

Public Notice

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

Public Notice Nos.
LRL-2013-739-pgj
LRL-2012-606-pgj
LRL-2012-607pgj

Open Date:
10 Dec 2013

Close Date:
9 Jan 2014

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Patricia A. Grace-Jarrett, Ph. D., CELRL-OP-FS, Rm 752

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: 502-315-6687

This notice announces a proposal to develop an umbrella mitigation bank, including two mitigation bank sites, 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:

EIP Credit Company, LLC
2002 Clipper Park Road, Suite 201
Baltimore, Maryland 21211

AGENT:

Beaver Creek Hydrology, LLC
907 National Avenue
Lexington, Kentucky 40502

LOCATIONS:

Big Sandy Mitigation Site: Ephemeral, intermittent and perennial streams on an approximately 664-acre site located on the north-east side of Collier Creek Road, near the city of Martha, Lawrence County, Kentucky.

Latitude: 38.0415 W
Longitude: -82.9223 N
7.5 Minute Quad: Mazie

Little Sandy Mitigation Site: Ephemeral, intermittent and perennial streams on an approximately 224-acre site located at the end of Wallow Hole Creek Road, near the city of Sarah, Elliott County, Kentucky.

Latitude: 38.055178 W
Longitude: -82.974667 N
7.5 Minute Quad: Mazie

PURPOSE:

To develop an umbrella mitigation banking instrument that would operate within the Commonwealth of Kentucky, providing stream and wetland mitigation credits, including two locations within the Big Sandy River Watershed.

DESCRIPTION:

The Kentucky Stream and Wetland Mitigation Bank (KSWMB) Umbrella Banking Instrument (LRL-2013-739-pgj): The Sponsor proposes to develop an umbrella mitigation banking instrument (UMBI) which would provide stream and wetland mitigation credits within the Louisville District's regulatory boundaries within the Commonwealth of Kentucky. This proposal includes one service area, the Big Sandy River Watershed (Hydrologic Unit Code, HUC: 05070204) and two mitigation sites: the Big Sandy Stream Mitigation Project (LRL-2012-606-pgj) and the Little Sandy Mitigation Project (LRL-2012-607-pgj). Additional service areas and mitigation sites may be proposed at future dates. Should this occur, additional public notice(s) would be issued. The Corps has assigned the following I.D. to the KSWMB UMBI: LRL-2013-739-pgj.

Public notices (September 2012) were previously issued for each of these mitigation project sites. The current proposal integrates these two previously announced sites into an UMBI, rather than each site being considered as a separate mitigation bank. Additionally, since the time of the public notices, the mitigation bank sponsor has changed. For these reasons, a new public notice is being issued.

The KSWMB, in concert with the two mitigation projects, would be developed to generate stream and/or wetland 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 two mitigation sites is detailed below. Any discharge of fill into "waters of the U.S." associated with the two mitigation projects would be reviewed under separate procedures.

The Big Sandy Mitigation Site (LRL-2012-606-pgj): A public notice was issued for a single site mitigation bank, which included this site, on September 27, 2012. The site proposal has not significantly changed since the issuance of the public notice and is summarized here. The Big Sandy Mitigation Site (BSMS) contains four small watersheds of predominately degraded streams. Approximately 20,000 linear feet (LF) of ephemeral, 4,000 LF of intermittent and 13,000 LF of perennial streams are on site. The project would include some preservation but mostly restoration, and enhancement activities, resulting in a net ecological lift of approximately 18,000 Ecological Integrity Units (EIUs). The stream restoration and enhancement would be implemented through the use of natural channel design techniques. 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, toe protection and grade control structures. The streams and the surrounding 664-acre property would be permanently protected.

Operations Division

Regulatory Branch (South)

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The Little Sandy Mitigation Site (LRL-2012-607-pgj): A public notice was issued for a single site mitigation bank, which included this site, on September 28, 2012. The site proposal has not significantly changed since the issuance of the public notice as is summarized here. The Little Sandy Mitigation Site (LSMS) contains 16 predominately degraded, headwater streams. Approximately 5,500 linear feet (LF) of ephemeral, 4,000 LF of intermittent and 1,000 LF of perennial streams are on site. The project would include some preservation, plus restoration and enhancement activities, resulting in a net ecological lift of approximately 5,000 EIUs. The stream restoration and enhancement would be implemented through the use of natural channel design techniques. 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, toe protection and grade control structures. The streams and the surrounding 224-acres would be permanently protected.

Mitigation Plan: This public notice announces the development of a prospectus for the KSWMB, including two mitigation sites. Consistent with the Mitigation Rule, mitigation plans for each site will not be developed until the UMBI 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 Richards Property Stream Mitigation Bank.

Information pertaining to this proposal is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Patricia A. Grace-Jarrett, Ph. D., CELRL-OP-FS at the address noted above and should refer to the public notice numbers LRL-2013-533-pgj, LRL-2012-606-pgj and LRL-2012-607-pgj.

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

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a) In the subject line of your email, type in **ONLY** the public notice ID Nos. LRL-2013-739-pgj, LRL-2012-606-pgj & LRL-2012-607-pgj.

Example:

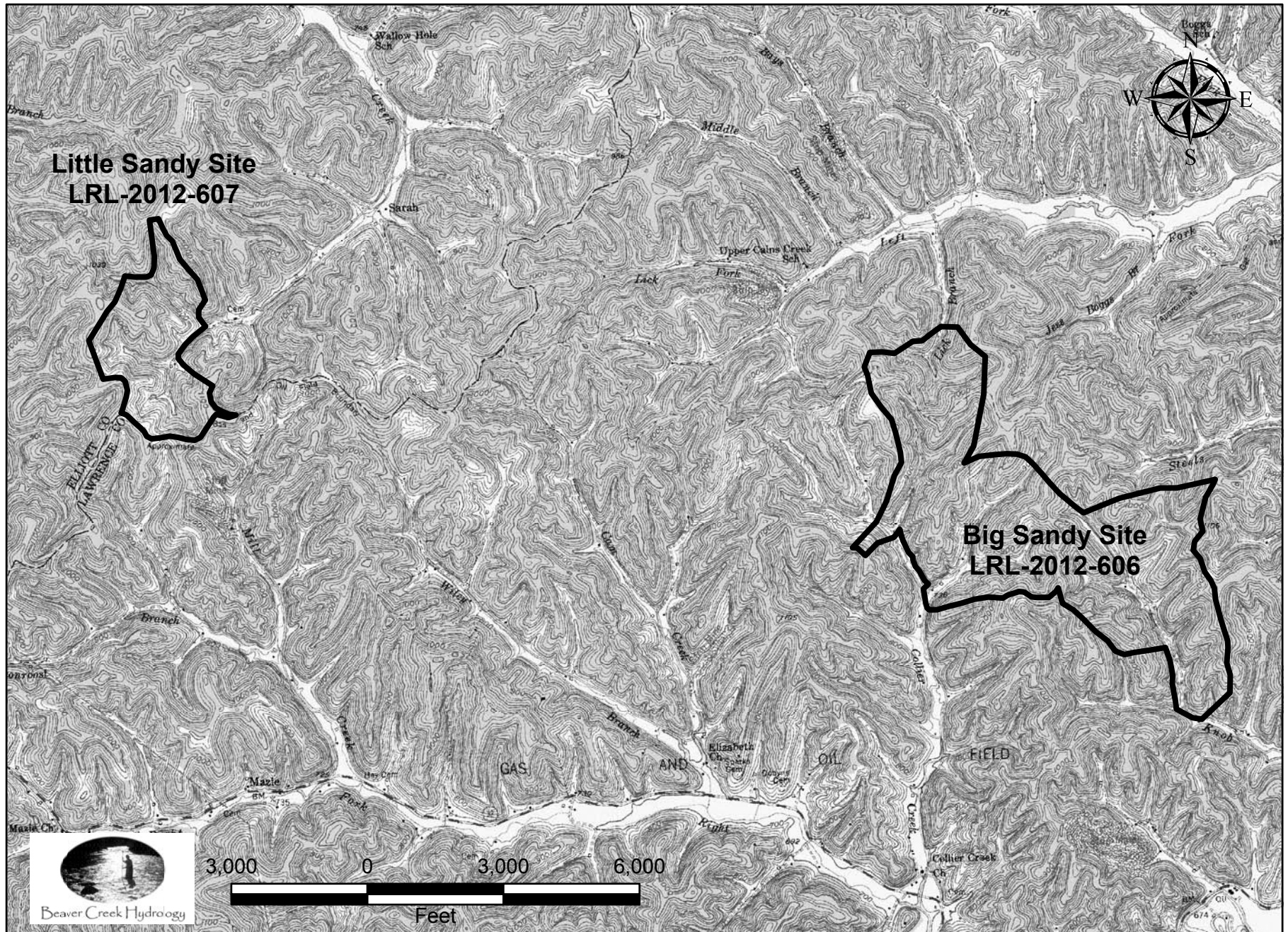
Subject: LRL-2013-739-pgj, LRL-2012-606-pgj &
LRL-2012-607-pgj

b) Provide your physical mailing address and telephone number.

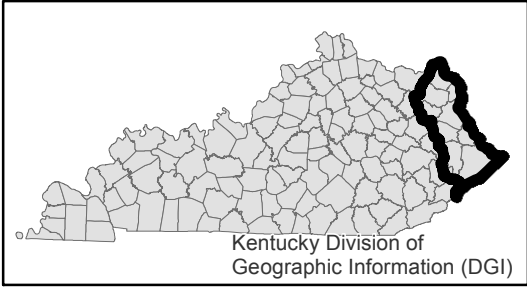
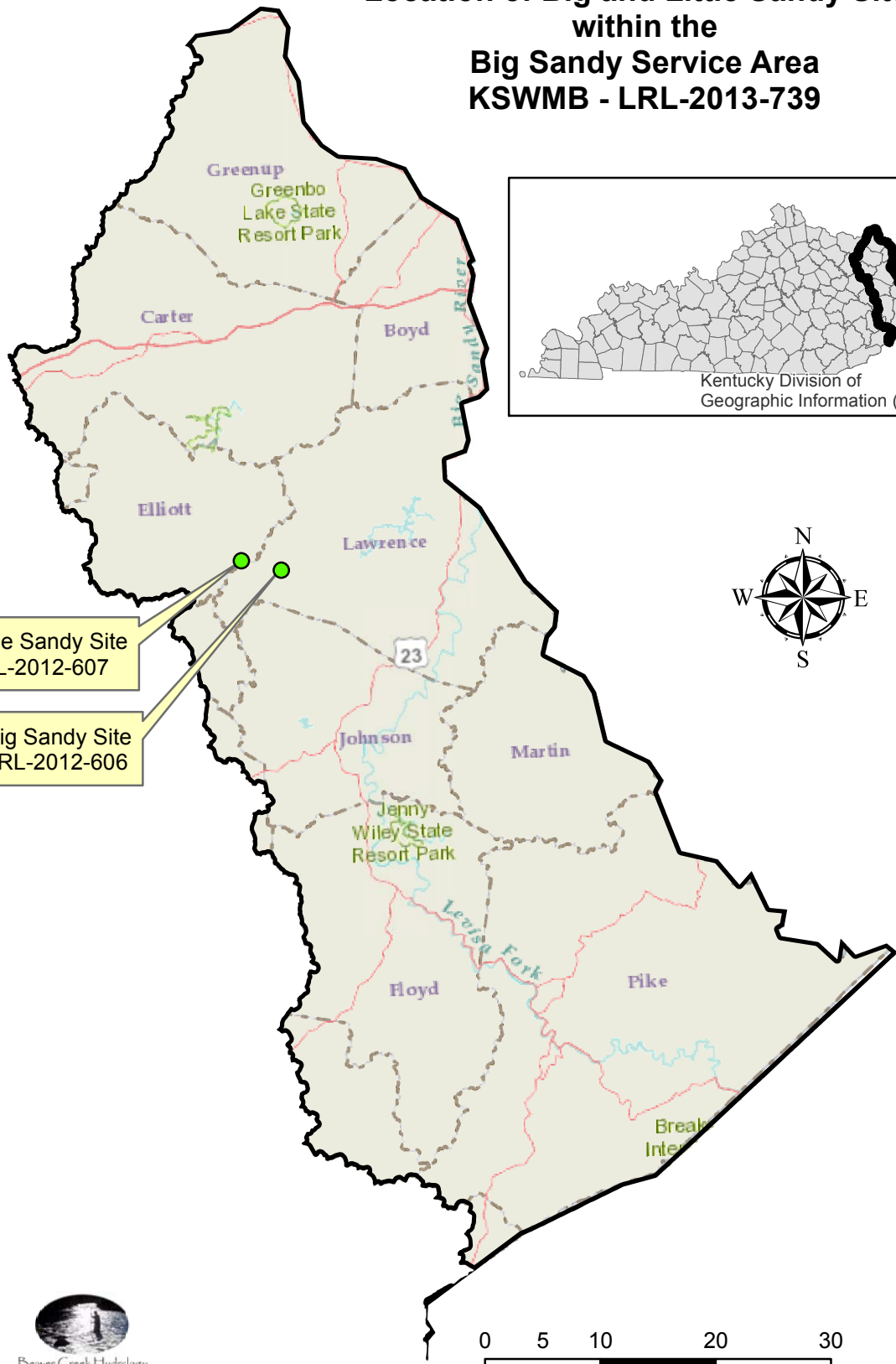
c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

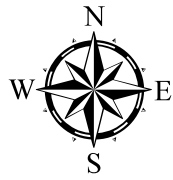
Kentucky Stream and Wetland Mitigation Bank LRL-2013-739



Location of Big and Little Sandy Sites within the Big Sandy Service Area KSWMB - LRL-2013-739



Kentucky Division of
Geographic Information (DGI)



Little Sandy Site
LRL-2012-607

Big Sandy Site
LRL-2012-606



Beaver Creek Hydrology

