



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

January 12, 2015

F/SER47: KH/pw

(Sent via Electronic Mail)

Colonel Kevin Landers, Commander
Wilmington District Corps of Engineers
Raleigh Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587

Attention: David E. Bailey

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAW-2014-00657 dated November 28, 2014. Restoration Systems, LLC, requests authorization from the Department of the Army to establish an umbrella compensatory mitigation bank, known as the Cape Fear 02 Umbrella Stream Mitigation Bank, to offset impacts authorized as part of future Federal and State permits. The mitigation bank is proposed as a multi-phase project. The public notice and prospectus represent "Phase I." The mitigation bank would not include essential fish habitat (EFH), and NMFS offers no comments under the authorities of the Magnuson-Stevens Fishery Conservation and Management Act. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are provided pursuant to authorities of the Fish and Wildlife Coordination Act.

Proposed Project Description

The proposed project involves establishing and operating an umbrella compensatory mitigation bank in the Cape Fear River Basin, Hydrologic Unit Code (HUC) 03030002. The plan contained within the prospectus consists of restoring and enhancing streams at 8 sites in Alamance, Caswell, and Rockingham counties. These sites include approximately 31,073 linear feet of existing intermittent and perennial warm-water streams. The final length of streams, after restoration and enhancement, is expected to total approximately 36,625 linear feet. The proposed stream restoration designs would restore stable, meandering streams at new locations to improve floodplain connectivity while using reference streams and appropriate regional curves to design and construct natural hydrodynamics, stream geometry, and local microtopography. Primary activities designed to restore channels will include belt-width preparation and grading, channel excavation, installation of channel plugs, backfilling of abandoned channels, installation of piped channel crossings, and vegetative planting. Enhancement activities are categorized into level I and II. Level I activities are expected to include cessation of agricultural activities, removal of invasive species, raising the channel bed elevation to reconnect bank-full stream flows to the abandoned floodplain, and planting with native, woody species. Level II activities are expected to include the cessation of agricultural activities, removal of invasive species, and supplemental planting with native, woody tree species. Monitoring will be conducted based on the US Army Corps of Engineers *Monitoring Requirements and Performance Standards for Compensatory Mitigation in North Carolina* (2013) following initial biological improvements for seven years, with an opportunity for early termination after five years, if performance standards are met.

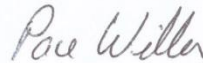


Prospectus Comments

- Monitoring parameters including, but not limited to, water quality and macroinvertebrate community composition, must be compared to pre-construction, or pre-enhancement/restoration levels. Data collection prior to commencement of mitigation activities should occur over multiple sampling periods and be both qualitative and quantitative.
 - o It is unclear whether turbidity or total suspended solid (TSS) content would be measured or monitored to analyze erosion control. The prospectus should clarify.
 - o Streambank stabilization monitoring protocols for data collection and analysis should be clarified.
- Stream enhancement activities, such as the removal of invasive species, should be quantified using approved protocols and standardized methodologies.
- Although detailed designs on proposed stream reaches are not currently available, additional clarification of buffer widths and justification of the buffer widths should be provided. Stream reaches that are not buffered are not eligible for mitigation credit.

Thank you for the opportunity to provide these comments. NMFS is available to aid as the project progresses. Related questions or comments should be directed to the attention of Keith M. Hanson at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Keith.Hanson@noaa.gov or by phone at (843)762-8622.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

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