

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 # 2014-00572-1T

18 June 2014

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

ASHEPOO LLC
C/O JAMES RADER
DUCKS UNLIMITED INC.
3294 ASHLEY PHOSPHATE ROAD, SUITE 2A
CHARLESTON, SOUTH CAROLINA 29418

for a permit to excavate and place fill material into wetlands and waters of the

SOUTH EDISTO RIVER

Within an existing managed tidal impoundment of Ashepoo and Fenwick Plantation located at 9314 Bennett's Point Road in Green Pond, Colleton County, South Carolina (32.573164 Latitude/ -80.422023 Longitude))

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 construction of a new cross-embankment through an existing managed tidal impoundment. The work specifically involves the excavation of 33,276 cubic yards of material to create two (2) 3,752-linear foot canals that have top widths of 18 feet, bottom widths of 10 feet, and are 4 feet deep. The excavated material will be used to construct a new 3,752- linear foot field-dike with a top width of 18 feet, bottom width of 42 feet, and an average height of 4 feet. The new field-dike will be separated from each canal by 15-foot wide berms. The canal, berm, and field-dike complex form an embankment. A total of 1.6 acres of wetlands and tidal waters within the impoundment will be filled for construction of the cross-embankment and 4.80 acres of wetlands and tidal waters within the impoundment will be excavated for the canals. The project also involves the installation of a new water control structure (trunk) and timber bulkheads within the new cross-embankment. The new cross-embankment will divide the existing 265.73-acre impoundment field (Mid Pond) into a 162.40-acre impoundment field (Mid Pond A) and a 103.33-acre impoundment field (Mid Pond B).

The purpose of the proposed project includes the enhancement of water circulation capability, improvement and diversification of habitats within the managed tidal impoundment for wildlife species, maximization of potential management opportunities within the managed tidal impoundments, and minimization of the potential negative impact that would result if the perimeter embankment were lost due to major storm or other factors.

The proposed new embankment and water control structure (trunk) will allow the larger managed tidal impoundment field to be managed as smaller units with varying habitat types and water management strategies. Water delivery will be enhanced to these habitats by addressing elevation differences and topography challenges in regards to water circulation capabilities. The proposed project will also minimize impacts to the entire wetland complex if one portion of the perimeter field embankment was impacted by a storm or other factors. The portion of the managed tidal impoundment field located closer to Sampson Creek has higher bed elevation than portions of the field closer to Musselboro Creek and the South Edisto River. The proposed project will help compartmentalize areas of similar elevation and the addition of water control structures will enhance delivery to these areas. This similarity in elevation across a management unit will better help manage for plants valuable to wildlife and manage for migrating shorebirds in fall and spring.

The proposed project will create two different managed tidal impoundment fields where water levels can be controlled independently, thus resulting in different water management regimes. Consequently, a variety of management strategies will be used in the resulting water units. They may be managed to promote brackish management species while others will be managed for fresh water moist-soil species. Flooding during times of peak availability of young fishes from the South Edisto River is expected to result in productive fishery within a managed tidal impoundment field. This will provide excellent habitat for bald eagles, endangered wood storks and ospreys. According to the applicant, early data from current telemetry study on Mottled ducks utilizing Bear Island WMA has shown the use of managed impoundments as an essential foraging and nesting area. Success of the proposed project will result in more available habitat over more diverse time period for this species. Managing multiple managed tidal impoundment fields with a variety of water levels will also benefit migrating shorebirds. During fall migrations, numerous bi-polar shorebird species pass through the ACE Basin. They obtain high-energy foods required for migration from recently exposed mudflats in these managed tidal impoundment fields. By having multiple units, managers are able to stagger mud flat exposure, and thereby access to food sources, over a longer period of time. These higher elevation beds within managed tidal impoundment fields are generally difficult to flood and are often monocultures of *Spartina spp.*; their value to migrating shorebirds is minimal. The ability to flood different units to elevations that can set back plant succession to mud flats, affect vegetation density and species diversity will be of great conservation utility for plantation managers.

As stated by the applicant, avoidance strategies are few for the proposed work. The proposed new cross-embankment locations were selected to utilize remnant embankment within the impoundment, therefore

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minimizing impacts by restoring the original layout of the impoundment. The proposed location of the new cross-embankment nearly replicates the interior embankment that once occurred within the project area during rice culture. Additional impacts to wetlands and waters were avoided by limiting the width and height of the proposed cross-embankment to dimensions that are sufficient for access with traditional agricultural equipment and implements.

To further minimize impacts, all of the proposed work will occur in the dry after the managed tidal impoundments have been drained in late winter and early spring. The fill material will be obtained from within the managed tidal impoundment by means of excavation of the proposed canals. The canal excavation and field-dike construction will occur simultaneously so no materials will be double handled. The work will occur by long-reach excavator on tracks using wooden mats for stability if required. Excavation of material from the canals and disposal of the material to construct the field-dike will occur simultaneously as the excavator proceeds down the length of the proposed cross-embankment. The excavator will start at one end of the proposed cross-embankment and will continue until each section is completed. The proposed new trunk will also be installed as the cross-embankment is being constructed. Bulkheads will be constructed on either side of the newly installed trunk to provide stability for the portion of the field-dike that crosses the structure. By conducting all of the work simultaneously, the amount of traffic traveling across the beds of the impoundments will be minimized. The newly constructed field-dike will also be stabilized by broadcast seeding of herbaceous fast growing species, such as brown top millet. It is anticipated that the area will vegetate with native plant species in the first season.

The applicant is not proposing compensatory mitigation. The applicant stated that the proposed project aids in the management of a more diverse set of habitats by allowing multiple water management regimes within a fully-functioning managed tidal impoundment. Construction of the new cross-embankment is the only practical way for the property owner to achieve his goal of increased water circulation capability, enhanced wildlife habitat quality, flood retention, and climate change resiliency. The applicant also stated that the proposed project is consistent with traditional activities within managed tidal impoundments in the Santee and ACE Basins. In addition, the proposed project will limit the impact to habitat if a perimeter embankment to just a smaller field instead of an entire 265 acre impoundment. The proposed project is also consistent with the past stewardship of Ashepoo and Fenwick Plantations. The proposed project is has also secured funding through a grant from the North American Wetland Conservation Act (NAWCA) and 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. Lastly, Ashepoo and Fenwick Plantations are protected under conservation easements with Wetlands America Trust. Based on these reasons, the applicant believes that compensatory mitigation is not required for the proposed project.

Please note that other work, including installation of new water control structures, will occur at other managed tidal impoundment fields on Ashepoo and Fenwick Plantations but those activities are not included as part of this permit application as they have been previously authorized under the Managed Tidal Impoundment General Permit, SAC-2011-01157.

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.

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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 6.4 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.

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).

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.

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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.

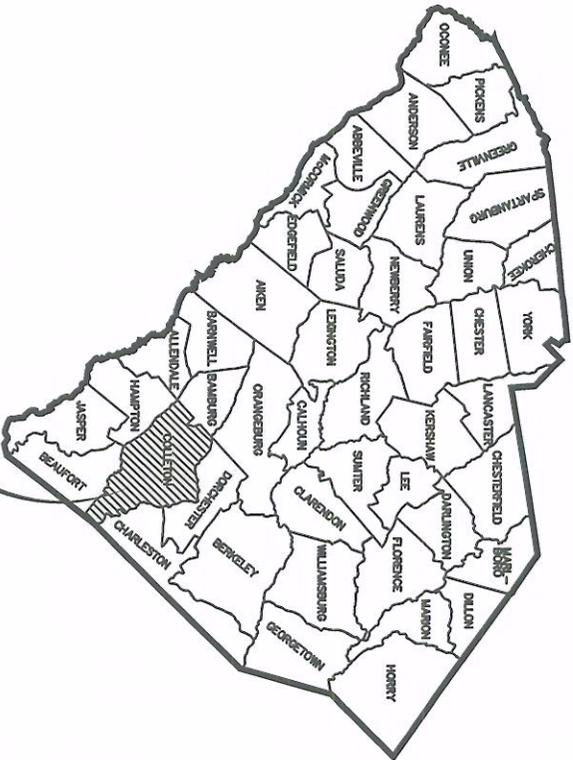
If there are any questions concerning this public notice, please contact **Tracy Dotolo Sanders** at 843-329-8044 or toll free at 1-866-329-8187.



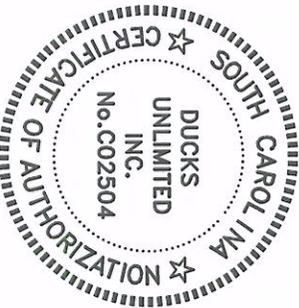
DUCKS

UNLIMITED

DUCKS UNLIMITED, INC.
FENWICK PLANTATION
NAWCA PROJECT
 COLLETON COUNTY
 IN COOPERATION WITH
ASHEPOOL LLC.



PROJECT LOCATION



NOTICE:
 S.C.D.H.E.C.-O.C.R.M. CRITICAL LINE INDICATED HEREON WERE
 CERTIFIED BY FRED MALLETT ON 05-27-2014

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	PROJECT NO.:	DU-SC-01-54
PREPARED ACTIVITY: INSTALLATION OF NEW CROSS-DIKE & WATER CONTROL STRUCTURES	SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. C02504	PROJECT TITLE:	FENWICK PLANTATION
DATE:	05-21-14	SHEET TITLE:	COVER SHEET
COUNTY:	COLLETON	LATITUDE/LONGITUDE:	32°33'33" / 80°25'16"
	ASHEPOOL LLC.	AGENT:	JAMES RADER
			SHEET 1 OF 11

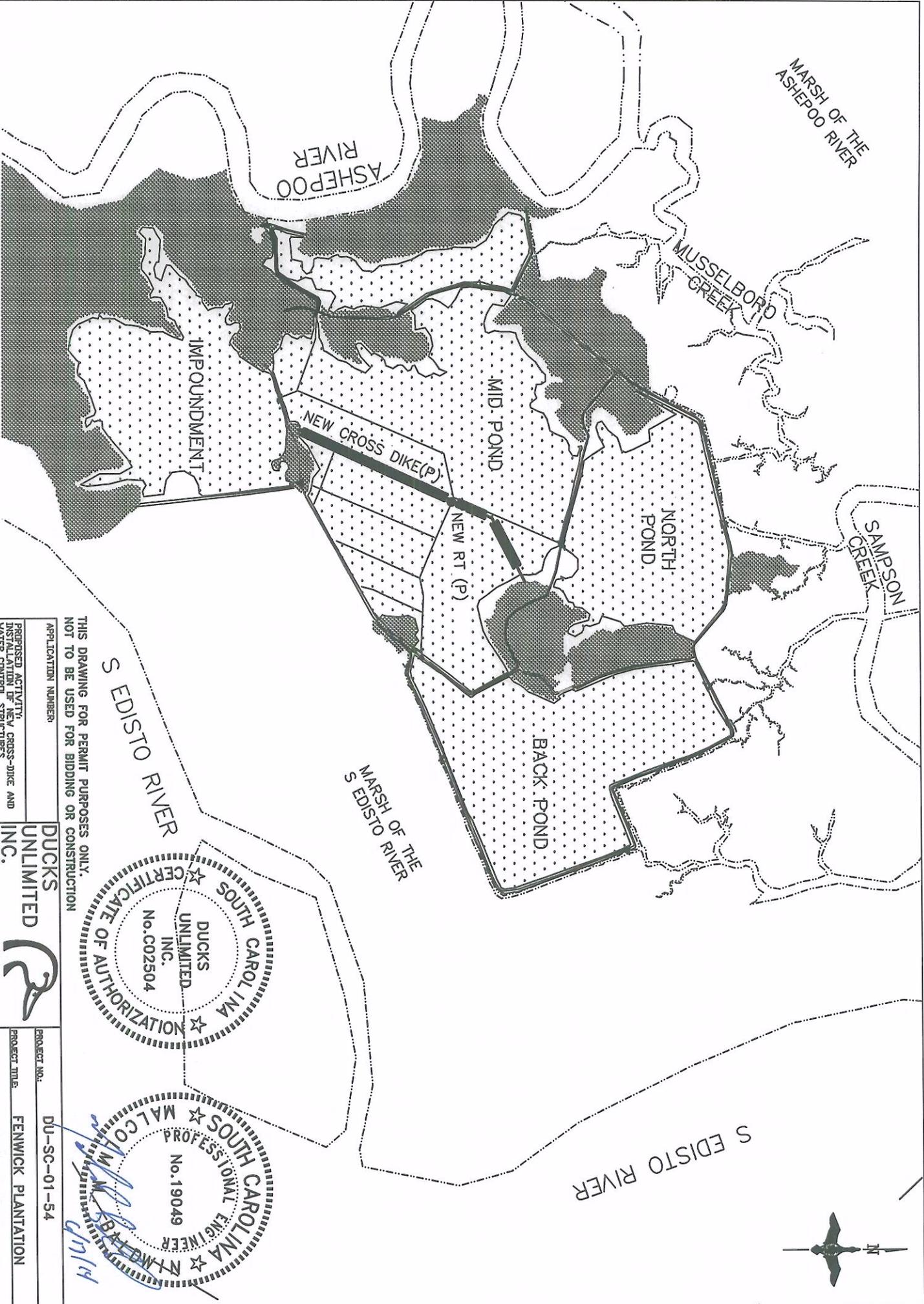


THIS DRAWING FOR PERMIT PURPOSES ONLY.
 NOT TO BE USED FOR BIDDING OR CONSTRUCTION

NOTICE:
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APPLICATION NUMBER	DUCKS UNLIMITED INC.	PROJECT NO.	DU-SC-01-54
PREPARED ACTIVITY	INSTALLATION OF NEW CROSS-DIKE & WATER CONTROL STRUCTURES	PROJECT TITLE	FENWICK PLANTATION
DATE	05-21-14	SHEET TITLE	LOCATION MAP
COUNTY	COLLETON	LATITUDE/LONGITUDE	32°33'33" / 80°25'16"
APPLICANT	ASHEPOO LLC.	AGENT	JAMES RADER
SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. 002504		SHEET 2 OF 11	

NOTICE:
S.C.D.H.E.-C.-O.C.R.M., CRITICAL LINE INDICATED HEREON WERE
CERTIFIED BY FRED MALLET ON 05-27-2014
(P) DENOTES NEW CONSTRUCTION ACTIVITY



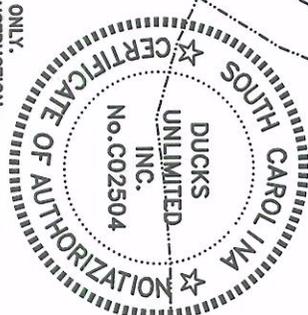
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APPLICATION NUMBER	
PROPOSED ACTIVITY: INSTALLATION OF NEW CROSS-DIKE AND WATER CONTROL STRUCTURES	
DATE	05-21-14
COUNTY	COLLETON

DUCKS UNLIMITED INC.

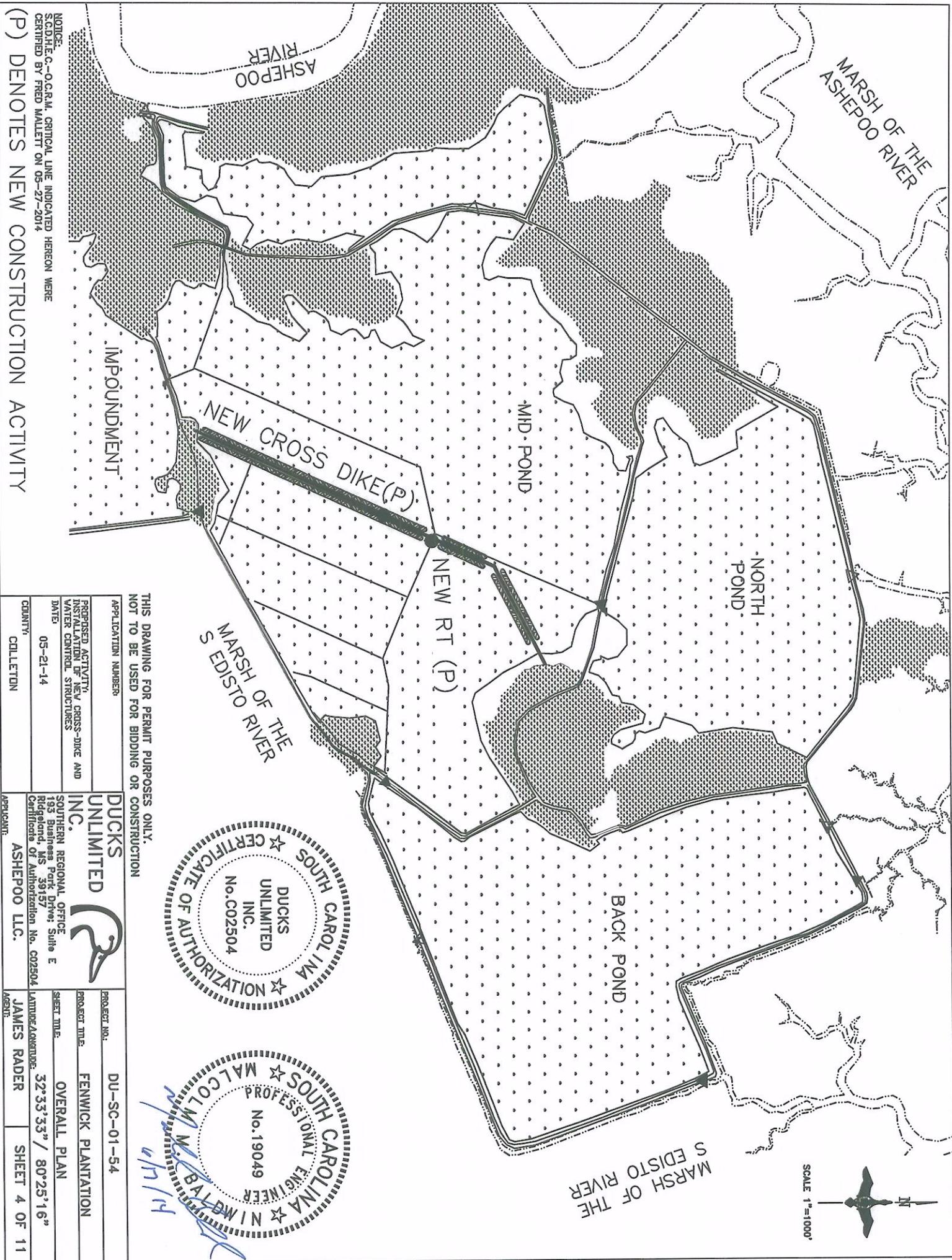
SOUTHERN REGIONAL OFFICE
193 Business Park Drive, Suite E
Ridgeland, MS 39157
Certificate of Authorization No. C02504

APPLICANT: ASHEPOO LLC.

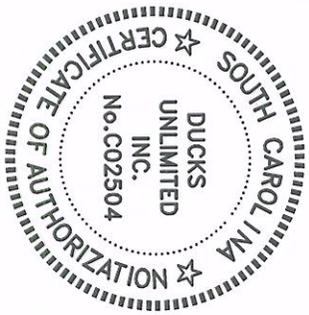


PROJECT NO.	DU-SC-01-54
PROJECT TITLE	FENWICK PLANTATION
SHEET TITLE	OVERALL PLAN
LATITUDE/LONGITUDE	32°33'33" / 80°25'16"
AGENTS	JAMES RADER
	SHEET 3 OF 11



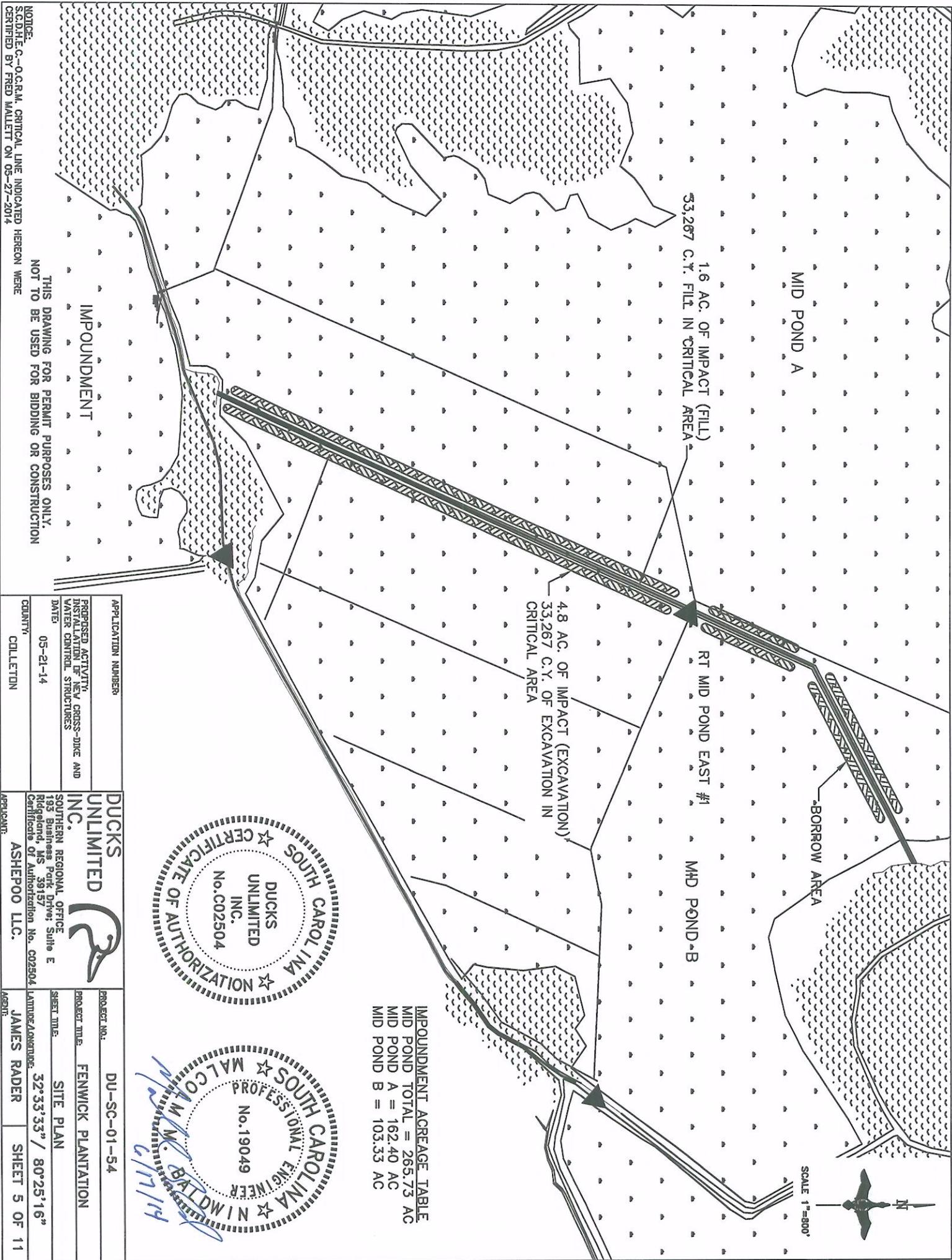


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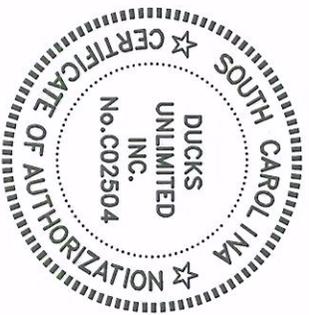
APPLICATION NUMBER	DUCKS UNLIMITED INC.	PROJECT NO.:	DU-SC-01-54
PROPOSED ACTIVITY: INSTALLATION OF NEW CROSS-DIKE AND WATER CONTROL STRUCTURES	SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. C02504	PROJECT TITLE:	FENWICK PLANTATION
DATE:	05-21-14	SHEET TITLE:	OVERALL PLAN
COUNTY:	COLLETON	LATITUDE/LONGITUDE:	32°33'33" / 80°25'16"
	APPLICANT: ASHEPOO LLC.	AGENT:	JAMES RADER
			SHEET 4 OF 11

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IMPONDMENT ACREAGE TABLE

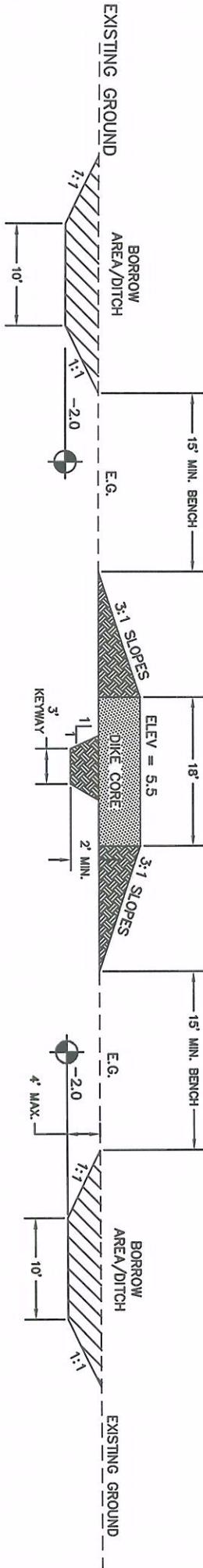
MID POND TOTAL	= 265.73 AC
MID POND A	= 162.40 AC
MID POND B	= 103.33 AC



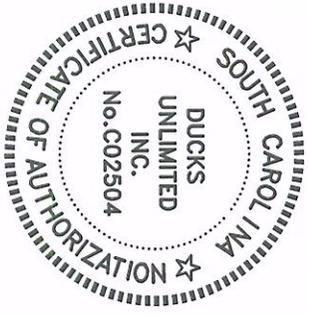
APPLICATION NUMBER:	DUCKS UNLIMITED INC.	PROJECT NO.:	DU-SC-01-54
PROPOSED ACTIVITY, INSTALLATION OF NEW CROSS-DIKE AND WATER CONTROL STRUCTURES	SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. C02504	PROJECT TITLE:	FENWICK PLANTATION
DATE:	05-21-14	SHEET TITLE:	SITE PLAN
COUNTY:	COLLETON	LATITUDE/LONGITUDE:	32°33'33" / 80°25'16"
	ASHEPOOL LLC.	APPLICANT:	JAMES RADER
		DATE:	SHEET 5 OF 11

NOTICE:
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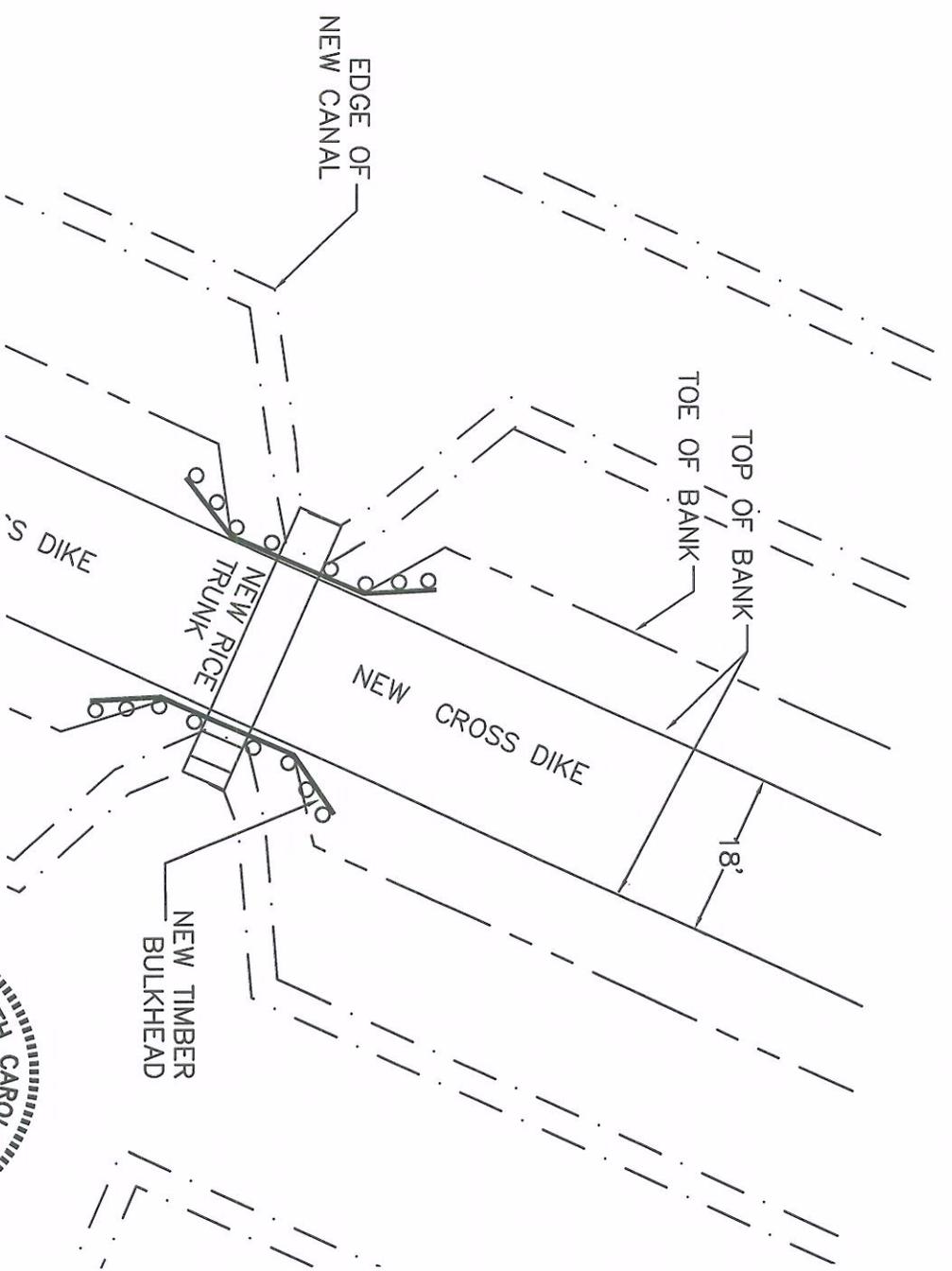
TYPICAL SECTION OF CROSS-DIKE
NOT TO SCALE



APPLICATION NUMBER	PROJECT NO.	DUCKS UNLIMITED INC.	DU-SC-01-54
PROPOSED ACTIVITY: INSTALLATION OF NEW CROSS-DIKE AND WATER CONTROL STRUCTURES	PROJECT TITLE:	SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. C02504	FENWICK PLANTATION
DATE:	SHEET TITLE:		CROSS DIKE SECTION
05-21-14	LATITUDE/LONGITUDE:		32°33'33" / 80°25'16"
COUNTY:	AGENT:	ASHLEPOOL LLC.	JAMES RADER
COLLETON			SHEET 6 OF 11

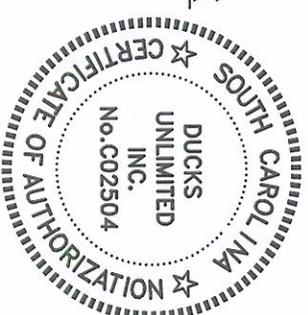
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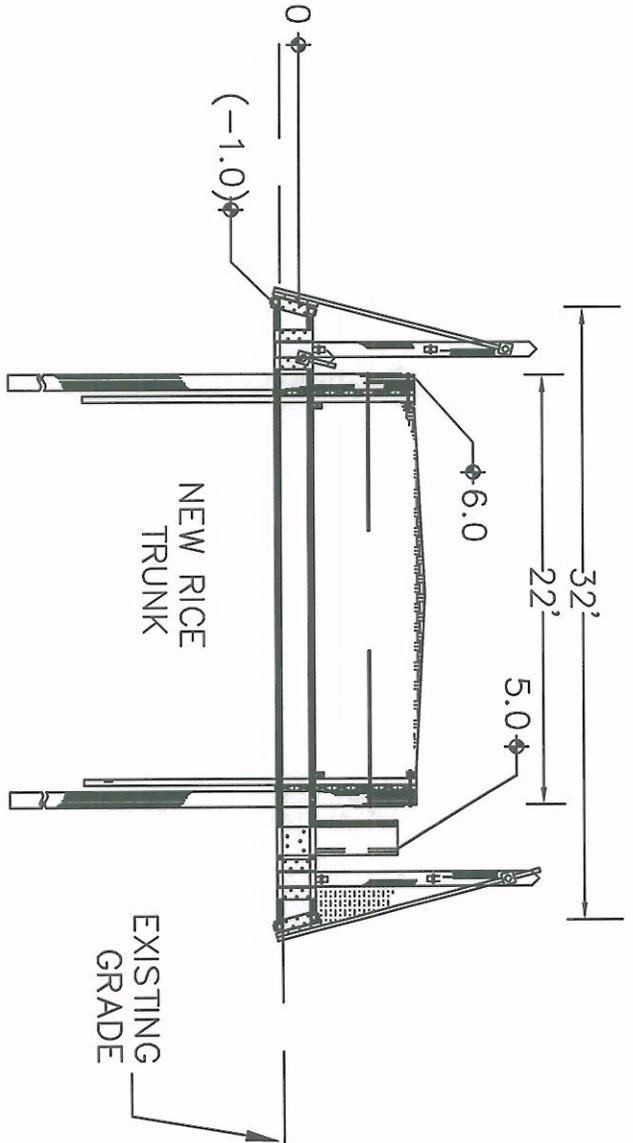
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MID POND EAST #1 RICE TRUNK
 SCALE: 1" = 20'



APPLICATION NUMBER	DUCKS UNLIMITED INC.	PROJECT NO.	DU-SC-01-54
PREPARED ACTIVITIES: INSTALLATION OF NEW CROSS-DIKE AND WATER CONTROL STRUCTURES	SOUTHERN REGIONAL OFFICE 193 Bushness Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. C02504	PROJECT TITLE:	FENWICK PLANTATION MID POND EAST #1 RICE TRUNK PLAN VIEW
DATE:	05-21-14	SHEET TITLE:	MID POND EAST #1 RICE TRUNK PLAN VIEW
COUNTY:	COLLETON	LATITUDE/LONGITUDE:	32°33'33" / 80°25'16"
APPLICANT:	ASHLEPOOL LLC.	AGENT:	JAMES RADER
			SHEET 7 OF 11

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MID POND EAST RICE TRUNK NO. 1

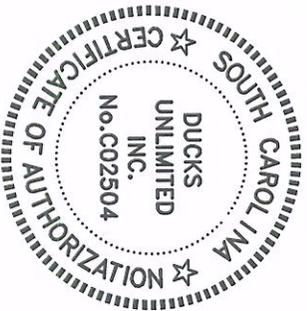
SECTION

SCALE 1"=10'

MID POND EAST #1 RICE TRUNK

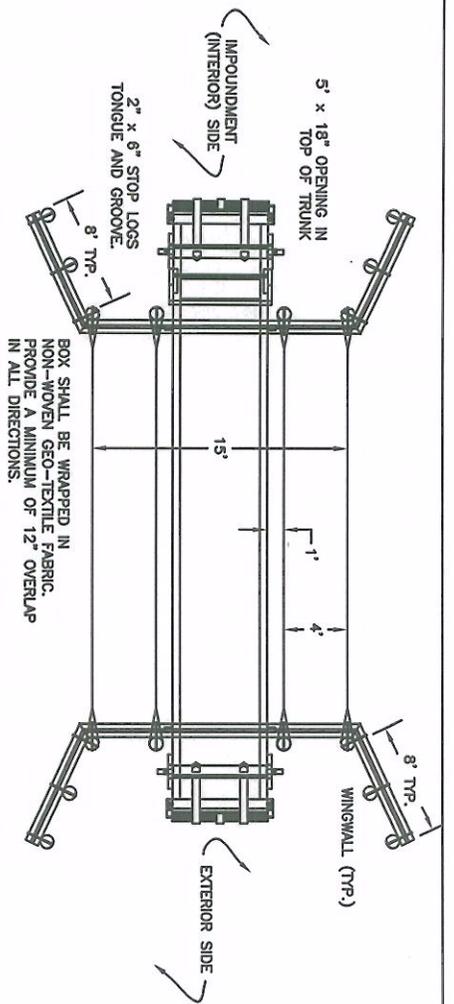
SCALE: 1" = 20'

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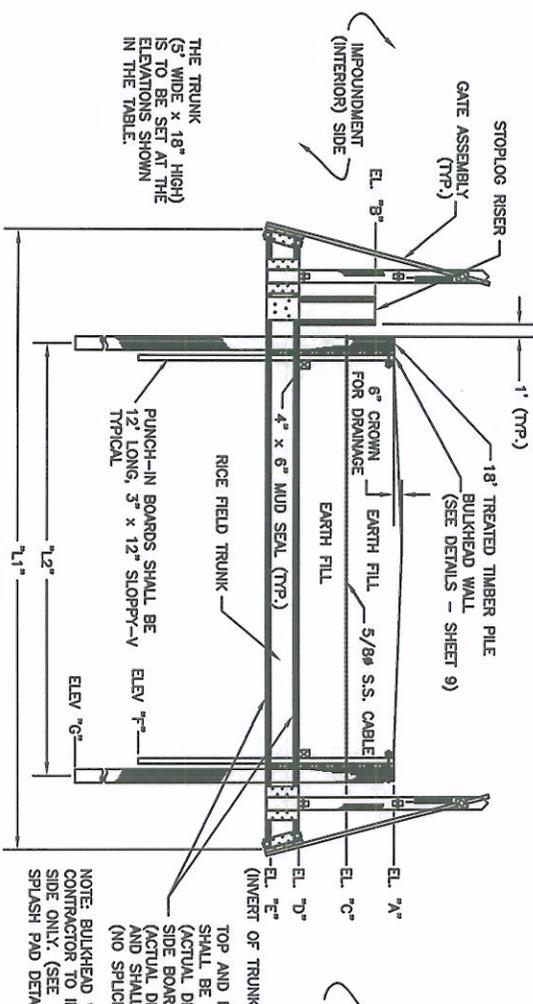


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APPLICATION NUMBER	DUCKS UNLIMITED INC.	PROJECT NO.	DU-SC-01-54
PREPARED ACTIVELY: INSTALLATION OF NEW CROSS-DIKE AND WATER CONTROL STRUCTURES	SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. C02504	PROJECT TITLE:	FENWICK PLANTATION MID POND EAST #1 RICE TRUNK SECTION
DATE:	05-21-14	SHEET TITLE:	32'x33'33" / 80'x25'16"
COUNTY:	COLLETON	APPLICANT:	ASHEPOO LLC.
		AGENT:	JAMES RADER
			SHEET 8 OF 11



PLAN VIEW



ELEVATION

RICE TRUNK DETAILS
NOT TO SCALE

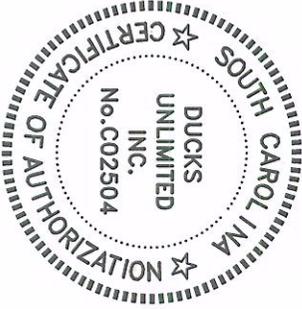
NOTE: BULKHEAD WINGWALLS & SPLASH PAD NOT SHOWN FOR CLARITY CONTRACTOR TO INSTALL SPLASH PAD UNDER TRUNK ON EXTERIOR SIDE ONLY. (SEE BULKHEAD WINGWALL DETAILS - SHEET 9, & SPLASH PAD DETAILS - SHEET 10)

TOP AND BOTTOM DECKING BOARDS SHALL BE TONGUE AND GROOVE 3X12's (ACTUAL DIMENSION)

SIDE BOARDS SHALL BE 4" X 18" (ACTUAL DIMENSION) AND SHALL BE CONTINUOUS IN LENGTH. (NO SPLICES ALLOWED)

FENWICK PLANTATION RICE TRUNK TABLE	
STRUCTURE	TRUNK SIZE INSIDE DIMENSION
MUD ROAD EAST RT #1	5' x 18"
EL. 7A	6.0
EL. 7B	5.0
EL. 7C	3.5
EL. 7D	0.75
EL. 7E	-1.0
EL. 7F	-6.0
EL. 7G	-12.0
EL. 7H	32'
EL. 7I	24'

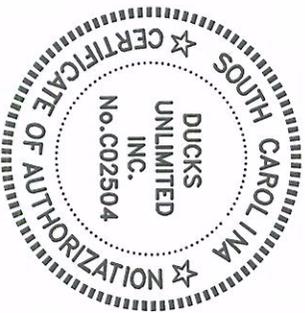
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APPLICATION NUMBER:	DUCKS UNLIMITED INC. No. C02504
PROPOSED ACTIVITY:	INSTALLATION OF NEW GROSS-DIKE & WATER CONTROL STRUCTURES
DATE:	05-21-14
COUNTY:	COLLETON
PROJECT NO.:	DU-SC-01-54
PROJECT TITLE:	FENWICK PLANTATION
SHEET TITLE:	RICE TRUNK DETAILS
LATITUDE/LONGITUDE:	32°33'33" / 80°25'16"
AGENT:	JAMES RADER SHEET 9 OF 11

SUMMARY OF IMPACTS FENWICK PLANTATION

AREA	UPLAND EXCAVATION	CRITICAL AREA EXCAVATION	CRITICAL AREA FILL
MID POND RICE TRUNK #1	NA	0.00 AC. / 0.00 CYD	NA
MID POND CROSS DIKE	0.7 AC. / 831 CYD	4.80 AC. / 33,267 CYD	1.6 AC. / 33,267 CYD
TOTAL IMPACTS	0.7 AC. / 831 CYD	4.80 AC. / 33,267 CYD	1.6 AC. / 33,267 CYD



APPLICATION NUMBER	DUCKS UNLIMITED INC.	PROJECT NO.	DU-SC-01-54
PROPOSED ACTIVITY: INSTALLATION OF NEW CROSS-DIKE AND WATER CONTROL STRUCTURES		PROJECT TITLE	FENWICK PLANTATION
DATE	SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Ridgeland, MS 39157	SHEET TITLE	SUMMARY OF IMPACTS
COUNTY	Certificate of Authorization No. C02504	LATITUDE/LONGITUDE	32°33'33" / 80°25'16"
COLLETON	APPLICANT: ASHEPOOL LLC.	AGENT	JAMES RADER SHEET 11 OF 11