

## **PUBLIC NOTICE**

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

REGULATORY DIVISION  
Refer to: SAC-2023-00022

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), 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 (Corps) and the South Carolina Interagency Review Team (IRT) by

**CSMBI P2, LLC  
c/o American Mitigation Company  
268 West Coleman Boulevard, Ste 201  
Mount Pleasant, SC 29464**

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

### **BUCK CREEK – WACCAMAW RIVER WATERSHED**

at a location north of and adjacent to the Waccamaw River Heritage Preserve, approximately 8 miles northwest of North Myrtle Beach, south of highway 905 in Longs, Horry County, South Carolina (Latitude 33.90139 Longitude: -78.79806), Hammond 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**

As stated by the Program Sponsor, "The goal of the Bank is to preserve and enhance aquatic resources within the Waccamaw River watershed 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:

- Preserve existing natural streams
- Enhance streams that have been channelized to restore a natural flow and path
- Preserve existing natural forested wetlands, which provide filtration of floodwaters and habitat corridors
- Establish natural hydroperiods, hydrodynamics, and vegetative communities in wetland areas that have been historically impacted through silviculture activities; • Improve wetland connectivity to Simpson Creek; and
- Provide natural flood attenuation by promoting longer residence time and groundwater infiltration on the site."

### **Project Description**

The proposed project consists of establishing a freshwater stream and wetland mitigation bank in the Buck Creek-Waccamaw River Watershed (10-digit Hydrologic Unit Code 0304020607), located in the Mid-Atlantic Coastal Plain Level III Ecoregion. The proposed 1,380.94-acre mitigation site includes approximately 1,163.6 acres of freshwater wetlands, 10,350.14 linear feet (lf) of non-wetland waters, and 217.34 acres of uplands.

The proposal is to preserve approximately 7,306.85 lf of streams, and 701.7 acres of forested wetlands, including an existing Carolina Bay. In addition, 308.0 acres of freshwater wetlands would be enhanced through removal of loblolly pine and replanted in native hardwood species. The hydrology in 47.7 acres would be enhanced through the plugging of drainage ditches and 23.3 acres of freshwater wetlands would be enhanced through both removal of loblolly pine/replanting with native hardwood species and plugging of drainage ditches. The sponsor is proposing to establish an upland buffer around all wetland resources. Enhancement of 3,043.29 linear feet of streams is also proposed via removal of channel modifications, bank stabilization, and restoration of natural stream patterns and flows. A riparian buffer would be established around the stream and enhanced through removal of loblolly pine and planting of native hardwoods is proposed. The bank sponsor would use a conservation easement to protect the bank site in perpetuity.

As proposed the mitigation bank would provide in-kind compensatory mitigation for authorized impacts to aquatic resources within 8-Digit HUCs 03040204, 03040206, 03040208, and 03040207 in the Mid-Atlantic Coastal Plain Level III Ecoregion. 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). 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 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.

### **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 Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*), Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*), West Indian manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis*), Seabeach amaranth (*Amaranthus pumilus*), 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 Red-cockaded Woodpecker (*Picoides borealis*), Wood Stork (*Mycteria americana*), American Chaffseed (*Schwalbea americana*), Canby's Dropwort (*Oxypolis canbyi*), and/or Pondberry (*Lindera melissifolia*), 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 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 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.

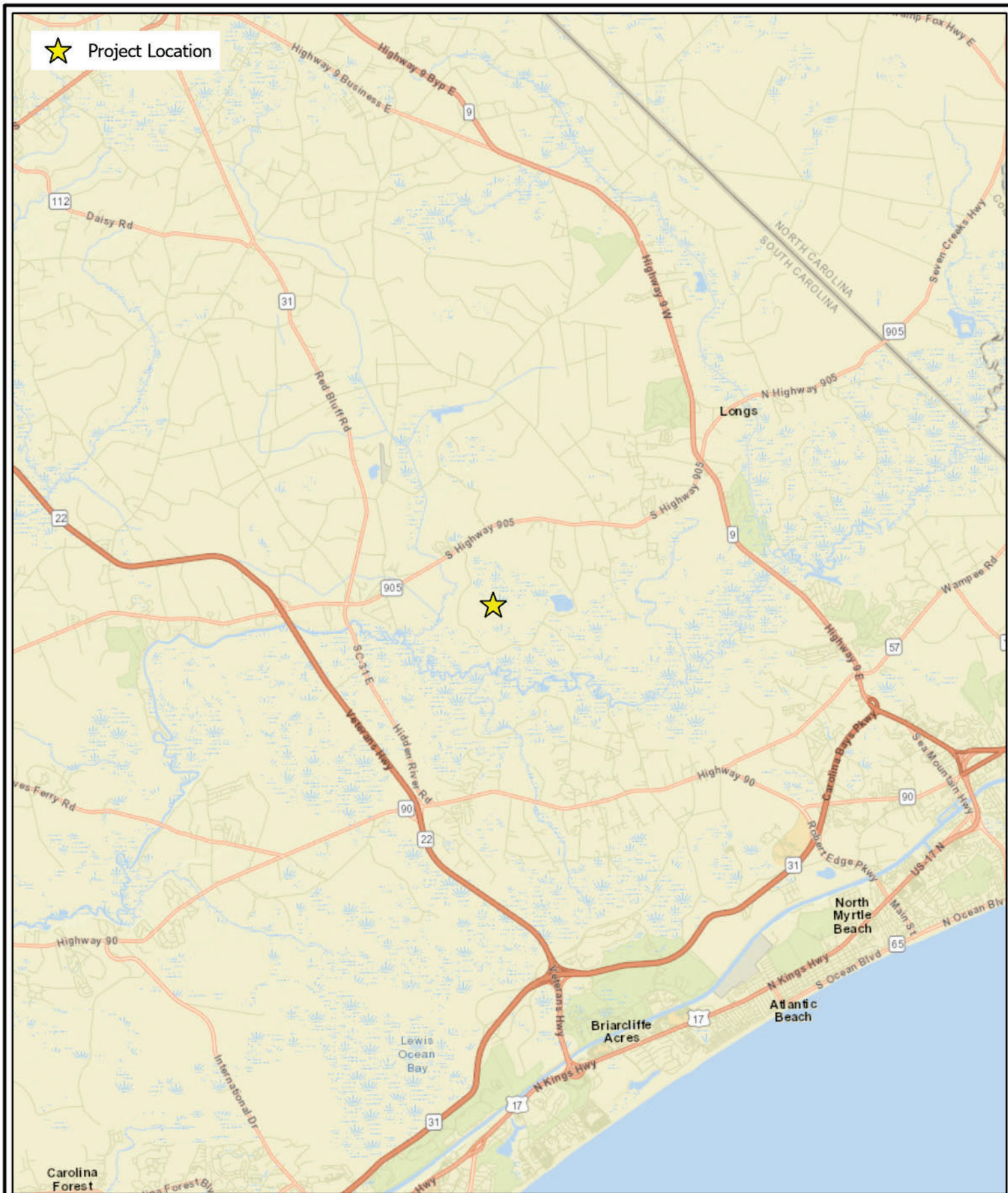
### **Solicitation of Public Comment**

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](mailto: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/or 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](mailto:Erica.L.Stone@usace.army.mil).





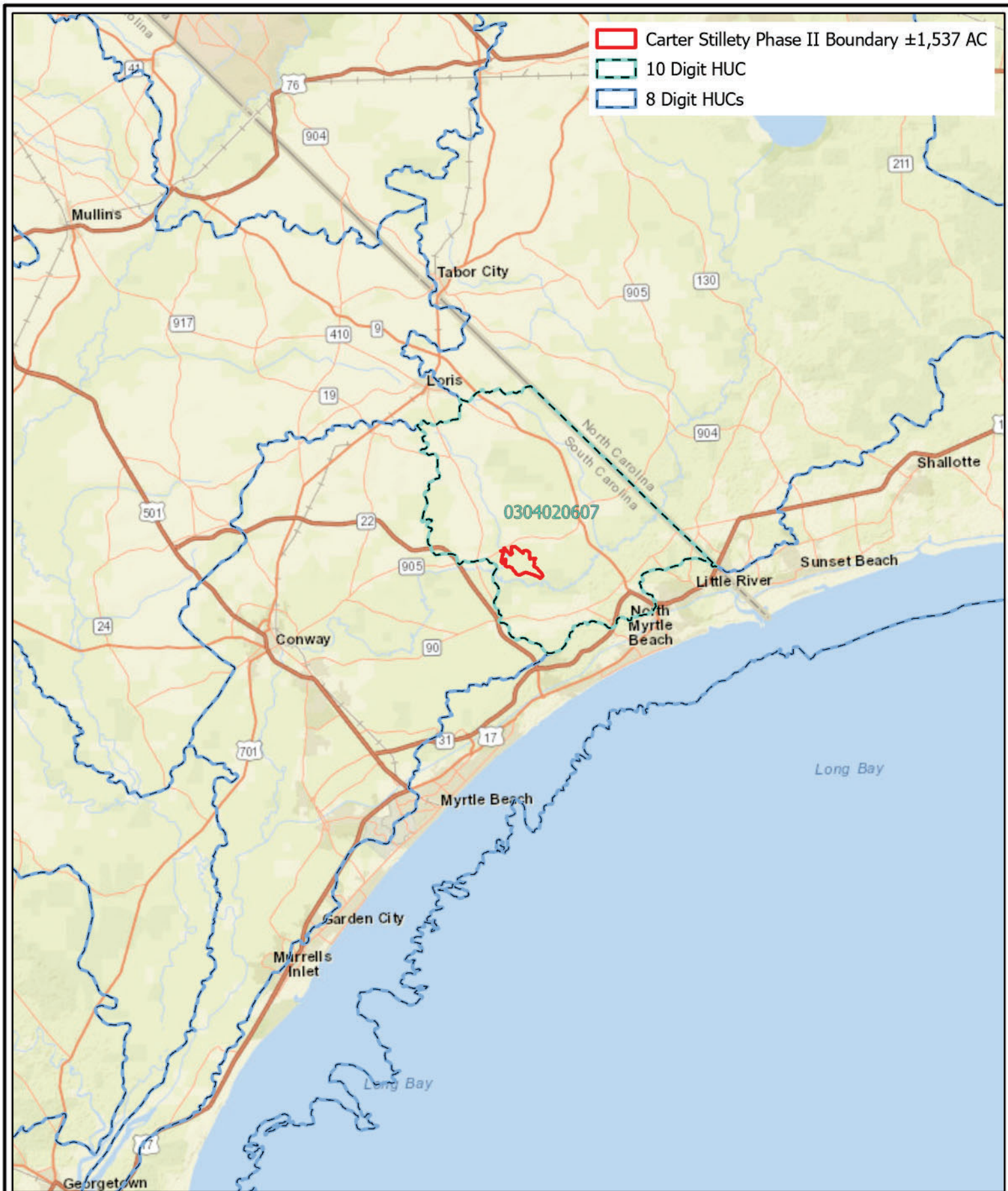




-  Carter Stillely Phase II Boundary ±1,537 AC
-  Bank Boundary ± 1,380.94 AC





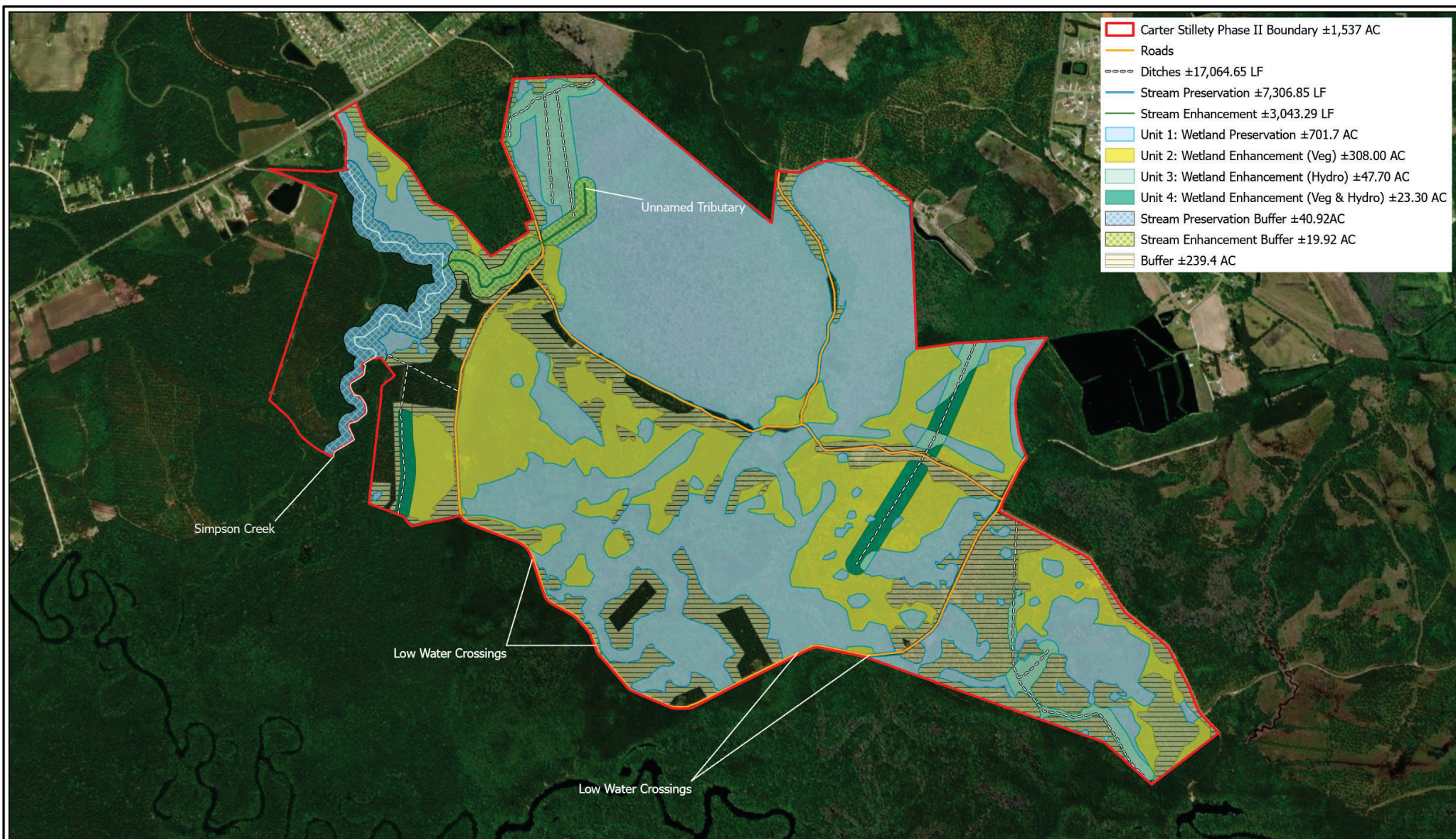


**Figure 4: Hydrologic Unit Map**



Carter Stillely Phase II  
Horry County, South Carolina  
Source: ESRI, USGS  
Date: August 2022





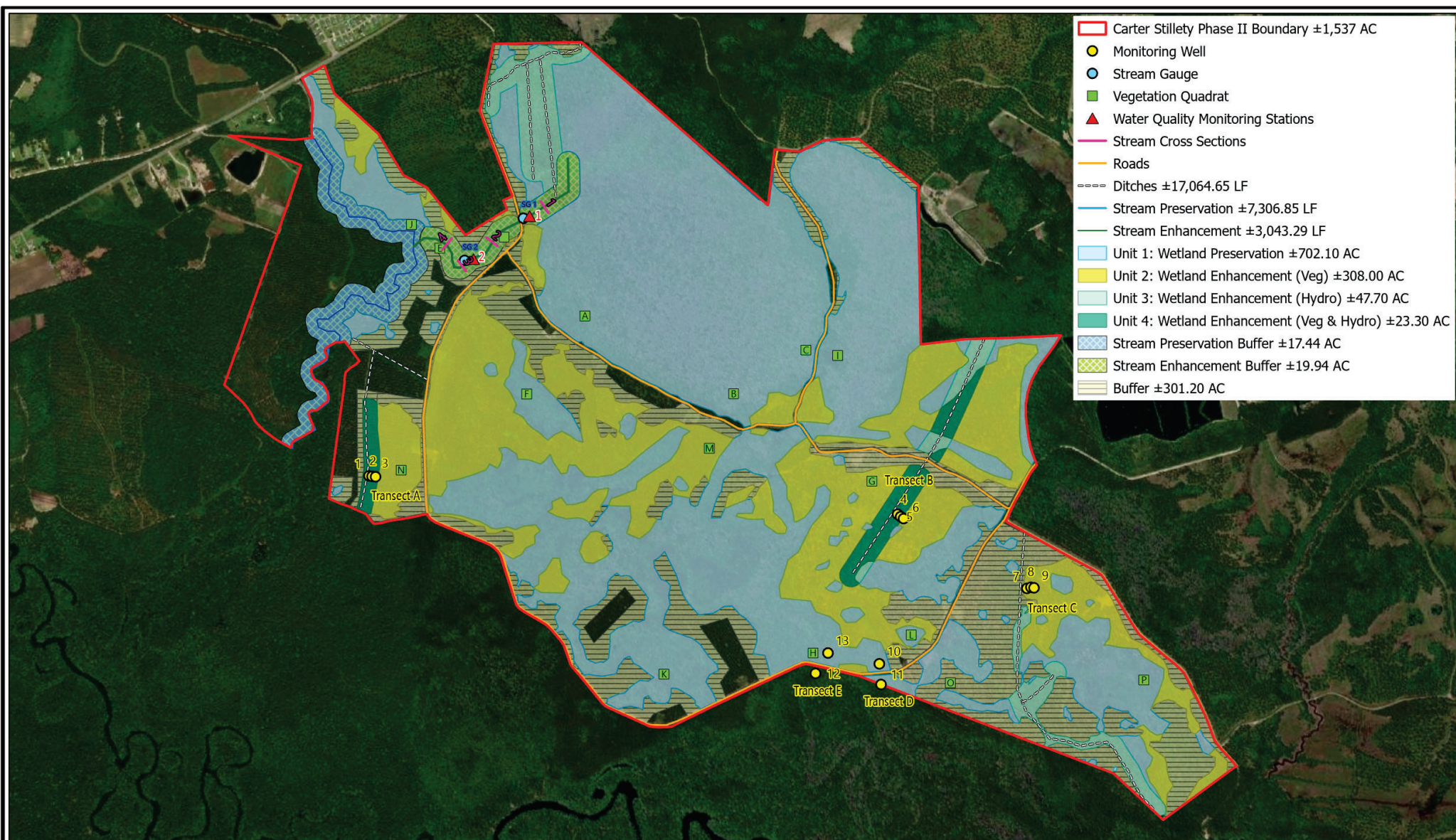




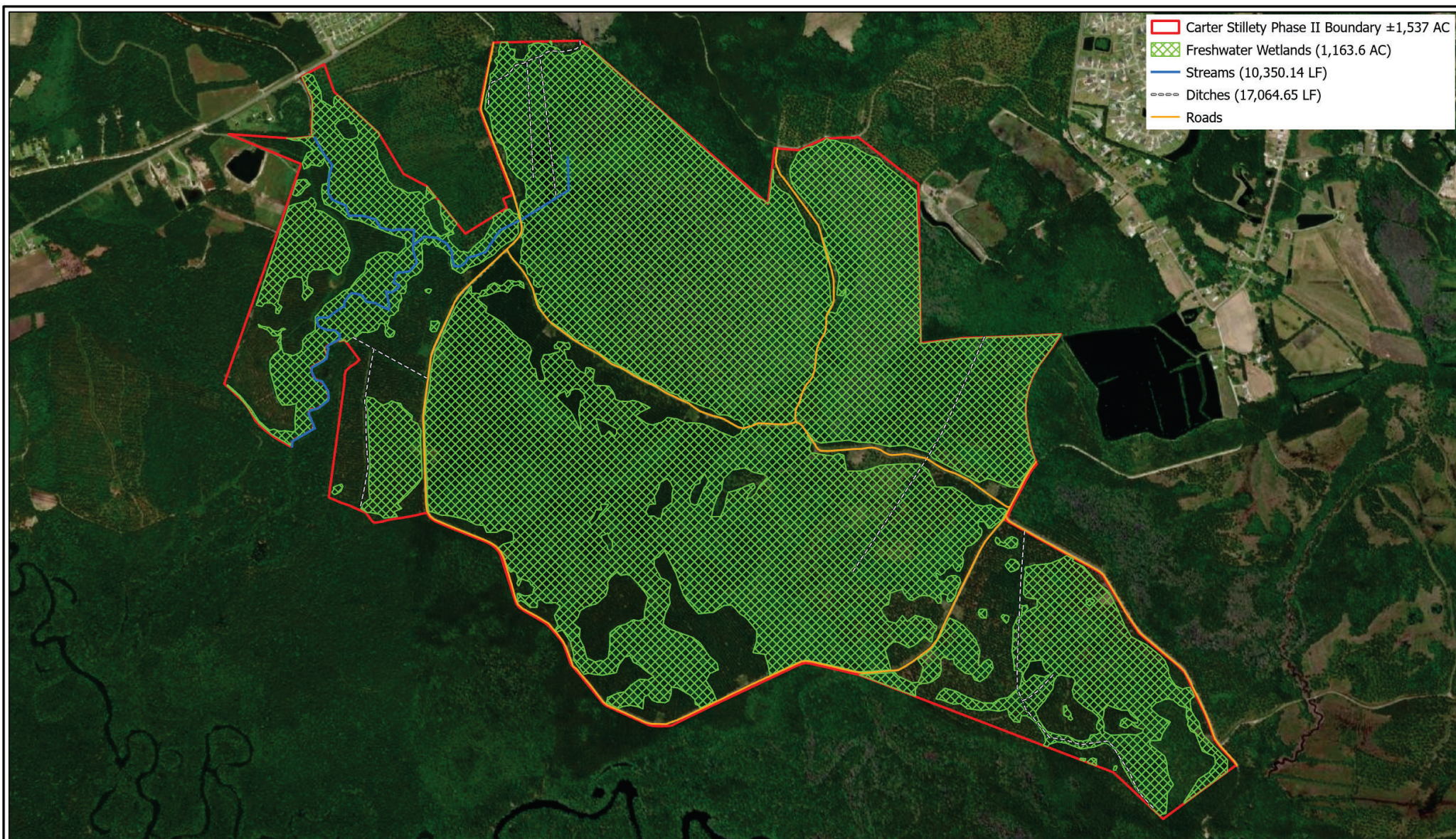
 Carter Stilley Phase II Boundary ±1,537 AC  
 DHEC 303(d)



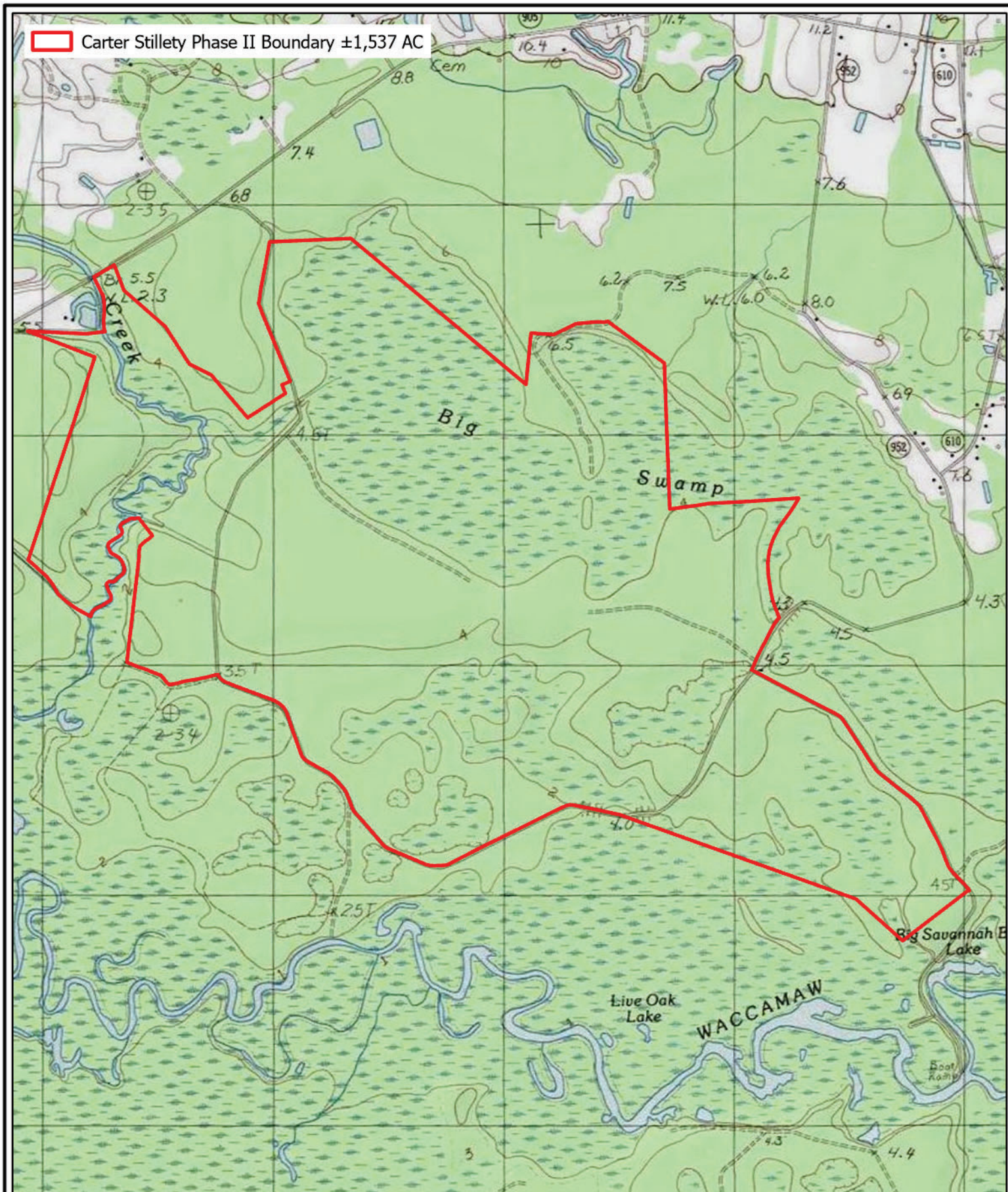






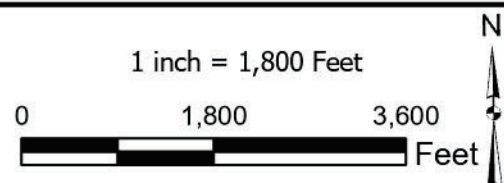




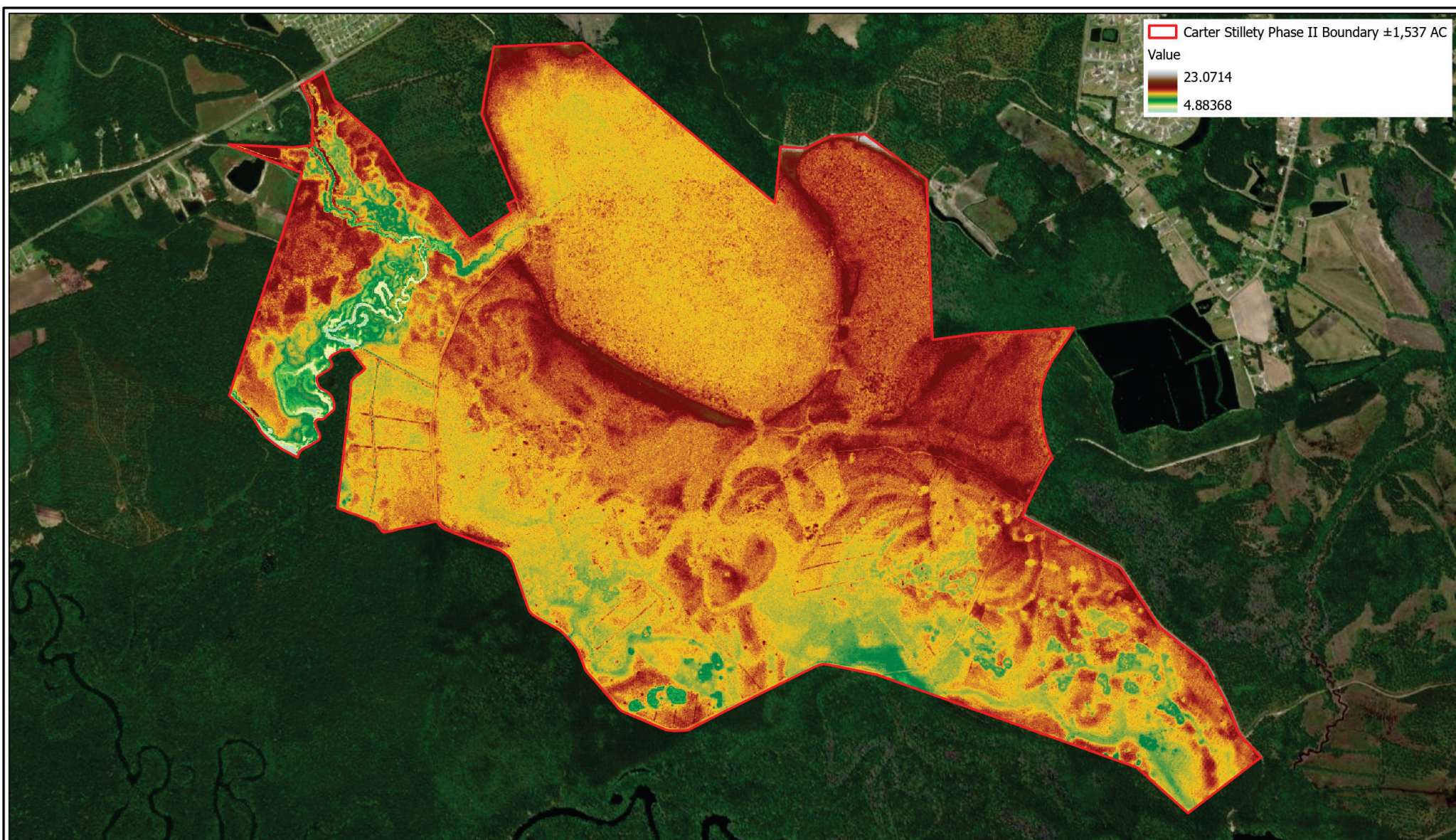


**Figure 11: USGS Topographic Map**

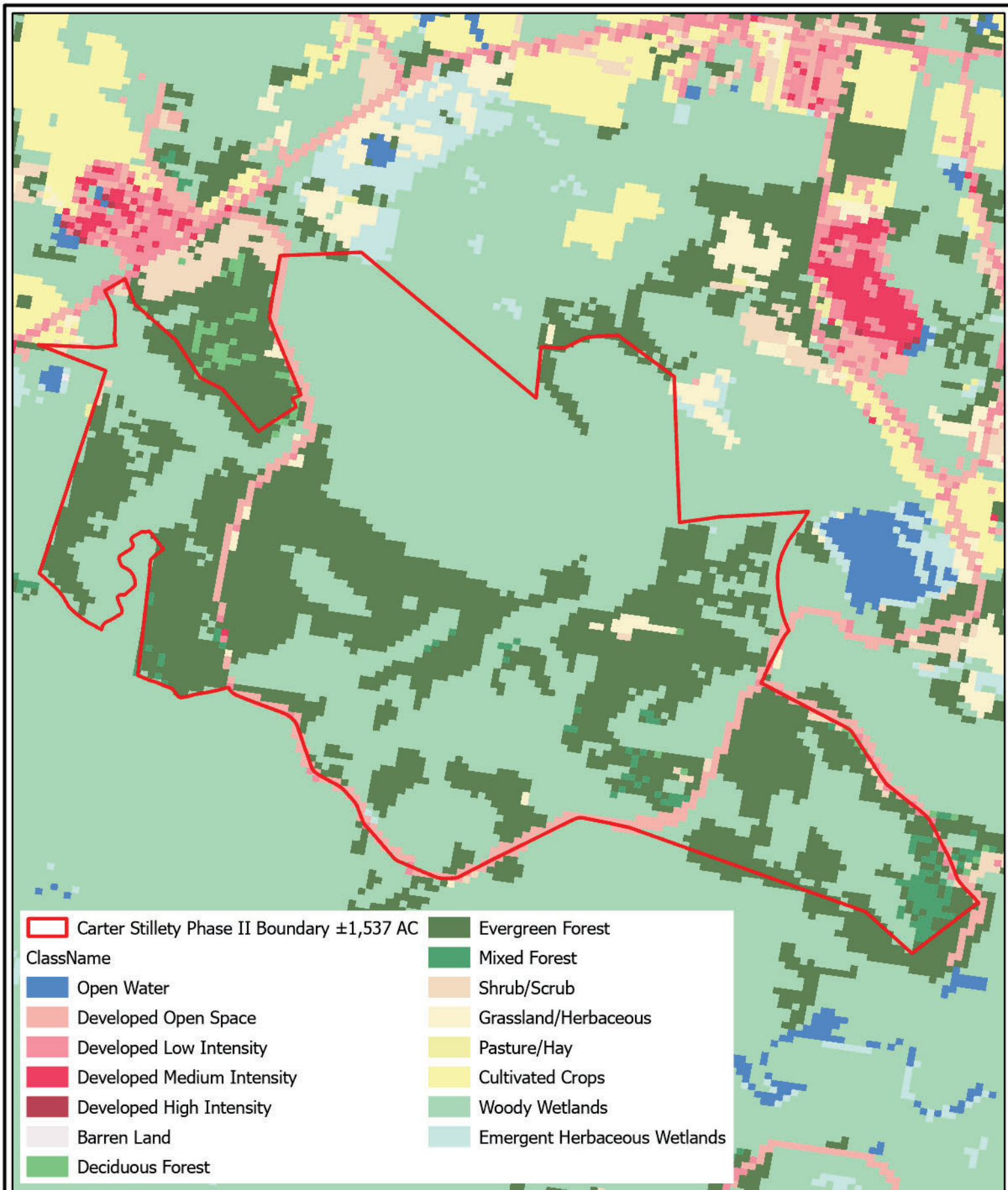
Carter Stillely Phase II  
Horry County, South Carolina  
Source: ESRI, USGS  
Date: August 2022





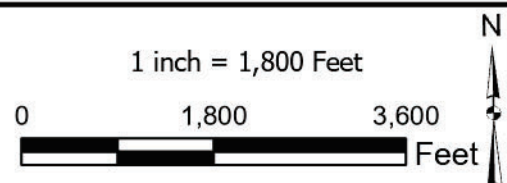






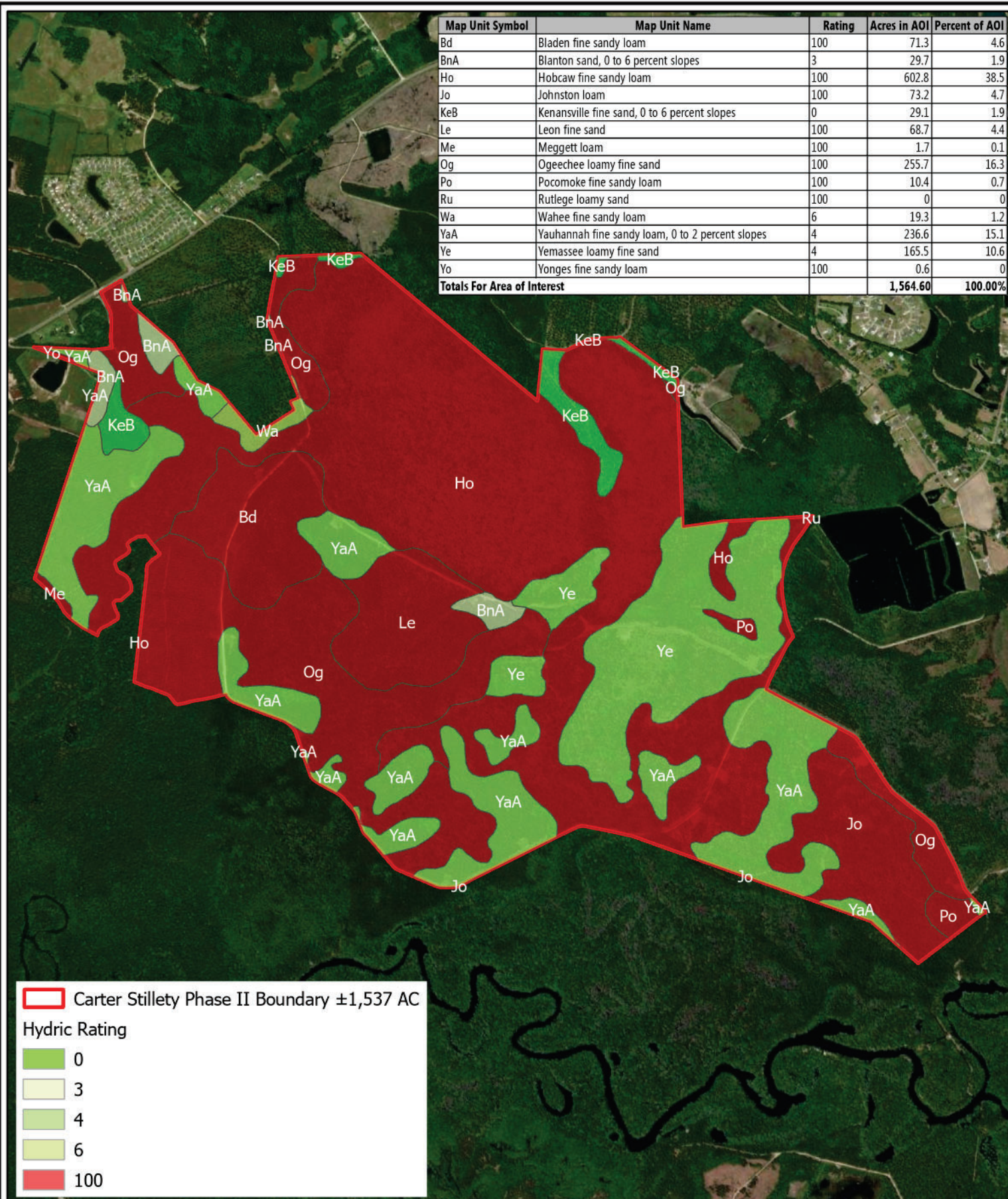
**Figure 13: Landcover/Land Use Map**

Carter Stillely Phase II  
 Horry County, South Carolina  
 Source: ESRI, USGS  
 Date: August 2022

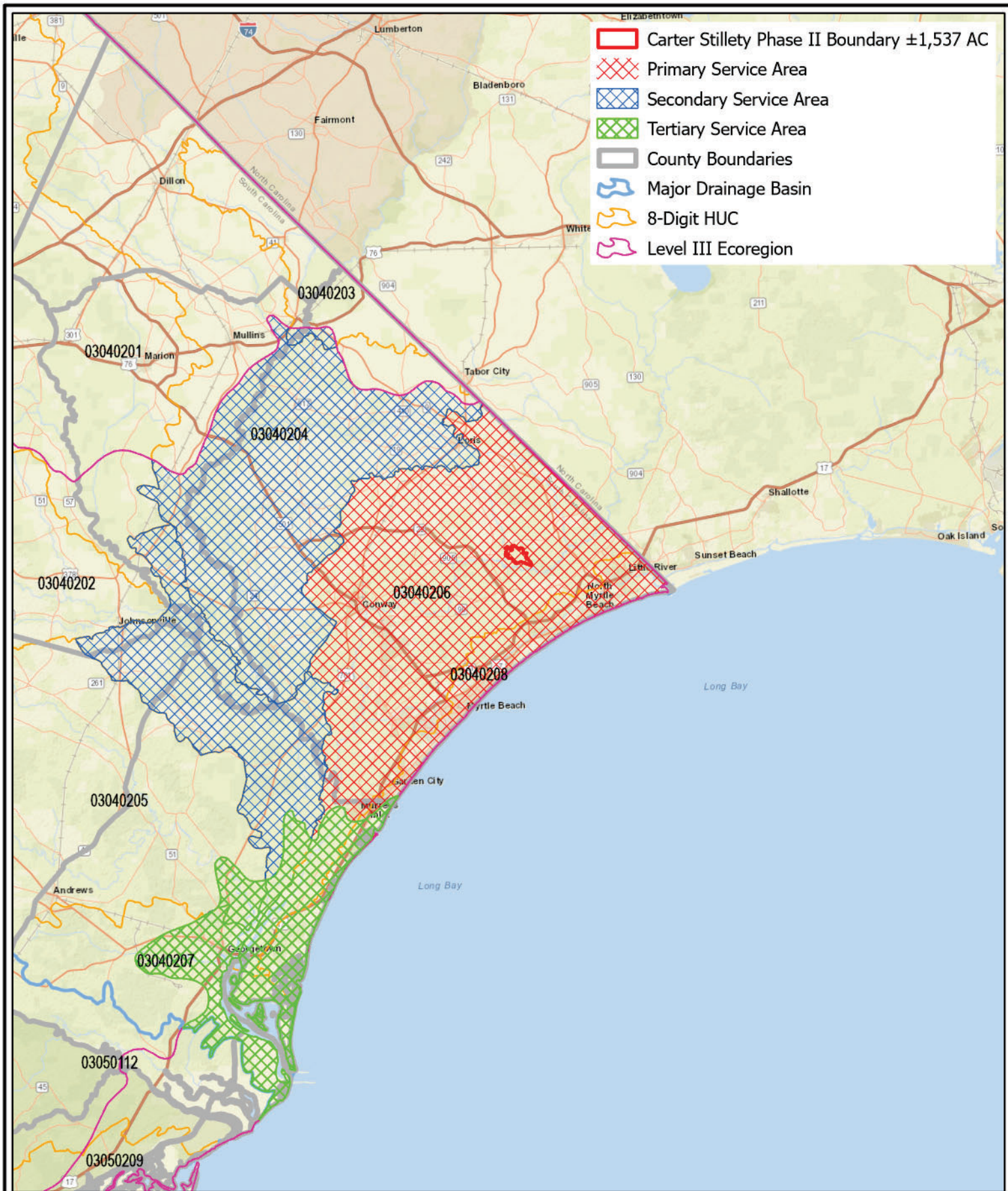




Map Unit Symbol	Map Unit Name	Rating	Acres in AOI	Percent of AOI
Bd	Bladen fine sandy loam	100	71.3	4.6
BnA	Blanton sand, 0 to 6 percent slopes	3	29.7	1.9
Ho	Hobcaw fine sandy loam	100	602.8	38.5
Jo	Johnston loam	100	73.2	4.7
KeB	Kenansville fine sand, 0 to 6 percent slopes	0	29.1	1.9
Le	Leon fine sand	100	68.7	4.4
Me	Meggett loam	100	1.7	0.1
Og	Ogeechee loamy fine sand	100	255.7	16.3
Po	Pocomoke fine sandy loam	100	10.4	0.7
Ru	Rutlege loamy sand	100	0	0
Wa	Wahee fine sandy loam	6	19.3	1.2
YaA	Yauhannah fine sandy loam, 0 to 2 percent slopes	4	236.6	15.1
Ye	Yemassee loamy fine sand	4	165.5	10.6
Yo	Yonges fine sandy loam	100	0.6	0
<b>Totals For Area of Interest</b>			<b>1,564.60</b>	<b>100.00%</b>







**Figure 16: Service Area Map**

Carter Stillely Phase II  
 Horry County, South Carolina  
 Source: ESRI, USACE, USGS  
 Date: August 2022