



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD
PUBLIC NOTICE NO. SAM-2020-00589-MBM

July 19, 2021

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**PROPOSED WETLAND AND STREAM RESTORATION, ENHANCEMENT AND
PRESERVATION FOR THE PROPOSED RED EAGLE MITIGATION BANK,
LOWNDES COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN:

This District has received a complete mitigation banking instrument for the establishment of a mitigation bank referred to as the **Red Eagle Mitigation Bank**. Please communicate this information to interested parties.

BANK SPONSOR: Headwaters L.L.C.
Attention: Mr. Rob Carlton
Post Office Box 242128
Montgomery, Alabama 36124

Headwaters L.L.C. is proposing to establish a 253.74-acre commercial wetland and stream mitigation bank along in Lowndes County, Alabama. The proposed mitigation bank would generate wetland and stream compensatory mitigation credits for purchase by interested Department of Army (DOA) permit applicants in order to fulfill compensatory mitigation requirements for various project-related wetland and stream impacts subject to U.S. Army Corps of Engineers (Corps) regulatory authority pursuant to Section 404 of the Clean Water Act. Approval for DOA permittees to use bank mitigation credits would be determined on a case-by-case basis at the time of permit evaluation.

The proposed mitigation bank is located in Sections 21 and 28 of Township 15 North, Range 13 East, with central GPS coordinates of N32.256781 and W-86.767787. The proposed mitigation bank is located within the Upper Alabama Watershed, USGS Hydrologic Unit Code 03150201. This watershed is the primary service area, and use

of the Mobile District Proximity Factor Method would be required for projects outside this watershed. Use of bank outside of designated service area may be authorized on a case-by-case basis by the Corps.

The proposed Red Eagle Mitigation Bank would be comprised of approximately 17,602 linear feet of intermittent streams, 18,820 linear feet of perennial streams, 100-foot wide riparian buffers on intermittent streams and 200-foot wide riparian buffers on perennial streams, and 37.80 acres of bottomland hardwood wetlands that would be enhanced to generate wetland credits. The project proposes to accomplish instream channel restoration on 11,322 linear feet of intermittent stream and 15,838 linear feet of perennial stream. For the riparian buffers, the project proposes to accomplish mixed riparian buffer enhancement and preservation on the entire 36,422 linear feet of stream channels in the proposed mitigation bank. The project proposes to generate wetland mitigation credits by enhancing 37.80 acres of bottomland hardwood wetlands. The wetlands and uplands within the site have been impacted by commercial forestry management practices including conversion to pine silviculture. Priority 1 and Priority 2 instream channel restoration is proposed for the incised and entrenched stream channel reaches. Land management within the wetland and riparian buffer enhancement areas includes cessation of silviculture operations, levelling of silviculture beds, hand-planting target bottomland hardwood tree species, and control of exotic invasive species. Stream channel restoration, riparian buffer enhancement, and associated credit calculations would be accomplished in accordance with the 2012 USACE Mobile District Compensatory Stream Mitigation Standard Operating Procedures and Guidelines. Wetland credits would be determined using the Wetland Rapid Assessment Procedure (WRAP). A copy of the full Prospectus is available upon request.

On 10 April 2008 the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency issued new regulations, in the Federal Register, Vol. 73, No. 70, for governing compensatory mitigation for losses of aquatic resources. The new regulation, 33 CFR 332 – Compensatory Mitigation for Losses of Aquatic Resources, establishes performance standards and criteria for mitigation projects including mitigation banks. Part 33 CFR 332.8 addresses requirements for establishing, operating, and maintaining mitigation banks that provide credits to satisfy mitigation requirements of the Clean Water Act, Section 404 permit program. Recognizing the potential benefits mitigation banking offers for streamlining the permit evaluation process and providing more effective mitigation for authorized impacts to wetlands, the agencies encourage the establishment and appropriate use of mitigation banks in the Section 404 program. This guidance became effective 9 June 2008. An interagency group of Federal and State regulatory and resource agency representatives, as appropriate given the projected use for the bank,

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referred to as the Interagency Review Team (IRT), is signatory to a banking instrument and oversees the establishment, use and operation of a mitigation bank. Information provided in the prospectus will serve as the basis for establishing a banking instrument which will describe in detail the physical and legal characteristics of the bank and how the bank will be established and operated.

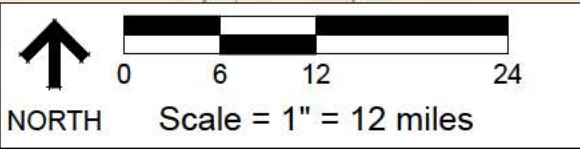
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties for consideration while evaluating this proposed activity. Copies of all comments received will be distributed to the other members of the IRT and the bank sponsor for full consideration in the development of the mitigation bank.

All Comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager at (251) 694-3771 or by email at michael.b.moxey@usace.army.mil. Please refer to the above Public Notice number SAM-2016-00079-MBM.

For additional information about our Regulatory Program, please visit our website at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



REF. SHEET: 8 DIGIT HUC MAP
 DESCRIPTION: INITIAL CHECKLIST
RED EAGLE MITIGATION BANK
 LOWNDES COUNTY, ALABAMA

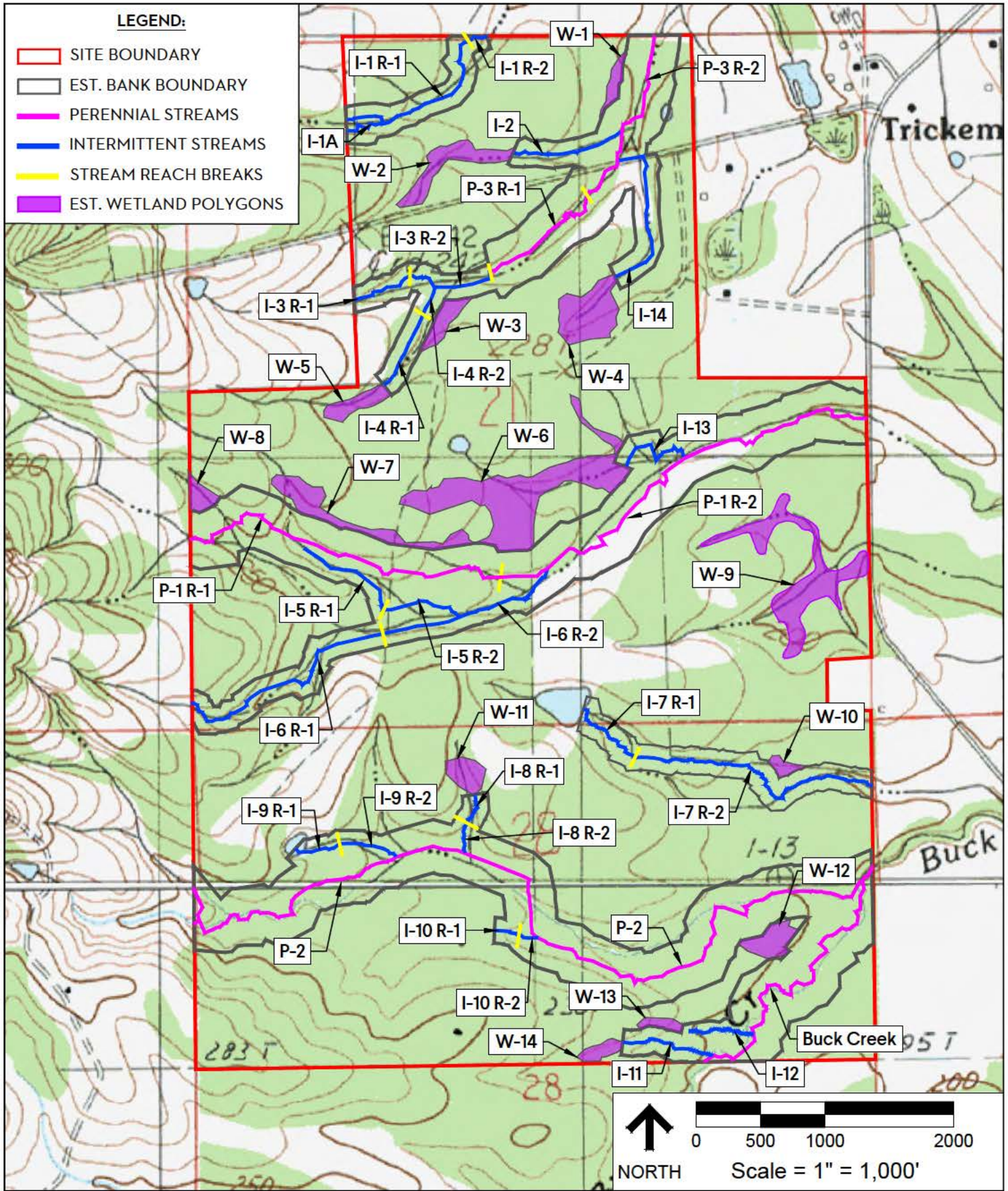
FIGURE 8
 BANK SERVICE AREA
 GMC # EMGM205001
 DATE: 07/13/21
 DRAWN BY: AYH

2660 East Chase Lane, Suite 200
 Montgomery, AL 36117
 T 334.271.3200
 GMCNETWORK.COM



LEGEND:

- SITE BOUNDARY
- EST. BANK BOUNDARY
- PERENNIAL STREAMS
- INTERMITTENT STREAMS
- STREAM REACH BREAKS
- EST. WETLAND POLYGONS



REF. SHEET: BENTONE & COLLIRENE, ALABAMA QUADRANGLE MAP
DESCRIPTION: INITIAL CHECKLIST

RED EAGLE MITIGATION BANK
LOWNDES COUNTY, ALABAMA

FIGURE 2

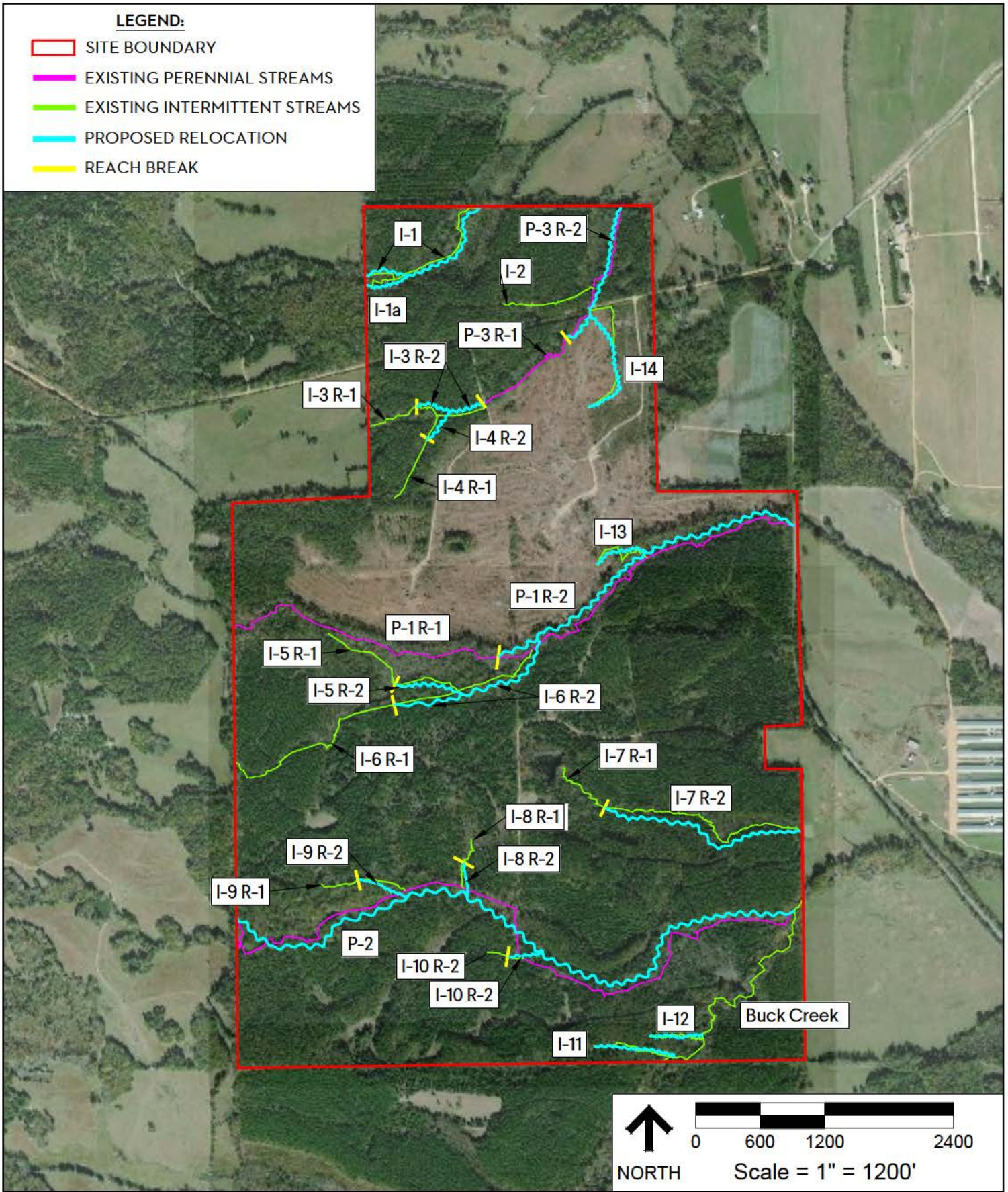
USGS QUADRANGLE MAP
GMC # EMGM205001
DATE: 07/13/21
DRAWN BY: AYH

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LEGEND:

- SITE BOUNDARY
- EXISTING PERENNIAL STREAMS
- EXISTING INTERMITTENT STREAMS
- PROPOSED RELOCATION
- REACH BREAK



REF. SHEET: 2020 AERIAL IMAGERY
DESCRIPTION: PROSPECTUS

RED EAGLE MITIGATION BANK
LOWNDES COUNTY, ALABAMA

FIGURE A

AERIAL PHOTOGRAPH
GMC # EMGM205001
DATE: 07/13/21
DRAWN BY: PGT

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