

**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

24 SEPTEMBER 2004

Refer to: P/N # 2004-1Z-271-W

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

**THEODORE D. CLYBURN**  
**389 FAIRLANE DRIVE**  
**SPARTANBURG, SOUTH CAROLINA 29307**

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

**FANNING CREEK**

on property located east of Mount Tabor Church Road (State Hwy 105), approximately 4 miles north of Lockhart, in Union County, South Carolina (Latitude – 34.8203°, Longitude – 81.4959°).

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, 25 OCTOBER 2004**

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

The proposed work consists of constructing a pond. In detail, the applicant is proposing the construction of a 145'-long earthen embankment across a 4'-wide stream to create a 2.8-acre impoundment. Approximately 4,100 cubic yards of fill will be used to construct the embankment, which is to be located approximately 325' upstream from the stream's intersection with the northern property boundary. The proposed embankment is to measure approximately 23½'-high, with a top width of 12' and a base width of 140'. An 18'-high, 6"-diameter riser pipe is to be installed on the upstream side of the embankment for drainage. Approximately 845 linear feet of stream channel will be impacted by the proposed project (140' will be filled as a result of embankment construction and 705' will be flooded). The purpose of the proposed work is for the private recreational use of the applicant.

**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 0.08 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.

Refer to: P/N #2004-1Z-271-W

THEODORE D. CLYBURN

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.

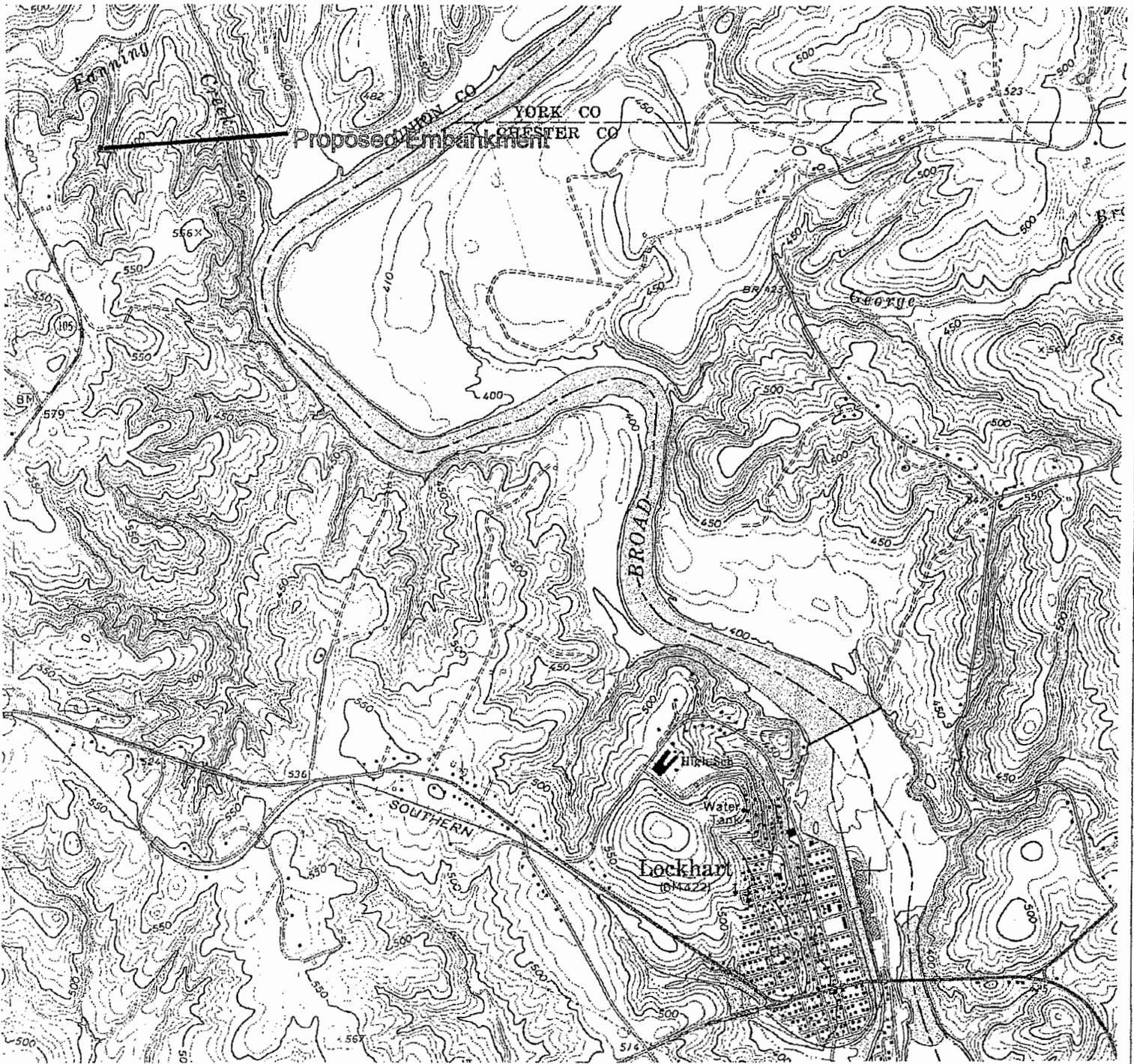


Larry Hanford  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

# General Location Map

Date: 08/16/2004

## Kelton/ Lockhart Quads



### Legend

Legend for View1

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9/24/04

Sheet 1 of 4



USDA

3000 0

3000

6000 Feet



Permit application # 2004-12-271

Ted Clyburn Farm Pond - SAC - 80 - 2004 - 0023(F)

# General Location Map

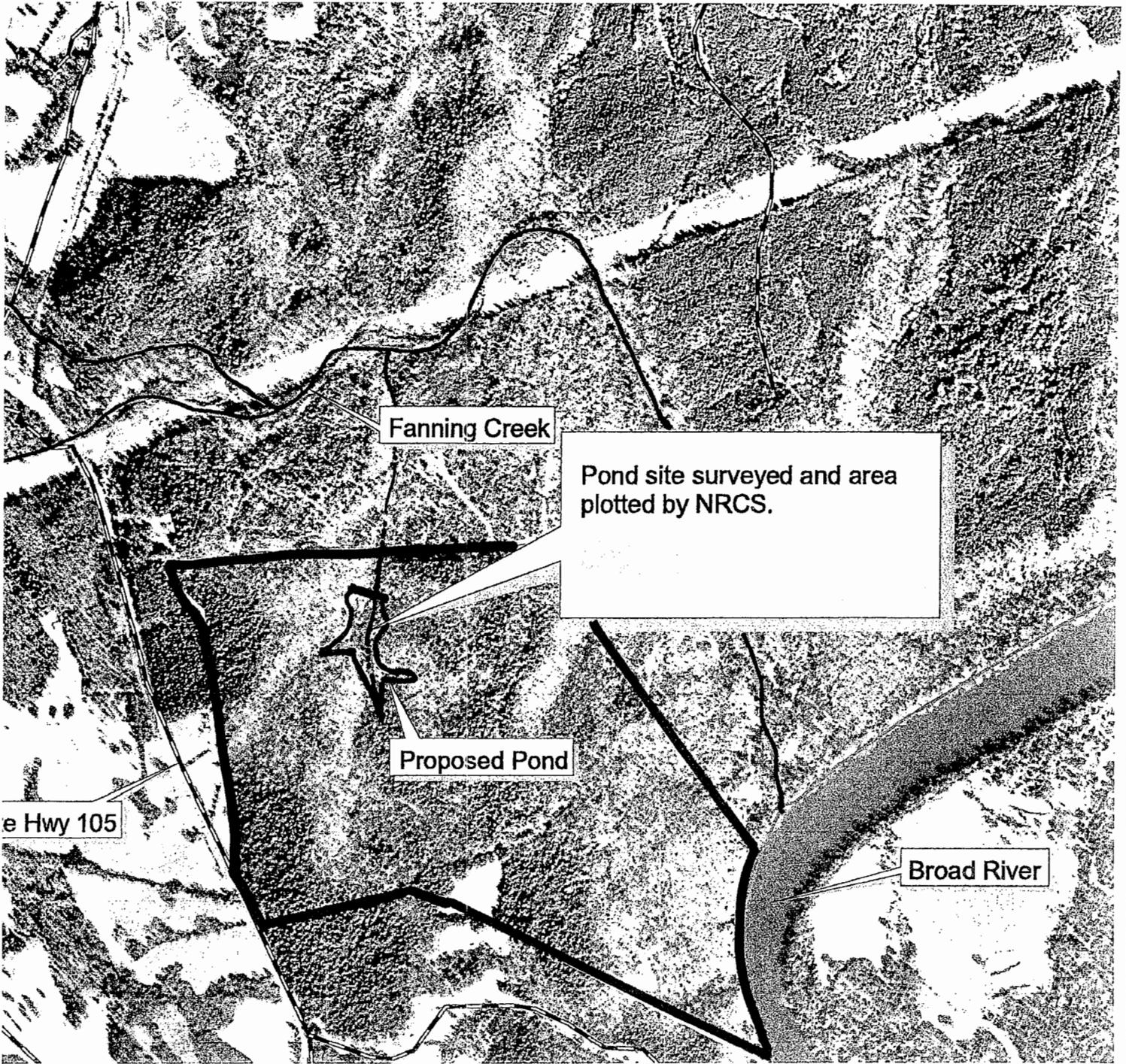
Ted Clyburn

Natural Resources Conservation Service  
Charles Banks

Union

Date: 07/15/2004

SAC-80-2004-0023 (F)



## Legend

- Streams83.shp
- Roads83.shp
- Planned Land Units
- stream

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Sheet 2 of 4



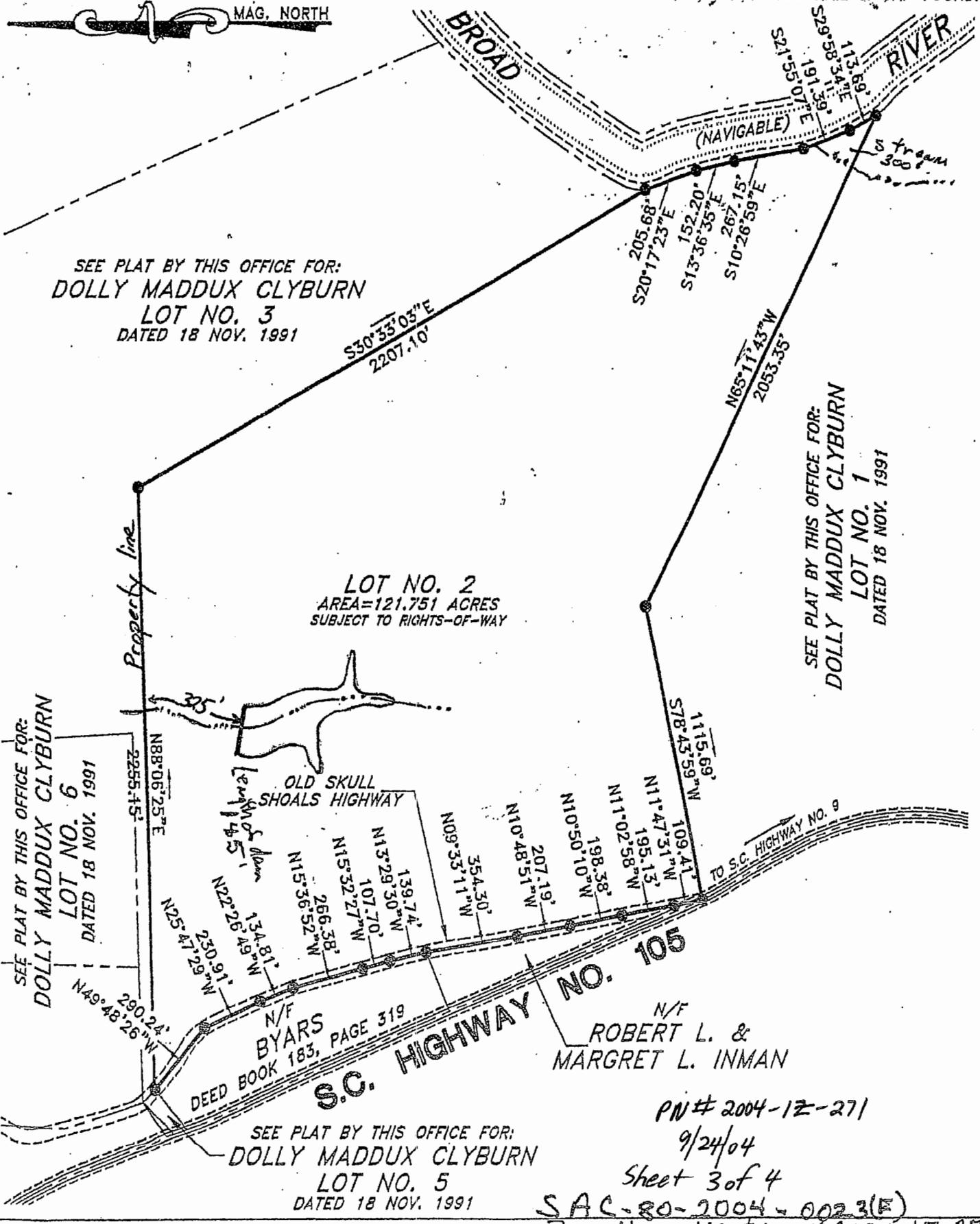
ISDA

1000 0 1000 2000 Feet



○ DENOTES IRON PIN SET.  
● DENOTES IRON PIN FOUND.

○ DENOTES NAIL & CAP SET.  
● DENOTES NAIL & CAP FOUND.



SEE PLAT BY THIS OFFICE FOR:  
**DOLLY MADDUX CLYBURN**  
LOT NO. 3  
DATED 18 NOV. 1991

**LOT NO. 2**  
AREA=121.751 ACRES  
SUBJECT TO RIGHTS-OF-WAY

SEE PLAT BY THIS OFFICE FOR:  
**DOLLY MADDUX CLYBURN**  
LOT NO. 1  
DATED 18 NOV. 1991

SEE PLAT BY THIS OFFICE FOR:  
**DOLLY MADDUX CLYBURN**  
LOT NO. 6  
DATED 18 NOV. 1991

SEE PLAT BY THIS OFFICE FOR:  
**DOLLY MADDUX CLYBURN**  
LOT NO. 5  
DATED 18 NOV. 1991

N/F  
**ROBERT L. &  
MARGRET L. INMAN**

PN# 2004-12-271

9/24/04

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SAC-80-2004-0023(E)

Permit application # 2004-12-271

SURVEY FOR:

# T. D. Clyburn

GENERAL INFORMATION

Purpose Willie Normal pool area 2.8 acres

DAM SAFETY PERMIT REQUIREMENTS

Height = 23.4 ft. (from top of dam to low point @ downstream toe)

Storage =  $0.4 \times X \times X = 23.6$  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 - Yes or No (Date)

DESIGN DATA

Drainage area 65 ac. - Curve No. 66  
 Slope of W/S 2  
 Design E.S. storm frequency = 25 year 24 hour duration  
 Required E.S. capacity for design storm 50 cfs  
 Freeboard added - one foot

Not For Construction

MATERIALS AND QUANTITIES For Permit only

PIPE - 6" diam. Aluminum pipe gage 6  
 of 136 ft

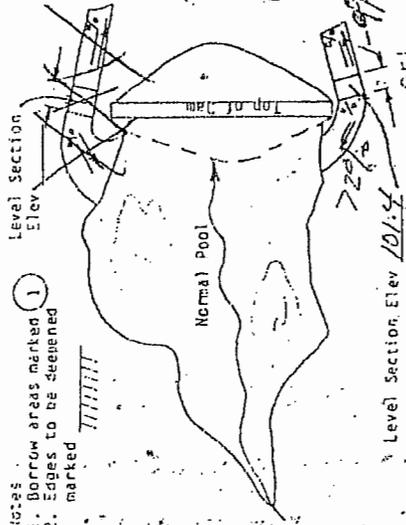
RISER - 18" of 6" diam. Aluminum pipe gage 6  
 (Includes one extra foot of riser and closed bottom for concrete footing)

ANTI-SEEP COLLARS - use sand collar gage 6

TRASH RACK OR BOTTOM WATER RELEASE top cover and supports 12" diam. pipe gage with grated Alum

GATE - 6" diam. No shear or slide gate including of stem and prefabricated gate support frame unless gate stem is designed to be supported by riser or post.

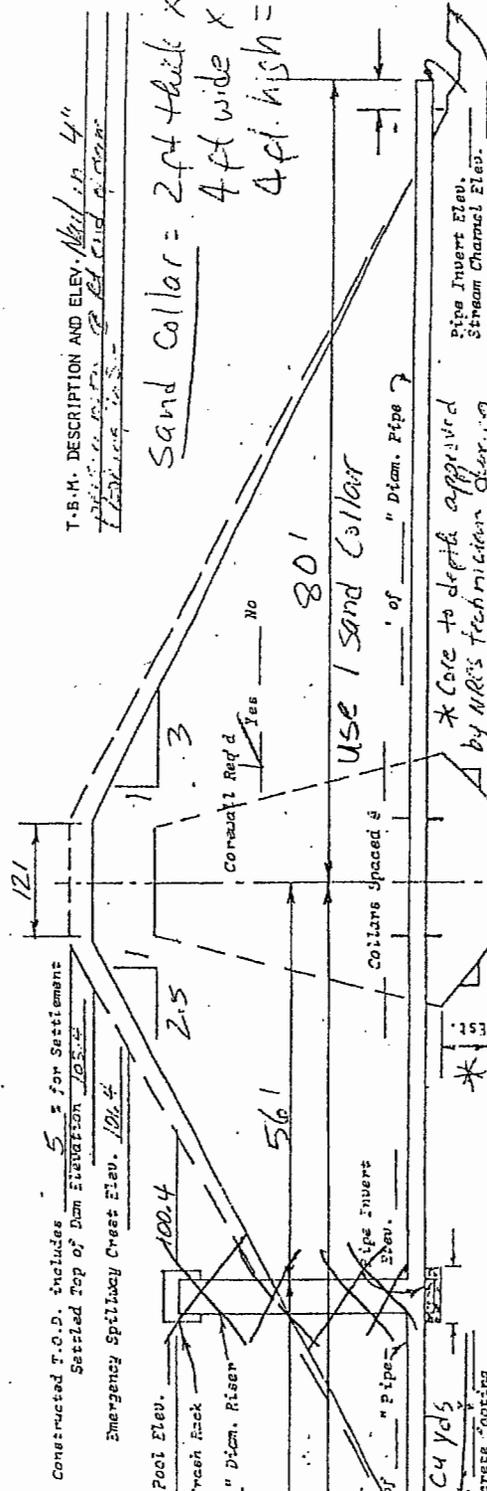
CONCRETE FOOTINGS 21 cu. yds. of 3000 psi  
 CLEARING AND GRUBBING 4104 cu. yds. acres  
 EMBANKMENT FILL 4104 cu. yds. acres  
 VEGETATION 4104 cu. yds. acres



Schematic of Pool, Dam, and Emergency Spillway



EMERGENCY SPILLWAY CROSS SECTION



DESIGNED	DATE
APPROVED	DATE
COUNTY SO. CAR.	
Date <u>6-24-04</u>	
USDA - Soil Conservation Service	

SECTION ALONG C OF PIPE  
 STATION CL Creek  
 (Mark Out Items Not Required)

CHECKLIST  
 Hazard classification documented  
 Plans & specs. discussed w/ & furnished to owner  
 Owner & maintenance plan to be done...  
 Final construction concurrence check made

9/24/04

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