

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and

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

REGULATORY DIVISION
Refer to: SAC-2007-0785-11D

27 April 2007

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), the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

GENE R. SLIVKA
c/o FOLK LAND MANAGEMENT, INC.
3535 WHITE HALL ROAD
GREENPOND, SOUTH CAROLINA 29446

for a permit to excavate, place fill material and install water control structures within existing managed impoundments located adjacent to the

COMBAHEE RIVER

at a location upstream of the U.S. Hwy. 17 bridge crossing at Myrtle Grove Plantation in Colleton County, South Carolina.

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 both of the above mentioned offices until

12 O'CLOCK NOON, TUESDAY, 29 MAY 2007

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the rehabilitation of an existing managed tidal impoundment. Item #1 of the proposed work consists of removing, by excavation, 4, 444 linear feet of existing dikes within the existing impoundments. All excavated material will be side cast to the areas of the existing adjacent borrow ditches to levels at or below the existing ricefield bed, thereby leading to the restoration of preexisting ricefield bed elevations. The removal of the existing dikes will convert 6 subimpoundments into a single 308 acre impoundment.

Item #2 of the proposed work involves re-topping and widened the base width of 14,596 linear feet of existing dikes. All widening will take place inside the existing impoundment. The existing borrow ditches parallel to the dikes will be filled and relocated in order to create a wider berm for dike stabilization purposes.

Item #3 of the proposed work involves constructing a new segment of perimeter dike on the western side of the impoundment that will be 2,355 linear feet in length. Material for dike construction will be borrowed from within the existing impoundment by excavating a ditch parallel to the new dike. While adding to the overall management goals of the impoundment, the new dike will also prevent injury to the adjacent woodlands that could be caused by flooding.

Item #4 of the proposed work involves the installation of one new ricefield trunk, a new spillway box and the replacement of an existing metal pipe and riser with a new ricefield trunk.

All work will be performed within existing intact functional impoundments. The purpose of this work is to improve the ability to better manage water levels within the existing impoundments. In-turn, this will provide a more effectively managed wetland as high quality habitat for wetland dependent wildlife. An Impoundment Management Plan developed for the project is attached to this public notice as information.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

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

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). The District Engineer will not process this application to a conclusion until such certifications are received. 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 applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

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 approximately 40 acres of managed impounded wetlands associated with estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

A portion of the proposed work will be located within the primary and secondary zones of an existing eagle nest located on the property. Since the applicant has advised that work will not be conducted during the nesting season, if the nest is active, the District Engineer has determined that there will be no effect on this species. In furtherance, The District Engineer has also consulted the most recently available information and has determined that the project will have no effect on any other 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 7(c) of the Endangered Species Act of 1973 (as amended).

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 the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

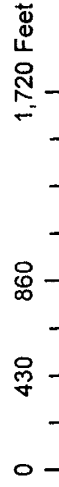
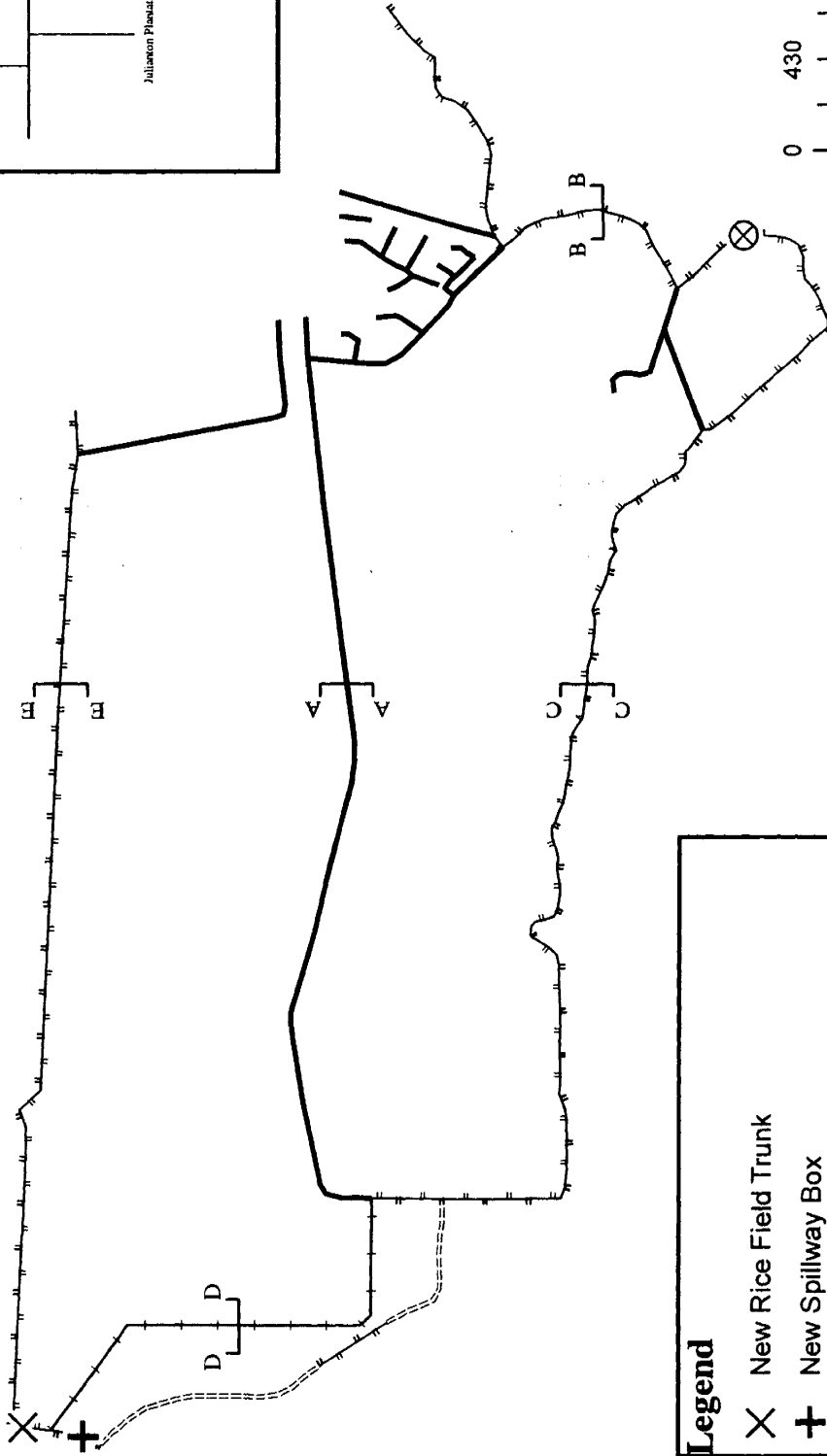
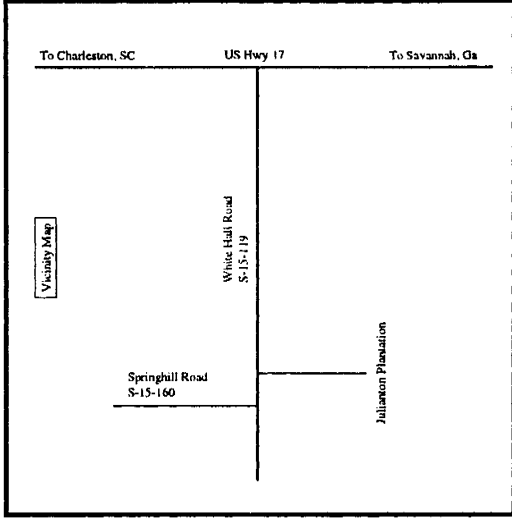
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 of Engineers 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.

If there are any questions concerning this public notice, please contact Dean Herndon at 843-329-8044 or toll free at 1-866-329-8187.

Plan View

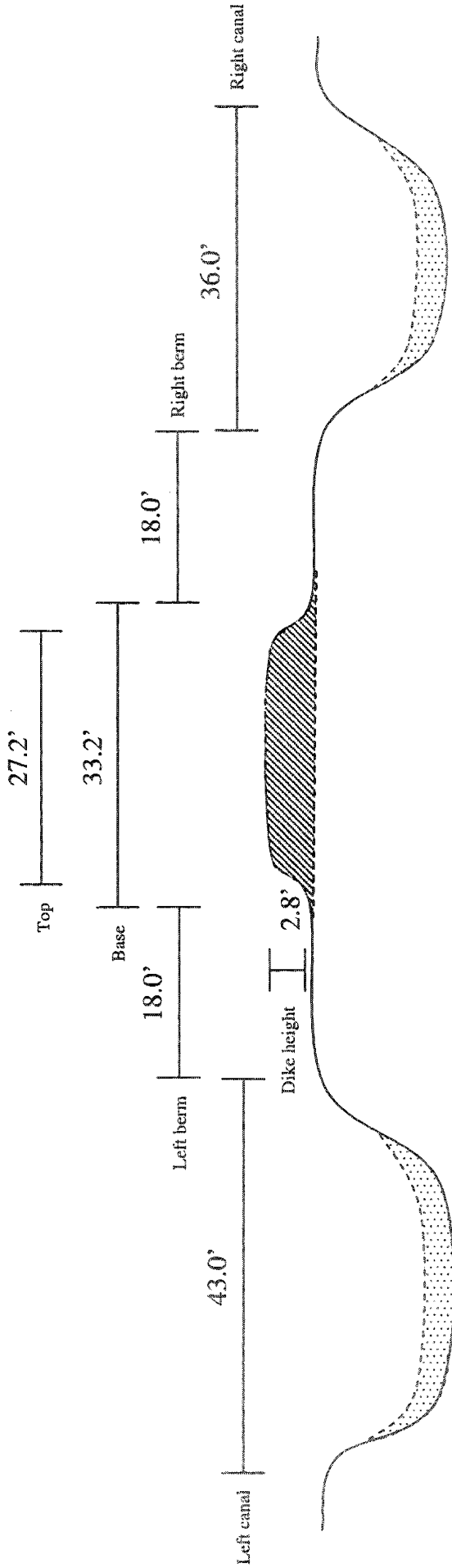


Legend	
X	New Rice Field Trunk
+	New Spillway Box
⊗	Replace Pipe and Riser with Rice Field Trunk
—	Dikes To Be Removed
—	Existing Dikes To Be Retopped & Widened
—	New Dike
====	Upland Road



Project Title: Myrtle Grove Plantation Pond Project	Revision	Date
Project Location: 6938 White Hall Road Green Pond, Colleton County, SC		
Lat 32°40'50"N, Long 80°40'24.98"W		
Applicant: Gene Raymond Slivka		
Authorized Agent: Robert H. Folk III Folk Land Management, Inc.		
	Drawing Scale: 1"=833'	Date: 4-17-07
	Application #	Sheet 2 of 9

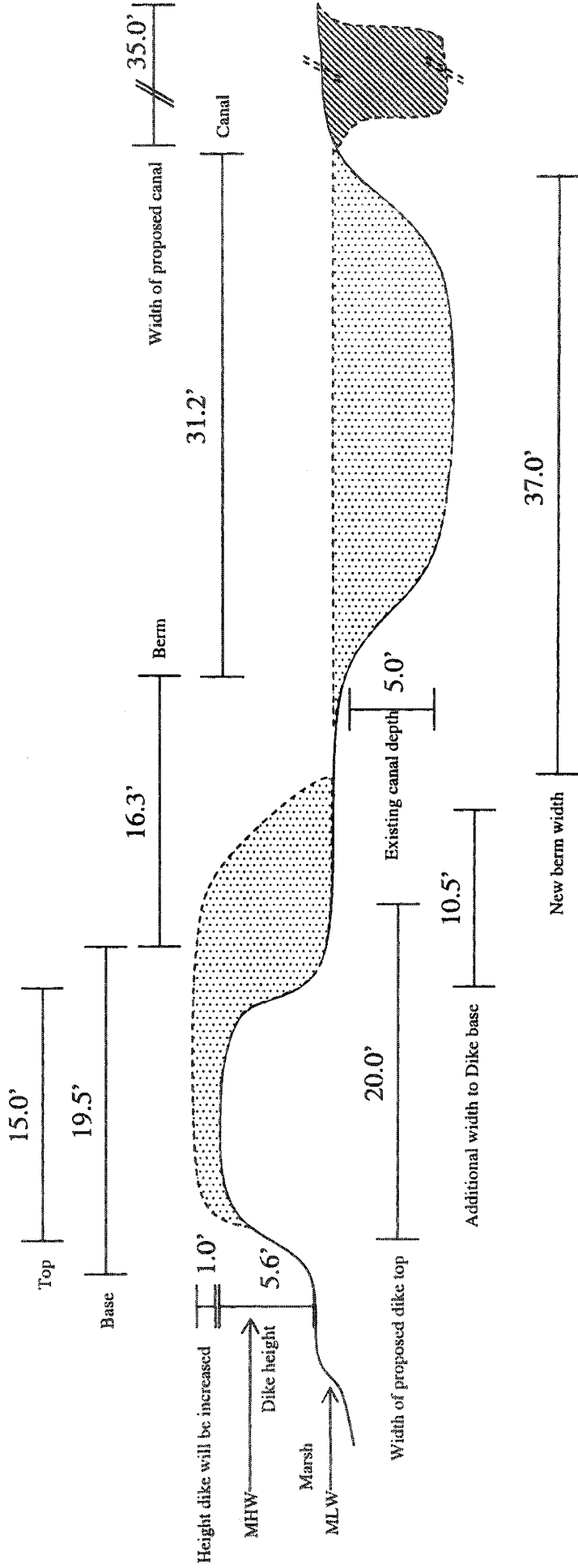
Section A-A (typ.) Middle Dike To Be Removed



Legend	
—	Existing grade
- - - - -	Proposed grade change
	Excavation
	Fill

Project Title: Myrtle Grove Plantation Pond Project	
Project Location: 6938 White Hall Road, Green Pond, Colleton County, SC Lat 32°40'43.50"N, Long 80°40'24.98"W	
Applicant: Gene Raymond Slivka	
Authorized Agent: Robert H. Folk III Folk Land Management, Inc.	
Revision	Date
Drawing Scale: 1" = 18.0'	Date: 4-17-2007
Application #	Sheet 3 of 9

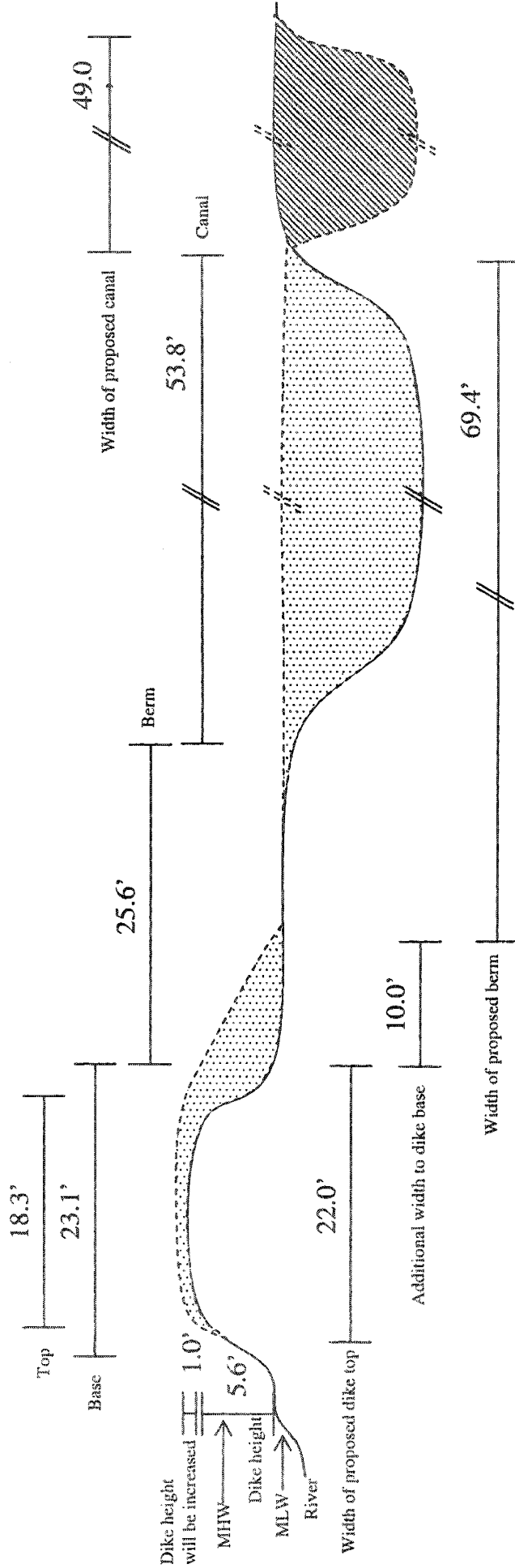
Section B-B (typ) Steven's Square Dike to Combahee River



Legend	
—	Existing grade
- - - -	Proposed grade change
	Excavation
	Fill

Project Title: Myrtle Grove Plantation Pond Project	
Project Location: 6938 White Hall Road, Green Pond, Colleton County, SC Lat 32°40'43.50"N, Long 80°40'24.98"W	
Applicant: Gene Raymond Slivka	
Revision	Date
Authorized Agent: Robert H. Folk III Folk Land Management, Inc.	
Drawing Scale: 1" = 10'	
Date: 4-17-2007	
Application #	
Sheet 4 of 9	

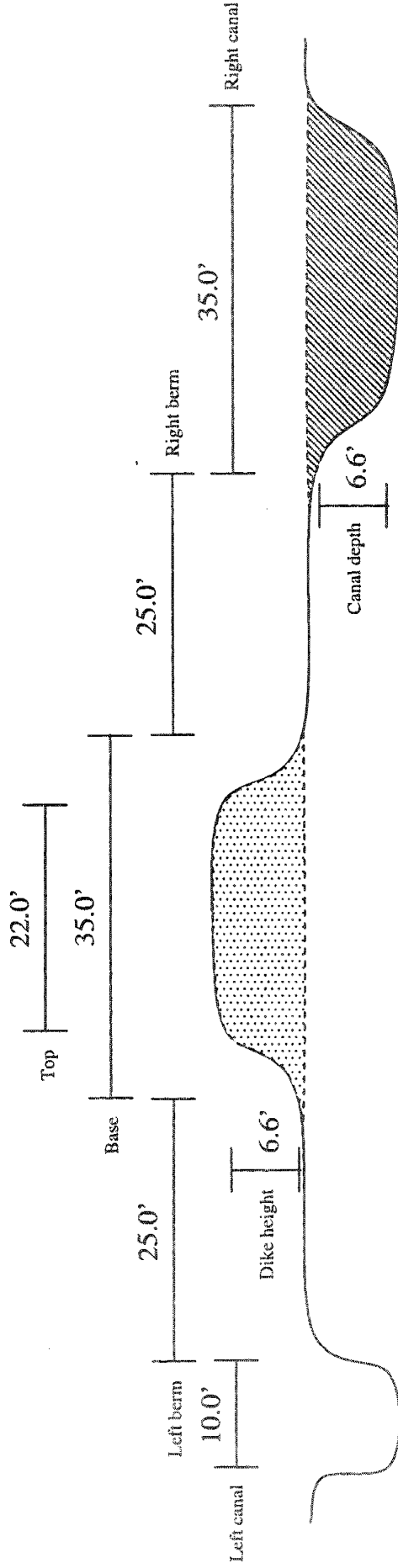
Section C-C (typ) Combahee River Dike



Legend	
—	Existing grade
- - - - -	Proposed grade change
▨	Excavation
⋯	Fill

Project Title: Myrtle Grove Plantation Pond Project	
Project Location: 6938 White Hall Road, Green Pond, Colleton County, SC	
Lat 32°40'43.50"N, Long 80°40'24.98"W	
Applicant: Gene Raymond Slivka	
Revision	Date
Authorized Agent: Robert H. Folk III Folk Land Management, Inc.	
Drawing Scale: 1" = 14'	
Date: 4-17-2007	
Application #	
Sheet 5 of 9	

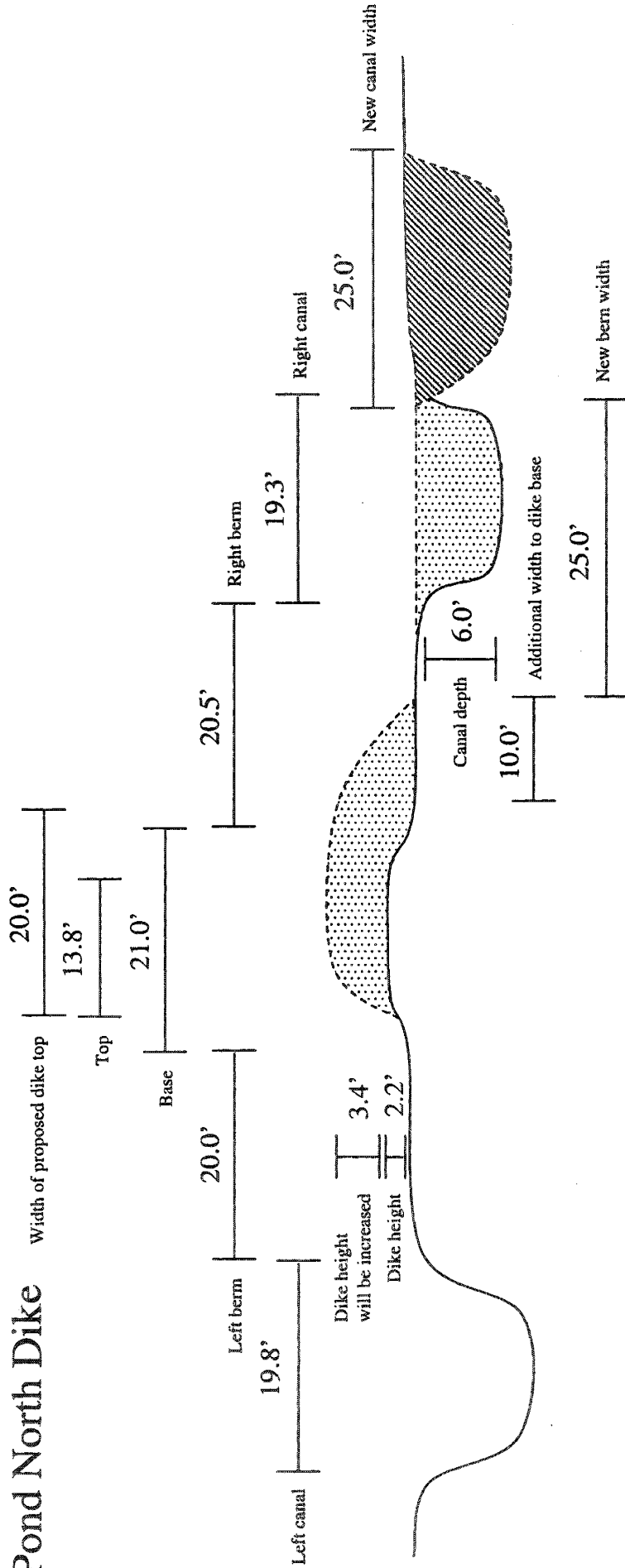
Section D-D (typ.) Pond New Dike Construction



Legend	
—	Existing grade
- - - - -	Proposed grade change
	Excavation
	Fill

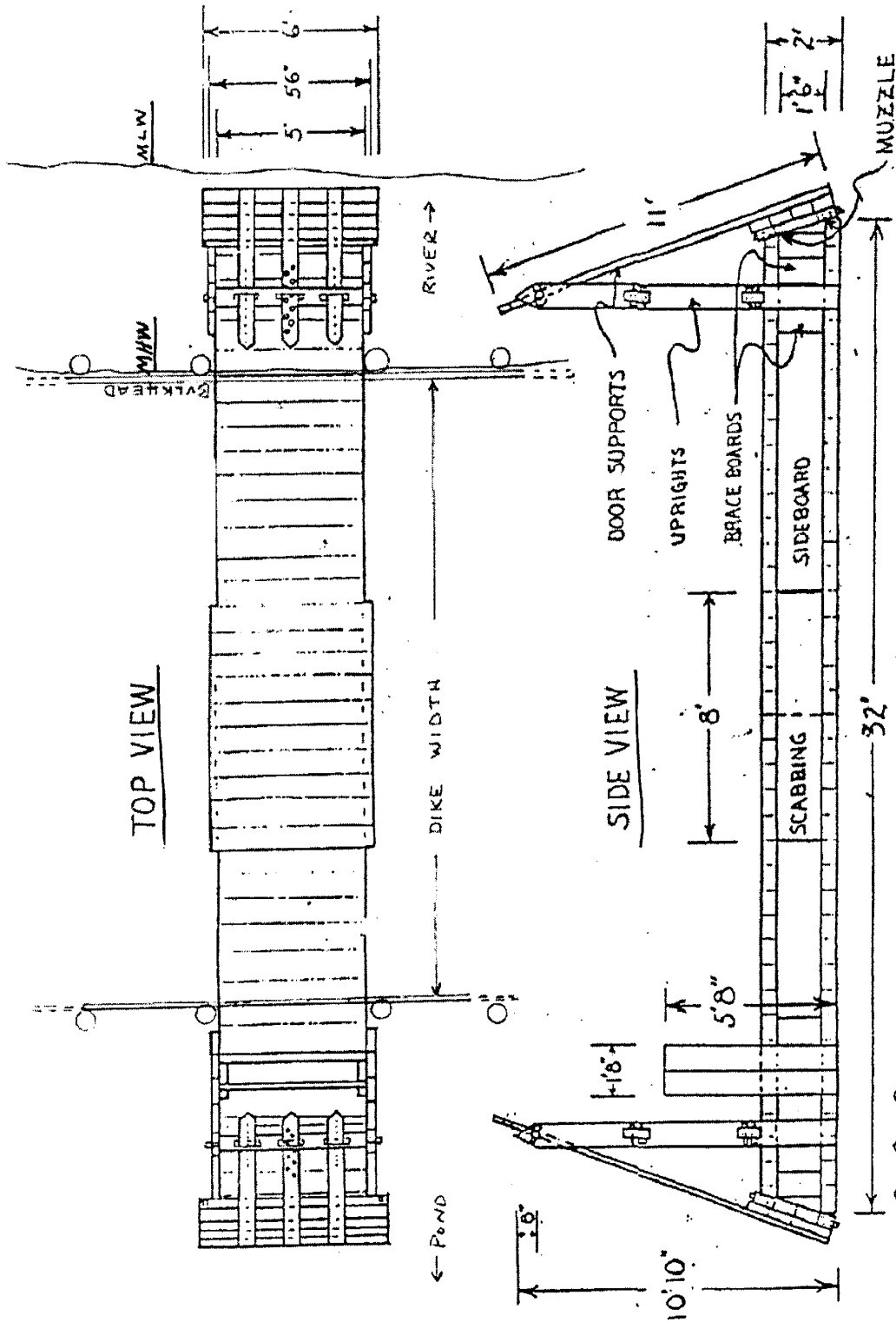
Project Title: Myrtle Grove Plantation Pond Project	
Project Location: 6938 White Hall Road, Green Pond, Colleton County, SC Lat 32°40'43.50"N, Long 80°40'24.98"W	
Applicant: Gene Raymond Slivka	
Revision	Date
Authorized Agent: Robert H. Folk III Folk Land Management, Inc.	
Drawing Scale: 1" = 16'	Date: 4-17-2007
Application #	Sheet 6 of 9

Section E-E (typ.) Pond North Dike



Legend	
—	Existing grade
- - - - -	Proposed grade change
	Excavation
	Fill

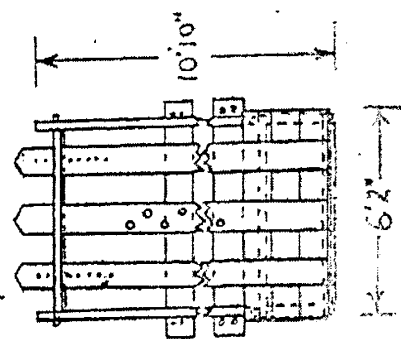
Project Title: Myrtle Grove Plantation Pond Project	
Project Location: 6938 White Hall Road, Green Pond, Colleton County, SC Lat 32°40'43.50"N, Long 80°40'24.98"W	
Applicant: Gene Raymond Slivka	
Revision	Date
Authorized Agent: Robert H. Folk III Folk Land Management, Inc.	
Drawing Scale: 1" = 16'	Date: 4-17-2007
Application #	Sheet 7 of 9



NEW TRUNK CONSTRUCTION
DETAIL

Project Title: Myrtle Grove Plantation Pond Project	
Project Location: 6938 White Hall Road, Green Pond, Colleton County, SC Lat 32°40'43.50"N, Long 80°40'24.98"W	
Applicant: Gene Raymond Slivka	
Authorized Agent: Robert H. Folk III Folk Land Management, Inc.	
Revision	Date
	Drawing Scale: 1" = 5'
	Date: 4-17-2007
	Application #
	Sheet 8 of 9

END VIEW



MANAGEMENT PLAN

MYRTLE GROVE PLANTATION POND PROJECT

Historically, 5 of the ponds within the project area have been managed as permanently flooded. One impoundment was managed as a summer drawdown where small grains were planted. Relatively shallow water has resulted in cattails (*Typha* spp.) and whitemarsh (*Zizaniopsis miliacea*) dominating most of the area within the permanently flooded ponds.

To discourage the undesirable, perennial vegetation, the proposed project design includes spraying an approved herbicide on the cattails during a drawdown period and reflooding deeply. Five ricefield trunks (3 of which were authorized under Nationwide Permit SAC-2007-0305-1ND) should provide sufficient capacity to maintain deep water.

Flooding during times of peak availability of young fishes from the river is expected to result in a productive fishery within the impoundment. This will provide excellent habitat for bald eagles and ospreys nesting nearby. Alligators, otters, and other wetland related species are expected to benefit.

Depending upon the salinity of the water in the river, various submerged aquatic plant species are expected to grow. If the salinity remains low, pondweed (*Potamogeton* spp.) should occur. If the impoundment becomes brackish, wideongrass (*Ruppia maritima*) should occur. Both of these will be beneficial for wintering waterfowl.

Two bald eagle nests exist near the project area. The primary and secondary zones of the northernmost nest are outside the project area. However, the primary and secondary zones of the southern nest encompass a portion of the proposed dike work. Therefore, the dike work within these zones will not occur during the nesting season (November through April); however, if it is determined by SCDNR biologists that the nest is not active, work may be allowed to proceed during this period. USFWS will be consulted on this matter also.

		Project Title: Myrtle Grove Plantation Pond Project	
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		Applicant: Gene Raymond Slivka	
Revision	Date	Authorized Agent: Robert H. Folk III Folk Land Management, Inc.	
		Drawing Scale:	Date: 4-17-2007
		Application #	Sheet 9 of 9