

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-2021-01539

September 15, 2022

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, 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. Steve Hirsch
Seabrook Island Property Owner Association
1202 Land Fall Way
Johns Island, South Carolina 29455

for a permit to restore a portion of beach along the

Atlantic Ocean

at a location between the Seabrook Beach Club and Beach Court on Seabrook Island, Charleston County, South Carolina (Latitude: 32.5629 °, Longitude: -80.1623 °), Rockville 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 is to restore a dry sand beach along an exposed seawall for the purposes of erosion mitigation as well as habitat restoration.

Project Description

The proposed work consists of restoring a portion of eroding beach through sand scraping. In detail, the applicant proposes to harvest sand from an accretional portion of the beach between the placement area and Captain Sams Inlet. The applicant proposes to utilize up to 25 acres of exposed intertidal beach (North Beach) to harvest up to a cumulative total of 300,000 cubic yards of sand in three discrete events over the course of five years. The sand will be transferred to the eroding section of South Beach (approximately 10 acres) by land-based equipment working between mean low water and mean high water along the intertidal beach to minimize impacts to dry-beach habitat. The multiple small-scale sand transfer events will occur during winter months when biological productivity is low. The sand will be transferred by off-road trucks along designated haul paths established with the applicant, USFWS, and SCDNR. The proposed borrow area will likely be restored naturally as shallow bars from the migrating delta of Captain Sams Inlet shift downcoast into the project area. Another inlet relocation is anticipated between 2025 and 2030, so the proposed project will be scaled to provide an interim solution to the chronic erosion along portions of Seabrook Island. It will also reduce the offset of shoreline position between the placement and borrow areas, thereby increasing shoreline stability in the near term and allowing the applicant to improve natural beach-dune habitats.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by minimizing the project footprint to avoid heavy equipment in the marsh, dunes, or areas used by shorebirds. Further, the applicant is maintaining designated haul paths between the excavation site and the fill site to limit impacts to shorebirds and beach fauna. The applicant plans to construct the project on a schedule set by the USFWS to limit impacts to sea turtles and shorebirdw. The applicant will implement a short construction window to reduce project impacts. Lastly, the applicant will implement site safety/ environmental protection measures to prevent spills and/or other pollution.

Proposed Compensatory Mitigation

The applicant is not proposing mitigation due to the restorative nature of the proposed project offsetting temporary impacts during construction. To document the recovery of the system following construction, the applicant proposes the following monitoring plan: 1) annual orthophotography of the project area pre- and post-project, as well as for three years following the project. 2) Limited habitat mapping of Captain Sams Inlet areas of subtidal creeks, intertidal flats, vegetated marsh, and beach for each annual orthophotograph. Letter reports will be prepared following each monitoring event that provide graphical and tabular accounts of habitat changes over time. Report will be provided to regulatory and resource agencies within 90 days of data collection.

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 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 Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 35 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 may have an adverse affect on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). An Essential Fish Habitat assessment (or other similar document) detailing our analysis of the potential adverse effects of the action will be provided to the National Marine Fisheries Service. 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, American wood stork, Bachman's warbler, Eastern black rail, piping plover, red-cockaded woodpecker, Rufa red knot, Atlantic sturgeon, shortnose sturgeon, finback whale, humpback whale, Northern long-eared bat, North Atlantic right whale, sei whale, sperm whale, West Indian manatee, American chaffseed, Canby's dropwort, pondberry, seabeach amaranth, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle.

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 the frosted flatwoods salamander, American wood stork, Bachman's warbler, Eastern black rail, red-cockaded woodpecker, finback whale, humpback whale, right whale, sei whale, sperm whale, American chaffseed, Canby's dropwort, and pondberry and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect the seabeach amaranth, green sea turtle, leatherback sea turtle, Kemp's Ridley sea turtle, loggerhead sea turtle, Atlantic sturgeon and shortnose sturgeon, and the West Indian manatee, 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 may affect the piping plover and rufa red knot and/or designated critical habitat of piping plover. 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.

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

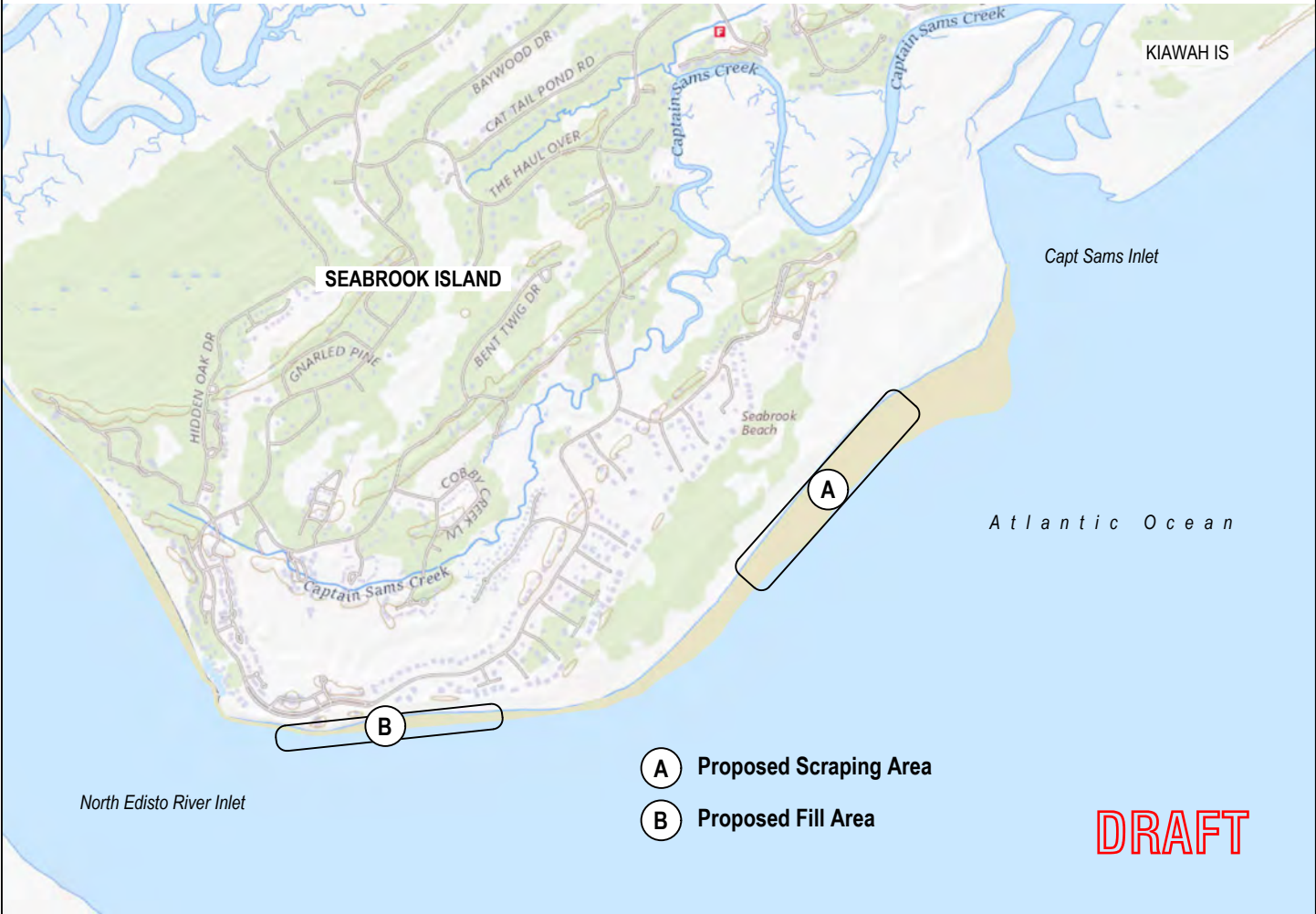
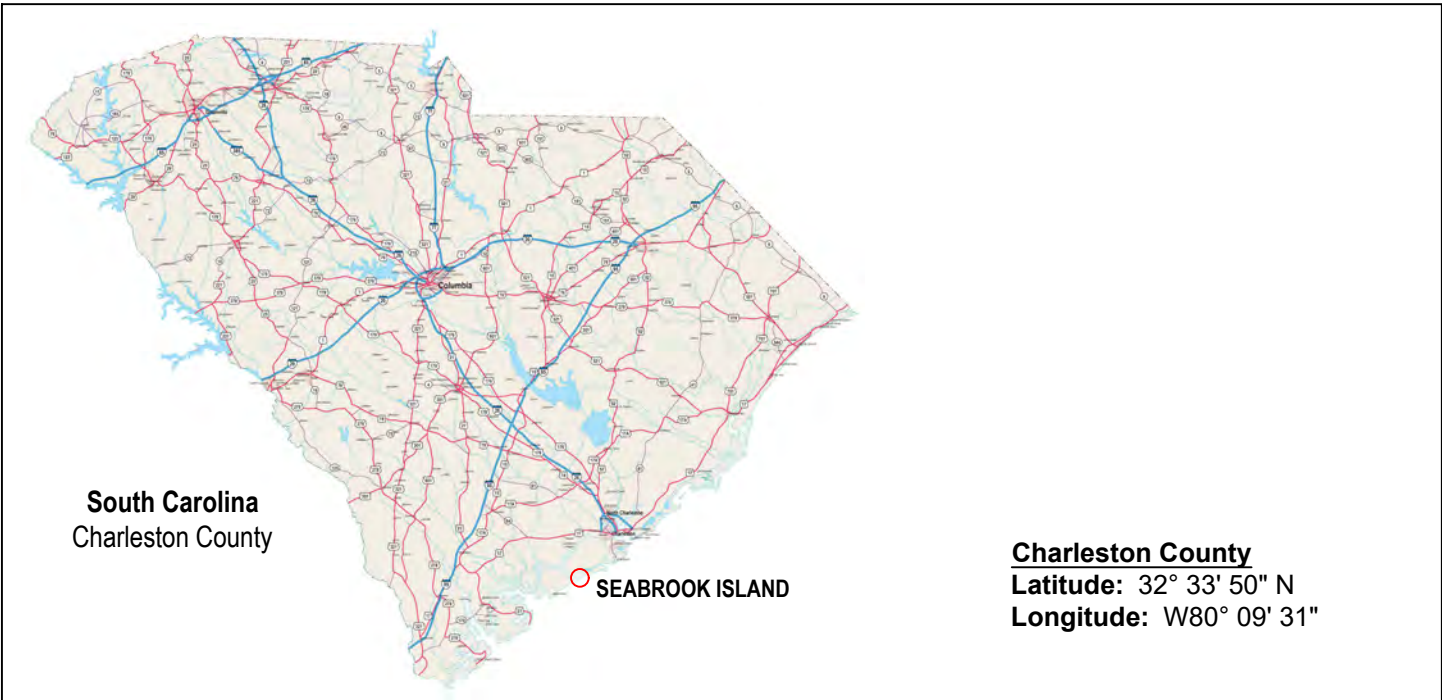
The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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-2021-01539), to Chelsea.B.Fannin@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 Chelsea B. Fannin, Project Manager, at (843) 329-8038, or by email at Chelsea.B.Fannin@usace.army.mil.



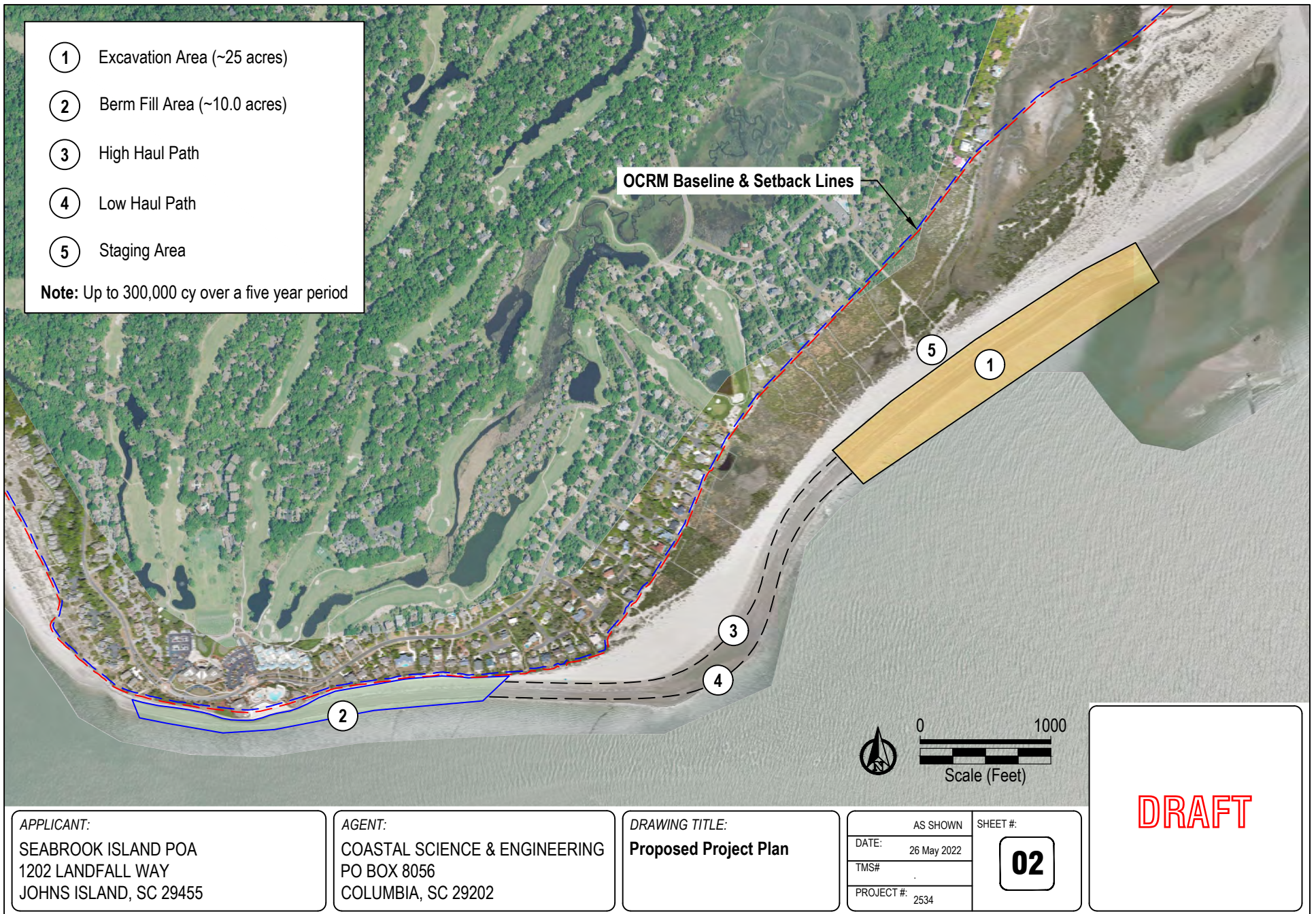
APPLICANT:
SEABROOK ISLAND POA
1202 LANDFALL WAY
JOHNS ISLAND, SC 29455

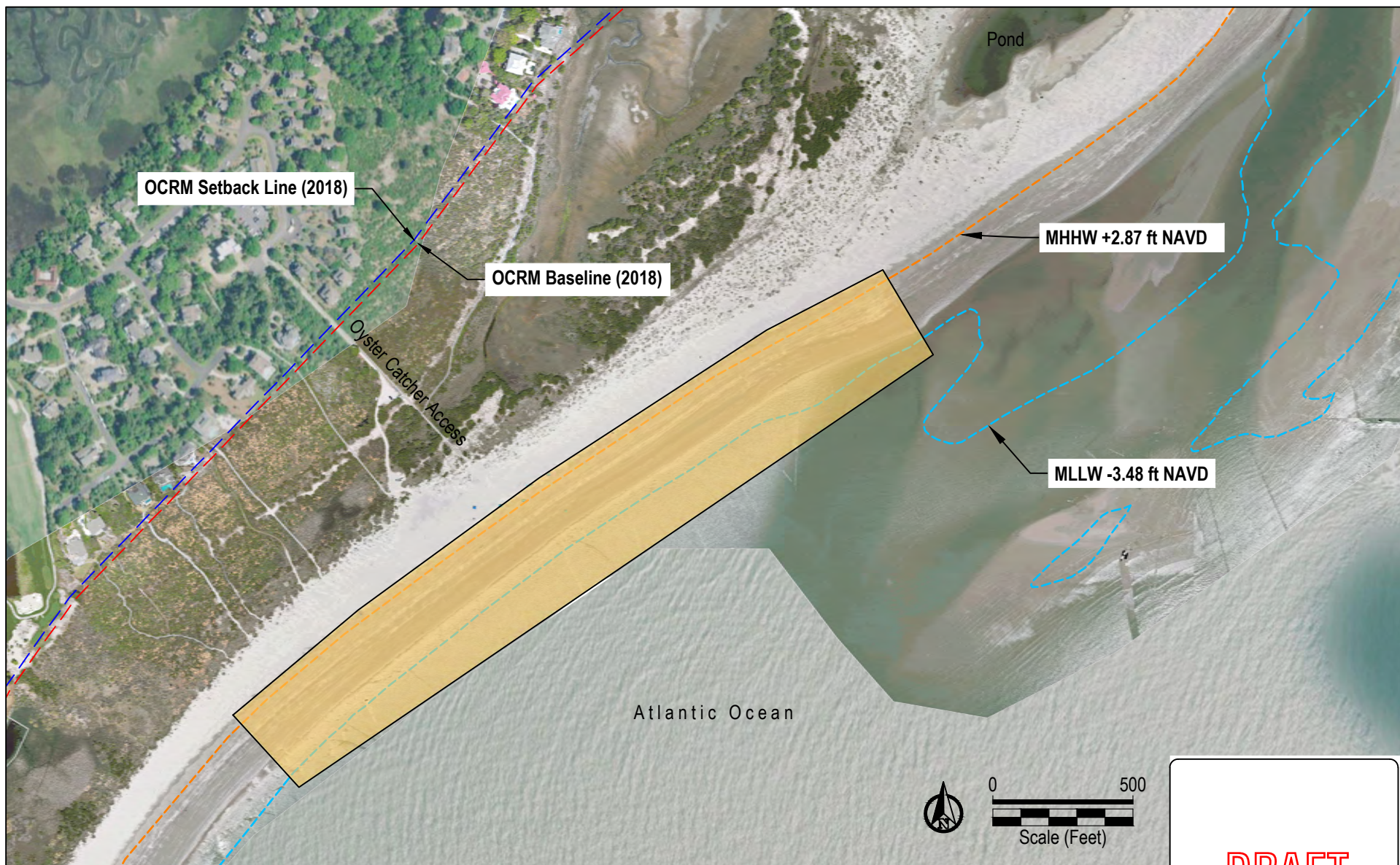
AGENT:
COASTAL SCIENCE & ENGINEERING
PO BOX 8056
COLUMBIA, SC 29202

DRAWING TITLE:
Vicinity Map

SCALE: AS SHOWN
DATE: 26 May 2022
By: TH
PROJECT #: 2534

FIGURE #:
01





APPLICANT:
SEABROOK ISLAND POA
1202 LANDFALL WAY
JOHNS ISLAND, SC 29455

AGENT:
COASTAL SCIENCE & ENGINEERING
PO BOX 8056
COLUMBIA, SC 29202

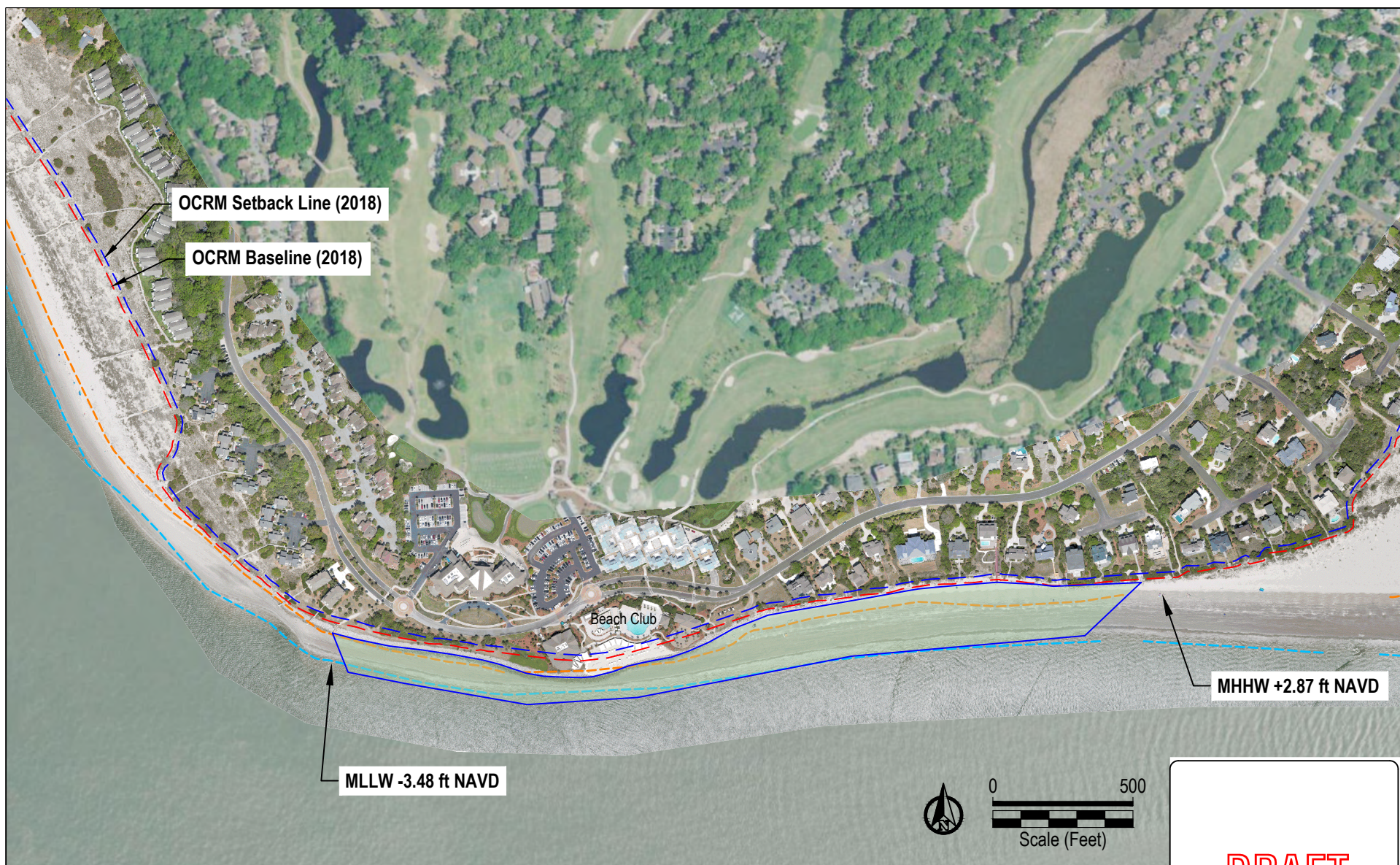
DRAWING TITLE:
Proposed Excavation Area

AS SHOWN
DATE: 26 May 2022
TMS#
PROJECT #: 2534

SHEET #:

03

DRAFT



APPLICANT:
SEABROOK ISLAND POA
1202 LANDFALL WAY
JOHNS ISLAND, SC 29455

AGENT:
COASTAL SCIENCE & ENGINEERING
PO BOX 8056
COLUMBIA, SC 29202

DRAWING TITLE:
Proposed Berm Fill Area

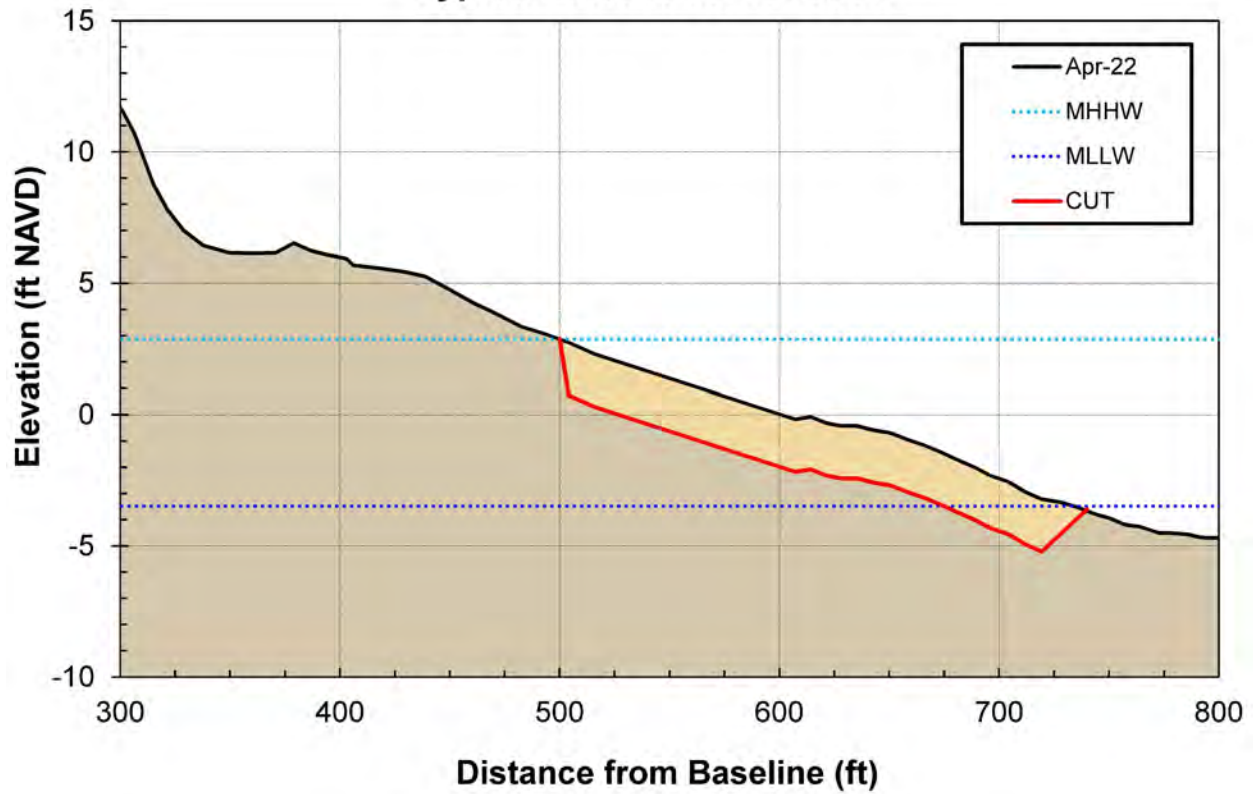
AS SHOWN
DATE: 26 May 2022
TMS#
PROJECT #: 2534

SHEET #:

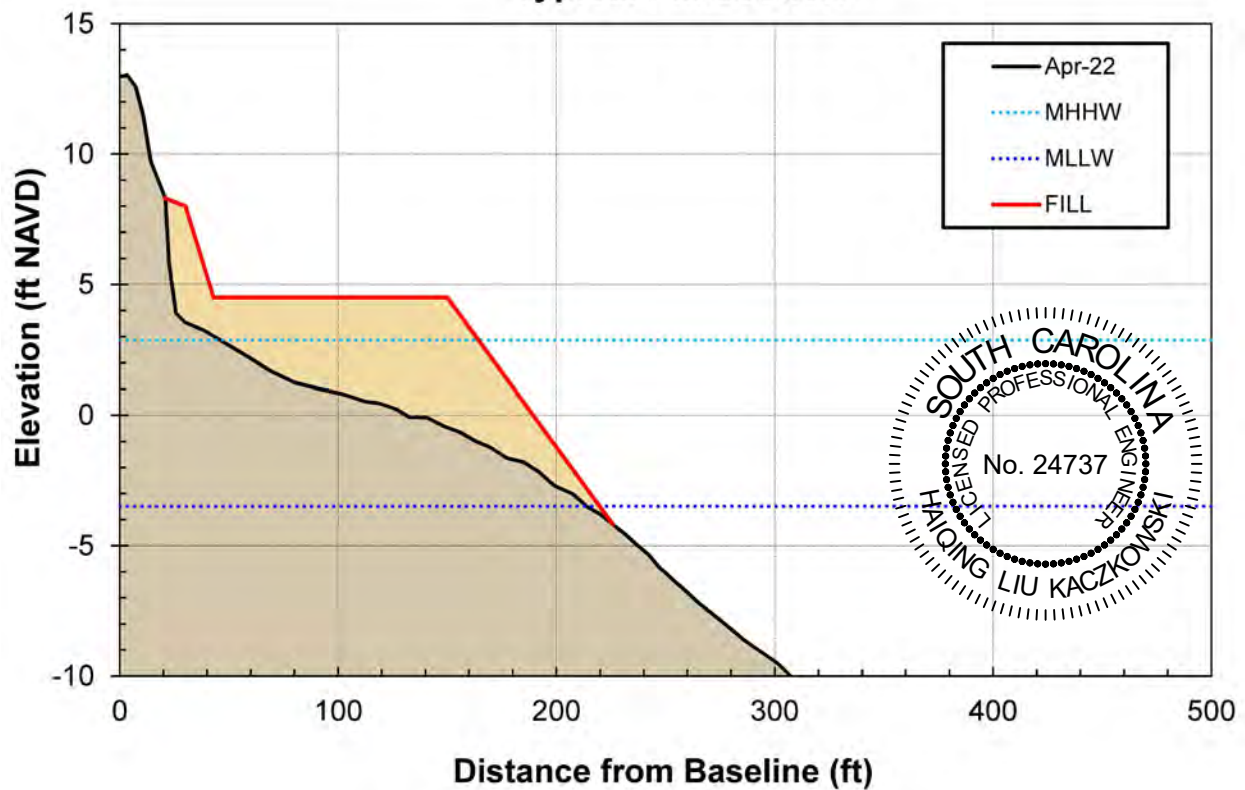
04

DRAFT

Typical Excavation Section



Typical Fill Section



APPLICANT:
SEABROOK ISLAND POA
1202 LANDFALL WAY
JOHNS ISLAND, SC 29455

AGENT:
COASTAL SCIENCE & ENGINEERING
PO BOX 8056
COLUMBIA, SC 29202

DRAWING TITLE:
**Proposed Excavation
and Fill Sections**

SCALE: AS SHOWN
DATE: 25 May 2022
By: TH
PROJECT #: 2534

FIGURE #:

05