

**PUBLIC NOTICE**

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

REGULATORY DIVISION

Refer to: P/N SAC-2019-01153

January 16, 2020

Pursuant to Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), the proposed Ben's Creek Mitigation Bank Prospectus has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by

**SOUTHERN OAKS LAND AND WATER  
PO BOX 99  
MOORE, SC 29369**

for a proposed stream and wetland mitigation bank that is adjacent to the

**South Tyger River**

at a location four miles east of the Town of Moore, immediately west of SC 417 and East of SC 290, in Spartanburg County, South Carolina (Latitude: 34.837678 °, Longitude: -82.057584 °), Reidville 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 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 and wetland mitigation bank in the South Tyger watershed (8-digit Hydrologic Unit Code 03050107) located in the Southern Outer Piedmont Ecoregion. The proposed 430-acre mitigation bank includes approximately 28,900 linear feet of stream channels and 103.5 acres of wetlands.

The proposal is to preserve 20,550 linear feet of stream. In addition, 8,350 feet of streams will be enhanced or restored by stabilizing stream channels, reconnecting streams to their floodplain, and use of natural grade control structures where needed. Buffers will be enhanced by planting a mix of canopy and shade-tolerant understory trees to improve vegetative diversity. Approximately 99.1 acres of wetlands will be enhanced or restored through

removal of fill, berms and roadbeds. Approximately 4.4 acres of wetlands will be preserved on site. Once the mitigation work is complete, the bank sponsor proposes to monitor the mitigation site to ensure that the restoration areas are performing 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> .

Also, according to the Prospectus, the proposed mitigation bank will provide in-kind compensatory mitigation for authorized impacts to aquatic resources located within the Tyger, Upper Broad, Lower Broad and Enoree watersheds 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.

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 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)(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 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.

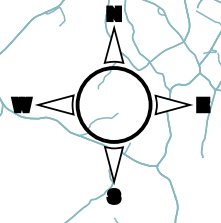
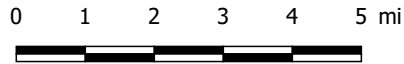
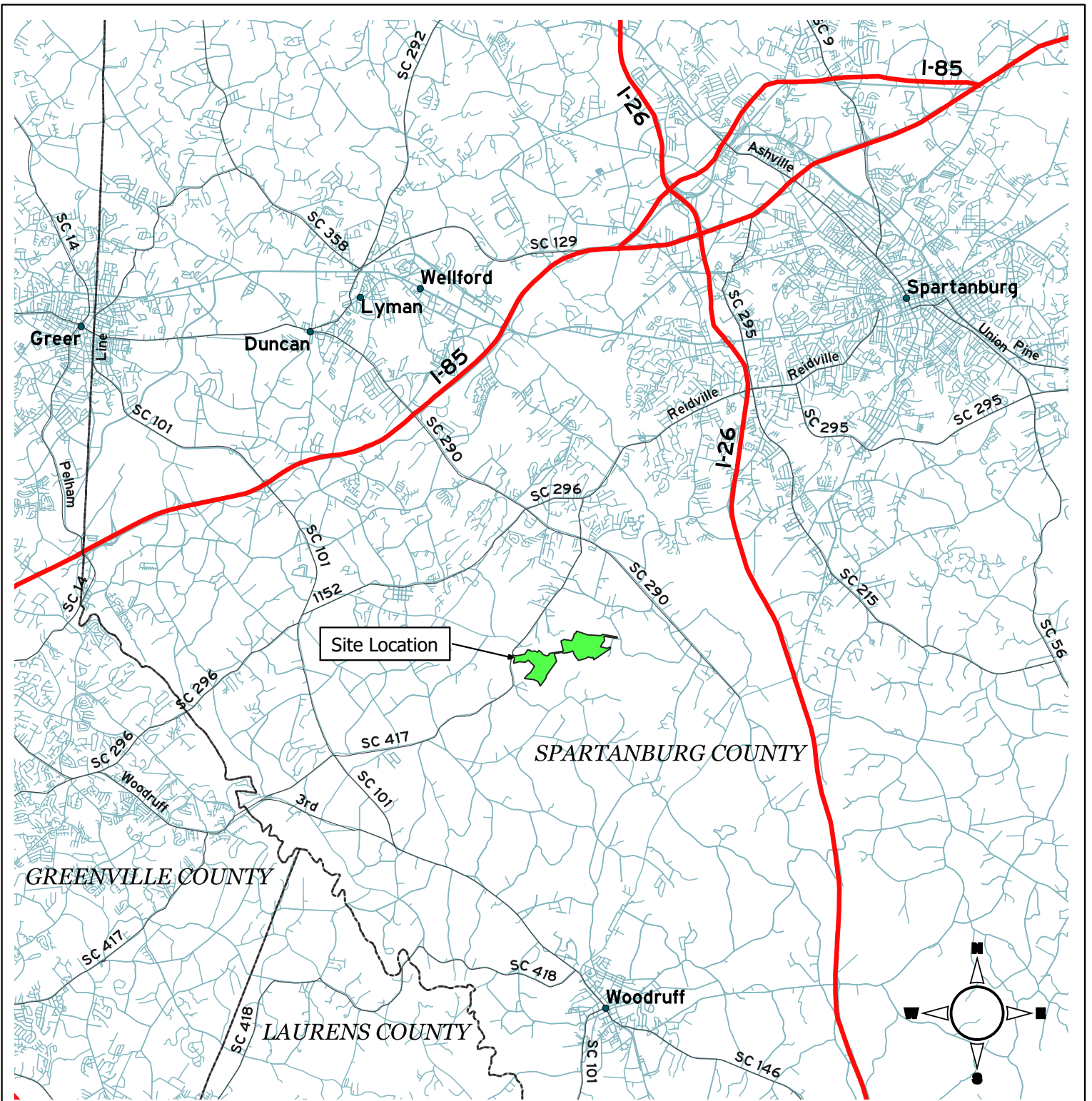
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

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. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

**US Army Corps of Engineers  
Attention: Regulatory Division  
69A Hagood Avenue  
Charleston, South Carolina 29403**

The Prospectus to 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 David B. Wilson by e-mail at [david.b.wilson@usace.army.mil](mailto:david.b.wilson@usace.army.mil) or by telephone at 843-329-8044.

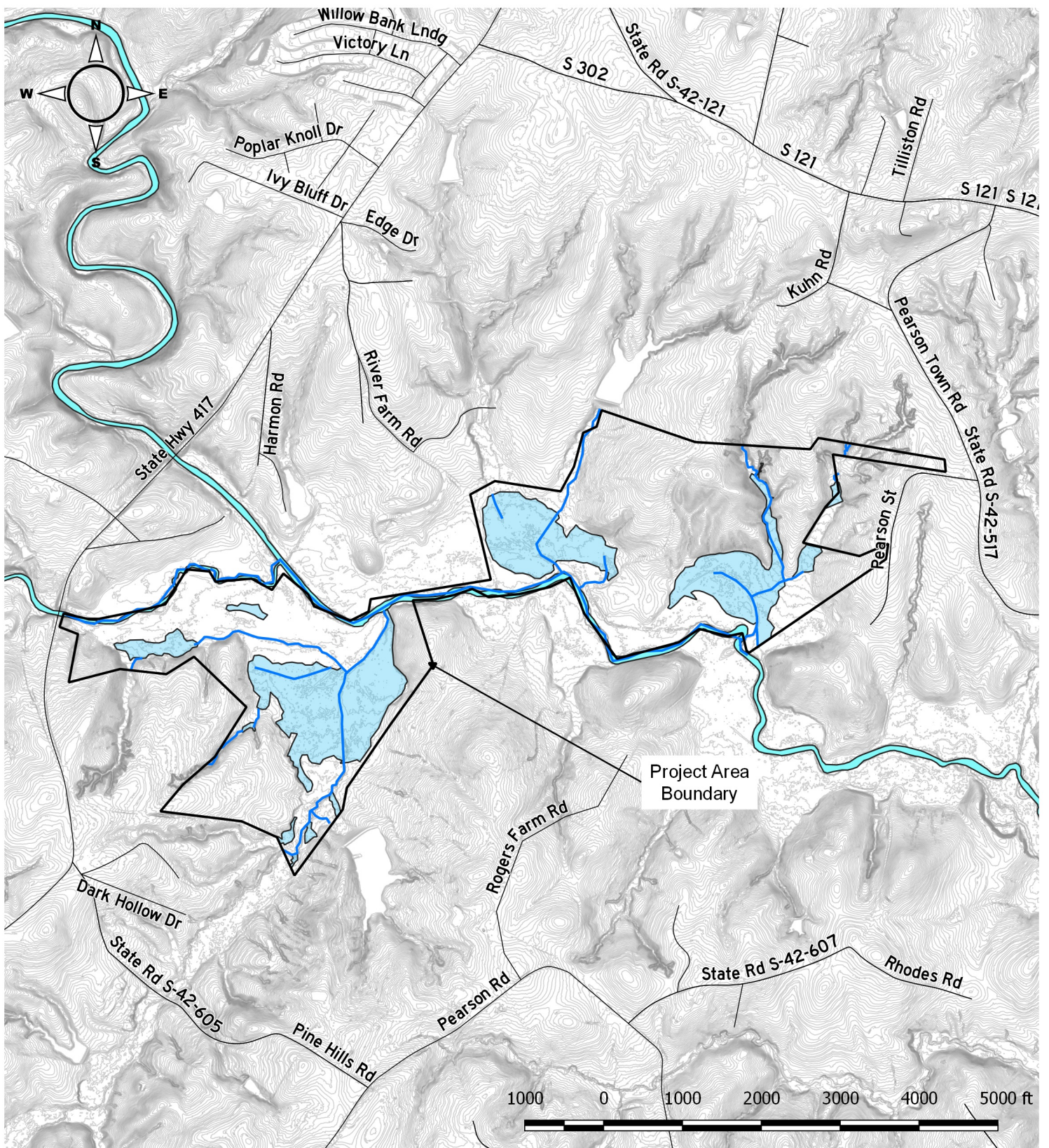


P.O. Box 3744  
 Greenville, SC 29608  
 Phone: (864) 271-3040  
 Drawn by: LHB  
 Date: Rev. 20190715  
 EPC Project No.: 1669

**Location Map**  
 Ben's Creek Mitigation Bank  
 Southern Oaks Land and Water  
 Spartanburg County, SC

Figure

**1**



Sources: National Hydrography hydrolines: accessed 2019  
 LIDAR Contour Data: SCDNR Spartanburg County 2013  
 Streets: Tiger Streets 2015  
 Delineated Wetland and Stream data: Palmetto Environmental Consultants, Inc.



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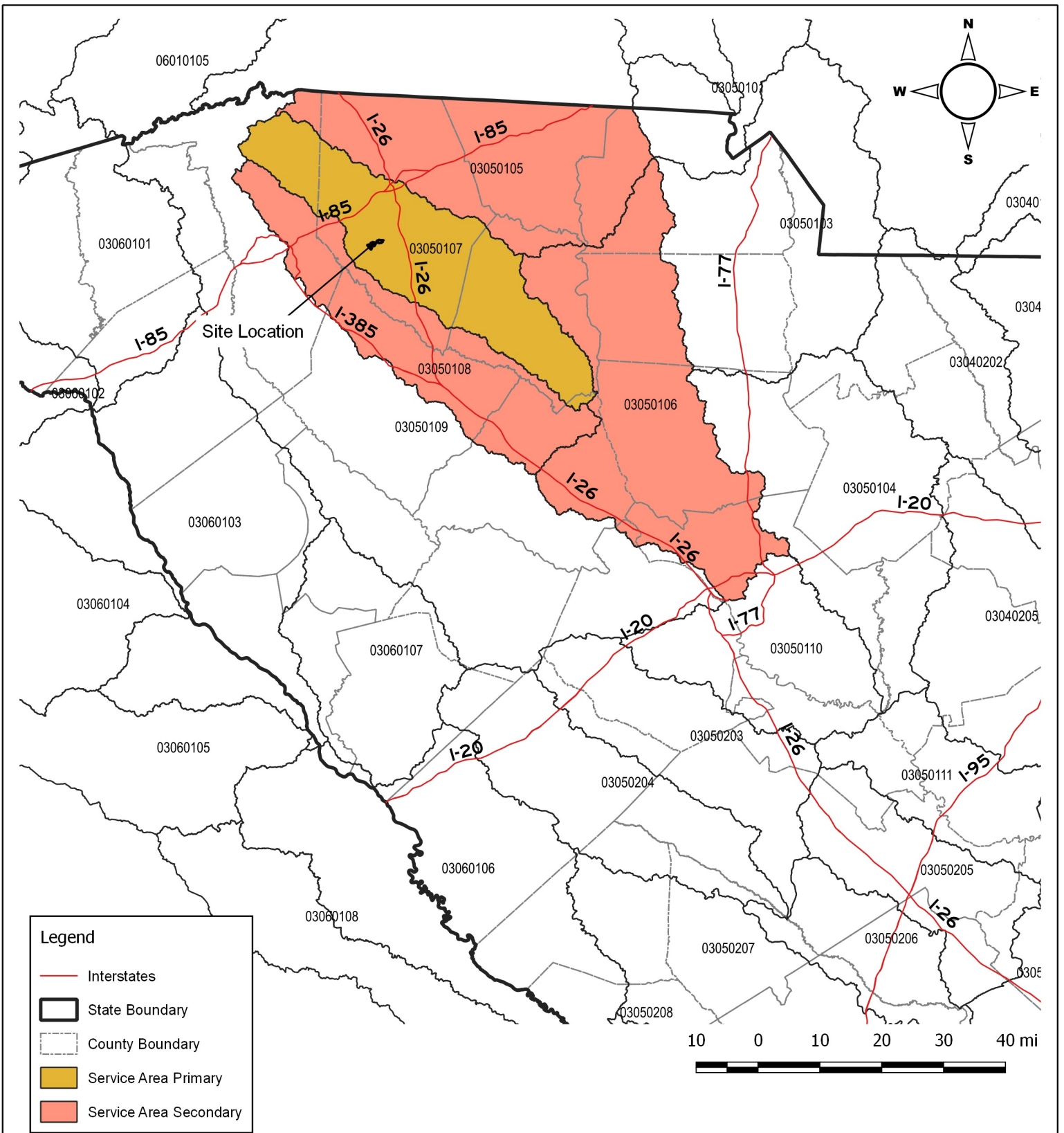
Drawn by: JNC  
 Date: 20190715  
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## Waters of the US

Ben's Creek Mitigation Bank  
 Southern Oaks Land and Timber  
 Spartanburg County, SC

Figure

**2**



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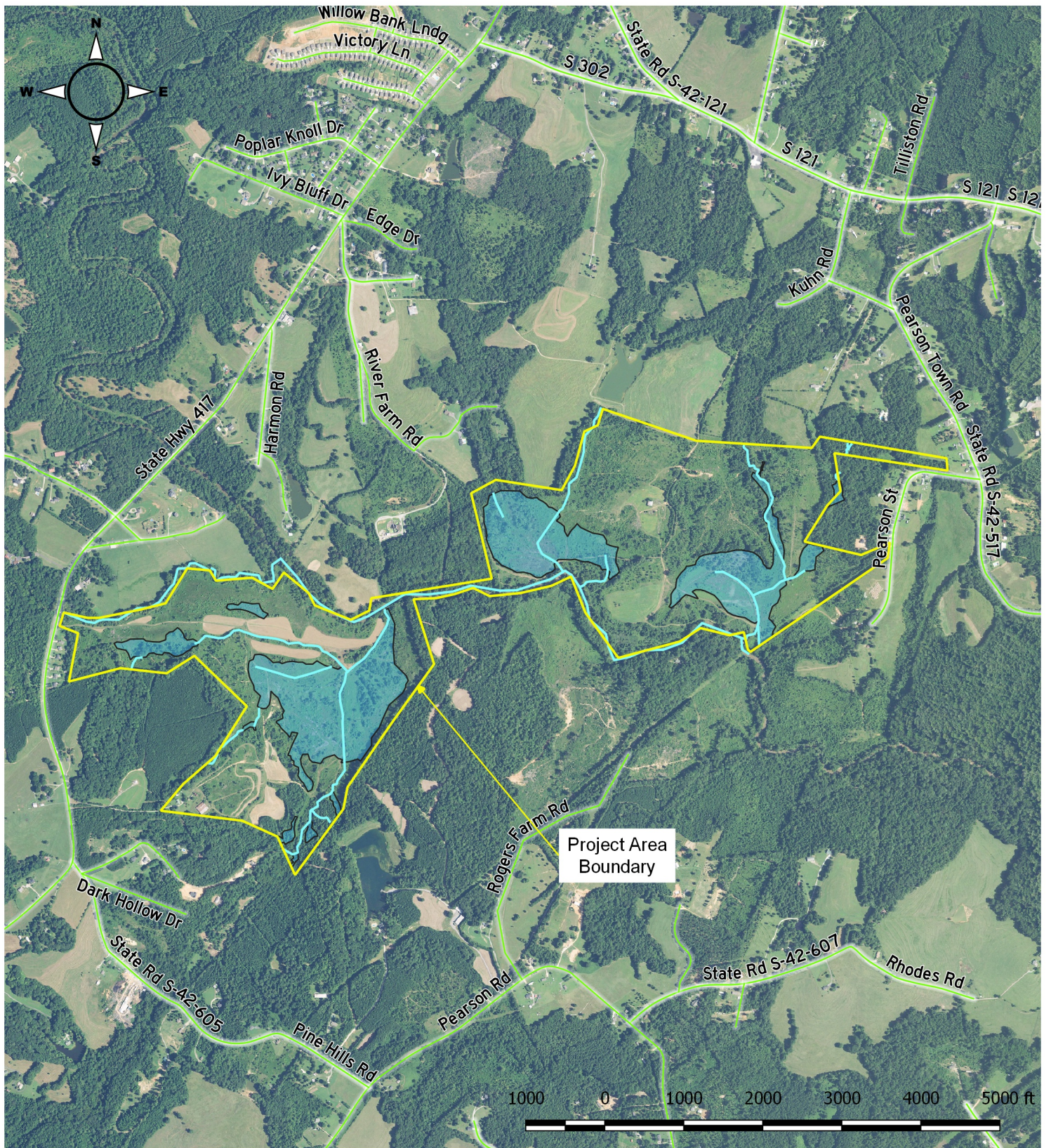
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### SERVICE AREAS

Ben's Creek Mitigation Bank  
 Southern Oaks Land and Timber  
 Spartanburg County, SC

Figure

**3**



Sources: National Hydrography hydrolines: accessed 2019  
 Aerial Orthophoto: NAIP Spartanburg County 2017  
 Streets: Tiger Streets 2015  
 Delineated Wetland and Stream data: Palmetto Environmental Consultants, Inc.



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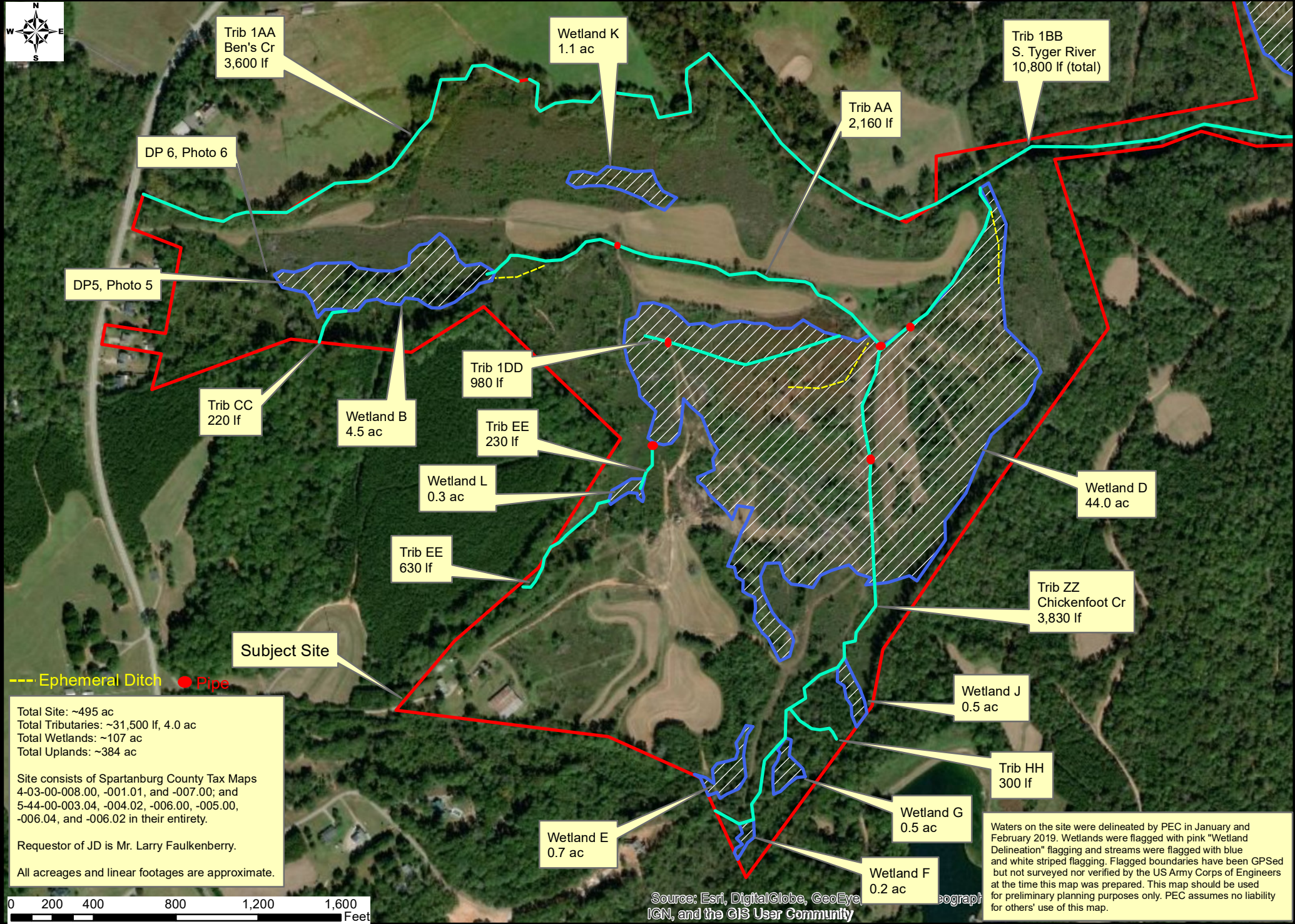
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### Aerial Orthophoto

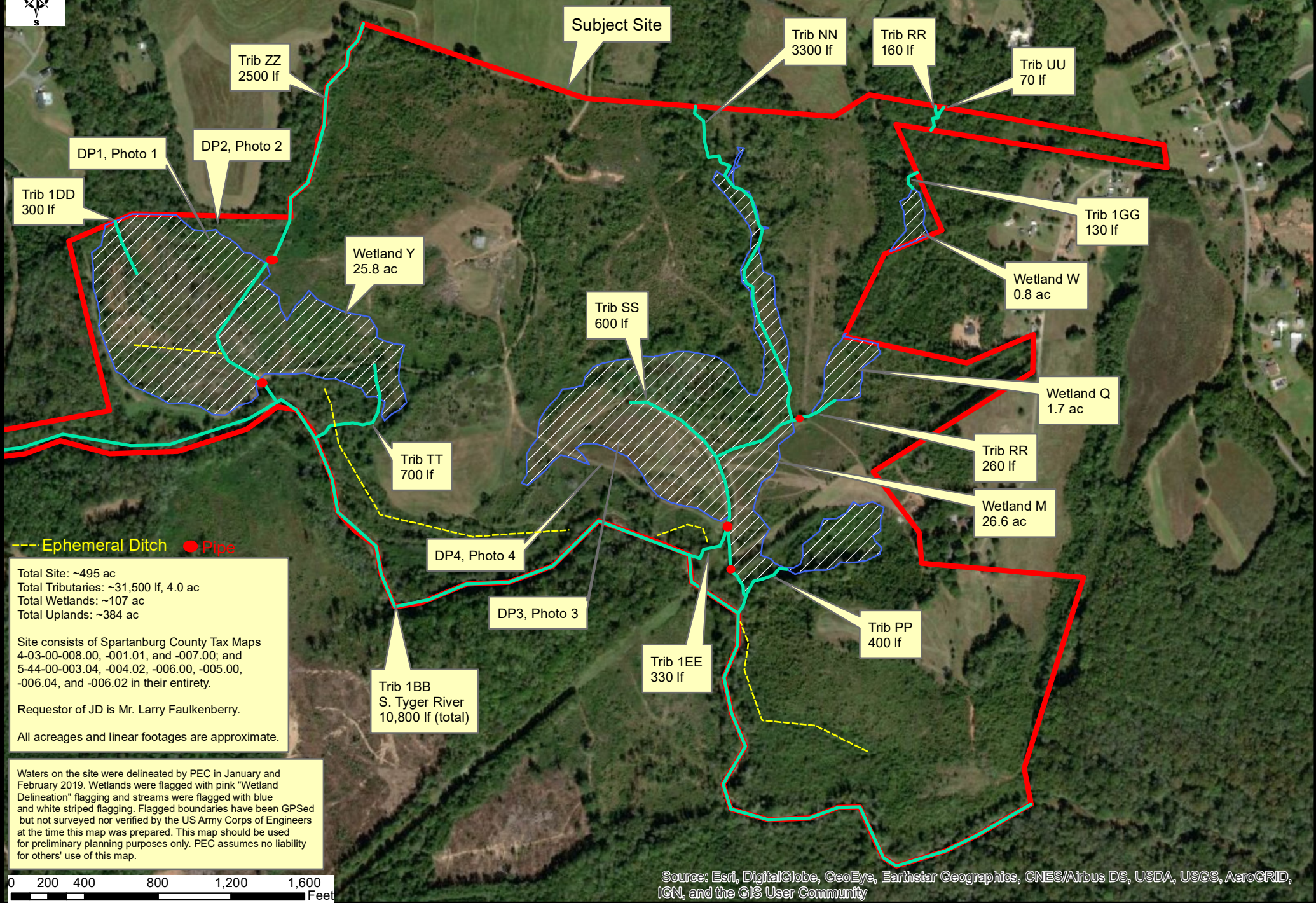
Ben's Creek Mitigation Bank  
 Southern Oaks Land and Timber  
 Spartanburg County, SC

Figure

**4**







--- Ephemeral Ditch ● Pipe

Total Site: ~495 ac  
 Total Tributaries: ~31,500 lf, 4.0 ac  
 Total Wetlands: ~107 ac  
 Total Uplands: ~384 ac

Site consists of Spartanburg County Tax Maps 4-03-00-008.00, -001.01, and -007.00; and 5-44-00-003.04, -004.02, -006.00, -005.00, -006.04, and -006.02 in their entirety.

Requestor of JD is Mr. Larry Faulkenberry.

All acreages and linear footages are approximate.

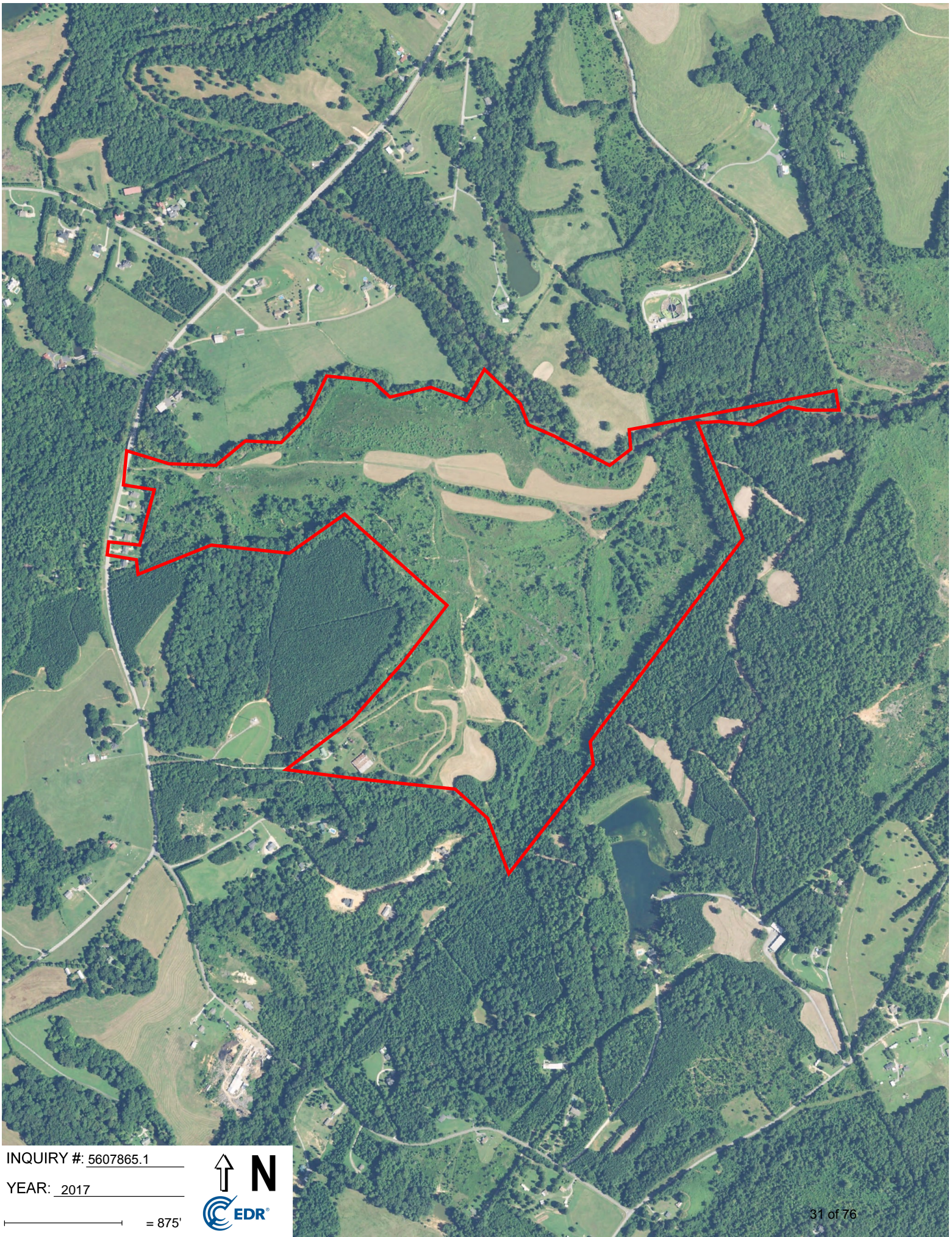
Waters on the site were delineated by PEC in January and February 2019. Wetlands were flagged with pink "Wetland Delineation" flagging and streams were flagged with blue and white striped flagging. Flagged boundaries have been GPSed but not surveyed nor verified by the US Army Corps of Engineers at the time this map was prepared. This map should be used for preliminary planning purposes only. PEC assumes no liability for others' use of this map.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



SAC \_\_\_\_\_

**Figure 6b. Aerial/Waters Map**  
 South Tyger River Tract  
 Spartanburg County, SC  
 February 19, 2019

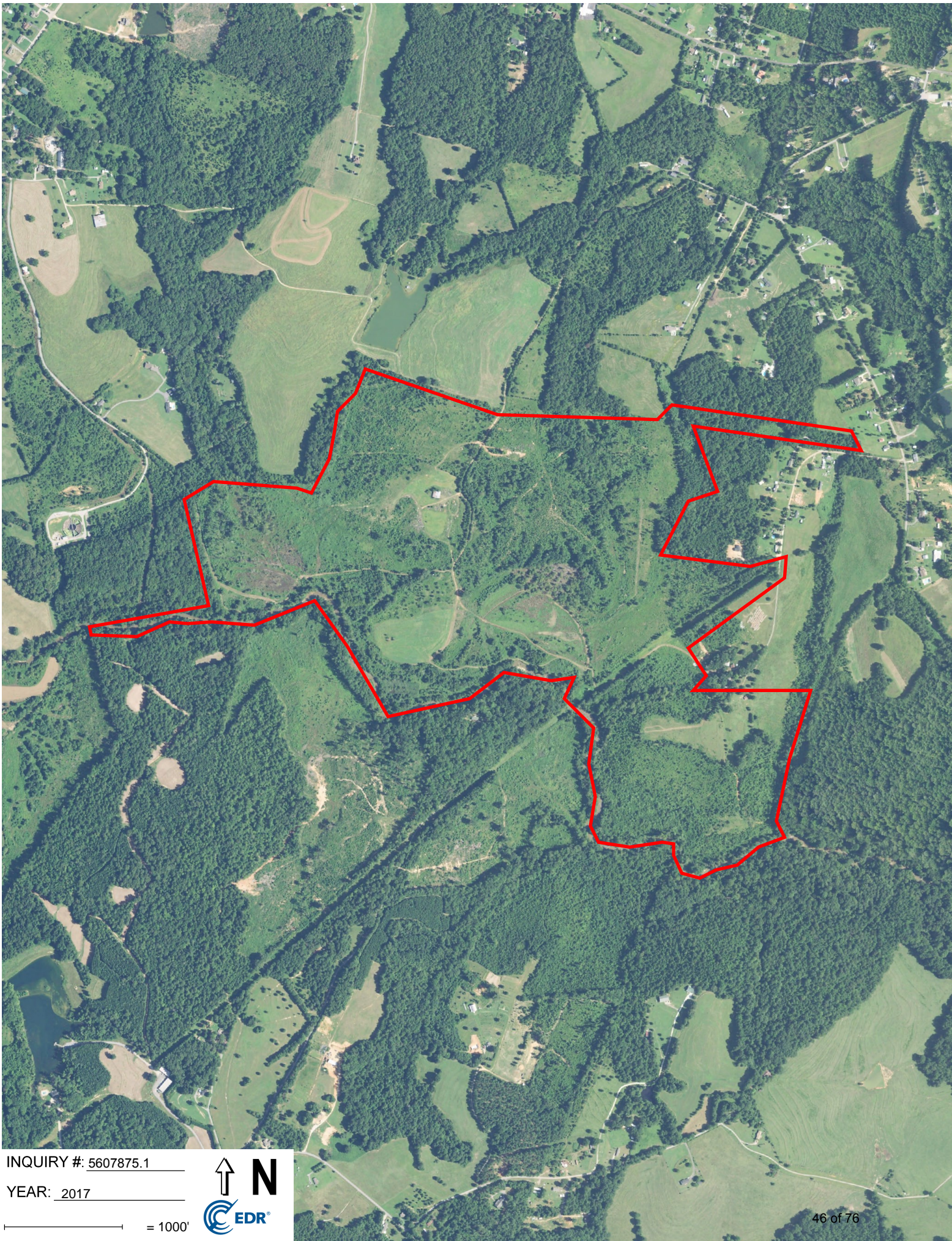


INQUIRY #: 5607865.1

YEAR: 2017

— = 875'





INQUIRY #: 5607875.1

YEAR: 2017

— = 1000'

