

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526

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: P/N SAC-2020-01702 (REVISED)

March 31, 2021

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. Harry Butler
Dover Plantation, LLC.
1 Dover Plantation Road
Georgetown, South Carolina 29440

for a permit to renovate tidal fields 1A and 1B to restore hydrological control and improve wildlife habitat functions in

TIDAL IMPOUNDMENTS ADJACENT TO WINYAH BAY

at a location described as 1 Dover Plantation Drive, in the City of Georgetown, Georgetown County, South Carolina (Latitude: 33.2928°N, Longitude: -79.2982°W), Georgetown South 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 includes 3,642 linear feet (1.2 acres) of impacts to tidal waters for the renovation of tidal fields 1A and 1B.

Specific Project Details Provided by the Applicant:

In detail, the proposed work consists of mechanized re-profiling several existing, deteriorated portions of field perimeter embankments (dikes), installing 3 water control structures (2 trunks and 1 riser-box) on the renovated dikes, with all impacts being directed to the interior of the fields.

Avoidance and Minimization:

The applicant stated that the typical impoundment embankment profile (field-dike / berm / interior canal) footprint is still readily identifiable but has, in places, subsided or silted in. Thus, all fill impacts required to reconstruct the field's dike footprint can occur to the interior side of the field and on top of the original field-dike, thereby minimizing fill impacts and completely avoiding additional new wetland impacts outside the existing field footprint. In addition, material for the dike renovation will be obtained from the existing interior field-dike canal(s) which will be restored largely to their original footprint.

Proposed Mitigation

The applicant is not proposing mitigation for impacts to wetlands and/or waters of the United States. According to the applicant, mitigation is not proposed because the proposed actions will result in a substantial net "environmental-uplift" specifically to this project site and to the overall Winyah Bay region.

Project Purpose:

The project purpose as stated by the applicant is to return hydrologic control, wildlife habitat management ability, and improved habitat functions to two separate and adjacent portions of Dover Plantation historic rice fields.

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 1.2 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, bluefish, summer flounder, 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 West Indian manatee (*Trichechus manatus*), American wood stork (*Mycteria americana*), Atlantic sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Green sea turtle (*Chelonia mydas*), and the Leatherback sea turtle (*Dermochelys coriacea*) have the potential to occur within the vicinity of the project area. However, it has been determined that the project will have no effect on sturgeon, American wood stork, and sea turtles and will not result in the destruction or adverse modification of their designated or proposed critical habitat. The District Engineer has determined that the project is not likely to adversely affect the West Indian manatee. In addition, The District Engineer has determined that the project may affect the Eastern black rail (*Laterallus jamaicensis jamaicensis*) and their 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)(l)(1)), and has initially determined that there are potential historic properties present, but they will not be adversely affected. 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. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

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. **When providing comments, please reference the project number and provide written comments to the following address (emailing comments is the preferred method):**

SAC.RD.Conway@usace.army.mil

or mail to:

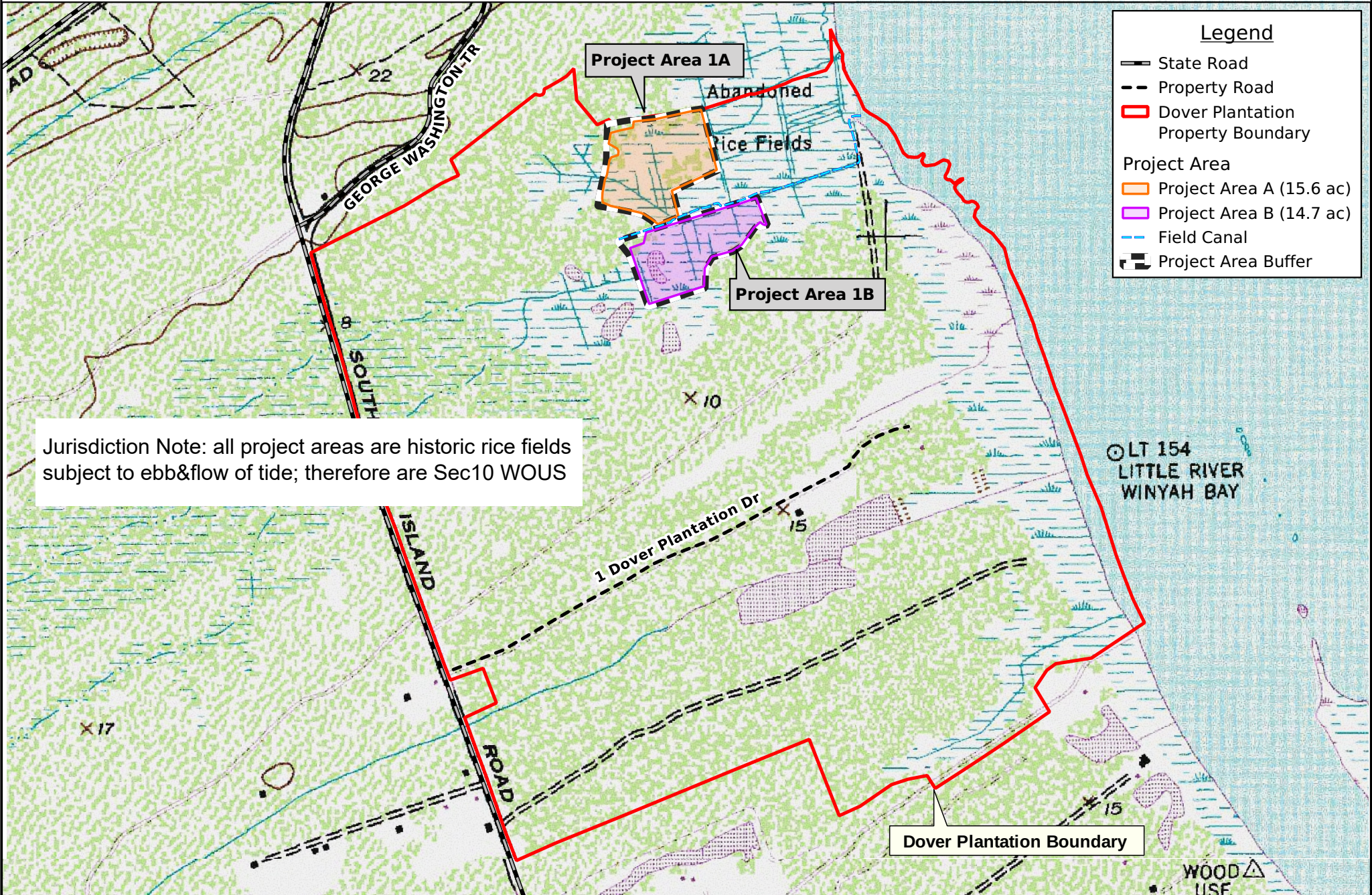
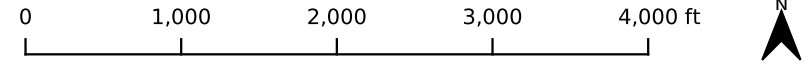
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526**

If there are any questions concerning this public notice, please contact Wiley Bracey, Team Lead, at (843) 365-1707, or by email at Wiley.C.Bracey@usace.army.mil.

Att 4a. Dover Plantation MTI 1A & 1B Renovation Location of Project in Property Topo

Project Title: Dover P'LTN MTI 1A & 1B Renovation	Applicant: Harry J. Butler, Jr
Project Address: 1 Dover P'LTN Dr, Georgetown, SC	Agent: P. F. Hinchliff, FLM
Lat/Long: 33.287650, -79.290795	Date: 13 November 2020
SAC-2020-01702	Sheet 1 of 8

USGS Topographic Quad



Legend

- State Road
- Property Road
- Dover Plantation Property Boundary
- Project Area A (15.6 ac)
- Project Area B (14.7 ac)
- Field Canal
- Project Area Buffer

Jurisdiction Note: all project areas are historic rice fields subject to ebb&flow of tide; therefore are Sec10 WOUS

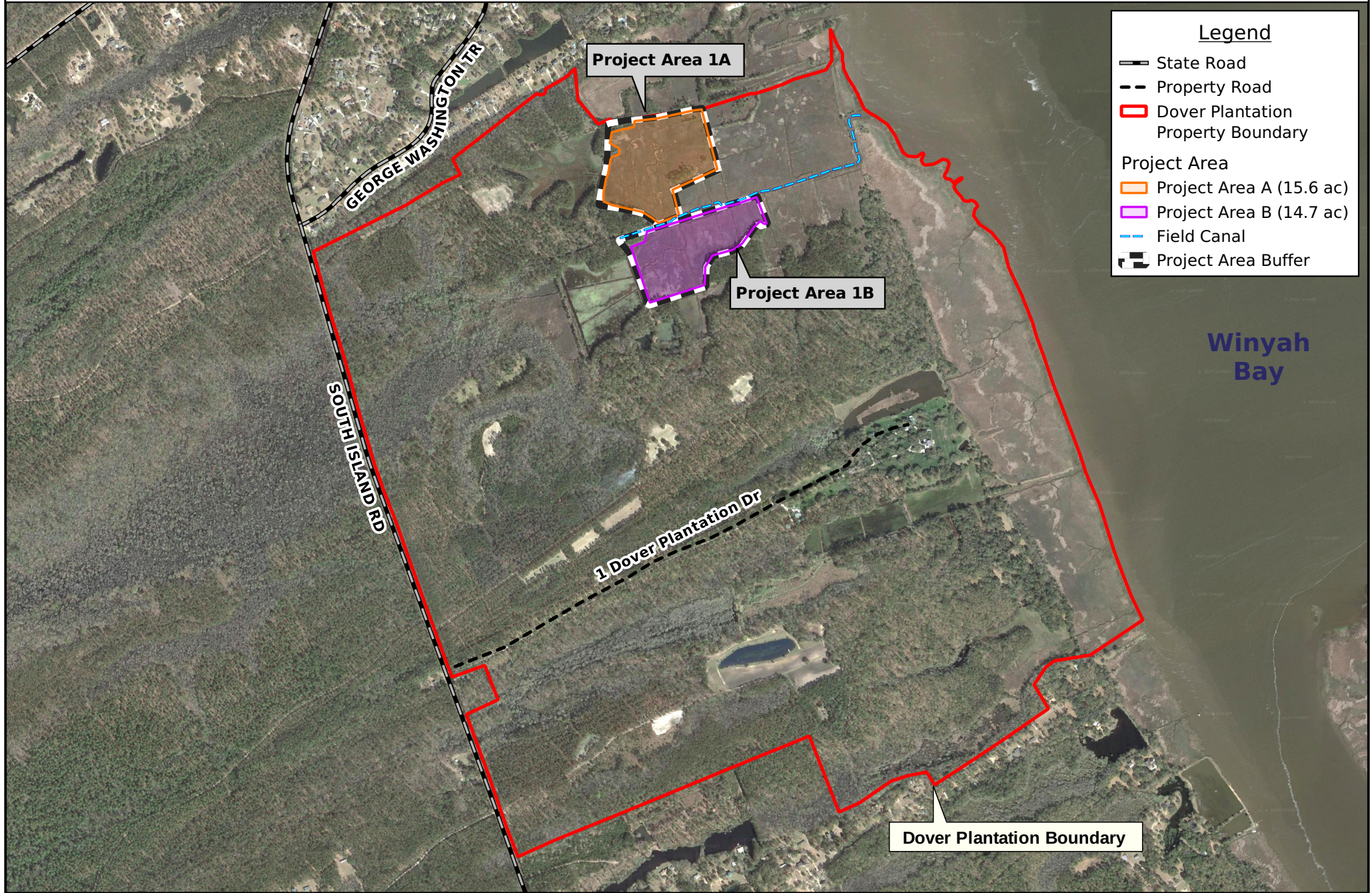
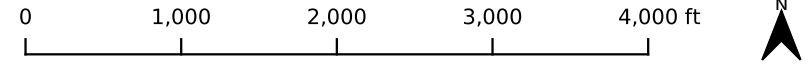
Dover Plantation Boundary

Att 4b. Dover Plantation MTI 1A & 1B Renovation Location of Project in Property, aerial

*Jurisdiction Note: all project areas are historic rice fields
subject to full ebb&flow of tide; therefore all are Sec10 WOUS*

Project Title: Dover P'LTN MTI 1A & 1B Renovation	Applicant: Harry J. Butler, Jr
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Lat/Long: 33.287650, -79.290795	Date: 13 November 2020
SAC-2020-01702	Sheet 2 of 8

Google 2019 Satellite Imagery

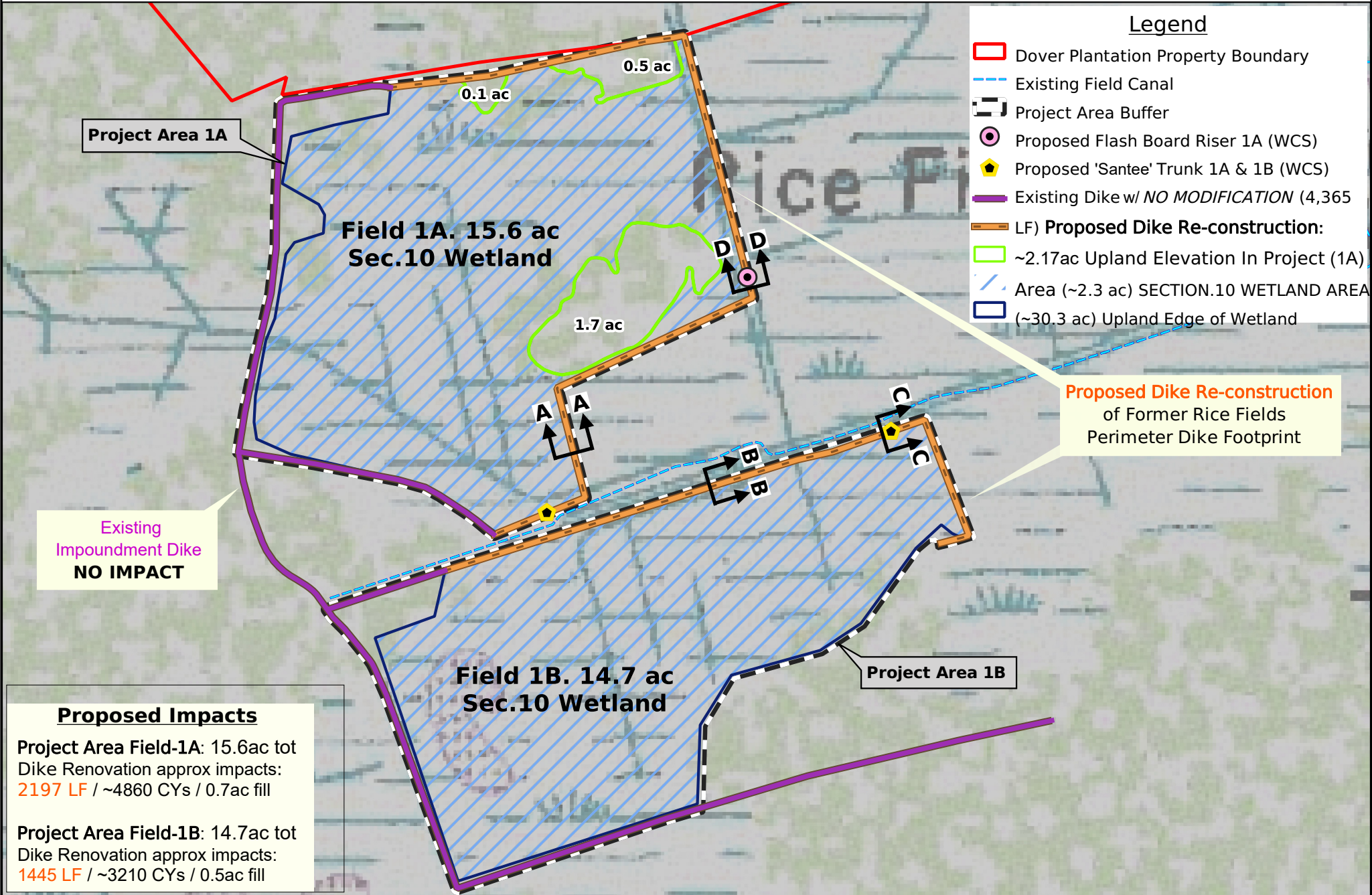
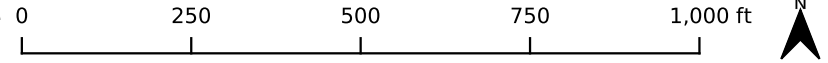


Att 5a. Dover Plantation MTI 1A & 1B Renovation Existing and Proposed Infrastructure, topo

Project Title: Dover P'LTN MTI 1A & 1B Renovation	Applicant: Harry J. Butler, Jr
Project Address: 1 Dover P'LTN Dr, Georgetown, SC	Agent: P. F. Hinchliff, FLM
Lat/Long: 33.287650, -79.290795	Date: 13 November 2020
SAC-2020-01702	Sheet 3 of 8

*Jurisdiction Note: all project areas are historic rice fields
subject to full ebb&flow of tide; therefore all are Sec10 WOUS*

USGS Topographic Quad

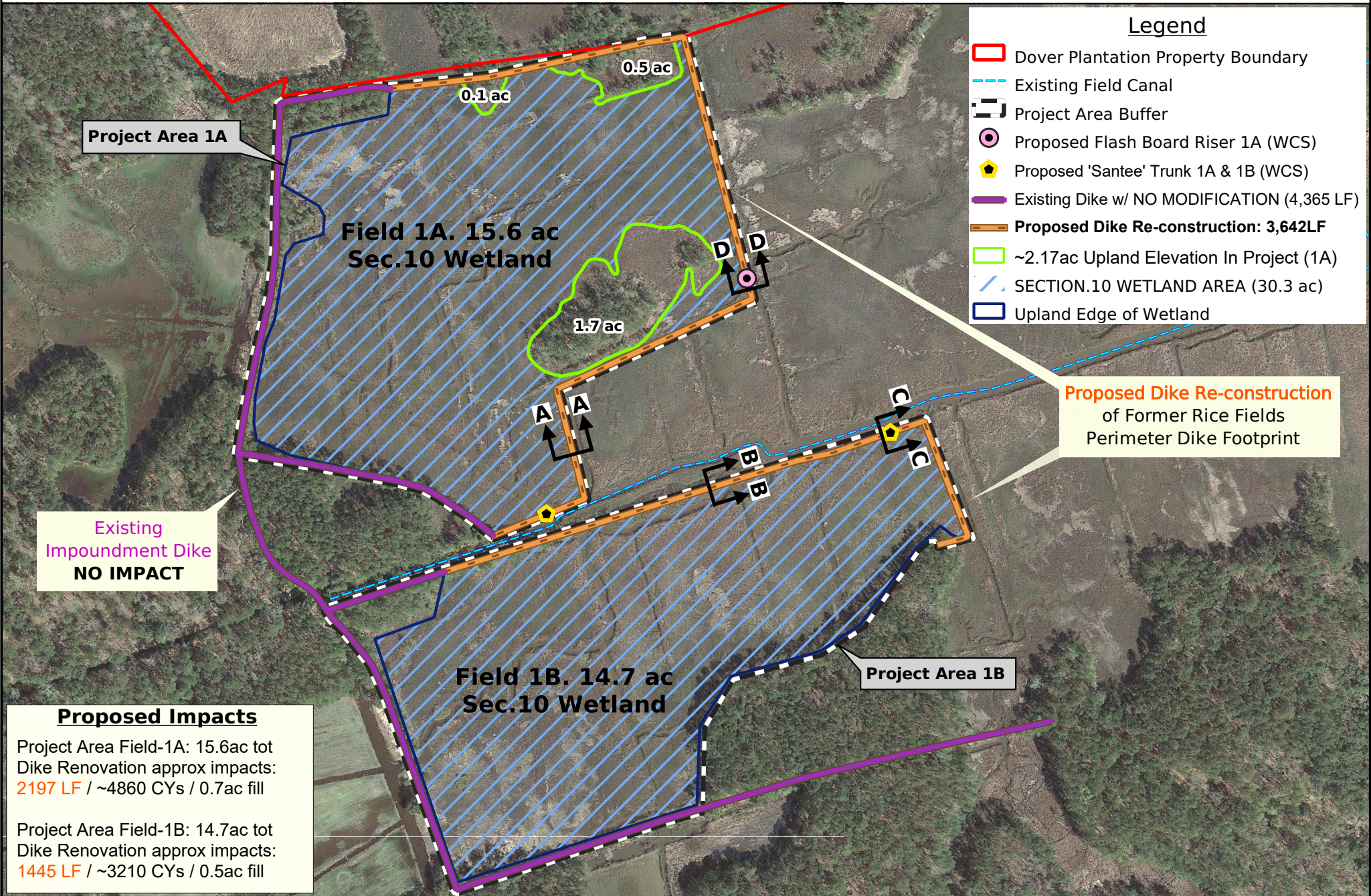


Att 5b. Dover Plantation MTI 1A & 1B Renovation Existing and Proposed Infrastructure, aerial

Project Title: Dover P'LTN MTI 1A & 1B Renovation	Applicant: Harry J. Butler, Jr
Project Address: 1 Dover P'LTN Dr, Georgetown, SC	Agent: P. F. Hinchliff, FLM
Lat/Long: 33.287650, -79.290795	Date: 13 November 2020
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*Jurisdiction Note: all project areas are historic rice fields
subject to full ebb&flow of tide; therefore all are Sec10 WOUS*

Google 2019 Satellite Imagery



Legend

- Dover Plantation Property Boundary
- Existing Field Canal
- Project Area Buffer
- Proposed Flash Board Riser 1A (WCS)
- Proposed 'Santee' Trunk 1A & 1B (WCS)
- Existing Dike w/ NO MODIFICATION (4,365 LF)
- Proposed Dike Re-construction: 3,642LF
- ~2.17ac Upland Elevation In Project (1A)
- SECTION.10 WETLAND AREA (30.3 ac)
- Upland Edge of Wetland

Proposed Dike Re-construction
of Former Rice Fields
Perimeter Dike Footprint

Existing
Impoundment Dike
NO IMPACT

Proposed Impacts

Project Area Field-1A: 15.6ac tot
Dike Renovation approx impacts:
2197 LF / ~4860 CYs / 0.7ac fill

Project Area Field-1B: 14.7ac tot
Dike Renovation approx impacts:
1445 LF / ~3210 CYs / 0.5ac fill

Project Area 1A

**Field 1A. 15.6 ac
Sec.10 Wetland**

**Field 1B. 14.7 ac
Sec.10 Wetland**

Project Area 1B

A A

B B

C C

D D

0.5 ac

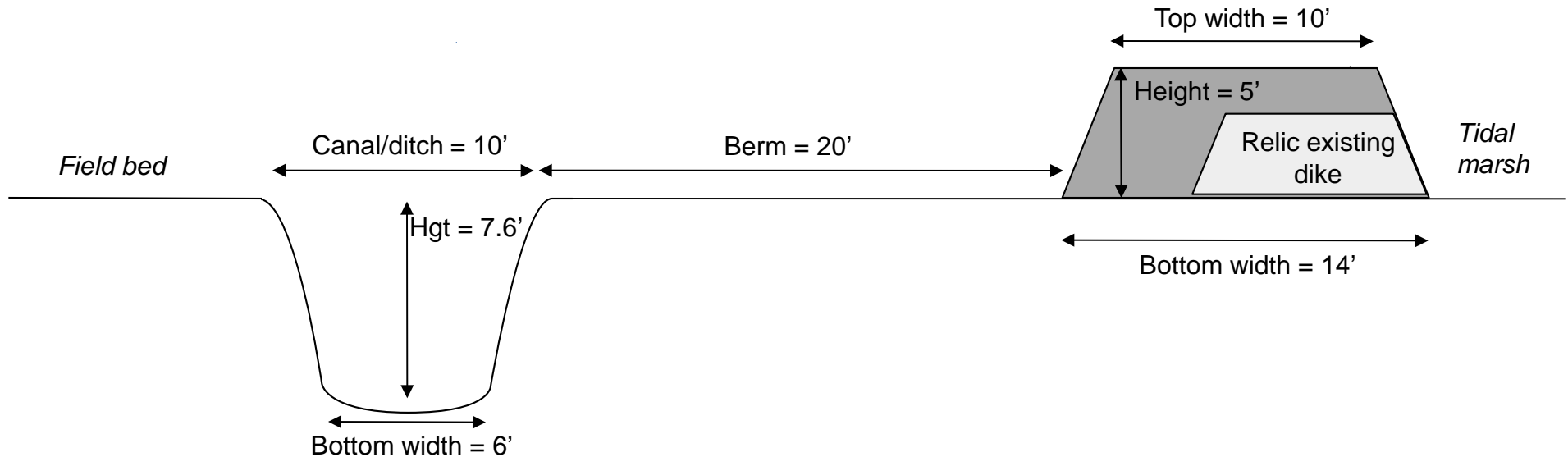
0.1 ac

1.7 ac

Att 6 – Dover Plantation MTI 1A & 1B Renovation

Cross section A-A of typical renovated dike section

*Jurisdiction Note:
all Dover project areas are historic rice fields
subject to full ebb&flow of tide; therefore, all are Sec10 WOUS*



<i>Project Title:</i> Dover Plantation MTI 1A & 1B Renovation	
<i>Project Location:</i> 1 Dover Plantation Drive, Georgetown, Georgetown County SC 33.287650, -79.290795	1" = 6'
<i>Applicant:</i> Harry J. Butler, Jr.	<i>Date</i> 11-13-20
<i>Agent:</i> P. F. Hinchcliff	SAC-2020-01702
	Sheet 5 of 8

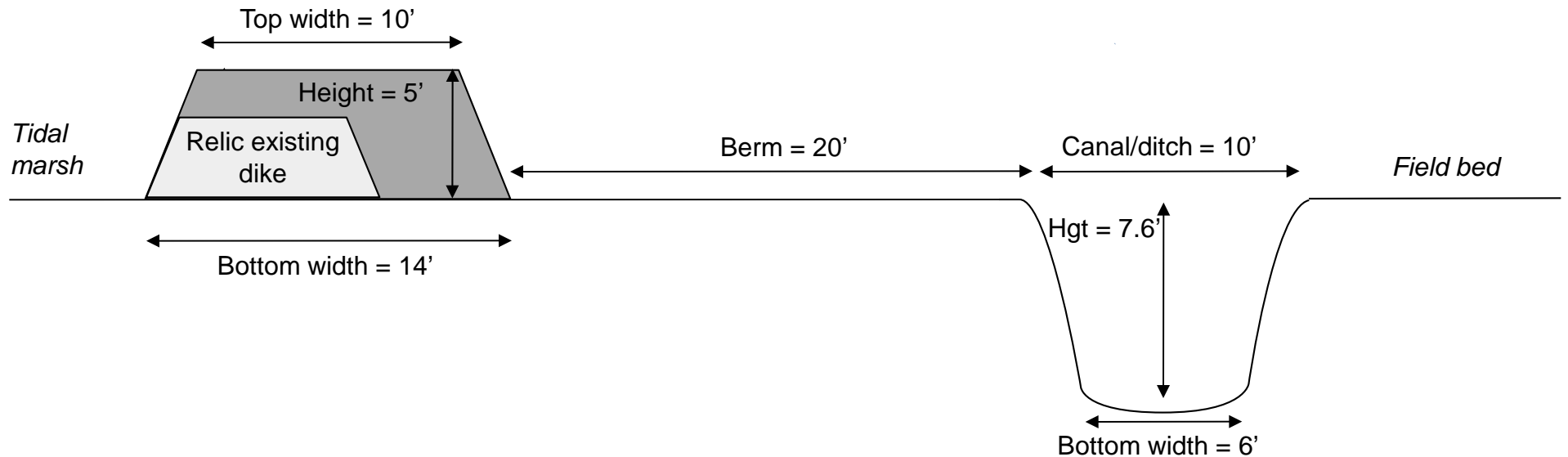
Att 7 – Dover Plantation MTI 1A & 1B Renovation

Cross section B-B of typical renovated dike section

Jurisdiction Note:

all Dover project areas are historic rice fields

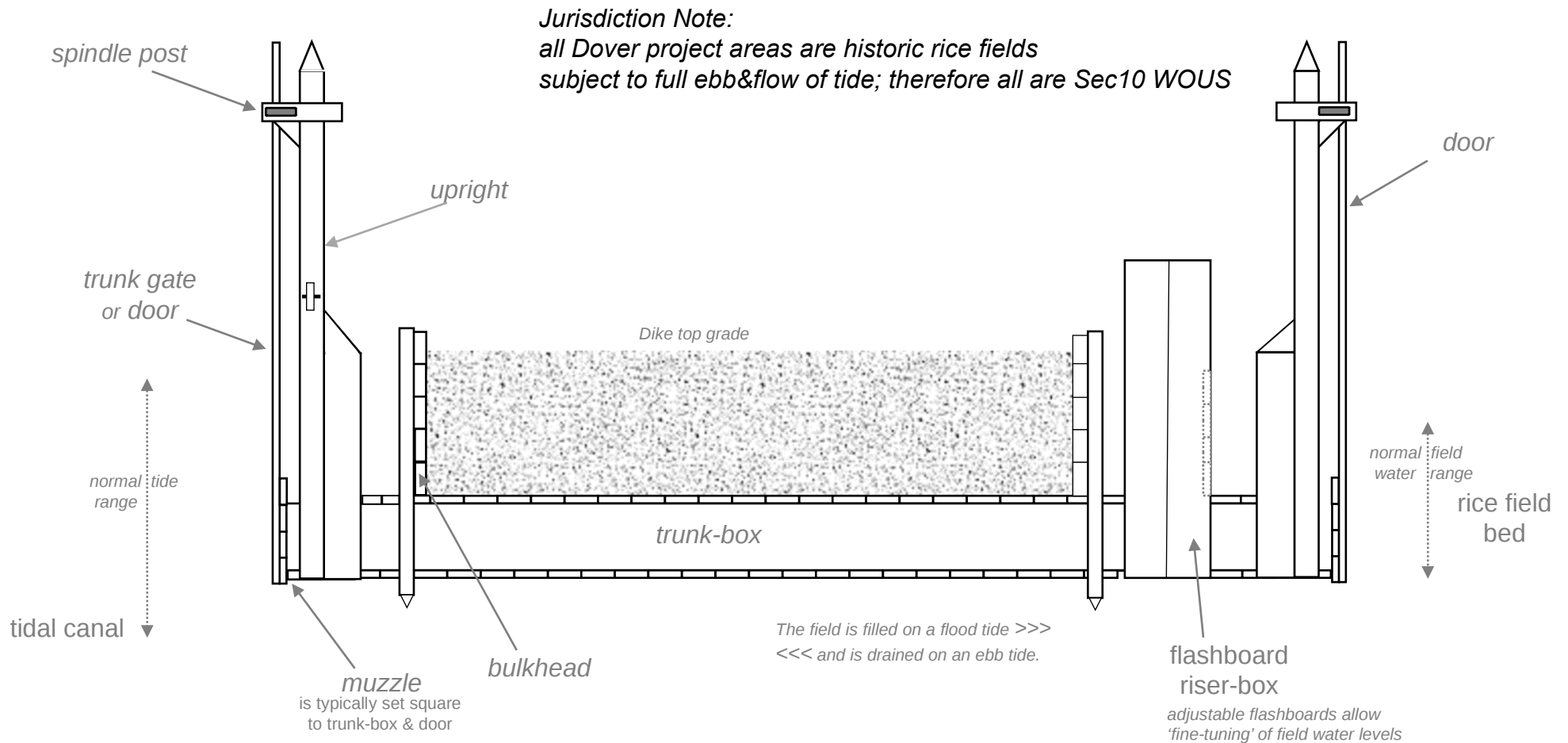
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<i>Project Location:</i> 1 Dover Plantation Drive, Georgetown, Georgetown County SC 33.287650, -79.290795	1" = 6'
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<i>Agent:</i> P. F. Hinchcliff	SAC-2020-01702
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Att 8 – Dover Plantation MTI 1A & 1B Renovation

Cross section C-C of Santee Tidal Rice Field Trunk – average dimensions



Typical Dimensions of standard Santee Tidal Rice Field Trunk

Length of trunk	= 25ft, Width
Outside height of trunk-box	= 24in
Inside height of trunk-box	= 18in
Height of flashboard riser	= ~5ft

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<i>Applicant:</i> Harry J. Butler, Jr.	<i>Date</i> 11-13-20
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	Sheet 7 of 8

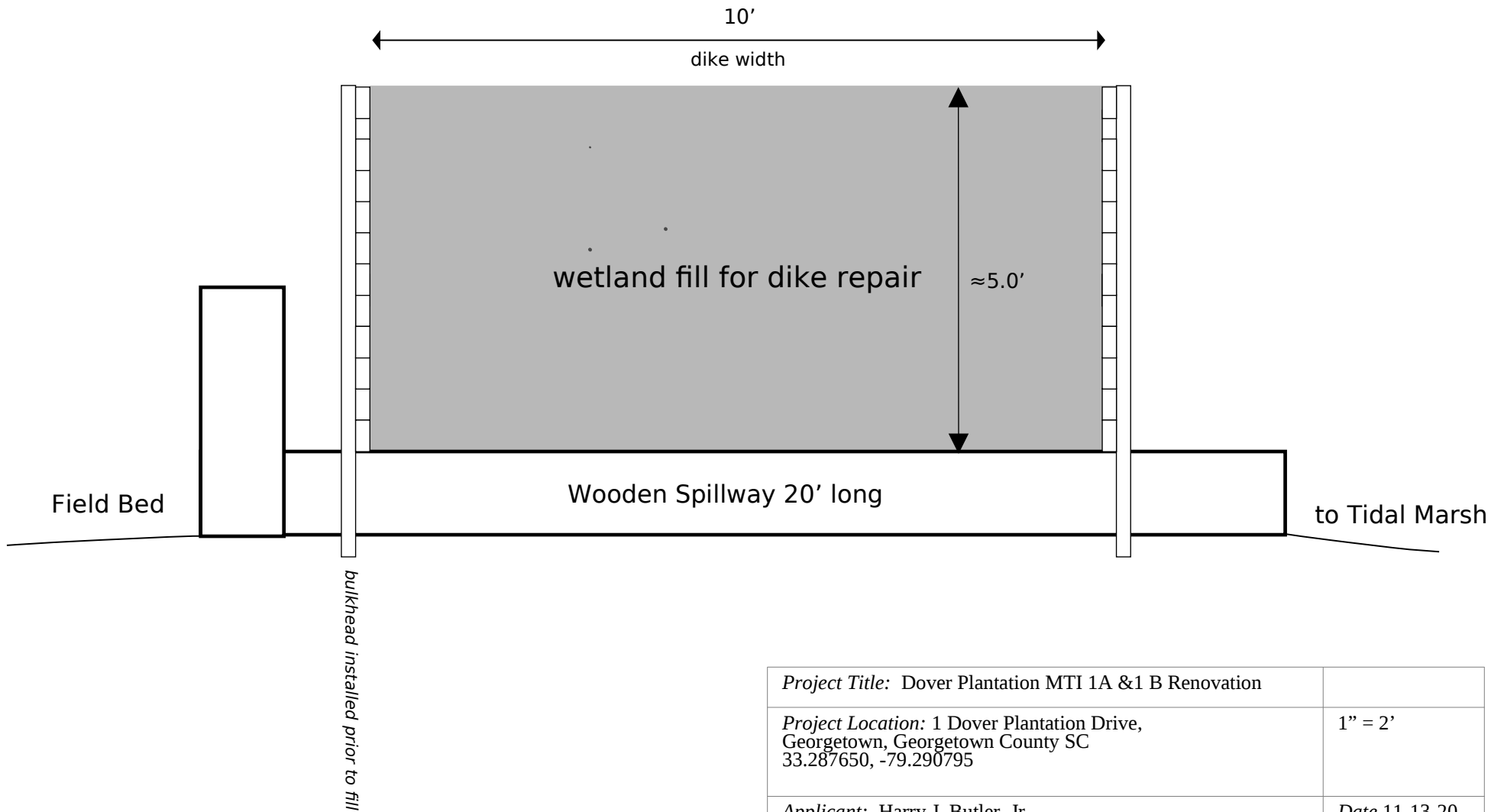
Att 9 – Dover Plantation MTI 1A & 1B Renovation

Cross section D-D profile of proposed bulkhead and water control structure

Jurisdiction Note:

all Dover project areas are historic rice fields

subject to full ebb&flow of tide; therefore all are Sec10 WOUS



<i>Project Title:</i> Dover Plantation MTI 1A & 1 B Renovation	
<i>Project Location:</i> 1 Dover Plantation Drive, Georgetown, Georgetown County SC 33.287650, -79.290795	1" = 2'
<i>Applicant:</i> Harry J. Butler, Jr.	<i>Date</i> 11-13-20
<i>Agent:</i> P. F. Hinchcliff	SAC-2020-01702
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