

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
**69A Hagood Avenue**  
**Charleston, SC 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-2021-02023

November 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), 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

**Mr. Eric Adams**  
**Charleston County Public Works**  
**4045 Bridge View Drive, Suite B309**  
**North Charleston, South Carolina 29405**  
**c/o Mr. Josh Hoke**  
**Terracon Consultants**  
**1800 Reynolds Avenue**  
**North Charleston, South Carolina 29405**  
**josh.hoke@terracon.com**

for a permit to replace the existing culvert under Central Park Road and install muted tide gates to prevent upstream flooding in

**James Island Creek**

located on a crossing of James Island Creek on Central Park Road, on James Island, Charleston County, South Carolina (Latitude: 32.7449 °, Longitude: -79.9826 °), James Island Quad.

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

**N O T I C E**

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 would be to reduce flooding associated with king tides and large stormwater events within the Central Park Road drainage basin.

### **Project Description**

The proposed work would consist of constructing new stormwater drainage infrastructure and muted tide gates for drainage improvements and flood control. In detail, the applicant proposes to permanently impact 0.088 acre of vegetated wetlands and 0.04 acre of unvegetated wetlands, as well as temporary impacts to 0.086 acre of vegetated wetlands associated with the construction of new infrastructure and the upstream draining impacts from the operation of the muted tide gates. The existing dual culvert (54-inch and 25-inch diameter concrete pipes) would be replaced with three Reinforced Concrete Pipes (RCP). The proposed culvert system would consist of three 48-inch diameter RCPs with two flow-variable "muted" tide gates and one check valve. Temporary cofferdams would be installed during construction on the north and south sides of Central Park Road and a pump would be used to drain the dammed areas so that construction may take place on dry land. The proposed project may result in draining impacts to the Critical Area wetlands upstream of the muted tide gates. An analysis of the upstream impacts was conducted by overlaying the certified Critical Area line which represents the tidally influenced wetlands upstream to the proposed closed tide gate elevation. The Critical Area line was generally located at or just above MHHW (2.62 feet NAVD 88 / 5.58 feet MLW) but primarily below the proposed closed muted tide gate elevation (3.33 feet NAVD / 6.29 Feet MLW) that would be found on the upstream side of Central Park Road.

The proposed impacts are as follows:

**Impact 1:** The proposed new culvert, headwall, and rip-rap scour protection on the upstream side of Central Park road would result in 0.027 acre (1,198 sf) of permanent fill impacts within the Critical Area wetlands.

Impact 2: The proposed headwall, two muted tide gates and one check valve, and rip-rap scour protection along the bank on the downstream side of Central Park Road would result in 0.039 acre (1,713 sf) of permanent fill impacts with the Critical Area wetlands.

Impact 3: The proposed upstream cofferdam would impact approximately 0.03 acre (1,320 sf) and the downstream cofferdam would impact approximately 0.056 acre (2,455 sf). All temporary impacts will be restored to pre-project conditions after the completion of construction.

Impact 4: Critical Area wetlands that are located at a higher elevation above the proposed closed muted tide gate elevation may no longer receive tidal influence to the same extent after the proposed tide gates are installed. The Critical Area wetlands that may no longer receive tidal influence due to the proposed closing elevation of the muted tide gates is approximately 0.062 acre (2,700 sf).

### **Avoidance and Minimization**

The applicant has stated that the proposed project would avoid and/or minimize impacts to the aquatic environment by reducing impacts to only include the most practicable measures to alleviate flooding and to avoid and minimize impacts to Waters of the U.S. Not all impacts to aquatic resources could be avoided and the total impacts are 0.214 acre, of which 0.086 acre would be temporary impacts lasting less than 180 days.

### **Proposed Compensatory Mitigation**

The applicant is not proposing to mitigate for impacts to wetlands and/or waters of the United States stating that in accordance with Nationwide Permit General Condition 23(c), no mitigation is proposed for the 0.088 acre of permanent vegetated impacts as it is not greater than one tenth of an acre.

### **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 0.062 acre 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: American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Eastern Black Rail (*Laterallus jamaicensis ssp.*), 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*), Wood Stork (*Mycteria americana*), and Northern Long-eared Bat (*Myotis septentrionalis*).

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 (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Eastern Black Rail (*Laterallus jamaicensis ssp.*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*),

Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), Pondberry (*Lindera melissifolia*), Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), Red-cockaded Woodpecker (*Picoides borealis*), and Northern Long-eared Bat (*Myotis septentrionalis*), and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Wood Stork (*Mycteria americana*) and 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.

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. 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.

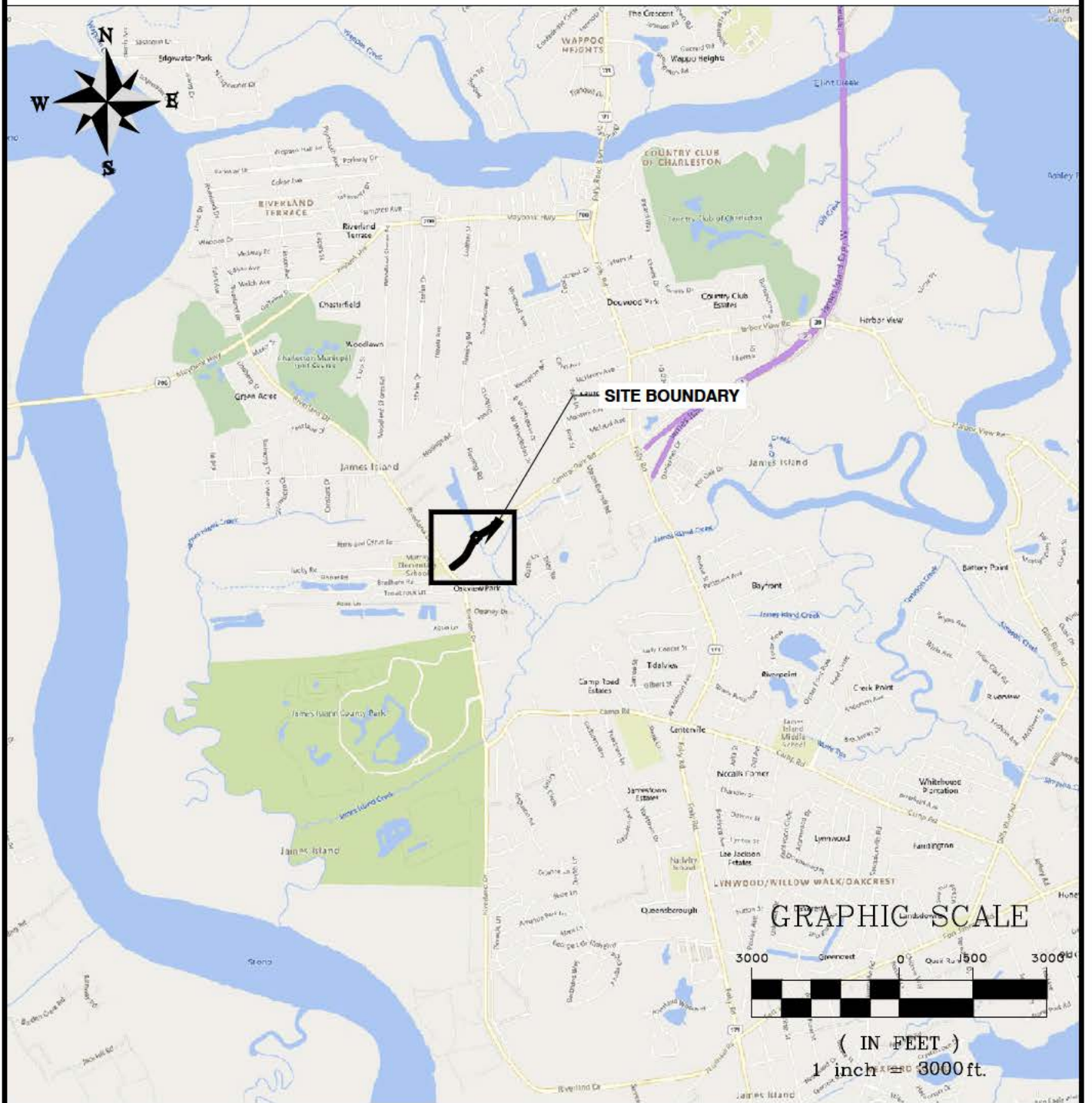
**Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2021-02023), to [Matthew.J.Murphy@usace.army.mil](mailto:Matthew.J.Murphy@usace.army.mil) or the following address:**

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

If there are any questions concerning this public notice, please contact Matthew Murphy, Project Manager, at 843-329-8055, or by email at [Matthew.J.Murphy@usace.army.mil](mailto:Matthew.J.Murphy@usace.army.mil).



## SITE LOCATION MAP



### CENTRAL PARK ROAD

#### SITE LOCATION MAP

CLIENT:

CHARLESTON COUNTY

LOCATION: JAMES ISLAND, CHARLESTON COUNTY, SC

DATE: 10-01-2021

DRAWN BY: KNK

SHEET: 1 OF 7

JOB NUMBER: J-28904.0000

REVIEWED BY: HEA

SCALE: 1" = 3000'

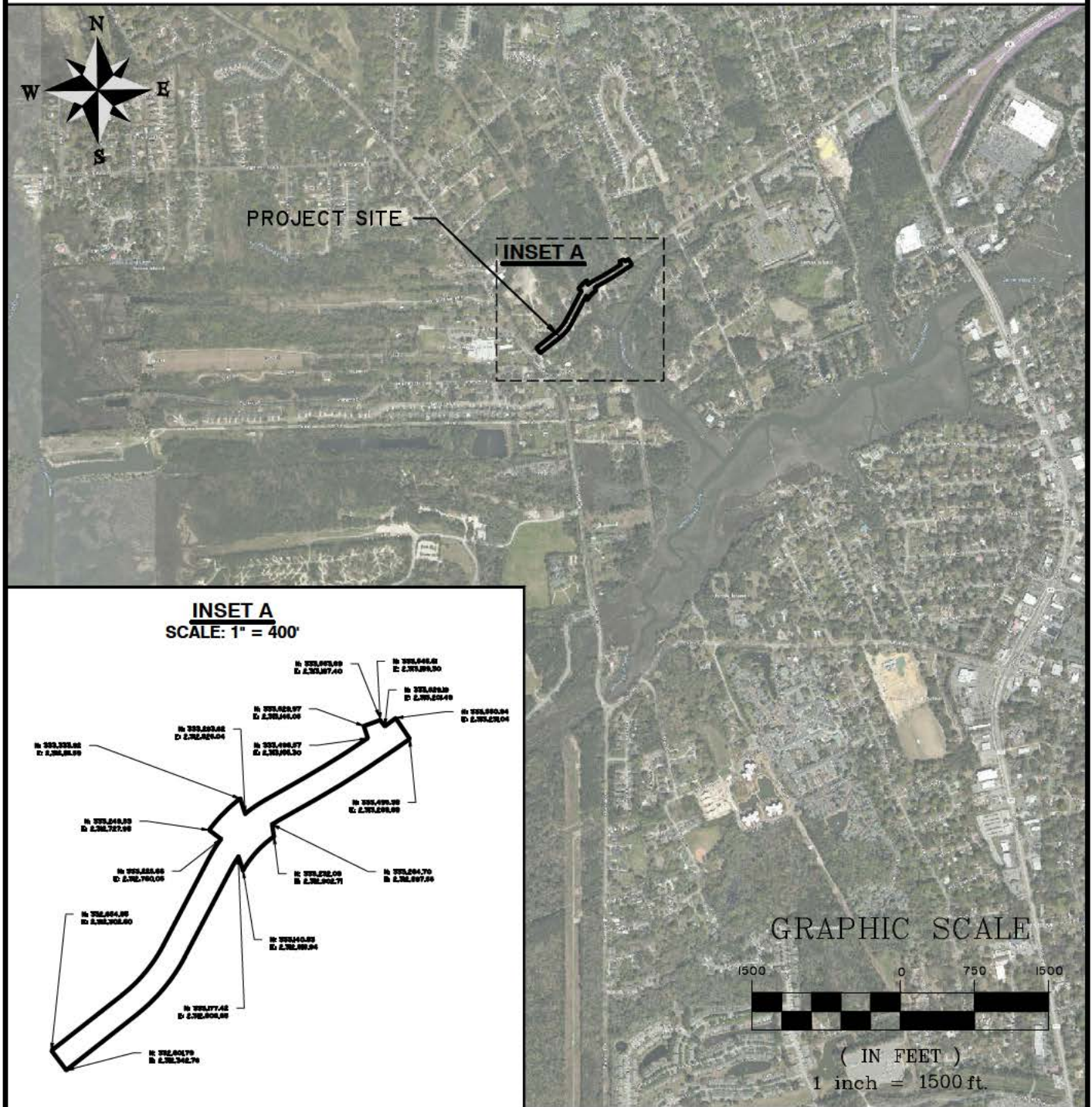


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# SITE LOCATION MAP



## CENTRAL PARK ROAD

### SITE LOCATION MAP

CLIENT:

CHARLESTON COUNTY

LOCATION: JAMES ISLAND, CHARLESTON COUNTY, SC

DATE: 10-01-2021

DRAWN BY: KNK

SHEET: 2 OF 7

JOB NUMBER: J-28904.0000

REVIEWED BY: HEA

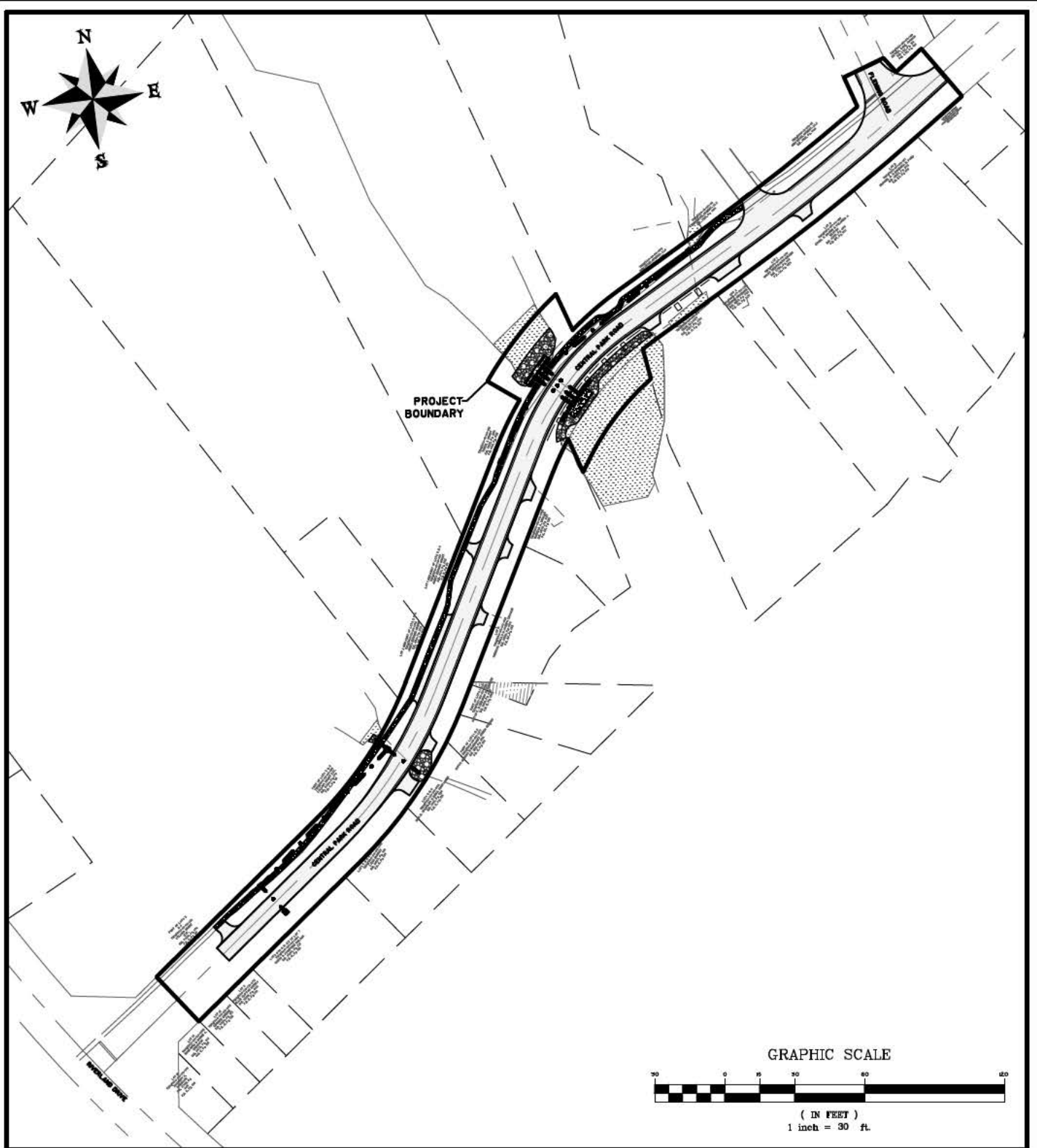
SCALE: 1" = 1500'



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## CENTRAL PARK ROAD

### OVERALL PLAN VIEW

CLIENT:

CHARLESTON COUNTY

LOCATION: JAMES ISLAND, CHARLESTON COUNTY, SC

DATE: 8/2/2022

DRAWN BY: KNK

SHEET: 3 OF 7

JOB NUMBER: J-28904.0000

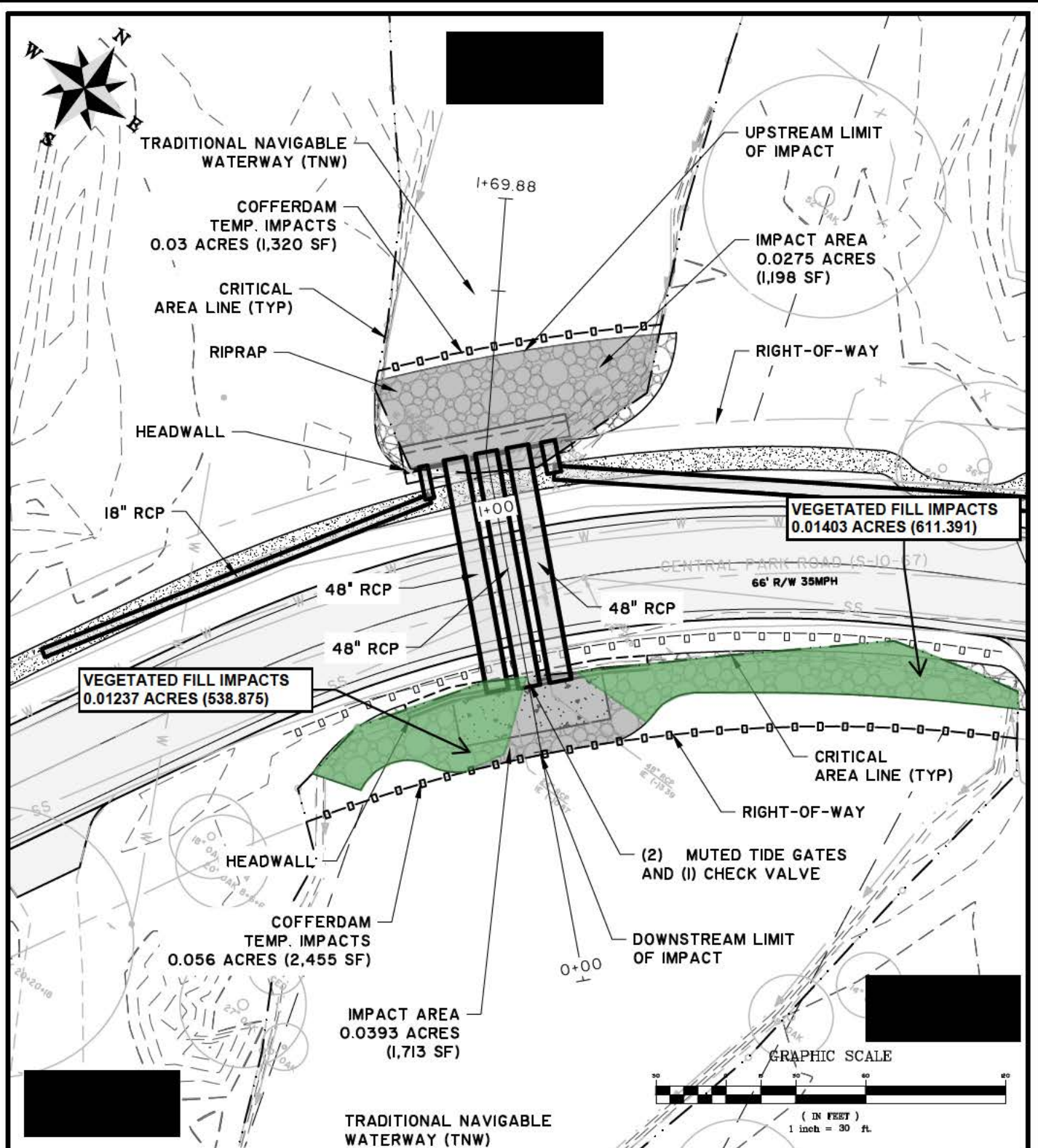
REVIEWED BY: HEA

SCALE: 1" = 150'



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## CENTRAL PARK ROAD

### PLAN VIEW

CLIENT:

CHARLESTON COUNTY

LOCATION: JAMES ISLAND, CHARLESTON COUNTY, SC

DATE: 8/2/2022

DRAWN BY: KNK

SHEET: 4 OF 7

JOB NUMBER: J-28904.0000

REVIEWED BY: HEA

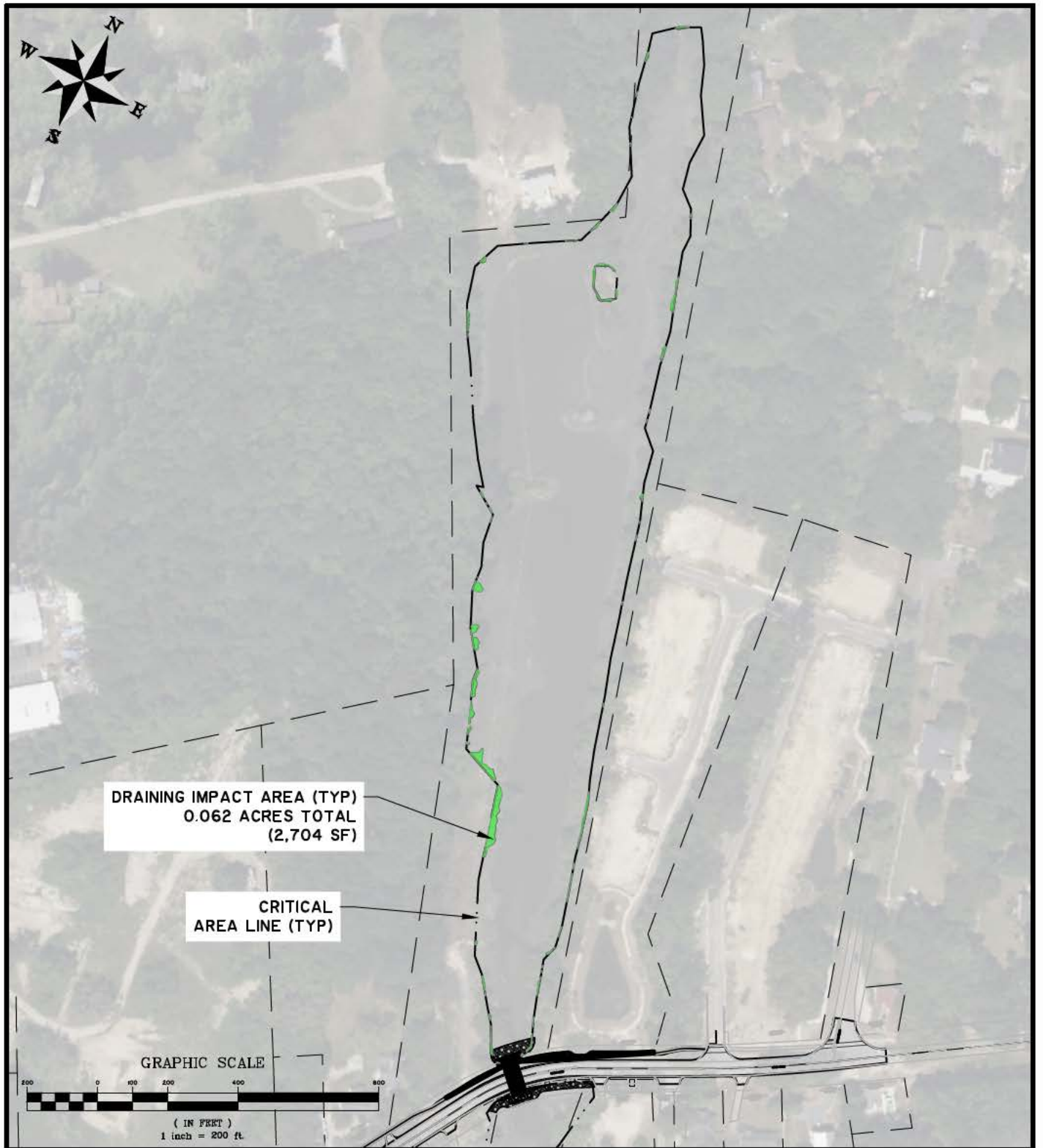
SCALE: 1" = 30'

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&  
HUTTON**

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## CENTRAL PARK ROAD

### PLAN VIEW - DRAINING IMPACT AREA

CLIENT:

CHARLESTON COUNTY

LOCATION: JAMES ISLAND, CHARLESTON COUNTY, SC

DATE: 8/2/2022

DRAWN BY: KNK

SHEET: 5 OF 7

JOB NUMBER: J-28904.0000

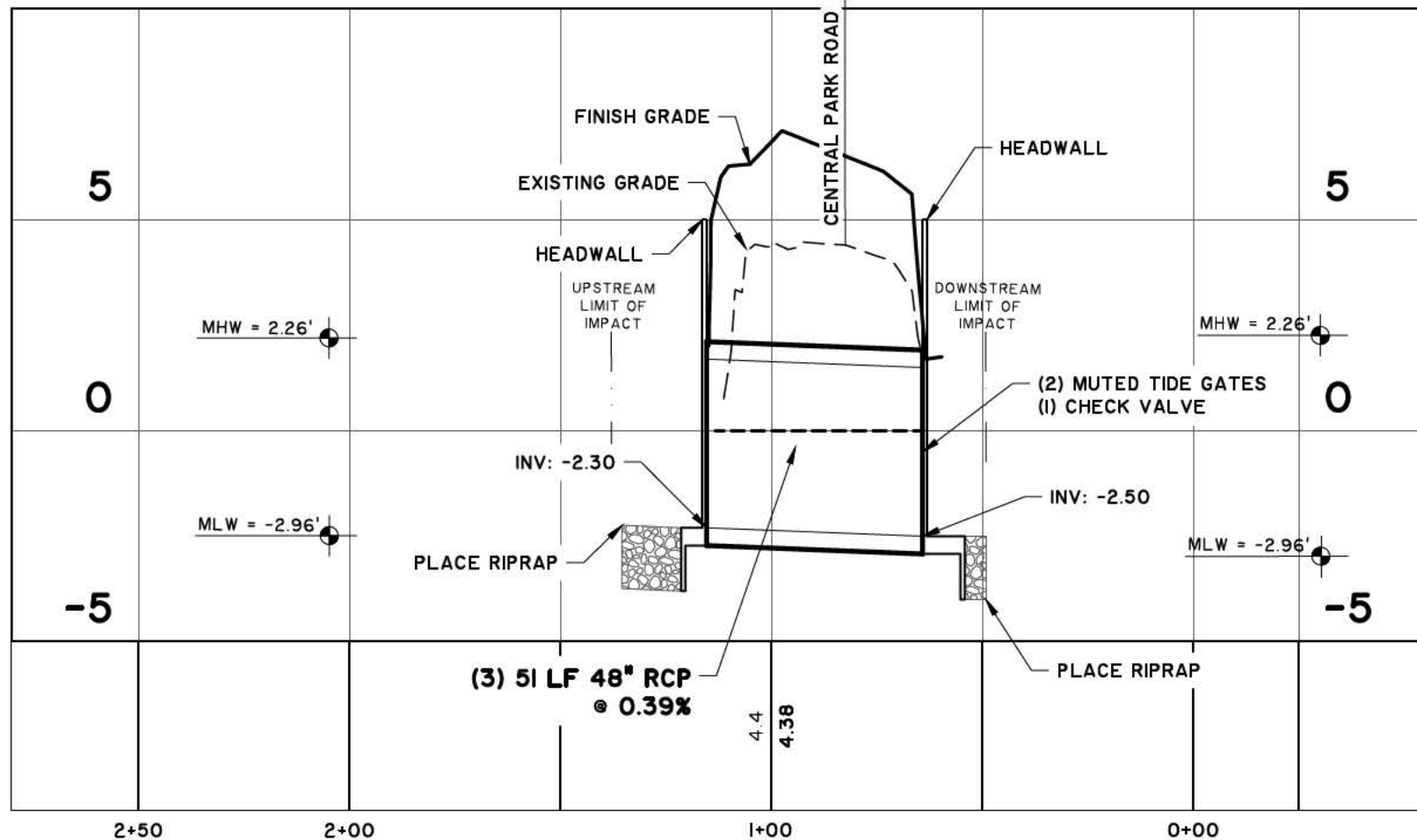
REVIEWED BY: HEA

SCALE: 1" = 200'



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## CENTRAL PARK ROAD DRAINAGE 1

STATIONS: -0+25 - 2+50

SCALE: HORZ.: 1" = 40'

## CENTRAL PARK ROAD

### PROFILE VIEW

CLIENT:

CHARLESTON COUNTY

LOCATION: CHARLESTON COUNTY, SOUTH CAROLINA

DATE: 8/12/2021

DRAWN BY: KNK

SHEET: 6 OF 7

JOB NUMBER: J-28904.0000

REVIEWED BY: HEA

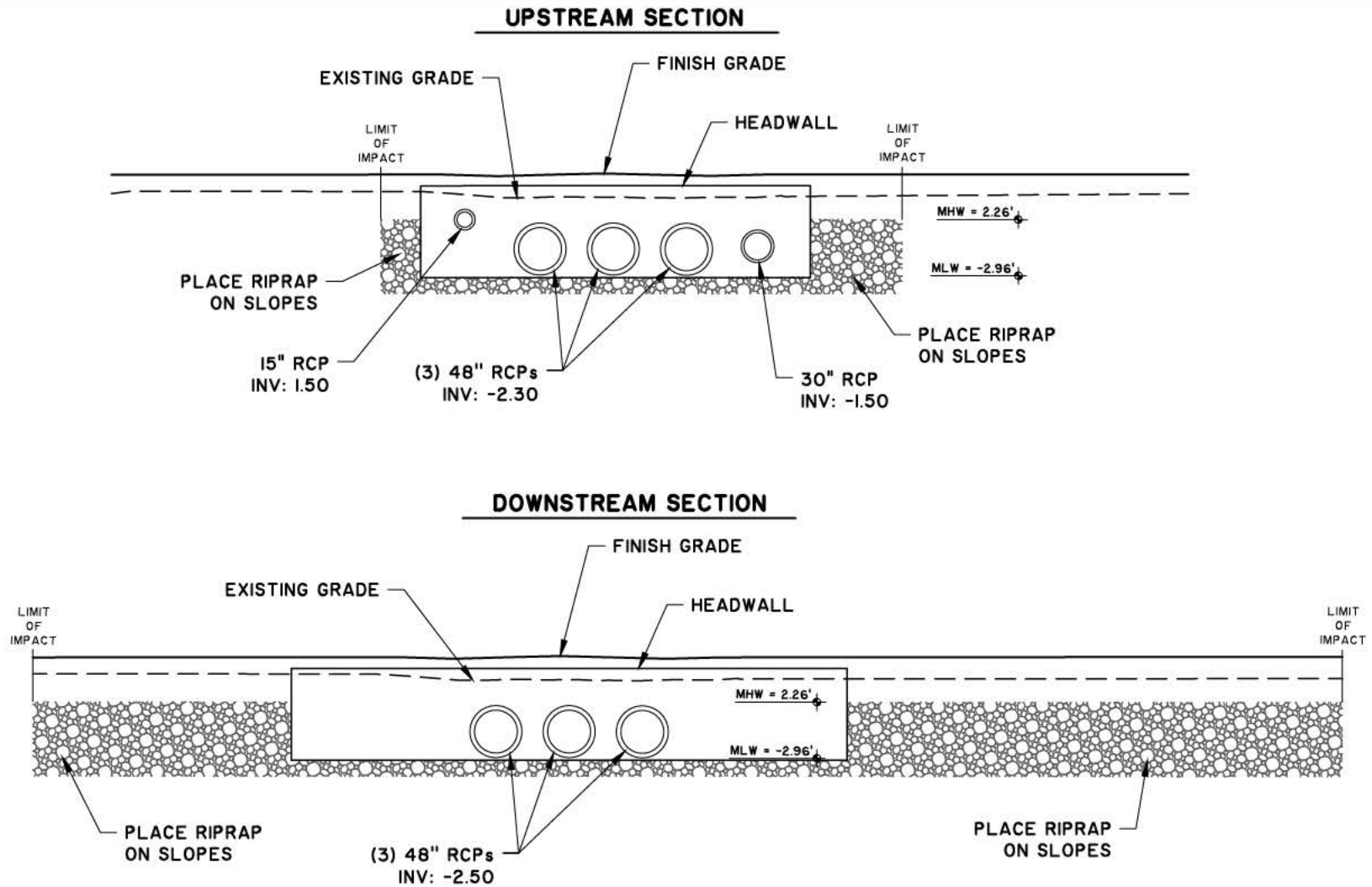
SCALE: 1" = 40'



682 Johnnie Dodds Blvd. • Suite 100  
Mt. Pleasant, SC 29464 • 843.849.0200

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## CENTRAL PARK ROAD

### CROSS SECTION VIEW

CLIENT:

CHARLESTON COUNTY

LOCATION: CHARLESTON COUNTY, SOUTH CAROLINA

DATE: 8/12/2021

DRAWN BY: XXX

SHEET: 7 OF 7

JOB NUMBER: J-28904.0000

REVIEWED BY: XXX

SCALE: 1" = 150'



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