

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: SAC-2023-00089

March 17, 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), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341) and the South Carolina Coastal Zone Management Act (48-39-10 et. seq.), a Prospectus has been submitted to the Department of the Army and the South Carolina Interagency Review Team by

**Water & Land Solutions, LLC
1859 Summerville Avenue, Suite 770
Charleston, South Carolina 29405**

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

Broad-St.Helena River Sub-Basin

at a location east of I-95 and west of the Broad River, adjacent to Highway 462 south of Old House Road (Latitude 32.4475 Longitude: -80.9040), Ridgeland 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 Bank will enhance bottomland hardwood habitat affected by silviculture activities, restore tidal wetlands impaired by anthropogenic activities and preserve late-successional bottomland hardwood freshwater wetlands. Proposed Bank activities will be centered on the goals of naturalizing tidal exchange, providing transitional ecotone wildlife habitat, restoring native late successional hardwood forest, and preserving/conserving high quality aquatic resources. Specifically, the mitigation actions associated with the Bank will:

- Build and improve upon the conservation values and landscape setting provided by the surrounding protected lands by creating a core of preserved, enhanced, and restored aquatic resources;
- Remove threats of silviculture and waterfront housing to wetland resources with the Bank Site Conservation Easement;
- Provide the natural ecological requirements, corridors, habitat and shelter for numerous species of plants and animals;
- Maintain and enhance tidal saltwater marsh, typical of the Southern Coastal Plain Ecoregion and their associated plant and animal communities;
- Enhance bald cypress / tupelo gum swamp and non-alluvial swamp forest, typical of the Middle Atlantic Coastal Plain Ecoregion and their associated plant and animal communities;
- Reduce habitat fragmentation;
- Preserve and restore and/or enhance numerous aquatic resources, including tributaries, of the Broad River, which are 303(d) listed streams with a forthcoming watershed scale Total Maximum Daily Load (TMDL) anticipated to be drafted by the SCDHEC and approved by the EPA;
- Enhance aquatic resource buffers; and
- Expand, enhance, and increase protection of upland buffers."

Project Description

The proposed project consists of establishing a freshwater and saltwater wetland mitigation bank in the Broad-St. Helena River Sub-basin (8-digit Hydrologic Unit Code 03050208), located in the Southern Coastal Plain Level III Ecoregion. The proposed 439.36-acre mitigation site includes approximately 306.52 acres of freshwater wetlands, 44.2 acres of tidal marsh, 24.23 acres of non-wetland waters and 64.41 acres

of uplands.

The proposal consists of tidal wetland restoration with associated upland buffer enhancement and preservation, as well as freshwater wetland enhancement and preservation with associated upland buffer enhancement over approximately 439.36 total acres. Specifically, the Bank would restore 60.16 acres of tidal saltmarsh, conserve 13.85 acres of tidal saltmarsh, enhance 276.01 acres of freshwater wetland, preserve 13.85 acres of freshwater wetland, and enhance 49.06 acres of upland buffer. The remaining 24.55 acres of uplands on site are anticipated to be protected under a separate instrument.

The proposed mitigation activities would restore 60.16 acres tidal salt marsh to elevations facilitating a tidal exchange comparable to reference and to a natural vegetation community. Water control structures and other man-made impoundments / berms would be removed, and the tidal wetland elevation would be corrected in areas of manipulation. The proposed mitigation activities would also conserve 13.85 acres of fully functioning tidal marsh. Freshwater wetland restoration areas, to include 276.01 acres, have been heavily impacted by silviculture activities and currently consist of cutover pine plantation and cutover hardwood. Freshwater wetland enhancement activities include the re-establishment of native hardwood plant communities. These areas would be cleared to remove the genetically engineered loblolly pine varieties, existing bedding would be broken, and stumps left in place. Once site preparation is complete, these areas would be replanted with native hardwood species, which would be based on reference wetland plant communities. Plugging ditches and removing roads would also be a part of the wetland enhancement to naturalize impairments to wetland hydrology. Additionally, the proposed mitigation activities would preserve in perpetuity 15.73 acres of fully functioning freshwater wetland. Upland areas heavily impacted by silviculture activities and currently consisting of bedded pine plantation would be cleared and planted in a native upland hardwood plant community. Upland buffer areas that have an existing natural hardwood community would be preserved. 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 the proposed service areas in the Southern Coastal Plain Level III Ecoregion (as shown on the attached map). 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 impact approximately 44.2 acres of 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 (*Aceipenser 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 Red-cockaded Woodpecker (*Picoides borealis*), 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 (*Aceipenser brevirostrum*), West Indian manatee (*Trichechus manatus*), Canby's Dropwort (*Oxypolis canbyi*), Pondberry (*Lindera melissifolia*), 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 may affect but is not likely to adversely affect Eastern Black Rail (*Laterallus jamaicensis*), Northern Long-eared Bat (*Myotis septentrionalis*), Wood Stork (*Mycteria americana*), and American Chaffseed (*Schwalbea americana*) and/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.

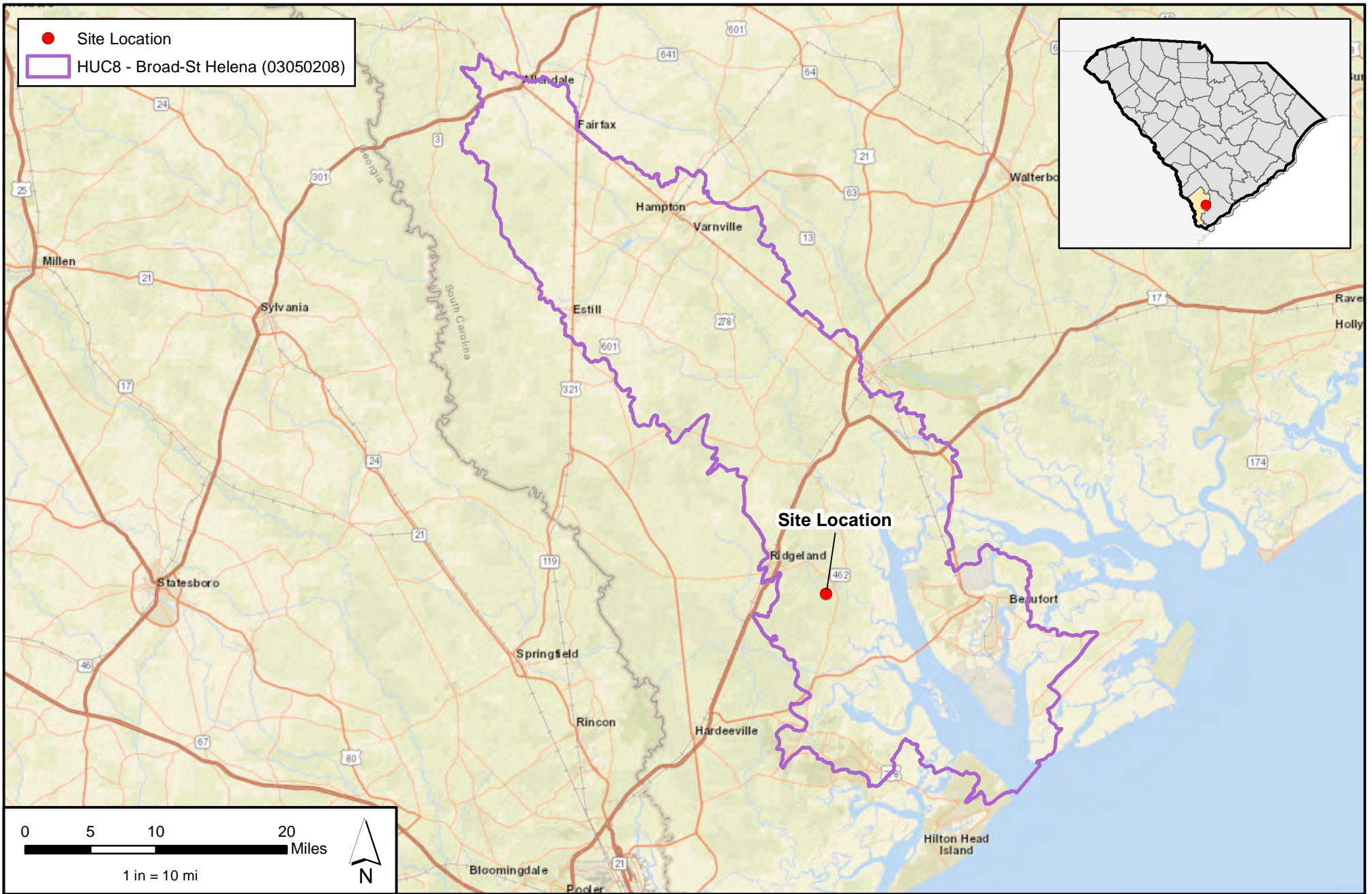
Solicitation of Public Comment

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 (SAC-2023-00089) by public notice number, to David.B.Wilson@usace.army.mil or in writing to the following address:**

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, SC 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

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.



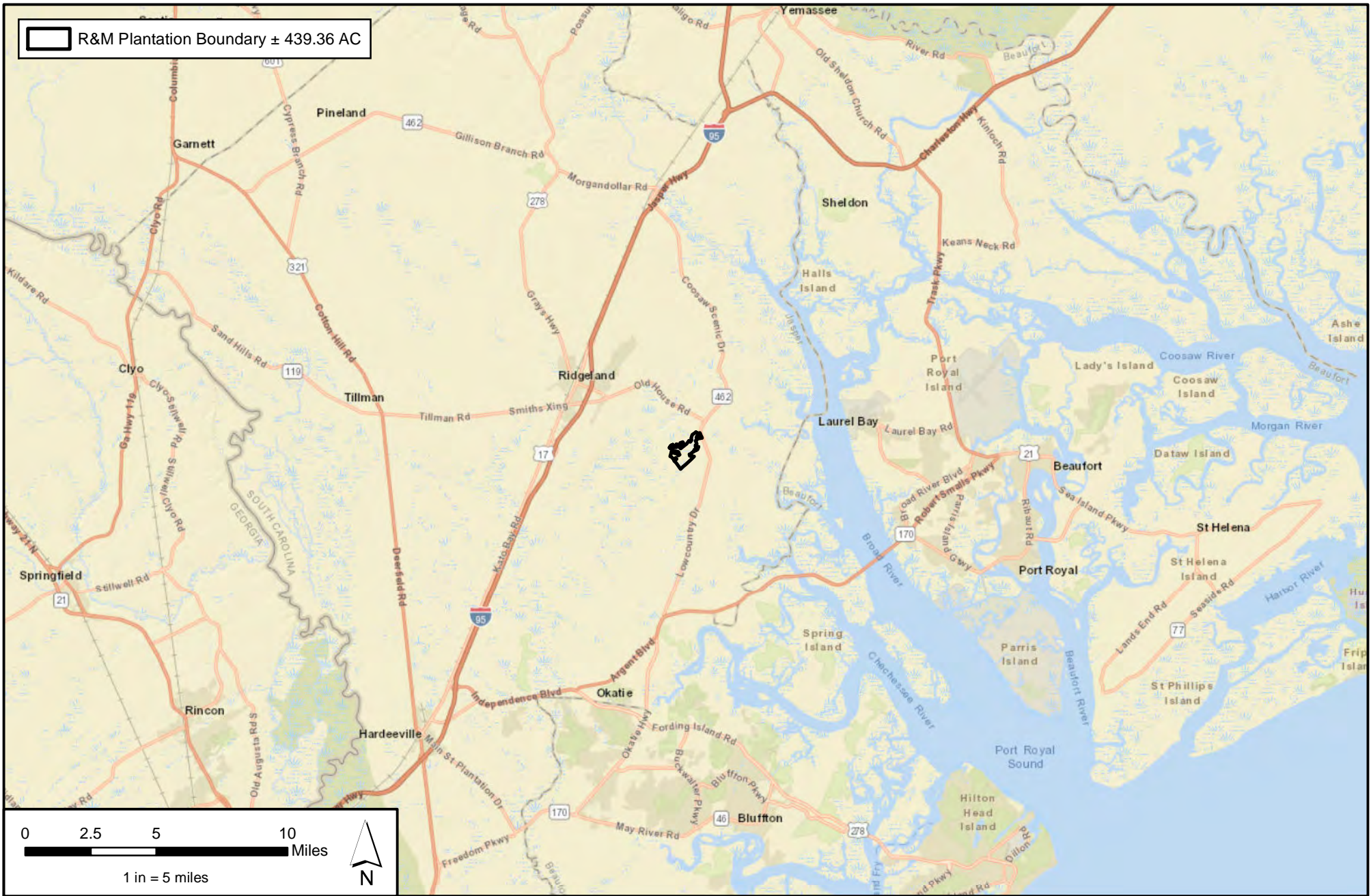
R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Location Map

Date: 8/31/2022

Figure
1



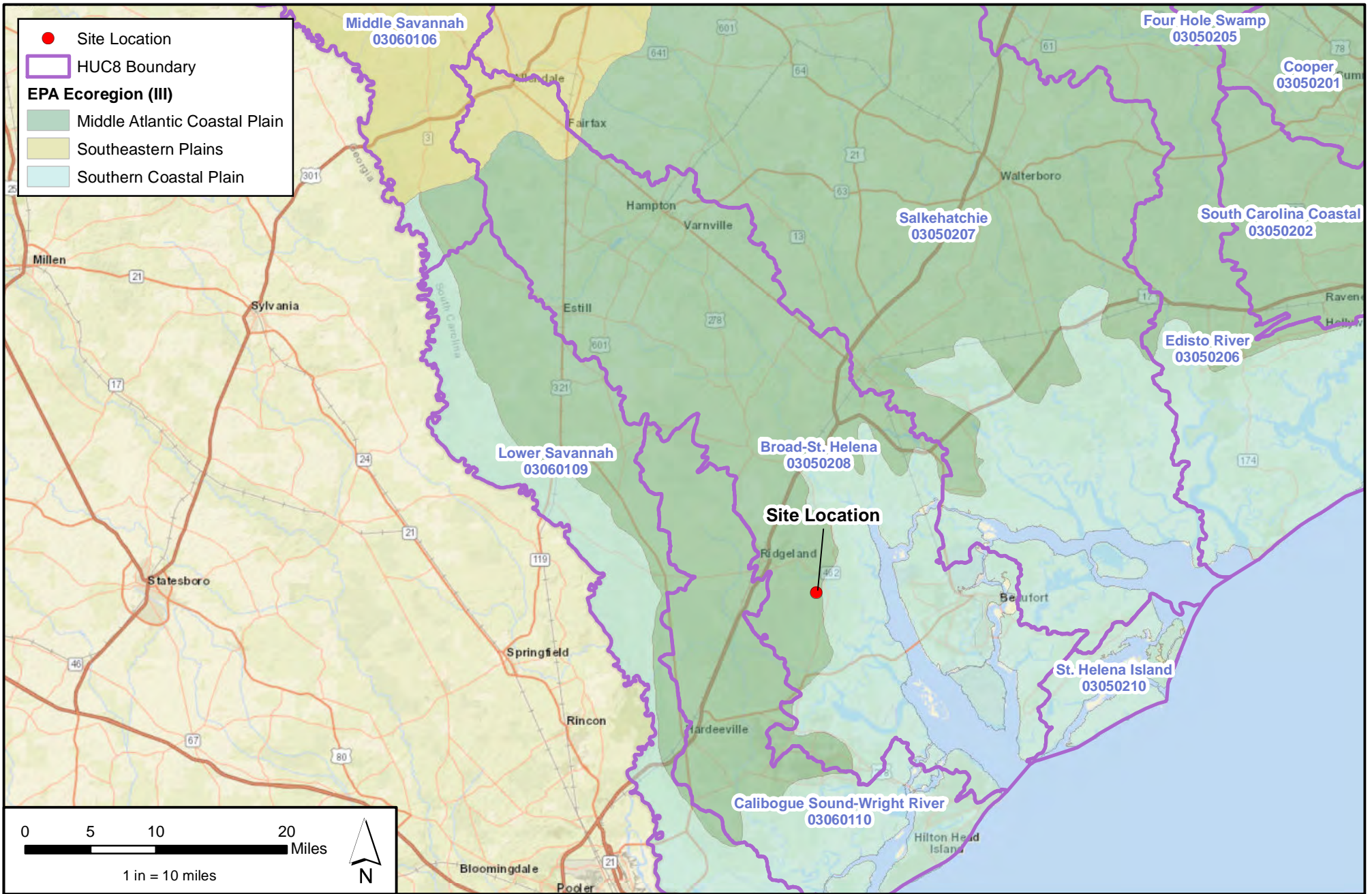
R&M Plantation
HUC 8 Broad-St. Helena (03050208)
Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Site
Vicinity Map

Date: 12/1/2022

Figure
2



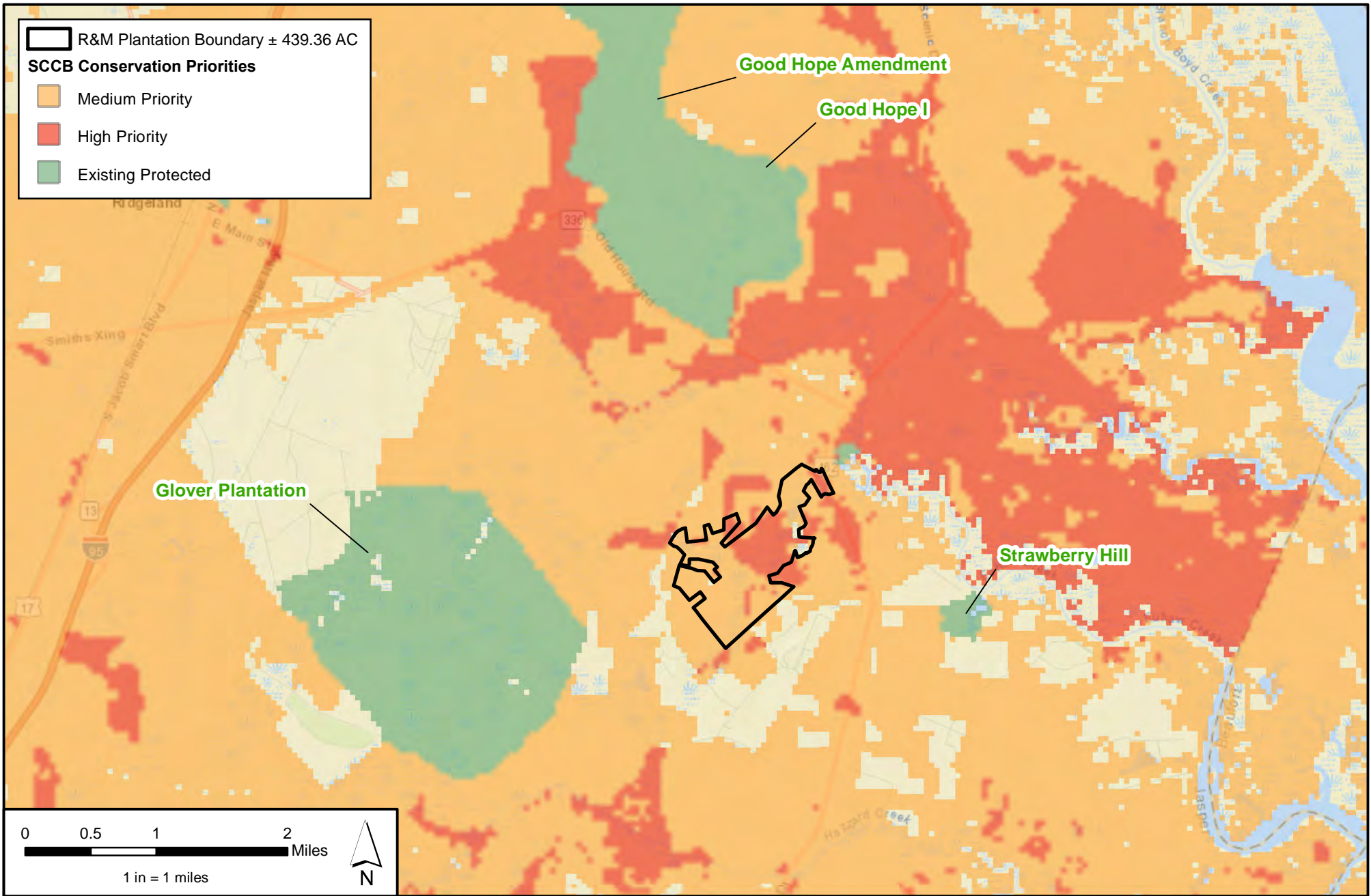
R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

HUC and
 Ecoregion Map

Date: 8/30/2022

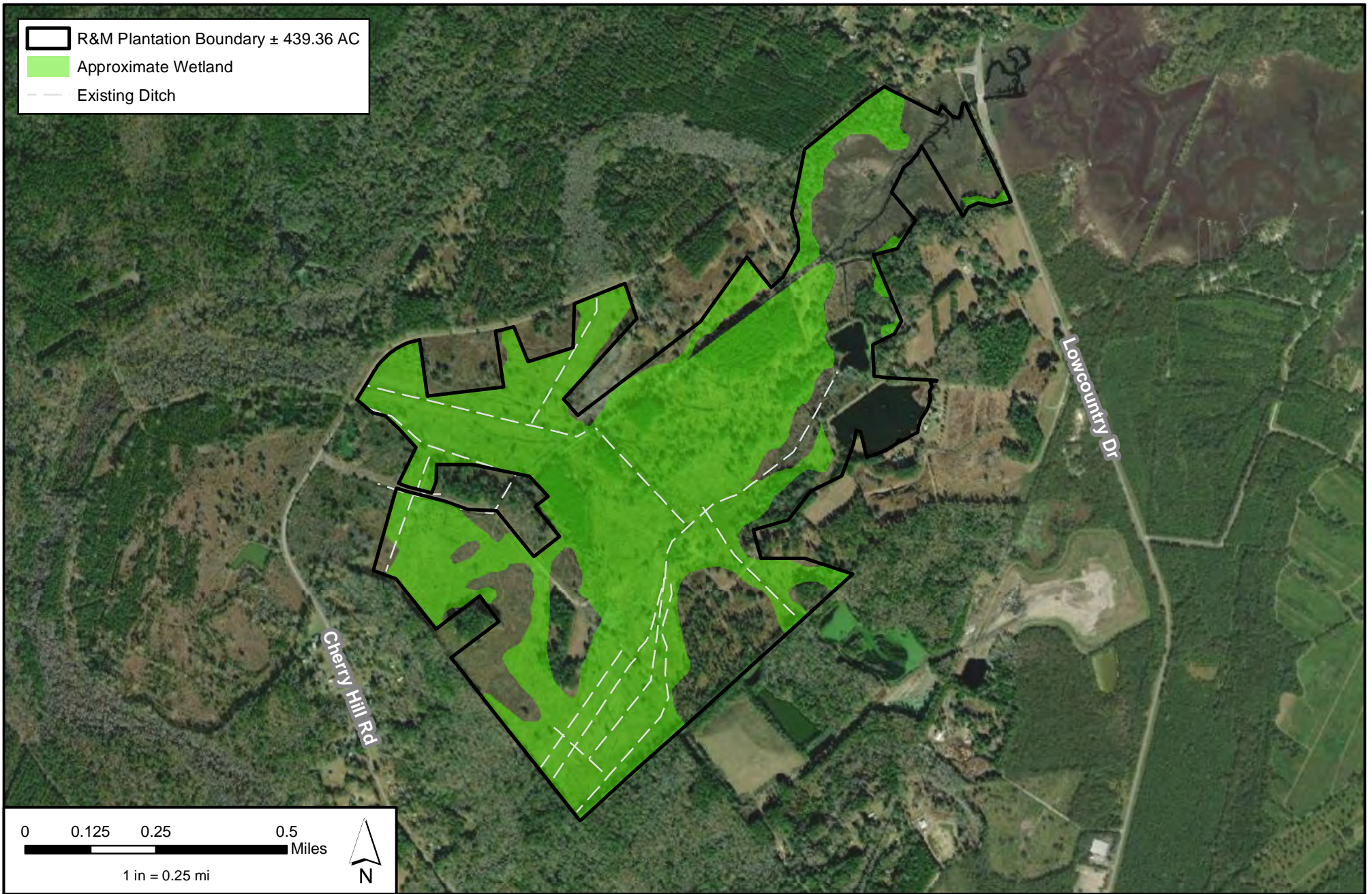
Figure
3



R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Protected
 Lands Map

Figure
4



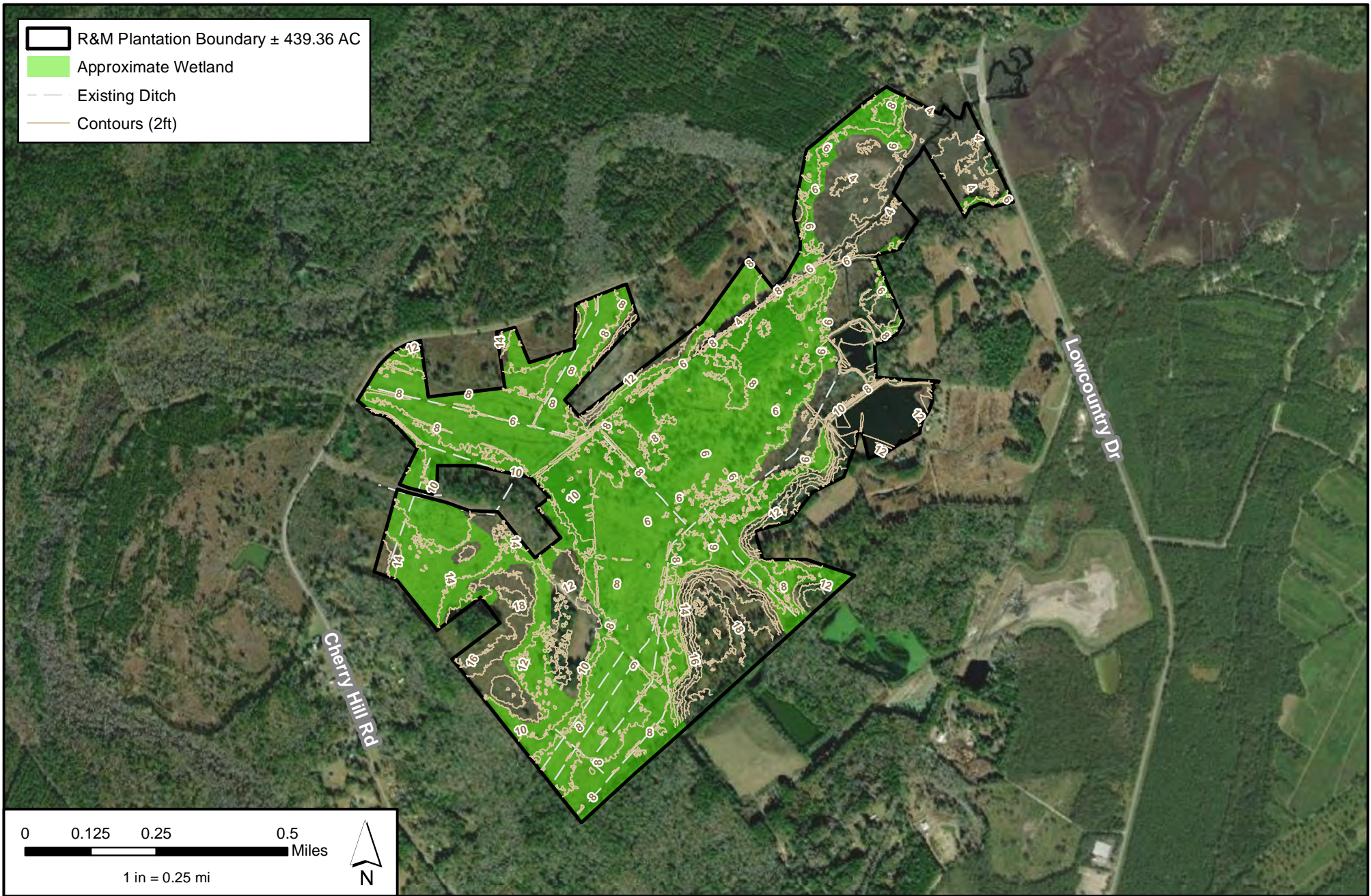
R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Delineation
 Map

Date: 12/1/2022

Figure
5



R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

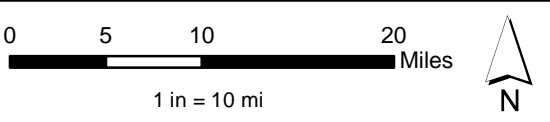
Delineation
 Map


Date: 2/6/2023

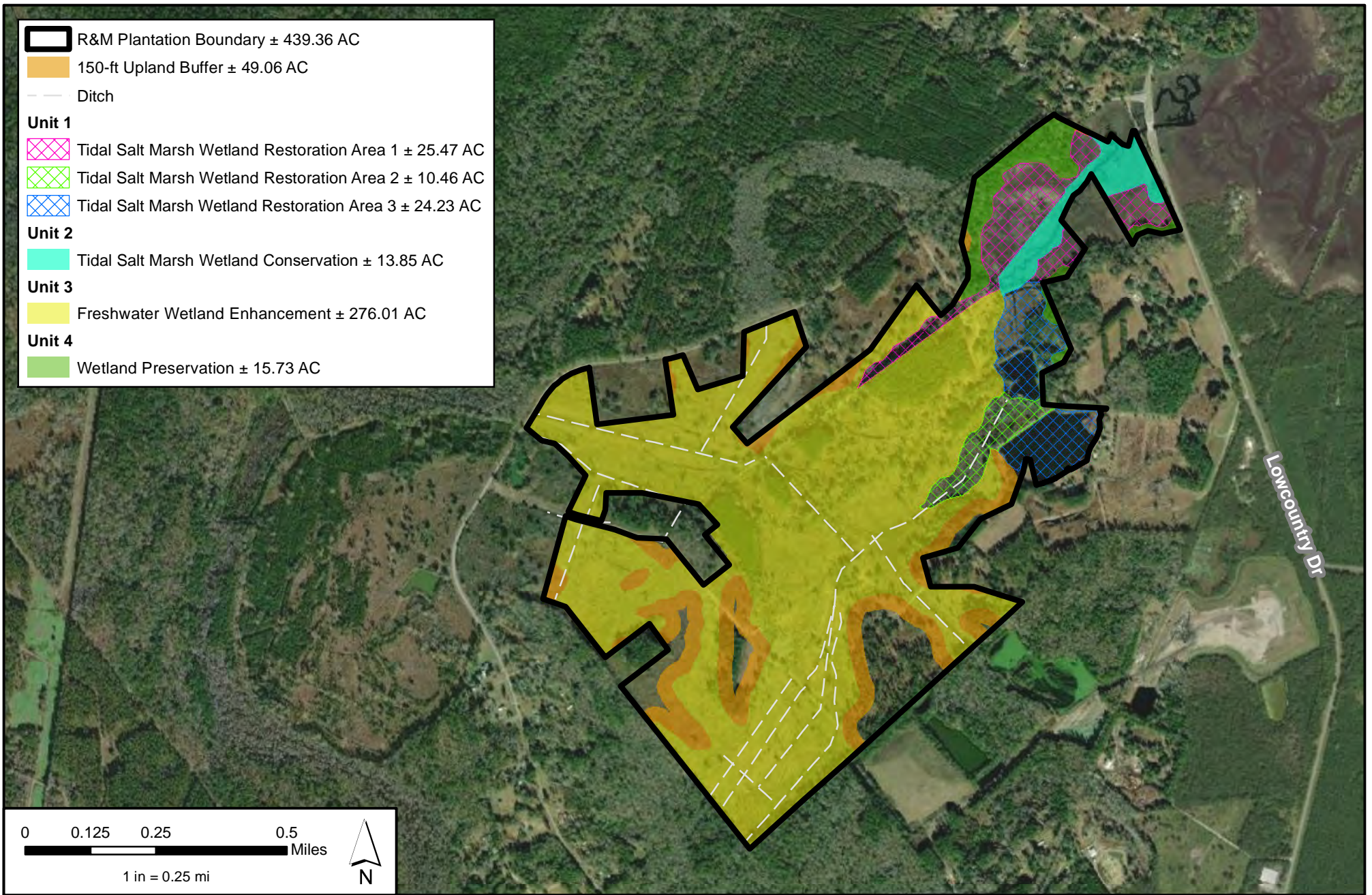
Figure
5a



● Site Location
 □ HUC10 Boundary



	<p>R&M Plantation HUC 8 Broad-St. Helena (03050208) Jasper County, South Carolina</p>	<p>10-Digit HUC Map</p>	<p>Figure 6</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 8/31/2022</p>	



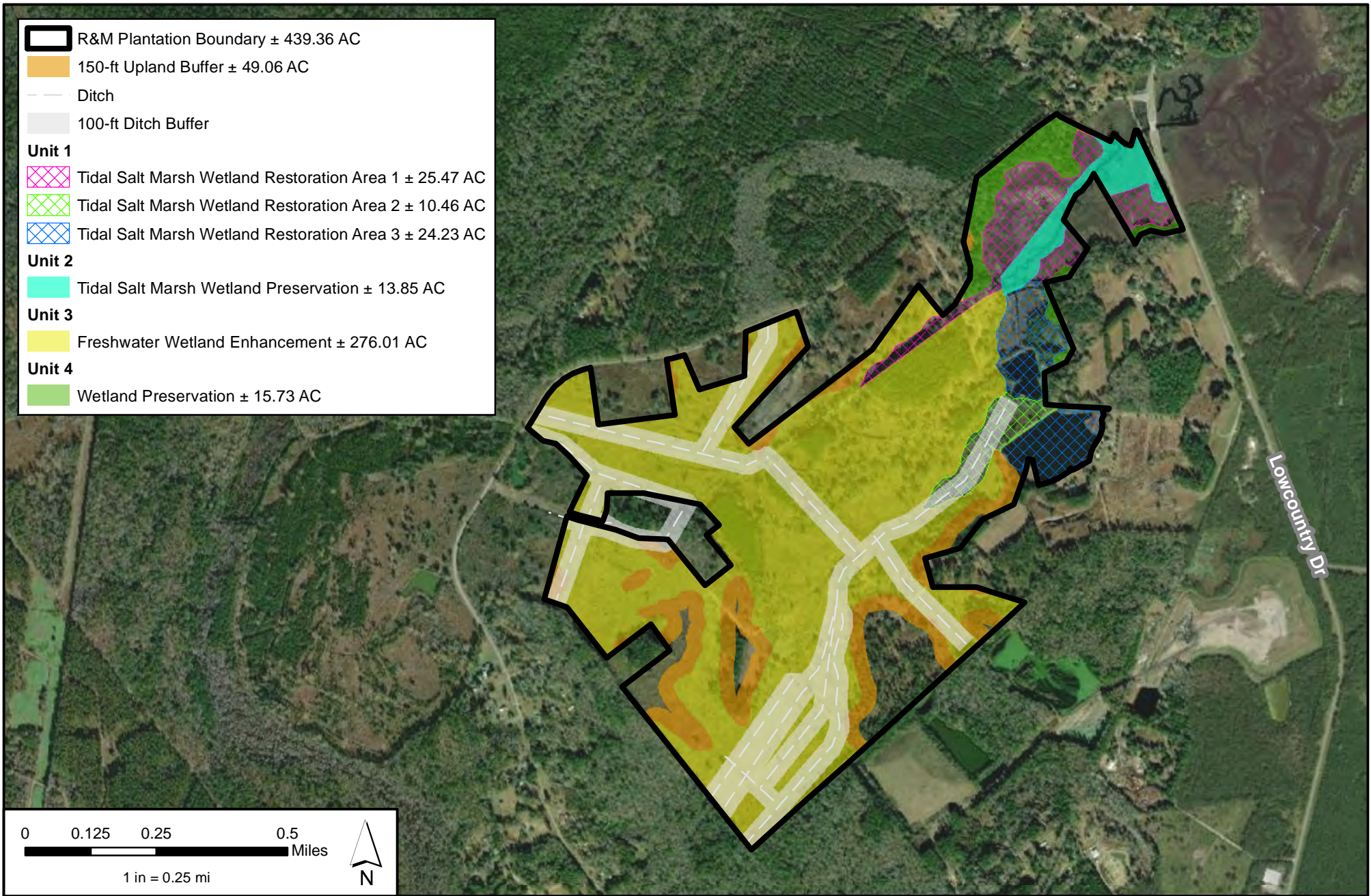
R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Mitigation
 Unit Map

Date: 1/5/2023

Figure
8



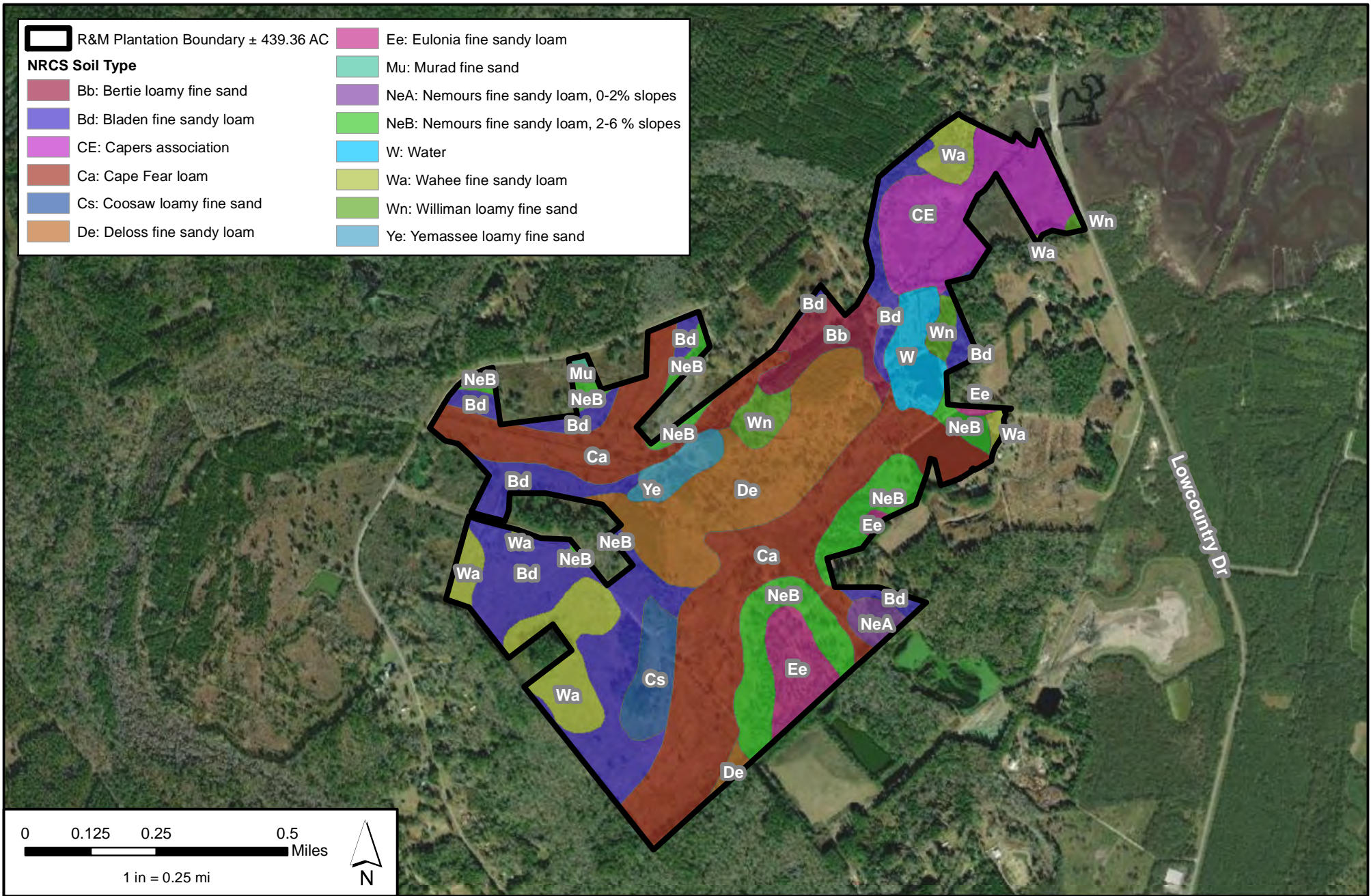
R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Mitigation
 Unit Map

Date: 2/6/2023

Figure
8a



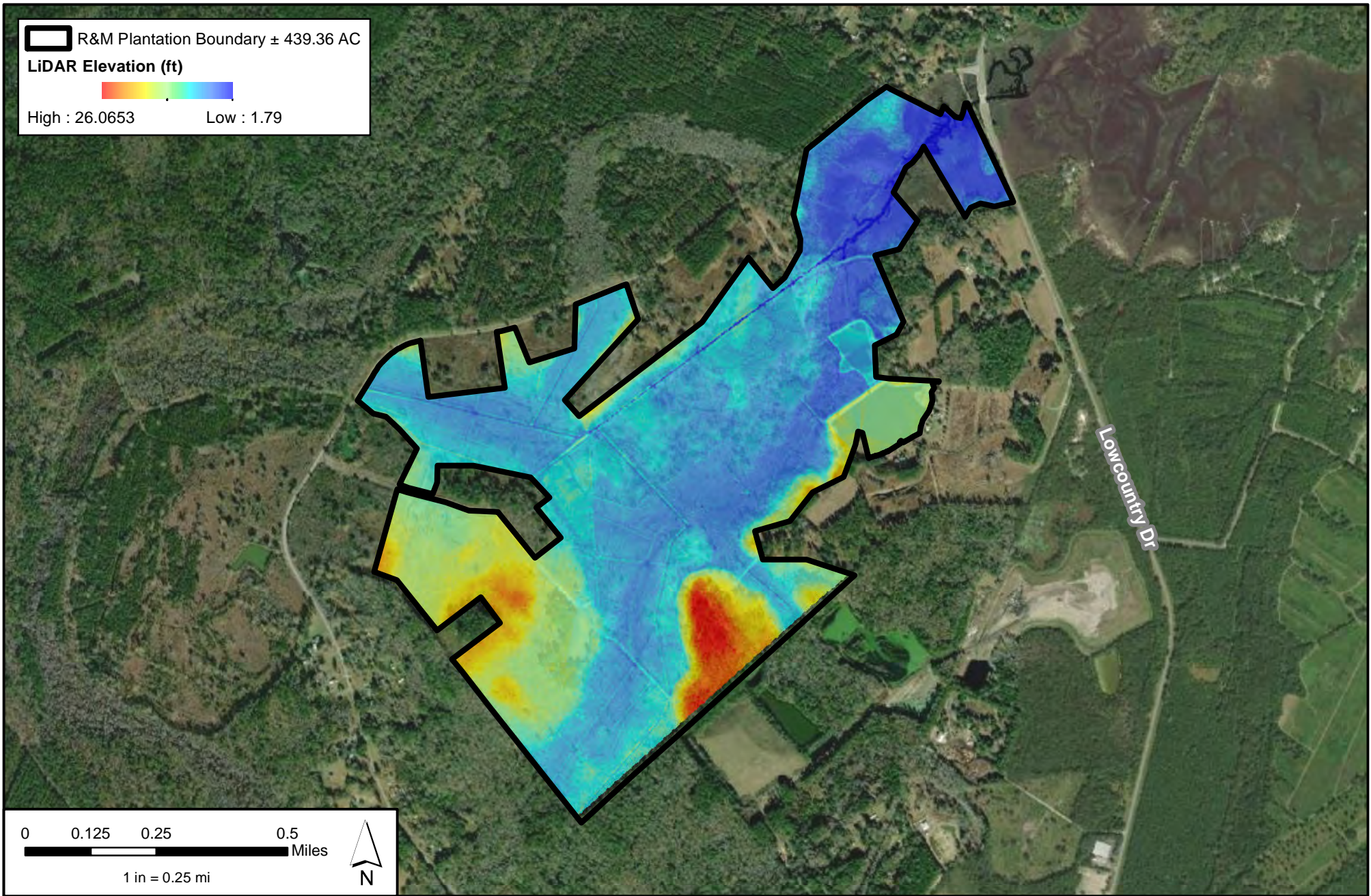
R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

NRCS
 Soils Map

Date: 12/1/2022

Figure
9



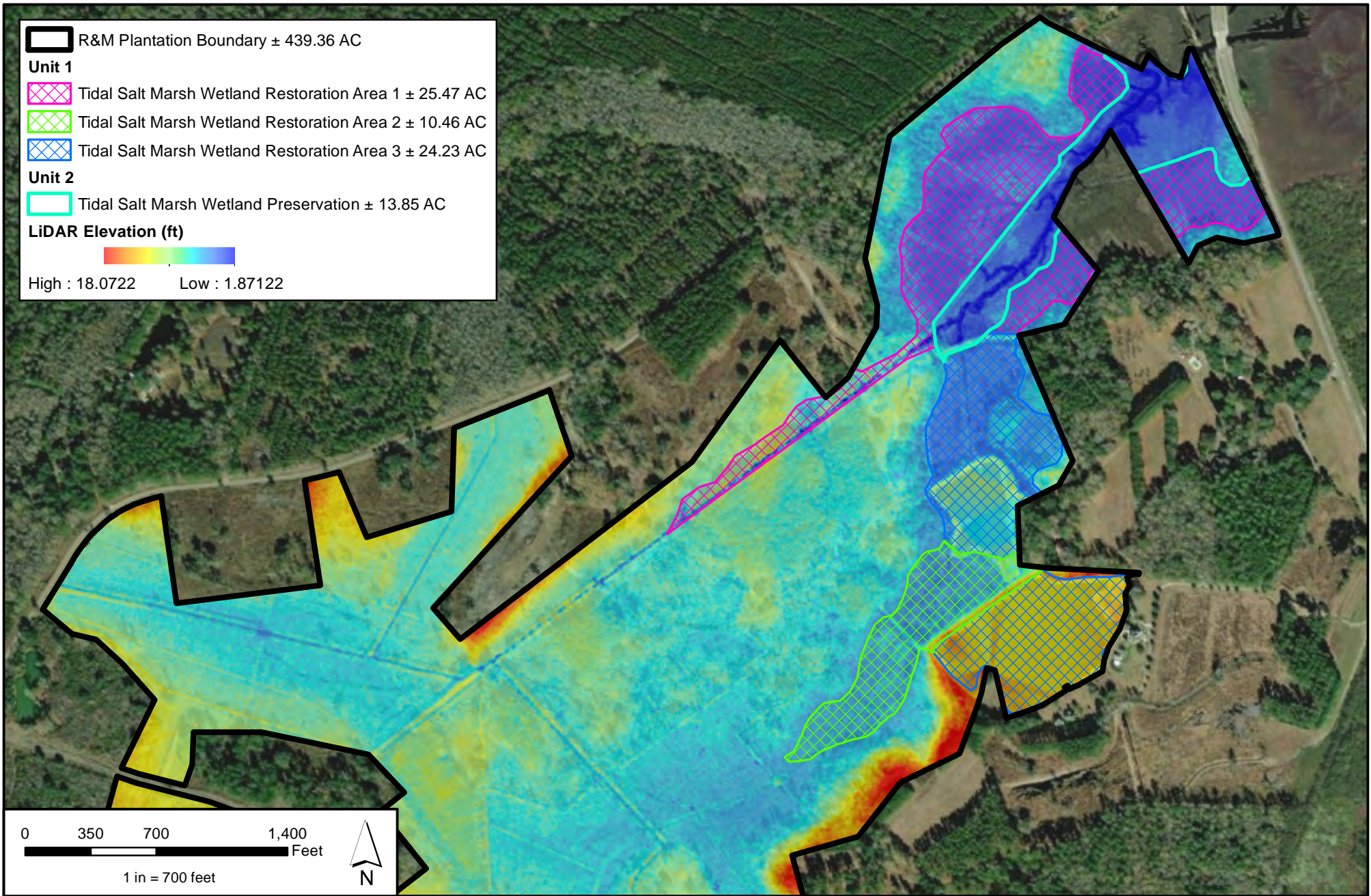
R&M Plantation
HUC 8 Broad-St. Helena (03050208)
Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

DEM
Map

Date: 12/1/2022

Figure
10



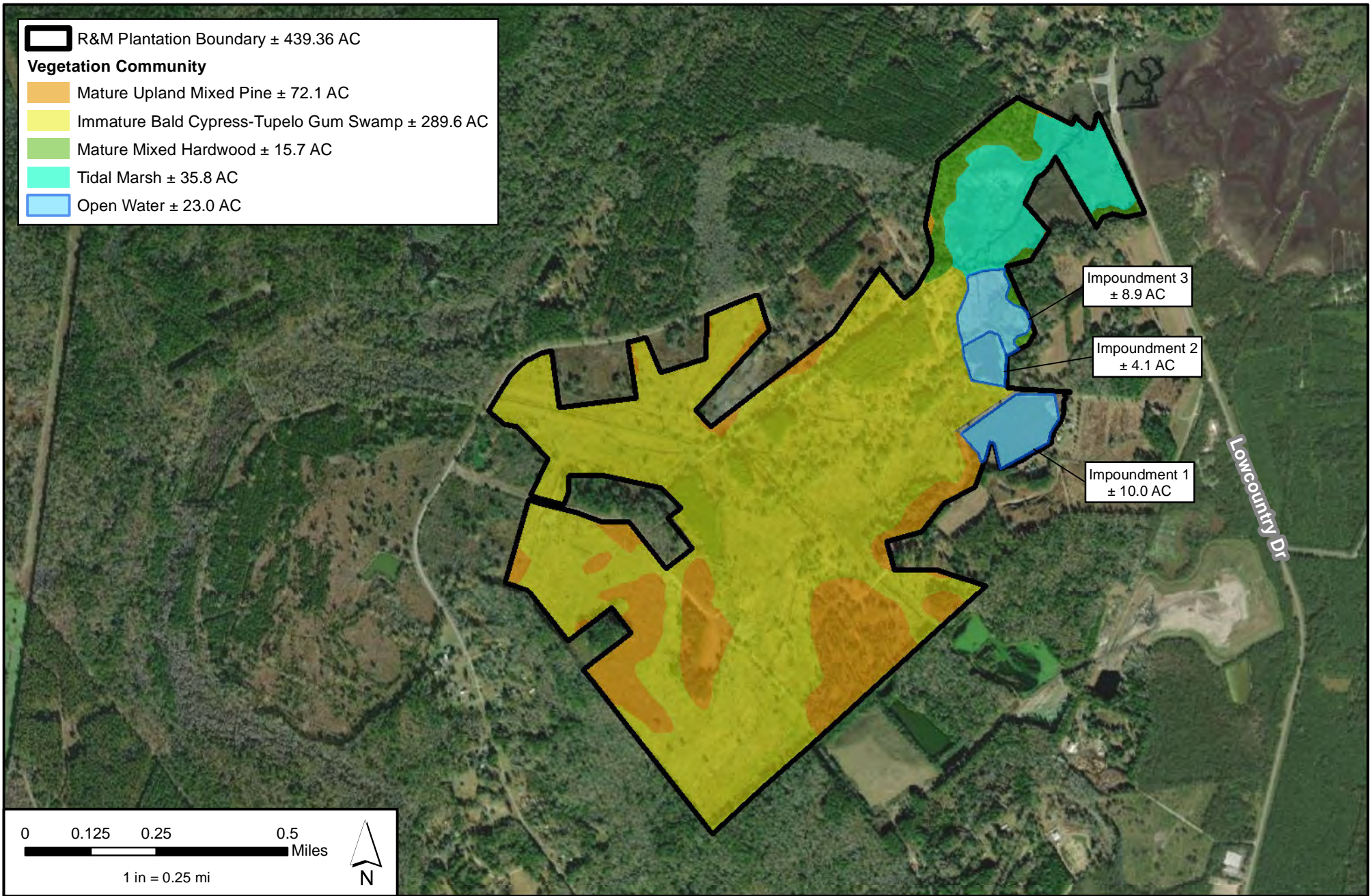
R&M Plantation
HUC 8 Broad-St. Helena (03050208)
Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

DEM
Map

Date: 12/1/2022

Figure
10a



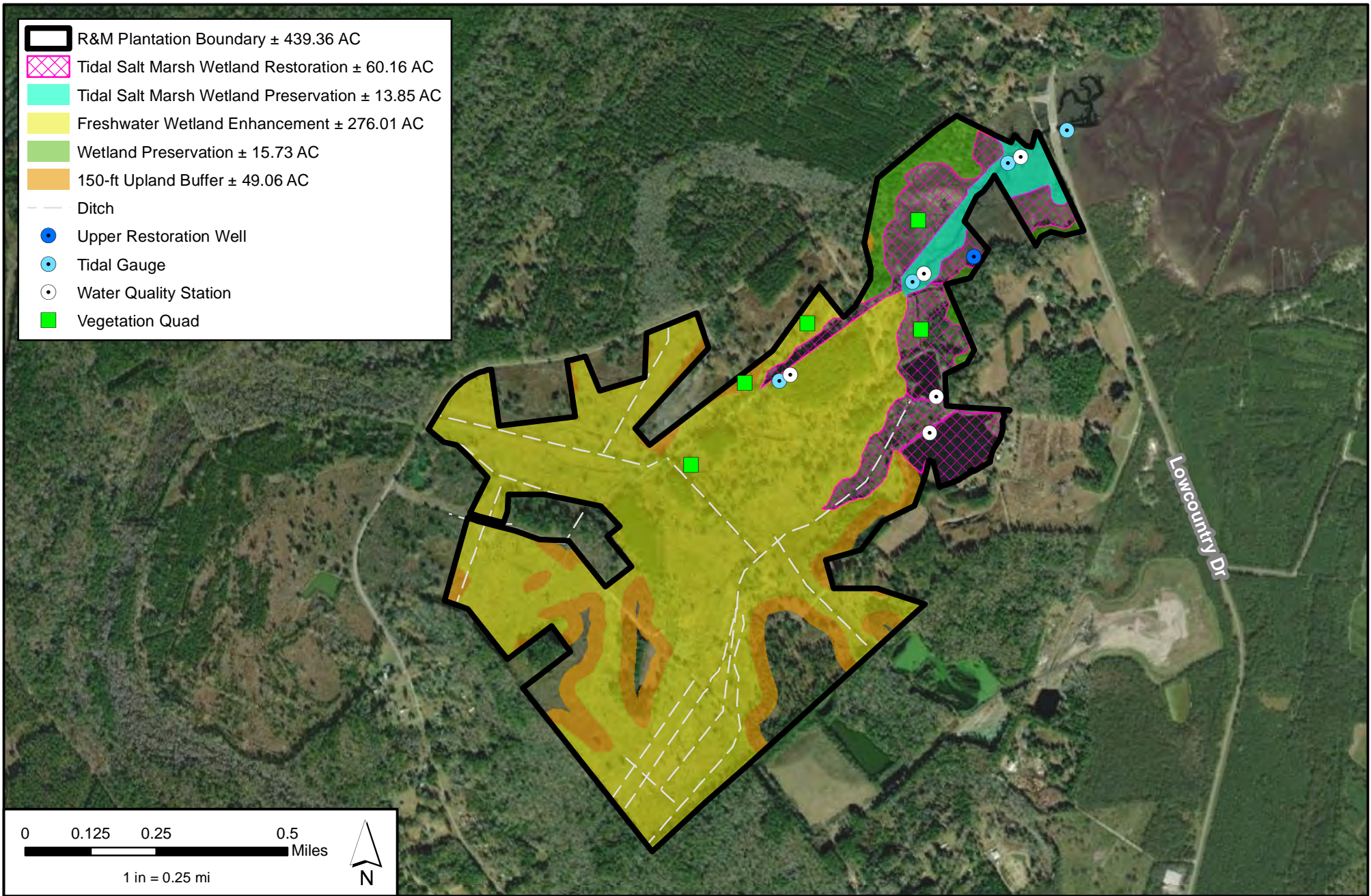
R&M Plantation
HUC 8 Broad-St. Helena (03050208)
Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Vegetation
Community Map

Date: 1/5/2023

Figure
11



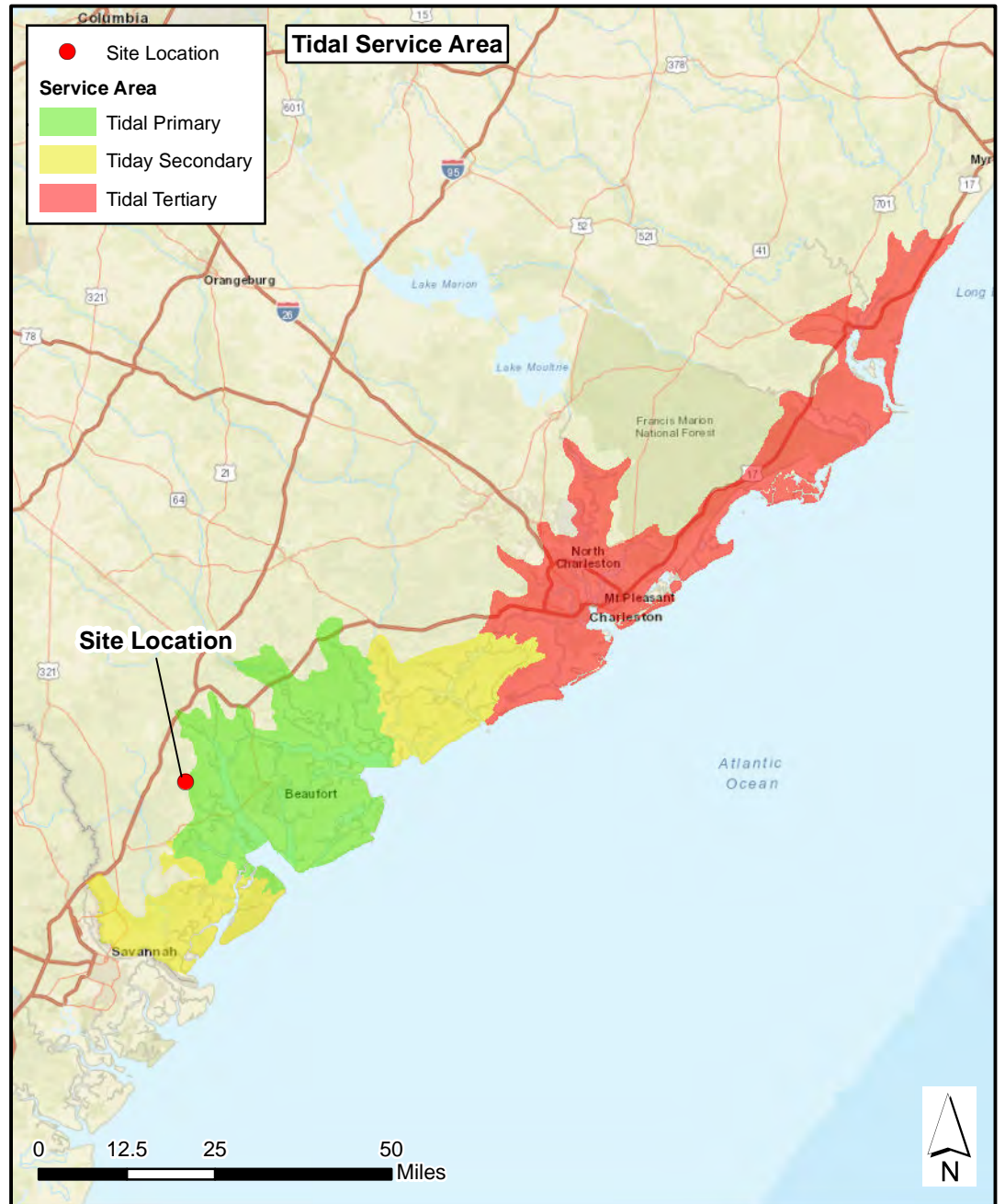
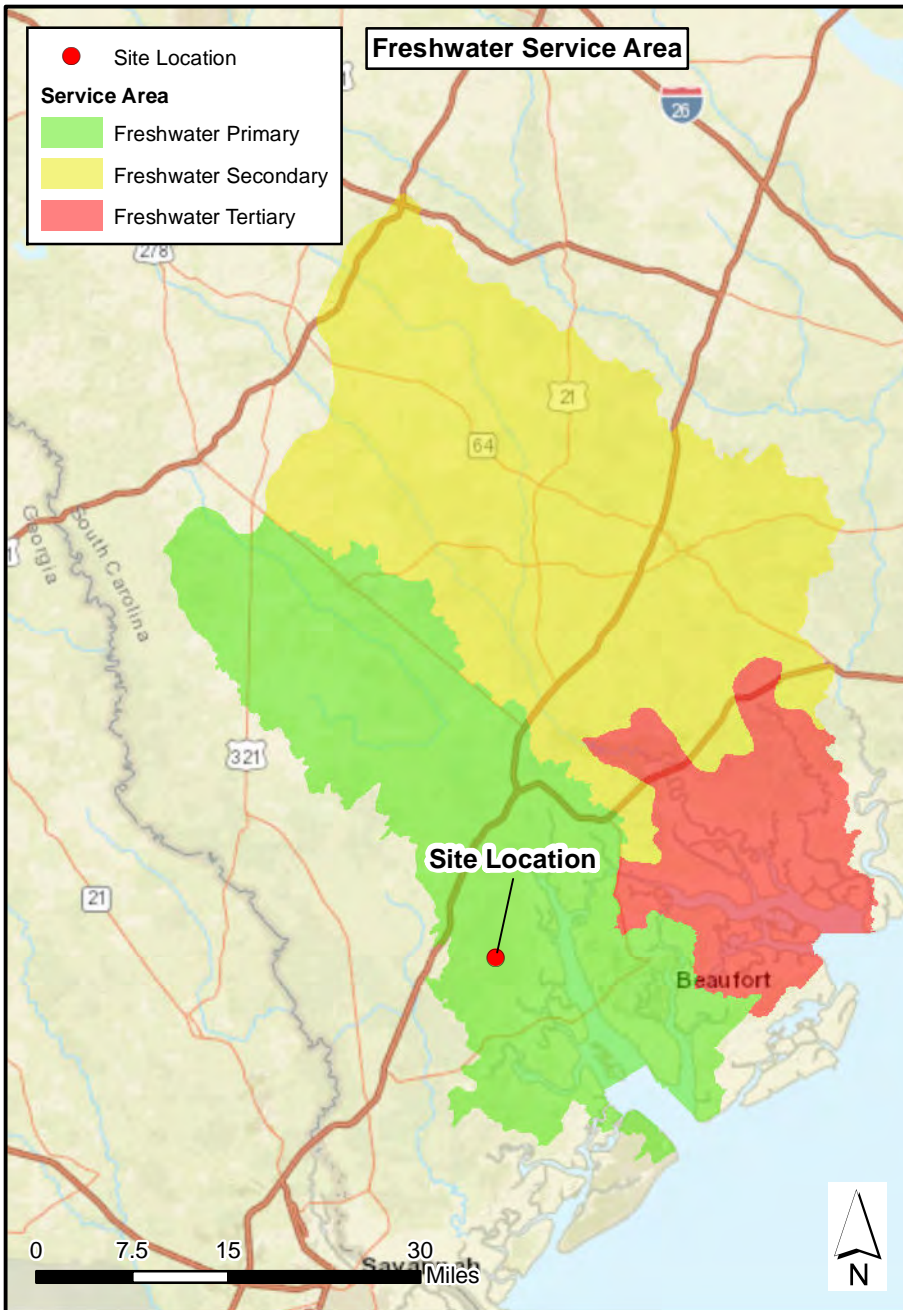
R&M Plantation
 HUC 8 Broad-St. Helena (03050208)
 Jasper County, South Carolina

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Baseline
 Monitoring Map

Date: 1/5/2023

Figure
13



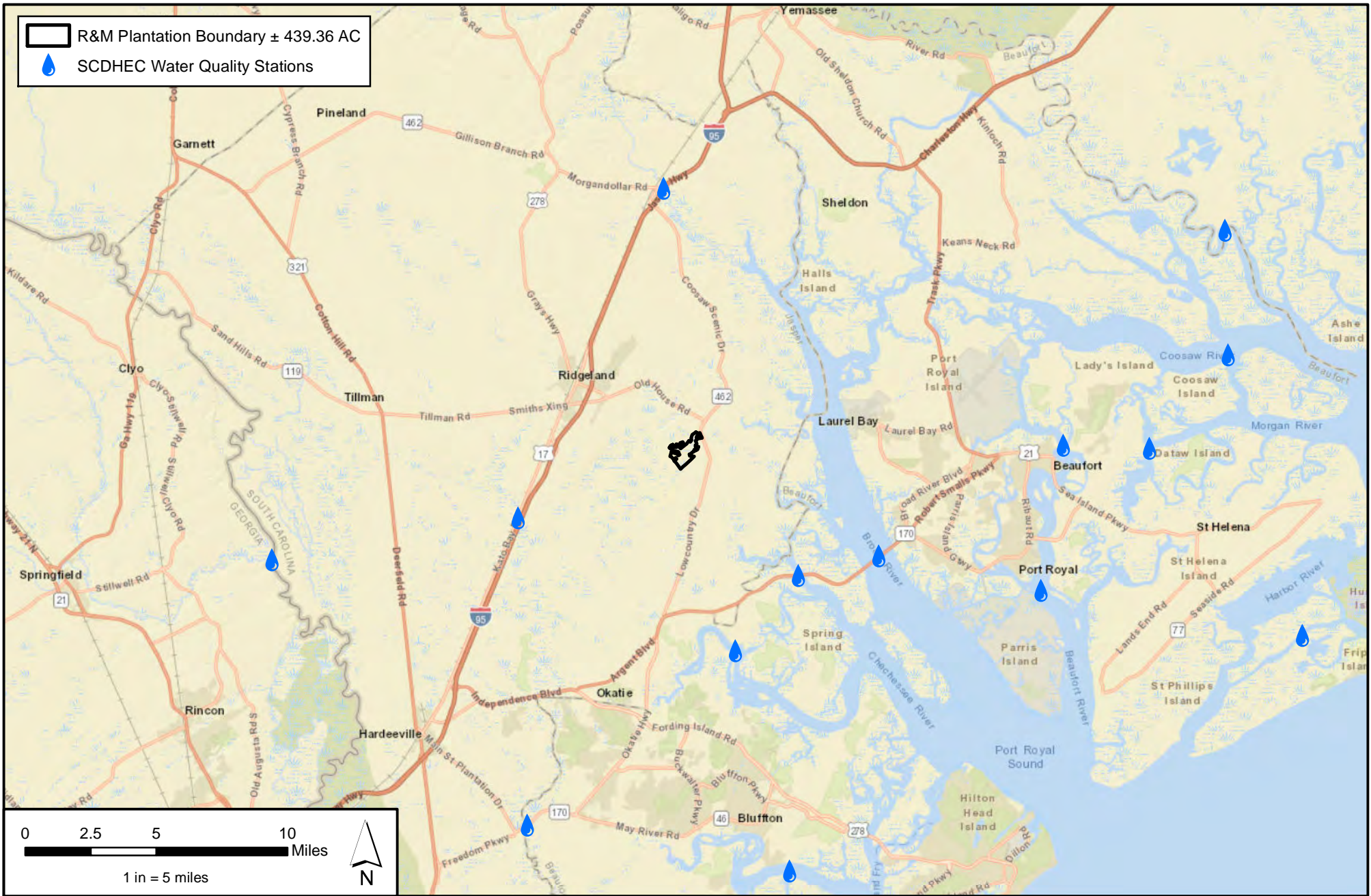
R&M Plantation
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 Jasper County, South Carolina

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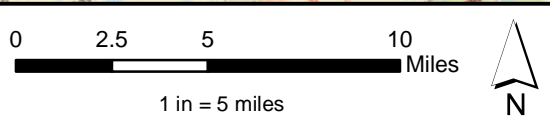
Service Area Map


Date: 8/31/2022

Figure
14



R&M Plantation Boundary ± 439.36 AC
💧 SCDHEC Water Quality Stations



	<p>R&M Plantation HUC 8 Broad-St. Helena (03050208) Jasper County, South Carolina</p>	<p>SCDHEC Water Quality Monitoring Map</p>	<p>Figure 15</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 1/5/2023</p>	