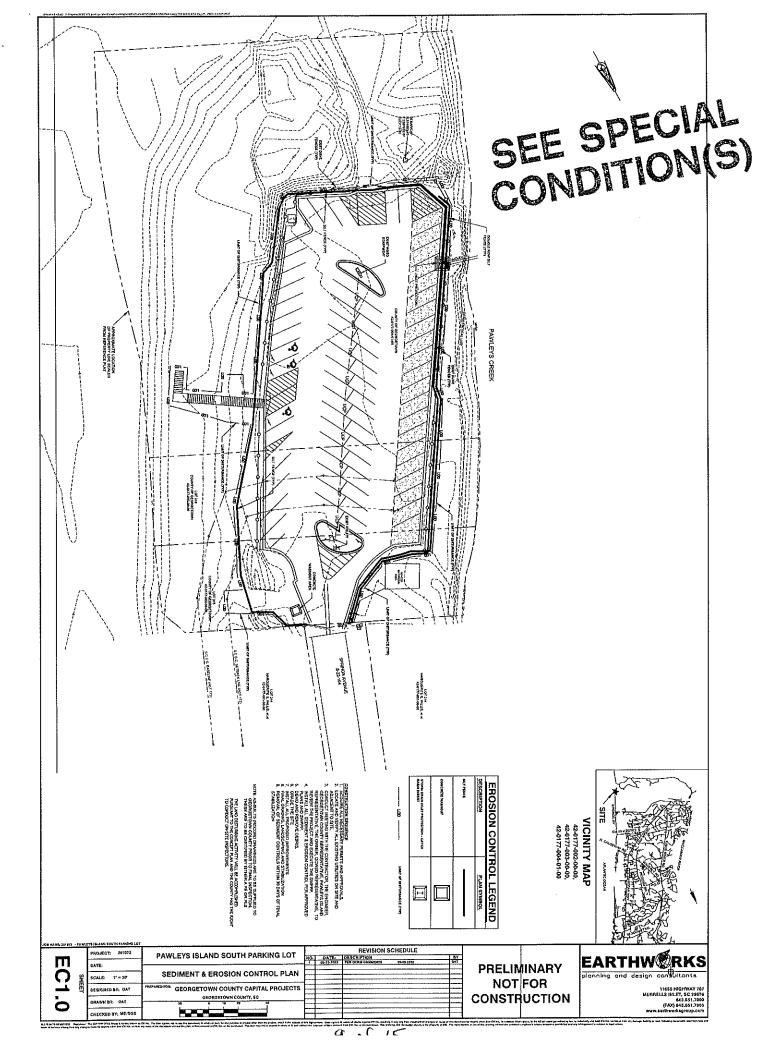
C1.0

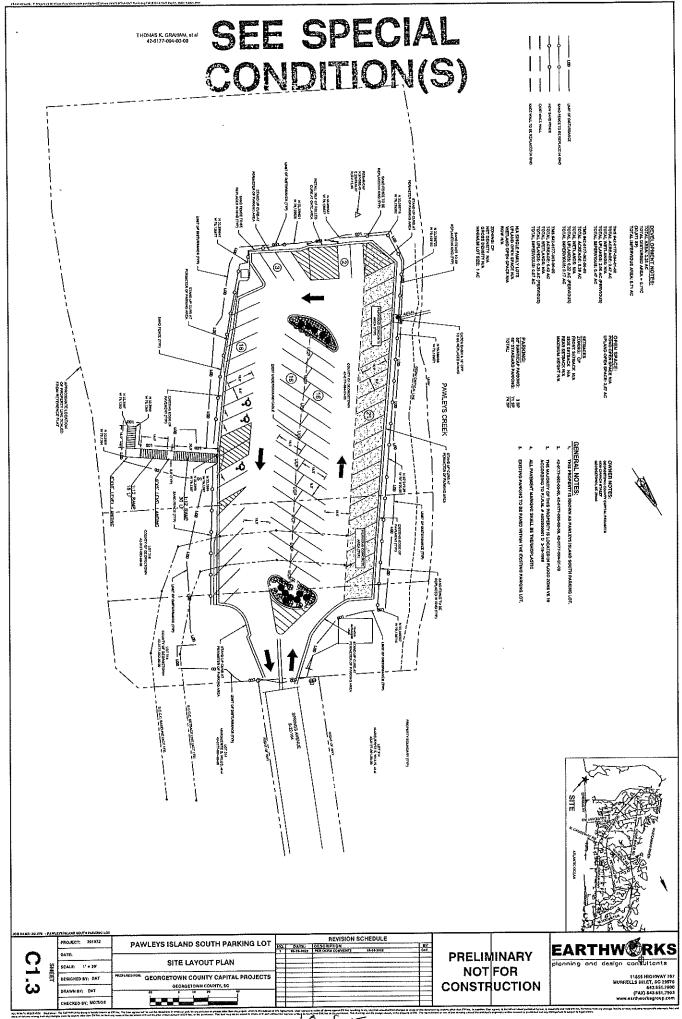
DESIGNED BY: DAT

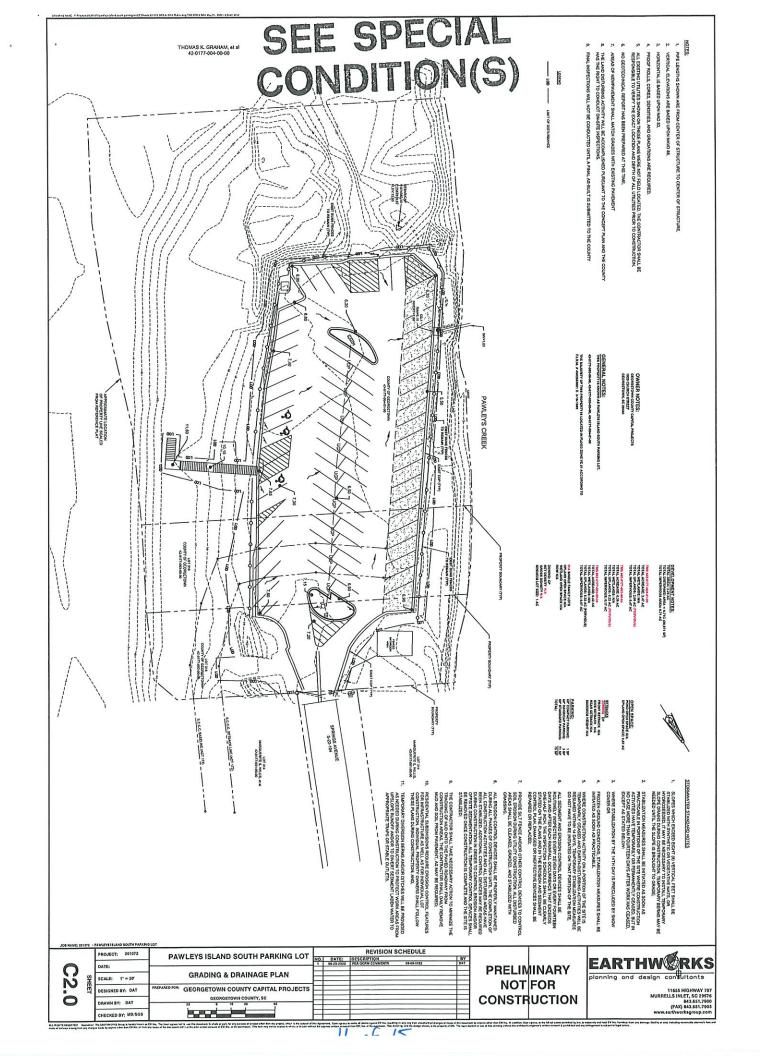
CHECKED BY: MO.SGS

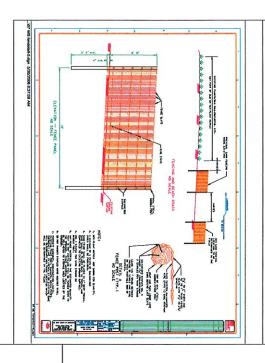
GEORGETOWN COUNTY, SC

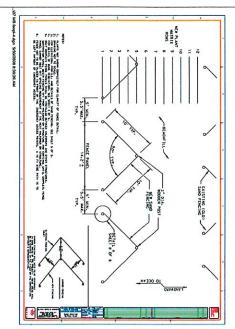


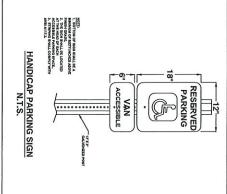


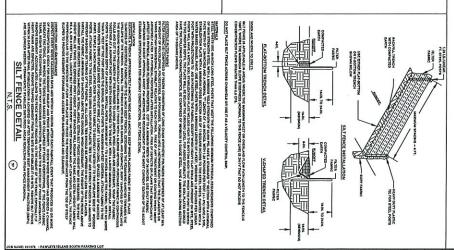












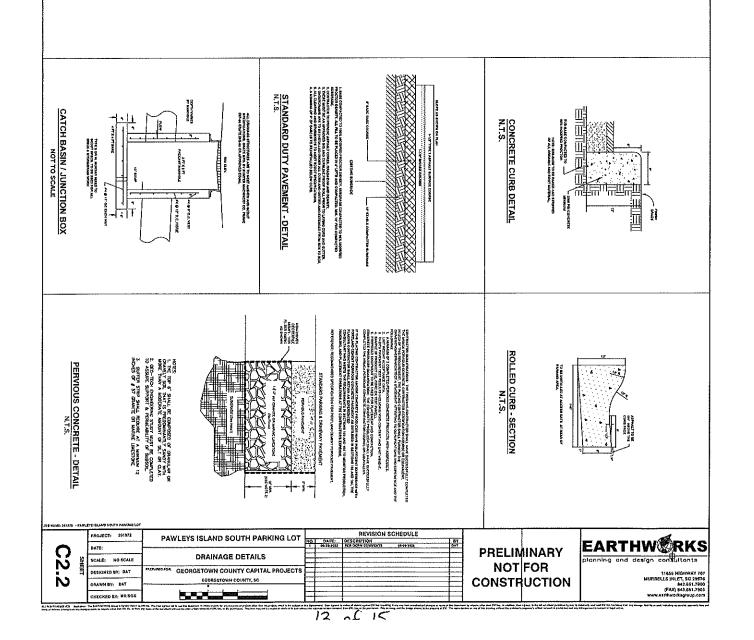
	PROJECT: 201072	PAWLEYS ISLAND SOUTH PARKING LOT		REVISION SCHEDULE				
		PAWLETS ISLAND SOUTH PARKING LOT	NQ.	DATE:	DESCRIPTION PER OCAM COMMENTS	05-05-2922	BY	
	DATE:	SITE DETAILS						
	SCALE: ######		Ħ				=	
	DESIGNED BY: DAT	PREPLIED FOR GEORGETOWN COUNTY CAPITAL PROJECTS	Ħ				$\pm$	
	DRAWN BY: DAT	GEORGETOWN COUNTY, SC	Ħ				-	
			$\Box$					
	CHECKED BY: MD/SGS		Н				-	

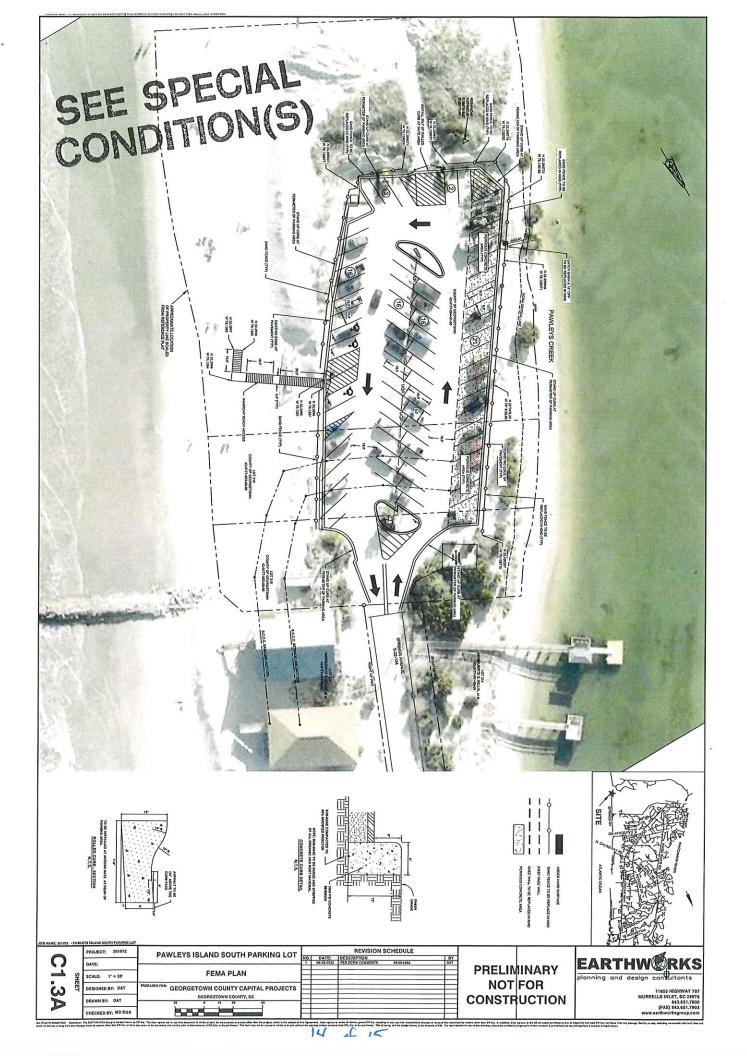
C2.1

PRELIMINARY
NOT FOR
CONSTRUCTION



11655 HIGHWAY 707 MURRELLS INLET, SC 29576 643.651.7900 (FAX) 843.651.7903 www.earthworksgroup.com





# ATTACHMENT A

# DHEC-OCRM Dune Walkover Guidance From R.30-13(O)(1):

# O. Sand Dune Management.

- (1) Walkways over dunes, as provided in Section 48-39-130(D), shall meet the following requirements:
  - (a) All components must be constructed of wood or Department-approved wood-like material;
  - (b) Have a maximum width of six feet;
  - (c) Conform with the contour of the dunes with a 2 foot vertical clearance between the surface of the dune and top of the walkway;
  - (d) Displace no sand in a critical area;
  - (e) Be constructed with as little environmental damage as possible;
  - (f) Not be located within fifty feet of another walkway on the same parcel of property;
  - (g) Be limited to no more than one of these structures per lot unless a limit of one would cause an unnecessary hardship as determined by the Department;
  - (h) Be shore perpendicular, except as necessary for handicapped access.

Additionally, the structure must terminate as far landward as possible and not extend far across the dry sand beach. A wider deck cannot be incorporated into the structure without a General Permit from this office. This guidance does not alleviate your responsibility of obtaining any local permits or approvals that may be needed.



# REQUEST FOR DHEC-OCRM CONSTRUCTION PLACARD

PERMITTEE/PROPERTY OW	NER:	PERMIT #			
ADDRE	SSS:	······································			
this card in the mail to our office.	You will receive a construction placard, good	ct as authorized by the enclosed permit. Then simply drop for six months, that must be posted at the work site. If the placard. However, do not request a placard if you are not			
DATE OF INITIATION OF CO	ONSTRUCTION:				
PERMIT HOLDER/PROPERT	Y OWNER OR AGENT SIGNATURE:				
CONTRACTOR:	LICENSE	LICENSE NUMBER:			
contractor with no license number the construction placard since this of 1999 requires that all construct	: In any event, unlicensed contractors serving swould be in violation of the S. C. Contractor's	/Property Owner is required to list himself/herself as as Agent for the Permittee/Property Owner will not receive Licensing Act of 1999. The S. C. Contractors Licensing Act performed by a licensed contractor with a valid contractor's ate landowner for strictly private purposes.			
MAILING ADDRESS TO	SEND PLACARD:				
	WA	WATERWAY:			
	CITY:				
	COUNTY:				
Places mail completed very	nest form to the DHEC-OCRM office	in vour grage			
riease man completed requ	lest form to the DITEC-OCKIA office	•			
Charleston:	Myrtle Beach:	Beaufort:			
SCDHEC-OCRM	SCDHEC-OCRM	SCDHEC-OCRM			
1362 McMillan Ave. Suite 400	927 Shine Ave. Myrtle Beach, SC 29577	104 Parker Drive Beaufort, SC 29906			

Charleston, SC 29405



# United States Department of the Interior

### FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200 Charleston, South Carolina 29407





Mr. Joseph Inman U.S. Department of Homeland Security FEMA Region IV 3005 Chamblee Tucker Road Atlanta, Georgia 30341-4112

Re: South Pawleys Island Parking Lot Walkover

Georgetown County, South Carolina FWS Project Code: 2022-0041988

Dear Mr. Inman:

The U.S. Fish and Wildlife Service (Service) has reviewed your May 12, 2022, letter requesting to initiate formal consultation for the Town of Pawleys Island. These comments are submitted in accordance with provisions of section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543) (ESA).

The proposed project involves demolition of the existing beach walkover and construction of a new Americans with Disabilities Act compliant beach walkover within an expansion of the existing footprint. The walkover is located at the parking lot on the southernmost section of Pawleys Island. The project will take approximately one week to complete, but a start date has not been determined.

Habitat for three listed species occurs within or adjacent to the project area. Nesting loggerhead sea turtles (*Caretta caretta*), nonbreeding piping plovers (*Charadrius melodus*), and nonbreeding rufa red knots (*Calidris canutus rufa*) are known to occur within or adjacent to the area. Seabeach amaranth (*Amaranthus pumilus*) and nesting green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles are possible within the project area although occurrences are rare. The sea turtle nesting season is May 1 through October 31. Females come ashore to nest May 1 through August 15 and hatchlings emerge July 15 through October 31. The nonbreeding season for piping plovers and red knots, which includes winter and fall and spring migration, is July 15 through May 15. Seabeach amaranth, when present, is most easily identified July through October.

The contractor for the Town of Pawleys Island needs to coordinate any work scheduled during the sea turtle nesting season with Ms. Michelle Pate, the Marine Turtle Conservation Program Coordinator for the South Carolina Department of Natural Resources. She can be reached at

<u>pates@dnr.sc.gov</u>. Any work scheduled during the sea turtle nesting season must be limited to daylight hours only. If vehicles need to access the beach for construction, they must wait until the daily sea turtle survey within and adjacent to the project area is complete.

Your agency has made a determination of may affect, but is not likely to adversely affect for the piping plover (Charadrius melodus), rufa red knot (Calidris canutus rufa), loggerhead sea turtle (Caretta caretta), green sea turtle (Chelonia mydas), leatherback sea turtle (Dermochelys coriacea), and Kemp's ridley sea turtle (Lepidochelys kempii), and seabeach amaranth (Amaranthus pumilus). The Service concurs with this determination and satisfies all requirements under section 7 of the ESA. Please note that obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed, or critical habitat is determined that may be affected by the identified action.

If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Ms. Melissa Chaplin of my staff at (843) 300-0427 or by email: <a href="melissa\_chaplin@fws.gov">melissa\_chaplin@fws.gov</a>. In future correspondence concerning the project, please reference FWS Project Code: 2022-0041988.

Sincerely,

Thomas D. McCoy Field Supervisor

Thomas D. McCoy

TDM/MKC