

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 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 # 2015-0221-1C

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. 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

JOHN DOWNING, LONG BROW PLANTATION
C/O: TRAVIS FOLK
FOLK LAND MANAGEMENT, INC.
3515 WHITE HALL ROAD
GREEN POND, SC 29446

for a permit to renovate failed diversion and cross embankments in an inland rice field on Long Brow Plantation along the

COMBAHEE RIVER

at 3220 White Hall Road in Green Pond, Colleton County, South Carolina (Latitude: 32.6337, Longitude: -80.6108)

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 renovating failed embankment and cross-embankments in an inland rice field. In detail the applicant proposes to renovate 2 diversion embankments (those

that run parallel to water flow) and one cross-embankment (that runs perpendicular to water flow). Each of the three embankments will be cleared of trees, which will be placed in the wetland and burned. Next, a canal interior to the field will be excavated to provide fill within the footprint of the relic interior embankments plus additional footage required to create a stable embankment. The older embankments will be incorporated into the newly renovated embankments. The interior canal is sized as small as possible; however it will provide water flow through the wetland and is an important component to managing moist soil wetlands. The applicant also plans to install two new water control structures which will permit water to enter the field once it is suitable for flooding in the dormant season. Total impacts from the project are 1.12 acres of wetland impacts, with 3,087 cubic yards of fill and 2,964 cubic yards of excavation.

The project purpose is to renovate the selected embankments to allow greater flexibility in water management as well as to restore the earthen infrastructure of historic rice fields to a configuration that once occurred during periods of rice culture. This rice field is managed to the benefit of wildlife, and if the existing embankment becomes functional the field could be managed with a variety of water levels to improve habitat diversity for wildlife as well as mirror the historical configuration of embankments in the area. This compartmentalization of pre-existing rice field beds will improve water management for the benefit of wildlife. Therefore, the basic purpose is to renovate previously existing embankments in an inland rice field on Long Brow Plantation to a historically appropriate layout. The primary overall purpose is to maintain an ecological and historic resource in the ACE Basin of the South Carolina Lowcountry.

The applicant has avoided and minimized wetland impacts in several ways. First, they are proposing to renovate an older embankment rather than construct a new embankment to achieve their objectives. There are portions of the older embankment that remain as high ground which equates to a minimization of wetland impact. By renovating an embankment they will incorporate older, upland remnants. Second, they are renovating the embankment to a width that is just sufficient for all terrain vehicles and not trucks. Third, they are going to obtain the needed fill material from the adjacent canal. Bringing the needed fill from an upland source is not preferable because the repeated trips by trucks to deliver the fill would require trucks to drive across the wetlands. Fourth, the applicant plans to conduct the work during the summer when the impoundment will have been dewatered and the bed is dry. This will eliminate the travel of machinery through areas with standing water. Working on drier soils will also reduce soil compaction as compared to working on inundated areas. If rain collects in the canal, it will be pumped dry prior to excavation. Excavating drier soils will also result in more stable material used for fill. More stable fill material will also reduce sloughing off into surrounding wetlands once that material is placed for embankment renovation. The newly renovated embankment will also be planted with a fast-growing herbaceous species to reduce erosion in to the rice field.

The applicant is not proposing compensatory mitigation. The applicant stated that the proposed embankments for renovation are historic features of the rice field system. Restoration of these structures will permit a water management regime that is beneficial to wildlife and also similar to historical patterns of water management. Second, the benefit to wildlife by restoring these embankments is substantial. These embankments will allow the field to be divided into squares that are of a similar elevation. A consistent grade square will allow native wetland plant species to be flooded at a consistent depth which will increase availability to wintering waterfowl and wading birds. Third, the work is done within a functioning impoundment and does not contribute to increased impoundment of otherwise free flow wetlands. Lastly, the resulting water management capabilities in this project are in line with goals established in regional habitat conservation plans such as the North American Waterfowl Management Plan. In particular, a goal of the South Atlantic Migratory Bird Initiative Implementation Plan for South Carolina includes providing additional

acres of “coastal impoundments or productive habitat” and “increase the acreage of managed wetlands” for waterbirds. Furthermore, Long Brow Plantation has received matching cost share funding under the North American Wetland Conservation Act (NAWCA) to enhance the habitat. Based on these reasons, the applicant believes that compensatory mitigation is not required for the proposed project.

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
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

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 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 1.12 acres 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 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 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. 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 **Ms. Chelsea Bowman** at 843-329-8044 or toll free at 1-866-329-8187.

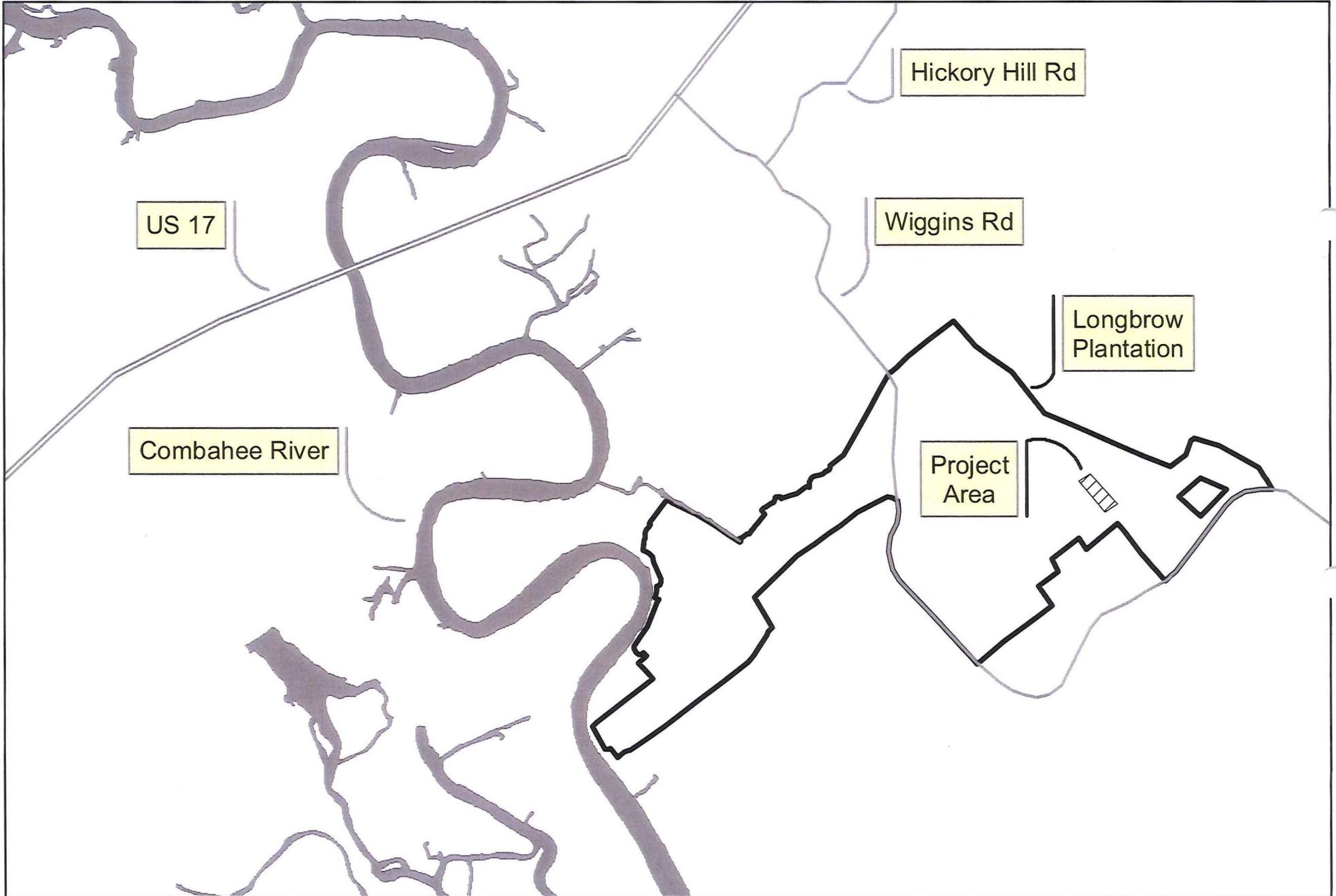
Property within Region



7.5" USGS Topo



Project Title: Merck Field Diversion Dike	
Project Location: 2898 Wiggins Road Green Pond, SC Colleton County 32° 38' 01.63" N, 80° 36' 38.74" W	Drawing Scale 1" : 7,000'
Applicant: John O. Downing	Date
Agent: Travis Hayes Folk, PhD	Sheet of

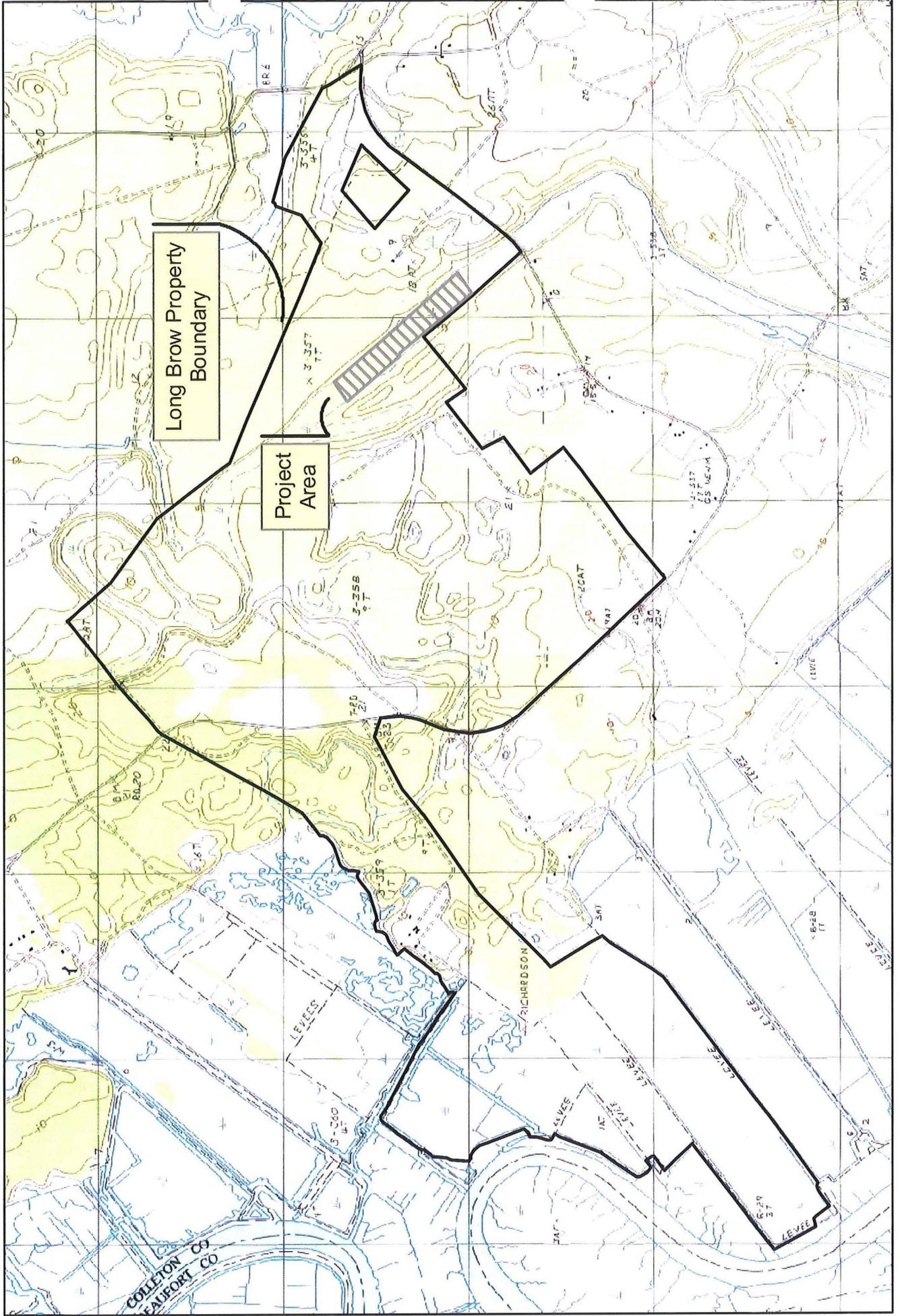


Project Area within Property

Project Title: Merck Field Diversion Dike	Drawing Scale
Project Location: 2898 Wiggins Road Green Pond, SC Colleton County	1" = 2.275'
32° 38' 01.63" N, 80° 36' 38.74" W	Date
Applicant: John O. Downing	Sheet of
Agent: Travis Hayes Folk, PhD	



7.5" USGS Topo



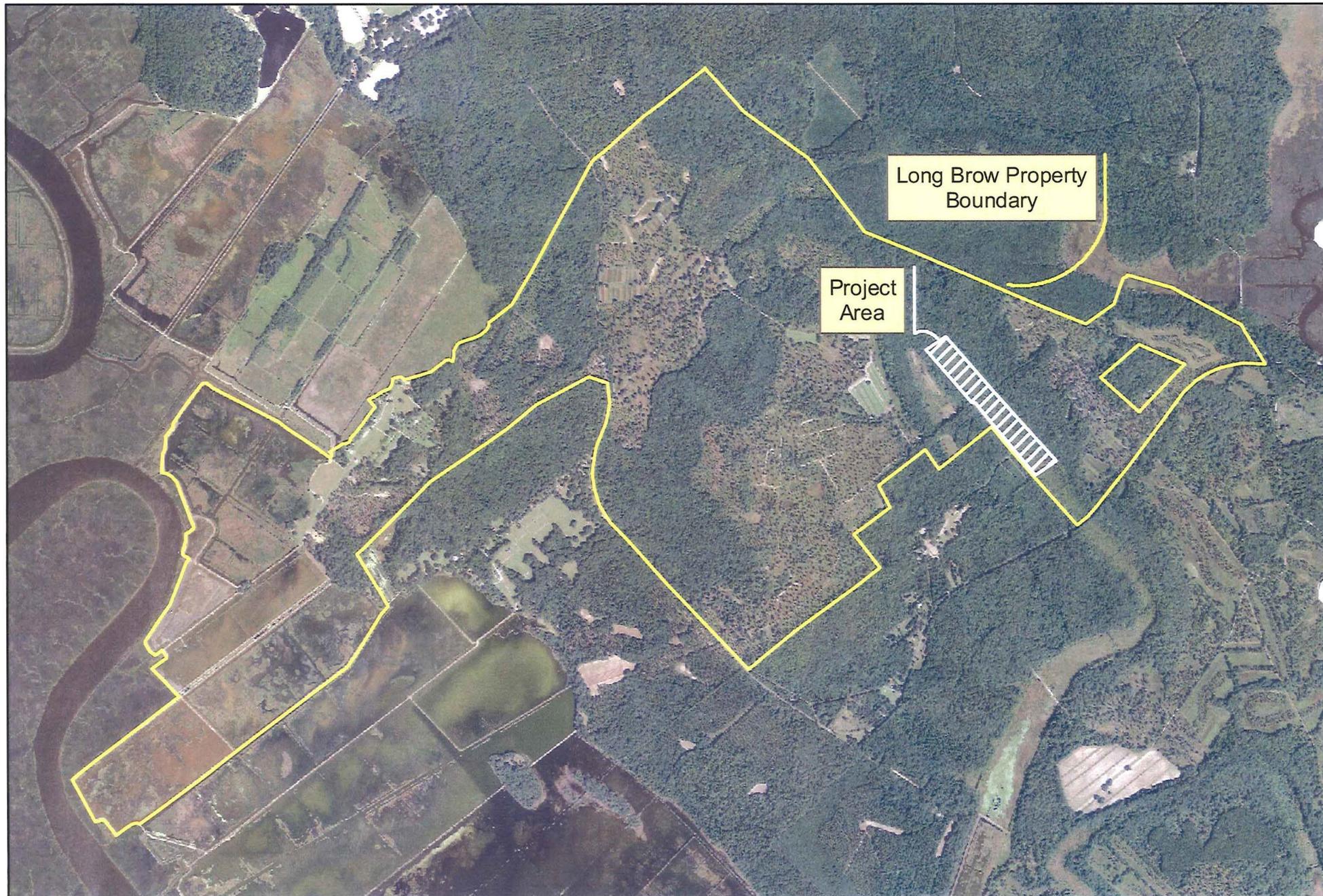
Project Area within Property



2013 Aerial Photo



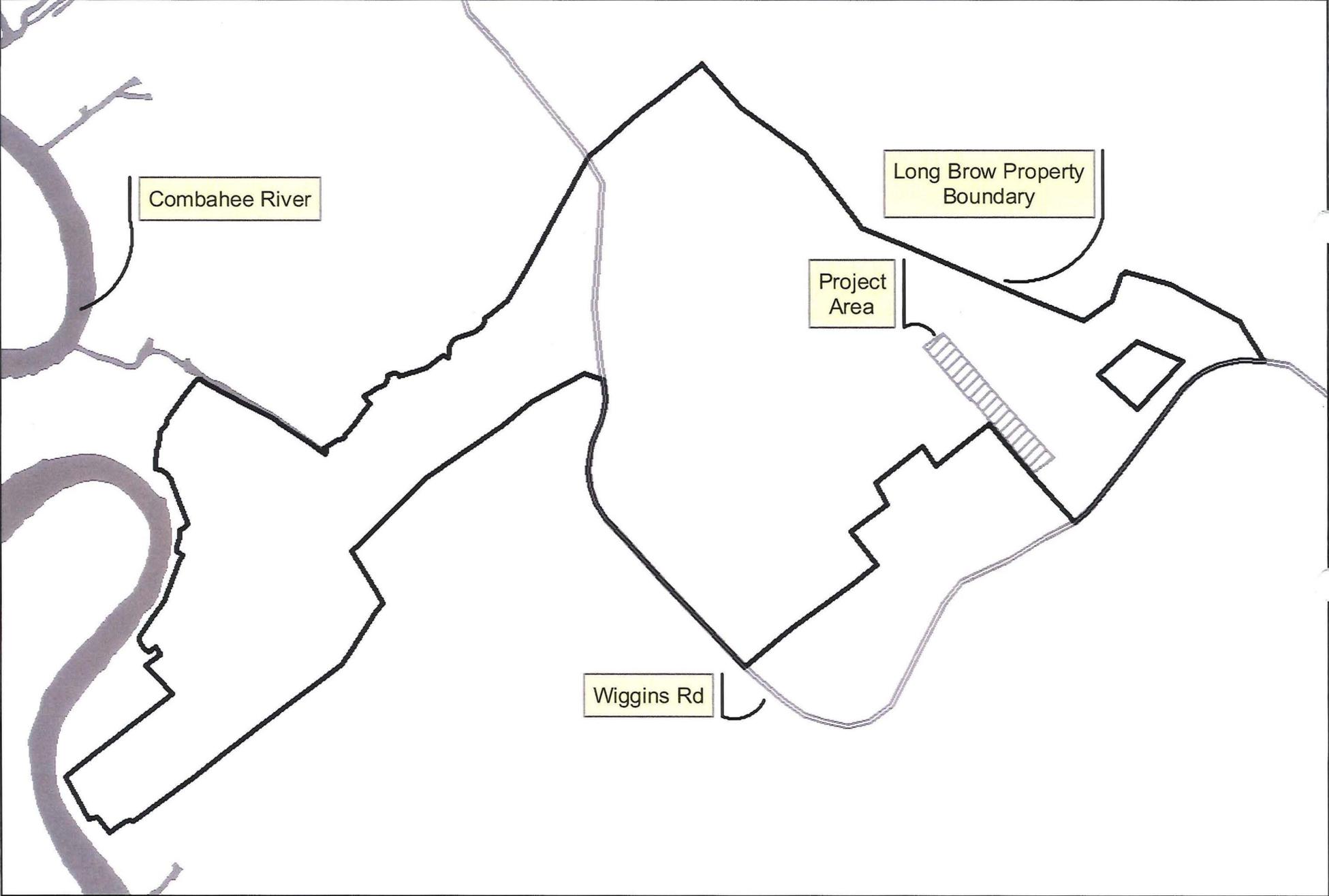
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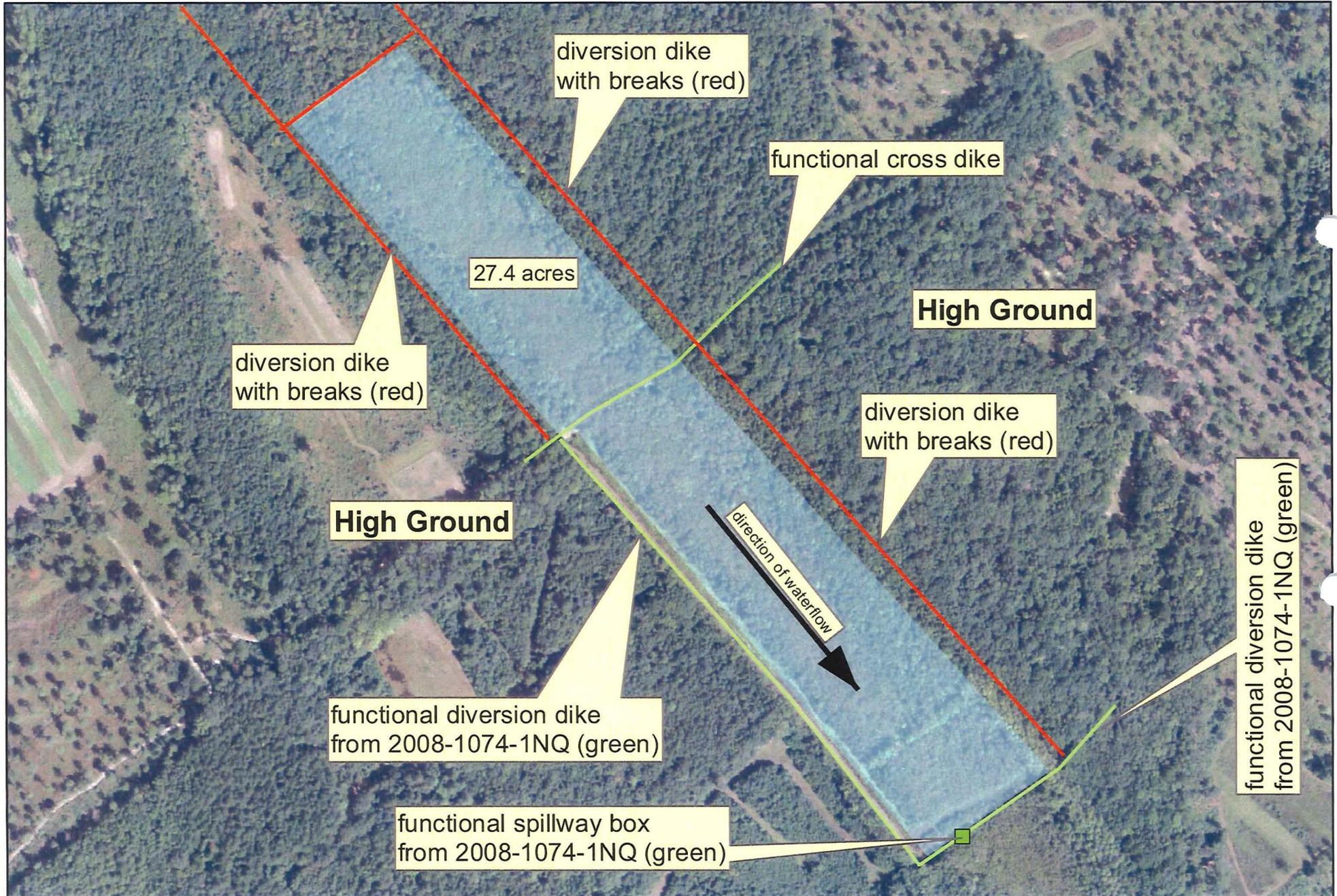
Existing Infrastructure

0 100 200 400 Feet



Project Title: Merck Field Diversion Dike
Project Location: 2898 Wiggins Road
Green Pond, SC Colleton County
32° 38' 01.63" N, 80° 36' 38.74" W
Applicant: John O. Downing
Agent: Travis Hayes Folk, PhD

Drawing Scale: 1" = 40'
Date: _____
Sheet of _____



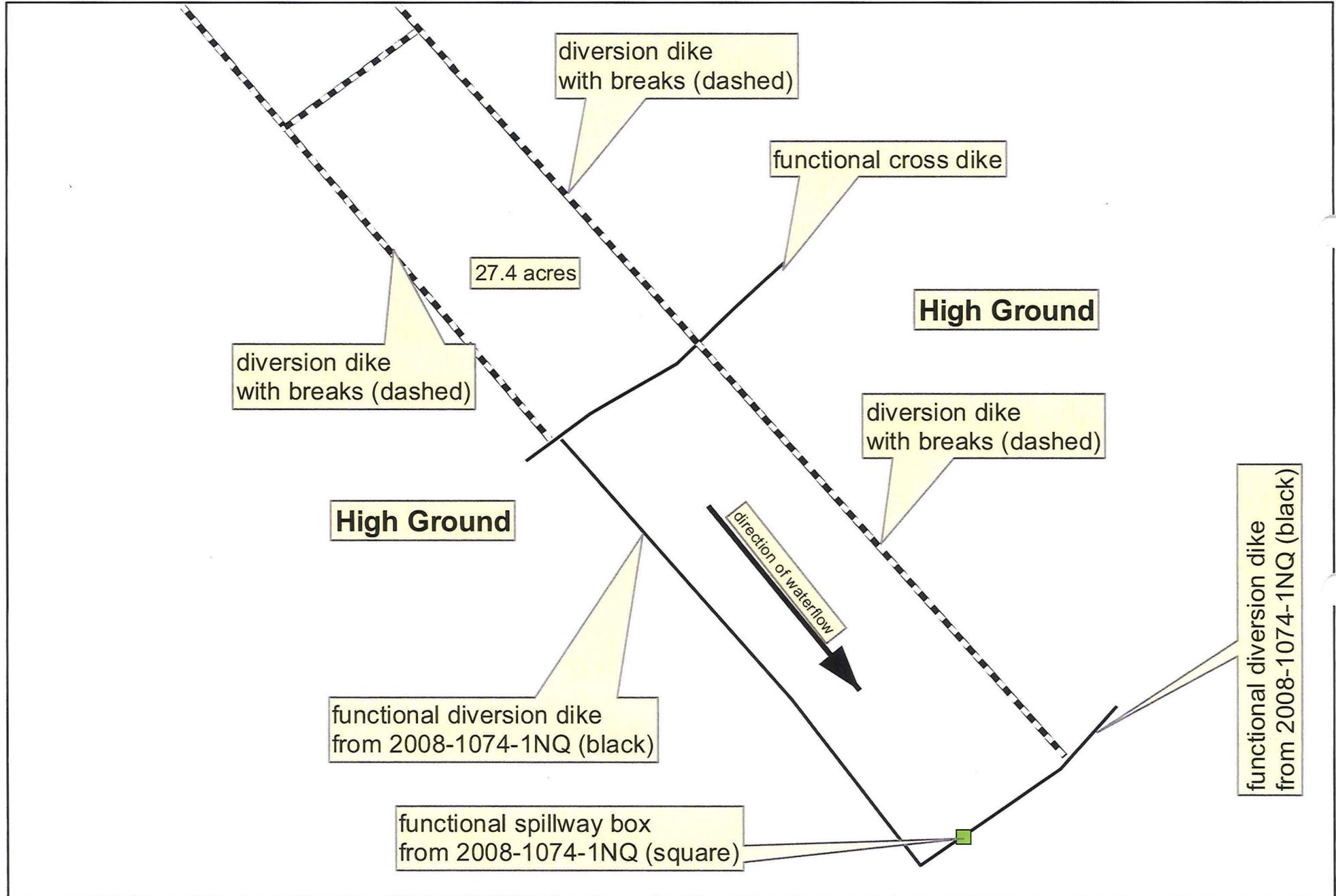
Existing Infrastructure

0 100 200 400 Feet



Project Title: Merck Field Diversion Dike
Project Location: 2898 Wiggins Road
Green Pond, SC Colleton County
32° 38' 01.63" N, 80° 36' 38.74" W
Applicant: John O. Downing
Agent: Travis Hayes Folk, PhD

Drawing Scale: 1" = 40.0'
Date: _____
Sheet of _____



Proposed Infrastructure

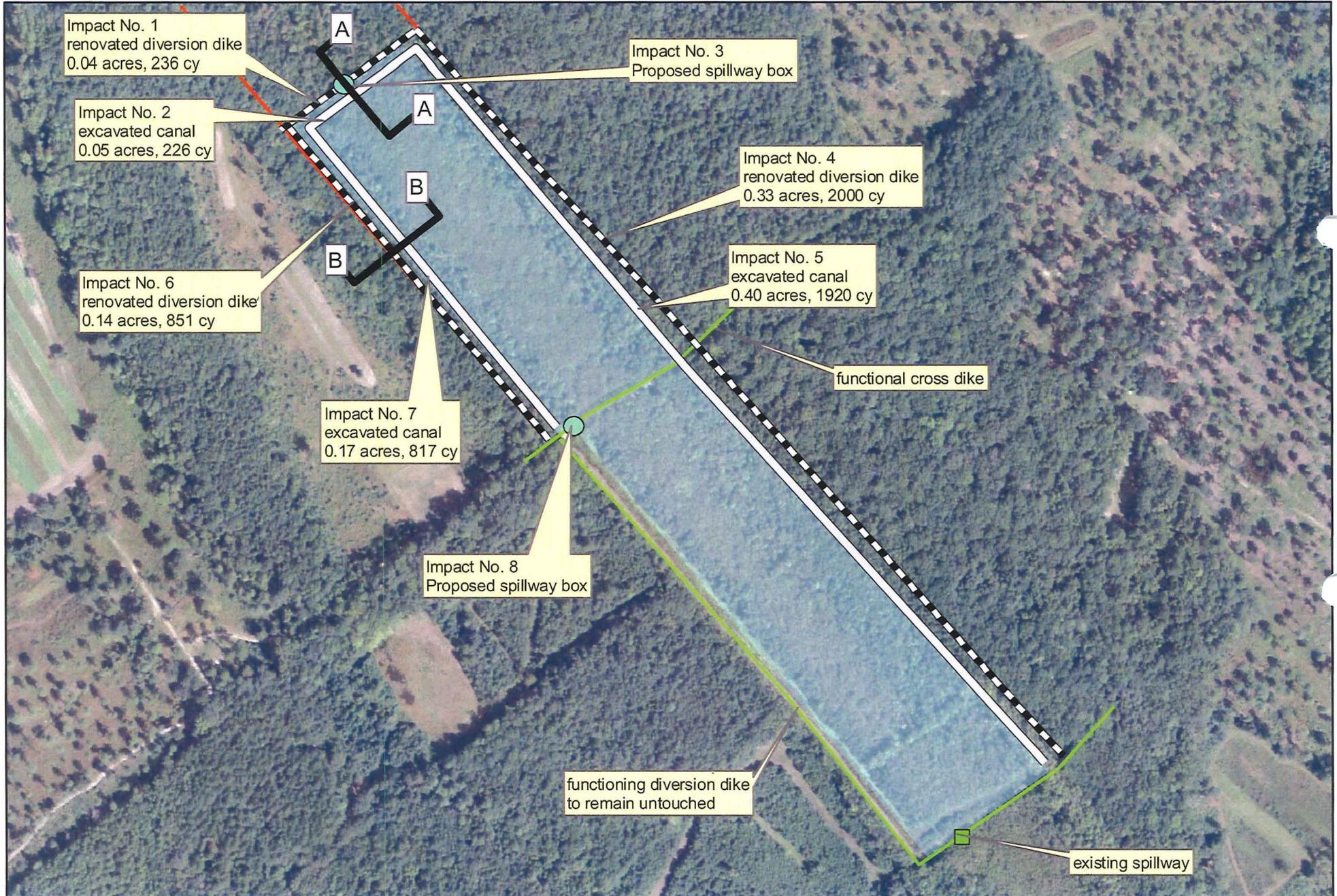
0 100 200 400
Feet



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32° 38' 01.63" N, 80° 36' 38.74" W
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Drawing Scale
1" : 40'

Date
Sheet of

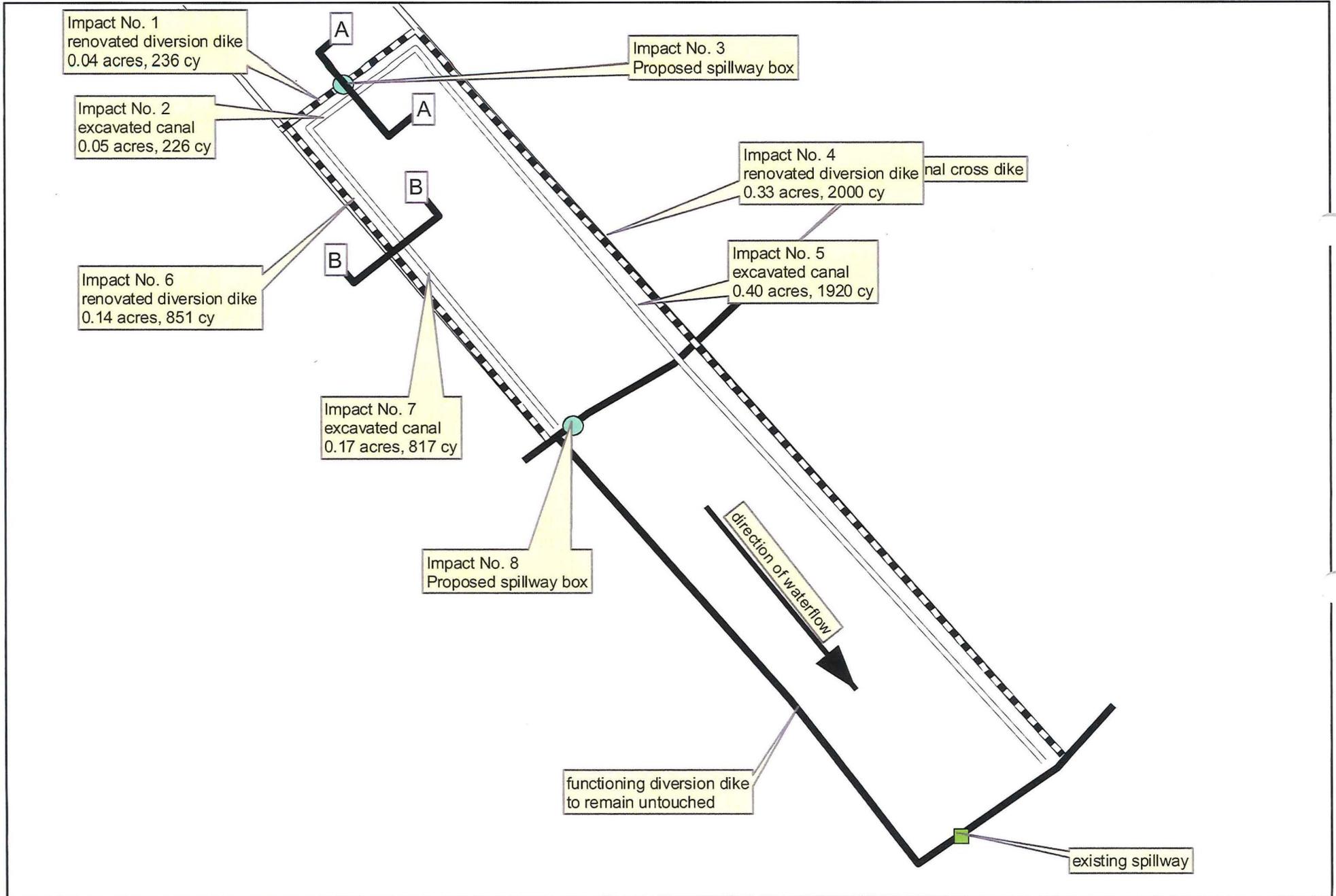


Proposed Infrastructure

0 100 200 400 Feet

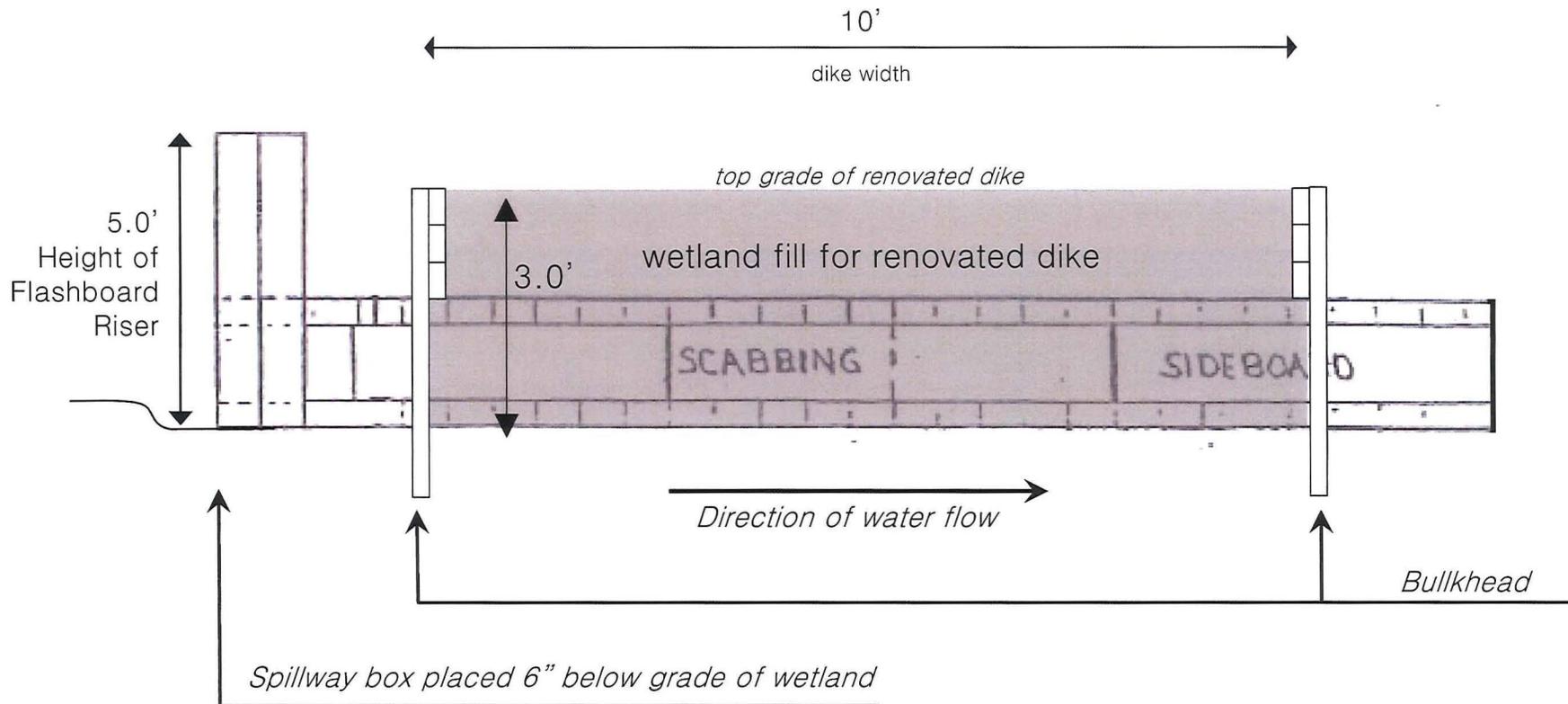


Project Title: Merck Field Diversion Dike	Drawing Scale
Project Location: 2898 Wiggins Road Green Pond, SC Colleton County	1" = 40'
32° 38' 01.63" N, 80° 36' 38.74" W	
Applicant: John O. Downing	Date
Agent: Travis Hayes Folk, PhD	Sheet of



Section A-A

Merck Field Diversion Dike Typical Spillway and Riser

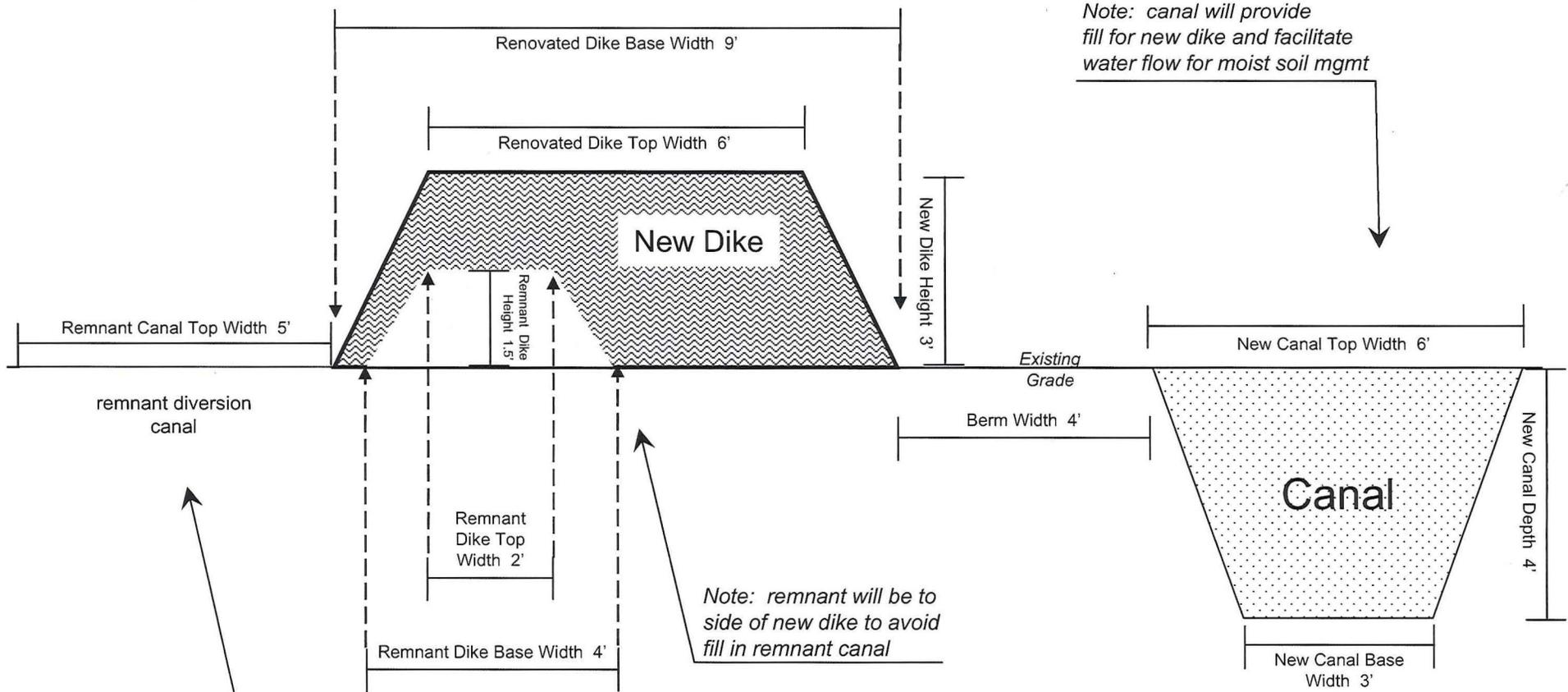


Dimensions

- Width of spillway box = 5'
- Length of spillway box = 15'
- Outside height of spillway box = 2.0'
- Inside height of spillway box = 18"
- Height of flashboard riser = 5.0'

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Applicant: John O. Downing	Date
Agent: Travis Folk, Folk Land Management	Sheet of

Cross section BB
 Typical Diversion Dike, Berm and Canal Renovation



Note: canal will provide fill for new dike and facilitate water flow for moist soil mgmt

Note: remnant will be to side of new dike to avoid fill in remnant canal

Note: remnant canal will not be used because to do so would damage trees

Project Title: Merck Field Diversion Dike	
Project Location: 2898 Wiggins Road Green Pond, SC Colleton County 32° 38' 01.63" N, 80° 36' 38.74" W	Drawing Scale 1" : 2.5'
Applicant: John O. Downing	Date
Agent: Travis Folk, PhD	Sheet of