



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833**

Public Notice No.
P-2695
Public Notice Date
January 22, 2009
Expiration Date
February 20, 2009

Postmaster Please Post Conspicuously Until:

File Number: 2006-1158

Interested parties are hereby notified that a Mitigation Bank Prospectus has been received pursuant to 33 CFR 332 and 40 CFR 230 Compensatory Mitigation for Losses of Aquatic Resource; Final Rule (Federal Register / Vol. 73, No. 70 Pages 19594-19642, April 10, 2008).

COMMENTS AND ADDITIONAL INFORMATION: All comments and/or requests for public hearing must reach this office no later than the expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Mr. Keith A. McMullen

APPLICANT: Pantanal, LLC, Attn: Mr. Ron Osman, 1602 West Kimmel Street, Marion, IL 62959.

LOCATION: The proposed wetland mitigation bank is located approximately 1 mile south of Marion and east of South Market Street. More specifically, the proposed mitigation bank is located within the Northwest 1/4 of Section 30, Township 9 South, Range 03 East, Williamson County, Illinois.

PROJECT DESCRIPTION: Applicant seeks approval from the Mitigation Bank Review Team (MBRT) which is composed of representatives from the U.S. Army Corps of Engineers, Illinois Department of Natural Resources, the U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service to establish a wetland mitigation bank along Crab Orchard Creek. Crab Orchard Creek is within the Big Muddy River Watershed. The primary objective of the proposed mitigation bank is to restore and permanently protect 41.7 acres of three wetland types within areas that are currently in agricultural production. The mitigation bank sponsor is developing the mitigation bank with the intent to sell the mitigation credits to recipients of Section 404 Permits who are required to compensate for unavoidable and adverse environmental impacts to waters of the United States. Specifically, the waters of the United States that will be compensated at the proposed bank include wetlands with emergent, scrub/shrub and forested classifications. Upon request, a copy of the Mitigation Banking Prospectus is available for review in our office.

If approved by the MBRT, the mitigation bank would assist in improving the chemical, physical, and biological integrity of the Big Muddy River Watershed. The mitigation bank when fully completed will contain a total of 41.7 acres of restored, enhanced, and site protected aquatic resources that will provide an additional option for compensating impacts that occur within the geographic service area of the bank. The geographic service area is proposed to consist of the Big Muddy River Watershed. The U.S. Army Corps of Engineers may deem impact areas outside the geographic service area to be appropriately mitigated at the proposed bank, on a case-by-case basis. This mitigation bank proposal does not preclude any Section 404 permit applicant who intends or is required to use the mitigation bank from complying with Clean Water Act Section 404(b)(1) Guidelines, the National Environmental Policy Act, and our evaluation of probable impacts on public interest. Likewise, the U.S. Army Corps of Engineers is committed to determining compensatory mitigation through the implementation of current Regulatory Guidance and best professional judgment to consider on-site or within the immediate sub-watershed mitigation opportunities first, when impacts to waters of the United States cannot be practicably avoided or further minimized.

LOCATION MAPS AND DRAWINGS: See attached maps.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Keith A. McMullen, Illinois Section Chief/Supervisory Project Manager, U.S. Army Corps of Engineers, at (314) 331-8582. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Keith.A.McMullen@usace.army.mil.

AUTHORITY: Section 404 of the Clean Water Act (33 U.S.C. 1344).

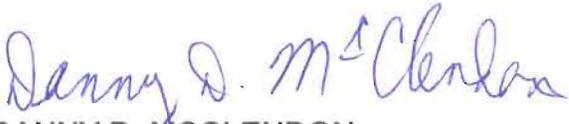
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

EVALUATION OF PROBABLE IMPACTS: The decision whether to authorize Pantanal, LLC to enter into an agreement with the Corps and MBRT will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS FROM THE PUBLIC: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to approve, modify, or deny authorization for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

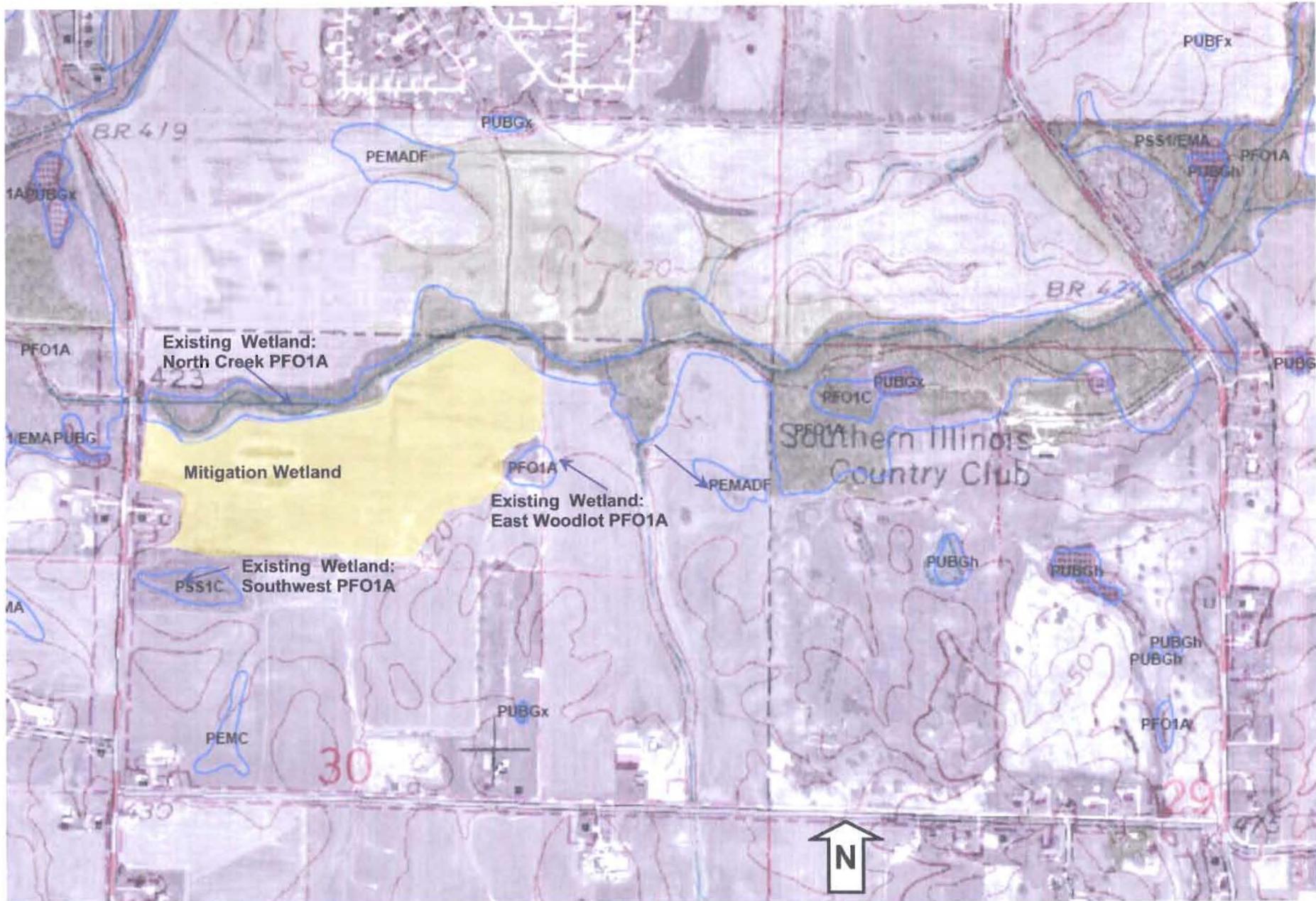


Figure 4. Existing NWI wetlands adjacent to the proposed mitigation wetland.

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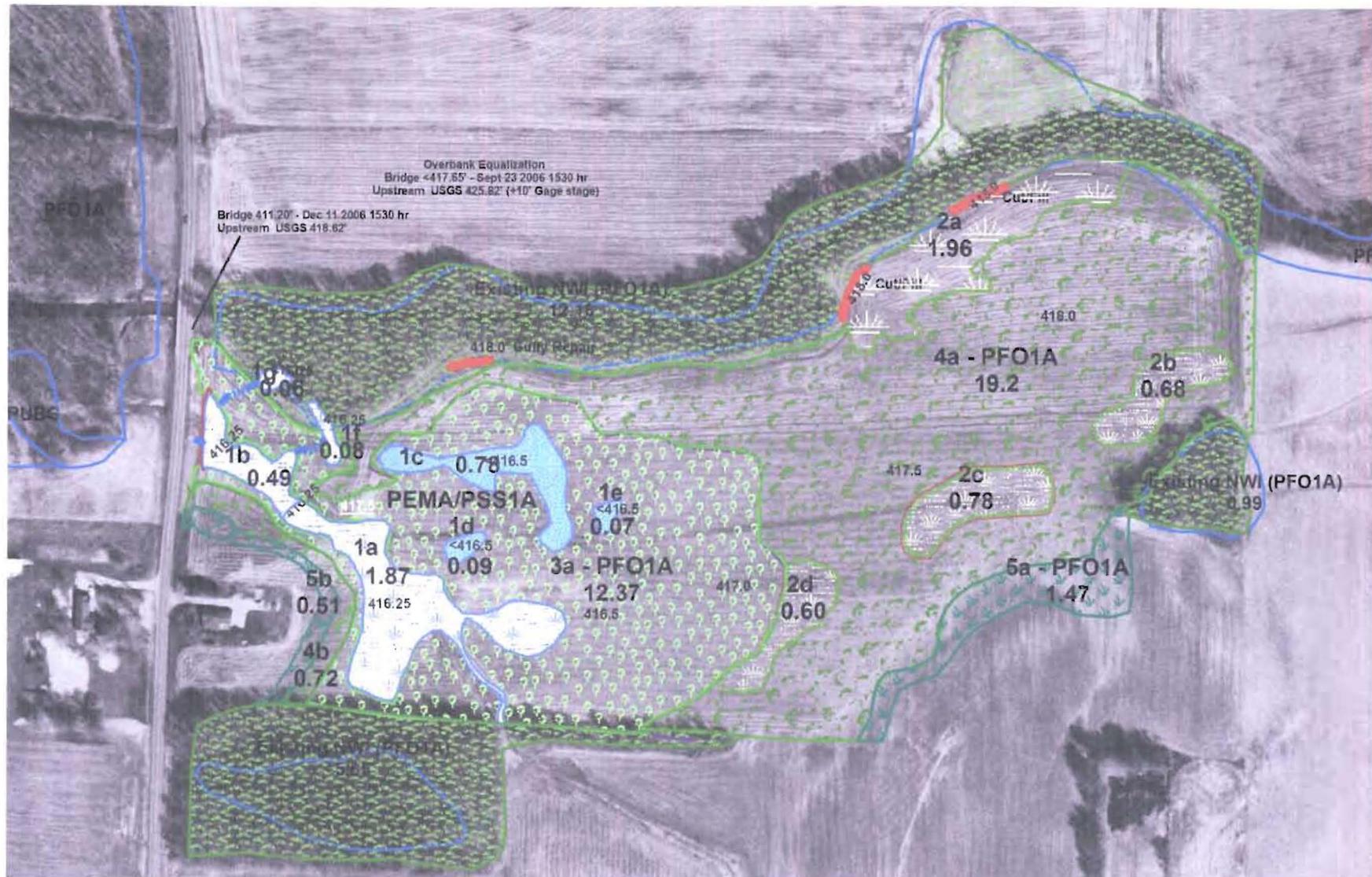
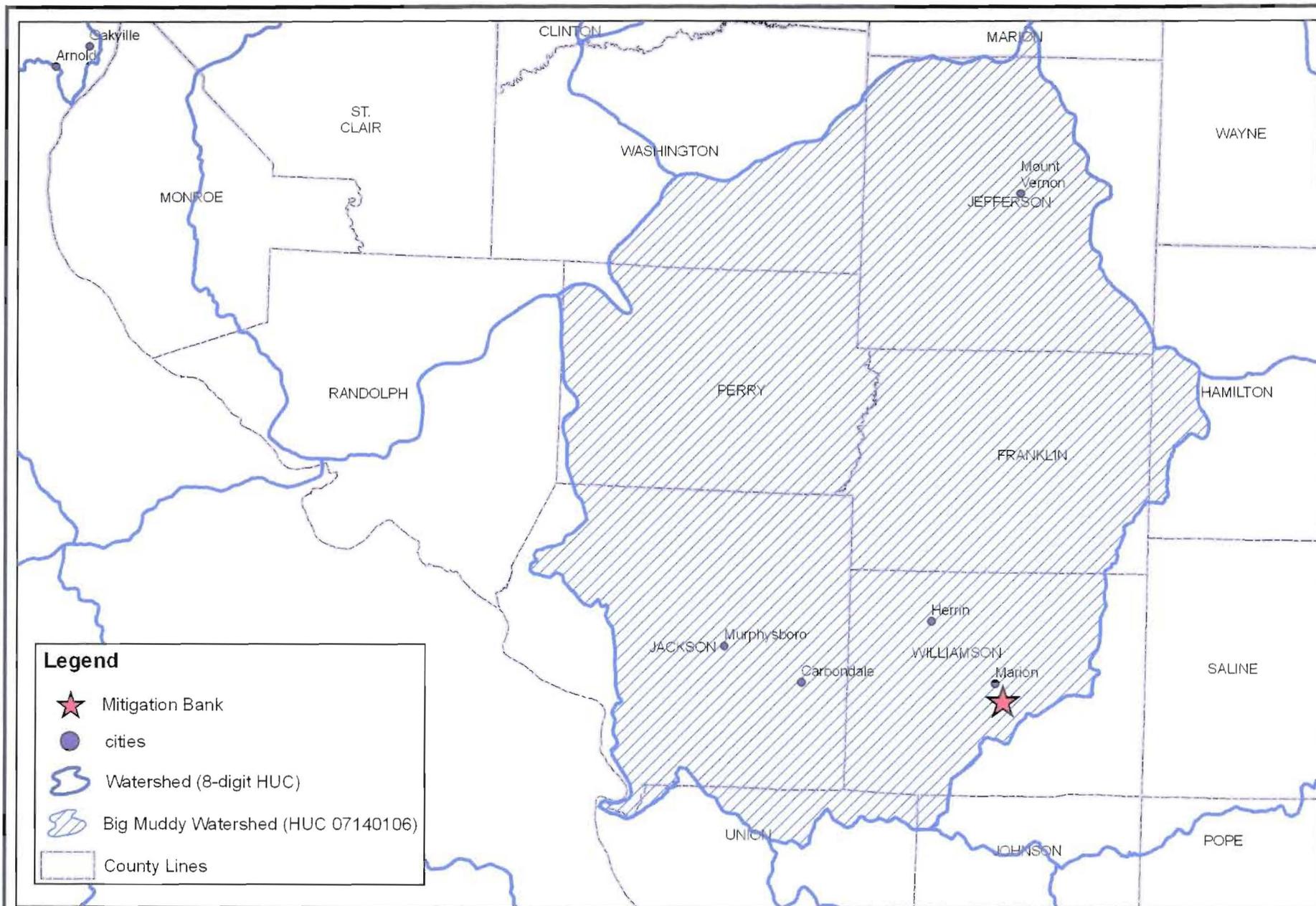


Figure 11b. Wetland mitigation area - wetland unit plan (2005 aerial photo overlay).

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Appendix B. Geographic Service Area
 Crab Orchard Creek Wetland Mitigation Bank
 Williamson County, Illinois

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