

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 (Revised)

December 12, 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, JANUARY 12, 2009

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

The revised project consists of a reconfigured basin to avoid a portion of the wetlands adjacent to Lake Marion. Wetland impacts are reduced from 1.5 acres to 1.18 acres. A portion of the proposed impact will be in the form of shallow flooding in the terminal portion of the basin. These areas will typically be flooded to a depth of less than 2 feet to retain some of the natural vegetation that is present. The elevated boat hoist into Lake Marion will be relocated to avoid construction in the very upper portion of the cove. This design relocated the hoist to a position below the forested portion of the cove, eliminating the need for cutting vegetation in this area. The boat ramp has been relocated to the east side of the proposed basin. The total pond acreage will be 2.7 acres. Project impacts include: wetland fill – 0.18 acre; wetland excavate/flood – 0.38 acre; wetland flood only – 0.26 acre; and dredging of a channel at the boat lift – 0.36 acre. Mitigation proposed by the applicant includes on-site preservation of 3.40 acres of wetlands and 2.99 acres of associated upland buffer, and is requesting a variance

on mitigation credits purchased from an approved bank. They are proposing to purchase 4.0 restoration and/or buffer enhancement credits and 4.0 preservation credits from the Francis Beidler Forest Mitigation Bank instead of non-buffer enhancement credits from another 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 1.18 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

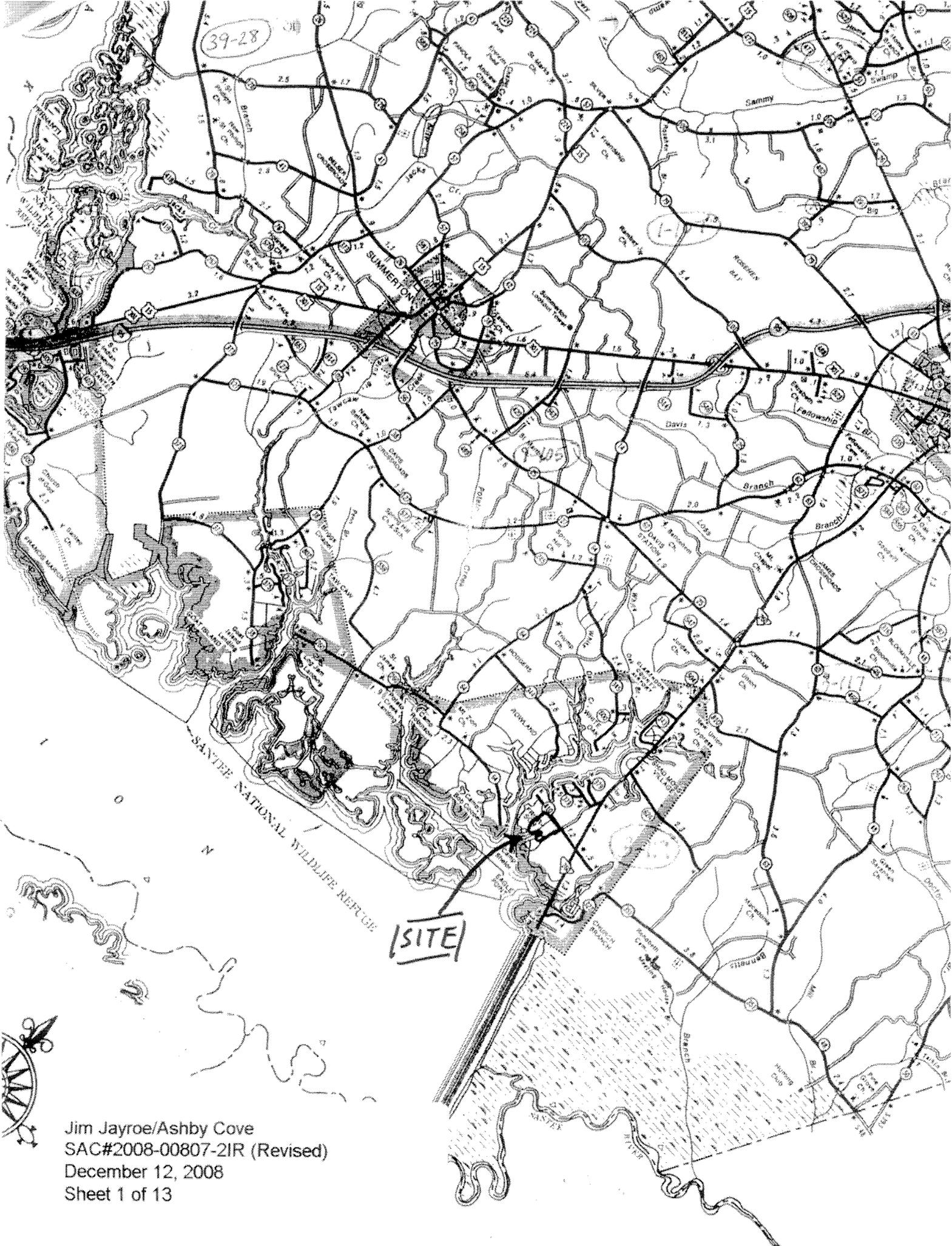
listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also 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.



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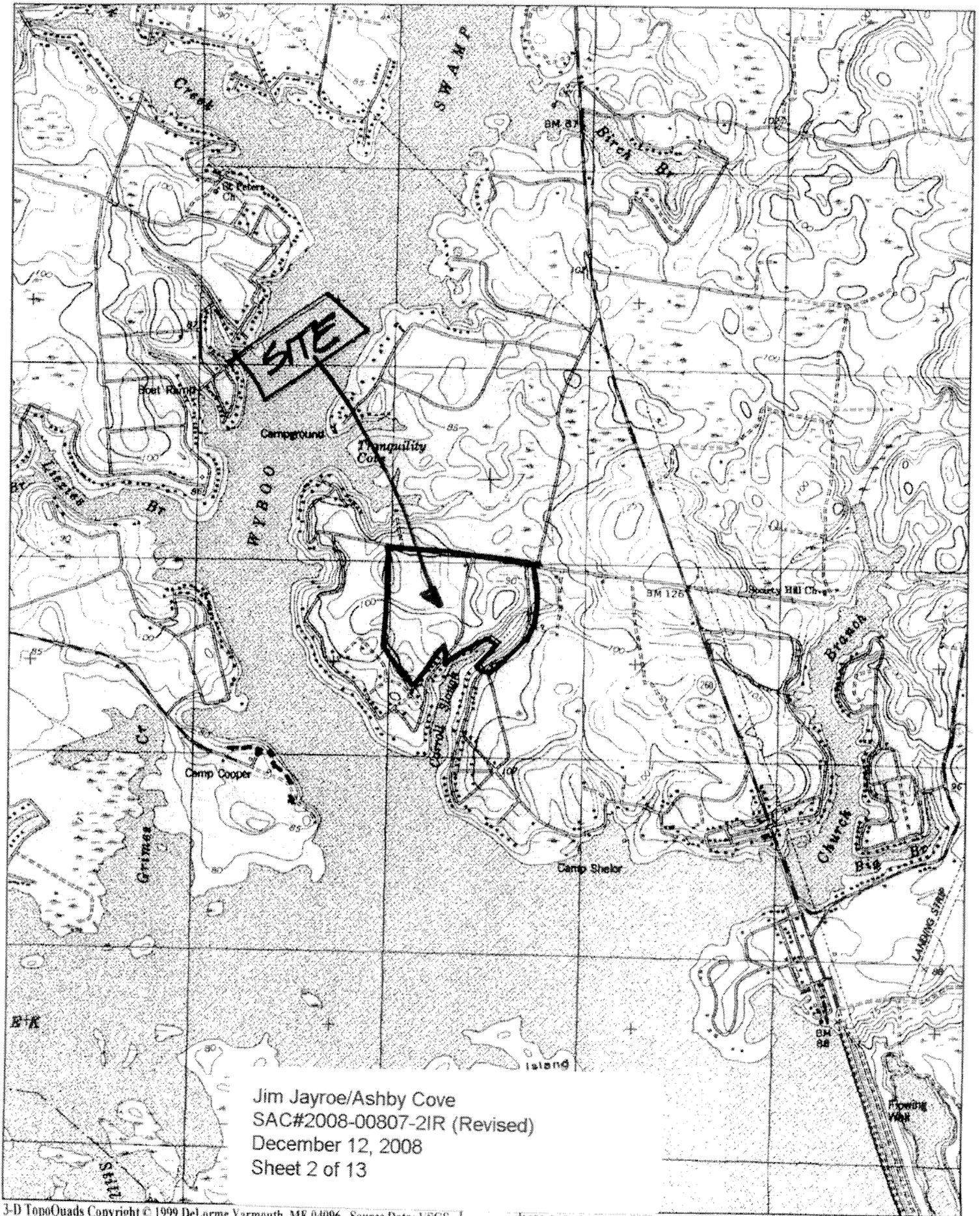
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SANTER NATIONAL WILDLIFE REFUGE

SITE

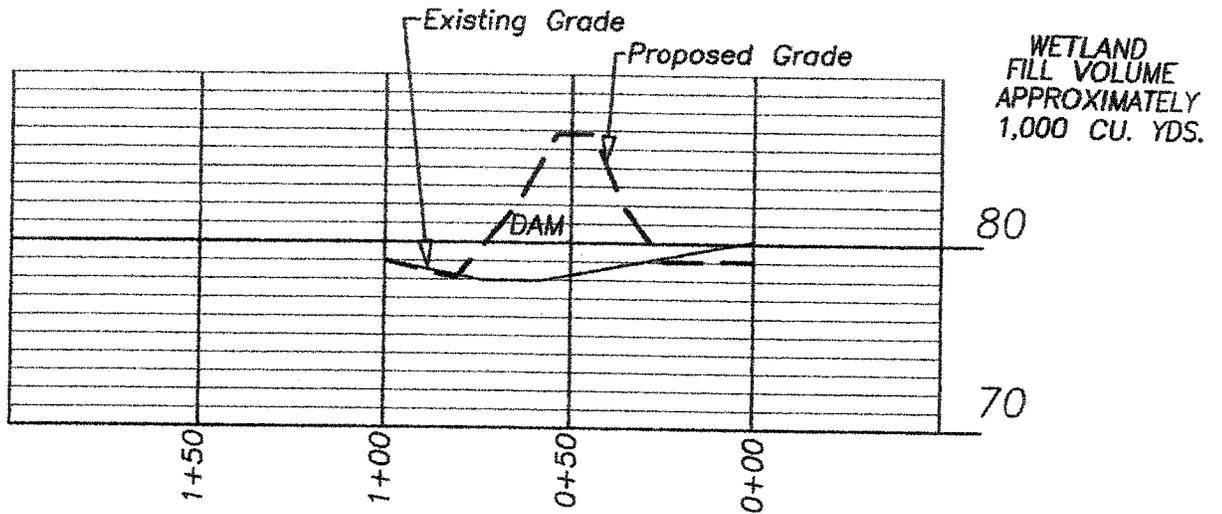


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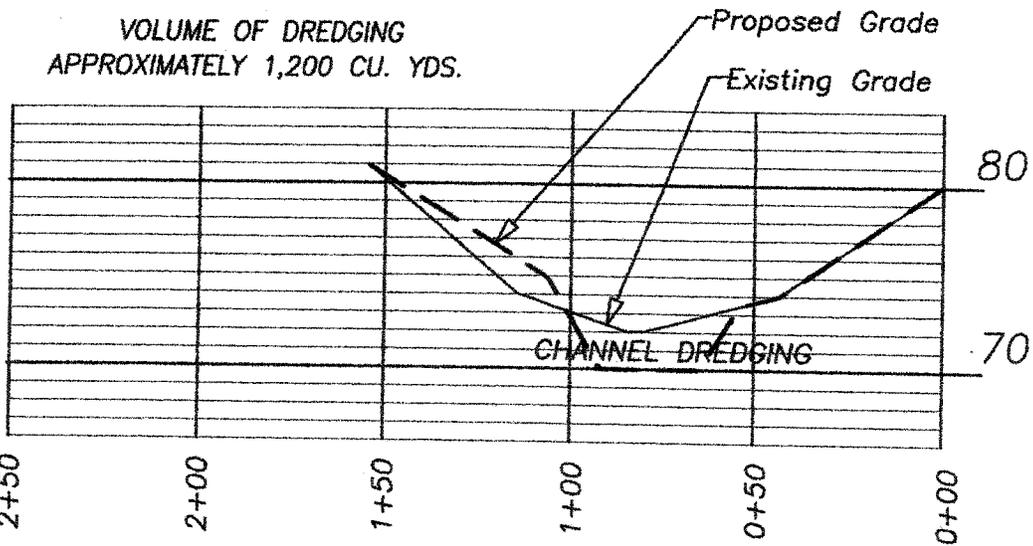


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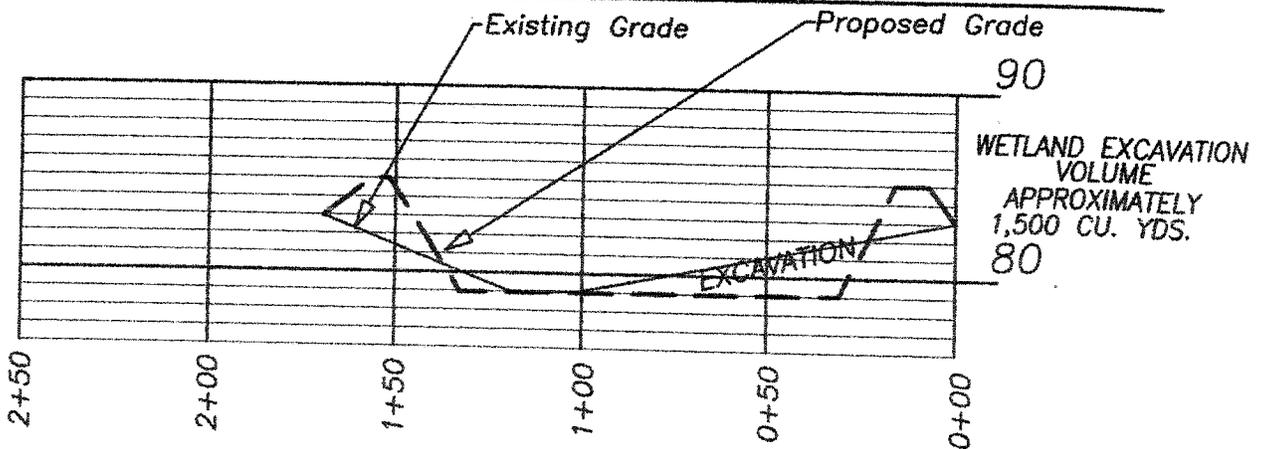
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SECTION C-C DAM PROFILE (SEE FIGURE 3)



SECTION B-B CHANNEL PROFILE (SEE FIGURE 3)

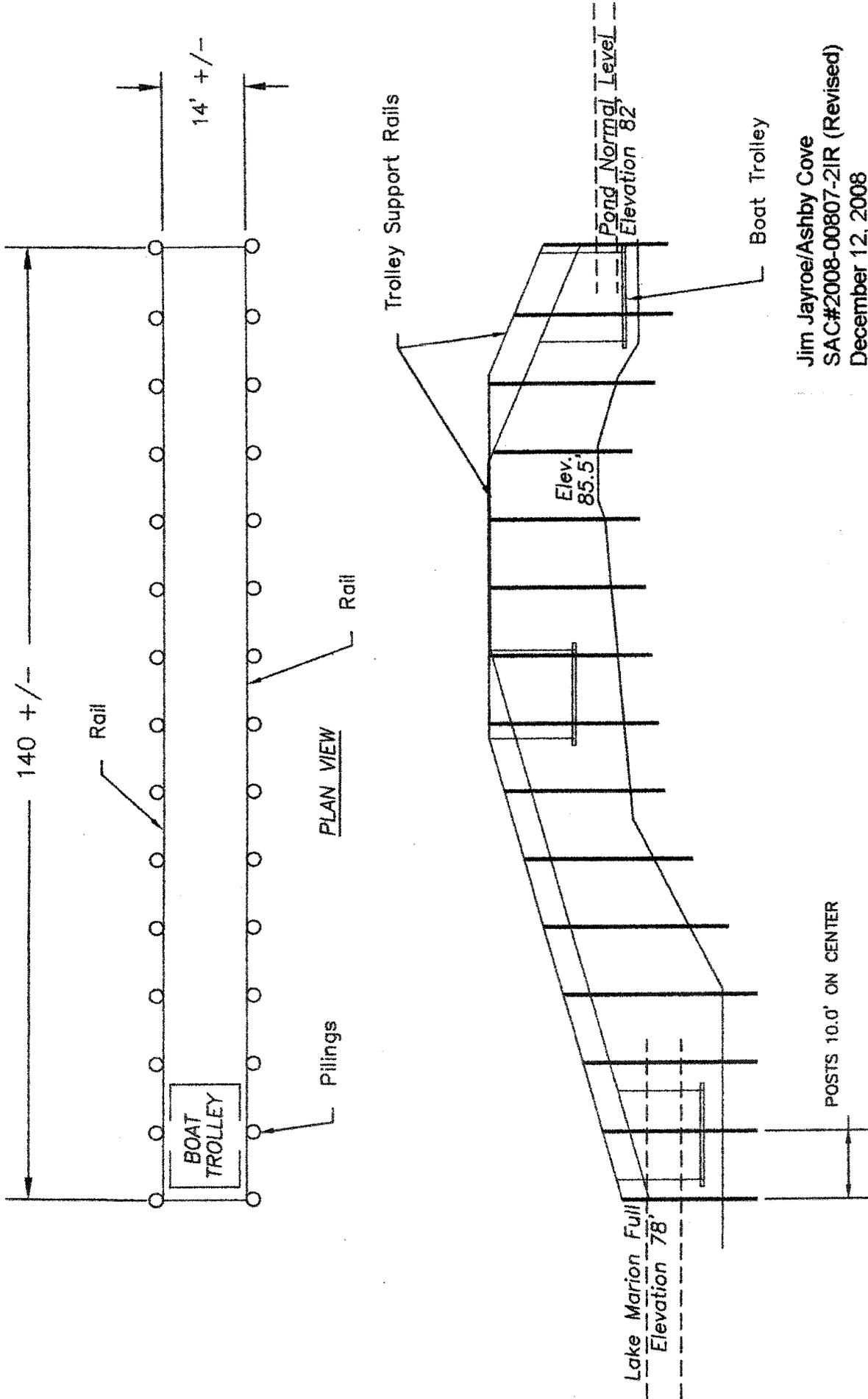


SECTION A-A POND PROFILE (SEE FIGURE 3)

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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 - REVISED 11/20/08

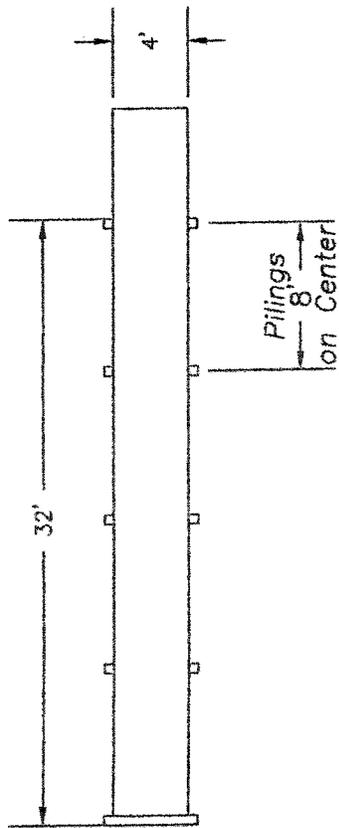
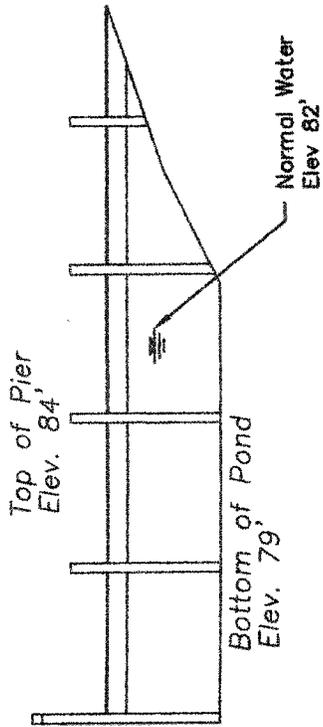


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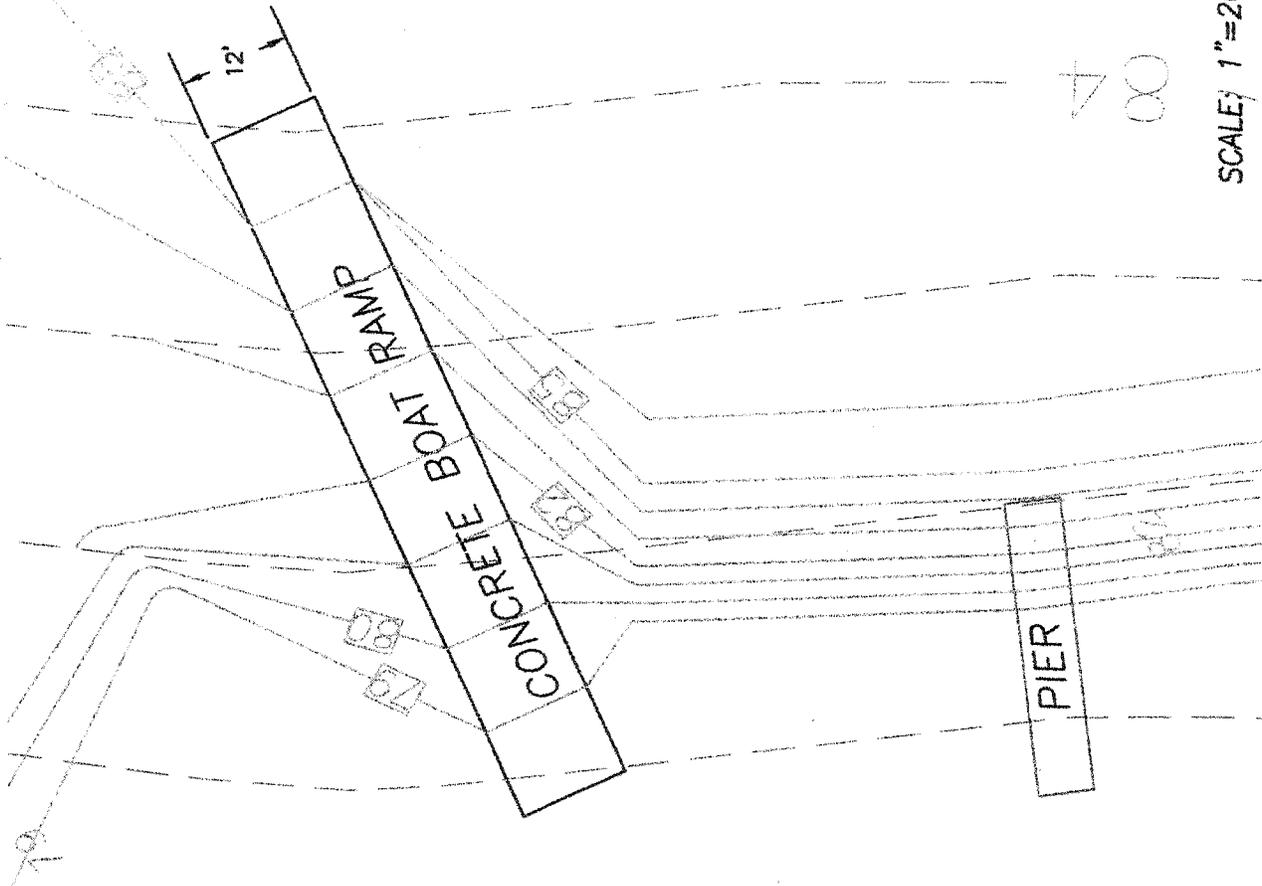
ASHBY COVE
 IN: LAKE MARION - CARROLL SLOUGH
 PROPOSED DAM/POND/BOAT LIFT
 DATE: 3/21/2008 - REVISED 11/20/08

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

ELEVATIONS ARE BASED
 ON NAVD88 DATUM



TREATED TIMBER PIER
SCALE: 1"=10'



ASHBY COVE
IN: LAKE MARION - CARROLL SLOUGH
PROPOSED DAM/POND/BOAT LIFT
DATE: 3/21/2008 - REVISED 11/20/08

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 x 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	3.0	3.0	3.0	0.2		
Priority Category	1.5	1.5	1.5	1.5		
Existing Condition	2.5	2.5	2.5	2.5		
Duration	2.0	2.0	2.0	2.0		
Dominant impact	3.0	1.5	2.5	1.5		
Cumulative Impact	0.1	0.1	0.1	0.1		

Sum of r Factors	R ₁ = 12.1	R ₂ = 10.6	R ₃ = 11.6	R ₄ = 7.8	R ₅ =	R ₆ =
Impacted Area	AA ₁ = 0.18	AA ₂ = 0.38	AA ₃ = 0.26	AA ₄ = 0.36	AA ₅ =	AA ₆ =
R x AA =	2.18	4.03	3.02	2.81		

Total Required Credits = (R x AA) = 12.04

Area 1 = Wetland Fill
Area 2 = Wetland Dredge
Area 3 = Wetland Flood
Area 4 = Channel Dredge

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Mitigation for Wetlands

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

Factors	Options				
	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 = 2.99	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M x A _m	4.48				

Total Restoration Enhancement Credits = Y - (M x A) = 4.48

Area 1 = On-site Buffer Enhancement, buffer area is 2.99 ac.

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	Area 1	Area 2	Area 3	Area 4	Area 5
Priority Category	0.1				
Existing Condition	0.1				
Degree of Threat	0.2				
Control	0.1				
Kind	0.3				
Location	0.3				
Sum of m Factors	M ₁ = 1.1	M ₂ =	M ₃ =	M ₄ =	M ₅ =
Mitigation Area	A ₁ = 0.41	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M x A =	0.18				

Total Preservation Credits = Y - (M x A) =

0.18

Area 1 = Wetlands to be preserved in excess of the upland buffer acreage.

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 * <u>12.04</u>	
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II. Non-Banking Mitigation Credit Summary	Credits	Acres
B. Creation	0	
C. Restoration and/or Enhancement (Non-Buffer Enhancement)	0	
D. Restoration and/or Enhancement (Buffer Enhancement)	4.48	2.99
E. Total No Net Loss Non-Bank Mitigation * B+C+D	4.48	2.99
F. Preservation	0.18	0.41
G. Total Proposed Non-Bank Mitigation * E + F	4.66	3.40

III. Banking Mitigation Credit Summary	Credits	Acres
H. Creation	0	
I. Restoration and/or Enhancement (Non-Buffer Enhancement)	0	
J. Restoration and/or Enhancement (Buffer Enhancement)	4.0	
K. Total No Net Loss Bank Mitigation = H + I + J	4.0	
L. Preservation	4.0	
M. Total Proposed Bank Mitigation * K+L	8.0	

IV. Grand Totals	Credits	Acres
N. Total Preservation Mitigation * F + L	4.18	
O. Total Non-Preservation Mitigation : E+K	8.48	
P. Total Creation = B + H	0	
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	0	
R. Total Proposed Mitigation : G+M	12.66	

We propose to use the Francis Beidler Forest Mitigation Bank for the balance of off-site mitigation credits that are required. We propose to purchase 8.0 credits from this bank. They do not have restoration or non-buffer enhancement credits at this bank. Therefore, we are requesting a variance on the 25% rule.

September 19, 2002

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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 ?	X	
$PMC_{Non-Preservation} \geq 1/2 RMC$ or in words Are the credits in Row O greater than or equal to 50% of Row A ?	X	
$PMC_{Creation + Restoration/Enhancement (Non-Buffer Enhancement)} \geq 1/4 RMC$ 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

We propose to use the Francis Beidler Forest Mitigation Bank for the balance of off-site mitigation credits that are required. We propose to purchase 8.0 credits from this bank. They do not have restoration or non-buffer enhancement credits at this bank. Therefore, we are requesting a variance on the 25% rule.