**US Army Corps**
**Of Engineers**
Wilmington District

# PUBLIC NOTICE

Issue Date: November 28, 2014
Comment Deadline: January 13, 2015
Corps Action ID #: SAW-2014-00657

The Wilmington District, Corps of Engineers (Corps) has received a prospectus describing the establishment of an umbrella compensatory mitigation bank, known as the Cape Fear 02 Umbrella Stream Mitigation Bank (Bank), to offset impacts authorized as part of future Federal and State permits.

Bank Sponsor:
Restoration Systems, LLC
Mr. John Preyer
1101 Haynes Street, Suite 211
Raleigh, NC 27604

This public notice does not imply, on the part of the Corps of Engineers or other agencies, either favorable or unfavorable opinion of the work to be performed, but is issued to solicit comments regarding the factors on which final decisions will be based.

LOCATION OF THE PROPOSED WORK: The initial phase of the proposed umbrella bank includes 8 sites as described in the table below:

| Site Name | Easement Size (acres) | Township | County | Stream/ Receiving Water | Latitude (°N) | Longitude (°W) |
|---|---|---|---|---|---|---|
| Motes Creek | 19 | Swepsonville/ Saxapahaw | Alamance | Motes Creek | 35.98848 | -79.28553 |
| Benton Branch | 30 | Elon | Caswell | Benton Branch | 36.27534 | -79.42369 |
| Orphan Creek | 14 | Swepsonville/ Saxapahaw | Alamance | Meadow Creek | 35.97934 | -79.31693 |
| Chico Branch | 8 | Reidsville | Rockingham | Troublesome Creek | 36.27987 | -79.63362 |
| Major Hill | 10 | Snow Camp | Alamance | Pine Hill Branch | 35.87539 | -79.35916 |
| Maple Hill Farm | 11.1 | Snow Camp | Alamance | Marys Creek | 35.93841 | -79.38905 |
| Rocky Top | 5.2 | Snow Camp | Alamance | Reedy Branch | 35.88662 | -79.38780 |
| Slingshot Creek | 13 | Reidsville | Rockingham | Lake Hunt | 36.33447 | -79.71185 |

*All sites as proposed are within the Cape Fear River Basin, Hydrologic Unit Code (HUC) 03030002.

PROPOSED WORK AND PURPOSE: The Bank proposes 8 sites including approximately 31,073 linear feet of existing intermittent and perennial warm water streams, and involves a combination of stream restoration and enhancement as itemized in the table below:

| Site Name | Hydrologic Status* | Existing Length (linear feet) | Mitigation Type** | Approx. Final Length (linear feet) |
|---|---|---|---|---|
| Motes Creek | P | 5,746 | R / E | 6,693 |
| Benton Branch | P /I | 8,843 | R / E | 10,343 |
| Orphan Creek | P /I | 2,668 | R / E | 3,081 |
| Chico Branch | P /I | 2,295 | R | 2,805 |
| Major Hill | P /I | 2,410 | R / E | 3,160 |
| Maple Hill Farm | P /I | 3,990 | R / E | 4,493 |
| Rocky Top | P | 1,214 | R / E | 1,273 |
| Slingshot Creek | P | 3,907 | R / E | 4,777 |

*P = Perennial; I = Intermittent **R = Restoration; E = Enhancement

Wetlands exist at two or more of the sites, although their boundaries and extent have not been determined at this time. Currently there are no detailed designs on proposed stream restoration and enhancement reaches. The proposed stream restoration design would restore a stable, meandering stream at new locations, improving floodplain connectivity while using reference streams and appropriate regional curves to design and construct natural hydrodynamics, stream geometry, and local microtopography. Primary activities designed to restore channels include: belt-width preparation and grading, channel excavation, installation of channel plugs, backfilling of abandoned channels, installation of piped channel crossings, and vegetative planting.

Enhancement activities, categorized as level I or II, are proposed where the use of restoration may not be necessary to improve a system's ecological function. Stream Enhancement I is expected to include cessation of agricultural activities (including row crop production, hay production, and/or livestock grazing), removal of invasive species, raising the channel bed elevation to reconnect bankfull stream flows to the abandoned floodplain, and planting with native, woody species. Stream Enhancement II is expected to include the cessation of agricultural activities as above, removal of invasive species, and supplemental planting with native, woody tree species.

A monitoring program would be implemented for at least seven years following the initial biological improvements to evaluate whether the Bank's goals and objectives are met.

The Sponsor states that the ecological objectives of the Bank include: 1) reducing and/or eliminating non-point source pollution associated with heavy livestock and agricultural activities;

2) improving water quality functions by restoring native, woody riparian vegetation adjacent to Phase I channels; 3) improving floodplain function by increasing hydraulic resistance to floodwaters; 4) improving aquatic habitat through channel stabilization and increased habitat heterogeneity; and 5) improving near-channel habitat for terrestrial species and refugia for aquatic species through restoration of native, woody riparian vegetation. General actions for specified objectives are described in the table below:

| Functional Category | Improvement Objectives | Proposed Actions |
|---|---|---|
| Hydrological | Floodplain Connectivity | Reconnect channels with historic floodplains |
| | Floodplain Resistance | Plant woody riparian buffers; increase microtopography |
| | Stream Stability and Sediment Transport | Reconstruct stream channels, sized to convey bankfull discharges and watershed sediment supplies |
| | Surface and Subsurface Storage and Retention | Channels constructed or raised to historic floodplain elevations; increased floodplain hydraulic resistance by planting woody vegetation and increasing microtopography |
| Water Quality | Remove Pollutant Sources | Cattle exclusion |
| | Upland Pollutant Filtration | Plant woody riparian buffers; construct marsh treatment features intercepting overland flows |
| | Floodplain Biogeochemical Processing | Increase floodplain connectivity, plant woody riparian buffers; increase microtopography; construct marsh treatment areas |
| | Thermal Regulation | Plant woody riparian buffers to provide shade |
| Habitat | In-channel Habitat | Construct stable channels, geomorphology designed to increase hydraulic and bedform habitat heterogeneity |
| | Riparian Habitat and Structure | Plant native, woody riparian buffers providing foraging, nesting and cover for terrestrial species as well as refugia for aquatic species |

GEOGRAPHIC SERVICE AREA: The proposed Geographic Service Area for this bank includes the Cape Fear River basin, hydrological unit code (HUC) 03030002.

PROSPECTUS: The full prospectus and mitigation plan is available for review at:

http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx

This umbrella mitigation bank may be considered one of a number of practicable alternatives available to applicants to compensate for unavoidable stream impacts associated with permits issued under the authority of Sections 404 and 401 of the Clean Water Act for projects located within the prescribed geographic service area.

Oversight of this stream mitigation bank will be by a group of federal and state agency representatives collectively referred to as the Interagency Review Team (IRT). The IRT shall be chaired by the Wilmington District, U.S. Army Corps of Engineers and is comprised of

representatives from the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, N.C. Division of Water Quality, and the N.C. Wildlife Resources Commission.

The actual approval of the use of this mitigation bank for a specific project is the decision of the Corps pursuant to Section 404 of the Clean Water Act. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use this stream compensatory mitigation bank to compensate for unavoidable stream impacts associated with a proposed permit, even though mitigation from this bank may be available.

AUTHORITY: This public notice is required pursuant to 33 CFR Part 332, *Compensatory Mitigation for Losses of Aquatic Resources*.

FEDERAL EVALUATION OF PROPOSAL: 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 this proposed mitigation bank. Any comments received will be considered by the Corps in evaluating this proposal. Comments are used to assess impacts on endangered species, historic properties, conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

Preliminary review indicates that:

1. An environmental impact statement (EIS) will not be required.

2. There are species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) that may be affected. We will coordinate with the US Fish and Wildlife Service to determine the impacts upon the listed species within the area, specifically the smooth coneflower (*Echinacea laevigata*) in Rockingham County.

3. No cultural or historic resources considered eligible or potentially eligible for listing on the National Register of Historic Places will be affected.

Additional information may change any of these preliminary findings.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Wilmington District, Corps of Engineers, Attention: Mr. David E. Bailey, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, until 5:00 p.m., January 13, 2015.