

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 Industrial Park Lane Room 140
Conway, South Carolina 29526

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 #2007-860-31J

August 24, 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

LANDBANK FUND XIII, LLC
c/o BEAM & ASSOCIATES
POST OFFICE BOX 11863
COLUMBIA, SOUTH CAROLINA 29211-1863

for a permit to place fill material in jurisdictional freshwater wetlands adjacent to the

ATLANTIC INTRACOASTAL WATERWAY

at a location described as south of and adjacent to River Oaks Drive, Myrtle Beach, Horry County, South Carolina (Latitude 33.72842°, Longitude 78.90211°)

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, 24 SEPTEMBER 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 waters of the United States. Specifically, the applicant proposed to fill 0.759 acres of wetlands and waters of the U.S. to construct roadways and building pads for residential homesites. As mitigation for impacts to aquatic resources, the applicant proposes to preserve the remaining 10.126 acres of non-jurisdictional wetlands onsite along with 6.353 acres of upland buffers. The purpose of the proposed work is to construct a residential subdivision.

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.

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Refer to: P/N # SAC 2007-860-3IJ

August 24, 2007

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
1949 Industrial Park Lane Room 140
Conway, South Carolina 29526**

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 of the South Carolina Coastal Zone Management Act (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. Persons wishing to comment or object to State 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 0.759 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.

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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 Justin Johnson at 1-843-365-1724.

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IMPACT SUMMARY

NON-JURISDICTIONAL WETLANDS TOTAL 10.56 ACRES:	NON-JURISDICTIONAL WETLANDS PRESERVED 10.126 ACRES:	NON-JURISDICTIONAL WETLANDS IMPACTED 4.34 ACRES:
404 JURISDICTIONAL WETLANDS TOTAL 0.759 ACRES:	404 JURISDICTIONAL WETLANDS PRESERVED 0.00 ACRES:	404 JURISDICTIONAL WETLANDS IMPACTED 0.759 ACRES:

	TOTAL ACRES OF NON-JURISDICTIONAL WETLAND IMPACT	TOTAL FILL VOLUME (C.Y.)
IMPACT		
F1	0.120 ACRES:	387
F2	0.083 ACRES:	268
F3	0.0263 ACRES:	85
F4	0.1839 ACRES:	593
F5	0.021 ACRES:	68
TOTALS	0.434 ACRES :	1401 C.Y. FILL :

	TOTAL ACRES OF 404 JURISDICTIONAL WETLAND IMPACT	TOTAL FILL VOLUME (C.Y.)
IMPACT		
F6	0.00 ACRES :	355
F7	0.401 ACRES :	1293
F8	0.082 ACRES :	264
F9	0.166 ACRES :	538
TOTALS	0.759 ACRES :	2447 C.Y. FILL :

NOTES :

TOTAL AREA OF JURISDICTIONAL WETLANDS WITHIN SANTEE COOPER R.O.W.
TOTAL AREA OF NON-JURISDICTIONAL WETLANDS WITHIN SANTEE COOPER R.O.W.

AREA
0.00 ACRES±
0.0279 ACRES±

TOTAL AREA OF NON-JURISDICTIONAL WETLANDS
TOTAL AREA OF PRESERVED NON-JURISDICTIONAL WETLANDS
TOTAL AREA OF NON-JURISDICTIONAL WETLANDS IMPACT
TOTAL AREA OF 404 JURISDICTIONAL WETLANDS
TOTAL AREA OF PRESERVED 404 JURISDICTIONAL WETLANDS
TOTAL AREA OF 404 JURISDICTIONAL WETLANDS IMPACT
TOTAL AREA OF TRACT
TOTAL AREA OF UPLAND BUFFERS

10.56 ACRES±
10.126 ACRES±
0.434 ACRES±
0.759 ACRES±
0.00 ACRES±
0.759 ACRES±
200.25 ACRES±
6.353 ACRES±

NOTE: AVERAGE BUFFER WIDTH: 36.6'

WETLANDS	JURISDICTIONAL STATUS	AREA (ACRES)	WETLANDS TO BE IMPACTED (ACRES)	WETLANDS TO BE PRESERVED (ACRES)	WETLANDS BUFFERS TO BE PRESERVED (ACRES)
1	NON	0.083	0.083	0.00	0.00
2	NON	8.698	0.0473	8.651	3.254
3	NON	0.841	0.1839	0.657	0.701
4	NON	0.120	0.120	0.00	0.00
5	JURISDICTIONAL	0.401	0.401	0.00	0.00
6	JURISDICTIONAL	0.166	0.166	0.00	0.00
7	JURISDICTIONAL	0.082	0.082	0.00	0.00
8	JURISDICTIONAL	0.00	0.00	0.00	0.00
9	NON	0.817	0.00	0.817	2.398
TOTAL		13.10±	1.193±	10.125±	6.353±

NOTES

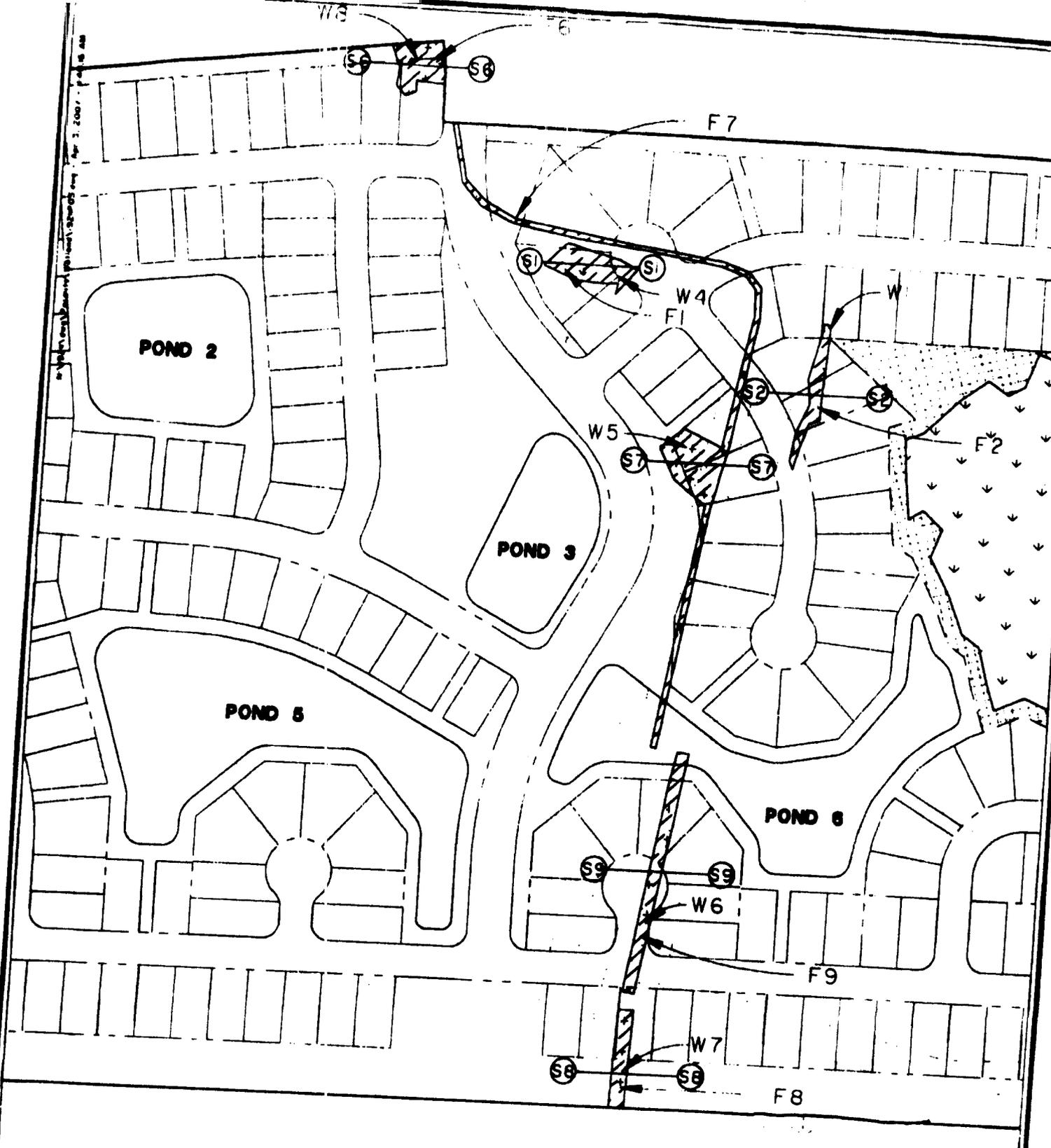
SAC# 2007-860-3NJ
Residential Neighborhood & Regional Roadway
River Oaks Drive
Myrtle Beach, Horry County, SC

DATE: APRIL 2, 2007

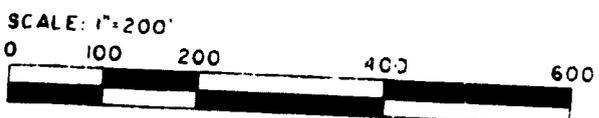
SHEET 3 OF 10

July 30, 2007

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PLAN



SAC# 2007-860-3NJ
 Residential Neighborhood & Regional Roadway
 River Oaks Drive
 Myrtle Beach, Horry County, SC

DATE: APRIL 2, 2007

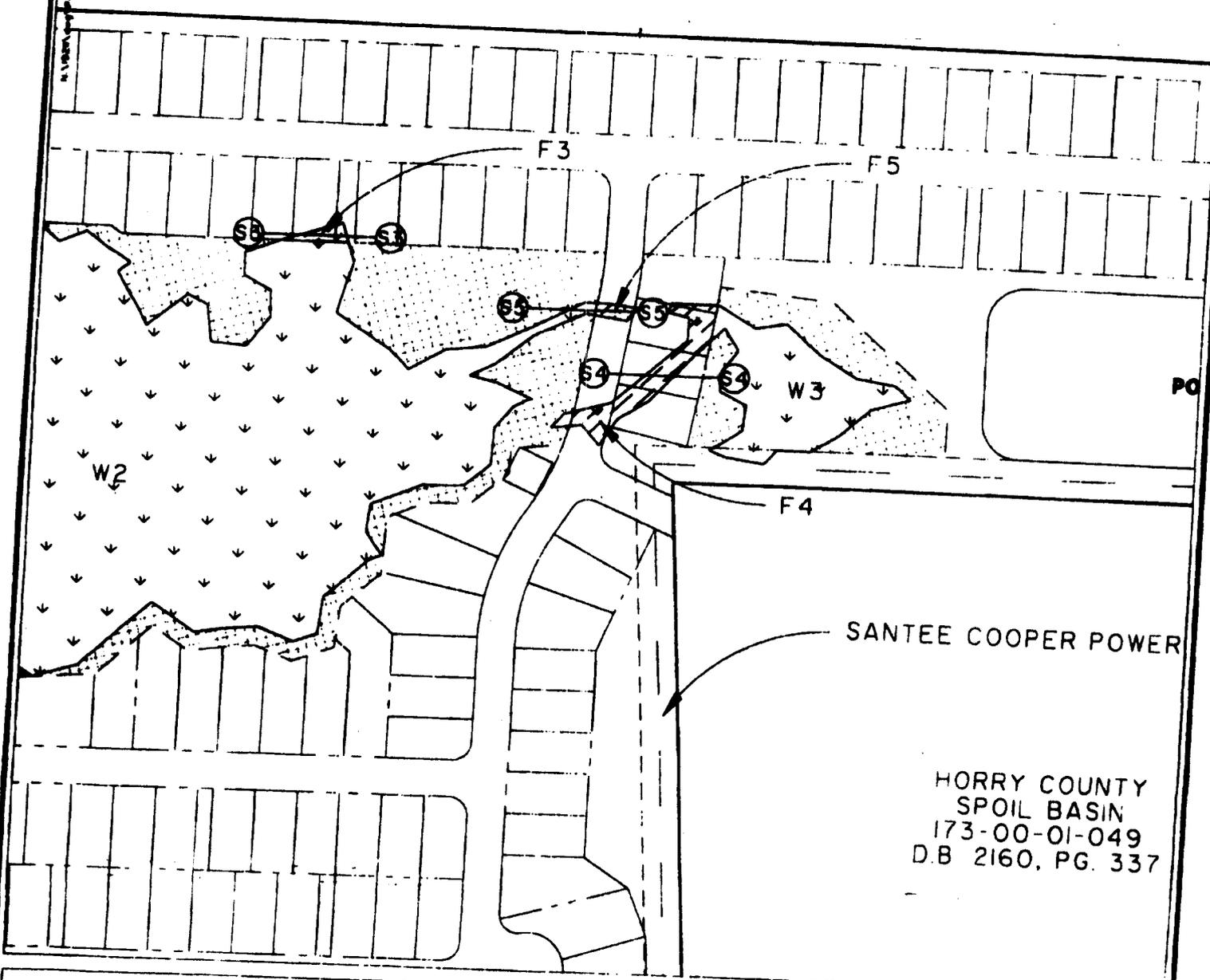
July 30, 2007

SHEET 5 OF 10

Sheet 5 of 10

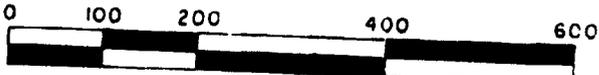
APPLICANT: **Developers, LLC**

RIVER OAKS II
GOVERNMENT PLANTATION



PLAN

SCALE: 1"=200'



DATE: APRIL 2, 2007

SAC# 2007-860-3NJ
 Residential Neighborhood & Regional Roadway
 River Oaks Drive
 Myrtle Beach, Horry County, SC

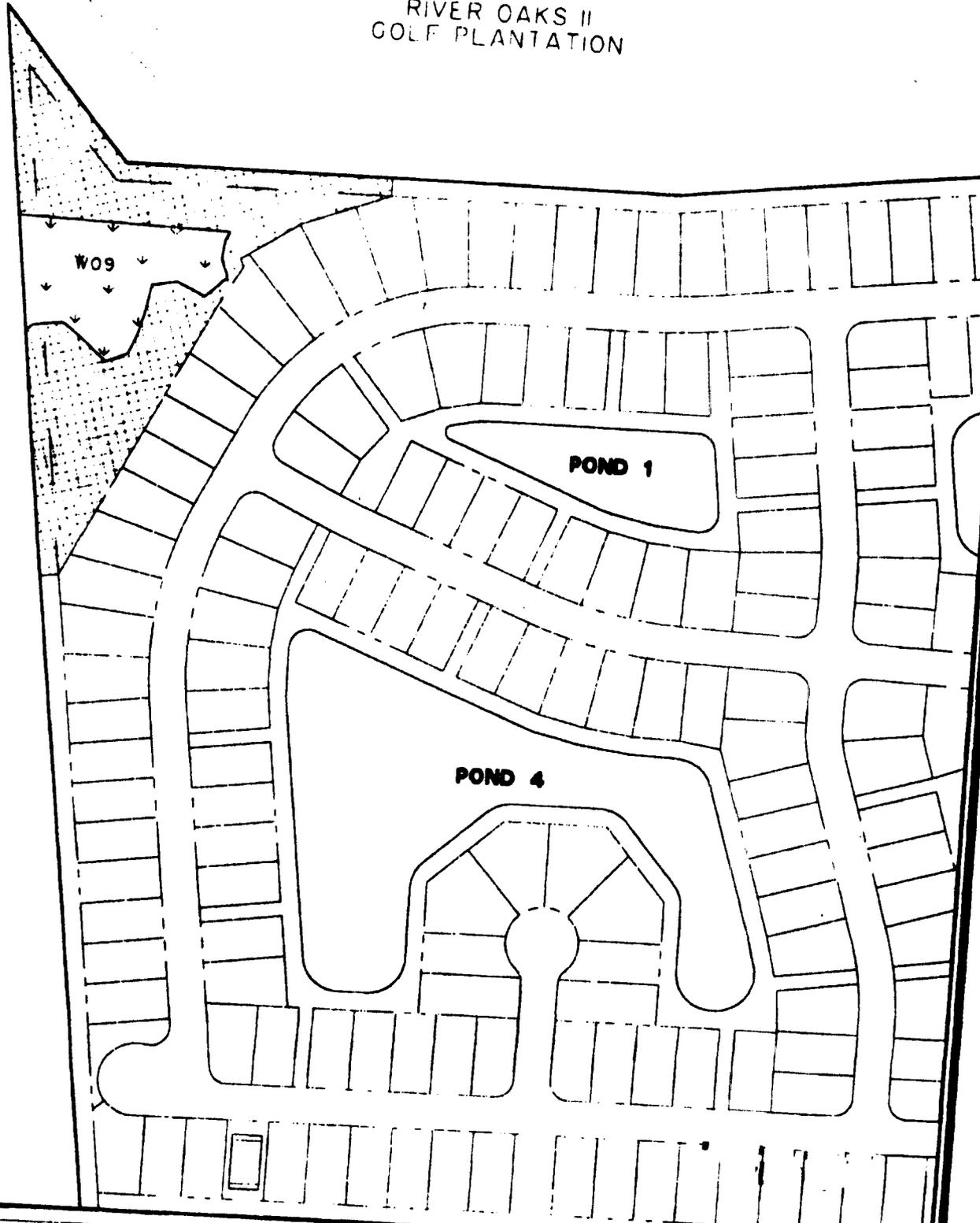
July 30, 2007

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ALL RIGHTS RESERVED BY DEVELOPER, LLC

RIVER OAKS II
GOLF PLANTATION

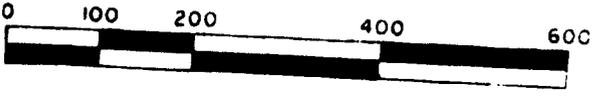


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MY
ENGINEERS
DIL AREA 14

PLAN

SCALE: 1" = 200'



SAC# 2007-860-3NJ
Residential Neighborhood & Regional Roadway
River Oaks Drive
Myrtle Beach, Horry County, SC

DATE: APRIL 2, 2007

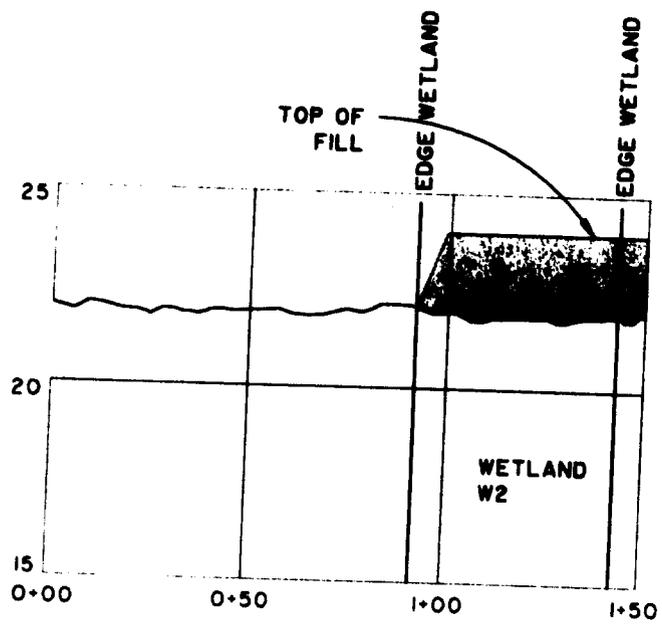
July 30, 2007

SHEET 7 OF 10

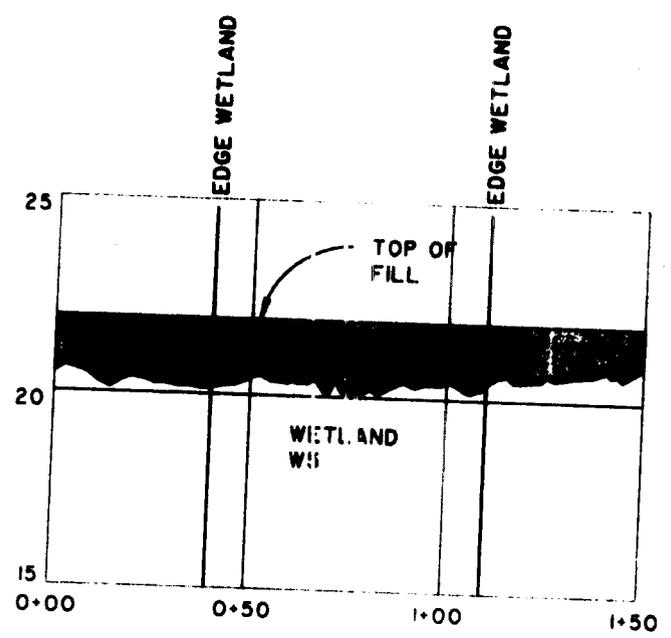
APPLICANT:

Sheet 7 of 10

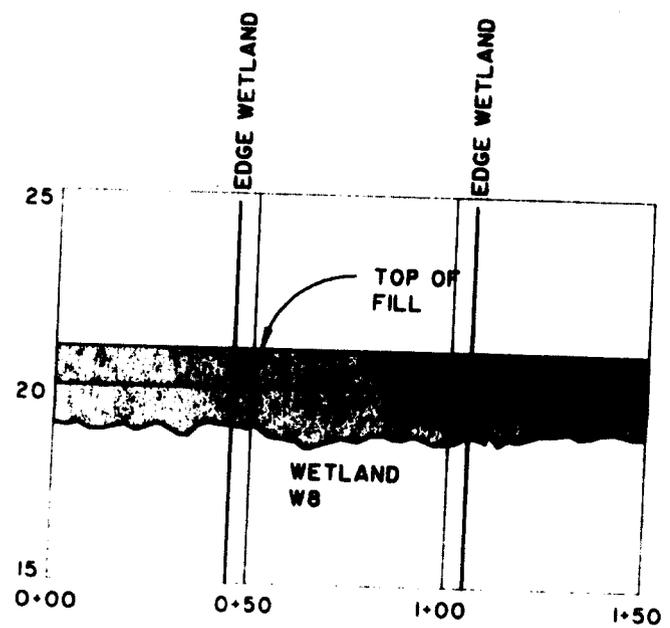
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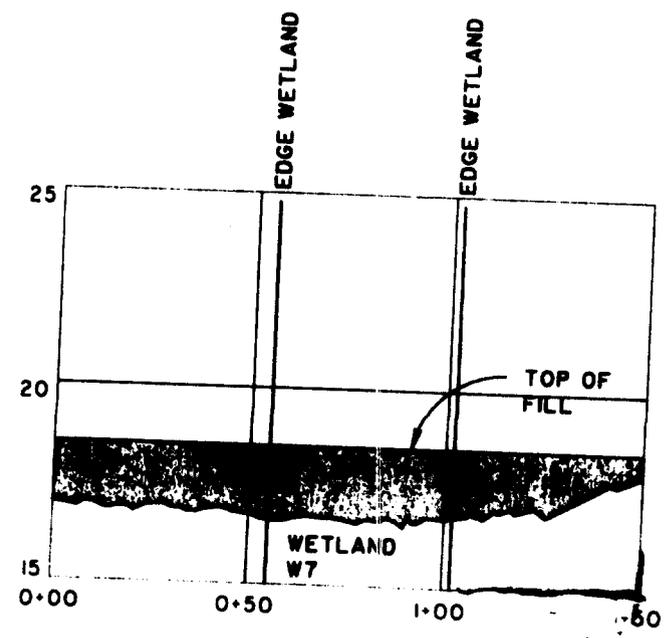
SECTION #5



SECTION #7



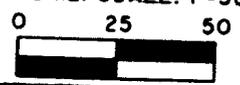
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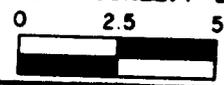
SECTION #8

FILL PROFILE

HORIZ. SCALE: 1"=50'



VERT. SCALE: 1"=5'



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SHEET 9 OF 10

APPLICANT:

