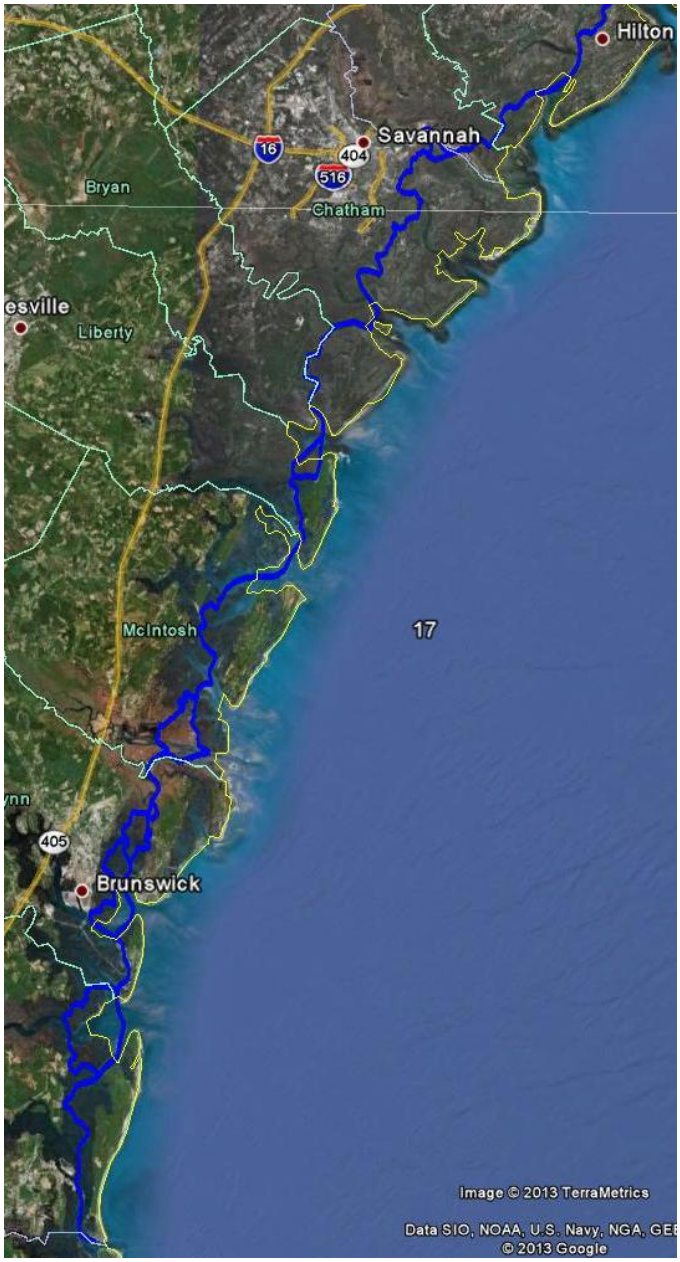
Dredged Material Management Plan
Atlantic Intracoastal Waterway
Port Royal Sound, South Carolina to Cumberland Sound, Georgia
November 2015

Appendix C: South Carolina Coastal Zone Consistency Determination (CZM)



US Army Corps of Engineers®
South Atlantic Division
Savannah District

DRAFT
South Carolina
Coastal Zone Consistency Determination (CZM)

Savannah District Maintenance Dredging
Atlantic Intracoastal Waterway (AIWW)

Jasper and Beaufort Counties, South Carolina

US Army Corps of Engineers
Planning Division
Savannah, Georgia

March 2014

Table of Contents

LIST OF ENCLOSURES

This page left blank intentionally.

1.0 Summary Determination

The Federal Coastal Zone Management Act (CZMA), 16 U.S.C. 1451 et seq., as amended, requires each Federal agency activity performed within or outside the coastal zone (including development projects) that affects land or water use, or natural resources of the coastal zone to be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs. A direct Federal activity is defined as any function, including the planning and/or construction of facilities that is performed by or on behalf of a Federal agency in the exercise of its statutory responsibilities. A Federal development project is a Federal activity involving the planning, construction, modification or removal of public works, facilities or other structures, and the acquisition, use or disposal of land or water resources.

To implement the CZMA and to establish procedures for compliance with its Federal consistency provisions, the US Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), has promulgated regulations which are contained in 15 C.F.R. Part 930. This Consistency Determination is being submitted in compliance with Part 930.30 through 930.44 of those regulations.

NOAA approved South Carolina's Coastal Management Plan (SCCMP) in 1977. Since the proposed action would affect saltwater riverine and estuarine waters, this action must be evaluated to determine its consistency with the State's CMP. This evaluation will be included in the Environmental Assessment (EA) that is prepared for this proposal. Much of the information contained within this Consistency Determination is also contained in the EA prepared for the proposed action. This Consistency Determination will be submitted to the Office of Ocean and Coastal Resource Management of the South Carolina Department of Health and Environmental Control for review and approval.

Much of the information contained within this Consistency Determination is also contained in the EA prepared for the proposed action. References to that document are included in some of the discussions on the Project's compliance with certain individual state policies. Should further information concerning the proposed project be desired, please refer to the EA, to which this Determination is an Appendix.

In accordance with the CZMA, the US Army Corps of Engineers (USACE), Savannah District, has determined that the proposed maintenance of the AIWW Federal navigation channel would be carried out in a manner that is fully consistent with the enforceable policies of the South Carolina Coastal Management Program. The evaluations supporting this determination are presented in Sections 6, 7, and 8 of this document. In addition, this determination is supported by information and analysis in the EA, which is incorporated by reference to the extent relevant to South Carolina coastal zone consistency issues.

2.0 Background

2.1 Existing AIWW Federal Navigation Project Purpose

The Planning Guidance Notebook (ER1105-2-100) requires that all Federally maintained navigation projects must demonstrate that there is sufficient dredged material disposal capacity for a minimum of 20 years. A preliminary assessment is required for all Federal navigation projects to document the continued viability of the project and the availability of dredged material disposal capacity sufficient to accommodate 20 years of maintenance dredging. If the preliminary assessment determines that there is not sufficient capacity to accommodate maintenance dredging for the next 20 years, then a dredged material management study must be performed.

This study was required due to a shortage of dredged material disposal capacity within the reaches of the AIWW along the Georgia coast; there is sufficient capacity of dredged material disposal capacity within the reaches of the AIWW along the South Carolina coast. The dredged material management study was funded using USACE Savannah District Operations and Maintenance (O&M) funding for the Savannah District portion of the Atlantic Intracoastal Waterway (AIWW) and resulted in a draft Dredged Material Management Plan (DMMP). The DMMP is an Appendix to the Environmental Assessment (EA) for the proposed action. A more detailed description of the current AIWW Navigation Project may be found in Section 1.0 and 2.0 of the EA.

This Consistency Determination addresses the consistency of the continued maintenance of the existing Atlantic Intracoastal Waterway (AIWW) Navigation Project with the South Carolina Coastal Management Programs (CMP) as required by the Federal Coastal Zone Management Act (CZMA). The on-going study to formulate a 20-year maintenance plan will culminate in a Dredged Material Management Plan (DMMP) for the Atlantic Intracoastal Waterway (AIWW) within the Savannah District area of responsibility (Figure 1). The primary objective of this study is to identify the best maintenance scheme that allows continued use of the waterway and minimizes adverse environmental impacts associated with the dredging and sediment disposal.

The draft DMMP outlines a long-term (20-year) maintenance plan that identifies and evaluates environmental issues associated with the maintenance of the AIWW. Based on the analysis of studies and collaboration with other agencies, a recommended final DMMP will be developed that provides for continued navigation of the authorized waterway while minimizing adverse environmental impacts.


555
HILTON HEAD ISLAND
SAV-1
560
Beaufort County
565
DAUFUSKIE ISLAND
CALIBOGUE SOUND
Tract 3
570
SAV-2
SAV-3
SAV-4
Jasper County
Tract 2
SAV-5
575
(14B)
14B
Jones-Oysterbed Island
TYBEE ISLAND
Chatham County
Tract 1-A-1
SAV-6
Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community
Jasper
Bryan
Chatham
Liberty
Long
McIntosh
Glynn
Camden
N
U.S. ARMY
CORPS OF ENGINEERS
SAVANNAH DISTRICT
SAVANNAH, GEORGIA
FIGURE 1
SAVANNAH DISTRICT AIWW OVERVIEW
HILTON HEAD ISLAND, SC (AIWW MILE 552) TO
TYBEE ISLAND, GA (AIWW MILE 575)
Legend
Dredge Material Disposal Sites
AIWW Stationing
AIWW Channel
Date: December 2012
Created by: Piper Bazemore
(SAS-EN-GS)
1 in = 1 Mile
0 0.5 1 2
Miles

2.3 SCCMP Jurisdiction

The Savannah District portion of the AIWW starts at Port Royal Sound, SC (Beaufort County) and continues for 161 river miles to Cumberland Sound at the GA/FL border (Figure 1). The Savannah District portion of the AIWW that is within South Carolina's CZM jurisdiction includes Beaufort and Jasper Counties and consists of only 24 of the total 161 river miles. The South Carolina CMP lists dredging, channel improvements, and other navigational works conducted by the US Army Corps of Engineers (USACE) as being direct Federal activities that are subject to Federal Consistency. For the purposes of this SC CZM determination, only the reaches in South Carolina (SAV-1 thru SAV-5) will be assessed.

2.4 Authority

The Federal Coastal Zone Management Act (CZMA), 16 U.S.C. § 1451 et seq., as amended, is the legislative authority regarding the consistency of Federal actions with state coastal policies. Section 1456(c)(1)(A) of the CZMA states: "Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall he carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs." A Federal activity is defined as any function, including the planning and/or construction of facilities that is performed on behalf of a Federal agency in the exercise of its statutory responsibilities.

To implement the CZMA and to establish procedures for compliance with its federal consistency provisions, the US Department of Commerce, National Oceanographic and Atmospheric Administration, has promulgated regulations, 15 C.F.R. Part 930. This Consistency Determination was prepared in compliance with § 930.30 through 930.44 of those regulations.

3.0 Proposed Action

The proposed action within the jurisdiction of the state of South Carolina includes the continued maintenance dredging to a depth of 12 feet for the 5 AIWW reaches within South Carolina's coastal zone. Dredged Material Disposal Area (DMCA) 14B is the designated DMCA for dredged material from Ramshorn Creek SC (SAV-2), Walls Cut SC (SAV-4), and Fields Cut SC (SAV-5). Reaches SAV-1 (Port Royal to Ramshorn Creek) and New River (SAV-3) have not required dredging historically.

Table 3.1 details the proposed dredging requirements for each of the reaches within SC addressed in this EA.

Table 3.1. Dredging Specifications for the Five Reaches within South Carolina

Dredging Reach	Operational Reach	AIWW Mileage	Current Designated DMCA	Dredging Interval (yrs)	Dredged Since 1976 EIS?
Port Royal to Ramshorn Creek, SC	SAV-1	552 - 568.5	No Previous Dredging Required		No
Ramshorn Creek, SC	SAV-2	568.5 - 569.9	DMCA 14B	14	Yes
New River, SC	SAV-3	569.9 - 572.2	No Previous Dredging Required		No
Walls Cut, SC	SAV-4	572.2 - 572.6	DMCA 14B	19	Yes
Fields Cut, SC	SAV-5	572.6 - 575.3	DMCA 14B	4	Yes

Figure 1 illustrates the reaches within the Savannah District portion of the AIWW from Port Royal Sound, SC (AIWW Mile 552) to Cumberland Sound, GA (AIWW Mile 713/Florida State line). The South Carolina portion of the AIWW extends only 24 miles into Jasper and Beaufort Counties, South Carolina.

Hydraulic cutterhead dredges have historically performed the work on the AIWW, since the disposal sites were next to the reaches been dredged. This type is the most efficient for placing material in upland disposal sites. Mechanical dredges with scows may be used to dredge reaches where the DMCA is farther than a cutterhead dredge can efficiently pump the material.

The Draft Dredged Materials Management Plan (DMMP) identifies several reaches for which disposal of dredged material into existing DMCA 14B is the preferred option. For the purposes of this SC CZM determination, only the reaches in South Carolina (SAV-1 thru SAV-5) will be assessed. DMCA 14B is also part of the Savannah Harbor Operations and Maintenance (O&M) and Savannah Harbor Expansion Project (SHEP).

4.0 Effects of the Proposed Action

The effects of the proposed work are described in more detail in Section 4.0 of the draft EA. The Mitigation Plan can be found in Section 4.15 of the EA.

Impacts of Using Existing DMCA 14B
This project includes the continued use of the existing DMCA (14B) for placement of dredged sediments from reaches 2, 4, and 5 in South Carolina. Reaches 1 and 3 have historically not needed dredging. This portion of the DMMP would not be expected to result in significant adverse impacts to biological resources, water quality, or cultural resources; it would be consistent with the Coastal Zone Management program of South Carolina, and would not have significant adverse impacts to Essential Fish Habitat (EFH).

Project implementation would impact estuarine substrates due to the dredging and re-suspension of impacted sediments; these estuarine substrates are utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. These impacts to benthic communities would be short term and minor as this habitat would quickly become re-established. Per guidance from the National Marine Fisheries Service (NMFS), the timeframe for AIWW dredging would occur from October 15 to March 31 annually in order to protect EFH. This timeframe would also avoid potential impacts to manatees. In addition, the type of dredge (hydraulic cutterhead) used for this project is very unlikely to impact sea turtles or sturgeon. Therefore, there is no net loss of EFH anticipated within the South Carolina Coastal Zone from this project and impacts to fish managed under the Magnuson Stevens Act would be negligible.

This action would also not result in a significant change in the existing condition, since the AIWW would continue to be dredged as needed to meet the existing channel requirements of the Federal Navigation Project; and DMCA 14B would continue to be used for the dredged material disposal. The proposed maintenance dredging of the Federal Navigation Project would not result in an increase in ship traffic volume within the AIWW.

5.0 Other Areas of Environmental Concern

Some of the potential environmental concerns associated with the maintenance of the AIWW have been previously addressed in this document. These impacts are discussed in more detail in Section 4.0 (Environmental Consequences) of the draft EA.

5.1 Primary and Secondary Impacts.

The proposed continuation of maintenance of the AIWW Navigation Project would primarily affect saltwater estuarine and marine habitats. Some short term direct impacts are expected to occur to shallow water benthic communities. Also, some minor temporary impacts to saltwater marsh from the temporary placement of hydraulic dredge pipelines; however the

marsh would be expected to fully recover from this action. There have not been any direct impacts to saltmarsh wetlands identified from dredged material disposal activities within existing DMCA 14B. This DMCA is regularly used by USACE for other projects such as the Savannah Harbor Navigation Project.

No other direct or indirect impacts to saltmarsh and/or wetlands have been identified from the proposed action. The pages that follow discuss potential impacts to individual species from maintenance of the proposed navigation project.

5.2 Threatened and Endangered Species

A draft Biological Assessment of Federally Threatened and Endangered Species (BATES) has been prepared for the AIWW. The draft BATES is included in the draft EA as Appendix B. The BATES concludes that the proposed maintenance of the AIWW "may affect, but is not likely to adversely affect" piping plover, wood stork, West Indian manatee, right whale and humpback whales, sea turtles, and Shortnose/Atlantic sturgeons. The BATES is being coordinated with the US Fish and Wildlife Service and the National Marine Fisheries Service for their input and opinion on the draft BATES. An initial coordination letter from the USFWS is located in Enclosure B of this document.

The pages that follow assess potential impacts to State protected species from the implementation of the proposed DMMP for the AIWW Navigation Project.

5.2.1 Spotted Turtle (*Clemmys guttata*)

a. Status. Threatened in State of SC

b. Background. Mostly unpolluted, small, shallow bodies of freshwater such as small marshes, marshy pastures, bogs, fens, woodland streams, swamps, small ponds, and vernal pools; also occurs in brackish tidal streams. Ponds surrounded by relatively undisturbed meadow or undergrowth are most favorable. Favors waters with soft bottom and aquatic vegetation. Often basks along water's edge, on brush piles in water, and on logs or vegetation clumps. May spend much time on land in some areas during certain seasons. When inactive, hides in bottom mud and detritus, or in muskrat burrow.

c. Project Impact. No alterations to freshwater marsh/wetlands or shallow freshwater or brackish water habitats are expected that would be detrimental to this species.

d. Effect Determination. No effect.

5.2.2 Least Tern (*Sterna antillarum*)

a. Status. Threatened in State of SC

b. Background. Habitat is sandy beaches and sandbars.

c. Project Impact. Least terns commonly use the DMCAs (such as DMCA 14B) for breeding, feeding, and loafing. Sediment deposition within the DMCAs produces feeding habitat for the terns and would be conducted in a manner to not interfere with nesting terns, in compliance with the Migratory Bird Treaty Act. Specifically, management of the DMCAs for birds has been and will continue to be performed in accordance with the 1996 Long Term Management Study (LTMS). In essence, the LTMS states that when the existing DMCAs are used for sediment placement, they will remain wet for 3 years and then dry for 3 years. Thus, generally about half the DMCAs are wet and the other half dry at any given time, and some DMCAs will be available for breeding, feeding and loafing each year. The DMCAs are monitored for colonial nesting birds and Black-necked Stilts. The dredger is required to set the head section in a manner that will not flood any nests on sands around the head section. USACE also holds water in the DMCAs as high as possible prior to the onset of nesting to force the stilts to nest as high as possible in the areas so their nests won't be impacted by subsequent sediment disposal operations conducted during the nesting season.

As part of the Savannah Harbor Operations and Maintenance Project, DMCA 14B (for reaches 2; 4 thru 7) is currently creating habitat for this species with a habitat island; and by fencing off an area of sand where this species is currently nesting (personal communication Steve Calver of USACE, 2012).

d. Effect Determination. The proposed action may affect breeding, nesting or loafing areas (within the DMCAs). May affect, but not likely to adversely affect this species or any of its presently designated critical habitat.

5.2.3 Bald Eagle (*Haliaeetus leucocephalus*)

a. Status. Endangered in State of SC

b. Background. The Bald Eagle prefers habitats near seacoasts, rivers, large lakes, oceans, and other large bodies of open water with an abundance of fish.

c. Project Impact. The proposed maintenance dredging of the AIWW Navigation Project would primarily affect estuarine and marine habitats. Some short term direct impacts to marsh and adjacent shallow water habitats may occur during the proposed action. Bald Eagles are periodically observed foraging at DMCA14B. The proposed continued use of the DMCA 14B should not measurably affect this foraging activity.

d. Effect Determination. May affect, but not likely to adversely affect any of its presently designated critical habitat.

5.2.4 Dwarf siren (*Pseudobranchus striatus*)

a. Status. Threatened in State of SC

b. Background. Habitat is cypress, gum swamps, and wetlands with dense vegetation. Occurs from coastal South Carolina to north Florida, however, there are “no known

occurrences" of the dwarf siren in the project area of the SHEP project (Personal Communication, Julie Holling, SC Department of Natural Resources, Heritage Trust Program, March 1, 2011). The SHEP project impact area is similar to the South Carolina portion of the AIWW project impact area. Although this species has ecological value, a detailed survey is not warranted since this species is not a federally listed threatened or endangered species.

c. Project Impact. This salamander species is not known to exist within the project area, and its habitat is not similar to what is found in the AIWW and disposal areas.

d. Effect Determination. May affect, but not likely to adversely affect this species or any of its presently designated critical habitat.

5.2.5 Rafinesque's Big-eared Bat (*Corynorhinus rafinesquii*)

a. Status. Endangered in State of SC

b. Background. Rafinesque's Big-eared bats roost in cave entrances, hollow trees, and abandoned buildings and under bridges in the forests of southeastern United States.

c. Project Impact. This species of bat is not known to exist within the project area, and its habitat is not similar to what is found in the AIWW and disposal areas.

d. Effect Determination. May affect, but not likely to adversely affect this species or any of its presently designated critical habitat.

5.2.6 Gopher tortoise (*Gopherus polyphemus*)

a. Status. Endangered in State of SC

b. Background. Habitat is dry uplands such as sandy ridges, longleaf pine/wire grass uplands, etc.

c. Project Impact. Burrows also used by Gopher Frog (*Rana capito*), and the Federally protected Indigo snake. The gopher tortoise is not known to exist within the project area, and its habitat is not similar to what is found in the AIWW and disposal areas.

d. Effect Determination. May affect, but not likely to adversely affect this species or any of its presently designated critical habitat.

6.0 State Enforceable Policies

6.1 Introduction

The goals of the South Carolina Coastal Management Program are attained by enforcement of the policies of the State as codified within the South Carolina Code of Regulations. "Policy" or "policies" of the South Carolina Coastal Management Program means the enforceable provisions of present or future applicable statutes of the State of South Carolina or regulations promulgated duly there under (SC Code of Regulations Chapter 30). The statutes cited as policies of the Program were selected because they reflect the overall Program goals of developing and implementing a balanced program for the protection of the natural resources, as well as promoting sustainable economic development of the coastal area. Each section of the South Carolina coastal management laws are discussed separately in this section, in numerical order. These sections are then followed by a paragraph titled "Consistency" that explains the extent to which the proposed project is consistent with that enforceable provision.

6.2 Statement of Policy (SC CODE 30-1)

6.2.1 South Carolina Coastal Zone Management Act

The South Carolina Coastal Zone Management Act was passed by the 1977 General Assembly of South Carolina to provide for the protection and enhancement of the State's coastal resources. This legislation creates the South Carolina Coastal Council which is given the task of promoting the economic and social welfare of the citizens of this State while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources. The South Carolina Coastal Zone Management Act was amended by Act 181 of 1993, which merged South Carolina Coastal Council with the South Carolina Department of Health and Environmental Control. The South Carolina Coastal Council became the Office of Ocean and Coastal Resource Management (OCRM).

Through the efforts of an overall coastal zone management program and permitting process, the Department seeks to guide the wise preservation and utilization of coastal resources. These rules and regulations are intended to: (a) aid developers and others in taking advantage of state-of-the-art techniques in developing projects compatible with the natural environment; (h) insure consistent permit evaluations by the Department; and (c) serve as a stimulus for implementation of better and more consistent management efforts for the coastal zone.

These regulations are the Department statements of general public applicability that implement and prescribe policy and practice requirements of the Department. They are to be read as part of, and to be construed with, the policies set forth in the South Carolina Coastal Management Program.

6.2.2 The Value of Tidelands and Coastal Waters

The tidelands and coastal waters of the South Carolina coast are a very dynamic ecosystem and a valuable natural resource for the people of the State. The tides regularly ebb and flood through the coastal inlets, bays and marshes which constitute a fragile area, vulnerable to the impacts of many human activities. Tidelands and coastal waters are identified as

"critical areas" over which the Department has direct permitting authority.

The saline marshes are highly productive components of the marine food web of coastal waters and estuaries. Decaying organic material, called detritus, serves as the basis of the food web and is the major biological contribution of the saline marshes. Many commercially and recreationally important fish and shellfish species depend on the marshlands and estuaries for all or part of their life cycle. In addition, many birds and other forms of wildlife utilize wetlands as habitat as well as a source of food. Tidelands and coastal waters also have become increasingly important in recent years for the purposes of aquaculture.

Among the important functions of the salt and brackish marshes is their role in protecting adjacent highlands from erosion and storm damage. Marsh vegetation absorbs and dissipates wave energy and establishes a root system which stabilizes the soils. Its effectiveness as a buffer depends on the surface area available which, combined with the composition of the underlying substrate, allows tidelands to act as "sponges," absorbing and releasing waters during storms or times of heavy riverine discharge.

Marshes also perform a valuable waste treatment function since the dense vegetation acts as a filter, trapping sediments and pollutants which enter as run-off from the upland areas. The trapping of sediments helps maintain water clarity, a factor important to clam, oyster, and phytoplankton productivity. The marshes also assimilate pollutants and recycle nutrients through various biochemical processes.

Coastal waters and the adjacent marshes are also significant as aesthetic, recreational and educational resources. Much of the expenditure for recreation and tourism in the South Carolina coastal zone is for purposes of enjoying outdoor activities and the aesthetic pleasures of undisturbed tideland areas. These natural areas lend themselves to meaningful and important academic pursuits such as bird-watching and wildlife population and nutrient recycling studies.

These same unique natural resource areas face increasing land development pressure and negative impacts from human activities in and around them. The marshes constitute a fragile ecosystem; consequently, indiscriminate dredging and filling, degradation of water quality or unsound building and development practices can have long-term detrimental effects. All development need not be prohibited; rather, the range of favorable and unfavorable results needs to be realized, and analysis made to determine priorities, evaluate alternatives, anticipate impacts, and suggest the best methods and designs to carry out wise development of these resources.

6.2.3 The Value of Beaches and Dunes

In 1977, the South Carolina General Assembly enacted the Coastal Tidelands and Wetlands Act (Coastal Zone Management Act) to protect, preserve, restore and enhance the coastal resources of South Carolina. The Act created a new state agency, the South Carolina Coastal Council, and charged it with the responsibility of administering and enforcing the statute. This legislation, however, proved ineffective for managing the beach/dune system because

regulatory authority over these areas given to the Coastal Council was not sufficient. From the State's beaches, the Coastal Council could regulate landward only to the primary oceanfront sand dune or to the highest uprush of the waves where no such dune existed.

Lacking adequate authority, the Coastal Council was unable to prevent structures from being sited unwisely close to the eroding shore, thus making them extremely vulnerable to the effects of storms and high tides. The owners of the structures, in most instances, quickly sought permits from the Coastal Council (herein referred to as the Department) to construct hard erosion control devices in order to protect their erosion threatened structures. Unfortunately, hard erosion control devices can sometimes result in increased erosion, a lowering of the beach profile (thereby reducing the beach/dune system's tourist and recreational value), and a decrease in the ability of the beach/dune system to protect upland property from storms and high tides.

In 1986, the Blue Ribbon Committee on Beachfront Management was formed in response to the growing recognition that existing law was inadequate to protect the fragile beach/dune resource. The Committee determined that the beach/dune system of the State was in a state of crisis. The report concluded that "over fifty-seven miles of our beaches are critically eroding. This erosion is threatening the continued existence of our beach/dune system and thereby threatening life, property, the tourist industry, vital State and local revenue, marine habitat, and a national treasure". The 1988 Beachfront Management Act was enacted by the South Carolina General Assembly in response to the concerns presented in this report.

It has been clearly demonstrated that the erosion problems of this State are caused by a persistent rise in sea level, a lack of comprehensive beach management planning, and poorly planned oceanfront development, including construction of hard erosion control structures, which encroach upon the beach/dune system. Sea level rise in this century is a scientifically documented fact. The South Carolina shoreline is suffering from its effects today. It must be accepted that regardless of attempts to forestall the process, the Atlantic Ocean, as a result of sea level rise and periodic storms, is ultimately going to force those who have built too near the beachfront to retreat. There are three basic approaches to beachfront management: (a) armor the beach with hard erosion control devices; (b) re-nourish the beach with sand; and (c) retreat from the beach.

The 1977 Coastal Zone Management Act, as amended, rejects construction of new erosion control devices and adopts retreat and re-nourishment as the basic state policy towards preserving and restoring the beaches of our state. The Department, as steward of the State's coastal resources, has the responsibility under the new statute to implement the forty-year retreat policy by designating a baseline and setback line on all oceanfront properties of the State, developing a long-range comprehensive State plan for management of the beach/dune resource, and supporting the efforts of local governments in developing local long-range beach management plans. In addition, the Department shall require property owners to move new construction and reconstruction as far landward as possible, to limit the size of structures within the constraints of the Act, and to seek innovative ways to ameliorate the effects of beach erosion.

In the final analysis, the long-range public good is the same as the long-range private good. If the dry sand beaches of this State disappear because of the failure of its people and governmental natural resource managers to protect the beach/dune system, future generations will never have the opportunity to use and enjoy this valuable resource.

6.2.4 Consistency

The proposed project would affect coastal waters and tidelands, which are considered critical areas. Maintenance dredging would be conducted within the Savannah District portion of the AIWW navigation channel (reaches 1 thru 5 are located within South Carolina). Material removed from the navigation channel would be placed in the existing DMCA 14B located in Jasper County, South Carolina. Effluent discharged from this DMCA would enter the Savannah River or the AIWW.

As previously mentioned (Section 4.0), there have not been any significant adverse impacts identified to coastal resources that are associated with the proposed action. Reach 2 in South Carolina is the only area of the AIWW that contains material suitable for beneficial use; and this material may be used for beach re-nourishment at the south end of Hilton Head Island, Daufuskie Island, or DMCA 14B (for later use in dike construction). Modifications have been made to DMCA 14B to create nesting habitat for least terns (Section 5.2.2). USACE will continue to explore opportunities to improve habitat for birds within disposal areas.

The South Carolina DHEC-OCRM must evaluate projects to determine the extent to which the project would further its major objectives which are to “protect and where possible, to restore and enhance the resources of the State’s coastal zone for this and succeeding generations”. Therefore, as discussed above, implementation of the proposed action would have the potential to help enhance some resources within the State’s coastal zone; and is fully consistent with this provision of the State of South Carolina’s Coastal Zone Management Program.

7.0 Critical Area Boundaries (SC Code 30 10)

7.1.1 Coastal Waters and Tidelands

The Department has permit authority over the coastal waters and tidelands critical areas defined in Section 48-39-10 as follows:

a. "Coastal waters" means the navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark. Provided, however, that the Department may designate boundaries which approximate the mean extent of saline waters until such time as the mean extent of saline waters can be determined scientifically.

b. "Tidelands" means all areas which are at or below mean high tide arid coastal wetlands, mudflats, and similar areas that are contiguous or adjacent to coastal waters and are an integral part of the estuarine systems involved. Coastal wetlands include marshes, mudflats, and shallows and mean those areas periodically inundated by saline waters whether or not the saline waters reach the area naturally or through artificial water courses and those areas that are normally characterized by the prevalence of saline water vegetation capable of growth and reproduction. Provided, however, nothing in this definition shall apply to wetland areas that are not an integral part of an estuarine system. Further, until such time as the exact geographic extent of this definition can be scientifically determined, the Department shall have the authority to designate its approximate geographic extent.

c. Using biological field surveys and aerial photography, the Department has found the point on the upper reaches of the estuarine systems where tideland vegetation changes from predominately brackish to predominately fresh and has established a boundary using the nearest recognizable physical features within this area. This boundary has been posted on an official map in SC DHEC-OCRM'S principal offices of business and is available for public review. An approximate description of this boundary is as follows: [NOTE: The remainder of this section has been deleted from this Consistency Determination. The deleted section describes an approximate boundary where tideland vegetation changes from predominantly brackish to predominately fresh.]

All coastal waters and tidelands seaward from this boundary to the State jurisdictional limit are included within the critical areas.

7.1.2 Beaches and Beach/Dune System

The Department has permitting authority over beaches and the beach/dune system. In determining the boundaries of this critical area, the Department will be guided by Section 48-39-270, Section 48-39-280 and Section 48-39-360.

7.1.3 Consistency

Section 30-10 defines the critical areas covered by the SC Coastal Management Plan. The proposed project would not adversely impact any upland beaches or dunes. Reach 2 in South Carolina is the only area of the AIWW that contains material suitable for beneficial use; and this material may be used for beach re-nourishment at the south end of Hilton Head Island or Daufuskie Island.

The proposed AIWW maintenance would not be expected to adversely impact South Carolina coastal waters and tidelands. This Consistency Determination has been prepared to ensure that this project complies with the South Carolina Coastal Management Program in regards to impacts to coastal waters and tidelands.

7.2.1 General Guidelines for all Critical Areas (SC CODE 30-11)

The critical areas are of vital importance to the State, and there is strong and growing pressure for the development of these areas. The Department has established these rules and regulations for permit applications in an effort to reduce the irreversible loss of productive tidelands, coastal waters, beaches, and dunes while meeting long-range State development needs.

7.2.2 General Considerations

In assessing the potential impacts of projects in critical areas, the Department will be guided by the policy statements in Sections 48-39-20 and 48-39-30 and the following ten considerations in Section 48-39-150:

a. The extent to which the activity requires a waterfront location or is economically enhanced by its proximity to the water;

b. The extent to which the activity would harmfully obstruct the natural flow of navigable water. If the proposed project is in one or more of the State's harbors, or in a waterway used for commercial navigation and shipping, or in an area set aside for port development in an approved management plan, then a certificate from the South Carolina State Ports Authority declaring that the proposed project or activity would not unreasonably interfere with commercial navigation and shipping must be obtained by the Department prior to issuing a permit;

c. The extent to which the applicant's completed project would affect the production of fish, shrimp, oysters, crabs, or clams or any marine life or wildlife, or other natural resources in a particular area, including but not limited to water and oxygen supply;

d. The extent to which the activity could cause erosion, shoaling of channels or creation of stagnant water;

e. The extent to which the development could affect existing public access to tidal and submerged lands, navigable waters and beaches, or other recreational coastal resources;

f. The extent to which the development could affect the habitats for rare and endangered species of wildlife or irreplaceable historic and archeological sites of South Carolina's coastal zone;

g. The extent of the economic benefits as compared with the benefits from preservation of an area in its unaltered state;

h. The extent of any adverse environmental impact which cannot be avoided by reasonable safeguards;

i. The extent to which all feasible safeguards are taken to avoid adverse environmental impact resulting from a project;

j. The extent to which the proposed use could affect the value and enjoyment of adjacent owners.

7.2.3 Further Guidelines

In the fulfilling of its responsibility under Section 48-39-150, the Department must in part base its decisions regarding permit applications on the policies specified in Sections 48-39-20 and 48-39-30, and thus, be guided by the following:

a. The extent to which long-range, cumulative effects of the project may result within the context of other possible development and the general character of the area.

b. Where applicable, the extent to which the overall plans and designs of a project can be submitted together and evaluated as a whole, rather than submitted piecemeal and in a fragmented fashion which limits comprehensive evaluation.

c. The extent and significance of negative impacts on Geographic Areas of Particular Concern (GAPC). The determination of negative impacts will be made by the Department in each case with reference to the priorities of use for the particular GAPC. The priorities of use are found in Chapter IV of the Coastal Management Program.

7.2.4 General Guidelines for Beaches and the Beach/Dune System

These guidelines are not included in this Consistency Determination because this project would not adversely impact any beaches or dunes in South Carolina.

7.2.5 Consistency

Consideration One. The extent to which the activity requires a waterfront location or is economically enhanced by its proximity to the water.

As previously addressed in this document, maintenance of the existing AIWW Navigation Channel is the only viable alternative to address the navigation requirements of the authorized project. Consequently, there are no known alternatives that could be implemented to avoid construction work in the aquatic and marine environment.

Consideration Two. The extent to which the activity would harmfully obstruct the natural flow of navigable water. If the proposed project is in one or more of the State's harbors, or in a waterway used for commercial navigation or shipping, or in an area set aside for port development in an approved management plan, then a certificate from the South Carolina State Ports Authority declaring that the proposed project or activity would not unreasonably interfere with commercial navigation or shipping must be obtained by the Department prior to issuing a permit.

This consideration is not included in this Consistency Determination because the project impact area is not within any harbor, waterway used for commercial navigation or shipping, or in an area set aside for port development in an approved management plan.

Consideration Three. The extent to which the applicant's completed project would affect the production of fish, shrimp, oysters, crabs, clams or any marine life or wildlife, or other natural resources in a particular area, including but not limited to water and oxygen supply.

The dredging requirements for the AIWW in South Carolina would be confined to maintaining the existing navigation channel. All of the dredged material would be discharged into the existing DMCA 14B, which is routinely used for the Savannah Harbor Navigation Project. Maintenance of the AIWW navigation channel would not adversely affect the production of fish, shrimp, oysters, crabs, clams or other marine life.

Consideration Four. The extent to which the activity could cause erosion, shoaling of channels or creation of stagnant water.

The continued maintenance of the AIWW navigation channel would not have any major impacts on existing shoaling rates, bank erosion; nor would it create any areas of stagnant water.

Consideration Five. The extent to which the development could affect existing public access to tidal and submerged lands, navigable waters and beaches, other recreational coastal resources.

The proposed maintenance of the AIWW would maintain the exiting public access to tidal and submerged lands, navigable waters and beaches, or recreational coastal resources.

Consideration Six. The extent to which the development could affect the habitats for rare and endangered species of wildlife or irreplaceable historic and archaeological sites of South Carolina's coastal zone.

A Biological Assessment of Threatened and Species (BATES) was prepared to evaluate the potential impacts of the project on threatened and endangered species (See EA-Appendix B). The conclusion reached in the BATES is that the proposed project may affect but is not likely to adversely affect piping plover, wood stork, West Indian manatee, right whale and humpback whale, sea turtles, and Atlantic/Shortnose sturgeons. The BATES will be coordinated with the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) for their review, comment and/or Biological Opinion.

An underwater survey for historic resources of the AIWW was recently completed and results have not yet been assessed. The survey of the AIWW disposal tracts will be completed and assessed at a future date. To date, there are no designated historic sites that have been identified within the proposed project impact area. The draft EA will completely assess the presence of historic resources (and impacts) within the impact area of this navigation project.

Since this proposed action does not include new work (only maintenance) material, no adverse impacts to historic resources are anticipated at this time within the AIWW navigation channel. The draft EA will be coordinated with the SC SHPO to ensure there are no adverse impacts from this project.

Consideration Seven. The extent of the economic benefits as compared to the benefits from preservation of an area in an unaltered state.

This consideration was not applicable to the proposed action, since this project would simply maintain an existing authorized navigation channel.

Consideration Eight. The extent of any adverse environmental impact which cannot be avoided by reasonable safeguards.

To date, the portion of the AIWW within South Carolina does not have any significant adverse impacts identified with it; therefore, this consideration was not applicable to the proposed action.

Consideration Nine. The extent to which all feasible safeguards are taken to avoid adverse environmental impact resulting from a project.

To date, this portion of the AIWW within South Carolina does not have any significant adverse impacts identified with it; therefore, this consideration was not applicable to the proposed action.

Consideration Ten. The extent to which the proposed use could affect the value and enjoyment of adjacent owners.

This project does not represent a change from the existing condition and only provides for maintenance of an authorized navigation channel; therefore, this consideration was not applicable to the proposed action.

7.2.6 Further Guidelines.

The OCRM must also consider the following in reviewing permit applications or Federal Consistency Determinations:

The extent to which long-range, cumulative effects of the project may result within the context of other possible development and the general character of the area.

The EA includes a Cumulative Impact Analysis (Section 4.21) that will evaluate past, present and known future actions on wetlands and other relevant resources. To date, no significant impacts have been identified from the Savannah District portion of the AIWW within the South Carolina coastal

zone.

Where applicable, the extent to which the overall plans and designs of a project can be submitted together and evaluated as a whole, rather than submitted piecemeal and in a fragmented fashion which limits comprehensive evaluation.

The SC DHEC-OCRM will be provided all plans associated with this project in the EA.

The extent and significance of negative impacts on Geographic Areas of Particular Concern (GAPC). The determination of negative impacts will be made by the Department in each case with reference to the priorities of use for the particular GAPC. The priorities of use are found in Chapter IV of the Coastal Management Program.

Chapter 4 of the South Carolina Coastal Management Program was consulted to determine if the AIWW Navigation Project would impact any Geographic Areas of Particular Concern (GPAC). Based on that review, the following GPACs were located in the vicinity of the project impact area:

a. Areas of Unique Natural Resource Value.

Marshes. There would be some minor temporary impact to saltwater marsh from the temporary placement of hydraulic dredge pipelines; but the marsh would be expected to fully recover from this action.

b. Wildlife and game management areas under ownership and/or management of the South Carolina Wildlife and Marine Resources Department.

Turtle Island is located within reach 5 of the AIWW in Jasper County, South Carolina just south of the AIWW navigation channel, which uses Disposal Area 14B. However, no impacts to Turtle Island have been identified from the continued maintenance of this reach of the AIWW.

Hunting Island is located in Jasper County, South Carolina to the north of the first reach (SAV-1) of Savannah District section of the AIWW navigation channel; and too distant to be impacted by the proposed action especially since this reach does not require maintenance dredging. This island is adjacent to the Charleston District section of the AIWW.

c. Living Marine Resources

Marine resources in the State of South Carolina that would be adversely affected by the maintenance of the AIWW navigation channel would be mainly those benthic communities located in the navigation channel that would be impacted by maintenance dredging. These are short term impacts as the benthic communities would repopulate after dredging events. To protect other marine resources (mainly sea turtles), the use of hopper dredges would be restricted to the period December 1-March 31.

Based on all of the determinations in this section, the proposed project complies with the General Guidelines for Critical Areas.

8.0 Specific Project Standards for Tidelands and Coastal Waters (SC CODE 30-12)

8.1 Docks and Piers

Section 30-12 provides standards for various types of private, commercial and community docks and piers.

Consistency
The proposed action would not include the construction of any docks and piers

8.2 Boat ramps

Section 30-12 provides standards for boat ramps.

Consistency
The proposed action would not include the construction of any boat ramps.

8.3 Bulkheads and Revetments (Rip-rap) (Other than ocean front, as covered under R.30-13(N)

Section 30-12 provides standards for bulkheads and revetments (rip-rap) designed to mitigate environmental losses.

Consistency
The proposed action would not include the construction of any bulkhead or Revetments.

8.4 Cable, Pipelines, and Transmission Lines

Section 30-12 provides standards for the installation of cables, pipelines, and transmission lines to protect the environment, especially when they require construction in wetland areas.

Consistency
There would be some minor temporary impact to saltwater marsh from the temporary placement of hydraulic dredge pipelines; but the marsh would be expected to fully recover from this action. The proposed action would not include the construction of any other cables, pipelines, or transmission lines.

8.5 Marina/Community Dock Location and Design

Section 30-12 provides detailed requirements for both the construction and operation of marinas.

Consistency
The proposed action would not include the construction of any marina/dock facilities.

8.6 Transportation

Section 30-12 provides guidance to prevent environmental degradation in the coastal zone relevant to the construction of various types of transportation projects including highways, airports, etc.

Consistency
This project would not involve the construction of any highway or airport. Normal maintenance of roads in the DMCA 14B would be carried out in strict accordance with South Carolina Erosion Control Procedures. This project is consistent with the provisions concerning transportation projects.

8.7 Dredging and Filling

Section 30-12 describes various requirements and standards designed to minimize environmental degradation caused by dredging and filling actions as follows:

Development of wetland areas often has been considered synonymous with dredging and filling activities. Dredging and filling in wetlands can always be expected to have adverse environmental consequences; therefore, the Department discourages dredging and filling. There are cases, however, where such unavoidable environmental effects are justified if legitimate public needs are to be met.

The specific standards are as follows:

a. The creation of commercial and residential lots strictly for private gain is not a legitimate justification for the filling of wetlands. Permit applications for the filling of wetlands and submerged lands for these purposes shall be denied, except for erosion control, see R.30-12(C), or boat ramps, see R.30-12(B). All other dredge and fill activities not in the public interest will be discouraged;

b. Dredging and filling in wetland areas should be undertaken only if that activity is water-dependent and there are no feasible alternatives;

c. To the maximum extent feasible, dredging and filling activities should be restricted in nursery areas and shellfish grounds and during periods of migration, spawning, and early development of important sport and commercial species;

d. Dredging and excavation shall not create stagnant water conditions, lethal fish entrapments, or deposit sumps or otherwise contribute to water quality degradation;

e. Designs for dredging and excavation projects shall, where feasible, include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the dispersal of silt materials;

f. Dredged materials shall be deposited and contained in such a manner so as to prevent dispersal into adjacent wetland areas and, in all cases, new facilities must have permanent upland disposal sites. Existing facilities must have either permanent upland disposal sites or EPA approved ocean disposal sites;

g. Applications for dredging in submerged and wetland areas for purposes other than access, navigation, mining, or drainage shall be denied, unless an overriding public interest can be demonstrated. Dredging permits for mining will be issued only as specified in (2) (h) below. Drainage permits must be consistent with the provisions in R.30-12(L);

h. Applications for dredging for mining activities within the critical areas will be denied unless a significant portion of the resource is located in the critical area, extraction of the resource is clearly necessary, and benefits derived from extraction would outweigh resultant detrimental impacts on coastal ecosystems. For any permit issued to allow dredging for mining operations in the critical areas, a complete site reclamation plan shall be required;

i. Wetlands shall not be utilized as depositories for waste materials except as discussed in R.30-I 2(I and J);

j. In all cases, dredging activities shall not he approved until satisfactory disposal sites have been acquired;

k. Only hydraulic dredging is permitted unless the material is being placed in a hopper barge for offshore disposal or unless the applicant can show that hydraulic dredging is infeasible in a site-specific application;

l. Marinas will usually not be allowed in areas that require maintenance dredging more often than once every four years.

Consistency
No dredged sediment from this project would be used to create land to be used for development purposes.

Maintenance of the AIWW would involve dredging primarily in open water areas in South Carolina's coastal zone. The dredged material from South Carolina reaches 2, 4, & 5 would continue to be placed in DMCA 14B. The discharge of effluent from the weirs in the CDFs would be monitored for various parameters during construction including suspended solids.

No dredging and filling would occur in designated shellfish areas in the State of South Carolina. Construction of this project would not create stagnant water conditions, lethal fish entrapments or deposit sumps.

The proposed action would not involve any mining activities.

No dredged sediment would be deposited in wetlands.

Maintenance of the AIWW would primarily involve the use of hydraulic pipeline dredges. There could be a need to use other equipment such as mechanical dredges or clamshells, especially where there is a need to remove debris.

Based on these determinations, this project is consistent with the dredging and filling requirements of Section 30-12.

8.8 Navigation Channels and Access Canals

Section 30-12 prescribes specific standards designed to minimize the adverse effects of the disposal of dredged material. Certain dredging activities involve the creation and maintenance of navigation channels and access canals. These activities have a potential for severe environmental impacts and should meet a demonstrated public need.

Where the Department determines that such activities are justified, the following standards will he applied:

a. Dredging for establishment of new canals which involves permanent alteration of wetland habitats will be prohibited unless no feasible alternative exists. Establishment of canals for purposes of creating waterfront lots from inland property will be prohibited unless it can be demonstrated that there will be no significant environmental impacts on critical areas;

b. To the extent feasible, project plans must utilize piers or catwalks, rather than channels or canals, to reach deeper water areas;

c. Access canals shall be designed to insure adequate flushing and shall not create dead-end or stagnant water pockets. Open-ended, U-shaped, or semicircular canals are generally preferred over dead-end canals, since they usually provide better water circulation;

d. Highland waterway construction that is slated to be tied into wetland areas shall be constructed in the dry, if feasible, so that sloping and stabilization of the banks can be completed before the plug is removed for the connection to open waters. Where dry construction is not possible, temporary plugs or silt curtains at the end of canals connected to waterways should be maintained until all sediment settles out;

e. The sides of navigation channels and access canals should he gently sloping rather than vertical to facilitate biological as well as physical stabilization of the canal banks;

f. When several landowners are to be served by a project, dredging for navigation channels and access canals should be well planned to prevent unnecessary excavation. Tributary canals in the highlands leading to a central navigation channel should be used rather than separate channels for each waterfront landowner;

g. The berm of access canals should be raised so that there is a gradual slope away from the canal edge. This will help prevent introduction of contaminants into adjacent wetland areas;

h. Alignment of channels and canals should make maximum use of natural or existing channels. Alignment of channels and canals should avoid shellfish beds, nursery areas, and spawning areas in wetlands.

Consistency

This project would not involve the creation of any new channels, canals, or pathways; and only includes the maintenance of an existing navigation channel. Therefore, this project would be consistent with the objectives regarding navigation channels outlined in Chapter 30-12.

8.9 Deposition of Dredged Sediment

Section 30-12 provides standards to prevent and minimize impacts to the marine and aquatic environment resulting from the deposition of dredged material as follows:

a. Upland disposal of dredged material shall always be sought in preference to disposal in wetlands. Vegetated wetlands and mudflats shall not be utilized for disposal of dredged materials unless there are no feasible alternatives. Any other wetlands should not be utilized for disposal of dredged materials when other alternatives exist;

b. Open water and deep water disposal should be considered as an alternative if highland alternatives are not feasible. However, open and deep water disposal sites should be seriously considered only after careful consultation with the Department and other relevant State and Federal agencies;

c. Dredged materials containing hazardous levels of toxic material must be disposed of with extraordinary caution. These materials shall never be disposed of in wetland areas and only in highland areas which are lined and diked with impervious materials. These materials will only be disposed in open water ocean dumping sites when maximum safety has been demonstrated after thorough review by the Department and other appropriate state and federal agencies;

d. Dikes surrounding disposal areas should be shaped and vegetated immediately to minimize erosion, with outfalls positioned to empty into non-wetland areas;

e. Future disposal sites shall be reviewed on a case-by-case basis;

f. Wherever feasible, existing disposal areas shall be utilized to the fullest extent possible; this would include raising the height of the embankments to increase the holding capacity of the disposal area;

g. Consideration must be given to the temporal aspects of spoil deposition - for example, impacts on spawning, fish migrations, shellfish harvesting, waterfowl nesting and wintering areas, and mosquito control. Attention must be given to possible adverse impacts of various alternative sites on the public health and welfare as well as on critical fish and wildlife areas;

h. In all cases, dredging activities shall not be approved until satisfactory disposal sites have been acquired.

Consistency

Most of the dredged sediment from the AIWW within South Carolina would be placed in the existing DMCA 14B, which is located along the Savannah Harbor. Reach 2 in Jasper County, South Carolina is the only area of the AIWW that contains material suitable for beneficial use; and this material may be used for beach re-nourishment at the south end of Hilton Head Island, Daufuskie Island, or DMCA 14B (for later use in dike construction).

Dredging and sediment placement operations for this project would be carried out in accordance with the same environmental provisions used for maintenance dredging operations. These provisions include various measures to protect nesting birds in the DMCAs during the breeding season.

This project would be consistent with the objectives concerning dredged material deposition outlined in Section 30-12.

8.10 Waste Treatment Systems

This section of 30-12 provides standards applicable to the construction and operation of various types of waste treatment systems.

Consistency
The proposed action would not involve the construction of any types of waste treatment systems.

8.11 Marsh Impoundments for Recreational and Commercial Activities

This section of 30-12 describes the review procedures and conditions for approval of proposals involving the impoundment of wetlands.

Consistency
The proposed action would not involve the impoundment of wetlands.

8.12 Drainage Canals or Ditches

This section of 30-12 describes under what conditions drainage canals and ditches are approved and the state standards for constructing these types of projects.

Consistency
The proposed action would not involve the construction of any drainage canals or ditches.

8.13 Non-water Dependent Structures

This section of 30-12 describes types of non-water dependent structures and the conditions under which they are considered for approval.

Consistency
The proposed action would not include the construction of any non-water dependent structures.

8.14 Access to Coastal Islands

This section of 30-12 provides guidance relative to the construction of bridges and docks as a means of gaining access to coastal islands.

Consistency
The project would not involve the construction of any such structures.

8.15 Mariculture

This section of 30-12 describes the standards for the establishment of mariculture type activities which is the confined cultivation of aquatic species in the marine environment.

Consistency
This project would not include the development of such operations.

8.16 Mooring Buoys

This section of 30-12 provides specifications for the placement of mooring buoys.

Consistency
There are currently no mooring buoys in the AIWW channel. Modification to the navigation aids for AIWW may be required in the future; any new/modified aids would be in strict accordance with US Coast Guard requirements and specifications. Therefore, the proposed action would be consistent with these requirements.

9.0 Local Land Use Plans

Most of the proposed action is located within the Georgia coastal zone. Activities in Jasper and Beaufort Counties, South Carolina include the continuation of maintenance dredging within the reaches SAV-2, -4, and - 5 (Figure 1) and the continued placement of dredged sediment in DMCA 14B. None of these activities would result in land use changes. Therefore, no impacts to local land use plans are expected.

10.0 Demonstration of No Feasible Alternatives Under the SCCMP

According to SC DHEC, USACE is required to analyze feasible alternatives under the SCCMP and South Carolina water quality certification regulations. The portion of the proposed action in South Carolina involves the continued maintenance dredging of the AIWW and the continued use of DMCA 14B. Therefore, since no significant adverse impacts have been identified that are associated with the project, no further analysis of alternatives was considered.

11.0 South Carolina Water Quality Certification

Application for water quality certification under South Carolina's Clean Water Act Section 401 will be applied for during the agency comment period for the draft EA. The water quality certification constitutes a determination that the project will not violate South Carolina water quality standards, and is fully consistent with the enforceable provisions of the SCCMP.

12.0 Conclusion

In accordance with the CZMA, 16 U.S.C. § 1456(c), as amended, Savannah District, US Corps of Engineers has determined that the proposed maintenance of the Savannah District portion of the AIWW Federal Navigation Project would be carried out in a manner that is fully consistent with the enforceable policies of the South Carolina Coastal Management Plan. This determination applies to the preferred alternative identified in the EA prepared for this project and the effects of that alternative on the water resources, natural resources, and land uses of the coastal zone of South Carolina, as directed by 15 C.F.R. § 930.39.