

PUBLIC NOTICE

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

REGULATORY DIVISION
Refer to: SAC-2024-00415

May 15, 2024

Pursuant to the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), a prospectus has been submitted to the Department of the Army (Corps) and the South Carolina Interagency Review Team (IRT) by

**Audubon South Carolina
c/o Water and Land Solutions
1859 Summerville Avenue, Suite 770
Charleston, South Carolina 29405**

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

LOWER FOUR HOLE SWAMP WATERSHED

south of Horseford Road, west of State Road S-18-19 in Dorchester County, South Carolina (Latitude 33.0801 Longitude: -80.3901), Maple Cane Swamp 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 goals of the Bank Site include preserving 319.19 acres of wetlands, enhancing 150 acres of wetlands, and enhancing and/or preserving 48.12 acres of upland buffer. Specifically, mitigation actions associated with the Bank will:

- Build upon the current conservation objectives of Audubon South Carolina,
- Provide connectivity to other conserved lands, such as those located within the Four Hole Swamp watershed including Givhans Ferry State Park, Beidler Forest Sanctuary and SCDNR Wildlife Management Areas,
- Preserve approximately 319.19 acres of bald cypress/tupelo swamp and bottomland hardwood wetland, constituting a Value Class 1 high quality and highly significant natural area and sensitive species habitat,
- Reestablish a diverse native hardwood wetland plant community for 150 acres of impaired wetlands,
- Enhance and/or preserve approximately 48.12 acres of upland buffer"

Project Description

The proposed project consists of establishing a freshwater wetland mitigation bank in the Lower Four Hole Swamp Watershed (8-digit Hydrologic Unit Code 03050205), located in the Mid-Atlantic Coastal Plain Level III Ecoregion. The proposed 518.13-acre mitigation site includes approximately 469.19 acres of freshwater wetlands and 16,060 linear feet of streams.

The proposal is to preserve approximately 319.19 acres of forested wetlands and enhance 150 acres of freshwater wetlands. Enhancement would consist of removing loblolly pine and replanting in native hardwood species. The sponsor is also proposing to preserve and/or enhance approximately 48.12 acres of upland buffers around wetland resources. The bank sponsor would use a conservation easement to protect the bank site in perpetuity.

As proposed the mitigation bank would provide in-kind compensatory mitigation for authorized impacts to aquatic resources within 8-Digit HUCs 03050205; Four Hole Swamp and 03050206; Edisto. 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 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 District Engineer has consulted the most recently available information and has made no determination of effect on any Federally endangered, threatened, or proposed species.

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 Federally listed or proposed to be listed endangered or threatened species and/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 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.

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.

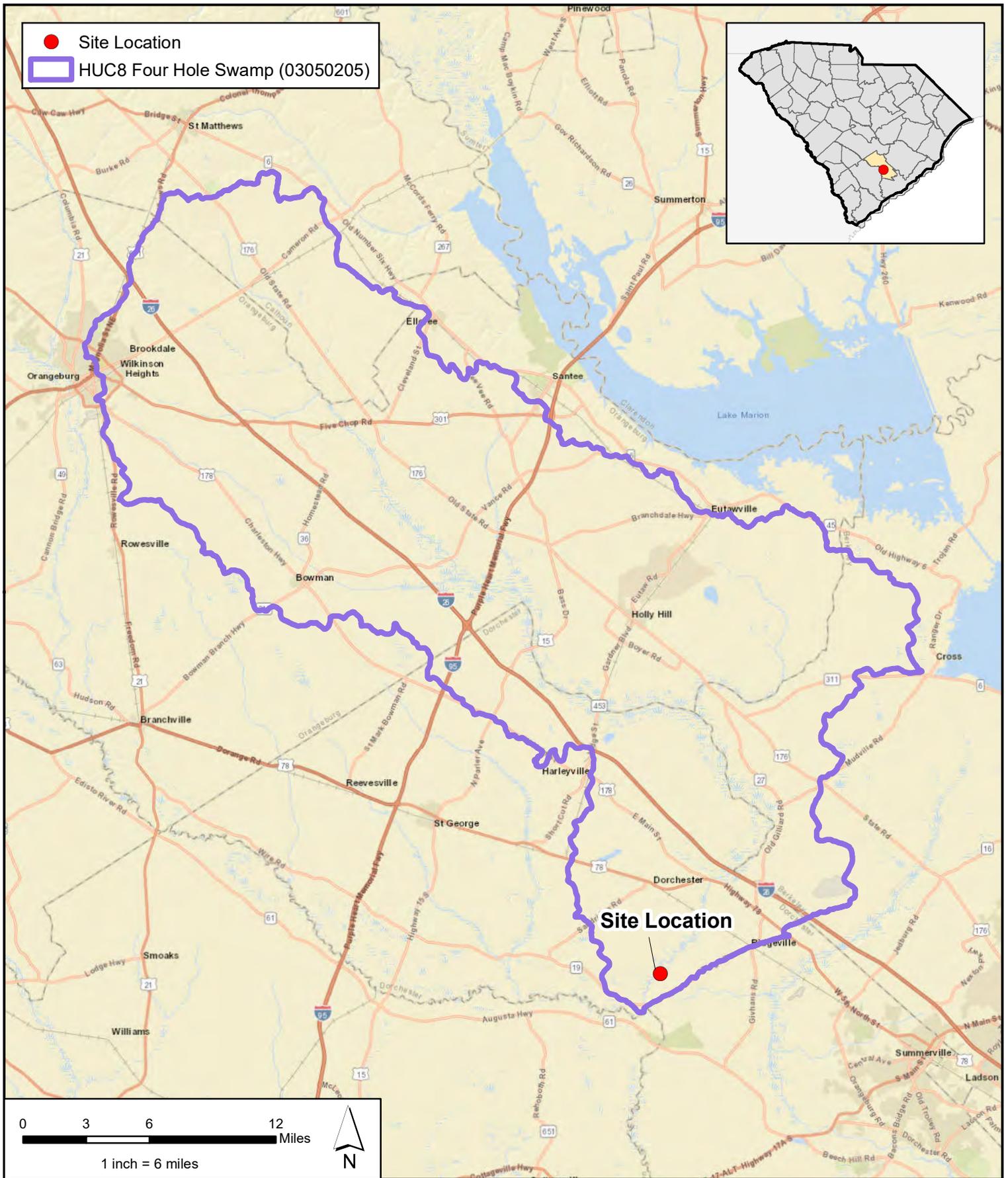
Solicitation of Public Comment

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 by public notice number, to Erica.L.Stone@usace.army.mil or in writing to the following address:**

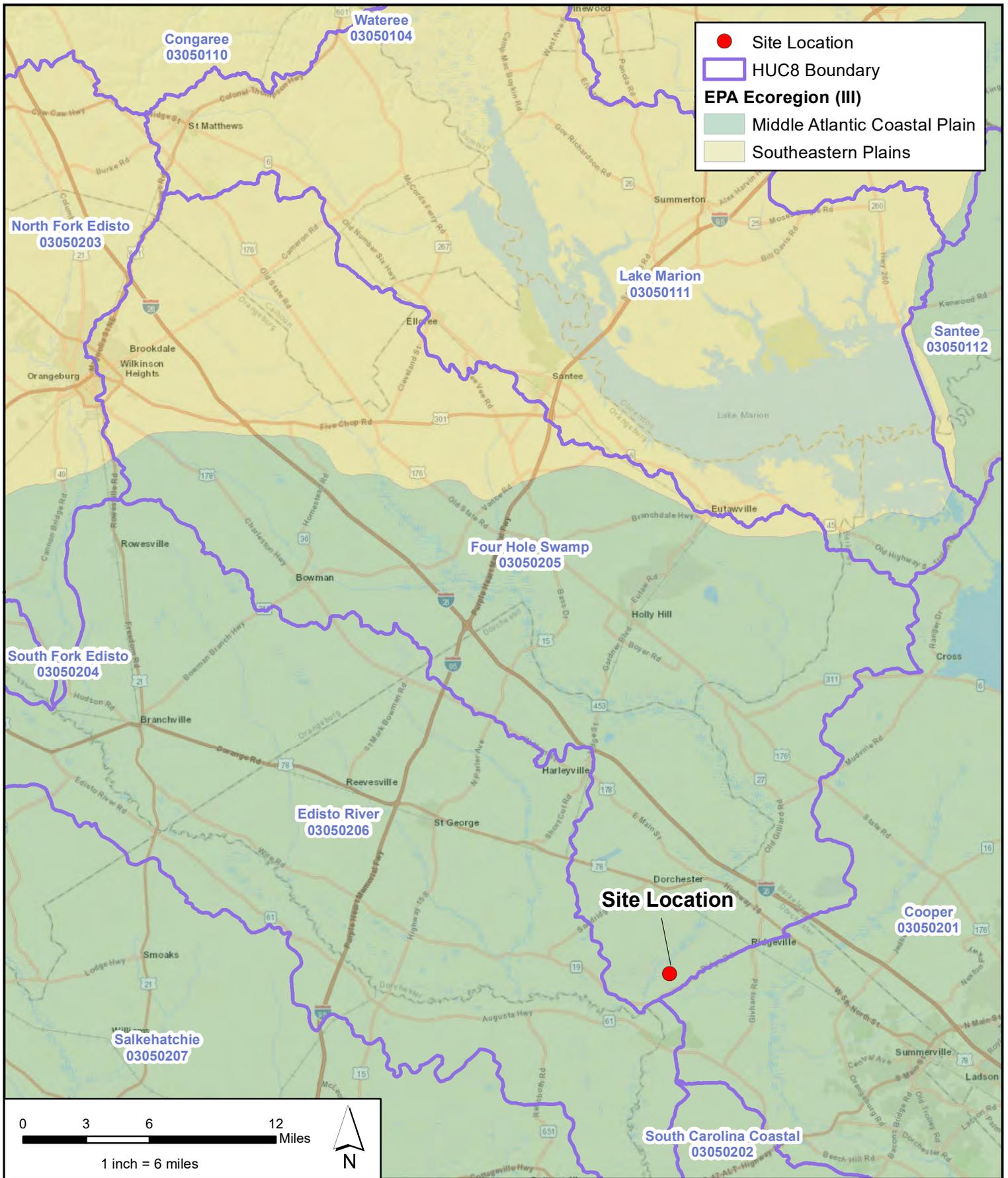
US ARMY CORPS OF ENGINEERS
Conway Regulatory Field Office
Conway Agricultural Center
1949 Industrial Park Road; Room 140
Conway, South Carolina 29526

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/or can be provide for review upon request. If there are any questions concerning this public notice, please contact Erica Stone, project manager, at (843) 817-7188 or by email at Erica.L.Stone@usace.army.mil.



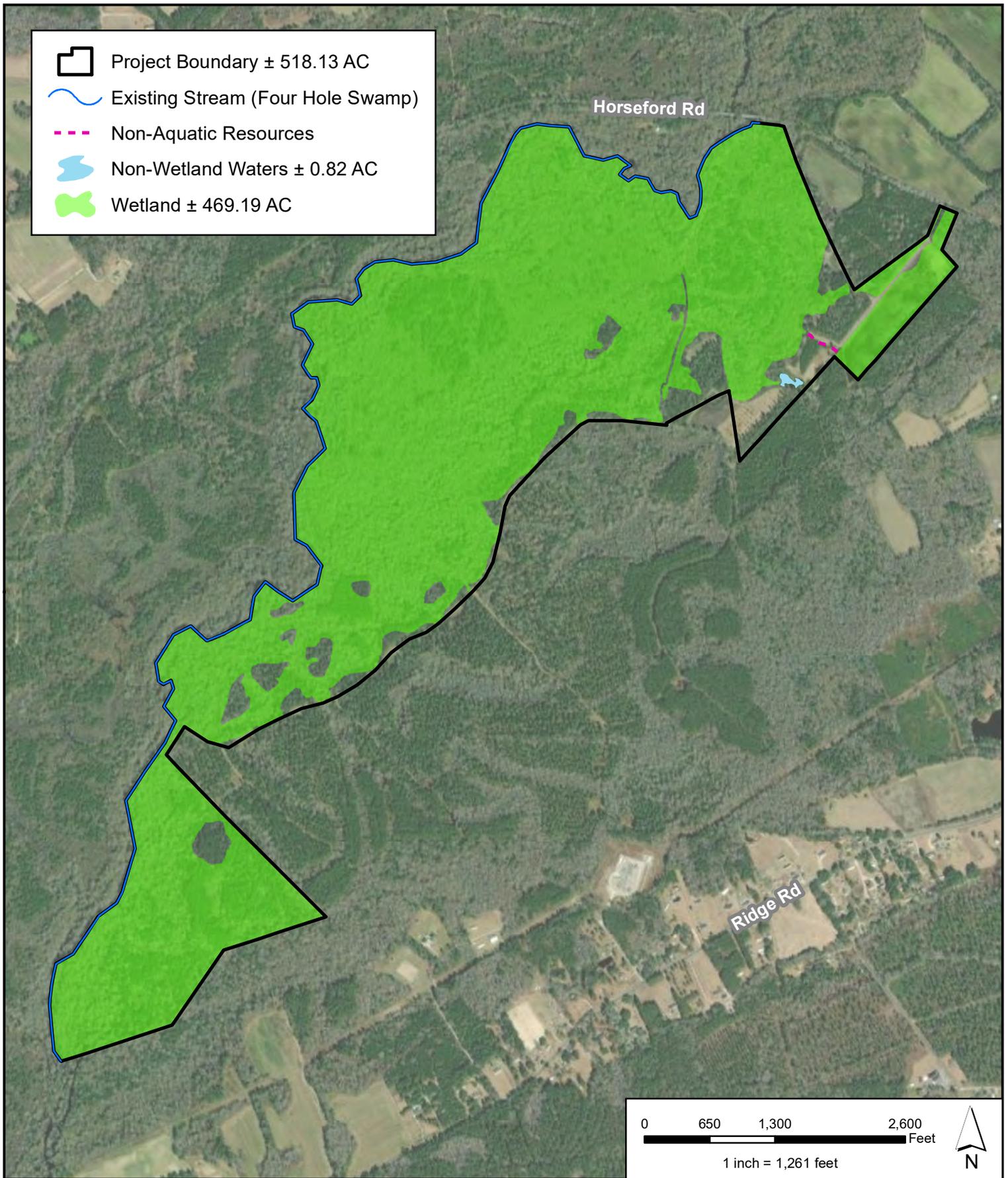
	<p align="center">Halsey Chavis Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p align="center">Vicinity Map</p>	<p align="center">Figure 1</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 11/27/2023</p>	

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



	<p align="center">Halsey Chavis Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p align="center">8-Digit HUC Map</p>	<p align="center">Figure 2</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 11/27/2023</p>	

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	<p>Halsey Chavis Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p>Delineation Map</p>	<p>Figure 3</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 12/20/2023</p>	

 Project Boundary ± 518.13 AC



Halsey Chavis Tract
HUC8 Four Hole Swamp (03050205)
Dorchester County, South Carolina

1970
Historic Aerial

Figure
5a

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Date: 12/20/2023

 Project Boundary ± 518.13 AC



Halsey Chavis Tract
HUC8 Four Hole Swamp (03050205)
Dorchester County, South Carolina

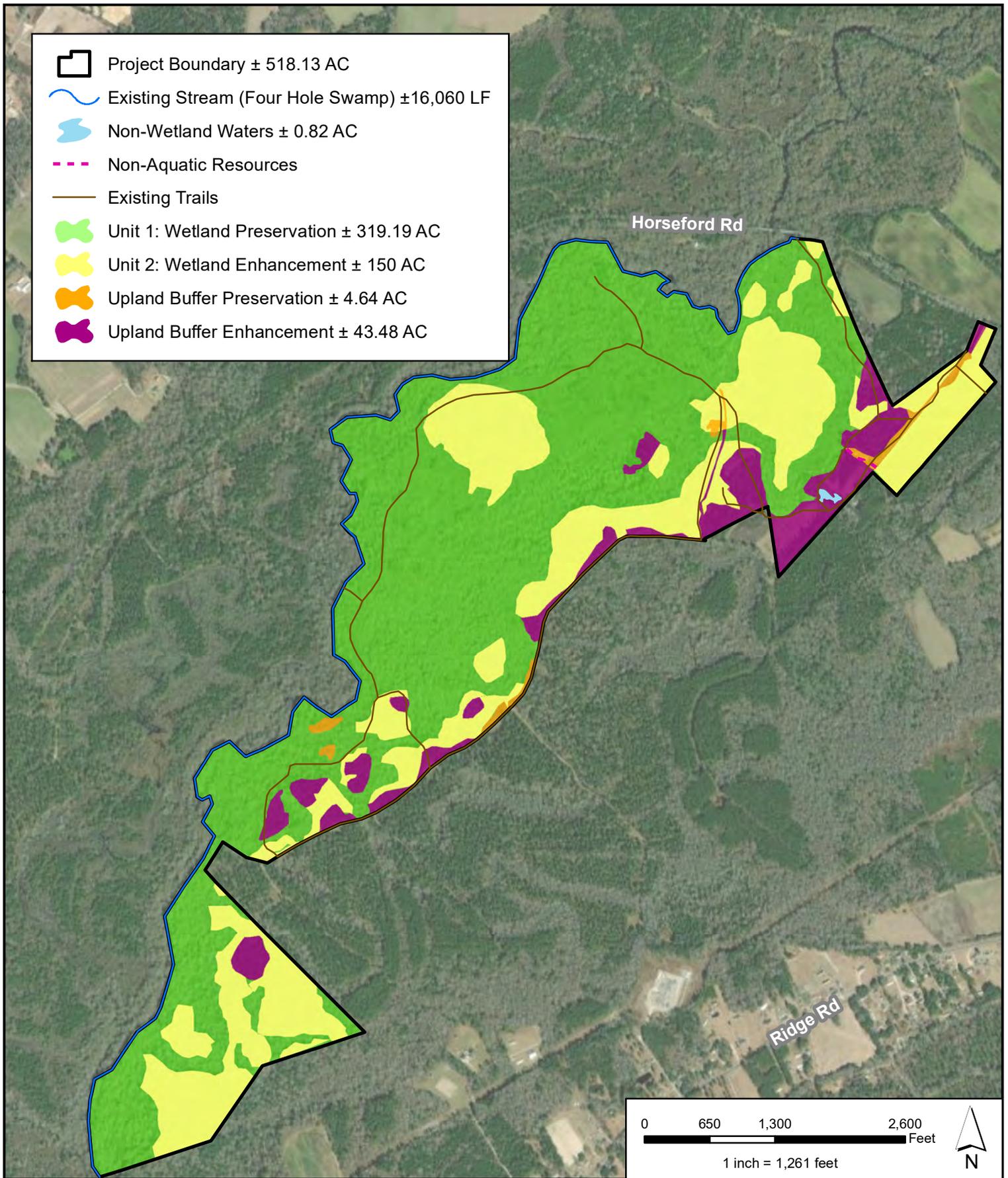
1994
Historic Aerial

Figure
5b

Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

Date: 12/20/2023

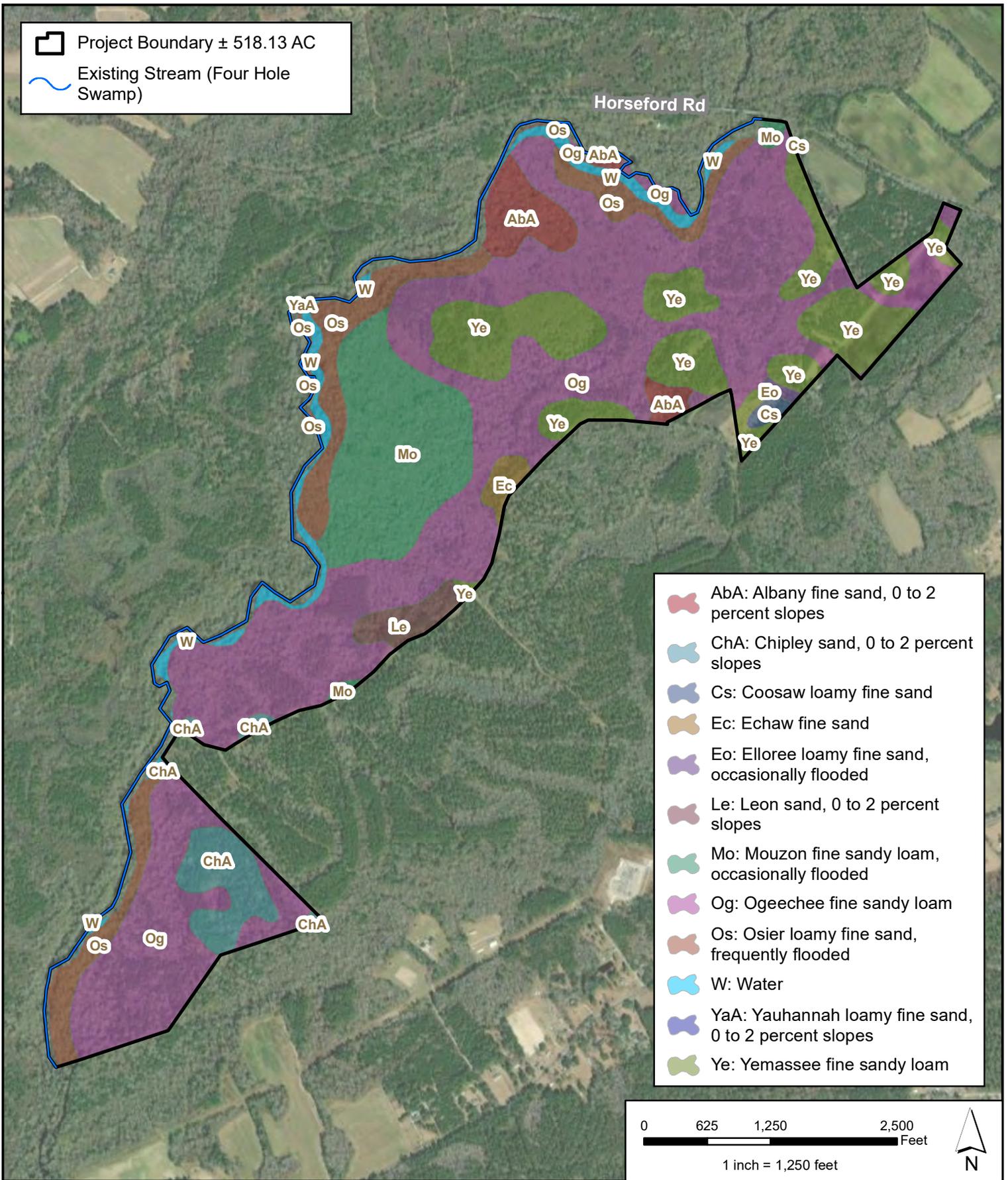
Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



	<p>Halsey Chavis Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p>Proposed Mitigation Unit Map</p>	<p>Figure 6</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p>Date: 12/20/2023</p>	

Project Boundary ± 518.13 AC

Existing Stream (Four Hole Swamp)



Halsey Chavis Tract
HUC8 Four Hole Swamp (03050205)
Dorchester County, South Carolina

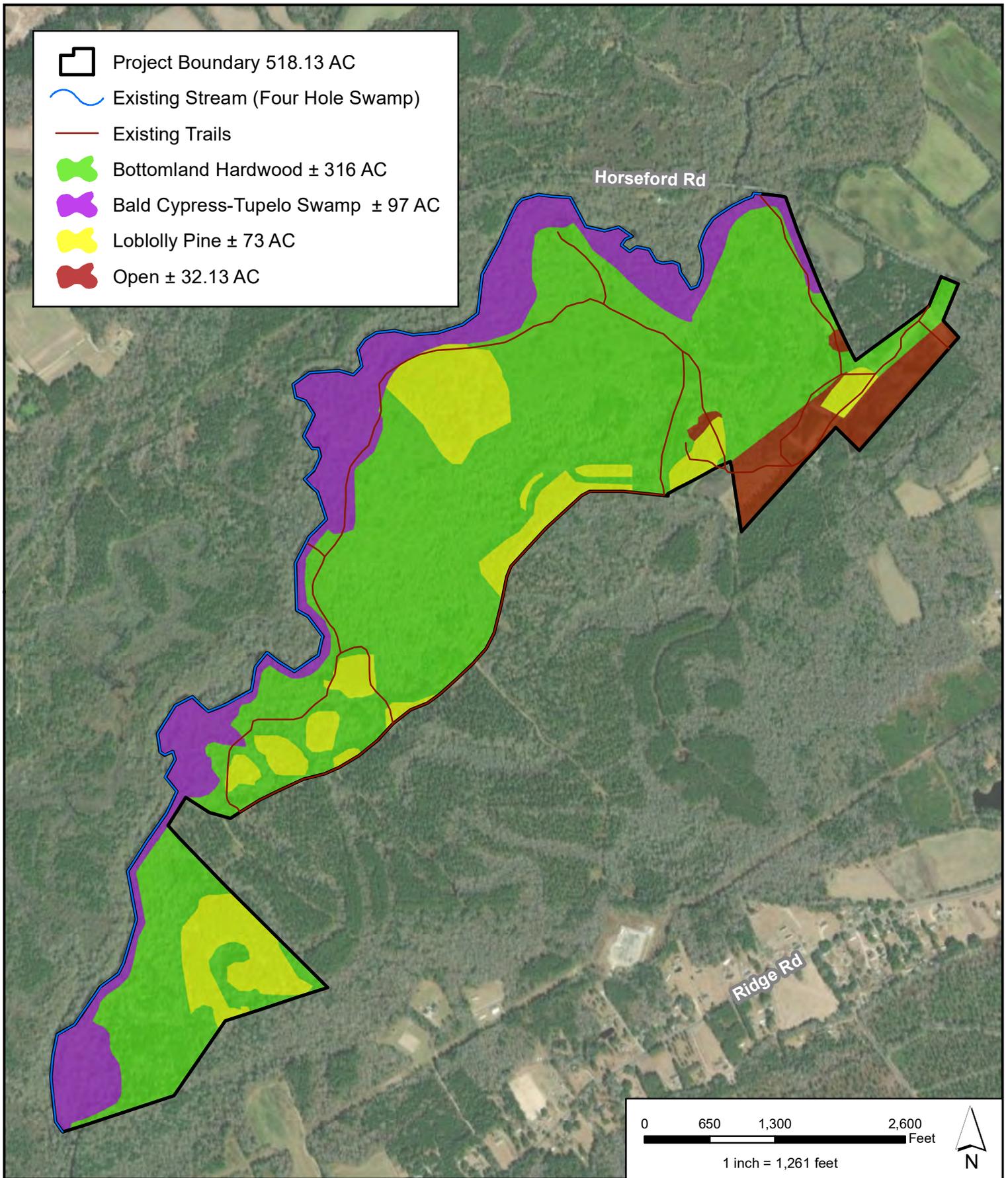
NRCS
Soils Map

Figure

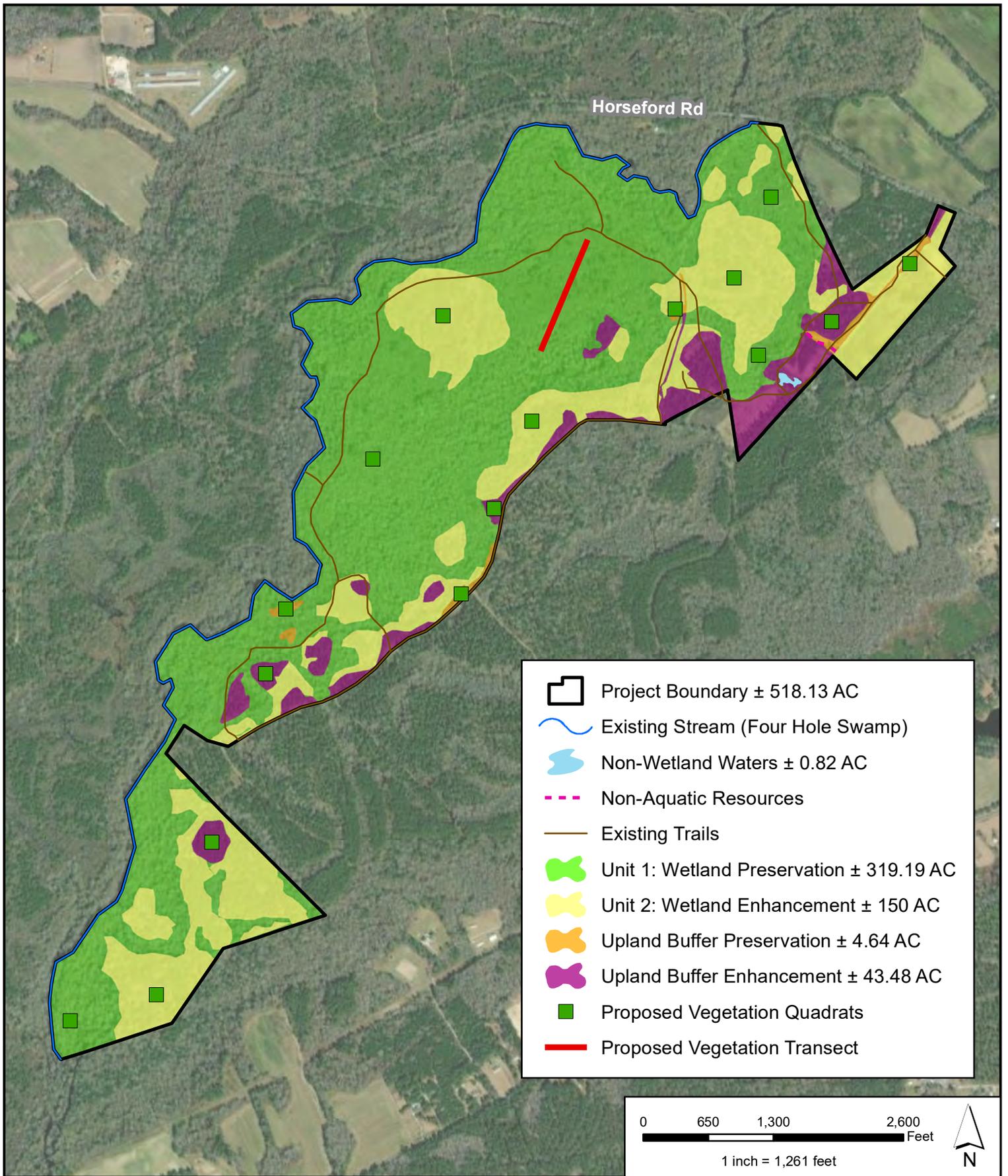
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Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet

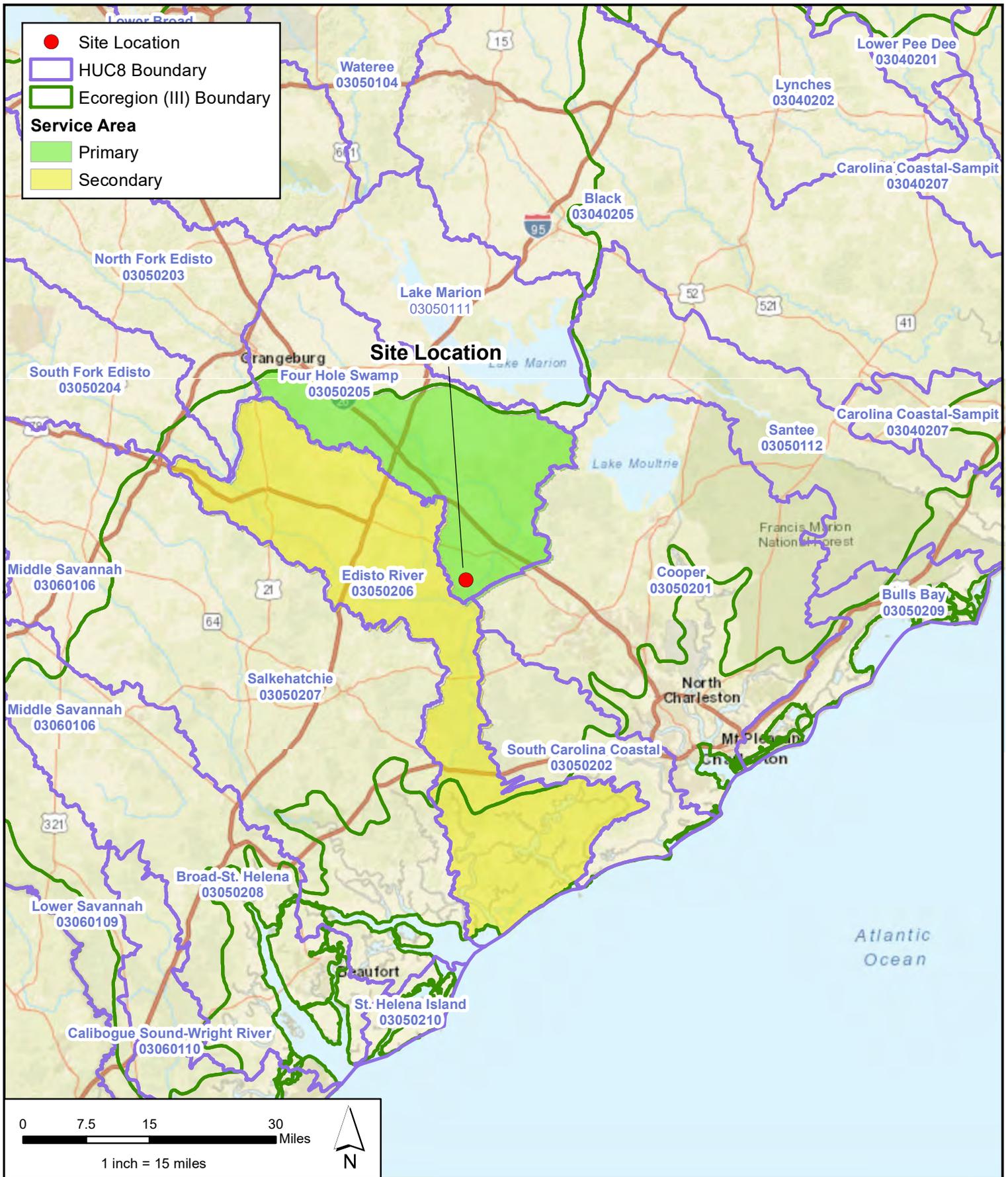
Date: 12/20/2023



 WATER & LAND™ SOLUTIONS	Halsey Chavis Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina	Vegetation Community Map	Figure 8
	Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet	Date: 12/20/2023	



	Halsey Chavis Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina	Proposed Monitoring Map	Figure 10
	Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet	Date: 12/20/2023	



	<p align="center">Halsey Chavis Tract HUC8 Four Hole Swamp (03050205) Dorchester County, South Carolina</p>	<p align="center">Service Area Map</p>	<p align="center">Figure 11</p>
	<p>Map Projection: NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet</p>	<p align="center">Date: 11/29/2023</p>	

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