



REPLY TO
ATTENTION OF:

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

Regulatory Division
PUBLIC NOTICE NO. SAM-2008-00702-JSC

April 13, 2009

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

MIDCREEKS MITIGATION BANK, BARBOUR COUNTY, ALABAMA

TO WHOM IT MAY CONCERN:

This District, has received a completed prospectus for the proposed establishment of a mitigation bank referred to as the **Midcreeks Mitigation Bank**. Please communicate this information to interested parties.

**BANK SPONSOR: Mitigation Solutions MidCreeks, LLC
C/o Goodwyn, Mills & Cawood
Attention: Mr. Rob Carlton
2660 East Chase Lane, Suite 200
Montgomery, Alabama 36117**

Goodwyn, Mills & Cawood is proposing to establish a 730-acre commercial wetland and stream mitigation bank to generate mitigation credits for purchase by interested Department of Army (DOA) permit applicants in order to fulfill compensatory wetland and stream mitigation requirements for various project-related 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 mitigation bank is sited along portions of the Middle Fork Cowikee Creek and North Fork Cowikee Creek, which are tributaries to the Chattahoochee River. The bank's service area will include all portions of the Middle Chattahoochee Watershed (USGS Hydrologic Unit Code 03130003) as well as remaining watersheds within the Apalachicola Basin (USGS Hydrologic Unit Code 031300) in Alabama using the Mobile District Proximity Factor Method. Use of bank outside of designated service area may be authorized on a case-by-case basis. The Midcreeks Mitigation Bank contains 40,051 linear feet of stream within the bank's boundaries. The mitigation bank will conduct both stream and wetland mitigation activities in the following manner:

Stream/Wetland Mitigation Summary			
Resource Type	Linear Feet/Acres	Current Condition	Management Activity
Perennial	20,518 (North & Middle Fork Cowikee Creek)	Fully Functional	Preservation of existing buffer with some Restoration via hardwood plantings
Intermittent	6,357	Somewhat Impaired	Buffer restoration via hardwood plantings
Intermittent	6,022	Impaired	In-stream restoration and buffer restoration via hardwood plantings
Intermittent	7,154	Fully Functional	Preservation and enhancement of existing buffer (exotic species removal)
Wetland	414.59	Impaired	Hydrologic restoration and vegetative restoration via hardwood plantings

All stream credit calculations will be determined using the Mobile District’s March 2005 Standard Operating Procedures Compensatory Stream Mitigation Guidelines. All wetland credit calculations will be determined using the Wetland Rapid Assessment Procedure (WRAP). The mitigation bank site is located near Eufaula, Barbour County, Alabama.

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 if 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, 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.

April 13, 2009

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. .

Any correspondence concerning this publication should refer to this Public Notice SAM-2008-00702-JSC and should be directed to the following address:

District Engineer:

U. S. Army Engineer District, Mobile
Regulatory Division, Montgomery Field Office
Attn: James S. Cherry, II
25 LeMay Plaza S., Bldg. 853
Maxwell, AFB, AL 36112

with a copy to the :

Director
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463

All comments should be received no later than 30 **days** from the date of issuance of this Public Notice.

Enclosed to assist you with your review are: Location map; Site Map; Soils map; Management Polygon map; and Aerial photograph.

If you have any questions concerning this publication, you may contact the Project Manager via e-mail at james.s.cherry@usace.army.mil or telephone number (334) 953-2172. Please refer to the above Public Notice number.

For additional information about the Mobile District's Regulatory Program, please take a moment to visit our web site at www.sam.usace.army.mil/RD/reg, while there please take a moment to complete our customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineer

3.

710.00

FCH LINE

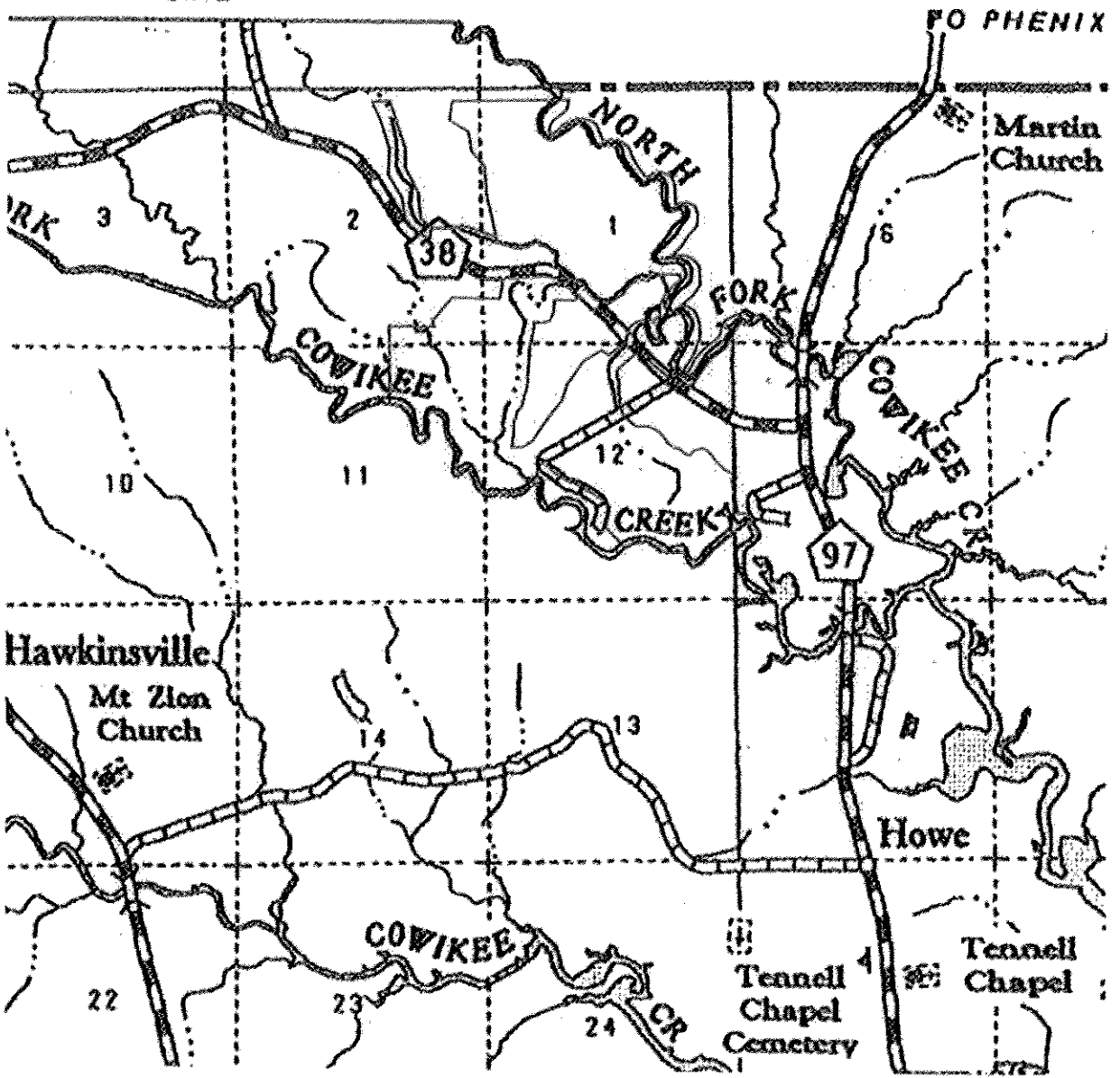


FIGURE
1

Goodwyn, Mills & Cawood, Inc.

P. O. Box 242128
 2660 East Chase Lane, Suite 200
 Montgomery, Alabama 36124

TITLE: SITE LOCATION MAP

PROJECT: MID CREEKS MITIGATION BANK
 BARBOUR COUNTY, AL

DESIGNED:

DRAWN: RDC

SCALE: 1"=3,500'

DATE: 8/21/07



FIGURE

2

Goodwyn, Mills & Cawood, Inc.

P. O. Box 242128
 2660 East Chase Lane, Suite 200
 Montgomery, Alabama 36124

TITLE:

BARBOUR
 COUNTY
 SOILS MAP

DESIGNED:

DRAWN: RDC

PROJECT:

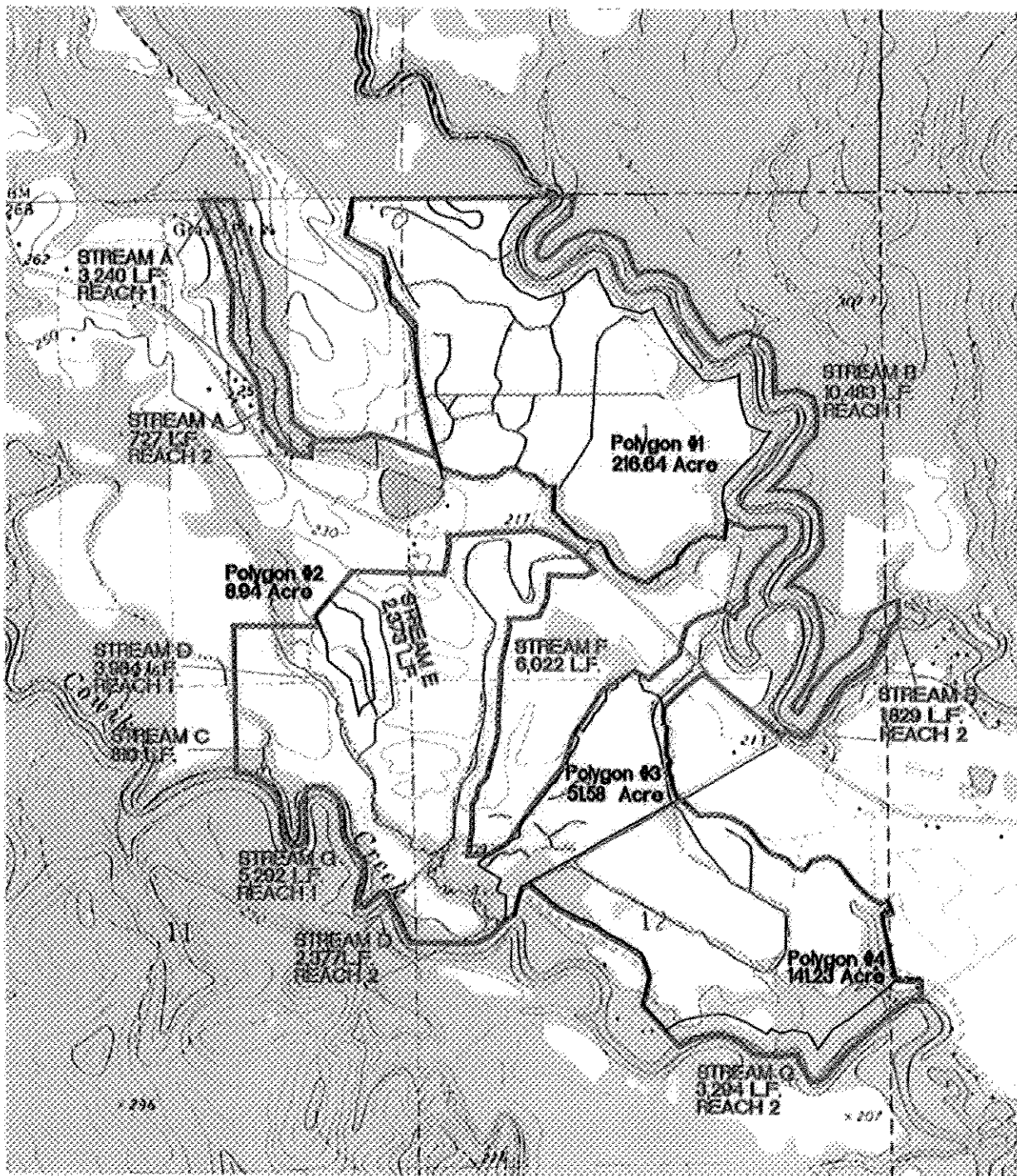
MIDCREEKS
 MITIGATION BANK

SCALE:

1"=1,500'

DATE:

8/20/07



- = STREAMS
- = WET
- = ROADS
- = DITCHES
- = BOUNDARY
- = DRY

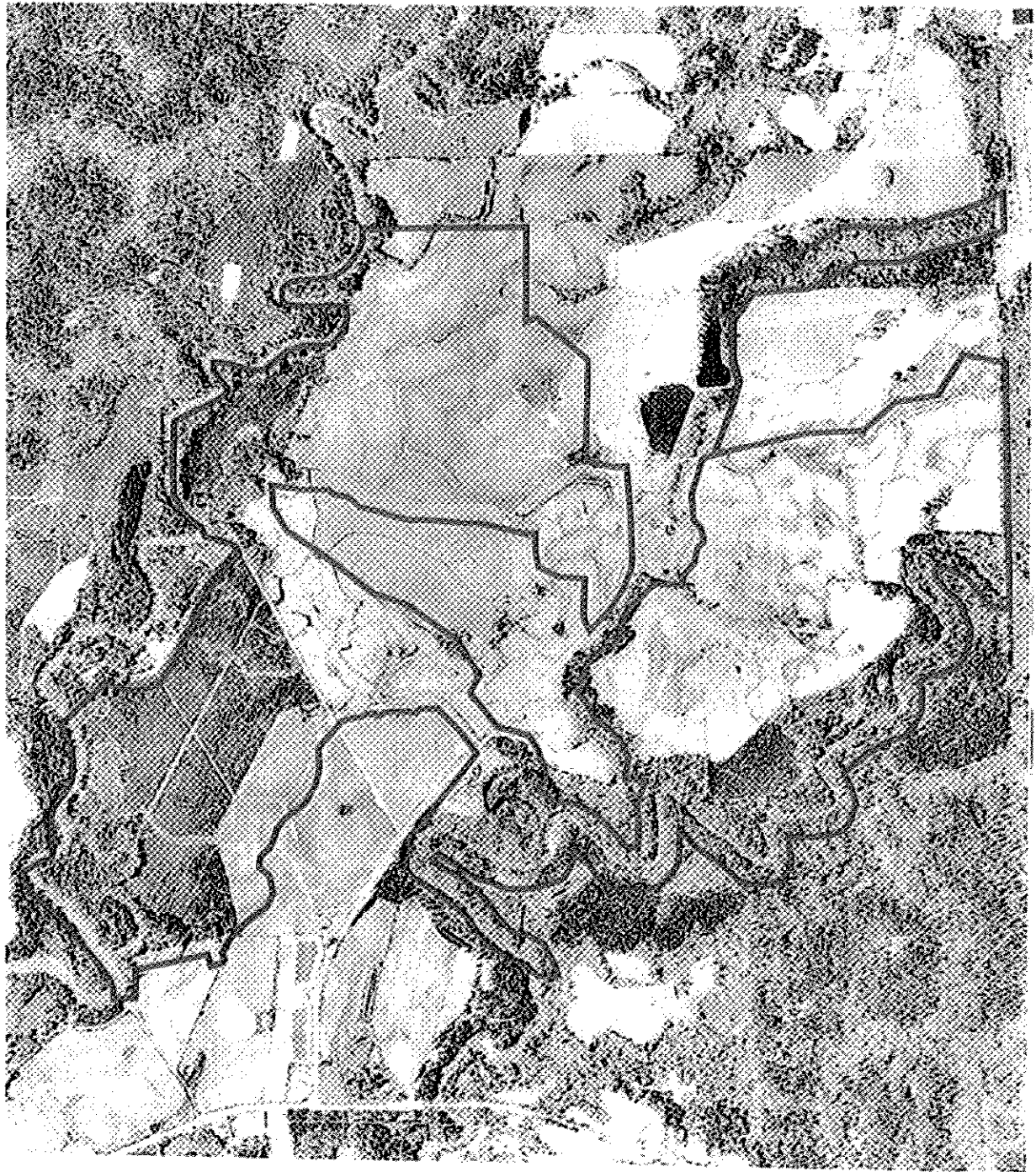
FIGURE
3

Goodwyn, Mills & Cawood, Inc.

P. O. Box 242128
2660 East Chase Lane, Suite 200
Montgomery, Alabama 36124

TITLE: USGS QUADRANGLE MAP
PROJECT: MIDCREEKS MITIGATION BANK

DESIGNED:
DRAWN: RDC
SCALE: 1"=1,700'
DATE: 9/10/07



FIGURE

4B

Goodwyn, Mills & Cawood, Inc.

P. O. Box 242128
 2880 East Chase Lane, Suite 200
 Montgomery, Alabama 36124

TITLE:

1992
 AERIAL
 PHOTO

DESIGNED:

DRAWN: **RDC**

PROJECT:

MIDCREEKS
 MITIGATION BANK

SCALE:

NTS

DATE:

9/5/07