

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: P/N # SAC-2014-00222

February 28, 2014

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), a Prospectus has been submitted to the Department of the Army and the South Carolina Interagency Review Team by

**MILL CREEK MITIGATION HOLDINGS LLC
ATTENTION: MR. CHARLIE KAUSS
3301 WINDY RIDGE PKWY, SUITE 320
ATLANTA, GEORGIA 30339**

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

CONGAREE RIVER

at a location southeast of the intersection of Bluff Road and Mosley Oak Road, in Richland County, South Carolina. (Latitude 33.823886°N, Longitude -80.884224°W)

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 of Engineers until

30 DAYS 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 stream and wetland mitigation bank in the Congaree River watershed (USGS 8-digit Hydrologic Unit Code 03050110) and the Southeastern Plains ecoregion of South Carolina. The 1314-acre proposed mitigation bank is located within the boundaries of a 1,769-acre parcel and includes approximately 6,978 linear feet of the Dead River, 22,706 linear feet of tributaries to the Congaree River, 929 acres of freshwater wetlands, and 339 acres of riparian buffers.

According to the bank sponsor, the mitigation work plan for the proposed bank includes approximately 15,520 linear feet of stream restoration, 14,164 linear feet of stream preservation, 662 acres of wetland preservation, and 267 acres of wetland restoration. The sponsor proposes to remove a dam and riser board structure to restore normal flow regimes to onsite streams and their adjacent wetlands and to plug ditches and install low flow crossings to enhance the duration of hydrology within impaired wetlands. The mitigation bank site will be protected by granting and conveying a conservation easement to the Richland County Soil and Water Conservation District.

The work required to complete restoration activities may be authorized under Nationwide Permit #27 after review by the Corps, the South Carolina Department of Health and Environmental Control, and the Interagency Review Team. The sponsor has proposed primary service areas that include the Congaree River

watershed (03050110) and the Southeastern Plains eco-region boundaries of the Saluda River (03050109) and the Lower Broad River (03050106) watersheds; and secondary service areas that include the Wateree River (03050104), the North Edisto River (03050203), and the Santee River (03050111) watersheds as shown on the attached Service Area map.

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 bank sponsor, for certification that this project will comply with applicable effluent limitations and water quality standards. The bank sponsor is hereby advised that supplemental information may be required by the State to facilitate the review.

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 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.

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. Please note if information about the location of federally listed threatened or endangered species or the location of cultural resources is included in this Prospectus, this portion of the document may be withheld in accordance with the appropriate statutes for the protection of this information. If there are any questions concerning the proposed mitigation bank or the information included in this public notice please contact Ms. Andrea Hughes by e-mail at andrea.w.hughes@usace.army.mil or by telephone at 843-329-8044.

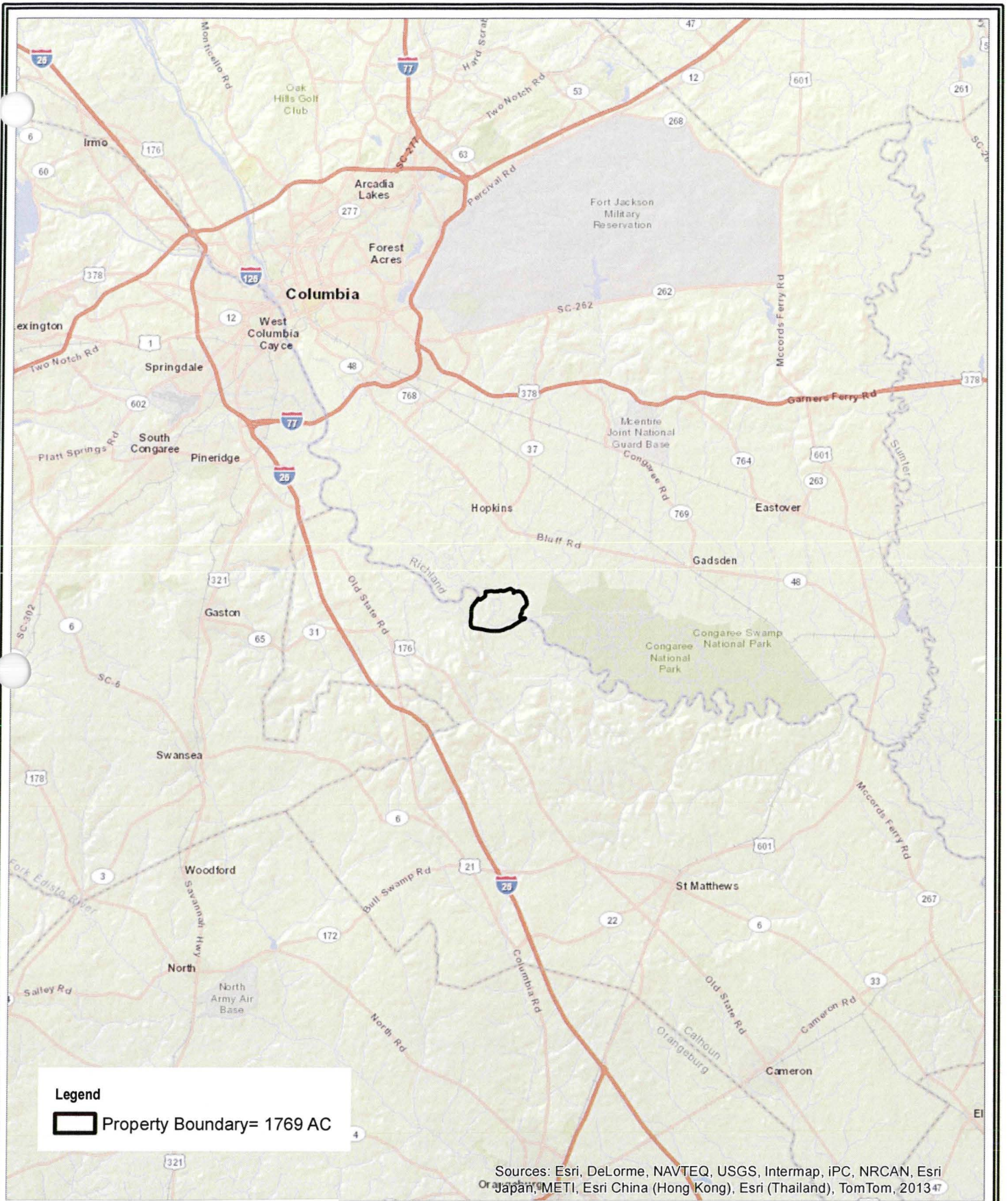
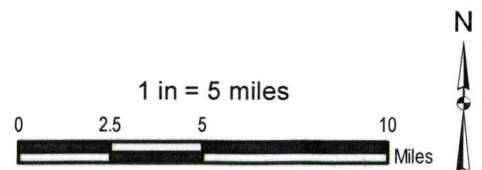


Figure 1: Vicinity Map
 Mill Creek Mitigation Bank
 Richland County, South Carolina
 Source: ESRI
 Date: January 2014



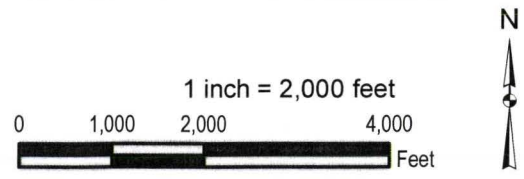
Legend

-  Clubhouse
-  Primary Access Road
-  Bank Boundary = 1,314 AC
-  Property Boundary = 1,769 AC
-  Ditch (1,396 LF)
-  Stream Preservation (14,164 LF)
-  Stream Restoration/Enhancement (15,520 LF)
-  300-Ft Stream Buffer = 339 AC
-  Unit 1: Wetland Preservation = 662 AC
-  Unit 2A: Wetland Enhancement (Hydrologic) = 72 AC
-  Unit 2B: Wetland Enhancement (Hydrologic) = 123 AC
-  Unit 3: Wetland Enhancement (Planting) = 35 AC
-  Unit 4: Wetland Enhancement (Hydrologic) (Moist Soil Management Area) = 11 AC
-  Unit 5: Wetland Enhancement (Hydrologic & Planting) = 26 AC
-  Open Water = 2 AC















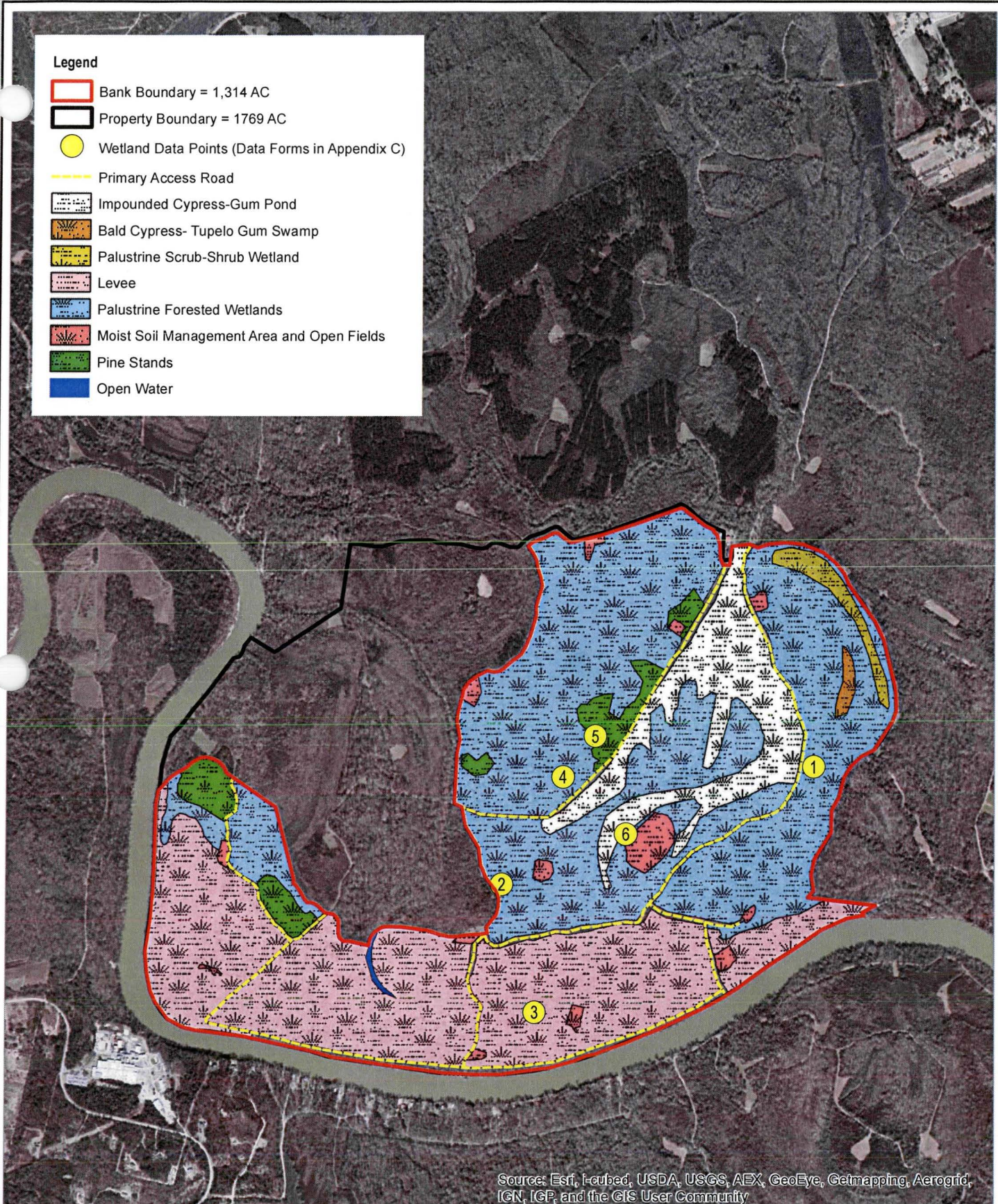
Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

Figure 5: Mitigation Unit Map
 Mill Creek Mitigation Bank
 Richland County, South Carolina
 Source: ESRI & USFWS
 Date: January 2014



Legend

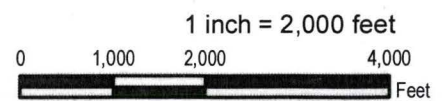
-  Bank Boundary = 1,314 AC
-  Property Boundary = 1769 AC
-  Wetland Data Points (Data Forms in Appendix C)
-  Primary Access Road
-  Impounded Cypress-Gum Pond
-  Bald Cypress- Tupelo Gum Swamp
-  Palustrine Scrub-Shrub Wetland
-  Levee
-  Palustrine Forested Wetlands
-  Moist Soil Management Area and Open Fields
-  Pine Stands
-  Open Water

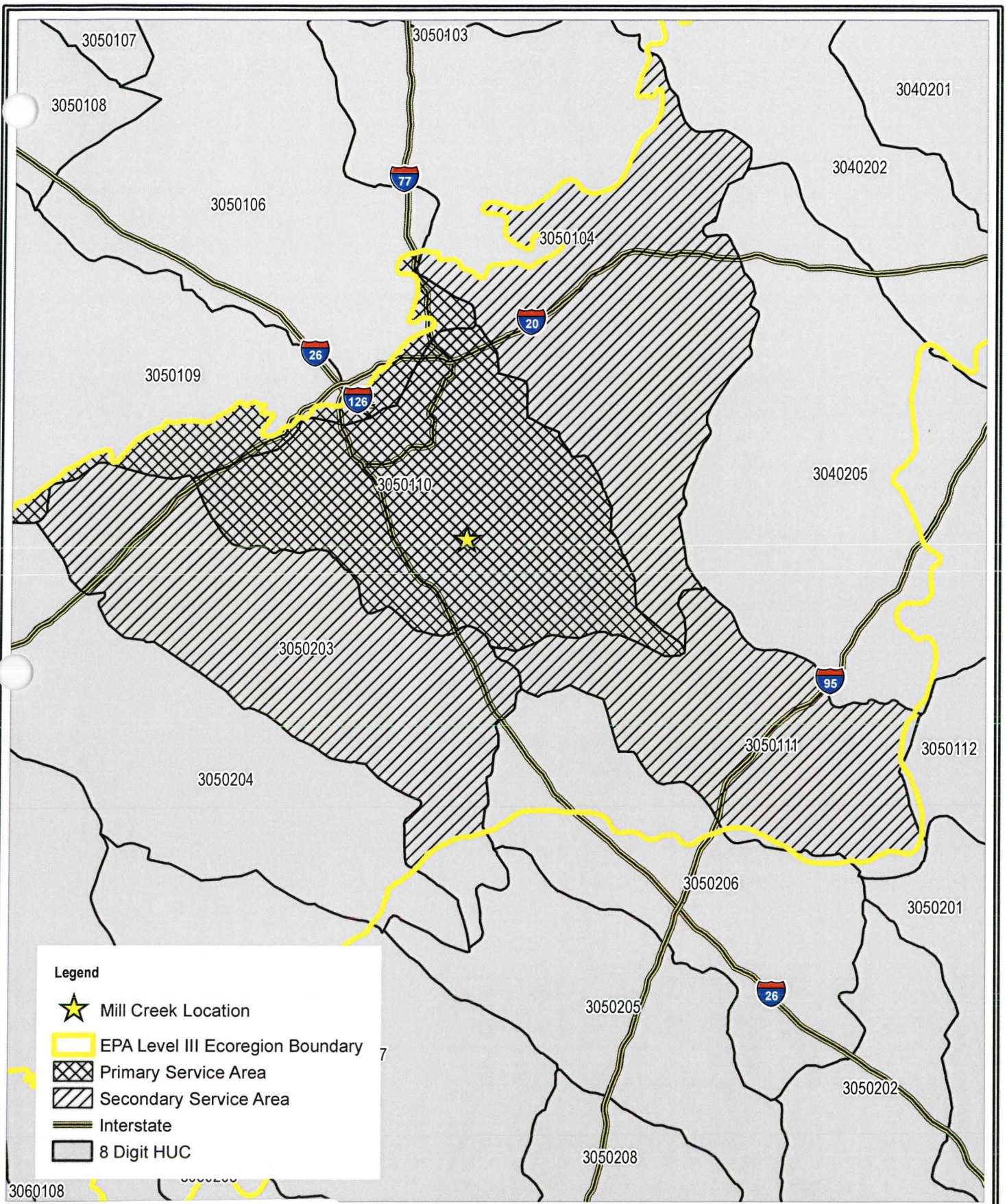


Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

Figure 6: Wetland and Vegetation Communities Map

Mill Creek Mitigation Bank
Richland County, South Carolina
Source: ESRI
Date: January 2014





Legend

- ★ Mill Creek Location
- EPA Level III Ecoregion Boundary
- ▨ Primary Service Area
- ▧ Secondary Service Area
- Interstate
- 8 Digit HUC

Figure 11: Service Area Map
 Mill Creek Mitigation Bank
 Richland County, South Carolina
 Source: ESRI
 Date: February 2014

1 in = 12 miles
 0 6 12 24 Miles

N