

**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-2008-1138

November 21, 2008

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

**Mr. Henry Brown**  
**827 Zion Church Road**  
**Orangeburg, South Carolina 29115**

for a permit to construct an impoundment on

**an unnamed tributary to Haynes Mill Creek**

near the intersection of US Highway 321 and Shilly Road, north of the Town of Denmark, Bamberg County, South Carolina (Lat. 33.363801, Long. -81.119626).

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, DECEMBER 22, 2008**

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

The proposed work consists of constructing a private impoundment. In detail, the applicant proposes to construct a embankment 819 linear feet long, 15 feet high, with a bottom width of 104 linear feet and a top width of 14 linear feet. A 10 foot high riser pipe will be used for elevation control. The resulting impoundment will be approximately 11.7 acres. Approximately 0.2 acres of wetlands will be filled and 4.7 acres of wetlands will be flooded as a result of the proposed project. The primary purpose for the proposed project is to facilitate recreation, fishing, and wildlife habitat.

**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 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 4.9 acres of freshwater wetland located 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.

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.

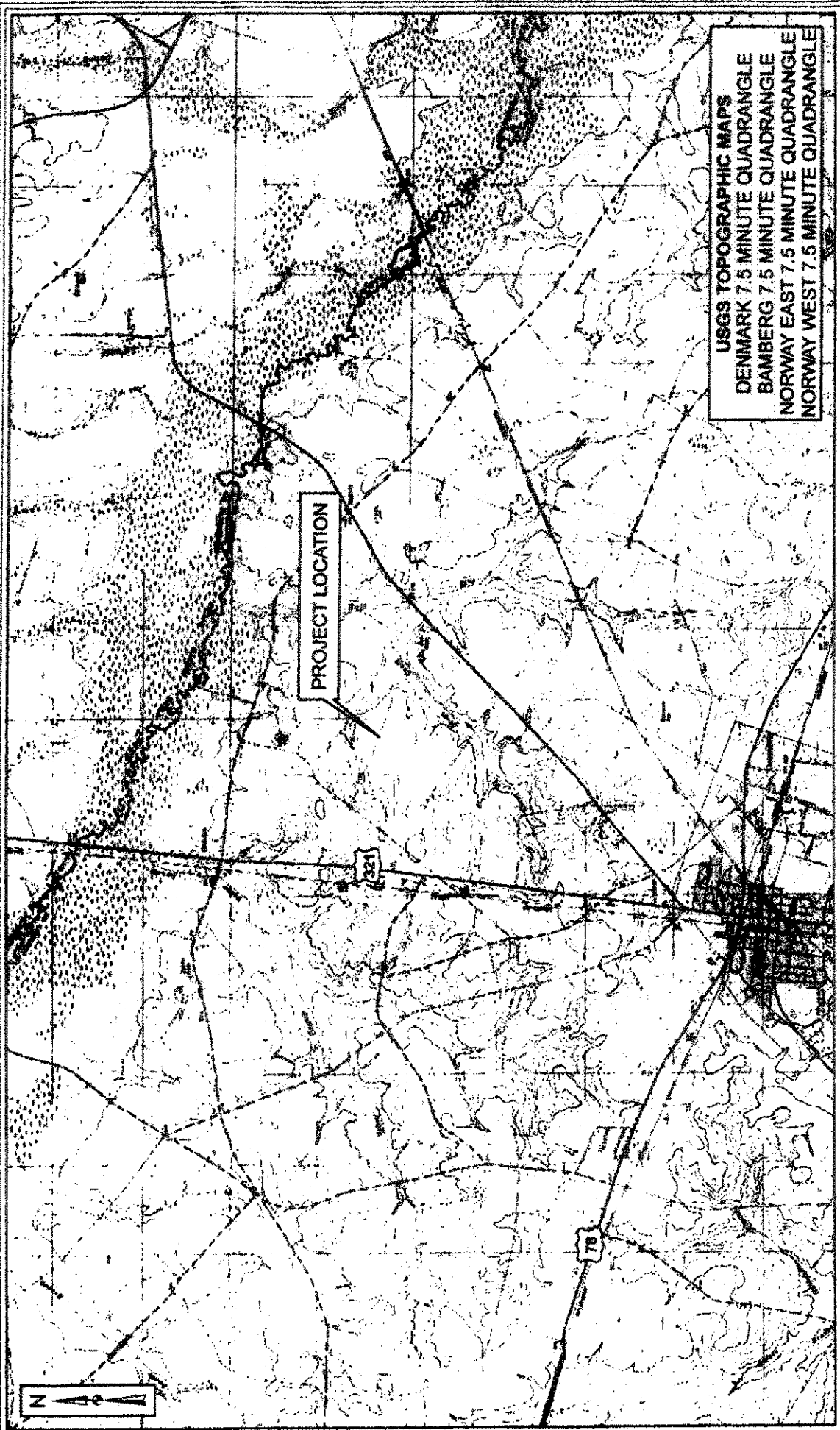
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may 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.

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 4.9 acres 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.

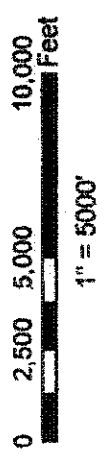
If there are any questions concerning this public notice, please contact Colt Bowles at 803-253-3400.



PROPOSED: IMPOUNDMENT

PROJECT VICINITY MAP

PURPOSE: RECREATION



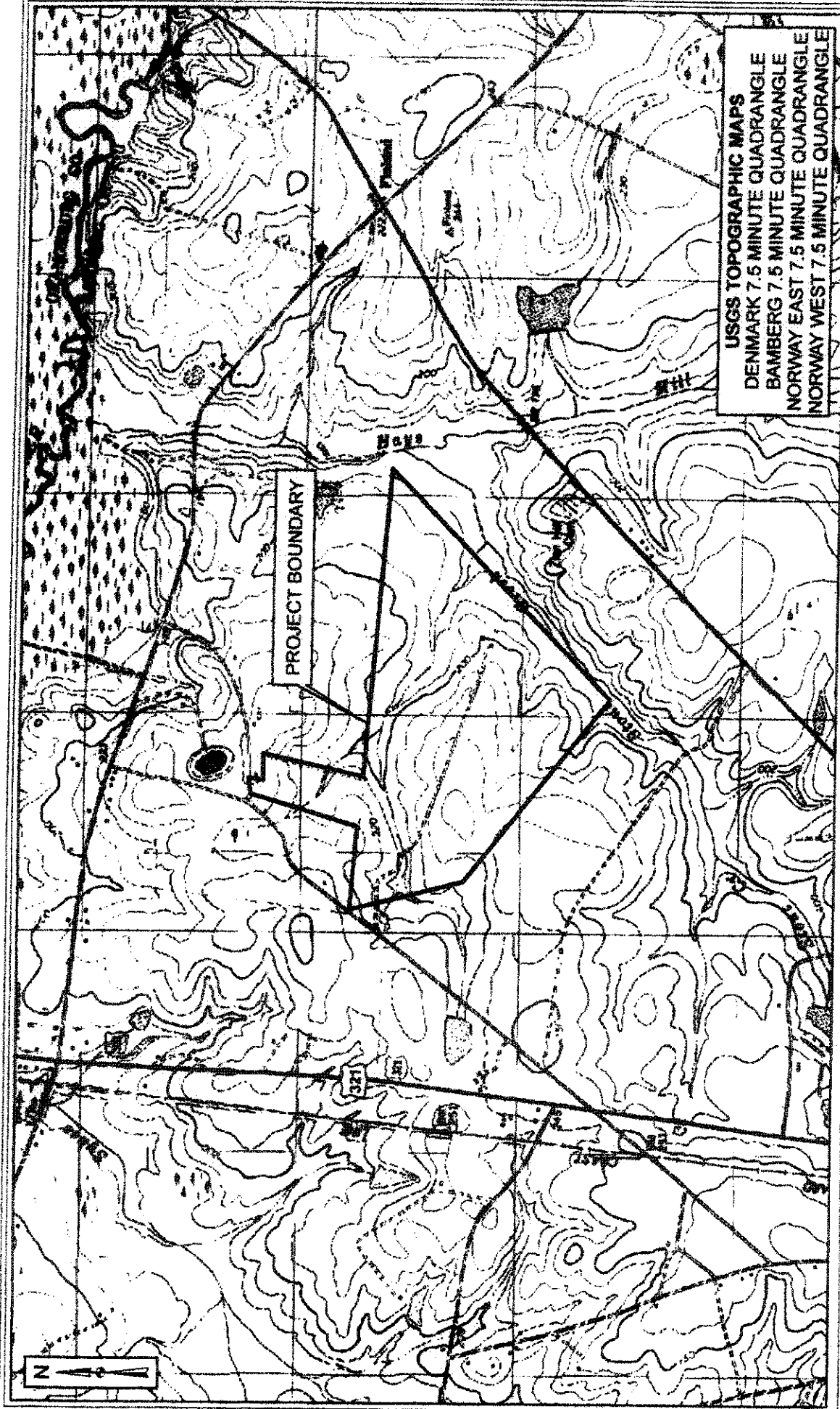
SAC 2008-1138  
 November 17, 2008  
 Sheet 1 of 6

ADJACENT PROPERTY OWNERS:  
 1. SEE ATTACHED

APPLICANT:  
 MR. HENRY BROWN

SURVEY DATUM: UTM

FIGURE 1.0.3

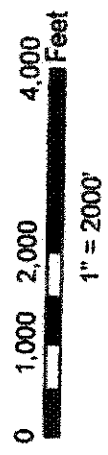


PURPOSE: RECREATION

ADJACENT PROPERTY OWNERS:  
1. SEE ATTACHED

SURVEY DATUM: UTM

PROJECT LOCATION MAP



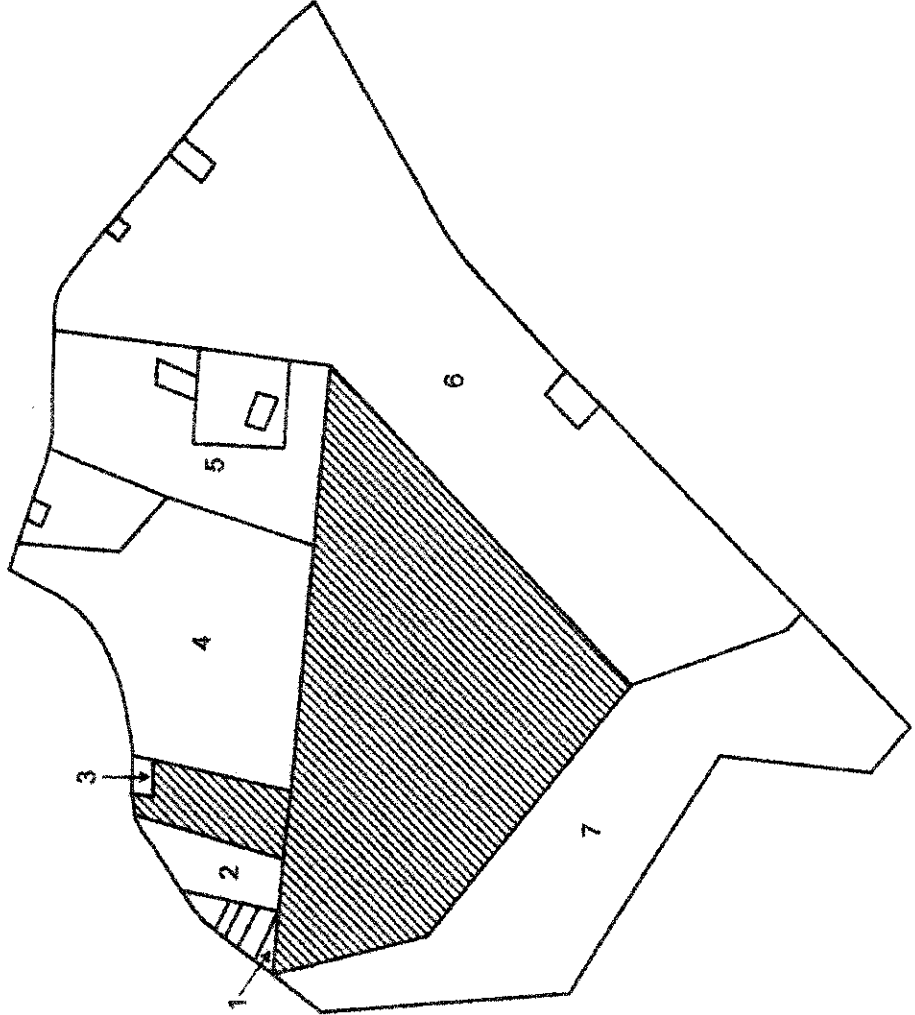
APPLICANT:  
MR. HENRY BROWN

PROPOSED: IMPOUNDMENT

SAC 2008-1136  
November 17, 2008  
Sheet 2 of 6



NOTE: PARCEL BOUNDARIES WERE ESTIMATED FROM BAMBERG COUNTY TAX MAPS 036 AND 052.



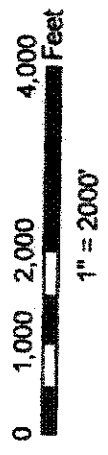
**LEGEND**  
 PROJECT BOUNDARY  
 PARCEL BOUNDARIES

**PURPOSE:** RECREATION

**ADJACENT PROPERTY OWNERS:**  
1. SEE ATTACHED

**SURVEY DATUM:** UTM

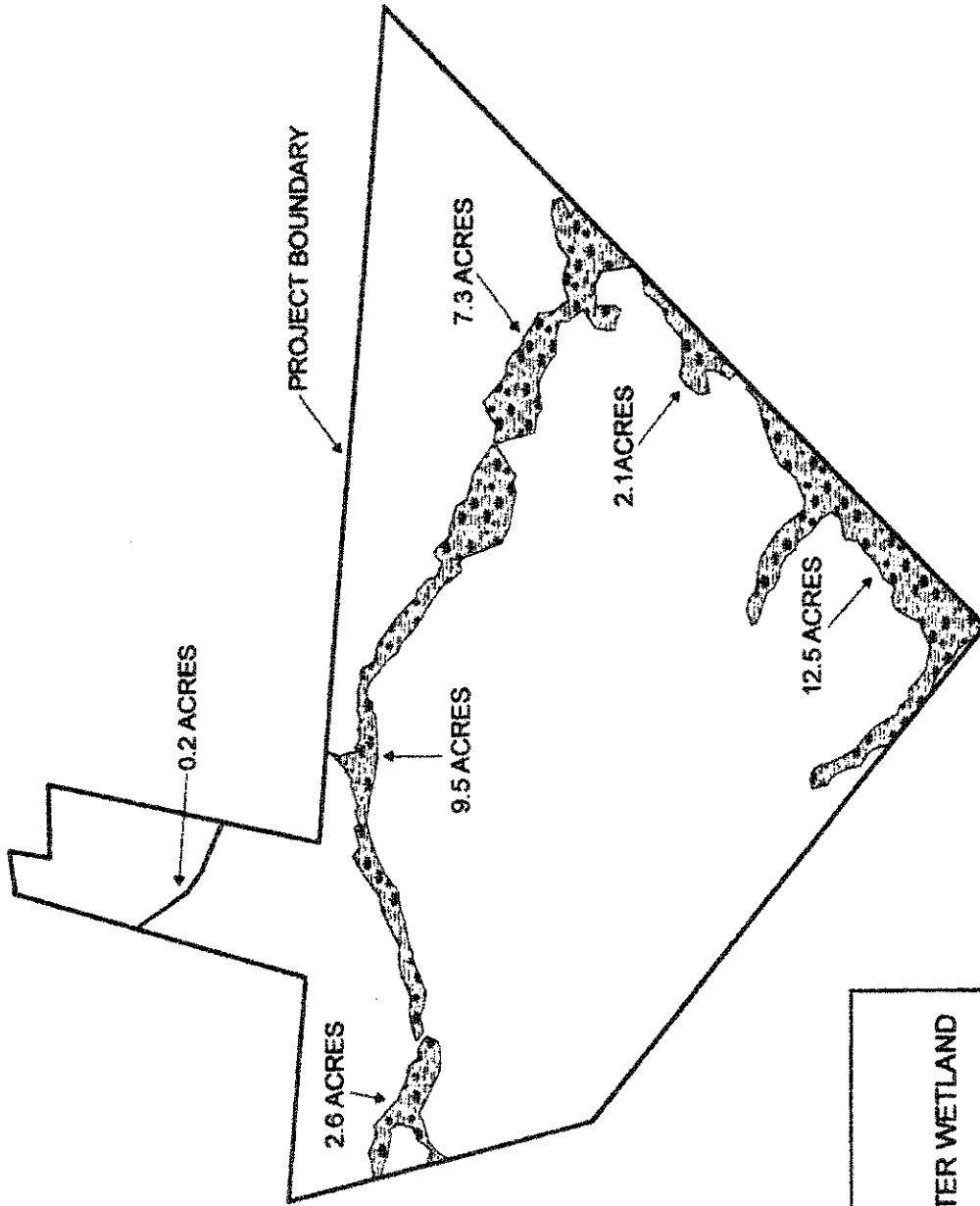
**ADJACENT OWNERSHIP**



**APPLICANT:**  
MR. HENRY BROWN

**PROPOSED:** IMPOUNDMENT

SAC 2008-1138  
November 17, 2008  
Sheet 3 of 6



**LEGEND**



JURISDICTIONAL FRESHWATER WETLAND



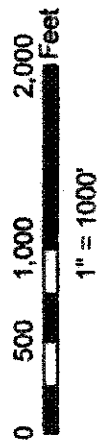
RELATIVELY PERMANENT WATER

**PURPOSE:** RECREATION

**ADJACENT PROPERTY OWNERS:**  
1. SEE ATTACHED

**SURVEY DATUM:** UTM

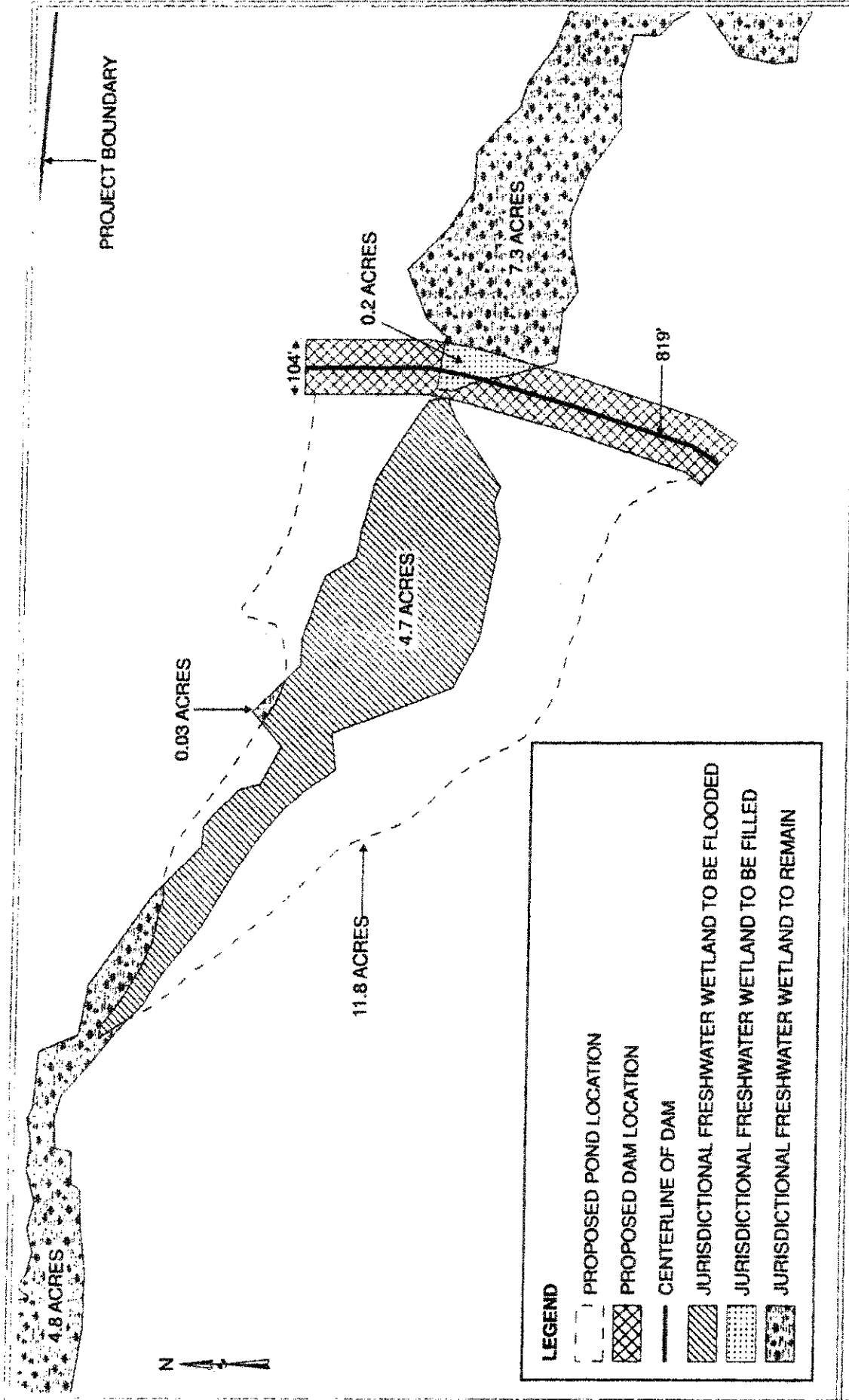
**EXISTING CONDITIONS**



**APPLICANT:**  
MR. HENRY BROWN

**PROPOSED:** IMPOUNDMENT

SAC 2008-1138  
November 17, 2008  
Sheet 4 of 6



**PURPOSE: RECREATION**

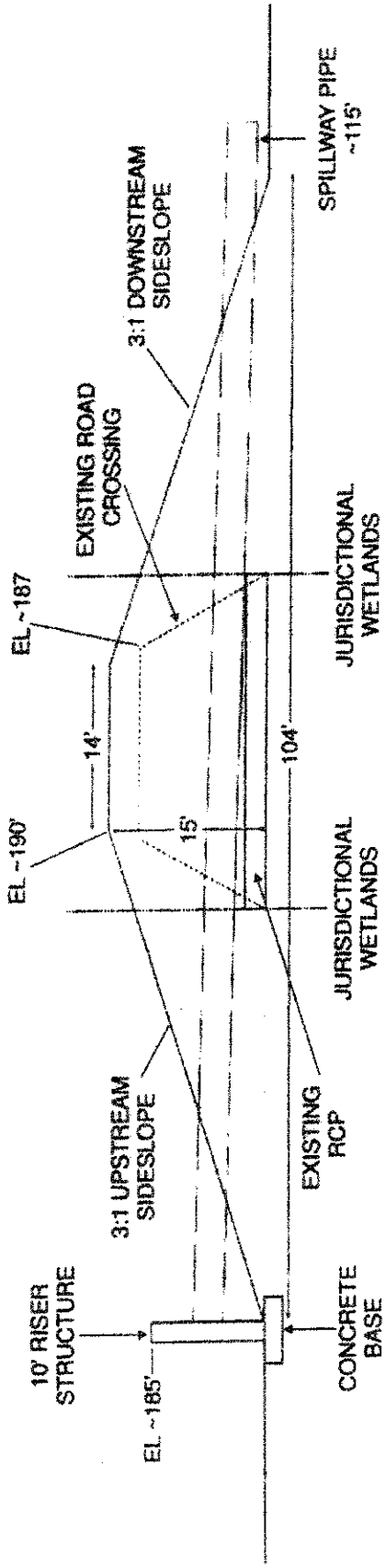
**ADJACENT PROPERTY OWNERS:**  
1. SEE ATTACHED

**PURPOSE: IMPOUNDMENT**

SAC 2008-1138  
November 17, 2008  
Sheet 5 of 6

**SURVEY DATUM: UTM**





SECTION A-A

PURPOSE: RECREATION

ADJACENT PROPERTY OWNERS:  
1. SEE ATTACHED

SURVEY DATUM: UTM

DAM DETAILS

APPLICANT:  
MR. HENRY BROWN

PROPOSED: IMPOUNDMENT

SAC 2008-1138  
November 17, 2008  
Sheet 6 of 6