

**PUBLIC NOTICE**

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

REGULATORY DIVISION  
Refer to: SAC-2023-00810

June 16, 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

**RES Aster, LLC  
5550 Newberry Street B  
Baltimore, MD 21209**

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

**TYGER WATERSHED**

at a location approximately 1 miles east of the Town of Tuckertown in Union County, South Carolina (Latitude 34.54235 Longitude: -81.464953), Carlisle 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 overall goal of the E.W. Atkinson Mitigation Bank is to restore, enhance and preserve streams, buffers and tributaries of Brocks Creek, a tributary to Tyger River via Cane Creek, by placing a conservation easement and performing restoration and enhancement activities on these aquatic resources.

Specific goals include:

Restoration activities:

- Net removal of crossings and stabilization of crossing features
- Mix of offline and inline construction of single thread, appropriately sized channels
- Reconnection of channels with historic floodplain by lifting the channel bed
- Installation of in-stream structures to improve bedform diversity and lateral and vertical stability

Enhancement/Preservation activities:

- Floodplain benching and bank grading
- Installation of in-stream structures to improve bedform diversity and lateral and vertical stability
- Invasive species treatment in riparian corridors

### **Project Description**

The proposed project consists of establishing a freshwater wetland mitigation bank in the Tiger River Watershed (8-digit Hydrologic Unit Code 03050107), located in the Piedmont Level III Ecoregion. The proposed 451.75-acre mitigation site includes approximately 1.93 acres of freshwater wetlands and 23,159 linear feet of stream.

The proposal is to preserve approximately 14,330 linear feet of stream. In addition, 1.93 acres of freshwater wetlands would be enhanced by increasing hydrology through restoring and raising approximately 6,279 linear feet of stream beds and enhancing 2,550 linear feet of stream through bank stabilization, grade control, and flood plain benching. 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 HUC 03050107 Tyger Swamp with secondary service areas of the Upper Broad, Lower Broad, and Enoree Watersheds. 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 project will have no effect on federally listed 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.

### **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**

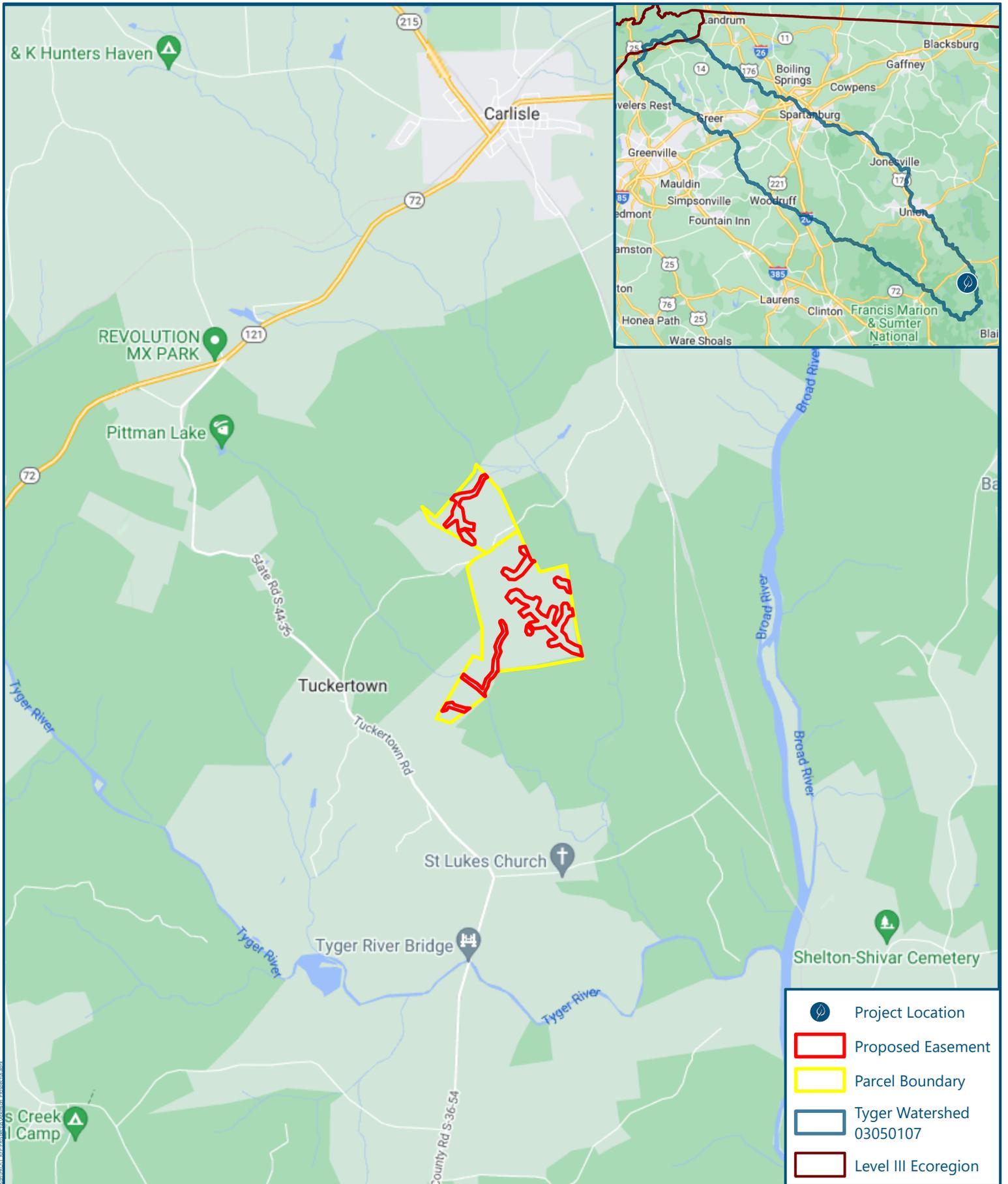
The decision whether to approve or deny the proposed mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably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

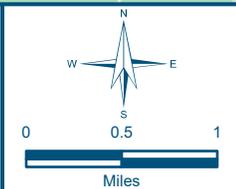
The Corps is soliciting comments from the public; Federal, state, local agencies, and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to approve or deny the 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 David.b.Wilson@usace.army.mil or in writing to the following address:**

US ARMY CORPS OF ENGINEERS  
**ATTN: REGULATORY DIVISION**  
**69A Hagood Avenue**  
**Charleston, South Carolina 29403-5107**

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



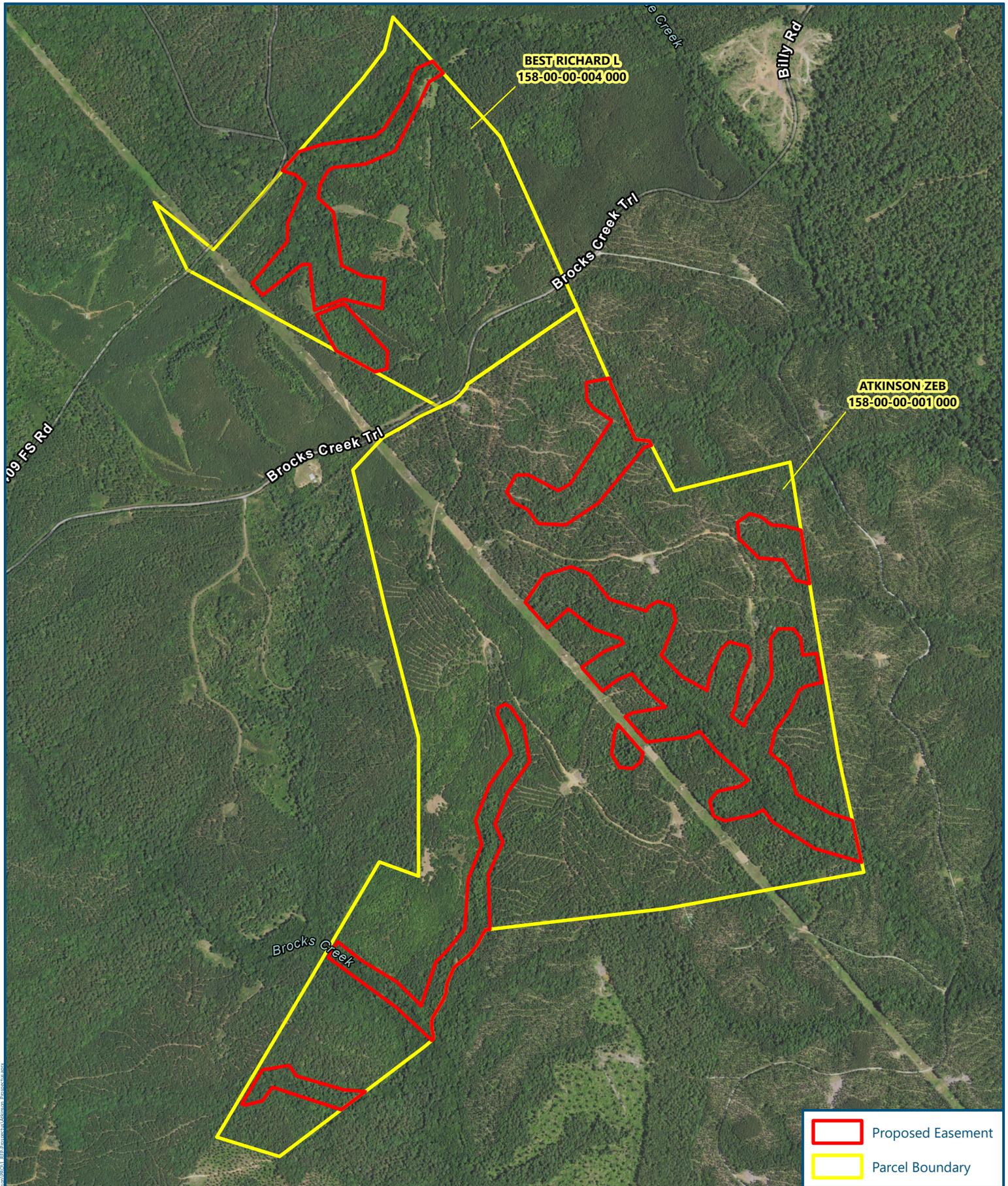
-  Project Location
-  Proposed Easement
-  Parcel Boundary
-  Tyger Watershed 03050107
-  Level III Ecoregion



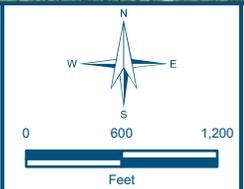
**Exhibit 1 - Project Location**  
**E.W. Atkinson Mitigation Project**  
 Union County, South Carolina

Date: 6/29/2022  
 Drawn by: ABP  
 Checked by: CR  
 1 inch = 1 mile





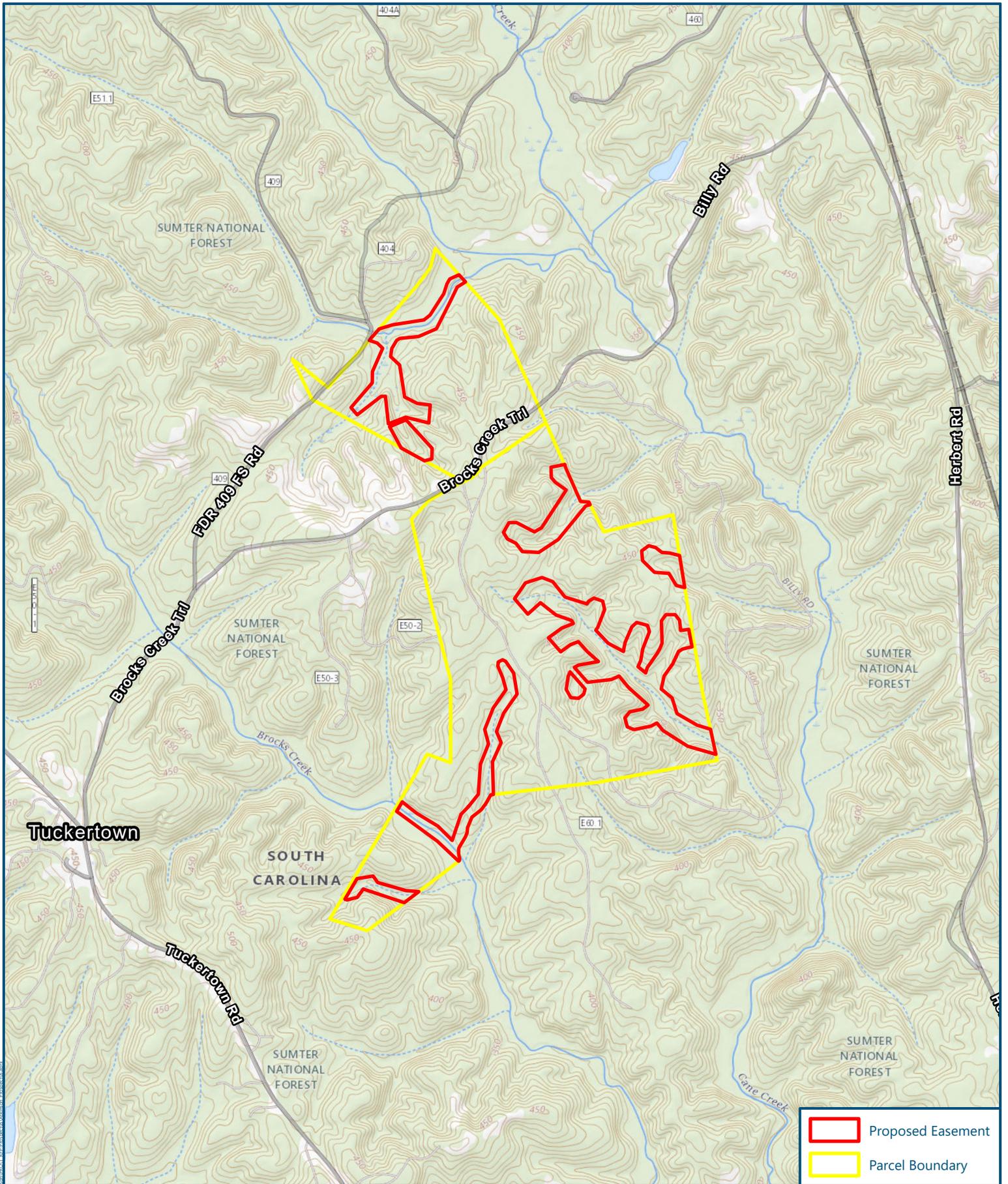
Proposed Easement  
 Parcel Boundary



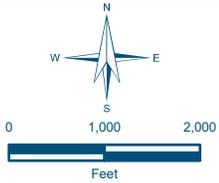
**Exhibit 2 - Aerial Imagery**  
**E.W. Atkinson Mitigation Project**  
 Union County, South Carolina

Date: 6/29/2022  
 Drawn by: ABP  
 Checked by: CR  
 1 inch = 1,200 feet

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 Proposed Easement  
 Parcel Boundary

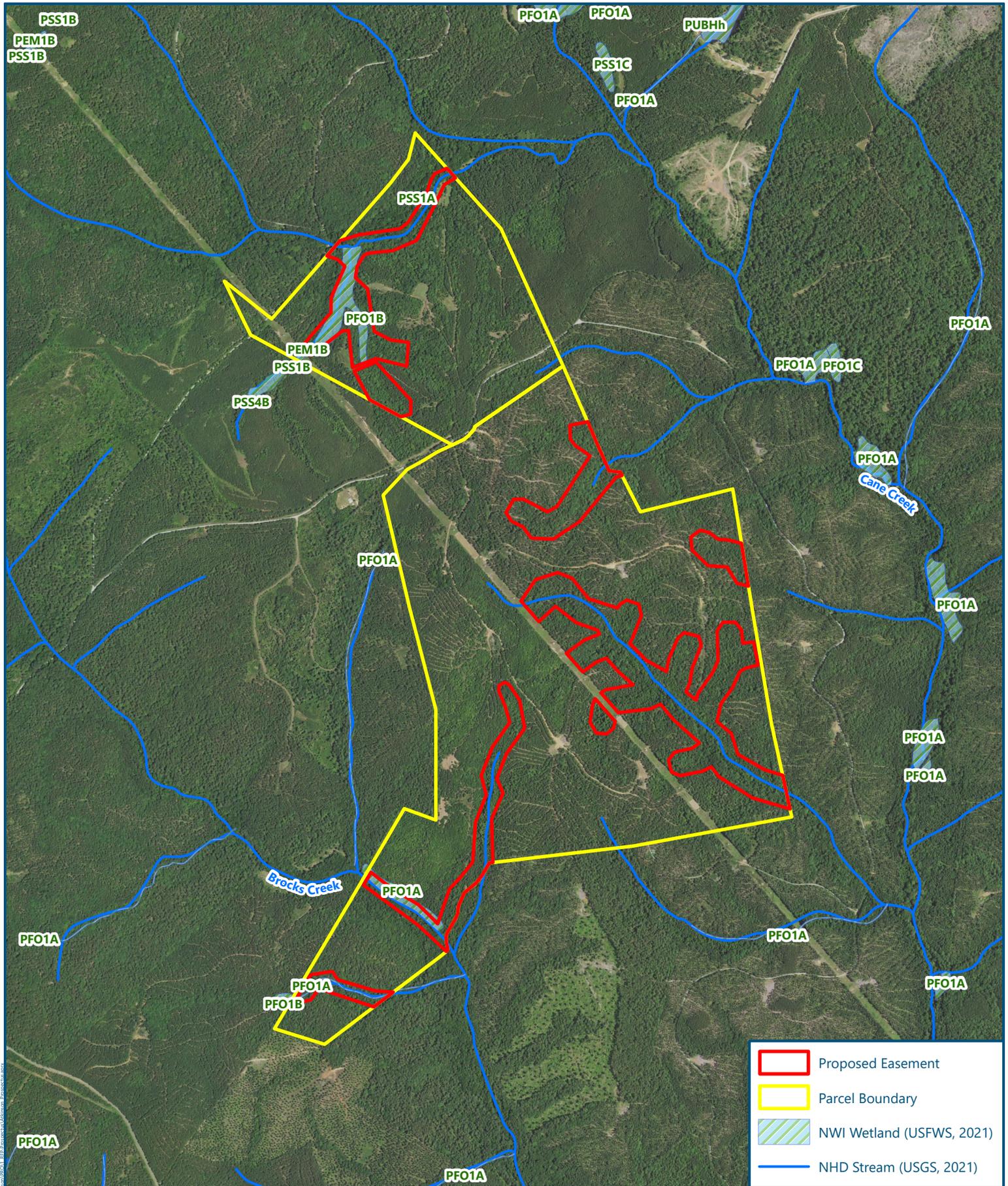


**Exhibit 3 - UGSS Quadrangle**  
**Carlisle 7.5-min Topographic Quad (2014)**  
  
**E.W. Atkinson Mitigation Project**  
**Union County, South Carolina**

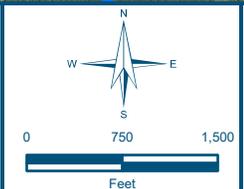
Date: 6/29/2022
Drawn by: ABP
Checked by: CR
1 inch = 2,000 feet



Restoring a resilient earth for a modern world



	Proposed Easement
	Parcel Boundary
	NWI Wetland (USFWS, 2021)
	NHD Stream (USGS, 2021)

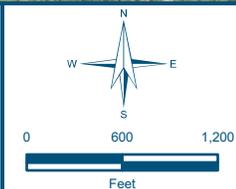
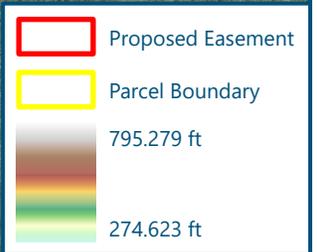
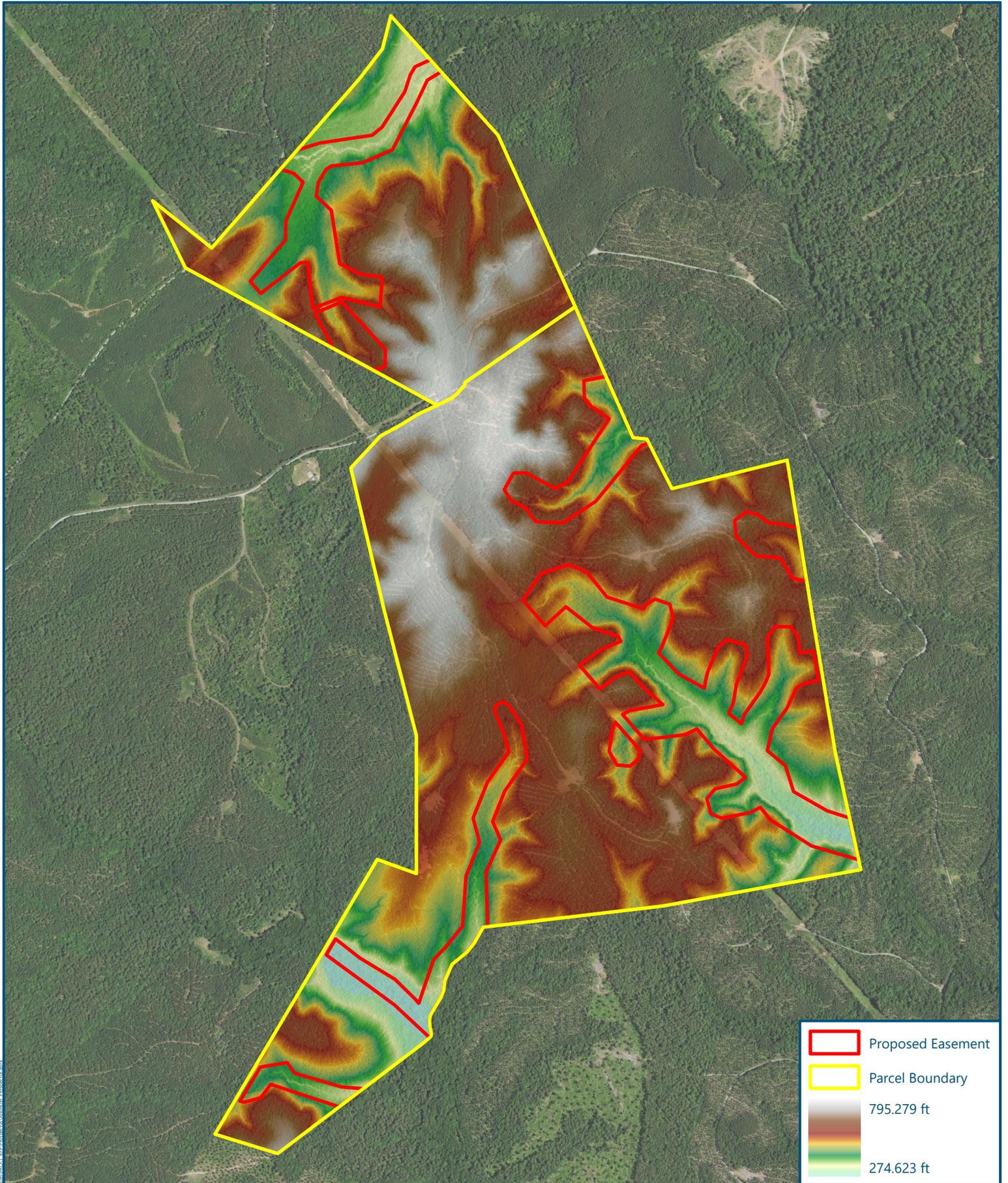


**Exhibit 4 - NHD and NWI**  
**E.W. Atkinson Mitigation Project**  
**Union County, South Carolina**

Date: 6/29/2022  
 Drawn by: ABP  
 Checked by: CR  
 1 inch = 1,500 feet



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**Exhibit 5 - Digital Elevation Model**  
(NOAA, 2008)

**E.W Atkinson Mitigation Project**

**Union County, South Carolina**

Date: 7/15/2022

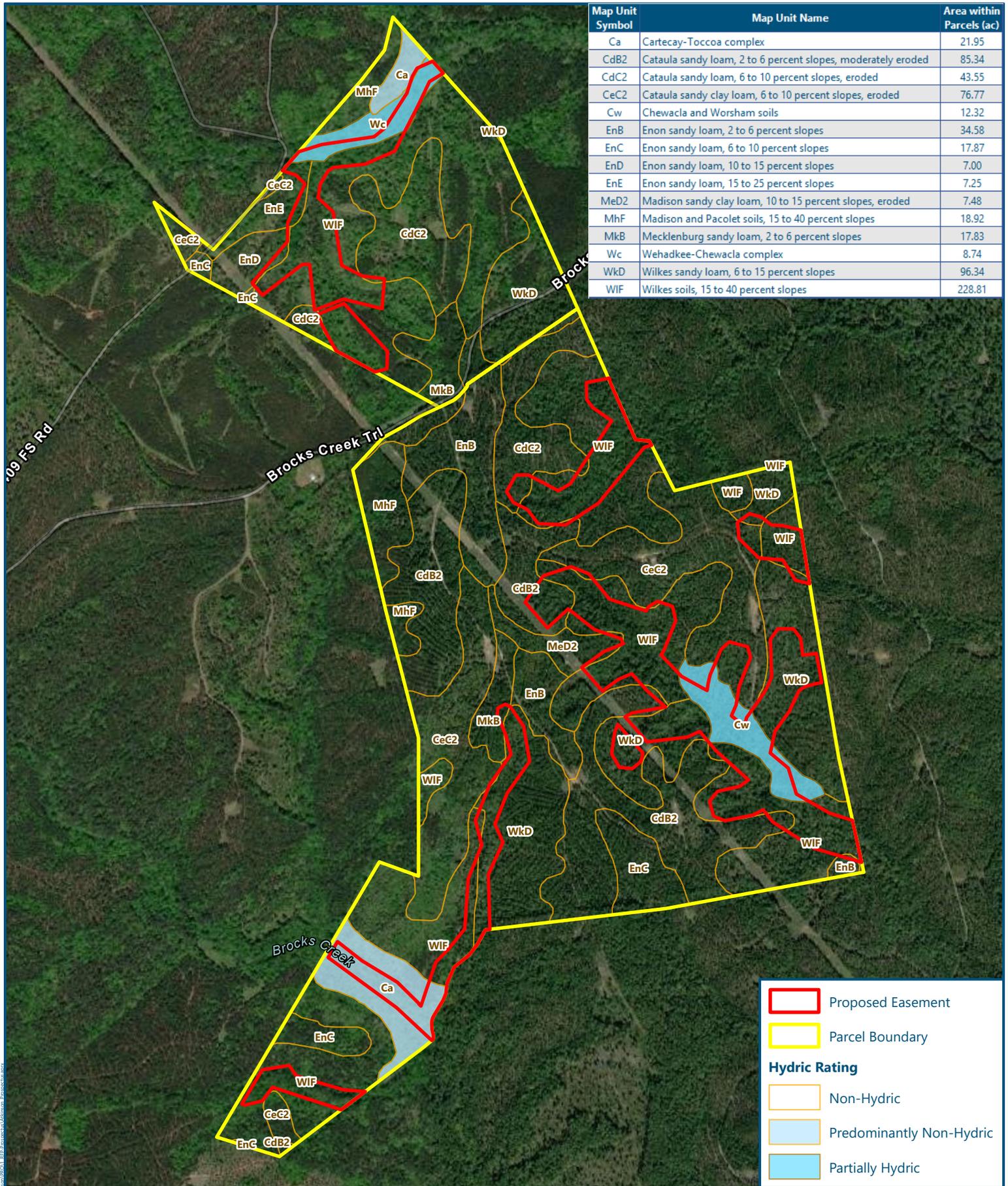
Drawn by: MDE

Checked by: CR

1 inch = 1,200 feet

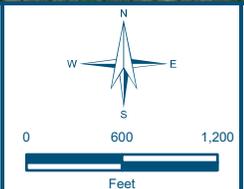


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Map Unit Symbol	Map Unit Name	Area within Parcels (ac)
Ca	Cartecay-Toccoa complex	21.95
CdB2	Cataula sandy loam, 2 to 6 percent slopes, moderately eroded	85.34
CdC2	Cataula sandy loam, 6 to 10 percent slopes, eroded	43.55
CeC2	Cataula sandy clay loam, 6 to 10 percent slopes, eroded	76.77
Cw	Chewacla and Worsham soils	12.32
EnB	Enon sandy loam, 2 to 6 percent slopes	34.58
EnC	Enon sandy loam, 6 to 10 percent slopes	17.87
EnD	Enon sandy loam, 10 to 15 percent slopes	7.00
EnE	Enon sandy loam, 15 to 25 percent slopes	7.25
MeD2	Madison sandy clay loam, 10 to 15 percent slopes, eroded	7.48
MhF	Madison and Pacolet soils, 15 to 40 percent slopes	18.92
MkB	Mecklenburg sandy loam, 2 to 6 percent slopes	17.83
Wc	Wehadkee-Chewacla complex	8.74
WkD	Wilkes sandy loam, 6 to 15 percent slopes	96.34
WIF	Wilkes soils, 15 to 40 percent slopes	228.81

Proposed Easement  
 Parcel Boundary  
**Hydric Rating**  
 Non-Hydric  
 Predominantly Non-Hydric  
 Partially Hydric



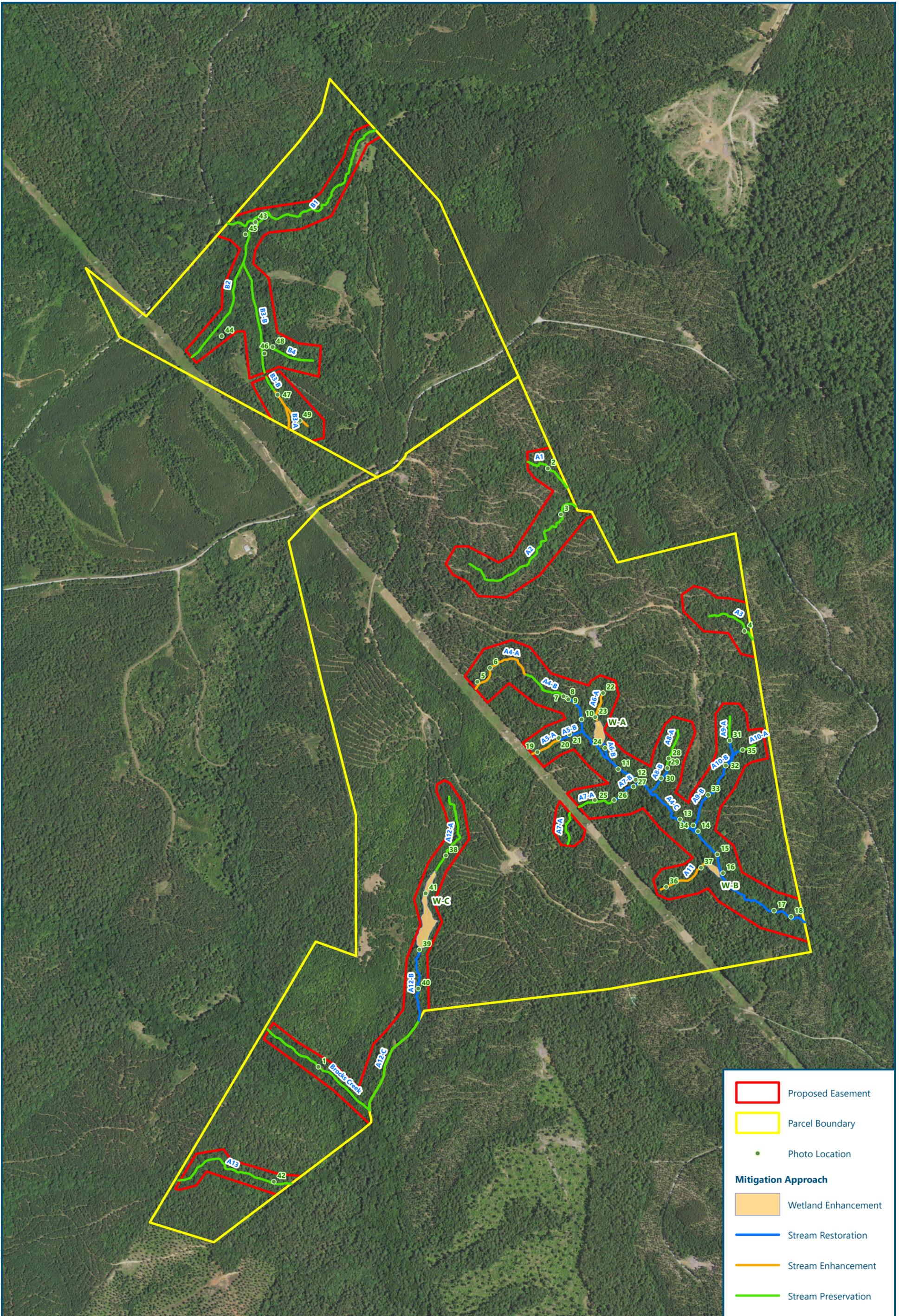
**Exhibit 6 - NRCS Mapped Soils**  
**E.W. Atkinson Mitigation Project**  
**Union County, South Carolina**

Date: 6/29/2022  
 Drawn by: MDE  
 Checked by: CR  
 1 inch = 1,200 feet

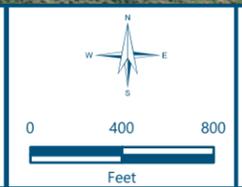


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	Proposed Easement
	Parcel Boundary
	Photo Location
<b>Mitigation Approach</b>	
	Wetland Enhancement
	Stream Restoration
	Stream Enhancement
	Stream Preservation



**Exhibit 11 - Photo Locations**  
**E.W. Atkinson Mitigation Project**  
 Union County, South Carolina

Date: 6/29/2022  
 Drawn by: MDE  
 Checked by: AP  
 1 inch = 800 feet

