PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107

REGULATORY DIVISION
Refer to: P/N #2003-1E-202

18 July 2003

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), an application has been submitted to the Department of the Army by

ERNIE S. DRIGGERS
2654 BOHICKET ROAD
JOHNS ISLAND, SOUTH CAROLINA 29455

for a permit to extend an existing dock structure in

BOHICKET CREEK

at 2654 Bohicket Road, Johns Island, Charleston County, South Carolina.
(Latitude – 32.68691, Longitude – 80.09019)

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 the above mentioned office until

12 O'CLOCK NOON, MONDAY, 4 AUGUST 2003

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

The proposed work consists of removing the existing pierhead connected to the existing 4' x 400' walkway. A 4' x 575' walkway will then be constructed and connected to the existing 4' x 400' walkway. In addition, a 20' x 20' fixed pierhead with a 3' x 15' ramp attached to an existing 10' x 20' floating dock will be constructed and connected to the proposed 4' x 575' walkway. According to the applicant, the purpose of this work is to gain access to navigable waters for the applicant's private recreational use.

NOTE: this work was previously advertised by P/N #2001-1B-609 jointly with the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management. The State agency denied this application, and, as such, the Department of the Army permit was also denied. Subsequently, the applicant appealed the State decision. The Administrative Law Judge ruled that State authorization should be approved. As such, a new application for a Department of the Army permit was required.

It should also be noted that the permitting State agency has appealed the Administrative Law Judge's ruling the Appellate Panel and that appeal is pending.

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

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U.S. Army Corps of Engineers
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This initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 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).

The District Engineer has 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. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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

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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.

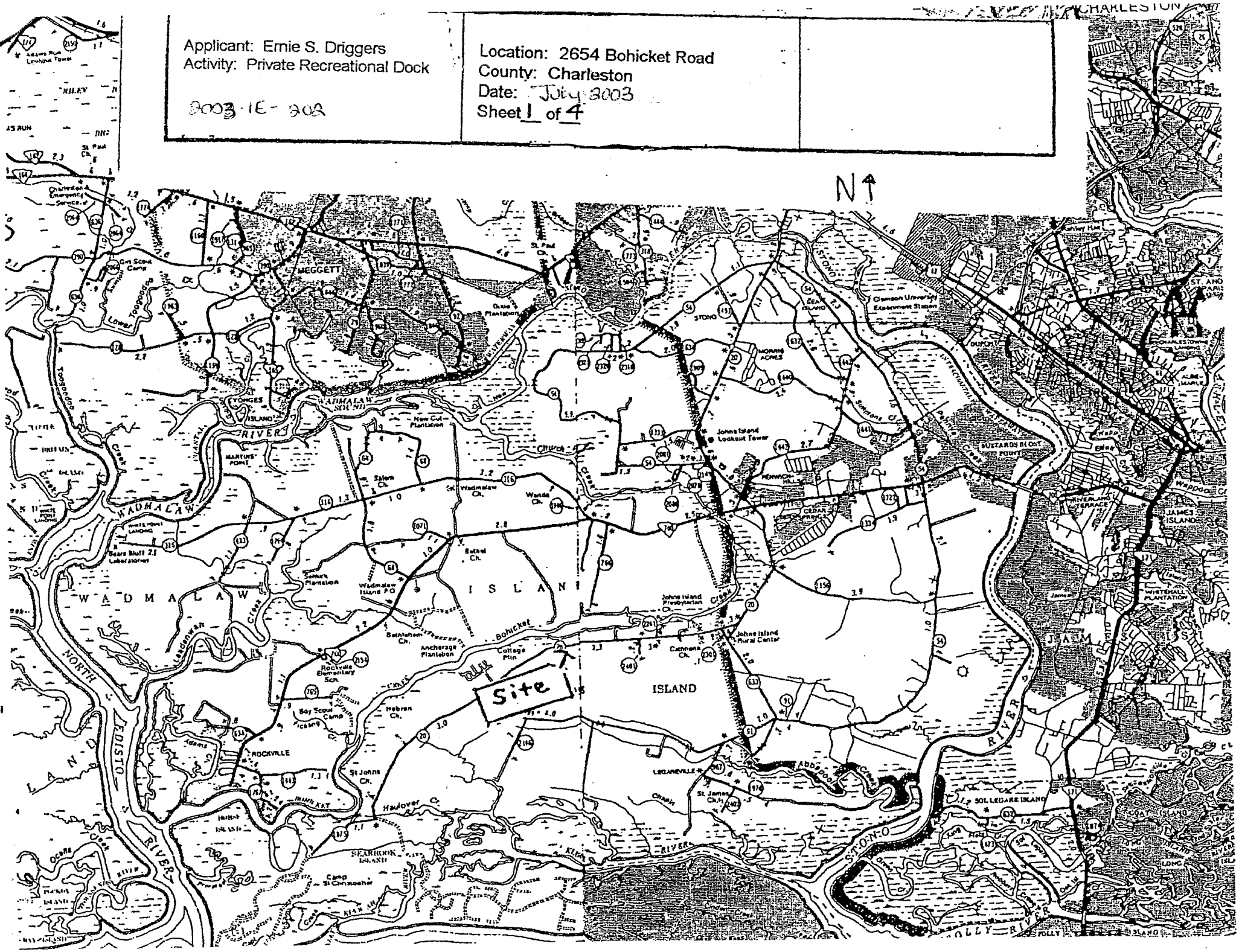
If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

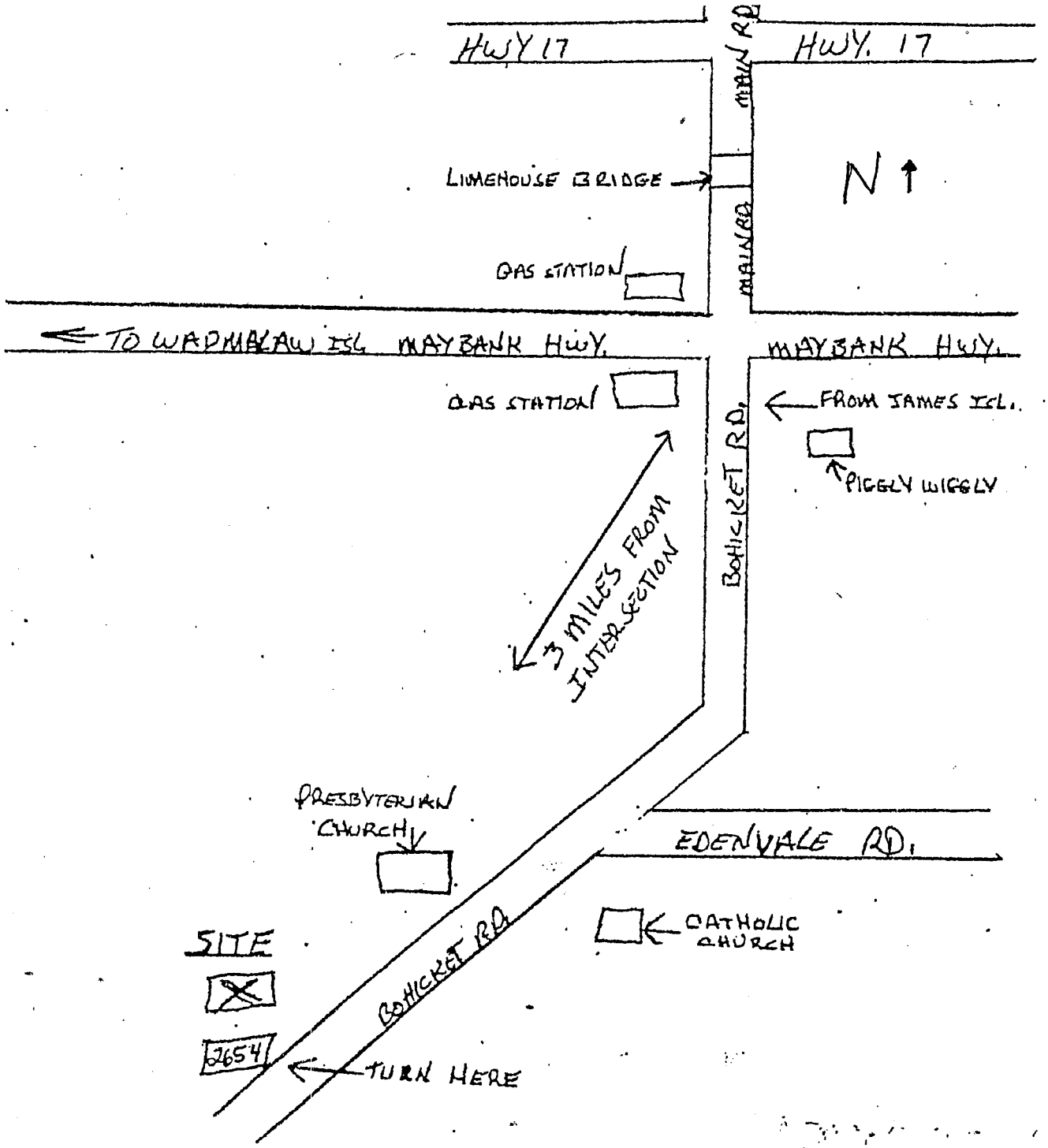
Jackie Easterling
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

Applicant: Ernie S. Driggers
Activity: Private Recreational Dock

2003-1E-202

Location: 2654 Bohicket Road
County: Charleston
Date: July 2003
Sheet 1 of 4





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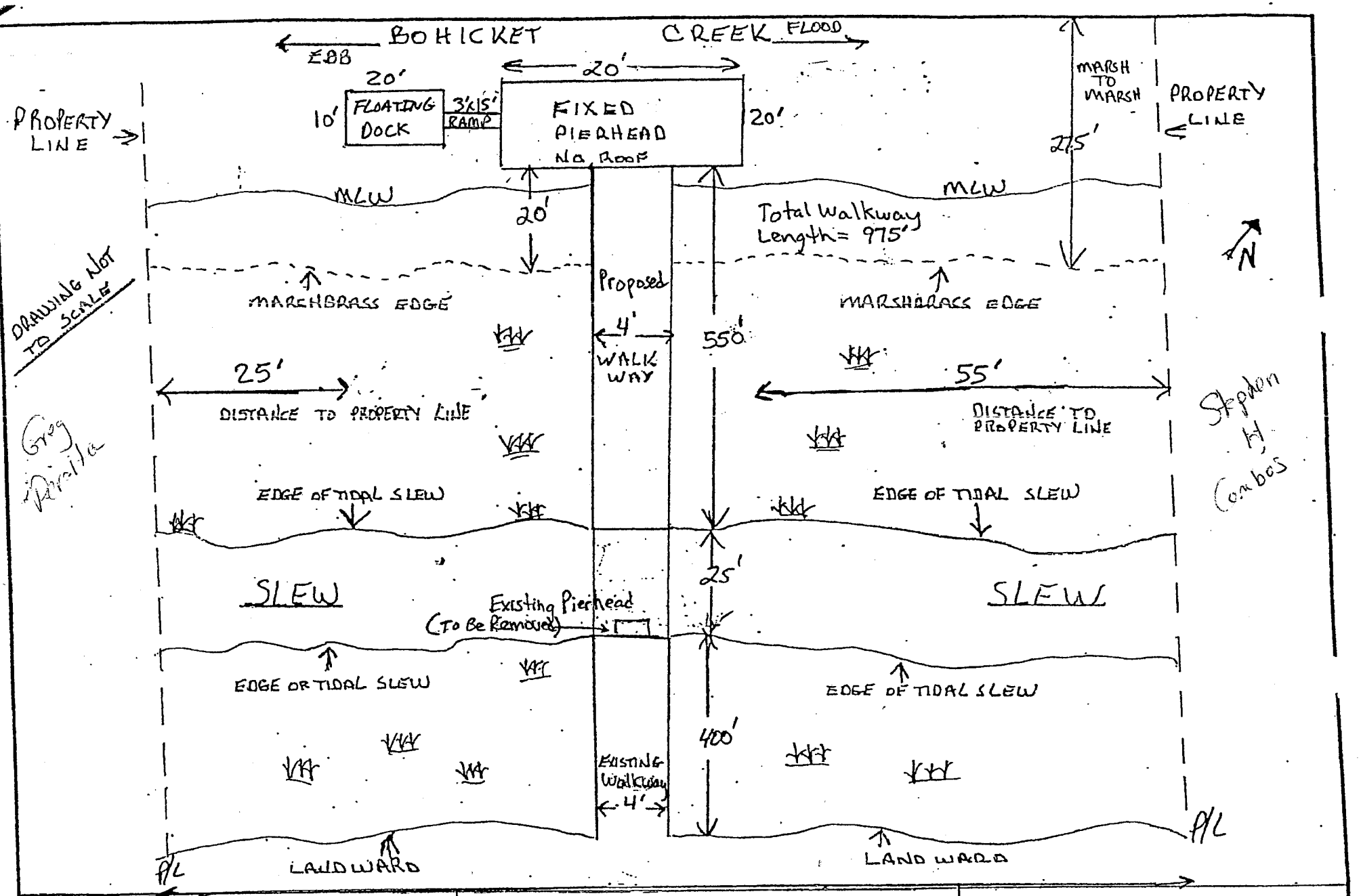

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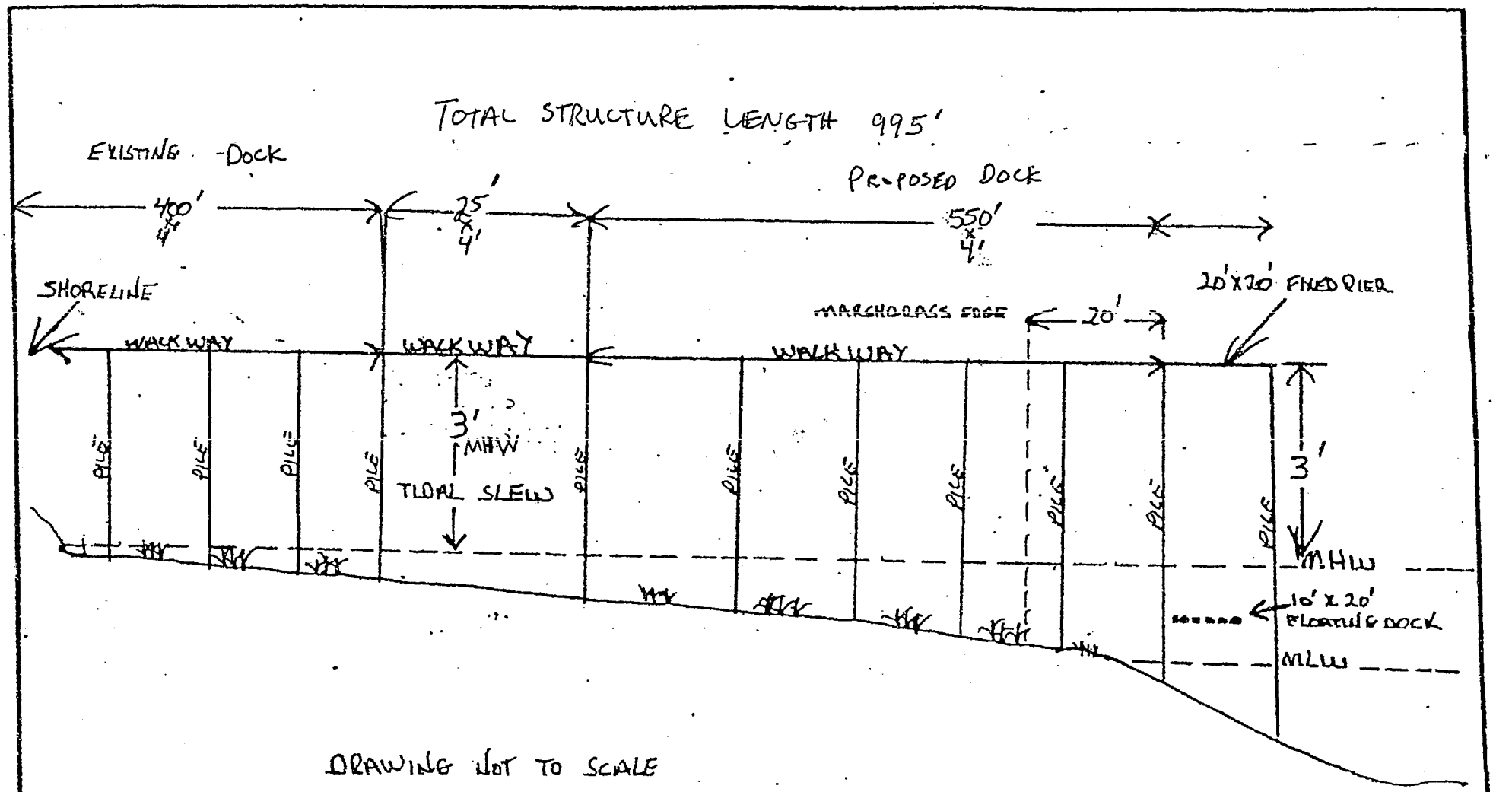

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