

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 #2003-1D-032-W

MARCH 7, 2003

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), 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

DUKE ENERGY CORPORATION

C/O ROBERT W. CACCIA

P. O. BOX 1006

CHARLOTTE, NC 28201-1006

for a permit to replace an existing boat launching facility in

LAKE WYLIE

at the existing Nivens Creek Access Area near Fort Mill in York County, South Carolina.

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, APRIL 7, 2003

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

The proposed work consists of constructing 2 boat ramps and relocating a floating dock. The existing boat ramps located at the site will be removed and stone rock added to provide a suitable slope for the construction of two 16' wide x 110' long concrete ramps. The existing floating courtesy dock located on-site will be relocated between the proposed boat ramps. The purpose of this work is to upgrade an existing boat launching facility used by the general public.

MARCH 7, 2003

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 0.09 acres of freshwater lake habitat associated with downstream 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).

The District Engineer has 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. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

MARCH 7, 2003

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.

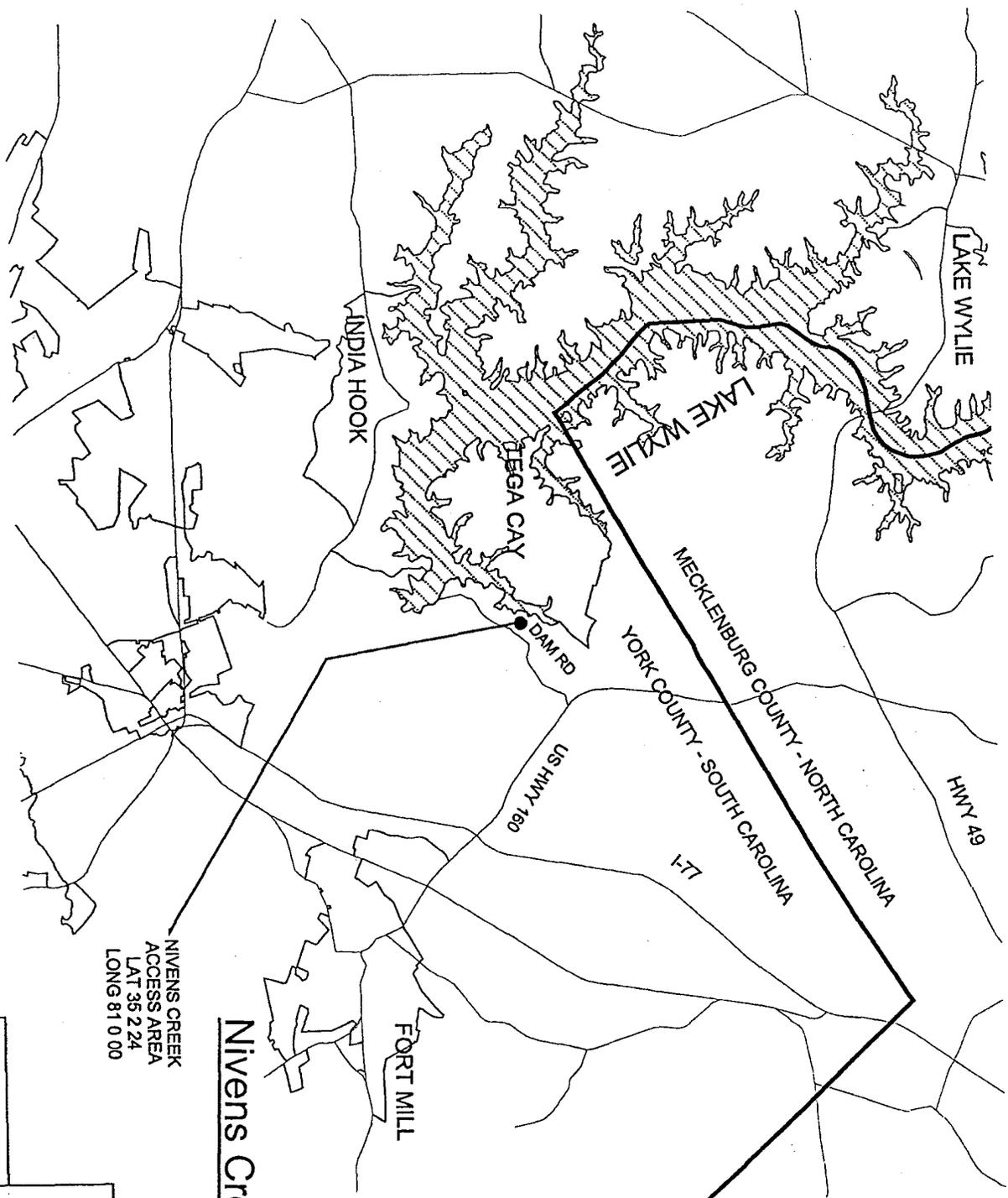
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 me at 843-329-8044 or toll free at 1-866-329-8187.



S. Dean Herndon
Project Manager
Regulatory Division
U.S. Army Corps of Engineers



NIVENS CREEK
ACCESS AREA
LAT 35 2 24
LONG 81 0 00

Nivens Creek Access Area Upgrade

Location Map

Revisions	
Date	Initials

Project Title:	Nivens Creek Access Area upgrade
Project Location:	York County, SC
Applicant:	Duke Energy Corporation
Date:	January, 2003
Application #	see drawing
	Scale: 1" = 4 miles
	Sheet 1 of 7

Nivens Creek Access Area Upgrade Project Description

Duke Power proposes to upgrade the existing boat launching area at the Nivens Creek Access Area provided for the general public at the Lake Wylie Hydro Project. The project is located in the city of Tega Cay in York County, South Carolina on Dam Rd.

The upgrade of the site is being performed to satisfy a request of Federal Energy Regulatory Commission (FERC), South Carolina Department of Natural Resources (SCDNR) to make the site more beneficial to the general public. At this location new boat ramps will be constructed near the older, shorter existing boat ramps. New, longer ramps are proposed to gain access to deeper water than was available with the old ramps. This project scope was identified in the Shoreline Management Plan which was filed with FERC.

STORMWATER RUNOFF

The project design calls for; finish grading and grassing and/or rocking of edges along entrance road and parking lot, shoreline and other structural components to establish natural erosion control. An erosion control plan has been submitted to SCDHEC and that plan has been approved and is available if requested.

WETLANDS AND OPEN WATER IMPACTS

There will be no impacts to wetlands. The only impact to open water will be the construction of the boat ramp and relocation of the loading pier.

CURRENT CONDITION OF SITE

This site was originally constructed in the mid 1900's. The boat ramps and the paved parking lot are becoming much deteriorated. The new boat ramps and parking lot will be in the same areas.

PROPOSED DEVELOPMENT

The old ramps will be removed and the existing pier will be relocated to be between the two new ramps. A parking area with 2 new ramps will be added and the existing parking areas will be reconstructed to contain 46 vehicle/trailer spaces and 14 car parking spaces. New security lights will be added to the parking areas. Construction activities are planned to start in September 2003 and be completed by the end of 2003.

Revisions	
Date	Initials

Project Title:	Nivens Creek Access Area upgrade	
Project Location:	York County, SC	
Applicant:	Duke Energy Corporation	
Date:	January, 2003	Scale: NA
Application #		Sheet 2 of 7

Nivens Creek Access Area Upgrade Project Description (continued)

The scope of this project will include:

- Installation and removal of erosion control devices.
- Removal of existing boat ramps.
- Clearing and removal of debris as necessary to accommodate project layout.
- New parking lot with 46 vehicle/trailer parking spaces and 14 car parking spaces. Site will be paved to sustain light duty traffic.
- Preparation of ramp bed for (2) 110 foot long boat ramps with class B riprap (five inch to 15 inch diameter stone).
- Installation of (2) 110 foot concrete boat ramps. Ramps expected to be constructed of 7 inch thick reinforced concrete mat with curbing to specified dimensions.
- Installation of 10 foot wide by seven inch thick concrete apron to adjoin boat ramps with concrete curb extending from ramp to edge of concrete apron.
- Existing loading pier shall be relocated between the concrete ramps. Any piles required for pier should be installed prior to installation of rock for ramps to avoid having to drive piles through the riprap.
- Finish grading and grassing and/or rocking of edges along entrance road and parking lot, shoreline and other structural components to establish natural erosion control.
- Installation of new trash can pad
- Installation of FERC regulatory signs.

Revisions	
Date	Initials

Project Title:	
Nivens Creek Access Area upgrade	
Project Location:	
York County, SC	
Applicant:	
Duke Energy Corporation	
Date:	Scale:
January, 2003	NA
Application #	Sheet <u>3</u> of <u>7</u>

Project Title: Nivens Creek Access Area Upgrade
 Project Location: York County, SC
 Applicant: Duke Energy Corporation
 Date: January, 2003
 Scale: 1" = 200ft
 Application # _____
 Sheet 4 of 7

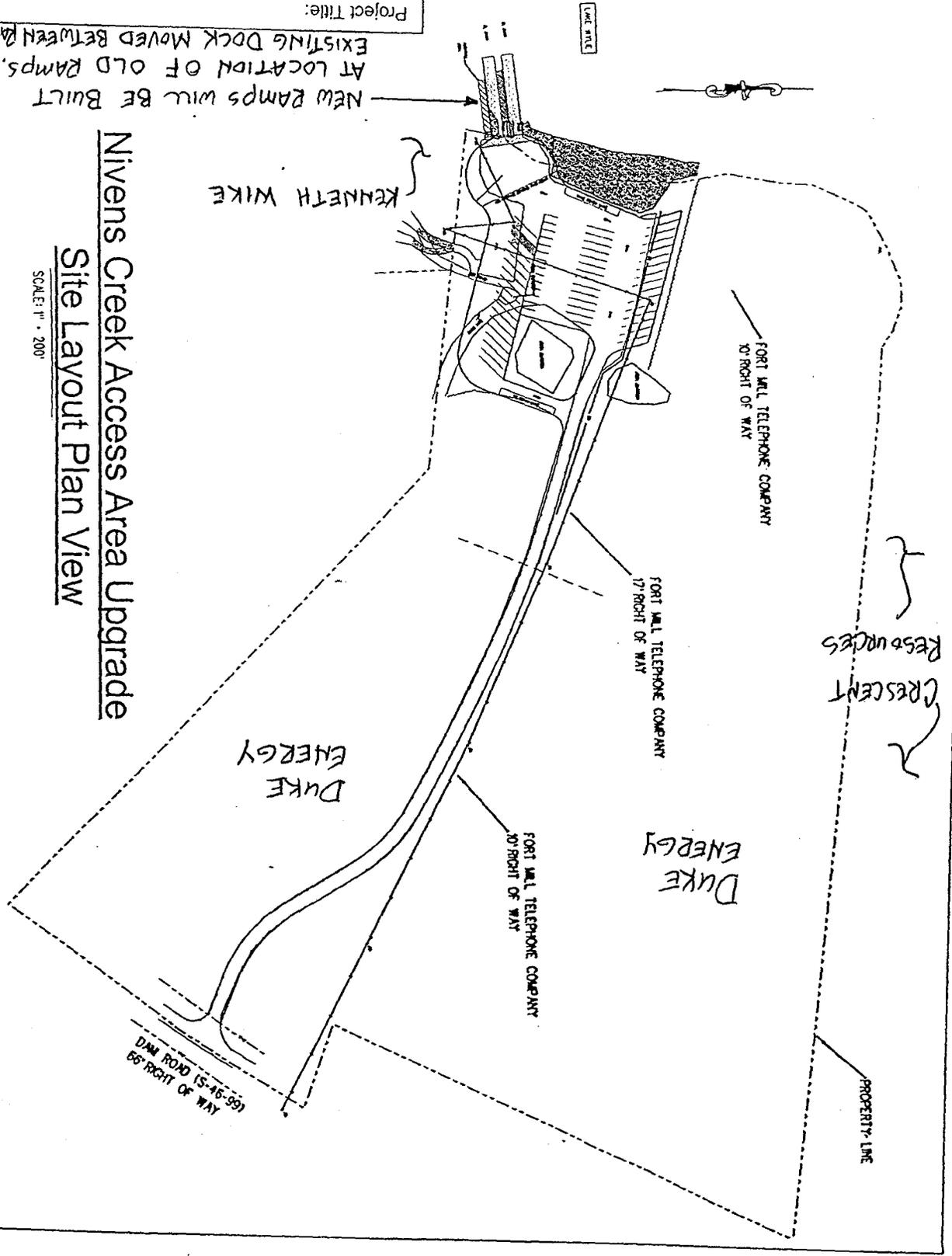
Revisions	Date	Initials
	2/26/03	gwr

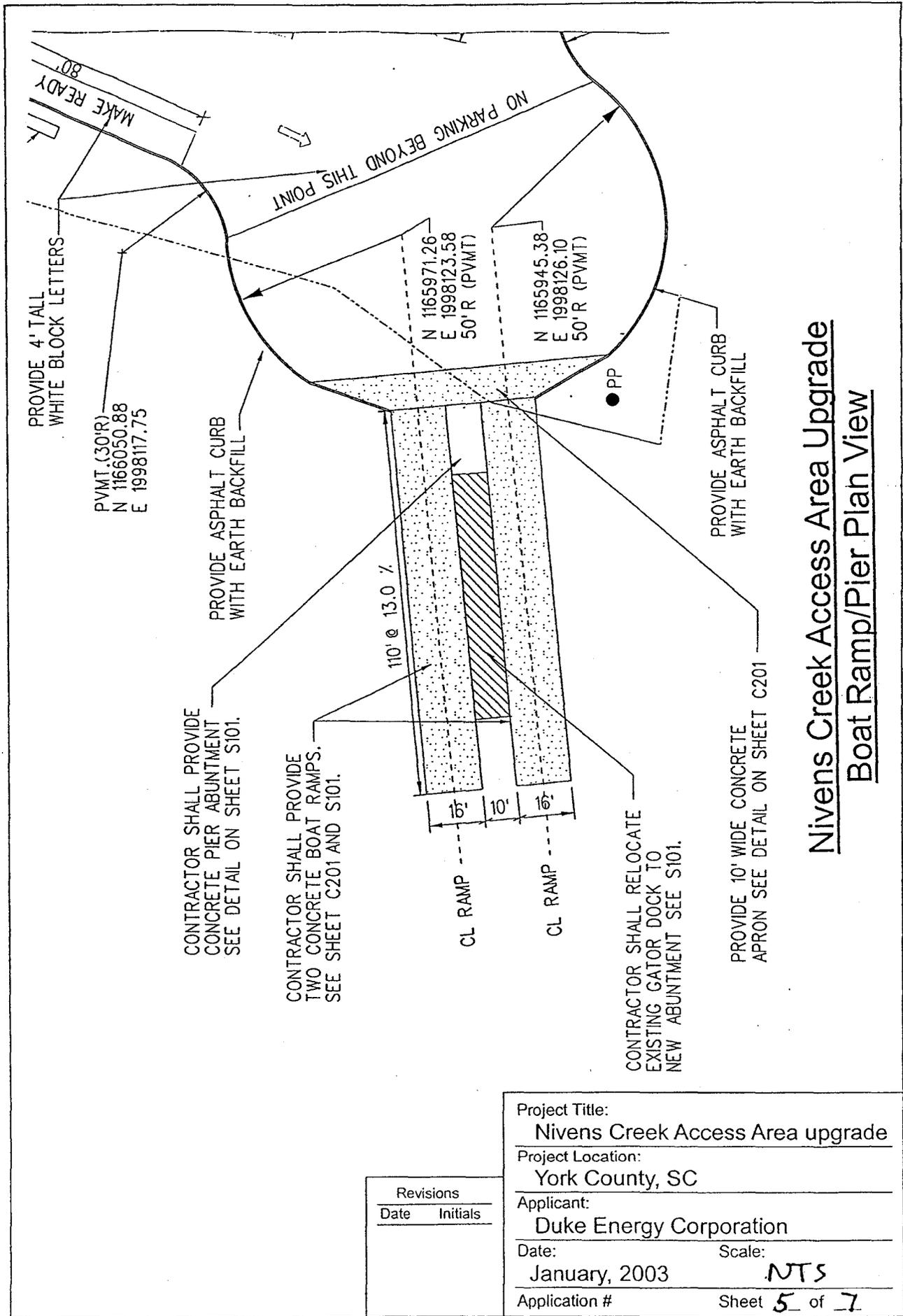
Project Title: Nivens Creek Access Area Upgrade
 Project Location: York County, SC
 Applicant: Duke Energy Corporation
 Date: January, 2003
 Scale: 1" = 200ft
 Application # _____
 Sheet 4 of 7

NEW RAMPs WILL BE BUILT AT LOCATION OF OLD RAMPs. EXISTING DOCK MOVED BETWEEN RAMPs

**Nivens Creek Access Area Upgrade
 Site Layout Plan View**

SCALE: 1" = 200'





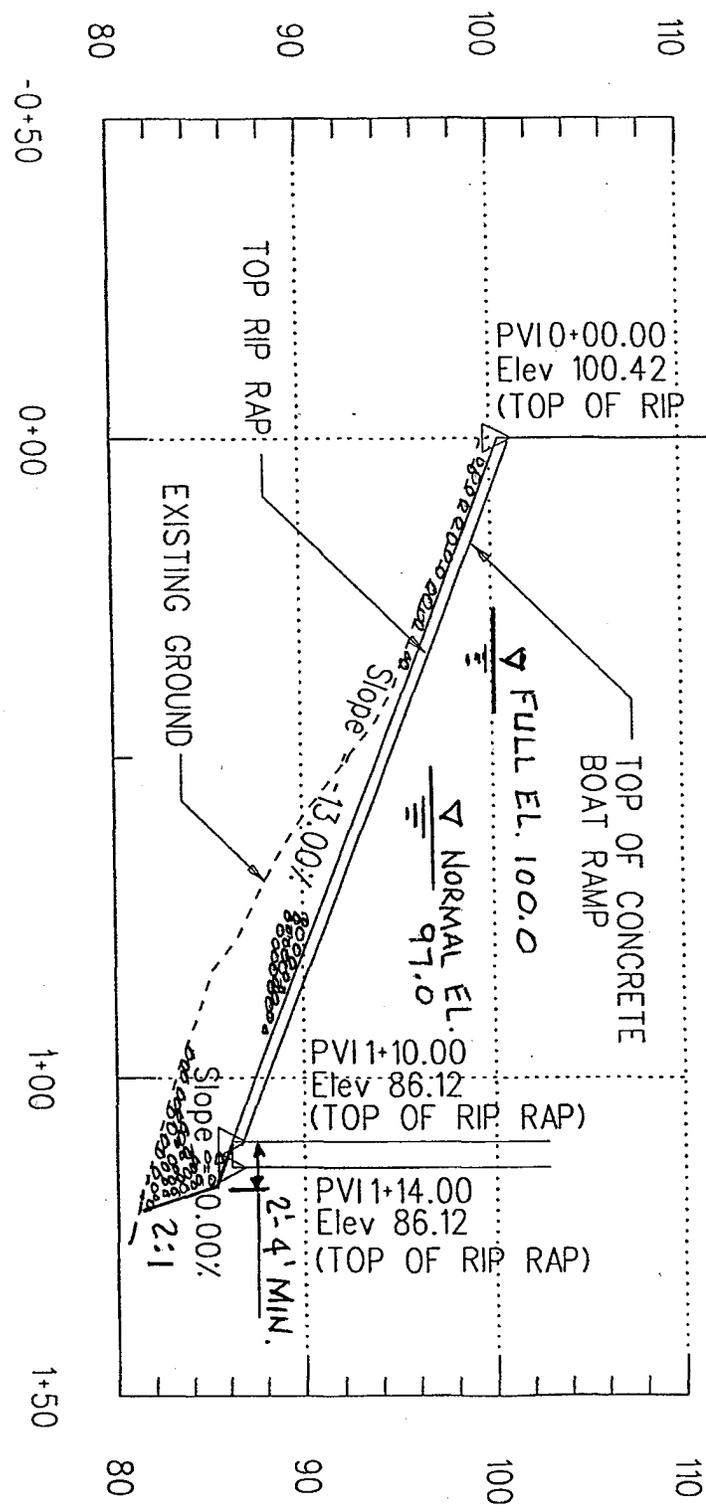
Nivens Creek Access Area Upgrade
Boat Ramp/Pier Plan View

Project Title:		Nivens Creek Access Area upgrade	
Project Location:		York County, SC	
Applicant:		Duke Energy Corporation	
Date:	Scale:	January, 2003	NTS
Application #	Sheet	5	of 7

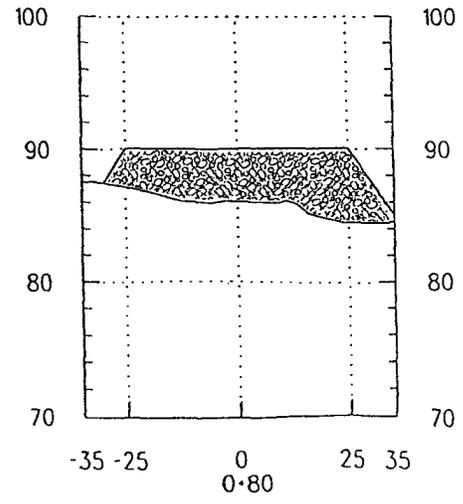
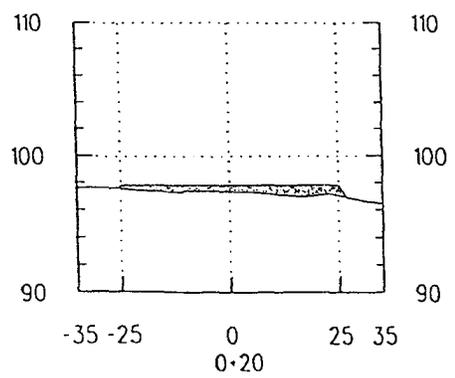
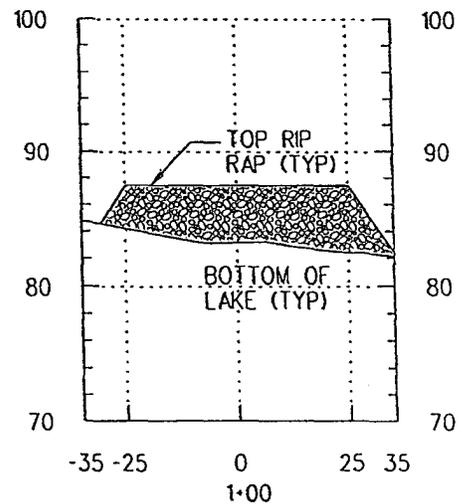
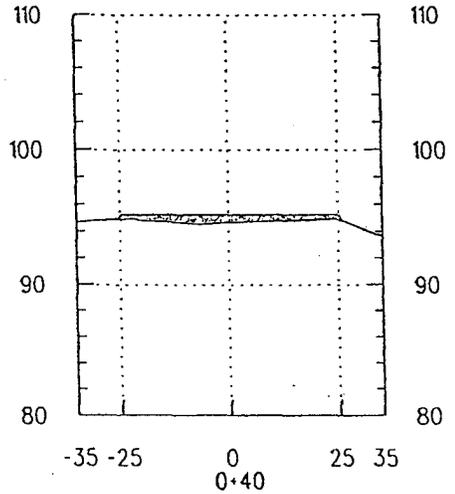
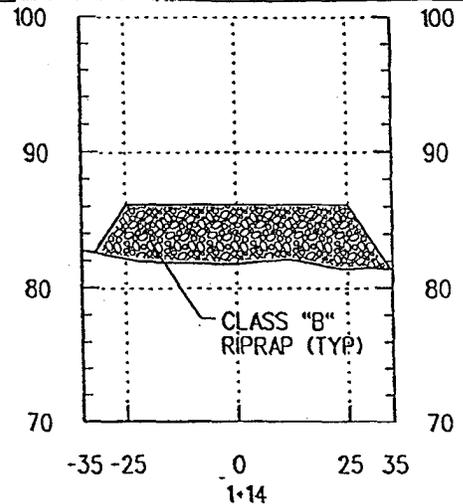
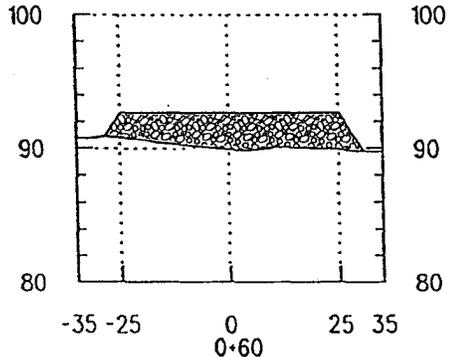
Revisions	
Date	Initials

Project Title: Nivens Creek Access Area Upgrade
 Project Location: York County, SC
 Applicant: Duke Energy Corporation
 Date: January, 2003
 Scale: as noted
 Application # Sheet 6 of 7

Revisions	
Date	Initials
2-26-03	gwr



Nivens Creek Access Area Upgrade
Boat Ramp Profile



**Nivens Creek Access Area Upgrade
Boat Ramp Fill Detail**

Revisions	
Date	Initials

Project Title:
Nivens Creek Access Area upgrade

Project Location:
York County, SC

Applicant:
Duke Energy Corporation

Date: January, 2003 Scale: *as noted*

Application # Sheet *7* of *7*