

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: P/N #SAC-2010-379-5IC

17 JANUARY 2012

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 South Carolina Department of Health and Environmental Control by

BILLY R. BLACK
240 VALLEY ONE DRIVE
WINNSBORO, SOUTH CAROLINA 29180

to obtain After-the-Fact (ATF) authorization for construction of a dam in

AN UNNAMED TRIBUTARY TO TAYLOR CREEK

at an approximately 65 acre tract located at 672 River Road near Flint Hill, Fairfield County, South Carolina (Latitude: 34.43896°, Longitude: -80.93049°).

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 ATF authorization of the work.

The work consisted of filling approximately 0.0075 acres (approximately 65 linear feet) of an unnamed tributary to Taylor Creek with approximately 125 cubic yards of clean earthen material for a dam. The dam inundates approximately 0.034 acres (approximately 296 linear feet) of tributary, creating an approximately 0.90 acre pond. The purpose of the work as stated by the applicant was to create a pond for recreational activities, wildlife use, and water storage. The applicant states that avoidance and minimization efforts have been accomplished by limiting the height of the dam to minimize the inundation of the tributary. The applicant states that the mitigation banks serving the project site were contacted mid-December 2011, but no credits were available for purchase. As compensatory mitigation, the applicant proposes to preserve the remaining 2,954 linear feet of on-site tributaries and 100 foot wide upland buffers as shown on the plan drawings.

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: Amy Cappellino
1835 Assembly Street
Room 865 B-1
Columbia, South Carolina 29201**

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 District Engineer will not process this application to a conclusion until such certification is received. 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 Water Quality Certification 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 0.415 acres of freshwater habitat well inland 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 project is not likely to adversely affect any Federally endangered, threatened, or proposed species 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.

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.

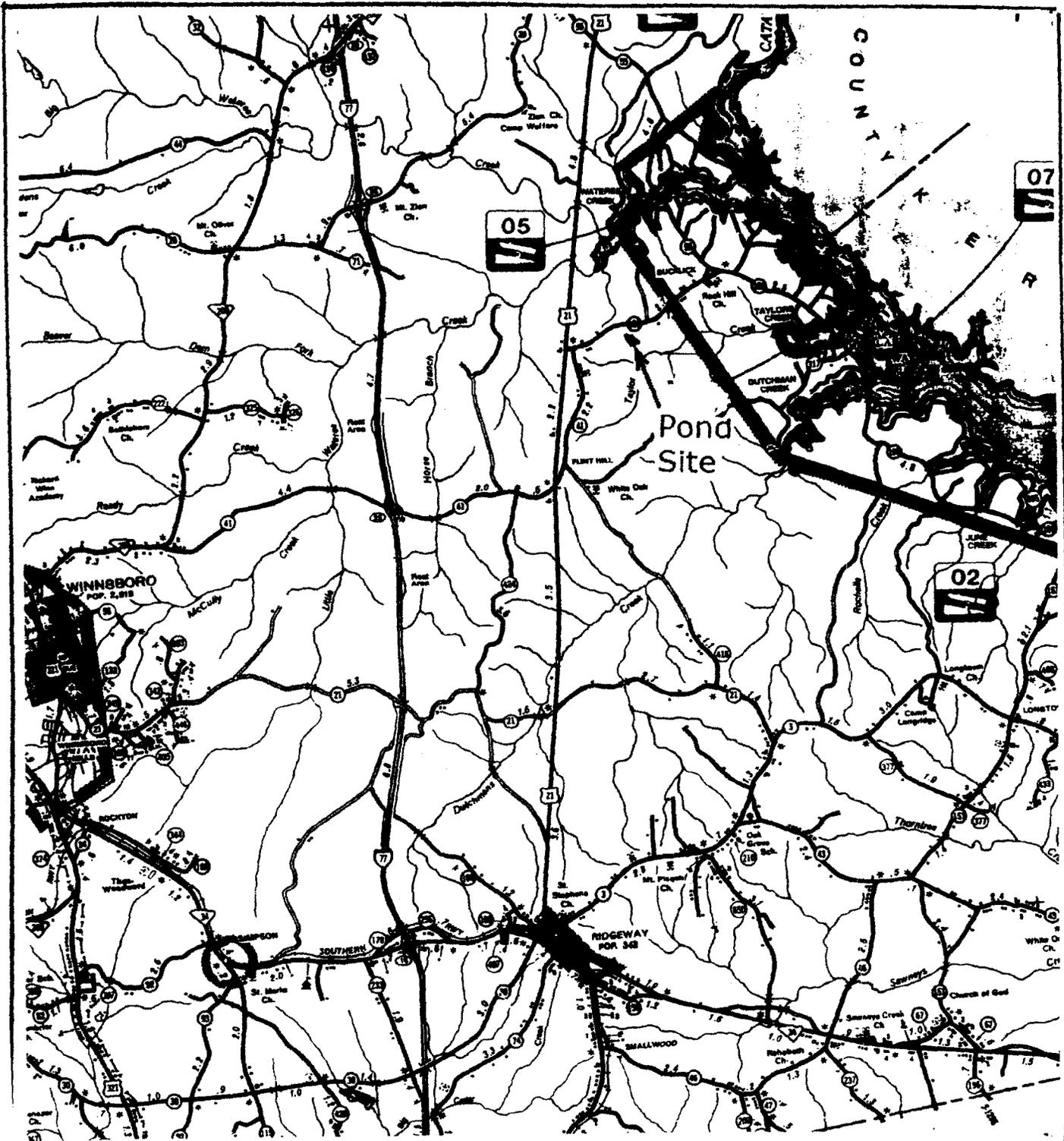
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered 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 Amy Cappellino at 803-253-3992.



PROJECT TITLE: **BILL BLACK POND**

PROJECT LOCATION: **672 RIVER ROAD
WINNSBORO, SC**

APPLICANT: **BILLY BLACK**

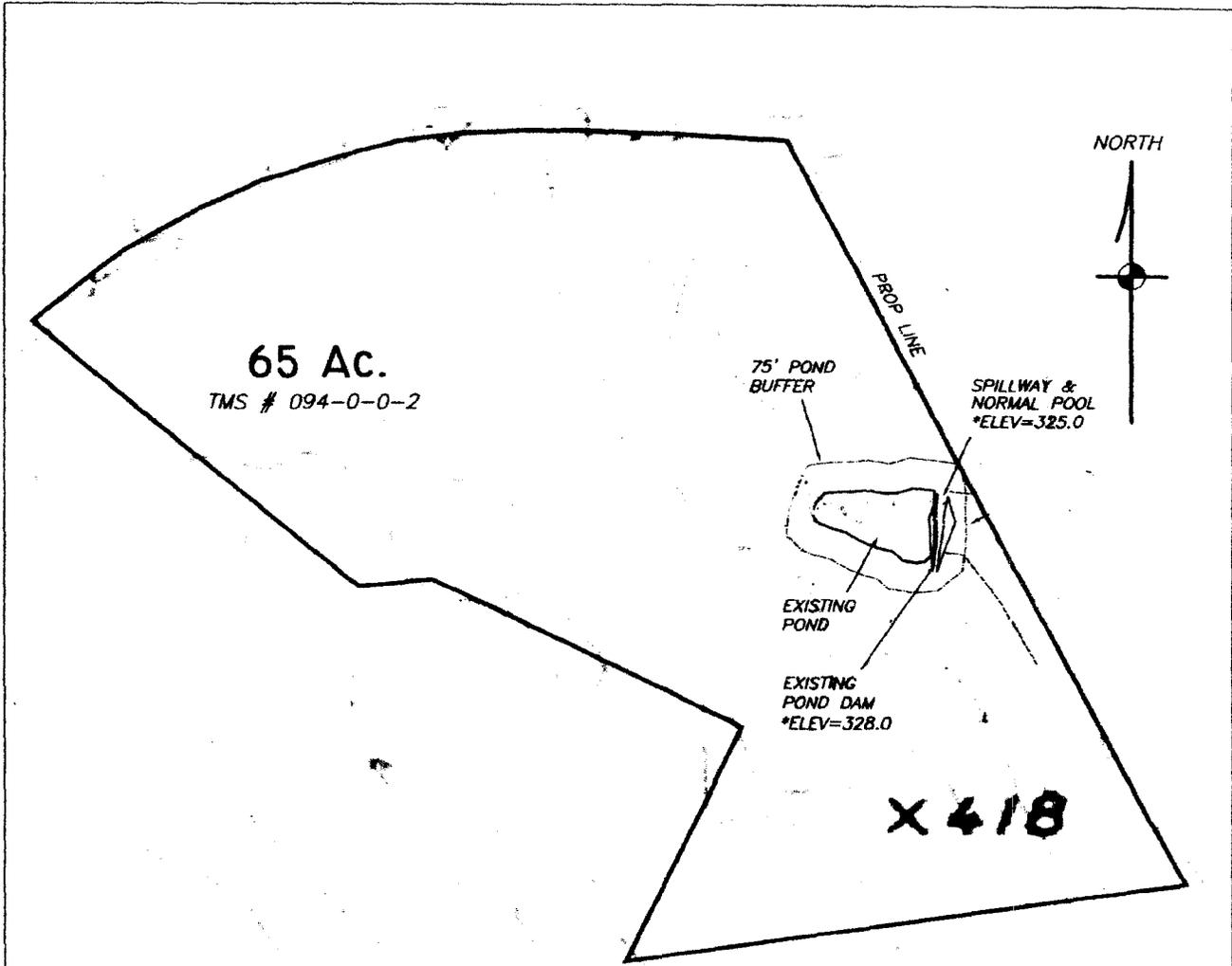
DATE: **1-13-2012**

SCALE: **1" = 2.5 m**

SAC-2010-379-51C

SHEET 1 OF 6

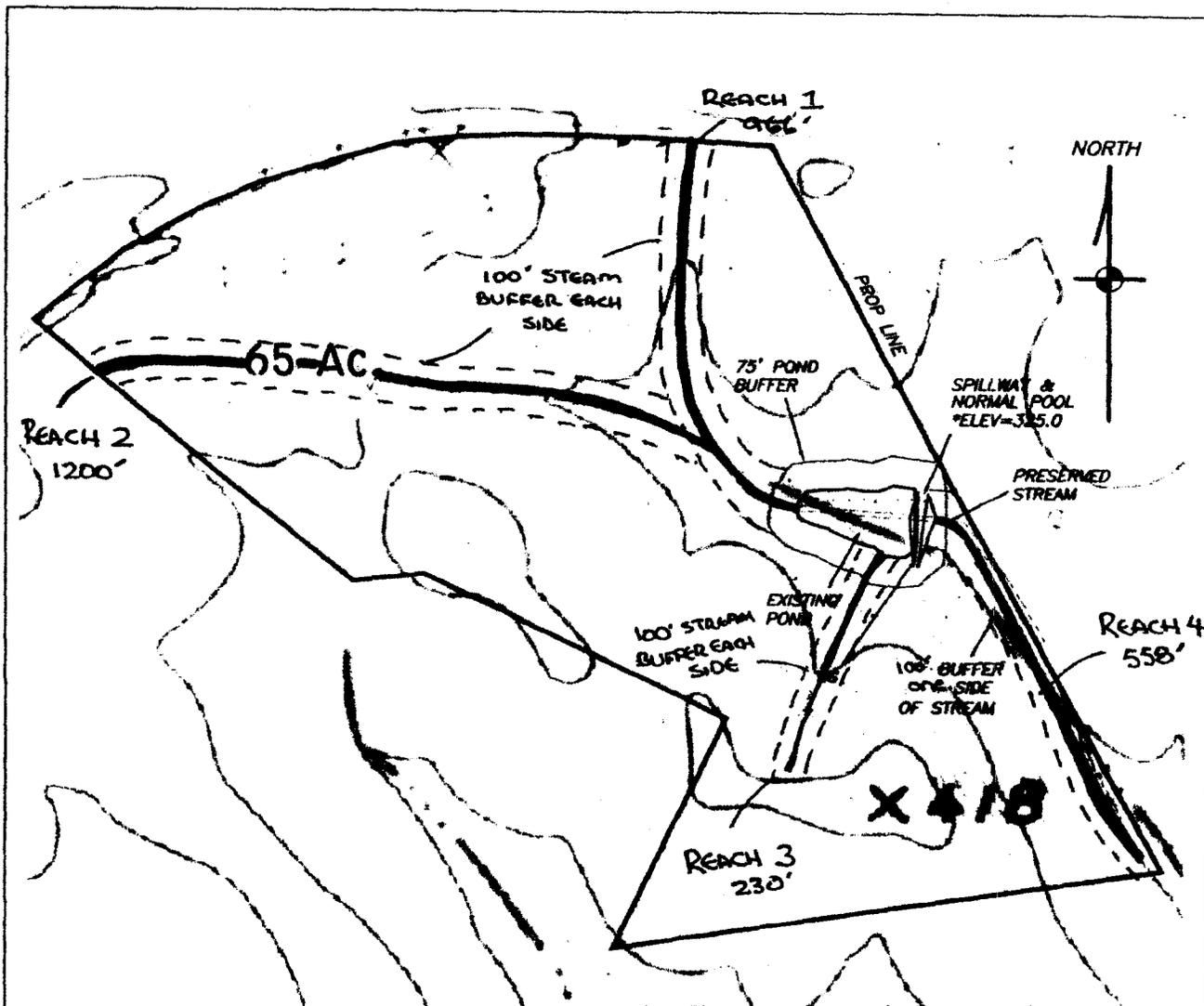
REVISIONS	
DATE	INITIALS



APPROXIMATE AREA COVERED BY POND: 0.90 ACRES
 APPROXIMATE AREA COVERED BY POND AT FLOOD ELEV: 0.90 ACRES
 (NORMAL POOL ELEV = FLOOD ELEV)
 APPROXIMATE AREA IN BUFFER AREA: 2.96 ACRES (POND)
 APPROXIMATE LENGTH OF STREAM COVERED BY POND: 296' UNDER WATER + 65' UNDER DAM
 APPROXIMATE LENGTH OF PRESERVED STREAM UPSTREAM OF POND: 2396'
 APPROXIMATE LENGTH OF PRESERVED STREAM DOWNSTREAM OF POND: 558'

* ELEVATIONS BASED ON ASSUMED DATUM

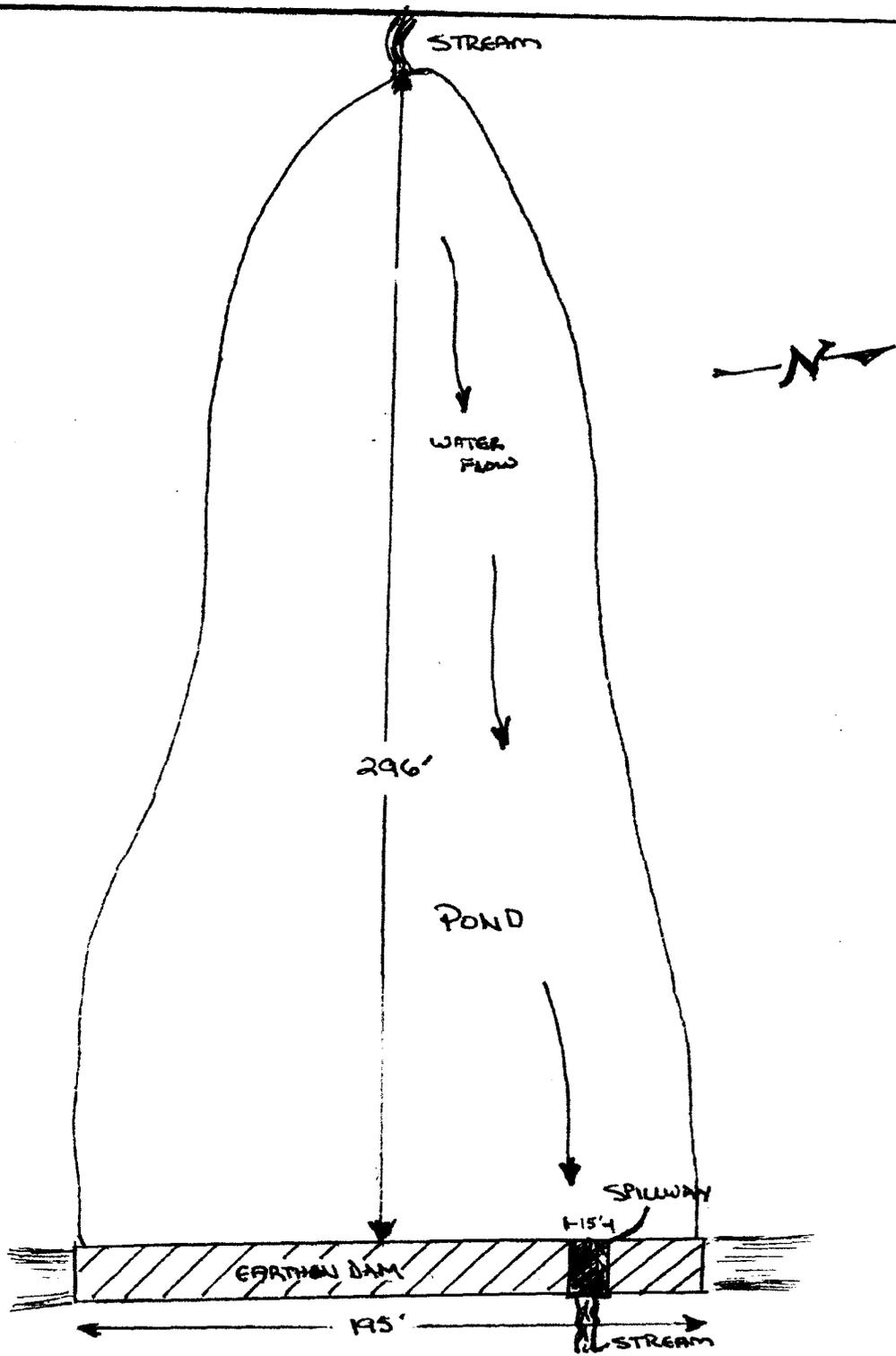
REVISIONS		PROJECT TITLE: BILL BLACK POND	
DATE	INITIALS	PROJECT LOCATION: 672 RIVER ROAD WINNSBORO, SC	
		APPLICANT: BILLY BLACK	
		DATE: 1-13-2012	SCALE: 1"=400'
		SAC-2010-379-5IC	SHEET 2 OF 6



APPROXIMATE AREA COVERED BY POND: 0.90 ACRES
 APPROXIMATE AREA COVERED BY POND AT FLOOD ELEV: 0.90 ACRES
 (NORMAL POOL ELEV = FLOOD ELEV)
 APPROXIMATE AREA IN BUFFER AREA: 2.96 ACRES (POND)
 APPROXIMATE LENGTH OF STREAM COVERED BY POND: 296' UNDER WATER + 65' UNDER DAM
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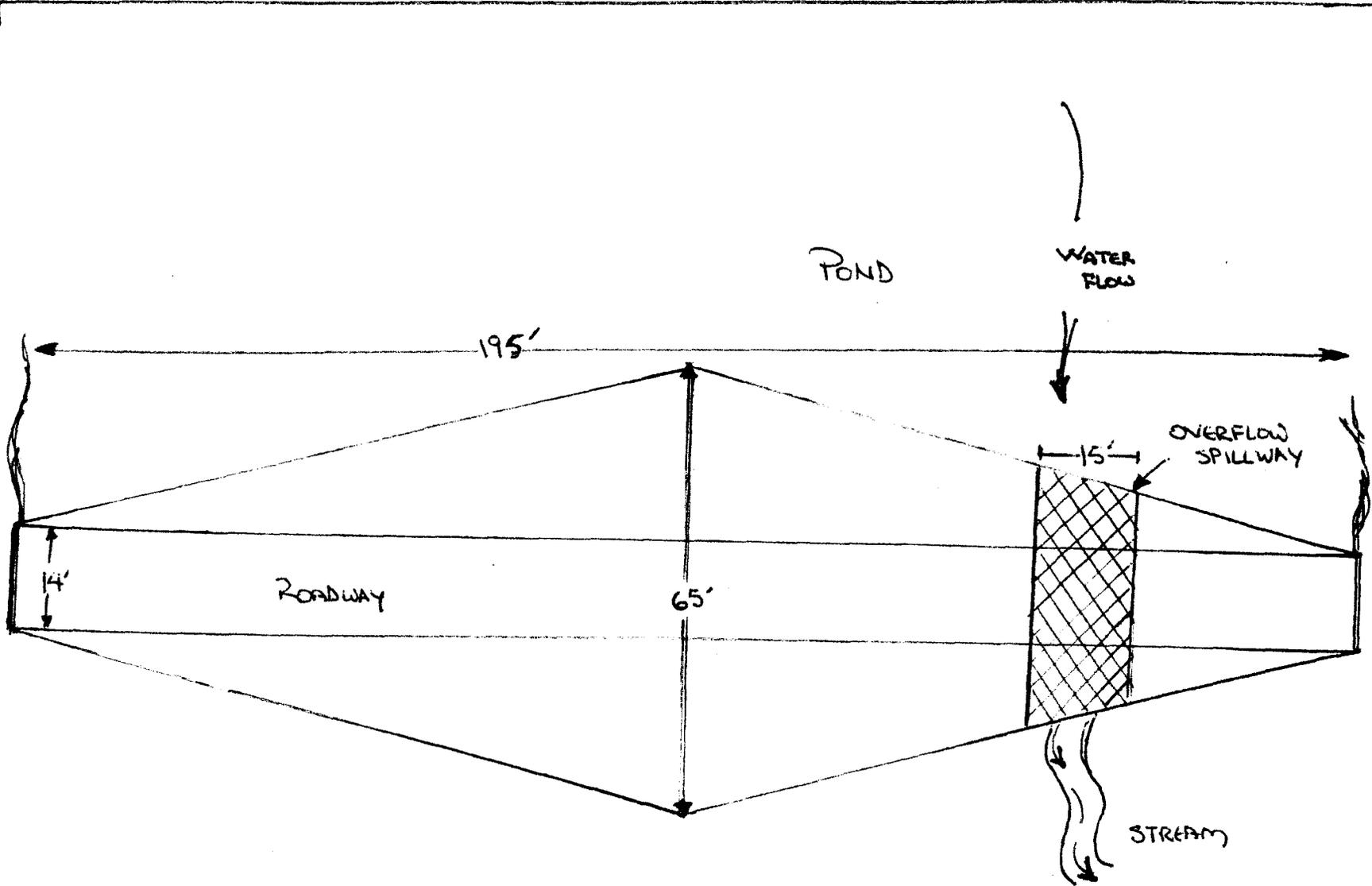
* ELEVATIONS BASED ON ASSUMED DATUM

REVISIONS		PROJECT TITLE: BILL BLACK POND	
DATE	INITIALS	PROJECT LOCATION: 672 RIVER ROAD WINNSBORO, SC	
		APPLICANT: BILLY BLACK	
		DATE: 1-13-2012	SCALE: 1"=400'
		SAC-2010-379-51C	SHEET 3 OF 6



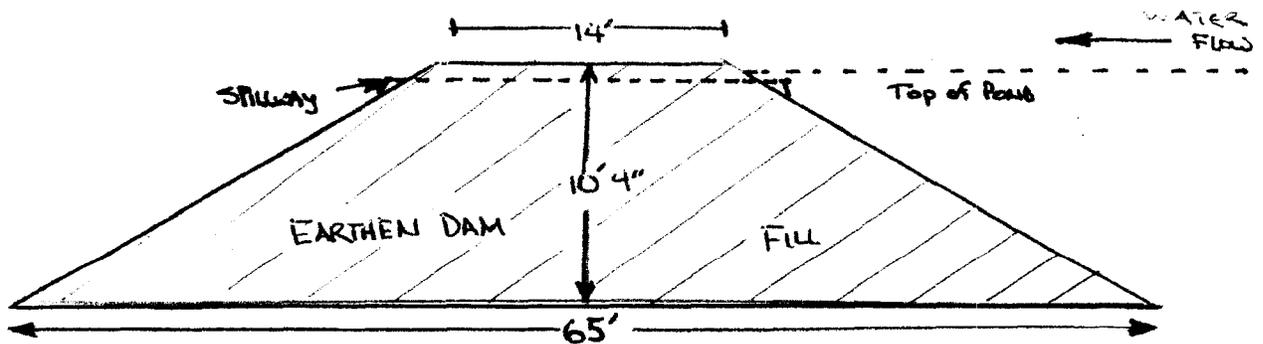
REVISIONS	
DATE	INITIALS

PROJECT TITLE: BILL BLACK POND	
PROJECT LOCATION: 672 RIVER ROAD WINNSBORO, SC	
APPLICANT: BILLY BLACK	
DATE: 1-13-2012	SCALE: 1"=50'
SAC-2010-379-51C	SHEET 4 OF 6



PLAN VIEW OF DAM

REVISIONS		PROJECT TITLE: BILL BLACK POND	
DATE	INITIALS	PROJECT LOCATION: 672 RIVER ROAD WINABORO, SC	
		APPLICANT: BILLY BLACK	
		DATE: 1-13-2012	SCALE: 1" = 20'
		SAC-2010-379-5IC	SHEET 5 OF 6



OVERALL DAM LENGTH - 195'

PROFILE VIEW OF DAM

REVISIONS		PROJECT TITLE: BILL BLACK POND	
DATE	INITIALS	PROJECT LOCATION: 672 RIVER ROAD WINNSBORO, S.C.	
		APPLICANT: BILLY BLACK	
		DATE: 1-13-2012	SCALE: 1" = 10'
		SAC-2010-379-51C	SHEET 6 OF 6