

## Appendix 11

### Public and Agency Comments and Responses

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**December 8, 2017**

### **Folly Beach Shore Protection Project: Folly River Borrow Area**

#### **Environmental Assessment**

#### **SC Department of Archives and History and SC Institute for Anthropology and Archeology, letter dated November 9, 2017**

*Comment:* Jim Spirek, the State Underwater Archeologist, made the following recommendation “From my understanding, the Folly River borrow area has been used before and thus requires no submerged cultural resources survey. We concur with the Corps action to survey with a magnetometer and side-scan sonar of the proposed dredge pipe corridor in the Folly River.” Both Mr. Spirek and the State Historic Preservation Office requested to review the resulting survey data report and findings to determine any adverse effects on potential archaeological sites prior to the dredge operation.

*Response:* The USACE agrees to this recommendation and will provide the survey results to the South Carolina Department of Archives and History and South Carolina Institute for Anthropology and Archeology electronically and in a timely manner when it is available.

#### **Muscogee (Creek) Nation, via email dated December 4, 2017**

*Comment:* The Tribal Archeologist commented “This project is located within our historic area of interest and is of importance to us” and requested to see a copy of the Folly River magnetometer and side-scan sonar survey results that were conducted.

*Response:* The USACE clarified for the Tribal Archeologist that the surveys had not been conducted yet; they will be done just prior to placement of the pipeline. The USACE offered to share the survey results with the Muscogee (Creek) Nation electronically and in a timely manner when they are available.

#### **Thlopthlocco Tribal Town, letter dated December 7, 2017**

*Comment:* “The [Thlopthlocco Tribal Town Tribal Historic Preservation Office] THPO agrees with the findings in the draft EA that there is very little likelihood to discover any cultural resources in the borrow area based upon the negative results from previous dredging. The THPO agrees with the use of magnetometer surveys to detect the presence of any cultural resources along the pipeline route as the pipeline will create limited impacts to cultural resources on a temporary basis. The THPO looks forward to reviewing the magnetometer results once they are finalized and incorporated into the final EA for documentation of potential effects to historic properties.”

*Response:* The USACE offered to share the survey results with the Thlopthlocco Tribal Town electronically and in a timely manner when they are available.

**Shawnee Tribe, via email dated November 27, 2017**

*Comment:* “The Shawnee Tribe’s Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project. We have no issues or concerns at this time, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume immediate consultation under such a circumstance.”

*Response:* The Shawnee Tribe’s response is noted.

**Catawba Indian Nation, letter dated November 29, 2017**

*Comment:* “The Catawba have no immediate concerns with regard to the traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.”

*Response:* The Catawba Indian Nation’s response is noted.

**Cherokee Nation, via email dated November 20, 2017**

*Comment:* “Please note that this proposed rehabilitation is outside of the Cherokee Nation’s Area of Interest. Thus, we respectfully defer to federally recognized Tribes that have a historic and cultural connection to Folly Beach.”

*Response:* The Cherokee Nation’s response is noted.

**South Carolina Department of Natural Resources, letter dated December 4, 2017**

*Comment:* “The Bird Key Stono Sanctuary is a dedicated Heritage Preserve owned and managed by DNR.....The USACE has been in contact with the USFWS and SCDNR to confirm that there is a need to place material on the Sanctuary and, if so, the manner that would be most beneficial to birds. The DNR is amenable to the placement of material on the Sanctuary, provided placement is conducted in a manner that reduces potential impacts, including coordinated site selection and timing restrictions. We understand that the USACE, USFWS, and SCDNR will continue to confer on this matter. After a thorough review, our department finds the submitted EA sufficient in addressing the full range of potential impacts associated with the proposed project. We concur that the proposed project will not result in significant impacts to natural resources and that the preparation or supplementation of an Environmental Impact Statement (EIS) is not warranted.”

*Response:* SCDNR’s concurrence is noted. Coordination with SCDNR and USFWS on beneficial placement of material on Bird Key Stono Sanctuary is still underway at this time, including identifying a footprint that will place up to 40,000 cy of material.

**NOAA National Marine Fisheries Service, Habitat Conservation Division, letter dated December 4, 2017**

*Comment:* “The NMFS has two concerns regarding the proposed emergency action as outlined in the Draft EA and FONSI – change in seasonality of the action from public notice SAC-2017-00730 and beach compatibility of material from the proposed Folly River borrow area.”

*Response:* The USACE has clarified with NMFS that the “action from public notice SAC-2017-00730” is a separate project that is sponsored by the City of Folly Beach, not the USACE, and is not the project which this Environmental Assessment supports. The USACE’s responses to NMFS’ two other concerns can be found below.

*Comment:* “Altering the season during which beach nourishment occurs may have significant consequences for the degree and persistence of impacts on both beach and borrow areas. All previous beach and borrow area impact assessment work in South Carolina waters is based on a winter dredging window. This research cannot be used to justify a summer timeframe as the results are not comparable. This significant change in the project timing may require implementing a comprehensive monitoring plan.”

*Response:* The USACE acknowledges that there are still some gaps in understanding of the biological impacts of beach renourishment activities in South Carolina during spring and summer, or periods of “high biological productivity,” especially for higher trophic levels. The USACE currently has a monitoring project underway to assess the movement and habitat preferences of adult benthic forage fish before, during, and after a dredging event offshore of Myrtle Beach, SC. This is a two year project, and no results are available yet. The USACE is in the process of consulting with NMFS to identify areas of agreement regarding the appropriate nature and scope of research questions that could be addressed through additional monitoring, for example potential impacts to juvenile fish, as part of the proposed Folly Beach emergency renourishment project, dependent on cost and other factors.

*Comment:* “The NMFS continues to strongly note that material from the borrow area will need to be closely monitored to ensure that only beach compatible material is used for fill. The Charleston District’s own report notes that its survey results of the Folly River borrow area ‘*should be considered preliminary*’ and a more detailed investigation should be completed before use.”

*Response:* An extensive amount of geotechnical work has been performed by the USACE prior to finalizing the design for the proposed project. The compatibility of sand in the area designated for this project is defined as having  $\geq 5$ -ft useable sand thickness ( $<10\%$  passing #200 sieve over composite). The USACE is willing to share the geotechnical cores, lab data, modeling and other technical information with NOAA NMFS if requested. Fill material will be monitored during construction, and any incompatible material will be removed. Suitable material will be comprised of materials by ASTM D2487 as SW, SP, SP-SM or SP-SC. This material will be comprised of no more than 10% by weight passing the No. 200 sieve, and no more than 5% by weight coarser than the No. 4 sieve. If the USACE determines that any incompatible material is too dense or too extensive to adequately disperse and mix, removal of the incompatible material from the beach may be required.

*Comment:* “**EFH Conservation Recommendations** Section 305(b)(4)(A) of the Magnuson-Stevens Act requires the NMFS to provide EFH Conservation Recommendations for any federal action or permit which may result in adverse impacts to EFH. Therefore, the NMFS recommends the following to ensure the conservation of EFH and associated fishery resources:

1. To the extent practicable, work should be limited to seasonal periods of low biological activity. For optimal minimization of impacts to intertidal organisms, deposition of beach fill should be limited to the months of December through April.
2. If work occurs during the summer spawning and recruitment period the Charleston District should develop a comprehensive monitoring plan to determine the ecological impacts in both sand borrow areas and sub-tidal beach fill areas. The beach and borrow area monitoring plan should be provided to NMFS for review prior to commencement of the project.
3. The Charleston District should complete a more detailed survey of the Folly River borrow area, as noted in their Draft EA Appendix 6, before commencement of dredging to ensure beach compatible sand is used as fill.”

*Response:* Due to the emergency nature of the proposed action, the timeframe cannot be significantly altered. If appropriate monitoring objectives for essential fish habitat and funding are identified for the proposed Folly Beach emergency rehabilitation, then the USACE will provide NMFS with an appropriate monitoring plan prior to commencement of the project. As described above, the USACE will survey the dredge material during construction to ensure beach-compatible fill is placed on the beach.

*Comment:* “Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Charleston District to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, an interim response should be provided. A detailed response then must be provided ten days prior to final approval of the action. The detailed response must include a description of measures proposed by the Charleston District to avoid, mitigate, or offset the adverse impacts of the activity. If the response is inconsistent with an EFH conservation recommendation, a substantive discussion justifying the reasons for not following the recommendation must be provided.”

*Response:* The USACE is working on a formal response to NMFS’ comments that will be provided within 30 days of submittal of their comments.

*Comment:* “In accordance with section 7 of the Endangered Species Act of 1973, as amended, it is the responsibility of the Charleston District to review and identify whether a proposed activity may affect endangered or threatened species and their designated critical habitat. Sea turtles occur in the project vicinity and may be affected by nourishment activity. Determinations involving species under the jurisdiction of the NMFS should be reported to the NMFS Protected Resources Division at the letterhead address.”

*Response:* The National Marine Fisheries Services, Protected Resources Division does not provide comments on Environmental Assessments, but they did acknowledge and accept, via email dated November 13, 2017, the USACE’s request for “Emergency Consultation under Section 7 of the Endangered Species Act” with NMFS. The consultation has been assigned NMFS Project Number SER-2017-18989.