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 OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION 14 JANUARY 2005
Refer to: P/N # 2003-1N-043-P (Revised)

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. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

MR. TOWNSEND P. CLARKSON
KIAWAH RIVER PLANTATION, LP
KIAWAH RESORT ASSOCIATES, LP
C/O MR. ROBERT FOLK
4964 WHITE HALL ROAD
GREEN POND, SOUTH CAROLINA 29446

to modify Department of the Army Permit 2003-1N-043-P to excavate and place fill material in waters of the United States adjacent to an

UNNAMED TRIBUTARY OF THE KIAWAH RIVER

at 2602 Mullet Hall Road, Johns Island, South Carolina in Charleston County (Latitude – 32.63035 N, Longitude – 80.10587 E).

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, 14 FEBRUARY 2005

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

On January 26, 2004, the Corps issued a Department of the Army permit (P/N 2003-1N-043) to construct improvements to seven existing tidal impoundments, which total approximately 120 acres. The authorized improvements consist of excavating 16,811 linear feet of new drainage canals within the existing impoundments and 465 linear feet of new drainage canals through tidal marsh to improve water circulation and to alleviate poor water quality conditions. The excavation of the proposed drainage canals will impact a total of 5.0 acres of waters of the United States. The existing permit is valid until 31 December 2008.

According to the permittee, the cost of removing the excavated material (16,811 cubic yards) from the interior of the existing impoundments is cost prohibitive. The permittee has proposed to reduce the top width of several of the drainage canals to reduce the total volume of excavated material (9,534 cubic yards). In addition, the permittee has requested a permit modification to allow them to discharge a portion of the excavated material (3,593 cubic yards) within the existing impoundments.

The excavated material will be used to construct littoral shelves that will be flooded by an average high tide. The proposed littoral shelves will be constructed in the three deepest impoundments where the soils are least stable and removal of the excavated material is most difficult. The construction of littoral shelves will convert a total of 2.35 acres of open water habitat into shallowly flooded areas (0 to 12 inches) that provide suitable habitat for emergent vegetation. According to the applicant, the project purpose is to dispose of excavated material in an environmentally beneficial manner.

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 work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

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 an additional 2.35 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.

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 bald eagle (*Haliaeetus leucocephalus*) a Federally threatened species is present in the vicinity of the project. However, it has been determined that the project is not likely to adversely affect this species and will not 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.

REGULATORY DIVISION 14 JANUARY 2005
Refer to: P/N # 2003-1N-043-P (Revised)

The District Engineer has 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. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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.

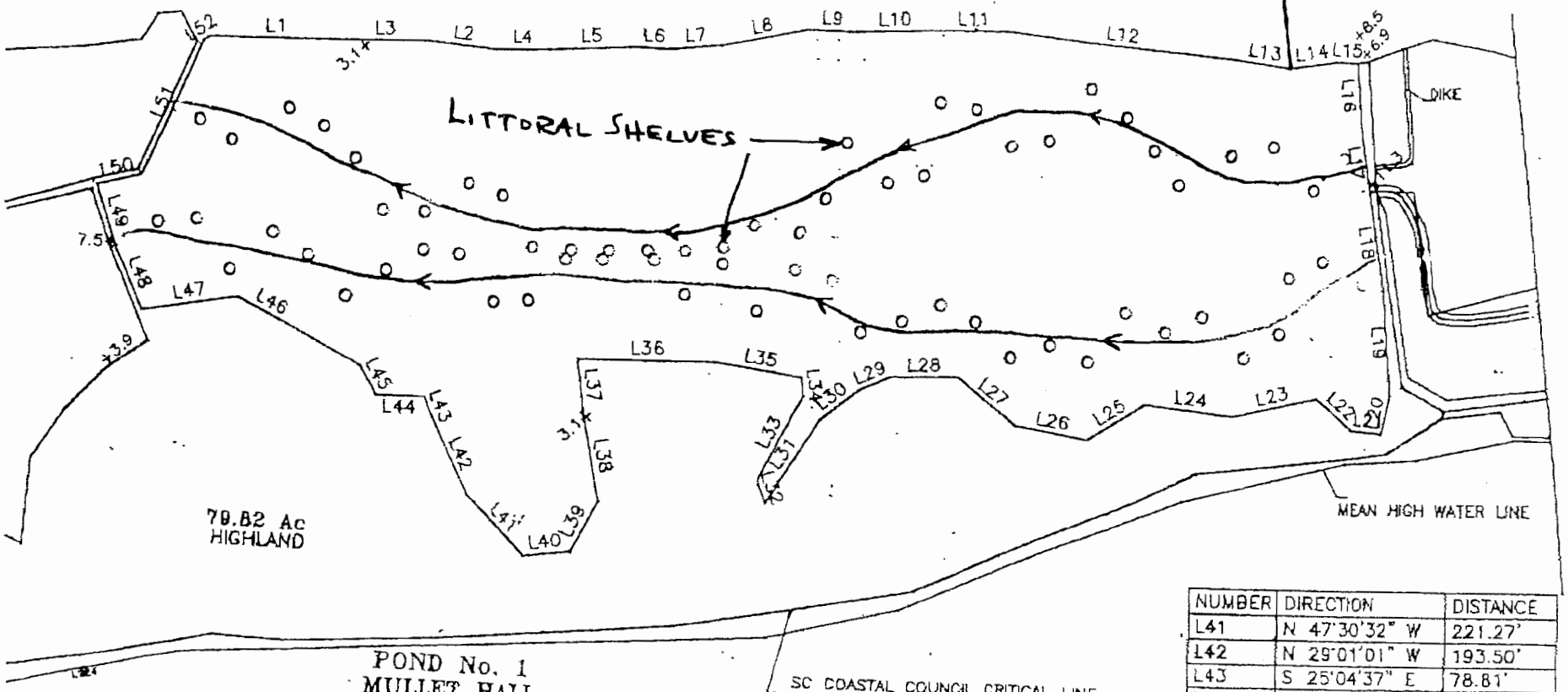
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 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 me at 843-329-8044 or toll free at 1-866-329-8187.

Nathaniel Ball
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE
L1	S 88°32'36" W	331.42'	L14	N 80°51'09" E	117.86'	L28	N 87°48'27" E	173.98'
L2	N 87°13'01" W	182.61'	L15	S 88°08'09" E	58.40'	L29	N 64°55'52" E	87.94'
L3	S 88°10'18" W	224.46'	L16	S 5°41'09" E	168.85'	L30	N 48°54'34" E	122.68'
L4	S 87°21'44" W	145.75'	L17	S 8°59'24" E	162.29'	L31	S 31°02'38" W	252.60'
L5	S 85°31'27" W	213.37'	L18	S 10°05'28" E	252.51'	L32	N 22°04'53" W	60.51'
L6	S 89°55'53" W	91.13'	L19	N 5°43'05" W	269.63'	L33	N 26°03'22" E	244.42'
L7	S 83°12'36" W	123.40'	L20	N 13°02'11" E	101.65'	L34	S 7°08'27" E	48.70'
L8	S 77°19'39" W	227.14'	L21	N 84°15'39" W	84.49'	L35	S 82°03'11" E	222.15'
L9	N 89°53'38" W	125.15'	L22	N 49°37'17" W	124.01'	L36	N 88°21'35" E	340.02'
L10	S 86°51'09" W	196.47'	L23	S 76°21'11" W	215.18'	L37	S 8°52'11" E	145.34'
L11	S 89°02'10" W	205.21'	L24	N 83°35'13" W	223.03'	L38	S 12°00'37" E	222.38'
L12	N 85°25'25" W	582.59'	L25	N 55°37'09" E	172.42'	L39	S 24°27'51" W.	143.61'
L13	S 81°44'40" E	143.55'	L26	S 81°25'37" E	185.18'	L40	S 81°39'54" W	120.89'



NUMBER	DIRECTION	DISTANCE
L41	N 47°30'32" W	221.27'
L42	N 29°01'01" W	193.50'
L43	S 25°04'37" E	78.81'
L44	N 89°19'35" E	120.69'
L45	S 32°12'17" E	84.37'
L46	S 63°54'05" E	166.88'
L47	N 79°40'42" E	251.43'
L48	S 25°30'38" E	178.47'
L49	S 20°00'03" E	164.29'
L50	S 74°43'29" W	114.14'
L51	S 22°08'15" W	376.27'
L52	S 55°05'41" W	19.53'

SC COASTAL COUNCIL CRITICAL LINE
REF BOOK EA PAGE 35 4/11/94

POND No. 1
MULLET HALL
JOHNS ISLAND
CHARLESTON COUNTY SOUTH CAROLINA

400 0 400 800

DATE: NOVEMBER 11, 2002 SCALE: 1" = 400'

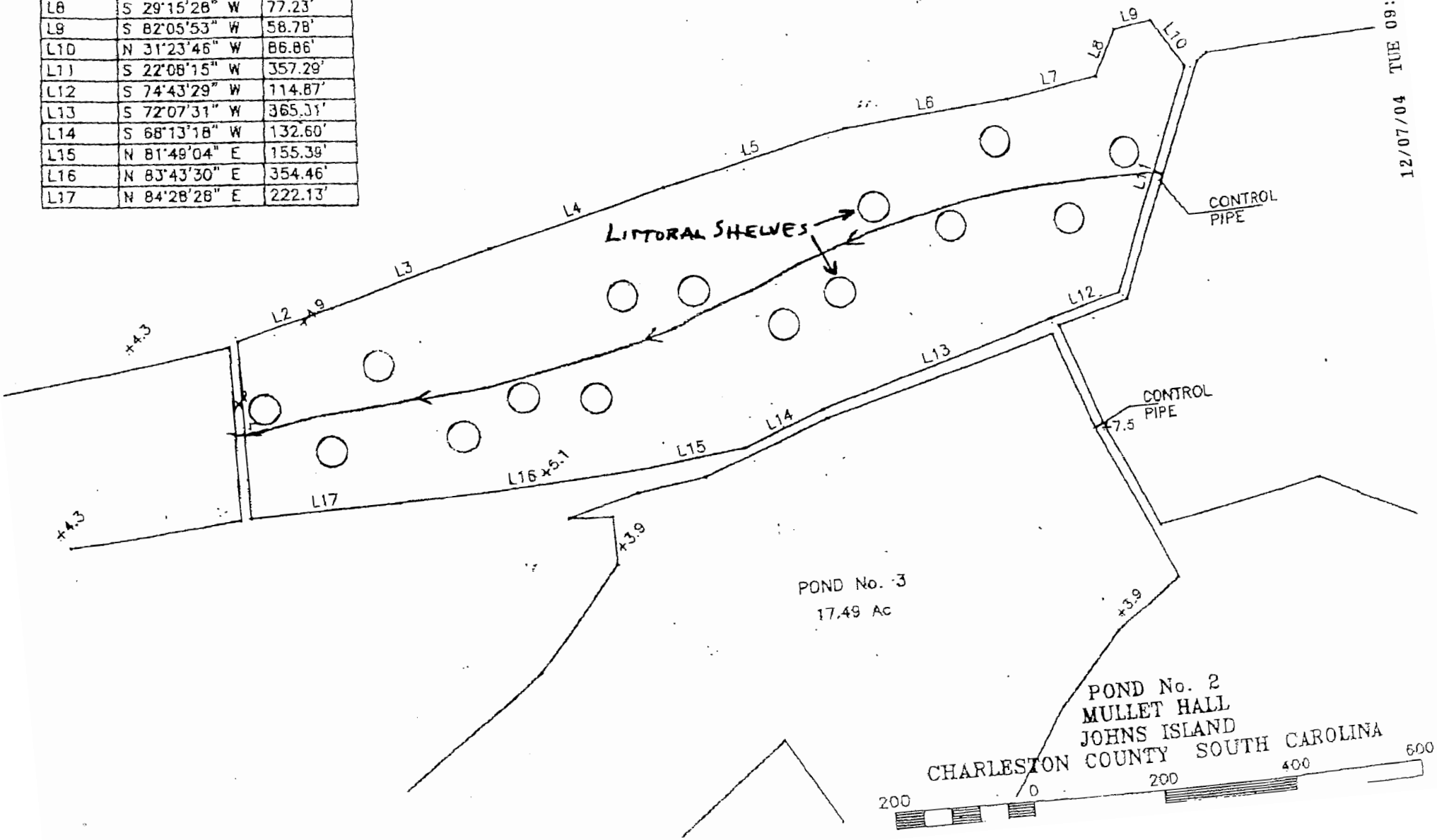
ile Name: C:\PROJECT\020356S\020356S.DWG

12/07/04 TUE 09:37 [TX/RX NO 8897]

POND 2
DITCH and LITORAL SHELVES
(Conceptual)
By: Folk Land Management, Inc.
March 1, 2004

NUMBER	DIRECTION	DISTANCE
L1	S 4°05'03" E	270.47'
L2	S 71°09'08" W	151.74'
L3	S 69°39'34" W	251.53'
L4	S 73°32'01" W	281.63'
L5	S 76°20'15" W	289.69'
L6	S 83°56'59" W	252.47'
L7	S 80°47'42" W	142.58'
L8	S 29°15'28" W	77.23'
L9	S 82°05'53" W	58.78'
L10	N 31°23'46" W	86.86'
L11	S 22°08'15" W	357.29'
L12	S 74°43'29" W	114.87'
L13	S 72°07'31" W	365.31'
L14	S 68°13'18" W	132.60'
L15	N 81°49'04" E	155.39'
L16	N 83°43'30" E	354.46'
L17	N 84°28'28" E	222.13'

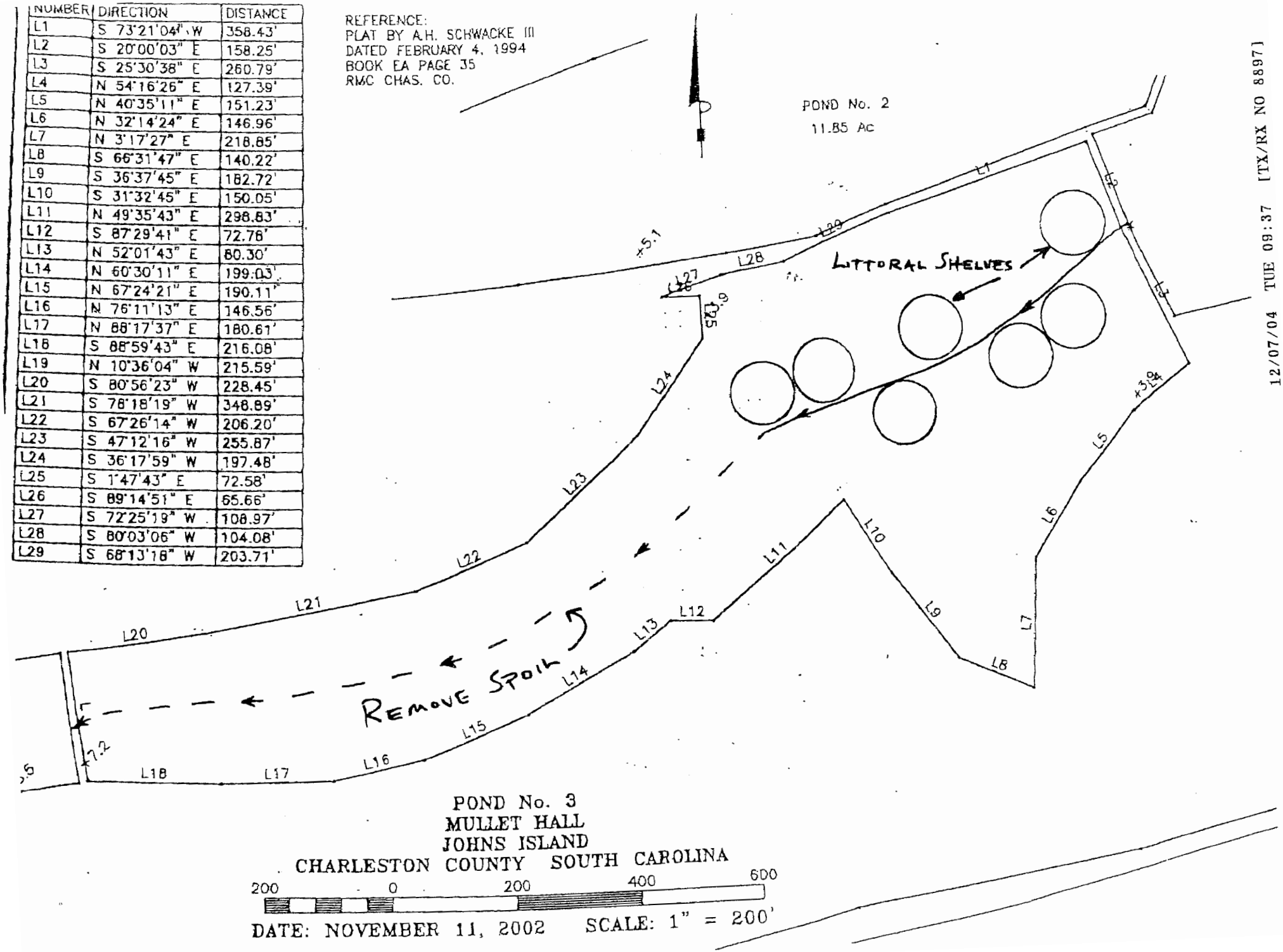
REFERENCE:
PLAT BY A.H. SCHWACKE III
DATED FEBRUARY 4, 1994
BOOK EA PAGE 35
RMC CHAS. CO.



12/07/04 TUE 09:37 [TX/RX NO 8897]

NUMBER	DIRECTION	DISTANCE
L1	S 73°21'04" W	358.43'
L2	S 20°00'03" E	158.25'
L3	S 25°30'38" E	260.79'
L4	N 54°16'26" E	127.39'
L5	N 40°35'11" E	151.23'
L6	N 32°14'24" E	146.96'
L7	N 3°17'27" E	218.85'
L8	S 66°31'47" E	140.22'
L9	S 36°37'45" E	182.72'
L10	S 31°32'45" E	150.05'
L11	N 49°35'43" E	298.83'
L12	S 87°29'41" E	72.78'
L13	N 52°01'43" E	80.30'
L14	N 60°30'11" E	199.03'
L15	N 67°24'21" E	190.11'
L16	N 76°11'13" E	146.56'
L17	N 88°17'37" E	180.61'
L18	S 88°59'43" E	216.08'
L19	N 10°36'04" W	215.59'
L20	S 80°56'23" W	228.45'
L21	S 78°18'19" W	348.89'
L22	S 67°26'14" W	206.20'
L23	S 47°12'16" W	255.87'
L24	S 36°17'59" W	197.48'
L25	S 1°47'43" E	72.58'
L26	S 89°14'51" E	65.66'
L27	S 72°25'19" W	108.97'
L28	S 80°03'06" W	104.08'
L29	S 68°13'18" W	203.71'

REFERENCE:
PLAT BY A.H. SCHWACKE III
DATED FEBRUARY 4, 1994
BOOK EA PAGE 35
RMC CHAS. CO.



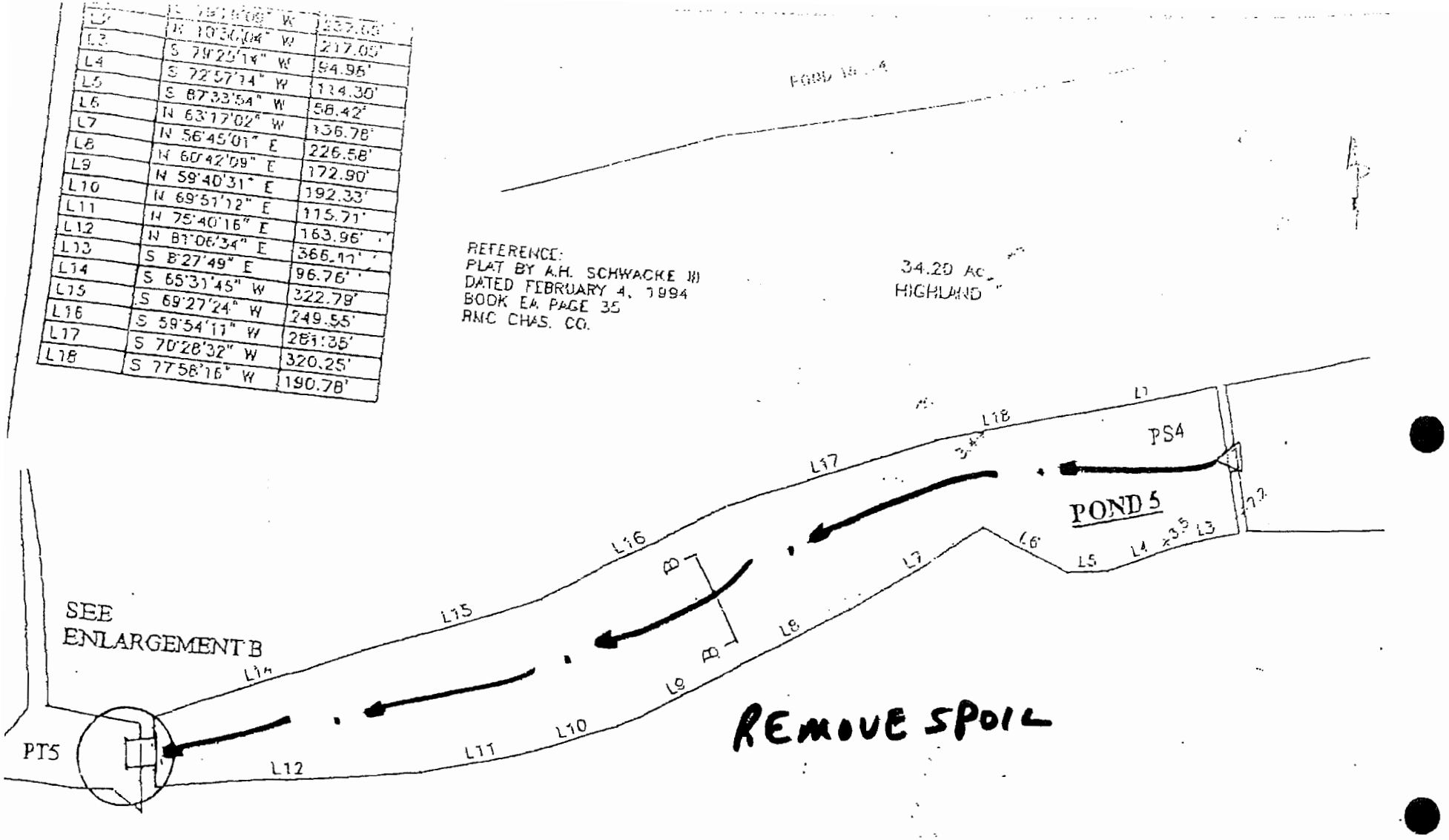
POND No. 3
MULLET HALL
JOHNS ISLAND
CHARLESTON COUNTY SOUTH CAROLINA

DATE: NOVEMBER 11, 2002 SCALE: 1" = 200'

Name: C:\PROJECT\020356S\020356S.DWG

12/07/04 TUE 09:37 [TX/RX NO 8897]

L2	S 79°16'09" W	237.05'
L3	N 10°30'04" W	217.05'
L4	S 79°25'14" W	94.98'
L5	S 72°57'14" W	114.30'
L6	S 87°33'54" W	58.42'
L7	N 63°17'02" W	136.78'
L8	N 56°45'01" E	226.58'
L9	N 60°42'09" E	172.90'
L10	N 59°40'31" E	192.33'
L11	N 69°51'12" E	115.71'
L12	N 75°40'16" E	163.96'
L13	N 81°06'34" E	366.11'
L14	S 8°27'49" E	96.76'
L15	S 65°31'45" W	322.79'
L16	S 69°27'24" W	249.55'
L17	S 59°54'11" W	281.35'
L18	S 70°28'32" W	320.25'
	S 77°58'16" W	190.78'



EGEND

Proposed Ditch

Proposed Trunk; PT1, PT2

Proposed Spillway Box; PS1, PS2,...

...ing Trunk; ET1

POND No. 5
MULLET HALL
JOHNS ISLAND
CHARLESTON COUNTY SOUTH C.

200 0 200 400

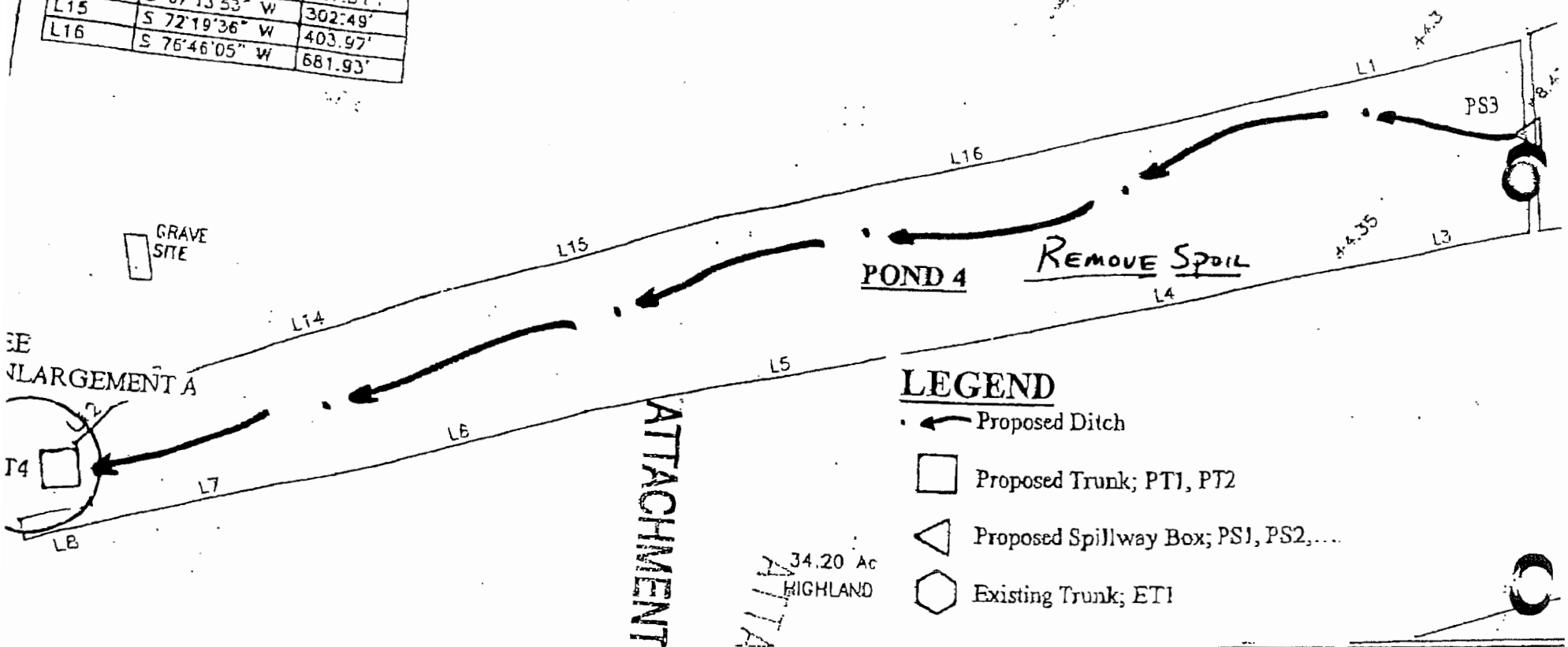
DATE: NOVEMBER 11, 2002 SCALE:

Project Title	Impoundment improvements
Project Location	Mullet Hall Plantation
Applicant	Kiawah River Plantation, L Kiawah Resort Associates, LP
Authorized Agent	Robert Folk
Drawing Scale 1" = 200'	Date 1-27-2003
Application 2003-10-043-P	Sheet 7 of 13

12/07/04 TUE 09:37 [TX/RX NO 8897]

L4	S 79°38'52" W	[illegible]
L5	S 78°20'20" W	527.37'
L6	S 72°29'08" W	524.02'
L7	S 72°13'38" W	333.42'
L8	S 68°38'34" W	310.47'
L9	S 21°52'27" E	87.35'
L10	N 69°48'59" E	26.16'
L11	S 20°11'56" E	86.10'
L12	S 36°37'21" W	82.92'
L13	S 61°12'20" W	62.09'
L14	S 67°13'53" W	127.31'
L15	S 72°19'36" W	302.49'
L16	S 76°46'05" W	403.97'

REFERENCE:
PLAT BY A.H. SCHWACKE III
DATED FEBRUARY 4, 1994
BOOK EA PAGE 35
RMC CHAS. CO.



LEGEND

- Proposed Ditch
- Proposed Trunk; PT1, PT2
- Proposed Spillway Box; PS1, PS2,....
- Existing Trunk; ET1

ATTACHMENT A

ATTACHMENT A

POND No. 4
MULLET HALL
JOHNS ISLAND
CHARLESTON COUNTY SOUTH CAROLINA

11/6/03

0 200 400 600

DATE: NOVEMBER 11, 2002 SCALE: 1" = 200'

FILE: C:\PROJECT\0203565\0203565.DWG

Project Title: Impoundment improvements	
Project Location: Mullet Hall Plantation	
Applicant: Kiawah River Plantation, L Kiawah Resort Associates, LP	
Authorized Agent: Robert Folk	
Drawing Scale: 1" = 200'	Date: 1-27-2003
Application: 2003-IN-043-P	Sheet 6 of 12

Revision Date

ADJACENT LAND OWNERS

Vitre, LLC
635 E Bay Street
Charleston, SC 29403-5641

John F. Limehouse
616 Wappoo Road
Charleston, SC 29407-5856

Kiawah Real Estate Company
12 Kiawah Beach Drive
Johns Island, SC 29455-5677

Bishop of Charleston
119 Broad St.
Charleston, SC 29401-2435

Joyce Simmons
P.O. Box 70584
North Charleston, SC 29415-0584

Pelican Enterprises, Inc.
686 Lakeview Dr.
Mount Olive, IL 62069-2508

Dorothy Green and Anna Lee Walker
1767 Markham Road
Charleston, SC 29414-6105

Guerry Glover as Trustee Leize Bennett
P.O. Box 1449
Johns Island, SC 29457-1449

James G. Todd
2402 Blackground Road
Johns Island, SC 29455-7307

	Project Title: Impoundment improvements	
	Project Location: Mullet Hall Plantation	
	Applicant: Kiawah River Plantation, LP Kiawah Resort Associates, LP	
Revision Date	Authorized Agent: Robert Folk	
	Drawing Scale: 1" = 200'	Date: 1-27-2003
	Application #	Sheet 1 of 17