

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
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 SAC-2012-01046

DATE: June 29, 2016

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 S.C. Department of Health and Environmental Control by

Mr. Ben Satcher
C/O: Robert Bunch
Palmetto Environmental Consulting, Inc.
955 East Main Street, E52
Lexington, South Carolina 29072

for an After-The-Fact (ATF) permit to enlarge an existing impoundment and widen an existing road on

previously existing impoundments of unnamed tributaries and wetlands which flow to
BOGGY BRANCH

at a location north of Branham View Road, in Lexington County, South Carolina (Latitude: 33.976103 °N, Longitude: -81.274612 °W), BARR LAKE 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 work which is the subject of this notice consisted of the expansion of an existing impoundment and widening of an existing road. In detail, the expansion of the existing impoundment affected 2.32 acres of wetlands and 561 linear feet of tributary through increased inundation area. The widening of the existing road affected 0.05 acre of open water through the placement of fill. On the property where work was done for which an ATF permit is being sought by the applicant, additional waters of the United States were filled without Department of the Army authorization. The property owner/applicant proposes to restore those areas. The areas where unauthorized fill was placed which are to be restored are not part of this ATF notice. The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States with a permittee-responsible mitigation plan which includes on-site stream preservation and wetland restoration and preservation as well as off-site stream and wetland restoration and preservation. This plan is available upon request. Restoration of unauthorized fill does NOT generate compensatory mitigation credit. The project purpose as stated by the applicant is for the expanded impoundment "to serve as an amenity," and for the open water impact associated with the road for stabilization of the existing road.

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: Laura Boos
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. 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 project impacted 2.37 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 action did 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 had no effect on any Federally endangered, threatened, or proposed species and did 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 have been 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 have been 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 was 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.

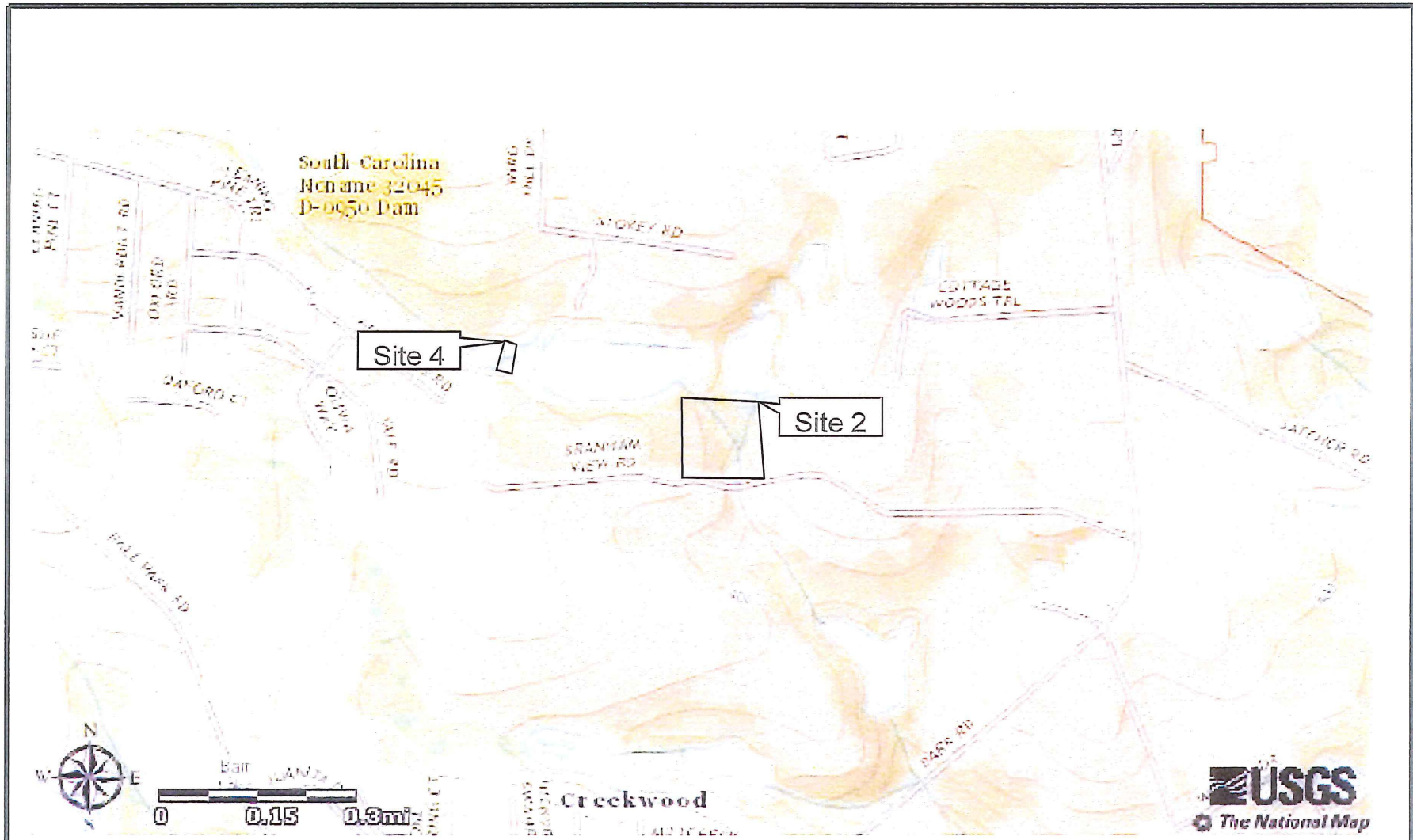
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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. 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.

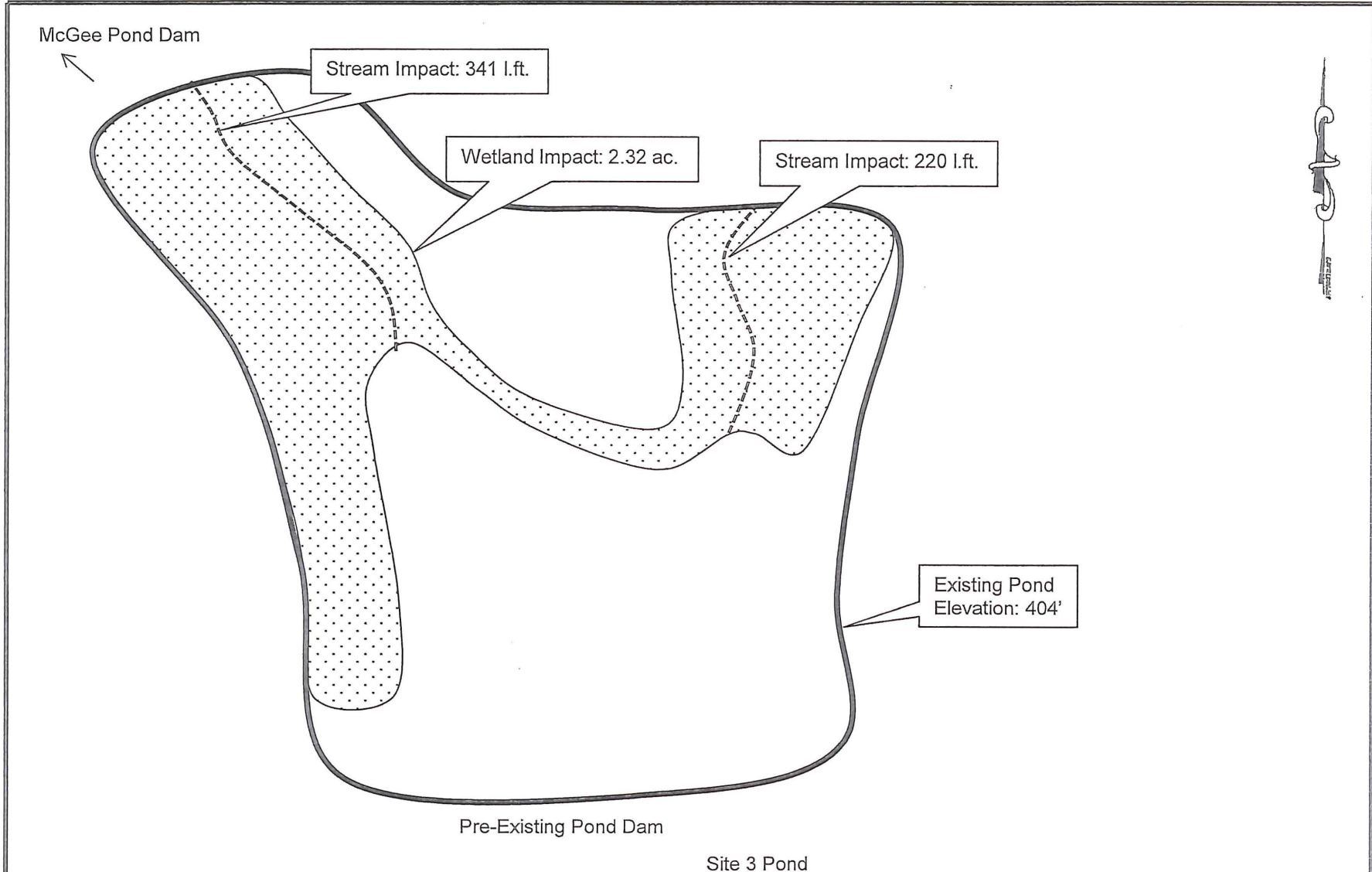
If there are any questions concerning this public notice, please contact Laura Boos at (803) 253-3902.



Reference: USGS National Map; USGS topographic map dated 1986.

Project: Satcher Property ATF Permit
Applicant: Ben Satcher
Activity: Flooding for Pond Expansion
County: Lexington
Lat: 33.97269 **Lon:** -81.27082

Satcher Property
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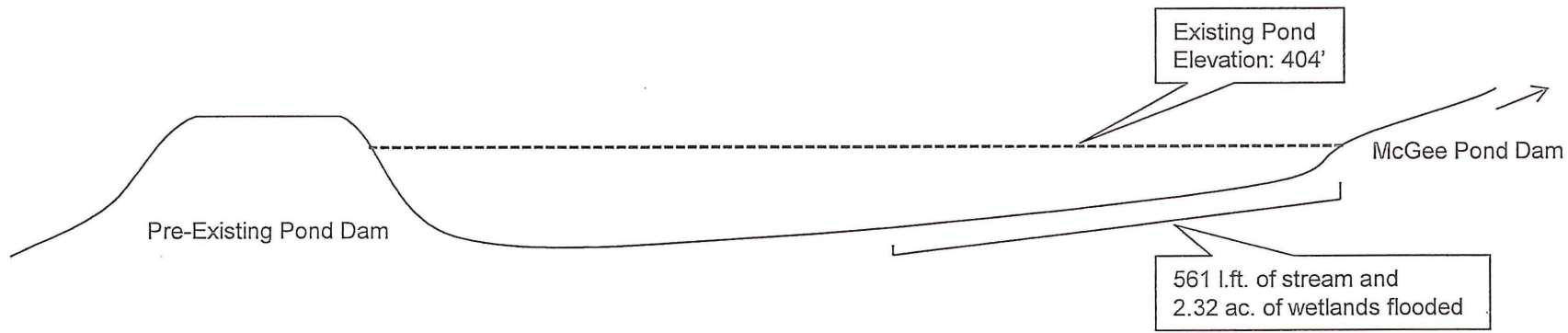


Note: Stream and wetland flooding impacts interpreted by using soil maps, NWI maps, and aerial photographs to estimate streams and wetlands, then subtracting the area of pre-existing pond.

Not to Scale
 All Measurements Approximate
 Reference: Palmetto Environmental Consulting, Inc.

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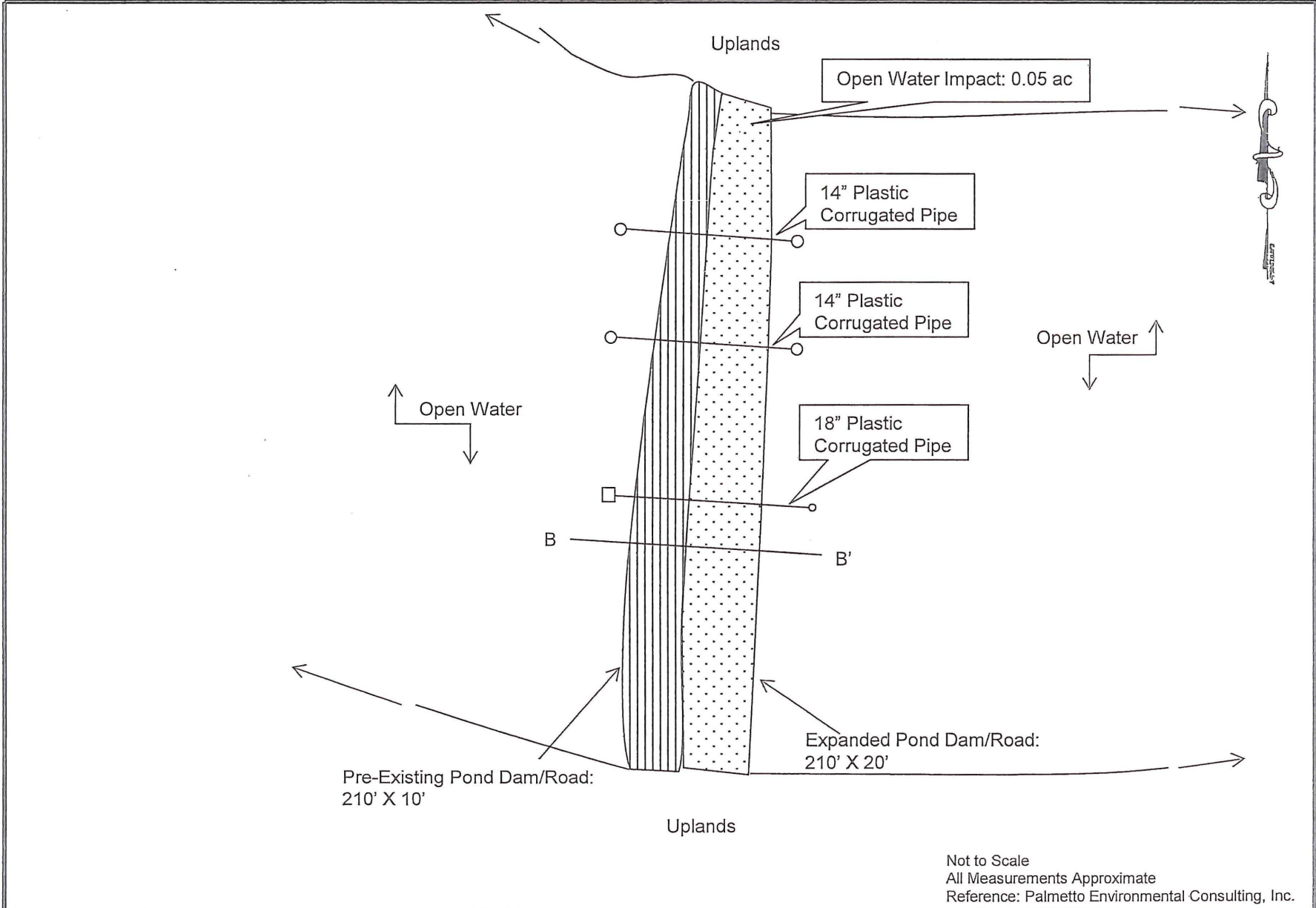
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Not to Scale
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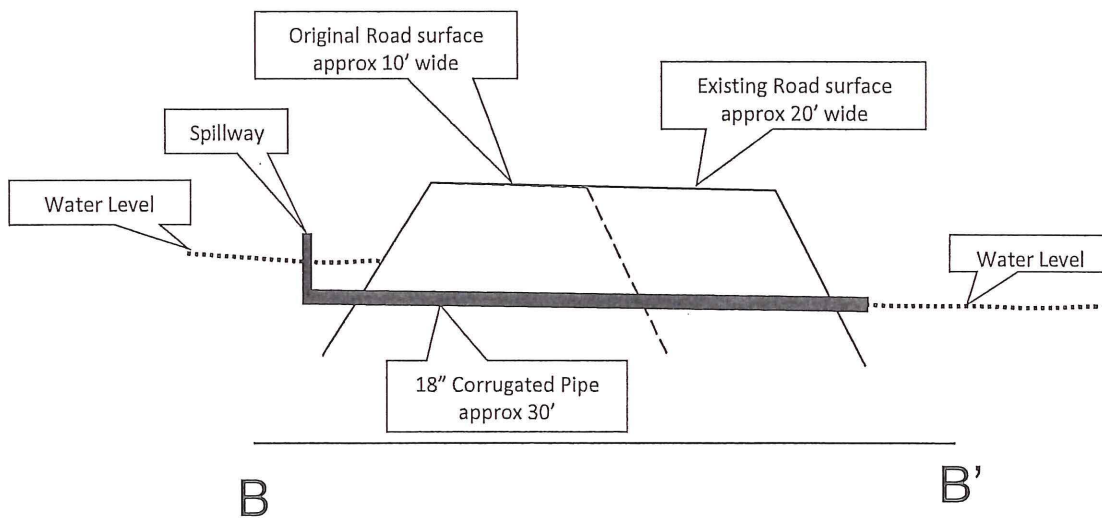


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Project: Satcher Property ATF Permit
Applicant: Ben Satcher
Activity: Dam Stabilization
County: Lexington
Lat: 33.97269 **Lon:** -81.27082

Figure 4: Site 4 Dam Stabilization Plan View

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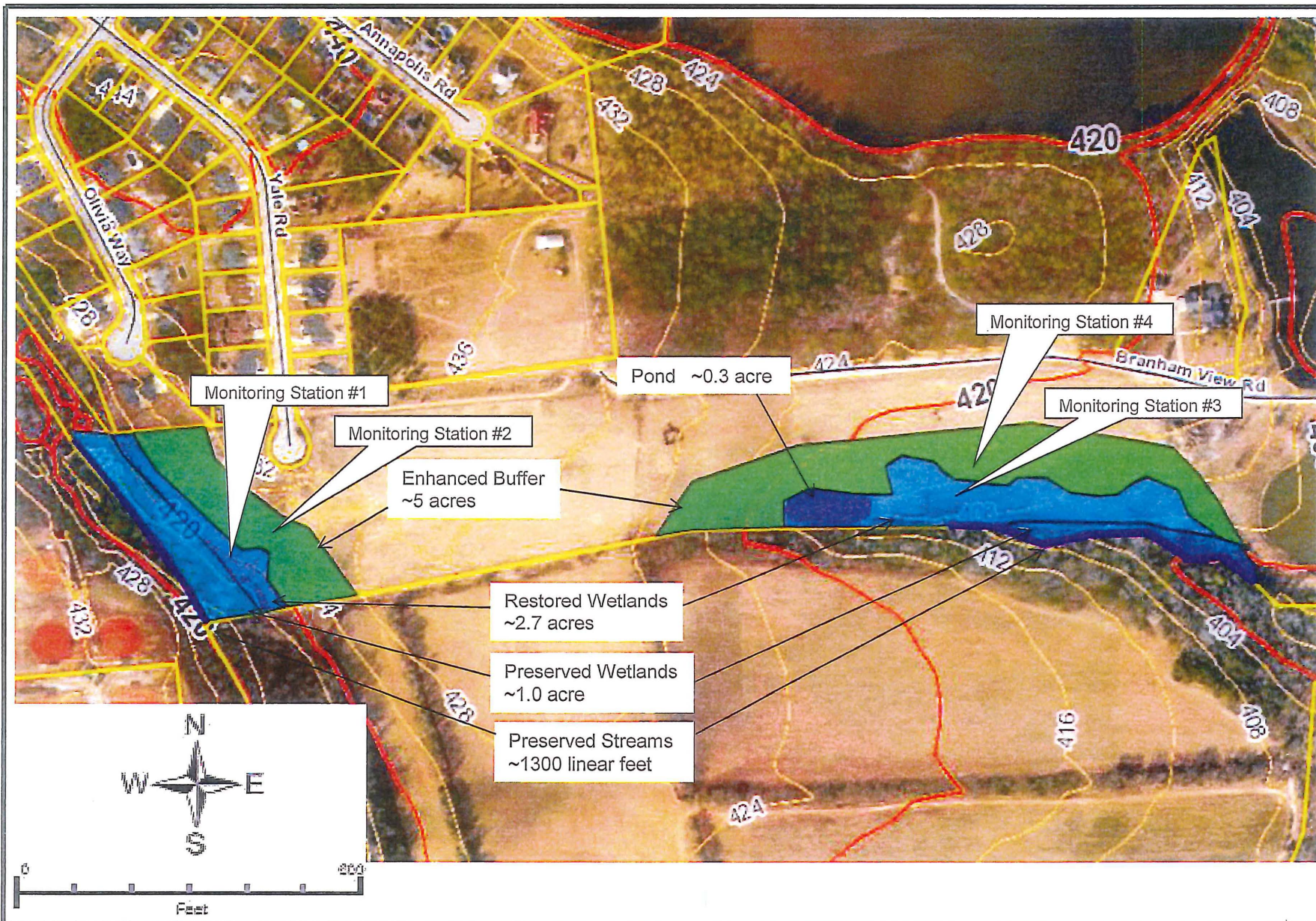


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Applicant: Ben Satcher
Activity: Dam Stabilization
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Figure 5: Road/Dam Profile View

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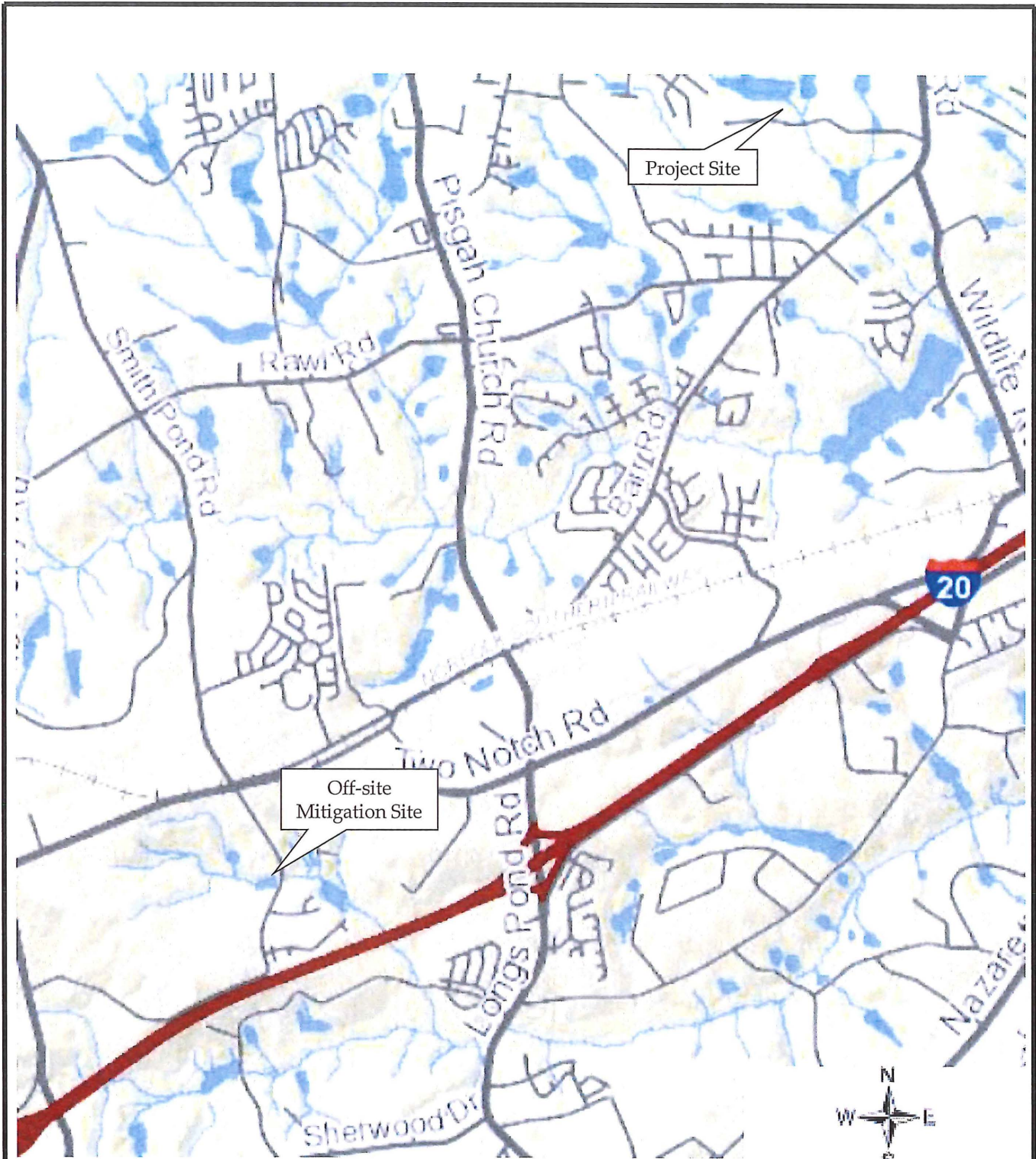


Palmetto
Environmental
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955 East Main Street • Suite E #52 • Lexington, SC 29072

Pastureland Mitigation Plan

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Reference: Lexington County GIS website.

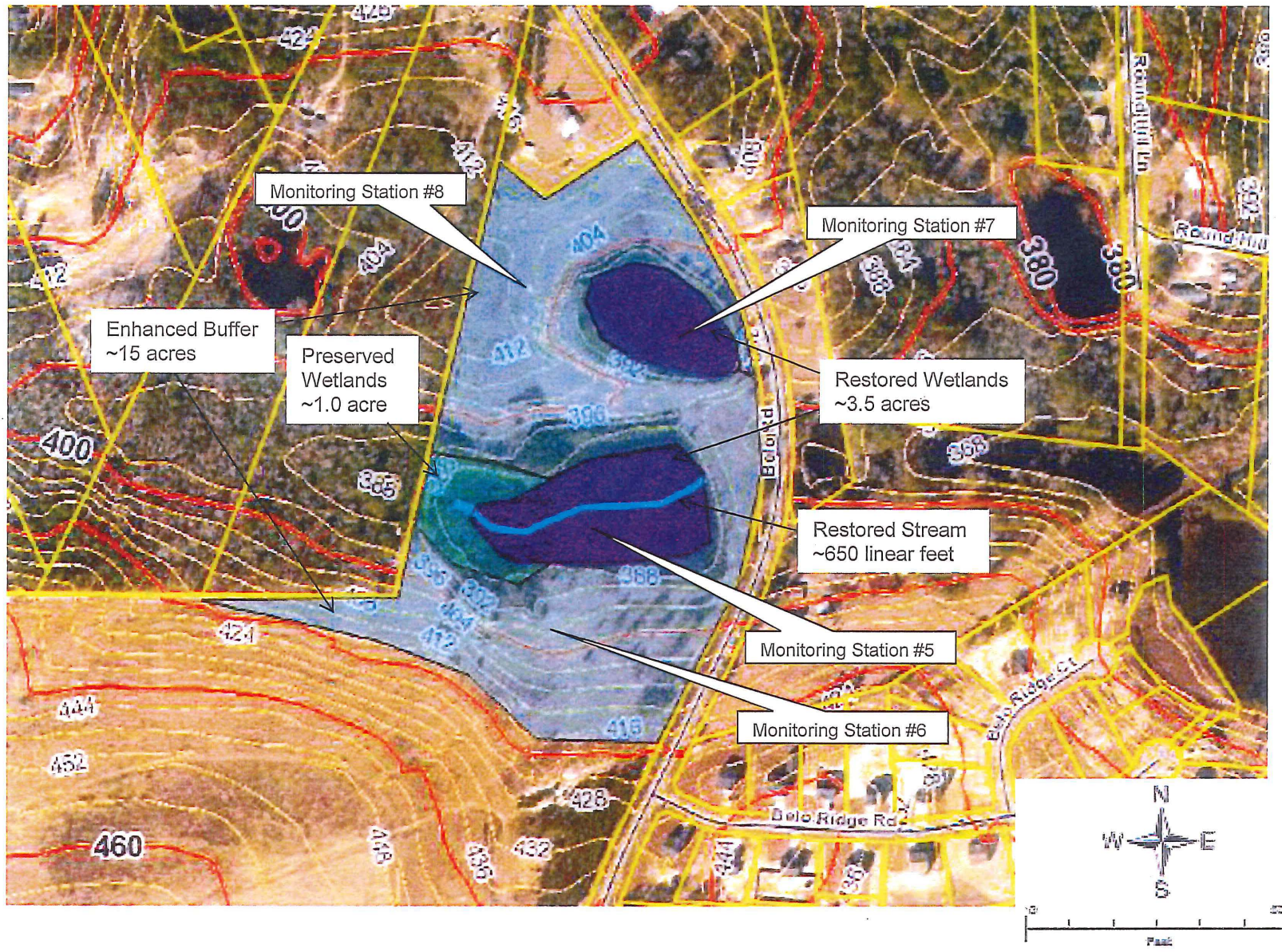


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Offsite Mitigation Location
Belo Road Mitigation

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Belo Road Mitigation Plan

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