

**Supplemental Information Report  
&  
Addendum to the Project Information Report, *Rehabilitation Effort for the Folly Beach Coastal Storm Risk Management Project, Folly Beach, South Carolina, December 2022***

**Charleston County, South Carolina**

***US Army Corps of Engineers, Charleston District***

***October 2023***

The purpose of this Supplemental Information Report & Addendum to the Project Information Report, *Rehabilitation Effort for the Folly Beach Coastal Storm Risk Management (CSRSM) Project* (USACE 2023c) (SIR) is to determine whether supplementation of the prior Environmental Assessments (EAs) (e.g., the EA, *Folly Beach Shore Protection Project: Final Environmental Assessment for Folly River Borrow Area* (USACE 2017a), and associated Finding of No Significant Impact (FONSI) (USACE 2017b)), is merited under the National Environmental Policy Act (NEPA) and agency regulations. This SIR was prepared with reference to: U.S. Army Corps of Engineers (USACE) Procedures for Implementing NEPA, 30 CFR Part 230 (see Sections 230.10 and 230.13(b) & (d)) and Engineer Regulation (ER) 200-2-2 (see sections 10 and 13.b. & d.); and the Council on Environmental Quality's (CEQ) NEPA Regulations, 40 CFR Parts 1500-1508 (see Section 1502.9(d)). In this regard, this SIR specifically documents updated environmental compliance efforts for purposes of NEPA, regarding the Coastal Barrier Resources Act (CBRA), Magnuson-Stevens Fishery Conservation and Management Act (MSA), Endangered Species Act (ESA), and Coastal Zone Management Act (CZMA). The results of these compliance efforts reaffirm the determination in Section 2.16.14 of the PIR that the proposed nourishment work does not present any new circumstances that would have a material bearing on the need for the proposed action, the range of appropriate alternatives, the environmental impacts of the proposed action, or particular substantive areas of concern identified by parties commenting on the prior EAs or FONSI. Therefore, the findings from these past NEPA documents (Table 1) are still considered to be valid for purposes of the proposed nourishment work and further supplementation of the prior EAs is not warranted.

***Coastal Barriers Resources Systems***

During the 2018 iteration of renourishment of Folly Beach by USACE, sand resources were acquired from the Folly River, with most acquired from the Coastal Barrier Resources System (CBRS) Bird Key Unit (M-07) established by the Coastal Barrier Resources Act (CBRA) of 1982 (16 USC 3501 et seq.), as amended. Federal expenditures within CBRS units may be permitted by administration of the US Fish and Wildlife Service (USFWS) when conditions for exceptions are met under 16 USC 3505(a) (requiring consultation under most circumstances). By letter to USFWS dated April 28, 2017, USACE SAC requested concurrence that the exception under 16 USC 3505(a)(6)(G) applies to the project and meets the requirements of CBRA. In a follow-up letter to USFWS, USACE SAC added that the project also met conditions for exceptions 16 USC 3505(a)(2), 16 USC 3504(a)(3), 16 USC 3505 (a)(6)(A). In response, USFWS issued a letter to USACE SAC on July 28, 2017, acknowledging that the project met the definitions of 16 USC 3501(b) and concurring with exceptions claimed for the

project and noting that the additional exception, 16 USC 3505(a)(6)(E), was also met. As the 2018 project progressed, on October 23, 2017, USACE SAC continued coordination with USFWS via email to request use of an additional 500,000 yd<sup>3</sup> following damages from Hurricane Irma. On October 24, 2017, USFWS replied via email and approved of the additional quantities needed.

On July 31, 2023, USACE SAC submitted a new CBRA Consultation Request to USFWS, claiming exceptions 16 USC 3504(a)(3), 16 USC 3505(a)(2), and 16 USC 3505(a)(6)(A). By letter dated September 14, 2023, USFWS concurred with the request.

*Table 1 Record of documents produced in accordance with NEPA on Folly Beach CSRM Project*

<b>Document Title</b>	<b>Date</b>	<b>Citation</b>
<i>Final Environmental Statement, Beach Erosion Control and Hurricane Protection, Folly Beach, South Carolina</i>	July 1980	USACE 1980
<i>Environmental Assessment, Shoreline Protection Project, Folly Beach, South Carolina</i>	April 1991	USACE 1991
<i>Environmental Assessment and Finding of No Significant Impact (FONSI) for the Folly Beach, South Carolina Shore Protection Project, Charleston County</i>	January 2005	USACE 2005
<i>Environmental Assessment, Folly Beach Shore Protection Project and Use of Outer Continental Shelf Sand, Charleston County, South Carolina<sup>1</sup></i>	November 2013	USACE & BOEM 2013
<i>Folly Beach Shore Protection Project: Final Environmental Assessment for Folly River Borrow Area</i>	December 2017	USACE 2017a
<i>Folly Beach Shore Protection Project: Supplemental Information Report</i>	September 2018	USACE 2018

<sup>1</sup>This document was prepared by USACE and of Ocean Energy Management, whereas all other documents were prepared by USACE SAC

### ***Essential Fish Habitat***

During the most recent 2018 iteration of renourishment under this project, USACE obligations for consultation pursuant to Section 305(b)(2) of the MSA were met under procedures outlined in implementing regulations 50 CFR 600.920 (e-f). This included incorporation by reference of an Essential Fish Habitat (EFH) assessment completed in 2013 into an EA (USACE 2017a), in addition to interagency coordination leading to issuance of conservation recommendations by the National Marine Fisheries Service (NMFS) in a letter dated November 30, 2017. This was followed by a letter from USACE on March 5, 2018, with a detailed response explaining reasons for not implementing two of the three conservation recommendations provided. On March 9, 2018, NMFS acknowledged receipt of the letter without further elevating the decision, noting compliance with section 305(b)(4)(B) of the MSA and 50 CFR 600.920(k)(1).

On May 17, 2023, in preparation for implementation of the currently proposed actions, USACE began coordination with NMFS to ensure that compliance with section 305(b)(2) was still met with previous consultation. On June 28, 2023, NMFS verified that previous consultation proceedings and conservation recommendations had been fully satisfied and that no action was necessary prior to implementation of the proposed actions.

### ***Threatened and Endangered Species***

Section 7(a)(2) of the Endangered Species Act (ESA) requires Federal agencies reinstate consultation with the U.S. Fish and Wildlife Service (USFWS) “if a new species is listed or critical habitat designated that may be affected by the identified action” (50 CFR 402.16(a)(4)). On October 8, 2020,

the Eastern black rail (*Laterallus jamaicensis jamaicensis*) was listed under the ESA as a federally threatened species (50 CFR 17.11(h)) and was identified by USACE as potentially occurring in the project area. Additionally, on July 15, 2021, USFWS published a proposed rule in the Federal Register (86 FR 37410) for designation of critical habitat for *rufa* red knot (*Calidris canutus rufa*), in which Units SC-14 and SC-15 are identified for designation and overlap with the project area. Although the proposed action is not expected to result in the destruction or adverse modification of *rufa* red knot proposed critical habitat, USACE anticipates future adoption of a conference opinion as the biological opinion (50 CFR 402.10(d)). In consideration of this possibility, and the potential effects to the recently listed Eastern black rail, USACE reinitiated formal consultation with USFWS on May 8, 2023, including submission of a biological assessment (USACE 2023a).

When considering the effects of implementing the proposed actions, USACE (2023a) made determinations of *may affect, not likely to adversely affect* in regard to Eastern black rail and *rufa* red knot critical habitat. On June 6, 2023, USFWS accepted the request to reinitiate consultation and provided initial concurrence with the determination made for Eastern black rail but did not concur with the determination of *may affect, not likely to adversely affect* made for *rufa* red knot critical habitat (or with the determinations of *may affect not likely to adversely affect* for piping plover critical habitat and loggerhead sea turtle critical habitat). All other species determinations made by USACE and respective concurrence from USFWS did not differ from those made during consultation initiated in accordance with the 2018 iteration of nourishment (USACE 2017c, USFWS 2018).

On September 19, 2023, USFWS concluded formal consultation with issuance of a biological opinion (BO) (FWS Ecosphere # 2023-0079213) (USFWS 2023). In the BO, USFWS concluded the proposed actions are not likely to jeopardize the continued existence of Eastern black rail and not likely to destroy or adversely modify *rufa* red knot critical habitat. The same biological opinions were made in USFWS' conclusions on potential impacts to piping plover critical habitat and loggerhead sea turtle critical habitat. Biological opinions for these two species' critical habitats did not differ from those in the BO issued by USFWS with respect to the previous iteration of beach nourishment on this project (USFWS 2018).

### *Coastal Zone Consistency*

On December 6, 2017, USACE submitted to the South Carolina Department of Health and Environmental Control (SCDHEC) Office of Ocean and Coastal Resource Management (OCRM) a State Coastal Zone Consistency (CZC) Certification Request Form per regulations associated with the CZMA (15 CFR 930), as amended. On February 16, 2018, OCRM provided conditional concurrence that the project is consistent to the maximum extent practicable with the enforceable policies of the South Carolina CZMA pursuant to 15 CFR 930.4.

On June 29, 2023, USACE initiated coordination with OCRM via email to inform the agency of the next iteration of beach renourishment and the specifications of the project as planned. On July 20, 2023, OCRM responded acknowledging receipt of the information and that conditions of the previous CZC concurrence remain in effect and that no further review is necessary.

### *Summary of Decision*

The proposed nourishment work will use the same sand source(s) used for the 2018 project, and based on the scope and analysis in the 2005, 2013, 2014, and 2017 EAs and associated FONSI, respectively, as well as the updated environmental compliance efforts described above, the proposed

nourishment work does not present any new circumstances that would have a material bearing on the need for the proposed action, the range of appropriate alternatives, the environmental impacts of the proposed action, or particular substantive areas of concern identified by parties commenting on the prior EAs or FONSI. Therefore, the findings from these past NEPA documents are still considered to be valid for purposes of the proposed nourishment work and further supplementation of the prior EAs is not warranted. Finally, it is noted that the proposed nourishment work may take place in conjunction with the USACE project, *Folly River Navigation Project, Operation & Maintenance Dredging*, for which preparation of supplemental NEPA documentation is ongoing (USACE 2023b [DRAFT]).

DATE: 04 OCT 2023

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