



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

Atlanta Federal Center
61 Forsyth Street S.W.
Atlanta, Georgia 30303-3415

**MBRT STATEMENT OF CONCURRENCE
WITH FINAL BANKING INSTRUMENT**

Cherry Creek Mitigation Bank - 990010930

BANK OWNER/OPERATOR: Cherry Creek Properties, Inc.

LOCATION OF BANK: Withlacoochee River Watershed - 03110203
Lowndes County, Georgia - N 30° 54.40', W 83° 18.40'

The Environmental Protection Agency (EPA), Region 4, has reviewed the October 2003 summary of amendments and the November 6, 2003, final amendment of the banking instrument (BI) for the Cherry Creek Mitigation Bank (the "Bank"). The Bank consists of 530 acres of land along Cherry Creek and the Withlacoochee River NE of Valdosta, Lowndes County, Georgia. The original Bank prescription to generate 620 wetland mitigation credits has been reduced to approximately 616 credits. The Bank now proposes to change the stream prescription. The Bank proposes to restore 1,810 linear feet (LF) of Cherry Creek, restore 1,810 LF of riparian buffer on Cherry Creek, preserve 1,970 LF of riparian buffer on Cherry Creek, restore 2,300 lf of relic channel and preserve a riparian buffer on 11,895 LF on the Withlacoochee River. This will generate 32,209 stream mitigation credits. The bank also proposes to create 700 lf of new "bypass" channel and establish a buffer on the channel to generate 2,576 stream credits. The Mitigation Banking Review Team (MBRT) has placed on hold on these credits pending demonstration of compliance with success criteria. The Banker used the Savannah District Stream Mitigation Standard Operating Procedure (SOP) to determine the credits. The Bank's service area is unchanged.

EPA finds that the proposal outlined in this BI amendment is consistent with the "Guidelines for the Establishment and Operation of Wetland Mitigation Banks in Georgia" (with addenda), the "Federal Guidance for the Establishment, Use and Operation of Mitigation Banks" as published in the Federal Register on November 28, 1995 and the January 2001 EPA Region 4 Policy on Mitigation. Based on the conditions of the banking instrument, the Bank is acceptable as a source of wetland and stream mitigation credits for wetland and stream impacts occurring in the service area.

Ronald J. Mikulak
Chief, Wetlands Regulatory Section

11/25/03

Date

cclist: Cherry Creek Mitigation Bank - Amendment to the Mitigation Banking Instrument

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