

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

Office of Ocean and Coastal Resource Management

**1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405**

REGULATORY DIVISION

Refer to: P/N SAC-2021-01054

June 15, 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. Edward DeSeta
DeSeta Group
2457 Aviation Avenue
North Charleston, South Carolina 29406**

for a permit to renovate an inland rice field in

freshwater wetlands

at Battlefield Plantation on TMS# 0500-000-020 and 1010-000-028 in Adams Run, Charleston County, South Carolina (Latitude: 32.7837 °, Longitude: -80.3725 °), Quad Sheet- Jacksonboro.

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 renovating the existing inland rice field infrastructure at Battlefield Plantation. In detail, the applicant proposes to impact approximately 1.6 acres of freshwater wetlands to renovate 3,499 linear feet of four existing rice field embankments and replace two 'riser-box" water control structures within the field embankments. Specifically, Impact 1 (A-A) involves renovating 2,020 linear feet (0.56 acre) of dike (12' base width, 10' top width, 4' tall) with 3,292 cubic yards of material excavated from 0.37 acre of a parallel canal which will have an 8' top width and be 6' deep. Impact 2 (B-B) involves installation of a water control structure within the renovated dike of Impact 1 (A-A). Impact 3 (C-C) involves renovating 61 linear feet (0.02 acre) of a dike break with 99 cubic yards of material from an upland source. Impact 4 (D-D) involves installation of a water control structure within the renovated dikes of Impact 3 (C-C). Lastly, Impact 5 (E-E) involves renovating 1,418 linear feet (0.39 acre) of dike (12' base width, 10' top width, 4' tall) with 2,311 cubic yards of material excavated from 0.26 acre of a parallel canal which will have an 8' top width and be 6' deep. The project involves a total of 0.97 acre of fill and 0.63 acre of excavation. The applicant has not proposed to mitigate for impacts to wetlands and/or waters of the United States because all impacts to water of the U.S. will be made to previously disturbed wetlands on the existing perimeter and interior dike margins of the existing field dikes such that the project requires no new impacts to undisturbed wetlands. In addition, the applicant states that there will be an overall net-increase of habitat quality and resulting environmental functions, which offsets the need for any additional compensatory mitigation. The project purpose is to renovate hydrological management control to an historic 162-acre inland rice field impoundment, to be managed for the benefit of native & migratory birds, waterfowl, mammals, fish, and herptiles.

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 1.6 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, based on the most recently available information that the frosted flatwoods salamander, American wood stork, Bachman's warbler, Eastern black rail, piping plover, red-cockaded woodpecker, Rufa red knot, Northern long-eared bat, American chaffseed, Canby's dropwort, and pondberry have the potential to occur within the vicinity of the project. However, it has been determined that the project will have no effect on the frosted flatwoods salamander, piping plover, red-cockaded woodpecker, Rufa red knot, Northern long-eared bat, American chaffseed, and will not result in the destruction or adverse modification of designated or proposed critical habitat. In addition, the District Engineer has determined that the project is not likely to adversely affect the American wood stork, Bachman's warbler, Eastern black rail, Canby's dropwort, and pondberry 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 these determinations.

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.

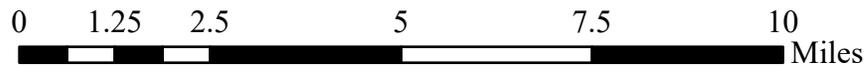
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act. 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:**

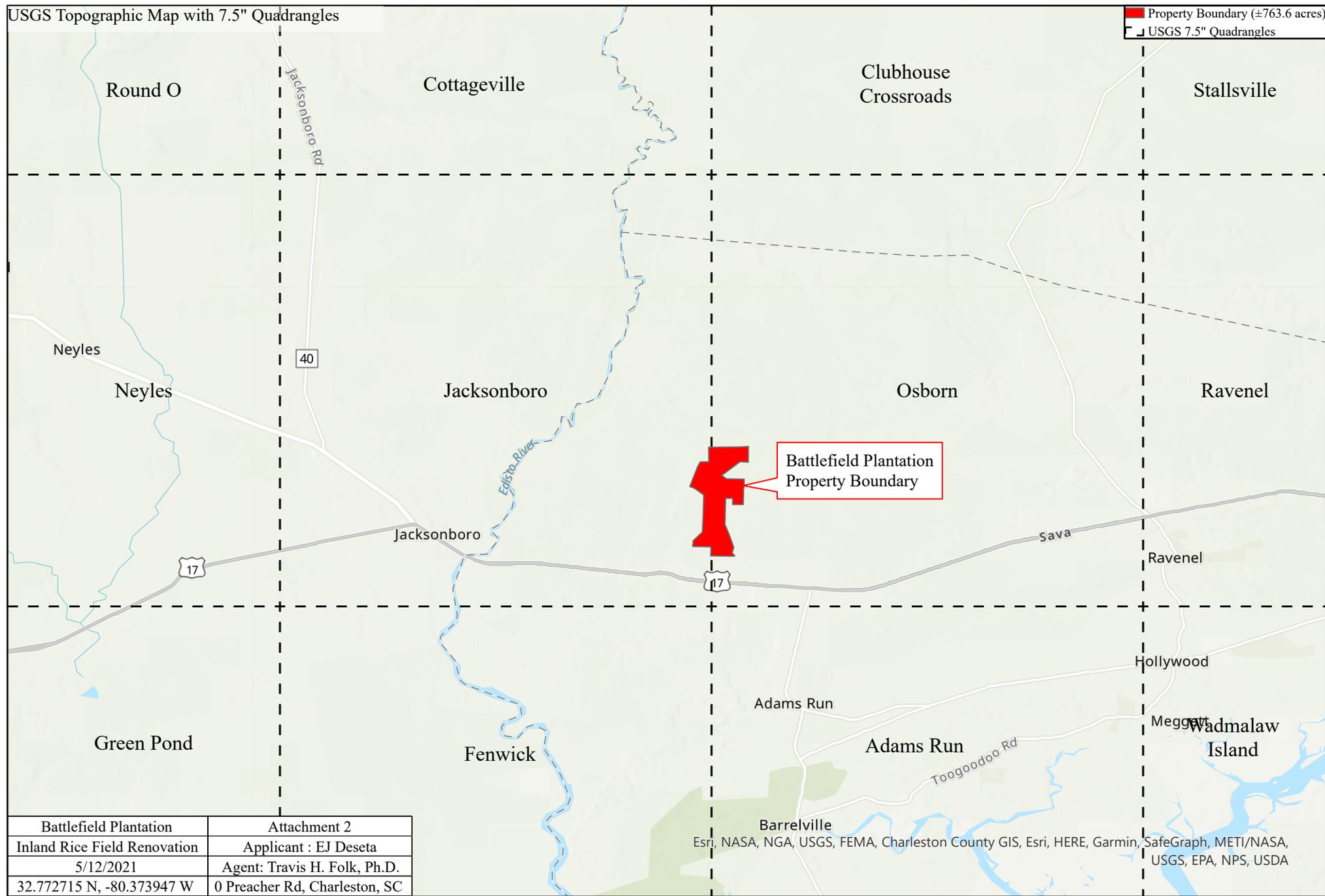
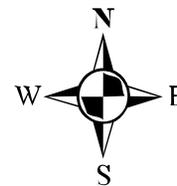
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, SC 29403-5107**

If there are any questions concerning this public notice, please contact Chelsea B. Fannin, Project Manager, at (843) 329-8038, or by email at Chelsea.B.Fannin@usace.army.mil.

Attachment 2: Vicinity Map for Battlefield Plantation Inland Rice Field Renovation Project, USGS Quads



1 Inch = 2.5 Miles



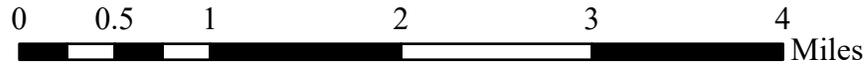
█ Property Boundary (±763.6 acres)
 USGS 7.5" Quadrangles

Battlefield Plantation
Property Boundary

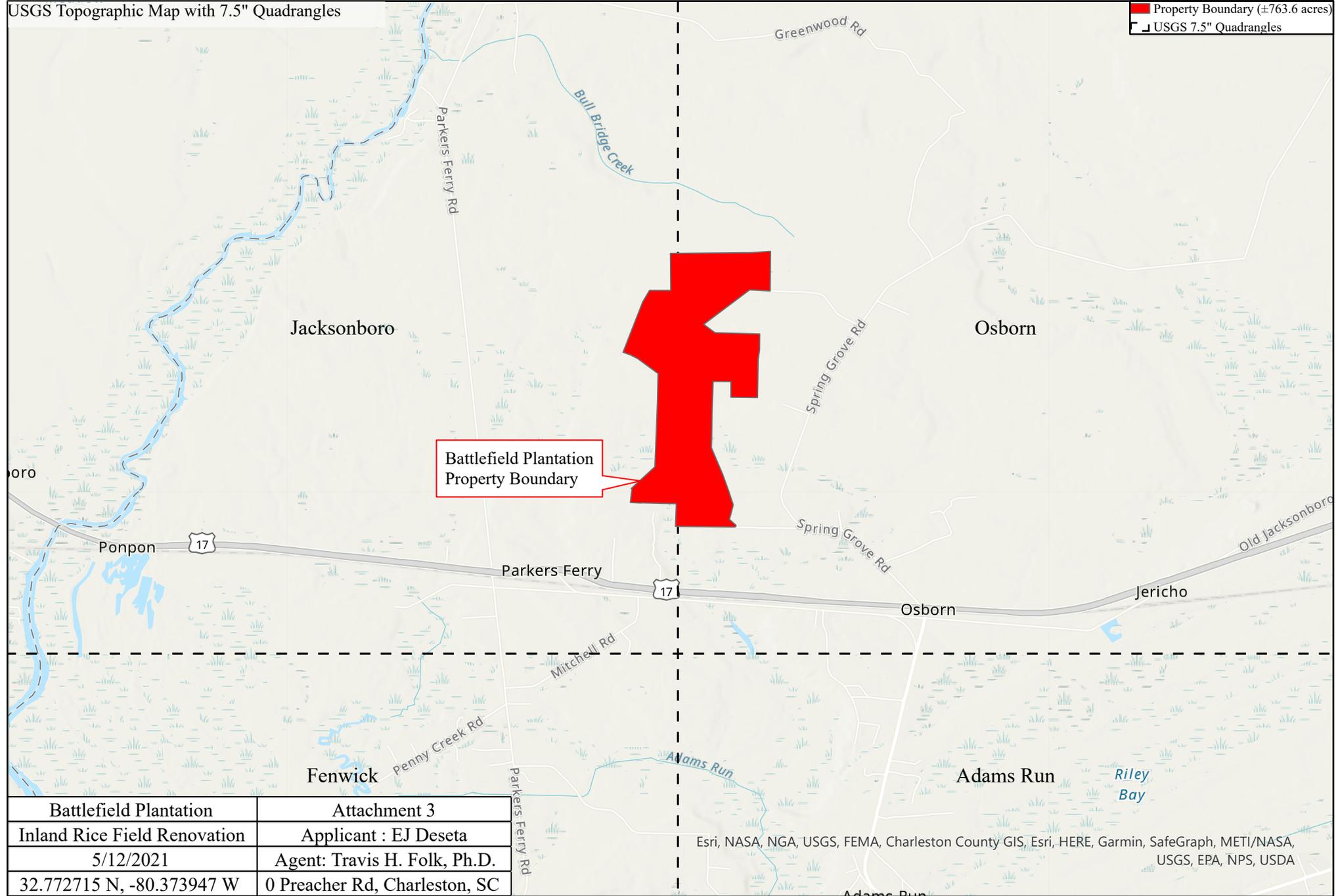
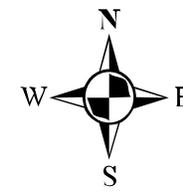
Battlefield Plantation	Attachment 2
Inland Rice Field Renovation	Applicant : EJ Deseta
5/12/2021	Agent: Travis H. Folk, Ph.D.
32.772715 N, -80.373947 W	0 Preacher Rd, Charleston, SC

Esri, NASA, NGA, USGS, FEMA, Charleston County GIS, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

Attachment 3: Location Map for Battlefield Plantation Inland Rice Field Renovation Project, USGS Quads



1 Inch = 1 Mile

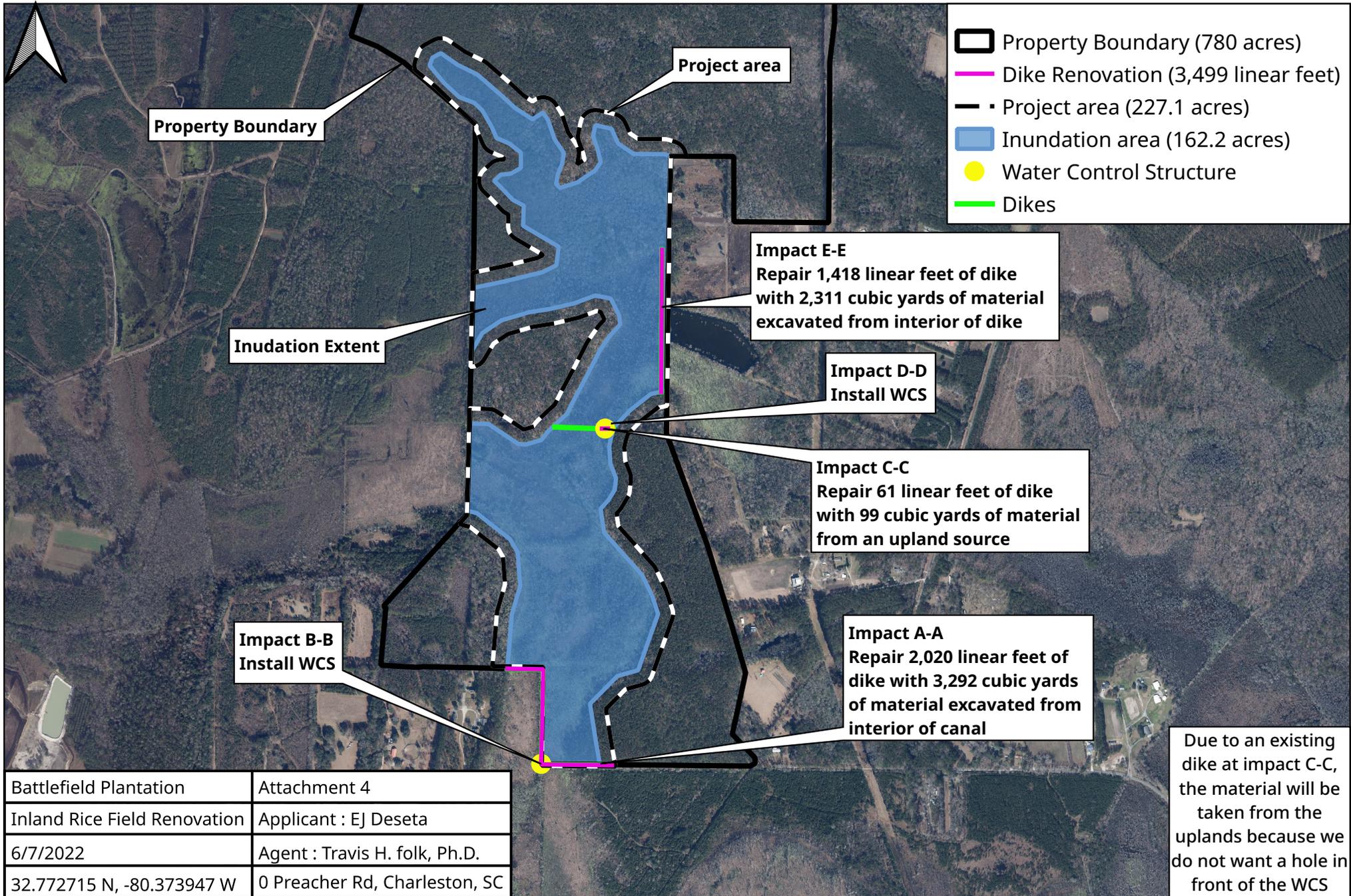


Attachment 4: Plan View for Historic and Proposed Infrastructure Battlefield Plantation Inland Rice Field Renovation Project

0 0.25 0.5 0.75 1 mi

1 inch = 1,250 Feet

2020 aerial photo



Battlefield Plantation	Attachment 4
Inland Rice Field Renovation	Applicant : EJ Deseta
6/7/2022	Agent : Travis H. folk, Ph.D.
32.772715 N, -80.373947 W	0 Preacher Rd, Charleston, SC

Due to an existing dike at impact C-C, the material will be taken from the uplands because we do not want a hole in front of the WCS

Attachment 5: Plan View for Historic and Proposed Infrastructure

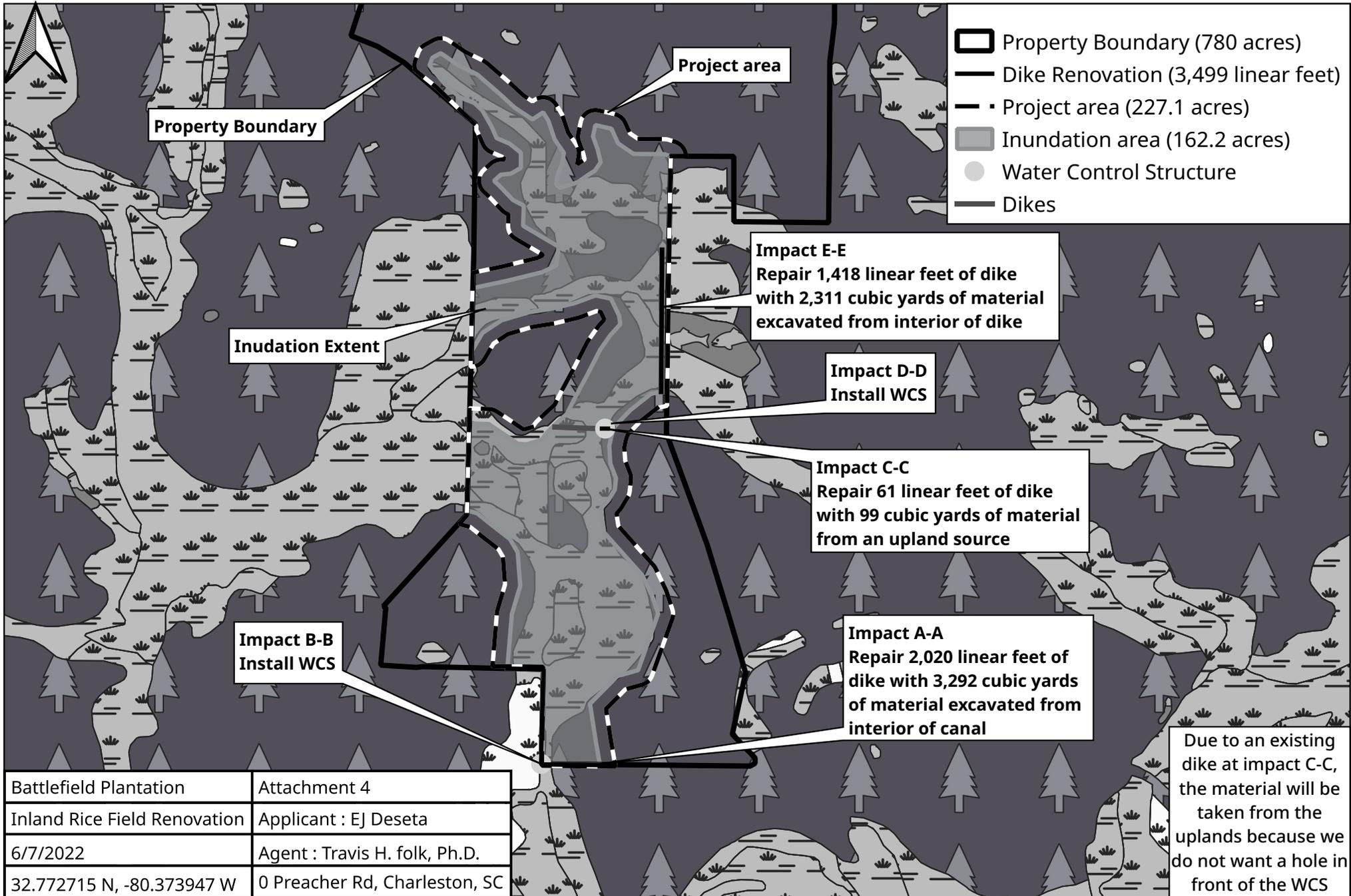
Battlefield Plantation Inland Rice Field Renovation Project

0 0.25 0.5 0.75 1 mi



1 inch = 1,250 Feet

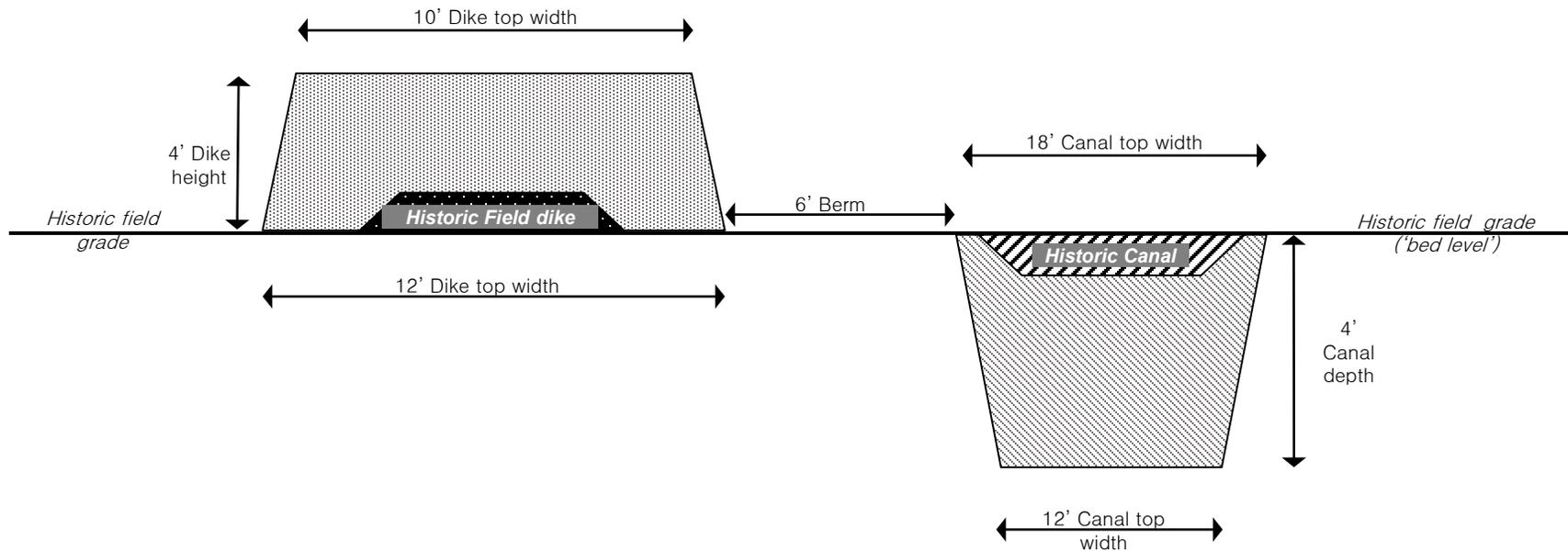
National Wetlands Inventory



Due to an existing dike at impact C-C, the material will be taken from the uplands because we do not want a hole in front of the WCS

Battlefield Plantation	Attachment 4
Inland Rice Field Renovation	Applicant : EJ Deseta
6/7/2022	Agent : Travis H. folk, Ph.D.
32.772715 N, -80.373947 W	0 Preacher Rd, Charleston, SC

Attachment 6. Historic & proposed typical cross section A-A of dike renovation



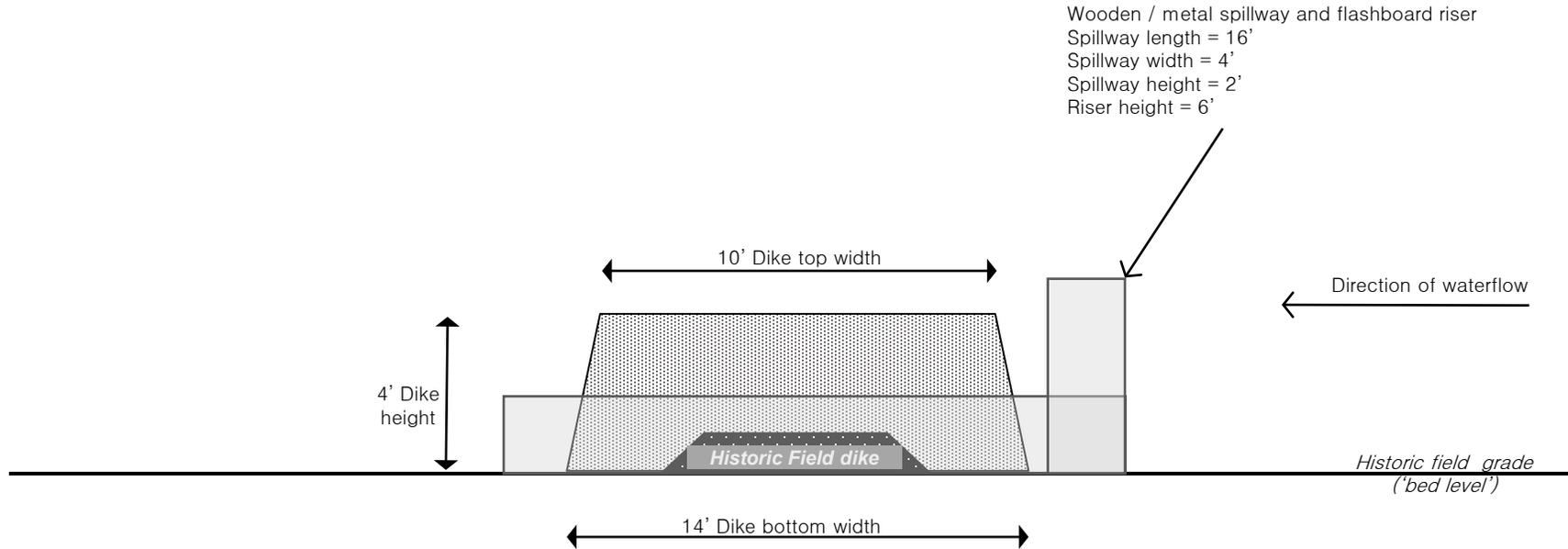
<p>Project Title: Battlefield Plantation Inland Rice Field Renovation Project Location: Adams Run, Charleston County, SC Location Co-ords: 32.772715 ° N, -80.373947° W Applicant: EJ DeSeta Agent:: Travis Hayes Folk, Ph.D., Folk Land Management</p>	<p>Date: Sheet #:</p>
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1" : 4.5'

Legend

-  Historic Fill
-  Historic Excavation
-  Proposed Fill
-  Proposed Excavation

Attachment 7. Typical cross section B-B of riser



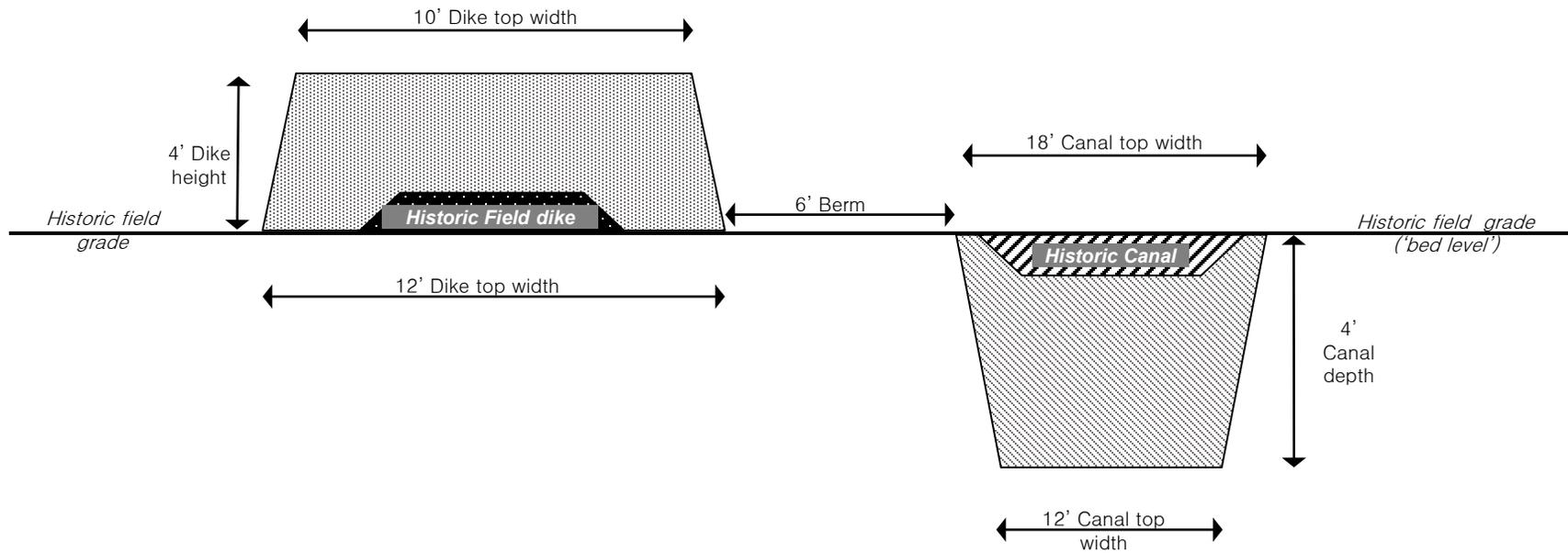
Project Title: Battlefield Plantation Inland Rice Field Renovation Project Location: Adams Run, Charleston County, SC Location Co-ords: 32.772715 ° N, -80.373947° W Applicant: EJ DeSeta Agent:: Travis Hayes Folk, Ph.D., Folk Land Management	Date: Sheet #:
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1" : 4.5'

Legend

-  Historic Fill
-  Historic Excavation
-  Proposed Fill
-  Proposed Excavation

Attachment 8. Historic & proposed typical cross section C-C of dike renovation

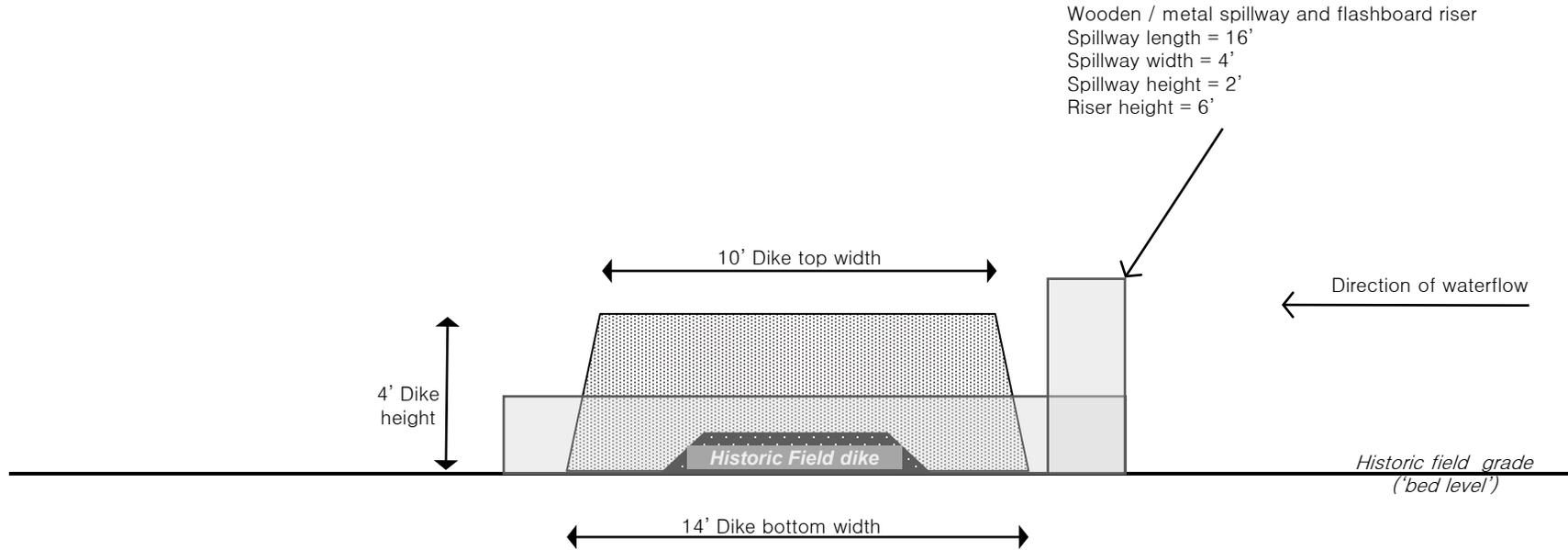


<p>Project Title: Battlefield Plantation Inland Rice Field Renovation Project Location: Adams Run, Charleston County, SC Location Co-ords: 32.772715 ° N, -80.373947° W Applicant: EJ DeSeta Agent:: Travis Hayes Folk, Ph.D., Folk Land Management</p>	<p>Date: Sheet #:</p>
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1" : 4.5'

Legend	
	Historic Fill
	Historic Excavation
	Proposed Fill
	Proposed Excavation

Attachment 9. Typical cross section D-D of riser



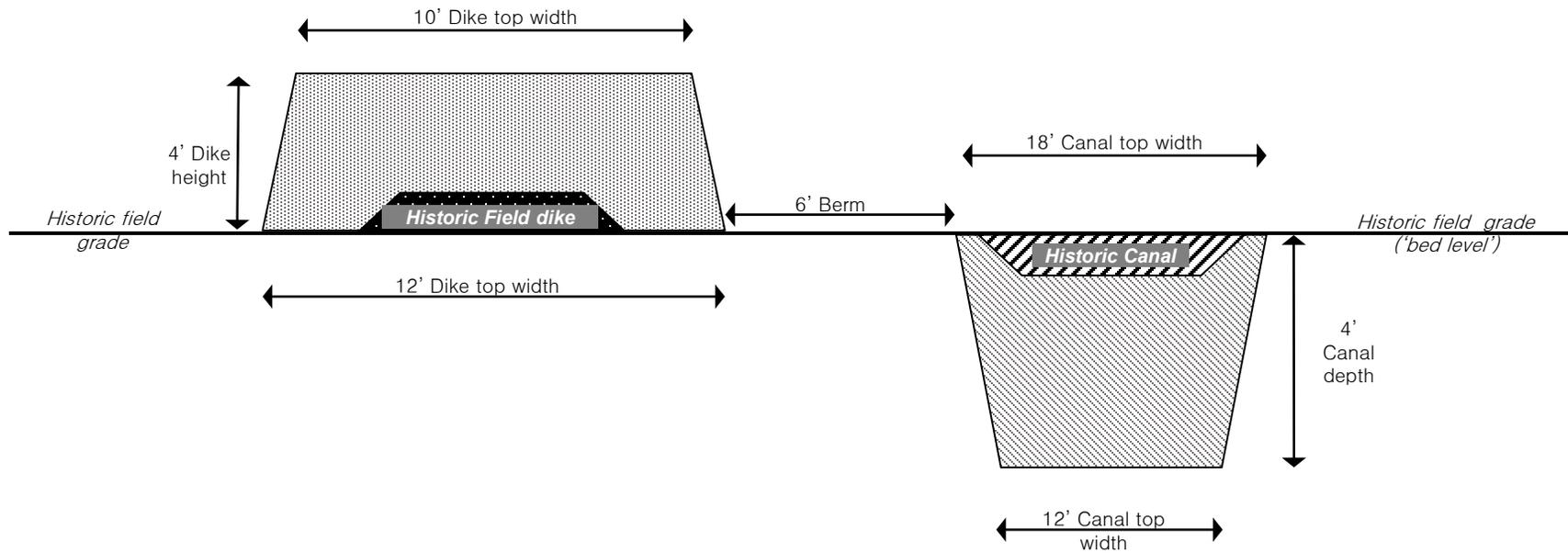
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1" : 4.5'

Legend

-  Historic Fill
-  Historic Excavation
-  Proposed Fill
-  Proposed Excavation

Attachment 10. Historic & proposed typical cross section E-E of dike renovation



<p>Project Title: Battlefield Plantation Inland Rice Field Renovation</p> <p>Project Location: Adams Run, Charleston County, SC</p> <p>Location Co-ords: 32.772715 ° N, -80.373947° W</p> <p>Applicant: EJ DeSeta</p> <p>Agent:: Travis Hayes Folk, Ph.D., Folk Land Management</p>	<p>Date:</p> <p>Sheet #:</p>
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1" : 4.5'

Legend	
	Historic Fill
	Historic Excavation
	Proposed Fill
	Proposed Excavation