

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: P/N SAC-2021-01319

October 14, 2021

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 Association
1 Driftwood Lane
Isle of Palms, South Carolina 29451

for a permit to perform maintenance dredging on

the 26th Street Canal adjacent to the Atlantic Intracoastal Waterway (AIWW)

at the northern end of 26th Avenue in Isle of Palms in Charleston County, South Carolina (Latitude: 32.7969°, Longitude: -79.7803°), Fort Moultrie USGS quad map.

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.

The proposed work consists of performing maintenance dredging on the 26th Street Canal totaling 1.95 acres located adjacent to the Atlantic Intracoastal Waterway (AIWW). In detail, the applicant is requesting authorization under a ten-year permit to dredge using either a hydraulic cutterhead dredge or a mechanical dredge. The applicant is requesting both forms of dredging to provide for greater flexibility. When hydraulically dredging, the material would be transported via pipeline to nearby Dredge Material Placement Facilities (DMPF) 1088S/1100S W-C, 1056S W-C, or 970S W-C. When mechanical dredging, the material would be placed into a scow and transported to one of the DMPFs. The applicant proposes to dredge approximately 8,000-10,000 cubic yards for each maintenance event to a depth of -7 feet MLW with an allowable 1' over depth. The applicant was previously authorized to these depths under DA permit SAC-2010-00851 which expired March 31, 2021. As there are no impacts to wetlands and no loss of waters of the U.S., the applicant is not proposing mitigation. The project purpose is to provide safe, navigation operation depths at all tidal stages within the 26th Street Canal to serve the adjacent residential homeowners/applicant.

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

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. 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.

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 1.95 acres of estuarine substrates 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.

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 will have no effect on the flatwoods salamander, American wood stork, Bachman's warbler, Eastern black rail, piping plover, red-cockaded woodpecker, Rufa red knot, Northern long-eared bat, finback whale, humpback whale, right whale, sei whale, sperm whale, American chaffseed, Canby's dropwort, and pondberry; the project is not likely to adversely affect the West Indian manatee, Atlantic sturgeon, shortnose sturgeon, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, and loggerhead turtle; and will not 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 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.

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)(l)(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.

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.

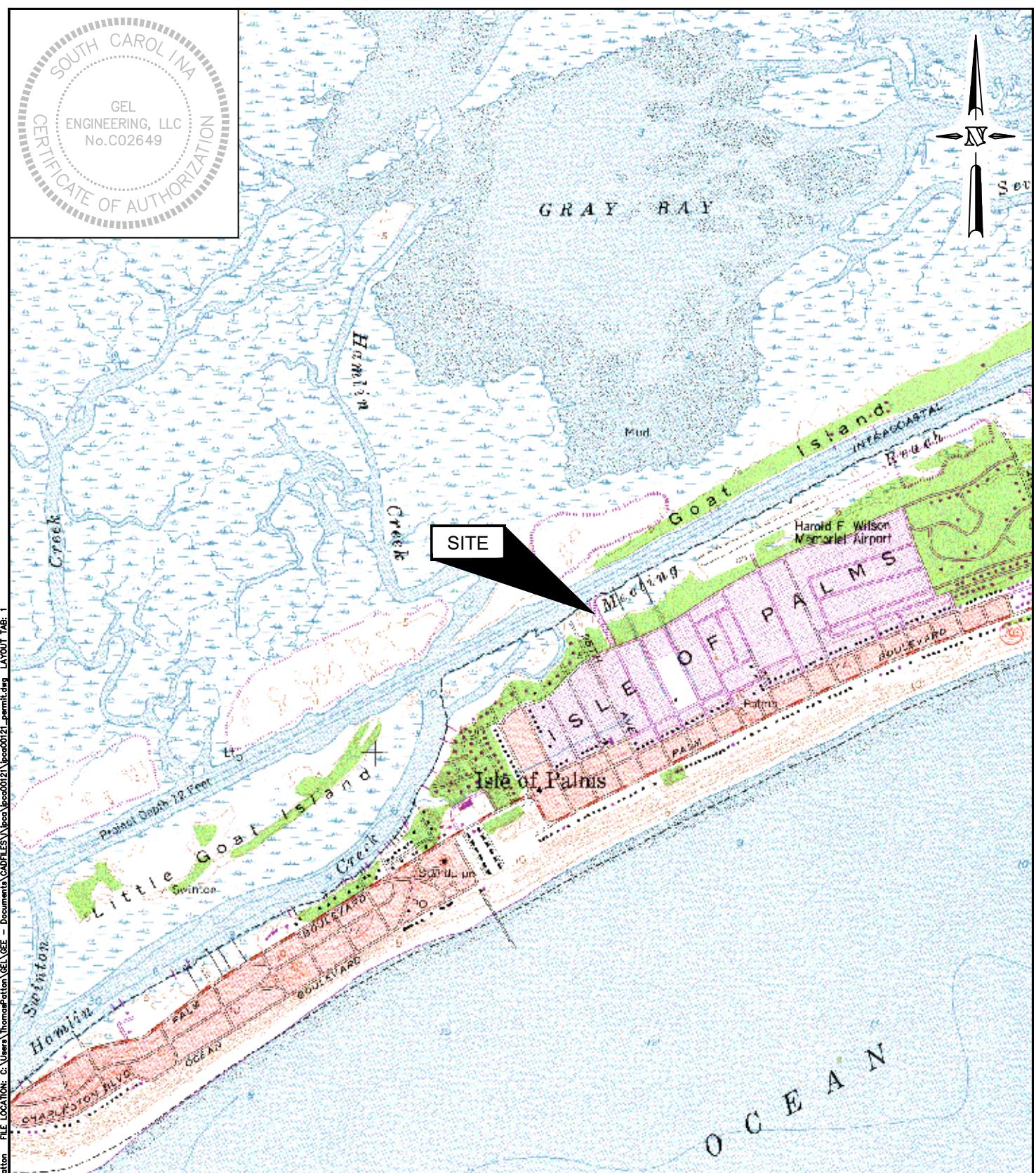
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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.

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. **Please submit comments in writing, identifying the project of interest by public notice number, to 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 Leslie Estill at 843-329-8039 or by email at Leslie.A.Estill@usace.army.mil.



FILE LOCATION: C:\Users\ThomasPatten\Documents\GEL\GEE - Documents\GAPFILES\Nec\0021\bcc0021_permit.dwg LAYOUT TAB: 1

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: NAV88

FIGURE 1
LOCATION MAP
USGS QUAD "FT MOULTRIE"

APPROXIMATE SCALE: 1"= 2000'
0' 1000' 2000' 3000' 4000'

26TH STREET CANAL ASSOCIATION
ISLE OF PALMS, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

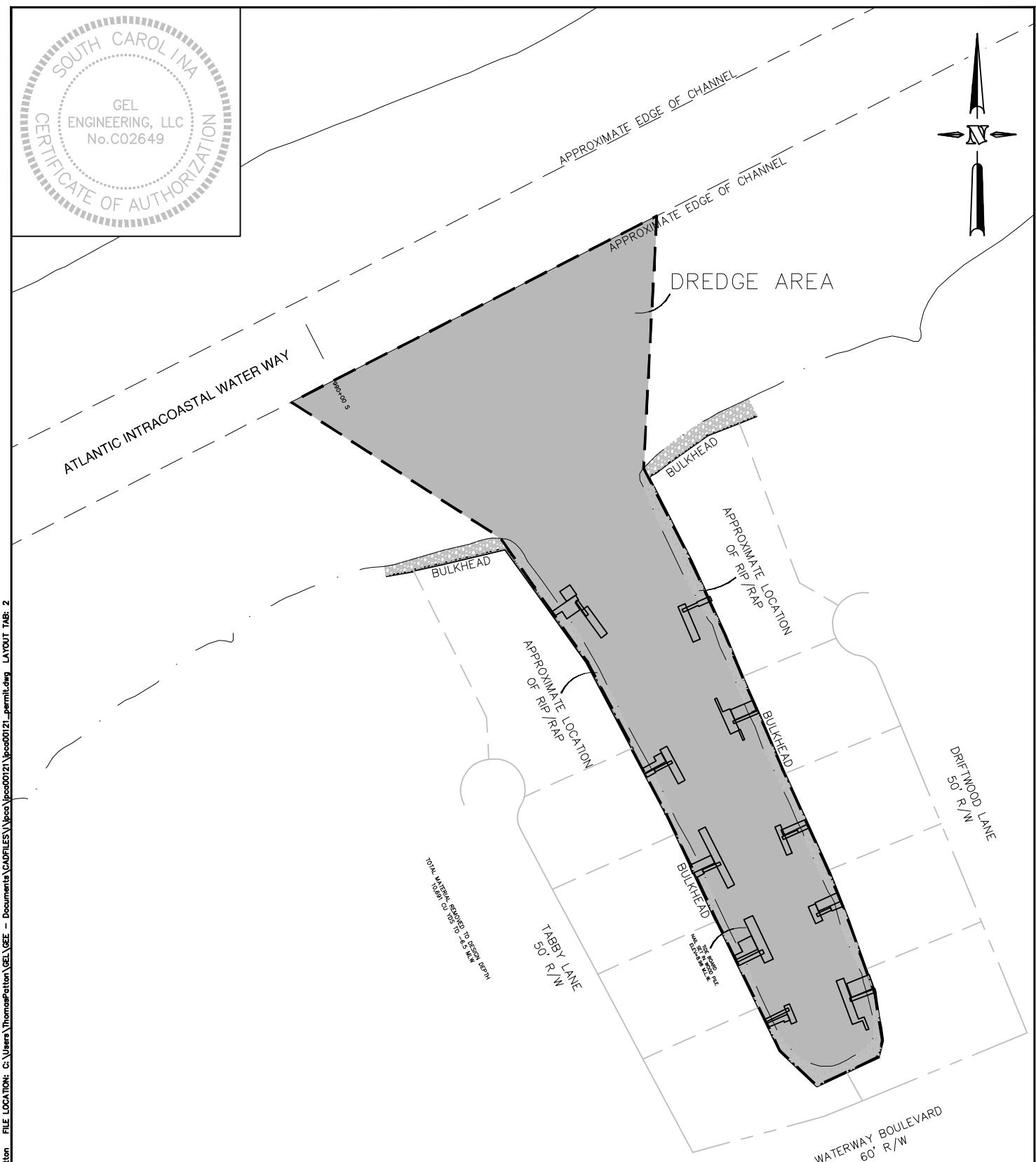
AT: 26th AVENUE CANAL

IN: ATLANTIC INTRACOASTAL
WATERWAY

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 1 OF 4

DATE: 07/07/2021



PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: NAV88

FIGURE 2
DREDGE AREA

APPROXIMATE SCALE: 1" = 140'

26TH STREET CANAL ASSOCIATION
ISLE OF PALMS, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

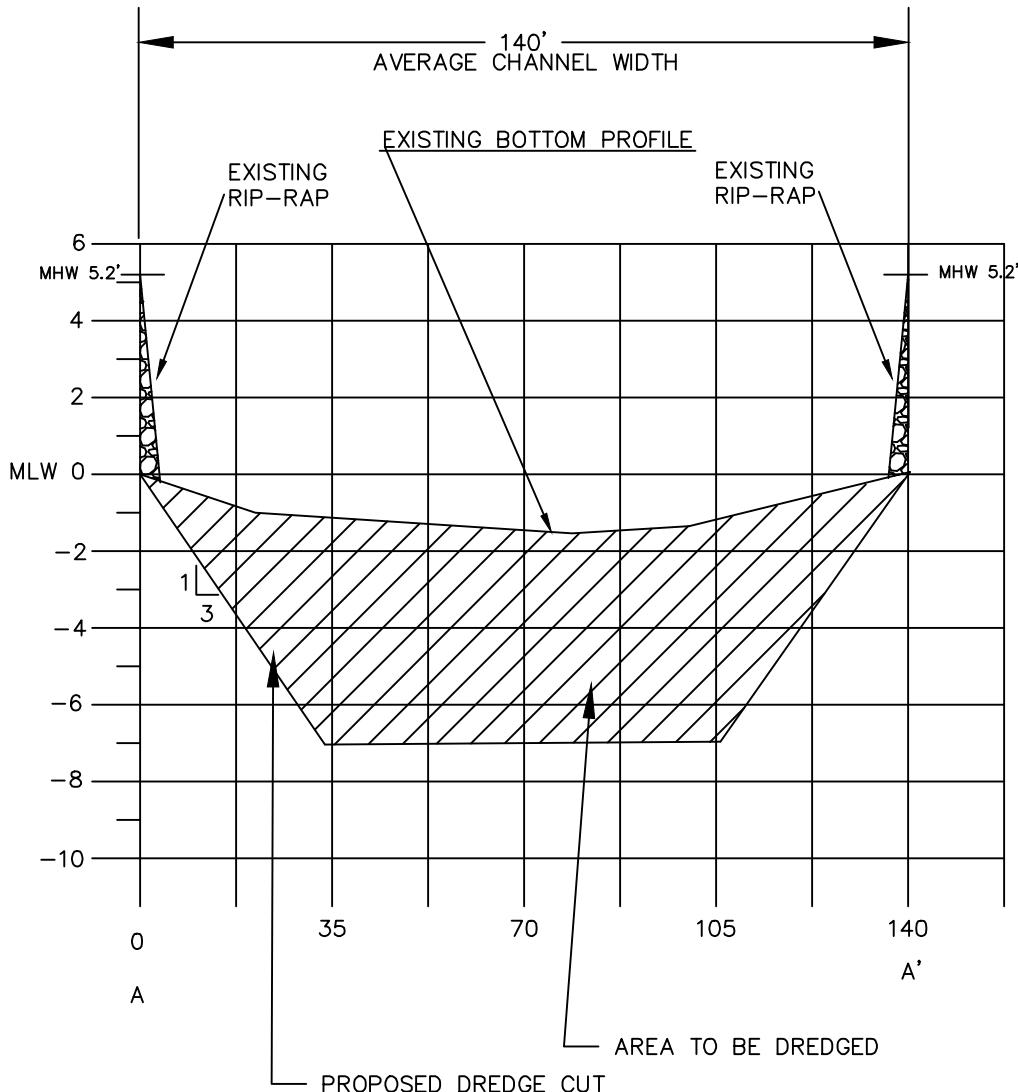
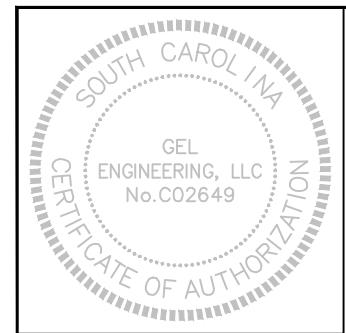
AT: 26th AVENUE CANAL

IN: ATLANTIC INTRACOASTAL
WATERWAY

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 2 OF 4

DATE: 07/30/2021



PLOTTED: Jul 14, 2021 - 11:45pm BY: ThomasPetton FILE LOCATION: C:\Users\ThomasPetton\GEL\GEE - Documents\CADFILES\N\pco00121\pco00121\pco00121.dwg LAYOUT TAB: 3

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: NAV88

FIGURE 3
CROSS SECTION OF
DREDGE AREA

APPROXIMATE SCALE: 1" = 140'
0' 70' 140' 280'

26TH STREET CANAL ASSOCIATION
ISLE OF PALMS, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

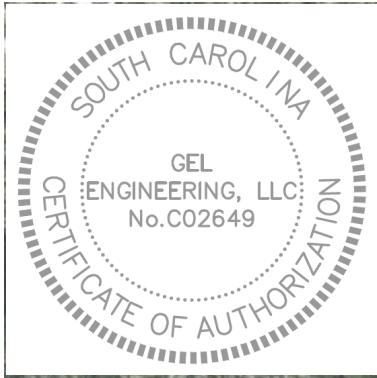
AT: 26th AVENUE CANAL

IN: ATLANTIC INTRACOASTAL
WATERWAY

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 4

DATE: 07/13/2021



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

PURPOSE: MAINTENANCE DREDGING	FIGURE 4	PROPOSED: MAINTENANCE DREDGING
<u>ADJACENT PROPERTY OWNERS:</u> - SEE ATTACHED LIST	POTENTIAL PLACEMENT SITES	AT: 26th AVENUE CANAL
	NOT TO SCALE	IN: ATLANTIC INTRACOASTAL WATERWAY
SURVEY DATUM: NAV88	26TH STREET CANAL ASSOCIATION ISLE OF PALMS, SOUTH CAROLINA	COUNTY OF: CHARLESTON SOUTH CAROLINA
		SHEET: 4 OF 4
		DATE: JULY 7, 2021