



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

May 21, 2021

Regulatory Division

Mr. Andy Benke
Town of Sullivan's Island
PO Box 427
Sullivan's Island, SC 29482

Dear Mr. Benke:

This is in response to your letter dated March 10, 2021, inquiring if it is necessary to obtain a Department of the Army (DA) Permit for the proposed thinning and clearing of vegetation in wetlands (SAC-2021-00391). The proposed project is located seaward of homes behind the critical line on the accreted land owned by the Town of Sullivan's Island, Charleston County, South Carolina (Latitude: 32.7555 °, Longitude: -79.8499 °). The site is depicted on the exhibit you submitted, prepared by Thomas and Hutton, dated February 17, 2021, and entitled "SULLIVANS ISLAND ACCRETED LANDS WORK PLAN EXHIBIT".

We have reviewed the description of work you provided entitled "Sullivan's Island Accreted Lands Work Plan" and dated March 10, 2021 (work plan) (attached). Based on a review of the information in the work plan, your work as proposed is not considered to be a regulated activity pursuant to Section 404 of the Clean Water Act, and therefore, does not require a DA permit. **However, please be advised that our position is based on the understanding that the activities associated with the above referenced work plan involve "only the cutting or removing of vegetation above the ground (e.g., mowing, rotary cutting, and chainsawing) where the activity neither substantially disturbs the root system nor involves mechanized pushing, dragging, or other similar activities that redeposit excavated soil material."** 33 CFR 323.2(d)(2)(ii).

Be advised this letter does not make any determination regarding the presence or absence of wetlands and/or other Waters of the United States. A jurisdictional determination may be requested by submitting a Request for Jurisdictional Determination (JD) / Delineation which can be found on our website at:

<http://www.sac.usace.army.mil/Missions/Regulatory/PermittingProcess>

It is your responsibility to ensure no unauthorized work in Navigable Waters of the United States or discharges of dredged or fill material into jurisdictional wetlands and/or other waters of the United States occurs as part of the proposed work. **In particular, you are cautioned that "the term *discharge of dredged material* means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States" including, but not limited to "[a]ny addition, including redeposit other than incidental fallback, of dredged material, including excavated material, into waters of the United States which is incidental to any activity, including mechanized landclearing, ditching, channelization, or other excavation."** 33 CFR 323.2(d)(1)(iii). Note that performing such actions without the requisite permit could be a

violation of the Clean Water Act and/or the Rivers and Harbors Act and may result in enforcement action.

This "No Permit Required" determination remains valid unless new information, including changes to and/or deviations from the above referenced work plan, warrants revision. You may need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control Bureau of Water or Office of Ocean and Coastal Resource Management. A copy of this letter is forwarded for their information.

In all future correspondence, please refer to file number SAC-2021-00391. If you have any questions, please contact Shawn Boone, Project Manager, at (843) 329-8158, or by email at Shawn.A.Boone@usace.army.mil.

Sincerely,



Amanda L. Heath
Chief, Special Projects Branch

Attachments
Sullivan's Island Accreted Lands Work Plan

Copies Furnished:

SC DHEC - Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201
WQCWetlands@dhec.sc.gov

SC DHEC - OCRM
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405
OCRMPermitting@dhec.sc.gov



682 JOHNNIE DODDS BOULEVARD, SUITE 100 | POST OFFICE BOX 1522
MT. PLEASANT, SC 29464 | 843.849.0200
WWW.THOMASANDHUTTON.COM

TO: USACOE, OCRM, SCDHEC-BOW

FROM: Tony M. Woody, PE
Thomas & Hutton

DATE: March 10, 2021

SUBJECT: Sullivan's Island Accreted Lands
Work Plan

JOB NO.: 25357.0002

1.0 NARRATIVE

On October 7, 2020 the Town of Sullivan's Island entered into a Settlement Agreement to end a decade long lawsuit and agreed to thin the vegetation on the Accreted Lands to serve the interest of improved mosquito control, improved vegetation management, enhanced public safety, improved public health, and scenic enhancement. The vegetation thinning will be accomplished by utilization of environmentally sensitive means (use of appropriate equipment, thinning techniques, naturalist approved seeding, etc) and can avoid material problems with erosion, particularly in light of documented natural accretion in the area.

The Accreted Lands are located on the southern portion of Sullivan's Island in TMS #523-12-00-077, 529-09-00-112 (two parcels), 529-10-00-087, and a portion of TMS #529-09-00-068. The total area is approximately 147 acres, and is divided into three Zones... 1, 2, and 3, and a Transition Zone that is part of all three Zones. The Zones were established to identify different thinning approaches to better represent the different environments of each zone.

The attached Work Plan Exhibit identifies the three Zones, and the Transition Zone, the Beach Front Baseline and Setback Line, the Dune Line (in Zone 3), and the delineated Freshwater Wetlands (pending USACOE review). The description below identifies the work to be accomplished along with the means and methods within each zone, inside and outside of the Freshwater Wetlands, landward and seaward of the Beach Front Setback Line, and landward and seaward of the Dune Line.

The goal of this technical paper is to describe the work (thinning and removal of existing vegetation) along with the means and methods of accomplishing the work with enough clarity and in enough detail to allow Federal and State agencies with permitting authority to determine if the proposed activities will require a permit.

2.0 GENERAL

- A. In order to be respectful of habitat during breeding seasons, work to be planned to commence and conclude during the period between November 1st and February 28th. If field or other unexpected conditions delay progress on work commenced during this period then such work will be completed as near as possible to February 28th.
- B. TOSI will retain expertise to determine on a daily basis if conditions are suitable to work during the work period identified above. The determination will include weather patterns and soil moisture condition.
- C. When present, stumps will remain in place and treated with a herbicide approved for use in the associated environment to prevent new growth.
- D. No removal of vegetation that disturbs the soil will occur and no fill including incidental fill will be placed in Freshwater Wetlands.
- E. Unless otherwise specified below, trees and other vegetation removed from the Accredited Lands will be transferred to an inland site on Sullivan's Island outside of the Accreted Lands, chipped, and disposed of in accordance with Local and State regulations.
- F. Existing beach access paths will be used to the maximum extent practicable. Alternate routes and dispersed routes may be utilized where it appears that geographically dispersed activity, rather than concentrated activity, would be more protective of the natural environment.

3.0 TRANSITION ZONE LANDWARD OF SETBACK LINE IN ZONES 1, 2, AND LANDWARD OF DUNE LINE IN ZONE 3

- A. Retain all Live Oaks, Magnolias, and Palm trees 16" DBH or greater. Lesser size species and other species will be cut to the extent reasonably practicable given existing field conditions.
- B. Trees and shrubs 3" DBH and smaller shall be cut at ground level and mulched in place if located outside of wetland or removed if located inside a wetland. Cutting of such material will be by chainsaw or similar device if located inside a wetland.
- C. Trees and shrubs removed greater than 3" DBH shall be cut by chainsaw and carried offsite with small non powered equipment.
- D. Stumps will remain in place.
- E. Vines will be removed as determined by TOSI.

4.0 TRANSITION ZONE SEAWARD OF SETBACK LINE IN ZONES 1, 2, AND SEAWARD OF DUNE LINE IN ZONE 3

- A. No tree or shrub removal proposed.
- B. Vegetation will be pruned or trimmed by TOSI after receipt of an arborist opinion that the proposed trimming or pruning will not likely endanger the long-term survival of the plant material.
- C. Vines will be removed as determined by TOSI.

5.0 ZONE 1 OUTSIDE OF TRANSITION ZONE AND LANDWARD OF THE SETBACK LINE

- A. Myrtles that are inside Freshwater Wetlands – All myrtles to be trimmed to a minimum height of 3 feet.
- B. Myrtles that are outside of Freshwater Wetlands – 50% of myrtles to be cut at the ground. Remaining 50% to be trimmed to 5 feet. TOSI to identify the areas to be cut and retained based on field conditions, aesthetics, habitat, and natural considerations.
- C. Trees and shrubs 3" DBH and smaller that are specified for removal shall be cut at ground level and mulched in place outside of wetland areas, and shall be cut at ground level and removed from the site inside wetland areas.
- D. Trees specified for removal that are greater than 3" DBH shall be cut at ground level and removed from the site.
- E. Retain all Live Oaks, Magnolias and Palmettos. Retain all non-specified tree species if 6" DBH or larger. Lesser size specimens will be removed to the extent reasonably practicable given existing field conditions.
- F. Retain all non-specified tree species if 6" DBH or larger. Lesser size specimens will be removed to the extent reasonably practicable given existing field conditions.
- G. Retain all Cedar, Pine, and Hackberry Trees 12" DBH or greater. Lesser size specimens will be removed to the extent reasonably practicable given existing field conditions.
- H. Remaining plant material will be trimmed or pruned as determined by TOSI after receipt of an arborist's opinion that the proposed trimming or pruning will not likely endanger the long-term survival of the plant.
- I. Vines will be removed as determined by TOSI.

6.0 ZONE 2 OUTSIDE OF TRANSITION ZONE AND LANDWARD OF SETBACK LINE

- A. Myrtles that are inside Freshwater Wetlands - All myrtles shall be trimmed to a minimum height of 3 feet.
- B. Myrtles that are outside of Freshwater Wetlands - 50% of myrtles shall be cut at the ground. Remaining 50% shall be trimmed to 5 feet. TOSI to identify the areas to be cut and retained based on field conditions, aesthetics, habitat, and natural considerations.
- C. Trees and shrubs 3" DBH and smaller that are specified for removal shall be cut at ground level and mulched in place outside of wetland areas, and shall be cut at ground level and removed from the site inside wetland areas.
- D. Trees and shrubs specified for removal that are greater than 3" DBH shall be cut at ground level and removed from the site.
- E. Retain all Live Oaks, Magnolias and Palmettos 6" DBH or greater. Lesser size specimens will be removed to the extent reasonably practicable given existing field conditions.
- F. Retain all non-specified tree species if 8" DBH or larger. Lesser size specimens will be removed to the extent reasonably practicable given existing field conditions.
- G. Retain all Cedar, Pine, and Hackberry Trees 16" DBH or greater. Lesser size specimens will be removed to the extent reasonably practicable given existing field conditions.
- H. Remaining plant material will be trimmed or pruned as determined by TOSI after receipt of an arborist's opinion that the proposed trimming or pruning will not likely endanger the long-term survival of the plant.
- I. Vines will be removed as determined by TOSI.

7.0 ZONES 1 AND 2 SEWARD OF SETBACK LINE

- A. Myrtles shall be trimmed to a minimum height of 3'.
- B. No tree or shrub removal proposed.
- C. Vines will be removed as determined by TOSI.
- D. Vegetation other than myrtles will be pruned or trimmed by TOSI after receipt of an arborist's opinion that the proposed trimming or pruning will not likely endanger the long-term survival of the plant material.

8.0 ZONE 3 OUTSIDE OF TRANSITION ZONE AND LANDWARD OF DUNE LINE

- A. Myrtles that are inside Freshwater Wetlands - All myrtles shall be trimmed to a minimum height of 3 feet.
- B. Myrtles that are outside of Freshwater Wetlands - 50% of myrtles shall be cut at the ground. Remaining 50% shall be trimmed to 5 feet. TOSI to identify the areas to be cut and retained based on field conditions, aesthetics, habitat, and natural considerations.
- C. Retain all Live Oaks, Magnolias and Palmettos 6" DBH or greater. Lesser size specimens will be removed to the extent reasonably practicable given existing field conditions.
- D. Non-specified species 10" DBH or greater shall be retained. Lesser size specimens may be cut at ground level to the extent reasonably practicable given existing field conditions.
- E. Retain all Cedar, Pine, and Hackberry Trees 18" DBH or greater. Lesser size specimens may be cut at ground level to the extent reasonably practicable given existing field conditions.
- F. Trees and shrubs 3" DBH and smaller shall be cut at ground level and mulched in place outside of freshwater wetland areas, and shall be cut at ground level and removed from the site inside freshwater wetland areas.
- G. Remaining plant material will be trimmed or pruned as determined by TOSI after receipt of an arborist's opinion that the proposed trimming or pruning will not likely endanger the long-term survival of the plant.
- H. Vines will be removed as determined by TOSI.

9.0 ZONE 3 SEAWARD OF THE DUNE LINE

- A. Myrtles shall be trimmed to a minimum height of 3'.
- B. No trees or shrubs to be removed.
- C. Vegetation other than myrtles will be trimmed or pruned as determined by TOSI after receipt of an arborist's opinion that the proposed trimming or pruning will not likely endanger the long-term survival of the plant.



SULLIVAN'S ISLAND
ACCRETED LANDS

WORK PLAN EXHIBIT

- Wetland Delineation
- 1
- 2
- 3
- 200 Foot Transition Zone
- Base Line
- Set Back Line



February 17, 2021
Job No. 25357.0002

