

DEPARTMENT OF THE ARMY PERMIT

**Permittee: THE CITY OF THE ISLE OF PALMS
C/O LINDA TUCKER**

**P. O. BOX 508
ISLE OF PALMS, SC 29451**

Permit No: 2010-1041-2IG

Issuing Office: CHARLESTON DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The proposed work consists of the excavation and transfer of a total of 500,000 cubic yards of sand material from an accreting shoal by land based equipment and placement of the material on approximately 30 acres of beach for shoreline protection. The applicant is limited to two events of up to 250,000 cubic yards and a total of 500,000 cubic yards of material in five years in accordance with the attached drawings entitled: Applicant: City of Isle of Palms, P O Drawer 508, Isle of Palms, SC 29451. Sheets 1 thru 8 of 8 dated October 2010.

Project Location:

The project site is located in waters of the Atlantic Ocean along the shoreline of the northeastern end of the Isle of Palms between 53rd Avenue and the existing groin near the 17th tee of The Links golf course, Charleston County, South.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **31 March 2017**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

SEE PAGES 4, 5 & 6.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.


5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.


Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



 (PERMITTEE)
 THE CITY OF THE ISLE OF PALMS
 C/O LINDA TUCKER




 (DATE)



 PRINT NAME

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



 (DISTRICT ENGINEER)
 EDWARD P. CHAMBERLAYNE, P.E.
 or his Designee
 Tina B. Hadden
 Chief, Regulatory Division

MAR - 6 2012

 (DATE)

 (TRANSFEREE)

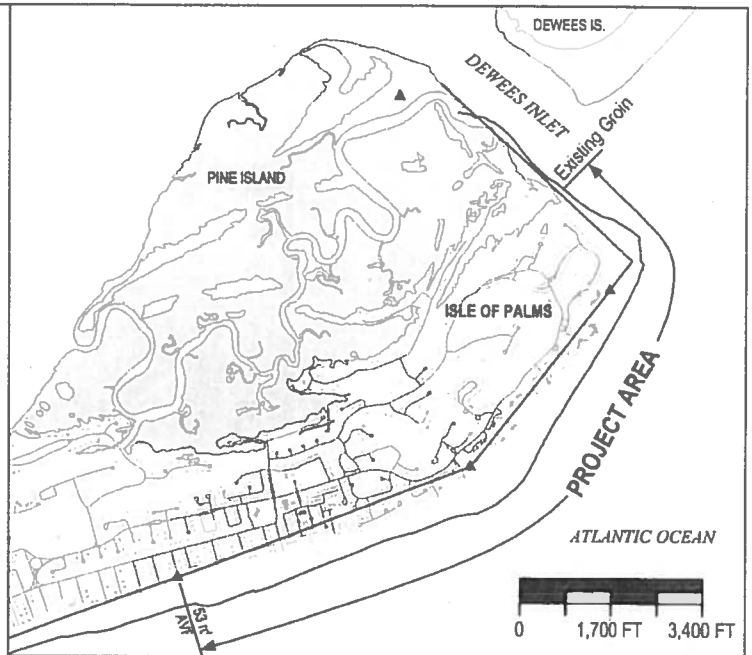
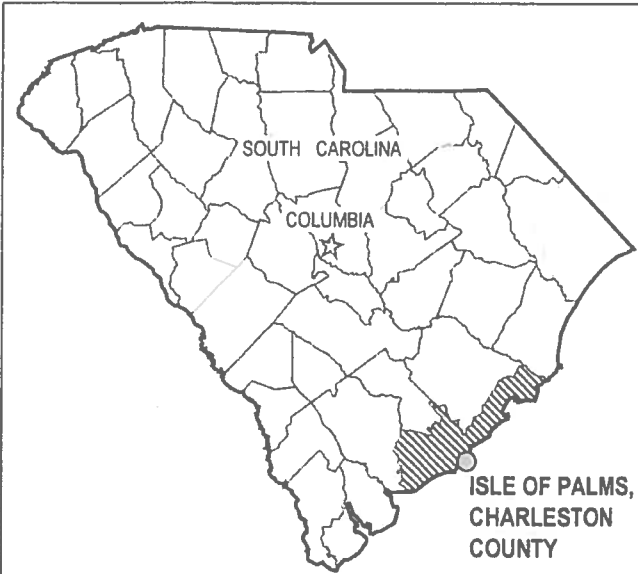
 (DATE)

SPECIAL CONDITIONS FOR PERMIT #: 2010-1041-2IG

- a. That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.
- b. That the permittee shall submit a signed compliance certification to the Corps within 60 days following completion of the authorized work and any required mitigation. The certification will include:
 1. A copy of this permit;
 2. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
 3. A statement that any required mitigation was completed in accordance with the permit conditions;
 4. The signature of the permittee certifying the completion of the work and mitigation.
- c. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- d. That the permittee recognizes that its commitment to perform and implement the following conditions was a deciding factor towards the favorable and timely decision on this permit and that the permittee recognizes that a failure on its part to both actively pursue and implement these conditions may be grounds for modification, suspension or revocation of this Department of the Army authorization:
 1. The applicant, using standard survey techniques (see enclosure), shall conduct two surveys of all lighting visible from the project area during the nesting season before and the nesting season after project construction. The first survey shall be conducted between May 1 and May 15, and a brief summary will be provided to the Corps, U. S. Fish and Wildlife Service (USFWS) and S.C. Department of Natural Resources (SCDNR). The second survey shall be conducted between July 15 and August 1. A summary report of the pre and post construction survey findings will be provided to the Corps, the USFWS and SCDNR.
 2. Sand compaction shall be monitored in the area of sand placement immediately after completion of the project and prior to May 1 for 3 subsequent years. Sand compaction monitoring results must be provided to the Corps and the USFWS. If tilling is needed, the area shall be tilled to a depth of 24 inches. Each pass of the tilling equipment shall be overlapped to allow more thorough and even tilling. All tilling activity shall be completed at least once prior to nesting season. An electronic copy of the results of the compaction monitoring shall be submitted to the Corps and USFWS prior to any tilling actions being taken. The requirement for compaction monitoring can be eliminated if the decision is made to till regardless of post construction compaction levels. Additionally, out-year compaction monitoring and remediation are not required if placed material no longer remains on the dry beach.
 - a. Compaction sampling stations shall be located at 500-foot intervals along the sand placement template. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station shall be midway between the dune line and the high water line (normal wrack line).

- b. At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports will include all 18 values for each transect line, and the final six averaged compaction values.
 - c. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area shall be tilled immediately prior to the dates listed above.
 - d. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the USFWS will be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required.
 - e. Tilling shall occur landward of the wrack line and avoid all vegetated areas 3 square feet or greater with a 3 square foot buffer around the vegetated areas.
3. Visual surveys for escarpments along the project area shall be made immediately after completion of the sand placement and within 30 days prior to May 1 for 3 subsequent years if sand in the project area still remains on the dry beach. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet shall be leveled and the beach profile shall be reconfigured to minimize scarp formation by the dates listed above. Any escarpment removal shall be reported by location. If the project is completed during the early part of the sea turtle nesting and hatching season, escarpments may be required to be leveled immediately, while protecting nests that have been relocated or left in place. The Corps and the USFWS shall be contacted immediately if subsequent reformation of escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet occurs during the nesting and hatching season to determine the appropriate action to be taken. If it is determined that escarpment leveling is required during the nesting or hatching season, the Service will provide a brief written authorization within 30 days that describes methods to be used to reduce the likelihood of impacting existing nests. An annual summary of escarpment surveys and actions taken shall be submitted to the Corps and the USFWS.
4. That the permittee agrees that the project is limited to two beach scraping events of up to 250,00 cubic yards each, with a combined total of 500,000 cubic yards of material to be transferred during the life of the permit.
5. That the permittee agrees that the permit will only be valid for five years from the date of issuance.
6. That the permittee agrees that the proposed work may only take place in the winter months from November 1 to March 31.

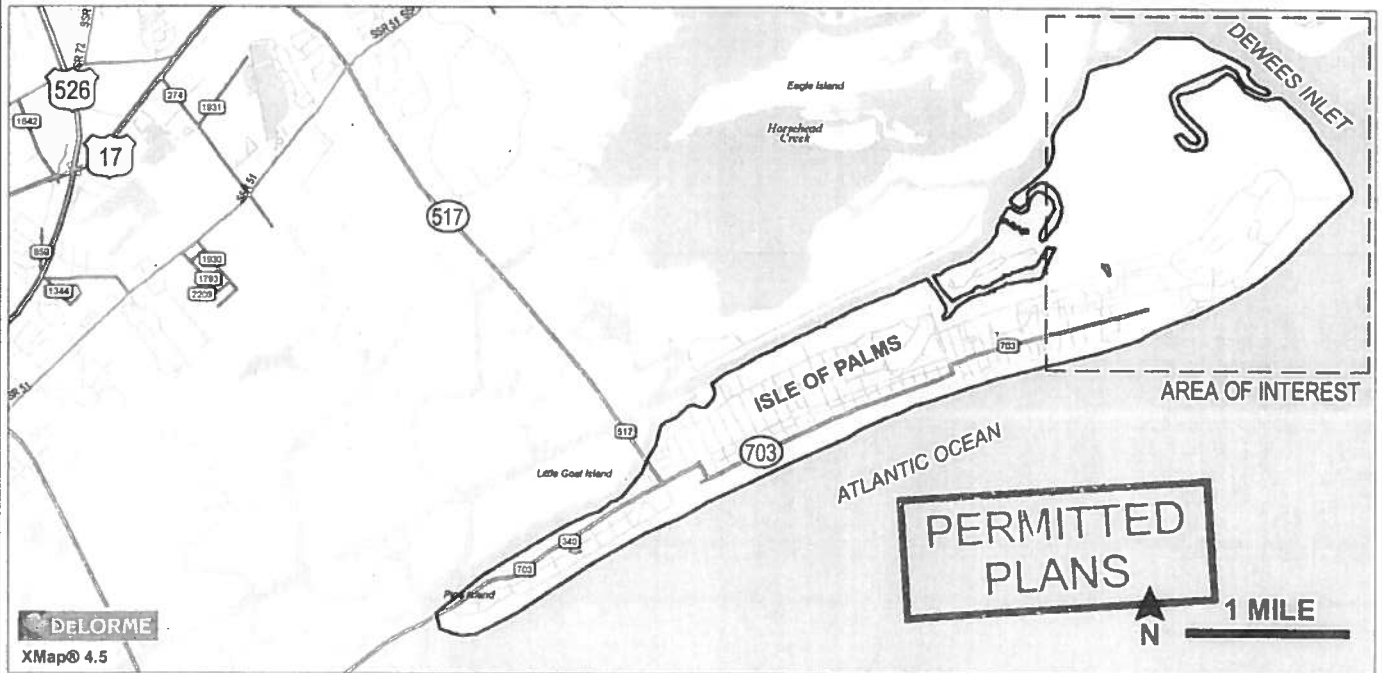
7. That the permittee agrees that the proposed work will only take place when the existing building line is 100' or less from the +5 ft NAVD contour line (approximate normal high tide swash line). The permittee must demonstrate this by providing the Corps a stamped and signed survey and pictures to document this condition before the work may begin.
8. That the permittee agrees that in addition to the current annual monitoring, the permittee agrees to conduct additional monitoring to include surveys immediately post-project and one year post-project. The additional monitoring will be limited to the project area between the dune line (or equivalent) and the low-tide wading depth (-6 Feet NAVD). Monitoring reports must be submitted to the Corps after each monitoring event.



AREA MAP

DIRECTIONS:

FROM CHARLESTON, TAKE US-17 NORTH. TURN RIGHT ONTO SC 517 (ISLE OF PALMS CONNECTOR). TURN LEFT ONTO PALM BLVD. SITE IS NORTHEAST OF 57TH AVE EXTENDING ALONG TO DEWEES INLET ON THE NORTHEAST END OF ISLE OF PALMS.

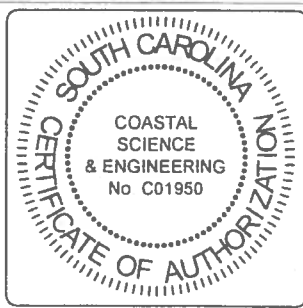


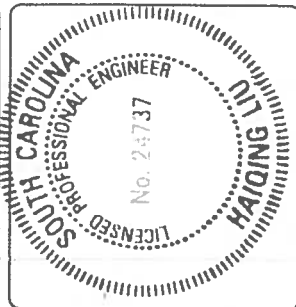
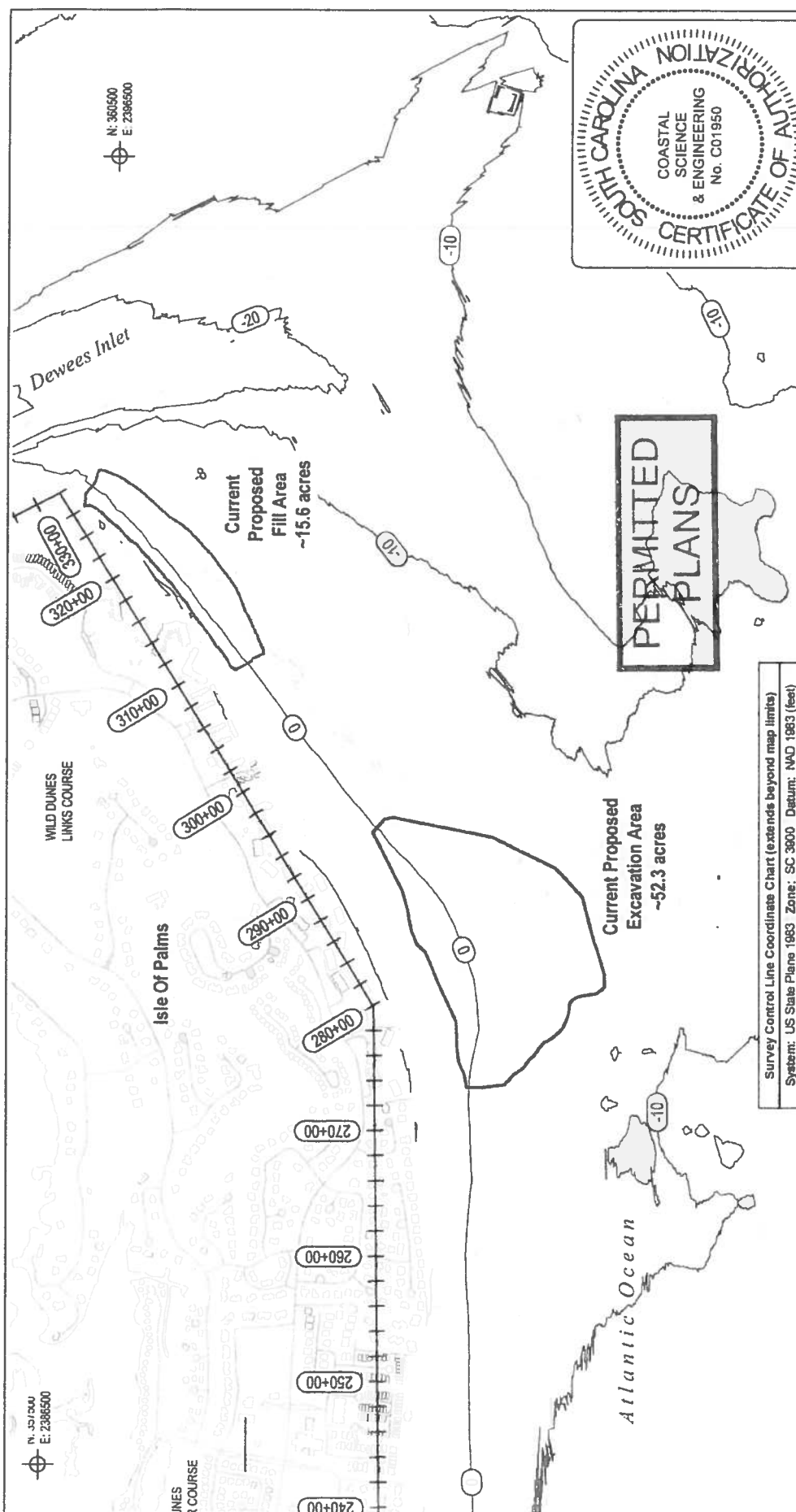
APPLICANT:
 CITY OF ISLE OF PALMS
 PO DRAWER 508
 ISLE OF PALMS SC 29451

DRAWING TITLE:
 VICINITY MAP

AGENT: P/N 1010...
 COASTAL SCIENCE & ENGINEERING
 PO BOX 8056
 COLUMBIA, SC 29202

SCALE: AS SHOWN
DATE: OCT 2010
TMS#
PROJECT #: 2300
SHEET #:
01





PERMITTED PLANS



SCALE:	AS SHOWN	SHEET #	02
DATE:	OCT 2010	TMS#	
PROJECT #:	2300		

Survey Control Line Coordinate Chart (extends beyond map limits)			
System: US State Plane 1983 Zone: SC 3900 Datum: NAD 1983 (feet)			
NAME	NORTHING	EASTING	
3159 B (not shown)	354,203.210	2,385,426.650	
3173 B (not shown)	356,249.067	2,390,843.494	
280+00	360,015.890	2,393,834.150	
328+00	360,015.890	2,393,834.150	
376+00	363,234.120	2,390,272.840	

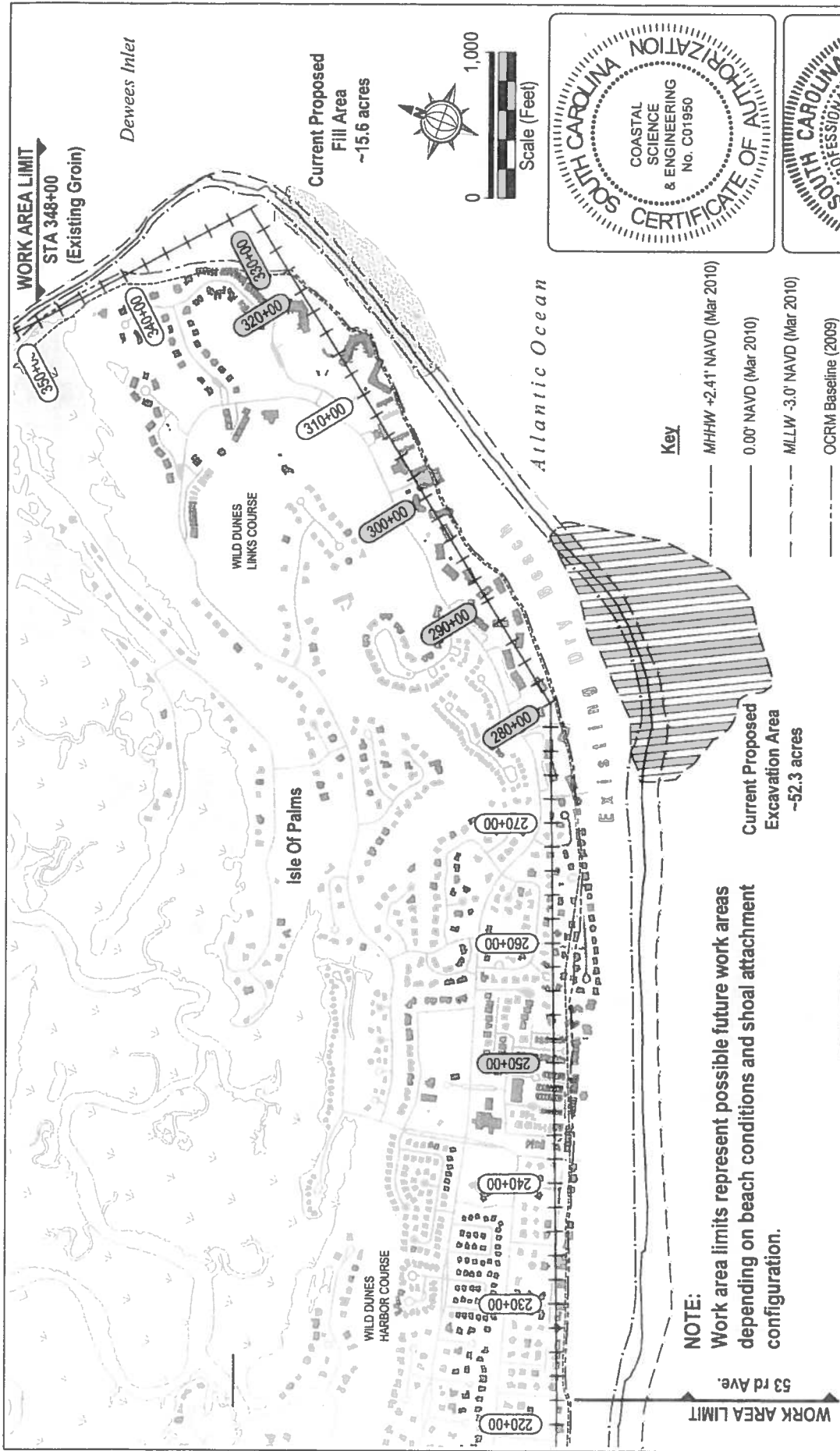
DRAWING TITLE:
AREA CONTOUR MAP

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

DATUM:
 Horizontal: SPCS NAD '83 (Feet) SC Zone 3900
 Vertical: NAVD '88 (Feet)

Contours shown based on data collected by Coastal Science & Engineering, Inc via RTK GPS March 2010.

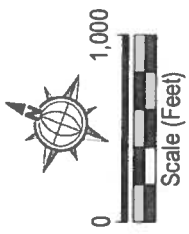
APPLICANT:
 CITY OF ISLE OF PALMS
 1207 PALM BOULEVARD
 ISLE OF PALMS, SC 29451



WORK AREA LIMIT
STA 348+00
(Existing Groin)

Deweese Inlet

Current Proposed
Fill Area
~15.6 acres



Atlantic Ocean

WILD DUNES
LINKS COURSE

Isle Of Palms

WILD DUNES
HARBOR COURSE

EXISTING DIVISION

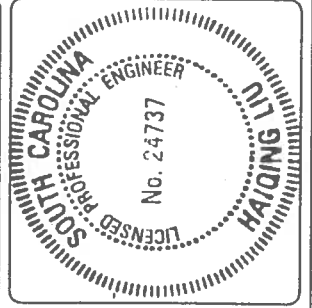
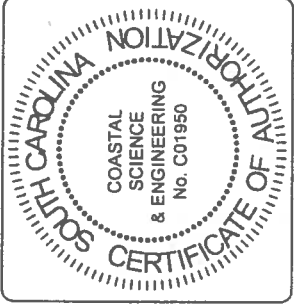
Key

- MHHW +2.41' NAVD (Mar 2010)
- 0.00' NAVD (Mar 2010)
- MLLW -3.0' NAVD (Mar 2010)
- OCRM Baseline (2009)
- OCRM Setback Line (2009)

Current Proposed
Excavation Area
~52.3 acres

NOTE:
Work area limits represent possible future work areas
depending on beach conditions and shoal attachment
configuration.

WORK AREA LIMIT
53 rd Ave.



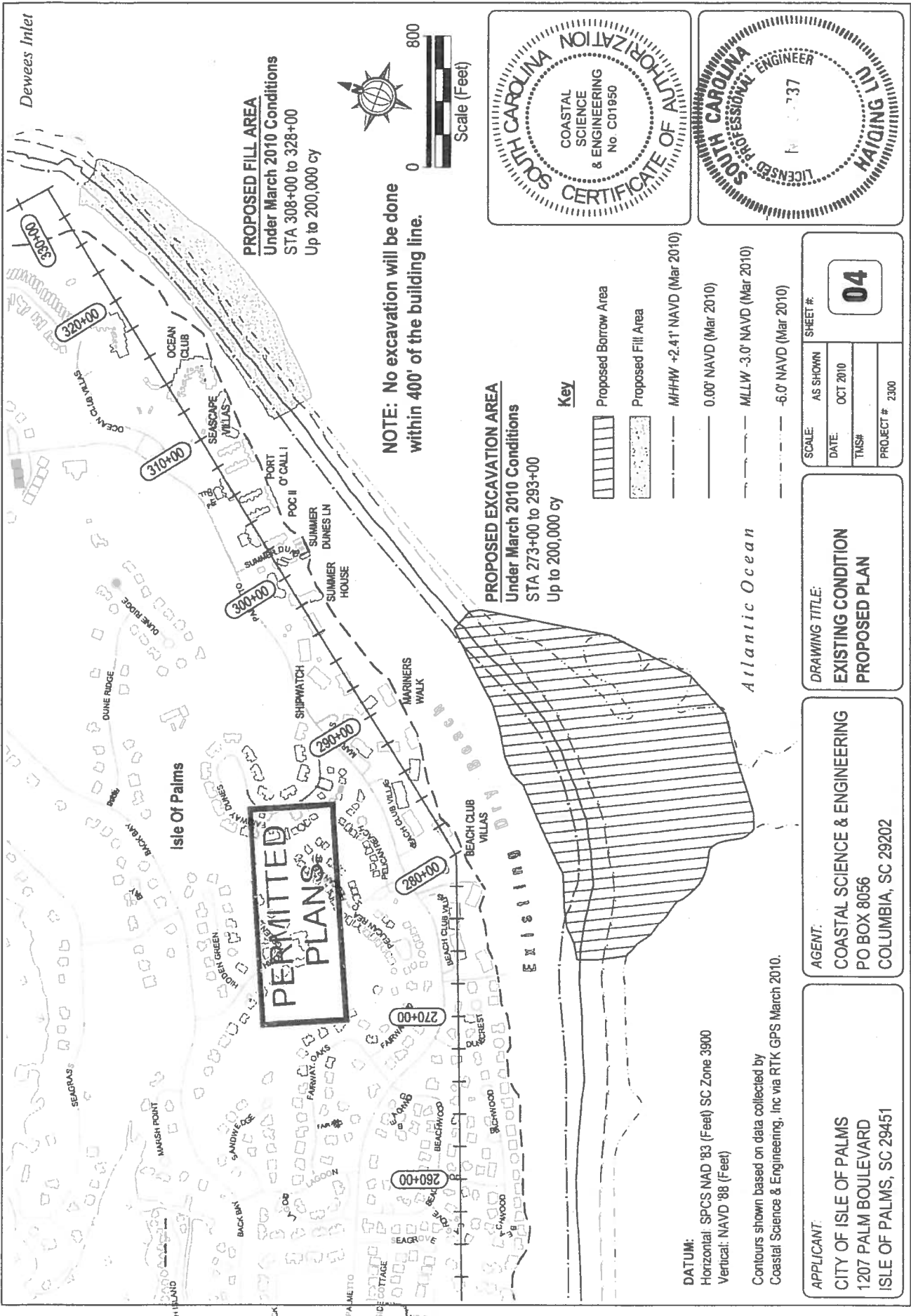
SCALE:	AS SHOWN	SHEET #	03
DATE:	OCT 2010		
TMS#		PROJECT # 2300	

DRAWING TITLE:
OVERALL WORK PLAN

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

APPLICANT:
CITY OF ISLE OF PALMS
1207 PALM BOULEVARD
ISLE OF PALMS, SC 29451

Contours shown based on data collected by
Coastal Science & Engineering, Inc via RTK GPS March 2010.



PROPOSED FILL AREA
 Under March 2010 Conditions
 STA 308+00 to 328+00
 Up to 200,000 cy



NOTE: No excavation will be done within 400' of the building line.

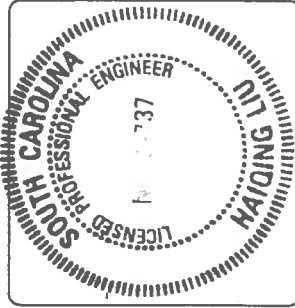
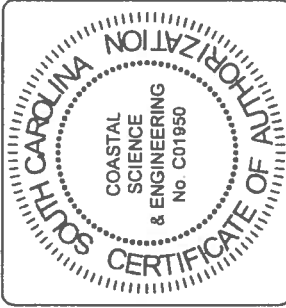
PROPOSED EXCAVATION AREA
 Under March 2010 Conditions
 STA 273+00 to 293+00
 Up to 200,000 cy

Key

- Proposed Borrow Area
- Proposed Fill Area
- MHHW +2.41' NAVD (Mar 2010)
- 0.00' NAVD (Mar 2010)
- MLLW -3.0' NAVD (Mar 2010)
- 6.0' NAVD (Mar 2010)

DATUM:
 Horizontal: SPCS NAD '83 (Feet) SC Zone 3900
 Vertical: NAVD '88 (Feet)

Contours shown based on data collected by Coastal Science & Engineering, Inc via RTK GPS March 2010.

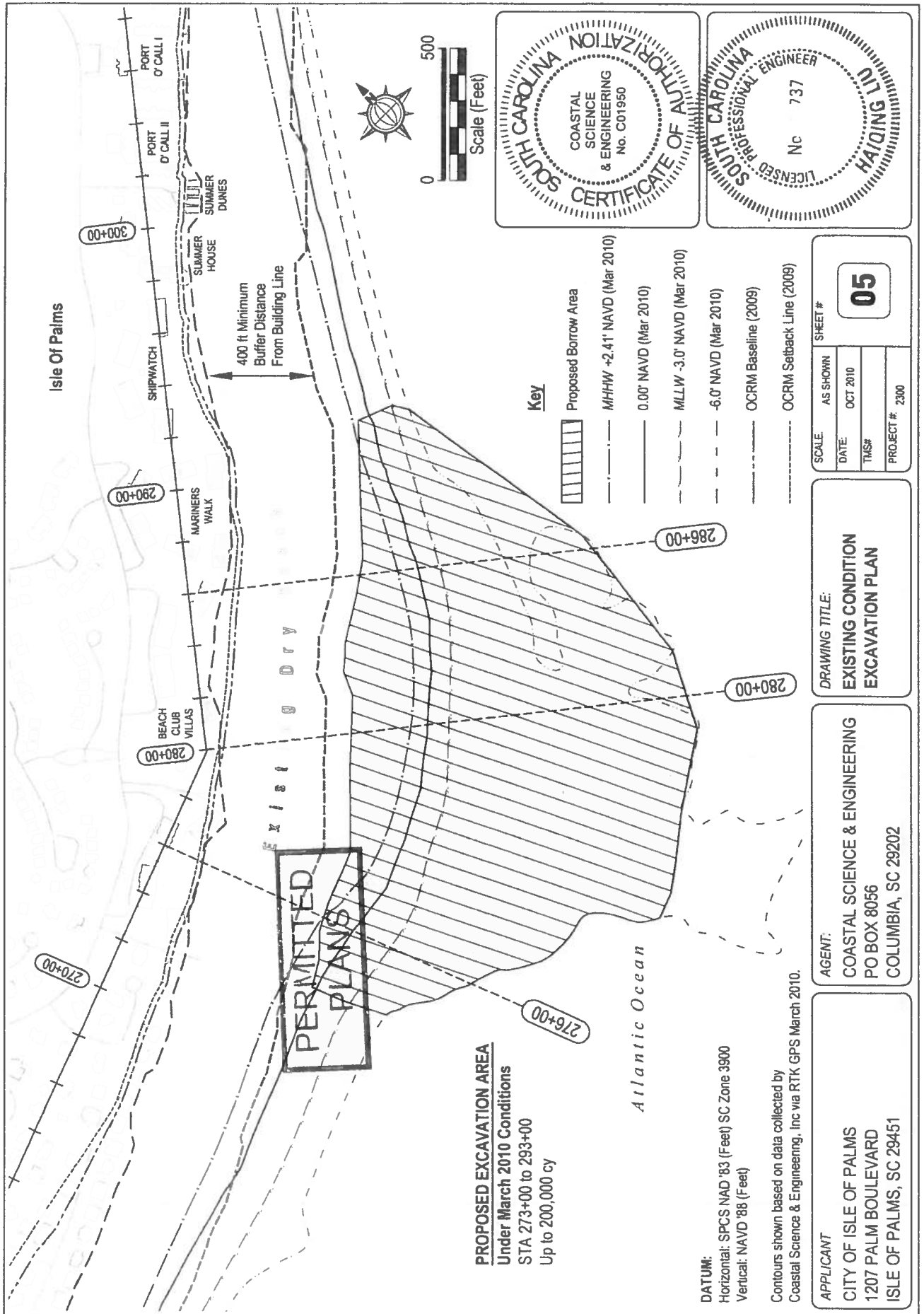


SCALE:	AS SHOWN	SHEET #:	04
DATE:	OCT 2010		
TMS#			
PROJECT #	2300		

DRAWING TITLE:
 EXISTING CONDITION
 PROPOSED PLAN

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

APPLICANT:
 CITY OF ISLE OF PALMS
 1207 PALM BOULEVARD
 ISLE OF PALMS, SC 29451



Isle of Palms

**PERMITTED
PLANS**

EXISTING DRY

Atlantic Ocean

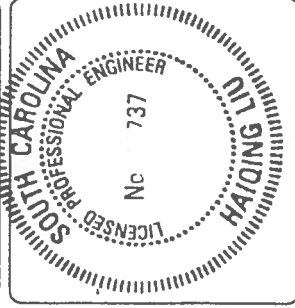
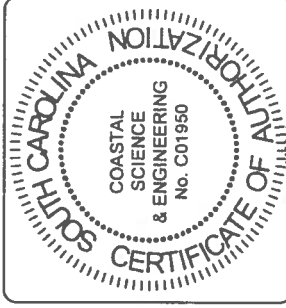
PROPOSED EXCAVATION AREA
 Under March 2010 Conditions
 STA 273+00 to 293+00
 Up to 200,000 cy

DATUM:
 Horizontal: SPCS NAD '83 (Feet) SC Zone 3900
 Vertical: NAVD '88 (Feet)

Contours shown based on data collected by
 Coastal Science & Engineering, Inc via RTK GPS March 2010.

Key

- Proposed Borrow Area
- MHHW +2.41' NAVD (Mar 2010)
- 0.00' NAVD (Mar 2010)
- MLLW -3.0' NAVD (Mar 2010)
- 6.0' NAVD (Mar 2010)
- OCRM Baseline (2009)
- OCRM Seaback Line (2009)

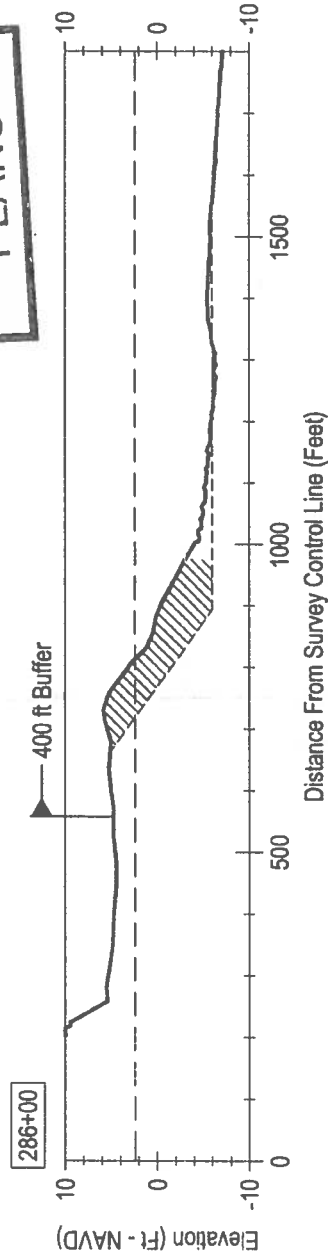
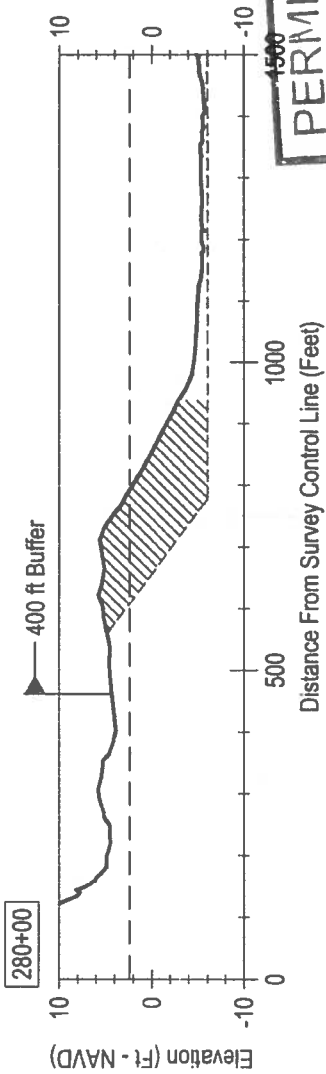
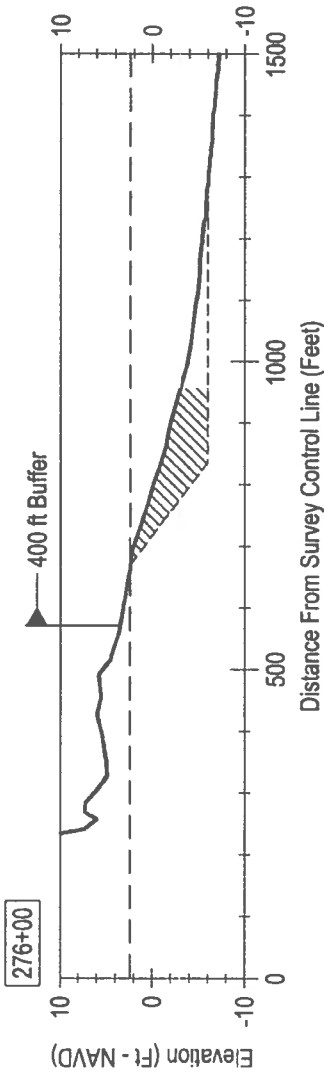


SCALE:	AS SHOWN	SHEET #
DATE:	OCT 2010	05
TMS#		
PROJECT #:		2300

DRAWING TITLE:
**EXISTING CONDITION
 EXCAVATION PLAN**

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

APPLICANT:
 CITY OF ISLE OF PALMS
 1207 PALM BOULEVARD
 ISLE OF PALMS, SC 29451



PERMITTED
PLANS

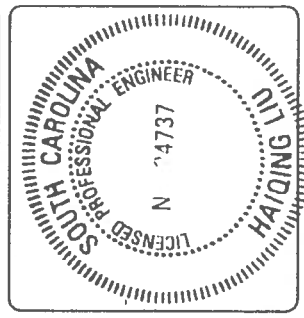
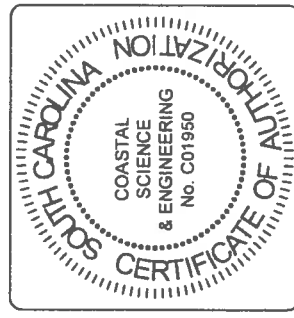
Key

- Existing Profile (March 2010)
- - - Proposed Excavation Profile
- - - MHHW +2.41' NAVD (Mar 2010)
- - - MLLW -3.0' NAVD (Mar 2010)

DATUM (feet):

Horizontal: SPCS NAD '83 SC Zone 3900
 Vertical: NAVD '88 (Feet)
 Vertical Exaggeration: 15

Finished Slope Will Be ~ 1 on 20



SCALE: AS SHOWN	SHEET #:
DATE: OCT 2010	06
TMS#	
PROJECT #: 2300	

DRAWING TITLE:
 EXCAVATION PLAN
 TYPICAL SECTIONS

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

APPLICANT
 CITY OF ISLE OF PALMS
 1207 PALM BOULEVARD
 ISLE OF PALMS, SC 29451

Deweese Inlet

Key



Proposed Fill Area

OCRM Baseline (2009)

OCRM Setback Line (2009)

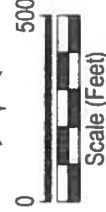
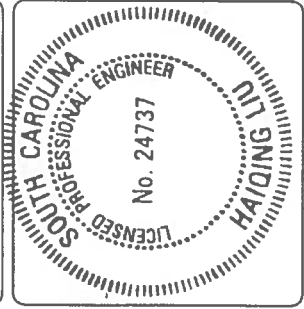
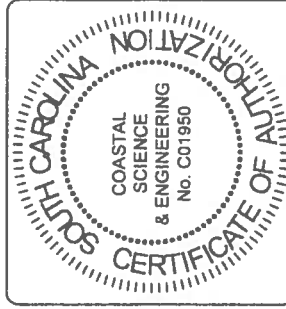
Building Line

+5.0' NAVD (Mar 2010)

MHHW +2.41' NAVD (Mar 2010)

0.00' NAVD (Mar 2010)

MLLW -3.0' NAVD (Mar 2010)



Scale (Feet)

SHEET #:

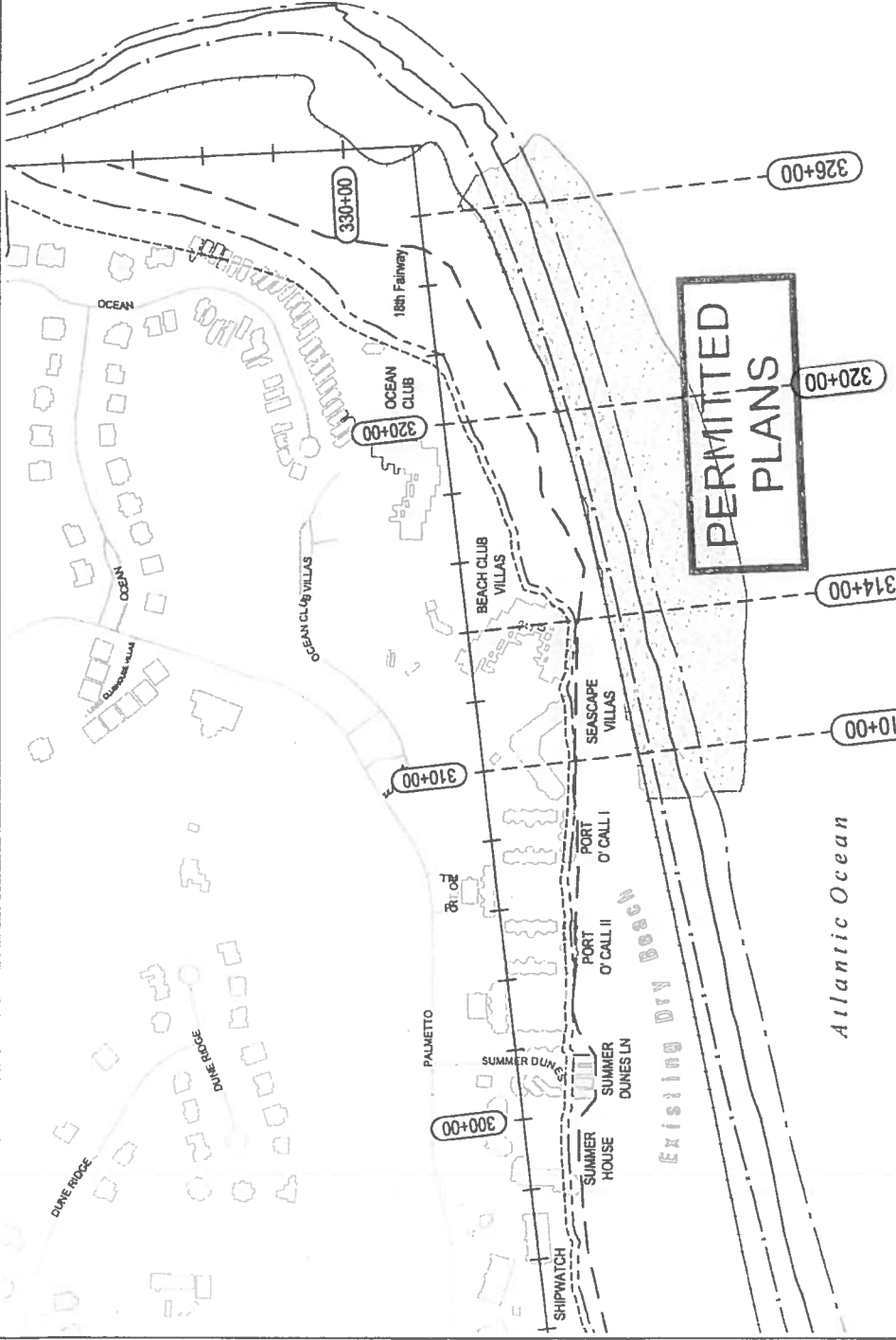
07

SCALE: AS SHOWN

DATE: OCT 2010

TMS#

PROJECT #: 2300



PERMITTED PLANS

PROPOSED FILL AREA
Under March 2010 Conditions
STA 308+00 to 328+00
Up to 200,000 cy

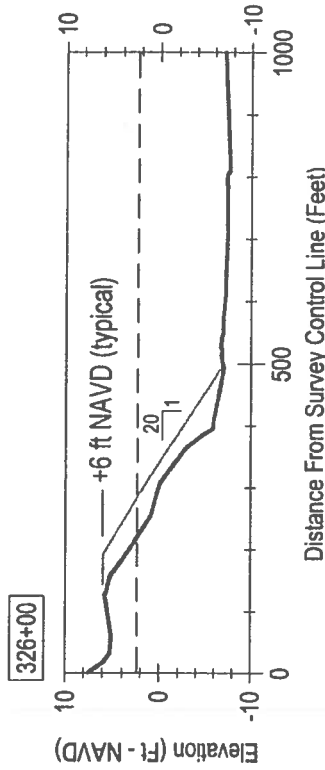
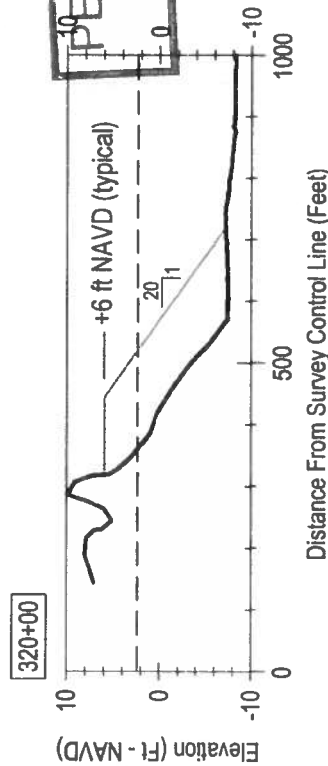
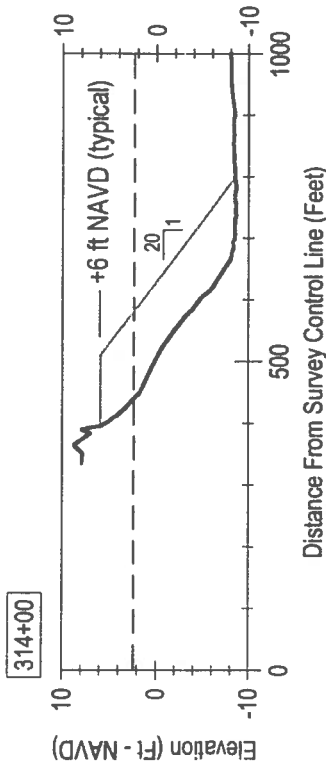
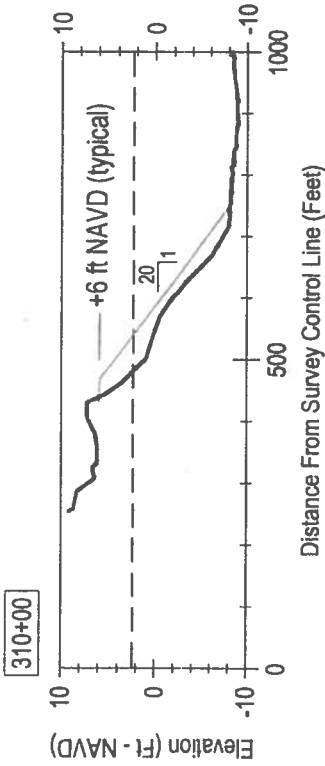
DATUM:
Horizontal: SPCS NAD '83 (Feet) SC Zone 3900
Vertical: NAVD '88 (Feet)

Contours shown based on data collected by Coastal Science & Engineering, Inc via RTK GPS March 2010.

DRAWING TITLE:
FILL PLAN

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

APPLICANT:
CITY OF ISLE OF PALMS
1207 PALM BOULEVARD
ISLE OF PALMS, SC 29451



Note: Sections will vary according to conditions at the time of each beach management event.

Key

Existing Profile (March 2010)

Proposed Fill Profile

MHHW -2.41' NAVD (Mar 2010)

MLLW - 3.0' NAVD (Mar 2010)

DATUM (feet):

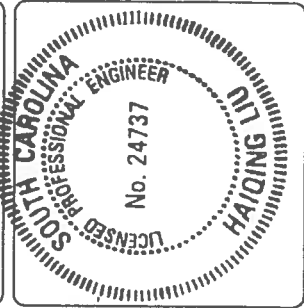
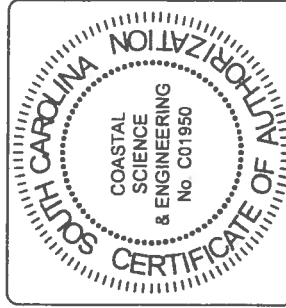
Horizontal: SPCS NAD 83 SC Zone 3900

Vertical: NAVD '88 (Feet)

Vertical Exaggeration: 15

Finish slope 1 on 20

PERMITTED PLANS



SCALE	AS SHOWN	SHEET #
DATE	OCT 2010	08
TMS#		
PROJECT # 2300		

DRAWING TITLE:
PROPOSED FILL TYPICAL SECTIONS

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

APPLICANT:
 CITY OF ISLE OF PALMS
 1207 PALM BOULEVARD
 ISLE OF PALMS, SC 29451



SEP 14 2011

C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

August 31, 2011

City of Isle of Palms
C/o Linda Tucker
P.O. Box 508
Isle of Palms, SC 29451

**SEE SPECIAL
CONDITION(S)**

Re: **2010-1041-2IG**
City of Isle of Palms

Dear Ms. Tucker:

The SCDHEC Office of Ocean and Coastal Resource Management has reviewed your application to realign the beach in a shoal-attachment area on and adjacent to the Atlantic Ocean at a location limited to the area between 53rd Avenue and an existing groin near the 17th tee of the Links Course, on the northeastern end of the Isle of Palms, Charleston County, South Carolina, and has issued a permit for this work. You should carefully read any special conditions that have been placed on the permit, as these conditions will modify the permitted activity. In addition, there are a series of general conditions that should be reviewed. A copy of the permit, as issued, is enclosed. After carefully reading the permit, if you wish to accept the permit as issued, sign and date in the signature block entitled "PERMITTEE" on the original version of the permit and return it to this Department. Keep the photocopy for your records.

PLEASE READ CAREFULLY: You are required to sign and return the original version of your permit to this Department. If this permit is not signed and returned within thirty (30) days of issuance, OR appealed within 15 days as described on the enclosed "Notice of Appeal Procedure", the Department reserves the right to cancel this permit. Please carefully review the enclosed "Notice of Appeal Procedure" for information and deadlines for appealing this permit.

We have also enclosed a "request for a construction placard" card. You must send in this card before the time you wish to start construction. At that time a construction placard will be sent to you to post at the construction site.

PLEASE NOTE: You are not authorized to commence work under the permit until we have received the original version of the entire permit signed and accepted by you, and a construction placard has been issued and posted at the construction site. The receipt of this permit does not relieve you of the responsibility of acquiring any other federal or local permits that may be required.

Sincerely,

William C. Egan / for
Steven Brooks
Senior Regulatory Project Manager
Regulatory Programs Division

Enclosure

Cc: Blair Williams, Wetland Section Manager
Steven Straynum, Coastal Science and Engineering



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

**SEE SPECIAL
CONDITION(S)**

Notice of Appeal Procedure
Pursuant to S.C. Code Section 44-1-60

1. This decision of the S.C. Department of Health and Environmental Control (Department) becomes the final agency decision 15 calendar days after notice of the decision has been mailed to the applicant or respondent, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with the Department by the applicant, permittee, licensee, or affected person.
2. An applicant, permittee, licensee, or affected person who wishes to appeal this decision must file a timely written request for final review with the Clerk of the Board at the following address or by facsimile at 803-898-3393. A filing fee in the amount of \$100 made payable to SC DHEC must also be received by the Clerk within the time allowed for filing a request for final review. However, if a request for final review is filed by facsimile, the filing fee may be mailed to the Clerk of the Board if the envelope is postmarked within the time allowed for filing a request for final review.

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

3. In order to be timely, a request for final review must be received by the Clerk of the Board within 15 calendar days after notice of the decision has been mailed to the applicant or respondent. If the 15th day occurs on a weekend or State holiday, the request is due to be received by the Clerk of the Board on the next working day. The request for final review must be received by the Clerk of the Board by 5:00 p.m. on the date it is due. A request for final review will be returned to the requestor if the filing fee is not received on time as described above.
4. The request for final review should include the following:
 - a. the grounds on which the Department's decision is challenged and the specific changes sought in the decision
 - b. a statement of any significant issues or factors the Board should consider in deciding whether to conduct a final review conference
 - c. a copy of the Department's decision for which review is requested
5. If a timely request for final review is filed with the Clerk of the Board, the Clerk will provide additional information regarding procedures. If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within 30 calendar days after notice is mailed that the Board declined to hold a final review conference.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.

July 1, 2010



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

CRITICAL AREA & WATER QUALITY CERTIFICATION PERMIT

Permittee: City of Isle of Palms

Permit Number: 2010-1041-2IG

Date of Issuance: August 31, 2011

Expiration Date: August 31, 2016

Location: **On and adjacent to the Atlantic Ocean at a location limited to the area between 53rd Avenue and an existing groin near the 17th tee of the Links Course, on the northeastern end of the Isle of Palms, Charleston County, South Carolina**

**SEE SPECIAL
CONDITION(S)**

This permit/certification is issued under the provisions of 25A S.C. Code Ann. Regs. 61-101 (Supp. 2005), *et seq.*, and 23A S.C. Code Ann. Regs. 30-1 through 30-18 (Supp. 2005). Additionally, as required by R.61-101, Department staff have reviewed plans for this project and determined there is a reasonable assurance the project will be conducted in a manner consistent with Certification requirements of Section 401 of the Clean Water Act. We also certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Clean Water Act, as amended, that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

This permit contains required certification pursuant to Section 401 of the Clean Water Act. Work may not commence under this permit until thirty (30) days after final signature by an OCRM official. PLEASE CAREFULLY READ THE ENCLOSED "NOTICE OF APPEAL PROCEDURE."

Please carefully read the project description and any special conditions, which may appear on this permit/certification, as they will affect the work that is allowed. If there are no special conditions, then the work is authorized as described in the project description and as modified by general conditions. The general conditions are also a part of this permit/certification and should be read in their entirety. The S. C. Contractor's Licensing Act of 1999, enacted as Section 40-11-5 through 430, requires that all construction with a total cost of \$5,000 or more be performed by a licensed contractor with a valid contractor's license for marine class construction, except for construction performed by a private landowner for strictly private purposes. Your signature on and acceptance of this permit denotes your understanding of the stated law regarding use of licensed contractors. **All listed special and general conditions will remain in effect for the life of the project if work commences during the life of the permit. This applies to permittee, future property owners, or permit assignees.**

DESCRIPTION OF THE PROJECT, AS AUTHORIZED

The proposed work consists of periodic realignment of the beach in shoal-attachment areas as part of a long-term shoal management plan. Up to 300,000 cubic yards (CY) may need to be transferred during any given shoal management event, to sufficiently reduce the impact of an attaching shoal on adjacent areas. The actual shoal management event frequency and quantity of sand to be transferred will depend on the condition of the beach in both the fill and excavation areas, as well as the predicted impacts of developing bypass events. The condition of the beach, as surveyed in March 2010, indicates up to 200,000 CY

1 of 14

should be transferred from the accretion area to eroded areas to maintain the desired beach condition. This quantity, as well as the exact limits of the work, will be refined by another survey prior to commencement of the work, due to the rapidity of shoreline changes associated with shoal-bypass events. Excavations will be performed via hydraulic hoes or scraper pans, depending on contractor's preference, and will begin at the seaward most accessible portion of the beach. Excavation in the shallow, underwater portion of the beach will allow for incoming sand to rapidly fill any low areas created by the excavation. It will also limit the amount of dry beach utilized in the transfer. Excavation depths will be limited to a specified elevation, likely -6 ft NAVD (-3.0 ft MLLW), unless otherwise specified by resource agencies. Sand will be transferred by off-road trucks or equivalent, operating on the low-tide beach. Fill volume in areas receiving sand will vary depending on beach condition at the time of the project. In the area currently showing focused erosion (in the vicinity of Seascape and Beach Club Villas), the March 2010 condition showed approx. 40 cubic yards per foot (cy/ft) less volume than the March 2009 condition and -80 cy/ft less volume than the July 2008 condition (post-nourishment). In the current configuration, the shoal-management project would restore the quantity of sand in these areas to near post-nourishment condition, which would align the beach in a more stable configuration by reducing the "bulge" currently present in the accretion area. Fill will be placed in the form of a berm of variable width at the natural dry-sand beach level (approximately +6 ft NAVD). The seaward edge of the fill will be sloped in the offshore direction generally on 1 on 20 slope to the existing beach. It is anticipated that each shoal management event will be accomplished in less than two calendar months. A buffer distance from the existing building line will be established to ensure a sufficient volume of sand remains landward of the borrow area to provide habitat, recreational area, and storm protection. Analysis of beach profiles dating to the 1980s confirms that a 400-ft buffer distance is appropriate for this region of Isle of Palms. This buffer would allow for approximately one-year's worth of the maximum observed historical erosion, and would still leave sufficient beach volume for a healthy beach (ie. - typical Isle of Palms beach width and volume in the absence of shoal attachment effects). It is unlikely that erosion in the shoal attachment area would exceed that which is predicted using the maximum historical erosion rate over any one-year period. A project would only be undertaken if the beach condition reached a pre-established "trigger." This trigger would be the distance from the +5 ft NAVD contour (approximate normal high-tide swash line) to the building line (Sheet 07). The applicant proposes a trigger of 100 ft, with consideration given to the time of year, permitted construction window, and expected future shoreline trends (i.e. the stage of the shoal attachment process which signals whether an increase in erosion would likely occur in the project area). The City of the Isle of Palms has established an ongoing beach monitoring program to document sand volumes along the entire beach. Pre- and post-project surveys of the beach and offshore area in the project vicinity will be performed to verify sand volumes, beach condition, shoreline change trends; to identify the position of the +5 ft contour relative to the building line; and to monitor the scale and anticipated movements of offshore and near shore shoals.

The overall purpose of the proposed work is to maintain beach habitat, recreation area, and storm protection by redistributing incoming sand from inlet shoal-bypass events. Such redistribution is necessary to mitigate significant localized erosion which accompanies these events. The specific goals of the project are to:

- 1) Reduce the potential for erosion to reach a point where no dry beach remains.
- 2) Reduce or eliminate the need for emergency sandbagging during shoal bypass events.
- 3) Maintain nesting habitat for turtles.
- 4) Facilitate dune growth improving habitat and storm protection.
- 5) Maintain recreational, dry-beach area during all stages of the tide.

**SEE SPECIAL
CONDITION(S)**

It is the applicant's goal to perform sand redistribution as infrequently as practicable so as to leave the project area undisturbed as long as possible between events, while still maintaining habitat, protecting, and recreation area. During any given five-year period of the permit, it is anticipated that no more than 500,000 cubic yards would be transferred. It is the applicant's preference to do fewer large scale transfers

(e.g. - two events totaling up to approx. 250,000 cy each) rather than a series of small, annual events, (e.g. - four events totaling approx. 125,000 cy each). Further, the applicant desires to perform the work during winter when biological impacts are expected to be lessened. Sand redistribution events involving - approx. 250,000 CY can be accomplished in less than two months. Previous experience indicates the beach profile in the borrow and fill areas equilibrates rapidly. Winter construction would also be timed for dune planting and to avoid turtle nesting season.

With regard to mitigation, the applicant states that "The proposed project follows a 2008 beach re-nourishment project in the area, which added approx. 885,000 CY of sand to the beach. The project restored - 10,200 linear ft of beach, much of which had little or no dry beach present. The condition of the beach was severe enough to lead resource agencies suggesting summer construction of the project. Nourishment created approx. 58.5 acres of dry beach habitat (CSE 2008). Following the project, the City and community of Wild Dunes arranged for sand fencing and vegetative plantings, which have contributed to significant dune growth seaward of the building line. The current project seeks to maintain the habitat created from that project and to avoid potential environmentally damaging conditions associated with severe erosion into a developed area. The project is thought to be sensitive in that it will expedite an already occurring natural process. No estuarine or freshwater wetlands will be impacted during the project. Sand from shoals which are already attached to the beach and accessible by land based equipment (i.e., not offshore or emergent shoals) will be transferred from one area to another. By protecting dune and dry beach habitat, the City of Isle of Palms considers the proposed project beneficial to the natural resources present at the northeast end of the island, and feels further mitigation efforts are not warranted. In addition, the City has committed to an extensive beach monitoring program as part of its long-term beach management plan. The monitoring plan involved detailed surveys of the beach condition, dune growth, inlet channels, ebb-tidal deltas, and sediment quality. The surveys of the ebb tidal deltas of Dewees Inlet and Breach Inlet represent some of the most detailed (temporarily and spatially) surveys of ebb-tidal deltas in South Carolina ever conducted. They show the movements of channels and shoals, and are currently being used to predict how they will impact the adjacent beach in the near future. The changes in the inlet delta shown by the surveys, and experience in similar events at Isle of Palms, are the justification of the proposed project. Without redistributing the sand as it attaches to the beach, significant dry beach and dune habitat will rapidly be lost, leading to a condition similar to what was present between 2004 and 2008 which led to the nourishment project."

CRITICAL AREA PERMIT SPECIAL CONDITIONS

1. Provided it is understood that the DHEC-Bureau of Water (BOW) 401 water quality certification is waived (see Attachment A).
2. Provided the permittee demonstrate by a stamped and signed survey and pictorial documentation that the building line is 100' or less away from the +5 ft NAVD contour line (approximate normal high tide swash line). This must be done before a construction placard can be issued.
3. Provided that surveys of the shoal borrow area are conducted immediately following excavation and again one year later, to document the initial post-project configuration and evaluate any significant change after one year.
4. Provided that no work can be performed during the i.e.-laying portion of turtle nesting season (May 1-August 15). Any work performed during the i.e.-hatching portion of turtle nesting season (August 16-October 31) must be coordinated with the local Isle of Palms turtle nest patrol, to avoid any impacts to turtle nests in the work area. No work can be performed at night during the August 16-October 31 time period.

3 of 14

**SEE SPECIAL
CONDITION(S)**

5. Provided all necessary measures must be taken to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or wetlands.
6. Provided that in order to minimize the amount of fines settling in the area and hasten the overall recovery, excavation and/or dredging should be conducted in a manner to insure that the underlying mud bottoms are not disturbed.
7. Provided that during the turtle nesting season, construction equipment and materials must be stored in a manner that will minimize impacts to sea turtles to maximum extent possible.
8. Provided that during May, June, and July, lighting associated with project must be minimized to reduce the possibility of disrupting or disorienting nesting and/or hatchling sea turtles.
9. Provided the project must be constructed and maintained according to the natural slope of the beach.
10. Provided that in the event that archaeological or paleontological remains are found during the course of work, the applicant should notify the South Carolina Institute of Archaeology and Anthropology (Mr. James Spirek at 803-777-8170) pursuant to South Carolina Underwater Antiquities Act of 1991, (Article 5 Chapter 7, Title 54, Code of Laws of South Carolina, 1976). Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (ie, older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent vessel remains. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.


**SEE SPECIAL
CONDITION(S)**

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND (5), BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT, AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF. ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS AND SPECIFICATIONS SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR MODIFICATION OF THIS PERMIT AND THE INSTITUTION OF SUCH LEGAL PROCEEDINGS AS THE DEPARTMENT MAY CONSIDER APPROPRIATE.

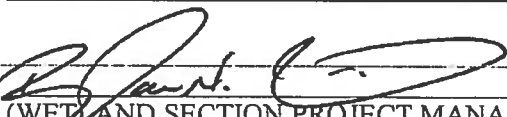
2010-1041-2IG

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE) *City Administrator* (DATE) 9/9/2011
City of Isle of Palms

This permit becomes effective when the State official, designated to act for the Office of Ocean and Coastal Resource Management, has signed below.



(WETLAND SECTION PROJECT MANAGER) (DATE) 8/31/2011
Steven Brooks
or his Designee Other Authorized State Official

**SEE SPECIAL
CONDITION(S)**

GENERAL CONDITIONS:

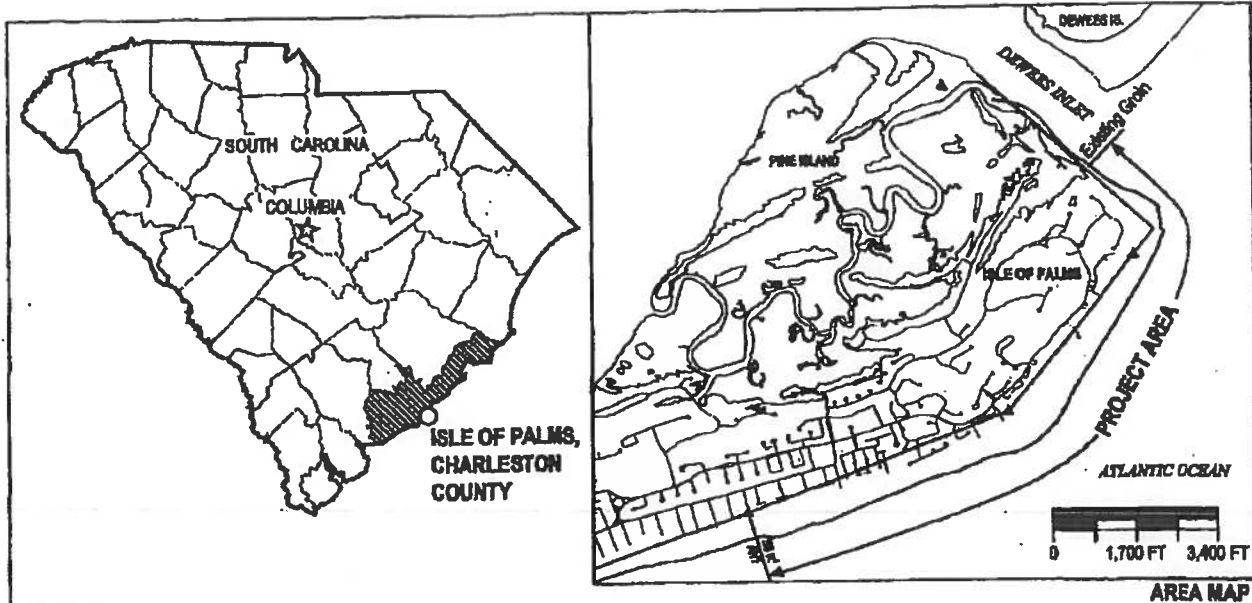
This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

1. That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. That if the activity authorized herein is not constructed or completed within five years of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than thirty days prior to the expiration date.
3. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further, to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. That the permittee shall permit OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by OCRM.
8. That this permit may not be transferred to a third party without prior written notice to OCRM, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit and thereby agreeing to comply.
9. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. That the permit construction placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. That the structure or work authorized herein shall be in accordance with the plans and drawing attached hereto, and shall be maintained in good condition. Failure to build in accordance with the plans and drawings attached hereto, or failure to maintain the structure in good condition, shall result in the revocation of this permit.
12. That the authorization for activities or structures herein constitutes a revocable license. OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by OCRM that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
13. That OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the drawings submitted by the applicant. That the permittee, upon receipt of OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to OCRM. (South Carolina Code Section 1-023-370 shall govern the procedure for revocation, suspension or modification herein described).
14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against OCRM or the State of South Carolina or any employee, agent, or representative of OCRM or the State of South Carolina.
15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of others. This permit authorizes no invasion of adjacent private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.

**SEE SPECIAL
CONDITION(S)**

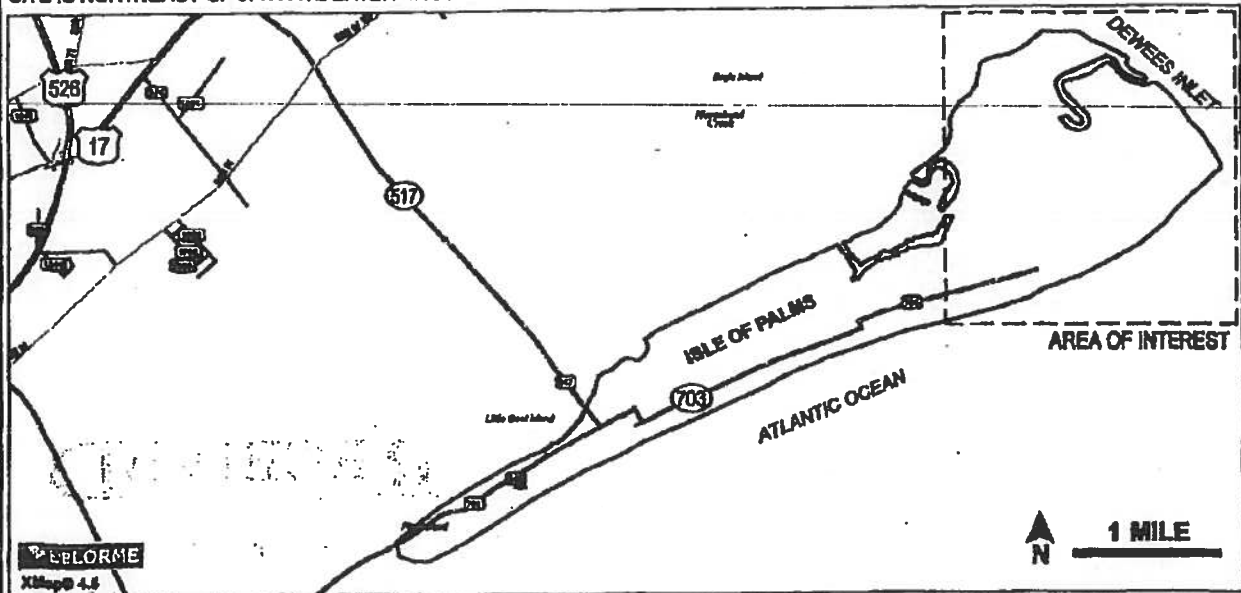
6 of 14

SEE SPECIAL CONDITION(S)



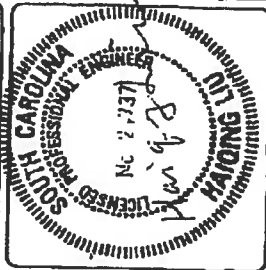
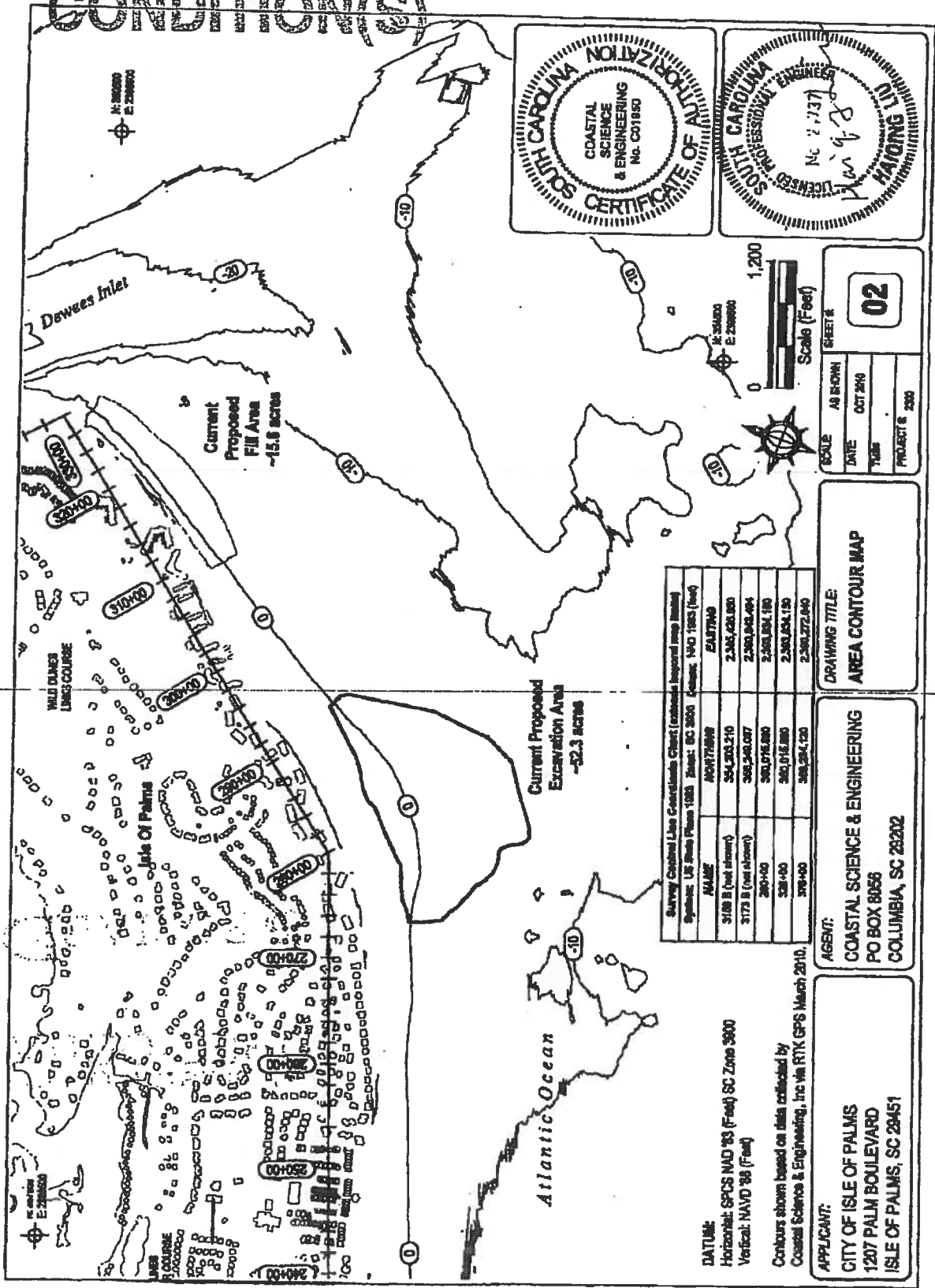
DIRECTIONS:

FROM CHARLESTON, TAKE US-17 NORTH. TURN RIGHT ONTO SC 517 (ISLE OF PALMS CONNECTOR). TURN LEFT ONTO PALM BLVD. SITE IS NORTHEAST OF 57TH AVE EXTENDING ALONG TO DEWEES INLET ON THE NORTHEAST END OF ISLE OF PALMS.



<p>APPLICANT: CITY OF ISLE OF PALMS PO DRAWER 508 ISLE OF PALMS SC 29451</p>	<p>DRAWING TITLE: VICINITY MAP</p>	<p>SOUTH CAROLINA COASTAL SCIENCE & ENGINEERING No. C01950 CERTIFICATE OF AUTHORIZATION</p>	<p>SOUTH CAROLINA LICENSED PROFESSIONAL ENGINEER No. 24737 <i>Haig Liu</i> HAIGING LIU</p>
<p>AGENT: <i>PHN 2010L</i> COASTAL SCIENCE & ENGINEERING PO BOX 8056 COLUMBIA, SC 29202</p>	<p>SCALE: AS SHOWN DATE: OCT 2010 TIME: PROJECT #: 2290</p> <p>SHEET # 01</p>		

**SEE SPECIAL
CONDITIONS**



SCALE	AS SHOWN	SHEET #
DATE	OCT 2010	02
TITLE		
PROJECT #	200	

NAME	NO. OF STAKES	DATE
3158 E (not shown)	354,303,210	2,345,428,000
3173 B (not shown)	308,540,087	2,303,048,494
300-143	394,976,000	2,303,048,190
328-140	303,014,000	2,303,048,190
370-140	303,354,120	2,303,048,190

DRAWING TITLE:
AREA CONTOUR MAP

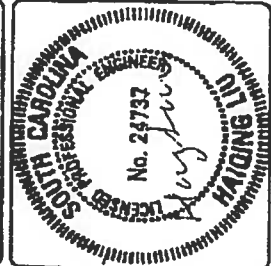
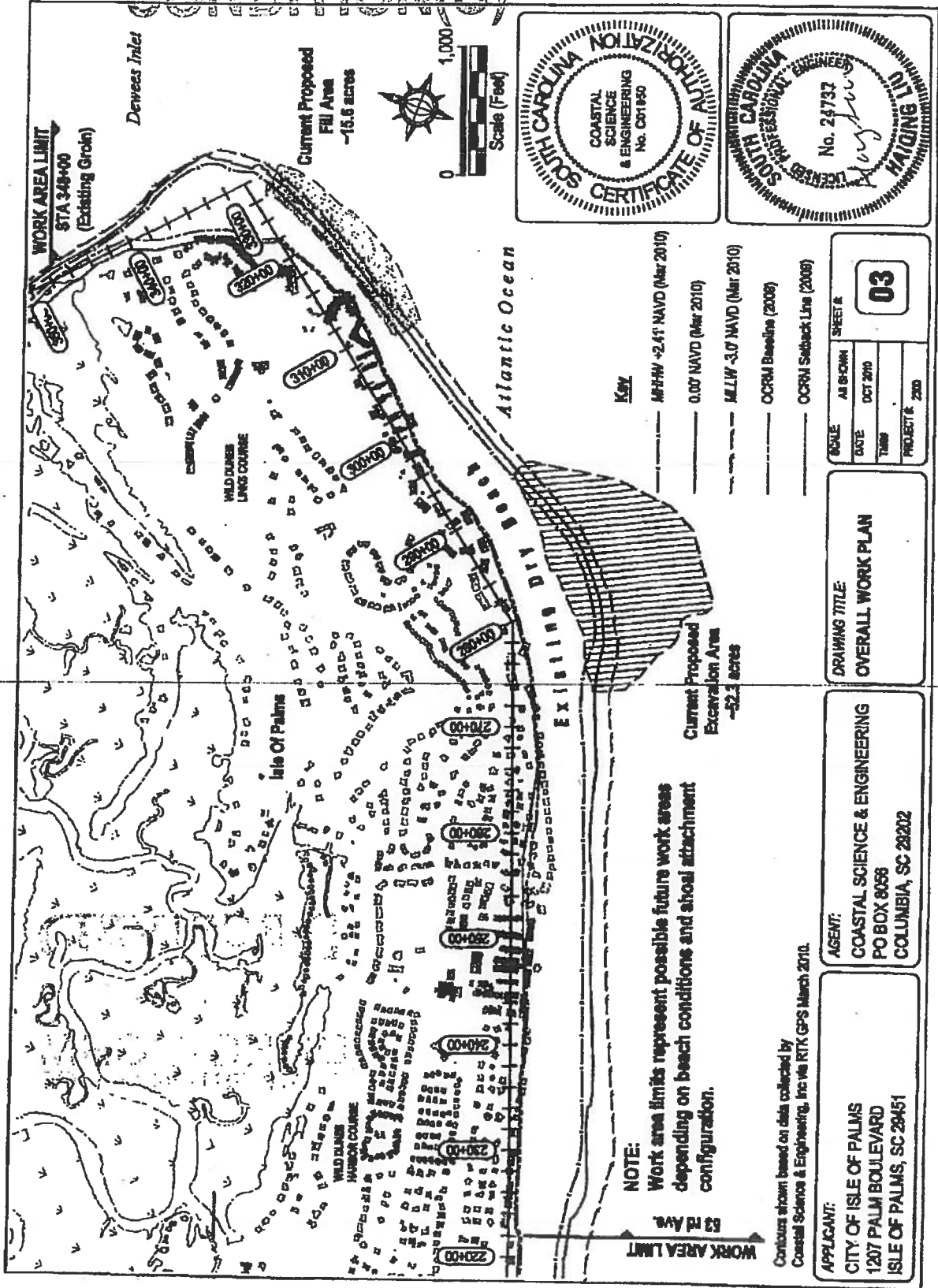
AGENCY:
COASTAL SCIENCE & ENGINEERING
PO BOX 8056
COLUMBIA, SC 29202

APPLICANT:
CITY OF ISLE OF PALMS
1207 PALM BOULEVARD
ISLE OF PALMS, SC 29451

DATUM:
Horizontal: SPCS NAD 83 (Feet) SC Zone 3800
Vertical: NAVD 88 (Feet)

Contours shown based on data collected by Coastal Science & Engineering, Inc. via RTK GPS March 2010.

SEE SPECIAL CONDITIONS



KEY

- MHHW +2.41' NAVD (Mar 2010)
- 0.00' NAVD (Mar 2010)
- MLLW -3.07' NAVD (Mar 2010)
- OCRM Baseline (2008)
- OCRM Subback Line (2008)

ISSUE	AS SHOWN	SHEET #
DATE	DCT 2010	03
TIME		
PROJECT #	230	

DRAWING TITLE
OVERALL WORK PLAN

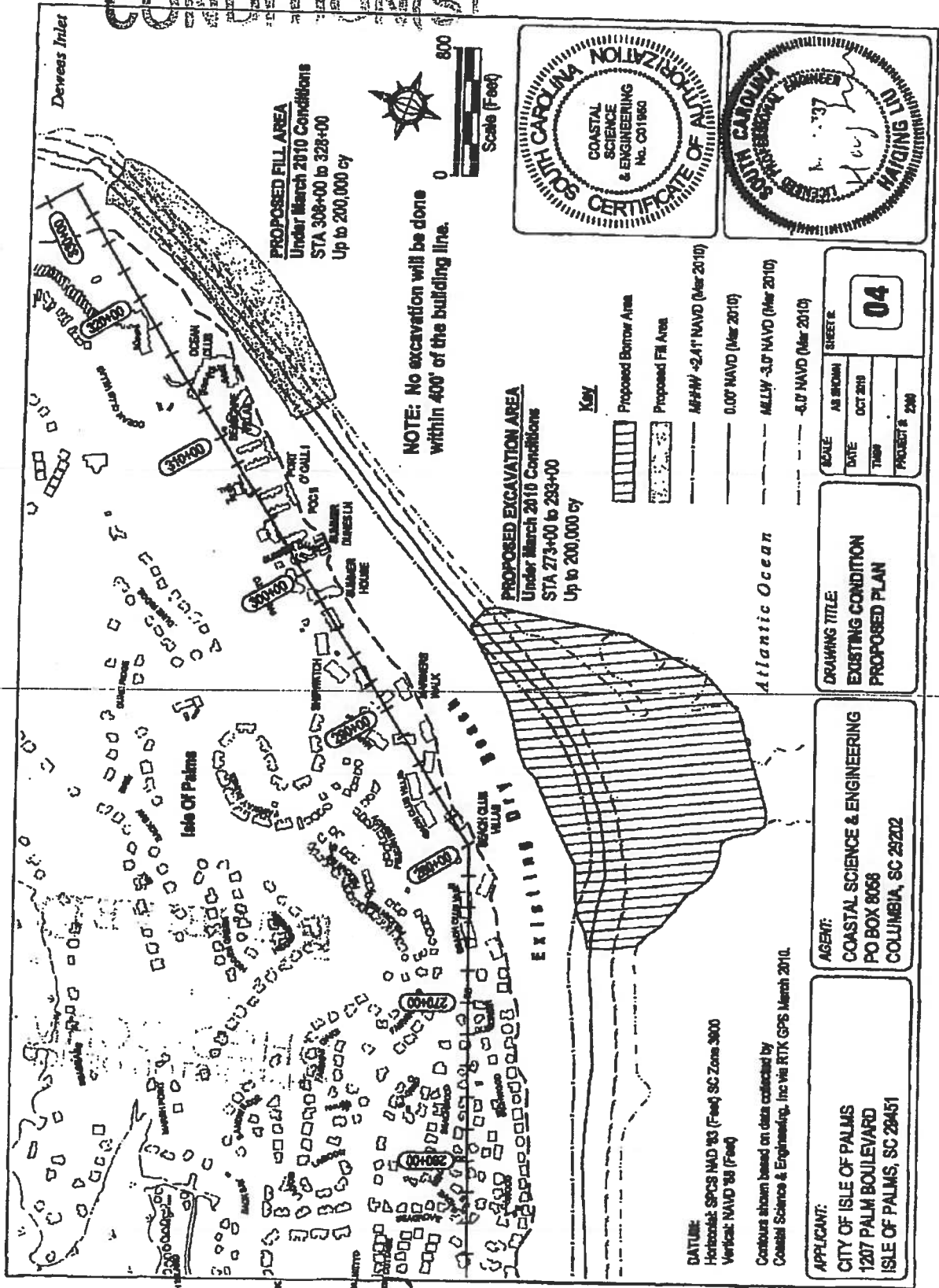
AGENT:
COASTAL SCIENCE & ENGINEERING
PO BOX 8058
COLUMBIA, SC 29202

NOTE:
Work area limits represent possible future work areas depending on beach conditions and shoal attachment configuration.

Contours shown based on data collected by Coastal Science & Engineering, Inc via RTK GPS March 2010.

APPLICANT:
CITY OF ISLE OF PALMS
1207 PALM BOULEVARD
ISLE OF PALMS, SC 29451

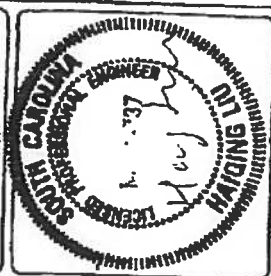
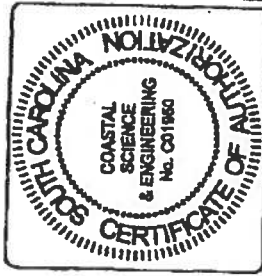
SEE SPECIAL CONDITION(S)



PROPOSED FILL AREA
Under March 2010 Conditions
STA 308+00 to 328+00
Up to 200,000 cy

NOTE: No excavation will be done
within 400' of the building line.

PROPOSED EXCAVATION AREA
Under March 2010 Conditions
STA 273+00 to 293+00
Up to 200,000 cy



- Key**
- Proposed Borrow Area
 - Proposed Fill Area
 - MHHW -2.41' NAVD (Mar 2010)
 - 0.00' NAVD (Mar 2010)
 - MLLW -3.0' NAVD (Mar 2010)
 - 8.0' NAVD (Mar 2010)

SCALE	AS SHOWN	SHEET #	04
DATE	OCT 2010		
PROJECT #	290		

DRAWING TITLE:
EXISTING CONDITION
PROPOSED PLAN

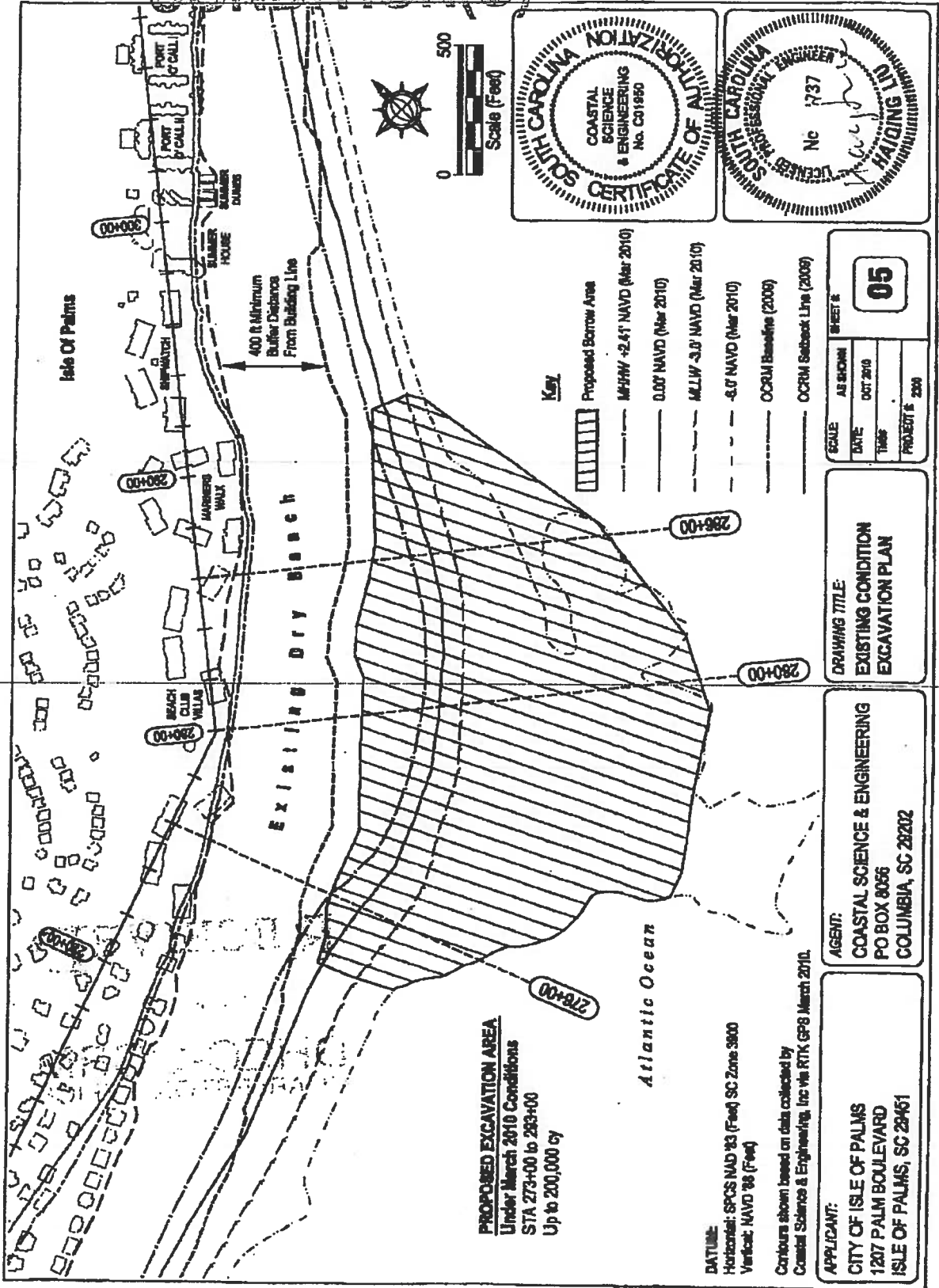
AGENT:
COASTAL SCIENCE & ENGINEERING
PO BOX 8068
COLUMBIA, SC 29202

APPLICANT:
CITY OF ISLE OF PALMS
1207 PALM BOULEVARD
ISLE OF PALMS, SC 29451

DATUM:
Horizontal: SPCS NAD 83 (Feet) SC Zone 3000
Vertical: NAVD 88 (Feet)

Contours shown based on data collected by
Coastal Science & Engineering, Inc via RTKX GPS March 2010.

SEE SPECIAL CONDITION(S)

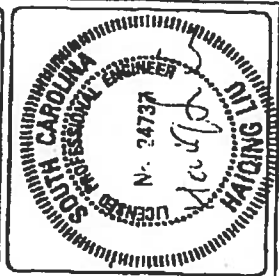
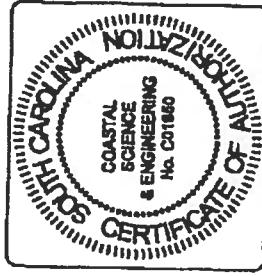
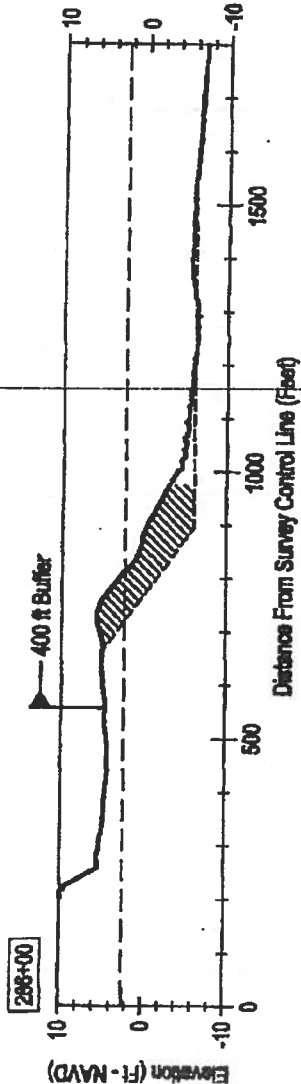
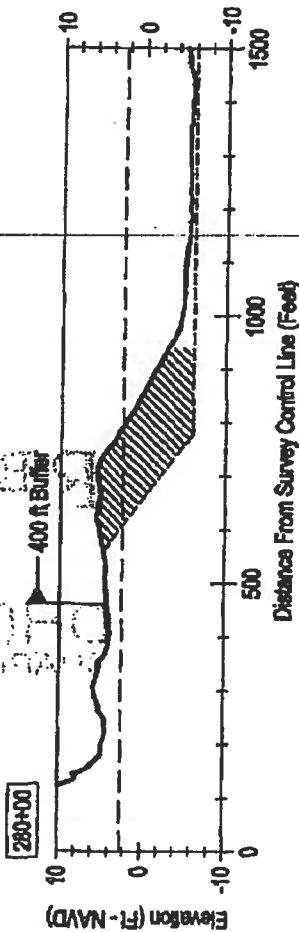
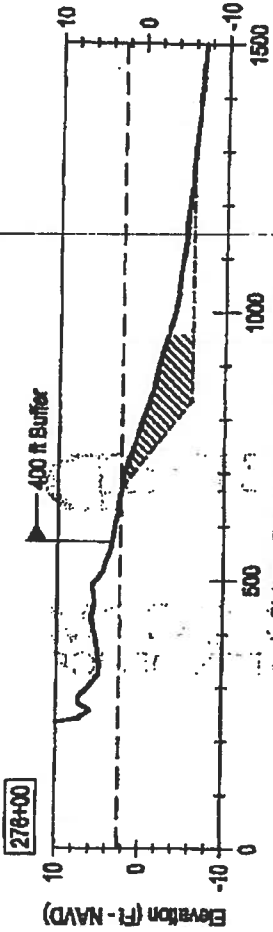


SEE SPECIAL CONDITIONS

Key
 Existing Profile (March 2010)
 Proposed Excavation Profile
 MHHW +2.41' NAVD (Mar 2010)
 MLLW -3.0' NAVD (Mar 2010)

DATUM (feet):
 Horizontal: SPCS NAD 83 SC Zone 8800
 Vertical: NAVD 88 (Feet)
 Vertical Exaggeration: 15

Finished Slope Will Be ~ 1 on 20



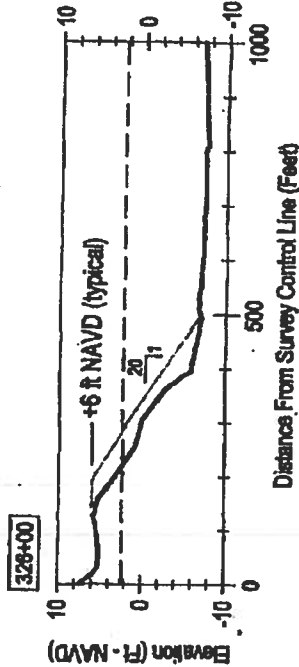
SCALE	AS SHOWN	SHEET #	06
DATE	OCT 2010		
TITLE			
PROJECT # 2500			

DRAWING TITLE:
 EXCAVATION PLAN
 TYPICAL SECTIONS

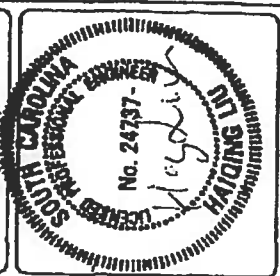
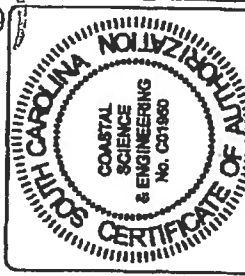
AGENT:
 COASTAL SCIENCE & ENGINEERING
 PO BOX 8066
 COLUMBIA, SC 29202

APPLICANT:
 CITY OF ISLE OF PALMS
 1207 PALM BOULEVARD
 ISLE OF PALMS, SC 29451

SEE SPECIAL
CONDITION(S)



Notes: Sections will vary according to conditions at the time of each beach management event.



Key

— Existing Profile (March 2010)

- - - Proposed Fill Profile

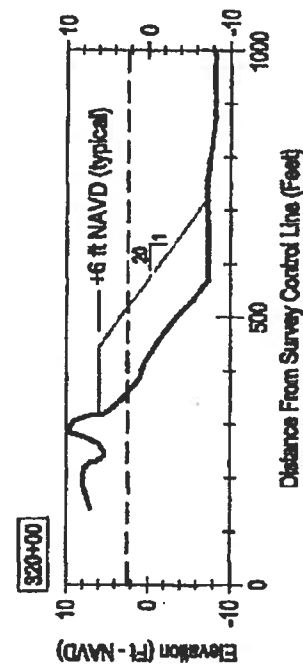
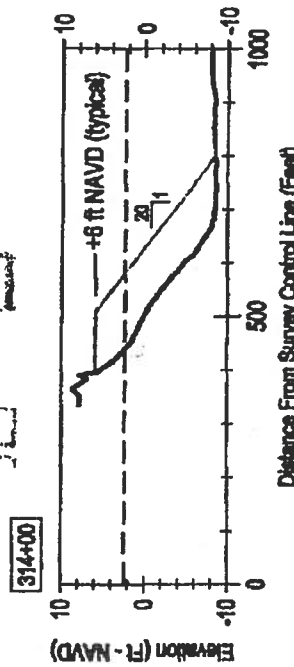
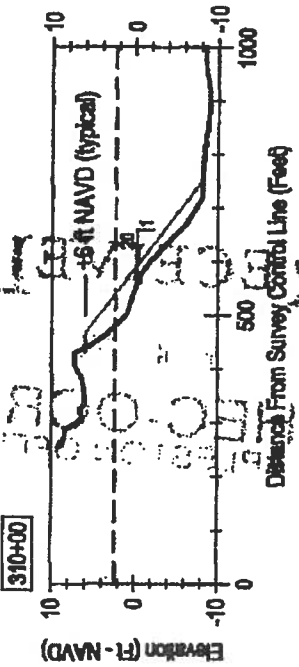
--- MHHW +2.41' NAVD (Mar 2010)

--- MLLW -3.0' NAVD (Mar 2010)

DATUM (Feet):
 Horizontal: SPCS NAD 83 SC Zone 3800
 Vertical: NAVD 88 (Feet)
 Vertical Exaggeration: 15
 Finish slope 1 on 20

SCALE	AS SHOWN
DATE	OCT 2010
TITLE	
PROJECT #	200
08	

DRAWING TITLE:
 PROPOSED FILL
 TYPICAL SECTIONS



AGENT:
 COASTAL SCIENCE & ENGINEERING
 PO BOX 8058
 COLUMBIA, SC 29202

APPLICANT:
 CITY OF ISLE OF PALMS
 1207 PALM BOULEVARD
 ISLE OF PALMS, SC 29451

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Secretary



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Promoting and protecting the health of the public and the environment

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Glenn A. McCall
Coleman F. Buckhouse, MD

ATTACHMENT A

December 10, 2010

Coastal Science and Engineering
P.O. Box 8056
Columbia, SC 29202

Re: 401 Certification Pursuant for Permit Number SAC 2010-1041-2IG
Applicant: The City of Isle of Palms
County: Charleston

Dear Steven Traynum:

The South Carolina Department of Health and Environmental Control (Department) is in receipt of your application for a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act. The project, as described in the application, falls under the category of projects for which the Department has determined that the 401 Water Quality Certification will be waived in accordance with the attached notice. Thus, the 401 Water Quality Certification for this project is waived and the Department will not take any action on this application.

Please do not hesitate to contact me at 803-898-0369, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chuck Hightower', written over a horizontal line.

Chuck Hightower
Water Quality Certification and Wetlands Section

Cc: Heather Preston
Tess Trumball OCRM

RECEIVED

JAN 19 2011

DHEC-OCRM
CHARLESTON OFFICE

ATTACHMENT A

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice

401 Water Quality Certification Resource Reductions

State budget cuts have impacted the level of services the Department of Health and Environmental Control (Department) can provide and have resulted in the need for the Department to re-evaluate its workloads and priorities. The 401 Water Quality Certification program has been identified as an area where resource reductions are necessary.

In accordance with S.C. Regulation 61-101, Water Quality Certification, the Department can issue, deny, or waive certification for Federal licenses or permits. If the Department fails to act on a certification within a reasonable period of time, not to exceed one year, the certification requirements are waived.

In light of recent budget cuts, the Department has determined that it can no longer certify all Federal licenses and permits for which it receives applications. Thus, the Department has identified categories of projects for which the 401 Water Quality Certification will be waived as follows:

- **Nationwide Permits as issued by the US Army Corps of Engineers (Corps)**
Every five years, the Corps issues nationwide permits (NWP) for categories of activities that have been determined to have minimal individual and cumulative adverse effects on the aquatic environment. In a Federal Register notice published on March 12, 2007, the Corps reissued the NWP, and on May 11, 2007, the Department issued both a 401-Water Quality Certification and a Coastal Zone Consistency Certification in accordance with the S.C. Coastal Zone Management Program. At the time of the May 11, 2007 certification, the Department placed conditions on a number of the NWP that would necessitate an individual permit review for those projects. In light of the need to reduce staff resources, the Department will no longer issue individual certifications for these permits. By waiving these 401 certifications, the state will rely on the initial Corps determination of minimal impacts.
- **Groins and Beach Renourishment Projects**
Groins and beach renourishment activities have very few water quality impacts. As a general rule, the concerns and comments that the Department receives during a 401 Water Quality Certification review for these activities are directed towards the issue of threatened or endangered species. These activities will still require comments from the US Fish and Wildlife Service and/or the National Marine Fisheries Service which have jurisdiction over threatened and endangered species before the Corps can issue their 404 permit. Therefore, the Department has a reasonable assurance that these concerns will be addressed. Further, the Department's OCRM office will still continue to issue direct permits for alteration of the critical area for these activities that also provide a means to address the threatened or endangered species concerns.

These waivers apply only to the 401 Water Quality Certification. Any Coastal Zone Consistency Certifications and the Critical Area Permits issued by the Department's OCRM office are not affected by this action. In light of continuing budget reductions, the Department will periodically evaluate our project workloads to determine if other changes are necessary.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69 A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REGULATORY DIVISION

TO WHOM IT MAY CONCERN:

In issuing this permit, this office has acted with reliance on the plans which you submitted. As you proceed with your project, please exercise every caution to ensure the work is performed exactly as shown on the approved plans and specifications, as deviations of any nature are expressly prohibited without the prior authorization of this office.

With this in mind, you will find this office cooperative in authorizing minor deviations if they are clearly within the scope of the original permit; however, you are placed on any "unauthorized" deviation from the approved plans will be constructed as a violation of Federal law and, at a minimum, you will be required to submit as-built plans of any deviations. These as-built plans will have to be prepared by a registered land surveyor. You will not be required to submit as-built drawings unless an "unauthorized" deviation is detected by this office or such submittals are required by a special condition in the permit (i.e., certified as-built plans are commonly required for utility crossings and structures adjacent to Federal channels.) If, upon demand, you fail to provide this office with such drawings in the requisite format, this office will request the U.S. Attorney to seek appropriate civil or criminal sanctions in order to maintain the integrity of the Department of the Army permit program.

Please be assured that you will find the Corps of Engineers receptive to minor deviations from the approved plans as long as such deviations are approved prior to commencement of work.

NOTICE OF COMMENCEMENT OR COMPLETION
OF WORK AUTHORIZED BY PERMIT

DATE

WORK AUTHORIZED BY DEPARTMENT OF THE ARMY PERMIT 2010-1041-216

DATED _____

PERFORM WORK IN _____
(WATERBODY NAME)

WAS COMMENCED

ON _____

WAS COMPLETED (DATE)

(check appropriate box)

SIGNATURE

FL 130
5 MAR. 79

NOTICE OF COMMENCEMENT OR COMPLETION
OF WORK AUTHORIZED BY PERMIT

DATE

WORK AUTHORIZED BY DEPARTMENT OF THE ARMY PERMIT 2010-1041-216

DATED _____

PERFORM WORK IN _____
(WATERBODY NAME)

WAS COMMENCED

ON _____

WAS COMPLETED (DATE)

(check appropriate box)

SIGNATURE

FL 130
5 MAR. 79