

Appendix E
Coastal Zone Consistency Determination

From: [Stout, Christopher](#)
To: [Hughes, Andrea W CIV USARMY CESAC \(USA\)](#)
Cc: [Fritz, Erica CIV USARMY CESAC \(USA\)](#)
Subject: [Non-DoD Source] RE: Murrells Inlet Dredging
Date: Wednesday, July 13, 2022 9:34:19 PM
Attachments: [image001.png](#)

Andrea

If the federal project is not changing and there are no new coastal resources identified in the project area then the CZC concurrence from 2016 would still be valid. For the coastal resources, that would include any new threatened or endangered species or designated critical habitats for those species. To the best of my knowledge, I believe that is not the case for this project, but if something comes up with your coordination with USFWS, NOAA NMFS, and/or SCDNR please let me know and we can work to update the CZC review for that new resource.

If you have any other questions, please feel free to contact me.

Regards
Chris

Christopher M. Stout
Manager, Coastal Zone Consistency Section
S.C. Dept. of Health & Environmental Control
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From: Hughes, Andrea W CIV USARMY CESAC (USA) <Andrea.W.Hughes@usace.army.mil>
Sent: Friday, July 8, 2022 12:37 PM
To: Stout, Christopher <stoutcm@dhec.sc.gov>
Cc: Fritz, Erica CIV USARMY CESAC (USA) <Erica.Fritz@usace.army.mil>
Subject: Murrells Inlet Dredging

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Hi Chris,

We are updating NEPA for maintenance dredging of Murrells Inlet and I have been asked to confirm that the existing CZC (original and revised attached) is still valid. We are not planning to dredge outside the original boundaries and placement will be the same (Huntington Beach State Park and Garden City Beach). I'm copying Erica Fritz as she is the biologist responsible for drafting the NEPA documents.

Hope you are doing well.

Thanks,

Andrea

Andrea W. Hughes
Biologist, Planning and Environmental Branch
U.S. Army Corps of Engineers, Charleston District
69-A Hagood Avenue
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843.329.8145



November 21, 2016

Lt. Colonel Matthew W. Luzzatto
District Engineer
United States Army Corps of Engineers
69A Hagood Avenue
Charleston, S. C. 29403

Attn: Jesse Helton

Re: Modified Conditional Concurrence to Include Emergency Measures, Federal Consistency Review for USACE Murrell's Inlet Federal Navigation Channel Dredging and Sand Placement (CZC-16-0961)

Dear Colonel Luzzatto:

The South Carolina Department of Health and Environmental Control, Ocean and Coastal Resources Management (SCDHEC OCRM) again extends its appreciation for continued close coordination between Federal and State staff on the Murrells Inlet Federal Navigation Channel Dredging project (CZC-16-0961) pursuant to 15 C.F.R. § 930 Subpart C, Federal Consistency regulations associated with the Coastal Zone Management Act of 1972 (CZMA) as amended. Under the CZMA, federal activities which may have reasonably likely effects on any land or water use or natural resource of the coastal zone, regardless of the location, must be consistent to the maximum extent practicable with the enforceable policies of the State's federally-approved Coastal Zone Management Program.

The SCDHEC OCRM conditionally concurred with the consistency determination for the above referenced project on November 15, 2016. We are in receipt of the request for the modified concurrence with proposed drawings to take emergency measures needed to protect the structural integrity of the south jetty at Murrell's inlet dated and received electronically on November 18, 2016.

South Carolina's Coastal Management Policy for Dredged Material Disposal (1)(c) does not allow for blocking natural channels with dredge material. However, pursuant to 15 C.F.R. § 930.32 (3)(b), a federal agency may deviate from full consistency with an approved management program when such deviation is justified because of an emergency or other unforeseen circumstance which presents the federal agency with a substantial obstacle that prevents complete adherence to the approved program. The regulations encourage the federal agency to consult with the State prior to undertaking the activity. This consultation has been accomplished. The State of South Carolina's Coastal Management Program accepts the United States Army Corps of Engineers' technical assessment that the newly breached inlet behind the jetty as a result of Hurricane Matthew will put the structure at significant risk, thus in turn risking safe navigation and a significant public investment. The impacts from Hurricane Matthew in the project area have presented a substantial obstacle and under these circumstances, we accept the revised conceptual project drawing, and modify the conditional concurrence to remove the first condition which did not allow for filling of the newly breached inlet. The revised conditional concurrence follows:

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SCDHEC OCRM Decision, SCCZMP Enforceable Policies and Conditions:

Pursuant to 15 C.F.R. § 930.4, SCDHEC ***conditionally concurs*** with the determination that the project is consistent to the maximum extent practicable with the following conditions below.

Applicable Enforceable Policies of the SCCZMP: (1) Wildlife and Fisheries Management; (2) Dredging; (3) Erosion Control; (4) Geographic Areas of Particular Concern; (5) S.C. Code Ann. § 48-39-20; (6) S.C. Code Ann. § 48-39-30; (7) S.C. Code Ann. § 48-39-80; (8) S.C. Code Ann § 48-39-150, (9) S.C. Ann. Regs 30-12(G); (10) S.C. Ann. Regs 30-13(L)); and (11) S.C. Ann. Regs 30-13(N)(2)

(A) Wildlife and Fisheries Resources:

1. To lessen impacts on fish, wildlife and their habitats, dredged material from Inner Shoal B may only be placed along the eroding shoreline at the north end of Huntington State Beach Park (as proposed) and not on the marsh side of the island, where significant shellfish resources could be adversely affected by the resuspension of fine sediments.
2. All precautionary measures and conditions as specifically referenced in the comment letter of SCDNR dated August 26, 2016, will be taken to protect listed aquatic and terrestrial migratory and spawning species and habitats of concern. Any monitoring reports shall also be provided to the SCDHEC OCRM CZC Section.
3. Appropriate measures will be taken to protect the integrity of migratory and beach-nesting birds of State concern, with particular emphasis, but not limited to Piping Plovers and Red Knots during the course of the project and while conducting post-construction practices on the beach and dune system regarding compaction testing and tilling, escarpment remediation, and any sand fencing/establishment of vegetation in relation to sea turtle conservation measures.

(B) Dredged Material:

4. Prior to construction or maintenance, the USACE must specify quality control measures including:
 - (a) A description of the means and limits by which the material quality will be assessed during and after construction;
 - (b) A definition of material quality that would require removal or screening of material from the beach; and,
 - (c) A reasonable timetable for removal of the material and restoration.
5. The beach compatibility and quality of the material placed upon the beach must be monitored during construction operations by persons who are qualified to assess the material. Monitors will report immediately to those persons with the authority to suspend or modify the work if a determination is made that unsuitable material is being placed on the beach.

6. An assessment of fill material is recommended to be conducted within 30 days of project completion with at least 10 random samples taken and analyzed for sand grain size distribution, percent of shell composition and color. Any report detailing results of the analysis shall be submitted to the natural resource agencies within 60 days of construction.
7. A post-construction survey (as-built) is required to be submitted to SCDHEC OCRM within 60 days of project completion.

Pursuant to 15 C.F.R. § 930.4, if the USACE does not agree to the above conditions, then all parties shall treat this conditional concurrence letter as an objection.

The SCDHEC concurrence relies on the following policies contained within SCCZMP: Wildlife and Fisheries Management; Dredging (*Dredging and Spoil Disposal*); Erosion Control (*General Erosion Control, Artificial Beach Nourishment*), the policies associated with Activities in Areas of Special Resource Significance (Barrier Islands, Dune Areas), Geographic Areas of Particular Concern (GAPC) and the priority of uses associated with GAPC's in addition to S.C. Annotated Code § 48-39-10 et seq and S.C. Regulations R 30-1 et seq.

Please contact me if you have any questions about this modified concurrence or the conditions within it. It is our intention to work with the Charleston District to address any concerns that the USACE may have as to how this project can be consistent with the enforceable policies of the SCCZMP.

Sincerely,



Jeannie Lewis
Project Manager, Coastal Zone Consistency Section
Regulatory Division – SCDHEC OCRM
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Cc: SCDHEC- Curtis Joyner, Chris Stout, Heather Preston, Chuck Hightower
SCDNR- Priscilla Wendt
USFWS- Mark Caldwell, Melissa Bimbi
NOAA- Pace Wilbur (NMFS)



November 15, 2016

Mr. Jesse Helton
Charleston District Army Corps of Engineers
Planning and Environmental Branch
69A Hagood Avenue
Charleston, S. C. 29403

Re: Federal Consistency Review for USACE Murrell's Inlet Federal Navigation Channel Dredging and Sand Placement (CZC-16-0961)

Dear Mr. Helton:

Thank you for coordinating with South Carolina's Department of Health and Environmental Control, Ocean and Coastal Resources Management (SCDHEC OCRM) on the Murrells Inlet Federal Navigation Channel Dredging project (CZC-16-0961) pursuant to 15 C.F.R. § 930 Subpart C, Federal Consistency regulations associated with the Coastal Zone Management Act of 1972 (CZMA) as amended. Under the CZMA, federal activities which may have reasonably likely effects on any land or water use or natural resource of the coastal zone, regardless of the location, must be consistent to the maximum extent practicable with the enforceable policies of the State's federally-approved Coastal Zone Management Program.

The SCDHEC OCRM is in receipt of the consistency determination from the US Army Corps of Engineers (USACE) dated and received electronically on July 27, 2016, and amended on September 27, 2016 for the dredging of and placement of material from the Federal Navigation Channel at Murrell's Inlet, Georgetown County, South Carolina. Accompanying the determination and amended project were electronic links to the supporting materials contained in the Draft Environmental Assessment (Draft EA), dated July 2016 and the Final EA dated May 2001. The USACE and SCDHEC offices of Ocean and Coastal Resource Management and 401 Water Quality Certification and Wetlands published public notice inviting comment on the project for a 30 day period on July 29, 2016 and again for a 10 day period beginning on September 30, 2016. Due to the need for a second public notice to encompass all dredging activities and sand placement and also due to impacts from Hurricane Matthew, SCDHEC notified the USACE that a project decision would be rendered on or before November 15, 2016 in an effort to meet dredge mobilization timeframes.

You may consider this response a **conditional concurrence** that the project is consistent to the maximum extent practicable with the enforceable policies of the South Carolina Coastal Zone Management Program pursuant to 15 C.F.R. § 930.4. This certification is issued for this project at this time and should not be considered an ongoing certification.

Please note that supplemental coordination pursuant to 15 C.F.R. § 930.46 will be required for the project if it is found before the project has begun that the project will affect any coastal use or resource substantially different than originally described. Substantially different effects are

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reasonably foreseeable if the Corps makes substantial changes to the project or if there are new circumstances or information relevant to the SCCZMP's enforceable policies. As examples, but not fully exhaustive, the State of South Carolina would regard changes in the time of year, borrow site, placement area, sediment characteristics, or a significant change in the amount of material dredged as substantial changes to the project. Given that information for this project is in draft form and the conditions may have changed significantly as a result of Hurricane Matthew which struck the South Carolina Coast on October 8, 2016, SCDHEC OCRM should be informed of project meetings, scoping sessions, pre-construction meetings, site visits/consultations, etc. ***If there are future modifications to the project which affect any coastal use or resource substantially different from those reviewed by the SCCZMP, a consistency determination shall be submitted to the SCCZMP pursuant to 15 C.F.R. § 930.31(e).***

Project Description: Authorization and Summary (from the July 2016 Draft EA and May 2001 Final EA):

The Murrells Inlet Federal Navigation Channel was authorized by the House Committee on Public Works on 10 November 1971 and the Senate Committee on Public Works on 18 November 1971, under authority of Section 201, P.L. 89-298, and 1965 Flood Control Act. Project construction initiated in September 1977 and completed in August 1981. The project authorized the construction of two jetties and the construction of a deposition basin, an entrance channel, two inner channels (Inner Channel A and Inner Channel B, respectively) and a turning basin. The initial project provided for an Entrance Channel 300 feet wide, 10 feet deep and extends 3,900 feet from -12-foot ocean contour. Inner Channel A is 200 feet wide, 10 feet deep and extends from the entrance channel to the mouth of Main Creek, approximately 2000 feet. Inner Channel B is 90 feet wide, 8 feet deep and extends to an old Army crash boat dock where it terminates with a turning basin 300 feet long and 150 feet wide. The Auxiliary Channel is 200 feet wide, 10 feet deep and is approximately 1000 feet long. The Entrance Channel is stabilized by ocean jetties extending seaward 3,445 feet and 3,319 feet on the north and south sides of the Inlet, respectively. The north jetty was constructed with a weir section at the north end to allow for passage of littoral drift traveling essentially between the shoreline and the -4-foot contour. Inside the north jetty is a deposition basin that has the capacity to hold up to 600,000 cubic yards of material. The project resulted in approximately 1,103,300 cubic yards being initially excavated. The project also authorized regular operation and maintenance (O&M) dredging, with disposal of material on Garden City Beach and Huntington Beach State Park. The last dredging was conducted in 2002, when approximately 680,000 cubic yards of material was dredged from both the entrance channel and deposition basin and placed on Garden City Beach and Huntington Beach State Park. Maintenance dredging has been previously performed in 1988 and 2001.

The proposed action includes excavation and disposal of 25,000 cubic yards of material dredged from a one and one eighth acre of the Murrells Inlet Federal Navigation Channel near Marlin Quay Marina. The material will be excavated by using hydraulic pipeline cutterhead dredge and deposited near the terminal end of the south jetty at Huntington Beach State Park. This material will be used to protect the jetty and restore lost shorebird habitat. The project also involves the use of a hydraulic pipeline cutterhead to dredge beach compatible sand from the federal navigation channel and the deposition basin located near the north jetty. Approximately 478,000 cy of material will be placed along approximately 8,976 feet of shoreline along Garden City Beach and approximately 80,000 cy of material will be placed along approximately 1,056 feet of shoreline at the terminal west end of the south jetty within Huntington Beach State Park.

SCCZMP Networked Agency Comment Summary in response to Draft EA:

South Carolina Department of Natural Resources (SCDNR), August 26, 2016 to USACE:

Comments from SCDNR were limited to the impacts from the dredging and deposition of sediments from Inner Shoal B:

(1) Dredge Material

The proposed dredge material, consists of 78% fine sand and contains no contaminants at concentrations that would pose an unacceptable risk to human health or the environment and will be used to protect the south jetty and restore lost shorebird habitat.

(2) Concurrence

(a) SCDNR concurs with the Finding of No Significant Impact on the quality of the natural environment. Negative impacts on fish, wildlife and their habitats are likely to be minor and temporary provided that the dredged material is placed only along the eroding shoreline at the north end of Huntington State Beach Park (as proposed) and not on the marsh side of the island, where significant shellfish resources could be adversely affected by the resuspension of fine sediments. The relatively high silt/clay content of the proposed dredged material (22%) also makes it unsuitable for placement on the front beach.

(b) In accordance with the Endangered Species Act, the US Fish and Wildlife Service has prepared a biological opinion that addresses potential impacts of the proposed project on species under its jurisdiction, including loggerhead sea turtles and piping plovers. As discussed in the Biological Opinion dated August 10, 2016, the deposition of dredged material might improve shorebird habitat, including non-breeding habitat for piping plovers during their annual spring and fall migration. The Biological opinion includes specific terms and conditions and conservation measures that address the protection of these species and their critical habitat before, during and after construction. SCDNR recommends the Corps adhere strictly to all terms and conditions outlined in the Biological Opinion, including all monitoring and reporting requirements. Provided these terms and conditions are met, the SCDNR offers no objection to the proposed project.

Public Comment Summary:

Comment was received on October 20 and October 21, 2016 from an adjacent oyster lease holder. Comments were forwarded to the USACE for review and accepted into the public record by SCDHEC OCRM.

The concerns which included maps are summarized as follows:

- (1) The information in the draft EA was incorrect in that it did not identify commercial shellfish leases/culture areas in the area of the dredging to include areas C-370 and C-371; portions of these areas are not available for harvest due to the proximity of marina facilities and mandatory closure zones. Additionally, the draft EA did not identify shellfish culture area C-356 adjacent to the disposal area.
- (2) The sediment survey as reported in the Draft EA did detect levels of arsenic, copper, nickel, PCB's and PBDES. The areas of the federal channel are closed for harvest, but the material is proposed to be placed near adjacent the adjacent shellfish culture area C-365.
- (3) The disposal area is not suitable due to the contaminants and the area contains spartina habitat exposed from the October 2015 storms. There is a feasible alternative site (closer than

2 miles) for more compatible beach material in the deposition basin that is not in a closure area.

- (4) Close the weir on the north jetty to prevent further shoaling and sedimentation and direct deposition of material into the channel.
- (5) Allow additional water flow into the area to help the oyster culture areas, which have been covered by sand by past placements.

SCDHEC OCRM Decision, SCCZMP Enforceable Policies and Conditions:

Pursuant to 15 C.F.R. § 930.4, SCDHEC ***conditionally concurs*** with the determination that the project is consistent to the maximum extent practicable with the following conditions below.

Applicable Enforceable Policies of the SCCZMP: (1) Wildlife and Fisheries Management; (2) Dredging; (3) Erosion Control; (4) Geographic Areas of Particular Concern; (5) S.C. Code Ann. § 48-39-20; (6) S.C. Code Ann. § 48-39-30; (7) S.C. Code Ann. § 48-39-80; (8) S.C. Code Ann § 48-39-150, (9) S.C. Ann. Regs 30-12(G); (10) S.C. Ann. Regs 30-13(L)); and (11) S.C. Ann. Regs 30-13(N)(2)

(A) Wildlife and Fisheries Resources:

1. To promote water flow and flushing, the newly created inlet area resulting from Hurricane Matthew which is located behind the southern jetty may not be filled or otherwise altered.
2. To lessen impacts on fish, wildlife and their habitats, dredged material from Inner Shoal B may only be placed along the eroding shoreline at the north end of Huntington State Beach Park (as proposed) and not on the marsh side of the island, where significant shellfish resources could be adversely affected by the resuspension of fine sediments.
3. All precautionary measures and conditions as specifically referenced in the comment letter of SCDNR dated August 26, 2016, will be taken to protect listed aquatic and terrestrial migratory and spawning species and habitats of concern. Any monitoring reports shall also be provided to the SCDHEC OCRM CZC Section.
4. Appropriate measures will be taken to protect the integrity of migratory and beach-nesting birds of State concern, with particular emphasis, but not limited to Piping Plovers and Red Knots during the course of the project and while conducting post-construction practices on the beach and dune system regarding compaction testing and tilling, escarpment remediation, and any sand fencing/establishment of vegetation in relation to sea turtle conservation measures.

(B) Dredged Material:

5. Prior to construction or maintenance, the USACE must specify quality control measures including:
 - (a) A description of the means and limits by which the material quality will be assessed during and after construction;
 - (b) A definition of material quality that would require removal or screening of material from the beach; and,
 - (c) A reasonable timetable for removal of the material and restoration.


6. The beach compatibility and quality of the material placed upon the beach must be monitored during construction operations by persons who are qualified to assess the material. Monitors will report immediately to those persons with the authority to suspend or modify the work if a determination is made that unsuitable material is being placed on the beach.
7. An assessment of fill material is recommended to be conducted within 30 days of project completion with at least 10 random samples taken and analyzed for sand grain size distribution, percent of shell composition and color. Any report detailing results of the analysis shall be submitted to the natural resource agencies within 60 days of construction.
8. A post-construction survey (as-built) is required to be submitted to SCDHEC OCRM within 60 days of project completion.

Pursuant to 15 C.F.R. § 930.4, if the USACE does not agree to the above conditions, then all parties shall treat this conditional concurrence letter as an objection.

The SCDHEC concurrence relies on the following policies contained within SCCZMP: Wildlife and Fisheries Management; Dredging (*Dredging and Spoil Disposal*); Erosion Control (*General Erosion Control, Artificial Beach Nourishment*), the policies associated with Activities in Areas of Special Resource Significance (Barrier Islands, Dune Areas), Geographic Areas of Particular Concern (GAPC) and the priority of uses associated with GAPC's in addition to S.C. Annotated Code § 48-39-10 et seq and S.C. Regulations R 30-1 et seq.

Please contact me if you have any questions about this concurrence or the conditions within it. It is our intention to work with the Charleston District to address any concerns that the USACE may have as to how this project can be consistent with the enforceable policies of the SCCZMP.

Sincerely,



Jeannie Lewis
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