

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1835 Assembly Street, Room 865 B-1
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-2010-00053 (REVISED)

September 14, 2017

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), 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

Mr. John Wilson
c/o Jacob Foose
S&ME, Inc.
48 Brookfield Oaks Drive Suite F
Greenville, South Carolina 29607

for an after-the-fact permit for the placement of fill material to construct an earthen embankment to create an impoundment of a water of the U.S., and for a permit to dredge the impoundment, in

an unnamed tributary to Turners Branch

at 2777 Werts Road in Silverstreet, Newberry County County, South Carolina (Latitude: 34.2066 °N, Longitude: 81.7411 °W), Silverstreet 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.

PLEASE NOTE: THIS IS A REVISION TO THE PROJECT PREVIOUSLY PLACED ON PUBLIC NOTICE ON OCTOBER 28, 2010. THE IMPACTS HAVE BEEN REVISED OR RE-EVALUATED. FLOODING (BACKWATER) IMPACTS TO THE ADJACENT UPSTREAM PROPERTY UP TO

THE 100-YEAR STORM EVENT HAVE BEEN REMOVED AND ARE NO LONGER PROPOSED. ONLY COMMENTS RECEIVED IN RESPONSE TO THIS CURRENT PUBLIC NOTICE WILL BE CONSIDERED IN OUR EVALULATION.

The work consisted of the placement of fill material to construct an earthen embankment to create an impoundment of a water of the U.S. In detail, the applicant placed fill material in 275 linear feet of tributary to construct an earthen embankment that impounds approximately 1,730 linear feet of tributary to create a 13-acre impoundment. The application also requests approval to dredge accumulated sediment from the pond to establish the baseline storage capacity of more than 92 acre-feet of water for irrigation. According to the applicant, avoidance and minimization were accomplished by reviewing alternative locations and layouts for pond sites on the property, designing the embankment to cross the tributary in a perpendicular fashion to reduce impacts, planning construction activities during anticipated low flow conditions, incorporating Best Management Practices (coffer dams, hay bales, erosion control mats, silt fences, etc.) for sediment and erosion control during construction, and revegetating and stabilizing disturbed areas immediately following construction. Due to credits not being available at compensatory mitigation banks serving the project site, the applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by an on-site permittee-responsible mitigation (PRM) plan to restore 2,606 linear feet of tributary, to preserve and buffer 6,282 linear feet of tributaries with approximately 34 acres of buffers, to add educational signage at the pond, and to protect the PRM site with restrictive covenants. Rosgen Priority 3 Restoration methods are proposed along the downstream extent of Turners Branch to correct the incised channel and stabilize the banks. Riparian buffer enhancement activities include converting planted pine within the buffers to native hardwoods through harvesting, natural regeneration, planting, and controlling non-native invasive species (NNIS). According to the applicant, the PRM would generate 5,081.7 stream restoration credits and 5,470.36 stream buffer credits. A copy of the proposed PRM plan is available upon request. The District Engineer has not reached a decision as to the proposed PRM plan's compliance with the 2008 Final Compensatory Mitigation Rule and the Charleston District's Guidelines for Preparing a Compensatory Mitigation Plan. According to the applicant, the purpose of the project is to provide agricultural irrigation for crops on adjacent land. According to the applicant, the pond also currently serves as a Newberry County approved dry hydrant and as a recreational amenity.

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. 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 approximately 13 acres 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)(l)(1)), and has initially determined that no historic properties are present; 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 any 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.

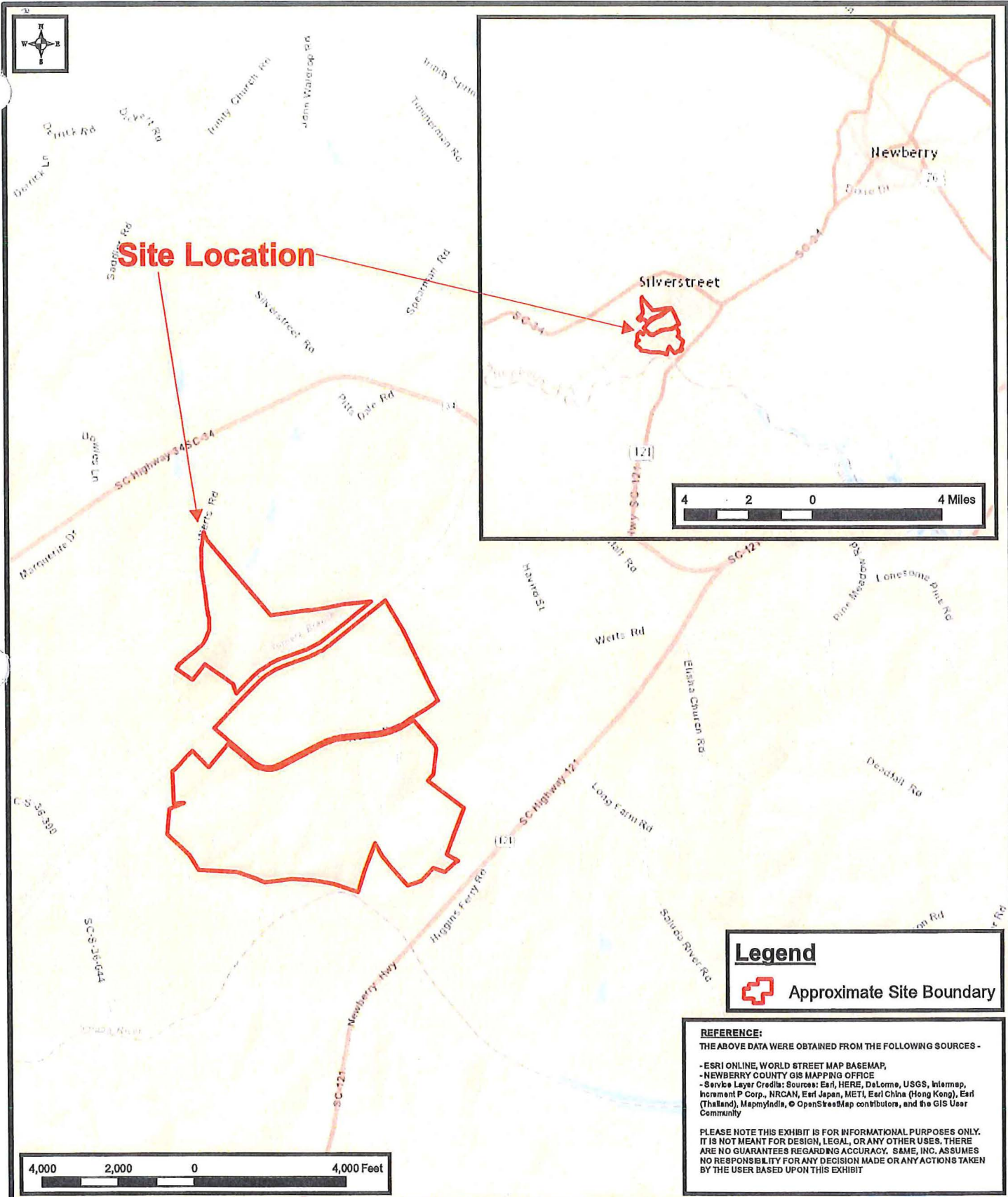
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate. 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, Room 865 B-1
Columbia, South Carolina 29201**

If there are any questions concerning this public notice, please contact Amy Cappellino, Project Manager, at (803) 253-3992.



DATE: 2/23/2016
 DRAWN BY: J.Foose
 CHECKED BY: M.Marcus
 PROJECT NO: 4226-15-089, Ph.06



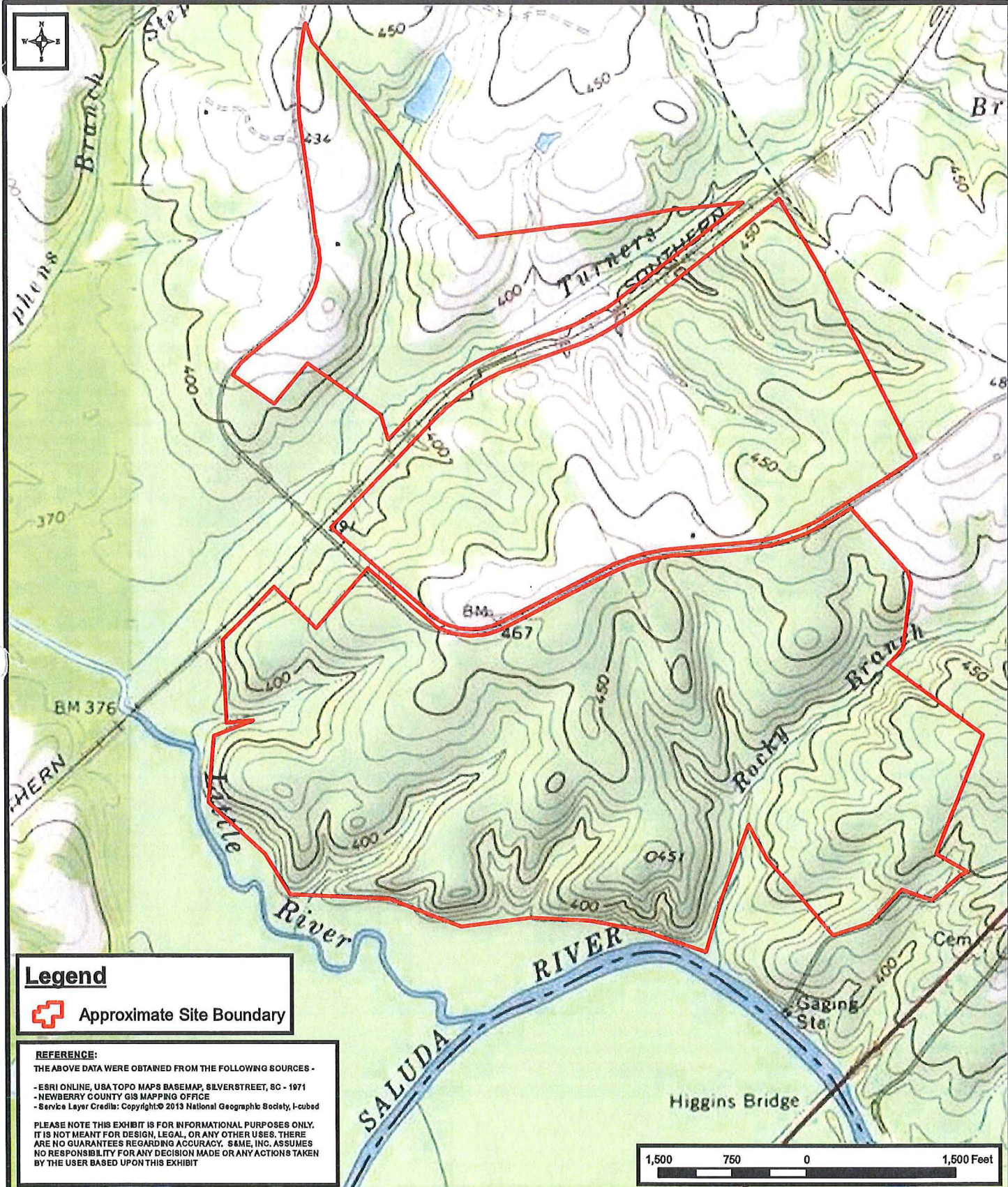
Sheet 1 of 13

Site Location
Wilson Pond ATF-IP
 SAC-2010-0053
 Contact: John "Eddie" Wilson
 Silverstreet, Newberry County, SC

Exhibit No.
1

REFERENCE:
 THE ABOVE DATA WERE OBTAINED FROM THE FOLLOWING SOURCES -
 -ESRI ONLINE, WORLD STREET MAP BASEMAP,
 -NEWBERRY COUNTY GIS MAPPING OFFICE
 -Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, Increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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Legend

 Approximate Site Boundary

REFERENCE:
 THE ABOVE DATA WERE OBTAINED FROM THE FOLLOWING SOURCES -
 - ESRI ONLINE, USA TOPO MAPS BASEMAP, SILVERSTREET, SC - 1971
 - NEWBERRY COUNTY GIS MAPPING OFFICE
 - Service Layer Credits: Copyright © 2013 National Geographic Society, I-cubed

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DATE: 2/23/2016
 DRAWN BY: J.Foose
 CHECKED BY: M.Marcus
 PROJECT NO: 4226-15-089, Ph.06



Sheet 2 of 13

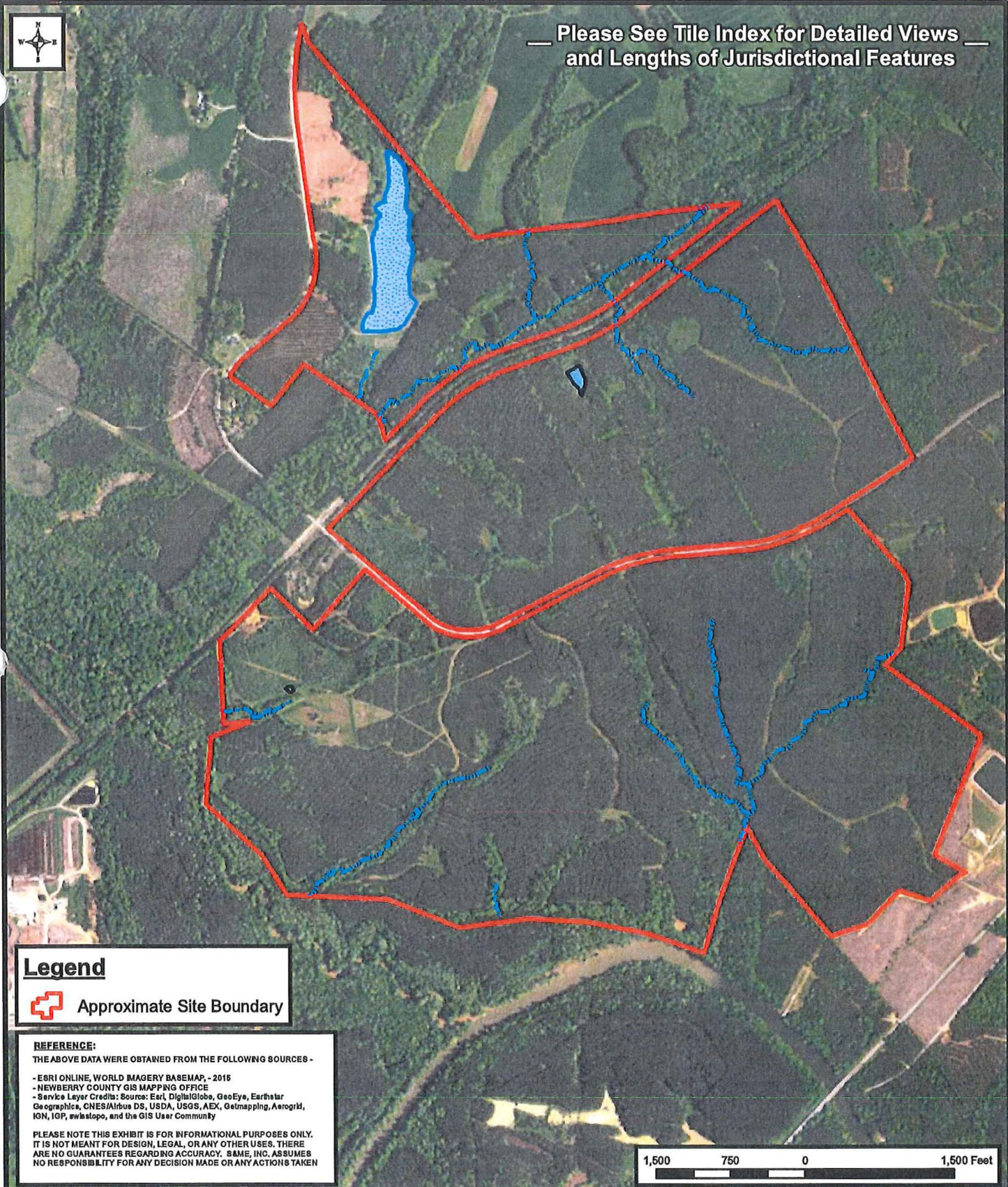
**Topographic Surface Features
 Wilson Pond ATF-IP**

SAC-2010-0053
 Contact: John "Eddie" Wilson
 Silverstreet, Newberry County, SC

Exhibit No.
2



— Please See Tile Index for Detailed Views —
and Lengths of Jurisdictional Features



Legend



Approximate Site Boundary

REFERENCE:

THE ABOVE DATA WERE OBTAINED FROM THE FOLLOWING SOURCES -

- ESRI ONLINE, WORLD IMAGERY BASEMAP, - 2015
- NEWBERRY COUNTY GIS MAPPING OFFICE
- Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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Sheet 3 of 13

DATE: 2/23/2016

DRAWN BY: J.Foose

CHECKED BY: M.Marcus

PROJECT NO:
4226-15-089, Ph.06

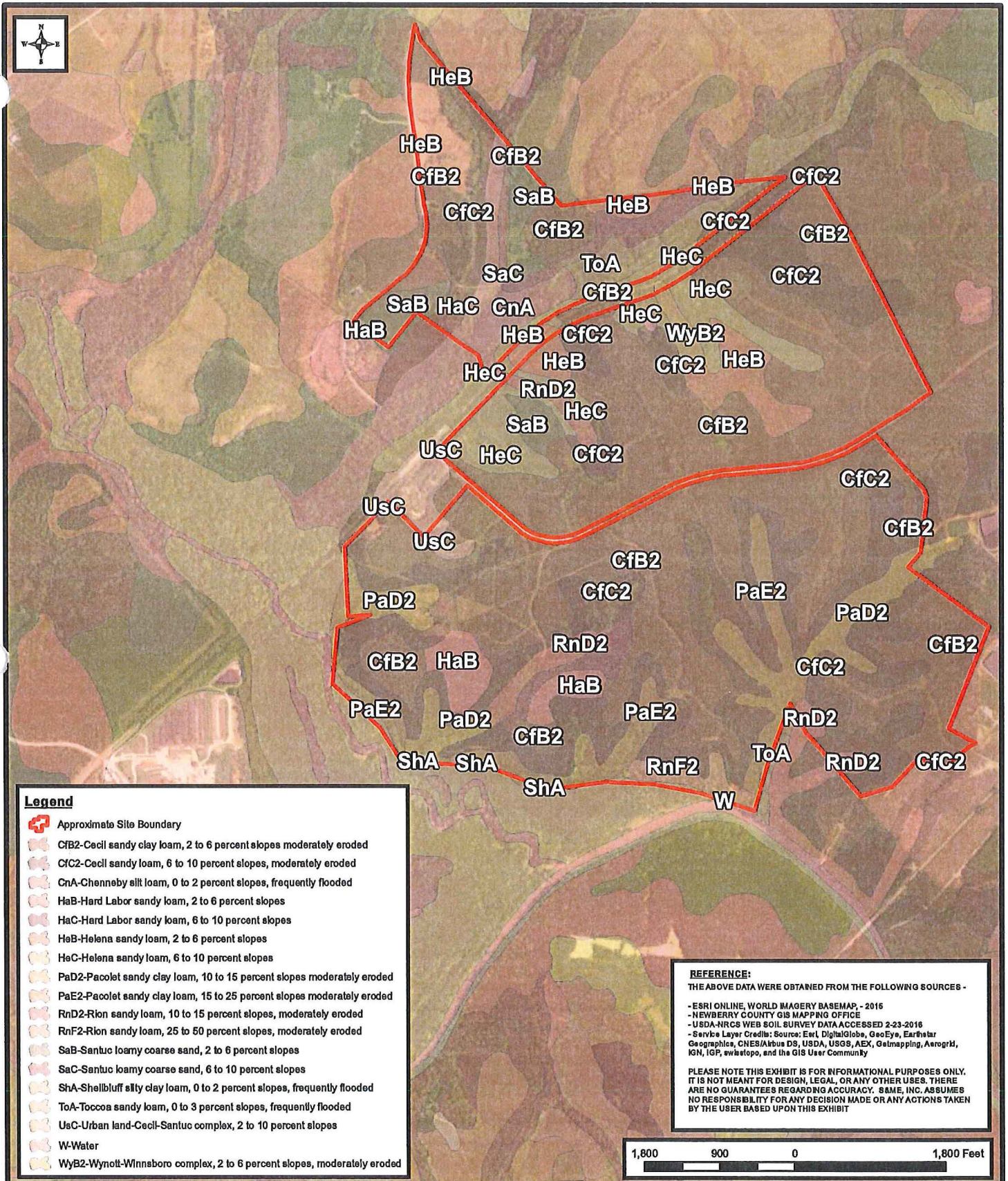


**Jurisdictional Features
Wilson Pond ATF-IP**

SAC-2010-0053
Contact: John "Eddie" Wilson
Silverstreet, Newberry County, SC

Exhibit No.

3



Legend

- Approximate Site Boundary
- Cfb2-Cecil sandy clay loam, 2 to 6 percent slopes moderately eroded
- Cfc2-Cecil sandy loam, 6 to 10 percent slopes, moderately eroded
- CnA-Chenney silt loam, 0 to 2 percent slopes, frequently flooded
- HaB-Hard Labor sandy loam, 2 to 6 percent slopes
- HaC-Hard Labor sandy loam, 6 to 10 percent slopes
- HeB-Helena sandy loam, 2 to 6 percent slopes
- HeC-Helena sandy loam, 6 to 10 percent slopes
- PaD2-Pacolet sandy clay loam, 10 to 15 percent slopes moderately eroded
- PaE2-Pacolet sandy clay loam, 15 to 25 percent slopes moderately eroded
- RnD2-Rion sandy loam, 10 to 15 percent slopes, moderately eroded
- RnF2-Rion sandy loam, 25 to 50 percent slopes, moderately eroded
- SaB-Santuc loamy coarse sand, 2 to 6 percent slopes
- SaC-Santuc loamy coarse sand, 6 to 10 percent slopes
- ShA-Shellbluff silty clay loam, 0 to 2 percent slopes, frequently flooded
- ToA-Toccoa sandy loam, 0 to 3 percent slopes, frequently flooded
- UsC-Urban land-Cecil-Santuc complex, 2 to 10 percent slopes
- W-Water
- WyB2-Wynott-Winnsboro complex, 2 to 6 percent slopes, moderately eroded

REFERENCE:
 THE ABOVE DATA WERE OBTAINED FROM THE FOLLOWING SOURCES -

- ESRI ONLINE, WORLD IMAGERY BASEMAP, - 2016
- NEWBERRY COUNTY GIS MAPPING OFFICE
- USDA-NRCS WEB SOIL SURVEY DATA ACCESSED 2-23-2016
- Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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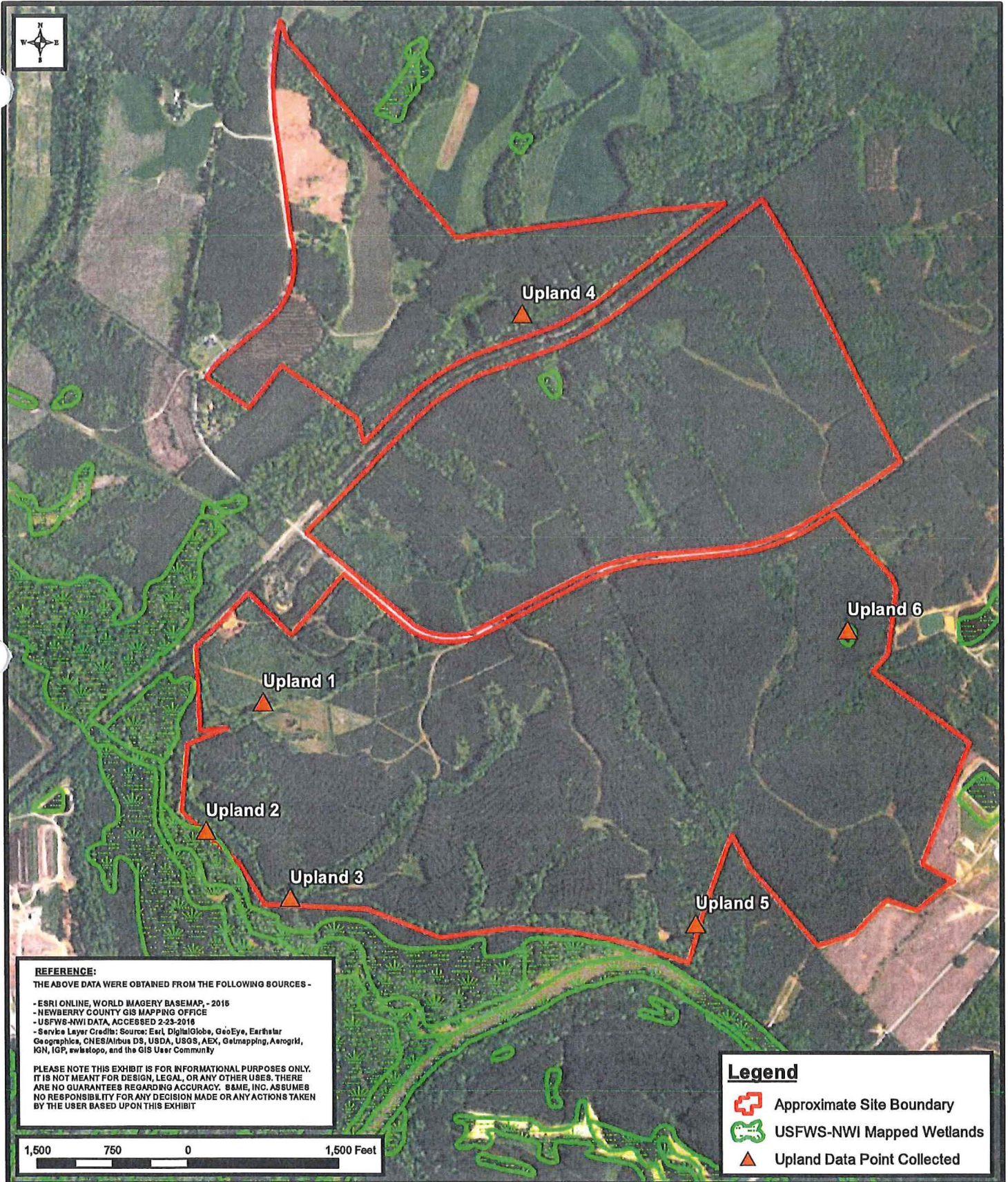
Sheet 4 of 13

DATE:	2/23/2016
DRAWN BY:	J.Foose
CHECKED BY:	M.Marcus
PROJECT NO:	4226-15-089,Ph.06



NRCS Soil Associations
Wilson Pond ATF-IP
 SAC-2010-0053
 Contact: John "Eddie" Wilson
 Silverstreet, Newberry County, SC

Exhibit No.
4



REFERENCE:
THE ABOVE DATA WERE OBTAINED FROM THE FOLLOWING SOURCES -

- ESRI ONLINE, WORLD IMAGERY BASEMAP, - 2016
- NEWBERRY COUNTY GIS MAPPING OFFICE
- USFWS-NWI DATA, ACCESSED 2-23-2016
- Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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Legend

- Approximate Site Boundary
- USFWS-NWI Mapped Wetlands
- Upland Data Point Collected

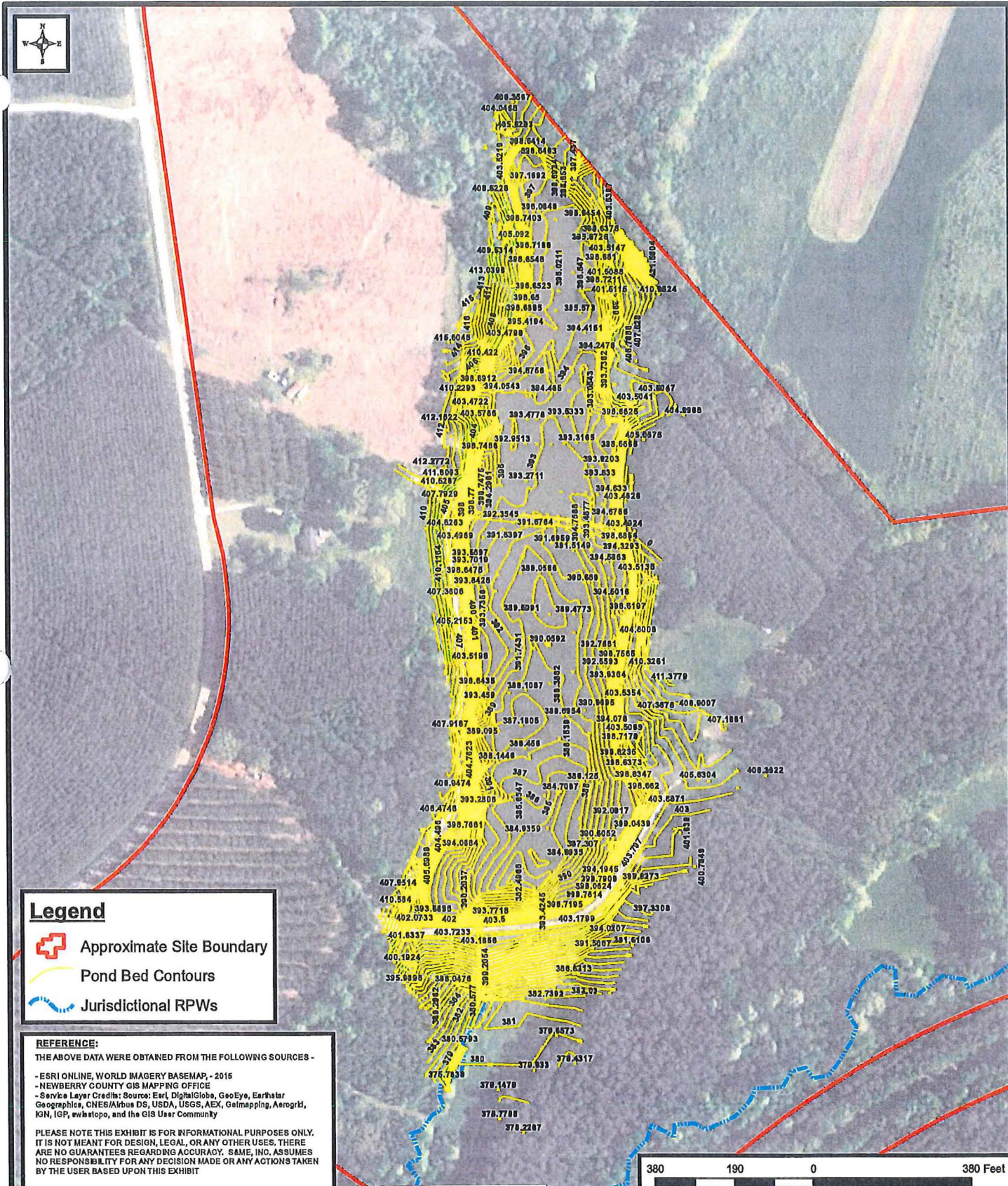
DATE: 2/23/2016
 DRAWN BY: J.Foose
 CHECKED BY: M.Marcus
 PROJECT NO: 4226-15-089,Ph.06






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USFWS-NWI Data
Wilson Pond ATF-IP
 SAC-2010-0053
 Contact: John "Eddie" Wilson
 Silverstreet, Newberry County, SC

Exhibit No.
5



Legend

-  Approximate Site Boundary
-  Pond Bed Contours
-  Jurisdictional RPWs

REFERENCE:

THE ABOVE DATA WERE OBTAINED FROM THE FOLLOWING SOURCES -

- ESRI ONLINE, WORLD IMAGERY BASEMAP, - 2016
- NEWBERRY COUNTY GIS MAPPING OFFICE
- Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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DATE: 3/10/2016

DRAWN BY: J.Foose

CHECKED BY: M.Marcus

PROJECT NO: 4226-15-089, Ph.06

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**Pond Depth Based on Survey
Wilson Pond ATF-IP**

SAC-2010-0053
Contact: John "Eddie" Wilson
Silverstreet, Newberry County, SC

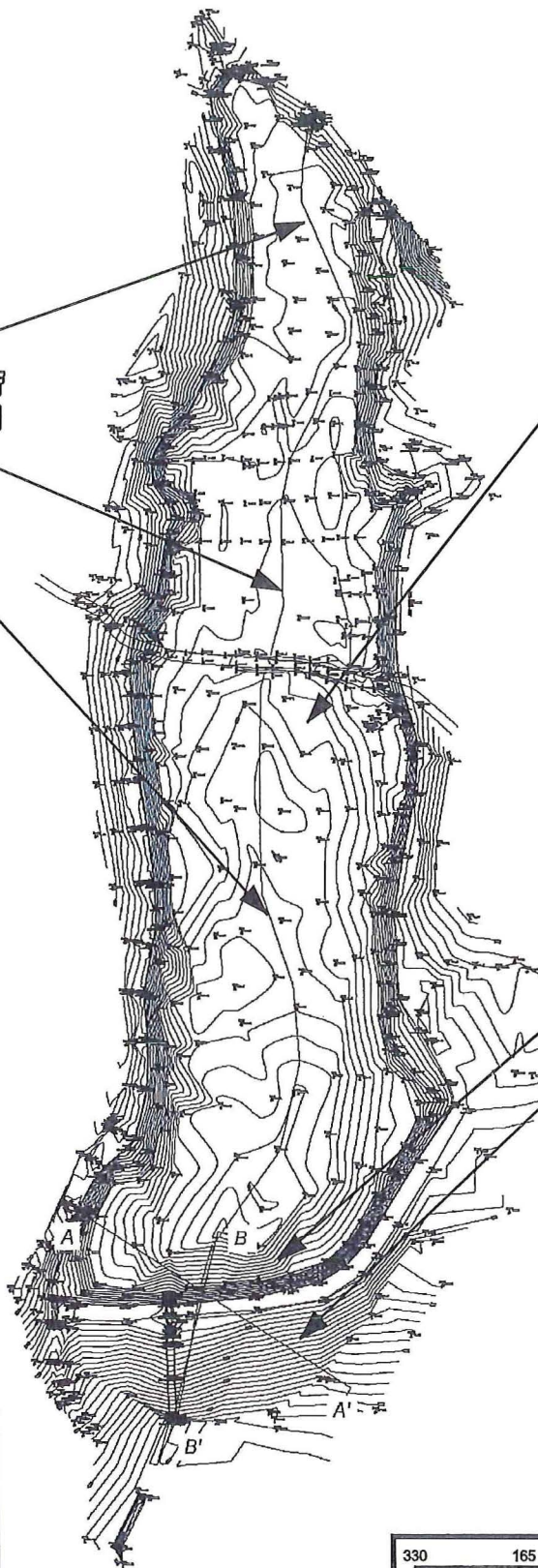
Exhibit No.
6



Approximate Location of Original Stream Channel

Impounded Impact
1,730 Linear Feet

Fill Impact
275 Linear Feet



REFERENCE:

THE ABOVE DATA WERE OBTAINED FROM THE FOLLOWING SOURCES -

- SURVEY DATA PROVIDED BY ABRAHAM LAND SURVEYING

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330 165 0 330 Feet

**Impact Plan View
Wilson Pond ATF-IP**

SAC-2010-0053

Contact: John "Eddie" Wilson
Silverstreet, Newberry County, SC

Exhibit
No.

7

Sheet 7 of 13



DATE: 3/10/2016

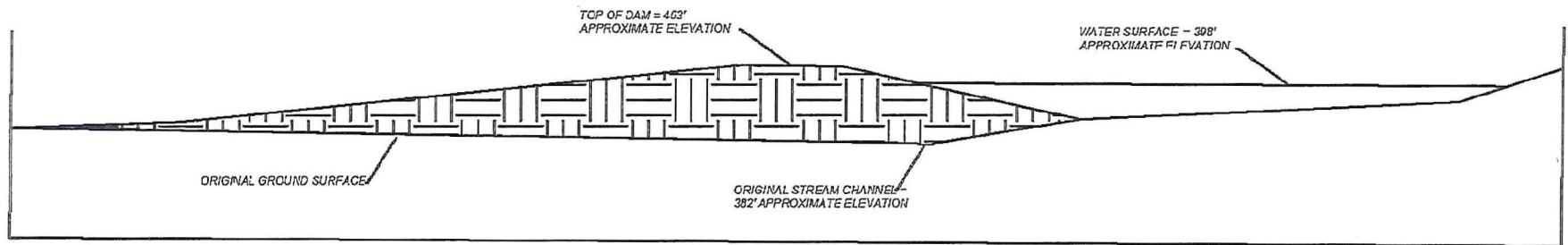
DRAWN BY: J.Foose

CHECKED BY: M.Marcus

PROJECT NO:
4226-15-089, Ph.06

A'

A



SCALE: As Shown	DATE: 3/11/2016	
PROJECT NO: 4226-15-089, Ph.06	DRAWN BY: J.Foose	CHECKED BY: M.Marcus



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**Impact Section A View
Wilson Pond ATF-IP**

SAC-2010-0053
Contact: John "Eddie" Wilson
Silverstreet, Newberry County, SC

EXHIBIT NO.

8

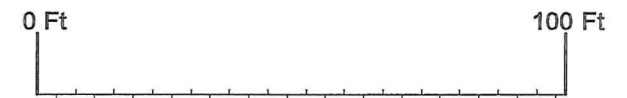
B'

B

TOP OF DAM = 403'
APPROXIMATE ELEVATION

WATER SURFACE = 398'
APPROXIMATE ELEVATION

ORIGINAL STREAM CHANNEL =
383' - 380' APPROXIMATE
ELEVATION CHANGE



SCALE: As Shown	DATE: 3/11/2016	
PROJECT NO: 4226-15-089, Ph.06	DRAWN BY: J.Foose	CHECKED BY: M.Marcus



Sheet 9 of 13

**Impact Section B View
Wilson Pond ATF-IP**
SAC-2010-0053
Contact: John "Eddie" Wilson
Silverstreet, Newberry County, SC

EXHIBIT NO.

9

38°55'49" W 2520.84'
John H. Wilson Estate
Deedbook 482, page 54.
Platbook H, page 152.

Pond 5
3.61 Acres

ISE Newberry, Inc.
Deedbook 1423, Page 114.

SAC-2010-00053, Sheet 10 of 13
Project: Wilson Pond ATF-IP
Applicant: John Wilson
Newberry County, South Carolina
September 5, 2017

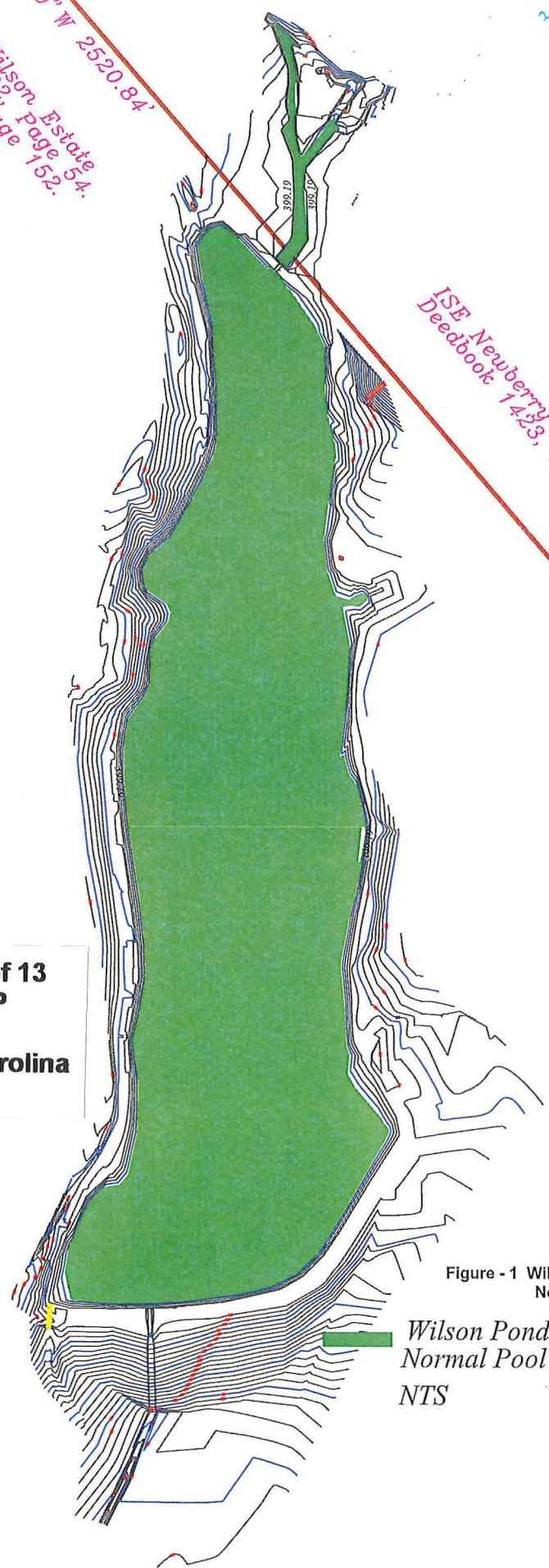
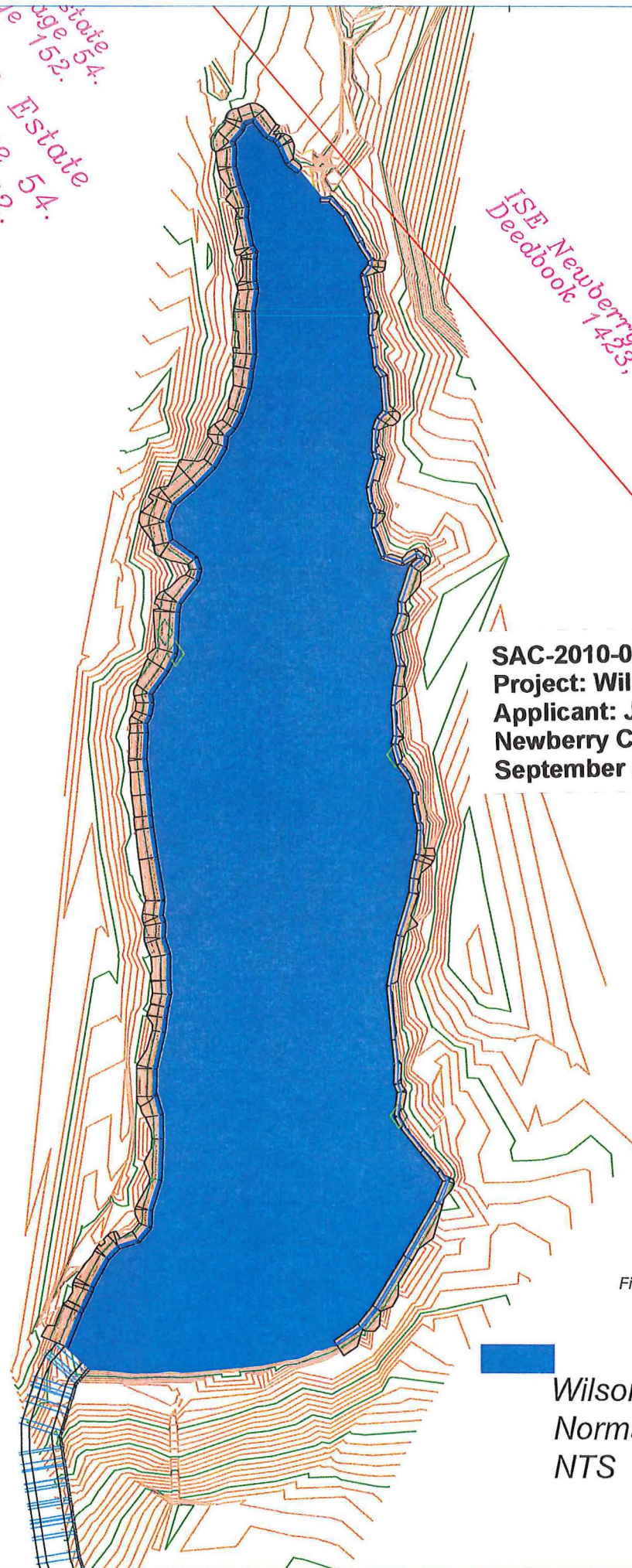


Figure - 1 Wilson's Pond
Normal Pool 2010

Wilson Pond
Normal Pool 399.19
NTS

State
Page 54.
Wilson Estate
Page 54.
Page 152.

ISE Newberry, Inc.
Deedbook 1423, Page 114.



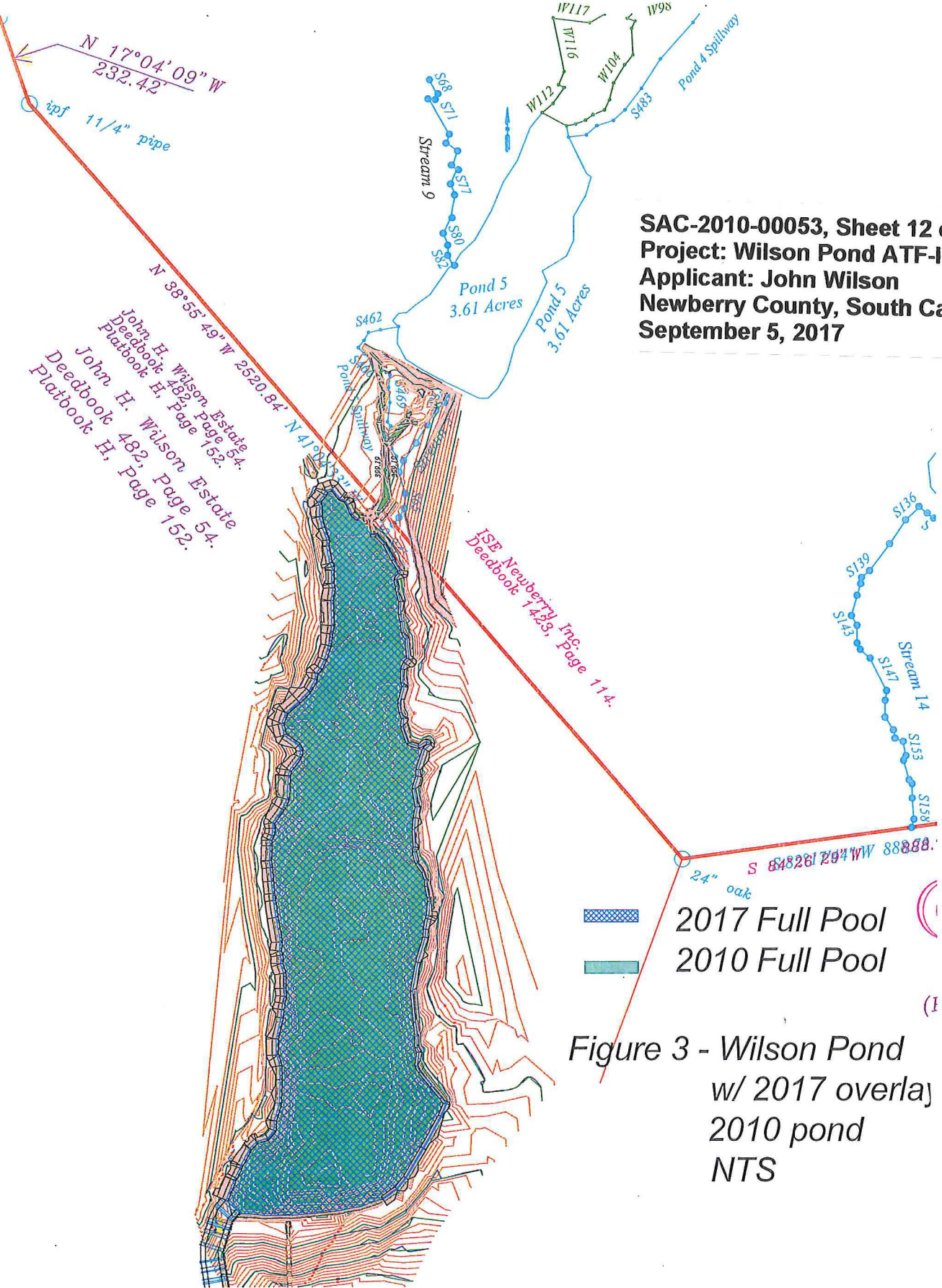
SAC-2010-00053, Sheet 11 of 13
Project: Wilson Pond ATF-IP
Applicant: John Wilson
Newberry County, South Carolina
September 5, 2017

Figure - 2 Wilson's Pond
ATF Normal Pool 2017



Wilson Pond ATF
Normal Pool 397.00
NTS

SAC-2010-00053, Sheet 12 of 13
Project: Wilson Pond ATF-IP
Applicant: John Wilson
Newberry County, South Carolina
September 5, 2017



John H. Wilson, Estate
Deedbook 482, Page 152.
John H. Wilson, Estate
Deedbook 482, Page 54.
John H. Wilson, Estate
Deedbook H, Page 152.

ISE Newberry, Inc
Deedbook 1428, Page 114.

2017 Full Pool
 2010 Full Pool





Figure 3 - Wilson Pond
w/ 2017 overlay
2010 pond
NTS



NNIS Observed

NNIS Observed

Legend

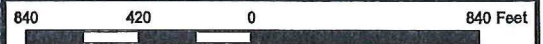
-  Approximate Site Boundary
-  Proposed Mitigation Buffers
-  Wilson Pond
-  Jurisdictional RPWs

REFERENCE:

THE ABOVE DATA WERE OBTAINED FROM THE FOLLOWING SOURCES -

- ESRI ONLINE, WORLD IMAGERY, 2015
- NEWBERRY COUNTY GIS MAPPING OFFICE
- Services Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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Sheet 13 of 13

DATE: 2/23/2016

DRAWN BY: J.Foose

CHECKED BY: M.Marcus

PROJECT NO: 4226-15-089, Ph.06



**Buffer Enhancement Areas
Wilson Pond ATF-IP**

SAC-2010-0053
Contact: John "Eddie" Wilson
Silverstreet, Newberry County, SC

Exhibit No.

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