

**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 # 2003-1V-342-W

12 March 2004

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

**MR. JEFFREY D. SPOTTS**  
**1497 WHITENER ROAD**  
**NEWBERRY, SOUTH CAROLINA 29108**

for an after-the-fact permit for excavating below the 360 foot contour of

**LAKE MURRAY**

Located at 633 Catamaran Court, Lexington County, Chapin, South Carolina (Latitude 34.09839N, Longitude 81.28262W)

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, 12 APRIL 2004**

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

The existing work consists of excavating 1,725 cubic yards from a 0.52 acre area. The work was performed in the dry with land-based equipment consisting of a track backhoe and bulldozer. The excavated material was placed on the adjacent highland lot. The purpose of the work is to improve navigation and allow the construction of a dock.

**NOTE: Plans depicting the existing 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. The existing work has impacted 0.52 acres of open water lacustrine habitat (excavate) and associated (i.e., 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 existing work has not had 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 existing 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.

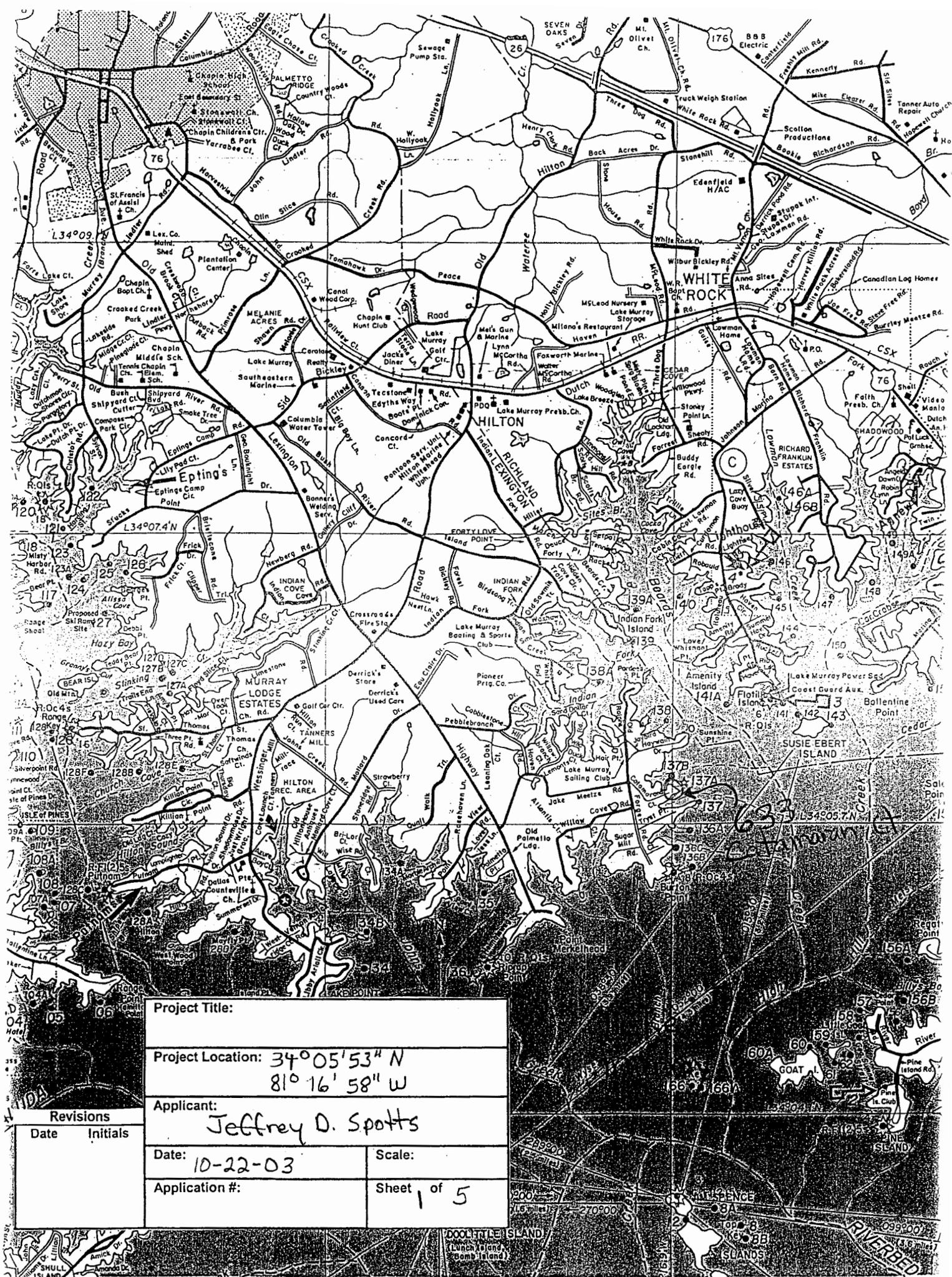
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section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

  
per Fred Veal  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers



Project Title:	
Project Location: 34°05'53" N 81°16'58" W	
Applicant: Jeffrey D. Spotts	
Date:	10-22-03
Application #:	Sheet 1 of 5

Revisions	
Date	Initials

Project Title:	
Project Location: 34° 05' 53" N 81° 16' 58" W	
Applicant: Jeffrey D. Spotts	
Date: 10-22-03	Scale:
Application #:	Sheet 2 of 5



Project Location: 633 Catamaran Ct  
Chapin, SC 29036

Applicant: Jeffrey D. Spotts

Revisions

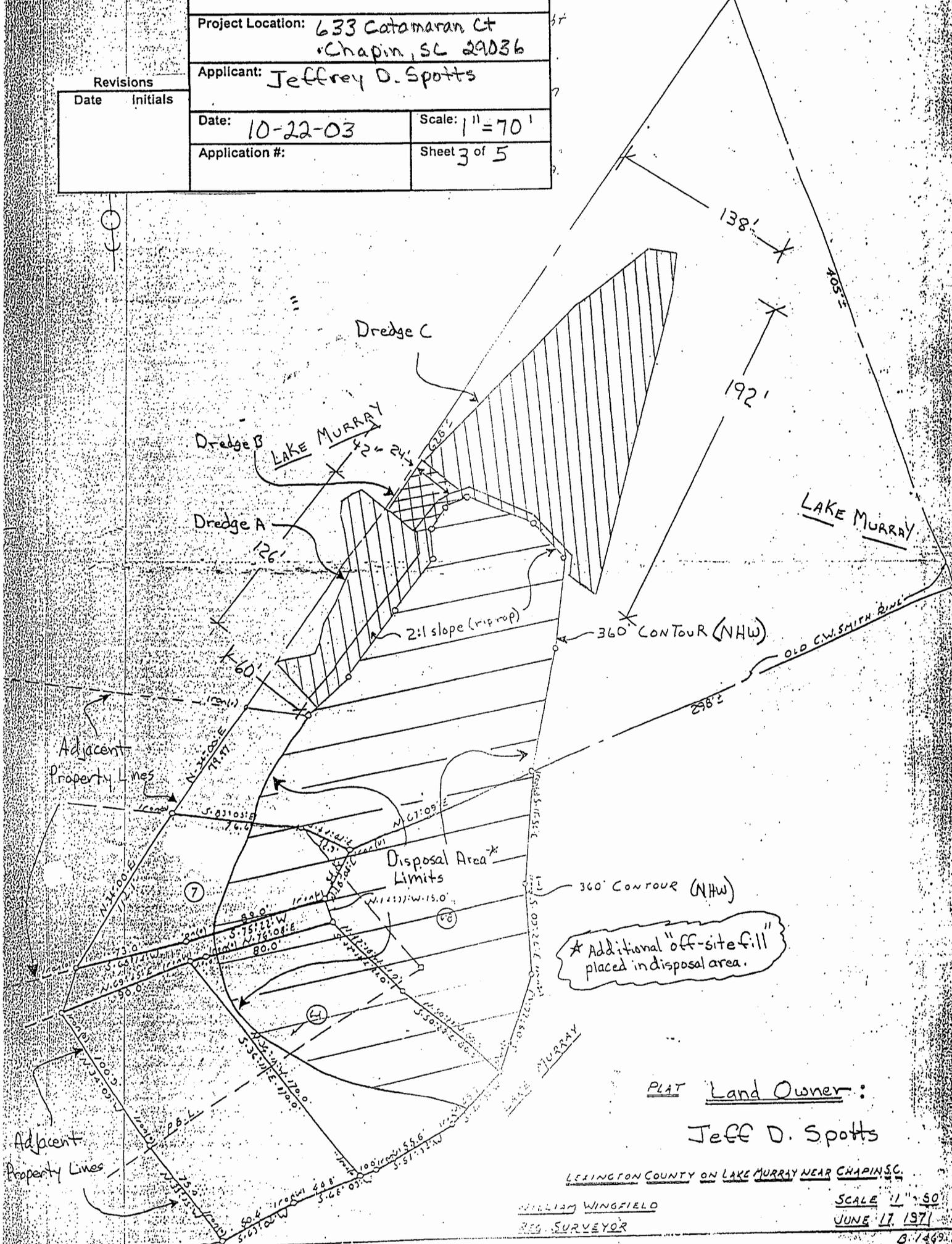
Date Initials

Date: 10-22-03

Scale: 1" = 70'

Application #:

Sheet 3 of 5



PLAT Land Owner:  
Jeff D. Spotts

LEXINGTON COUNTY ON LAKE MURRAY NEAR CHAPIN, SC.

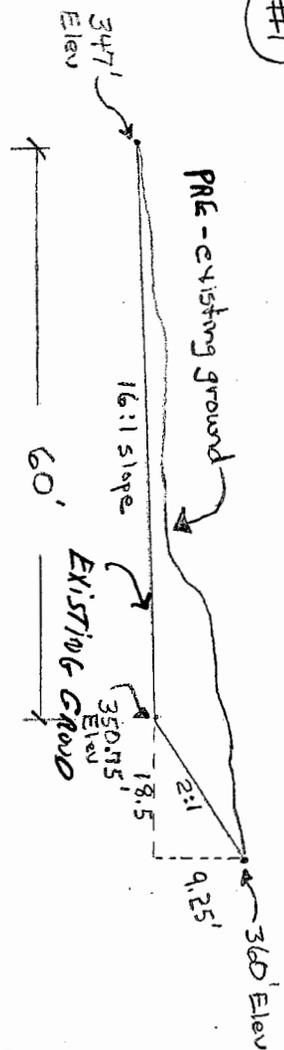
WILLIAM WINGFIELD  
REG. SURVEYOR

SCALE 1" = 50'  
JUNE 17, 1971

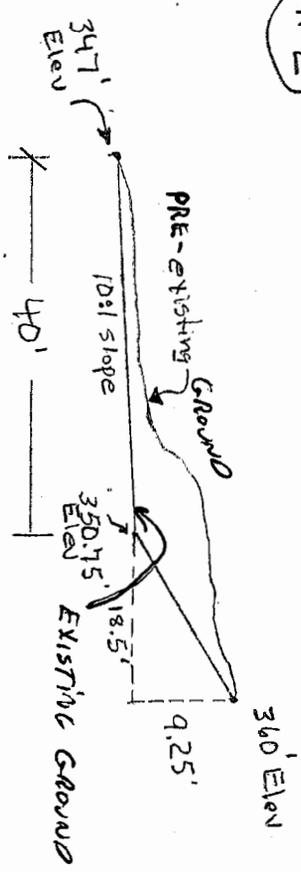
07469130

Dredge Area A - Cross Sections (428 cy)

#1

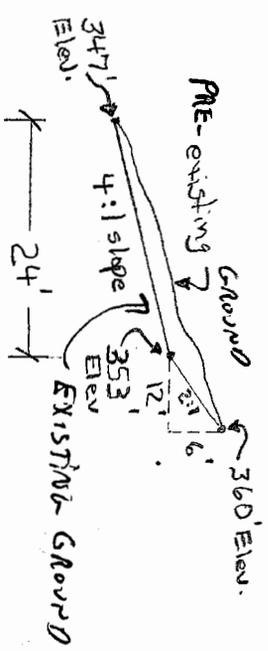


#2



Dredge Area B - Cross Section (89 cy)

#1



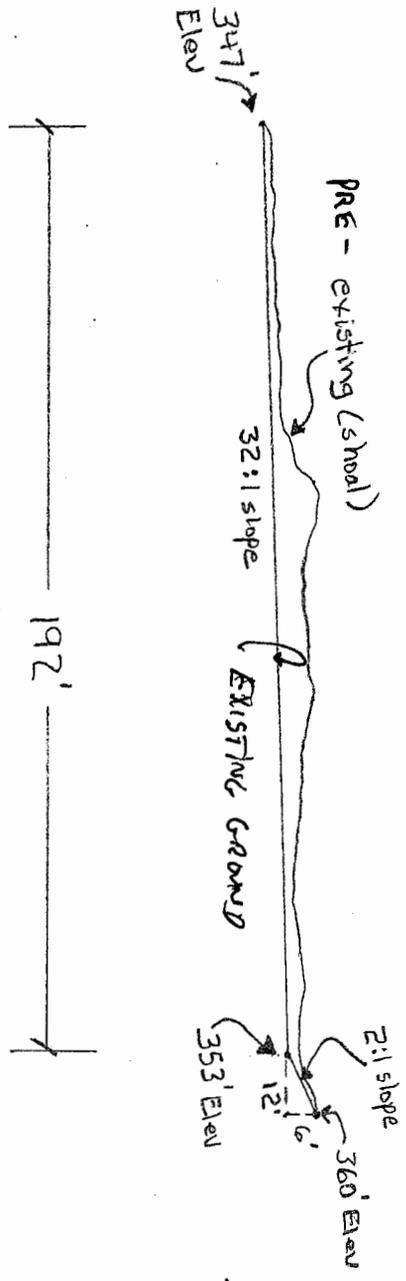
Notes:

- ① Method of Dredging - Track loader & Bulldozer
- ② Type material Excavated - Reddish clay
- ③ Geotextile fabric & rip rap to be placed on all 2:1 slopes.

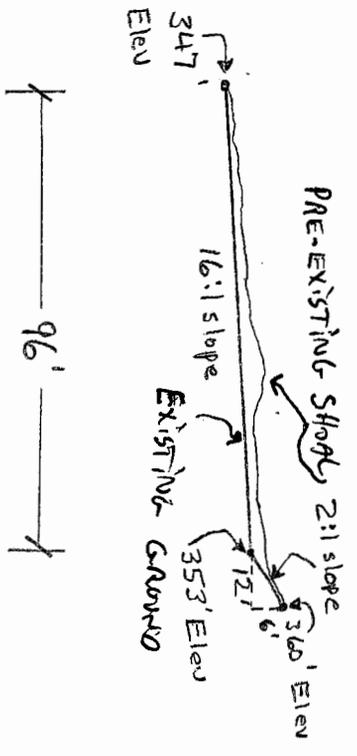
Revisions		Date		Initials	
Project Title:					
Project Location:					
Applicant:					
Date:					
Application #:					
				Scale: 1" = 20'	
				Sheet 4 of 5	

Drudge Area C - Cross Sections (1,208cy)

#1



#2



Project Title:		Revisions	
Project Location: 633 Catawaman Ct Chapin, SC 29026		Date	Initials
Applicant: JEGGERY D. Spotts			
Date: 10-22-03	Scale: 1"=40'		
Application #:	Sheet 5 of 5		