

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2023-093 (RDM)

NOTICE DATE:
July 24, 2023

Attn: Postmaster,
Please Post Until  **EXPIRATION DATE:**
August 22, 2023

Public Notice
U.S. Army 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 Clover Creek Mitigation Bank.

BANK SPONSOR: Davey Mitigation
295 South Water Street, Suite 300
Kent, OH 44240

BANK AGENT: Davey Resource Group (DRG)
POC: Cat Hoy
801 Rep. John Lewis Way S
Nashville, TN 37203

LOCATION: The proposed Spartan's Bend Mitigation Bank site is located west of Troy near Highway 21 in Obion County, Tennessee (shown on Figure 1). The total property is approximately 436 acres. The proposed easement acreage within the larger parcel is approximately 101 acres with the central coordinates at latitude 36.323509° and longitude -89.248835°. It is sited within the Richland Creek Watershed, Hydrologic Unit Code 12 (HUC12) 080102020305 of the North Fork Obion River Watershed, HUC8 08010202. The project is within the Mississippi Valley Loess Plains U.S. Environmental Protection Agency (EPA) Level III Ecoregion.

PURPOSE: The purpose of this notice is to inform the public of the proposed Spartan's Bend 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 for the deposition of dredged or fill material into waters of the United States or under Section 10 of the Rivers and Harbors Act of 1899 for work within navigable waters of the United States. 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 contact the Memphis District (see contact information on page 4) for further information.

BACKGROUND: According to the sponsor, land and surface waters within the Bank site have been used for agriculture production (including row crops, hay, and grazing) and that these practices have altered the natural functions of streams and associated riparian areas within the property. Streams within the Bank have been culverted, impounded, straightened, and moved to accommodate crops; most streams are incised, and native riparian vegetation has been removed. Existing stream locations and flow regimes are shown on Figure 2.

GOALS AND OBJECTIVES: The sponsor states that the purpose of the bank is to restore physical, chemical, and biological functions of streams and their adjacent floodplains using natural channel design methods to increase function. Native vegetation will be planted within riparian areas and aquatic and terrestrial resources within the Spartan's Bend Mitigation Bank (Bank) would be protected under a conservation easement. Overall project objectives entail the restoration, enhancement, and/or preservation of approximately 17,880 linear feet of streams within the Bank. Impoundments and culverts that currently impact the Bank's streams will be removed

and/or upfitted. Impaired streams will be restored or enhanced using natural channel design principles and the associated riparian buffers will further restore ecological functions to the site.

Specific goals and objectives are summarized below:

Goals	Objectives
Improve Stormwater Infiltration within Lateral Drainage Area of Surface Waters	Planting a minimum 50' buffer adjacent to stream channels that do not currently have a wooded buffer.
Improve/Restore Floodplain Connectivity	Restore currently incised channels as Priority I restoration where bankfull and higher flows access the natural floodplain. Minor areas along some reaches may have portions of their channel restored as a Priority II where a bankfull bench is excavated at the bankfull elevation.
Improve Habitat for Macroinvertebrates and Fish	Install Large Woody Debris such as log structures, woody riffles, and toe wood in restored and enhanced channels. Restoring more natural bedform diversity through pool-pool spacing and riffle/pool lengths as well as creating stable/diversified bed material within riffles and pools.
Reduce Lateral Channel Migration and Stabilize Long Term	Restore channel as Priority I (or II in some cases) where high channel flows access a floodplain to reduce shearing stress on side slopes; plant deeply rooted vegetation on side slopes to stabilize soil; restore a more natural plan and bedform for stable energy dissipation during high flows.
Establish a Vegetated Riparian Corridor and Channel Side Slopes	Plant native, woody vegetation within a protected riparian area that is a minimum of 50 feet wide and plant vegetation on restored/enhanced stream side slopes.
Improve Bedform Diversity	Restore more natural pool-pool spacing and riffle/pool lengths through a more natural plan form and structure placement.
Restore Plan Form to Modified and Degraded Streams	More natural radius of curvatures, belt widths and meander lengths will be restored to many Bank channels that have been straightened in the past or have down valley meander migration through increased channel slopes.

The Tennessee Stream Quantification Tool (TNSQT) will be used to measure success of the project. The mitigation plan for the Bank will focus on three of the five functional categories for restoration: Hydrology, Hydraulics, and Geomorphology. The proposed plan is to improve the status of channels currently scored as “not functioning. Areas proposed for protection under a conservation easement are shown on Figure 3 and a summary of proposed restoration actions is shown on Figure 4.

SERVICE AREA: As proposed by the Sponsor, the primary service area for the Spartan’s Bend Mitigation Bank will be the North Fork Obion River (HUC8 08010202) in Obion County, Tennessee. Proposed secondary service areas include two adjacent HUC8 watersheds: the North Fork Forked Deer River (HUC8 08010204) and the South Fork Obion River (HUC8 08010203). The proposed secondary service areas are within the same major river drainage (Mississippi River Drainage) and Level IV Ecoregion. (Details are shown on Figure 5.)

QUALIFICATIONS: According to the Sponsor, DRG includes hydraulic and environmental engineers, licensed soil scientists, professional geologists, wetland and wildlife biologists, and ecological restoration professionals with “experience in stream and wetland restoration and mitigation bank implantation throughout the United States,

including Tennessee. DRG Nashville and Raleigh have combined to complete over 70 stream and wetland restoration, enhancement, and preservation mitigation projects throughout the United States totaling over 300,000 feet of designed stream and over 5,000 acres of designed wetlands.” Representative mitigation and restoration projects include Dutch Farms Mitigation Bank in Ohio (stream and riparian wetlands), Pressman Mitigation Bank in Tennessee (stream and wetland), Project Clover in Virginia (stream), and Deer Creek Wetland and Stream In-Lieu Fee Mitigation Site in Ohio (stream and wetland).

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: The Sponsor will establish an endowment fund in an interest-bearing account through mitigation credit sales to fund the long-term stewardship of the Bank. The Sponsor anticipates that a qualified third-party organization will be the long-term steward of the Bank.

PROSPECTUS: The complete prospectus for the proposed Spartan’s Bend Mitigation Bank is available online at <https://www.mvm.usace.army.mil/About/Offices/Regulatory/Public-Notices/> or on the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) at https://ribits.ops.usace.army.mil/ords/f?p=107:278:::RP,278:P278_BANK_ID:6578.

ENDANGERED SPECIES: The Sponsor provided information from the U.S. Fish & Wildlife Service’s Information for Planning and Consultation website that indicated the following species have the potential to occur at the Bank Site: the federally endangered Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*). Additionally, the Tricolored Bat (*Perimyotis subflavus*) and Alligator Snapping Turtle (*Macrochelys temminckii*) are proposed for listing under the Endangered Species Act and the Monarch Butterfly (*Danaus plexippus*) is a candidate species. This project is being coordinated with USFWS. 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: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally recognized Indian Tribes, the public, and other interested parties.

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 plan 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 of Engineers 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: To request additional information or provide comments on this notice, please contact Roger Allan using the information below:

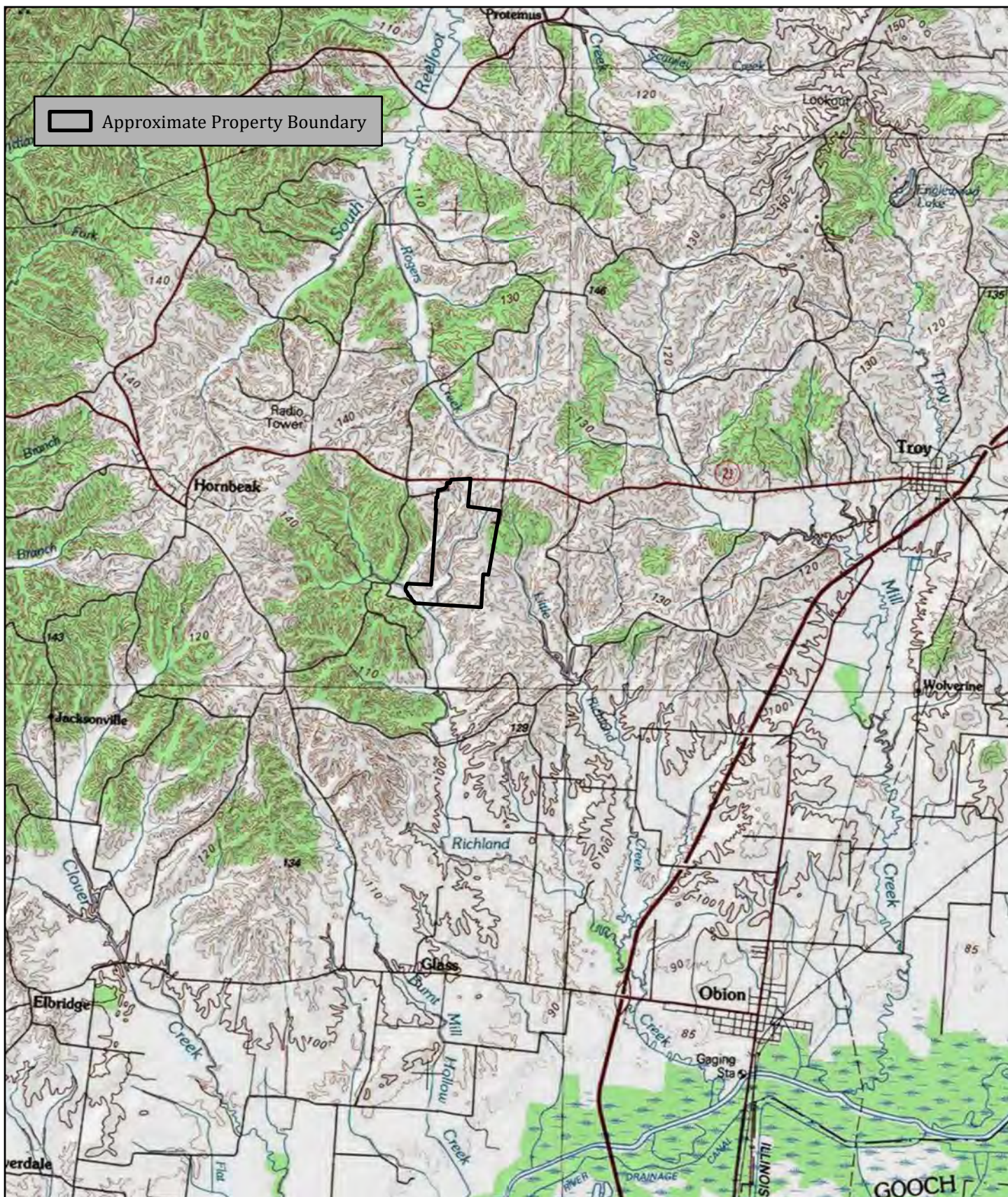
Roger Allan
Corps of Engineers – Memphis District
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
Email: roger.s.allan@usace.army.mil
Phone: (901) 544-3682

Comments may be sent via mail or email. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link: <http://permits.ops.usace.army.mil/orm-public>. Using the Filter by district drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the “Pending IP” tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Division office for examination.

Gregg W. Williams
Chief
Regulatory Division

Attachments



0 1 2 Miles



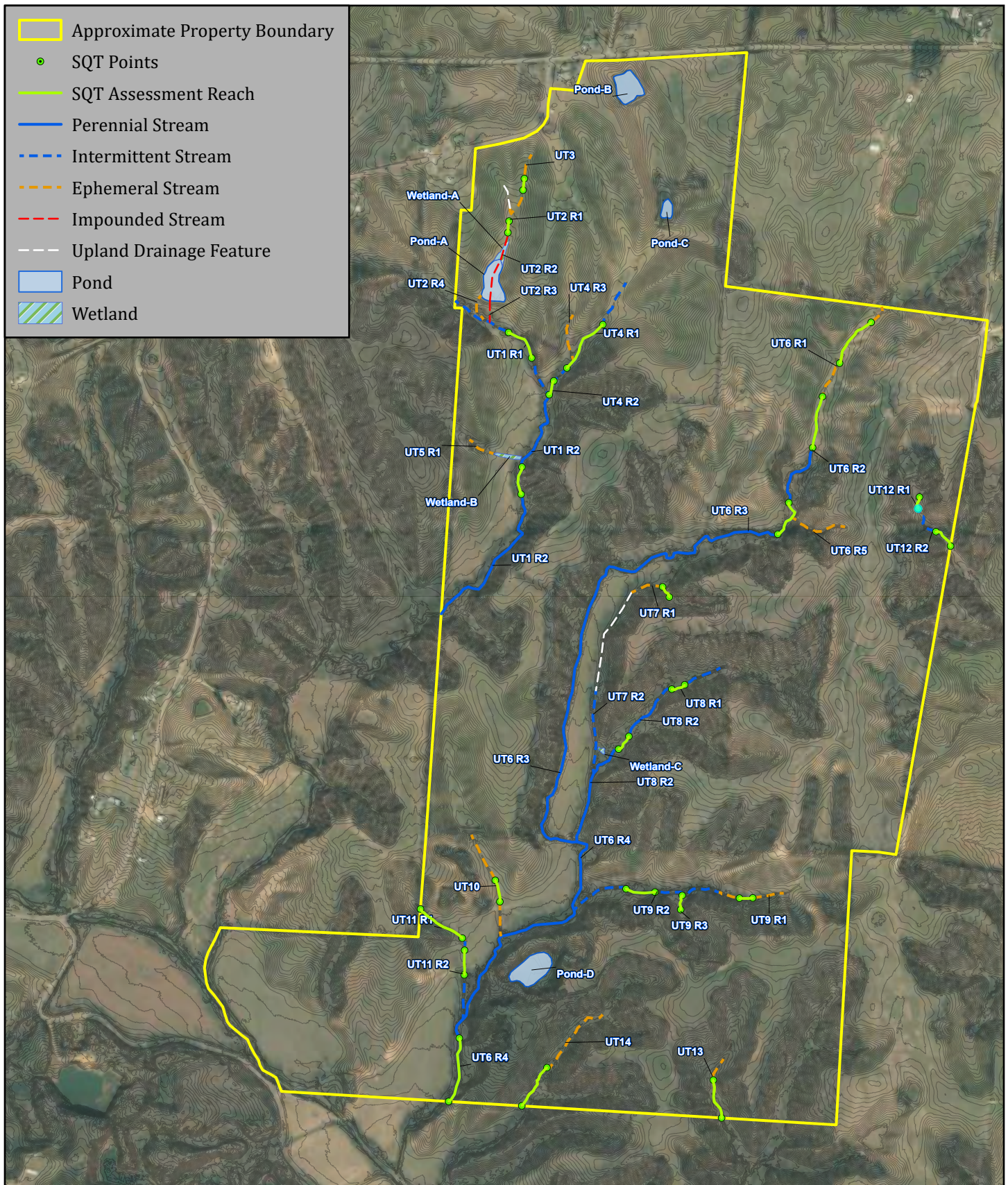
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 89.23803°W 36.31833°N
 Prepared for: Davey Mitigation
 Prepared by: G. Rohrbach / DRG
 Sources: Esri USA Topos / USGS Topographic Map

DAVEY 
Resource Group

Nashville Office | 2607 Westwood Dr.
 Nashville, TN 37204

Figure 11. Site Location.
Spartan's Bend Mitigation Bank
West Highway 21
Obion County, Tennessee

Figure 1



DAVEY 
Resource Group
 Nashville Office | 2607 Westwood Dr.
 Nashville, TN 37204

Figure 8. Summary of Aquatic Resources and SQT Assessment Reaches.
Spartan's Bend Mitigation Bank
West Highway 21
Obion County, Tennessee


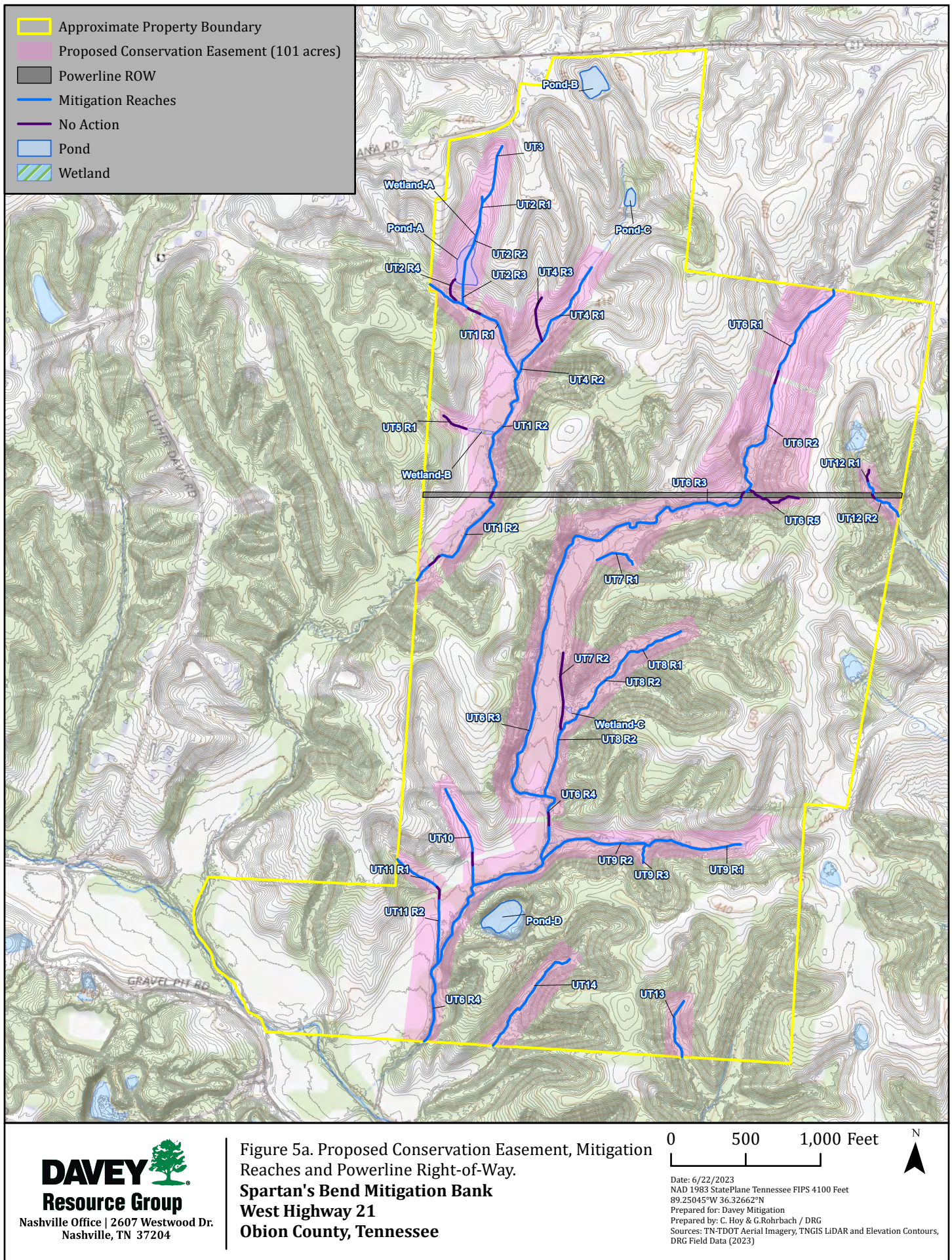
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 NAD 1983 StatePlane Tennessee FIPS 4100 Feet
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 Prepared for: Davey Mitigation
 Prepared by: C. Hoy & G. Rohrbach / DRG
 Sources: TN-TDOT Aerial Imagery, TNGIS LiDAR and Elevation Contours, DRG Field Data (2023)

Figure 2



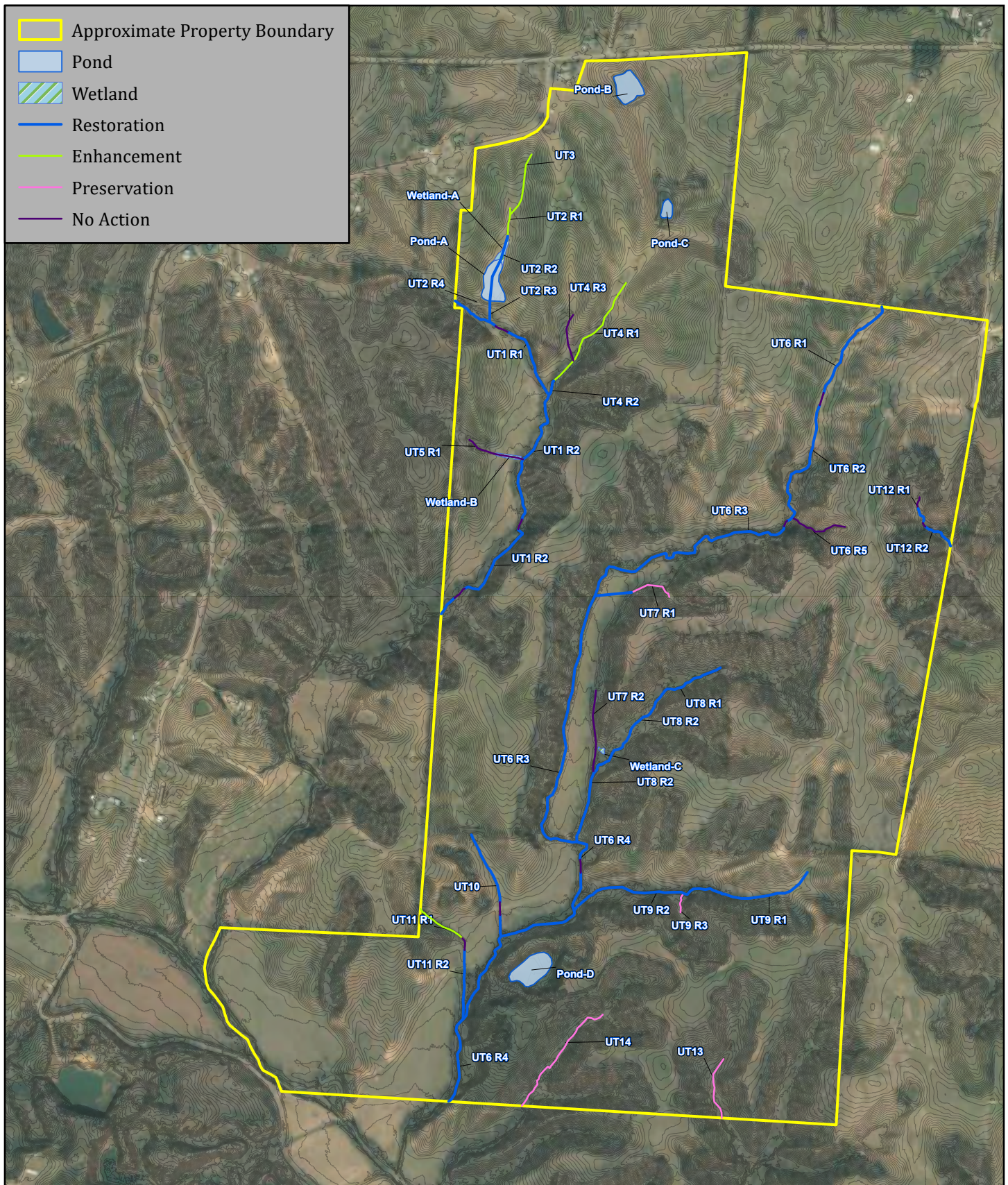


Figure 13. Summary of Proposed Mitigation Types.
 Spartan's Bend Mitigation Bank
 West Highway 21
 Obion County, Tennessee



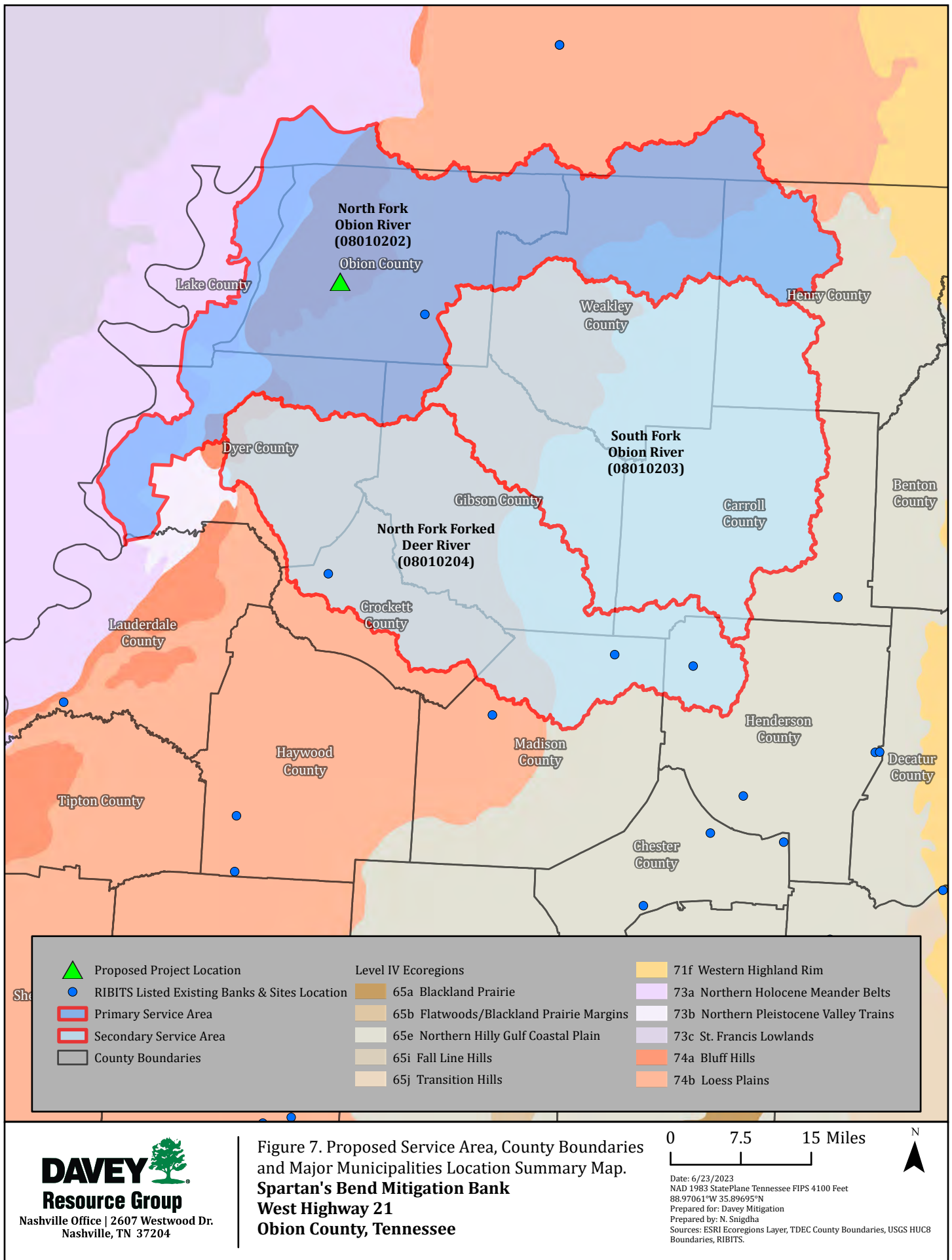


Figure 5