

**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 #2003-1Z-105-W

12 September 2003

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

**ROBERT E. LIVINGSTON III**  
**2007 COLLEGE STREET**  
**NEWBERRY, SOUTH CAROLINA 29108**

for a permit to construct a pond along an unnamed tributary of the

**SALUDA RIVER**

on property located west of Lindsey Road, approximately 13 miles north of Saluda, in Saluda County, South Carolina (Latitude - 34.1717°, Longitude - 81.8370°).

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, TUESDAY, 14 OCTOBER 2003**

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

The proposed work consists of constructing a 295'-long earthen embankment across a 4'-wide stream to create a 1.5 -acre impoundment. The embankment is to cross the stream approximately 610' above its confluence with the Saluda River. At the point where it intersects the stream, the embankment is to measure approximately 14.5'-high, with a top width of 12' and a bottom width of 93'. An 11.6'-high, 24"-diameter standpipe is to be installed in the upstream side of the embankment. A total of approximately 525 linear feet of streambed will be impacted as a result of the proposed project. The purpose of the proposed work is for the private recreational use of the applicant.

Refer to: P/N #2003-1Z-105-W  
Robert E. Livingston III

**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. The District Engineer will not process this application to a conclusion until such certification is received. 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 Water Quality Certification 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 0.05 acres of freshwater Waters of the United States located well upstream 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).

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.

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.

REGULATORY DIVISION

12 September 2003

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Robert E. Livingston III

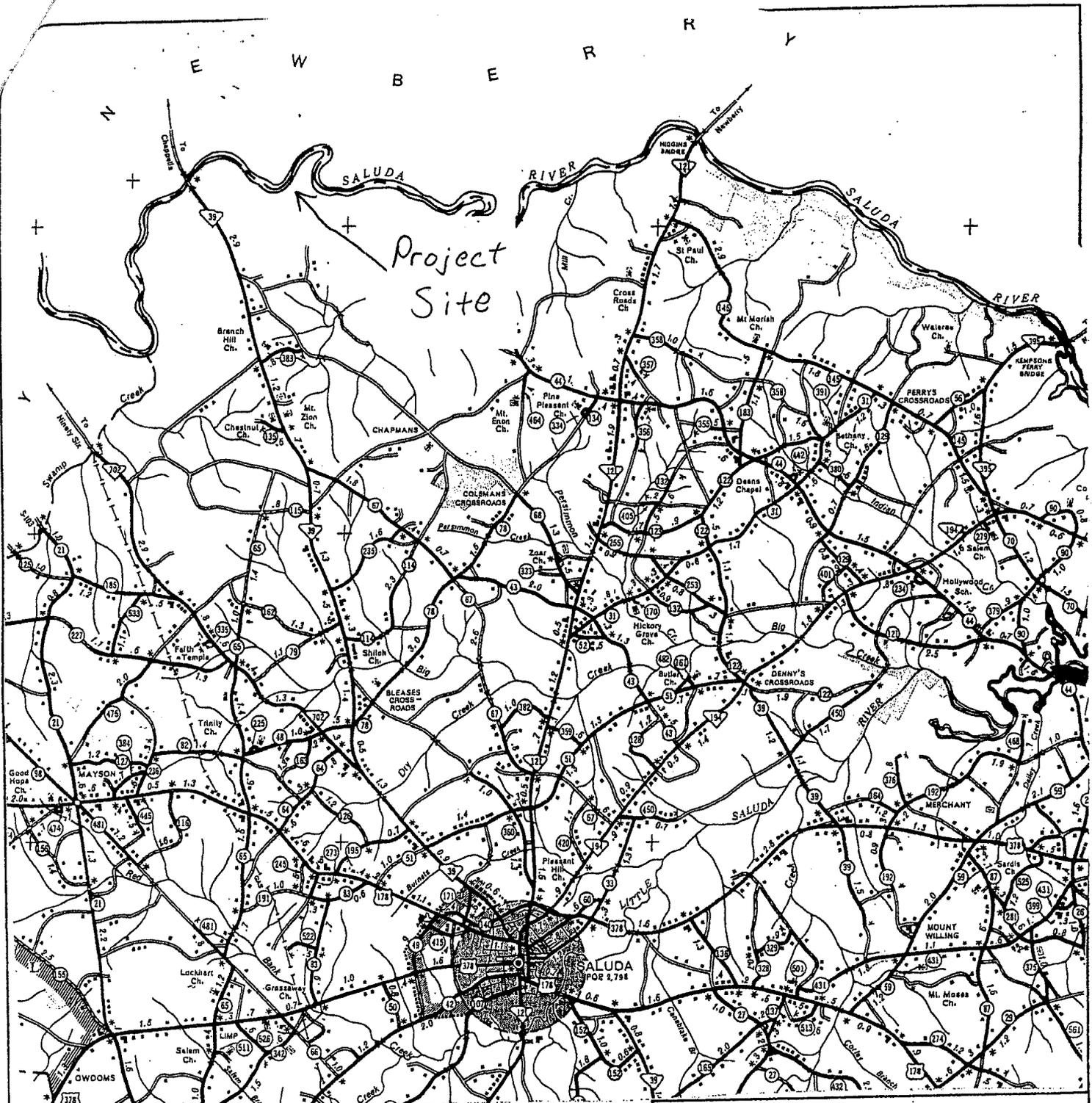
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section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



Larry Hanford  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers



Not to Scale

Project Title:		Livingston Pond	
Project Location:		Saluda, SC	
Applicant:		Dr. Robert E. Livingston III	
Date:	2/14/03	Scale:	
Application #:	2003-12-105-W	Sheet	1 of 4

Revisions	
Date	Initials

NEWBERRY COUNTY

Saluda River

Pond Site

39

CHAPPEL'S HWY

LINSEY RD

ZOAR RD

HOLLYWOOD RD

COLEMAN RD

To Saluda

BRANCH HILL RD

HOLLYWOOD RD

ZOAR RD

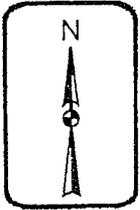
ROBINSON RD

CHAPPEL'S HWY

CHESTNUT HILL RD

Project Title: Livingston Pond  
Project Location: Saluda, S.C.  
Applicant: Dr. Robert E. Livingston III  
Application # 2003-12-105-W  
Sheet 2 of 4

2/14/03



# SALUDA COUNTY GRID # 1

# Livingston Topographic Map

# USDA

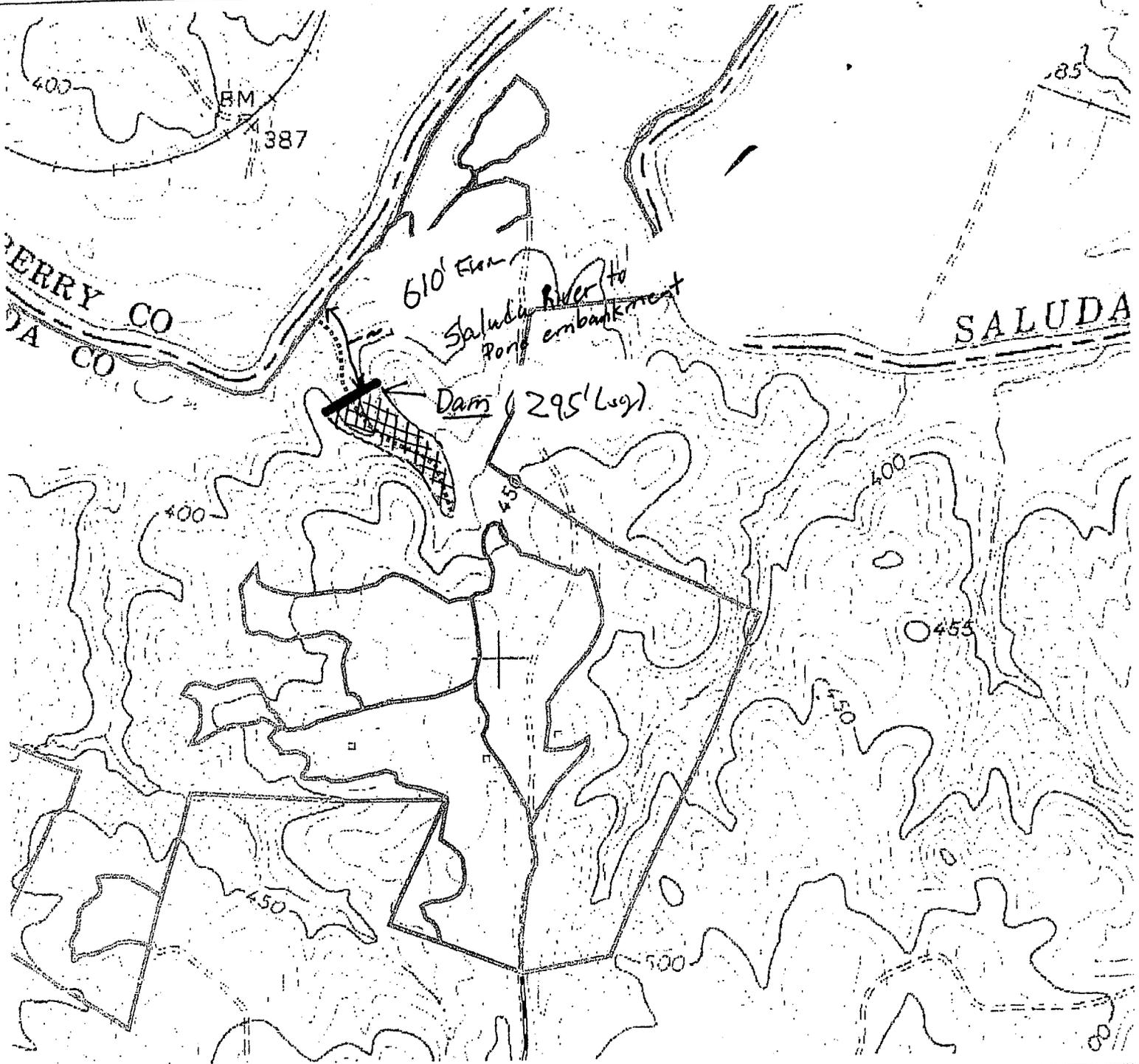
E. Livingston, III

USDA-NRCS

Saluda Soil and Water Conservation District

Hugh B. Smith  
Gordon E. Bowdler  
Shaun Worley

Date: 02/14/2003

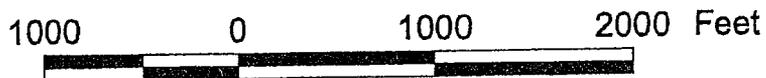


## Legend

PN# 2003-12-105-w Chappells, SC Quad

- Waters of The United States
- Planned Land Units
- Saluda\_roads.shp
- Stream

Sheet 3 of 4



Project Title: Livingston Pond  
 Location: Saluda Co., S.C.  
 Applicant: Robert Livingston III

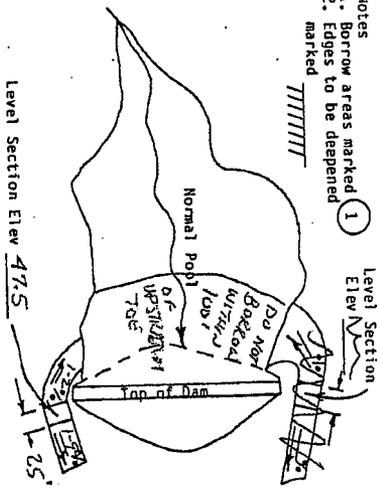
Application # 2003-12-105-W

Sheet 4 of 4

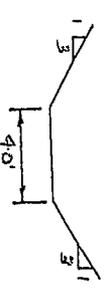
2/14/03

DRAFT COPY FOR PERMIT APPLICATION - 3/26/03

- Notes  
 1. Borrow areas marked (1)  
 2. Edges to be deepened marked

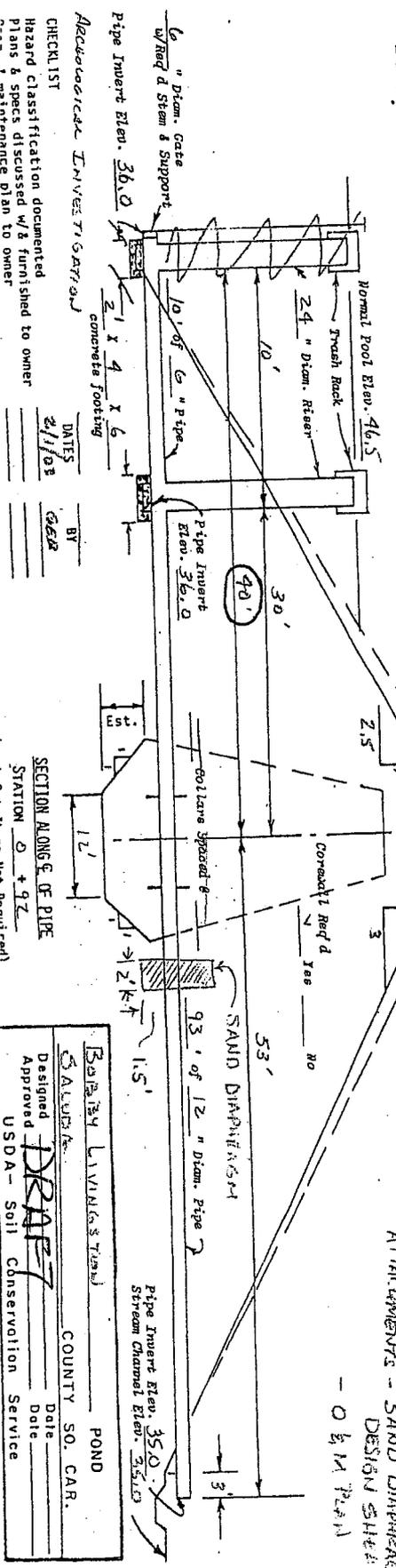


Level Section Elev. 47.5  
 SCHEMATIC OF POOL, DAM, AND EMERGENCY SPILLWAY



EMERGENCY SPILLWAY CROSS SECTION

Constructed T.O.D. includes 5' x for Settlement  
 Settled Top of Dam Elevation 47.5



ATTACHMENTS - SAND DIAPHRAGM DESIGN SHEET - O & M PLAN

T.B.M. DESCRIPTION AND ELEV. #1 - ELEV 50.00. NAIL IN BOLT OF 24" DIA 30" DI OF X-SECTION.

MATERIALS AND QUANTITIES \* FLANGED JOINTS

PIPE	83' of 12" diam. CAP	16' gage
PIPE	10' of 6" diam. CAP	16' gage
RISER	11.6' of 24" diam. CAP	16' gage
(Includes one extra foot of riser and closed bottom for concrete footing)		
TRASH RACK OR BOTTOM WATER RELEASE	14' gage with grated top cover and supports	
GATE	6" diam. shear or pre-fabricated gate support frame unless gate stem is designed to be supported by riser or post.	
CONCRETE FOOTING	1.27 c.y. of 3000 psi	
CLEARING	1.5 acres	
CLEARING AND GRUBBING	1.5 acres	
EMBANKMENT FILL	2696 cu. yds.	
VEGETATION	0.5 acres	

GENERAL INFORMATION

SC-ENG-4 (Rev. 1/84)

Purpose Recreation Normal pool area 1.5 acres

Height = 14.5 ft. (from top of dam to low point @ downstream toe)

Storage =  $0.4 \times 1.3 \times 12 = 6.24$  ac. ft. (Estimated using 0.4d where 'a' is area at E.S. Crest and 'd' is depth from E.S. Crest to natural ground at upstream toe)

(if height > 25 feet or storage > 50 ac. ft., a permit is required)

Dam Safety Permit required - Yes or No  
 Dam Safety Permit received (Date)  
 Permit No. \_\_\_\_\_

DESIGN DATA

Drainage area 50 ac. - Curve No. 70  
 Slope of W/S \_\_\_\_\_  
 Required E.S. storm frequency = 25 year 24 hour duration  
 Required E.S. capacity for design storm 87 cfs  
 Freeboard added - one foot

SECTION ALONG C. OF PIPE  
 STATION 0 + 92

DESIGNED BY Robert Livingston III COUNTY SO. CAR. POND  
 DATE 2/11/03 DATE \_\_\_\_\_  
 APPROVED BY DRIFT DATE \_\_\_\_\_  
 USDA - Soil Conservation Service

Approved Robert Livingston III  
 CHECK LIST  
 Hazard classification documented  
 Plans & specs discussed w/ & furnished to owner  
 Maintenance plan to owner