

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: SAC-2023-00084

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), and Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), a prospectus has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by

**Wildland Holdings VIII, LLC
c/o Wildlands Engineering, Inc.
497 Bramson Ct., Suite 104
Mount Pleasant, South Carolina 29464**

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

TYGER RIVER WATERSHED

at a location approximately 4 miles south of the Town of Union, between U.S. Highway 176 and State Road S-44-24 in Union County, South Carolina (Latitude 34.664095 Longitude: -81.597659), Union East 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 proposed Oak Grove Farm Mitigation Bank (Bank Site) will provide compensatory mitigation within its defined service area for unavoidable adverse impacts to Waters of the United States, including wetlands, that result from activities authorized under Sections 401 and 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act, provided such activities have met all applicable requirements and are authorized by the appropriate authority. The proposed Bank Site...will provide numerous ecological benefits within the Tyger River Basin. The project goals are described [below].

- Remove sediment inputs affecting the hydrology of project streams,
- Restore hydraulic function to project stream reaches and floodplains,
- Restore geomorphology functional capacity within project stream reaches
- Preserve existing onsite high quality resources
- Facilitate aquatic organism passage and connectivity
- Restore and improve wetland hydrology
- Restore and enhance native wetland vegetation
- Permanently protect the Bank Site from degradation."

Project Description

The proposed project consists of establishing a freshwater wetland and stream mitigation bank in the Tyger Watershed (8-digit Hydrologic Unit Code 03050107), located in the Piedmont Level III Ecoregion. The proposed 186-acre mitigation site includes approximately 6.6 acres of freshwater wetlands/open water and 13,795 linear feet of stream.

The proposal is to restore approximately 13,962 linear feet of stream by raising stream channels, increasing large woody debris, reducing stream bank stress, removing concentrated flow points, and replanting riparian buffer. The applicant also proposes to preserve approximately 6.6 acres of forested wetlands and other aquatic resources. In addition, 22.5 acres of relic freshwater wetlands would be enhanced or restored through raising stream channels, re-locating streams back to the center of the valley, plugging floodplain ditches, draining onsite ponds, and replanting in native hardwood species. 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 03050107; Tyger, 03050105; Upper Broad, 03050105; Lower Broad, and 03050108; Enoree. 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.

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*) and Dwarf-flowered Heartleaf (*Hexastylis naniflora*)

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

The project is not likely to adversely affect Northern Long-eared Bat (*Myotis septentrionalis*) and/or Dwarf-flowered Heartleaf (*Hexastylis naniflora*) 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)), 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 David.B.Wilson@usace.army.mil or in writing to the following address:**

US ARMY CORPS OF ENGINEERS
Regulatory Division
69A Hagood Avenue
Charleston, South Carolina 29403

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 David Wilson, project manager, at (843) 329-8026 or by email at David.B.Wilson@usace.army.mil.

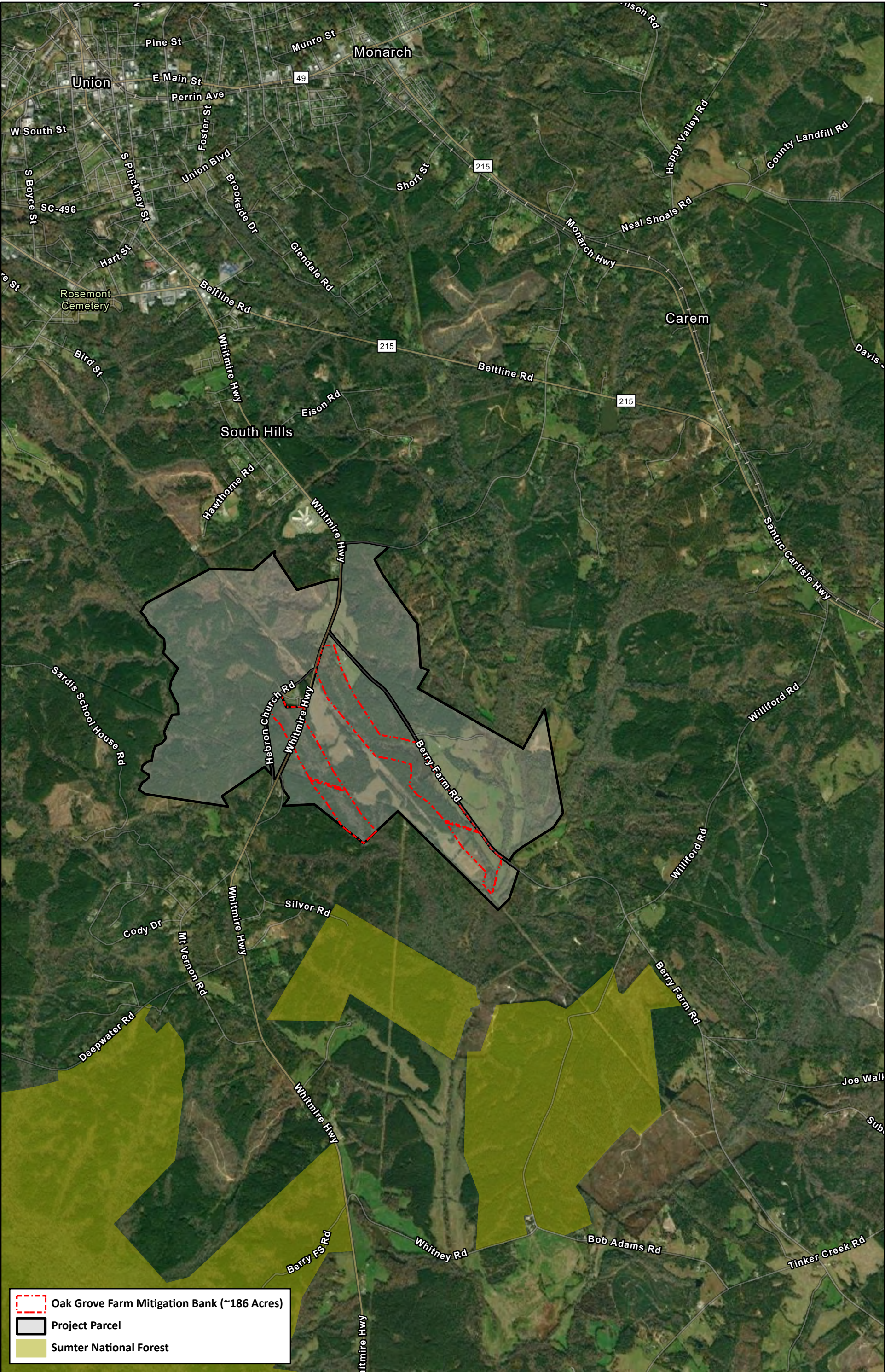


Figure 2: Site Location Map
Oak Grove Farm Mitigation Bank
Tyger 03050107

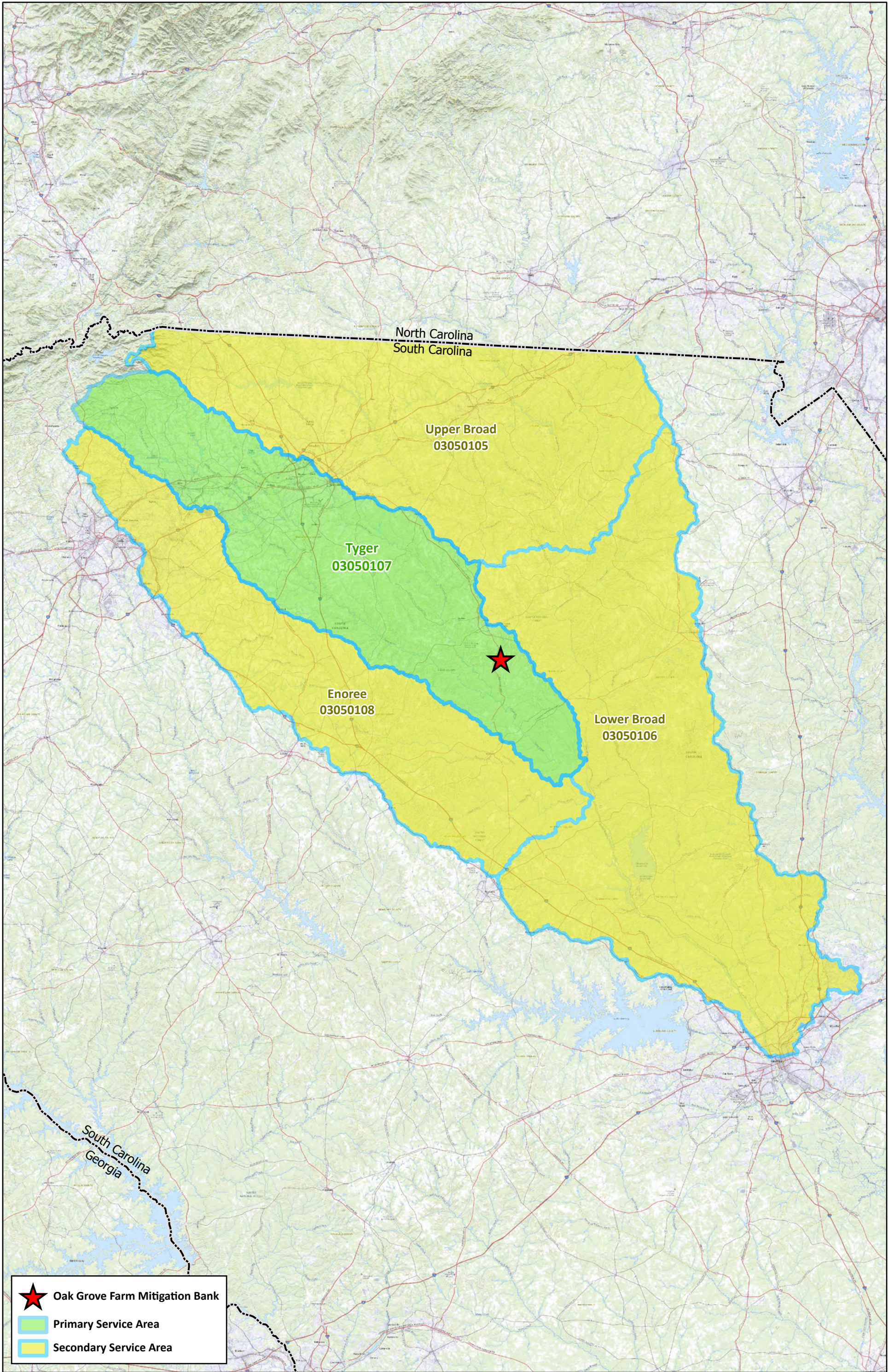
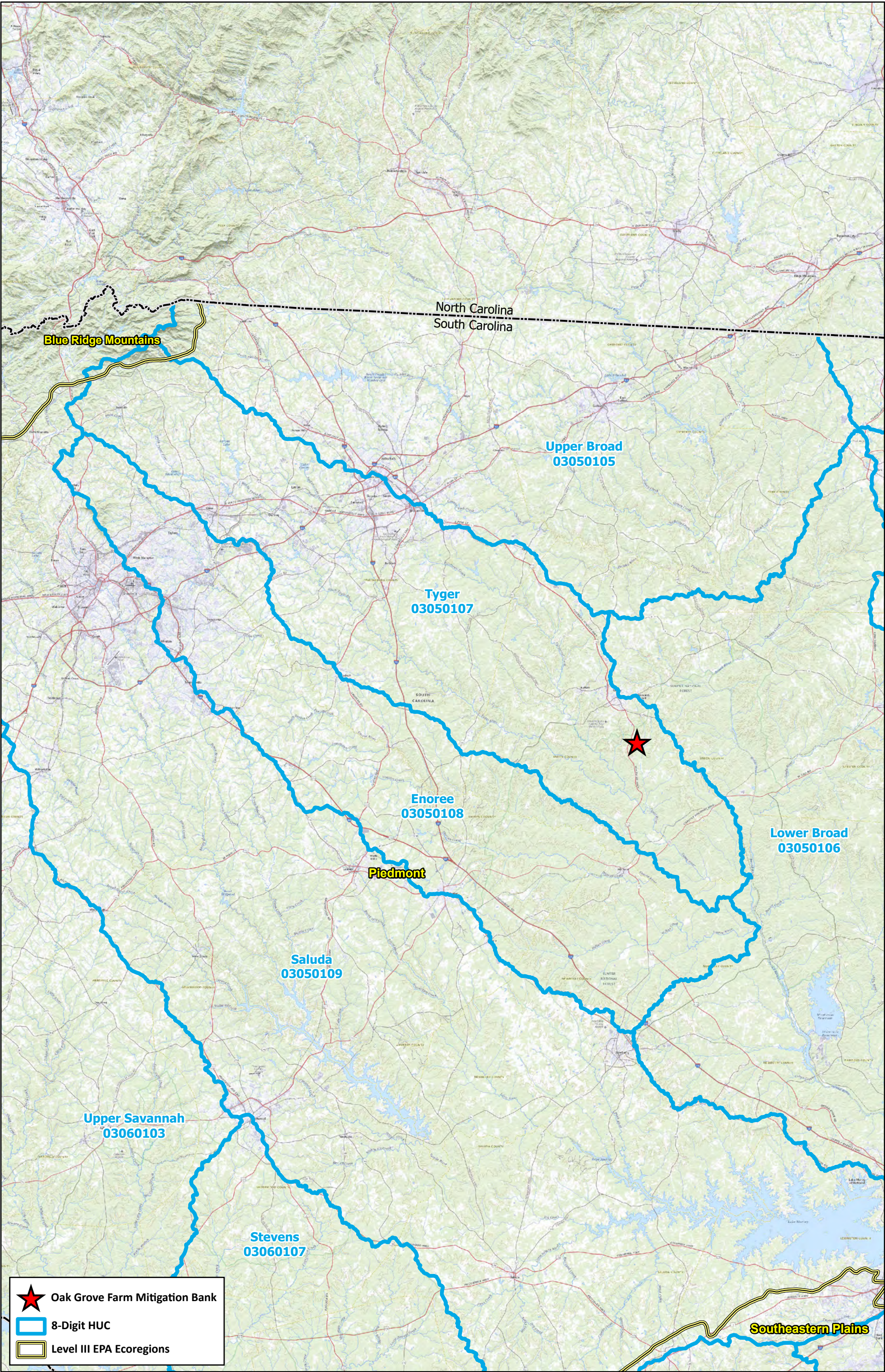


Figure 3: Service Area Map
Oak Grove Farm Mitigation Bank
Tyger 03050107



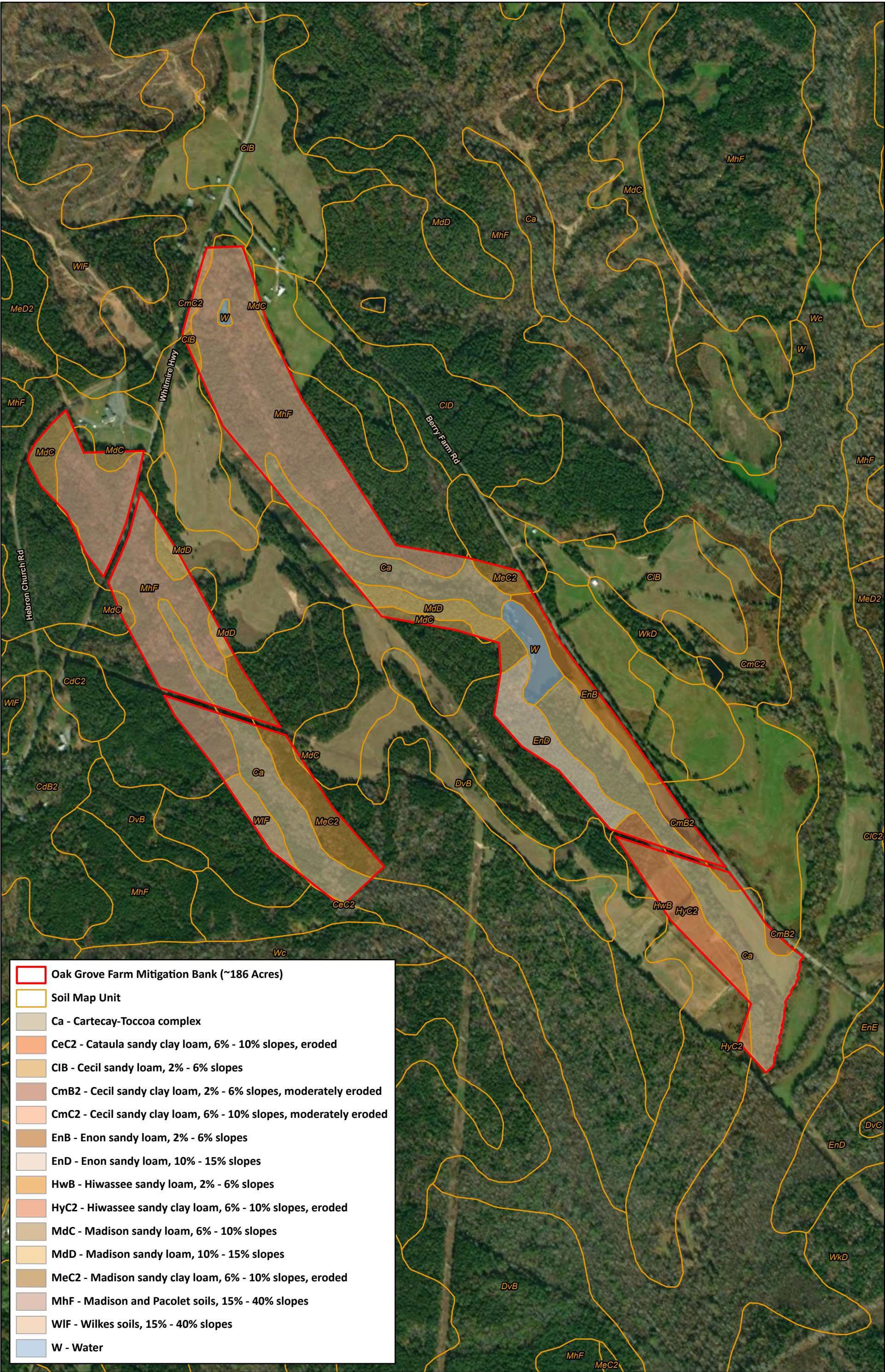
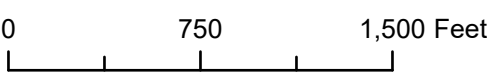


Figure 5: Soils Map

Oak Grove Farm Mitigation Bank
Tyger 03050107



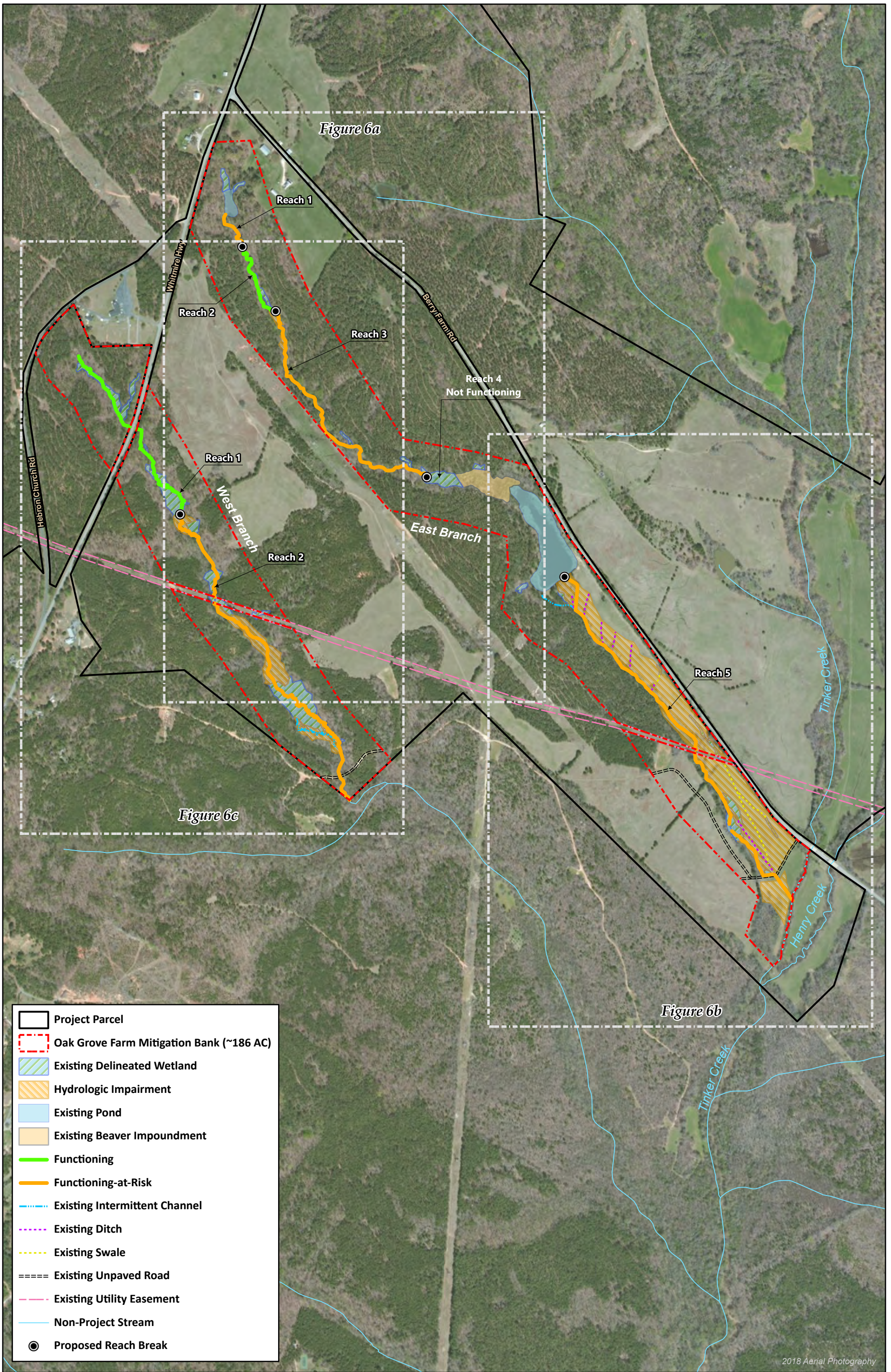
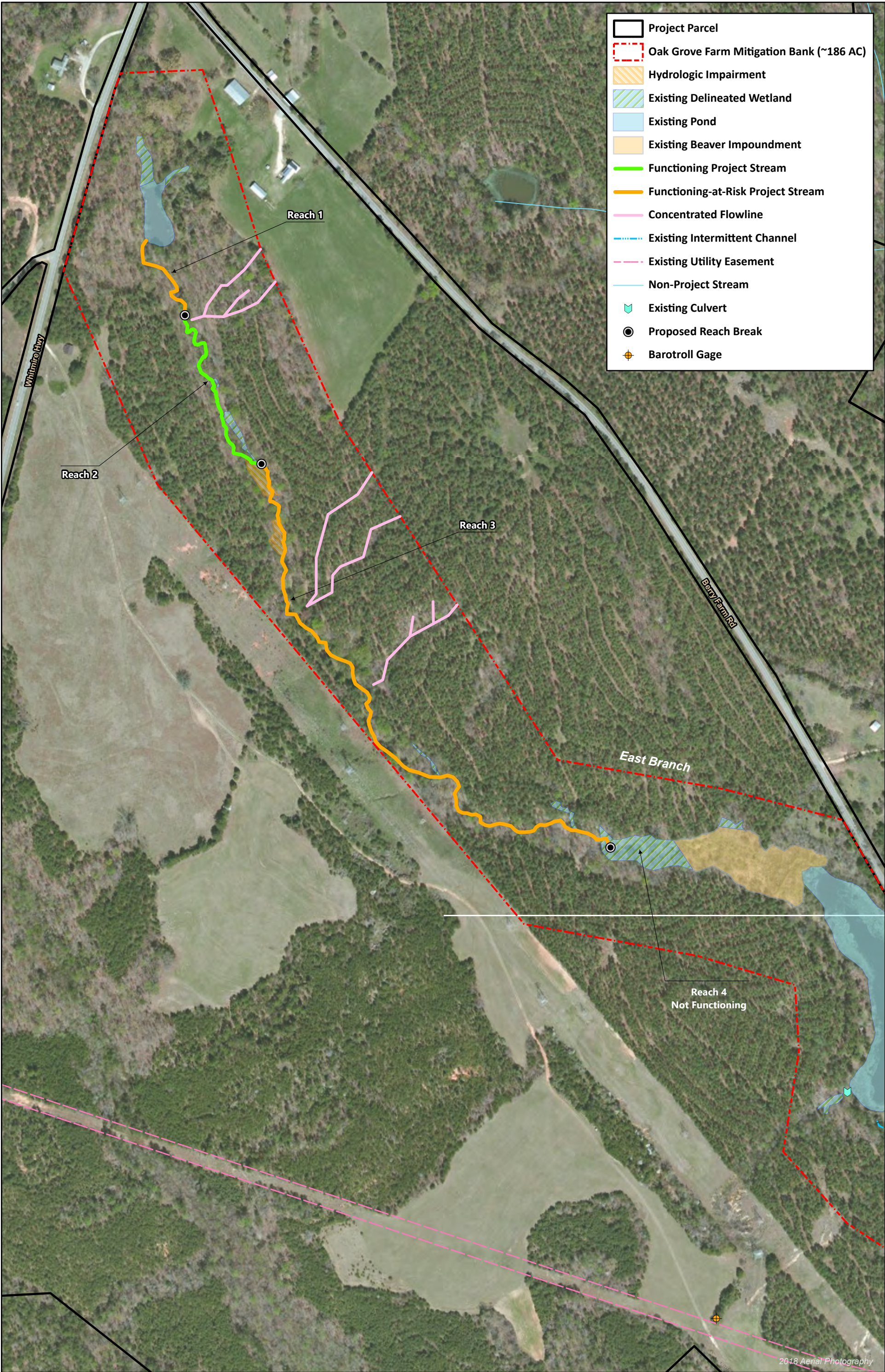
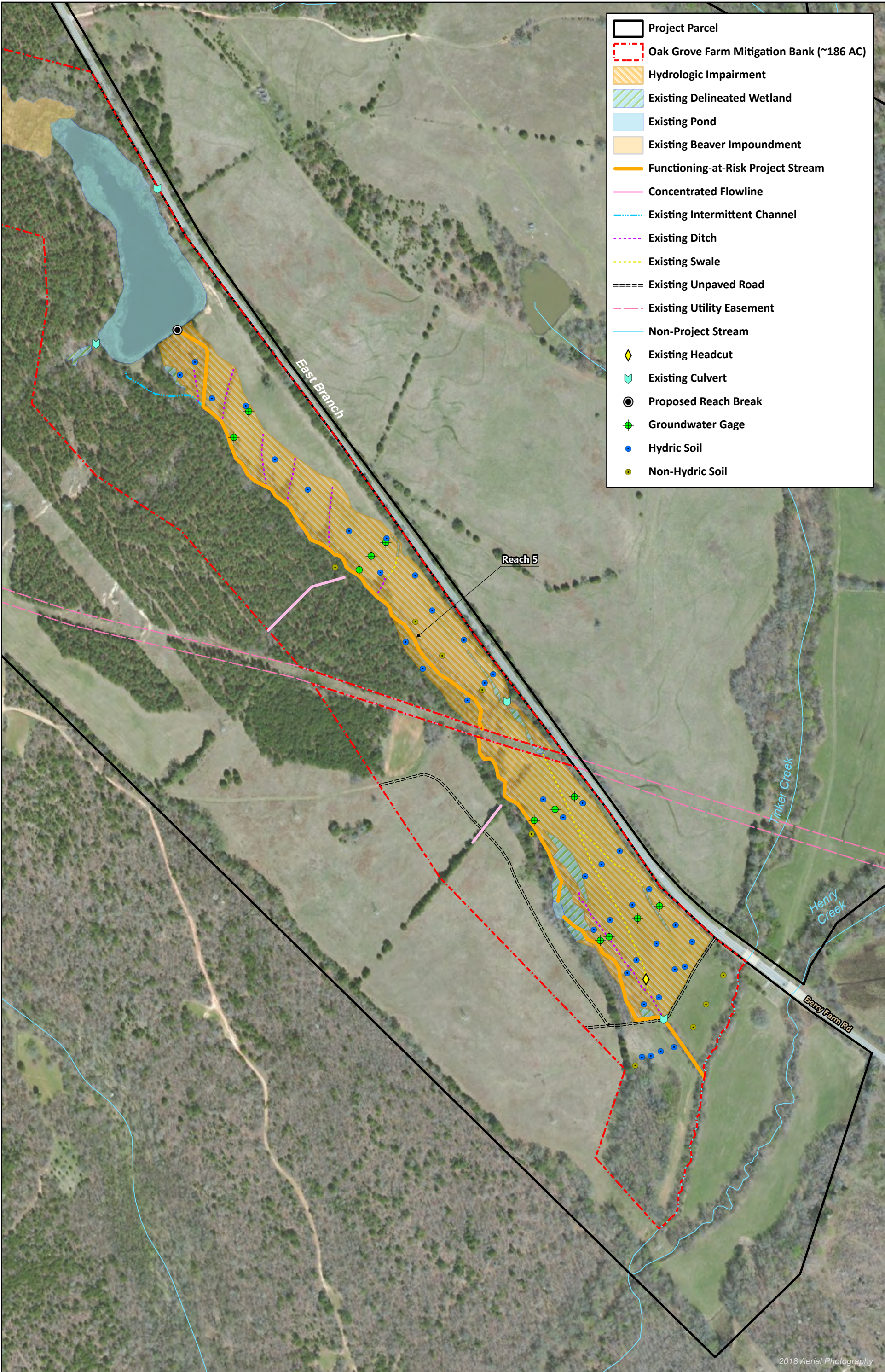


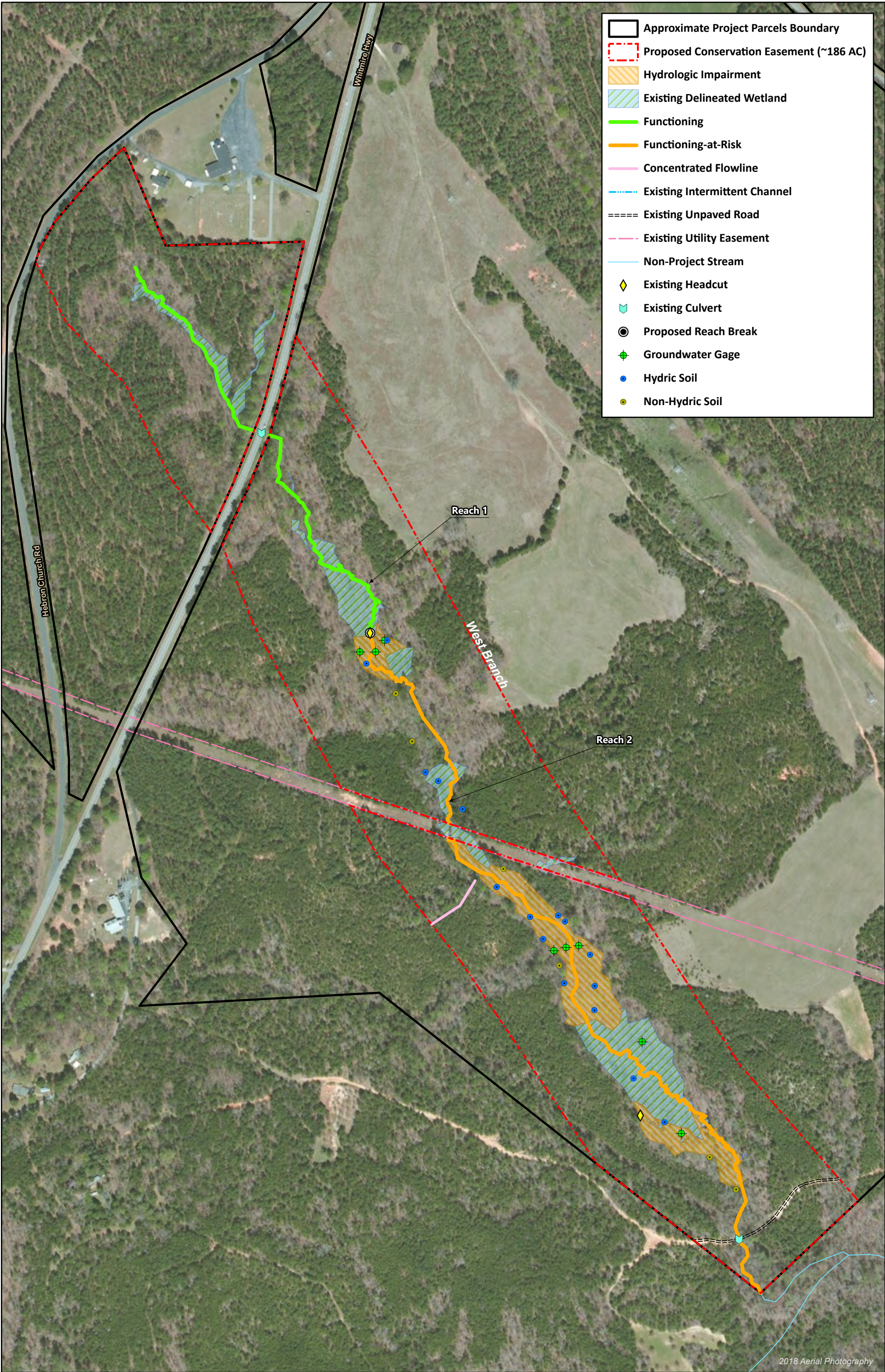
Figure 6: Existing Conditions Map - Overview
 Oak Grove Farm Mitigation Bank
 Tyger 03050107





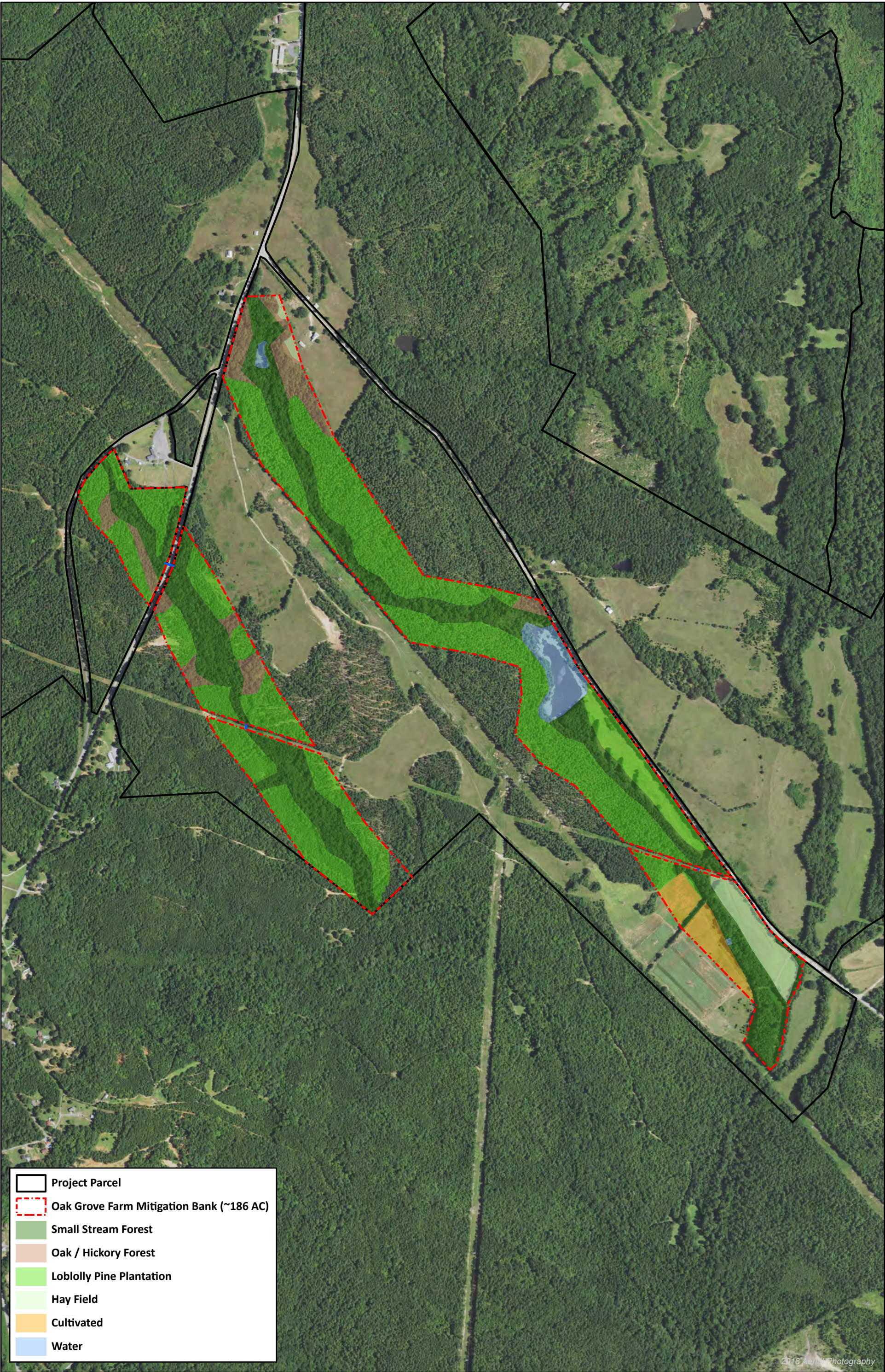
2018 Aerial Photography

Figure 6b: Existing Conditions Map - East Branch Lower
Oak Grove Farm Mitigation Bank
Tyger 03050107



2018 Aerial Photography

Figure 6c: Existing Conditions Map - West Branch
Oak Grove Farm Mitigation Bank
Tyger 03050107



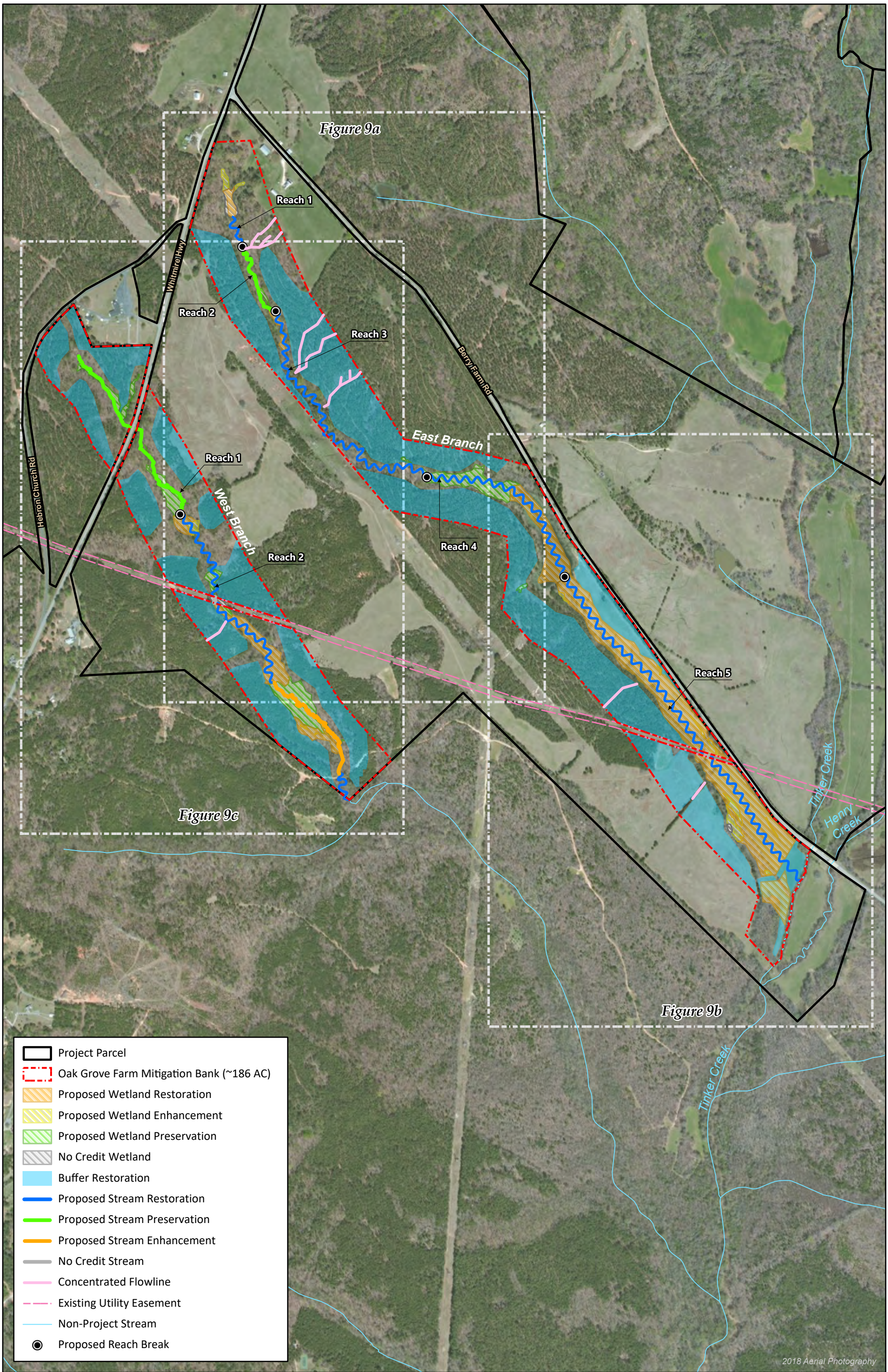


Figure 9: Conceptual Mitigation Plan Overview Map
Oak Grove Farm Mitigation Bank
Tyger 03050107

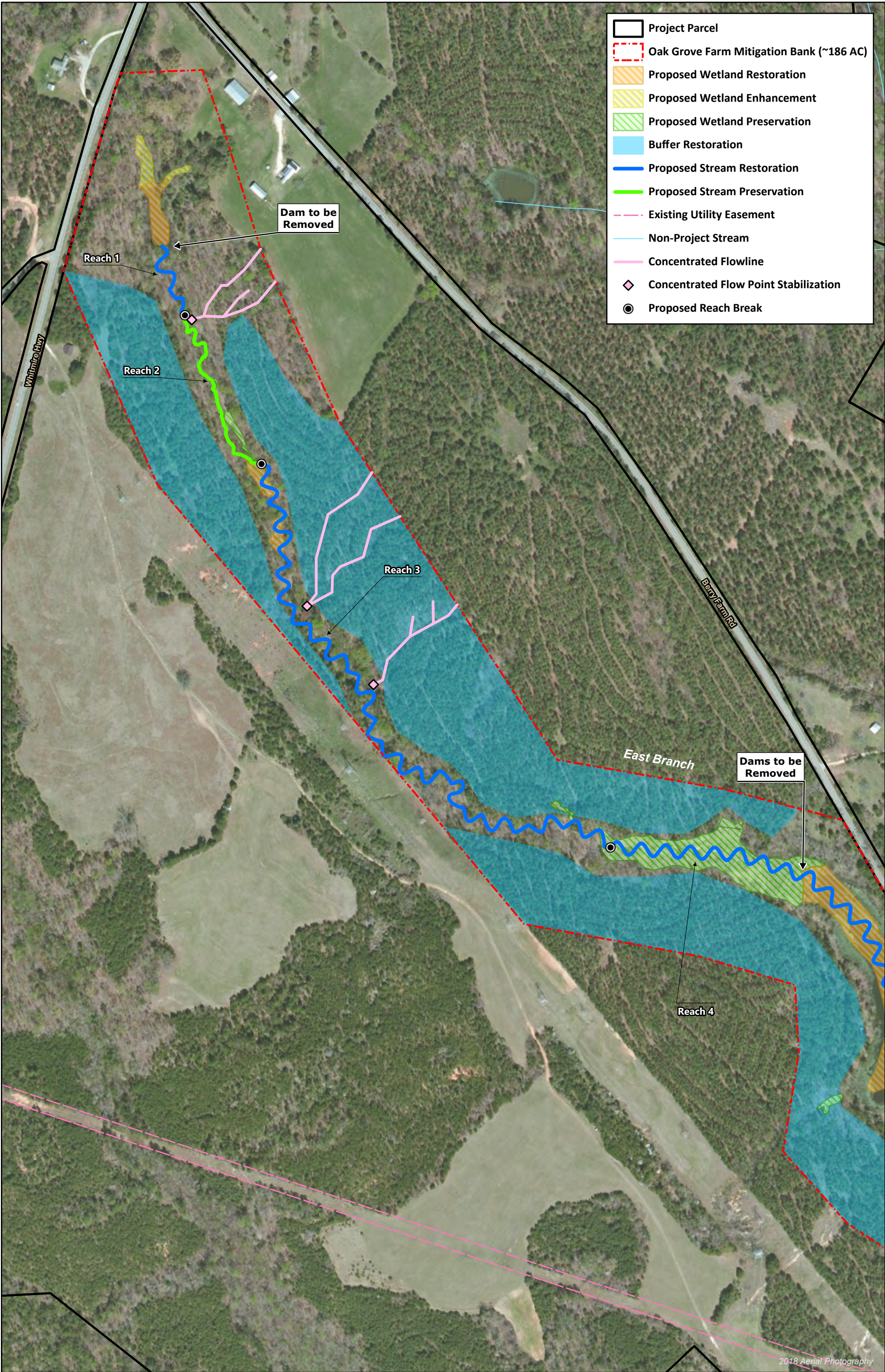
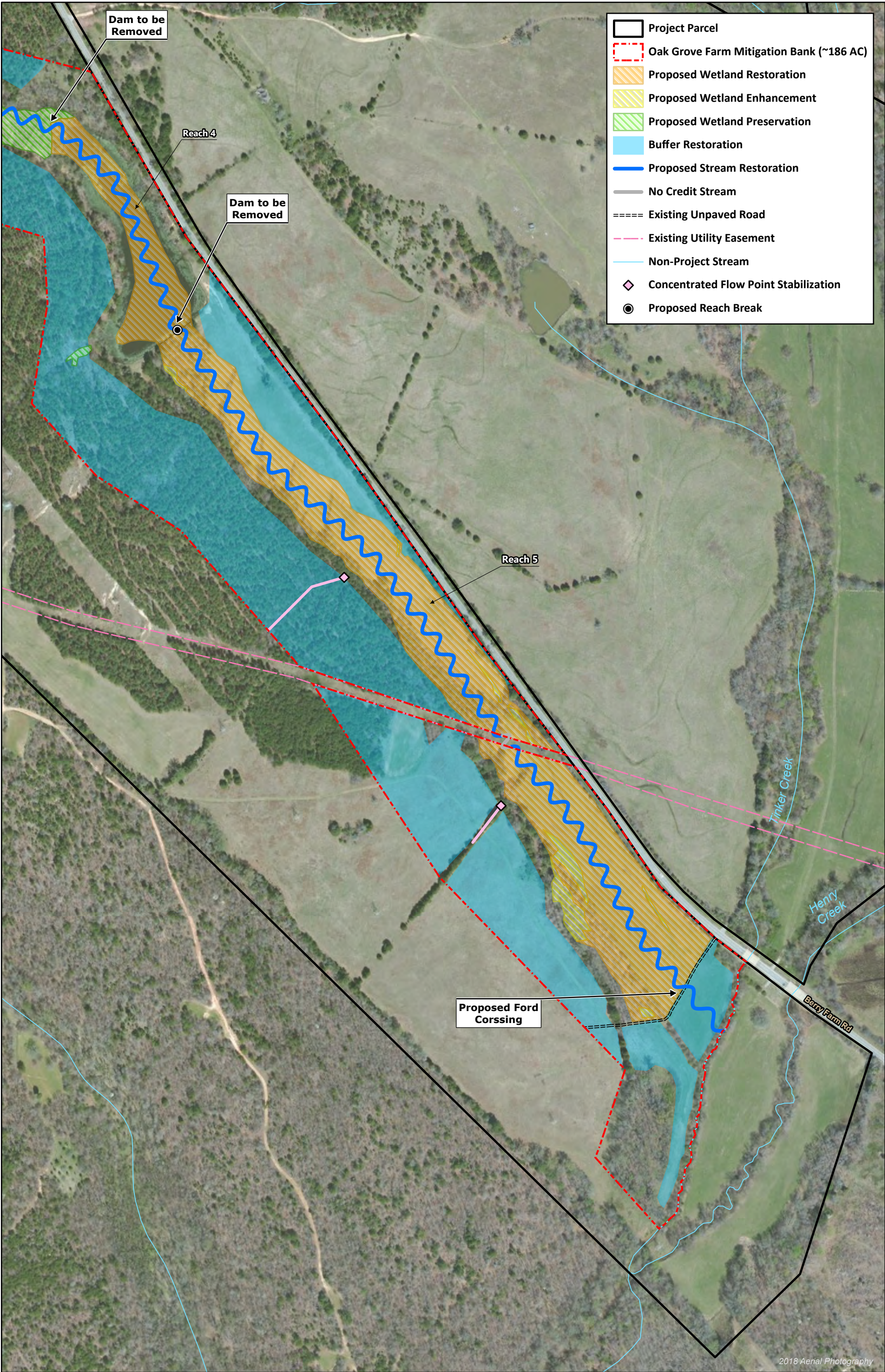


Figure 9a: Conceptual Mitigation Plan View - East Branch Upper
Oak Grove Farm Mitigation Bank
Tyger 03050107



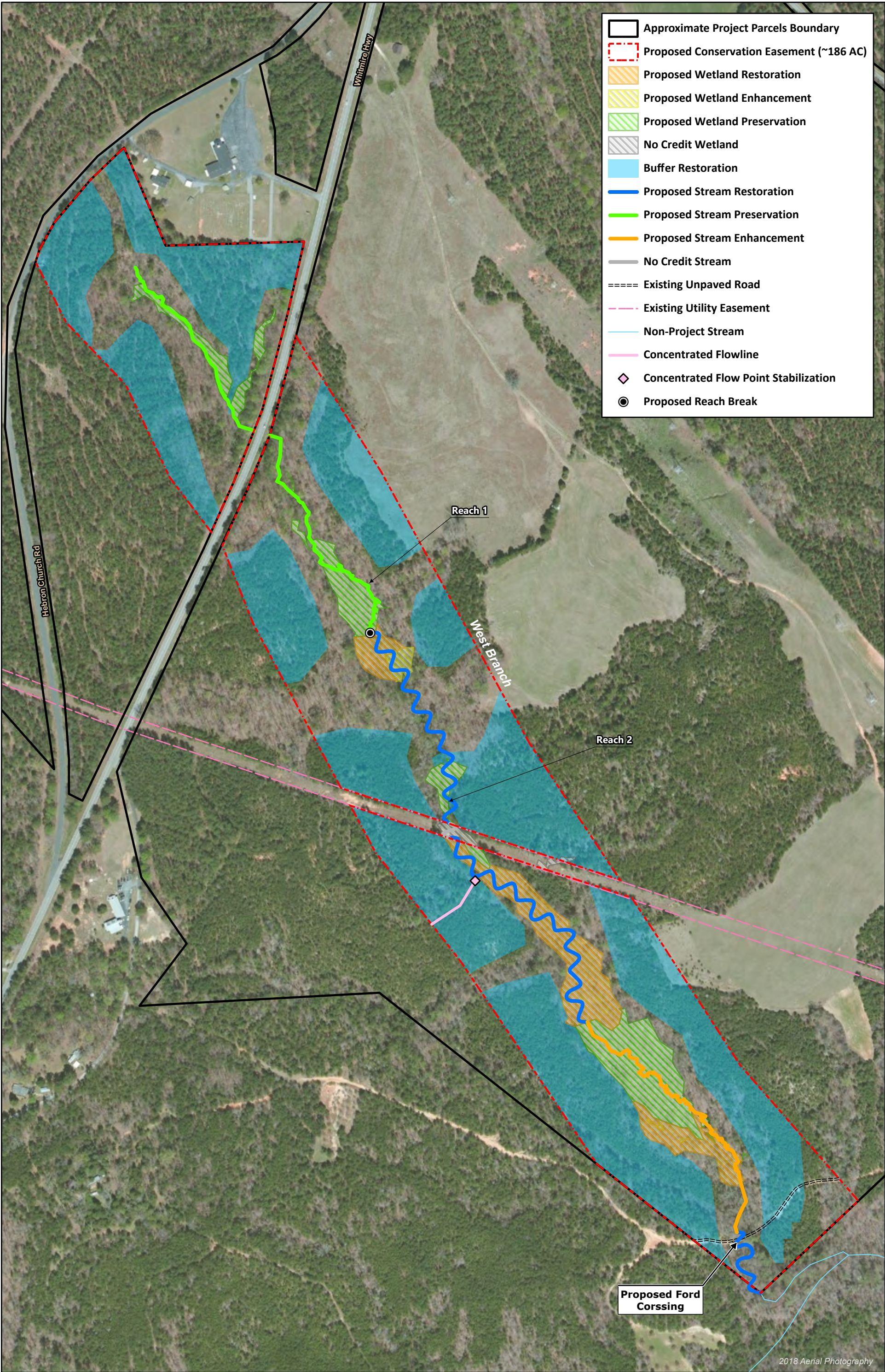


Figure 9c: Conceptual Mitigation Plan View - West Branch
Oak Grove Farm Mitigation Bank
Tyger 03050107