

**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 #2007-02763-5IC

1 FEBRUARY 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

**LAWRENCE G. HAYNES**  
**C/O CANNON TAYLOR**  
**TCA FISH FARMS, LLC**  
**P.O. BOX 399**  
**NEWBERRY, SOUTH CAROLINA 29108**

for a permit to place fill for a dam in

**AN UNNAMED TRIBUTARY TO MORRIS CREEK**

at an approximately 50 acre tract between Reservoir Road (Highway 70) and Scotts Crossing Road and west of Jackson Creek Road (Highway 54), Fairfield County, South Carolina (Latitude: 34.307768; Longitude: -81.183497).

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, 3 MARCH 2008**

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

The proposed work consists of filling 0.006 acres (125 linear feet) of an unnamed tributary to Morris Creek with 139 cubic yards of earthen fill for a dam with a stand pipe riser. The dam will inundate approximately 0.022 acres (approximately 475 linear feet) of stream, creating an approximately 1.5-2.0 acre pond. The purpose of the proposed work as stated by the applicant is to create an impoundment of approximately 1.5-2.0 acres for the purpose of fish rearing. At this time the applicant has not proposed a compensatory mitigation plan.

**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. 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 0.028 acres 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.

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.

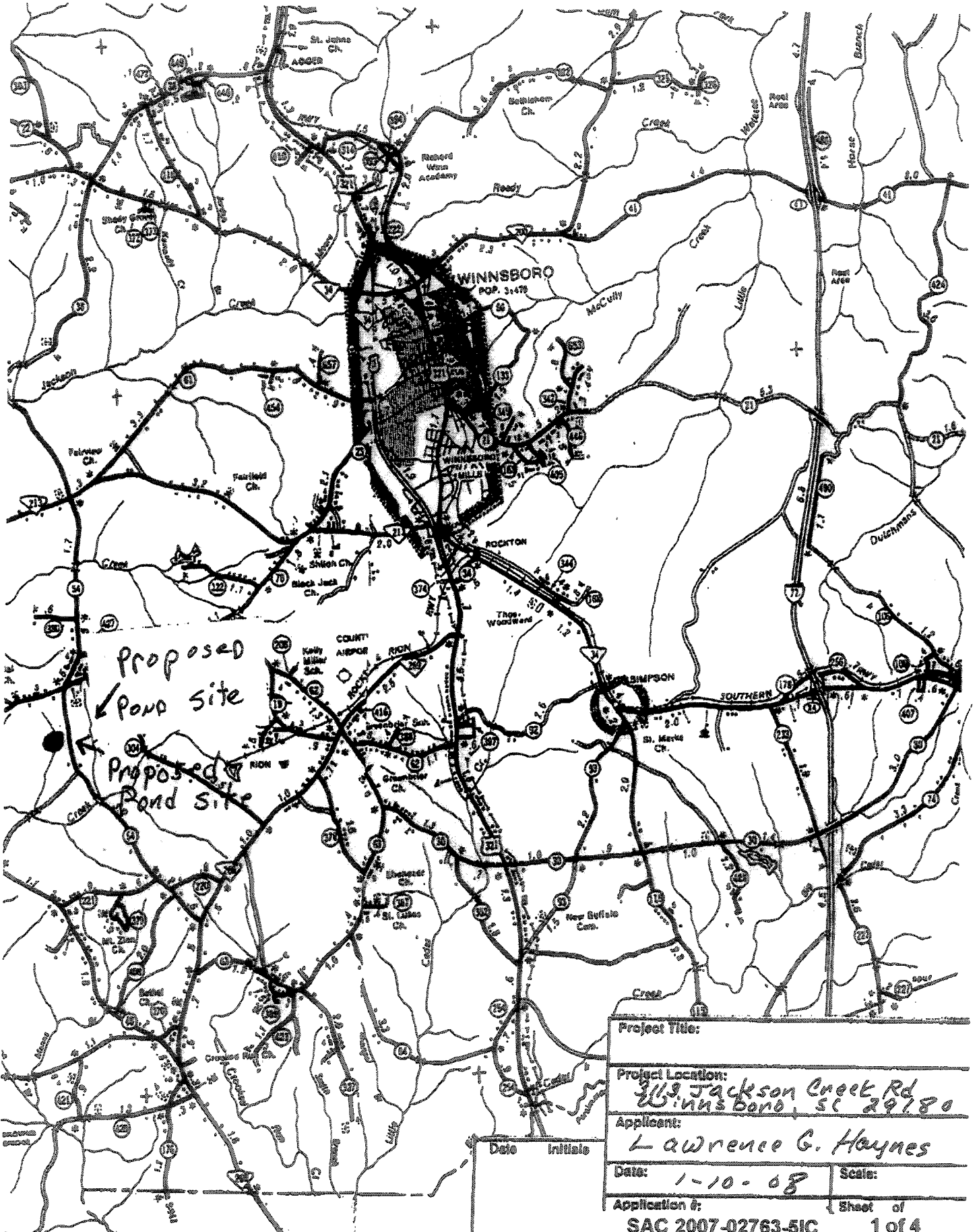
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered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

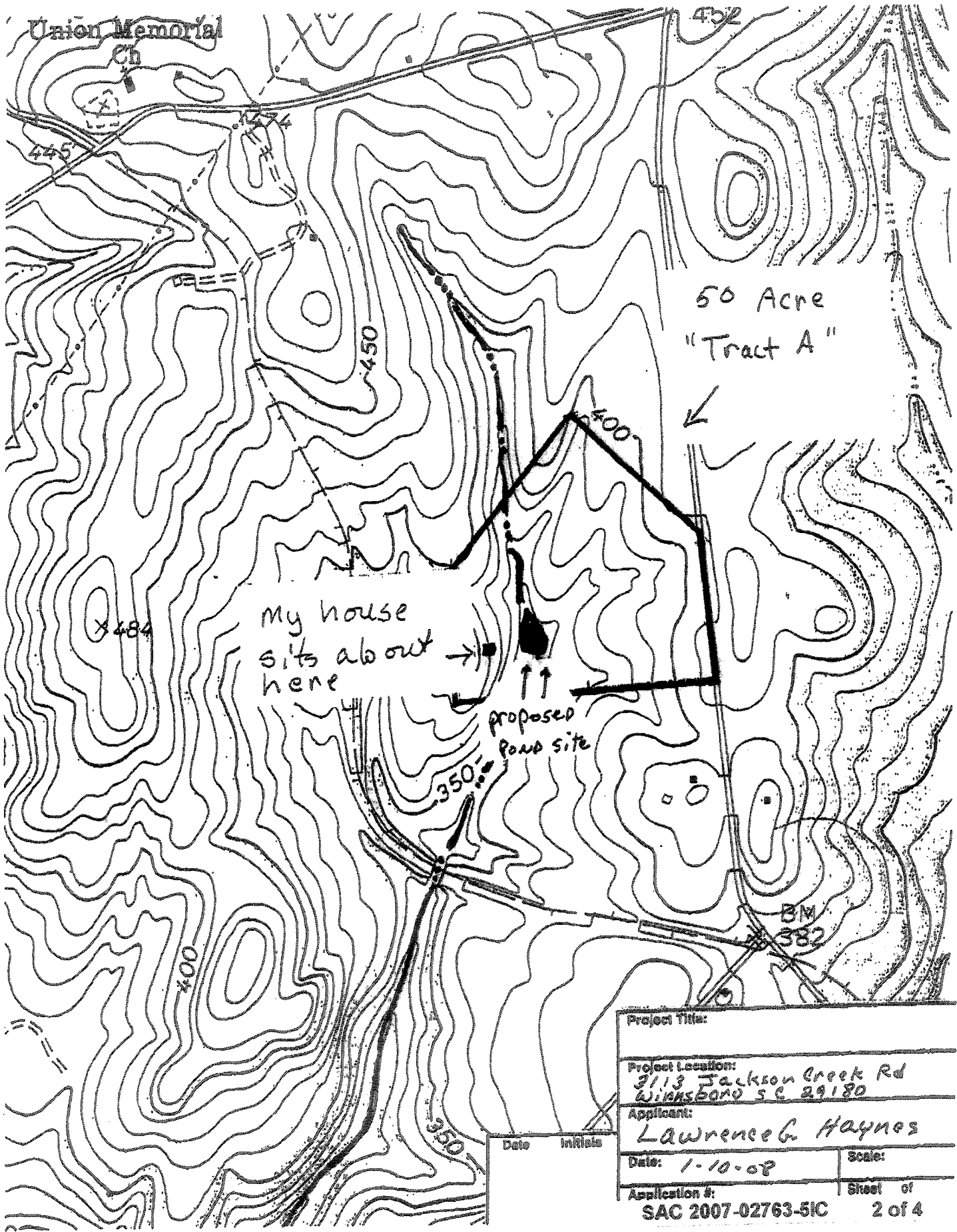
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine 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 Amy Cappellino at 803-253-3992.



Project Title:	
Project Location: 3113 Jackson Creek Rd Winnsboro, SC 29780	
Applicant: Lawrence G. Haynes	
Date: 1-10-08	Scale:
Application #: SAC 2007-02763-51C	Sheet of 1 of 4

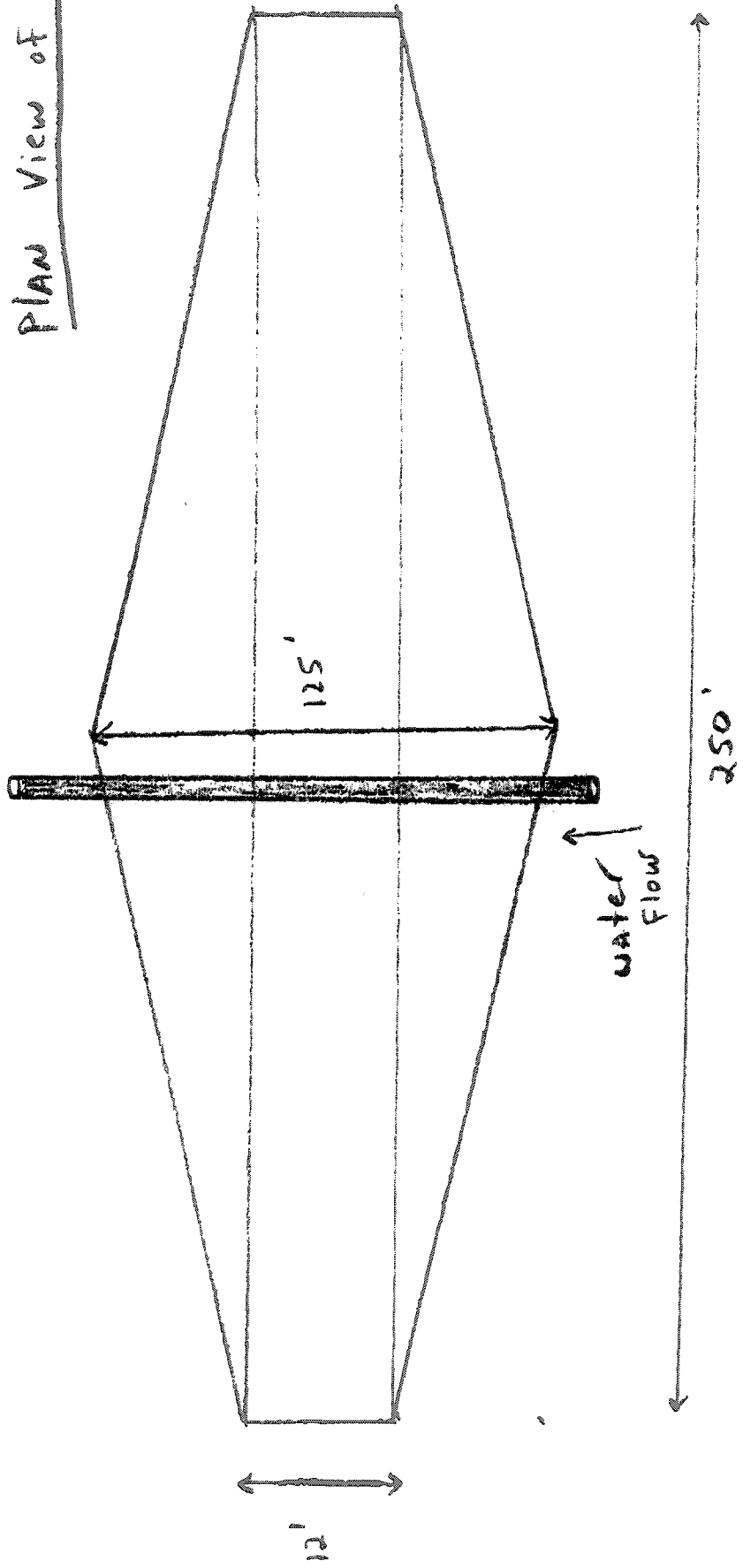
Date	Initials



Project Title:	
Project Location: 3113 Jackson Creek Rd Windsboro SC 29180	
Applicant: Lawrence G. Haynes	
Date: 1-10-08	Scale:
Application #: SAC 2007-02763-51C	Sheet of 2 of 4

Date	Initials
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PLAN View of DAM

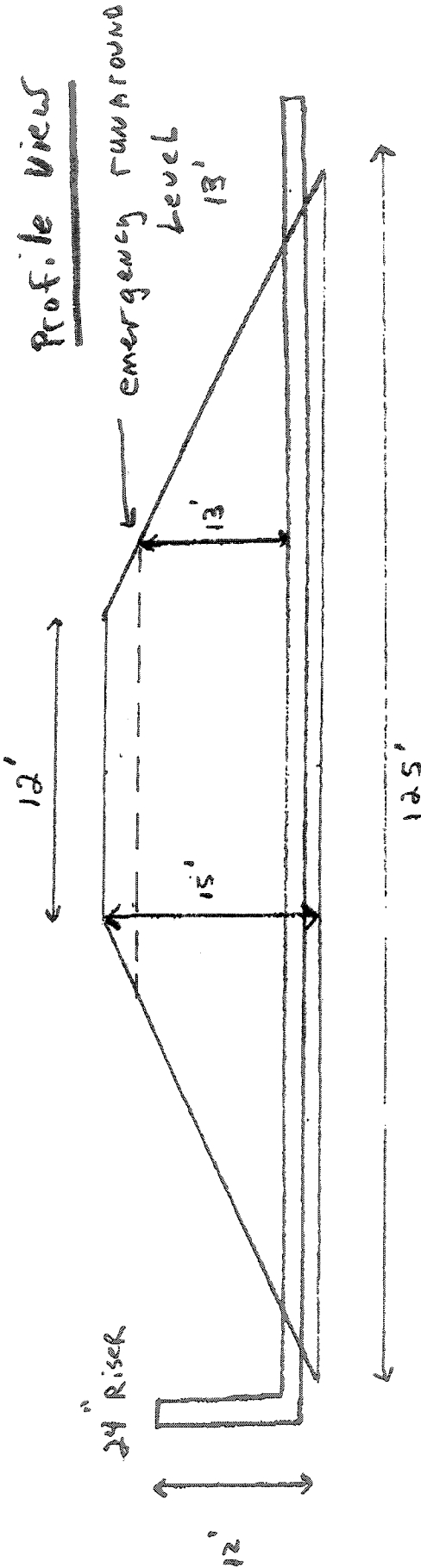


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CANNON ASSOCIATES INC

01/28/2008 13:00 FAX 803 278 8750

Project Title:	
Project Location: 3113 Jackson Creek Rd., Winnsboro, S.C. 29180	
Applicant: Lawrence C. Hayes	
Date: 11-28-07	Scale:
Application #:	Sheet of
SAC 2007-02763-51C	3 of 4
Revisions	Date Initials



DAM Length  $\approx$  250'

stream width  $\approx$  2'

Project Title:		Project Location: 3113 Jackson Creek Rd., Winnsboro, S.C. 29180	
Applicant:		Lawrence G. Haynes	
Date:		11-25-07	
Application #:		SAC 2007-02763-6IC	
Revisions	Date	Initials	Sheet of
			4 of 4