

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
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N SAC-2016-01050

September 6, 2016

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. Bob Perry
South Carolina Department of Natural Resources
C/o Paul Hinchcliff
Folk Land Management, Inc.
3515 White Hall Road
Green Pond, South Carolina 29446

for a permit to construct a standard "non-emergency" contraction embankment to the interior of an existing outer/perimeter embankment in a

MANAGED TIDAL IMPOUNDMENT

located in Tidal Field #13 at the Samworth Wildlife Management Area, Georgetown County, South Carolina (Latitude: 33.4303°N, Longitude: -79.2097°W; Quad Sheet: Waverly Mills).

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 standard “non-emergency” contraction embankment to the interior of the existing embankment. In detail, a 62 ft. wide by 1,234 ft. long contraction embankment will be constructed approximately 50 ft. to the interior of the existing outer/perimeter Waccamaw River embankment within Tidal Field #13 impacting approximately 1.76 acres of waters of the United States. The existing outer embankment will be allowed to fail and re-colonize by tidal action as about 1.4 acres of emergent marsh. According to the applicant, the Waccamaw River embankment of Tidal Field #13 experienced a breach due to the October 2015 flooding and further failure of adjacent embankment sections is anticipated. In efforts to avoid and minimize impacts to waters of the United States the applicant stated “Construction actions to establish the ‘contraction’ canal/berm/field-dike embankment profile will occur simultaneously. Beginning at the east lateral field-dike about 50ft from the present river-flank embankment, excavation by an experienced long-arm backhoe operator positioned on the proposed berm shelf will construct a 24ft x 6ft deep canal and transfer the spoil in one motion to the footprint of the proposed new field-dike. The proposed embankment will match the height and footprint area of the existing embankment. The simultaneous excavation of the canal, shaping the berm shelf and building the field-dike profile will efficiently minimize excess machine soil displacement and sedimentation. After the embankment profile is established, the new field-dike will be allowed to de-water, settle and become firm before water is reintroduced to the now ‘contracted’ field. This settlement period will further stabilize the new structure and minimize erosion. The flanks of the new dike will be broadcast-seeded to establish native groundcover.” The applicant offered no compensatory mitigation for the impacts associated with the proposed work. According to the applicant, the project purpose is to ensure ongoing hydrologic control and management ability of the wetlands habitat within Samworth WMA Field #13.

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 1.76 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 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)(f)(1)), and has initially determined that there are historic properties present, but they will not be affected; therefore, there will be no effect on historic properties. 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. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

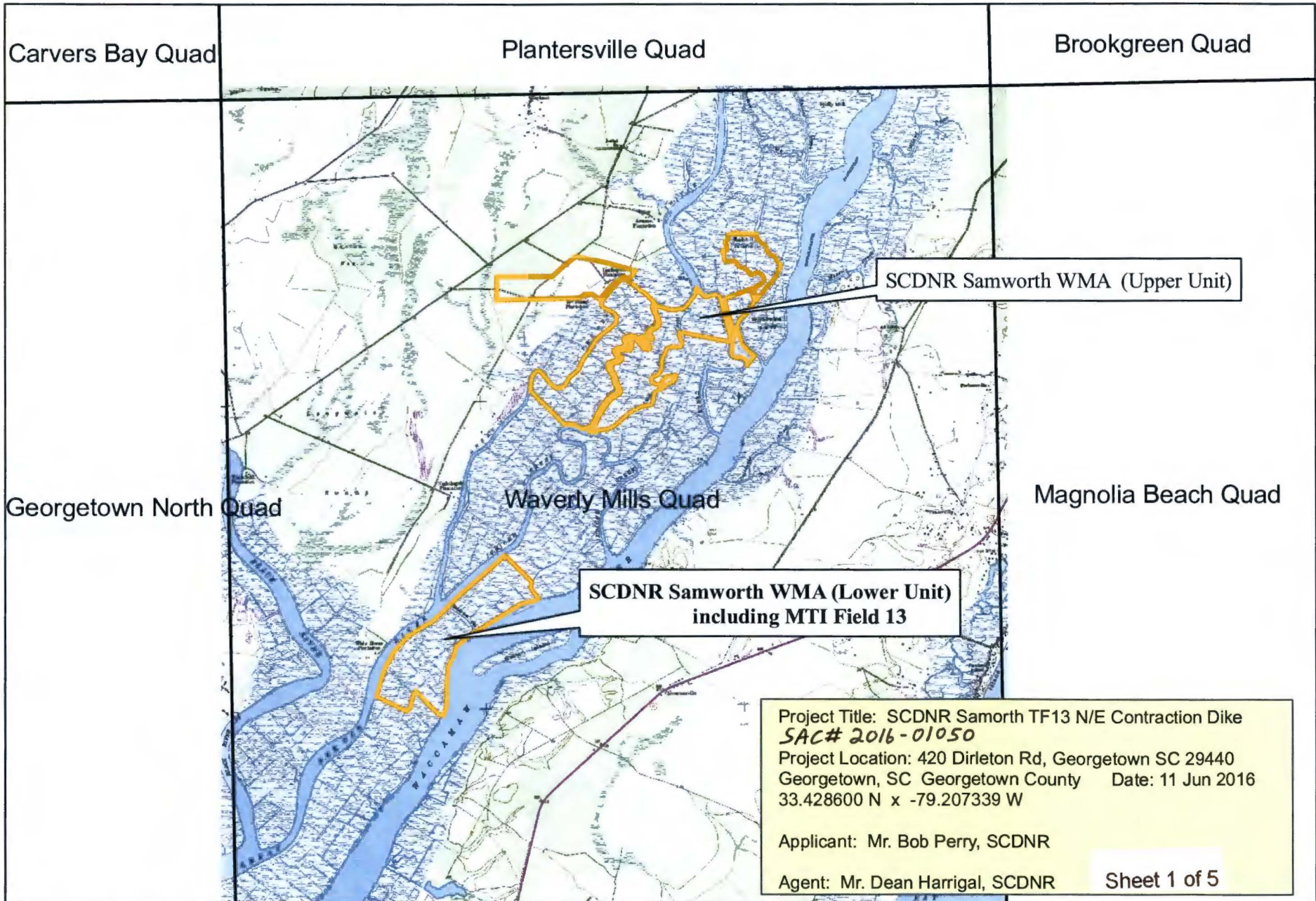
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526**

If there are any questions concerning this public notice, please contact Wiley Bracey, Watershed Manager, at 843-365-1707.

Attachment 2. SCDNR Samworth WMA - Location in Region, USGS Topo



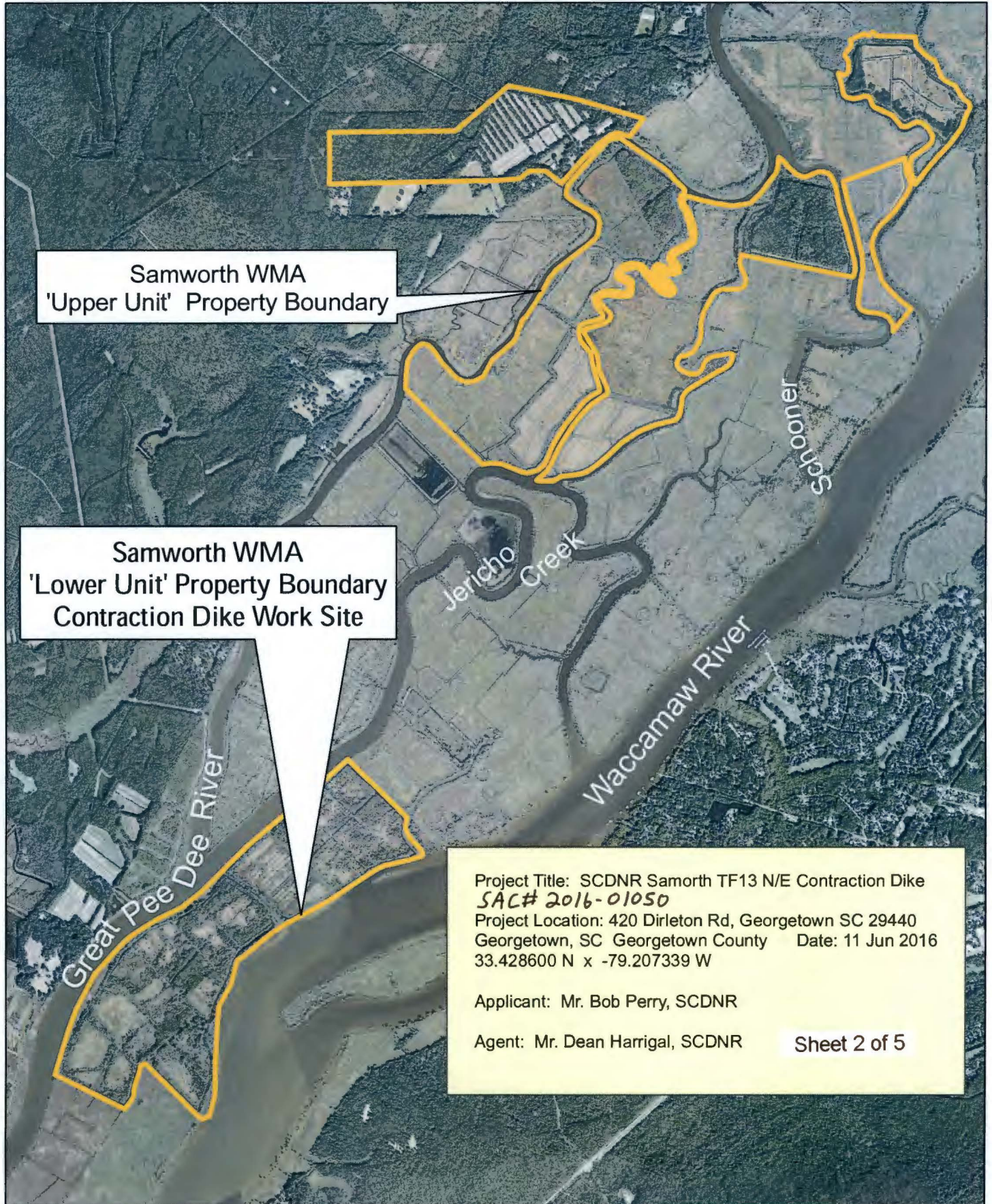
7.5' USGS Quadrangles



Attachment 3. SCDNR Samworth WMA - Property Location Georgetown County SC, 2013 aerial photo

2013 SC aerial photo

0 4,400 8,800 Feet



Samworth WMA
'Upper Unit' Property Boundary

Samworth WMA
'Lower Unit' Property Boundary
Contraction Dike Work Site

Project Title: SCDNR Samorth TF13 N/E Contraction Dike
SAC# 2016-01050
Project Location: 420 Dirleton Rd, Georgetown SC 29440
Georgetown, SC Georgetown County Date: 11 Jun 2016
33.428600 N x -79.207339 W

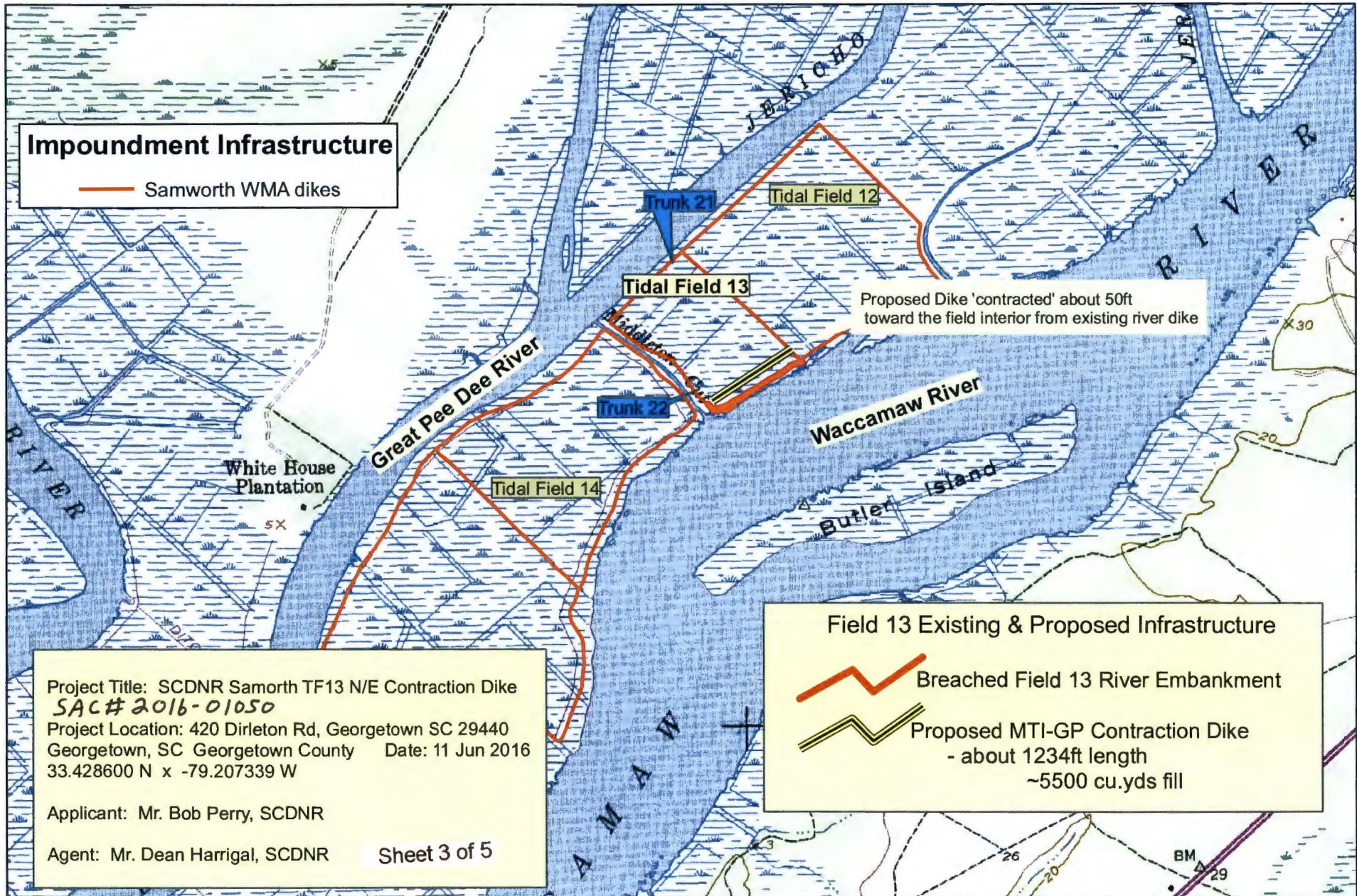
Applicant: Mr. Bob Perry, SCDNR

Agent: Mr. Dean Harrigal, SCDNR

Sheet 2 of 5

Attachment 4. SCDNR Samworth WMA MTI-GP Field 13 Contraction Dike - USGS Topo

USGS 7.5' 'Waverly Mills' quad



Impoundment Infrastructure
 — Samworth WMA dikes

Proposed Dike 'contracted' about 50ft toward the field interior from existing river dike

Project Title: SCDNR Samorth TF13 N/E Contraction Dike
 SAC# 2016-01050
 Project Location: 420 Dirleton Rd, Georgetown SC 29440
 Georgetown, SC Georgetown County Date: 11 Jun 2016
 33.428600 N x -79.207339 W
 Applicant: Mr. Bob Perry, SCDNR
 Agent: Mr. Dean Harrigal, SCDNR

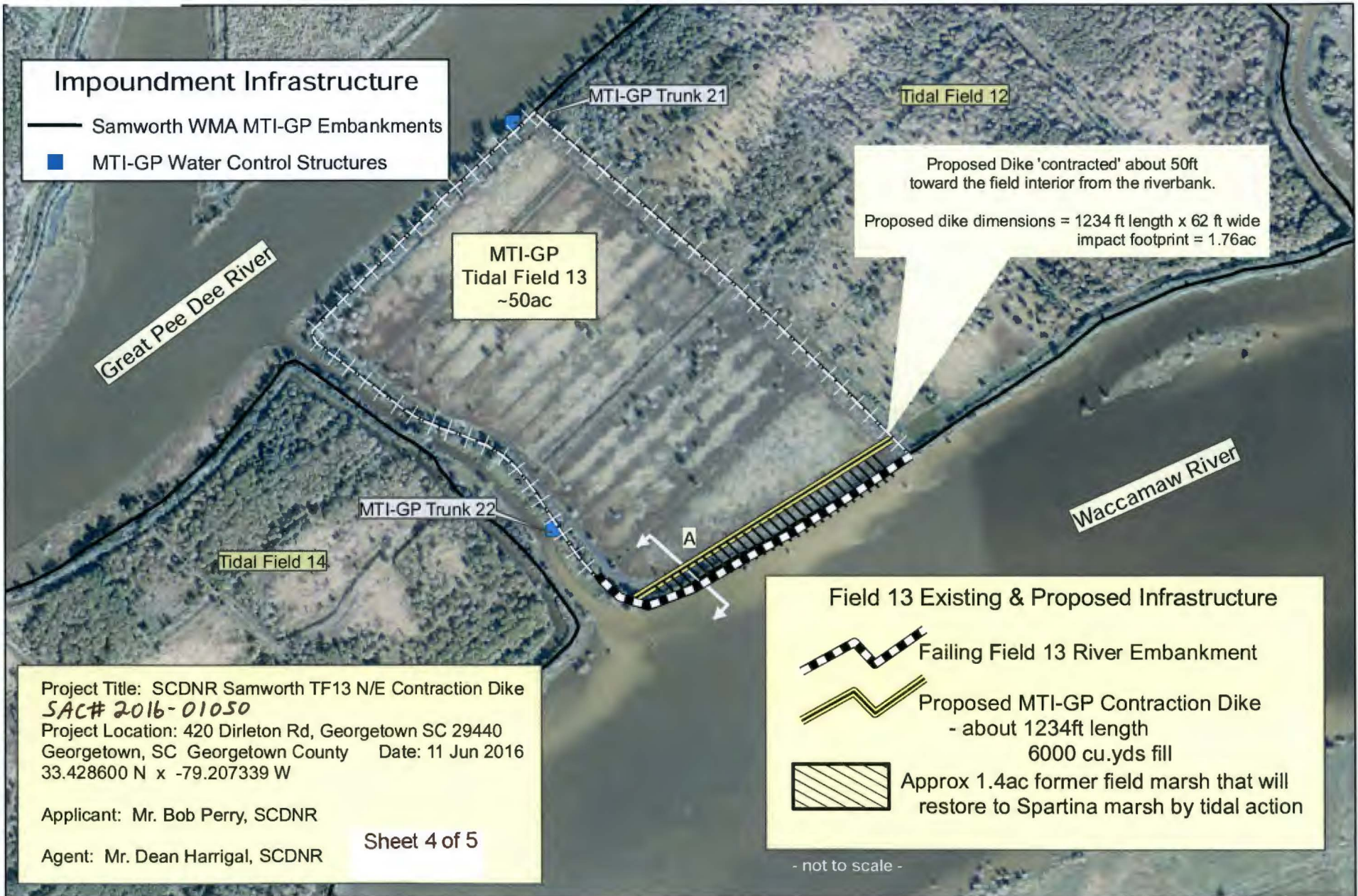
Field 13 Existing & Proposed Infrastructure

 Breached Field 13 River Embankment
 Proposed MTI-GP Contraction Dike
 - about 1234ft length
 ~5500 cu.yds fill

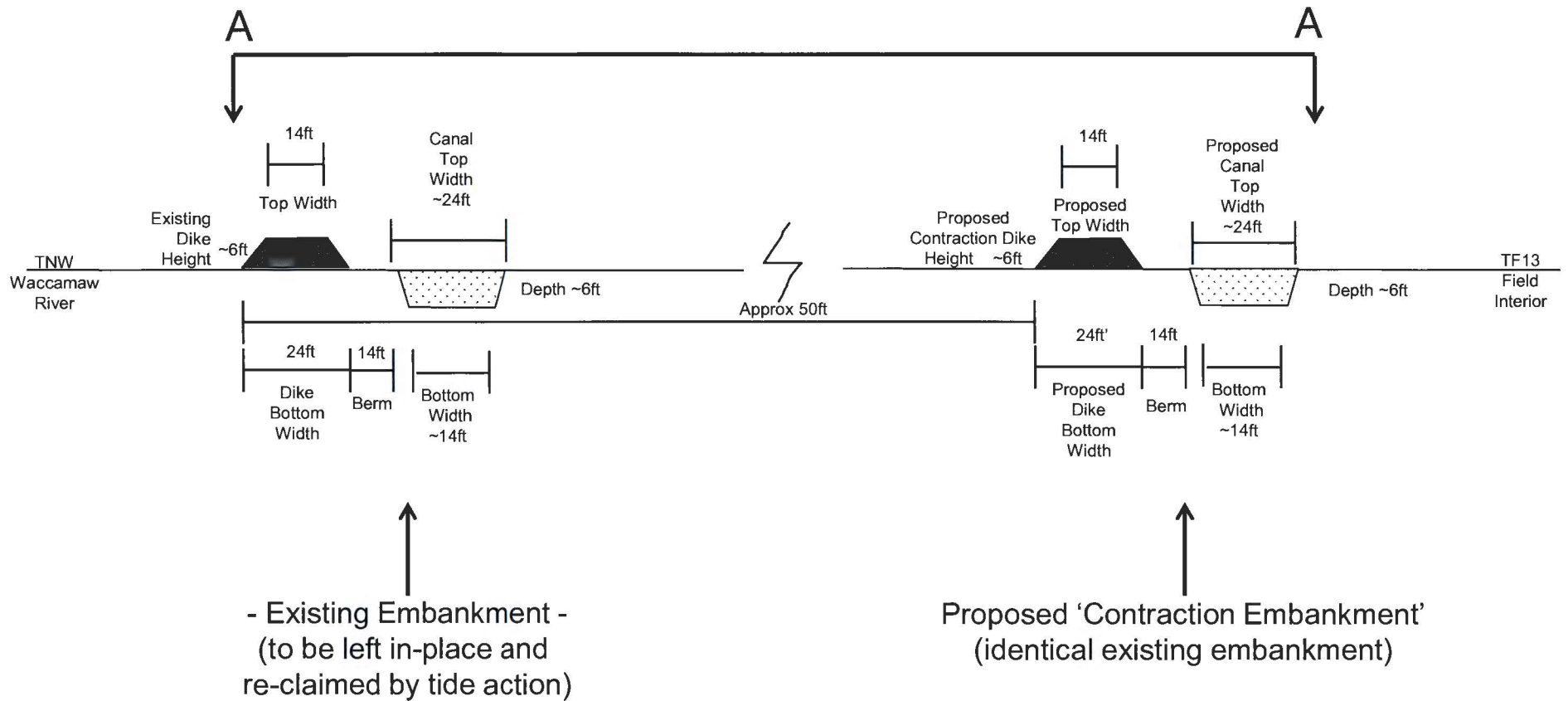
Attachment 5. SCDNR Samworth WMA MTI-GP Field 13 Contraction Dike - aerial photo



2006 SC aerial photo



Attachment 6. SCDNR Samworth WMA MTI-GP Field 13 Contraction Dike - Cross-Section A-A, Existing and Proposed Embankment Profile



Project Title: SCDNR Samworth WMA MTI-GP Field 13 Contraction Dike	SAC# 2016-01050
Project Location: 420 Dirleton Rd. Georgetown SC 29440 33.428600 N x -79.207339 W	Drawing Scale - not to scale -
Applicant: Bob Perry, SCDNR	Date: 11 Jun 2016
Agent: Dean Harrigal, SCDNR, Donnelley WMA	Sheet 5 of 5