



**SOUTH CAROLINA
ENVIRONMENTAL
LAW PROJECT**

Lawyers for the Wild Side

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Our Mission We use our legal expertise to protect land, water and communities across South Carolina.

January 19, 2026

VIA EMAIL

U.S. Army Corps of Engineers
ATTN: Wiley Bracey
1949 Industrial Park Road, Room 140
Conway, SC 29526
wiley.c.bracey@usace.army.mil

South Carolina Department of Environmental Services
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, SC 29201
wqcwetlands@des.sc.gov

RE: SAC-2025-00032 (Horry County Solid Waste Authority)

Dear Wiley Bracey and SCDES Staff,

On behalf of the Coastal Conservation League, Friends of Lewis Ocean Bay, the League of Women Voters of Horry County, the South Carolina Native Plant Society Grand Strand chapter, the Waccamaw Riverkeeper, Winyah Rivers Alliance, and the 67 individuals listed as signatories,¹ the South Carolina Environmental Law Project (“SCELP”) submits these comments to express concerns regarding the above-referenced application for the construction of two new construction and demolition (“C&D”) landfill cells and one new municipal solid waste (“MSW”) landfill cell by the Horry County Solid Waste Authority (“HCSWA” or the “Applicant”). For the proposed expansion, the Applicant seeks to impact 102.4 acres of freshwater wetlands, many of which are associated with Steritt Swamp and are protected under restrictive covenants.

The Coastal Conservation League is a non-profit organization that works to protect coastal landscapes, abundant wildlife, clean water, and quality of life for South Carolina’s citizens. It has many members who live in Horry County and who have an interest in protecting

¹ Attachment A.

their own property rights and the environment, including Steritt Swamp, that are in close proximity to the Horry County Landfill and which would be jeopardized if the proposed project goes forward.

Friends of Lewis Ocean Bay is a group of local citizens that organize events to educate people about the Lewis Ocean Bay Heritage Preserve (“LOBHP”) and help to maintain LOBHP’s integrity. LOBHP, a natural area of just over 10,000 acres, is recognized as one of the most significant places in the state to see rare plants and animals and is adjacent to the HCSWA property.

The League of Women Voters of Horry County is a nonpartisan political organization encouraging informed and active participation in government through education and advocacy. It has many members in Horry County.

The South Carolina Native Plant Society is a 501(c)(3) nonprofit organization committed to the preservation and restoration of plants native to South Carolina. Its mission includes educating about the importance of native plants, supporting government agencies and partners in regional, state, and local efforts to protect natural resources, and restoring habitat biodiversity and sustainability through the use of native plants. The Grand Strand chapter is based in Horry County and has numerous local members.

The Waccamaw Riverkeeper works to protect, monitor, and revitalize the health of the Waccamaw River watershed. The Winyah Rivers Alliance works to defend, preserve, monitor and revitalize the greater Winyah Bay watershed to ensure the surrounding communities can rely on clean water for fishing, swimming, and drinking.

We have several concerns about the extensive negative effects the proposed expansion will have on the surrounding environment and communities, particularly with respect to impacts on wetland habitat and water quality. Additionally, the Applicant failed to clearly demonstrate a rebuttal to the presumption that an alternative with no wetland impacts exists for this proposed project, which is a not a water-dependent activity, and is seeking to amend restrictive covenants in the absence of exceptional circumstances. For the reasons set forth below, these organizations and individuals oppose the above-referenced application currently under review and request the application be denied.

I. The proposed project will degrade water quality in Steritt Swamp and the Waccamaw River.

Using mandatory language, South Carolina’s Clean Water Act regulations dictate, “Certification *will be* denied if the proposed activity permanently alters the aquatic ecosystem in the vicinity of the project such that its functions and the values are eliminated or impaired.” S.C. Code Ann. Regs. 61-101(F)(5) (emphasis added).²

² The State’s landfill regulations state that the “site shall be maintained and operated in a manner that protects the established water quality standards of the surface waters and ground waters.” S.C. Code Ann. Regs. 61-107.19 Part IV (C)(9). Expanding the landfill into wetlands contravenes this provision.

The proposed wetland fill for the new MSW and C&D landfill cells will permanently alter the aquatic ecosystem. As recognized in the South Carolina Coastal Management Program Document, wetlands are valuable habitat that should not be filled indiscriminately. CZMP-62 § IX(B). Wetland and lower flood plain dump sites, like this one, have high potentials for causing water pollution, as these areas have a high rate of leaching chemicals and dissolved organic matter into the groundwater; this effect is exacerbated by runoff from rainstorms and flooding.³ In addition, the downstream flow of polluted water from landfills sites located far inland on coastal tributaries adversely affect coastal waters.⁴

The construction plans as proposed for the C&D landfill cells only guarantee a two-foot separation between the bottom elevation of the landfill and the seasonal high-water table as it exists prior to construction of the landfill cell, and the MSW landfill cell will have a three-foot separation. South Carolina's solid waste management regulations require a two-foot separation as the minimum for Class Two landfills and a three-foot separation for Class Three landfills; however, that minimal separation is inadequate under these circumstances given the location of the proposed cells. S.C. Ann. Regs 61-107.19 Part IV(D) and Part V(B)(A)(258.17). Further, the public notice only includes the conclusory statement that the C&D landfill cells will be designed to produce no leachate with no description of or information about how the Applicant actually intends to fulfill this obligation. This information should be included in the public notice and its absence makes the notice deficient.

Another concern is that the Applicant seeks to place fill in 28.17 acres of upland buffers. Buffers carry out the important functions of preventing erosion, reducing pollution, and protecting wildlife.⁵ In addition to the upland buffer impacts described by the public notice, the landfill may also negatively impact buffers within the Grand Strand Water & Sewer Authority's source water protection area for the Atlantic Intracoastal Waterway. The public notice fails to acknowledge the source water protection area; thus, it is unclear whether the proposed project will comply with the buffer requirements ranging from 200-1,500 feet.

The cumulative impact of the proposed MSW and C&D cells was the potential to severely impair water quality. The Applicant must mitigate the water quality effects of this project. If water quality effects cannot be mitigated, the proposed permit and certification must be denied.

II. The proposed landfill expansion will negatively impact wildlife in Steritt Swamp and surrounding areas.

DES' 401 Water Quality Regulations require it to consider wildlife impacts when evaluating projects that impact water. The regulations state that "[c]ertification *will be denied*

³ JOHN R. CLARK, COASTAL ECOSYSTEM MANAGEMENT: A TECHNICAL MANUAL FOR THE CONSERVATION OF COASTAL ZONE RESOURCES 527 (1977).

⁴ *Id.*

⁵ NORTH INLET WINYAH BAY NATIONAL ESTUARINE RESEARCH RESERVE, KEY FACTS FOR WETLAND BUFFERS (March 2022) <https://northinlet.sc.edu/wp-content/uploads/2022/04/Wetland-Buffer-One-Pager-FINAL.pdf>.

if... the proposed activity adversely impacts waters containing State or Federally recognized rare, threatened, or endangered species.” S.C. Code Ann. Regs. 61-101(F)(5) (emphasis added). The regulations use similarly strong language regarding wildlife habitats: “Certification *will be* denied if... the proposed activity adversely impacts special or unique habitats.” S.C. Code Ann. Regs. 61-101(F)(5) (emphasis added). Additionally, the State and Federal Endangered Species Acts prohibit taking any endangered species in the area. S.C. Code Ann. § 50-15-30(C); 16 U.S.C. § 1538(a)(1)(B).

The proposed expansion would harm rare species, adversely impact special habitats, and potentially result in the taking of state and federal endangered species. Horry County is home to many rare plant and animal species. The American eel (*Anguilla rostrata*), banded sunfish (*Enneacanthus obesus*), American black bear (*Ursus americanus*), Venus flytrap (*Dioneaea muscipula*), and southern bogbutton (*Lachnocaulon beyrichianum*) have been recorded within the project footprint.⁶ In addition, many other rare or threatened species have been documented within a one-mile radius of the landfill during the past ten years, including but not limited to, the bald eagle (*Haliaeetus leucocephalus*), yellow pitcherplant (*Sarracenia flava*), leatherleaf (*Chamaedaphne calyculata*), and stalked milkweed (*Asclepias pedicellata*).⁷ The proposed expansion would introduce pollution and other disruptions into Steritt Swamp, an ecologically important area. Steritt Swamp serves as a critical habitat corridor, linking the Lewis Ocean Bay Heritage Preserve with the Waccamaw River.⁸ Thus, the direct loss of wetlands will not only increase flooding and water pollution, but also result in habitat fragmentation.

The Applicant and reviewing agencies should all evaluate the effects that the proposed landfill expansion will have on the vulnerable wildlife in Steritt Swamp and connected areas, as well as determine whether the project will result in taking species under the Endangered Species Act. If the project violates these provisions, it should be altered or, if the Applicant does not alter the project to avoid these impacts, the project should be denied.

III. The Applicant failed to provide adequate alternatives.

South Carolina law requires a presentation of alternatives when making decisions about landfills and other activities with water quality impacts. The Coastal Zone Management Plan allows landfills to be sited in wetlands *only* when “no alternative exists and an overwhelming public need can be demonstrated.” CZMP-63 § B(1)(b). “Maximum study and analysis should be given to alternative means or techniques for refuse disposal such as recycling.” *Id.*

South Carolina regulations implementing the Clean Water Act also emphasize the importance of considering alternate plans: “In assessing the water quality impacts of the project, the Department will address and consider the following factors... whether there are feasible alternatives to the activity.” S.C. Code Ann. Regs. 61-101(F)(3). “Certification *will be* denied if... there is a feasible alternative to the activity, which reduces adverse consequences on water

⁶ Attachment B.

⁷ *Id.*

⁸ Horry Cnty., S.C. Amendment to Imagine 2040: Horry County’s Comprehensive Plan Parks & Open Space Plan (draft) 3.3-3.10, <https://www.horrycountysc.gov/media/oamdiyp0/draft-parks-and-open-space-plan.pdf>.

quality and classified uses.” S.C. Code Ann. Regs. 61-101(F)(5) (emphasis added).

Finally, the Clean Water Act itself also requires a search for alternatives: “Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem.” 40 C.F.R. § 230.10(a). An alternative is considered practicable if it is “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.” 40 C.F.R. § 230.10(a)(2). For projects that are not water-dependent, such as this one, the CWA regulations create a presumption that practicable alternatives exist that do not involve impacts to special aquatic sites like wetlands. 40 C.F.R. § 230.10(a)(3).

Despite these clear regulatory mandates, the Applicant has omitted alternatives to achieve the project’s purpose without impacts to wetlands. In part, this is due to the restrictive nature of the project’s purpose as currently proposed. Courts have recognized that while the Corps must consider the applicant’s project objectives, it cannot allow overly narrow purpose definitions that artificially constrain the alternatives analysis. *See Sylvester v. U.S. Army Corps of Engineers*, 882 F.2d 407, 409 (9th Cir. 1989) (“[A]n applicant cannot define a project in order to preclude the existence of any alternative sites and thus make what is practicable appear impracticable.”). The purpose of the expansion as stated by the Applicant is to provide additional solid waste landfill capacity for Horry County, and this expansion is projected to provide additional landfill capacity for 23.4 million tons of non-divertible waste for over the next 45 years. All off-site alternatives were limited to Horry County and were between 400-1,800 acres. The large footprint and classification of “non-divertible” waste excludes phased alternatives, sites located outside of the County, and reduction or recycling alternatives.

The avoidance and minimization section includes conclusory statements such as, “complete avoidance of all wetlands impacts is not possible” and “no-impact alternatives... are not practicable and do not meet the overall project purpose.” Thus, the public notice does not provide enough information for meaningful public comment on alternatives. However, the HCSWA has publicly contemplated alternatives in the past that would increase landfill capacity without filling in 102.4 acres wetlands. In fact, the Horry County Solid Waste Management Plan (the “Plan”) includes a goal to increase recycling of C&D debris: “The HCSWA, County, and municipalities within the County should look for opportunities to recycle more construction and demolition debris (C&D).”⁹ According to the Plan, the HCSWA’s Material Recovery Facility has the capacity to increase the amount of recyclable materials that it receives and processes.¹⁰ Pursuing this alternative aligns with the Solid Waste Policy and Management Act (“SWPMA”). S.C. Code Ann. § 44-96-50(B) (“It is the policy of this State that the methods of management of solid waste shall protect public health, safety, and the environment by employing the best available technology, which is economically feasible for the control of pollution and the release of hazardous constituents into the environment. Such methods shall be implemented in a manner to maximize the reduction of solid waste through source reduction, reuse, and recycling.”).

⁹ Horry County Solid Waste Authority, Horry County Solid Waste Management Plan: 2022 Update, 6-6; 6-9.

¹⁰ *Id.* at 6-9.

Another alternative acknowledged in the Plan is that HCSWA could take a regional approach either through the construction of a new landfill in a more appropriate location through its participation in the Pee Dee Regional Landfill Authority or could partner with one or more of the neighboring counties to create a regional solid waste management facility.¹¹ This alternative aligns with the SWMPA’s policy to encourage a regional approach to solid waste management. S.C. Code Ann. § 44-96-50(C).

The Applicant failed to clearly demonstrate a rebuttal to the presumption that there are alternatives available that do not affect special aquatic sites in order to pass the alternatives portion of federal and South Carolina law; and therefore, the application as proposed must be denied.

IV. The restrictive covenants should be upheld due to the lack of exceptional circumstances to justify amendment.

An amendment of restrictive covenants by the Corps, including when covenants are made by a private party for mitigation, is subject to regulations under 33 C.F.R. §§ 320-332. Section 332.7(a)(1) emphasizes that aquatic resources used for compensatory mitigation must be protected in perpetuity through legally binding instruments such as restrictive covenants or conservation easements. These instruments are intended to ensure long-term site protection and are not intended to be amended lightly or at the convenience of a private party. *See id.* Any changes to such instruments need prior notification to the district engineer and compliance evaluation to ensure mitigation objectives are not jeopardized. See 33 C.F.R. §§ 332.7(c) and 332.8(g)(1).

Here, the wetlands proposed to be filled for the C&D cells are protected by restrictive covenants that were put in place “for the protection of waters of the United States and scenic, resource, environmental, and general property values.”¹² HCSWA “agreed to place certain restrictive covenants on the Property in order that the Property shall remain substantially in its natural condition **forever**.”¹³ The Corps and DES have discretion to allow amendments, but may only do so when there are exceptional circumstances.¹⁴ These agencies do not have an obligation to allow amendment.¹⁵

The Applicant wishes to amend the restrictive covenants to allow for removal of all trees, vegetation, and organic soils within the footprint of the proposed cell and to place fill material in

¹¹ *Id.* at 6-11.

¹² Horry County Solid Waste Authority, Restrictive Covenants, Deed Book 3315, Page 1740, (Horry Cnty. Register of Deeds, S.C., Feb. 14, 2008). The Corps and DES previously allowed an amendment to the restrictive covenants in 2020. Horry County Solid Waste Authority, Restrictive Covenants, Deed Book 4328, Page 2983 (Horry Cnty. Register of Deeds, S.C., July 23, 2020). The 2020 amendment ratified the 2008 Amended and Restated Restrictive Covenants and approved a modification to for the construction of a bridge with 0.37 acres of wetland impacts. *Id.*

¹³ Horry County Solid Waste Authority, Restrictive Covenants, Deed Book 3315, Page 1740, (Horry Cnty. Register of Deeds, S.C., Feb. 14, 2008) (emphasis added).

¹⁴ *Id.*

¹⁵ *Id.*

76.6 acres of freshwater wetlands and 28.17 acres of upland buffers. Given the alternatives previously described, the circumstances do not justify an amendment. This proposed expansion directly contradicts the public interest by seeking to eliminate critical flood-mitigating wetlands and expose nearby communities and wildlife to unacceptable risks. Moreover, the proposed mitigation, to purchase credits from an approved mitigation bank, is not guaranteed to address impacts to the affected area.

Both agencies should deny this request for restrictive covenants amendment that would allow for extensive wetland impacts without exceptional circumstances and adequate replacement mitigation.

V. Conclusion

For the reasons set forth above, we ask that the application be denied, so that 102.4 acres of wetlands remain protected and able to sustain natural functions. To address these concerns, the organizations listed above and individual signatories (attached) request that a public hearing be scheduled in reference to this application. As “affected” parties, we request written notice of any staff decision pursuant to S.C. Code Ann. § 48-6-30. Communications can be sent via email to monica@scelp.org. We thank you for the opportunity to provide input and appreciate your consideration of these comments.

Sincerely,



Monica K. Whalen
Staff Attorney

CC: Becky Ryon, Coastal Conservation League
Scott Harley, Friends of Lewis Ocean Bay
Jim Luken, Friends of Lewis Ocean Bay
Anne Brallier, League of Women Voters of Horry County
Maeve Snyder, South Carolina Native Plant Society Grand Strand chapter
Preston Kelly, Waccamaw Riverkeeper/Winyah Rivers Alliance
Debra Buffkin, Winyah Rivers Alliance

Attachments

Attachment B

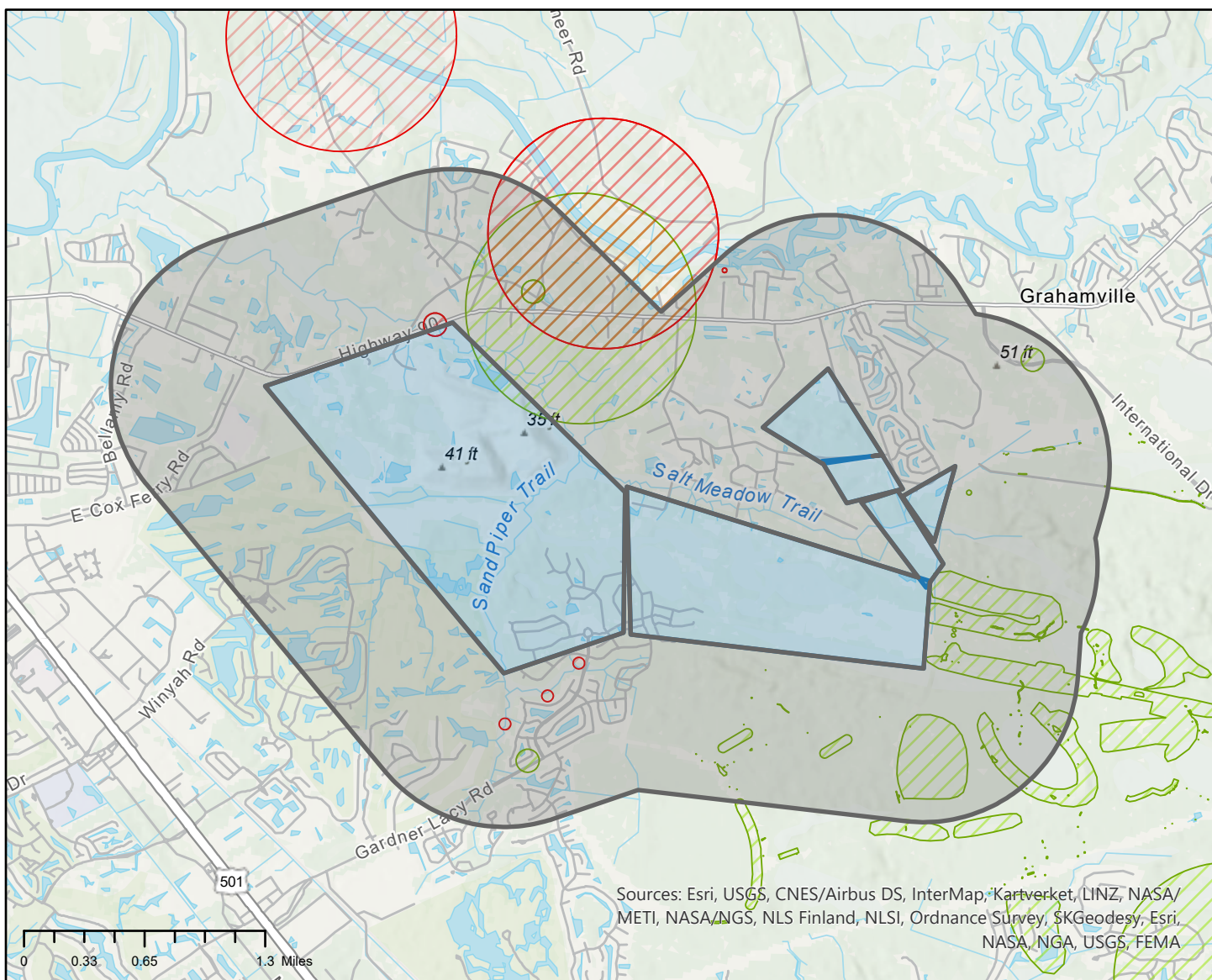


PO Box 167
Columbia, SC 29202
(803) 734-1396
speciesreview@dnr.sc.gov

Requested on Friday, January 16, 2026 by Becky Ryon.

Re: Request for Threatened and Endangered Species Consultation
Becky Ryon - Horry Solid Waste Authority Landfill Expansion - Landfill - Horry County, South Carolina

The South Carolina Department of Natural Resources (SCDNR) has received your request for threatened and endangered species consultation of the above named project in Horry County, South Carolina. The following map depicts the project area and a 1 mile buffer surrounding:





This report includes the following items:

- A - A report for species which intersect the project area
- B - A report for species which intersect the buffer around the project area
- C - A list of best management practices relevant to species near to or within the project area
- D - A list of best management practices relevant to the project type
- E - A list of state & federally listed species within the county of the project area
- F - Other important information on conservation status, listed species, and how to submit observations to the program.

Please be advised:

The contents of this report, including all tables, maps, recommendations, and various other text, are produced as a direct result of the information a user provides at the time of submission. The SCDNR assumes that all information submitted by the user represents the project scope as proposed, and recommends that additional reports be requested should the scope deviate from how the project was initially represented to the SCDNR.

The technical comments outlined in this report are submitted to speak to the general impacts of the activities as described through inquiry by parties outside the South Carolina Department of Natural Resources. These technical comments are submitted as guidance to be considered and are not submitted as final agency comments that might be related to any unspecified local, state or federal permit, certification or license applications that may be needed by any applicant or their contractors, consultants or agents presently under review or not yet made available for public review. In accordance with its policy 600.01, Comments on Projects Under Department Review, the South Carolina Department of Natural Resources, reserves the right to comment on any permit, certification or license application that may be published by any regulatory agency which may incorporate, directly or by reference, these technical comments.

Interested parties are to understand that SCDNR may provide a final agency position to regulatory agencies if any local, state or federal permit, certification or license applications may be needed by any applicant or their contractors, consultants or agents. For further information regarding comments and input from SCDNR on your project, please contact our Office of Environmental Programs by emailing environmental@dnr.sc.gov or by visiting www.dnr.sc.gov/environmental. Pursuant to Section 7 of the Endangered Species Act, requests for formal letters of concurrence with regards to federally listed species should be directed to the USFWS.

Should you have any questions or need more information, please do not hesitate to contact our office by email at speciesreview@dnr.sc.gov or by phone at 803-734-4080.

Sincerely,

A handwritten signature in black ink that reads "Megan Levinson".

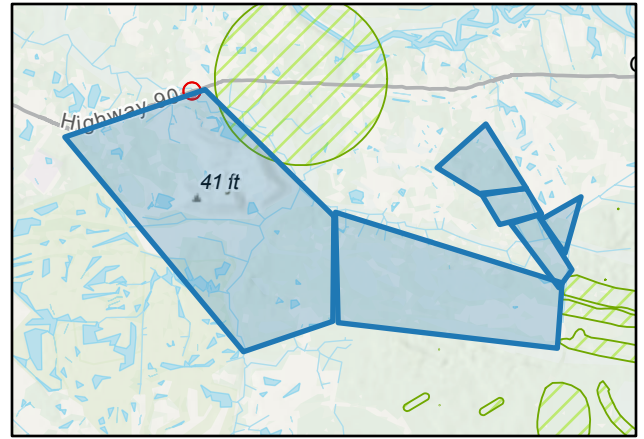
Megan Levinson
Heritage Trust Program
SC Department of Natural Resources

A. Project Area - Species Report

There are 5 tracked species records found within the project foot print. The following table outlines occurrences found within the project footprint (if any), sorted by listing status and species name. Please keep in mind that this information is derived from existing databases and do not assume that it is complete. Areas not yet inventoried may contain significant species or communities. You can find more information about global and state rank status definitions by visiting Natureserve's web page. Please note that certain sensitive species found on site may be listed in this table but are not represented on the map. Please contact speciesreview@dnr.sc.gov should you have further questions related to sensitive species found within the project area.



Map Credits: Sources: Esri, USGS, CNES/Airbus DS, InterMap, Kartverket, LINZ, NASA/METI, NASA/NGS, NLS Finland, NLSI, Ordnance Survey, SKGeodesy, Esri, NASA, NGA, USGS, FEMA



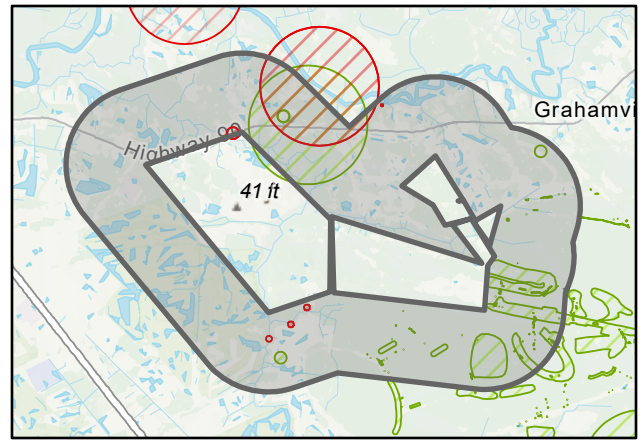
Scientific Name	Common Name	Federal Status	State Status	G Rank	S Rank	SWAP Priority	Last Obs. Date
<i>Anguilla rostrata</i>	American Eel	NA	NA	G4	S2S3	1	1980-06-19
<i>Enneacanthus obesus</i>	Banded Sunfish	NA	NA	G5	S3	3	1980-06-19
<i>Ursus americanus</i>	American Black Bear	NA	NA	G5	S5	0	2017-08-03
<i>Dionaea muscipula</i>	Venus Flytrap, Meadow Clam,	NA	NA	G2G3	S1	1	2025-08-25
<i>Lachnocaulon beyrichianum</i>	Southern Bogbutton	NA	NA	G4	S3S4	0	1980-07-30

B. Buffer Area - Species Report

The following table outlines rare, threatened or endangered species found within 1 miles of the project footprint, arranged in order of protection status and species name. Please keep in mind that this information is derived from existing databases and do not assume that it is complete. Areas not yet inventoried may contain significant species or communities. You can find more information about global and state rank status definitions by visiting Natureserve's web page. Please note that certain sensitive species found within the buffer area may be listed in this table but are not represented on the map.



Map Credits: Sources: Esri, USGS, CNES/Airbus DS, InterMap, Kartverket, LINZ, NASA/METI, NASA/NGS, NLS Finland, NLSI, Ordnance Survey, SKGeodesy, Esri, NASA, NGA, USGS



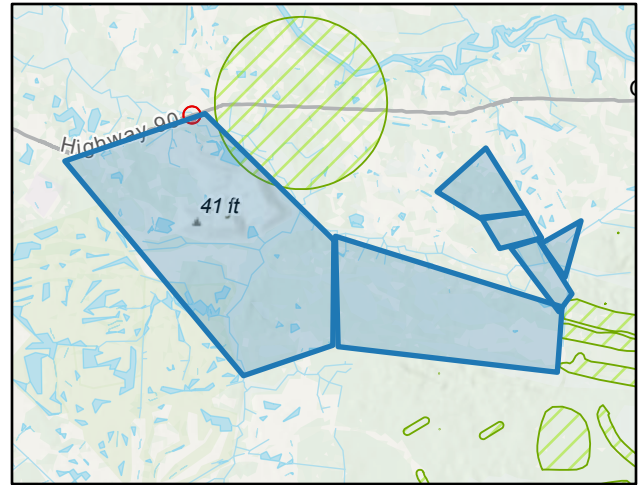
Scientific Name	Common Name	Federal Status	State Status	G Rank	S Rank	SWAP Priority	Last Obs. Date
<i>Haliaeetus leucocephalus</i>	Bald Eagle	BGEPA	ST	G5	S3B,S3N	3	2025
<i>Anguilla rostrata</i>	American Eel	NA	NA	G4	S2S3	1	1980-06-19
<i>Elliptio congaraea</i>	Carolina Slabshell	NA	NA	G3	S4	3	2004-06-07
<i>Elliptio icterina</i>	Variable Spike	NA	NA	G5	S4S5	0	1981-06-19
<i>Enneacanthus obesus</i>	Banded Sunfish	NA	NA	G5	S3	3	1980-06-19
<i>Laevapex fuscus</i>	Dusky Ancyloid	NA	NA	G5	S5	0	2003-08-31
<i>Pseudosuccinea columella</i>	Mimic Lymnaea Snail	NA	NA	G5	S5	0	2003-08-31
<i>Ursus americanus</i>	American Black Bear	NA	NA	G5	S5	0	2017-08-03
<i>Villosa delumbis</i>	Eastern Creekshell	NA	NA	G4	S3	0	2004-06-07
<i>Amphicarpum amphicarpon</i>	Pinebarrens Peanut-grass	NA	NA	G3G4	S3	0	2019-09-16
<i>Aristida condensata</i>	Big Three-awn	NA	NA	G4	S4	0	2019-09-14
<i>Asclepias pedicellata</i>	Stalked Milkweed, Savanna	NA	NA	G4	S2	2	2019-09-14
<i>Balduina uniflora</i>	Savanna Honeycomb-head,	NA	NA	G4	S2	2	2019-09-13
<i>Chamaedaphne calyculata</i>	Leatherleaf, Cassandra	NA	NA	G5	S3	0	2019-09-16
<i>Chamaedaphne calyculata</i>	Leatherleaf, Cassandra	NA	NA	G5	S3	0	2025-08-25
<i>Chamaedaphne calyculata</i>	Leatherleaf, Cassandra	NA	NA	G5	S3	0	2019-03-15
<i>Crocianthemum georgianum</i>	Georgia Sunrose, Georgia	NA	NA	G4	S2	2	1989-05-25
<i>Crocianthemum nashii</i>	Florida Scrub Sunrose, Florida	NA	NA	G3G4	S1	2	2019-06-01
<i>Dionaea muscipula</i>	Venus Flytrap, Meadow Clam,	NA	NA	G2G3	S1	1	2025-08-25
<i>Gentiana autumnalis</i>	Pinebarren Gentian	NA	NA	G3	S2S3	2	2018-09-29
<i>Gentiana autumnalis</i>	Pinebarren Gentian	NA	NA	G3	S2S3	2	2019-09-16
<i>Gentiana autumnalis</i>	Pinebarren Gentian	NA	NA	G3	S2S3	2	2019-09-17
<i>Juncus pelocarpus</i>	Brown-fruited Rush	NA	NA	G5	S3S4	0	2019-09-17
<i>Juncus pelocarpus</i>	Brown-fruited Rush	NA	NA	G5	S3S4	0	2019-09-16
<i>Lachnocaulon beyrichianum</i>	Southern Bogbutton	NA	NA	G4	S3S4	0	2019-09-14
<i>Lachnocaulon beyrichianum</i>	Southern Bogbutton	NA	NA	G4	S3S4	0	1980-07-30
<i>Lachnocaulon minus</i>	Brown Bogbutton	NA	NA	G3G4	S1	2	2019-09-17
<i>Lechea torreyi var. congesta</i>	Sandhill Pinweed	NA	NA	G4TNR	S2	0	2019-09-17
<i>Litsea aestivalis</i>	Pondspice	NA	NA	G3	S3	3	1983-07-22
<i>Ludwigia lanceolata</i>	Lanceleaf Seedbox	NA	NA	G3	S1	2	2019-09-17
<i>Oxypolis ternata</i>	Savanna Cowbane	NA	NA	G3	S1	2	2019-09-14
<i>Sarracenia flava</i>	Yellow Pitcherplant, Trumpets	NA	NA	G5?	S3S4	0	2019-09-15
<i>Sarracenia flava</i>	Yellow Pitcherplant, Trumpets	NA	NA	G5?	S3S4	0	2025-08-25
<i>Sarracenia flava</i>	Yellow Pitcherplant, Trumpets	NA	NA	G5?	S3S4	0	2023-11-01
<i>Solidago pulchra</i>	Beautiful Goldenrod, Carolina	NA	NA	G3	S1	2	1999-09-12
<i>Xyris brevifolia</i>	Shortleaf Yellow-eyed-grass	NA	NA	G4G5	S1	2	2019-09-14
<i>Xyris brevifolia</i>	Shortleaf Yellow-eyed-grass	NA	NA	G4G5	S1	2	2019-09-17
<i>Xyris flabelliformis</i>	Savanna Yellow-eyed-grass	NA	NA	G4	S1	2	2019-09-17

C. Species Best Management Practices (1 of 2)

SCDNR offers the following comments and best management practices (BMPs) regarding this project's potential impacts to species of concern which may be found on or near to the project area. Please contact speciesreview@dnr.sc.gov should you have further questions with regard to survey methods, consultation, or other species-related concerns.



Map Credits: Sources: Esri, USGS, CNES/Airbus DS, InterMap, Kartverket, LINZ, NASA/METI, NASA/NGS, NLS Finland, NLSI, Ordnance Survey, SKGeodesy, Esri, NASA, NGA, USGS, FEMA



One or more occurrences of state listed species are found within or near to your project area. Please note that take of these species are prohibited under S.C. Code of Laws §50-15-30.

An active bald eagle nest(s) is known to occur within or near to your project area. Surveys to rule out nests in the project area are advised to avoid negative impacts to bald eagles. Eagle nests may occur in areas which have not yet been surveyed where suitable habitat is present, as the SCDNR does not survey every nest every year. Visual pedestrian transect surveys may be completed year-round. Surveys between February 1 and April 30 have a greater chance of capturing eagle presence and possible nest activity. Bald Eagles are a state listed threatened species and are federally protected under the Bald and Golden Eagle Protection Act. Eagle nests are protected at all times under this Act. If Bald Eagle nests are found to be within 660 feet of the project area, please consult with the U.S. Fish and Wildlife Service and the National Bald Eagle Management Guidelines to ensure that impacts are avoided to this species before proceeding with any construction activities. Correspondence must occur with SCDNR biologists at baldeagle@dnr.sc.gov if a known or new Bald Eagle nest is located within 660 ft of the project area. https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf, <https://www.fws.gov/program/eagle-management/eagle-incident-disturbance-and-nest-take-permits>

Venus flytrap (*Dionaea muscipula*), a federal at-risk species and species of high conservation priority listed in the State Wildlife Action Plan, is known to be found on or nearby the project site. The abundance and range of Venus flytrap has been decimated by fire suppression and land conversion. It is now known from only a few populations in the world – two populations in Horry County, SC and in a few coastal counties of NC. The largest population of Venus flytrap in the state of South Carolina is found centered at Lewis Ocean Bay Heritage Preserve and is the only population within the state that is considered to have long-term viability. The species is thought to be extirpated from Georgetown and Berkeley counties because of fire suppression and land use changes. While a landowner can provide consent legally for the cutting, collection, breaking or other destruction to this globally rare plant species pursuant to S.C. Code of Laws 16-11-590, the SCDNR requests that the landowner consults with the SCDNR to either reconfigure the proposed project impacts to minimize or eliminate destruction of Venus flytrap or work with SCDNR to remove and relocate these rare plants. Should Venus flytrap be found within the project footprint, please notify the SCDNR Botanist at botany@dnr.sc.gov before proceeding with any construction activities.

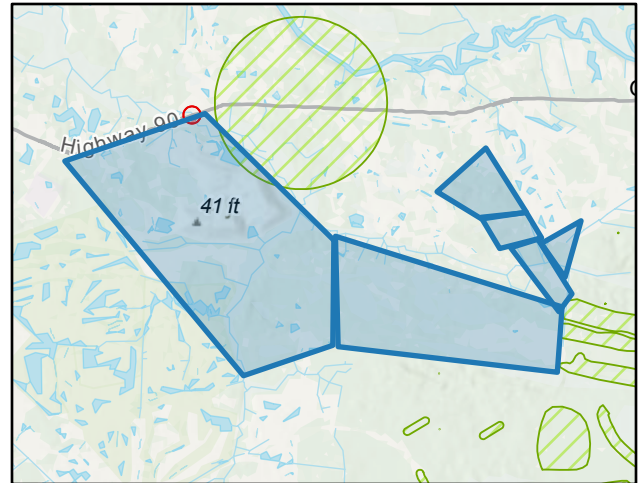
Three listed species of bats have been known to occur in the coastal plain ecoregions of South Carolina, including the state-endangered Rafinesque's big-eared bat (*Corynorhinus rafinesquii*); the federally endangered northern long-eared bat (NLEB) (*Myotis septentrionalis*); and the federally at-risk & proposed endangered tricolored bat (*Perimyotis subflavus*). Please note that take of a state endangered species is prohibited under S.C. Code of Laws §50-15-30. Prior to any land-clearing activities in the proposed project area, the SCDNR recommends a threatened and endangered species assessment be conducted to identify suitable habitat and provided to SCDNR for review.

C. Species Best Management Practices (2 of 2)

SCDNR offers the following comments and best management practices (BMPs) regarding this project's potential impacts to species of concern which may be found on or near to the project area. Please contact speciesreview@dnr.sc.gov should you have further questions with regard to survey methods, consultation, or other species-related concerns.



Map Credits: Sources: Esri, USGS, CNES/Airbus DS, InterMap, Kartverket, LINZ, NASA/METI, NASA/NGS, NLS Finland, NLSI, Ordnance Survey, SKGeodesy, Esri, NASA, NGA, USGS, FEMA



Regarding Rafinesque's big-eared bat (1 of 2): Suitable habitat for Rafinesque's big-eared bat is defined as swamp forests, hardwood or mixed mature bottomlands, maritime forests and black gum (*Nyssa sylvatica*) and water tupelo (*Nyssa aquatic*) stands (Cochran 1999, Hofmann et al. 1999, Lance et al. 2001, Gooding and Langford 2004, Trousdale and Beckett 2005). If suitable habitat exists within the project, the SCDNR recommends assumption of presence of Rafinesque's big-eared bat within areas of forested wetlands and to further protect these areas, surround them with a 1000-foot buffers and avoid tree clearing from May 1st to July 31st to minimize disturbance and destruction of habitat that may be used by females during gestation or maternal care for pups. All other tree clearing outside of the forested wetlands and its associated buffer may occur in areas that are not wetlands or other aquatic resources in non-Rafinesque's big-eared bat maternity roosting habitat anytime. Where wetlands occur that are not Rafinesque's big-eared bat habitat, but they are spotted turtle habitat, tree clearing should only occur August to December to prevent impacts to spotted turtles during reproduction. However, if wetlands are dry January to June, they may be cleared, but they must be completely dry (no surface water present). For future right-of-way management (if applicable), use heavy equipment and herbicide treatment for right-of-way vegetation management in wetlands only during the months of July to November. If wetlands are completely dry (no surface water present), heavy equipment may be used January to June, but the wetlands must be completely dry.

Please note that tricolored bat was proposed for listing by the U.S. Fish and Wildlife Service on September 13, 2022. Therefore, due to the conservation concerns surrounding this species, the SCDNR strongly suggests acoustic surveys be conducted by a qualified individual during the summer months to assess the use of the area to be cleared by tricolored bats. Should the species occur in the proposed area slated for clearing, coordination should occur with SCDNR and USFWS regarding avoidance and minimization measures. Tricolored bat utilize caves, rock crevices, tree foliage and basal cavities, Spanish moss and man-made structures, such as houses, barns and culverts, as maternity roosts during the summer months and they will use more than one roost location. If this species are found on-site, please contact the U.S. Fish & Wildlife Service and SCDNR. The SCDNR recommends the assumption of presence of the the species and abide by a clearing moratorium from May 1st to July 31st if suitable habitat for the species is likely or are explicitly identified within the project footprint.

In the interest of preserving plant diversity, the South Carolina Plant Conservation Alliance performs native plant rescues in order to protect and preserve our diversity of native plants. If you are interested in assisting with this important endeavor please contact the SCDNR Botanist at botany@dnr.sc.gov before any development occurs onsite. There may be plants of interest on the project site that the Alliance would like to preserve.

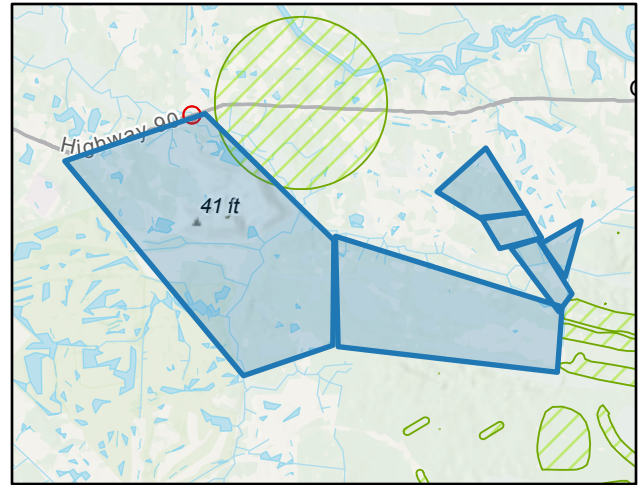
Species in the above table with SWAP priorities of High, Highest or Moderate are designated as having conservation priority under the South Carolina State Wildlife Action Plan (SWAP). SWAP species are those species of greatest conservation need not traditionally covered under any federal funded programs. Species are listed in the SWAP because they are rare or designated as at-risk due to knowledge deficiencies; species common in South Carolina but listed rare or declining elsewhere; or species that serve as indicators of detrimental environmental conditions. SCDNR recommends that appropriate measures should be taken to minimize or avoid impacts to the aforementioned species of concern.

D. Project Best Management Practices (1 of 1)

SCDNR offers the following comments and best management practices (BMPs) regarding this project's potential impacts to natural resources within or surrounding the project area. Please contact our Office of Environmental Programs at environmental@dnr.sc.gov should you have further questions with regard to best management practices related to this project area.



Map Credits: Sources: Esri, USGS, CNES/Airbus DS, InterMap, Kartverket, LINZ, NASA/METI, NASA/NGS, NLS Finland, NLSI, Ordnance Survey, SKGeodesy, Esri, NASA, NGA, USGS, FEMA



Our records indicate one or more parcels within your project area may be associated with a conservation easement. We recommend you inquire with the appropriate County to receive a copy of the recorded deed and plat before moving forward with any alterations to the project site.

- All necessary measures must be taken to prevent oil, tar, trash and other pollutants from entering the adjacent offsite areas/wetlands/water.
- Once the project is initiated, it must be carried to completion in an expeditious manner to minimize the period of disturbance to the environment.
- Upon project completion, all disturbed areas must be permanently stabilized with vegetative cover (preferable), riprap or other erosion control methods as appropriate.
- The project must be in compliance with any applicable floodplain, stormwater, land disturbance, shoreline management guidance or riparian buffer ordinances.
- Prior to beginning any land disturbing activity, appropriate erosion and siltation control measures (e.g. silt fences or barriers) must be in place and maintained in a functioning capacity until the area is permanently stabilized.
- Materials used for erosion control (e.g., hay bales or straw mulch) will be certified as weed free by the supplier.
- Inspecting and ensuring the maintenance of temporary erosion control measures at least:
 - a. on a daily basis in areas of active construction or equipment operation;
 - b. on a weekly basis in areas with no construction or equipment operation; and
 - c. within 24 hours of each 0.5 inch of rainfall.
- Ensuring the repair of all ineffective temporary erosion control measures within 24 hours of identification, or as soon as conditions allow if compliance with this time frame would result in greater environmental impacts.
- Land disturbing activities must avoid encroachment into any wetland areas (outside the permitted impact area). Wetlands that are unavoidably impacted must be appropriately mitigated.
- Your project may require a Stormwater Permit from the SC Department of Health & Environmental Control, please visit <https://www.scdhec.gov/environment/water-quality/stormwater>

Your project area includes a FEMA special flood hazard area and may require a permit from the County National Floodplain Insurance Program Manager before impacts occur to aquatic resources and the associated floodplains on site. Please refer to <https://www.dnr.sc.gov/water/flood/documents/nfipadmindirectory.pdf> to find your appropriate contact information.

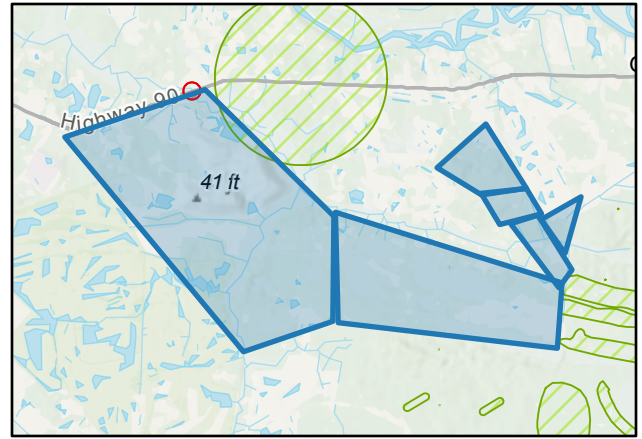
- Your project boundary lies within a coastal county in South Carolina which means you may also need a Coastal Zone Consistency Certification for your project from the SC Department of Health and Environmental Control. For more information, visit: <https://www.scdhec.gov/environment/your-water-coast/ocean-coastal-management/beach-management/coastal-permits/coastal-zone>
- If your project could affect coastal waters, tidelands, beaches and beach/dune systems, you may also need a critical area permit from the SC Department of Health and Environmental Control. For more information, visit: <https://www.scdhec.gov/environment/your-water-coast/ocean-coastal-management/beach-management/coastal-permits/critical-1>

E. State & Federally Listed Species in Horry County

The South Carolina Department of Natural Resources' Heritage Trust Program organizes a database that captures and tracks element of occurrence data for rare, threatened and endangered species, both federal and state. Please keep in mind that this information included within this report is derived from existing databases, and do not assume that it is complete. Areas not yet inventoried may contain significant species or communities. If your project requires the assessment of potential threatened or endangered species that could be within the project area, the SCDNR asks that you include a review of the state listed species within the county or watershed in addition to those that may be within the report as being within the project footprint or within 1-mile of the proposed project area. Consideration should be given to the occurrence of suitable habitat onsite, species movement and connectivity of habitat when assessing the likelihood of a state listed species on the project area.



Map Credits: Sources: Esri, USGS, CNES/Airbus DS, InterMap, Kartverket, LINZ, NASA/METI, NASA/NGS, NLS Finland, NLSI, Ordnance Survey, SKGeodesy, Esri, NASA, NGA, USGS, FEMA

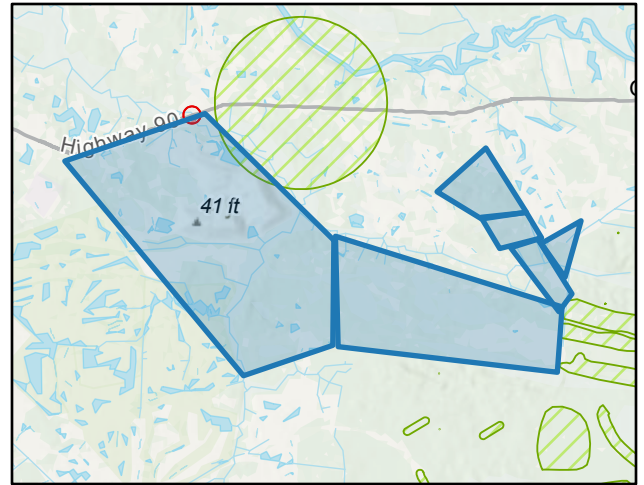


County	Scientific Name	Common Name	G Rank	S Rank	Federal Status	State Status	Group Type
Horry	<i>Acipenser brevirostrum</i>	Shortnose Sturgeon	G3	S3	LE: Federally Endangered	SE: State Endangered	Zoological
Horry	<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic Sturgeon	G3T3	S3	LE: Federally Endangered	Not Applicable	Zoological
Horry	<i>Amaranthus pumilus</i>	Seabeach Amaranth, Dwarf Amaranth	G2	S1	LT: Federally Threatened	Not Applicable	Botanical
Horry	<i>Atrytone arogos</i>	Arogos Skipper; Eastern Beard Grass	G2G3	SH	ARS: At-Risk Species	Not Applicable	Zoological
Horry	<i>Bombus fraternus</i>	Southern Plains Bumble Bee	G3G4	SNR	ARS: At-Risk Species	Not Applicable	Zoological
Horry	<i>Bombus pensylvanicus</i>	American Bumble Bee	G3G4	SNR	ARS: At-Risk Species	Not Applicable	Zoological
Horry	<i>Caretta caretta</i>	Loggerhead Sea Turtle	G3	S3	LT: Federally Threatened	ST: State Threatened	Zoological
Horry	<i>Charadrius melodus</i>	Piping Plover	G3	S2N	LT: Federally Threatened	SE: State Endangered	Zoological
Horry	<i>Chelonia mydas</i>	Green Sea Turtle	G3	S1	LT: Federally Threatened	ST: State Threatened	Zoological
Horry	<i>Clemmys guttata</i>	Spotted Turtle	G5	S2	ARS: At-Risk Species	ST: State Threatened	Zoological
Horry	<i>Columbina passerina</i>	Common Ground Dove	G5	S3	MBTA: Migratory Bird Treaty Act	ST: State Threatened	Zoological
Horry	<i>Corynorhinus rafinesquii</i>	Rafinesque's Big-eared Bat	G3G4	S2	Not Applicable	SE: State Endangered	Zoological
Horry	<i>Danaus plexippus</i>	Monarch Butterfly	G4	S4	C: Candidate	Not Applicable	Zoological
Horry	<i>Dermodochelys coriacea</i>	Leatherback Sea Turtle	G2	S1	LE: Federally Endangered	SE: State Endangered	Zoological
Horry	<i>Dryobates borealis</i>	Red-cockaded Woodpecker	G3	S2	LT: Federally Threatened	SE: State Endangered	Zoological
Horry	<i>Elanoides forficatus</i>	Swallow-tailed Kite	G5	S2	MBTA: Migratory Bird Treaty Act	SE: State Endangered	Zoological
Horry	<i>Elassoma boehlkei</i>	Carolina Pygmy Sunfish	G2	S1	Not Applicable	ST: State Threatened	Zoological
Horry	<i>Fimbristylis perpusilla</i>	Harper's Fimbr	G2	S1	ARS: At-Risk Species	Not Applicable	Botanical
Horry	<i>Haliaeetus leucocephalus</i>	Bald Eagle	G5	S3B,S3N	Bald & Golden Eagle Protection Act	ST: State Threatened	Zoological
Horry	<i>Heterodon simus</i>	Southern Hog-nosed Snake	G2	S1	Not Applicable	ST: State Threatened	Zoological
Horry	<i>Lasiurus cinereus</i>	Hoary Bat	G3G4	S2	ARS: At-Risk Species	Not Applicable	Zoological
Horry	<i>Laterallus jamaicensis</i>	Black Rail	G3	S1	LT: Federally Threatened	Not Applicable	Zoological
Horry	<i>Lepidochelys kempii</i>	Kemp's Ridley Sea Turtle	G1	S1N	LE: Federally Endangered	SE: State Endangered	Zoological
Horry	<i>Lindera melissifolia</i>	Southern Spicebush, Pondberry	G3	S2	LE: Federally Endangered	Not Applicable	Botanical
Horry	<i>Ludwigia ravenii</i>	Raven's Seedbox	G1G2	S1	ARS: At-Risk Species	Not Applicable	Botanical
Horry	<i>Mycteria americana</i>	Wood Stork	G4	S2	LT: Federally Threatened	SE: State Endangered	Zoological
Horry	<i>Perimyotis subflavus</i>	Tricolored Bat	G3G4	S3	LEP: Federally Endangered (Proposed)	Not Applicable	Zoological
Horry	<i>Sabulina paludicola</i>	Godfrey's Sandwort	G1	SX	ARS: At-Risk Species	Not Applicable	Botanical
Horry	<i>Schwalbea americana</i>	Chaffseed	G2	S2	LE: Federally Endangered	Not Applicable	Botanical
Horry	<i>Setophaga virens waynei</i>	Wayne's Black-throated Green	G5T1	S1S2B	ARS: At-Risk Species	Not Applicable	Zoological
Horry	<i>Sporobolus teretifolius</i>	Wireleaf Dropseed	G2	S1	ARS: At-Risk Species	Not Applicable	Botanical
Horry	<i>Sternula antillarum</i>	Least Tern	G4	S2B	MBTA: Migratory Bird Treaty Act	ST: State Threatened	Zoological
Horry	<i>Trichechus manatus</i>	Florida Manatee	G2G3	S2S3	LT: Federally Threatened	SE: State Endangered	Zoological

F. Important Information & Instructions for Submitting Species Observations

The SC Natural Heritage Dataset relies on continuous monitoring and surveying for species of concern throughout the state. Any records of species of concern found within this project area would greatly benefit the quality and comprehensiveness of the statewide dataset for rare, threatened and endangered species. Below are instructions for how to download the SC Natural Heritage Occurrence Reporting Form through the Survey123 App.

Map Credits: Sources: Esri, USGS, CNES/Airbus DS, InterMap, Kartverket, LINZ, NASA/METI, NASA/NGS, NLS Finland, NLSI, Ordnance Survey, SKGeodesy, Esri, NASA, NGA, USGS, FEMA



Conservation Ranks & SWAP Priority Status

The SC Natural Heritage Program assigns S Ranks for species tracked within the state of South Carolina based on ranking methodology developed by NatureServe and its state program network. For information conservation rank definitions, please visit <https://explorer.natureserve.org/AboutTheData/Statuses>

The SCDNR maintains and updates its State Wildlife Action Plan (SWAP) every 10 years. This plan categorizes species of concern by Moderate, High, and Highest Priority. Please visit <https://www.dnr.sc.gov/swap/index.html> for more information about the SC SWAP.

Important Information Regarding Element Occurrence Data:

The South Carolina Department of Natural Resources' Heritage Trust Program organizes a database that captures and tracks element of occurrence data for rare, threatened and endangered species, both federal and state. Please keep in mind that this information included within this report is derived from existing databases, and do not assume that it is complete. Areas not yet inventoried may contain significant species or communities. If your project requires the assessment of potential threatened or endangered species that could be within the project area, the SCDNR asks that you include a review of the state listed species within the county or watershed in addition to those that may be within the report as being within the project footprint or within 1-mile of the proposed project area. Consideration should be given to the occurrence of suitable habitat onsite, species movement and connectivity of habitat when assessing the likelihood of a state listed species on the project area. To view these lists please visit our county and watershed dashboards at our website: <https://natural-heritage-program-scdnr.hub.arcgis.com/#track>

State-listed Species Guidance

The South Carolina Department of Natural Resources has released a document to provide clarity for the avoidance of a take of a state listed species and what may be needed from permit applicants, for each species listed as threatened or endangered under SC Code of Regulations 123-150 and 123-150.2. Please review this document for information on species-habitat requirements, survey protocol, and other information regarding environmental review: <https://dnr.sc.gov/environmental/docs/SCDNRStateListedSpeciesProtectionGuidance.pdf>

Instructions for accessing the SC Natural Heritage Occurrence Reporting Form

- 1) Follow <https://arcg.is/1a0jzC0> or use the QR code here.
- 2) Select 'Open in browser' or 'Open in the Survey123 field app' depending on your preference. The browser option will only work when connected to the internet.
- 3) If using in the Survey123 field app, be sure to download the app from your app store beforehand.

