

**PUBLIC NOTICE**

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

REGULATORY DIVISION  
Refer to: SAC-2023-00341

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

**Chelsea Plantation, LLC  
P.O. Box 639  
Dexter, Missouri 63841**

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

**Broad-St. Helena River Sub-Basin**

at a location between South Carolina Highway 170, South Carolina Highway 462, and Hazzard Creek in southeast Jasper County, SC (Latitude 32.388611 Longitude: - 80.888611), 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 goal of the Bank is to restore, enhance, and preserve freshwater and tidal wetlands within the Bank, restore native vegetative communities, and restore natural wetland functionality within the project's boundaries to generate mitigation credits that can be sold to permittees in need of compensatory mitigation associated with authorized (permitted) impacts occurring within the Bank's service area.

Specific goals within the Bank include:

- Restore and enhance native vegetation proliferation through fire regimes, removal of pine bedding, thinning densely planted pine stands, and invasive species eradication and control
- Restore wetland hydrology to remnant and existing wetlands within the Bank that have changed due to anthropogenic practices such as ditching and pine bedding
- Restore appropriate soil moisture conditions with regular prescribed fire to create a diverse vegetative structure with a longleaf pine overstory, minimal mid-story, and a diverse understory of grasses, forbs, and shrubs
- Restore, enhance, and preserve a diverse mosaic of habitats within longleaf flatwoods, hardwood bottoms, freshwater wetland systems, and salt marsh which provide habitat for many plant and animal species, some of which have experienced population declines locally and regionally
- Improve habitat connectivity between wetland systems within the Bank and to adjacent wetland systems
- Establish, enhance, and preserve existing and potential protected species' habitat within the Bank through improved hydrology, increased fire regimes, and invasive species management
- Reestablish the fire regime in the longleaf pine flatwoods habitats within the Bank to allow reestablishment and functionality of pine savanna habitat to restore preexisting conditions prior to fire suppression and pine plantation management
- Preserve existing tidal salt marsh and freshwater wetlands that connect hydrology and ecology within the watershed and wetland systems within and adjacent to the Bank
- Preserve existing upland buffers that provide habitat connectivity and contribute to flood and stormwater control/filtration to surrounding wetland systems
- Protect and preserve potential wood stork (*Mycteria americana*) rookery on site

### **Project Description**

The proposed project consists of establishing a freshwater 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 1,587.7-acre mitigation site includes approximately 1,067.2 acres of freshwater wetlands and 520.5 acres of uplands.

The proposal consists of 251.8 acres of freshwater wetland restoration, 350.1 acres of hydrologic enhancement and 256.5 acres of vegetative enhancement, 61.5 acres of both vegetative and hydrologic enhancement, and preservation of 147.3 acres of freshwater wetland.

The proposed mitigation activities include plugging drainage ditches, removal of bedded planting areas, removal of existing roads, establishment of fire breaks, planting of native wetland species, and reintroduction of fire regime.

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 no 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 (*Acipenser brevirostrum*), West Indian manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis*), Frosted Flatwoods Salamander (*Ambystoma cingulatum*), 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 (*Acipenser 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*), Frosted Flatwoods Salamander (*Ambystoma cingulatum*) 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 there are historic properties present, but they will not be affected; 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 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

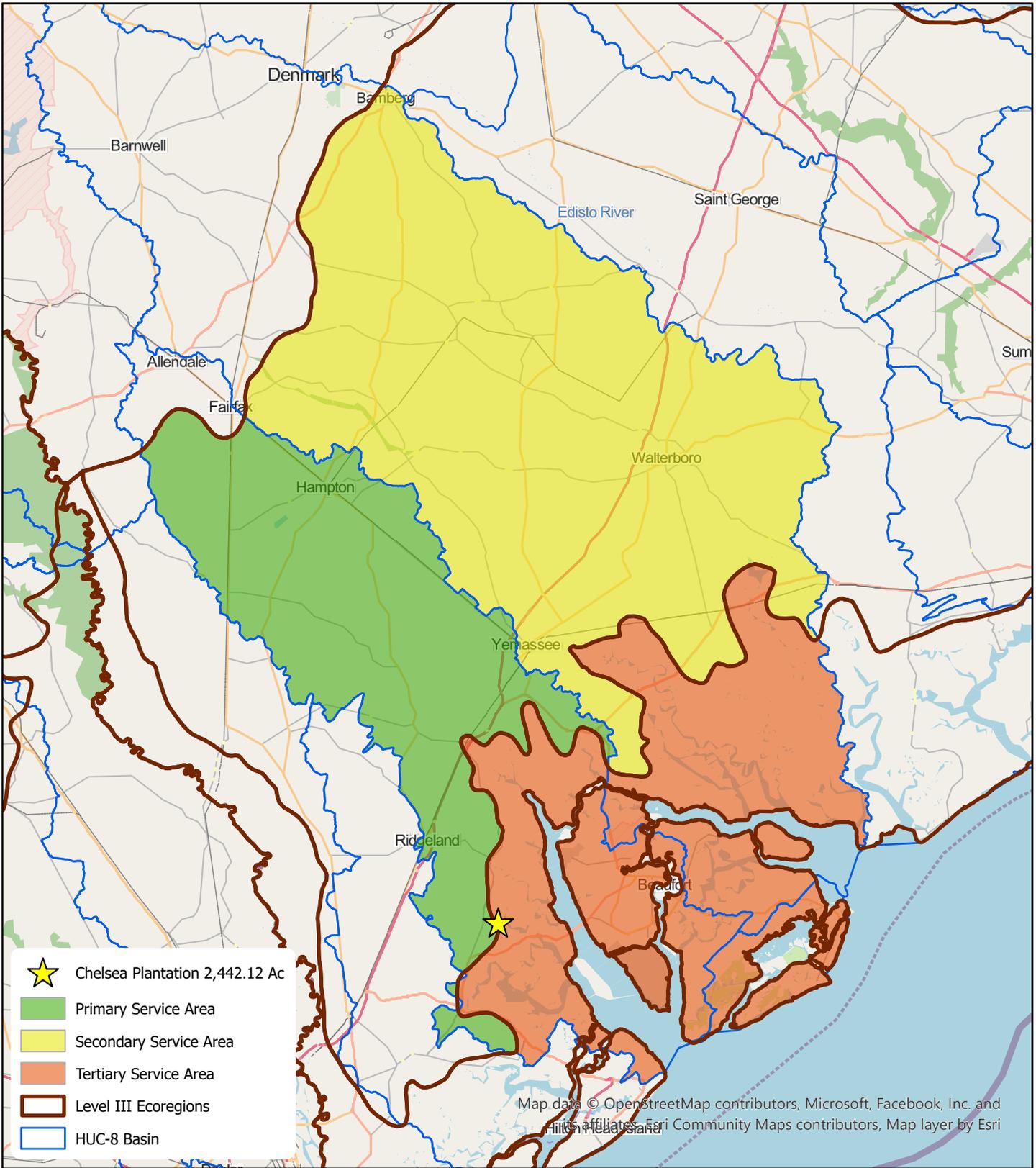
factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, 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-2023-00341) by public notice number, to [David.B.Wilson@usace.army.mil](mailto: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**

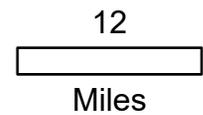
A complete copy of the prospectus is available online in the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) at <https://ribits.ops.usace.army.mil/> and can be provide for review upon request. If there are any questions concerning this public notice, please contact David Wilson, project manager, at (843) 329-8026 or by email at [David.B.Wilson@usace.army.mil](mailto:David.B.Wilson@usace.army.mil).

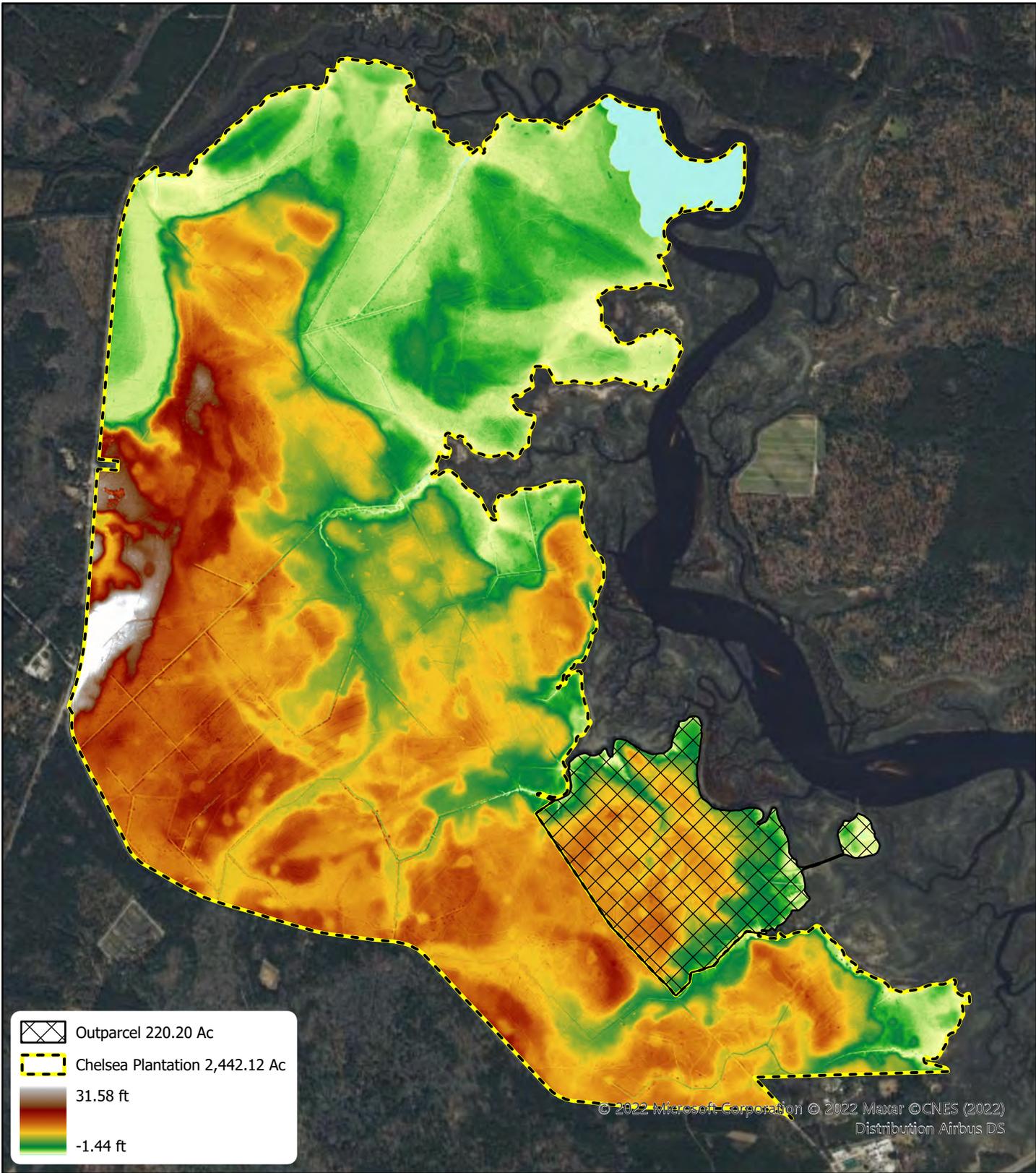


**Figure 6:  
Service Area Map**

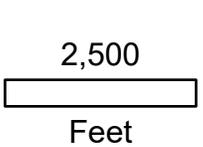
**Chelsea Plantation Mitigation Bank  
Jasper County, SC**

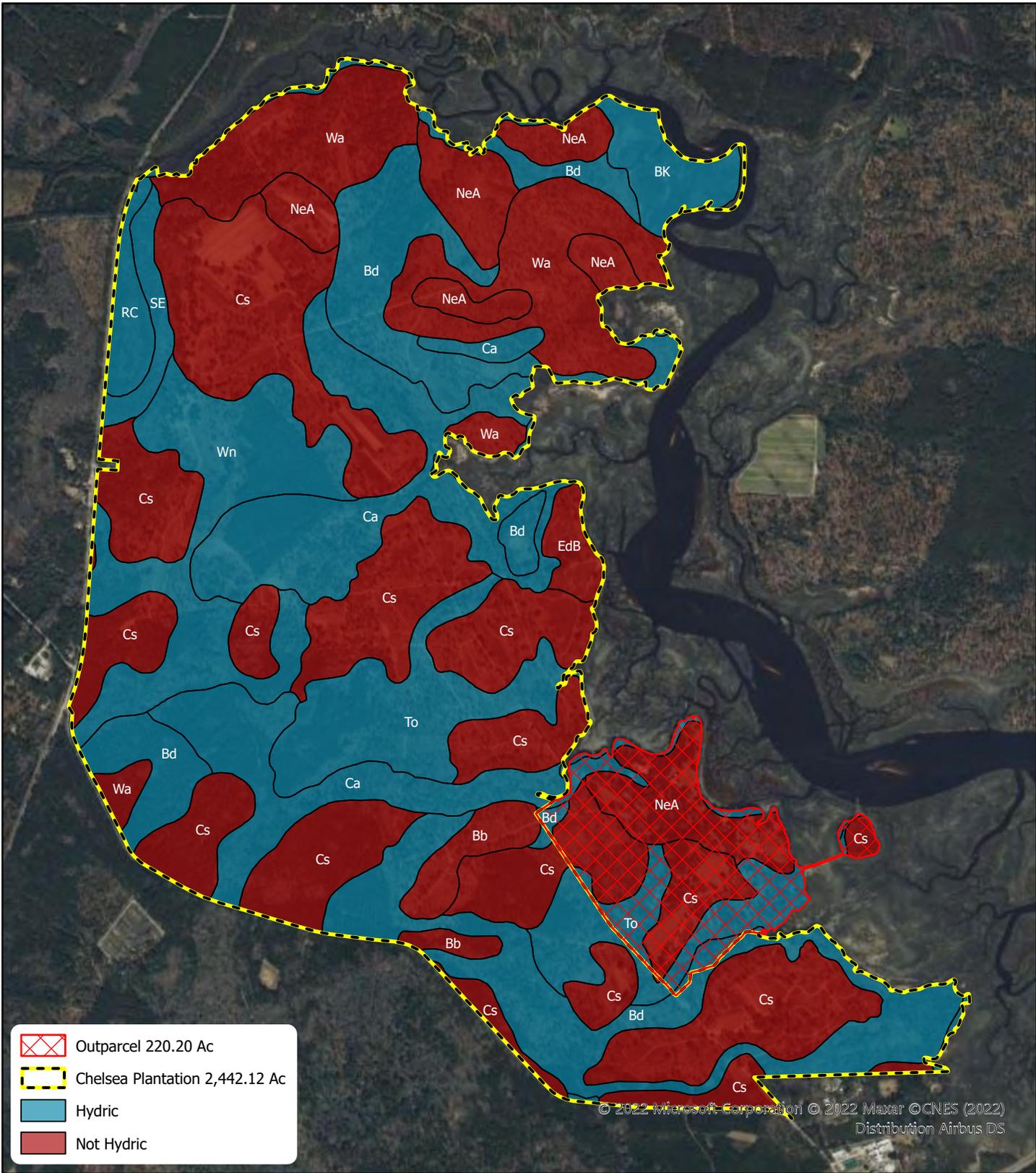
**October 1, 2022**





**Figure 8:**  
**LiDAR Map**  
**Chelsea Plantation Mitigation Bank**  
**Jasper County, SC**  
 October 1, 2022

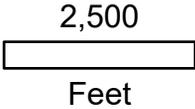


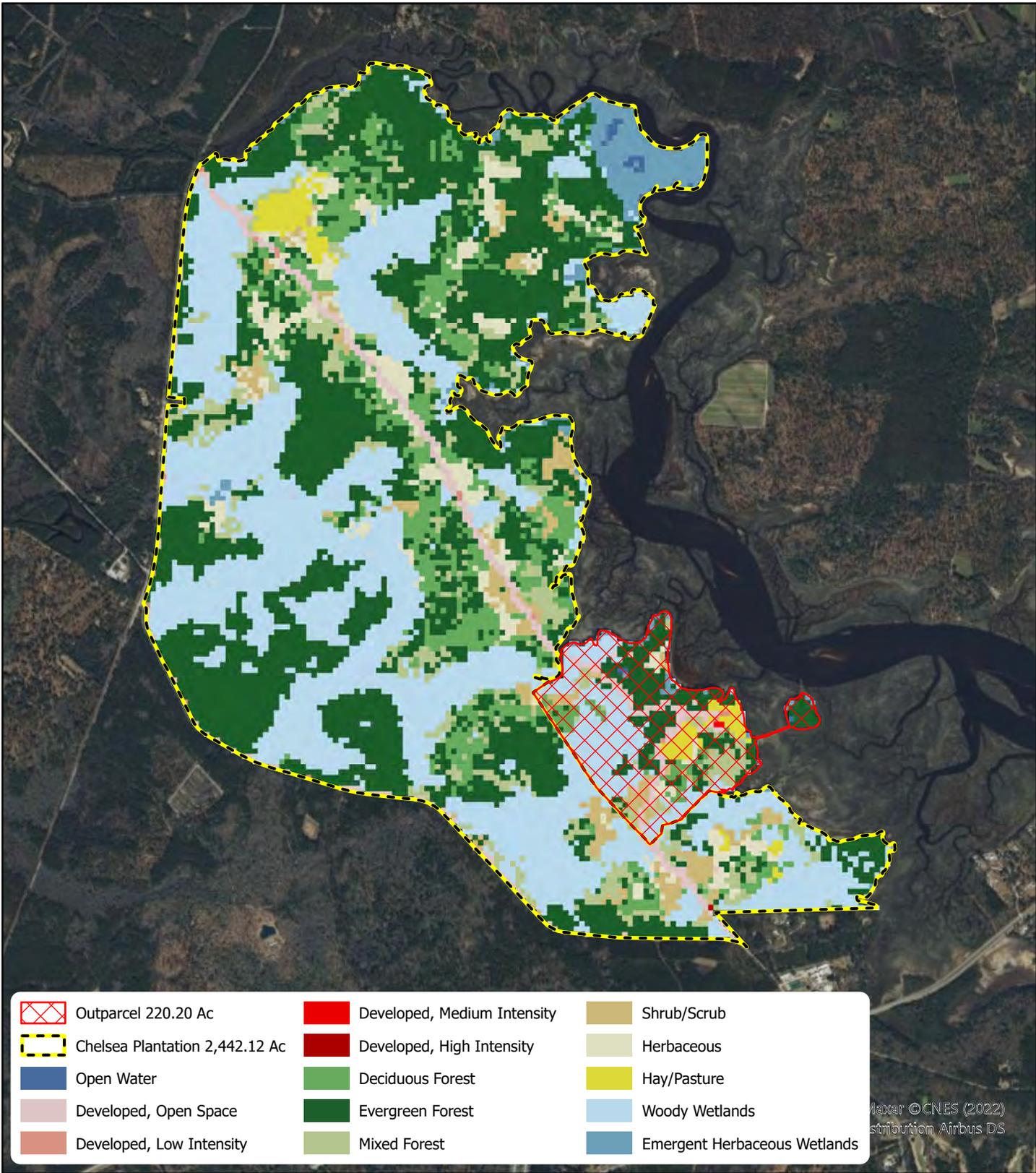


**Figure 9:  
NRCS Hydric Soils Map**

**Chelsea Plantation Mitigation Bank  
Jasper County, SC**

**October 1, 2022**

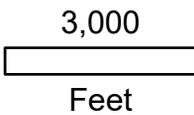


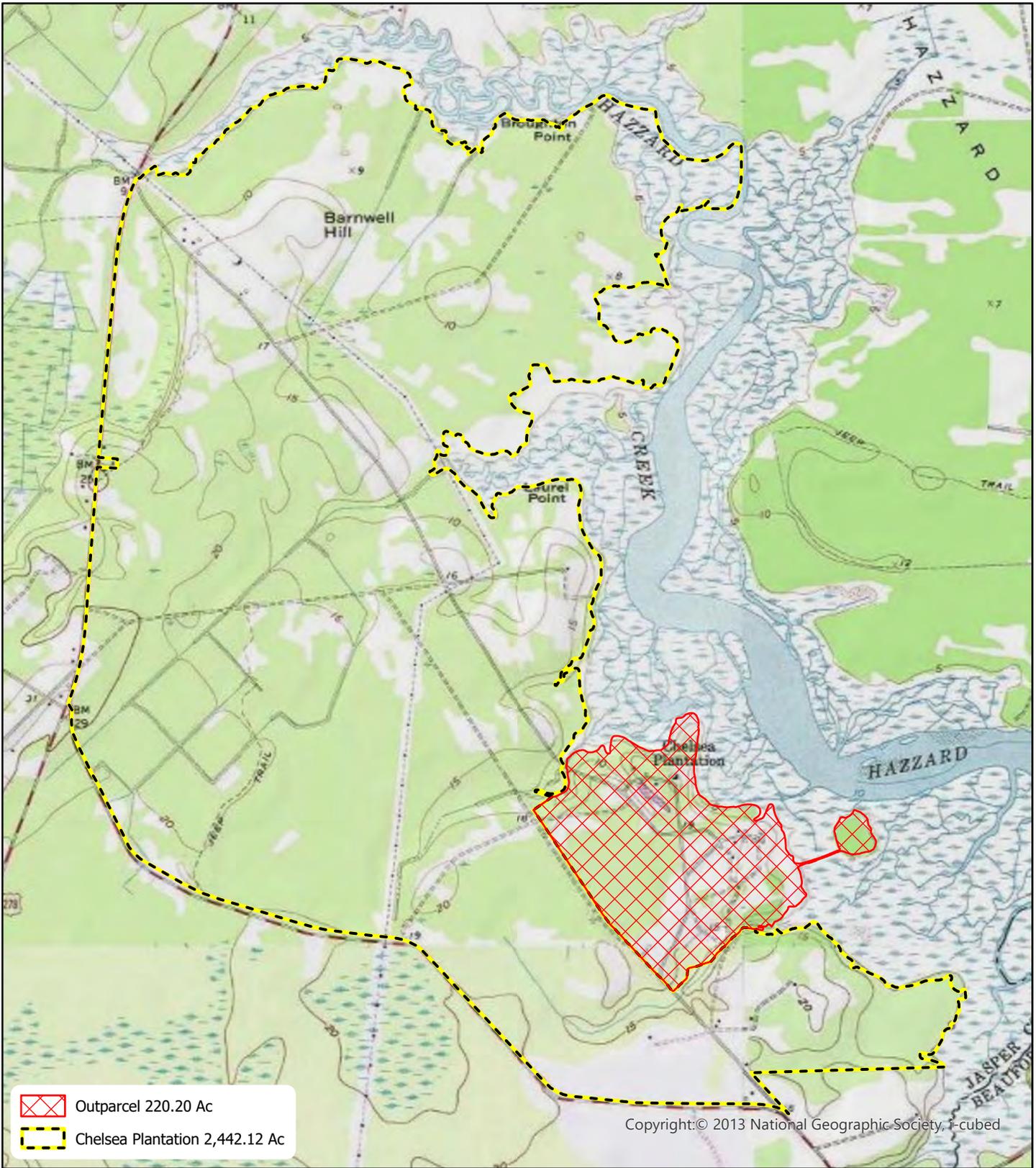


Maxar ©CNES (2022)  
Distribution Airbus DS

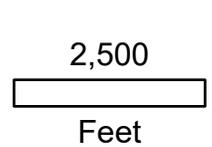


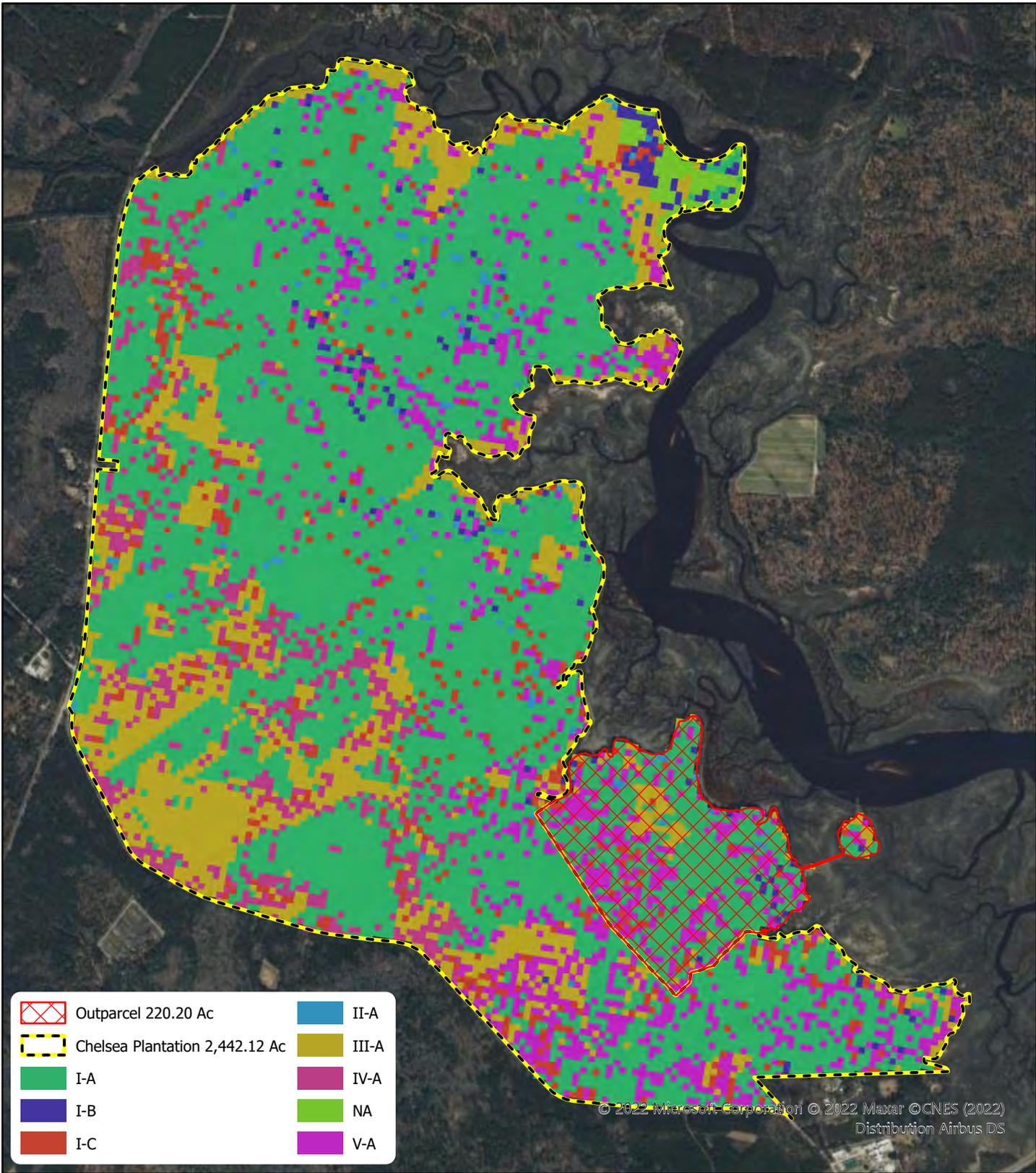
**Figure 10:**  
**Land Use/Land Cover Map**  
**Chelsea Plantation Mitigation Bank**  
**Jasper County, SC**  
 October 1, 2022



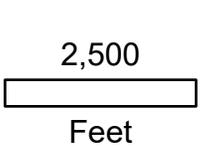


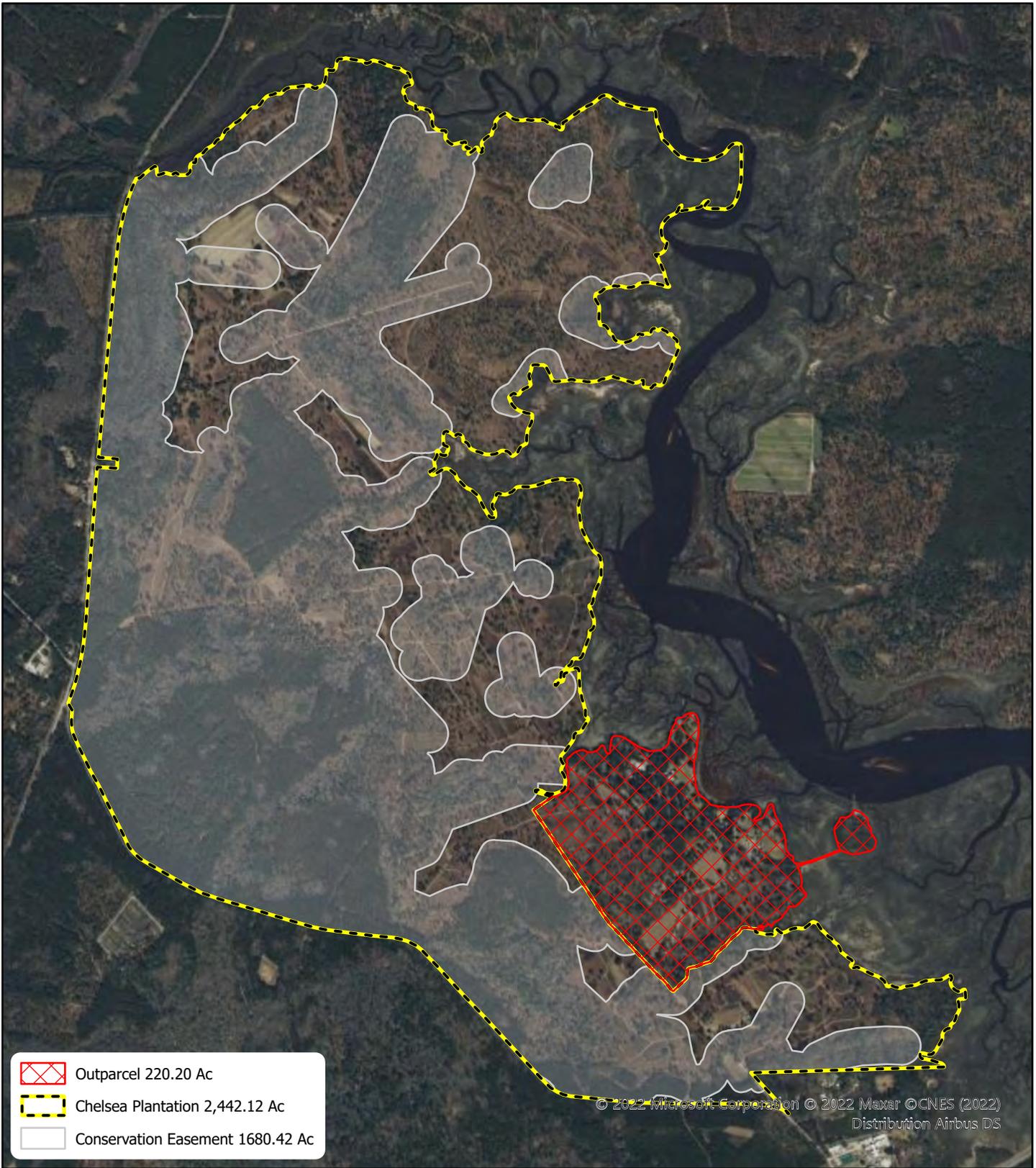
**Figure 11:**  
**USGS Topo Map**  
**Chelsea Plantation Mitigation Bank**  
**Jasper County, SC**  
 October 1, 2022





**Figure 12:**  
**Landfire Fire Regime Map**  
**Chelsea Plantation Mitigation Bank**  
**Jasper County, SC**  
 October 1, 2022



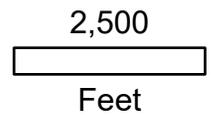


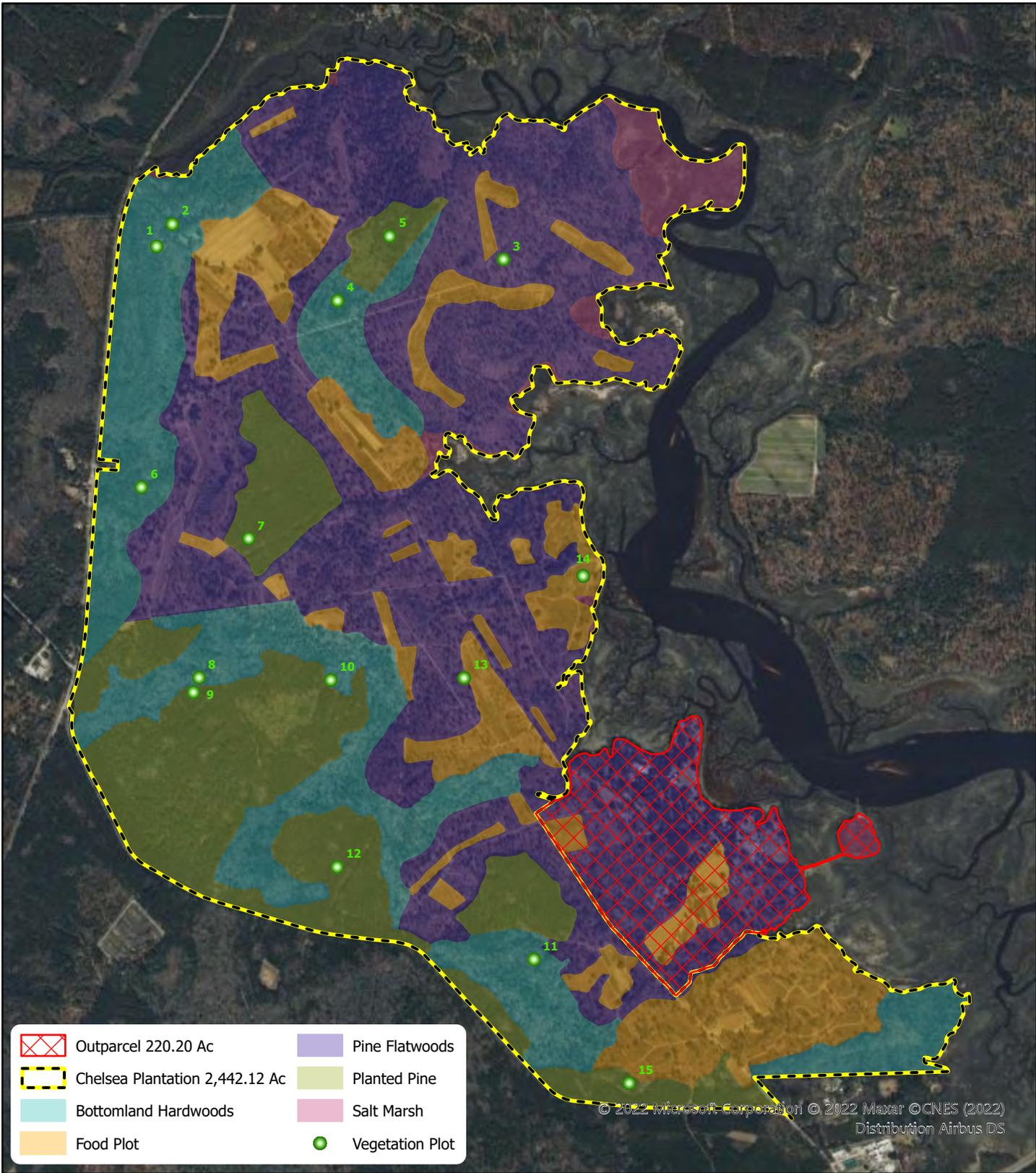
-  Outparcel 220.20 Ac
-  Chelsea Plantation 2,442.12 Ac
-  Conservation Easement 1680.42 Ac

**Figure 13:  
Bank Boundary Map**

**Chelsea Plantation Mitigation Bank  
Jasper County, SC**

**October 1, 2022**

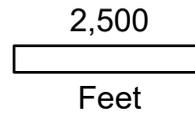


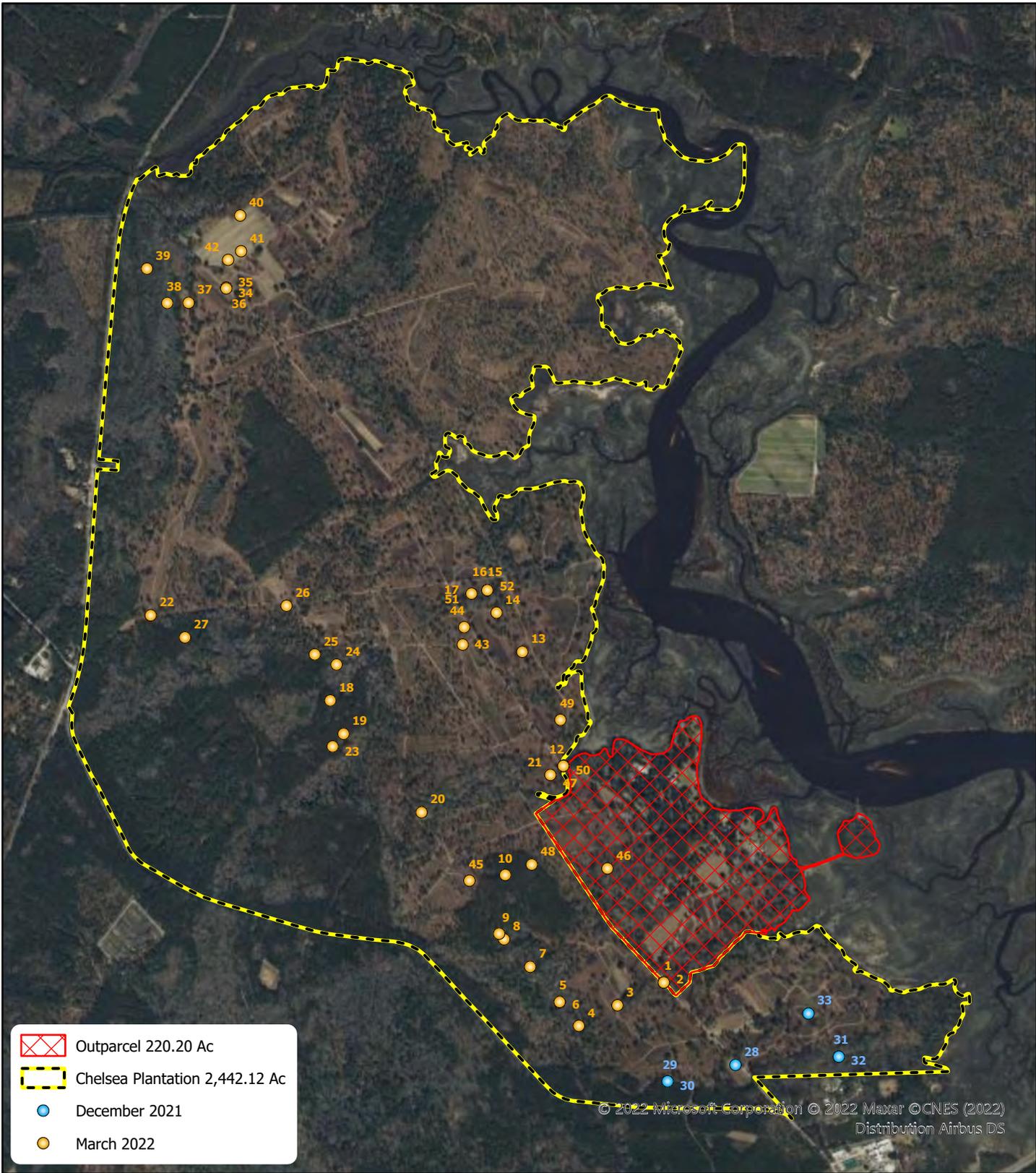


**Figure 16:  
Habitat Map**

**Chelsea Plantation Mitigation Bank  
Jasper County, SC**

October 1, 2022



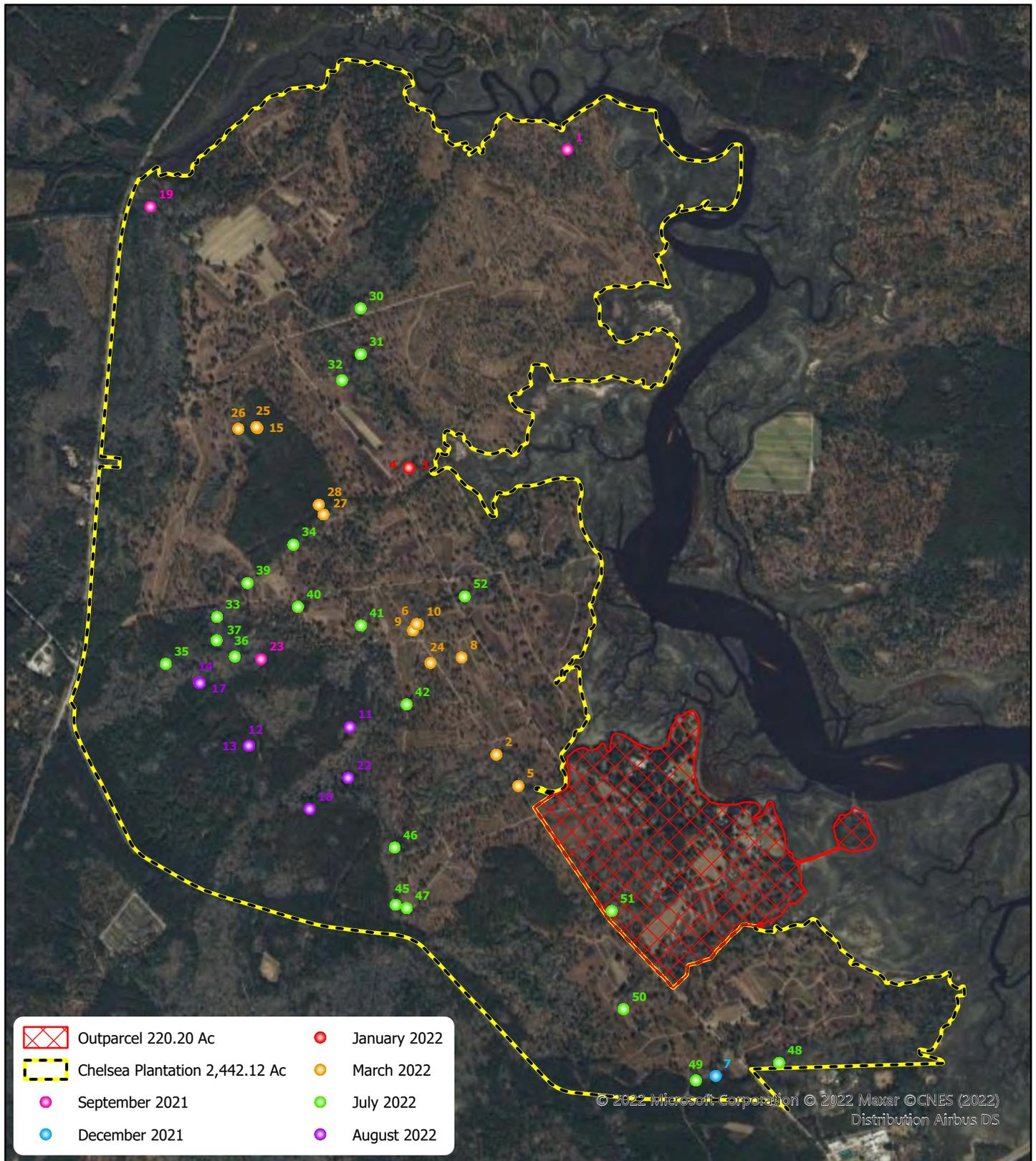


**Figure 17:**  
**Drone Photo Point Map**  
**Chelsea Plantation Mitigation Bank**  
**Jasper County, SC**  
 October 1, 2022

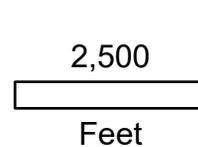


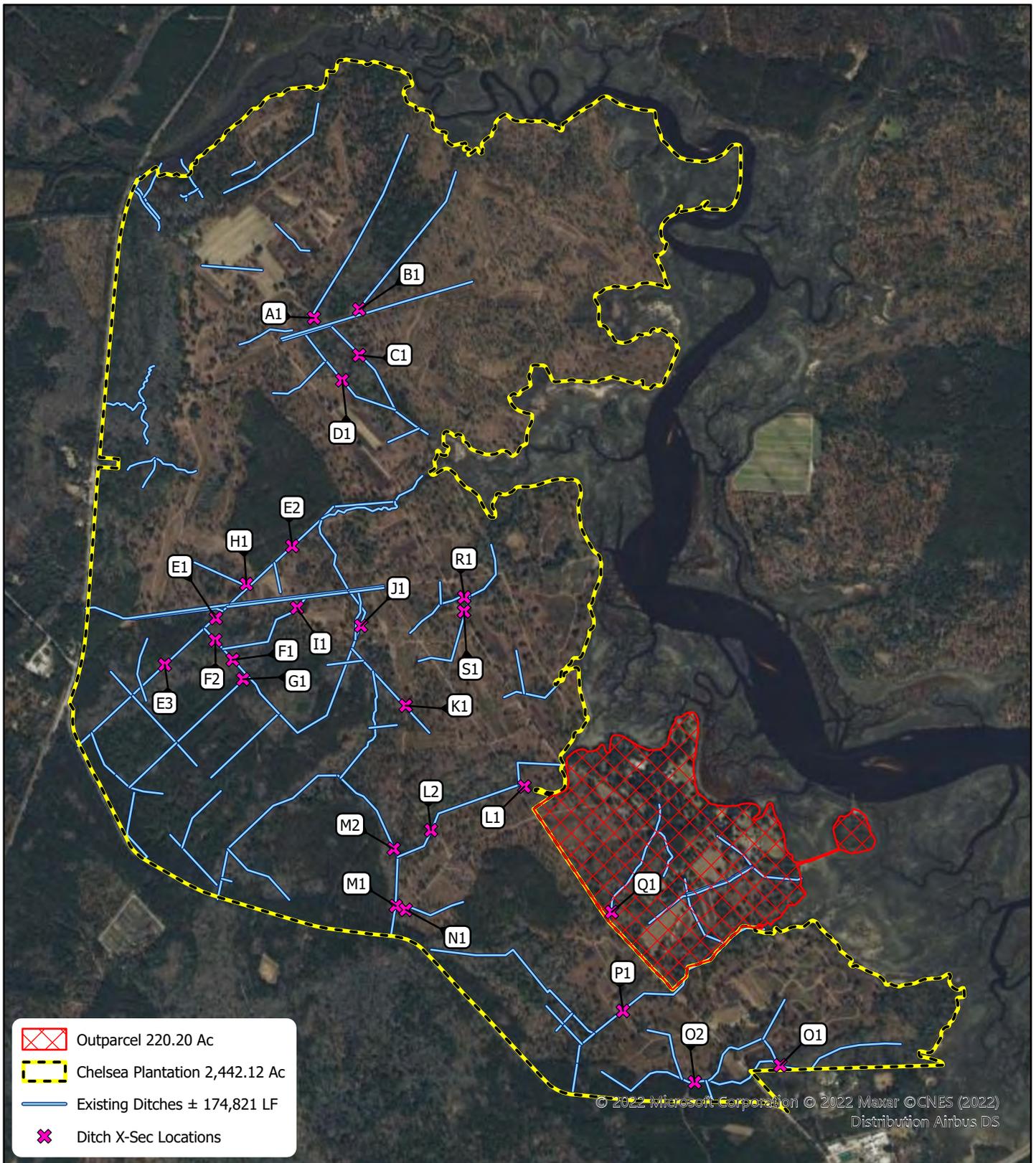
2,500  
 Feet





**Figure 18:**  
**Photo Point Map**  
**Chelsea Plantation Mitigation Bank**  
**Jasper County, SC**  
**October 1, 2022**

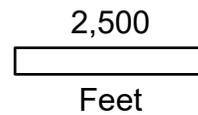


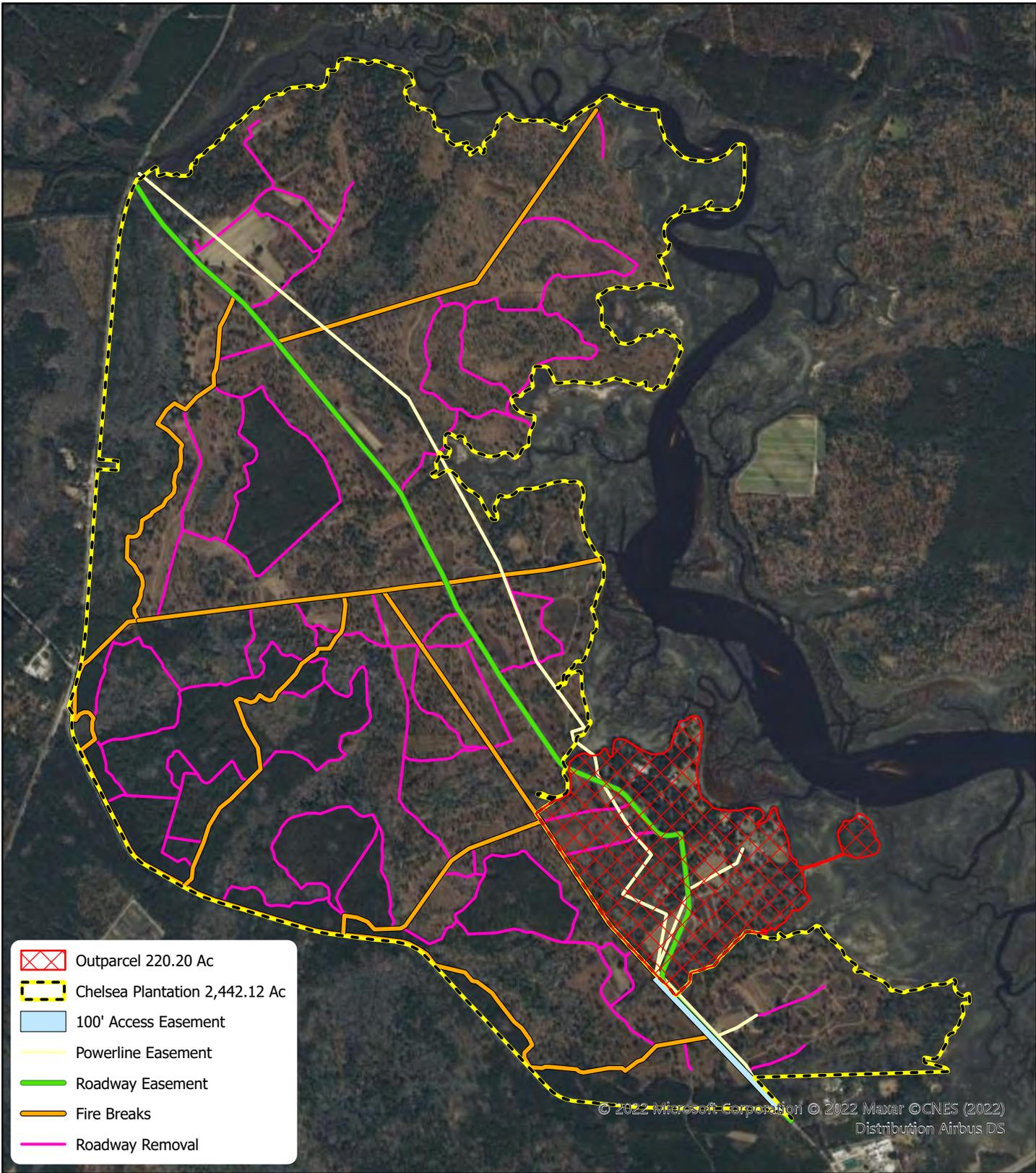


**Figure 19:  
Ditch Location Map**

**Chelsea Plantation Mitigation Bank  
Jasper County, SC**

October 1, 2022





**Figure 20:  
Road Removal Map**

**Chelsea Plantation Mitigation Bank  
Jasper County, SC**

**October 1, 2022**

