

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 # 2007-01254-51Z

August 24, 2007

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

MORRY JOHNSTON
INDIAN ROCK FARM AT CEDAR CREEK, LLC
AND HALL JOHNSTON FARMS, LLC
C/O NORMAN BOATWRIGHT
MILLIKEN FORESTRY COMPANY, INC
PO BOX 23629
COLUMBIA SC 29224-3629

for a permit to place fill for a dam in

BELL BRANCH

Between Rocky Mount Road and Alfalfa Drive off of Stoneboro Road (Hwy 522), in Lancaster County, South Carolina (Latitude: 34.546189 Longitude: -80.779420).

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, SEPTEMBER 24, 2007

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

The proposed work consists of filling 0.09 acres (200 linear feet) of Bell Branch with 12,000 cubic yards of clay fill for a dam with a siphon spillway. The dam will inundate 2.54 acres of stream, creating a 33.5 acre pond. For mitigation, the applicant proposes to preserve 16,114 linear feet of stream and 300 feet of upland buffer on both sides where possible. This would result in the preservation of approximately 186 acres of preserved upland buffer. The purpose of the proposed work as stated by the applicant is private/recreational use.

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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 (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is 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 2.63 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.

The District Engineer has consulted the most recently available information and has made no determination of effect on any Federally endangered, threatened, or proposed species. 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 Federally listed or proposed to be listed endangered or threatened species and/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

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Refer to: P/N # 2007-01254-5IZ

August 24, 2006

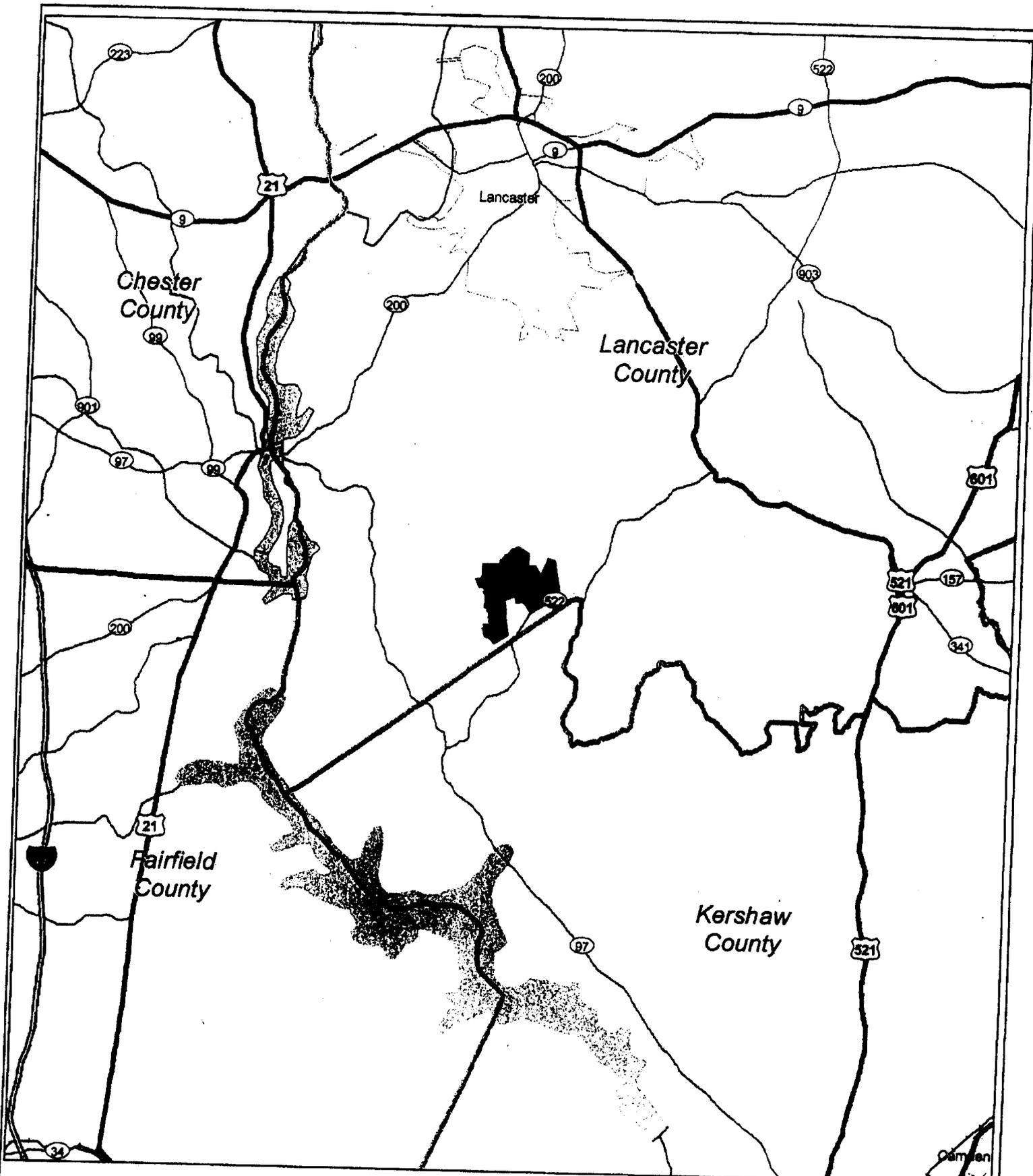
property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard 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.

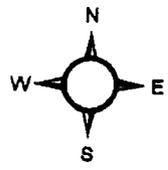
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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.

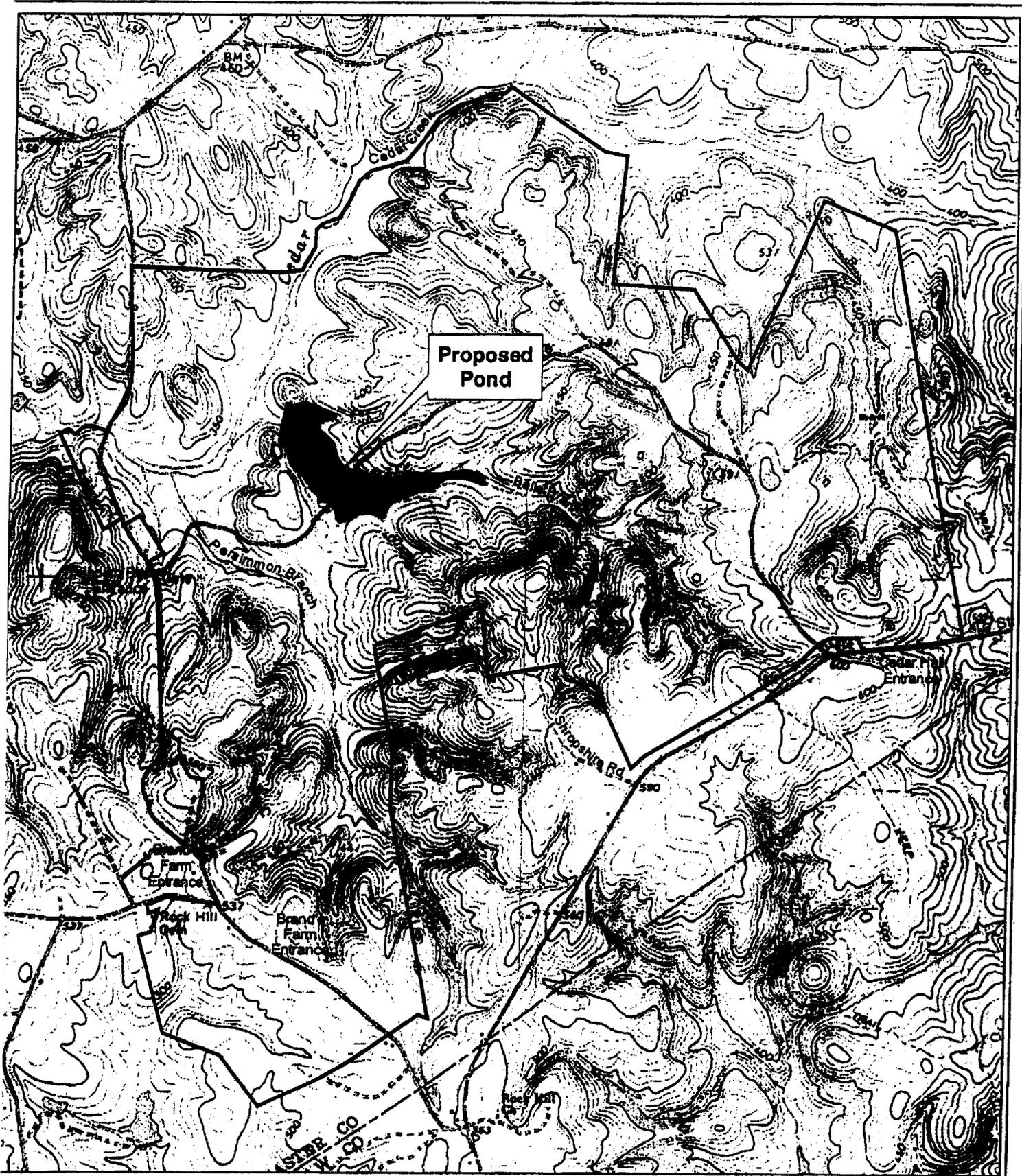
If there are any questions concerning this public notice, please contact Laura Boos at 803-253-3902.



Milliken Forestry Company, Inc.
 COLUMBIA, SOUTH CAROLINA
 Phone (803) 786-0000 • Fax (803) 786-0000
 www.millikenforestry.com



Location Map
 Proposed Pond Project
 Indian Rock Farm at
 Cedar Creek &
 Hall Johnson Farms, LLC
 Lancaster County, SC
 Sheet 1 of 6

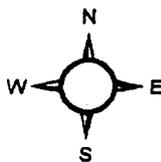


Milliken Forestry Company, Inc.

12345 MILLIKEN, NORTH CAROLINA

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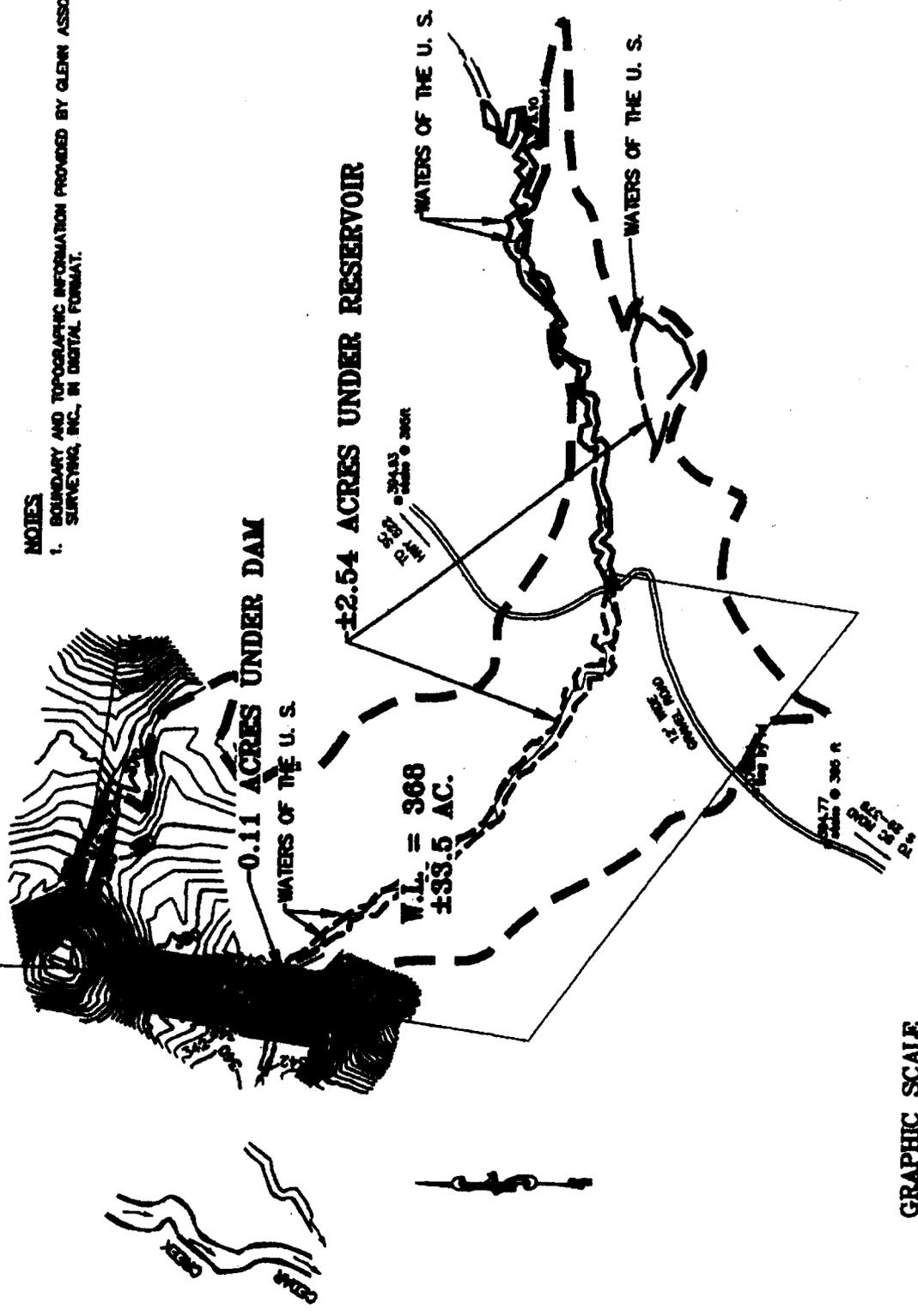


JUN 14 2007

Topographic Map
 Proposed Pond Project
 Indian Rock Farm at
 Cedar Creek &
 Hall Johnson Farms, LLC
 Lancaster County, SC
 Sheet 2 of 6

NOTES

1. BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY GLENN ASSOCIATES SURVEYING, INC. IN DIGITAL FORMAT.



PROJECT No. 05103

GRAPHIC SCALE

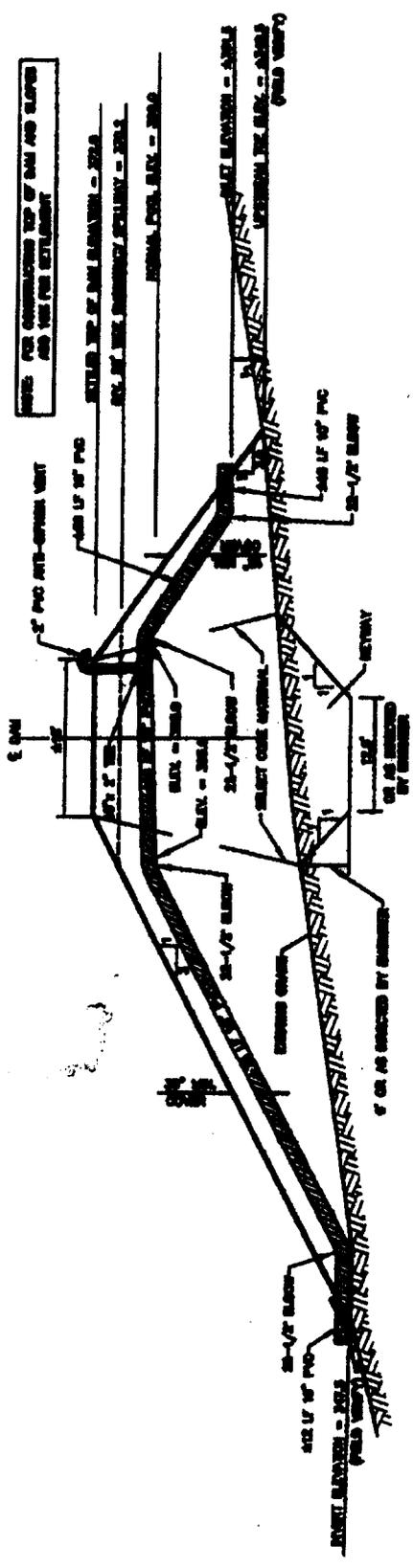


(IN FEET)
1 inch = 400 ft.

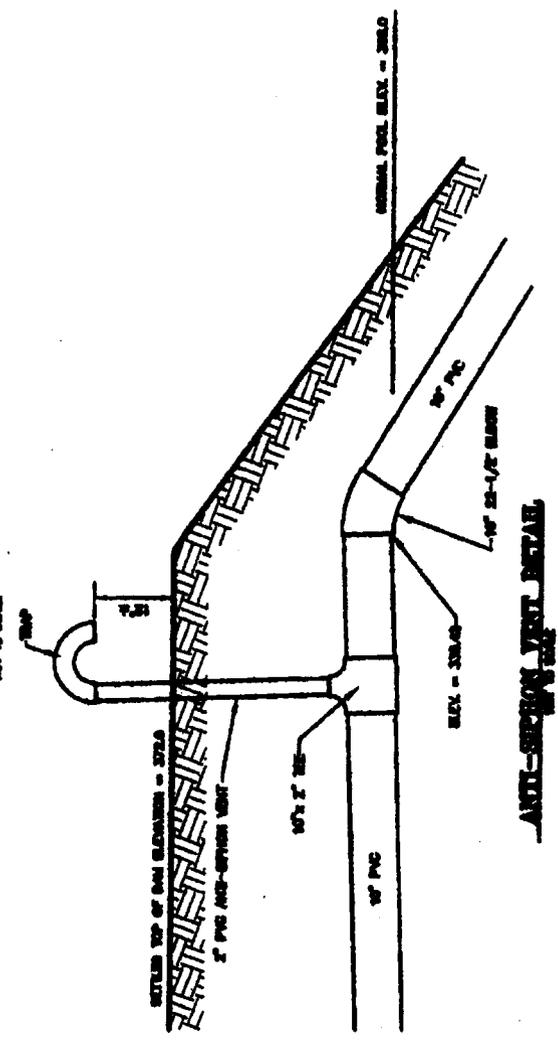


OFFICE: 10000 W. 10TH AVE. SUITE 100 • DENVER, CO. 80241
PHONE: 303-755-0000 • FAX: 303-755-0001

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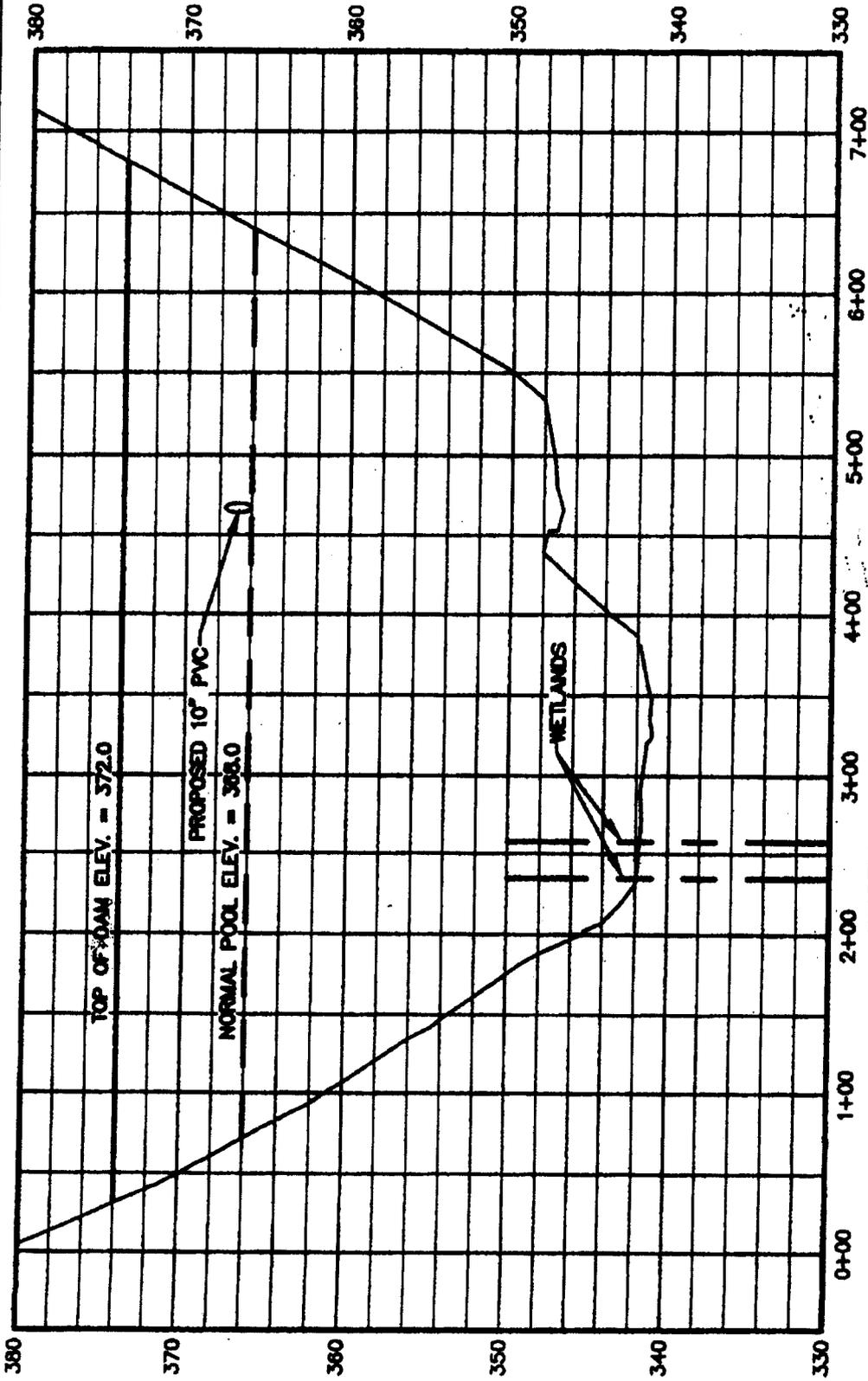


SECTION AT SPURWAY
REF TO DAM



PROJECT No. 06103





SECTION ALONG DAM CENTERLINE

SCALE: HORIZ.: 1"=100'
 VERT.: 1"=10'

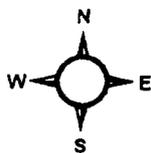
PROJECT No. 06103



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Proposed Mitigation Site
 Proposed Pond Project
 Indian Rock Farm at
 Cedar Creek &
 Hall Johnson Farms, LLC
 Lancaster County, SC

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