

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 # 2013-00421-1T

April 22, 2013

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

LONG BROW PLANTATION
C/O FOLK LAND MANAGEMENT, INC.
TRAVIS FOLK
3515 WHITE HALL ROAD
GREEN POND, SOUTH CAROLINA 29446

for a permit to excavate and place fill material in wetlands and waters of the

COMBAHEE RIVER

within existing managed tidal impoundments (historic rice fields) of Long Brow Plantation located at 2898 Wiggins Road in Green Pond, Colleton County, South Carolina (32.628948 Latitude / -80.649112 Longitude)

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 former cross-embankment and canal within an existing managed tidal impoundment and the installation of a new wooden spillway box within the new cross-embankment and a new wooden trunk within an existing perimeter embankment. In detail, the work consists of the excavation of 6,852 cubic yards from 0.77 acres of tidal wetlands

and waters to obtain fill material and to construct a new canal. The excavated material will be used as fill to renovate a former cross-embankment. The excavated material will be placed in 0.68 acres of tidal wetlands and waters adjacent to the newly excavated canal to construct the new cross-embankment. The canal will be 2,300' in length with a top width of 14.5', a bottom width of 10.25', and a depth of 6.5'. The new cross-embankment will be 2,470' in length with a top width of 12', a bottom width of 18', and a height of 5'. The new spillway box that will be installed in the cross-embankment will be 5' wide X 25' long and will have an inside height of 18", an outside height of 2' and a 6' tall flashboard riser. Wooden bulkheads, approximately 8-10' in length, will be constructed on either side of the spillway box to provide stability. The new wooden rice field trunk will be a typical Combahee style trunk that will be installed within the existing perimeter embankment located within the same large managed tidal impoundment field where the cross-embankment and canal are being proposed. The proposed work will divide the existing approximate 139.5 acre managed tidal impoundment field into an 87.3 acre field and a 52.2 acre field.

The purpose of the proposed project is to create two management units of more consistent bed topography. Currently, the southern portion of the impoundment is slightly higher than the northern portion. This is a common morphology in rice fields with the areas closer to tidal waterways being higher and elevation dropping farther away from the river. Historically, this field was compartmentalized to allow for a more consistent bed level, which was done during commercial rice production in the 18th through the early 20th centuries. This field was managed primarily for widgeon grass (*Ruppia maritima*) and a consistent water level will aid in this management strategy. A trunk and spillway are included with the project to allow for efficient water circulation once the cross-embankment is constructed.

The excavation of the new canal and construction of the new cross-embankment will occur simultaneously. To complete the project, the managed tidal impoundment field will be drained and dried during the summer months. The proposed work will be completed with a long-reach excavator on tracks using wooden mats for stability. As the excavator proceeds down the length of the proposed cross-embankment and canal, the operator will simultaneously excavate the new canal and place the excavated material in the location of the cross-embankment. The new wooden spillway box will be installed as the cross-embankment is being constructed. Bulkheads will be constructed on either side of the newly installed spillway box. The bulkheads will be 8-10' in length and sufficient enough to provide stability for the portion of the embankment that crosses the spillway box. By conducting the work simultaneously, it will minimize the amount of traffic across the bed of the impoundment. The proposed trunk in the perimeter embankment will also be installed while the impoundment is drained and dry.

According to the applicant, impacts associated with the proposed project were minimized in several ways. First, the work will be constructed in the dry. This will ease access by heavy machinery and also minimize damage to wetlands. The proposed work will be completed during summer months. Second, all material will be obtained from within the managed tidal impoundment field. Were material required from outside of the project area, it would have to travel across existing embankments. This travel would require remediation of the existing embankment due to excessive travel by heavy machinery. In addition, spill from this transport could fall into the field and represent additional concerns. Third, the proposed embankment is of sufficient dimensions to allow for water control and travel by agricultural machinery, which are both necessary for the management of the managed tidal impoundment fields. Fourth, the applicant has minimized impacts by locating the proposed cross-embankment on top of the remnants of a former embankment. While the former embankment has subsided to the point where it does not control water, the impoundment field bed topography in this area is variable whereas elsewhere

throughout the field, the bed is at level topography.

The applicant states that a compensatory mitigation plan has not been developed for the proposed project for several reasons. First, the proposed project aids in the management of the managed tidal impoundment by creating two management units with more consistent field bed topography. This will in turn enable each unit to be managed more effectively. Construction of the new cross-embankment is the only practical way to allow the achievement of the goal of increased water circulation capability and enhanced wildlife habitat quality. Second, the proposed activity is in line with traditional activities within managed tidal impoundment fields in the ACE Basin. The proposed cross-embankment is in the footprint of a former historic embankment that has subsided. Third, this project will be funded by a NAWCA grant administered through Ducks Unlimited. The proposed proposal was reviewed at multiple levels of the US Fish and Wildlife Service and the Flyway Councils. The project was deemed to have a positive contribution for management of avian habitat and thus was funded. Fourth, compensatory mitigation has not been required for similar projects in the area.

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
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). 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 1.45 acres of 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.

The District Engineer has consulted the most recently available information and has determined 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 7(c) of the Endangered Species Act of 1973 (as amended).

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 **(Tracy Dotolo Sanders)** at 843-329-8044 or toll free at 1-866-329-8187.

Project Area within Quad

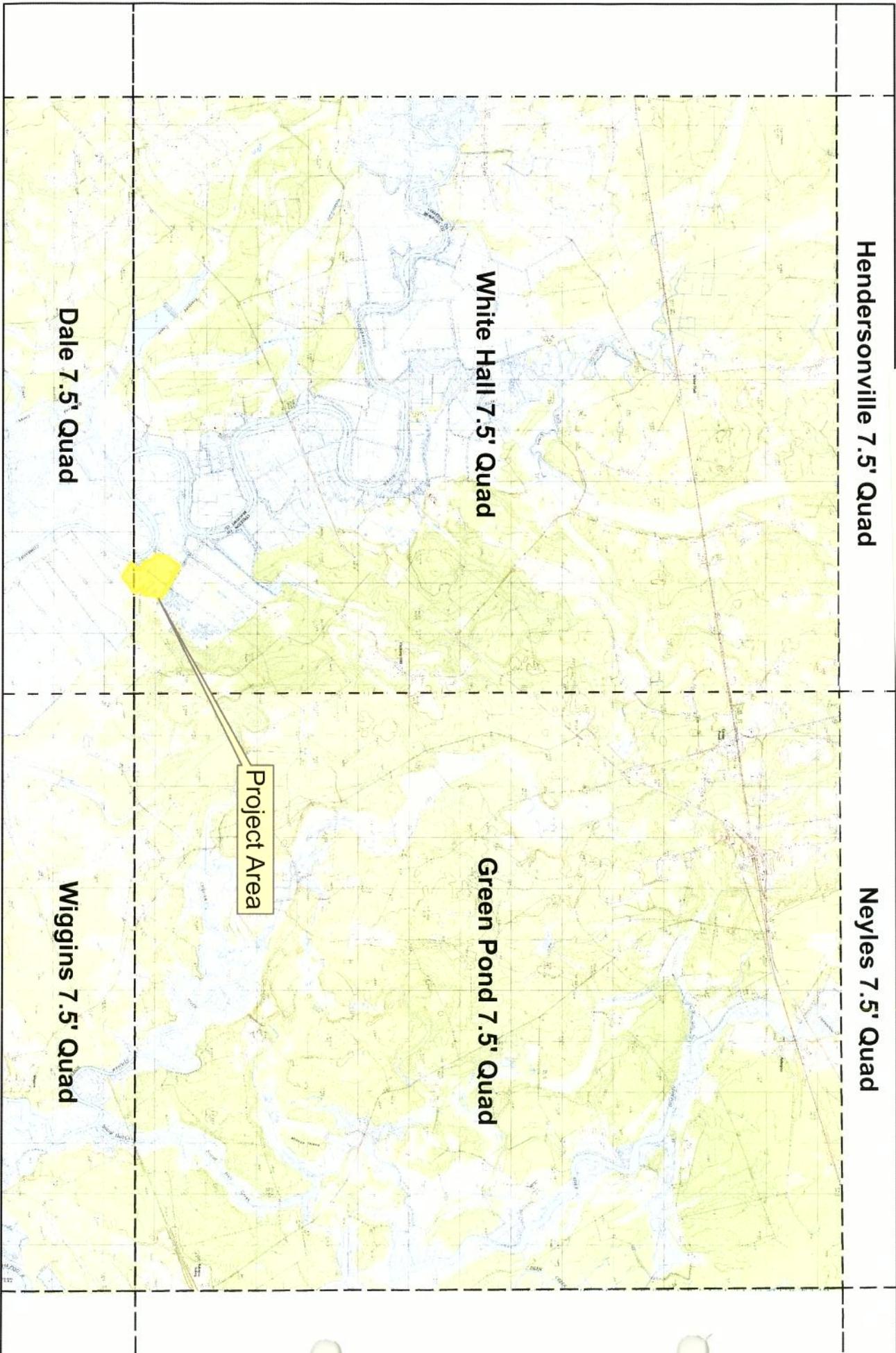
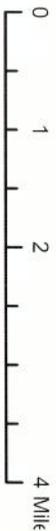
Long Brow Plantation Cross-Embankment
Project, P/N SAC-2013-00421-1T

April 29, 2013

Sheet 1 of 7

Project Title: Long Brow Plantation Rice Field Cross Dike
Project Location: 2898 Wiggins Road
Green Pond, SC Colleton County
32° 37' 39.73" N, 80° 38' 58.21" W
Applicant: John O. Downing
Agent: Travis Folk, Folk Land Management

Date
Sheet of



Hendersonville 7.5' Quad

White Hall 7.5' Quad

Neyles 7.5' Quad

Green Pond 7.5' Quad

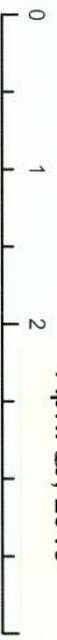
Dale 7.5' Quad

Wiggins 7.5' Quad

Project Area

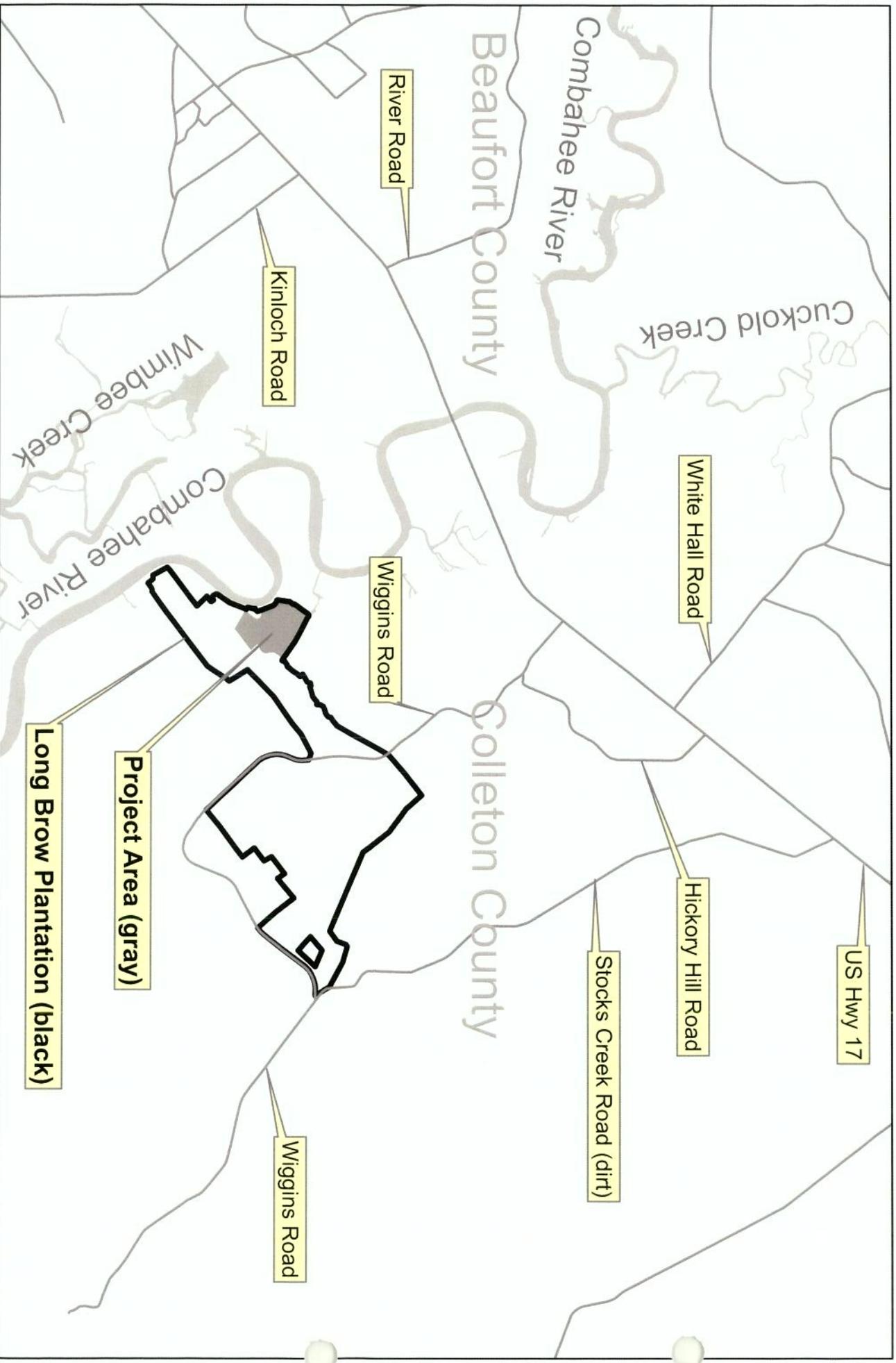
Vicinity Map

Long Brow Plantation Cross-Embankment
Project, P/N SAC-2013-00421-1T
April 20, 2013
Sheet 2 of 7



Project Title: Long Brow Plantation Rice Field Cross Dike
Project Location: 2898 Wiggins Road
Green Pond, SC, Colleton County
32° 37' 39.73" N, 80° 38' 58.21" W
Applicant: John O. Downing
Agent: Travis Folk, Folk Land Management

Drawing Scale
1" = 6,500'
Date
Sheet of



Project Area in Long Brow Plantation

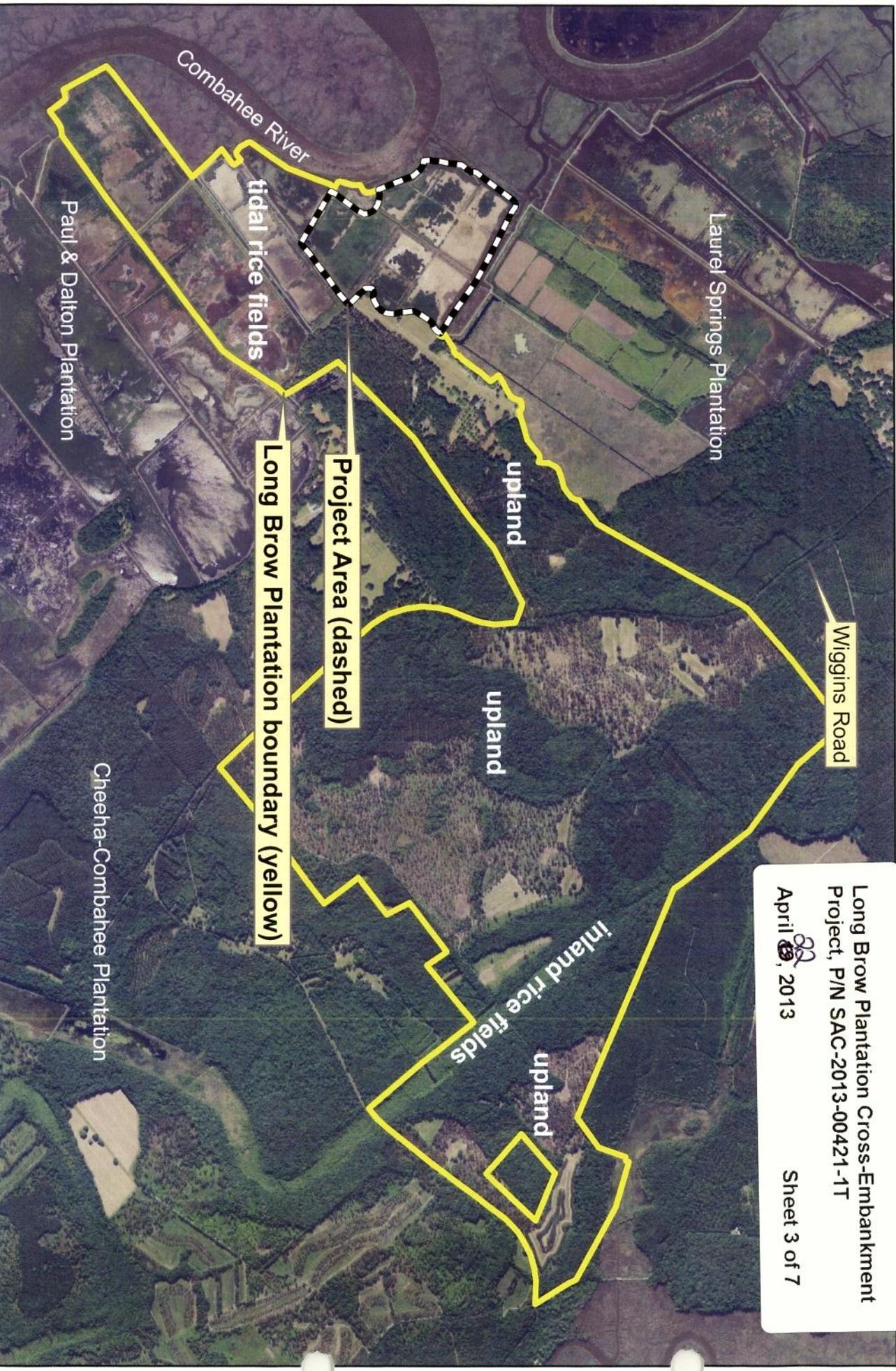


2011 aerial



<i>Project Title:</i> Long Brow Plantation Rice Field Cross Dike	<i>Drawing Scale</i>
<i>Project Location:</i> 2898 Wiggins Road	1" = 2,250'
<i>Green Pond, SC Colleton County</i>	
<i>32° 37' 39.73" N, 80° 38' 58.21" W</i>	
<i>Applicant:</i> John O. Downing	<i>Date</i>
<i>Agent:</i> Travis Folk, Folk Land Management	Sheet of

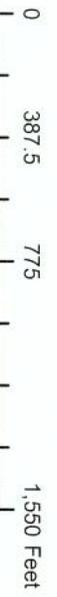
Long Brow Plantation Cross-Embankment Project, P/N SAC-2013-00421-1T
 April 18, 2013  Sheet 3 of 7



Existing & Proposed Dikes & Water Control Structures in Project Area

Long Brow Plantation Cross-Embankment Project, P/N SAC-2013-00421-1T

Vertical Scale
300'

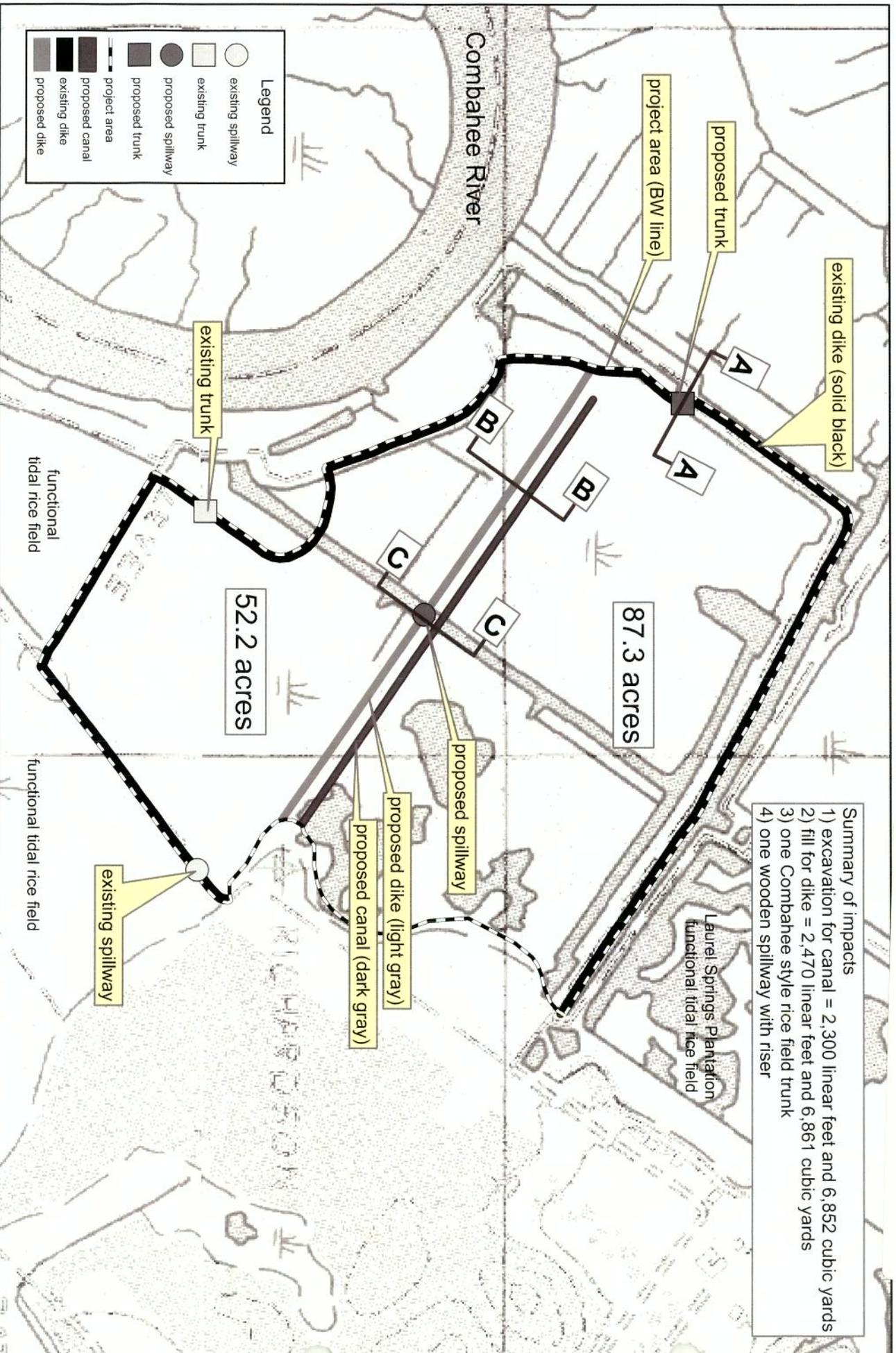


White Hall & Date 7.5' Quad

April 29, 2013

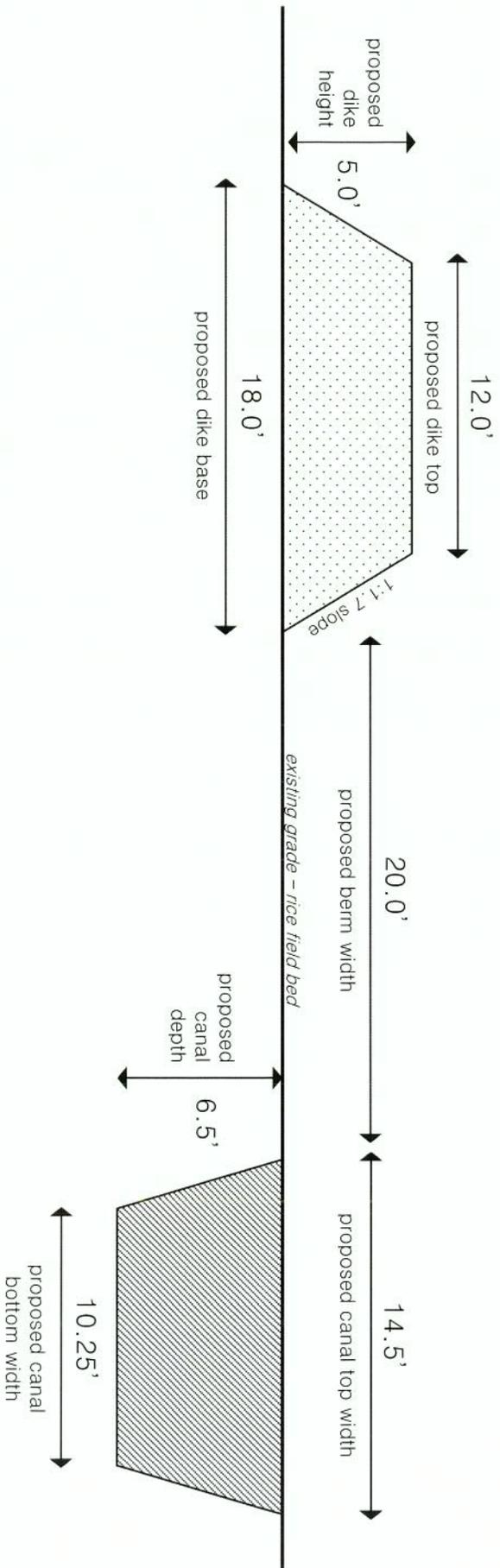
Sheet 4 of 7

3T of



Cross Section B-B (typical)
 proposed fill for cross dike & excavation for adjacent canal

Long Brow Plantation Cross-Embankment
 Project, P/N SAC-2013-00421-1T
 April 23, 2013
 Sheet 5 of 7

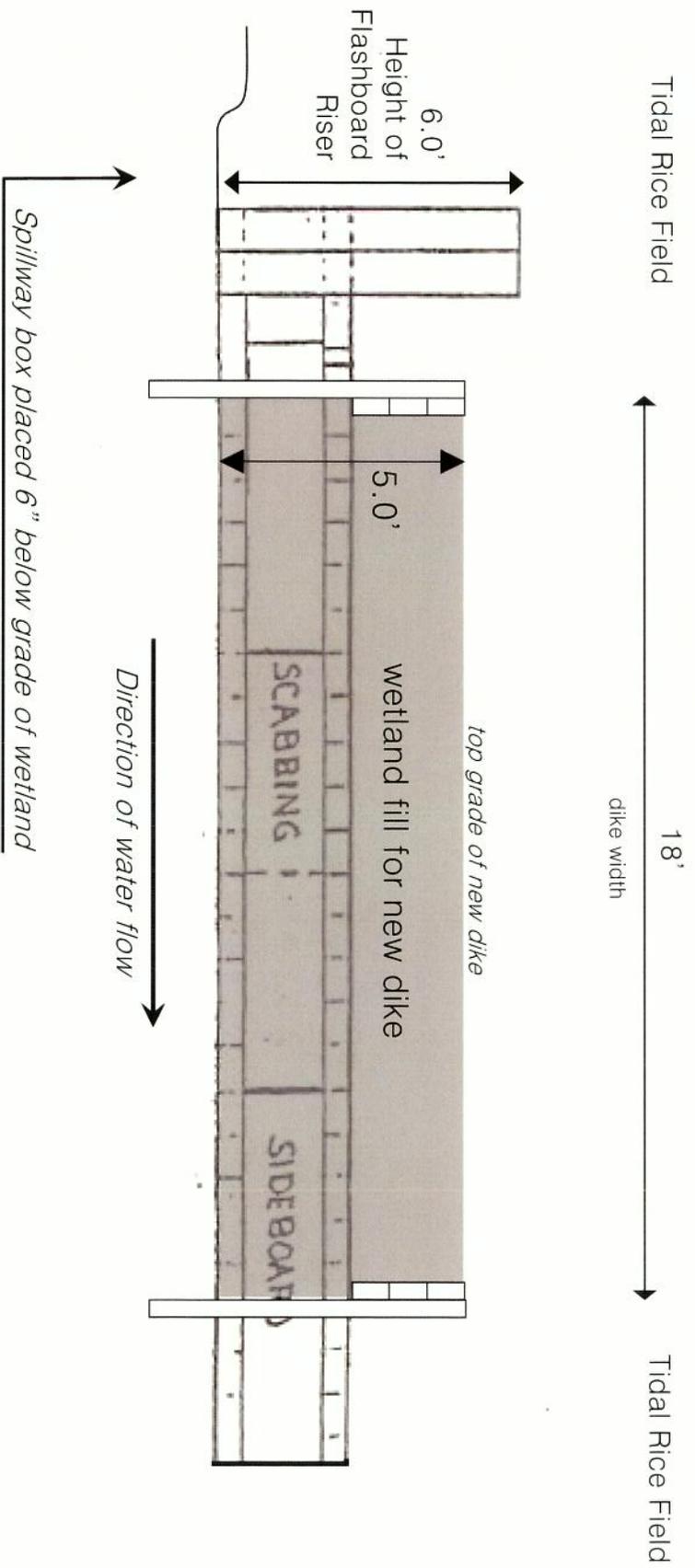


Legend	
	Excavation
	Fill

<i>Project Title:</i> Long Brow Plantation Rice Field Cross Dike	
<i>Project Location:</i> 2898 Wiggins Road Green Pond, SC Colleton County 32° 37' 39.73" N, 80° 38' 58.21" W	
<i>Applicant:</i> John O. Downing	<i>Date</i>
<i>Agent:</i> Travis Folk, Folk Land Management	<i>Sheet of</i>

Cross Section C-C (typical)
 Typical Wooden Spillway Box and Flashboard Riser

Long Brow Plantation Cross-Embankment
 Project, P/N SAC-2013-00421-1T
 April 19, 2013 Sheet 6 of 7



Dimensions

- Width of spillway box = 5'
- Length of spillway box = 25'
- Outside height of spillway box = 2.0'
- Inside height of spillway box = 18"
- Height of flashboard riser = 6.0'

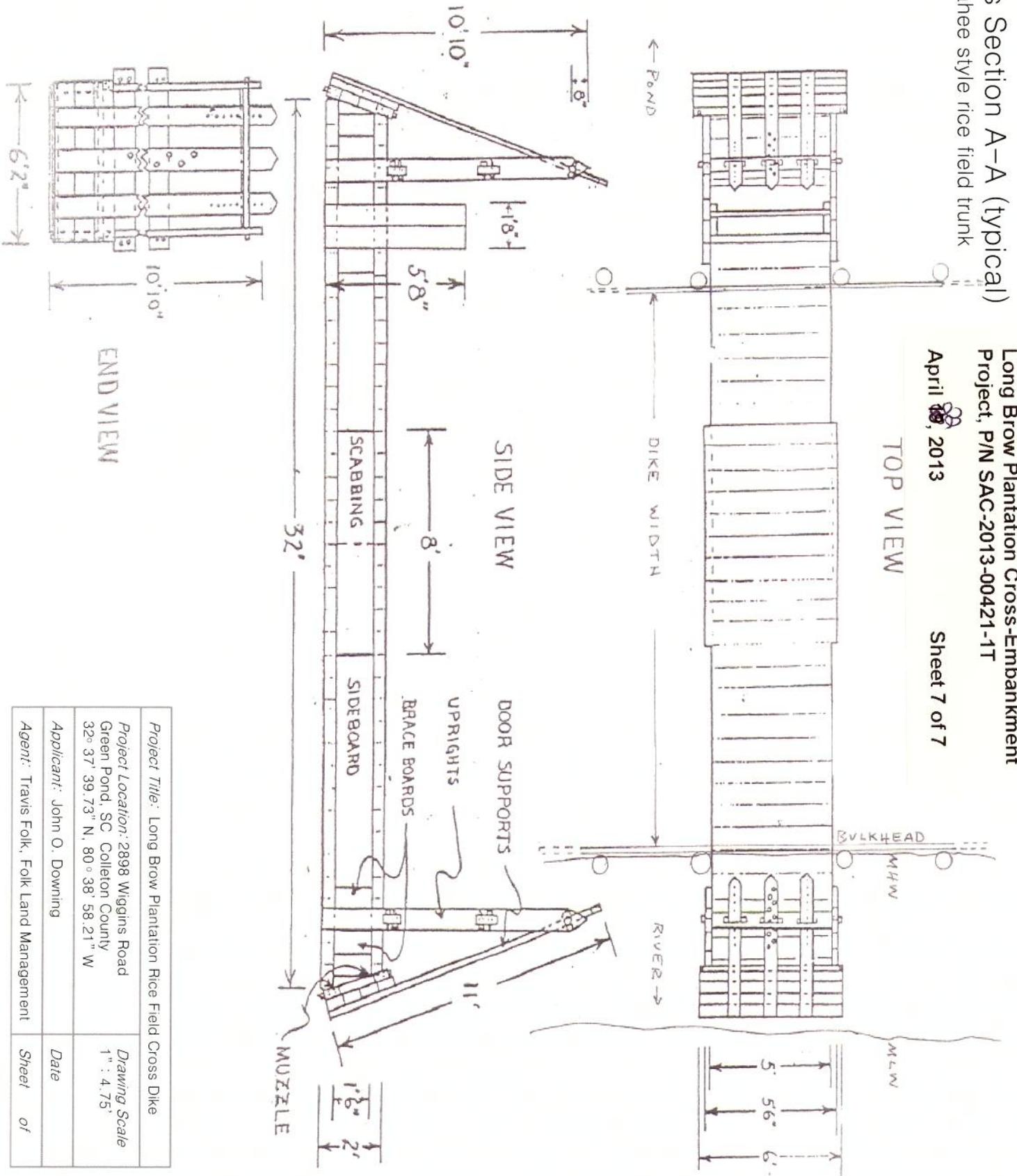
<i>Project Title:</i> Long Brow Plantation Rice Field Cross Dike	
<i>Project Location:</i> 2898 Wiggins Road Green Pond, SC, Colleton County 32° 37' 39.73" N, 80° 38' 58.21" W	
<i>Applicant:</i> John O. Downing	<i>Date</i>
<i>Agent:</i> Travis Folk, Folk Land Management	<i>Sheet of</i>

Cross Section A-A (typical)
 Combahoe style rice field trunk

Long Brow Plantation Cross-Embankment
 Project, P/N SAC-2013-00421-1T

April 19, 2013

Sheet 7 of 7



<i>Project Title:</i> Long Brow Plantation Rice Field Cross Dike	
<i>Project Location:</i> 2898 Wiggins Road Green Pond, SC Colleton County 32° 37' 39.73" N, 80° 38' 58.21" W	
<i>Applicant:</i> John O. Downing	<i>Drawing Scale</i> 1" = 4.75'
<i>Agent:</i> Travis Folk, Folk Land Management	<i>Date</i>
<i>Sheet</i>	<i>of</i>