



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-2835
Public Notice Date
September 21, 2012
Expiration Date
October 20, 2012

Postmaster Please Post Conspicuously Until:

File Number: MVS-2002-5310

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 19594-19705, 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. Tyson Zobrist

APPLICANT: Indian Creek Wetland Mitigation Bank, L.L.C, Attn: Mr. John Ham, P.O. Box 2828, Carbondale, Illinois 62902.

AGENT: Ehorn Environmental, Attn: Mr. Doug Ehorn, 27 W. 105 Fleming Drive, Winfield, Illinois 60190.

LOCATION: The Indian Creek Wetland Mitigation Bank (Bank) expansion is proposed on 28.63 acres, which includes 11 acres of wetland restoration, establishment, and enhancement and 17.63 acres or 5,600 lineal feet of stream enhancement and preservation. The Bank is 2.5 miles southeast of Carbondale, Jackson County, Illinois. The real property selected for the Bank site lies within and adjacent to the left descending bank of Indian Creek and its floodplain. More specifically, the Bank is located in Section 3 and 10, Township 10 North, and Range 01 West of the 3rd Principle Meridian (Latitude 37.681129°, Longitude -89.191182° measured in decimal degrees) in Jackson County, Illinois.

PROJECT DESCRIPTION: The prospective bank sponsor (sponsor) seeks approval from the U.S. Army Corps of Engineers (Corps) and the Interagency Review Team (IRT) which is composed of representatives from the, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and Illinois Department of Natural Resources, to expand their existing mitigation bank operation by

including additional wetland resource and a stream mitigation component along Indian Creek. The primary objective of the sponsor is to restore 7 acres of forested wetland, create/enhance 4 acres of emergent wetland and to preserve and enhance 5,600 lineal feet (17.63 acres) of Indian Creek and its riparian buffer. These resources are being established with the intent to sell mitigation credits to Section 404 Permit recipients who need compensatory mitigation as a means to fulfill Department of the Army permit conditions and conditions of their associated Section 401 Water Quality Certification issued by the Illinois Environmental Protection Agency. All aquatic and terrestrial resources restored on the site will be protected in perpetuity by a permanent site protection instrument approved by this office.

The sponsor proposes 7 of the 11 acres of wetland be planted to bottomland hardwoods with the remaining 4 acres planted to native emergent wetland species. The wetland bank will connect to a larger forested wetland complex that exists adjacent to the site. The stream mitigation bank site is comprised of 5,600 lineal feet (17.63 acres) of Indian Creek and its riparian corridor. It begins at the existing Indian Creek Wetland Mitigation Bank to the south, and runs north to the proposed wetland bank. The sponsor intends to enhance and preserve riparian buffers, create pool and riffle complexes, stabilize the stream banks, remove large woody debris from the channel and remove invasive plant species from within the riparian corridor of the stream mitigation bank. However, specific details as to where these stream mitigation activities will take place are lacking in the Prospectus.

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. If approved by the Corps, the Bank expansion when fully completed will contain a total of 28.63 acres of established aquatic and terrestrial resources within and adjacent to Indian Creek. The geographic service area is the geographic area within which 404 and 401 permitted impacts can be compensated for at the Bank. This service area is proposed to consist of the Big Muddy River 8-digit hydrologic unit code (HUC-8). Mitigation credits generated by the project will be debited on an incremental basis as long as the Bank is meeting its anticipated success criteria set forth in the final mitigation banking documentation. Upon request, a copy of the Mitigation Banking Prospectus is available for review in our office.

LOCATION MAPS AND DRAWINGS: See attached maps.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Tyson Zobrist, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8578. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Tyson.J.Zobrist@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 Indian Creek Wetland Mitigation Bank's agreement with the Corps and IRT 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.

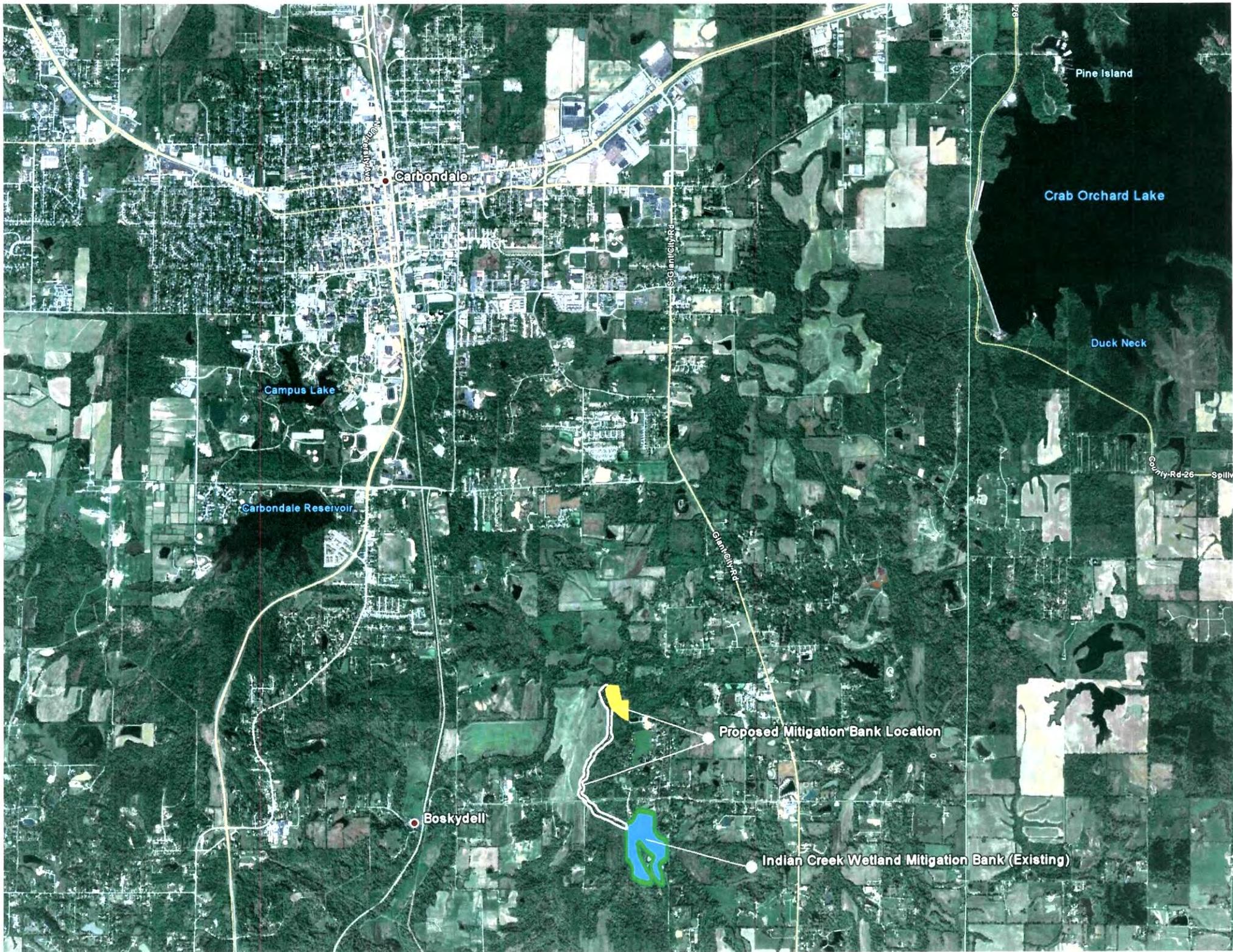
SOLICITATION OF COMMENTS FROM THE PUBLIC: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit 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 used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. 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 30 days from the date of this issuance of this notice.



Carbondale

Campus Lake

Carbondale Reservoir

Pine Island

Crab Orchard Lake

Duck Neck

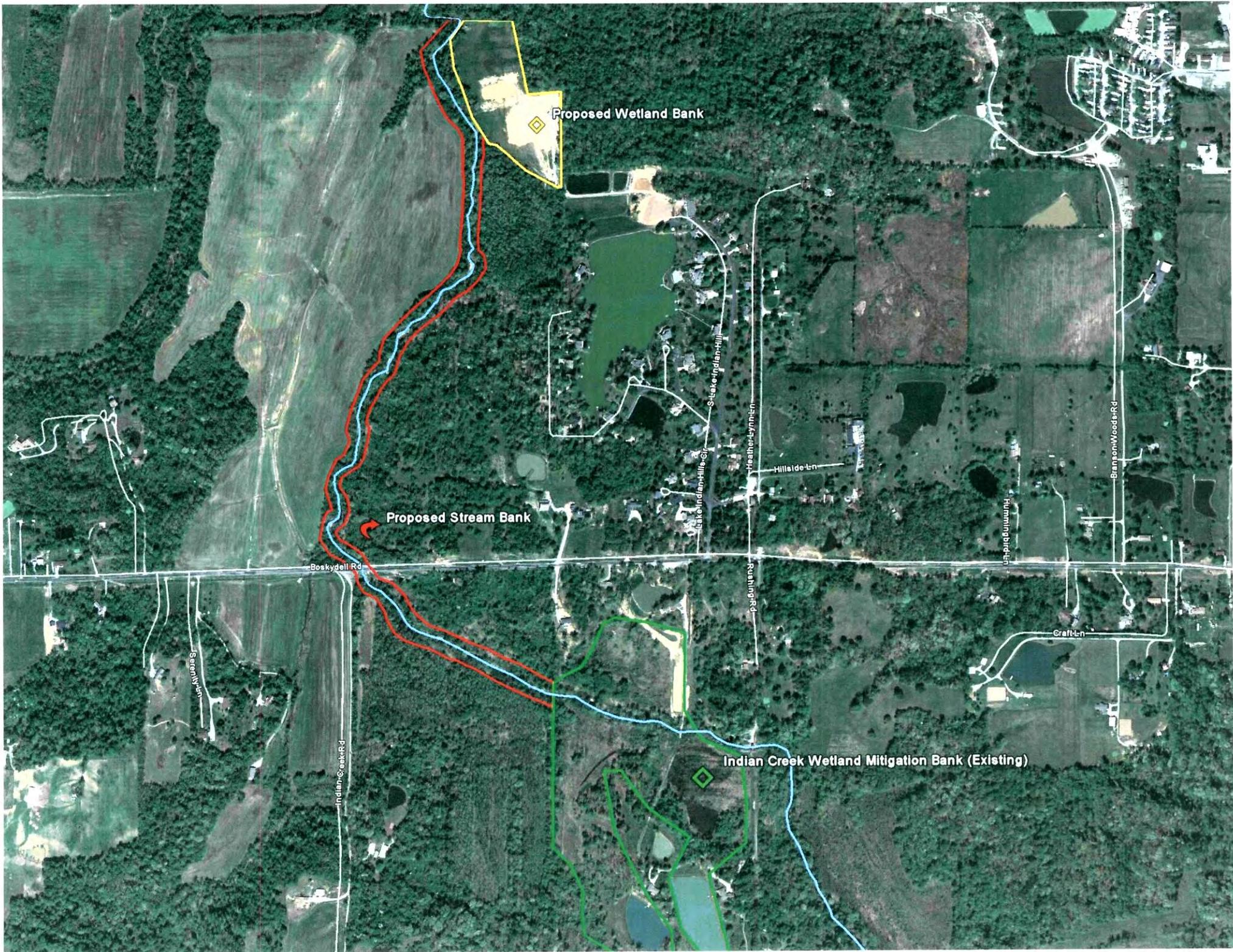
Garry Rd-26

S. Glanville Rd

Boskydell

Proposed Mitigation Bank Location

Indian Creek Wetland Mitigation Bank (Existing)



Proposed Wetland Bank

Proposed Stream Bank

Indian Creek Wetland Mitigation Bank (Existing)

Boskydell Rd

Salem Ln

Indian Creek Rd

Lake Indian Hills Ctr

S Lake Indian Hills

Heather Lynnen

Rushing Rd

Hillside Ln

Hummingbird Ln

Branson Woods Rd

Graft Ln



Indian Creek

Proposed Wetland Bank

Proposed Stream Bank