

PUBLIC NOTICE

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

REGULATORY DIVISION

Refer to: P/N SAC-2015-00526

January 13, 2017

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 for the proposed Daniel Island Saltwater Mitigation Bank has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by the

**SOUTH CAROLINA PORTS AUTHORITY
MR. JAMES I. NEWSOME, III
POST OFFICE BOX 22287
CHARLESTON, SOUTH CAROLINA 29413**

for a proposal to establish and operate a commercial, saltwater mitigation bank adjacent to the

COOPER RIVER

at a location approximately 1.65-miles north of the southern end of Daniel Island, in Berkeley County, South Carolina (Latitude: 32.8417°, Longitude: -79.9200°), Charleston Quad 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 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 saltwater mitigation bank in the Cooper River watershed (8-digit Hydrologic Unit Code 03050201) in the Sea Island/Coastal Marsh Ecoregion. The 134.76-acre mitigation site is a portion of a former confined disposal facility and prior to 1970 was used to manage dredged material. During the 1980s and 1990s, the majority of the mitigation site was plowed and planted with row crops on an annual basis. However, farming activities were discontinued more than 10 years ago. According to the Prospectus, the mitigation site consists of 25.67 acres of existing salt marsh and 109.09 acres that were used for the placement of dredged material and farming activities.

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The proposed mitigation work plan consists of removing the existing vegetation and excavating 105.35 acres in order to create the elevations necessary to establish tidal creeks, low marsh, and high marsh on the mitigation site. Once the appropriate elevations are established, salt marsh vegetation would be planted within the low marsh and high marsh restoration areas and natural tidal flows would inundate the mitigation site twice daily. The bank sponsor would be responsible for monitoring the vegetation and hydrology to document that the proposed restoration areas are developing as expected and meeting the necessary performance standards.

According to the Prospectus, the proposed mitigation bank would provide in-kind compensatory mitigation for authorized impacts to aquatic resources located within the Cooper River, Stono River, Santee River and Bulls Bay watersheds 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 review by the Corps, the South Carolina Department of Health and Environmental Control, and the South Carolina IRT. The mitigation bank site would be protected by the bank sponsor using a conservation easement.

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

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 of the Coastal Zone Management Program (15 CFR 930). 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 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 105.35 acres of 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 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). The District Engineer's 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 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information three Federally

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endangered species, West Indian manatee (*Trichechus manatus*), Atlantic sturgeon (*Acipenser oxyrinchus*), and shortnose sturgeon (*Acipenser brevirostrum*), are present in the open water portions of the Cooper River adjacent to the project site. However, it has been determined that the project will have no effect on these species and will not result in the destruction or adverse modification of designated or proposed critical habitat.

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 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 initially determined that no historic properties, nor properties eligible for inclusion in the National Register, are present; therefore, there will be no effect on historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

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 on the public interest. 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.

The Corps is soliciting comments from the public; Federal, state, 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 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.

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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. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Mr. Nat Ball, at (843) 329-8044 or toll free at 1-866-329-8187.



Legend

Vicinity Map
 Project #: 01-3391d Date: March 2016
 Created by: DNM

Daniel Island Saltwater Mitigation Bank Berkeley County, South Carolina



Revised by	Date	Revision



Legend

Project Boundary

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SC Heritage Trust Database
 Project #: 01-3391d Date: March 2016
 Created by: DNM


Daniel Island Saltwater Mitigation Bank Berkeley County, South Carolina



Revised by	Date	Revision



Legend

 Project Boundary

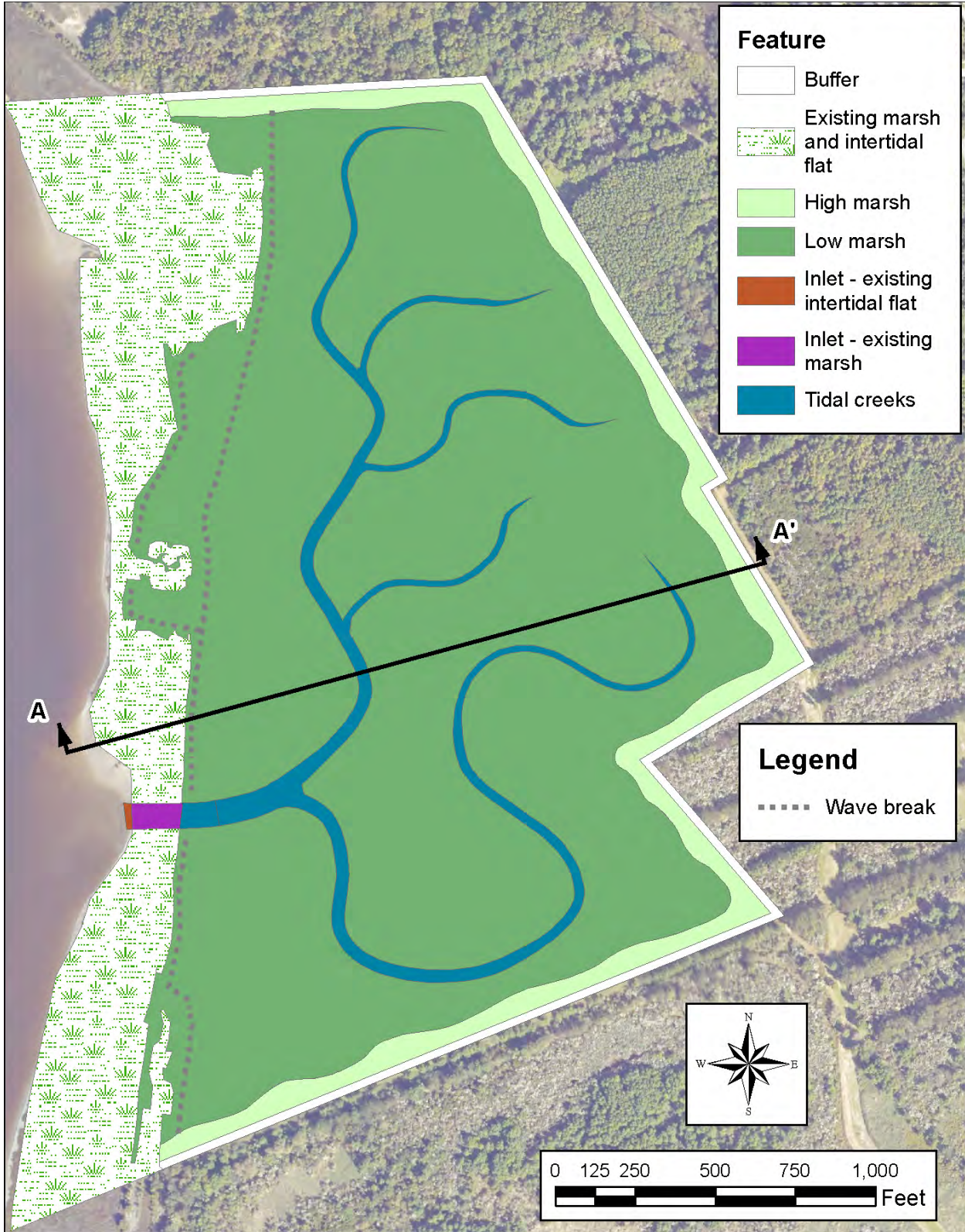
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

2012 Photograph
 Project #: 01-3391d Date: March 2016
 Created by: DNM

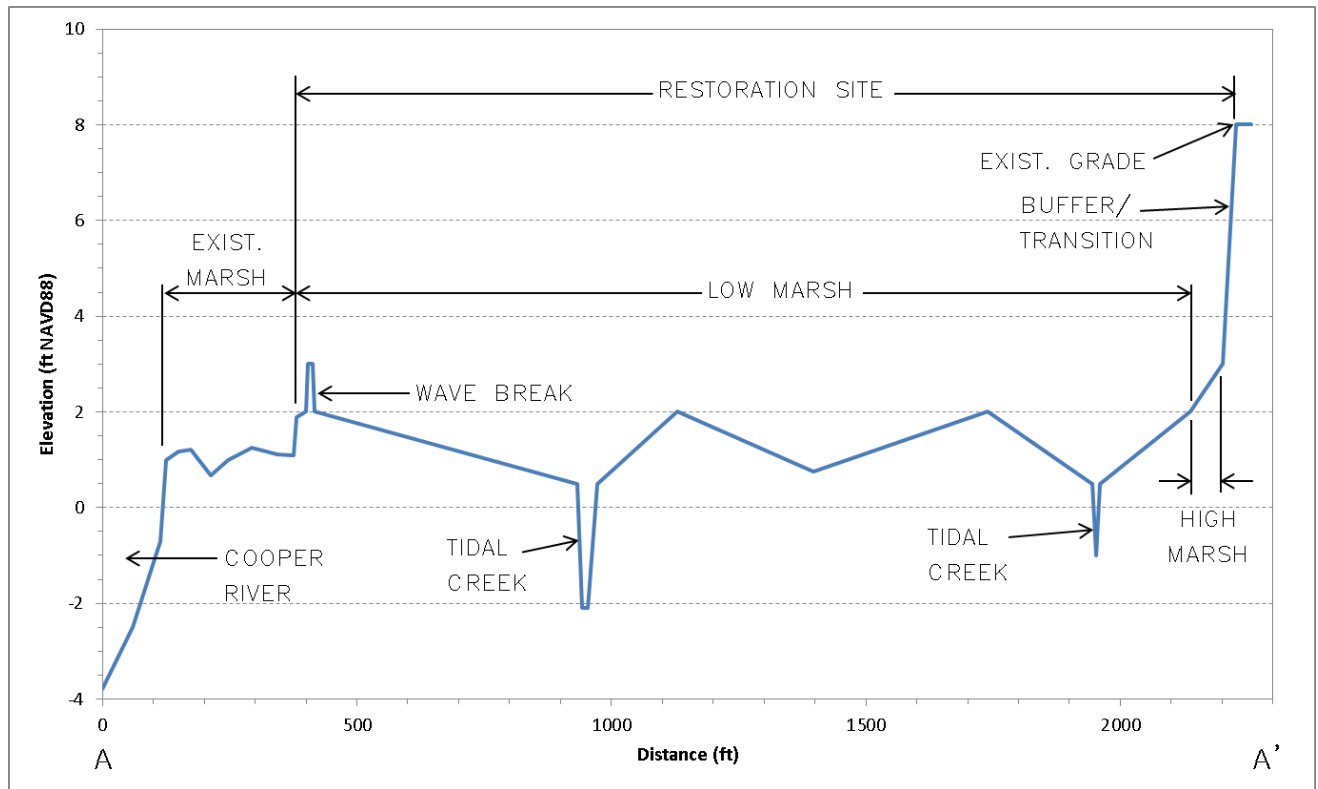
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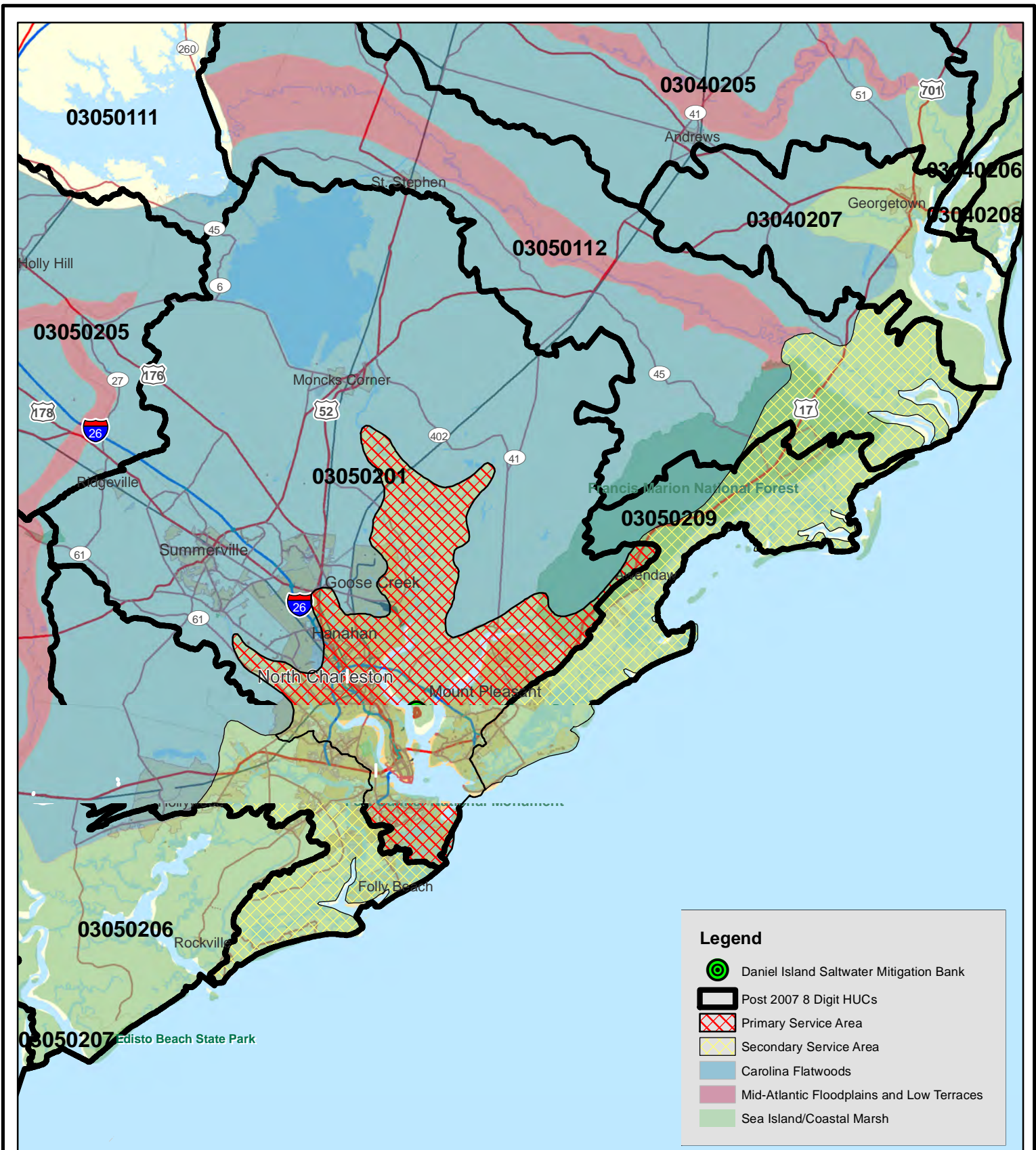
DISMB conceptual design



Cross-section A-A' for DISMB conceptual design

Feature areas for DISMB conceptual design

Features and habitat types	Area
Buffer / transition area	3.74
Existing marsh and intertidal flat	25.39
New wetland areas:	
Low salt marsh	90.94
Tidal creeks (intertidal)	5.60
Tidal creeks (shallow open water)	0.21
High salt marsh	8.60
SUBTOTAL	105.35
Impacts to existing wetlands:	
New inlet through existing salt marsh	0.28
New inlet through existing intertidal flat	0.04
TOTAL	134.80



Watershed Service Area Map
 Project #: 01-3391d Date: March 2016
 Created by: DNM

Daniel Island Saltwater Mitigation Bank Berkeley County, South Carolina



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