JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue Charleston, South Carolina 29403-5107 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-2022-01660

May 9, 2023

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) the South Carolina Coastal Zone Management Act (48-39-10 <u>et.seq.</u>), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, <u>et. seq.</u>, 1976 <u>S.C. Code of Laws</u>, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. Jeffrey Buckalew Town of Hilton Head 1 Town Center Court Hilton Head Island, South Carolina 29928

for a permit to dredge in nearshore borrow areas and place material for beach nourishment in the

Atlantic Ocean

located on the front beach of Hilton Head Island and nearshore borrow areas, Beaufort County, South Carolina (Latitude: 32.1667°, Longitude: -80.7125°), Bluffton, Hilton Head, Tybee Island quadrangles.

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

30 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: <u>http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices</u> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to reestablish island-wide beach conditions, relative to those restored and maintained through past projects, sufficient to sustain an 8- to 10-year renourishment life, following project completion. Sand placement will be focused on areas of need -- defined as those areas where there is a sand volume deficit in the previously constructed design beach and/or where the protective beach width is proposed to be less than 200 ft at the end of the project life, and the MHWL erosion rate is greater than about -5 ft/yr.

Project Description

The proposed work consists of the placement of approximately 2.0 million cubic yards (Mcy) of beach compatible sand from up to four offshore borrow areas along about 46,500 ft of Atlantic Ocean and Port Royal Sound shorefront as part of a continued beach maintenance and management program at Hilton Head Island, SC. The project is an anticipated and scheduled renourishment of the Town of Hilton Island beach as part of its ongoing comprehensive beach management program. Renourishment events have occurred and are planned to occur every 8 to 10 years depending upon weather conditions and beach performance during the nourishment life. The last comprehensive event on the island was completed in December 2016. A smaller, post-Hurricane Matthew restoration project was completed in November 2017.

The proposed project will include sand placement along four discrete reaches of the island shorefront, which are generally located at: (1) the southern Atlantic Ocean shoreline (i.e., South Beach/South Island); (2) along the central portion of the Atlantic Ocean shoreline of the island (i.e., Central Island); (3) the northeast point of the island at the intersection of the Atlantic Ocean and Port Royal Sound shoreline (i.e., "The Heel"); and (4) along a portion of shoreline at Fish Haul/Mitchelville Beach Park (i.e., Fish Haul Creek) on Port Royal Sound. Sand was placed along portions of the South Beach, Central Island, The Heel, and Fish Haul Creek shorelines in 2016 – the shoreline reaches this project seeks to renourish. The proposed fill along The Heel is located within a portion of Critical Habitat Unit SC-15 for wintering piping plovers and Critical Habitat Unit SC-22 for rufa red knots. The Fish Haul Creek reach is also located within Unit-22 for wintering rufa red knots, but not wintering piping plover critical habitat. Project construction is planned to begin after April 15, 2025, and be substantially complete prior to 15 April 2026. The required sand volume will be reassessed

immediately prior to project construction and will consider the latest available beach condition data.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by:

Beach Fill. The scope and scale of the proposed beach fill were identified to include the *minimum* volume necessary to maintain a protective design beach for erosion that is expected to occur over the 8- to 10-year period following project construction. The design of this project, as well as requisite beach fill volumes and placement areas, is consistent with prior beach fill projects constructed by the Town. This project proposes to place sand only along areas of the beach which have received sand fill during previous projects. That is, no new areas of beach fill are proposed for this project.

Borrow Areas. Four offshore sand borrow areas have been identified for the proposed project. Two areas are located at Barrett Shoals at the south end of the island, one at Gaskin Banks along the south-central area of the island, and one at Bay Point Shoals at the north end of the island (across Port Royal Sound). Two of the borrow areas to be used lie within previously permitted areas (Barrett and Bay Point), and the other two are in new areas of Barrett Shoals and Gaskin Banks.

The selection and design of project borrow areas focused on three principal objectives, which are intended to conserve available offshore sand resources and minimize the effects of dredging on offshore softbottom habitats. These are:

1) provide a suitable source of beach-compatible sand that is reasonably close to the sand

placement area and accessible by an ocean-certified cutter-suction pipeline dredge; 2) delineate an area that minimizes the spatial extent of the area to be dredged; and 3) site and configure the borrow area in such a manner as to avoid and/or minimize the creation of isolated depressions within a shoal feature that may prevent or limit the recovery of sand substrate and softbottom benthic communities. This can be accomplished by designing borrow areas where material that is expected to infill the dredging site is beach compatible and similar in character to that which was removed. The Barrett Shoals and Bay Point Shoals borrow areas have demonstrated rapid recovery (i.e., within 12 months) of sediment conditions and softbottom benthic communities following dredging

Project Schedule. Hydraulic sand placement is proposed along the Central Island segment only between 15 August and 15 April. Along the "The Heel" and Fish Haul Creek beach fill segments, sand placement is proposed between 15 April and 15 August. "The Heel" shoreline reach supports important wintering populations of piping plovers and migrating rufa red knots, and is located within a portion of Critical Habitat Unit SC-15 for wintering piping plovers and Proposed Critical Habitat Unit SC-22 for rufa red knots, but not wintering piping plover critical habitat. The early

portion of this construction window coincides with the end of the wintering period for piping plovers and migrating rufa red knots on Hilton Head Island, thereby minimizing the potential for direct interaction with the birds. Limiting the construction window to August 15 will minimize direct disturbance during establishment of the wintering and migrating populations.

Sand placement is proposed to occur at any time during the year along the South Beach project segment with implementation of required monitoring, relocation, and protection requirements for Federally listed species.

Sea turtle nesting season extends from May 1 through October 31 on Hilton Head Island. Construction of any of the project reaches during the sea turtle nesting season will require a nest relocation and monitoring program. Nests have historically been relocated on Hilton Head Island due to eroded shoreline conditions and susceptibility to tidal inundation.

Proposed Compensatory Mitigation

The applicant has proposed no compensatory mitigation for impacts to wetlands and/or 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 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 approximately 925 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 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:

Frosted flatwoods salamander (Ambystoma cingulatum) American wood stork (Mycteria americana) Eastern black rail (Laterallus jamaicensis jamaicensis) Piping plover (Charadrius melodus) Red-cockaded woodpecker (*Picoides borealis*) Rufa red knot (Calidris canutus rufa) Atlantic sturgeon (Acipenser oxyrinchus) Shortnose sturgeon (Acipenser brevirostrum) Finback whale (Balaenoptera physalus) Humpback whale (Megaptera novaeangliae) Northern long-eared bat (Myotis septentrionalis) Right whale (Eubalaena glacialis) Sei whale (Balaenoptera borealis) Sperm whale (*Physeter macrocephalus*) West Indian manatee (Trichechus manatus) American chaffseed (Schwalbea americana) Pondberry (Lindera melissifolia) Green sea turtle (Chelonia mydas) Kemp's Ridley sea turtle (Lepidochelys kempii) Leatherback sea turtle (Dermochelys coriacea) Loggerhead sea turtle (Caretta caretta)

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 <u>no effect</u> on Frosted flatwoods salamander (*Ambystoma cingulatum*), American wood stork (*Mycteria americana*), Eastern black rail (*Laterallus*)

jamaicensis jamaicensis), Red-cockaded woodpecker (*Picoides borealis*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback whale (Balaenoptera physalus), Humpback whale (Megaptera novaeangliae), Northern long-eared bat (Myotis septentrionalis), Right whale (Eubalaena glacialis), Sei whale (Balaenoptera borealis), Sperm whale (Physeter macrocephalus), American chaffseed (Schwalbea americana), Pondberry (Lindera melissifolia) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project <u>is not likely to adversely affect</u> the green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), West Indian manatee (*Trichechus manatus*) 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.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information, that the project <u>may affect</u> Piping plover (*Charadrius melodus*) and the Rufa red knot (*Calidris canutus rufa*) and their designated or proposed critical habitat. A biological assessment (or other similar document) detailing our analysis of the potential effects of the action will be provided to the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service.

In addition to the avoidance and minimization measures put forward by the applicant, the Corps intends to require all project design criteria set forth in the 2020 SARRBO which applies to dredging activities and beach nourishment activities as applicable.

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)(*I*)(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 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-2022-01660), to Shawn.A.Boone@usace.army.mil <u>or</u> 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 Shawn Boone, Project Manager, at (843) 329-8158, toll free at 1-866-329-8187, or by email at Shawn.A.Boone@usace.army.mil.





































