

FINDING OF NO SIGNIFICANT IMPACT

Folly River Navigation Project Operation & Maintenance Dredging Charleston County, South Carolina

The U.S. Army Corps of Engineers (USACE), Charleston District, has prepared a Supplemental Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 – 4370f, and its implementing regulations, 40 C.F.R. §§ 1500 – 1508 and 33 C.F.R. Part 230, in coordination with Federal and State resource agencies, to evaluate newly considered alternatives to actions previously analyzed in *Environmental Assessment & Findings of No Significant Impact for Folly River Navigation Project* (USACE 1997). Specifically, the EA updates previous NEPA analysis for the continued operation and maintenance (O&M) of the Folly River Navigation Project (FRNP), and evaluates impacts associated with alternative methods to increase beneficial use (BU) of dredged sediment and provide ecological and economic benefits. The Proposed Action would include all those previously analyzed by USACE (1997) and include expansion of available sediment placement locations and dredge types. More specifically, actions covered under the Proposed Action include maintenance to navigation depth of: (1) Folly River channel using cutterhead pipeline dredging and disposal of dredged sediment to any individual, or combination thereof, placement areas (i.e., Bird Key Stono, the expanded front beach placement area for Folly Beach, or nearshore along Folly Beach); and (2) the FRNP entrance channel using any individual, or combination thereof, of the following dredge types: sidecast, modified hopper, or cutterhead pipeline and disposal of dredged sediment to any individual, or combination thereof, placement area (i.e., the area adjacent to the entrance channel, the expanded front beach placement area for Folly Beach, and/or nearshore along Folly Beach or Bird Key Stono). The project, as proposed, will remove up to 300,000 cubic yards of sediment from the entrance channel in 2-year intervals and similar quantities from the Folly River channel in 3-year intervals. However, these figures may change depending on variability in need and availability of funds. This Finding of No Significant Impact (FONSI) summarizes the result of these evaluations and documents conclusions.

The No Action Alternative represents the most probable future condition if no action is taken. Under the No Action Alternative, USACE would not conduct maintenance dredging. Adoption of this alternative implies acceptance of the existing conditions in the proposed project area.

Alternative measures for dredged material disposal were evaluated based on compliance with environmental laws and regulations, compliance with executive orders, level of environmental impacts including impacts to climate change, water quality, aquatic resources / wetlands, terrestrial resources, noise, historical and cultural resources, endangered species, socioeconomics and environmental justice, sediment, navigation, floodplains, essential fish habitat, recreational environment, aesthetics, coastal barrier resources systems, coastal zone resources, cost effectiveness, engineering feasibility, compliance with the Federal standard, and the ability of the Alternative to meet the project purpose and need. Alternative plans to the proposed action

include maintaining the FRNP as has been done historically (Alternative B), and the No Action Alternative (Alternative A). The Proposed Action (Alternative C), Alternative B, and the No Action Alternative (Alternative A) were evaluated in detail in the EA. For all alternatives, the potential effects were evaluated, as appropriate.

The recommended plan is the Proposed Action Alternative and includes:

- O&M dredging in the Folly River channel, as needed, using cutterhead pipeline dredging in order to maintain the federal navigation channel of 9 feet deep and 80 feet wide, extending downstream from Highway 171 to the confluence of the Folly and Stono Rivers; a distance of approximately three nautical miles. Dredging will result in approximately 300,000 cubic yards of sediment removed every three years.
- Dredge materials from within the Folly River channel will be placed, as needed, on Folly Beach, nearshore along Folly Beach and on Bird Key Stono.
- O&M dredging in the FRNP entrance channel using cutterhead pipeline dredging, sidecast dredging, and/or modified hopper dredge in order to maintain the federal navigation channel at 11 feet deep by 100 feet wide extending from the 11-foot contour in the Stono River through the shoal lying off the river mouth to buoy “1S” in the ocean; a distance of approximately three nautical miles. Realignment of the federal channel within the FRNP parameters to follow the deep and reduce the need for dredging and/or dredge quantities. Dredging will result in approximately 300,000 cubic yards of sediment removed every two years.
- Dredge materials from within the entrance channel will be placed, as needed, on Folly Beach, nearshore along Folly Beach, on Bird Key Stono and/or sidecast back into the inlet.

SUMMARY OF POTENTIAL EFFECTS:

A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1. Summary of potential effects of the Proposed Action Alternative

Environments Affected	Insignificant Effects	Insignificant Effects by Mitigation*	Unaffected by Action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic Resources / Wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terrestrial Biological Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened & Endangered Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historical & Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Essential Fish Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, Toxic & Radioactive Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socioeconomics & Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate Change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Zone Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Barrier Resources System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Insignificant effects by mitigation: For any resources that fall in this category, a description of the required mitigation is included in the paragraphs following this table

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the EA will be implemented, if appropriate, to minimize impacts.

USACE proposes measures to avoid and minimize impacts to environmental resources. Avoidance and minimization measures, which have been identified in Section 9 of the EA include, but are not limited to, the following:

- Adherence to the appropriate Project Design Criteria (PDC) identified in the 2020 South Atlantic Regional Biological Opinion (SARBO).
- All applicable *Standard Manatee Protection Measures* for South Carolina will be implemented. Prior to construction, USACE will implement new protection measures if issued in the future.
- Adherence to all applicable conservation recommendations and best management practices, to the maximum extent practicable, included in the *Programmatic Essential Fish Habitat Consultation for USACE Activities and Projects Regularly Undertaken in South Carolina*.

- Adherence to conditions from federal consistency determination concurrence received from the South Carolina Department of Environmental Services (SCDES) Bureau of Coastal Management (BCM).
- To the maximum extent practicable, USACE will prioritize BU of dredged sediment at Bird Key Stono during O&M cycles within the Folly River channel, unless the South Carolina Department of Natural Resources and U.S. Fish and Wildlife Service (USFWS) determine materials are not needed at that time.
- A 150-foot avoidance buffer will need to be implemented for sediment placement near the historic shipwreck site.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, in a letter dated April 28, 2023, USACE initiated informal ESA consultation with USFWS regarding the initial phase of the project (i.e., the entrance channel), after which USFWS replied in a letter dated June 26, 2023, acknowledging their concurrence and concluding consultation for the initial phase of the project. As noted in the USACE's April 28, 2023 consultation letter, although the proposed action also includes dredging of the Folly River channel, this dredging is not scheduled to occur for approximately 3-5 years. In this regard, the USACE's April 28, 2023 consultation letter further states that, "USACE is deferring formal consultation with U.S. Fish and Wildlife Service (USFWS) regarding operations and management (O&M) dredging of the Folly River channel until approximately 6 months before dredging occurs." Notably, the USFWS's concurrence via letter dated June 26, 2023 expressed no concerns with this approach.

In compliance with the Coastal Barrier Resources Act, USACE requested consultation with USFWS on January 20, 2023 claiming the project met the criteria for exception under 16 U.S.C. 3505(a)(2). On February 21, 2023, USFWS issued their concurrence with the claim.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, USACE determined that historic properties would not be adversely affected by the recommended plan. The SHPO concurred with the determination most recently on September 18, 2023. See Appendix C of the Final EA for more information regarding compliance with Section 106 of the NHPA.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the proposed action alternative has been found to be compliant with the section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix D of the Final EA.

A water quality certification waiver pursuant to section 401 of the Clean Water Act was determined to be applicable by the SCDES Bureau of Water on September 10, 2024.

Conditional concurrence with a determination of consistency from BCM pursuant to the Coastal Zone Management Act of 1972 was obtained from the on March 1, 2024. All conditions shall be implemented in order to minimize adverse impacts to the coastal zone.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

A draft Supplemental EA and FONSI was distributed for a 30-day comment and review period on March 13, 2023. The final Supplemental EA addresses the comments received during this review period. Since USACE has determined that the proposed action would not result in significant adverse individual or cumulative effects to environmental resources or human health and does not represent either a substantial change to the project relevant to environmental concerns or present significant new circumstances or information relevant to environmental concerns, the preparation of an Environmental Impact Statement is not warranted, and the issuance of a FONSI is appropriate. The Supplemental EA for the proposed action can be downloaded from the internet (in PDF format) at <https://www.sac.usace.army.mil/Missions/Civil-Works/NEPA-Documents/>.

Date _____

Patrick G. Ripton,
Major, U.S. Army
Acting Commander and District Engineer