

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, SC 29403-5107

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N SAC-2022-00481

June 2, 2022

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. David Wise
Ashepoo Combahee LLC
150 Hobcaw Drive
Mt. Pleasant, South Carolina 29464
c/o Travis Folk
Folk Land Management. Inc.
3515 White Hall Road
Green Pond, SC 29446

for a permit to excavate and discharge dredged and fill material into a former managed tidal impoundment associated with the

Sugar Hill Creek/Combahee River

In Folly Field at Hobonny Plantation located at 1121 River Road in Yemassee, Beaufort County, South Carolina (Latitude: 32.65836 °, Longitude: -80.74558 °), Whitehall 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 re-establishment of a historic inland rice field for wildlife habitat management. In detail, the proposed work consists of the following four (4) activities:

1) Renovation of two (2) diversion field-dikes: Two remnant diversion field-dikes are present and have an approximate bottom width of 10 feet, a top width of 8 feet, and a height of approximately 1.5 feet. The proposed renovation of the two (2) diversion field-dikes involve excavating/dredging a total of approximately 3,193 cubic yards of material from relict, interior canals adjacent to the remanent diversion field-dikes to obtain the fill material.

The renovation involves the discharge of 3,193 cubic yards of dredged material into 0.35 acres of wetlands and waters of the U.S. for the construction of two (2) new diversion field-dikes. In detail, the first new diversion field-dike (northern) involves the discharge of 1,950 cubic yards of dredged material into 0.18 acre of wetlands and waters for the construction of a new 1,950 -foot long X 4-foot wide diversion field-dike. The second new diversion field-dike (southern) involves the discharge of 1,882 cubic yards of dredged material into 0.17 acre of wetlands and waters for the construction of a 1,882-foot long X 4-foot wide diversion field-dike.

The dredged will be placed adjacent to and on top of the existing remnant northern and southern diversion field-dikes. The newly renovated diversion field-dikes will have a total bottom width of 14 feet, a top width of 10 feet, and a height of 3 feet. These dimensions include the dimensions of the existing remnant diversion field-dikes.

The excavation/dredging of the material to be used for the diversion field-dike renovation from the relict canals will result in the re-establishment of the two canals. The first canal (northern) will be 1,950 feet long and have a top width of 6 feet, a bottom width of 4 feet and a depth of 4.5 feet. The second canal (southern) will be 1,882 feet long and have a top width of 6 feet, a bottom width of 4 feet and a depth of 4.5 feet. The excavation of the canals will impact a total of 0.53 acre of wetlands and waters of the U.S.

2) Construction of a cross field-dike: The proposed construction of the cross field-dike includes the excavation of approximately 1,408 cubic yards of material from an interior canal adjacent to the cross field-dike to obtain the fill material. The construction of the cross field-dike involves the discharge of 1,408 cubic yards of dredged material into 0.34 acre of wetlands and waters of the U.S. for the construction of a 1,056-foot long cross field-dike with a top width of 10 feet, a bottom width of 14 feet, and a height of 3 feet. The proposed cross field-dike will be located in the footprint of a previously existing cross field-dike where remnants of cross field-dike are visible on the ground. The excavation/dredging

of the material to be used for the construction of the cross field-dike will result in the re-establishment of a 1,056-foot long canal that will have a top width of 7 feet, a bottom width of 5.25 feet, and a depth of 4.5 feet. The excavation will result on impacts to 0.17 acre of wetlands and waters of the U.S.

3) Installation of new trunk (water control structure): Installation of a 5-foot wide X 24-foot long wooded trunk (Combahee-style rice field trunk) with a 6-foot tall flashboard riser is being proposed to be installed in the proposed cross field-dike. The proposed trunk would allow for the dewatering of the 30-acre managed tidal impoundment project field into the central canal that passes under Big Estate Road and the River Road, and then ultimately out to Sugar Hill Creek and the Combahee River. It is important to note that the portion of the managed tidal impoundment between Big Estate Road and Rover Road is owned by Twickenham Plantation. The impact of the proposed trunk is already included in the impacts associated with the proposed cross field-dike.

4) Installation of a spillway with riser: Installation of a 4-foot wide X 16-foot long spillway box with a 16-foot long bulkhead are being proposed to be installed in the proposed northern diversion field-dike. The proposed spillway box and riser would allow for the dewatering of the 30-acre managed tidal impoundment project field into the northern diversion canal, This diversion canal passes under River Road to Sugar Hill Creek and then the Combahee River. The impact of the proposed spillway is already included in the impacts associated with the proposed diversion field-dikes.

Project Purpose: The applicant stated that the purpose of the proposed project is to renovate and re-establish portions of a former inland rice field to enable management the 30-acre impoundment field for wildlife habitat. The proposed project would provide an additional 30 acres of privately-managed productive wetland habitats to the greater ACE Basin Project efforts in Beaufort County. These management activities are widely-practiced and essential to wetland habitat related goals of the federal North American Waterfowl Management Plan. In addition, the South Atlantic Migratory Bird Initiative Implementation Plan for South Carolina calls for maintaining Lowcountry acreages of 'coastal impoundments or productive habitat and increasing the acreage of managed wetlands for waterbirds.

Avoidance and Minimization: Impacts associated with the proposed project have been minimized by utilizing fill materials in place for the renovation of the proposed diversion field-dikes and locating the proposed cross field-dike within the footprint of the former, remnant cross field-dike.

Project construction sequencing: The proposed project will be constructed using a long-arm track hoe traveling on the existing field-dike footprint and on wooden mats. Fill material will be obtained from excavating remnant interior canals. If additional fill material is needed, it will be obtained from upland borrow areas located on Hobonny Plantation.

Compensatory Mitigation: The applicant is not proposing compensatory mitigation for the

following stated reasons:

-The project methodology has been thoroughly and thoughtfully minimized per NEPA-prescribed standards to minimally accomplish the project objectives,

-The use of the project area impact footprint and regionally-proven construction methods are identical to those included in projects regularly authorized under the regional Charleston District MTI-GP,

-The project will provide a substantial net 'environmental-uplift' to the 30 acre inland rice field, and generally to the wider ACE Basin, and

-The project will result in privately-funded and maintained, long-term protection benefits to known and significant 19th-century historic resources.

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 Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 1.93 acres of wetlands and waters inland and upstream 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, based on the most recently available information 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 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.

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 proposed activity on the public interest. 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, SC 29403-5107**

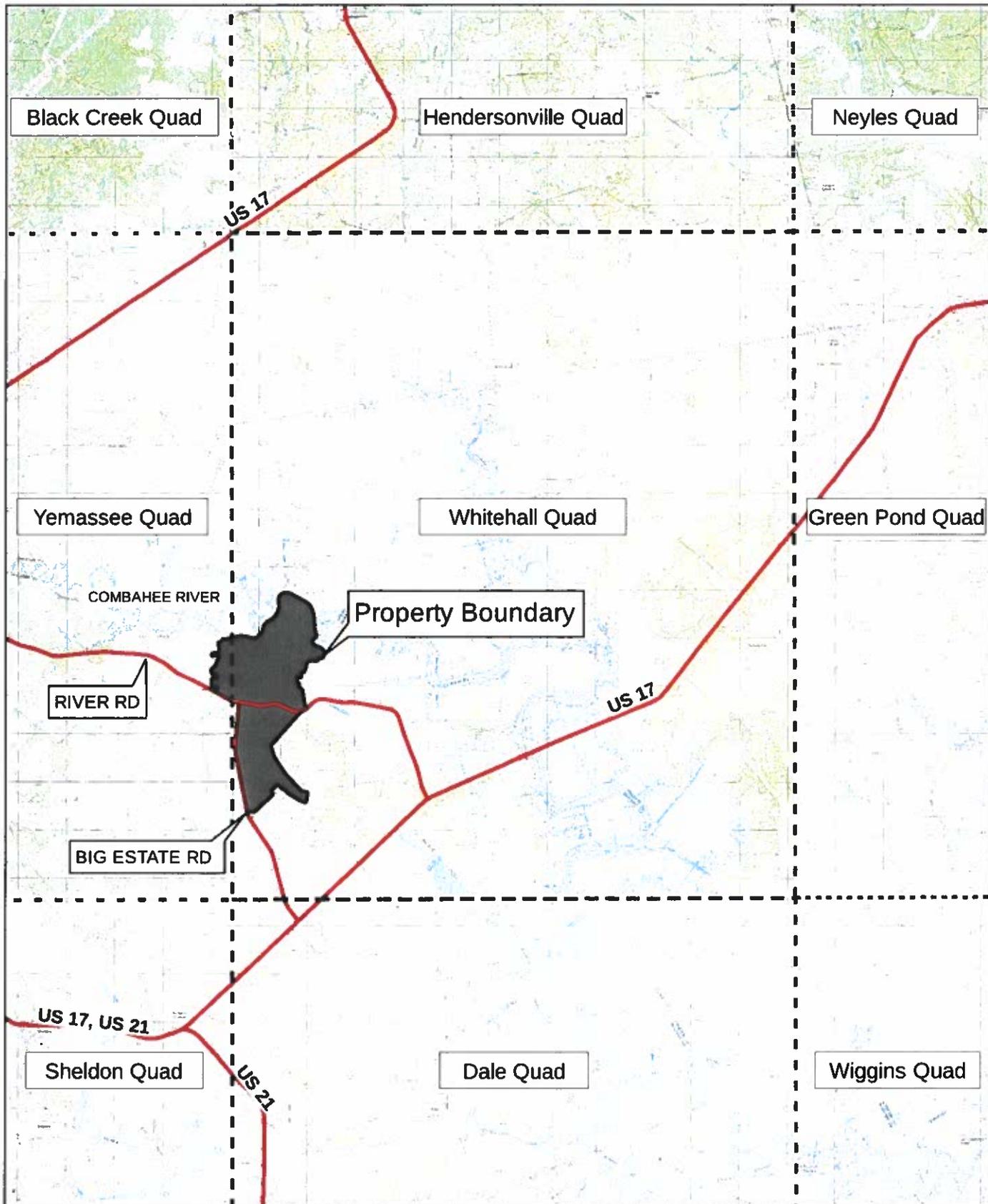
If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at (843) 329-8190, toll free at 1-866-329-8187, or by email at Tracy.D.Sanders@usace.army.mil.

Attachment 2. Vicinity map with property in Quad

Project Title: Hobonny Plantation Folly Field Renovation
Project Location: 1121 River Road
Yemassee, Beaufort County SC
lat/lon: 32.658367, -80.745580
Applicant: David Wise
Agent: Travis Hayes Folk, PhD
Date 12-16-21
Sheet 1 of 12



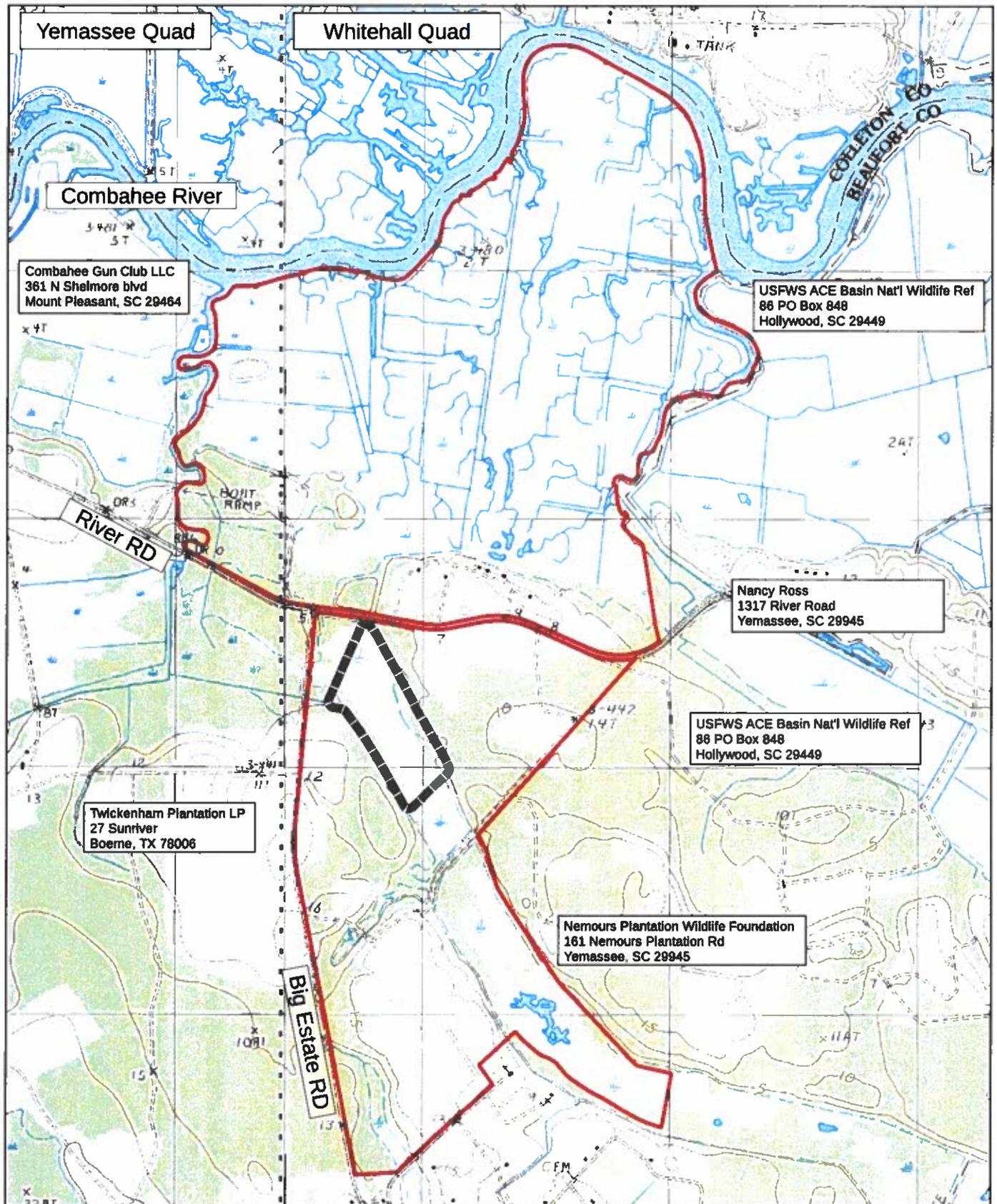
Quad boundaries in black
7.5" USGS Topo



Attachment 3. Project Area within Property
(with adjacent property owners)

Project Title: Hobony Plantation Folly Field Renovation
 Project Location: 1121 River Road
 Yemassee, Beaufort County SC
 lat/lon: 32.658367, -80.745580
 Applicant: David Wise
 Agent: Travis Hayes Folk, PhD

Date 12-16-21
 Sheet 2 of 12



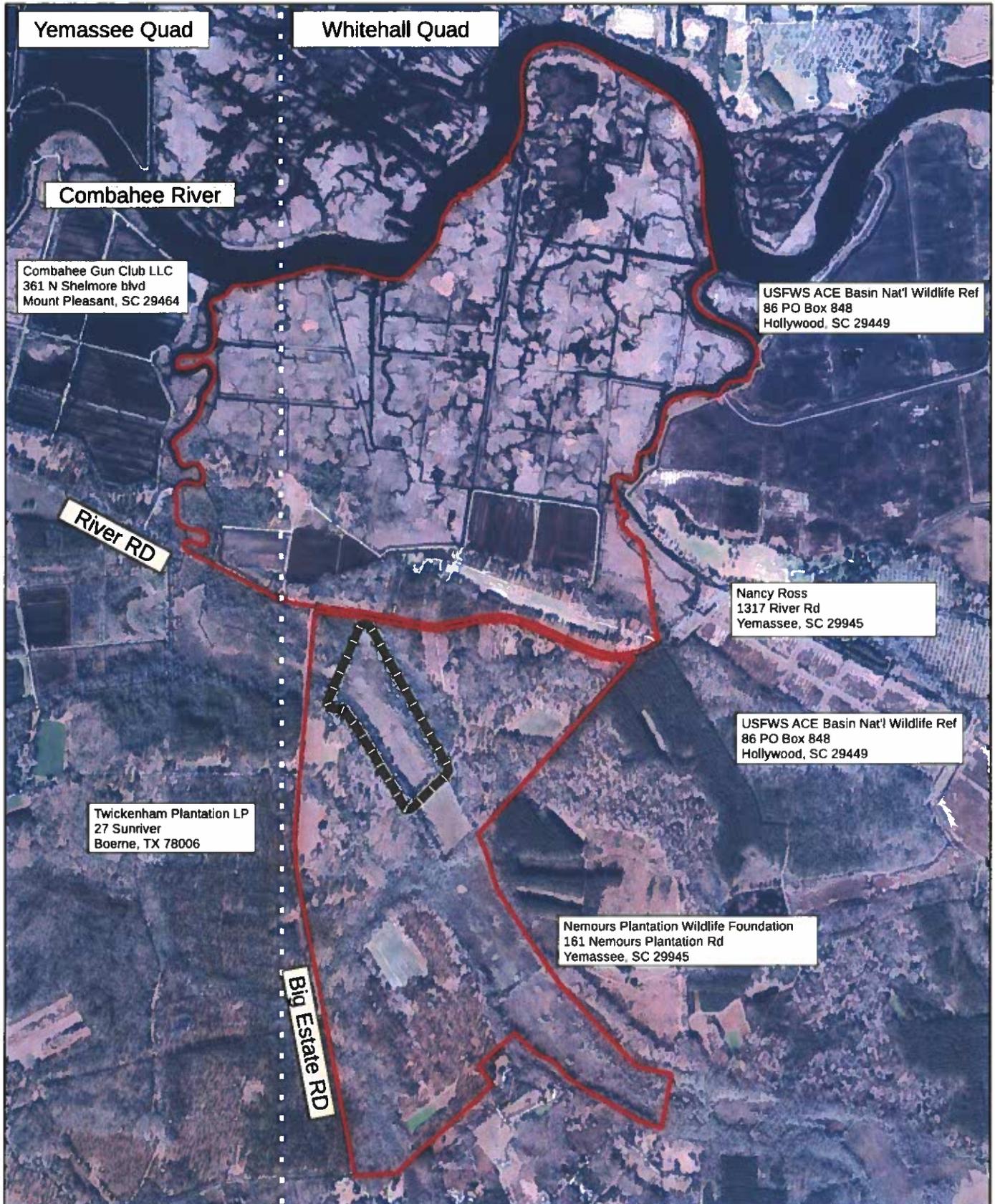
Attachment 4. Project Area within Property
(with adjacent property owners)

Project Title: Hobonny Plantation Folly Field Renovation
Project Location: 1121 River Road
Yemassee, Beaufort County SC
lat/lon: 32.658367, -80.745580
Applicant: David Wise
Agent: Travis Hayes Folk, PhD

Date 12-16-21
Sheet 3 of 12

0 1,000 2,000 3,000 Feet

2020 Aerial SCDNR

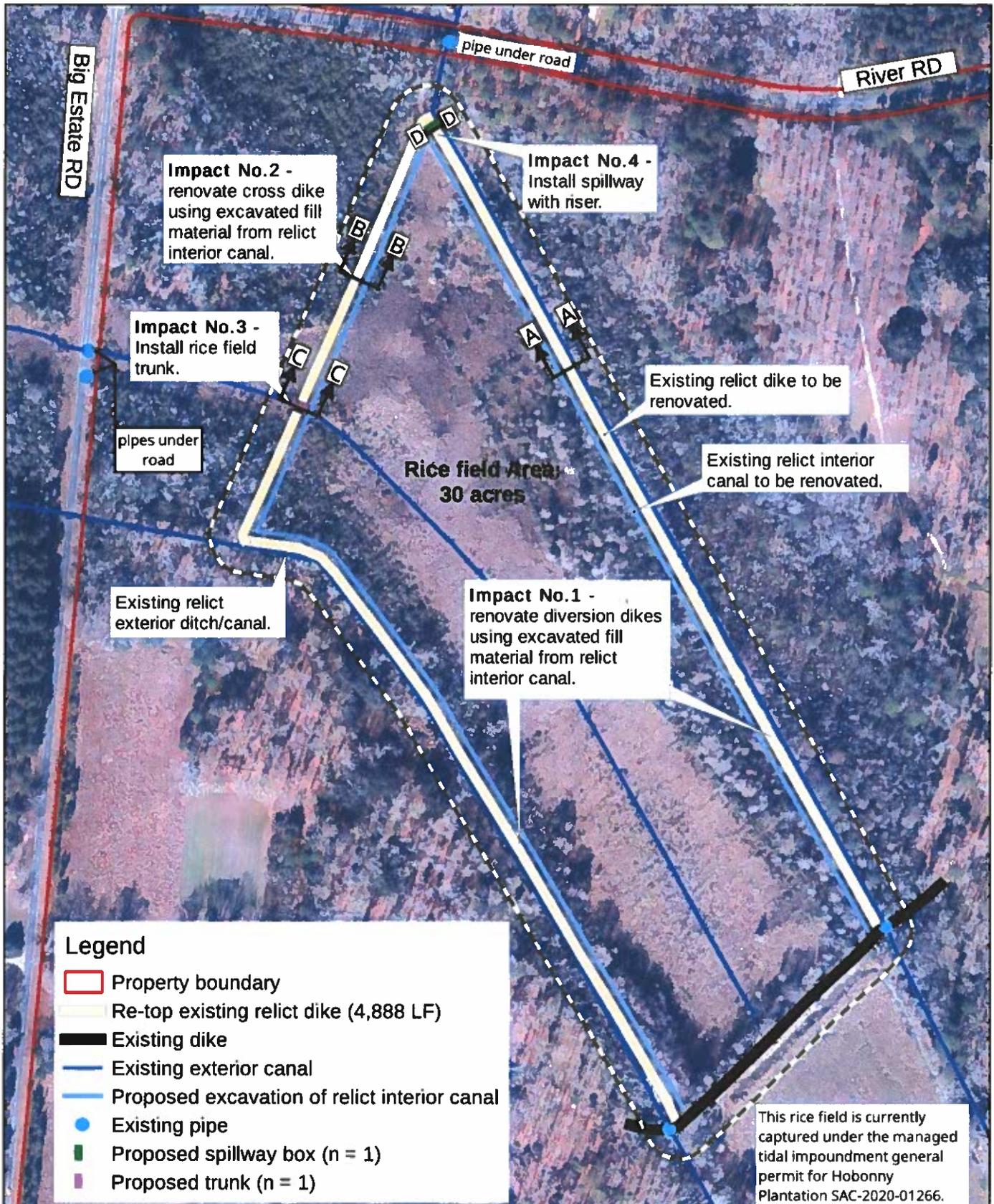


Attachment 5a. Project Area with Plan View
Aerial

Project Title: Hobonny Plantation Folly Field Renovation
 Project Location: 1121 River Road
 Yemassee, Beaufort County SC
 lat/lon: 32.658367, -80.745580
 Applicant: David Wise
 Agent: Travis Hayes Folk, PhD



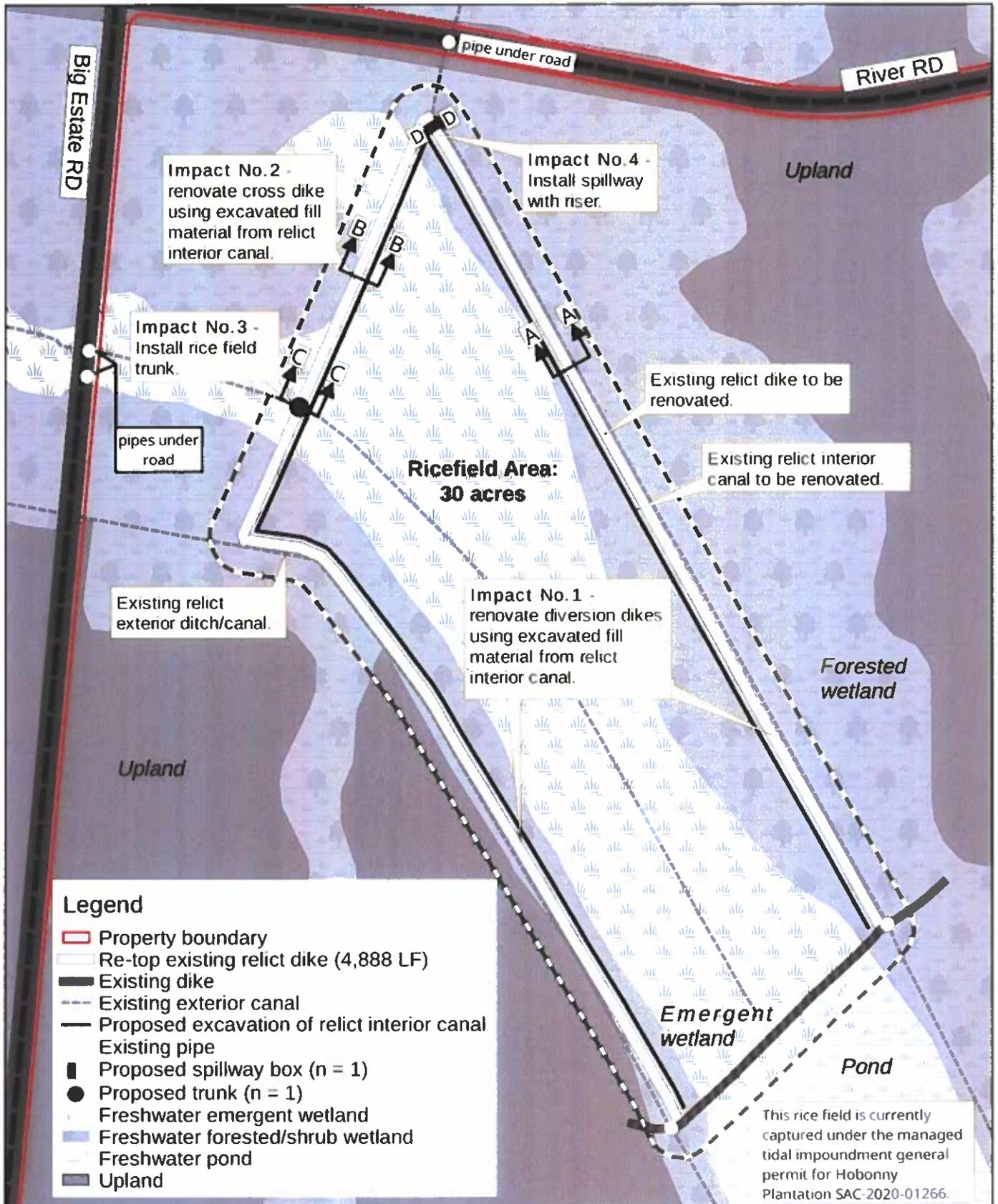
Date 12-16-21
 Sheet 4 of 12



Attachment 5b. Project Area with Plan View
Black & White

Project Title: Hobonny Plantation Folly Field Renovation
 Project Location: 1121 River Road
 Yemassee, Beaufort County SC
 lat/lon: 32.658367, -80.745580
 Applicant: David Wise
 Agent: Travis Hayes Folk, PhD

Date 12-16-21
 Sheet 5 of 12



- Legend**
- Property boundary
 - Re-top existing relict dike (4,888 LF)
 - Existing dike
 - Existing exterior canal
 - Proposed excavation of relict interior canal
 - Existing pipe
 - Proposed spillway box (n = 1)
 - Proposed trunk (n = 1)
 - Freshwater emergent wetland
 - Freshwater forested/shrub wetland
 - Freshwater pond
 - Upland

This rice field is currently captured under the managed tidal impoundment general permit for Hobonny Plantation SAC-2020-01266.

Attachment #6 - Section A-A - profile of typical historic dike re-topping (modified 5-25-22)

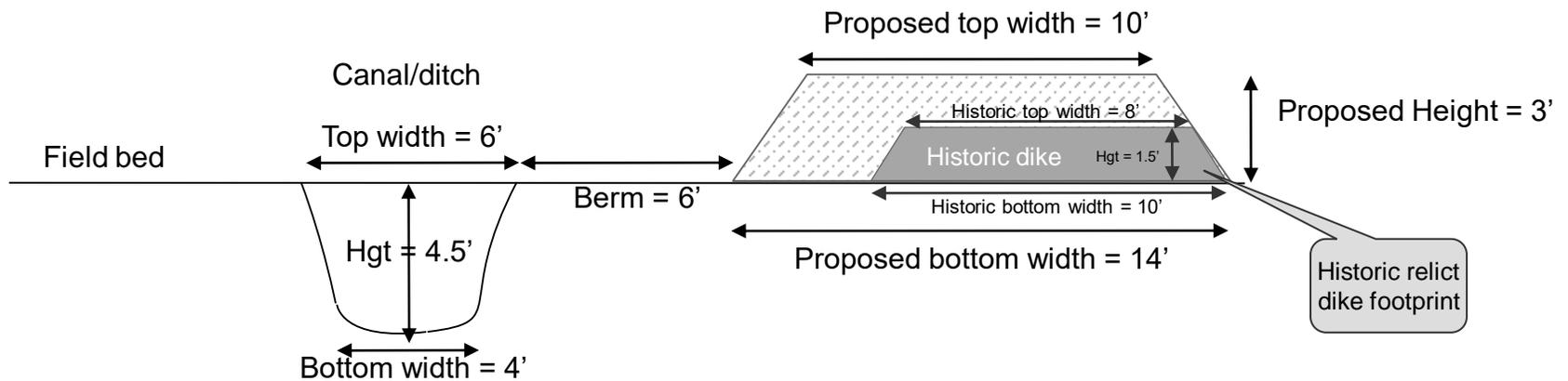
Impact No.1 – widen and top 3,832 linear feet of dike by increasing existing bottom width by 4' to inside, top width by 2' to inside, and height by 1.5'.

Wetland fill (3,193 cubic yards) to be placed across 3,832 linear feet of historic dike (0.35 acres impact).
Wetland excavation impact (0.53 acres) for canal.

Impact No.1 explanation:

Wetland fill will come from renovating two diversion dikes. The northern one is approx. 1950' and southern one is 1882'. each dike will be widened by approx. 4' of new fill. Northern dike footprint is 0.18 acres (=1950' x 4') and southern dike footprint is 0.17 acres (=1882' x 4'). This is a collective 0.35 acre footprint to renovate each dike.

Northern dike will require 1625 cy of fill and southern dike will require 1568 cy of fill. These volumes represent the re-use of the historic dike footprint.

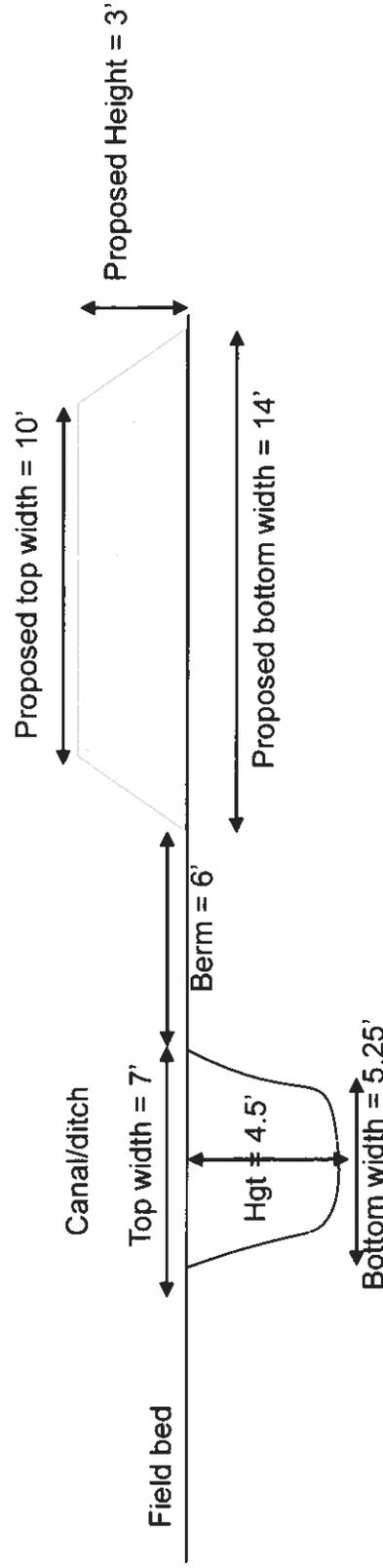


<i>Project Title:</i> Hobonny Pltn Folly Field Renovation	
<i>Project Location:</i> 1121 River Rd Yemassee, SC Beaufort County 32.658367° , -80.745580°	1" = 5'
<i>Applicant:</i> David Wise	<i>Date</i> 12-16-21
<i>Agent:</i> Travis Hayes Folk, PhD	<i>Sheet</i> 6 of 12

Attachment #7 - Section B-B - profile of typical historic dike re-topping

Impact No.2 – widen and top 1,056 linear feet of dike by increasing existing bottom width to 14 feet, top width to 10 feet, and height to 3 feet.

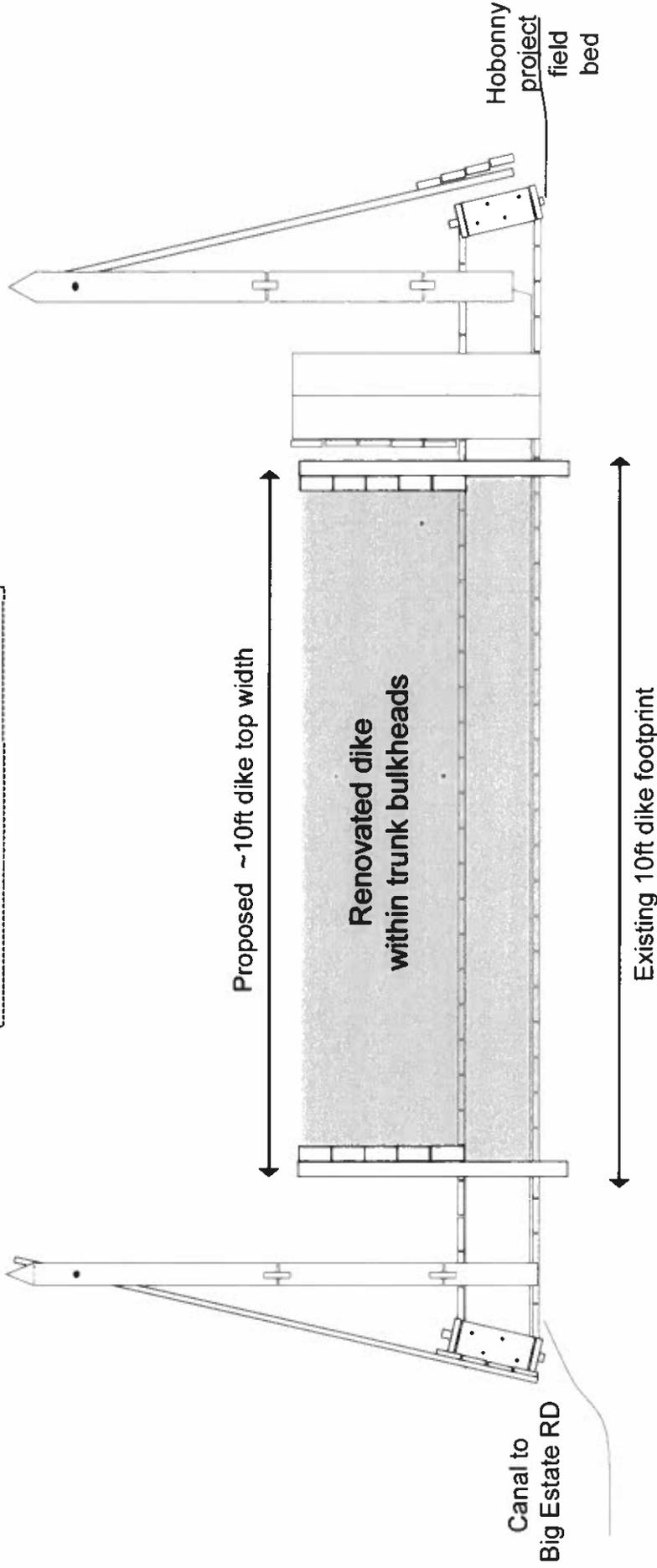
Wetland fill (1,408 cubic yards) to be placed across 1,056 linear feet of historic dike (0.34 acres of impact).
 Wetland excavation impact (0.17 acres) for canal.



Project Title: Hobonny Pltn Folly Field Renovation	1" = 5'
Project Location: 1121 River Rd Yemassee, SC, Beaufort County 32.658367, -80.745580	
Applicant: David Wise	Date 12-16-21
Agent: Travis Hayes Folk, PhD	Sheet 9 of 12

Attachment #8 - Section C-C - profile of typical 'Combahee' rice field trunk

Impact No.3 – install rice field trunk

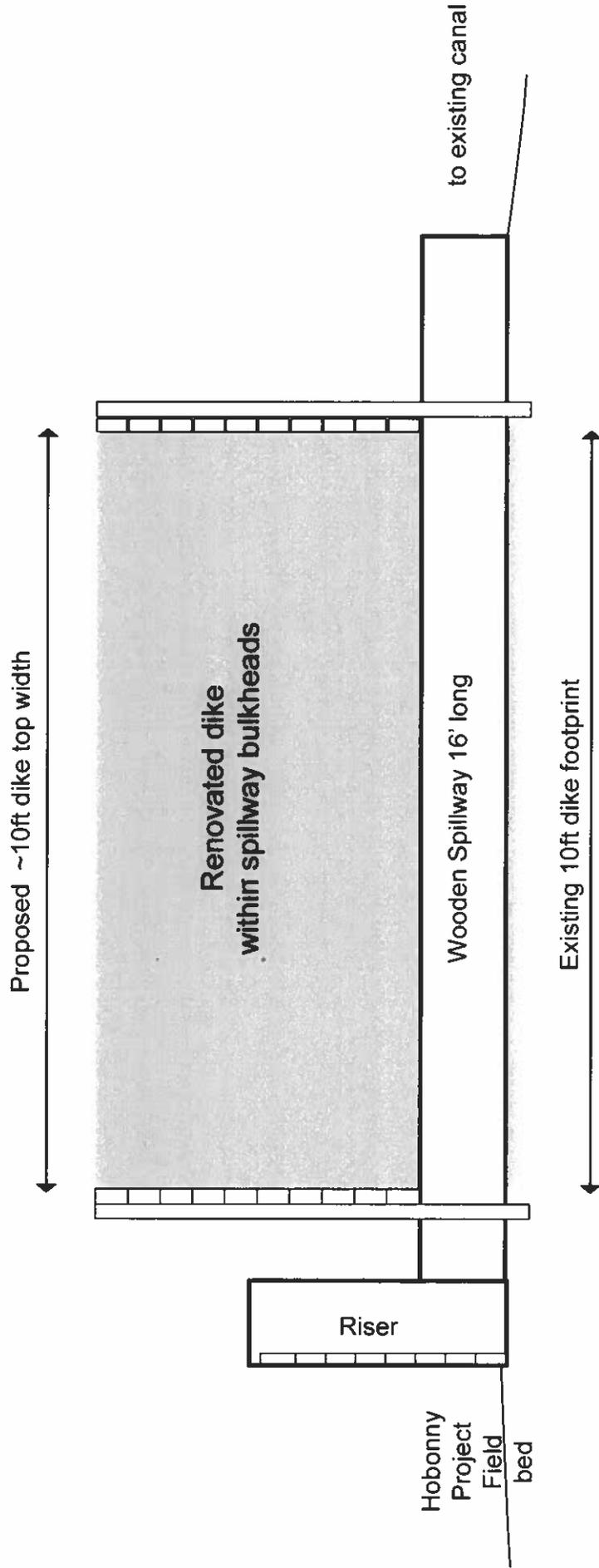


- Dimensions**
- Width of trunk = 5ft
 - OA Length of trunk = 24ft
 - Outside height of trunk box = 2ft
 - Inside height of trunk box = 18in
 - Height of flashboard riser = 6ft

Project Title: Hobonny Pltn Folly Field Renovation	
Project Location: 1121 River Rd Yemassee, SC Beaufort County 32.658367, -80.745380	
Applicant: David Wise	Date 12-16-21
Agent: Travis Hayes Folk, PhD	Sheet 7 of 12

Attachment #9 - Section D-D - profile of typical spillway box

Impact No.4 - install spillway box



Project Title: Hobonny Pitm Folly Field Renovation	
Project Location: 1121 River Rd Yemassee, SC, Beaufort County 32.658367, -80.745580	
Applicant: David Wise	Date 12-16-21
Agent: Travis Hayes Folk, PhD	Sheet 8 of 12