

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-2008-658-51K

November 14, 2008

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 State of South Carolina by

Mr. RON MONTGOMERY
ALLISON CREEK PARTNERS, LLC
C/O: Mr. THOMAS G. BALLOU
BALLOU ASSOCIATES
6326 SAINT ANDREWS ROAD
COLUMBIA, SOUTH CAROLINA 29212

for a permit to place fill material in wetlands and other waters of the United States in and adjacent to

UNNAMED TRIBUTARIES TO ALLISON CREEK

at a location west of South Carolina State Highway 274 and east of South Carolina State Highway 49, near the City of Rock Hill, York County, South Carolina (Latitude 35.05972°N, Longitude 81.10833°W).

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, DECEMBER 15, 2008

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

The proposed work consists of placing fill material in 0.13 acres of wetlands and other waters of the United States, or 572 linear feet of intermittent/perennial streams. As stated by the applicant, the purpose of the work is to construct a four-lane public highway between South Carolina State Highway 274 and South Carolina State Highway 49. As compensatory mitigation to off set the permanent loss of wetlands and other waters of the United States, the applicant has proposed on-site preservation and enhancement of streams and wetlands along Allison Creek. As stated by the applicant, the proposed impacts will require a total of 2689 mitigation credits. Preservation and enhancement by buffering of approximately 3100 linear feet of existing stream habitat along Allison Creek will generate at total of 2016 enhancement credits. The remaining 673 credits will be purchased from an approved stream mitigation bank as restoration credits.

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 0.13 acre of wetlands and other waters of the United States 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.

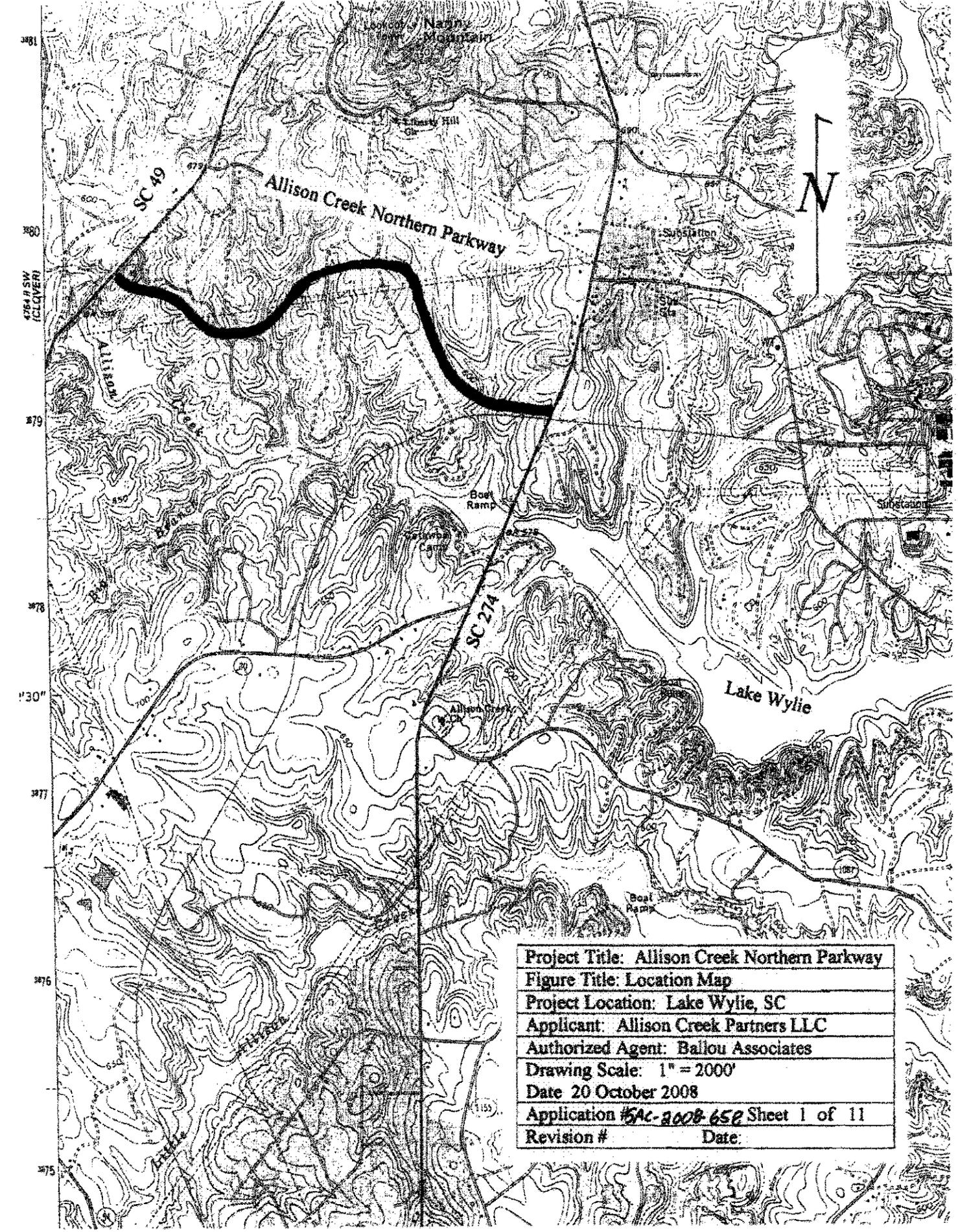
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered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

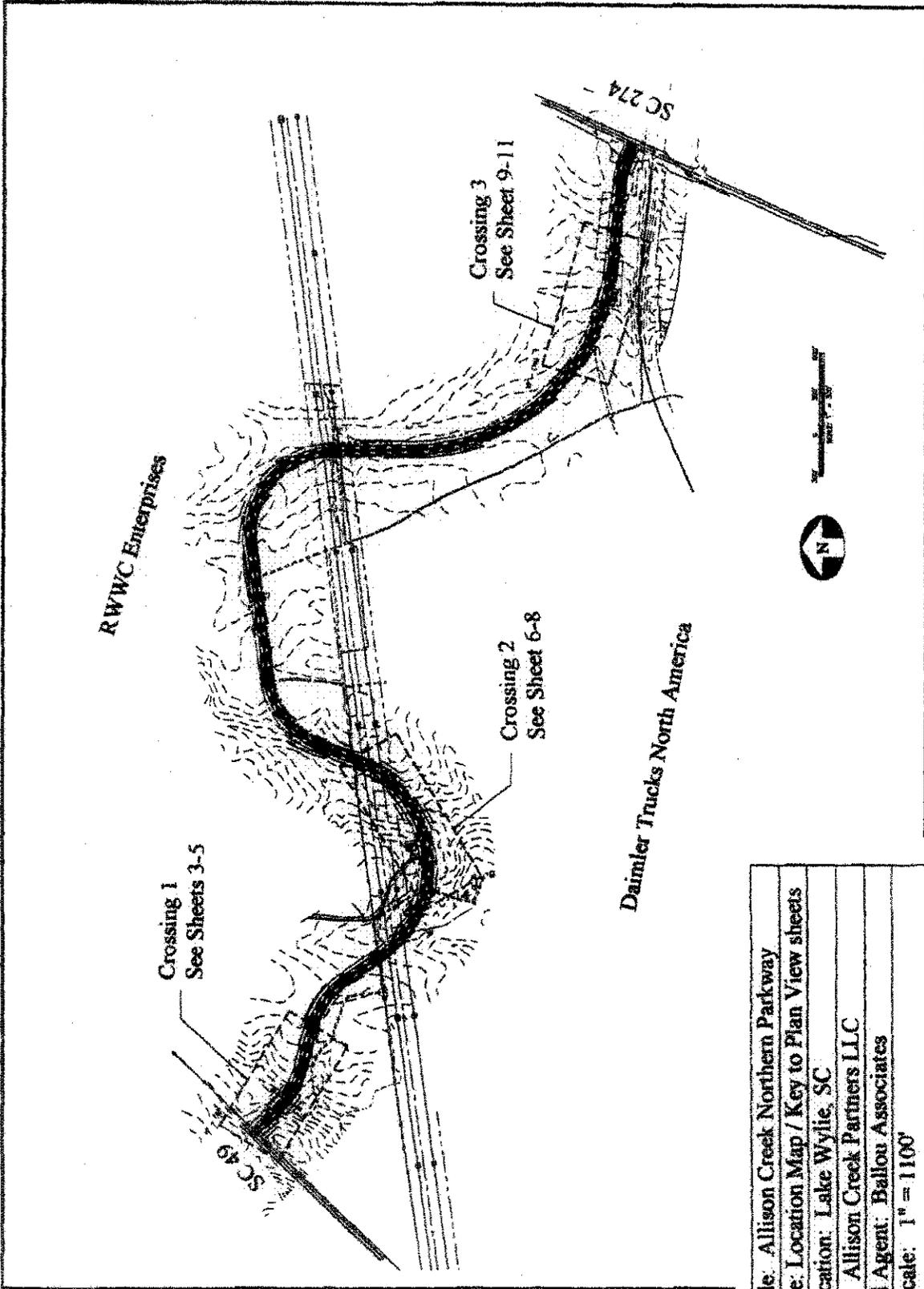
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 Leslie L. Parker at 803-253-3444.

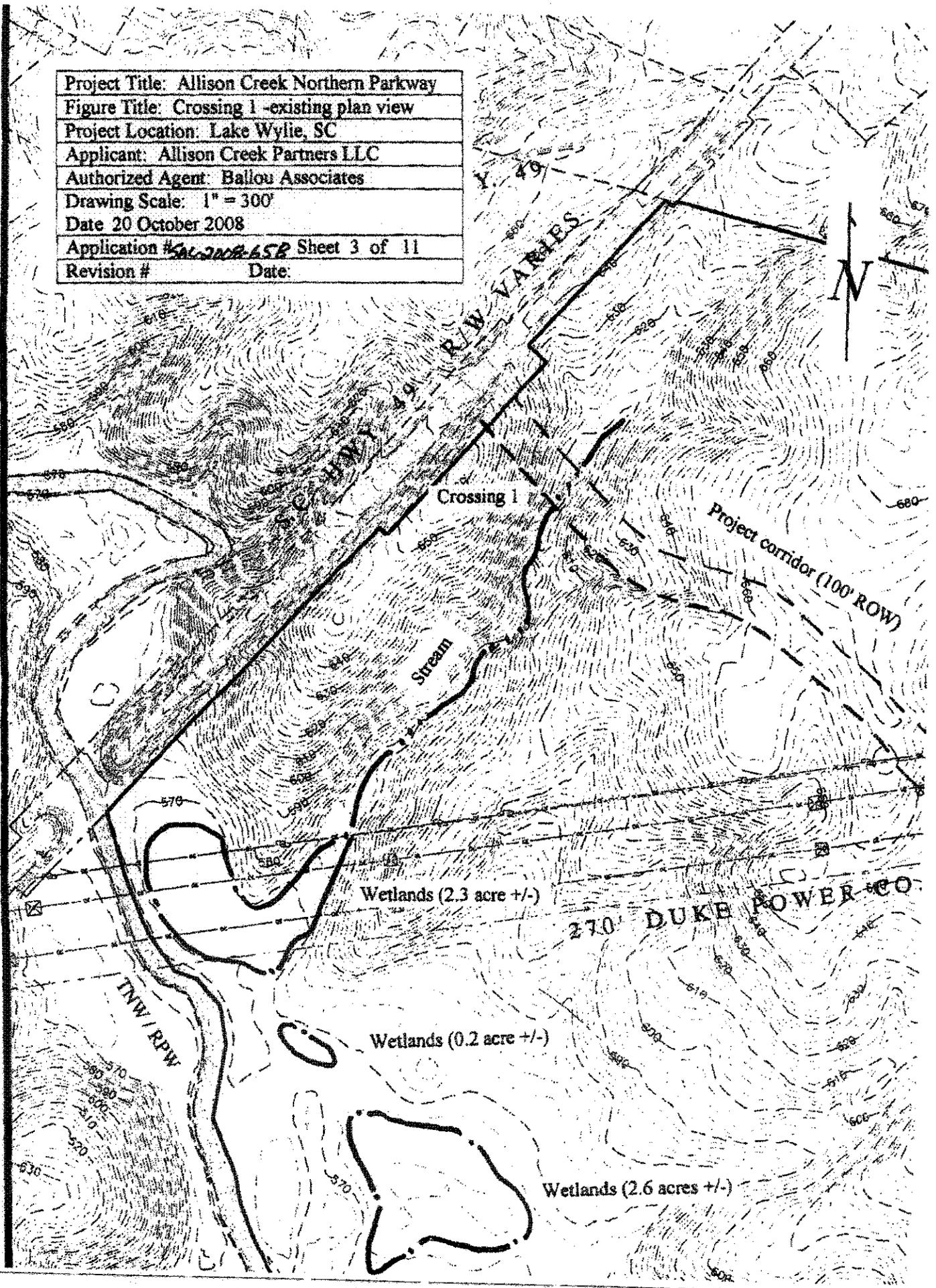


Project Title: Allison Creek Northern Parkway
Figure Title: Location Map
Project Location: Lake Wylie, SC
Applicant: Allison Creek Partners LLC
Authorized Agent: Ballou Associates
Drawing Scale: 1" = 2000'
Date: 20 October 2008
Application #: SAC-2008-652 Sheet 1 of 11
Revision # Date:



Project Title: Allison Creek Northern Parkway
Figure Title: Location Map / Key to Plan View sheets
Project Location: Lake Wylie, SC
Applicant: Allison Creek Partners LLC
Authorized Agent: Ballou Associates
Drawing Scale: 1" = 1100'
Date 20 October 2008
Application # AC-2008-658 Sheet 2 of 11
Revision # _____ Date: _____

Project Title: Allison Creek Northern Parkway	
Figure Title: Crossing 1 -existing plan view	
Project Location: Lake Wylie, SC	
Applicant: Allison Creek Partners LLC	
Authorized Agent: Ballou Associates	
Drawing Scale: 1" = 300'	
Date 20 October 2008	
Application # SA-2008-652	Sheet 3 of 11
Revision #	Date:



Project Title: Allison Creek Northern Parkway

Figure Title: Crossing 1 -proposed plan and profile view

Project Location: Lake Wylie, SC

Applicant: Allison Creek Partners LLC

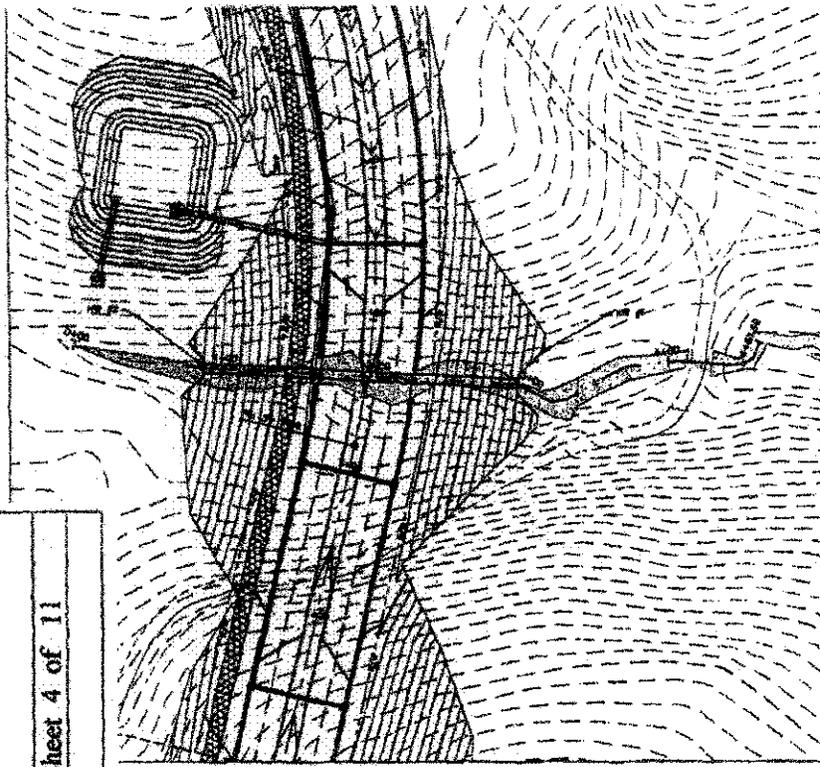
Authorized Agent: Ballou Associates

Drawing Scale: As shown

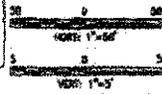
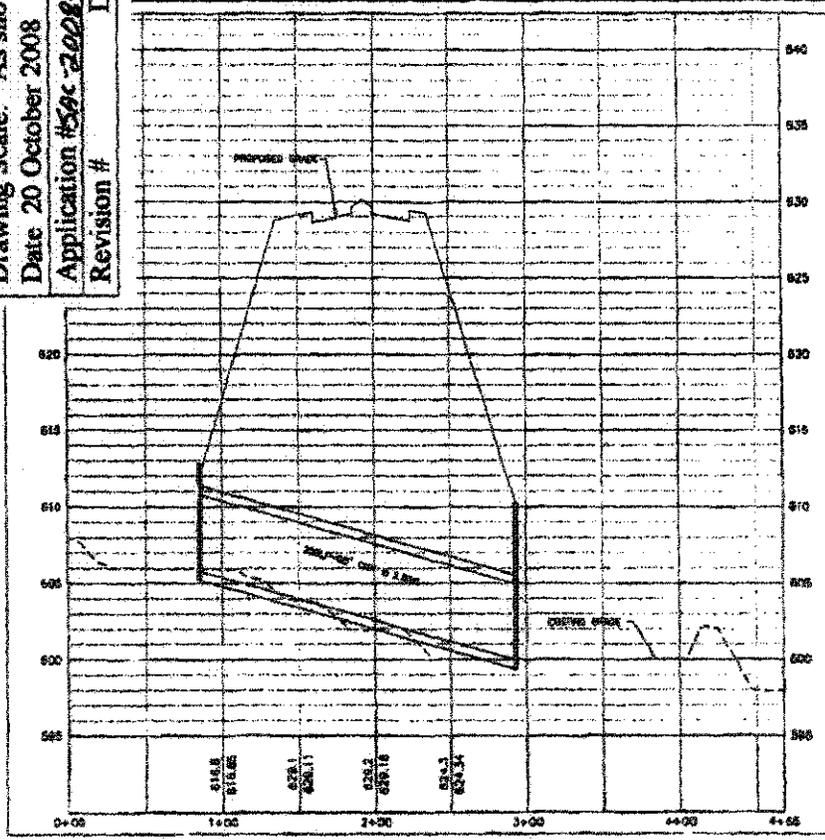
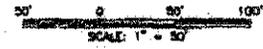
Date 20 October 2008

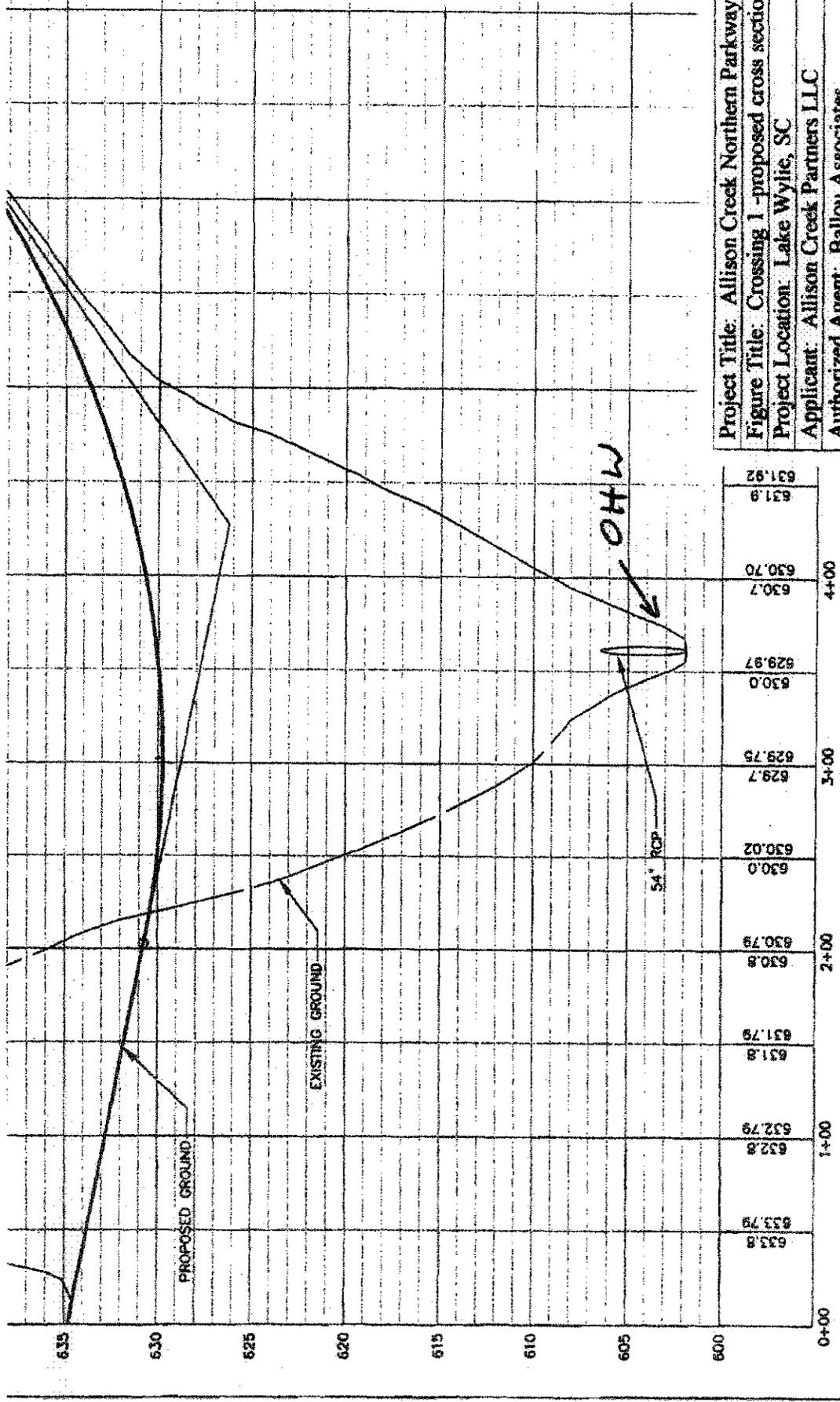
Application #59c-2008-458 Sheet 4 of 11

Revision # Date:



IMPACT #1



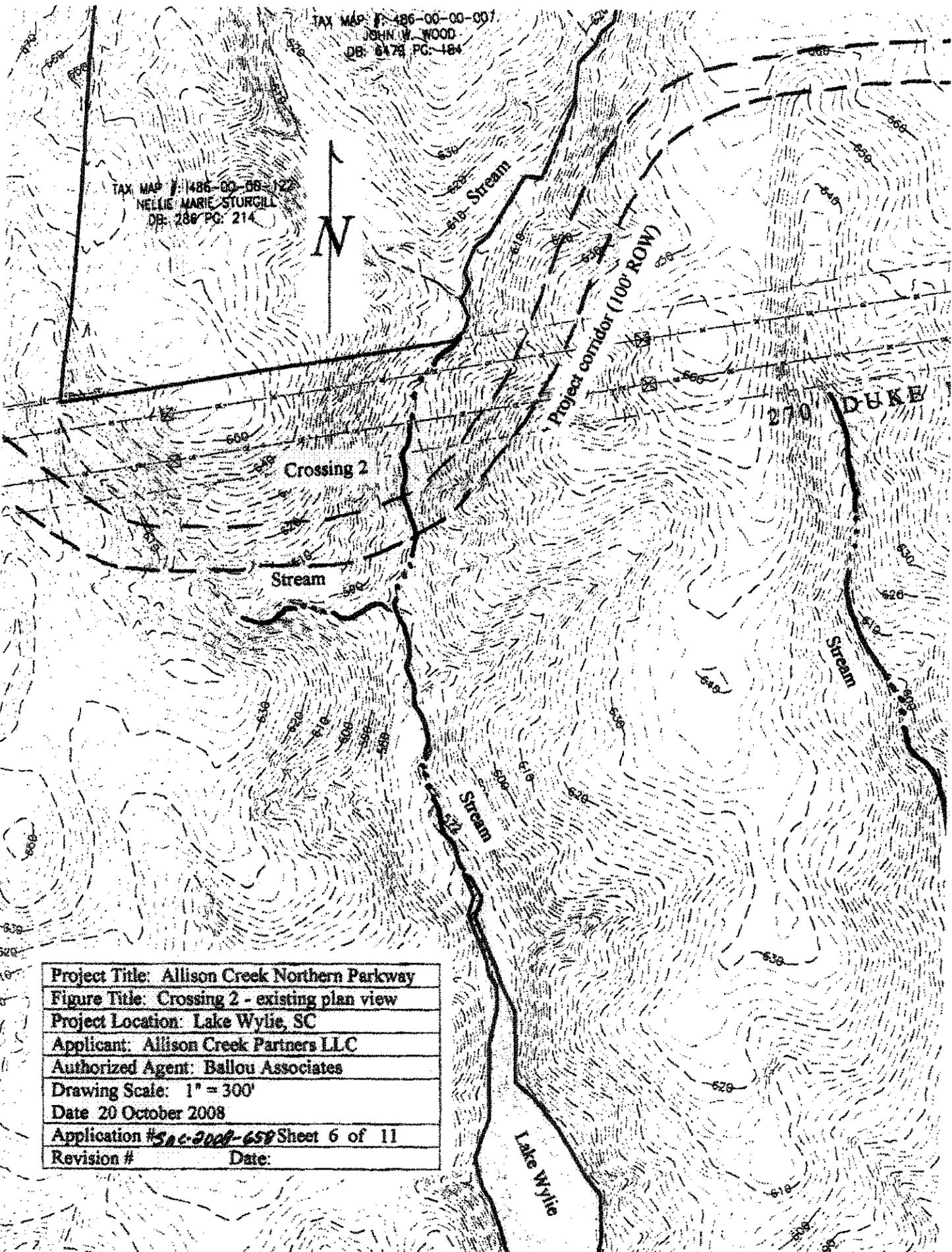


Project Title: Allison Creek Northern Parkway
Figure Title: Crossing 1 - proposed cross section
Project Location: Lake Wylie, SC
Applicant: Allison Creek Partners LLC
Authorized Agent: Ballou Associates
Drawing Scale: As shown
Date: 20 October 2008
Application # 2008-2008-650 Sheet 5 of 11
Revision # _____ Date: _____

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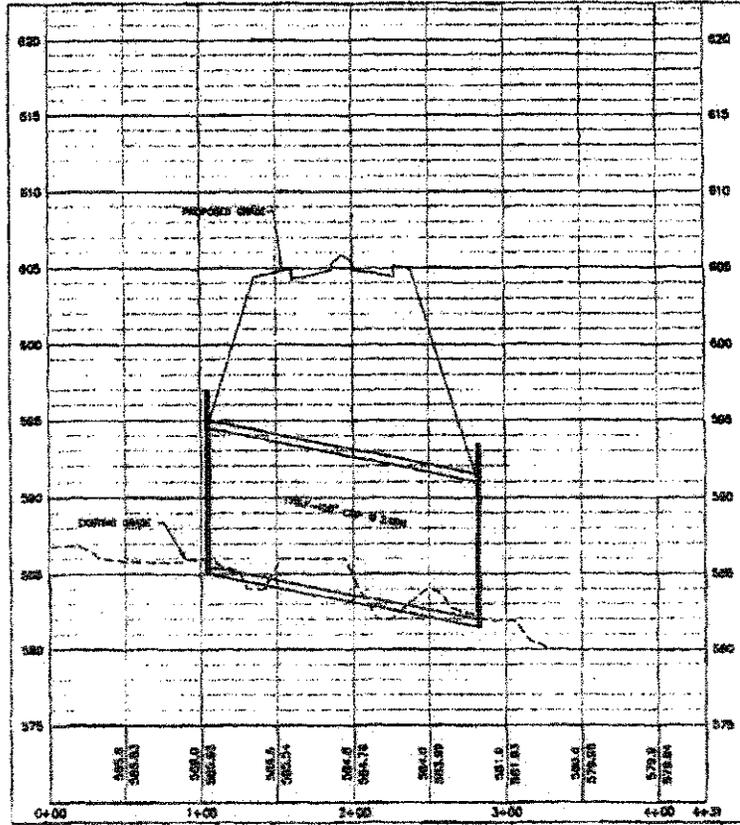
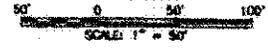
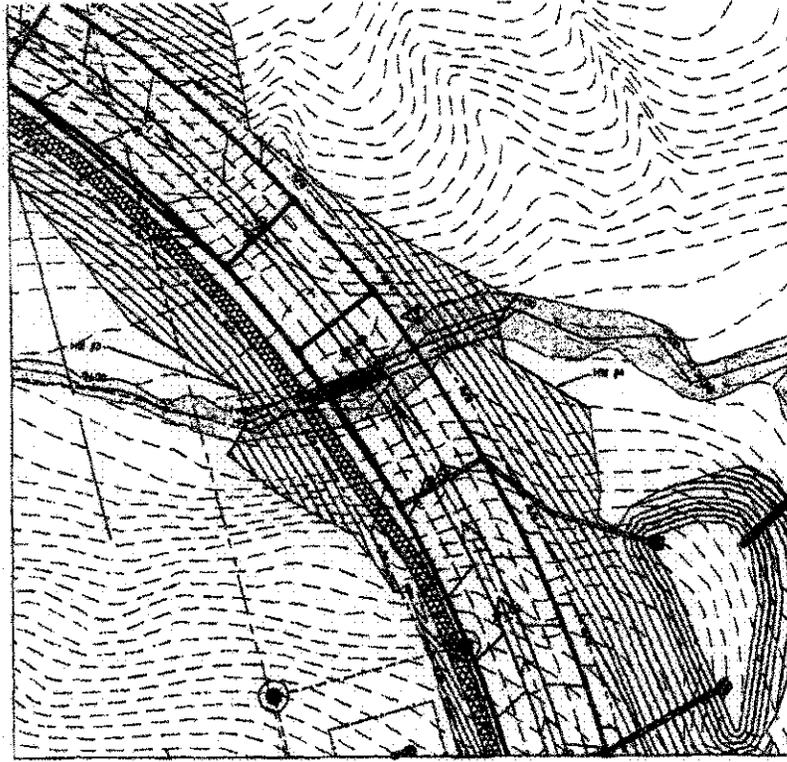
TAX MAP # 1486-00-00-007
JOHN W. WOOD
DB: 6478 PG: 184

TAX MAP # 1486-00-00-122
NELLIE MARIE STURCHILL
DB: 286 PG: 214



Project Title: Allison Creek Northern Parkway
Figure Title: Crossing 2 - existing plan view
Project Location: Lake Wylie, SC
Applicant: Allison Creek Partners LLC
Authorized Agent: Ballou Associates
Drawing Scale: 1" = 300'
Date 20 October 2008
Application # SA-C-2008-659 Sheet 6 of 11
Revision # Date:

Project Title: Allison Creek Northern Parkway
 Figure Title: Crossing 2 - proposed plan and profile view
 Project Location: Lake Wylie, SC
 Applicant: Allison Creek Partners LLC
 Authorized Agent: Ballou Associates
 Drawing Scale: As shown
 Date 20 October 2008
 Application # ~~2008-052~~ **652** Sheet 7 of 11
 Revision # Date:



Project Title: Allison Creek Northern Parkway

Figure Title: Crossing 3 - existing plan view

Project Location: Lake Wylie, SC

Applicant: Allison Creek Partners LLC

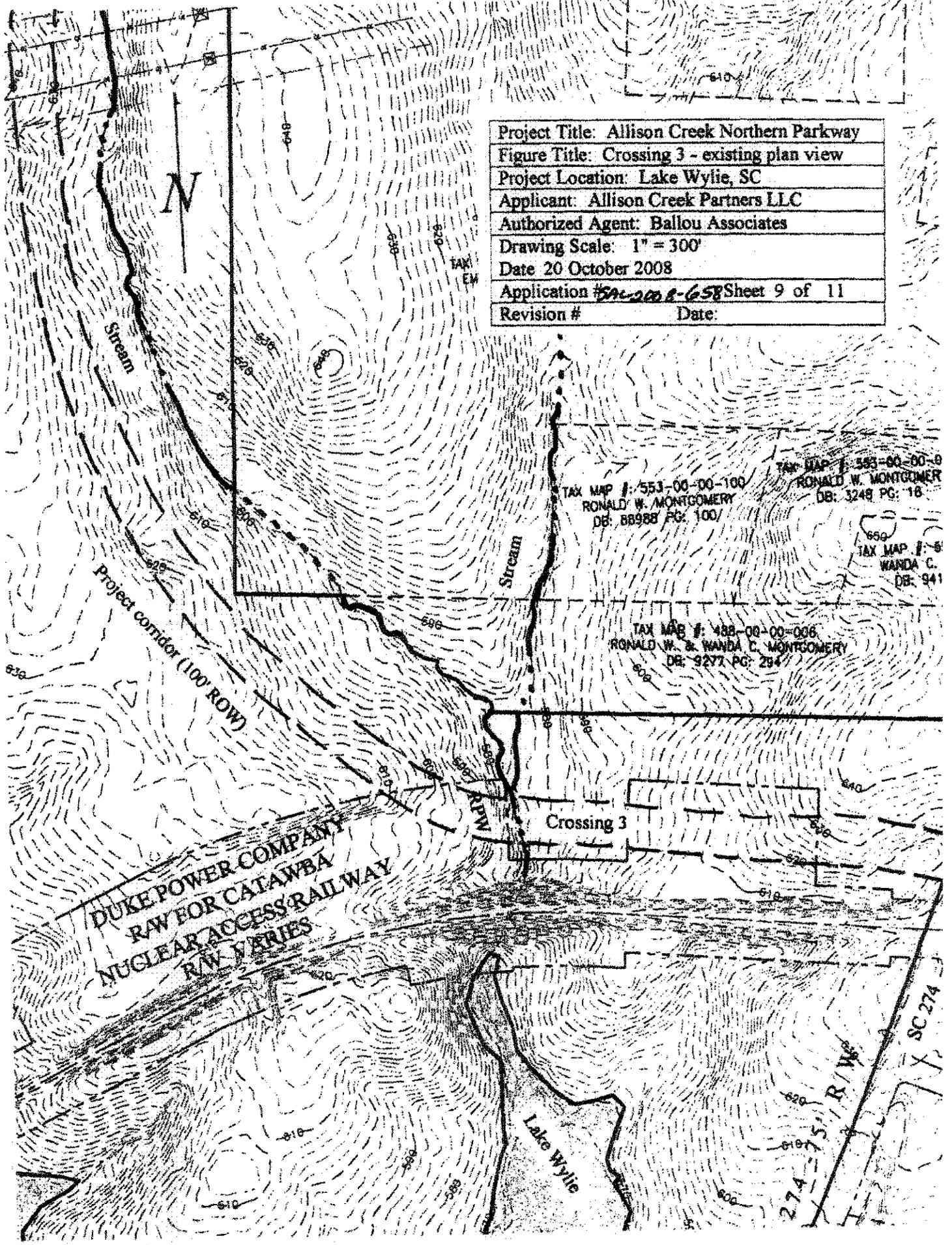
Authorized Agent: Ballou Associates

Drawing Scale: 1" = 300'

Date 20 October 2008

Application # ~~500-2008-658~~ Sheet 9 of 11

Revision # Date:



DUKE POWER COMPANY
R/W FOR CATAWBA
NUCLEAR ACCESS RAILWAY
R/W VERTICES

Crossing 3

Lake Wylie

Project corridor (100' ROW)

TAX MAP #: 553-00-00-100
RONALD W. MONTGOMERY
DB: 88988 PG: 100

TAX MAP #: 593-00-00-0
RONALD W. MONTGOMERY
DB: 3248 PG: 18

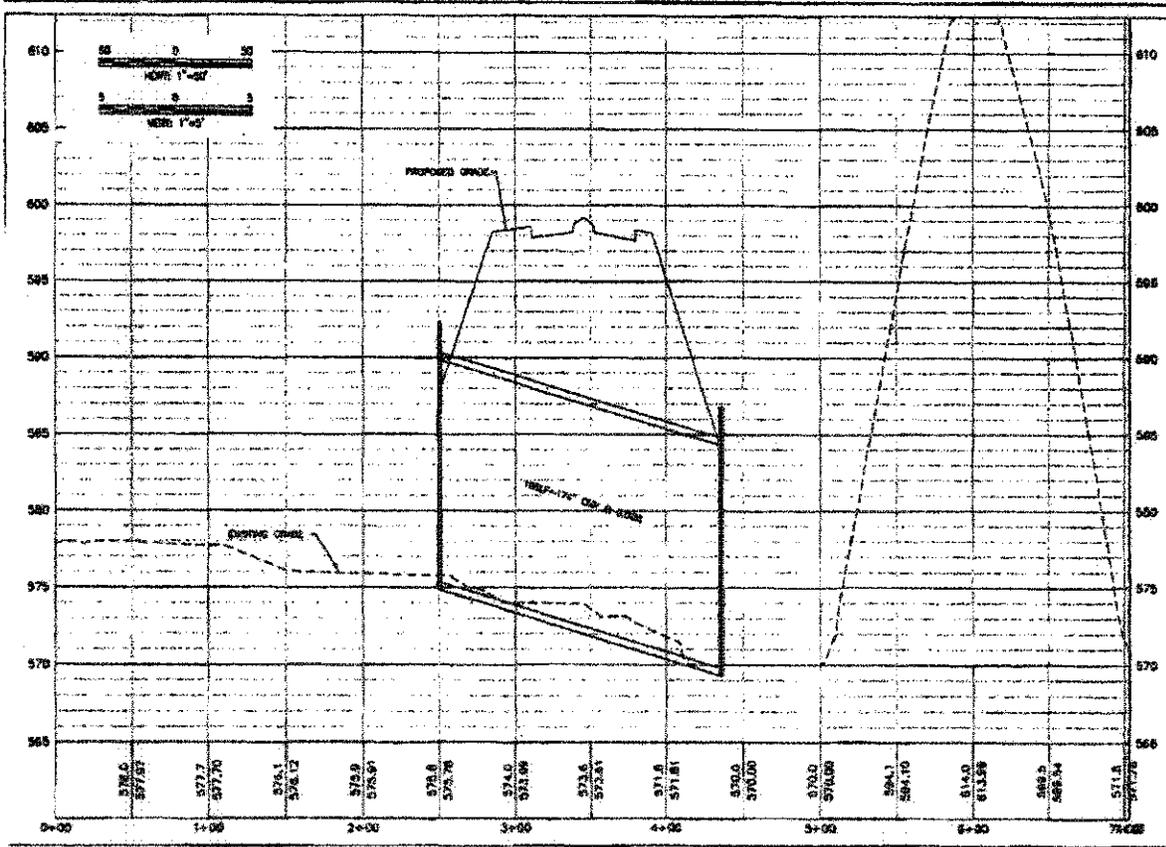
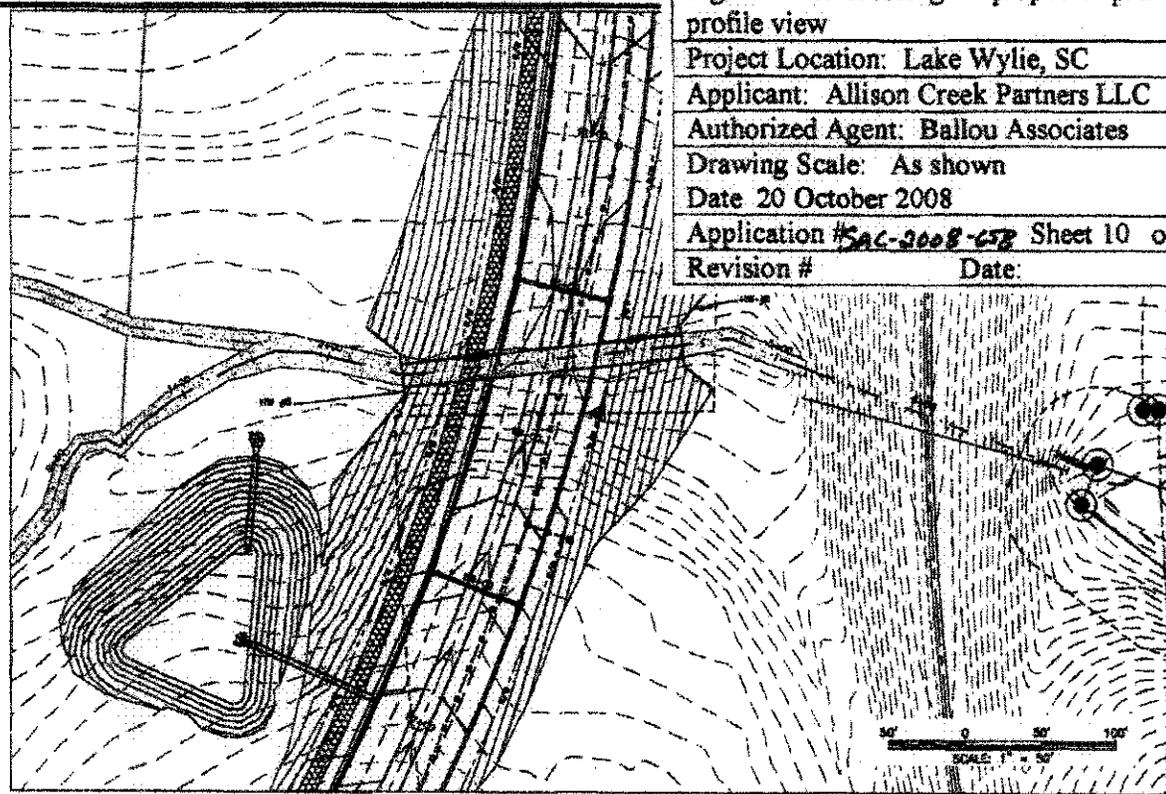
TAX MAP #: 6
WANDA C.
DB: 941

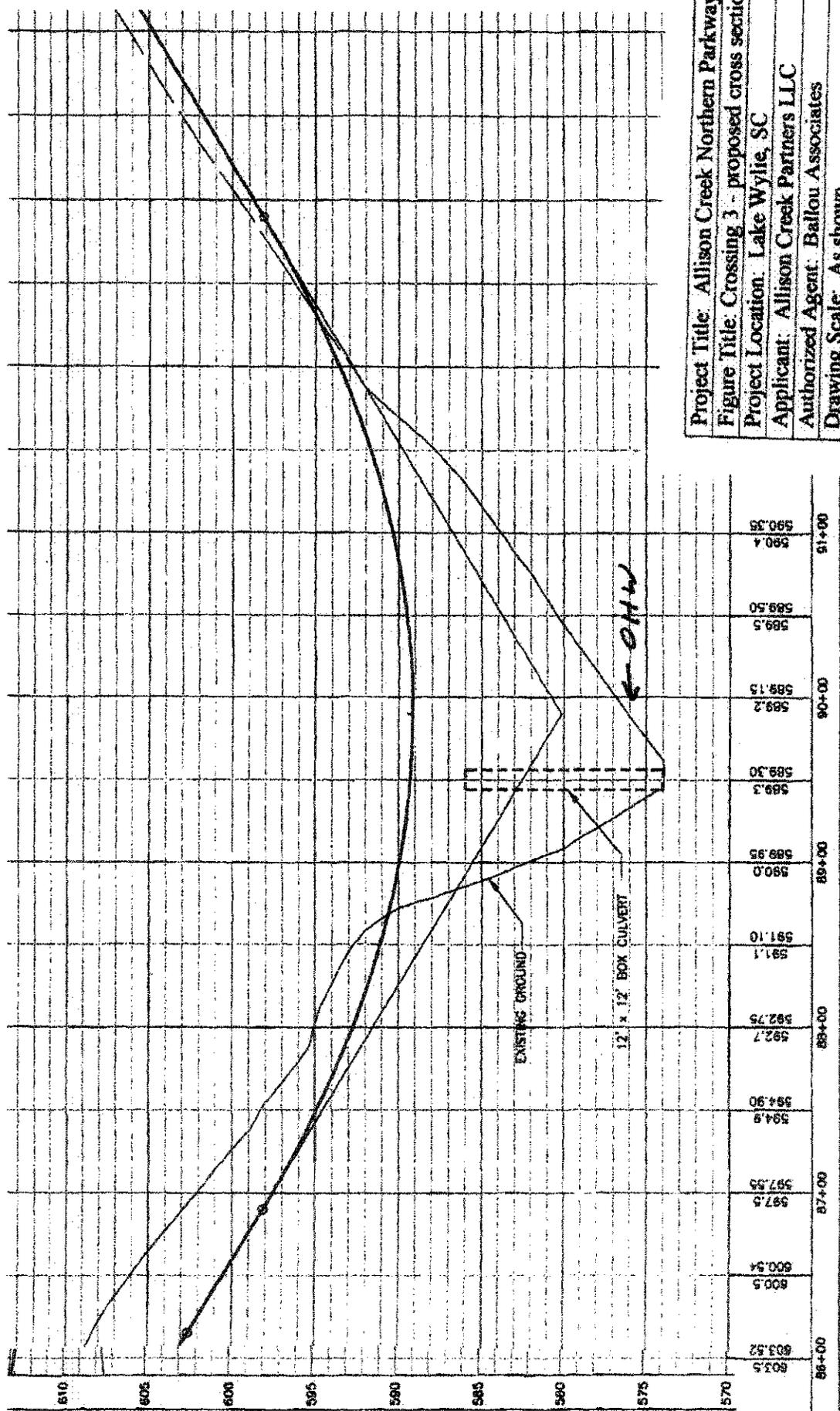
TAX MAP #: 488-00-00-006
RONALD W. & WANDA C. MONTGOMERY
DB: 9277 PG: 294

SC 274

274-15 R/W

Project Title: Allison Creek Northern Parkway
 Figure Title: Crossing 3 - proposed plan and profile view
 Project Location: Lake Wylie, SC
 Applicant: Allison Creek Partners LLC
 Authorized Agent: Ballou Associates
 Drawing Scale: As shown
 Date 20 October 2008
 Application # SAC-2008-652 Sheet 10 of 11
 Revision # Date:





Project Title: Allison Creek Northern Parkway
 Figure Title: Crossing 3 - proposed cross section
 Project Location: Lake Wylie, SC
 Applicant: Allison Creek Partners LLC
 Authorized Agent: Ballou Associates
 Drawing Scale: As shown
 Date: 20 October 2008
 Application # *500-2008-050* Sheet 11 of 11
 Revision # _____ Date: _____

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