

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 # 2015-00072-4E

Date: February 13, 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. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the State of South Carolina by

MARION SWINK
MCCALL FARMS
C/O BRITT FELDNER
THE BRIGMAN COMPANY
PO BOX 1532
CONWAY, SOUTH CAROLINA 29528

for a permit to place fill material within wetlands adjacent to the

LYNCHES RIVER

at a location west of US Highway 52, in the Town of Effingham, Florence County, South Carolina (Latitude 34.054215, Longitude -79.762723).

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 installation of an 18" sewer line that will outfall within Lynch River. In detail, the work involves temporary impacts to approximately 0.05 acre of waters of the United States associated with bedding and backfilling for the installation of 1,250 linear feet of an 18" sewer line. The applicant stated that the current 8" sewer line is inadequate to handle wastewater from the existing vegetable canning facility due to recent expansions. The additional 18" sewer line with an outfall is necessary to supplement the

existing 8" outfall currently in place. Previous authorizations for this site consist of utilizing Nationwide Permits 18, 33, and 39 to authorize 0.514 acre of impacts to jurisdictional wetlands. Because the total authorized impacts on the site have exceeded the 0.50 acre threshold, an individual permit is required for this proposed project. The applicant states that impacts were unavoidable due to the location of the wetlands between the existing facility and the Lynches River. Impacts were minimized by crossing the wetland perpendicularly and avoiding the removal of canopy trees within the forested wetland. No mitigation has been proposed for this project. The purpose of the project, as stated by the applicant, is to accommodate increased wastewater flows resulting from the expansion of the facility.

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 (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is received. 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 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 or the navigable waters permit 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 0.05 acre upstream 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 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 project is not likely to adversely affect any Federally endangered, threatened, or proposed species or 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.

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.

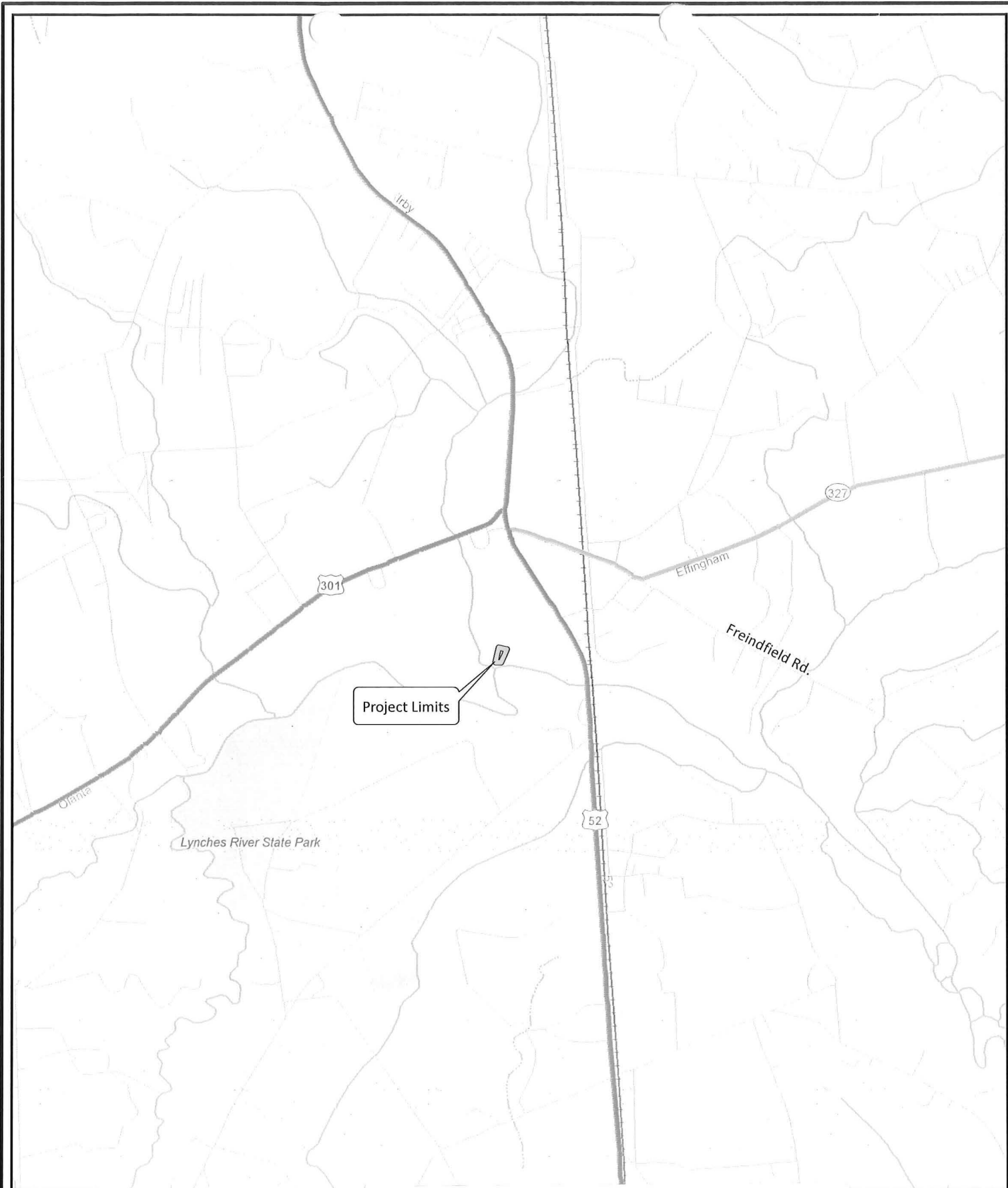
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered 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 Ann Eaddy at 843-365-1709.



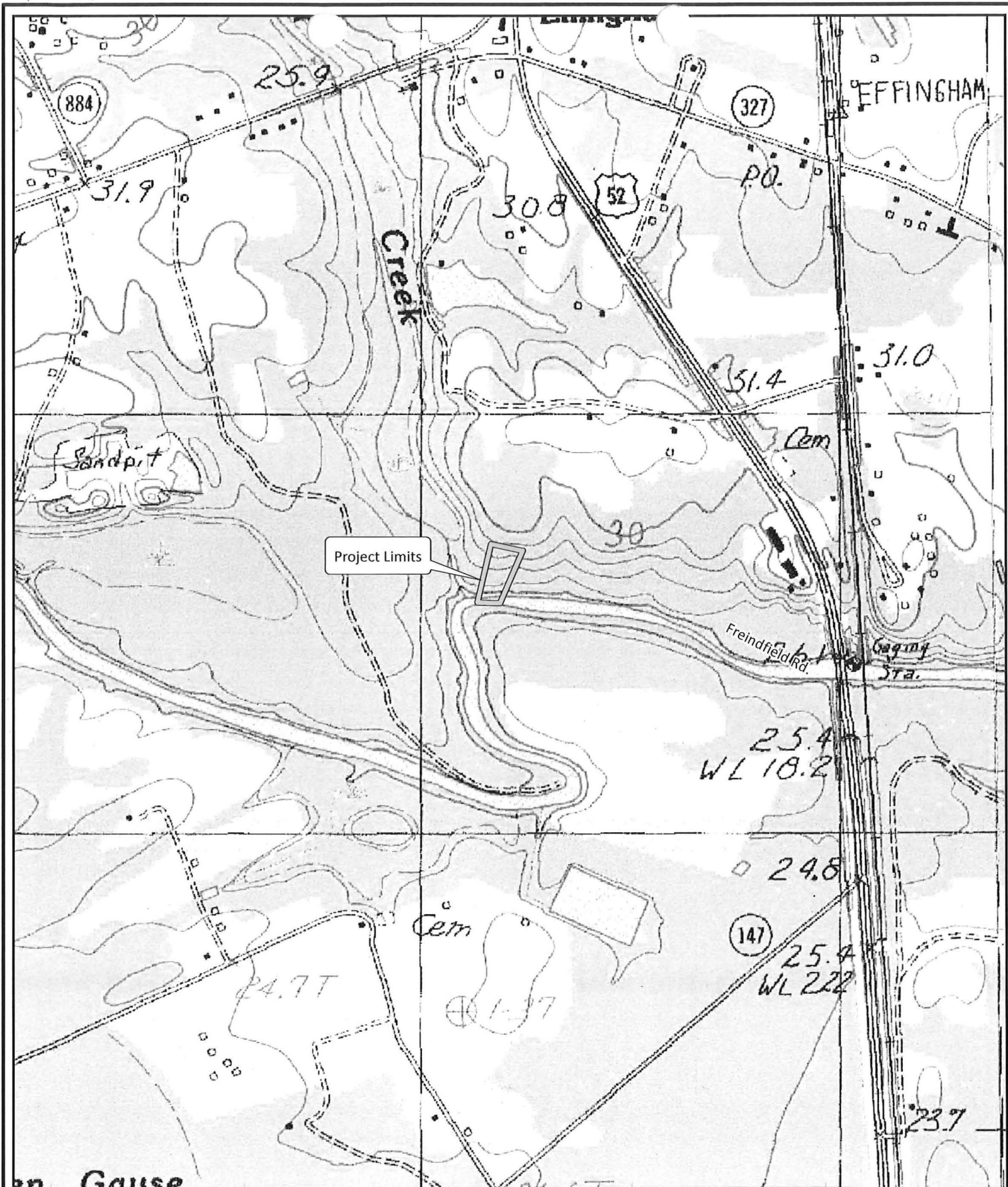
Project Limits

Figure 1

SAC 2015-00072-4E
 McCall Farms Tract "A" Project
 Florence County, SC
 Date: February 13, 2014 Sheet 1 of 5



1" equals 4,000'



Project Limits

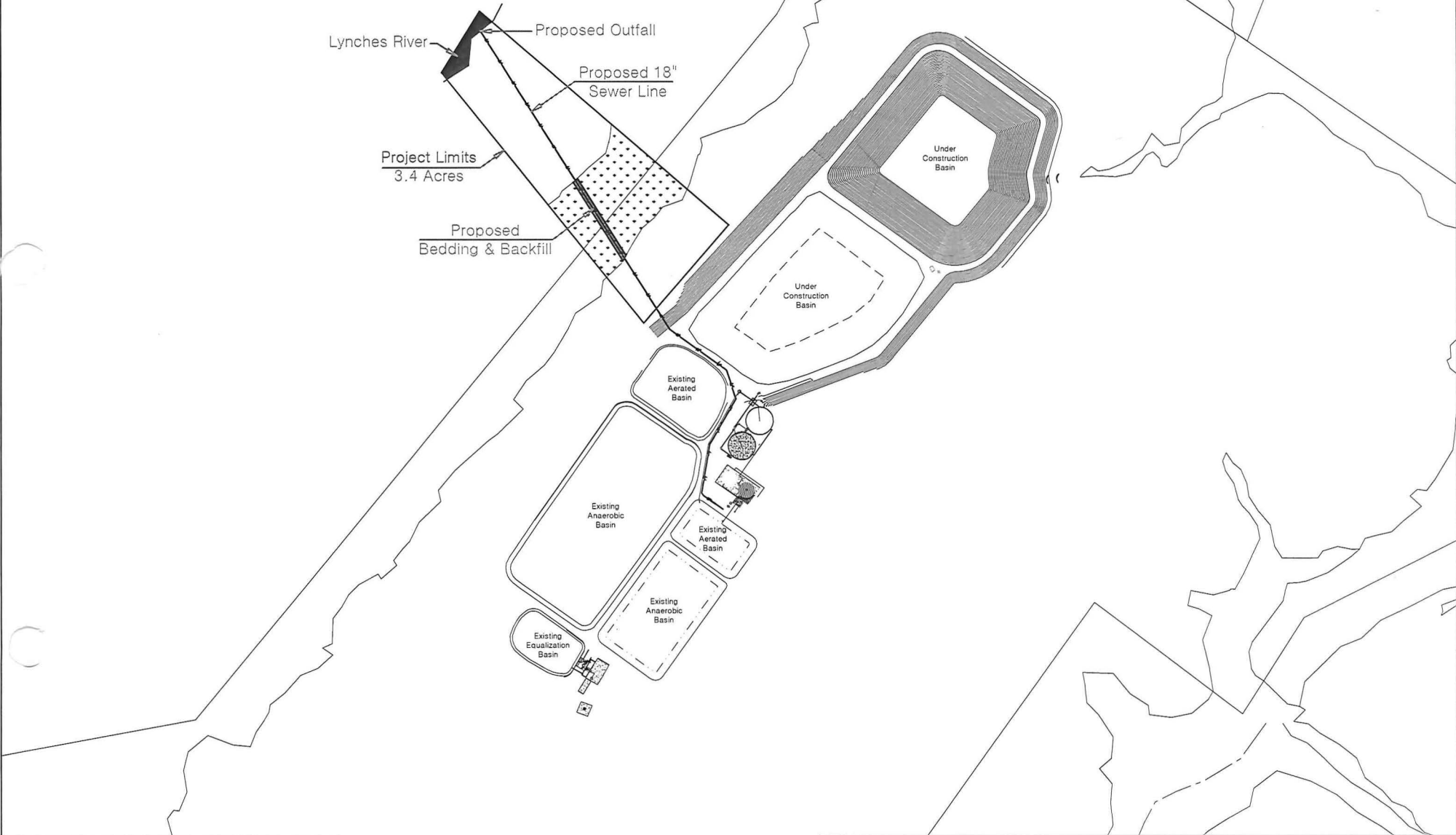
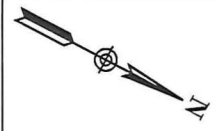


Figure 3

Proposed Activity: Temporary impacts associated with bedding and backfill

Applicant: McCall Farms





Lynches River
0.1 Acres

Impact 2 (Temporary)
Bedding & Backfill
0.0003 Acres (5')

mhw

12'
Work Area

Impact 1 (Temporary)
Bedding & Backfill
0.05 Acres

Wetland 0.57 Acres
SAC 2015-00072-4E

Wetland 0.45 Acres
SAC 2013-01239-4E

Ur
Cons
B:

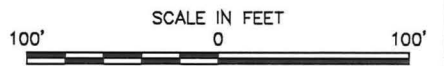


SAC 2015-00072-4E
McCall Farms Tract "A" Project
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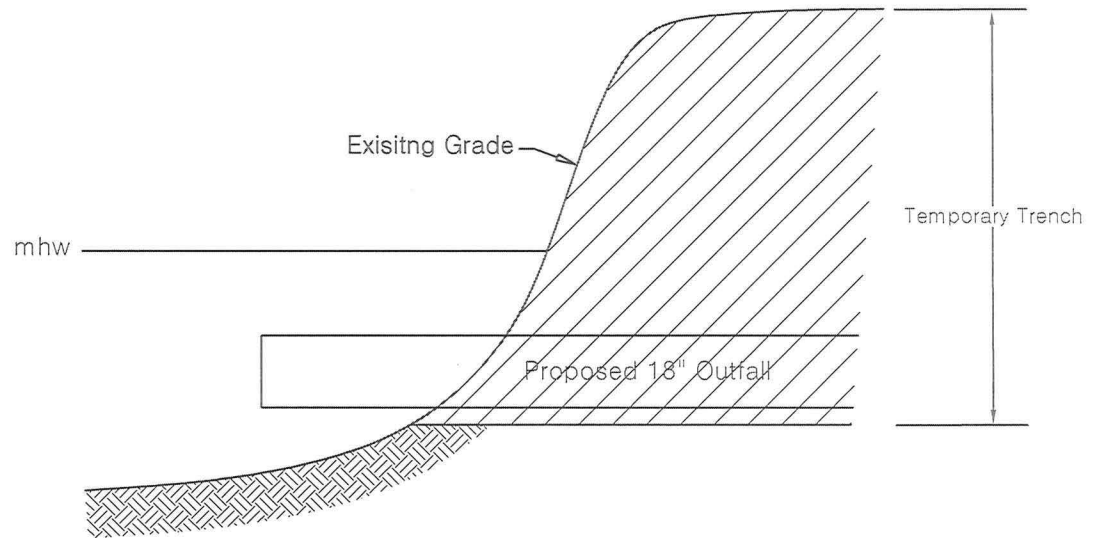
Figure 4

Proposed Activity: Temporary Impacts associated with bedding and backfill

Applicant: McCall Farms



Side View – Impact 2
not to scale



Front View – Impact 1
not to scale

