

PUBLIC NOTICE

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

REGULATORY DIVISION

Refer to: P/N SAC-2019-00637

May 7, 2019

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), the proposed Minkum Creek Mitigation Bank Prospectus has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by

**SANDY CREEK PARTNERS, LLC
ATTENTION MR. WADE WALTMYER
2570 COMMERCE PARKWAY
NORTH PORT, FLORIDA 34289**

for a proposal to establish and operate a wetland and stream mitigation bank that is adjacent to the

BROAD RIVER

at a location south of Gaffney, SC. The property is located between Star Ridge Road and SR-11-54 Popular Spring Road, in Cherokee County, South Carolina (Latitude: N 34.981895 °, Longitude: W -81.620860°), Pacolet Mills, Gaffney, Blacksburg South, and Wilkinsville U.S. Geological Service 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.

The proposed project consists of establishing a freshwater stream and wetland mitigation bank in the Broad River watershed (8-digit Hydrologic Unit Code 03050105) located in the Level III Piedmont Ecoregion. The proposed 435-acre mitigation site includes approximately 36,600 linear feet of stream channels and approximately 10 acres of freshwater wetlands.

The proposal is to restore or enhance 11 1st order seasonal tributaries totaling approximately 5,417 linear feet of stream, 8 1st order perennial tributaries totaling 6,071 linear feet of stream, 6

2nd order perennial tributaries totaling approximately 11,156 linear feet, 2 3rd order perennial tributaries totaling approximately 3,946 linear feet, and 1 4th order perennial tributary totaling 10,010 linear feet. All tributaries within the bank are currently proposed for some level of restoration. Level 1 Restoration will involve primarily bank stabilization with limited grade control in reaches with adequate bedrock. Level 2 Restoration includes profile adjustment and in-stream structures in addition to the bank stabilization measures. Level 3 Restoration is the highest level of proposed restoration and would include the construction of a new channel along reaches that exhibit lateral instability. 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 Upper Broad, Tyger, and Lower Broad 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.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

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)(f)(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.

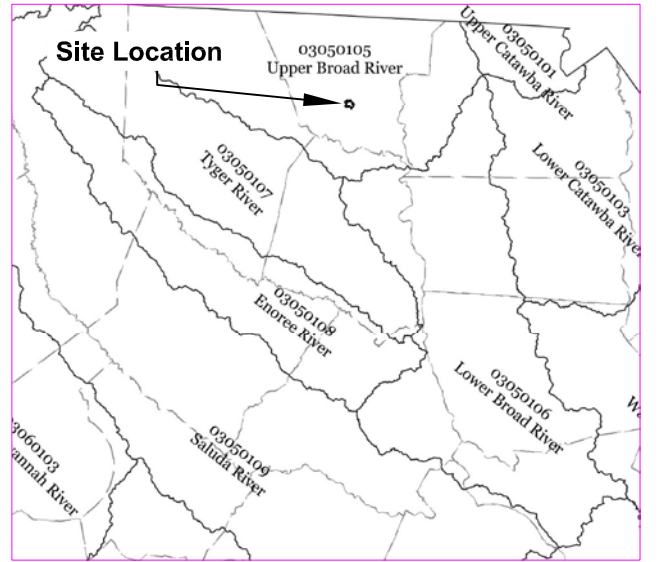
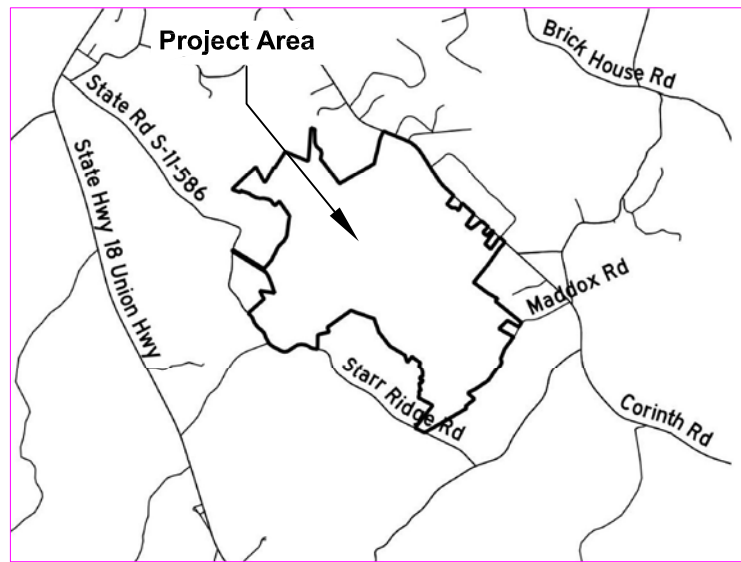
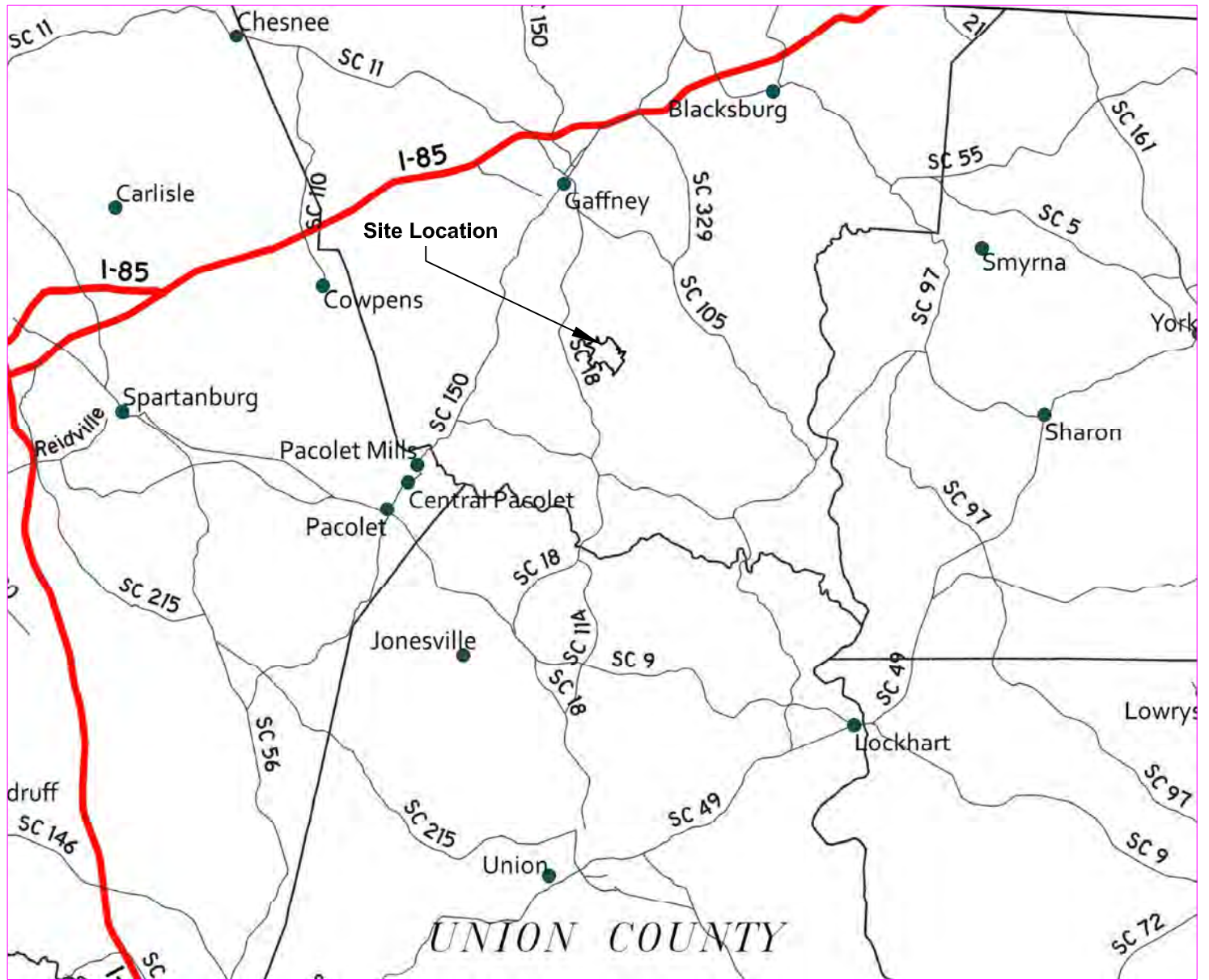
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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**

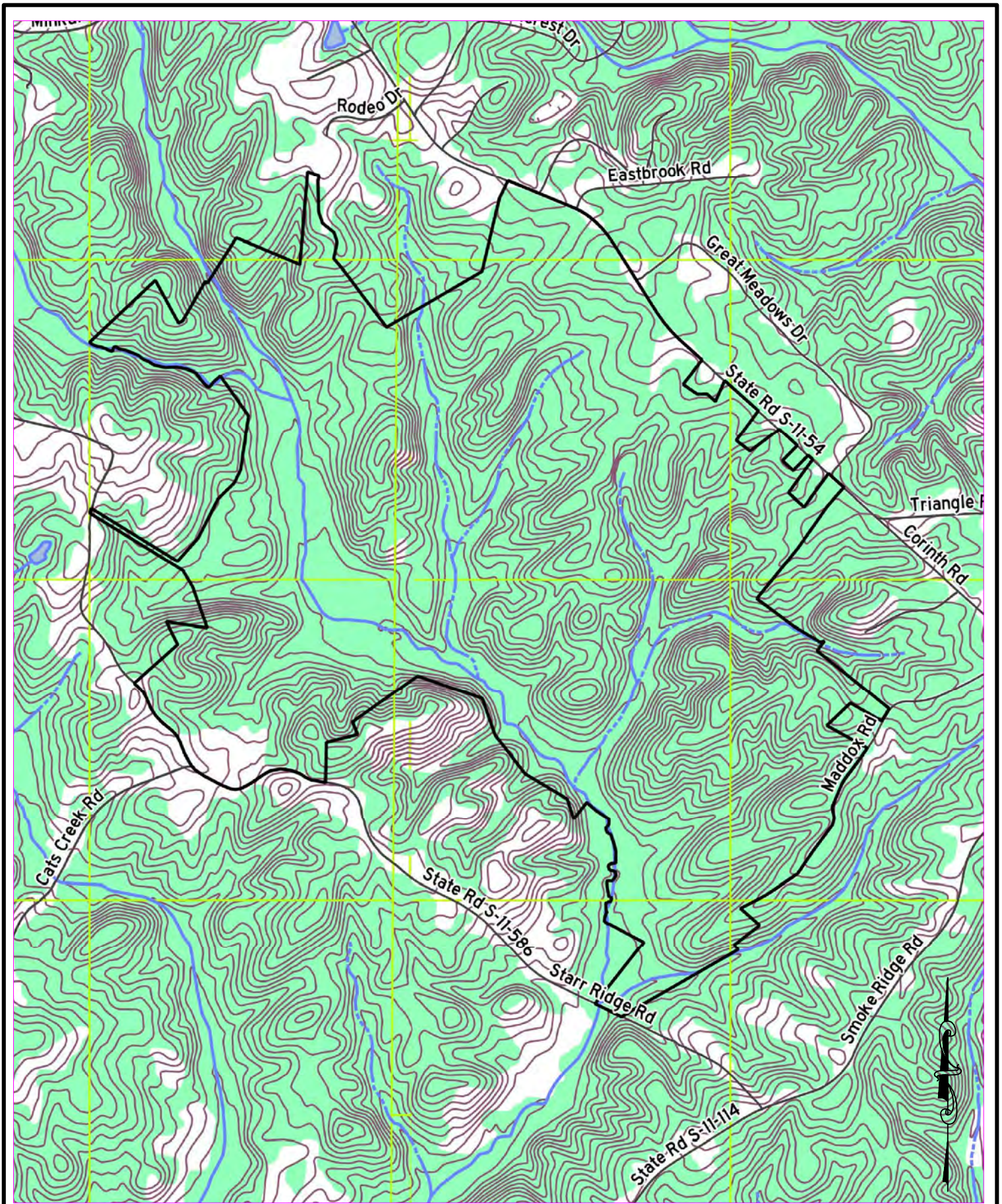
The Prospectus for the proposed mitigation bank is available for review by appointment between the hours of 9:00 am and 4:00 pm Monday through Friday at the address listed above. If there are any questions concerning the proposed mitigation bank or the information included in this public notice please contact David B. Wilson by e-mail at david.b.wilson@usace.army.mil or by telephone at 843-329-8044.



GRAPHIC SCALE	
1 inch = NTS feet	
Post Office Box 3744 Greenville, SC 29608 Phone: (864) 271-3040 Fax: (864) 235-9299	DRAWN BY: LHB DATE: 19dec2018 EPC PROJECT NO.: 1648

Location Map
Minkum Creek Mitigation Bank
Sandy Creek Partners, LLC
Cherokee County

SHEET NO.
1
page 2

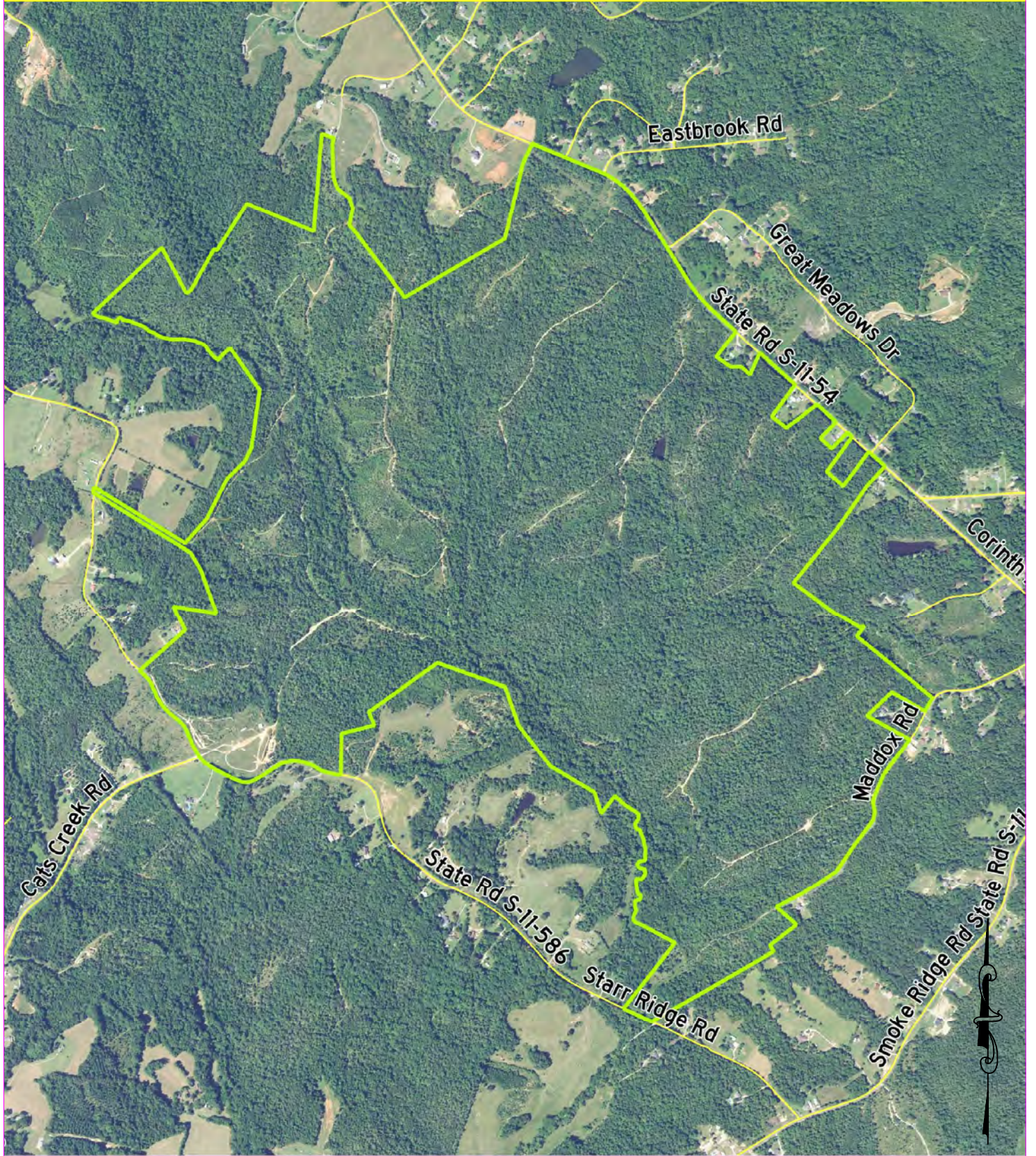


GRAPHIC SCALE	
1 inch = 1300 feet	
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Topographical Map
 Minkum Creek Mitigation Bank
 Sandy Creek Partners, LLC
 Cherokee County

SHEET NO.

2
page 3



GRAPHIC SCALE

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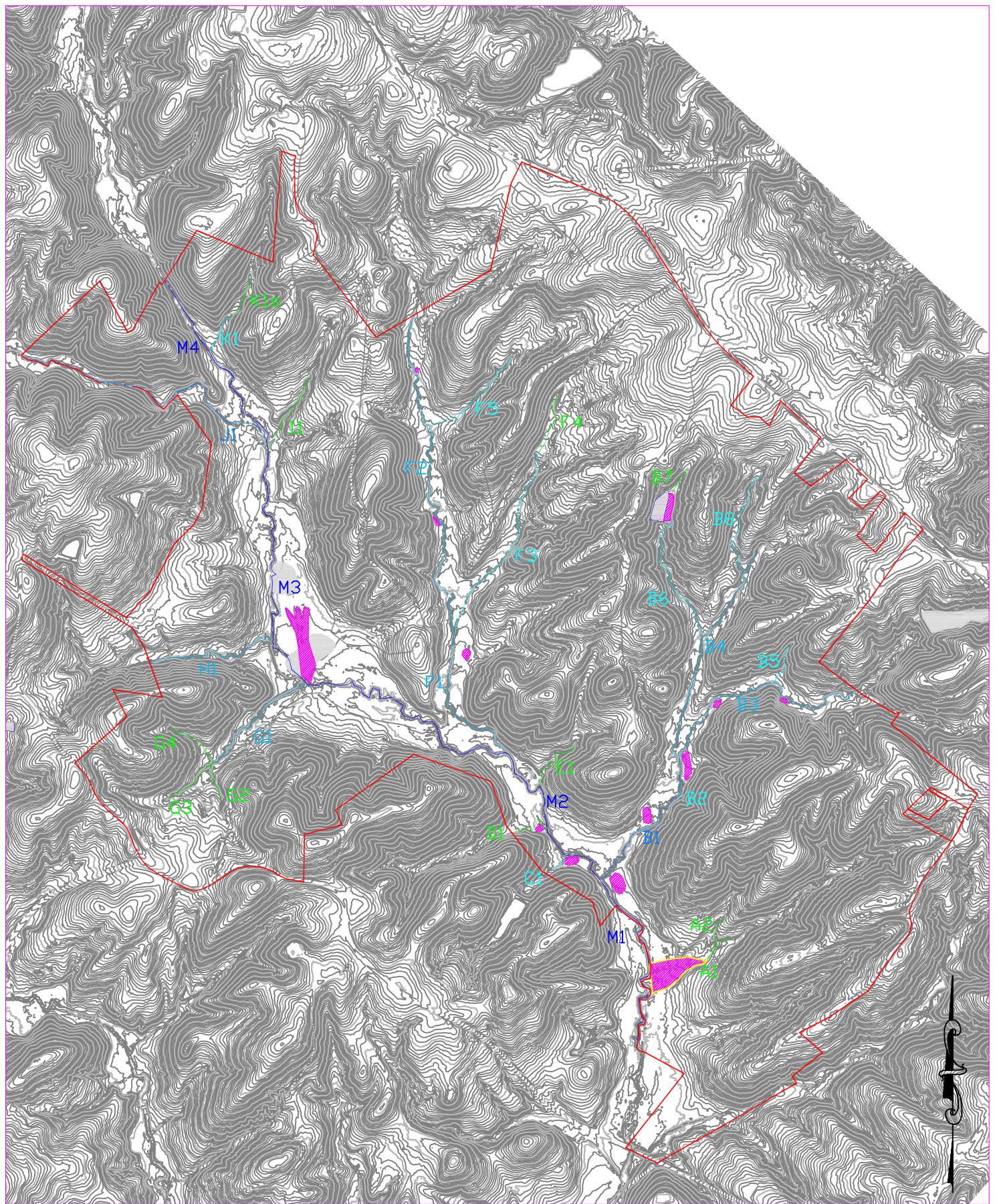
Aerial Map

Minkum Creek Mitigation Bank
Sandy Creek Partners, LLC
Cherokee County

SHEET NO.

4

page 5



GRAPHIC SCALE

1 inch = 1100 feet

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Preliminary Wetlands Map with Lidar

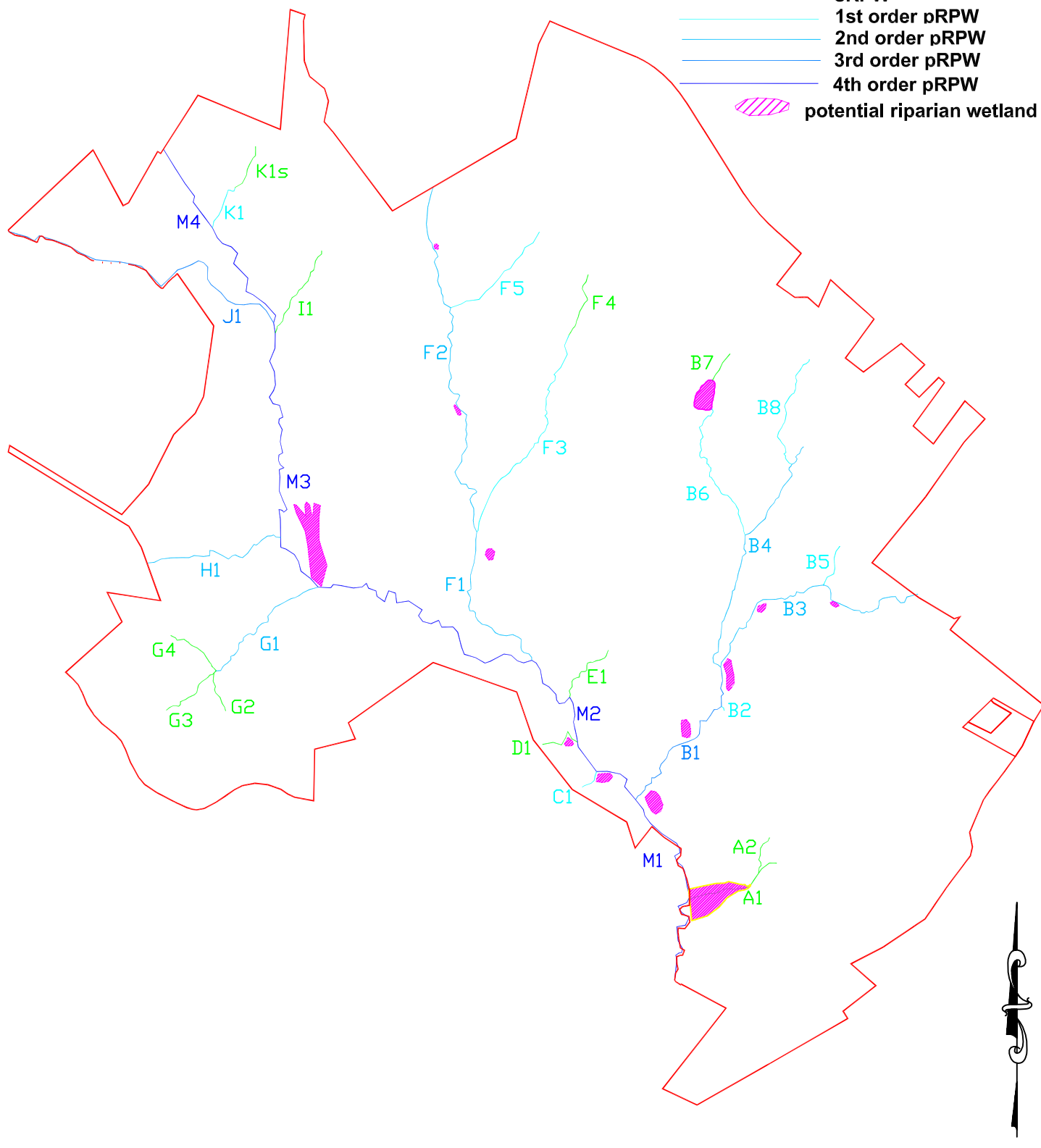
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SHEET NO.

5

page 6

-  sRPW
-  1st order pRPW
-  2nd order pRPW
-  3rd order pRPW
-  4th order pRPW
-  potential riparian wetland



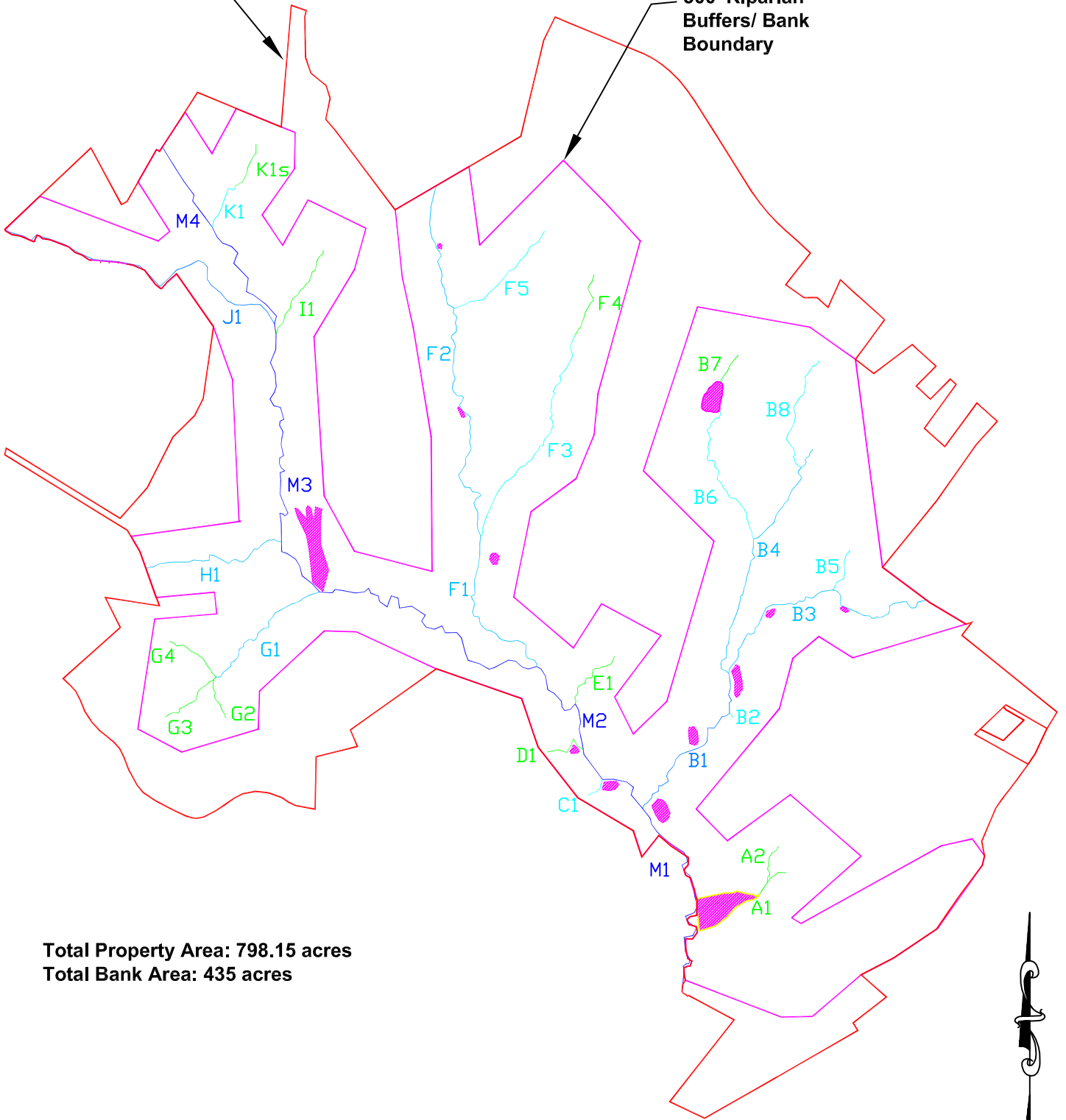
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Preliminary Wetlands Map
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SHEET NO.
6
page 7

Property Boundary

300' Riparian Buffers/ Bank Boundary



Total Property Area: 798.15 acres
Total Bank Area: 435 acres



GRAPHIC SCALE

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Buffer Map

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 Sandy Creek Partners, LLC
 Cherokee County

SHEET NO.

7

page 8