

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
Refer to: P/N #SAC-2007-1340-2IG

15 JUNE 2007

Pursuant to 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

ASSET CORPORATION OF THE SOUTH, LLC
C/O TOBY RADENBAUGH
TRICO ENGINEERING CONSULTANTS, INC.
4425 BELLE OAKS DRIVE
CHARLESTON, SOUTH CAROLINA 29405

for a modification to permit #97-1A-118, to place fill material in 0.8 acre of

FRESHWATER WETLANDS

at a location, on "Parcel A", adjacent to Legend Oaks and Highway 165, in Dorchester County, South Carolina.

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, JULY 16, 2007

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

The proposed work consists of placing fill material in approximately 0.8 acres of freshwater wetlands for an access road, utilities and residential development on a new parcel added to the existing development. To minimize the proposed impacts the applicant proposes to abandon a previously permitted 0.356 acre wetland impact for a road crossing and place the area in restrictive covenants. In addition, as mitigation for the proposed impacts the applicant proposes to purchase 15.5 restoration credits from the Pigeon Pond mitigation bank.

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 0.837 acres of freshwater substrates 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.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the applicant has provided a protected species survey for the property associated with the activity described above. Based upon this report, the District Engineer 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.

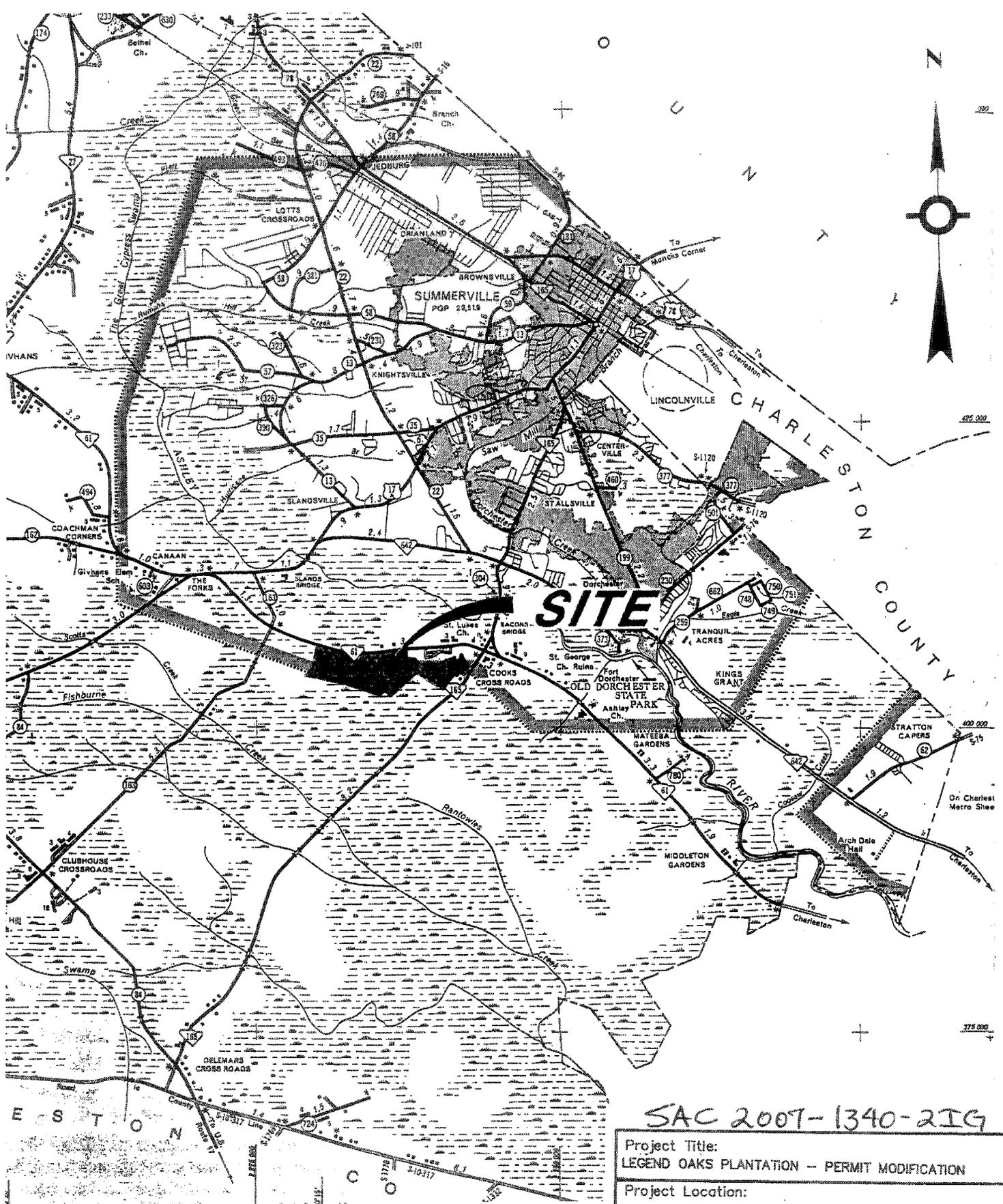
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered 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 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 Mary Hope Glenn at 843-329-8044 or toll free at 1-866-329-8187.



SAC 2007-1340-2IG

Project Title: LEGEND OAKS PLANTATION - PERMIT MODIFICATION	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: ASSET CORPORATION OF THE SOUTH, LLC	
REVISED NOVEMBER 7, 2006	Scale: AS SHOWN
REF: TNR	SHEET 1 OF 5

Revisions	
Date	Initials

NARRATIVE
Legend Oaks Plantation - Permit Modification Request
 Dorchester County, South Carolina

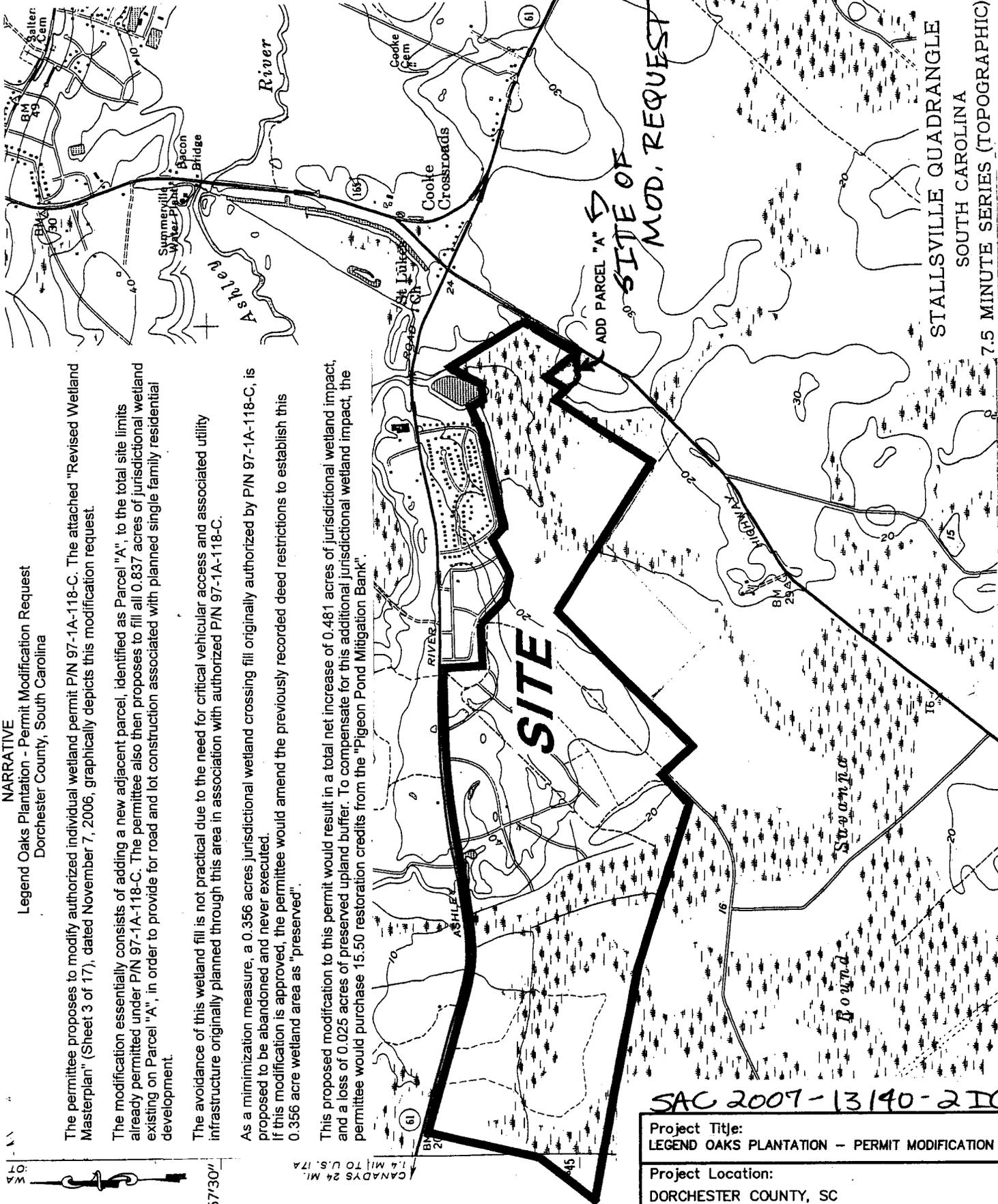
The permittee proposes to modify authorized individual wetland permit P/N 97-1A-118-C. The attached "Revised Wetland Masterplan" (Sheet 3 of 17), dated November 7, 2006, graphically depicts this modification request.

The modification essentially consists of adding a new adjacent parcel, identified as Parcel "A", to the total site limits already permitted under P/N 97-1A-118-C. The permittee also then proposes to fill all 0.837 acres of jurisdictional wetland existing on Parcel "A", in order to provide for road and lot construction associated with planned single family residential development.

The avoidance of this wetland fill is not practical due to the need for critical vehicular access and associated utility infrastructure originally planned through this area in association with authorized P/N 97-1A-118-C.

As a minimization measure, a 0.356 acres jurisdictional wetland crossing fill originally authorized by P/N 97-1A-118-C, is proposed to be abandoned and never executed. If this modification is approved, the permittee would amend the previously recorded deed restrictions to establish this 0.356 acre wetland area as "preserved".

This proposed modification to this permit would result in a total net increase of 0.481 acres of jurisdictional wetland impact, and a loss of 0.025 acres of preserved upland buffer. To compensate for this additional jurisdictional wetland impact, the permittee would purchase 15.50 restoration credits from the "Pigeon Pond Mitigation Bank".



STALLVILLE QUADRANGLE
 SOUTH CAROLINA
 7.5 MINUTE SERIES (TOPOGRAPHIC)

57'30"
 CANADYS 24 MI.
 1.4 MI TO U.S. 17A

Revisions	
Date	Initials

SAC 2007-13190-2 IG

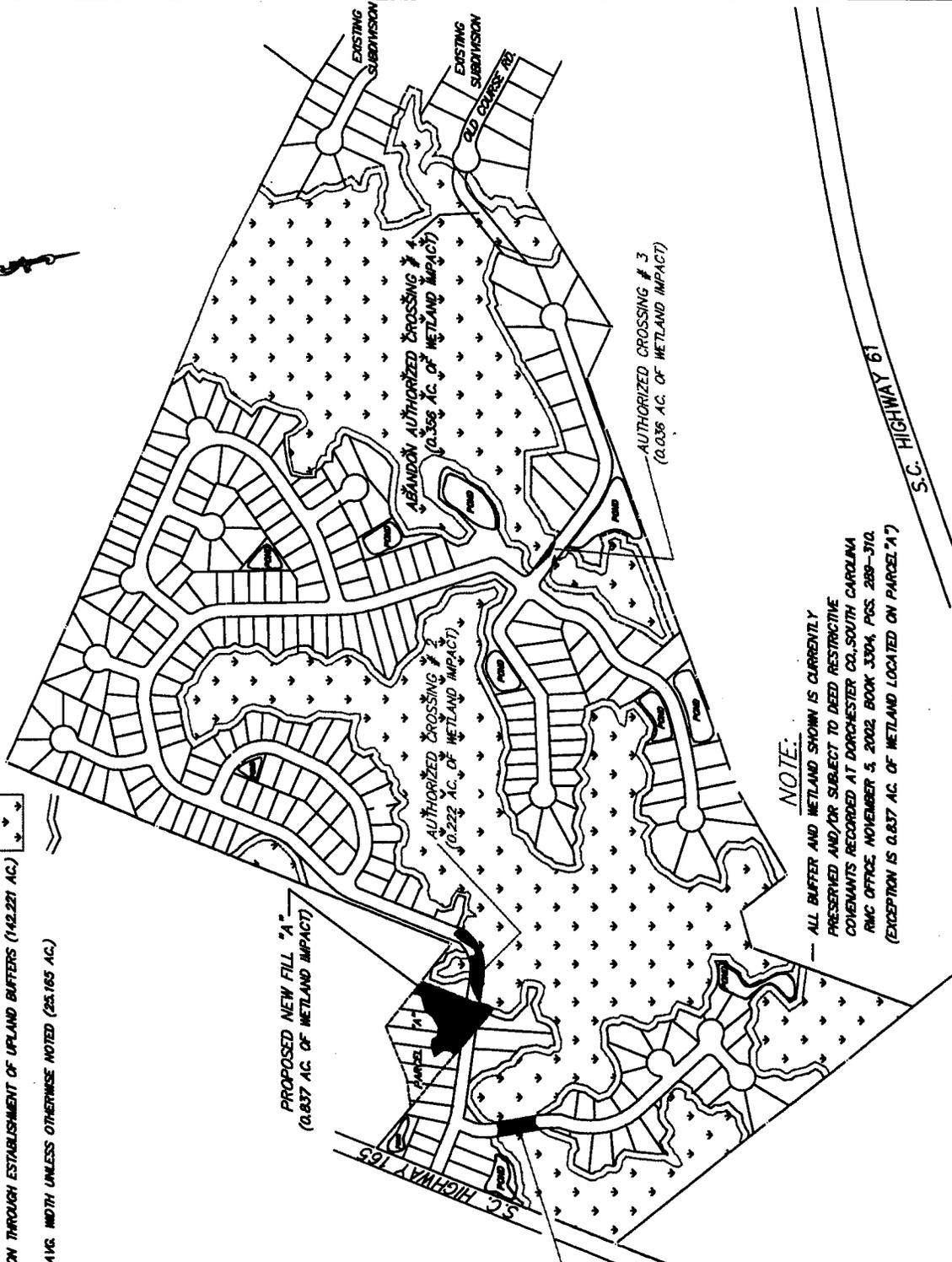
Project Title: LEGEND OAKS PLANTATION - PERMIT MODIFICATION	
Project Location: DORCHESTER COUNTY, SC	
APPLICANT: ASSET CORPORATION OF THE SOUTH, LLC	
REVISED NOVEMBER 7, 2006	Scale: 1" = 2000'
REF: TNR	SHEET 2 OF 5

REVISED WETLAND MASTERPLAN TOTALS:
FOR P/N# 97-1A-118-C

WETLAND PROPOSED FOR FILL (4,839 AC.)

WETLAND PROPOSED FOR ENHANCEMENT/PRESERVATION THROUGH ESTABLISHMENT OF UPLAND BUFFERS (142,221 AC.)

PROPOSED UPLAND PRESERVATION BUFFER - 25 FT. AVG. WIDTH UNLESS OTHERWISE NOTED (23,165 AC.)

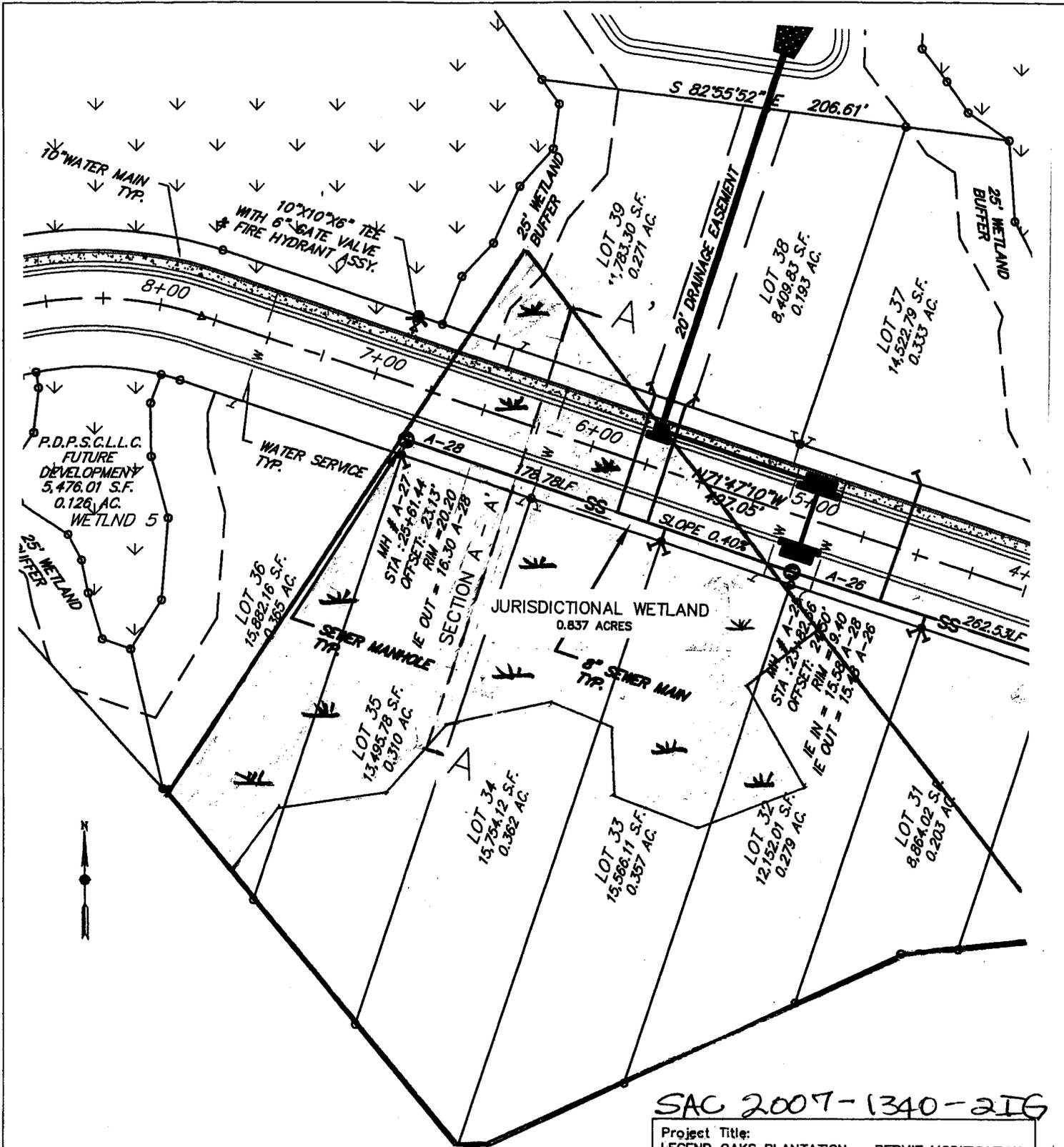


NOTE:

ALL BUFFER AND WETLAND SHOWN IS CURRENTLY PRESERVED AND/OR SUBJECT TO DEED RESTRICTIVE COVENANTS RECORDED AT DORCHESTER CO. SOUTH CAROLINA RMC OFFICE NOVEMBER 5, 2002, BOOK 3304, PGS. 289-310. (EXCEPTION IS 0.837 AC. OF WETLAND LOCATED ON PARCEL 'A')

JAC 2007-1340-2IG

Project Title: LEGEND OAKS PLANTATION - PERMIT MODIFICATION	
Project Location: DORCHESTER COUNTY, SC	
Applicant: ASSET CORPORATION OF THE SOUTH, LLC	
REVISED NOVEMBER 7, 2006	SCALE: 1" = 600'
Ref:	SHEET 3 OF 5

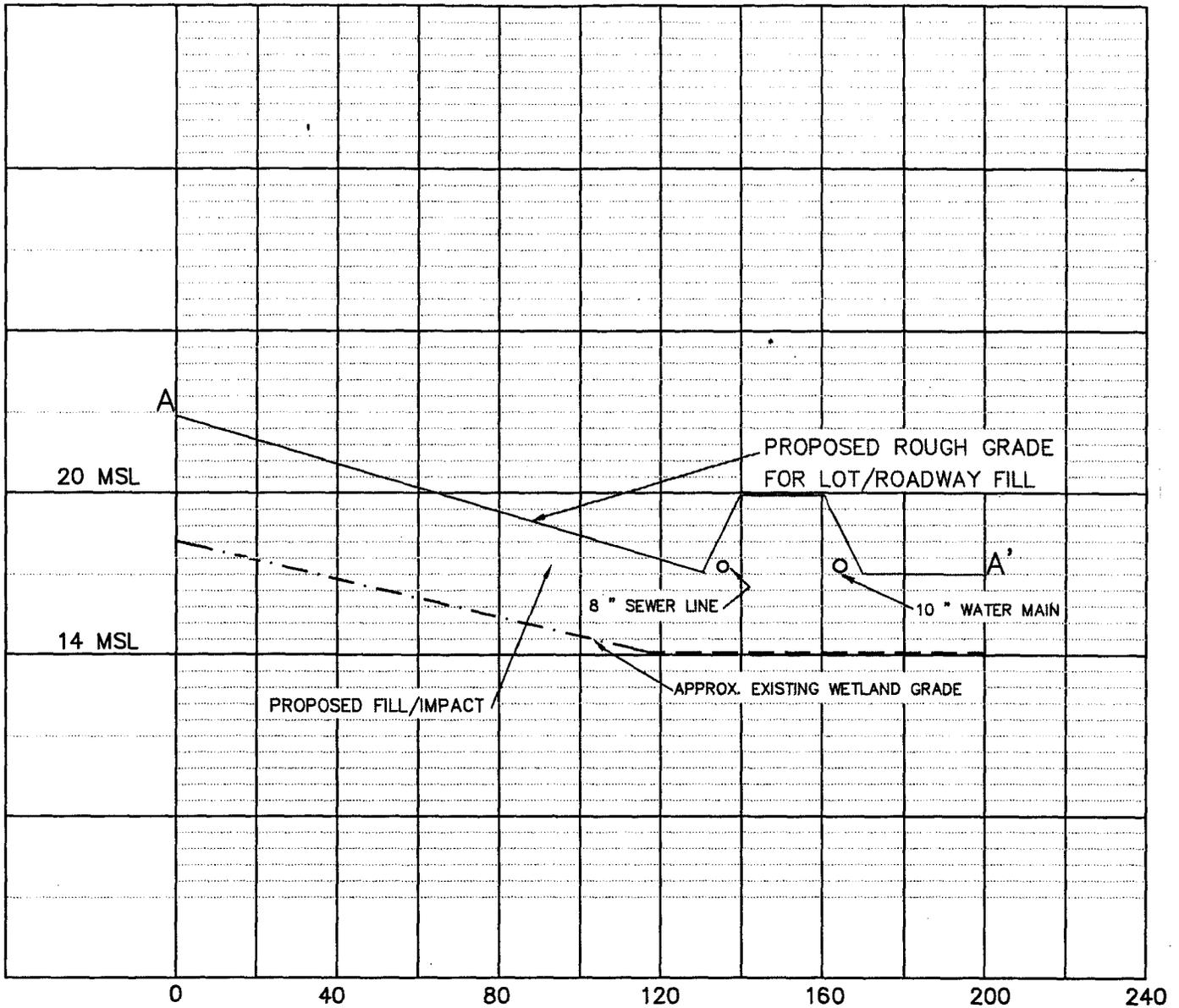


PLAN VIEW
0.837 ACRE WETLAND FILL

SAC 2007-1340-2IG

Project Title: LEGEND OAKS PLANTATION - PERMIT MODIFICATION	
Project Location: DORCHESTER COUNTY, SC	
Applicant: ASSET CORPORATION OF THE SOUTH, LLC	
REVISED NOVEMBER 1, 2008	SCALE: 1" = 60'
Ref:	ATTACHMENT

June 5, 2007 Sheet 4 of 5



HORIZONTAL SCALE: 1" = 40'
 VERTICAL SCALE: 1" = 6'

PROPOSED FILL SECTION A - A'

TOTAL EST. VOLUME OF WETLAND FILL: (0.837 ACRES/5500 CU.YD.)

SAC 2007-1340-27G

Project Title: LEGEND OAKS PLANTATION - PERMIT MODIFICATION	
Project Location: DORCHESTER COUNTY, SC	
Applicant: ASSET CORPORATION OF THE SOUTH, LLC	
REVISION NOVEMBER 7, 2006	SCALE: AS SHOWN
Ref:	

June 5, 2007 sheet 5 of 5

REQUESTED
MODIFICATION
TO P/N #97-1A-116-

" SHEET # 1 OF 5 "

JANUARY 23, 2006

Mitigation for Wetlands

14. Tables and Worksheets.

14.1. Adverse Impacts Table.

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

FACTORS	OPTIONS					
	Lost Type	Type C 0.2		Type B 2.0		Type A 3.0
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0	
Existing Condition	Very Impaired 0.1	Impaired 1.0		Slightly Impaired 2.0		Fully Functional 2.5
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3 0.5	3 to 5 1.0	5 to 10 1.5	Over 10 2.0
Dominant Impact	Shade 0.2	Clear 1.0	Dredge 1.5	Drain 2.0	Impound 2.5	Fill 3.0
Cumulative Impact	$0.05 \times \sum AA_i$					

Note: For the Cumulative Impact factor, $\sum AA_i$ stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

Required Mitigation Credits Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Lost Type	3.0					
Priority Category	1.5					
Existing Condition	2.5					
Duration	2.0					
Dominant Impact	3.0					
Cumulative Impact	.2					
Sum of r Factors	$R_1 = 12.2$	$R_2 =$	$R_3 =$	$R_4 =$	$R_5 =$	$R_6 =$
Impacted Area	$AA_1 = 4.939$	$AA_2 =$	$AA_3 =$	$AA_4 =$	$AA_5 =$	$AA_6 =$
R x AA =	60.256					

Total Required Credits = $\sum (R \times AA) =$

60.26

Mitigation for Wetlands

14.3. Restoration and Enhancement Table.

RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Factors	Options				
	Minimal Enhancement -----to----- Excellent Restoration				
Net Improvement	0.1 ----- 4.0				
Control	N. A. 0	Covenant Private 0.1	Covenant POA 0.2	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6
Temporal Lag	N.A.* 0	Over 20 -0.3	10 to 20 -0.2	5 to 10 -0.1	0 to 5 0
Credit Schedule	Schedule 5* 0	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 5 -0.1	Category 4 0	Category 3 0.2	Category 2 0.3	Category 1 0.4
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4

N. A. = Not Applicable

*Use this option to calculate credits for enhancement by buffering

Proposed Restoration or Enhancement Mitigation Sample Worksheet

Factor	BUFFER	Area 2	Area 3	Area 4	Area 5
Net Improvement	.5				
Control	.2				
Temporal Lag	0				
Credit Schedule	.4				
Kind	.4				
Location	.4				
Sum of m Factors	M ₁ = 1.9	M ₂ =	M ₃ =	M ₄ =	M ₅ =
Mitigation Area	A ₁ = 25.165	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M × A =	47.813				

Total Restoration/Enhancement Credits = $\sum (M \times A) =$

47.81

Mitigation for Wetlands

14.4. Preservation Table.

PRESERVATION MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S.
EXCLUDING STREAMS

Factors	Options				
	Priority Category	Tertiary 0.1	Secondary 0.2	Primary 0.4	
Existing Condition	Impaired - 0.1	Slightly Impaired 0		Fully Functional 0.1	
Degree of Threat	Low - 0.1	Moderate 0.1		High 0.2	
Control	Covenant Private 0	Covenant POA 0.1	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6	
Kind	Category 5 - 0.1	Category 4 0	Category 3 0.1	Category 2 0.2	Category 1 0.3
Location	Zone 5 - 0.1	Zone 4 0	Zone 3 0.1	Zone 2 0.2	Zone 1 0.3

Note: Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

Proposed Preservation Mitigation Sample Worksheet

Factor	WETLAND MINUS BUFFER	Area 2	Area 3	Area 4	Area 5
Priority Category	.2				
Existing Condition	.1				
Degree of Threat	.1				
Control	.1				
Kind	.4				
Location	.4				
Sum of m Factors	M ₁ = 1.3	M ₂ =	M ₃ =	M ₄ =	M ₅ =
Mitigation Area	A ₁ = 117.056	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M × A =	152.173				

Total Preservation Credits = $\sum (M \times A) =$ 152.17

Mitigation for Wetlands

14.6. Mitigation Summary Worksheet.

WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS
Mitigation Summary Worksheet For Permit Application # _____

I. Required Mitigation

A. Total Required Mitigation Credits =	60.26
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II. Non-Banking Mitigation Credit Summary

	Credits	Acres
B. Creation		
C. Restoration and/or Enhancement (Non-Buffer Enhancement)		
D. Restoration and/or Enhancement (Buffer Enhancement)	47.81	25.165
E. Total No Net Loss Non-Bank Mitigation = B + C + D	47.81	25.165
F. Preservation	152.17	117.056
G. Total Proposed Non-Bank Mitigation = E + F	199.98	142.221

III. Banking Mitigation Credit Summary

	Credits	Acres
H. Creation		
I. Restoration and/or Enhancement (Non-Buffer Enhancement)	15.50	N/A
J. Restoration and/or Enhancement (Buffer Enhancement)		
K. Total No Net Loss Bank Mitigation = H + I + J	15.50	N/A
L. Preservation		
M. Total Proposed Bank Mitigation = K + L	15.50	N/A

IV. Grand Totals

	Credits	Acres
N. Total Preservation Mitigation = F + L	152.17	117.056
O. Total Non-Preservation Mitigation = E + K	63.31	N/A
P. Total Creation = B + H		
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	15.50	N/A
R. Total Proposed Mitigation = G + M	215.48	N/A

Mitigation for Wetlands

The Total Mitigation Credits (Row R) should be equal to or greater than the total Required Mitigation Credits (Row A) for the proposed mitigation to be acceptable. The other requirements given in the SOP must also be satisfied, e.g., in the credits column, Row O must equal at least 50% of Row A and the addition of Row P and Row Q must equal at least 25% of Row A. If the answer to any of the questions below is no, then the proposed mix and/or quantity of mitigation is not in compliance with the policy and the plan should be revised or rejected, unless a variance is approved.

	Yes	No
$PMC \geq RMC$ or in words Are the credits in Row R greater than or equal to Row A ?	✓	
$PMC_{Non-Preservation} \geq \frac{1}{2} RMC$ or in words Are the credits in Row O greater than or equal to 50% of Row A ?	✓	
$PMC_{Creation + Restoration/Enhancement (Non-Buffer Enhancement)} \geq \frac{1}{4} RMC$ or in words Are the credits in Row P plus the credits in Row Q greater than or equal to 25% of Row A ?	✓	