

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
Columbia Field Office
1835 Assembly Street
Room 865 B-1
Columbia, South Carolina 29201

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 #2006-5W-041

March 17, 2006

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

Marian H. Johnson and Pope D. Johnson, III
3008 Glenwood Place
Columbia, SC 29205

for a permit to construct an impoundment on

an unnamed tributary to the Broad River

on property located across from the intersection of Broad River Road and New Hope Road, north of Parr Reservoir, Newberry County, South Carolina (Latitude-34.6863°, Longitude-80.385238°).

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 17, 2006

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

The proposed work consists of constructing a private pond. In detail, the applicant proposes constructing an 14 foot high earthen embankment across a perennial stream to create a 3 acre pond. The embankment will have a top width of 14 feet and a base width of 102 feet. A 10 foot high standpipe will be installed for water level control. Approximately 970 linear feet (0.61 acres) of stream bed will be impacted. One hundred and two linear feet (0.045 acres) will be filled for the construction of the embankment and 868 linear feet (0.57 acres) 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
1835 Assembly Street
Room 865 B-1
Columbia, South Carolina 29201**

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 970 linear feet (0.61 acres) of freshwater streambed located well inland 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 of 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 nation 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.

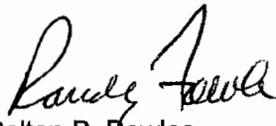
March 17, 2006

Any person may request, in writing, within the comment period specified in the 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, 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 for 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 803-253-3044.


For Colton B. Bowles
Biologist
Regulatory Division
U.S. Army Corps of Engineers

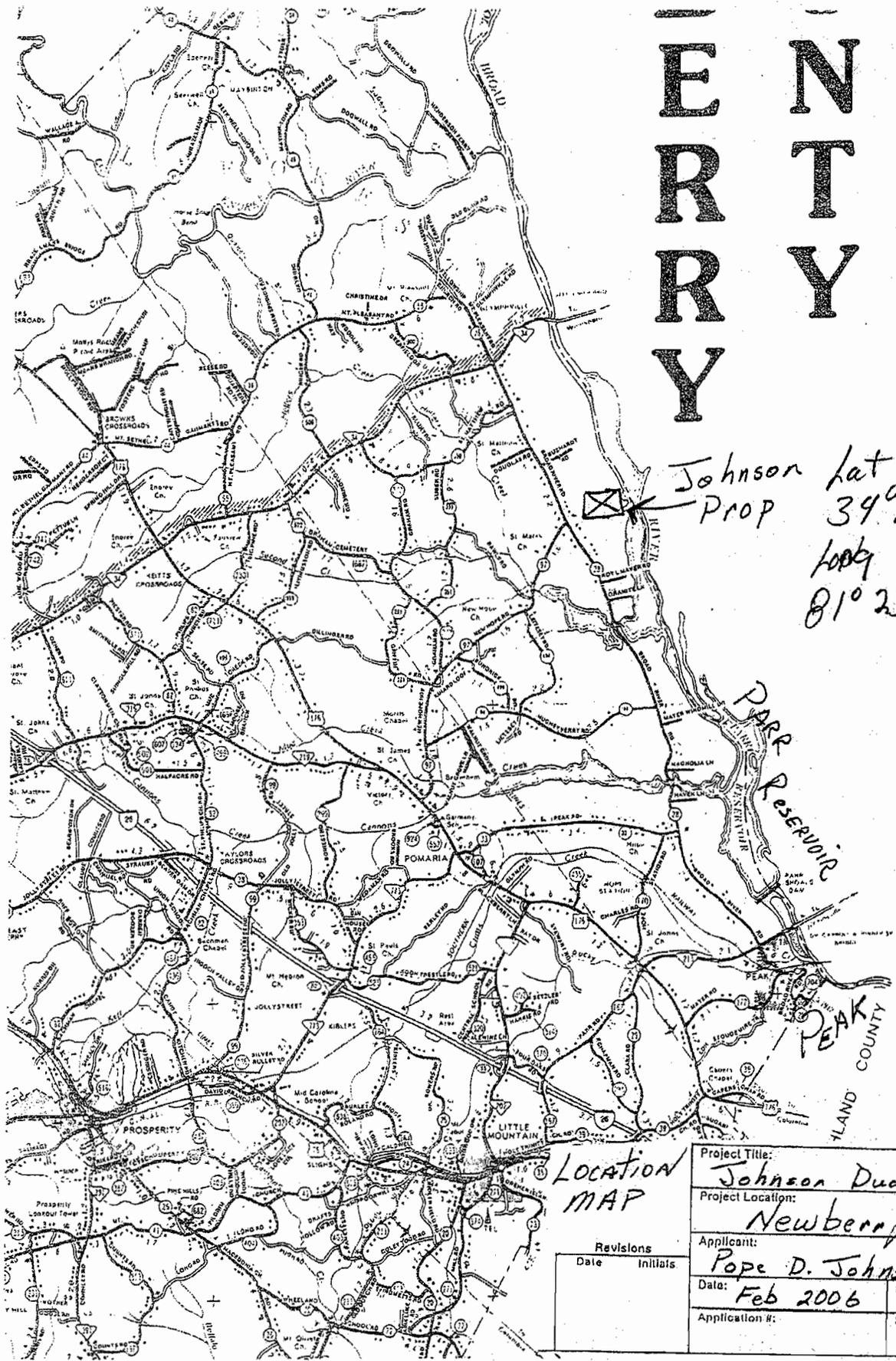
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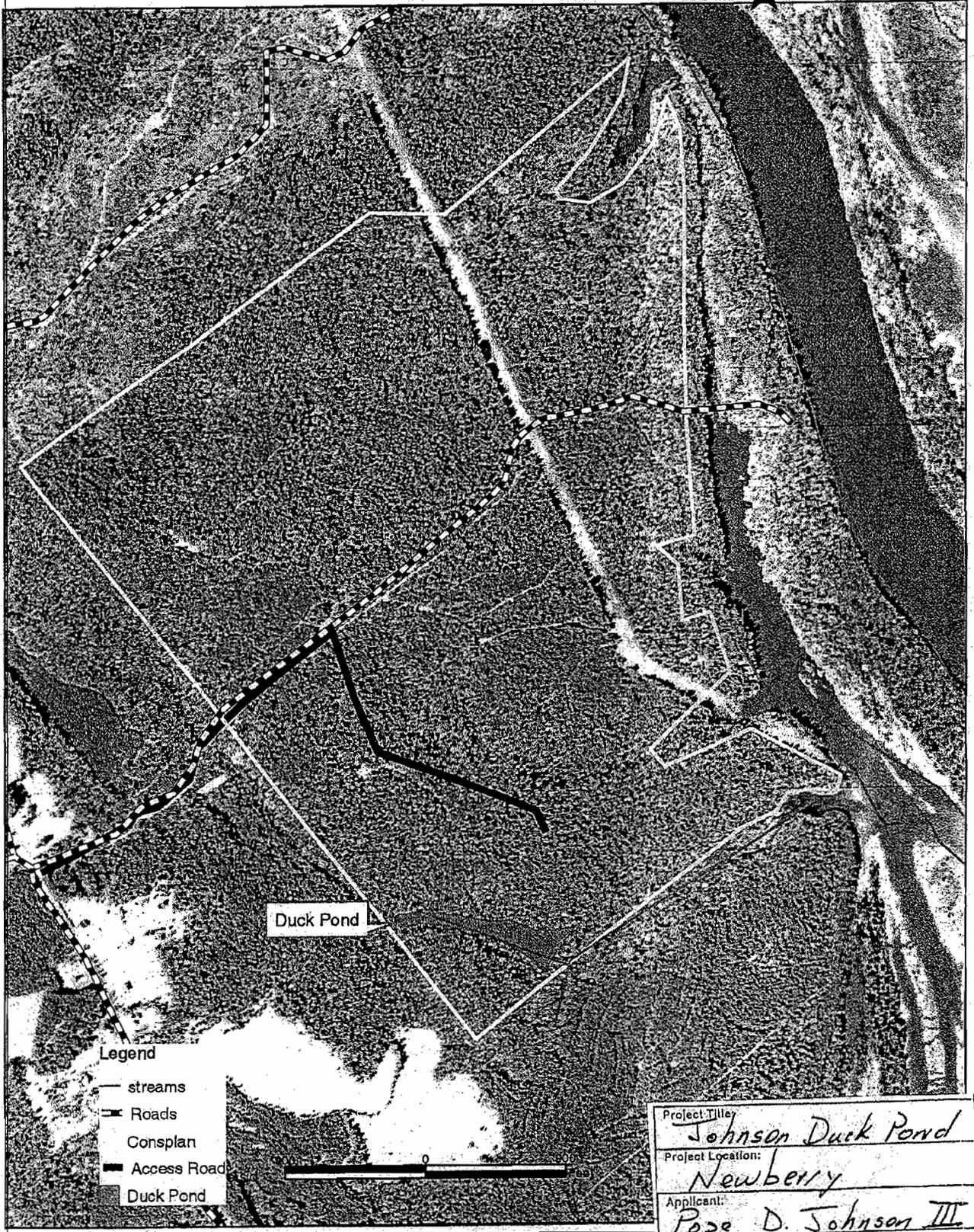
Johnson Prop
 lat 39° 21'
 long 81° 23'

LOCATION MAP

Revisions	
Date	Initials

Project Title: <i>Johnson Duck Pond</i>	
Project Location: <i>Newberry</i>	
Applicant: <i>Pope D. Johnson III</i>	
Date: <i>Feb 2006</i>	Scale:
Application #:	Sheet of <i>1 9</i>

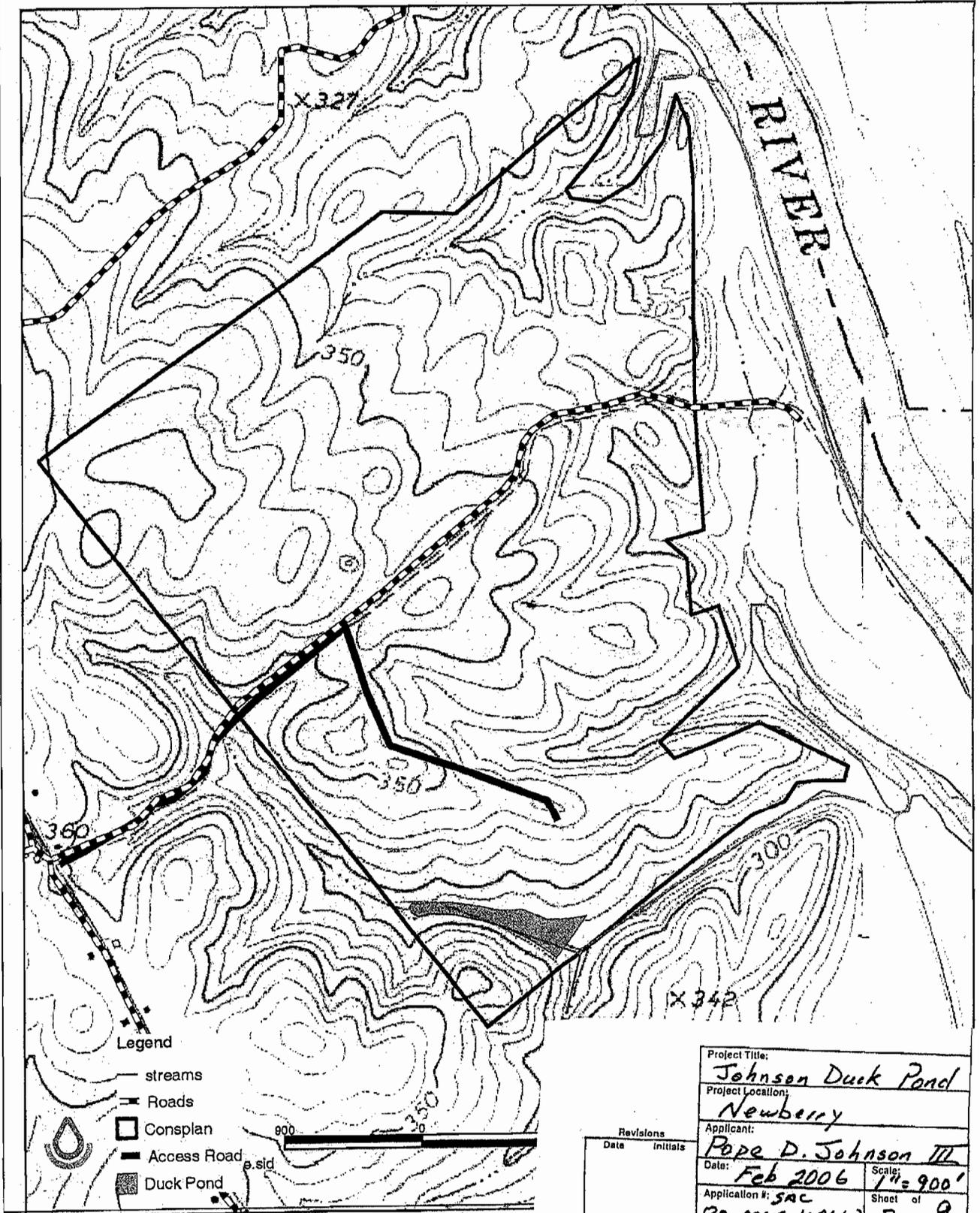
POPE D JOHNSON III



- Legend**
- streams
 - - - Roads
 - Consplan
 - Access Road
 - Duck Pond

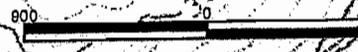
Project Title: <i>Johnson Duck Pond</i>	
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Date: <i>Feb 2006</i>	Scale:
Application #:	Sheet of <i>2 9</i>

FOUR CORNER III
Topo Map



Legend

- streams
- Roads
- Consplan
- Access Road
- Duck Pond

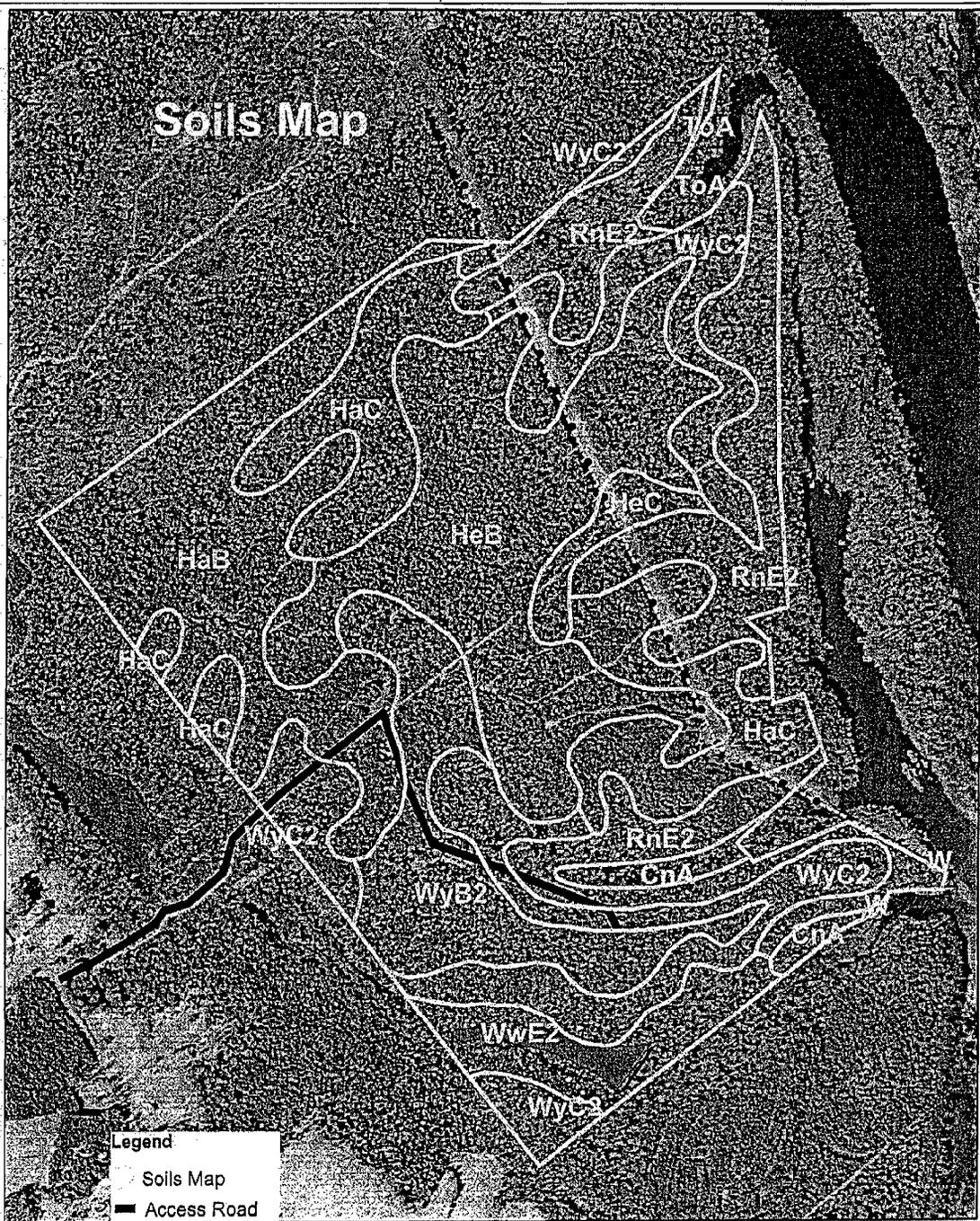


Project Title:		Johnson Duck Pond	
Project Location:		Newberry	
Applicant:		Pope D. Johnson III	
Date:		Feb 2006	Scale: 1" = 900'
Application #:		SAC	Sheet of
		80-2005-1186(5)	3 9

Revisions

Date	Initials

Soils Map



- Legend**
- Soils Map
 - Access Road
 - Duck Pond
 - power Line
 - Consplan
 - Practices (lines)
- Image: jenkinsville.sid

Johnson Property
Newberry County



Project Title <i>Johnson Duck Pond</i>	
Project Location: <i>Newberry</i>	
Applicant: <i>Pepe D. Johnson III</i>	
Date: <i>Feb 2006</i>	Scale:
Application #:	Sheet of <i>49</i>

Non-Technical Descriptions

Soil Survey Area: Newberry County, SC

Survey Status: Update

Correlation Date:

Distribution Date: 01/08/2003

Map Unit: WwE2 Wynott-Wilkes complex, 15 to 25 percent slopes, moderately eroded

Description Category: S5

Wynott - In a typical Wynott profile, the surface layer is yellowish brown sandy loam to a depth of 5 inches. The subsoil is brown clay that has light yellowish brown mottles to a depth of 10 inches, yellowish brown clay that has light yellowish brown mottles to a depth of 21 inches, and multicolored light olive brown, dark grayish brown, and yellowish brown sandy clay loam to a depth of 29 inches. The underlying material is weathered bedrock to a depth of 60 inches.

Wilkes - In a typical Wilkes profile, the surface layer is very dark grayish brown sandy loam to a depth of 2 inches. The subsurface layer is brown sandy loam to a depth of 4 inches. The subsoil is yellowish brown sandy clay loam to a depth of 15 inches and yellowish brown sandy loam to a depth of 18 inches. The underlying material is weathered bedrock to a depth of 45 inches. Hard bedrock is at a depth of 45 inches.

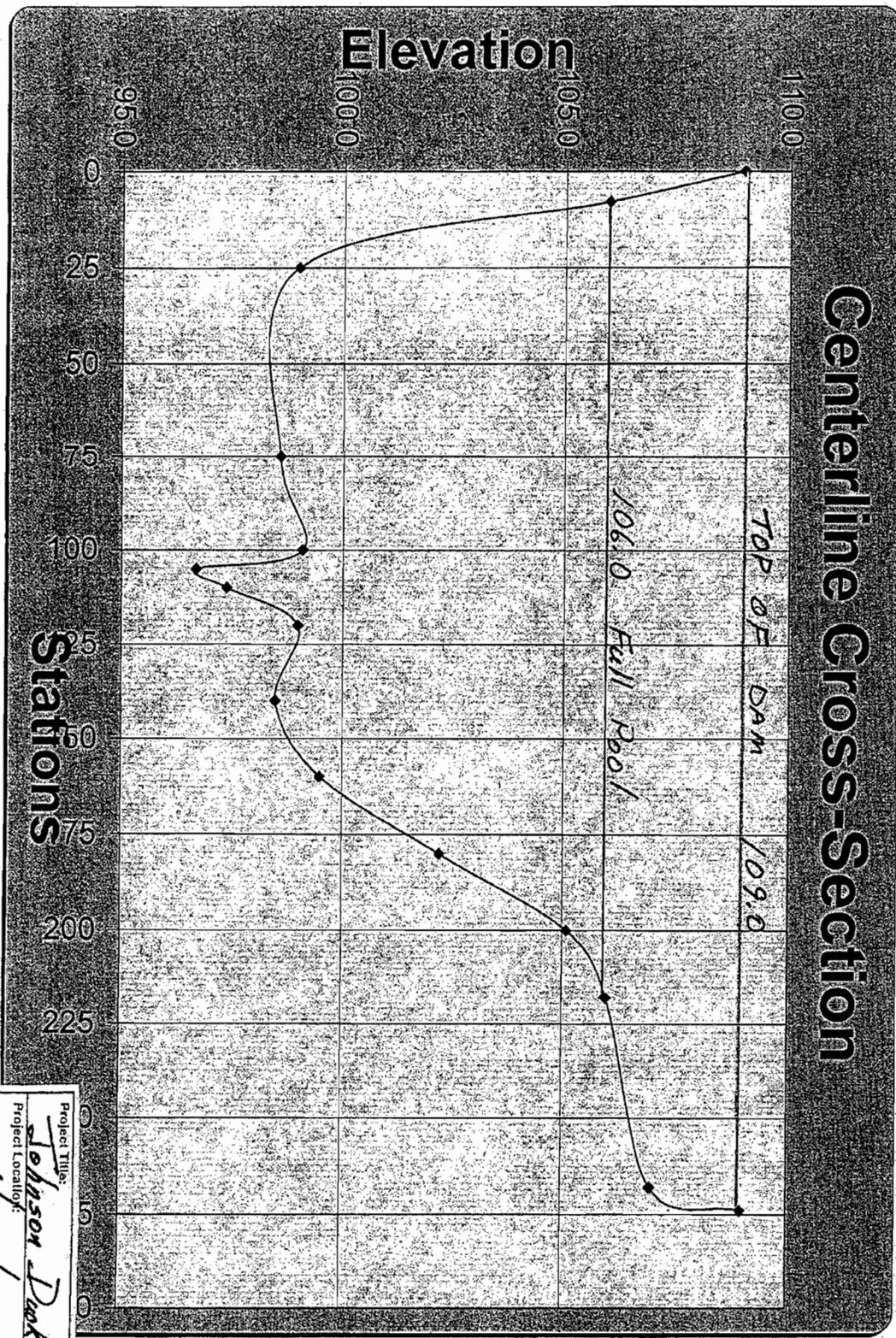
Description Category: SOI

The components in this unit are too intermingled to be separated at the scale selected for mapping.

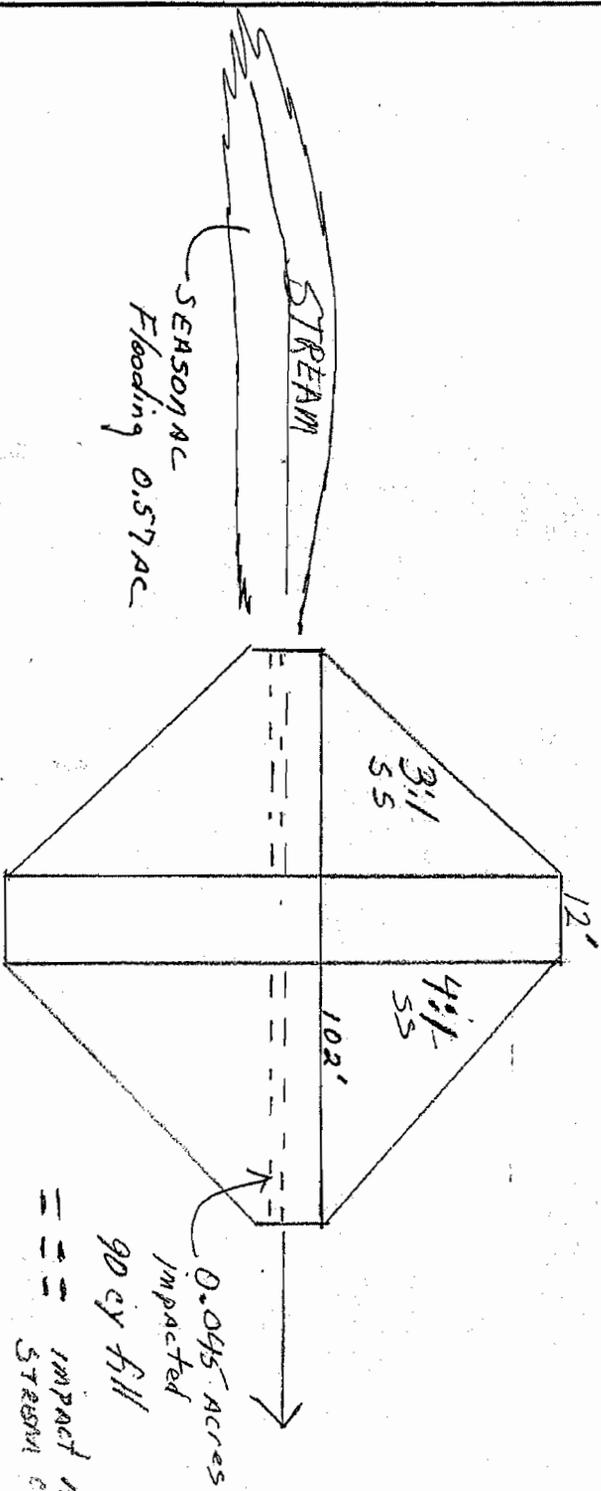
Wynott - These moderately deep, well drained, moderately steep soils are on side slopes of Piedmont uplands. The parent material consists of residuum weathered from gabbro and/or diorite bedrock. The surface layer is loamy and the subsoil is clayey. Permeability is slow and shrink swell potential is high. Depth to soft bedrock is 20 to 40 inches. Depth to hard bedrock is 40 to more than 60 inches. Depth to seasonal high water table is greater than 5 feet. The nonirrigated land capability class is 7e.

Wilkes - These shallow, well drained, moderately steep soils are on side slopes of Piedmont uplands. The parent material consists of residuum weathered from gabbro and/or diorite bedrock. The surface layer is loamy and the subsoil is loamy. Permeability is moderately slow and shrink swell potential is moderate. Depth to soft bedrock is 10 to 20 inches. Depth to hard bedrock is 40 to more than 60 inches. Depth to seasonal high water table is greater than 5 feet. The nonirrigated land capability class is 7e.

Centerline Cross-Section



Project Title: Johnson Dam For
 Project Location: Newberry
 Applicant: Topo D. Johnson III
 Date: Feb 2006
 Application #: 594 80
 2005-1186-G5
 Scale: NTS
 Sheet 6 of 6

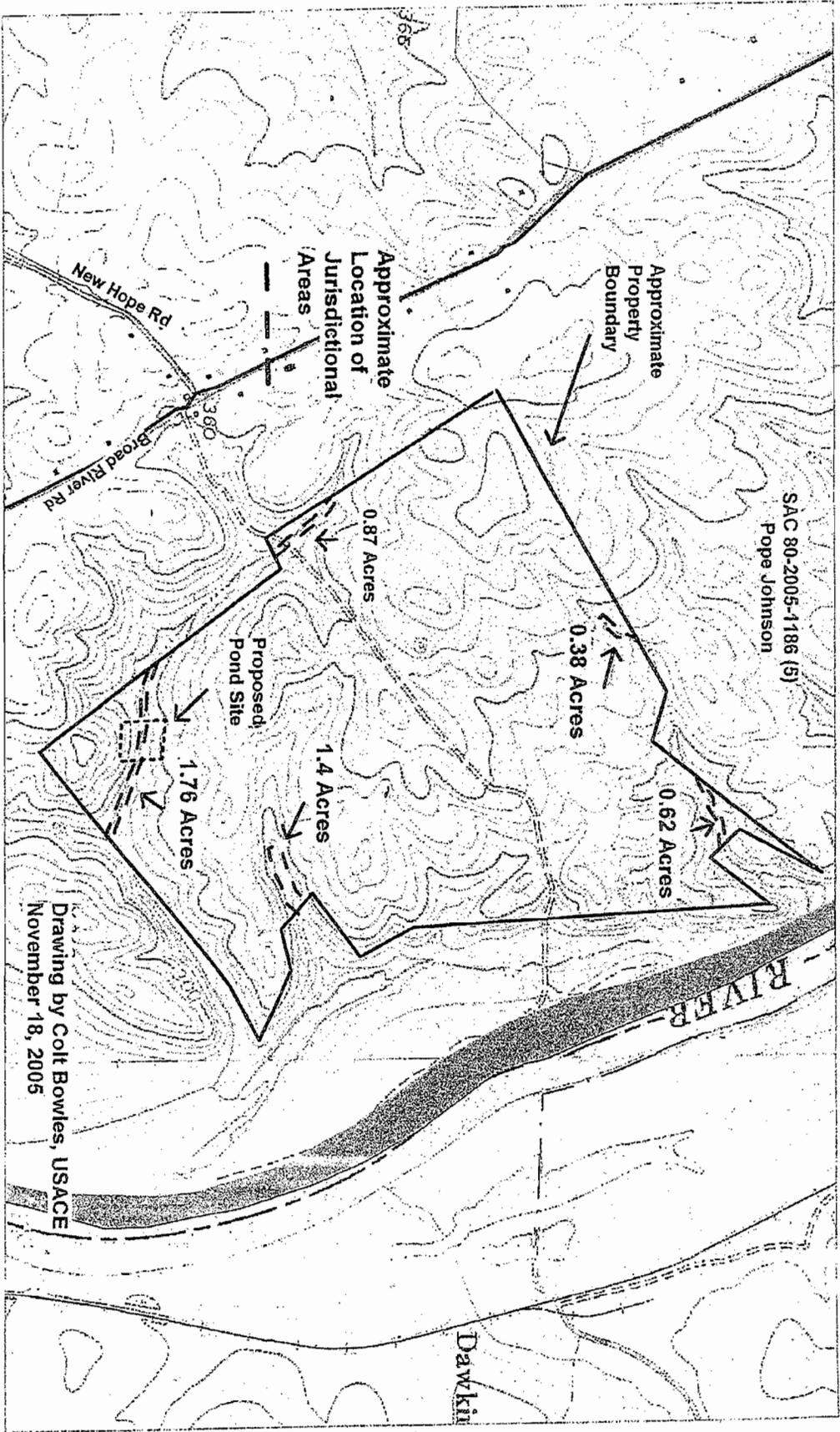


STREAM
SEASONAL
FLOODING 0.57 AC

0.045 Acres
Impacted
90 cy fill
== == impact area
STREAM channel

Plan View

Project Title:		Johnson Duck Pond	
Project Location:		Newbury	
Applicant:		Tape D Johnson III	
Date	Initials	Revisions	
Feb 2006			
Application #: 50C	Scale:		
80-2005-1186 (5)	NTS		
	Sheet of		
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SAC 80-2005-1186 (5)
 Pope Johnson

Drawing by Colt Bowles, USACE
 November 18, 2005

Johnson Duck Pond
Newberry
 SAC 80-2005-1186 (5)
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