



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 NO. SAM-2015-00284-MBM

July 30, 2016

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

**PROPOSED BUCK CREEK MITIGATION BANK IN  
WALKER 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 **Buck Creek Mitigation Bank**. Please communicate this information to interested parties.

**BANK SPONSOR: Buck Creek Mitigation Bank  
Buck Creek Mitigation L.L.C.  
Attention: Mr. Zachary Wilbanks  
1300 Timberwood Lane  
Jasper, Alabama 35504**

Buck Creek Mitigation L.L.C. is proposing to establish the 156.9-acre Buck Creek commercial mitigation bank to generate 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. This mitigation bank is located within the Cumberland Plateau, in the Mulberry Fork Watershed (HUC 03160109) in Walker County, Alabama. More specifically the project is located in Section 6, Township 13 South, Range 8 West, at 33.948268 N, -87.424755 W, southeast of Nauvoo, Alabama. The site is adjacent to the Buck Creek which is part of the tributary system to the Black Warrior River. The proposed mitigation bank site contains 15,865 linear feet of stream channel associated with Buck Creek and 12 unnamed tributaries, 70.6 acres of riparian buffers containing 8.33 acres of wetlands, 6.0 acres of wetlands generating wetland credits, and 80.3 acres of uplands that are not generating mitigation credits. The proposed service area is the Mulberry Fork Watershed (HUC-

03160109). 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 mitigation bank site has been historically managed for silviculture and timbering production which has created stream reaches with incised stream channels, narrow forested riparian buffers, and loss of native trees species composition and diversity. Groundwater monitoring wells have been installed to evaluate site hydrology. The applicant proposed to enhance the wetlands within the entire mitigation bank by removing exotic invasive species and replanting target native tree species to return a regionally specific Sycamore-Sweetgum-American Elm hardwood forested ecosystem. The identified target tree species representative of the regional hardwood system are also found in the Mobile District Bottomland Hardwood Success Criteria. The applicant proposes to enhance the uplands in the mitigation bank by removing exotics and planting target tree species to achieve a regionally specific Sycamore-Sweetgum-American Elm hardwood forested ecosystem in the riparian zones that transition to the upland Loblolly Pine-hardwood forested ecosystem in the upland areas not generating mitigation credit. The Mobile District Mitigation Banking Interagency Review Team (IRT) is currently evaluating the proposed site management strategy.

Majority of the stream mitigation credits will be generated from riparian buffer enhancement actions. The mitigation bank is proposing Priority 1 stream channel restoration work on 755 linear feet of incised intermittent stream channel within three reaches, and Priority 2 channel restoration within 72 linear feet of perennial stream channel in two reaches that is associated with the removal of two culverts. The goal of the stream channel work is to restore impacted "G" type streams to target "E" stream channels. The stream channel restoration activities will utilize natural stream channel design strategies and 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 also be generated by enhancing the riparian buffers along all streams in the mitigation bank by removing exotic species and planting native endemic tree species to return these systems to the target forested ecosystems. The IRT is currently evaluating the proposed riparian buffer enhancement strategy.

The mitigation banker completed a study for determining the presence of any endangered/threatened species or critical habitat within the proposed mitigation bank. The habitat survey was conducted on July 4-5, 2015, for the following federally listed species that are known from Walker County: Plants- Mohr's Barbara Button (*Marshallia mohrii*); White Fringeless Orchid (*Platanthera integrilabia*); Harperella (*Ptilimnium nodosum*). Fishes- Cahaba Shiner (*Notropis cahabae*); Rush Darter (*Etheostoma phytophilum*). Mussels- Dark Pigtoe (*Pleurobema furvum*); Orangenacre Mucket (*Lampsilis perovalis*); Ovate Clubshell (*Pleurobema perovatum*); Triangular Kidneyshell (*Ptychobranhus greenii*); Upland Combshell (*Epioblasma metastrata*). Snails- Black Mudalia (*Elimia melanoides*). Amphibians: Black Warrior Waterdog (*Necturus alabamensis*). Reptiles: Flattened Musk Turtle (*Sternotherus depressus*). Mammals- Indiana Bat (*Myotis sodalis*); Gray Bat (*Myotis grisescens*); Northern Long-Ear Bat (*Myotis septentrionalis*). The July 13, 2015, report was submitted to the U.S. Fish and Wildlife Service who provided their concurrence with the findings that the project will

have no significant impacts on fish and wildlife resources. The Corps of Engineers has not made its final determination and is currently reviewing the provided report and findings.

The mitigation banker employed the University of Alabama to complete a Phase I Cultural Resources Survey and report for the proposed mitigation bank site. The report was submitted to the State of Alabama Historical Commission who provided concurrence with the author's findings in the report (AHC 2015-1240) that the project will have no adverse effect on cultural resources eligible for or listed on the National Register of Historic Places. The Corps of Engineers has not made a final determination and is currently reviewing the provided survey report and findings.

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-2015-00284-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](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures



1" = 40 MILES

# BUCK CREEK MITIGATION BANK SAM-2015-00284-MBM



PROJECT LOCATION  
LAT: 33.948268°  
LONG: -87.424755°



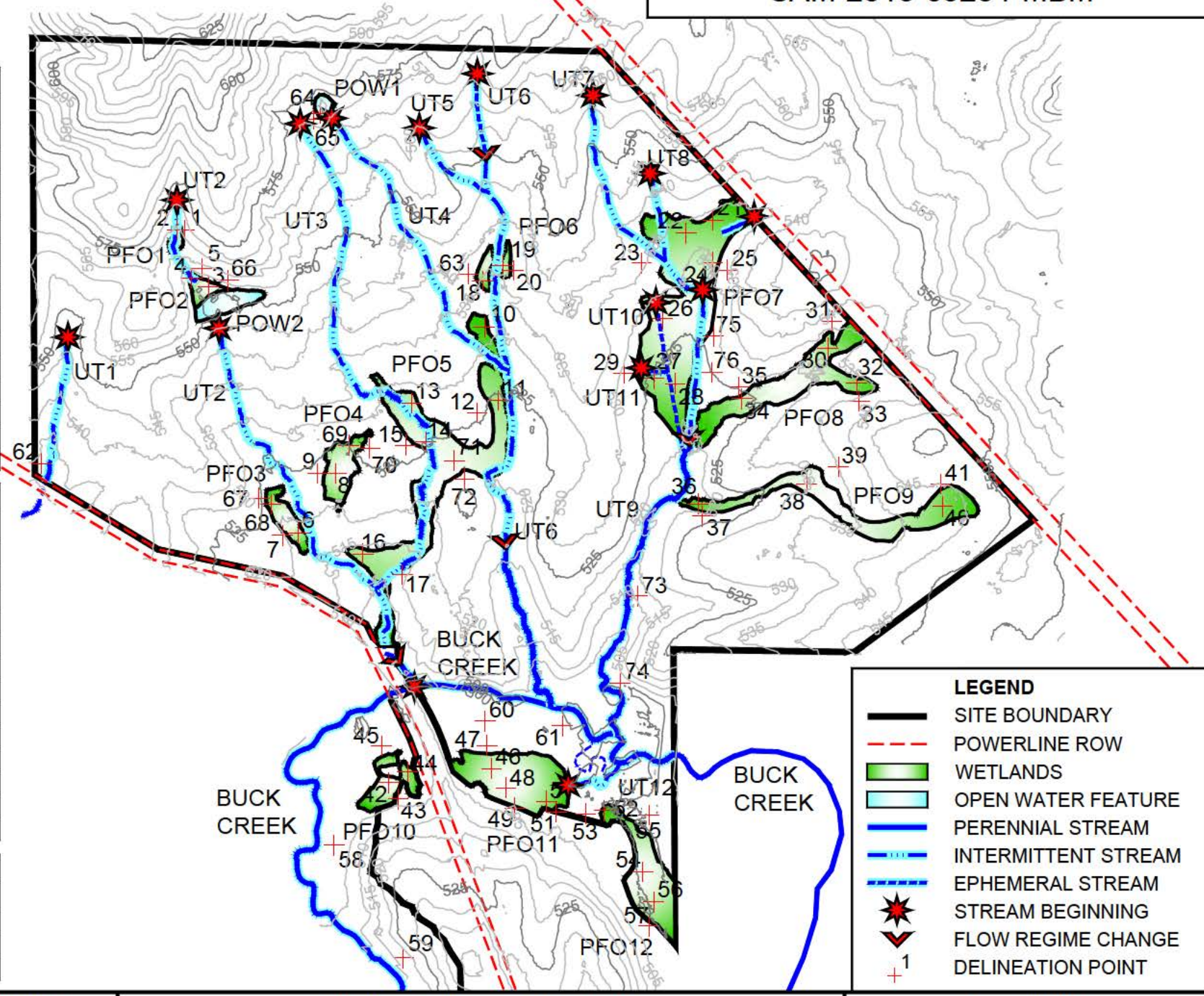
1" = 500'

# BUCK CREEK MITIGATION BANK SAM-2015-00284-MBM

STREAM LENGTHS	
NAME	LENGTH (FT)
BC WEST	1,724
BC EAST	1,178
BC-UT1	556
BC-UT2	1,902
BC-UT3	2,115
BC-UT4	1,175
BC-UT5	362
BC-UT6	2,538
BC-UT7	896
BC-UT8	324
BC-UT9	1,995
BC-UT10	556
BC-UT11	98
BC-UT12	246
<b>TOTAL</b>	<b>15,665</b>

WETLAND SIZES	
NAME	SIZE (ACRES)
PFO1	0.084
PFO2	0.187
PFO3	0.349
PFO4	0.522
PFO5	3.115
PFO6	0.225
PFO7	3.732
PFO8	1.537
PFO9	1.560
PFO10	0.463
PFO11	1.482
PFO12	1.076
<b>TOTAL</b>	<b>14.33</b>

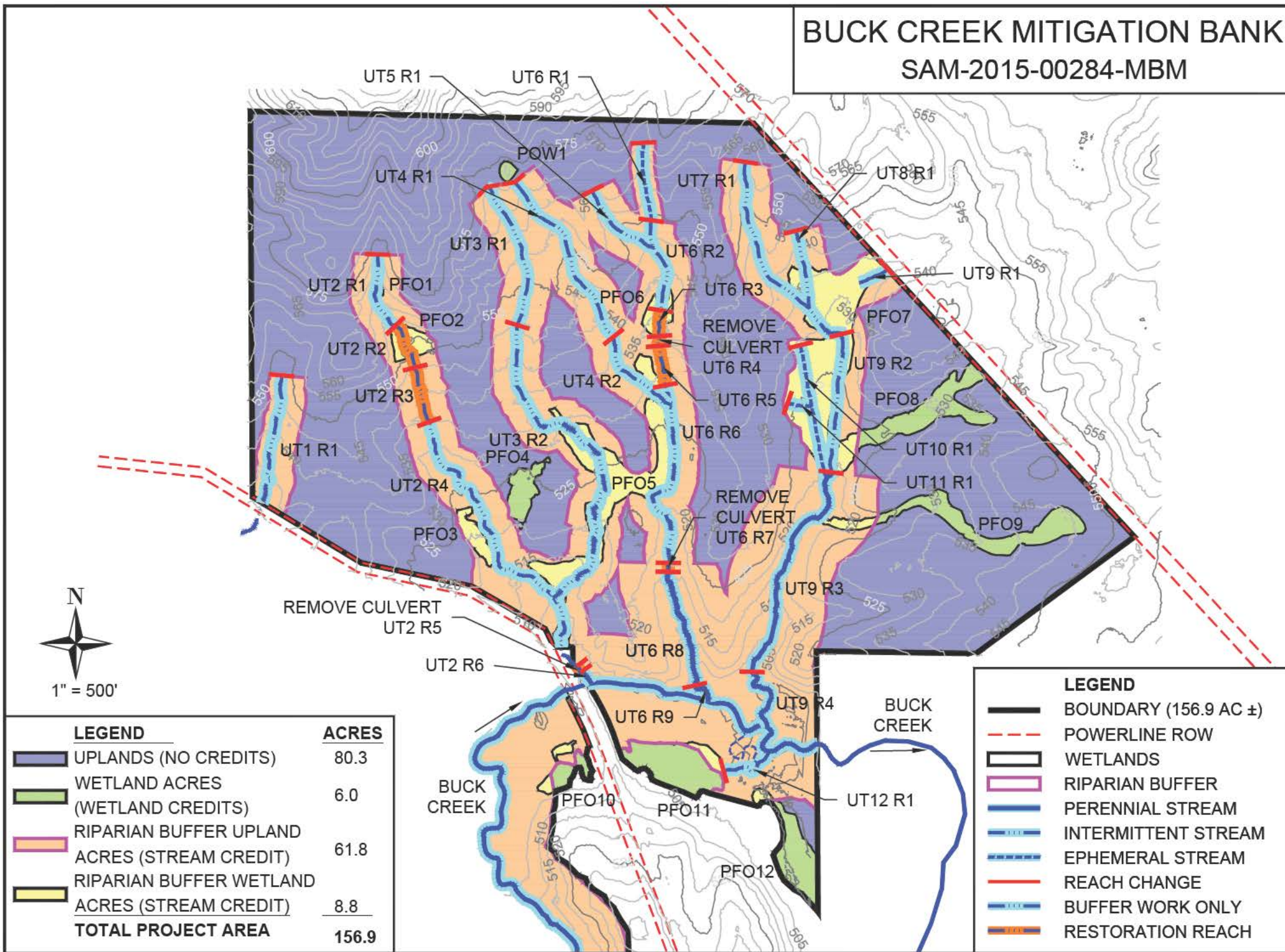
OPEN WATER SIZES	
NAME	SIZE (ACRES)
POW1	0.096
POW2	0.365
<b>TOTAL</b>	<b>0.46</b>



**LEGEND**

- SITE BOUNDARY
- POWERLINE ROW
- WETLANDS
- OPEN WATER FEATURE
- PERENNIAL STREAM
- INTERMITTENT STREAM
- EPHEMERAL STREAM
- STREAM BEGINNING
- FLOW REGIME CHANGE
- DELINEATION POINT

# BUCK CREEK MITIGATION BANK SAM-2015-00284-MBM



LEGEND	
	UPLANDS (NO CREDITS)
	WETLAND ACRES (WETLAND CREDITS)
	RIPARIAN BUFFER UPLAND ACRES (STREAM CREDIT)
	RIPARIAN BUFFER WETLAND ACRES (STREAM CREDIT)
<b>TOTAL PROJECT AREA</b>	<b>156.9</b>

LEGEND	
	BOUNDARY (156.9 AC ±)
	POWERLINE ROW
	WETLANDS
	RIPARIAN BUFFER
	PERENNIAL STREAM
	INTERMITTENT STREAM
	EPHEMERAL STREAM
	REACH CHANGE
	BUFFER WORK ONLY
	RESTORATION REACH