

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: P/N SAC-2023-00356

August 2, 2023

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

**Davey Mitigation, A Division of Davey Resource Group, Inc. (DRG)
ATTENTION: Mr. TJ Mascia, Director Davey Mitigation
717 N. Courthouse Road, Suite 101
Richmond, VA 23236**

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

Rocky Creek

at a location along the west side of State Road 901, south of Martin Grave Road, in Chester County, South Carolina (Latitude: 34.638848°, Longitude: -80.992919°), Fort Lawn 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.

The proposed project consists of establishing a freshwater stream mitigation bank in the Rocky Creek-Catawba River watershed (8-digit Hydrologic Unit Code 03050103) in the Piedmont Ecoregion. The proposed 306-acre mitigation site includes approximately 36,898 linear feet of streams, with few wetlands on site. Approximately 8,305 linear feet of intermittent or perennial streams on site will be restored, with the remaining tributaries being preserved. According to the Prospectus, the mitigation work plan includes restoring the deeply incised and entrenched streams to a more natural pattern, profile, and dimension, reconnecting streams to their historic floodplains. Stream buffers and in areas where disturbance is unavoidable, native vegetation will be replanted. 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.

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 mitigation bank site will 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 bank sponsor is hereby advised that supplemental information may be required by the State to facilitate the review.

Pursuant to the 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 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.

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)(f)(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 within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

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. 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
750 Executive Center Drive, Mailbox 83
Greenville, South Carolina 29615**

If there are any questions concerning this public notice, please contact Jordan Jessop, at Jordan.E.Jessop@usace.army.mil or (864) 923-4118.