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-2012-354-RSA

PUBLIC NOTICE DATE:
September 7, 2012

EXPIRATION DATE:
October 9, 2012

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 Wolf River Mitigation Bank II (WRMBII).

SPONSOR: Wolf River Mitigation Bank II, LLC
985 Reddoch Cove
Memphis, Tennessee 38119

AGENTS: Richard C. Young, M.S.
Land & Natural Resource Consultants
985 Reddoch Cove
Memphis, TN 38119
(901) 761-3777

W. Michael Dennis, Ph.D.
Breedlove Dennis & Associates
330 W. Canton Avenue
Winter Park, FL 32789
(407) 677-1882

LOCATION: The proposed wetland mitigation bank covers approximately 666 acres and is located north of Shaws Creek on the east side of State Route 196 north of Piperton in Fayette County, Tennessee. The approximate latitude and longitude of the proposed bank site are 35.0919°N and -89.5786°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's objective is to develop the proposed tract into a landscape-scale mosaic of bottomland hardwood wetland types interspersed with uplands adjacent to the existing 769-acre Wolf River Mitigation Bank I. Wetland mitigation credits would be generated through the restoration and establishment of wetlands within current agricultural fields, establishment of upland forest buffers, enhancement of adjacent uplands and preservation of existing bottomland hardwood wetlands. Details are shown on the attached bank development plan (Attachment 2).

ESTABLISHMENT AND OPERATION OF THE PROPOSED BANK:

Credits: The sponsor proposes to generate 124 credits through the restoration (re-establishment) of 124 acres of existing, prior-converted crop fields and 21 credits through the establishment of 21 acres of wetlands within additional agricultural fields on the subject property, 11 credits through the establishment of upland forested buffers on 44 acres of existing agricultural fields (on non-hydric soils), 47.6 credits through the reforestation of 238 acres of fallow uplands between the two largest agricultural fields on the property and 13.0 credits through the preservation of 130 acres of existing bottomland hardwood wetlands. As proposed, a total of 217 credits would be generated.

Hydrology: Hydrology for the WRMBII would be provided by constructing plugs within ditches and drainage pathways within the areas targeted for restoration. Ditches within or adjacent to the restoration area would be plugged and contoured as shallow swales. Additionally, a series of terraces or earthen berms would be utilized within the existing agricultural fields and existing agricultural fields would be rough plowed or disced.

Vegetation: Bottomland hardwood tree seedlings would be planted at a density of approximately 361 stems per acre. Trees would be planted on 3.75m centers within areas lacking hydric soils and on 3.2m centers within areas with hydric soils. Proposed species to be planted include the following: overcup oak (*Quercus lyrata*), water oak (*Q. nigra*), pin oak (*Q. palustris*) and cherrybark oak (*Q. falcate* var. *pagodifolia*). No single planted species would comprise more than 40% of the total number of hard mast plantings. The sponsor expects that additional trees, shrubs and groundcover species will colonize the site from existing seed banks and natural dispersal mechanisms.

Proposed Success Criteria: The sponsor has proposed the following success criteria for this project. 1) All areas proposed for wetland restoration or establishment must show evidence of wetland hydrology as described in the appropriate regional supplement to the Wetland Delineation Manual. Degree, duration and periodicity of hydrology for restored/established wetlands would be within 15% of the hydrology of adjacent reference sites. 2) All areas proposed for wetland restoration and establishment must meet the required hydrophytic vegetation criteria as described in the appropriate regional supplement. Except those areas that are too wet to support sufficient vegetation, all areas within the bank will have 75% absolute vegetative coverage. 3) Success of the proposed plantings will be based on survival of planted trees as well as the natural recruitment of desirable species. At least 300 target tree species (hard mast producing species) per acre will be present for five consecutive years. Plantings will be considered successful if survivorship of planted trees is 75% or greater. 4) All areas proposed for wetland restoration or establishment must show evidence of hydric soils by meeting criteria from the wetland delineation manual. Evidence of wetland hydrology may also be used to demonstrate that the hydric soils criterion is being met.

Proposed Monitoring Schedule: The sponsor proposes to monitor hydrology and vegetation on the site for a period of at least 7 years. Hydrology would be measured using 7 ground and surface water level recorders and 15 maximum event water level indicators. For the first 3 years, hydrologic monitoring would be done at a frequency sufficient to document the presence of wetland hydrology for a minimum of 14 consecutive days. After the first 3 years, frequency of hydrologic monitoring would be reduced to twice per year. The site would also be monitored for invasive species and animal damage during these visits. Vegetation would be monitored yearly in order to determine whether vegetative performance standards are being met. The sponsor proposes to establish a total of 17 vegetative monitoring stations. Reports documenting site conditions (including hydrologic data, results of vegetation sampling, photographs and description of any maintenance activities) will be submitted by November 1st.

Maintenance Plan: Maintenance activities may include maintenance/repair of water level recorders, removal of exotic or noxious species and replanting of vegetation.

Financial Assurances: The sponsor has proposed to provide a letter of credit from a financial institution that is a member of the Federal Deposit Insurance Corporation. These funds shall be payable on demand by the Corps of Engineers in the event the sponsor fails to comply with the terms of the banking agreement.

PROPOSED SERVICE AREA: The proposed service area for the mitigation bank is the Wolf River watershed in Hardeman, Fayette and Shelby Counties and the Nonconnah Creek watershed in Shelby County, (Attachment 3).

NEED FOR AND TECHNICAL FEASIBILITY OF THE PROPOSED BANK: The sponsor notes that demand for credits within the proposed service area is driven by residential, commercial and industrial growth as well as construction of new highways, railroads, intermodal and other facilities. The sponsor also notes that the credits generated at the original Wolf River Mitigation Bank have all been sold.

PROPOSED OWNERSHIP ARRANGEMENTS: The sponsor has proposed to transfer the property (fee simple) to a state agency following closure of the bank.

QUALIFICATIONS OF SPONSORS: Services related to project planning, design, oversight and monitoring will be contracted to Land & Natural Resource Consultants and Breedlove Dennis & Associates. Both firms were involved in the development and monitoring of the original Wolf River Mitigation Bank as well as numerous compensatory mitigation projects throughout the southeastern U.S.

ECOLOGICAL SUITABILITY OF THE SITE: The site is adjacent to Shaws Creek, which was listed on the 2004 303(d) list for organic enrichment/low dissolved oxygen. The sponsor also notes that the bank site is located adjacent to the unchannelized reach of the Wolf River and is under pressure from continued growth from nearby highway and railway construction. The watershed has been identified by numerous organizations as being of high conservation value and provides habitat for numerous plant and animal species that are considered rare, threatened or endangered.

Soils: Based on coordination with the Natural Resources Conservation Service there are approximately 124 acres of prior-converted cropland within agricultural fields on the property. The soils within the portions of site targeted for restoration and establishment are mapped primarily as Henry silt loam, terrace, Waverly silt loam and Falaya silt loam. Additionally, Collins fine sandy loam mapping units contain inclusions of the hydric Waverly series. Soils maps of the property are provided on Attachments 4 and 5.

Hydrology: According to the sponsor, this site floods periodically from the Wolf River but channelization of Shaws Creek and its tributaries as well as alteration of drainage patterns on the site have accelerated drainage. Additionally, Fayette County typically receives 50 inches of precipitation annually (including 30 inches during the growing season).

Vegetation: Open fields on the subject property are currently in agricultural production. Existing wooded areas are present between the main agricultural fields as well as within the southern portions of the property. Vegetation within relatively undisturbed or selectively harvested portions of the bank site includes willow oak (*Q. phellos*), overcup oak, swamp chestnut oak (*Q. michauxii*), water oak, sweetgum (*Liquidambar styraciflua*), American elm (*Ulmus Americana*), green ash (*Fraxinus pennsylvanica*) and cherrybark oak in the overstory. Common understory species include winged elm (*U.alata*), boxelder (*Acer negundo*), deciduous holly (*Ilex deciduas*), red maple (*A. rubrum*), red buckeye (*Aesculus pavia*), river birch (*Betula nigra*), and persimmon (*Diospyros virginiana*). Black willow (*Salix nigra*), sweetgum, green ash and sycamore (*Platanus occidentalis*) seedlings and saplings are present within abandoned agricultural fields.

ASSURANCE OF WATER RIGHTS: The sponsor notes that Raleigh LaGrange, G.P., owns the property fee simple, including all mineral rights and that water rights in Tennessee are governed by common law.

PROSPECTUS: The complete prospectus for the proposed wetland mitigation bank is available online (as noted on page 1) and 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 prospectus.

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.

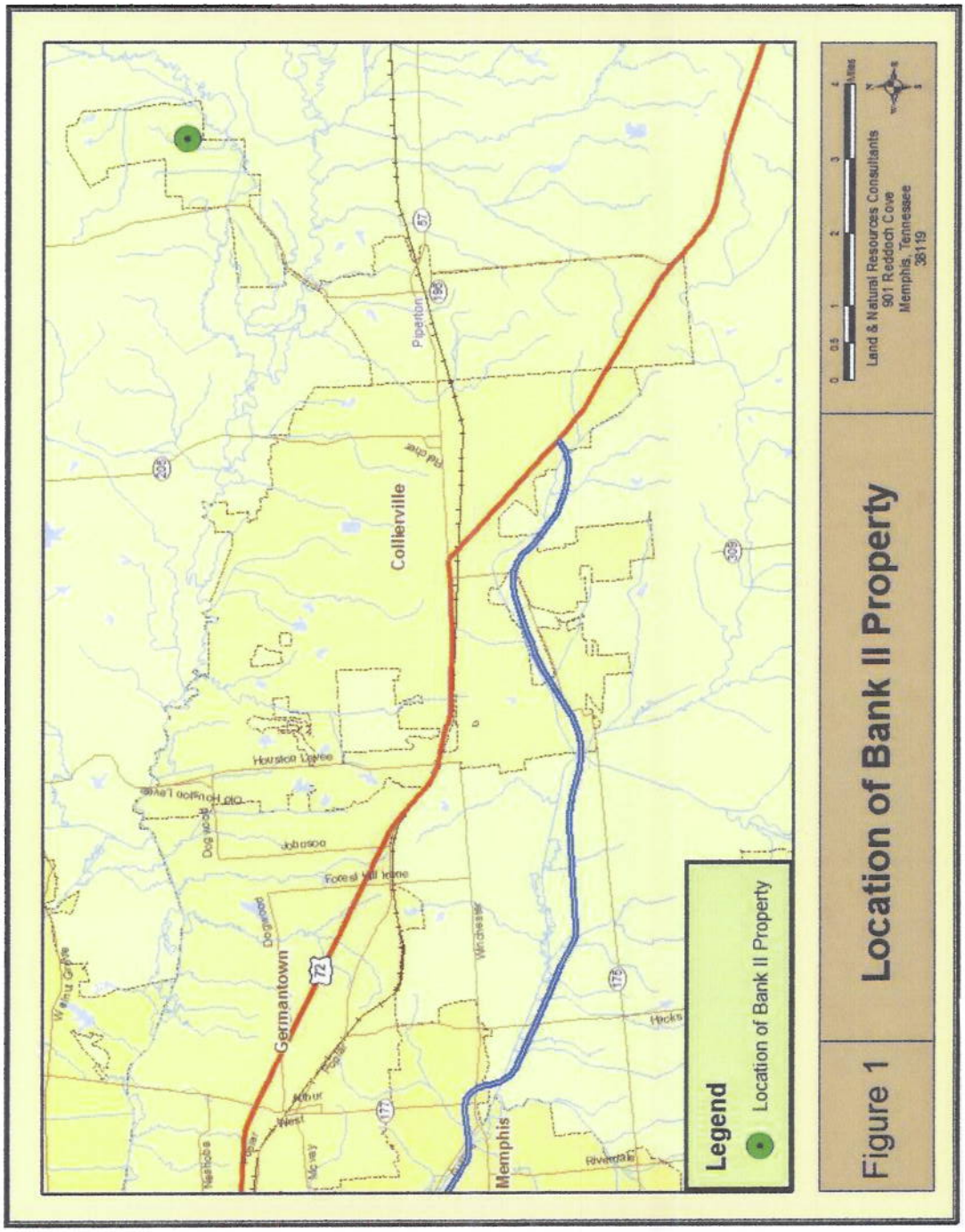
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this prospectus. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine 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 October 9, 2012.

Gregg Williams
Chief, Regulatory Branch

Attachments



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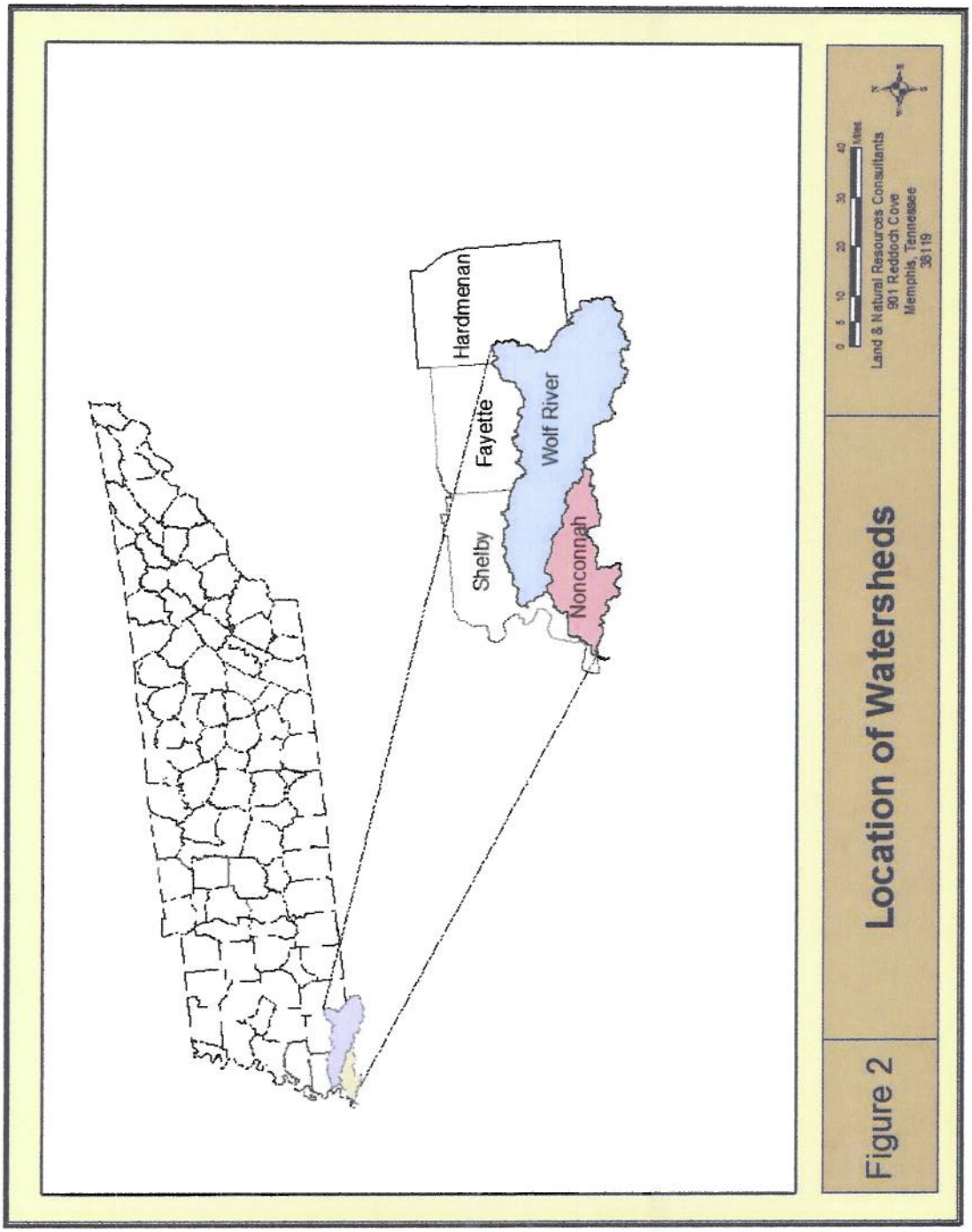
Attachment 1: Location Map

Establishment of 21 acres of bottomland wetlands on hydric soils
Restoration of 7 acres of PC
Upland Buffer Enhancement 238 acres
Upland Buffer Establishmentt 44 acres
Restoration of 106 acres of PC
Preservation/fee transfer 130 acres of bottomland hardwood wetlands
Restoration of 11 acres of PC
Figure 8. Bank Development Plan
Source - Tennessee GIS Data Server
Sheet No. 1
Bank Plan
Land & Natural Resources Consultants, LLC
Richard C. Young, M.S.
Natural Resource Scientist
5431 McGavock Road
Brentwood, Tennessee 37027
Date: April 7, 2013



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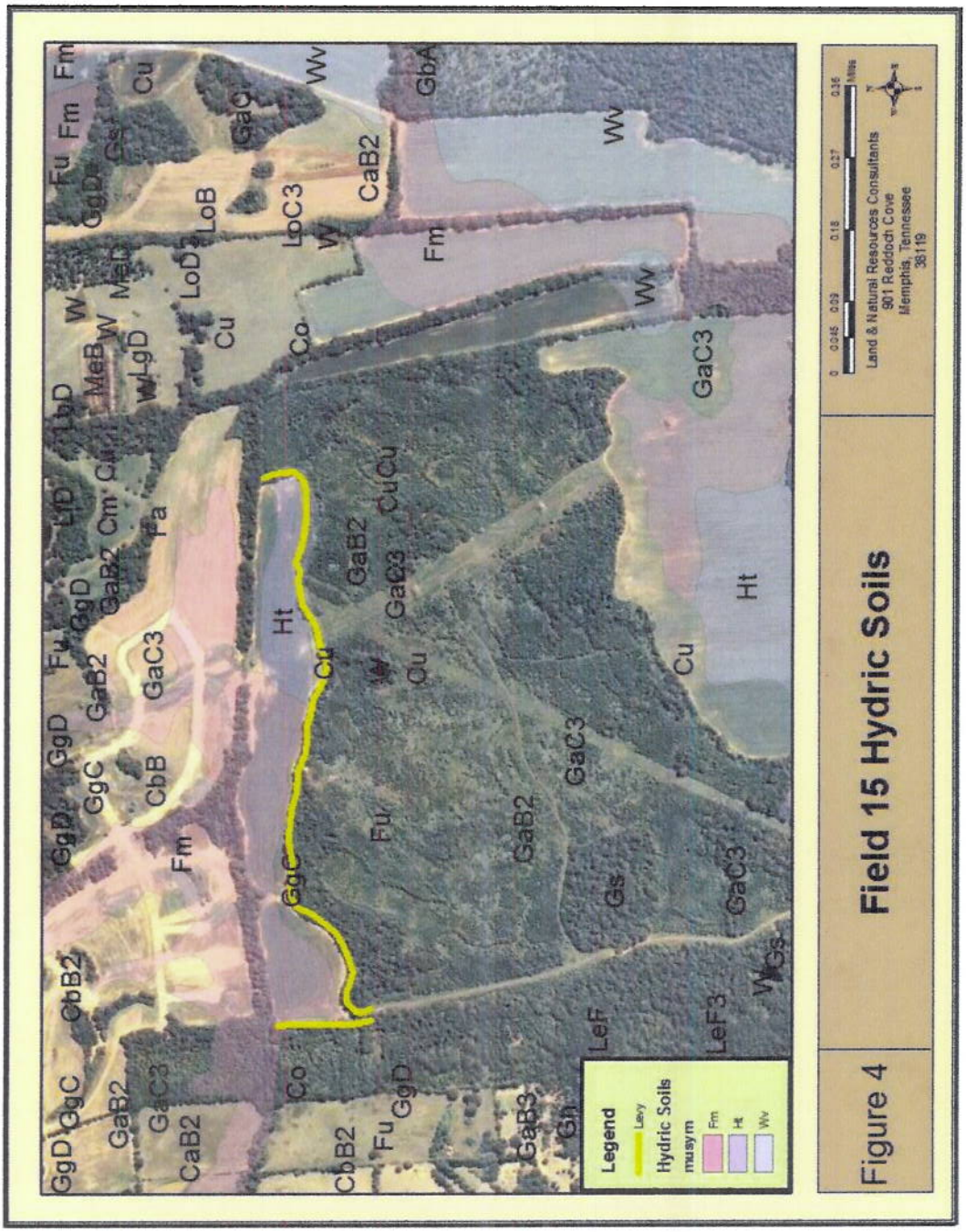
Attachment 3: Proposed Service Area



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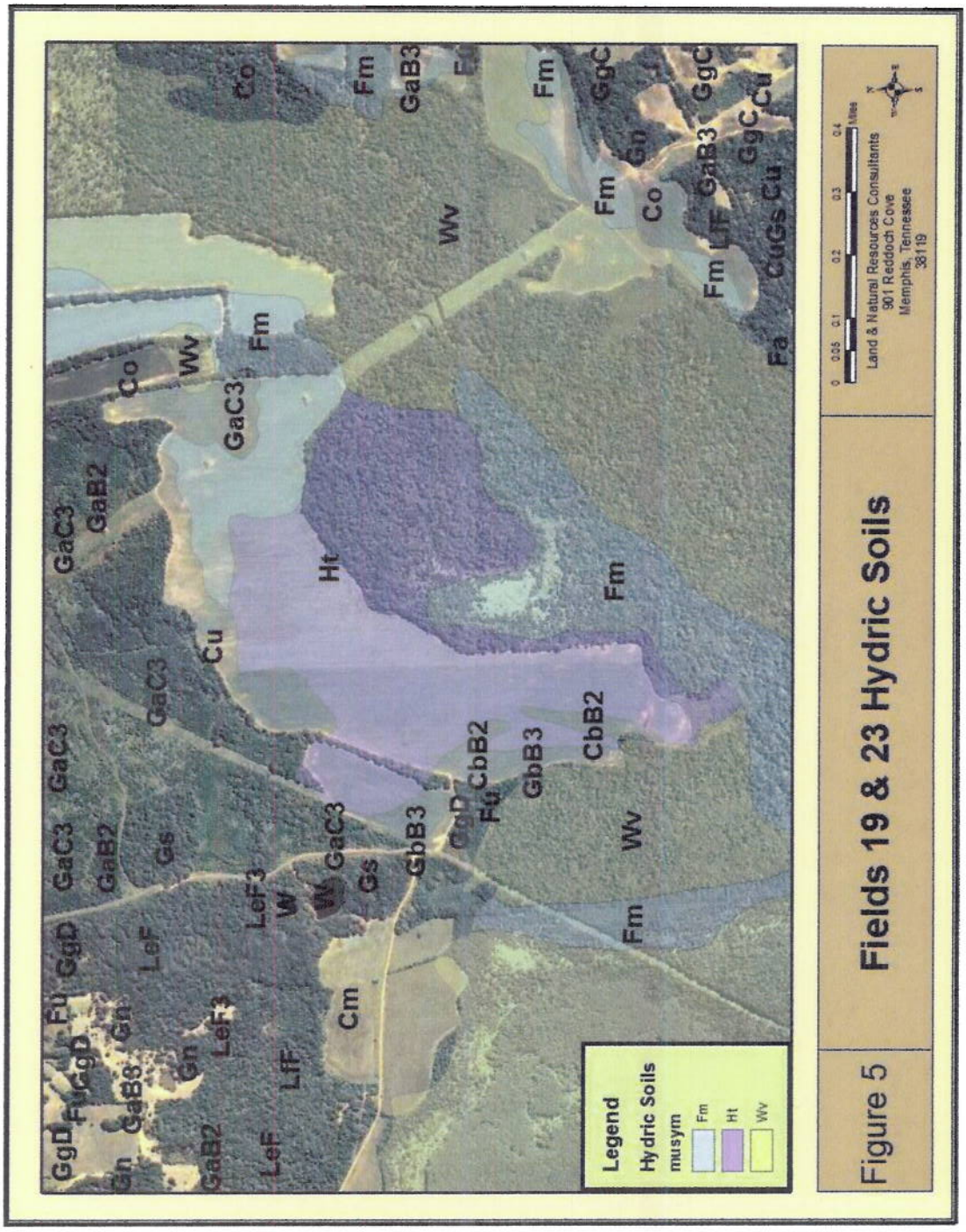
Attachment 4: Soils Map (1 of 2)



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Attachment 5: Soils Map (2 of 2)