



REPLY TO
ATTENTION OF:

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

CESAM-RD
PUBLIC NOTICE NO. SAM-2016-01433-MBM

August 24, 2022

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

**PROPOSED STREAM AND RIPARIAN BUFFER RESTORATION, ENHANCEMENT AND
PRESERVATION FOR THE PROPOSED INDIAN CREEK MITIGATION BANK,
WALKER COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN:

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

BANK SPONSOR: Indian Creek Mitigation, L.L.C.
Attention: Mr. Zachary Wilbanks
912 Edenton Street
Birmingham, AL 35242

Indian Creek Mitigation, L.L., is proposing to establish a 297.5-acre commercial stream mitigation bank in Walker County, Alabama. The proposed mitigation bank would generate 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 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 Indian Creek Mitigation Bank site is located approximately 7.0 miles southeast of Oakman, Alabama. More specifically, this site is located in Sections 25 and 30, Township 16 South, Range 7 and 8 West in Walker County, Alabama. The central latitude and longitude coordinates are 33.621659° North and -87.326426° West.

The project site is in the Mulberry Fork Watershed, HUC 03160109, in the Black warrior River Basin. The service area for the proposed mitigation bank would be the Mulberry Fork Watershed. 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 297.5-acre Indian Creek Mitigation Bank site contains approximately 14,379 linear feet of perennial stream (Indian Creek) and approximately 15,231 linear feet of the intermittent stream channels within 18 unnamed tributaries to Indian Creek. The project proposes Priority 1 and Priority 2 instream channel restoration on 1,871 linear feet of unstable intermittent stream channels that are incised and entrenched due to head-cutting. The goal is to restore the unstable stream channels back to stable C-type stream channels. The perennial streams will have 200-foot wide riparian buffers, and the intermittent streams will have 100-foot wide riparian buffers. Within the riparian buffers, the bank proposes to enhance 153 acres of upland hardwood forests that have been either clear-cut or converted to commercial pine silviculture, and preserve 139.8 acres of high quality forested uplands currently existing as avoided narrow buffers adjacent to the stream channels. Land management within the riparian buffer enhancement areas includes cessation of commercial forestry management actions, mechanical removal or chemical treatment of undesirable trees and vegetation, and the manual planting of target hardwood tree species. The entire site will be managed to eradicate exotic and undesirable species. The stream channel restoration and riparian buffer enhancement and preservation credit calculations would be accomplished in accordance with the 2012 USACE Mobile District Compensatory Stream Mitigation Standard Operating Procedures and Guidelines. 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.

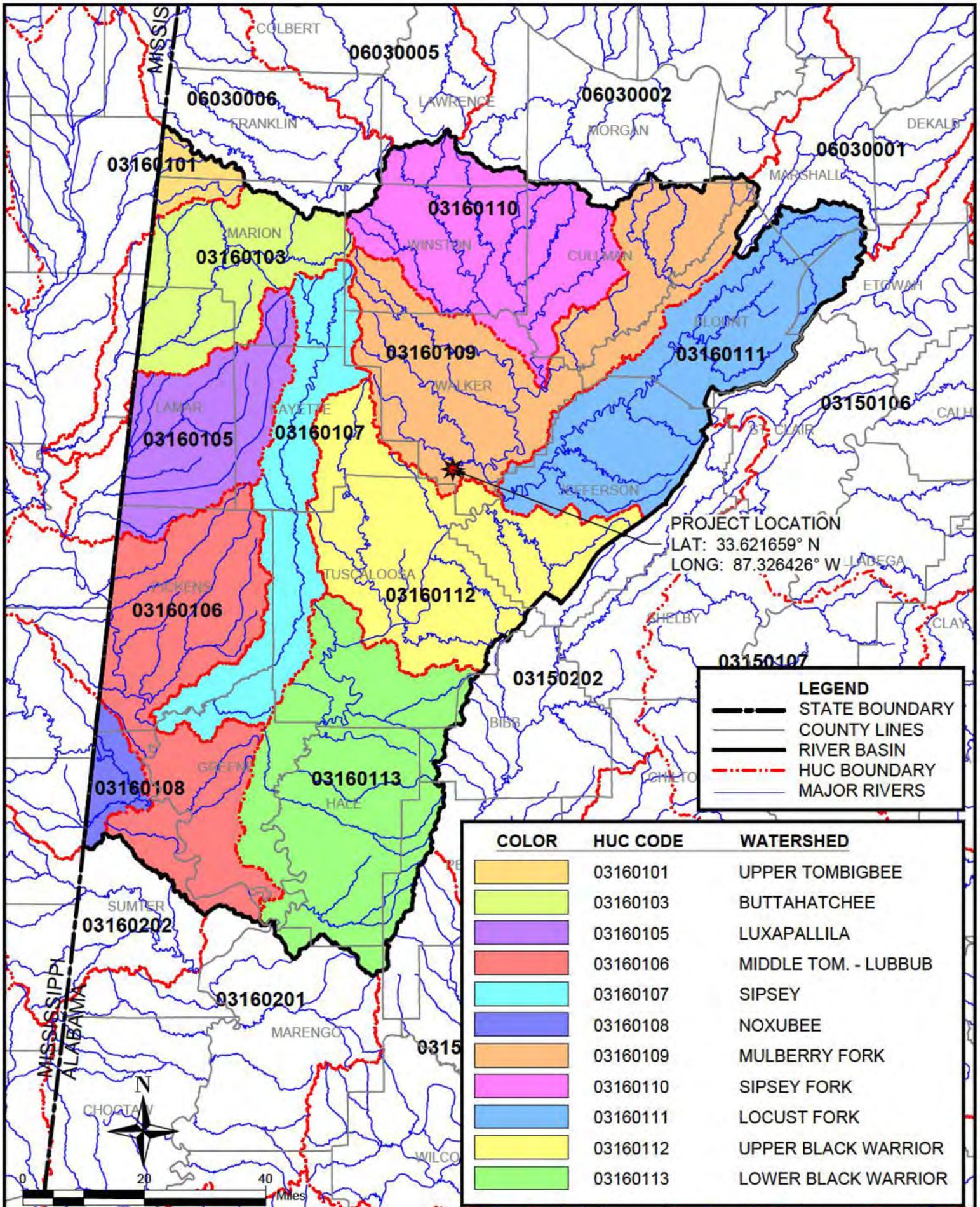
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties for consideration while evaluating this proposed activity. Copies of all comments received will be distributed to the other members of the IRT and the bank sponsor 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-2016-01433-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



LEGEND

- STATE BOUNDARY
- COUNTY LINES
- RIVER BASIN
- HUC BOUNDARY
- MAJOR RIVERS

COLOR	HUC CODE	WATERSHED
	03160101	UPPER TOMBIGBEE
	03160103	BUTTAHATCHEE
	03160105	LUXAPALLILA
	03160106	MIDDLE TOM. - LUBBUB
	03160107	SIPSEY
	03160108	NOXUBEE
	03160109	MULBERRY FORK
	03160110	SIPSEY FORK
	03160111	LOCUST FORK
	03160112	UPPER BLACK WARRIOR
	03160113	LOWER BLACK WARRIOR

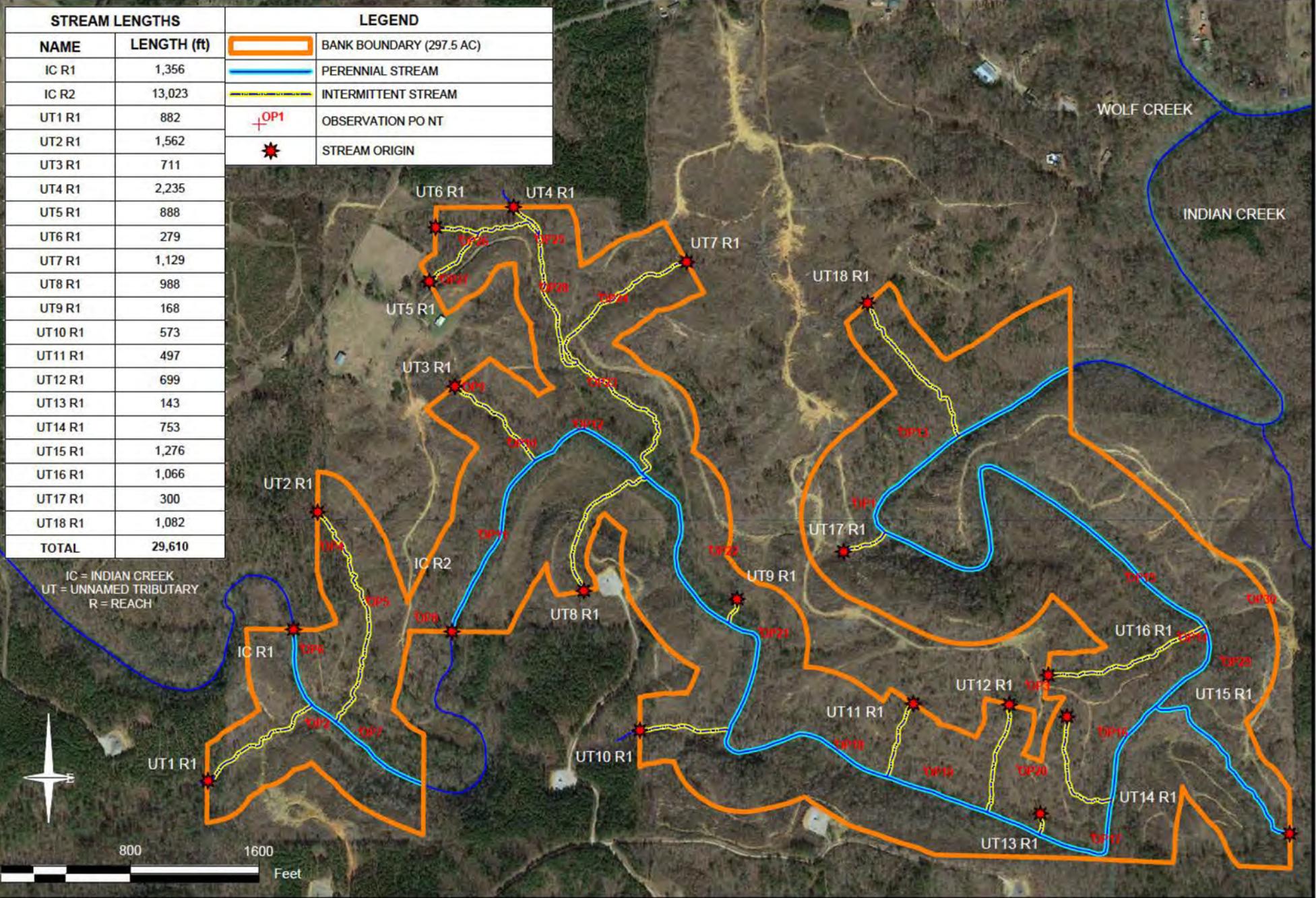
PROJECT NO.: SAM-2016-01433-MBM
 SCALE: 1" = 20 MILES

HYDROLOGIC UNIT CODE (HUC) MAP
 INDIAN CREEK MITIGATION BANK
 BLACK WARRIOR RIVER WATERSHED

FIGURE 2
 DATE: 07/05/2022

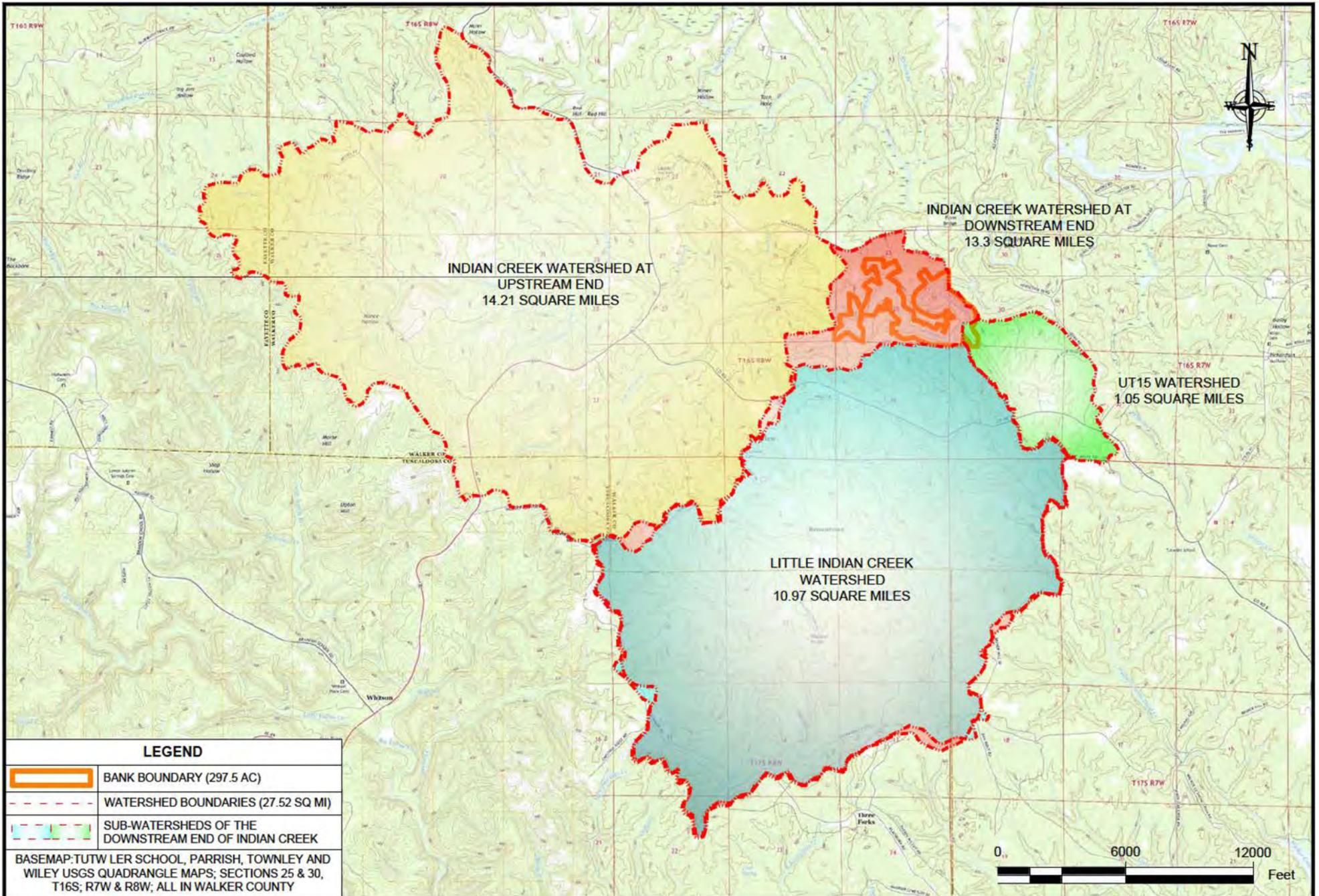
STREAM LENGTHS	
NAME	LENGTH (ft)
IC R1	1,356
IC R2	13,023
UT1 R1	882
UT2 R1	1,562
UT3 R1	711
UT4 R1	2,235
UT5 R1	888
UT6 R1	279
UT7 R1	1,129
UT8 R1	988
UT9 R1	168
UT10 R1	573
UT11 R1	497
UT12 R1	699
UT13 R1	143
UT14 R1	753
UT15 R1	1,276
UT16 R1	1,066
UT17 R1	300
UT18 R1	1,082
TOTAL	29,610

LEGEND	
	BANK BOUNDARY (297.5 AC)
	PERENNIAL STREAM
	INTERMITTENT STREAM
	OBSERVATION PO NT
	STREAM ORIGIN



IC = INDIAN CREEK
 UT = UNNAMED TRIBUTARY
 R = REACH

SCALE: 1" = 800'	EXISTING FEATURES AERIAL MAP	PROJECT NO.: SAM-2016-01433-MBM
WILBANKS ENGINEERING & ENVIRONMENTAL SOLUTIONS, LLC	INDIAN CREEK MITIGATION, LLC INDIAN CREEK MITIGATION BANK, WALKER CO., AL	FIGURE 8 DATE: 07/05/2022



SCALE: 1" = 6000'

WATERSHED MAP

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WILBANKS ENGINEERING & ENVIRONMENTAL SOLUTIONS, LLC

INDIAN CREEK MITIGATION, LLC
INDIAN CREEK MITIGATION BANK, WALKER CO., AL

FIGURE 12

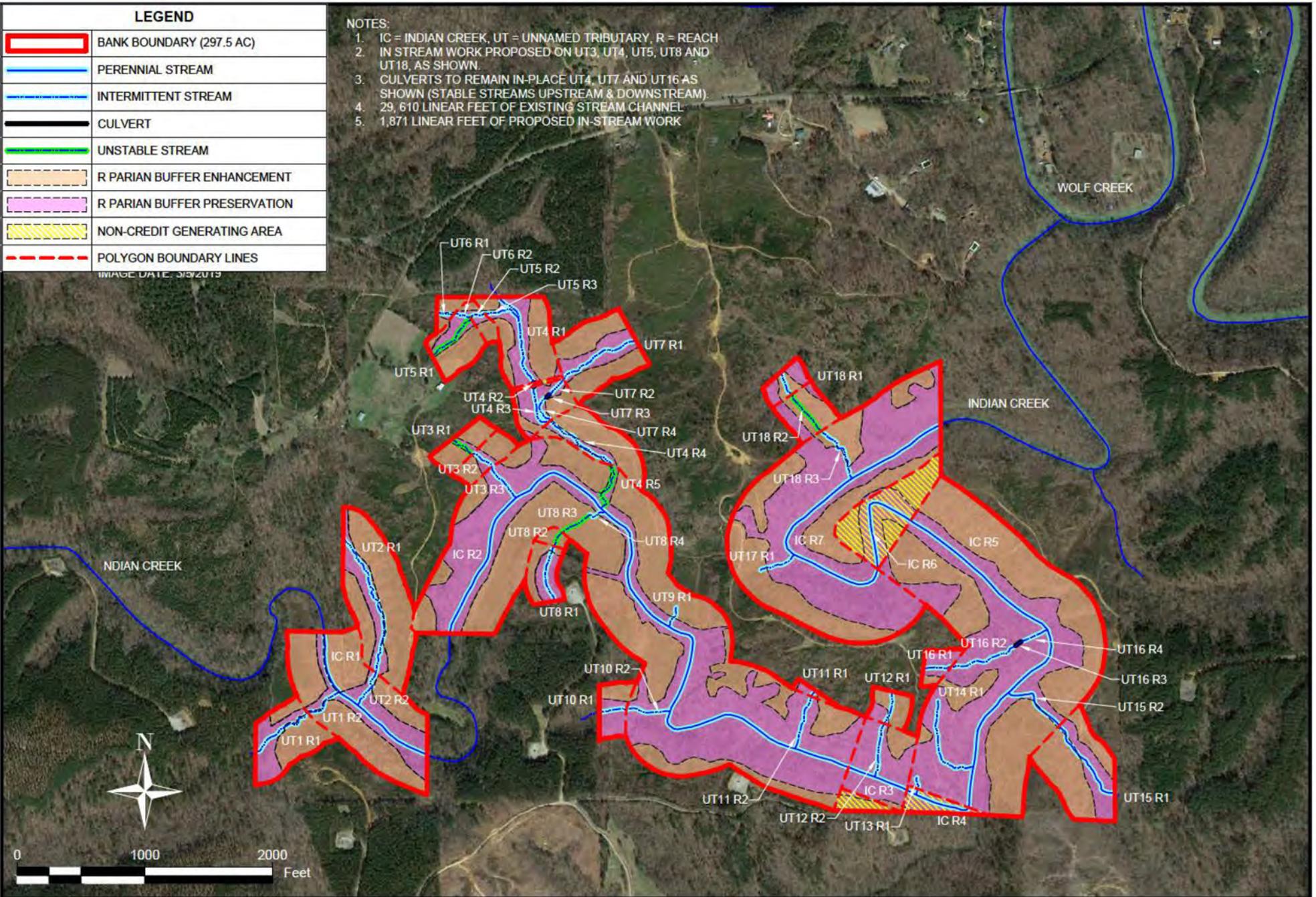
DATE: 07/05/2022

LEGEND

	BANK BOUNDARY (297.5 AC)
	PERENNIAL STREAM
	INTERMITTENT STREAM
	CULVERT
	UNSTABLE STREAM
	R PARIAN BUFFER ENHANCEMENT
	R PARIAN BUFFER PRESERVATION
	NON-CREDIT GENERATING AREA
	POLYGON BOUNDARY LINES

NOTES:

1. IC = INDIAN CREEK, UT = UNNAMED TRIBUTARY, R = REACH
2. IN STREAM WORK PROPOSED ON UT3, UT4, UT5, UT8 AND UT18, AS SHOWN.
3. CULVERTS TO REMAIN IN-PLACE UT4, UT7 AND UT16 AS SHOWN (STABLE STREAMS UPSTREAM & DOWNSTREAM).
4. 29, 610 LINEAR FEET OF EXISTING STREAM CHANNEL
5. 1,871 LINEAR FEET OF PROPOSED IN-STREAM WORK



SCALE: 1" = 1000'

MITIGATION FEATURES AERIAL MAP

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**WILBANKS ENGINEERING
& ENVIRONMENTAL SOLUTIONS, LLC**

INDIAN CREEK MITIGATION, LLC
INDIAN CREEK MITIGATION BANK, WALKER CO., AL

FIGURE 13

DATE: 10/25/2019