

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
ATTN: REGULATORY DIVISION
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526

and
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N # 2013-01129-4E

06 MAY 2014

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

CARL FOXWORTH
C/O G. ALAN WOOD
THE EARTHWORKS GROUP
PO BOX 201
MURRELLS INLET, SC 29576

for a permit to place fill material within wetlands adjacent to a tributary of the

GREAT PEE DEE RIVER

at a location west of Wahee Road, south of US Highway 76, southwest of the City of Marion, Marion County, South Carolina (Latitude 34.144540, Longitude -79.458086).

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 the placement of fill material within 1.07 acres of jurisdictional wetlands, the excavation of 0.76 acre of jurisdictional wetlands and flooding of 79.91 acres of jurisdictional wetlands. In detail, the applicant proposes to fill 0.12 a. and excavate 0.07 a. of jurisdictional wetlands for the construction of a road crossing. The applicant also proposes to construct two dikes with water control structures. The first proposed dike would result in filling 0.23 a. and excavating 0.16 a. of jurisdictional wetlands. The first proposed dike would result in the temporary flooding of 43.28 acres. The second proposed dike would result in the filling of 0.72 a. and excavating 0.53 a. of jurisdictional wetlands. This dike would result in the temporary flooding of 36.63

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acres. The applicant states that complete avoidance of impacts to waters of the US would result in "a large upland area being unusable with neither cross-wetland access nor upland access rights through adjacent properties". Additionally, the applicant states that "by not installing the proposed dikes, the applicant is not able to manage the existing wetlands in a manner to achieve the overall goal of the project". According to the applicant, impacts were minimized by locating the road crossing at the narrowest wetland area and aligning the wetland crossing with the existing upland road in this area. The applicant does not propose any mitigation and states "it is the applicant's intention that the 1.8 acres of permanent impact in wetlands is offset by the creation of the 78.8 acres of managed waterfowl habitat". The purpose of the proposed project, as stated by the applicant, is to provide access to uplands on site and to "create manageable waterfowl habitat".

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526.**

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 South Carolina Coastal Zone Management Act (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. 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 applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

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 0.146 acres of tidal marsh habitat with estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

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.

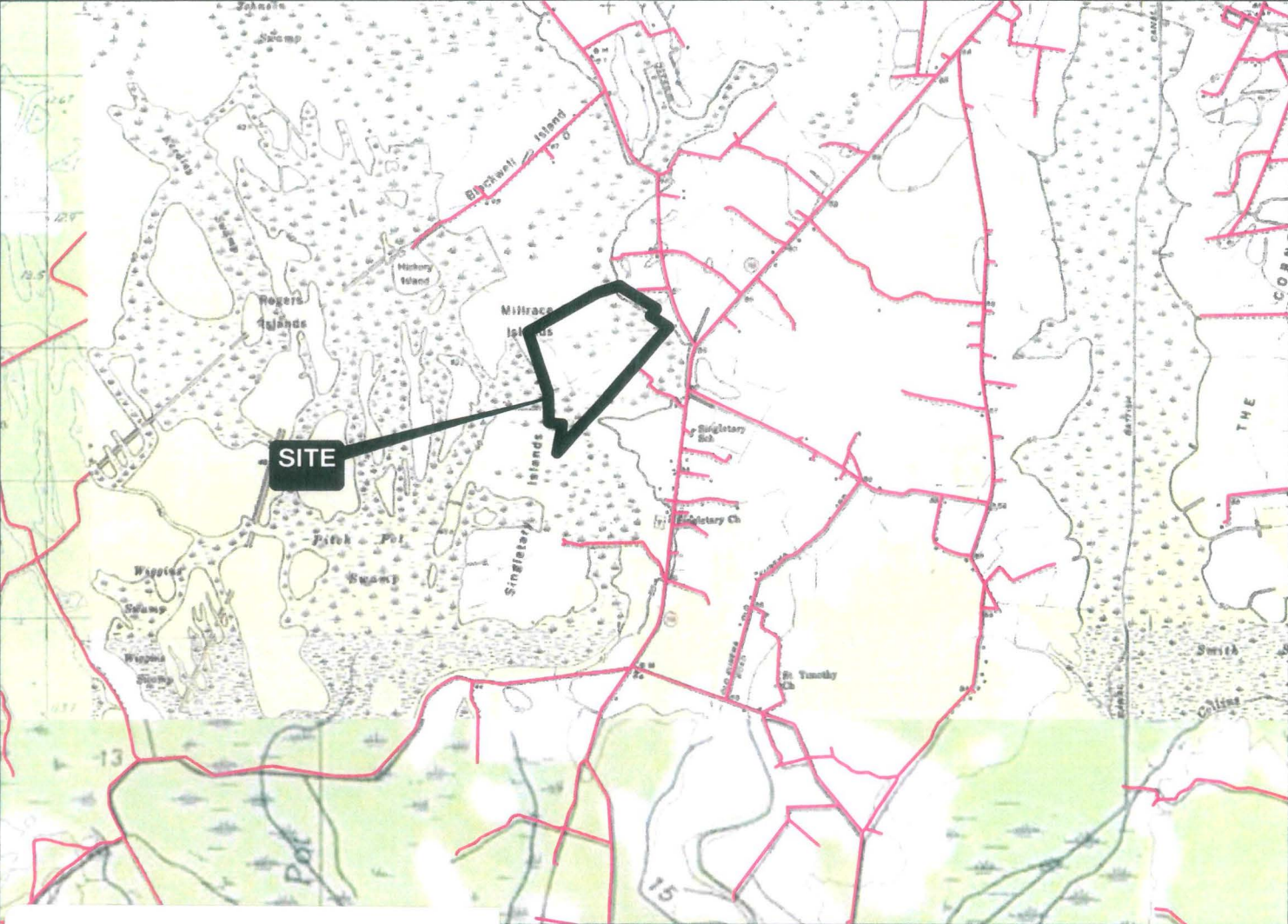
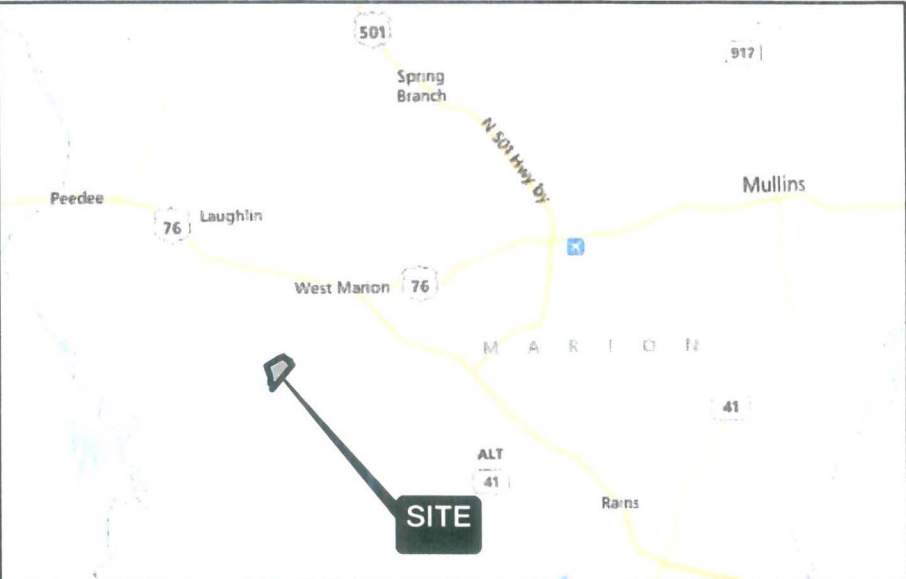
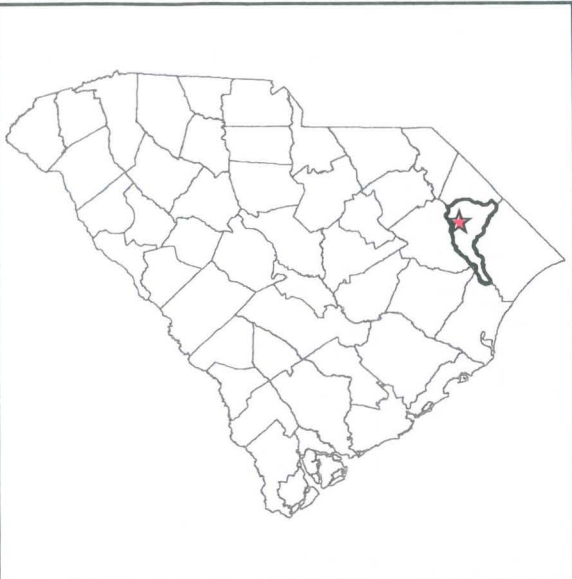
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 of Engineers 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 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.

If there are any questions concerning this public notice, please contact Ann Eaddy at 843-365-1709.



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SAC-2013-01129-4E
 Wahee Road Farm
 Marion County
 Date: May 5, 2014 Sheet 1 of 8

PREPARED FOR:
CARL FOXWORTH
 501 CREEKSIDE DRIVE, MURRELLS INLET, SC 29576
 843-651-2800
 TMS# 073-00-00-005-000

PROJECT LOCATION:
**WEST OF WAHEE ROAD, Near MARION
 MARION COUNTY, SOUTH CAROLINA**

DOCUMENT #:

LEG PN: 131111.ENV
 AUTHOR: AWOOD

AGENT:



11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 phone - 843-651-7900
 fax - 843-651-7903
www.earthworksgroup.com

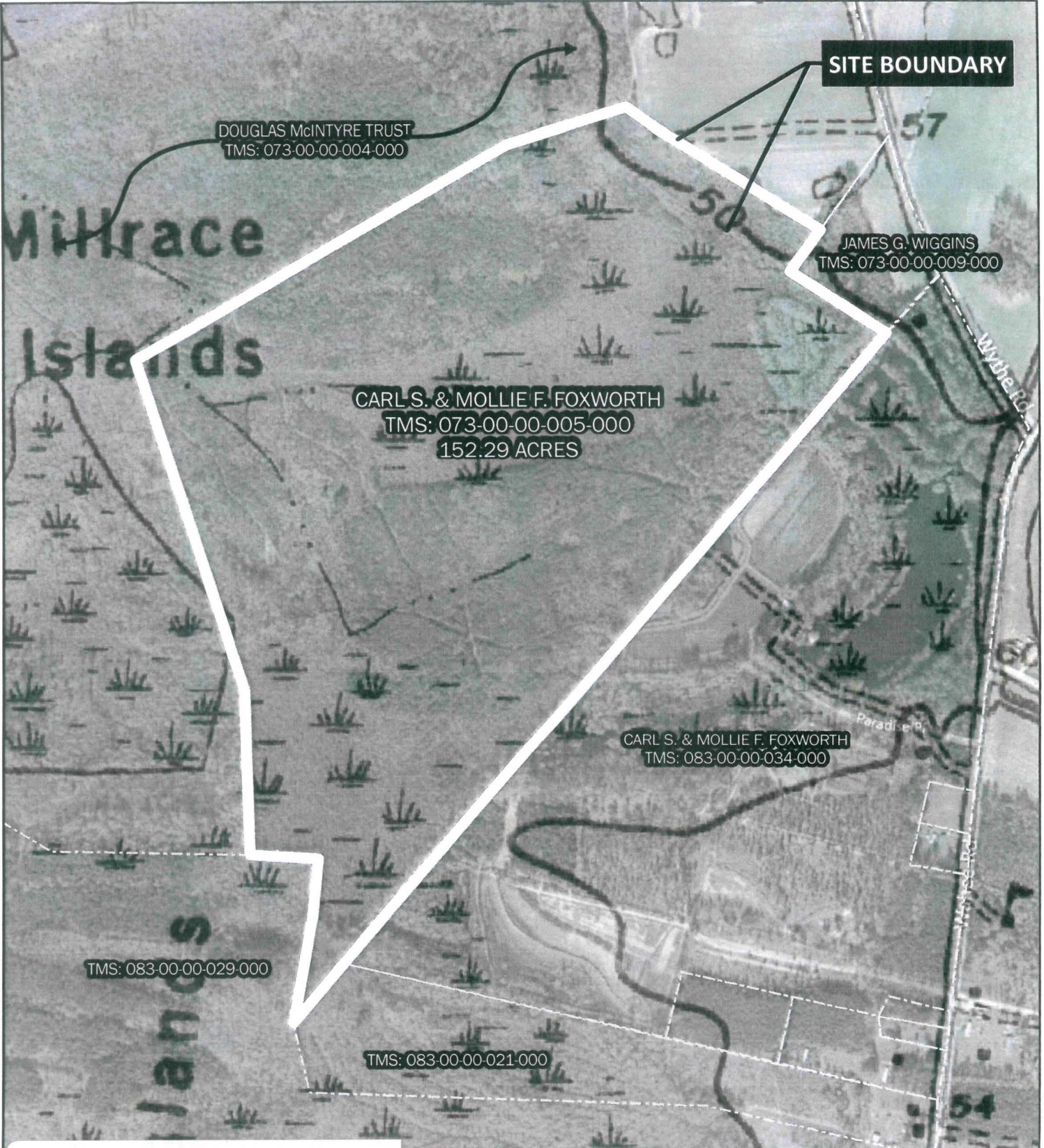


SCALE:
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 1" = 48,000'
 1" = 4,000'
 FEET

LAT/LONG: **34.142184°N
 by 79.457647°W**
 USGS QUAD NAME:
MARION

REVISION SCHEDULE:		
NO	DATE	BY

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SITE BOUNDARY

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SAC-2013-01129-4E
 Wahee Road Farm
 Marion County
 Date: May 5, 2014 Sheet 2 of 8

PREPARED FOR:
CARL FOXWORTH
 501 CREEKSIDE DRIVE, MURRELLS INLET, SC 29576
 843-651-2800
 TMS# 073-00-00-005-000

PROJECT LOCATION:
WEST OF WAHEE ROAD, Near MARION
MARION COUNTY, SOUTH CAROLINA

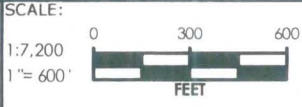
DOCUMENT # :
 LAT/LONG: **34.142184°N**
by 79.457647°W

DAT
 TEG P#: 131111.ENV
 AUTHOR: **AWOOD**

AGENT:



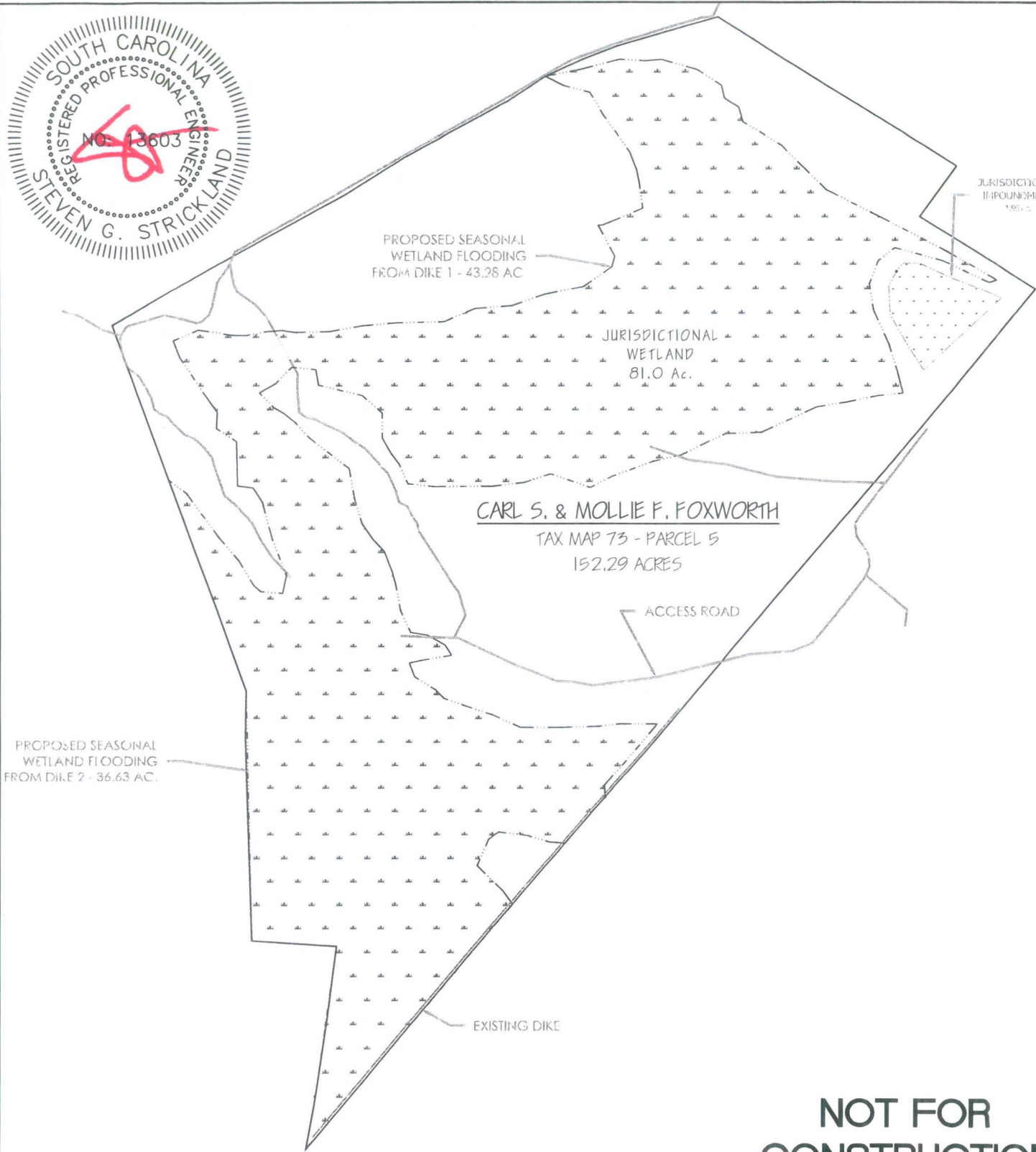
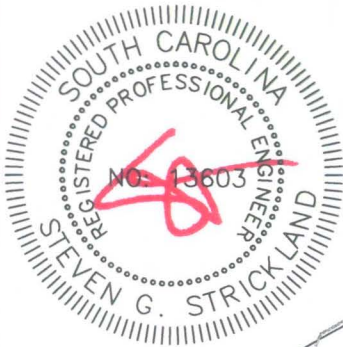
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**NOT FOR
CONSTRUCTION**

SAC-2013-01129-4E
Wahee Road Farm
Marion County
Date: May 5, 2014 Sheet 3 of 8

APPLICANT:
ARL FOXWORTH
301 CREEKSIDE DRIVE, MURRELLS INLET, SC 29576
43-651-2800
MS# : 073-00-00-005-000

PROJECT LOCATION:
WEST OF WAHEE ROAD, NEAR MARION
MARION COUNTY, SOUTH CAROLINA

DOCUMENT #:

TEG P/N: 131111.002
AUTHOR: AWOOD

AGENT:

11655 HIGHWAY 707
MURRELLS INLET, SC 29576
phone - 843.651.7900
fax - 843.651.7903
www.earthworksgroup.com



SCALE:

1" = 500'



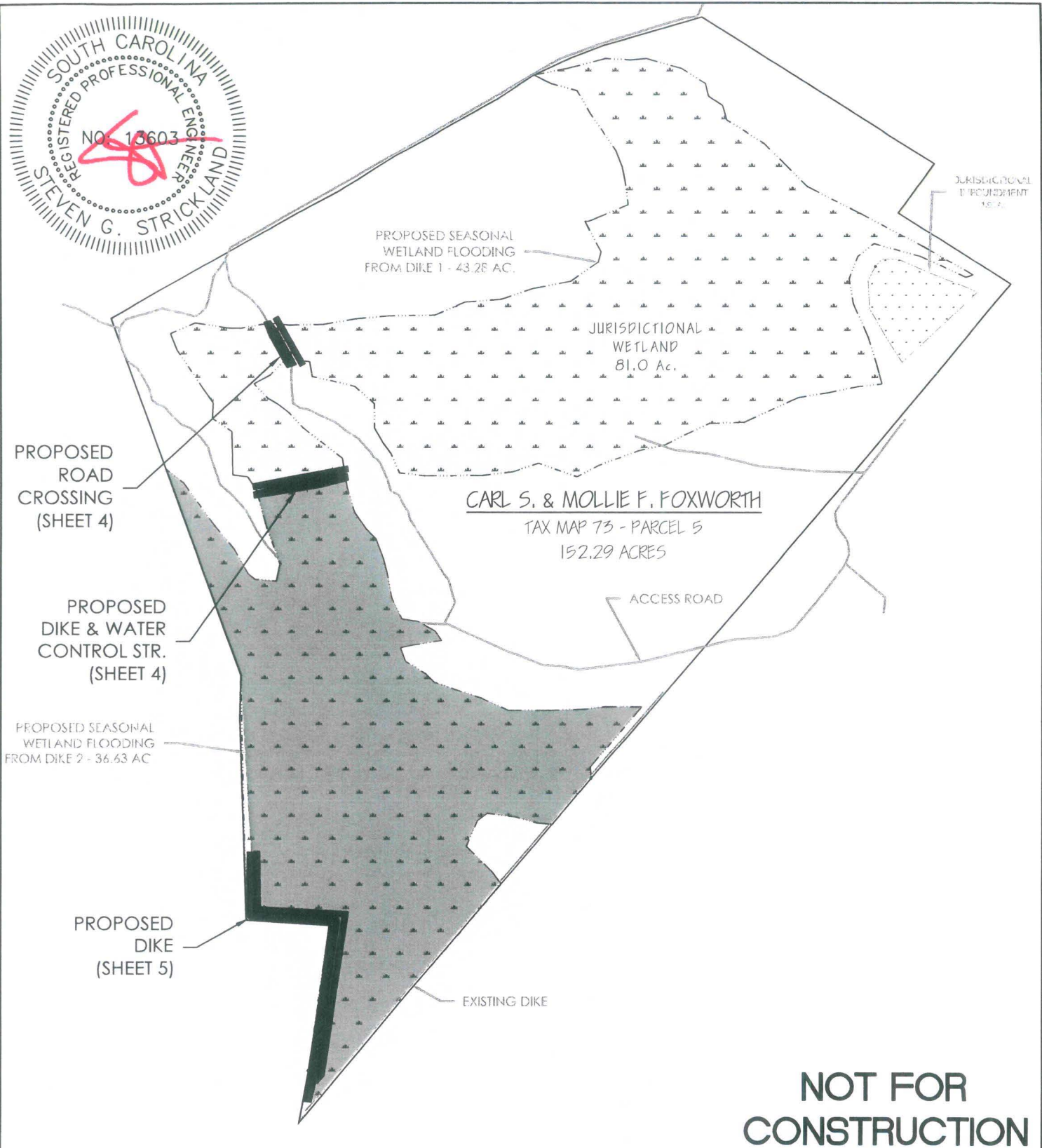
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by -79.457647

USGS QUAD NAME:
MARION

REVISION SCHEDULE:

NO	DATE	BY

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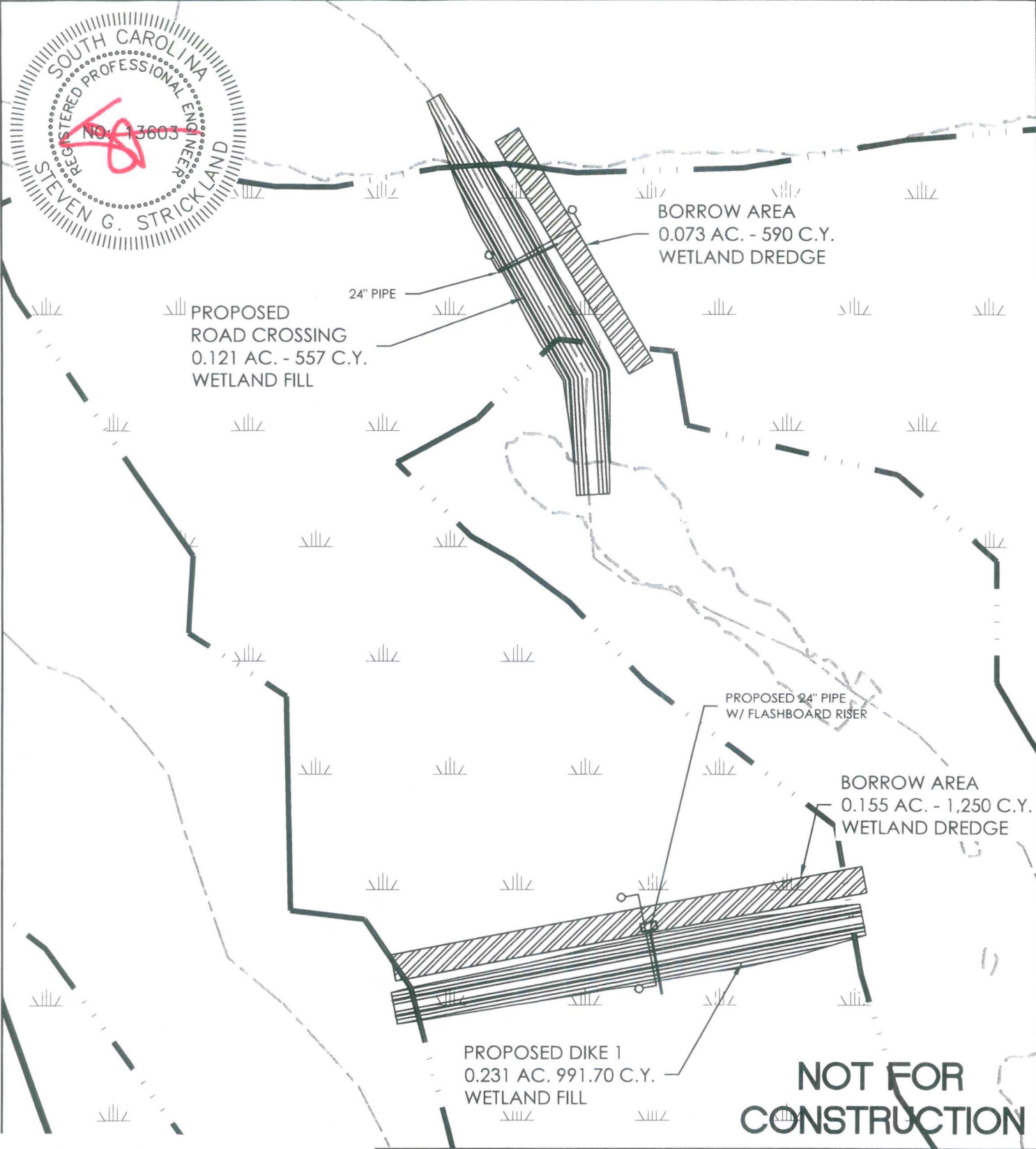


NOT FOR CONSTRUCTION

SAC-2013-01129-4E
 Wahee Road Farm
 Marion County
 Date: May 5, 2014 Sheet 4 of 8

APPLICANT: CARL FOXWORTH 501 CREEKSIDE DRIVE, MURRELLS INLET, SC 29576 843-651-2800 TMS# : 073-00-00-005-000		DOCUMENT # :													
PROJECT LOCATION: WEST OF WAHEE ROAD, NEAR MARION MARION COUNTY, SOUTH CAROLINA		TEG P/N: 131111.002 AUTHOR: AWOOD													
AGENT: EARTHWORKS <i>planning and design consultants</i> 11655 HIGHWAY 707 MURRELLS INLET, SC 29576 phone - 843.651.7900 fax - 843.651.7903 www.earthworksgroup.com		SCALE: 1" = 500' 													
LAT/LONG: 34.142184 by -79.457647 USGS QUAD NAME: MARION S		REVISION SCHEDULE: <table border="1"> <thead> <tr> <th>NO</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO	DATE	BY									
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SAC-2013-01129-4E
 Wahee Road Farm
 Marion County
 Date: May 5, 2014 Sheet 5 of 8

APPLICANT: CARL FOXWORTH 501 CREEKSIDE DRIVE, MURRELLS INLET, SC 29576 843-651-2800 TMS# : 073-00-00-005-000		DOCUMENT #:
PROJECT LOCATION: WEST OF WAHEE ROAD, NEAR MARION MARION COUNTY, SOUTH CAROLINA	TEG P/N: 131111.002 AUTHOR: AWOOD	

AGENT:

EARTHWORKS
planning and design consultants

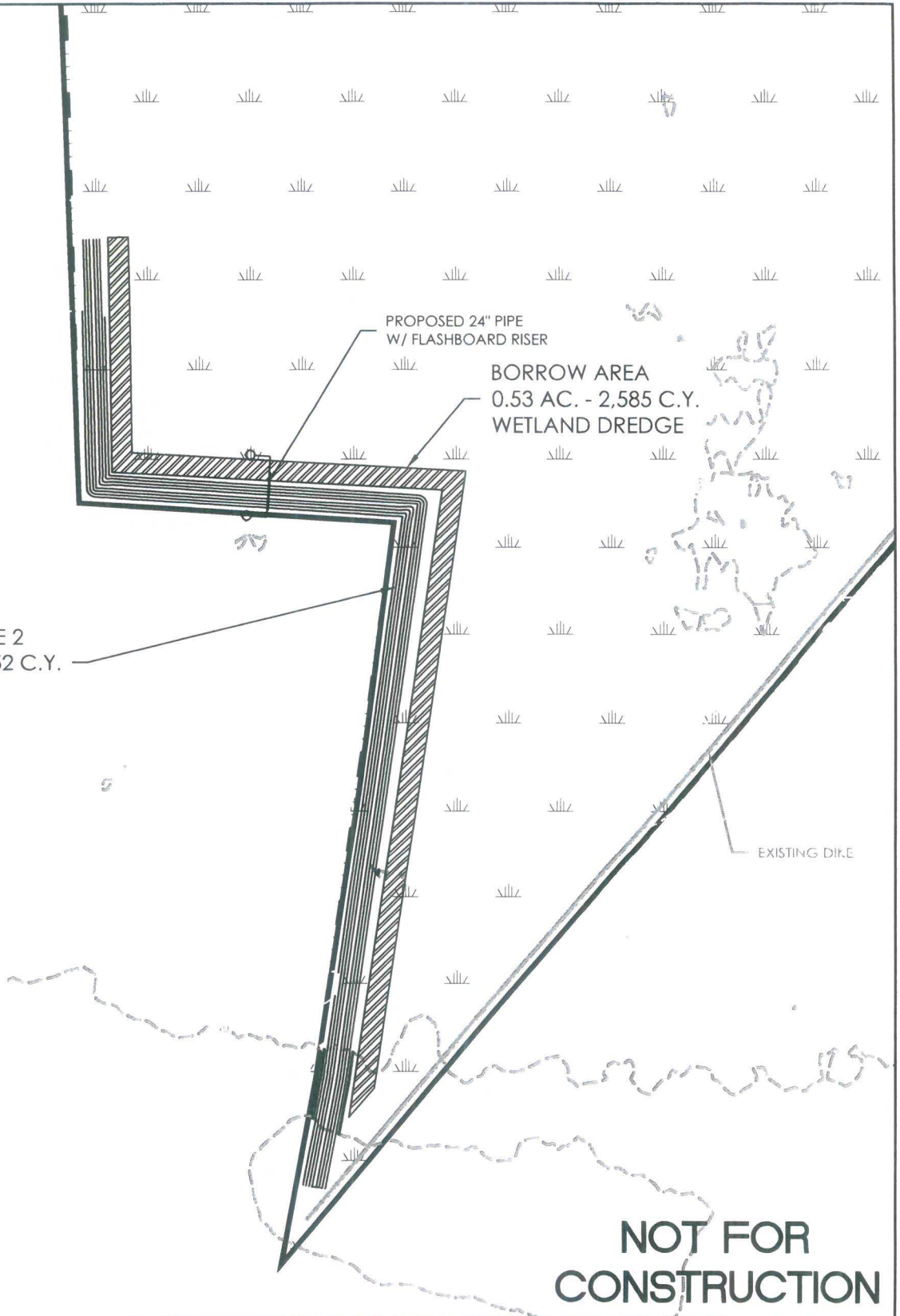
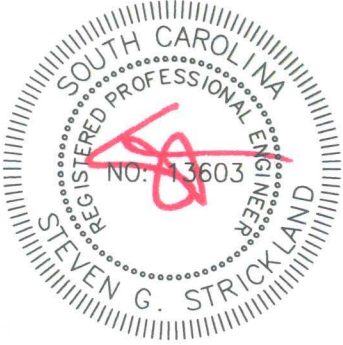
11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
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 fax - 843.651.7903
 www.earthworksgroup.com

SCALE:
 1" = 100'

NORTH

LAT/LONG:	34.142184	REVISION SCHEDULE:	
	by -79.457647	NO	DATE
USGS QUAD NAME:	MARION	BY	

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PROPOSED DIKE 2
0.720 AC. - 2,452 C.Y.
WETLAND FILL

PROPOSED 24" PIPE
W/ FLASHBOARD RISER

BORROW AREA
0.53 AC. - 2,585 C.Y.
WETLAND DREDGE

EXISTING DIKE

**NOT FOR
CONSTRUCTION**

SAC-2013-01129-4E

Wahee Road Farm
Marion County

Date: May 5, 2014

Sheet 6 of 8

APPLICANT:
CARL FOXWORTH
501 CREEKSIDE DRIVE, MURRELLS INLET, SC 29576
843-651-2800
TMS# : 073-00-00-005-000

PROJECT LOCATION:
WEST OF WAHEE ROAD, NEAR MARION
MARION COUNTY, SOUTH CAROLINA

DOCUMENT #:

TEG P/N: 131111.002

AUTHOR: AWOOD

REVISION SCHEDULE:

NO	DATE	BY

AGENT:



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MURRELLS INLET, SC 29576
phone - 843.651.7900
fax - 843.651.7903
www.earthworksgroup.com



SCALE:

1" = 150'



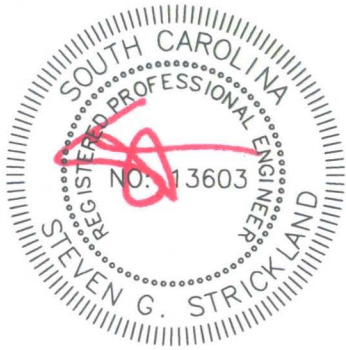
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by -79.457647

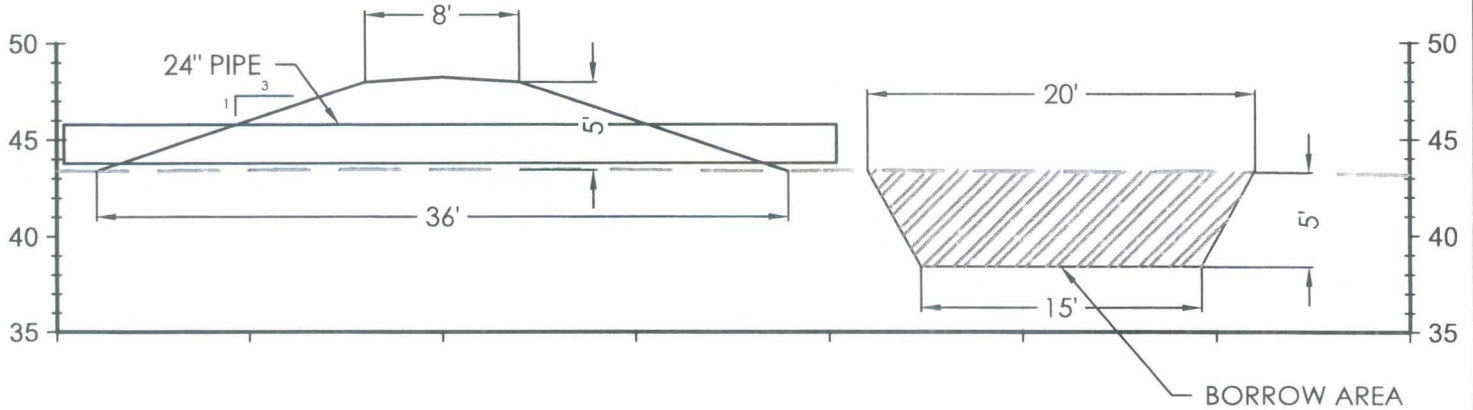
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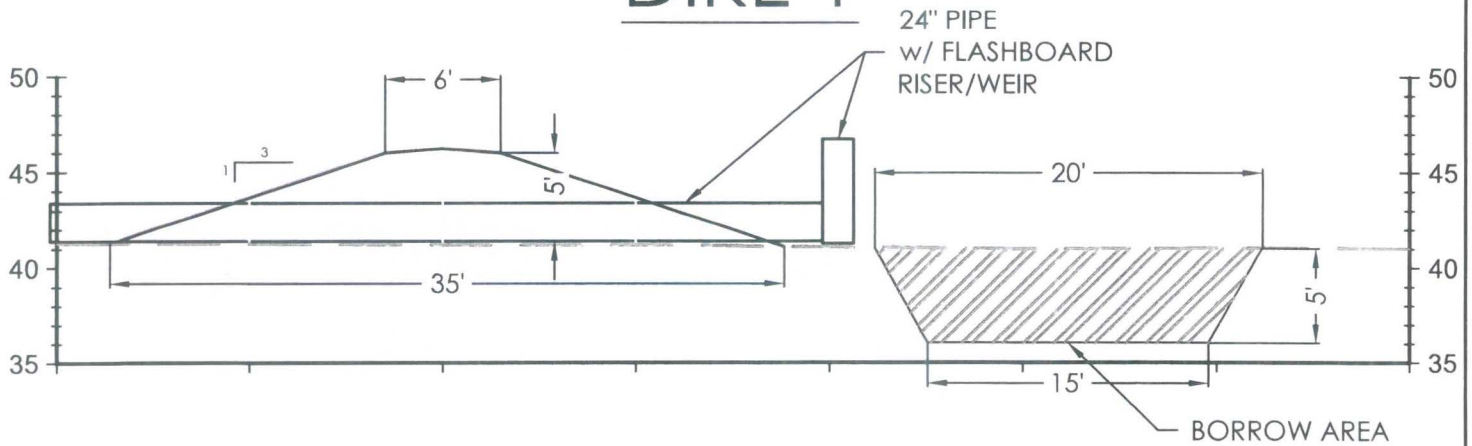
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ROAD CROSSING



DIKE 1



NOT FOR CONSTRUCTION

SAC-2013-01129-4E
 Wahee Road Farm
 Marion County
 Date: May 5, 2014

Sheet 7 of 8

APPLICANT:
CARL FOXWORTH
 501 CREEKSIDE DRIVE, MURRELLS INLET, SC 29576
 843-651-2800
 TMS# : 073-00-00-005-000

PROJECT LOCATION:
 WEST OF WAHEE ROAD, NEAR MARION
 MARION COUNTY, SOUTH CAROLINA

DOCUMENT # :

TEG P/N: 131111.002
 AUTHOR: AWOOD

REVISION SCHEDULE:

AGENT:

11655 HIGHWAY 707
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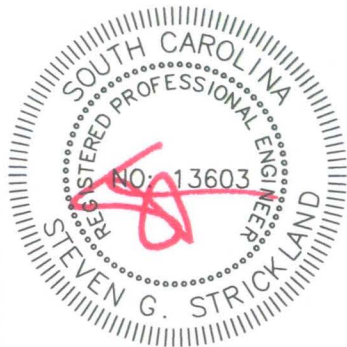
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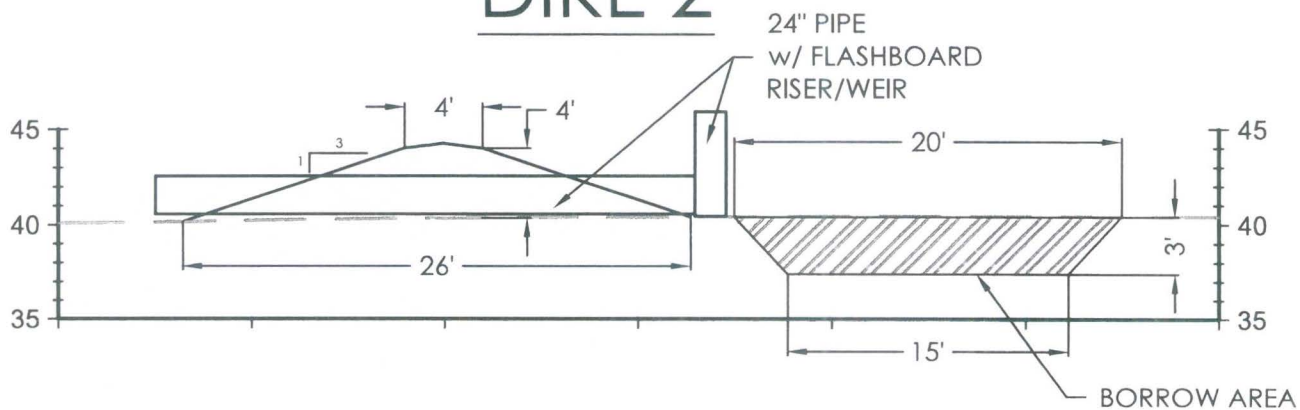
LAT/LONG: 34.142184
 by -79.457647
 USGS QUAD NAME:
 MARION
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NO	DATE	BY

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DIKE 2



**NOT FOR
CONSTRUCTION**

SAC-2013-01129-4E

Wahee Road Farm

Marion County

Date: May 5, 2014 Sheet 8 of 8

APPLICANT:

CARL FOXWORTH

501 CREEKSIDE DRIVE, MURRELLS INLET, SC 29576

843-651-2800

TMS# : 073-00-00-005-000

PROJECT LOCATION:
WEST OF WAHEE ROAD, NEAR MARION
MARION COUNTY, SOUTH CAROLINA

DOCUMENT # :

TEG P/N: 131111.002

AUTHOR: AWOOD

REVISION SCHEDULE:

NO	DATE	BY

AGENT:



11655 HIGHWAY 707
MURRELLS INLET, SC 29576
phone - 843.651.7900
fax - 843.651.7903
www.earthworksgroup.com



SCALE:

1" = 10'



LAT/LONG: 34.142184

by -79.457647

USGS QUAD NAME:

MARION

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