



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526

August 17, 2026

Regulatory Division

Kelly White
The Barefoot Resort Residential Owners Association
4876 Barefoot Resort Bridge Rd, Ste C
North Myrtle Beach, South Carolina 29582
kwhite@pm-llc.com

Dear Kelly White:

Enclosed is your Department of the Army Permit SAC-2025-01047 for the project known as Barefoot Retaining Wall Phase 1B. It authorizes you to perform the work specified in the attached drawings. This permit is issued under provision of Federal laws for the protection and preservation of waters of the United States.

Please notify this office promptly, in writing or via email to Rob Huff, Watershed Manager by email at Robert.C.Huff@usace.army.mil, when you start and complete work. Be aware a special condition is included in this permit requiring a copy of the permit and drawings be available at the work site during the entire time of construction.

FOR THE CHIEF, REGULATORY DIVISION Sincerely,

A handwritten signature in blue ink, appearing to read "ES", is located below the "Sincerely," text.

Erica Stone
Chief, Northeast Branch

Attachments
DA Permit SAC-2025-01047
Notice of Commencement or Completion
SCDES WQC

DEPARTMENT OF THE ARMY PERMIT

Permittee: **Kelly White**
The Barefoot Resort Residential Owners Association
4876 Barefoot Resort Bridge Rd, Ste C
North Myrtle Beach, South Carolina 29582
kwhite@pm-llc.com

Permit No: **SAC-2025-01047**

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 authorized works consists of the placement of up to 200 tons of SCDOT Class A granite riprap (2"–4" diameter) and 50 tons of ASTM C33 Number 4 granite stone (3/4"–1 1/2" diameter) along approximately 150 linear feet of the streambed. The materials will be installed at a 1% grade to match the existing channel slope, ensuring that the upstream and downstream elevations of the project area remain unchanged. All work is to be completed in accordance with attached drawings entitled: "SAC-2025-01047 / The Barefoot Resort Outfall No. 2 - / Phase 1B Retaining Wall Repairs / Horry County, South Carolina" sheets 1 through 3, and dated February 6, 2026.

Project Location:

The project/review area is situated between Via Palma Drive and Waterview Drive, south of Barefoot Resort Bridge Road, near 2241 Waterview Drive in North Myrtle Beach, Horry County, South Carolina (Latitude 33.79945 ° and Longitude -78.76005 °).

General Permit Conditions:

1. The time limit for completing the work authorized ends on August 6, 2031. 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.

Special Permit Conditions:

See Appendix A, pages 5 & 6.

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 USC 403)
- ☒ Section 404 of the Clean Water Act (33 USC 1344)
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 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 liability for:

- 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. The Corps may reevaluate its decision on this permit any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to:

a. Failure to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which the Corps 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 the Corps, and if you fail to comply with such directive, the Corps 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.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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



(PERMITTEE)

8/11/2026

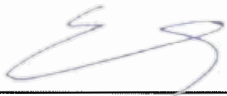
(DATE)


The Barefoot Resort Residential Owners Association
kwhite@pm-llc.com

Dara Baltuskonis President
Barefoot Resort Residential Owners Association

PRINT NAME

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)

Todd A. Mainwaring, PE, PMP
Lieutenant Colonel, U.S. Army
Commander and District Engineer
or their Designee
Erica Stone
Chief, Northeast Branch

August 17, 2026

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

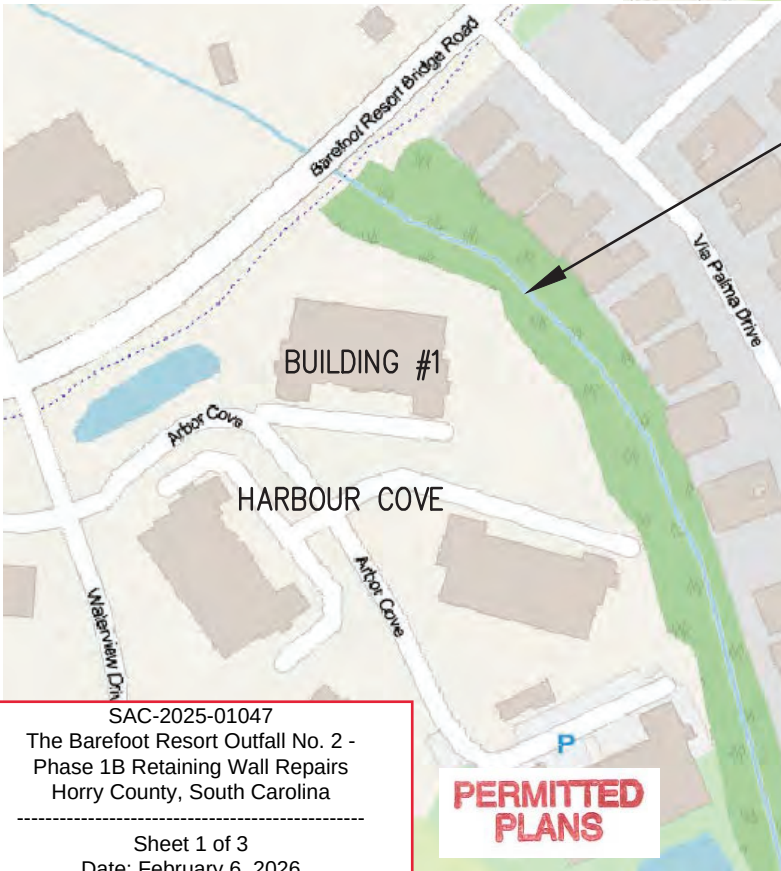
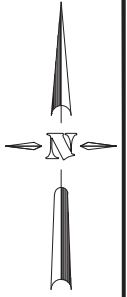
(TRANSFEE) (PRINT NAME)

(DATE)

APPENDIX A
SPECIAL CONDITIONS FOR PERMIT SAC-2025-01047

- 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. A statement that any required mitigation was completed in accordance with the permit conditions.**
 - 4. The signature of the permittee certifying the completion of the work and mitigation.**
- c. The permittee recognizes that their commitment to perform and implement the following conditions was a deciding factor in the favorable and timely decision on this permit and recognizes that a failure on their part to both actively pursue and implement these conditions may be grounds for modification, suspension or revocation of this Department of the Army authorization:**
 - 1. That as compensatory mitigation for impacts to aquatic resources, the permittee agrees to purchase or debit a total of 382.5 credits from Pee Dee Wetland & Stream Mitigation Bank. At least one half of the required credits [192.25 credits] must be restoration/non-buffer enhancement credits. In addition, no more than one half of the required mitigation credits [192.25 credits] may be preservation credits.**
 - 2. That in order to fulfill your responsibility to complete the required compensatory mitigation as set forth in Special Condition c. 1., the permittee must submit evidence of the purchase or debit of the required mitigation credits to both the Corps of Engineers and SCDES prior to commencement of the authorized work.**
- d. That the permittee shall use only clean fill material obtained from an upland source.**

- e. That the permittee shall incorporate Best Management Practices (BMPs) during construction to protect adjacent wetlands and Waters of the United States from sediment and erosion during construction. BMPs to be utilized, independently or in combination, may include but are not limited to; erosion control matting, mulch, silt fences, sediment tubes, and other devices. BMPs shall be maintained until the fill material is stabilized.
- f. The project area is located within the range of one or more species proposed for federal listing under the Endangered Species Act of 1973, as amended (ESA). The permittee understands and agrees that should any of these species be reclassified as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) prior to completion of the authorized work, additional consultation may be required. In order to evaluate and address potential adverse effects to federally listed species, additional information and modification to the special conditions of this Department of the Army permit may be required.



PROJECT SITE

DUE TO PROPOSED RIP-RAP WITHIN THE EXISTING STREAMBED, STABILIZATION OF THE EXISTING UNDERMINED RETAINING WALL MUST BE COMPLETED IN TWO PHASES, WITH PHASE 1A COMPLETED UNDER A NATIONWIDE PERMIT AND PHASE 1B COMPLETED UNDER AN INDIVIDUAL PERMIT. THIS SET OF PERMIT DRAWINGS COVERS PHASE 1B REPAIRS, WHICH MUST BE COMPLETED AFTER PHASE 1A REPAIRS FOR PROTECTION OF PHASE 1A REPAIRS. THE OWNER AND ALL GOVERNING AGENCIES ARE ADVISED THAT THE EXISTING UNDERMINED RETAINING WALL IS UNSTABLE IN ITS CURRENT CONDITION AND CAN ONLY BE FULLY REPAIRED AND PROTECTED UPON COMPLETION OF ALL PHASE 1A AND PHASE 1B REPAIRS.

PERMITTED PLANS

SAC-2025-01047
The Barefoot Resort Outfall No. 2 -
Phase 1B Retaining Wall Repairs
Horry County, South Carolina

Sheet 1 of 3
Date: February 6, 2026

PURPOSE: To protect the repaired retaining wall and stabilized creek bed with new rip-rap

ADJACENT PROPERTY OWNERS
SEE FIGURE 2

Stantec Consulting Services, Inc.
4969 Centre Pointe Drive, Suite 200
North Charleston, SC 29418
Email: eddie.porcher@stantec.com
Phone: 843-822-2749

PHASE 1B - FIGURE 1

LOCATION MAP AND
CLARIFICATION STATEMENT

NOT TO SCALE

2241 Waterview Drive,
North Myrtle Beach, SC

PROPOSED: Outfall No. 2 - Phase 1B
Retaining Wall Repairs

AT: 2241 Waterview Drive
North Myrtle Beach, SC

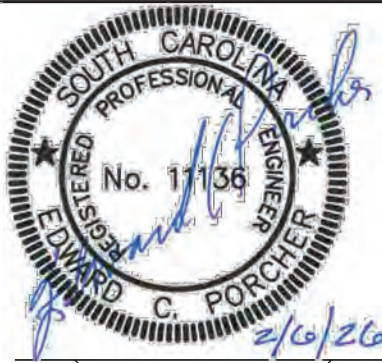
IN: The Barefoot Resort

COUNTY OF: Horry County, South Carolina

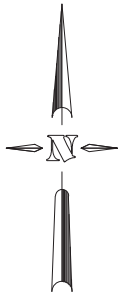
SHEET: 1 of 3

DATE: 2/6/26





PROPOSED GRANITE RIP-RAP IS APPROXIMATELY 200 TONS OF SCDOT CLASS A GRANITE PLUS 50 TONS OF ASTM C33 NO. 4 GRANITE (112 TOTAL C.Y.) OVER APPROXIMATELY 2500 S.F. (0.06 ACRES) OF CREEK BED



n/f
Renee Perugino
PIN: 390-03-03-0005

n/f
Tuscan Sands at
Barefoot Resort and Golf, Inc.
PIN: 390-04-04-0067

n/f
Ronald C. Sharp, Jr.
PIN: 390-03-03-0004

n/f
Marcus Depones
PIN: 390-03-03-0003

EXISTING UP STREAM CREEK
BED ELEVATION TO REMAIN

EXISTING CREEK TO BE STABILIZED BY
INSTALLING A NEW CREEK BED OF
GRANITE RIP-RAP ON A 1% MINIMUM
GRADE, AS REQUIRED TO MAINTAIN FLOW,
REDUCE FLOW VELOCITY, AND PROTECT
REPAIRED RETAINING WALL FOUNDATIONS
FROM UNDERMINING (SEE FIG. 3)

TYPICAL NEW CREEK BED
ELEVATIONS AT A 1% GRADE
ALONG THE FULL LENGTH
OF THE REHABILITATED
RETAINING WALL

EXISTING REPAIRED CONCRETE
RETAINING WALL TO BE PROTECTED
WITH NEW RIP-RAP (SEE FIG. 3)

MAINTAIN ADEQUATE POSITIVE
DRAINAGE OF AT LEAST 1%
WITH ALL NEW GRADING (TYP.)

TBM - "X" ON CONC.
TRANSF. PAD
(ELEV. = 19.87')

EXISTING DOWN STREAM CREEK
BED ELEVATION TO REMAIN

NEW CREEK BED OF SCDOT CLASS A GRANITE RIP-RAP (2" TO 4" DIAMETER) PLUS ASTM C33 NO. 4 GRANITE (3/4" TO 1 1/2" DIAMETER) ON A 1% MINIMUM SLOPE, AS REQUIRED TO PROTECT REPAIRED RETAINING WALL FOUNDATIONS FROM UNDERMINING (SEE FIG. 3)

EXISTING TREE TO REMAIN AND BE
PROTECTED DURING ALL WORK

SURVEY DATUM: NAVD88

SAC-2025-01047
The Barefoot Resort Outfall No. 2 -
Phase 1B Retaining Wall Repairs
Horry County, South Carolina

Sheet 2 of 3
Date: February 6, 2026

**PERMITTED
PLANS**

SEE TOPOGRAPHIC SURVEYS BY BOLTON & MENK
SOUTHEAST, LLC DATED 12/30/22 AND BATEMAN
CIVIL SURVEY COMPANY DATED 11/6/25

PURPOSE: To protect the repaired retaining
wall and stabilized creek bed
with new rip-rap

ADJACENT PROPERTY OWNERS
SEE FIGURE 2

Stantec Consulting Services, Inc.
4969 Centre Pointe Drive, Suite 200
North Charleston, SC 29418
Email: eddie.porcher@stantec.com
Phone: 843-822-2749

PHASE 1B - FIGURE 2
PARTIAL PLAN AT NEW RIP-RAP

SCALE: 1"= 30'

2241 Waterview Drive,
North Myrtle Beach, SC

PROPOSED: Outfall No. 2 - Phase 1B
Retaining Wall Repairs

AT: 2241 Waterview Drive
North Myrtle Beach, SC

IN: The Barefoot Resort

COUNTY OF: Horry County, South Carolina

SHEET: 2 of 3

DATE: 2/6/26





SAC-2025-01047
The Barefoot Resort Outfall No. 2 -
Phase 1B Retaining Wall Repairs
Horry County, South Carolina

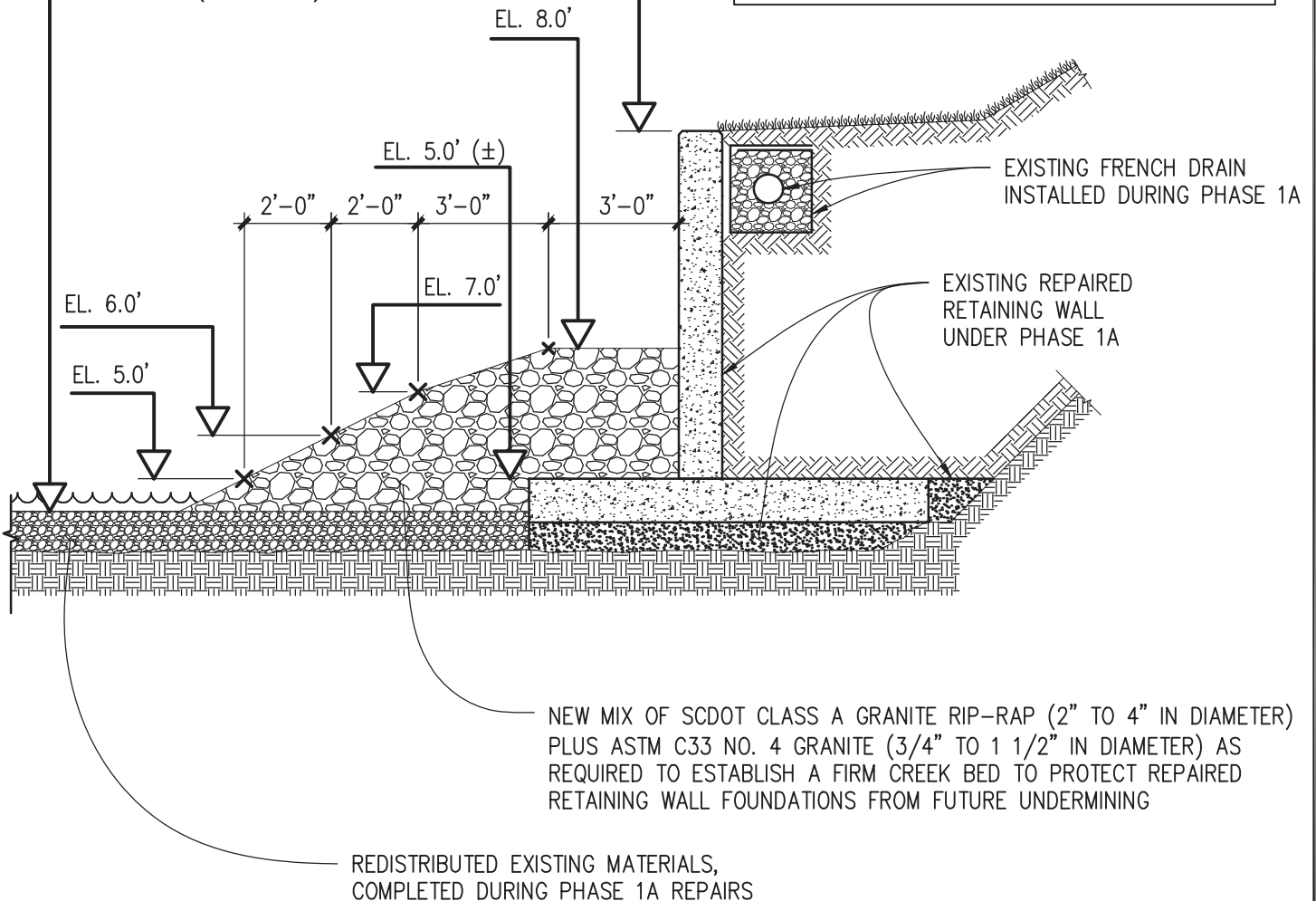
Sheet 3 of 3
Date: February 6, 2026

**PERMITTED
PLANS**

ELEVATION VARIES FROM EL. 12.59'
TO 13.34' (SEE FIG. 2)

EL. VARIES FROM EL. 4.61'
TO EL. 3.46' (SEE FIG. 2)

PROPOSED GRANITE RIP-RAP IS APPROXIMATELY
200 TONS OF SCDOT CLASS A GRANITE PLUS 50
TONS OF ASTM C33 NO. 4 GRANITE (112 TOTAL
C.Y.) OVER APPROXIMATELY 2500 S.F. (0.06
ACRES) OF CREEK BED



SURVEY DATUM: NAVD88

PURPOSE: To protect the repaired retaining
wall and stabilized creek bed
with new rip-rap

ADJACENT PROPERTY OWNERS
SEE FIGURE 2



Stantec Consulting Services, Inc.
4969 Centre Pointe Drive, Suite 200
North Charleston, SC 29418
Email: eddie.porcher@stantec.com
Phone: 843-822-2749

PHASE 1B - FIGURE 3
SECTION AT NEW RIP-RAP AT THE
REPAIRED RETAINING WALL

SCALE: 1/4" = 1'-0"

2241 Waterview Drive,
North Myrtle Beach, SC

PROPOSED: Outfall No. 2 - Phase 1B
Retaining Wall Repairs

AT: 2241 Waterview Drive
North Myrtle Beach, SC

IN: The Barefoot Resort

COUNTY OF: Horry County, South Carolina

SHEET: 3 of 3

DATE: 2/6/26

Permit Number: SAC-2025-01047

Name of Permittee: _____

Date of Issuance: _____

Date of Completion: _____

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

SAC.RD.Conway@usace.army.mil

OR mail to:

U.S. Army Corps of Engineers
Regulatory Division
1949 Industrial Park Road
Conway, South Carolina 29526

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

=====

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



Public Notice # SAC-2025-01047

Date: 07/24/2026

DEPARTMENT DECISION – STATE CERTIFICATION

The Department, acting on an application for Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act and for certification of consistency with the SC Coastal Zone Management Program in accordance with R. 48-39-10 et. seq. and 15 CFR 93 has reached a decision for the project described below:

Kelly White

The proposed work consists of measures to reduce the velocity of the adjacent tributary within a drainage easement between multi-family and single-family residential developments to address the undermined onsite concrete bulkhead. The structure failure of the bulkhead threatens the adjacent residential buildings. The applicant would place 200 tons of SCDOT Class A granite riprap (2-4 inch diameter) and 50 tons of ASTM C33 Number 4 granite stone (3/4-1.5 inch diameter) along approximately 150 linear feet of the streambed. The materials will be installed at a 1% grade to match the existing channel slope, ensuring that the upstream and downstream elevations of the project area remain unchanged. The total impacts associated with the project as proposed are approximately 150 linear feet, or 0.06 acre of the tributary.

Atlantic Intracoastal Waterway

Horry County

P/N: SAC-2025-01047

After reviewing the project plans, staff of the Division of Water Quality determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the certification requirements of Section 401 of the Federal Clean Water Act. Additionally, staff of Bureau of Coastal Management determined that the proposed work is consistent with the Coastal Zone Management Program (48-39-10 et. seq. and 15 CFR 93). Accordingly, the Department certifies the project with conditions as follows:

401 Water Quality Certification Conditions:

1. The applicant must implement best management practices that will minimize erosion and migration of sediments on and off the project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, hay bales, silt fences, or other devices capable of preventing erosion, migration of sediments, and bank failure. All disturbed land surfaces and sloped areas affected by the project must be stabilized.

2. All necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters or wetlands.
3. Only clean earthen material, free of all potential sources of pollution, may be used as fill.
4. Prior to beginning any land disturbing activity, appropriate erosion and siltation control measures (i.e. silt fences or barriers) must be in place and maintained in a functioning capacity until the area is permanently stabilized. Additionally, consideration for state protected species must be in place.
5. Once the project is initiated, it must be carried to completion in an expeditious manner to minimize the period of disturbance to the environment.
6. If temporary clearing must occur within wetlands and waters of the U.S., it must be conducted manually and low growing, woody vegetation and shrubs must be left intact to maintain stability and reduce erosion. Construction activities must avoid and minimize, to the greatest extent practicable, disturbance of woody vegetation within the project area. Removal of vegetation should be limited to only what is necessary for construction of the proposed structures.
7. The applicant will mitigate for the impacts to the tributary incurred by the project through the purchase of 382.5 stream mitigation credits from a USACE approved mitigation bank which services the proposed project. A copy of the proof of purchase of the 382.5 mitigation credits must be submitted to the Department prior to beginning work.

Coastal Zone Consistency Conditions:

1. 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.
2. The project must be consistent with State Stormwater Permitting requirements during and post construction for protection of water quality.
3. All construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (including undeveloped) areas, including those impacted for access, must be immediately stabilized.

4. The project must be fully consistent with local zoning and comprehensive plans prior to work being conducted.
5. The permittee shall ensure all personnel associated with the project are informed that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. The permittee and the permittee's contractors will be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.
6. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions. Personnel must be trained to recognize manatees, and must remain continuously aware, monitoring all water-related activities for the presence of manatees.
7. If manatees are observed within 100 yards of the active construction area, all appropriate precautions shall be implemented to ensure their protection. These precautions include operating all moving equipment no closer than 50 feet to a manatee. Should a manatee approach to within 50 feet, all in-water construction activities shall cease immediately. Work may only resume once the manatee has voluntarily left the area, or 30 minutes have passed without reappearance. Under no circumstances shall manatees be herded or harassed into leaving.
8. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while within the construction area and in any water where the vessel's draft provides less than four feet of clearance from the bottom. All vessels shall follow routes through deep water when entering or exiting the project area, and whenever possible while operating within the project area.
9. Extreme care shall be taken when lowering equipment and materials below the water surface or to the bottom. Equipment and materials include, but are not limited to: piles, sheet piles, casings for drilled shaft construction, spuds, pile templates, and anchors. All such equipment and materials shall be lowered as slowly as possible to avoid injury to any manatee that may have entered the project area undetected.
10. Siltation and turbidity barriers must not impede manatee movement. Siltation barriers shall not be installed below the high tide line and must remain visible at all times. Any barriers used during the project shall be made of materials in which manatees cannot become entangled and must be properly secured and regularly monitored to prevent manatee entrapment.
11. The permittee understands and agrees that all in-water lines (including rope, chain, and cable, such as those used to secure turbidity barriers) must be stiff, taut, and non-looping. Acceptable examples include heavy metal chains or cables that do not readily loop or tangle. Flexible in water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve or tube to add rigidity and prevent entanglement. In all instances, no excess line shall be allowed in the water. Where

appropriate, in-water wires and cables should be fitted with a PVC sleeve from the surface to the bottom to prevent potential scraping of passing manatees.

12. All culverts 8 inches to 8 feet in diameter must be grated to prevent manatee entrapment. To effectively prevent manatee access, grates must be permanently fixed, spaced a maximum of 8 inches apart (may be less for culverts smaller than 16 inches in diameter) and may be installed diagonally, horizontally or vertically. For new culverts, grates must be attached prior to installation of the culverts. Culverts less than 8 inches or greater than 8 feet in diameter are exempt from this requirement.
13. The permittee shall regularly inspect and maintain all hoses, faucets, and other potential sources of freshwater to ensure that any leaks are promptly stopped and repaired. Manatees are strongly attracted to freshwater leaking from dock facilities, which often coincide with areas of concentrated boat traffic, increasing the risk of collisions. To minimize this risk, inspections should occur daily during active construction and whenever freshwater systems are in use. Any detected leaks must be repaired immediately, and temporary measures such as shutting off water sources should be implemented until permanent repairs are completed. Additionally, personnel should be trained to recognize signs of manatee presence near freshwater discharge points and take appropriate precautions, including reducing vessel speed and avoiding in-water operations when manatees are nearby.
14. For facilities with oil or gas pumps and/or sewage pump-out equipment, the permittee shall maintain a spill contingency plan and report all spills to South Carolina Department of Environmental Services (<https://des.sc.gov/about-scdes/contact-us/reporting-chemical-spills-oil-spills-and-fish-kills>). The plan must include immediate spill response procedures, measures to prevent contamination, and protocols to minimize risks to manatees. Regular inspections of pumps, hoses, and connections should be conducted to identify and correct leaks promptly.
15. All temporary or unused construction materials shall be removed from the project area upon completion of the work, and any impacted areas of salt marsh upon project completion, and impacted salt marsh areas restored. No debris or trash shall be discarded in the project area or adjacent waters. Restoration shall include regrading, replanting native vegetation, and erosion control to protect manatee habitats.
16. The permittee shall ensure that the contractor reports all manatee sightings online to the South Carolina Department of Natural Resources (SCDNR) Manatee Sighting Form (<https://www.dnr.sc.gov/manatee/sight.htm>).
17. Any collision with or injury to a manatee shall be reported immediately to:
 - SCDNR Wildlife Hotline: 1-800-922-5431
 - USFWS South Carolina Ecological Services Field Office: 843-727-4707

18. The applicant is not authorized to impact any additional streams. In the event any additional impacts to streams occur, the US Army Corps of Engineers and SCDES-BCM must be notified, and all work must cease to minimize additional impacts until the applicant receives authorization.

The South Carolina Department of Environmental Services reserves the right to impose additional conditions on this Certification to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State standards.

The evaluation of the proposed work was conducted by the Bureau of Water and the Bureau of Coastal Management. A copy of the staff assessment supporting the decision is enclosed. A copy of plans submitted by the applicant is available for review in the office of the Division of Water Quality, Bureau of Water or at the Bureau of Coastal Management. Additional information about the technical aspects of this application is available from Annslee K. Smith, the project manager, at (803) 898-4176.

The issuance of this Department Decision represents a final staff decision that may be appealed. S.C. Code Ann. § 48-6-30(D)(2) provides: "Within thirty calendar days after the mailing of a decision [pursuant to S.C. Code Ann. § 48-6-30(D)(1)], an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the Department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act." Should you have a question regarding the filing of a request for a contested case hearing, please contact the South Carolina Administrative Law Court (www.scalc.net).

A handwritten signature in dark ink, appearing to read 'Chuck Hightower', is written over a horizontal line.

Chuck Hightower, Manager
Water Quality Certification,
and Wetlands Section

STAFF ASSESSMENT
SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF WATER QUALITY
WATER QUALITY CERTIFICATION AND WETLANDS SECTION

I. Background Information

Applicant: Kelly White

P/N Number: SAC-2025-01047

P/N Date: March 27, 2026

Date Received: April 1, 2026

P/N Close: April 10, 2026

Section of Applicable Federal Law: () Section 10 (x) Section 404 (x) Section 401

Section of Applicable State Law: (x) Coastal Zone Consistency () Construction in Navigable Waters Permit

Brief explanation and purpose of activity:

The overall purpose of the project is to reduce the velocity of a tributary and reduce the threat of the retaining wall being undermined.

Waterbody Name: Unnamed Tributary of the Atlantic Intracoastal Waterway

Water Classification: FW

Waterbody Location: 2241 Waterview Drive in North Myrtle Beach, Horry County, South Carolina (33.79945, -78.76005)

Waterbody on 2024 303(d) List/ have an approved TMDL?

(x) Yes, there is an approved TMDL watershed for dissolved oxygen, however, the project as proposed will not contribute to the impairment.

() No

II. Project Description

The proposed work consists of measures to reduce the velocity of the adjacent tributary within a drainage easement between multi-family and single-family residential developments to address the undermined onsite concrete bulkhead. The structure failure of the bulkhead threatens the adjacent residential buildings. The applicant would place 200 tons of SCDOT Class A granite riprap (2-4 inch diameter) and 50 tons of ASTM C33 Number 4 granite stone (3/4-1.5 inch diameter) along approximately 150 linear feet of the streambed. The materials will be installed at a 1% grade to match the existing channel slope, ensuring that the upstream and downstream elevations of the project area remain unchanged. The total impacts associated with the project as proposed are approximately 150 linear feet, or 0.06 acre of the tributary.

A. Fill

1. Is fill required?

(x) Yes

Amount	Linear Feet	Acres
Total	150	0.06
Wetlands		
Open Waters of U. S.	150	0.06

☐ No If no, proceed to Section II. B.

2. Is the fill temporary?

- ☐ Yes
☒ No

B. Excavation

1. Is excavation required?

☐ Yes

Amount	Acreage	Cubic Yards
Total		
Wetlands		
Open Waters of U. S.		

☒ No If no, proceed to Section II. C.

2. Is dredge spoil site adequately sized for the amount of material?

- ☐ Yes, see Section VI for specific detail
☐ No

C. Other Impacts:

- ☐ Yes
☒ No

D. Project Modification

Was the project modified from the original public notice?

- ☐ Yes
☒ No

E. Compensatory Mitigation

Is compensation required by SCDES?

- ☒ Yes
☐ No
☐ N/A

F. Nonpoint Source Concerns

1. Are water quality impacts from nonpoint sources expected?

- ☐ Yes
☒ **Temporary**, water quality impacts from non-point sources will be minimized and should not contravene the water quality standards or existing and classified uses of the involved waterbody, if the applicant adheres to the conditions in Section VIII of this staff assessment during and after the project.
☐ No

2. Has the applicant addressed nonpoint source concerns?

- ☒ Yes
☐ No
☐ N/A

3. Are any enforceable nonpoint controls required by SCDES?

- ☒ **Yes**, water quality impacts from nonpoint sources will be minimized and should not contravene the water quality standards or existing and classified uses of the involved waterbody, if the applicant adheres to the conditions in Section VIII of this staff assessment during and after the project.
☐ No

III. Environmental Assessment

A. Is the proposed activity water dependent?

☐ Yes

☒ No

B. Are there feasible alternatives to the proposed activity?

☐ Yes

☒ No

C. Water Quality Assessment Water Quality Standards and Designated Uses

The proposed work may cause a temporary increase in turbidity levels, but ambient conditions should resume once the work is completed. Water quality standards will not be contravened and designated uses will not be removed. Potential adverse impacts to water quality can be minimized through the use of best management practices, and the conditions described in Section VIII of this staff assessment.

IV. Public Comments Received and Summary of Comments

A. National Marine Fisheries Service (NMFS)

Date received: April 2, 2026

☐ Does not object to project provided the applicant adheres to the conditions in Section VIII.

☐ Hold in abeyance.

☐ Objects to the proposed project, see discussion in Section VI, Conclusions.

☒ No objection.

☐ Has elected to not conduct an investigation nor provide any comments.

B. South Carolina Department of Natural Resources (SCDNR)

Date received: April 7, 2026

☒ Does not object to project provided the applicant adheres to the conditions in Section VIII.

☐ Hold in abeyance.

☐ Objects to the proposed project, see discussion in Section VI, Conclusions.

☐ No objection.

☐ Has elected to not conduct an investigation nor provide any comments.

C. Absentee Shawnee Tribe of Indians of Oklahoma

Date received: April 14, 2026

☒ Does not object to project provided the applicant adheres to the conditions in Section VIII.

☐ Hold in abeyance.

☐ Objects to the proposed project, see discussion in Section VI, Conclusions.

☐ No objection.

☐ Has elected to not conduct an investigation nor provide any comments.

V. Consistency with the Coastal Zone Management Program, R. 48-39-10 *et seq.*

Did the staff of the Office of Ocean and Coastal Resource Management (OCRM) find the project consistent with the S.C. Coastal Zone Management Program? ☒ Yes ☐ No ☐ N/A

Date: July 14, 2026

☐ Per revisions

☒ Per conditions included in Section VIII.

☐ If no, provide Sections of Coastal Zone Management Program cited.

VI. Conclusions on Water Quality Impact and Classified Uses

When evaluating the proposed work, SCDES followed procedures for implementing State 401 Water Quality Certification regulations pursuant to Section 401 of the Clean Water Act, 33 U.S.C. Section 1341, and the requirements of Regulation 61-101, Water Quality Certification.

The water quality impacts of the proposed project will be temporary provided the applicant adheres to the conditions in Section VIII. The Department has reasonable assurance that the water quality standards of Regulation 61-68 will not be contravened as a result of the proposed work. The proposed activity will result in no significant degradation to the aquatic ecosystem or remove existing and classified uses of the Atlantic Intracoastal Waterway and is in compliance with the above regulations provided the applicant adheres to the conditions in Section VIII. The above assessment also ensures that the proper sequencing of avoidance, minimization, and appropriate compensation for unavoidable impacts has been demonstrated. Information about the technical aspects of this application is available from Annslee Smith, the project manager, by calling 803-898-44176 or by e-mailing Annslee.smith@des.sc.gov.

SCDES reserves the right to impose additional conditions on this Certification/Permit to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State water quality standards.

VII. Staff Recommendation

Issue 401 Water Quality Certification with conditions and find consistent with the Coastal Zone Management Program.

VIII. Conditions to be Placed on 401 Water Quality Certification When Issued

401 Water Quality Certification Conditions:

1. The applicant must implement best management practices that will minimize erosion and migration of sediments on and off the project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, hay bales, silt fences, or other devices capable of preventing erosion, migration of sediments, and bank failure. All disturbed land surfaces and sloped areas affected by the project must be stabilized.
2. All necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters or wetlands.
3. Only clean earthen material, free of all potential sources of pollution, may be used as fill.
4. Prior to beginning any land disturbing activity, appropriate erosion and siltation control measures (i.e. silt fences or barriers) must be in place and maintained in a functioning capacity until the area is permanently stabilized. Additionally, consideration for state protected species must be in place.
5. Once the project is initiated, it must be carried to completion in an expeditious manner to minimize the period of disturbance to the environment.
6. If temporary clearing must occur within wetlands and waters of the U.S., it must be conducted manually and low growing, woody vegetation and shrubs must be left intact to maintain stability and reduce erosion. Construction activities must avoid and minimize, to the greatest extent practicable, disturbance of woody vegetation within the project area. Removal of vegetation should be limited to only what is necessary for construction of the proposed structures.
7. The applicant will mitigate for the impacts to the tributary incurred by the project through the purchase of

382.5 stream mitigation credits from a USACE approved mitigation bank which services the proposed project. A copy of the proof of purchase of the 382.5 mitigation credits must be submitted to the Department prior to beginning work.

Coastal Zone Consistency Conditions:

1. 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.
2. The project must be consistent with State Stormwater Permitting requirements during and post construction for protection of water quality.
3. All construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (including undeveloped) areas, including those impacted for access, must be immediately stabilized.
4. The project must be fully consistent with local zoning and comprehensive plans prior to work being conducted.
5. The permittee shall ensure all personnel associated with the project are informed that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. The permittee and the permittee's contractors will be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.
6. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions. Personnel must be trained to recognize manatees, and must remain continuously aware, monitoring all water-related activities for the presence of manatees.
7. If manatees are observed within 100 yards of the active construction area, all appropriate precautions shall be implemented to ensure their protection. These precautions include operating all moving equipment no closer than 50 feet to a manatee. Should a manatee approach to within 50 feet, all in-water construction activities shall cease immediately. Work may only resume once the manatee has voluntarily left the area, or 30 minutes have passed without reappearance. Under no circumstances shall manatees be herded or harassed into leaving.
8. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while within the construction area and in any water where the vessel's draft provides less than four feet of clearance from the bottom. All vessels shall follow routes through deep water when entering or exiting the project area, and whenever possible while operating within the project area.
9. Extreme care shall be taken when lowering equipment and materials below the water surface or to the bottom. Equipment and materials include, but are not limited to: piles, sheet piles, casings for drilled shaft construction, spuds, pile templates, and anchors. All such equipment and materials shall be lowered as slowly as possible to avoid injury to any manatee that may have entered the project area undetected.
10. Siltation and turbidity barriers must not impede manatee movement. Siltation barriers shall not be installed below the high tide line and must remain visible at all times. Any barriers used during the project shall be made of materials in which manatees cannot become entangled and must be properly secured and regularly monitored to prevent manatee entrapment.
11. The permittee understands and agrees that all in-water lines (including rope, chain, and cable, such as those used to secure turbidity barriers) must be stiff, taut, and non-looping. Acceptable examples include heavy metal chains or cables that do not readily loop or tangle. Flexible in water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve or tube to add rigidity and

prevent entanglement. In all instances, no excess line shall be allowed in the water. Where appropriate, in-water wires and cables should be fitted with a PVC sleeve from the surface to the bottom to prevent potential scraping of passing manatees.

12. All culverts 8 inches to 8 feet in diameter must be grated to prevent manatee entrapment. To effectively prevent manatee access, grates must be permanently fixed, spaced a maximum of 8 inches apart (may be less for culverts smaller than 16 inches in diameter) and may be installed diagonally, horizontally or vertically. For new culverts, grates must be attached prior to installation of the culverts. Culverts less than 8 inches or greater than 8 feet in diameter are exempt from this requirement.
13. The permittee shall regularly inspect and maintain all hoses, faucets, and other potential sources of freshwater to ensure that any leaks are promptly stopped and repaired. Manatees are strongly attracted to freshwater leaking from dock facilities, which often coincide with areas of concentrated boat traffic, increasing the risk of collisions. To minimize this risk, inspections should occur daily during active construction and whenever freshwater systems are in use. Any detected leaks must be repaired immediately, and temporary measures such as shutting off water sources should be implemented until permanent repairs are completed. Additionally, personnel should be trained to recognize signs of manatee presence near freshwater discharge points and take appropriate precautions, including reducing vessel speed and avoiding in-water operations when manatees are nearby.
14. For facilities with oil or gas pumps and/or sewage pump-out equipment, the permittee shall maintain a spill contingency plan and report all spills to South Carolina Department of Environmental Services (<https://des.sc.gov/about-scdes/contact-us/reporting-chemical-spills-oil-spills-and-fish-kills>). The plan must include immediate spill response procedures, measures to prevent contamination, and protocols to minimize risks to manatees. Regular inspections of pumps, hoses, and connections should be conducted to identify and correct leaks promptly.
15. All temporary or unused construction materials shall be removed from the project area upon completion of the work, and any impacted areas of salt marsh upon project completion, and impacted salt marsh areas restored. No debris or trash shall be discarded in the project area or adjacent waters. Restoration shall include regrading, replanting native vegetation, and erosion control to protect manatee habitats.
16. The permittee shall ensure that the contractor reports all manatee sightings online to the South Carolina Department of Natural Resources (SCDNR) Manatee Sighting Form (<https://www.dnr.sc.gov/manatee/sight.htm>).
17. Any collision with or injury to a manatee shall be reported immediately to:
 - SCDNR Wildlife Hotline: 1-800-922-5431
 - USFWS South Carolina Ecological Services Field Office: 843-727-4707
18. The applicant is not authorized to impact any additional streams. In the event any additional impacts to streams occur, the US Army Corps of Engineers and SCDES-BCM must be notified, and all work must cease to minimize additional impacts until the applicant receives authorization.

Prepared by:



Date:

7/23/26

Reviewed &
Approved by:



Date:

7/23/26