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 8 April 2005
Refer to: P/N #2005-1E-121

NOTE: This work was previously advertised by P/N #2001-1E-345-C; however, the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM), found the project inconsistent with the South Carolina Coastal Zone Management Program and denied the State authorization. As a result, the DA permit was also denied. Subsequently, as a result of the settlement of an appeal, OCRM will issue the required Coastal Zone Consistency Certification for this project. Since the State Construction in Navigable Waters Permit and the Department of the Army Permit were never issued, a new application was required.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) 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 S.C. Department of Health and Environmental Control by

ROBERT SETZER
192 LAZY BEE LANE
GREEN POND, SOUTH CAROLINA 29446
and
JOHN GILGEN
218 LAZY BEE LANE
GREEN POND, SOUTH CAROLINA 29446

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

ASHEPOO RIVER

at a location near Green Pond, Colleton County, South Carolina.
(Latitude – 32.73673, Longitude – 80.55769)

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, 25 APRIL 2005

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

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Setzer & Gilgen

The proposed work consists of constructing a timber pie with a 10' x 20' fixed pierhead attached to highland by a 4' x 180' walkway. In addition, a 10' x 30' floating dock is to be installed in front of the fixed pierhead and attached to the fixed pierhead by a ramp. The purpose of this work is for the joint private recreational use of the applicants.

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 work shown on this application must be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). 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 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.

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.

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8 April 2005

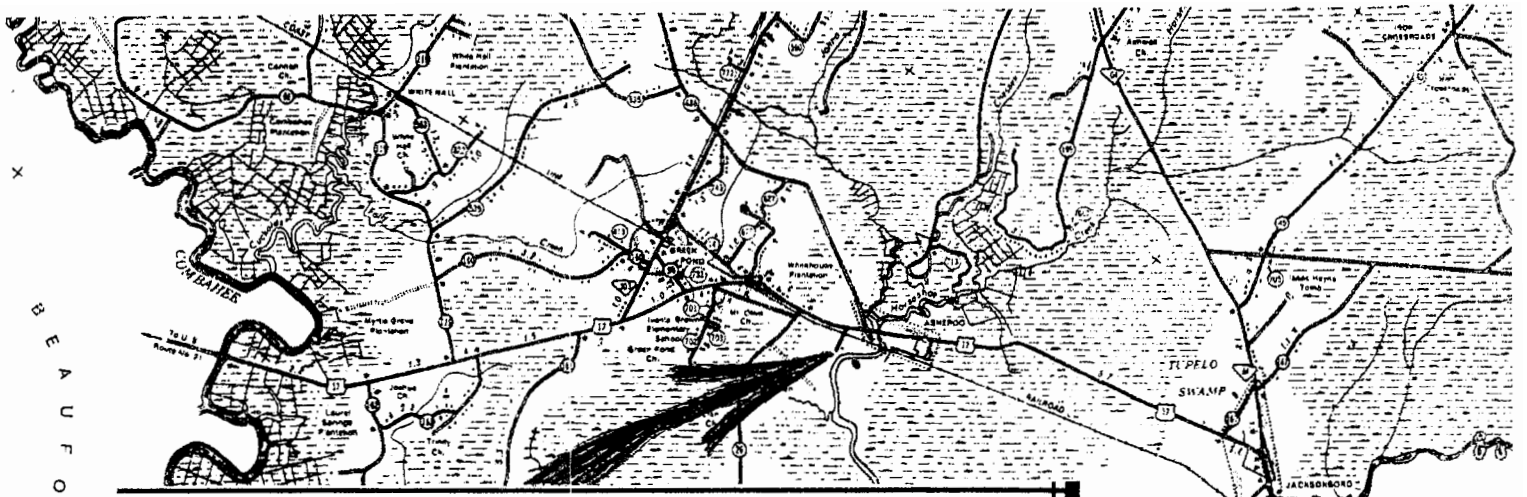
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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.

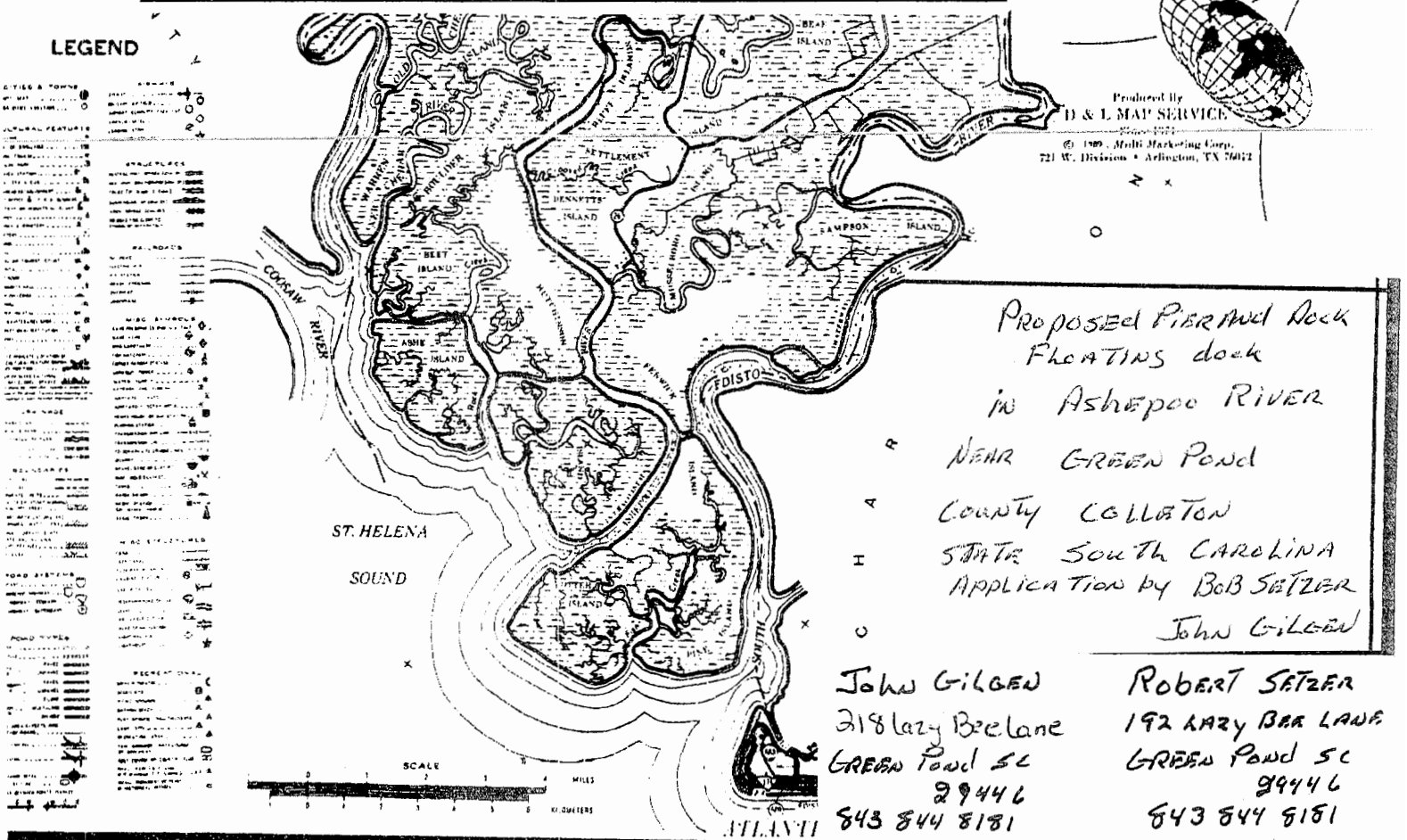
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine 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 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



Hwy South 17 from Charleston, to the Ashepoo River, then 1/3 of mile on the left paved road Ashepoo Drive. Go across the railroad tracks right on Poco Sabo go to Lazy Bee Lane on the left. About 1000 ft is Bob Setzer and John Gilgen place.



Proposed Pier and Dock
Floating dock
in Ashepoo River
Near Green Pond
County Colleton
State South Carolina
Application by Bob Setzer
John Gilgen

John Gilgen
218 lazy Bee lane
Green Pond SC
29446
843 844 8181

Robert Setzer
192 Lazy Bee Lane
Green Pond SC
29446
843 844 8181

March 28, 2005

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216 FOREST LAKE BLVD
CHARLESTON SC 29414
843-556-4418

BOAT RAMP

CANAL DRY AT LOW TIDE

NORTH

EBB

FLOW

200'

BOAT RAMP

Old Rice fields

VI

FLOATING DOCK 10' X 30'

ASHEPOO RIVER

JOHN GILGEN
PROPERTY LINE
ROBERT SETZER

FIXED PIER 4' X 180'

BRIDGE

PIER HEAD 10' X 20

30'

Old Rice fields

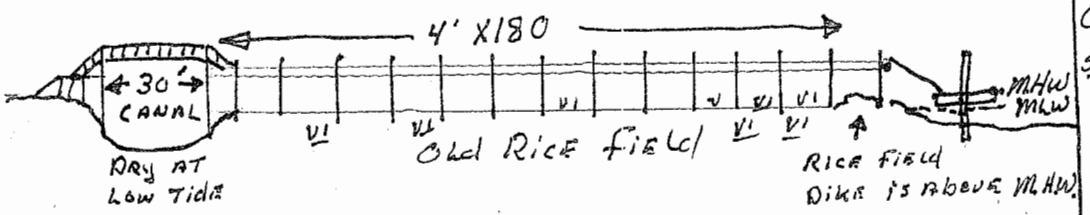
200'

300'
BANK TO BANK

CANAL DRY AT LOW TIDE

THOMAS HERNDON
194 DEER CT GREEN POND SC 29446 843-844-2037

NOTE: Walkway crossing canal will be elevated a minimum of 4.5' above mean high water.



PROPOSED PIER AND FLOATING DOCK
IN ASHEPOO RIVER
NEAR GREEN POND
COUNTY COLLETON
STATE SOUTH CAROLINA
APPLICATION BY ROBERT SETZER
JOHN GILGEN 192 LAZY BEE LANE
218 LAZY BEE LANE GREEN POND SC 29446
GREEN POND SC 29446 843 844 2771
843 844 8181

March 28, 2005

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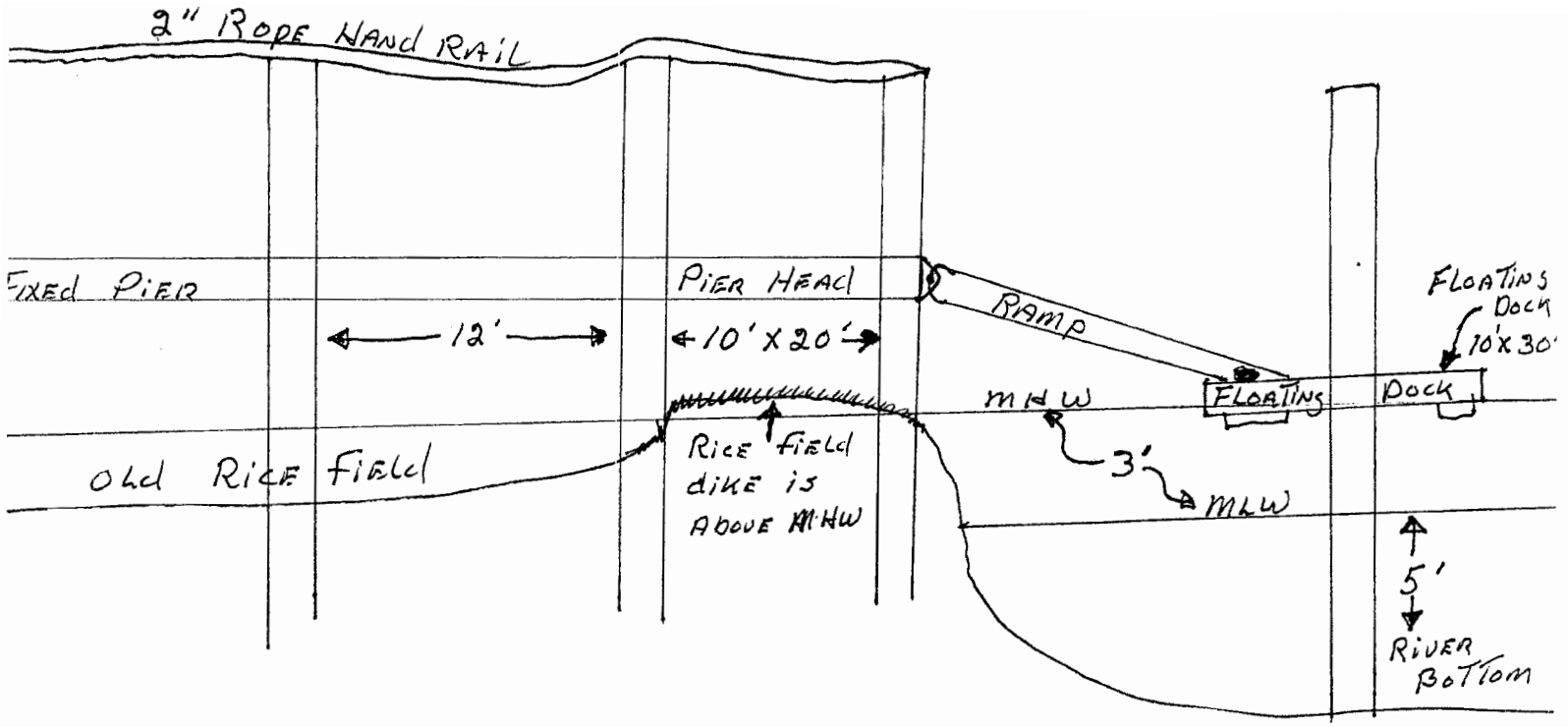

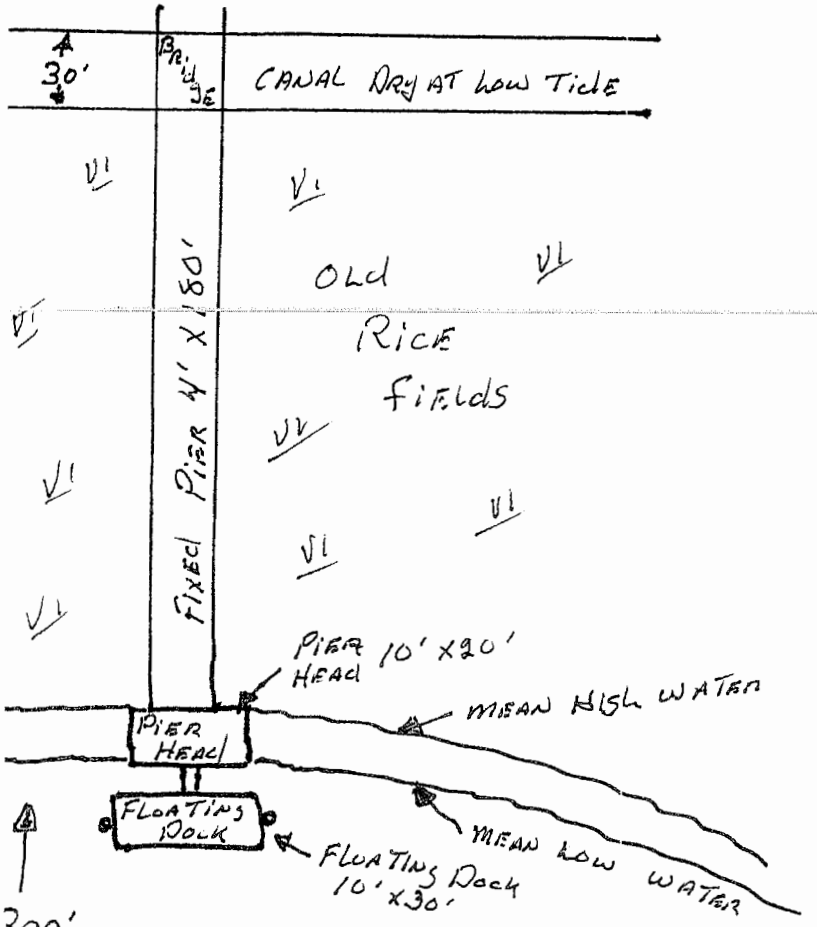

Adjacent property owners

North
Jim Reynolds
2216 Forest Lake Blvd
Charleston SC 29414
843-556-4418

South
Thomas Herndon
194 Deer Ct
Green Pond SC 29446
843-844-2037

Proposed Pier and Floating Dock
in Ashepoo-River
Near Green-Pond
County - Colleton
State - South Carolina

Application by
John Gillen
218 Lazy Bee Lane
Green Pond SC
29446
843 844 8181

Robert Setzer
192 Lazy Bee Lane
Green Pond SC
29446
843-844-2771

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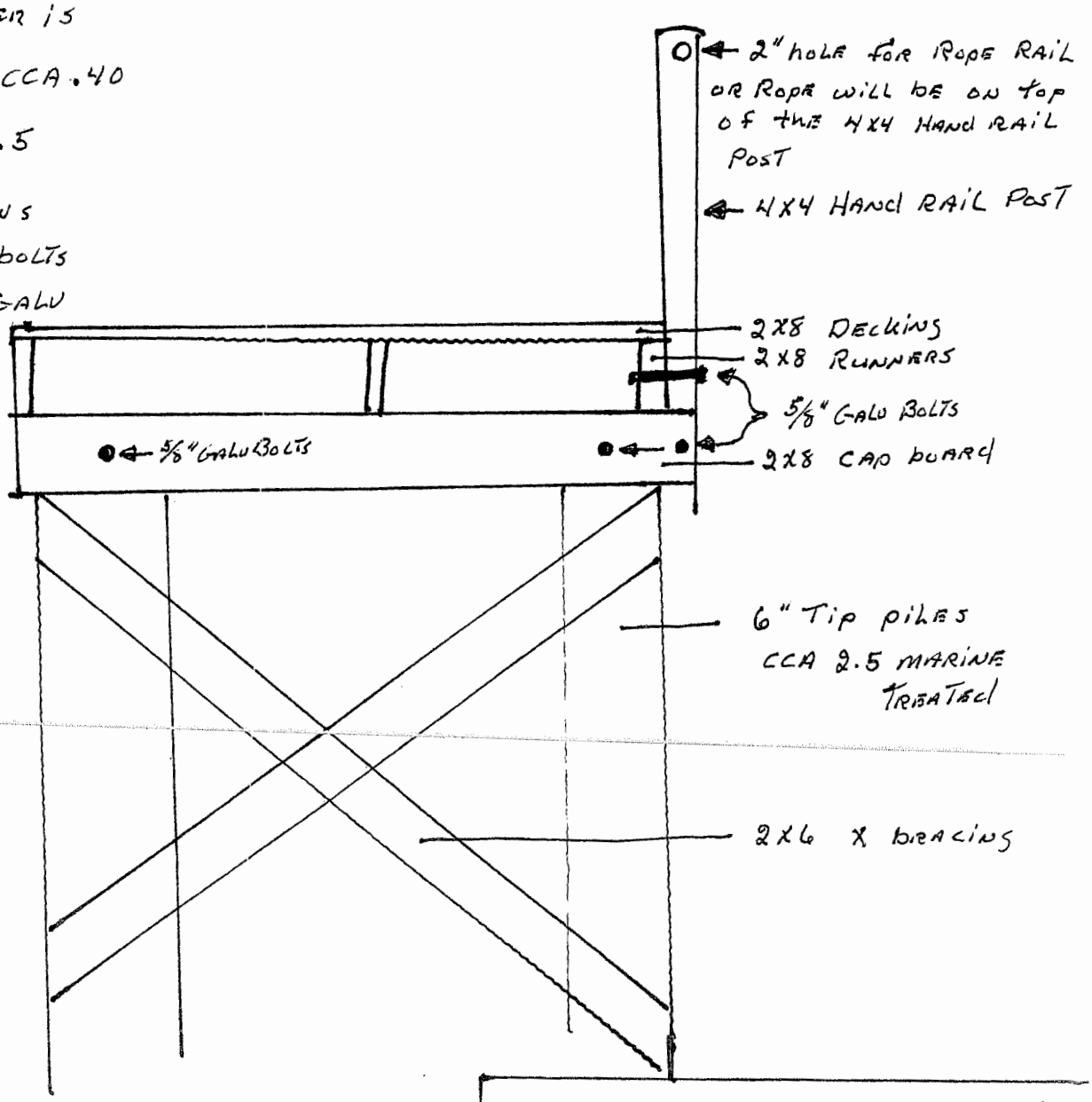
ALL Lumber is
TREATED CCA .40
PILES 2.5

ALL SCREWS
NAILS AND BOLTS
ARE dip GALV



PROPOSED PIER AND FLOATING DOCK
IN ASHEPOO RIVER
NEAR GREEN POND
COUNTY COLLETON
STATE SOUTH CAROLINA

APPLICATION by
JOHN GILGEN
218 LazyBee Lane
GREEN POND SC
29446
843 844 8181

ROBERT SETZER
192 LAZY BEE LANE
GREEN POND SC
29446
843 844 27[illegible]

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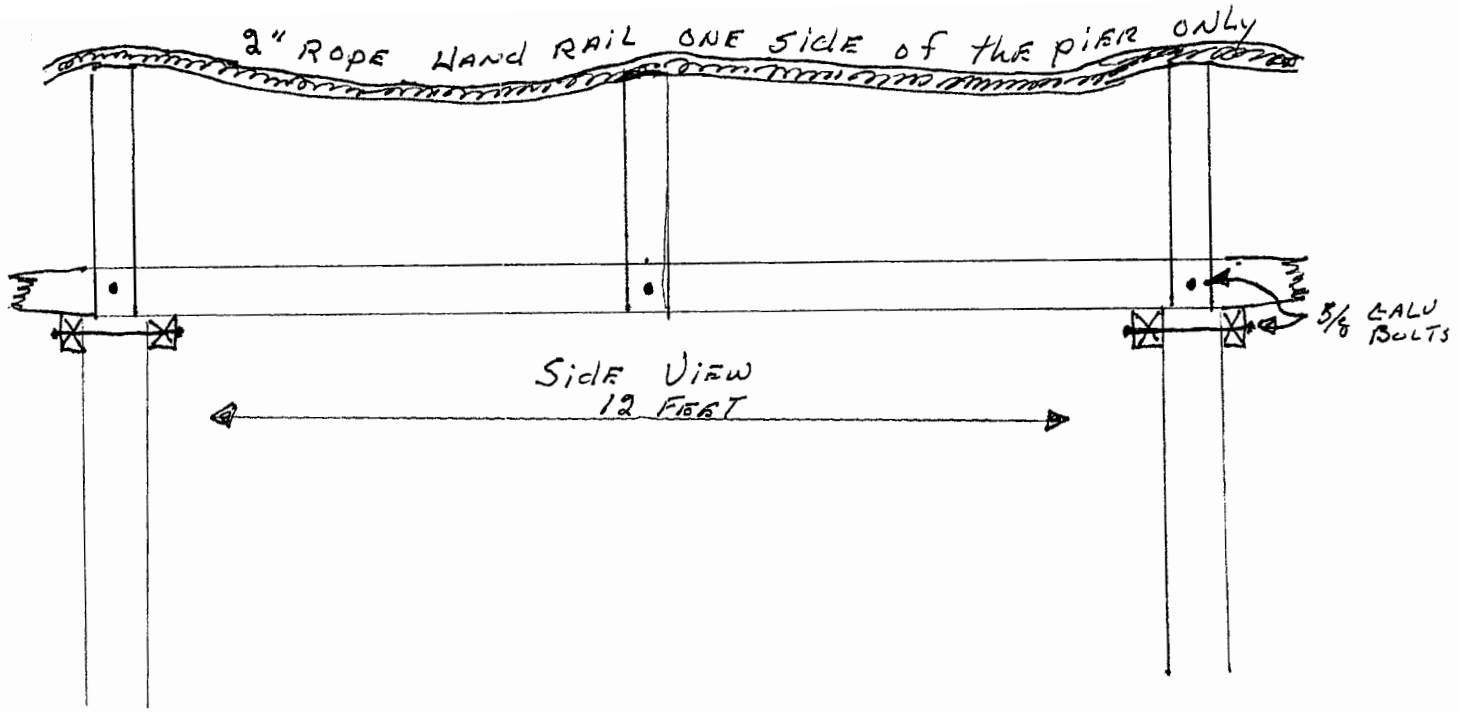
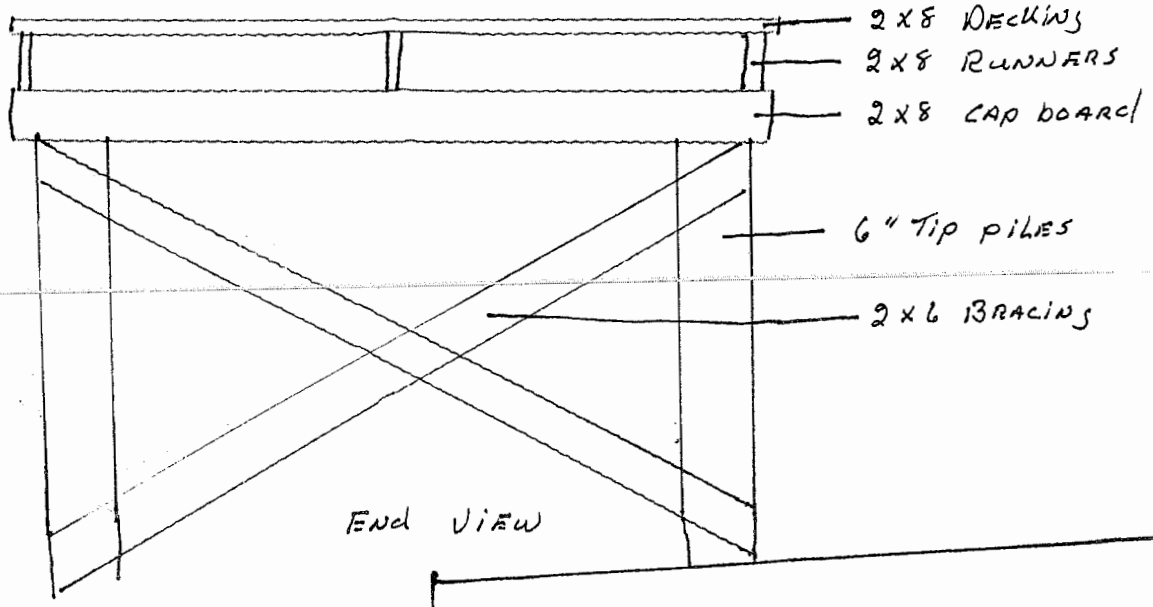


ALL Lumber is TREATED CCA. 40

Piles 2.5

ALL SCREWS NAILS AND BOLTS AT dip GALV.



Proposed PIER AND FLOATING DOCK
in Ashepoo RIVER
NEAR GREEN Pond
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Application by
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