

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 Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N #2005-1W-409-C

26 May 2006

Pursuant to 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

EDISTO SAND COMPANY, LLC
c/o MUNDELL ENVIRONMENTAL, LLC
MT. CARMEL ROAD
WALTERBORO, SOUTH CAROLINA 29488

for a permit to perform mechanized land clearing and excavation in wetlands contiguous to the

EDISTO RIVER SWAMP

At the Punch Reeves Mine located on Parkers Ferry Road, south of Jellico's in Dorchester County, South Carolina (Latitude 32.9005°, Longitude 80.3835)

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, MONDAY, 26 JUNE 2006

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

The proposed work consists of clearing, by mechanized equipment, 7.23 acres of freshwater wetlands and performing excavation to obtain sand. The purpose of this work is to construct a commercial sand mine.

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

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**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69-A Hagood Avenue
Charleston, South Carolina 29403**

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. 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 7.23 acres of freshwater wetlands, associated with downstream 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 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.

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).

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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.



Debra King
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

Narrative Description of Punch Reeves Mine Site

Tract Owner/Lessee/Location

The project site is owned by Wylie H. (Punch) Reeves. The tract is currently under lease to Edisto Sand Company, LLC who is the applicant requesting authorization for Section 404 impacts to jurisdictional areas from the U. S. Army Corps of Engineers (CE). The project site is located on the east side of S-18-137 (Sullivan Landing Road) approximately two miles south of its intersection with US17-A in Dorchester County, South Carolina. An approximate location for aerial interpretation is: Latitude 32.9005N; Longitude -80.3835W.

Jurisdictional Determination

This site has a current jurisdictional determination. Please see SAC – 80-2005-1062-1.

There are two jurisdictional wetlands on this site. They appear to be the remnants of old swales between low dune ridges, lying somewhat parallel to the Edisto River. The topography on this site is almost flat, exhibiting little elevation difference between upland areas and wetlands. Soils throughout the majority of the site, both wetland areas and upland areas, are mapped as Leon sands that have a spodic horizon that tends to reduce the rate at which moisture moves up and down in the profile. Soils near the ditch are mapped as Osier fine sands and do not have the spodic B horizon property.

Wetland A (6.933 Acres) may be described as a bay thicket containing several areas of red bays, sweet bays and red maples within a larger areas of shrubby and herbaceous vegetation including fetterbush, sweet pepper bush, blueberries, sedges and ferns. This wetland is associated with a major drainage ditch, probably constructed by Westvaco for timber production. The wetland is separated along the northern ditch bank by spoil from original ditch construction and subsequent ditch maintenance. Wetland A is intermittently wet and dry throughout the year, due to the proximity to the ditch and to the sandy nature of the underlying soils.

Wetland B (3.234 Acres) is similar in vegetative character to wetland A, with several areas of trees interspersed into a larger area of shrubs and forbs. This wetland is also intermittently wet and dry due to its sandy nature.

Background and Purpose

Edisto Sand Company, LLC is primarily a sand mining company. By-products of topsoil and fill material are also sold commercially. The mechanics of the operation include bulldozer and track hoe manipulation of soils and vegetation to allow mechanical excavation of soils and sands, leaving a pit that becomes inundated with surface strata and run-off waters. The excavated materials are stockpiled on upland areas near the pit, which allows muddy sediments to drain back into the pit during active mining.

The materials may be run through a portable screen that grades and separates the materials according to texture and particle size prior to delivery for various commercial purposes.

Mining in this way produces a pit that will inundate over a short period and will eventually become naturally vegetated along the perimeter edges.

Project Development

The applicant proposes to land clear all 3.234 acres of wetland B and a 4.00 acre portion of wetland A (6.933 acres total) in order to excavate sands from this portion of the mine. This will leave two areas of wetland A intact (2.933 acres). These areas exhibit good stands of red bay, red maple and sweet bay and tend to remain shaded and fairly wet throughout most of the year. Please see sheets.

The mine will be reclaimed concurrently with active mining and will result in a 16.49 acre pond. The pond side slopes will typically be graded to at least 3 to 1. Two areas (2.75 acres and 3.21 acres = 5.96 total) within the pond will be backfilled during reclamation to provide shallow areas for dabbling ducks and wading birds to feed. These areas will be graded almost level with a slight slope toward the pond (~100 to 1). These areas will initially be seeded with an annual grass species before shallow inundation and will naturally vegetate to smartweeds, etc. over time. Portions of these areas may be planted during drier times with Japanese millets, upland rice, etc. Please see sheets.

An emergency outflow swale will be constructed between the pond and the nearby drainage ditch through uplands. This swale will be initially seeded with an annual grass species, then sprigged with Bermuda grass and annually planted with ryegrass or a cereal grain, such as wheat, rye, etc. for over wintering. Periodic mowing will discourage succession to shrubs and trees. Please see sheets.

Silt fencing, re-enforced silt fencing, hay bales, and/or plantings of annual grass species will be utilized to help protect all areas subject to sedimentation during the proposed activities. These measures will be maintained until native vegetative materials become established.

Created Wetland Areas and Protective Buffers

Two areas of the pit will be backfilled with topsoil excavated from wetland areas to form shallow areas for dabbling and wading birds. These areas will be located adjacent to the remnant portions of wetland A. The one at the northwest remnant will be 200' wide x 600' long, wrapping around the wetland area, which extends to the northwest off the tract.

The other will wrap around the remnant along the ditch to the south, and will extend northward along the remaining portion of uplands that will remain as a location for a single family residence.

Naturally occurring water levels within the mine pit will shallowly flood these areas in wet times and the soils will remain saturated within 12” of the surface throughout the year. These areas will be lightly disked and planted with summer and winter annuals. Natural herbaceous vegetation will be encouraged. Mechanical cultivation and herbicide applications will be avoided.

The applicant proposes to leave an average 50’ upland buffer along jurisdictional wetland areas. These buffer areas will be left undisturbed, and will serve primarily as privacy buffers/vegetative screens. Secondary benefits for maintaining these buffers include wildlife enhancement, wind protection, and aesthetics. Mature trees remaining within this buffer and along the existing drainage ditch will enhance the use of the pond by eagles and other buteos, accipiters, and owls.

Summary of Mitigation for Proposed Impacts

The nature of the mining operation is to excavate earthen materials from large areas, leaving pits that become inundated. This process creates large areas of jurisdictional “waters” in areas that were previously uplands. This mining operation will convert 9.26 acres of uplands to jurisdictional “waters” over a five-year period. A 5.96 acre portion of the inundated pit will be shallowly inundated to attract waterfowl. These areas will be located adjacent to remnant portions of wetland A, providing a 200’ wide shallowly inundated/saturated created/enhanced buffer A 50’ wide upland perimeter buffer - 5.2 acres - will remain undisturbed, serving as a physical screen and wildlife habitat.

Table 1: Jurisdictional Impacts at Entire Tract

	Jurisdictional Area At Start	Land Clearing Impacts	Jurisdictional Area Remaining
Wetland A	6.93 Acres	4.0 Acres	2.93 Acres
Wetland B	3.23 Acres	3.23 Acres	0 Acres
Total	10.16 Acres	7.23 Acres	2.93 Acres

Table 2: Upland Impacts at Entire Tract

	Upland Area At Start	Upland Conversion Impacts	Upland Buffers	Upland Area Remaining On Entire Tract
Upland - OUT	3.0 Acres	0 Acres	0 Acres	3.0 Acres
Upland At Mine	21.46 Acres	9.26 Acres	5.2 Acres	7.0 Acres
Total	24.46 Acres	9.26 Acres	5.2 Acres	10.0 Acres

Table 3: Breakdown of Upland and Wetland Areas at Mine Site

	Wetland	Upland	Total
Original Area	10.16 Acres	21.46 Acres	31.62 Acres
Undisturbed Area	2.93 Acres	7.0 Acres	9.93 Acres
Converted to Deep Water (>18")	5.40 Acres	5.13 Acres	10.53 Acres
Converted to Shallow Water (<18")	1.83 Acres	4.13 Acres	5.96 Acres
Dedicated Buffer	0.22 Acre Swale	4.98 Acres	5.2 Acres

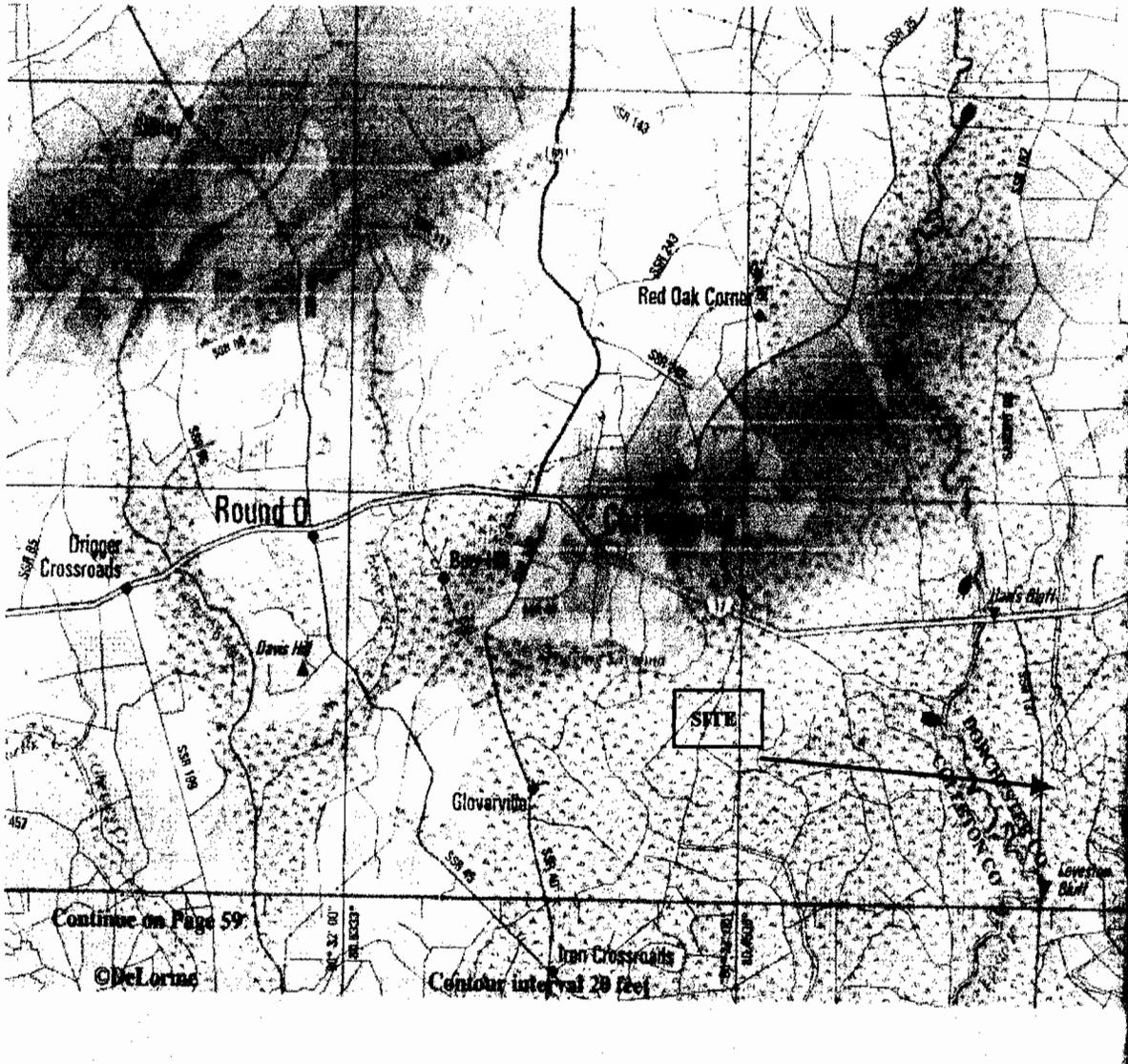
Synopsis and Conclusions

Edisto Sand Company, LLC is requesting authorization for land clearing impacts to 7.23 acres of jurisdictional wetlands.

The applicant proposes to convert 10.53 acres (5.40 acres of wetland and 5.13 acres of upland) to deep water habitat, and 5.96 acres (1.83 acres of wetland and 4.13 acres of upland) to shallow water habitat. Shallow water areas will enhance 2.93 acres of undisturbed remnant wetland areas.

The applicant also proposes to set aside 5.2 acres of perimeter upland/swale buffers.

This project can be considered “self-mitigating”, as 7.23 acres of typically shrubby bay thickets will be replaced with 16.49 acres (10.53 acres deep and 5.13 acres shallow) of pond that will become jurisdictional over time, and 5.2 acres of dedicated upland/swale perimeter buffers. This conversion may be represented as a **21.69 acre : 7.23 acre ratio** of jurisdictional areas gained to jurisdictional areas temporarily impacted, or 3:1 gains to impacts.



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Location Map
Punch Reeves Mine Site
Sullivan Landing Road - S-18-137

Activity: Proposed Section 404 Impacts
 At: Punch Reeves Mine
 Applicant: Edisto Sand Company, LLC
 Agent: Mundell Environmental, LLC
 Date: November 3, 2005
 Sheet: 1 of 3

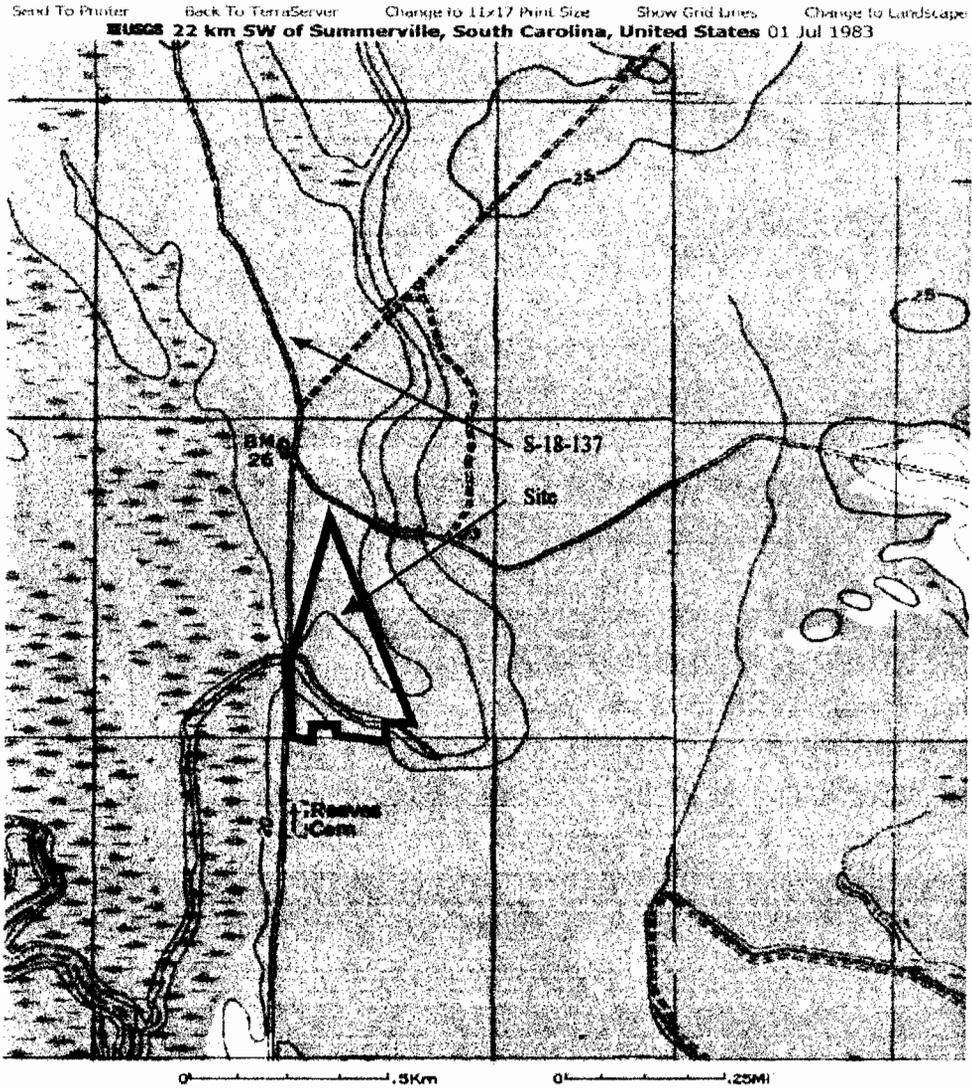


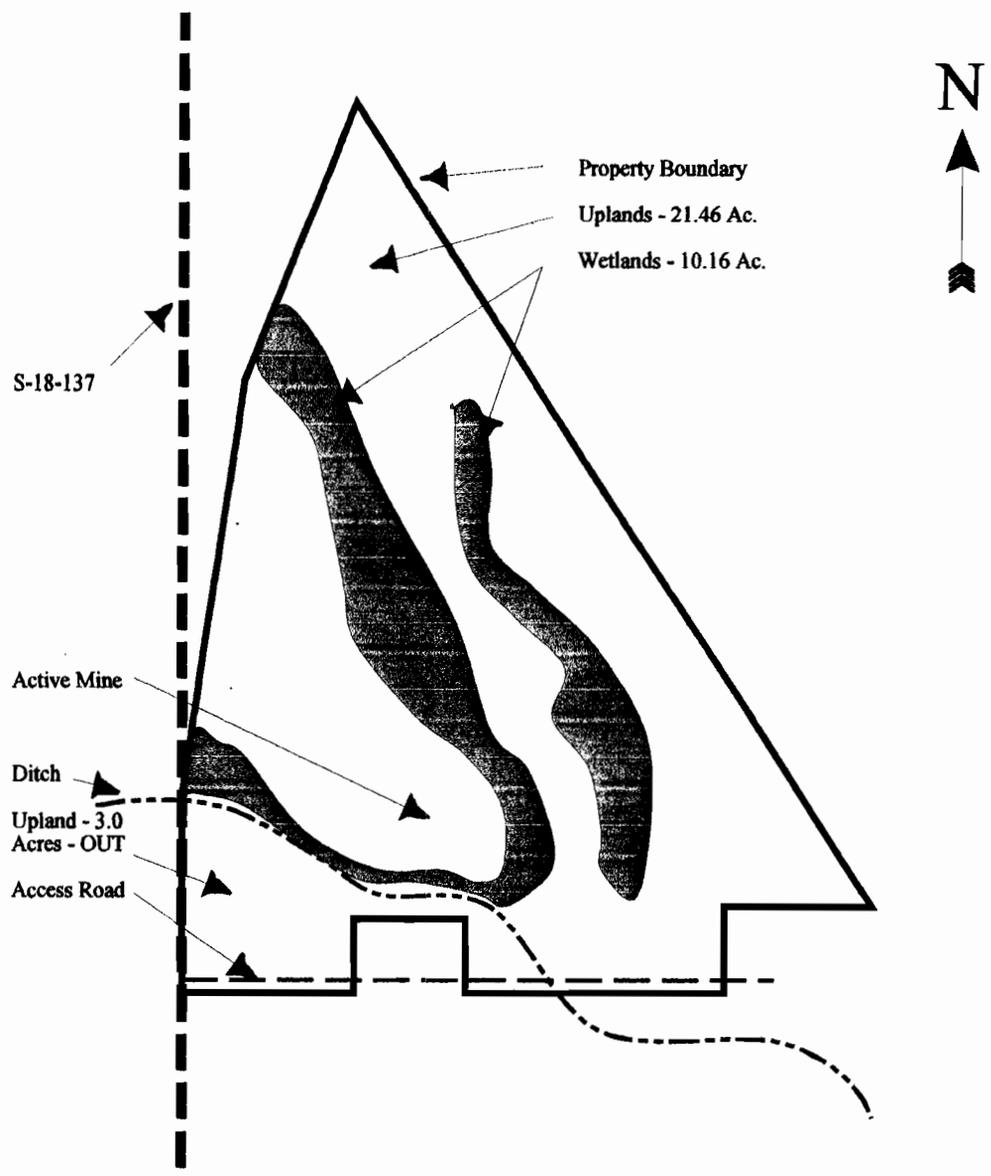
Image courtesy of the U.S. Geological Survey
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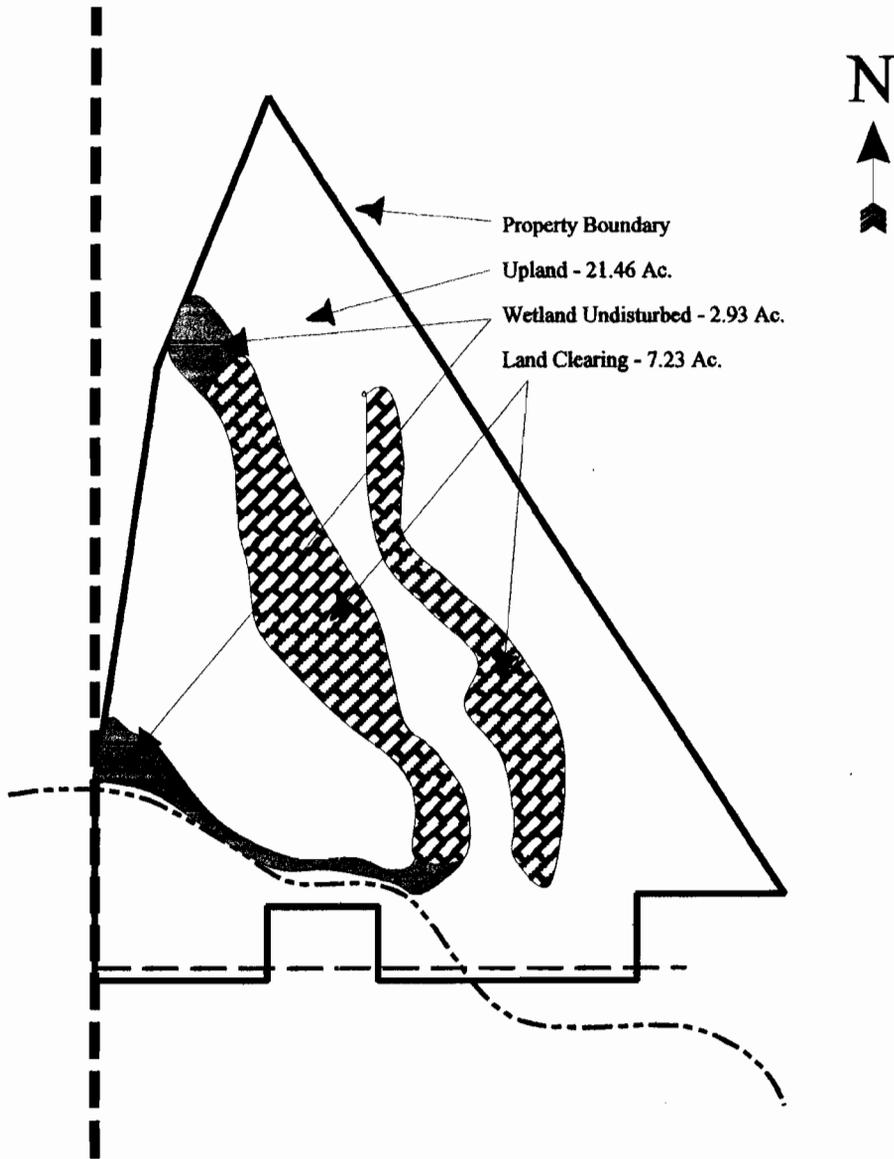
USGS Quadrangle Map
Cottageville
Punch Reeves Mine Site
32.9005N, -80.3835W

Activity: Proposed Section 404 Impacts
At: Punch Reeves Sand Mine
Applicant: Edisto Sand Company, LLC
Agent: Mundell Environmental, LLC
Date: November 3, 2005
Sheet: 2 of 8



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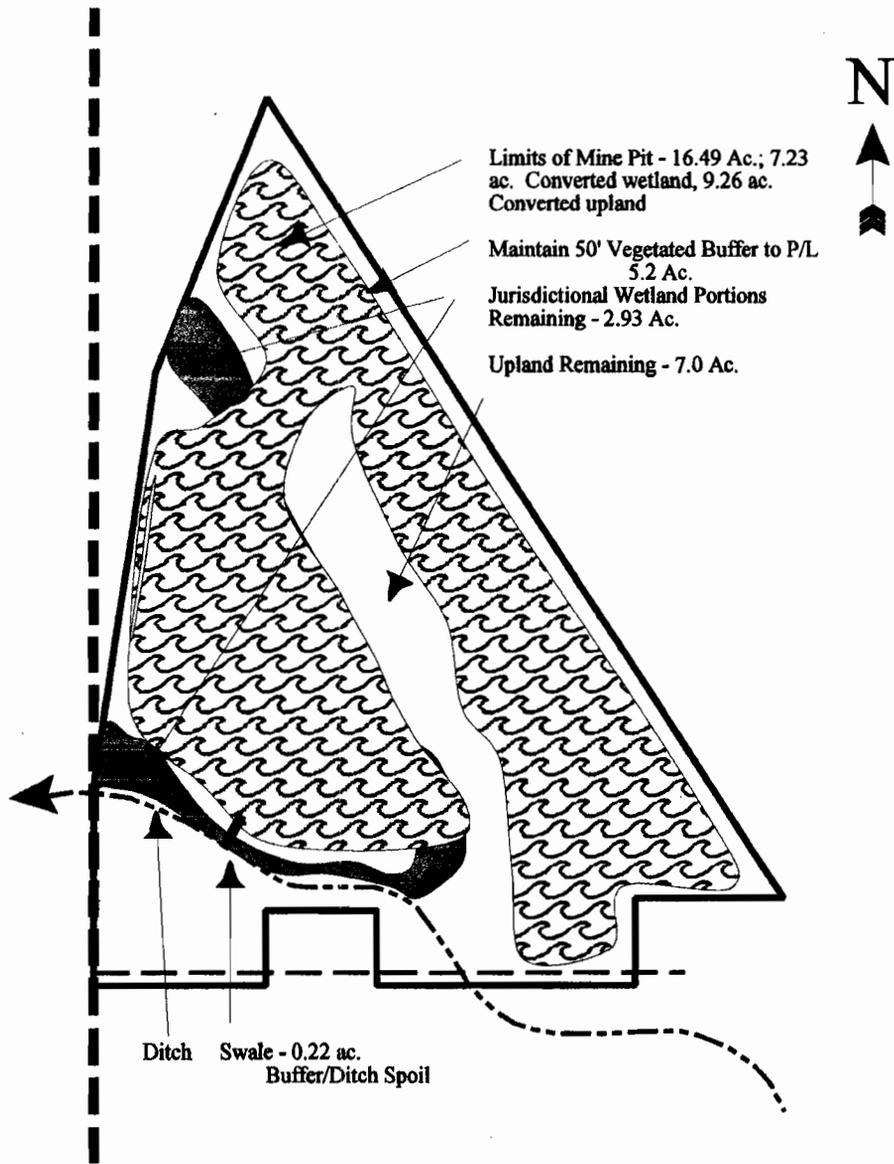
<p align="center">Site Overview 1</p> <p align="center">Punch Reeves Mine Site</p>	<p>Activity: Section 404 Proposed Impacts At: Punch Reeves Mine Site Applicant: Edisto Sand Company, LLC Agent: Mundell Environmental, LLC Date: November 3, 2005 Sheet: 3 of 8</p>
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Site Overview 2
Punch Reeves Mine Site
Proposed Land clearing Impacts

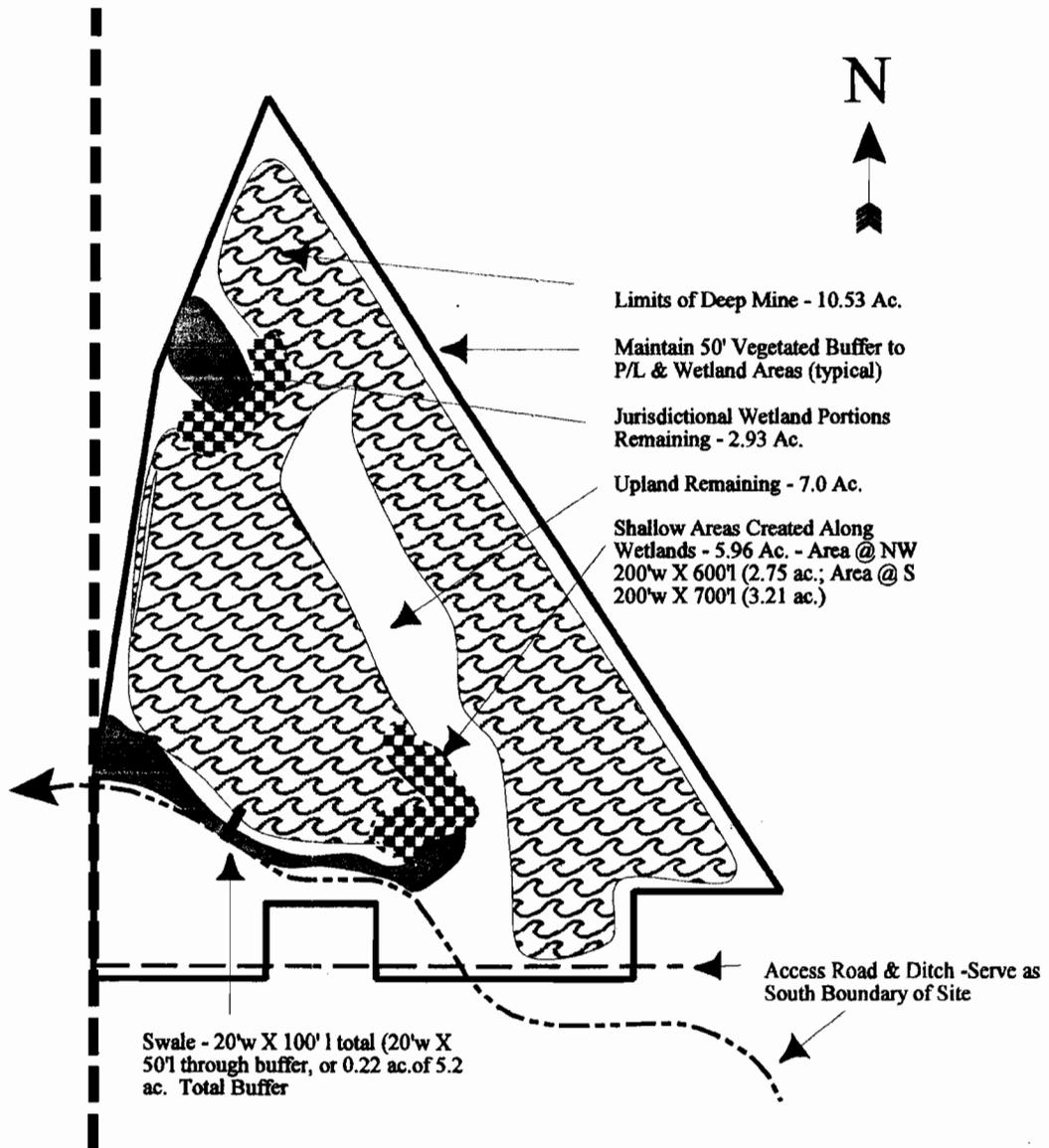
Activity: Proposed Section 404 Impacts
 At: Punch Reeves Mine
 Applicant: Edisto Sand Company, LLC
 Agent: Mundell Environmental, LLC
 Date: November 3, 2005
 Sheet: 4 of 5



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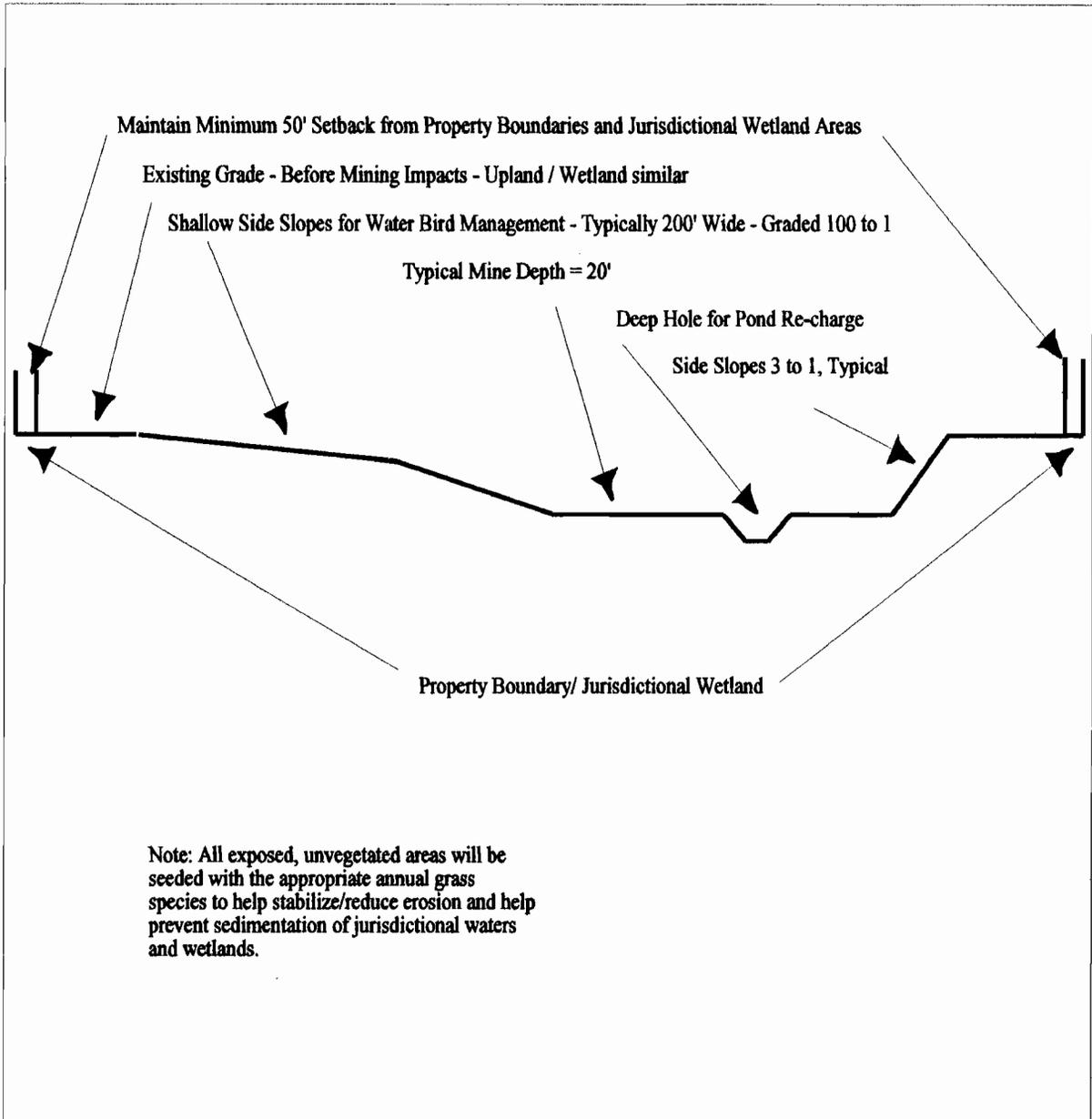
Site Overview 3
 Punch Reeves Mine Site
 Proposed Limits of Mine

Activity: Proposed Section 404 Impacts
 At: Punch Reeves Mine
 Applicant: Edisto Sand Company, LLC
 Agent: Mundell Environmental, LLC
 Date: November 3, 2005
 Sheet: 5 of 8



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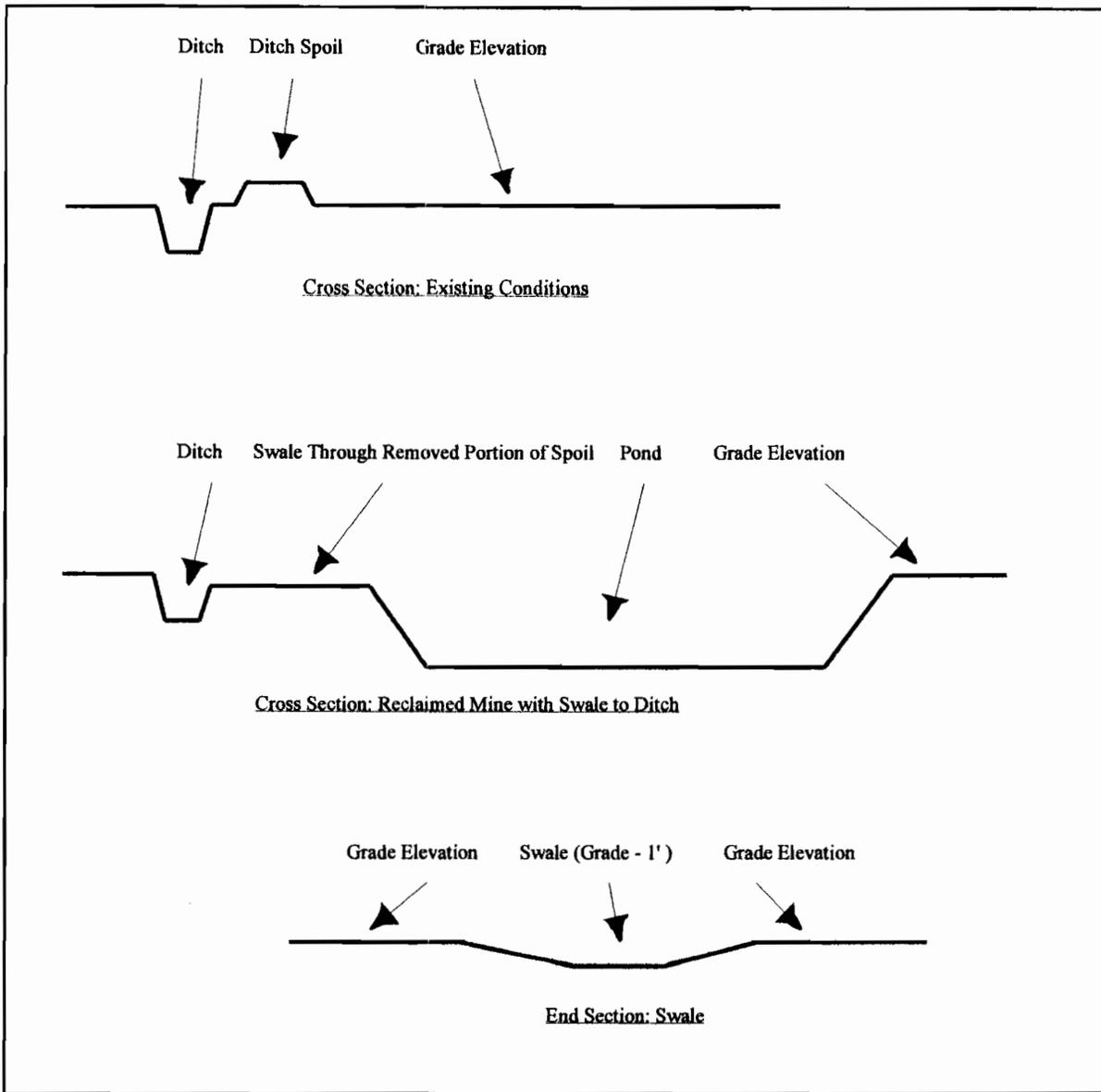
<p align="center">Site Overview 4 Punch Reeves Mine Site Proposed Shallow Water Areas Emergency Overflow Swale</p>	<p>Activity: Proposed Section 404 Impacts At: Punch Reeves Mine Applicant: Edisto Sand Company, LLC Agent: Mundell Environmental, LLC Date: November 3, 2005 Sheet: 6 of 8</p>
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2005-1W-409-C

**Typical Section
Punch Reeves Mine
Post Reclamation**

Activity: Proposed Section 404 Impacts
At: Punch Reeves Mine
Applicant: Edisto Sand Company, LLC
Agent: Mundell Environmental, LLC
Date: November 3, 2005
Sheet: 7 of 8



Section
Punch Reeves Mine Site
Sections at Swale Outfall Structure

2005-1W-409-C

Activity: Proposed Section 404 impacts
 At: Punch Reeves Mine
 Applicant: Edisto Sand Company, LLC
 Agent: Mundell Environmental, LLC
 Date: November 3, 2005
 Sheet: 8 of 8