

PUBLIC NOTICE

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

REGULATORY DIVISION

Refer to: SAC-2016-01867-MOD 6

August 24, 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), and Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341) a proposed modification to the Palmetto Umbrella Mitigation Bank has been submitted to the Department of the Army and the South Carolina Interagency Review Team by

**Weyerhaeuser NR Company
Attention: Doug Hughes
406 Cole Road
Hattiesburg, Mississippi 39402**

for the proposed addition of a stream and wetland mitigation site called Griffins Creek Mitigation Site (GCMS). The proposed mitigation site is located within the

Congaree River Basin

north of and adjacent to the Congaree National Park and southwest of the intersection of U.S. Highway 601 and Joe Collins Road in Richland County, South Carolina (Latitude 33.7950 Longitude: -80.6722), Wateree 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>

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Applicant's Stated Purpose

As stated by the program sponsor, "The primary goal of the GCMS is the restoration, enhancement, preservation, and perpetual protection of significant freshwater wetlands and streams within the Congaree River Watershed while providing compensatory mitigation for impairments associated with authorized (permitted) impacts.

In whole, the mitigation activities proposed for the site will accomplish the following watershed scale and site-specific objectives:

- Improve upstream flood attenuation in the Congaree River Watershed by reconnecting significant wetlands, floodplains, and stream systems.
- Enhance water quality in the Congaree River Watershed through the reconnection of aquatic resources, improvements to in-stream geomorphology, and the re-establishment of native vegetation that improves biological and chemical processes within stream and wetland systems.
- Protect on-site aquatic resources from encroachment and degradation that would be caused by development by protecting the Site in perpetuity with a conservation easement.
- Increase native vegetative diversity within the Site by planting appropriate hardwood forest community species (Sections 2.6.2 and 2.6.3).
- Improve water quality through the reconnection of aquatic resources, improvements to in-stream geomorphology, and the re-establishment of native vegetation, which increases pollutant removal through overland flow and improves biological and chemical processes within stream and wetland systems (Section 2.6).
- Improve flood attenuation by reconnecting significant streams and downstream wetlands, floodplains, and stream systems (Section 2.6.1).
- Enhance and increase aquatic habitat for a variety of aquatic species through the restoration, enhancement, and preservation of stable stream systems (Section 2.6.1 and Section 2.6.3).
- Improve water quality and flood attenuation through removal of conditions affecting hydrology such as interior ditches and berms, planting beds and rows, and other obstruction to flow, such as re-sized culverts, to enable the enhancement and maintenance of suitable wetland hydrology (Section 2.6.2).

Project Description

The proposed project consists of establishing a freshwater stream and wetland mitigation site in 8-digit HUC 03050110 within the Southeastern Plains Level III Ecoregion. The proposed mitigation site contains approximately 1,494.2 acres of freshwater wetlands and approximately 16,446 linear feet of stream.

Proposed wetland mitigation activities would consist of the preservation of approximately 945 acres of existing wetlands dominated by mature vegetation and approximately 71 acres of previously cleared wetlands that would be replanted. In addition, the sponsor is proposing to enhance approximately 318 acres of wetlands previously managed for commercial pine by clearing the existing vegetation and replanting with native hardwood species.

Wetland enhancement activities within the GCMS would consist of four (4) parts: first, the existing commercial pine plantations, whose trees are more than approximately 15 years old, would be harvested. Those plantations that are younger than 15 years old would be mechanically removed. Second, following the removal of commercial pines, the Bank Sponsor would remove all existing planting beds, where applicable, through roll-chopping, disking, and/or other mechanical means. Third, the Bank Sponsor would, if deemed appropriate, apply an appropriate type and amount of herbicide product per acre during the summer months (July-September) to kill any existing vegetation and prepare the Site for a prescribed burn. The prescribed burn plus the roll-chopping would help prepare a clean planting bed in which to plant the native tree seedlings. Last, once all necessary site preparation activities have been completed, the Bank Sponsor would plant an appropriate species mixture of native, bottomland hardwood seedlings during the standard planting season (December- March).

Proposed stream mitigation activities consist of 11,398 l.f. of preservation and 5,048 l.f. of restoration/enhancement. Preservation is proposed for three reaches on site, including Reach 2 and Reach 4 of Griffins Creek and the entirety of Singleton Creek (see attached map). A 300-foot buffer is proposed for each reach, and buffer preservation and enhancement activities would secure the reaches in perpetuity.

The proposed approach to enhancing Reach 3 is to raise the channel bed and install in-stream woody structures to enhance the channel profile, restore natural connectivity with the floodplain, and provide enhanced habitat. A floodplain culvert would be added to the crossing to improve overbank flow connectivity. A selection of in-stream structures would be used to provide variability, improve bedform diversity, and enhance habitat diversity. The approach for Griffins Creek reach 1 would start with restoring flow through the bridge crossing at the railroad to the north of the site. Aggregation at and downstream of the railroad crossing has impeded baseflow, forcing it into the man-made ditch to the east that flow parallel to the tracks. A stable connection would be constructed through the bridge crossing to restore stream connectivity, sediment transport capacity, and reduce sediment deposition. A ditch plug would be installed at the head of the ditch to ensure base flow continues under the bridge on to the Site. Downstream of the bridge, the proposed restoration activities would prioritize reconnecting flow with the stable relic channel. Only in areas where the relic has been disconnected would new channel be constructed.

As proposed the mitigation bank would provide in-kind compensatory mitigation for authorized impacts to aquatic resources within the proposed service areas in the Southeastern Plains Level III Ecoregion (as shown on the attached map). The work required to complete the proposed activities on the mitigation site would be reviewed under Department of the Army Nationwide Permit #27.

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.

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 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.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the most recently available information and based on the location of the project the following federally threatened and/or endangered species may be present in the vicinity of the proposed work: Red-cockaded Woodpecker (*Picoides borealis*), Canby's Dropwort (*Oxypolis canbyi*), Rough-leaved Loosestrife (*Lysimachia asperulaefolia*), and Smooth Coneflower (*Echinacea laevigata*).

Based on information provided in the Instrument Modification Document, the District Engineer has determined the following:

The project will have no effect on Red-cockaded Woodpecker (*Picoides borealis*), Rough-leaved Loosestrife (*Lysimachia asperulaefolia*), and Smooth Coneflower (*Echinacea laevigata*) 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 Canby's Dropwort (*Oxypolis canbyi*). This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife 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

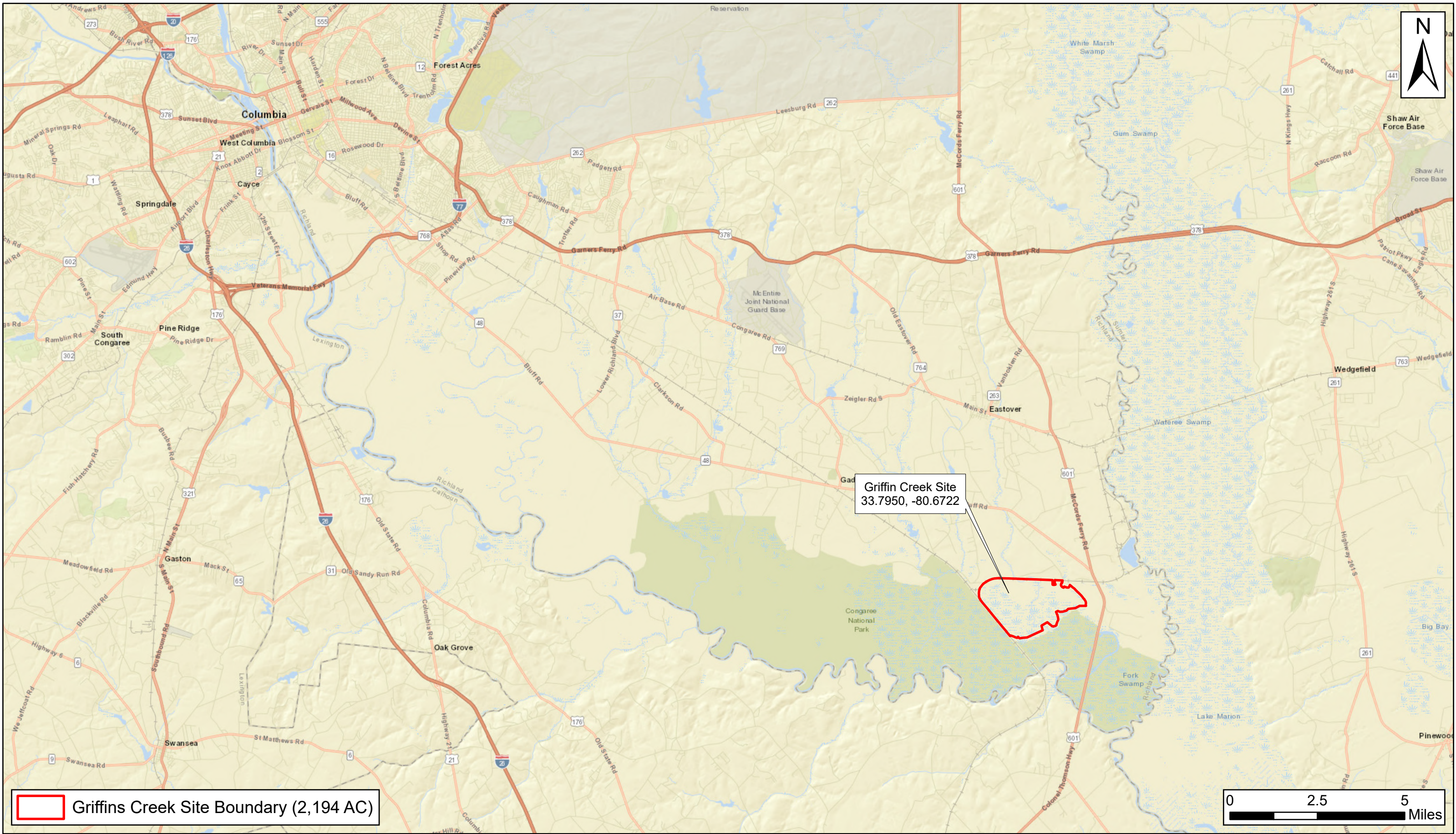
The decision whether to approve or deny the proposed mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably 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, 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 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 by public notice number (SAC-2016-01867-MOD 6), 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.



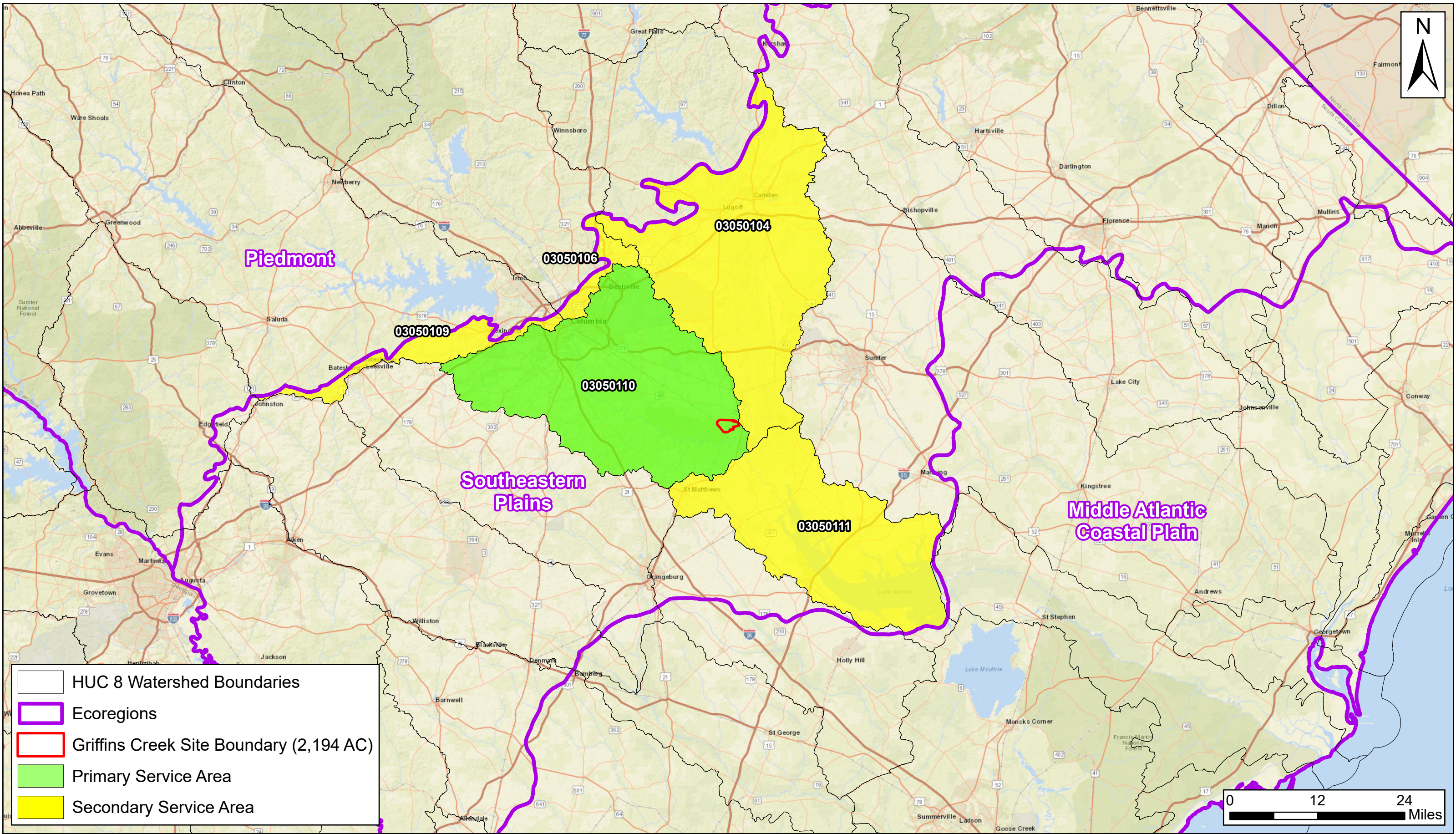
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Figure 1. Project Vicinity
 Palmetto Umbrella Mitigation Bank
 Instrument Modification Document
 Appendix E. Griffins Creek Mitigation Site
 Richland County, SC
 6/1/2023



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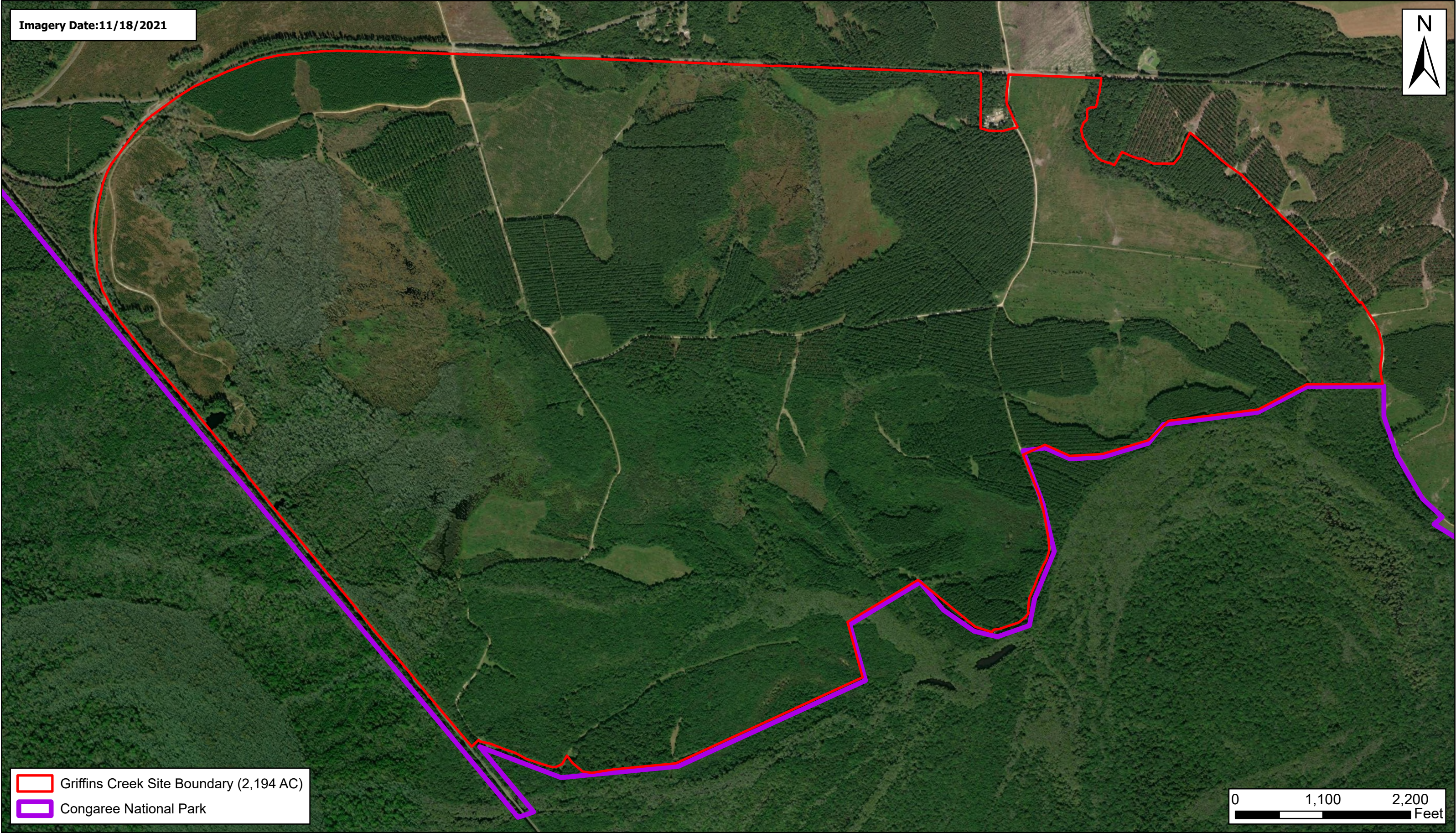
Figure 2. Service Area
 Palmetto Umbrella Mitigation Bank
 Instrument Modification Document
 Appendix E. Griffin Creek Mitigation Site
 Richland County, SC
 6/1/2023

Imagery Date:11/18/2021

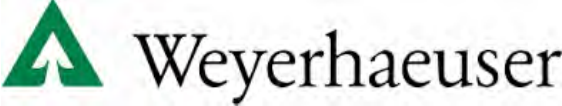


 Griffins Creek Site Boundary (2,194 AC)
 Congaree National Park

0 1,100 2,200
Feet



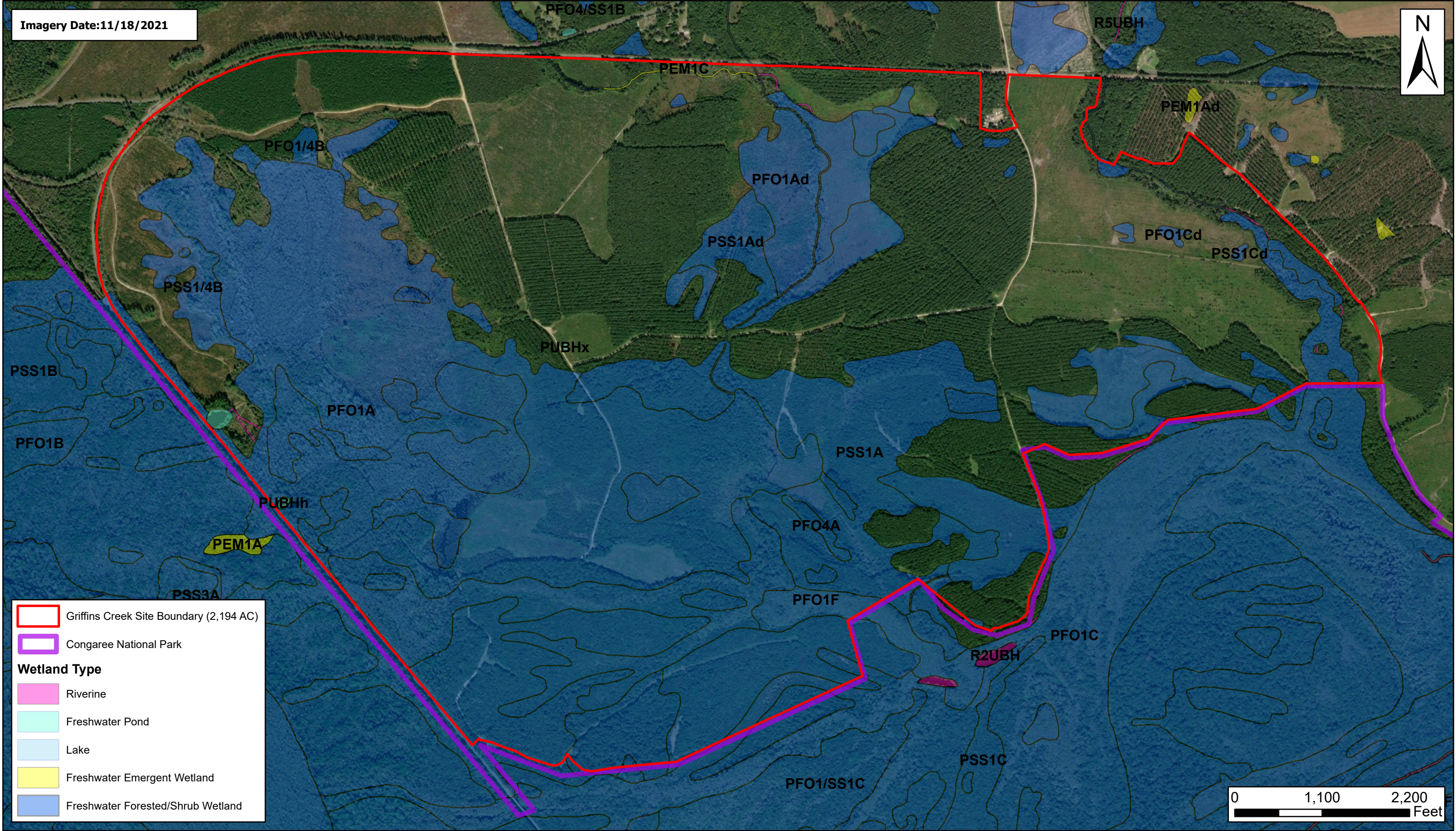
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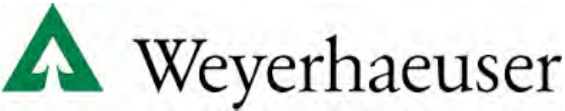
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Figure 3. Site Aerial
Palmetto Umbrella Mitigation Bank
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Appendix E. Griffins Creek Mitigation Site
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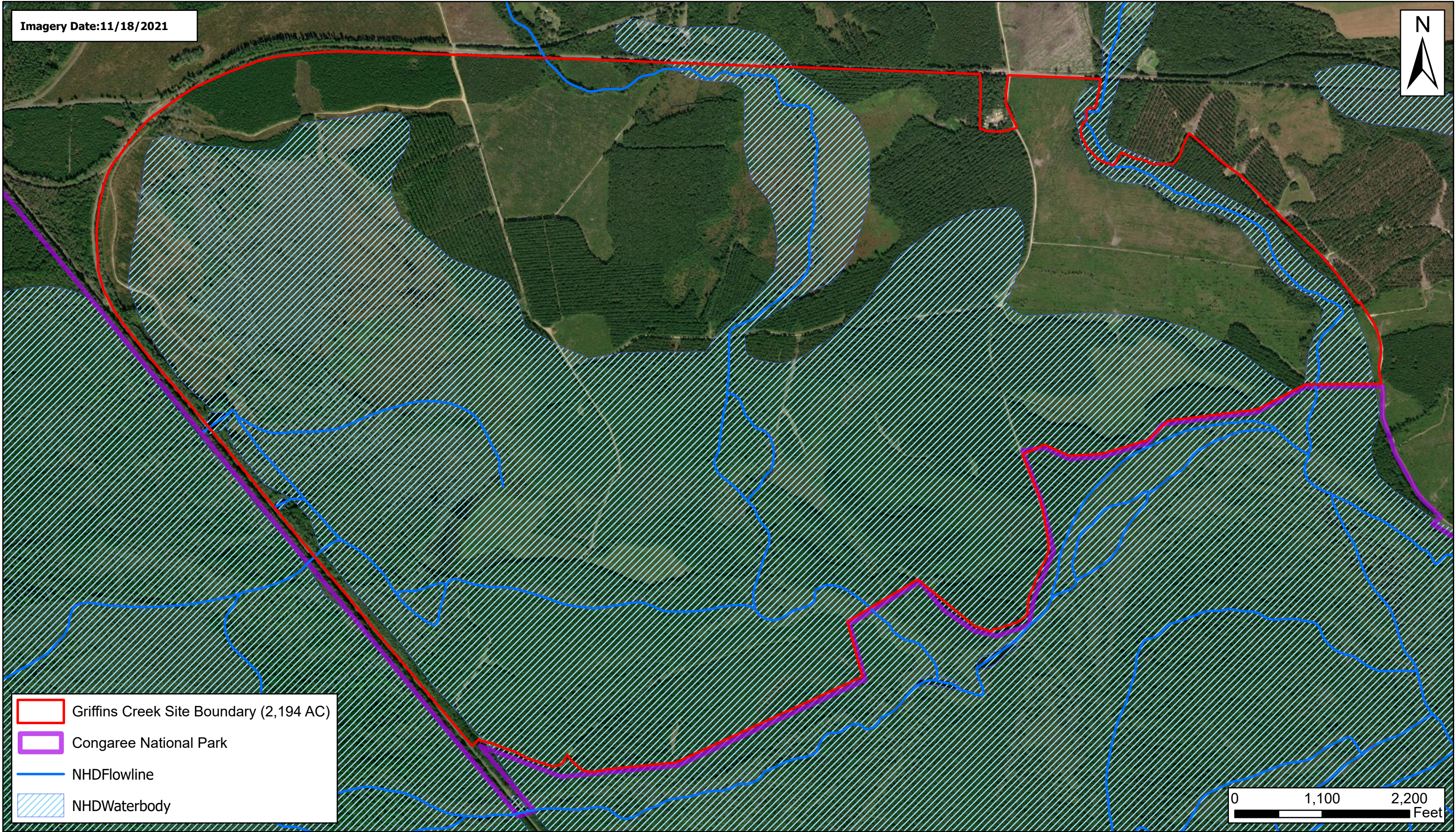
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Figure 4. National Wetland Inventory
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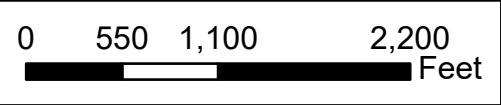


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Figure 5. National Hydrography Dataset
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Imagery Date:11/18/2021



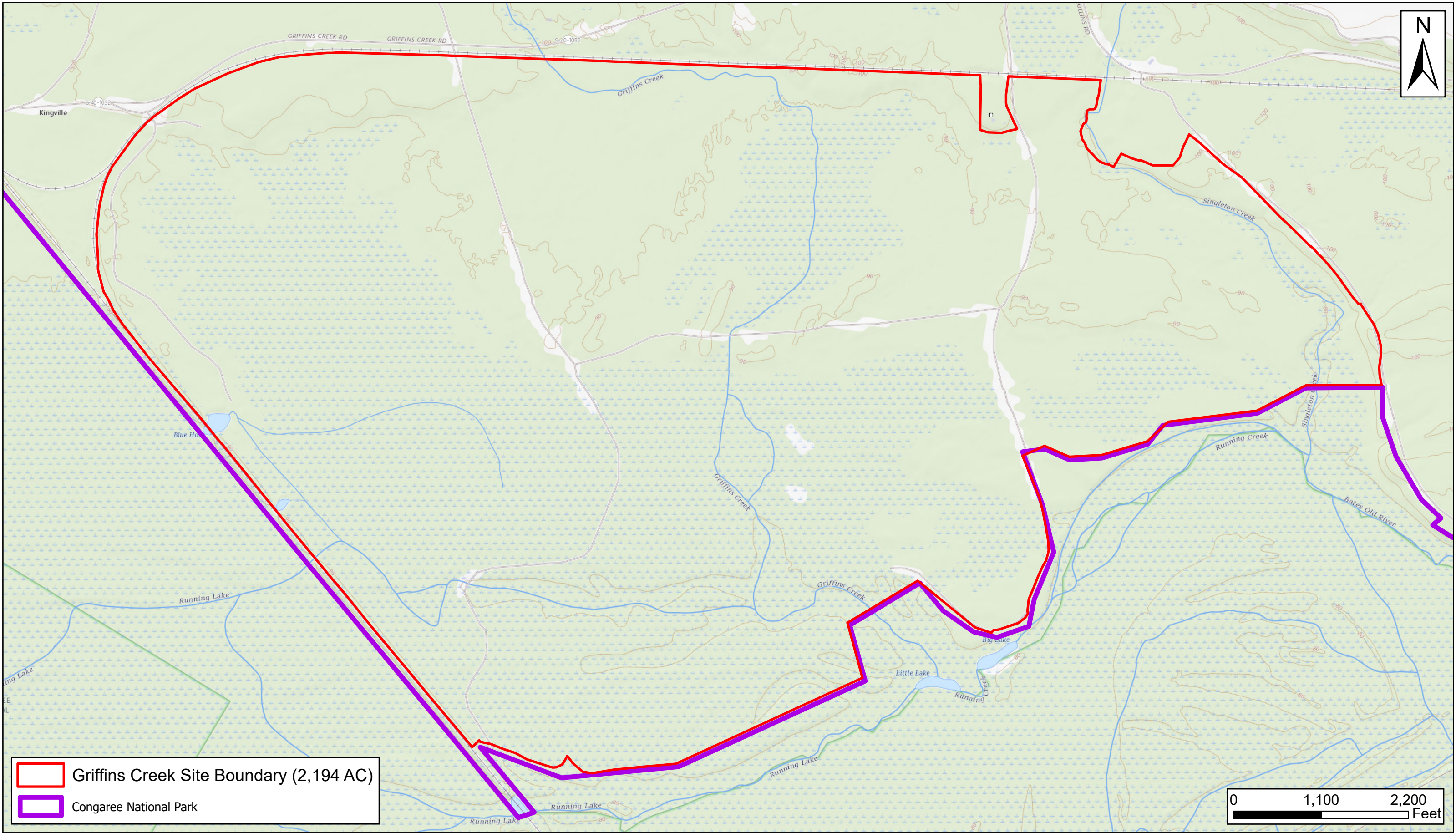
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Figure 6. USDA Soil Survey
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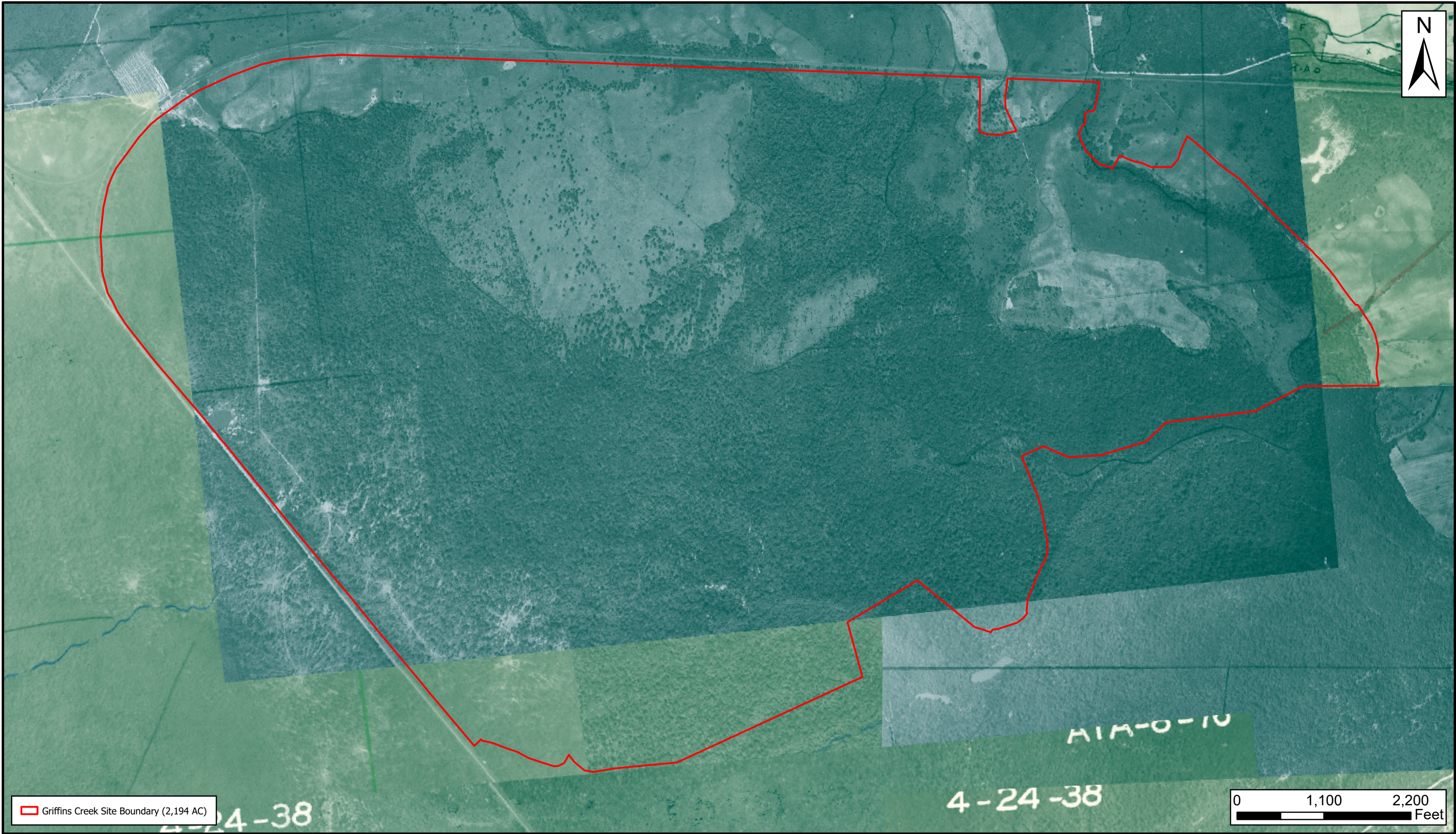


Weyerhaeuser

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Figure 7. USGS Topography
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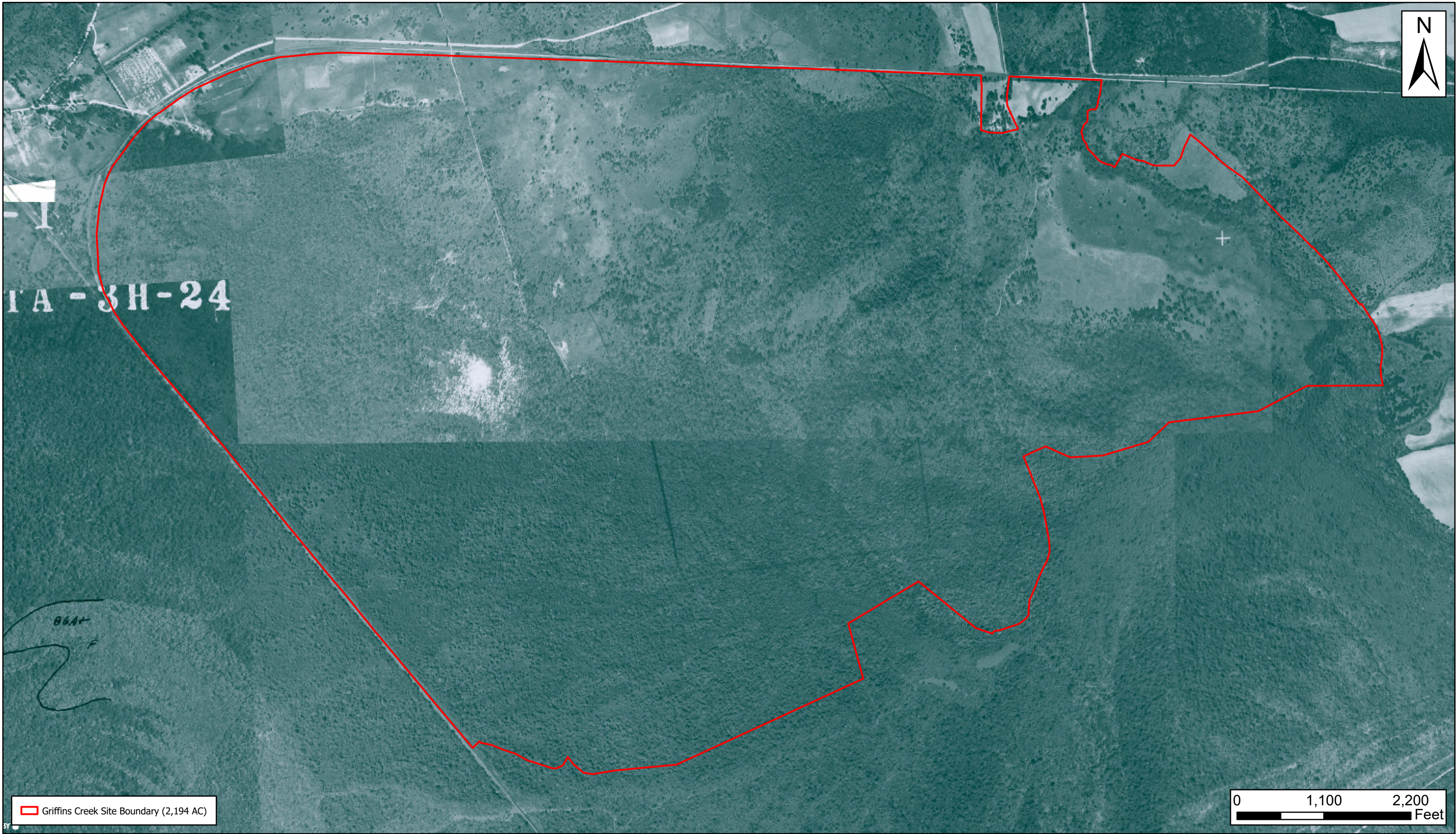
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Figure 8a. Historic Aerial Imagery (1938)
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Appendix E. Griffin's Creek Mitigation Site
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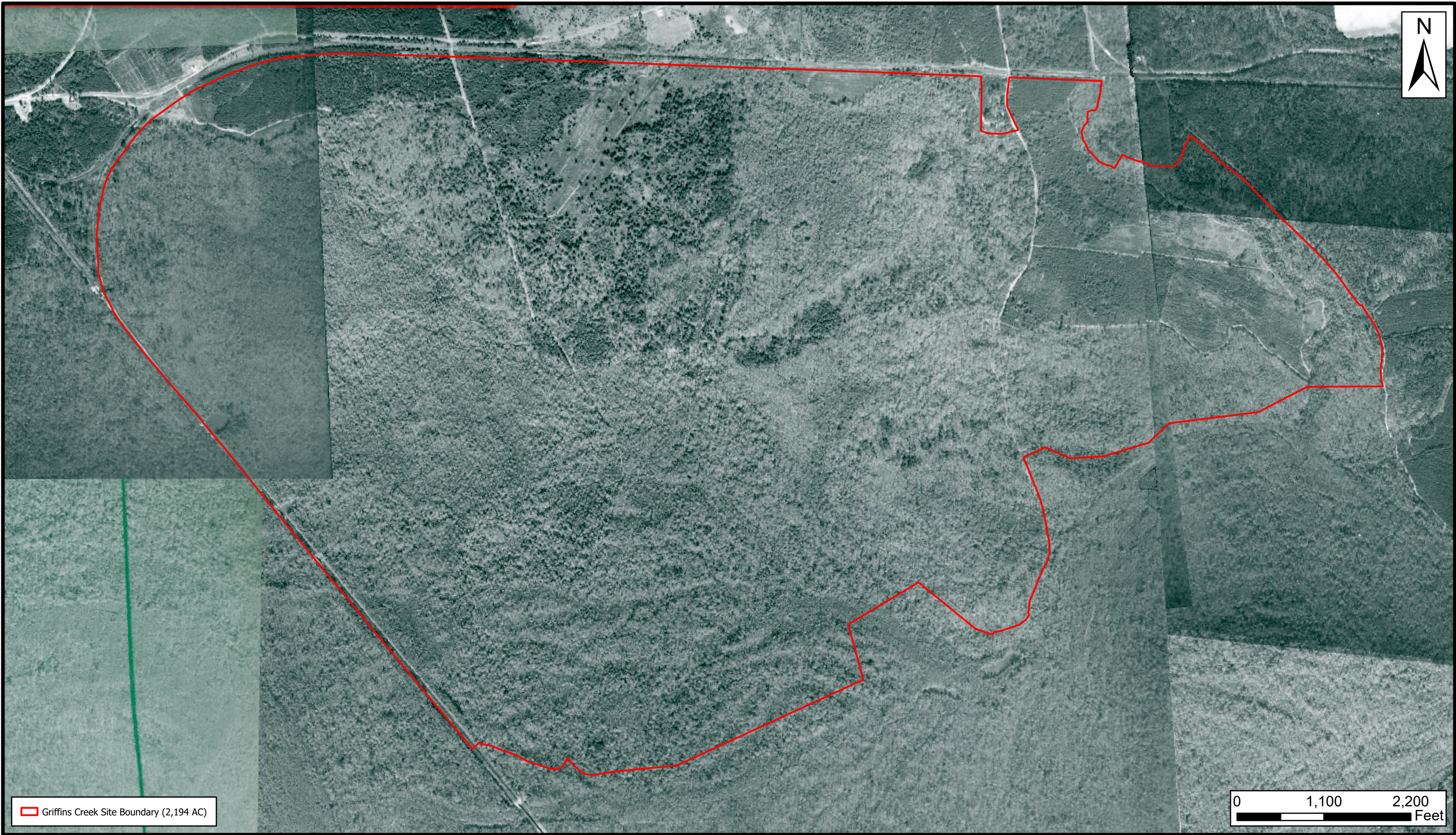
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Figure 8b. Historic Aerial Imagery (1951)
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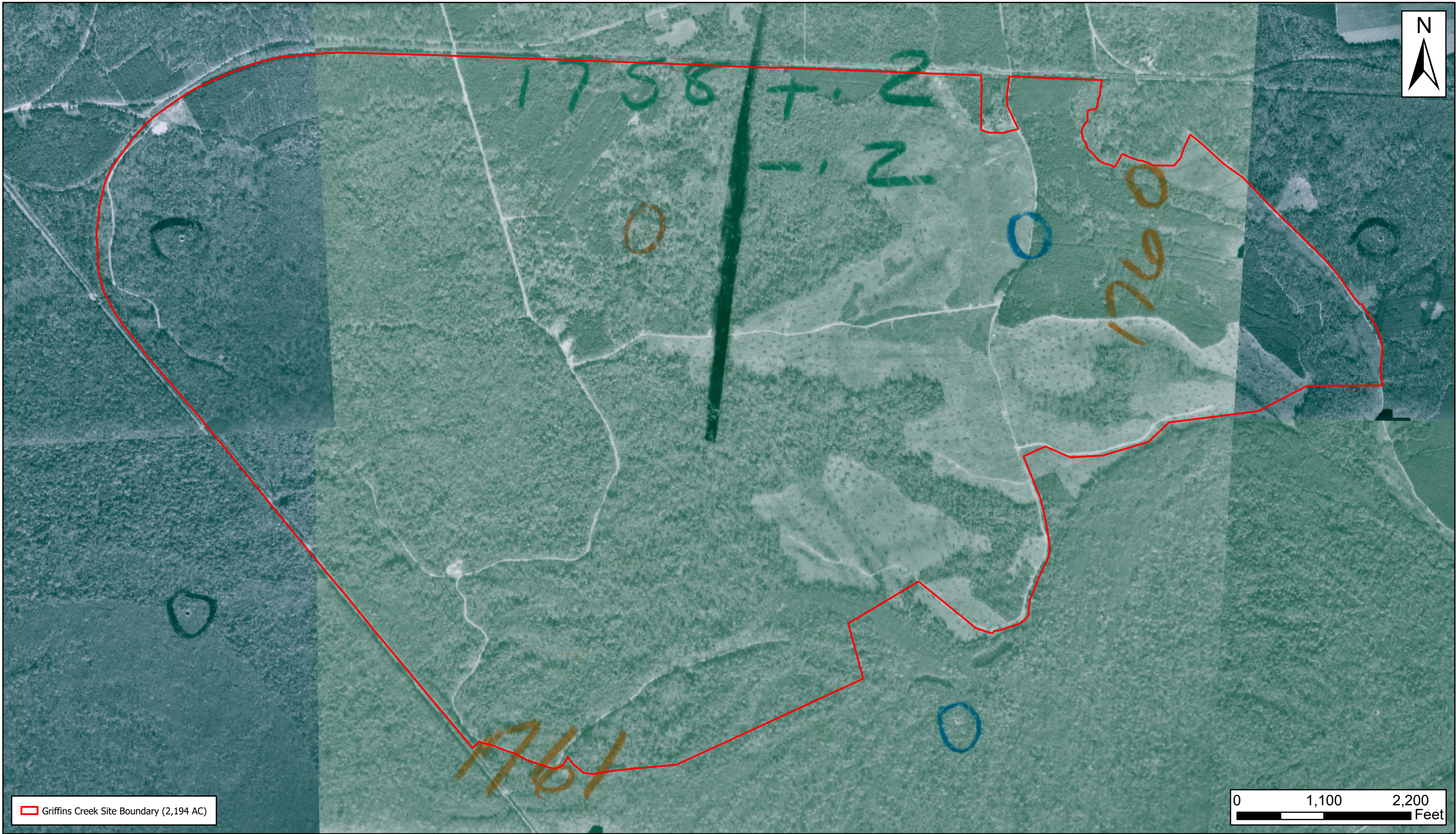
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Figure 8c. Historic Aerial Imagery (1966)
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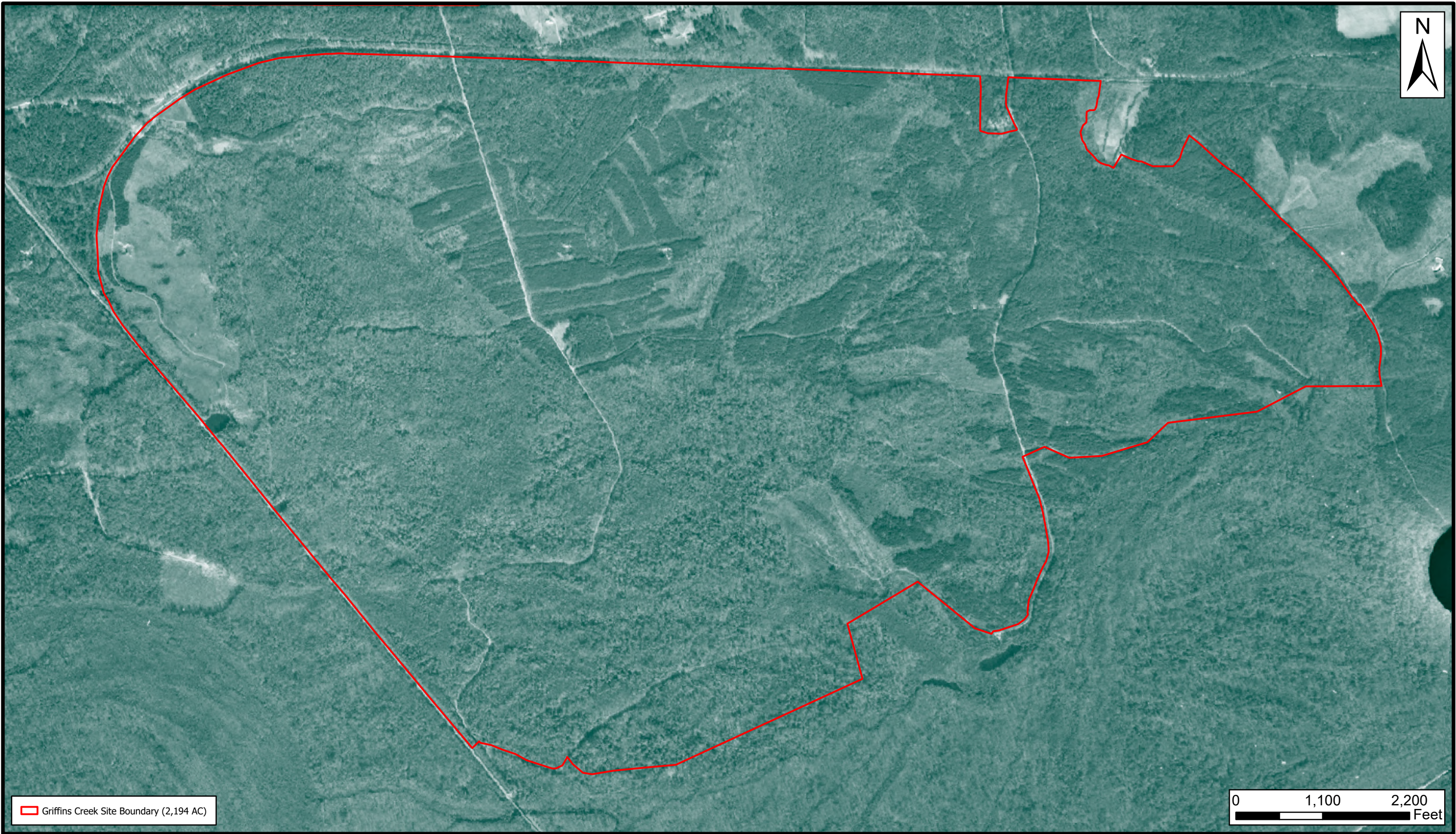
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Figure 8d. Historic Aerial Imagery (1970)
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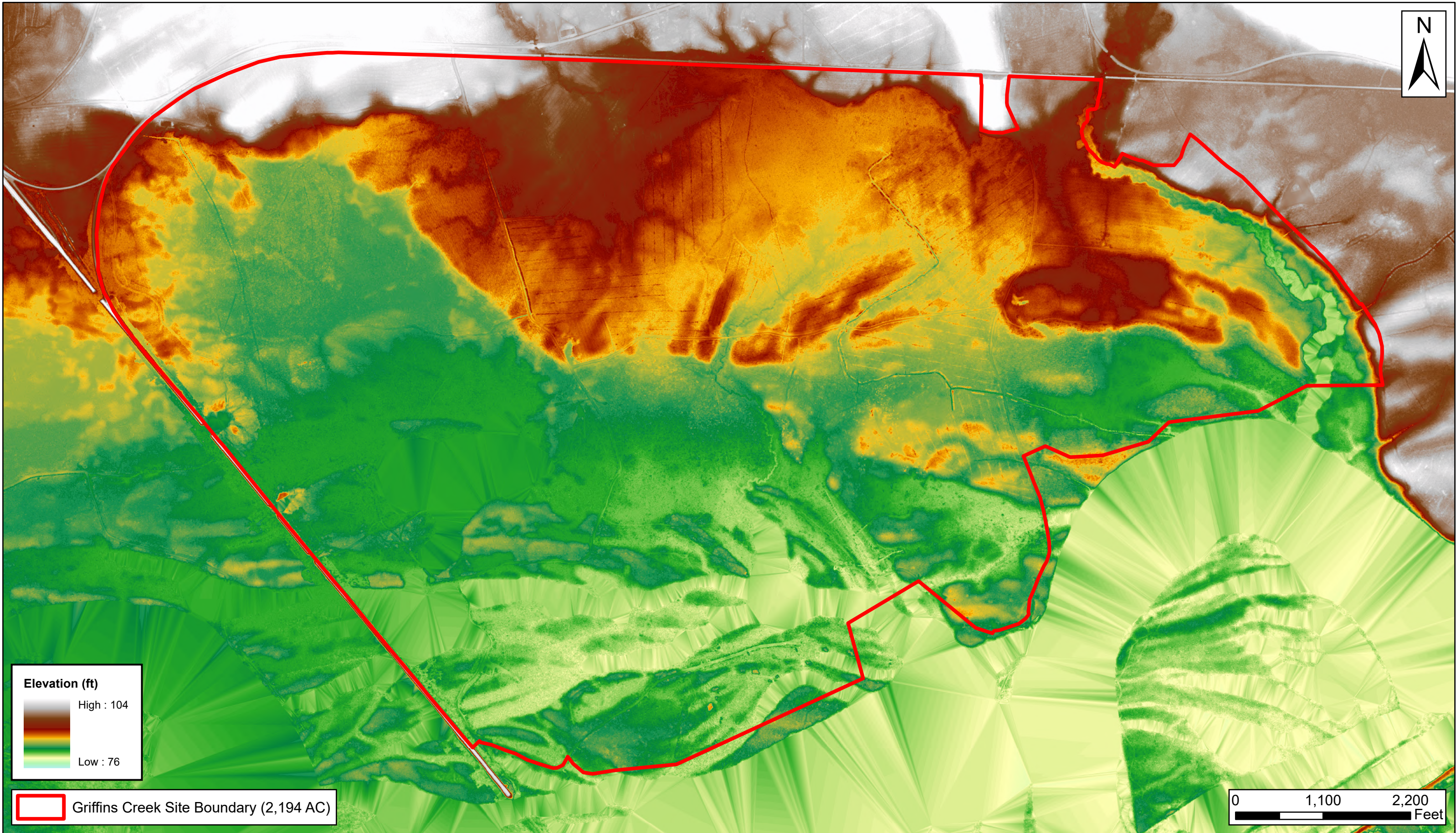
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Figure 8e. Historic Aerial Imagery (1981)
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6/1/2023



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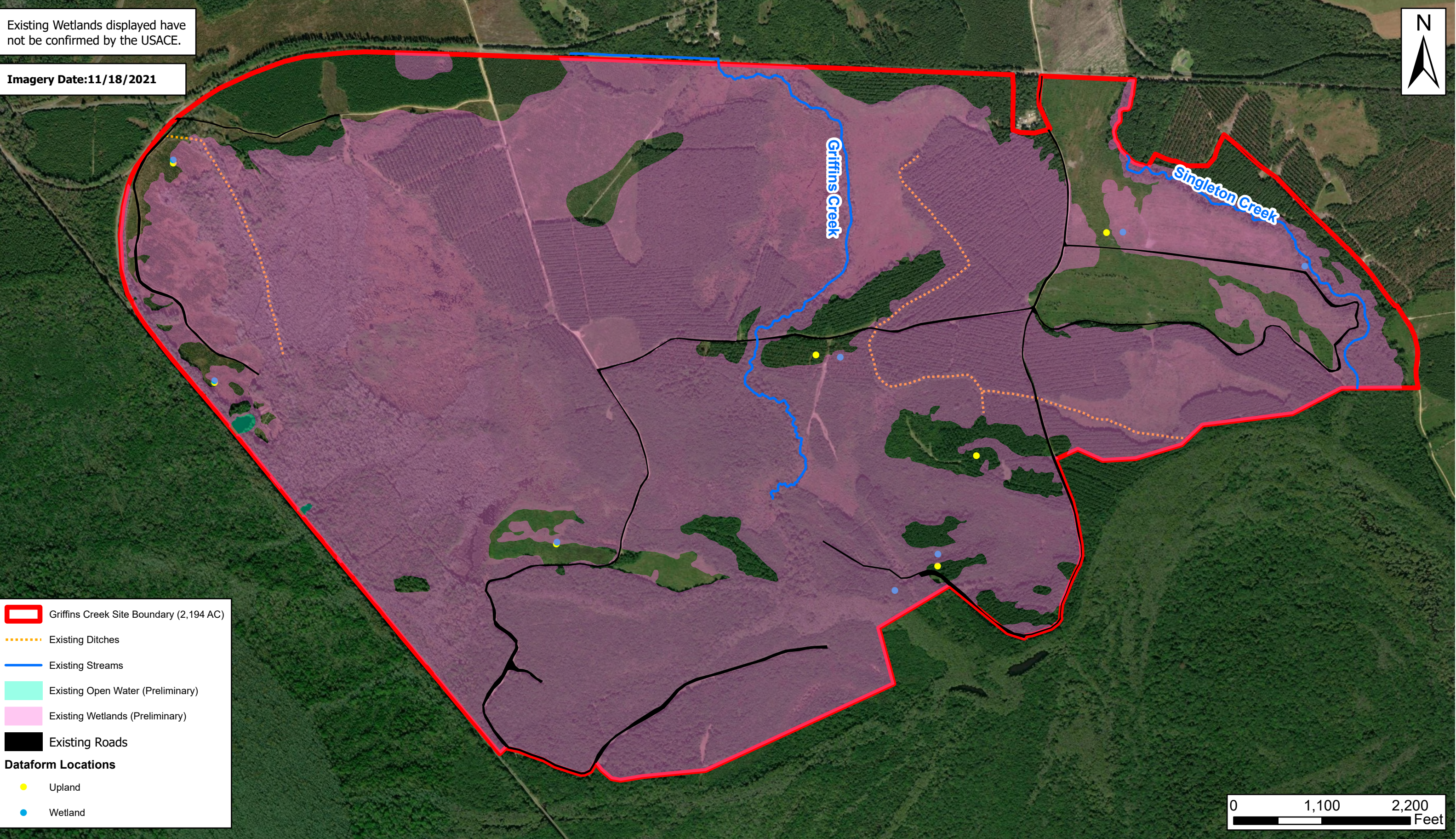
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Figure 9. LiDAR Imagery
 Palmetto Umbrella Mitigation Bank
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Existing Wetlands displayed have not be confirmed by the USACE.

Imagery Date:11/18/2021



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Figure 10. Existing Conditions
Palmetto Umbrella Mitigation Bank
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Appendix E. Griffins Creek Mitigation Site
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6/1/2023


Imagery Date:11/18/2021





-  Griffins Creek Site Boundary (2,194 AC)


 Existing Streams


Vegetation Cover Type


 Cleared


 Hardwood


 Hardwood - Pine


 Hardwood Pond

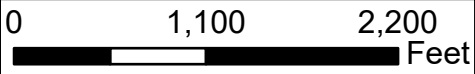
 Canal (Man Made)

 Open Water

 Pine Plantation

 Road

 Wildlife Food Plot



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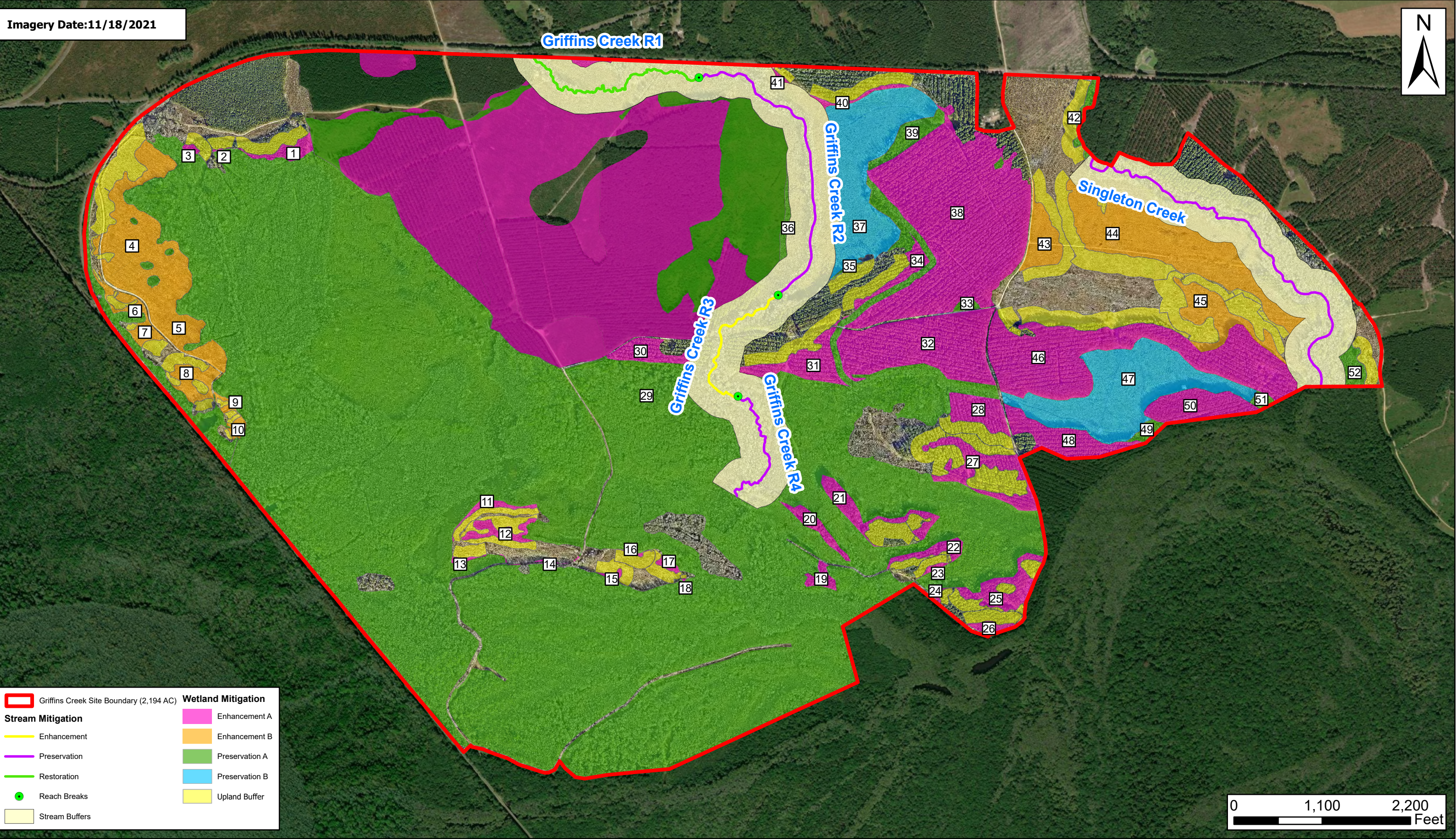


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Figure 11. Existing Vegetation
Palmetto Umbrella Mitigation Bank
Instrument Modification Document
Appendix E, Griffins Creek Mitigation Site
Richland County, SC
6/1/2023

Imagery Date:11/18/2021



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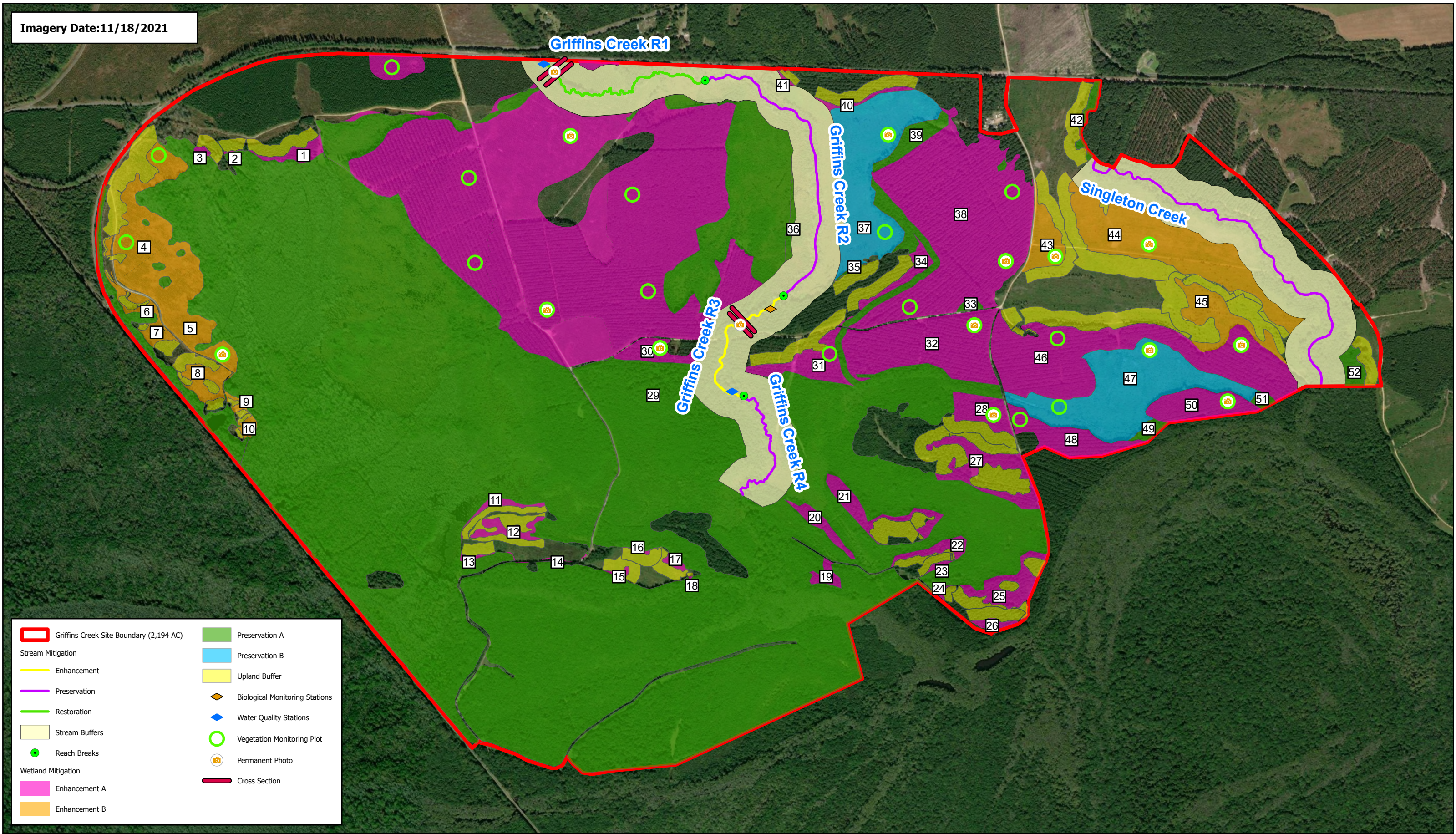


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Figure 12. Proposed Mitigation
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6/1/2023

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Figure 14. Mitigation Monitoring
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