



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

Public Notice

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-CO-F
1222 Spruce Street
St. Louis, MO 63103-2833

Public Notice No.
P-2395
Public Notice Date
February 2, 2004

Expiration Date
March 2, 2004

Postmaster Please Post Conspicuously Until: March 2, 2004

File Number: 200205310

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached map.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above 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
ATTN: CEMVS-CO-F (Keith McMullen)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: Mr. John Ham, Indian Creek Wetland Mitigation Bank, LLC (ICWMB), P.O. Box 2828, Carbonale, Illinois 62902.

LOCATION: 51.6 acre site located in Section 11, Township 10 South, Range 1 West, Jackson County, Illinois. More specifically, the site is located southeast of Carbondale on Boskydell Road adjacent to Indian Creek.

PROJECT DESCRIPTION: The bank sponsor desires to restore, enhance and protect 42.55 acres of various types of wetlands of which 31.61 wetland acres will be available for compensatory wetland mitigation. The following wetland types will be available: 1.66 acres of wetland fringe around 3 created ponds, 10.4 acres of bottomland hardwood wetlands, 11.3 acres of marsh/wet meadow wetlands, 1.63 acres of enhanced wetlands, 2.08 acres of riparian buffers along Indian Creek and 1.3 acres relative to stream bank restoration measures along Indian Creek. The restoration and enhancement will improve the overall quality of the aquatic environment within Indian Creek and also, the Big Muddy River watershed. Indian Creek is a tributary to the Big Muddy River.

The bank sponsor is developing the ICWMB with the intent to sell credits commercially that will provide compensatory wetland mitigation for impacts to waters of the United States authorized under Section 404 of the Clean Water Act. The proposed service area of the ICWMB is the Big Muddy River watershed, specifically within Jackson and Williamson Counties respectively. However, upon completed evaluation by the Corps, the ICWMB may be used to compensate for impacts outside of the aforementioned service area. This will be determined on a case-by-case basis by the Corps.

The ICWMB prospectus has been reviewed by the Mitigation Banking Review Team (MBRT). The MBRT consists of representatives from the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Illinois Department of Natural Resources and the Corps.

DRAWINGS: See Attached

ADDITIONAL INFORMATION: Additional information may be obtained by telephoning Mr. Keith McMullen, Assistant Chief/Project Manager, U.S. Army Corps of Engineers at (314) 331-8582 or at electronic mail address: Keith.A.Mcmullen@mvs02.usace.army.mil

AUTHORITY: This permit will be issued or denied under the following: Section 404 of the Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

WATER QUALITY CERTIFICATION: This public notice also provides documentation to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at www.epa.state.il.us/public-notices/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

SECTION 404 (b) (1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b) (1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding the public hearing.

ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that these proposed activities 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 by this public notice from the Fish and Wildlife Service and other interested agencies and individuals.

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 conduct, or require a reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit 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 which 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 described activity will be considered including the cumulative effects thereof; among those 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.

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 these proposed activities. 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.

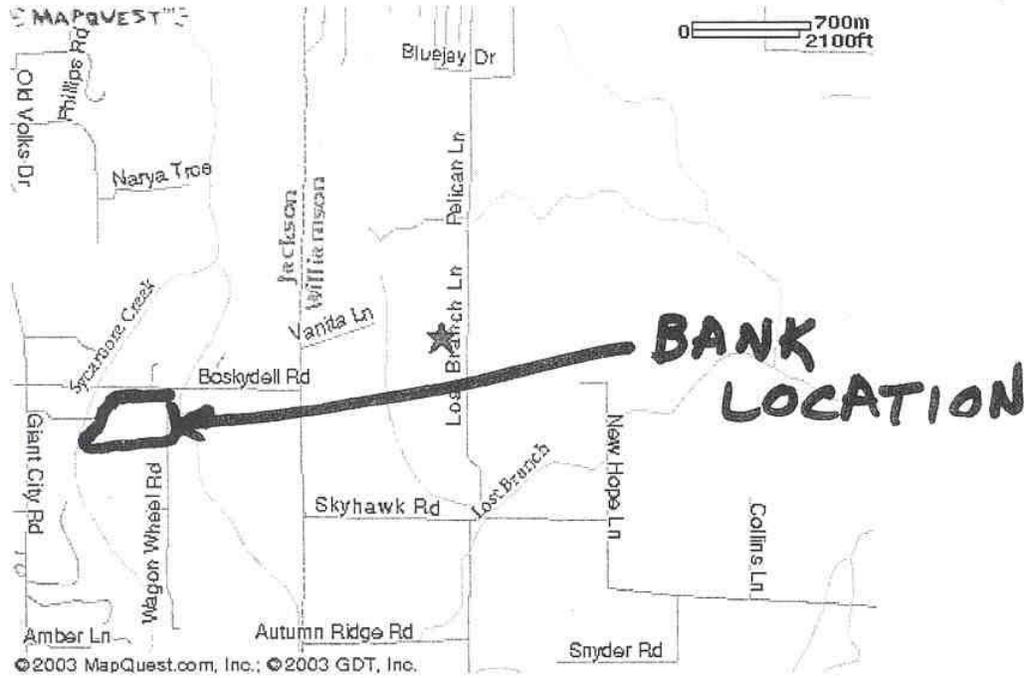
DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachment

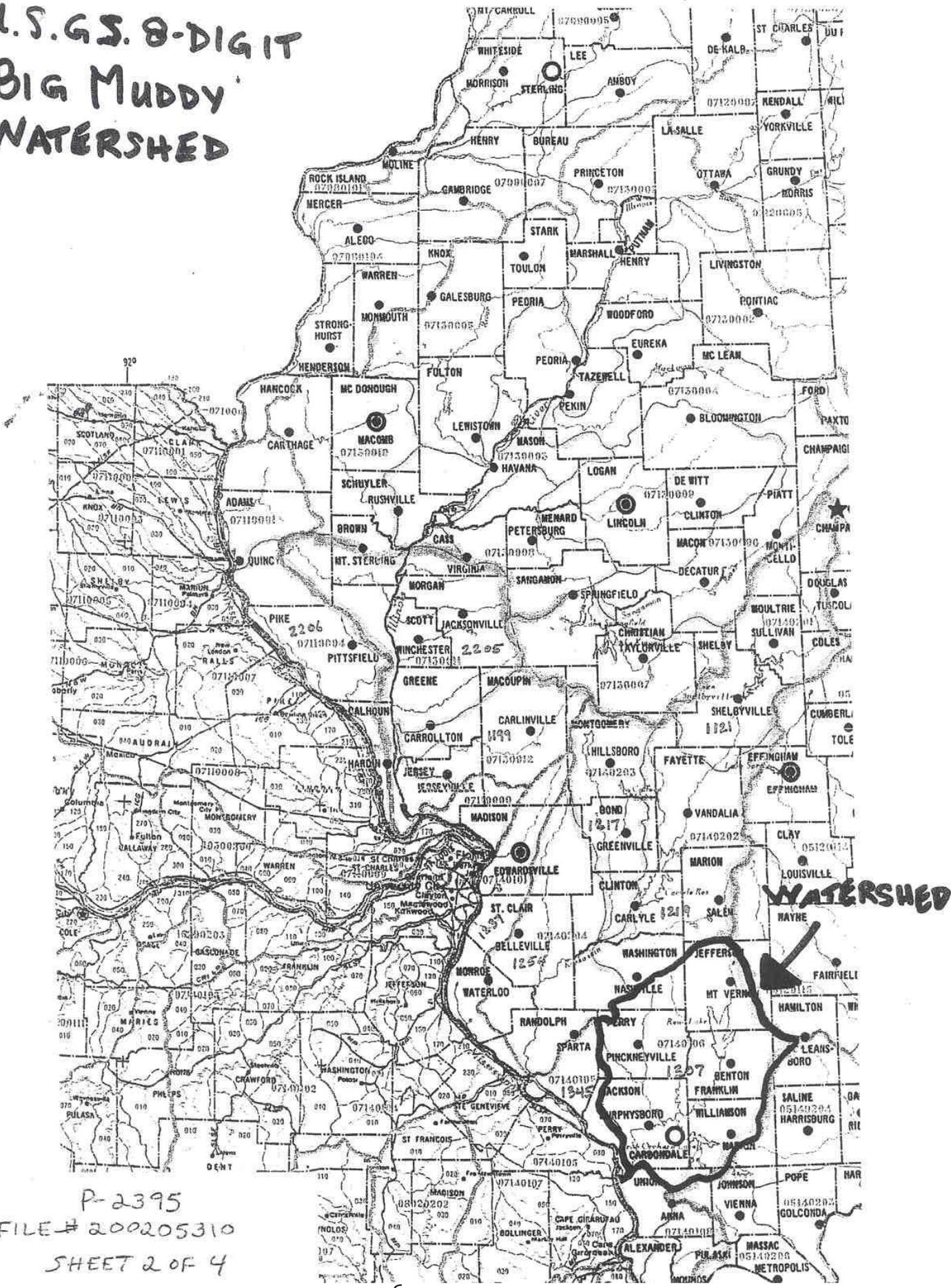
NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.

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SHEET 1 OF 4

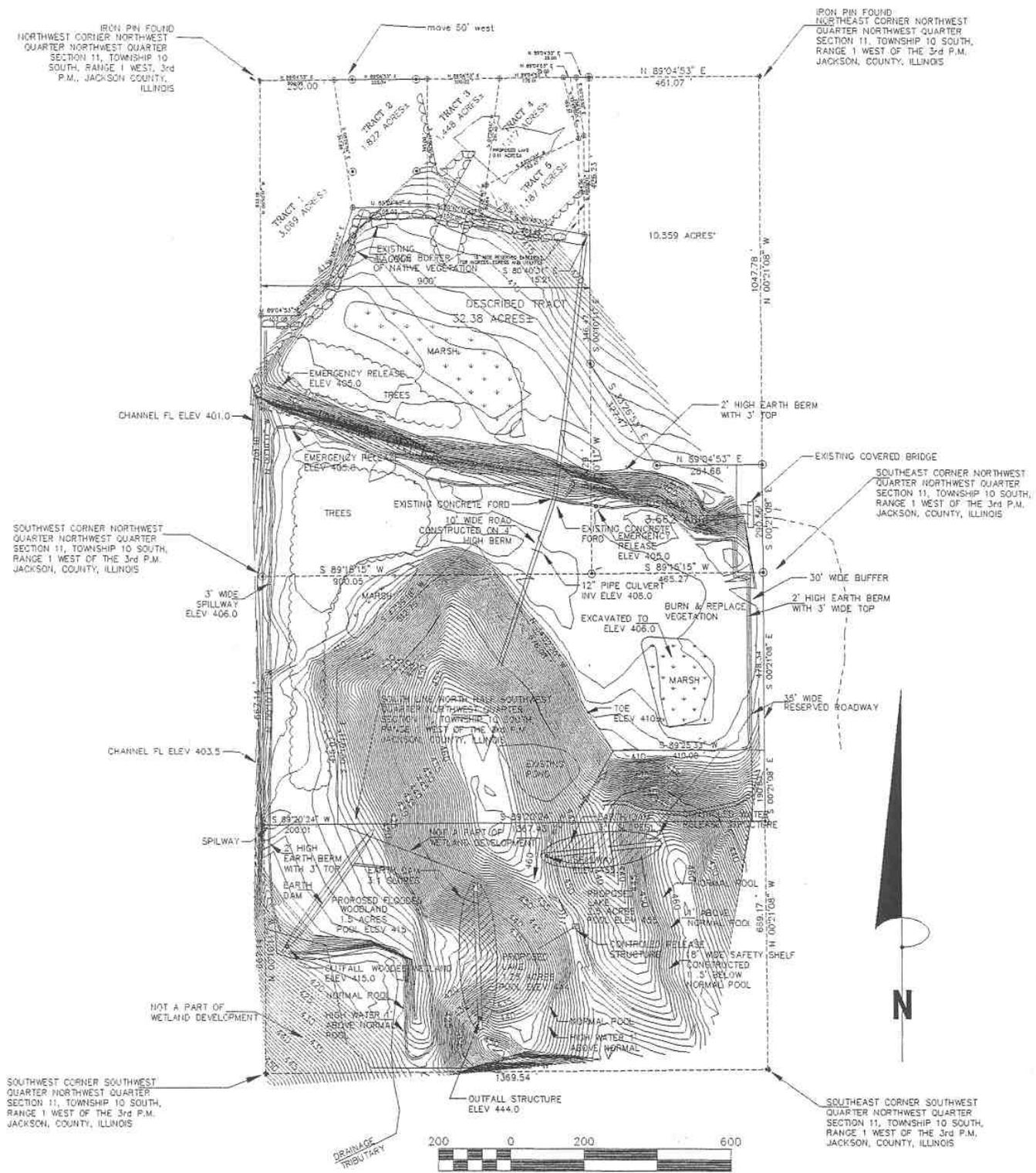


U.S.G.S. 8-DIGIT BIG MUDDY WATERSHED



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Proposed Mitigation Bank Carbondale, Illinois



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