

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
North Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: SAC-2023-01497

December 18, 2023

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

APPLICANT:
Mr. Mark Johnson
Chicora Wood Plantation LLC
120 Old Knox Lane
Spartanburg, South Carolina 29302

AGENT:
Mr. Travis Folk
Folk Land Management, Inc.
3515 White Hall Road
Green Pond, South Carolina 29446
travis@folklandmanagement.com

for a permit to excavate silted material and construct a temporary cofferdam in a canal on the Chicora Wood Plantation. This canal was historically used with the rice mill located on the plantation and maintains connection to the

Great Pee Dee River

located on property identified as Tax Map Sequence (TMS) # 03-0474-001-00-00 at Chicora Wood Avenue in Georgetown, Georgetown County, South Carolina (Latitude:

33.5195592931807°, Longitude: -79.1753249188143°), Plantersville Quad.

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.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to excavate silted material in the canal to enable watercraft navigation within the canal.

Project Description

The proposed work consists of two phases. First, a temporary cofferdam will be placed near the riverward end of the canal to facilitate dewatering of the canal. Silted materials from the canal interior will then be excavated and placed at an upland location on the property. Second, excavation of a minor amount of material on the river side of the cofferdam will occur during a spring low tide event.

The area of excavation will be approximately 30 feet wide and 457 feet long with an estimated depth of 2-3 feet. This will result in the removal of approximately 793 cubic yards of material.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by placing all excavated material within an upland location. The applicant states that they are restoring the canal to its historic elevations and functions as it was first developed in the 18th or 19th centuries.

Proposed Compensatory Mitigation

At this time the applicant has not proposed mitigation for impacts to wetlands and/or waters of the United States.

South Carolina Department of Health and Environmental Control

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

The work shown on this application must also be certified as consistent with applicable provisions of 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.

Essential Fish Habitat

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 **0.17** acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not adversely impact EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: Northern Long-eared Bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavus*), West Indian Manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis ssp. Jamaicensis*), Piping Plover (*Charadrius melodus*), Red-cockaded Woodpecker (*Picoides borealis*), Rufa Red Knot (*Calidris canutus rufa*), Wood Stork (*Mycteria americana*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*).

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect to the Tricolored Bat, Eastern Black Rail, Piping Plover, Red-cockaded Woodpecker, Rufa Red Knot, Wood Stork, Green Sea Turtle, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle, Loggerhead Sea Turtle, American Chaffseed, Canby's Dropwort, Pondberry and will not result in the destruction or adverse modification of designated or proposed critical habitat.

A determination of effects associated to the Northern Long Eared Bat and West Indian Manatee has not yet been made. Should our Office make an effect determination that requires consultation with the U.S. Fish and Wild Service we will initiate consultation with the appropriate U.S. Fish and Wildlife Service office, pursuant to Section 7 of the Endangered Species Act of 1973 (as amended).

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.

Cultural Resources

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 Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that historic properties, are present; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify the State Historic Preservation Office that the Corps

plans to initiate Section 106 consultation on these historic properties. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice. To ensure that other historic properties 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 and other interested parties to provide any information they may have with regard to historic properties.

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.

Corps' Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 cannot undertake to adjudicate rival claims.

Solicitation of Public Comment

The Corps 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 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. 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.

Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2023-01497), to Daniel.i.Delgado@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107**

If there are any questions concerning this public notice, please contact, Daniel Delgado, at (719) 543-9459 ext. 1, or by email at Daniel.i.Delgado@usace.army.mil.

Attachment 2. Location map- Chicora Wood

7.5 USGS Topo Quad boundaries in black

0 1 2 mi



Project Title: Chicora Wood Canal Restoration

Project Location: Chicora Wood Avenue Georgetown, SC 29440

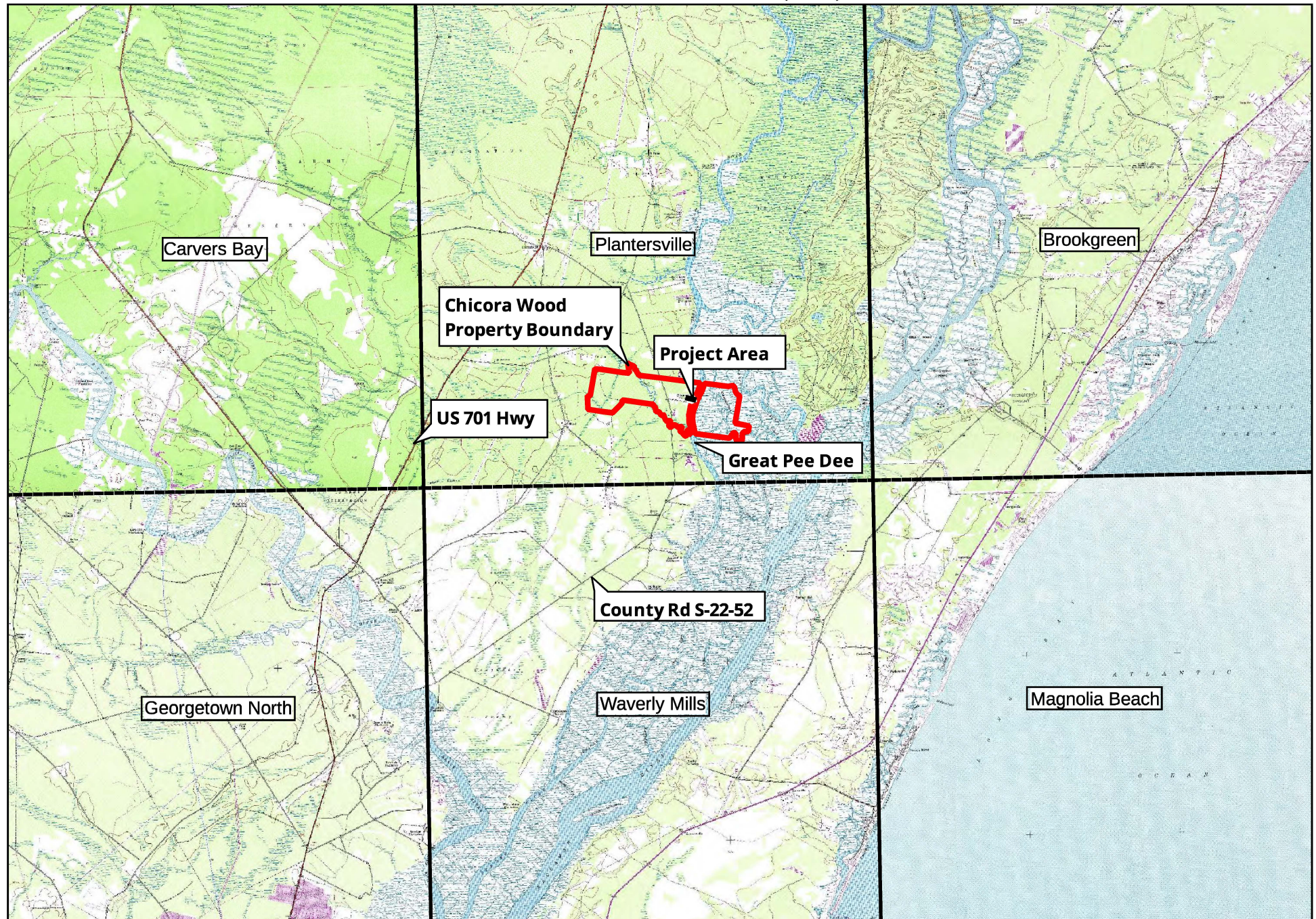
Lat/ long: 33 degrees 31'10.22" N 79 degrees 10'30.51" W

Applicant: Mark Johnson

Date 10-11-23

Agent: Travis Hayes Folk, PhD

Sheet 1 of 9



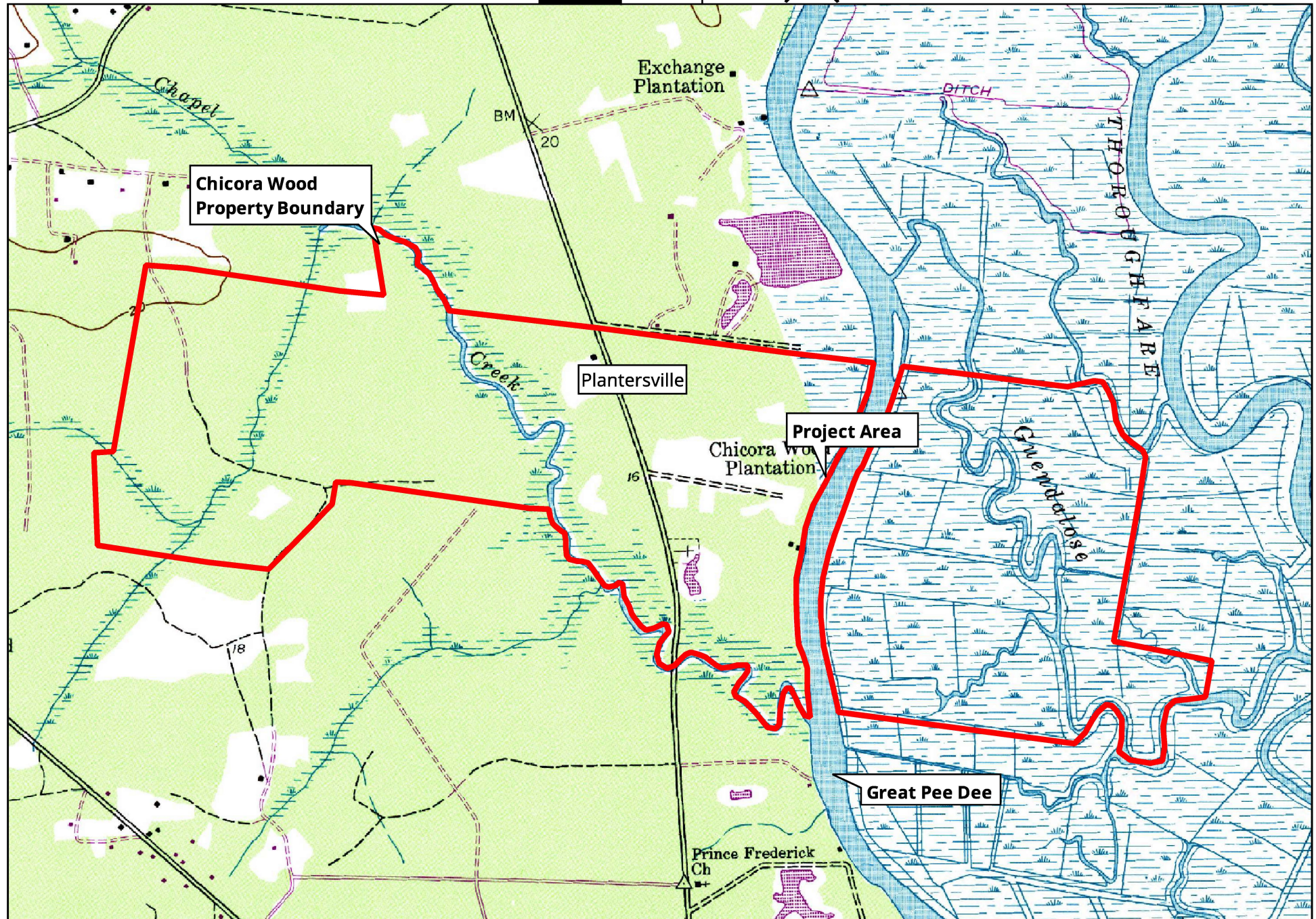
Attachment 3. Vicinity map- Chicora Wood

7.5 USGS Topo Quad boundaries in black

0 1,000 2,000 ft




Project Title: Chicora Wood Canal Restoration
Project Location: Chicora Wood Avenue Georgetown, SC 29440
Lat/ long: 33 degrees 31'10.22" N 79 degrees 10'30.51" W
Applicant: Mark Johnson
Agent: Travis Hayes Folk, PhD
Date 10-11-23
Sheet 2 of 9



Attachment 4. Chicora Wood- Project area within property

0 100 200 ft



2023 Aerial photo



Project Title: Chicora Wood Canal Restoraton

Project Location: Chicora Wood Avenue Georgetown, SC 29440

Lat/ long: 33 degrees 31'10.22" N 79 degrees 10'30.51" W

Applicant: Mark Johnson

Agent: Travis Hayes Folk, PhD

Date 10-11-23

Sheet 3 of 9



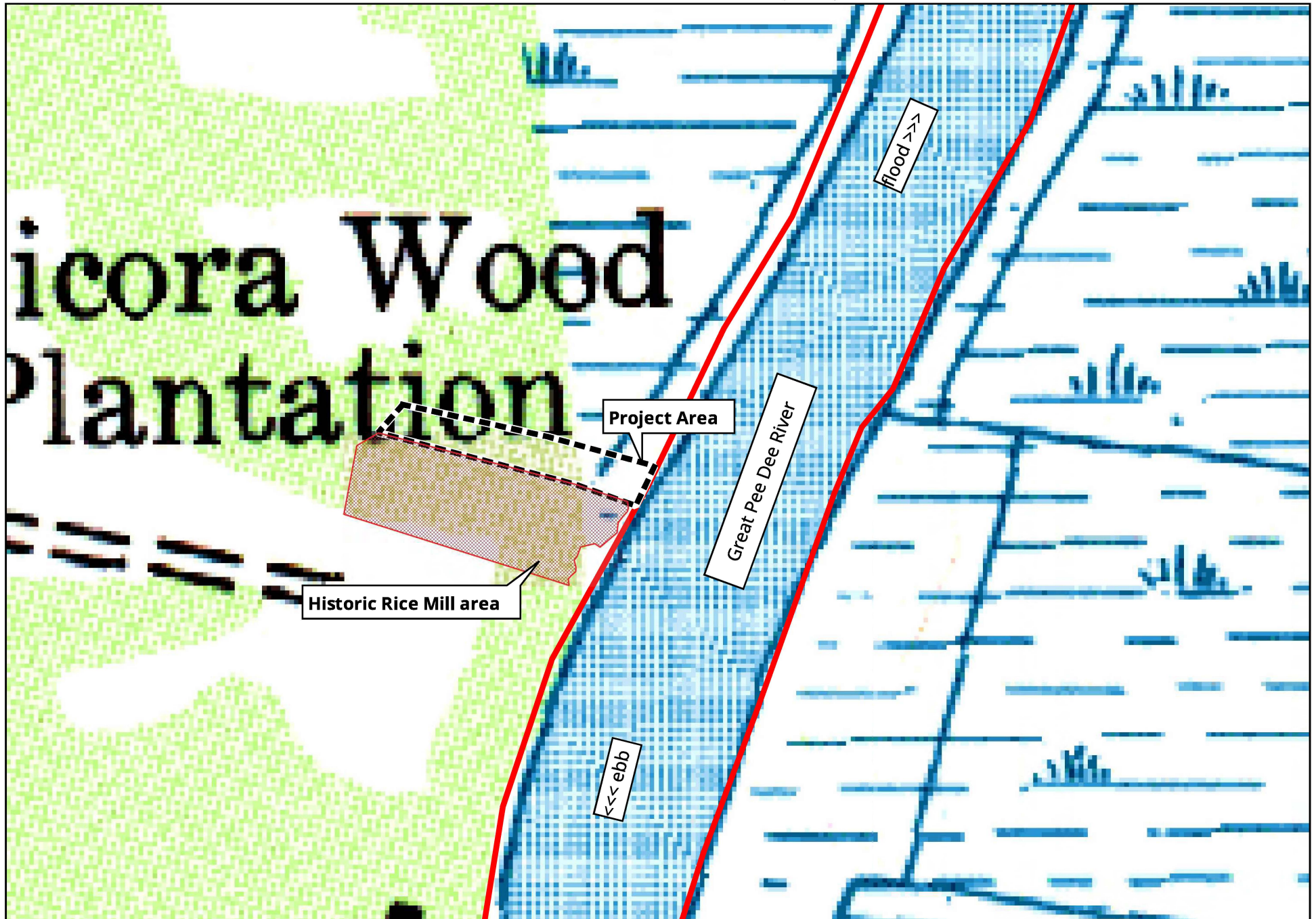
Attachment 5. Chicora Wood- Project area within property

0 100 200 ft

USGS 7.5' Topo



Project Title: Chicora Wood Canal Restoration
Project Location: Chicora Wood Avenue Georgetown, SC 29440
Lat/ long: 33 degrees 31'10.22" N 79 degrees 10'30.51" W
Applicant: Mark Johnson
Agent: Travis Hayes Folk, PhD
Date 10-11-23
Sheet 4 of 9



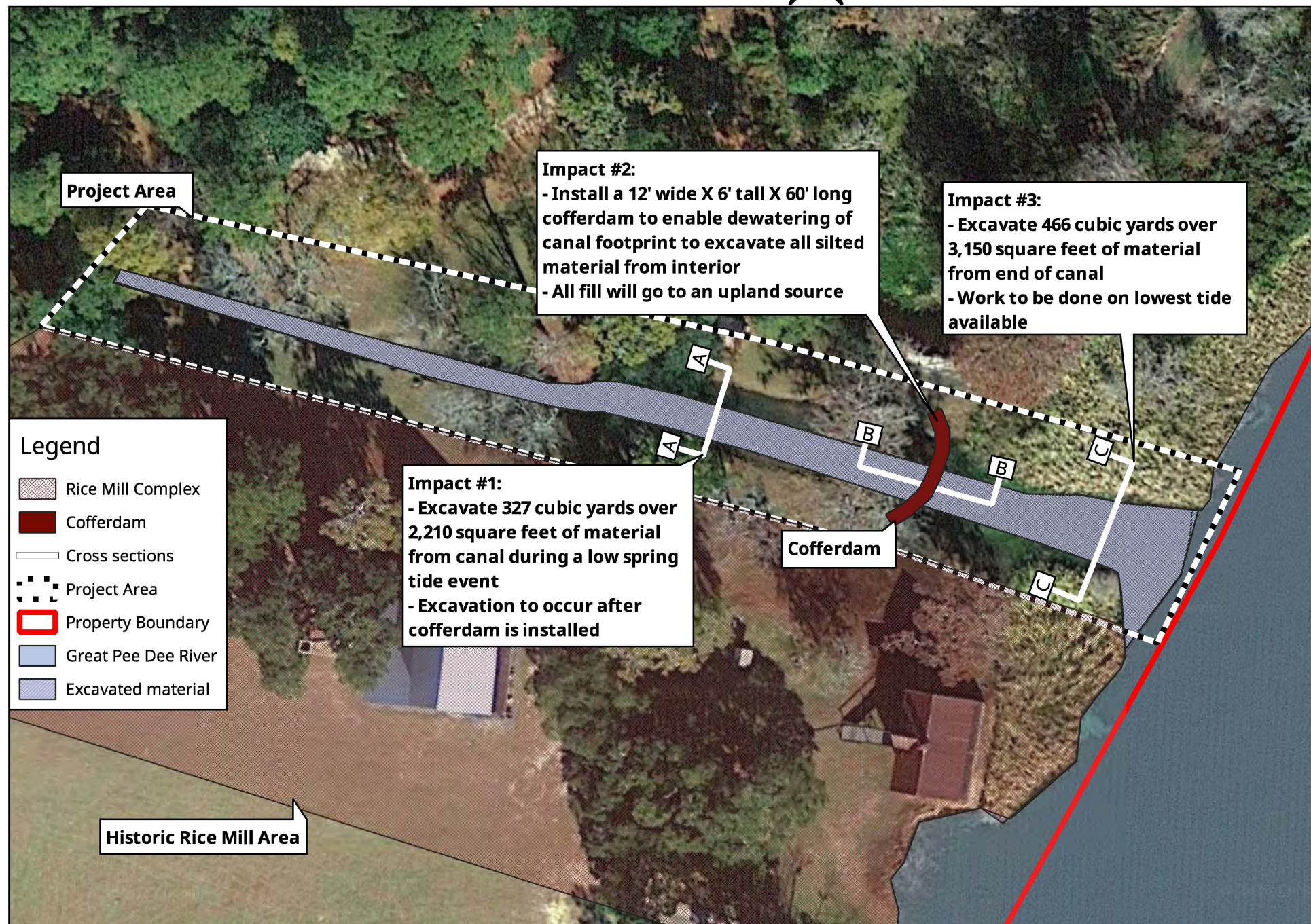
Attachment 6. Chicora Wood- Plan View proposed work

0 50 100 ft

2020 Aerial photo



Project Title: Chicora Wood Canal Restoration
Project Location: Chicora Wood Avenue Georgetown, SC 29440
Lat/ long: 33 degrees 31'10.22" N 79 degrees 10'30.51" W
Applicant: Mark Johnson
Agent: Travis Hayes Folk, PhD
Date 10-11-23
Sheet 5 of 9



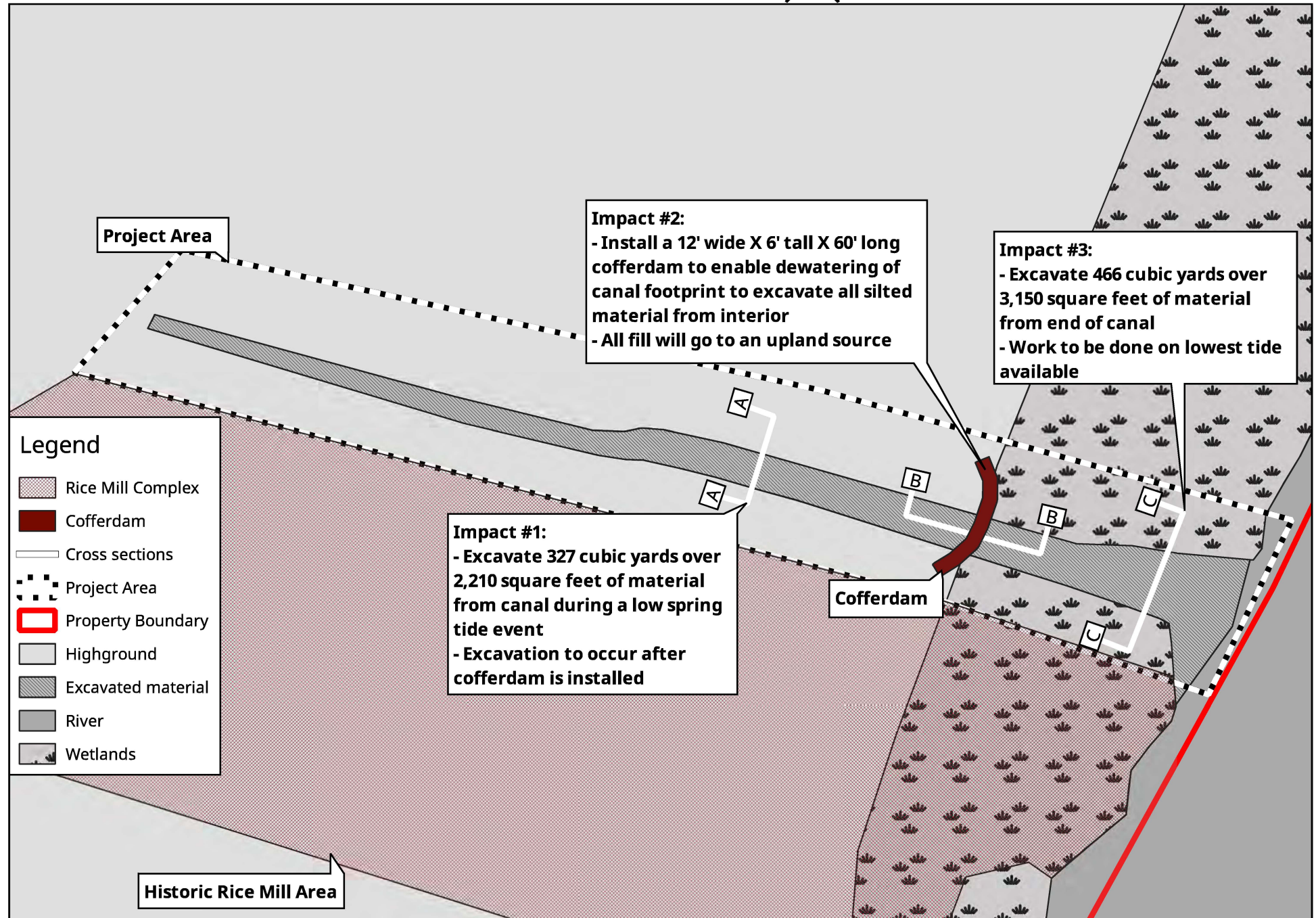
Attachment 7. Chicora Wood- Plan View proposed work

0 50 100 ft

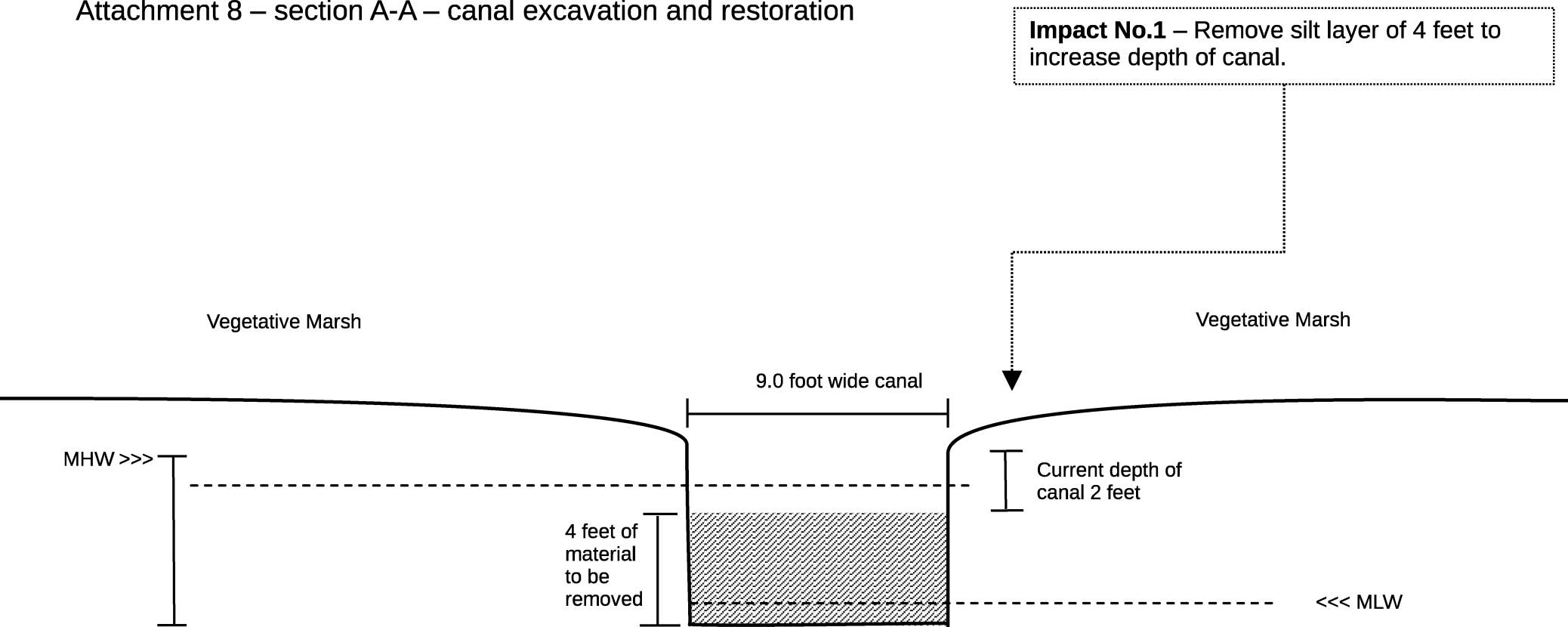
NWI wetland habitats




Project Title: Chicora Wood Canal Restoration
Project Location: Chicora Wood Avenue Georgetown, SC 29440
Lat/ long: 33 degrees 31'10.22" N 79 degrees 10'30.51" W
Applicant: Mark Johnson
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Date 10-11-23
Sheet 6 of 9



Attachment 8 – section A-A – canal excavation and restoration

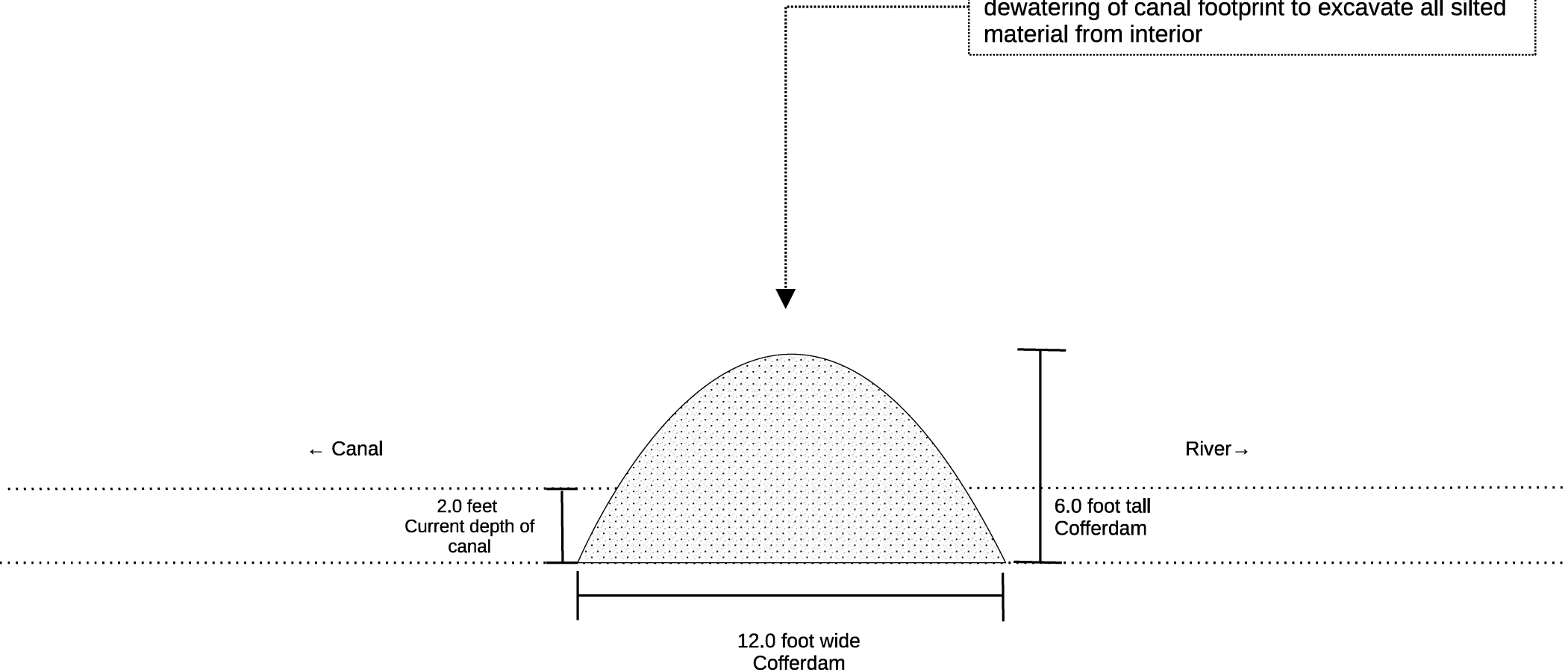


Legend	
-----	Existing grade
	Proposed grade change

Project Title: Chicora Wood- canal excavation and restoration	
Project Location: Chicora Wood Avenue Georgetown, SC 29440	Drawing Scale: 1" = 5'
Applicant: Mark Johnson	Date: 4-19-210
Agent: Travis Hayes Folk, PhD	Sheet: 7 of 9

Attachment 9 – section B-B – Cofferdam installation

Impact No.2- Install cofferdam to enable dewatering of canal footprint to excavate all silted material from interior

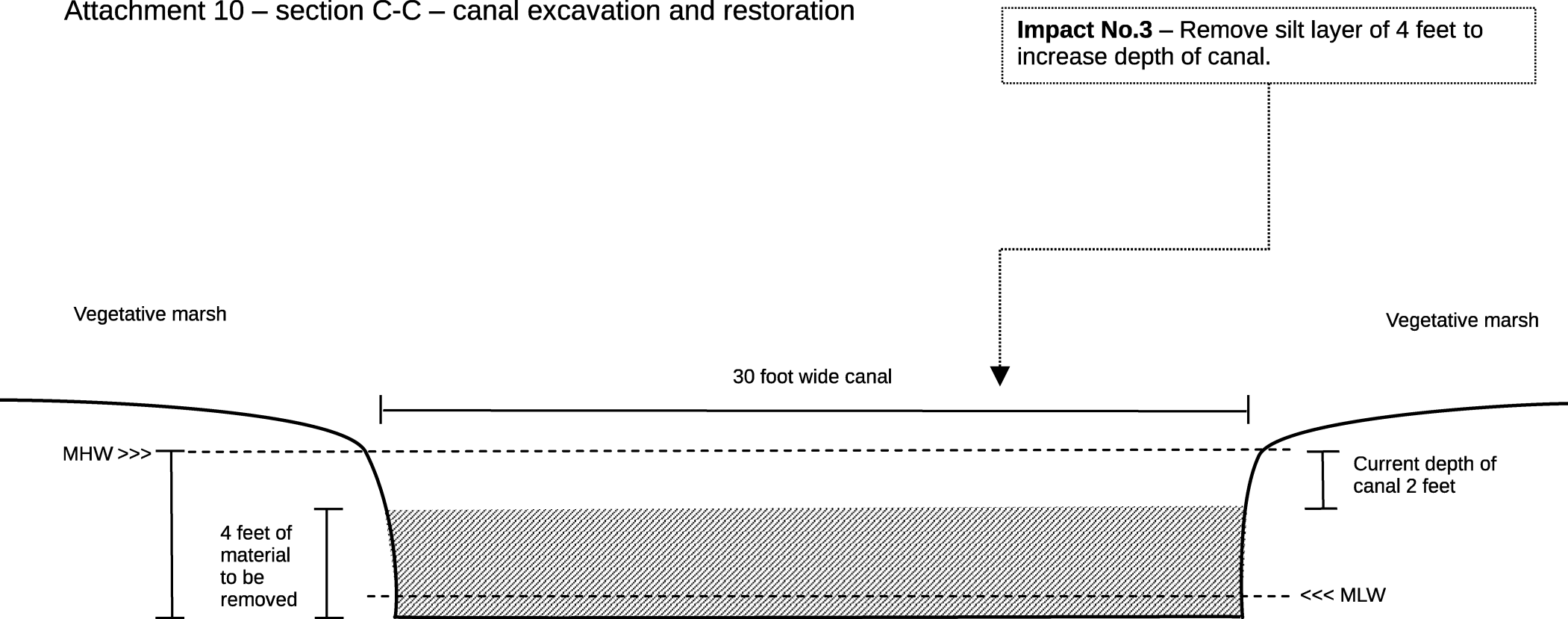


Dimensions:

Width of cofferdam = 12 feet
Height of cofferdam = 6 feet
Length of cofferdam = 60 feet


Project Title: Chicora Wood- canal excavation and restoration	
Project Location: Chicora Wood Avenue Georgetown, SC 29440	Drawing Scale: 1" = 4'
Applicant: Mark Johnson	Date: 10-19-23
Agent: Travis Hayes Folk, PhD	Sheet: 8 of 9

Attachment 10 – section C-C – canal excavation and restoration



Legend

----- Existing grade

 Proposed grade change

Project Title: Chicora Wood- canal excavation and restoration	
Project Location: Chicora Wood Avenue Georgetown, SC 29440	Drawing Scale: 1" = 5'
Applicant: Mark Johnson	Date: 10-19-23
Agent: Travis Hayes Folk, PhD	Sheet: 9 of 9