



Original

Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

April 7, 2016

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

Re: P/N# 2010-1041-2IG; City of Isle of Palms

Dear Ms. Tucker:

The above referenced permit has been amended to authorize increasing the total project volume of sand that is scraped from an accreting area of beach or an attaching shoal and transferred to an eroding area of beach at Isle of Palms, South Carolina. This amendment authorizes the sand volume increase from 500,000 cubic yards to 814,000 cubic yards during the life of the permit. Two of the four authorized scraping events have already taken place, and 314,000 cubic yards of sand have been scraped. Two scraping events remain under P/N# 2010-1041-2IG, and up to 250,000 cubic yards of sand may be scraped and transferred during a single scraping event.

The additional 314,000 cubic yards authorized by this amendment must only be taken from accessible areas of the shoal itself and the beach directly behind the shoal as discussed in the letter submitted by Coastal Science and Engineering dated November 19, 2015 and shown in the attached drawing dated September 2, 2015 (Attachment A). The additional sand must not be scraped from the beach between 53rd Avenue and the Grand Pavilion.

If a shoal scraping event is initiated, sand must not be placed in areas with a Wave Dissipation System (WDS), or the City of Isle of Palms must coordinate with DHEC-OCRM and the responsible parties to have the WDS removed prior to or during sand placement activities.

This amendment is made a part of your permit and is subject to the full terms of the permit as issued on August 31, 2011.

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."

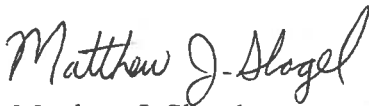
The construction placard must be posted conspicuously on site during authorized activities. If you do not possess a current placard, a new one must be obtained prior to start of construction.

Please sign the attached copy of this letter indicating your acceptance of these terms and return the signed copy to:

DHEC-OCRM
1362 McMillan Ave, Suite 400
Charleston, SC 29405


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

Sincerely,



Matthew J. Slagel
Wetland Section Project Manager

Enclosure



Permittee
4/11/2016

Date

cc: Blair Williams, DHEC-OCRM Wetland Section Manager
Mary Hope Green, USACE Charleston District
Steven Traynum, Coastal Science and Engineering

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.

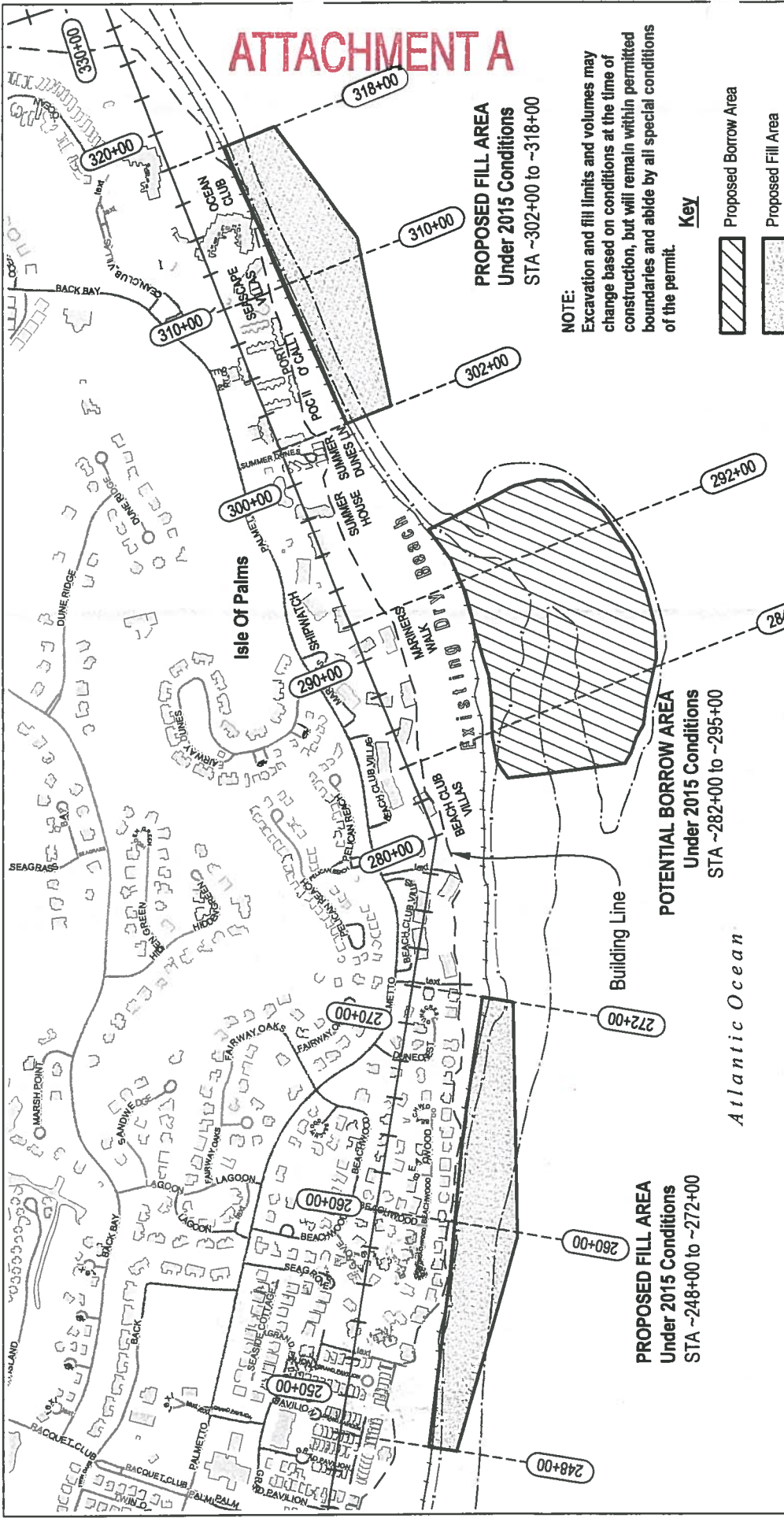
III. Final Review Conference and Decision

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.

ATTACHMENT A



NOTE:
Excavation and fill limits and volumes may change based on conditions at the time of construction, but will remain within permitted boundaries and abide by all special conditions of the permit.

Key

-  Proposed Borrow Area
-  Proposed Fill Area
-  +5' NAVD (Aug 2015)
-  MHHW +2.41' NAVD (Aug 2015)
-  MLLW -3.0' NAVD (Aug 2015)

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

Maximum excavated volume: 250,000 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 August 2015



SCALE:	AS SHOWN	SHEET:	01
DATE:	02 Sept 2015		
REVISED:			
PROJECT #:			2447
			OF 3

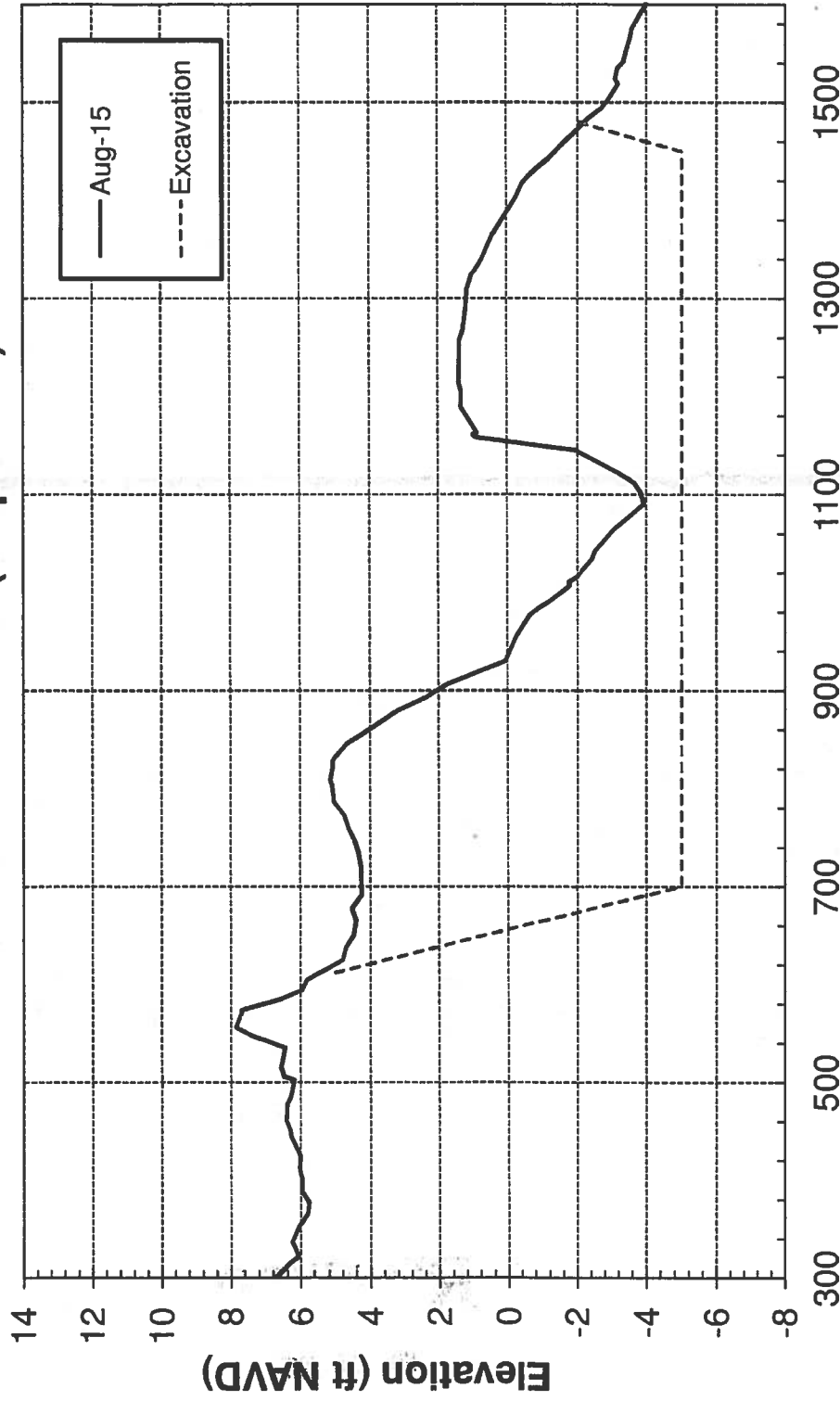
DRAWING TITLE: City of Isle of Palms Shoal Management
EXISTING CONDITION (August 2015)
PROPOSED SCRAPING & FILL PLAN

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

APPLICANT:
CITY OF ISLE OF PALMS
POST OFFICE BOX 508
ISLE OF PALMS, SC 29451

amendment 2010-1041-216

Station: 292+00 (Shipwatch)



Distance from Baseline (ft)

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

Profiles shown based on data collected by Coastal Science & Engineering, Inc via RTK GPS Aug 2015.

NOTE:
 Excavation limits and volumes may change based on conditions at the time of construction, but will remain within permitted boundaries and abide by all special conditions of the permit.

APPLICANT:
 CITY OF ISLE OF PALMS
 POST OFFICE BOX 508
 ISLE OF PALMS, SC 29451

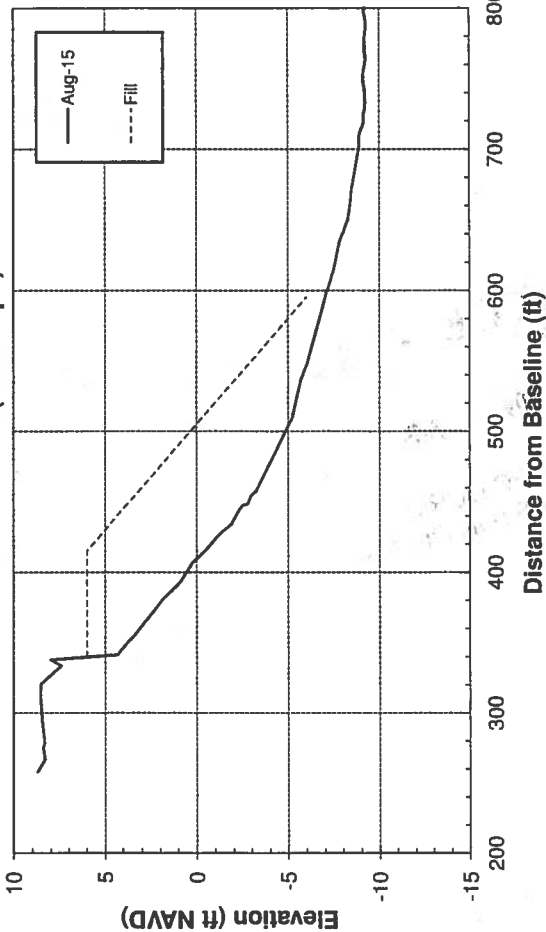
AGENT:
 COASTAL SCIENCE & ENGINEERING
 PO BOX 8056
 COLUMBIA, SC 29202

DRAWING TITLE: City of Isle of Palms Shoal Management
EXISTING CONDITION (December 2015)
PROPOSED SCRAPING SECTION

SCALE:	AS SHOWN	SHEET:	02
DATE:	Sep 2015		
REVISED:			
PROJECT #:	2384	OF 3	

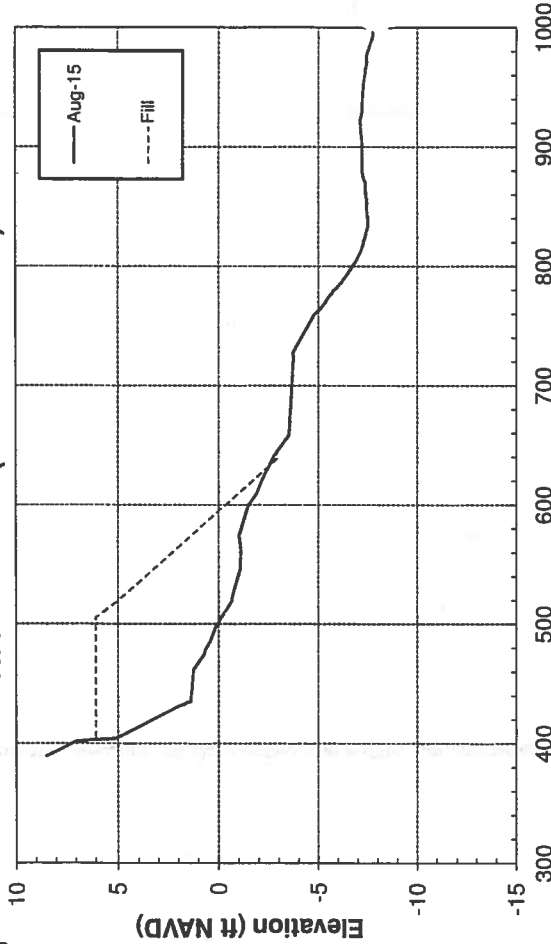
2010-1041-219
 Amendment

Station: 310+00 (Seascape)



NOTE:
Fill limits and volumes may change based on conditions at the time of construction, but will remain within permitted boundaries and abide by all special conditions of the permit.

Station: 260+00 (Beachwood East)



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

Profiles shown based on data collected by Coastal Science & Engineering, Inc via RTK GPS Aug 2015.

APPLICANT:
CITY OF ISLE OF PALMS
POST OFFICE BOX 508
ISLE OF PALMS, SC 29451

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

DRAWING TITLE: City of Isle of Palms Shoal Management
EXISTING CONDITION (December 2015)
PROPOSED FILL SECTIONS

SCALE:	AS SHOWN	SHEET:	03	
DATE:	Sep 2015	PROJECT #:		2384
REVISED:		OF 3		

2010-1041-216
amendment