

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: SAC-2023-00078

January 23, 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

**Audubon South Carolina
c/o Water and Land Solutions
1859 Summerville Avenue, Suite 770
Charleston, South Carolina 29405**

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

LOWER FOUR HOLE SWAMP WATERSHED

at a location approximately 3 miles northwest of the Town of Ridgeville, south of U.S. Highway 78 and West of S.C. Highway 27 in Dorchester County, South Carolina (Latitude 33.12219 Longitude: -80.351413), Ridgeville and Pringletown Quadrangle sheets.

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 goals of the Bank Site include preserving 288.02 acres of wetlands, enhancing 120.05 acres of wetlands, and enhancing and/or preserving 32.08 acres of upland buffer. Specifically, mitigation actions associated with the Bank will:

- Build upon the current conservation objectives of ASC,
- Provide connectivity to other conserved lands, such as those located within the Four Hole Swamp watershed including Givhans Ferry State Park, Beidler Forest Sanctuary and SCDNR Wildlife Management Areas,
- Preserve approximately 288.02 acres of bald cypress/tupelo swamp and bottomland hardwood wetland, constituting a Value Class 1 high quality and highly significant natural area and sensitive species habitat,
- Reestablish a diverse native hardwood wetland plant community for 120.05 acres of impaired wetlands, and
- Enhance and/or preserve approximately 32.08 acres of upland buffer.

The Bank will provide a compensatory mitigation option for wetland impacts associated with authorized (permitted) impacts within the Bank's service area."

Project Description

The proposed project consists of establishing a freshwater wetland mitigation bank in the Lower Four Hole Swamp Watershed (10-digit Hydrologic Unit Code 0305020503), located in the Mid-Atlantic Coastal Plain Level III Ecoregion. The proposed 451.75-acre mitigation site includes approximately 407.68 acres of freshwater wetlands.

The proposal is to preserve approximately 288.02 acres of forested wetlands. In addition, 120.05 acres of freshwater wetlands would be enhanced through removal of loblolly pine and replanted in native hardwood species and the sponsor is proposing to preserve and/or enhance approximately 32.48 acres of upland buffers around wetland resources. 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 03050205; Four Hole Swamp and 03050206; Edisto. 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*), Red-cockaded Woodpecker (*Picoides borealis*), Wood Stork (*Mycteria americana*), Atlantic Sturgeon (*Acipenser oxyrinchus*), and Shortnose sturgeon (*Aceipenser brevirostrum*).

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 Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose sturgeon (*Aceipenser brevirostrum*), Wood Stork (*Mycteria americana*), and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect Northern Long-eared Bat (*Myotis septentrionalis*) and/or Red-cockaded Woodpecker (*Picoides borealis*) 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

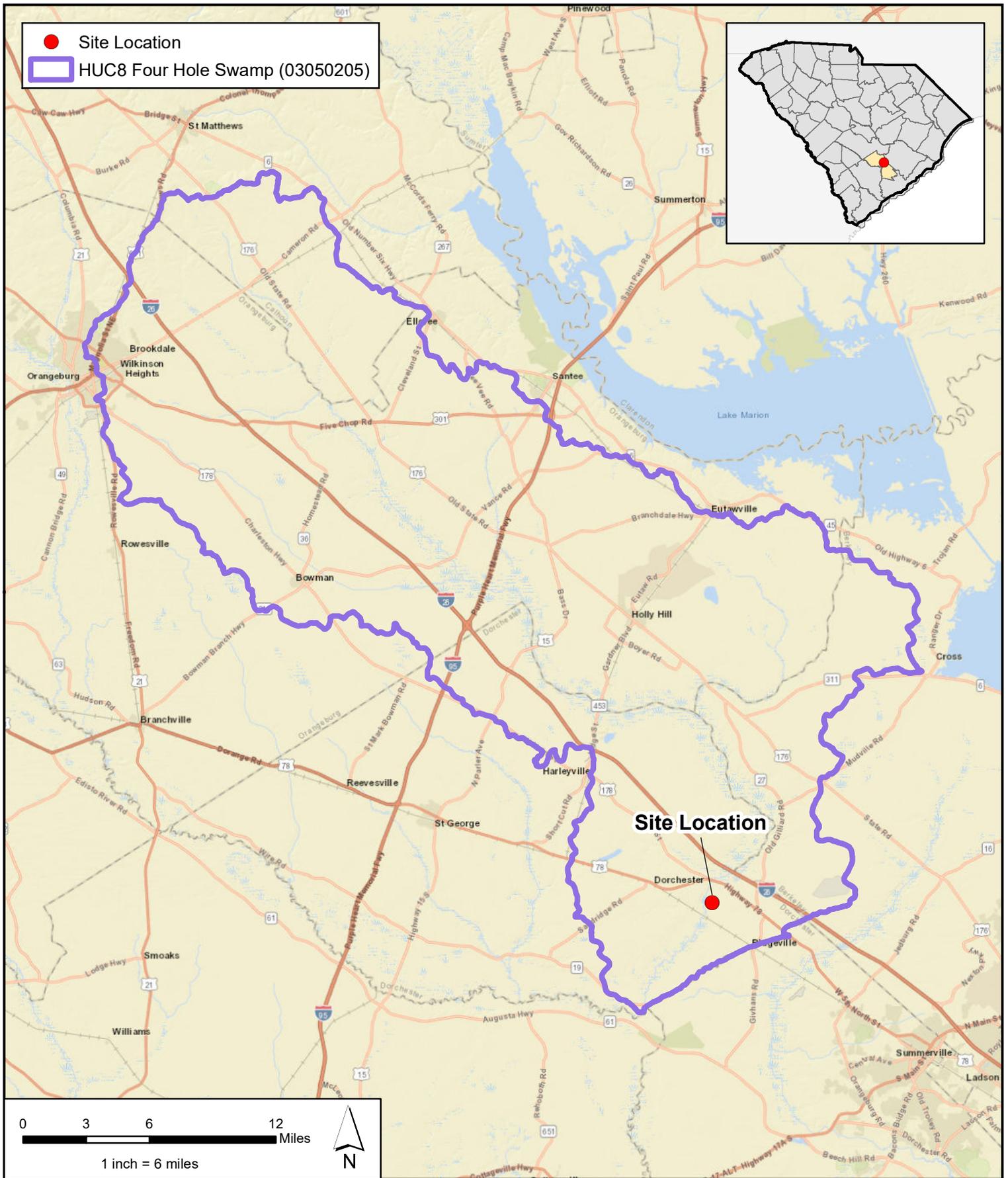
The decision whether to approve or deny the proposed mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably 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 or in writing to the following address:**

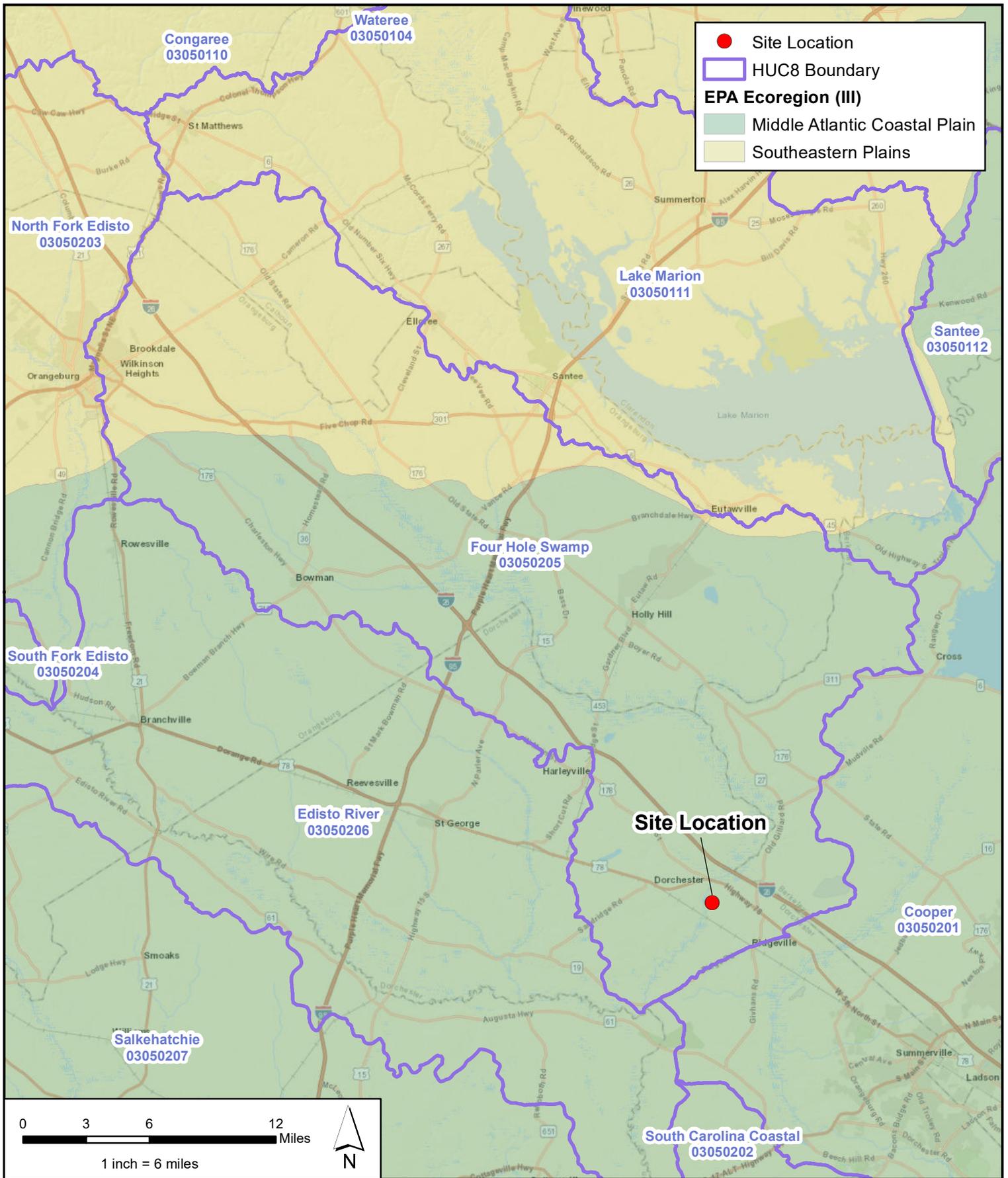
US ARMY CORPS OF ENGINEERS
Conway Regulatory Field Office
Conway Agricultural Center
1949 Industrial Park Road; Room 140
Conway, South Carolina 29526

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.



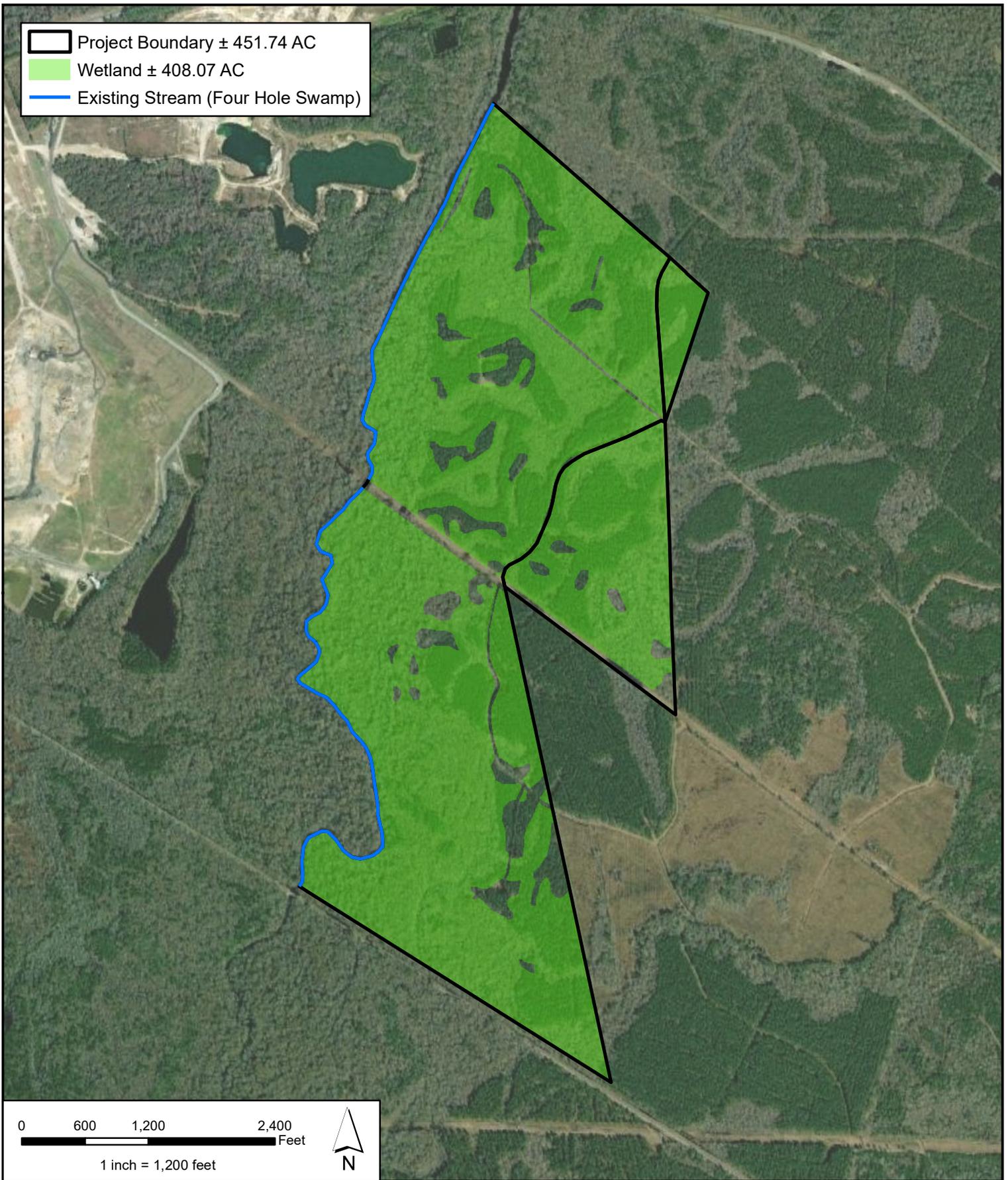
	<p align="center">Way Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p align="center">Location Map</p>	<p align="center">Figure 1</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 9/26/2022</p>	

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



	<p align="center">Way Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p align="center">HUC and Ecoregion Map</p>	<p align="center">Figure 2</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 9/26/2022</p>	

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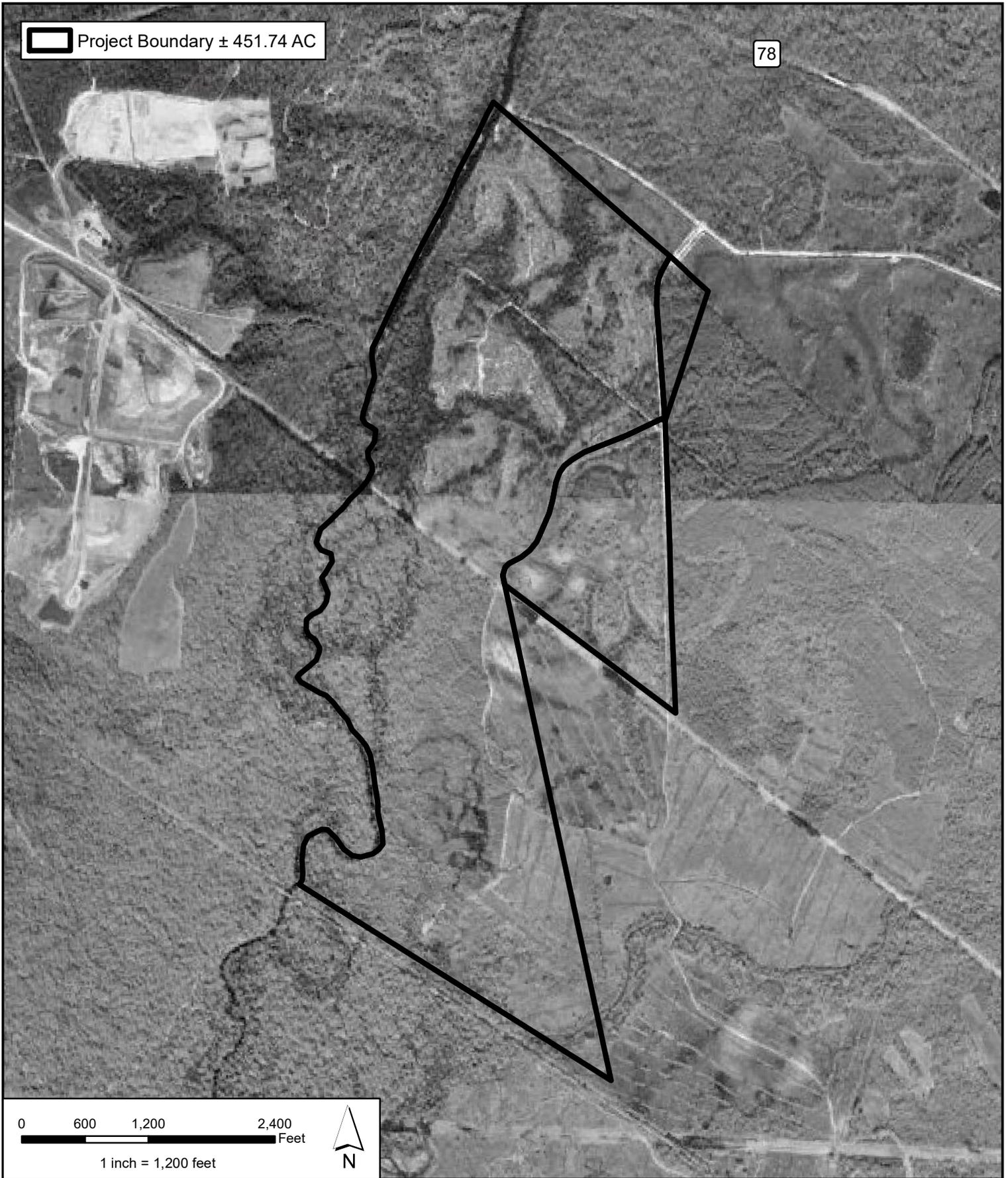
 WATER & LAND™ SOLUTIONS	Way Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina	Delineation Map	Figure 3
	Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet	Date: 11/4/2022	



 WATER & LAND™ SOLUTIONS	Way Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina	1957 Aerial Map	Figure 5a
	Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet	Date: 11/2/2022	

 Project Boundary ± 451.74 AC

78



Way Tract
HUC8 Four Hole Swamp (03050205)
Dorchester County, South Carolina

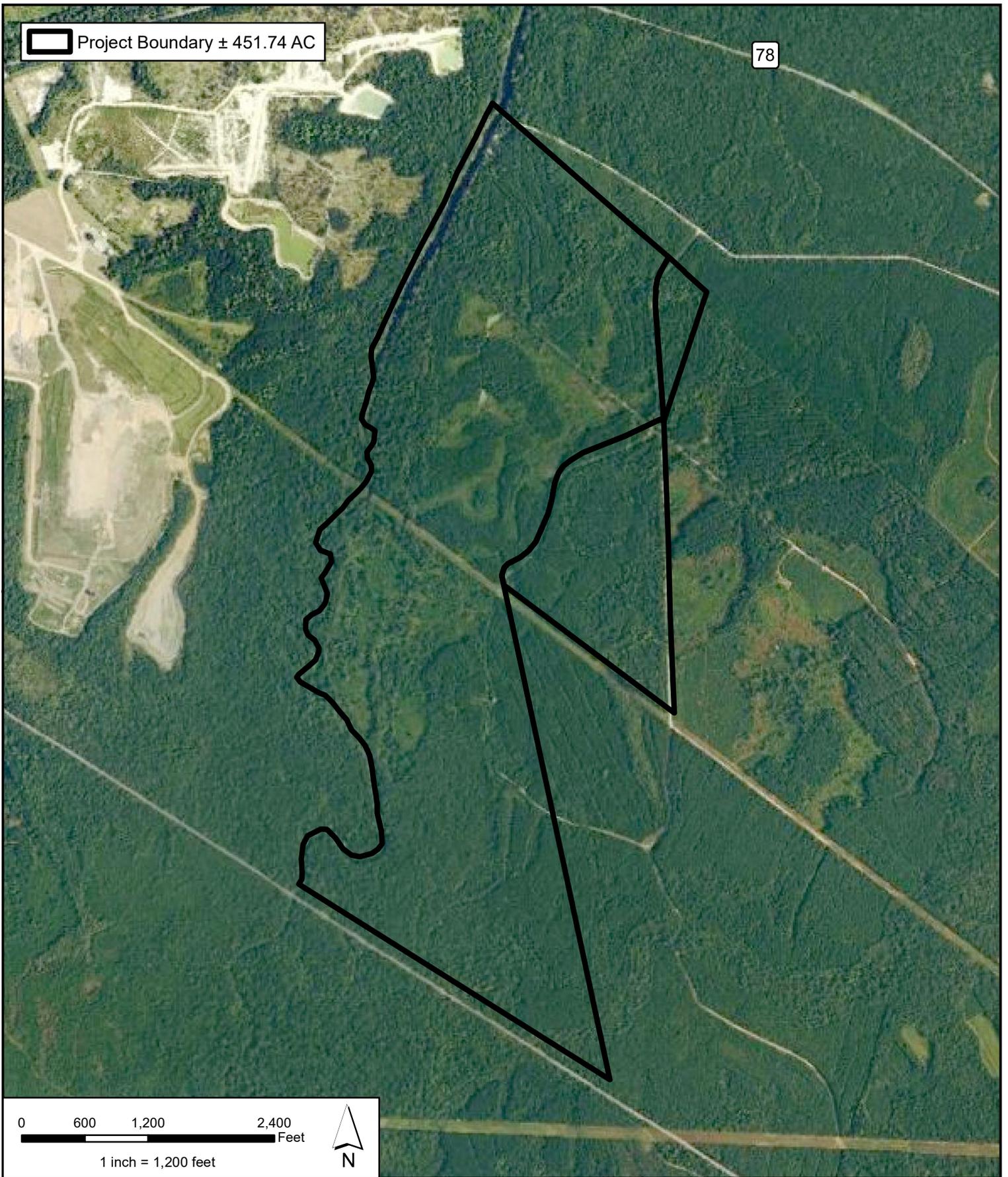
Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

1994
Aerial Map

Date: 11/2/2022

Figure

5b



 Project Boundary ± 451.74 AC

78

0 600 1,200 2,400 Feet
1 inch = 1,200 feet



Way Tract
HUC8 Four Hole Swamp (03050205)
Dorchester County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

2005
Aerial Map

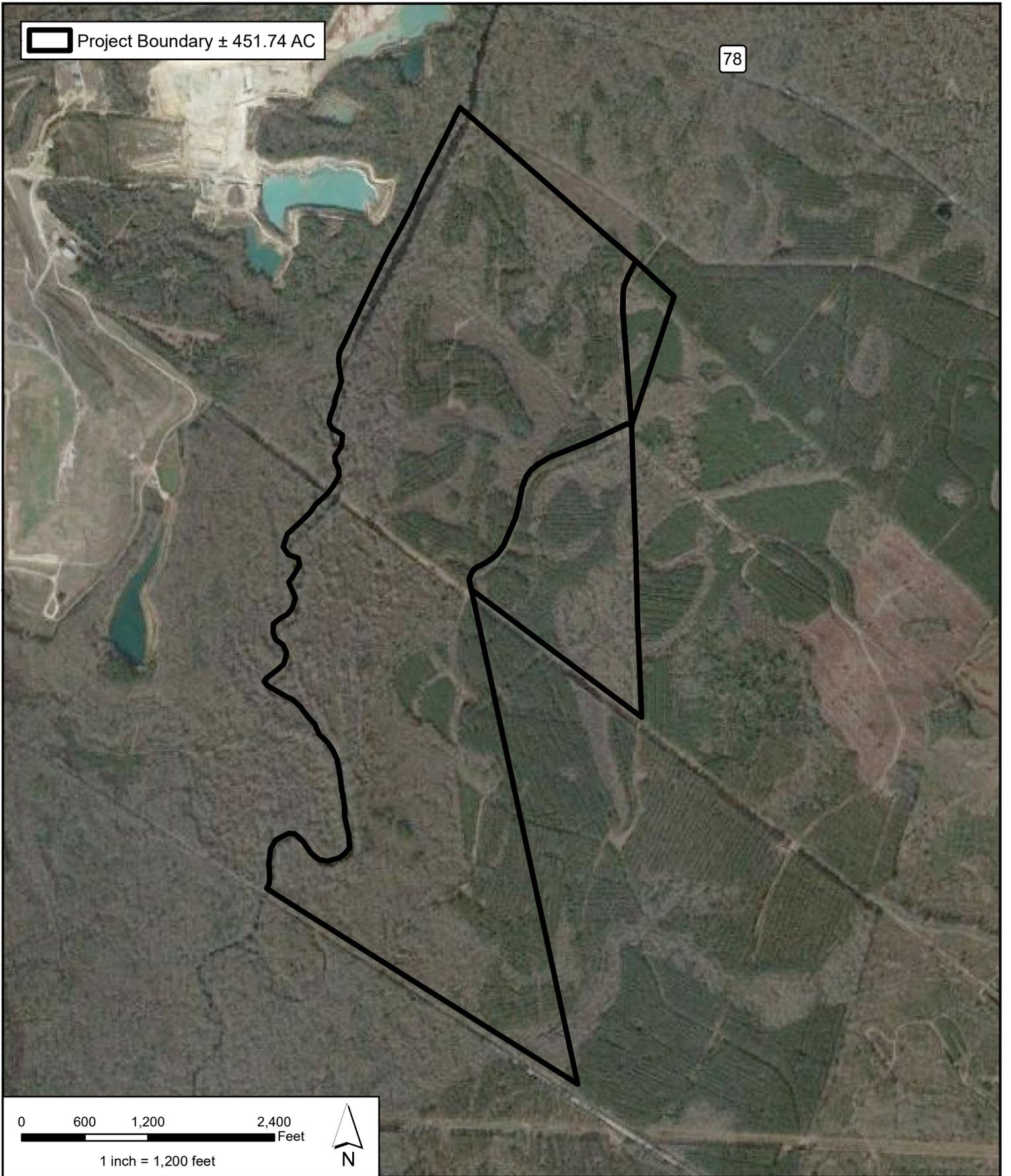
Date: 11/2/2022

Figure

5c

 Project Boundary ± 451.74 AC

78



Way Tract
HUC8 Four Hole Swamp (03050205)
Dorchester County, South Carolina

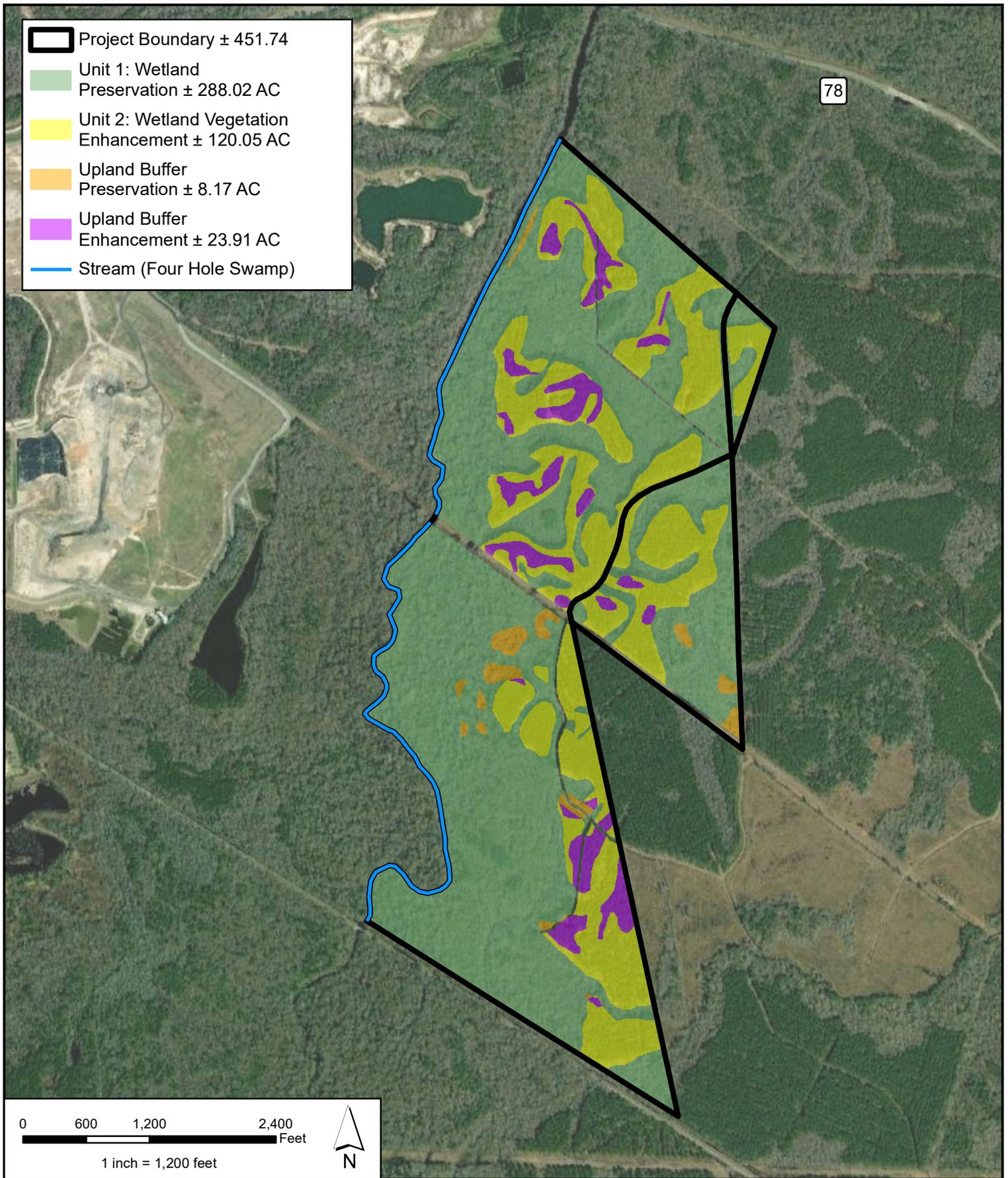
2013
Aerial Map

Figure
5d

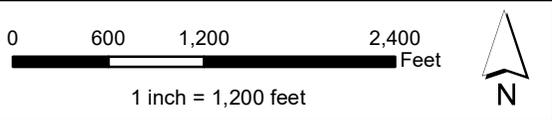
Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Date: 11/2/2022

Service Layer Credits:



- Project Boundary ± 451.74
- Unit 1: Wetland Preservation ± 288.02 AC
- Unit 2: Wetland Vegetation Enhancement ± 120.05 AC
- Upland Buffer Preservation ± 8.17 AC
- Upland Buffer Enhancement ± 23.91 AC
- Stream (Four Hole Swamp)



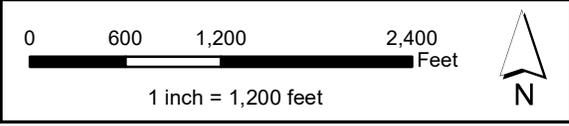
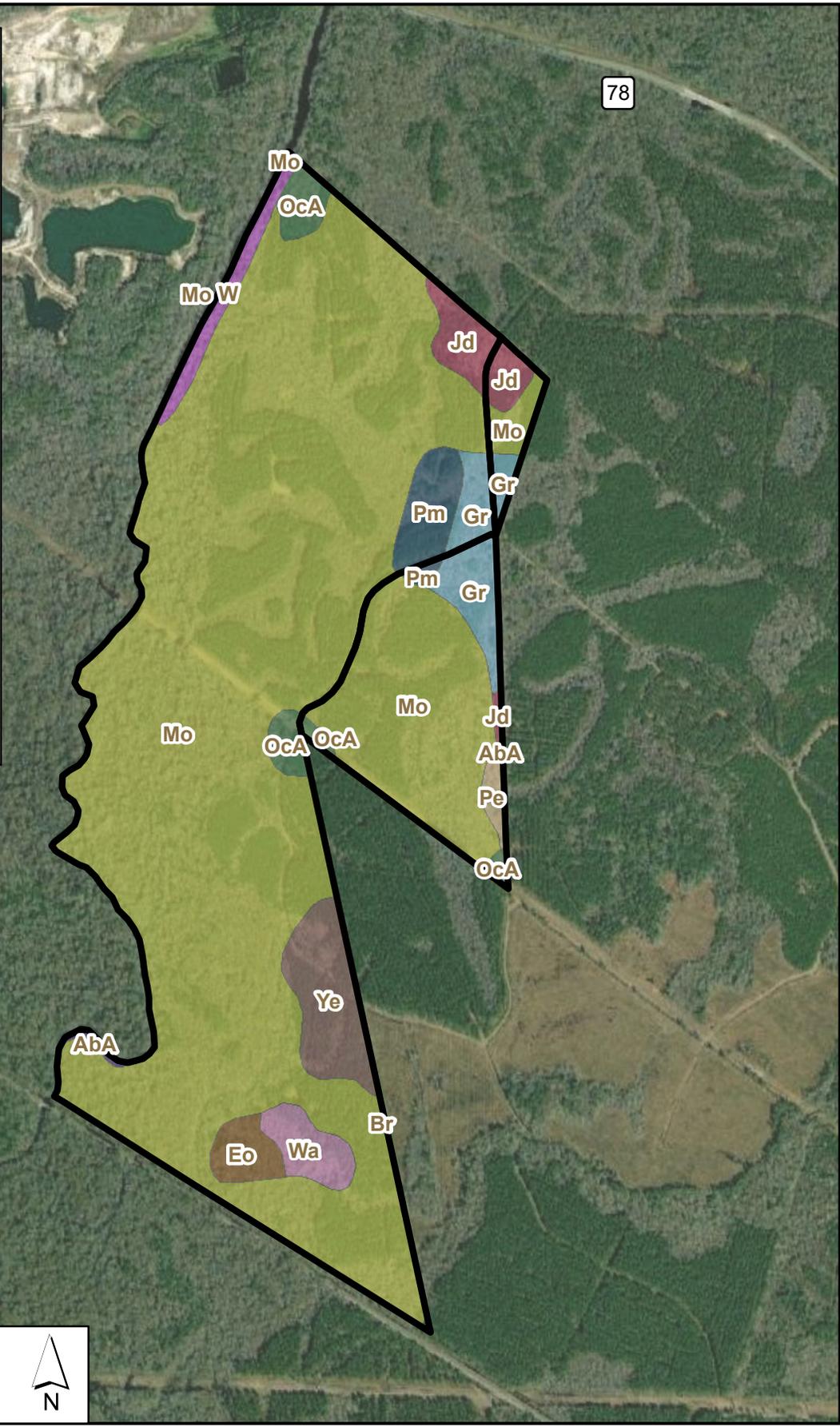
 WATER & LAND™ SOLUTIONS	Way Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina	Proposed Mitigation Map	Figure 6
	Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet	Date: 11/4/2022	

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

Project Boundary
± 451.74 AC

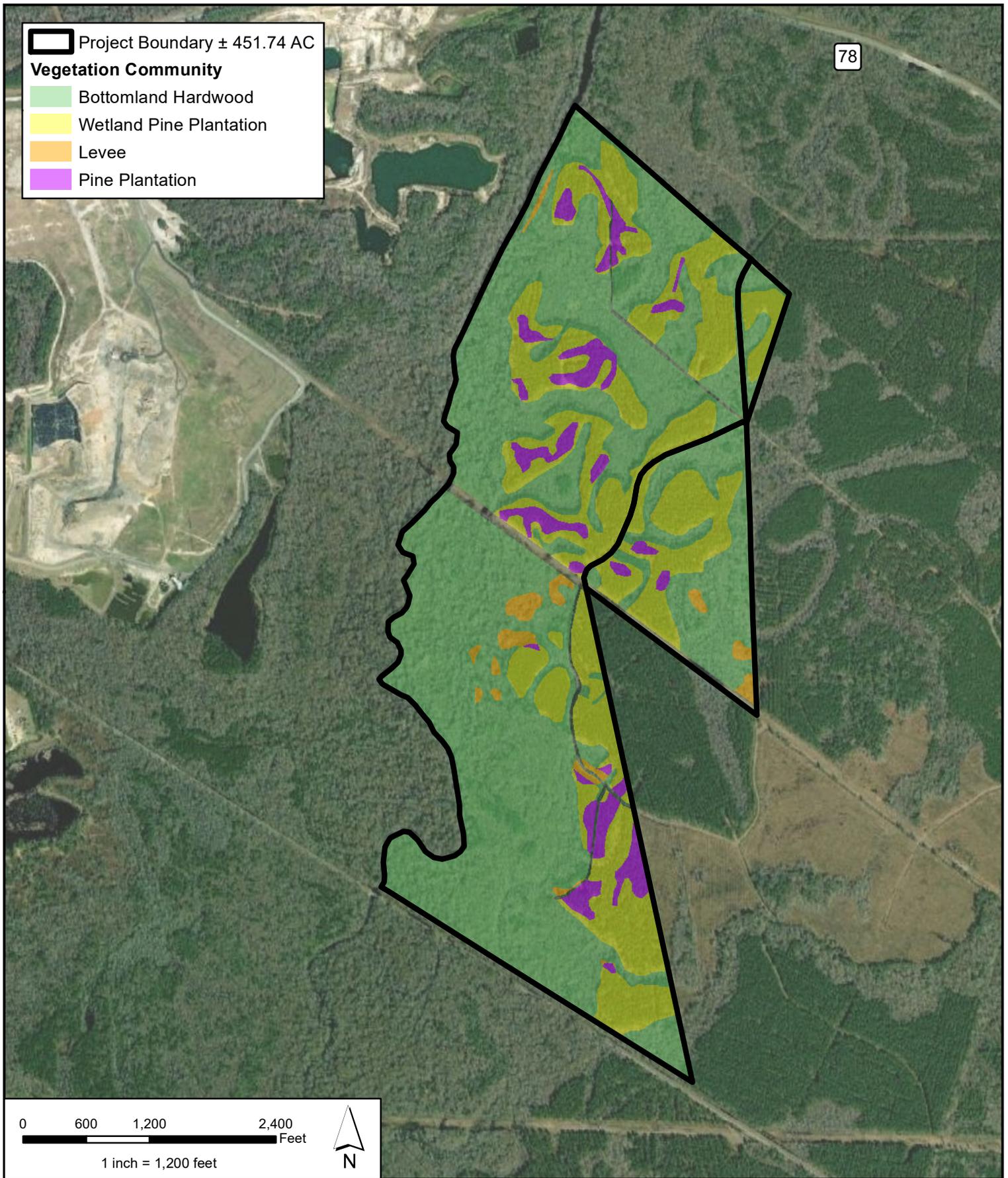
NRCS Soil Type

- AbA: Albany fine sand, 0 to 2 percent slopes
- Br: Brookman clay loam, frequently flooded
- Eo: Ellore loamy fine sand, occasionally flooded
- Gr: Grifton fine sandy loam, frequently flooded
- Jd: Jedburg loam
- Mo: Mouzon fine sandy loam, occasionally flooded
- OcA: Ocilla sand, 0 to 2 percent slopes
- Pe: Pelham sand
- Pm: Plummer loamy sand
- W: Water
- Wa: Wahee fine sandy loam
- Ye: Yemassee fine sandy loam



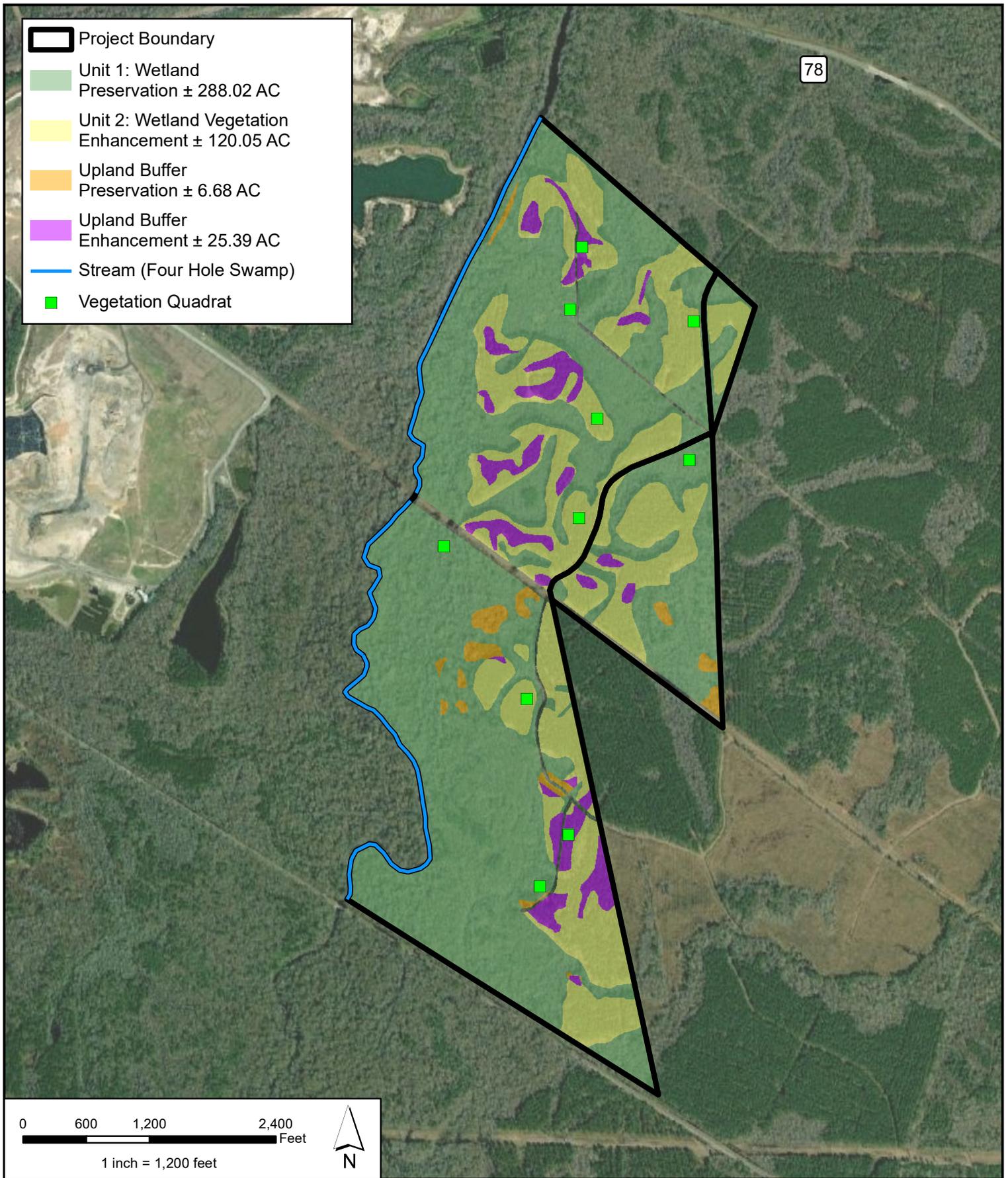
	Way Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina	NRCS Soil Map	Figure 7
	Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet	Date: 11/2/2022	

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



	<p>Way Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p>Vegetation Community Map</p>	<p>Figure 8</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 11/4/2022</p>	

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



Way Tract
 HUC8 Four Hole Swamp (03050205)
 Dorchester County, South Carolina

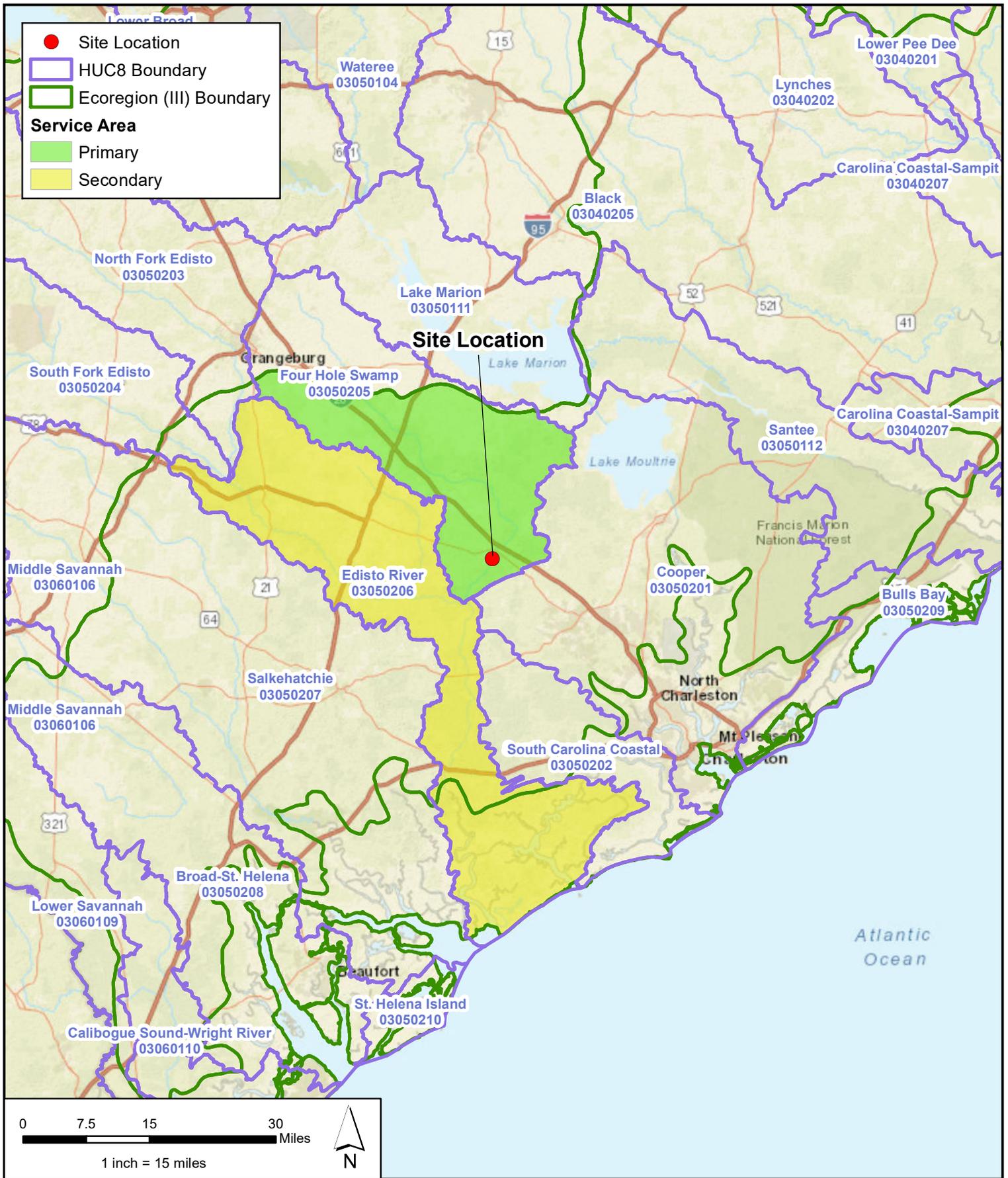
Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Proposed
 Monitoring Map

Date: 11/4/2022

Figure
10

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



	<p>Way Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p>Service Area Map</p>	<p>Figure 11</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 11/17/2022</p>	

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