



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

# Public Notice

---

Public Notice Nos.	Open Date:	Close Date:
LRL-2015-322-pgj LRL-2016-808-jlb	23 Sep 2016	23 Oct 2016

---

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. Justin Branham., CELRL-OPF-S

845 Sassafras Creek Road

Sassafras, Kentucky 41759

Phone: 606-642-3208

---

This notice announces a proposal to develop an umbrella mitigation bank instrument, including one 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: EIP III Credit Company, LLC  
2002 Clipper Park Road, Suite 201  
Baltimore, Maryland 21211

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

LOCATIONS: North Fork Mitigation Site: Ephemeral, intermittent and perennial streams on an approximately 931-acre site located in the headwaters of Puckett Branch and Graham Branch, near the community of Vanclave, Breathitt County, Kentucky.

Latitude: 37.640333 W  
Longitude: -83.414956 N  
7.5 Minute Quad: Landsaw

PURPOSE: To develop an umbrella mitigation banking instrument that would operate within the Commonwealth of Kentucky, providing stream and wetland mitigation credits, including one locations within the North Fork Kentucky River Watershed.

DESCRIPTION: The Kentucky Stream and Wetland Mitigation Bank III (KSWMBIII) Umbrella Banking Instrument (LRL-2015-322-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 three service areas, the North Fork Kentucky River Watershed (Hydrologic Unit Code, HUC:

05100201), the Middle Fork Kentucky River Watershed (HUC: 05100202), and the South Fork Kentucky River Watershed (HUC: 05100203) and one mitigation site: the North Fork Mitigation Bank Site (LRL-2016-808-jlb). 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 KSWMBIII UMBI: LRL-2015-322-pgj.

The KSWMBIII, in concert with the North Fork Mitigation Bank Site, 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 mitigation site is detailed below. Any discharge of fill into "waters of the U.S." associated with the mitigation project would be reviewed under separate procedures.

The North Fork Mitigation Bank Site (LRL-2016-808-jlb): The North Fork Mitigation Bank Site contains two small watersheds of predominately degraded streams. Approximately 128,600 linear feet (LF) of streams exist on the site (103,179 LF of ephemeral and 25,421 LF of intermittent). The project would include some preservation but mostly restoration, and enhancement activities, resulting in a net ecological lift of approximately 59,127 Ecological Integrity Units (EIUs). Additionally, the site contains 87,482 linear feet of logging and skid roads that dissect the watershed. The project would involve decommissioning these roads that would generate 1,750 EIU's as watershed enhancement measures. The total EIU's generated through re-establishment and enhancement of streams and road decommissioning would be 60,877 EIU's. 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 931-acre property would be permanently protected.

Mitigation Plan: This public notice announces the development of a prospectus for the KSWMBIII, including one mitigation site. Consistent with the Mitigation Rule, a mitigation plan for the 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

Operations Division  
Regulatory Branch (South)  
Public Notice Nos. LRL-2015-322-pgj  
LRL-2016-808-jlb

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 North Fork Mitigation Bank Site and UMBI.

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 Justin Branham, CELRL-OPF-S at the address noted above and should refer to the public notice numbers LRL-2015-322-pgj and LRL-2016-808-jlb.

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

a) In the subject line of your email, type in **ONLY** the public notice ID Nos. LRL-2015-322-pgj & LRL-2016-808-jlb.

Example:

Subject: LRL-2015-322-pgj & LRL-2016-808-jlb

b) Provide your physical mailing address and telephone number.

c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto: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.

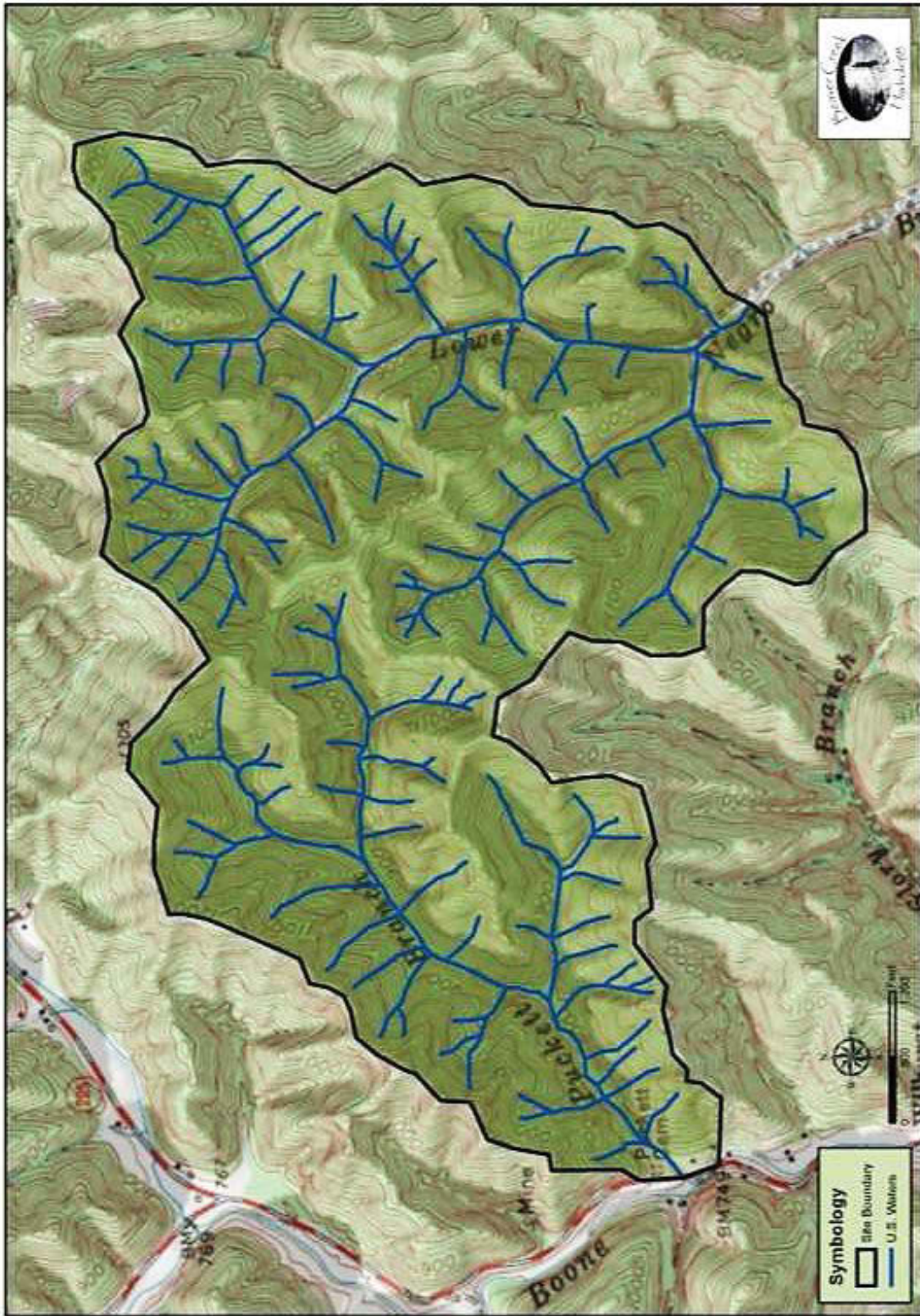


Figure 1 of 2. Map of Site Boundary and All Waters. The North Fork of the Kentucky River Mitigation Bank Site.



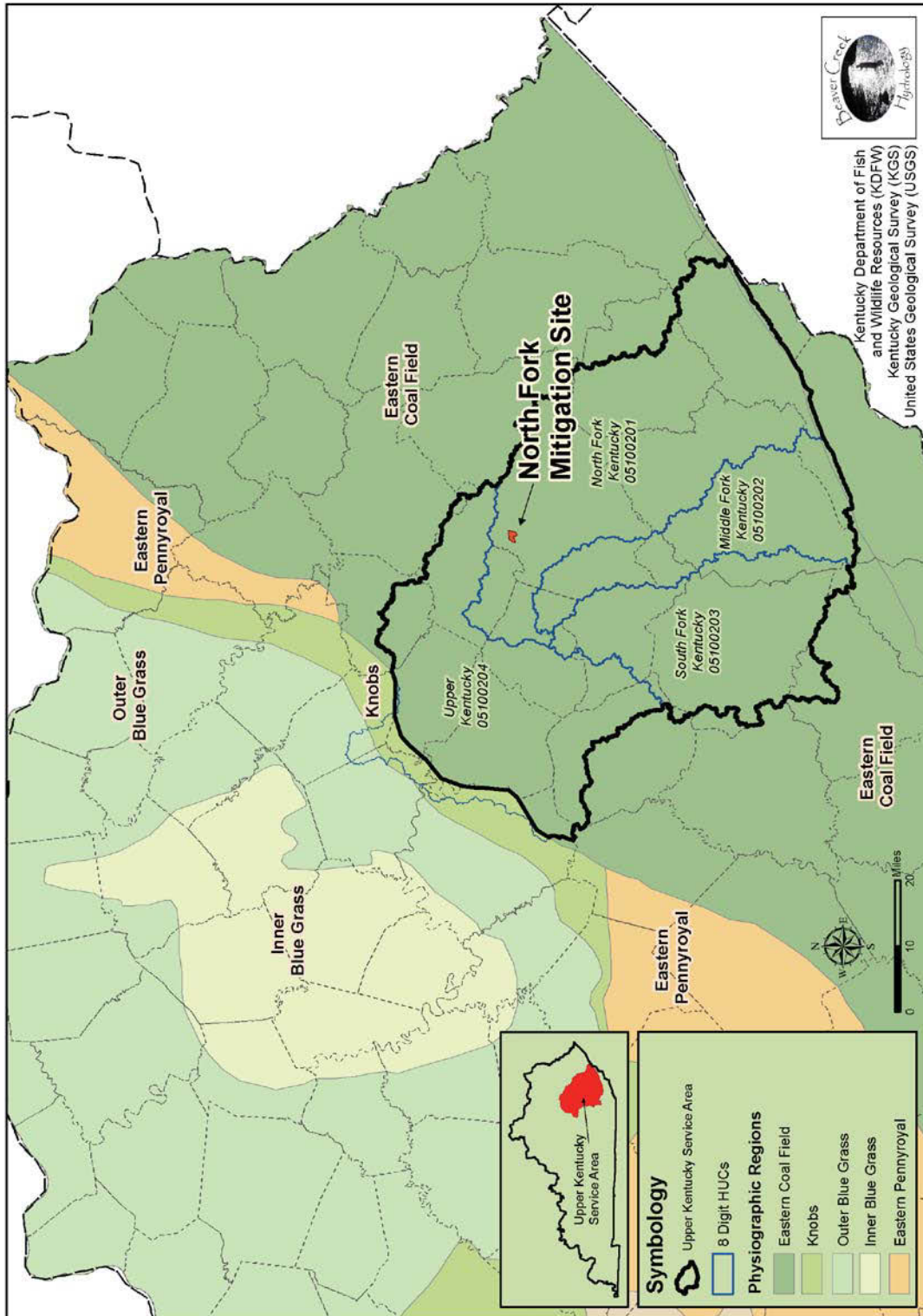


Figure 2 of 2. Map of Service Area . The North Fork of the Kentucky River Mitigation Bank Site.