



**US Army Corps
of Engineers**
Louisville District®

Public Notice

Public Notice No.
LRL-2015-00885

Open Date:
18 February 2022

Close Date:
21 March 2022

Inquiries:

U.S. Army Corps of Engineers, Louisville District
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Sassafras, Kentucky 41759

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This notice announces a proposal to develop a mitigation banking Instrument, including a mitigation bank site, submitted in accordance with the “Compensatory Mitigation for Losses of Aquatic Resources” (Mitigation Rule) (CFR Vol. 73 No. 70, p 19670-19705 (33 U.S.C. 401 *et seq.*; 33 U.S.C. 1344; and Pub. L. 108-136), as published in the federal register on April 10, 2008:

SPONSOR: Davey Mitigation c/o Davey Resource Group, Inc.
5300 Wellington Branch Dr., Suite 100
Gainesville, VA 20155

AGENT: Beaver Creek Hydrology, LLC
2516 Sandersville Road
Lexington, KY 40511

LOCATION: On unnamed ephemeral, intermittent and perennial tributaries to Mill Seat Creek and Plum Branch which become perennial and flow to the Red River of the Kentucky River (a traditionally navigable water, TNW), Estill and Powell Counties, Kentucky.

Latitude: 37.814224 N
Longitude: -83.963253 W
7.5 Minute Quad: Clay City

PURPOSE: To develop a mitigation banking instrument that would operate within the Commonwealth of Kentucky, providing stream mitigation credits within Service Area 7 of the Resource-based, Predefined Service Areas for Third Party Mitigation within Kentucky.

DESCRIPTION OF WORK: The Spout Springs Stream Mitigation Bank Site would re-establish rehabilitate and enhance approximately 57,095 linear feet of ephemeral, intermittent and perennial streams. The unnamed ephemeral and intermittent streams flow to Mill Seat Creek and Plum Branch. Both Mill Seat Creek and Plum Branch become perennial and flow to the Red River. The Red River flows to the Kentucky River, a traditionally navigable water (TNW). The project is within the Kentucky River Watershed.

The project would result in an estimated net gain of approximately 39,010 stream Adjusted Mitigation Units (AMU). The project area, including the streams plus 50-foot or greater riparian area from the top of each stream bank, would be permanently protected through implementation of a deed restriction or conservation easement on an approximately 503-acre site.

The Spout Springs Stream Mitigation Banking Instrument, in concert with the mitigation project site, would be developed to generate stream mitigation credits that could be made available for

sale to compensate for impacts associated with the discharge of dredged or fill material into “waters of the United States (U.S.)” resulting from projects within the approved service area. The Sponsor has submitted a prospectus consistent with the Mitigation Rule. The prospectus may be reviewed in full by contacting the Corps; additionally, a summary of the mitigation site is detailed below. Any discharge of fill into “waters of the U.S.” associated with the mitigation projects would be reviewed under separate procedures.

The Spout Springs Stream Mitigation Bank Site: Upper Kentucky River 8-Digit HUC is 05100204. Mill Seat Creek and Plum Branch are direct tributaries of the Kentucky River. The project area consists of approximately 503 acres that would be protected by a conservation easement. The mitigation plan currently proposes re-establishment, rehabilitation and enhancement activities on the streams. Approximately 32,437 linear feet (LF) of ephemeral, 18,542 LF of intermittent and 5,516 LF of perennial streams are on site. The reestablishment, rehabilitation, and enhancement activities proposed would result in a net ecological lift of approximately 39,010 Adjusted Mitigation Units (AMUs). The project would require the discharge of clean fill material into the “waters of the U.S.,” including earthen material, wood, and rock of various sizes for the construction of in-stream habitat, and grade control structures.

Mitigation Plan: This public notice announces the development of a prospectus for the Spout Springs Stream Mitigation Bank, including one mitigation site. Consistent with the Mitigation Rule, a mitigation plan for this proposal will not be developed until the mitigation bank instrument is drafted, which is at a later phase of the mitigation bank approval process. Therefore, no mitigation plans are available for review at this time.

PUBLIC REVIEW AND COMMENT: 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 proposal. It is presumed that all interested parties and agencies will respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposal.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination for this proposal. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to approve the Stream Mitigation Bank.

The Public Notice and drawings are available on Louisville District’s Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory/Public-Notices/>. If you would like a copy of the project mitigation plan and design, please submit a request to the address below.

If you desire to submit comments by email, you must comply with the following:

- a) In the subject line of your email, type in ONLY the Public Notice ID No. LRL-2015-00885

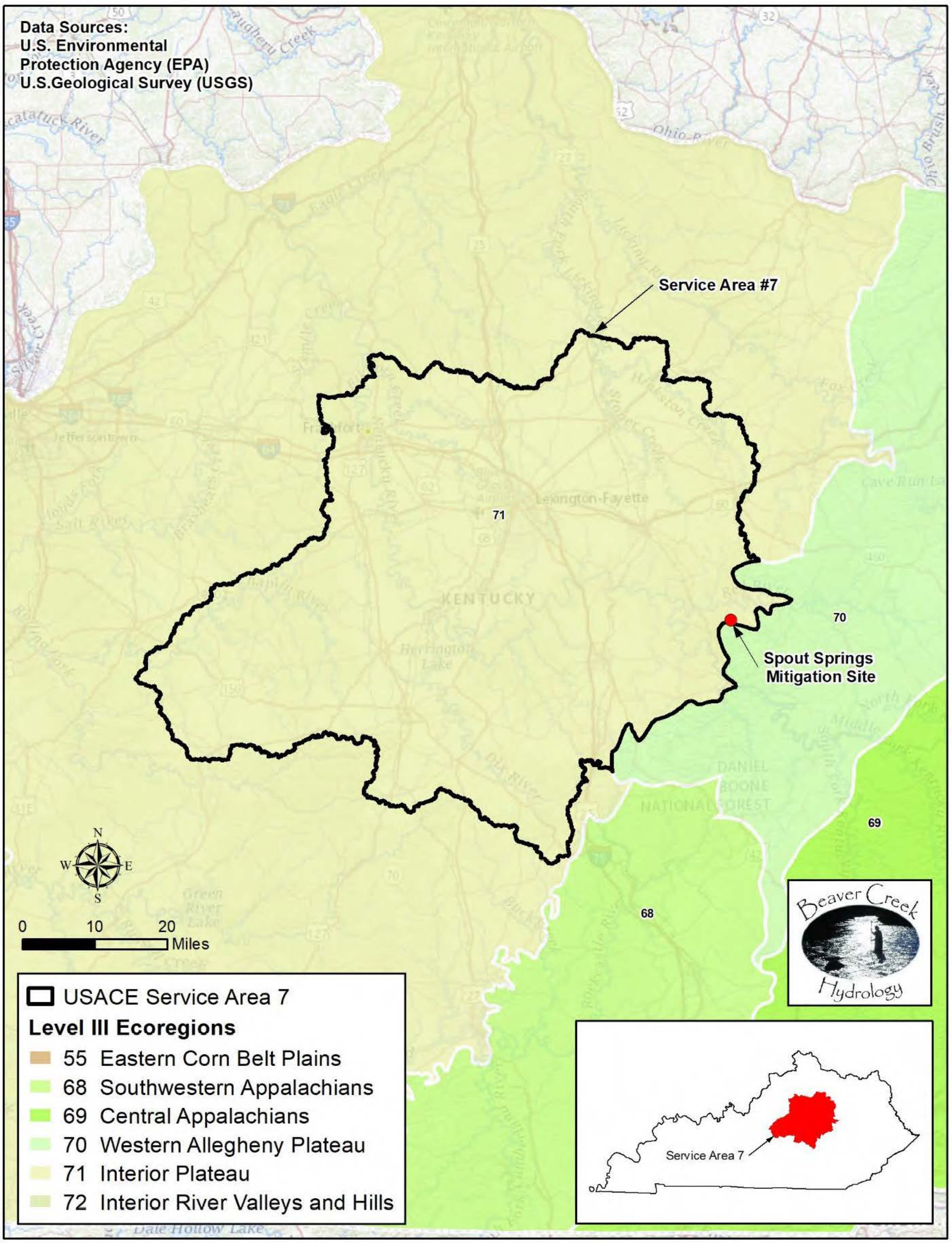
Example:

Subject: LRL-2015-00885

Regulatory Division
Mitigation, Compliance & Enforcement Branch
Public Notice No. LRL-2015-00885

- b) Provide your physical mailing address and telephone number.
- c) Send your email to: christopher.t.williams@usace.army.mil
- d) If you are sending attachments greater than 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

Data Sources:
U.S. Environmental Protection Agency (EPA)
U.S. Geological Survey (USGS)



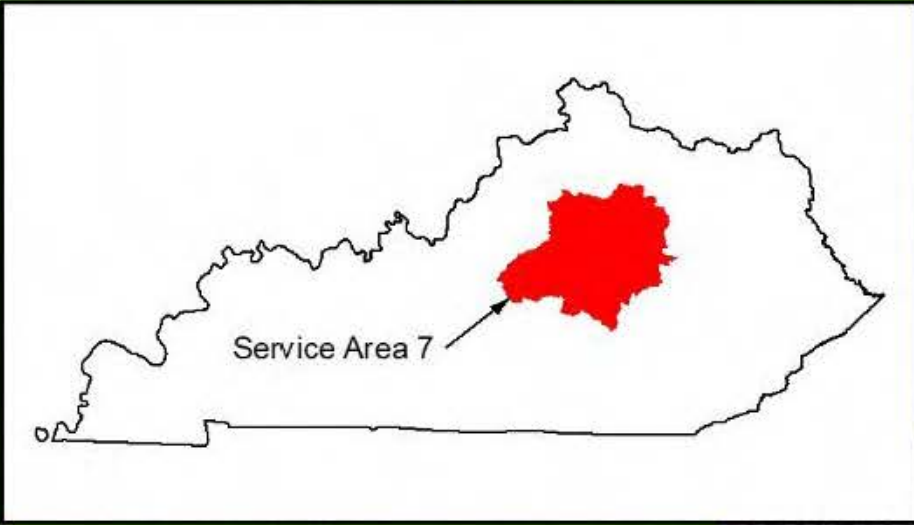
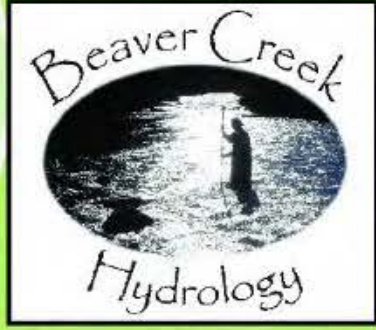
Service Area #7

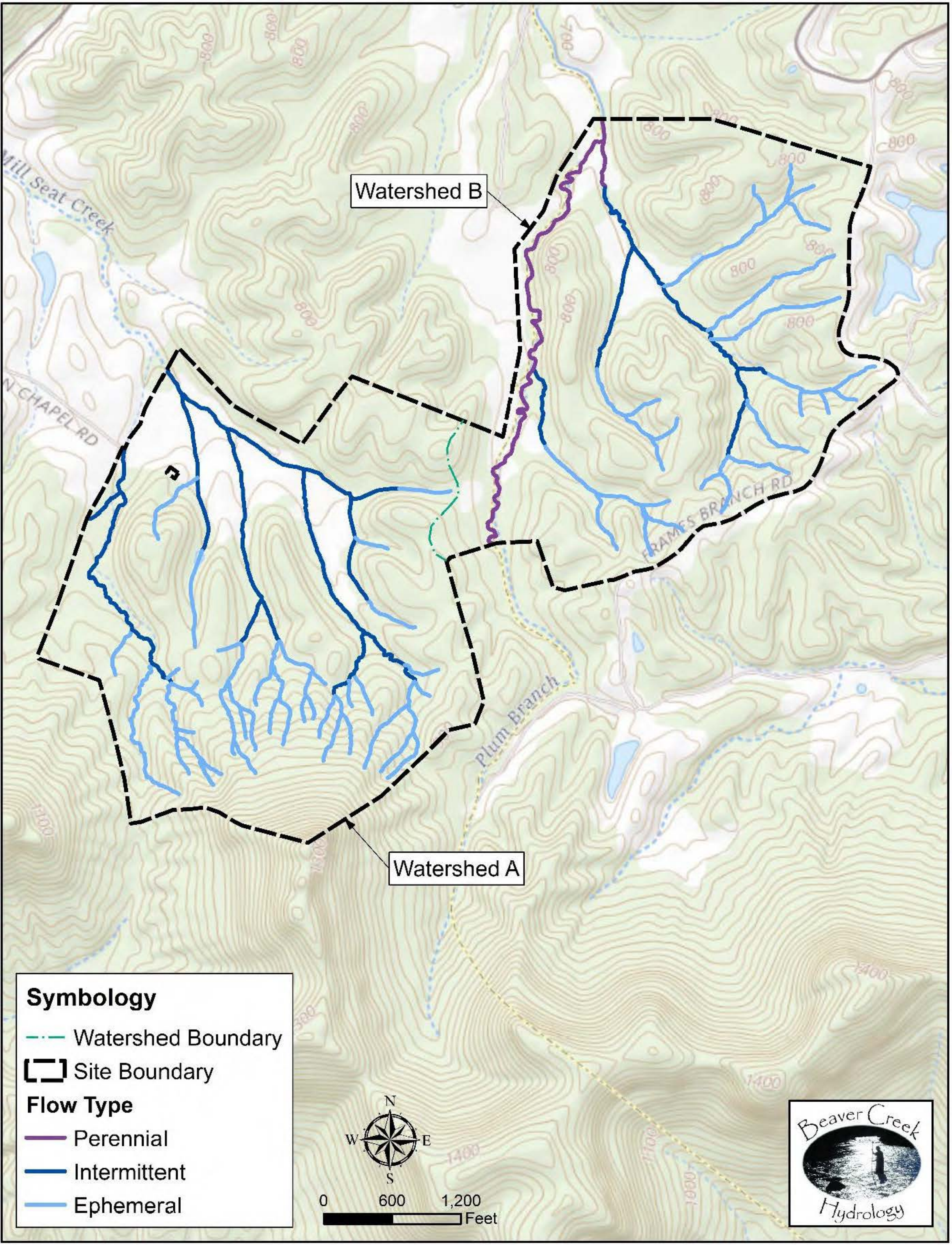
Spout Springs Mitigation Site



0 10 20 Miles

- USACE Service Area 7
- Level III Ecoregions**
- 55 Eastern Corn Belt Plains
- 68 Southwestern Appalachians
- 69 Central Appalachians
- 70 Western Allegheny Plateau
- 71 Interior Plateau
- 72 Interior River Valleys and Hills





Watershed B

Watershed A

Symbology

- Watershed Boundary
- Site Boundary

Flow Type

- Perennial
- Intermittent
- Ephemeral

