



REPLY TO
ATTENTION OF:

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

CESAM-RD
PUBLIC NOTICE SAM-2014-01190-MBM

February 6, 2015

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

**PROPOSED DRY CREEK MITIGATION BANK IN
BLOUNT COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN:

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

**BANK SPONSOR: Dry Creek Mitigation Bank
North Alabama Land Holdings L.L.C.
Attention: Mr. Cam Lanier, IV
714 Burke Place
Auburn, Alabama 36830**

North Alabama Land Holdings, L.L.C., is proposing to establish the 575-acre Dry Creek Mitigation Bank to generate commercial wetland and stream 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 and losses subject to U.S. Army Corps of Engineers (Corps) regulatory authority pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Approval for DOA permittees to use mitigation bank credits would be determined on a case-by-case basis at the time of permit evaluation. Use of the mitigation bank outside of designated service area would require authorization on a case-by-case basis and the use of the Mobile District Proximity Factor Method.

The proposed Dry Creek Mitigation Bank is located in the Locust Fork Watershed (HUC 03160111) in Blount County, Alabama. The proposed service area would be

the Locust Fork Watershed. More specifically the project is located in Section 24, Township 12 South, Range 1 West, at 33°58'26.00" N, 86°35'57.00" W, southwest of Cleveland, Alabama. The proposed mitigation bank site contains approximately 35,000 linear feet of stream channel within 15 stream reaches, and approximately 10 acres of open pasture wetlands. The site contains approximately 7,100 linear feet of perennial stream (Dry Creek), 27,000 linear feet of intermittent stream, and 900 linear feet of ephemeral stream.

Currently, the entire mitigation bank site is an active cattle farm, and nearly all the wetlands and streams have been impacted by farming operations. Of the 35,000 linear feet of stream channel on the site, approximately 29,400 linear feet have been moved, straightened, or are incised. All streams will require riparian buffer restoration or enhancement actions. A 10-acre area of wetlands within the proposed Dry Creek Mitigation Bank is currently maintained as open cattle pasture.

The mitigation bank proposes in-stream work on 14 of the 15 stream reaches. Within these streams, the banker proposes to accomplish Priority 1 (and Priority 2 if appropriate) stream channel restoration create and restore stream channels types back to the target "C" stream channel types. Portions of Dry Creek will receive Priority 3 stream restoration actions by removing berms to establish a new floodplain. The stream channel restoration activities will restore the pattern, profile, and dimension of the stream channels to mimic similar unimpacted reference stream channel types in the watershed. Stream mitigation credits will be generated by restoring or enhancing the upland and wetland riparian buffers by planting trees to return the regionally-specific forested ecosystem. Wetland credits will be generated by tree planting to enhance the formerly forested wetland area that is not within a riparian buffer area. The IRT is currently evaluating the proposed wetland and stream restoration and enhancement strategies.

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, 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, referred to as the 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.

Correspondence concerning this notice should refer to Public Notice Number SAM-2014-01190-MBM and should be directed to the District Commander, U.S. Army Engineer District, Mobile, Attention: Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

Comments concerning this Public Notice 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, Mr. Michael Moxey, at (251) 694-3771 or via e-mail at michael.b.moxey@usace.army.mil.

For additional information about our Regulatory Program, Please visit our web site at: www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

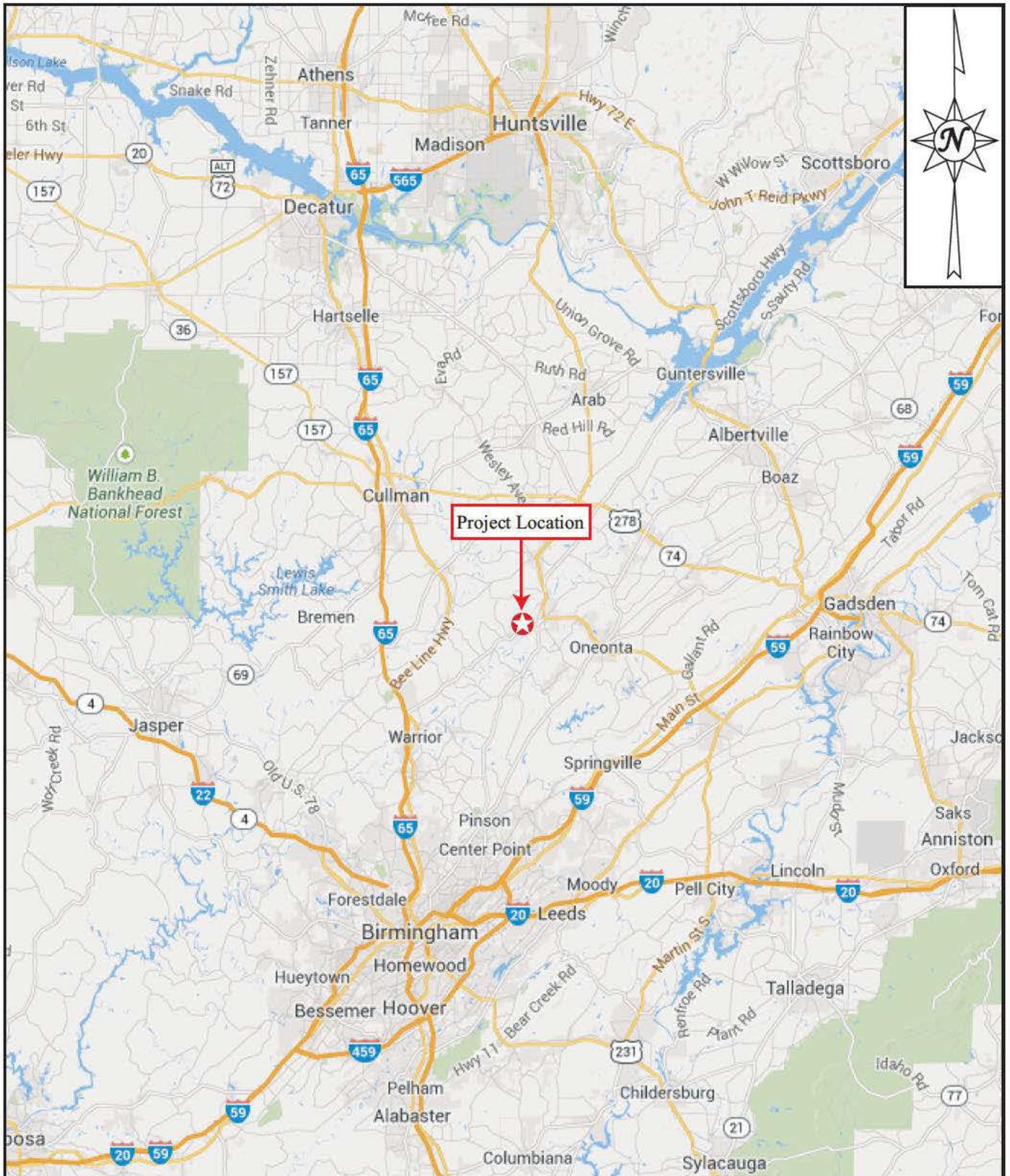


Figure 1: Vicinity Map
 Dry Creek Mitigation Bank
 Cleveland, Blount County, Alabama
 Source: Google Maps
 BioResources Project No. WL14-270
 Approximate Scale: 1" = 14 miles



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 Auburn, Alabama 36830 www.bioresourcelc.net

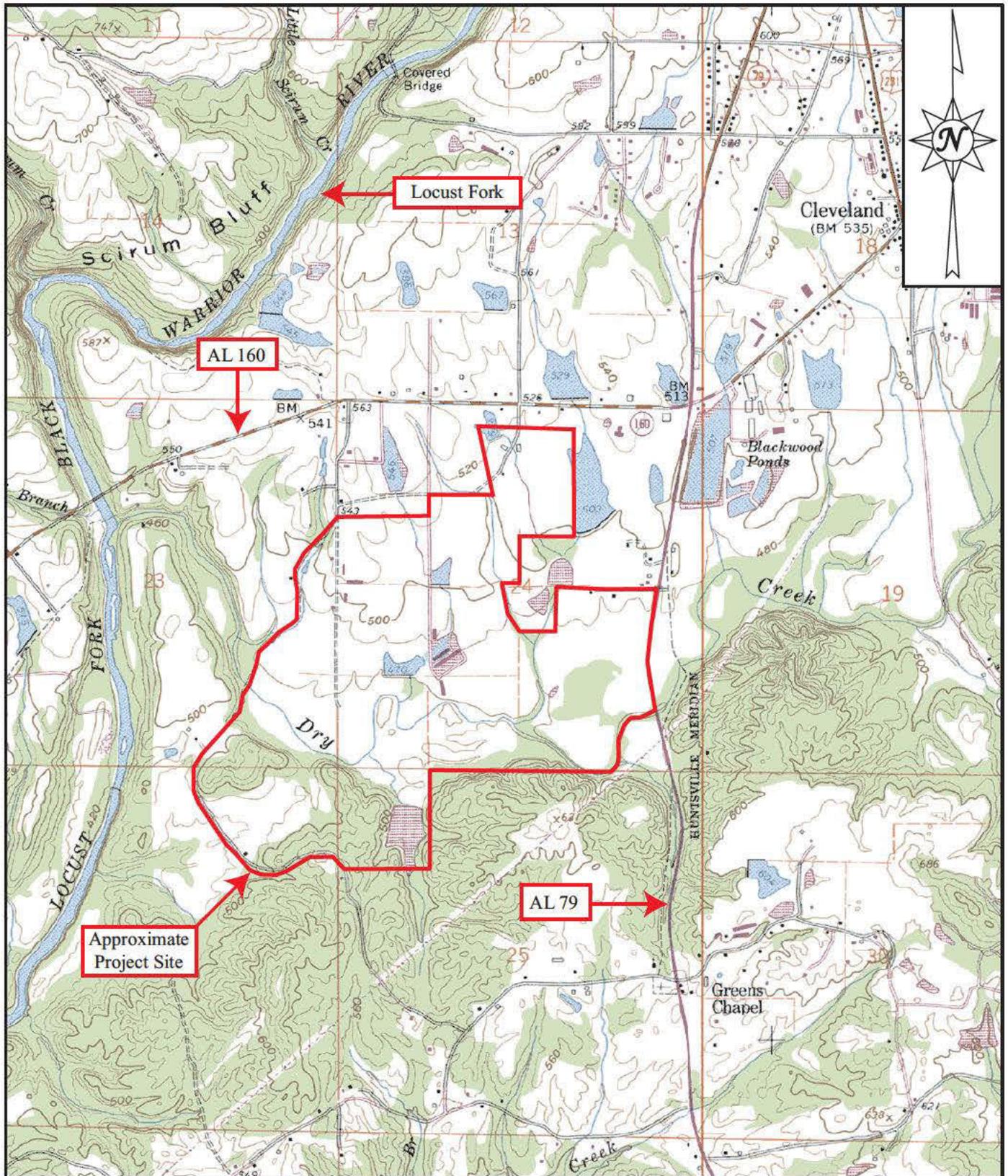


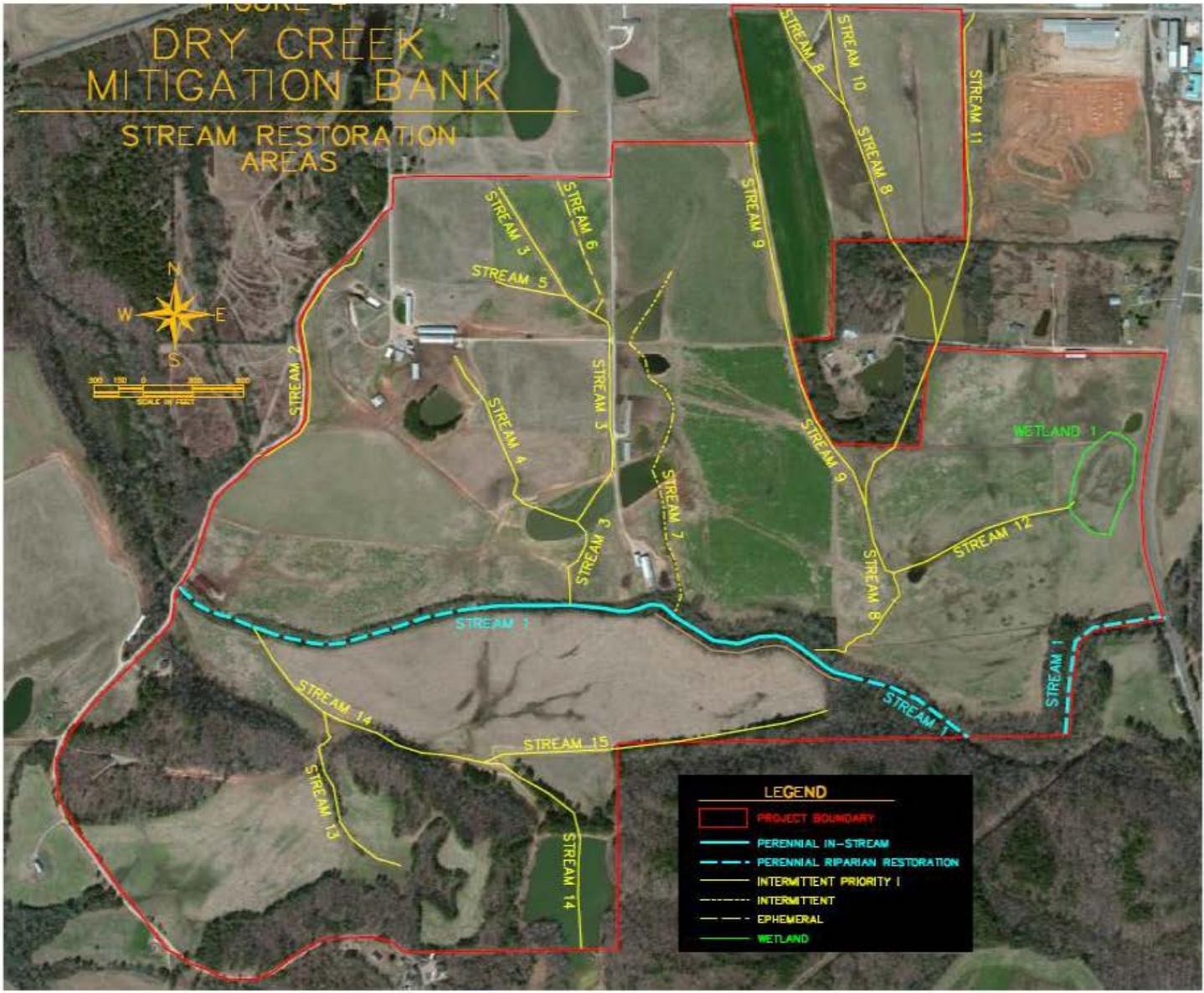
Figure 2: Site Location Map
 Dry Creek Mitigation Bank
 Cleveland, Blount County, Alabama
 Cleveland, AL U.S.G.S. 7.5' Quad Map
 BioResources Project No. WL14-270
 Scale: 1" = 2000'



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DRY CREEK MITIGATION BANK

STREAM RESTORATION AREAS



LEGEND

- PROJECT BOUNDARY
- PERENNIAL IN-STREAM
- PERENNIAL RIPARIAN RESTORATION
- INTERMITTENT PRIORITY I
- INTERMITTENT
- EPHEMERAL
- WETLAND