

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
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N SAC-2012-01109

November 18, 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. Ken Roddey
C/O Mr. Paul Petitgout
Lowrys Environmental & Ecological Services, Inc.
1823 Quinn Road
Chester, South Carolina 29706

for an After-the-Fact (ATF) permit for an existing green tree reservoir and an existing traditional embankment with associated impoundment in

UNNAMED TRIBUTARIES TO LITTLE SUSYBOLE CREEK

at a location off of Rocky Creek Road, near the town of Lowrys, in Chester County, South Carolina (Latitude: 34.8181 °N, Longitude: 81.2818 °W), Armenia 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 for which an ATF permit is being sought consisted of the placement of fill in approximately 90 linear feet of tributary to create an earthen embankment which impounds water

over approximately 450 linear feet of tributary permanently. In addition, fill and an approximately 46 foot long water control structure was placed in a tributary to create an embankment for a green tree reservoir, which impounds water over approximately 300 linear feet of tributary seasonally. The applicant proposes compensatory mitigation for the year-round impoundment only, as green tree reservoirs are generally self-mitigating. The compensatory mitigation proposed is that the applicant will “place restrictive covenants on all of the remaining streams and tributaries located on his property (75 foot buffer, each side) for the purpose of preserving the remaining riparian habitats on his property.” The application states that, “[t]he overall purpose of the project was to create a safe place for family, friends, and especially youth, to hunt and fish with proper supervision, in order to teach the young people about the outdoors. The basic purpose of each activity was to create an impoundment (a temporary impoundment in the case of the green tree reservoir and a permanent impoundment in the case of the small fish pond) to increase the habitat for both waterfowl and fish on the property in order to provide a safe place for family, friends, and especially youth to hunt and fish while being properly supervised while learning more about the outdoors.”

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. The project as implemented permanently impacted approximately 586 linear feet of tributary and impacts an additional 300 linear feet of tributary on a seasonal basis. All impacts are 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 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 was 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 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)(f)(1)), and has initially determined that no historic properties were 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.

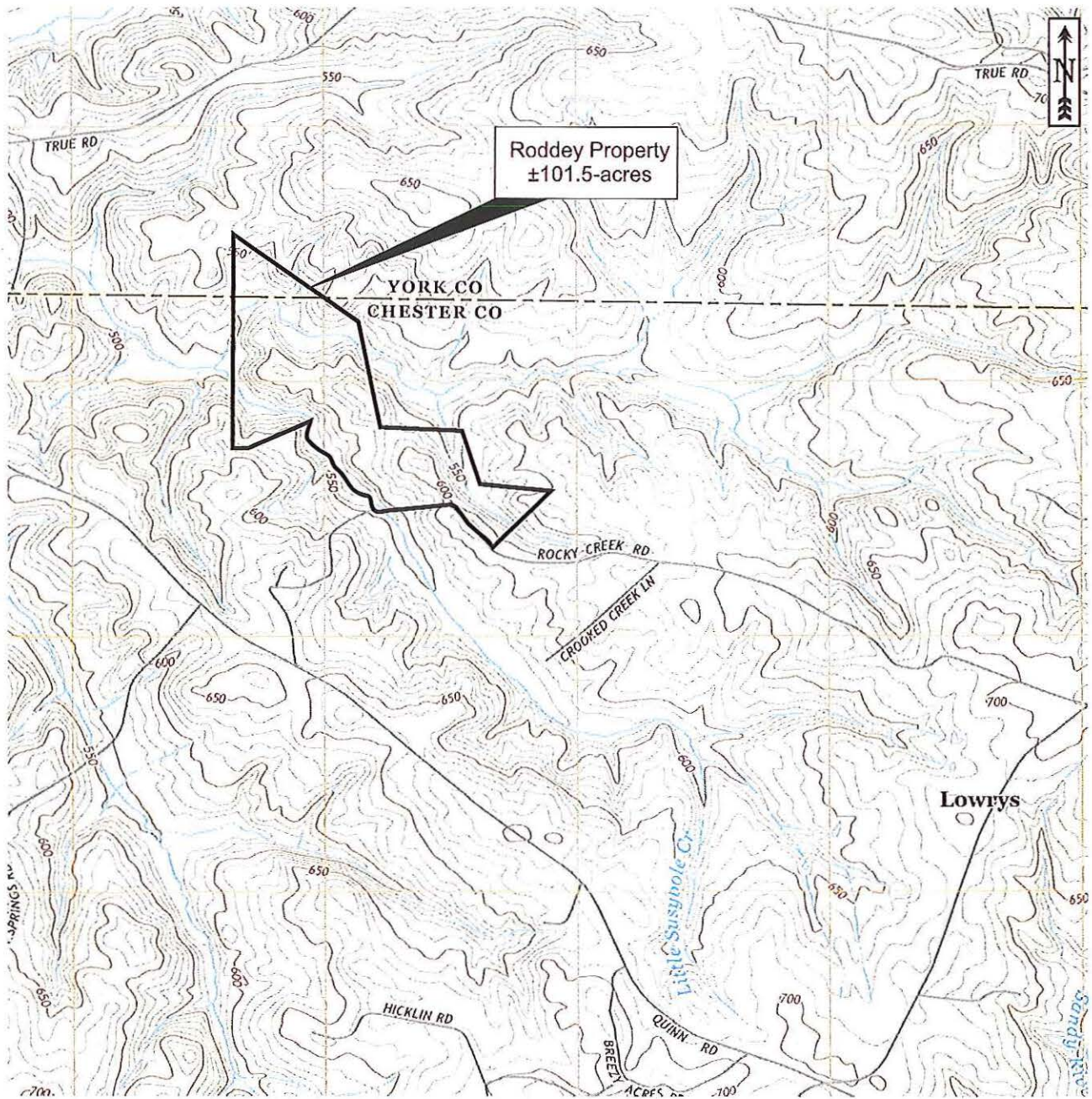
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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, 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, Room 865 B-1
Columbia, South Carolina 29201**

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



Roddey Property
±101.5-acres

YORK CO
CHESTER CO

Lowrys

Project Boundary (Approximate) ———

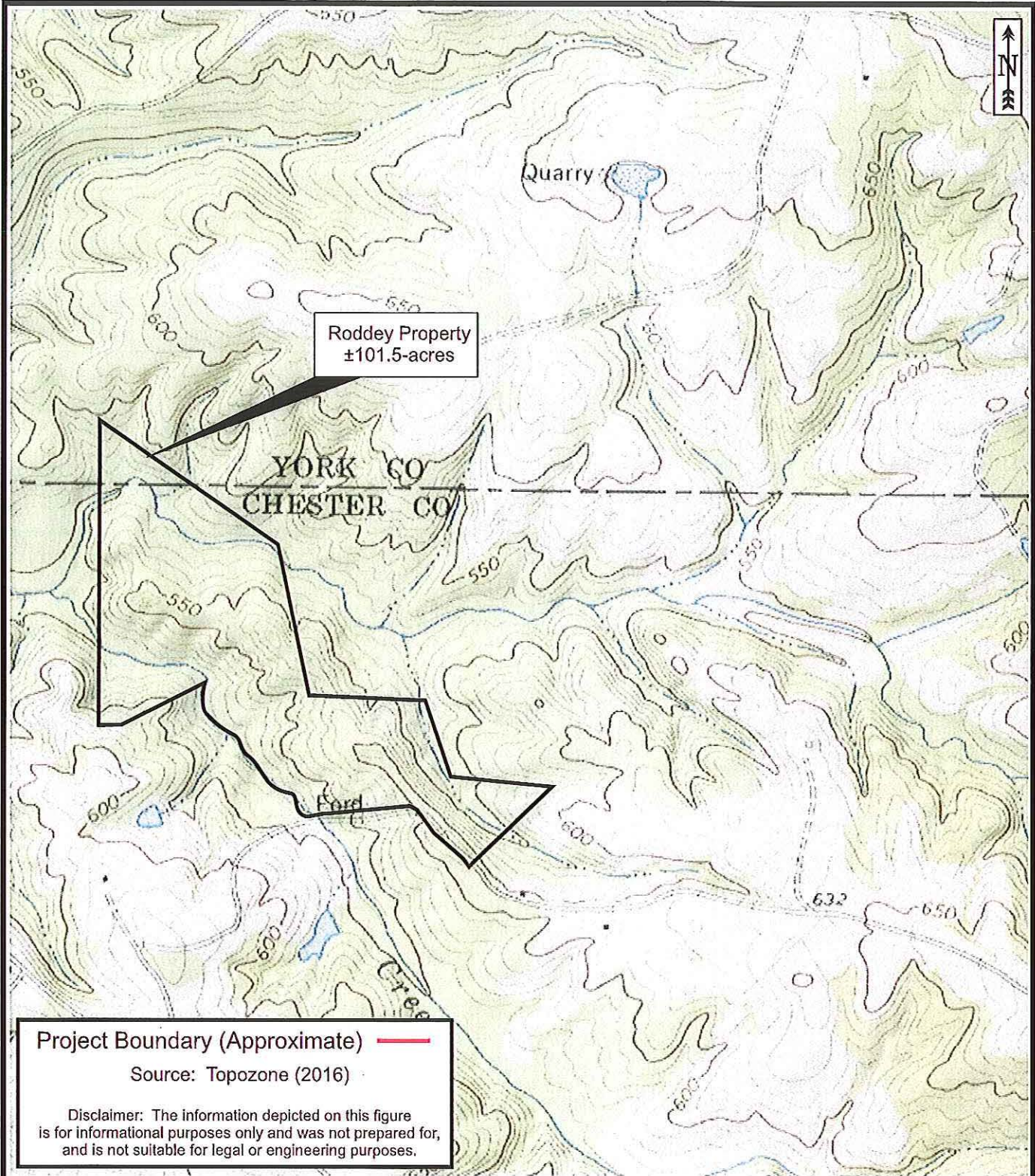
Source: USGS Armenia Quad (2014)
Scale: 1:24,000

Disclaimer: The information depicted on this figure is for informational purposes only and was not prepared for, and is not suitable for legal or engineering purposes.

Roddey Property
York County, South Carolina

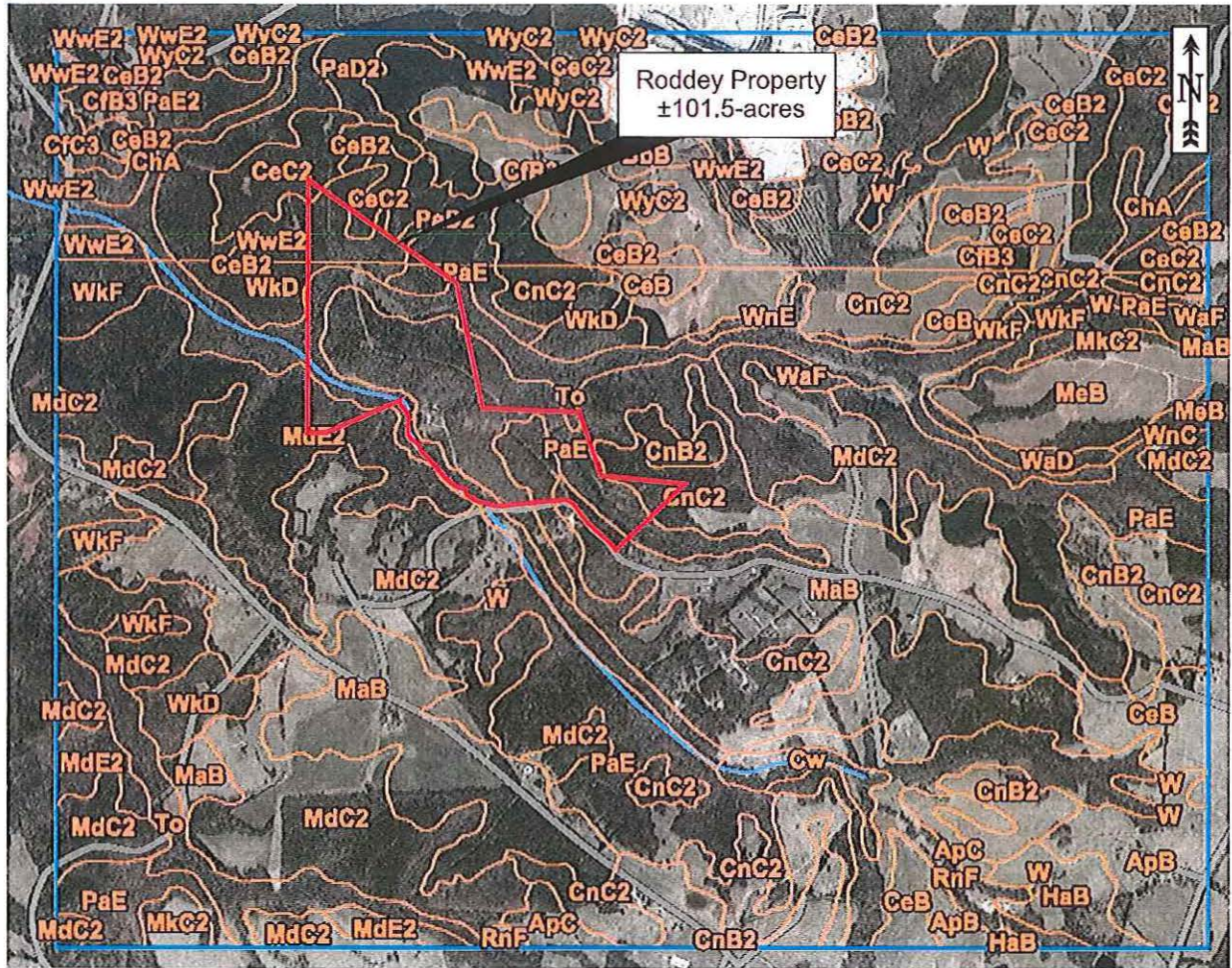
Roddey Property
SAC-2012-01109
Chester County
November 4, 2016
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Project Mgr. SPP	Scale: 1" = 2,000'	Sheet: 1 of 5



Roddey Property York County, South Carolina		
Drawn By: SPP	Date: 08-19-16	Rev.
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Soil Legend

CeC2 - Cecil sandy clay loam, 6 to 10 percent slopes, moderately eroded
 Cha - Chewacla loam, 0 to 2 percent slopes, frequently flooded
 CnC2 - Cecil sandy clay loam, 6 to 10 percent slopes, moderately eroded
 MaB - Madison sandy loam, 2 to 6 percent slopes
 MdE2 - Madison sandy clay loam, 10 to 25 percent slopes, eroded
 PaE - Pacolet sandy loam, 10 to 25 percent slopes
 To - Toccoa loam
 WkD - Wilkes sandy loam, 6 to 15 percent slopes
 WweE2 - Wynott-Wilkes complex, 15 to 25 percent slopes, moderately eroded

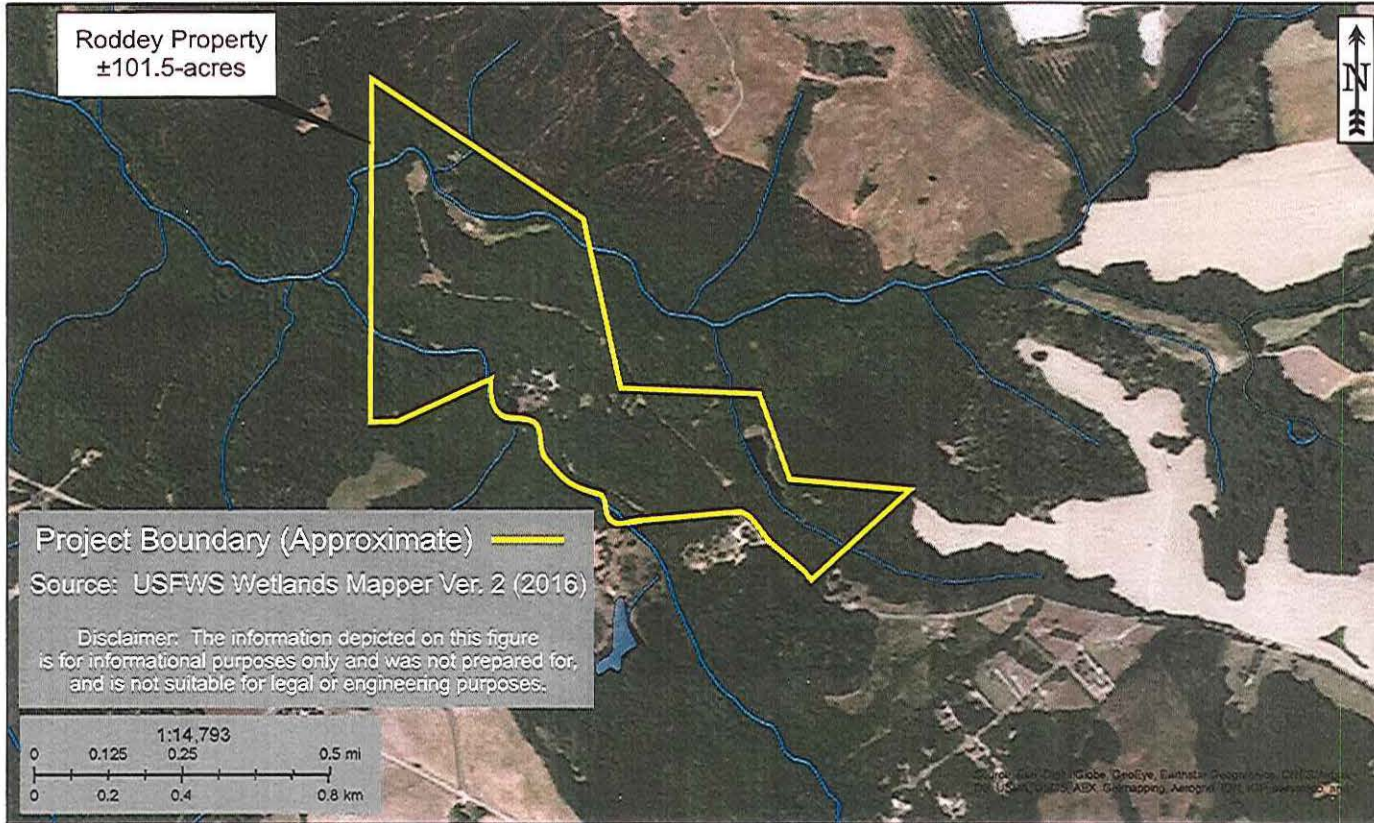
Project Boundary (Approximate) ———

Source: USDA NRCS Web Soil Survey (2016)

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Roddey Property York County, South Carolina		
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August 18, 2016

- | | | |
|--------------------------------|-----------------------------------|----------|
| Estuarine and Marine Deepwater | Freshwater Forested/Shrub Wetland | Other |
| Estuarine and Marine Wetland | Freshwater Pond | Riverine |
| Freshwater Emergent Wetland | Lake | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

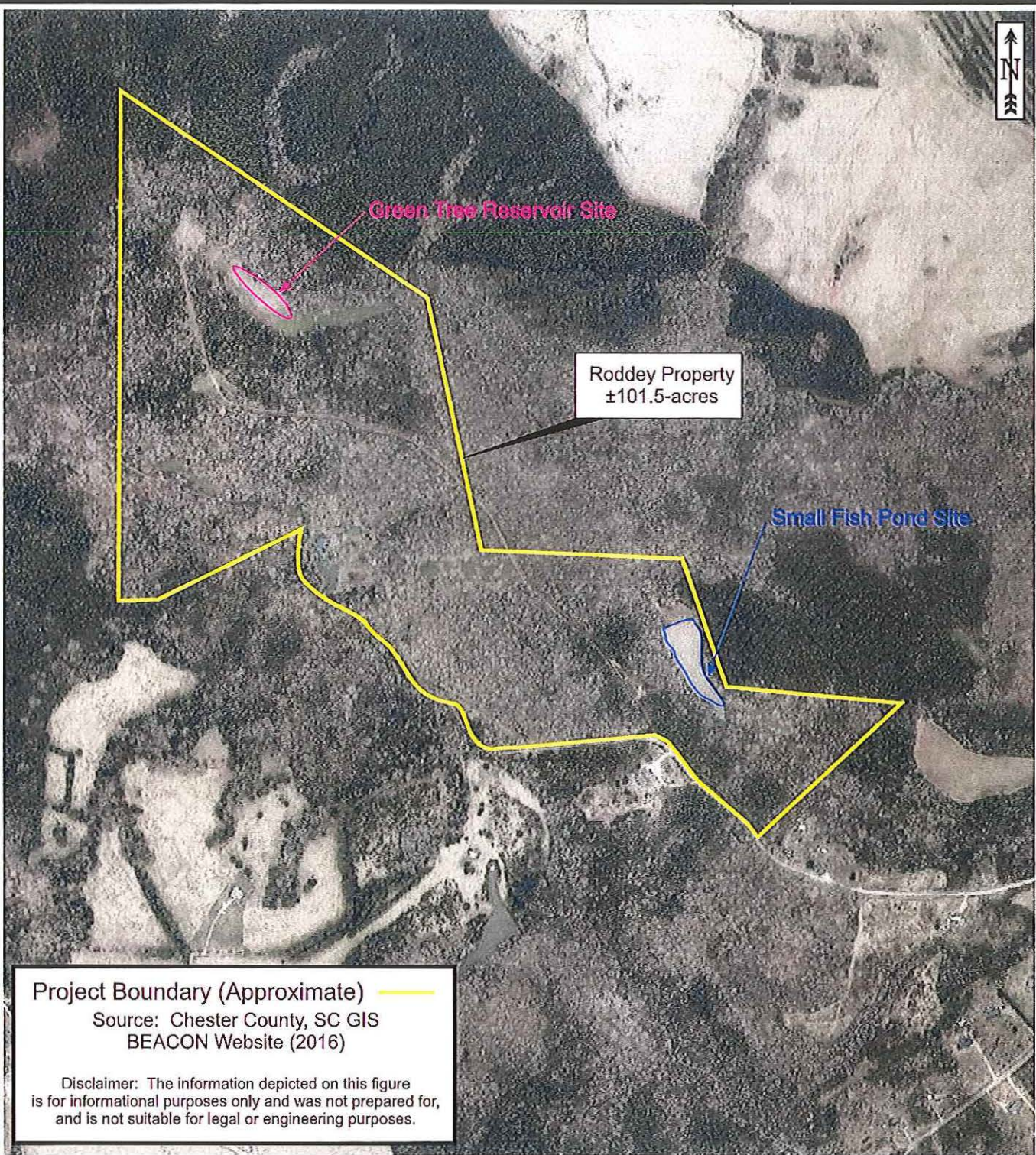
National Wetlands Inventory (NWI)
 This page was produced by the NWI mapper

Roddey Property
 Chester County

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Lowrys Environmental &
 Ecological Services, LLC
 1823 Quinn Road
 Chester, South Carolina 29706
 803-992-0910

Drawn By: SPP	Date: 0
Project Mgr. SPP	Scale: 1



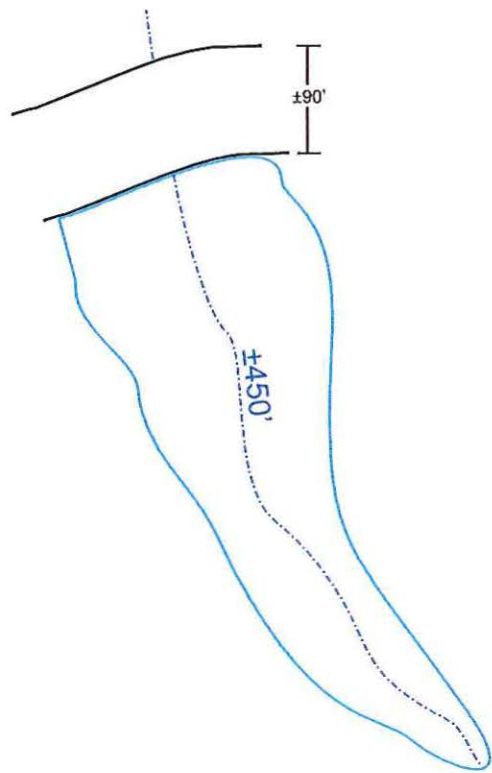
Project Boundary (Approximate) ———
Source: Chester County, SC GIS
BEACON Website (2016)

Disclaimer: The information depicted on this figure is for informational purposes only and was not prepared for, and is not suitable for legal or engineering purposes.

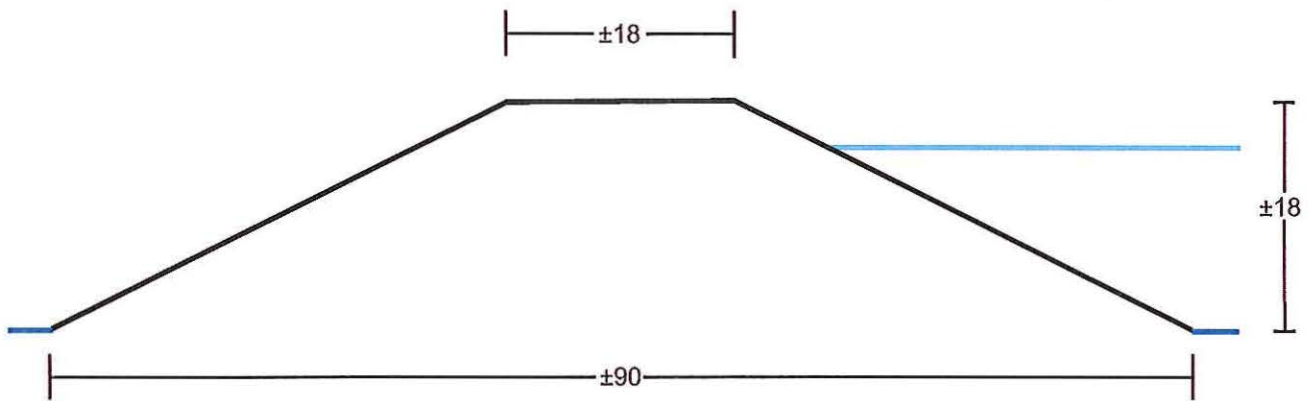
Roddey Property
York County, South Carolina

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Fish Pond Impacts: ±90 Fill (Dam); ±450 LF Flood (Impoundment)

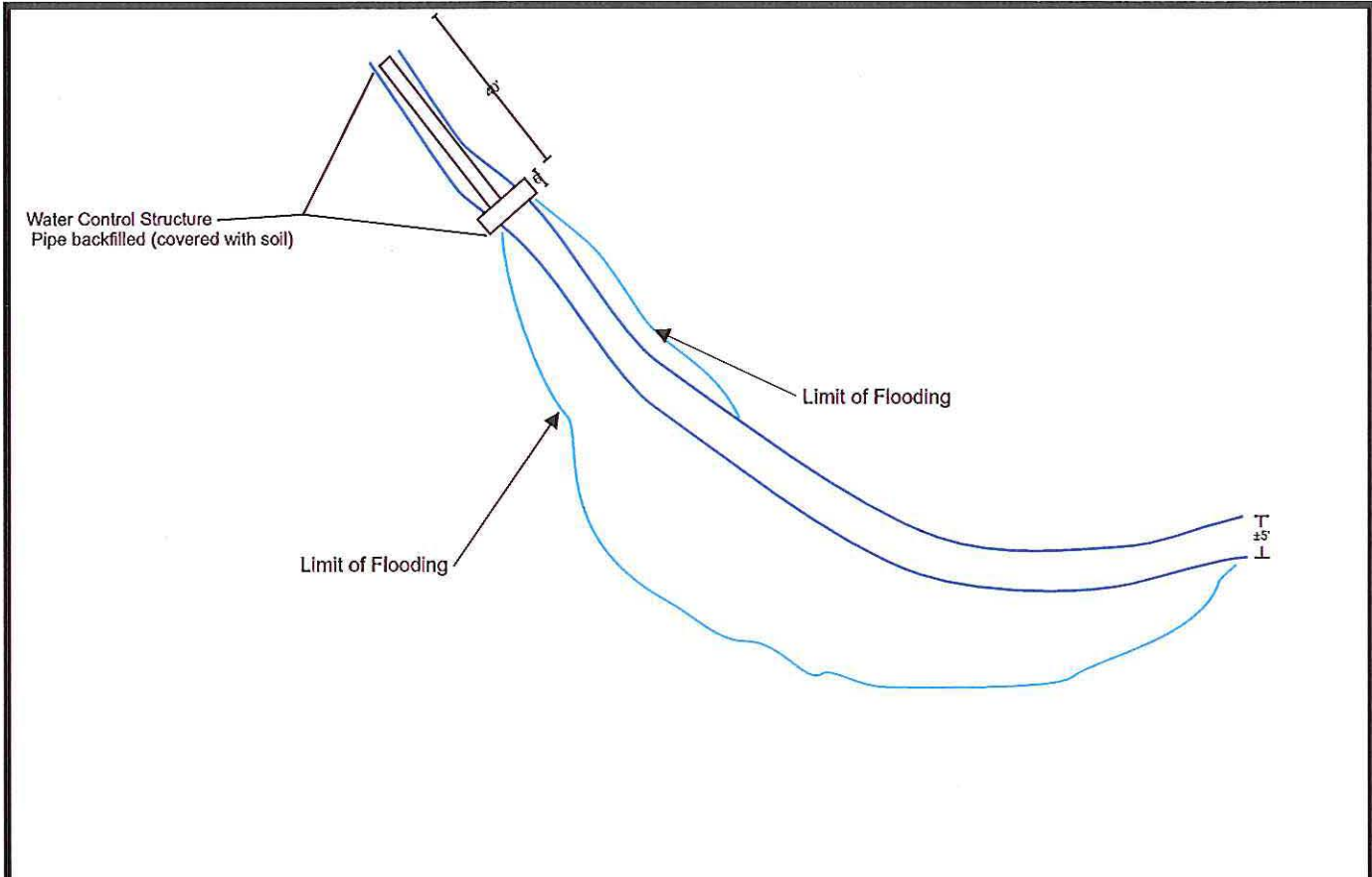


Fish Pond Impacts: ±90 Fill (Dam); ±450 LF Flood (Impoundment)

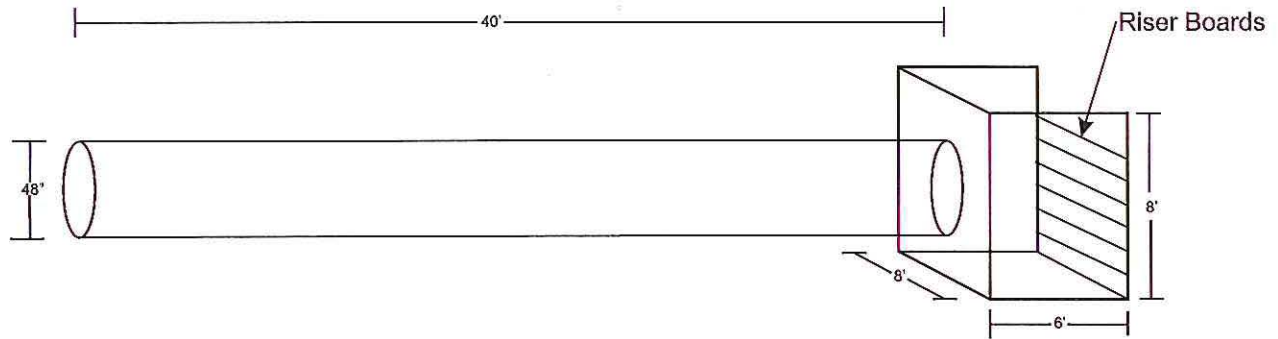
Roddey Property
York County, South Carolina

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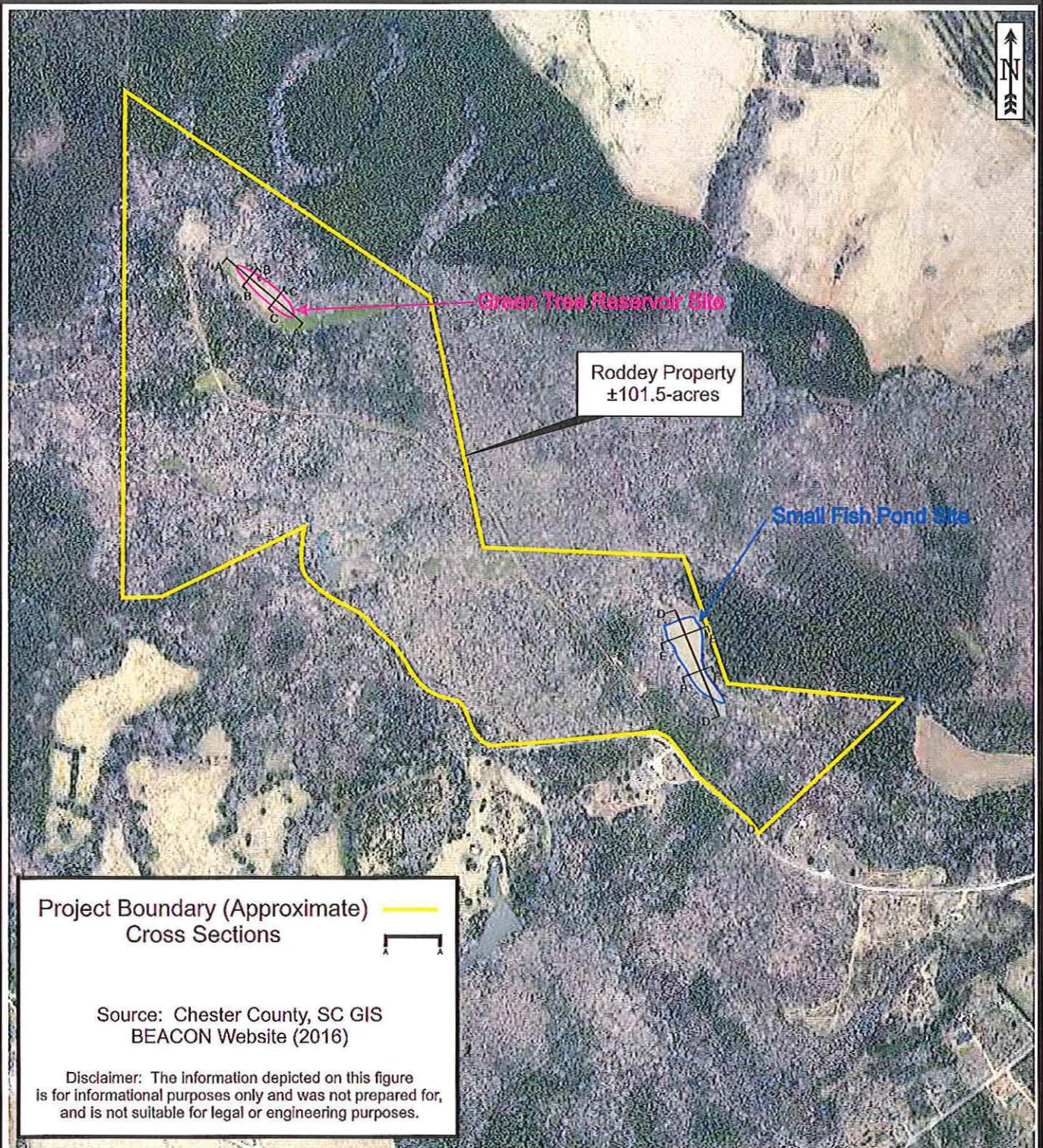
Duck Impoundment Impacts: ±46' Fill (Water Control Structure); ±300 LF of stream influenced by water control structure



Water Control Structure: ±46 feet (6 feet wide riser box; 40 foot long pipe (48" diameter pipe))

Roddey Property York County, South Carolina		
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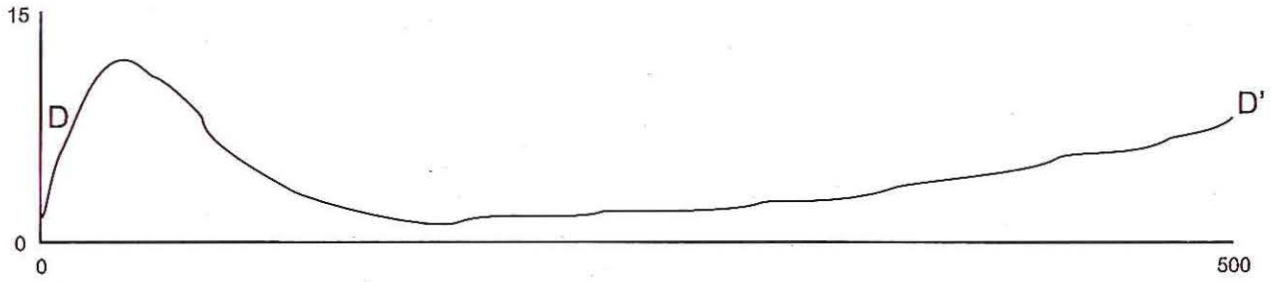
Roddey Property
York County, South Carolina

Drawn By: SPP	Date: 08-19-16	Rev.
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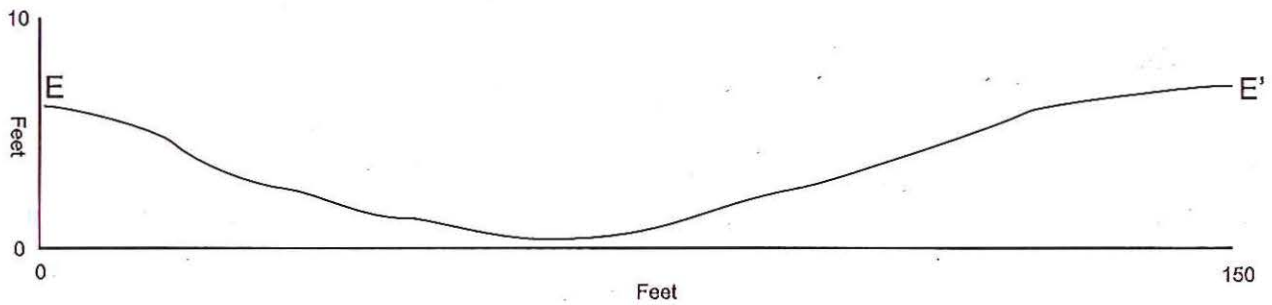
James Environmental &

Roddey Property
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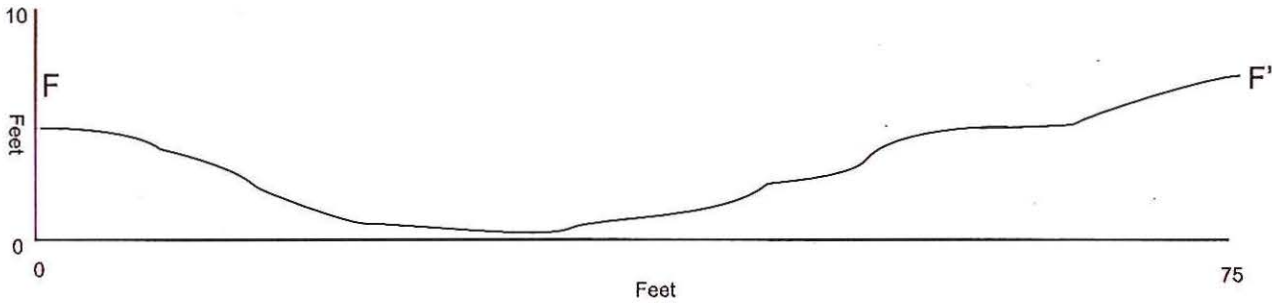
D-D'



E-E'



F-F'



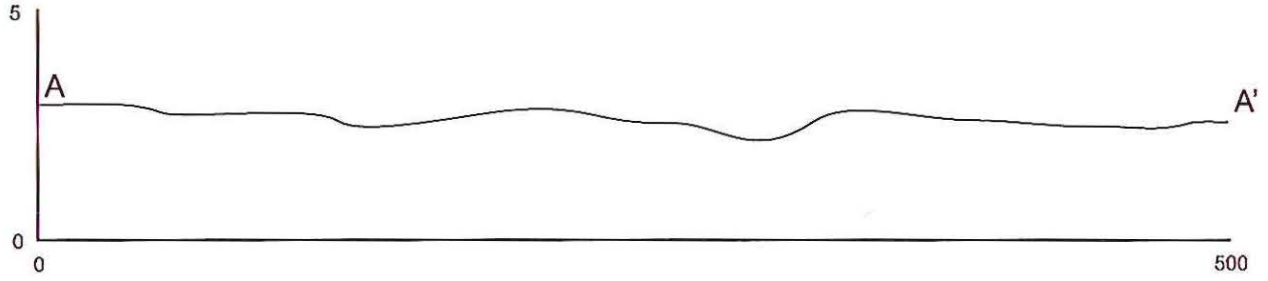
Note: All distances are approximate.

Roddey Property
York County, South Carolina

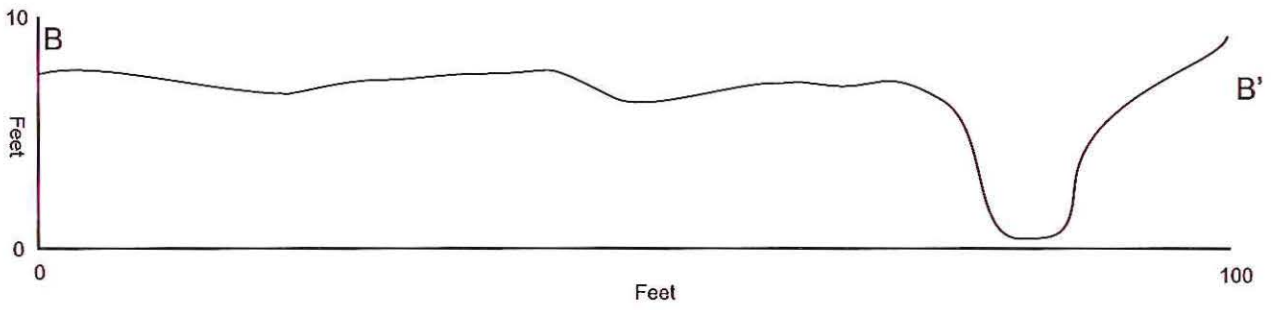
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Project Mgr. SPP	Scale: Not to Scale	Sheet: 5c of 5

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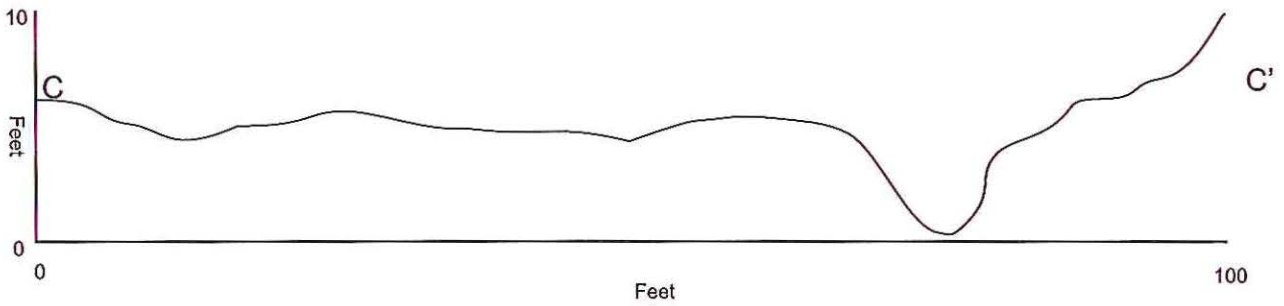
A-A'



B-B'



C-C'

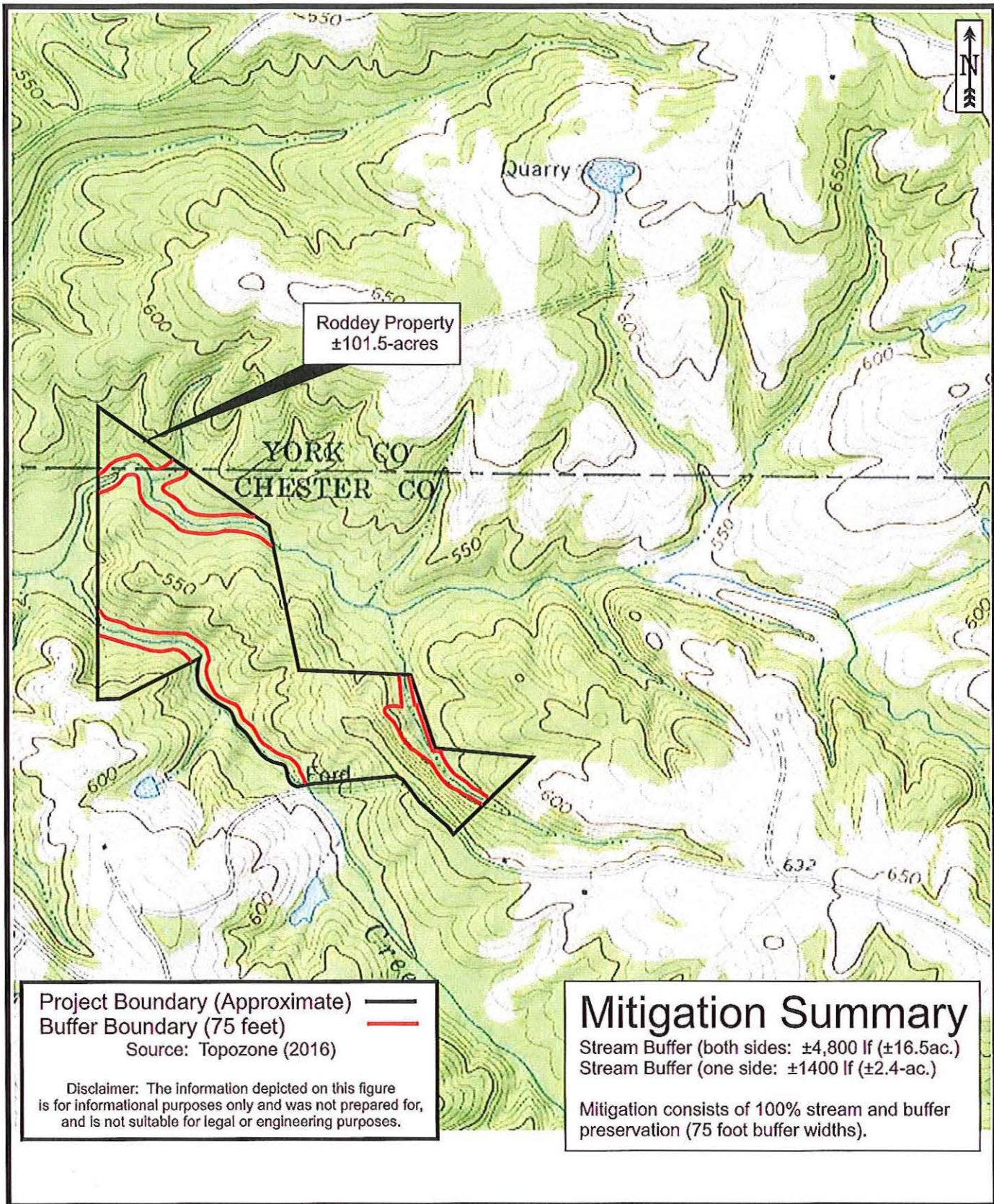


Note: All distances are approximate.

Roddey Property York County, South Carolina

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