

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403
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: SAC-2007-0289-1ID

FEBRUARY 23, 2007

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 South Carolina Department of Health and Environmental Control by

LOWREY P. KING
47 FROGMORE ROAD
MT. PLEASANT, SOUTH CAROLINA 29464

for a permit to construct an earthen dam across

CAMP BRANCH

at a location upstream of S.C. State Hwy. 68, southeast of the Town of Varnville in Hampton County, South Carolina.

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, MARCH 26, 2007

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

The proposed work consists of constructing an earthen dam across Camp Branch in order to permanently control an existing 5 acre beaver pond. In detail, the applicant proposes to construct a 375' long dam, directly impacting approximately 0.4 acres of waters of the U.S. The proposed dam will be sited at the same location as an existing beaver dam that is presently impounding approximately 5 acres of wetlands. The purpose of the proposed work, as stated by the applicant, is to improve an existing beaver pond by more effectively controlling water levels in order to create wildlife habitat and facilitate private recreational activities. As mitigation for the project, the applicant proposes to maintain a 50' buffer around the impoundment and remaining wetlands on site.

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
Post Office Box 919
Charleston, South Carolina 29402-0919.**

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. The District Engineer will not process this application to a conclusion until such certification is received. 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 Water Quality Certification 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 0.4 acres of waters of the U.S., associated with downstream 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 will have no effect 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 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.

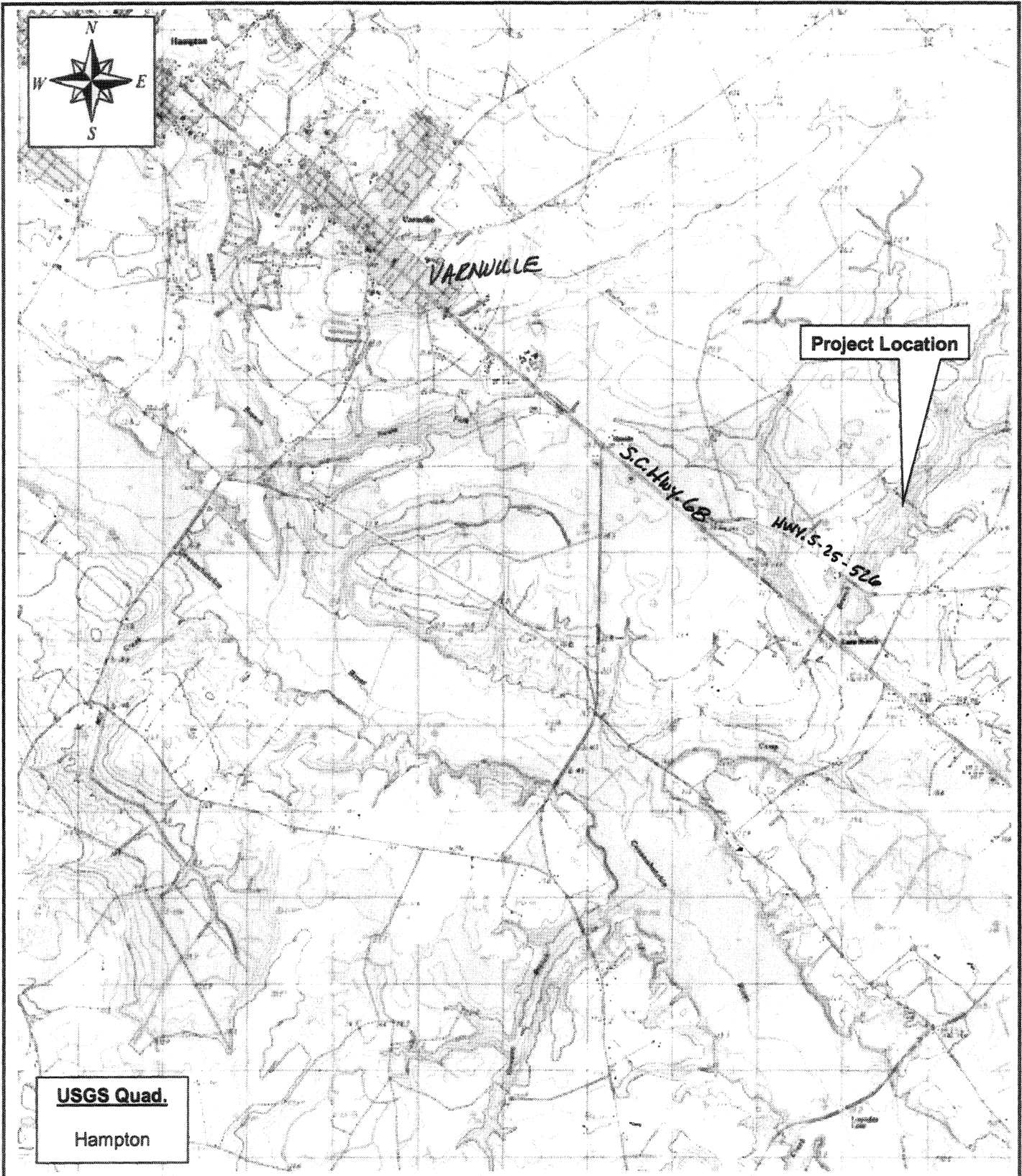
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered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

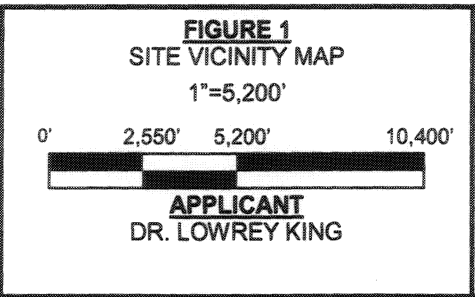
If there are any questions concerning this public notice, please contact Dean Herndon at 843-329-8044 or toll free at 1-866-329-8187.



PURPOSE: IMPROVE EXISTING BEAVER IMPOUNDMENT

ADJACENT PROPERTY OWNERS: SEE FIGURE 9

SURVEY DATUM: NONE



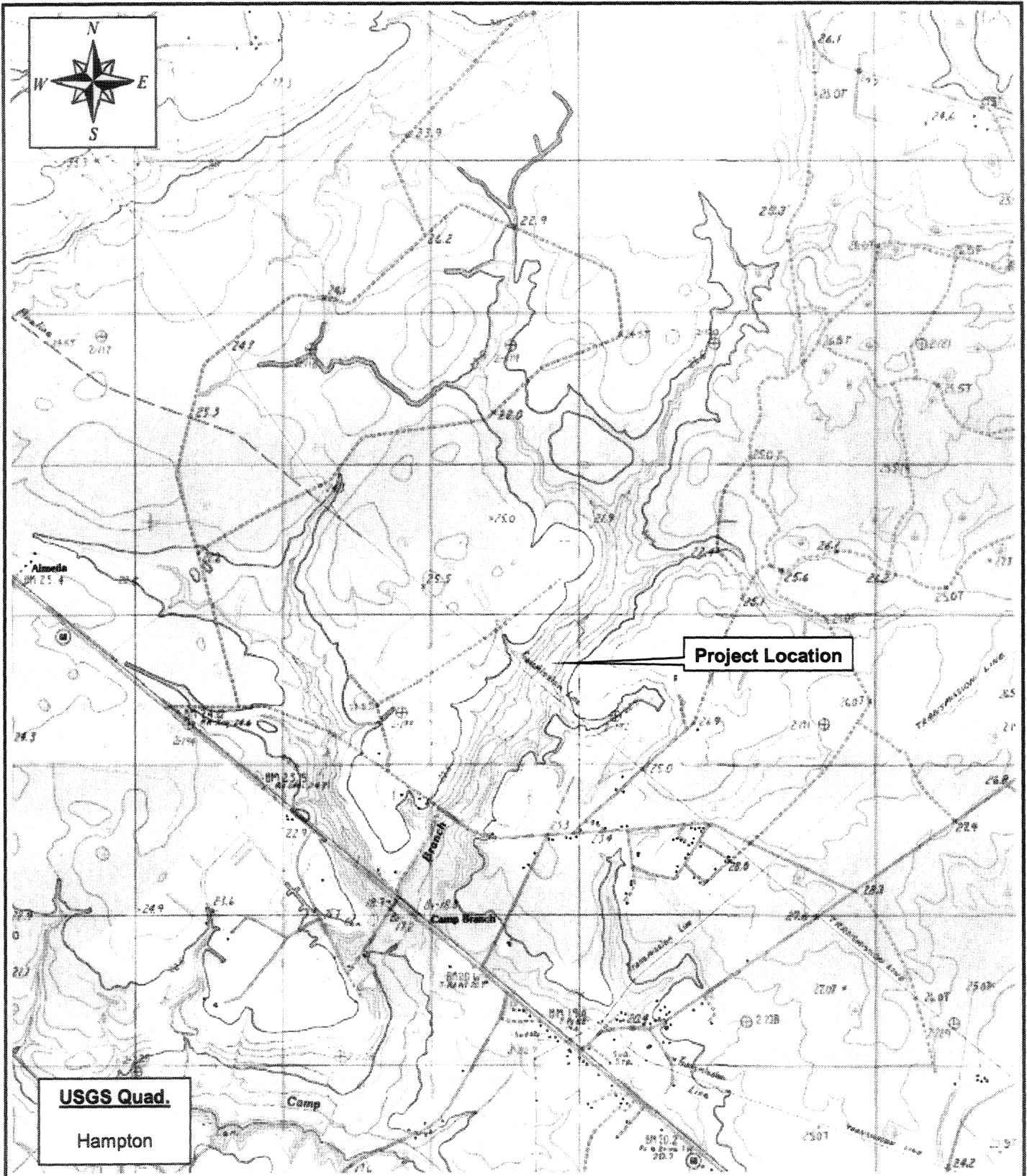
PROPOSED: IMPOUNDMENT

AT: STONE AND PATRICK ROAD (SC-S-25-526) VARNVILLE, SC

IN: CAMP BRANCH

COUNTY: HAMPTON

SHEET: 1 OF 9 **DATE:** 02/09/07



PURPOSE: IMPROVE EXISTING
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SEE FIGURE 9

SURVEY DATUM: NONE

FIGURE 2
SITE LOCATION MAP

1"=3,000

0' 1,500' 3,000' 6,000'



APPLICANT
DR. LOWREY KING

PROPOSED: IMPOUNDMENT

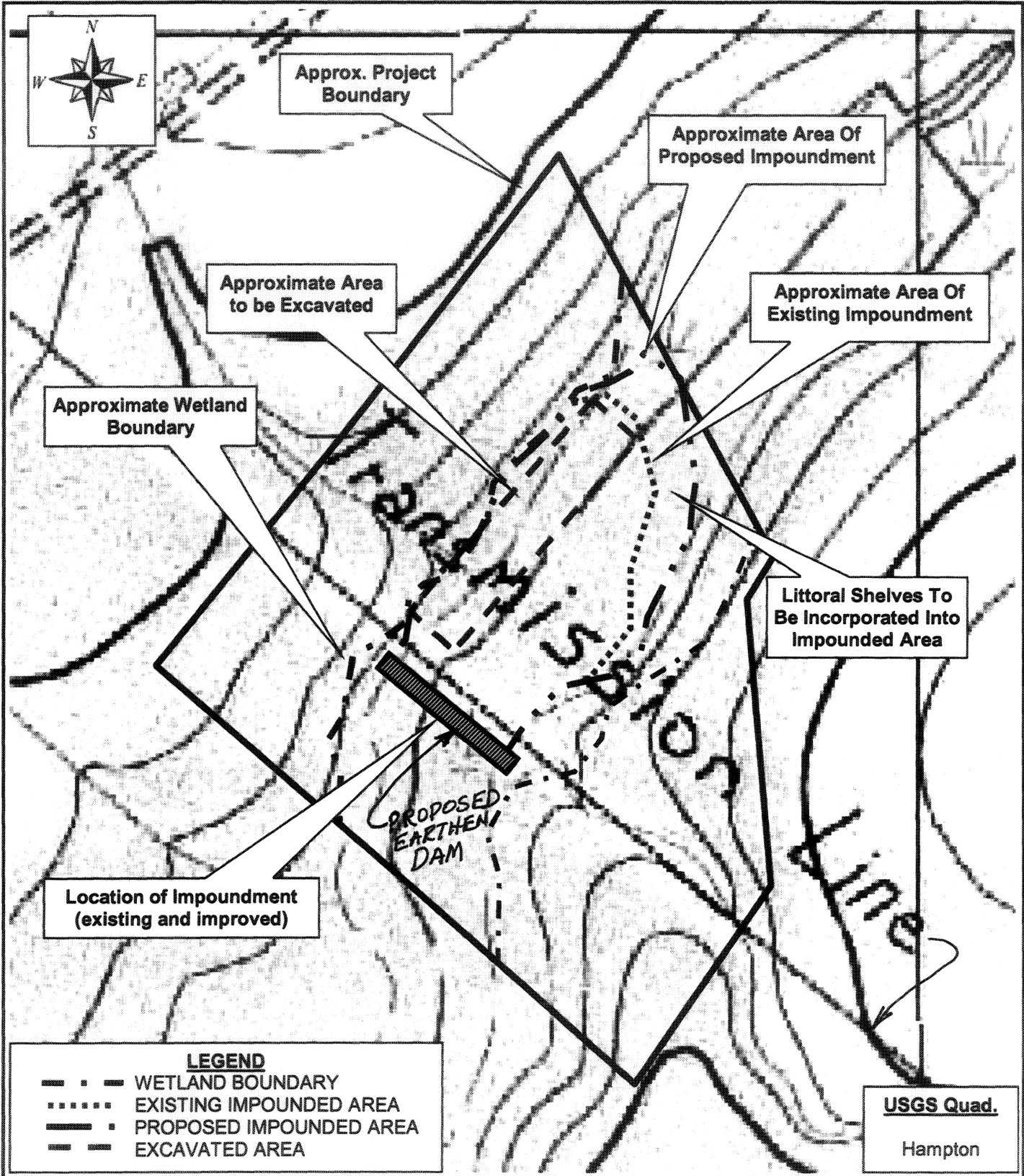
AT: STONE AND PATRICK ROAD
(SC-S-25-526)
VARNVILLE, SC

IN: CAMP BRANCH

COUNTY: HAMPTON

SHEET: 2 OF 9

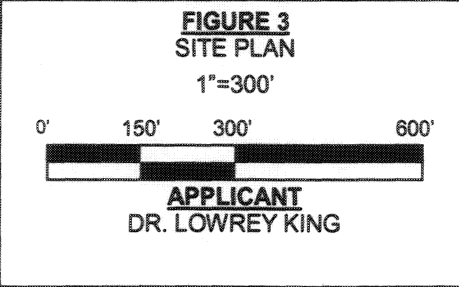
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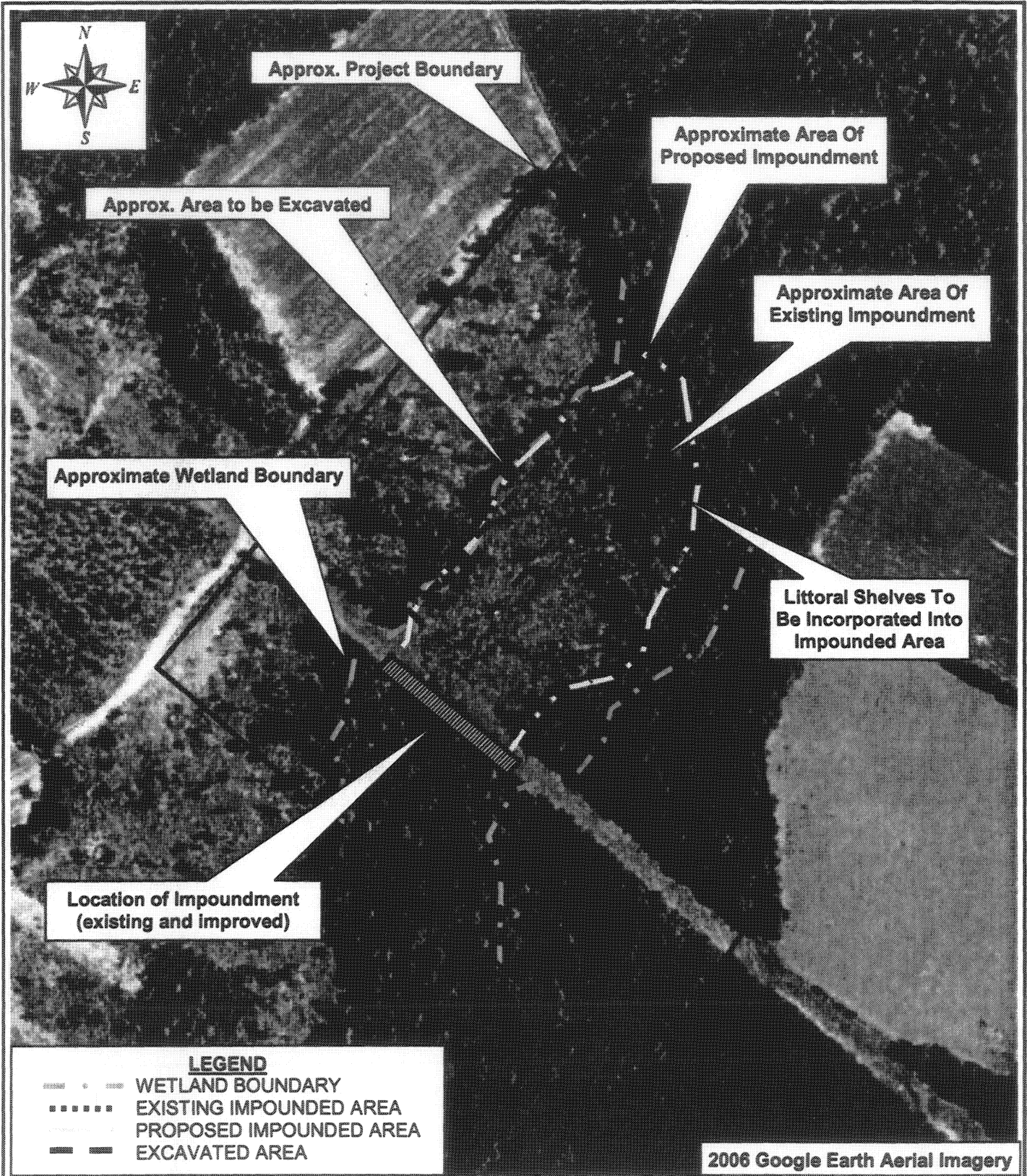
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AT: STONE AND PATRICK ROAD (SC-S-25-526) VARNVILLE, SC

IN: CAMP BRANCH

COUNTY: HAMPTON

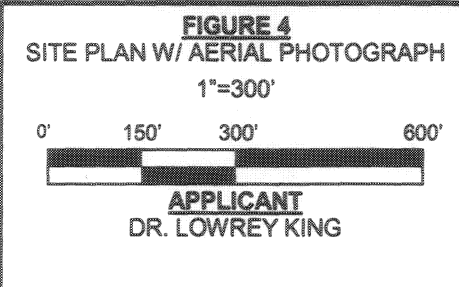
SHEET: 3 OF 9 **DATE:** 02/09/07



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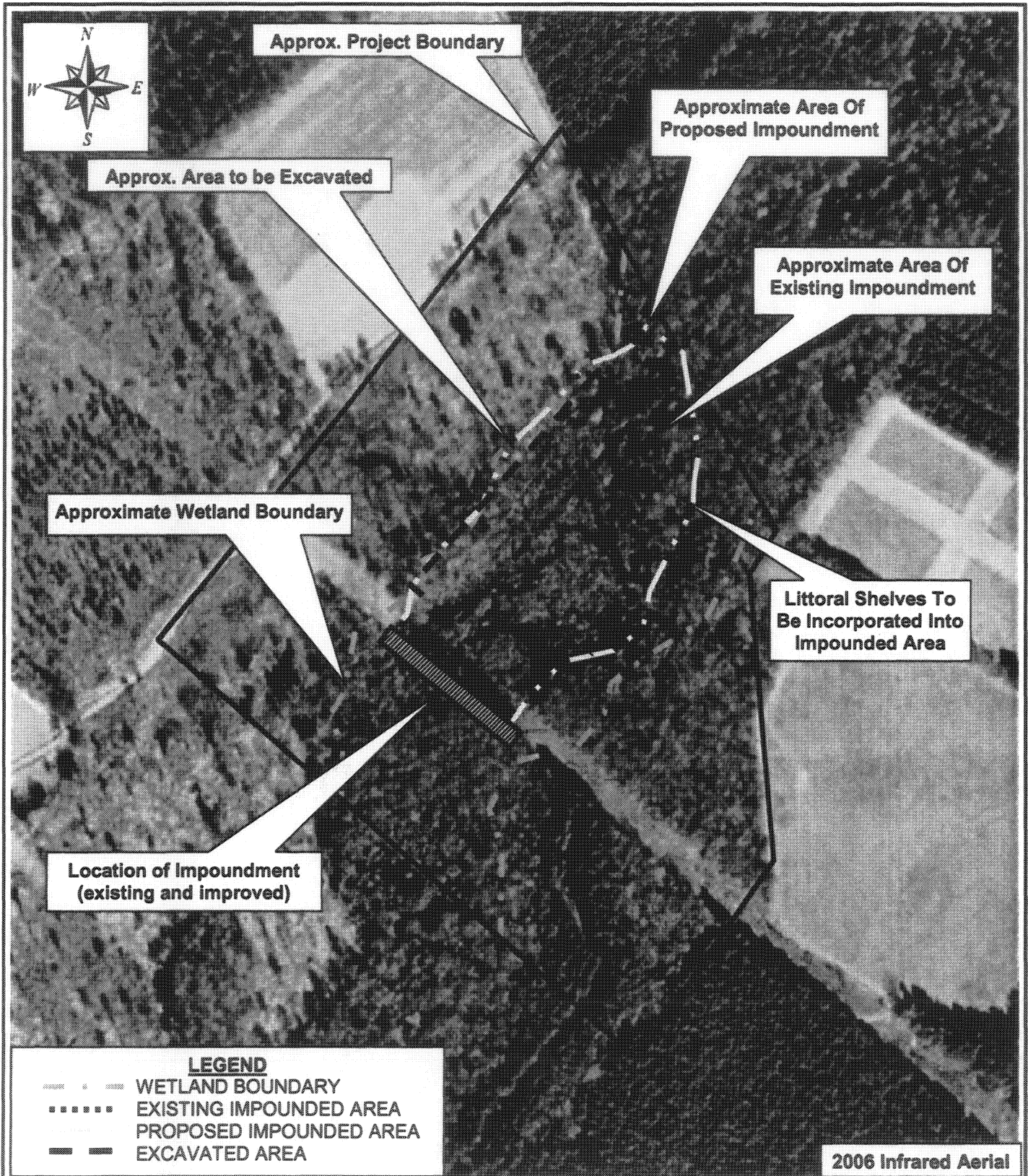
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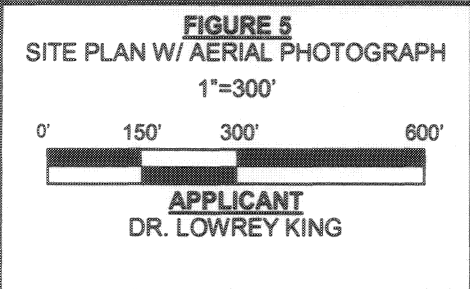
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PURPOSE: IMPROVE EXISTING BEAVER IMPOUNDMENT

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SURVEY DATUM: NONE



PROPOSED: IMPOUNDMENT

AT: STONE AND PATRICK ROAD (SC-S-25-526) VARNVILLE, SC

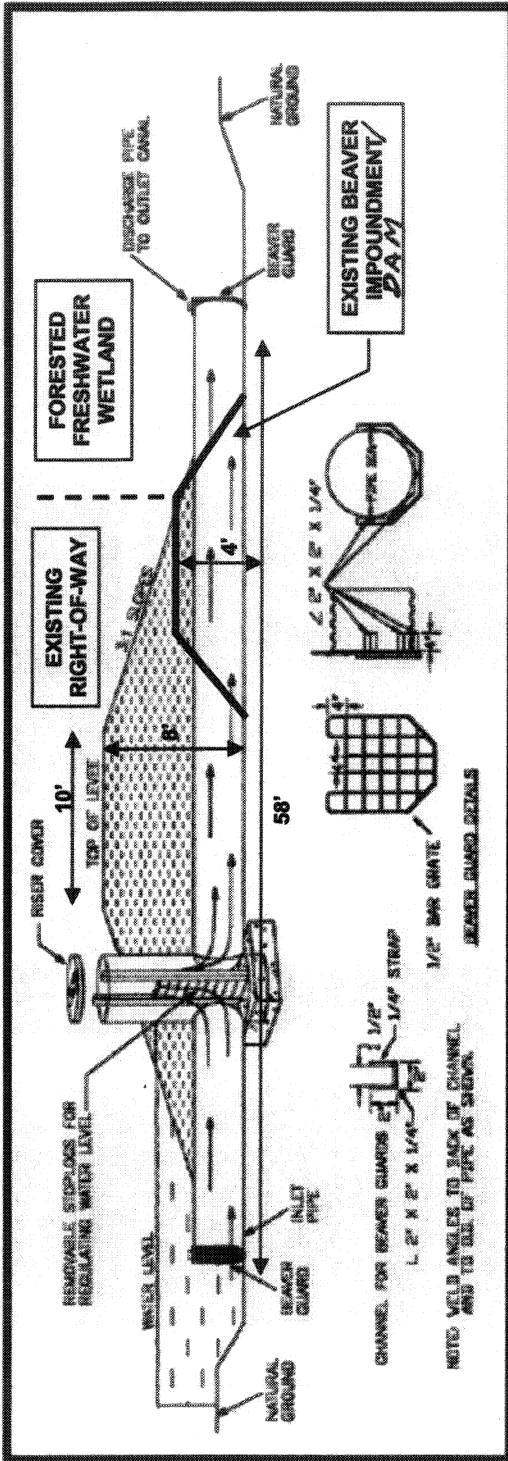
IN: CAMP BRANCH

COUNTY: HAMPTON

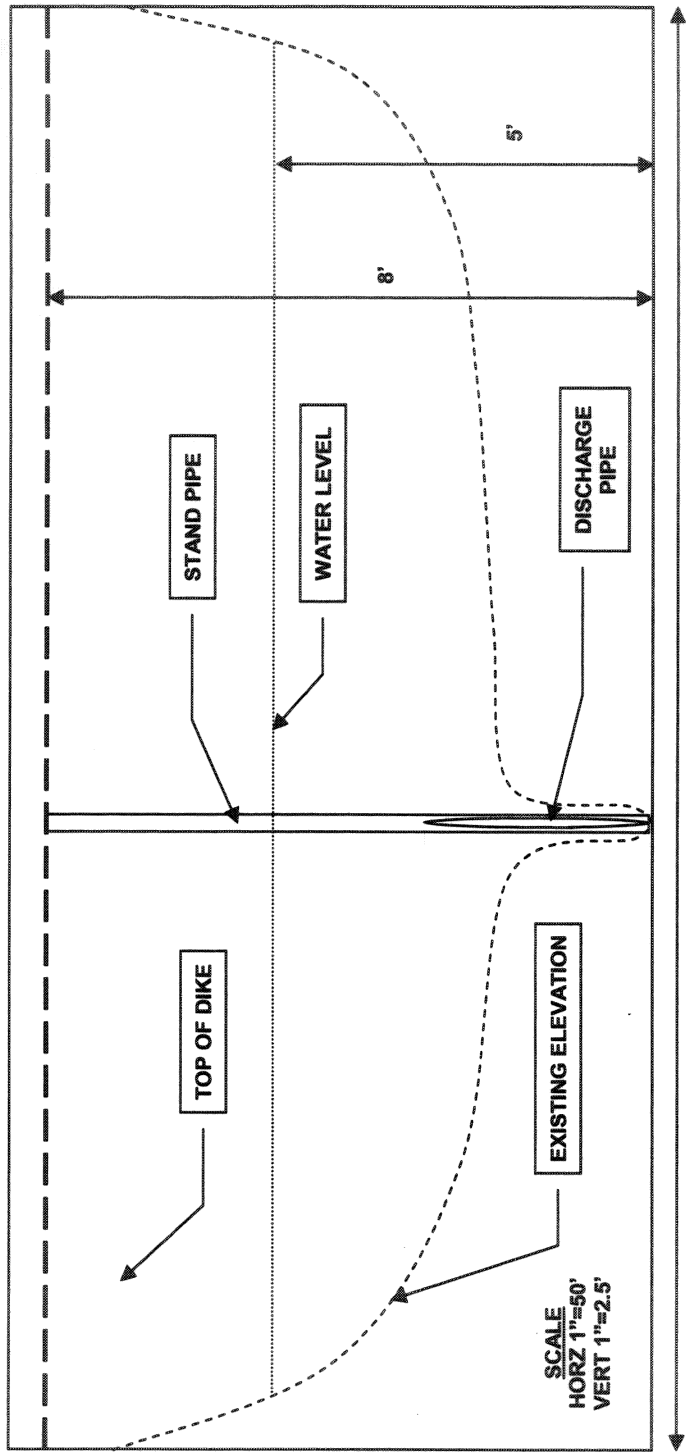
SHEET: 5 OF 9 **DATE:** 02/09/07

Full Round Riser

NOT TO SCALE



DU-GLARO



PURPOSE: IMPROVE EXISTING BEAVER IMPOUNDMENT

ADJACENT PROPERTY OWNERS:
SEE FIGURE 9

SURVEY DATUM: NONE

FIGURE 6
CROSS SECTIONS OF PROPOSED DIKE

SCALE—SHOWN ABOVE

APPLICANT
DR. LOWREY KING

PROPOSED: IMPOUNDMENT
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VARNVILLE, SC

IN: CAMP BRANCH

COUNTY: HAMPTON

SHEET: 6 OF 9 **DATE:** 02/09/07

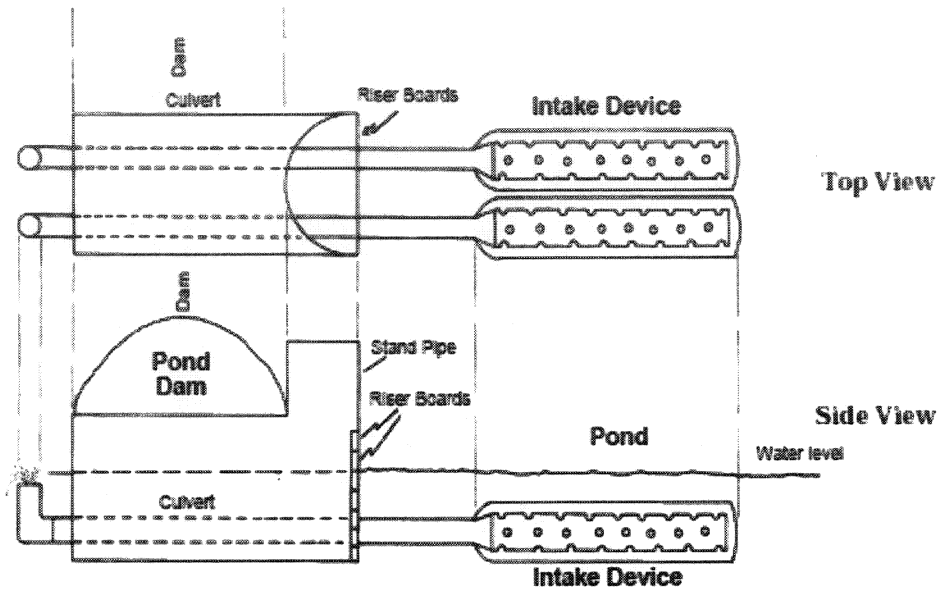


Figure 2. Beaver Pond Leveler in Combination with Fish Pond Standpipe-Culvert Water Control Structure

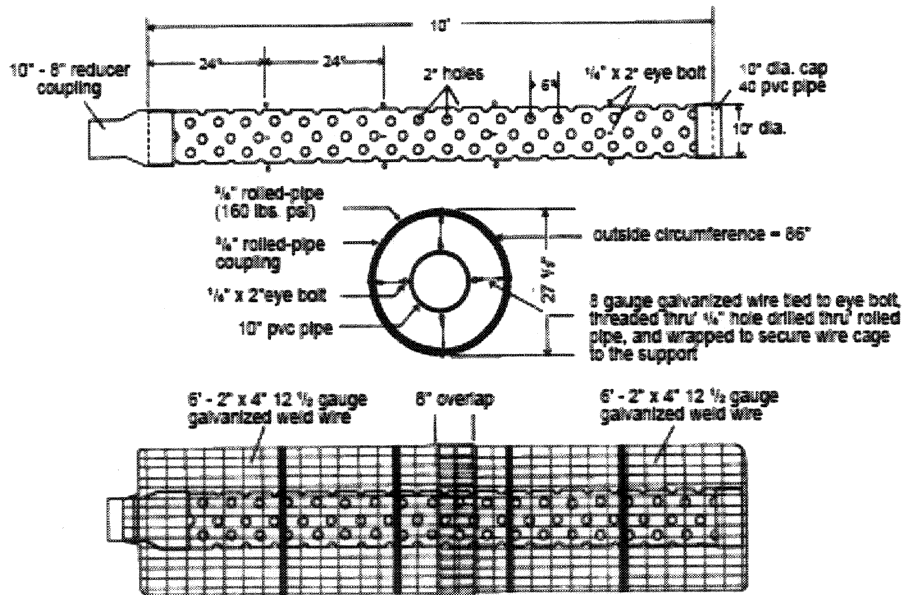


Figure 3. Design of Intake Device

PURPOSE: IMPROVE EXISTING
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ADJACENT PROPERTY OWNERS:
SEE FIGURE 9

SURVEY DATUM: NONE

FIGURE 7
POND LEVELER DETAILS

NOT TO SCALE

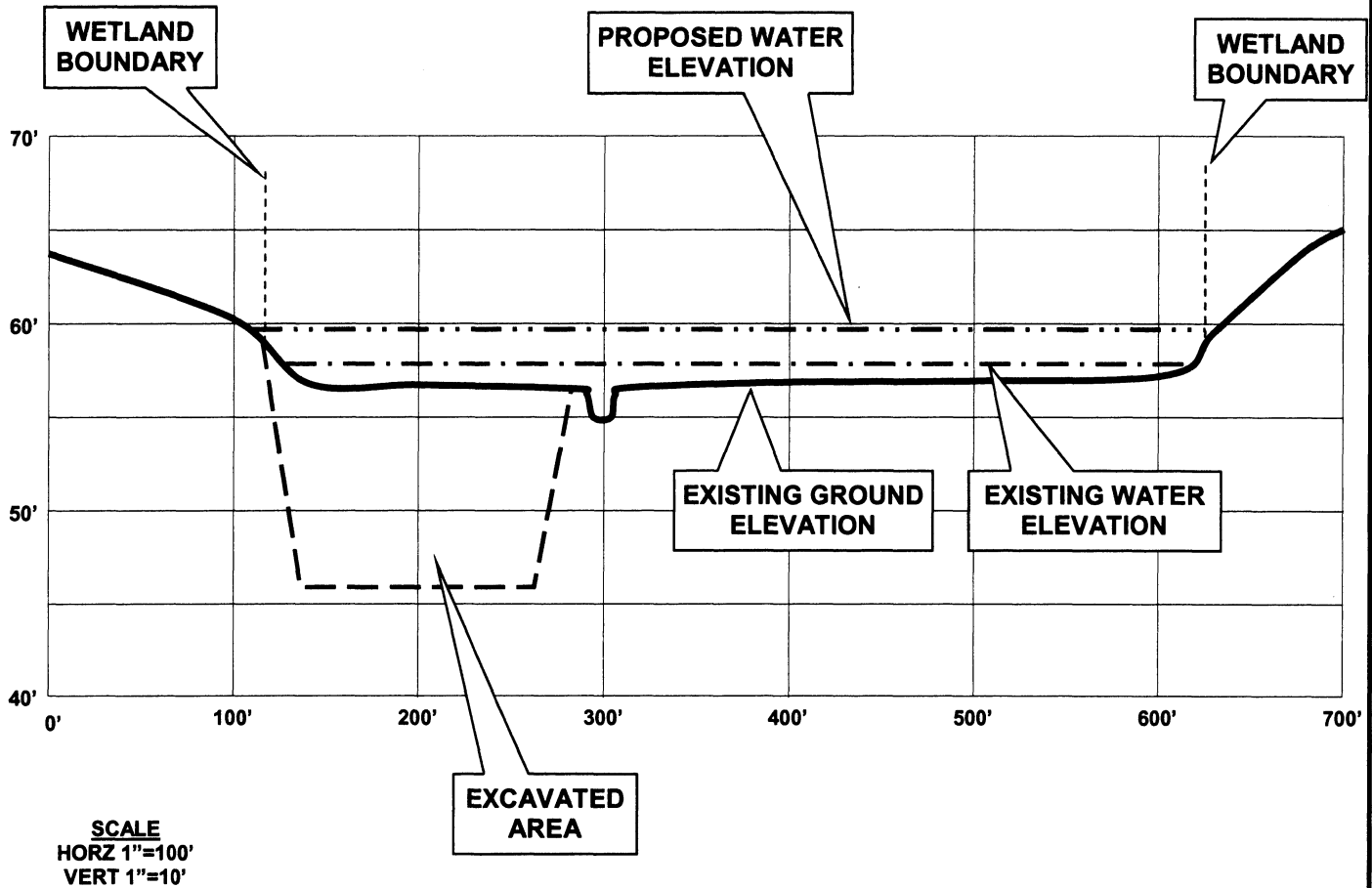
APPLICANT
DR. LOWREY KING

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PURPOSE: IMPROVE EXISTING BEAVER IMPOUNDMENT

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SURVEY DATUM: NONE

FIGURE 8
 CROSS SECTION OF IMPOUNDMENT

SCALE—SHOWN ABOVE

APPLICANT
 DR. LOWREY KING

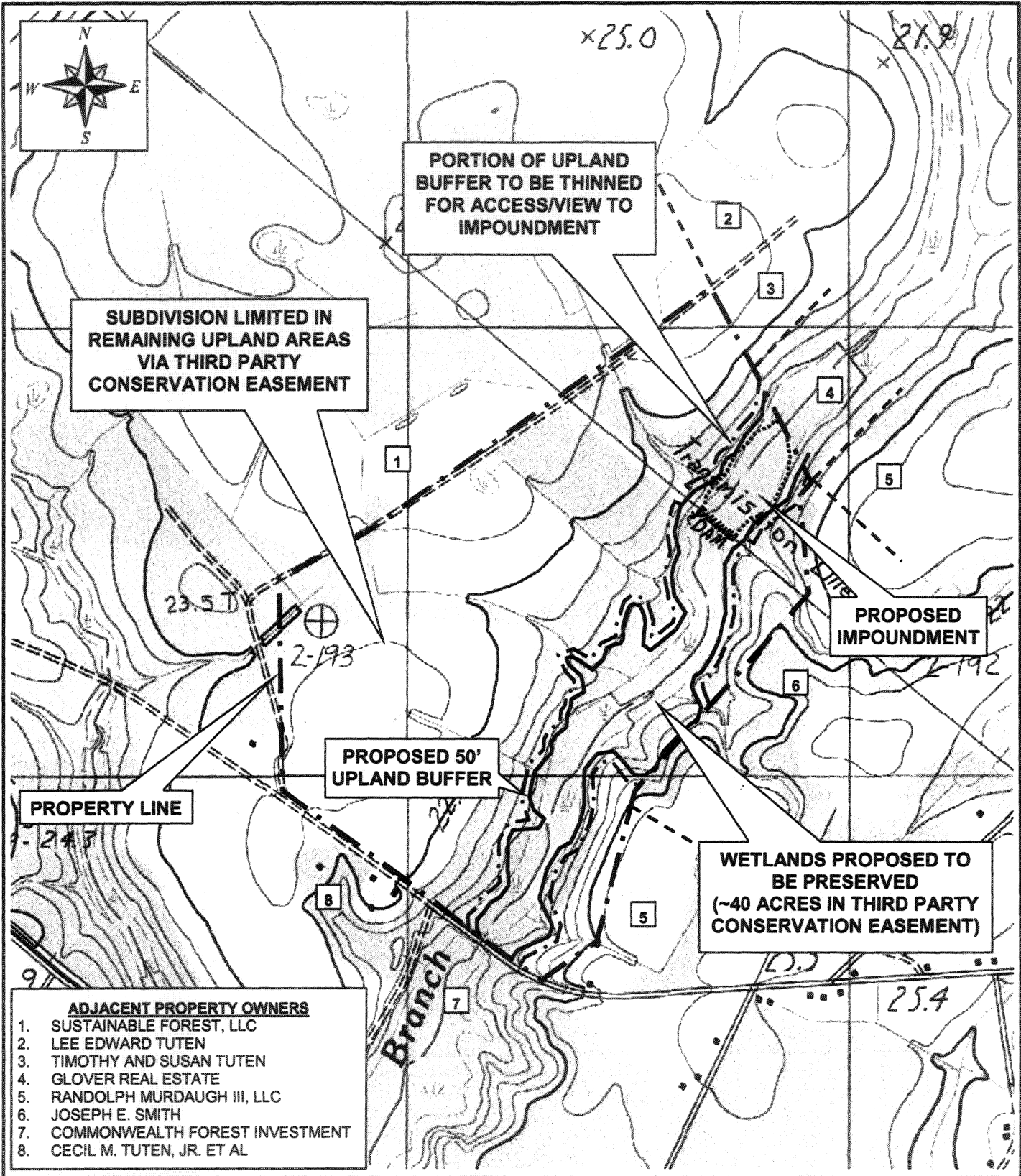
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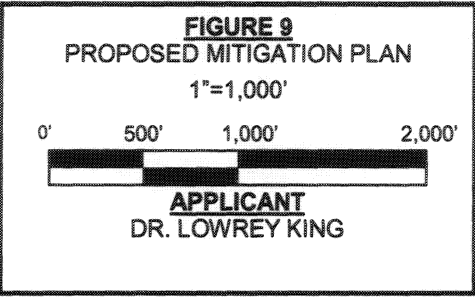


- ADJACENT PROPERTY OWNERS**
1. SUSTAINABLE FOREST, LLC
 2. LEE EDWARD TUTEN
 3. TIMOTHY AND SUSAN TUTEN
 4. GLOVER REAL ESTATE
 5. RANDOLPH MURDAUGH III, LLC
 6. JOSEPH E. SMITH
 7. COMMONWEALTH FOREST INVESTMENT
 8. CECIL M. TUTEN, JR. ET AL

PURPOSE: IMPROVE EXISTING BEAVER IMPOUNDMENT

ADJACENT PROPERTY OWNERS: SHOWN ABOVE

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IN: CAMP BRANCH

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