

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2023-160 (RDM)

NOTICE DATE:
June 1, 2023

Attn: Postmaster,
Please Post Until

EXPIRATION

→ **DATE: June 30, 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 Cub Creek Stream Mitigation Bank.

BANK SPONSOR: University of Tennessee's Institute of Agriculture
10000 Lake Hardeman Road
Middleton, Tennessee 38052

BANK AGENT: Tennessee Mitigation Fund (TMF)
300 Orlando Avenue
Nashville, Tennessee 37209

LOCATION: The Cub Creek Stream Mitigation Bank site includes approximately 50 acres and 21,084 linear feet of stream at 10000 Lake Hardeman Road, in Middleton, Hardeman County, Tennessee. The project site lies within the Southeastern Plains (65) Level III Ecoregion. The project's HUC8 is 08010208 (Lower Hatchie River) and the HUC12 is 080102080204 (Cub Creek). Project coordinates are 35.127°N, -88.973°W (Figure 1).

BACKGROUND: The University of Tennessee's Institute of Agriculture proposes to develop and sponsor the Cub Creek Stream Mitigation Bank Phase II on the University of Tennessee's 1,200-acre Lone Oaks Farm south of Bolivar, Tennessee (Figure 2). The sponsor proposes to restore approximately 21,084 linear feet of stream channel along Cub Creek and several unnamed tributaries (Figures 3 & 4). The existing streams are degraded due to decades of hydrologic alterations, channelization, unrestricted cattle access, and cleared riparian buffers. Cub Creek is on the Tennessee Department of Environment and Conservation, Division of Water Pollution Control's 303(d) list for low flow alterations, physical substrate habitat alterations, alteration in stream-side or littoral vegetative covers, and iron. Known pollutant sources include upstream impoundments, channelization, and grazing in riparian or shoreline zones. The project is proposed to take place on one parcel owned by the State of Tennessee. The sponsor is partnering with the Tennessee Wildlife Federation, West Tennessee River Basin Authority (WTRBA), and Civil and Environmental Consultants, Inc. (CEC) on project design and construction. Together, the WTRBA and CEC have implemented over 17 miles of stream restoration and 1,000 acres of wetland restoration in Tennessee.

PURPOSE: The purpose of this notice is to inform the public of the proposed Cub Creek Stream Mitigation Bank Phase II that would generate credits that would 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 site would 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 3) for further information.

OBJECTIVES: The stated 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 are to improve stream function-based parameters that include groundwater/surface water exchange, floodplain connectivity, lateral stability, bedform diversity, and riparian vegetation.

SERVICE AREA: The proposed primary service area for the bank includes the Lower Hatchie River watershed (HUC 08010208). The proposed secondary service area includes the following watersheds: Wolf River (HUC 08010210), Loosahatchie River (HUC 08010209), Horn Lake – Nonconnah Creek (HUC 08010211), Upper Hatchie River (HUC 08010207), Lower Mississippi River (HUC 08010100), and South Fork Forked Deer River (HUC 08010205). (Figure 2)

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: The property is owned in fee by the State of Tennessee. Land use restrictions will be placed on the mitigation area to protect the restored streams. A copy of the Corps of Engineers guidelines for land use restrictions is located in the Appendices of the prospectus. A Long-Term Management Fund will be established for future land management after performance standards have been met. Long term management activities include annual monitoring and may include replacing boundary signage and fencing.

PROSPECTUS: The complete prospectus for the proposed Cub Creek Stream 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=107:0:9469758384312:APPLICATION_PROCESS=AP_DB_DOC:::AI_STRING,AI_ID:inline,122092.

ENDANGERED SPECIES: There are four federally listed species that are known to have ranges that include the project area. They are the federally endangered Indiana bat (*Myotis sodalis*), the federally threatened northern long-eared bat (*Myotis septentrionalis*), the federally proposed endangered tricolored bat (*Perimyotis subflavus*), and the proposed endangered alligator snapping turtle (*Macrochelys temminckii*). This project is being coordinated with the United States 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 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 Damon McDermott using the information below:

Damon McDermott
Corps of Engineers – Memphis District
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
Email: robert.d.mcdermott@usace.army.mil
Phone: (901) 544-0732

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://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. 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

- Primary Service Area
- Secondary Service Area

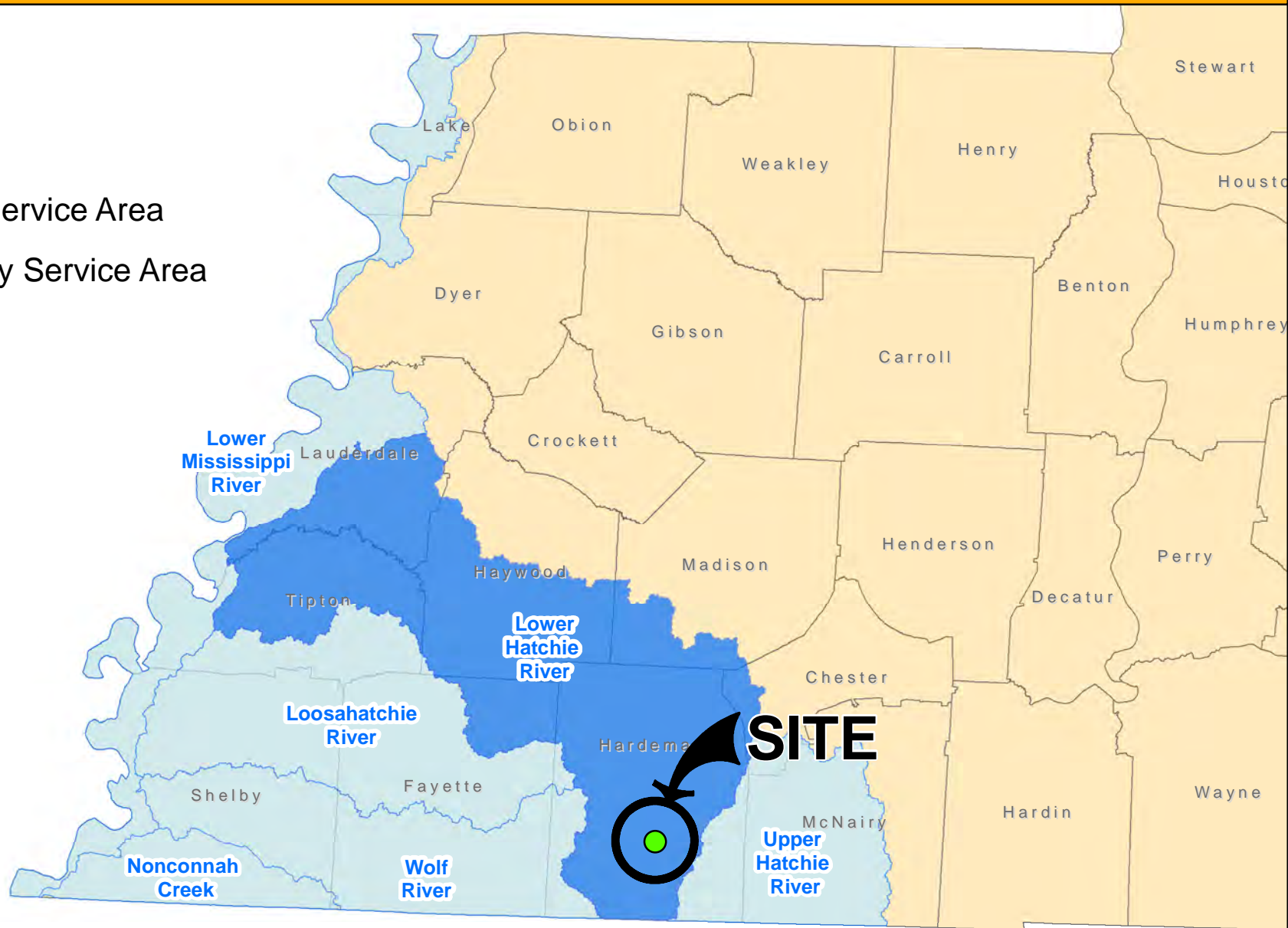
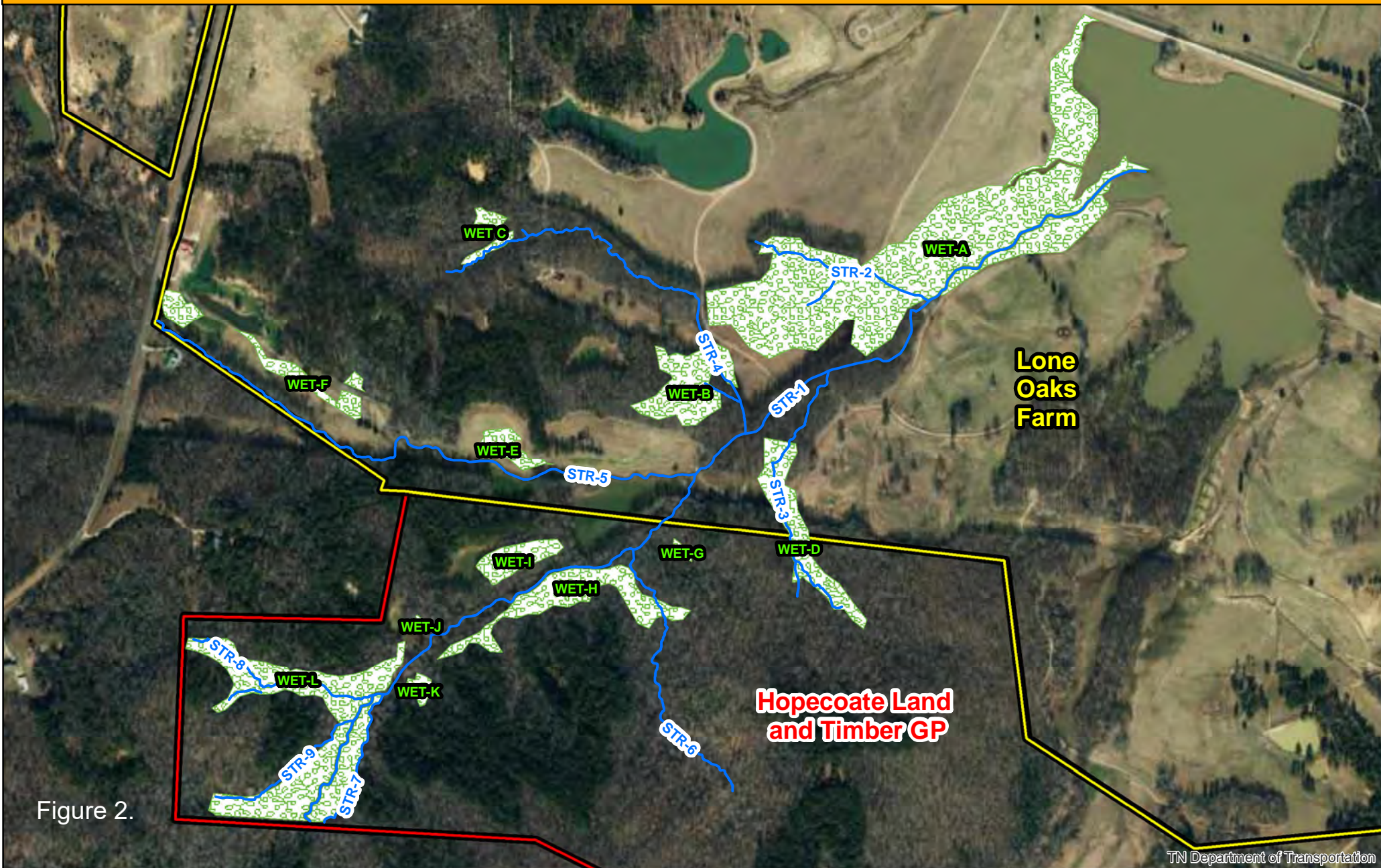


Figure 1.

*Cub Creek Mitigation Bank
Hardeman County, TN
Existing Aquatic Resources*



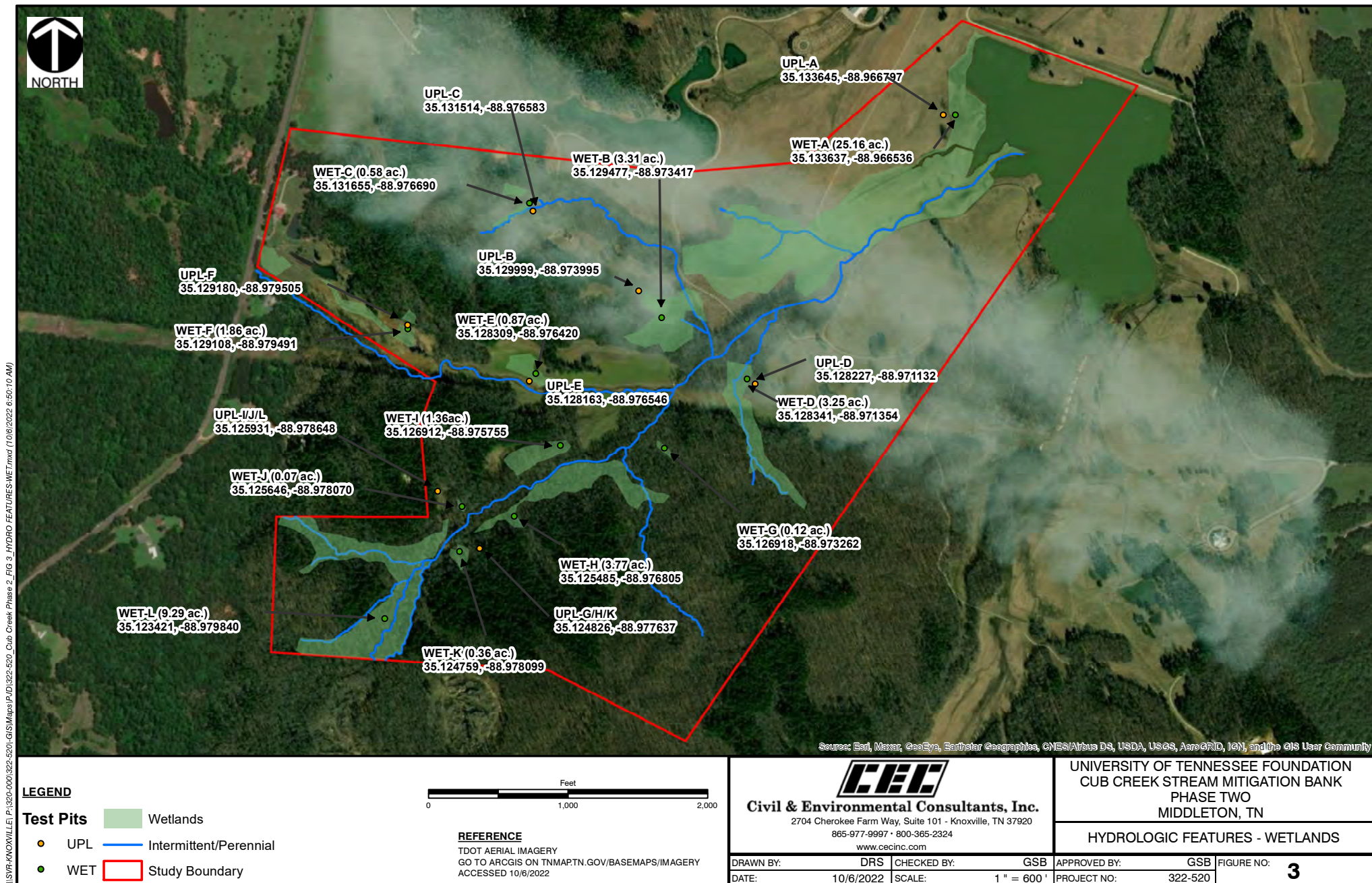


Figure 3.

*Cub Creek Mitigation Bank
Hardeman County, TN
Proposed Treatments with Baseline Monitoring Locations*

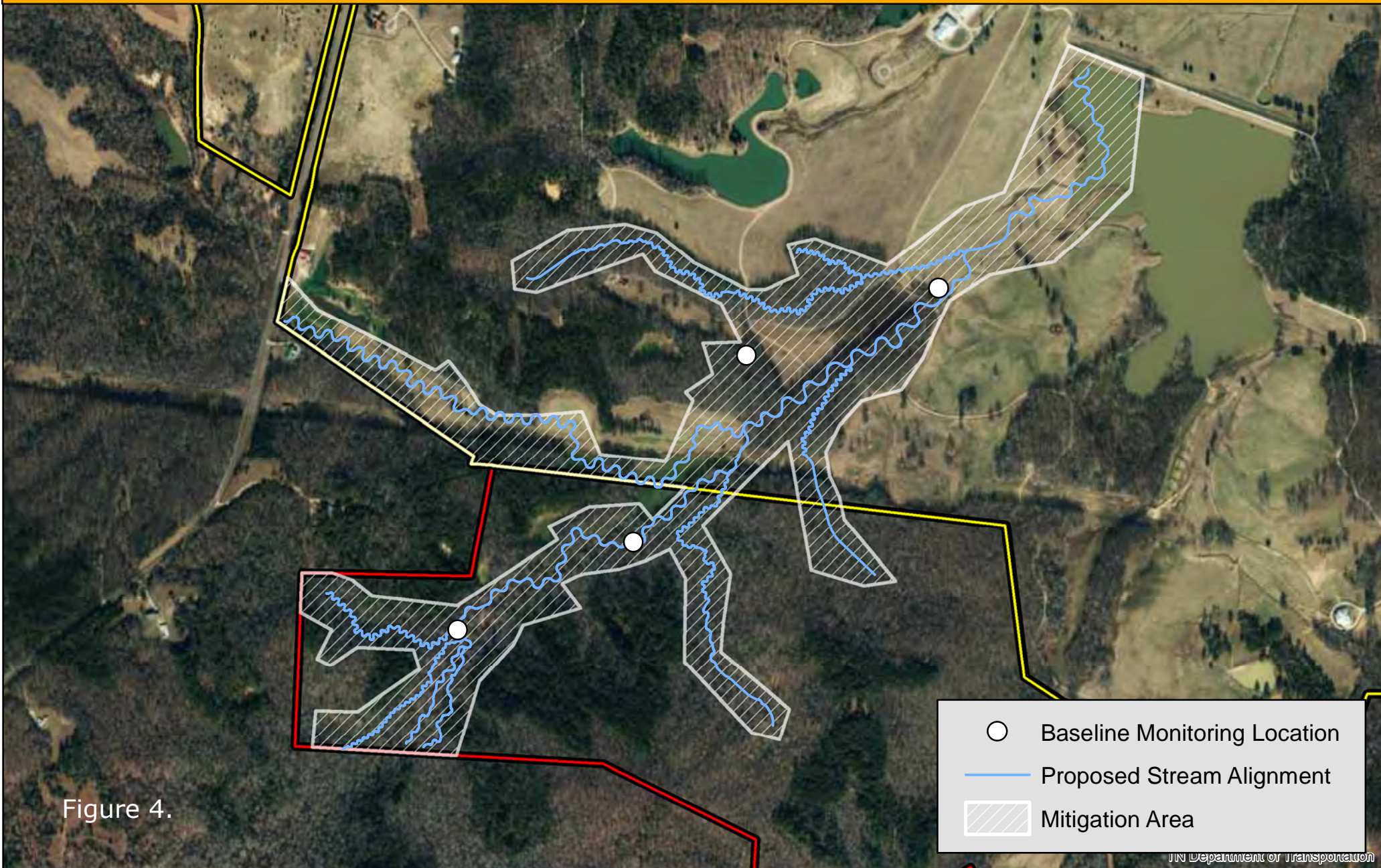


Figure 4.