

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 SAC-2017-00040

DATE: February 15, 2017

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

Mr. Mark Purcell
U.S. Fish & Wildlife Service
c/o Mr. Cameron Dyson
Ducks Unlimited
3294 Ashley Phosphate Road, Suite 2A
North Charleston, South Carolina 29418

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 Bonny Hall Plantation within the ACE Basin National Wildlife Refuge (NWR) in Yemassee, Beaufort County, South Carolina (Latitude: 32.6072 °N, Longitude: -80.7221 °W), **Dale – Topo 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.

The proposed work consists of the creation of two managed tidal impoundments (Proposed Units 5

and 6) from an existing managed tidal impoundment (Unit 5) on Bonny Hall Plantation. The proposed work will entail the excavation of 2.848 acres of wetlands and waters of the United States, and the discharge of fill material in 4.074 acres of wetlands and waters of the United States. The proposed work is detailed as follows:

Proposed Unit 5 - Unit 5 is an existing managed tidal impoundment on Bear Island West WMA. To create the two proposed managed tidal impoundments, a pre-existing interior embankment (levee) will be restored, dividing the existing Unit 5 into 2 smaller managed tidal impoundments, identified as Proposed Unit 5 and Proposed 6. The proposed restoration of the interior field-dike will result in 4.074 acres (12,800 cubic yards) of fill material (Fill #1-3) being placed in wetlands and waters of the United States. The proposed interior field-dike will measure 3,690 linear feet within wetlands and waters of the United States. The field-dike will be sloped at a 2:1 ratio with a 20' wide bench between the edge of the field-dike and edge of the borrow area/interior cross canal. Included in this 4.074 acres of fill material is a new 42" half-round aluminum flashboard riser (Fill #3). The flashboard riser will be placed in the existing center interior canal and will be utilized to manage water levels between Proposed Unit 5 and Proposed Unit 6. The fill material utilized for the restoration of the interior field-dike (Fill #2) will be obtained by excavating from both an existing interior cross canal (Excavation #1) and a proposed borrow areas/interior cross canal (Excavation #2). The proposed borrow areas/interior cross canals are currently within waters of the United States. The proposed borrow area/cross canal north of the existing interior field dike (Excavation #1)) will be within the Proposed Unit 5 managed tidal impoundment. Approximately 1.209 acres (4,267 cubic yards) of material will be excavated from wetlands and waters of the United States in Proposed Unit 5 and subsequently utilized as fill material for the interior field dike referenced above. The borrow area/interior cross canal within Proposed Unit 5 will be 3,690 linear feet and 15' wide and will be parallel with the interior field dike.

Proposed Unit 6 – The proposed construction of the interior field-dike, as referenced and outlined above, will also require fill (Fill #1) and excavation (Excavation #2) in wetlands and waters of the United States within Proposed Unit 6. These proposed borrow areas/interior cross canals will be south of the proposed interior field-dike. Approximately 0.855 acres (3,200 cubic yards) of wetlands will be filled in order to create a 20' wide maintenance shelf in between the interior field dike and the proposed borrow area/canal. Approximately 1.209 acres (4,267 cubic yards) of material will be excavated from wetlands and waters of the United States in Proposed Unit 6 and subsequently utilized as fill material for the maintenance shelf and interior field dike both referenced above. The borrow area/interior cross canals within Proposed Unit 6 will be 3,690 linear feet and 20' wide, running parallel with the interior field dike.

The basic project purpose for the proposed activities listed above is to create managed tidal impoundments. The overall project purpose for the proposed activities listed above is to subdivide currently existing and serviceable managed tidal impoundments on Bonny Hall Plantation in order to better manage for water circulation/quality, wildlife habitat, flood retention and climate change resiliency. The applicant has not developed a compensatory mitigation plan for the proposed project for several reasons, which are to follow. The proposed project aids in the management of a more diverse set of habitats by allowing multiple water management regimes within a fully-functioning tidal impoundment. According to the applicant, construction of a new cross embankment is the only practical way to allow the property owner to achieve better management of the goals listed above. The applicant states that the proposed activity is in line with traditional activities within managed tidal impoundments in the ACE Basin. The applicant notes that USACE permits have been recently issued to SCDNR (Santee Coastal Reserve and Bear Island) for the installation of cross embankments and that the agent (Ducks Unlimited) has completed this permitted work to the benefit of these systems. The applicant states that the proposed project is

consistent with the past stewardship of Bonny Hall Plantation and notes that the project has secured funding through a grant from the North American Wetland Conservation Act (NAWCA). The applicant notes that the project is consistent with the habitat goals for The North American Waterfowl Management Plan, South Atlantic Migratory Bird Initiative and the Atlantic Coast Joint Venture. Based on these reasons, the applicant believes that compensatory mitigation is not required for the proposed project.

The applicant states that avoidance strategies are limited for the proposed work; however, efforts to minimize impacts to wetlands and waters of the United States were made. The location of the proposed cross embankment was selected, as this was the narrowest crossing within the large tidal impoundment and a partial footprint of a remnant dike already existed. The point of crossing is 3,690 linear feet. The applicant also notes the following with regards to impact minimization: the width and height of the proposed interior field-dike are only sufficient for access with traditional agricultural equipment and implements, all proposed work will occur in during dry weather periods after the managed tidal impoundments have been drained in late winter and early spring, all fill material needed for the proposed work will be obtained from within the existing managed tidal impoundment Unit 31, the proposed field embankment construction and canal excavation activities will occur simultaneously so no materials will be double handled, the proposed work will be completed with a long-reach excavator on tracks using wooden mats for stability if required, the machinery will start at one end of a proposed field embankment/canal and continue until one section is completed, the proposed wooden spillway box will be installed as the proposed interior field dike is constructed, bulkheads will be constructed on either side of the newly installed spillway box and trunk to minimize the footprint of the fill and provide stability, and the newly constructed interior field-dike will be vegetated by broadcast seeding of a fast growing herbaceous species (e.g. brown top millet).

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

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 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.

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 4.074 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 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). 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.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer 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 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)(f)(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.

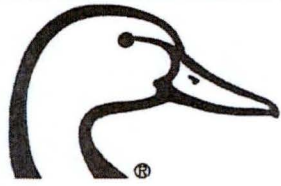
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 cannot undertake to adjudicate rival claims.

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. Please submit comments in writing, identifying the project of interest by public notice number, to 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 Tyler L. Sgro, Project Manager, at 843-329-8037 or toll free at 1-866-329-8187.



DUCKS
UNLIMITED

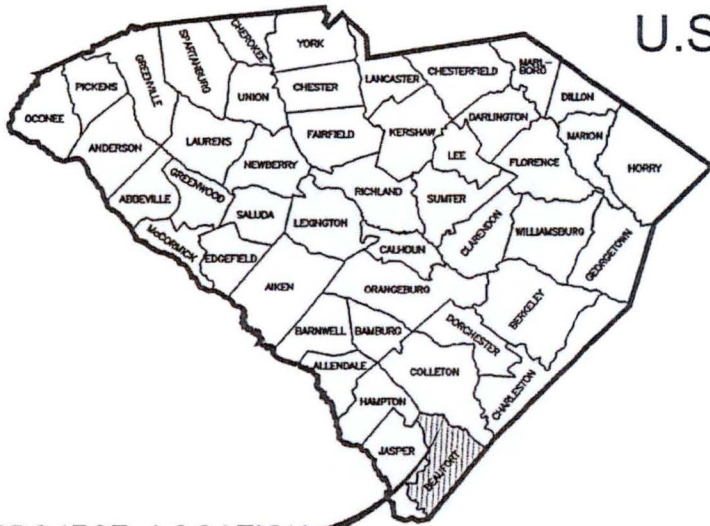
DUCKS UNLIMITED, INC. ACE BASIN NWR BONNY HALL - PHASE II

BEAUFORT COUNTY
IN COOPERATION WITH

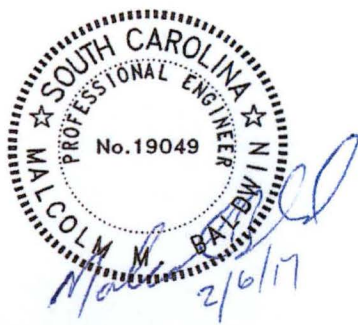
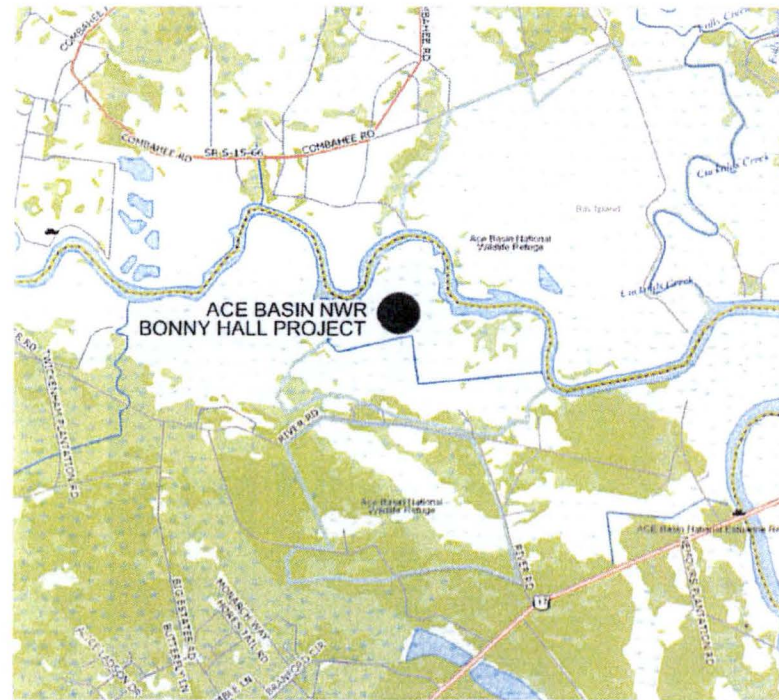
U.S. FISH & WILDLIFE SERVICE

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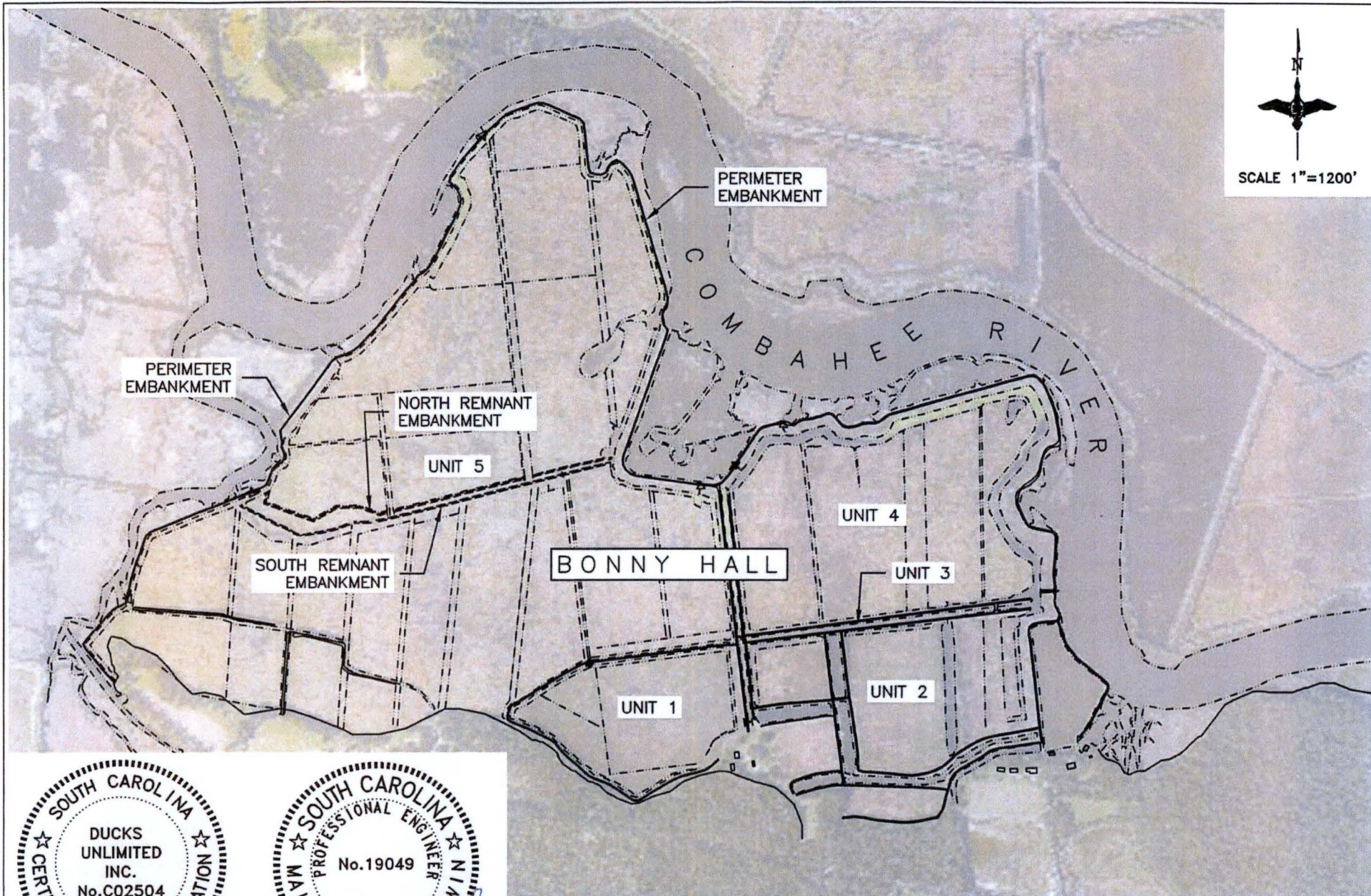


PROJECT LOCATION



CAUTION
The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

APPLICATION NUMBER:	DUCKS UNLIMITED INC.  SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. C02504	PROJECT NO.:	DU-SC-40-7
PROPOSED ACTIVITY:		PROJECT TITLE:	BONNY HALL - PHASE II
RESTORE REMNANT EMBANKMENT		SHEET TITLE:	COVER SHEET
DATE:		LATITUDE/LONGITUDE:	32.6702° / 80.7221°
12-28-16		APPLICANT:	MARK PURCELL
COUNTY:	BEAUFORT	AGENT:	CAMERON DYSON
			SHEET 1 OF 8

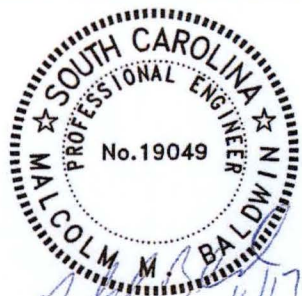
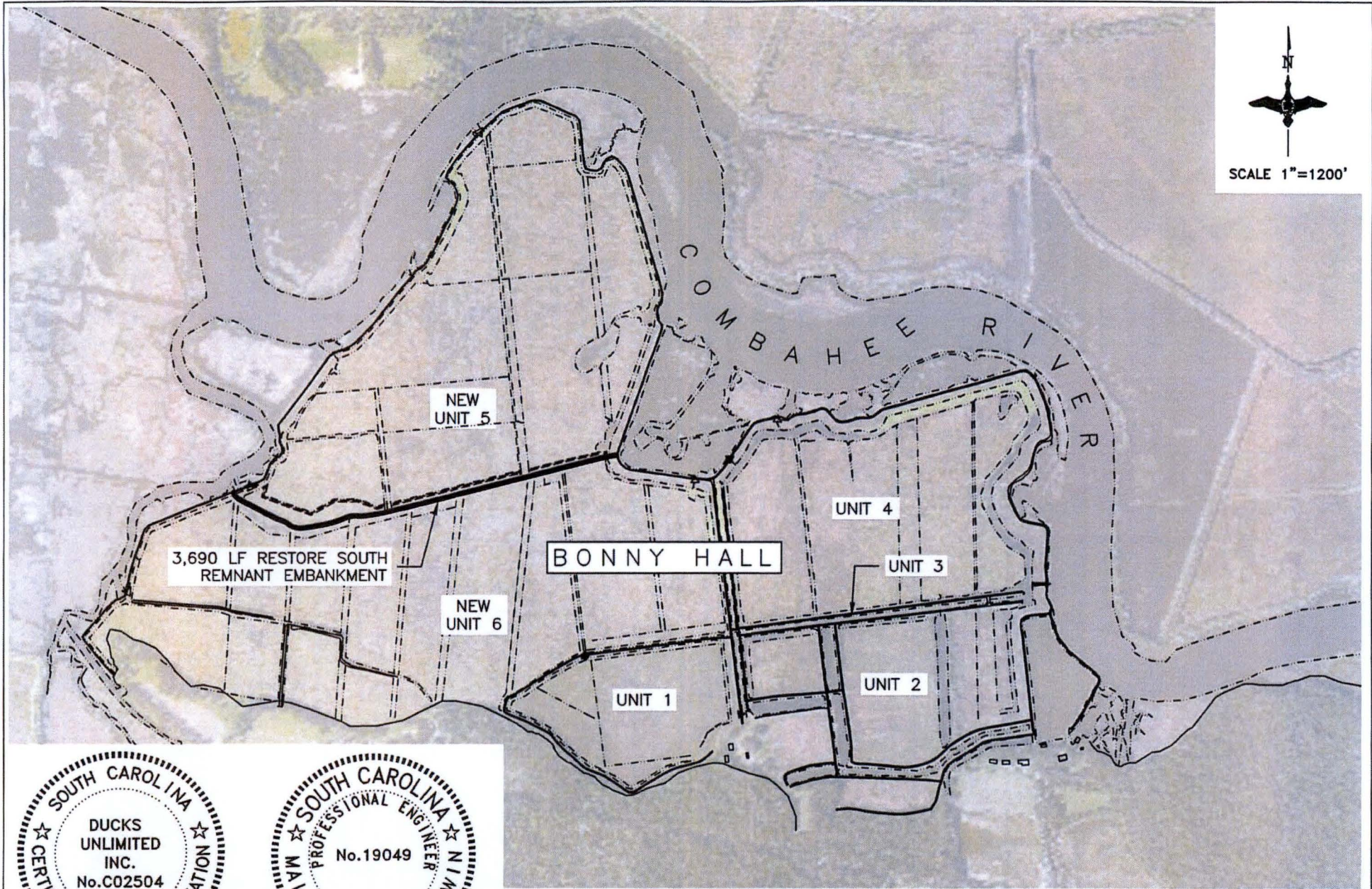


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PROPOSED ACTIVITY:		RESTORE REMNANT EMBANKMENT	PROJECT TITLE:	BONNY HALL - PHASE II
DATE:	12-28-16	SHEET TITLE:	EXISTING CONDITIONS	
COUNTY:	BEAUFORT	LATITUDE/LONGITUDE:	32.6702° / 80.7221°	
	APPLICANT:	MARK PURCELL	AGENT:	CAMERON DYSON
				SHEET 3 OF 8

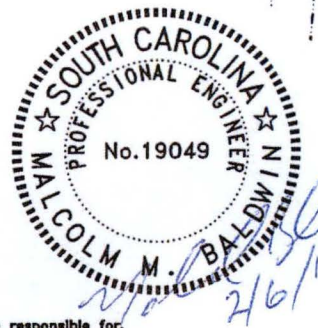
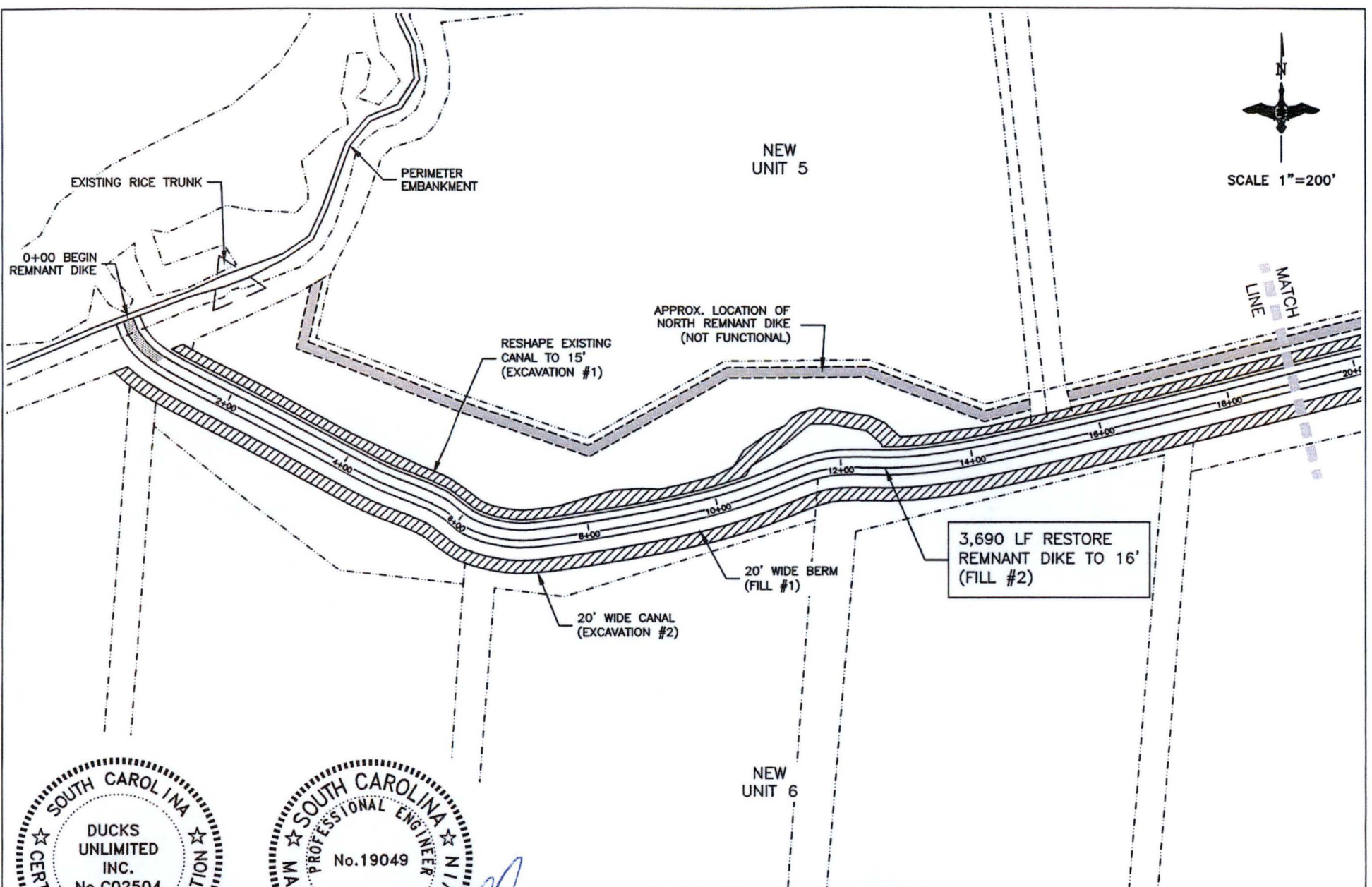


SCALE 1"=1200'




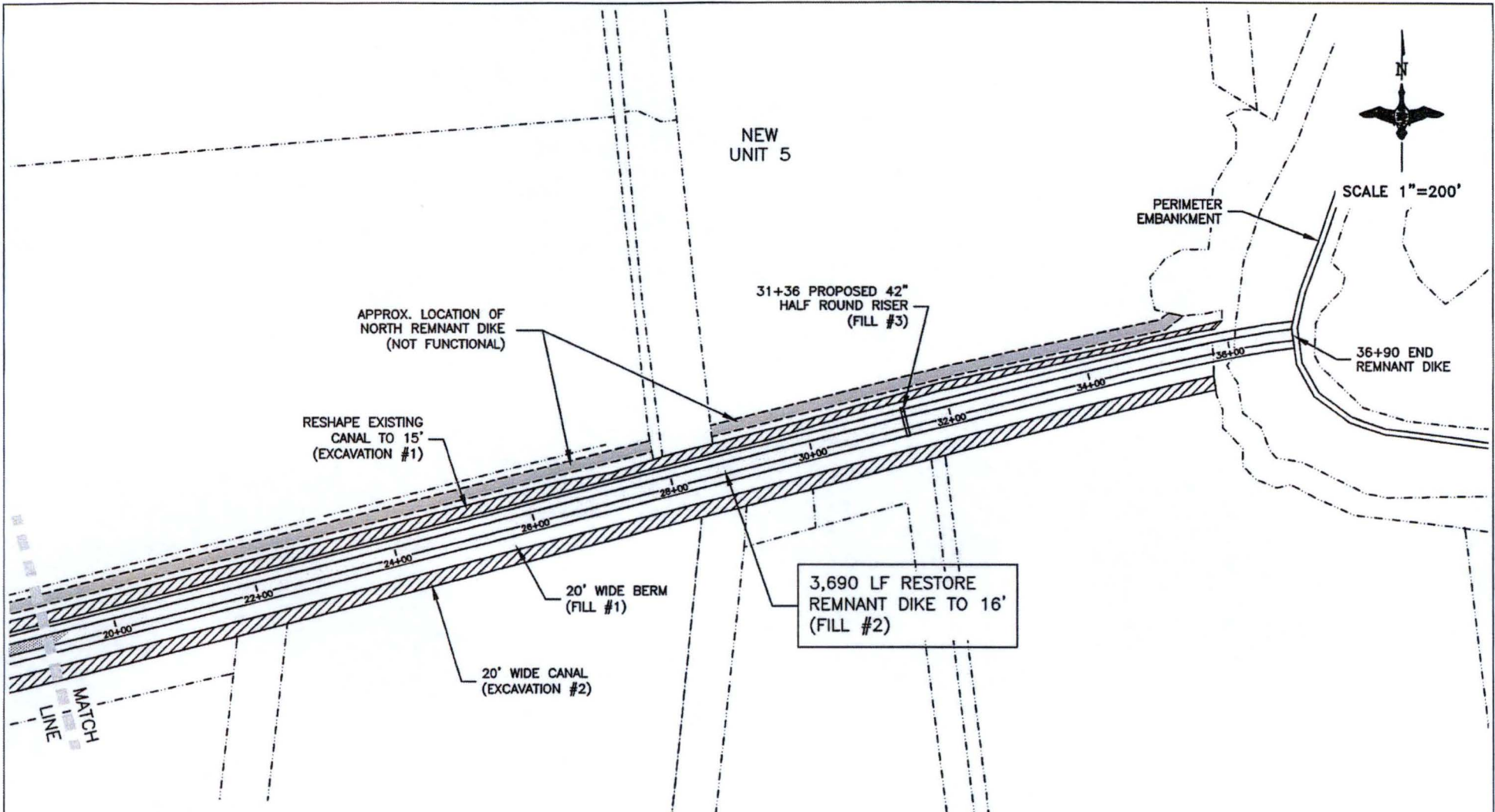
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RESTORE REMNANT EMBANKMENT	SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. C02504	SHEET TITLE:	PROPOSED IMPROVEMENTS
DATE:		LATITUDE/LONGITUDE:	32.6702° / 80.7221°
12-28-16		AGENT:	CAMERON DYSON
COUNTY:	MARK PURCELL		SHEET 3 OF 8
BEAUFORT	APPLICANT:		

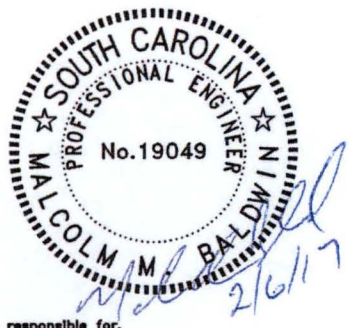


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PROPOSED ACTIVITY:		RESTORE REMNANT EMBANKMENT	PROJECT TITLE:
DATE:	12-28-16	SHEET TITLE:	PLAN VIEW
COUNTY:	BEAUFORT	LATITUDE/LONGITUDE:	32.6702° / 80.7221°
	APPLICANT:	AGENT:	CAMERON DYSON
			SHEET 4 OF 8




SCALE 1"=200'



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APPLICATION NUMBER:	
PROPOSED ACTIVITY:	RESTORE REMNANT EMBANKMENT
DATE:	12-28-16
COUNTY:	BEAUFORT

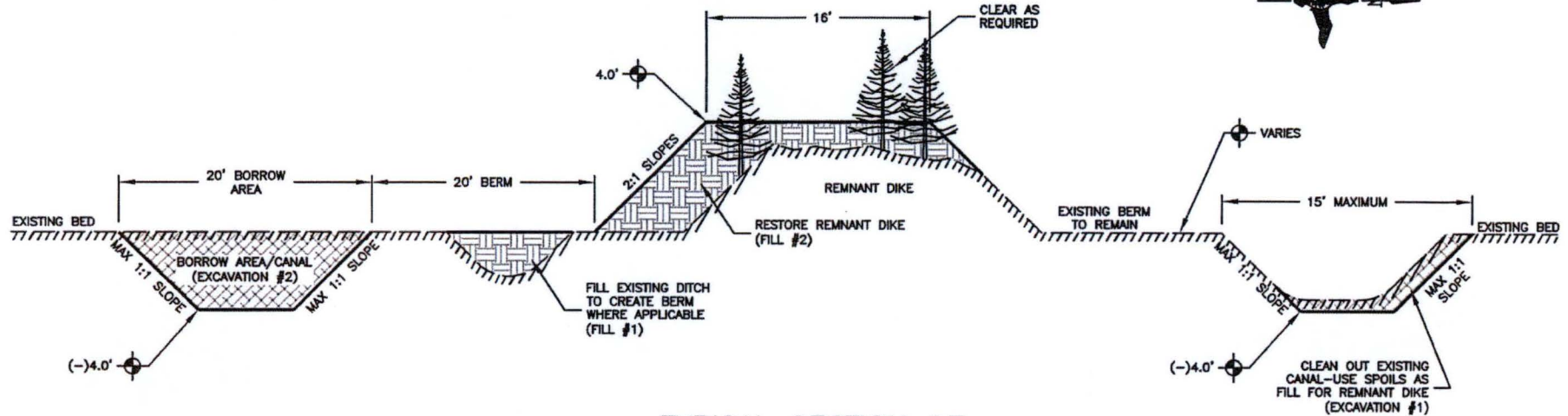
DUCKS UNLIMITED INC. 

SOUTHERN REGIONAL OFFICE
 193 Business Park Drive; Suite E
 Ridgeland, MS 39157
 Certificate Of Authorization No. C02504

MARK PURCELL
 APPLICANT

PROJECT NO.:	DU-SC-40-7
PROJECT TITLE:	BONNY HALL - PHASE II
SHEET TITLE:	PLAN VIEW
LATITUDE/LONGITUDE:	32.6702° / 80.7221°
AGENT:	CAMERON DYSON
	SHEET 5 OF 8

EXTERIOR AND INTERIOR SLOPES SHALL BE CONSTRUCTED UTILIZING SUITABLE ORGANIC AND/OR MINERAL SOILS EXCAVATED FROM DESIGNATED BORROW AREA AND/OR DIKE KEYWAY.



TYPICAL SECTION OF
REMNANT EMBANKMENT RESTORATION
NOT TO SCALE

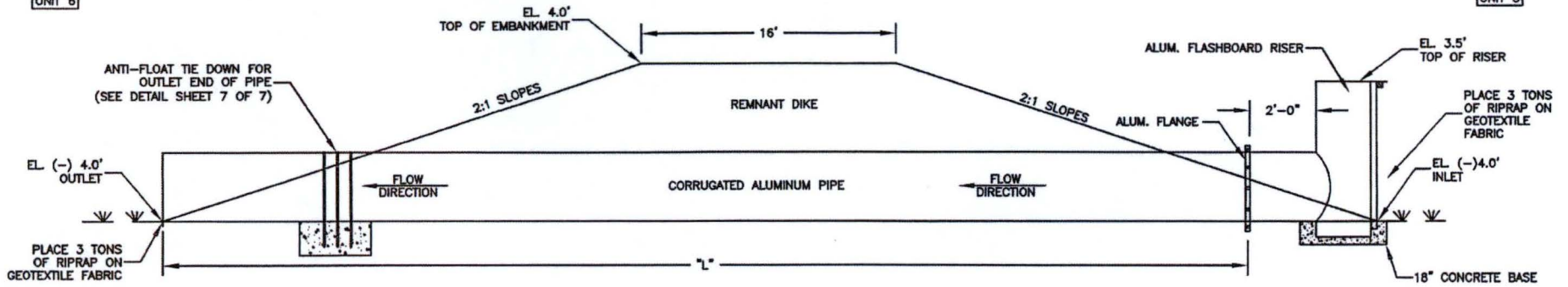


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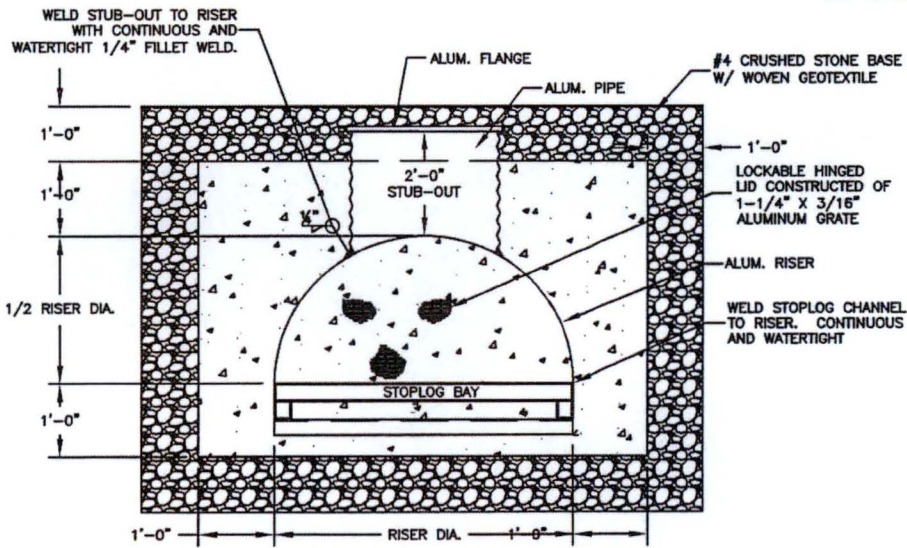
APPLICATION NUMBER:	DUCKS UNLIMITED INC.  SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate Of Authorization No. C02504	PROJECT NO.:	DU-SC-40-7	
PROPOSED ACTIVITY:		PROJECT TITLE:	BONNY HALL - PHASE II	
DATE:		SHEET TITLE:	REMNANT EMBANKMENT SECTION	
COUNTY:		LATITUDE/LONGITUDE:	32.6702° / 80.7221°	
BEAUFORT	APPLICANT:	MARK PURCELL	AGENT:	CAMERON DYSON
				SHEET 6 OF 8

UNIT 6

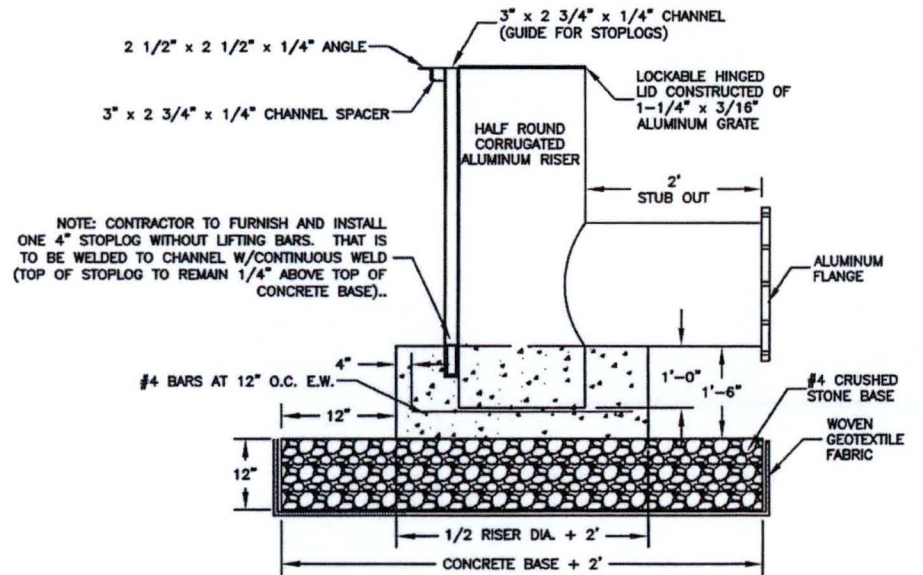
UNIT 5



ALUMINUM HALF ROUND RISER - SECTION VIEW
NOT TO SCALE

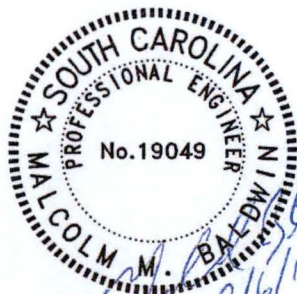


FLASHBOARD RISER PLAN VIEW
NOT TO SCALE



FLASHBOARD RISER SIDE VIEW
NOT TO SCALE

NOTE: CONTRACTOR TO FURNISH AND INSTALL ONE 4" STOPLOG WITHOUT LIFTING BARS. THAT IS TO BE WELDED TO CHANNEL W/CONTINUOUS WELD (TOP OF STOPLOG TO REMAIN 1/4" ABOVE TOP OF CONCRETE BASE)..



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PROPOSED ACTIVITY:	RESTORE REMNANT EMBANKMENT	PROJECT TITLE:	BONNY HALL - PHASE II
DATE:	12-28-16	SHEET TITLE:	HALF ROUND RISER DETAIL
COUNTY:	BEAUFORT	LATITUDE/LONGITUDE:	32.6702° / 80.7221°
APPLICANT:	MARK PURCELL	AGENT:	CAMERON DYSON
			SHEET 7 OF 8

IMPACT SUMMARY

EXCAVATION

NUMBER	TYPE	UNIT	AREA	VOLUME
#1	RESHAPE EXISTING CANAL TO 15'	5	1.209 AC	4,267 CY
#2	20' WIDE CANAL	6	1.639 AC	8,533 CY
TOTAL			2.848 AC	12,800 CY

FILL

NUMBER	TYPE	UNIT	AREA	VOLUME
#1	20' WIDE BERM	6	0.855 AC	3,200 CY
#2	RESTORE REMNANT DIKE TO 16'	5/6	3.209 AC	9,570 CY
#3	42" HALF ROUND RISER	5/6	0.010 AC	30 CY
TOTAL			4.074 AC	12,800 CY



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PROPOSED ACTIVITY: RESTORE REMNANT EMBANKMENT	SOUTHERN REGIONAL OFFICE 193 Business Park Drive; Suite E Ridgeland, MS 39157 Certificate Of Authorization No. C02504	PROJECT TITLE: BONNY HALL - PHASE II
DATE: 12-28-16		SHEET TITLE: IMPACT SUMMARY
COUNTY: BEAUFORT	APPLICANT: MARK PURCELL	LATITUDE/LONGITUDE: 32.6702' / 80.7221'
		AGENT: CAMERON DYSON SHEET 8 OF 8