

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
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 # 2015-00301-4E

Date: May 22, 2015

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. 1341), the South Carolina Coastal Zone Management Act (48-39-10 et. seq.), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the State of South Carolina by

WEEHAW PLANTATION
C/O TRAVIS FOLK
FOLK LAND MANAGEMENT, INC.
3515 WHITE HALL ROAD
GREEN POND, SC 29446

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

BLACK RIVER

at a location south of Wedgefield Road, east of US Highway 701, north of the City of Georgetown, in Georgetown County, South Carolina (Latitude 33.411554, Longitude -79.260584).

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 renovation of a historic dike associated with the Weehaw Rice Field Reserve. In detail, the work involves the placement of 267 cubic yards of fill material within 0.04 acre of jurisdictional wetlands for two dike repairs and the construction of an emergency spillway. The first dike repair consists of the removal of a failed water control structure and the installation of a new wooden spillway and water control structure. An 18' wide bulkhead will be constructed on either side of the renovated dike. The second dike repair consists of the removal of metal sheet piling and concrete riprap that comprised the previous emergency

spillway. Approximately 184 cubic yards of fill material will then be placed for the dike renovation. Finally, an emergency spillway will be installed at the western end of the dike, and an inlet canal and exit channel will be constructed. A jurisdictional determination has not been completed for this site. The applicant states that efforts to avoid and minimize impacts include utilizing the existing dike and using fill material obtained from an upland source instead of excavating adjacent to the dike. The new impact areas will be re-vegetated with browntop millet immediately after construction. The applicant states that mitigation should not be required for the proposed project for the following reasons: "a) ratio of wetland impact to habitat managed, b) recent ownership change, c) mitigation against increased salinity levels, d) management for valuable colonial waterbird nesting habitat, e) management for endangered species critical habitat, f) minimization of invasive, exotic plant species, and g) the historical significance of the Weehaw Reserve." The purpose of the proposed project is to control the water level and salinity of the Weehaw Rice Field Reserve, which is comprised of inundated wetlands.

NOTE: This public notice and associated plans are available on the Corps' website at:
<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> . **For those unable to access the website, a copy of this notice and the associated plans will be provided, upon receipt of a written request. 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 (Section 401 of the Clean Water Act). The work shown on this application must also be certified as consistent with applicable provisions with 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. Persons wishing to comment or object to State certification or the navigable waters permit 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 0.04 acre of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the 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 Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer 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 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 initially determined that there are historic properties and/or properties eligible for inclusion in the National Register present, but they will not be affected; therefore, there will be no effect on 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 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.

Property within Quad

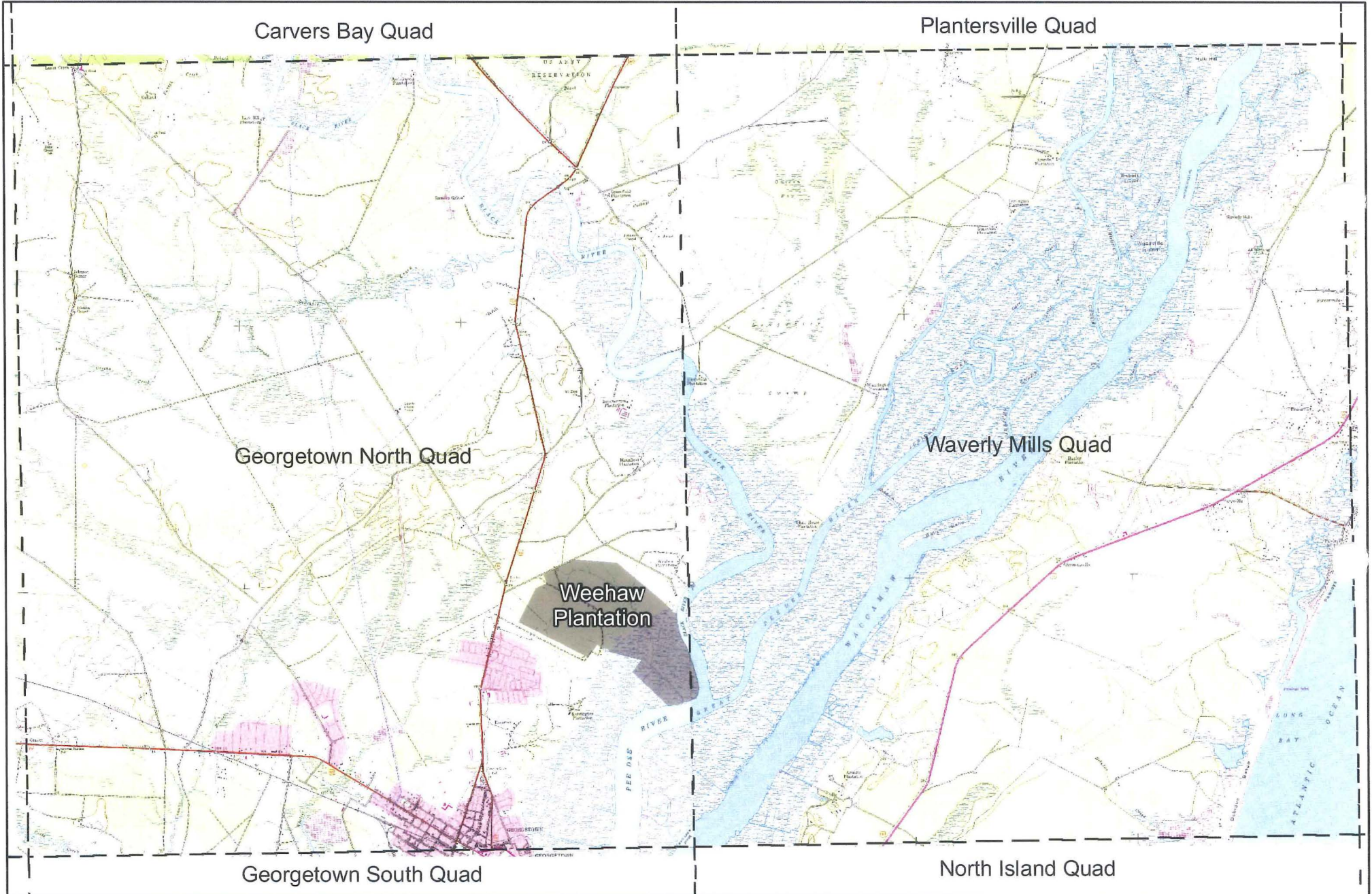
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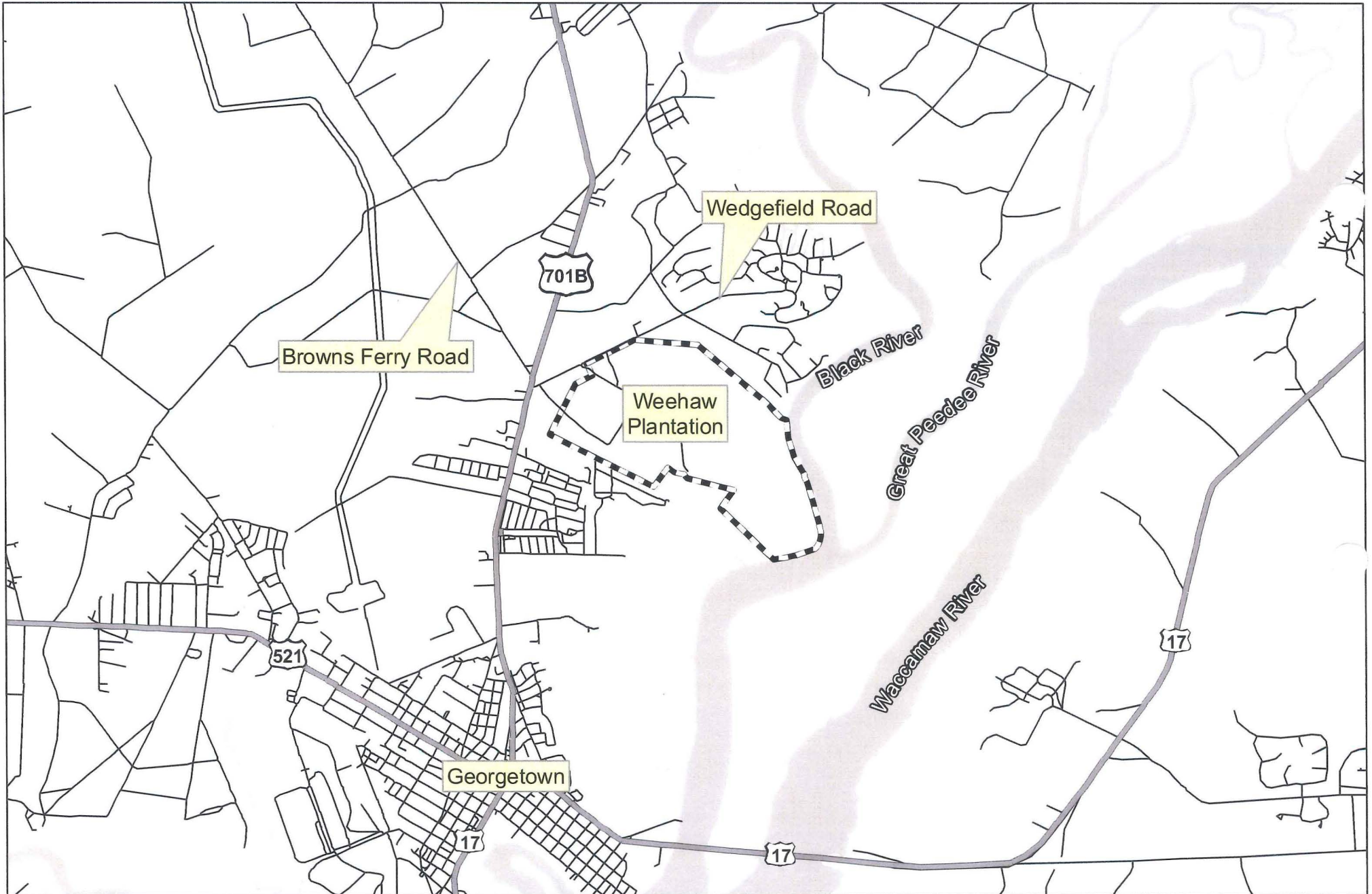
Quad boundaries in black
7.5" USGS Topo



Property Location

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scale



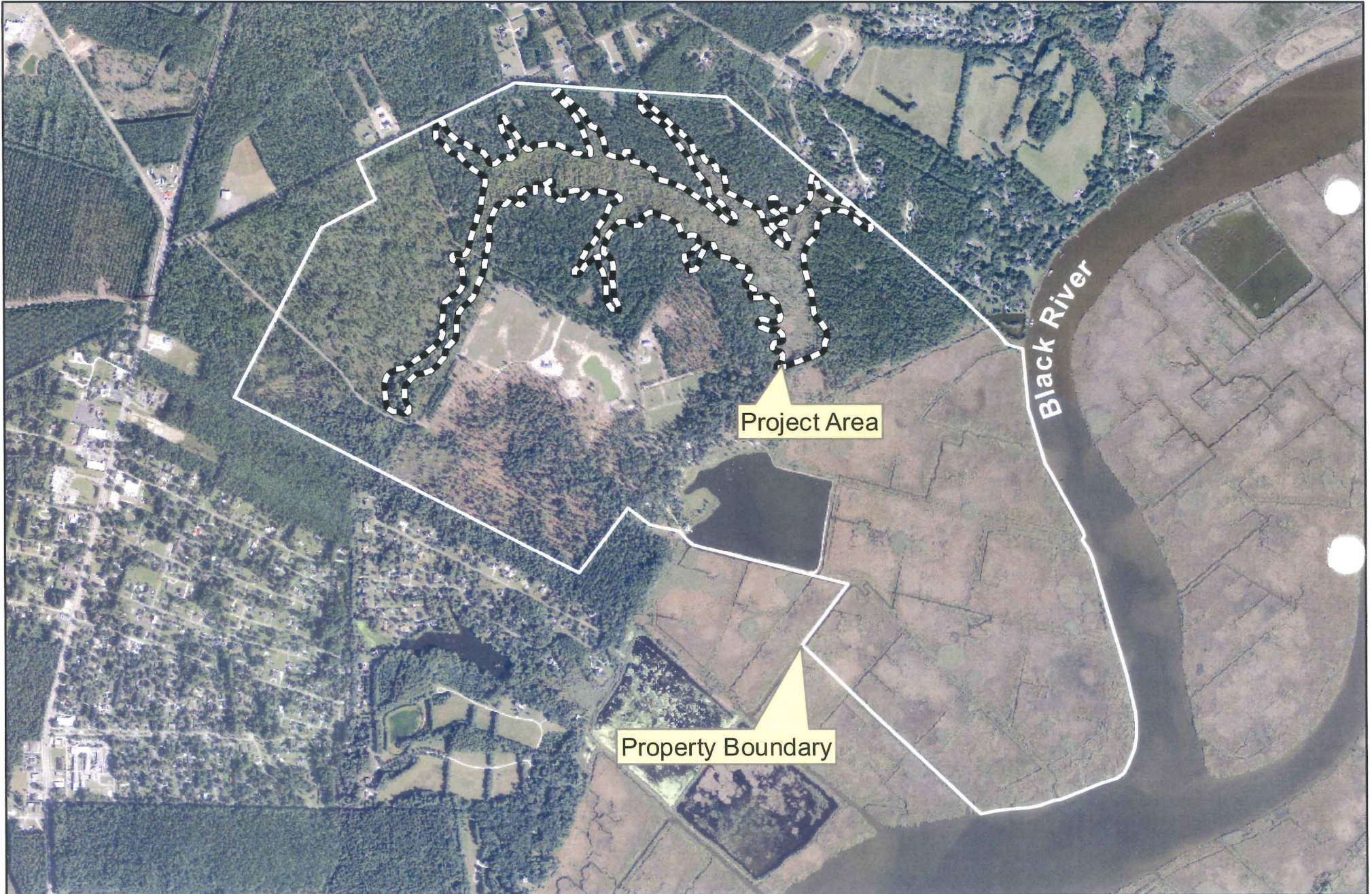
Project Area within Property

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Scale

0 750 1,500 3,000
Feet

2013 Aerial Photograph



Project Area within Property

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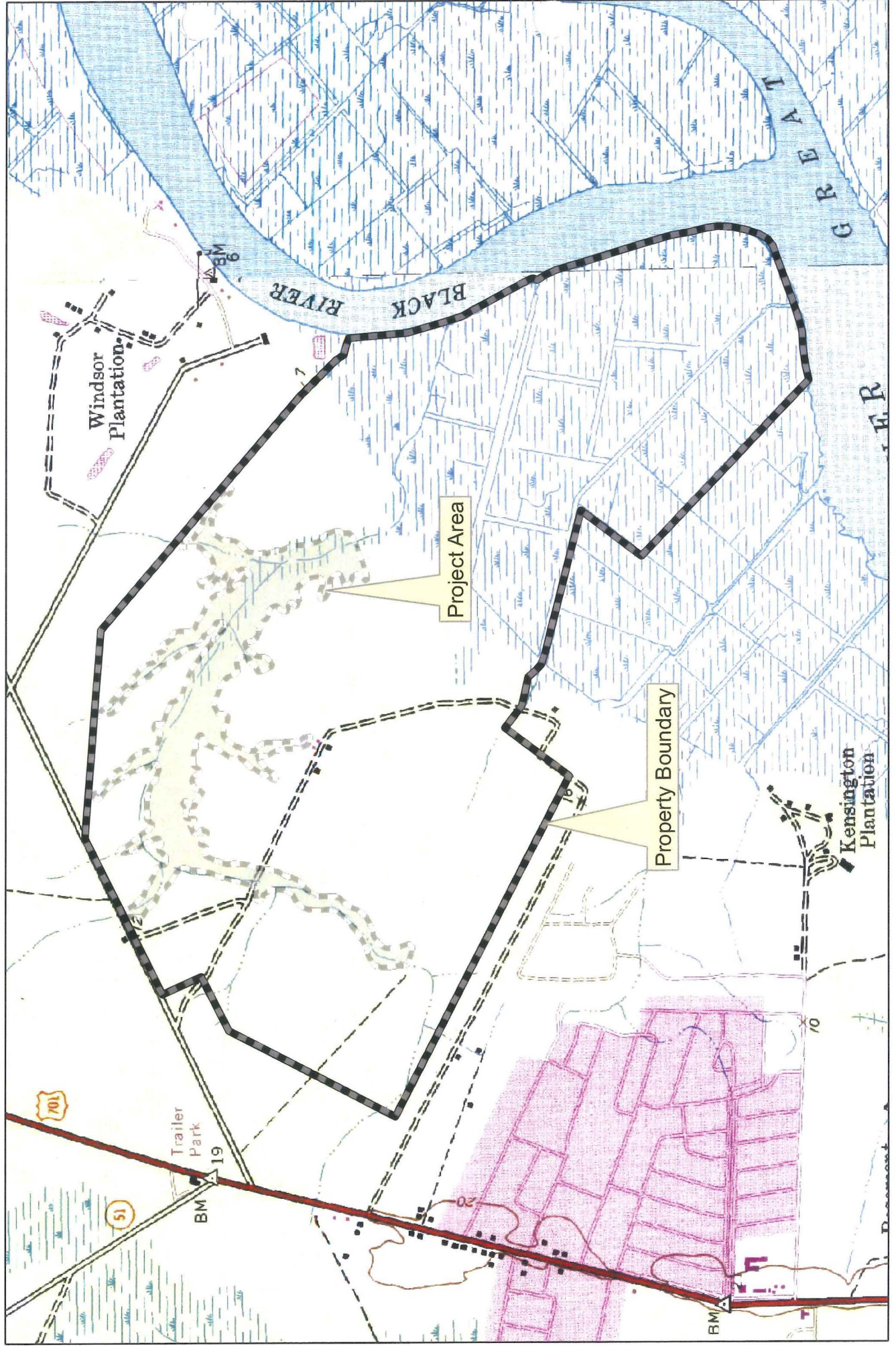
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7.5" USGS Topo



Project Area

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0 300 600 1,200
Feet

2013 Aerial Photograph



Project Area

Property Boundary

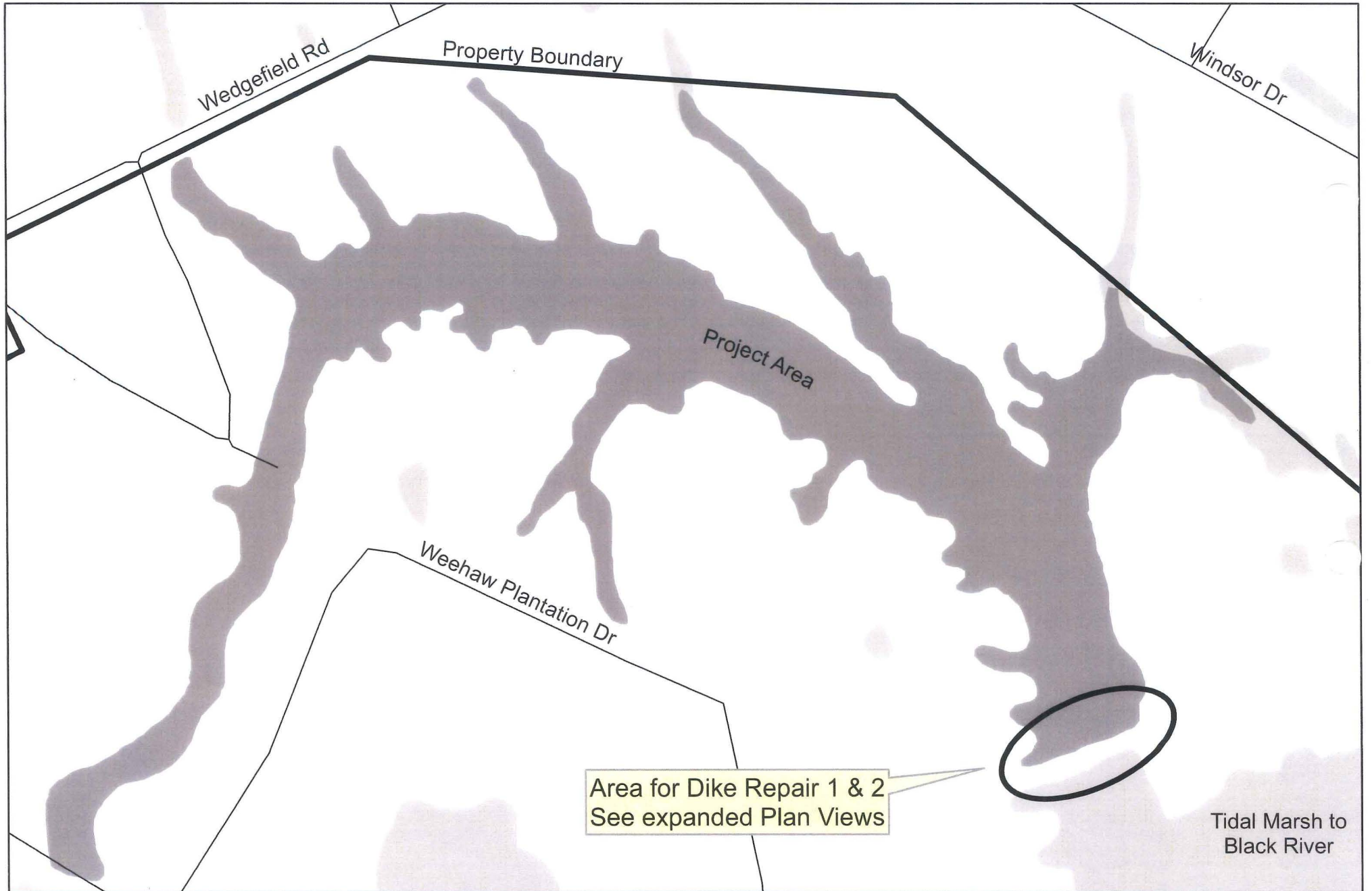
Area for Dike Repair 1 & 2
See expanded Plan Views

Tidal Marsh to
Black River

Project Area

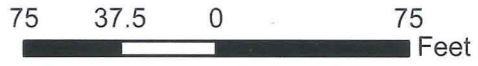
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Plan View

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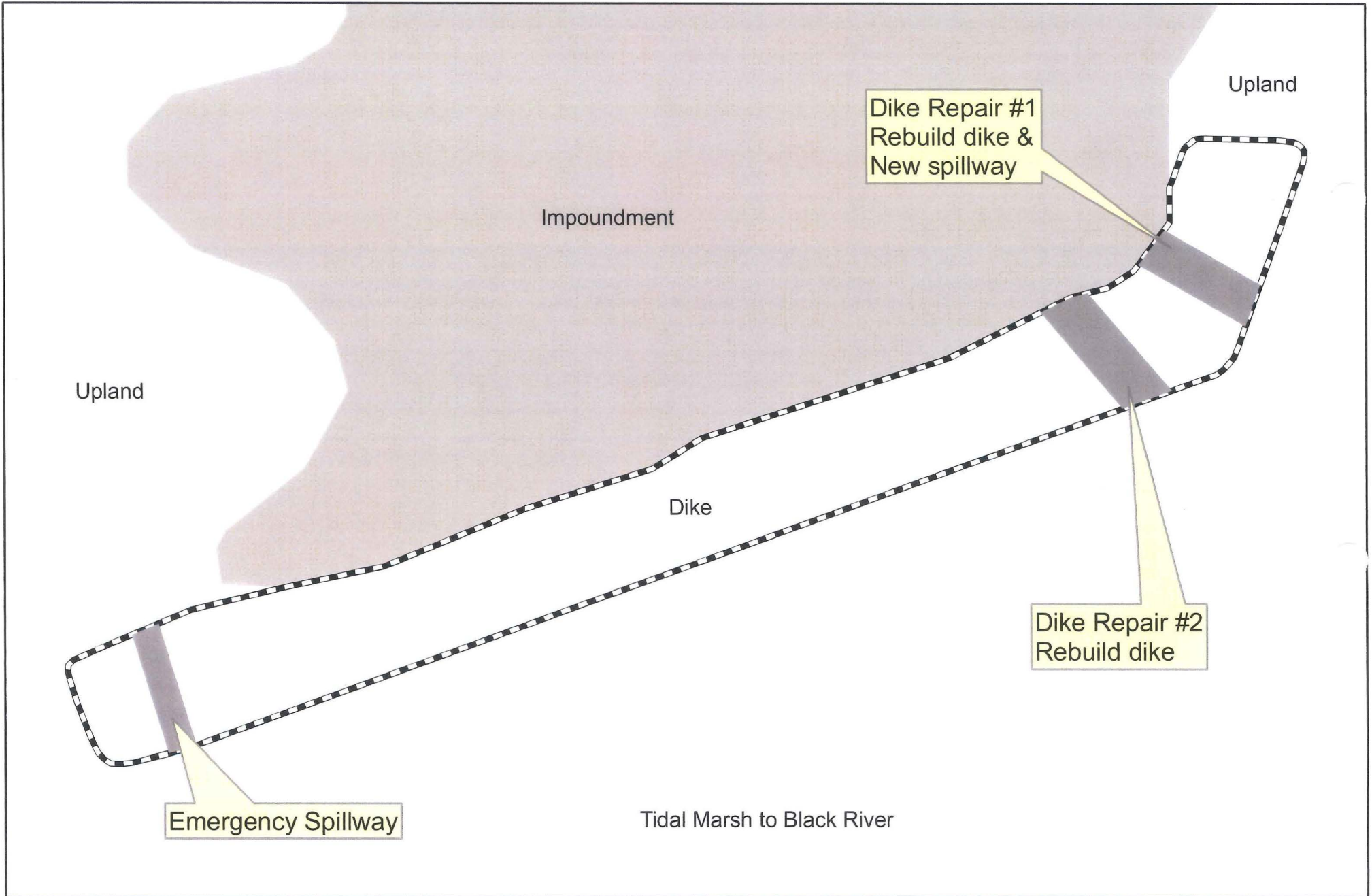
2013 Aerial Photograph



Plan View

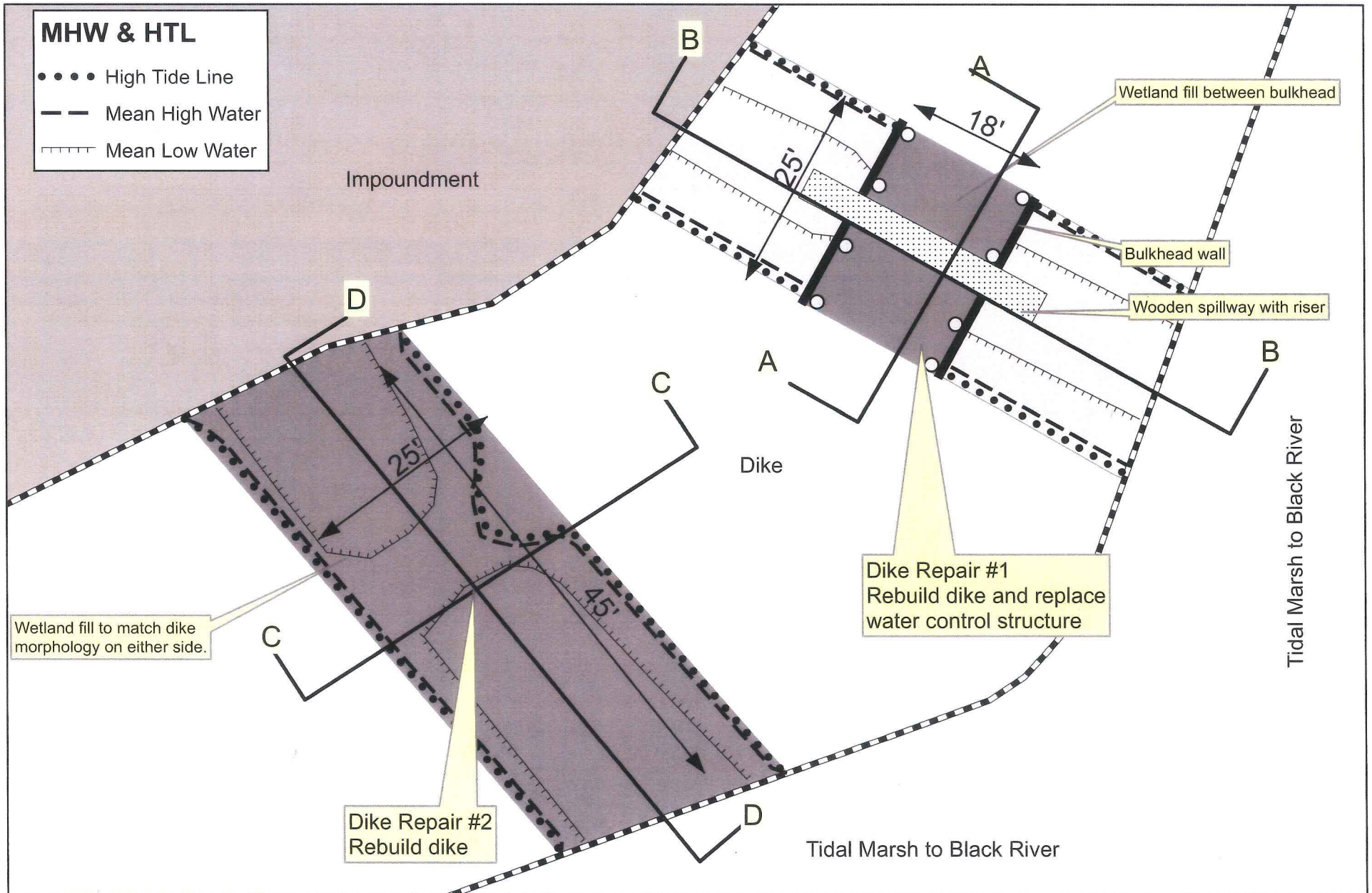
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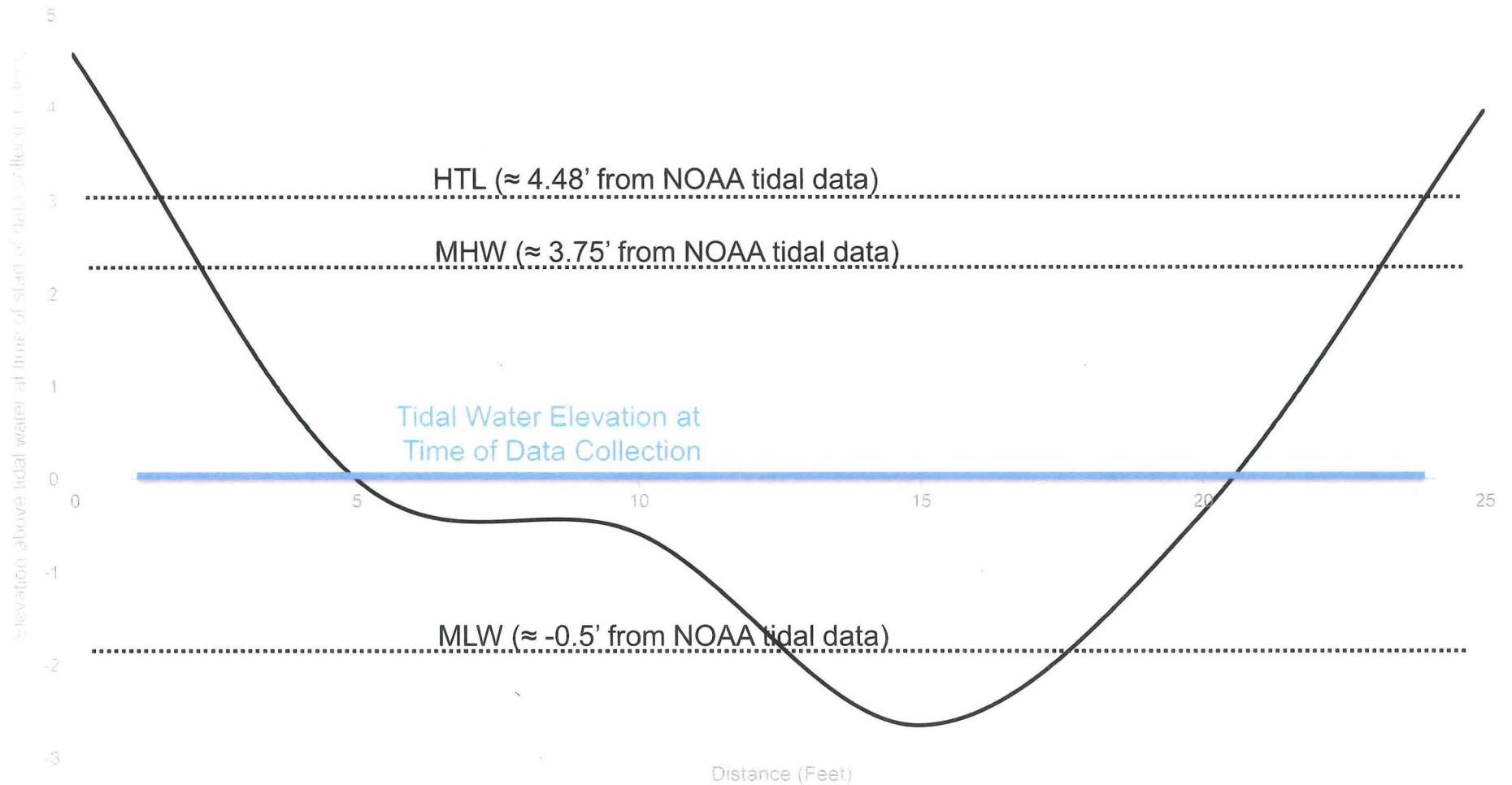
Expanded Plan View of Dike Repair #1 and #2

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Section A-A - profile of current breach in relation to tidal water level

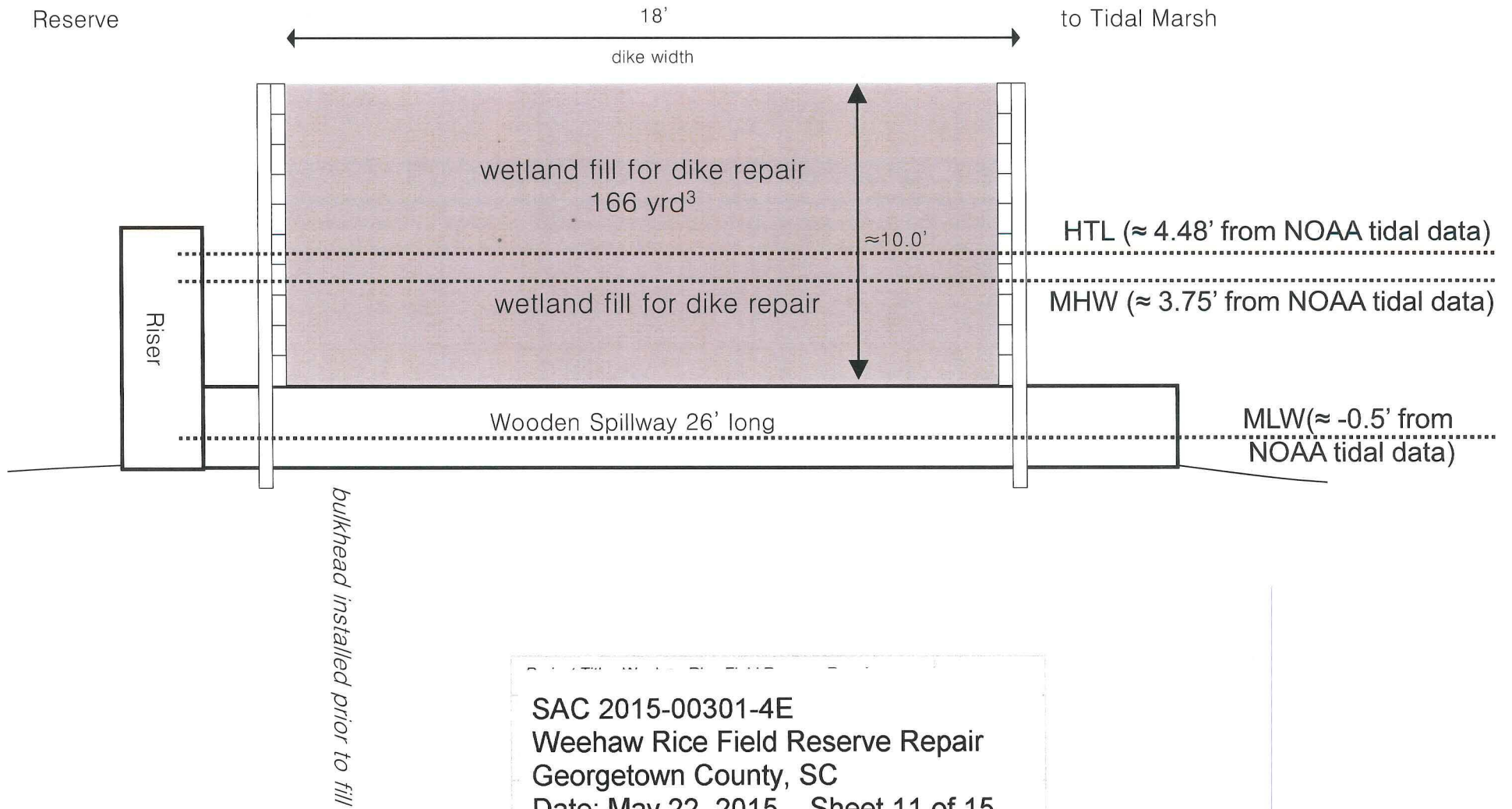
MHW, HTL, and MLW are noted



Project Title: Weehaw Rice Field Reserve Repair	
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Section B-B - profile of proposed bulkhead and water control structure

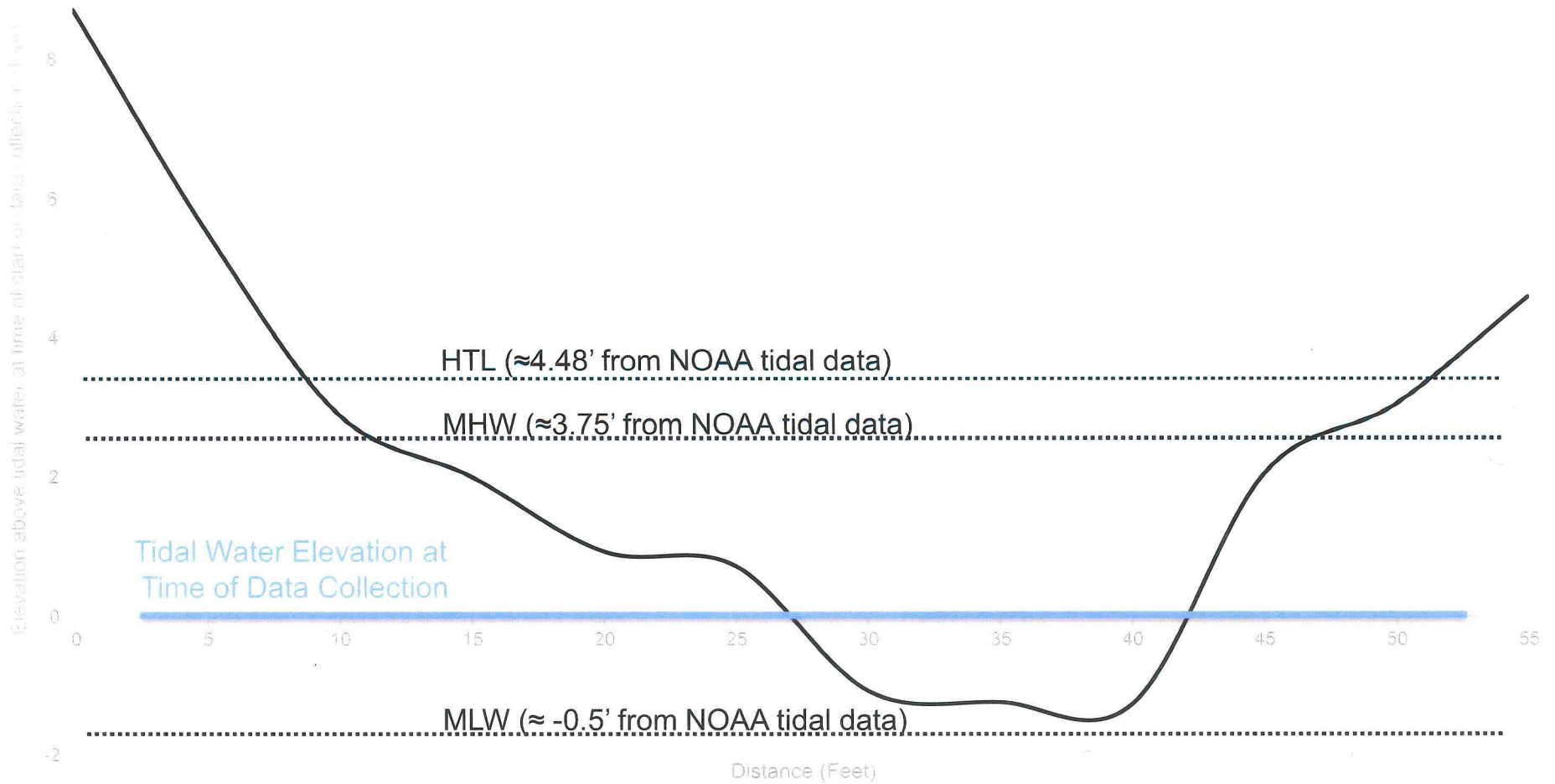
Notes on Spillway elevations:
 Spillways are typically with the bottom of the structure invert at approx 6" below grade. The riser extends to just above high tide line.



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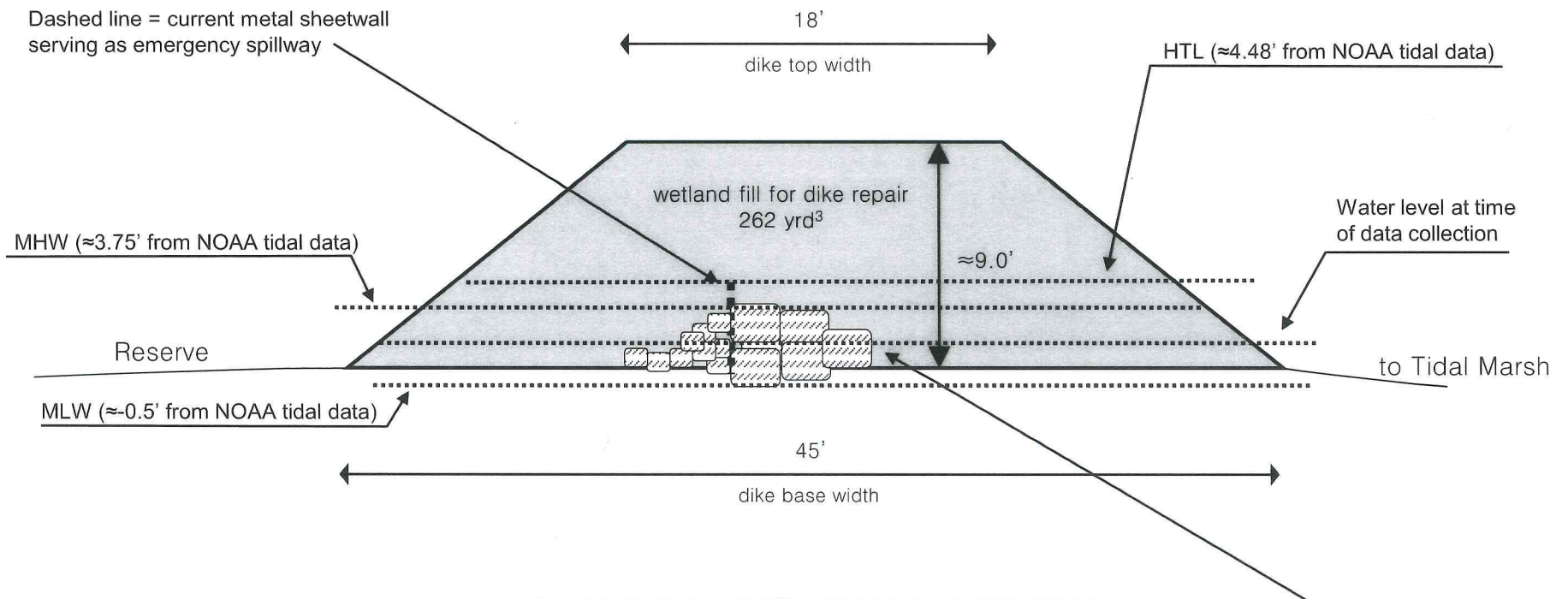
Section C-C — profile of current breach in relation to tidal water level

MHW, HTL, and MLW are noted



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Section D-D - profile of proposed dike repair

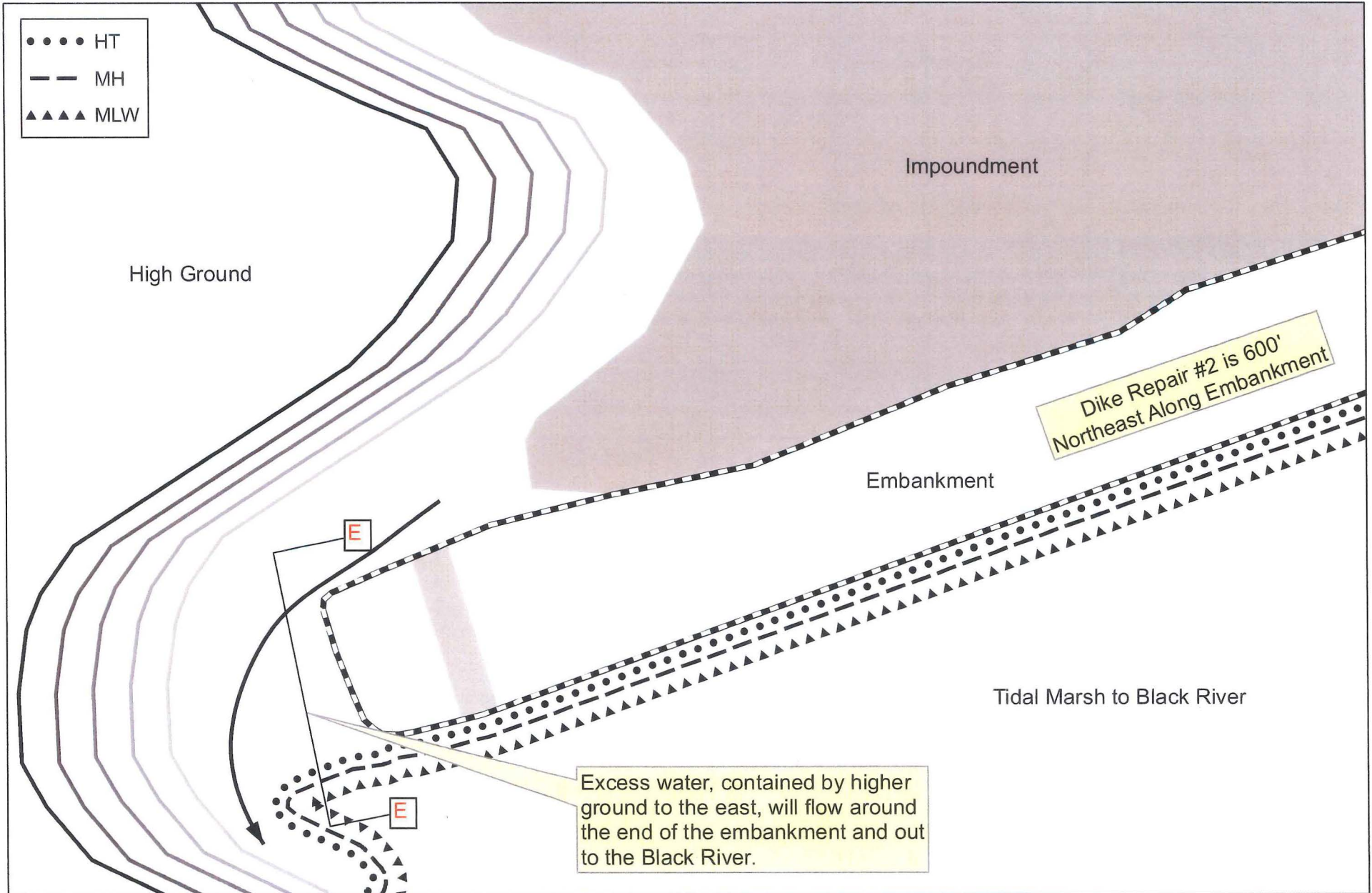


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 Street

Dashed boxes = current concrete pieces serving as support to metal sheetwall

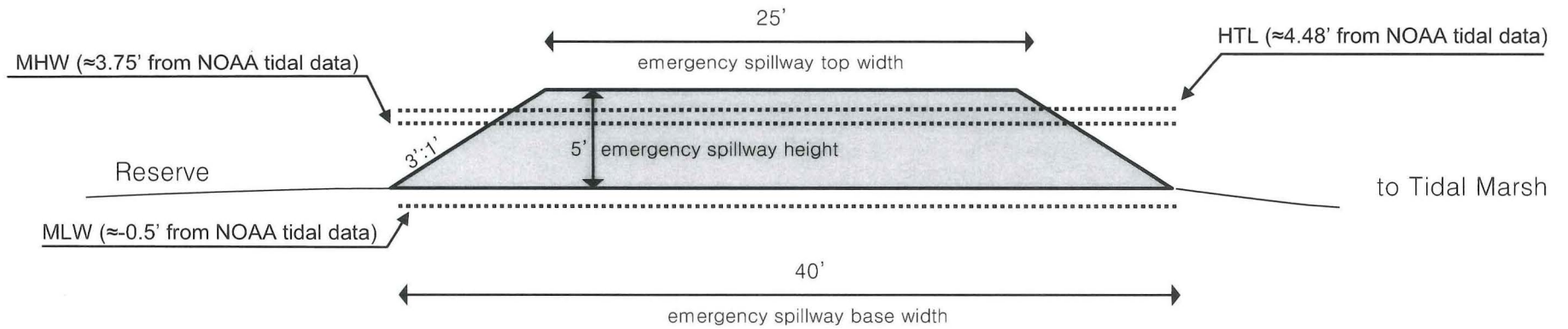
Expanded Plan View of Emergency Spillway

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Section E-E - profile of emergency spillway

Notes on emergency spillway elevations:
Emergency spillways are typically constructed so that the top is 6" higher than the highest riser board. The riser extends to just above high tide line.



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