

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
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-2012-00709-5K

January 16, 2013

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 (Corps) and the State of South Carolina Department of Health and Environmental Control (SCDHEC) by

MR. RICHARD BOWERS
C/O: CHRIS LAKE
PALMETTO ENVIRONMENTAL CONSULTING, INC.
955 EAST MAIN STREET
LEXINGTON, SOUTH CAROLINA 29072

for a After-the-Fact (ATF) permit for an earthen embankment to create a pond constructed on

AN UNNAMED TRIBUTARY TO CEDAR CREEK

at Rocky Mount Road, near the Town of Stoneboro, in Lancaster County, South Carolina (Lat 34.5553, Long -80.7834).

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

NOTICE

is hereby given that written statements regarding the work must be received by the **Corps** and **SCDHEC** within the following timeframes:

CORPS 15 days from date of this notice

SCDHEC 30 days from date of this notice

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

The work consisted of constructing an earthen embankment to create a one and half (1.5) acre pond, an open water impoundment on an unnamed tributary of Cedar Creek. The embankment required the discharge of fill material to a height of 12 linear feet with 3:1 outer slope and 2:1 inner slope in 100 linear feet of unnamed tributary. The primary spillway was constructed as a siphon system with the secondary emergency spillway as approximately 3 LF X 20 LF rip rap and earthen design. The resulting impoundment has flooded approximately 550 linear feet of the unnamed tributary. The purpose of this activity, according to the applicant, was to construct a pond for private recreational use. To offset the permanent loss of waters of the United States, the applicant has proposed compensatory mitigation which includes preservation of 1,950 linear feet of stream and buffer enhancement of 1,340 linear feet of riparian buffer.

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: LESLIE L. PARKER
1835 ASSEMBLY STREET, RM 865 B-1
COLUMBIA, SOUTH CAROLINA 29201**

The work shown on this application must be determined consistent with applicable provisions of the South Carolina Construction in Navigable Waters Permit Program. 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 State navigable waters permit 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.

Preliminary review of the scope of work sought by this application indicates that State and Federal permits should be processed concurrently. If the Federal permit is issued in advance of the State's a special provision will be included in the Federal permit expressing the endorsement of the District Engineer to any revisions or conditions subsequently imposed by the State permit.

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 0.045 acre of freshwater habitat 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 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 7(c) of the Endangered Species Act of 1973 (as amended).

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 activity.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or 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. To ensure that other cultural resources that the District Engineer is not aware of are

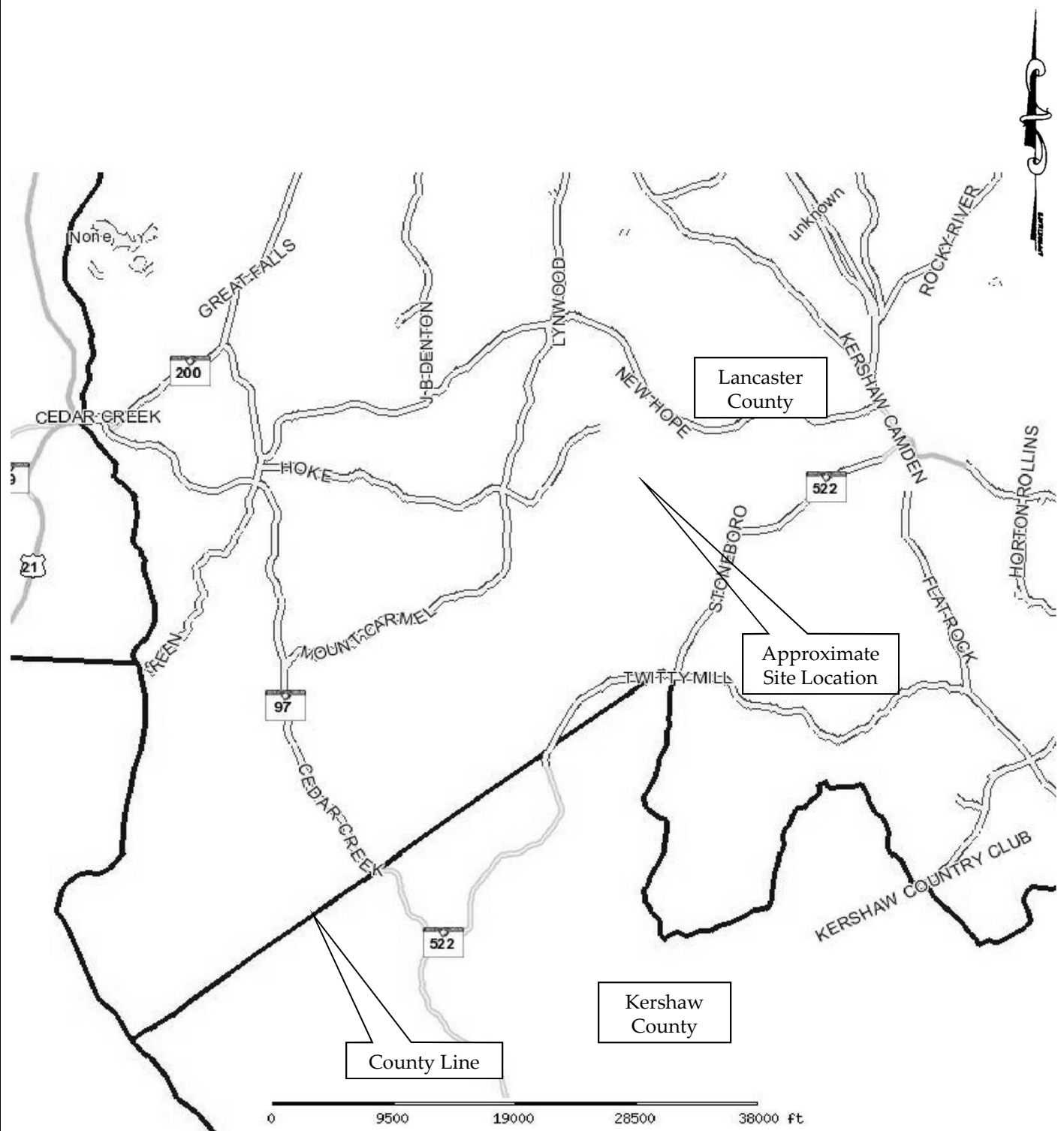
not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

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. 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 of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers 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 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 Leslie L. Parker at (803) 253-3444.



Approximate Scale: As shown

Reference: Lancaster County GIS, accessed September 20, 2011.

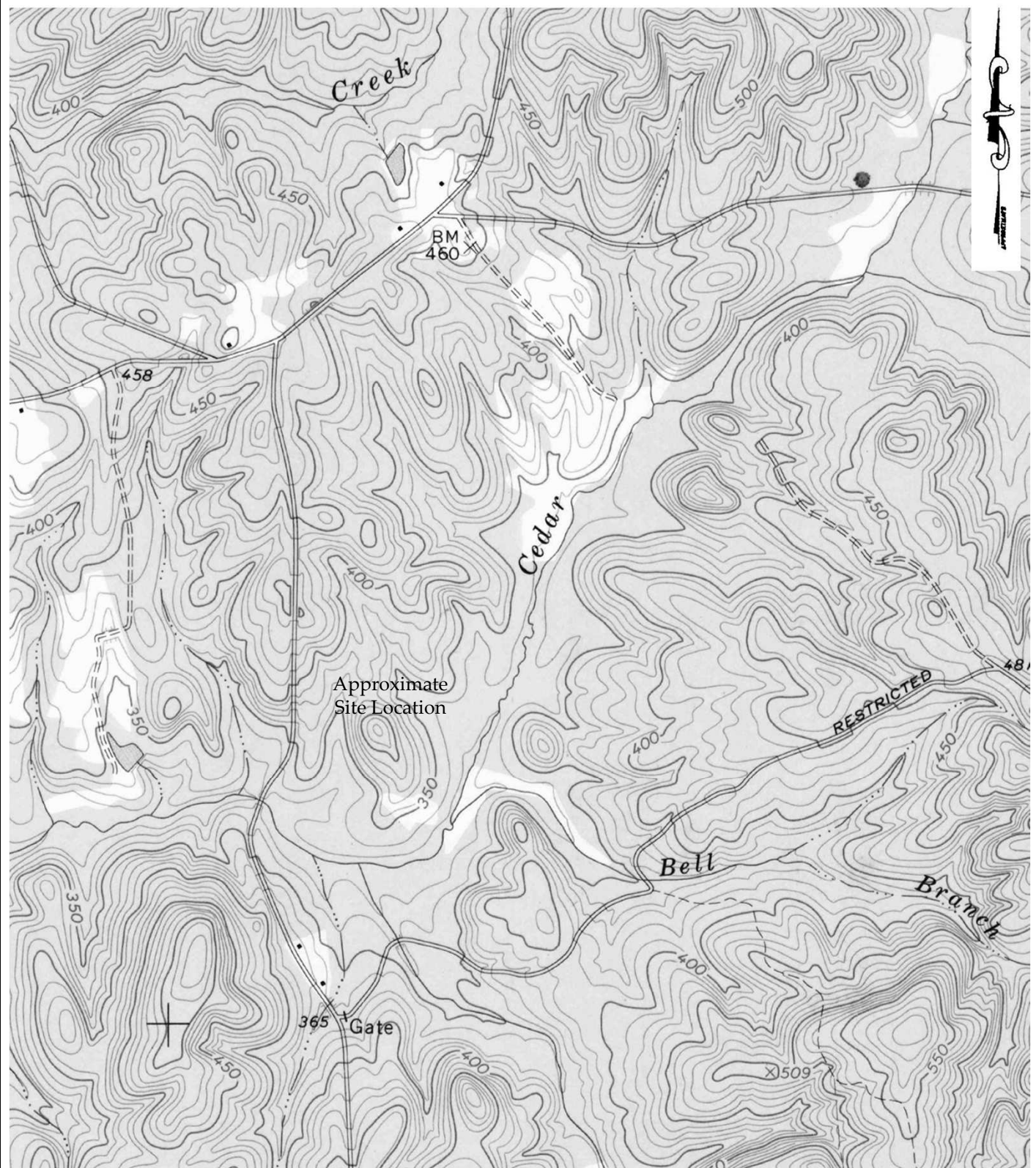
Project: Bowers Property Pond
Applicant: Richard Bowers
Activity: Existing Pond
County: Lancaster
Lat: 34.5553 **Lon:** -80.7834

Figure 1: Site Location Map

Agent: Palmetto Environmental Consulting, Inc.
 955 East Main Street, Suite E #52
 Lexington, SC 29072

Sheet ____ of ____
 File # _____

August 29, 2012



Approximate Scale: 1" = 1,300'

Reference: National Map Viewer, accessed May 18, 2012.

Project: Bowers Property Pond

Applicant: Richard Bowers

Activity: Existing Pond

County: Lancaster

Lat: 34.5553 **Lon:** -80.7834

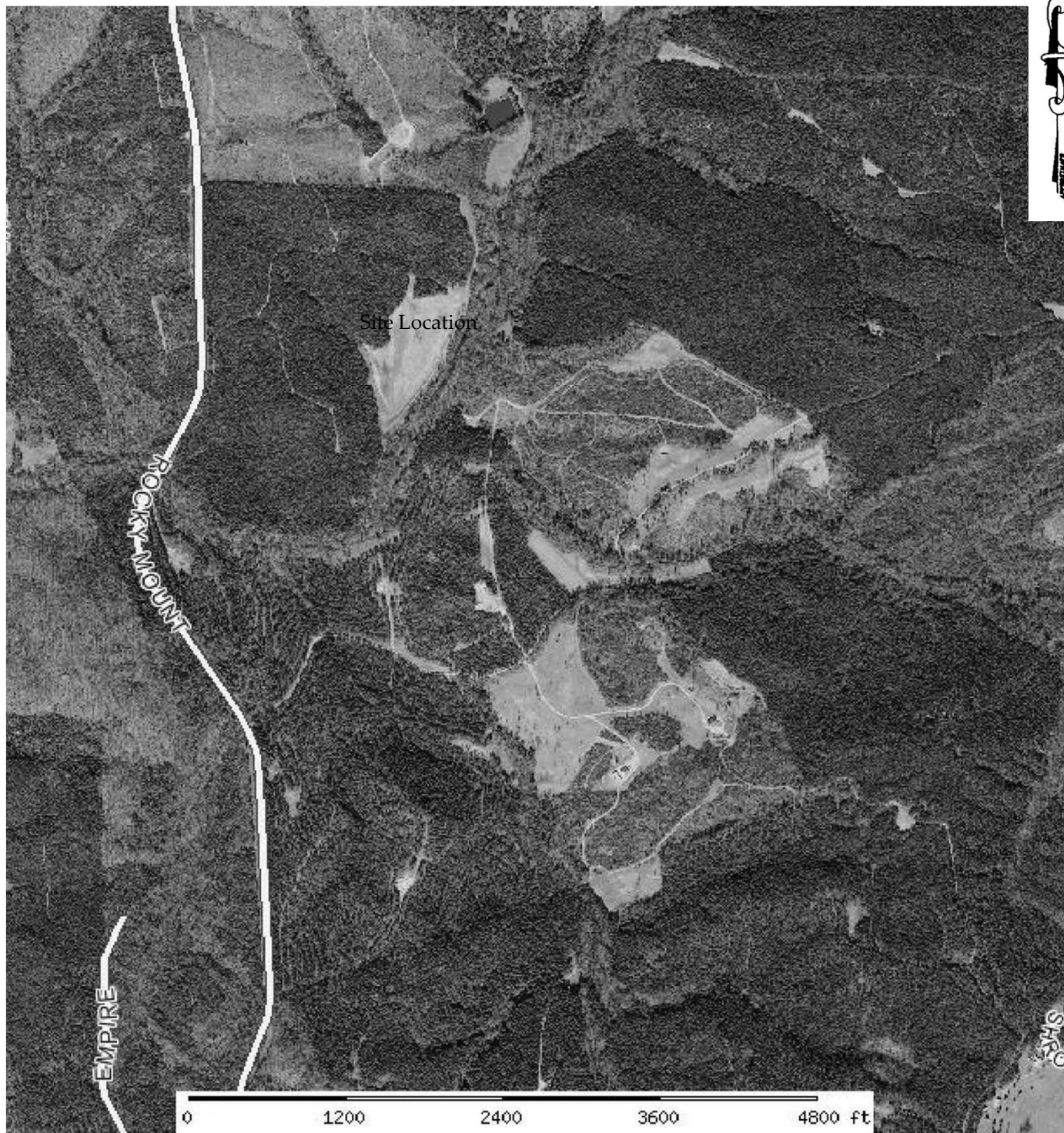
Figure 2: Topographic Map

Agent: Palmetto Environmental Consulting, Inc.
955 East Main Street, Suite E #52
Lexington, SC 29072

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August 29, 2012



Approximate Scale: As shown

Source: Lancaster County GIS website, accessed September 20, 2011.

Project: Bowers Property Pond

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Lat: 34.5553 **Lon:** -80.7834

Figure 3: Aerial Photograph

Agent: Palmetto Environmental Consulting, Inc.
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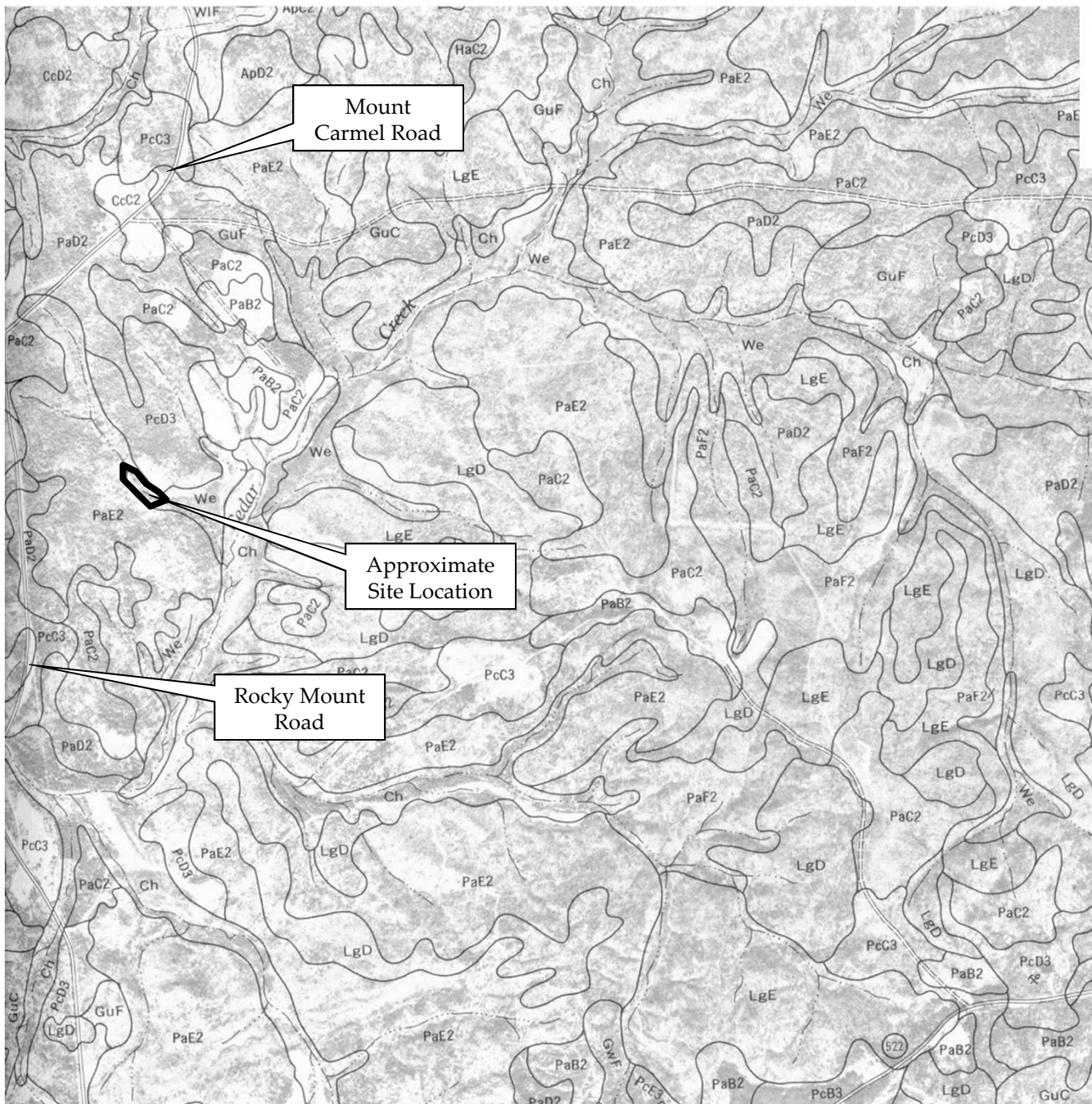
Sheet ___ of ___

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Soils Legend

PaE2 Pacolet sandy loam, 15-25% slopes, eroded
 PcD3 Pacolet clay loam, 10-15% slopes, severely eroded
 We Wehadkee and Chewacla soils



Approximate Scale: 1" = 1700'

Base map from USDA Lancaster County Soil Survey, Sheet 41

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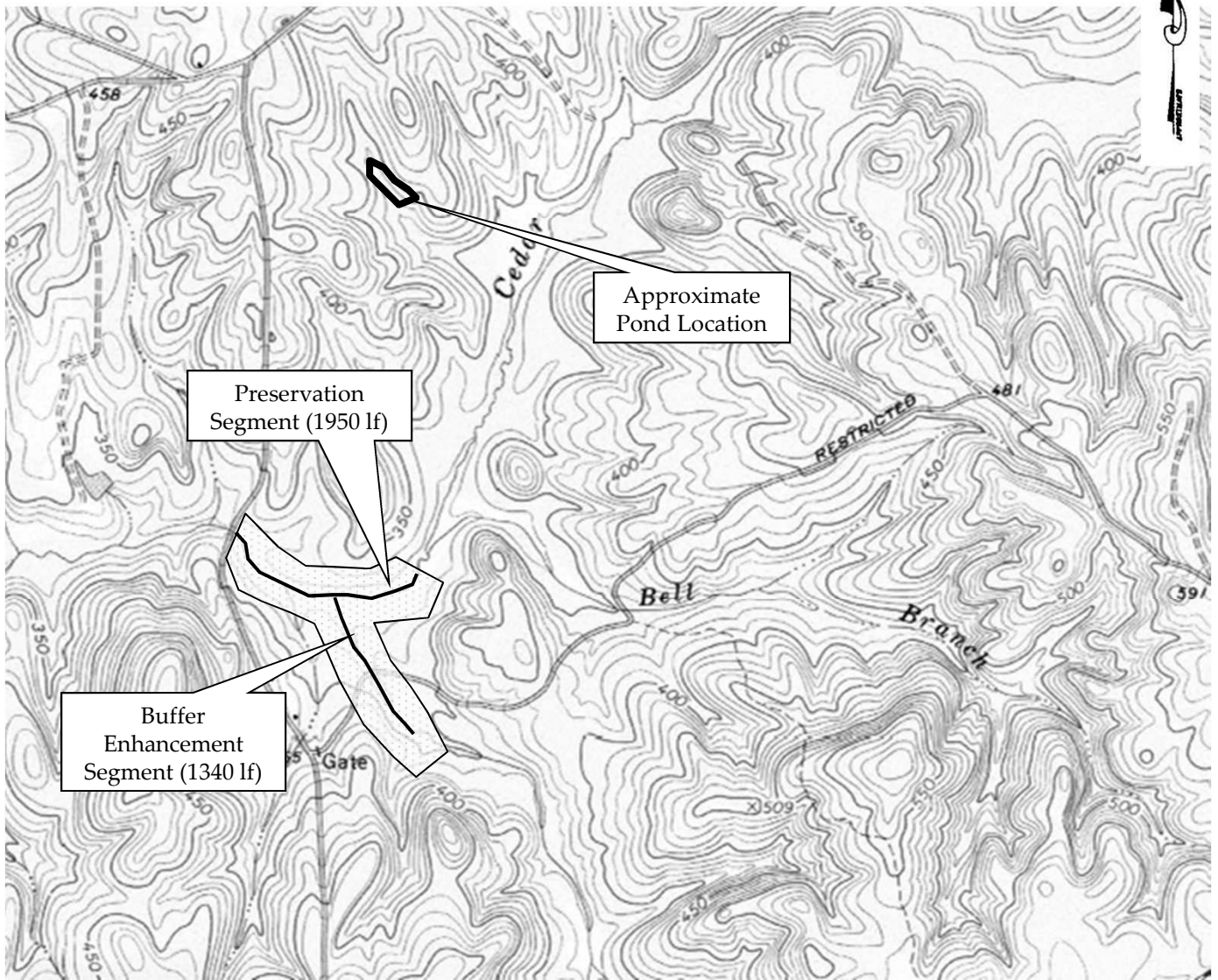
Figure 4: Soils Map

Agent: Palmetto Environmental Consulting, Inc.
 955 East Main Street, Suite E #52
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Approximate Scale: 1" = 1,400'

Reference: SCDNR GIS Clearinghouse Database, accessed August 17, 2012.

Project: Bowers Property Pond

Applicant: Richard Bowers

Activity: Existing Pond

County: Lancaster

Lat: 34.5553 **Lon:** -80.7834

Figure 5: Proposed Conceptual Mitigation Map

Agent: Palmetto Environmental Consulting, Inc.

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