

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-2023-01420

November 30, 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. Dave Sykes
26th Street Canal Homeowners Association, Inc.
1 Driftwood Lane
Isle of Palms, South Carolina 29451

for a permit to perform new dredging activities in the

Atlantic Intracoastal Waterway (AIWW)

located in tidal waters at Tax Map Sequence (TMS) # 5710500154, Isle of Palms, Charleston County, South Carolina (Latitude: 32.7972 °, Longitude: -79.7814 °), 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 provide access at all tidal stages to a residential dock.

Project Description

The proposed work would consist of dredging 3,000 cubic yards of material from 0.377-acre of unvegetated tidal waters in the AIWW. The proposed depth would be -7.0 feet below Mean Low Water with an allowable 1' overdepth. The work would be conducted either via hydraulic or mechanical dredging, depending on contractor availability. Hydraulic dredging would be conducted with a hydraulic cutterhead dredge, and the material would be transported via pipeline to nearby upland Dredge Material Placement Facilities (DMPF) 1088S/1100S W-C, 1056S W-C, or 970S W-C. Mechanical dredging would be conducted with an excavator or mechanical dredge with an environmental bucket, placed into a scow, and then transported to the DMPF. The material would then be liquified and pumped from the scow onto the DMPF.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by only dredging sediment from unvegetated waters and dredging to the depth of the adjacent bottom.

Proposed Compensatory Mitigation

The applicant did not propose a compensatory mitigation plan for impacts associated with the project.

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 0.377 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: American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*); Eastern Black Rail (*Laterallus jamaicensis ssp. Jamaicensis*), 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*), Tricolored Bat (*Perimyotis subflavus*) West Indian Manatee (*Trichechus manatus*), Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose Sturgeon (*Acipenser brevirostrum*), Finback whale (*Balaenoptera*

physalus), Humpback Whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sea 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, Green Sea Turtle, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle, Loggerhead Sea Turtle, Pondberry, and Red-cockaded Woodpecker, Tricolored Bat, Finback Whale, Humpback Whale, Right Whale, Sea Whale, and Sperm Whale, and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Piping Plover, Rufa Red Knot, West Indian Manatee, Atlantic Sturgeon, and Shortnose Sturgeon, 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

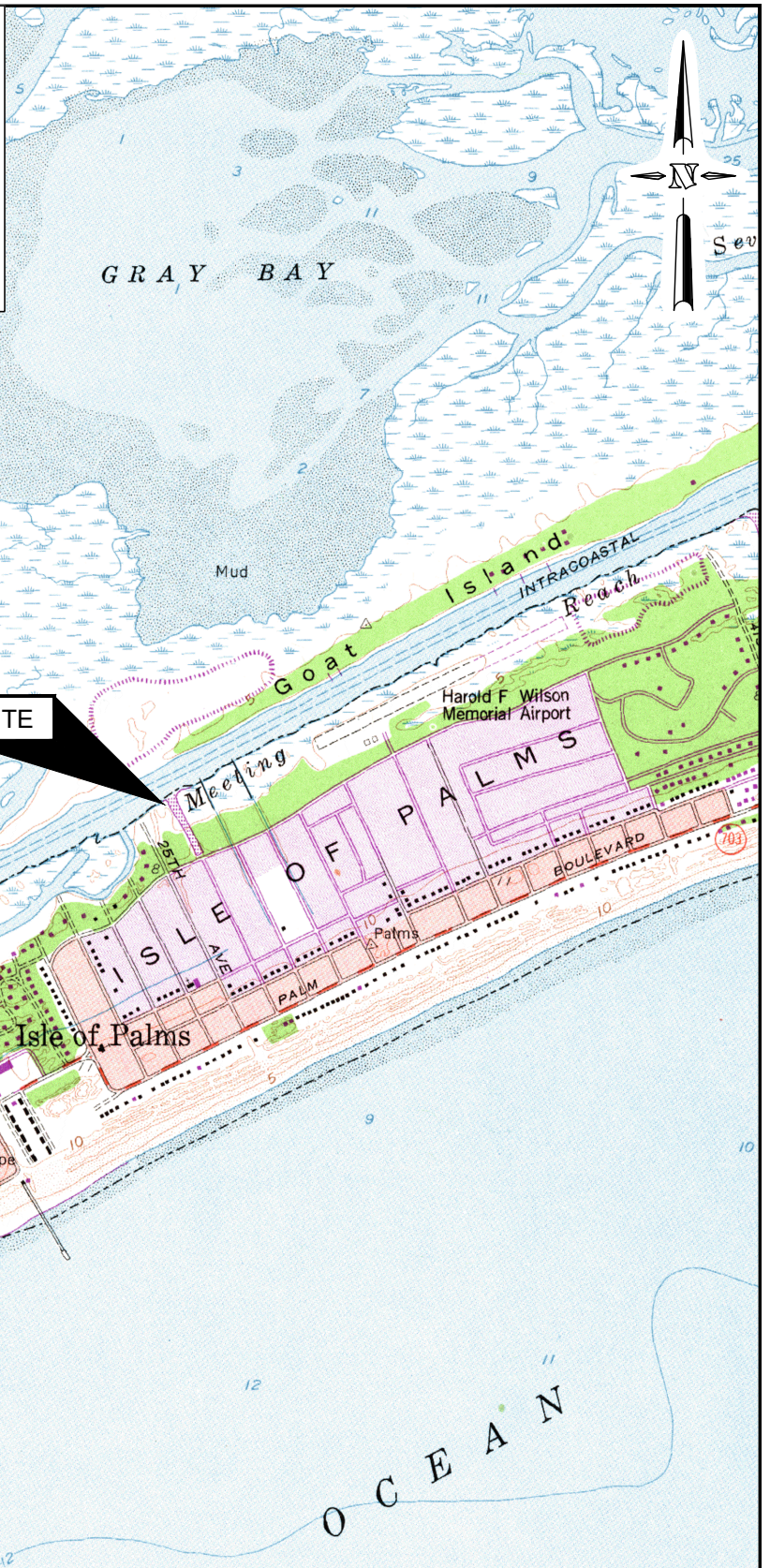
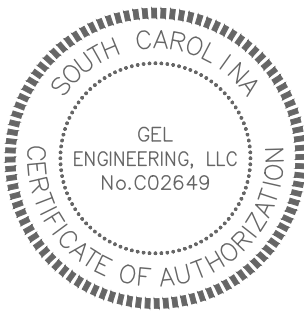
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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-2023-01420), to kelby.a.callahan@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 Kelby Callahan, Project Manager, at 843-278-9356, or by email at kelby.a.callahan@usace.army.mil.



PURPOSE: DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: NAV88

FIGURE 1
LOCATION MAP
USGS QUAD "FT MOULTRIE"



26TH STREET CANAL ASSOCIATION
ISLE OF PALMS, SOUTH CAROLINA

PROPOSED: DREDGING

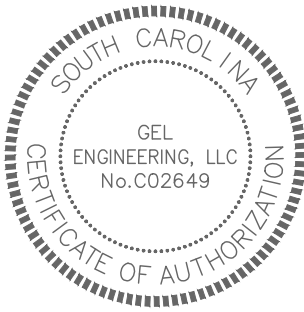
AT: 26th AVENUE CANAL

IN: ATLANTIC INTRACOASTAL
WATERWAY

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 1 OF 4

DATE: 09/07/2023



ATLANTIC INTRACOASTAL WATER WAY

353187.1952 N
2374264.9421 E

0.377-ACRE
PROPOSED
DREDGE AREA

353209.5961 N
2374308.9198 E

PREVIOUSLY PERMITTED
DREDGE AREA

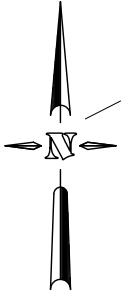
353090.8029 N
2374491.5721 E

BULKHEAD

APPROXIMATE LOCATION
OF RIP/RAP

BULKHEAD

BULKHEAD



PURPOSE: DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: NAV88

FIGURE 2
DREDGE AREA



26TH STREET CANAL ASSOCIATION
ISLE OF PALMS, SOUTH CAROLINA

PROPOSED: DREDGING

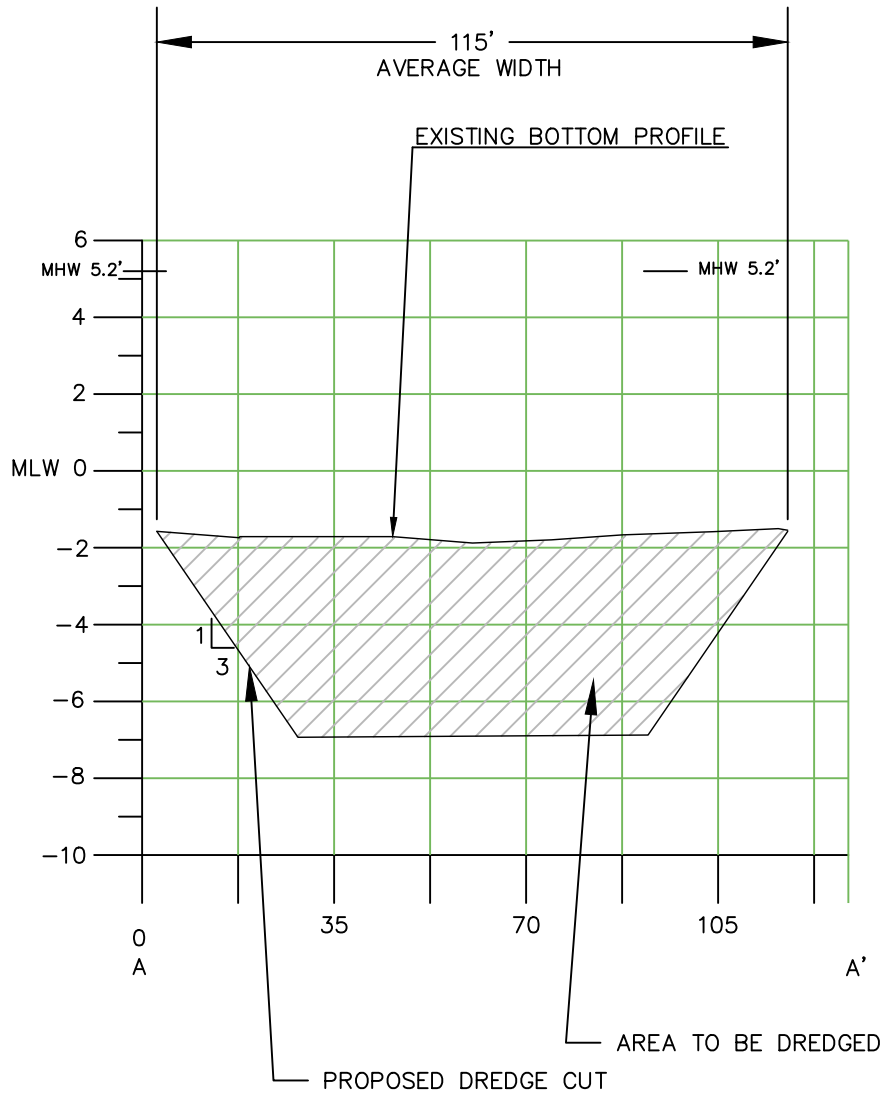
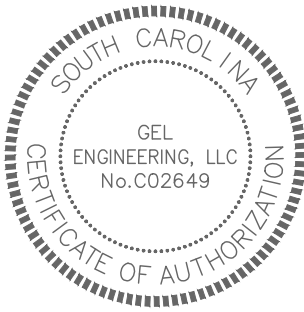
AT: 26th AVENUE CANAL

IN: ATLANTIC INTRACOASTAL
WATERWAY

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 2 OF 4

DATE: 09/07/2023

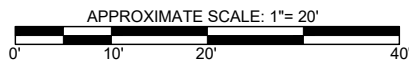


PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: NAV88

FIGURE 3
CROSS SECTION OF
DREDGE AREA



26TH STREET CANAL ASSOCIATION
ISLE OF PALMS, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

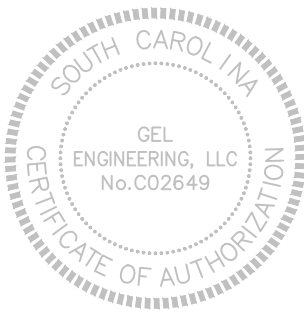
AT: 26th AVENUE CANAL

IN: ATLANTIC INTRACOASTAL
WATERWAY

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 4

DATE: 09/07/2023



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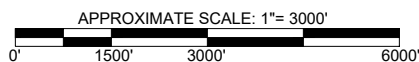


PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: NAV88

FIGURE 4
POTENTIAL SEDIMENT PLACEMENT
AREAS



26TH STREET CANAL ASSOCIATION
ISLE OF PALMS, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: 26th AVENUE CANAL

IN: ATLANTIC INTRACOASTAL
WATERWAY

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 4 OF 4

DATE: 11/16/2023

PLOTTED: Nov 17, 2023 9:52am BY: Thomas Patton FILE LOCATION: H:\CADFILES\I-P\Ipsco\Ipsco00121\Ipsco00121_permit.dwg LAYOUT TAB: 4

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