

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

21 October 2005

Refer to: P/N # 2005-4W-324-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

Carl Foxworth

501 S. Creekside Drive

Murrells Inlet, South Carolina 29574

for a permit to construct a seasonal pond, located in the waters of the Great Pee Dee River, just west of Wahee Road (SSR 25) near Cool Springs Road (SSR 731), and south of Marion, in Marion County, South Carolina. (Latitude 34.140086 N, Longitude 79.45884 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, NOVEMBER 21, 2005

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

The proposed work consists of the placement of fill material in wetlands to construct a 500' X 20' dike for the creation of a seasonally flooded pond to enhance water fowl and wildlife habitat. The construction of the dike will seasonally impact a total of 8.3 acres of land, which includes approximately 4.7 acres of wetlands. No stream or other waters of the U.S. will be impacted from the fill and/or flooding. A second dike approximately 800' X 20' will be constructed on the southerly edge of the pond to prevent flooding of the adjacent property. Flash board risers and emergency spillways for water control are included in the project design of the dikes. The two dikes will impact a total of 0.6 acres (26,000 sq ft) of

forested wetlands. The applicant proposes to follow the Construction Criteria and Management Criteria described in the "Greentree Reservoir Guidance". Alternative site locations for the proposed project are not feasible for the intended uses due to the presence of farmland, a fish pond, and an existing Greentree Reservoir. In addition, no feasible alternative location for the proposed dike is present, as any alternative would impact additional wetlands and wooded habitat. Best management practices are proposed.

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 not impact 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.

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. 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

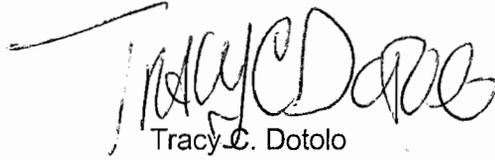
Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

REGULATORY DIVISION

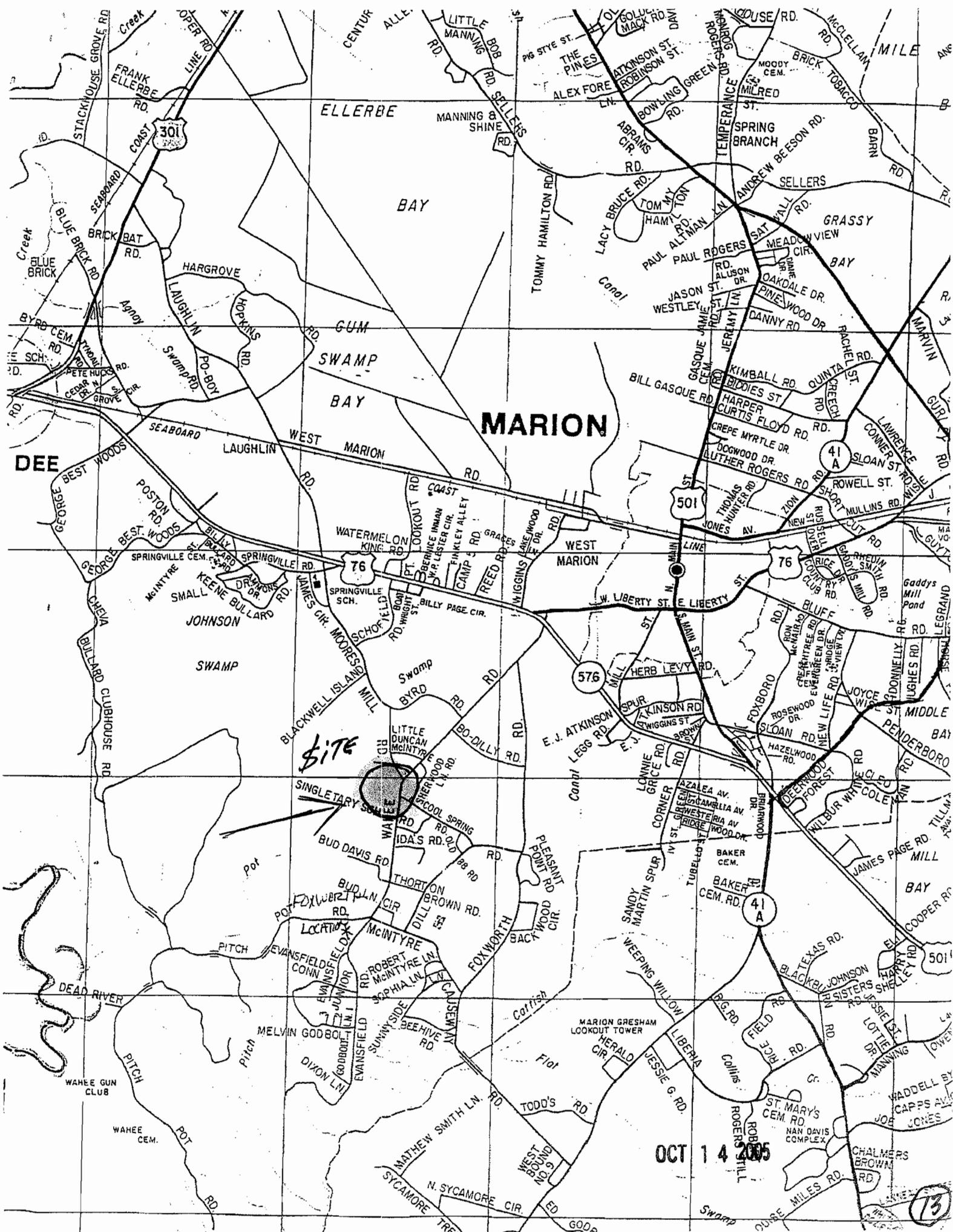
Refer to: P/N # 2005-4W-324-W

21 October 2005

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

A handwritten signature in black ink, appearing to read "Tracy C. Dotolo". The signature is written in a cursive style with a long horizontal stroke extending to the left from the top of the first letter.

Tracy C. Dotolo
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

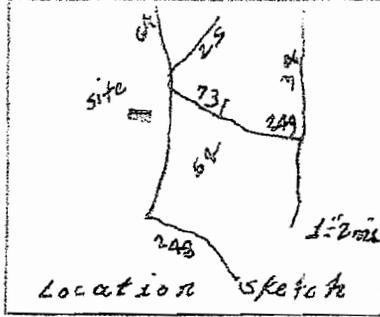


SITE

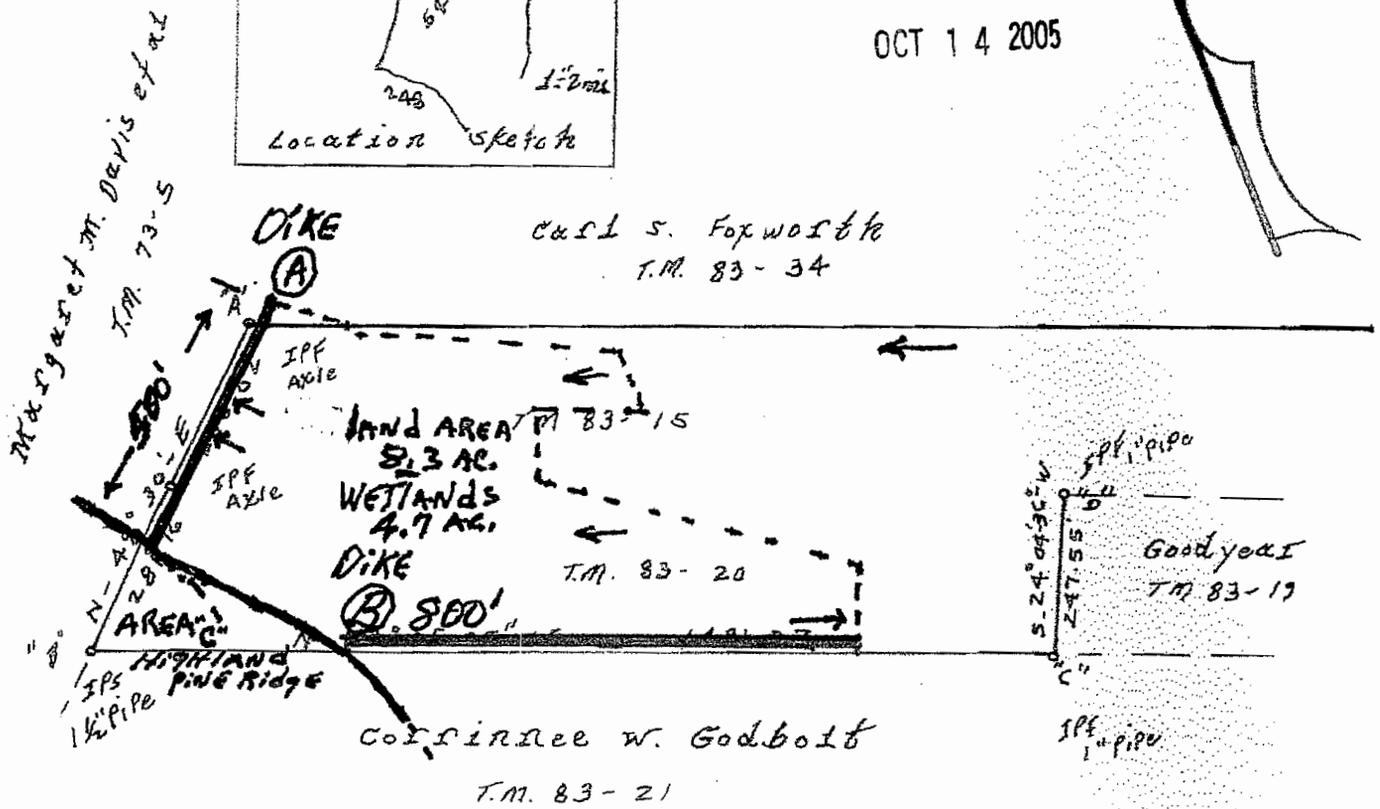
MARION

OCT 14 2005

ITEM (4)



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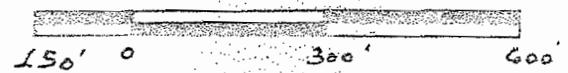
Dike A 500'
Dike B 900'

BROKEN LINE INDICATES UPPERMOST LIMIT OF WATER RETENTION AREA.
AREA "C" HIGHLAND PINE RIDGE (NOT WETLANDS) CONNECTING POINTS FOR
DIKE A AND DIKE B

1- NOTE: DIKE A AND DIKE B WILL BE CONSTRUCTED INSIDE PROPERTY LINES.
DEPTH - 6" TO 18"

- 2- NOTE: LAND AREA AND WETLAND ACRES DETERMINED BY NRES MARION, SC. REBECCA HARPER.
- 3- NOTE: TOTAL FILL FOR DIKE CONSTRUCTION - 3,250 CU. YDS.
- 4- NOTE: TOTAL LAND AREA - 8.3 AC, TOTAL WETLANDS 4.7 AC, WETLAND (DIKE) .6 AC.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN, AND THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA.



Note: Lines A-B-C-D Surveyed Sept. 30, 2005. Tax map Tracts 83-15 + 83-20 to be Combined WITH T.M. 83-34.

Rebecca Harper
R. L. S. OF SOUTH CAROLINA NO. 5495

MAP

6

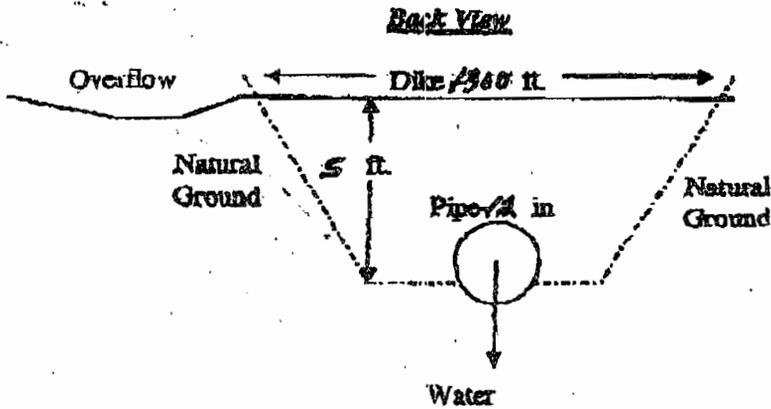
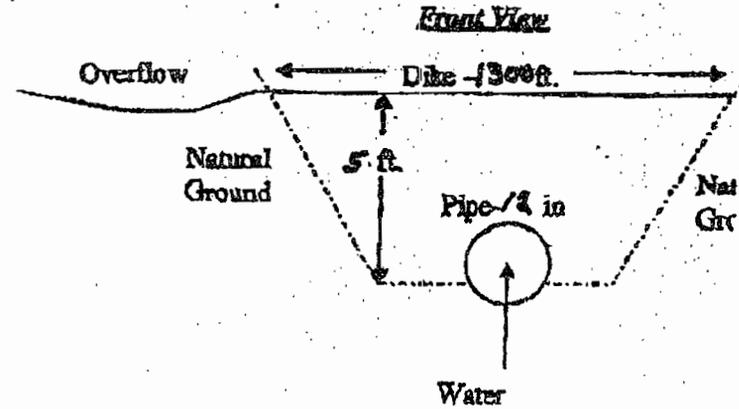
Carl Foxworth - Dike Design

Fax to: Becky / NRES

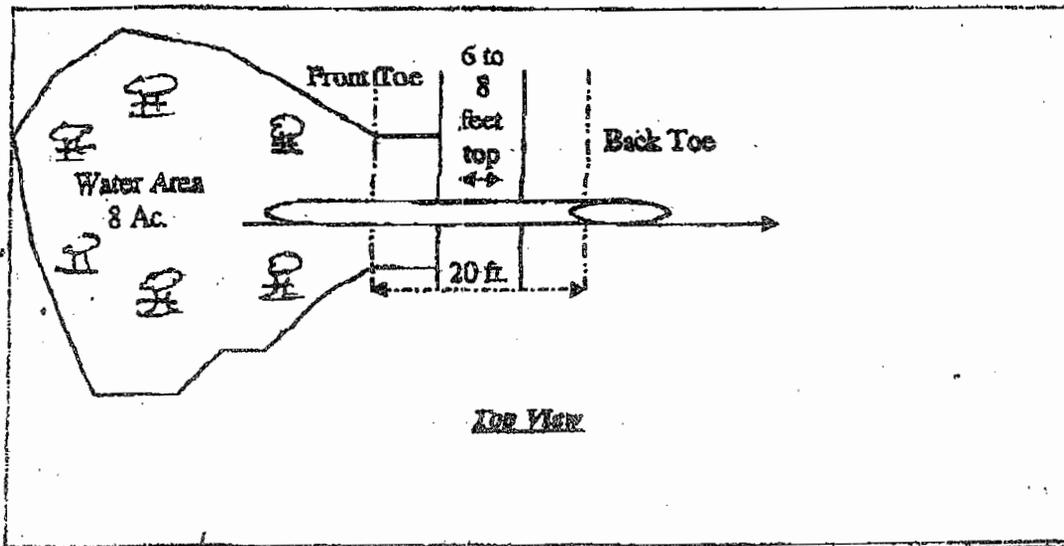
Date: 10/13/05 Pages 1

Fax to Becky (213-0337)
Carl Foxworth NRES
Senior Surveyor/Adjuster

Becky 10/13/05
PLEASE COMPUTE THE
FOLLOWING FOR ME - and
(FOR BIRD FEED)
DATE 10/13/05 10:51-7426
DIKE
(1500' long) (7' TOP) (20' BOT)
(DEPTH 5')
TOTAL CU. YDS. FILL - 3250 YD³
DISPLACED ACRES - 4.7 AC.
DIKE AREA - .6 AC.
THANK YOU CARL.

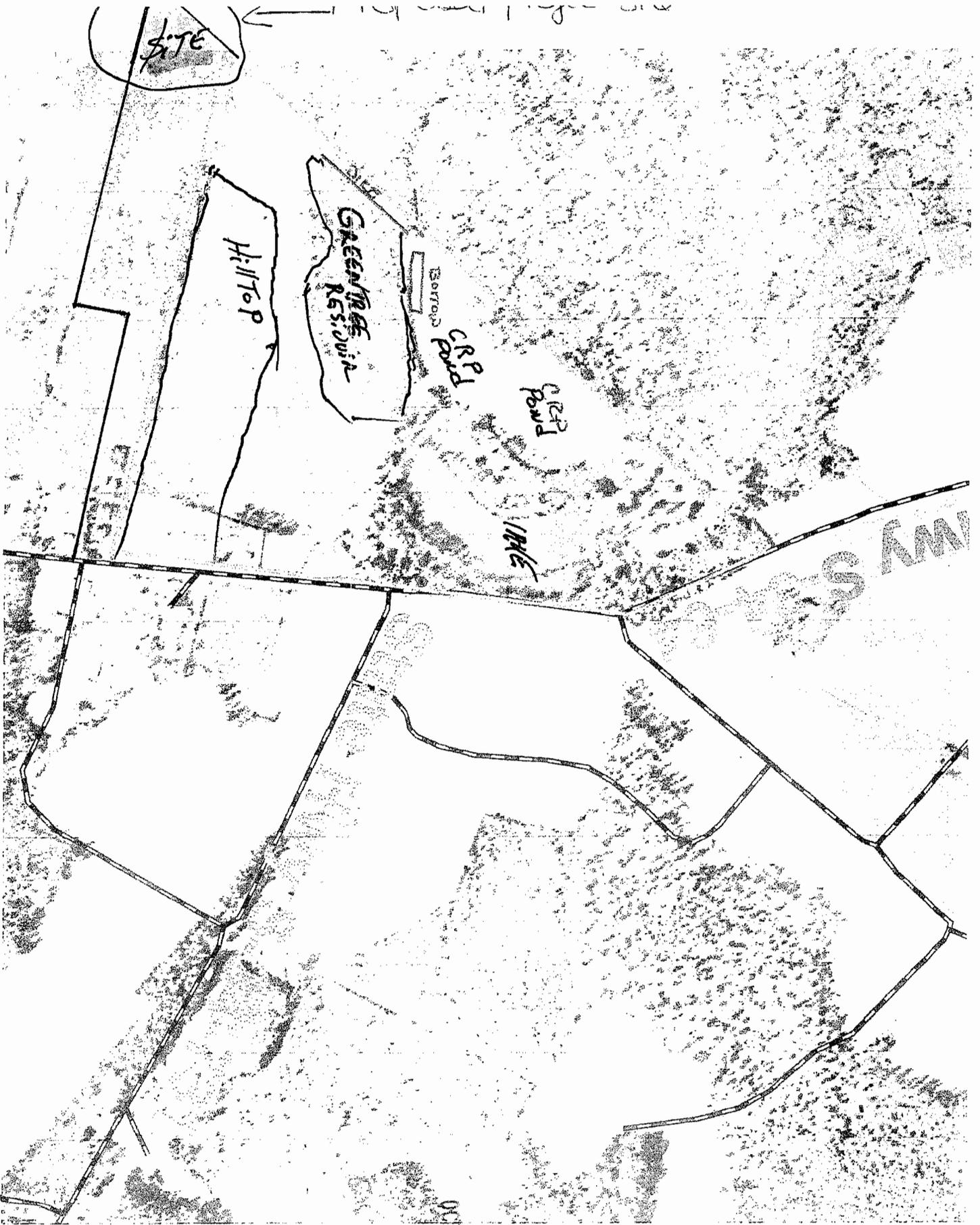


OCT 14 2005



NOTE: Area has Highland Pine Ridge in Southeast corner (not wetlands).
Necessitating construction of two dike areas - 500' of dike on West side, and 800' on Southside. See diagram of retainage area for details.

CARL FORDOR. 4 - DIKE LOCATION



OCT 14 2005

← 2
①7
LINE 600 FT

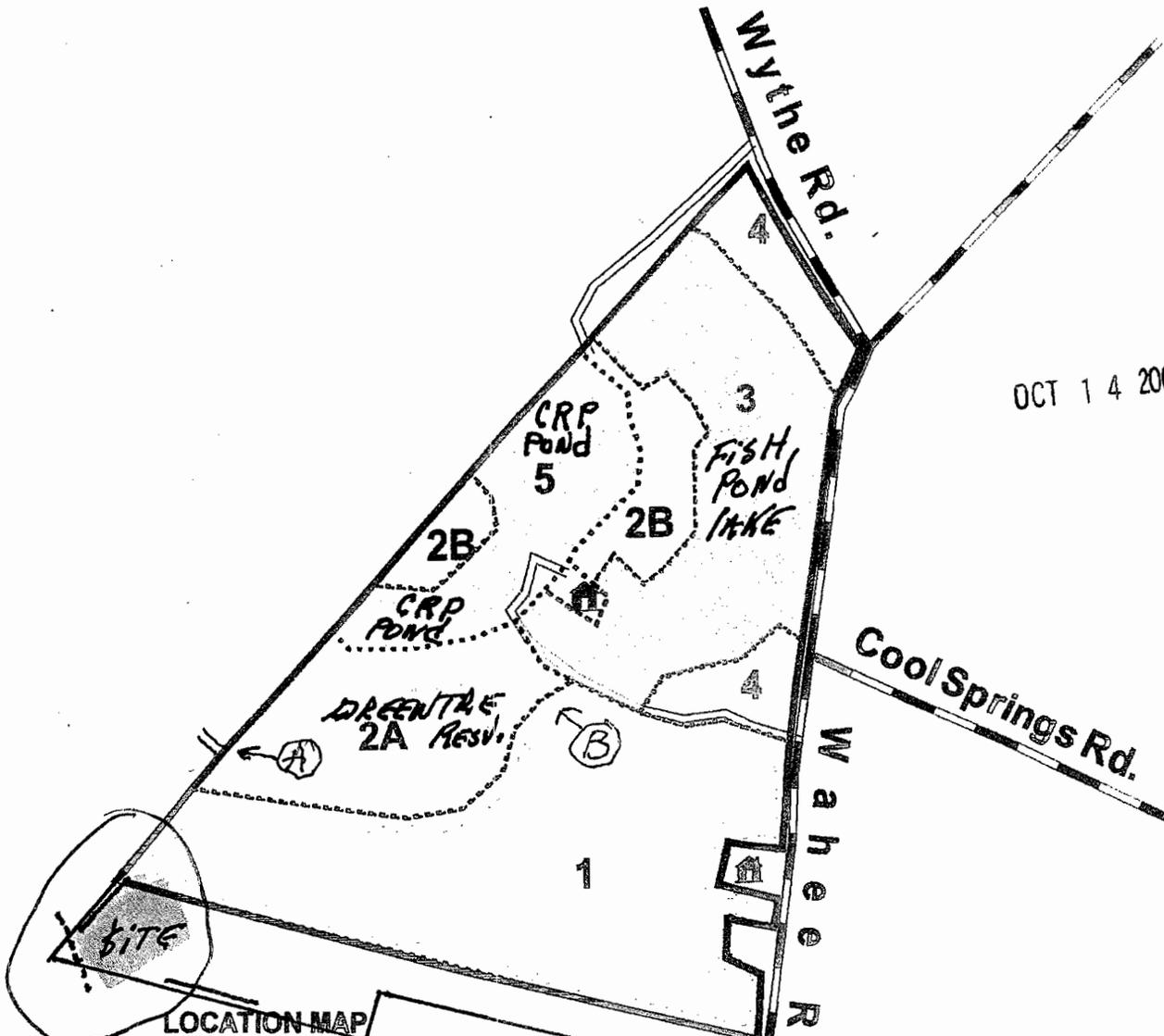
Photo: '99 0-5
 Latitude: 34° 08'
 Longitude: 79° 27'
 Program: STW
 S.C. Forestry Commission

Carl Foxworth

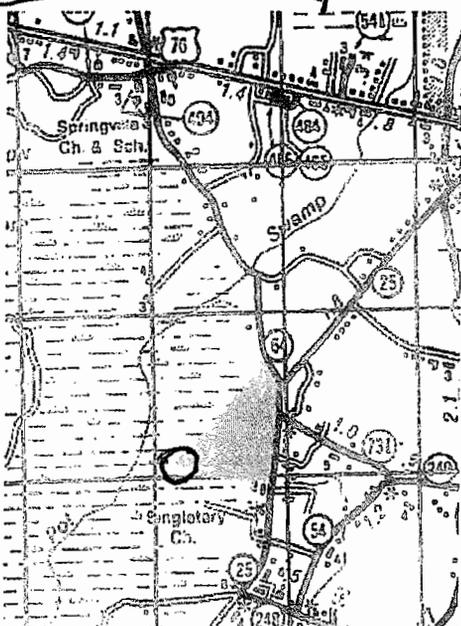
Marion County



OCT 14 2005



LOCATION MAP



LEGEND

- stand
- property line
- paved road
- woods road
- proposed fire break
- proposed access road
- ditch

Stand

- Stand 1- Young Pines 37.9 Ac
- Stand 2- Hardwood Areas 20.4 Ac
- Stand 3- Ponds and Buffer Areas 21.7 Ac
- Stand 4- Pine Areas 6.8 Ac
- Stand 5- Cropland 10.7 Ac
- Cabin Site 0.5 Ac

0 5 10 15

U.S. Surveyor's Chains

Drawn by Ron Holt, Reg. For. #1594