

**PUBLIC NOTICE**

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

REGULATORY DIVISION

Refer to: P/N SAC-2020-01405

October 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 In-Lieu Fee Mitigation Program prospectus has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by

**SCDOT  
PO BOX 191  
955 PARK STREET  
COLUMBIA, SC 29202**

for a proposed Statewide In Lieu Fee Mitigation Program initially including the Lower and Upper Catawba and Wateree River Watersheds (HUCs 3050101, 03050103, and 03050104) in the Piedmont ecoregion.

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 Statewide In Lieu Fee Mitigation Program initially in the Lower and Upper Catawba and Wateree River Watersheds (HUCs 3050101, 03050103, and 03050104) in the Piedmont ecoregion.

The proposed SCDOT ILF Program will operate by providing enhancement and restoration of aquatic systems through the replacement of perched or undersized culverts within the SCDOT's transportation system. The SCDOT will identify projects and provide funding for the ILF Program. Projects will be selected and implemented as mitigation needs require. All selected projects will be reviewed and approved by the USACE and IRT prior to implementation. The ILF Program will be used to satisfy compensatory mitigation requirements for Department of the Army permits for SCDOT projects. Thus, the SCDOT will be both the ILF Program Sponsor and the permittee for all compensatory mitigation projects and impacts that are authorized through this program.

The SCDOT will maintain a database that includes the background data for each crossing that has been identified. In order to be eligible for replacement under the ILF Program, the culvert would need to have been installed prior to 1977. Culverts that are considered historic structures may not be eligible to be replaced through the ILF Program. SCDOT has previously identified all historic structures on the State Transportation system.

For each potential project, aerial photographs and maps of the area will be reviewed to determine the up and downstream distance to the next impediment. The specific impairments caused by the culvert will also be noted. The SC Watershed Atlas and other geographic spatial data resources will be reviewed to determine waterbody classifications and other characteristics of the aquatic resource. The NAACC Coarse Screen will be used to determine whether the culvert allows for Full, Reduced, or No Aquatic Organism Passage (AOP). Emphasis will be placed on projects that maximize improvements to impaired systems, (i.e. have Total Maximum Daily Loads (TMDLs) established or are 303(d) listed waterbodies) and that allow for the passage of aquatic species. This information will be used to prioritize sites that are available for replacement through the ILF Program.

Credits will only be used for SCDOT transportation projects that require compensatory mitigation in the same watershed as the enhancement or restoration project that is funded through the ILF Program. The SCDOT will follow the mitigation hierarchy to determine the appropriate mitigation strategy for a project. Prior to submitting the permit application, the SCDOT will determine if the purchase of credits is practicable from an existing mitigation bank in the watershed. If credits are not available, the SCDOT will utilize credits from the ILF Program. The SCDOT will request use of credits from the ILF Program when the permit application is submitted for the project. Permit applications will utilize the USACE Charleston District's Guidelines for Compensatory Mitigation, or then current operating procedures, to determine the number of credits required to offset the impacts to aquatic resources from the proposed project. Once the permit is approved, the credits will be deducted from the ILF program. It is anticipated that the ILF Program will be used to offset impacts for smaller roadway improvement projects.

**NOTE: This public notice and associated plans are available on the Corps' website at:**  
<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

Oversight of this ILF program will be by a group of Federal and State agency representatives collectively referred to as the Interagency Review Team (IRT). This IRT shall be chaired by the Charleston District, Corps. The actual approval of the use of this ILF for a specific project is the decision of the Corps pursuant to Section 404 of the Clean Water Act. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use of ILF to compensate for unavoidable impacts associated with a proposed permit, even though mitigation from this option may be available.

Assessments regarding requirements of the Magnuson-Stevens Fishery Conservation and Management Act, Section 7 of the Endangered Species Act of 1973 (as amended), and Section 106 of the National Historic Preservation Act will be completed as sites are identified. These sites, including mitigation plans are required to be put on Public Notice as part of an ILF Program.

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 In-Lieu Fee Program 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 to 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](mailto:david.b.wilson@usace.army.mil) or by telephone at 843-329-8044.