

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 8, 2006
Comment Deadline: December 8, 2006
Corps Action ID #: 200521199

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received a prospectus describing the establishment of a stream and buffer compensatory mitigation bank (Forrest Creek Mitigation Bank) for Federal and State permits as described below. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands.

Applicant: Mid-Atlantic Mitigation, LLC
An Earthmark Company
Attn: Mr. Richard Mogensen
9301 Aviation Blvd., Suite CE1
Concord, NC 28027

Agent: Kimley-Horn and Associates, Inc
Attn: Mr. Todd St. John
Post Office Box 33068
Raleigh, NC 27636-3068

Authority

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).

Location

The mitigation site is located approximately seven miles northeast of Hillsborough and six miles northeast of Durham in northeastern Orange County, North Carolina. The proposal includes mitigation along Forrest Creek and an unnamed tributary, both of which are located within the Neuse River Basin (HUC 03020201).

Applicant's Stated Purpose

The bank sponsor proposes to establish and operate a stream and buffer compensatory mitigation bank for the purpose of replacing lost functions and acreage, or linear footage of streams and buffers that are anticipated to be adversely affected by permitted activities separately authorized by Section 404/401 of the Clean Water Act.

Project Description

The proposed bank is located within an existing dairy farm operation. As such, there is a potential for stream restoration and preservation along reaches historically used for pasture. The two streams proposed for consideration within this bank are Forrest Creek, a third order stream, and an unnamed first order perennial tributary to Forrest Creek. Total stream length within this bank would be approximately 10,200 linear feet with 6,900 linear feet proposed for restoration, 325 linear feet of proposed Enhancement Level II, and 3,050 linear feet of proposed stream preservation.

The restoration techniques would follow methodologies consistent with natural channel design and the recommendations from the multi-agency Stream Mitigation Guidelines (April 2003). These techniques would include the construction of rock cross vanes, single-arm rock vanes, the use of rootwads, and would incorporate the restoration of proper dimension, pattern and overall stream channel profile.

In addition, cattle would be completely prevented from entering the two streams and adjacent riparian areas except at designated, stabilized crossings. The riparian areas would range from 50 to 150 feet in width and would be designed to restore targeted natural communities by plantings of appropriate species from local genetic stock. The length of the stream proposed as preservation is mostly stable with an established riparian buffer containing native and target plant species with few instances of invasive or noxious species.

The bank would be placed under a permanent conservation easement with the applicant enforcing the easement with the Corps of Engineers acting as a third party. At or before the completion of credit release, a long-term land steward would be identified to hold the conservation easement.

Geographic Service Area

The geographic service area for the use of credits generated by this bank is proposed to include the entire upper Neuse River Basin (HUC03020201) in North Carolina. Use of the Bank Site to compensate for impacts beyond the geographic service area may be considered by the USACE or the permitting agency on a case-by-case basis.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Evaluation

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.

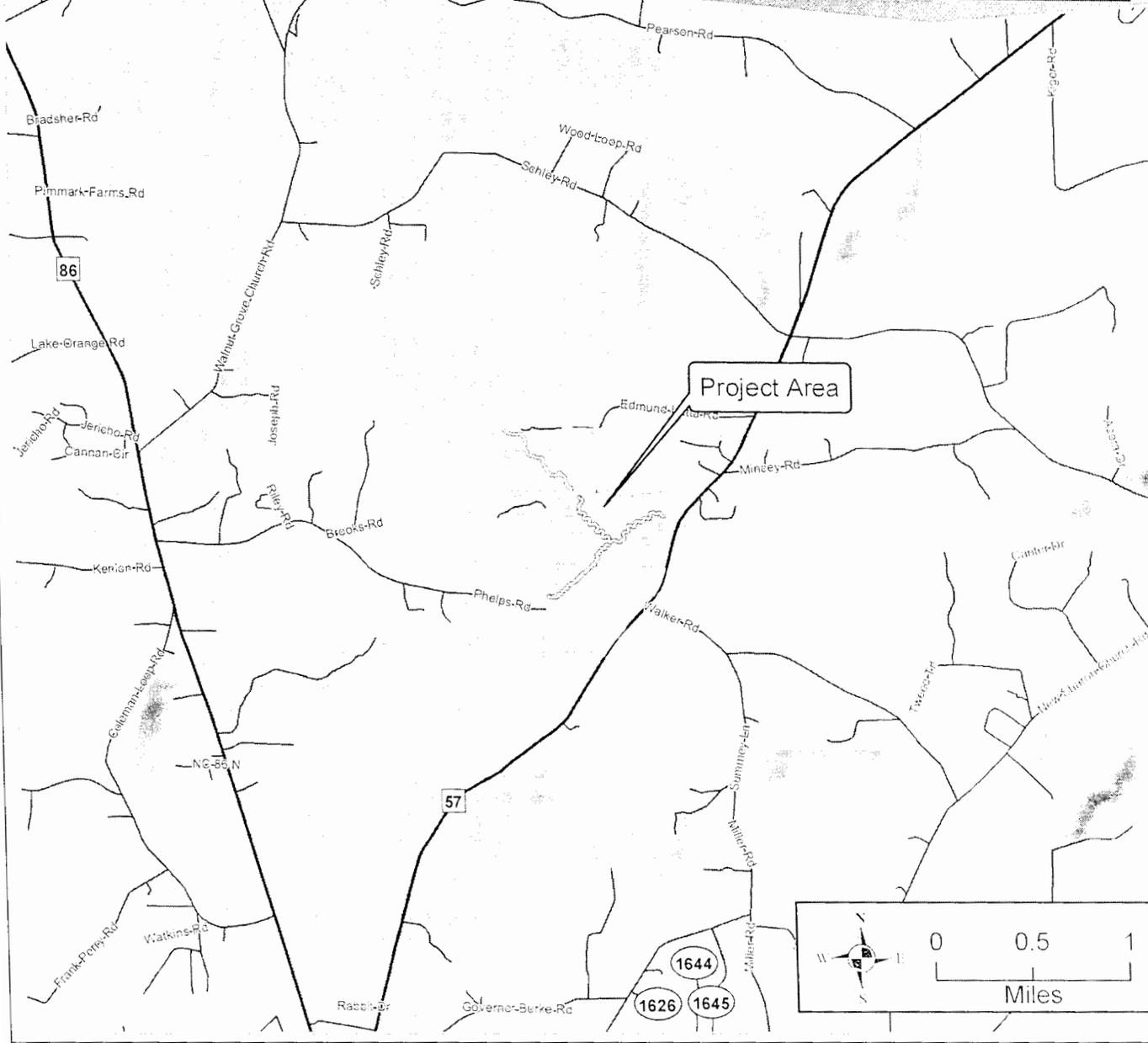
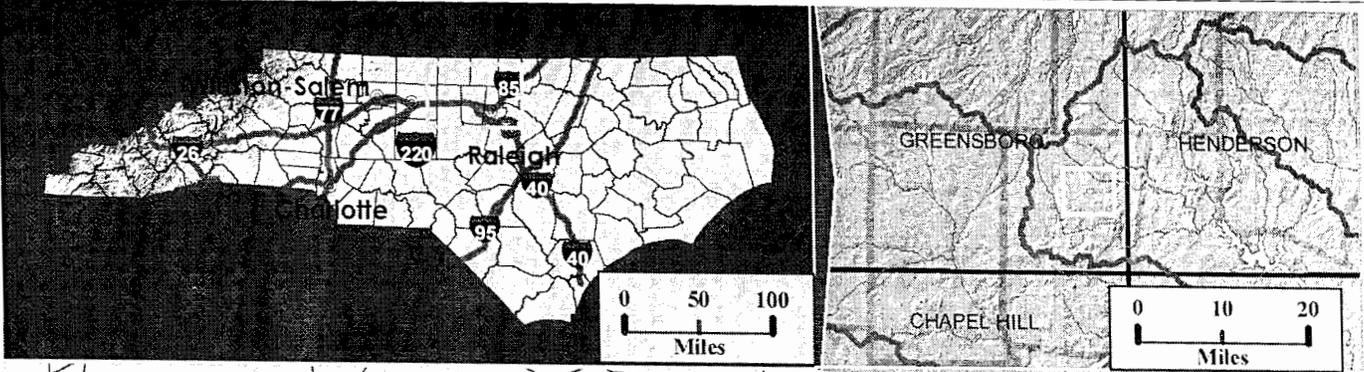
Oversight of this stream and buffer compensatory mitigation bank will be by a group of Federal and State agency representatives collectively referred to as the Mitigation Bank Review Team (MBRT). The MBRT shall be chaired by the Wilmington District, U.S. Army Corps of Engineers and is comprised of representatives from the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, N.C. Division of Water Quality, and the N.C. Wildlife Resources Commission.

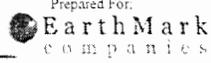
The actual approval of the use of this mitigation bank for a specific project is the decision of the Corps of Engineers pursuant to Section 404 of the Clean Water Act. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use this compensatory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

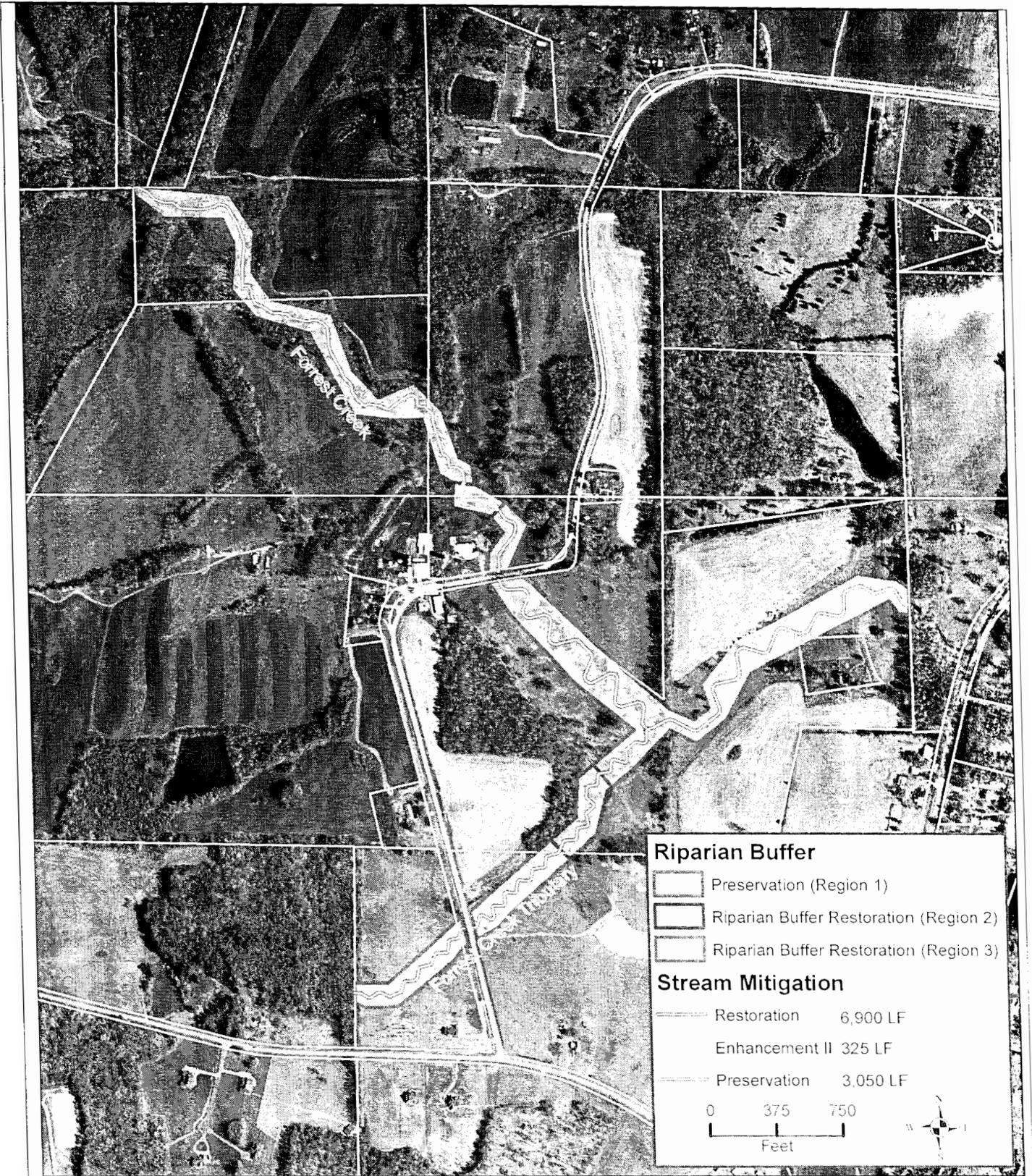
Commenting Information

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. 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, economies, 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. If additional information is needed, including the proposed prospectus, contact the individual listed below.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, December 8, 2006. Comments should be submitted to Mr. Monte Matthews, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.



Title	Vicinity Map		
Prepared For: 	Project	Forrest Creek Mitigation Site Orange County, North Carolina	
	Date	KHA Project Number	Figure
	8/24/06	012857004	1

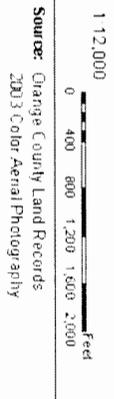
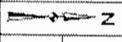
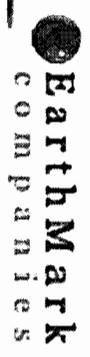


Title Conceptual Design	
Prepared For: 	Project Forrest Creek Mitigation Site Orange County, North Carolina
	Date 8/24/06
KHA Project Number 012857004	
Figure 2	



Legend

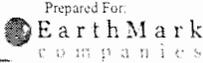
- Soils**
- Chewacla loam (Ch)
 - Enon loam, 2 to 6 % slopes (EnB)
 - Georgeville silt loam, 2 to 6 % slopes (GcB)
 - Georgeville silt loam, 6 to 10 % slopes (GcC)
 - Herndon silt loam, 2 to 6 % slopes (HcB)
 - Herndon silt loam, 6 to 10 % slopes (HcC)
 - Lignum silt loam, 0 to 3 % slopes (Lg)
 - Water (W)



SOILS
FOREST CREEK MITIGATION SITE
ORANGE COUNTY, NORTH CAROLINA

Figure
3



Title	2006 Aerial			
Prepared For: 	Project	Forrest Creek Mitigation Site Orange County, North Carolina		
		Date	KHA Project Number	Figure
		8/24/06	012857004	5