



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: March 15, 2013  
Comment Deadline: April 15, 2013  
Corps Action ID: SAW-2012-02073

The District Engineer has received a prospectus entitled “MOGENSEN MITIGATION, INC., TAR RIVER HEADWATERS STREAM MITIGATION BANK, FINAL PROSPECTUS” which proposes development of a stream mitigation bank.

## Bank Sponsor

Mogensen Mitigation, Inc.  
Post Office Box 690429  
Charlotte, North Carolina 28227

This public notice does not imply, on the parts of the U. S. Army Corps of Engineers (Corps) or other agencies, either favorable or unfavorable opinion of the work to be performed, but it is issued to solicit comments regarding the factors on which final decisions will be based.

LOCATION OF THE PROPOSED WORK: The proposed mitigation site is located at 333 Bunnie Huff Road, approximately 1,500 feet northwest of Bunnie Huff Road, and approximately 2,500 feet north of Dennys Store Road, east of Roxboro, in Person County, North Carolina, and is within the Tar River Basin, Hydrologic Unit Code (HUC) 03020101. Currently, the site is comprised of actively grazed cattle pastures. The approximate geographic coordinates are 36.391° north latitude and -78.817° west longitude. The site encompasses approximately 20 acres of land proposed for inclusion into a conservation easement and contains unnamed tributaries of the Tar River.

PROPOSED WORK AND PURPOSE: The bank sponsor proposes to use this site for a bank to compensate for losses authorized by applicable federal and state regulatory programs. As proposed, this mitigation prospectus includes restoring approximately 3,680 linear feet of perennial streams. In addition, the sponsor would establish a conservation easement and monitor the site for a minimum of 5 years. Total stream length after all restoration techniques would be approximately 3,810 linear feet. Since the sponsor proposes mitigation ratios at 1:1 level for stream restoration, a total of 3,810 stream credits may be realized should the project be accepted.

**GEOGRAPHIC SERVICE AREA:** The proposed geographic service area for this bank is the Tar River Basin, Hydrologic Unit Code (HUC) 03020101.

**PROSPECTUS:** The full mitigation prospectus is available for review at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>

This mitigation bank may be considered one of a number of practicable alternatives available to applicants to compensate for unavoidable stream 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 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 (Corps) 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 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 stream compensatory mitigation bank to compensate for unavoidable stream impacts associated with a proposed permit, even though mitigation from this bank may be available.

**AUTHORITY:** This public notice is required pursuant to 33 CFR Part 332, *Compensatory Mitigation for Losses of Aquatic Resources*.

**FEDERAL EVALUATION OF PROPOSAL:** The Corps 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 (EIS) 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.
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, Wilmington District, Corps of Engineers, Attention: Mr. Eric Alsmeyer, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, until 5:00 p.m., April 15, 2013.