

**Appendix B**  
**Coastal Barrier Resources Act Consultation**

# Coastal Barrier Resources Act Consultation Request

August 22, 2022

**FROM:**

U.S. Army Corps of Engineers,  
Charleston District  
69A Hagood Ave.  
Charleston, SC 29403-5107

**TO:**

U.S. Fish & Wildlife Service  
South Carolina Ecological Services Field Office  
176 Croghan Spur Road, Suite 200  
Charleston, SC 29407-7558

Consultation Request: The U.S. Army Corps of Engineers, Charleston District requests a consultation with the U.S. Fish and Wildlife Service (Service) under the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.) for maintenance dredging of the Murrells Inlet federal navigation project. This project is funded by the Bipartisan Infrastructure Law.

Project Location: The dredging project is located in Georgetown County, SC, and is mostly within Unit SC-03 of the Coastal Barrier Resources System (CBRS).

Description of the Proposed Action or Project: The project involves maintenance dredging of several shoals in the Murrells Inlet federal navigation project, and placement of the dredged material at three locations. The shoals consist of the entrance channel shoal, the deposition basin, the auxiliary channel, inner shoal A, inner shoal B, and inner shoal C. The placement areas include the front beach at Garden City Beach, the back bay area near the terminal west end of the south jetty on Huntington Beach State Park, and the front beach at Huntington Beach State Park. Most of the shoals to be dredged and two of the placement areas are within CBRS Unit SC-03. Inner shoal B, inner shoal C, and the placement area on the front beach of Garden City Beach are outside of Unit SC-03. Between 250,000 yd<sup>3</sup> and 500,000 yd<sup>3</sup> of sediment will be removed from within Unit SC-03 and placed on the front beach at Garden City Beach. See Figure 1 for the boundaries of Unit SC-03 in relation to the locations of the various shoals and the placement areas.

Applicable Exception(s) under 16 U.S.C. 3505(a)

## ***General Exceptions***

- 16 U.S.C. 3505(a)(1): Any use or facility necessary for the **exploration, extraction, or transportation of energy resources** which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.
- 16 U.S.C. 3505(a)(2): The **maintenance or construction of improvements of existing federal navigation channels** (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction. *A federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System Unit or portion of the System Unit was included within the CBRS (16 U.S.C. 3505(b)).*

- 16 U.S.C. 3505(a)(3): The maintenance, replacement, reconstruction, or repair, but not the expansion, of **publicly owned or publicly operated roads, structures, or facilities that are essential links** in a larger network or system. *While this exception generally prohibits expansions, there is a special provision in CBRA that allows for the expansion of highways in Michigan under this exception (see 16 U.S.C. 3505(c)).*
- 16 U.S.C. 3505(a)(4): **Military activities** essential to national security.
- 16 U.S.C. 3505(a)(5): The construction, operation, maintenance, and rehabilitation of **Coast Guard facilities** and access thereto.

### ***Specific Exceptions***

The exceptions below may apply only if the project or action is also consistent with the purposes of CBRA, which are:

- *to minimize the loss of human life;*
- *minimize wasteful expenditure of federal revenues; and*
- *minimize damage to fish, wildlife, and other natural resources associated with coastal barriers*

*by restricting future federal expenditures and financial assistance which have the effect of encouraging development; and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.*

Therefore, **if selecting any of the exceptions below, it is necessary to describe how the proposed action or project is consistent with these purposes.**

- 16 U.S.C. 3505(a)(6)(A): **Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats**, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.
- 16 U.S.C. 3505(a)(6)(B): Establishment, operation, and maintenance of **air and water navigation aids** and devices, and for access thereto.
- 16 U.S.C. 3505(a)(6)(C): Projects under chapter 2003 of title 54 and the **Coastal Zone Management Act** of 1972 (16 U.S.C. 1451 et seq.). *Chapter 2003 of title 54 refers to expenditures under the **Land and Water Conservation Fund**. For additional information on the use of this exception for projects under the CZMA, please see this [fact sheet](#).*
- 16 U.S.C. 3505(a)(6)(D): **Scientific research**, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

- 16 U.S.C. 3505(a)(6)(E): Assistance for **emergency actions essential to the saving of lives and the protection of property and the public health and safety**, if such actions are performed pursuant to sections 5170a, 5170b, and 5192 of title 42 **and are limited to actions that are necessary to alleviate the emergency.**
- 16 U.S.C. 3505(a)(6)(F): Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of **publicly owned or publicly operated roads, structures, and facilities.** *Please note that for this exception, FEMA regulations (44 CFR Part 206.347(c)(5)) indicate that “no such facility may be repaired, reconstructed, or replaced unless it is an ‘existing facility’” (i.e., one that was constructed prior to its inclusion in the CBRS and has not been substantially improved or expanded since).*
- 16 U.S.C. 3505(a)(6)(G): **Nonstructural projects for shoreline stabilization** that are designed to mimic, enhance, or restore a natural stabilization system. *For additional information on the use of this exception, please see this [Frequently Asked Questions](#) document.*

Justification for Exception(s): The Murrells Inlet project is a U.S. Army Corps of Engineers federal navigation project that was authorized by Congress in 1965 (H.D. 137, 92<sup>nd</sup> Congress, Section 201, P.L. 89-298 River and Harbor and Flood Control Act of 1965). Therefore, the planned dredging of Murrells Inlet fully meets exception 16 U.S.C. 3505(a)(2).

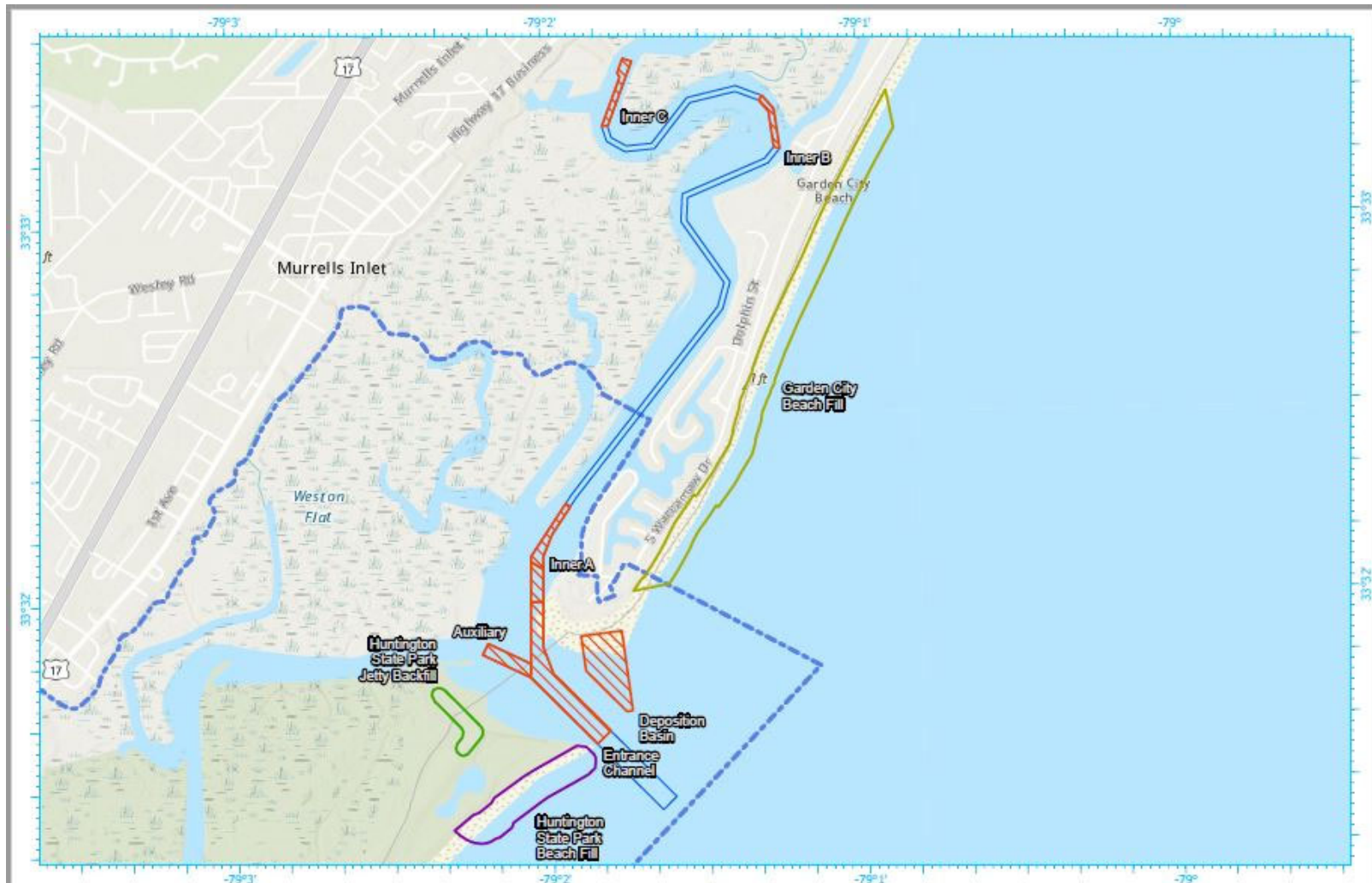
Contact Information: Alan Shirey, U.S. Army Corps of Engineers, Charleston District, 69A Hagood Avenue, Charleston, SC; 843-329-8166; alan.d.shirey@usace.army.mil.

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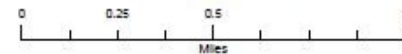
Nancy A. Parrish  
Chief, Planning and Environmental Branch

22 August 2022

Date



**Figure 1 – Murrells Inlet Project**



USACE Charleston District  
 69-A Hagood Ave.  
 Charleston, SC 29403  
 Charlie Kaufman: 8/11/2022

- Murrells Inlet Dredge Features**
- Federal Channel
  - Maintenance Shoals
  - Garden City Beach Fill
  - Huntington State Park Beach Fill
  - Huntington State Park Jetty Backfill
  - City Limits
  - Counties
  - CBRA Unit SC-03

Spatial Reference  
 Name: NAD 1983 StatePlane  
 South Carolina FIPS 3900 Feet





U.S. Fish and Wildlife Service Response

Below is the Service's response to the U.S. Army Corps of Engineers, Charleston District's (USACE Charleston) request for a consultation under CBRA for maintenance dredging of the Murrells Inlet federal navigation project. This response represents the Service's opinion. **The final decision regarding the expenditure of funds for this action or project rests with the federal action agency.** USACE Charleston has fulfilled its obligation to consult with the Service under CBRA for this particular action or project within the CBRS. Please note that any new commitment of federal funds associated with this action or project, or change in the project design and/or scope, is subject to CBRA's consultation requirement.

The Service has reviewed the information provided by USACE Charleston, and believes the referenced action/project is:

- Not located within a System Unit of the CBRS and CBRA does not apply (except with respect to the restrictions on federal flood insurance)
- Located within a System Unit of the CBRS and meets the exception(s) to CBRA selected above
- Located within a System Unit of the CBRS and meets different exception(s) than the one(s) selected above (see additional information/comments below)
- Located within a System Unit of the CBRS and does not meet an exception to CBRA (see additional information/comments below)

Additional Information/Comments

This response does not constitute consultation for any project pursuant to section 7 of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) or comments afforded by the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 et seq.); nor does it preclude comment on any forthcoming environmental documents pursuant to the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321 et seq.).

*Thomas D. McCoy*

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Thomas McCoy  
Field Supervisor

September 26, 2022

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Date