

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

April 20, 2007

Refer to: P/N # 2001-1E-136-P (Modified)

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), 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 South Carolina Department of Health and Environmental Control by

BEACH EQUITY INVESTMENT, LLC.
C/O APPLIED TECHNOLOGY & MANAGEMENT, INC.
P. O. BOX 20336
CHARLESTON, SOUTH CAROLINA 29413

for a permit to modify an existing permit to construct a pier head, walkway and floating dock in

JEREMY CREEK

at a location at 541 Water Street, McClellanville, Charleston County, South Carolina (Latitude – 33.08333, Longitude – 79.46265)

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, MAY 21, 2007

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

The previous permitted plans included construction of two pier walkways, 10' x 125' and a 4' x 125', in addition to the already existing 10' x 125' walkway. All timber walkways were to lead to an existing 371' x 6' fixed timber pier. In addition an 8' x 100' floating dock was to be installed on the downstream side of the 371' x 6' fixed timber pier, and was to be attached to it by a 4' x 25' aluminum ramp. Modified plans consist of construction of a 35' x 32' fixed timber dock, partially attached to the uplands. Attached to the fixed dock will be a 14' x 73' fixed timber walkway leading to a 14' x 16' fixed covered pier head. Also attached to the fixed dock will be a 6' x 80' gangway leading to a 12' x 440' floating dock, which will replace the 371' x 6' fixed timber dock. The applicant proposes to construct the floating dock in such a way that sections of the floating dock will be able to be detached, floated out of the way, and temporarily stored to facilitate USACE maintenance dredging operations. The applicant also proposes to include gasoline and diesel fuel dispensers and sewage pump-out on the floating dock. In addition, the applicant proposes to construct sewage, gasoline and diesel storage tanks in the uplands of the property. While this upland construction does not require authorization by the U.S. Army Corps of Engineers, it may need authorization by the South Carolina Department of Health and Environmental Control.

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The purpose to the work is for public recreational use.

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 also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). 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 State certification must submit all comments in writing to the South Carolina Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.1755 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.

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.

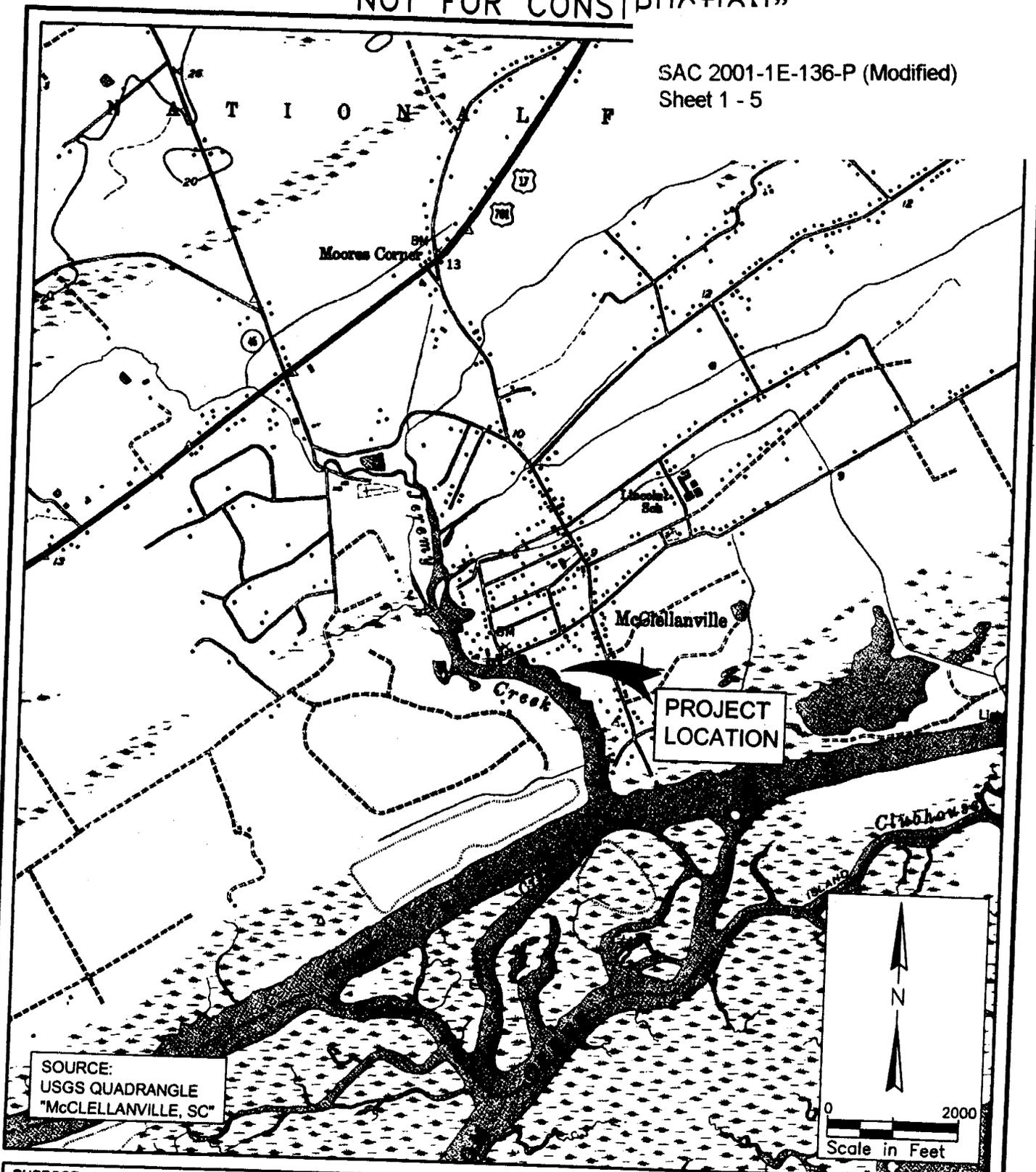
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may 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 Robert Vega at 843-329-8044 or toll free at 1-866-329-8187.

FOR PERMITTING PURPOSES ONLY
"NOT FOR CONSTRUCTION"

SAC 2001-1E-136-P (Modified)
Sheet 1 - 5



SOURCE:
USGS QUADRANGLE
"MCLELLANVILLE, SC"

PURPOSE: MARINA REDEVELOPMENT
DATUM: MLW
APPLICATION BY: RUTLEDGE B. LELAND
USACE # 2001-1E-136
ADJACENT PROPERTY OWNERS:
SEE EXHIBIT B
DATE: 03/16/07

LOCATION MAP

RUTLEDGE B. LELAND
21 MORRISON AVE.
MCLELLANVILLE, SC. 29458-9713

PROPOSED: MARINA REDEVELOPMENT
IN: JEREMY CREEK
AT: LELAND MARINA, MCLELLANVILLE

COUNTY OF: CHARLESTON
STATE: SOUTH CAROLINA

478CHB04.DWG
12/14/94

FOR REFINING PURPOSES ONLY

CONSTRUCTION

2007-001-05-000-000000

SHEET 5

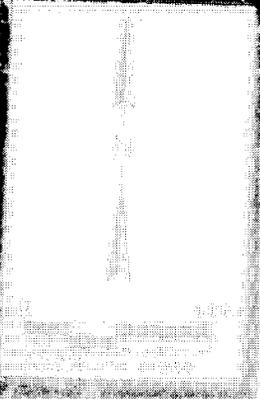
POUNCEBORN
MCCLELLANVILLE

PROJECT
LOCATION

JEREMY FLOOD CREEK
EAB

AIWW

SOURCE
SOUTH CAROLINA COUNTY
SERIAL 0000000000



APPROVED BY: [Signature]
DATE: 03/16/07

ENGINEER: [Signature]
24 WILSON AVE
COLUMBIA, SC 29408-0113

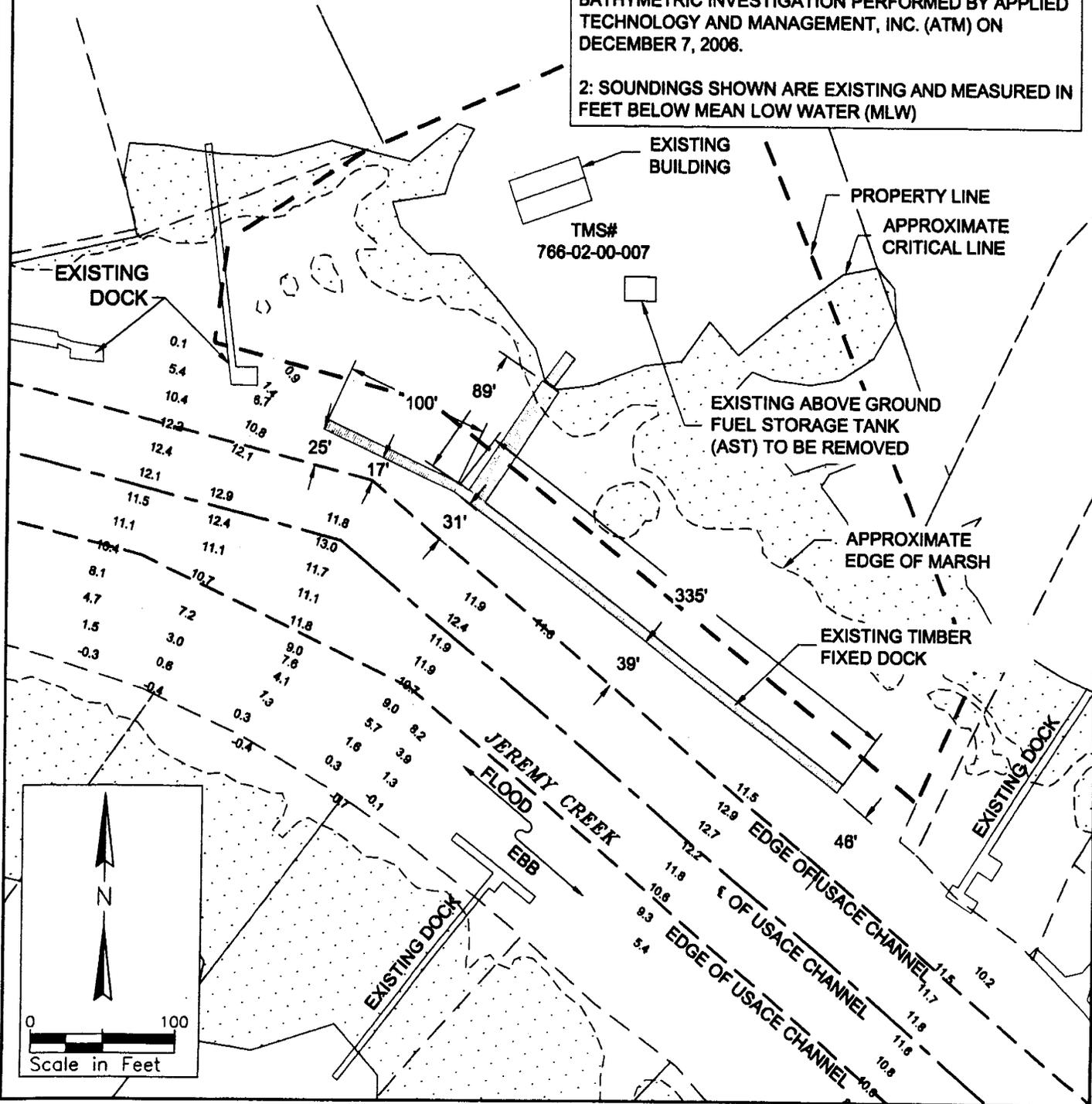
APPROVED BY: [Signature]
DATE: 03/16/07

COUNTY OF: [Blank]
SHEET 5

FOR PERMITTING PURPOSES ONLY
 "NOT FOR CONSTRUCTION"

SAC 2001-1E-136-P (Modified)
 Sheet 3 - 5

NOTES:
 1: SITE INFORMATION COMPILED FROM CHARLESTON COUNTY GEOGRAPHIC INFORMATION SYSTEMS (GIS) INFORMATION, US ARMY CORPS OF ENGINEERS BATHYMETRIC CONDITION SURVEYS, AND A LIMITED BATHYMETRIC INVESTIGATION PERFORMED BY APPLIED TECHNOLOGY AND MANAGEMENT, INC. (ATM) ON DECEMBER 7, 2006.
 2: SOUNDINGS SHOWN ARE EXISTING AND MEASURED IN FEET BELOW MEAN LOW WATER (MLW)



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 DATE: 03/16/07

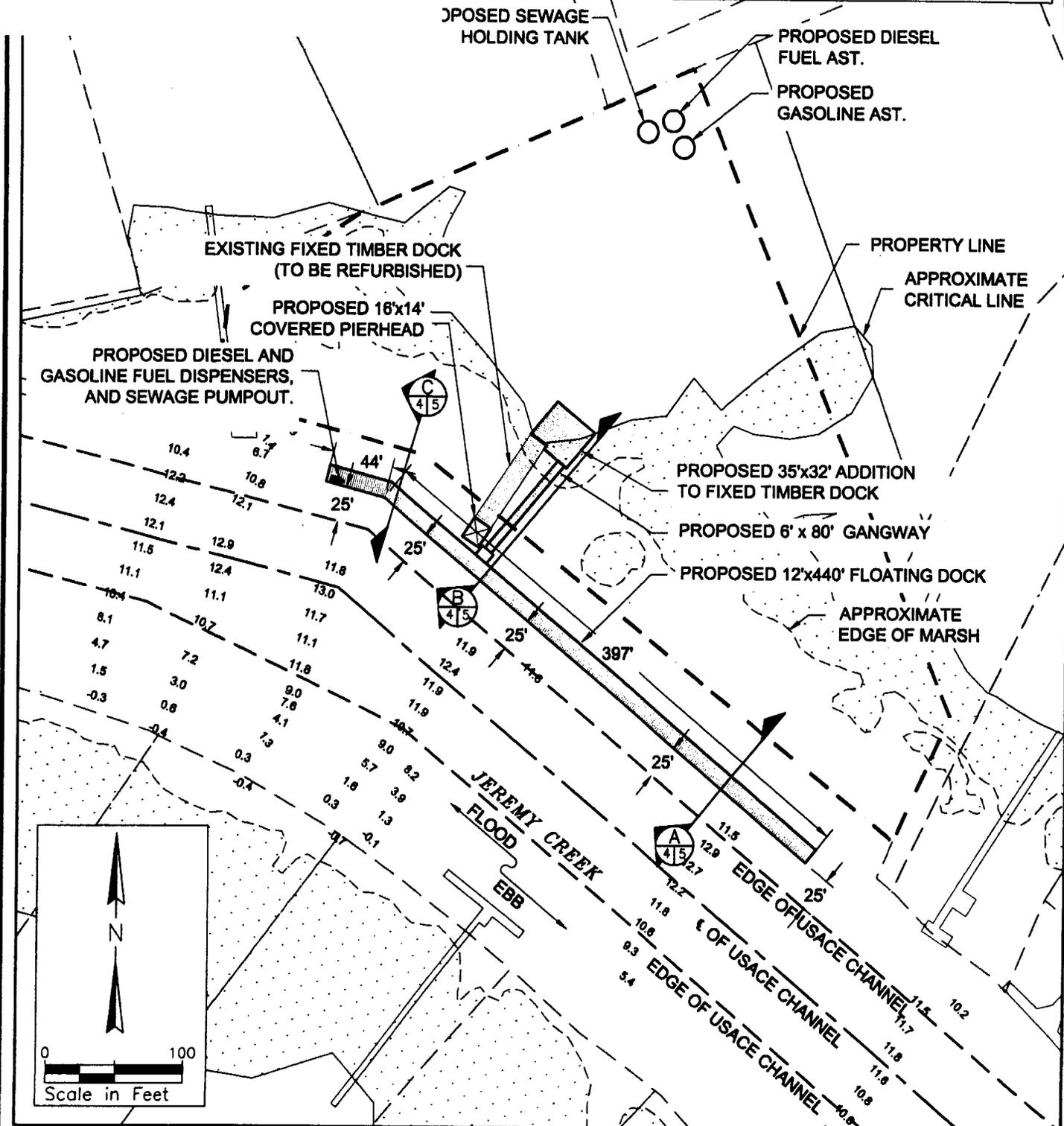
EXISTING CONDITIONS
 RUTLEDGE B. LELAND
 21 MORRISON AVE.
 McCLELLANVILLE, SC. 29458-9713

PROPOSED: MARINA REDEVELOPMENT
 IN: JEREMY CREEK
 AT: LELAND MARINA, McCLELLANVILLE
 COUNTY OF: CHARLESTON
 STATE: SOUTH CAROLINA
 SHEET 3

FOR PERMITTING PURPOSES ONLY
FOR CONSTRUCTION"

SAC 2001-1E-136-P (Modified)
Sheet 4 - 5

NOTES:
1. SEE SHEET 5 FOR CROSS SECTIONS



PURPOSE: MARINA REDEVELOPMENT
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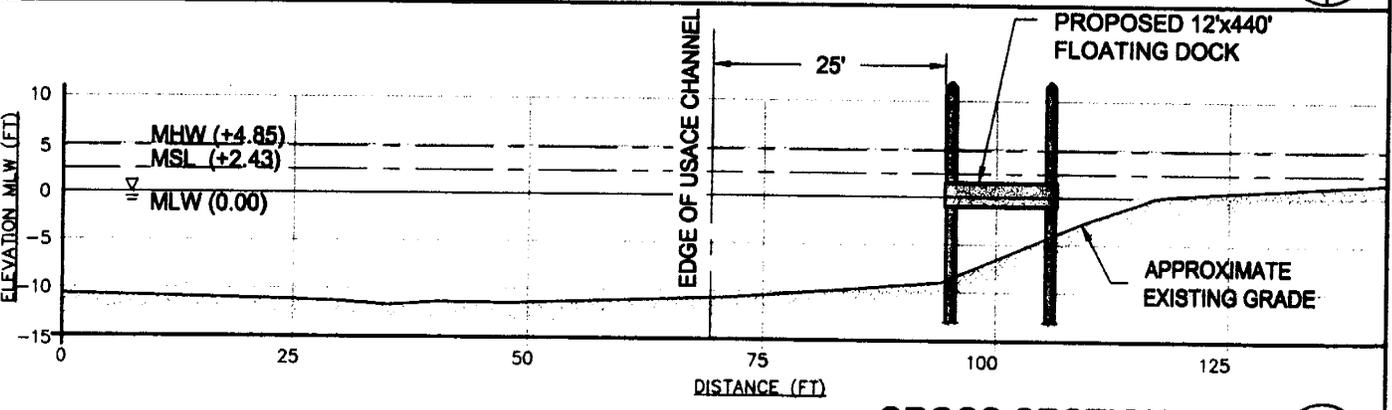
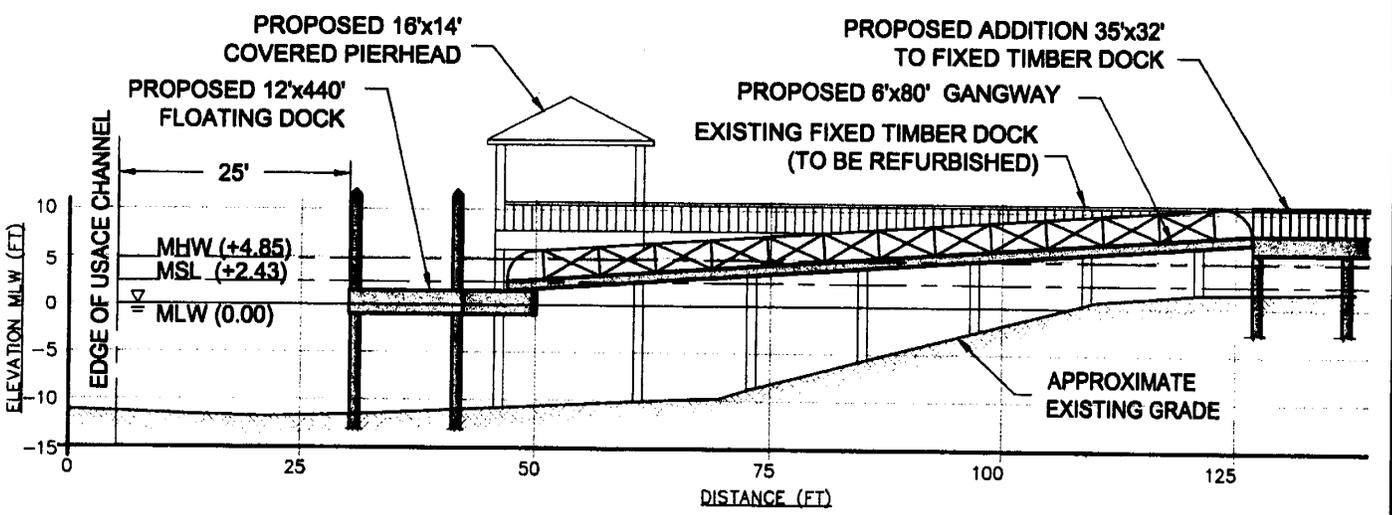
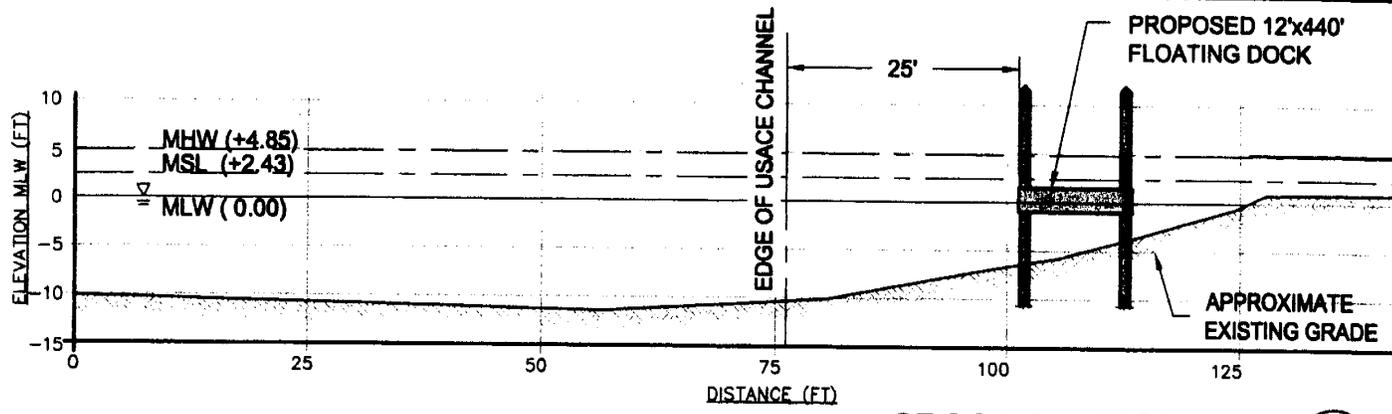
PROPOSED IMPROVEMENTS

RUTLEDGE B. LELAND
 21 MORRISON AVE.
 McCLELLANVILLE, SC. 29458-9713

PROPOSED: MARINA REDEVELOPMENT
 IN: JEREMY CREEK
 AT: LELAND MARINA, McCLELLANVILLE

COUNTY OF: CHARLESTON
 STATE: SOUTH CAROLINA

SHEET 4



PURPOSE: MARINA REDEVELOPMENT
 DATUM: MLW
 APPLICATION BY: RUTLEDGE B. LELAND
 USACE # 2001-1E-136
 ADJACENT PROPERTY OWNERS:
 SEE EXHIBIT B
 DATE: 03/16/07

CROSS SECTIONS

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