

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1835 Assembly Street, RM 865 B1
Columbia, South Carolina 29201

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-2017-01909

January 29, 2017

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. Bryan Stone
c/o James Seay
Lockhart Power Company
P.O. Box 10, 420 River Street
Lockhart, South Carolina 29364

for a permit to perform routine stabilization maintenance on the canal embankment in the

Lockhart Hydro Canal

located east of the town of Lockhart between Lockhart Reservoir and the Broad River in Union County, South Carolina (Latitude: 34.7879 °N, Longitude: 81.45903 °W), Lockhart Quadrangle.

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 maintenance and replacement of existing rip-rap along the banks of the Lockhart Hydro Canal. **The applicant is requesting a 10 year permit for these activities.** In detail the applicant is proposing to stabilize the banks of the Lockhart Hydro Canal by placing up to 25,000 cubic yards of rip-rap below the ordinary high water mark during times of drawdown as needed over the next ten years. The total area covers 13,240 linear feet of the

canal. The applicant has requested the maximum amount of rip-rap needed to stabilize the entire canal, though they intend to utilize the permit only as necessary to stabilize where needed during the next 10 years. The applicant has typically added less than 1% of the total cubic yards requested during each stabilization effort. The applicant has not proposed any compensatory mitigation for impacts associated with this project. The project purpose is to stabilize the Lockhart Hydro Canal during times of drawdown over the next 10 years, as needed.

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 13,240 linear feet of freshwater habitat well inland 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.

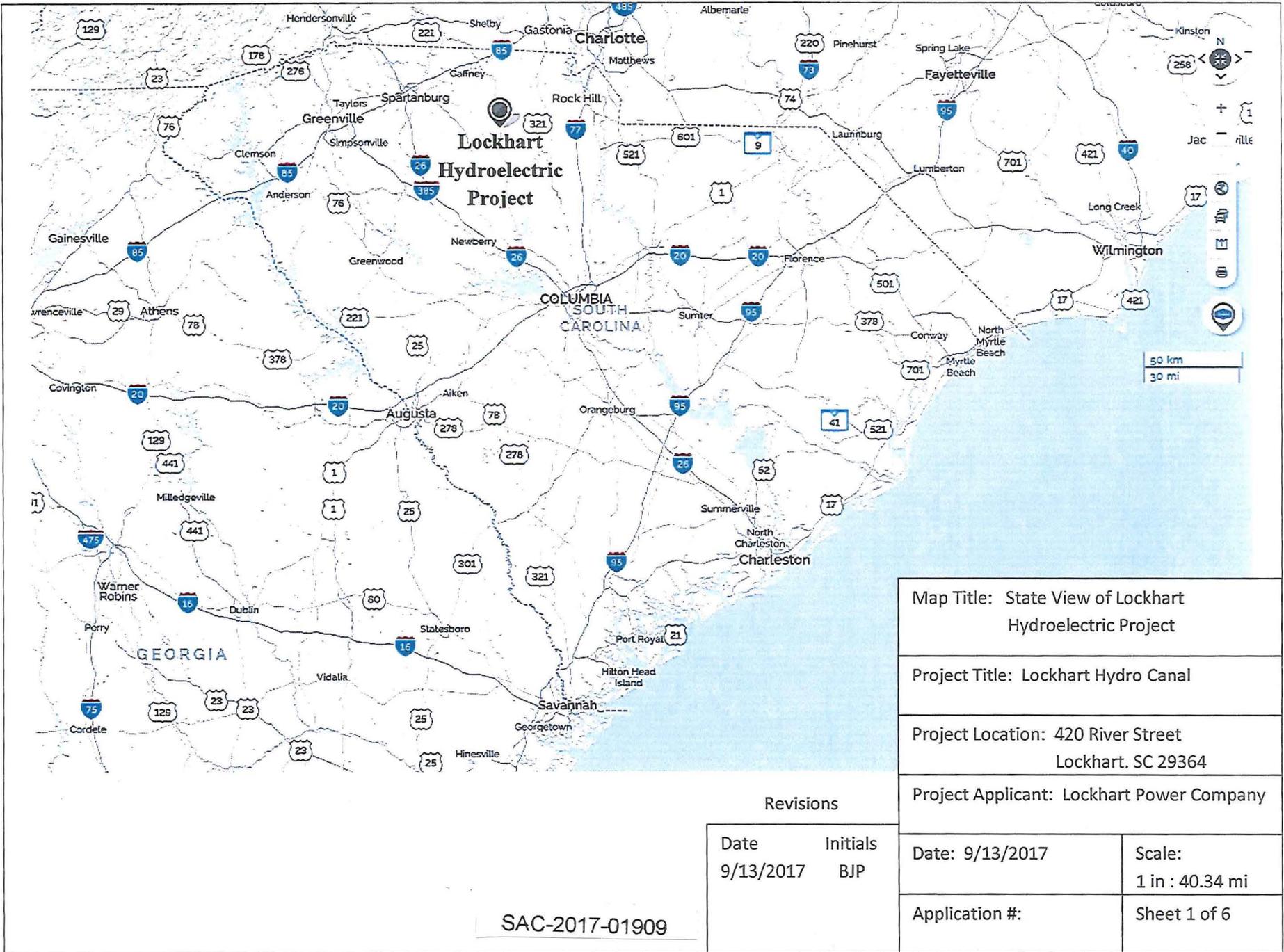
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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:**

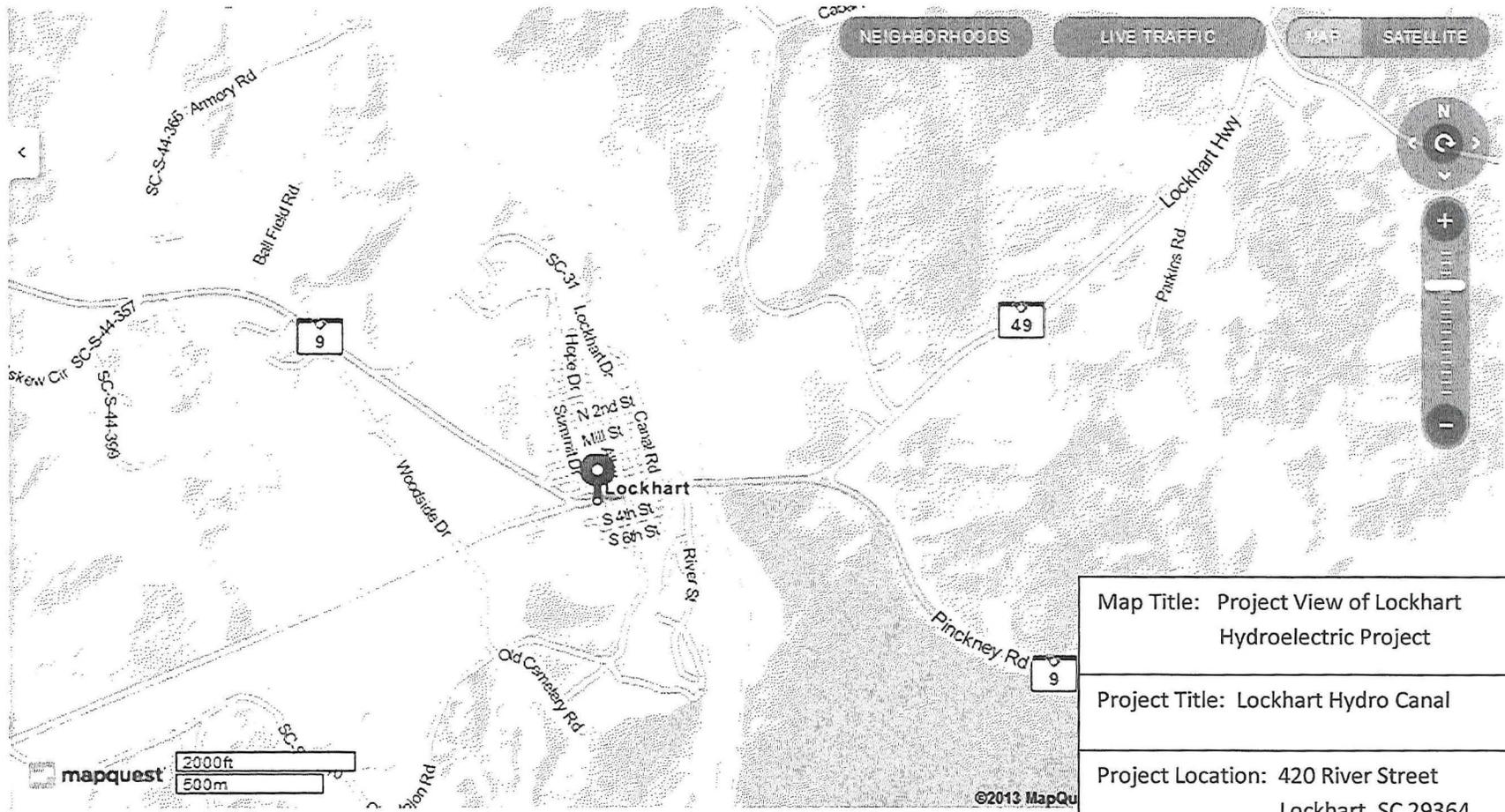
**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1835 Assembly Street, RM 865 B1
Columbia, South Carolina 29201**

If there are any questions concerning this public notice, please contact Jarrett Cellini, Project Manager, at (803) 253-3916.



Map Title: State View of Lockhart Hydroelectric Project	
Project Title: Lockhart Hydro Canal	
Project Location: 420 River Street Lockhart, SC 29364	
Project Applicant: Lockhart Power Company	
Revisions	
Date 9/13/2017	Initials BJP
Date: 9/13/2017	Scale: 1 in : 40.34 mi
Application #:	Sheet 1 of 6

SAC-2017-01909



mapquest 2000ft 500m

Map Title: Project View of Lockhart Hydroelectric Project

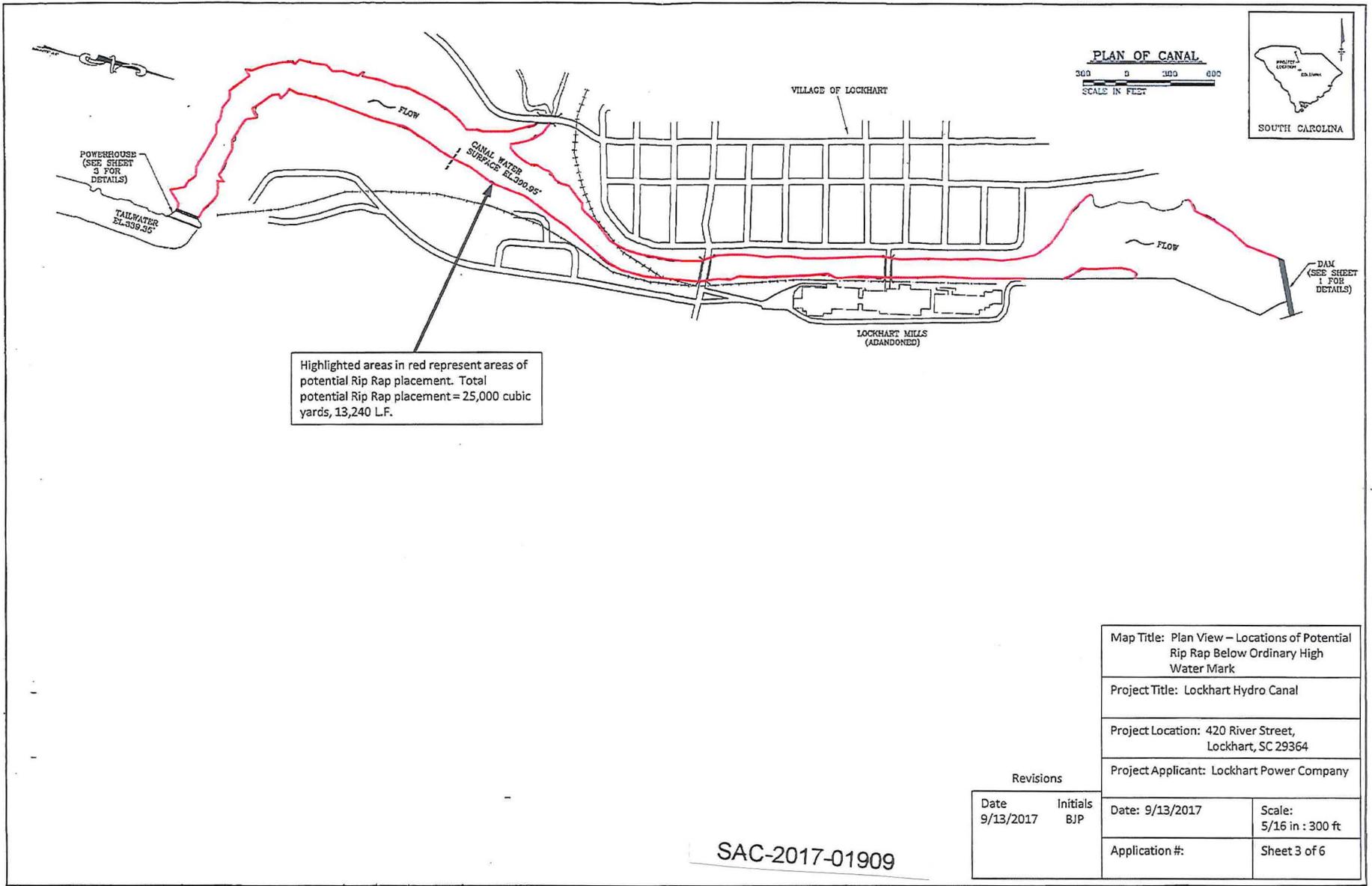
Project Title: Lockhart Hydro Canal

Project Location: 420 River Street
Lockhart, SC 29364

Project Applicant: Lockhart Power Company

Revisions	
Date	Initials
9/13/2017	BJP
Date: 9/13/2017	Scale: 1 in : 1828.57 ft
Application #:	Sheet 2 of 6

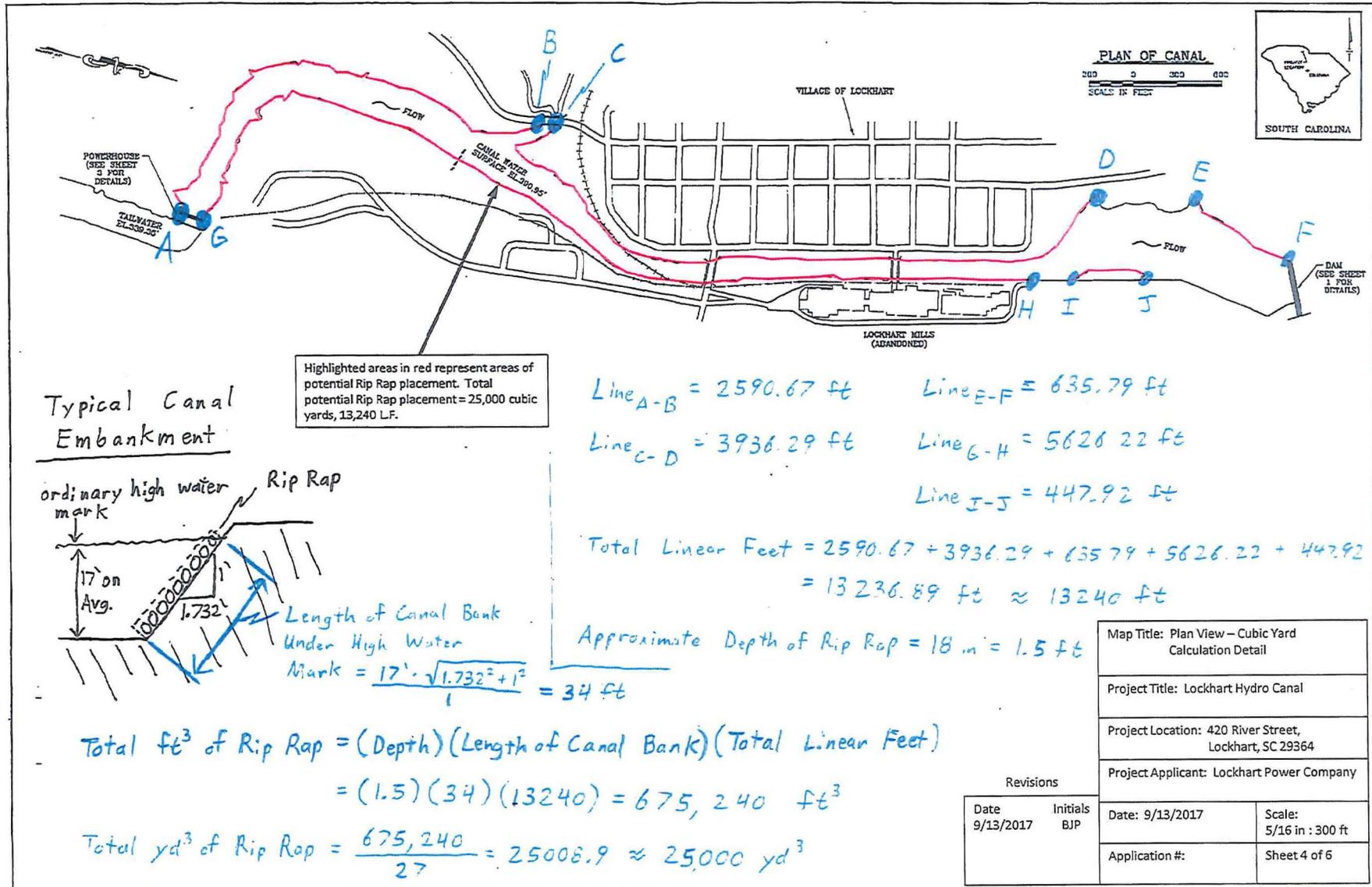
SAC-2017-01909



Map Title: Plan View – Locations of Potential Rip Rap Below Ordinary High Water Mark	
Project Title: Lockhart Hydro Canal	
Project Location: 420 River Street, Lockhart, SC 29364	
Project Applicant: Lockhart Power Company	
Revisions	
Date 9/13/2017	Initials BJP
Date: 9/13/2017	Scale: 5/16 in : 300 ft
Application #:	Sheet 3 of 6

SAC-2017-01909

Cubic Yard Calculation Detail

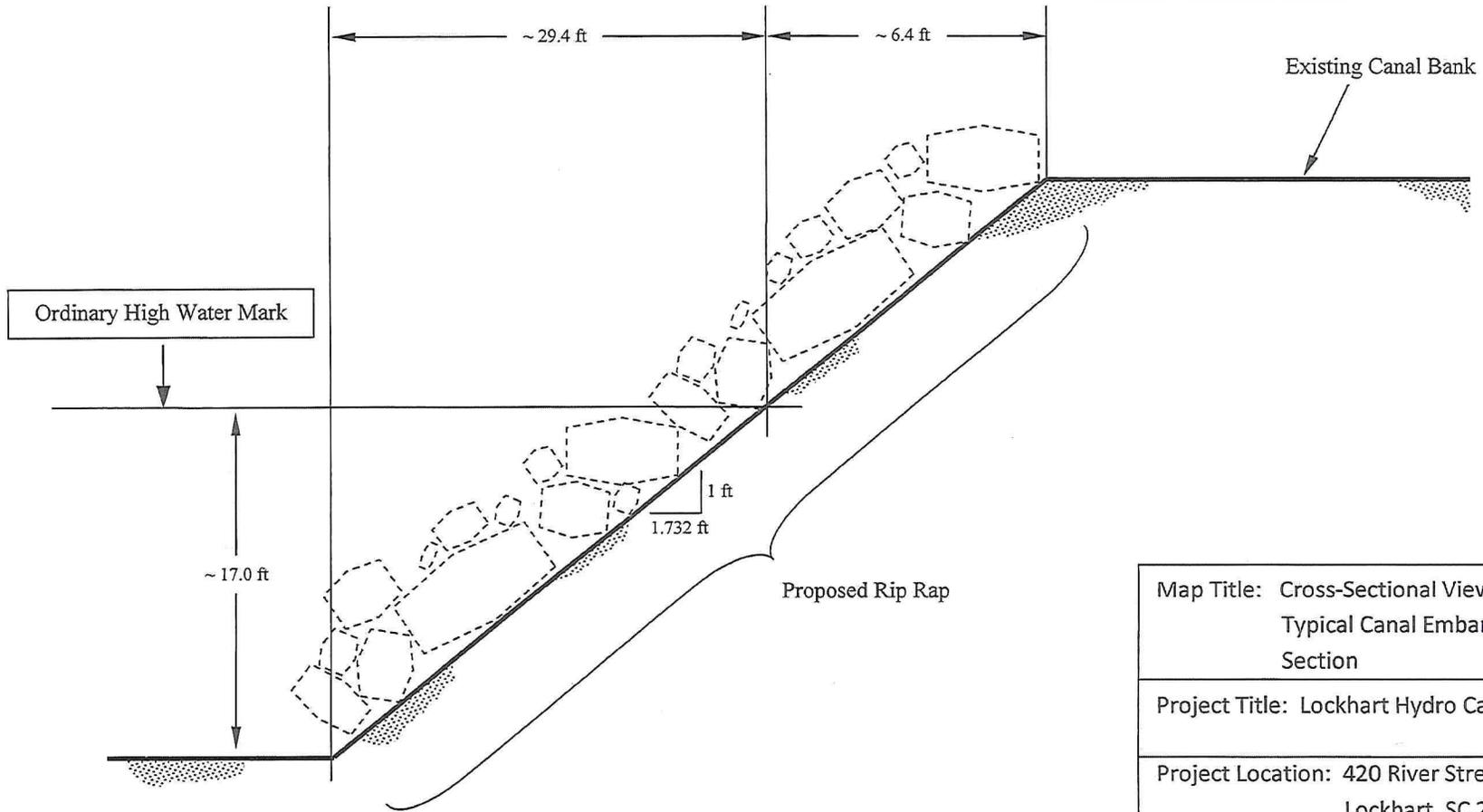


Total Cubic Yards of Rip Rap ≈ 25,000 yd³

SAC-2017-01909

Typical Canal Embankment Section

Not Drawn to Scale



Map Title: Cross-Sectional View of Typical Canal Embankment Section	
Project Title: Lockhart Hydro Canal	
Project Location: 420 River Street Lockhart, SC 29364	
Project Applicant: Lockhart Power Company	
Revisions	
Date 9/13/2017	Initials BJP
Date: 9/13/2017	Scale: Distances Labeled
Application #:	Sheet 5 of 6

