

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: P/N #2004-1E-141

30 April 2004

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

**ASHLEY II OF CHARLESTON, LLC
476 MEETING STREET, SUTIE 3
CHARLESTON, SOUTH CAROLINA 29403**

for a permit to construct a pier and floating dock in the

ASHLEY RIVER

at 2750 Speissegger Drive, North Charleston, Charleston County, South Carolina.
(Latitude – 32.83813, Longitude – 79.97483)

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, 17 MAY 2004

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

The proposed work consists of constructing a timber pier with a 24' x 24' fixed pierhead attached to highland by an 8' x 575' walkway. In addition, a 16' x 40' floating dock in front of the fixed pierhead and attached to the pierhead by an 8' x 18' ramp. It is understood that this work will be conducted on/or adjacent to an area subject to a prism and/or disposal easement held by the United States in perpetuity in conjunction with a Congressionally authorized project for the maintenance and improvement of the Ashley River. Should a permit be issued, appropriate provisions will be included to ensure the interests of the Federal Government are understood. The purpose of this work, as indicated by the applicant, is for the private use of the owner and/or tenants of the property. There will be no overnight docking of boats and the tenants will not be charged a separate fee for use of the dock structure.

NOTE: This work was previously authorized by DA Permit #98-1E-190 issued to Roper North Hospital, but that permit has expired. However, the Critical Area/Water Quality Certification Permit issued by the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management, was transferred to the new owner and the expiration date extended until August 13, 2006. Therefore, the applicant is only seeking a permit from the Department of the Army.

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Ashley II of Charleston, LLC

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**

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 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.

REGULATORY DIVISION

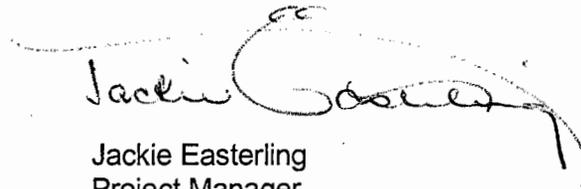
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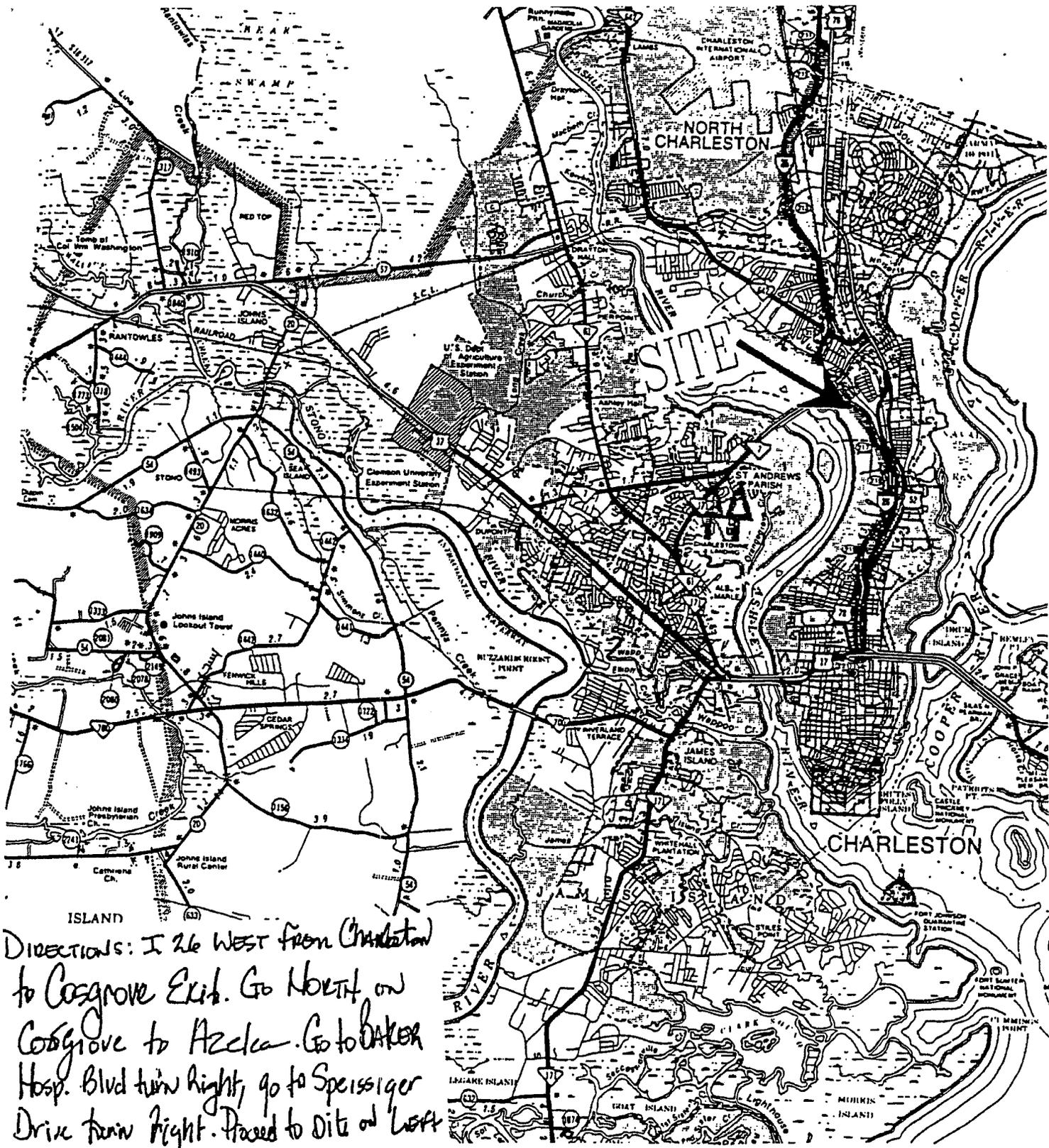
Ashley II of Charleston, LLC

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.

A handwritten signature in black ink, appearing to read "Jackie Easterling", with a large, stylized flourish extending to the right.

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



APPLICANT: Ashley II of Charleston

ADJACENT PROPERTIES

PURPOSE: Private Dock Structure

009: New Small Charleston, LLC

LOCATION: 2750 SPEISSEGER DR
CHARLESTON HEIGHTS
ASHLEY RIVER

015: Baker Professional Office Building, Inc
018: Osprey Place Apartments, LP

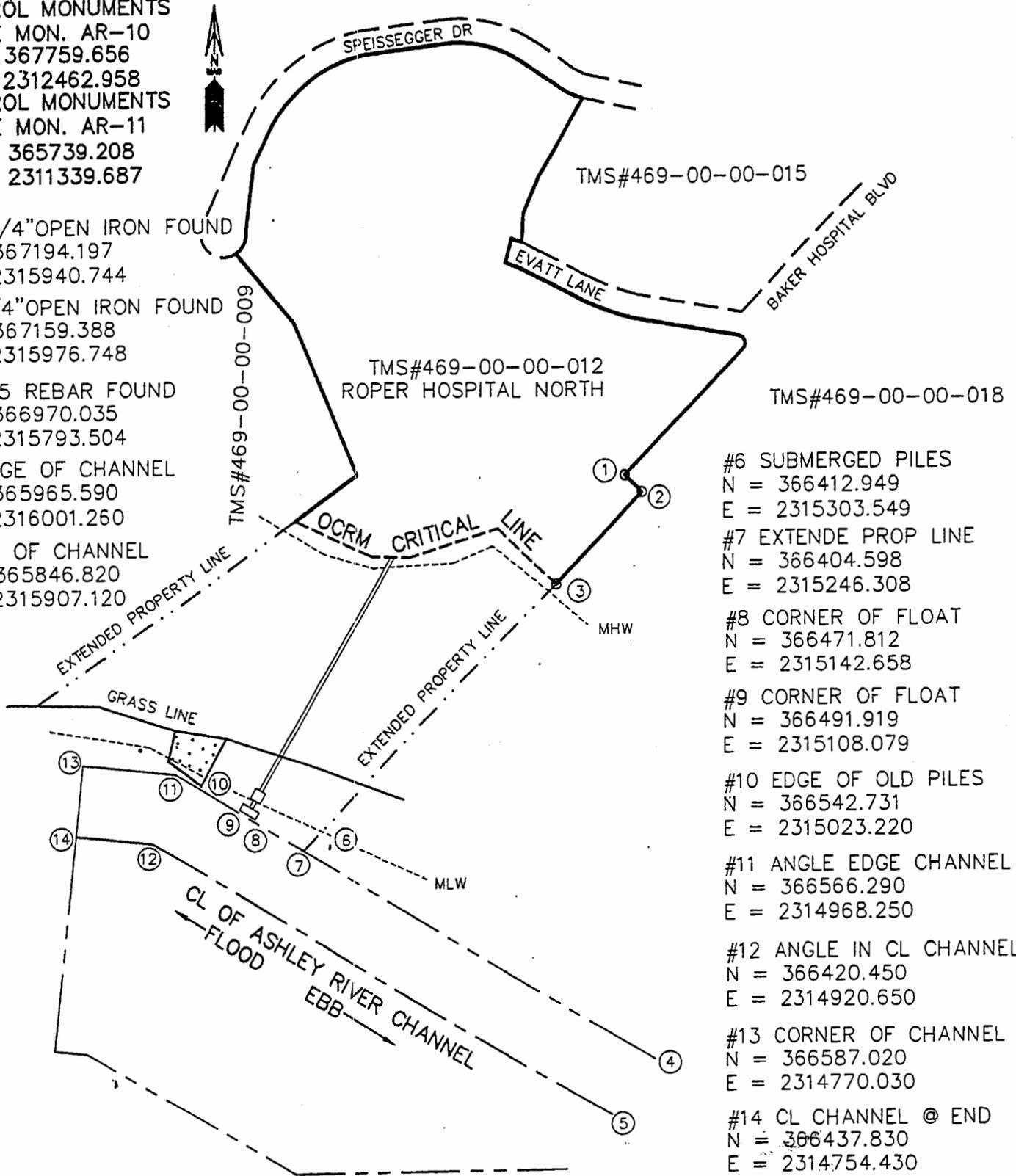
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April 21, 2004
Sheet 1 of 4

CONTROL MONUMENTS
USCOE MON. AR-10
N = 367759.656
E = 2312462.958
CONTROL MONUMENTS
USCOE MON. AR-11
N = 365739.208
E = 2311339.687

- #1 3/4" OPEN IRON FOUND
N = 367194.197
E = 2315940.744
- #2 3/4" OPEN IRON FOUND
N = 367159.388
E = 2315976.748
- #3 #5 REBAR FOUND
N = 366970.035
E = 2315793.504
- #4 EDGE OF CHANNEL
N = 365965.590
E = 2316001.260
- #5 CL OF CHANNEL
N = 365846.820
E = 2315907.120

- #6 SUBMERGED PILES
N = 366412.949
E = 2315303.549
- #7 EXTENDE PROP LINE
N = 366404.598
E = 2315246.308
- #8 CORNER OF FLOAT
N = 366471.812
E = 2315142.658
- #9 CORNER OF FLOAT
N = 366491.919
E = 2315108.079
- #10 EDGE OF OLD PILES
N = 366542.731
E = 2315023.220
- #11 ANGLE EDGE CHANNEL
N = 366566.290
E = 2314968.250
- #12 ANGLE IN CL CHANNEL
N = 366420.450
E = 2314920.650
- #13 CORNER OF CHANNEL
N = 366587.020
E = 2314770.030
- #14 CL CHANNEL @ END
N = 366437.830
E = 2314754.430



APPLICANT:
Ashley II of Charleston
PURPOSE:
Private Dock Structure
LOCATION: 2750 SPEISSEGGER DR
CHARLESTON HEIGHTS
ASHLEY RIVER

Sheet 2 of 4
DATE: April 21, 2004
SCALE: 1" = 300'



FILE # 2004-1E-141

300 0 300

ADJACENT PROPERTIES
009:
New Small Charleston,
LLC
015:
Baker Professional
Office Building, Inc
018:
Osprey Place
Apartments, LP

NOTE:
WALKWAY, PIERHEAD,
& RAMP TO HAVE
HANDRAIL.

MHW

OCRM CTITICAL LINE

GRASS LINE

8'x575' WALKWAY

MLW

EXISTING
PILES

24'x24'
PIER
HEAD

98.9'

8'x18'
RAMP

16'x40' FLOATER

123.5'

EDGE OF CHANNEL

EXTENDED PROPERTY LINE

*Ashley
River*

6'

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PURPOSE: Private Dock Structure

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CHARLESTON HEIGHTS,
ASHLEY RIVER

ADJACENT PROPERTIES

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New Small Charleston,
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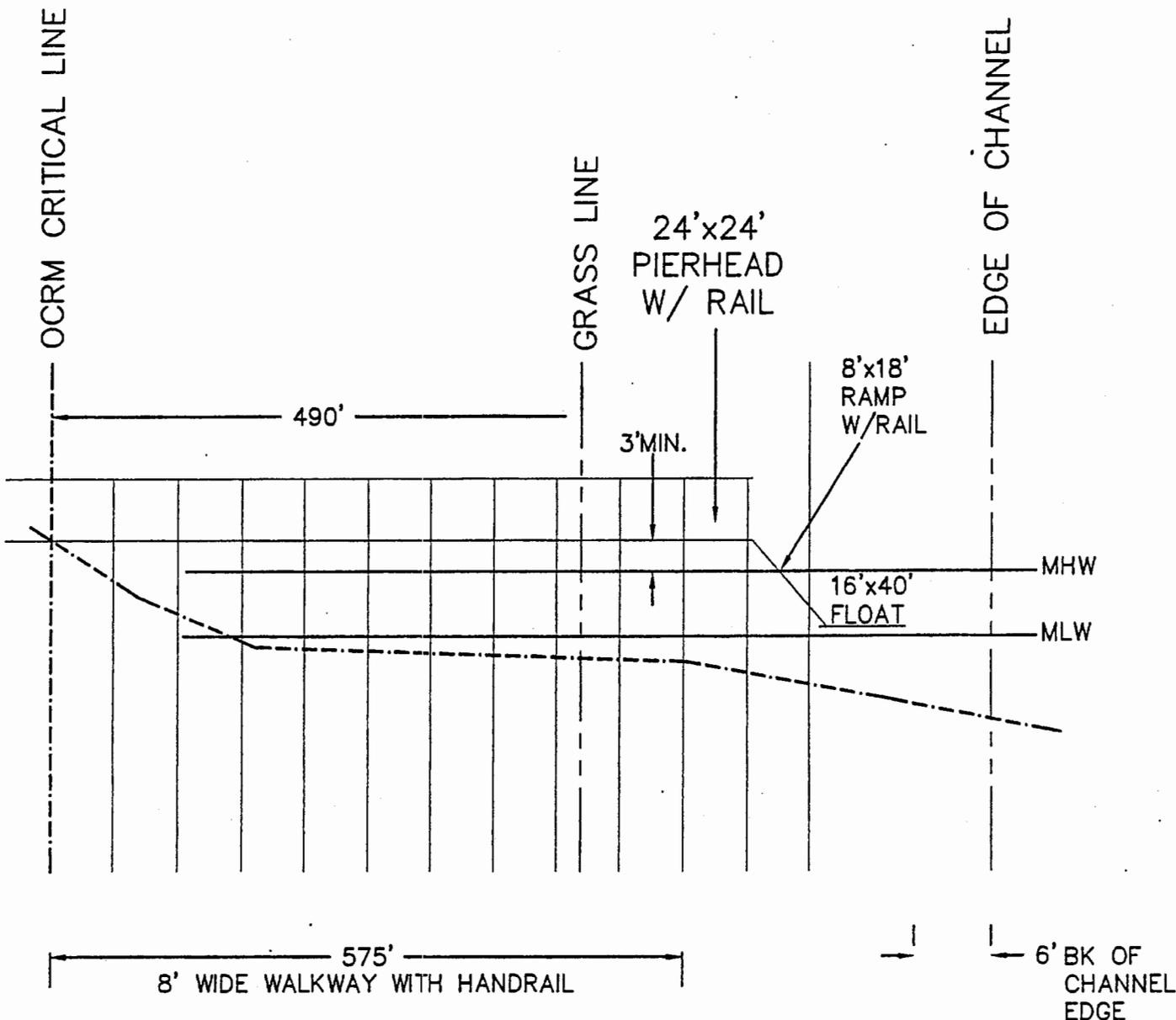
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April 21, 2004

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2004-1E:141



APPLICANT: Ashley II of Charleston
 PURPOSE: Private Dock Structure
 LOCATION: 2750 SPEISSEGGER DR
 CHARLESTON HEIGHTS
 ASHLEY RIVER

ADJACENT PROPERTIES
 009: New Small Charleston, LLC
 015: Baker Professional Office Building, Inc
 018: Osprey Place Apartment, LP

0004-1E141

April 21, 2004
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