



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: 22 August 2008
Comment Deadline: 22 September 2008
Corps Action ID #: SAW-2008-2384

The Wilmington District, Corps of Engineers (Corps) has received a prospectus describing the establishment of a stream and wetland compensatory mitigation bank, known as the Farmer Creek Stream and Wetland Mitigation Bank for Federal and State permits as described below:

Bank Sponsor:
Restoration Systems, LLC

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. 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. The complete prospectus and mitigation plans are also available at the Wilmington District, Asheville Regulatory Field Office. Please contact 828-271-7980 extension 231, to request a copy.

WATERWAYS AND LOCATION OF THE PROPOSED WORK: The proposed bank site is located on Bartlett Farmer Road, approximately 2.5 miles southwest of Newland, in Avery County, North Carolina. The approximate geographic coordinates are 36.0669° north latitude and -81.9717° west longitude. The site is located along and adjacent to unnamed tributaries to Squirrel Creek on approximately 6.7 acres within the French Broad River Basin, Hydrologic Unit Code (HUC) 06010108. (See attached maps).

PROPOSED WORK AND PURPOSE: The bank sponsor proposes to establish, design, construct, and operate a stream and wetland compensatory mitigation bank composed of 6.7 acres located southwest of Newland, Avery County, North Carolina.

As stated by the sponsor, the primary goals and objectives of this proposed mitigation bank are to improve water quality, enhance flood attenuation and restore aquatic and riparian habitat. Specifically the sponsor plans to restore 0.13 acre of wetlands and 1,980 linear feet of stream channel, enhance 130 linear feet of stream channel, and preserve 1,310 linear feet of stream channel. The sponsor states the goals and objectives will be accomplished by: 1) removing non-point sources of pollution associated with agricultural activities, 2) reducing sedimentation within onsite and downstream receiving waters, 3) reestablishing stream stability and the capacity to transport watershed flows and sediment loads by restoring stable dimension, pattern and profile, 4) promoting floodwater attenuation by reconnecting bankfull flows to abandoned

floodplains, restoring entrenched tributaries, restoring depressional floodplain wetlands, and revegetating floodplains, 5) improving aquatic habitat by enhancing stream bed variability and the use of in-stream structures, 6) promoting an overall ecological uplift to wildlife, trout, and fisheries habitat by shading/cooling surface waters, filtering nutrients, reducing sedimentation, reducing downstream flooding, and increasing in-stream habitat, 7) improving trout habitat, migration, and spawning in an area with know trout in lower reaches of the Bank. The sponsor states that the proposed bank will be protected in perpetuity by a conservation easement. The applicant states that upon completion the proposed bank will offer 2,329 Stream Mitigation Units and 0.13 Wetland Mitigation Units. The proposed geographic service area is the 8 digit HUC, 06010108, located within the French Broad River Basin.

The proposed 6.7-acre bank site is currently utilized for Christmas tree farming and sparse residential development. The main hydrologic features of the Bank include four reaches of unnamed tributaries to Squirrel Creek and associated floodplains. The unnamed tributaries are first and second order, perennial stream channels that drain approximately 0.3-square mile watershed. These tributaries have been dredged/straightened in the past and are characterized by eroding banks, bimodal sediment transport, and sparse riparian buffer. Approximately 0.13 acre of the Bank is underlain by hydric soils, which are located within the floodplain adjacent to Reach 1. Extensive floodplain manipulations associated with stream ditching, straightening, rerouting, and deforestation have effectively reduced the groundwater hydrology from these areas. The enclosed map shows the approximate location of proposed restoration and enhancement sites.

This mitigation bank may be considered one of a number of practicable alternatives available to applicants to compensate for unavoidable stream and 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 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.

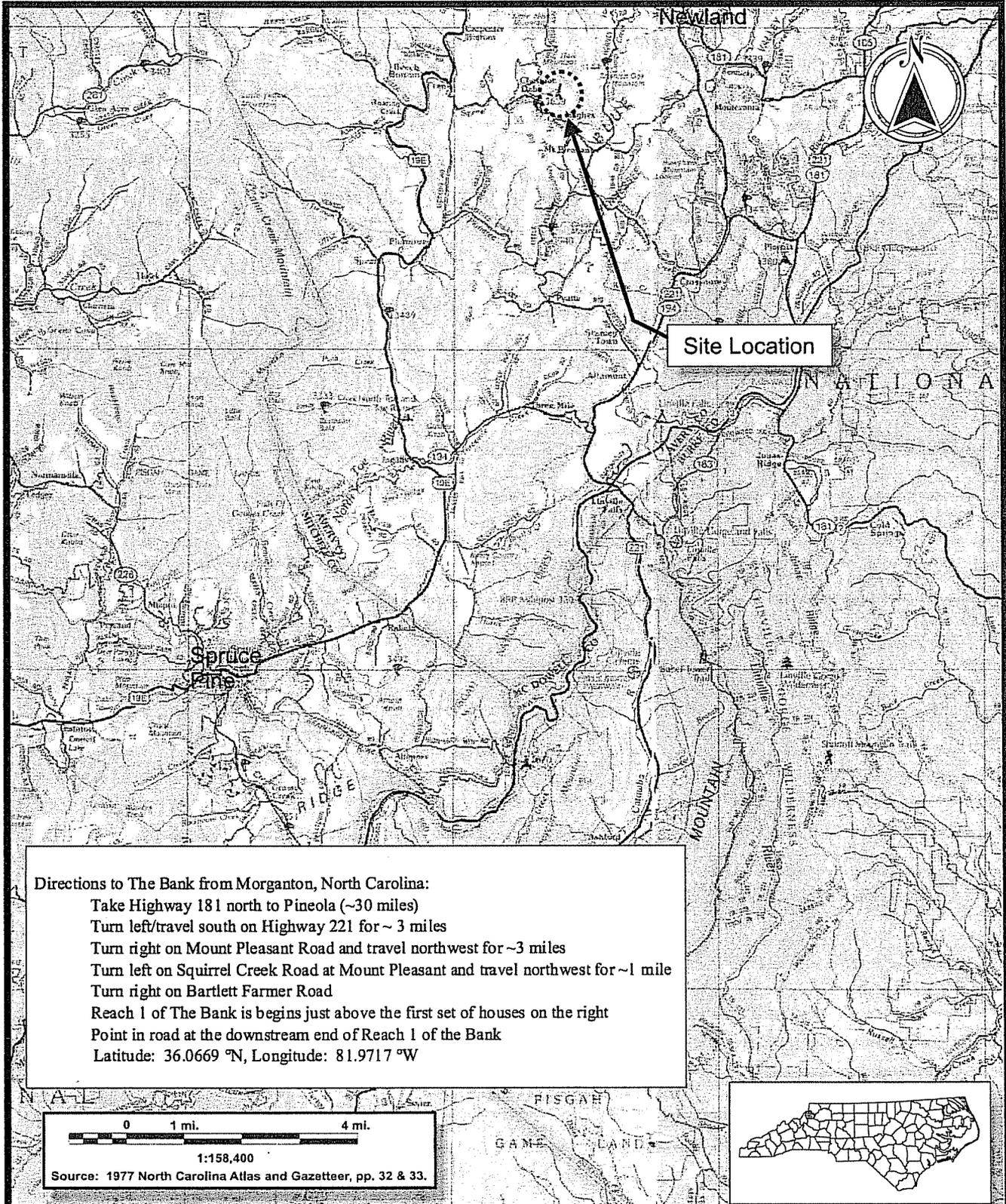
The actual approval of the use of this mitigation bank for a specific project is the decision of the Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The Corps provides no guarantee that any particular individual or general permit will be 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.

AUTHORITY: A Public Notice regarding proposed mitigation banks is required pursuant to the rules published in the Code of Federal Regulations (CFR) for Compensatory Mitigation for Losses of Aquatic Resources (33 CFR 332.8(d)(4)).

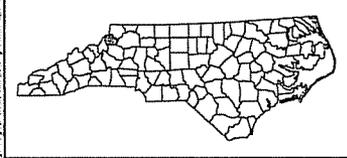
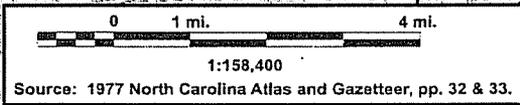
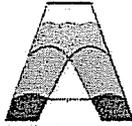
FEDERAL EVALUATION OF PROPOSAL: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate this proposed mitigation bank. Any comments received will be considered by the Corps in evaluating this proposal. Comments are used to assess impacts on endangered species, historic properties, conservation, 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: Amanda Jones, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801, until 5:00 p.m., September 22, 2008.



Directions to The Bank from Morganton, North Carolina:
 Take Highway 181 north to Pineola (~30 miles)
 Turn left/travel south on Highway 221 for ~ 3 miles
 Turn right on Mount Pleasant Road and travel northwest for ~3 miles
 Turn left on Squirrel Creek Road at Mount Pleasant and travel northwest for ~1 mile
 Turn right on Bartlett Farmer Road
 Reach 1 of The Bank is begins just above the first set of houses on the right
 Point in road at the downstream end of Reach 1 of the Bank
 Latitude: 36.0669 °N, Longitude: 81.9717 °W

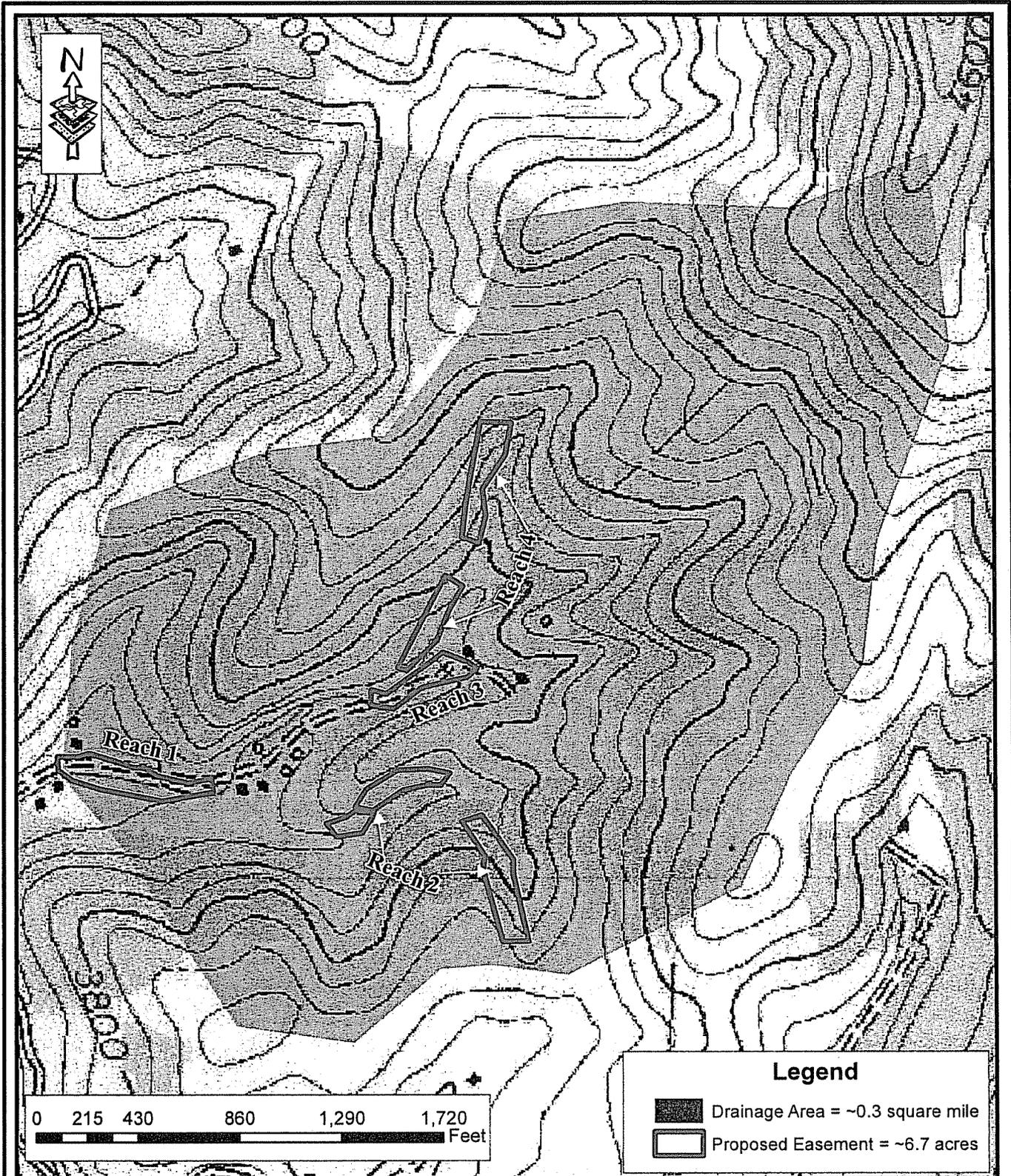



2126 Rowland Pond Dr
 Willow Spring, NC 27592
 (919) 215-1693
 (919) 341-3839 fax

SITE LOCATION
FARMER CREEK MITIGATION SITE
 Avery County, North Carolina

Dwn. by:	CLF
Ckd by:	WGL
Date:	May 2008
Project:	08-009

FIGURE
1



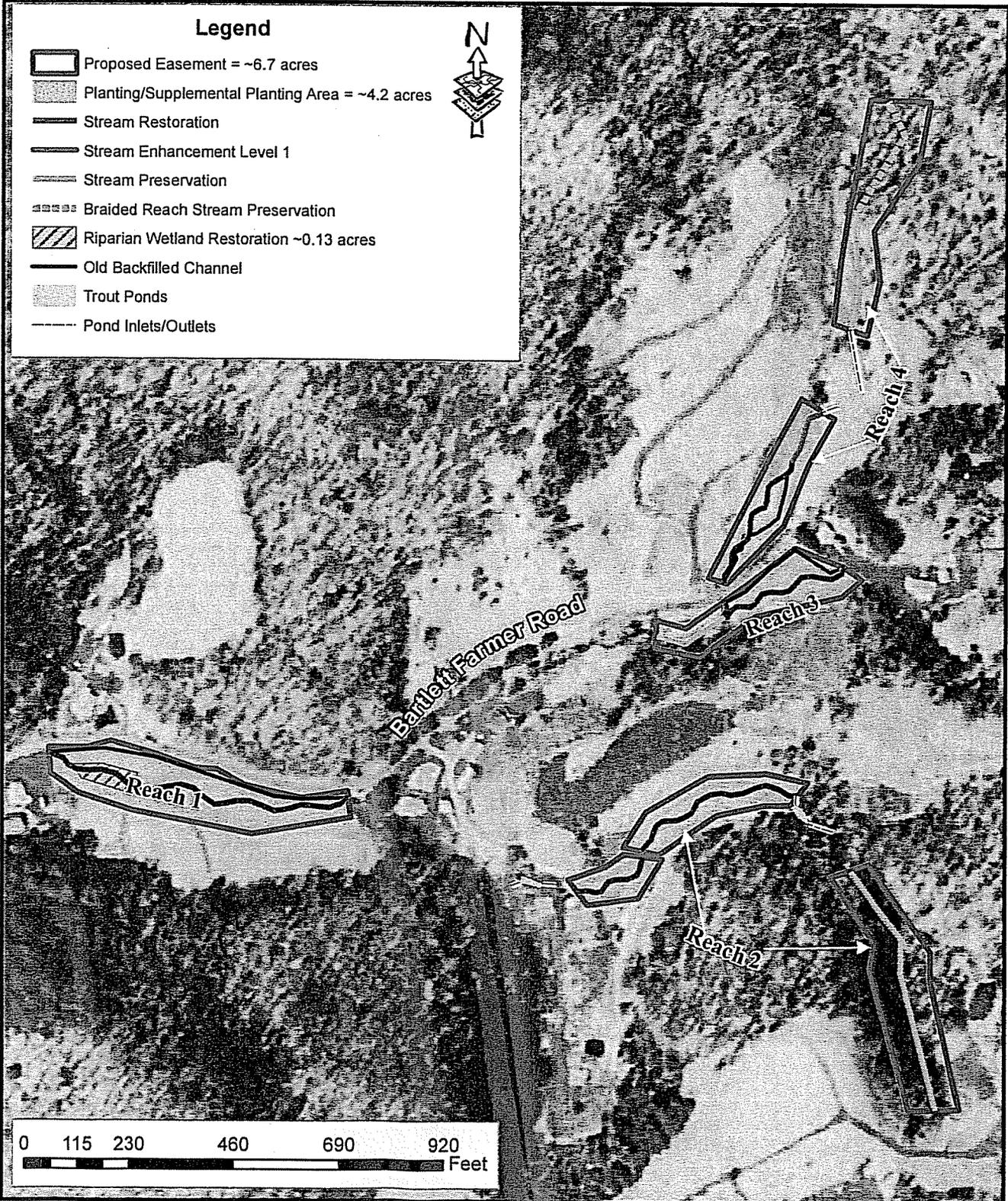
2126 Rowland Pond Drive
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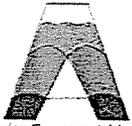
**DRAINAGE AREA AND TOPOGRAPHY
 FARMER CREEK MITIGATION SITE
 Avery County, North Carolina**

Dwn. by.	CLF
Date:	May 2008
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FIGURE

3




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PROPOSED CONDITIONS
 FARMER CREEK MITIGATION SITE
 Avery County, North Carolina

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FIGURE
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