

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Ave
Charleston, South Carolina 29403
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: SAC-2023-01175

September 29, 2023

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. Timothy Norwood
1185 Hughes Rd
Johns Island, South Carolina 29455
c/o Travis Hayes Folk
Folk Land Management, Inc.
3515 White Hall Road
Green Pond, South Carolina 29446

for a permit to discharge fill material into a former inland rice field to renovate three existing embankments and the installation of a water control structure in

Rantowles Creek/Stono River

located within the Bellefont Plantation at 1185 Hughes Road in Johns Island, Charleston County, South Carolina (Latitude: 32.8269 °, Longitude: -80.1478 °), Ravenel Quad.

In order to give all interested parties an opportunity to express their views

N O T I C E

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.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to renovate existing dikes of a former inland rice field and to install one water control structure that will allow ecologically motivated wetland habitat management of the 4.7-acre inland rice field.

Project Description

The proposed work consists of renovating the existing infrastructure of a relict inland rice field at the Bellefont Plantation. In detail, the applicant proposes to discharge fill material into approximately 0.03-acre of freshwater wetlands to renovate 1,226 linear feet of three existing rice field embankments and the installation of a water control structure. There are several small trees on the existing dikes that would be removed to enable equipment to access the footprint of the dikes. Large trees on the dike would be retained and worked around during the dike renovation. Once the existing dikes are free of small trees, material from an onsite, upland source will be excavated and relocated to the existing dike footprint. Skid steers, off road dump trucks and small excavators would be used on site and sized appropriately to minimize impacts to surrounding, valuable hardwood trees and special aquatic resources. Chinese tallow, an invasive, exotic plant species will be preferentially removed from the site. The following four (4) activities include:

Impact 1: involves renovating 313 linear feet of the existing 5' wide x 1.7' tall dike with 32 cubic yards of fill material to increase the footprint to 6' wide x 4.5' tall.

Impact 2: involves renovating 403 linear feet of the existing 5' wide x 1.1' tall dike with 51 cubic yards of fill material to increase the footprint to 6' wide x 4.5' tall.

Impact 3: involves renovating 510 linear feet of the existing 5' wide x 0.55' tall dike with 75 cubic yards of fill material to increase the footprint to 6' wide x 4.5' tall.

Impact 4: involves installation of an aluminum spillway and riser to enable water management inside the inland rice field. This structure will have a 5-foot-tall riser connected to a 24-inch pipe that is 12 feet long within the renovated dike associated with Impact 3. A flap gate on the outside end of the riser will be constructed to prevent tidal

waters from entering the rice field.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by working within the existing footprint of the relict inland rice field and there would be no new impacts outside of the existing dike footprint. Furthermore, best management practices would be utilized during construction to prevent any impacts to surrounding waters.

Proposed Compensatory Mitigation

The applicant is not proposing to mitigate for impacts to wetlands and/or waters of the United States for the following 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 Managed Tidal Impoundment General Permit MTI-GP),*
- The project will provide a substantial net 'environmental-uplift' to the 4.7 acres inland rice field, and generally to the Lowcountry,*
- The project will result in privately-funded and maintained, long-term protection benefits to known and significant 19th-century historic resources.*
- The project will result in removal from the project area a significant coverage of the federally recognized noxious weed, Chinese tallow.*

South Carolina Department of Health and Environmental Control

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a

neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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.

Essential Fish Habitat

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 0.03 acre of waters 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.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: Eastern Black Rail (*Laterallus jamaicensis ssp.*), Wood Stork (*Mycteria americana*), Red-cockaded Woodpecker (*Picoides borealis*), Northern Long-eared Bat (*Myotis septentrionalis*), West Indian Manatee (*Trichechus manatus*), American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), Piping Plover (*Charadrius melodus*), and Red Knot (*Calidris canutus rufa*).

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect on Eastern Black Rail (*Laterallus jamaicensis ssp.*), American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Wood Stork (*Mycteria americana*), West Indian Manatee (*Trichechus manatus*), Red-cockaded Woodpecker (*Picoides borealis*), Green Sea Turtle

(*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), Piping Plover (*Charadrius melodus*), and the Red Knot (*Calidris canutus rufa*) will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect the Northern Long-eared Bat (*Myotis septentrionalis*) 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 this determination.

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.

Cultural Resources

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.

Corps' Evaluation

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 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.

Solicitation of Public Comment

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. 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.

Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2023-01175), to Alexander.M.Miranda@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Ave
Charleston, South Carolina 29403**

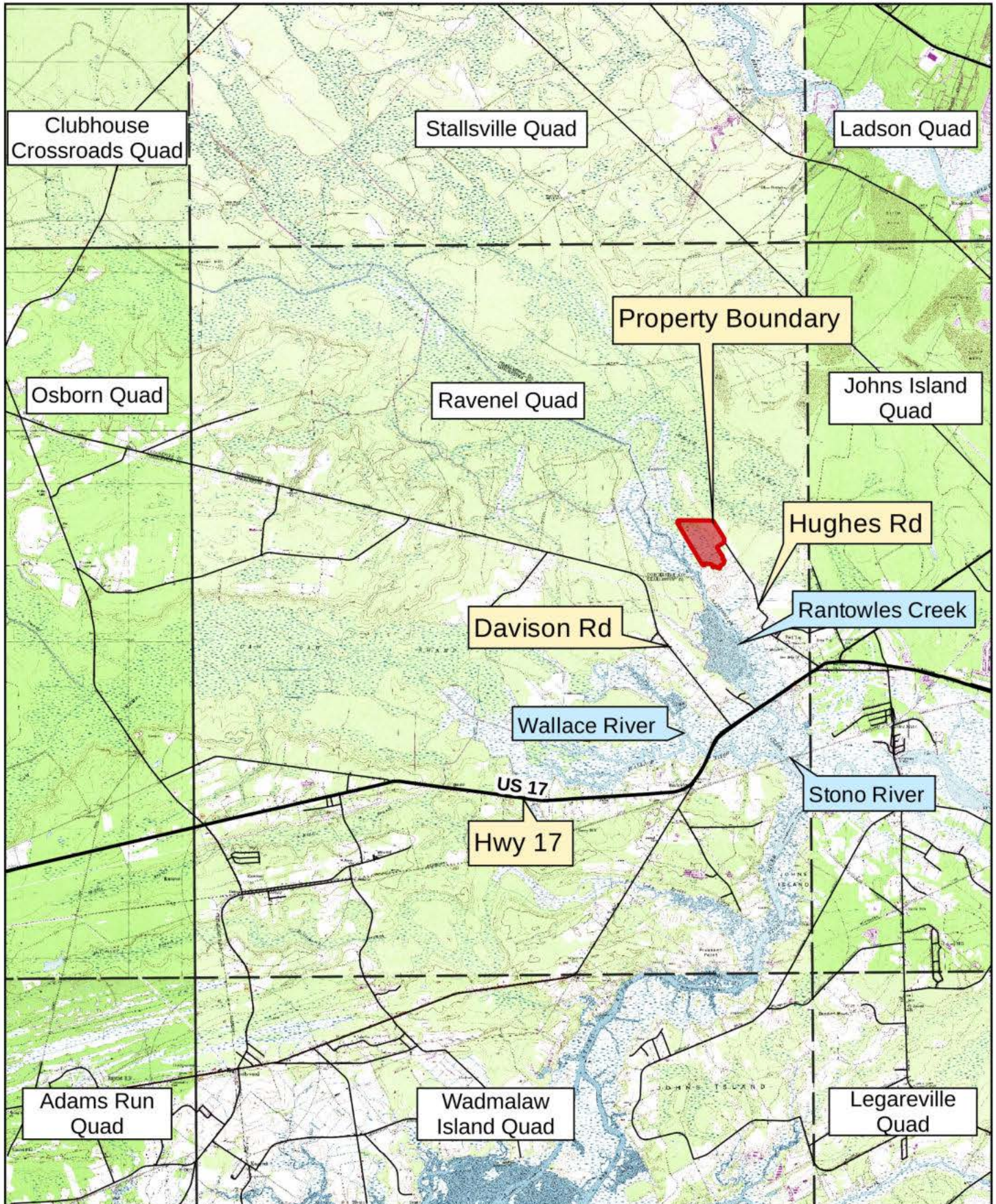
If there are any questions concerning this public notice, please contact Alexander M. Miranda, Project Manager, at 843-329-8033, or by email at Alexander.M.Miranda@usace.army.mil.

Attachment 2. Vicinity map with property in Quad

Project Title: Bellefont Inland Rice Field Renovation
Project Location: 1185 Hughes Rd
Johns Island, Charleston County SC
lat/lon: 32.826986, -80.147875
Applicant: Timothy F Norwood
Agent: Travis Hayes Folk, PhD

Date 9-5-23
Sheet 1 of 10

0 1 2 3 Miles Quad boundaries in black
7.5" USGS Topo

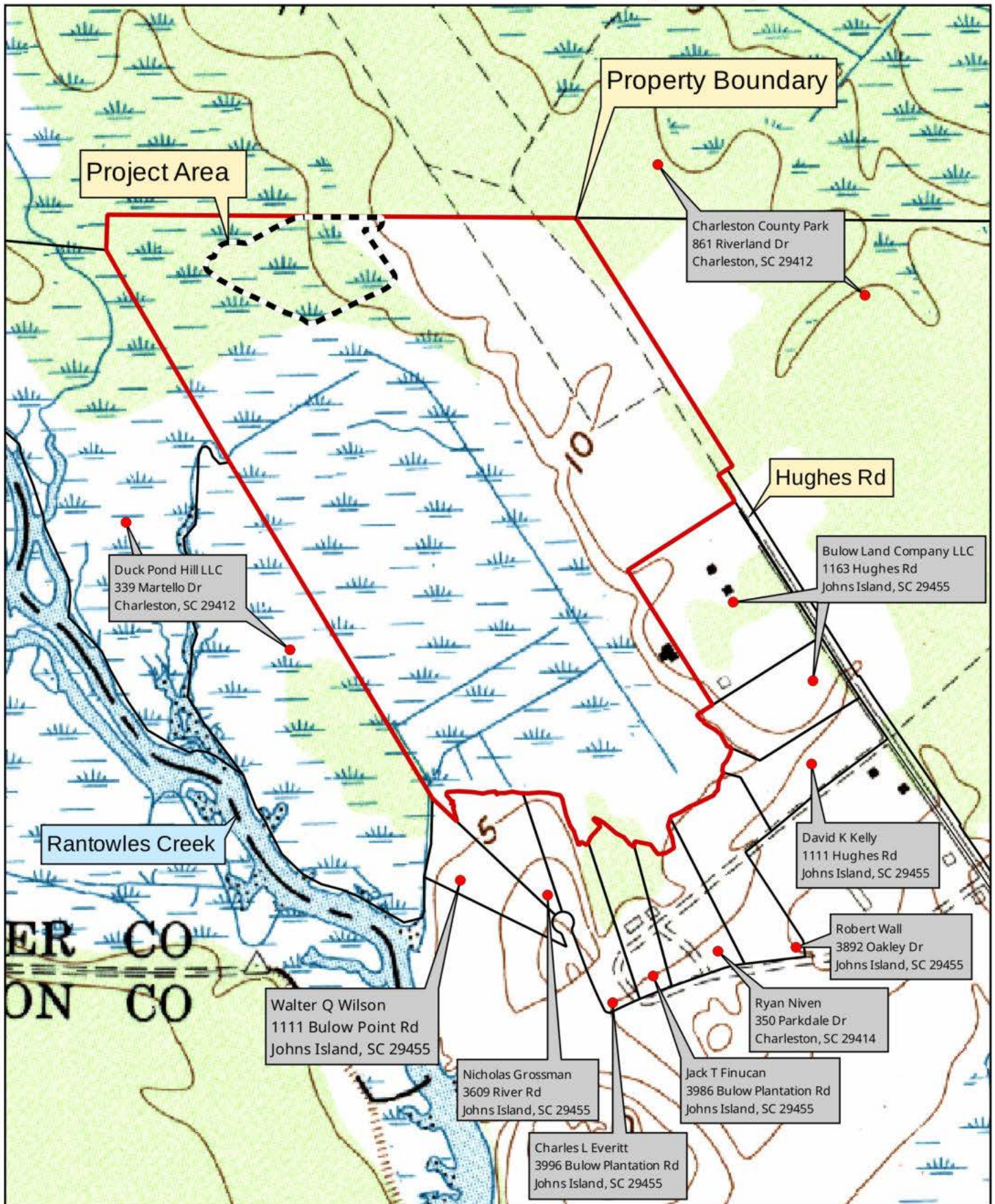


Attachment 3. Project Area within Property
(with adjacent property owners)

Project Title: Bellefont Inland Rice Field Renovation
Project Location: 1185 Hughes Rd
Johns Island, Charleston County SC
lat/lon: 32.826986, -80.147875
Applicant: Timothy F Norwood
Agent: Travis Hayes Folk, PhD
Date 9-5-23
Sheet 2 of 10

0 500 1,000 feet

USGS Topo



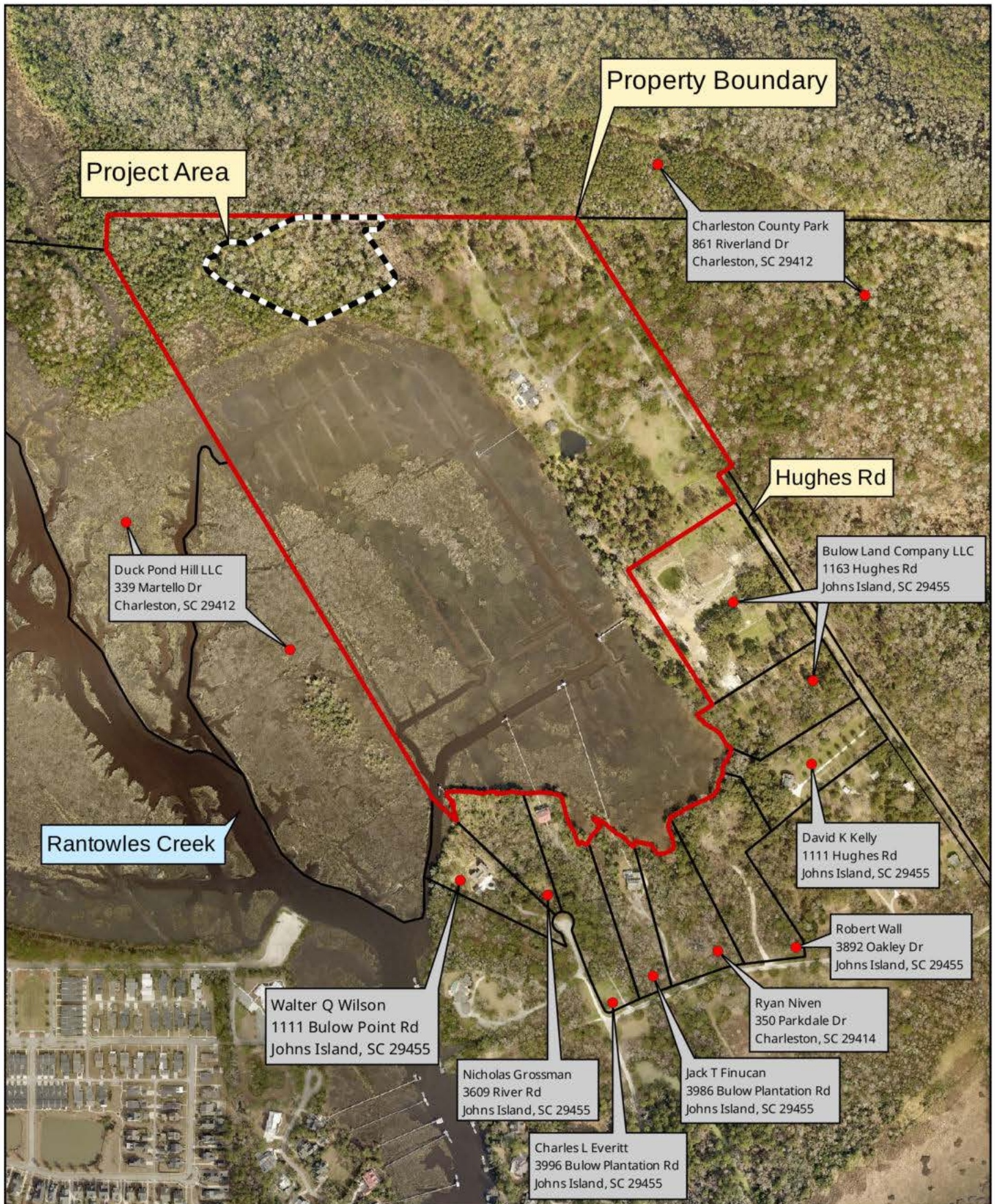
Attachment 4. Project Area within Property
(with adjacent property owners)

Project Title: Bellefont Inland Rice Field Renovation
Project Location: 1185 Hughes Rd
Johns Island, Charleston County SC
lat/lon: 32.826986, -80.147875
Applicant: Timothy F Norwood
Agent: Travis Hayes Folk, PhD

Date 9-5-23
Sheet 3 of 10

0 500 1,000 feet

2023 Charleston
County Imagery



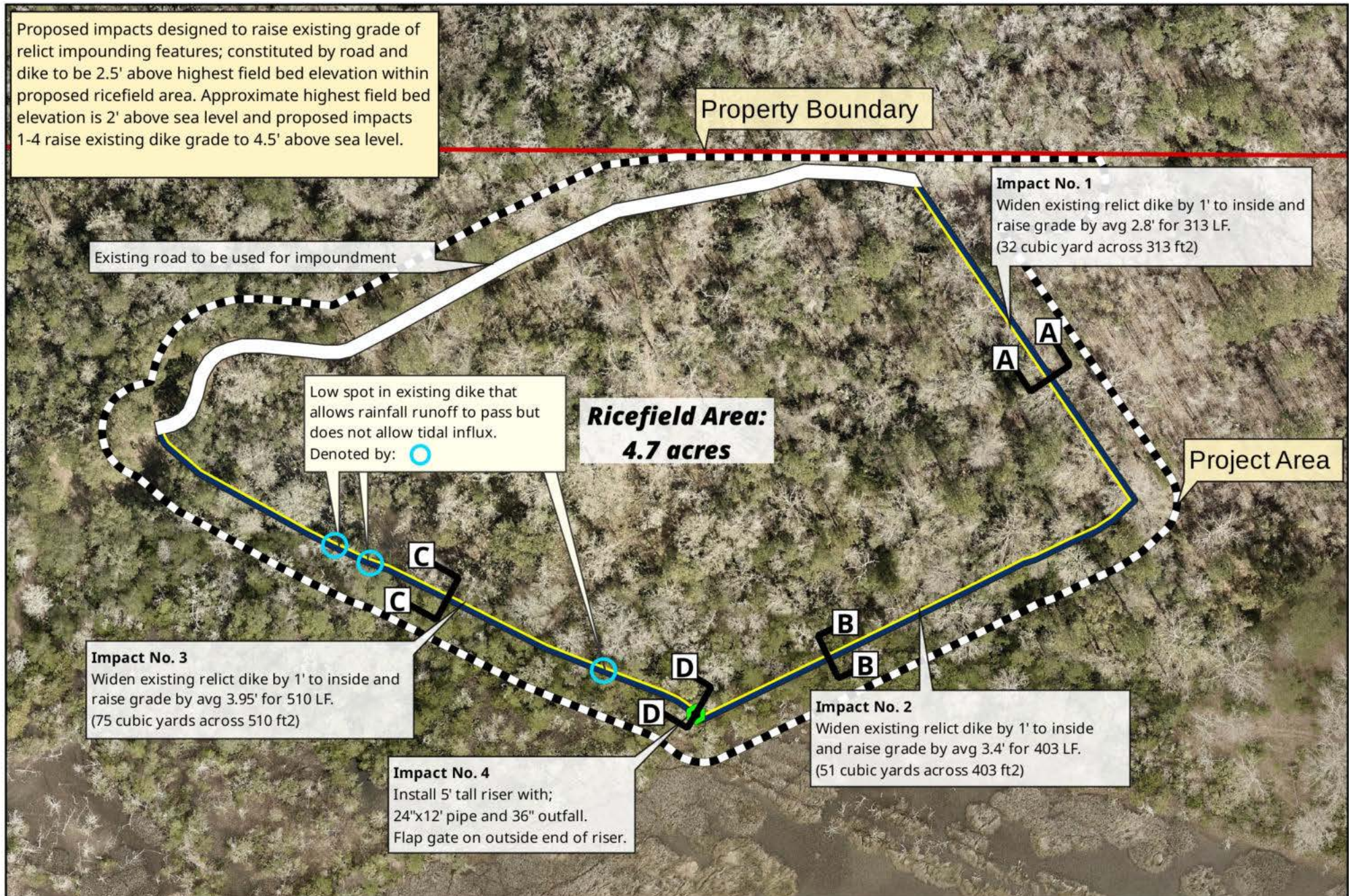
Attachment 5a. Project Area with Plan View

0 50 100 feet

2023 Charleston
County Imagery



Project Title: Bellefont Inland Rice Field Renovation
Project Location: 1185 Hughes Rd
Johns Island, Charleston County SC
lat/lon: 32.826986, -80.147875
Applicant: Timothy F Norwood
Agent: Travis Hayes Folk, PhD
Date 9-5-23
Sheet 4 of 10

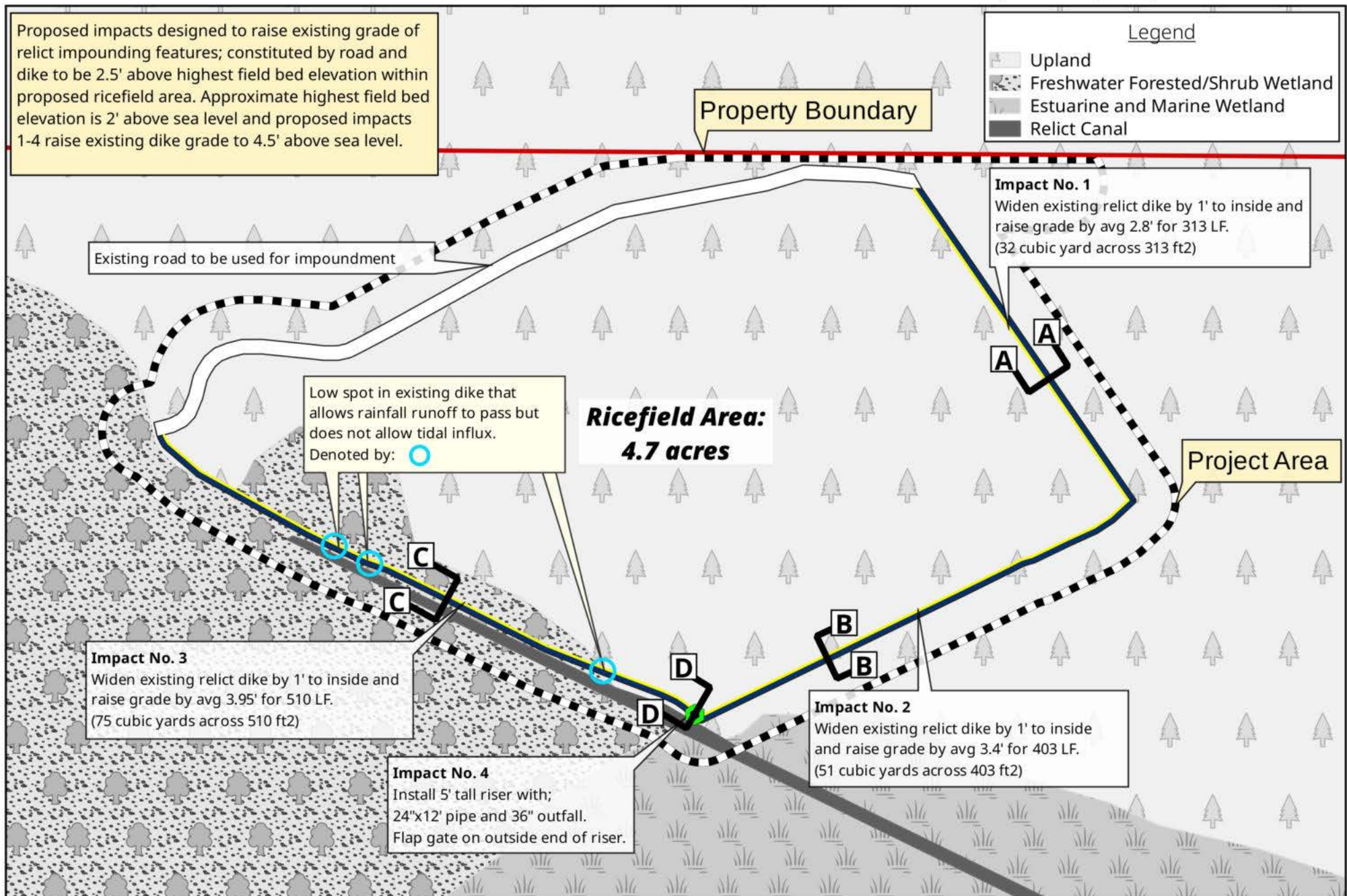


Attachment 5b. Project Area with Plan View

0 50 100 feet



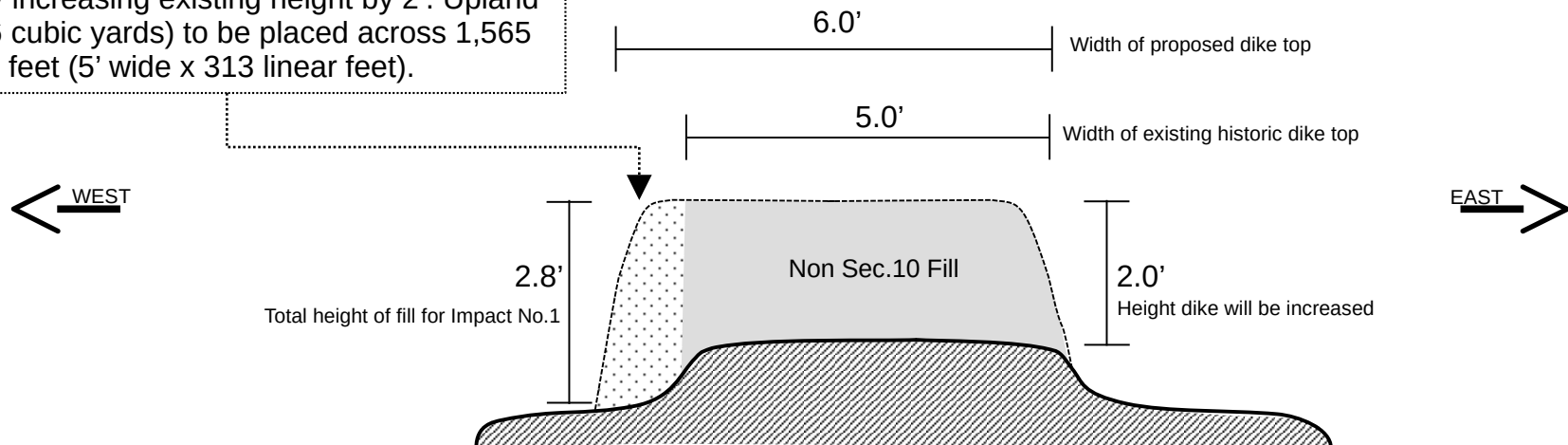
Project Title: Bellefont Inland Rice Field Renovation
 Project Location: 1185 Hughes Rd
 Johns Island, Charleston County SC
 lat/lon: 32.826986, -80.147875
 Applicant: Timothy F Norwood
 Agent: Travis Hayes Folk, PhD
 Date 9-5-23
 Sheet 5 of 10






Attachment 6 – section A-A – profile of historic dike topping

Impact No.1 – widen and top 313 linear feet of historic dike by increasing existing bottom width by 1' to inside and height by 2.8'. Wetland fill 32 cubic yards to be placed across 313 square feet (1' wide x 313 linear feet).

Non-Impact Fill - raise 313 linear feet of historic dike by increasing existing height by 2'. Upland fill (116 cubic yards) to be placed across 1,565 square feet (5' wide x 313 linear feet).



Legend

- Existing grade
- - - - - Proposed grade change
-  Existing historic dike
-  Proposed Fill – not Sec.10 wetland
-  Proposed Fill – Impact 1

Project Title: Bellefont Inland Rice Field Renovation

Project Location:
Hughes Rd, SC Charleston County
32.826936°, -80.147875°

Drawing Scale:
1" = 2.5'

Applicant: Timothy F Norwood

Date: 7-10-23

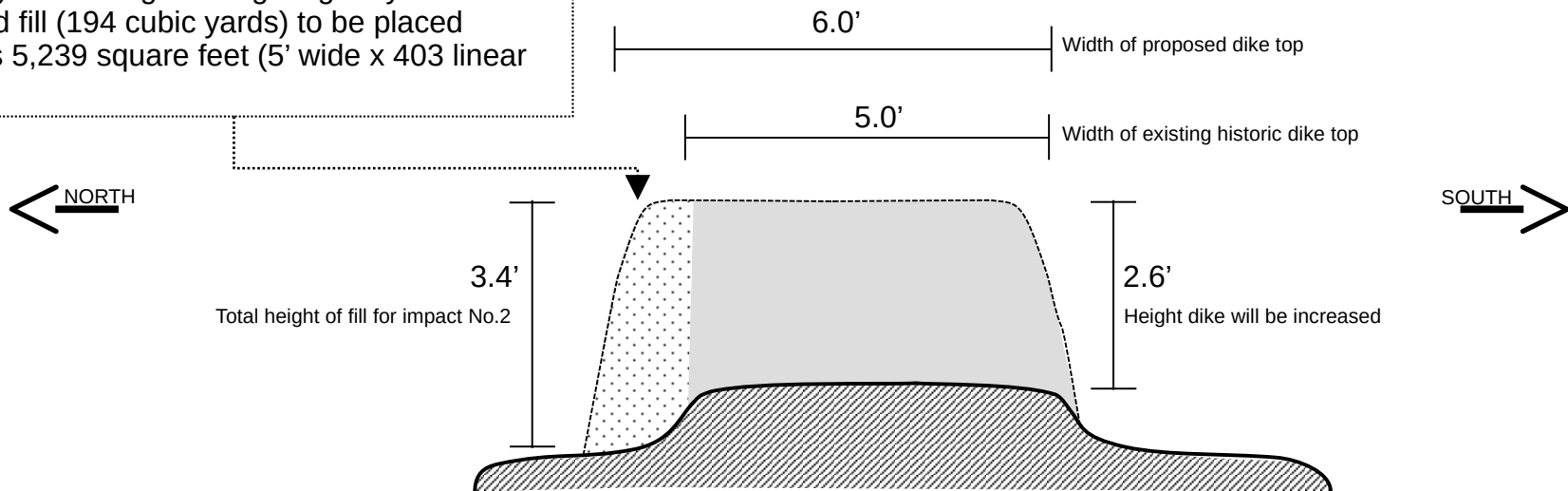
Agent: Travis Hayes Folk, PhD

Sheet: 6 of 10




Attachment 7 – section B-B – profile of historic dike topping

Impact No.2 – widen and top 403 linear feet of historic dike by increasing existing bottom width by 1' to inside and height by 3.4'. Wetland fill 51 cubic yards to be placed across 403 square feet (1' wide x 403 linear feet).

Non-Impact Fill - raise 403 linear feet of historic dike by increasing existing height by 2.6'. Upland fill (194 cubic yards) to be placed across 5,239 square feet (5' wide x 403 linear feet).



Legend

- Existing grade
- Proposed grade change
-  Existing historic dike
-  Proposed Fill – not Sec.10 wetland
-  Proposed Fill – Impact No.2

Project Title: Bellefont Inland Rice Field Renovation

Project Location:
Hughes Rd, SC Charleston County
32.826936°, -80.147875°

Drawing Scale:
1" = 2.5'

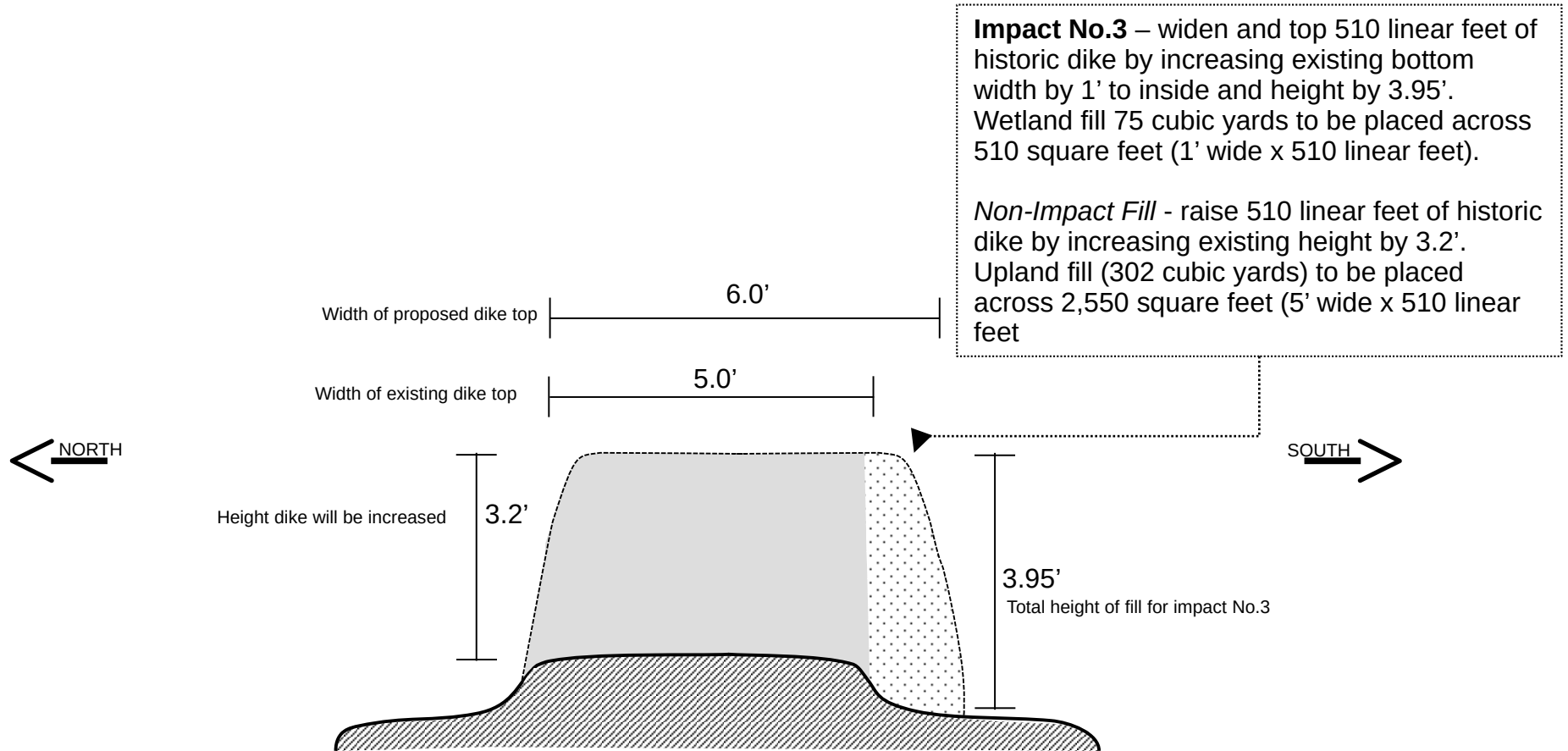
Applicant: Timothy F Norwood

Date: 7-10-23

Agent: Travis Hayes Folk, PhD

Sheet: 7 of 10

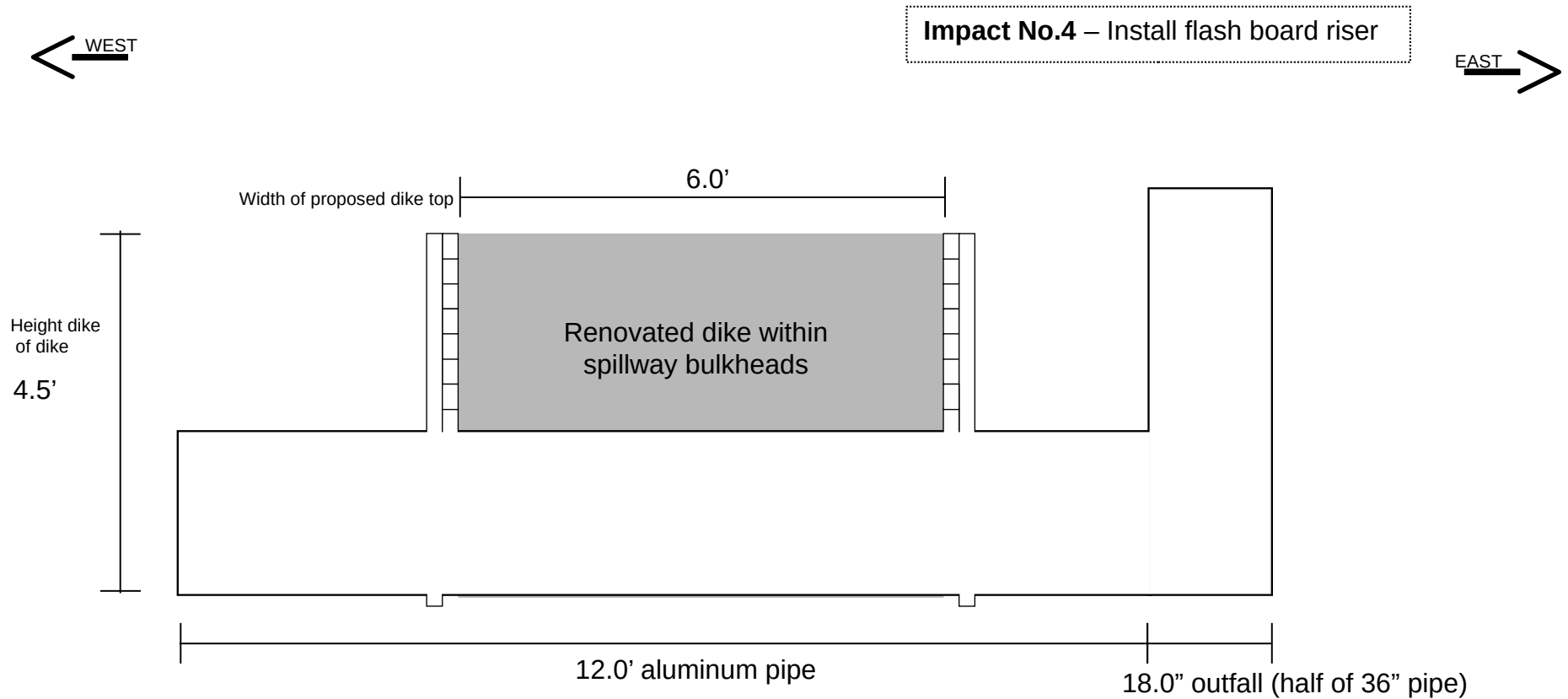
Attachment 8 – section C-C – profile of historic dike topping



	Existing grade
	Proposed grade change
	Existing historic dike
	Proposed Fill – not Sec.10 wetland
	Proposed Fill – Impact No.3

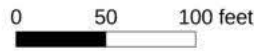
Project Title: Bellefont Inland Rice Field Renovation	
Project Location: Hughes Rd, SC Charleston County 32.826936°, -80.147875°	Drawing Scale: 1" = 2.5'
Applicant: Timothy F Norwood	Date: 7-10-23
Agent: Travis Hayes Folk, PhD	Sheet: 8 of 10

Attachment 9 – section D-D – profile of flash board riser



Project Title: Bellefont Inland Rice Field Renovation	
Project Location: Hughes Rd, SC Charleston County 32.826936°, -80.147875°	Drawing Scale: 1" = 2'
Applicant: Timothy F Norwood	Date: 7-10-23
Agent: Travis Hayes Folk, PhD	Sheet: 9 of 10

Attachment 10. Photo locations



2023 Charleston
County Imagery



Photo # and direction



Project Title: Bellefont Inland Rice Field Renovation
Project Location: 1185 Hughes Rd
Johns Island, Charleston County SC
lat/lon: 32.826986, -80.147875
Applicant: Timothy F Norwood
Agent: Travis Hayes Folk, PhD

Date 9-5-23
Sheet 10 of 10

