

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 2007-1202-5IC

5 DECEMBER 2008

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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

MIKE HARLESS, LOWE'S HOME CENTERS, INC.
C/O MATT COX
KIMLEY-HORN AND ASSOCIATES, INC.
4651 CHARLOTTE PARK DRIVE, SUITE 300
CHARLOTTE, NORTH CAROLINA 28217

for a permit to dredge sediment from

LAKE WYLIE

in Mill Creek Cove at a location northwest of the intersection of SC Highways 274 and 557, near Clover, York County, South Carolina (Latitude 35.123550°N, 81.084501°W).

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, 22 DECEMBER 2008

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

The proposed work consists of dredging approximately 200 cubic yards (approximately 0.21 acre) of sediment that was deposited on top of the existing lake bed during a rain event associated with Tropical Storm Faye. The activities are not proposed to disturb the existing lake bed. The dredging will be conducted with a vacuum hose extending to the lake from a vacuum truck located approximately 500 linear feet upland of the shoreline of Lake Wylie. A silt curtain will be placed in Lake Wylie surrounding the area that will be dredged. Excavated sediment will be discharged from the truck into a nearby temporary sediment basin.

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 fifteen (15) 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 0.21 acre of freshwater habitat upstream 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.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

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.

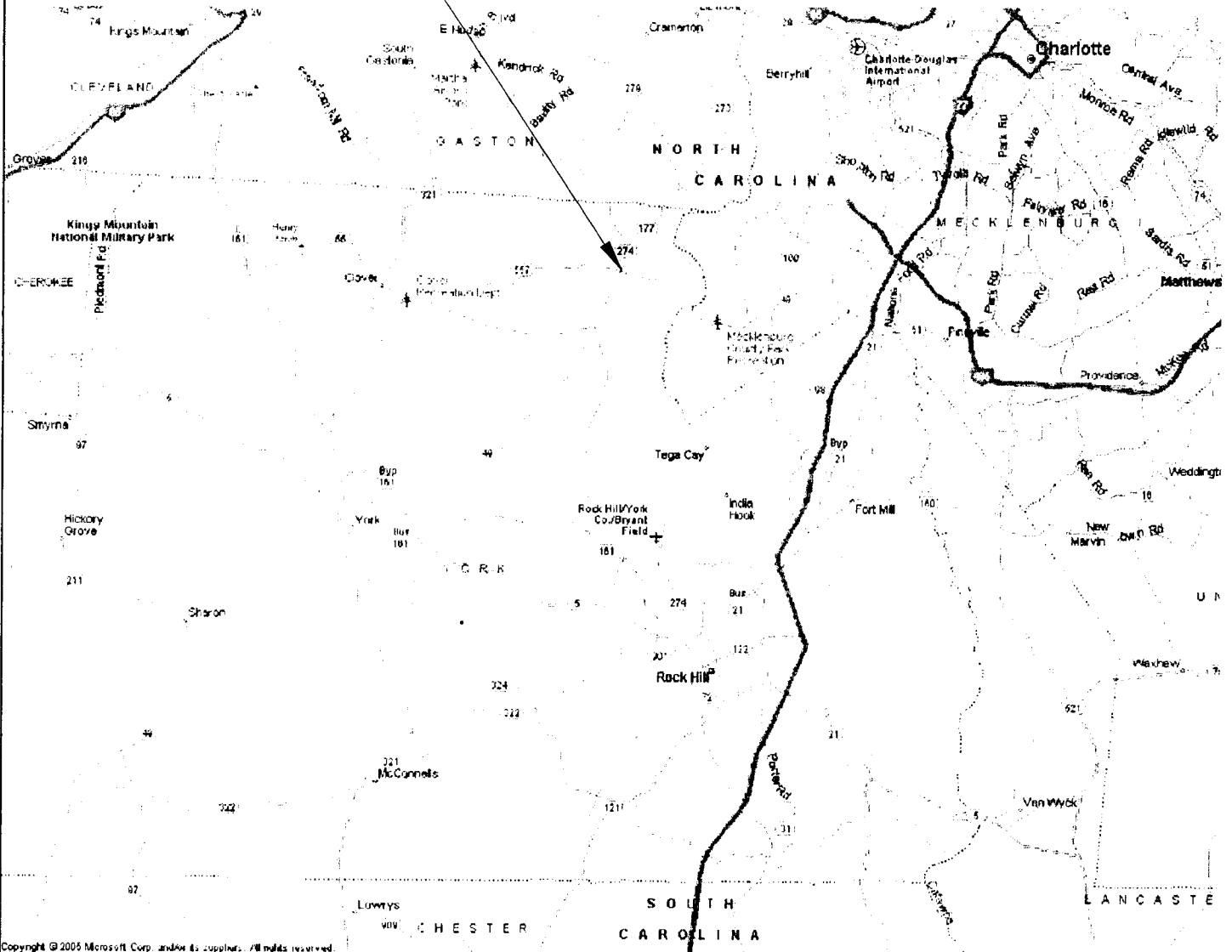
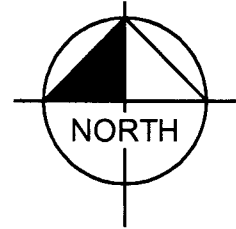
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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.

If there are any questions concerning this public notice, please contact Amy Cappellino at 803-253-3992.

COMMERCIAL
SITE ±75.2 AC



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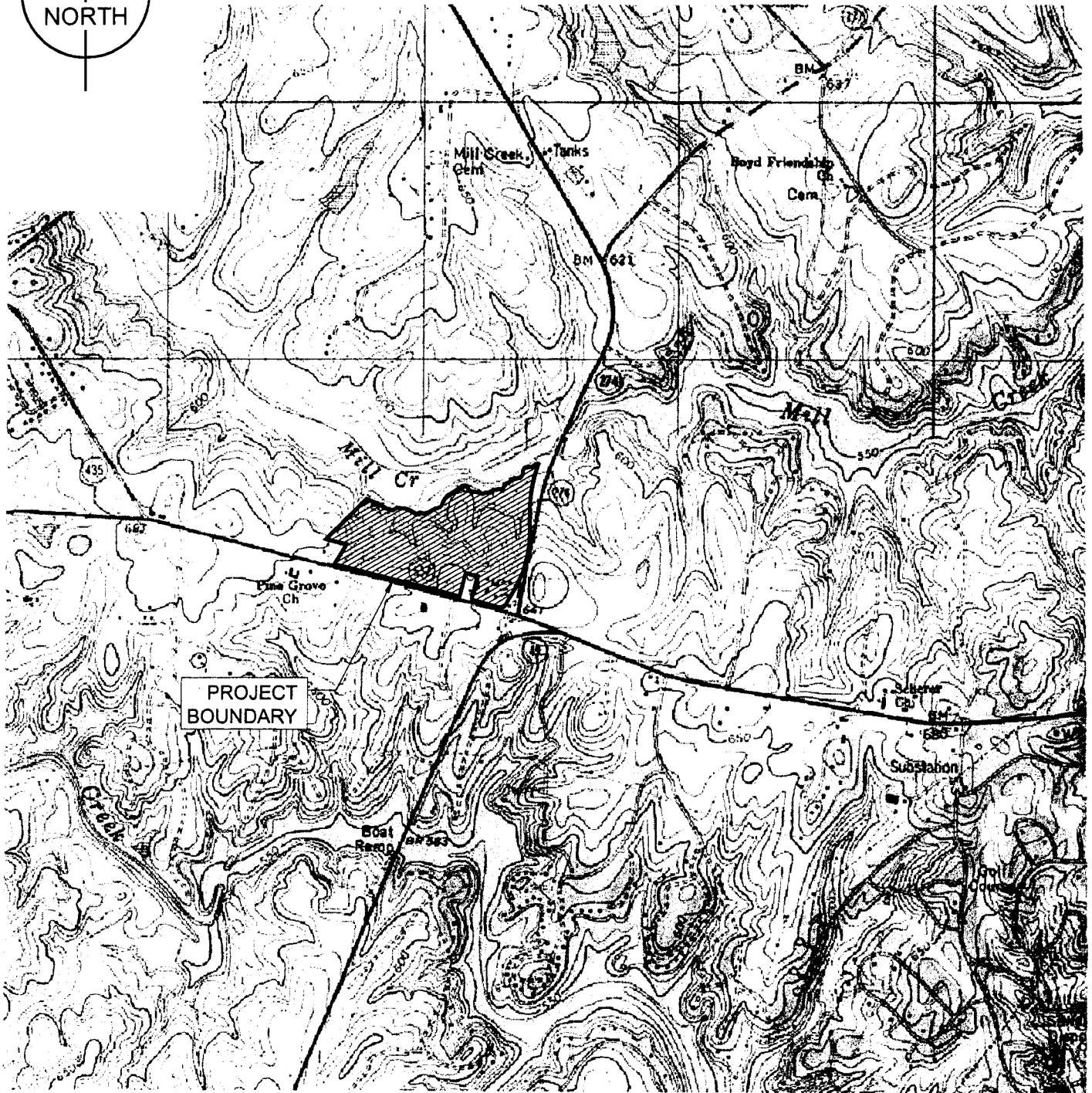
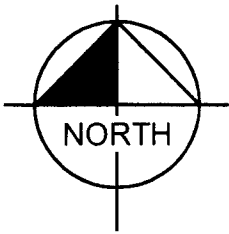
REGIONAL LOCATION MAP



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REVISIONS	
DATE	INITIALS

PROJECT TITLE: MILL CREEK COMMONS - LOWE'S N. YORK	
PROJECT LOCATION: HIGHWAY 557 & HIGHWAY 274	
APPLICANT: LOWE'S HOME CENTERS, INC.	
DATE: 12/01/08	SCALE: 1" = 5 MILES
APPLICATION # SAC 2007-1202-51C	SHEET 1 OF 6



PROJECT BOUNDARY

USGS QUADRANGLE MAP
YORK COUNTY, SC NC 1993

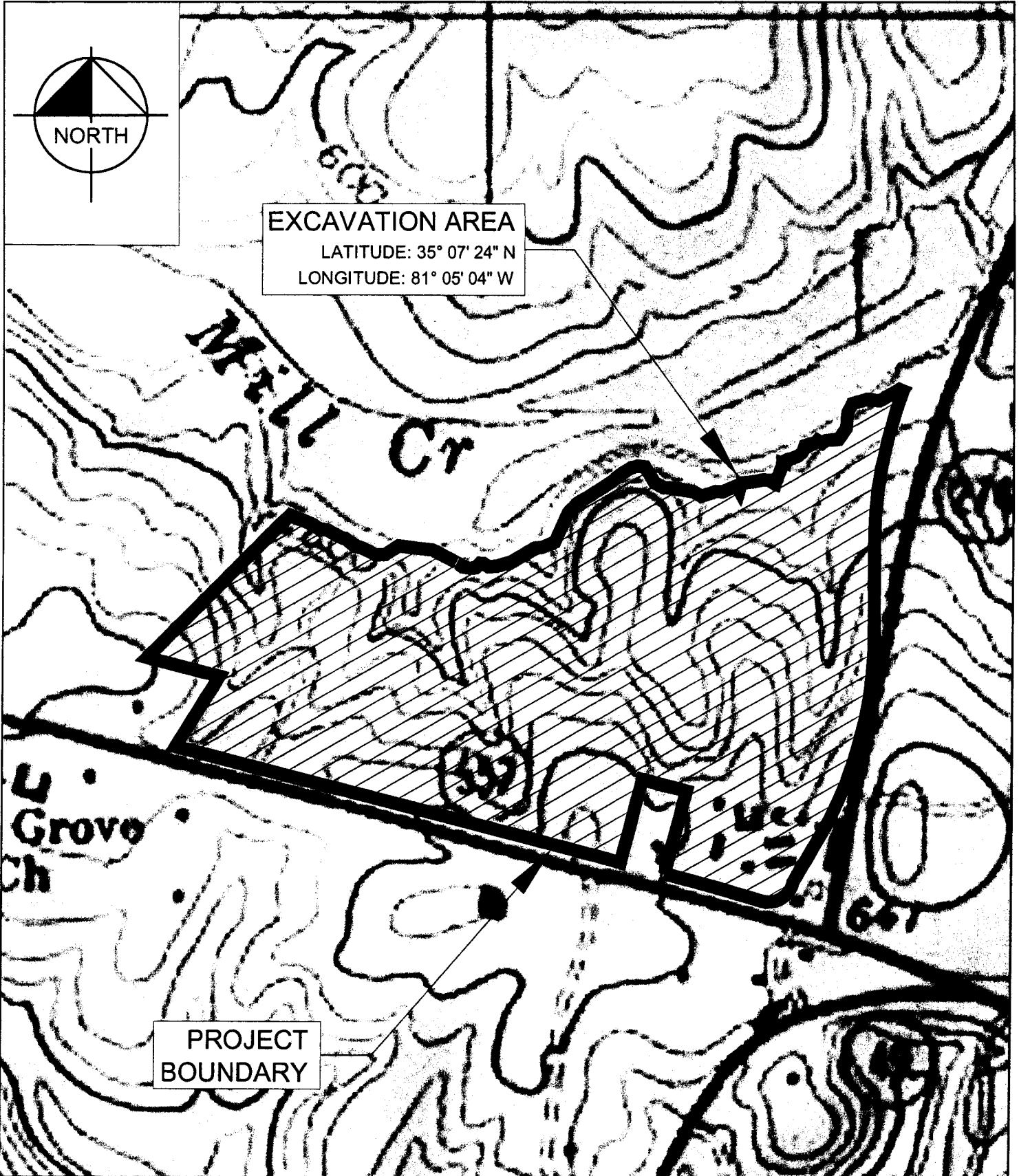


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REVISIONS	
DATE	INITIALS

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PROJECT LOCATION: HIGHWAY 557 & HIGHWAY 274	
APPLICANT: LOWE'S HOME CENTERS, INC.	
DATE: 12/01/08	SCALE: 1" = 2000'
APPLICATION # SAC 2007-1202-51C	SHEET 2 OF 6



USGS QUADRANGLE MAP
YORK COUNTY, SC NC 1993

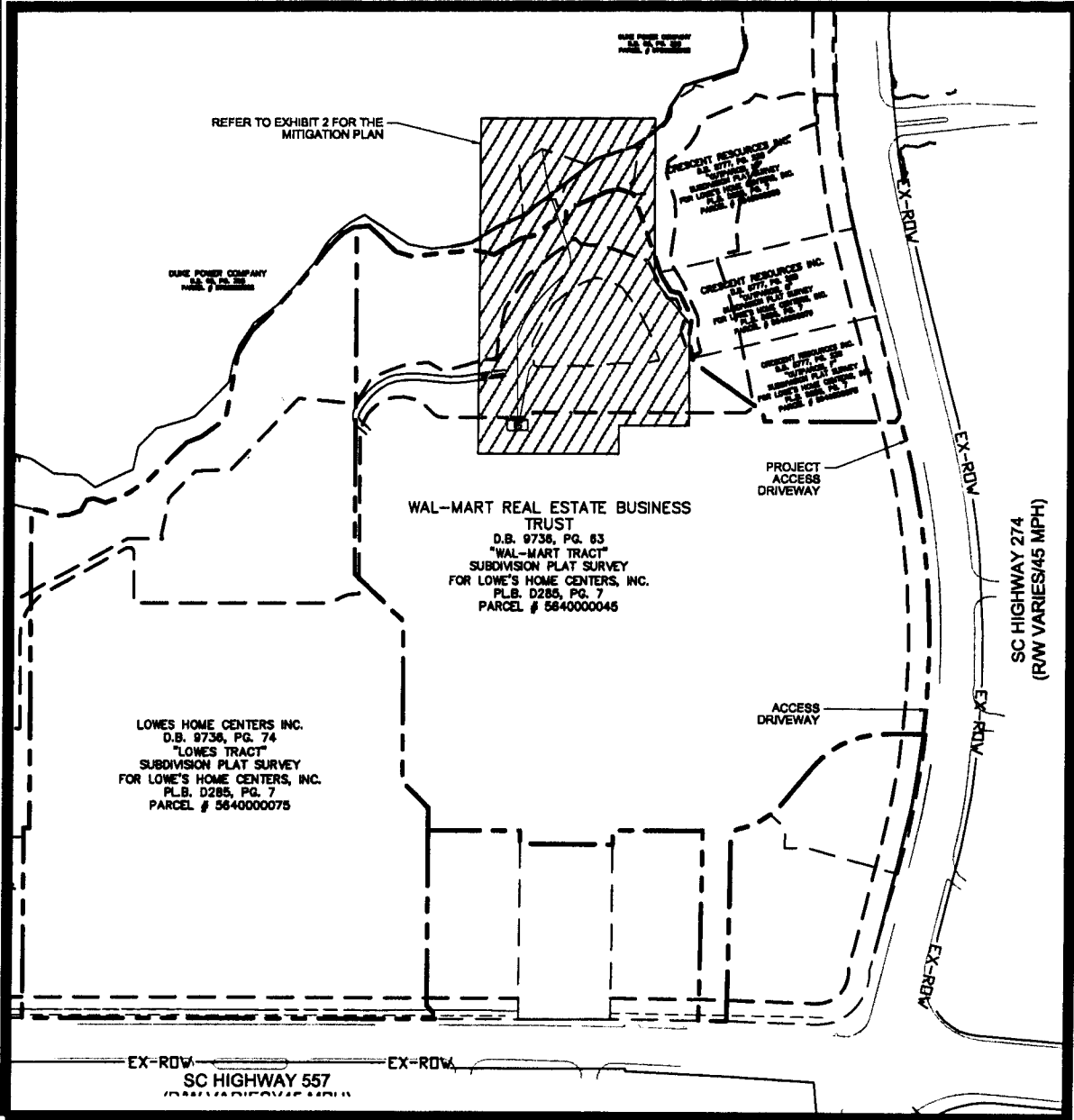


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REVISIONS	
DATE	INITIALS

PROJECT TITLE: MILL CREEK COMMONS - LOWE'S N. YORK	
PROJECT LOCATION: HIGHWAY 557 & HIGHWAY 274	
APPLICANT: LOWE'S HOME CENTERS, INC.	
DATE: 12/01/08	SCALE: 1" = 500'
APPLICATION #: SAC 2007-1202-51C	SHEET 3 OF 6



GRAPHIC SCALE



(IN FEET)
1 inch = 800 ft.

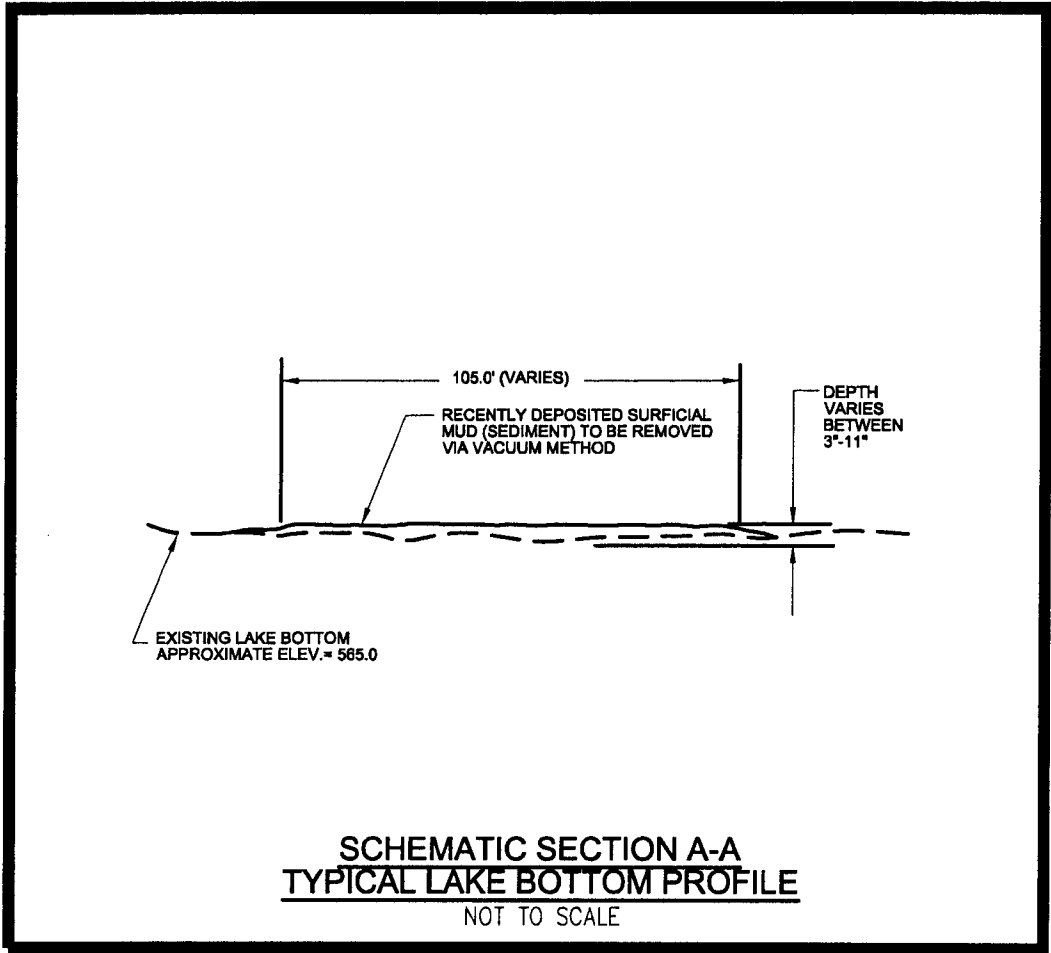
LOCATION MAP



Kirtley-Horn and Associates, Inc.
4815 CHARLOTTE PARK DRIVE - SUITE 300
CHARLOTTE, NORTH CAROLINA 28217
(704) 333-9237 TEL - (704) 333-9298 FAX

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PROJECT TITLE	
MILL CREEK COMMONS - LOWE'S N. YORK	
PROJECT LOCATION	
HIGHWAY 557 & HIGHWAY 274	
CLIENT'S	
LOWE'S HOME CENTERS, INC.	
DATE	SCALE
12/01/08	AS SHOWN
APPLICATION # SAC 2007-1202-SIC	SHEET 4 of 6



SCHMATIC SECTION A-A
TYPICAL LAKE BOTTOM PROFILE
 NOT TO SCALE

NOTE:
 THE EXISTING LAKE BOTTOM NOT TO BE DISTURBED TO THE EXTENT PRACTICABLE.



Kraley-Horn and Associates, Inc.
 488 CHARLOTTE PARK DRIVE - SUITE 300
 CHARLOTTE, SOUTH CAROLINA 28217
 (704) 333-8630 TEL. - (704) 333-8648 FAX

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PROJECT TITLE		MILL CREEK COMMONS - LOWE'S N. YORK	
PROJECT LOCATION		HIGHWAY 557 & HIGHWAY 274	
CONTRACTOR		LOWE'S HOME CENTERS, INC.	
DATE	SCALE	DATE	SCALE
		12/01/08	SCALE: NTS
APPLICATION #		SAC 2007-1202-SIC	SHEET 6 OF 6