

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and
THE S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N # SAC-2014-01015

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. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), a Prospectus has been submitted to the Department of the Army and the South Carolina Interagency Review Team by

COWLAND, LLC
ATTENTION: MR. DAVID NORMAN
POST OFFICE DRAWER 62948
ROCK HILL, SOUTH CAROLINA 29419-2948

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

ROCKY CREEK

at a location north of Golf Course Road and south of the confluence of Rocky Creek and Little Rocky Creek and southwest of Great Falls in Chester County, South Carolina. (Latitude 34.577952, Longitude -80.945395)

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 of Engineers until

12 O'CLOCK NOON, FRIDAY, OCTOBER 24, 2014

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 Lower Catawba River watershed (USGS 8-digit Hydrologic Unit Code 03050103) and the Piedmont ecoregion of South Carolina. The 131.02-acre former cattle farm consists of three impoundments, seven unnamed headwater tributaries, two freshwater wetlands, Rocky Creek, Little Rocky Creek, upland and riparian buffers and an existing utility easement. The mitigation work plan includes planting existing pasture with native hardwood species, restoring natural hydrology in wetlands that have been impaired or drained by existing ditches, and restoring channelized, impounded, and impaired headwater streams on the project site. Once the mitigation work is completed, the bank sponsor will monitor the mitigation site to ensure that the restoration areas are developing as expected and meeting the necessary performance standards.

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The proposed mitigation bank will provide in-kind compensatory mitigation for authorized impacts to aquatic resource functions and services associated with future development activities within the Piedmont ecoregion as shown on the attached Service Area Map. The work required to complete the restoration and enhancement of aquatic resources located 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 mitigation bank site will be protected by the bank sponsor using a conservation easement.

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 (Section 401 of the Clean Water Act). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. 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 impact approximately 4.96 acres of freshwater habitat well inland of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our 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). Our final determination relative to project impacts is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the proposed project is not likely to adversely affect any federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. 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 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 the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Based on the available information, it has been determined that the proposed project will have no effect on properties that are listed or considered eligible for listing in the National Register of Historic Places. This public notice also serves as a request for written concurrence from the State Historic Preservation Office on this determination.

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.

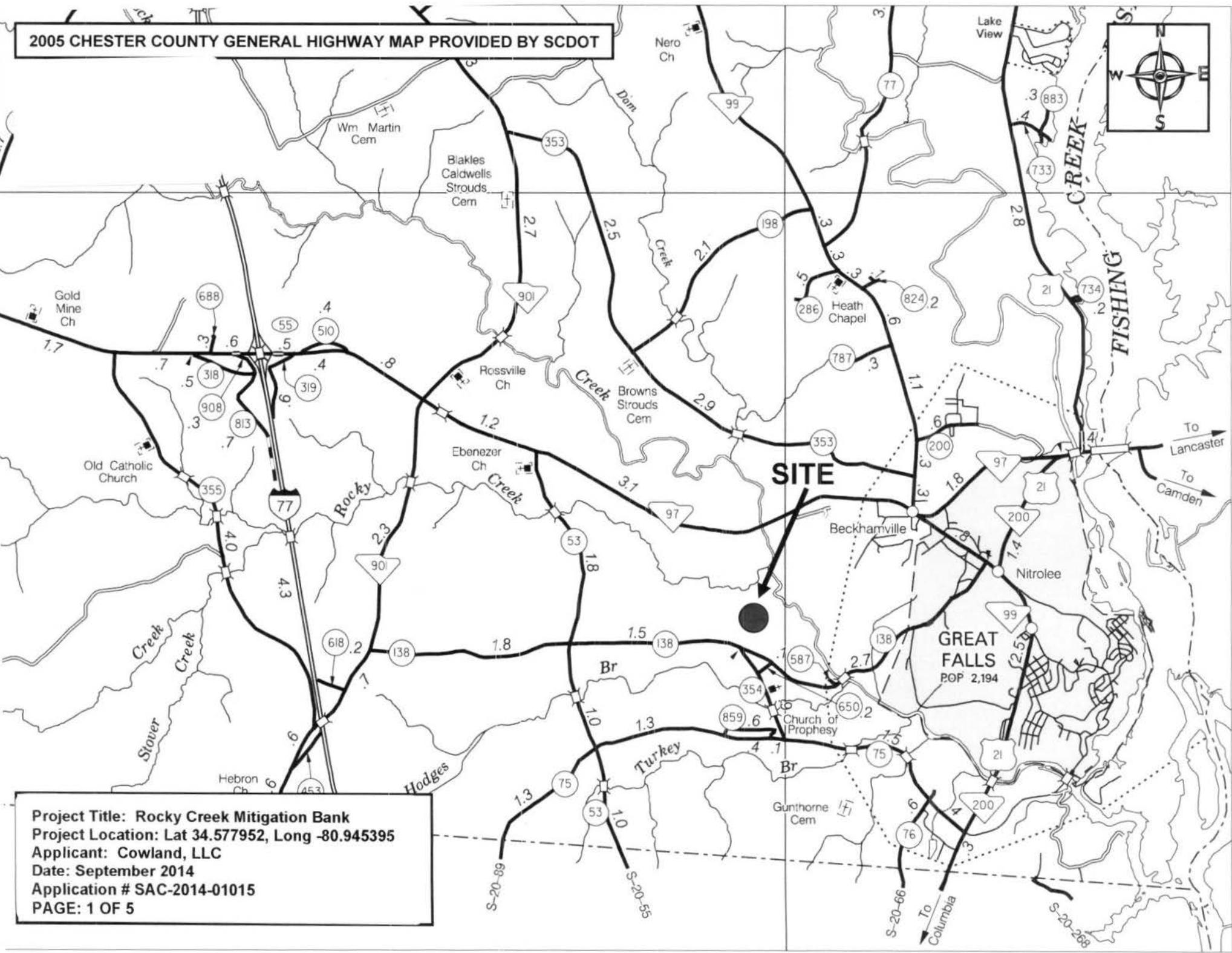
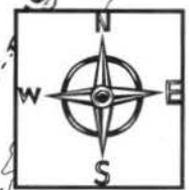
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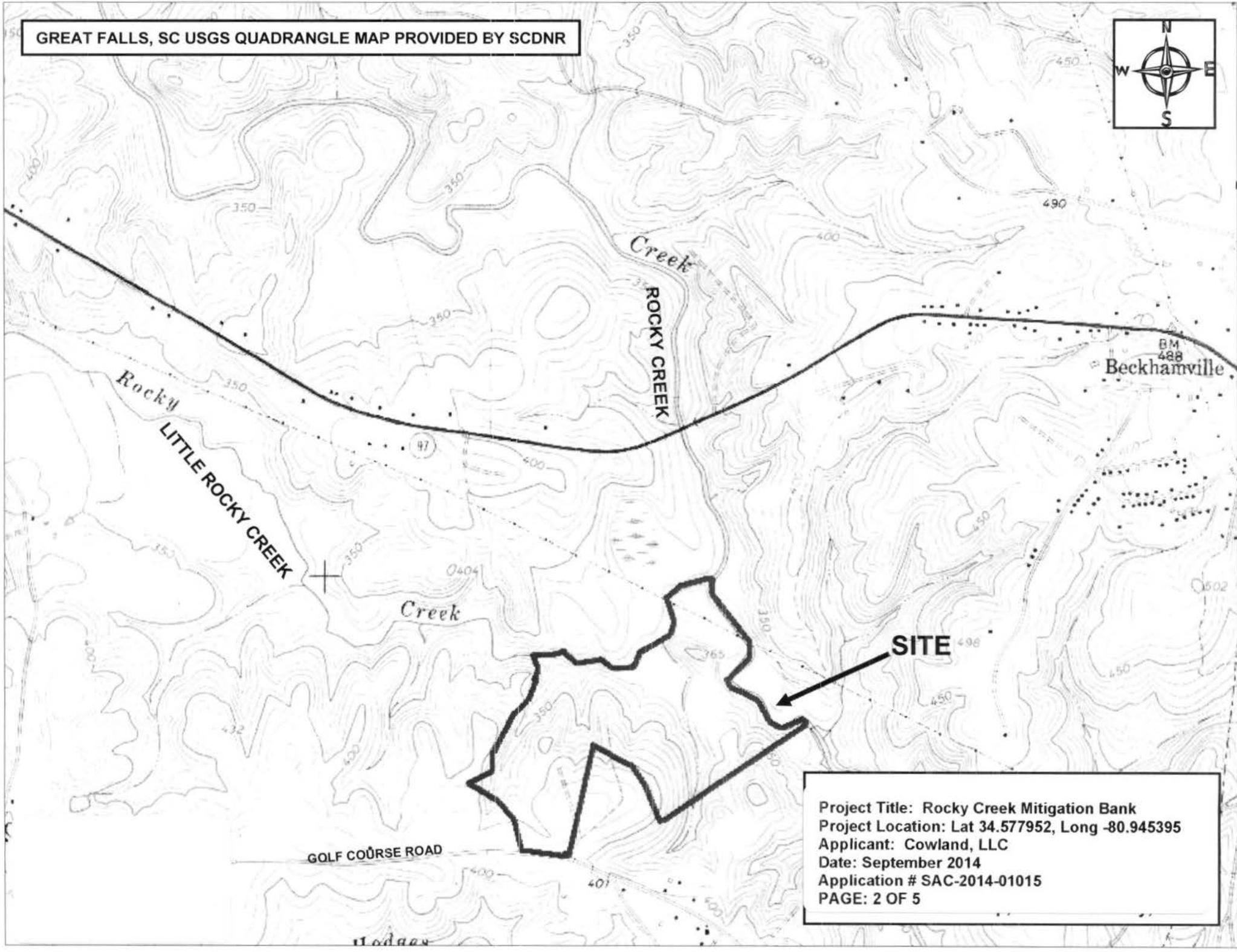
The decision whether to approve or deny the proposed mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the activity. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, 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.

The Corps of Engineers 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 of Engineers 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.

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 Ms. Andrea Hughes by e-mail at andrea.w.hughes@usace.army.mil or by telephone at 843-329-8044.



Project Title: Rocky Creek Mitigation Bank
Project Location: Lat 34.577952, Long -80.945395
Applicant: Cowland, LLC
Date: September 2014
Application # SAC-2014-01015
PAGE: 1 OF 5

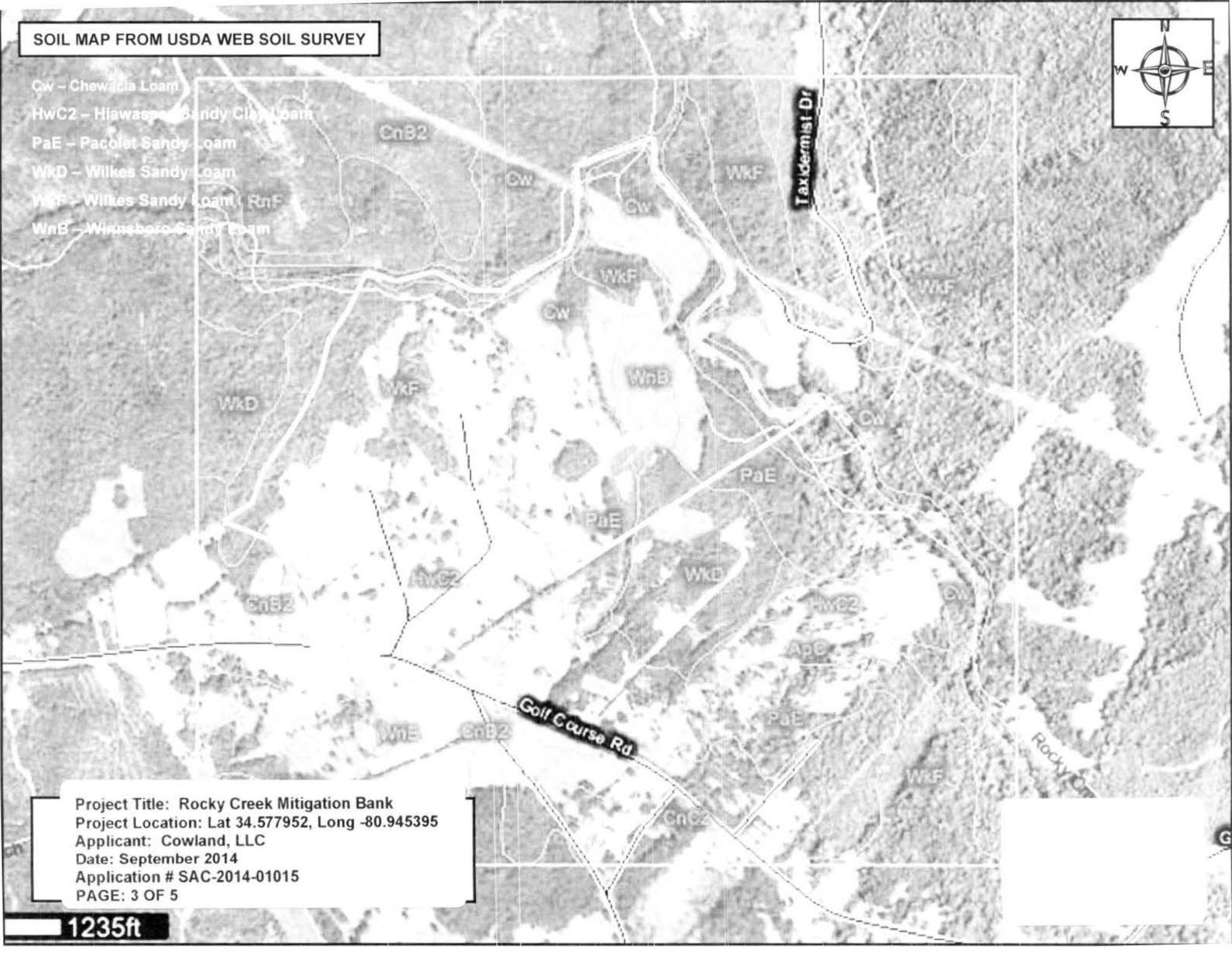


SITE

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PAGE: 2 OF 5

SOIL MAP FROM USDA WEB SOIL SURVEY

- Cw - Chewacla Loam
- HwC2 - Hiwassee Sandy Clay Loam
- PaE - Pacolet Sandy Loam
- WkD - Wilkes Sandy Loam
- WkF - Wilkes Sandy Loam (RnF)
- WnB - Winnsboro Sandy Loam



Taxidermist Dr

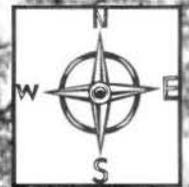
Golf Course Rd

Rocky Cr

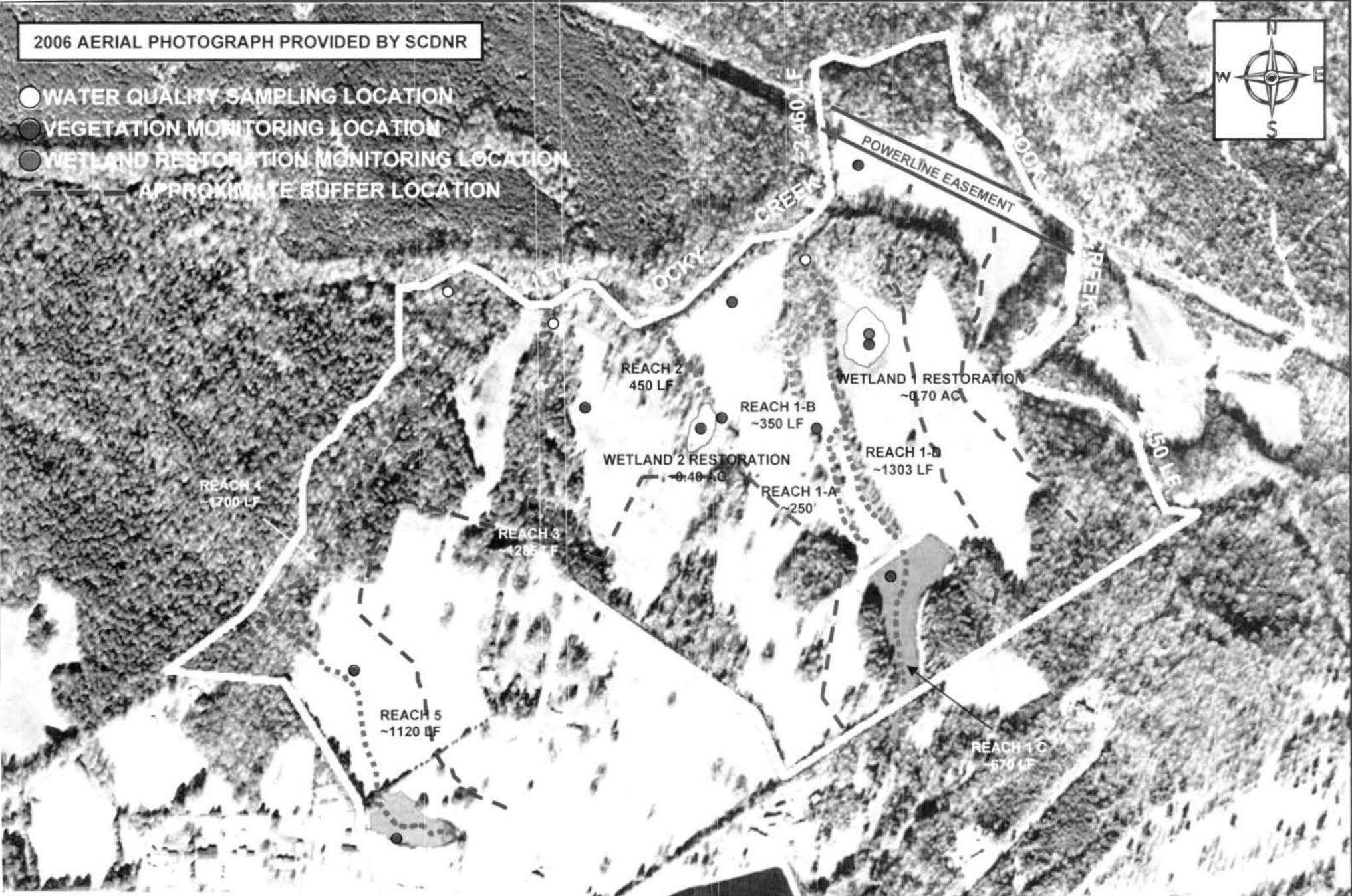
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PAGE: 3 OF 5

1235ft

2006 AERIAL PHOTOGRAPH PROVIDED BY SCDNR



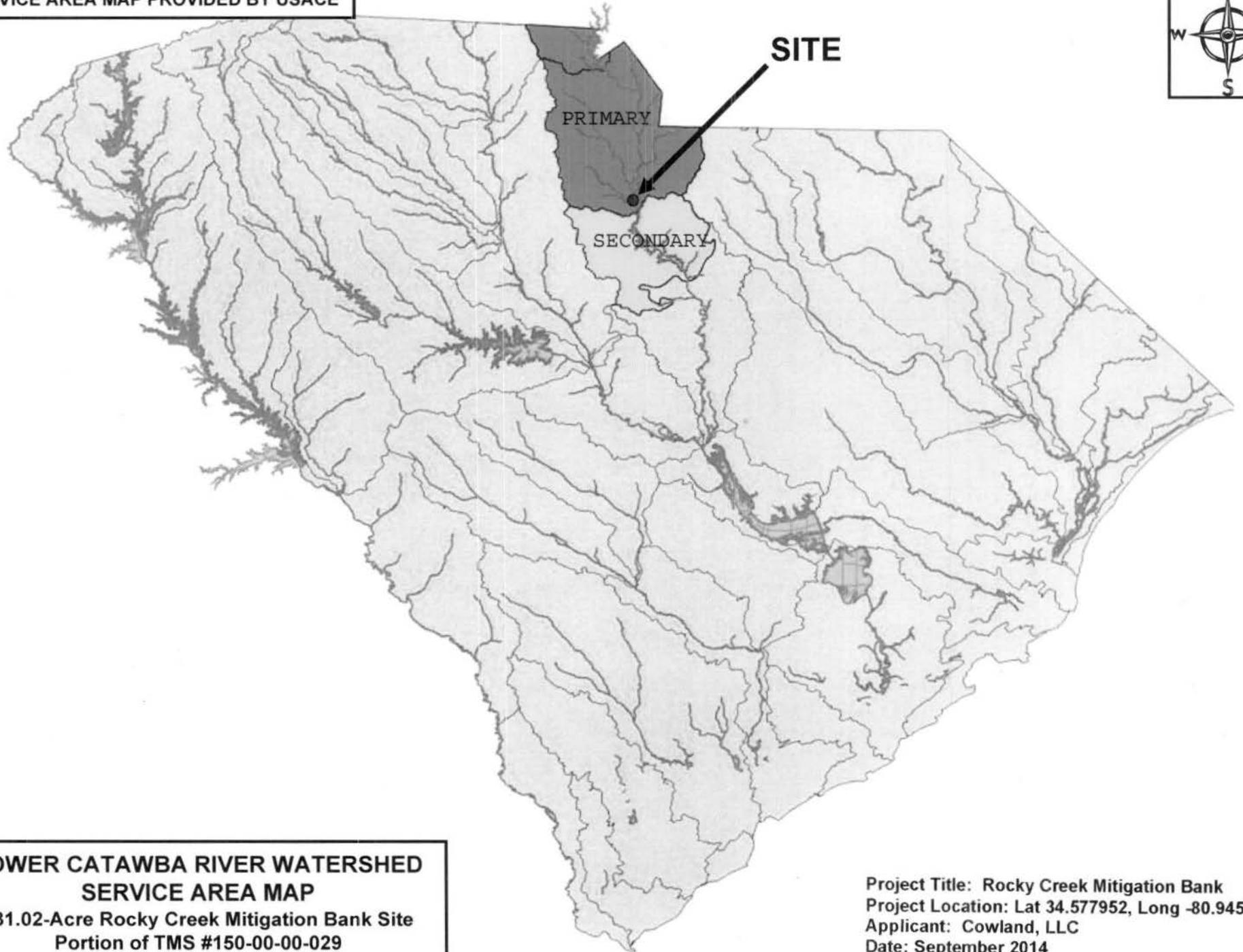
- WATER QUALITY SAMPLING LOCATION
- VEGETATION MONITORING LOCATION
- WETLAND RESTORATION MONITORING LOCATION
- - - APPROXIMATE BUFFER LOCATION



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PAGE: 4 OF 5

WETLANDS/WATERS & PROPOSED MITIGATION
131.02-Acre Rocky Creek Mitigation Bank Site

SERVICE AREA MAP PROVIDED BY USACE



**LOWER CATAWBA RIVER WATERSHED
SERVICE AREA MAP**

131.02-Acre Rocky Creek Mitigation Bank Site
Portion of TMS #150-00-00-029
Rossville Township, Chester County, SC

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PAGE: 5 OF 5