Public Notice

US Army Corps
of Engineers
Memphis District

REPLY TO ATTN: Roger Allan
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
Telephone: (901) 544-3682
Fax (901) 544-0211
E-mail: Roger.S.Allan@usace.army.mil
POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
MVM-2011-127-RSA

PUBLIC NOTICE DATE:
December 21, 2012

EXPIRATION DATE:
January 22, 2013

Public Notice
Corps of Engineers

AUTHORITY: Pursuant to 33 CFR 332.8(d)(4) (Mitigation banks and in-lieu fee programs, public review and comment), this notice announces a prospectus submitted for the development of the Mount Tena Creek Mitigation Bank (MTCMB).

SPONSOR: Ducks Unlimited
One Waterfowl Way
Memphis, Tennessee 38120

LOCATION: The proposed wetland mitigation bank covers approximately 117 acres and is located west of Mount Tena Creek and south of the Wolf River near Moscow in Fayette County, Tennessee. The approximate latitude and longitude of the proposed bank site are 35.0206° N and -89.3402° W, respectively. A location map is provided as Attachment 1.

PURPOSE: The purpose of this notice is to inform the public of the proposed development of a wetland mitigation bank that would generate credits that could be used to meet compensatory mitigation requirements for future permits issued under Section 404 of the Clean Water Act for the deposition of dredged or fill material into waters of the U.S. or under Section 10 of the Rivers and Harbors Act of 1899 for work within navigable waters of the U.S. If approved, this mitigation bank could also be used to satisfy permitting requirements of the Tennessee Department of Environment and Conservation under the Tennessee Water Quality Control Act. The following is a summary of the prospectus for this project; please see the complete prospectus (available online at http://www.mvm.usace.army.mil/regulatory/public-notices/pn.asp) for additional details.

OBJECTIVES: The sponsor states that the MTCMB will provide habitat suitable to compensate for losses of waters of the United States, including wetlands, within southwestern Tennessee. The sponsor proposes to re-establish approximately 67 acres of currently cultivated or recently fallowed crop fields to bottomland hardwood habitat. Additionally, the sponsor proposes to establish forested wetlands on an approximately 12-acre upland tract within the proposed bank. If wetland conditions do not develop successfully, this area would serve as a forested upland buffer for the adjacent bottomland hardwood wetland. Finally, the sponsor proposes to preserve approximately 38 acres of early-successional bottomland hardwood habitat within the tract. These areas are shown on attachment 2.

ESTABLISHMENT AND OPERATION OF THE PROPOSED BANK: Establishment of the MTCMB would entail the following tasks: (1) an existing elevated access road which obstructs sheet flow will be removed; (2) several drainage ditches located throughout the tract will be plugged and/or filled; (3) the hillside diversion across the southern portion of the tract will be breached; (4) runoff from the immediately upstream floodplain that is currently diverted into Mt. Tena Creek will be allowed to continue across the floodplain; and (5) the site would be reforested with appropriate bottomland hardwood species. Please see attachment 3 for additional details.

The proposed bank will be a private entrepreneurial bank. Ducks Unlimited, Inc. (DU), will conduct (using DU staff or subcontractors) all activities regarding approval, establishment, implementation, operation and

management of the MTCMB. After the monitoring period has ended and credits have been sold, the bank would be closed and placed into long-term stewardship with an appropriate funding mechanism in place.

As proposed, the bank would generate credits at the following ratios: 1 credit per acre of wetland restoration (re-establishment) of existing crop fields (67 acres); 1 credit per acre of wetland establishment (upon meeting performance standards); 1 credit per 10 acres of established upland buffers; and 1 credit per 10 acres of bottomland hardwood wetland preservation.

PROPOSED SERVICE AREA: The proposed bank is located within the Wolf River 8-digit Hydrologic Unit (08010210). The proposed service area for the mitigation bank is the portions of the Wolf River (08010210) and Nonconnah Creek (08010211) basins within Tennessee and the adjacent Loosahatchie River (08010209) basin (attachment 4).

NEED FOR AND TECHNICAL FEASIBILITY OF THE PROPOSED BANK: According to the sponsor, the Wolf River watershed has been identified in the Tennessee Wildlife Action Plan as "very high" and "high" priority for terrestrial and aquatic species of greatest conservation need. Additionally, the sponsor notes that population growth and urban sprawl are threats to the wetlands within the Wolf River watershed and that the population of Fayette County is expected to increase 50% within the next 20 years. The sponsor notes that the existing wetland mitigation bank within the Wolf River watershed (the Wolf River Mitigation Bank) has sold all of its available credits.

The sponsor notes that this project is a continuation of DU's focus on the restoration and permanent protection of bottomland hardwood habitats throughout the Lower Mississippi Alluvial Valley. DU has obtained detailed topographic information about the site which would be used to design restoration features without impacting adjoining landowners. DU plans to restore, manage and monitor the bottomland hardwood habitat according to the publication "Restoration, Management and Monitoring of Forest Resources in the Mississippi Alluvial Valley: Recommendations for Enhancing Wildlife Habitat" by the Lower Mississippi Valley Joint Venture.

PROPOSED OWNERSHIP ARRANGEMENTS: The sponsor has proposed several options for long-term management and ownership of the MTCMB site. Wetlands America Trust (WAT), DU's wholly owned subsidiary, has secured the site and has proposed to encumber the property with a perpetual conservation easement held by the Wolf River Conservancy. Upon successful completion of restoration DU has proposed to transfer the property fee title to the State of Tennessee; if the state of Tennessee is unable or unwilling to accept the property either DU or WAT will retain ownership or identify another acceptable conservation manager.

QUALIFICATIONS OF SPONSORS: DU's Southern Regional office will be primarily responsible for the proposed project. This region includes 9 registered professional engineers and 9 engineering technicians who focus on the design and oversight of wetland habitat restoration and enhancement projects. The sponsor notes that numerous federal and state resource management agencies rely on DU Southern Region to assist with tens of thousands of acres of wetland restoration and enhancement activities on an annual basis. DU is also the sponsor of 3 in-lieu fee mitigation programs (in the Mississippi delta, Vermont and New York).

ECOLOGICAL SUITABILITY OF THE SITE: Currently, the site consists of approximately 42 acres of early successional bottomland hardwoods, approximately 63 acres of low-lying cropland, and approximately 12 acres of upland cropland. Surrounding land uses are primarily forest, pasture and cropland with minimal developed areas.

> ***Soils:*** The soils on the site are mapped primarily as Falaya fine sandy loam and Falaya silt loam with some alluvial deposits. DU conducted field sampling of the soils on the project site and determined that 19 of the 22 sample sites met hydric soils criteria while 3 (located within the 12 acres of upland cropland) did not meet hydric soils criteria.

Hydrology: The MTCMB is within the floodplain near the confluence of Mt. Tena Creek and the Wolf River. The direct contributing watershed for the proposed bank is approximately 410 acres. A diversion levee is present on the west bank of Mt. Tena Creek. (No restoration work is proposed for Mt. Tena Creek in order to avoid potential impacts to the existing valley plug at this location.) Additionally, there is a hillside diversion along the site's southern boundary that diverts water into a roadside ditch and away from the subject property. There are also several constructed ditches within the property that facilitate removal of water from the property. Despite these alterations DU notes that primary and secondary indicators of wetland hydrology have been observed on the site.

Vegetation: Early successional bottomland forested habitat is characterized by black willow, green ash, river birch, ironwood, buttonbush and a variety of other herbaceous components. The low lying cropland is currently in agricultural production; vegetation consists of corn stubble as well as buttercup, nutsedge, wild rye grass, curly dock, field garlic and nightshade.

ASSURANCE OF WATER RIGHTS: The sponsor notes that Tennessee is a riparian and common law state and that a landowner has the right to "reasonable" use of water subject to the rights of other adjacent landowners. The sponsor states that the proposed restoration activities at MTCMB would improve the quality of waters passing through the project and notes that the Tennessee Department of Environment and Conservation is the downstream landowner.

PROSPECTUS: The complete prospectus for the proposed wetland mitigation bank is available online (as noted on page 1) and in the Memphis District office. Additional supporting documentation is also available in the Memphis District office. For those who do not have access to the internet, please contact Roger Allan at (901) 544-3682 if you wish to schedule an appointment to review this information.

ENDANGERED SPECIES: This project is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally-recognized Tribes and the public in response to this public notice and we may conduct or require a survey of the project area.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the proposed activities and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to authorize this mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project 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, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Federally-recognized Tribes; and other interested parties in order to consider and evaluate the proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to authorize this request. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the 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.

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 prospectus. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process and not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

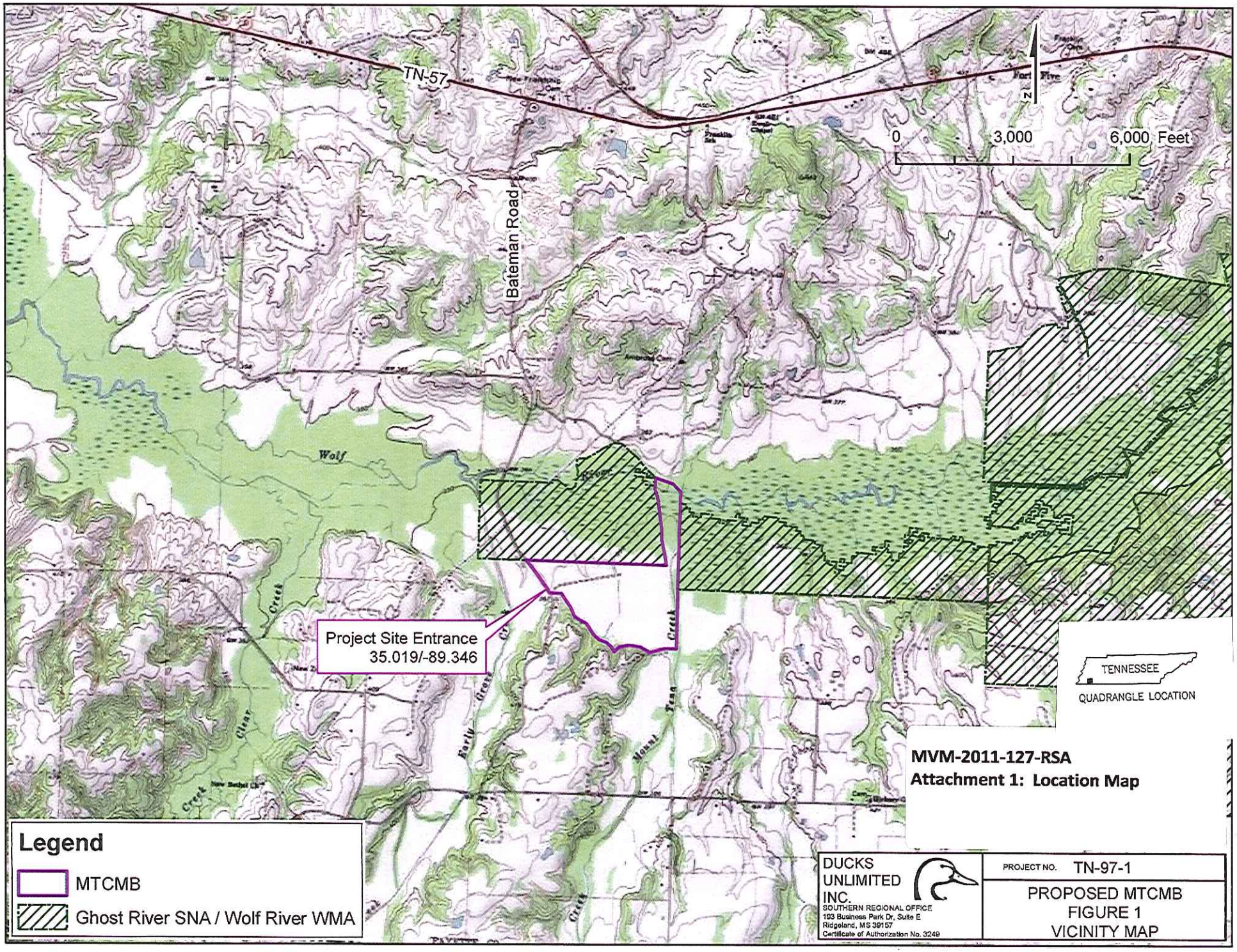
COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on this project, please contact Roger Allan at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-3682. Copies of all comments, including the names and address of commenters, may be provided to the bank sponsor for consideration and response prior to a decision by the Corps.

Comments should be received by January 22, 2013.

Gregg Williams

Gregg Williams
Chief
Regulatory Branch

Attachments



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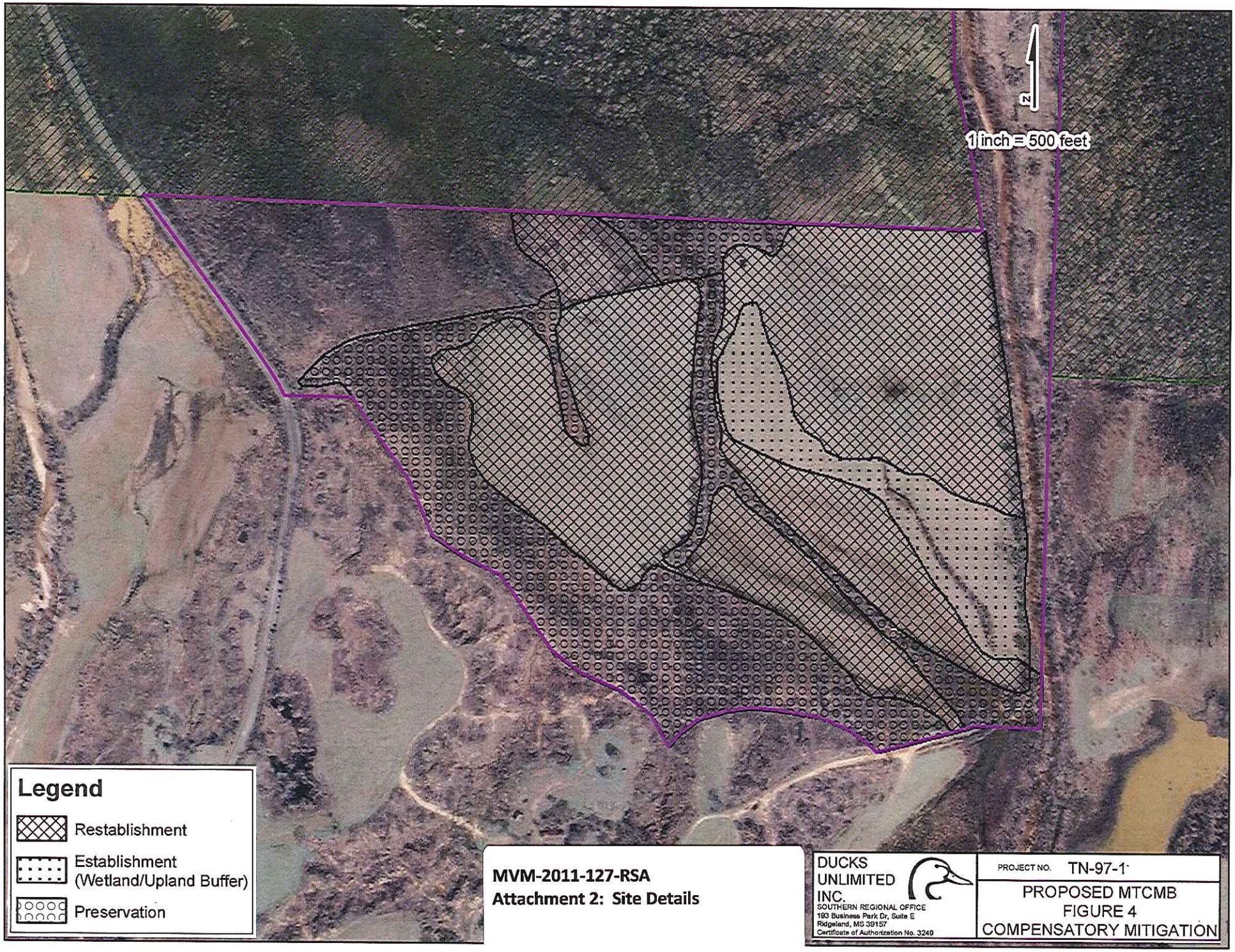
Attachment 1: Location Map



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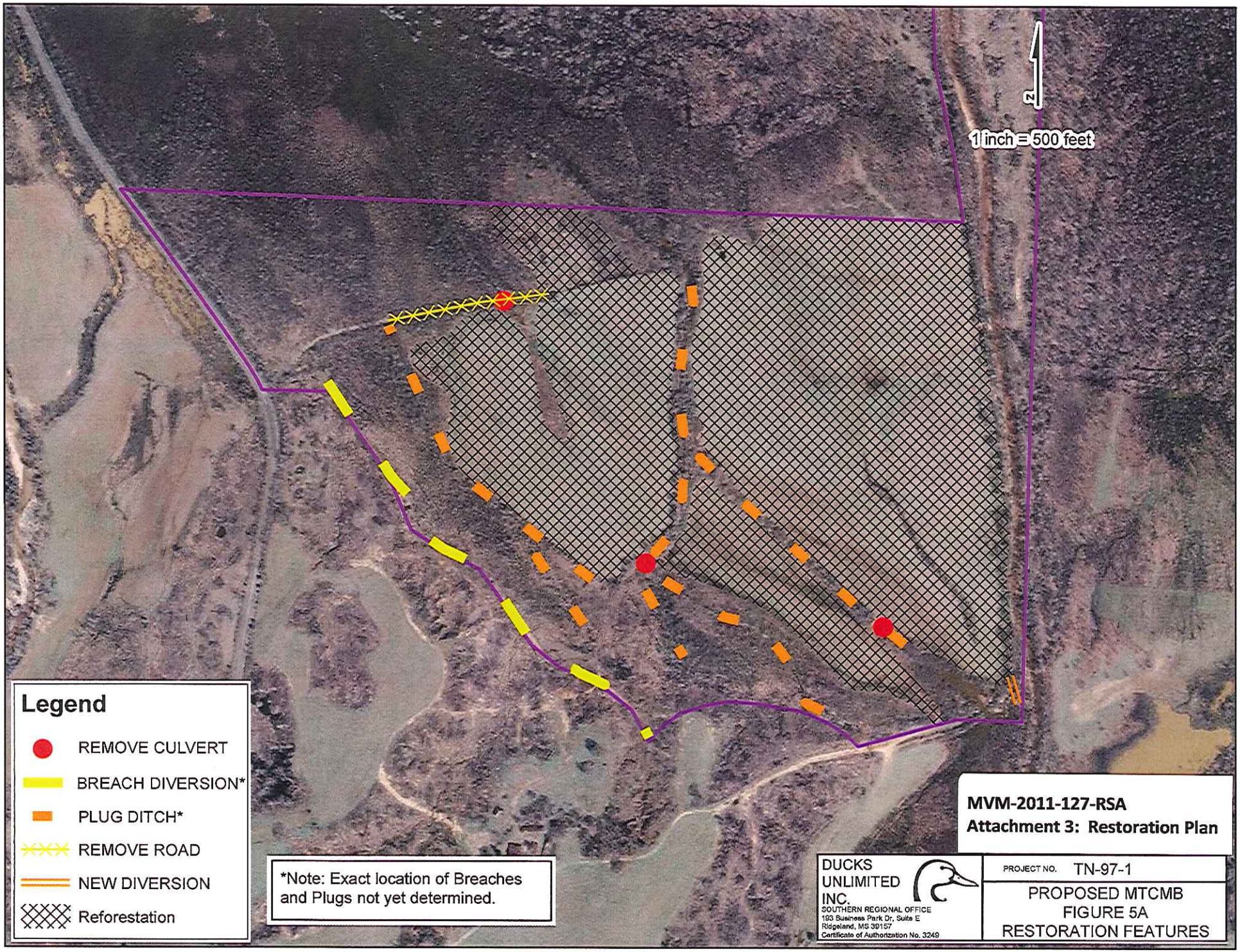
Attachment 2: Site Details

DUCKS UNLIMITED INC.
SOUTHERN REGIONAL OFFICE
193 Business Park Dr, Suite E
Ridgeland, MS 39157
Certificate of Authorization No. 3249

PROJECT NO. TN-97-1

PROPOSED MTCMB
FIGURE 4
COMPENSATORY MITIGATION


N
1 inch = 500 feet
Legend
REMOVE CULVERT
BREACH DIVERSION*
PLUG DITCH*
REMOVE ROAD
NEW DIVERSION
Reforestation
*Note: Exact location of Breaches and Plugs not yet determined.
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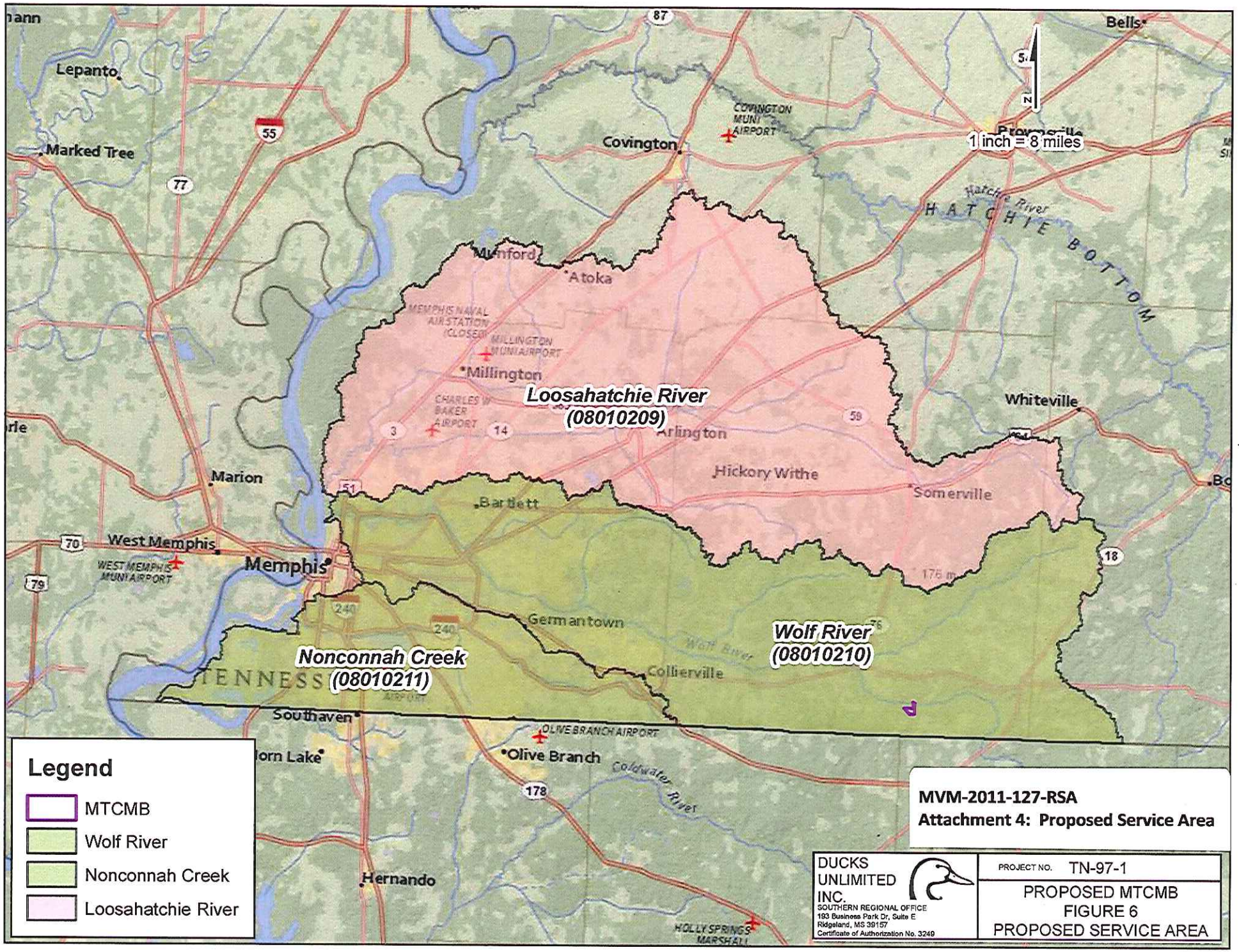
Attachment 3: Restoration Plan
DUCKS UNLIMITED INC.
SOUTHERN REGIONAL OFFICE
193 Business Park Dr, Suite E
Ridgeland, MS 39157
Certificate of Authorization No. 3249
PROJECT NO. TN-97-1
PROPOSED MTCMB
FIGURE 5A
RESTORATION FEATURES


Legend
MTCMB
Wolf River
Nonconnah Creek
Loosahatchie River
Loosahatchie River
(08010209)
Wolf River
(08010210)
Nonconnah Creek
(08010211)
1 inch = 8 miles
Covington
Atoka
Millington
Arlington
Hickory Withe
Somerville
Whiteville
Bartlett
Germantown
Collierville
Olive Branch
Southaven
Hernando
Marion
West Memphis
Memphis
Marked Tree
Lepanto
Bells
HATCHIE BOTTOM
Hatchie River
Wolf River
Coldwater River
COVINGTON MUNI AIRPORT
MEMPHIS NAVAL AIR STATION (CLOSED)
MILLINGTON MUNI AIRPORT
CHARLES W BAKER AIRPORT
WEST MEMPHIS MUNI AIRPORT
OLIVE BRANCH AIRPORT
HOLLY SPRINGS MARSHALL
TENNESSEE
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Attachment 4: Proposed Service Area
DUCKS UNLIMITED INC.
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Ridgeland, MS 39157
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PROJECT NO. TN-97-1
PROPOSED MTCMB
FIGURE 6
PROPOSED SERVICE AREA