

Milburnie Dam Stream Restoration Bank, Wake County, NC (Regulatory)

- **Project proposal to remove Milburnie Dam in Wake County, NC associated with development of a Mitigation Bank**
- **Current concerns for dam removal are related to potential impacts to wetlands, water quality, toxic sediments, endangered species, and secondary/cumulative effects**
- **Informational workshop held with public on December 6, 2012**
- **Permittee currently developing draft Mitigation Banks Instrument**

CONGRESSIONAL DISTRICT: NC 4, NC 13

DATE: 8 April 2013

1. PURPOSE:

To provide information regarding the proposed development of the Milburnie Dam Stream Restoration Bank (MDSRB) that would include the removal of Milburnie Dam from the Neuse River (HUC 03020201) located on the Twiggs Property, adjacent to 1103 Old Milburnie Road, in the city of Raleigh, Wake County, North Carolina.

2. BACKGROUND:

a. Restoration Systems, LLC, the proposed bank developer, provided the Corps a prospectus for the MDSRB that was released for public notice on November 14, 2011. Comments received during the public notice were included in the Corps evaluation of this prospectus for the establishment of the MDSRB in accordance with the procedures outlined in 33 CFR Part 332 *Compensatory Mitigation for Losses of Aquatic Resources*. Additionally, the proposal was reviewed pursuant to the permitting authority under Section 404 of the Clean Water Act (33U.S.C. 1344) if the dam removal involves the discharge of fill material in waters and/or wetlands of the United States.

b. By letter dated January 12, 2012, Restoration Systems, LLC was notified by the Corps that it had completed its review of the September 2011, MDSRB prospectus, including review and consideration of the comments received from Interagency Review Team members, state and local resource agencies, and the general public in response to the November 14, 2011, public notice. Based on that review, the Corps determined that this proposed bank has the potential to provide appropriate compensatory mitigation for Department of the Army (DA) permits. This determination does not approve the proposed bank but was made in compliance with 33 CFR 332.8 which

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authorizes Restoration Systems, LLC, to proceed with the preparation of a draft Mitigation Bank Instrument (MBI) for the proposed MDSRB.

c. On December 6, 2012, Restoration Systems, LLC, conducted a public informational workshop in Raleigh, NC. The workshop was advertised in the local newspapers, by fliers to state and Federal agencies, and by e-mail/mail address list to the public who had submitted comments on the November 14, 2011, to public notice for the project's prospectus. The workshop was well organized, provided an opportunity for the project proponent to provide more specific information pertaining to the project to the audience, provided the Corps a forum to review both the permitting and mitigation banking processes and allowed both proponents and opponents an opportunity to exchange their comments and concerns for the project with the project proponent and their team of technical experts.

3. CURRENT STATUS:

a. Restoration Systems, LLC, is currently is developing a draft MBI for the MDSRB in accordance with the procedures outlined in 33 CFR Part 332 *Compensatory Mitigation for Losses of Aquatic Resources*.

b. To date, a Department of the Army permit application pursuant to Section 404 of the Clean Water Act has not been received for this project.