



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SC 29403-5107

JAN 25 2018

Regulatory Division

Ms. Linda Tucker
City of Isle of Palms
PO Box 508
Isle of Palms, South Carolina 29451

Dear Ms. Tucker:

**PLEASE READ THIS LETTER CAREFULLY AND
COMPLY WITH ITS PROVISIONS**

This is in response to your letter dated January 10, 2018, requesting a modification of the work and work window authorized by an overall project known as Isle of Palms Beach Renourishment, authorized by Department of the Army (DA) permit (SAC-2016-00803). The project is located on the southeast side of the Town of Isle of Palms along the Atlantic Ocean. The proposed project area is composed of three reaches. Reach 1 to 2 include the area between 53rd Avenue, East to the Wild Dunes Links Course's 18th hole. The third reach includes the area between Breach Inlet and 14th Avenue, located in Charleston County, South Carolina (Latitude: 32.7931 °N, Longitude: -79.7627 °W).

This is to inform you that your request for a modification is granted. The authorized modification is shown on the attached drawing, entitled "Fill Section Reach 1 & 2", Sheet 9a, and dated December 2016. Modifications to the previously authorized permit include increasing the total allowable sand placement volume from 2,000,000 cubic yards to 2,285,000 cubic yards to replace sand losses that occurred during Hurricane Irma. There will be no additional project impacts or increase in the project footprint. The sand will be derived from the currently permitted borrow areas. In addition, you have requested an extension of the permitted construction window from March 31 to April 25, 2018.

This letter and the referenced modified drawing should be attached to your copy of the signed permit. This permit was issued under the provisions of the Federal laws for the protection and preservation of the navigable waters of the United States. These laws provide that after the proposed work has been approved by the issuance of a Department of the Army permit,

**IT SHALL NOT BE LAWFUL TO DEVIATE FROM SUCH PLANS EITHER
BEFORE OR AFTER COMPLETION OF THE WORK,**

unless modification of said plans has previously been submitted to and received the approval of the Department of the Army. **All other conditions to which the work is made subject remain in full force and effect.** In that this work appears subject to the jurisdiction of the South Carolina Department of Health and Environmental Control, it is highly recommended that you contact that agency to ascertain their requirements in this matter.

Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to file number SAC-2016-00803. If you have any questions concerning this matter, please contact Chelsea B. Fannin, Project Manager, at (843) 329-8038.

FOR THE DISTRICT ENGINEER:

Sincerely,



Robin Coller-Socha
Chief, South Branch

Enclosures

Modified Drawings
Notification of Appeal Options

Copies Furnished:

Mr. Steven Traynum
Coastal Science & Engineering
PO Box 8056
Columbia, South Carolina 29202

Mr. Mark Caldwell
U.S. Fish and Wildlife Service
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

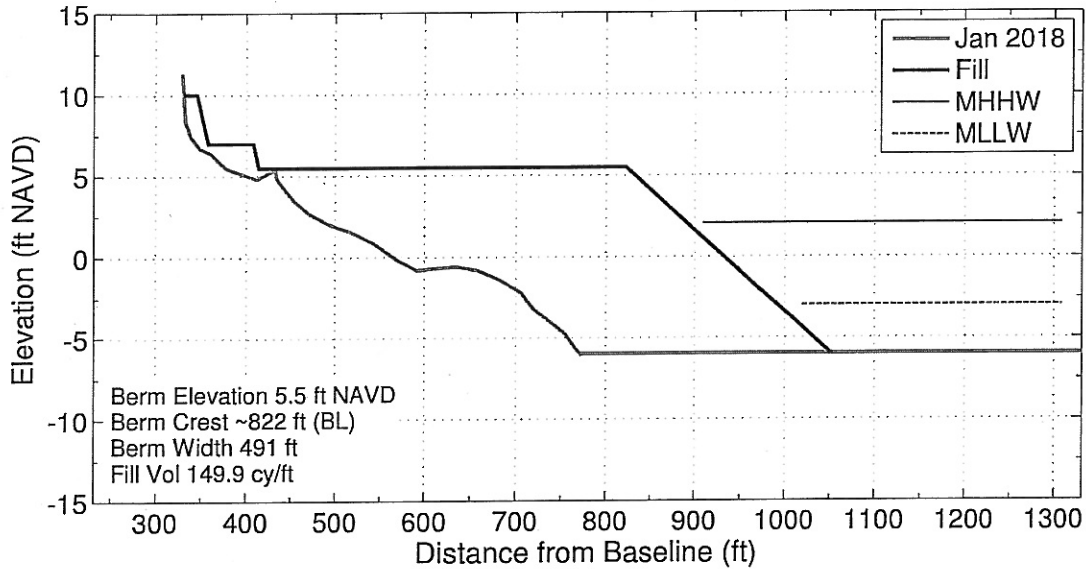
Mr. Cynthia Cooksey
National Marine Fisheries Service
219 Fort Johnson Road
Charleston, SC 29412-9110

Mr. Chuck Hightower
South Carolina Department of
Health and Environmental Control
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201

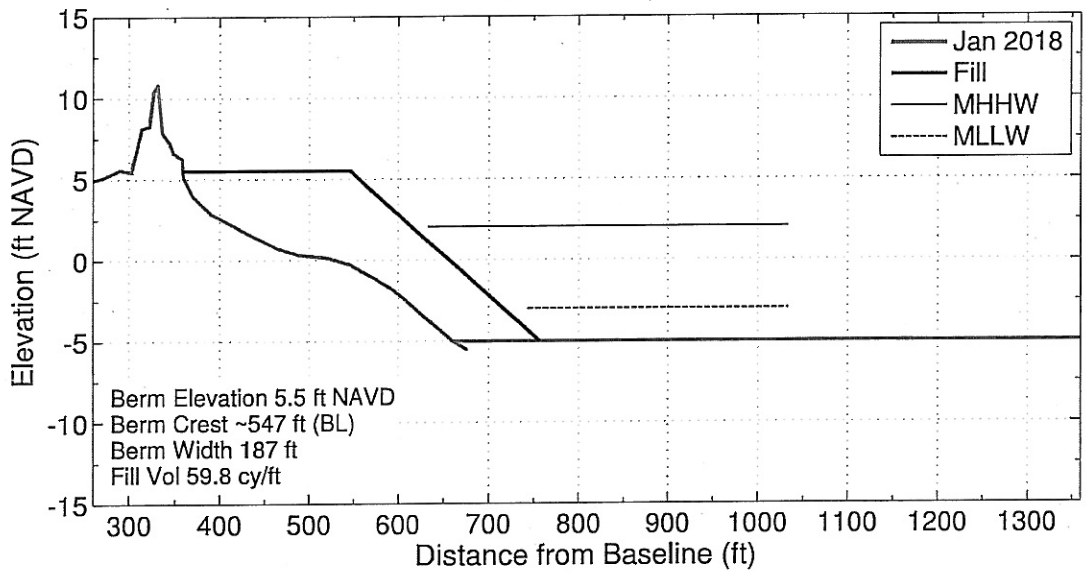
South Carolina Department of Health
and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

MODIFIED PLANS

Station: 270+00 (48+00)



Station: 282+00 (60+00)



SAC-2016-00803

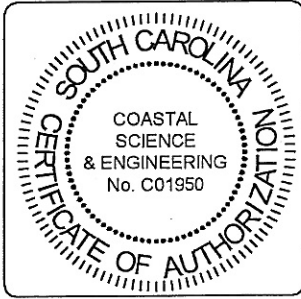
APPLICANT:
 CITY OF ISLE OF PALMS
 PO DRAWER 508
 ISLE OF PALMS SC 29451

DRAWING TITLE:
 FILL SECTION
 REACH 1 & 2

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

SCALE: AS SHOWN SHEET #:
 DATE: DEC 2016
 TMS#
 PROJECT #: 2453

9a



JAN 19 2018



January 18, 2018

City of Isle of Palms
c/o Ms. Linda Tucker
P.O. BOX 508
Isle of Palms, SC 29451

Re: **Permit # 2016-00803**
City of Isle of Palms Beach Renourishment

Dear Ms. Tucker:

The above referenced permit has been amended to authorize increasing the maximum nourishment volume from 2,000,000 cy to 2,285,000 cy due to losses from Hurricane Irma. The additional sand will come from the permitted borrow sites and will be placed within existing project limits. This amendment also authorizes the permit window to be extended from March 31 to April 25 to accomplish the additional work.

This amendment is made a part of your permit and is subject to the full terms of the permit as issued.

This letter does not relieve you of the responsibility of acquiring any other applicable federal or local permits that may be required. Any person adversely affected by this action has the right to appeal as outlined in the enclosed "Guide to Board Review."

A construction placard must be posted conspicuously on site during authorized activities. If you do not possess a current placard, a new one must be obtained prior to start of construction.

If this amendment letter is not accepted within thirty (30) days of issuance, OR appealed as described on in the Guide to Board Review, the Department reserves the right to cancel this permit amendment. Please carefully review the Guide to Board Review for information and deadlines for appealing this permit amendment.

Sincerely,

A handwritten signature in cursive script that reads "Matthew J. Slagel".

Matthew J. Slagel
Coastal Processes & Shoreline Specialist
Critical Area Permitting Section

City of Isle of Palms

cc: Blair Williams, Manager, Critical Area Permitting Section Date
Chelsea Fannin, U.S. Army Corps of Engineers
Mark Caldwell, U.S. Fish & Wildlife Service
Cynthia Cooksey, National Marine Fisheries Service
Susan Davis, S.C. Department of Natural Resources

South Carolina Board of Health and Environmental Control

Guide to Board Review

Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

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 thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested;
 - a copy of the decision for which review is requested; and
 - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control
Attention: Clerk of the Board
2600 Bull Street
Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).
4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. ~~The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed.~~ Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will

respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
 - include the place, date and time of the Conference;
 - state the presentation times allowed in the Conference;
 - state evidence may be presented at the Conference;
 - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
 - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
 - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
 - Type of decision (permit, enforcement, etc.) and description of the program.
 - Parties
 - Description of facility/site
 - Applicable statutes and regulations
 - Decision and materials relied upon in the administrative record to support the staff decision.
 - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
 - Rebuttal by Department staff [15 minutes]
 - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

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