

**JOINT**  
**PUBLIC NOTICE**

CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, SC 29403-5107

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
Office of Ocean and Coastal Resource Management  
1362 McMillan Avenue, Suite 400  
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N SAC-2015-00835

July 10, 2017

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**Mr. Graham Kenan**  
**Blackground, LLC**  
**2402 Blackground Road**  
**Johns Island, South Carolina 29455**

for a permit to restore tidally influenced wetlands in

**Bryans Creek**

at 2402 Blackground Road on Johns Island, Charleston County, South Carolina (Latitude: 32.6343°N, Longitude: -80.0927°W), USGS Legareville Quad sheet .

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

**15 Days from the Date of this Notice,**

and **SCDHEC** will receive written statements regarding the proposed work until

**30 Days from the Date of this Notice**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of converting a freshwater impoundment into a functional Managed Tidal Impoundment.

**Background:** The project area was originally a section 10 tidal wetland feature (tidal slough). In the past, a private landing strip was constructed, bisecting a portion of the slough from any tidal influence. Over time, the bisected portion converted naturally to a freshwater feature. At a later

time, a 10" pipe with a screw valve was installed to manage water levels in the freshwater feature and keep stormwater from flowing over an access road.

**Current Proposal:** The applicant proposes to remove the outflow pipe and replace it with a rice field trunk in order to reestablish the tidal influence to the area and create a Managed Tidal Impoundment. In detail the applicant proposes to excavate 1.96 acres of de-graded freshwater wetlands to establish a central canal zone, sand flats zone and a vegetated shelf zone. Excavated material will be placed on-site in uplands. A 5' x 32' 'Combahee-Style' field trunk will be installed with an 8' x 12' splash pad installed on the canal side of the trunk to help prevent erosion at low tide. Splash pads are not installed on the impoundment side of a trunk. The trunk will include a 12' bulkhead and 5' to 6' long wing walls at the each end of the bulkhead for stability. The trunk is intended as the principle inflow structure and will impact 0.004 ac of freshwater wetlands. A 3' x 5' spillway box will be installed at the opposite end of the impoundment. This spillway box will connect to approximately 220 linear feet of 48" HDPE pipe laid in uplands that will conduct outflow to the adjacent tidal marsh and serve as outflow of the one-way system. The spillway box will impact 0.0002 ac of freshwater wetlands. The total wetland impacts for the proposed project are 1.9642 acres. The applicant has proposed no mitigation for impacts to wetlands and/or waters of the United States due to the restorative nature of the project. The project purpose is to convert a freshwater impoundment to a tidal impoundment to improve water quality and enhance habitat.

**NOTE: This public notice and associated plans are available on the Corps' website at:**  
<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 3.62 acres of freshwater wetlands located upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public



notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(f)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general

July 10, 2017

environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, SC 29403-5107**

If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at (843) 329-8044 or toll free at 1-866-329-8187.



# Property within Quad

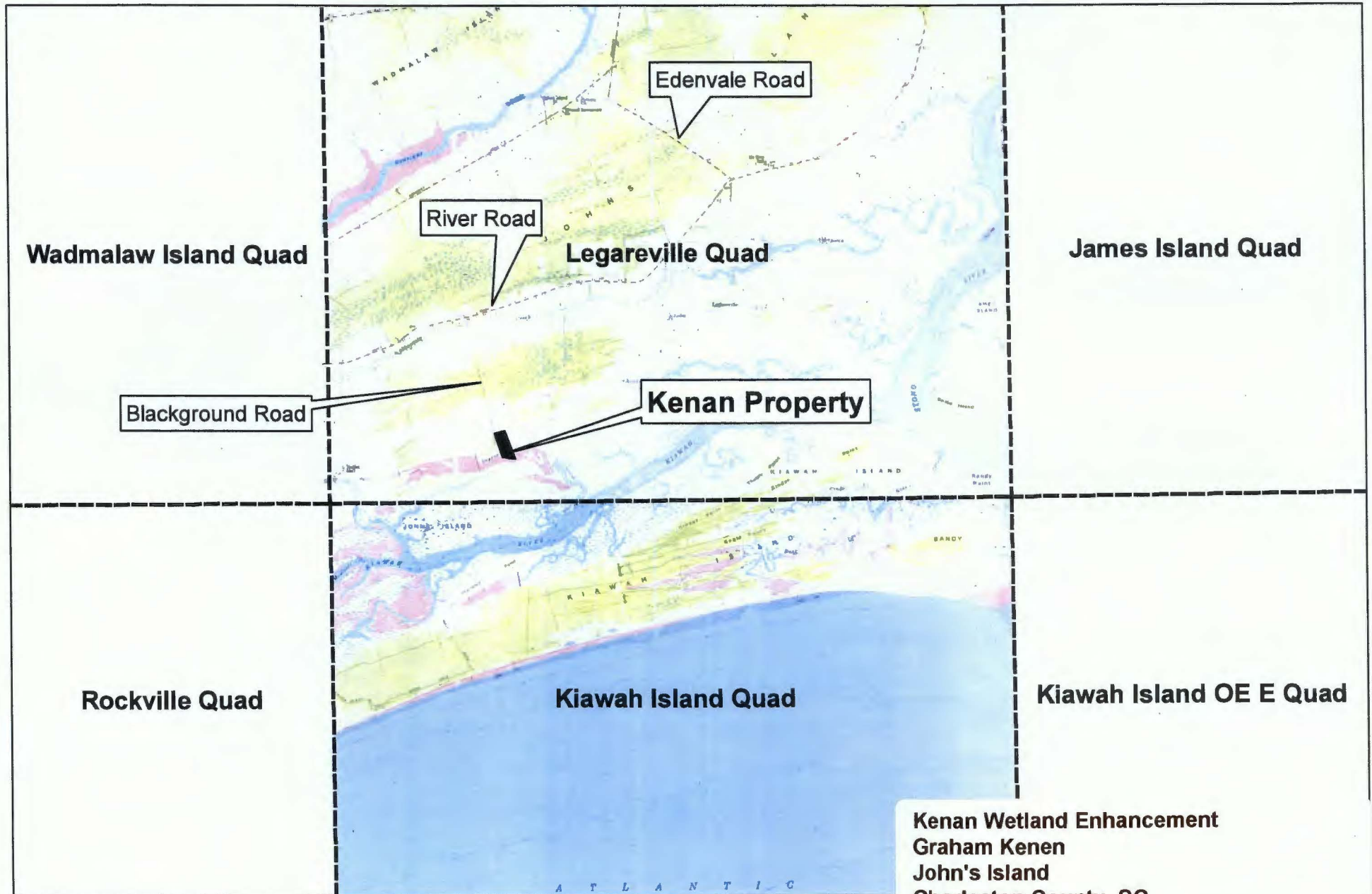


Quad boundaries in black  
7.5" USGS Topo



Project Title: Kenan Wetland Enhancement  
Project Location: 2402 Blackground Road  
Johns Island, SC Charleston County  
32.633969° N, 80.093434°W  
Applicant: Graham Kenan  
Agent: Travis Hayes Folk, PhD

Drawing Scale  
1" : 7,400'  
Date  
Sheet of



Kenan Wetland Enhancement  
Graham Kenan  
John's Island  
Charleston County, SC  
SAC-2015-00835

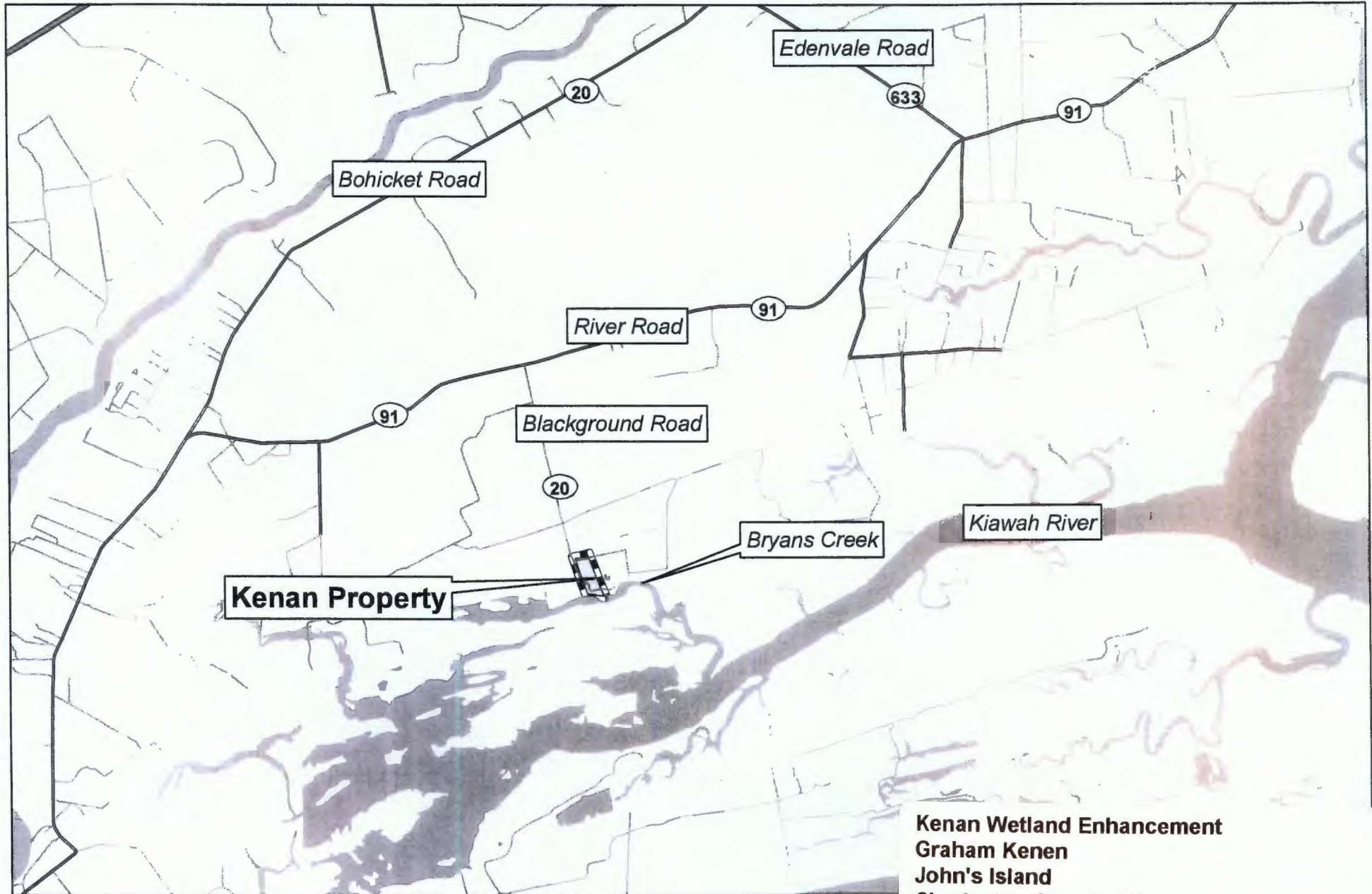
# Location Map



Project Title: Kenan Wetland Enhancement  
Project Location: 2402 Blackground Road  
Johns Island, SC Charleston County  
32.633969° N, 80.093434°W  
Applicant: Graham Kenan  
Agent: Travis Hayes Folk, PhD

Drawing Scale  
1" : 4,500'

Date  
Sheet of



Kenan Wetland Enhancement  
Graham Kenan  
John's Island  
Charleston County, SC  
SAC-2015-00835



# Project Area within Property



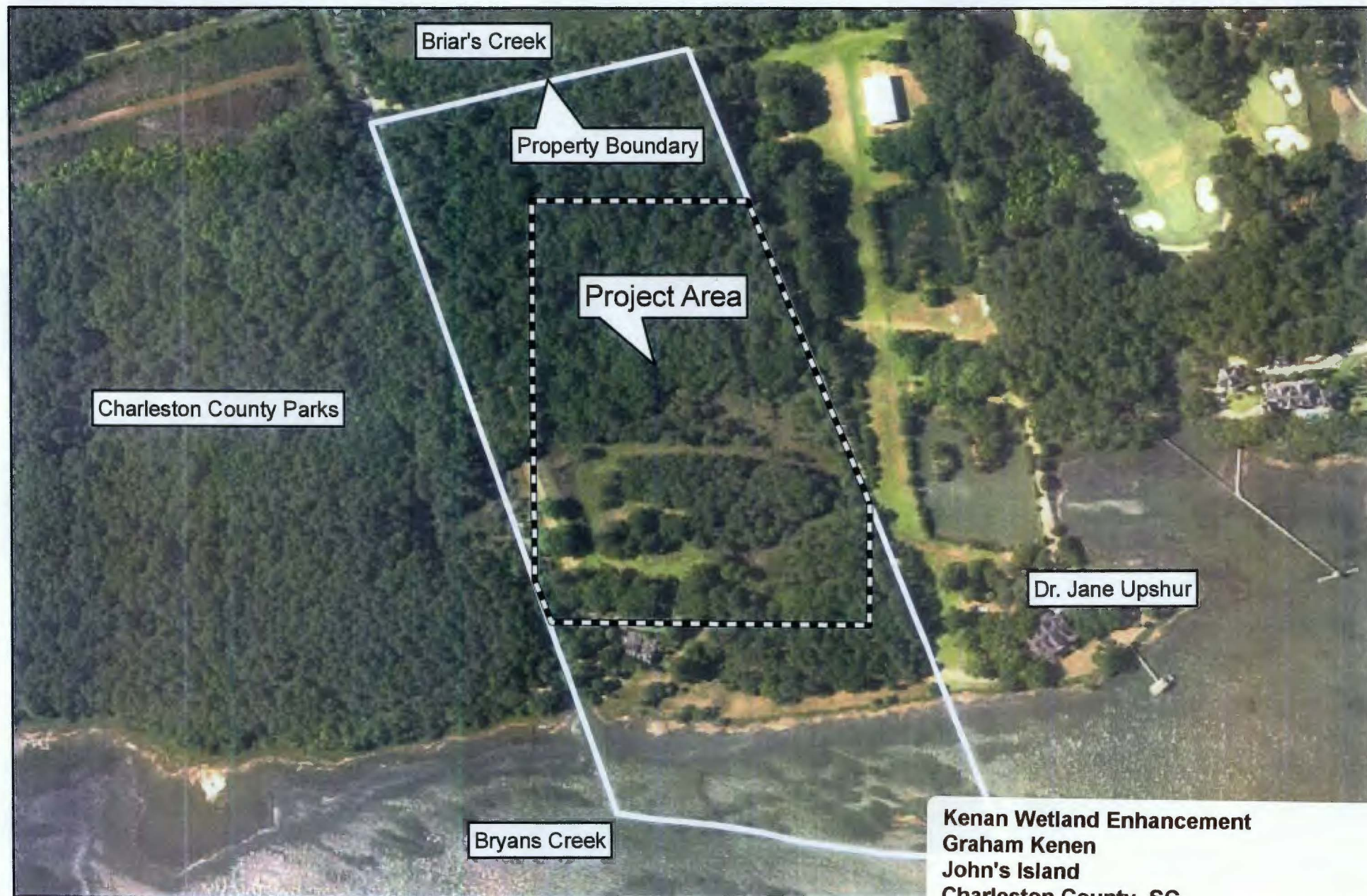
2015 Aerial Photograph



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Project Location: 2402 Blackground Road  
Johns Island, SC Charleston County  
32.633969° N, 80.093434°W  
Applicant: Graham Kenan  
Agent: Travis Hayes Folk, PhD

Drawing Scale  
1" : 260'

Date  
Sheet of



**Kenan Wetland Enhancement  
Graham Kenen  
John's Island  
Charleston County, SC  
SAC-2015-00835**



# Project Area within Property

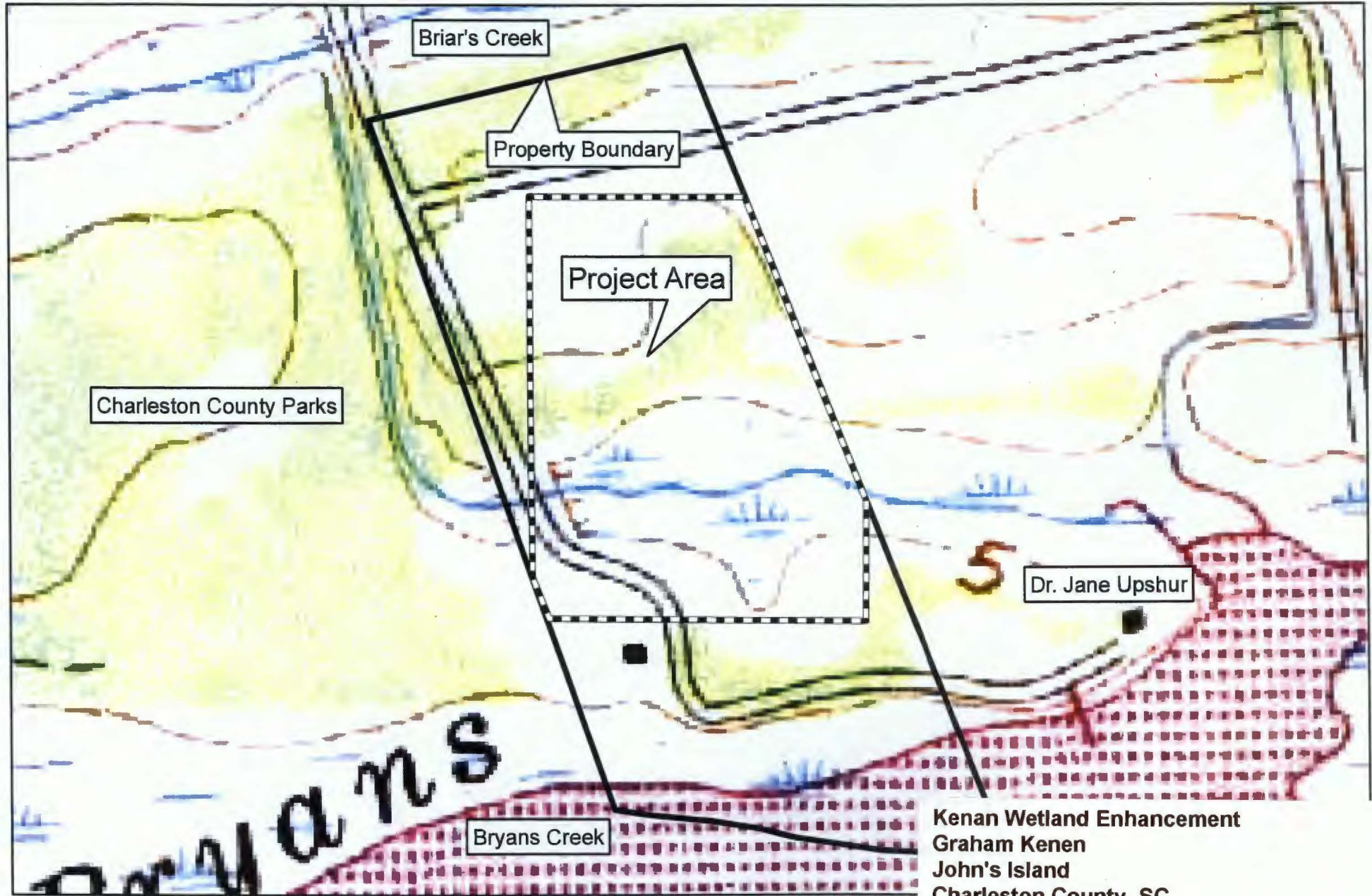
Project Title: Kenan Wetland Enhancement  
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Drawing Scale  
1" : 260'

Date  
Sheet of

0 250 500 Feet

7.5' USGS topo



Kenan Wetland Enhancement  
Graham Kenan  
John's Island  
Charleston County, SC  
SAC-2015-00835



# Current wetland condition with wetland boundary shown

0 50 100 200  
Feet

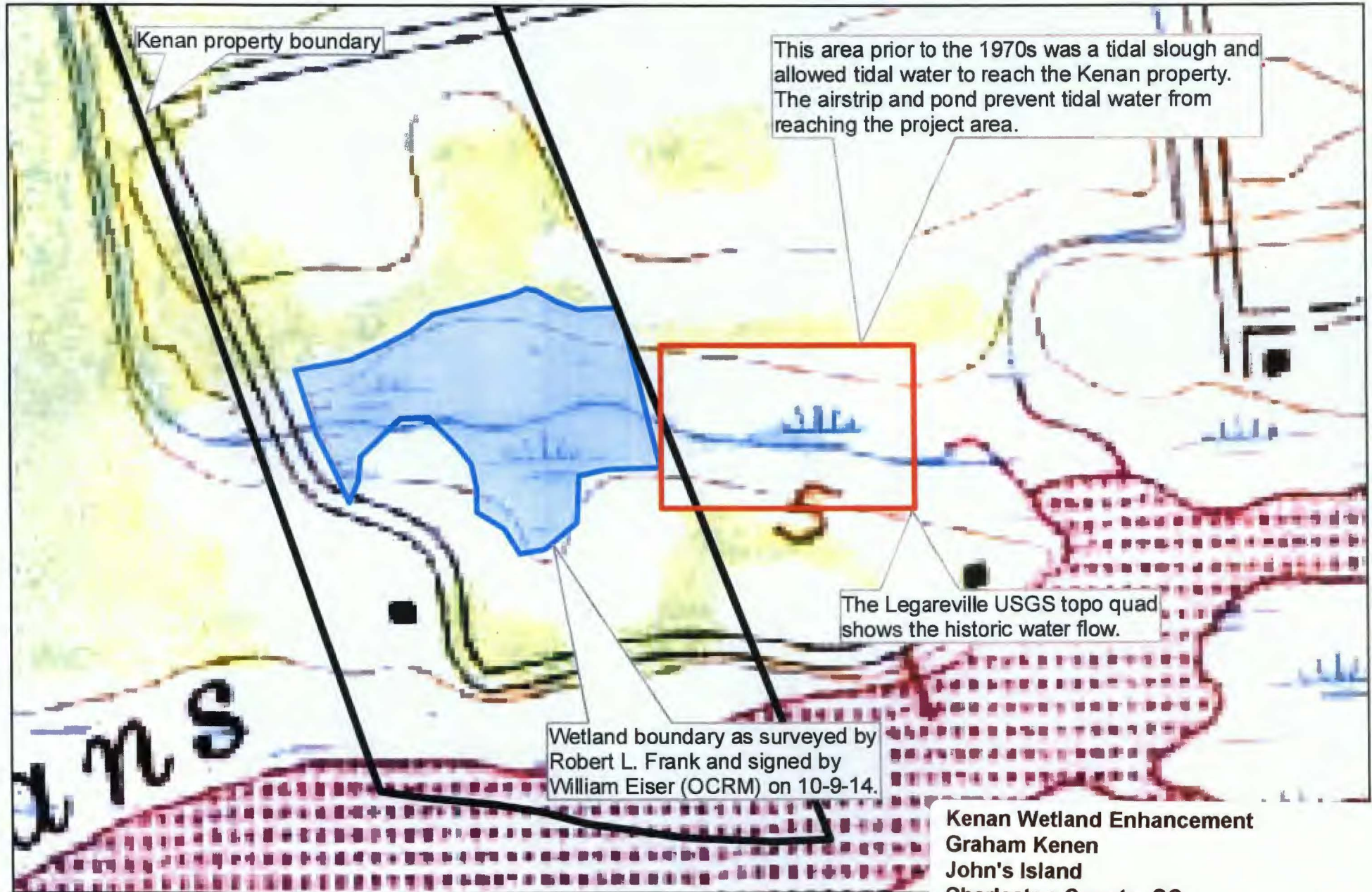
7.5' USGS topo



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32.633969° N, 80.093434°W  
Applicant: Graham Kenan  
Agent: Travis Hayes Folk, PhD

Drawing Scale  
1" : 225'

Date  
Sheet of



Kenan Wetland Enhancement  
Graham Kenan  
John's Island  
Charleston County, SC  
SAC-2015-00835



# Current wetland condition with wetland boundary shown

0 50 100 200  
Feet

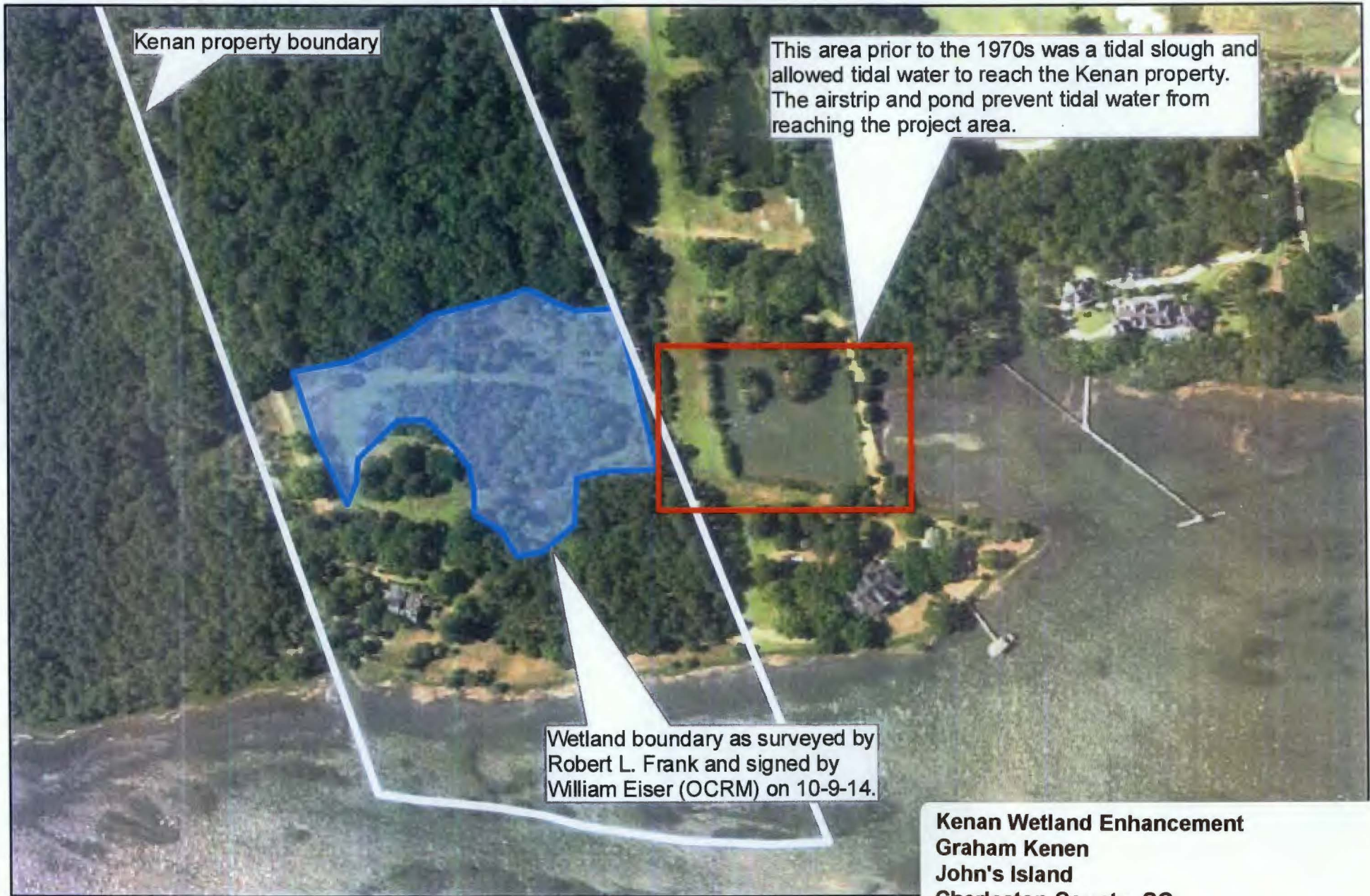
2015 Aerial Photograph



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Johns Island, SC Charleston County  
32.633969° N, 80.093434° W  
Applicant: Graham Kenan  
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Drawing Scale  
1" : 225'

Date  
Sheet of



Kenan property boundary

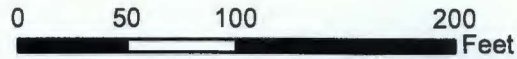
This area prior to the 1970s was a tidal slough and allowed tidal water to reach the Kenan property. The airstrip and pond prevent tidal water from reaching the project area.

Wetland boundary as surveyed by Robert L. Frank and signed by William Eiser (OCRM) on 10-9-14.

**Kenan Wetland Enhancement**  
**Graham Kenan**  
**John's Island**  
**Charleston County, SC**  
**SAC-2015-00835**



# Plan View



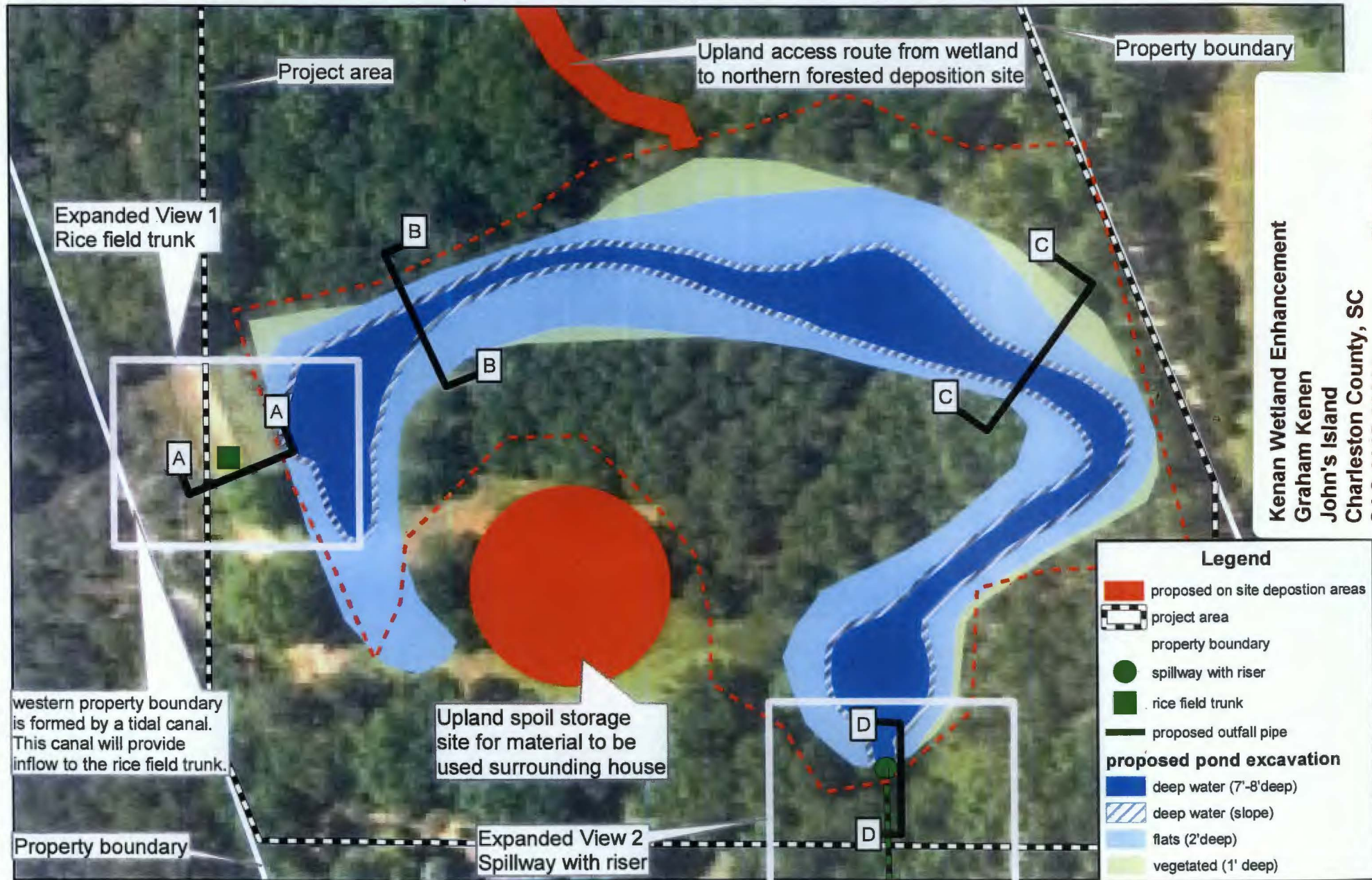
2015 Aerial Photograph



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 Johns Island, SC Charleston County  
 32.633969° N, 80.093434°W  
 Applicant: Graham Kenan  
 Agent: Travis Hayes Folk, PhD

Drawing Scale  
 1" : 85'

Date  
 Sheet of



Kenan Wetland Enhancement  
 Graham Kenan  
 John's Island  
 Charleston County, SC  
 SAC-2015-00835  
 Sheet 7 of 16

**Legend**

- proposed on site deposition areas
- project area
- property boundary
- spillway with riser
- rice field trunk
- proposed outfall pipe

**proposed pond excavation**

- deep water (7'-8' deep)
- deep water (slope)
- flats (2' deep)
- vegetated (1' deep)

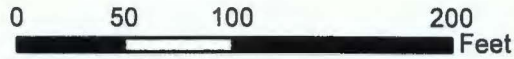


# Plan View

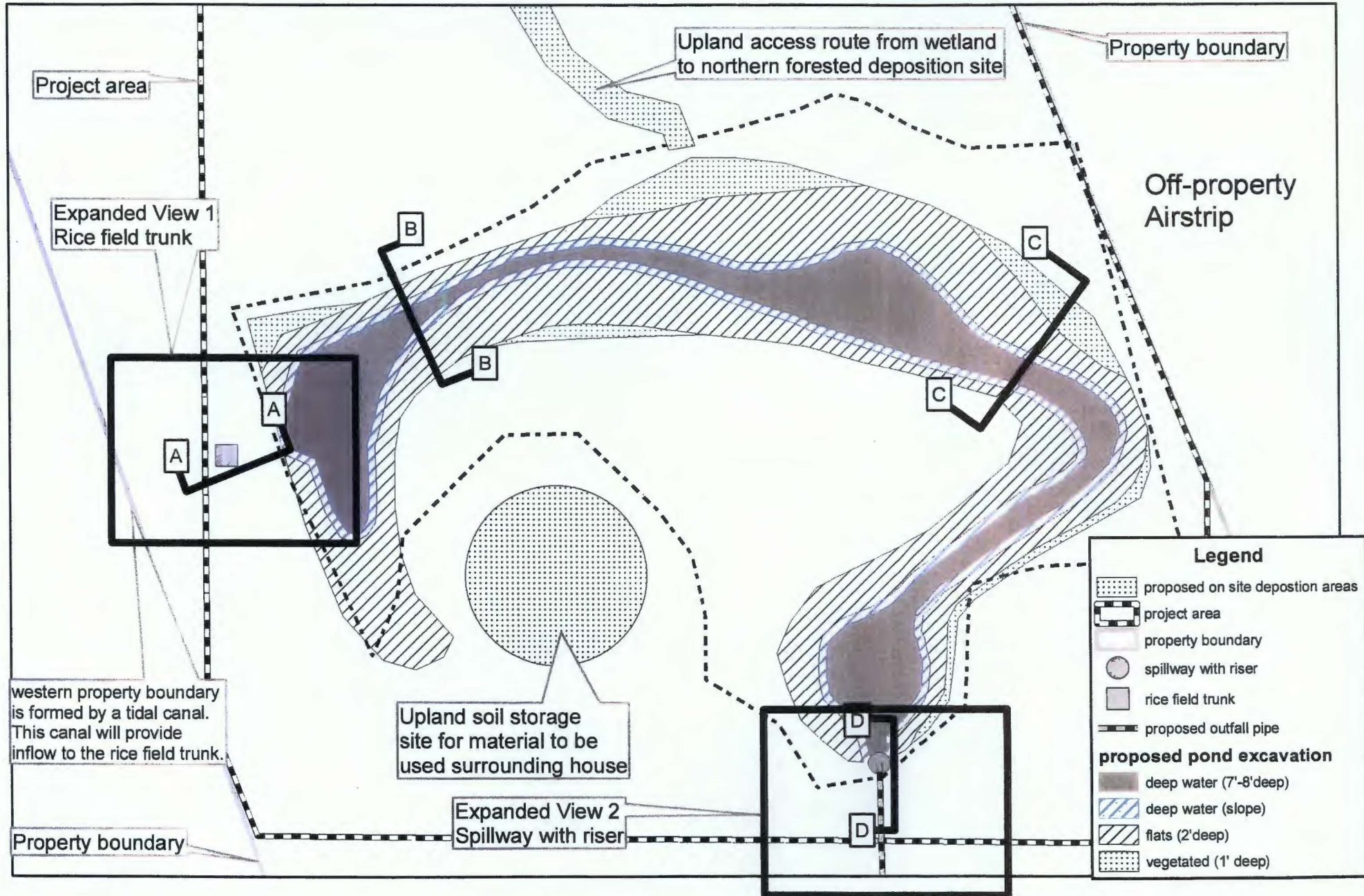
**Kenan Wetland Enhancement**  
**Graham Kenen**  
**John's Island**  
**Charleston County, SC**  
**SAC-2015-00835**

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Drawing Scale  
 1" : 85'  
 Date  
 Sheet of



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**Legend**

- proposed on site deposition areas
- project area
- property boundary
- spillway with riser
- rice field trunk
- proposed outfall pipe
- proposed pond excavation**
  - deep water (7'-8'deep)
  - deep water (slope)
  - flats (2'deep)
  - vegetated (1' deep)

western property boundary is formed by a tidal canal. This canal will provide inflow to the rice field trunk.

Upland soil storage site for material to be used surrounding house

Upland access route from wetland to northern forested deposition site

Property boundary

Off-property Airstrip

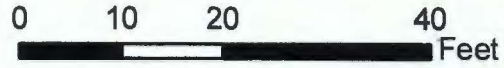
Project area

Expanded View 1  
Rice field trunk

Expanded View 2  
Spillway with riser

Property boundary

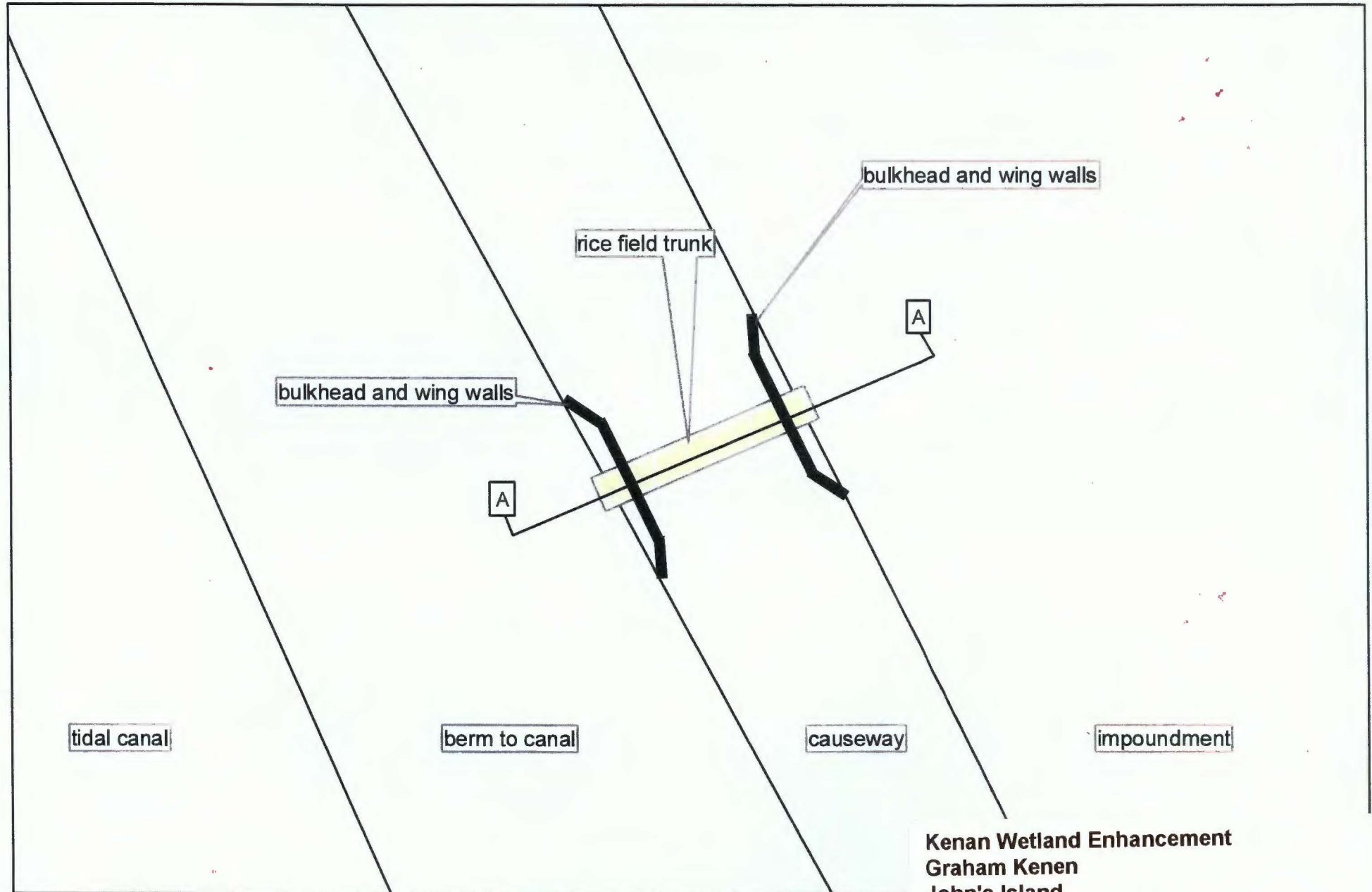
# Expanded Plan View 1



Project Title: Kenan Wetland Enhancement  
Project Location: 2402 Blackground Road  
Johns Island, SC Charleston County  
32.633969° N, 80.093434°W  
Applicant: Graham Kenan  
Agent: Travis Hayes Folk, PhD

Drawing Scale  
1" : 18'

Date  
Sheet of



tidal canal

bulkhead and wing walls

rice field trunk

bulkhead and wing walls

A

A

berm to canal

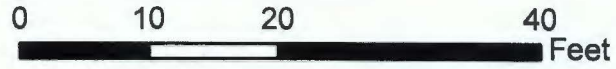
causeway

impoundment

Kenan Wetland Enhancement  
Graham Kenen  
John's Island  
Charleston County, SC  
SAC-2015-00835



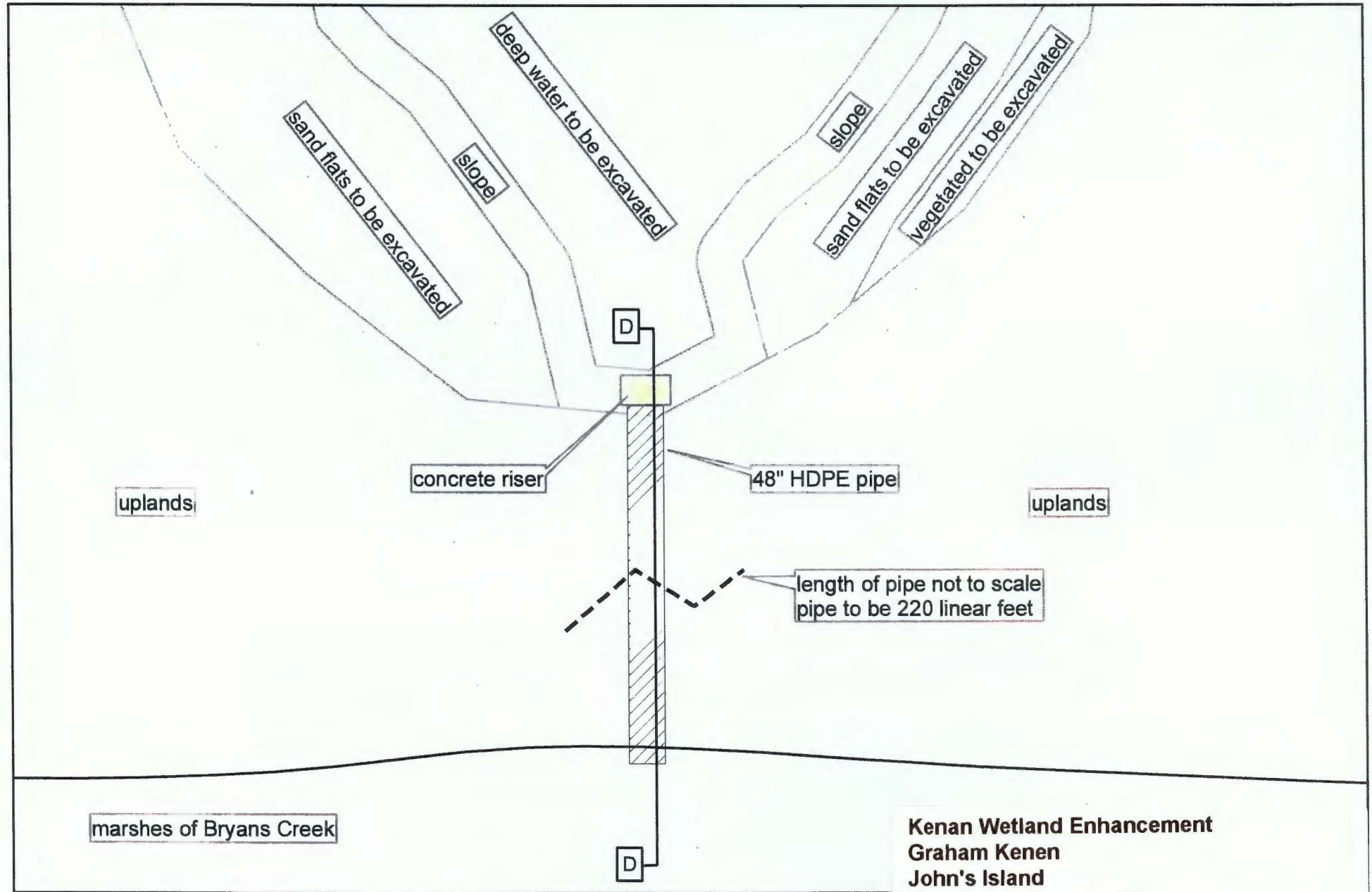
# Expanded Plan View 2



Project Title: Kenan Wetland Enhancement  
Project Location: 2402 Blackground Road  
Johns Island, SC Charleston County  
32.633969° N, 80.093434°W  
Applicant: Graham Kenan  
Agent: Travis Hayes Folk, PhD

Drawing Scale  
1" : 14'

Date  
Sheet of

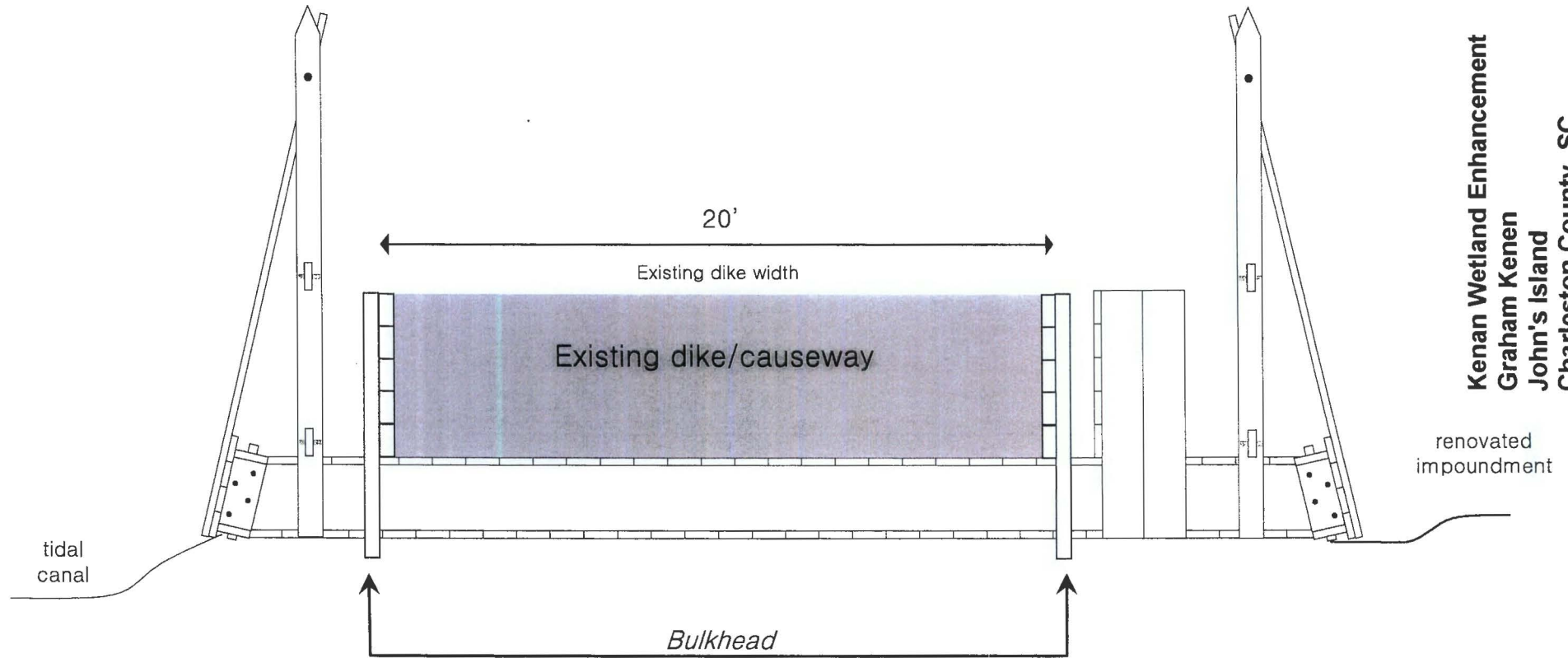


Kenan Wetland Enhancement  
Graham Kenan  
John's Island  
Charleston County, SC  
SAC-2015-00835

# Section A-A

## Kenan Wetland Enhancement

Typical cross section of Combahee rice field trunk



### Dimensions

- Width of trunk = 5'
- Length of trunk = 32'
- Outside height of trunk box = 2.0'
- Inside height of trunk box = 18"
- Height of flashboard riser = 6.0'

*Project Title:* Kenan Wetland Enhancement

*Project Location:* 2402 Blackground Road  
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 32.633969° N, 80.093434° W

*Applicant:* Graham Kenan

*Agent:* Travis Folk, Folk Land Management

Scale  
 1" : 10'

Date

Sheet of

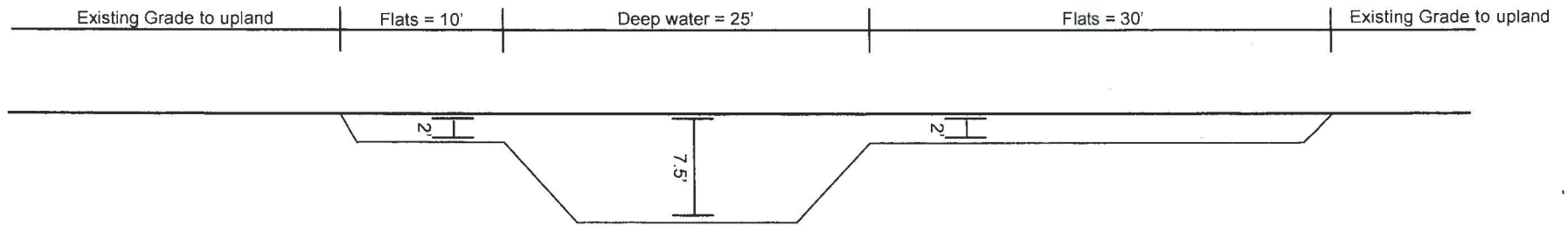
Kenan Wetland Enhancement  
 Graham Kenan  
 John's Island  
 Charleston County, SC  
 SAC-2015-00835

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# Section B-B

Kenan Wetland Enhancement

Typical cross section of varying impoundment grades



**Kenan Wetland Enhancement**  
**Graham Kenen**  
**John's Island**  
**Charleston County, SC**  
**SAC-2015-00835**

Sheet 12 of 16

*Project Title:* Kenan Wetland Enhancement

*Project Location:* 2402 Blackground Road  
Johns Island, SC Charleston County  
32.633969° N, 80.093434° W

*Scale*  
1" : 11'

*Applicant:* Graham Kenan

*Date*

*Agent:* Travis Folk, Folk Land Management

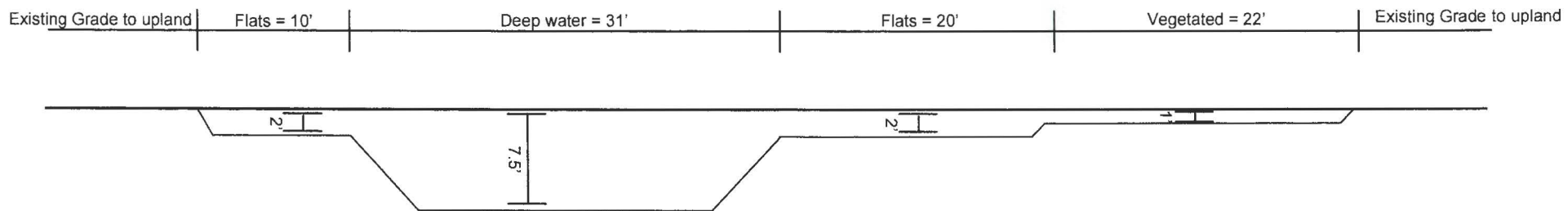
*Sheet* of



# Section C-C

Kenan Wetland Enhancement

Typical cross section of varying impoundment grades



**Kenan Wetland Enhancement**  
**Graham Kenen**  
**John's Island**  
**Charleston County, SC**  
**SAC-2015-00835**

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Project Title: Kenan Wetland Enhancement

Project Location: 2402 Blackground Road  
Johns Island, SC Charleston County  
32.633969° N, 80.093434° W

Applicant: Graham Kenan

Agent: Travis Folk, Folk Land Management

Scale  
1" : 11'

Date

Sheet of

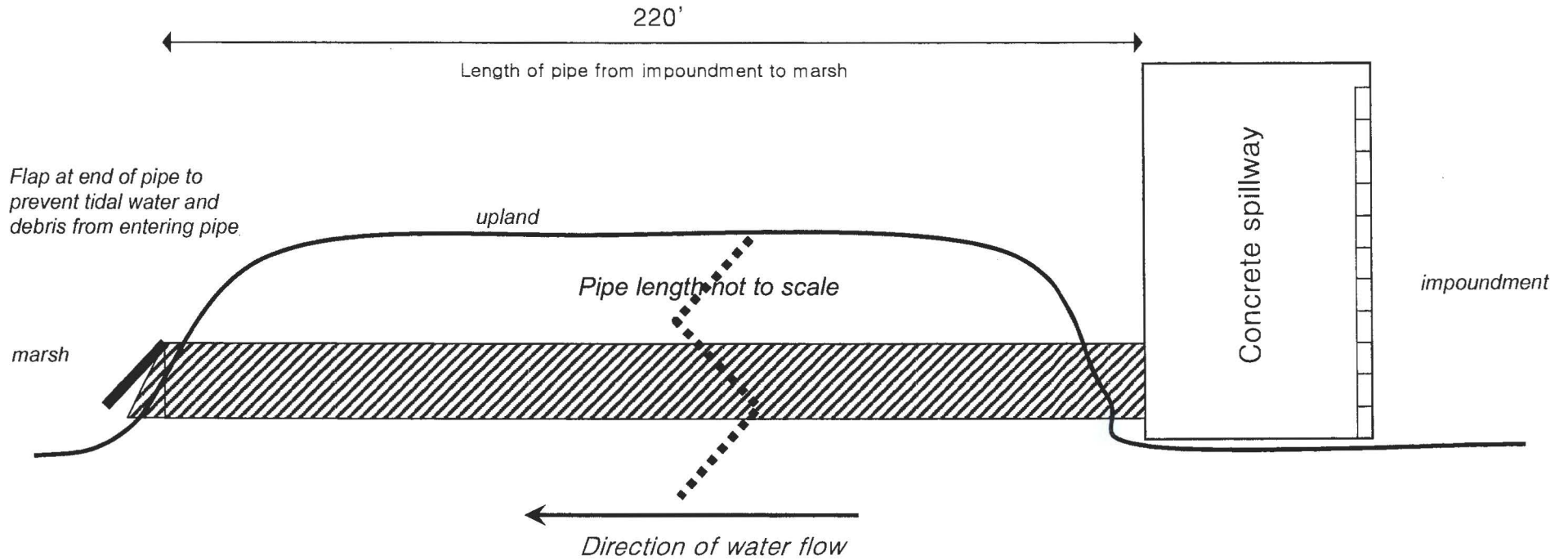
# Section D-D

Kenan Wetland Enhancement

Cross section of outflow spillway and pipe

Kenan Wetland Enhancement  
 Graham Kenen  
 John's Island  
 Charleston County, SC  
 SAC-2015-00835

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Dimensions

- Width of spillway box = 5'
- Depth of spillway box = 3'
- Height of spillway box = 6.0'
- Length of HDPE outflow = 220'

Project Title: Kenan Wetland Enhancement

Project Location: 2402 Blackground Road  
 Johns Island, SC Charleston County  
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Scale  
 1" : 2'

Applicant: Graham Kenan

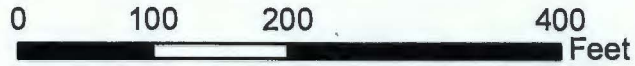
Date

Agent: Travis Folk, Folk Land Management

Sheet of



# Spoil holding sites within project area



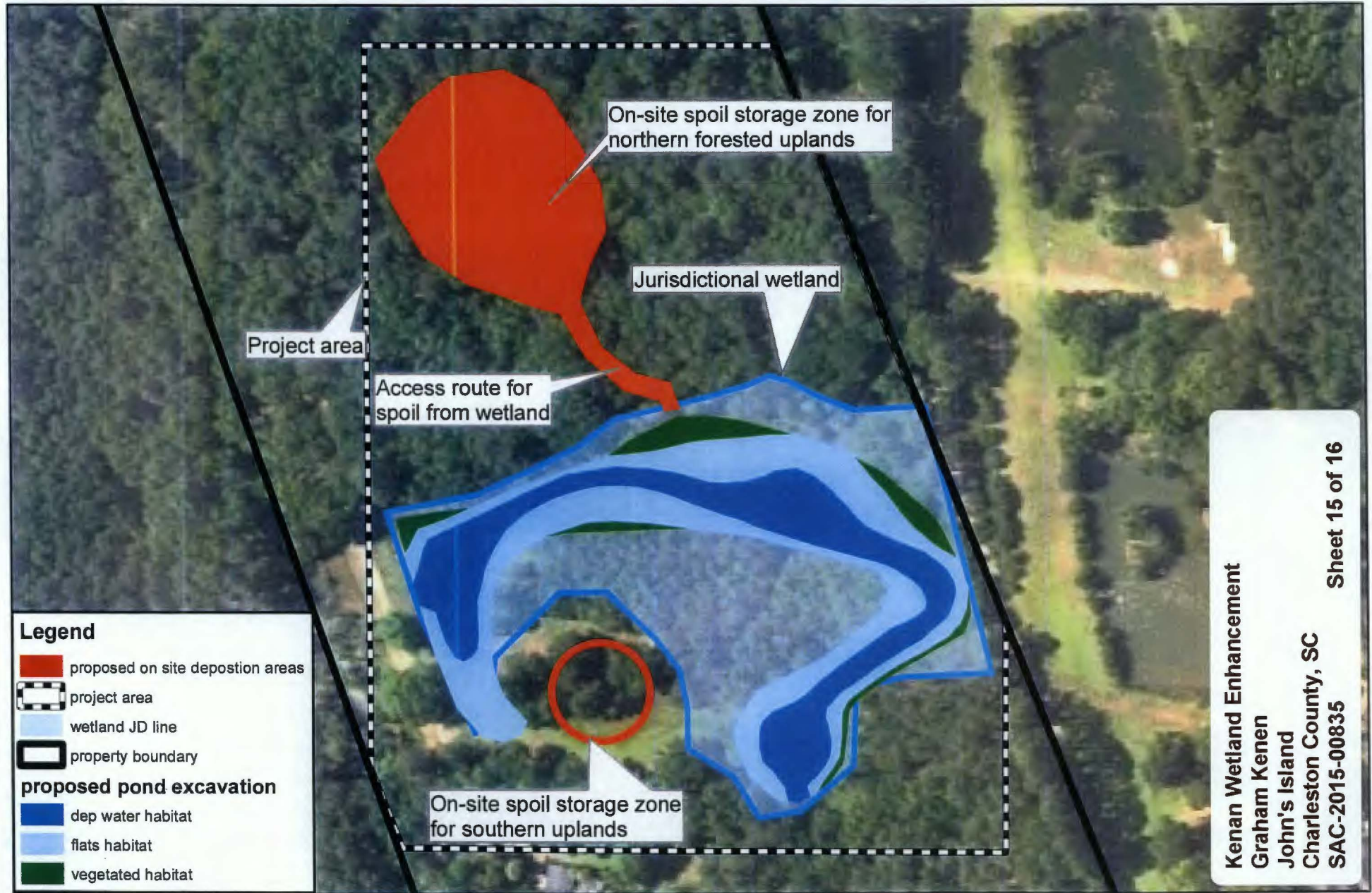
2015 aerial photo



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32.633969° N, 80.093434°W  
Applicant: Graham Kenan  
Agent: Travis Hayes Folk, PhD

Drawing Scale  
1" : 135'

Date  
Sheet of





# Area of Potential Effect - review of Sec 106 resources

0 50 100 200  
Feet

2015 Aerial Photograph



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Charleston County, SC  
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