UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
Atlanta Federal Center
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960

STATEMENT OF CONCURRENCE WITH BANKING INSTRUMENT

Kolomoki Mitigation Bank Phase II -Spring Creek - 200410120

BANK OWNER/OPERATOR: Kolomoki Plantation LLC

LOCATION OF BANK: Early County, Georgia - N 31°27.63' and W 84°47.49
Spring Creek Watershed – 03130010

The U.S. Environmental Protection Agency, Region 4 (EPA) has reviewed the December 22, 2006, revised banking instrument (BI) for the Kolomoki Mitigation Bank Phase II - Spring Creek. Kolomoki Plantation LLC (Banker) proposes to establish a wetland and stream mitigation bank on a 409-acre portion of the 5600-acre Kolomoki Plantation. The site is located approximately 4 miles east of US 27, 5 miles WNW of Arlington and approximately 3 miles east of the Phase I – Dry Creek area. The Banker proposes to restore 55 acres, enhance 116.5 acres and preserve 120.5 acres of wetlands (292 acres total) with 94.4 acres of upland buffers to generate 732.7 wetland mitigation credits. The Banker also proposes to drain Spring Lake and perform instream restoration and riparian buffer actions on Spring Creek and unnamed tributaries of Spring Lake (36,462 lf of streams) to generate 162,379.5 stream mitigation credits. The Bank used the currently approved version of the Savannah District Standard Operating Procedure (SOP) and will follow the Georgia Mitigation Banking Interagency Review Team (IRT) recommended service area for a bank in this location.

As background, the site was first proposed as an addition to the Kolomoki MB via a prospectus dated December 22, 2005. The public notice as issued November 22, 2006. An EPA representative has not visited the site. EPA concurred on Phase 1 of the Bank (Dry Creek) on May 16, 2005. EPA provided written comments on the first draft BI on August 18, 2006. After that there was apparently a breakdown in communication and we later learned that Phase II was approved sometime in the spring of 2007. Recently we were requested to provide our concurrence for Phase II. Since the Banker had responded to all of our past comments, EPA now finds that the BI is consistent with the 2006 Working Draft "Guidelines for the Establishment and Operation of Wetland and Stream Mitigation Banks in Georgia," 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 successful implementation of the BI, the Bank should be accepted as a source of stream and wetland mitigation credits for impacts occurring in the service area. This concurrence applies only to those documents referenced above and does not cover any major amendments, addenda, or additional phases. It is contingent on EPA receiving copies of all monitoring reports. **Any significant change in the BI, site prescription or credit generation not coordinated with EPA under the Georgia Mitigation Banking Guidelines nullifies this concurrence.**

Robert J. Lord
EPA IRT representative

October 26, 2007
Date