

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: SAC-2012-00095

DATE: March 22, 2022

Pursuant to 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. 1344), a Mitigation Banking Instrument has been submitted to the Department of the Army and the South Carolina Interagency Review Team by

**Cowpen Mitigation Bank
c/o American Mitigation Company
268 W. Coleman Blvd.
Mt. Pleasant SC, 29464**

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

Waccamaw River Watershed

at a location bordered by the Long Bay Golf Club to the southeast and Hemingway Road to the north. The Bank is situated on approximately 1,353.20 acres and can be accessed by Bullock Trail to the south and Hemingway Road to the north, Horry County, South Carolina (33.963236 N; -78.759481 W) Longs and Hammond US 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 proposed project was originally submitted and put on Notice on December 18, 2012. The proposed project consists of establishing a freshwater wetland mitigation bank in the Waccamaw River Watershed watersheds (8-digit Hydrologic Unit Codes 03040206). The proposed 1,353.20-acre mitigation site includes approximately 1,353.20 acres of freshwater wetlands. The overall tract also includes approximately 165.8 acres outside of the mitigation bank boundary that includes existing roads and transmission line easements.

The proposal is to preserve approximately 117.58 acres of palustrine, forested wetlands, through the permanent protection of a conservation easement. In addition, 1,068.68 acres of freshwater wetlands will be enhanced through removal of loblolly pine and replanted in native species. 101.70 acres of freshwater wetlands will be enhanced through removal of loblolly pine, replanting native species, and removing hydrologic impairments. 49.2 acres of freshwater wetland will be restored by filling the ditches and restoring hydrology. The bank sponsor, using a conservation easement, will protect the 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 Mitigation Banking Instrument, the proposed mitigation bank will provide in-kind compensatory mitigation for authorized impacts to aquatic resources. 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. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the applicant has provided a protected species survey for the property associated with the activity described above. Based upon this report, the District Engineer has determined that the project is not likely to adversely affect the Red-Cockated Woodpecker, *Picoides borealis*, a federally endangered species, or result in the destruction or adverse modification of designated or proposed critical habitat for this species. 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.

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 American Wood Stork, *Mycteria americana*, a federally threatened species, Bald Eagle, *Haliaeetus leucocephalus*, Black Rail, *Laterallus jamaicensis*, a federally threatened species, Atlantic Sturgeon, *Acipenser oxyrinchus*, a federally endangered species, and Shortnose Sturgeon, *Acipenser brevirostrum*, a federally endangered species are present in the vicinity of the project. It has been determined that the project will have no effect on these species and will not result in the destruction or adverse modification of designated or proposed critical habitat.

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.

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.

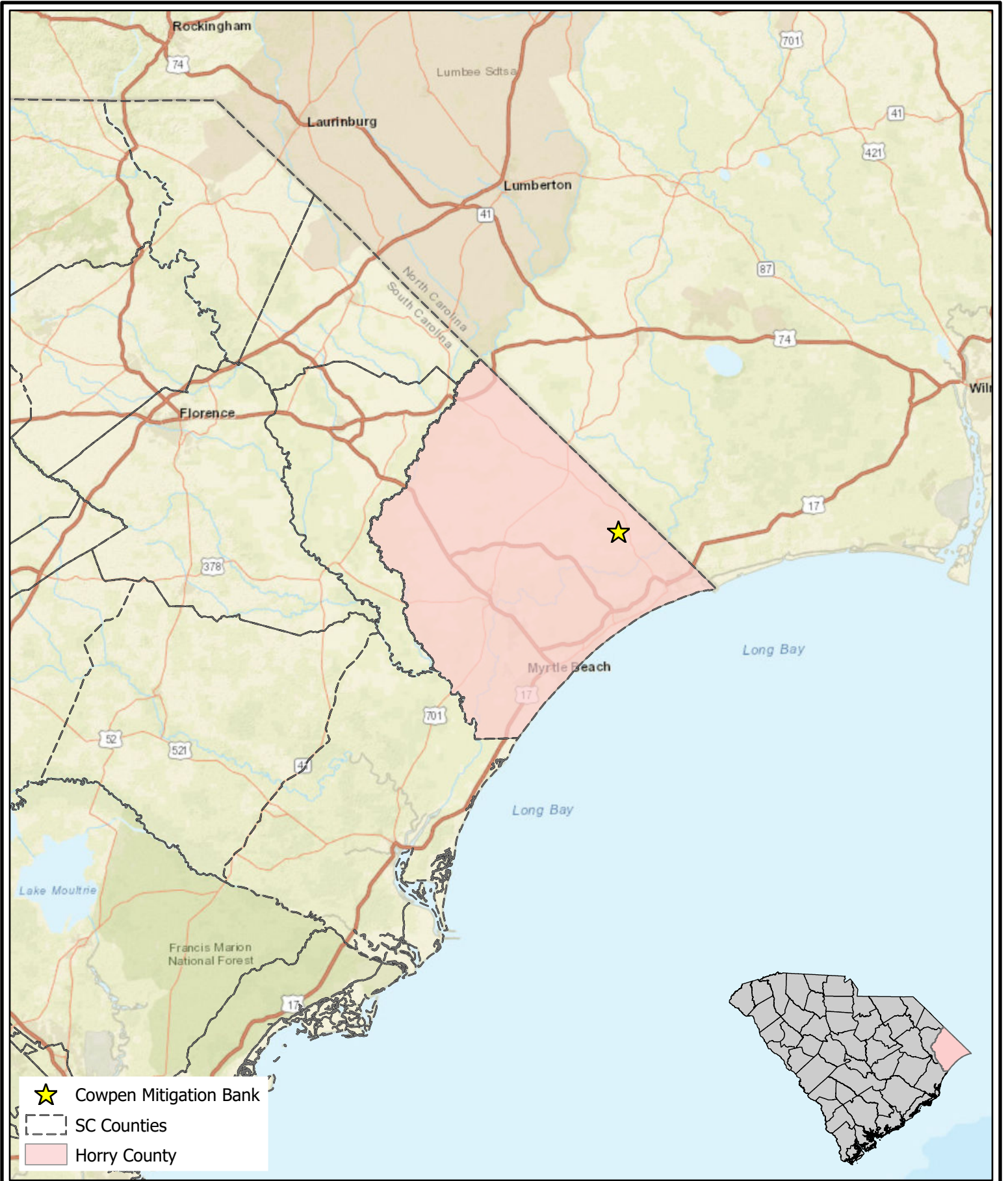
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All 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. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. 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:**

U.S. Army Corps of Engineers

**Attention: Regulatory Division
69A Hagood Avenue
Charleston, South Carolina 29403**

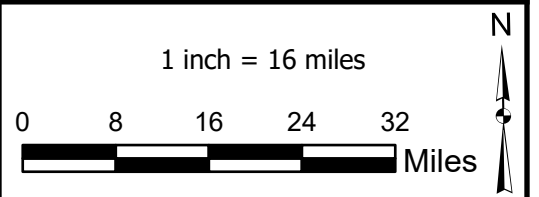
If there are any questions concerning this public notice please contact David Wilson by e-mail at David.B.Wilson@usace.army.mil or by telephone at 843-329-8026.

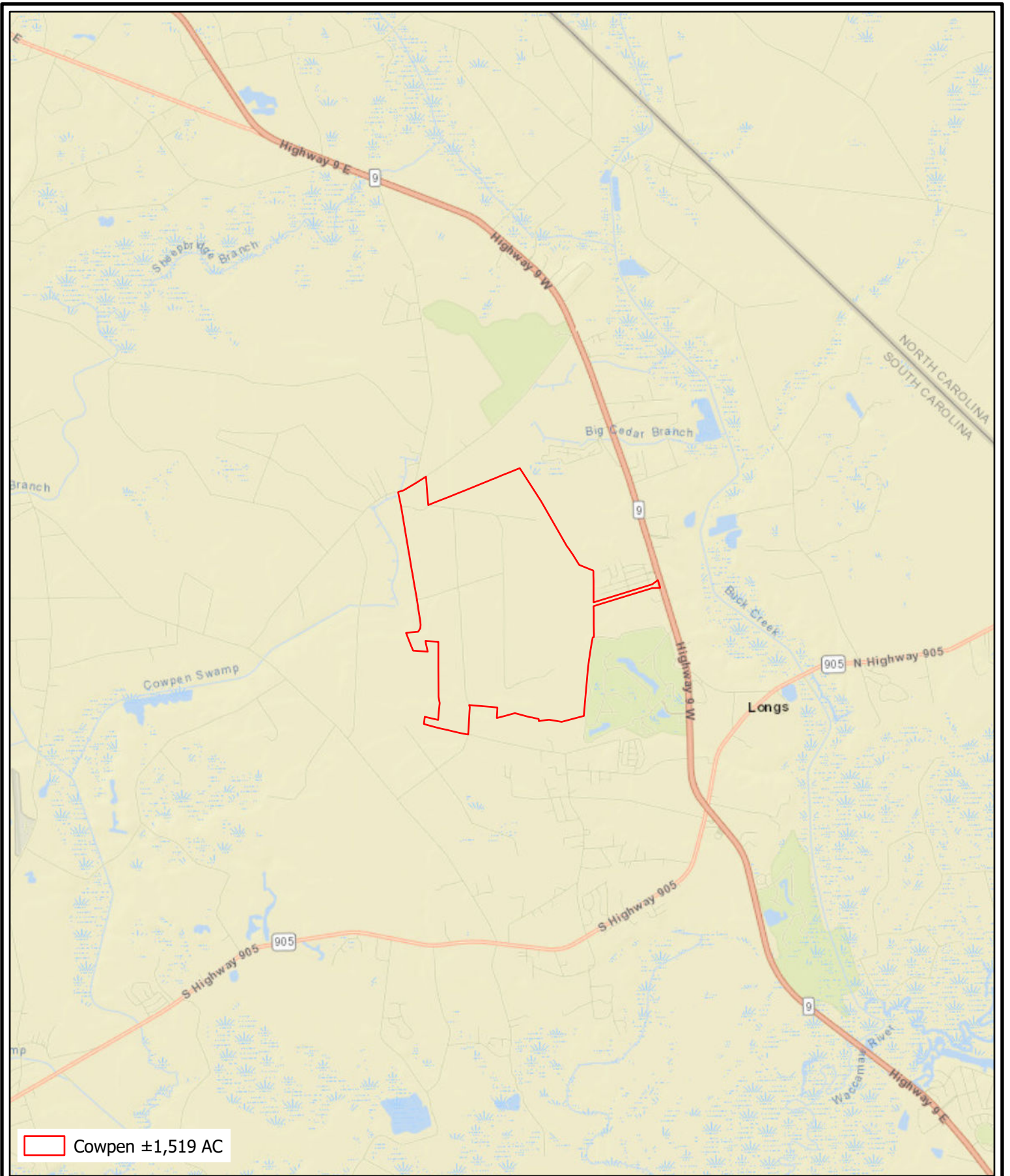



- Cowpen Mitigation Bank
- SC Counties
- Horry County

AMERICAN MITIGATION COMPANY
 268 Coleman Blvd., Suite 201
 Mount Pleasant, South Carolina 29464
 Phone: (843) 999-2661
www.amitco.org

Figure 1: Vicinity Map
 Cowpen Mitigation Bank
 Horry County, South Carolina
 Source: ESRI
 Date: November 2021

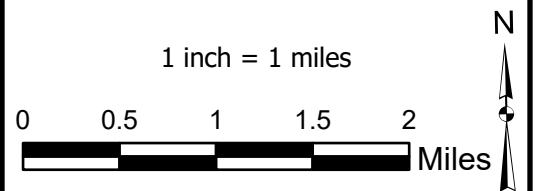


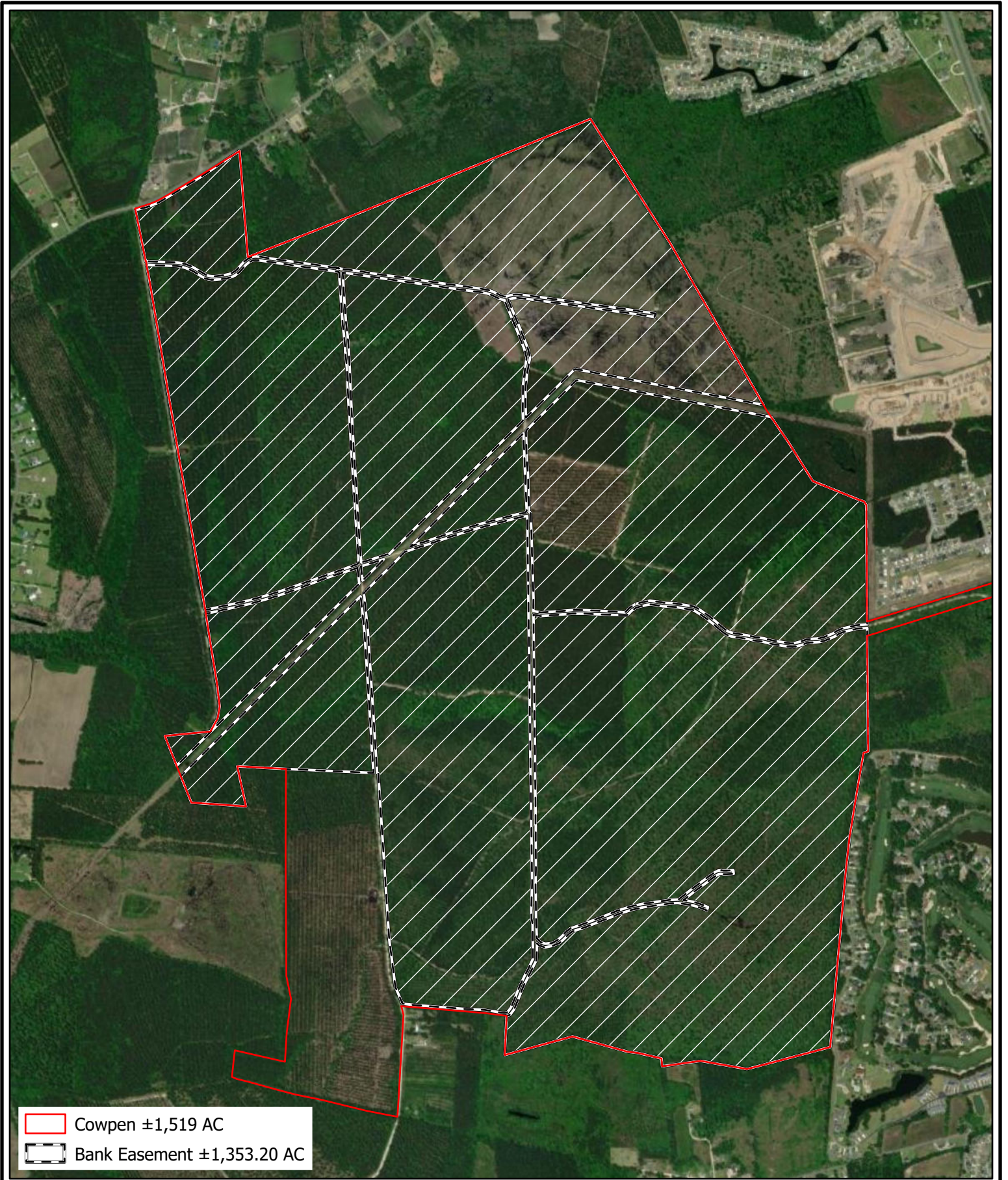




 Cowpen ±1,519 AC

 AMERICAN
MITIGATION
COMPANY
268 Coleman Blvd., Suite 201
Mount Pleasant, South Carolina 29464
Phone: (843) 999-2661
www.amitco.org

Figure 2: Location Map
Cowpen Mitigation Bank
Horry County, South Carolina
Source: ESRI
Date: November 2021





 Cowpen ±1,519 AC
 Bank Easement ±1,353.20 AC


**AMERICAN
MITIGATION
COMPANY**
 268 Coleman Blvd., Suite 201
 Mount Pleasant, South Carolina 29464
 Phone: (843) 999-2661
www.amitco.org

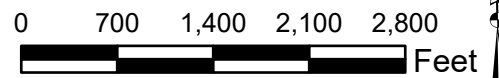
Figure 3: Mitigation Bank Boundary

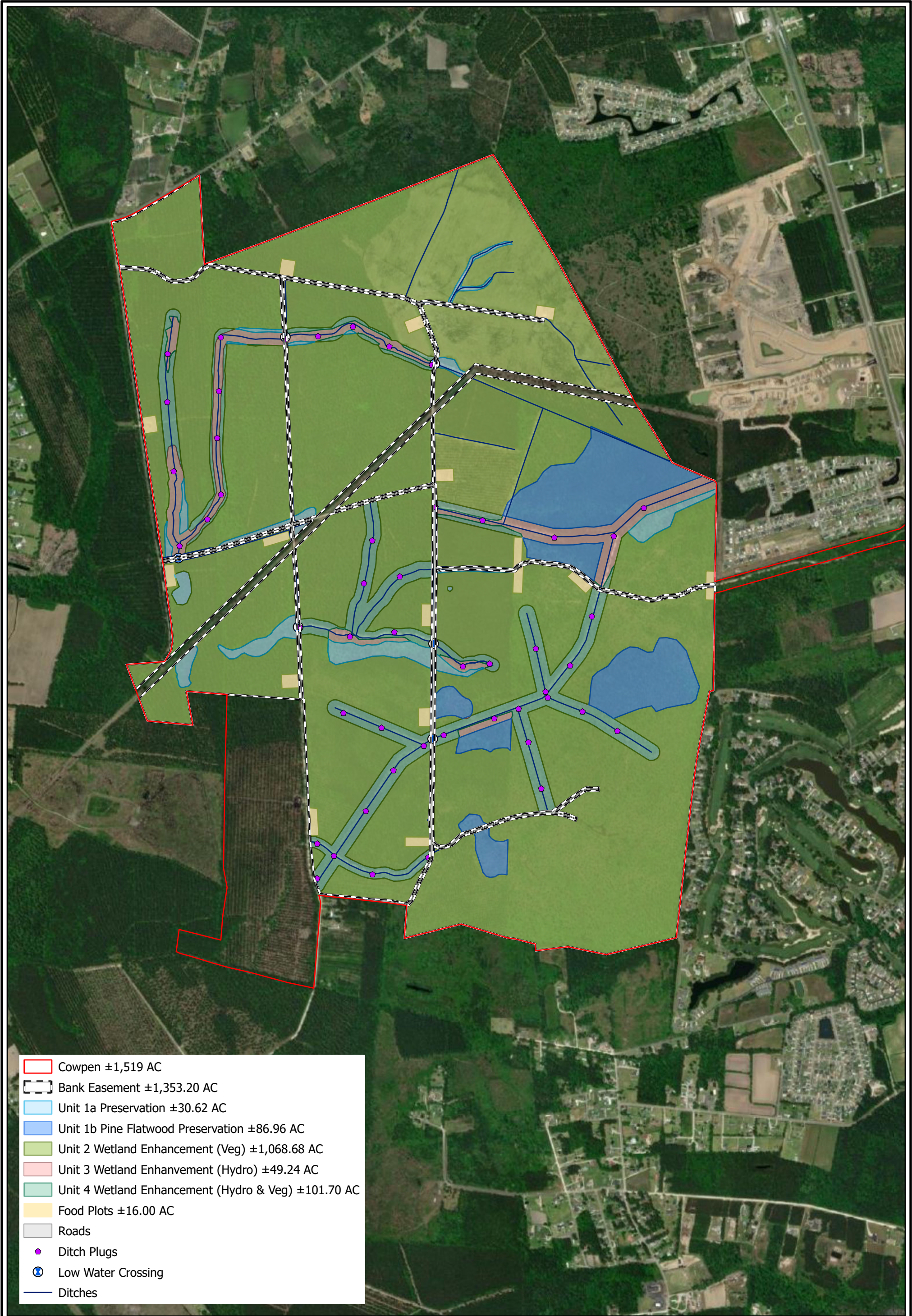
Cowpen Mitigation Bank
 Horry County, South Carolina

Source: ESRI

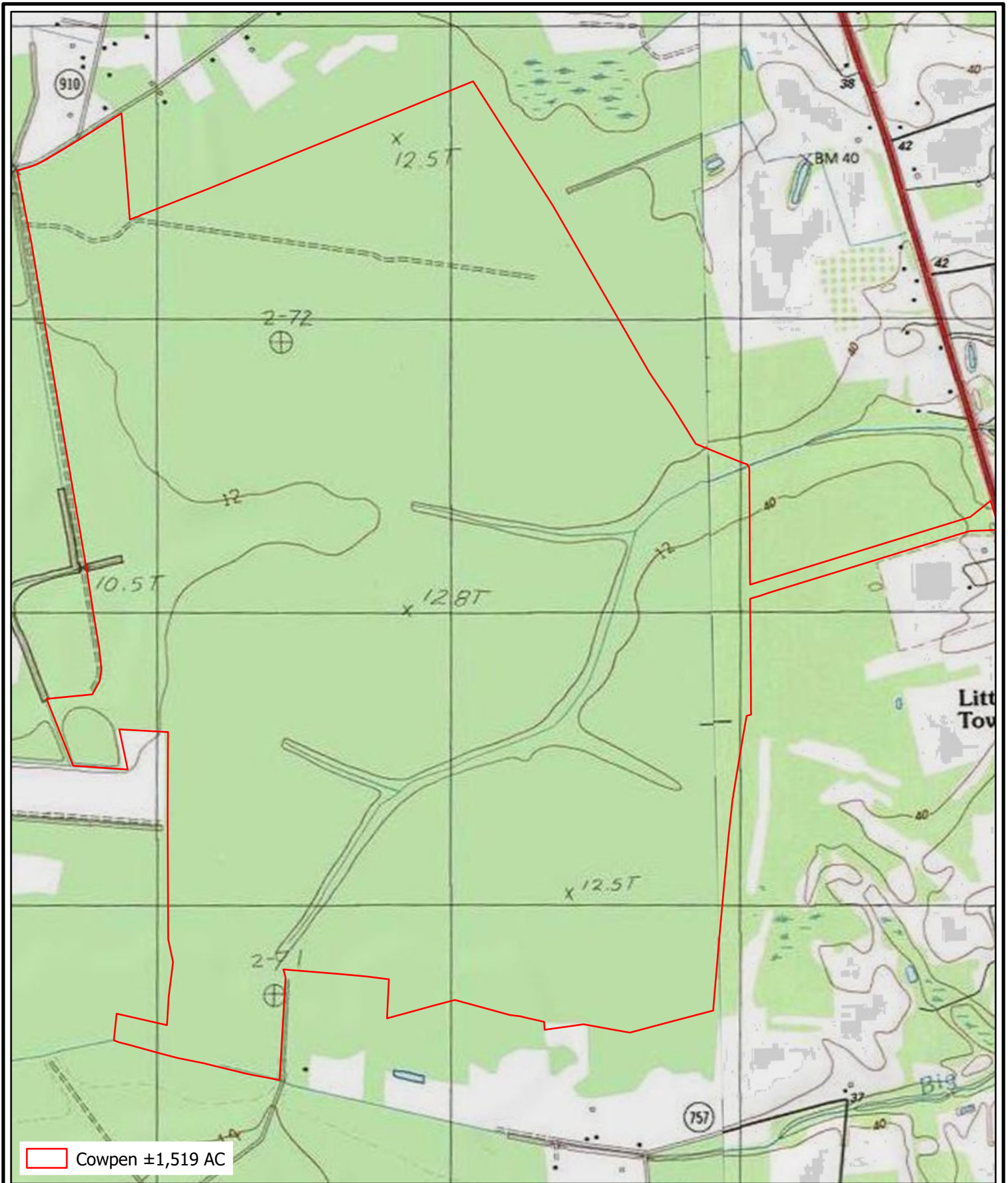
Date: November 2021

1 inch = 1,400 Feet





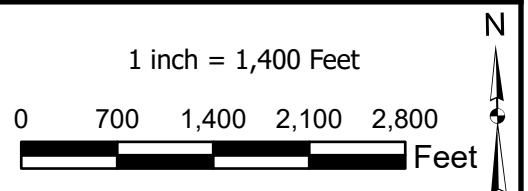
- Cowpen ±1,519 AC
- Bank Easement ±1,353.20 AC
- Unit 1a Preservation ±30.62 AC
- Unit 1b Pine Flatwood Preservation ±86.96 AC
- Unit 2 Wetland Enhancement (Veg) ±1,068.68 AC
- Unit 3 Wetland Enhancement (Hydro) ±49.24 AC
- Unit 4 Wetland Enhancement (Hydro & Veg) ±101.70 AC
- Food Plots ±16.00 AC
- Roads
- ◆ Ditch Plugs
- ⊗ Low Water Crossing
- Ditches



 Cowpen ±1,519 AC

Figure 8: USGS Topographic Map

Cowpen Mitigation Bank
 Horry County, South Carolina
 Source: ESRI, USGS
 Date: November 2021



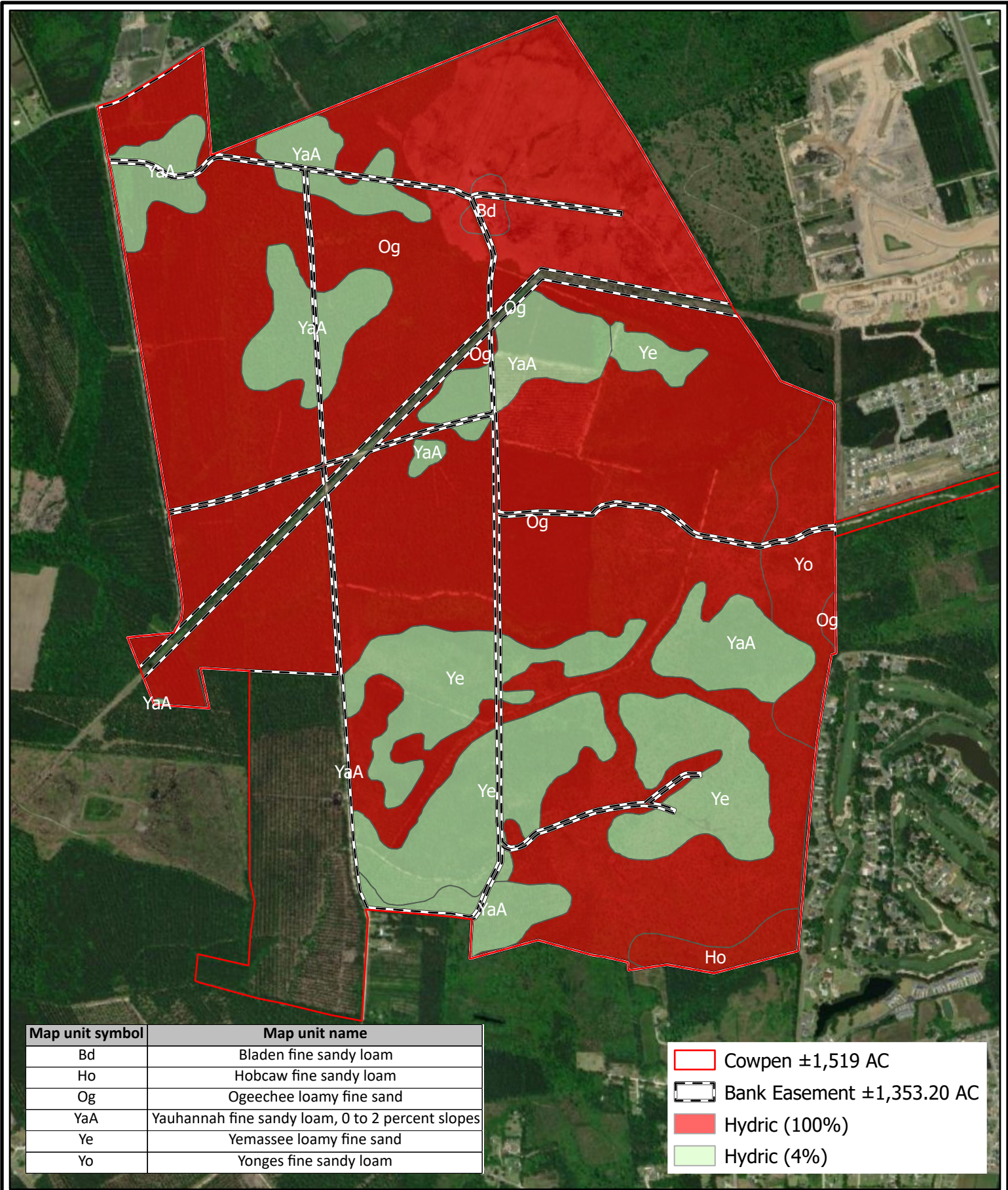
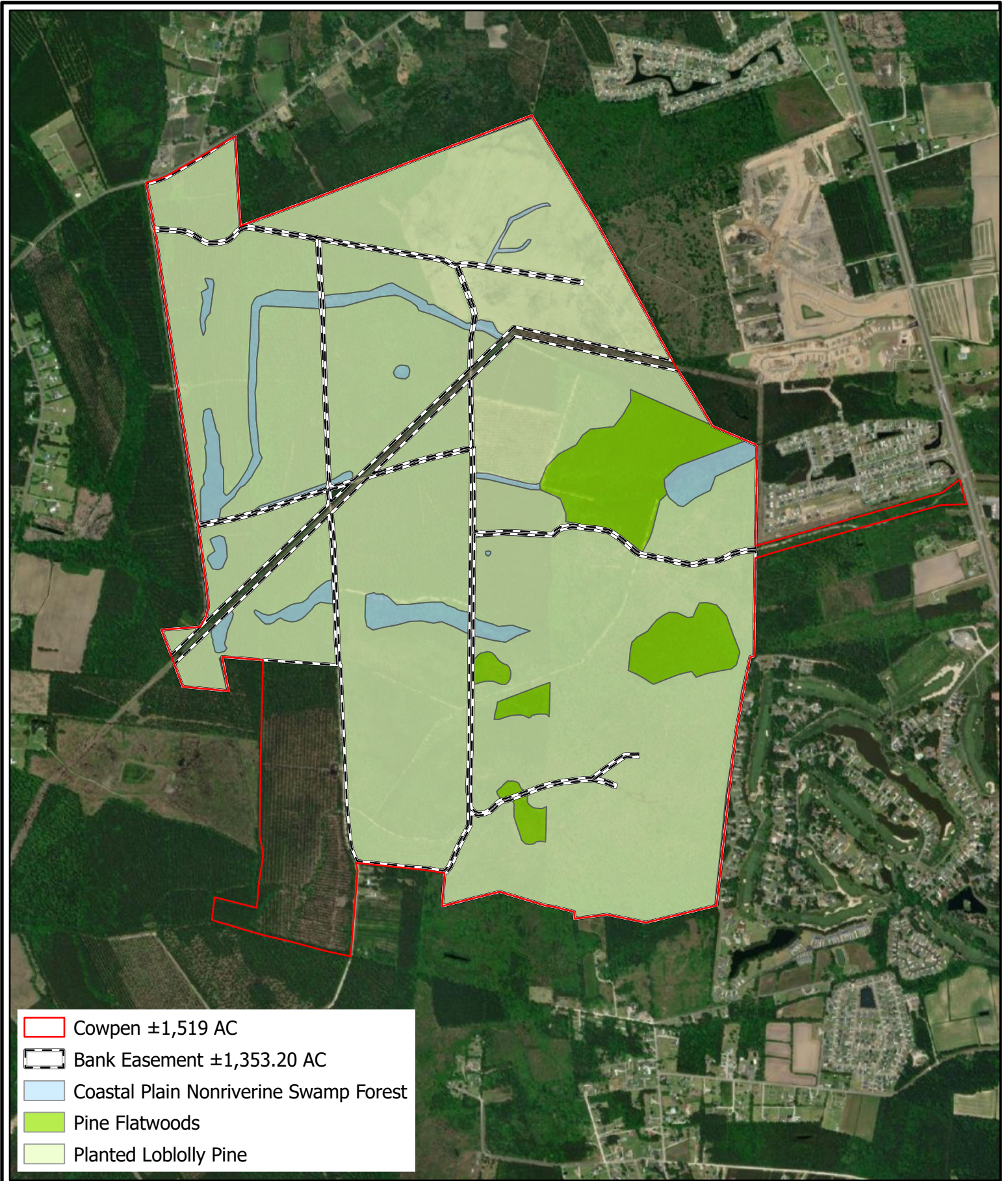


Figure 9: NRCS Soil Survey Map

Cowpen Mitigation Bank
 Horry County, South Carolina
 Source: ESRI, USDA, USGS
 Date: November 2021

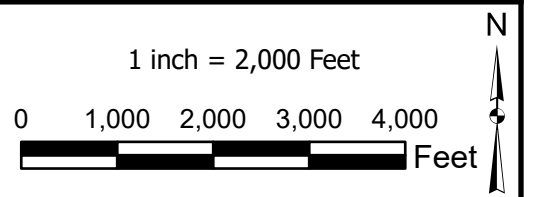


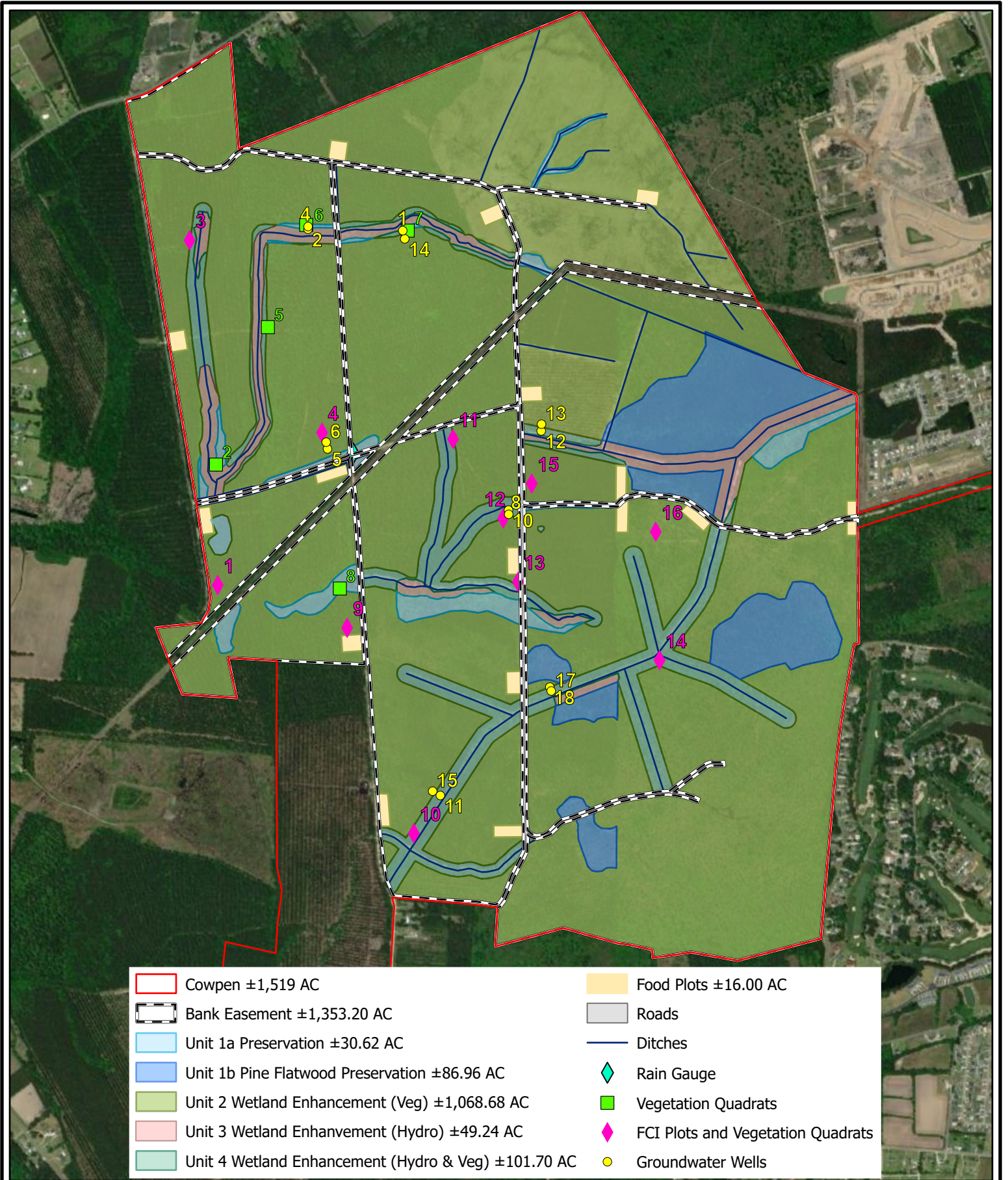
- Cowpen ±1,519 AC
- Bank Easement ±1,353.20 AC
- Coastal Plain Nonriverine Swamp Forest
- Pine Flatwoods
- Planted Loblolly Pine

Figure 10: Vegetative Communities Map

Cowpen Mitigation Bank
 Horry County, South Carolina

Source: ESRI
 Date: November 2021

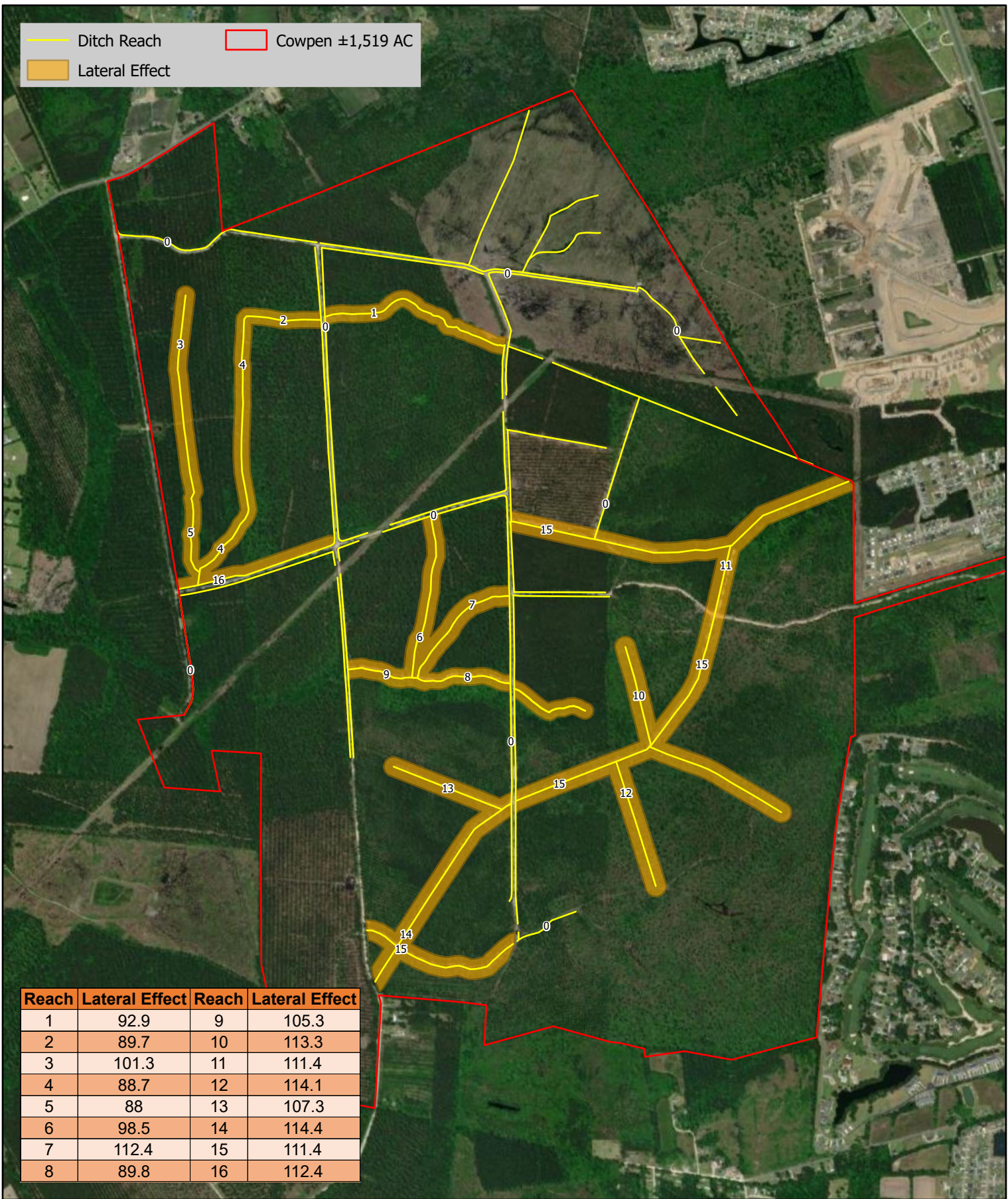




- | | |
|---|-----------------------------------|
| Cowpen ±1,519 AC | Food Plots ±16.00 AC |
| Bank Easement ±1,353.20 AC | Roads |
| Unit 1a Preservation ±30.62 AC | Ditches |
| Unit 1b Pine Flatwood Preservation ±86.96 AC | Rain Gauge |
| Unit 2 Wetland Enhancement (Veg) ±1,068.68 AC | Vegetation Quadrats |
| Unit 3 Wetland Enhancement (Hydro) ±49.24 AC | FCI Plots and Vegetation Quadrats |
| Unit 4 Wetland Enhancement (Hydro & Veg) ±101.70 AC | Groundwater Wells |

Figure 11: Baseline Monitoring Map
 Cowpen Mitigation Bank
 Horry County, South Carolina
 Source: ESRI
 Date: November 2021

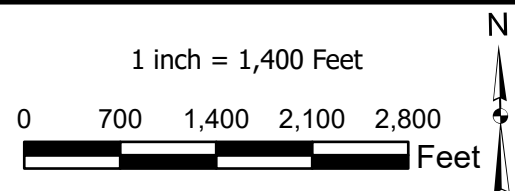
— Ditch Reach Cowpen ±1,519 AC
 Lateral Effect

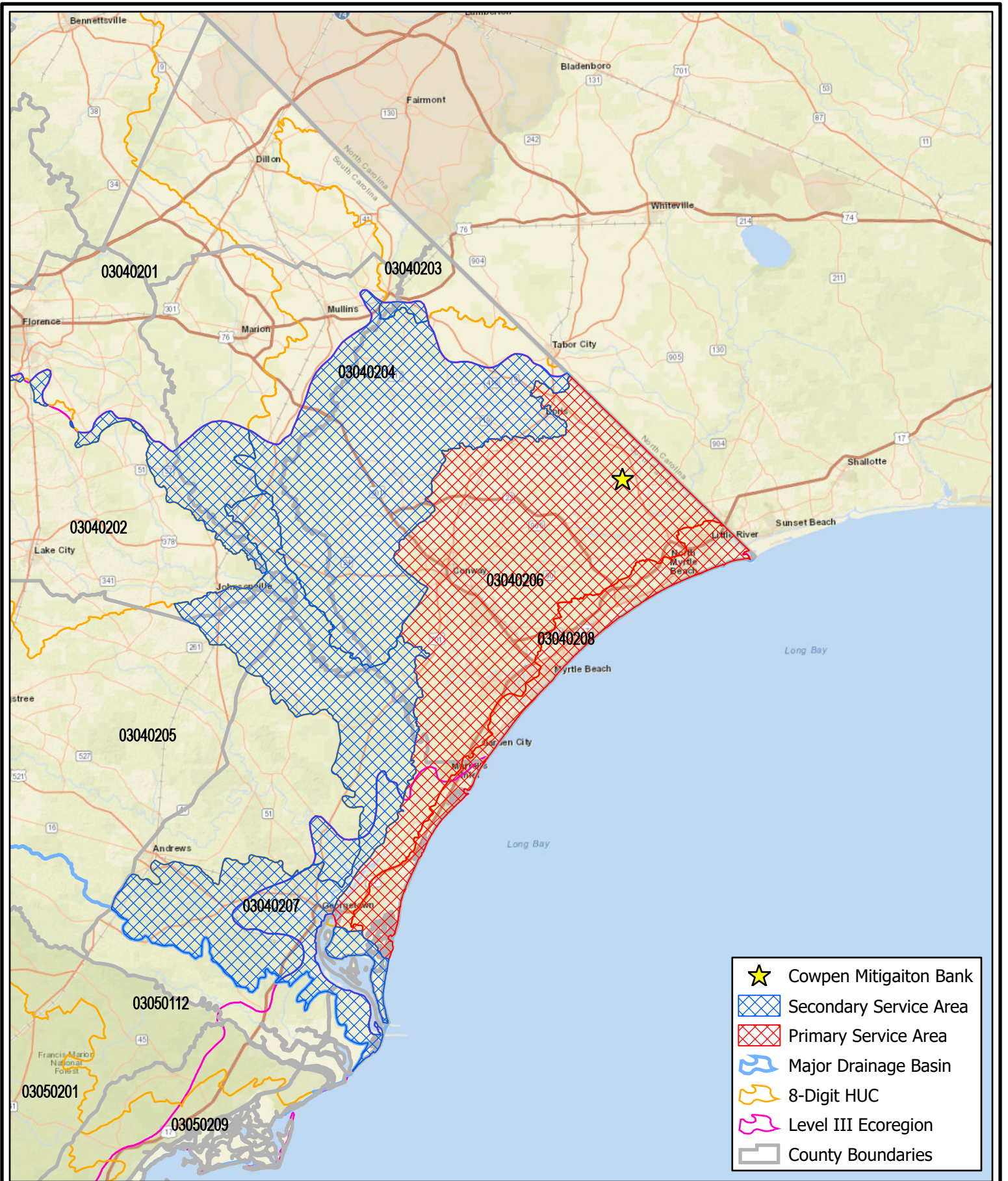


Reach	Lateral Effect	Reach	Lateral Effect
1	92.9	9	105.3
2	89.7	10	113.3
3	101.3	11	111.4
4	88.7	12	114.1
5	88	13	107.3
6	98.5	14	114.4
7	112.4	15	111.4
8	89.8	16	112.4


AMERICAN MITIGATION COMPANY
 268 Coleman Blvd., Suite 201
 Mount Pleasant, South Carolina 29464
 Phone: (843) 999-2661
 www.amitco.org

Figure 13: Lateral Effect Map
 Cowpen Mitigation Bank
 Horry County, South Carolina
 Source: ESRI, USDA
 Date: November 2021












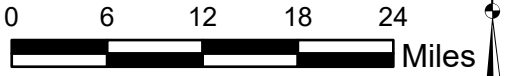
-  Cowpen Mitigation Bank
-  Secondary Service Area
-  Primary Service Area
-  Major Drainage Basin
-  8-Digit HUC
-  Level III Ecoregion
-  County Boundaries

Figure 15: Service Area Map
 Cowpen Mitigation Bank
 Horry County, South Carolina
 Source: ESRI, USGS
 Date: November 2021



**AMERICAN
 MITIGATION
 COMPANY**
 268 Coleman Blvd., Suite 201
 Mount Pleasant, South Carolina 29464
 Phone: (843) 999-2661
 www.amitco.org

1 inch = 12 miles



Miles

