

**PUBLIC NOTICE**

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

REGULATORY DIVISION

Refer to: P/N SAC-2017-00942

August 7, 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 Toms Branch Mitigation Bank Prospectus has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by

**Johnson, Mirmiran & Thompson, Inc.  
ATTENTION: Mr. Ross Nelson  
952 Houston Northcutt Boulevard, Suite 100  
Mount Pleasant, South Carolina 29464**

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

**Toms Branch and Congaree River**

at a location that is approximately 2.22 miles southeast of Dixiana and 7.11 miles south of Columbia. More specifically, the site is approximately 0.32 miles northeast of the intersection of Old Wire Road and 12<sup>th</sup> Street Extension, Lexington County, South Carolina (Latitude 33.9015°, Longitude -81.0201°), Southwest Columbia 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 Congaree watershed (8-digit Hydrologic Unit Code 03050110) in the Upper Coastal Plain Ecoregion. The proposed 455-acre mitigation site includes approximately 12,601 linear feet of streams to be restored and preserved; and, 251.20-acres of wetlands to be enhanced, restored and preserved. According to the Prospectus, the mitigation work plan includes restoration and preservation of approximately 4,914 linear feet of first order tributary; and, 7,687 linear feet of secondary tributary. Further; according to the prospectus, the proposal is to enhance 111.11-acres, restore 7.08-acres, and preserve 140.09-acres of palustrine forested wetlands. The project goals are to restore and preserve, tributaries flowing to the Congaree River, as well as to preserve and enhance all portions of the river that are located on-site, and the associated floodplain wetlands. 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. The bank sponsor, using a conservation easement, will protect the mitigation bank site.

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 Upper Coastal Plain 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 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)(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.

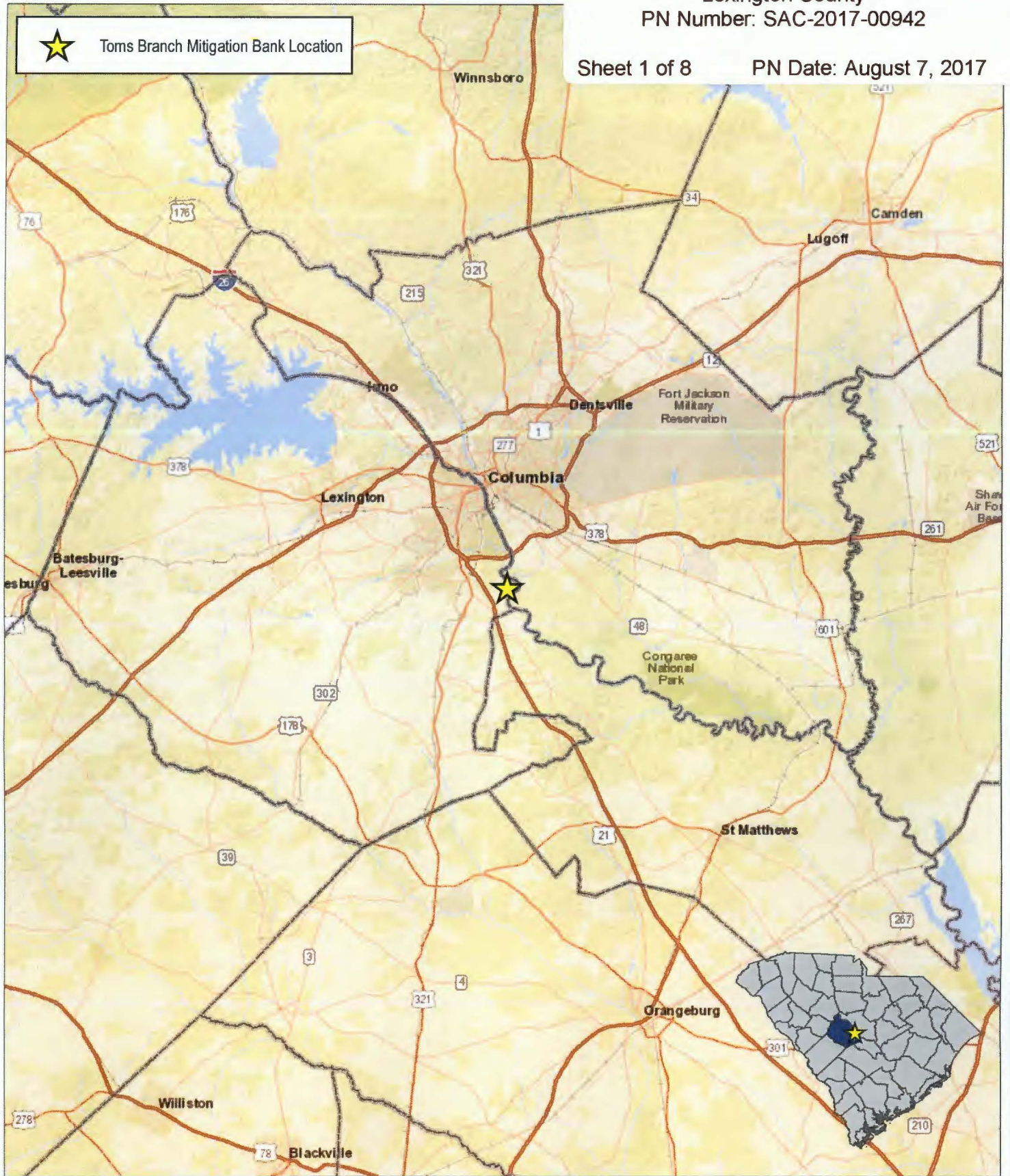
The decision whether to approve or deny the proposed mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the activity. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, 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.

 Toms Branch Mitigation Bank Location

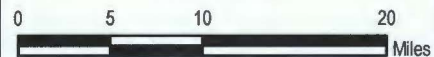


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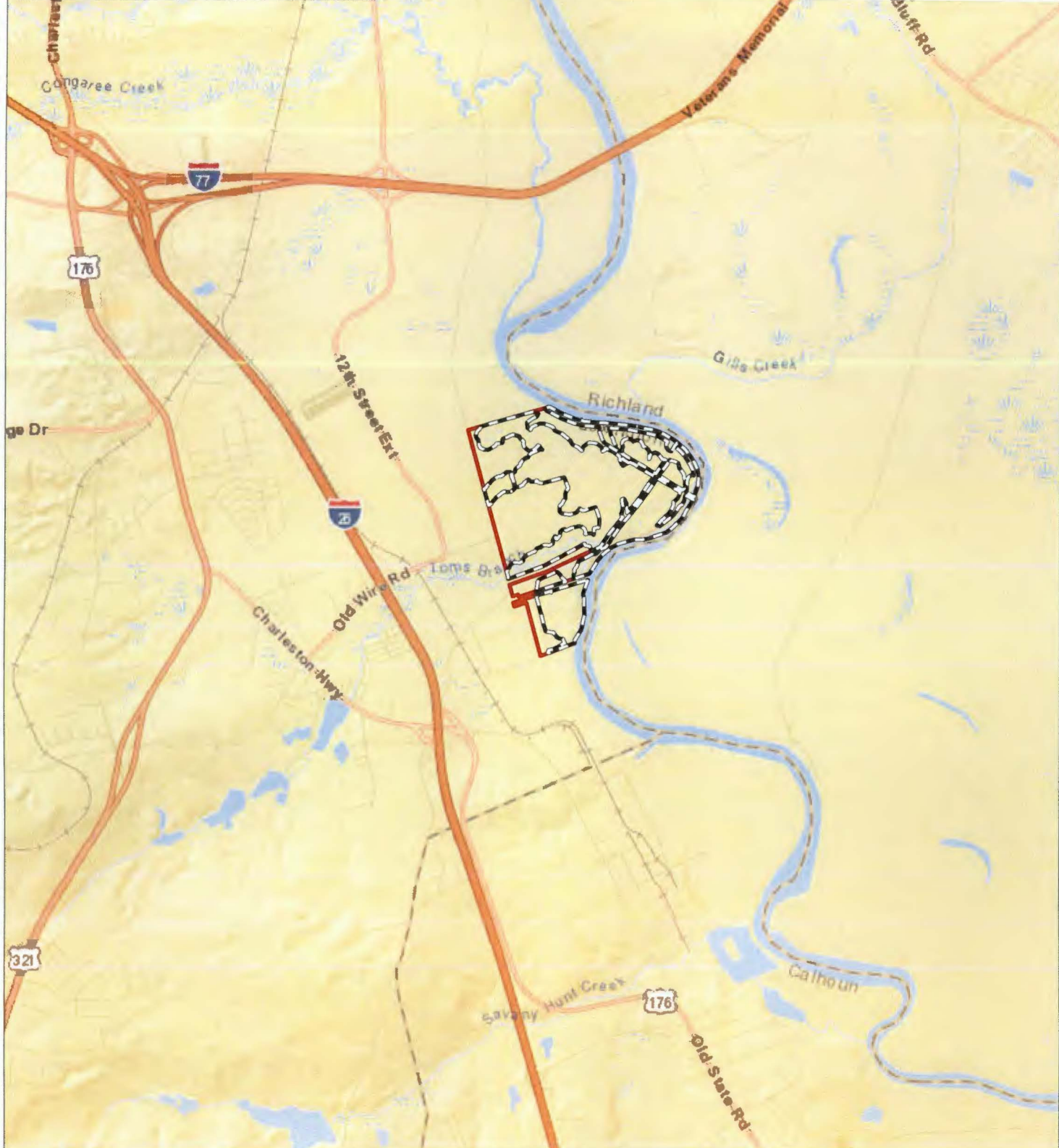
**Vicinity Map**

Toms Branch Mitigation Bank  
Mitigation Prospectus  
Lexington County, South Carolina  
Source: ESRI  
Date: May 2017

1 inch = 10 miles

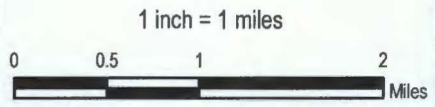


-  Blanchard Farm Tract (759 AC)
-  Toms Branch Mitigation Bank CE (455 AC)






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**Location Map**  
Toms Branch Mitigation Bank  
Mitigation Prospectus  
Lexington County, South Carolina  
Source: ESRI  
Date: May 2017



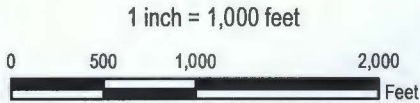


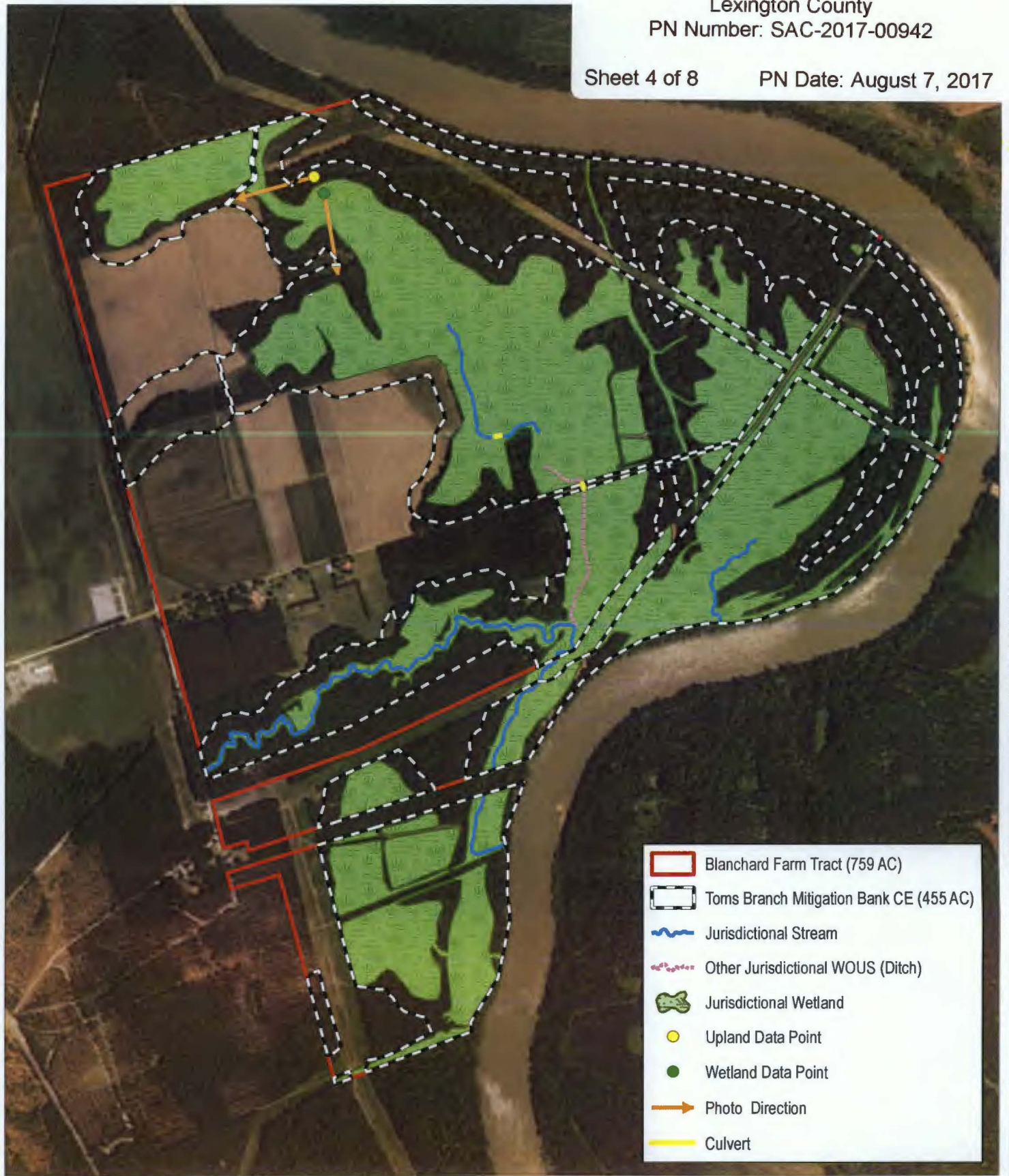
-  Blanchard Farm Tract (759 AC)
-  Toms Branch Mitigation Bank CE (455 AC)
-  Upland Outside Bank Boundary (71 AC)












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**Mitigation Bank Boundary**  
Toms Branch Mitigation Bank  
Mitigation Prospectus  
Lexington County, South Carolina  
Source: ESRI, Lexington County GIS  
Date: July 2017





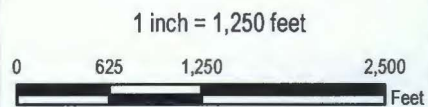
	Blanchard Farm Tract (759 AC)
	Toms Branch Mitigation Bank CE (455 AC)
	Jurisdictional Stream
	Other Jurisdictional WOUS (Ditch)
	Jurisdictional Wetland
	Upland Data Point
	Wetland Data Point
	Photo Direction
	Culvert



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**Waters of the United States Map**

Toms Branch Mitigation Bank  
 Mitigation Prospectus  
 Lexington County, South Carolina  
 Source: ESRI World Map  
 Date: June 2017

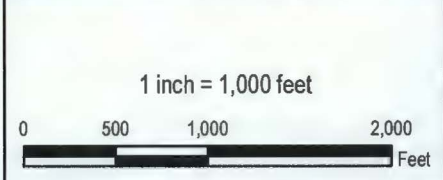




-  Blanchard Farm Tract (759 AC)
-  Toms Branch Mitigation Bank CE (455 AC)
-  Floodplain Forest
-  Bottomland Hardwood
-  Mixed Upland Forest
-  Silviculture
-  Ag and Food Plot
-  Utility ROW



**Land Use / Land Cover Map**  
Toms Branch Mitigation Bank  
Mitigation Prospectus  
Lexington County, South Carolina  
Source: NAIP, Lexington County GIS  
Date: June 2017



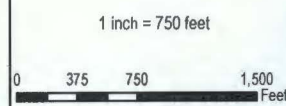




Blanchard Farm Tract (759 AC)	Unit 8: Congaree River (13,003 LF)
Toms Branch Mitigation Bank CE (455 AC)	Stream within Easement
Unit 1: Preservation	150 ft Upland Buffer Enhancement
Unit 2: Enhancement (Hydrologic)	150 ft Upland Buffer Preservation
Unit 3: Enhancement (Vegetation)	150 ft Stream Buffer Preservation
Unit 4: Enhancement (Vegetation & Hydrologic)	Road
Unit 5: Restoration	Road To Be Removed
Unit 6: Stream Preservation (7,309 LF)	
Unit 7: Stream Restoration (5,292 LF)	



**Itemized Resource Chart Map**  
 Toms Branch Mitigation Bank  
 Mitigation Prospectus  
 Lexington County, SC  
 Source: ESRI, Lexington County GIS  
 Date: June 2017

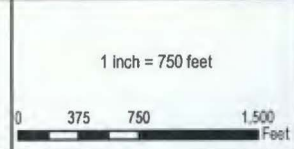


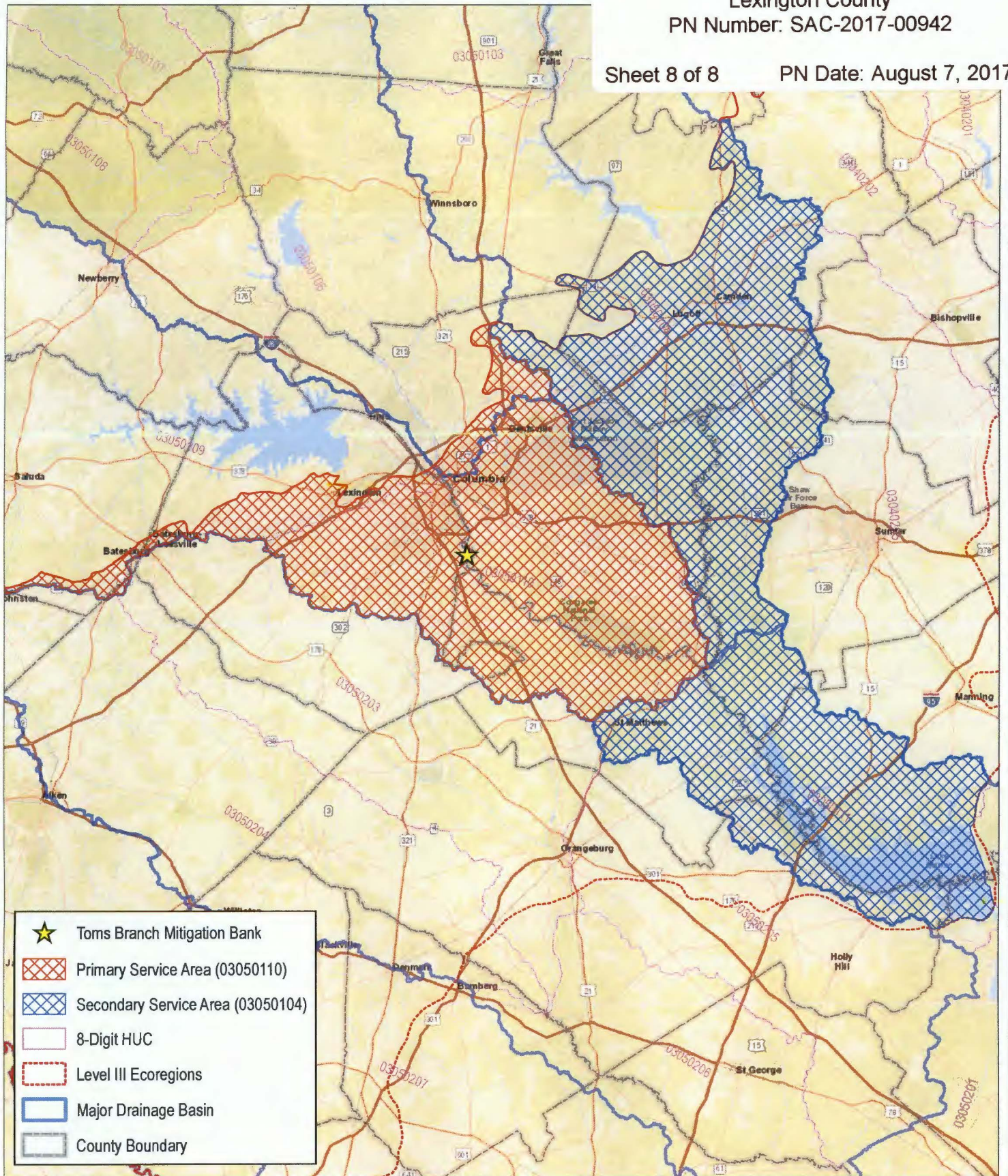


Blanchard Farm Tract (759 AC)	Unit 5: Buffered Restoration (6.80 AC)	150 ft Stream Buffer
Toms Branch Mitigation Bank CE (456.86 AC)	Unit 5: Un-Buffered Restoration (0.48 AC)	Ditch to be Filled
Unit 1: Buffered Preservation (78.82 AC)	150 ft Upland Buffer Enhancement	Ditch to be Plugged
Unit 1: Un-Buffered Preservation (51.84 AC)	150 ft Upland Buffer Preservation	Road (16.73 AC)
Unit 2: Buffered Enhancement (Hydrologic) (35.35 AC)	Unit 6: Stream Preservation (7,309 LF)	Road To Be Removed
Unit 2: Un-Buffered Enhancement (Hydrologic) (20.86 AC)	Unit 7: Stream Restoration (5,292 LF)	Stream Re-Connect
Unit 3: Buffered Enhancement (Vegetation) (26.90 AC)	Stream Easement	Bridge
Unit 3: Un-Buffered Enhancement (Vegetation) (19.78 AC)	Buffered Congaree River (5,606 LF)	Culvert
Unit 4: Buffered Enhancement (Vegetation & Hydrologic) (14.06 AC)	No Buffer Congaree River (7,397 LF)	Plug
Unit 4: Un-Buffered Enhancement (Vegetation & Hydrologic) (2.60 AC)	Congaree River Easement	Breach



**Mitigation Unit Map**  
 Toms Branch Mitigation Bank  
 Mitigation Prospectus  
 Lexington County, SC  
 Source: ESRI, Lexington County GIS  
 Date: July 2017





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**Service Area Map**  
Toms Branch Mitigation Bank  
Mitigation Prospectus  
Lexington County, South Carolina  
Source: ESRI, EPA, USGS, SCDHEC  
Date: June 2017

