



A G E N D A
OCONEE COUNTY
CONSERVATION BANK BOARD
December 10, 2019

9:00 AM

Oconee County Administrative Offices
Council Chambers, 415 South Pine Street, Walhalla, SC

1. Call to Order
2. Approval of Minutes
 - November 19, 2019 Meeting
3. Treasurer's Report *[handouts provided]*
 - Community First Bank**
 - November 2019
 - Local Government Investment Pool [State Pool]**
 - November 2019
4. Discussion Items *[to include Vote and/or Action on matters brought up for discussion, if required]*
 - Continued discussion regarding Alternate Funding Sources
 - Discussion and/or action regarding Estate of William C. Lyles
5. New Business
6. Old Business
7. Adjourn

[This agenda is not inclusive of all issues which the board may bring up for discussion at this meeting.]

There will not be any Public Comment session at this meeting.



OCONEE COUNTY
CONSERVATION BANK BOARD

415 South Pine Street
Walhalla, SC 29691
c/o Clerk to Council

Treasurer's Report

Community First Bank Account: *****183

Period Ending: November 30, 2019

DEPOSITS

Month Opening Balance \$15,180.00

EXPENDITURES

Expenditures \$0.00

BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE **\$15,180.00**

Report Submitted by:

Frank Ables

Oconee County Conservation Bank Board Treasurer



OCONEE COUNTY
CONSERVATION BANK BOARD

415 South Pine Street
Walhalla, SC 29691
c/o Clerk to Council

Treasurer's Report
Local Government Investment Pool

Period Ending: November 30, 2019

DEPOSITS

Month Opening Balance \$595,258.54

EXPENDITURES

Expenditures \$0
Reinvestments [Interest] \$940.93

BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE **\$596,199.47**

Report Submitted by:

Frank Ables
Oconee County Conservation Bank Board Treasurer



Oconee County Conservation Bank Application for Funding

Oconee County, South Carolina

Completed Application to be forwarded to:

Oconee County Conservation Bank Board
c/o Clerk to Council
Oconee County Administrative Offices
415 South Pine Street
Walhalla, SC 29691

or

via email to: ksmith@oconeesc.com

SECTION I

I. General Information:

Acquisition type: Fee Simple Conservation Easement

Landowner's Name Estate of William C. Lyles

Mailing Address: 118 Massey Road

Piedmont, SC 29673

Daytime Telephones (864) 650 - 0316

Eligible OCCB Recipient Seeking Funding
(See Oconee County Ordinance 2011-16, Section II, G)

Name of Organization Upstate Forever

Authorized Agent Name: Chris Starker

Mailing Address: 507 Pettigru Street

Greenville, SC 29601

Daytime Telephones (864) 2500-0500 (ext 15)

II. Property Information

Legal Description County: Oconee

Tax Map # 080 - 00 - 02 - 001

Assessor's Plat & Lot Numbers: MapPlatB A20 and MapPlatP 9

Deed Reference [Book & Page] 1979/272

Current Zoning Classification Unzoned/Control Free

Location on County Map (attach copy as **EXHIBIT A**)

Brief description of property including:

- | | |
|-------------------------|---|
| a. Total Acres | <u>155.56 acres</u> |
| b. Total Forested | <u>~108 acres</u> |
| c. Total Cleared / Open | <u>-48 acres</u> |
| d. Total Wetlands | <u>n/a</u> |
| e. Creeks and/or Rivers | <u>Approximately 1 mile of Whetstone Creek plus an additional 2,000 linear feet of headwater streams.</u> |

Please include any surveys, USGS maps, directions, county locator map, or any other pertinent information.

III. Miscellaneous Information:

Who is the Party responsible for managing the land?

Name Naturaland Trust

Address: PO Box 728, Greenville, SC 29602

Telephone Number (864) 387 - 6079

Who is responsible for enforcing any conservation easements or other restrictions on this property?

Name Upstate Forever

Address: 507 Pettigru Street, Greenville, SC 29601

Telephone Number (864) 250 - 0500

IV. Adjoining landowners.

Adjoining landowners must be notified of this grant request by Oconee County ordinance. Please attach an affidavit that all adjoining landowners have been notified.

Chris Starks

Signature of Eligible OCCB Recipient (Applicant)

October 30, 2019
Date

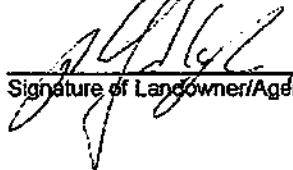
Section II

To be filled out by the landowner

1. Has the Eligible OCCB Recipient seeking funding notified you in writing:
(See Oconee County Ordinance 2011-16, Section VII)
- a. That interests in land purchased with trust funds result in a permanent conveyance of such interests from the landowner to the eligible trust fund.
 yes no
- b. That it may be in the landowner's best interests to retain independent legal counsel, appraisals, and other professional advice.
 yes no
2. Are there any existing liens, mortgages, or encumbrances that currently exist on this property?
 yes no If yes, please explain below:

Oconee County Conservation Bank—Landowner Inspection Consent Agreement

I, Philip D. Lyles, as the landowner or landowner's agent agree to allow inspection, or appraisal if necessary, of the property being presented to the OCCB Board for consideration. I agree to allow authorized or designated agent or staff to inspect this property as may be required. Reasonable notice of inspection will be given.

 P.D.
Signature of Landowner/Agent

10/31/19
Date

Section III

To be filled out by the Eligible OCCB Recipient seeking funding (Applicant)

Organization Name Upstate Forever

Address 507 Pettigru Street, Greenville, SC 29601

Daytime Telephones (864) 250 - 0500

Contact Person Chris Starker

Organization EIN Number: 57 - 10070433

NOTE: You are required to attach certification that this is a charitable not-for-profit corporation or trust authorized to do business in this state; whose principal activity is the acquisition and management of land for conservation or historic purposes and which has tax-exempt status as a public charity under the Internal Revenue Code of 1986 or Certification that the applicant is an otherwise qualified entity under Oconee County Ordinance 2011-16, Section II and Section VII.

How will you be able to complete the project and acquire the interests in the proposed lands?

Upstate Forever is working with Naturaland Trust, the SC Conservation Bank, and the Natural Resources Conservation Service to purchase the property in fee simple prior to placing it into a conservation easement.

How many total acres of lands or projects have you preserved in this State? In this County?

Upstate Forever currently holds 120 conservation easements in the Upstate totaling over 23,000 acres. 23 of those easements are in Oconee County and total almost 5,000 acres.

Briefly describe the lands your organization has preserved in this State, and then County, including their size, location and method of preservation. Note: this section need not be complied with for specific preserved lands if the privacy or proprietary interests of the owners of such preserved lands would be violated.)

Most of the protected properties are private lands managed for hunting or timber, but several are working farms, public recreation areas, or important habitat areas providing critical migration corridors or protecting rare, threatened, or endangered species, including over 100 miles of rivers and streams.

Has the Eligible OCCB Recipient notified the owner of the land that is the subject of the potential OCCB grant of the following in writing? (See Oconee County Ordinance 2011-16, Section VII)

a. That interests in land purchased with trust funds result in a permanent conveyance of such interests in land from the landowner to the eligible trust fund recipient or it assignees.

Yes

b. That it may be in the landowner's interest to retain independent legal counsel, appraisals and other professional advice.

Note: Applications not having affirmation that the notice requirement of this section has been met will not be considered for funding requests.

Does the Eligible OCCB Recipient or the landowner have a general summarized land management plan for this proposal? If so, please attach.

_____ yes X no

Explain how the Eligible OCCB Recipient intends to enforce the easement restrictions on this proposal, if a conservation easement is proposed. Attach additional sheet if necessary.

Upstate Forever is a nationally accredited land trust under the national Land Trust Alliance. We steward our inventory of easements on an annual basis according LTA standards. If there are unpermitted uses of the property either by the landowner or by outside parties, then corrective action is pursued as stated in the easement language and according to LTA guidelines. Further, Upstate Forever can apply to TerraFirma for legal remedy if litigation is required.

Does the Eligible OCCB Recipient agree that OCCB funds may only be used for the acquisition of interests in land including closing costs and not for management, planning, staffing, or any costs not associated with the purchase of interests in lands?

yes no

Does the Eligible OCCB Recipient have reasonable documentation to support this request? Please attach.

The proposal will not be considered without adequate substantiation of estimated Fair Market Value and a qualified and competent appraisal establishing fair market value and/or the value of the proposed easement will subsequently be required prior to closing.

(See Oconee County Ordinance 2011-16, Section VII,B,f)

yes no

What is the amount of support sought for this proposal?

\$ 66,100.00

Explain how this proposal will satisfy the Criteria listed in Sections Four and Five of the ensuing pages. (Please attach a narrative of what your intended plans are and how you plan to accomplish them.)

Chris Starker

Signature of Authorized Agent for Eligible OCCB Recipient (Applicant)

Katherine P. Hotel

Notary Signature

My commission expires: 10/29/2025



Section IV
Conservation Criteria
Oconee County Ordinance 2011-16, Section VI
Information to be considered in filling out the application

1. Does the property contain or adjoin wetlands? Yes No
If yes, please attach certification by USACOE or NRCS.
2. Does the property contain or adjoin a USGS Blue Line Stream or Lake?
Yes, approximately 1 mile of Whetstone Creek and 2,600 linear feet of a tributary stream. See map.
If yes, please provide USGS topographic map showing such stream or lake in relation to property.
3. Does the property contain or adjoin Water Classified as either (i) Outstanding Natural Resource Water (ii) Outstanding Resource Water or (iii) Trout Water, by South Carolina DHEC.
Yes, Whetstone Creek is classified by SCDHEC as Trout Natural. See DHEC Watershed description.
If yes, please provide evidence of such classification by SC DHEC.
4. Does the property currently contain threatened or endangered species or habitat suitable for threatened or endangered species?
If yes, please provide a certification by SC DNR, NRCS, USFS or other qualified professional providing evidence of such species existence on the property or of such habitat suitability. Property does not currently contain any documented RTE species but possesses habitat suitable for reoccupation of species. See USFWS IPaC Resource List.
5. Does the property currently contain native wildlife species or habitat suitable for native wildlife species? Yes, native plant and animal species typical of mixed pine-hardwood forests, riparian buffer zones, and agrarian pastures and fields found in this area.
If yes, please provide substantial evidence (e.g. Statement from a qualified agency or professional, etc.) of such species existence on the property of such habitat suitability.
6. Does the property currently contain special or concentrated biodiversity? No.
If yes, please provide substantial evidence (e.g. Statement from a qualified agency or professional, etc.) of such biodiversity on the property.
7. Does the property currently contain a unique geological feature, such as a mountain, rock outcropping, waterfall or other similar feature? No.
If yes, please provide substantial evidence (e.g. Statement from a qualified agency or professional, etc.) of such geological feature on the property.

8. Does the property share a boundary with other Protected Land? For purposes of this question, "Protected Land" includes any land or byway substantially protected from development or designated as scenic or protected through any federal, state, or local act.

(a) If yes, what percentage of a boundary is shared with such Protected Land?

1%-25%

26%-50%

Greater than 50%

(b) If yes, please describe the Protected Land and present a legible map showing such Protected Land in relation to the property.

Property shares approximately 1,000 linear feet of boundary with the Sumter National Forest. See map.

9. Does the property contain any of the following pre-historic or historic features or designations?

(a) Listing on the National Historic Register? If yes, please provide a letter or other evidence from the Department of the Interior demonstrating such listing.

(b) Eligible for listing on the National Historic Register? If yes, please provide a letter or other evidence from the SC State Historic Preservation Office demonstrating such eligibility.

(c) Contains historic or pre-historic structures? If yes, please provide evidence in the form of photographs and statement of a qualified agency or professional describing the structure(s) on the property.

(d) Contains a site of historic or pre-historic significance? If yes, please provide evidence in the form of photographs and statement of a qualified agency or professional describing the site(s) on the property.

10. The Ecochee settlement of the Cherokee Indians was once located on the property near Whetstone Creek. Does the property contain fifty percent (50%) or greater surface area of soils classified as Prime or Important by the State of South Carolina?

Approximately 40% of the soils on the property are classified as Prime or important by the State of SC.

(a) If yes, what percentage of the property contains soils classified as Prime or important by the State of South Carolina?

50%-60%

61%-75%

Greater than 75 %

(b) If yes, please provide a legible soil overlay map showing such Prime or Important soil types upon the property.

11. Has the property been Actively Farmed as defined under one of the following qualifications?

Landowner has farm records established with USDA Service Center Agencies, but may not have filed Schedule F.

- (a) The landowner has filed IRS Form Schedule F in the previous two tax years? If yes, please provide evidence of such tax filings and a notarized statement affirming that such farming activities pertained to the property referred to in this application;
- (b) The landowner has filed IRS Form Schedule F in seven of the last ten years? If yes, please provide evidence of such tax filings and a notarized statement affirming that such farming activities pertained to the property referred to in this application; or
- (c) The landowner can produce documentation demonstrating that the landowner has produced significant agricultural products in Oconee County in the last two years? If yes, please provide such documentation and a notarized statement affirming that such farming activities pertained to the property referred to in this application.

12. Does the property allow public viewing: There is not an established pull-out or viewing station but views to the south and east are available from Rocky Gap Road. See map and photos.

- (a) ...from a Federal, State or County maintained road? If yes, please provide documentation describing precise location of point along a Federal, State or County Road where property is visible. Include a photograph taken from this point.
- (b) ...from any other public access land or waterway? If yes, please provide documentation describing precise location of point along such public access land or waterway where property is visible. Include a photograph taken from this point.

13. Does the property provide a Scenic View to the public or help maintain the Scenic Nature of an area in the County? For purposes of this question, a Scenic View includes mountain, river, lake, forest, pasture, agricultural and other pastoral views which are viewable by the public from a public roadway or other publically accessible area.

The property preserves scenic view along Rocky Gap Road. See map and photos.

If yes, please provide photograph evidence to support the Scenic View, a description of the Scenic View and a description of the specific locations with map references from which the public may observe the Scenic View.

14. Does the proposal for the conservation project on the Property allow...

- (a) ...Limited Access by the public to the property? For purposes of this question, Limited Access means any access which is less than access on a year round and continual basis, but allows access by the public for some limited time or seasonal period(s). There is potential for public outdoor recreation including hiking, cycling, horseback riding, and inclusion in WMA program.

If yes, please provide documentation supporting such Limited Access, including any formal agreements with agencies or groups authorized to use the property, a description of the use(s) permitted and the times or seasons when the property will be accessible by the public.

(b) ... Unlimited Access by the public to the property? For purposes of this question, Unlimited Access means any access which provides the public access to the property on a year round and continual basis and, additionally, requires that such access is (or will be) communicated to the public.

If yes, please provide documentation supporting such Unlimited Access, including any formal agreements with agencies or groups authorized to use the property, a description of the use(s) permitted and the times or seasons when the property will be accessible by the public. In addition, please provide evidence that the Unlimited Access is (or will be) reasonably communicated to Oconee County citizens.

15. Is the property located in any one or more of the following locations? If yes, for each such location please provide an aerial map and supporting documentation which demonstrates such location in relation to the relevant municipality or other land.

The Property is adjacent to and shares a border with the Sumter national Forest.

- (a) Is the property located within or adjacent to land of the United States Forest Service, a South Carolina State Forest, a State Park, a County Park or a Park of Municipality located in Oconee County, South Carolina?
- (b) Is the property located within 1 mile of a municipality?
- (c) Is the property located from 2-5 miles of a municipality?
- (d) Is the property located greater than 5 miles from a municipality?

The Property is at least 14 miles from Walhalla.

16. What is the approximate size (in acres) of the property? Please provide documentation to support the stated acreage, including survey(s), tax information, deeds or other similar documentation.

According to oconee County online property records, the Property is 155.56 acres.

Section V - Financial Criteria
Oconee County Ordinance 2011-16 Section VI
Information to be considered in filling out the application

1. (a) What is the Total Market Value of the proposed conservation project? \$661,000
(Total Market Value for a fee simple project is the total fair market value of the property as supported by a current appraisal. Total Market Value for a conservation easement project is the value of the conservation easement as determined under the methods prescribed in IRS Treasury Regulations 1.170A-14(h) as supported by a current appraisal.)

(b) What is the amount of the grant requested from the OCCB? \$66,100

Based on the figures above, what is the total percentage of funding requested for the project from the OCCB. (Divide Sum (b) by Sum (a) to Find Percentage)? 10%

2. Please list and describe any other grants, contributions or gifts from any non-governmental agencies, groups, entities or individuals which will support the proposed conservation project?
Upstate Forever will contribute \$170,000 through the NRCS Agricultural Conservation Easement Program plus \$20,000 through the Pete & Sally Smith Foundation to cover due diligence fees. Naturaland Trust will provide an additional \$85,000 through the SC Conservation Bank.

For any listed grant, contribution or gift, please provide evidence or a written pledge of such support from the relevant non-governmental party.

3. How does the proposal present a unique value opportunity in that it protects land at a reasonable cost? Parcel:

 is available at a low cost per acre

 X is available from a willing seller at a reasonable price

4. How does the proposal leverage OCCB funds by including funding or in-kind assets or services from other governmental sources? Funding from the OCCB will provide needed matching funds required for other grant programs, including the NRCS ACEP program and the SCCB, a combined \$275,000 value. Have matching funds of any kind or services-in-kind been applied for or received?

Please explain and described the in-kind services or amount of financial support applied for or r received. Please also provide written documentation to support such application or receipt of such support.

5. Please describe any other financial advantage of the proposed conservation project which helps ensure that the project represents a good use of limited OCCB funds and/or provides a good return on investment for the citizens of Oconee County?

Please explain any other such financial advantage and provide documentation to support your answer to this question.

At a ratio of 1:4, the \$661,000 contribution from the OCCB for this project not only protects 155 acres of prime farmland and forest, but also helps ensure better water quality in the Chattooga River Watershed.

Whetstone Creek Preserve The Estate of William C. Lyles

Upstate Forever and Naturaland Trust are working with the Estate of William C. Lyles to protect 155.56 acres of farm and forest land on Whetstone Creek, a tributary of the Chattooga National Wild and Scenic River and a key parcel in the agricultural community with approximately 40% prime soils. While the property is currently on the market, the Estate includes conservation-minded members who are willing to work with the conservation community while we work to secure funding to purchase the property. With the support of the SC Conservation Bank, the Oconee County Conservation Bank, and additional assistance through NRCS's Agricultural Conservation Easement Program, and the Pete and Sally Smith Foundation, this this multi-pronged partnership will leverage several funding sources to sufficiently secure a fee-simple purchase.

The resulting protected property will accomplish many goals. First, the Whetstone Creek Preserve was recently designated a conservation priority by the US Forest Service in the Sumter National Forest, which will provide future access to the Chattooga River Corridor while facilitating better forest management practices. Second, protection of this tract will help eliminate a major source of pollution into the Chattooga River Watershed by reducing sediment, turbidity, bacteria, and nutrients from entering the Creek from overland storm water runoff. Third, approximately 40% of the property possesses prime soils or soils of statewide importance, thereby protecting the potential to continue agricultural production and its contribution to the local agricultural community. Finally, the Ecochee settlement of the Eastern Band of the Cherokee was likely once located on the property near Whetstone Creek. Although no archaeological surveys have been conducted yet, protecting this property will allow for future exploration of the Cherokee relationship to the area.

The Whetstone Creek Preserve is located in the Mountain Rest community of Oconee County near the County/State boundary and within the Chattooga River Watershed. The Preserve contains or abuts approximately one mile of Whetstone Creek and an additional 2,000 linear feet of headwater streams, all of which drain to the Chattooga River. About 2/3 of the property is forested with the remaining cleared and used for pasture or cropland.

The Whetstone Creek sub-watershed produces the largest amount of input to the Chattooga River, both in terms of flow and pollution. For nearly 20 years Whetstone Creek has been listed on the State's 303d list of impaired waters due to aquatic life and biological impairments. This



Protecting Land & Water | Advocacy | Balanced Growth

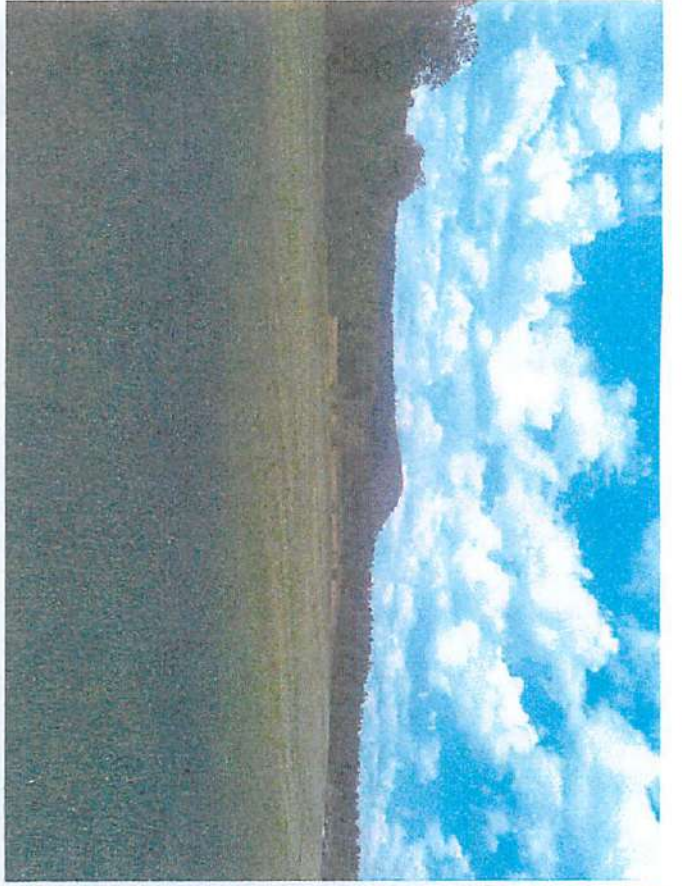
project will help alleviate some of the pressures to watershed health stemming from land management practices by removing cattle from the streams and re-establishing healthy riparian buffers.

In addition, the Whetstone Creek Preserve is adjacent to the Sumter National Forest, sharing about 1,000 linear feet of property boundary. In a recent inventory of land prioritized for conservation, the USFS identified several parcels for protection based on many criteria. These identified lands all improve water quality, benefit both native species and some rare, threatened, or endangered species, improve recreational opportunities, and help the USFS better manage their lands by removing key inholdings.

Funding from the Oconee County Conservation Bank will be placed in escrow with funds provided by the SC Conservation Bank and the USDA's Agricultural Conservation Easement program (ACEP), which will be used by Naturaland Trust to purchase the property and place it into a conservation easement held by Upstate Forever. At a ratio of 1:4, the contribution from the OCCB represents a significant opportunity to leverage available funding to protecting important land resources in Oconee County.

While the full market value of the property was appraised at \$661,000, the value of the conservation easement is estimated at \$340,000. Upstate Forever is currently the only non-profit organization in SC enrolled in the Natural Resources Conservation Service's Regional Conservation Partnership Program, which allows us to provide supplemental funding to qualified projects through the Agricultural Conservation Easement Program, and would support the acquisition with 50% of the *easement* value only, or \$170,000. Naturaland Trust has applied to and been approved for a grant from the SC Conservation Bank, which will contribute additional funding. However, we need the OCCB to help cover the shortfall by contributing 10% of the conservation value for this project, which is \$66,100. In addition, Upstate Forever has secured an additional \$20,000 of funding to help cover the cost of due diligence and the stewardship endowment for the conservation easement.


Once the easement is in place and ownership is transferred to Naturaland Trust, the Trust will remove any access for animals getting into Whetstone, increase riparian buffers, and continue leasing the farmland for hay production or a sustainable low impact farmer. Eventually, they will also make the forested section available to hikers who visit Sumter National Forest.













Overview



Legend

-  Parcels
-  Parcel Numbers
-  Landhook
-  Roads
-  Lakes
-  Streams and River

Parcel ID	080-00-02-001	Alternate ID	4239	Owner Address	LYLES WILLIAM C 118 MASSEY RD PIEDMONT, SC 29673	Last 2 Sales		Reason	Qual
Sec/Twp/Rng	n/a	Class	Unclassified			Date	Price	Other Not Valid	U
Property Address	RD	Acreage	155.56			7/9/1988	0	Valid Arms-length sale tran	U
District	004								
Brief	MapPlatB A20 MapPlatP 9								
Tax Description	LYLES EST								
	<i>(Note: Not to be used on legal documents)</i>								

Date created: 4/8/2019
Last Data Uploaded: 4/8/2019 1:07:08 AM

Developed by  Schneider GEOSPATIAL



Parcel Information

Parcel ID 080-00-02-001
 Tax ID 4239
 Neighborhood CHATTOOGA TWP
 Property Address Rocky Gap Rd
 Legal Description MapPlatB A20 MapPlatP 9 LYLES EST
 (Note: Not to be used on legal documents)
 Acreage 155.56
 Class Unclassified Farm
 Tax District/Area 004
 Legal Residence No

[View Map](#)

Owner Information

Primary Owner
 Lyles William C
 118 Massey Rd
 Piedmont, SC 29673

Land Information

Land Type	Soil ID	Actual Front	Acreage	Effect. Front	Effect. Depth	Prod Factor	Depth Factor	Meas Sq Ft
75 AG LAND 20.0001 AND UP AC			154.560			1.00	1.00	6,732,634
71 AGRICULTURAL HOMESITE			1.000			1.00	1.00	43,560

Valuation Record

Assessment Year		12/31/2016	12/31/2013	12/31/2010	12/31/2010	12/31/2010
Reason for Change		2015 REVAL	AG.APPROVED	Reval	Reval	Reval
VALUATION	Land	\$473,680	\$488,680	\$488,680	\$488,680	\$488,680
(Taxable Market Value)	Improvements	\$0	\$0	\$0	\$0	\$0
	Total	\$473,680	\$488,680	\$488,680	\$488,680	\$488,680

Sales Information

Sale Date	Sale Price	Deed Book / Page	Grantor	Grantee
8/9/2013	\$0	1979 / 272	LYLES WILLIAM C & ELIZABETH S	LYLES WILLIAM C
7/9/1988	\$0	542 / 233	LYLES WILLIAM C & ELIZABETH S	LYLES WILLIAM C & ELIZABETH S

Recent Sales In Area

From:

To:

1500

Feet ▼

Generate Owner List by Radius

Distance:

100

Feet

Show address of: Owner Property

Download format:

Address labels (5160)

Additional mailing label options:

Show parcel id on label

Skip labels:

0

No data available for the following modules: Residential Dwellings, Improvements, Sketches.



Last Data Upload: 4/8/2019, 1:07:08 AM

Version 2.2.10

079-00-01-013
HOLCOMB FRED E
175 HOLCOMBE DR
MOUNTAIN REST, SC 29664

080-00-01-001
BRYSON FAMILY OF HIGHLANDS LLC
555 N 5TH ST
HIGHLANDS, NC 28741

080-00-02-001
LYLES WILLIAM C
118 MASSEY RD
PIEDMONT, SC 29673

080-00-02-004
BRYSON FAMILY OF HIGHLANDS LLC
555 N 5TH ST
HIGHLANDS, NC 28741

091-00-02-001
MOXLEY CHARLES A
10200 HIGHLANDS HIGHWAY
MOUNTAIN REST, SC 29664

091-00-02-010
RAMEY ROBERT L JR & BETTY RAMEY F
107 JAMLETTE DR
WALHALLA, SC 29691

091-00-02-014
MASSEY RONALD
891 ROCKY GAP FARM RD
MOUNTAIN REST, SC 29664

091-00-02-018
NULL CHRISTIANE & MATTHEW B COCHF
850 ROCKY GAP FARM RD
MOUNTAIN REST, SC 29664

343-00-01-002
U S A % DEPT OF AGRICULTURE
1371 PEACHTREE NE SUITE 600
ATLANTA, GA 30319

Affidavit

I hereby attest and affirm as follows:

1. I am the Land Conservation Manager of Upstate Forever, the eligible recipient and applicant for a grant for the Oconee County Conservation Bank to acquire a conservation easement on the tracts described in the application submitted herewith.
2. I have delivered written notification of the application to the owners of all properties that adjoin the tracts that are the subject to the application.
3. I have delivered written notification of the application to the owner of the property subject to the application and notified the landowner:
 - a. that interests in land purchased with trust funds results in a permanent conveyance of such interests in land from the landowner to the eligible trust fund recipient or its assignees, and
 - b. it may be in the landowner's interest to retain independent legal counsel, appraisals and other professional advice.

Chris Starker
Chris Starker

Sworn to before me this 31 day of October, 2019

Notary Signature: Katherine P. Hottel
Notary Public for South Carolina

My commission expires: 10/29/2025



Official Zoning Map

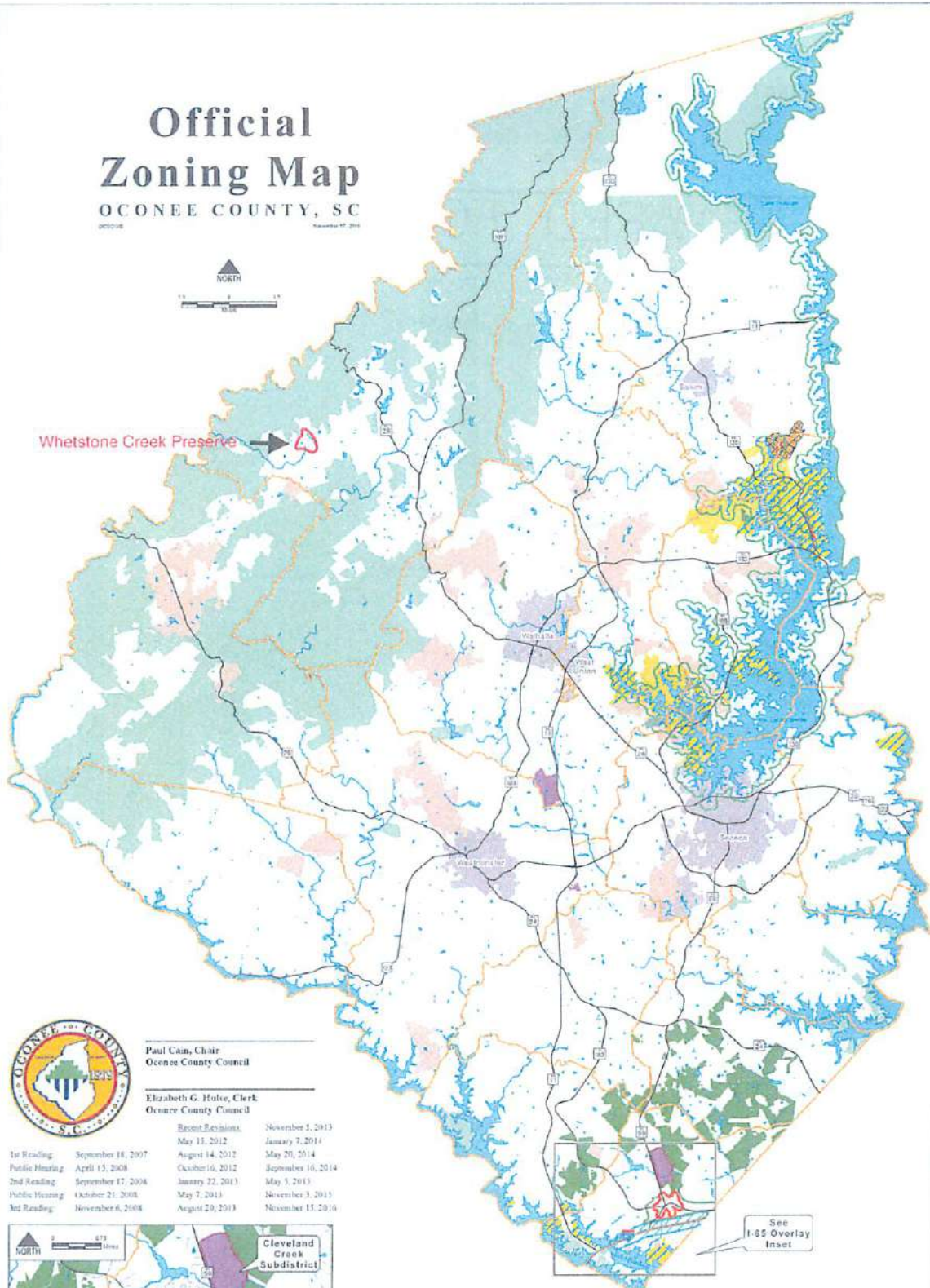
OCONEE COUNTY, SC

08/20/08

November 07, 2008



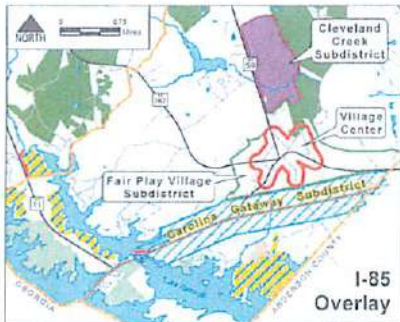
Whetstone Creek Preserve



Paul Cain, Chair
Oconee County Council

Elizabeth G. Hulst, Clerk
Oconee County Council

Recent Decisions		November 2, 2013
1st Reading	September 18, 2007	January 7, 2014
Public Hearing	April 13, 2008	May 20, 2014
2nd Reading	September 17, 2008	September 16, 2014
Public Hearing	October 21, 2008	May 5, 2015
3rd Reading	November 6, 2008	November 3, 2015
		August 20, 2013



I-85
Overlay

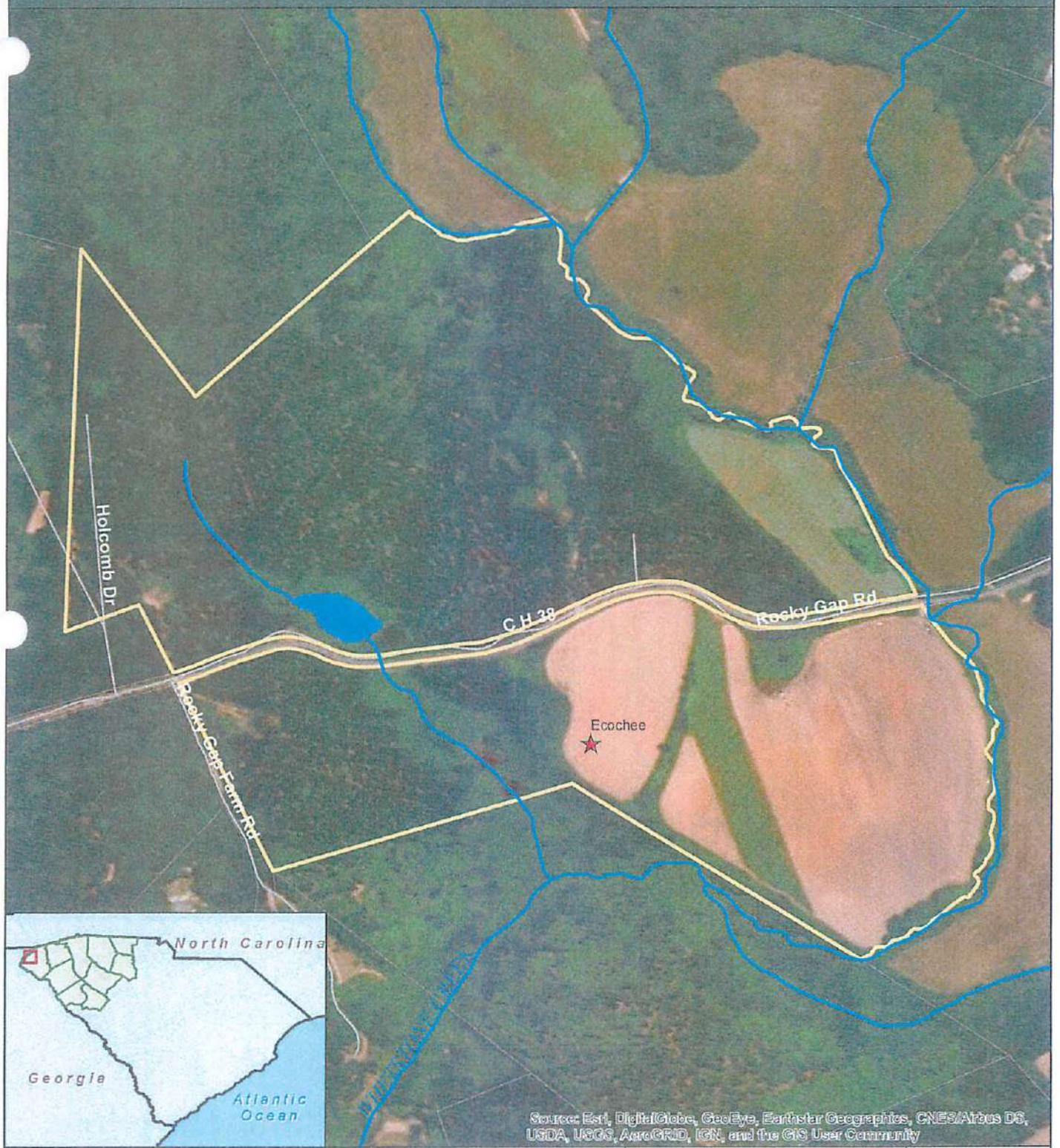
LEGEND

BASE ZONING DISTRICTS			
	Agricultural		Industrial
	Agricultural Residential		Lake Residential
	Community Commercial		Mixed Use
	Highway Commercial		Conservation
	Planned Development		Public & Recreational Lands
	Residential		Rural Residential
	Traditional Rural		

I-85 OVERLAY		OTHER	
	Carolina Gateway		Cleveland Creek
	Fair Play Village		Village Center
	Major Road		Municipality
	Planning District		Kanawha-Locuston Overlay

See I-85 Overlay Inset

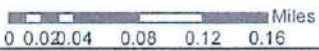
Lyles Farm (Whetstone Creek Preserve)



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

Legend

-  Conservation Easement Boundary
-  Cherokee Village Site

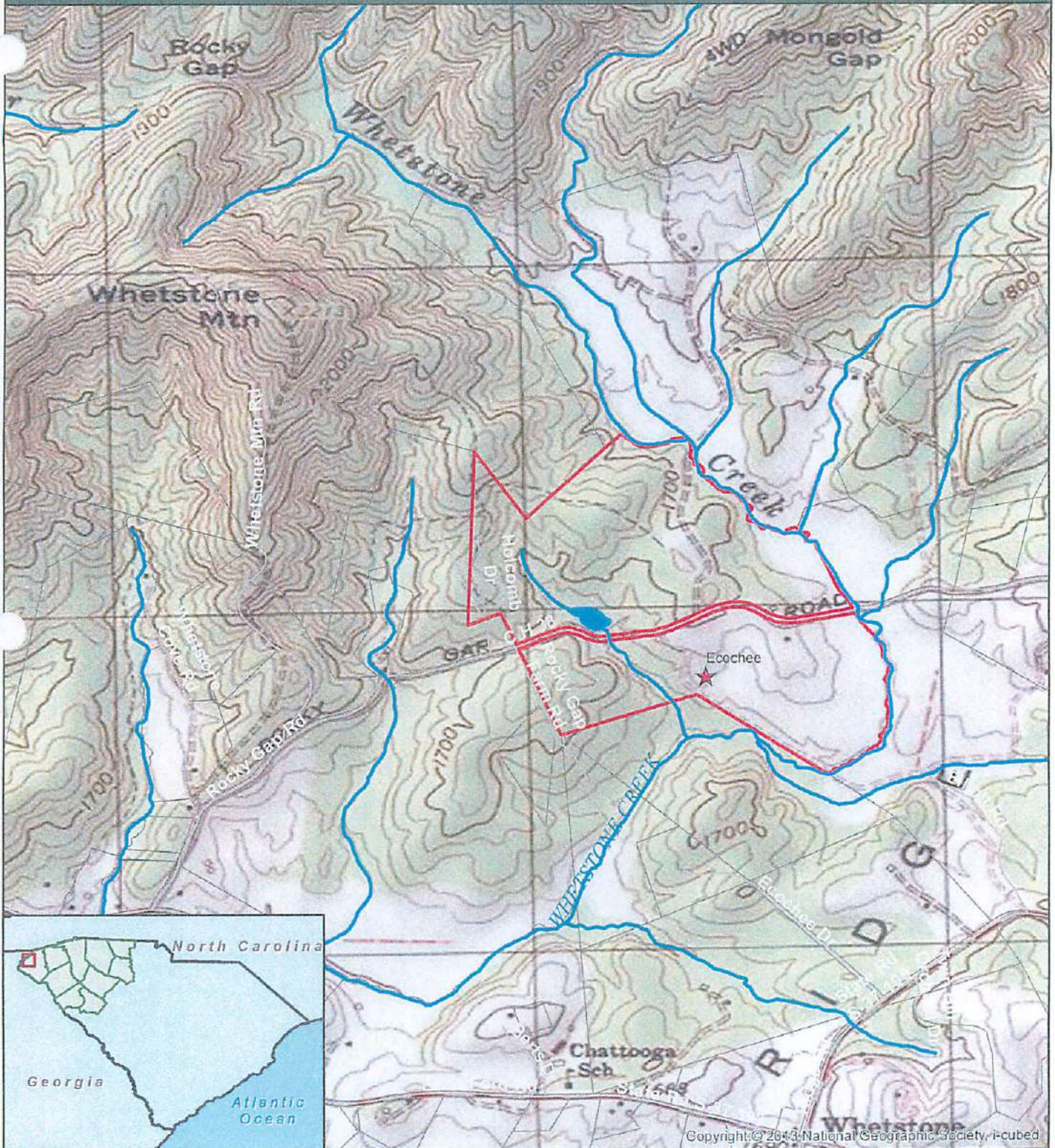


DISCLAIMER:
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CBS 8 April 2019





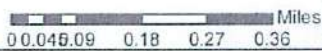
Lyles Farm (Whetstone Creek Preserve)



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Legend

-  Conservation Easement Boundary
-  Cherokee Village Site

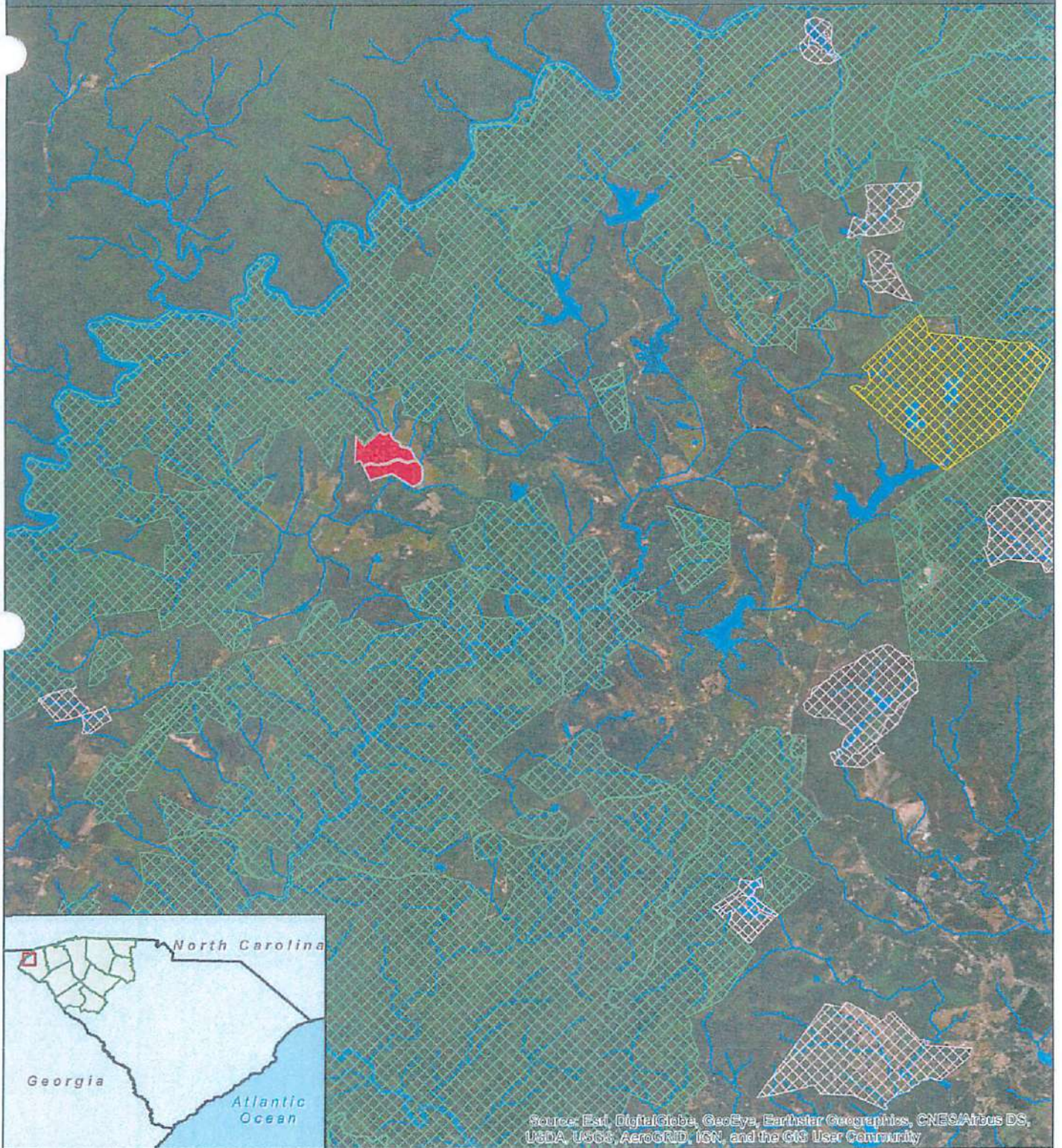


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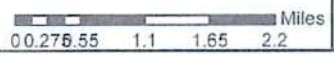
Lyles Farm (Whetstone Creek Preserve)



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

Legend

-  UF Conservation Easements
-  SC PRT
-  US Forest Service
-  Lyles - Whetstone Creek Preserve

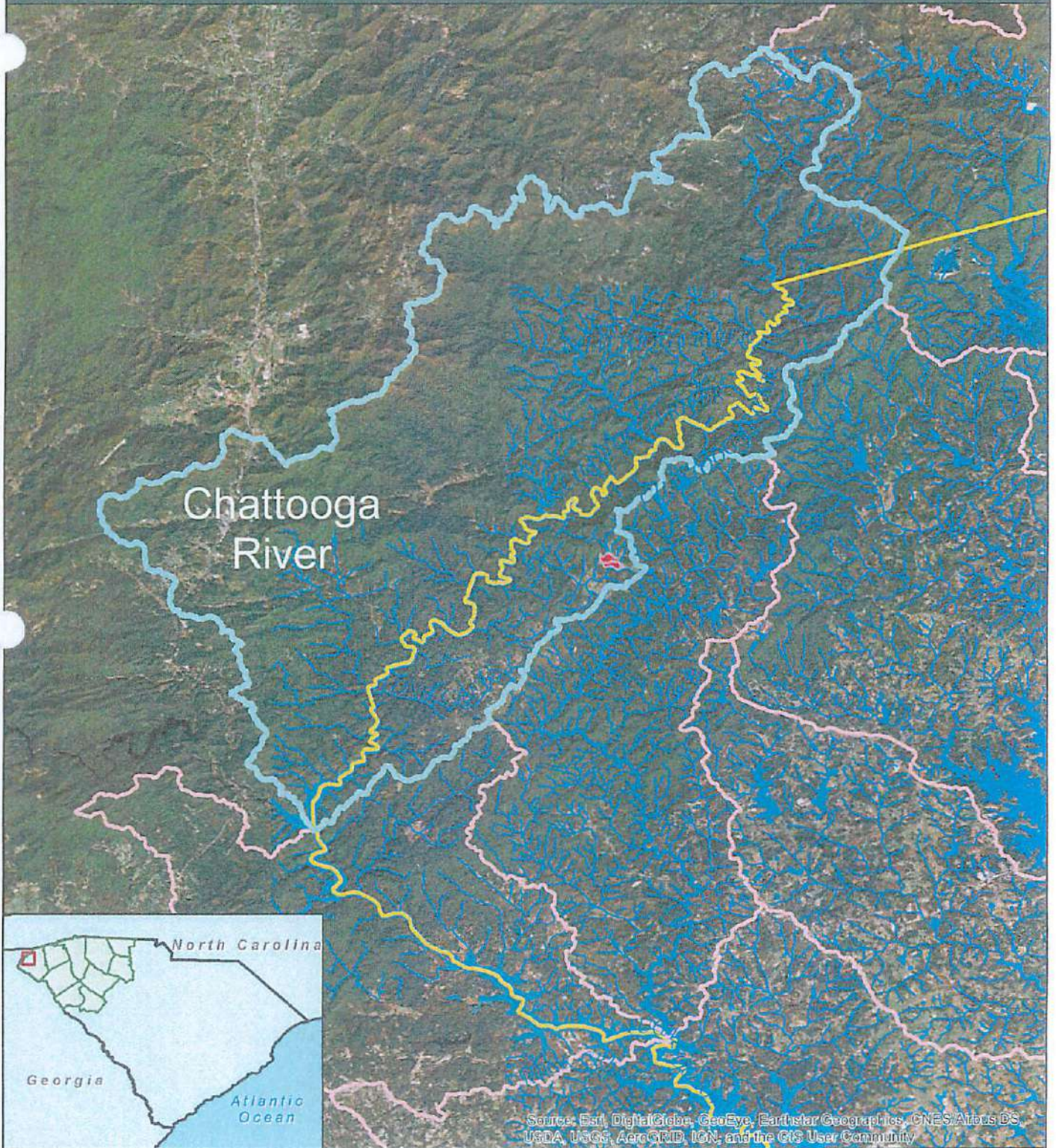


DISCLAIMER:
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CBS 8 April 2019



Lyles Farm (Whetstone Creek Preserve)



Legend

-  Chattooga River Watershed
-  Conservation Easement
-  HUC-10 Watersheds
-  State_of_SC



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03060102-02
(Chattooga River)

General Description

Watershed 03060102-02 consists primarily of the Chattooga River and its tributaries from its origin to its confluence with the Tallulah River* at the Tugaloo Dam. The South Carolina portion of watershed 03060102-02 (formerly 03060102-010 and a portion of 03060102-060) is located in Oconee County and resides in the Blue Ridge physiographic region. The Chattooga River watershed extends into North Carolina and Georgia. There are 178,648 acres in the entire watershed; 143,750 acres or 80.5% are outside of South Carolina. Land use/land cover in the South Carolina portion of the watershed includes: 87.6% forested land, 2.5% urban land, 8.9% agricultural land, 0.7% water, and 0.3% forested wetland (swamp). A map depicting this watershed is found in Appendix A, page A-30.

The Chattooga River flows across the North Carolina/South Carolina border in the northwest corner of South Carolina, flowing between the states of South Carolina and Georgia. Streams flowing into the river from the Georgia side are connoted with an asterisk. Flowing out of North Carolina, the river accepts drainage from Bad Creek, East Fork Chattooga River (Dark Branch, Jacks Creek, Slatten Branch, Indian Camp Branch), Harden Creek*, King Creek, Lick Log Creek (Thrift Lake, Pigpen Branch), Ira Branch, Reed Creek*, West Fork*, Holden Branch*, Adline Branch*, Bynum Branch*, and Laurel Branch*. Further downstream, Moss Mill Creek enters the river followed by Warwomen Creek*, Dicks Creek*, Whetstone Creek (Tyler Branch, Swaford Branch, Harts Branch), Rock Creek*, Buckeye Branch*, Lick Long Creek*, and Turpin Branch. Fall Creek (Fall Creek, North Fork Fall Creek, Stump Branch) enters the river next followed by Tilly Branch, Pole Creek*, Reedy Branch, Stekoa Creek*, Cliff Creek*, Long Creek, Pinckney Branch, Daniel Creek*, Camp Creek*, Fishtrap Branch, and Opossum Creek (Sawhead Branch, Shoulder Bone Branch, Camp Branch). The Chattooga River then flows through Lake Tugaloo accepting drainage from Devils Branch, Bad Creek*, and Worse Creek* before merging with the Tallulah River* to form the Tugaloo River. There are a total of 570.6 stream miles and 629.3 acres of lake waters within the extended watershed.

The Chattooga River and its tributaries from the North Carolina line to Opossum Creek are classified ORW with the following exceptions: the portion of East Fork Chattooga River from its confluence with Indian Camp Branch to the Chattooga River is classified TN, Whetstone Creek and Swaford Branch are classified TN, Lick Log Creek from Thrift Lake to its headwaters is classified FW, and Turpin Branch, Fall Creek, Tilly Branch, Reedy Branch, Long Creek, Pinckney Branch, Fishtrap Branch, and Opossum Creek are classified FW. The Chattooga River and its tributaries from Opossum Creek to the Tugaloo River are classified FW. Lake Tugaloo is classified TPGT. The Sumter National Forest extends across the entire watershed.

Surface Water Quality

<u>Station #</u>	<u>Type</u>	<u>Class</u>	<u>Description</u>
SV-308	W/BIO	ORW	EAST FORK CHATTOOGA RIVER AT SC 107, 2 MI S OF STATE LINE
SV-792	BIO	ORW	EAST FORK CHATTOOGA RIVER 300 MI DOWNSTREAM OF HATCHERY OUTFALL
SV-227	INT	ORW	CHATTOOGA RIVER AT SC 28, 3.5 MI NW MT REST
SV-199	W	ORW	CHATTOOGA RIVER AT US 76
SV-359	W	TPGT	LAKE TUGALOO, FOREBAY EQUIDISTANT FROM SPILLWAY AND SHORELINE

East Fork Chattooga River – There are two monitoring stations along the East Fork Chattooga River. Although there were pH excursions at the upstream site (*SV-308*), aquatic life uses are fully supported based on macroinvertebrate community data. There is a significant increasing trend in five-day biochemical oxygen demand. Recreational uses are fully supported at this site. At the downstream site (*SV-792*), aquatic life uses are fully supported based on macroinvertebrate community data.

Chattooga River – There are two monitoring stations along the Chattooga River. Significant decreasing trends in turbidity and total phosphorus concentration at both sites suggest improving conditions for these parameters. Aquatic life and recreational uses are fully supported at the upstream site (*SV-227*); however, there are significant increasing trends in five-day biochemical oxygen demand, total nitrogen concentration, and fecal coliform bacteria concentration. Although pH excursions occurred, they were considered natural, not standards violations. Aquatic life and recreational uses are also fully supported at the downstream site (*SV-199*); however, there is a significant increasing trend in five-day biochemical oxygen demand.

Lake Tugalo (SV-359) - Aquatic life uses are partially supported due to pH excursions. There are also significant increasing trends in five-day biochemical oxygen demand and total nitrogen concentration. There is a significant decreasing trend in pH. Recreational uses are fully supported.

A fish consumption advisory has been issued by the Department for mercury and includes Lake Tugalo within this watershed (see advisory p. 38).

NPDES Program

Active NPDES Facilities

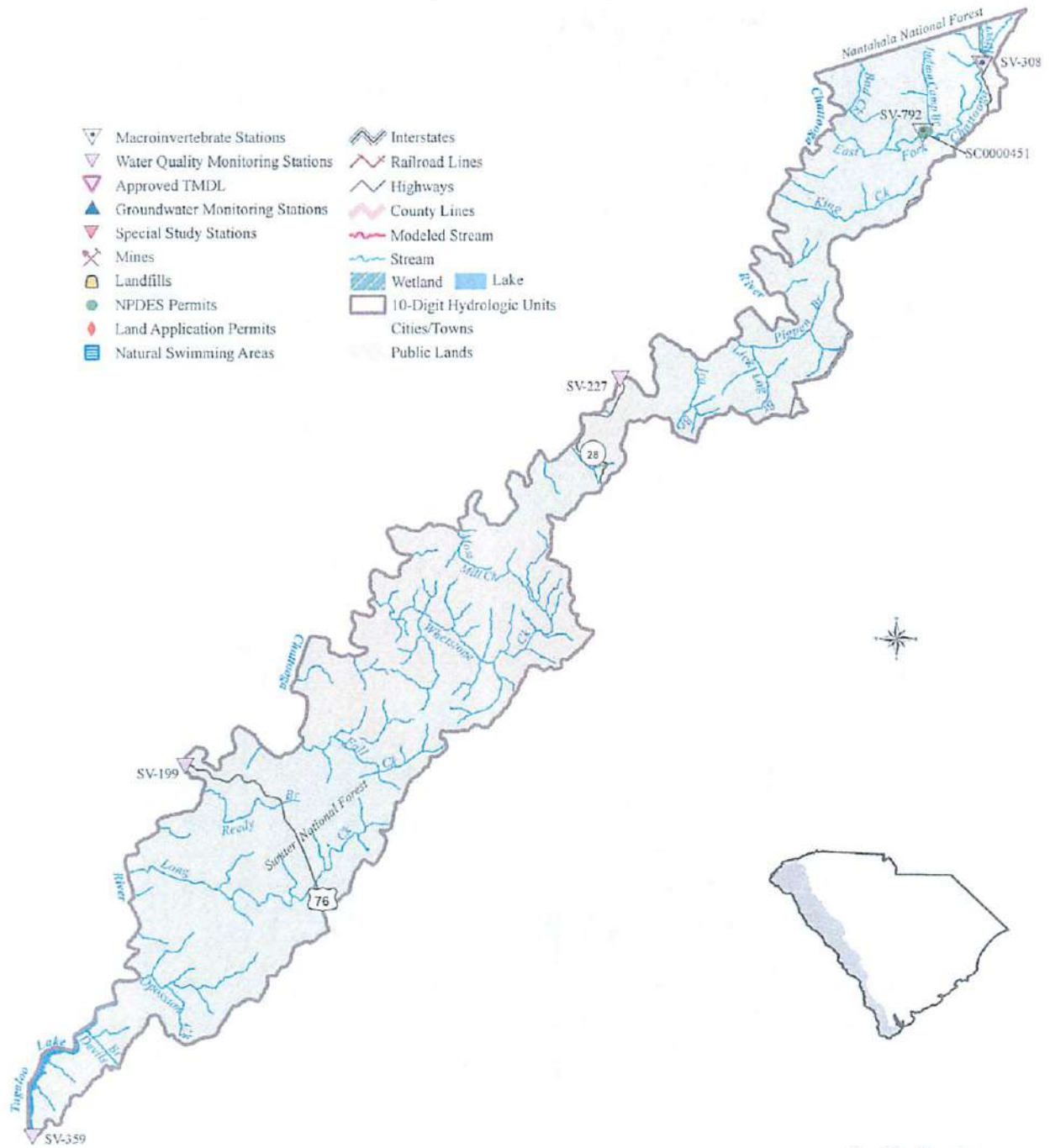
<i>RECEIVING STREAM FACILITY NAME</i>	<i>NPDES# TYPE</i>
EAST FORK CHATTOOGA RIVER SCDNR/WALHALLA FISH HATCHERY	SC0000451 MINOR INDUSTRIAL

Growth Potential

There is a low potential for growth in this watershed, which resides entirely within the Sumter National Forest. The steep slopes of this region would limit establishment of infrastructure and any serious growth.

Chattooga River Watershed

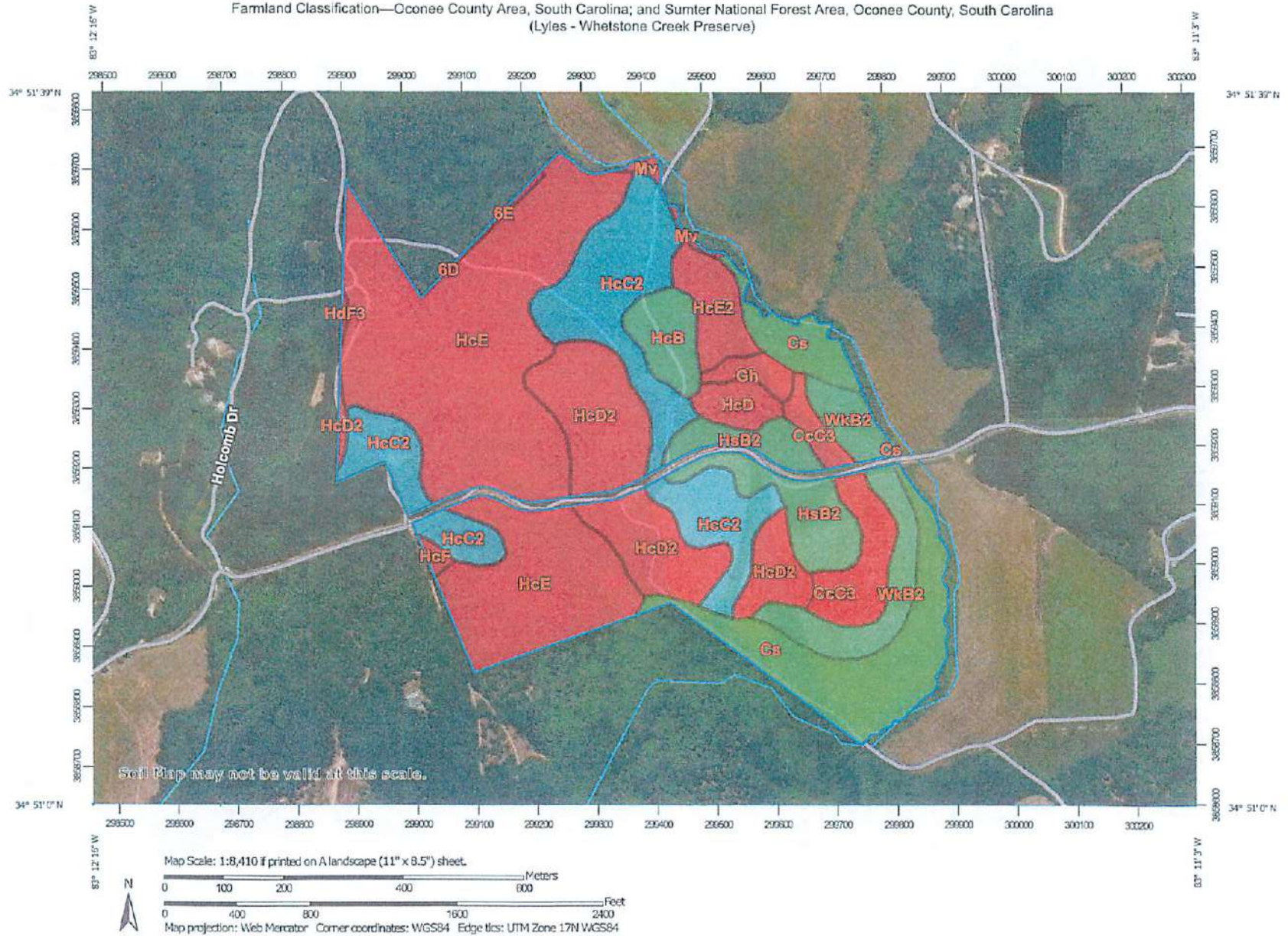
(03060102-02)



- | | |
|-------------------------------------|-----------------------------|
| ▽ Macroinvertebrate Stations | ⚡ Interstates |
| ▽ Water Quality Monitoring Stations | ✂ Railroad Lines |
| ▽ Approved TMDL | ⚡ Highways |
| ▲ Groundwater Monitoring Stations | ⚡ County Lines |
| ▽ Special Study Stations | ⚡ Modeled Stream |
| ⚡ Mines | ⚡ Stream |
| 🗑 Landfills | 🌿 Wetland |
| ● NPDES Permits | 🟦 Lake |
| 🔴 Land Application Permits | ⬜ 10-Digit Hydrologic Units |
| 🏠 Natural Swimming Areas | ⬜ Cities/Towns |
| | ⬜ Public Lands |







Farmland Classification—Oconee County Area, South Carolina; and Sumter National Forest Area, Oconee County, South Carolina
(Lyles - Whetstone Creek Preserve)



Farmland Classification—Oconee County Area, South Carolina; and Sumter National Forest Area, Oconee County, South Carolina
(Lyles - Whetstone Creek Preserve)



Farmland Classification—Oconee County Area, South Carolina; and Sumter National Forest Area, Oconee County, South Carolina
(Lyles - Whelstone Creek Preserve)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season		Not rated or not available		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Soil Rating Points		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough				Farmland of statewide importance
	Farmland of statewide importance, if drained		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed				Farmland of statewide importance, if drained
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season				Farmland of local importance				Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
	Farmland of statewide importance, if irrigated				Farmland of local importance, if irrigated				Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
									Farmland of statewide importance, if irrigated
									Farmland of statewide importance, if irrigated
									Farmland of statewide importance, if irrigated
									Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—Oconee County Area, South Carolina; and Sumter National Forest Area, Oconee County, South Carolina
(Lyles - Whetstone Creek Preserve)

<ul style="list-style-type: none"> Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated and drained Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 	<ul style="list-style-type: none"> Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough Farmland of statewide importance, if thawed Farmland of local importance Farmland of local importance, if irrigated 	<ul style="list-style-type: none"> Farmland of unique importance Not rated or not available <p>Water Features</p> <ul style="list-style-type: none"> Streams and Canals <p>Transportation</p> <ul style="list-style-type: none"> Rails Interstate Highways US Routes Major Roads Local Roads <p>Background</p> <ul style="list-style-type: none"> Aerial Photography 	<p>The soil surveys that comprise your AOI were mapped at scales ranging from 1:20,000 to 1:24,000.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> </div> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Oconee County Area, South Carolina Survey Area Data: Version 18, Sep 15, 2018</p> <p>Soil Survey Area: Sumter National Forest Area, Oconee County, South Carolina Survey Area Data: Version 14, Sep 15, 2018</p> <p>Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Jun 7, 2016—Mar 15, 2017</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>
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Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CcC3	Cecil clay loam, 6 to 10 percent slopes, severely eroded	Not prime farmland	6.8	4.5%
Cs	Congaree silt loam	Prime farmland if protected from flooding or not frequently flooded during the growing season	16.7	11.2%
Gh	Gullied land, hilly	Not prime farmland	1.6	1.1%
HcB	Hayesville and Cecil fine sandy loams, 2 to 6 percent slopes	All areas are prime farmland	4.0	2.6%
HcC2	Hayesville and Cecil fine sandy loams, 6 to 10 percent slopes, eroded	Farmland of statewide importance	24.5	16.3%
HcD	Hayesville and Cecil fine sandy loams, 10 to 15 percent slopes	Not prime farmland	2.4	1.6%
HcD2	Hayesville and Cecil fine sandy loams, 10 to 15 percent slopes, eroded	Not prime farmland	18.9	12.6%
HcE	Hayesville and Cecil fine sandy loams, 15 to 25 percent slopes	Not prime farmland	52.0	34.7%
HcE2	Hayesville and Cecil fine sandy loams, 15 to 25 percent slopes, eroded	Not prime farmland	4.2	2.8%
HcF	Hayesville and Cecil fine sandy loams, 25 to 45 percent slopes	Not prime farmland	0.5	0.3%
HdF3	Hayesville and Cecil loams, 15 to 45 percent slopes, severely eroded	Not prime farmland	0.2	0.1%
HsB2	Hiwassee sandy loam, 2 to 6 percent slopes, eroded	All areas are prime farmland	8.7	5.8%
Mv	Riverview-Chewacla complex, 0 to 2 percent slopes, frequently flooded	Not prime farmland	0.6	0.4%
WkB2	Wickham sandy loam, 2 to 6 percent slopes, eroded	All areas are prime farmland	8.7	5.8%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Subtotals for Soil Survey Area			149.7	99.8%
Totals for Area of Interest			150.0	100.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
6D	Evard fine sandy loam, 15 to 25 percent slopes	Not prime farmland	0.0	0.0%
6E	Evard fine sandy loam, 25 to 50 percent slopes	Not prime farmland	0.3	0.2%
Subtotals for Soil Survey Area			0.3	0.2%
Totals for Area of Interest			150.0	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

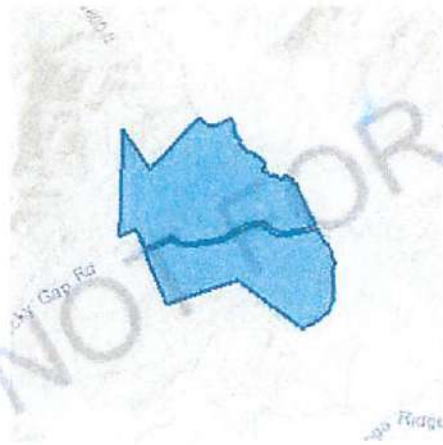
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Oconee County, South Carolina



Local office

South Carolina Ecological Services

☎ (843) 727-4707

📠 (843) 727-4218

176 Croghan Spur Road, Suite 200
Charleston, SC 29407-7558

<http://www.fws.gov/charleston/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Northern Long-eared Bat *Myotis septentrionalis* Threatened
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/9045>

Flowering Plants

NAME	STATUS
Persistent Trillium <i>Trillium persistens</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3583	Endangered
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1890	Threatened
Smooth Coneflower <i>Echinacea laevigata</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3473	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/>

[conservation-measures.php](#)

- Nationwide conservation measures for birds
<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Prairie Warbler *Dendroica discolor*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Jul 31

Red-headed Woodpecker *Melanerpes erythrocephalus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Sep 10

Wood Thrush *Hylocichla mustelina*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Aug 31

Yellow-bellied Sapsucker *sphyrapicus varius*

Breeds May 10 to Jul 15

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
<https://ecos.fws.gov/ecp/species/8792>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

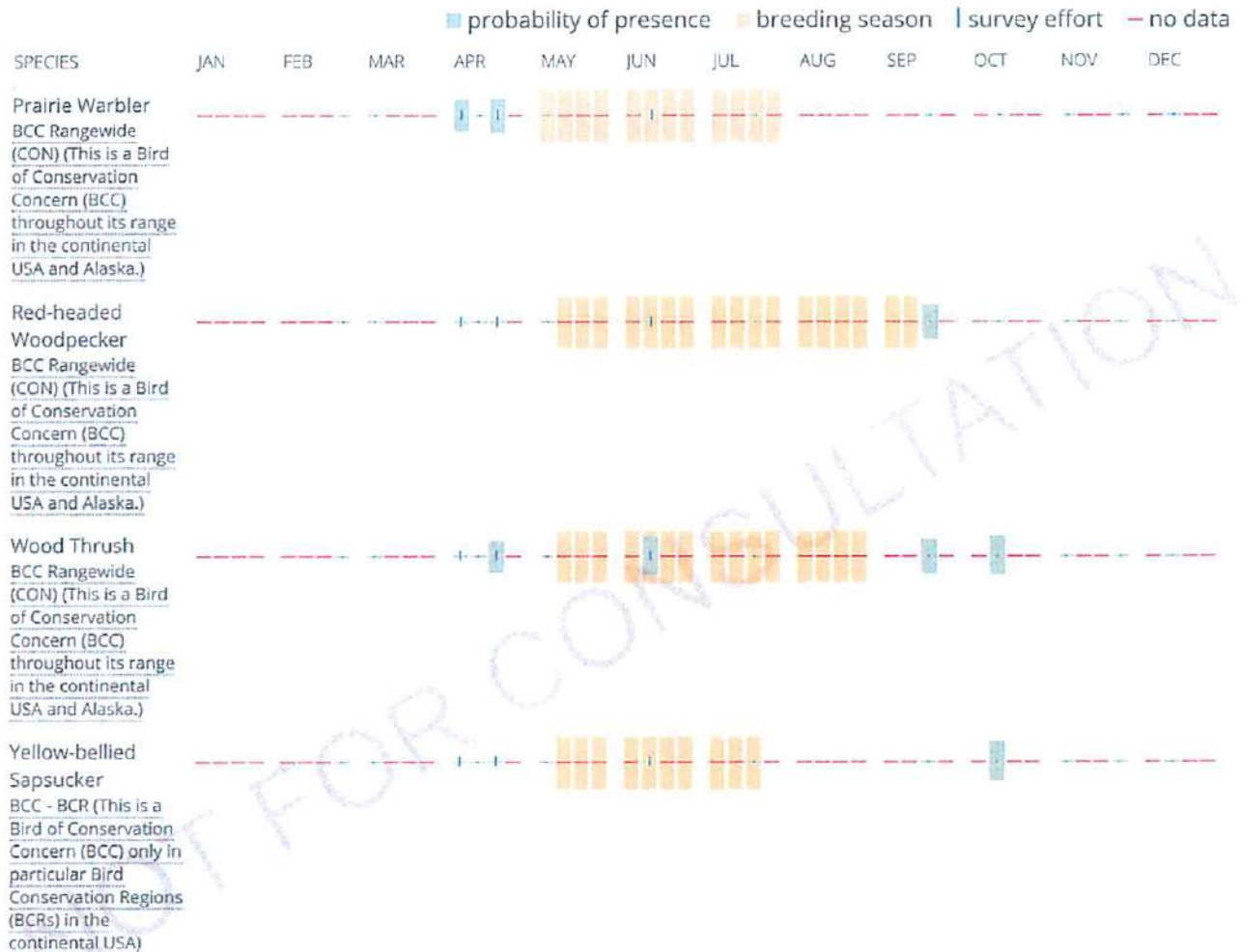
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

[PSS1A](#)

FRESHWATER POND

[PUBHh](#)

RIVERINE

[R3UBH](#)

[R4SBC](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this

inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

① IRS Det. Lett-

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 13 2003

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GREENVILLE, SC 29602-0000

Employer Identification Number:
57-1070433
DLN:
17053088824083
Contact Person:
GARY L BOTKINS ID# 31463
Contact Telephone Number:
(877) 829-5500
Our Letter Dated:
December 1998
Addendum Applies:
no

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

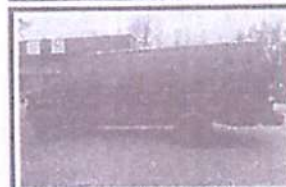
You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Letter 1050 (00/06)



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LEGAL NOTICES

LEGALS

NOTICE

THE OCONEE CONSERVATION Bank Board meetings scheduled for 9am on August 13, 2019 & October 8, 2019 have been CANCELLED and RESCHEDULED to add the following dates: August 27, 2019, September 17, 2019, November 19, 2019, December 10, 2019, & February 11, 2020.
All meetings begin at 9am in Council Chambers located at 415 South Pine Street, Walhalla, SC 29691.

NOTICE

THE OCONEE COUNTY Law Enforcement, Public Safety, Health & Welfare Committee meeting scheduled for 4pm, Tuesday, June 18, 2019 has been CANCELLED.

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RENTALS & More

Harris Place, Pendleton.....	2BR/2.5BA Fireplace, Townhouse.....	\$900
Cedarwood, Clemson.....	2BR/2BA Pets Considered.....	\$650 to \$725
Harts Cove.....	3BR/3BA Condo Price Negotiable.....	\$1,200
Chadsworth Commons, Clemson.....	2BR/2.5BA Townhouse, Pool.....	\$1,000
Harts Cove.....	4BR/4BA Price Negotiable.....	\$1,600
Lindsay Road, Clemson.....	2BR/1BA On-site Laundry, Pets OK.....	\$510
Charleston Avenue, Clemson.....	3BR/2BA Basic Cable & Internet Included.....	\$850
Village Green, Clemson.....	2BR/1.5BA W&D Included, Close to Campus.....	\$800-\$825
106 Fern Circle.....	3BR/2BA, House.....	\$1,225
Simine Street, Seneca.....	1BR/1BA, House.....	\$525
Refuge Road, Pendleton.....	2BR/1BA, House.....	\$650
Calhoun Street, Clemson.....	2BR/1.5BA, Townhouse, W&D, Water Included.....	\$650
Boggs Street, Clemson.....	2BR/1.5BA, Townhouse, W&D Included.....	\$975
Harts Cove, Seneca.....	3BR/3BA, Internet & Cable Incl., Shuttle to campus.....	\$1,200
College Heights Blvd, Clemson.....	2BR/1.5BA, Townhouse.....	\$850
Woodhaven Dr, Pendleton.....	3BR/2.5 House.....	\$985
Refuge Rd, Pendleton.....	2BR/1BA House.....	\$650

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Debra Boggs,
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PUBLISHER'S AFFIDAVIT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**

OCONEE COUNTY COUNCIL


IN RE: THE OCONEE COUNTY CONSERVATION BANK BOARD MEETINGS SCHEDULED FOR AUGUST 13, 2019 & OCTOBER 8, 2019 HAVE BEEN CANCELLED AND RESCHEDULED TO ADD DATES

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of THE JOURNAL, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in Oconee County, Pickens County and the Pendleton area of Anderson County and the notice (of which the annexed is a true copy) was inserted in said papers on 06/18/2019 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
06/18/2019



Jennifer A. White
Notary Public
State of South Carolina
My Commission Expires February 13, 2028





Protecting Land & Water | Advocacy | Balanced Growth

September 23, 2019

Andrew Smith, Chair
Oconee County Conservation Bank Board
415 South Pine Street
Walhalla, SC 29691

Re: William Lyles Estate

Dear Mr. Smith,

On April 8, 2019, Upstate Forever submitted an application to the Oconee County Conservation Bank on behalf of the Estate of William C. Lyles with a request for \$85,000 to support the purchase of a conservation easement on their 155-acre family farm in the Whetstone community of Oconee County. However, the conservation strategy for protecting this property has changed and will require a fee-simple acquisition instead.

We would like to formally retract that application submitted in April and resubmit an application for the next grant cycle based on this renewed strategy. With support from the Oconee County Conservation Bank, the SC Conservation Bank, and the USDA Agricultural Conservation Easement Program, Naturaland Trust will purchase the property from the Lyles Estate, and Upstate Forever will protect it in perpetuity with a conservation easement after the acquisition.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Chris Starker'.

Chris Starker
Land Conservation Manager
Upstate Forever

**OCONEE COUNTY CONSERVATION BANK
SEC. 2-404(b)(4) FINDINGS**

Date:

Recommended Award:

Parcel Name:

Owner:

Acres:

Location:

Tax Map(s):

A. How the applicant meets the criteria set forth in section 2-403

◦

B. The purpose of the award and the use to which the land will be put

◦

C. The party responsible for managing and maintaining the land

◦

D. The party responsible for monitoring and enforcing any conservation easements or other restrictions upon the land

◦

E. How the parties designated in items c. And d. possess the expertise and financial resources to fulfill their obligations

◦

F. The availability of funds in the OCCB fund for the award

◦

G. Any other findings or information relevant to the award

◦

**OCONEE COUNTY CONSERVATION BANK
SEC. 2-404(b)(4) FINDINGS**

Date: December 10, 2019

Recommended Award: \$66,100 or 10% of the appraised value, whichever is less

Parcel Name: Whetstone Creek Preserve

Owner: Estate of William C. Lyles

Acres: 155.56 acres

Location: Mountain Rest Community, Rocky Gap Road

Tax Map(s): 080-00-02-001

A. How the applicant meets the criteria set forth in section 2-403

- Frontage on USGS Blue Line Stream (Whetstone Creek) and 2,600 linear feet of a tributary stream
- For 20 years Whetstone Creek has been listed on the State's 303d list of impaired waters and this acquisition will eliminate a major source of pollution for the Chattooga River Watershed
- Property does not contain any documented threatened or endangered species but it possesses habitat for reoccupation by several species
- Contains native plant and animal species typical of mixed pine-hardwood forests, riparian buffer zones, and agrarian pastures and fields typical of the area
- About 1,000 linear feet of property boundary is shared with the Sumter National Forest
- Ecochee settlement of the Eastern Band of the Cherokee was likely once located on the property
- About 40% of the soils on the property are prime soils or soils of statewide importance
- Property has been actively farmed for at least the past 2 years
- Property contributes to the scenic nature of the area and can be viewed from Rocky Gap Road
- Long term plan for the property includes the potential for public access for hiking, cycling, horseback riding, and the inclusion of Wildlife Management Area [WMA] Program
- Property is in the Mountain Rest community near the County/State boundary and within the Chattooga River Watershed
- Some larger properties in the area have recently been divided and further development in the area is possible
- Property is 155.56 acres

B. The purpose of the award and the use to which the land will be put

- To leverage grants from the NRCS's Agricultural Conservation Easement Program, the South Carolina Conservation Bank, and the Pete and Sally Smith Foundation
- After a conservation easement is in place and ownership transferred to the Naturaland Trust, the Trust will remove any access for animals into Whetstone Creek, increase riparian buffers, and continue leasing farmland for hay production or other sustainable low impact farming
- Eventually the forested areas will be available to hikers visiting the Sumter National Forest

C. The party responsible for managing and maintaining the land

- Naturaland Trust

D. The party responsible for monitoring and enforcing any conservation easements or other restrictions upon the land

- Upstate Forever

E. How the parties designated in items c. And d. possess the expertise and financial resources to fulfill their obligations

- Naturaland Trust is a nonprofit conservation organization involved in the preservation of tens of thousands of acres of foothills and mountain land since 1973 and is one of the southeast's oldest conservation land trusts. It currently owns and manages over 3,400 acres and has played a direct role in conserving and protecting another 100,00 acres now in public domain. It is funded through donations and grants. It has an endowment. More information is available at naturalandtrust.org.
- Upstate Forever is a nonprofit conservation organization that protects critical lands, waters, and the unique character of Upstate South Carolina. It holds over 120 conservation easements in the Upstate totaling over 23,000 acres. Twenty-three of those easements are in Oconee County, totaling almost 5,000 acres. It is funded through donations and grants. It has an endowment. More information is available at upstateforever.org.

F. The availability of funds in the OCCB fund for the award

- OCCB fund balance is about \$550,000
- Project awards outstanding about \$20,100

G. Any other findings or information relevant to the award



Oconee County Conservation Bank Board Attendance
2019

	2/12/19	3/5/19	4/9/19	5/7/19	6/11/19	8/27/19	9/17/19	11/19/19	12/10/19
Smith, Andrew*	mtg cancelled	P	P	P	P	P	P	P	P
Ables, Frank	mtg cancelled	P	P	P	P	P	P	A	P
Hitchcock, Emily*	mtg cancelled	P	P	A	P	A	A	P	P
Prater, Marvin	mtg cancelled	A	P	P	A	A	P	A	P [left early]
Keese, Ryan*	mtg cancelled	P	P	P	P [arrived late]	P	P	P	P
Rundlett, Frances	mtg cancelled	P	P [arrived late]	P [arrived late]	A	A	P	P	P [left early]
Havran, Laura*	appointed 4/2/19		A	P	P	P	A	P	P

* new members appointed in 2019