JOINT
PUBLIC NOTICE

RECEIVED
JAN 6 2004
CHARLESTON OFFICE

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 OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N # 2003-1N-384-P

31 December 2003

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. EDGAR T. CATO
C/O FOLK LAND MANAGEMENT, INC.
4964 WHITE HALL ROAD
GREEN POND, SOUTH CAROLINA 29446

for an after the fact permit to excavate and place fill material in waters of the United States in the

COMBAHEE RIVER

4 miles south of the intersection of US Highway 17 and Wiggins Road in Colleton County, South Carolina (Latitude – 32.6101 N, Longitude – 80.6536 W).

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, MONDAY, 2 FEBRUARY 2004

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

The proposed work consists of constructing improvements to an existing tidal impoundment at Paul and Dalton Plantation. The applicant received Department of the Army authorization (SAC 03-0872-2003) to retop the existing perimeter dike and to maintain the adjacent interior canal in July 2003. According to the applicant, the perimeter dike sloughed off into the interior canal and breached at two locations while they were conducting the work. In order to reinforce the dike, the applicant filled a 2,100-linear foot section (approximately 2.2 acres) of the existing interior canal.

According to the applicant, filling the interior canal and widening the berm/shelf that is located between the inside edge of the perimeter dike and the canal will provide additional structural support. The applicant has proposed to fill an additional 7,500 linear feet of the canal,

and to relocate the entire 9,600-foot interior canal 110 feet landward. The applicant does not plan to widen the existing perimeter dike, nor do they plan to increase the width or depth of the interior canal. The proposed work would result in the placement of fill material in an additional 6.6 acres of the canal and the excavation of 8.8 acres of new interior canal. According to the applicant, the purpose of the proposed work is to provide long-term structural stability to the existing perimeter dike.

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 the Coastal Zone Management Program (15 CFR 930). 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 16.6 acres of 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.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the bald eagle (*Haliaeetus leucocephalus*) a Federally threatened species is present in the vicinity of the project. However, it has been determined that the project will have no effect on this species and will not 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.

The District Engineer has 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. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is

otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

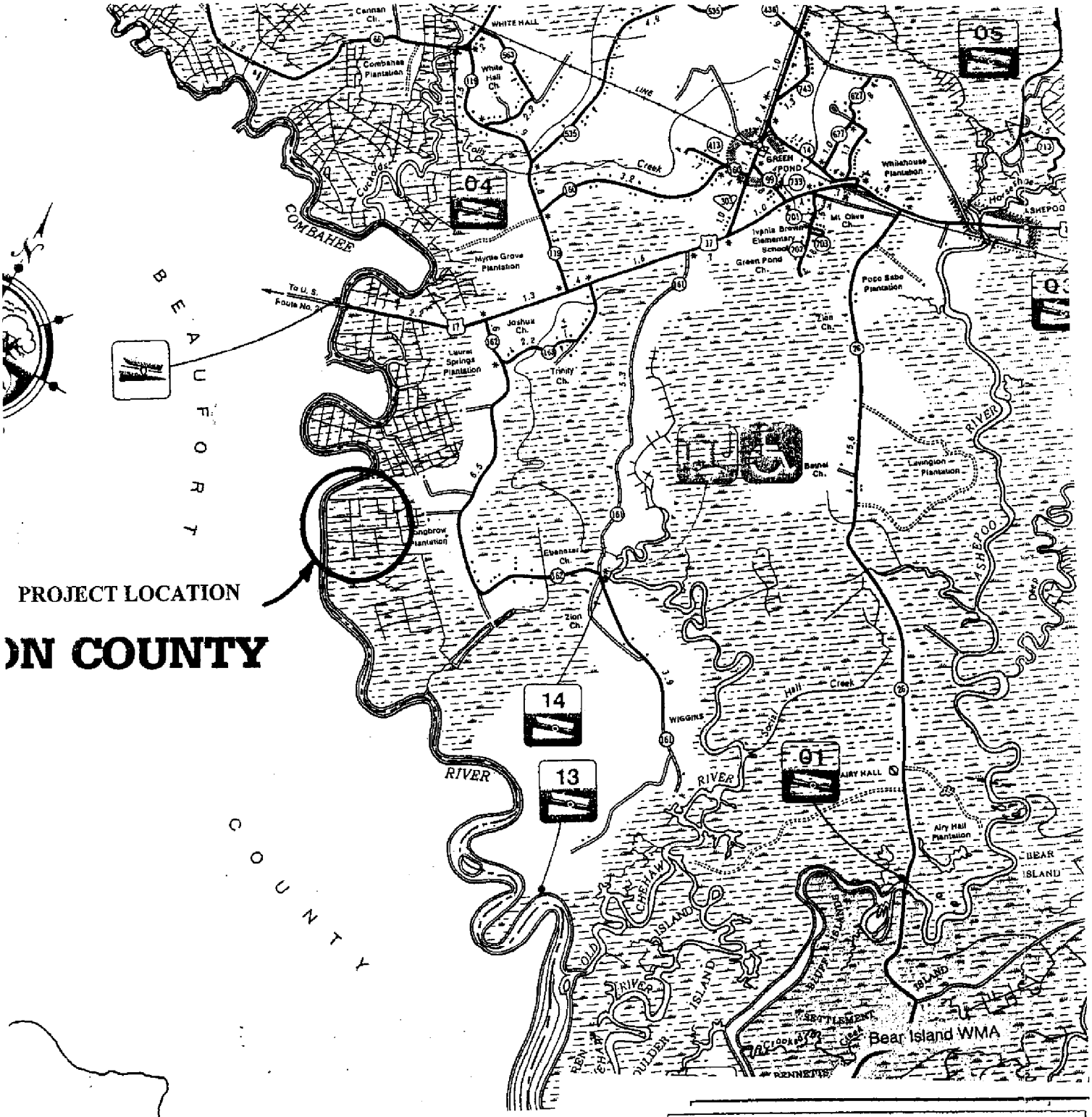
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

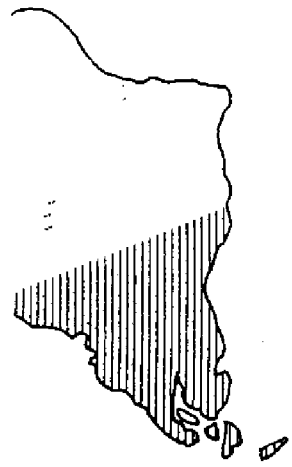
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 me at 843-329-8044 or toll free at 1-866-329-8187.

Nathaniel I. Ball
Project Manager
Regulatory Division
U.S. Army Corps of Engineers





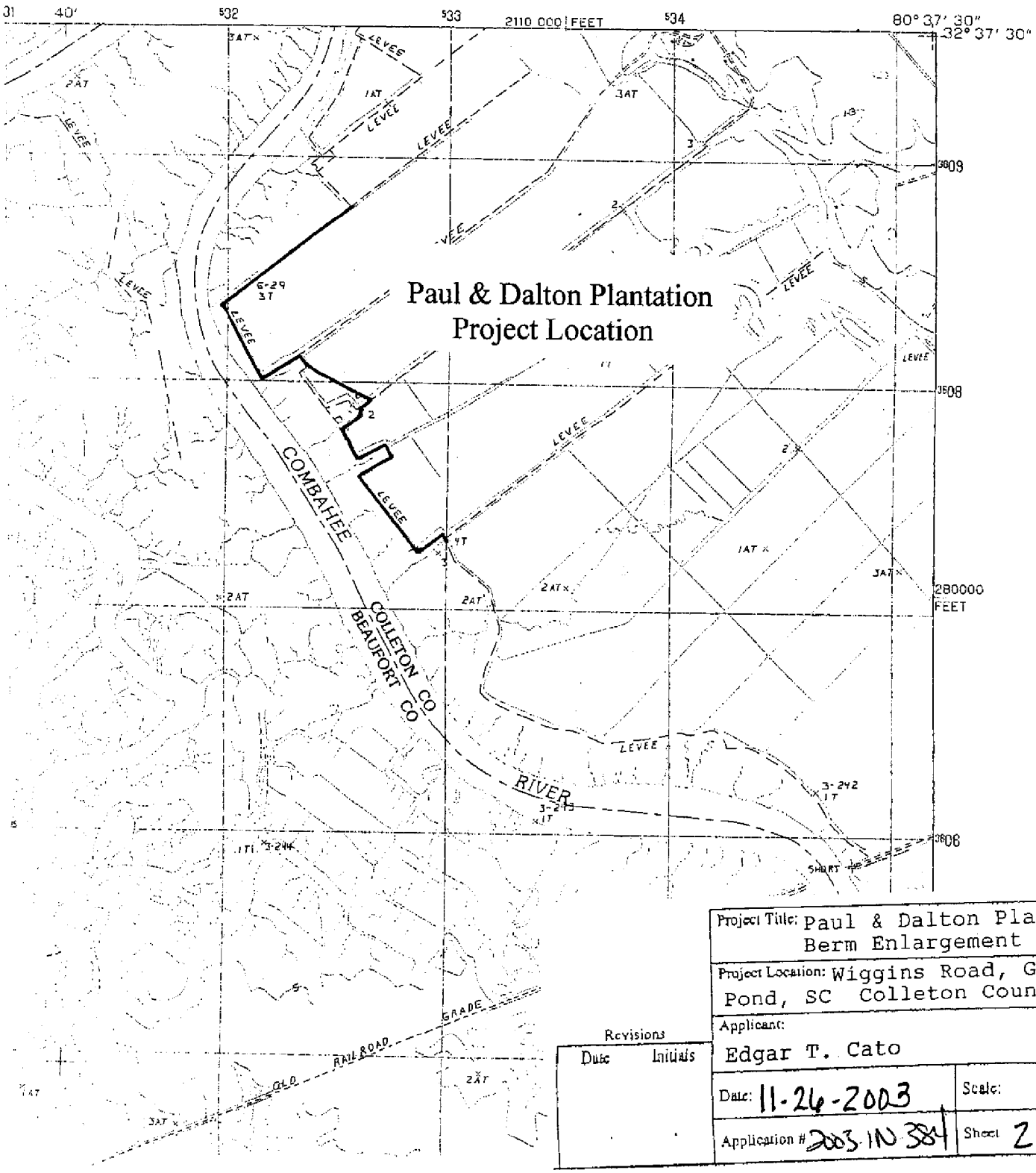
LETON – SOUTHEAST

Project Title: Paul & Dalton Plantation Berm Enlargement	
Project Location: Wiggins Road, Green Pond, SC Colleton County	
Applicant: Edgar T. Cato	
Date: 11-26-2003	Scale:
Application # 2003110381	Sheet 1 of 5

Revisions

Date	Initials

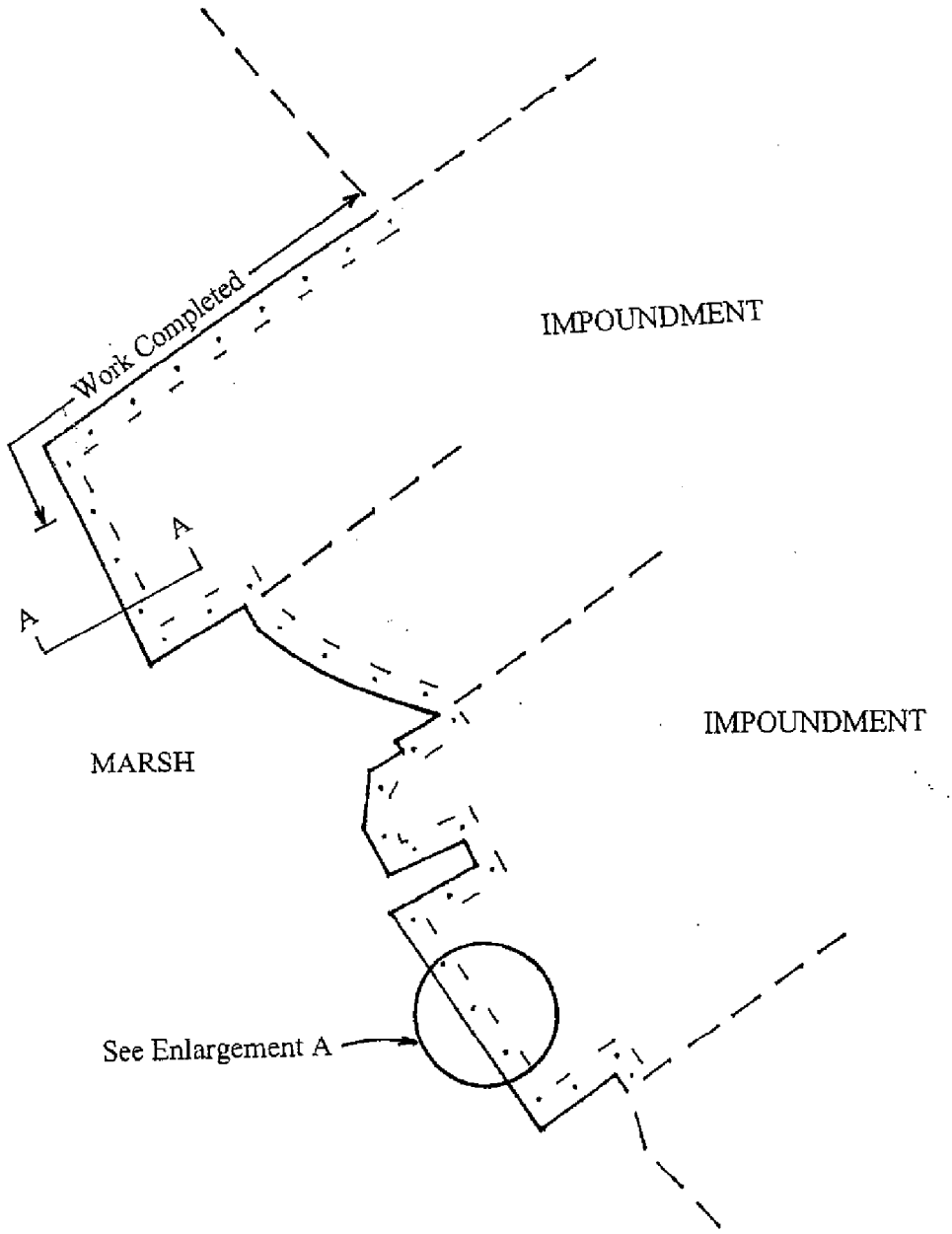
DALE QUADRANGLE
SOUTH CAROLINA
7.5 MINUTE SERIES (TOPOGRAPHIC)



Project Title: Paul & Dalton Plantatio. Berm Enlargement	
Project Location: Wiggins Road, Green Pond, SC Colleton County	
Applicant: Edgar T. Cato	
Date: 11-26-2003	Scale:
Application # 2003-IN-384	Sheet 2 of 5

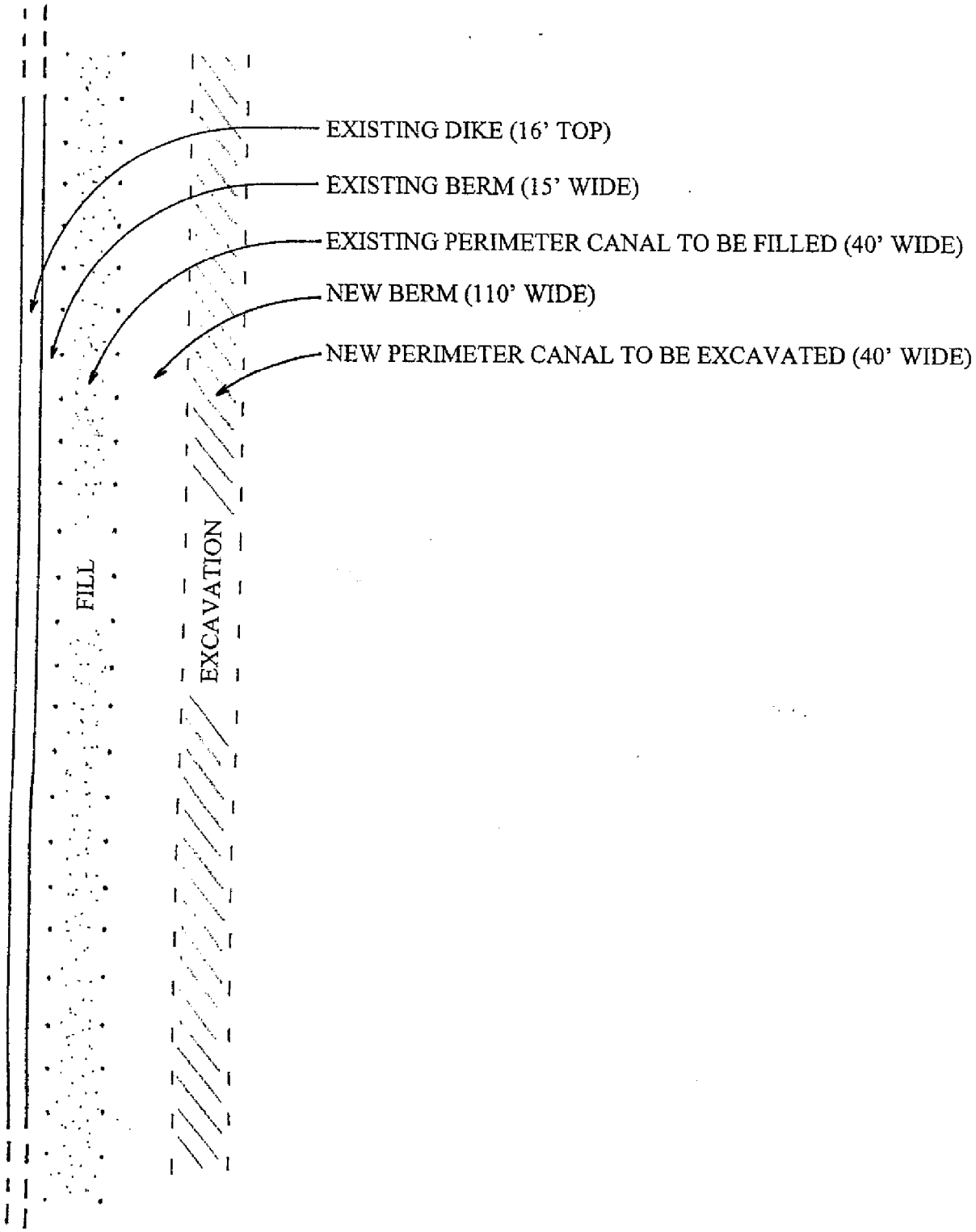
Revisions

Date	Initials



Revisions			
Date	Initials	Project Title: Paul & Dalton Plantation Berm Enlargement	
		Project Location: Wiggins Road, Green Pond, SC Colleton County	
		Applicant: Edgar T. Cato	
		Date: 11-26-2003	Scale: 1" = 1050'
		Application # 2003-IN-384	Sheet 3 of 5

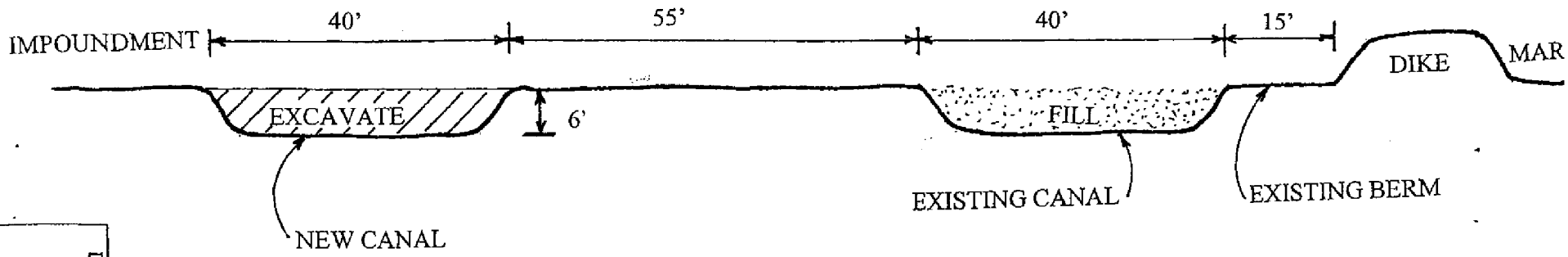
ENLARGEMENT A



Revisions		
Date	Initials	

Project Title: Paul & Dalton Plantation Berm Enlargement	
Project Location: Wiggins Road, Green Pond, SC Colleton County	
Applicant: Edgar T. Cato	
Date:	Scale: As Shown
Application # 2003-IN-384	Sheet 4 of 5

SECTION A-A



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Project Location: Wiggins Road, Green Pond, SC Colleton County	Date / Initials
Applicant: Edgar T. Cato	
Date:	Scale: 1" = 20'
Application # 2003-IN-384	Sheet 5 of 5