

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 # 2006-3870-5IZ

January 26, 2007

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, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the State of South Carolina by

Ed Phelps
1349 Shimmer Light Circle
Rock Hill SC 29732

And

Tom Ferguson
1353 Shimmer Light Circle
Rock Hill SC 29732

for a permit to dredge around two private docks in

Lake Wylie

Located at lots 132 and 133 in the Waters Edge Subdivision (Latitude 35.014402, Longitude -81.016608).

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 both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, FEBRUARY 26, 2007

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

REGULATORY DIVISION

Refer to: P/N # 2006-3870-5IZ

January 26, 2007

The proposed work consists of the excavation of 300 cubic yards of sand, silt, and clay for boating access channels at The Waters Edge Subdivision, lots 132 and 133. The applicant proposes to remove material increase depth by an average of 2.25 feet using a bucket style cutterhead long reach, a cargo barge, and a tugboat. The spoils will be transported by boat to a disposal site on lot 32 within the subdivision. The project purpose is to increase accessibility to existing docks.

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: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107.**

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 (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is received. 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 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 certification or the 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.

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 0.386 acres 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 made no determination of effect on any Federally endangered, threatened, or proposed species. 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 Federally listed or proposed to be listed endangered or threatened species and/or designated or proposed critical habitat may be present in the area which would be 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 be affected by the proposed undertaking.

January 26, 2007

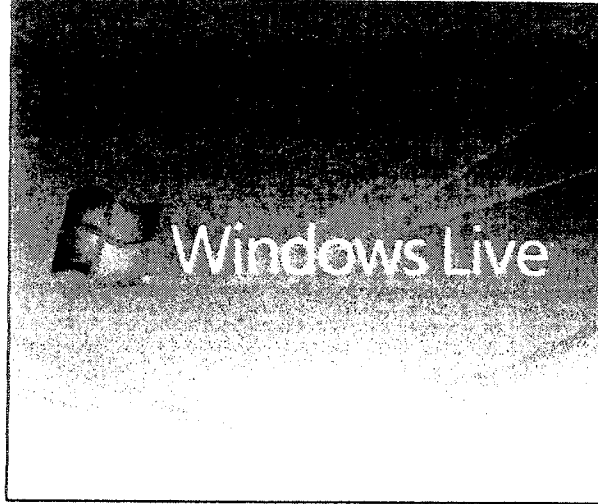
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure 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.

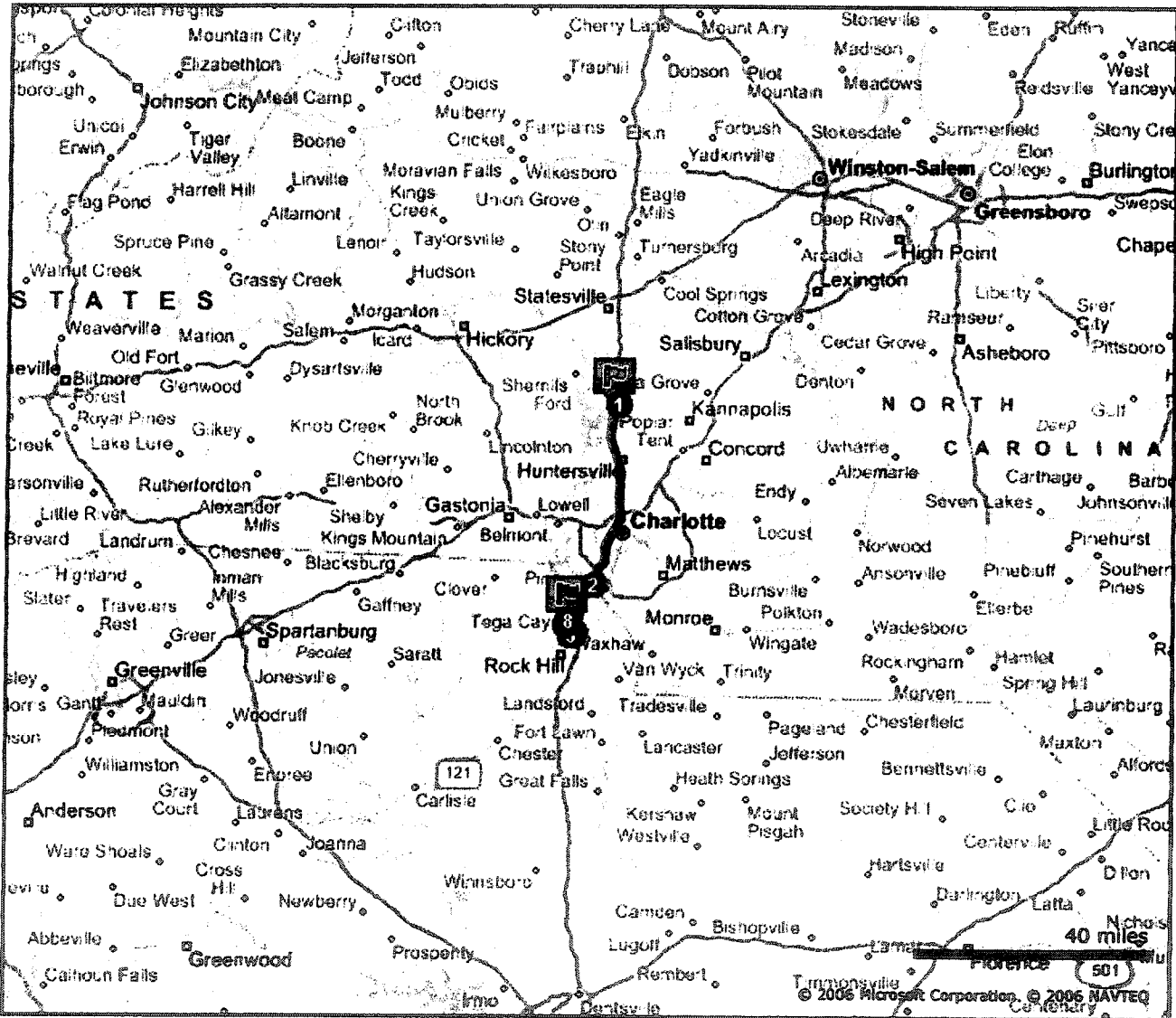
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 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 Laura Boos at 803-253-3902.



Distance: 47.1 mi
Time: 50 Minutes



SAC 2006-3870-51Z
Ed Phelps
Lake Wylie Dredge
Sheet 1 of 8



Map Center: Latitude: 35.014 Longitude: -81.0153

0 200yd

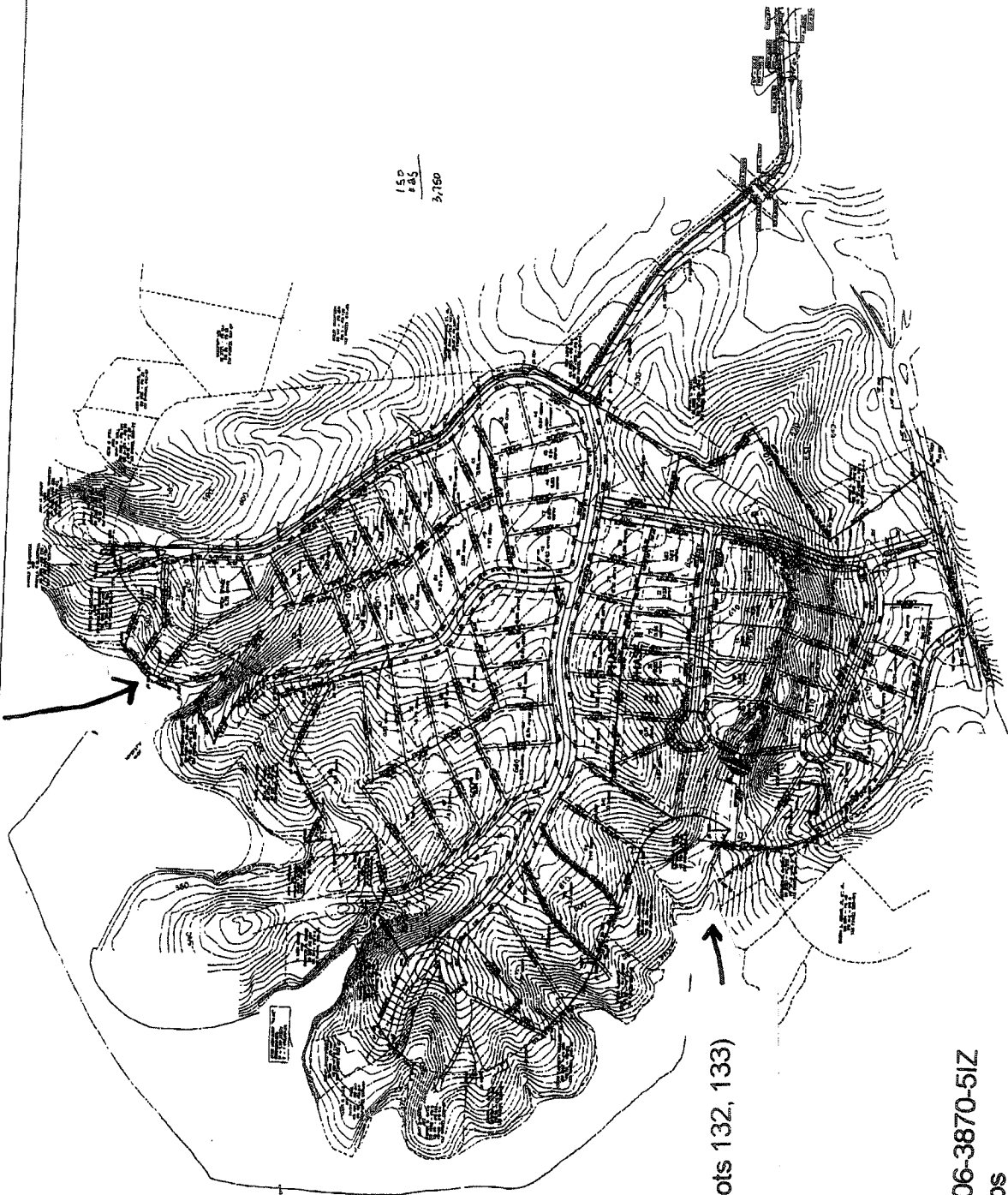
For Recreational Use Only

Project Site

SAC 2006-3870-51Z
Ed Phelps
Lake Wylie Dredge
Sheet 2 of 8

				YORK COUNTY, SOUTH CAROLINA WATER EDGE OVERALL PLAN FOR	
DATE: 01-20-07	SCALE: 1" = 100'	LOAN NO.:	DATE:	3 OF 22	PROJECT NO.:
DATE: 01-20-07	SCALE: 1" = 100'	LOAN NO.:	DATE:	3 OF 22	PROJECT NO.:
DATE: 01-20-07	SCALE: 1" = 100'	LOAN NO.:	DATE:	3 OF 22	PROJECT NO.:

Disposal Site (Lot 32)



150
100
50
0
3,760

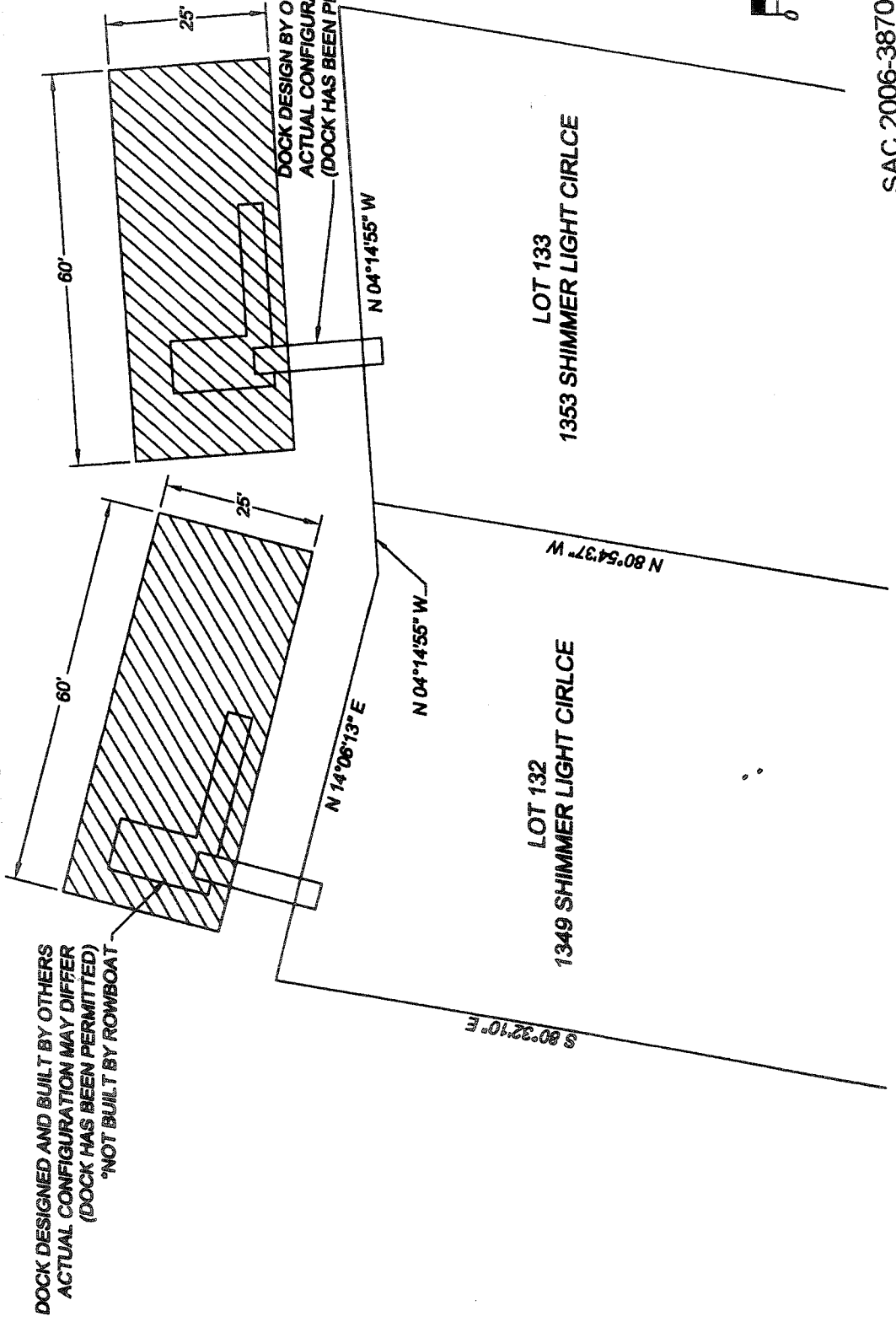


LOCATION MAP
NOT TO SCALE

Dredge Site (Lots 132, 133)

SAC 2006-3870-51Z
Ed Phelps
Lake Wylie Dredge
Sheet 3 of 8

AREA: $(25' \times 60') + (25' \times 60') = 3,000 \text{ sq. ft.}$
 $3,000 / 43,560 = 0.069 \text{ acres}$
 VOLUME: $(3,000 \times 3.33') / 27 = 370 \text{ c.y.}$



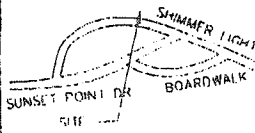
DOCK DESIGNED AND BUILT BY OTHERS
 ACTUAL CONFIGURATION MAY DIFFER
 *NOT BUILT BY ROWBOAT

DOCK DESIGN BY OTHERS
 ACTUAL CONFIGURATION MAY DIFFER
 (DOCK HAS BEEN PERMITTED)



SAC 2006-3870-51Z
 Ed Phelps
 Lake Wylie Dredge
 Sheet 4 of 8

VICINITY MAP

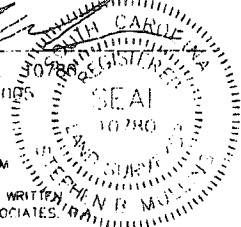


I hereby state that to best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein, also there are no visible encroachments or projections other than shown.

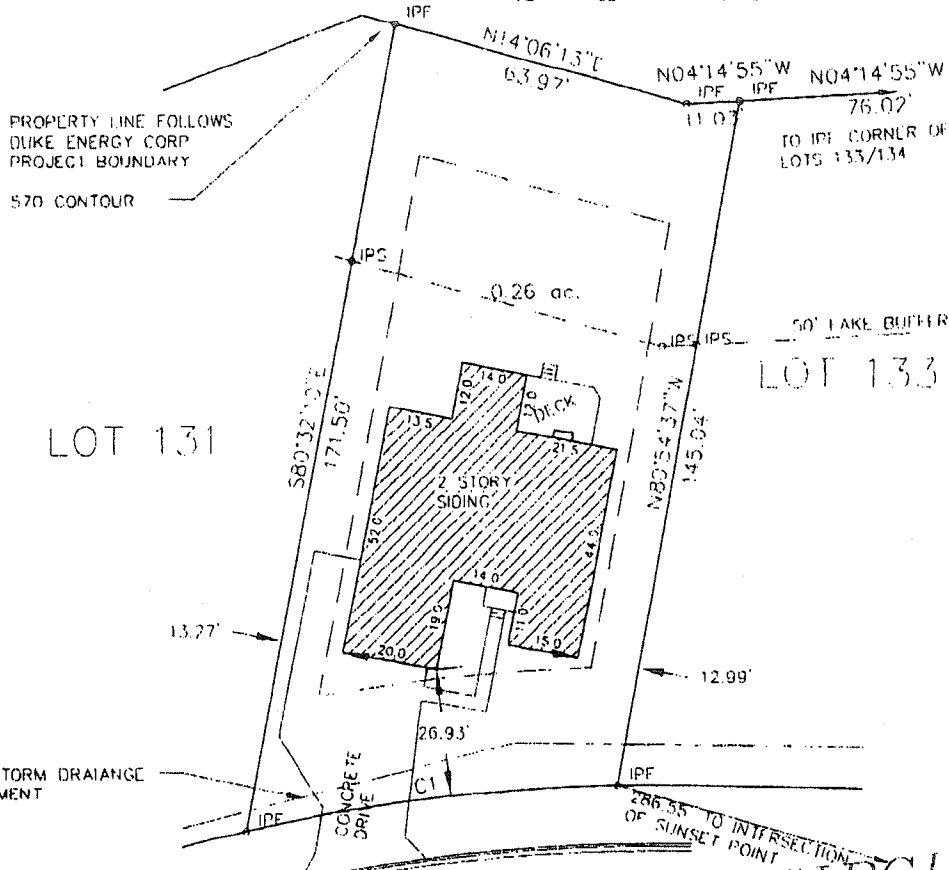
SIGNED

STEPHEN B. MULLINS, S.C.R.S. 30786
DATE 2 Day of MAY 2005

STEPHEN B. MULLINS AND ASSOCIATES, P.A.
HEREBY RESERVE ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THIS DRAWING. THIS DRAWING IS NOT TO BE COPIED IN ANY FORM WHATSOEVER. IT IS NOT TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING EXPRESS WRITTEN PERMISSION FROM STEPHEN B. MULLINS AND ASSOCIATES.



LAKE WYLIE



LOT 131

LOT 133

SHIMMER LIGHT CIRCLE

LEGEND

- P.D.E. PUBLIC DRAINAGE EASEMENT
- IPS IRON PIPE SET
- OHPL OVERHEAD POWER LINE
- CM CONCRETE MONUMENT
- HPD HOUSE
- TRF TRANSFORMER
- PHONE TELEPHONE BOX
- NRE NEW REBAR
- IPP IRON PIPE (CRAND)
- ERR BC ERR AT BC
- LIPOIL LIPOIL
- HHI HANDBILL
- CAIV CABLE TV BOX

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	375.00	79.26	39.78	79.12	S08°07'15"E	12°06'39"

PHYSICAL SURVEY

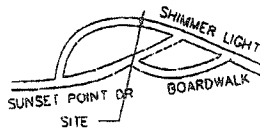
LOT 132, PHASE 2
SUNSET POINT
YORK CO., SOUTH CAROLINA
STREET ADDRESS 1749 SHIMMER LIGHT CIRCLE
TAX PIN 0390201064
OWNED BY NVR HOMES, INC.
CONVEYED TO EDWARD PHELPS & LINDA PHELPS
RECORDED IN MAP BOOK 024, PAGE 32

PREPARED BY
STEPHEN B. MULLINS AND ASSOCIATES, P.A.
REGISTERED LAND SURVEYORS

601 EAGLETON DOWNS DRIVE
PINEVILLE, N.C. 28134
PHONE 704/846-3400
FAX 704/846-3405

SAC 2006-3870-51Z
Ed Phelps
Lake Wylie Dredge
Sheet 5 of 8

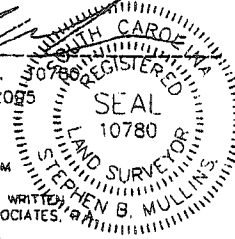
VICINITY MAP



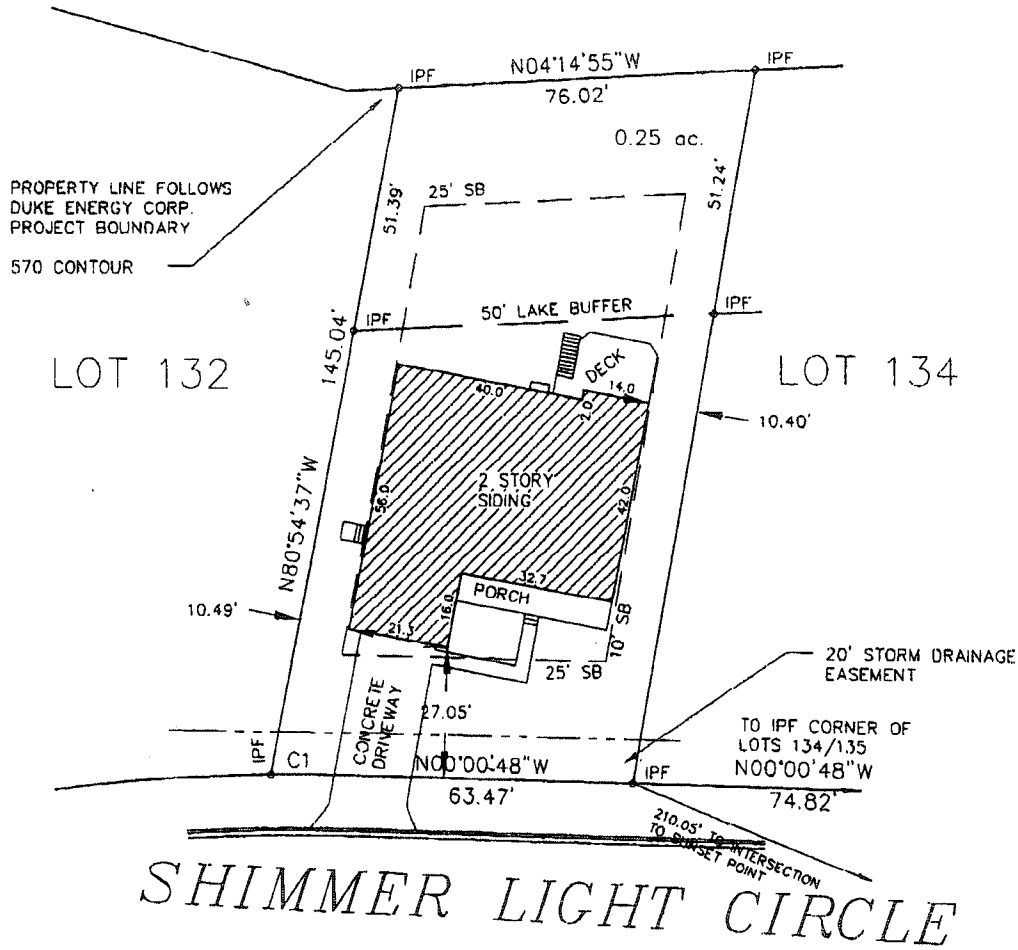
"I hereby state that to best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown."

SIGNED _____
STEPHEN B. MULLINS S.C.R.L.S.
DATE 13 Day of JUNE 2005

STEPHEN B. MULLINS AND ASSOCIATES, P.A.
HEREBY RESERVES ITS COMMON LAW COPYRIGHT
AND OTHER PROPERTY RIGHTS IN THIS DRAWING.
THIS DRAWING IS NOT TO BE COPIED IN ANY FORM
WHATSOEVER. IT IS NOT TO BE ASSIGNED TO ANY
THIRD PARTY WITHOUT FIRST OBTAINING EXPRESS WRITTEN
PERMISSION FROM STEPHEN B. MULLINS AND ASSOCIATES.



LAKE WYLIE



LOT 132

LOT 134

SHIMMER LIGHT CIRCLE

LEGEND

- P.D.E. PUBLIC DRAINAGE EASEMENT
- IPF IRON PIPE SET
- OHPL OVERHEAD POWER LINE
- CM CONCRETE MONUMENT
- PPOLF POWER POLE
- PB TRANSFORMER
- PHONE TELEPHONE BOX
- NRB NEW REBAR
- IPF IRON PIPE FOUND
- ERB-BC ERB AT BC
- FENCE LINE FENCE LINE
- LPOLF LIGHT POLE
- MH MANHOLE
- CATV CABLE TV BOX

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	375.00	13.43	6.72	13.43	S01°02'22"E	2°03'07"

PHYSICAL SURVEY
 LOT 133 REVISED, PHASE 2
 SUNSET POINT
 YORK CO., SOUTH CAROLINA
 STREET ADDRESS: 1353 SHIMMER LIGHT CIRCLE
 TAX PIN: 6390201065
 OWNED BY: NVR HOMES, INC
 CONVEYED TO: THOMAS FERGUSON & BARBARA FERGUSON
 RECORDED IN MAP BOOK C383 PAGE 2

PREPARED BY:
STEPHEN B. MULLINS AND ASSOCIATES, P.A.
 REGISTERED LAND SURVEYORS

801 EAGLETON DOWNS DRIVE
 SUITE B
 PINEVILLE, N.C. 28134
 (704)583-1800
 FAX (704)846-3405

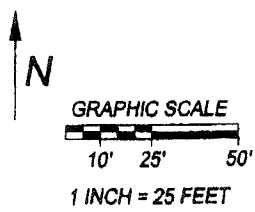
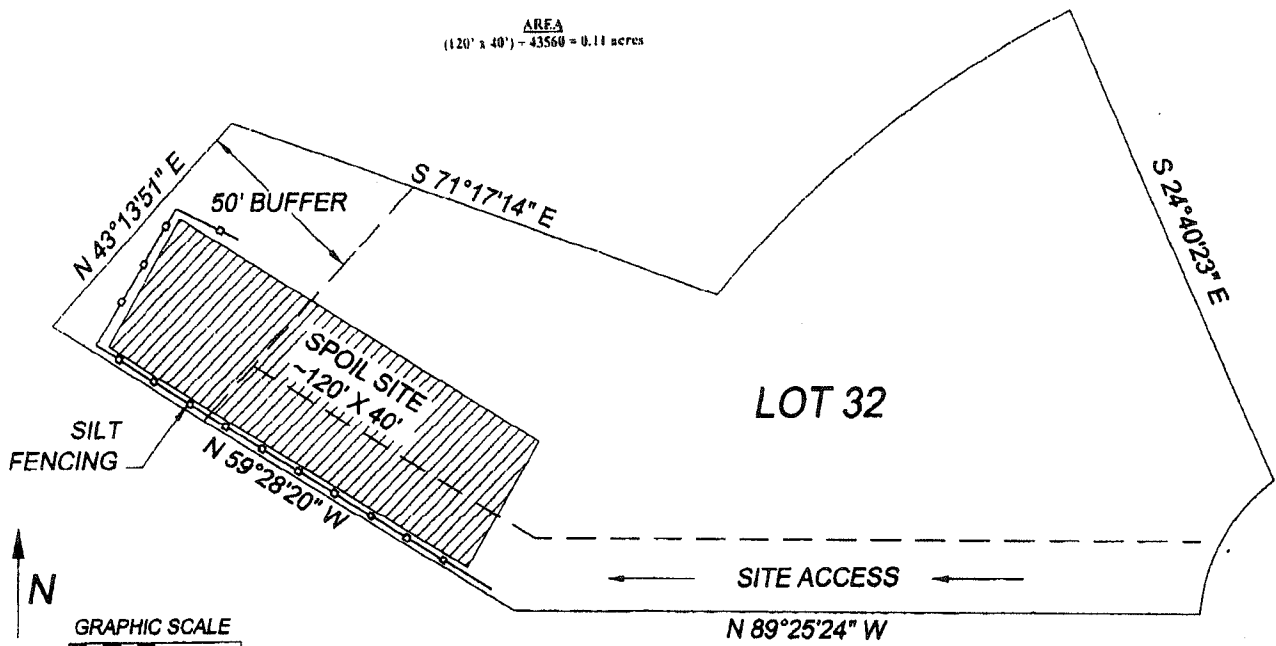
05012-E

DEED BOOK 6939 PAGE 296

SAC 2006-3870-51Z
 Ed Phelps
 Lake Wylie Dredge
 Sheet 6 of 8

PROPOSED SPOILS
STAGING SITE
 Water Edge of York County, Inc.
 Lot #32, Lands End Road
 Rock Hill, SC 29730

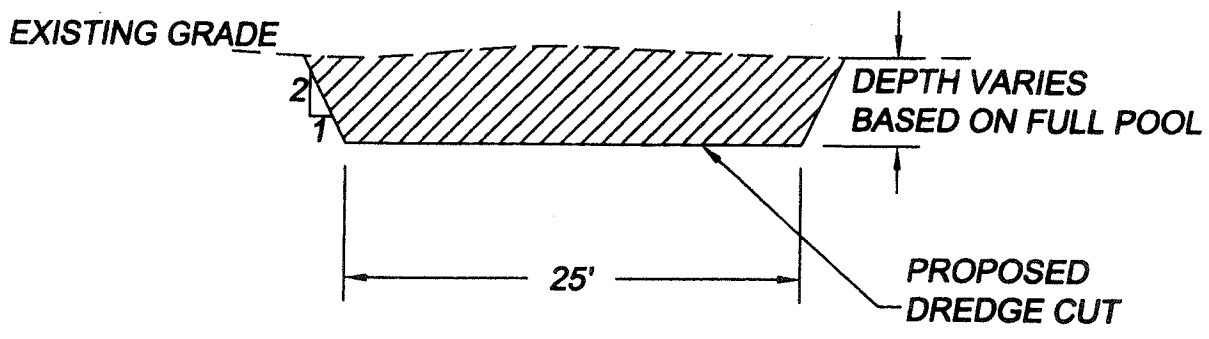
AREA
 (120' x 40') = 43560 = 0.11 acres



Applicant:
 Edward R. Phelps
 1349 Shimmer Light Circle
 Rock Hill, SC 29732
 (803) 327-4690

Co-Applicant:
 Tom Ferguson
 1353 Shimmer Light Circle
 Rock Hill, SC 29732
 (803) 366-5015

SAC 2006-3870-51Z
 Ed Phelps
 Lake Wylie Dredge
 Sheet 7 of 8



**TYPICAL
CROSS-SECTION
OF DREDGE CUT**