



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 10, 2011
Comment Deadline: December 12, 2011
Corps Action ID #: SAW-2010-00020

The Wilmington District, Corps of Engineers (Corps) has received a prospectus describing the establishment of a compensatory stream mitigation bank known as the Milburnie Dam Mitigation Bank (the Bank). The Bank involves the restoration of approximately 32,590 linear feet of the Neuse River in Wake County, North Carolina.

Specific plans and location information are described below and shown on the attached figure. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

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

This public notice does not imply, on the parts 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.

Authority

The Corps will evaluate this prospectus and the establishment of the Bank in accordance with the procedures outlined in 33CFR Part 332 *Compensatory Mitigation for Losses of Aquatic Resources*. Additionally, this proposal will be reviewed pursuant to the permitting authority under Section 404(b) of the Clean Water Act (33U.S.C. 1344) if construction involves the discharge of fill material in waters and/or wetlands of the United States.

Location

The proposed bank site is located upstream of U.S. Highway 64, beginning at the Milburnie Dam and extending upstream to south of the U.S. Highway 401 bridge, in Raleigh, Wake County, North Carolina. The approximate geographic coordinates are 35.800228° north latitude and -77.53935° west longitude. It is located along the Neuse River, in the Neuse River Basin, Hydrologic Unit Code (HUC) 03020201, as depicted on the attached maps.

Applicant's Stated Purpose

The Sponsor proposes to establish and operate a compensatory stream mitigation bank to compensate for losses authorized by applicable federal and state regulatory programs.

Prospectus Mitigation Plan

The full mitigation plan is available for review at:
http://www.saw.usace.army.mil/WETLANDS/Notices/Current_notices.html

Project Description

The Sponsor proposes to remove Milburnie Dam to restore upstream lotic ecosystems within the Neuse River. A monitoring program will be implemented for at least five-years following the dam's removal to evaluate whether the Bank's goals and objectives are met. The Sponsor states that the ecological objectives of the dam removal are to: 1) improve local water quality, i.e., thermal stratification and associated hypoxia/anoxia; 2) re-establish a lotic biological community upstream of the dam; 3) restore lotic habitat for several state and/or federally listed species of concern upstream of the dam; and 4) remove an existing barrier to anadromous fish passage, opening newly restored spawning habitat.

This mitigation bank may be considered one of a number of practicable alternatives available to applicants to compensate for unavoidable stream and/or wetland 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 and/or wetland compensatory 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 of Engineers pursuant to Section 10 of the Rivers and Harbors Act and 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 wetland compensatory mitigation bank to compensate for unavoidable wetland impacts associated with a proposed permit, even though mitigation from this bank may be available.

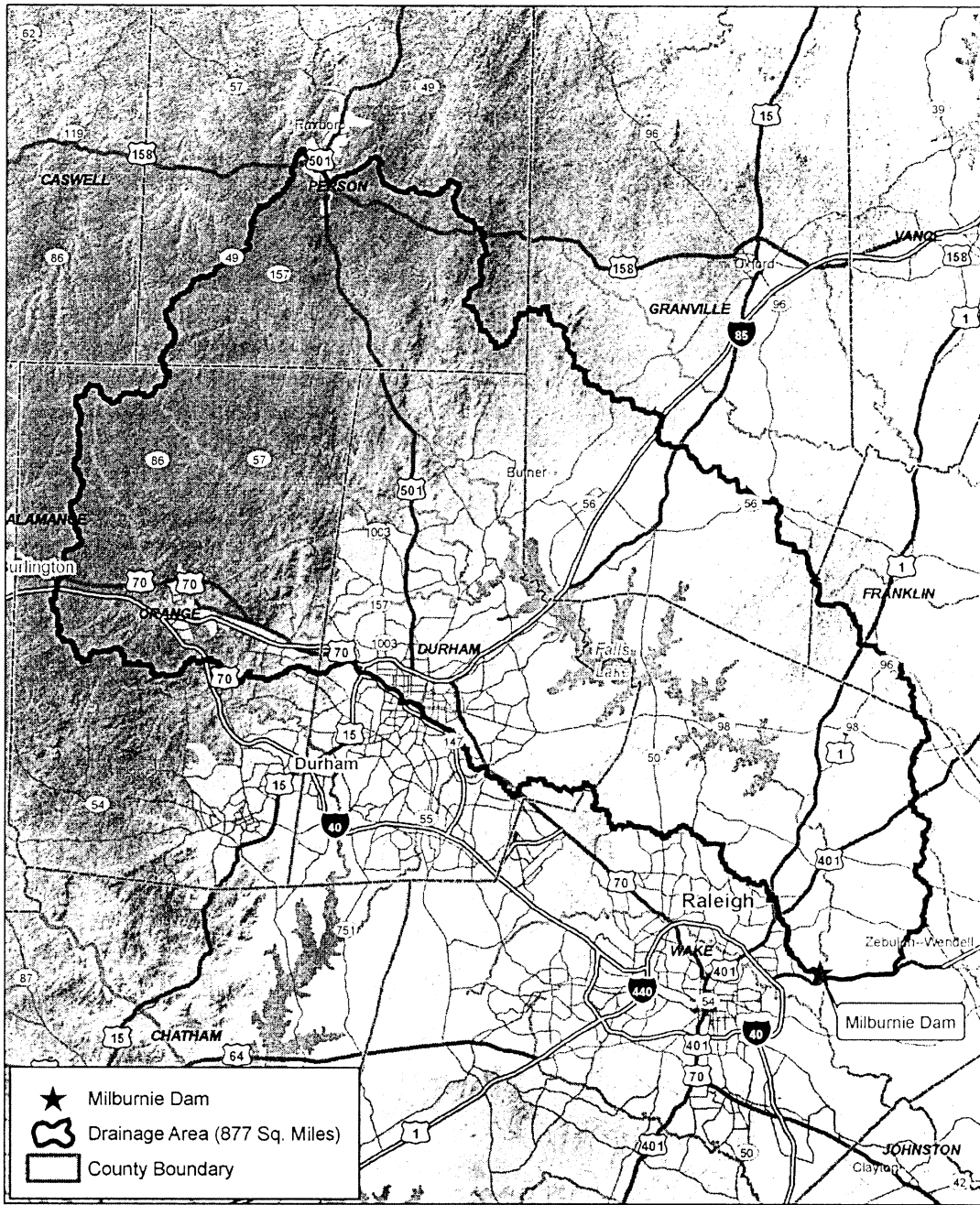
The proposed Primary Geographic Service Area for this bank includes the Bank's native 8-digit hydrological unit code (HUC) 03020201. The Sponsor has also proposed a Secondary Geographic Service Area, which includes adjacent HUCs, 03020202 and 03020203, within the Neuse River basin.

Evaluation and Commenting Information

The Corps is soliciting comment from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the establishment of the Bank. The Corps, when evaluating the approval of this mitigation bank, will consider any comments received. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values (in accordance with Executive Order 11988), land use, navigation, shoreline 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 will not be required and 2) No 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) will be affected. However, the dam is eligible for inclusion in the National Register of Historic Places and the sponsor has begun coordination with the State Historic Preservation Office (SHPO) to address how the area may be affected. Additional information may change any of these preliminary findings.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, December 12, 2011. Comments should be submitted to John Thomas, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587.



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 Raleigh, NC 27604
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Figure 1:
 Milburnie Dam Mitigation
 Bank Watershed

0 1.5 3 6 9 12
 Miles

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