

**PUBLIC NOTICE**

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

**S.C. DEPARTMENT OF HEALTH  
Water Quality Certification and Wetlands Section  
2600 Bull Street  
Columbia, South Carolina 29201**

REGULATORY DIVISION  
Refer to: P/N SAC-2016-01202

April 13, 2017

Pursuant to Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and Section Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), the proposed Two Rivers Wetland and Stream Mitigation Bank Prospectus has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by

**KIMLEY HORN  
ATTENTION: MS. TARA DISY ALLDEN  
802 GERVAIS STREET, SUITE 201  
COLUMBIA, SOUTH CAROLINA 29201**

for a proposal to establish and operate a stream and wetland mitigation bank that is adjacent to the

**MIDDLE TYGER RIVER AND NORTH TYGER RIVER**

at a location along the west side of Interstate 26 approximately 5 miles west of Spartanburg in the town of Roebuck, Spartanburg County, South Carolina (Latitude 34.8652°, Longitude -81.9924°), Reidsville U.S. Geological Service Quadrangle sheet.

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 Corps until

**30 day from the Date of this Notice,**

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

The proposed project consists of establishing a freshwater wetland and stream mitigation bank in the Tyger River watershed (8-digit Hydrologic Unit Code 03010107) in the Piedmont Ecoregion. The proposed 305-acre mitigation site includes approximately 11,270 feet of streams to be restored, preserved, or enhanced and 171-acres of wetlands to be enhanced. According to the Prospectus, the mitigation work plan includes restoration of approximately 230 linear feet of a first order tributary, preservation of approximately 320 linear feet of a tributary, and enhancement of approximately 10,720 linear feet of the North Tyger River. Further; according to the prospectus,

the proposal is to enhance approximately 43-acres of emergent scrub/shrub wetlands and approximately 128-acres of forested wetlands. The project goals are to restore, preserve, and enhance tributaries flowing to the North Tyger River, as well as preserve and enhance all portions of the river that are located on-site, and the associated floodplain wetlands. The entire site would be placed under conservation easement. Once the mitigation work is completed, the bank sponsor proposes to monitor the mitigation site to ensure that the restoration areas are developing as expected and meeting the necessary performance standards.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices>.

According to the Prospectus, the proposed mitigation bank will provide in-kind compensatory mitigation for authorized impacts to aquatic resources located within the Piedmont ecoregion as shown on the attached Service Area Map. The work required to complete the proposed activities on the mitigation site may be authorized under Nationwide Permit #27 after reviews by the Corps, the South Carolina Department of Health and Environmental Control, and the Interagency Review Team. The bank sponsor, using a conservation easement, will protect the mitigation bank site.

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 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 will not impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed mitigation bank actions would not have a substantial 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 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 proposed project will have no effect on 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 Section 106 of the NHPA, the District Engineer has also consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties 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 and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence from the State Historic Preservation Office on this determination.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

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 approve or deny the proposed mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the activity. 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.

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 approve or deny the proposed mitigation bank. 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.

**US Army Corps of Engineers  
Attention: Regulatory Division  
69A Hagood Avenue  
Charleston, South Carolina 29403**

The Prospectus for the proposed mitigation bank is available for review by appointment between the hours of 9:00 am and 4:00 pm Monday through Friday at the address listed above. If there are any questions concerning the proposed mitigation bank or the information included in this public notice please contact Dana Gentry by e-mail at [dana.k.gentry@usace.army.mil](mailto:dana.k.gentry@usace.army.mil) or by telephone at 843-329-8044.