

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 #2008-00807-2IR

April 18, 2008

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. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the State of South Carolina by

JIM JAYROE

ASHBY COVE

1704 OAK STREET

MYRTLE BEACH, SOUTH CAROLINA 29577

for a permit to excavate/dredge an access channel, place fill material in wetlands to construct a dam, flood wetlands to create a boat basin, construct a boat ramp, an elevated cable boat trolley, and boat slips in

CARROLL SLOUGH OF ASHBY COVE IN LAKE MARION

at Ashby Cove Subdivision on the east side of Wyboo Creek off of Old River Road (SR 410) on Wyboo Avenue. Project site is on the right side of Wyboo Avenue. (Latitude: 33.53408; Longitude: -80.20846).

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 19, 2008

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

The proposed work consists of dredging/excavating 0.21 acres (850 cu. yds.) of wetlands to construct an access channel at the upper end of Carroll Slough, flood 0.55 acre of wetlands and excavate 0.85 acre (3,300 cu. yds.) of wetlands to construct a boat basin, and filling 0.1 acre (750 cu. yds.) of wetlands to construct a dam over which an elevated cable trolley will transport boats from the basin to Lake Marion. In addition, the applicant proposes to construct a 12' wide boat ramp in the boat basin and 76 boat slips (38 finger piers measuring 32' x 4'). A total of 4,150 cubic yards of material will be excavated/dredged and transported by truck to an upland site. Mitigation will be provided by on-site preservation of 2.67 acres of wetlands and 2.99 acres of associated upland buffer, in addition to purchasing mitigation credits from an approved mitigation bank. The purpose of the proposed project is to construct a community boat docking facility with water access to Lake Marion for residents in the Ashby Cove 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. 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 (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is received. This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. 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 or the navigable waters permit 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 1.71 acres of freshwater wetlands and habitat located 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.

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 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 Robin Coller-Socha at 843-329-8044 or toll free at 1-866-329-8187.



39-28

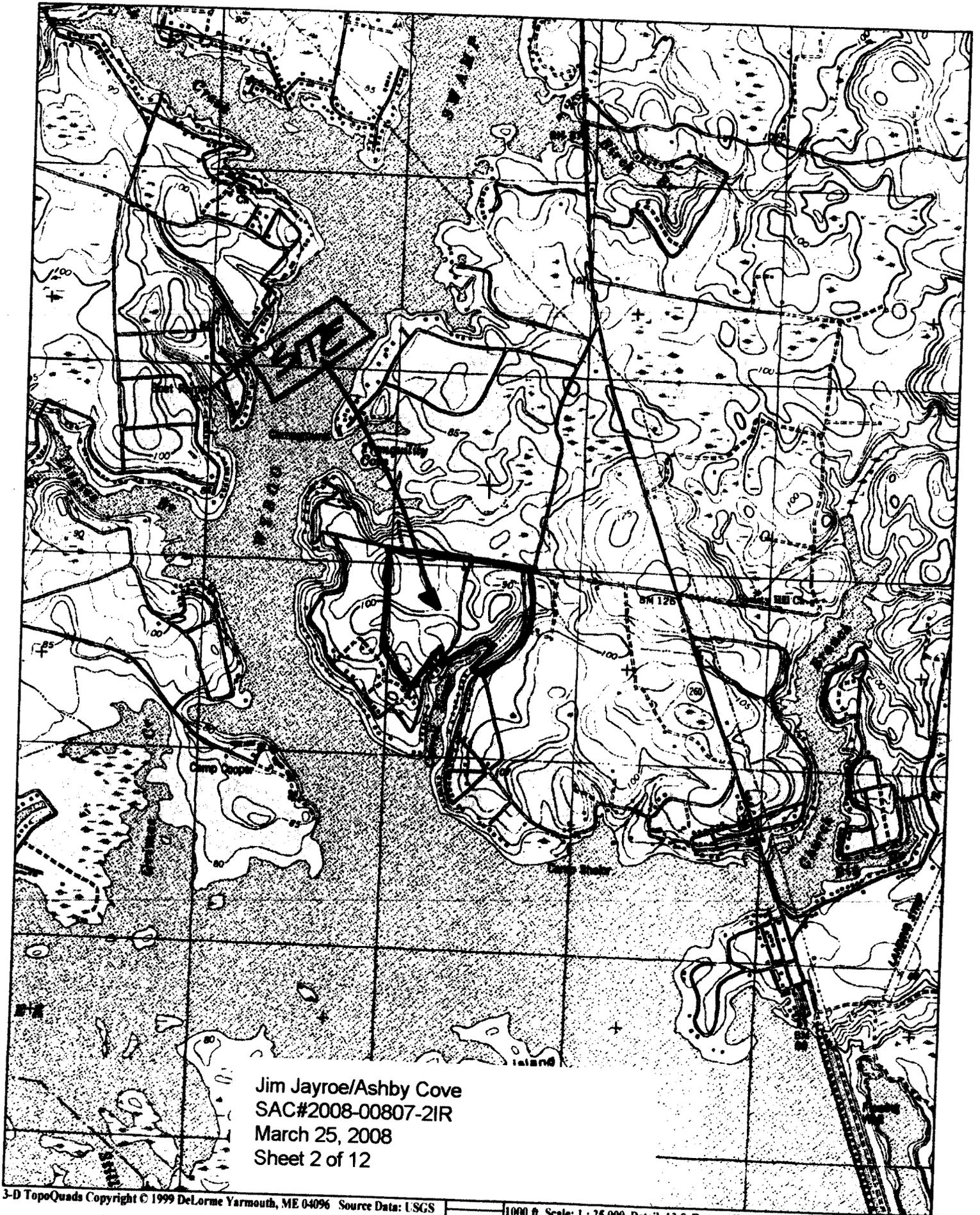
9-105

SITE

SANTEE NATIONAL WILDLIFE REFUGE



Jim Jayroe/Ashby Cove
SAC#2008-00807-2IR
March 25, 2008
Sheet 1 of 12



Jim Jayroe/Ashby Cove
SAC#2008-00807-2IR
March 25, 2008
Sheet 2 of 12

Quad. - Jordan

OLD RIVER ROAD S-14-410 66' R/W OLD RIVER ROAD EAST

0.55 ACRES
TRACT A
INCLUDES WETLANDS

Wetlands
0.16 ACRES
CATHERINE ROYER
DB A308 PC 302

DOROTHY DENT
DB A288 PC 309



S-14-412 66' R/W WYBOO AVE

WILLIAM H. EPPS
PB. 39 PC 169

Wetlands
2.51 ACRES

34.49 ACRES
TRACTS B & E
INCLUDES WETLANDS

1.55 ACRES

S-43-411 66' R/W LEMON AVE

52.10 ACRES
TRACTS F1 & F2
INCLUDES WETLANDS

TANA K. MATHEWS
TRACT NO. 3
PB. 5 PC. 20

STANLEY A. WHITE
DANIELA G. WHITE COX
Pg. 28 PC. 124

ROBERT G. TURNER
& DORIS A. TURNER
Pg. 21 PC. 251

ROBERT A.
MAYNARD ET AL

JAMES BROOKS

SECURITY FEDERAL
TRUST INC

MARK A. DIERCKE

EDWARD M. SMITH

EDWARD M. SMITH

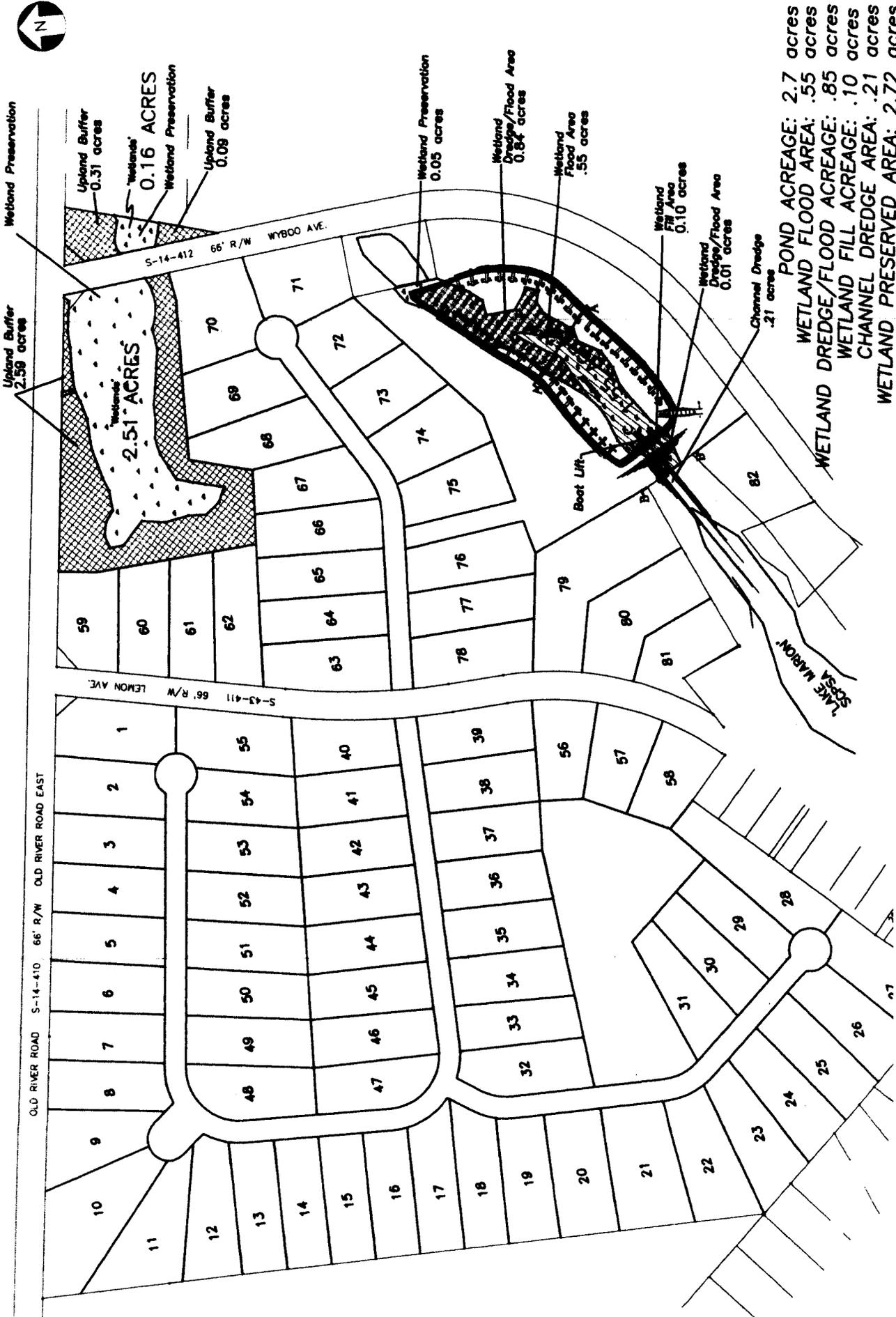
EDWARD M. SMITH

EDWARD M. SMITH

Jim Jayroe/Ashby Cove
SAC#2008-00807-2IR
March 25, 2008
Sheet 3 of 12

ASHBY COVE
IN: LAKE MARION - CARROLL SLOUGH
PROPOSED DAM/POND/BOAT LIFT
DATE: 3/21/2008

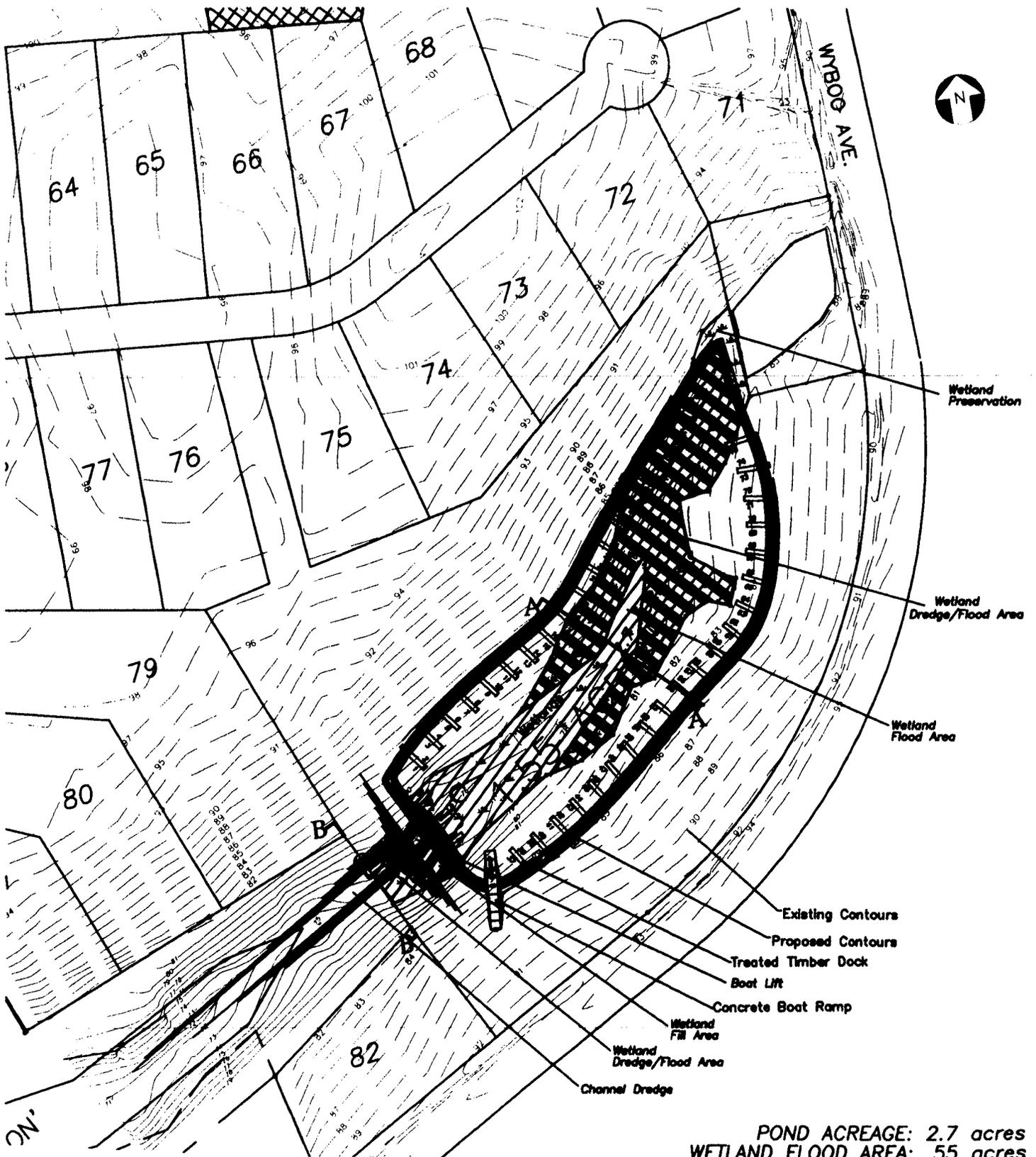
FIGURE 1 - EXISTING CONDITIONS
SCALE: 1"=300'



POND ACREAGE: 2.7 acres
WETLAND FLOOD AREA: .55 acres
WETLAND DREDGE/FLOOD ACREAGE: .85 acres
WETLAND FILL ACREAGE: .10 acres
CHANNEL DREDGE AREA: .21 acres
WETLAND PRESERVED AREA: 2.72 acres
UPLAND BUFFER AREA: 2.99 acres

ASHBY COVE
IN: LAKE MARION - CARROLL SLOUGH
PROPOSED DAM/POND/BOAT LIFT
DATE: 3/21/2008

FIGURE 2 - PROPOSED CONDITIONS
SCALE: 1"=300'

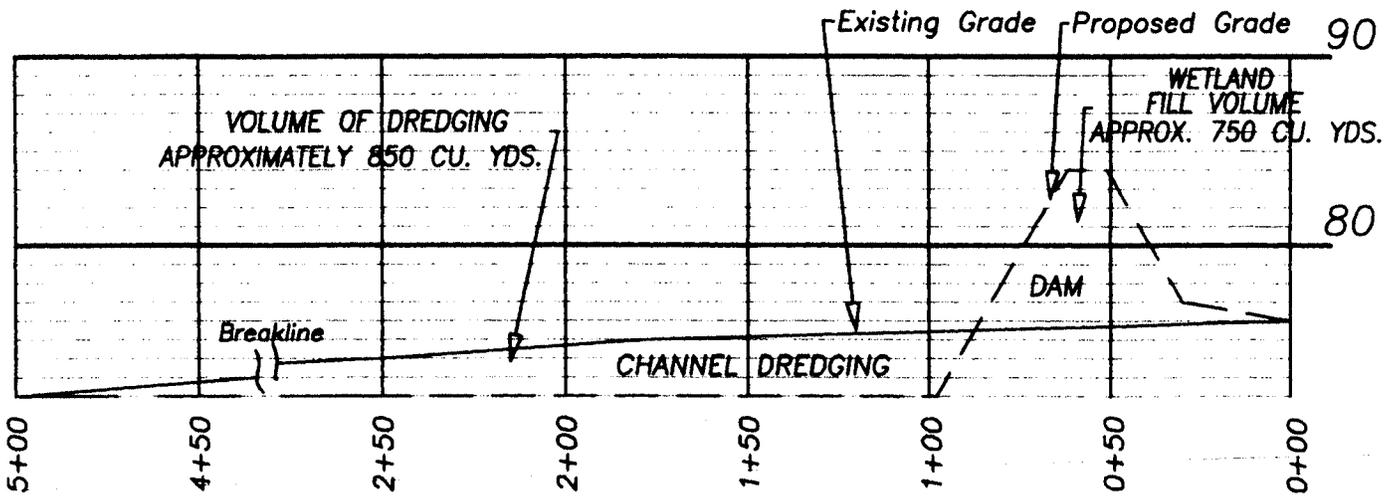


Jim Jayroe/Ashby Cove
 SAC#2008-00807-2IR
 March 25, 2008
 Sheet 5 of 12

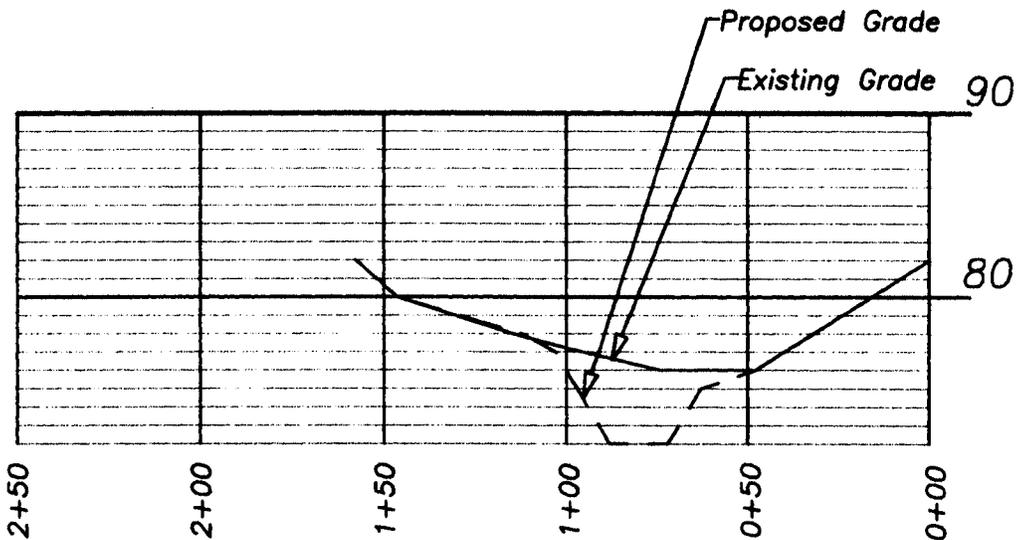
POND ACREAGE: 2.7 acres
 WETLAND FLOOD AREA: .55 acres
 WETLAND DREDGE/FLOOD ACREAGE: .85 acres
 WETLAND FILL ACREAGE: .10 acres
 CHANNEL DREDGE AREA: .21 acres
 WETLAND PRESERVED AREA: 2.72 acres
 UPLAND BUFFER AREA: 2.99 acres

FIGURE 3—ENLARGEMENT OF IMPACTED AREA
 SCALE: 1"=150'

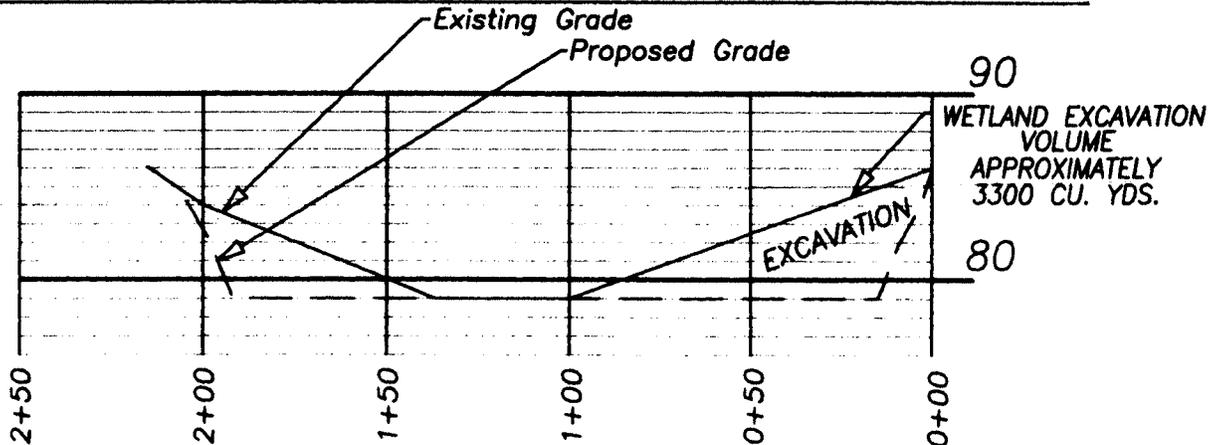
ASHBY COVE
 IN: LAKE MARION — CARROLL SLOUGH
 PROPOSED DAM/POND/BOAT LIFT
 DATE: 3/21/2008



SECTION C-C DAM PROFILE (SEE FIGURE 3)



SECTION B-B CHANNEL PROFILE (SEE FIGURE 3)

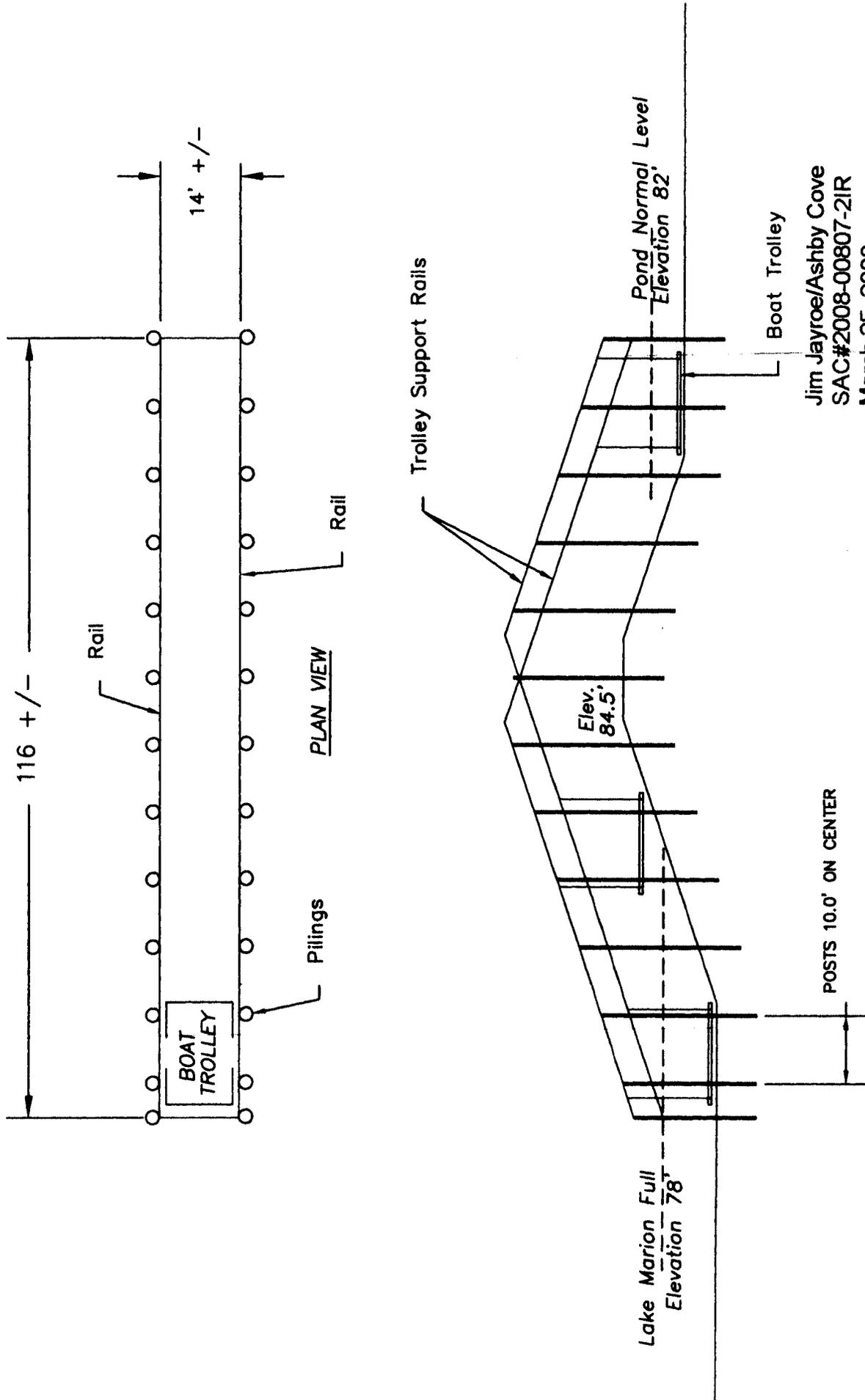


SECTION A-A POND PROFILE (SEE FIGURE 3)

Jim Jayroe/Ashby Cove
 SAC#2008-00807-2IR
 March 25, 2008
 Sheet 6 of 12

FIGURE 4--PROFILES
 SCALE: 1"=50' HORIZ, 1"=10' VERT

ASHBY COVE
 IN: LAKE MARION - CARROLL SLOUGH
 PROPOSED DAM/POND/BOAT LIFT
 DATE: 3/21/2008

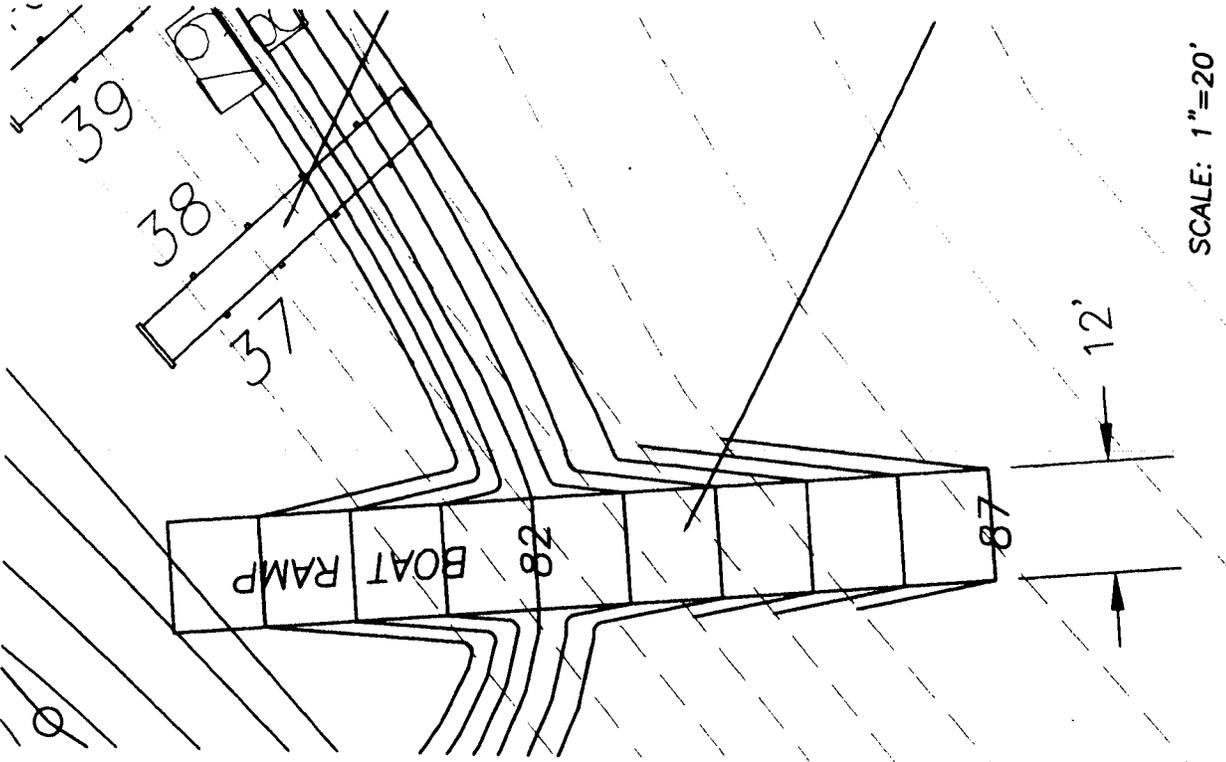


Jim Jayroe/Ashby Cove
 SAC#2008-00807-2IR
 March 25, 2008
 Sheet 7 of 12

ASHBY COVE
 IN: LAKE MARION - CARROLL SLOUGH
 PROPOSED DAM/POND/BOAT LIFT
 DATE: 3/21/2008

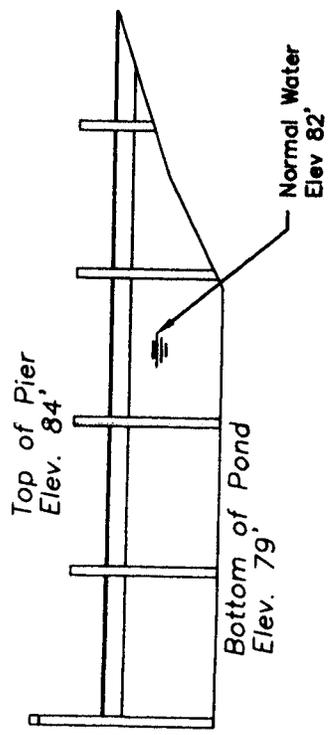
FIGURE 5-MECHANIZED LIFT DETAIL
 SCALE: 1"=20'

ELEVATIONS ARE BASED
 ON NAVD88 DATUM

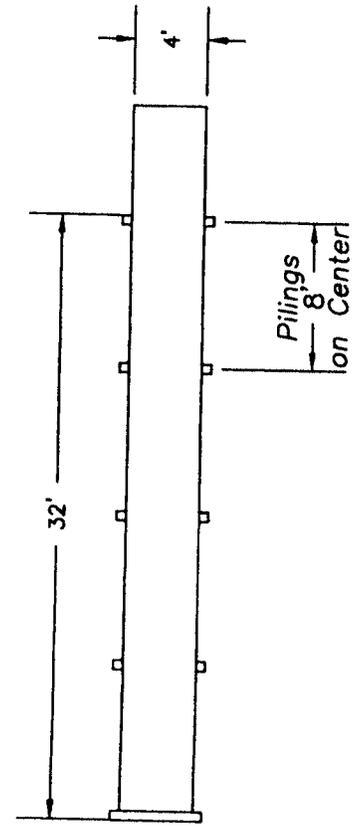


SCALE: 1"=20'

ASHBY COVE
 IN: LAKE MARION - CARROLL SLOUGH
 PROPOSED DAM/POND/BOAT LIFT
 DATE: 3/21/2008



ELEVATION VIEW



PLAN VIEW

TREATED TIMBER PIER
 SCALE: 1"=10'

FIGURE 6-BOAT RAMP AND PIER DETAIL

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	$0.05 \times Y - AA_i$					

Note: For the Cumulative Impact factor, $Y - AA_i$ 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	2.0	2.0	2.0	0.2		
Priority Category	0.5	0.5	0.5	0.5		
Existing Condition	2.0	2.0	2.0	2.5		
Duration	2.0	2.0	2.0	2.0		
Dominant impact	1.5	3.0	2.5	1.5		
Cumulative Impact	0.1	0.1	0.1	0.1		
Sum of r Factors	$R_1 = 8.1$	$R_2 = 9.6$	$R_3 = 9.1$	$R_4 = 6.8$	$R_5 =$	$R_6 =$
Impacted Area	$AA_1 = .85$	$AA_2 = .10$	$AA_3 = .55$	$AA_4 = .21$	$AA_5 =$	$AA_6 =$
$R \times AA =$	6.89	.96	5.0	1.43		

Total Required Credits = $(R \times AA) =$ 14.28

- Area 1 = Wetland Excavation
- Area 2 = Wetland Fill
- Area 3 = Wetland Flooding
- Area 4 = Channel Dredging

September 19, 20
Page 27 of 73

Jim Jayroe/Ashby Cove
SAC#2008-00807-21R
March 25, 2008
Sheet 9 of 12

Mitigation for Wetlands

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

Factors	Options				
Net Improvement	Minimal Enhancement 0.1		to Excellent Restoration 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	Area 1	Area 2	Area 3	Area 4	Area 5
Net Improvement	0.5				
Control	0.2				
Temporal Lag	0				
Credit Schedule	0				
Kind	0.4				
Location	0.4				
Sum of m Factors	M ₁ = 1.5	M ₂ =	M ₃ =	M ₄ =	M ₅ =
Mitigation Area	A ₁ = 2.67	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M x A =	4.0				

Total Restoration Enhancement Credits = Y - (M x A) = 4.0

Mitigation for Wetlands

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

1. Required Mitigation

A. Total Required Mitigation Credits *	14.28
--	-------

11. Non-Banking Mitigation Credit Summary	Credits	Acres
B. Creation		
C. Restoration and/or Enhancement (Non-Buffer Enhancement)		
D. Restoration and/or Enhancement (Buffer Enhancement)	4.0	2.67
E. Total No Net Loss Non-Bank Mitigation * B+C+D	4.0	2.67
F. Preservation		
G. Total Proposed Non-Bank Mitigation * E + F	4.0	2.67

111. Banking Mitigation Credit Summary	Credits	Acres
H. Creation		
1. Restoration and/or Enhancement (Non-Buffer Enhancement)	3.57	TBD
J. Restoration and/or Enhancement (Buffer Enhancement)		
K. Total No Net Loss Bank Mitigation * H + I + J	3.57	TBD
L. Preservation	6.71	TBD
M. Total Proposed Bank Mitigation * K+L	10.28	TBD

IV. Grand Totals	Credits	Acres
N. Total Preservation Mitigation * F + L	6.71	TBD
O. Total Non-Preservation Mitigation * E+K	7.57	TBD
P. Total Creation = B + H		
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	3.57	TBD
R. Total Proposed Mitigation * G+M	14.28	TBD

September 19,

Jim Jayroe/Ashby Cove
SAC#2008-00807-2IR
March 25, 2008
Sheet 11 of 12

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 0 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 ?	X	
PMC <small>Non-Preservation</small> \geq 1/2 RMC or in words Are the credits in Row 0 greater than or equal to 50% of Row A ?	X	
PMC <small>Creation + Restoration/Enhancement (Non-Buffer Enhancement)</small> \geq 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?	X	

September 19

Jim Jayroe/Ashby Cove
 SAC#2008-00807-2IR
 March 25, 2008
 Sheet 12 of 12