



US Army Corps
of Engineers
Memphis District

Public Notice

REPLY TO ATTN: Charles D. Keating
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POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
MVM-2016-364-CDK

PUBLIC NOTICE DATE:
December 20, 2016

EXPIRATION DATE:
January 20, 2017

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 Loosahatchie River Mitigation Bank (LRMB).

BANK SPONSOR: Memphis Stone & Gravel Company
111 Wilson Street
Memphis, Tennessee 38106

LOCATION: The proposed wetland mitigation bank covers approximately 408 acres located in the floodplain of the Loosahatchie River east of Raleigh-Millington Road in Shelby County, Tennessee. The approximate latitude and longitude of the proposed bank site are 35.272288°N and -89.918792°W, respectively. A location map based on the Millington, TN, USGS topographic quadrangle is shown on Attachment One.

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. 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/About/Offices/Regulatory/PublicNotices.aspx>) for additional details.

OBJECTIVES: The sponsor has proposed two objectives for the LRMB. The first objective is to restore and preserve a bottomland hardwood wetland that will improve various wetland functions, including flood control, sediment control, and nutrient removal. The second objective is to mitigate for wetland losses due to an impending commercial gravel mining operation.

ESTABLISHMENT AND OPERATION OF THE PROPOSED BANK:

As proposed by sponsor the establishment of the LRMB would entail the following tasks: (1) fill the drainage ditches to restore a more consistent wetland hydrology; (2) plant native, late-successional, bottomland hardwood vegetation including bottomland oaks (*Quercus michauxii*, *Q. bicolor*, *Q. phellos*, *Q. palustris*, *Q. lyrata*, etc.), bald cypress (*Taxodium distichum*), pecan (*Carya illinoensis*), water tupelo (*Nyssa aquatica*), black gum (*Nyssa sylvatica*) and bottomland hickories (*Carya aquatica*, *C. lacinosa*); (3) cover the entire site under a conservation easement; (4) and provide a financial assurance instrument for the establishment and post establishment activities of the Bank.

The bank would restore or enhance 323.5 acres of wetland habitat in accordance with the provisions of the Mitigation Banking Instrument. Table 1 summarizes the project activity, acreages, mitigation credits, and ratios used to determine credits based upon activity.

Table 1. Activity, acreages, credits and credit determination ratios for the Loosahatchie River Mitigation Bank.

Activity	Acreage	Credits	Acreage to Credit Ratio
Enhancement	85.1	21.3	4:1
Restoration	238.4	238.4	1:1
Total	323.5	259.7	

The proposed Credit Release Schedule with defined performance standard thresholds can be reviewed in Attachment Two.

PROPOSED SERVICE AREA: The proposed service area for the mitigation bank is defined by 8-digit Hydrologic Unit Code (HUC), in this case the "Loosahatchie" 8-digit HUC. Mitigation types will be considered as outlined in the April 2008 Final Rule (30 CFR Parts 325 and 332, 40 CFR Part 230).

NEED FOR AND TECHNICAL FEASIBILITY OF THE PROPOSED BANK: The sponsor notes that discussions with potential users indicated a demand and credits are expected to sell out once released. It is expected that demand will be driven by infrastructure growth in the Service area by both the private and public sector.

PROPOSED OWNERSHIP ARRANGEMENTS: The site is presently comprised of two Shelby County, Tennessee parcels by number D0136 00273 and D0136 00274. Memphis Stone & Gravel Company owns the property fee simple, including all mineral rights.

Upon closure of the Bank, the long-term stewardship will be passed to a third party and will likely be a not-for-profit organization, land trust, or municipality.

QUALIFICATIONS OF SPONSORS: The Bank Sponsor, Memphis Stone and Gravel Company, has retained Brophy-Heineke & Associates, Inc. to oversee the planning, installation, and monitoring of the Loosahatchie River Mitigation Bank. Brophy-Heineke has been providing wetland related consulting services in the Mid-South since 1990. They have successfully permitted and developed over 80 wetland and stream mitigation projects including the establishment of the Delta Wetland Mitigation Bank in Mississippi and Gilmer's Wetland Mitigation Bank in Tennessee. Brophy-Heineke routinely constructs and monitors mitigation areas in compliance with the requirements of the U.S. Army Corps of Engineers and various state agencies including Tennessee Department of Environment & Conservation.

ECOLOGICAL SUITABILITY OF THE SITE: Two thirds of the proposed bank site is currently in agricultural (primarily soybean) production, while the remaining third is bottomland hardwood forest containing an approximately 2,000 foot, channelized reach of the Loosahatchie River. The topography of the site is level, sloping slightly toward the Loosahatchie River. Secondary agricultural ditches are present throughout the site in addition to an approximately 10 foot deep ditch that begins in the center of the tract and flows southwest. The site floods from backwater from the Loosahatchie River, but drains quickly.

Soils: The soils on the proposed mitigation site are mapped as large areas of Falaya silt loam, Waverly silt loam, Calloway silt loam, and Henry silt loam. Upland areas in the north and northwest section of the site will likely be graded to expand the wetland area, and micro-topography will be formed throughout the site to maximize habitat and wetland function.

Hydrology: The site floods periodically from the Loosahatchie River. Flooding from the Loosahatchie River is flashy. Water enters and leaves the site relatively quickly.

Vegetation: The site is currently used for agricultural (soybean) production. Existing wooded areas (including wetlands) are present to the east.

ASSURANCE OF WATER RIGHTS: 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, under "Purpose") and in the Memphis District office. For those who do not have access to the internet, please contact Charles Keating at (901) 544-0733 if you wish to schedule an appointment to review this prospectus at the Memphis District Office.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. 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.

FLOODPLAIN: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed public notice and apprise this office of any floodplain 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 Charles Keating at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0733. 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 the Public Notice expiration date found at the top of page one.

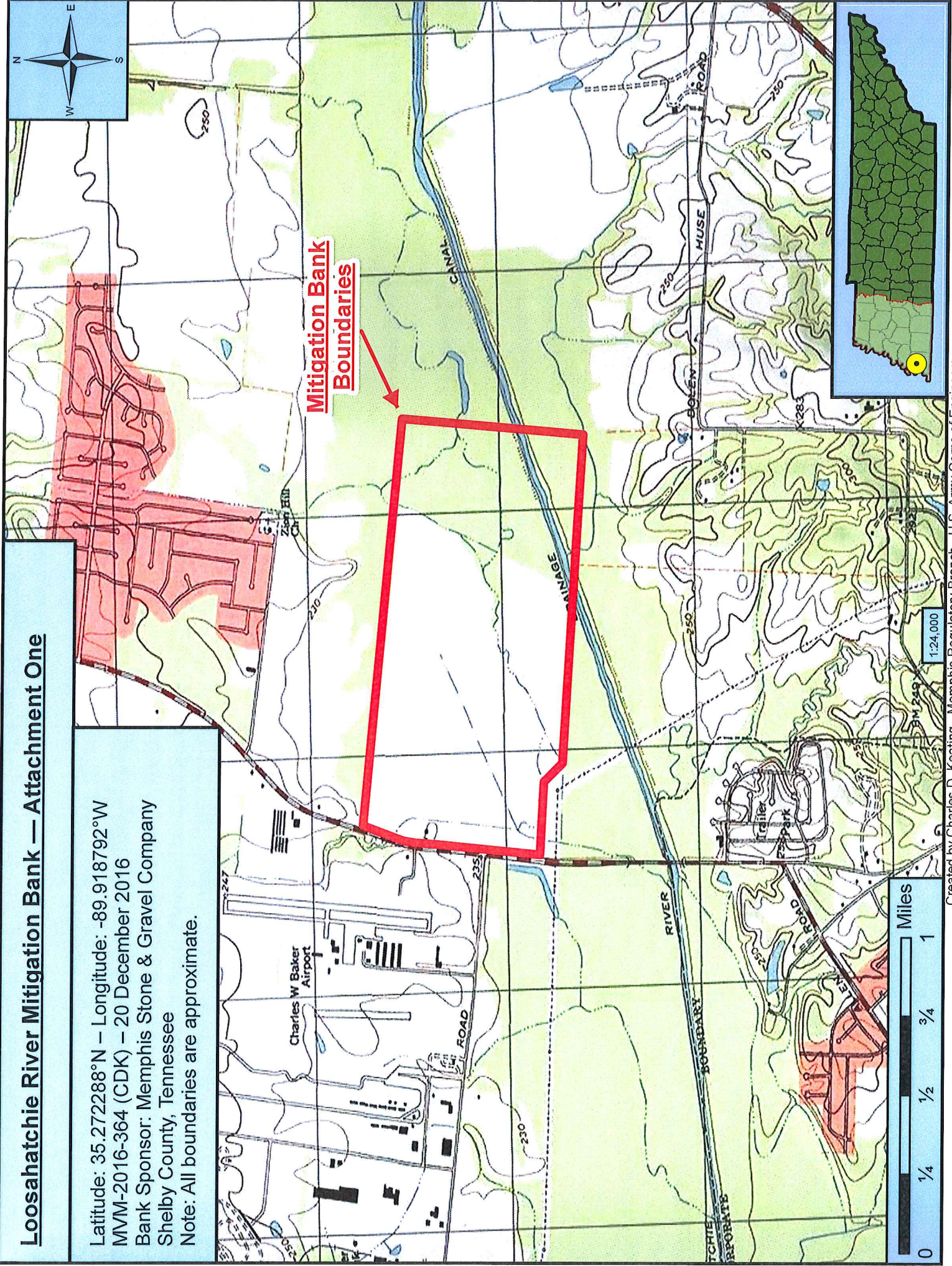


Gregg Williams
Chief
Regulatory Branch

Attachments

Loosahatchie River Mitigation Bank — Attachment One

Latitude: 35.272288°N — Longitude: -89.918792°W
MVM-2016-364 (CDK) — 20 December 2016
Bank Sponsor: Memphis Stone & Gravel Company
Shelby County, Tennessee
Note: All boundaries are approximate.



Mitigation Banking Instrument
Appendix D: Credit Generation and Award Schedule

Appendix D

Credit Determination and Award Schedule

I. Generation of Credits

Credits will be established and awarded to the Bank upon the Sponsor's demonstration that the performance standards listed in Appendix C have been met. Credit generation worksheets are included in the resource folder and are summarized in Table 1. The Bank will provide bottomland hardwood wetlands credits to those projects approved by the regulating agency(ies).

II. Credit Generation Schedule

Credits will be established and awarded based on the credit release schedules in Table 13. This credit release schedule may be truncated and corresponding credits released, as confirmed by a letter from the District Engineer, if a performance standard is "achieved" as described in Appendix C.II.

Table 13: Wetland credit release schedule.

Activity	Pre- construction	Grading, Complete	Vegetation Installation Complete	Year 2	Year 3	Year 5	Year 7	Year 10	
Complete Mitigation Bank Instrument Development	13.00								13.00
Protect ecosystem function by executing conservation easement.	13.00								13.00
Provide financial assurance mechanism as described in the Instrument	13.00								13.00
Establish escrow account for Fund	13.00								13.00
Grading/hydrologic restoration complete		38.95							38.95
Vegetation Installation complete			38.95						
Woody Density				5.19	5.19	5.19	5.19	5.19	25.97
Hydrophytic woody vegetation				5.19	5.19	5.19	5.19	5.19	25.97
Herbaceous cover				5.19	5.19	5.19	5.19	5.19	25.97
Hydrology				5.19	5.19	5.19	5.19	5.19	25.97
Hydric Soil				5.19	5.19	5.19	5.19	5.19	25.97
Annual Total Credits	52.00	38.95	38.95	25.97	25.97	25.97	25.97	25.97	259.74
Percent of Total	20.0%	15.0%	15.0%	10.0%	10.0%	10.0%	10.0%	10.0%	100.0%