

PUBLIC NOTICE

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

REGULATORY DIVISION

Refer to: SAC-2016-01867-MOD5

April 5, 2023

Pursuant to the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230), 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. 1341) and the South Carolina Coastal Zone Management Act (48-39-10 et. seq.), a proposed modification to the Palmetto Umbrella Mitigation Bank has been submitted to the Department of the Army and the South Carolina Interagency Review Team by

**Weyerhaeuser NR Company
Attention: Doug Hughes
406 Cole Road
Hattiesburg, Mississippi 39402**

for a proposal to add a stream and wetland mitigation site called Crow Bay Mitigation Site located within the

Black River Basin

at a location south of Myrtle Beach Highway and West of I-95 near Manning, Clarendon County, SC (Latitude 33.773865 Longitude: -80.120028), Tearcoat Branch and Sardinia 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 Days from the Date of this Notice,

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

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

Applicant's Stated Purpose

As stated by the Program Sponsor, "The goal of the Bank Site is provide high quality, successful, and ecologically significant mitigation for unavoidable impacts to aquatic resources located within the Site's geographic service area ("GSA") by the creation of functionally based bank credits.

Specific goals within the Bank include:

- Improve upstream flood attenuation in the Black River Watershed by reconnecting significant wetlands, floodplains, and stream systems.
- Enhance water quality in the Black River Watershed through the reconnection of aquatic resources, improvements to in-stream geomorphology, and the re-establishment of native vegetation that improves biological and chemical processes within stream and wetland systems.
- Protect on-site aquatic resources from encroachment and degradation that would be caused by development by protecting the Site in perpetuity with a conservation easement.
- Increase native vegetative diversity within the Site by planting appropriate hardwood forest community species
- Improve water quality through the reconnection of aquatic resources, improvements to in-stream geomorphology, and the re-establishment of native vegetation, which increases pollutant removal through overland flow and improves biological and chemical processes within stream and wetland systems.
- Improve flood attenuation by reconnecting significant streams and downstream wetlands, floodplains, and stream systems.
- Enhance and increase aquatic habitat for a variety of aquatic species through the restoration, enhancement, and preservation of stable stream systems
- Improve water quality and flood attenuation through removal of conditions affecting hydrology such as road segments, interior ditches and berms, planting beds and rows, and other obstructions to flow, such as re-sized culverts, to enable the restoration, enhancement, and maintenance of suitable wetland hydrology.

Project Description

The proposed project consists of establishing a freshwater wetland and stream mitigation bank site in the Black River Basin (8-digit Hydrologic Unit Code 03040205), located in the Southern Coastal Plain Level III Ecoregion. The proposed 968.4-acre mitigation site includes approximately 356.1 acres of freshwater wetlands, 612.3 acres of uplands, and 20,770 linear feet of stream.

The proposal in wetlands consists of 154.4 acres of freshwater wetland restoration, 238.8 acres of both vegetative and hydrologic enhancement, and preservation of 31.4 acres of freshwater wetland. The proposed mitigation activities include plugging drainage ditches, removal of bedded planting areas, removal of existing roads, and planting of native wetland species.

The proposal for streams consists of 14,472 linear feet of stream restoration/enhancement to include improved stream crossings, reduced incision, bank stabilization, and improved bed form diversity. In addition, 6,498 linear feet of stream will be preserved.

As proposed the mitigation bank would provide in-kind compensatory mitigation for authorized impacts to aquatic resources within the proposed service areas in the Southern Coastal Plain Level III Ecoregion (as shown on the attached map). The work required to complete the proposed activities on the mitigation site could potentially 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.

South Carolina Department of Health and Environmental Control

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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

Essential Fish Habitat

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 approximately no 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.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: Northern Long-eared Bat (*Myotis septentrionalis*), Wood Stork (*Mycteria americana*), American Chaffseed (*Schwalbea americana*), Canby's Cowbane (*Tiedemannia canbyi*), Shortnose sturgeon (*Aceipenser brevirostrum*), and West Indian manatee (*Trichechus manatus*)

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect on Shortnose sturgeon (*Aceipenser brevirostrum*), West Indian manatee (*Trichechus manatus*), and Canby's Cowbane (*Tiedemannia canbyi*), and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project may affect but is not likely to adversely affect the Northern Long-eared Bat (*Myotis septentrionalis*), Wood Stork (*Mycteria americana*), and American Chaffseed (*Schwalbea americana*) and/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.

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.

Cultural Resources

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 consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that there are no historic properties 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 other interested parties to provide any information they may have with regard to 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.

Corps' Evaluation

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. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

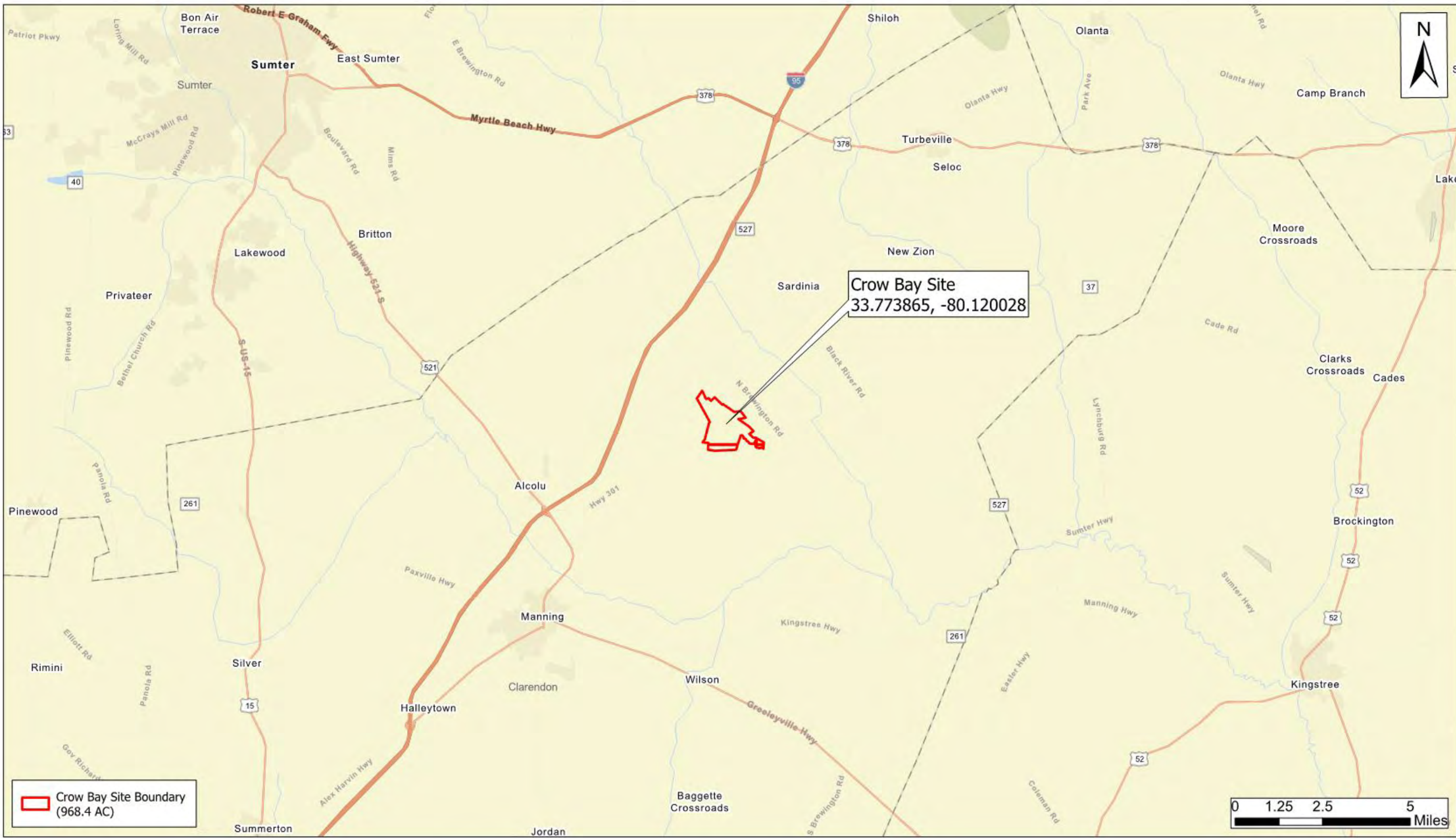
Solicitation of Public Comment

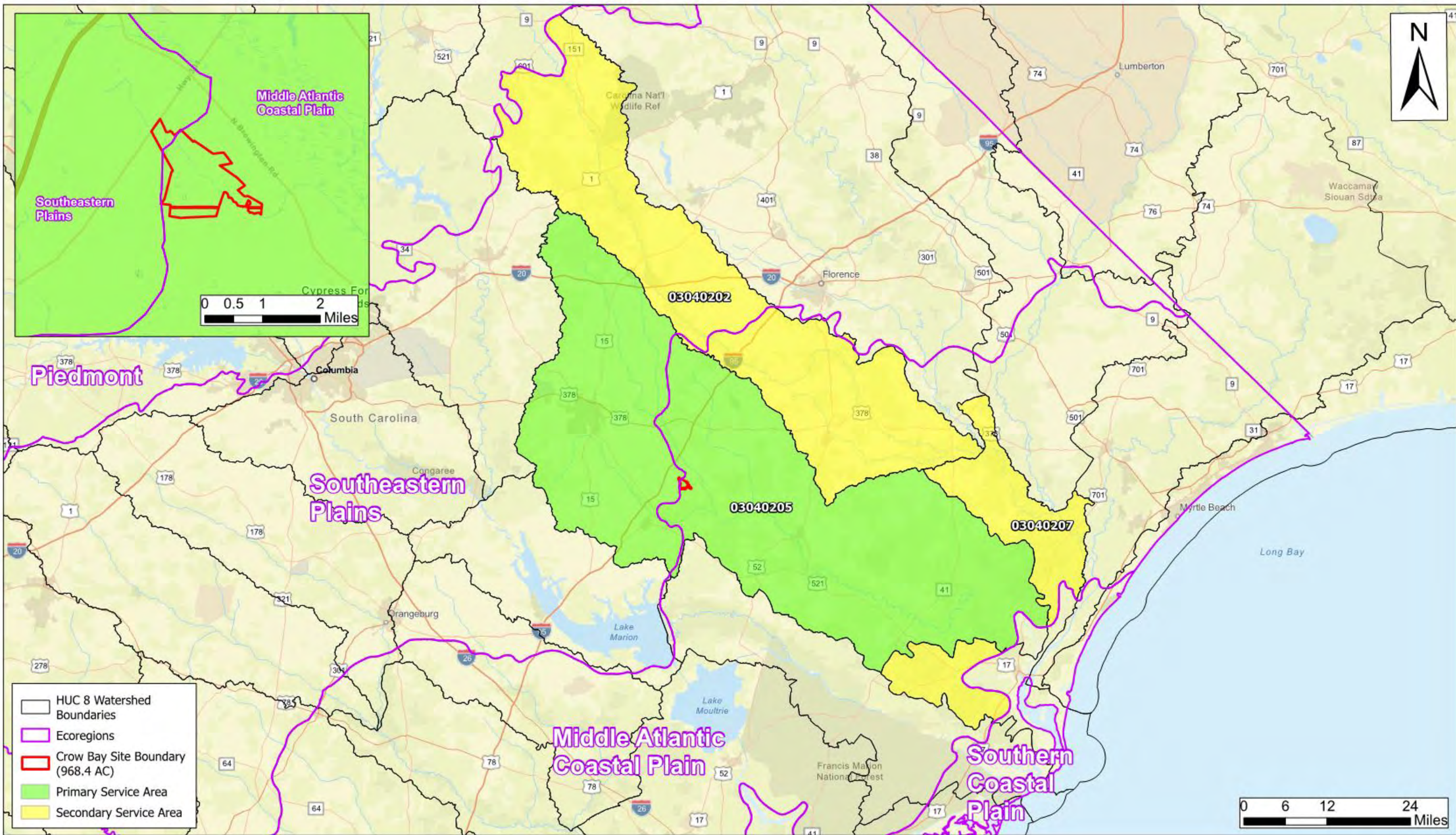
The Corps is soliciting comments from the public; Federal, state, local agencies, and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to approve or deny the 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. 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 by email, identifying the project of interest (SAC-2016-01867-MOD5) by public notice number, to David.B.Wilson@usace.army.mil or in writing to the**

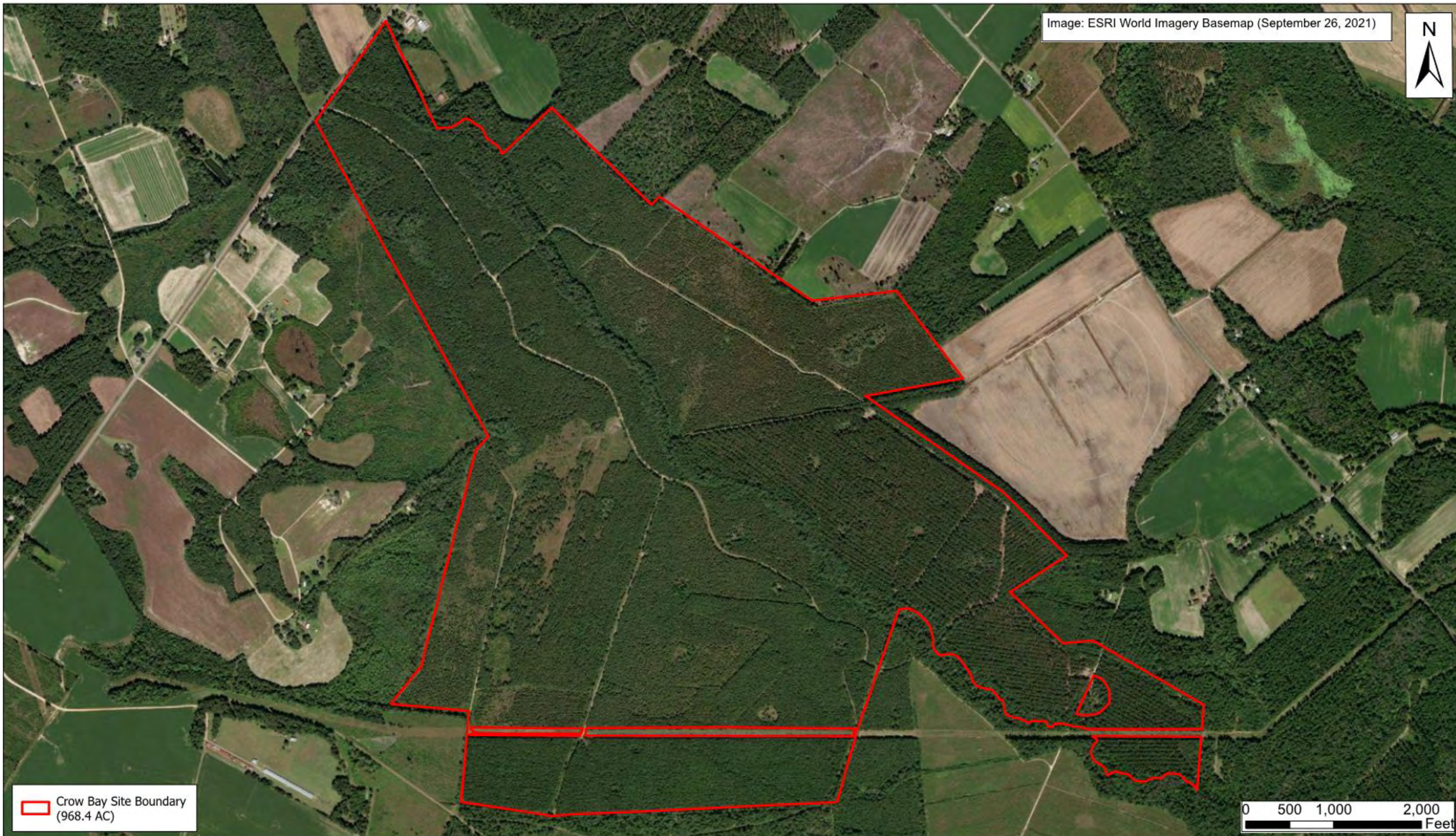
following address:


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

A complete copy of the prospectus is available online in the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) at <https://ribits.ops.usace.army.mil/> and can be provide for review upon request. If there are any questions concerning this public notice, please contact David Wilson, project manager, at (843) 329-8026 or by email at David.B.Wilson@usace.army.mil.



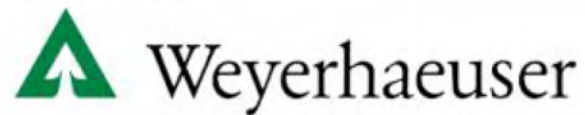




 Crow Bay Site Boundary
(968.4 AC)

0 500 1,000 2,000
Feet

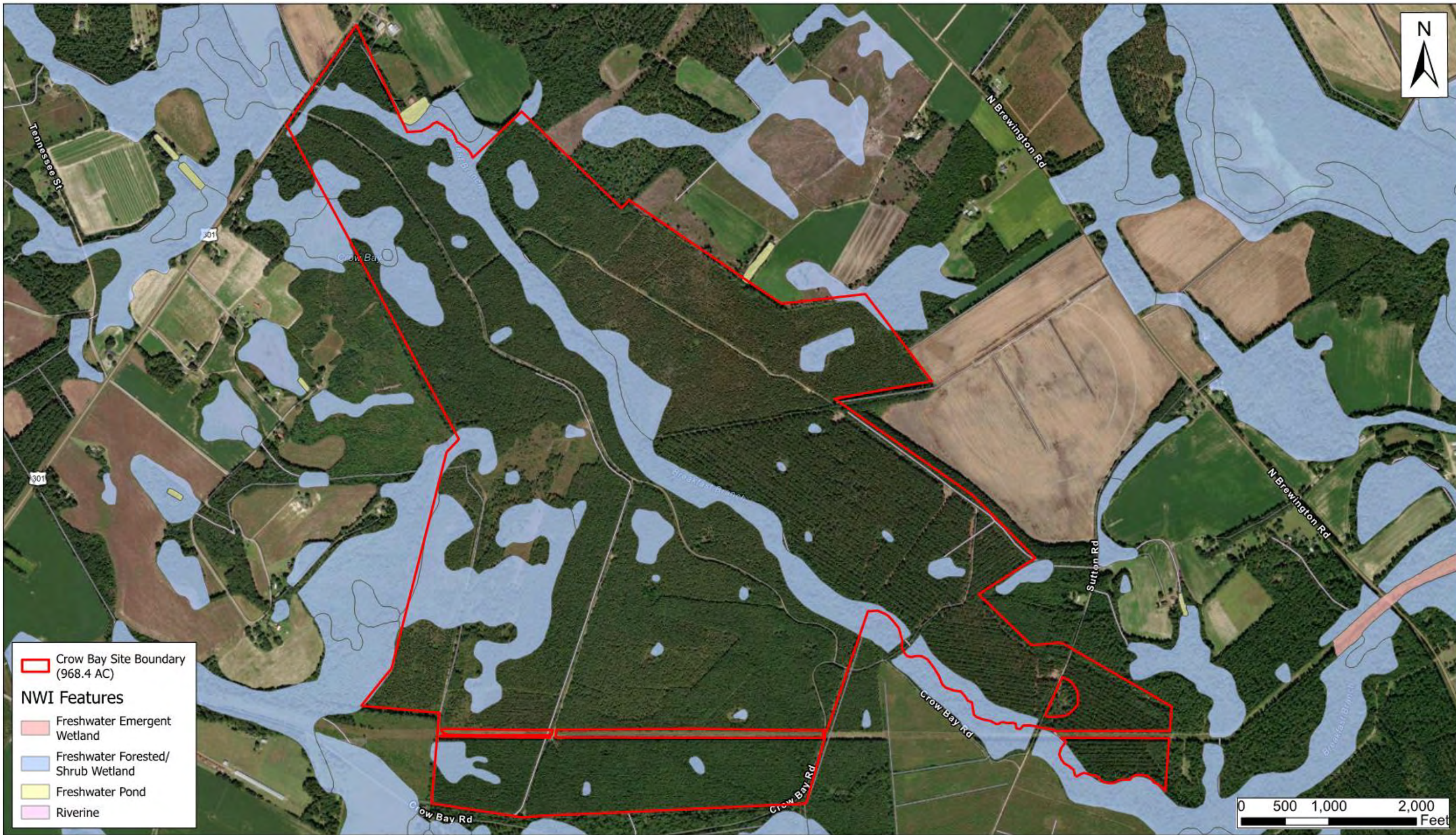
Prepared for:



Prepared by:



Figure 3. Site Aerial
Palmetto Umbrella Mitigation Bank
Instrument Modification Document
Appendix G. Crow Bay Mitigation Site
Clarendon County, SC
1/9/2023



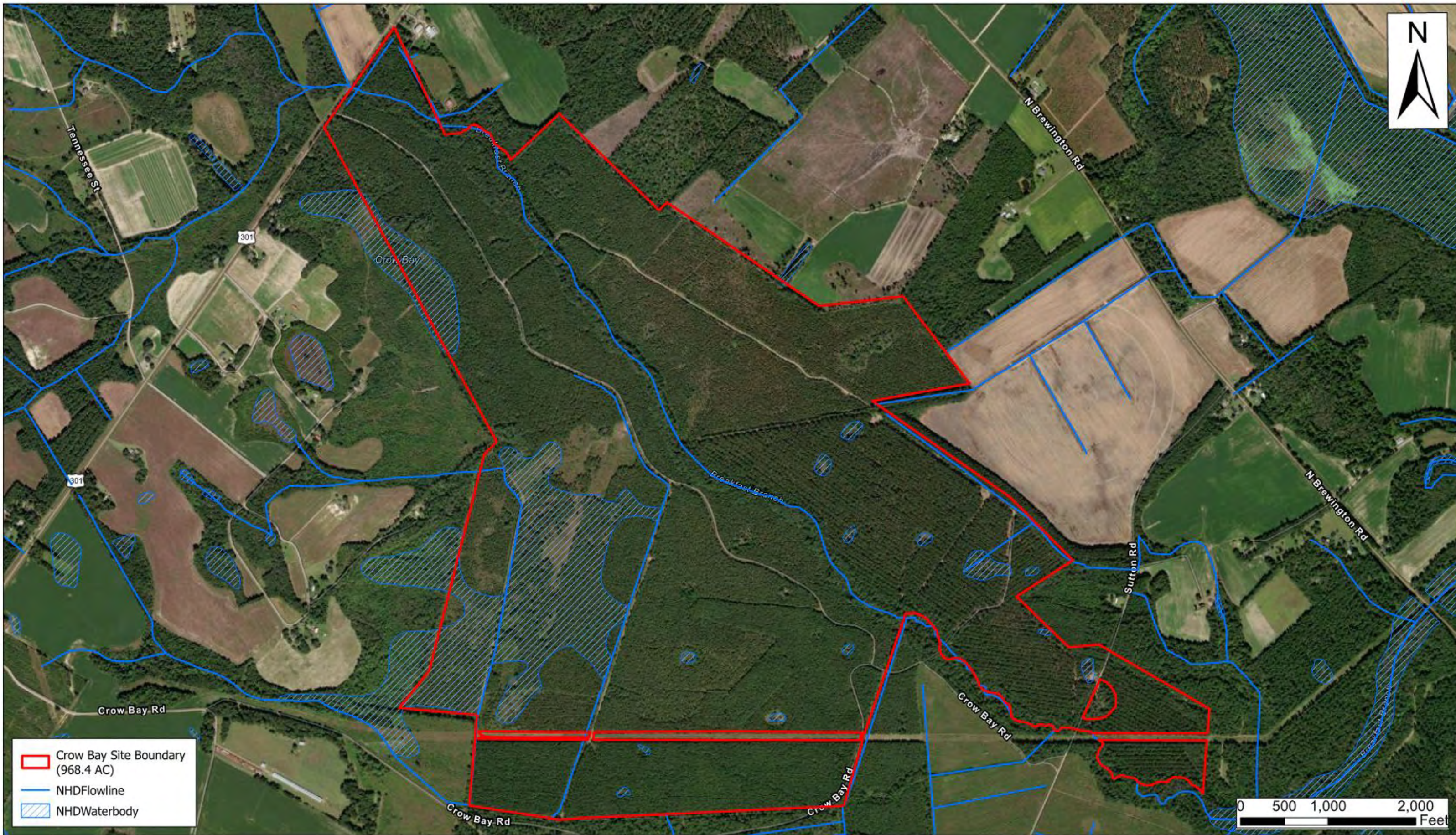
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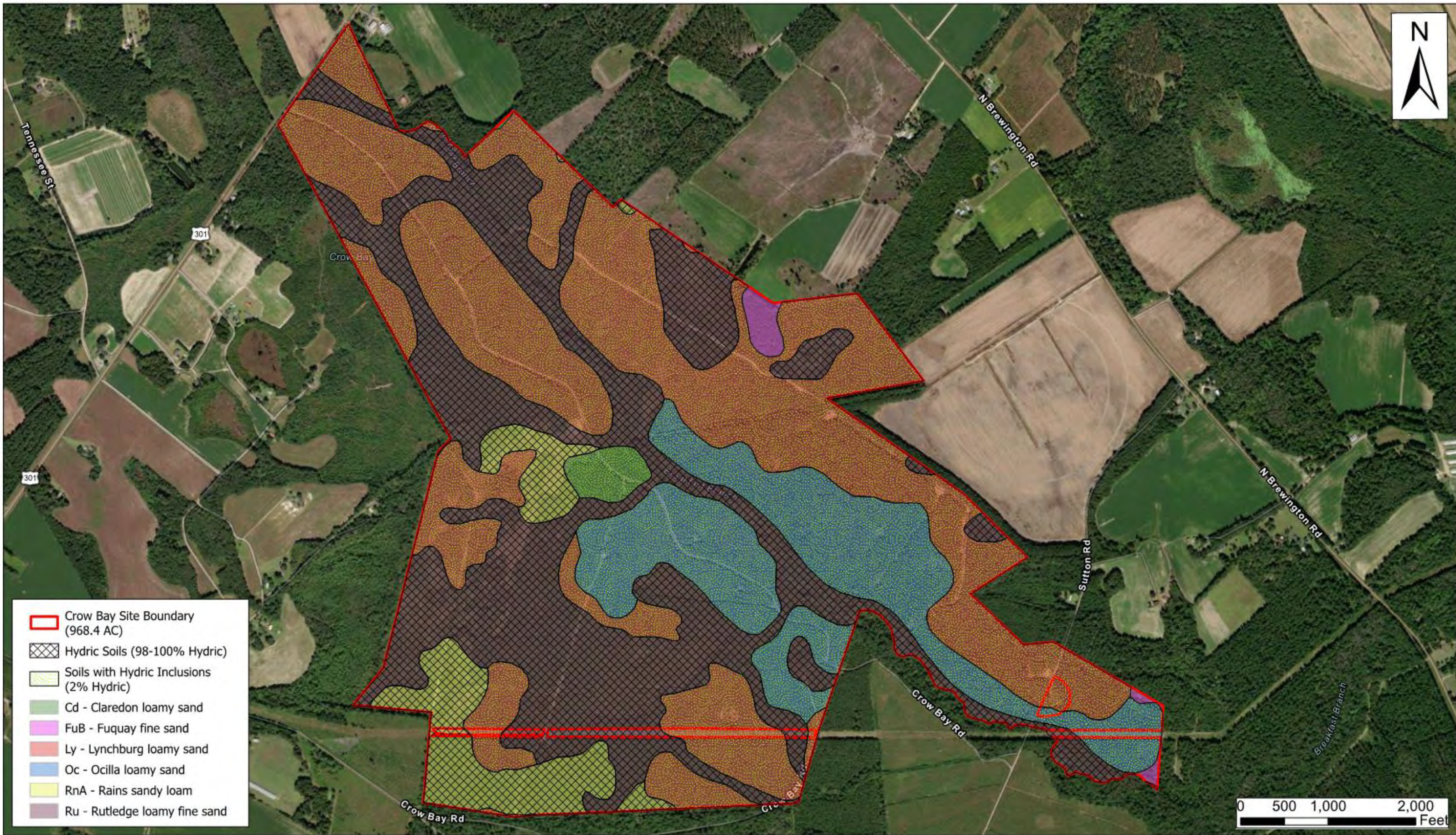


Prepared by:



Figure 4. National Wetland Inventory
 Palmetto Umbrella Mitigation Bank
 Instrument Modification Document
 Appendix G. Crow Bay Mitigation Site
 Clarendon County, SC
 1/9/2023





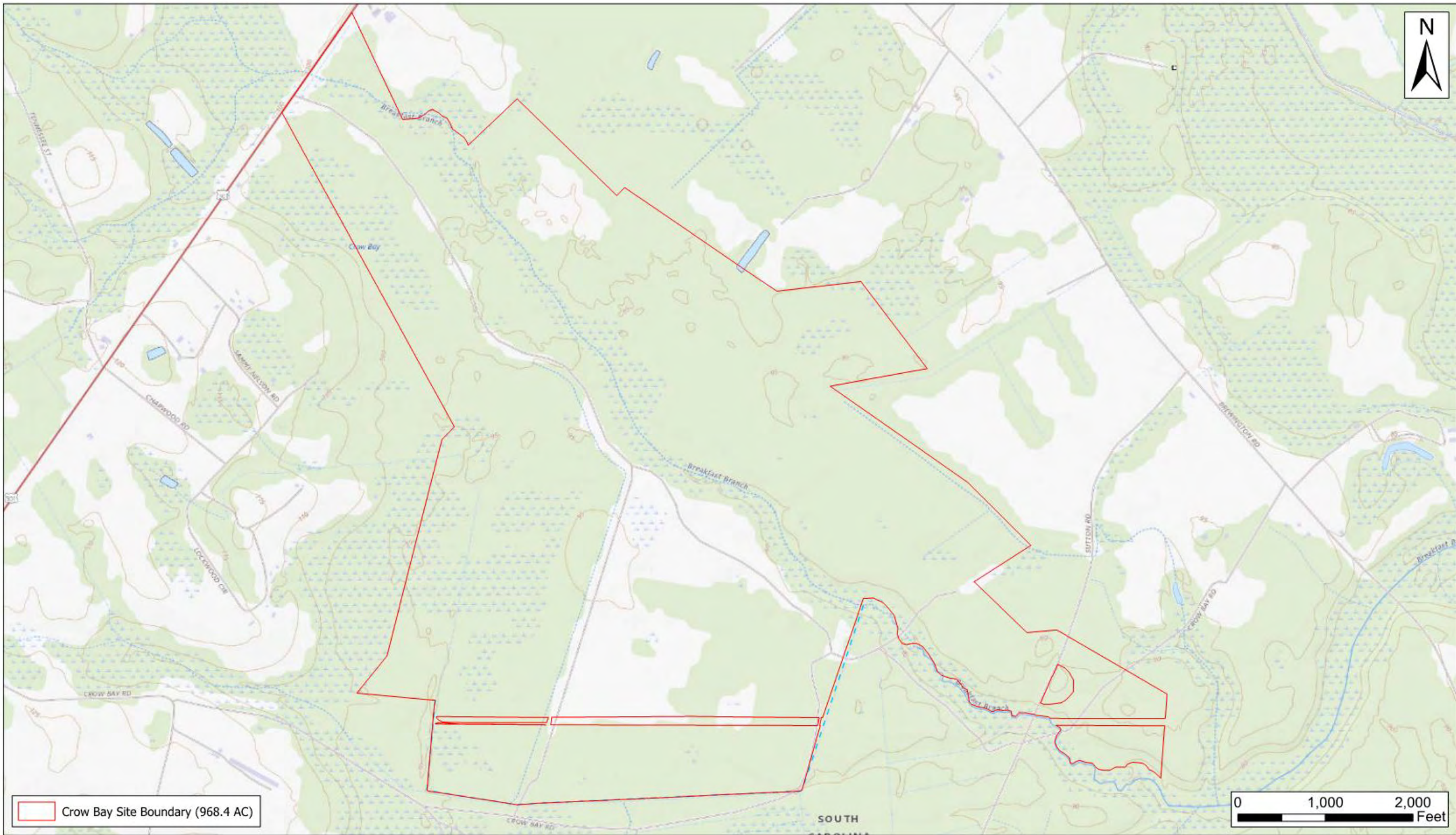
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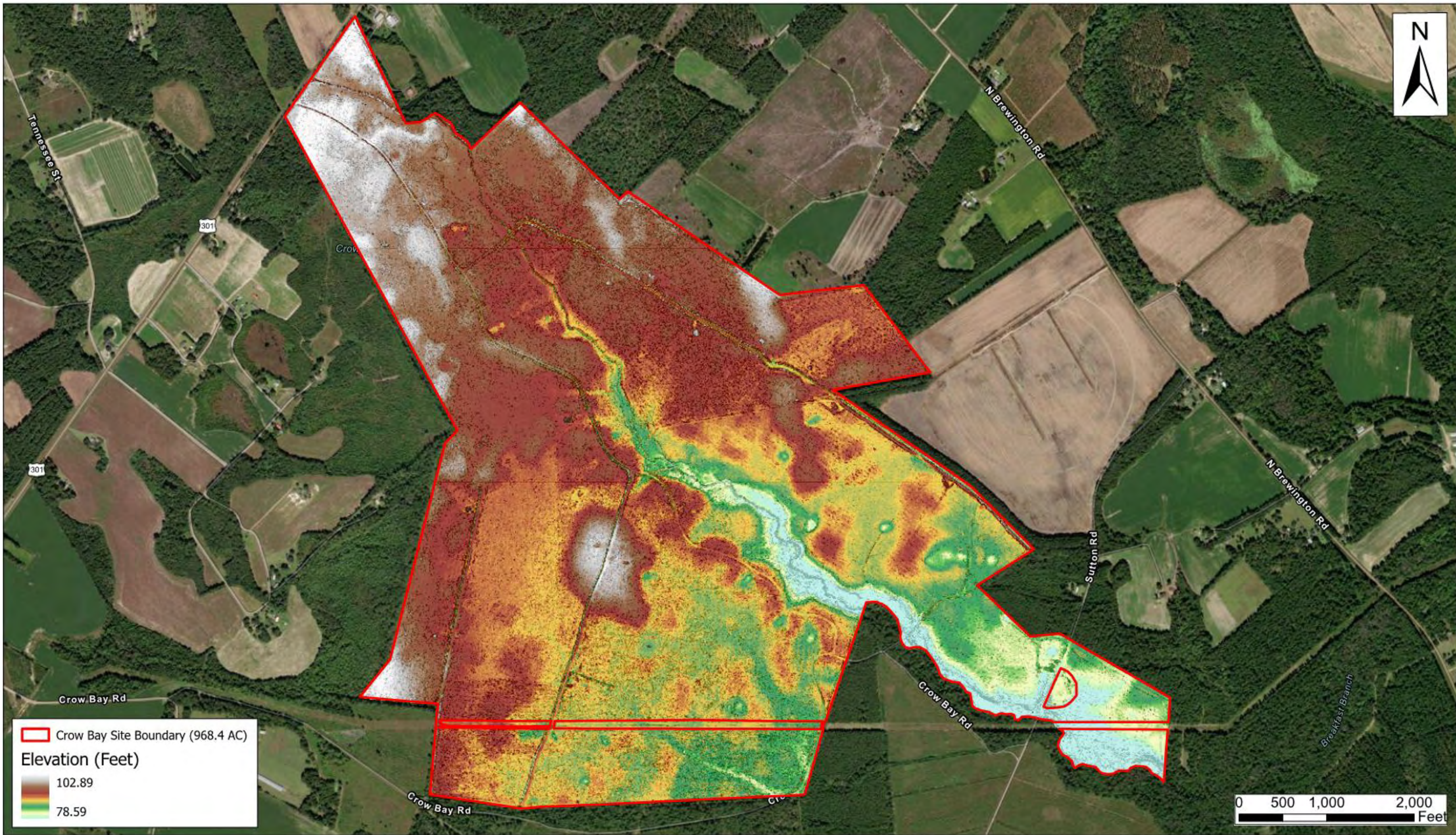


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Figure 6. USDA Soil Survey
 Palmetto Umbrella Mitigation Bank
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 1/9/2023





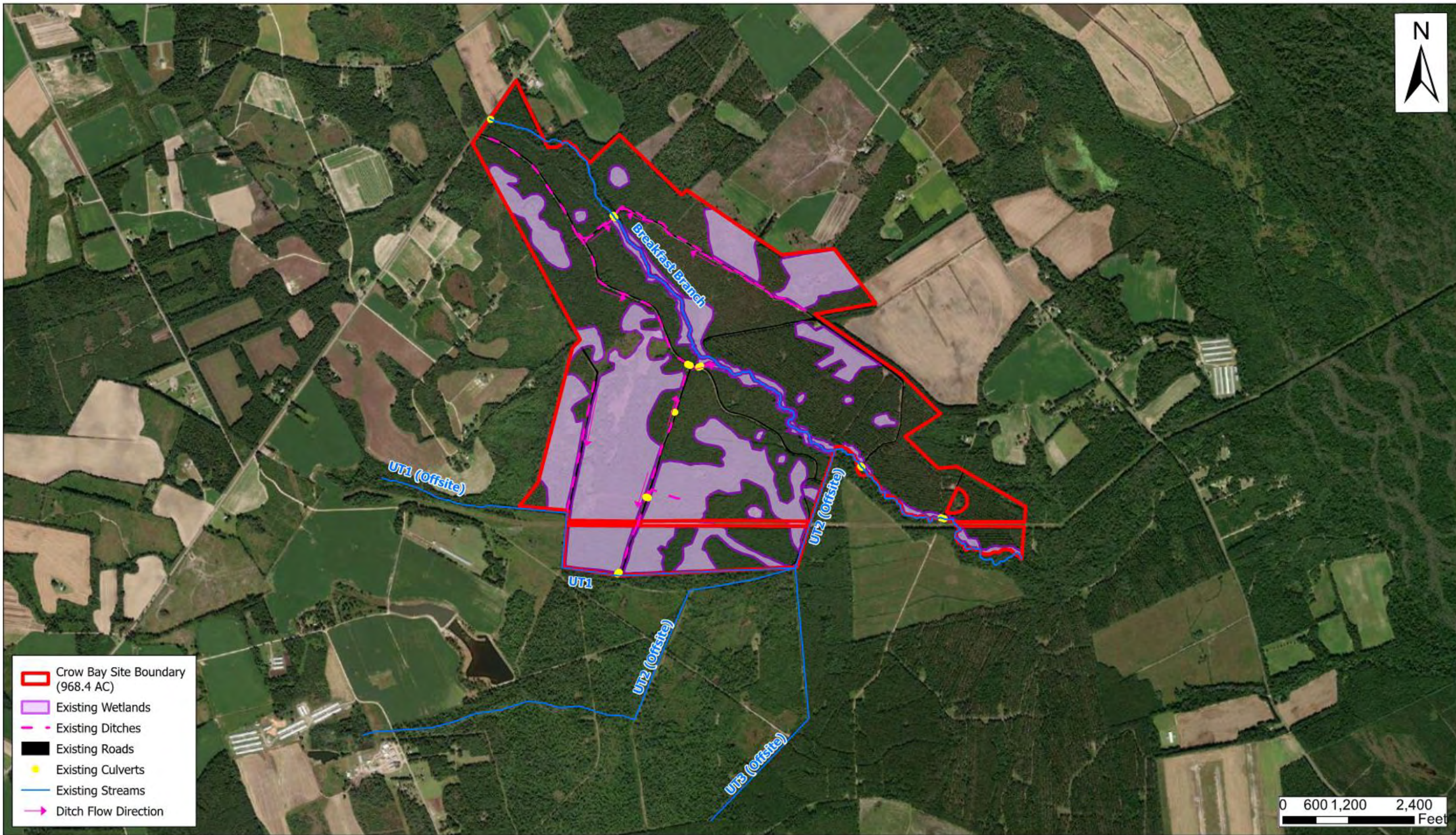
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Figure 10a. Sitewide LiDAR Imagery
 Palmetto Umbrella Mitigation Bank
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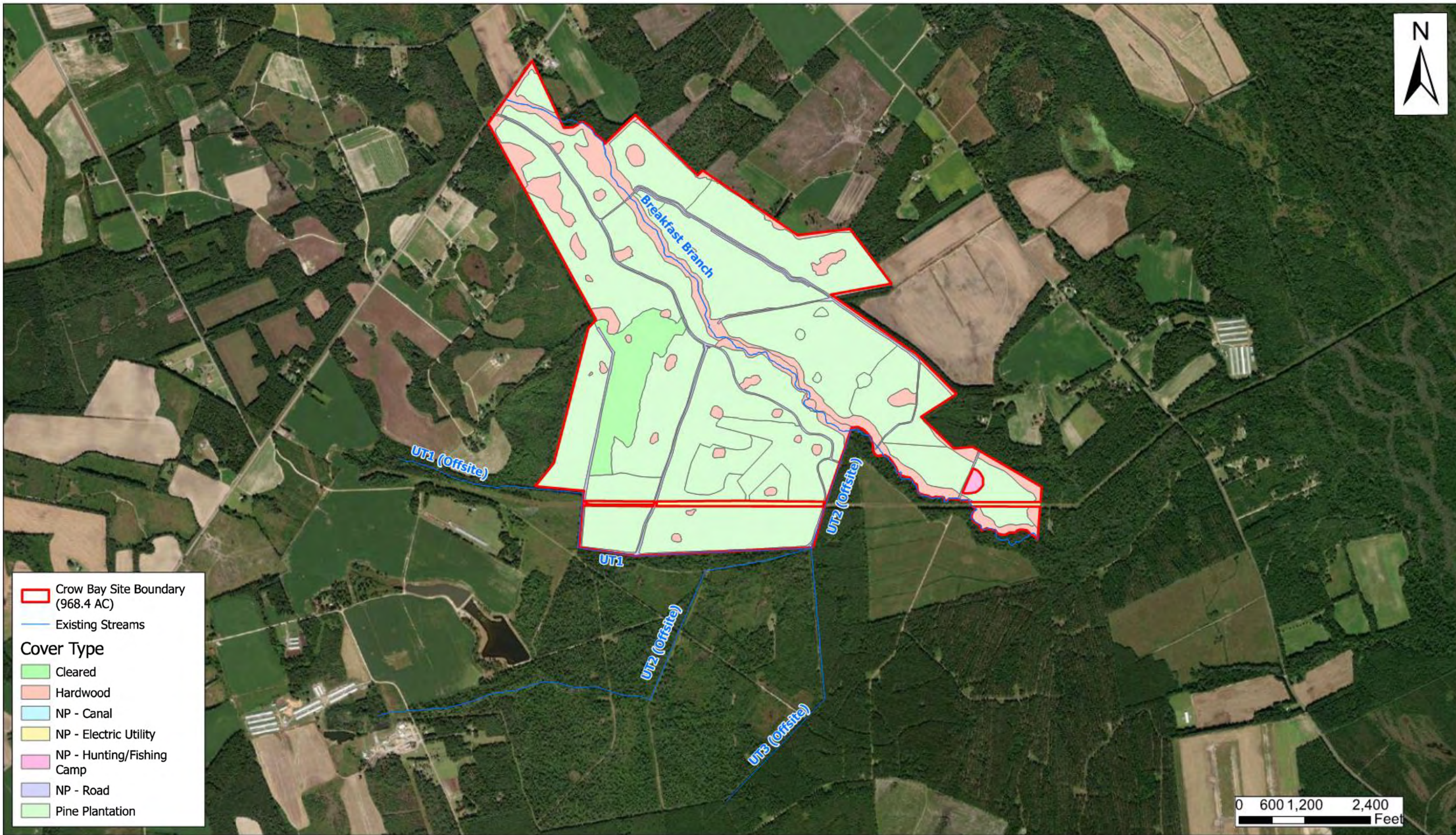
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Figure 11. Existing Conditions
Palmetto Umbrella Mitigation Bank
Instrument Modification Document
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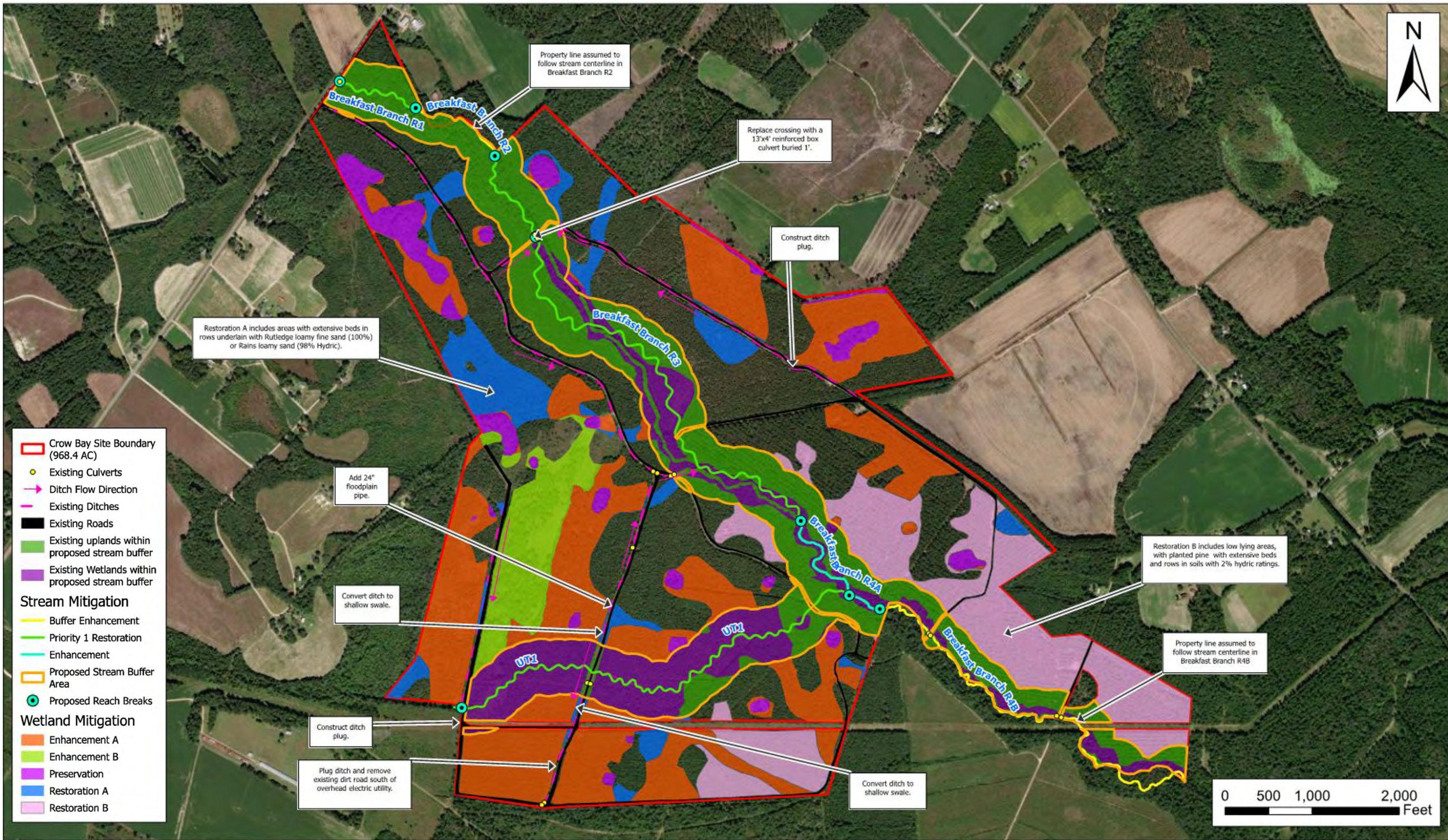
 Crow Bay Site Boundary (968.4 AC)

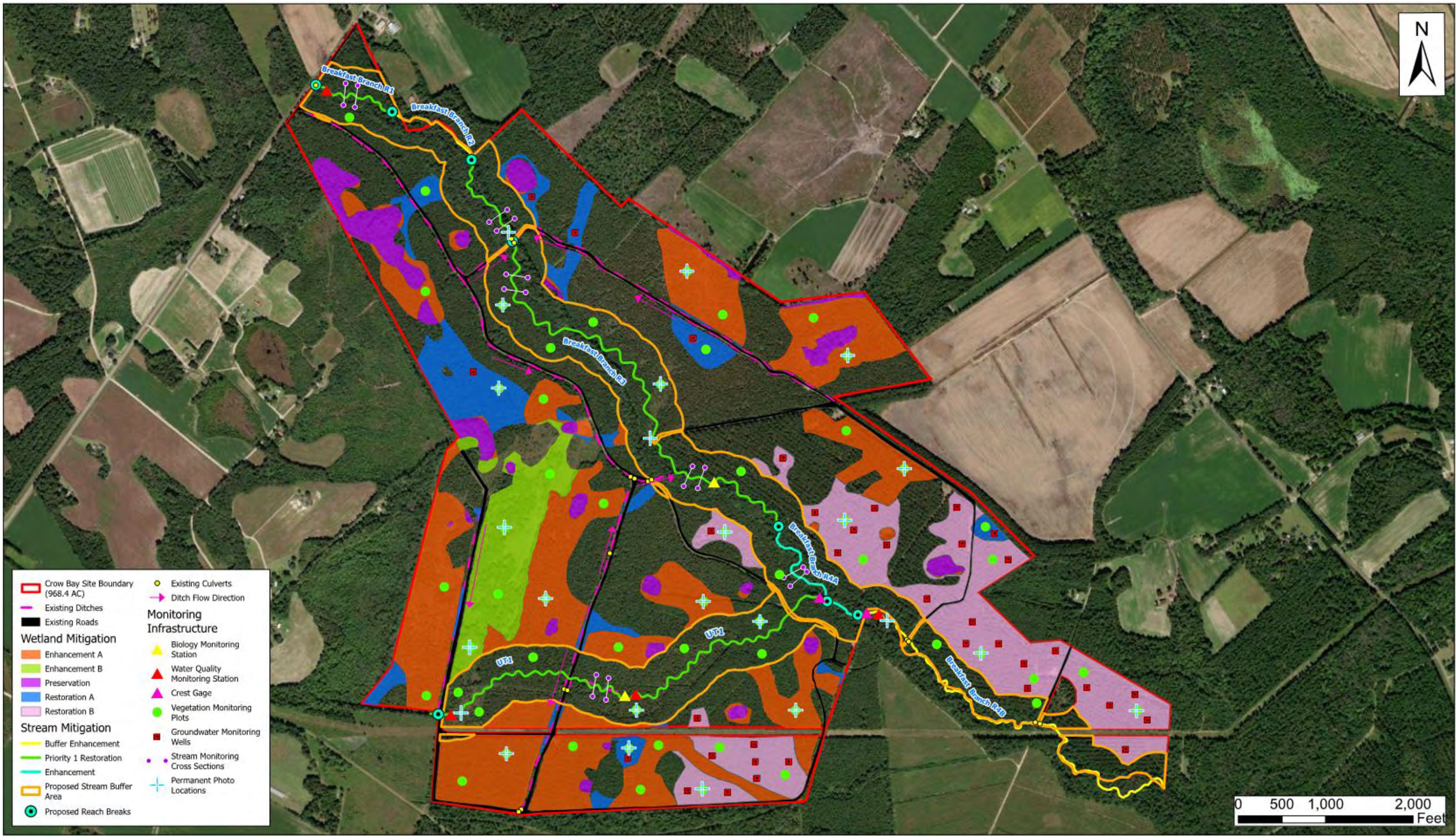
 Existing Streams

Cover Type

-  Cleared
-  Hardwood
-  NP - Canal
-  NP - Electric Utility
-  NP - Hunting/Fishing Camp
-  NP - Road
-  Pine Plantation

0 600 1,200 2,400 Feet





- Crow Bay Site Boundary (968.4 AC)
- Existing Ditches
- Existing Roads
- Wetland Mitigation**
- Enhancement A
- Enhancement B
- Preservation
- Restoration A
- Restoration B
- Stream Mitigation**
- Buffer Enhancement
- Priority 1 Restoration
- Enhancement
- Proposed Stream Buffer Area
- Proposed Reach Breaks
- Existing Culverts
- Ditch Flow Direction
- Monitoring Infrastructure**
- Biology Monitoring Station
- Water Quality Monitoring Station
- Crest Gage
- Vegetation Monitoring Plots
- Groundwater Monitoring Wells
- Stream Monitoring Cross Sections
- Permanent Photo Locations

0 500 1,000 2,000 Feet