

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: P/N SAC-2021-00768

October 15, 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. Benjamin Smith
City of Charleston
2 George Street
Charleston, South Carolina 29201

for the excavation/dredging and discharge of dredged into an

Unnamed Tributary of Wappoo Creek

at 100 Folly Road Boulevard in Charleston, Charleston County, South Carolina (Latitude: 32.7751 °, Longitude: -79.9755 °) (**Charleston 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.

The proposed work consists of the excavation of 1,100 feet of tidal waters for the establishment/re-establishment of a stormwater conveyance channel in tidal waters. In detail, the proposed work involves the excavation of 1) a new 200 linear foot X 10 foot channel, impacting 2000 square feet of vegetated areas, 2) 520 linear foot X 2 foot channel through unvegetated areas within the existing channel banks, 3) a new 50 linear foot X 10 foot channel, impacting 500 square

feet of vegetated areas, and 4) a new 280 linear foot X 2 foot through unvegetated areas. The proposed project will impact approximately 0.1 acre (800 cubic yards) of tidal waters. The applicant stated that the trapezoidal channel will be constructed via a combination of hydro-excavation, temporary matting and minor excavation using a small marsh excavator. The excavated material will be hauled to an offsite disposal area by a vacuum truck. The average depth of the channel will be less than 2 feet and the average top width will be less than 10 feet, depending on the existing elevation of the area being re-established. The offsite disposal area (site map attached) is located on Milford Street in Charleston. The disposal site will not be contained and runback from the excavated material may discharge into the Ashley River via a ditch and pipe. The applicant stated that the purpose of the proposed project to improve drainage and alleviate flooding of properties on Fenwick and Yeamans Road.

The purpose of the proposed project is to improve drainage and address flooding issues in the surrounding area. The applicant, the City of Charleston, stated that they are responding to repeated flooding events in the Windemere neighborhood of West Ashley. The Windemere neighborhood is partially comprised of two (2) drainage basins which outfall at the referenced tidal ditch. This outfall starts at Folly Road Blvd (100 Folly Blvd) and traverses to William Ackerman Lane and then to Wappoo Creek. The ditch section between Folly Road Blvd and William Ackerman is the portion of the outfall they are attempting to restore or re-establish to provide a more positive conveyance. Over the years this section of the outfall has become silted in and overgrown with vegetation. Since the conveyance is tidal, the applicant expects the outfall to be able to properly drain during low tide events. The applicant is also attempting to re-establish a small section of the conveyance downstream of William Ackerman Lane so that it may release to the main tributary. The work being proposed would improve the connection between the Folly Road Blvd and the William Ackerman outfalls.

The applicant is proposing the following maintenance procedures and avoidance and minimization measures:

1. Obtain permit from OCRM – To ensure that the proposed work will be authorized, obtaining authorization from OCRM to perform the work is of paramount importance.
2. Tree removal – As many scrub trees and other thick undergrowth have grown in the marsh, these will need to be removed before the drainage channel can be re-established. This step will only be performed as needed in areas where the new channel will be established.
3. Temporary Structures – Four (4) foot wide temporary matting will be installed on the edge of the existing channel bank for access to the hydroexcavation contractors. This matting will be removed as soon as all maintenance work is complete.
4. Construction Maintenance – A combination of hydroexcavation, temporary matting and minor excavation using a small marsh excavator will be performed to remove the existing sediment along the proposed alignment and to the proposed depth and geometry.
5. Sediment disposal – The sediment will be dewatered at the city's dewatering bed and properly disposed. The City's dewatering bed is located at the City's Public Works Facility on Milford Street. The dewatering bed has a capacity of more than 700 cubic yards.
6. Frequency of Continued Maintenance – The City will initially set the frequency of continued maintenance every 3 – 5 years for clearing and re-establishment. The condition of the channel will be inspected yearly to determine if more frequent cleaning is needed. The detailed maintenance occurring every 3 – 5 years will consist of temporary matting for access and minor excavation using a small amphibious excavator. Additional hydroexcavation may be required based on the condition of the channel.
7. Photographic Monitoring Plan – The City will monitor/inspect the channel on a yearly basis.

During this inspection, photographs will be taken and shall include coordinate locations to document the recovery of the impacted areas.

The applicant is not proposing compensatory mitigation as the impacts to vegetated areas are less than 0.1 acre.

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 **approximately 0.1** 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.

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 Atlantic sturgeon (*Acipenser oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*), green sea turtle (*Chelonia mydas*), Kemp's Ridley (*Lepidochelys kempii*), and leatherback sea turtle (*Dermochelys coriacea*) and will not result in the destruction or adverse. 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. Additionally, the District Engineer has determined that the project is not likely to adversely affect American wood stork (*Mycteria americana*), red knot (*Calidris canutus rufa*), piping plover (*Charadrius melodus*), West Indian manatee (*Trichechus manatus*), and eastern black rail (*Laterallus jamaicensis jamaicensis*).

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.

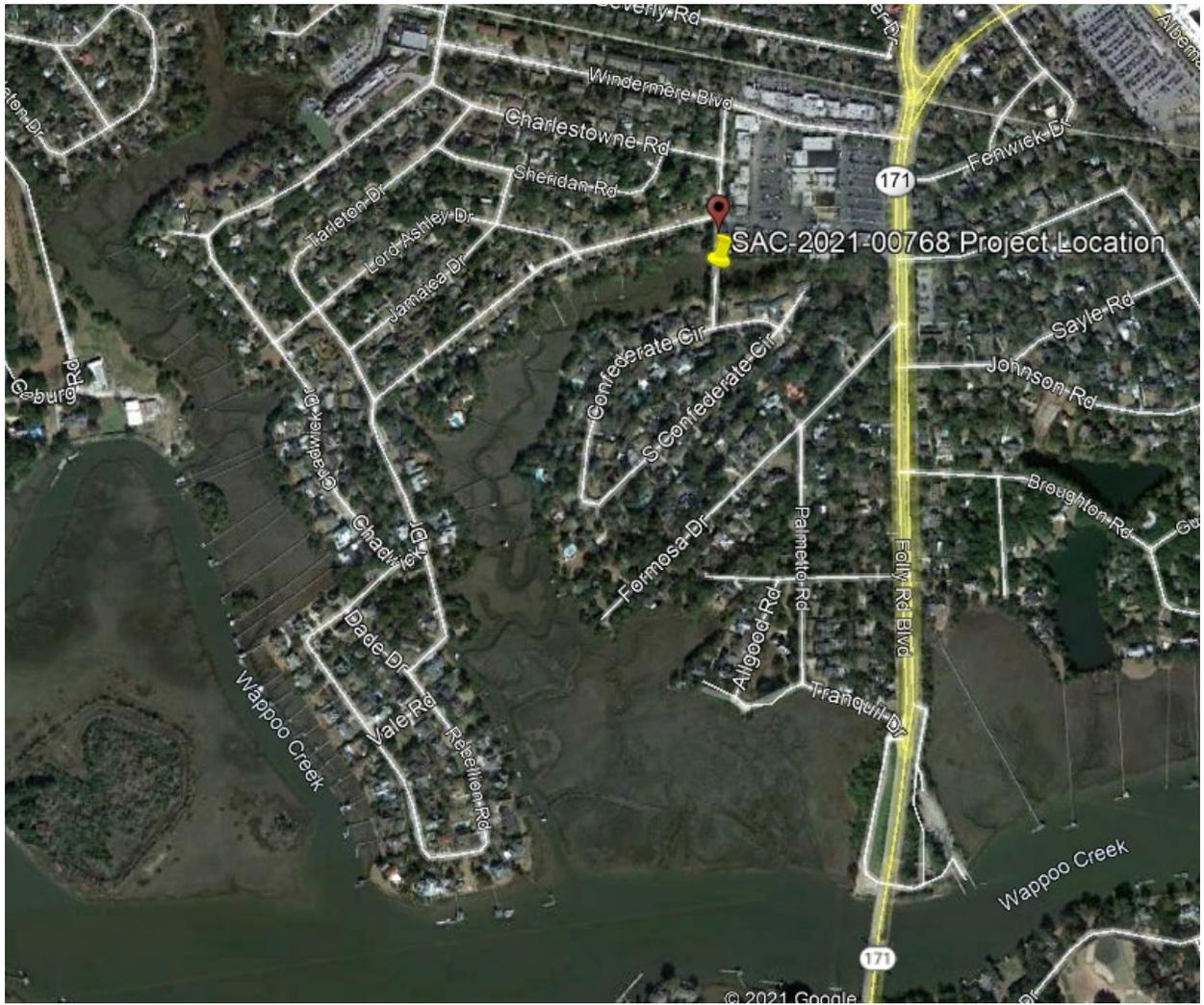
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

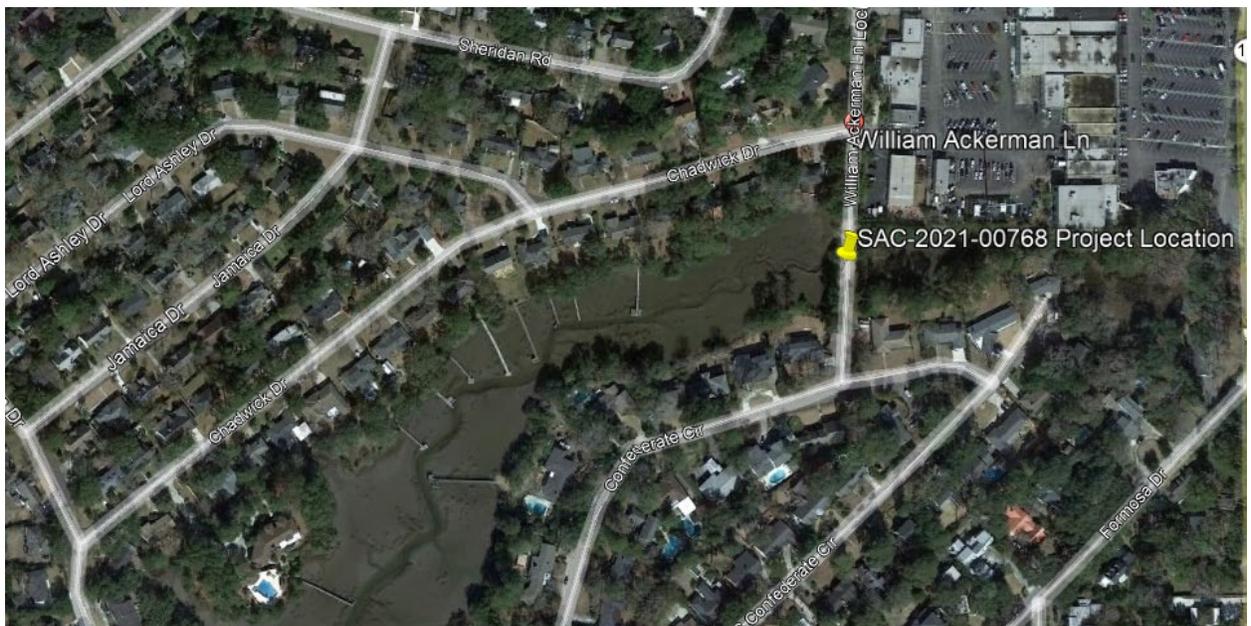
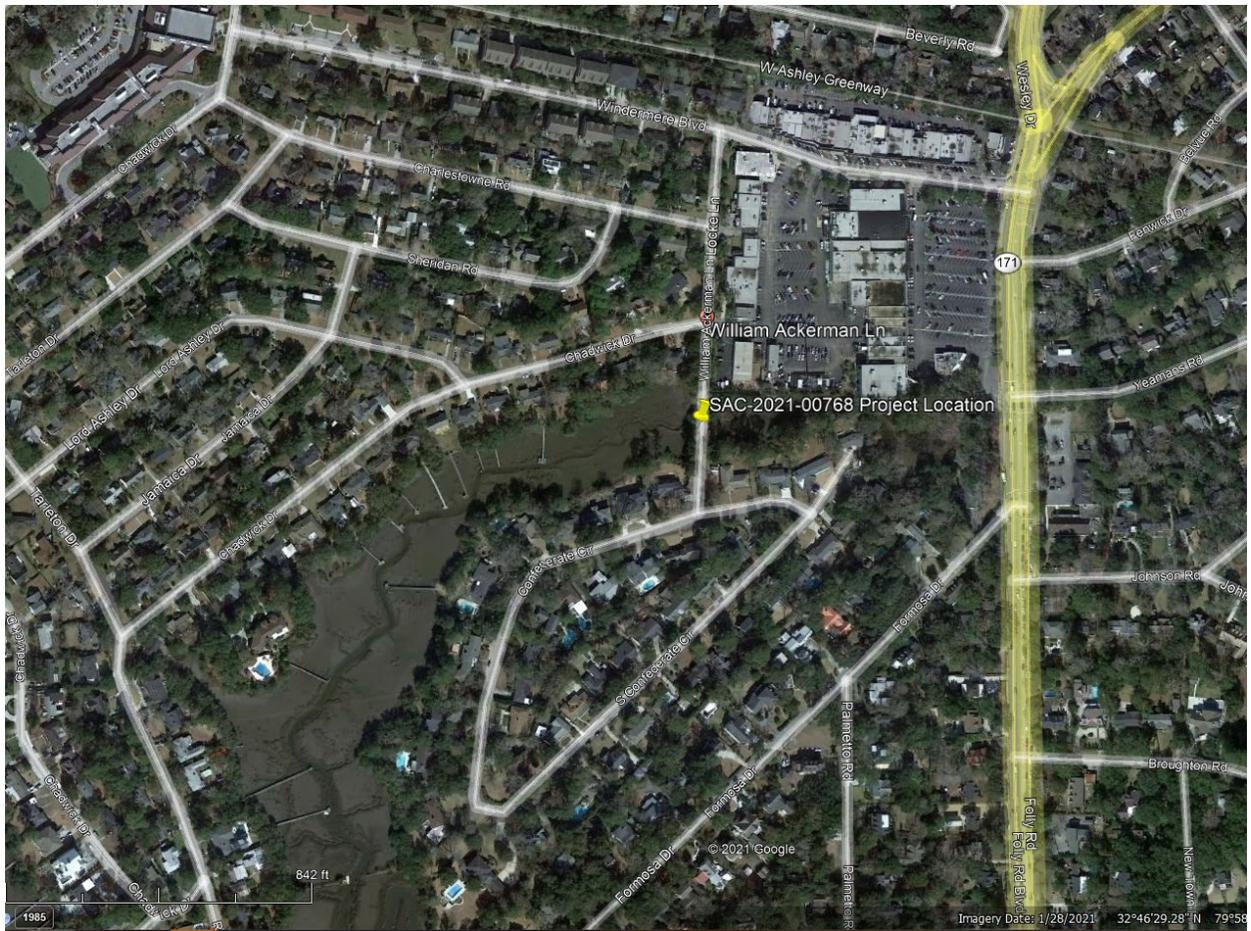
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act 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.

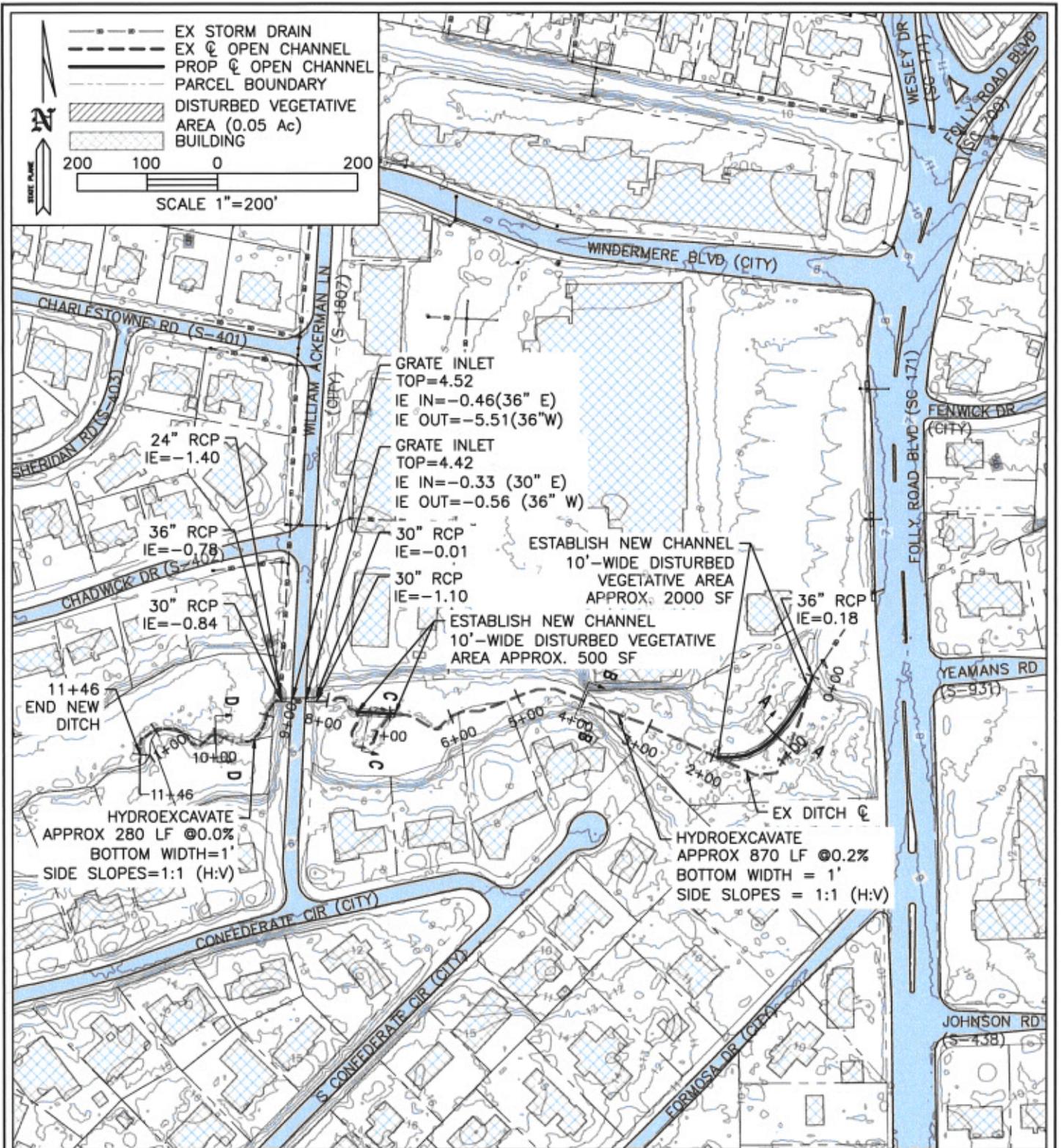
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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, SC 29403-5107**

If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at (843) 329-8190, **toll free at 1-866-329-8187**, or by email at Tracy.D.Sanders@usace.army.mil.



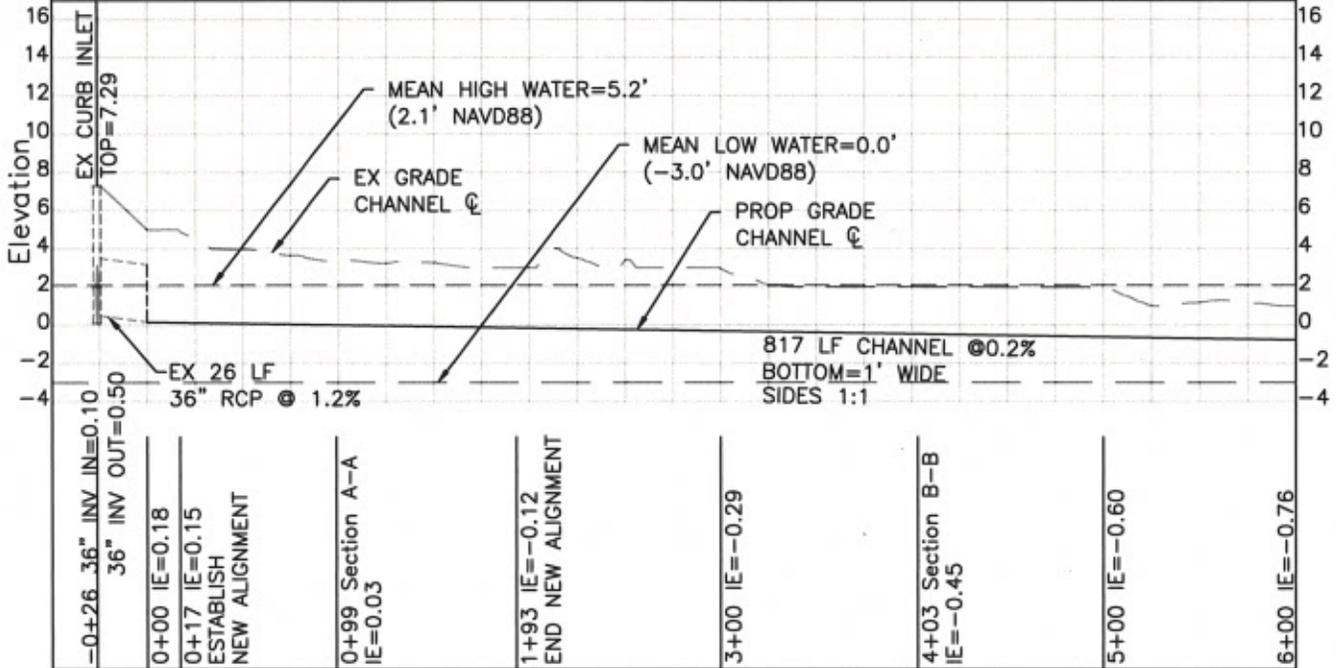




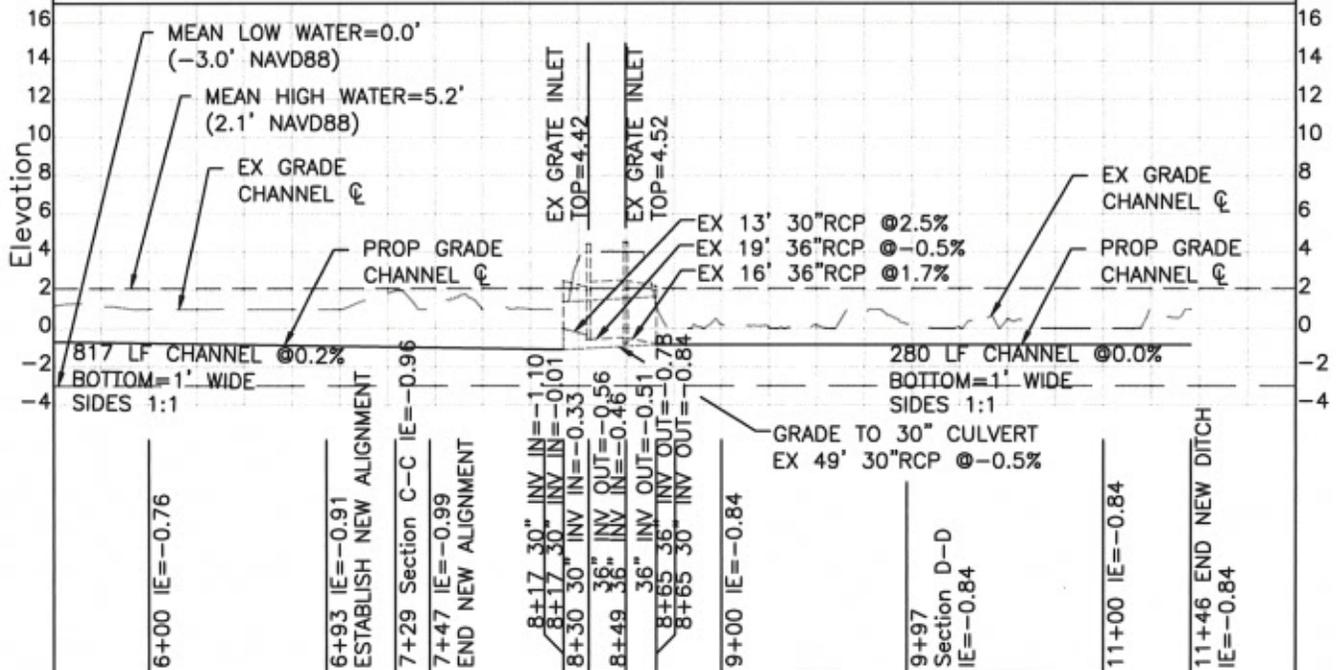
SOUTH WINDERMERE OUTFALL DRAINAGE RE-ESTABLISHMENT PLAN VIEW

NO.	REVISED	BY		APPLICANT: CITY OF CHARLESTON DEPARTMENT OF STORMWATER MANAGEMENT 2 GEORGE STREET, CHARLESTON, SC 29401-3506 SOUTH WINDERMERE SUBDIVISION CITY OF CHARLESTON CHARLESTON COUNTY, SC	APPROVED  BENJAMIN L. SMITH, PE SENIOR PROJECT ENGINEER	
DRAWN BY: MMW				DATE: MAY 20, 2021	SCALE: 1"=200'	PAGE No.: 1 OF 3
CHECKED: BLS						

Proposed Channel Profile (STA -0+50 to STA 6+00)



Proposed Channel Profile (STA 5+50 to STA 12+50)



SOUTH WINDERMERE OUTFALL DRAINAGE RE-ESTABLISHMENT PROFILE VIEW

NO.	REVISED	BY

DRAWN BY: MMW
 CHECKED: BLS

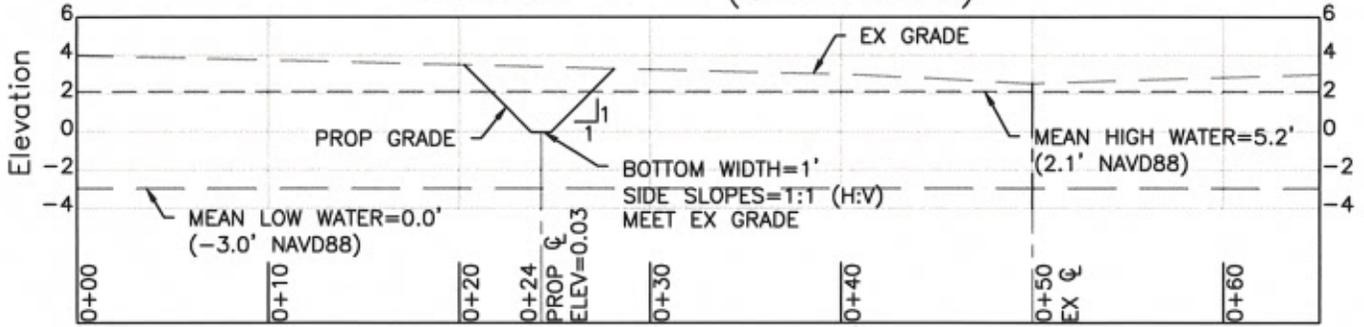


APPLICANT: CITY OF CHARLESTON
 DEPARTMENT OF STORMWATER MANAGEMENT
 2 GEORGE STREET, CHARLESTON, SC 29401-3506
 SOUTH WINDERMERE SUBDIVISION
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 CHARLESTON COUNTY, SC

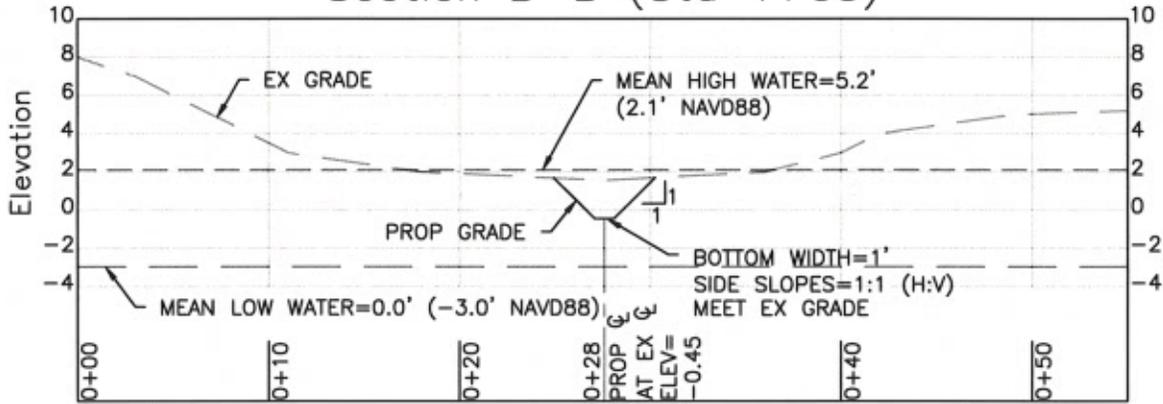
APPROVED

 BENJAMIN L. SMITH, PE
 SENIOR PROJECT ENGINEER
 DATE: MAY 20, 2021
 SCALE: H:1"=100' PAGE No: 2 OF 3
 V:1"=10'

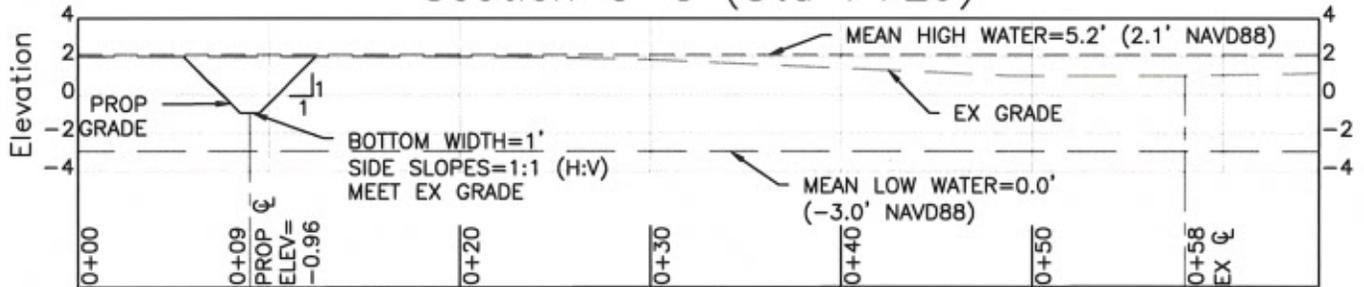
Section A-A (Sta 0+99)



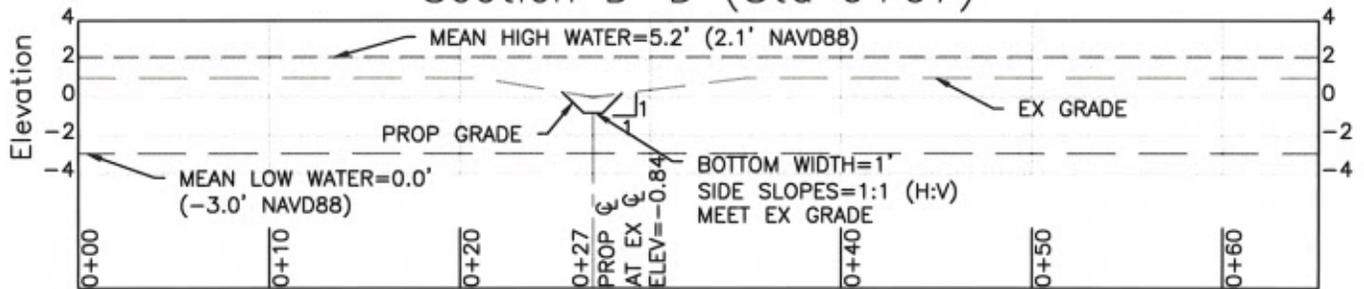
Section B-B (Sta 4+03)



Section C-C (Sta 7+29)



Section D-D (Sta 9+97)



SOUTH WINDERMERE OUTFALL DRAINAGE RE-ESTABLISHMENT SECTION VIEWS

NO.	REVISED	BY

DRAWN BY: MMW
CHECKED: BLS

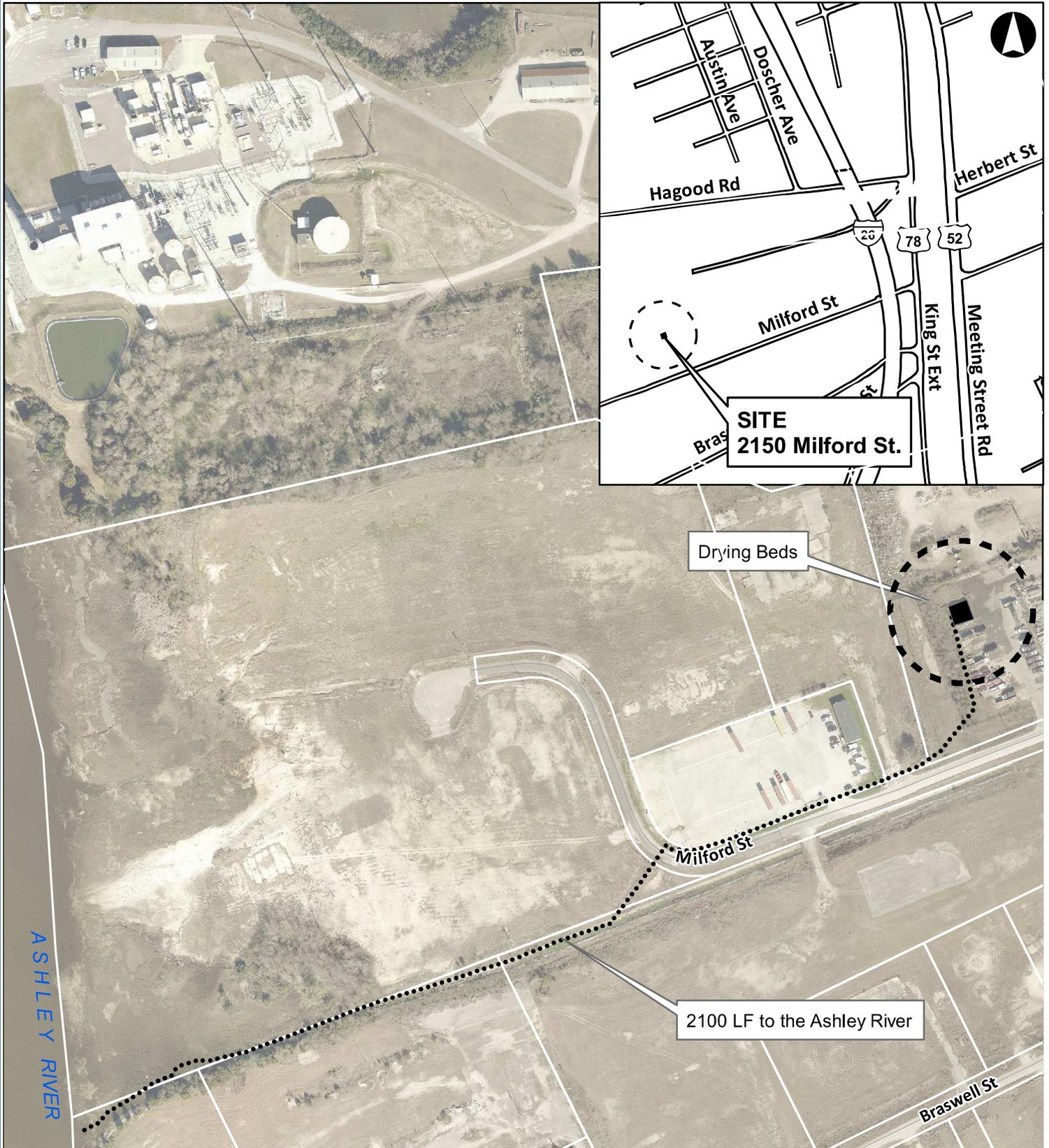


APPLICANT: CITY OF CHARLESTON
DEPARTMENT OF STORMWATER MANAGEMENT
2 GEORGE STREET, CHARLESTON, SC 29401-3506
SOUTH WINDERMERE SUBDIVISION
CITY OF CHARLESTON
CHARLESTON COUNTY, SC

APPROVED
Benjamin L. Smith
BENJAMIN L. SMITH, PE
SENIOR PROJECT ENGINEER
DATE: MAY 20, 2021
SCALE: H: 1" = 10' PAGE No: 3 OF 3
V: 1" = 10'

SOUTH WINDERMERE OUTFALL RE-ESTABLISHMENT PROJECT

Milford Street Drying Beds



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City of Charleston
 Department of Public Service
 Engineering Division
 2 George St, Suite 2100
 Charleston, SC 29401
 www.charleston-sc.gov



1 inch = 250 feet

Date: 3/15/2019

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ASHLEY RIVER

2100 LF to the Ashley River

Drying Beds

SITE
 2150 Milford St.