

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 20403-5107

REGULATORY DIVISION
Refer to: P/N SAC-2021-01474

September 2, 2021

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), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), a prospectus has been submitted to the Department of the Army and the South Carolina Interagency Review Team by

DOMINION ENERGY SOUTH CAROLINA, INC
ATTN: RAY NIX, CCIM
220 OPERATION WAY, MAIL CODE D112
CAYCE, SC 29033

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

COOPER RIVER

At a location east of the Town of Goose Creek between the Cooper and Back rivers in Berkeley County, SC, within the Cooper River Watershed (HUC 03050201) and EPA Level III Southern Coastal Plain Ecoregion. The CRMB is bisected by Bushy Park Road (S-8-503) which provides access to the Bank site. Berkeley County, South Carolina (Latitude: 33.023942 °, Longitude: - 79.933980°), Kittredge U.S. Geological Service 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.

The proposed project consists of establishing a freshwater wetland and saltwater mitigation bank in the Cooper Watershed (8-digit Hydrologic Unit Codes 03050103). The proposed 1,450 acre mitigation site includes approximately 511 acres of freshwater wetlands, 187 acres of impoundment, and 686 acres of salt marsh.

The proposal is to preserve approximately 686 acres of salt marsh. The sponsor states that ownership of the salt marsh will be established through the state and a Kings Grant. The tidal marsh will be protected with a conservation easement. Also, 40 acres of palustrine forested wetlands will be preserved through the permanent protection of a conservation easement. In addition, 187 acres of impoundment will be restored through removal or breaching of dikes and removal of water control structures. Approximately 471 acres of freshwater wetland will be enhanced by removal of loblolly pine and replanting in native species. 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 Prospectus, 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.

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 187 acres of 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 187 acres are proposed to be restored with natural tidal flows, thus potentially increasing EFH. 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.

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 Red-Cockaded woodpecker, *Picoides borealis*, a federally endangered species, Northern Long-eared bat, *Myotis septentrionalis*, a federally threatened species, American Wood Stork, *Mycteria americana*, a federally threatened species, and Frosted Flatwoods Salamander, *Ambystoma cingulatum*, a federally threatened species is present in the vicinity of the project. It has been determined that the project will have no effect on Red-Cockaded woodpecker, *Picoides borealis*, Frosted Flatwoods Salamander, *Ambystoma cingulatum* and Northern Long-eared bat, *Myotis septentrionalis*, and will not result in the destruction or adverse modification of designated or proposed critical habitat of these species. Additionally, the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined that the project may affect American Wood Stork, *Mycteria americana*. A biological assessment (or other similar document) detailing our analysis of the potential effects of the action will be provided to the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service.

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)(f)(1)), and has initially determined that historic properties, are present; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify the State Historic Preservation Office that the Corps plans to initiate Section 106 consultation on these historic properties. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice. 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.

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.

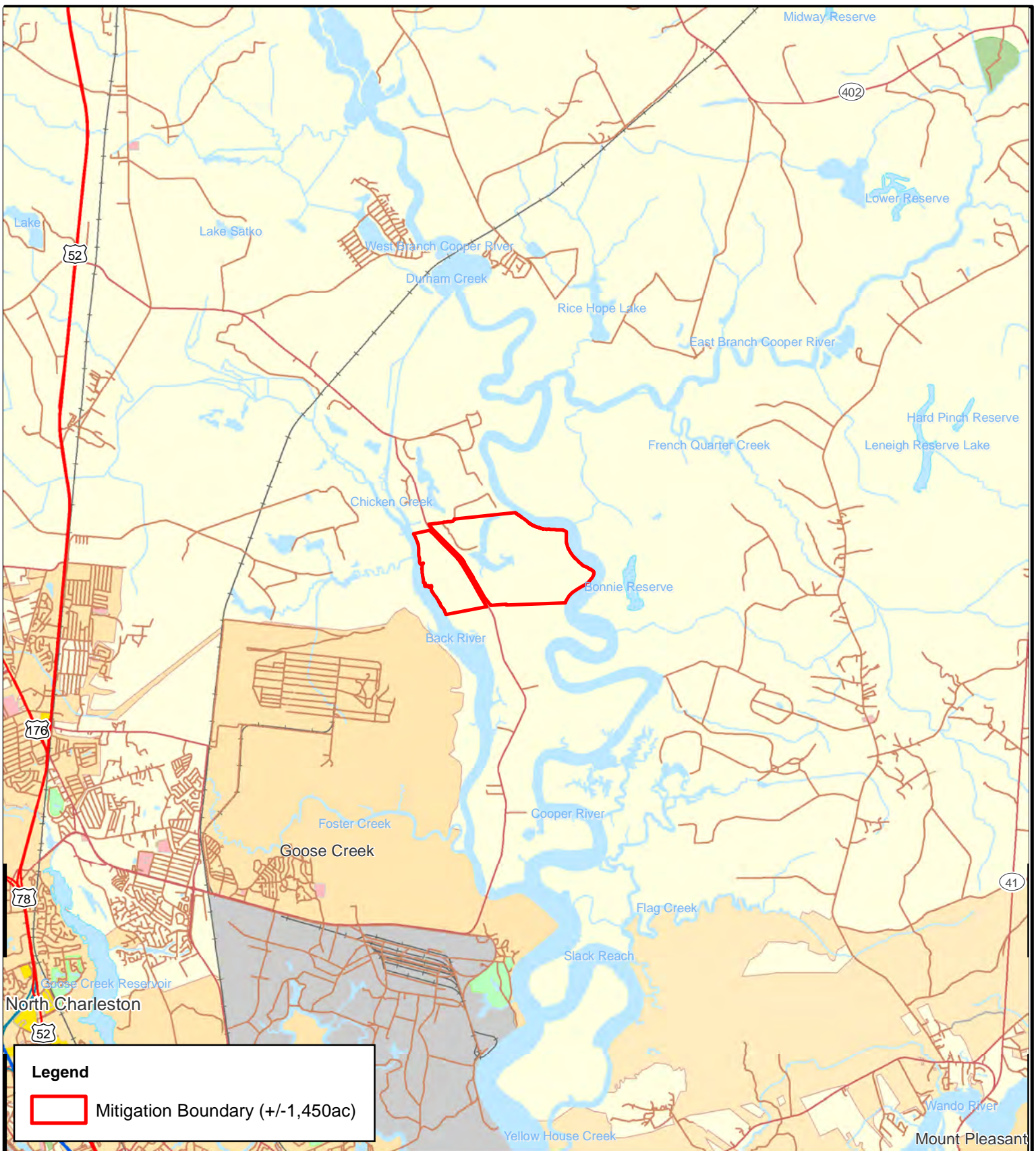
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403**

The Prospectus for the proposed mitigation bank is available for review upon request. If there are any questions concerning this public notice, please contact David B. Wilson at (843) 329-8026 or by email at David.B.Wilson@usace.army.mil.

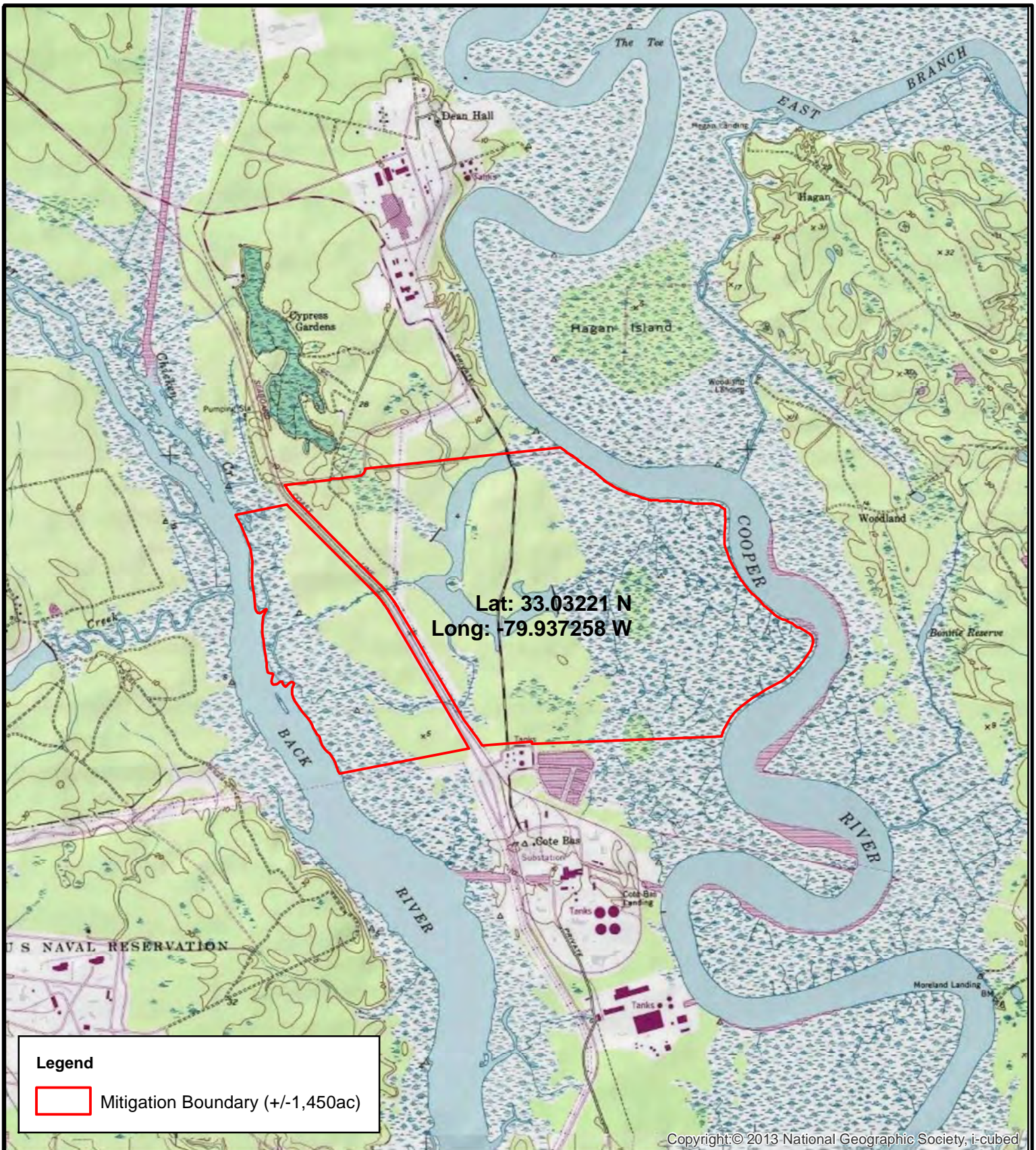


County Road Location Map
 Project #: 01-4059 Date: March 8 2021
 Created by: MDM



Cooper River Mitigation Bank Berkeley County, South Carolina





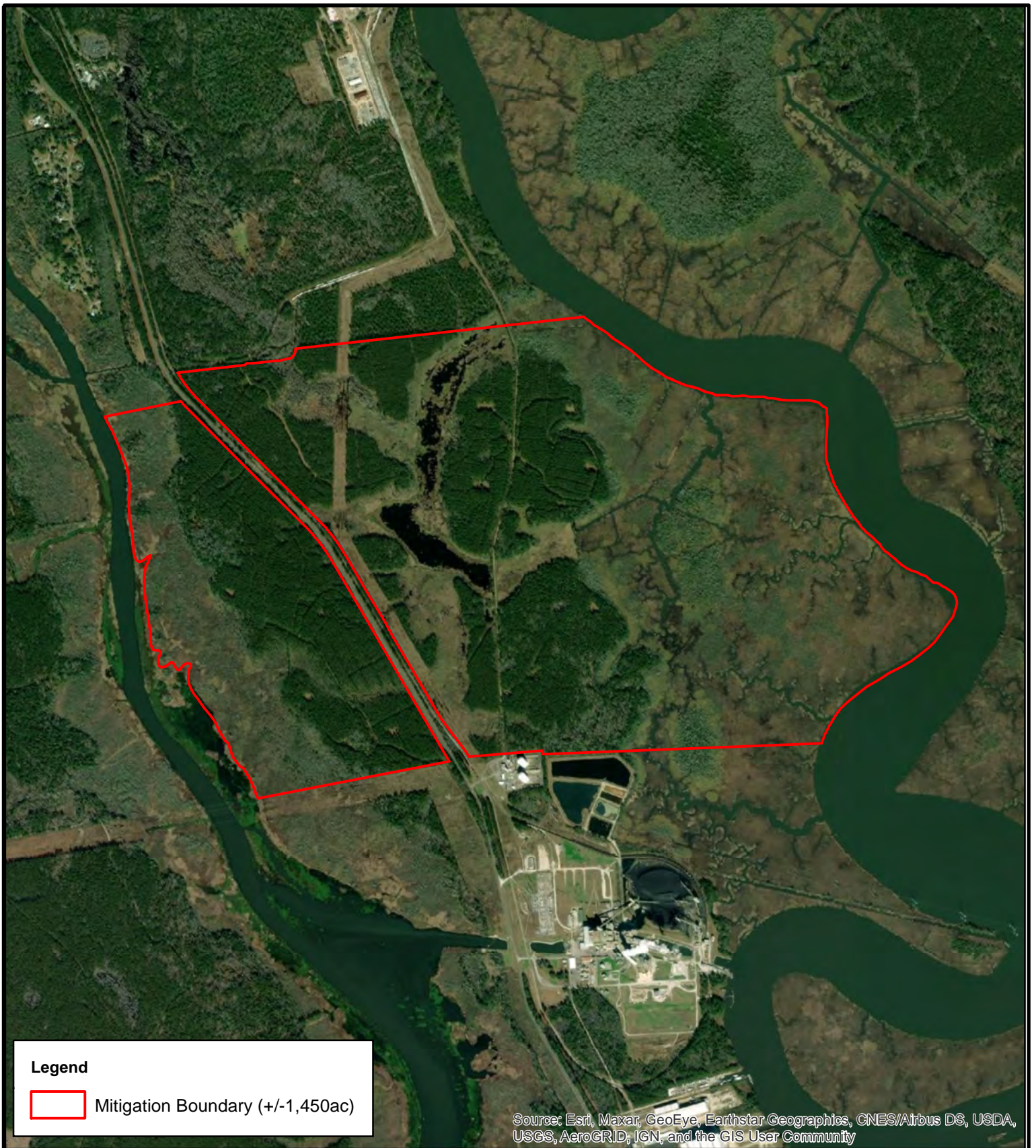
USGS Topographical Map
 Project #: 01-4059 Date: March 8 2021
 Created by: MDM




Cooper River Mitigation Bank Berkeley County, South Carolina



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Legend

 Mitigation Boundary (+/-1,450ac)

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

2018 Aerial Photograph

Project #: 01-4059 Date: March 8 2021

Created by: MDM



Cooper River Mitigation Bank Berkeley County, South Carolina





Legend

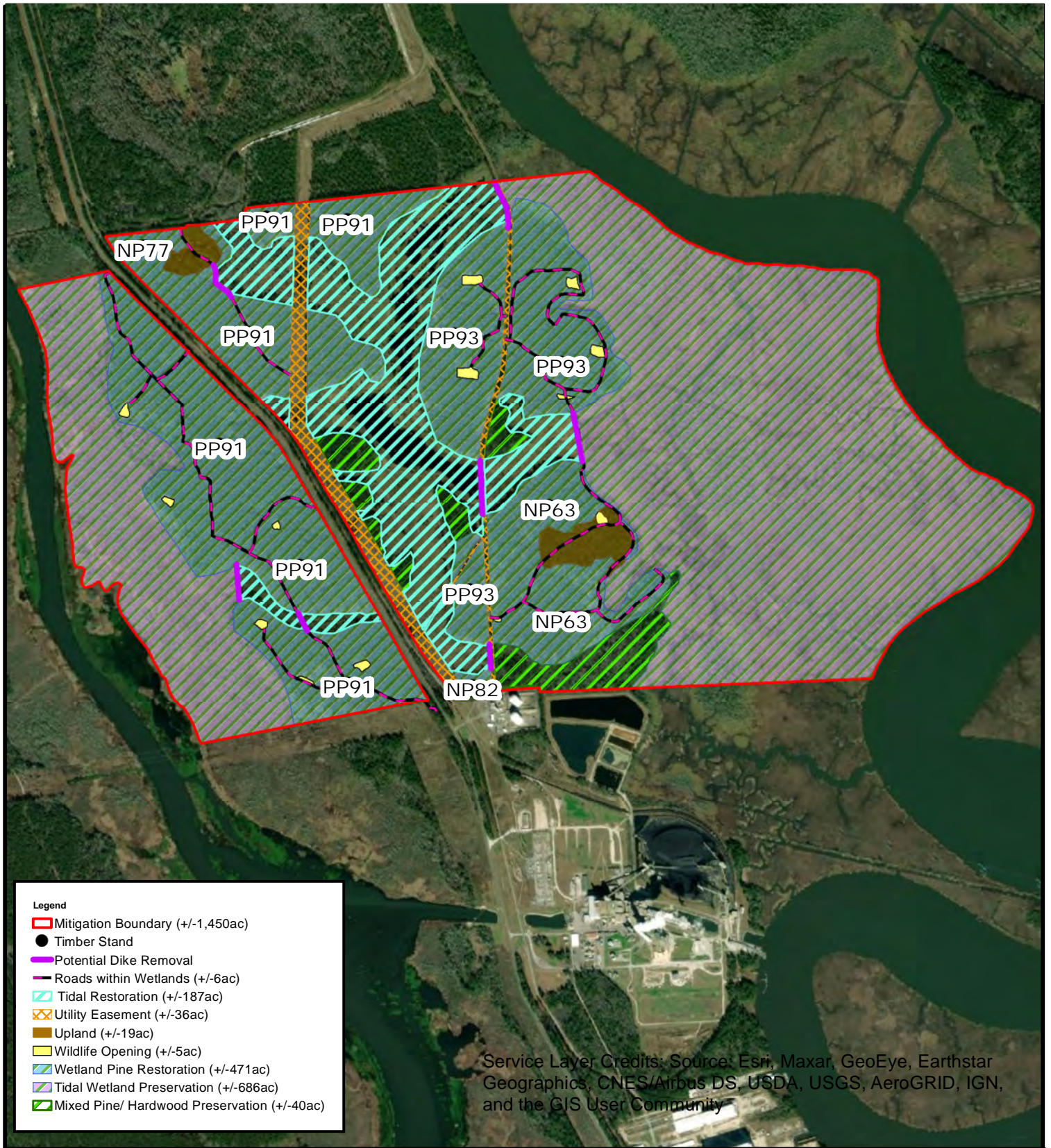
- Mitigation Boundary (+/-1,450ac)
- EPA Level III Ecoregions
- 8 Digit HUC
- Primary Service Area
- Secondary Service Area
- Tertiary Service Area

Watershed Service Area Map
 Project #: 01-4059 Date: March 8 2021
 Created by: MDM



Cooper River Mitigation Bank
 Berkeley County, South Carolina



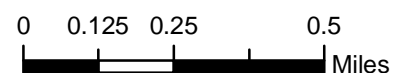


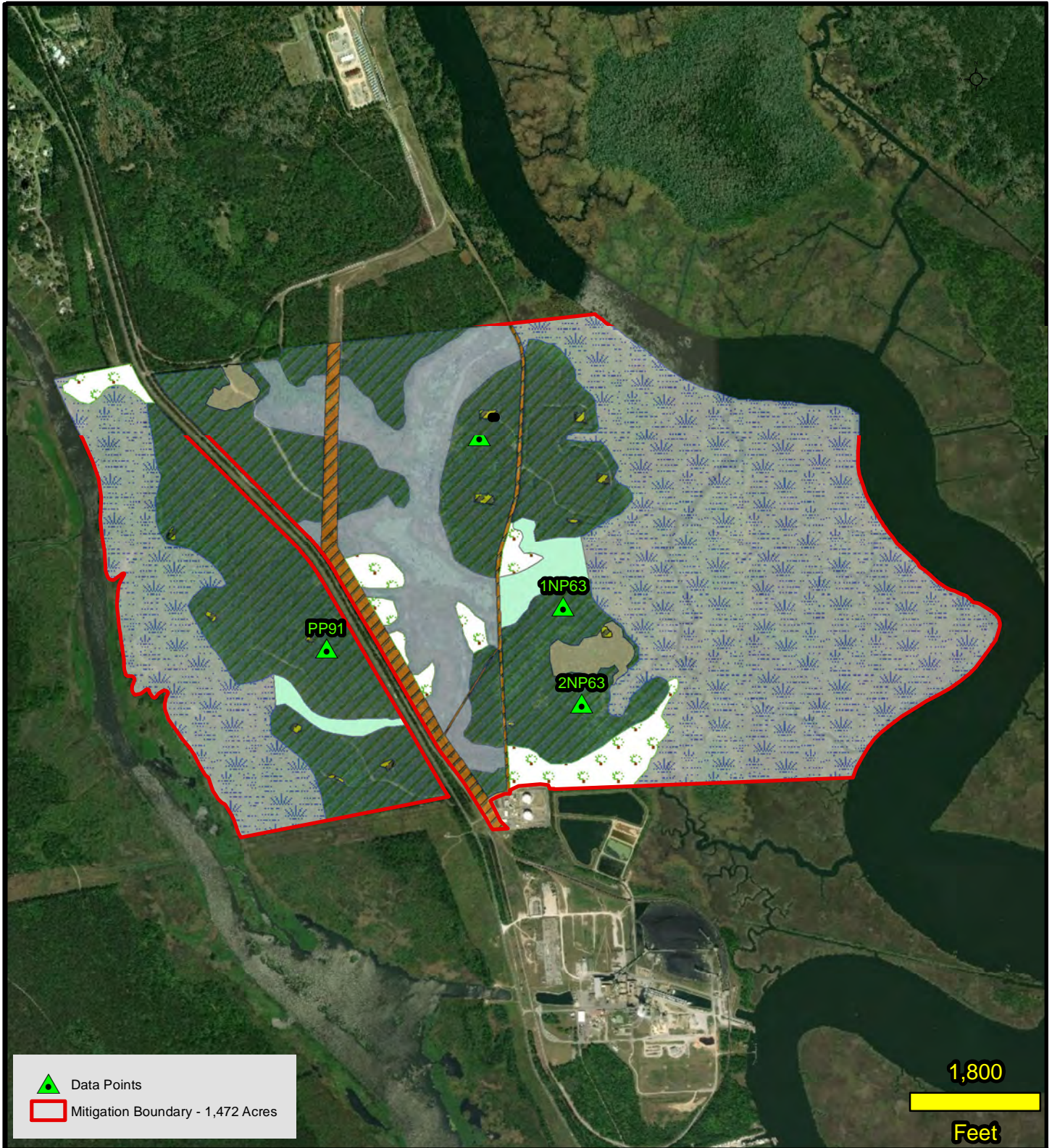
Timber Stand Map



Project #: 01-4059 Date: March 8 2021

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Cooper River Mitigation Bank Berkeley County, South Carolina





 Data Points
 Mitigation Boundary - 1,472 Acres



Wetland Data Point Map

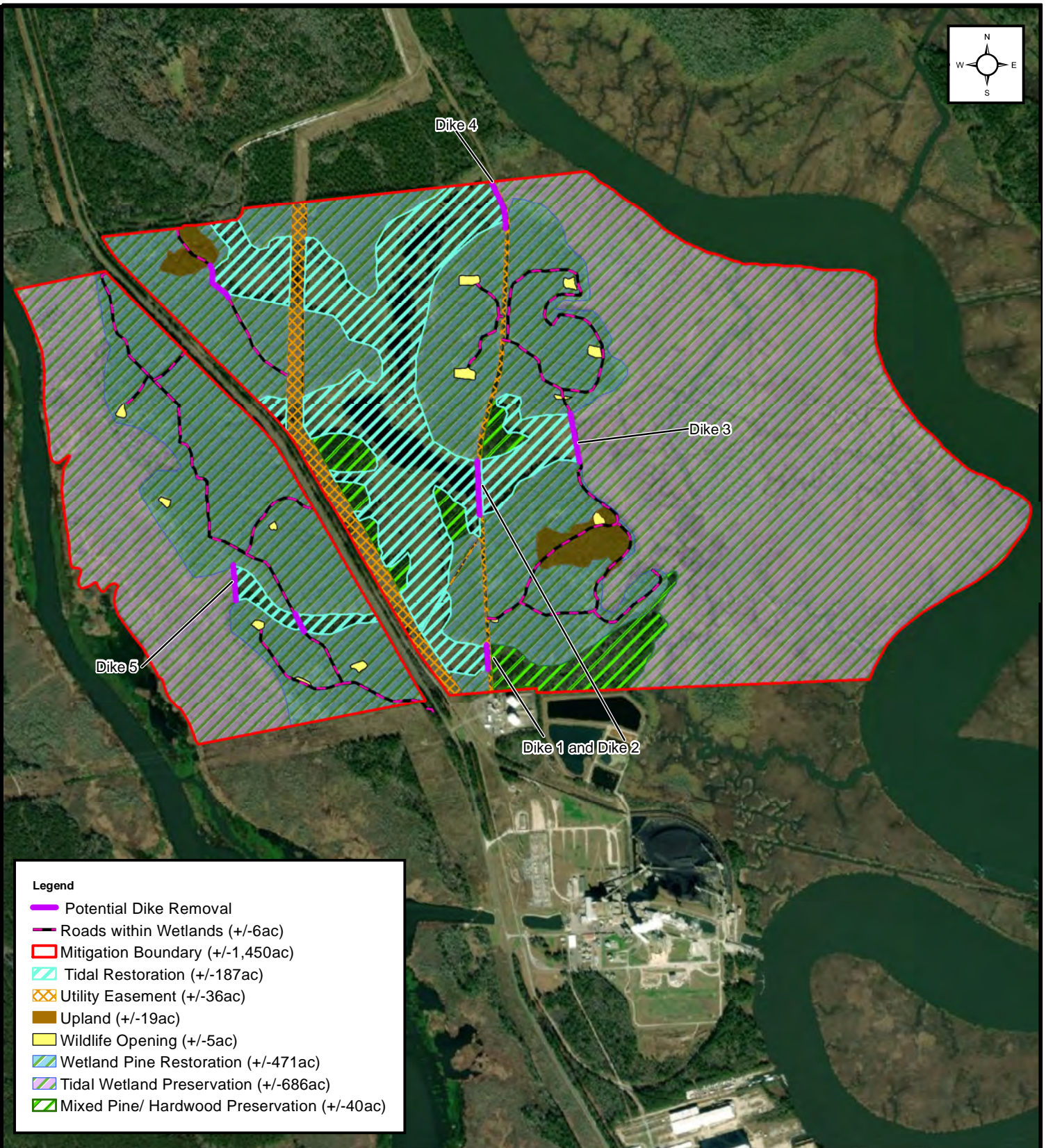
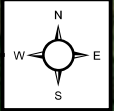
Project #: 01-4059 Date: August 2019

Created by: MDM



Cooper River Mitigation Site Berkeley County, South Carolina





Legend

-  Potential Dike Removal
-  Roads within Wetlands (+/-6ac)
-  Mitigation Boundary (+/-1,450ac)
-  Tidal Restoration (+/-187ac)
-  Utility Easement (+/-36ac)
-  Upland (+/-19ac)
-  Wildlife Opening (+/-5ac)
-  Wetland Pine Restoration (+/-471ac)
-  Tidal Wetland Preservation (+/-686ac)
-  Mixed Pine/ Hardwood Preservation (+/-40ac)

Dike Photograph Location Map

Project #: 01-4059 Date: March 8 2021

Created by: MDM

Cooper River Mitigation Bank Berkeley County, South Carolina

