

PUBLIC NOTICE

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

REGULATORY DIVISION

Refer to: P/N SAC-2020-00851

June 19, 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), a proposed Mitigation Bank has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by

**ROBERTS SWAMP MB, LLC
PO BOX 1207
LEXINGTON, SC 29071**

for a proposed stream and wetland mitigation bank called Robert's Swamp Mitigation Bank that is adjacent to the

South Fork Edisto River

at a location 13 miles southwest of the Town of Orangeburg, between SC Hwy 400 and Bonnette Road about 2.4 miles east of the Town of Norway, in Orangeburg County, South Carolina (Latitude: 33.4505168 °, Longitude: -81.074460 °), Norway East 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 Fork Edisto River watershed (8-digit Hydrologic Unit Code 03050204) located in the Southeastern Plain Ecoregion. The proposed 255-acre mitigation bank includes approximately 12,612 linear feet of stream, and 165 acres of freshwater wetlands.

The proposal is to preserve 118 acres of riparian forested wetlands. In addition, 53 acres of freshwater wetlands will be enhanced by removal of spoil piles and re-establishment of vegetation. Approximately 4 acres of wetlands will be restored by removal of an abandoned road. Approximately 2,377 linear feet of deadfall swamp will be preserved. Approximately

11,528 linear feet of stream will be restored by grade control structures and bank stabilization. Higher level restoration will involve construction of a new stream channel. 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 South Fork Edisto, North Fork Edisto, Selkahatchie, and Saluda 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.

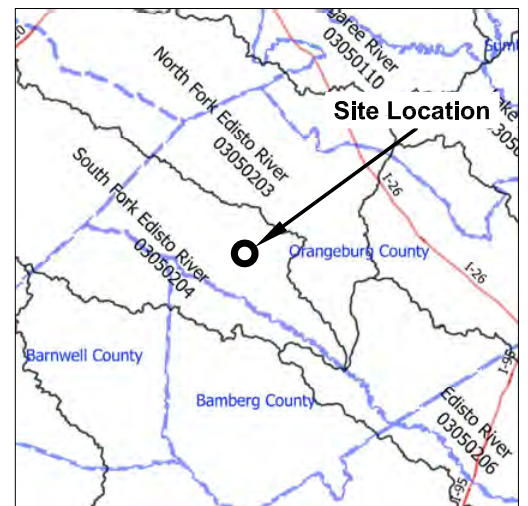
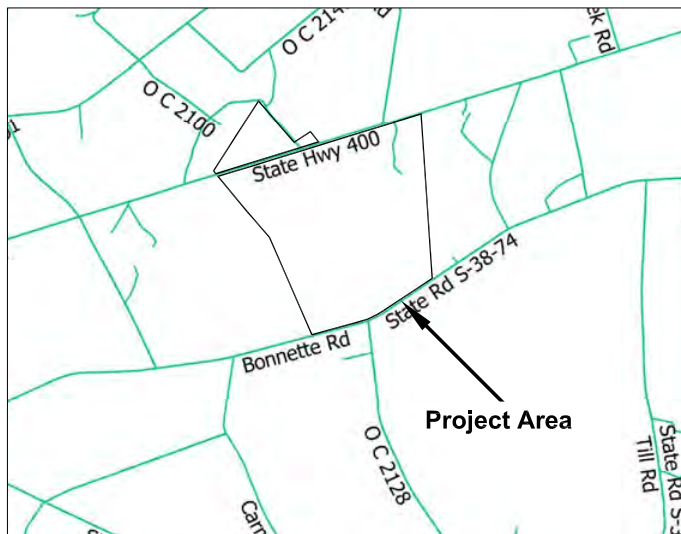
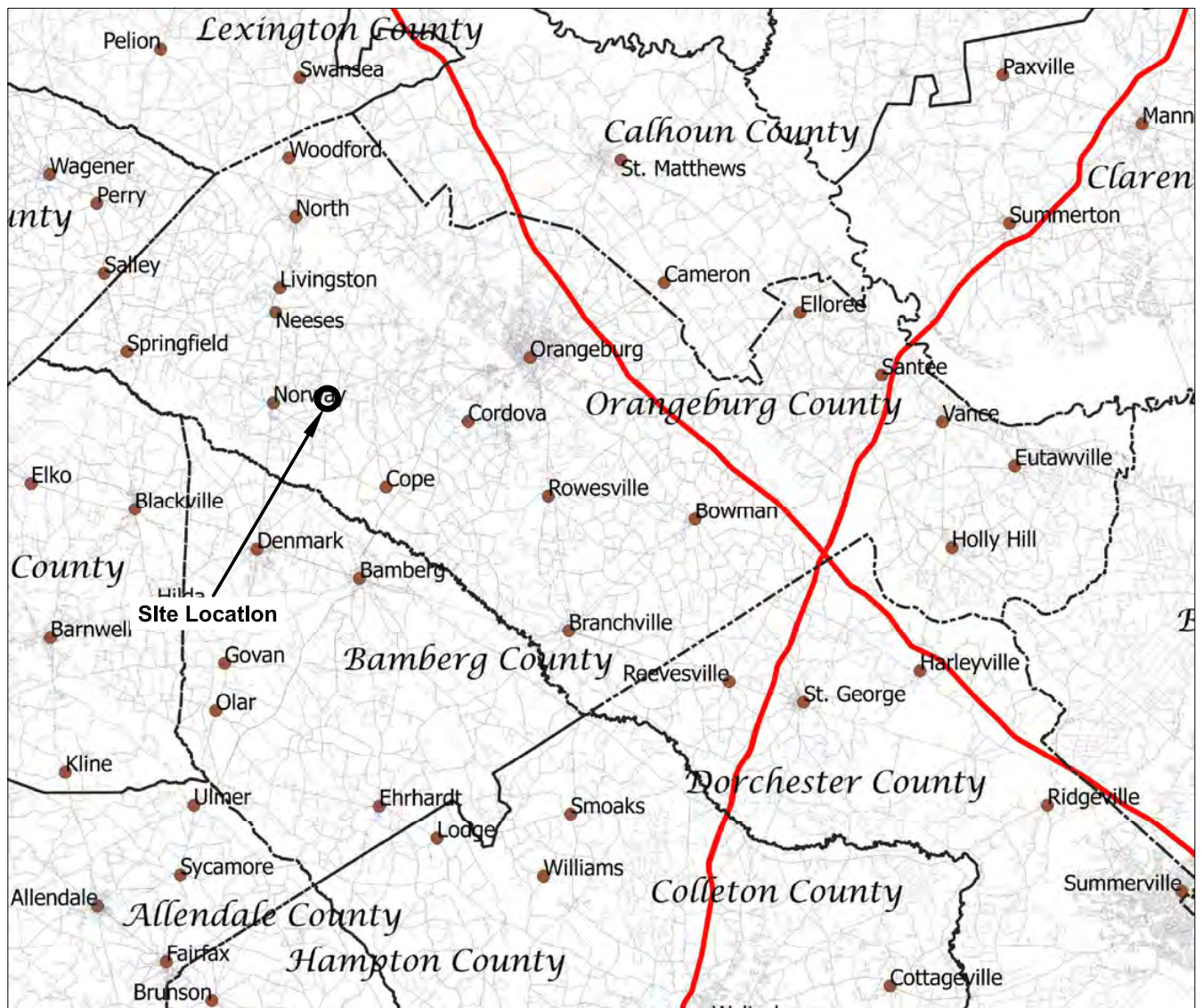
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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**

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 or by telephone at 843-329-8044.



Source: SC DNR GIS and Tiger Streets 2016
Digitized Imagery based on Orangeburg County GIS Tax Parcel Data



GRAPHIC SCALE

1 inch = NTS feet

Post Office Box 3744
Greenville, SC 29608
Phone: (864) 271-3040
Fax: (864) 235-9299

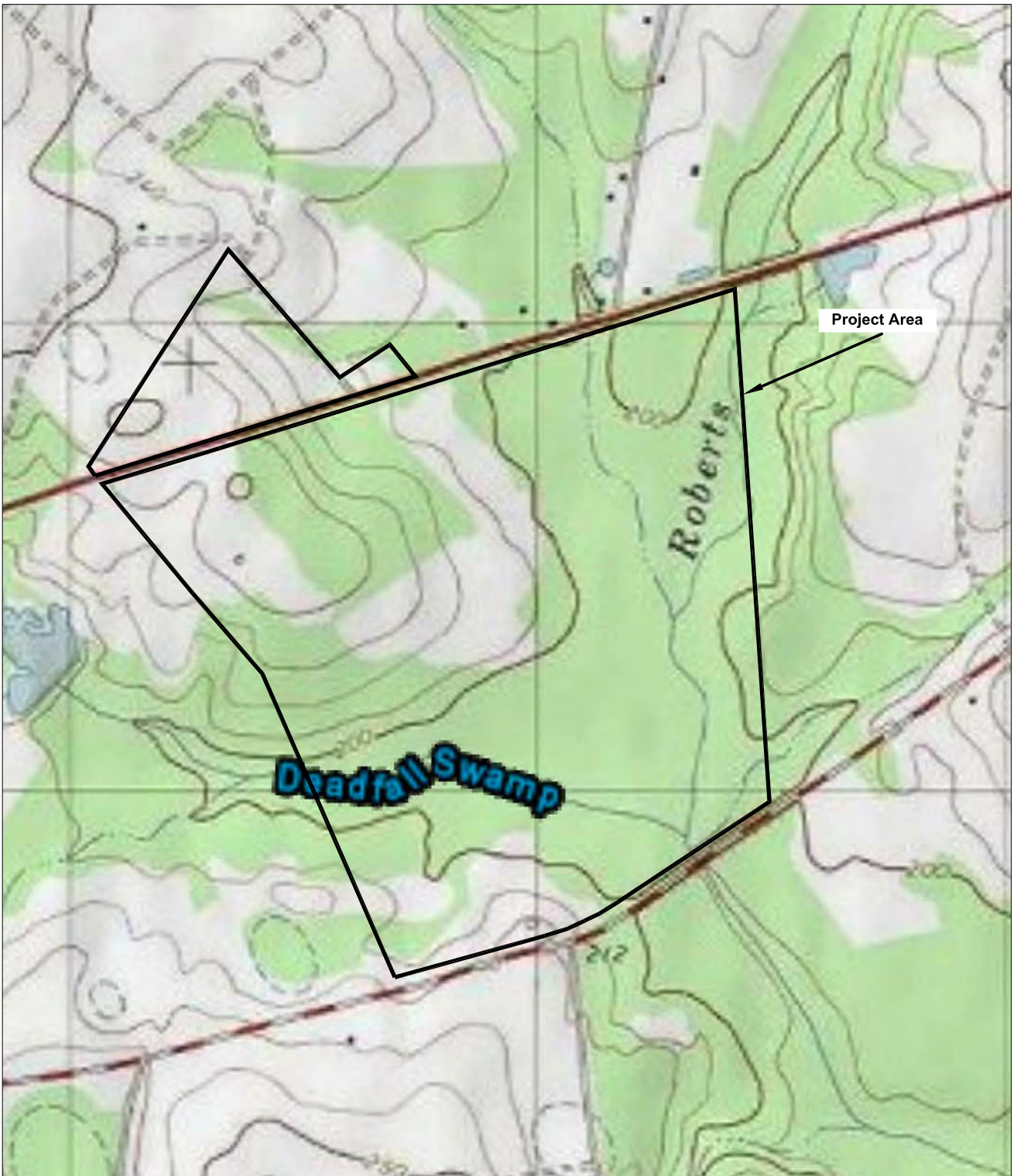
DRAWN BY:	MME
DATE:	20190917
EPC PROJECT NO.:	1725

Location Map

Roberts Swamp Prospectus
Orangeburg County, South Carolina


SHEET NO.

1

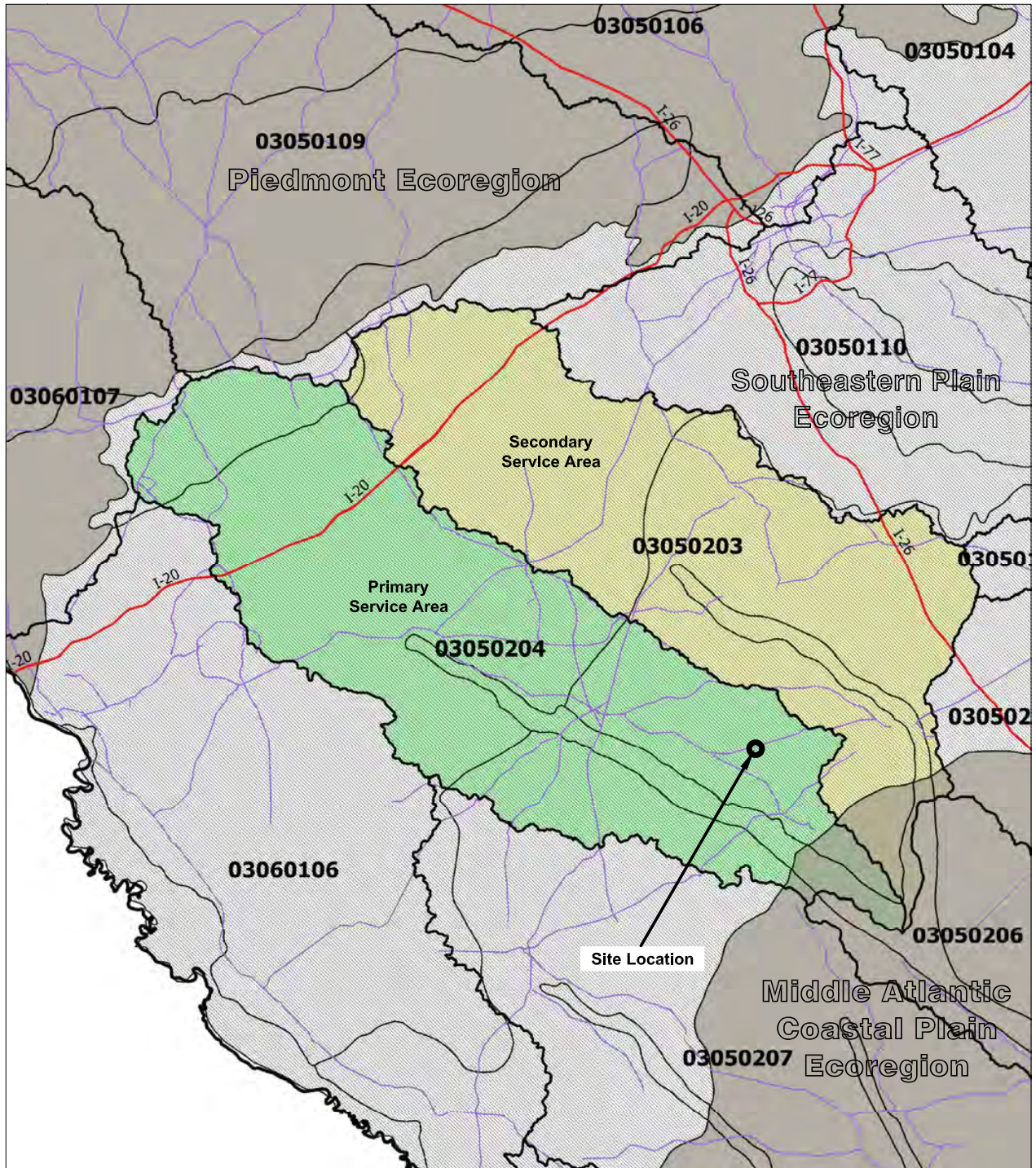


Source: <https://www.fws.gov/wetlands/Data/Mapper.html>
 Digitized imagery based on Orangeburg County GIS Tax Parcel Data



	<p>GRAPHIC SCALE 1 inch = 1000 feet</p>	<p>Water Features USGS Topo</p> <p>Roberts Swamp Prospectus Orangeburg County, South Carolina</p>	<p>SHEET NO.</p> <p>2</p>

Post Office Box 3744 Greenville, SC 29608 Phone: (864) 271-3040 Fax: (864) 235-9299	DRAWN BY: MME DATE: 20190917 EPC PROJECT NO.: 1725
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Source: <https://www.epa.gov/eco-research/level-iii-and-iv-ecoregions-continental-united-states>

Digitized imagery based on <https://www.sac.usace.army.mil/Missions/Regulatory/Compensatory-Mitigation/Survey>



GRAPHIC SCALE

1 inch = 3000 feet

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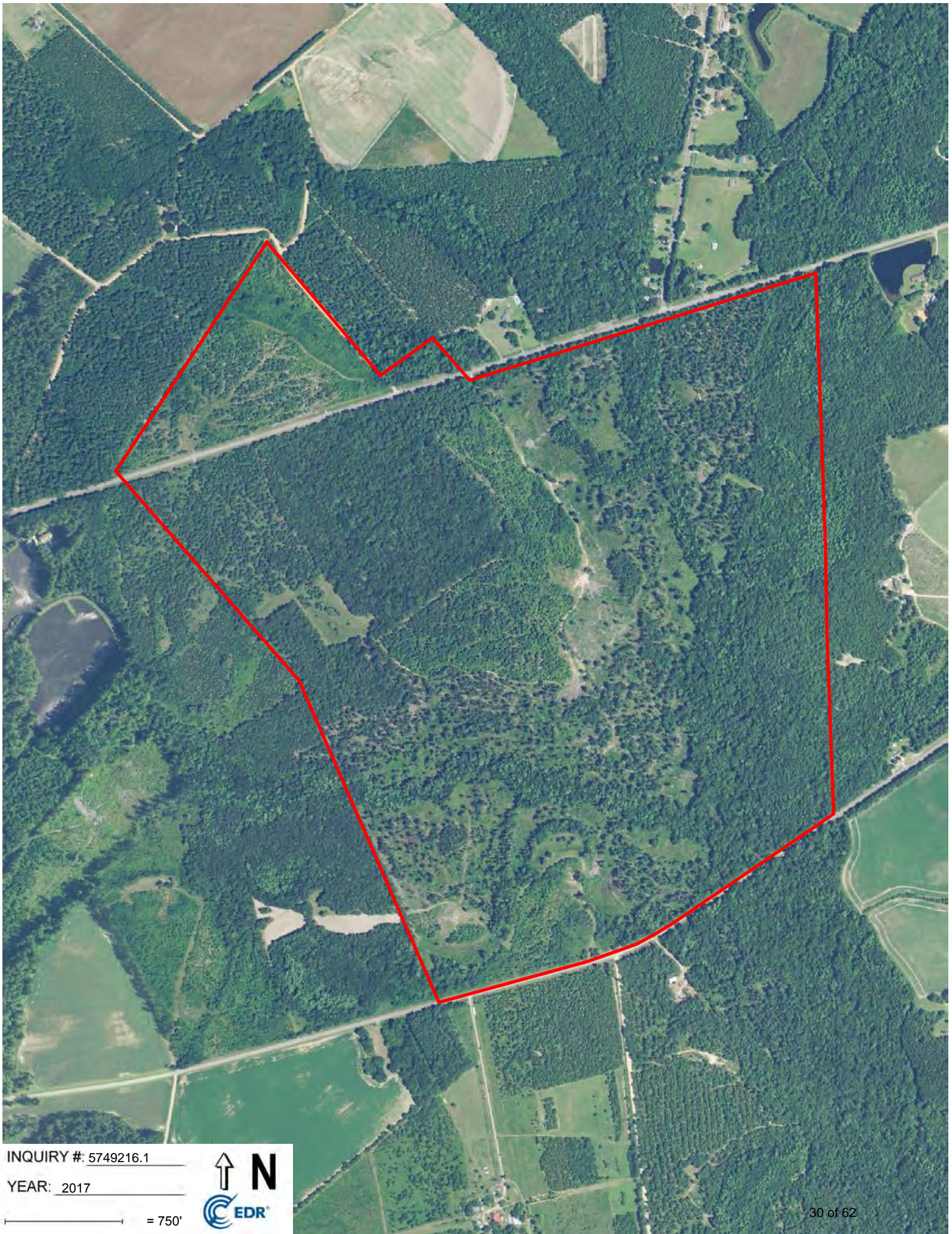
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USACE Service Area Map

Roberts Swamp Prospectus
Orangeburg County, South Carolina

SHEET NO.

7



INQUIRY #: 5749216.1

YEAR: 2017

— = 750'

