

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Raleigh Regulatory Field Office
6508 Falls of Neuse Road, Suite 120
Raleigh, North Carolina 27615-6814
(Web page - <http://www.saw.usace.army.mil/wetlands/index.htm>)

Action ID No. 200220840

February 26, 2003

PUBLIC NOTICE

The District Engineer has received a prospectus describing the establishment of a wetland compensatory mitigation bank (Louis Berger Mitigation Bank) for Federal and State permits as described below:

Bank Sponsor
The Louis Berger Group, Inc.
1513 Walnut Street, Suite 250
Cary, North Carolina 27511

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 it issued to solicit comments regarding the factors on which final decisions will be based.

The mitigation bank consists of two separate sites in northern Rowan County, North Carolina (see attached maps). The 35-acre Homestead site is located approximately 2,000 feet northwest of SR 1741, and approximately 1.3 miles southwest of the intersection of SR 1741 and SR 1970, northeast of Cleveland. The Homestead property is in the floodplain of Third Creek, approximately 1,000 feet southeast of the creek.

The 49-acre Second Creek site is located approximately 2,000 feet southeast of SR 1952, and approximately 4,000 feet southeast of the intersection of SR 1952 and SR 1951, south of Woodleaf. The Second Creek property is in the floodplain on the northwest side of Second Creek.

The bank sponsor proposes to establish, design, construct, and operate a wetland and stream compensatory mitigation bank. The bank sponsor seeks to establish highly-functioning streams and bottomland hardwood forested wetlands, to provide mitigation credits to replace functions of wetlands and streams anticipated to be adversely affected by North Carolina Department of Transportation projects occurring within the piedmont region of the Yadkin River Basin. Specifically, the bank will focus on the restoration, enhancement, creation and preservation of

streams and bottomland hardwood forested wetlands. The proposed project involves the construction of new stream channels, with existing channelized waterways on the sites being filled.

The proposed wetland restoration activities within waters of the United States on the sites have been authorized under a nationwide general permit for stream and wetland restoration activities.

The Geographic Service Area (GSA) is the defined area wherein the Bank can reasonably be expected to provide appropriate compensation for impacts to wetland resources. The GSA for this Bank shall include the Yadkin hydrologic Unit 03040102 (See attached map). Use of a Bank Site to compensate for impacts beyond the GSA may be considered by the Corps or the permitting agency on a case-by-case basis.

This mitigation bank may be considered one of a number of practicable alternatives available to applicants to compensate for unavoidable 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 wetland and stream compensatory mitigation bank will be by a group of Federal and State agency representatives collectively referred to as the Mitigation Bank Review Team (MBRT). The MBRT 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; U.S. Department of Agriculture, Natural Resource Conservation 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.

A Public Notice regarding proposed mitigation banks is recommended pursuant to Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Federal Register Number 228).

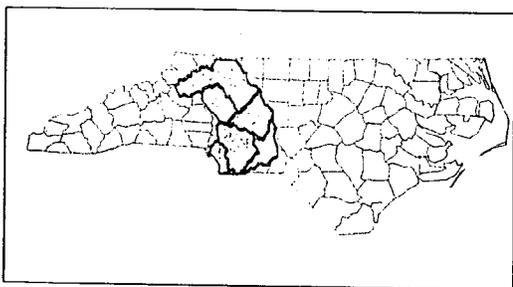
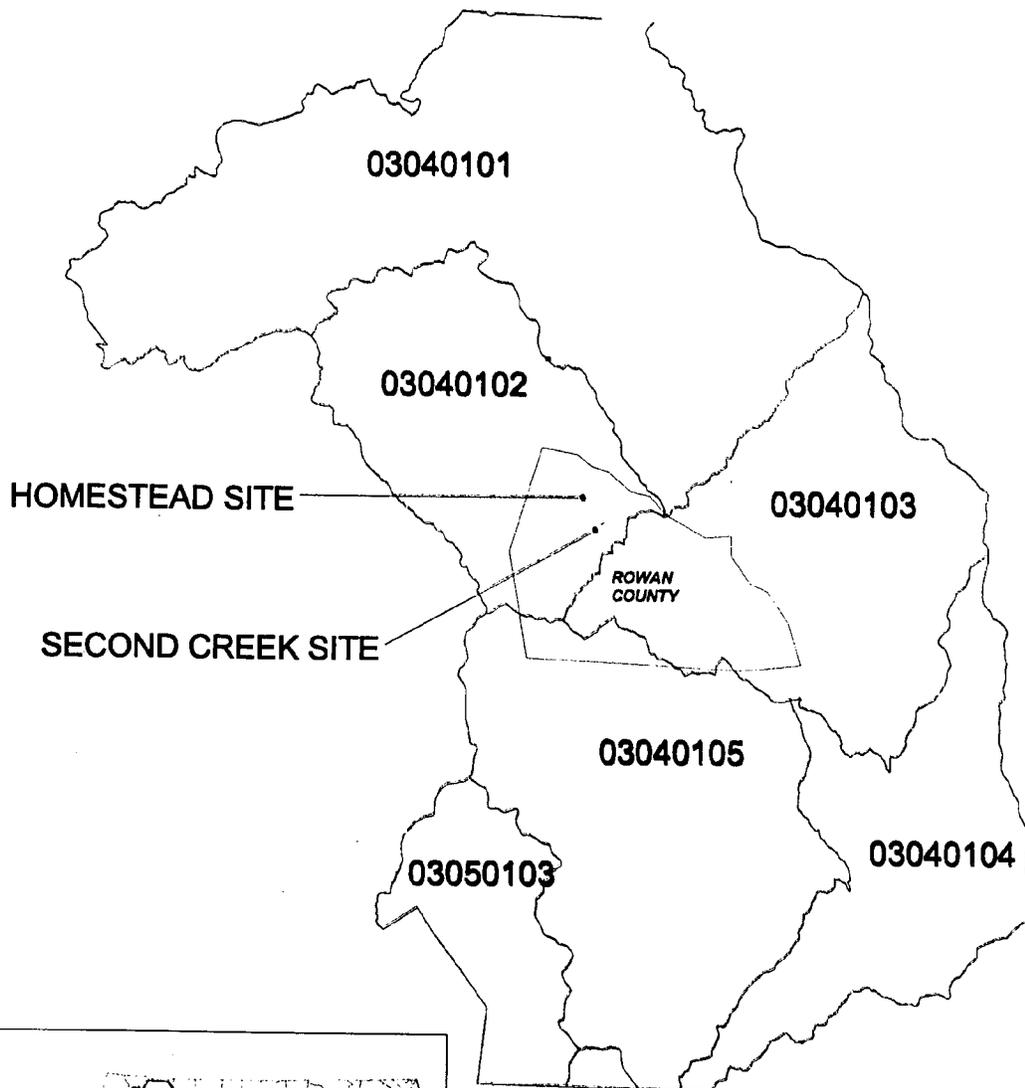
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate this proposed mitigation bank. In evaluating this proposal, the Corps will consider any

comments received. 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 will not be required; 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; and 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.

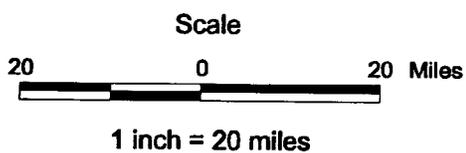
Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Eric Alsmeyer, Raleigh Regulatory Field Office, 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615-6845, until 4:15 p.m., March 19, 2003, or telephone (919) 876-8441, extension 23.

YADKIN RIVER BASIN HYDROLOGIC UNIT 030401



LEGEND

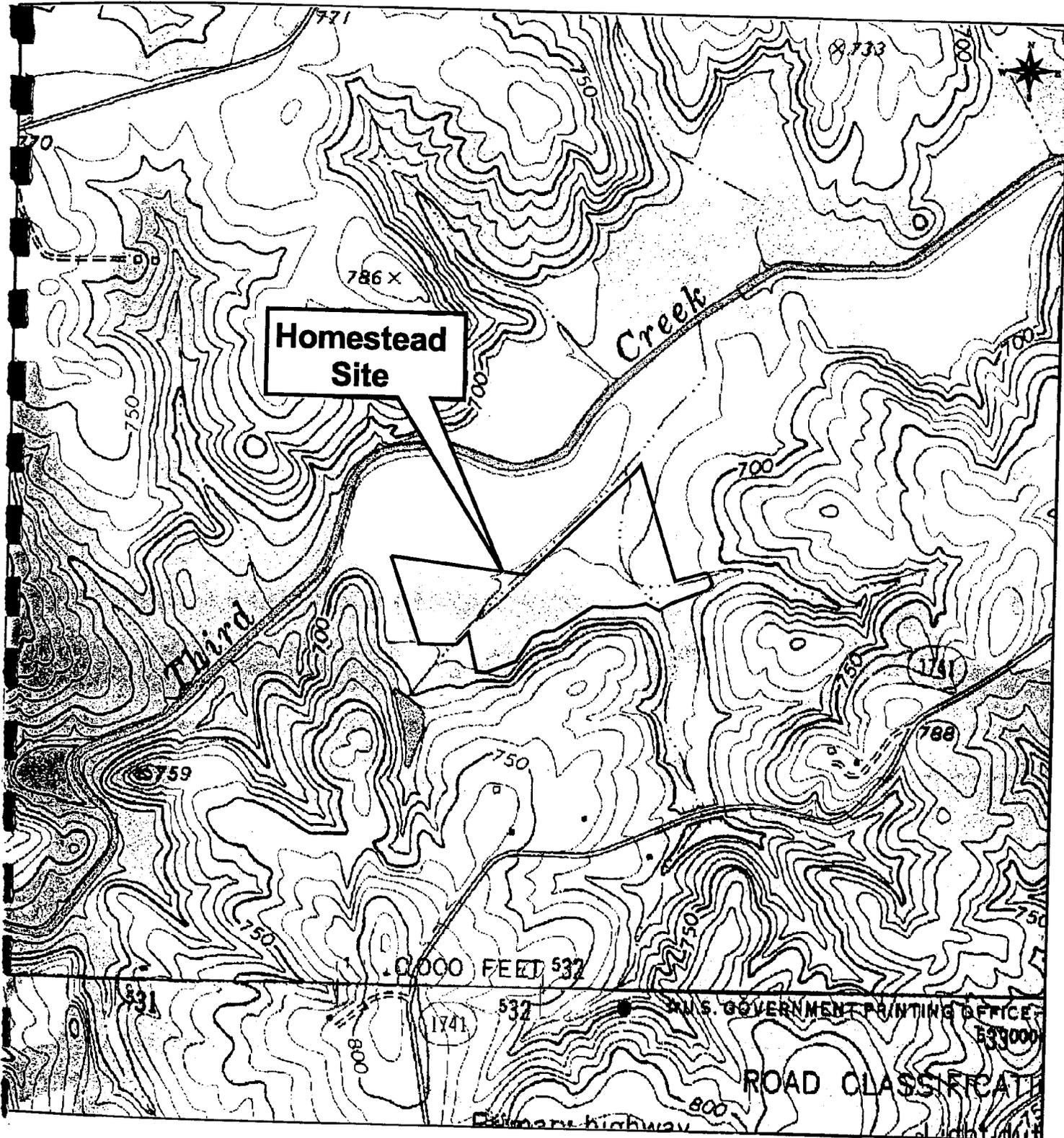
- USGS HYDROLOGIC UNITS
- NORTH CAROLINA COUNTIES



LOUIS BERGER WETLAND BANK

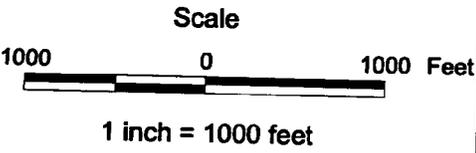
SITE LOCATION

 THE LOUIS BERGER GROUP, INC. 1513 Walnut Street Suite 250 Cary, North Carolina 27511	FIGURE 1 DATE MARCH 2002
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LEGEND

Property Boundary



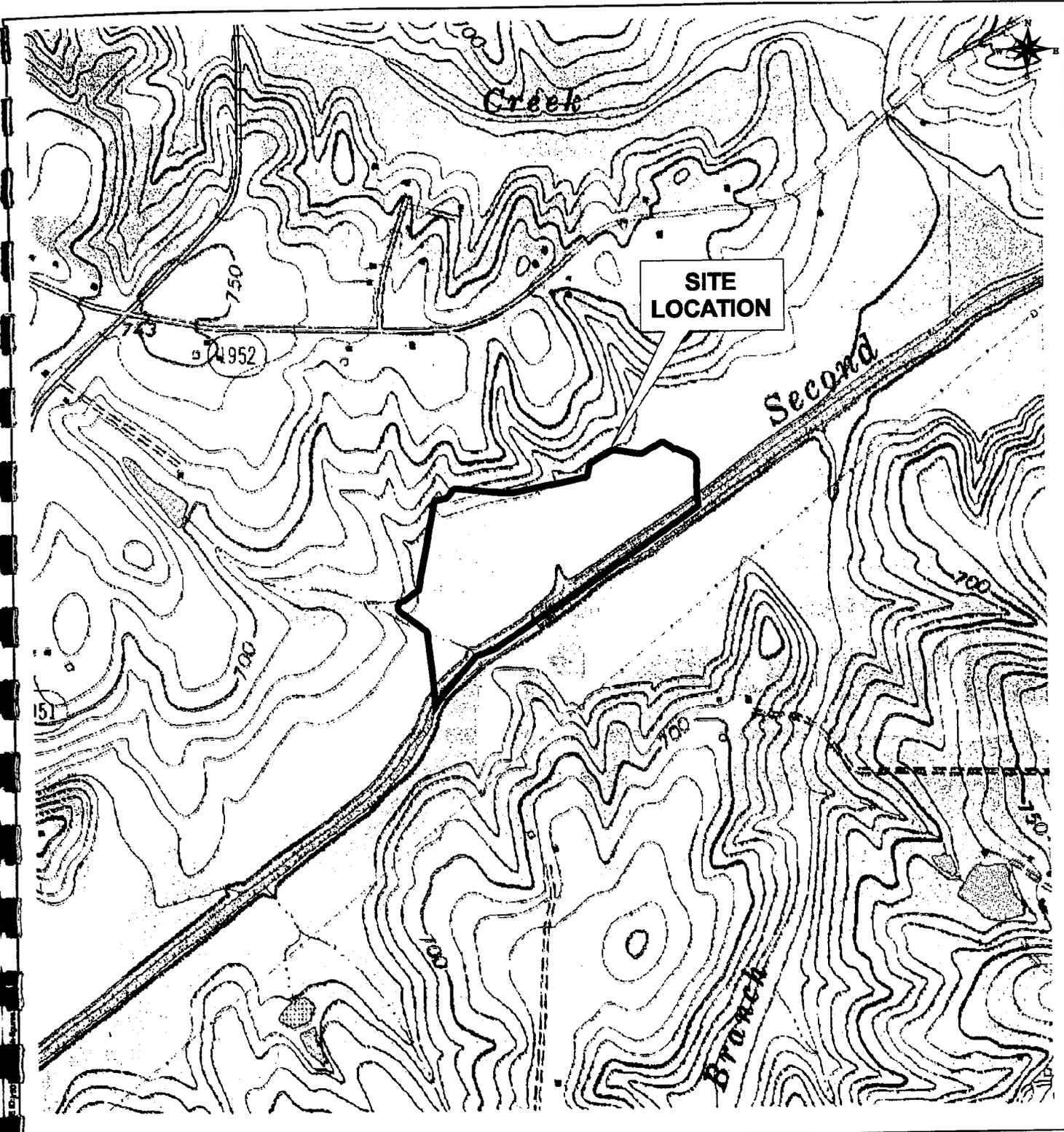
**LOUIS BERGER WETLAND BANK
HOMESTEAD SITE**

USGS TOPOGRAPHIC MAP

THE LOUIS BERGER GROUP, INC.
1513 Walnut Street Suite 250
Cary, North Carolina 27511

FIGURE 2
DATE MARCH 2002

SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE, COOL SPRINGS, NC.



LEGEND
 Property Boundary

Scale
 1000 0 1000 Feet
 1 inch = 1000 feet

**LOUIS BERGER WETLAND BANK
 SECOND CREEK SITE**

USGS TOPOGRAPHIC MAP



THE LOUIS BERGER GROUP, INC.
 1513 Walnut Street Suite 250
 Cary, North Carolina 27511

FIGURE 3

DATE MARCH 2002

SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE, ROWAN MILLS, NC