

**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 # 2008-1625-1IT

22 August 2008

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 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

**BILL COX**  
**C/O ECOLOGICAL ASSOCIATES, INC**  
**MR. NICK ROARK**  
**4676 BEARS BLUFF ROAD**  
**WADMALAW ISLAND, SOUTH CAROLINA 29487**

for a permit to construct a commercial dock on

**TOOGOODOO CREEK**

at 7566 Ethel Post Office Road in Meggett, Charleston County, South Carolina (32.678879 Latitude/ 80.296184 Longitude)

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, SEPTEMBER 22, 2008**

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

The proposed work consists of the construction of a 6' X 536' walkway with handrails leading to a 20' X 12' fixed pierhead with a 3' X 20' ramp connecting to a 12' X 40' floating dock, and one mooring dolphin located 25' from the end of the floating dock. The dock will also include water intake lines and pumps. The purpose of the proposed dock is to reach the waters of Toogoodoo Creek to obtain the necessary higher quality saltwater (high salinity and cool temperature) and larger quantities of water for operation of the adjacent oyster and clam seeding commercial aquaculture facility. An existing shorter commercial dock with intake lines and pumps is present and will remain.

**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 3996 square feet 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.

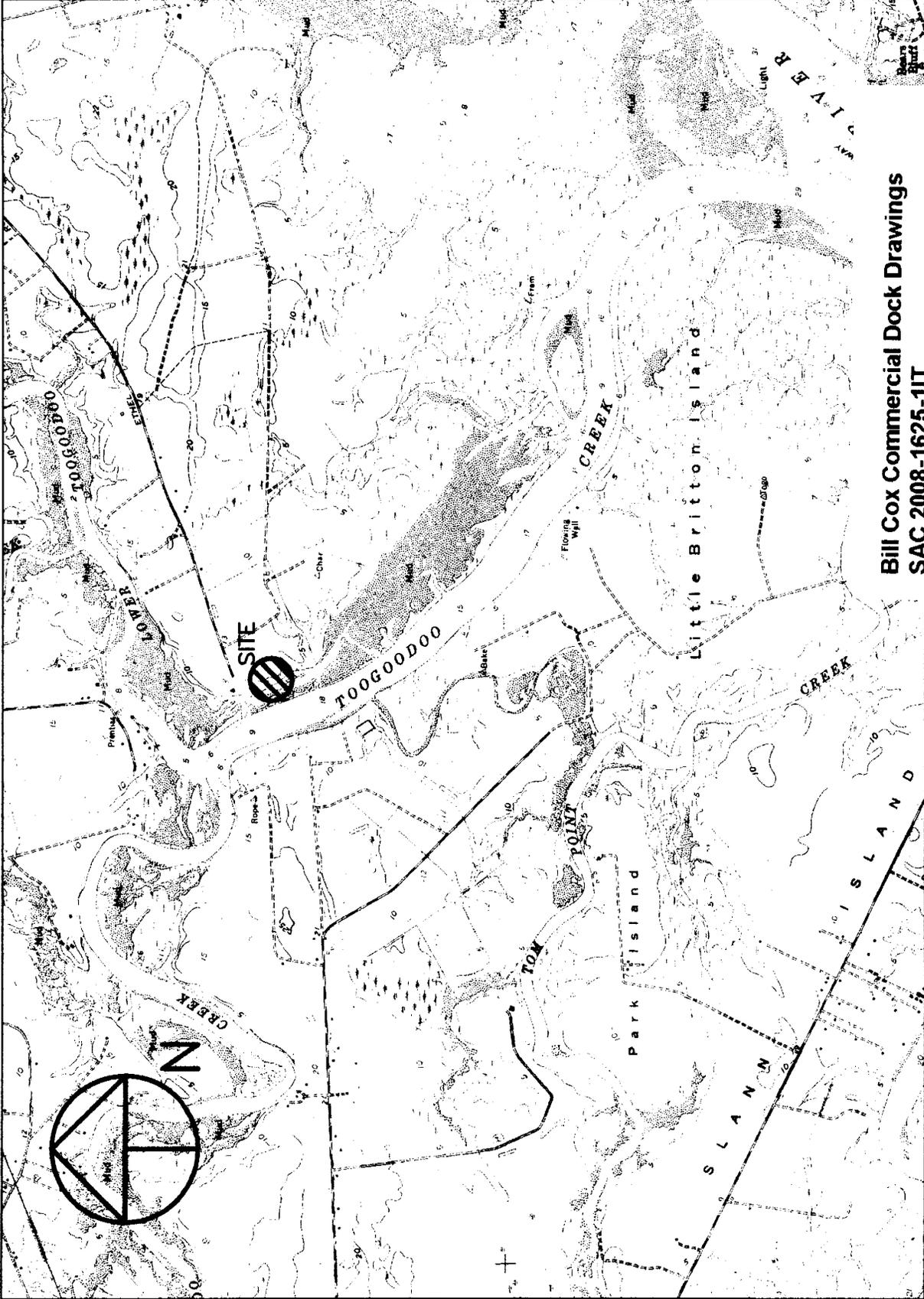
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered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



**Bill Cox Commercial Dock Drawings  
SAC 2008-1625-1IT**

**Sheet 1 of 4**

**ADJOINING PROPERTY OWNERS:**

1. KAMES AHMUTY (TO THE NORTH)
2. CHARLESTON COUNTY PARK AND REC. (TO THE SOUTH)

APPLICATION BY:  
BILL COX

ADDRESS: 7540 ETHEL POST OFFICE RD

DATE: MAY 29, 2008

REVISED:

**LOCATION**

A PROPOSED  
COMMERCIAL DOCK AT  
7586 ETHEL POST OFFICE RD  
LOCATED ON  
TOOGOOD CREEK  
THE TOWN OF MEGGETT  
CHARLESTON COUNTY  
SOUTH CAROLINA

**SHT. NAME**

ADAMS RUN  
QUADRANGLE MAP

**PROJECT LATITUDE/LONGITUDE:**

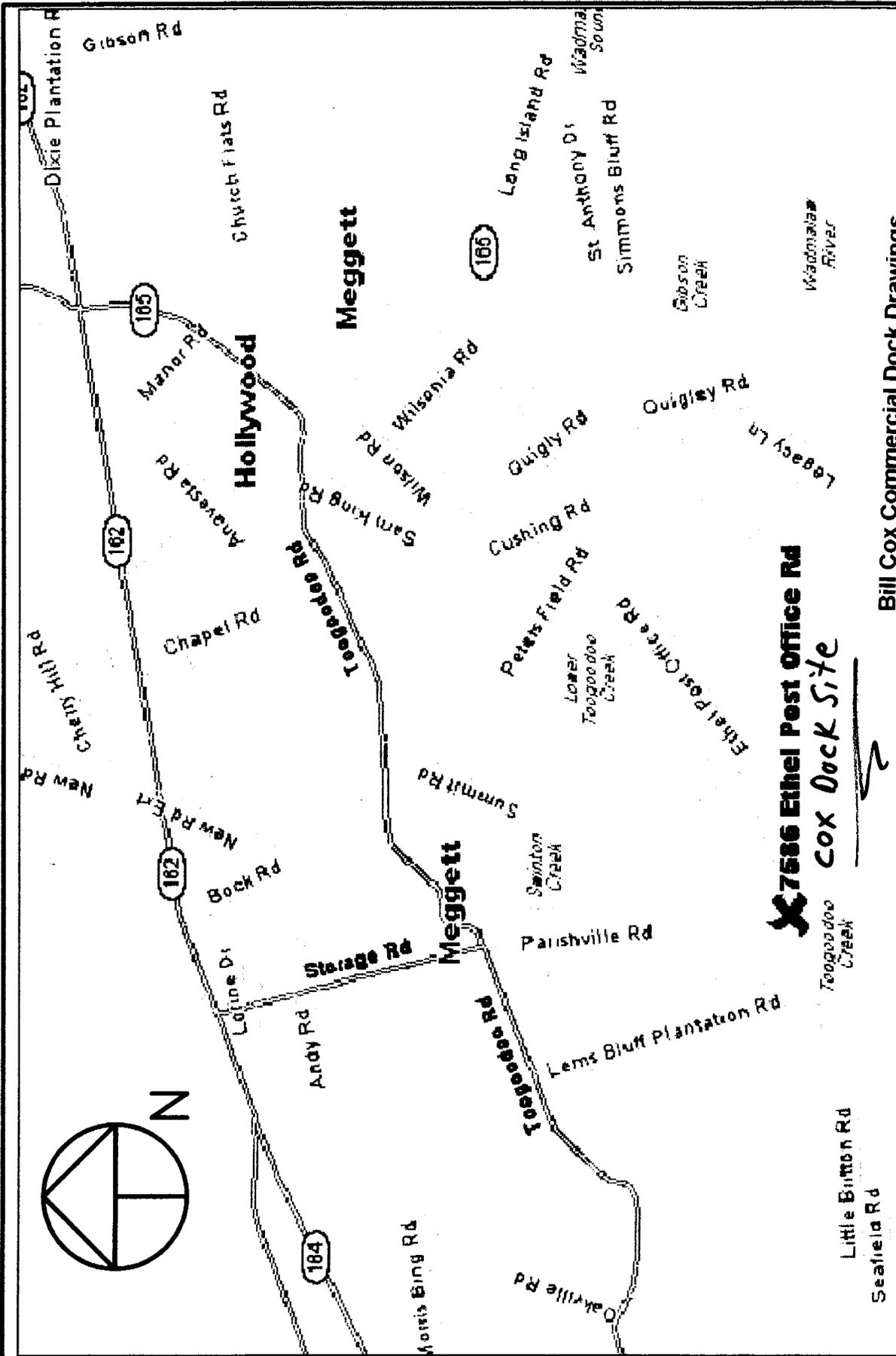
LATITUDE - 32°40'42.0"

LONGITUDE - 80°17'46.0"

TMS #130-00-00-040

**SHT. NO.**

2 OF 4



**Bill Cox Commercial Dock Drawings  
SAC 2008-1625-1IT**

Sheet 2 of 4

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 BILL COX  
 ADDRESS: 7540 ETHEL POST OFFICE RD  
 DATE: MAY 29, 2008  
 REVISED:

LOCATION  
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 COMMERCIAL DOCK AT  
 7586 ETHEL POST OFFICE RD  
 LOCATED ON  
 TOOGOODOO CREEK  
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 CHARLESTON COUNTY  
 SOUTH CAROLINA

SHT. NO.  
 1 OF 4

LOCATION  
 MAP

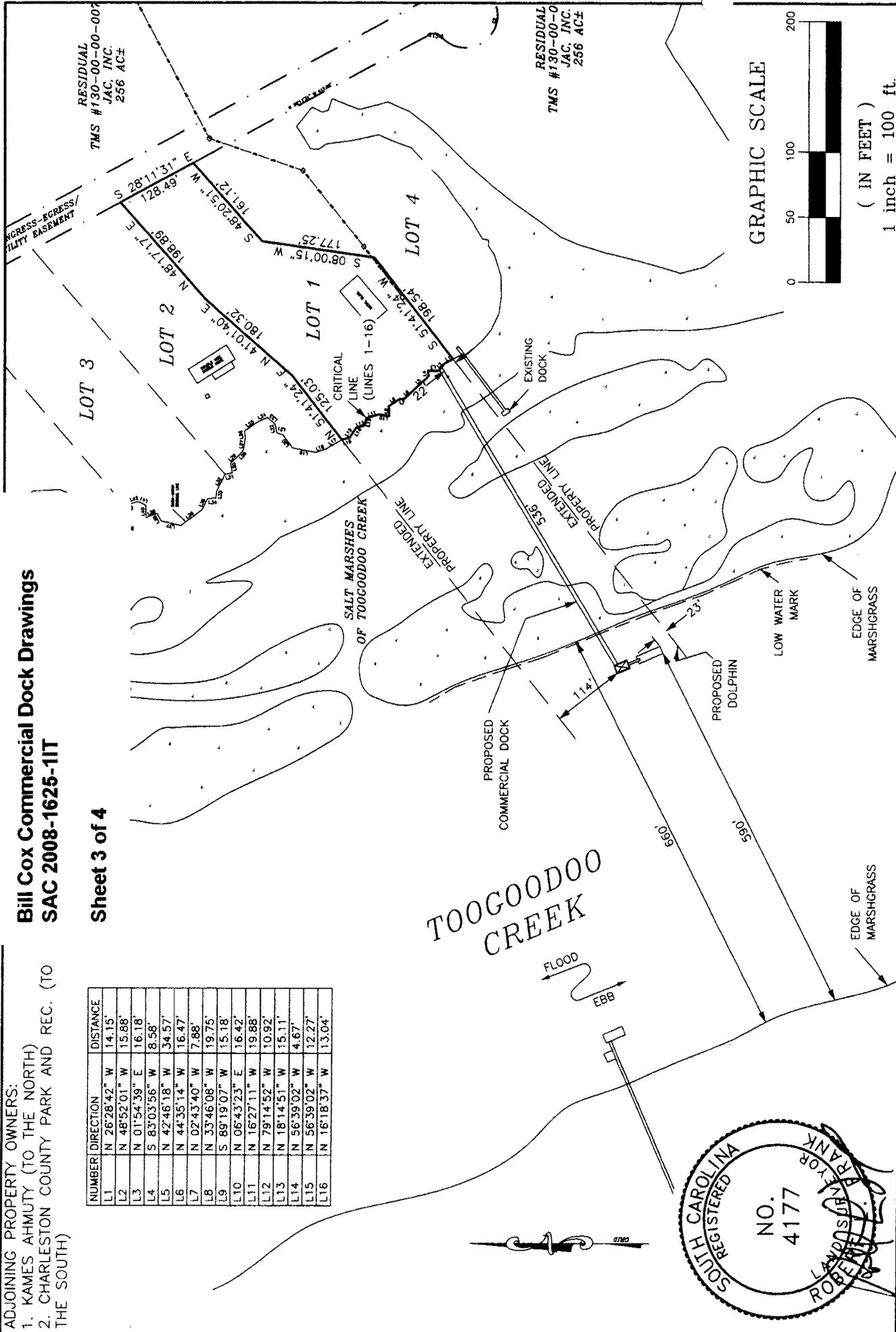
TMS #130-00-00-040

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**Bill Cox Commercial Dock Drawings  
 SAC 2008-1625-1IT**

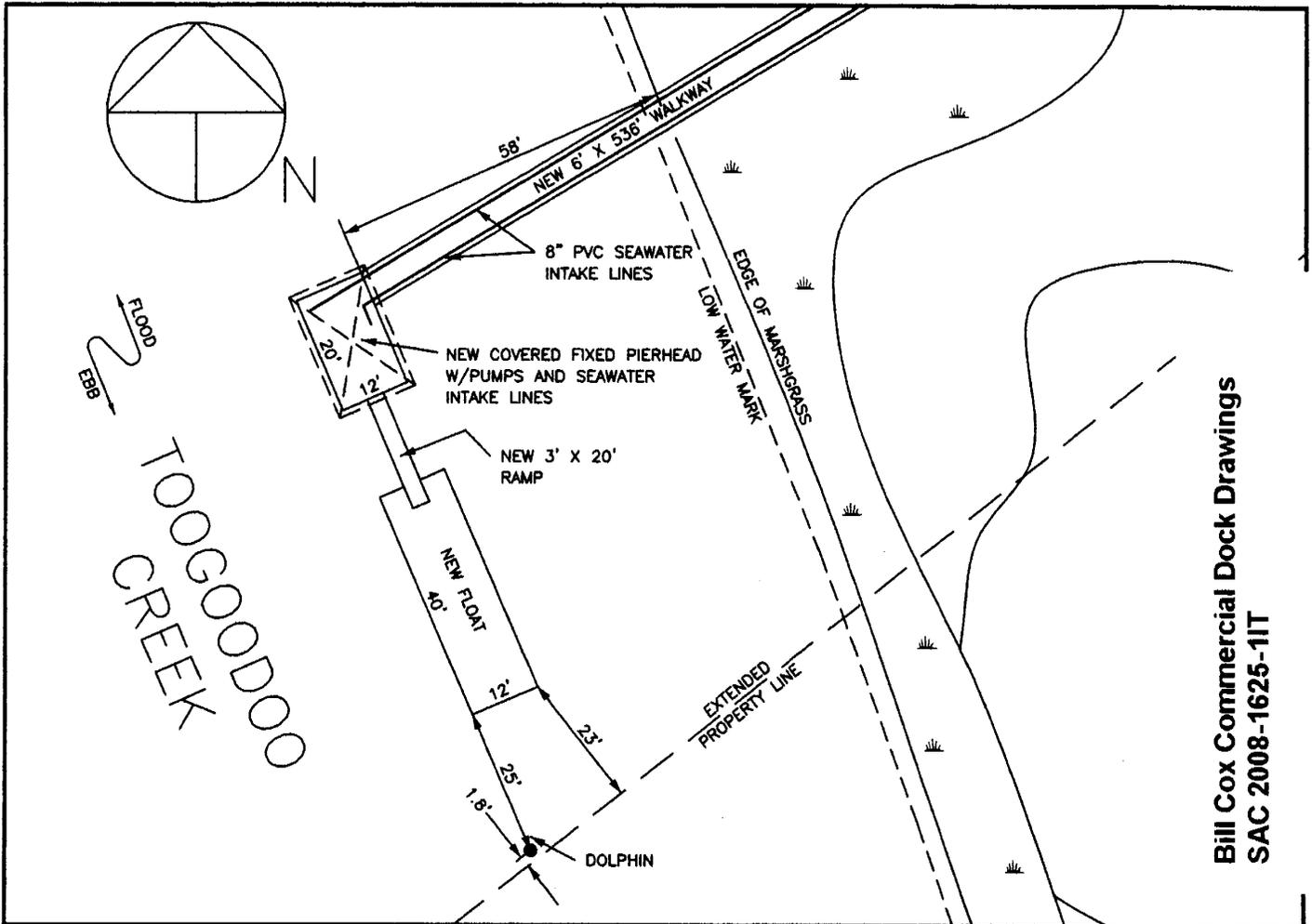
**Sheet 3 of 4**

NUMBER	DIRECTION	DISTANCE
L1	N 26°28'42" W	14.15'
L2	N 48°52'01" W	15.88'
L3	N 01°54'39" E	16.18'
L4	S 83°03'56" W	8.58'
L5	N 42°46'18" W	34.57'
L6	N 44°35'14" W	16.47'
L7	N 02°43'40" W	7.88'
L8	N 33°46'08" W	19.75'
L9	S 89°19'07" W	15.18'
L10	N 06°43'23" E	16.42'
L11	N 16°27'11" W	19.88'
L12	N 79°14'52" W	10.92'
L13	N 18°14'51" W	15.11'
L14	N 56°39'02" W	4.67'
L15	N 56°39'02" W	12.27'
L16	N 16°18'37" W	13.04'



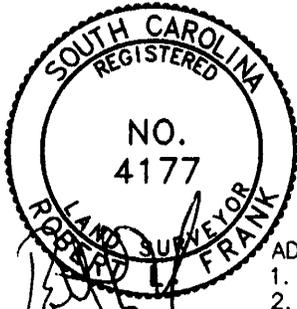
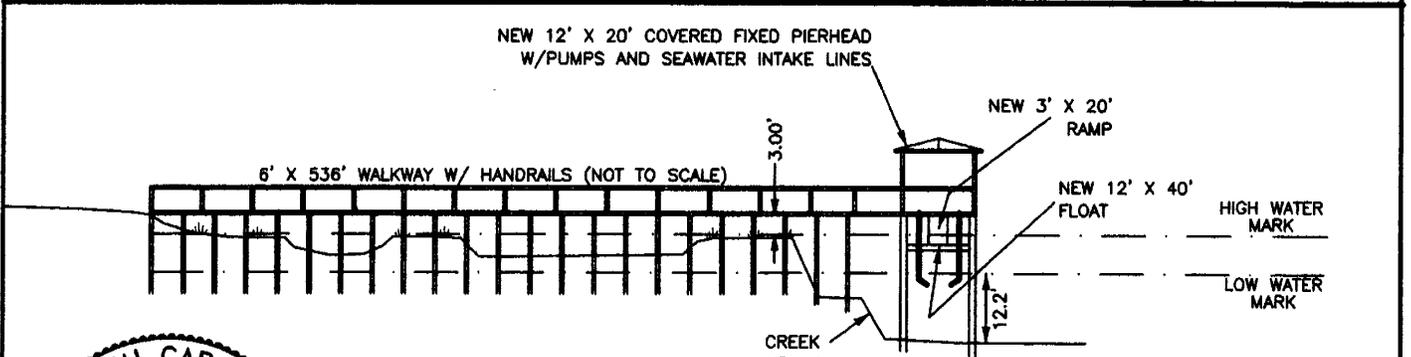
APPLICATION BY: BILL COX	LOCATION	SHT. NAME	SHT. NO.
ADDRESS: 7540 ETHEL POST OFFICE RD	A PROPOSED COMMERCIAL DOCK AT 7586 ETHEL POST OFFICE RD LOCATED ON TOOGOODOO CREEK THE TOWN OF MEGGETT CHARLESTON COUNTY SOUTH CAROLINA	FULL PLAN VIEW	3 OF 4
DATE: MAY 29, 2008			
REVISED:			

TMS #130-00-00-040



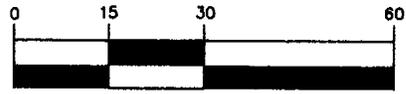
Bill Cox Commercial Dock Drawings  
SAC 2008-1625-11T

Sheet 4 of 4



ADJOINING PROPERTY OWNERS:  
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GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

APPLICATION BY: BILL COX  ADDRESS: 7540 ETHEL POST OFFICE RD  DATE: MAY 29, 2008  REVISED:	LOCATION A PROPOSED COMMERCIAL DOCK AT 7586 ETHEL POST OFFICE RD LOCATED ON TOOGODOO CREEK THE TOWN OF MEGGETT CHARLESTON COUNTY SOUTH CAROLINA	SHT. NAME  PLAN AND PROFILE  TMS #130-00-00-040	SHT. NO.  4 OF 4
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