

JOINT
PUBLIC NOTICE

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

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N #SAC-2013-00474-6F (REVISED)

August 31, 2015

*This is a re-notification of the public notice that went out August 18, 2015. The previous notice had the wrong address for SCDHEC, Bureau of Water. All comments sent to SCDHEC with the previous notice should be sent to the correct address. All other information regarding the project remains the same.

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Tommy McCrea
c/o Nick Roark
Ecological Associates, Inc.
4676 Bears Bluff Road
Wadmalaw Island, SC 29487

for an after-the-fact permit for the placement of fill material to construct an earthen embankment to create an impoundment of a water of the U.S.,

Unnamed Tributary of Ninety Six Creek

at 1120 Carter Road, Ninety Six, Greenwood County, South Carolina
34.1331 N, 81.9560 W, Dyson Quad

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the work will be received by the **Corps** until

15 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the work until

30 Days from the Date of this Notice

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

The work consisted of the placement of fill material to construct an earthen embankment to create an impoundment of a water of the U.S. In detail the applicant placed fill material in 100 linear feet of stream for the embankment and impounded 1,238 linear feet of stream to create an approximate 11 acre pond. The applicant has proposed to mitigate for impacts to waters of the United States by preserving 9,079 linear feet of stream, enhancing 907 linear feet of stream and restoring 735 linear feet of stream on-site. The Corps has not approved the mitigation plan at this time. The permittee-responsible mitigation plan is available upon request. According to the applicant, the project purpose is private recreational use, irrigation, wildlife enhancement, and fire protection.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> . For those unable to access the website, a copy of this notice and the associated plans will be provided, upon receipt of a written request. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided. Your request should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1835 Assembly Street, Room 865B-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. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The project has impacted freshwater habitat upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the action 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). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information 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 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(f)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

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.

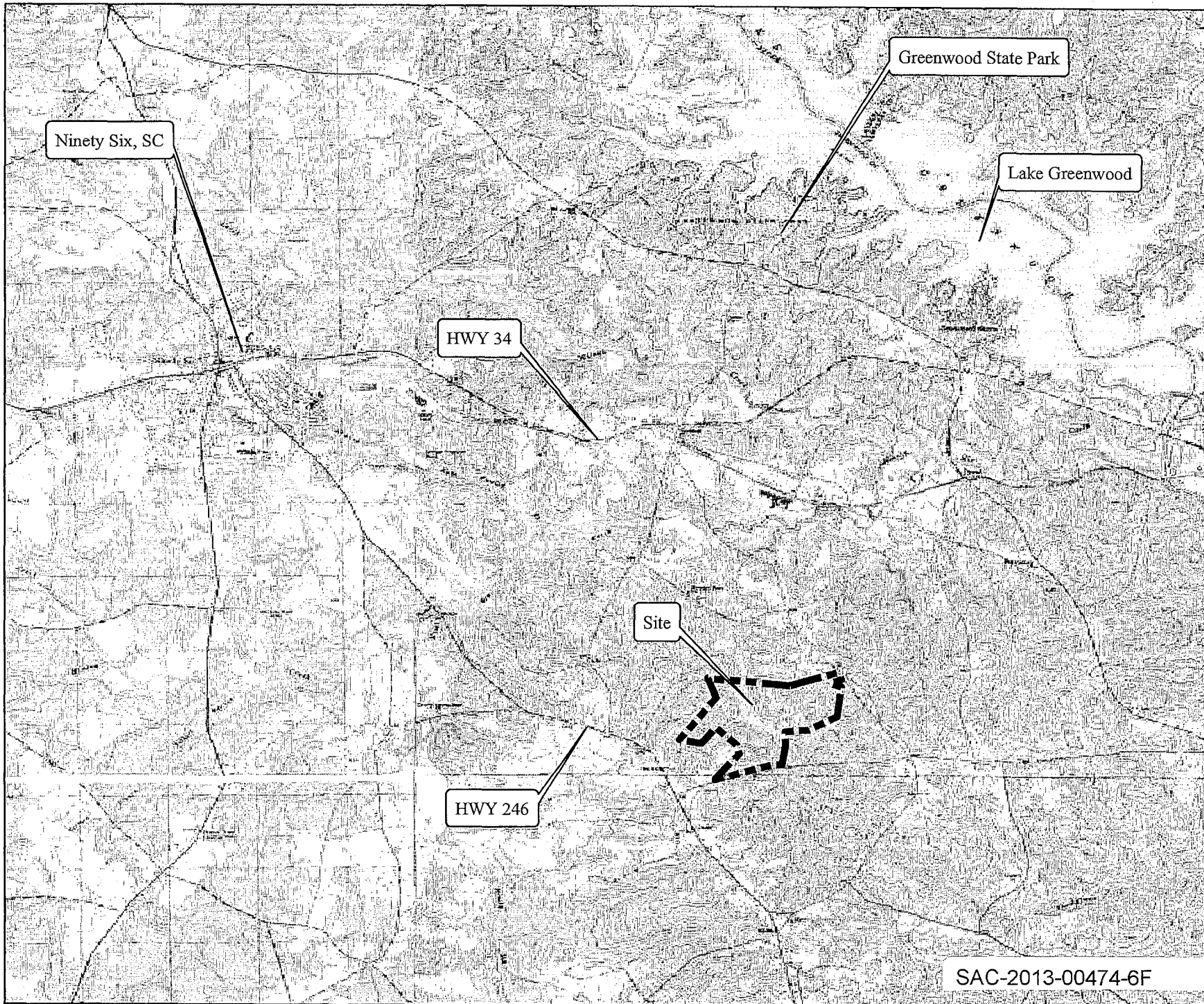
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act. 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 cannot undertake to adjudicate rival claims.

The Corps 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 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.

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If there are any questions concerning this public notice, please contact **Kristin Andrade** at **803-253-3903**.



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Tommy and Tricia McCrea

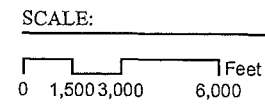
Ecological Associates, Inc.
P.O. Box 357
Johns Island, S.C. 29457
(843) 412-6616

Project Name:
McCrea Pond Site

(Unnamed Trib. to
Ninety Six Creek)

Greenwood Co. SC

LOCATION MAP



SAC-2013-00474-6F

Sheet 1 of 5
DATE: 7.30.15

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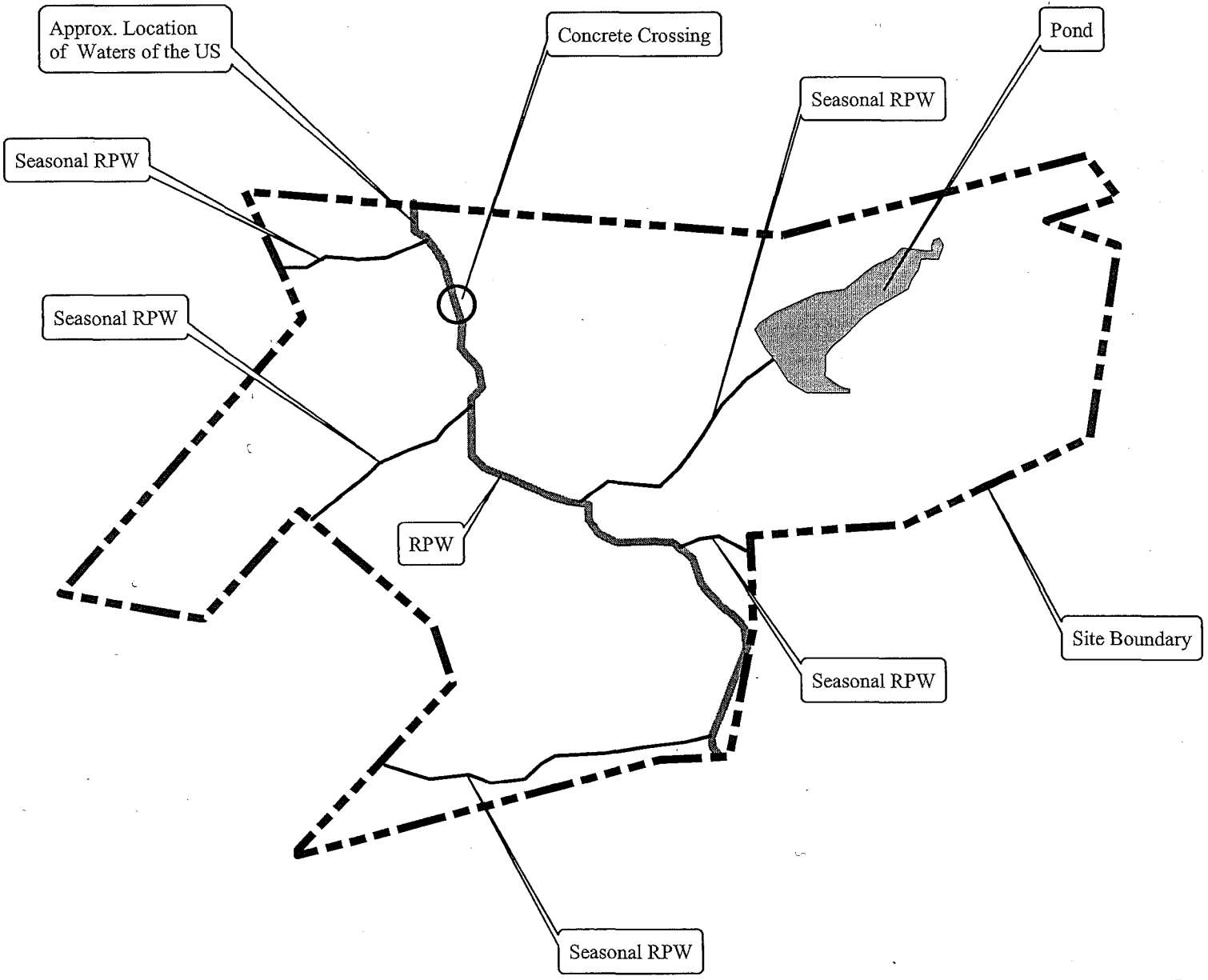
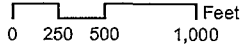
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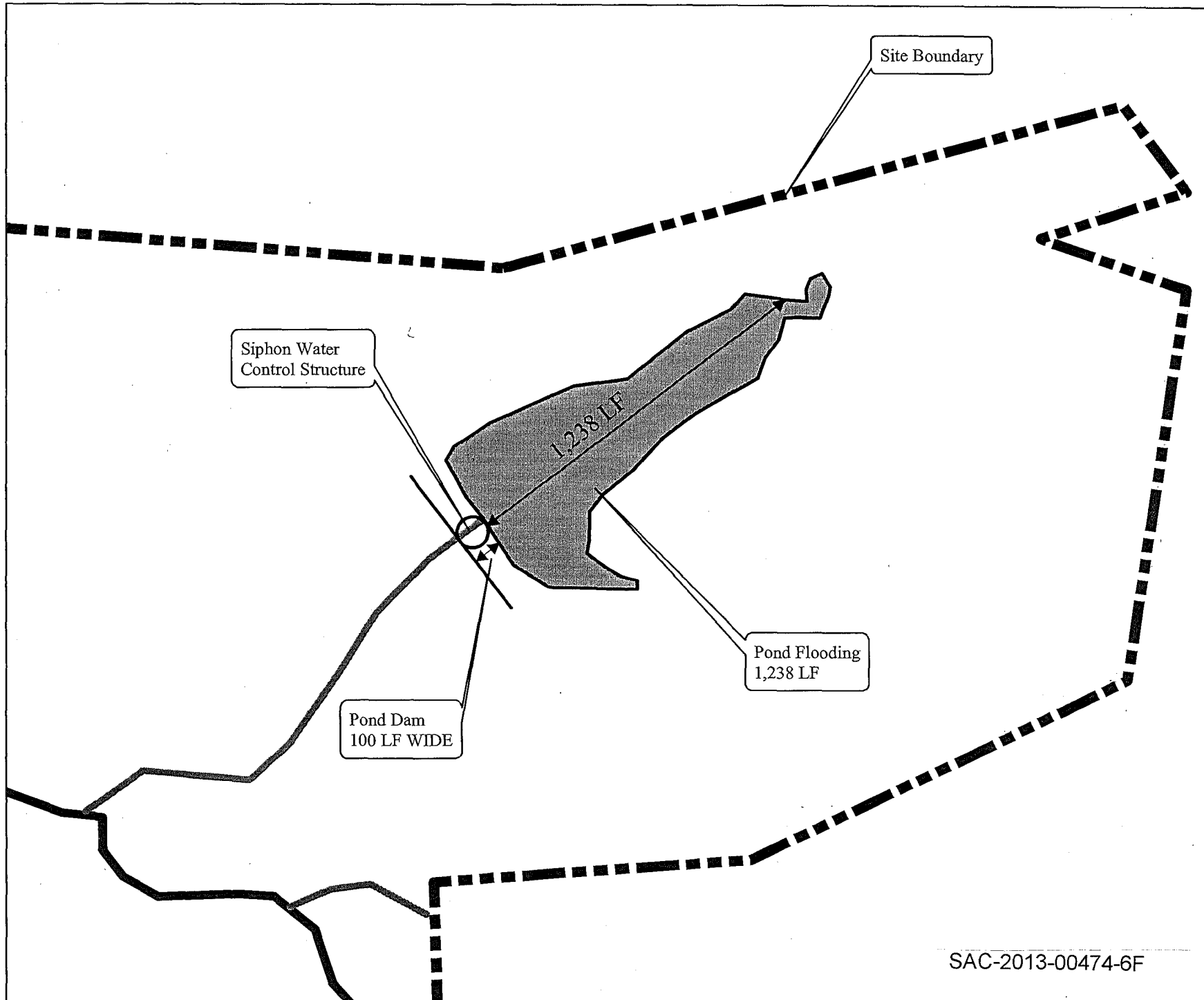
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Greenwood Co. SC

OVERVIEW
MAP

SCALE:





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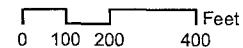
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POND
ENLARGEMENT

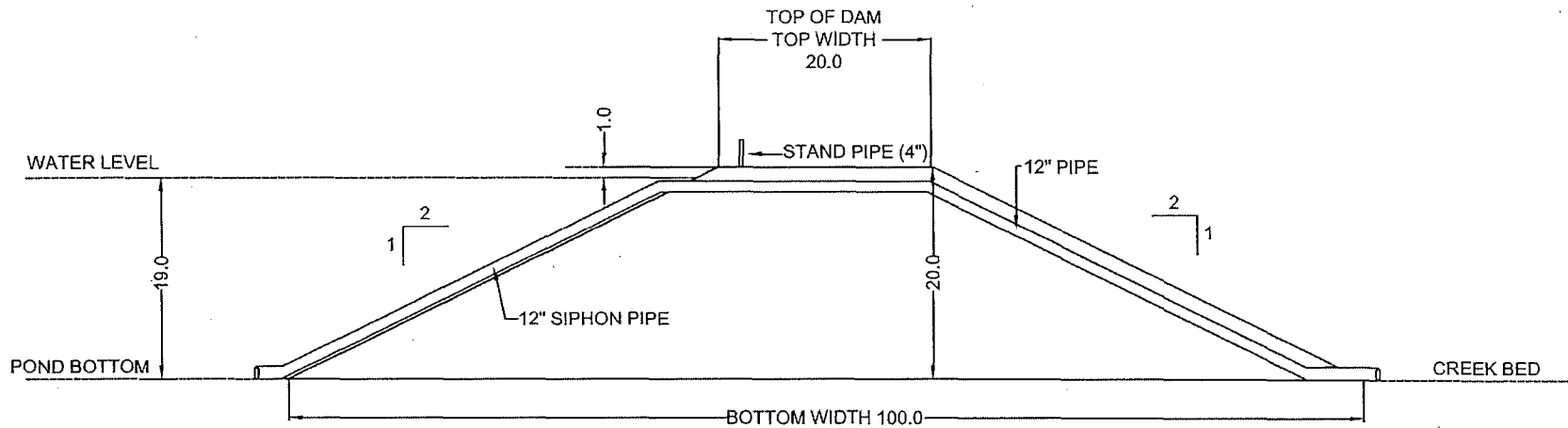
SCALE:



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POND DAM CROSS SECTION

APPLICANT:
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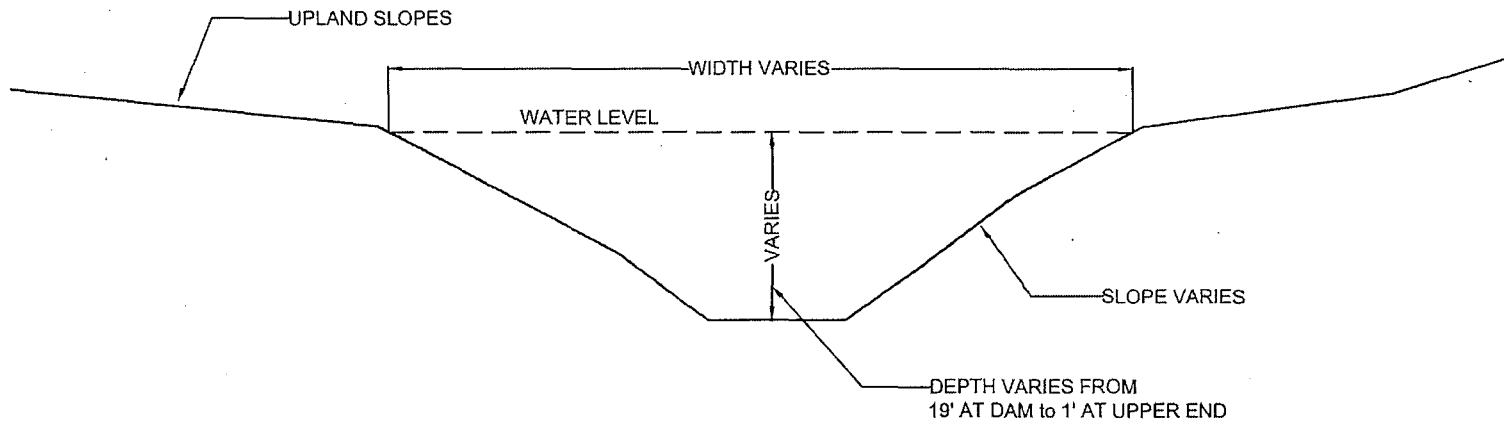
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POND DAM
CROSS SECTION



POND CROSS SECTION

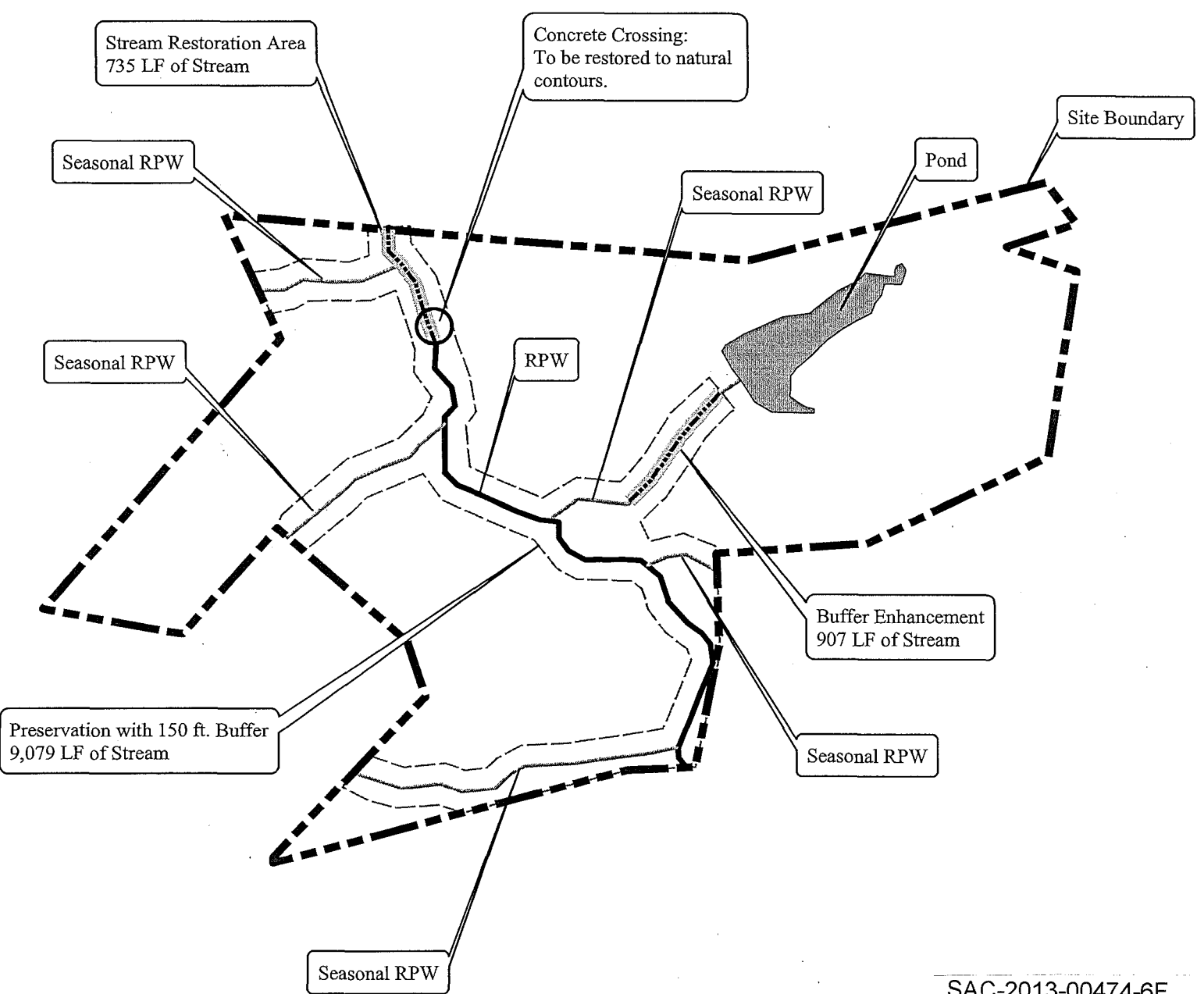
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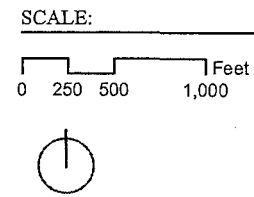
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ON SITE
MITIGATION



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