

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and
THE S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

December 31, 2014

REGULATORY DIVISION

Refer to: P/N # SAC-2014-01084

Pursuant to Section 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

ENVIRONMENTAL BANC & EXCHANGE, LLC
ATTENTION: MR. RANDY WILGIS
1307 BROAD STREET
CAMDEN, SOUTH CAROLINA 29020

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

SOUTH FORK FISHING CREEK

at a location north of the intersection of Rodman Road and Wooten Road in Chester County, South Carolina. (Latitude 34.796266, Longitude -81.098473)

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 of Engineers until

12 O'CLOCK NOON, FRIDAY, JANUARY 30, 2014

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 and wetland mitigation bank in the Lower Catawba River watershed (USGS 8-digit Hydrologic Unit Code 03050103) and the Piedmont ecoregion of South Carolina. The proposed 177-acre mitigation site includes 3.2 miles of South Fork Fishing Creek, 11,250 linear feet of seven unnamed tributaries and 8.9 acres of abutting wetlands. According to the Prospectus, the mitigation work plan includes approximately 8,463 linear feet of stream restoration, 19,676 linear feet of stream preservation, and 8.9 acres of wetland enhancement. The mitigation work plan proposes to improve geomorphic and hydraulic functions for 7,005 linear feet of stream channel through spot bank stabilization measures and installation of in-stream habitat and grade control structures; and to improve geomorphic and hydraulic functions for 1,498 linear feet of stream channel by using natural channel design to restore floodplain connectivity, improve bed form diversity and address lateral instability. The plan also includes enhancement of 8.9 acres of palustrine

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wetlands through the removal of impoundment structures and planting of native vegetation. 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.

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 would impact freshwater habitats located well inland of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). 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 Carolina Heelsplitter (*Lasmigona decorate*) is present in the vicinity of the proposed project. The project as proposed may affect this species and its designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any federally listed or proposed to be listed endangered or threatened species and/or designated or proposed critical habitat may be present in the area which would be affected by the activity.

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 the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and has determined that this worksite is not included as registered property or a property listed as eligible for inclusion in the Register. To insure that other cultural resources 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 to provide any information it may have with regard to historic and cultural resources.

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.

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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.

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 Ms. Andrea Hughes by e-mail at andrea.w.hughes@usace.army.mil or by telephone at 843-329-8044.

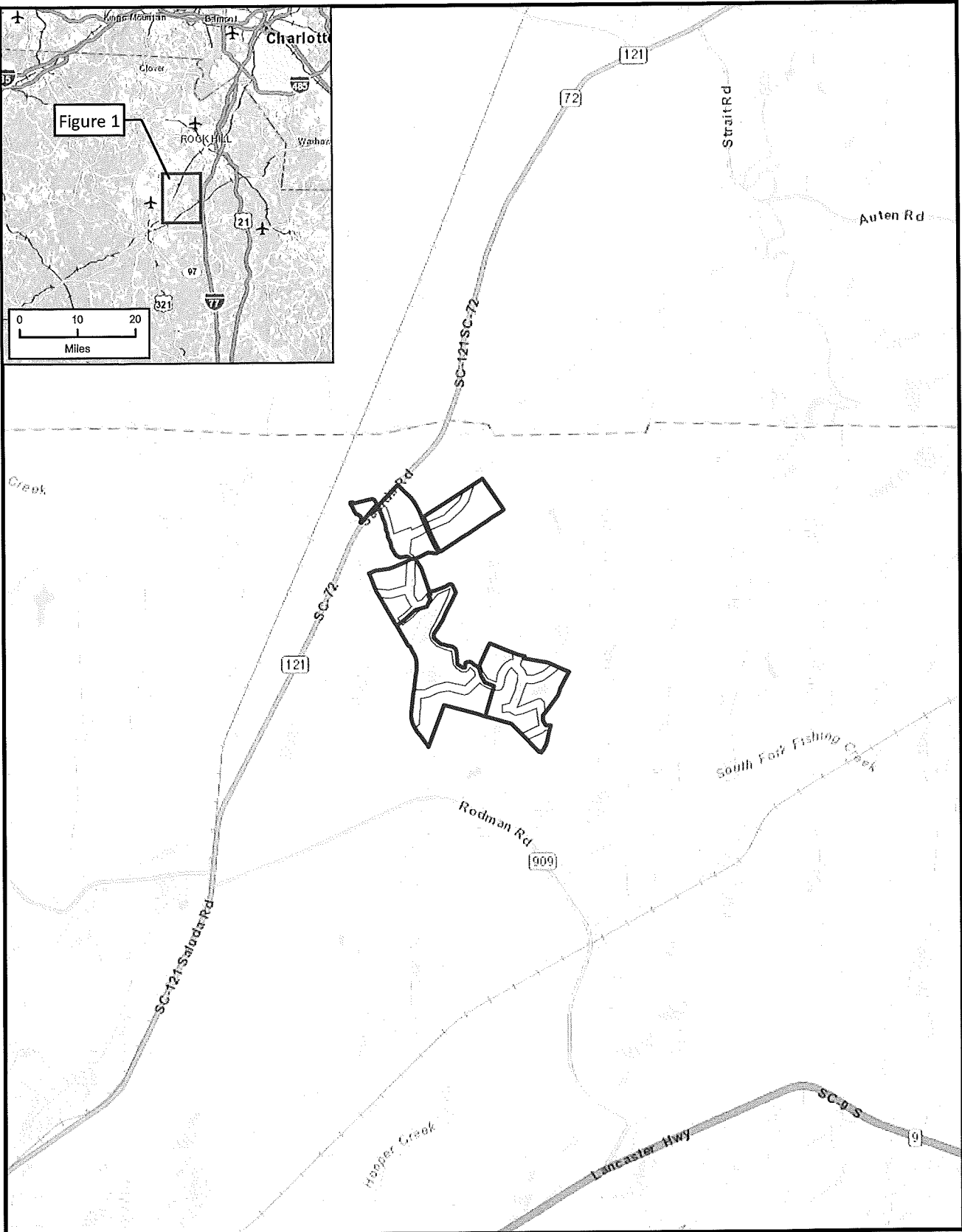
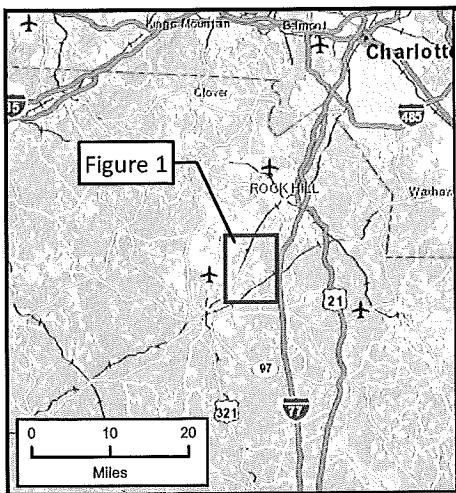
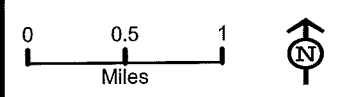




Figure 1: Location

**FISHING CREEK
BANK SITE
SAC-2014-01084**



Legend:

-  Parcel Boundary
-  Proposed Easement

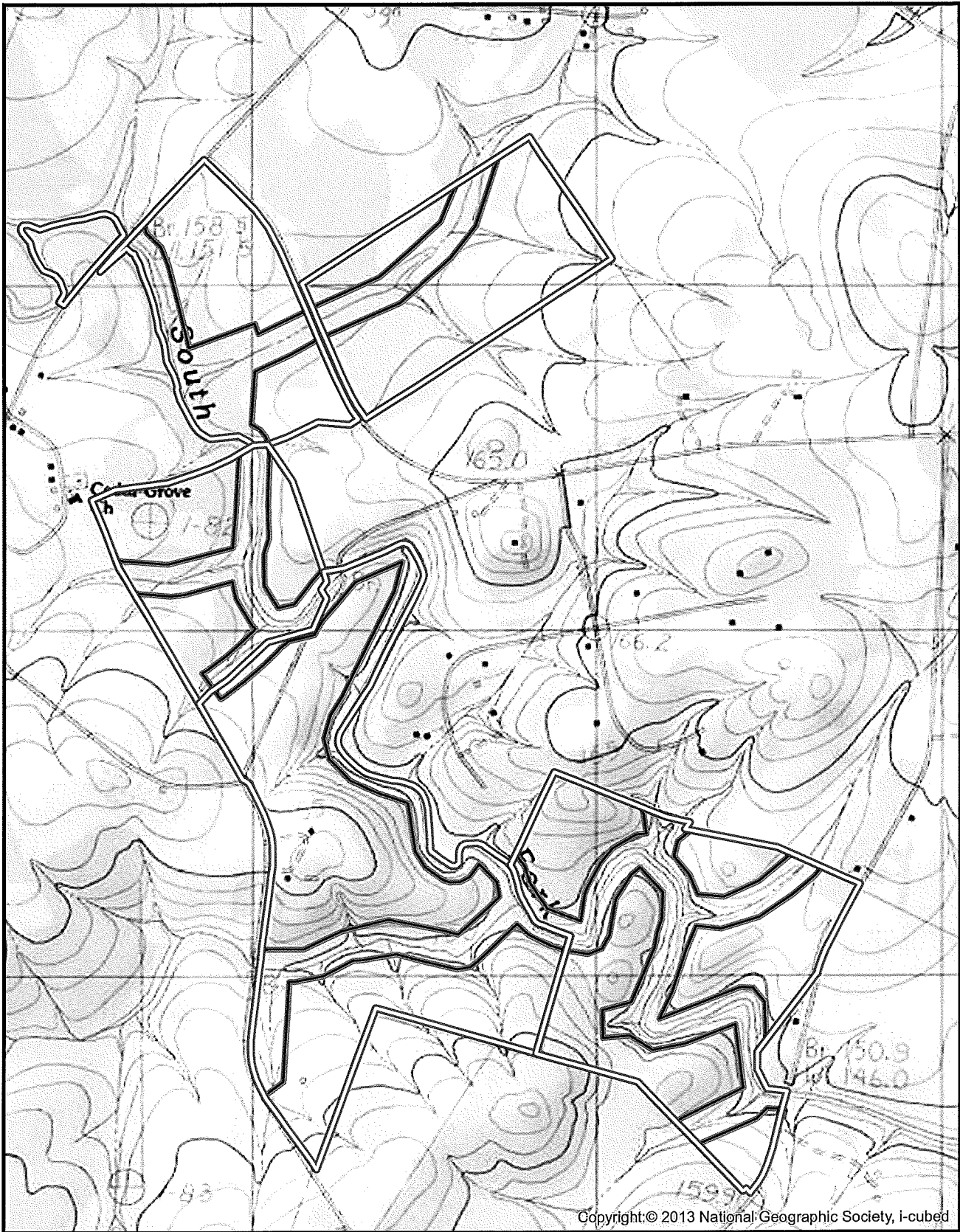
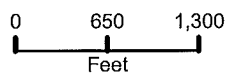




Figure 2: USGS 7.5' Topo (Edgemoor Quad)

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BANK SITE
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Legend:

-  Parcel Boundary
-  Proposed Easement

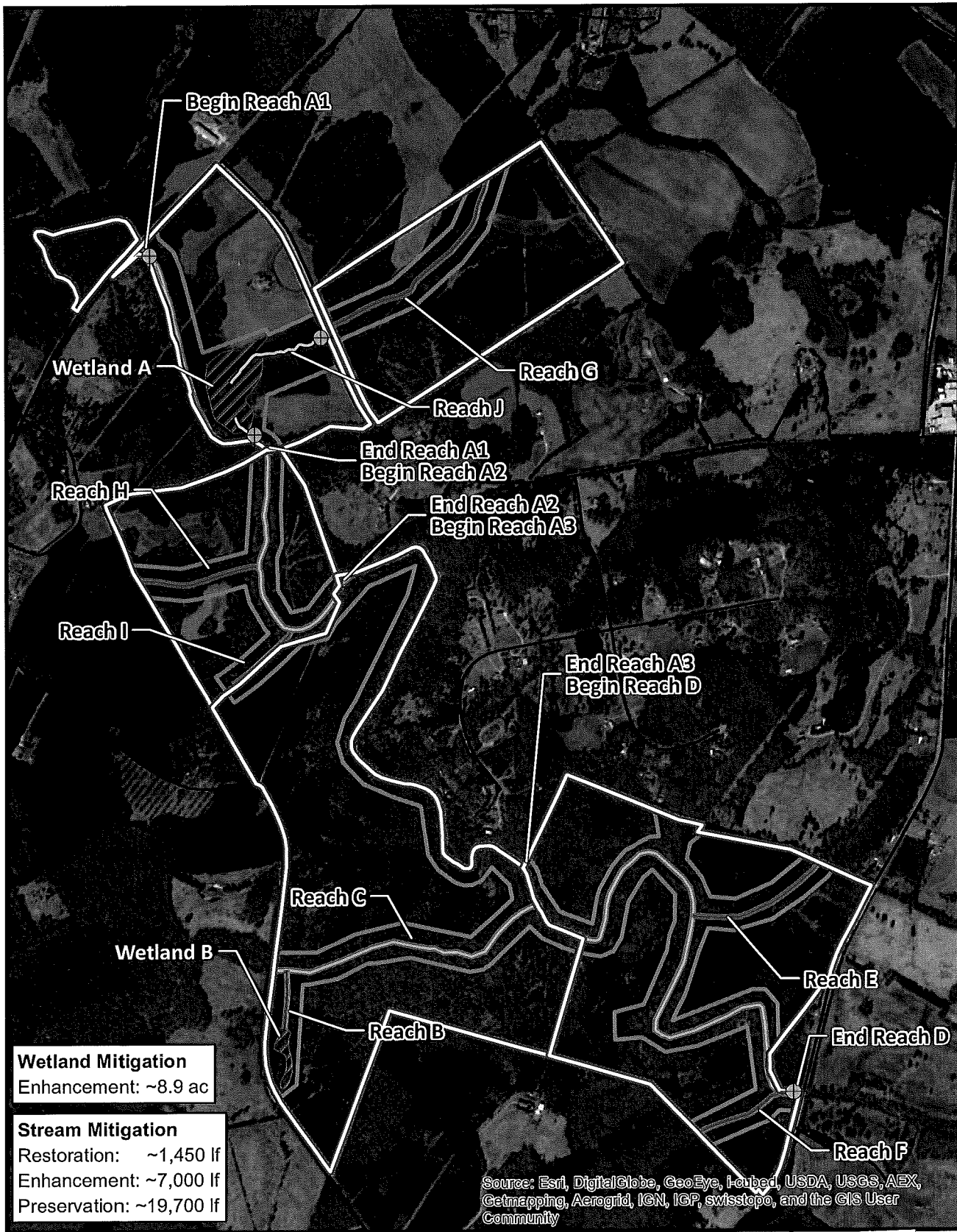
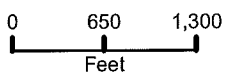


Figure 3 | Proposed (2011 ESRI Imagery)

**FISHING CREEK
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Legend:

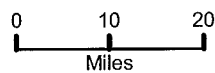
- | | |
|------------------------|------------------------|
| Parcel Boundary | Mitigation Type |
| Proposed Easement | Restoration |
| Water Quality Sampling | Preservation |
| Roads | Enhancement |
| | Enhancement |



Sources: Esri, DeLorme, HERE, USGS, Intermap, Increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom

Figure 4: Watershed

**FISHING CREEK
BANK SITE
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Legend:

- | | |
|-----------------|----------------------|
| Parcel Boundary | Service Areas |
| 8-Digit HUC | Primary |
| | Secondary |