

**JOINT**  
**PUBLIC NOTICE**

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

and

**THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**Water Quality Certification and Wetlands Section**  
**2600 Bull Street**  
**Columbia, South Carolina 29201**

REGULATORY DIVISION  
Refer to: SAC 2022-01149

December 29, 2022

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**The South Carolina Department of Commerce**  
**c/o Daniel Young**  
**1201 Main Street, Suite 1600**  
**Columbia, South Carolina 29201-3200**

for a permit to place fill material in wetlands and waters of the United States adjacent to and within

**Lick Creek (Tributary to the Enoree River)**

located on a +/- 314-acre site at 6810 SC Highway 101 in the Town of Woodruff, Spartanburg County, South Carolina (Latitude: 34.7541 °, Longitude: -82.0569°).

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** and **SCDHEC** 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**

*According to the applicant, the purpose of the proposed project, as stated in the application is "To locate, build, and operate a new advanced manufacturing OEM component assembly facility in the Upstate to support the Client's continued implementation of its electromobility plans in the burgeoning EV automotive sector, on a property that has sufficient contiguous acreage to meet current and anticipated demand, is located near the Inland Port Greer and within the established Upstate automotive sector cluster, with nearby access to Interstate 26, and is located in an area that has an acceptable availability of a skilled workforce."*

### **Project Description**

The proposed work consists of the construction of an advanced original equipment manufacturer (OEM) component assembly facility to support the electric vehicle sector.

According to the DA application, the applicant proposes to develop a site for the construction and operation of a new, advanced, manufacturing OEM component assembly facility that will take advantage of South Carolina's existing transportation, distribution, and logistics (TDL) cluster and initiatives. The Proposed Project facilities will serve as an assembly site for EV (electric vehicle) component parts. The parts manufactured at this site will be utilized to support the continued implementation of the manufacturer's electromobility plans in the EV automotive industry sector. The fully constructed facilities and support operations will allow the manufacturer to source, stage, assemble, and ultimately utilize assembled component parts in an efficient and scalable manner that meets the growing demand and needs of end-users. The design of the Proposed Project has been developed under a master plan concept that will be constructed in phases to support existing demand, while allowing for planned expansion.

The Proposed Project would begin construction in 2023 and is contemplated to include construction of the necessary facilities and initial assembly lines to meet the assembly requirements of existing demand. The facility site layout would consist of covered manufacturing space, along with attendant infrastructure consisting of entrance and interior roads, truck bays and trailer parking, privately owned vehicle (POV) parking, various employee, administrative and management support buildings, and associated stormwater detention basins. Subsequent facilities of the Proposed Project would be constructed and become operational after completion of the initial construction, based on further identified demand and projected growth. These facilities will include covered manufacturing space, attendant infrastructure of interior roads, truck bays and trailer parking, POV parking, additional employee, administrative and management support buildings, and associated stormwater detention basins.

The applicant's master plan does not currently include additional growth beyond the scheduled construction shown in the application, the applicant wishes to secure a site with sufficient acreage that would provide flexibility to alter or modify the scheduled construction in order to meet future growth opportunities and demand, as well as expanded or new market segments, should market conditions dictate further investment in the future, within the impact footprint proposed by the application.

In detail, the proposed work will impact 1.158 acres of wetlands, 5.710 acres of ponds and 3,668 linear feet of tributaries. The site configuration and proposed impacts to wetlands and waters of the US are depicted on the proposed plans included at the end of this public notice.

### **Avoidance and Minimization**

The applicant conducted an alternatives analysis based on specific criteria that was identified to meet their project's purpose and need. Thirteen potential alternative sites were identified and assessed by the applicant in a Level 1 analysis. Five of the thirteen sites were carried forward and evaluated further. Once the project site was identified, the applicant looked at how it could position the proposed project in a way that would avoid one or all of the aquatic features on site. While the majority of impacts to Lick Creek were avoided by all site configurations, given the size of the proposed facilities, the applicant stated that avoiding both ponds and their associated tributaries and wetlands was not possible. Therefore, instead of impacting both ponds, the applicant avoided one pond area and worked to minimize impacts to the other. Ultimately, the applicant determined that pond 2 and its associated tributaries and wetlands were of poorer quality and smaller in size which resulted in shifting the development towards the western boundary of the property while working to avoid and minimize impacts to pond 1 and its associated tributaries and wetlands on the eastern side of the property.

Furthermore, the applicant has stated that the proposed project will minimize impacts to the aquatic environment during construction by:

- Utilizing Best Management Practices (BMPs) to include silt fences, sediment tubes, etc. during and after construction to minimize erosion and migration of sediments off-site and impacting water quality downstream from the project.
- Using and maintaining appropriate erosion and sedimentation controls during construction, and stabilize exposed soil and other fills at the earliest practicable date.
- Implementing necessary measures to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or wetlands.

### **Proposed Compensatory Mitigation**

Based on the Charleston District 2010 Guidelines for Compensatory Mitigation worksheets, approximately 12.6 wetland credits, 44 pond (wetland) credits, and 21,212 stream credits are identified as necessary compensatory mitigation. Of note, when calculating impacts to the open water pond using the methodology for wetland impacts, 44 wetland credits were identified when assessing the pond impact. The 2010 Guidelines do not identify a methodology for assessing impacts to a historically impacted system, i.e. an impoundment of a natural stream. Therefore, additional methodology for calculating mitigation credits for previously impacted waters of the US was discussed with the Corps and evaluated by the applicant.

The applicant conducted background research to identify historical documentation related to pre-pond conditions. Numerous sources of information were used to assist including 1940/1951/1964 SCDOT Maps of Spartanburg County; 1935/1957 U.S. Geological Service (USGS) *Greer*, SC Topographic Map; 1957 USGS *Fountain Inn*, SC Topographic Map; 1924 U.S. Department of Agriculture (USDA) Bureau of Soils – Soil Survey of Spartanburg County, SC; 1968 USDA Soil Conservation Service – Soil Survey of Spartanburg County, SC; and 1944/1951/1961 USDA Aerial Photographs.

□

These sources indicated that Pond 2 was constructed in the 1950s by impoundment of three tributaries (NWWs 11, 12, and 13). A 1951 USDA aerial photograph shows the historical runs of these channels. Using Geographic Information System (GIS), the approximate stream locations were traced, georeferenced, and connected into present-day tributaries (NWWs 11, 12, and 13) that feed Pond 2. Historical stream lengths pre-pond construction totaled approximately 1,811 LF.

Two options were considered for satisfying compensatory mitigation needs when considering Pond 2 impacts.

Option 1 considered calculating wetland credits using only true wetland impacts (no pond) on the Proposed Project area. Impacts to Pond 2, instead of area (acreage), were converted into stream impacts using the historical stream totals described above.

Option 2 considered the calculation of credits for Pond 2 as wetland credits.

Based on the overall site plan, approximately 1.158 acres of true wetlands, 5.710 acres of Pond 2, and 3,668 LF of tributaries will be impacted. Calculated compensatory mitigation credit needs for the two options are as follows:

**Option 1 for Mitigation**

12.6 Wetland Credits

31,535 Stream Credits (Pond 2 impacts are now 1,811 linear feet of historical stream length)

**Option 2 for Mitigation**

56.6 Wetland/Pond Credits

21,212 Stream Credits

The applicant conducted a search of approved mitigation banks that service the Enoree River watershed (8-digit Hydrologic Unit Code [HUC] 03050108). Per the USACE's Regulatory In-Lieu Fee Bank Information Tracking System (RIBITS) database, the mitigation banks in the primary, secondary, and tertiary service areas with available credits include the Arrowhead Farms, Grove Creek, Sandy Fork, Turner's Branch, and Two Rivers mitigation banks. Each mitigation bank sells (or sold) stream mitigation credits, and only two mitigation banks (Arrowhead Farms and Two Rivers) sold (or sold) wetland credits. Per communication with mitigation bank point-of-contacts and RIBITS, available wetland and stream credits to meet the full compensatory mitigation requirements were not available at the time the permit application was submitted.

In the absence of suitable existing stream/wetland mitigation bank credits or an in-lieu fee program for the watershed, the applicant is proposing to provide compensatory mitigation through off-site permittee-responsible mitigation (PRM) activities using the watershed approach. A PRMP in the watershed has been identified by Open Space Institute (OSI) with the potential to render approximately 36,464 stream credits and 50 wetland credits based on a preliminary conceptual mitigation analysis.

Using Option 1 discussed above, using the HISTORICAL STREAM methodology, exceeds wetland credit needs by 37.4 wetland credits. Option 1 also exceeds the estimated PRMP

stream credits (excess of 4,929 stream credits). The proposed PRMP appears to be an ecologically sound project for considerable functional uplift of both streams and wetlands in excess of the required compensatory mitigation credit needs.

The proposed PRM will be conducted on a 240-acre parcel located in Laurens County referred to as the Duncan Creek Clinton Tract. The Duncan Creek Clinton Tract PRM Plan will enhance, restore, and preserve approximately 15,305 LF of streams and preserve and enhance 27.50 acres of wetlands within a property in the Enoree watershed.

All streams, wetlands, and aquatic resource buffers within the Duncan Creek Clinton Tract PRM site will be permanently protected and enhanced and/or restored to satisfy the compensatory mitigation requirement associated with the Proposed Project. The Duncan Creek Clinton Tract Mitigation Site is located approximately 19.5 miles southeast within the same 8-digit HUC (03050108) as the Project Area. Goals of the PRMP Plan include:

- Preserving and/or establishing natural hardwood communities in areas (to include wetlands and upland and riparian buffers) that have historically been managed for forestry;
- Restoring and enhancing deteriorating and fragmented aquatic resource communities;
- Preserving existing and intact aquatic resource communities;
- Preserving land in perpetuity, including land immediately adjacent to the Duncan Creek and federal U.S. Forest Service land;
- Donating 240 acres fee simple to U.S. Forest Service.

A permanent conservation easement will serve as the basis for the protection mechanism. A conservation easement will be placed on the majority of the Duncan Creek Clinton Tract Mitigation Site, excluding the existing structures and small upland areas. All streams and wetlands and associated buffers will be protected by this conservation easement. The Duncan Creek Clinton Tract Mitigation Site will be transferred to U.S. Forest Service which would assume long-term management and ownership obligations.

According to the applicant, the aquatic resources located within the Duncan Creek Clinton Tract Mitigation Site, and the proposed mitigation generate an excess of compensatory mitigation credits than are needed to offset adverse impacts associated the Proposed Project.

### **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.

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.

### **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 aquatic resources located upstream 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*) and dwarf-flowered heartleaf (*Hexastylis naniflora*).

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

The project is not likely to adversely affect the Northern long-eared bat (*Myotis septentrionalis*) and dwarf-flowered heartleaf (*Hexastylis naniflora*) 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.

### **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)), and has reviewed the Cultural Resources Reconnaissance Survey provided by the applicant 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).

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 issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. 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. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. 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, 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 to determine whether to issue, modify, condition or deny a permit for this project. 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. 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.

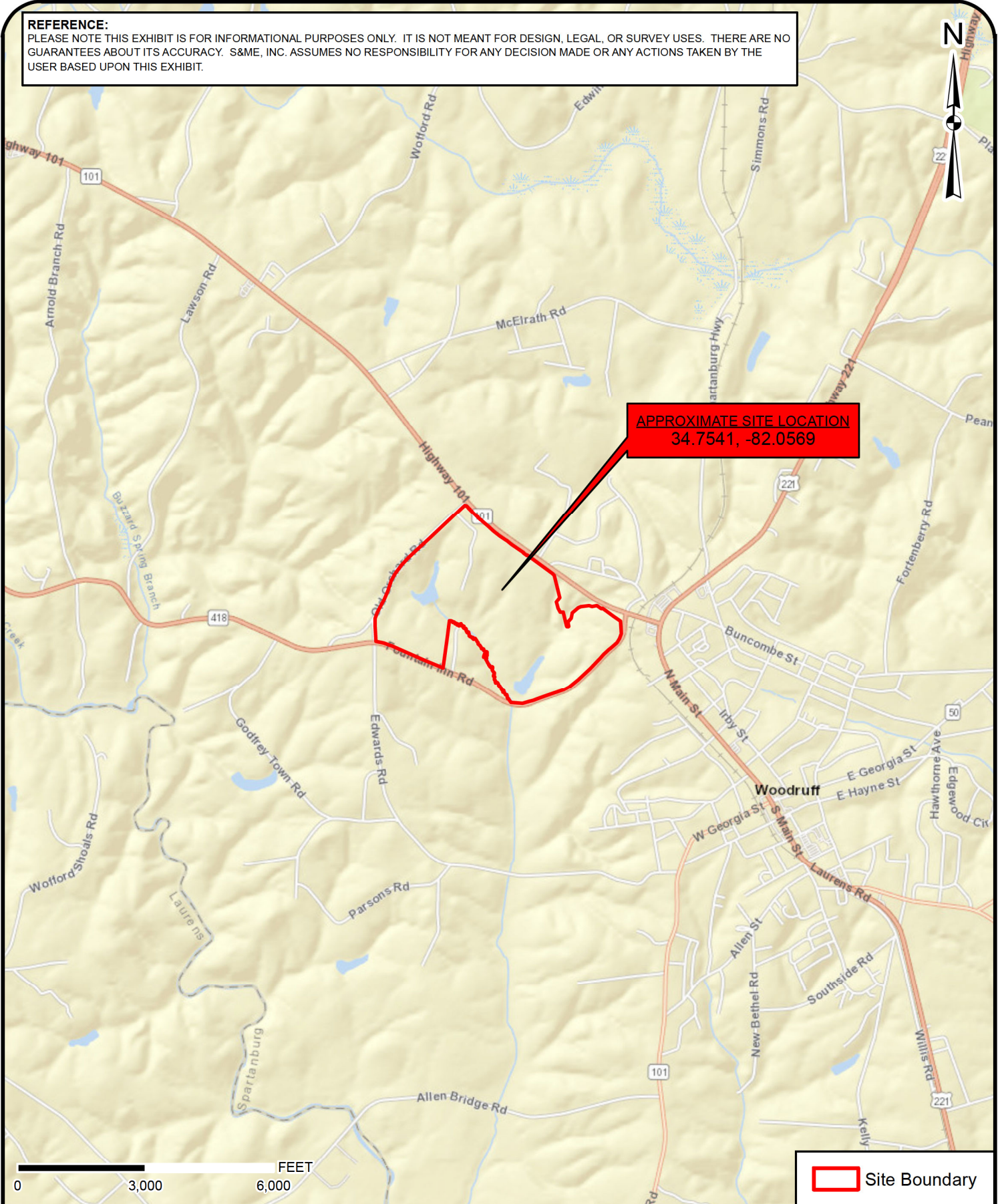
**Please submit comments in writing, identifying the project of interest by public notice/file number (#SAC 2022-01149), to [sac.regulatory.sp@usace.army.mil](mailto:sac.regulatory.sp@usace.army.mil) or the following address:**

**U.S. Army Corps of Engineers  
69A HAGOOD AVENUE  
CHARLESTON SC 29403**

If there are any questions concerning this public notice, please contact Elizabeth Williams, at 843-329-8044, toll free at 1-866-329-8187, or by email at [sac.regulatory.sp@usace.army.mil](mailto:sac.regulatory.sp@usace.army.mil).

**REFERENCE:**

PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.

**Vicinity Exhibit**

**Project Title:** Project Alva +/- 314.17 Acres

**Applicant:** SCDOC

**Project Location:** Woodruff, Spartanburg County, South Carolina

**Source:** World Street Map

SCALE:  
1" = 3,000'

DATE:  
10-19-22

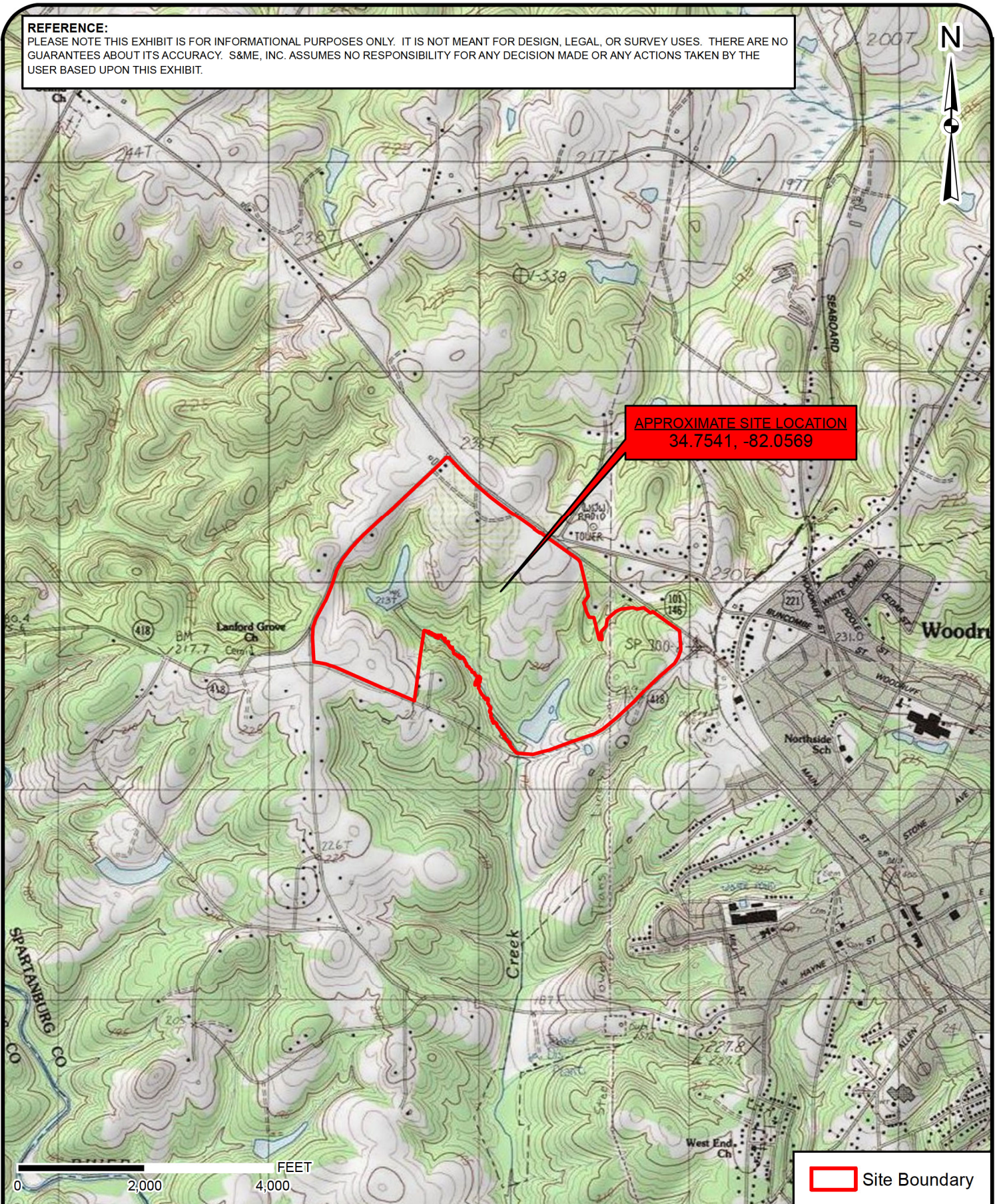
PERMIT NO.  
SAC 2022-

EXHIBIT NO.

**1**

**REFERENCE:**

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## Topographic Exhibit

**Project Title:** Project Alva +/- 314.17 Acres

**Applicant:** SCDOC

**Project Location:** Woodruff, Spartanburg County, South Carolina

**Source:** USGS 7.5-Minute Topo Quads Reidville and Woodruff, SC

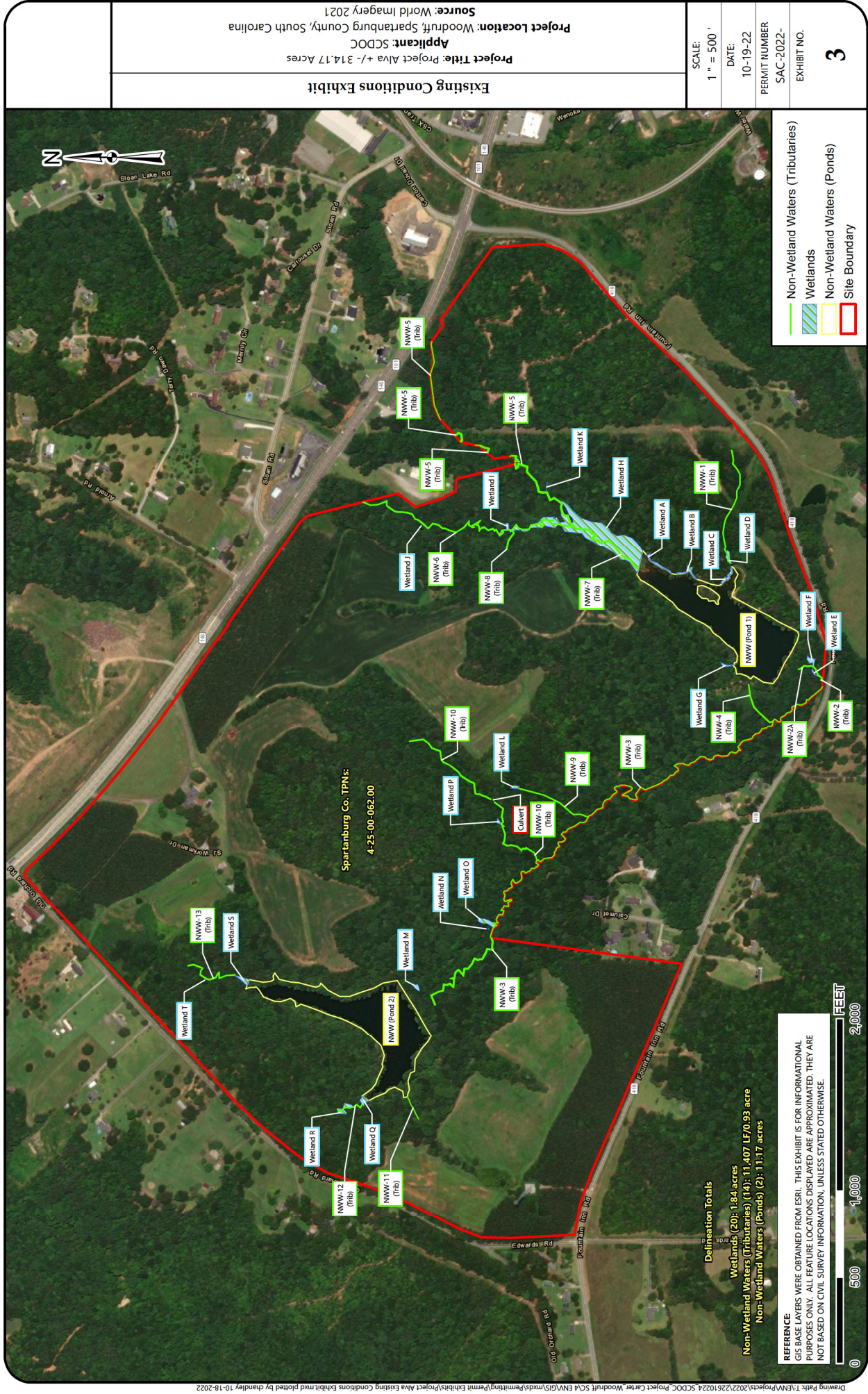
SCALE:  
1" = 2,000'

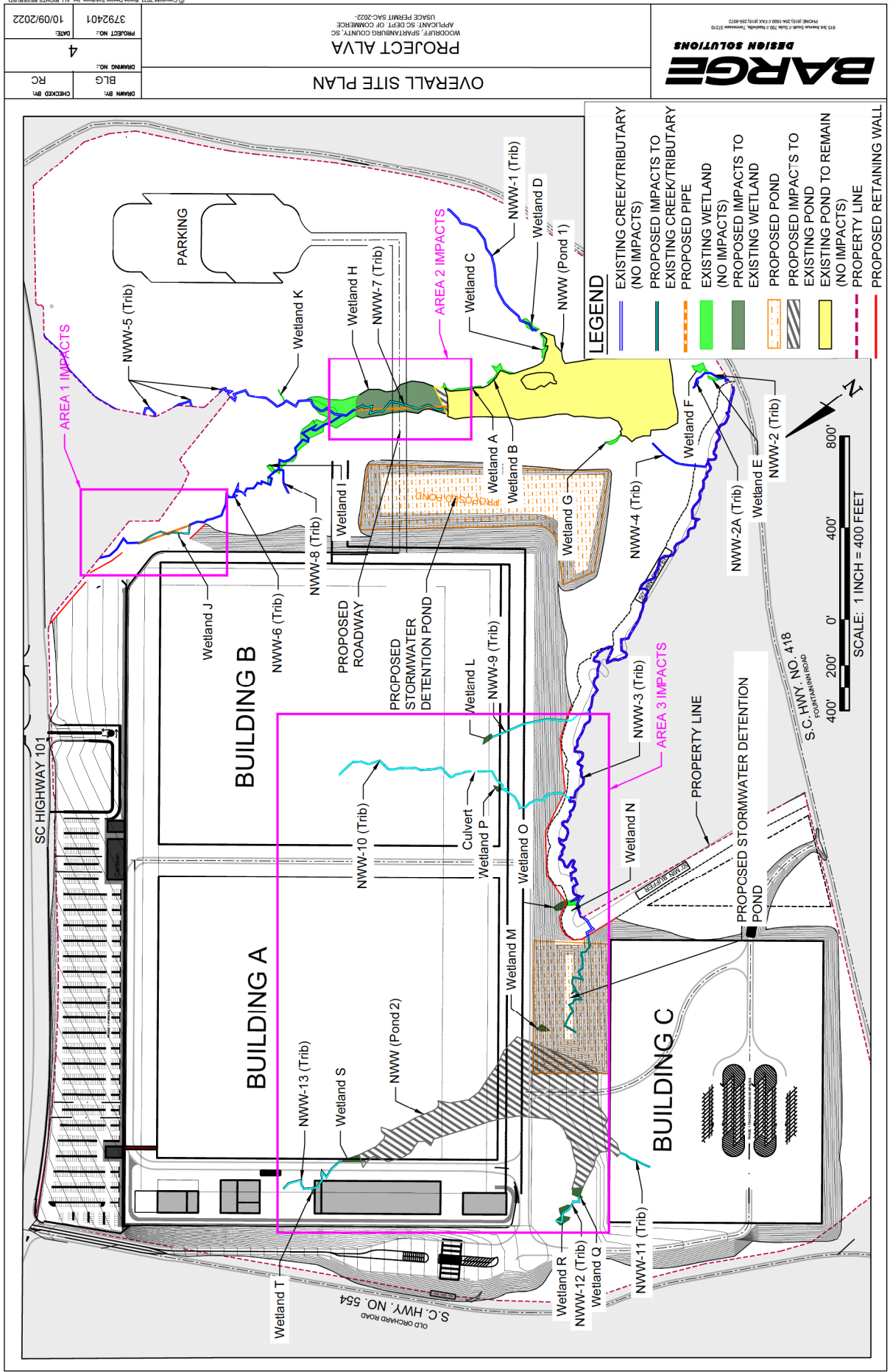
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10-19-22

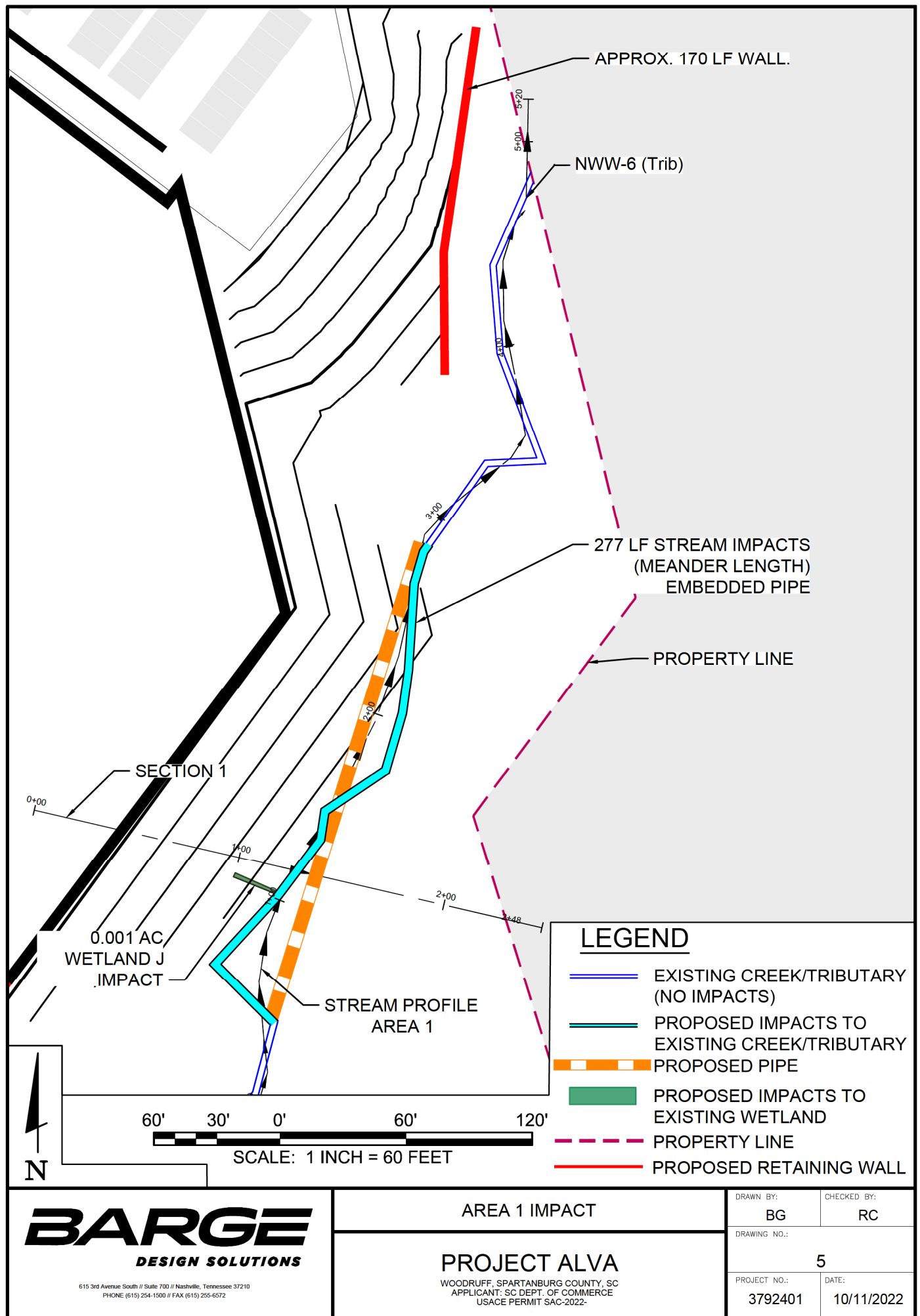
PERMIT NO.  
SAC 2022-

EXHIBIT NO.

**2**



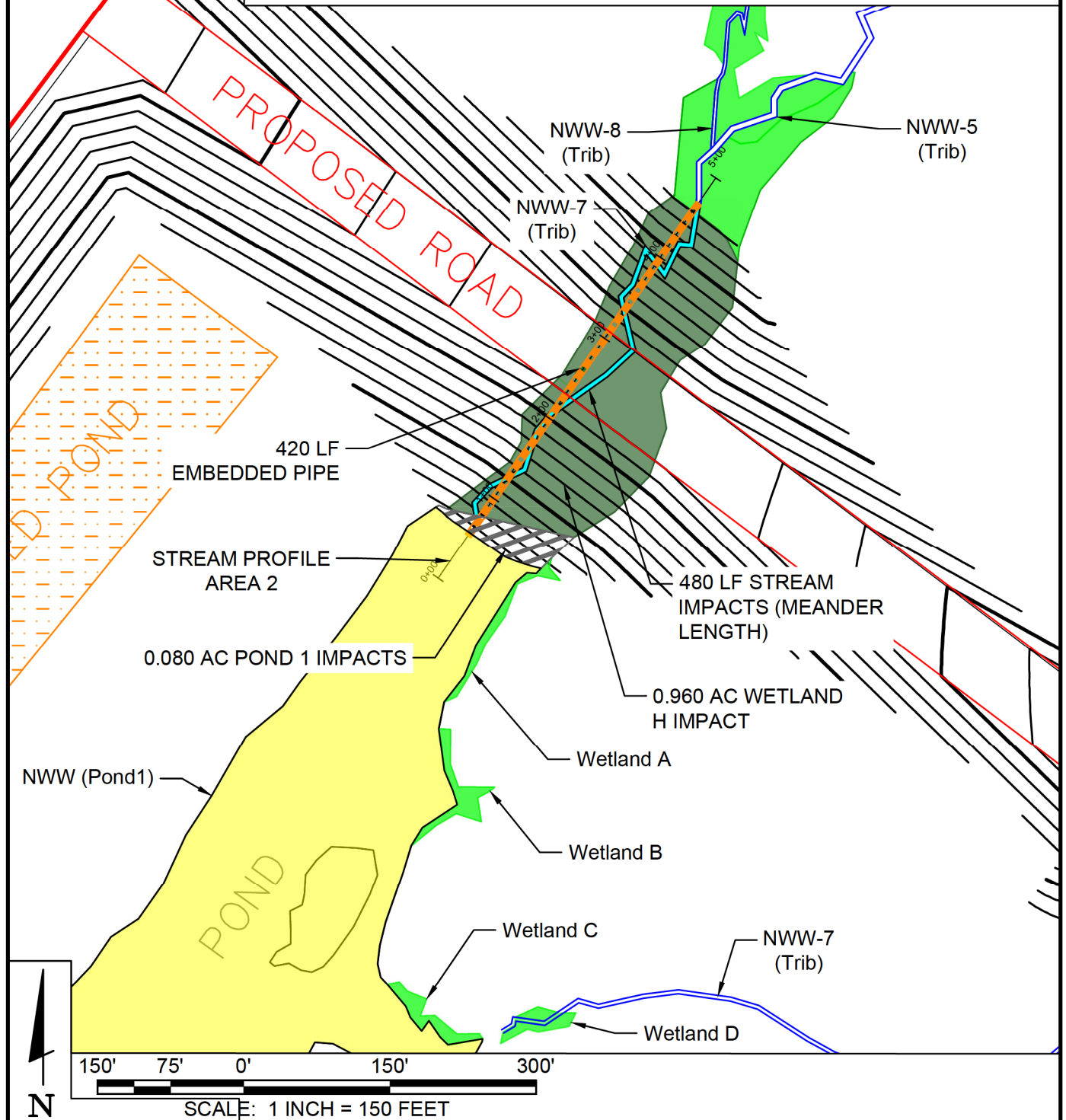




**LEGEND**

- EXISTING CREEK/TRIBUTARY (NO IMPACTS)
- PROPOSED IMPACTS TO EXISTING CREEK/TRIBUTARY
- PROPOSED PIPE
- EXISTING WETLAND (NO IMPACTS)

- PROPOSED IMPACTS TO EXISTING WETLAND
- PROPOSED POND
- PROPOSED IMPACTS TO EXISTING POND
- EXISTING POND TO REMAIN (NO IMPACTS)



**BARGE**  
DESIGN SOLUTIONS

615 3rd Avenue South // Suite 700 // Nashville, Tennessee 37210  
PHONE (615) 254-1500 // FAX (615) 255-6572

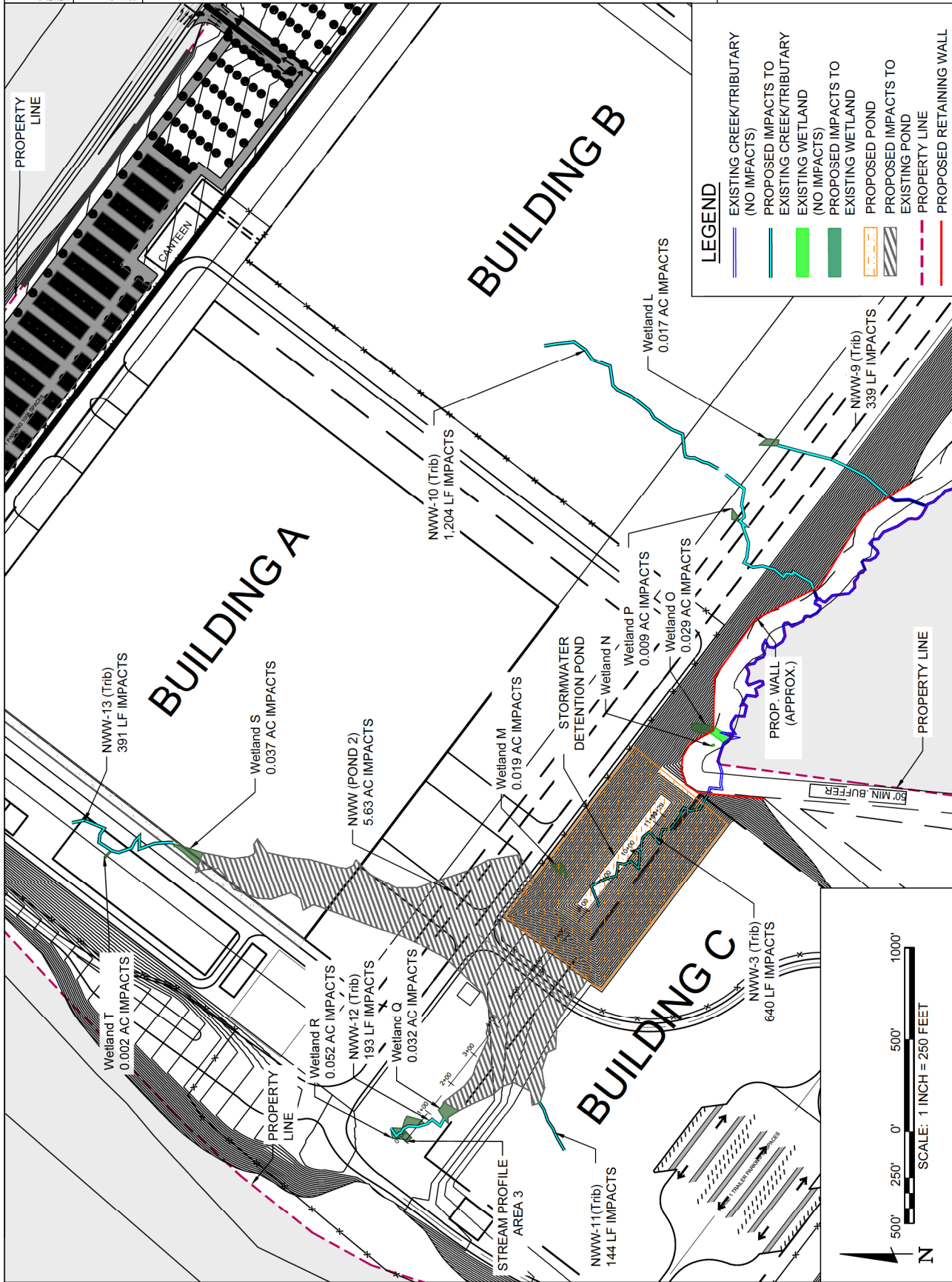
AREA 2 IMPACT

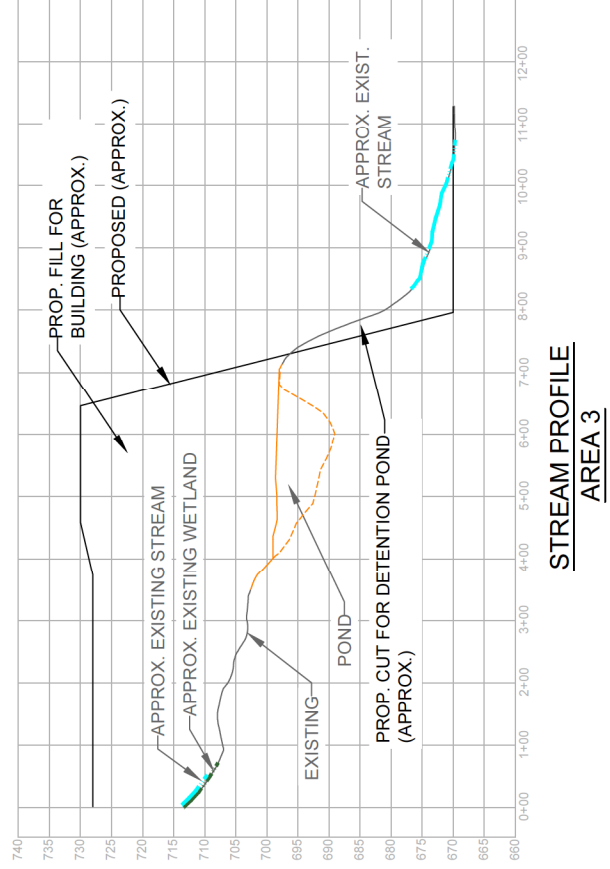
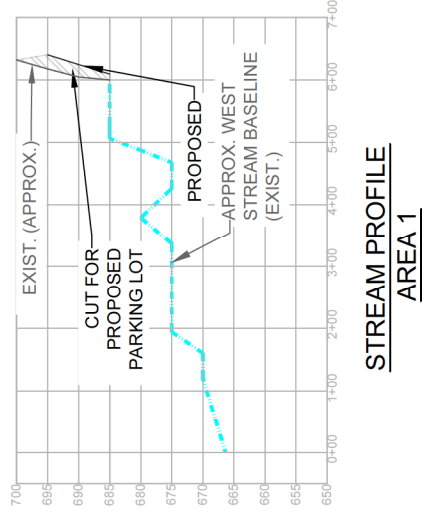
**PROJECT ALVA**

WOODRUFF, SPARTANBURG COUNTY, SC  
APPLICANT: SC DEPT. OF COMMERCE  
USACE PERMIT SAC-2022-

DRAWN BY:	CHECKED BY:
BG	RC
DRAWING NO.:	6
PROJECT NO.:	DATE:
3792401	10/11/2022

## AREA 3 IMPACTS





### Permanent Impacts to Wetlands Summary

Wetland ID	Exhibit No.	Type	Impact Type	Purpose	Acreage
Wetland H	6	PFO/PSS	Fill	Road Crossing/ Support Slopes	0.960 ac
Wetland J	5	PFO	Fill	Fill Slopes	0.001 ac
Wetland L	7	PFO	Fill	Building B	0.017 ac
Wetland M	7	PFO	Fill	Fill Slopes (detention pond)	0.019 ac
Wetland O	7	PFO	Fill	Fill Slopes	0.029 ac
Wetland P	7	PFO	Fill	Building B	0.009 ac
Wetland Q	7	PFO	Fill	Building C	0.032 ac
Wetland R	7	PFO	Fill	Building C	0.052 ac
Wetland S	7	PFO	Fill	Building A	0.037 ac
Wetland T	7	PFO	Fill	Building A	0.002 ac
				<b>Total</b>	<b>1.158 ac</b>

PFO – Palustrine Forested

PSS – Palustrine Scrub-Shrub

### Permanent Impacts to Ponds Summary

Wetland ID	Exhibit No.	Type	Impact Type	Purpose	Acreage
NWW (Pond 1)	6	Impoundment	Fill	Road Crossing/ Support Slopes	0.080 ac
NWW (Pond 2)	7	Impoundment	Fill	Stable Foundations for Buildings B/C	5.630 ac
				<b>Total</b>	<b>5.710 ac</b>

NWW = Non-Wetland Water

### Permanent Impacts to Tributaries Summary

Trib. ID	Exhibit No.	Type	Impact Type	Purpose	Linear Feet/ Acreage
NWW-3	7	Perennial	Fill	Detention Pond	640 LF/0.059 ac
NWW-6	5	Seasonal	Pipe	Fill Slopes	277 LF/0.019 ac
NWW-7	5	Perennial	Pipe	Road Crossing	480 LF/ 0.055 ac
NWW-9	7	Seasonal	Fill	Building B/ Fill Slopes	339 LF/ 0.016 ac
NWW-10	7	Seasonal	Fill	Building B/ Fill Slopes	1,204 LF/ 0.083 ac
NWW-11	7	Seasonal	Fill	Building C	144 LF/ 0.013 ac
NWW-12	7	Seasonal	Fill	Building C	193 LF/ 0.009 ac
NWW-13	7	Seasonal	Fill	Building A	391 LF/ 0.027 ac
				<b>Total</b>	<b>3,668 LF/ 0.281 ac</b>

NWW = Non-Wetland Water

### IMPACTS SUMMARY

PROJECT TITLE: PROJECT ALVA  
 APPLICANT: SCDOC  
 WOODRUFF, SPARTANBURG, CO., SC

SCALE:

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DATE:

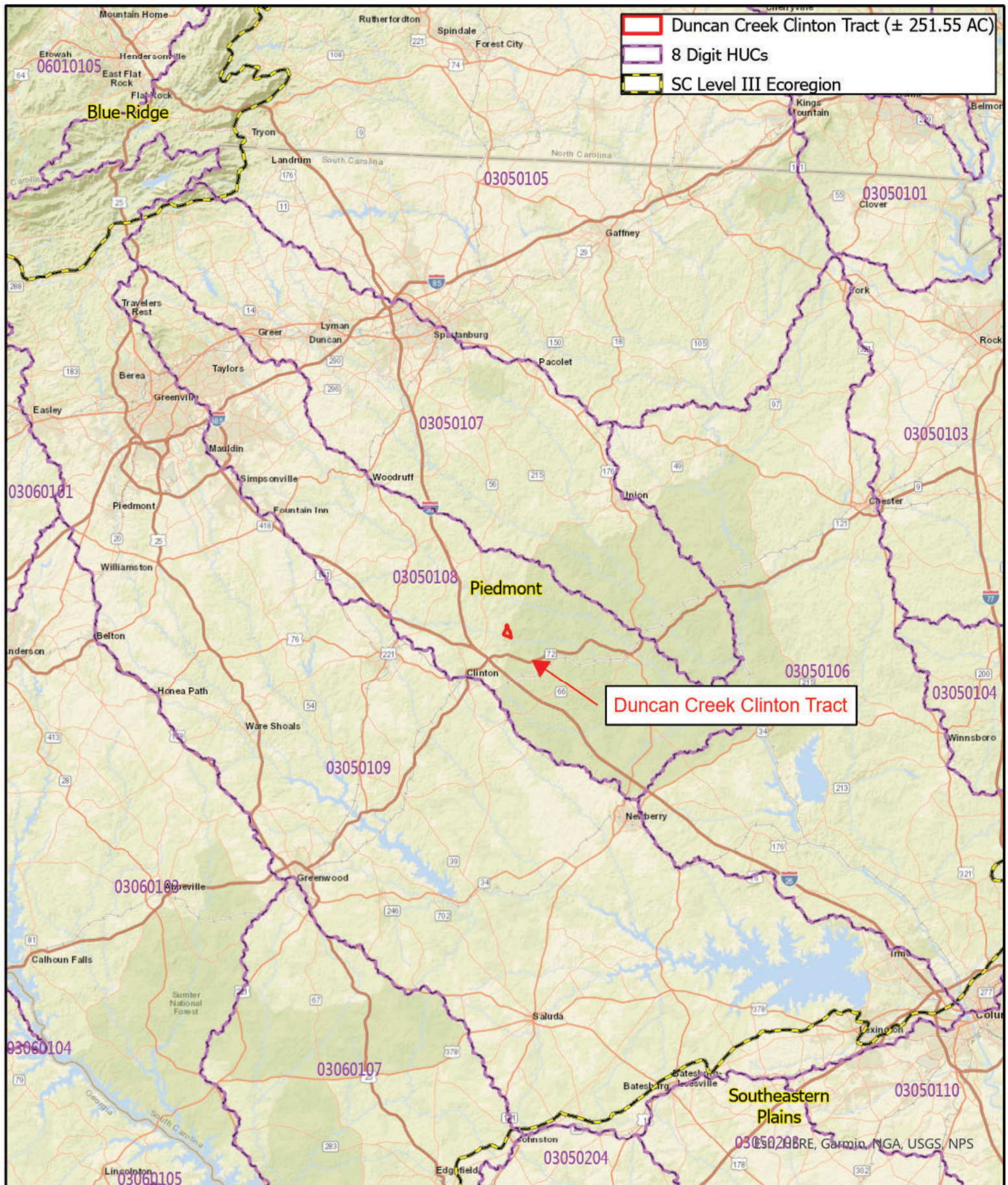
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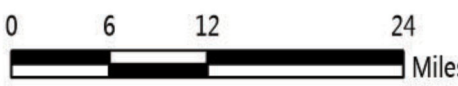

PERMIT NUMBER

SAC-2022-

EXHIBIT NO.

9



 <p><b>AMERICAN MITIGATION COMPANY</b>          268 W Coleman Blvd          Mount Pleasant, SC 29464          (843)999-2661 www.amitco.org</p>	<p>Figure 3- HUC/Level III Ecoregion Map          Duncan Creek Clinton Tract          Project Alva CMP          Source: ESRI          Date: October 2022</p>	<p>1 inch = 12 miles</p>  <p>0 6 12 24 Miles</p>	 <p>N W E S</p>
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