

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-2008-1950

December 5, 2008

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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 State of South Carolina by

Mr. Virgil A. Brantley
137 Tahoe Drive
Townville, South Carolina 29689

for a permit to excavate silt material in an unnamed cove of

Lake Hartwell

on lots 137 and 139 Tahoe Drive, which is located off Ponderosa Point, north of the intersection of Highway 24 and Interstate 85, Townville, Anderson County, South Carolina (Lat 34.56480, Long -82.85372).

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, JANUARY 5, 2009

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

The proposed work consists of the excavation of approximately 563 cubic yards of silt on lots 137 and 139 on Tahoe Drive on Lake Hartwell. In detail, the applicant proposes to excavate an area that is 190 feet in width, 40 feet in length, and an average depth of 2 feet. The excavation work will be done by using a mini-trackhoe or a skid steer loader and a single tandem dump truck. The excavation area will be accessed by a concrete drive leading to the Corps Property and placing the dump truck at the edge of the lake. The disposal site for excavated material is located at 119 Tahoe Drive. The primary purpose of the project is to finish silt removal that was authorized on May 15, 2001, but was never fully completed.

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 work shown on this application must be determined consistent with applicable provisions of the South Carolina Construction in Navigable Waters Permit Program. 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 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.

Preliminary review of the scope of work sought by this application indicates that State and Federal permits should be processed concurrently. If the Federal permit is issued in advance of the State's a special provision will be included in the Federal permit expressing the endorsement of the District Engineer to any revisions or conditions subsequently imposed by the State permit.

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 0.17 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 determined 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 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 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,

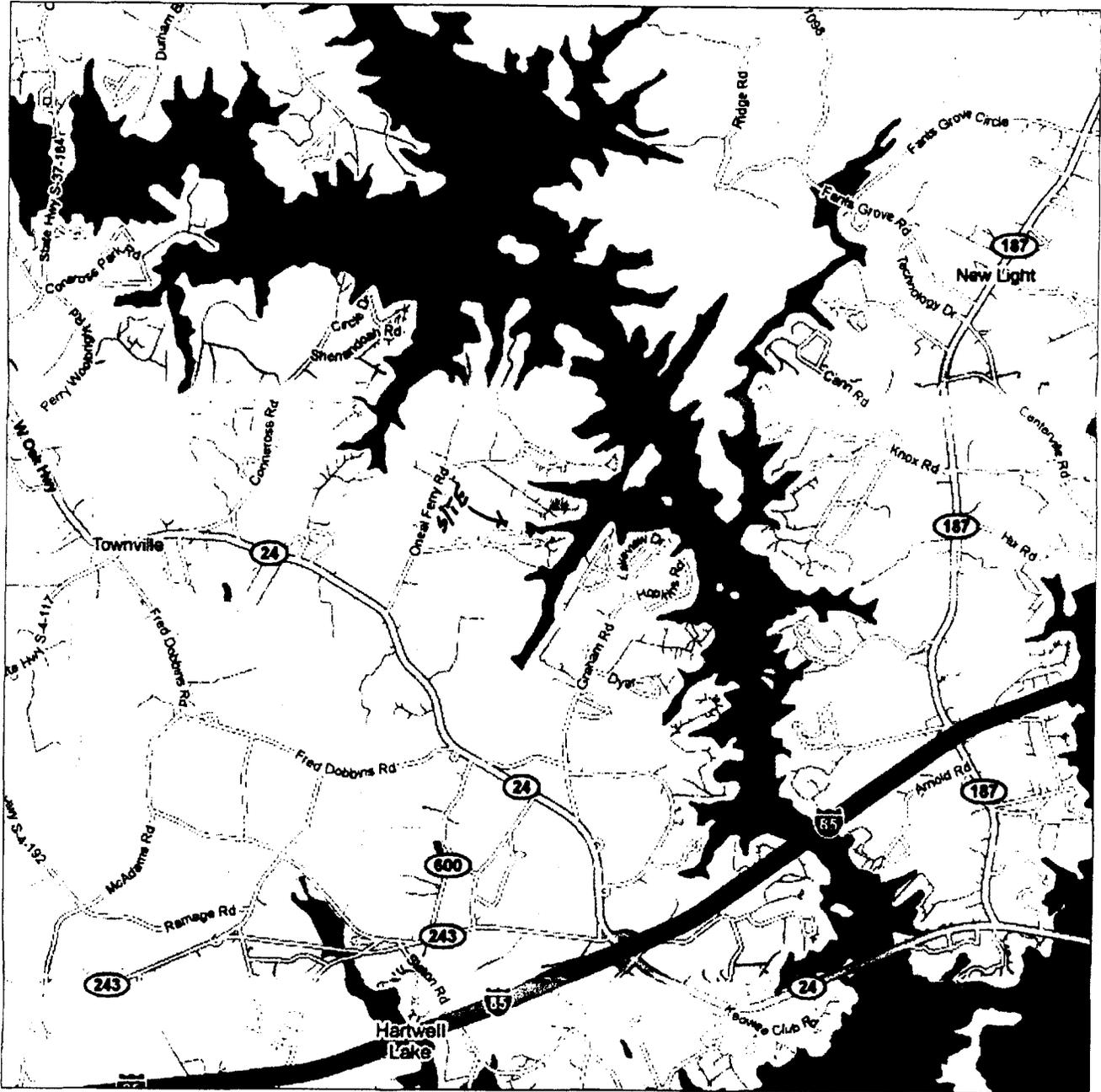
December 5, 2008

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. 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.

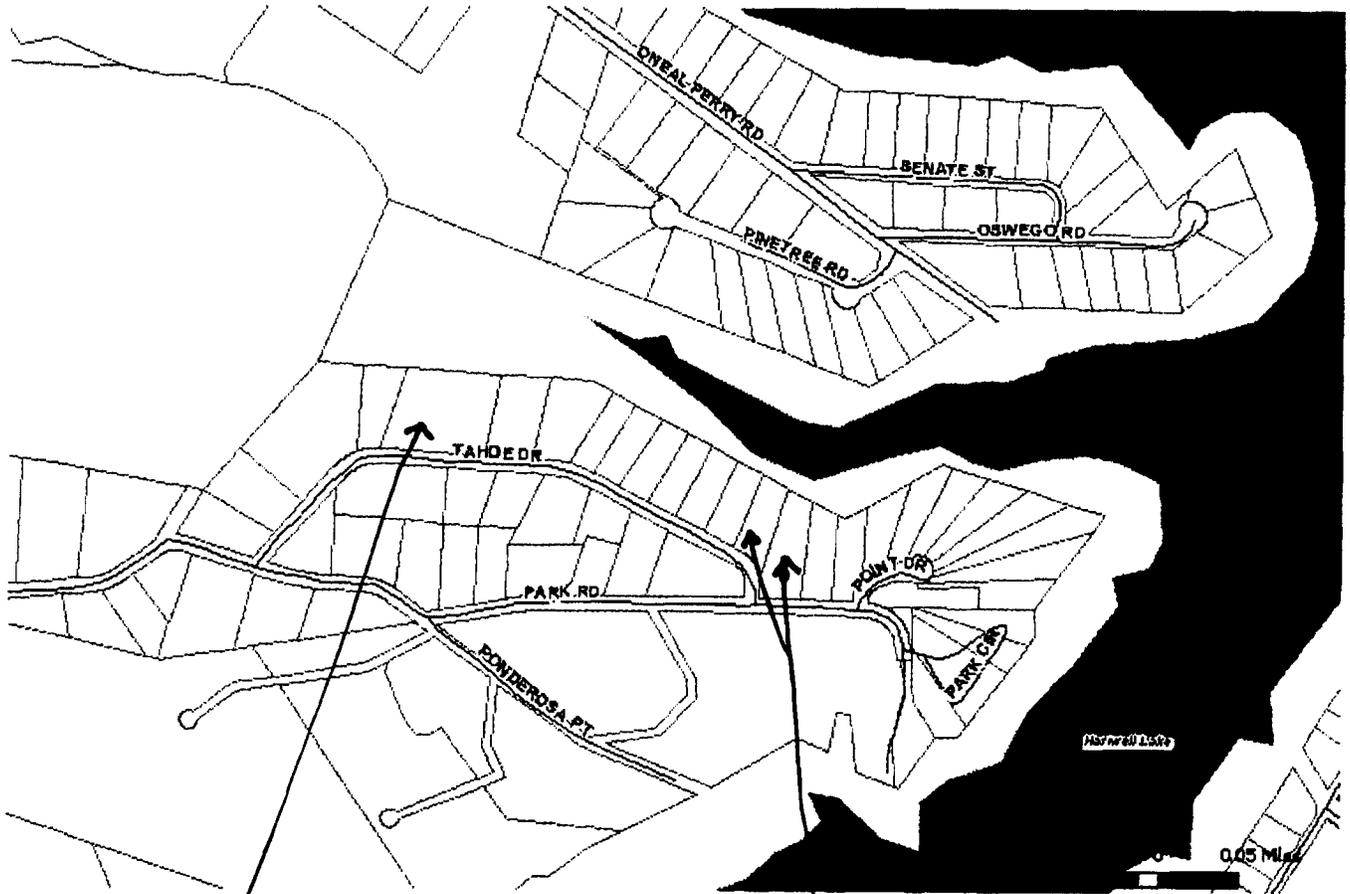
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine 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 Jessica Hooten at 803-253-3916.



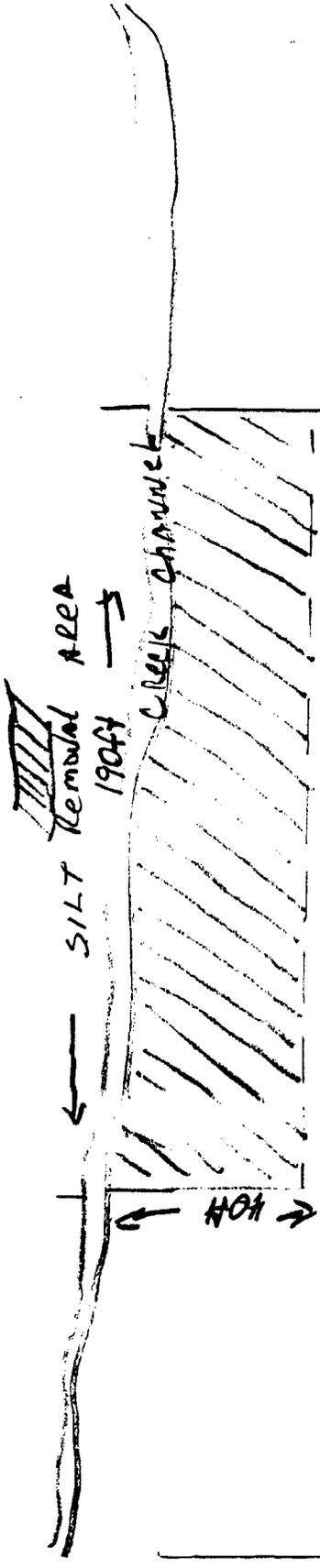
Latitude 34° 33' 54.6"
Longitude 82° 51' 14.4"
137 E 139 Taboe Drive
Townville SC

Anderson County



disposal site location
119 Tahoe Drive

site location
137 Tahoe Drive
139 Tahoe Drive



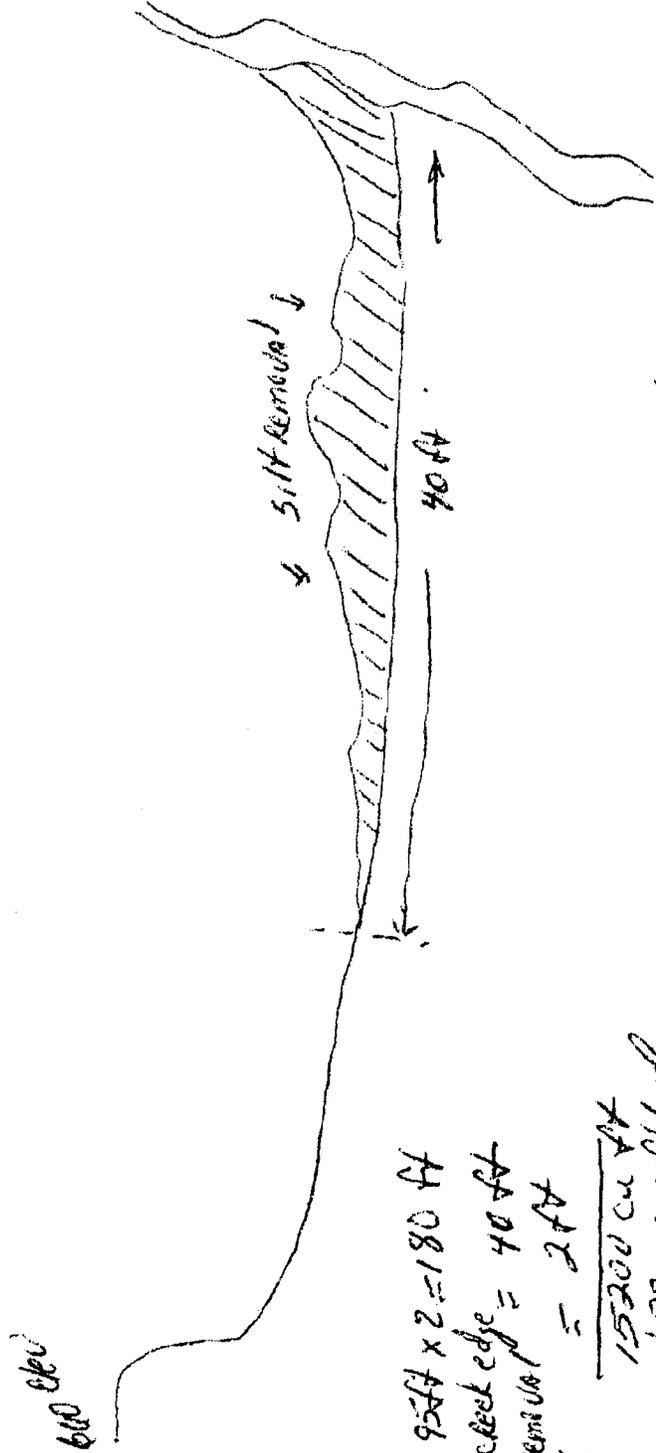
LOT 13 C. Knight	LOT 12 V. Brantley	LOT 11 L. Brantley	LOT 10 B.R. FRANKLIN
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Table 135
Table 137

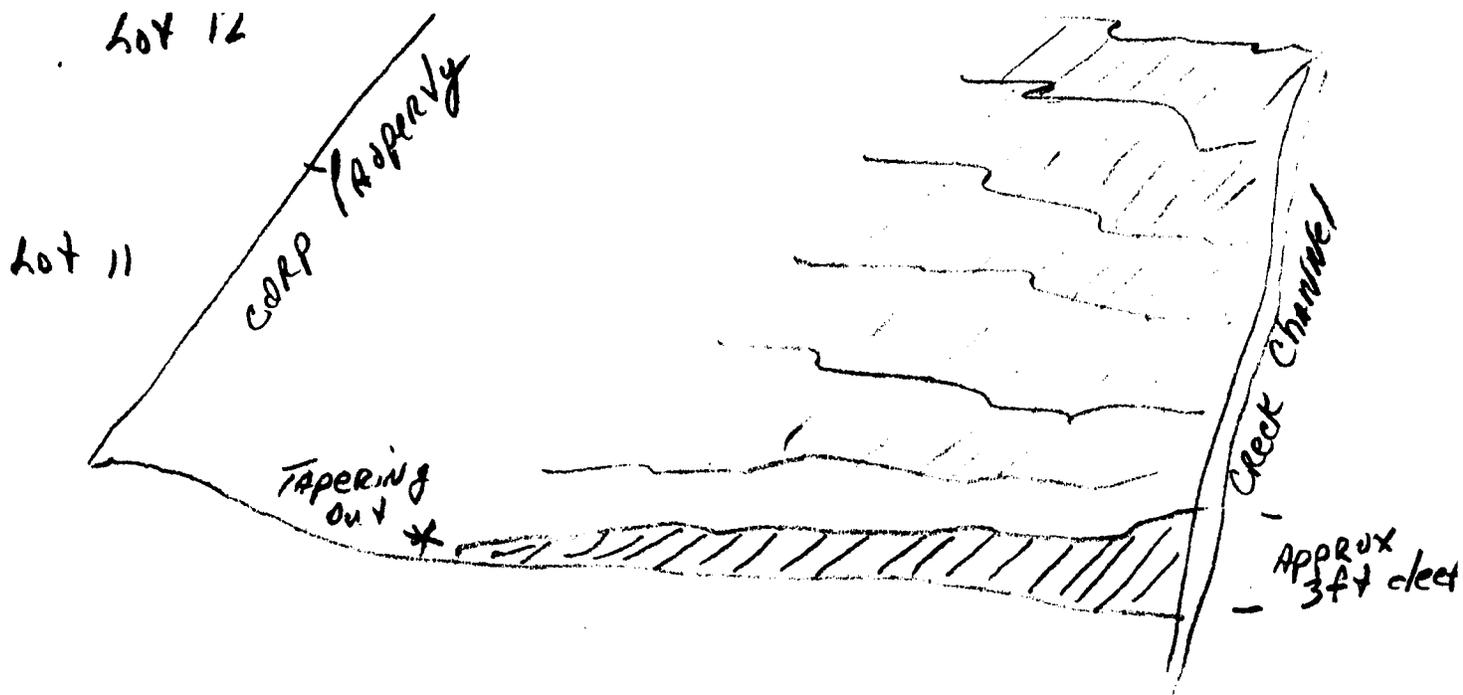
Silt Removal Area
 137, 135 Table PR
 Latitude - 34° 33' 54.6
 Longitude - 082° 51' 14.4

Sectional Map for
 Virgil Brantley/LG Brantley
 Lot # 11812
 Taboe Subdivision
 Latitude 34° 33' 54.6"
 Longitude 042° 51' 14.4"

CROSS SECTION 1



Lots 11812 $95\text{ft} \times 2 = 180\text{ft}$
 Distance from creek edge = 40 ft
 to edge of silt removal = 2 ft
 Average depth
 $\frac{15200\text{ cu ft}}{127\text{ cu ft/rd}} = 562.96\text{ cyd}$



Calculations:

Lots 11 & 12 95ft ea. $\times 2 = 190$ ft

Distance out from creek 40ft = 40 ft

Average depth removed = 2ft

$$\begin{array}{r} 15200 \text{ cu. ft.} \\ \div 27 \text{ cu ft/cu yd.} \\ \hline 562.96 \text{ cu yd.} \end{array}$$

Silt Removal Site

Latitude = 34° 33' 54.6"

Longitude = 082° 57' 14.4"

137 & 139 Tahoe DR

Townville S.C

SAC-2008-1950

Virgil Brantley Silt Removal

Anderson County, South Carolina

December 1, 2008

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