



**DEPARTMENT OF THE ARMY**  
**SAVANNAH DISTRICT, CORPS OF ENGINEERS**  
**1025 BUFORD DAM ROAD**  
**BUFORD, GEORGIA 30518**

REPLY TO  
ATTENTION OF

December 22, 2015

Regulatory Division  
SAS-2011-00779

**PUBLIC NOTICE**  
**Savannah District**

The District Engineer has received a request to modify the Georgia-Alabama Land Trust's In-Lieu-Fee (ILF) Instrument as compensatory mitigation for Federal and State permits as described below:

Application Number: SAS-2011-00779

Applicant: Alex Robertson  
Georgia-Alabama Land Trust  
226 Old Ladiga Road  
Piedmont, AL 36272

This public notice does not imply, on the parts of the U.S. Army Corps of Engineers or other agencies, either favorable or unfavorable opinion of the work to be performed, but is issued to solicit comments regarding the factors on which final decisions will be based.

Location of Proposed Work: The Corps approved the Georgia-Alabama Land Trust ILF program on [date]. The approved ILF Instrument authorizes the Georgia-Alabama Land Trust to provide compensatory mitigation for unavoidable impacts to waters of the United States in the following service areas: wetland impacts in the Upper Savannah River Service Area (Hydrologic Unit Codes [HUCs] 03060102, 03060103, 03060104, and 03060105); stream impacts in the Withlacoochee River Service Area (HUCs 03120001, 03120002, 03120003, 03110103, 03110201, 03110202, 03110203, and 03110204); stream impacts in the Lower Flint River Service Area (HUC 03130006); stream impacts in the Satilla River Service Area (HUC 03070204); wetland impacts in the Upper Chattahoochee River Service Area (HUC 03130001); wetland impacts in the Upper Coosa River Service Area (HUCs 03150101, 03150102, 03150103, and 03150105); wetland impacts in the Etowah River Service Area (HUC 03150104); wetland and stream impacts in the Tennessee River Service Area (HUCs 06010202, 06020001, 06020002, 06020003, and 06030001).

Advance credits have been allocated in each of the service areas referenced. Authorization from the U.S. Army Corps of Engineers is required prior to use of ILF for compensatory mitigation. The program details can be viewed on the Regulatory In-lieu

Fee and Bank Information Tracking System at [https://ribits.usace.army.mil/ribits\\_apex/f?p=107:2:10852483386105::NO:RP:](https://ribits.usace.army.mil/ribits_apex/f?p=107:2:10852483386105::NO:RP:). On the home page, select Savannah District as a filter, click on the ILF Programs tab, and select the Georgia-Alabama Land Trust ILF Program. The number of advance credits available in each service area is shown under the program Ledger and the instrument is available to view in the Cyber Repository.

Description of Requested Modification: The Georgia-Alabama Land Trust proposes to modify the approved ILF instrument to provide additional advanced stream credits in the Withlacoochee Service Area, which includes the following 8-digit Hydrologic Unit Codes (HUC): 03120001, 03120002, 03120003, 03110103, 03110201, 03110202, 03110203, and 03110204.

The Georgia-Alabama Land Trust has identified an immediate need of 107,383.65 stream credits in the Withlacoochee Service Area for compensation for the “Tired Creek Project”. The Georgia-Alabama Land Trust proposes this modification due to the unavailability of stream credits from commercial mitigation banks that serve the primary or secondary service areas for the Tired Creek Project.

As part of this modification, Georgia-Alabama Land Trust is also requesting a one-time waiver of the temporal loss fee component of their credit pricing structure and a reduction in their administrative fee for the Tired Creek Project.

Oversight: This ILF may be considered one of a number of practicable alternatives available to applicants to compensate for unavoidable impacts associated with permits issued under the authority of Sections 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act for projects located within the prescribed general service area.

Oversight of this ILF will be by a group of Federal and State agency representatives collectively referred to as the Interagency Review Team (IRT). The IRT shall be chaired by the Savannah District, U.S. Army Corps of Engineers and is comprised of representatives from the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the Georgia Department of Natural Resources, Environmental Protection Division.

The actual approval of the use of this ILF for a specific project is the decision of the U.S. Army Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The U.S. Army Corps of Engineers provides no guarantee that any particular individual or general permit will be granted authorization to use this ILF to compensate for unavoidable impacts associated with a proposed permit, even though mitigation from the ILF program may be available.

Authority: A public notice regarding the modification of the approved ILF is required pursuant to Title 33 Code of Federal Regulations Parts 325 and 332 and Title 40 Code of Federal Regulations Part 230, entitled “Compensatory Mitigation for Losses of Aquatic Resources, Final Rule”, published in the Federal Register on April 10, 2008.

Consideration of Public Comments: The U.S. Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate this proposed modification of the approved ILF. The modification can be seen at the U.S. Army Corps of Engineers, Savannah District, Regulatory Division, 1025 Buford Dam Road, Buford, Georgia 30518. Written comments received will be considered by the U.S. Army Corps of Engineers in evaluating this proposal. Comments are used to assess impacts on endangered species, historic properties, conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore 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 public.

Preliminary review indicates that: 1) An environmental impact statement will not be required; 2) No species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and, 3) No cultural or historical resources considered eligible or potentially eligible for listing on the National Register of Historic Places will be affected according to a website review of known listed properties. Additional information may change any of these preliminary findings.

Comment Period: Anyone wishing to comment on this proposal should submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Regulatory Division, Attention: Mr. Justin Hammonds, 1025 Buford Dam Road, Buford, Georgia 30518, no later than 30-days from the date of this notice. Please refer to the ILF name (Georgia-Alabama Land Trust’s In-Lieu-Fee Program) and the Regulatory Division file number (SAS-2011-00779) in your comments.

If you have any further questions concerning this matter, please contact Mr. Justin Hammonds, at 678-804-5227.