

**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 # 2003-1N-112-P

25 April 2003

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

**CHEEHA-COMBAHEE PLANTATION**  
**C/O MR. LEWIS CROUCH**  
**9524 WIGGINS ROAD**  
**GREEN POND, SOUTH CAROLINA 29446**

for a permit to excavate and place fill material in waters of the United States adjacent to the

**COMBAHEE RIVER**

at 9524 Wiggins Road in Green Pond, Hampton County South Carolina (Latitude – 32.60067 N, Longitude – 80.61124 E).

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 both of the above mentioned offices until

**12 O'CLOCK NOON, TUESDAY, 27 MAY, 2003**

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

The proposed work consists of constructing improvements to an existing, 70-acre tidal impoundment. The adjacent freshwater pond to the north discharges into the northwestern corner of the tidal impoundment, as shown on Sheet 3 of 7. According to the applicant, heavy rainfall over the past six months has lowered salinity levels in the tidal impoundment and is affecting their ability to manage this area for wildlife habitat. In order to better control salinity levels within the tidal impoundment, the applicant has proposed to divert freshwater into a canal that will discharge directly into the Combahee River.

The existing spillway box and canal are located along the western side of the brackish water impoundment. The applicant plans to excavate approximately 9,400 cubic yards of material within the existing canal and retop approximately 4,100 linear feet of an existing interior dike that is located adjacent to and parallel to the canal. The proposed excavation will impact approximately 1.9 acres of jurisdictional wetlands or other waters of the United States.

The interior dike is breached at several locations. The applicant plans to fill three of these areas in order to separate the flow of freshwater from the tidal impoundment. At the northern end of the dike, the applicant plans to reconstruct an approximately 40-foot long section of dike, as shown on sheet 5 of 7. The southern portion of the dike has deteriorated to such an extent that the applicant plans to construct a 20-foot long section of dike to connect the existing dike to the adjacent uplands. The applicant plans to excavate a channel through the uplands that will carry the freshwater the remaining 1,500 linear feet to the Combahee River. The applicant plans to install a new ricefield trunk and to construct an additional 130-foot section of dike at the end of the proposed channel, as shown on Sheet 6 of 7. The construction of these three new sections of interior dike will result in the placement of fill material in 0.06 acres of jurisdictional wetlands or other waters of the United States.

Once the work is completed, the existing freshwater pond will discharge into the Combahee River through the new water control structure and the existing 70-acre tidal impoundment will be connected to the Combahee River by the existing water control structure. According to the applicant, the purpose of the proposed work is to increase their ability to manage the existing impoundment for wildlife 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  
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 2.0 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.

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 bald eagle (*Haliaeetus leucocephalus*) a Federally threatened species is present in the vicinity of the project area. However, it has been determined that this project will have no effect on this species and will not 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.

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 this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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.

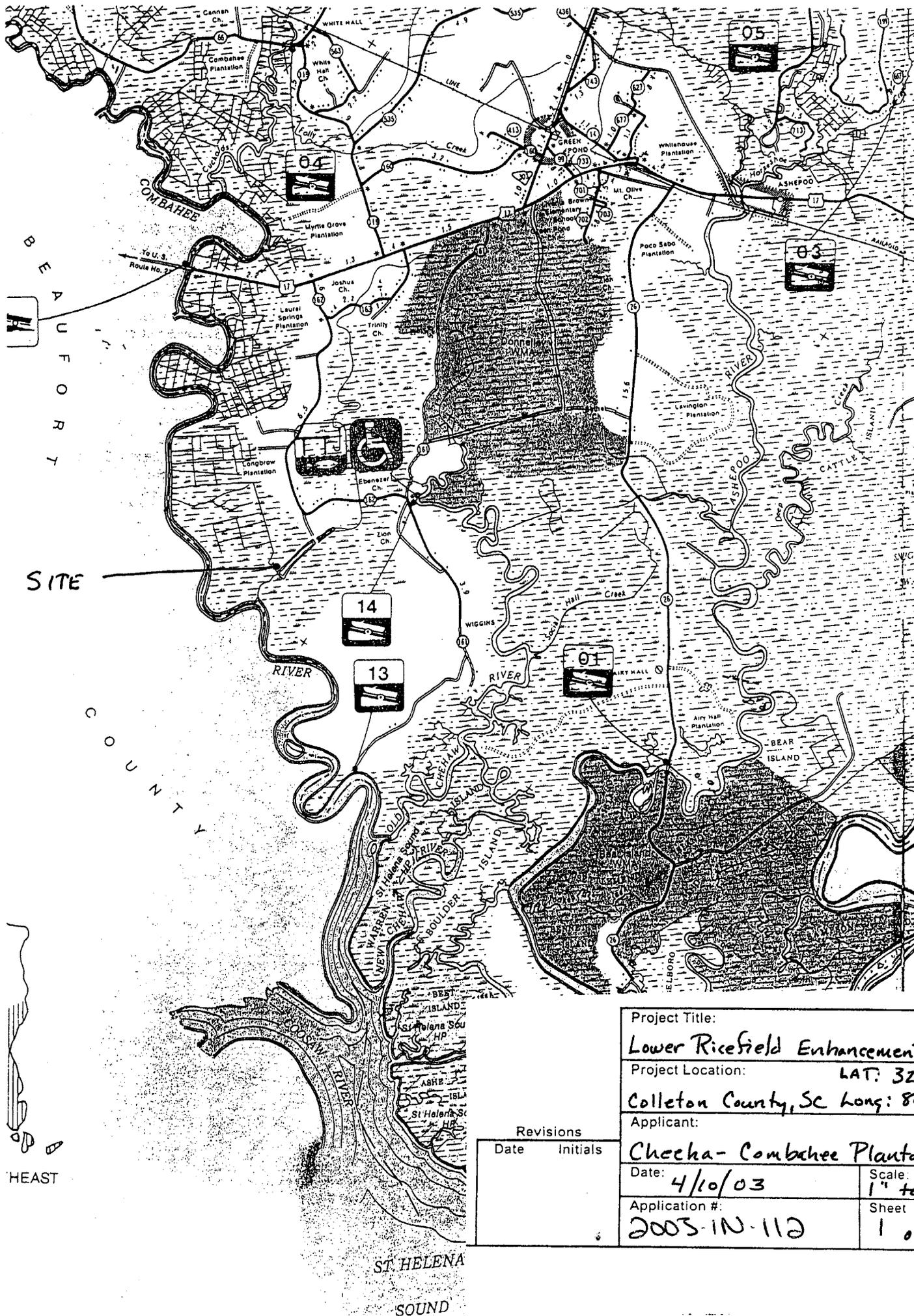
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 me at 843-329-8044 or toll free at 1-866-329-8187.



Nathaniel Ball  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

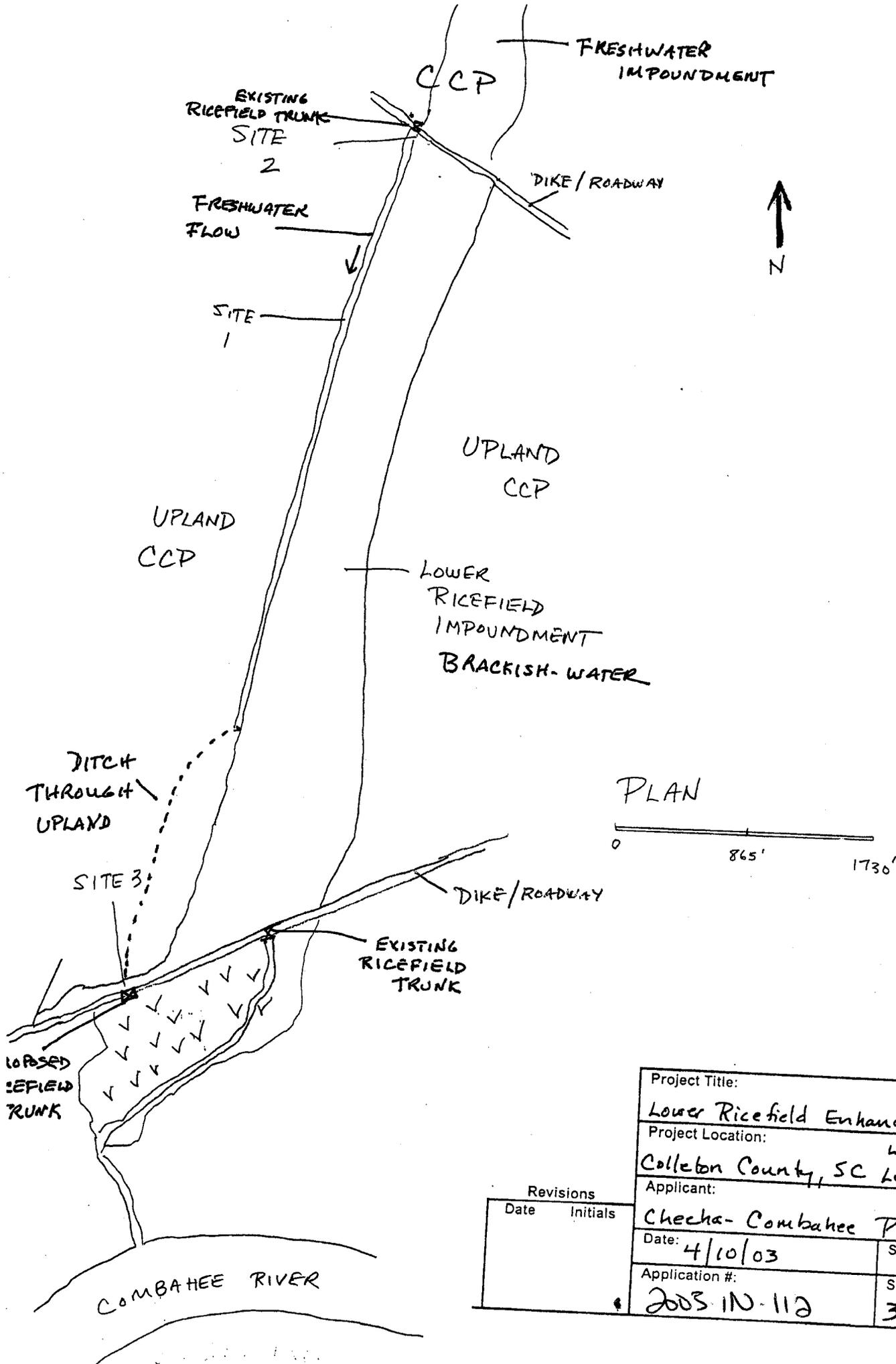


Project Title:		Lower Ricefield Enhancement	
Project Location:		LAT: 32° 36'	
		Colleton County, SC Long: 80° 37'	
Applicant:		Cheeka-Combhee Plantation	
Date:		4/10/03	Scale: 1" to 2.25mi
Application #:		2005-IN-112	Sheet of 1 of 7

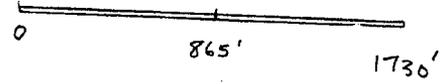
Revisions	
Date	Initials

ST. HELENA  
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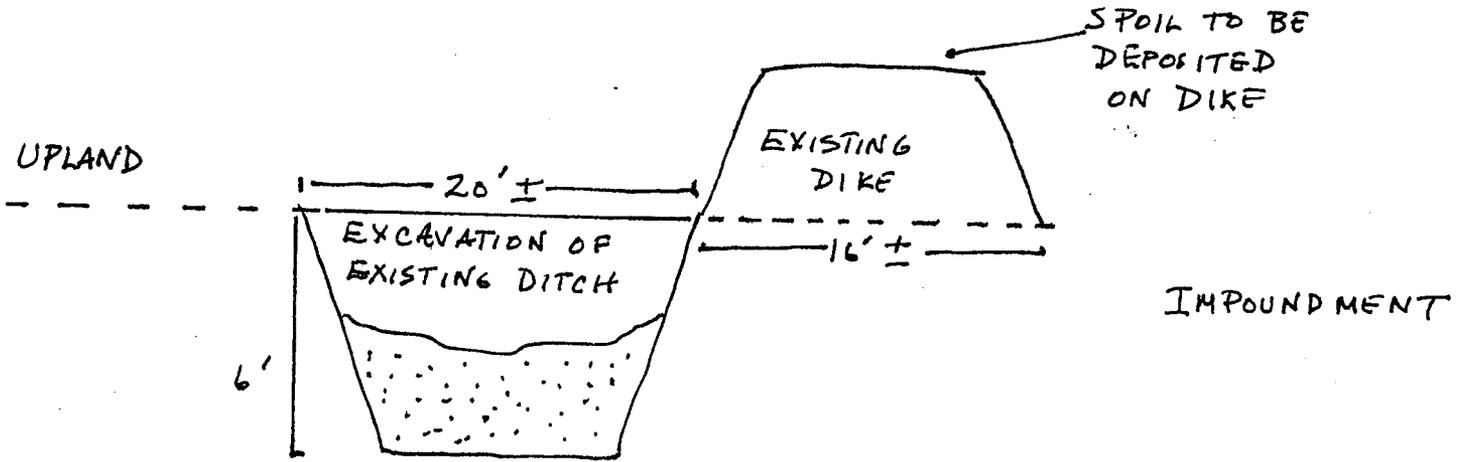


PLAN



Project Title:		Lower Ricefield Enhancement	
Project Location:		LAT: 32° 36' Colleton County, SC Long: 80° 37'	
Applicant:		Checha-Combahce Plantation	
Date:		4/10/03	Scale:
Application #:		2003-IN-112	Sheet of
			3 of 7

Revisions	
Date	Initials



SITE 1  
SECTION  
(NOT TO SCALE)

Revisions		Project Title:	
		Lower Ricefield Enhancement	
		Project Location:	
		Colleton County, SC LAT: 32° 36' Long: 80° 37'	
		Applicant:	
		Checha-Combahee Plantation	
Date	Initials	Date:	Scale:
		4/10/03	
		Application #:	Sheet of
		2003-10-112	4 of 7

EXISTING DIKE

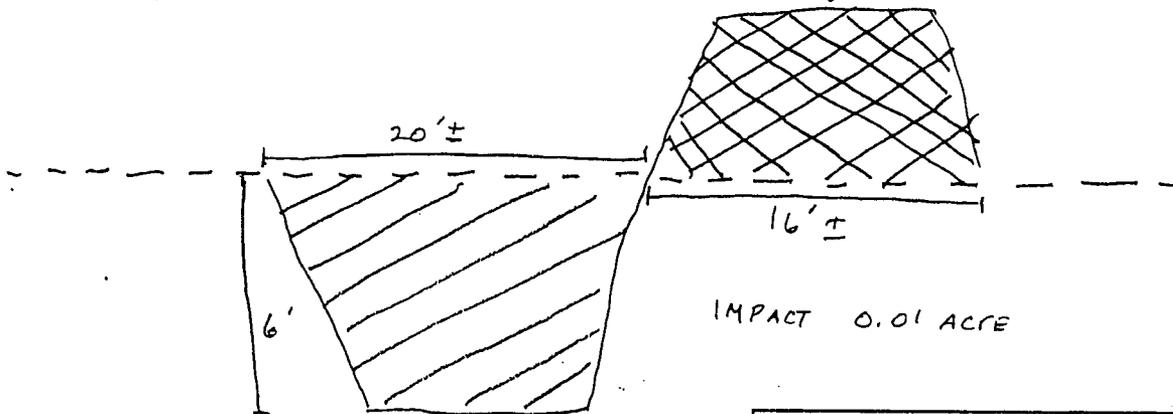
SITE 2

EXISTING DIKE  
EXISTING DITCH

LOWER RICEFIELD IMPOUNDMENT

PLAN  
(NOT TO SCALE)

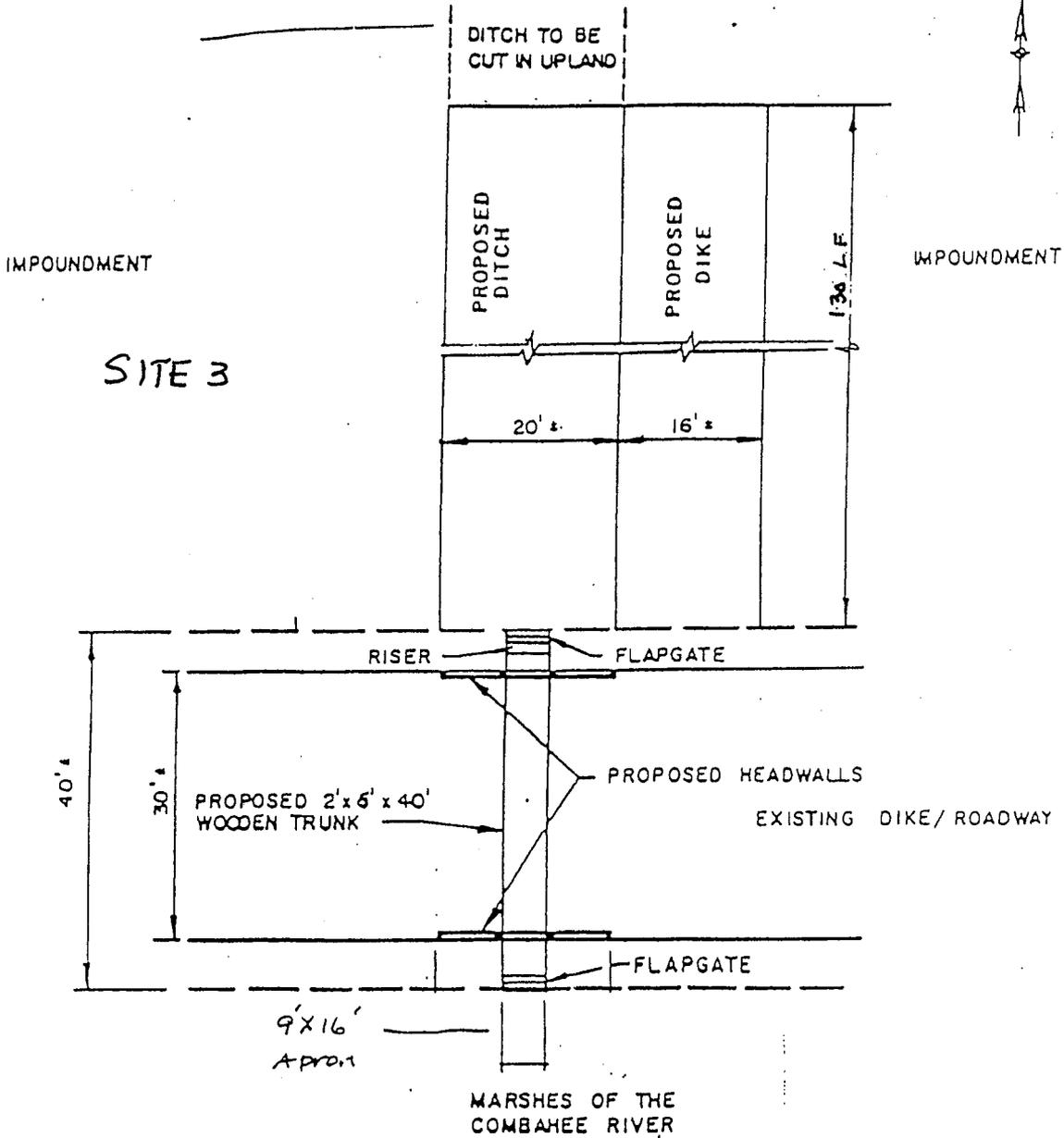
PROPOSED DIKE REPAIR



SITE 2  
SECTION  
(NOT TO SCALE)

Project Title:		Lower Ricefield Enhancement	
Project Location:		LAT: 32° 36'	
		Colleton County, SC LONG: 80° 37'	
Applicant:		Checka-Combahee Plantation	
Date:		4/10/03	Scale:
Application #:		2003 IN-112	Sheet of
			5 of 7

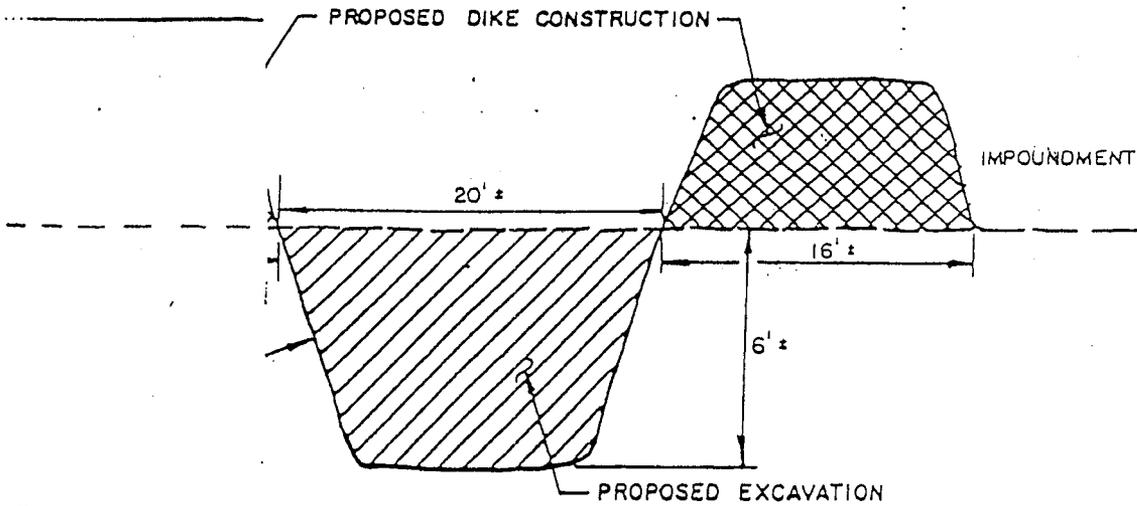
Revisions	
Date	Initials



PLAN (NOT TO SCALE)

Project Title:		Lower Ricefield Enhancement	
Project Location:		LAT: 32° 36'	
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Applicant:		Checha-Combahee Plantation	
Date:		4/10/03	Scale:
Application #:		2003 IN-112	Sheet of
			6 of 7

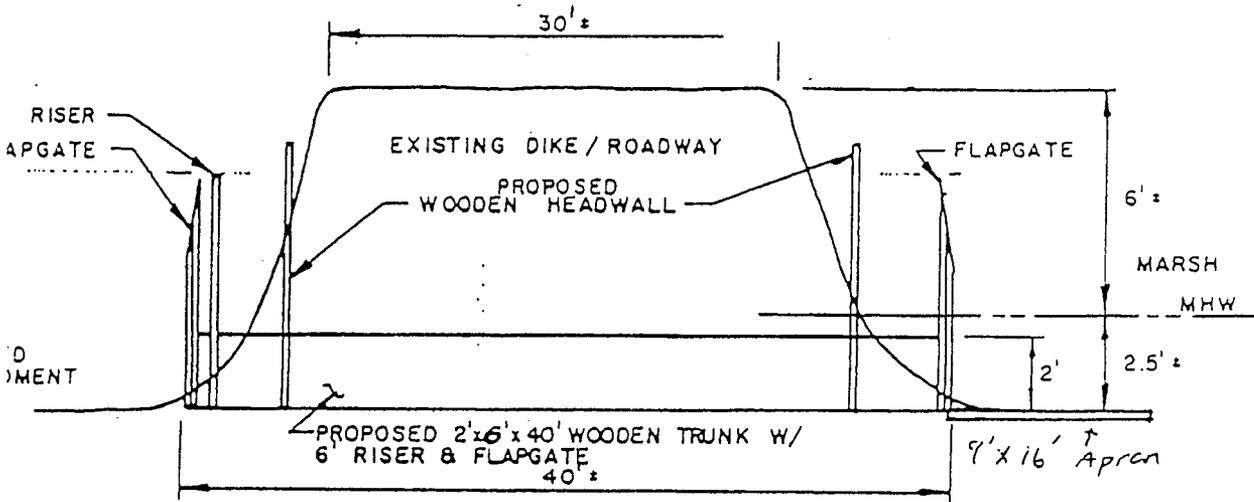
Revisions	
Date	Initials



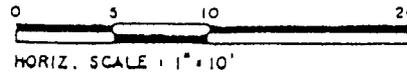
Impact 0.05 acre

DITCH SECTION

SITE 3



STRUCTURE SECTION



Project Title:		Lower Ricefield Enhancement	
Project Location:		LAT: 32° 36'	
		Colleton County, SC LONG: 80° 37'	
Applicant:		Checha-Combahee Plantation	
Date:		4/10/03	Scale:
Application #:		2003-IN-112	Sheet of
			7 of 7

Revisions	
Date	Initials