

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: SAC-2023-00060

January 13, 2023

Pursuant to the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.), a prospectus has been submitted to the Department of the Army and the South Carolina Interagency Review Team by

**Estherville Salt Marsh Bank, LLC
c/o American Mitigation Company
268 West Coleman Boulevard, Ste 201
Mount Pleasant, SC 29464**

for a proposal to establish and operate a tidal wetland mitigation bank within the

Carolina Coastal-Sampit and Santee River Watersheds

at a location adjacent to **Atlantic Intracoastal Waterway**, north of and adjacent to South Island Road, approximately 8 miles south of Georgetown, in Georgetown County, South Carolina (Latitude 33.254072 Longitude -79.268144). Georgetown South 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.

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 bank sponsor, "The goal of the Bank is to restore saltwater wetlands associated with adjoining tributaries in order to generate credits that can be sold to permittees in need of compensatory mitigation associated with authorized (permitted) impacts occurring within the Bank's service area. Specific goals within the Bank include:

- Restore tidal connections and normal flow regimes within the existing impoundment to promote tidal exchange with the Intracoastal Waterway and the Santee River/Winyah Bay.
- Improve connectivity and naturalize hydraulics for biocomplexity; and
- Establish natural hydroperiods, hydrodynamics, and vegetative communities in restoration areas."

Project Description

The proposed work consists of establishing a salt marsh mitigation bank within the Carolina Coastal-Sampit and Santee River Watersheds (8-digit Hydrologic Unit Codes: 03040207 and 03050112) within the Southern Coastal Plain Ecoregion. The proposed 33.82 acre site is comprised entirely of impounded waters.

The proposal is to restore a 33.82 acre impoundment to tidal salt marsh. Dikes along the intercoastal waterway and perpendicular creeks would be breached or removed to allow for a full range of tidal flows. Grading would be done to restore proper elevations for salt marsh vegetation. The bank sponsor is proposing to use a conservation easement to protect the bank site in perpetuity after completion of the proposed work.

As proposed the mitigation bank would provide in-kind compensatory mitigation for authorized impacts to aquatic resources within the following 8-digit HUCs, within the Southern Coastal Plain Ecoregion: 03040207; Carolina Coastal-Sampit, 03040206; Waccamaw, 03040208; Coastal South Carolina Drainage, 03050112; Santee, 03050209; Bulls Bay, 03050201; Cooper River, 03050202; Stono River, 03050206; Edisto River, 03050210 St. Helena Island Drainage, 03060110 Calibogue Sound/Wright River, 03050207; Salkehatchie, 03050208; Broad River, and 03060109; Lower Savannah River. The work required to complete the proposed activities on the mitigation site could potentially 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.

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.

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). 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 33.82 acres 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*), Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), Red-cockaded Woodpecker (*Picoides borealis*), Wood Stork (*Mycteria americana*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Seabeach amaranth (*Amaranthus pumilus*), Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), West Indian manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis*), Finback Whale (*Balaenoptera physalus*), Humpback Whale (*Megaptera novaeangliae*), Right Whale (*Eubalaena glacialis*), Sei Whale (*Balaenoptera borealis*), and Sperm Whale (*Physeter macrocephalus*).

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

The project will have no effect on Northern Long-eared Bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), Red-cockaded Woodpecker (*Picoides borealis*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), Seabeach amaranth (*Amaranthus pumilus*), Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), Finback Whale (*Balaenoptera physalus*), Humpback Whale (*Megaptera novaeangliae*), Right Whale (*Eubalaena glacialis*), Sei Whale (*Balaenoptera borealis*), and Sperm Whale (*Physeter macrocephalus*) and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Wood Stork (*Mycteria americana*), West Indian manatee (*Trichechus manatus*), and Eastern Black Rail (*Laterallus jamaicensis*), 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.

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.

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)(1)), and has initially determined that historic properties, are present; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify the State Historic Preservation Office that the Corps plans to initiate Section 106 consultation on these historic properties. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice. 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.

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 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.

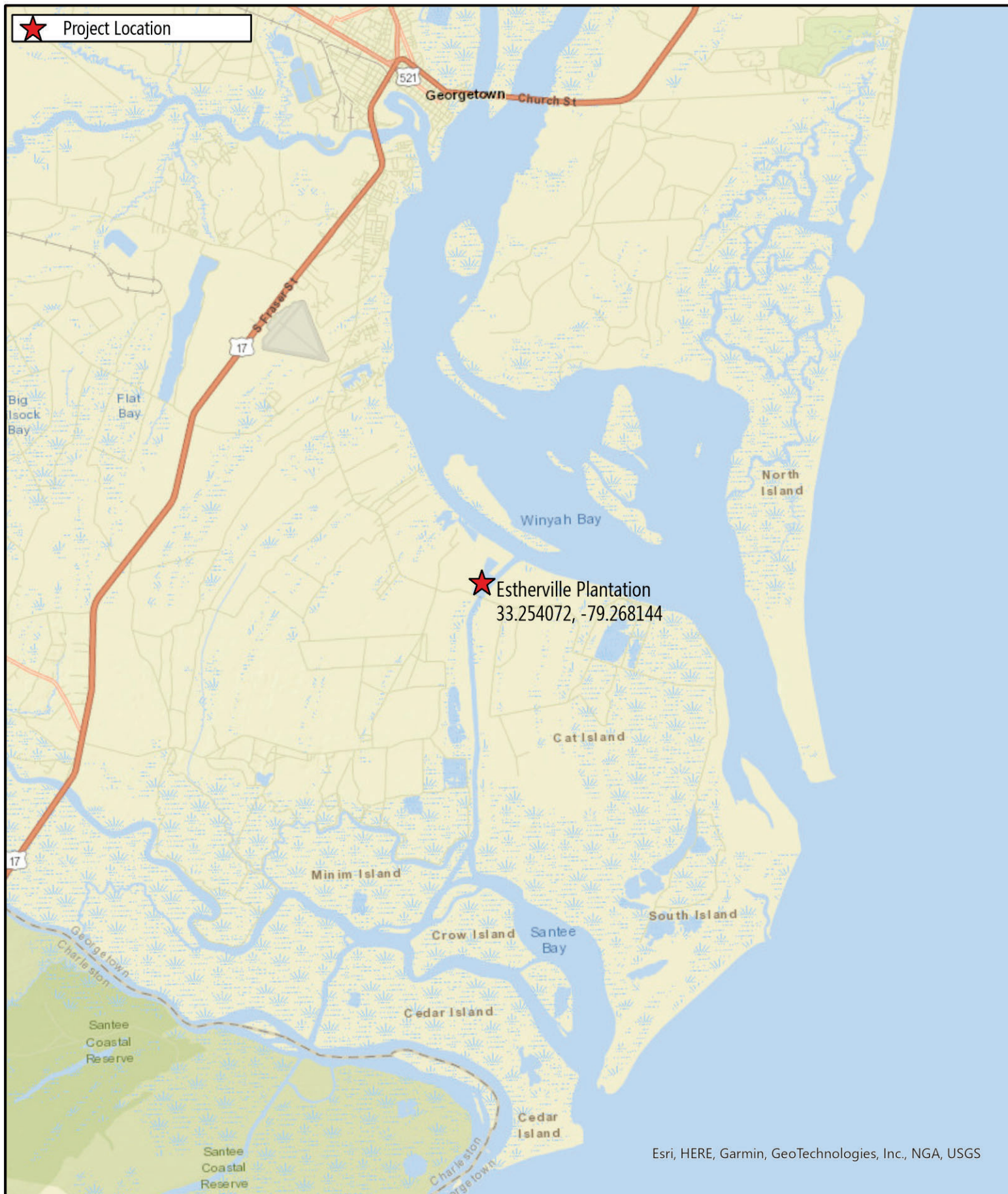
Solicitation of Public Comment

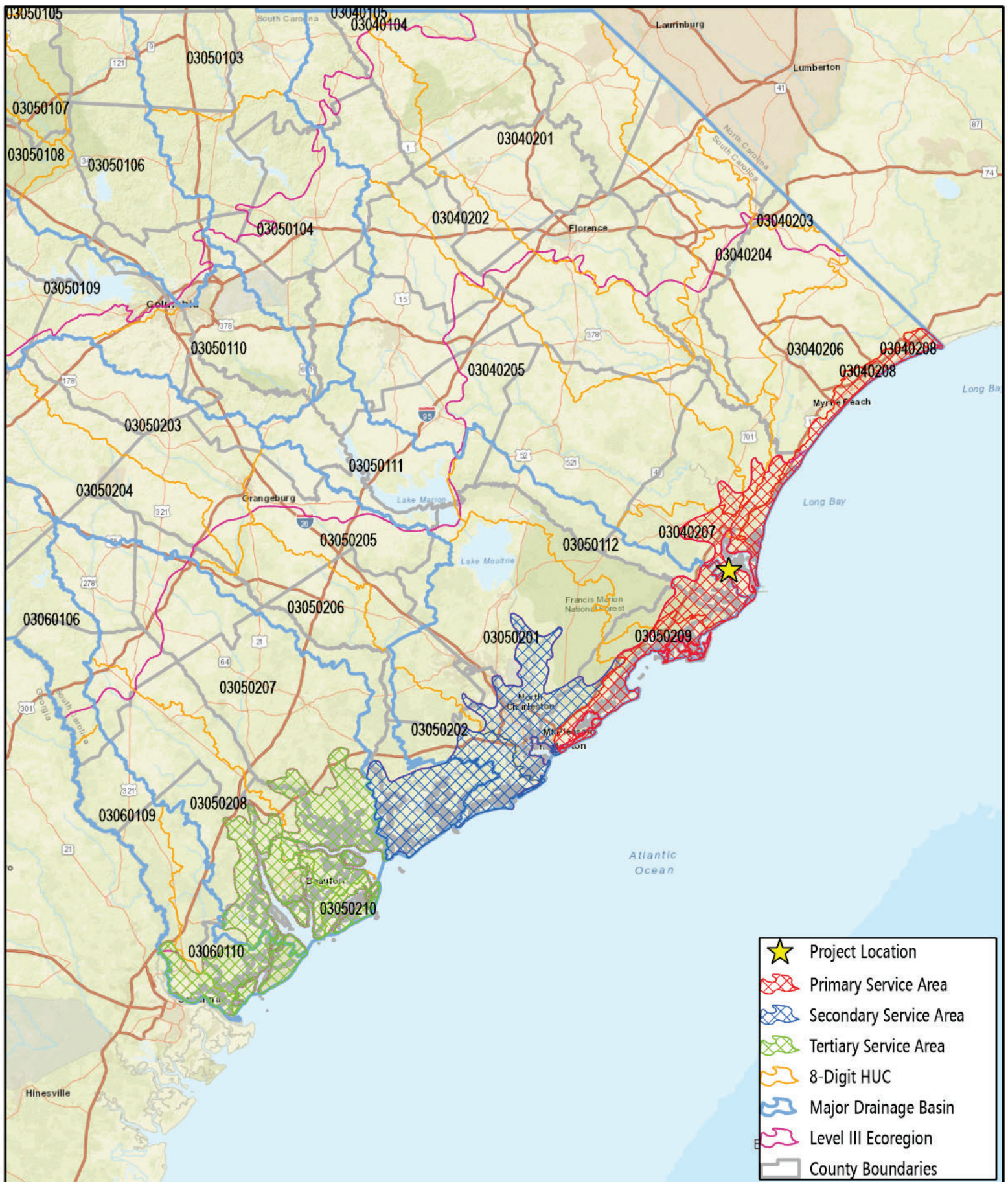
The Corps is soliciting comments from the public; Federal, state, local agencies, and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to approve or deny the 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 by email, identifying the project of interest by public notice number, to Erica.L.Stone@usace.army.mil or in writing 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

A complete copy of the prospectus is available online in the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) at <https://ribits.ops.usace.army.mil/> and can be provide for review upon request. If there are any questions concerning this public notice, please contact Erica Stone, project manager, at (843) 817-7188 or by email at Erica.L.Stone@usace.army.mil.





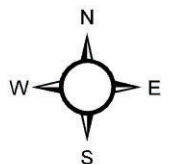
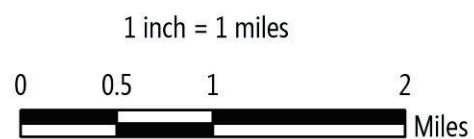
 Project Boundary (± 33.82 AC)



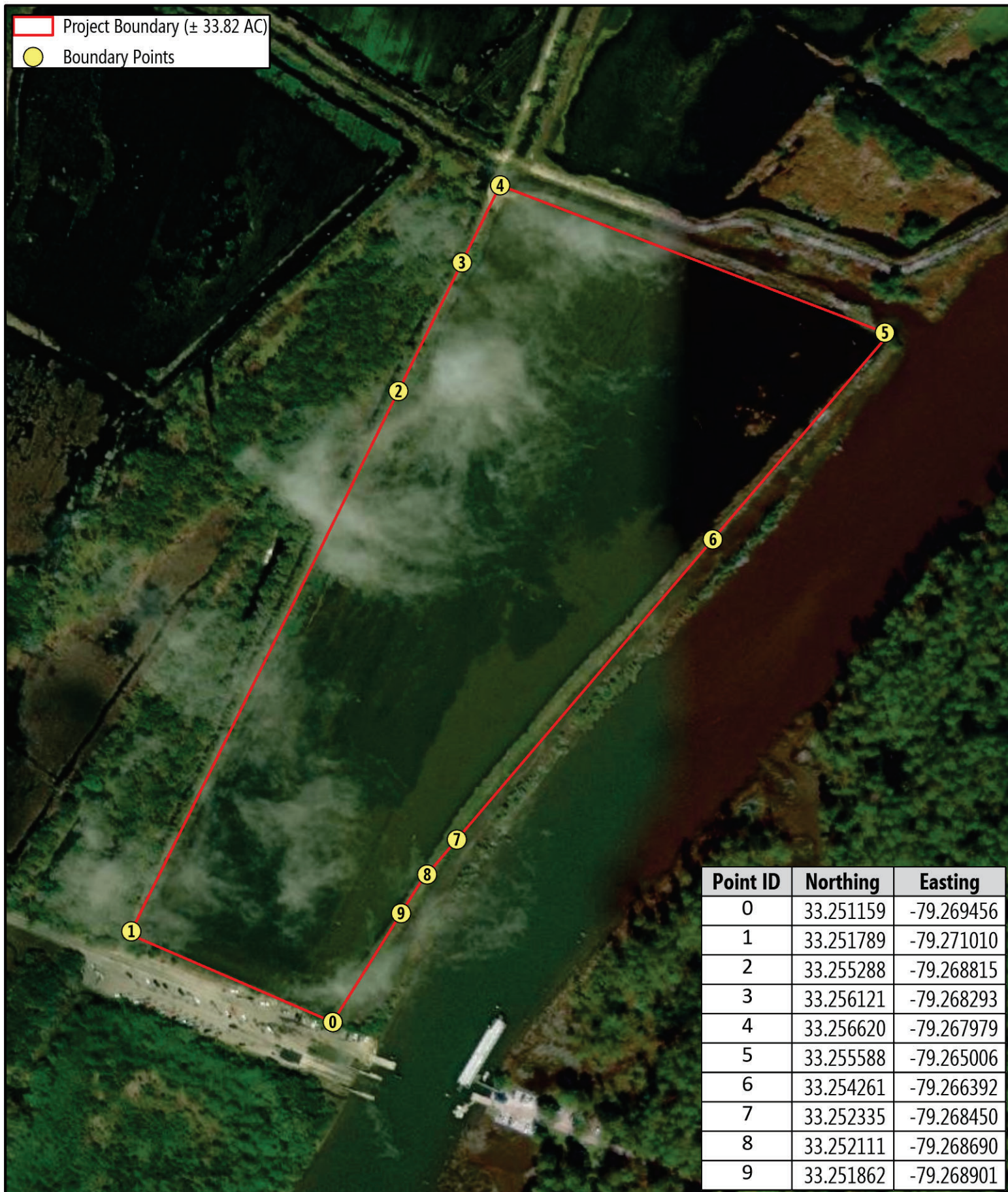
**AMERICAN
MITIGATION
COMPANY**

268 W Coleman Blvd
Mount Pleasant, SC 29464
(843)999-2661 www.amitco.org

Figure 2 - Location Map
Estherville Plantation
Georgetown County, South Carolina
Source: ESRI
Date: September 2022



Project Boundary (± 33.82 AC)
Boundary Points



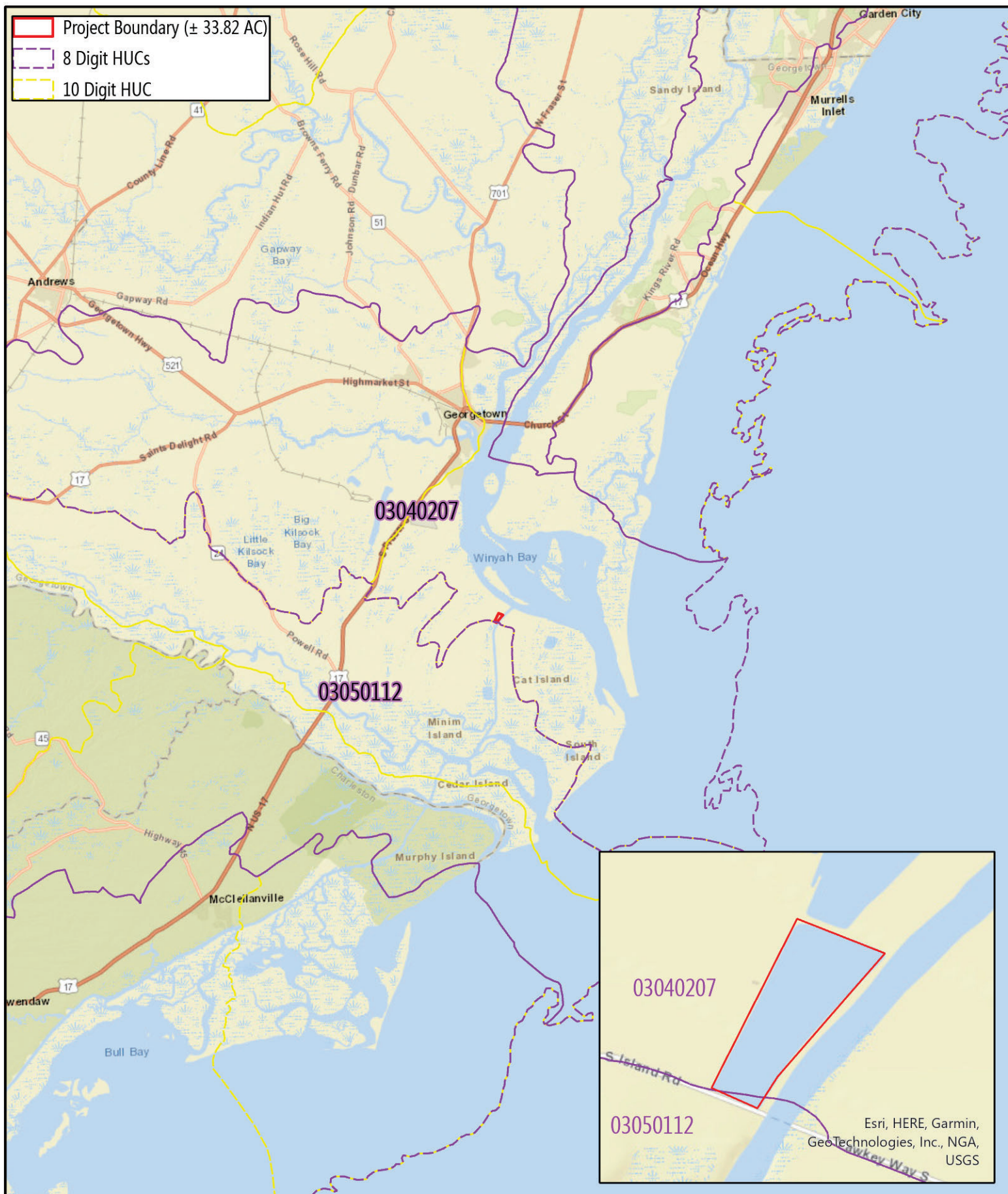
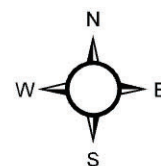
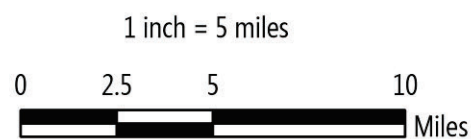
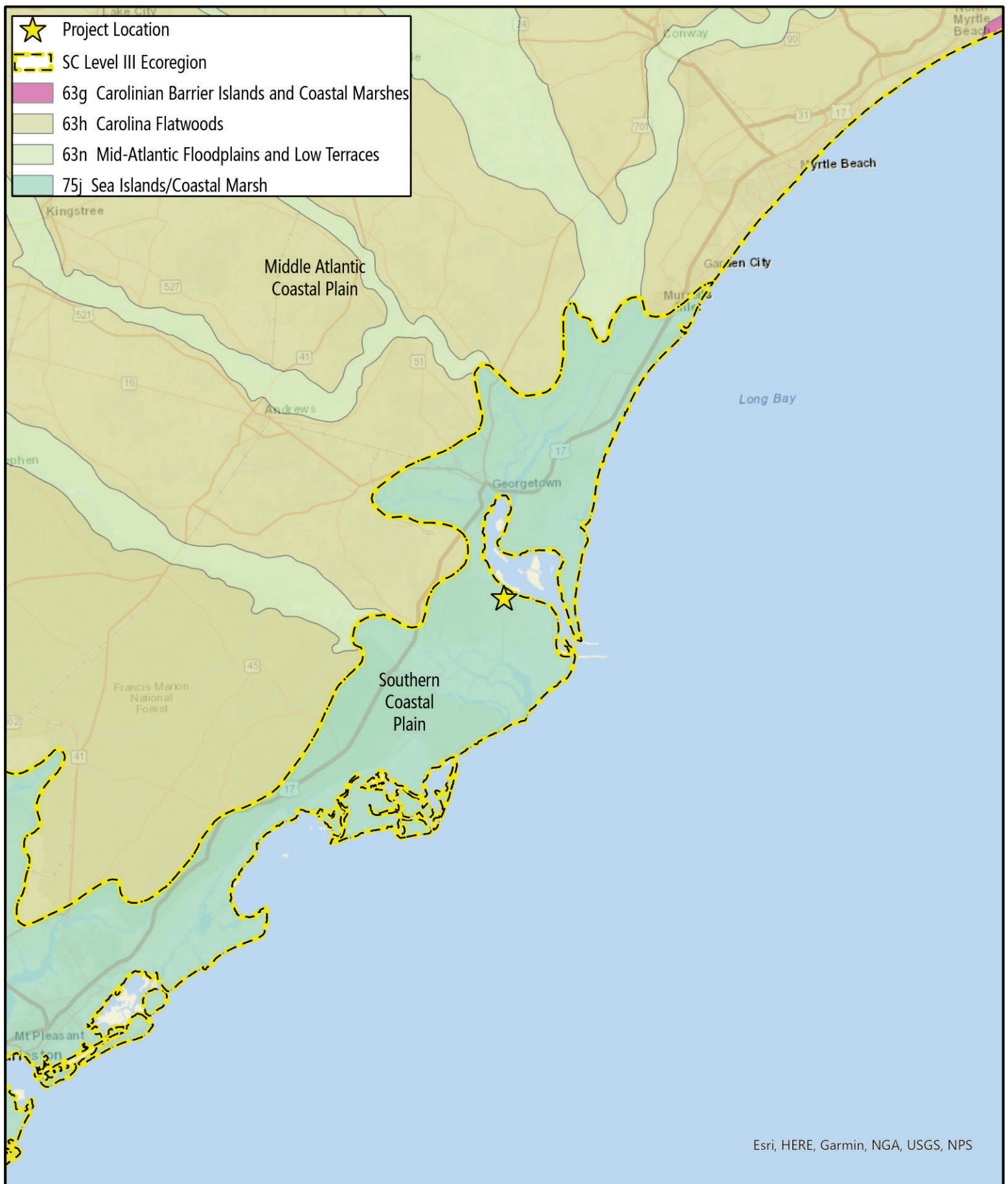


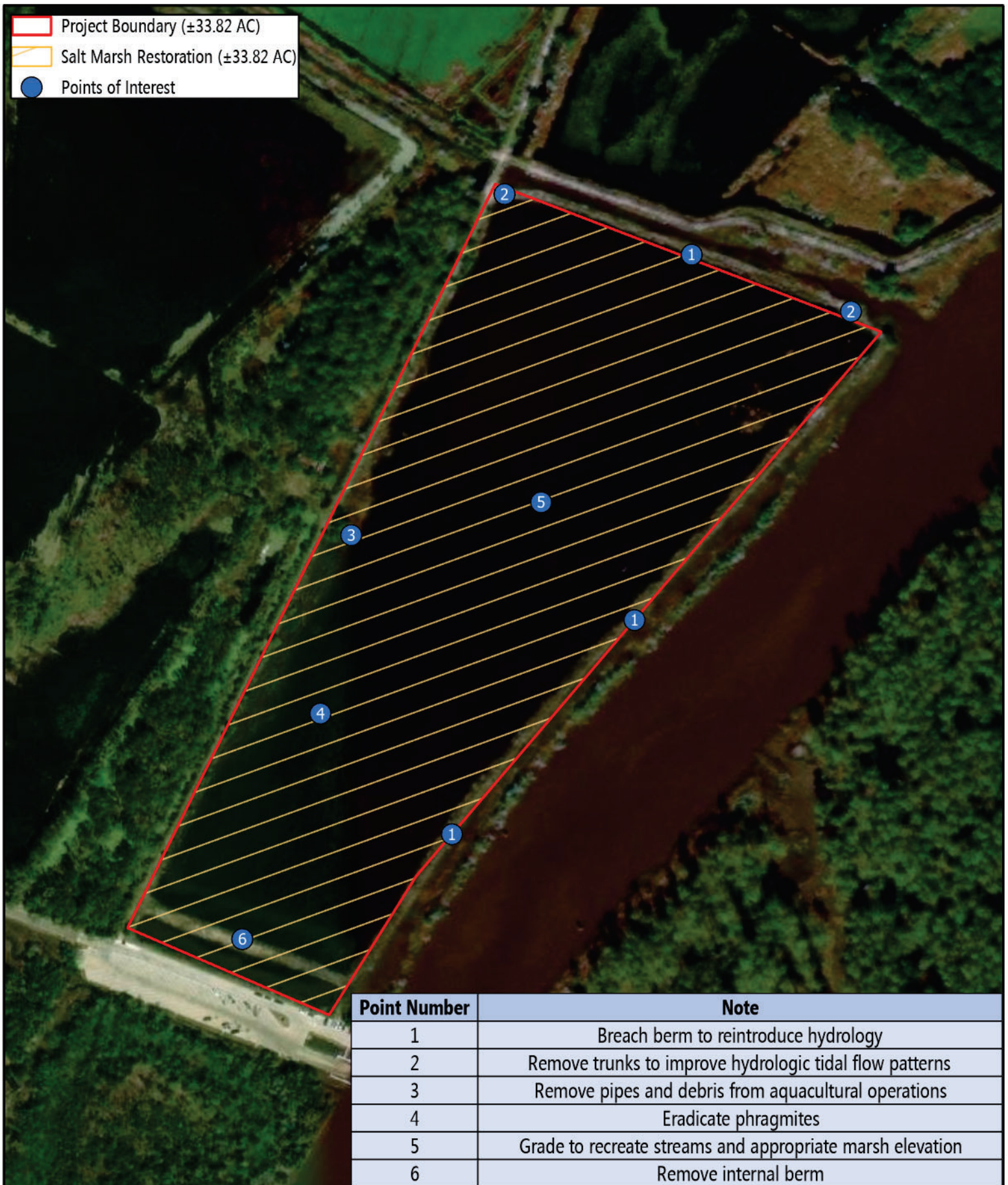
Figure 4 - Hydrologic Unit Code Map



Esterville Plantation
 Georgetown County, South Carolina
 Source: ESRI, USFWS
 Date: September 2022

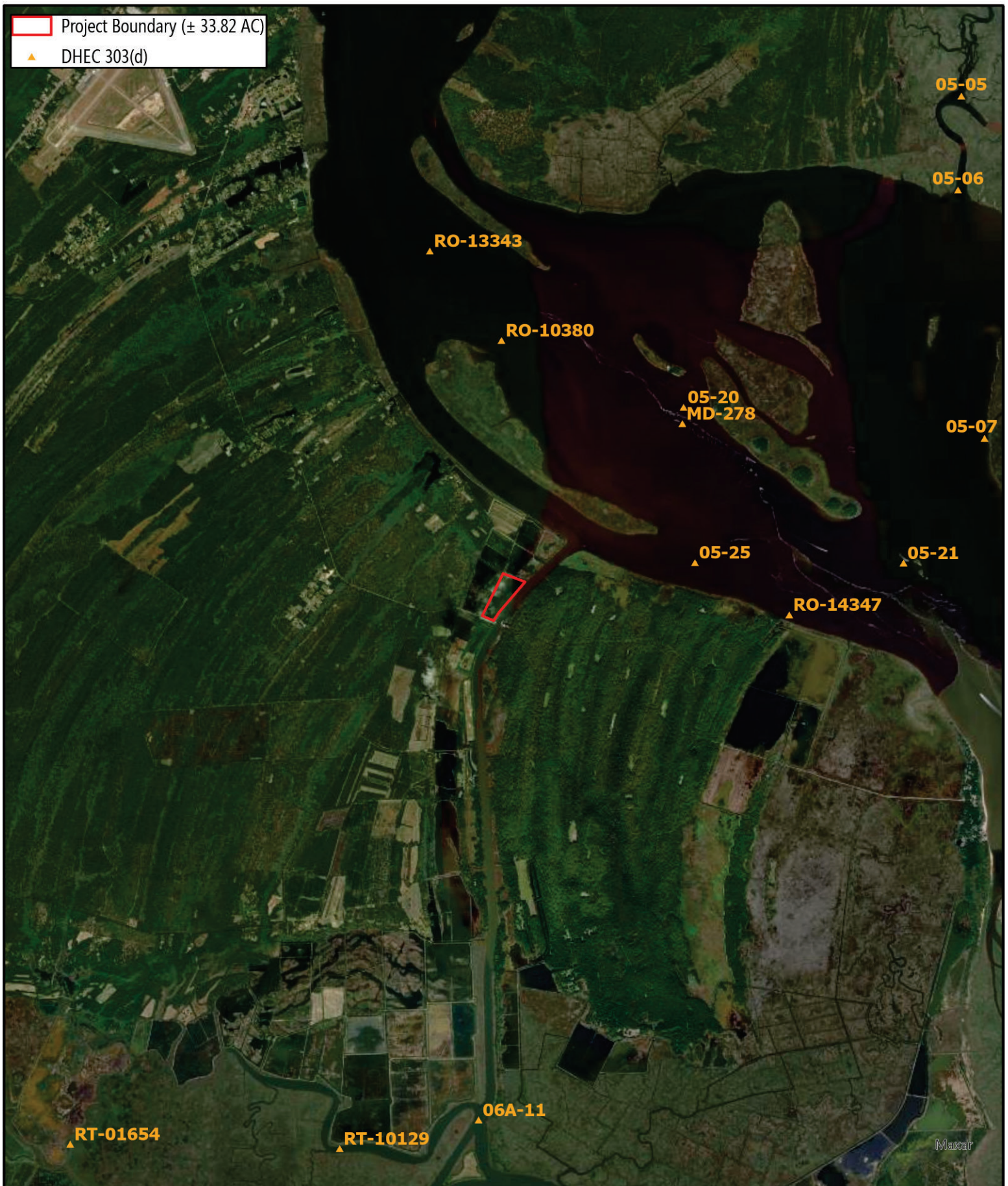




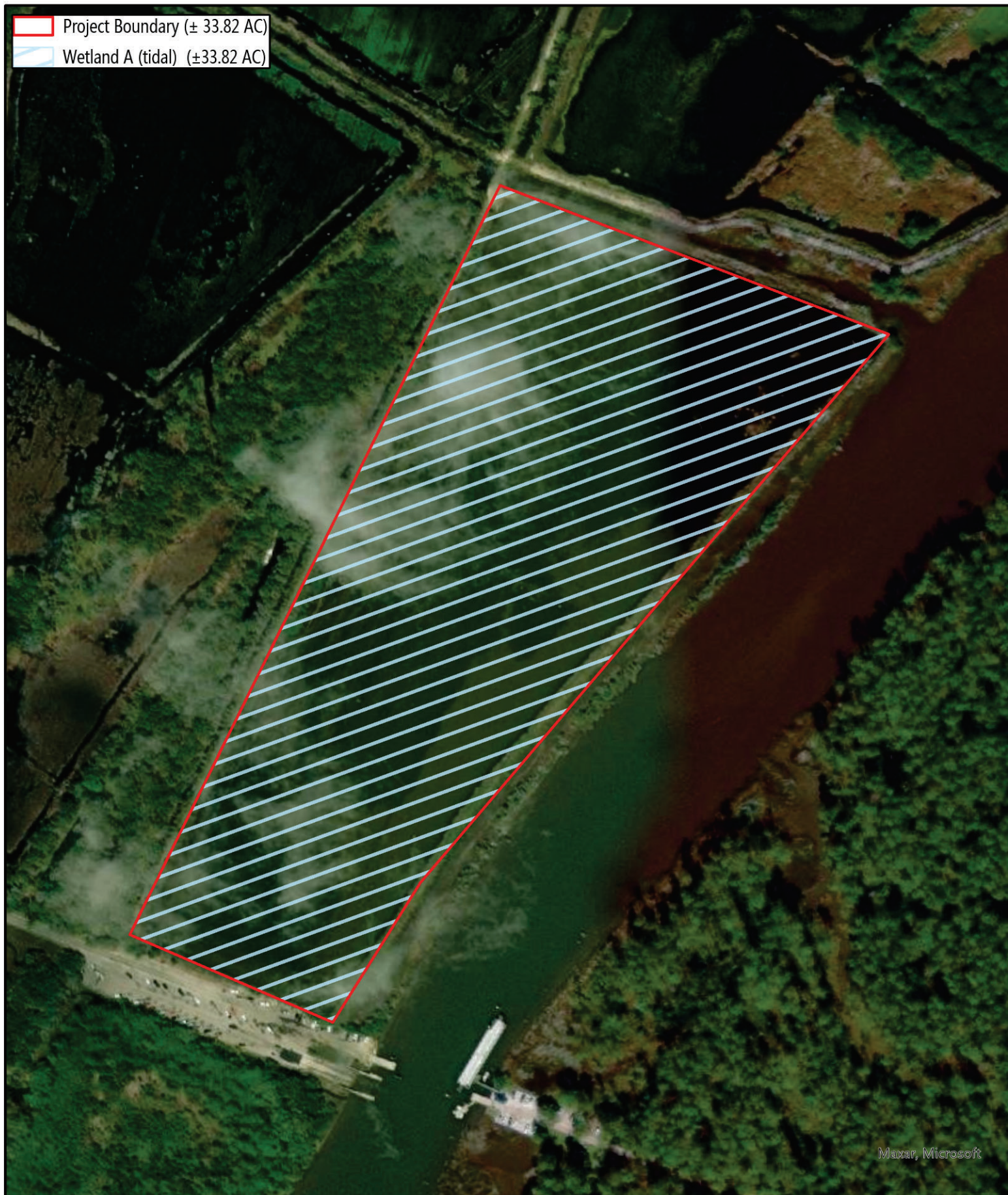
- Project Boundary (± 33.82 AC)
- Salt Marsh Restoration (± 33.82 AC)
- Points of Interest




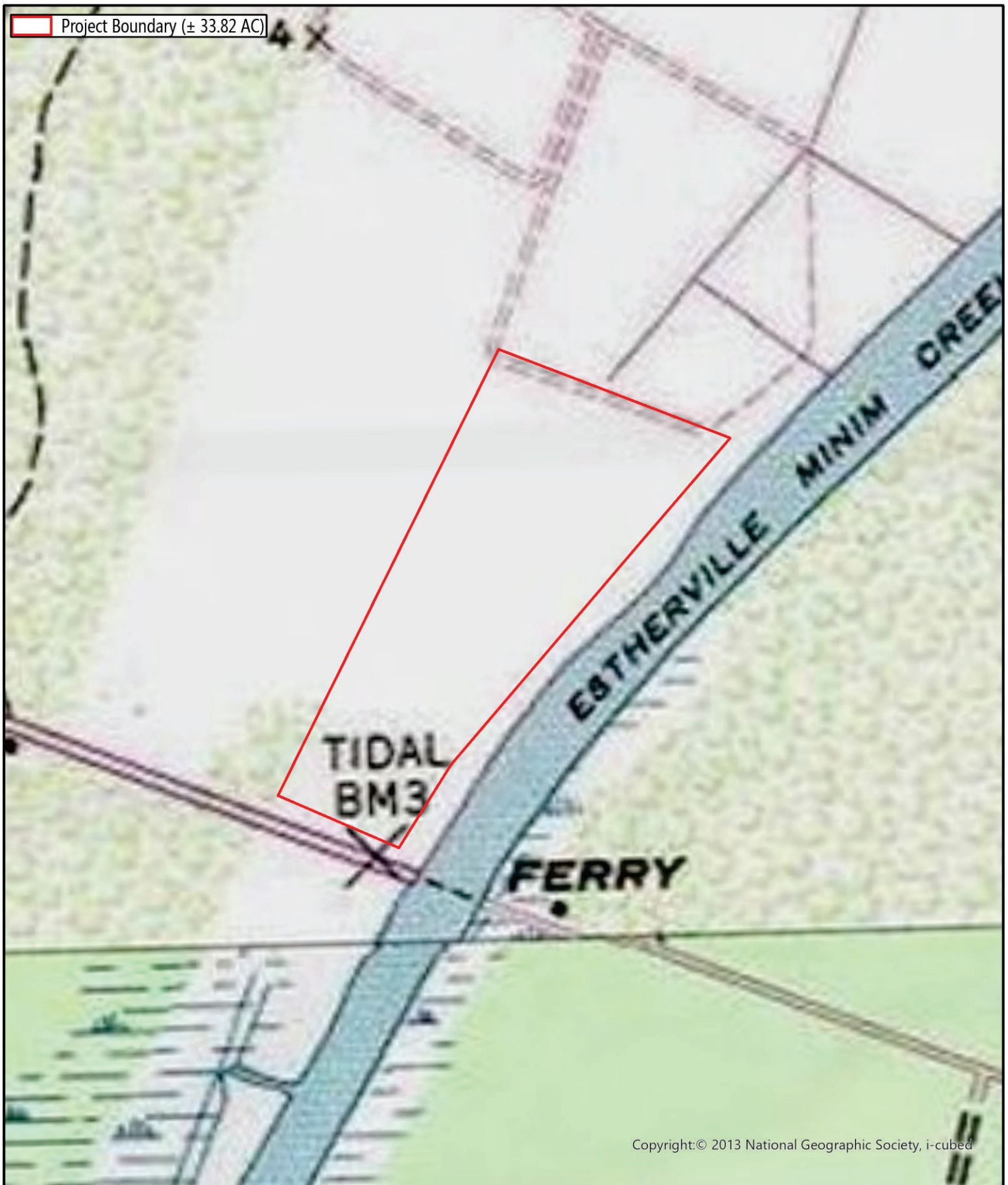
 Project Boundary (± 33.82 AC)
 DHEC 303(d)



Project Boundary (± 33.82 AC)
Wetland A (tidal) (± 33.82 AC)



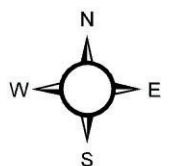
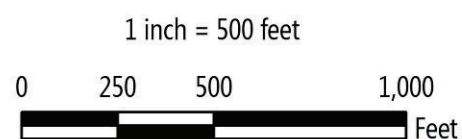
 Project Boundary (± 33.82 AC)



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Figure 10 - USGS Topographic Map

Estherville Plantation
Georgetown County, South Carolina
Source: ESRI, USGS
Date: September 2022



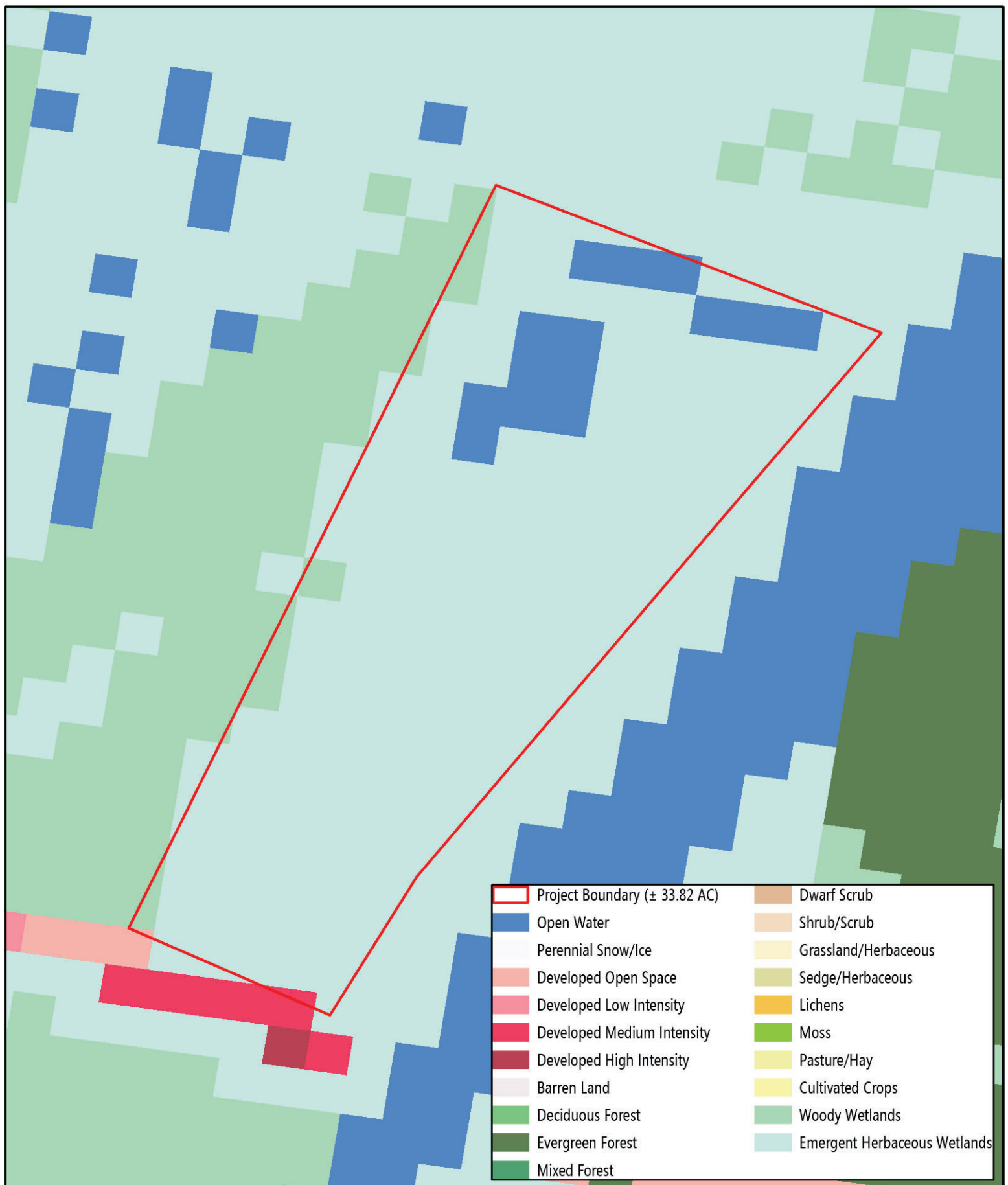

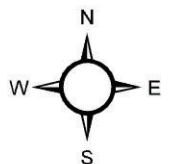


Figure 11 - Landcover/Land Use Map

Estherville Plantation
 Georgetown County, South Carolina
 Source: ESRI, USDA
 Date: September 2022

1 inch = 300 feet

0 150 300 600 Feet

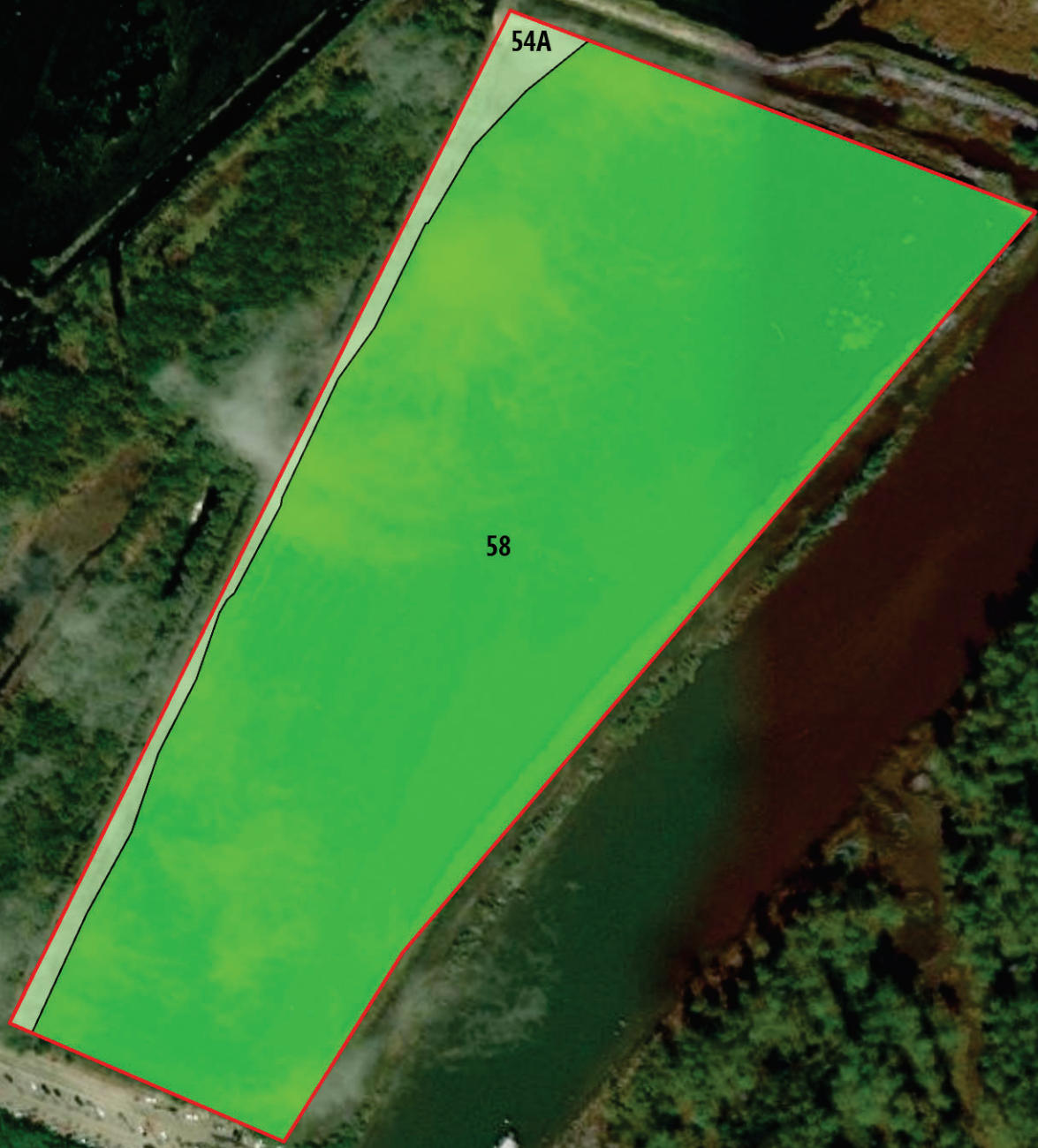



Project Boundary (±33.82 AC)

Hydric Rating

Hydric 4%

Not Hydric 0%



Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
54A	Chipley fine sand, 0 to 2 percent slopes	4	1.7	5.10%
58	Udorthents, loamy	0	32.1	94.90%
Totals for Area of Interest			33.8	100.00%

