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 # [redacted] 2007-2743-1IQ - P** February 29, 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. 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

THE SETTINGS DEVELOPMENT COMPANY, LLC
C/O MR. HENRY SAULS
4300 PACES FERRY ROAD, SUITE 500
ATLANTA, GEORGIA 30339

for a permit to construct a community docking facility ("Dock #2" of two concurrently proposed near this location, see note below) on the

POCOTALIGO RIVER

at a location on the west bank of the Pocotaligo River, about 2.0 river miles south of the river crossing of US17, the fixed pier landing at the "Community Clubhouse" area of "The Settings" residential development, Mackey Point area, Jasper County, South Carolina, (Long. -80.85118 x Lat. 32.61886).

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, MARCH 31, 2008

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

The proposed work consists of a 6' x 305' pier leading to a 20' x 20' fixed pierhead, connected channelward by a 4' x 30' ramp to 10' x 98' floating dock. The purpose of the project is to provide recreational boat docking facilities for the residents of the adjacent "The Settings" subdivision community.

Note: A second, similar structure is concurrently proposed about 0.25-mile north of this dock, on the same waterway, and is referred to in *P/N # SAC 2007-2742.*

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 about 0.07-acre 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.

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).

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.

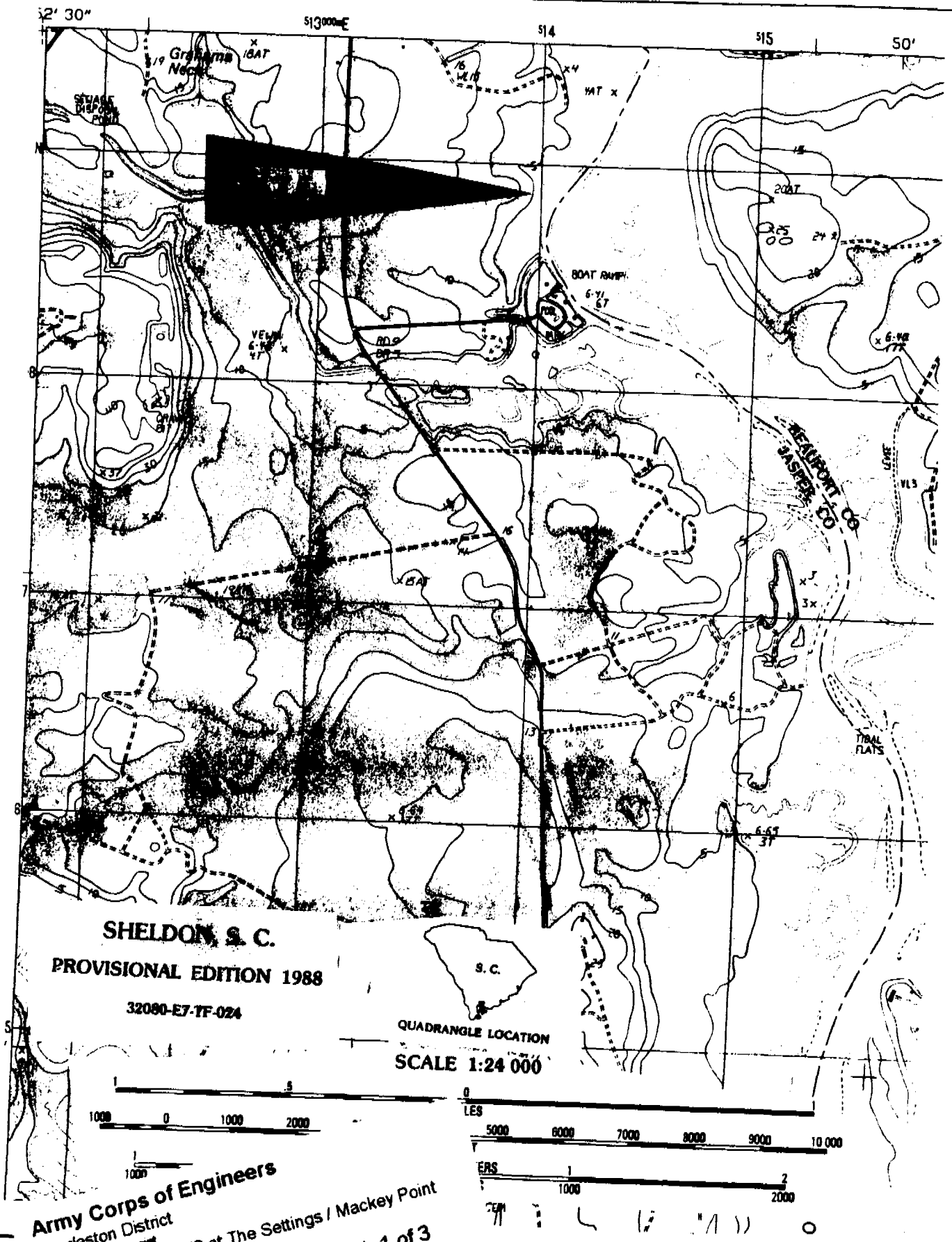
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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 Paul Hinchcliff at 843-329-8044 or toll free at 1-866-329-8187.

Jeff Thompson
SCDHEC - OCRM
Project manager



Army Corps of Engineers
Charleston District
PF Hinchcliff, Biologist
Community Dock #2 at The Settings / Mackey Point
Date: 29Feb08
Ref: P/N# 2007-2743-1IQ

sheet 1 of 3

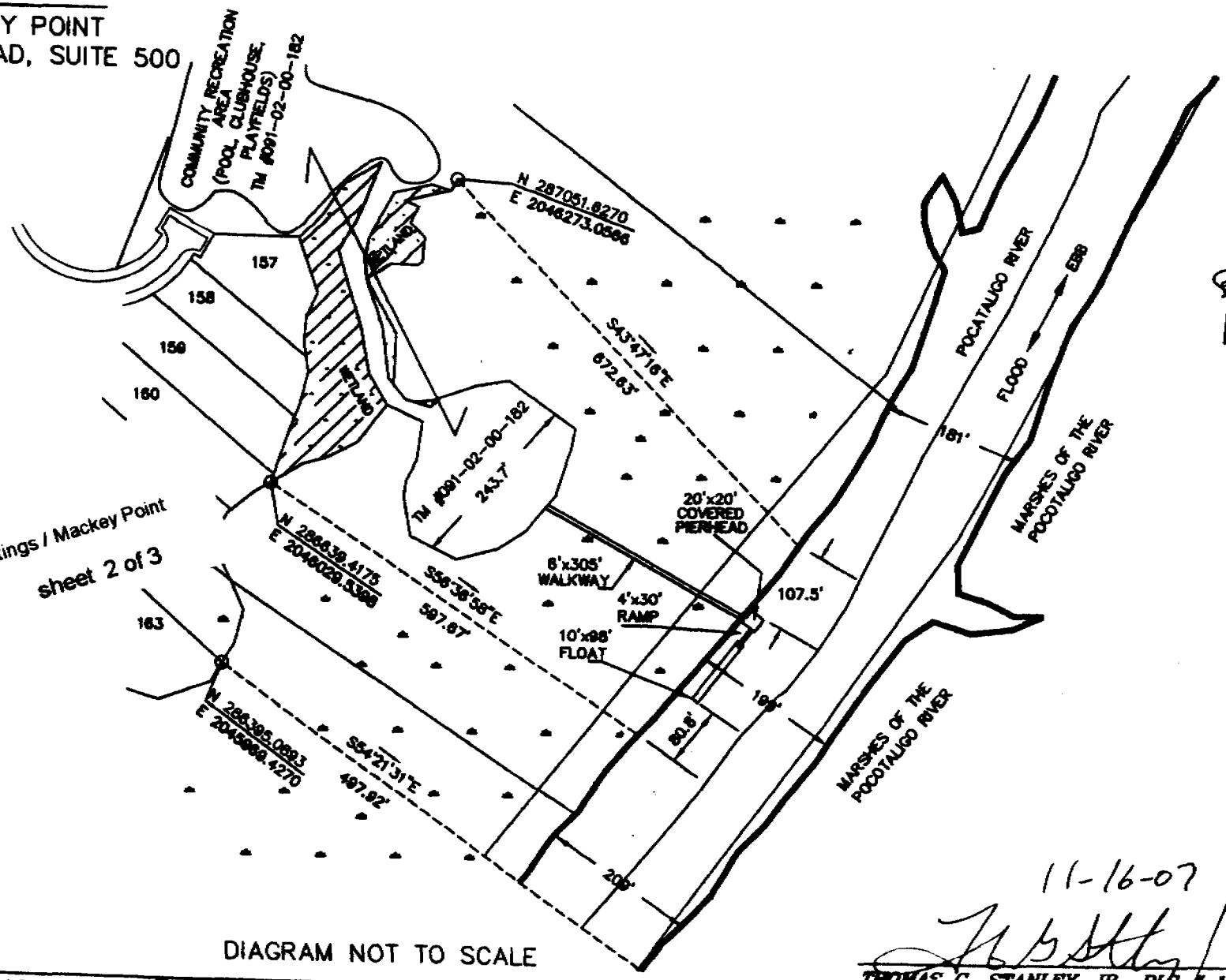
APPLICANT..... THE SETTINGS DEV. CO. L.L.C.
ACTIVITY..... PRIVATE, COMMUNITY DOCK
LOCATION..... MACKEY POINT ROAD
COUNTY..... JASPER
DATE..... 6/18/07

PAGE OF

DOCK PLAN PREPARED FOR:

THE SETTING OF MACKAY POINT
4300 PACES FERRY ROAD, SUITE 500
ATLANTA, GA 30339

SOUTH CAROLINA LAND SURVEYING
TGS
No. C02076
CERTIFICATE OF AUTHORIZATION
PA



Army Corps of Engineers
Charleston District
PF Hinchcliff, Biologist
Community Dock #2 at The Settings / Mackey Point
Date: 29Feb08
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sheet 2 of 3

JOB # 01019DMP-COMM. DOCK

TGS LAND SURVEYING
162 SECOND AVENUE
P.O. BOX 2023
RIDGELAND, S.C. 29936
Phone 843-726-9117 Fax 843-726-9129

DIAGRAM NOT TO SCALE

11-16-07

THOMAS G. STANLEY, JR., PLS # 18269

APPLICANT: THE SETTINGS OF MACKAY POINT (2)

ACTIVITY: REQUEST FOR PRIVATE COMMUNITY RECREATIONAL DOCK WITH PIERHEAD, RAMP & FLOATING DOCK.

TM # 091-02-00-182

LOCATION : COMMUNITY RECREATION ISLAND
THE SETTINGS OF MACKAY POINT
YEMESSEE, SOUTH CAROLINA

COUNTY: JASPER COUNTY

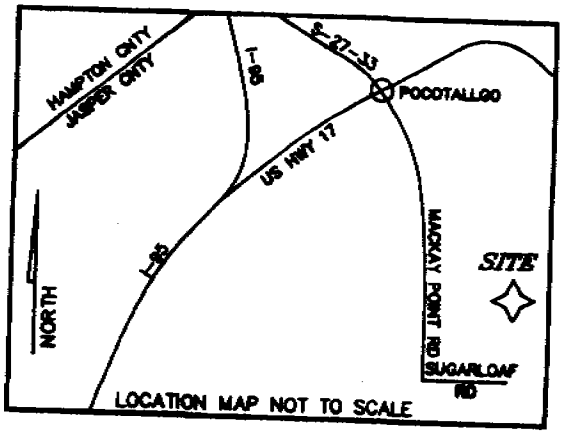
DATE: NOVEMBER 16, 2007

ADJACENT PROPERTY OWNERS:
1.)G. TODD TURNER
514 DANIELS ST. #408, RALEIGH, NC 27605
TM #091-01-00-0131
2.)J. HARDMAN KNOX
2397 HOWELL MILL RD., ATLANTA, GA 30318
TM #091-01-00-0160

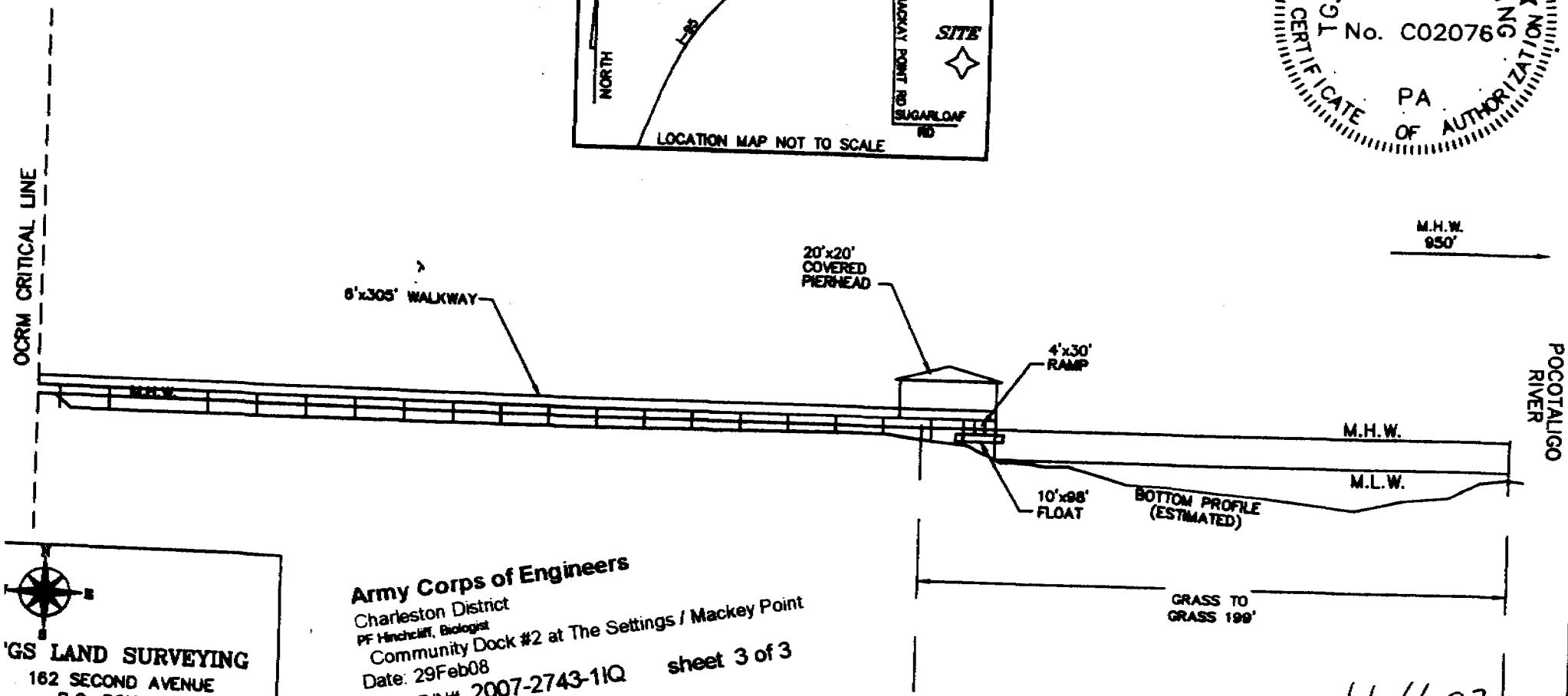
RENDERING NOT TO SCALE

DOCK PLAN PREPARED FOR:

THE SETTINGS OF MACKAY POINT
4300 PACES FERRY ROAD
SUITE 500
ATLANTA, GA 30339



SOUTH CAROLINA LAND SURVEYING
TGS
CERTIFICATE OF AUTHORIZATION
No. C02076
PA



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Army Corps of Engineers
Charleston District
PF Hinchcliff, Biologist
Community Dock #2 at The Settings / Mackey Point
Date: 29Feb08
Ref: P/N# 2007-2743-1IQ sheet 3 of 3

JOB # 01019DMP-COMM. DOCK-PG2

11-16-07

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PLICANT: THE SETTINGS OF MACKAY POINT (2)

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CREATIONAL DOCK WITH PIERHEAD, RAMP
FLOATING DOCK.

#091-02-00-182

LOCATION : COMMUNITY RECREATION ISLAND
THE SETTING OF MACKAY POINT
YEMESSEE, SOUTH CAROLINA

COUNTY: JASPER COUNTY

WATER BODY: POCATALIGO RIVER

DATE: NOVEMBER 16, 2007

ADJACENT PROPETY OWNERS:

1.)G. TODD TURNER
514 DANIELS ST. #408, RALEIGH, NC 27605
TM #091-01-00-0131

2.)J. HARDMAN KNOX
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