



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
The University of Tennessee
Institute of Agriculture

Published: May 12, 2025
Expires: June 10, 2025

**Memphis District
Permit Application No. MVM-2025-131**

TO WHOM IT MAY CONCERN: The Memphis District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: The University of Tennessee
Institute of Agriculture
605 Airways Boulevard
Jackson, Tennessee 38301

AGENT: Dr. Ben West
The University of Tennessee
Institute of Agriculture
10000 Lake Hardeman Road
Middleton, Tennessee 38052

PURPOSE: The purpose of this notice is to inform the public of the proposed South Fork Forked Deer Mitigation Bank that would generate credits that could be used to meet compensatory mitigation requirements for permits issued under Section 404 of the Clean Water Act (CWA) and/or Section 10 of the Rivers and Harbors Act of 1899 (RHA). The following is a summary of the prospectus for this project; the full prospectus can be downloaded and/or viewed from the Regulatory In-lieu fee and Banking Information Tracking System (RIBITS) at:
https://ribits.ops.usace.army.mil/ords/f?p=107:278:14912621572899:::278:P278_BANK_ID:7191 Please contact the Memphis District for further information (see contact information on page 4).

WATERWAY AND LOCATION: The area proposed for wetland and stream restoration and preservation is located on the right descending bank of the South Fork Forked Deer River at the West Tennessee Research and Education Center and an adjoining property owned by the Jackson Energy Authority in Jackson, Madison County, Tennessee at Latitude 35.6282°N and Longitude -88.8589°W. (Figure 1)

SPONSOR QUALIFICATIONS: The Bank Sponsor for the proposed Bank is The University of Tennessee, Institute of Agriculture (UTIA). The sponsor is partnering with the

West Tennessee River Basin Authority and Tennessee Wildlife Federation on the project management, design, and construction. Together, the project partners have implemented over 30 miles of stream restoration and over 2,000 acres of wetland restoration in Tennessee.

EXISTING CONDITIONS: This prospectus covers approximately 9,842 linear feet of stream located in a low slope, alluvial valley and five wetlands totaling approximately 255.35 acres. (Figures 2-11)

PROJECT PURPOSE/GOALS AND OBJECTIVES: The goals of the project are to restore a functional stream and wetland ecosystem within the Jones Creek sub-watershed of the South Fork Forked Deer River, provide compensatory stream and wetland mitigation to offset permitted impacts to waters of the United States as authorized under Section 404 of the CWA and/or Section 10 of the RHA, and enhance the educational opportunities offered at West Tennessee Research and Education Center.

The objectives of the stream mitigation are to improve aquatic and riparian habitat, reduce sediment inputs, decrease bank erosion, and provide for the recovery of natural stream functions. Function-based goals for the stream restoration components of the project include improving stream hydrology, promoting more frequent floodplain inundation and storage of flood waters, supporting sediment transport continuity, and providing for riparian forest succession. Project objectives aim to improve stream function-based parameters that include groundwater/surface water exchange, floodplain connectivity, lateral stability, bedform diversity, and riparian vegetation. (Figure 7)

The objectives of the wetland mitigation are to restore and preserve wetlands to palustrine, forested seasonally flooded/saturated wetlands within the project boundary. The wetland mitigation area is degraded from historic habitat alterations, stream channelization, spoiled material, and roads. Decades of such land uses and management activities are the primary causes of the physical, chemical, and biological degradation of wetland ecological functions within the project boundaries. Rehabilitation will be accomplished by returning natural hydrology and planting native, hydrophytic vegetation to areas that are degraded by current land uses. (Figure 7)

Basic: The basic purpose is to restore and/or preserve streams and wetlands to generate mitigation credits for use for permitted impacts under Section 404 of the CWA and/or Section 10 of the RHA.

Overall: The overall purpose is to restore 9,842 linear feet of stream and restore or preserve 255.35 acres of wetlands to generate stream and wetland mitigation credits to provide for sale to the public to offset impacts permitted under Section 404 of the CWA and/or Section 10 of the RHA.

SERVICE AREA: The proposed primary service area for the bank includes the South Fork Forked Deer River watershed (HUC 08010205). The proposed secondary service area includes the following watersheds: Lower Hatchie River (HUC 08010208), North Fork Forked Deer River (HUC 08010204), Upper Hatchie River (08010207), and Lower Mississippi River (HUC 08010100). (Figure 1)

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: Site protections for the portion of the project area owned by the State of Tennessee (UTIA) will be provided using land use restrictions. Site protections for the portion of the project area owned by the Jackson Energy Authority will be provided by a conservation easement held by the Tennessee Mitigation Fund.

A Long-Term Management Fund will be established for future land management after performance standards have been met. The amount set aside in the Fund will be provided at the draft MBI stage. Long term management activities will include annual monitoring of the land protections and may include tasks such as replacing boundary signage and fencing.

PROPOSED WORK: The applicant requests authorization to develop a Mitigation Banking Instrument that would allow the restoration of 9,842 linear feet of stream and wetland restoration (re-establishment) and/or preservation of 255.35 acres that would generate approximately 4,132.46 functional feet of stream credits and 290.67 wetland credits. Work would consist of construction of new, off-line channel segments, bank sloping, invasive species removal, and riparian buffer reestablishment. Work would also include filling ditches and abandoned stream channels to increase the frequency and duration of site hydrology, and lateral extent of site hydrology, resulting in a gain of both aquatic resource area and function. Planting native hydrophytic vegetation after construction activities will assist in rehabilitating the natural, historic functions of the wetland area.

CULTURAL RESOURCES: The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized Tribes and other interested parties.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

There are two Proposed Threatened, one Proposed Endangered, and one Listed Endangered species that are known to have a distribution that includes the proposed project area and are potentially present in the action area. They are as follows: the Proposed for Listing as Endangered Tricolored Bat (*Perimyotis subflavus*); the Proposed for Listing as Threatened Alligator Snapping Turtle (*Macrochelys temminckii*);

the Proposed for Listing as Threatened Monarch Butterfly (*Danaus Plexippus*); and the Federally Listed Endangered Whorled Sunflower (*Helianthus verticillatus*).

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a

permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Memphis District will receive written comments on the proposed work, as outlined above, until June 10, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Damon McDermott at robert.d.mcdermott@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Memphis District, Attention: Damon McDermott, 167 North Main Street Room B-202 Memphis, Tennessee 38103. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

South Fork Forked Deer Mitigation Bank Locator Map

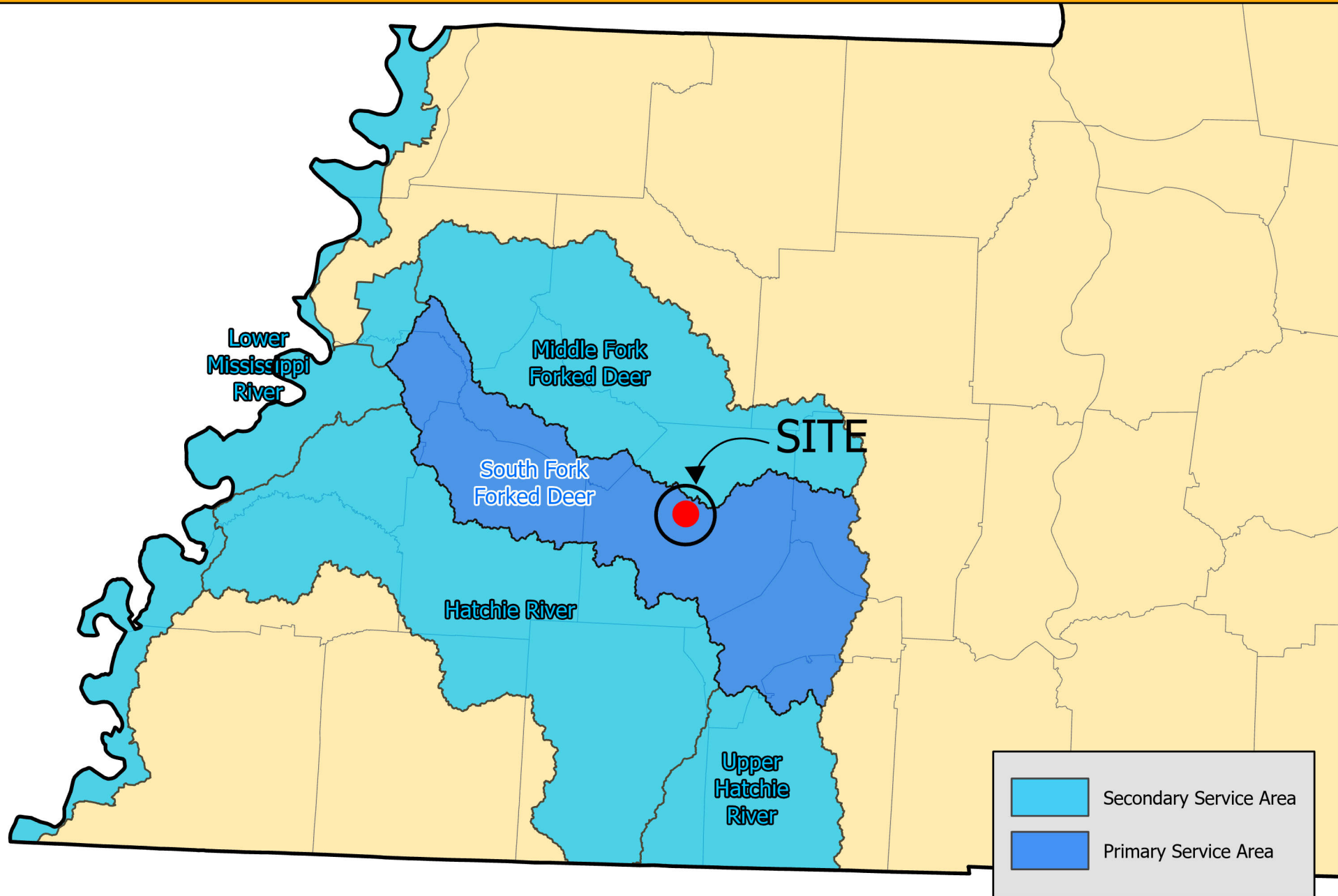
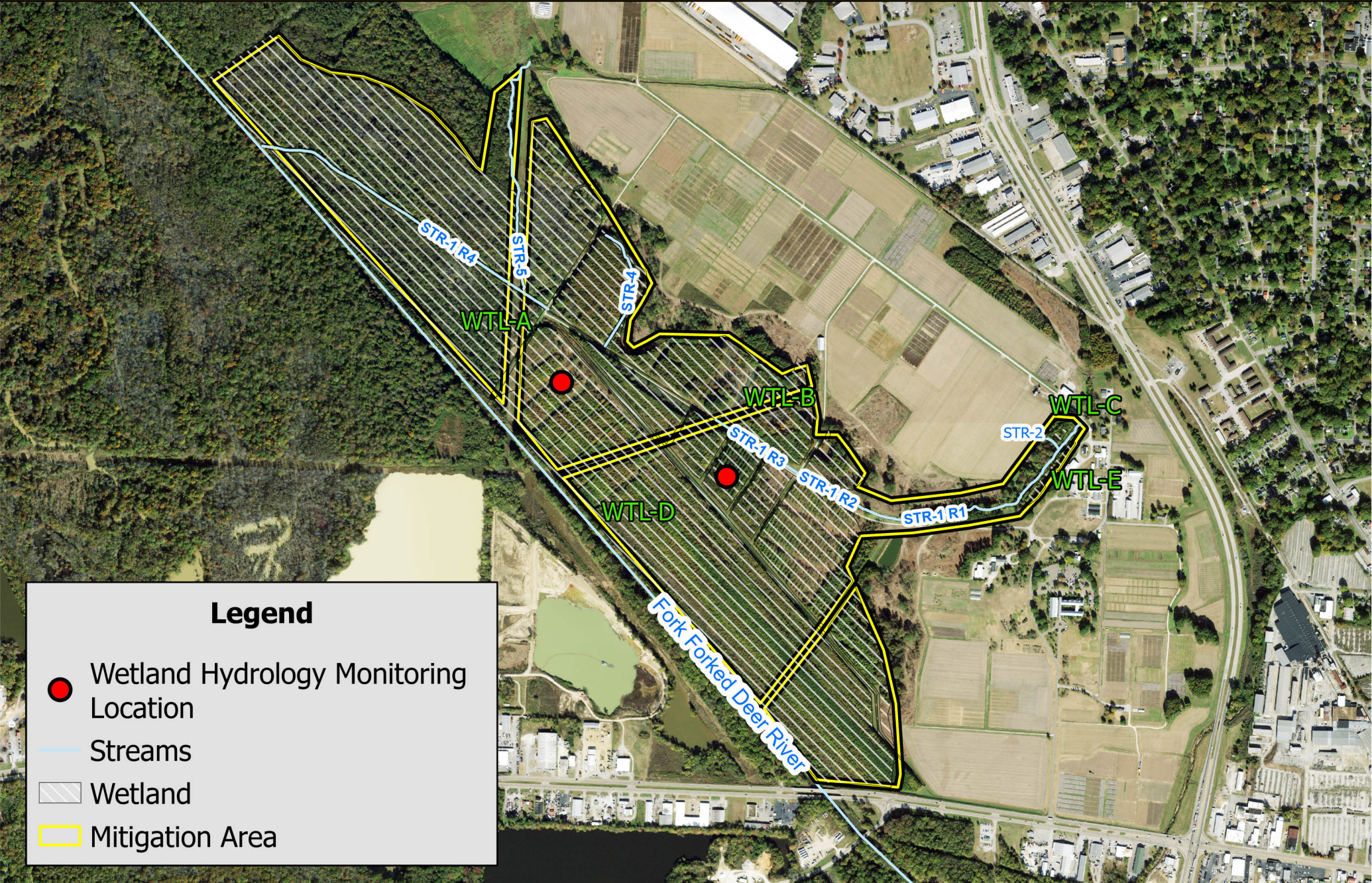
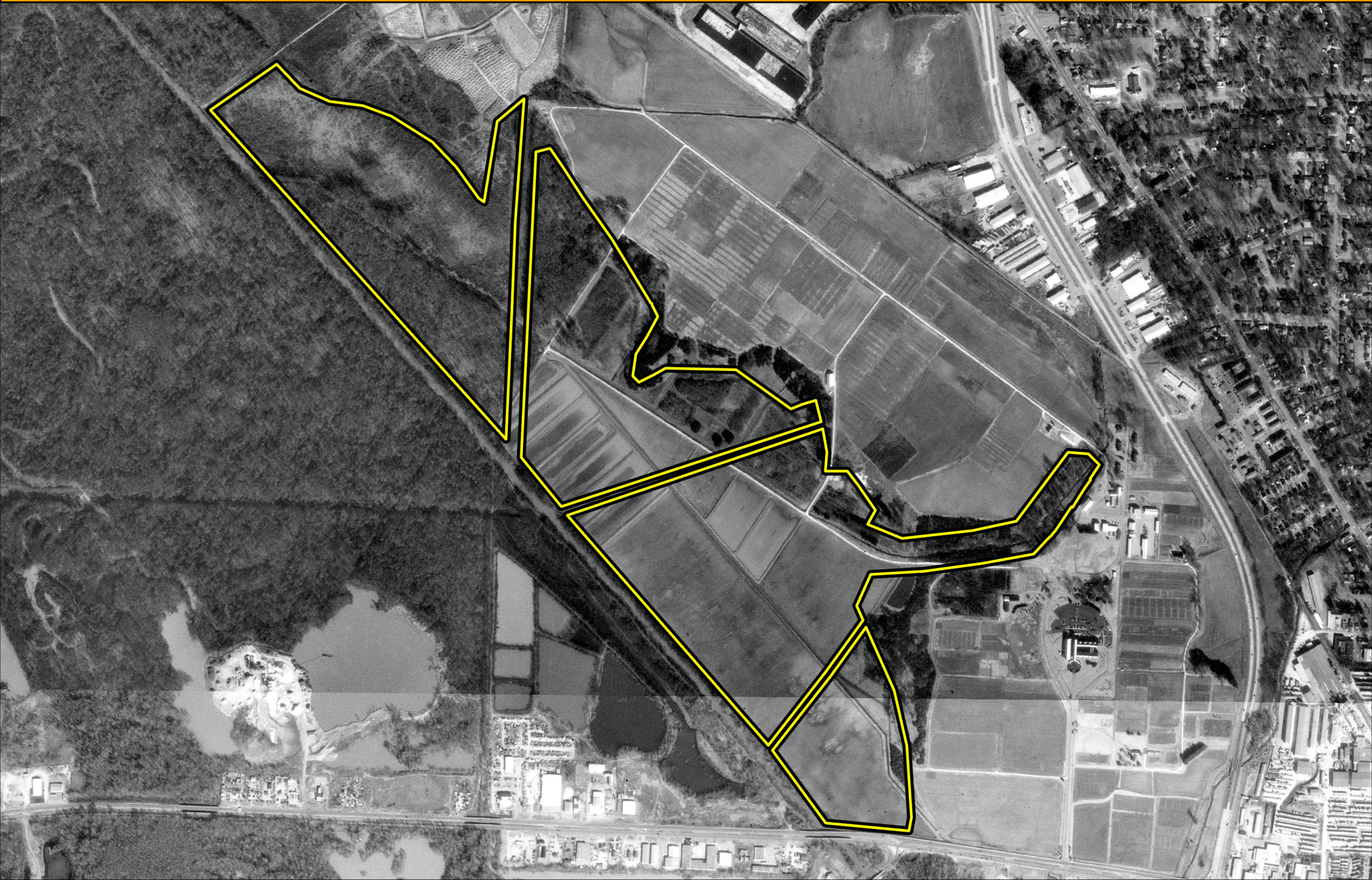


Figure 2

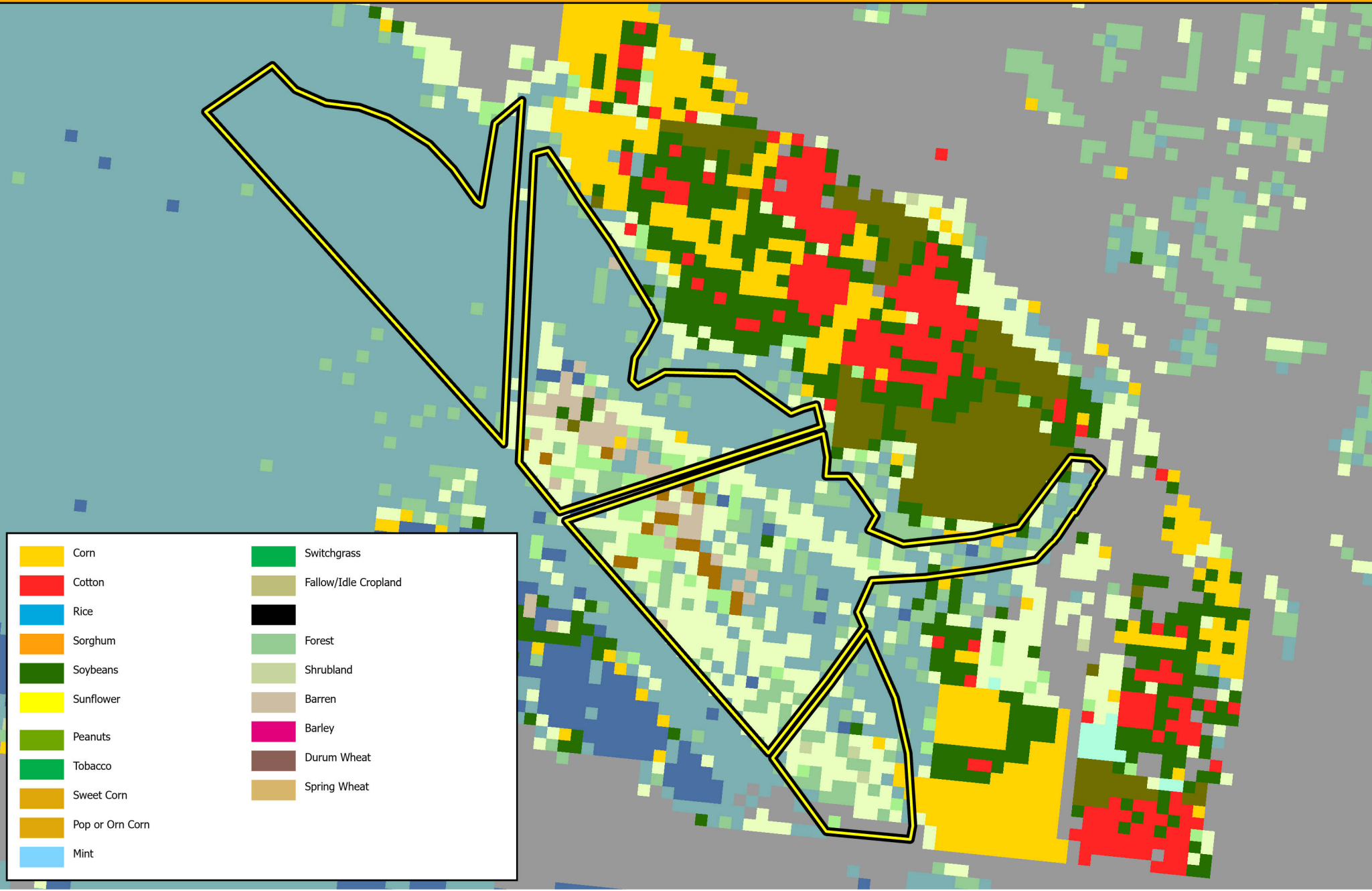
**South Fork Forked Deer Mitigation Bank
Existing Aquatic Resources with
Baseline Hydrologic Monitoring Locations**



***South Fork Forked Deer Mitigation Bank
1997 Historic Aerial Photograph***



South Fork Forked Deer Mitigation Bank Land Use/Land Cover 2023

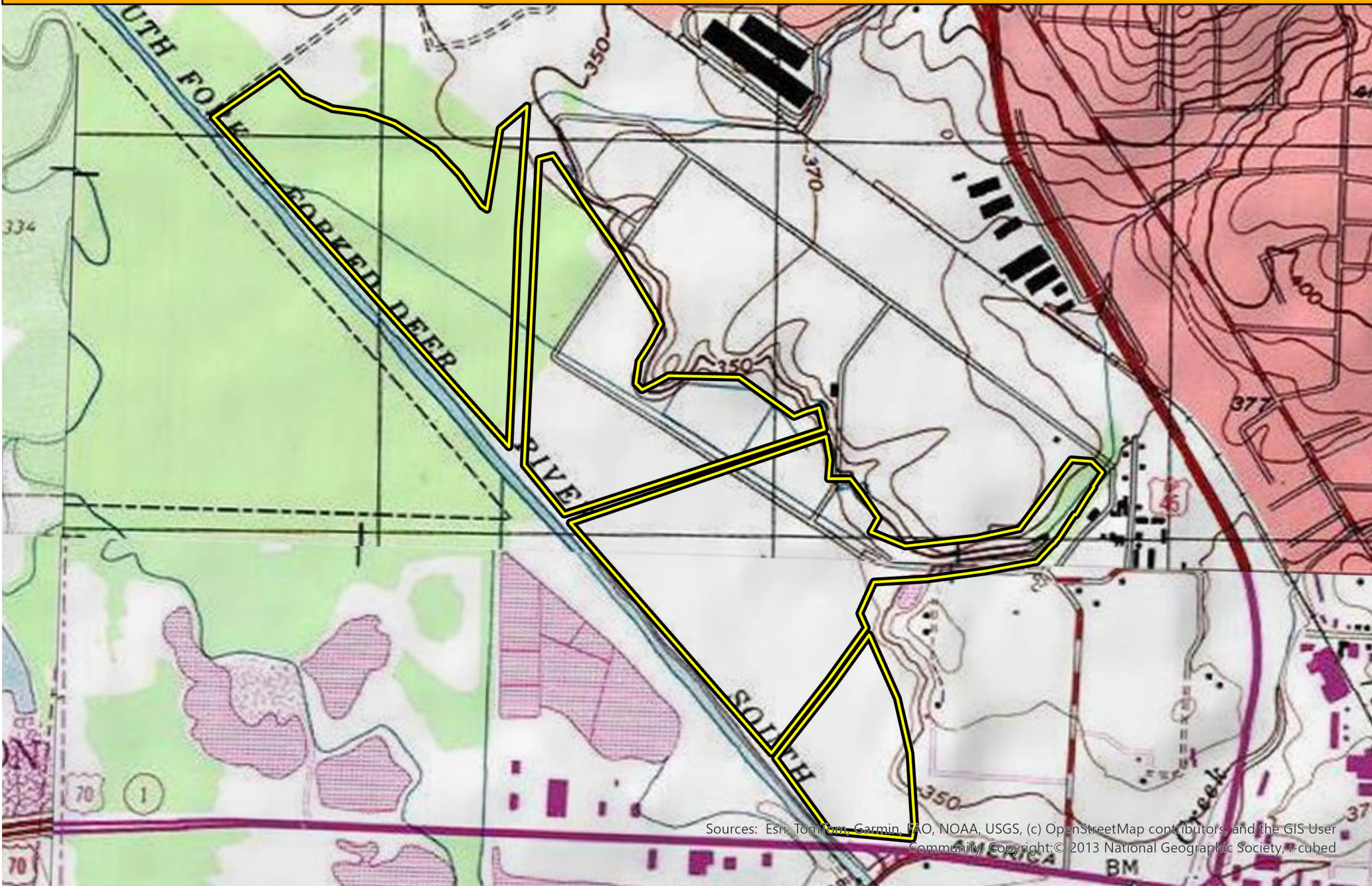


***South Fork Forked Deer Mitigation Bank
TDEC Wetland Mapping Tool***

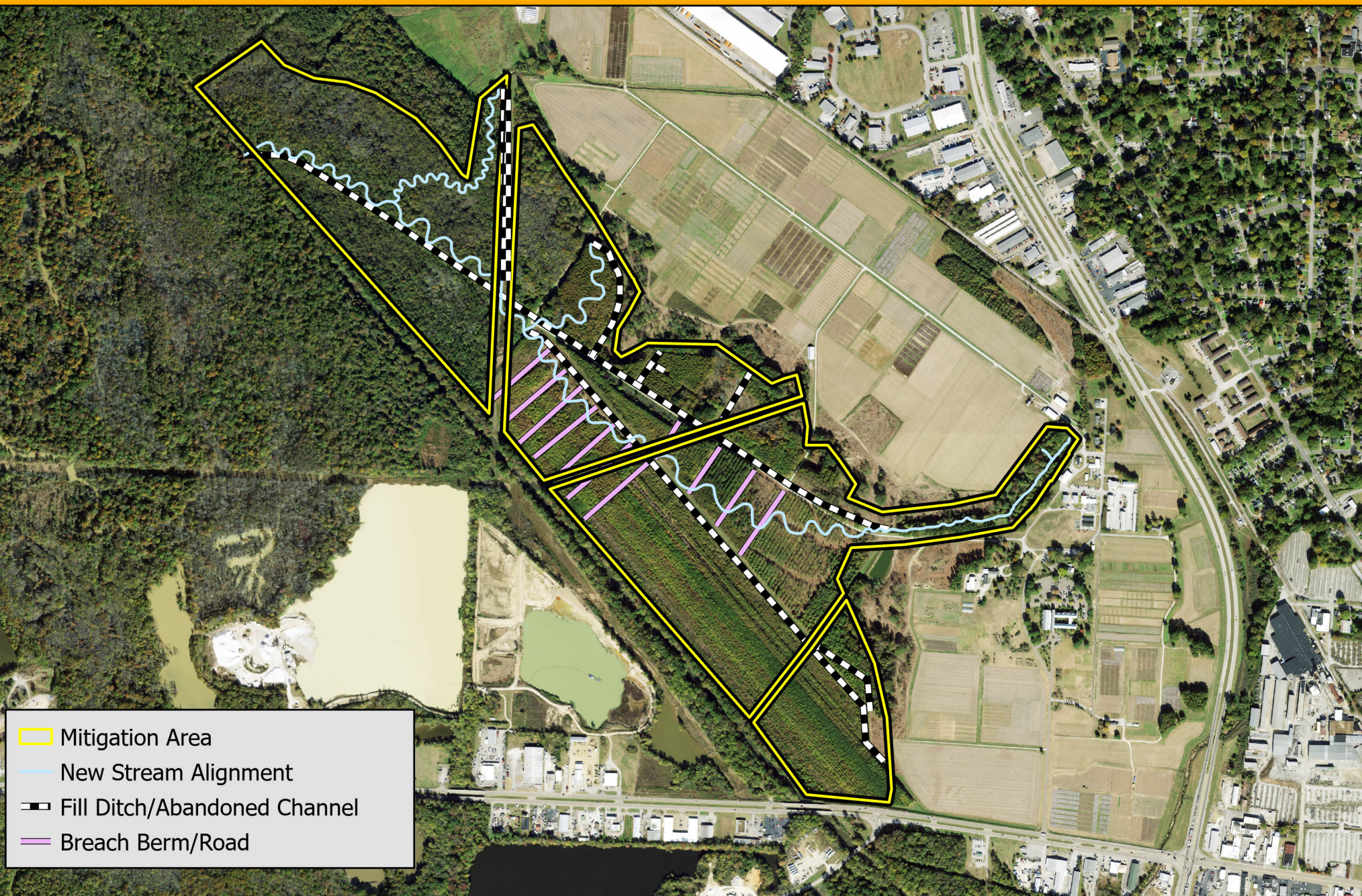


 TDEC Mapped Wetlands



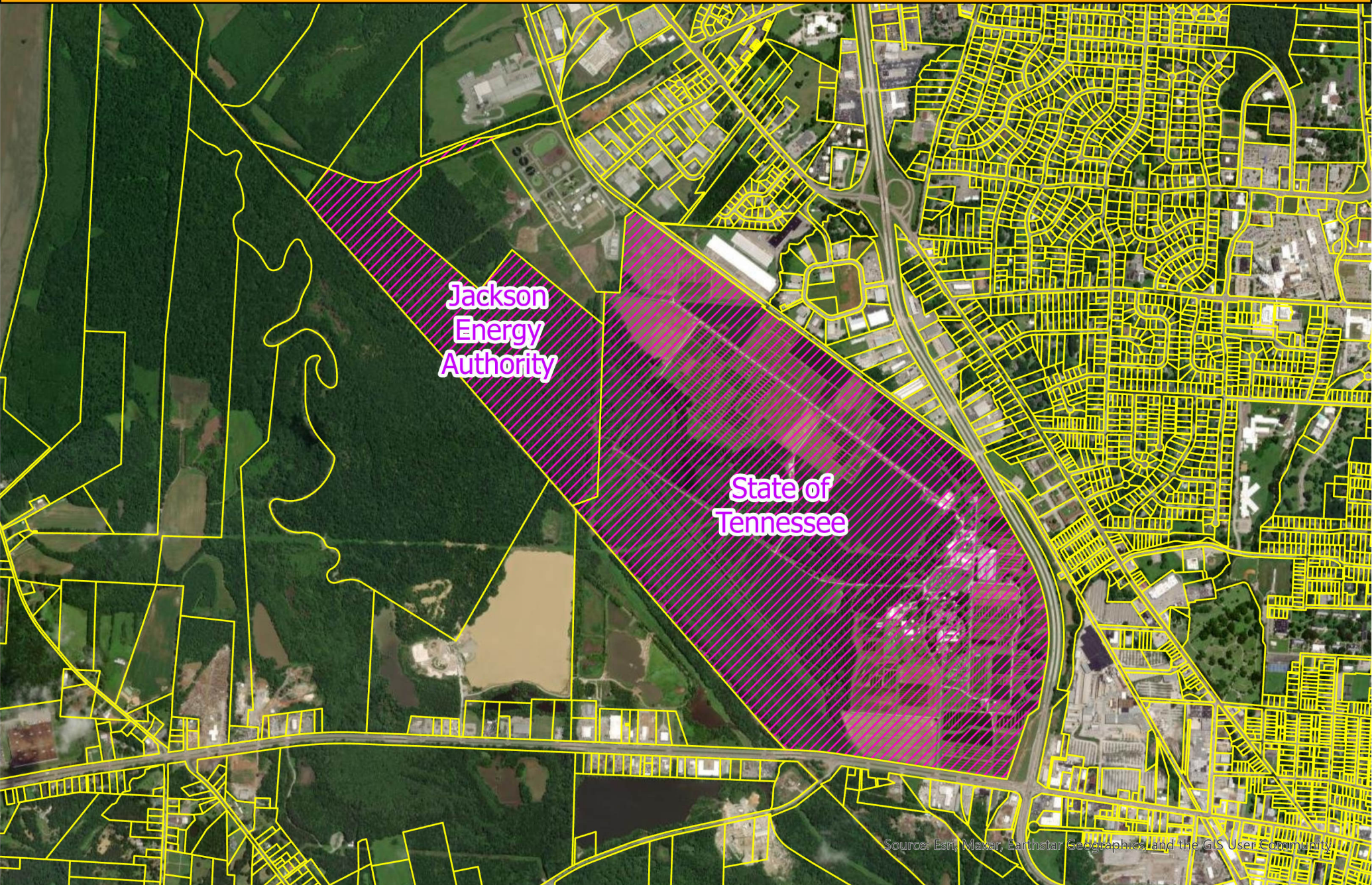


South Fork Forked Deer Mitigation Bank Proposed Treatments Map



South Fork Forked Deer Mitigation Bank Parcel Map

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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Figure 9

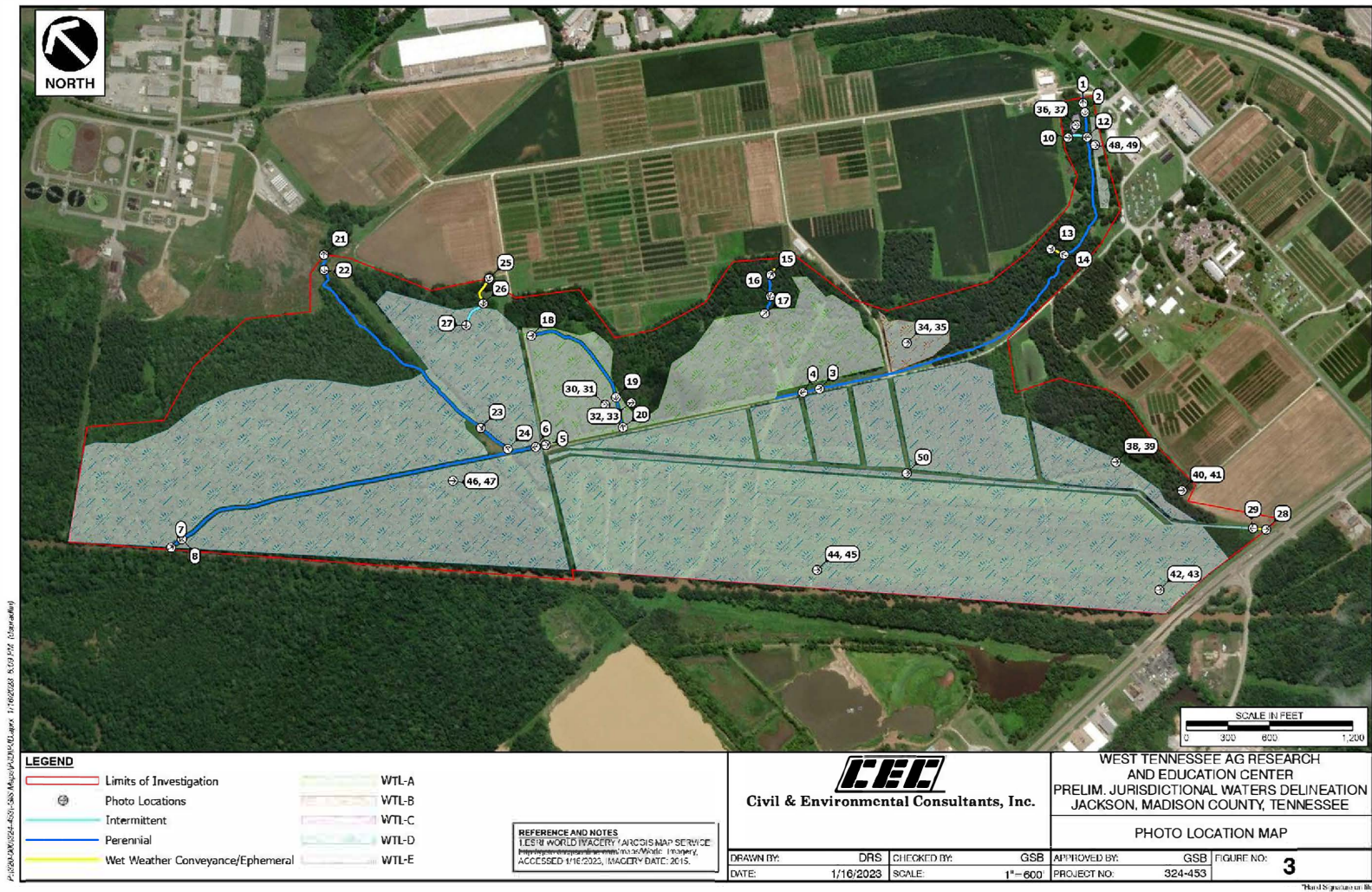


Figure 10

