

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and
THE S.C. DEPARTMENT OF ENVIRONMENTAL SERVICES
Bureau of Coastal Management
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: SAC-2024-00790

14 January 2025

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408) and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the South Carolina Department of Environmental Services by

Ms. Desiree Fragoso
City of Isle of Palms
1207 Palm Blvd
Isle Of Palms, South Carolina 29451

Mr. Philip Slagle
Applied Technology & Management
941 Houston Northcutt Boulevard, Suite 201
Mount Pleasant, South Carolina 29464
pslagle@appliedtm.com

for a permit to maintenance dredging to provide adequate depths for recreational & commercial vessels at

Atlantic Intercoastal Waterway (AIWW)

located TMS# 5710800007 located at 50 41st Ave in Isle Of Palms, Charleston County, South Carolina (Latitude: 32.805256 °, Longitude: -79.759517 °), Fort Moultrie Quad Sheet.

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

15 Days from the Date of this Notice,

and **SCDES** will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

from those interested in the activity and whose interests may be affected by the proposed work.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to restore navigable depths within the marina footprint and approaches to within previously permitted dredging limits.

Project Description

The proposed work consists of maintenance dredging of 20,000 cubic yards of material as-needed from a 6.93 acre site to a depth of -12 feet MLW in the AIWW and -10 feet MLW in the marina adjacent to Morgan Creek Channel plus 2.0 feet of allowable over dredge. The material will be dredged using a hydraulic cutterhead dredge or mechanical dredge. Dredge material will be disposed of in an approved Dredge Material Placement Facility (DMPF). The applicant is requesting both forms of dredging to provide for greater flexibility when hydraulic dredging is not available. When hydraulically dredging, the material would be transported via pipeline to the DMPF. If a DMPF is not available, the dredge material would go through the dewatering process and the dewatered sediments would be loaded onto dump trucks and trucked to a pre-approved disposal area or be placed in upland portions of the Wild Dunes Harbor Course. The applicant is requesting authorization under a ten-year Department of the Army (DA) permit.

The applicant was previously authorized to dredge to this depth under DA permit SAC-2002-12750 which expired March 31, 2013.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by following best management practices during the dredging operation.

Proposed Compensatory Mitigation

The applicant has proposed no mitigation since the work consists of continued maintenance dredging and will not result in the loss of waters of the United States.

South Carolina Department Environmental Services

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Environmental Services, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930) This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the South Carolina Department of Environmental Services. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 6.93 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the proposed project and based on location and available information, the following species have the potential to occur in the vicinity of the proposed work: American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), pondberry (*Lindera melissifolia*), Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*), piping plover (*Charadrius melodus*), Rufa red knot (*Calidris canutus rufa*), red-cockaded woodpecker (*Dryobates borealis*), West Indian manatee (*Trichechus manatus*), Atlantic sturgeon (*Acipe oxyrin*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei Whale (*Balaenoptera borealis*), Sperm Whale (*Physeter macrocephalus*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*) and Loggerhead sea turtle (*Caretta caretta*), –**proposed species** Tricolored bat (*Perimyotis subflavus*), - **candidate species** Monarch Butterfly (*Danuas Plexippus*).

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect on American chaffseed, Canby's dropwort, pondberry, Eastern black rail, red-cockaded woodpecker, whales, Tricolored bat, Monarch Butterfly and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect sturgeons, sea turtles, piping plover, Rufa red knot or the West Indian manatee or result in the destruction or adverse modification of designated or proposed critical habitat.

This public notice serves as a request to the U.S. Fish and Wildlife Service (USFWS project code: 2025-0028697) and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure

that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

Corps' Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

Solicitation of Public Comment

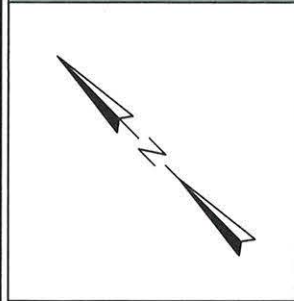
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2024-00790), to Brittany.F.Pittman@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Brittany Pittman, Project Manager, at 843-329-8046 or by email at Brittany.F.Pittman@usace.army.mil.


FOR PERMITTING PURPOSES ONLY
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NOAA STATION 8665387, HAMLIN CREEK, ISLE OF PALMS, SC		
DATUM	ABBREVIATION	ELEV. (FT. MLW)
MEAN HIGHER-HIGH WATER	MHHW	5.4
MEAN HIGH WATER	MHW	5.0
NORTH AMERICAN VERTICAL DATUM OF 1988	NAVD88	2.9
MEAN LOW WATER	MLW	0
MEAN LOWER-LOW WATER	MLLW	-0.2

PROJECT: IOP Marina Maintenance Dredging
 WATERBODY: Atlantic Intracoastal Waterway
 COUNTY: Charleston
 STATE: South Carolina
 LATITUDE: 32°48'20.14"N
 LONGITUDE: 79°45'39.45"W

LOCATION MAP: DREDGE SITE
 Requested by: City of Isle of Palms
 Project Address: 50 41st Avenue, Isle of Palms
 Parcel ID: 5710800007

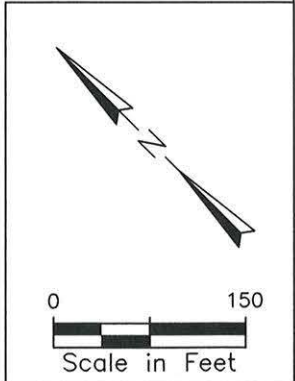
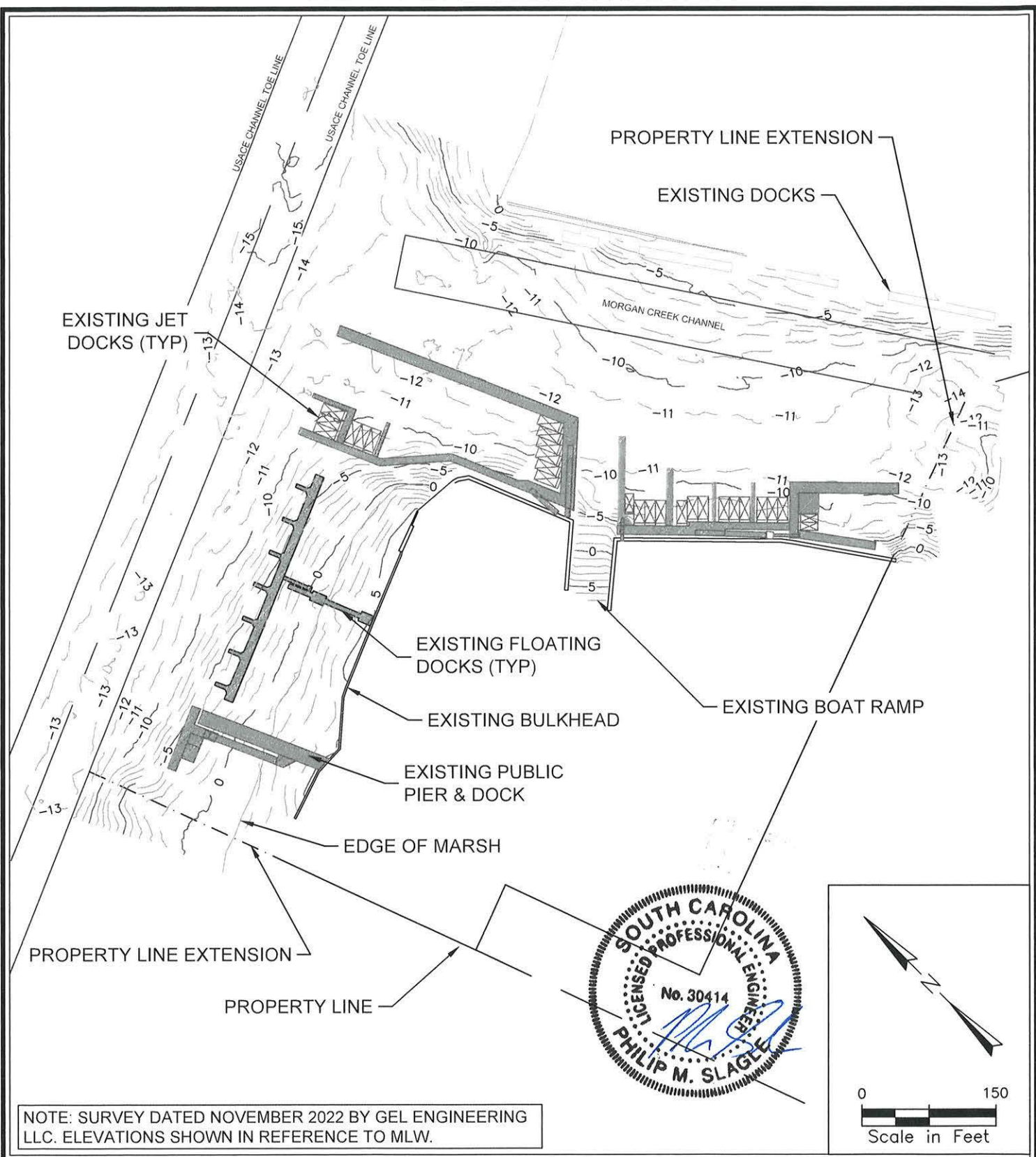


10-OCTOBER-2024
 SHEET 01


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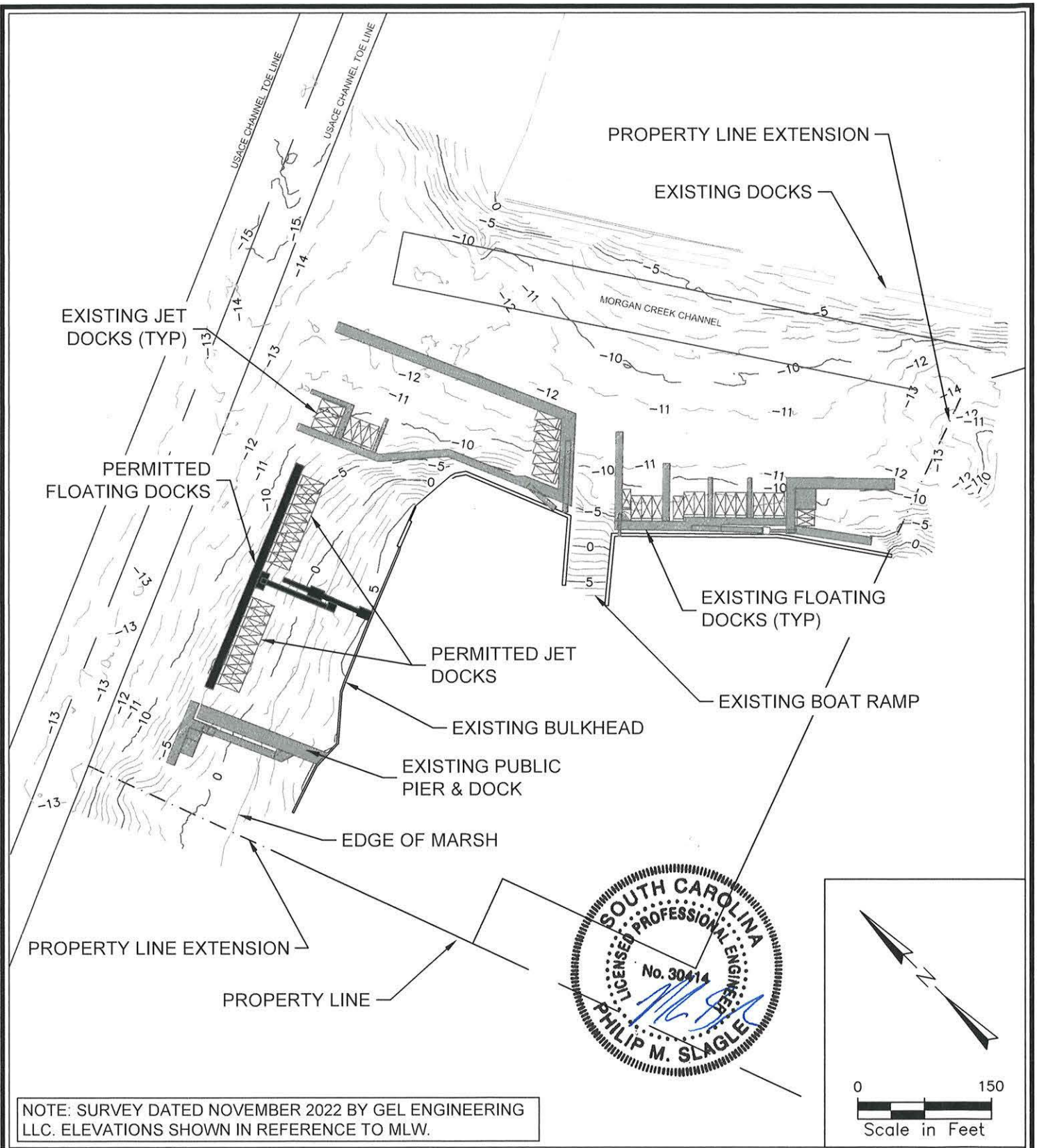


NOTE: SURVEY DATED NOVEMBER 2022 BY GEL ENGINEERING LLC. ELEVATIONS SHOWN IN REFERENCE TO MLW.

PROJECT: IOP Marina Maintenance Dredging WATERBODY: Atlantic Intracoastal Waterway COUNTY: Charleston STATE: South Carolina LATITUDE: 32°48'20.14"N LONGITUDE: 79°45'39.45"W	EXISTING CONDITIONS	 A Geosyntec Company 10-OCTOBER-2024 SHEET 02
	Requested by: City of Isle of Palms	
	Project Address: 50 41st Avenue, Isle of Palms	
	Parcel ID: 5710800007	

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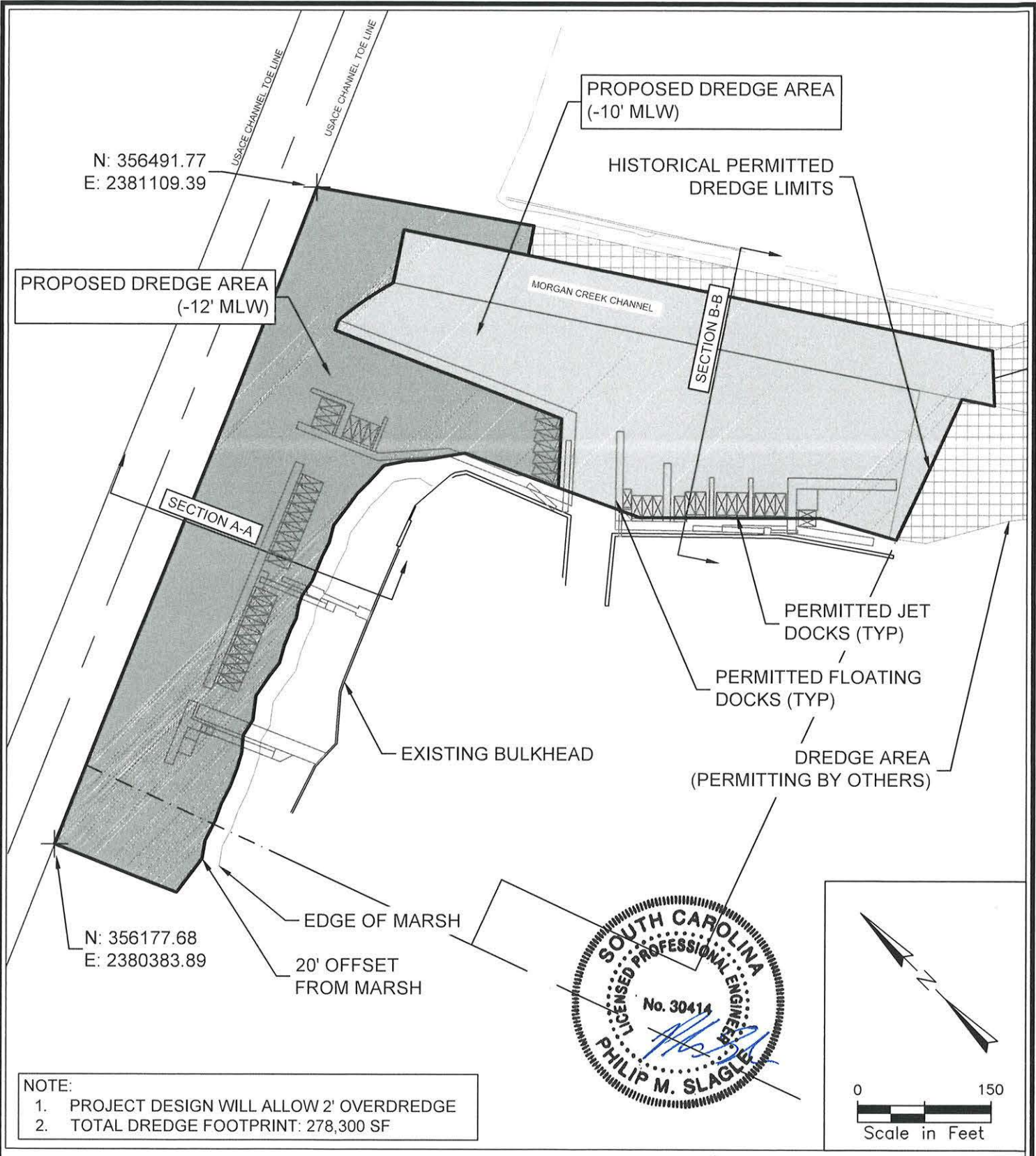
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PROJECT: IOP Marina Maintenance Dredging
WATERBODY: Atlantic Intracoastal Waterway
COUNTY: Charleston
STATE: South Carolina
LATITUDE: 32°48'20.14"N
LONGITUDE: 79°45'39.45"W

PERMITTED MARINA LAYOUT
PERMIT NO. SAC-2019-01124
 Requested by: City of Isle of Palms
 Project Address: 50 41st Avenue, Isle of Palms
 Parcel ID: 5710800007

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 SHEET 03

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NOTE:
 1. PROJECT DESIGN WILL ALLOW 2' OVERDREDGE
 2. TOTAL DREDGE FOOTPRINT: 278,300 SF

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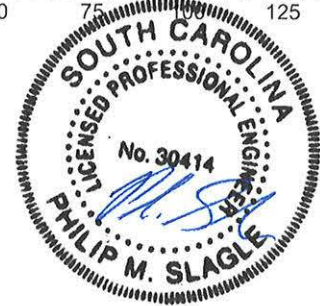
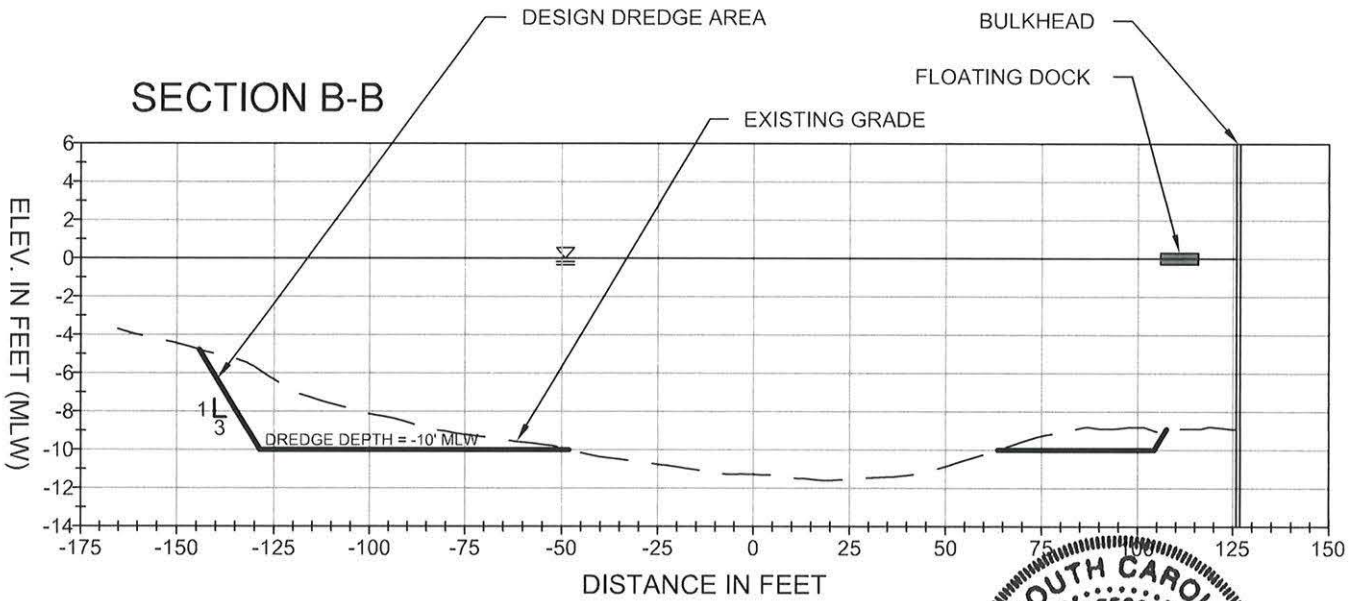
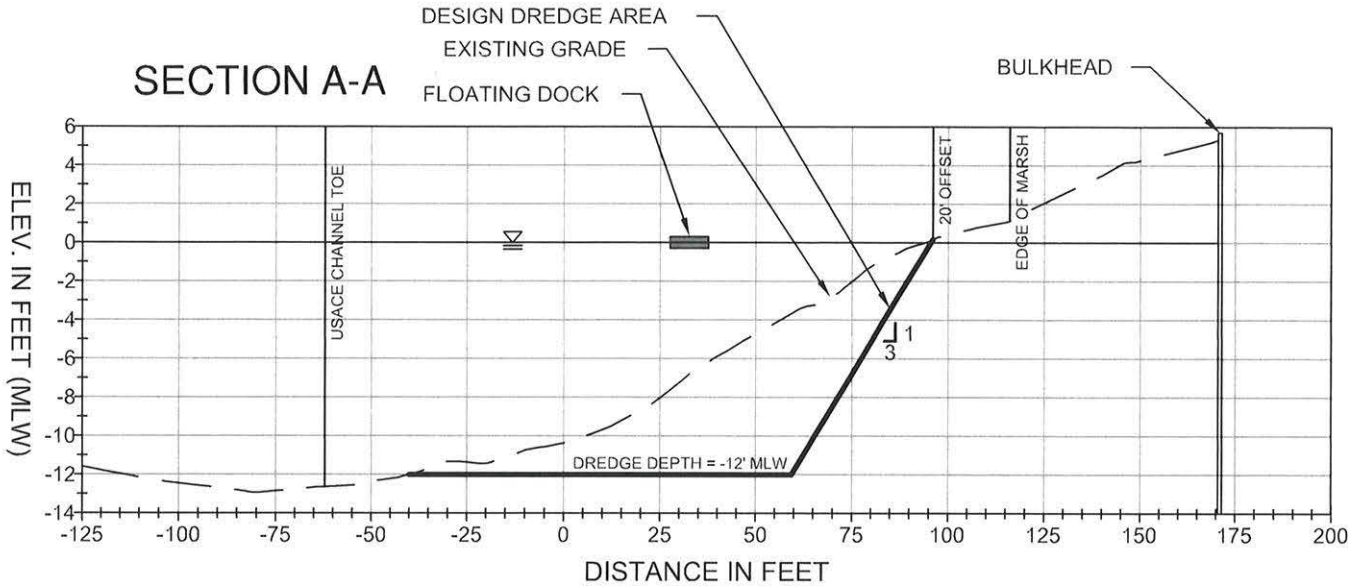
PROJECT: IOP Marina Maintenance Dredging
 WATERBODY: Atlantic Intracoastal Waterway
 COUNTY: Charleston
 STATE: South Carolina
 LATITUDE: 32°48'20.14"N
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PROPOSED DREDGE SITE PLAN
 Requested by: City of Isle of Palms
 Project Address: 50 41st Avenue, Isle of Palms
 Parcel ID: 5710800007

10-OCTOBER-2024
 SHEET 04

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NOTE:

1. SURVEY DATED NOVEMBER 2022 BY GEL ENGINEERING LLC. ELEVATIONS SHOWN IN REFERENCE TO MLW.
2. VERTICAL EXAGGERATION = 1V:5H

QUANTITY TABLE	
DREDGE AREA (SF)	278,300
DREDGE VOL. (CY)	19,800

PROJECT: IOP Maintenance Dredging
 WATERBODY: Atlantic Intracoastal Waterway
 COUNTY: Charleston
 STATE: South Carolina
 LATITUDE: 32°48'20.14"N
 LONGITUDE: 79°45'39.45"W

PROPOSED DREDGE SECTIONS

Requested by: City of Isle of Palms

Project Address: 50 41st Avenue, Isle of Palms

Parcel ID: 5710800007

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 SHEET 05

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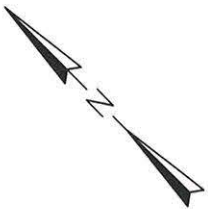
PROJECT LOCATION

GOAT ISLAND (970S W-C)

IOP CONNECTOR (1028S W-C & 1006S W-C)

SWINTON CREEK (1056S W-C)

INLET CREEK 1110S W-C & 1088S W-C



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POTENTIAL CONFINED DISPOSAL FACILITIES (CDF)

Requested by: City of Isle of Palms

Project Address: 50 41st Avenue, Isle of Palms

Parcel ID: 571080007



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10-OCTOBER-2024
 SHEET 06


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PROJECT:	IOP Marina Maintenance Dredging
WATERBODY:	Atlantic Intracoastal Waterway
COUNTY:	Charleston
STATE:	South Carolina
LATITUDE:	32°48'20.14"N
LONGITUDE:	79°45'39.45"W

ALTERNATIVE BENEFICIAL USE PLACEMENT AREA	
Requested by: City of Isle of Palms	
Project Address: 50 41st Avenue, Isle of Palms	
Parcel ID: 5710800007	



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20-DECEMBER-2024
SHEET 07