<u>JOINT</u> <u>PUBLIC NOTICE</u>

CHARLESTON DISTRICT, CORPS OF ENGINEERS 1835 Assembly Street, RM 865 B1 Columbia, South Carolina 29201 and THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL Water Quality Certification and Wetlands Section 2600 Bull Street Columbia, South Carolina 29201

REGULATORY DIVISION Refer to: P/N SAC-2019-01066

February 5, 2020

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, <u>et. seq.</u>, 1976 <u>S.C. Code of Laws</u>, as amended), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

Mr. Brian Couture Duke Energy Carolinas LLC 526 South Church Street Charlotte, North Carolina 28202

for a permit to construct new recreational access facilities in

Lake Wateree

at approximately 604 Island Road, south of the intersection of Island Road and Rockbridge Road (SC-20-291) in Ridgeway, Fairfield County, South Carolina (Latitude: 34.3885 °, Longitude: - 80.7946 °), Liberty Hill Quad.

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 the **Corps** until

15 Days from the Date of this Notice,

and SCDHEC will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

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

The proposed work consists of constructing a roadway, walkways, picnic shelters, restrooms, parking areas, a boat ramp, a swim beach, two fishing piers, and shoreline stabilization. In detail the work consists of constructing a roadway and trails to access the site consisting of

placing 772 cubic yards of fill in 0.22 acre below the full pool elevation of which 0.02 acre is wetland as well as an additional 0.02 acre of temporary impacts to wetland during construction. Selective shoreline stabilization is proposed in areas that are eroding includes installing rip-rap up to 3,707 cubic yards along 2,134 linear feet (0.85 acre) of shoreline. Two T-shaped timber fishing piers with riprap fish attractor features are proposed to be installed with each consisting of 20 timber piles. Each pier would have a walkway of approximately 85 feet by 8 feet with a fishing platform of 29 feet and 6 inches by 9 feet and 4 inches. Each pier is proposed to include 11 cubic yards (0.01 acre) of rip-rap placed at the base of the support structures. Additionally, abutments are proposed to stabilize both piers by placing 30 cubic yards (0.01 acre) at the northern pier and 42 cubic yards (0.01 acre) at the southern pier. The proposed swim beach area would require placing 746 cubic yards (0.23 acre) of clean sand in an area of approximately 244 feet by 50 feet. The swim beach will be demarcated by breakwaters of natural stone on the north and south to assist in preventing beach erosion. Construction of the breakwaters would result in the placement of a total of 43 cubic yards (0.01 acre) and 32 cubic yards (0.01 acre) of rip-rap in the two areas of approximately 8 feet by 50 feet. A series of eight steel pile buoys will be erected between the natural stone breakwaters to establish an enclosed swim area bound by a floating barrier. A boat ramp would be pre-cast on high ground and subsequently installed into the lake. The ramp includes a floating dock in the center. The boat ramp would result in the placement of 92 cubic yards (0.08 acre) of concrete measuring 114 feet by 16 feet, with the floating dock resulting in approximately 0.03 acre of impacts measuring 104 feet by 8 feet. A paved approach to the boat ramp is proposed to impact 0.06 acres below the full pool elevation of which 0.02 acre is wetland. In total the project would impact approximately 1.43 acres below the full pool elevation, of which 0.04 acre is permanent wetland impacts and 0.03 is temporary wetland impacts. The applicant has not proposed to mitigate for impacts to wetlands and/or waters of the United States. The project purpose is to construct a new recreational facility.

NOTE: This public notice and associated plans are available on the Corps' website at: http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices .

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. 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 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. Implementation of the proposed project would impact 1.4 acres of freshwater habitat well inland 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 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). 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 <u>no effect</u> 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 proposed 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)(/)(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 proposed 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. 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 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. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 1835 Assembly Street, RM 865 B1 Columbia, South Carolina 29201

If there are any questions concerning this public notice, please contact Jarrett B. Cellini, Project Manager, at (803) 253-3916, or by email at Jarrett.B.Cellini@usace.army.mil.





















