



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 23, 2015
Comment Deadline: May 26, 2015
Corps Action ID #: SAW-2015-00777

The Wilmington District, Corps of Engineers (Corps) has received a prospectus proposing to establish a wetland and stream mitigation bank, known as Davis Farm Wetland Mitigation Bank (Bank), within an approximate 3,400-acre tract currently owned by Sustainable Forest, LLC c/o: Mr. Damien Bukowy and proposed by sponsor Mr. Jack Stocks, a potential buyer. The tract is in the interstream divide headwaters of Kelly's Creek, Turkey Creek and Pike Creek watersheds and is located in the northwest corner of Hwy 117 and NC Hwy 210 intersection, south of Ashton Road (SR 1411), near Rocky Point, Pender County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. The Public Notice and the prospectus are available on the Wilmington District Web Site at

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

Owner: Sustainable Forest LLC
c/o: Mr. Damien Bukowy
6400 Poplar Avenue, Tower I, Suite 8-002
Memphis, Tennessee 38197

Sponsor: Mr. Jack Stocks
211 North 5th Avenue
Wilmington, North Carolina 28401

Agent: Southern Environmental Group, Inc. (SEGi)
c/o: Mr. David Scibetta
5315 South College Road, Suite E
Wilmington, North Carolina 28405

Authority

The Corps will evaluate this prospectus and the establishment of the mitigation bank in accordance with the procedures outlined in 33 CFR Part 332. Additionally, this proposal will also be reviewed pursuant to the permitting authority under Section 404 of the Clean Water Act if construction work involves the discharge of fill material in waters and/or wetlands of the United States.

Location

The proposed Bank is positioned in an interstream divide at the headwaters of Kelly's Creek, Turkey Creek, and Pike Creek watersheds. It is located at Latitude 34.45000, Longitude -77.92296 just west of Rocky Point and bordered to the north by Ashton Road (SR 1411), to the east by Seaboard System Railroad, to the south by NC Hwy 210, and to the west by Little Kelly Road (SR 1409). The tract is situated within the Northeast Cape Fear River 8-digit Hydrologic Unit Code (HUC) 03030007 of the Cape Fear River Watershed Basin.

Existing Site Conditions

The entire property encompasses approximately 3,400 acres of land and has been intensely managed for silviculture since the 1960s. A network of ditches is present within the majority of the property. Only a small portion of the tract has been evaluated for the presence of wetlands, but there is the potential that the historic ditch work has removed hydrology from some of these areas and has converted wetlands to uplands. Onsite management practices include the construction of access roads, network of drainage ditches, construction of timber beds, and channelization of waterbodies. The surrounding areas are rural and comprise mostly of silviculture and agricultural lands with scattered residential and commercial development.

The site is an interstream divide with most of the property draining north into Kelly's Creek which flows into the Northeast Cape Fear River through Riley's Creek and Long Creek, respectively. Other portions of the property drain to the east into Pike Creek, to the west via unnamed tributary to Riley's Creek, and to the south flowing into Turkey Creek. All of these drainage features empty into the Northeast Cape Fear River.

Being mostly in silviculture production, vegetation has been altered and the canopy is predominantly planted loblolly pine (*Pinus taeda*) varying in age and height. The prospectus states that the majority of the site was formerly a pocosin wetland type classified as a Palustrine Forested Wetland using the Cowardin Classification guide. The listed hydric soil type encompassing the majority of the tract consists of Torhunta mucky fine sandy loam, a very poorly drained soil on broad stream terraces. Other hydric soil types include Leon fine sand (0 to 2 % slopes), a poorly drained soil on broad interstream areas; Woodington fine sandy loam, a poorly drained soil on broad uplands and in depressions; and Muckalee loam (frequently flooded), a poorly drained soil on flood plains. The predominate non-hydric soil type is Foreston loamy fine sand, a moderately well drained soil on slightly convex interstream divides near shallow drainage ways.

Project Purpose

The purpose of the proposal is to establish a wetland and stream mitigation bank in order to provide compensatory mitigation for non-riparian wetlands, riparian non-riverine wetlands, and stream impacts associated with Department of the Army authorizations pursuant to Section 404 of the Clean Water Act. Project objectives focus on re-establishing and preserving natural wetland and stream functions, which is expected to improve water quality as well as restoring aquatic and terrestrial habitat throughout the property. This is anticipated to benefit the receiving waters of the surrounding creeks and Northeast Cape Fear River watershed.

Project Description

The Sponsor proposes to accomplish the following within 3,400 acres of the Bank: 1) Restore ~2,685 acres of non-riparian wetlands; 2) Restore ~55 acres of riparian wetlands; 3) Restore ~8,732 linear feet of stream; 4) Preserve ~220 acres of riparian wetlands; and 5) Preserve ~24 acres of non-riparian wetlands. Overall restoration consist of the following: 1) plugging and/or backfilling existing ditches, 2) formulation of a detailed stream restoration plan at a later date, 3) thinning the present loblolly pines to a density of 260 trees per acre, and 4) planting wetland-type vegetation where roadbeds will be removed and ditches filled.

The proposed Geographical Service Area (GSA) encompasses the entire boundary of the 8-Digit HUC 03030007- Northeast Cape Fear River watershed. At this time, the sponsor does not have ownership of the property but is currently under a contract to purchase. The sponsor plans to have a third party entity to handle the long-term operations of the bank, but that entity has not been identified at this time.

Evaluation and Commenting Information

The Corps is soliciting comments 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 Davis Farm Mitigation Bank. Any comments received will be considered by the Corps of Engineers in evaluating the approval of this bank. To make this decision, all factors which 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, flood plain 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.

The Corps has reviewed the prospectus and has examined all information provided by the sponsors. Our preliminary review indicates the following: 1) An Environmental Impact Statement will not be required; 2) No listed species of fish, wildlife, and/or plant species (or Critical Habitat) under the Endangered Species Act of 1973 is expected to be impacted within the proposed 1,691-acre area of the bank; 3) There are no cultural or historic resources located within the proposed project site; and 4) There are no Essential Fish Habitat (EFH) areas within the property. A “no effect” determination for threatened and endangered species and for cultural and/or historic resources has been made at this time; and it has been determined that no additional EFH evaluation will be conducted. Any additional or new information may change any of these preliminary findings.

Written comments pertinent to the proposed work, as outlined above and as described in the prospectus, will be received by the Corps of Engineers, Wilmington District, until 5pm, May 26, 2015. Comments should be submitted to Mr. Mickey Sugg, 69 Darlington Avenue, Wilmington, North Carolina 28403, or via internet at mickey.t.sugg@usace.army.mil. If you have any questions or in need of a copy of the bank prospectus, please contact Mr. Sugg at (910) 251-4811.