## **PUBLIC NOTICE**

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

REGULATORY DIVISION Refer to: P/N SAC-2022-01255

August 30, 2022

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

# Rhodes Forests LLC 1820 Savannah Highway Charleston, South Carolina 29407

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

#### **Edisto River Watershed**

at a location south of U.S. Highway 78 and adjacent to U.S. Highway 21 (Freedom Road), northeast of the Edisto River, in Orangeburg County, South Carolina (Latitude: 33.22526°, Longitude: -80.81534°), Branchville South 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 proposal consists of establishing a freshwater stream and wetland mitigation bank in the Edisto River Watershed (8-Digit HUC 03050206), in the Mid-Atlantic Coastal Plain Region. The proposed 1,275-acre mitigation site includes approximately 15,611 linear feet of tributaries and 701 acres of freshwater wetlands. According to the Prospectus, the mitigation work plan includes the enhancement of 281 acres of wetlands through the removal of pine trees, breaching of pine beds, and planting of hydrophytic tree species. Additionally, 330.8 acres of wetlands will be restored through the removal of roads, filling/plugging of drainage ditches, installation of a flashboard riser weir in the main drainage channel onsite, and removal of pine trees, breaching of pine beds, and planting of hydrophytic tree species. The work plan also includes the restoration of 13,525 linear feet of stream channel by breaching and removing side cast spoil material to reconnect the stream with the floodplain. In addition, the preservation of 93 acres of wetlands and 4,132 linear feet of streams is proposed. The sponsor is also proposing the enhancement and/or preservation of associated upland and riparian buffers onsite. 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.

As proposed the mitigation bank would provide in-kind compensatory mitigation for authorized impacts to aquatic resources located in the Edisto River, Salkehatchie, South Carolina Coastal, Cooper, Four Hole Swamp, South Fork Edisto, and North Fork Edisto Watersheds within the Southeastern Plains, Mid-Atlantic Coastal Plain and Southern Coastal Plain ecoregions 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 Interagency Review Team. The mitigation bank site will be protected by the bank sponsor using a primary and secondary conservation easement.

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

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.

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 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 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 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 Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus), Shortnose Sturgeon (Acipenser brevirostrum), Red-cockaded woodpecker (Picoides borealis), Northern long-eared bat (Myotis septentrionalis), Canby's dropwort (Oxypolis canbyi), and American wood stork (Mycteria americana) have the potential to occur within the vicinity of the project area. However, it has been determined that the project will have no effect on Shortnose Sturgeon (Acipenser brevirostrum) and Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus) and will not result in the destruction or adverse modification of their designated or proposed critical habitat. Additionally, the District Engineer has determined that the project is not likely to adversely affect the Redcockaded woodpecker (*Picoides borealis*), Northern long-eared bat (*Myotis septentrionalis*), Canby's dropwort (Oxypolis canbyi), and American wood stork (Mycteria americana) 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.

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)), 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).

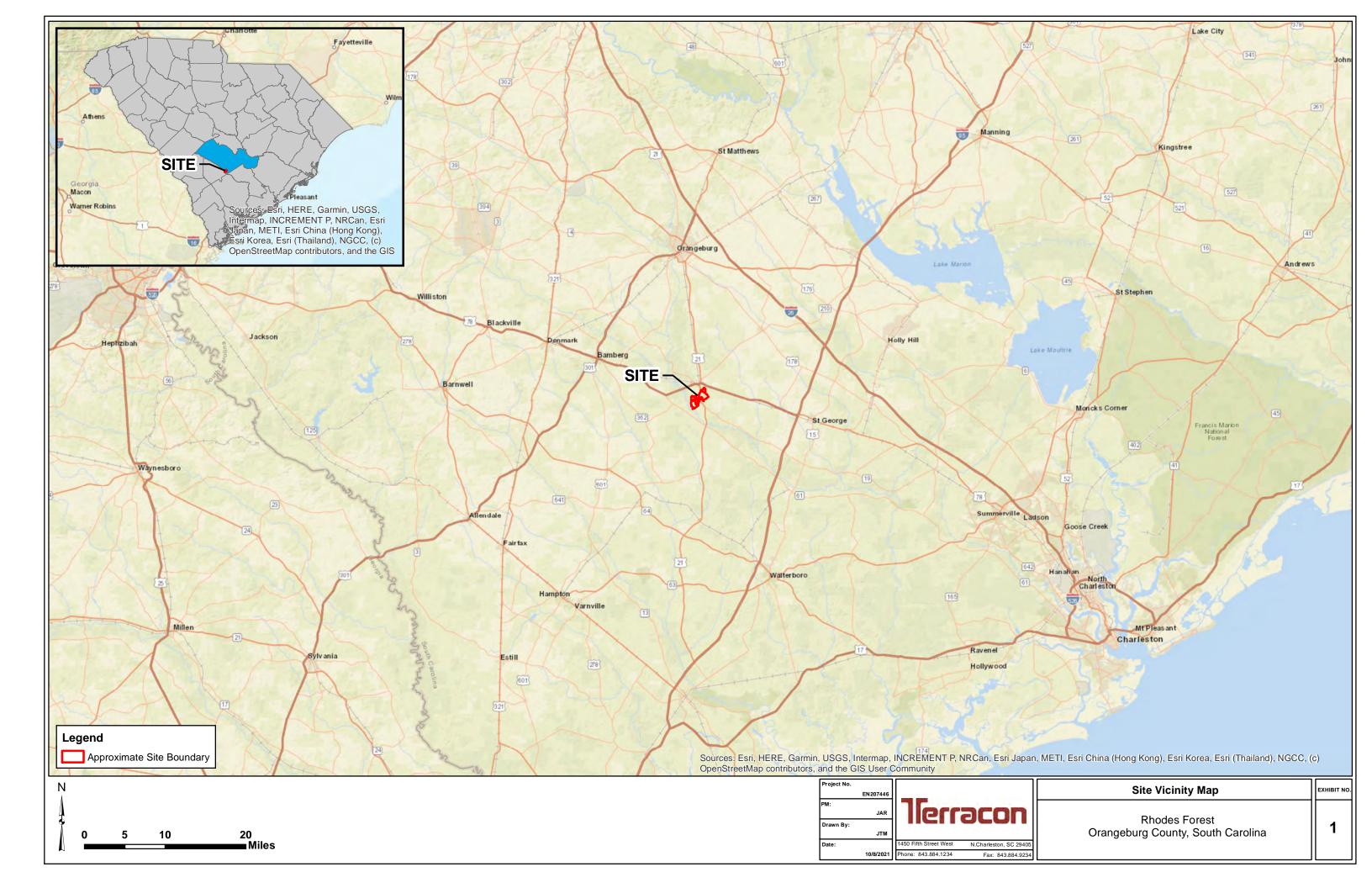
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

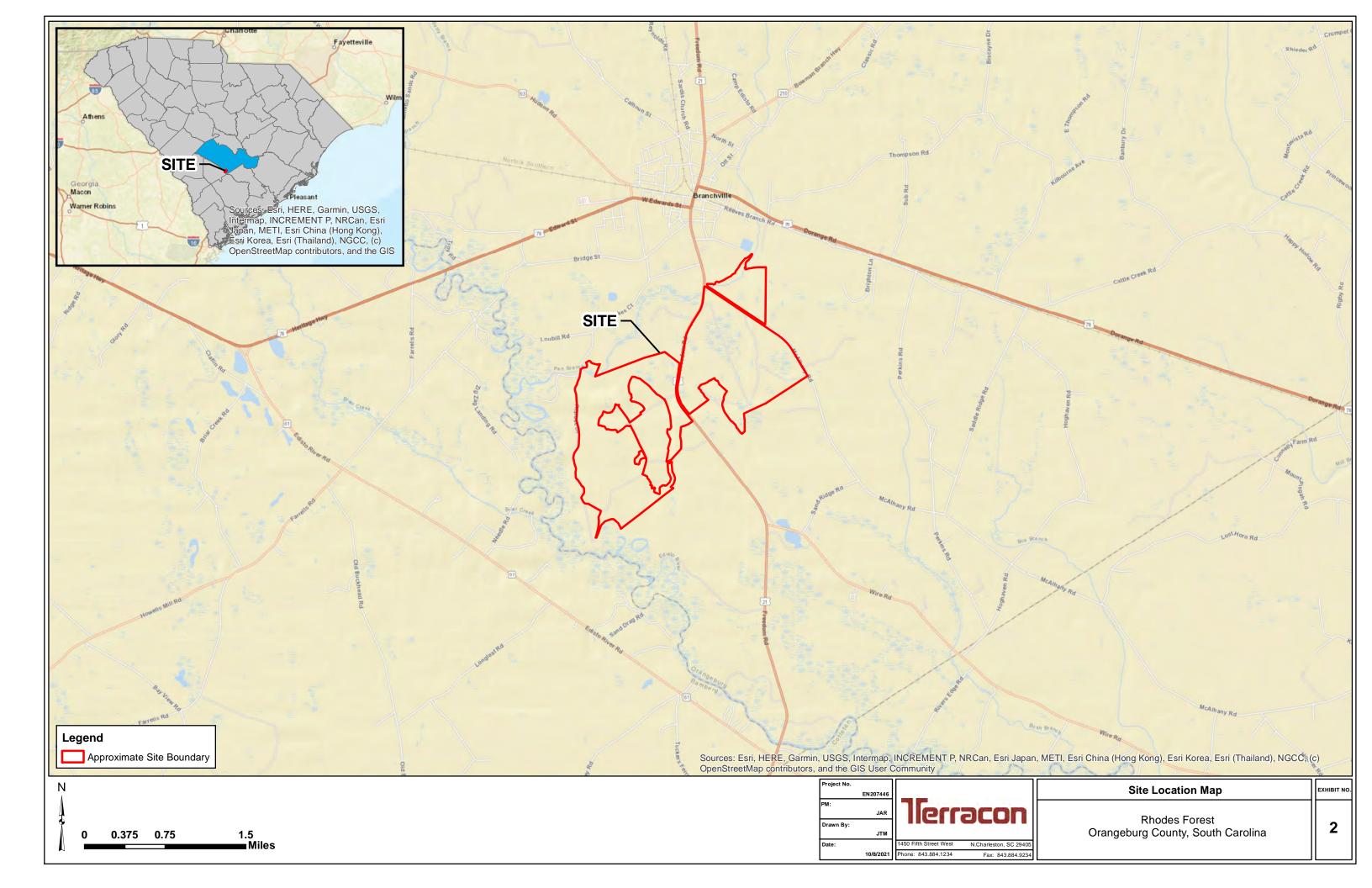
The decision whether to approve or deny the proposed mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably 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.

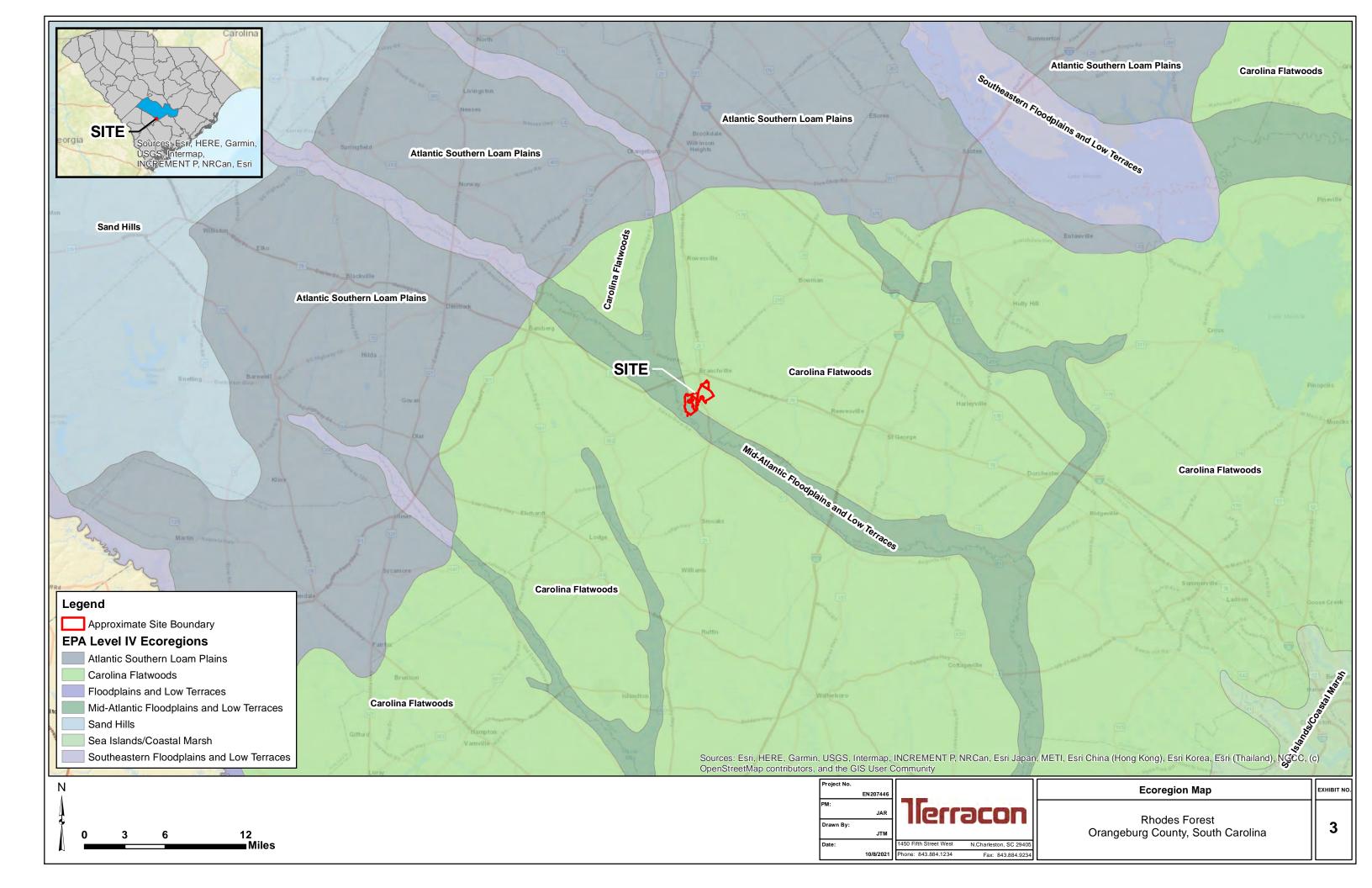
The Corps is soliciting comments from the public; Federal, state, local agencies, and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to approve or deny the 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:

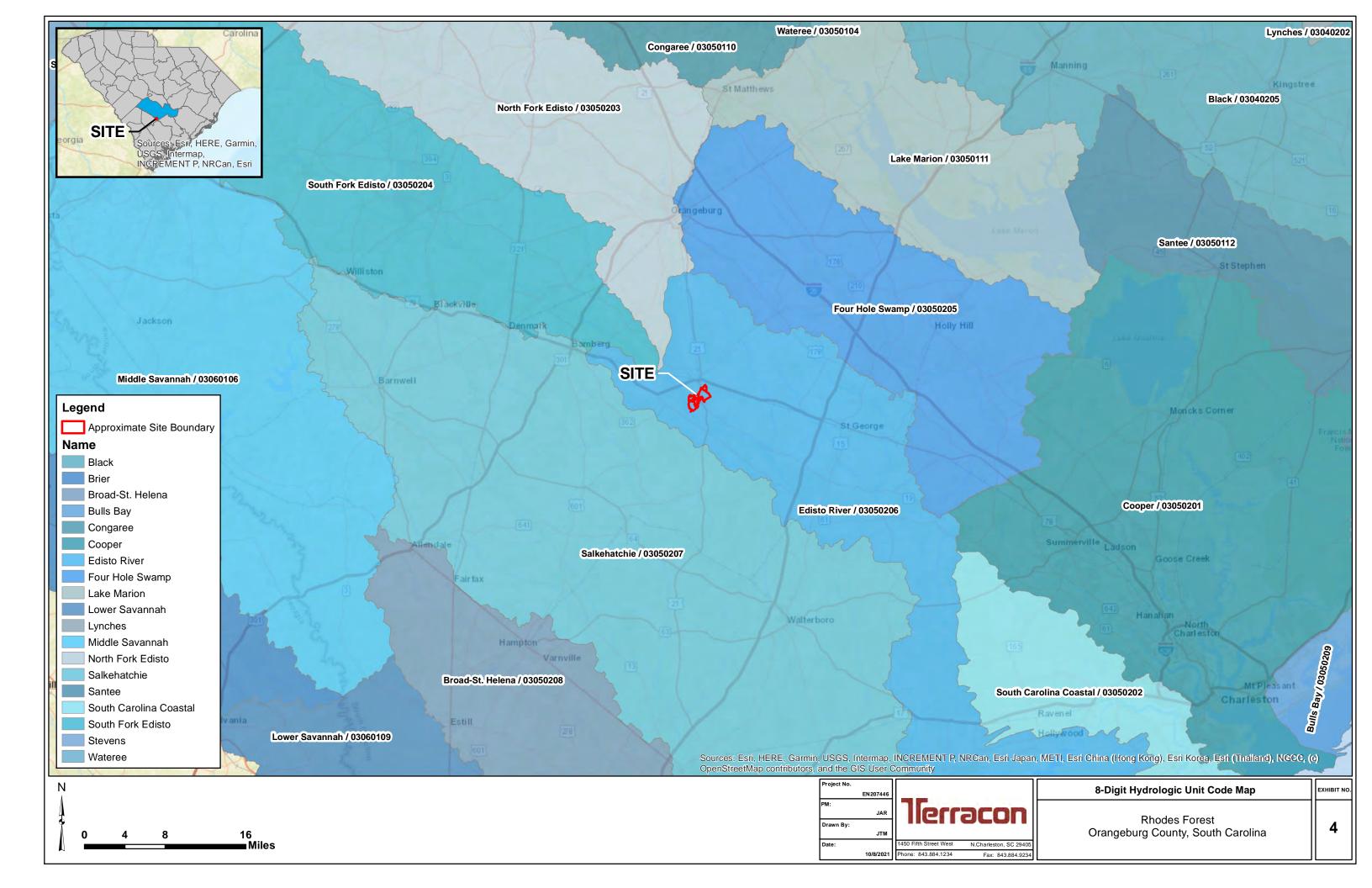
US ARMY CORPS OF ENGINEERS
Conway Regulatory Field Office
Conway Agricultural Center
1949 Industrial Park Road; Room 140
Conway, South Carolina 29526

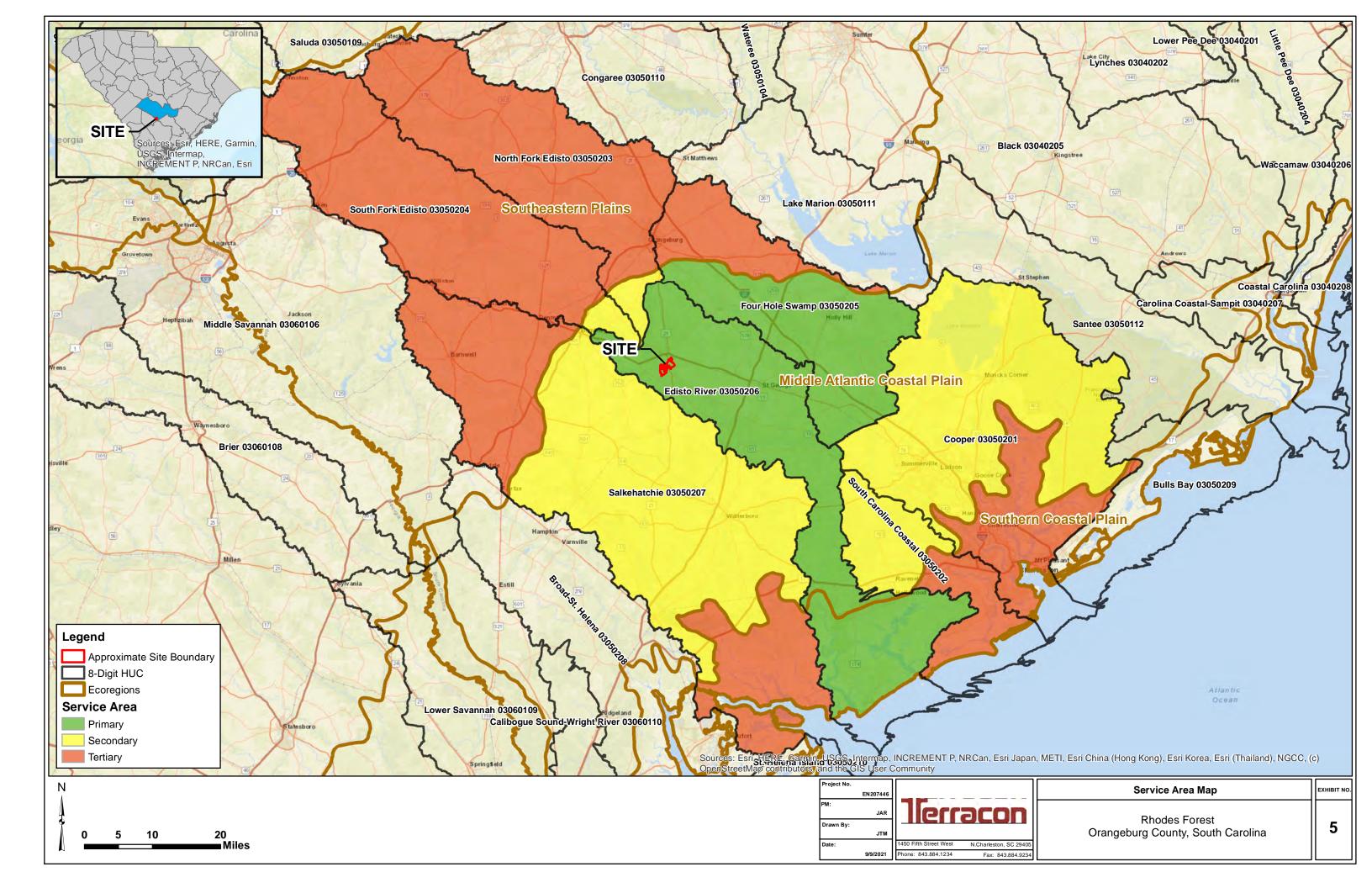
The Prospectus for the proposed mitigation bank is available for review upon request. If there are any questions concerning this public notice, please contact Erica Stone, at (843) 329-4239 or by email at Erica.L.Stone@usace.army.mil.

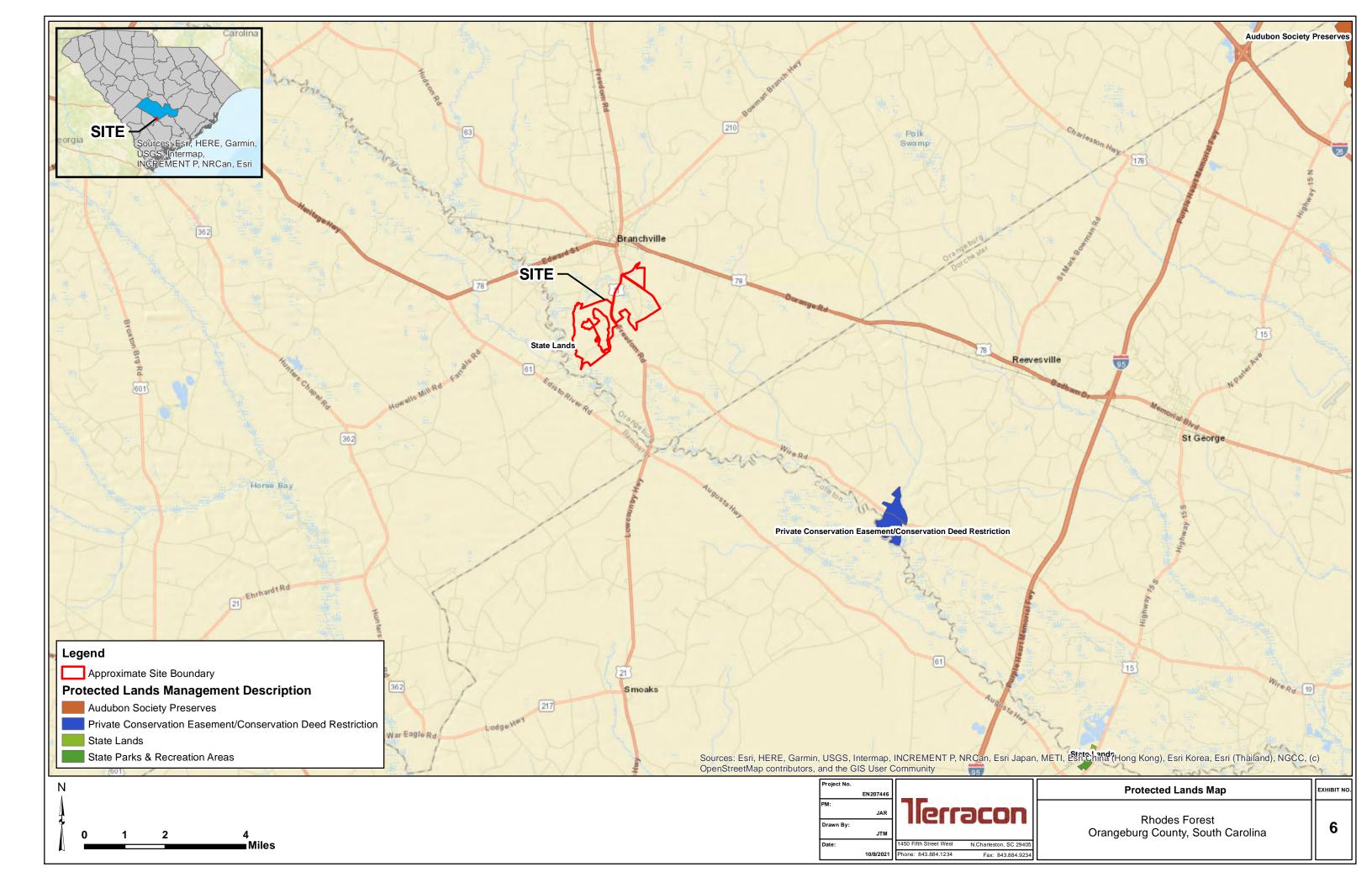


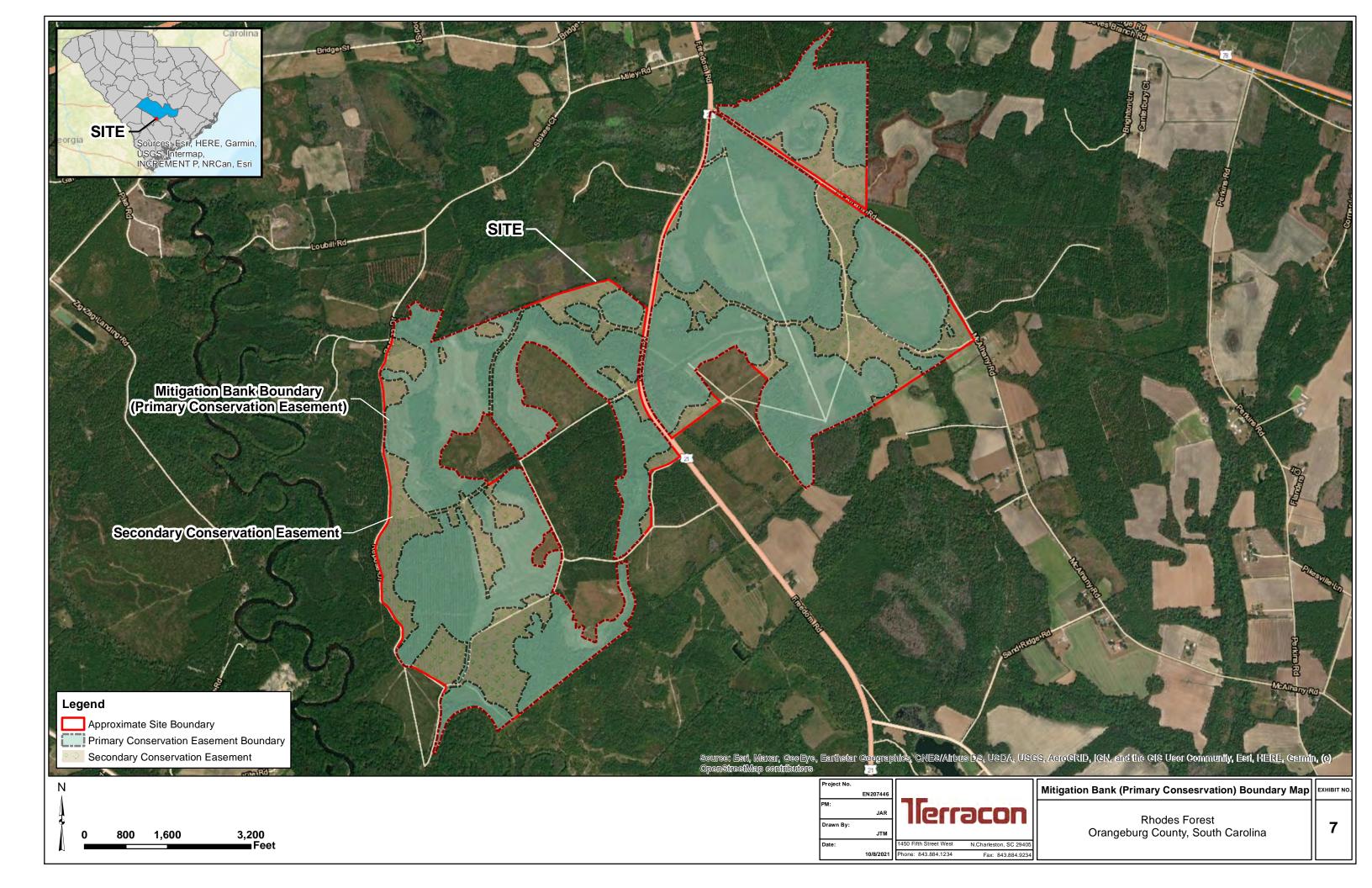


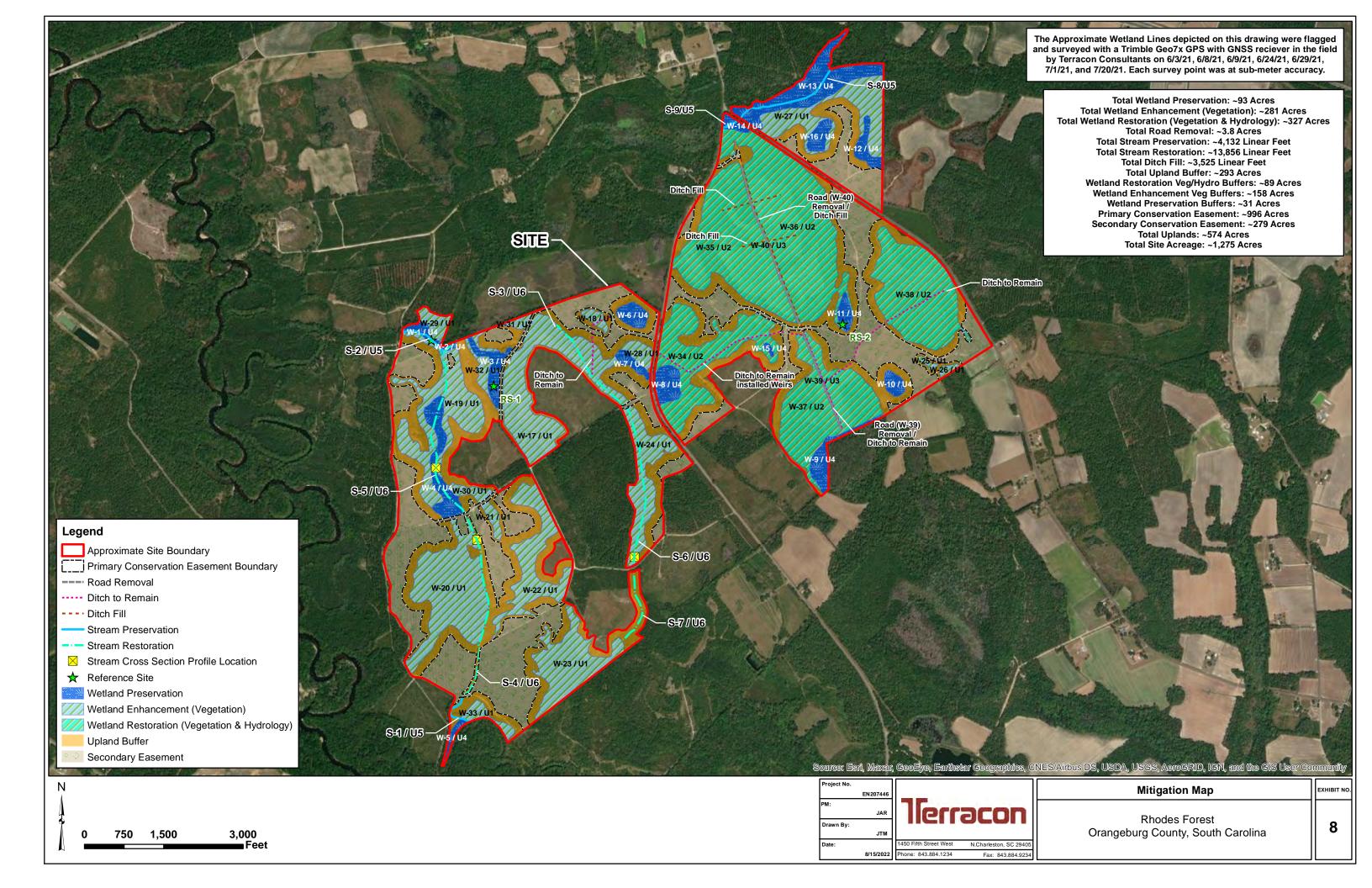


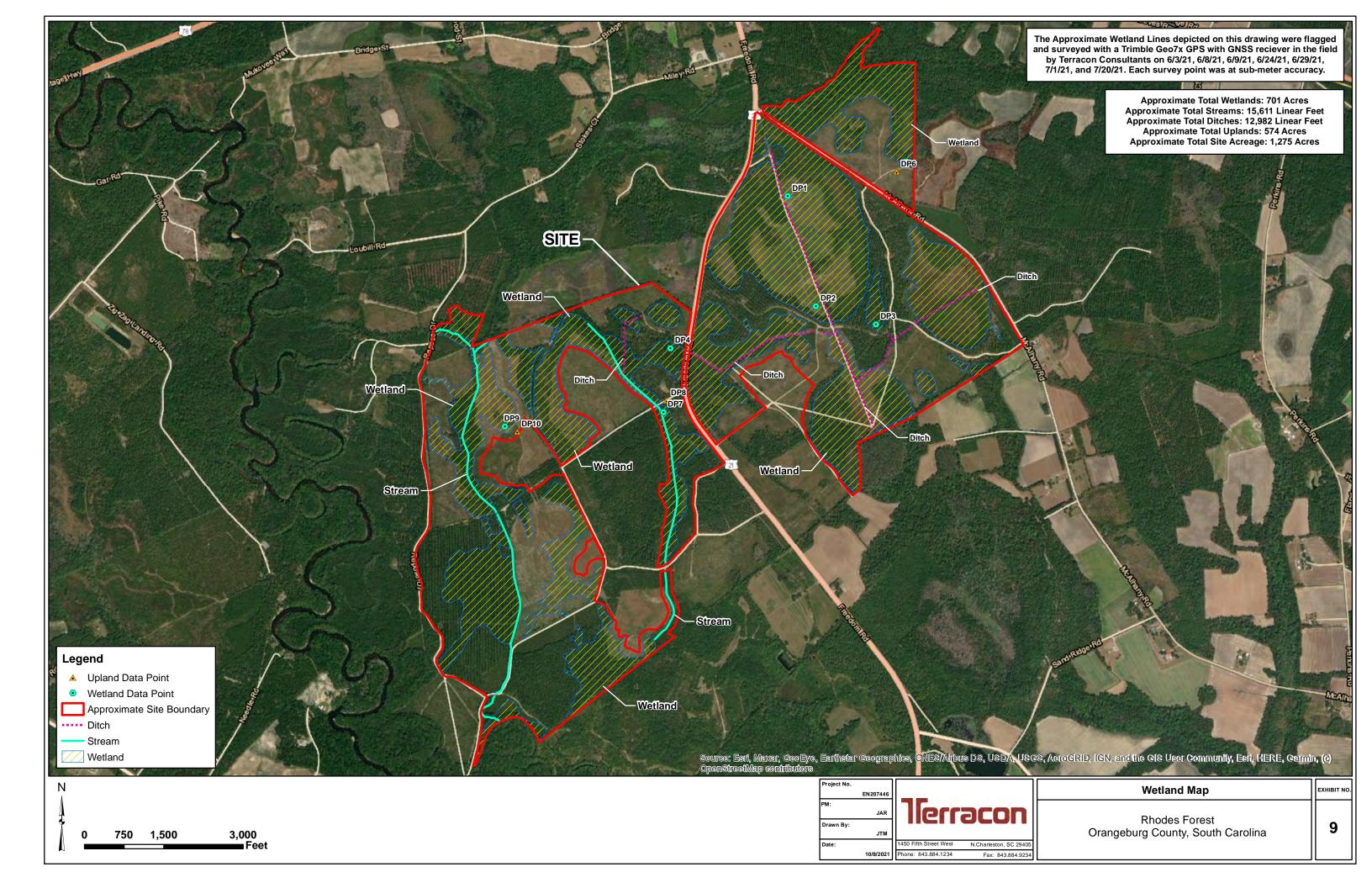


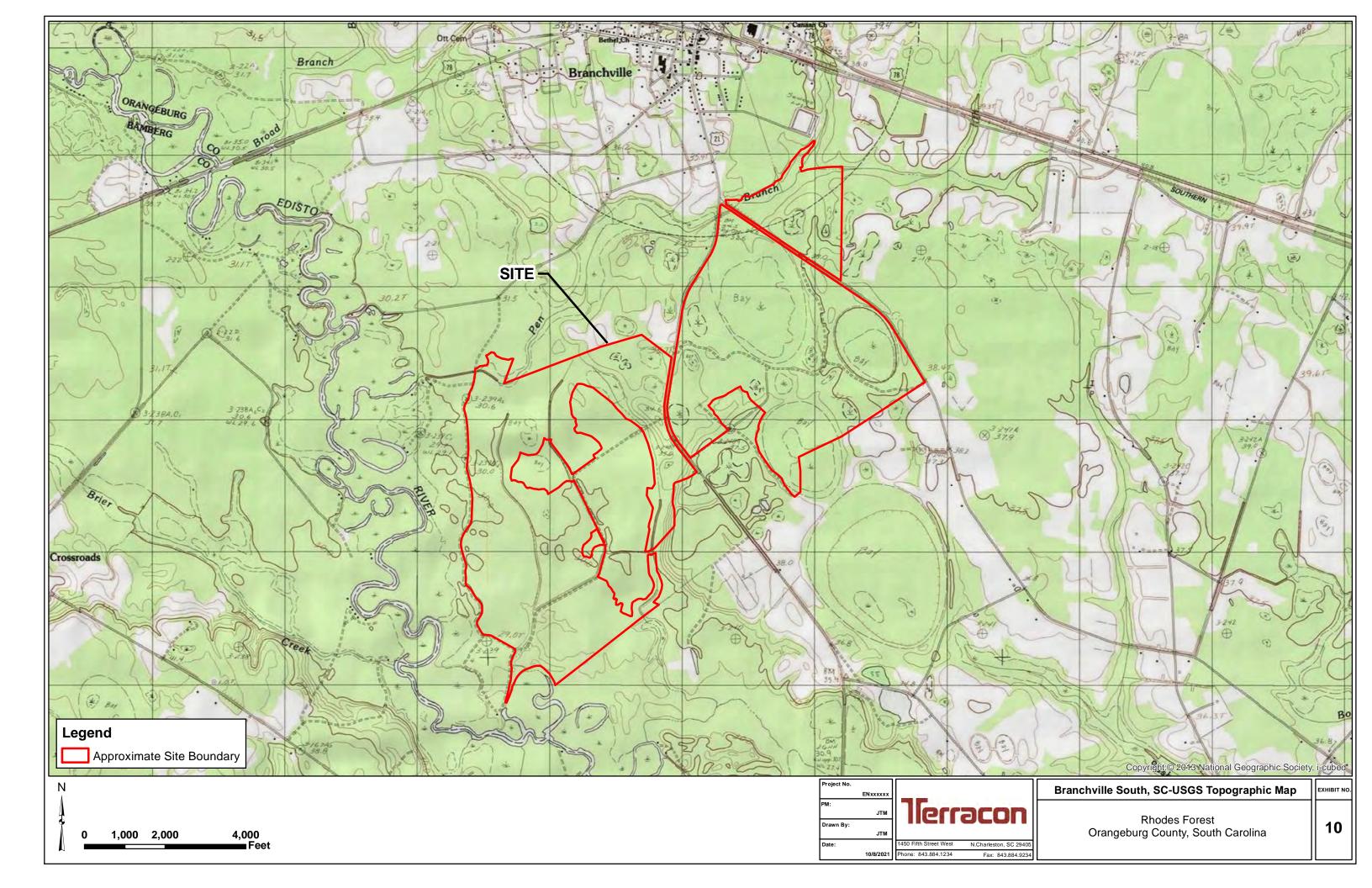


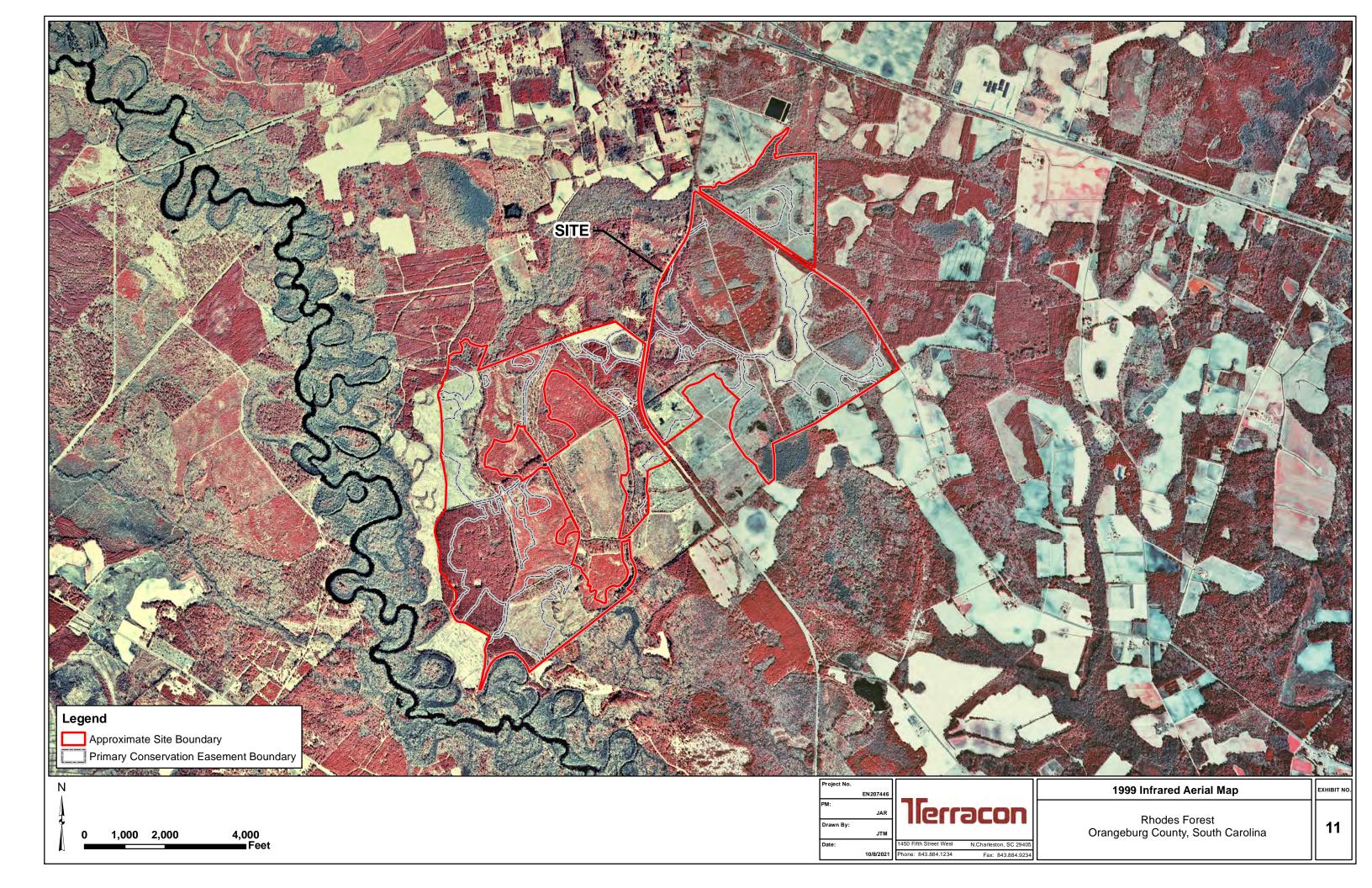


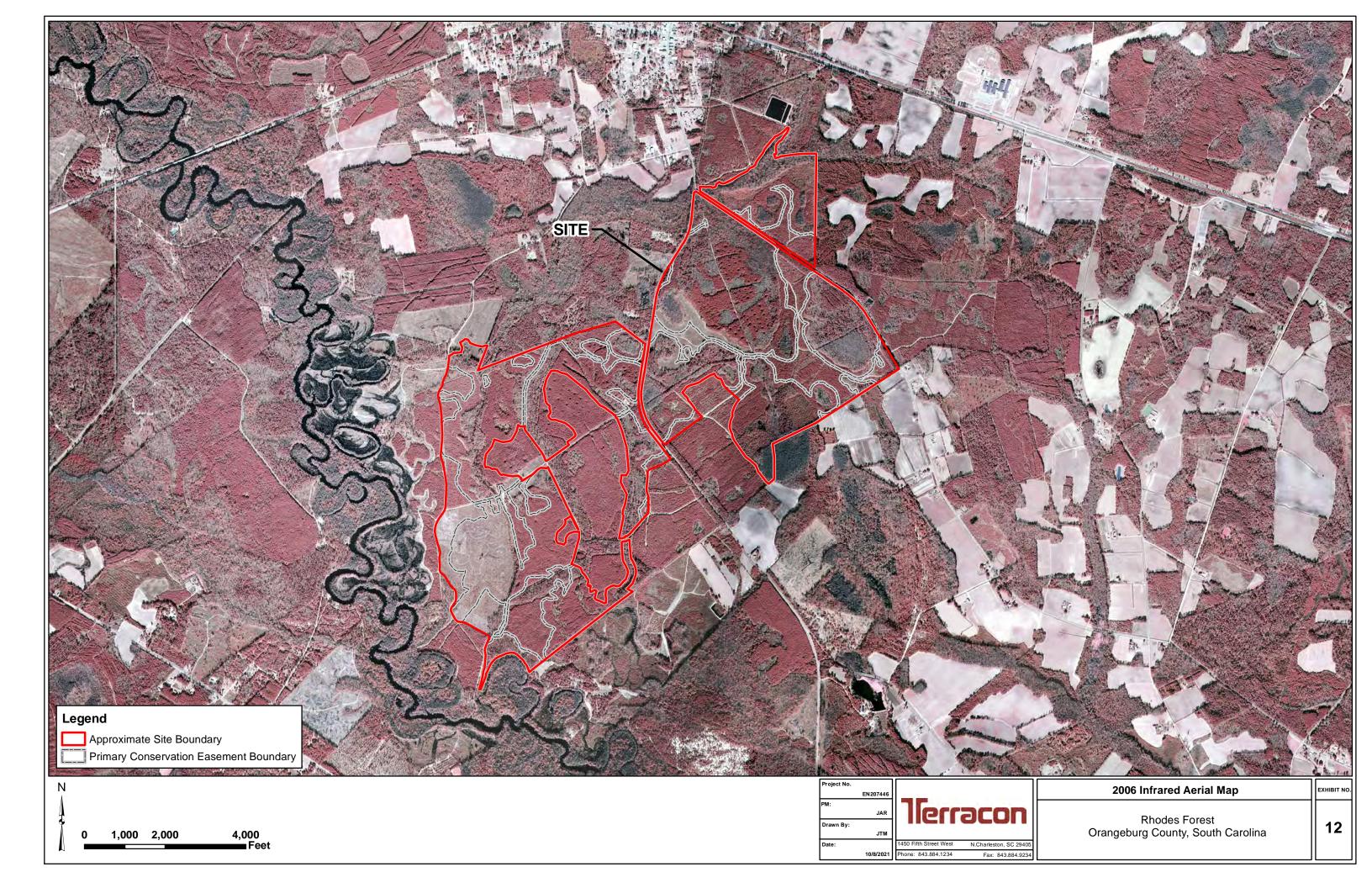


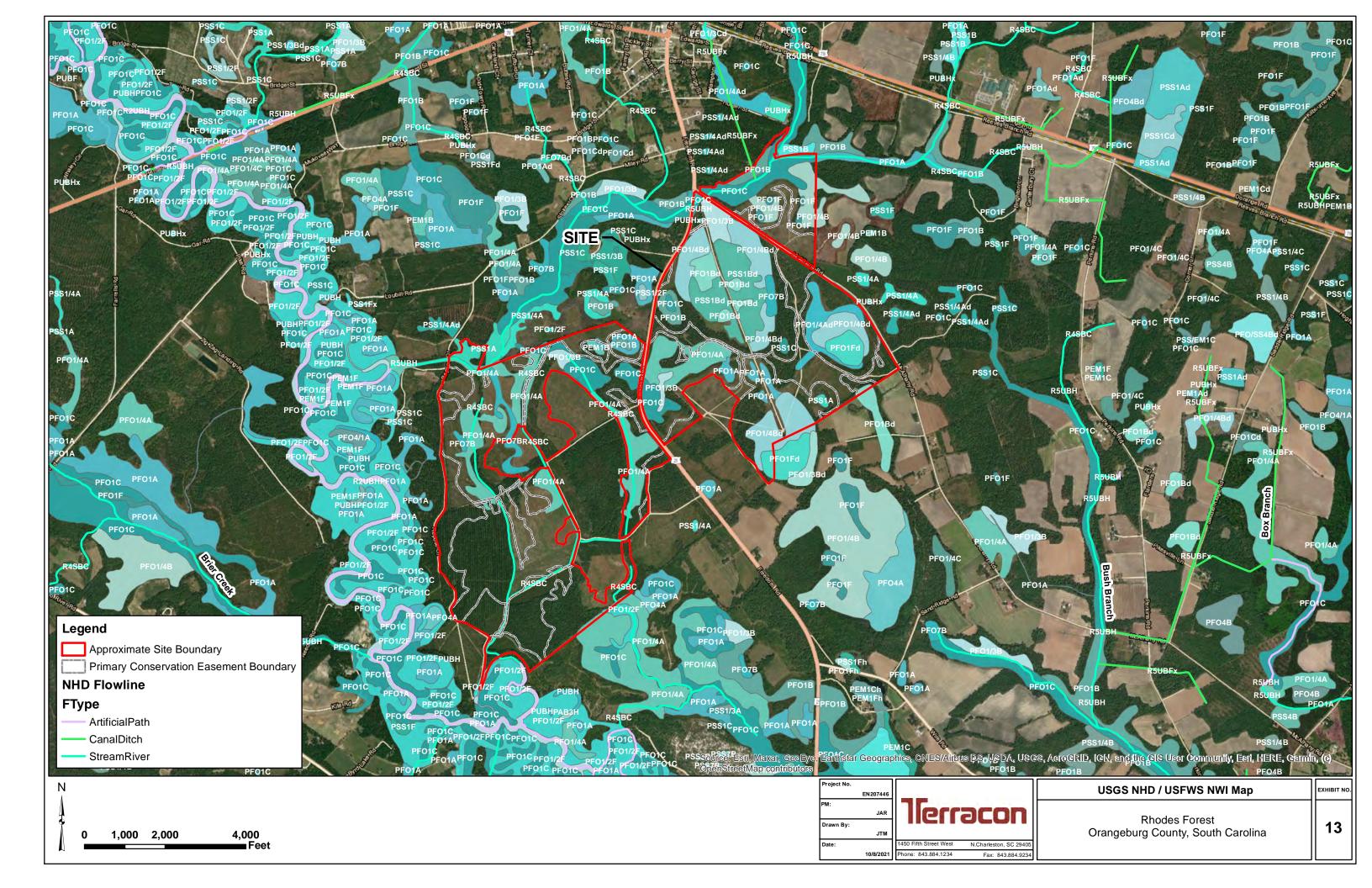


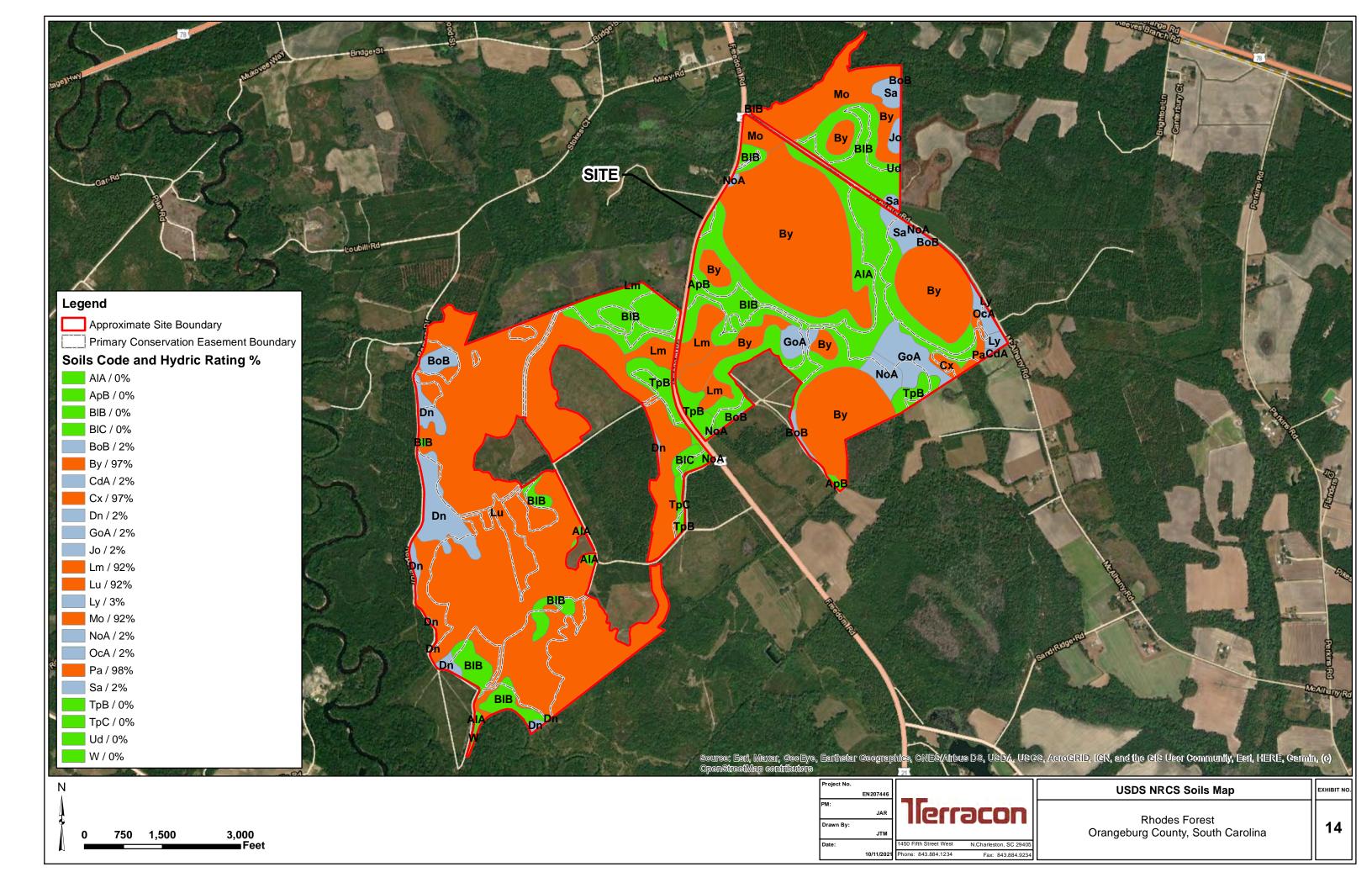


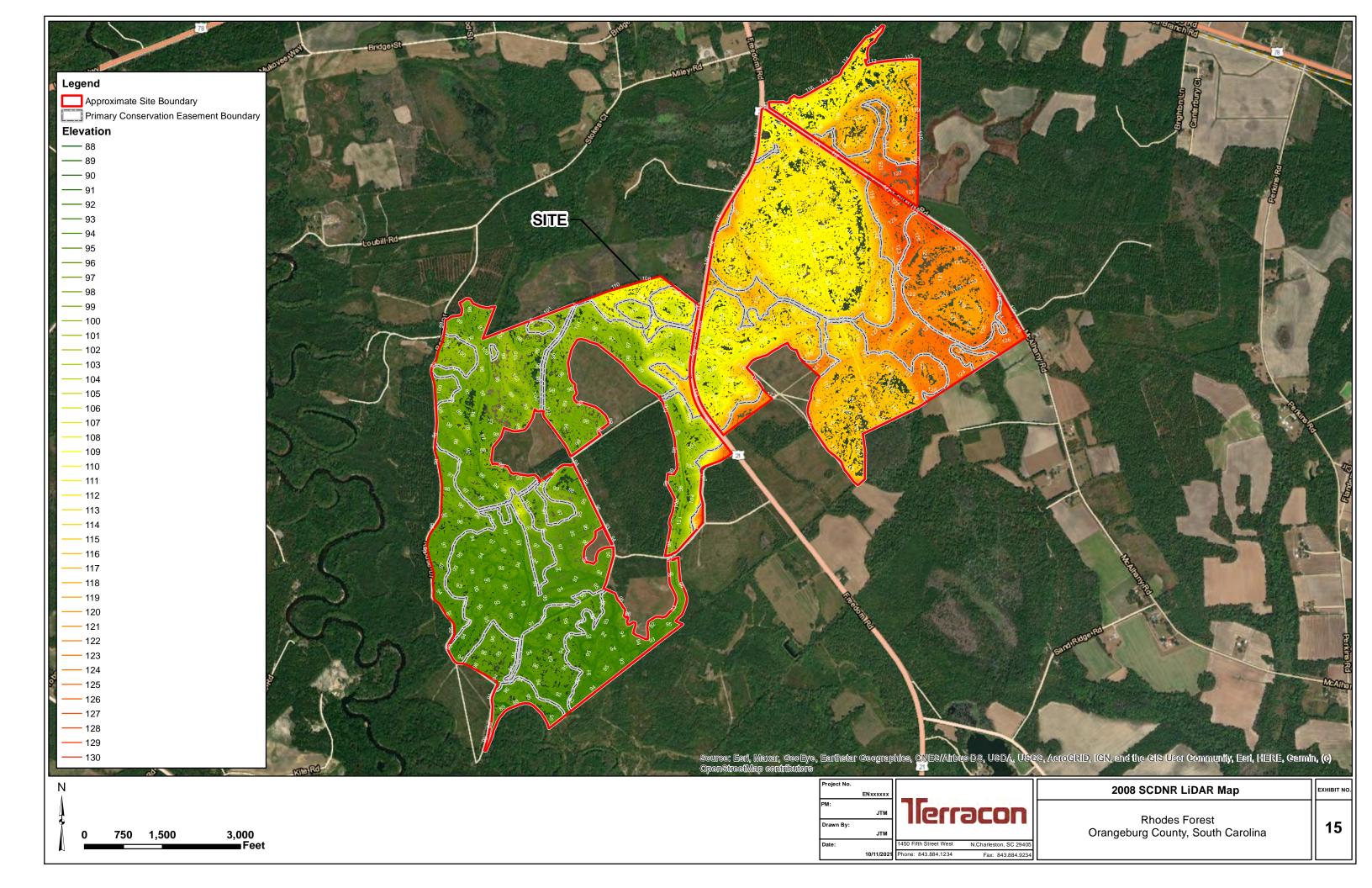


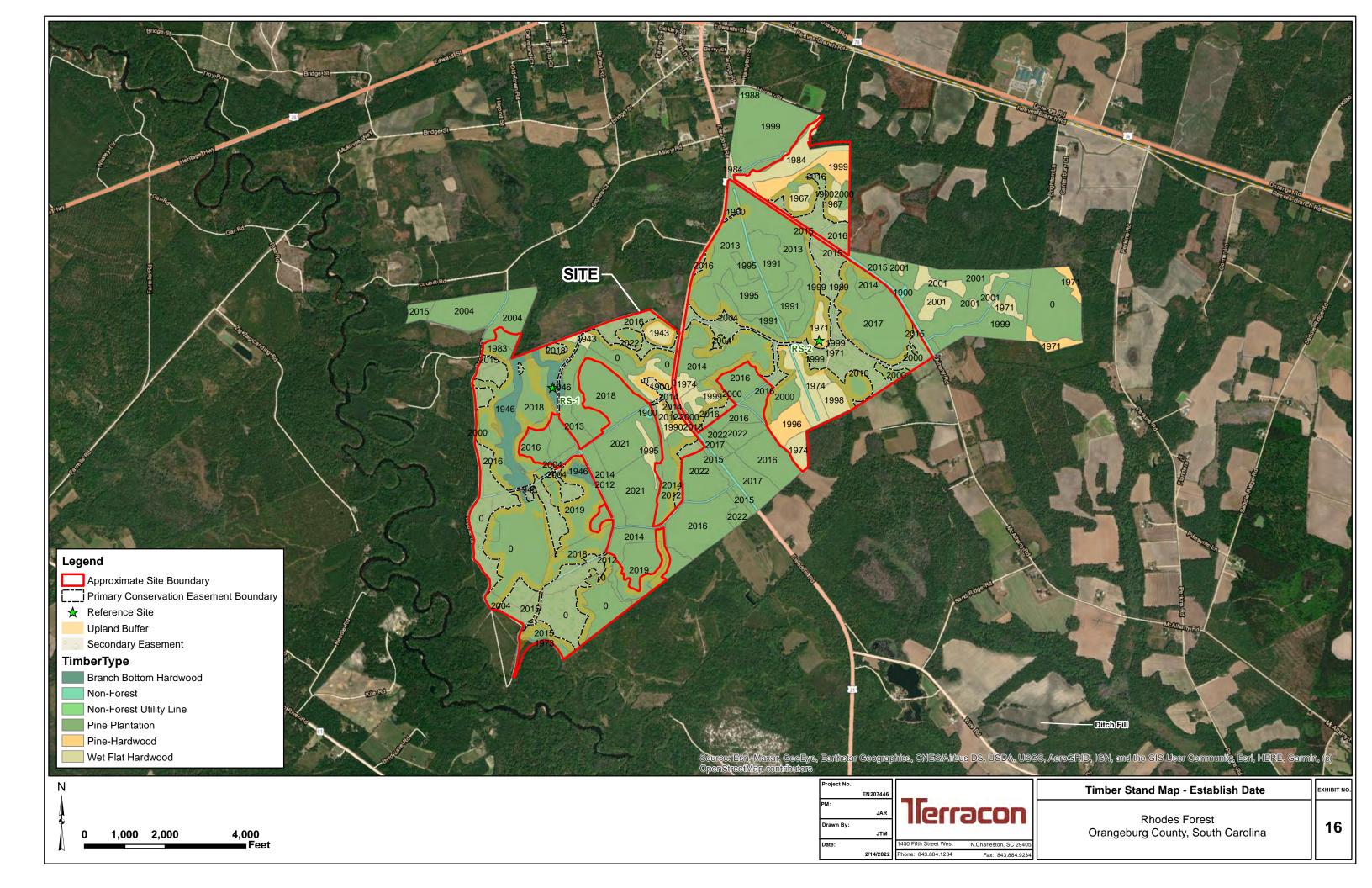












# ${\bf 2022\_Branchville\_Stands}$

Stand	TimberType	YearEst	LASTTHIN		ACRES	
	48 Pine Plantation		1983	200	)3	5.351246
	49 Pine Plantation		2004		0	6.571553
	52 Wet Flat Hardwood		1971		0	5.713266
	53 Pine-Hardwood		1971		0	11.074869
	54 Pine Plantation		2004		0	53.300826
	60 Pine Plantation		0		0	13.77912
	65 Pine Plantation		0		0	85.218635
	67 Pine Plantation		2015		0	12.124816
	69 Pine Plantation		2004		0	13.510139
	70 Branch Bottom Hardwood		1946		0	46.787212
	73 Wet Flat Hardwood		1943		0	11.419241
	74 Pine Plantation		2013		0	17.412063
	75 Pine Plantation		2016		0	16.992667
	77 Pine Plantation		2021	200	9	35.246491
	78 Wet Flat Hardwood		1995		0	6.030847
	79 Pine Plantation		2015		0	7.049045
	80 Pine Plantation		2022		0	33.457891
	81 Pine Plantation		0	200	9	35.411058
	82 Pine Plantation		2013		0	94.42227
	83 Pine Plantation		1991	200	08	40.482446
	200 Pine Plantation		2016		0	5.574668
	85 Pine Plantation		2015		0	12.302474
	86 Wet Flat Hardwood		1974		0	21.895131
	87 Pine Plantation		0		0	45.942777
	90 Pine Plantation		2017		0	52.654552
	91 Pine Plantation		1999		0	65.402835
	92 Wet Flat Hardwood		1984		0	26.251661
	94 Pine Plantation		2015		0	10.407415
	95 Pine Plantation		2001		0	61.612967
	96 Pine Plantation		2015	200	03	5.938441
	98 Pine Plantation		1999		0	45.425477
	99 Pine Plantation		2014		0	9.293083
	6 Pine Plantation		2018		0	57.54347
	103 Pine Plantation		2016		0	44.315622
	106 Pine Plantation		2004		0	33.521698
	107 Wet Flat Hardwood		1998		0	10.358559
	108 Pine Plantation		2014		0	39.830024
	109 Wet Flat Hardwood		1967		0	13.526089
		D	age 1 of 3			

Stand	TimberType	YearEst	]	LASTTHIN	ACRE	ES
	110 Pine Plantation		2019	20	016	53.255787
	111 Pine Plantation		2019	20	017	29.825193
	115 Pine Plantation		2016		0	41.978605
	116 Pine-Hardwood		1996		0	14.325879
	119 Pine Plantation		1995	20	008	22.340244
	128 Wet Flat Hardwood		1971		0	9.111826
	130 Pine-Hardwood		1999		0	20.041543
	140 Wet Flat Hardwood		1999		0	7.790638
	150 Pine Plantation		1999		0	31.862479
	995 Non-Forest Utility Line		1988		0	0.987924
	998 Non-Forest		1900		0	3.30723
	9994 Non-Forest		0		0	80.447186
	113 Pine Plantation		2012		0	42.296731
	113 Pine Plantation		2012		0	15.260836
	121 Pine Plantation		2000		0	11.121291
	117 Pine Plantation		2016		0	27.544076
	102 Wet Flat Hardwood		1990		0	8.730397
	102 Wet Flat Hardwood		0		0	14.483902
	67 Pine Plantation		1973		0	0.908316
	123 Pine Plantation		2000		0	10.021836
	123 Pine Plantation		2016		0	34.039007
	97 Wet Flat Hardwood		1974		0	5.262406
	121 Pine Plantation		2000		0	2.285255
	48 Pine Plantation		2015	20	003	3.903594
	121 Pine Plantation		2022		0	2.46916
	1 Pine Plantation		2014		0	3.379199
	110 Pine Plantation		2018		0	21.637163
	101 Pine Plantation		2018	20	016	37.148766
	101 Pine Plantation		2018		0	8.327365
	113 Pine Plantation		2012		0	24.27653
	113 Pine Plantation		2012		0	1.152085
	2 Pine Plantation		2014		0	42.298224
	3 Pine Plantation		2014		0	15.260836
	4 Pine Plantation		2014		0	24.27653
	5 Pine Plantation		2014		0	1.152085
	121 Pine Plantation		2000		0	4.24924
	121 Pine Plantation		2016		0	55.371594
	114 Pine Plantation		2022		0	6.938489
	123 Pine Plantation		2000		0	4.546602
	95 Wet Flat Hardwood		2001		0	9.000505

Stand TimberType	YearEst	LASTTHI	N ACI	RES
95 Wet Flat Hardwood		2001	0	1.268639
95 Wet Flat Hardwood		2001	0	8.064886
86 Wet Flat Hardwood		1974	0	7.551728
95 Wet Flat Hardwood		2001	0	3.44399
95 Wet Flat Hardwood		2001	0	0.967114
93 Pine Plantation		2000	0	3.518059
93 Pine Plantation		2016	0	36.893033
118 Pine Plantation		2017	0	5.055354
121 Pine Plantation		2022	0	11.372759
103 Pine Plantation		2000	0	6.027709
118 Pine Plantation		2017	0	18.963271
118 Pine Plantation		2016	0	0.74154
100 Pine Plantation		2022	2016	18.826235
7 Pine Plantation		2016	0	20.076719
77 Pine Plantation		2021	2009	31.852217
81 Pine Plantation		0	2009	20.307324
81 Pine Plantation		0	2009	2.312419
100 Pine Plantation		0	2016	4.326938
100 Pine Plantation		0	2016	10.871487