

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: SAC-2024-00400

April 12, 2024

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), 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 S.C. Department of Health and Environmental Control by

Ms. Desiree Fragoso
City of Isle of Palms
c/o
Coastal Science & Engineering
160 Gills Creek Pkwy
Columbia, South Carolina 29209

for a permit for sand scraping and dune restoration in the

Atlantic Ocean

located on active intertidal beach in front of contiguous properties from 100-1000 Ocean Boulevard, Isle of Palms, Charleston County, South Carolina (Latitude: 32.7815 °, Longitude: -79.8006 °), **Fort Moultrie Quad.**

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 **SCDHEC** 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 supplement the USACE Civil Works beneficial use (BU) placement activities to provide immediate dune restoration along the southern end of Isle of Palms.

Project Description

The proposed work consists of sand scraping and dune restoration to be constructed in conjunction with a BU sand placement project planned by USACE Civil Works associated with the Atlantic Intracoastal Waterway Maintenance Dredging. Sand will be scraped from the intertidal beach zone to the dune. All work is proposed to take place at low tide and will be restricted to daylight operations. This will restore losses to the dune and dry sand beach that have occurred over the past year between 100 and 900 Ocean Blvd.

The project proposes to shift sand either by bulldozer as it is placed or via truck several days after placement. The first method will depend on the quality of the material being pumped. Should the material be clean from mud and/or debris, the applicant will attempt to move sand to the dune while the discharge is occurring at the site. Should the material or construction logistics prevent direct placements along the dune, the contractor will harvest sand from the completed areas and truck the material to the needed location. The applicant will attempt to limit alongshore transfer of sand and focus on shifting sand locally for dune restoration. Dune restoration will be completed along up to 5, 700 LF of beach between 2nd Ave and 10th Ave. Dunes will be constructed to an elevation of +14 ft NAVD, with a crest width of 15ft. The seaward slope of the dune will be built to 1 on 4, per recommendations of USFWS.

South of 2nd Ave, the applicant proposes to complete dune restoration and restoration of the dry sand berm to migrate severe erosion that has impacted the area over the past 12 months. The applicant proposes to place up to 15,000 cy of sand in the ~1,000 ft area to construct a dune and up to 50ft wide dry sand beach. All work under this alternative will be performed by land-based equipment working between low water and high water along the intertidal beach. Work will be completed concurrently with the USACE Civil Works project and use the same staging and access points (public parking area near Breach Inlet and/or 9th Ave beach access).

The applicant also proposes to install sand fencing and dune vegetation along the project area following guidelines provided in OCRM's How to Build a Dune document. Sand fencing will be placed along the toe of the restored dune, and vegetation installed at 18-24" spacing along the crest and slope of the dune. Plantings will consist of sea oats and/or bitter panicum.

Should any portion of the project occur during sea turtle season, the applicant will coordinate to ensure that all sea turtle protection measures are incorporated into the supplemental work. This includes daily morning turtle patrols to ensure that no nests have been laid within the project area. The applicant will work with the local turtle team to coordinate inspections, and the sea turtle permit holder for any required nest relocations.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by using land-based equipment to shift a small quantity of the placed material along the existing escarpment to restore the primary dune. Work will be done using land-based equipment, which reduces the potential for post-project sand compaction along the placement areas. Work is proposed to be completed at the same time as the USACE Civil Works beneficial use placement project, so there will not be an extension of the construction window for the proposed project.

North of 2nd Ave. harvested sand volumes will be limited to that necessary to provide a healthy primary dune profile (not to exceed 5 cy/ft) along portions of the beach that have an active escarpment or have not sufficiently recovered sand volume along the primary dune. If a healthy dune is in place naturally, or via prior restoration efforts, no additional work will be completed. South of 2nd Ave., the applicant will attempt to reduce the amount of material moved by monitoring spreading of the USACE Civil Works placed sand. Should significant quantities of sand shift south and move up the profile quickly, the restoration volume will be reduced.

Proposed Compensatory Mitigation

The applicant has not proposed to mitigate for impacts to waters of the United States.

South Carolina Department of Health and Environmental Control

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 Health and Environmental Control, 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 S. C. Department of Health and Environmental Control. 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 15 acres of estuarine 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 project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Eastern Black Rail (*Laterallus jamaicensis amaicensis*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), Piping Plover (*Charadrius melodus*), Pondberry (*Lindera melissifolia*), Red-cockaded Woodpecker (*Picoides borealis*), Rufa Red Knot (*Calidris canutus rufa*), West Indian Manatee (*Trichechus manatus*), Northern Long-eared Bat (*Myotis septentrionalis*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback

whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalena glacialis*), Sei whale (*Balaenoptera borealis*), and Sperm whale (*Physeter macrocephalus*) :

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, Eastern black rail, pondberry, red-cockaded woodpecker, Northern-Long eared bat, Atlantic sturgeon, shortnose sturgeon, finback whale, humpback whale, right whale, sei whale, sperm whale, West Indian Manatee, and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, Piping Plover, Rufa Red Knot or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

This public notice serves as a request to the U.S. Fish and Wildlife Service 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).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on

historic properties within the Corps-identified permit area.

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.

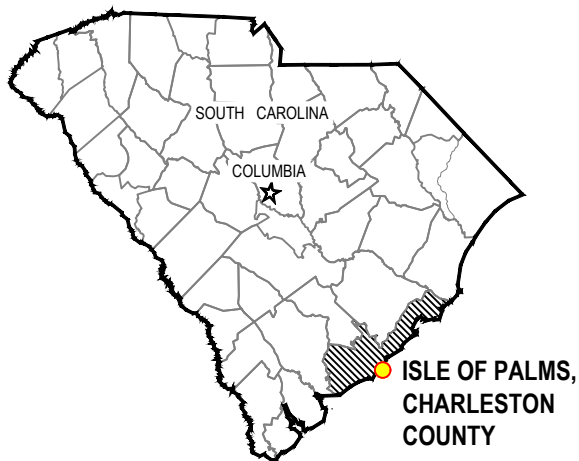
Solicitation of Public Comment

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-2024-00400), to Megan.N.Jackson@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 Industrial Park Road Room 140
Conway, South Carolina 29526
SAC.RD.Conway@usace.army.mil**

If there are any questions concerning this public notice, please contact Megan Jackson, Project Manager, at (843) 365-4239, or by email at Megan.N.Jackson@usace.army.mil.



PROJECT LOCATION:

Latitude: 32° 46' 34" N

Longitude: W79° 48' 16"



Directions:

From Charleston, take US-17 North. Turn right onto SC 517 (Isle of Palms connector). Turn right onto Palm Blvd. Site is Southwest of 10th Ave extending along to the beach in the vicinity of Breach inlet on the Southwest end of Isle of Palms.



APPLICANT:

CITY OF ISLE OF PALMS
1207 PALM BLVD
ISLE OF PALMS SC 29451

DRAWING TITLE:

City of Isle of Palms
Shoal Management
VICINITY MAP

AGENT:

P/N 2007-02631-2IG-P (REVISED)

COASTAL SCIENCE & ENGINEERING
PO BOX 8056
COLUMBIA, SC 29202

SCALE:

AS SHOWN

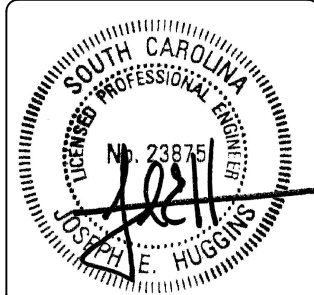
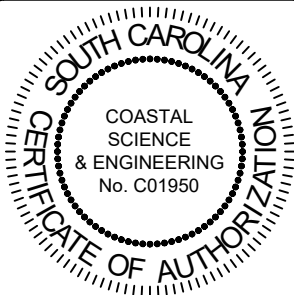
SHEET:

DATE: 12 Mar 2024

REVISED

PROJECT #: 2589

01





DATUM:

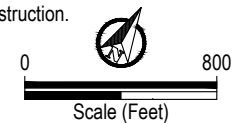
Horizontal: NSRS 2011 SC SPCS, Intrnl Foot
Vertical: NAVD '88 (Feet)
Photo: 12June 2023 CSE

Fill Limit Coordinate Chart

Point	Easting	Northing
A	2,365,978.8	344,690.2
B	2,366,973.2	344,936.4
C	2,371,772.3	347,966.6

Note:

Typical dune fill will require ~4 cy of sand per linear feet of beach.
Sand fencing and dune vegetation will be installed following dune construction.
All work will be completed in conjunction with the USACE beneficial use project.



APPLICANT:

City of Isle of Palms
1207 Palm Blvd.
Isle of Palms, SC 29451

AGENT:

Coastal Science & Engineering, Inc.
160 Gills Creek Parkway
Columbia, SC 29209

DRAWING TITLE: Isle of Palms Supplemental Project

USACE Fill Zone Map

SCALE: AS SHOWN

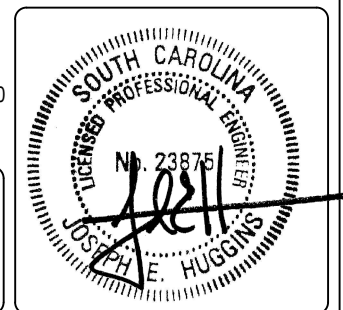
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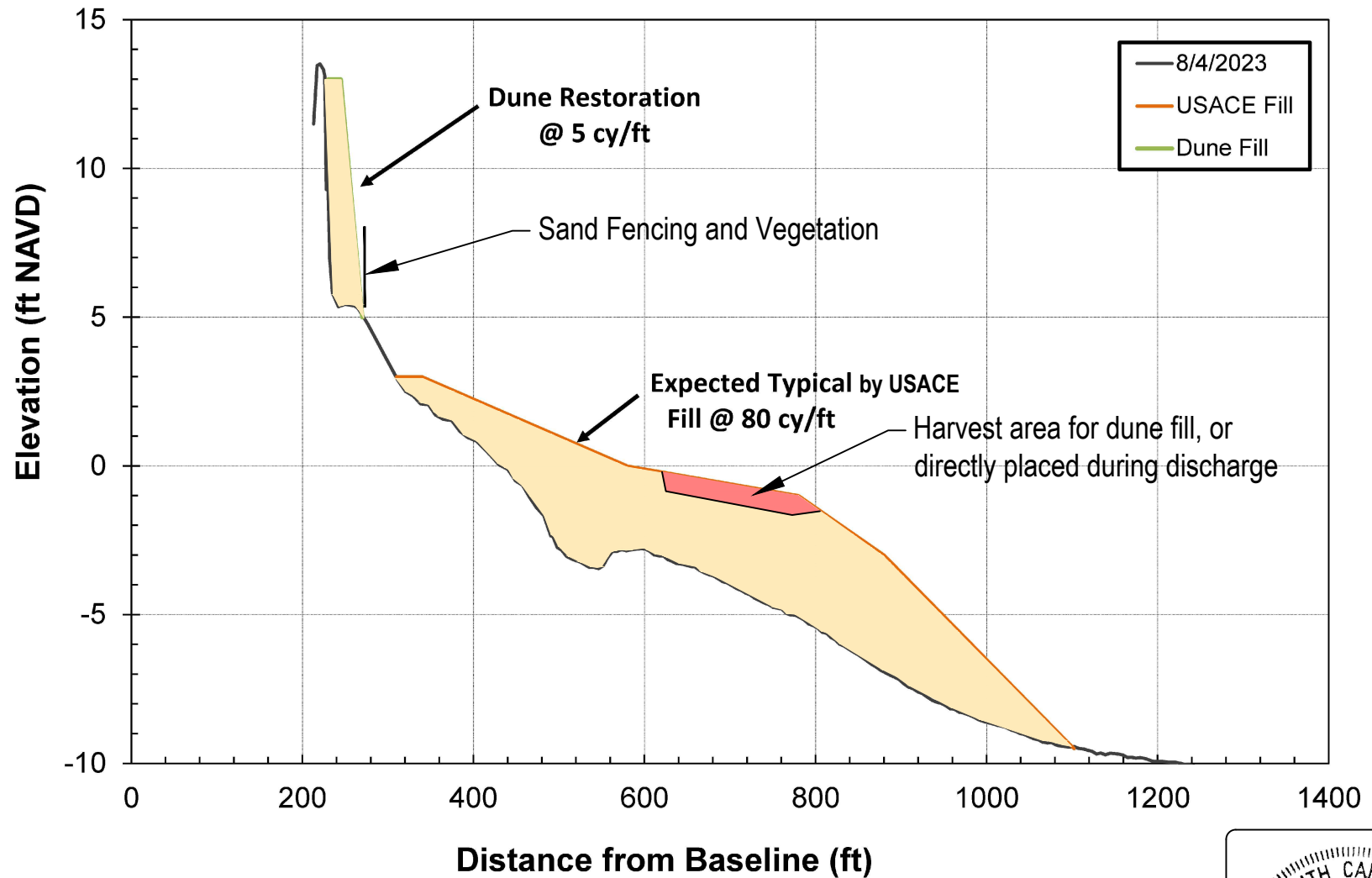
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SHEET:

02



Typical Fill Section



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City of Isle of Palms
1207 Palm Blvd.
Isle of Palms, SC 29451

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Coastal Science & Engineering, Inc.
160 Gills Creek Parkway
Columbia, SC 29209

DRAWING TITLE: Isle of Palms Supplemental Project

Typical Fill Section

SCALE: AS SHOWN

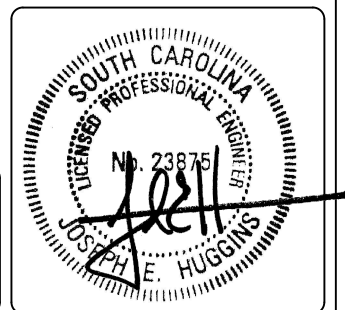
DATE: 12 Mar 2024

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PROJECT #: 2589

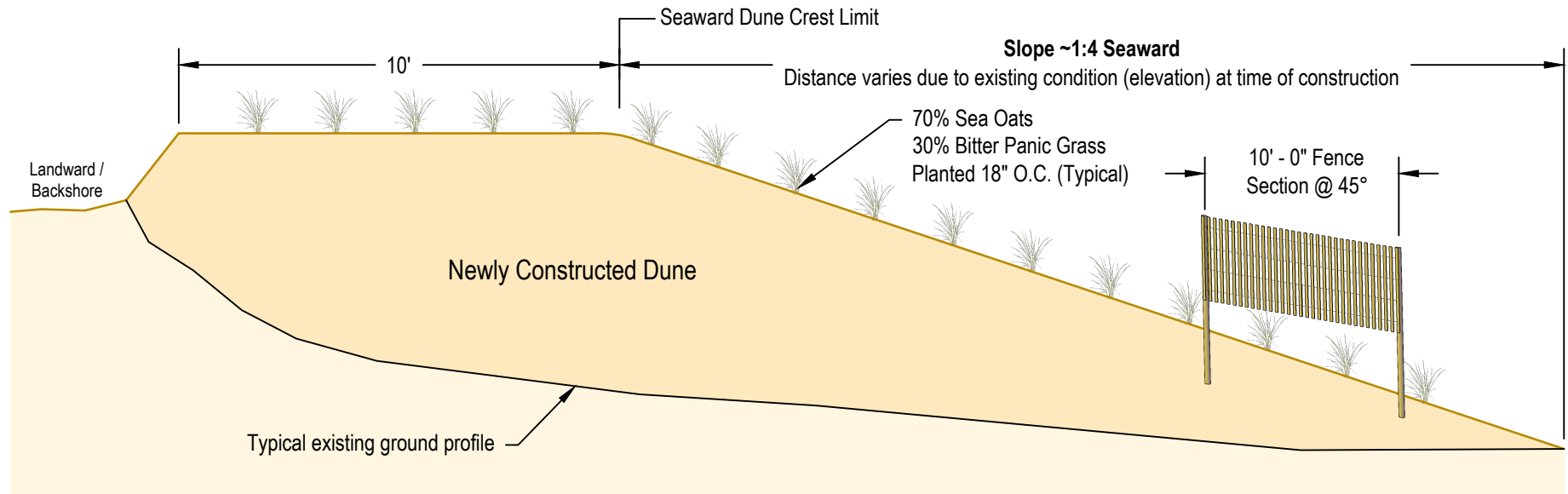
SHEET:

03



Dune Section View

(Typical Newly Constructed Dune not to exceed 6 ft Above existing elevation)



Note:

Typical dune fill will require ~4 cy of sand per linear feet of beach.
Sand fencing and dune vegetation will be installed following dune construction.

All work will be completed in conjunction with the USACE beneficial use project.

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DRAWING TITLE: Isle of Palms Supplemental Project

Typical Dune Fill Section

SCALE: AS SHOWN

DATE: 12 Mar 2024

REVISED

PROJECT #: 2589

SHEET:

04

