

PUBLIC NOTICE

US Army Corps of Engineers®

Applicant: Jay Cooley Obion River Farms Company Published: April 11, 2025 Expires: May 9, 2025

Memphis District Permit Application No. MVM-2024-075

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: Jay Cooley

Obion River Farms Company 328 East Main Avenue Obion, Tennessee 38240

AGENT: Josh Rowe Civil & Environmental Consultants, Inc. 2704 Cherokee Farm Way Suite 101 Knoxville, Tennessee 37920

PURPOSE: The purpose of this notice is to inform the public of the proposed Dry Creek 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 or Section 10 of the Rivers and Harbors Act of 1899. 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=107:278:21864816897036:::278:P278_BANK_ID:6840 Please contact the Memphis District for further information (see contact information on page 4).

WATERWAY AND LOCATION: The area proposed for wetland restoration is located on the North of the Obion River and South of East Black Lane Road, approximately 2 miles directly east of the Town of Obion, at Latitude 36.2622 and Longitude -89.141092; in Obion, Obion County, Tennessee. (Figure 1)

SPONSOR QUALIFICATIONS: The Owner (i.e., Bank Sponsor) for the proposed Bank is the ORFC, a co-op of farmers from the Obion, Tennessee area specializing in agricultural production. The ORFC has no prior experience in mitigation bank development; therefore, the Sponsor has contracted CEC to assist them with the development of the Bank.

EXISTING CONDITIONS: This prospectus covers the 345-acre Phase 1 area which includes approximately 139.5 acres of existing emergent, scrub/shrub, and forested wetlands and approximately 178 acres of prior-converted croplands (PCC) planned for restoration. (Figures 2-5,8-9)

PROJECT PURPOSE/GOALS AND OBJECTIVES: The Bank's primary goal is to restore, enhance, and preserve approximately 317.5 acres of wetland to generate approximately 192 wetland mitigation credits to provide compensatory mitigation alternatives for wetland impairments associated with authorized (permitted) impacts within the approved bank service area. The credits will be used to satisfy compensatory mitigation requirements for adverse impacts to wetlands permitted under Section 404/401 of the Clean Water Act (CWA). (Figures 6-7)

Basic: The basic purpose is to restore wetlands to generate wetland credits under Sections 404 and 401 of the CWA.

Overall: The overall purpose is to restore 317.5 acres of wetlands to generate approximately 192 wetland mitigation credits to provide for sale to the public to offset impacts permitted under Sections 404 and 401 of the CWA.

SERVICE AREA: The proposed primary service area for the Dry Creek Mitigation Bank is comprised of the Obion watershed (HUC 08010202). The proposed secondary service area is comprised of the surrounding HUC-8 watersheds that lie within the same Level III Ecoregion as the subject site (i.e., Mississippi Valley Loess Plains (74)), as well as the adjacent HUC-8 watersheds in the same or similar ecoregions (i.e., Southeastern Plains (65)). The proposed secondary service areas consist of the South Fork Obion (08010203), North Fork Forked Deer (08010204), and Forked Deer (08010206) watersheds within the State of Tennessee. (Figures 10-11)

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: The Owner (i.e., Bank Sponsor) for the proposed Bank is the ORFC, a co-op of farmers from the Obion, Tennessee area specializing in agricultural production. An endowment fund will be established in an interest-bearing account by the Bank sponsor through mitigation credit sales to provide funding for the long-term stewardship of the land. A two percent endowment fund will be set aside, funded by mitigation credit sales over the lifetime of the Bank to cover costs associated with the long-term care of the site.

PROPOSED WORK: The applicant requests authorization to develop a Mitigation Banking Instrument that would allow the development of wetland restoration (reestablishment) of 178 acres, enhancement of 2.5 acres, and preservation of 137 acres will comprise approximately 317.5 acres of the 345-acre Phase 1 area and generate approximately 192 wetland credits. Work would consist of removing culverts and modifying levees/impoundments/drainages, removing farmland from agricultural production and planting native bottomland hardwood trees, establish open water and micro topography habitat, and removal of pumps/flood gates. **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 is a total of 5 threatened, endangered, or candidate 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 Federally listed as Endangered, Northern Long-eared Bat (*Myotis septentrionalis*); the Proposed for Listing as Endangered, Tricolored Bat (*Perimyotis subfavus*); the Experimental Population, Non-Essential, Whooping Crane (*Grus americana*); the Proposed for Listing as Threatened, Alligator Snapping Turtle (*Macrochelys temminckii*); and the Proposed for Listing as Threatened, Monarch Butterfly (*Danaus Plexippus*).

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.

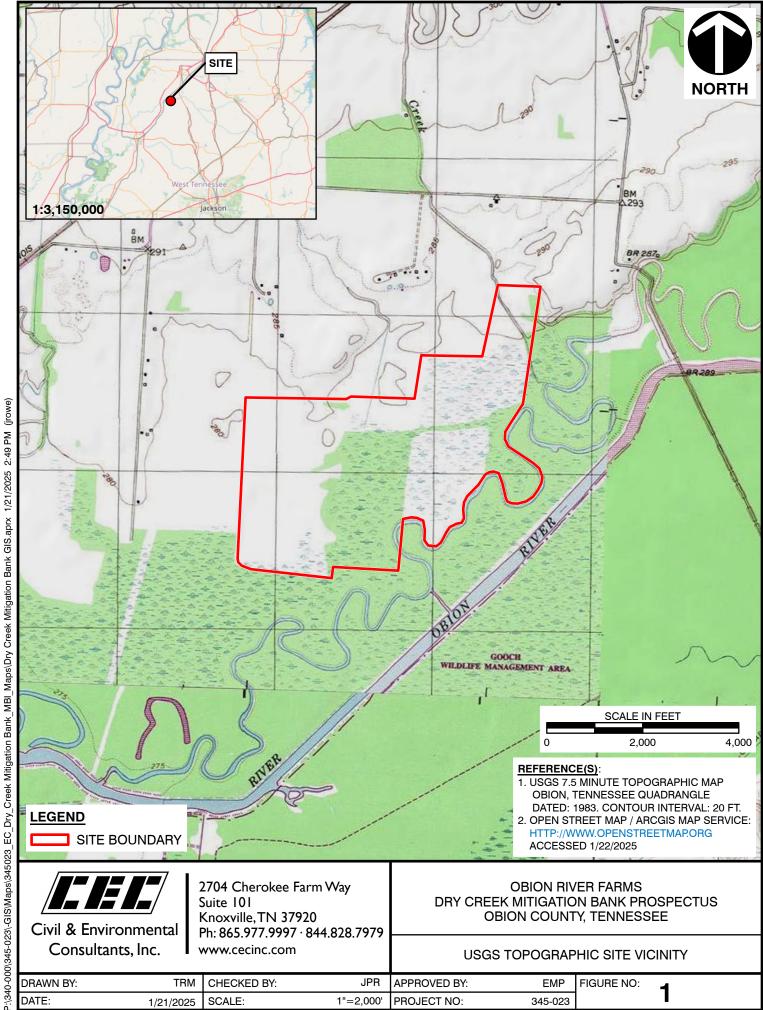
NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that 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 May 9, 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.



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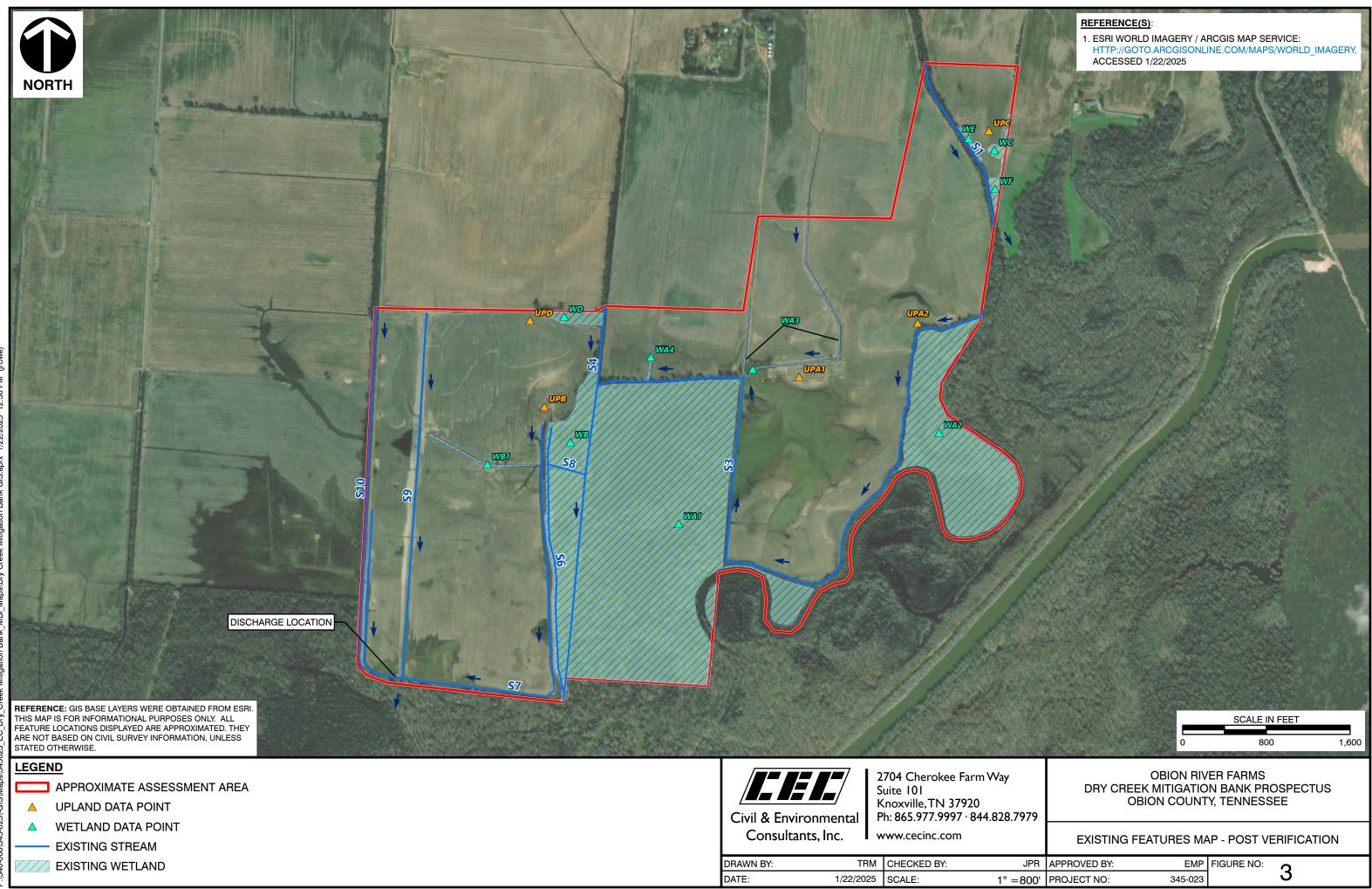
REFERENCE: PARCEL MAP WAS OBTAINED FROM TENNESSEE PROPERTY VIEWER, POWERED BY ESRI (https://tnma.tn.gov/ assessment/). THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.



Parcel Ownership Details for Tax Year 2024:

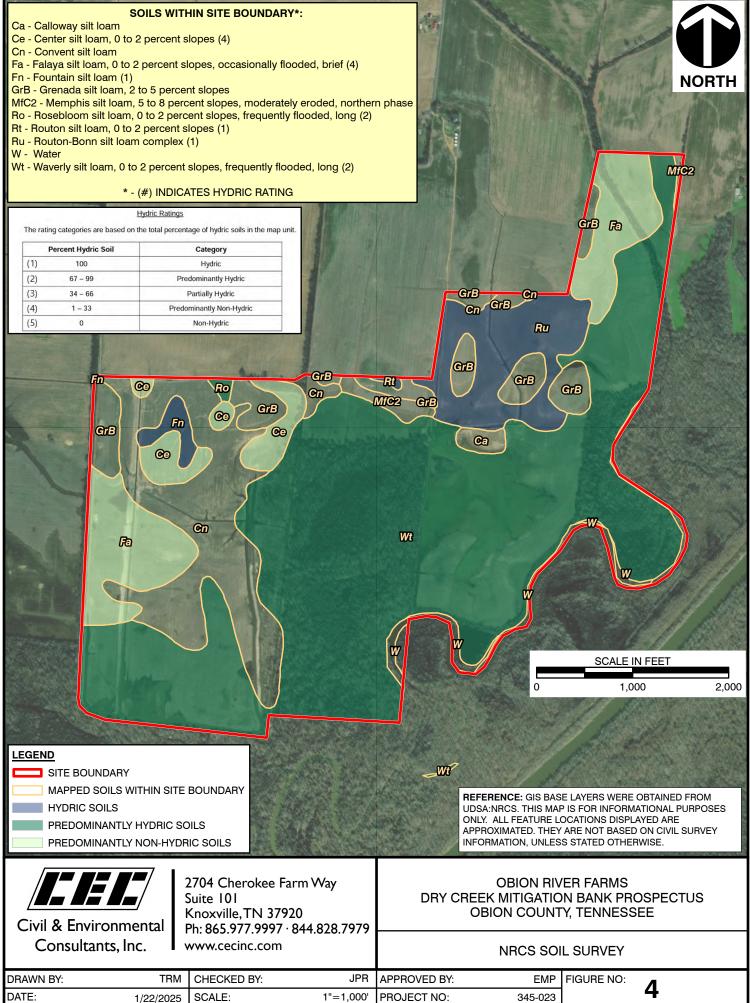
Parcels 122 010.00, 122 026.00, 122 026.02: Obion River Farms Company 328 E Main Street, Obion, TN 38240 Parcel 135 002.00: State of Tennessee 505 Deadrick Street, Nashville, TN 37243







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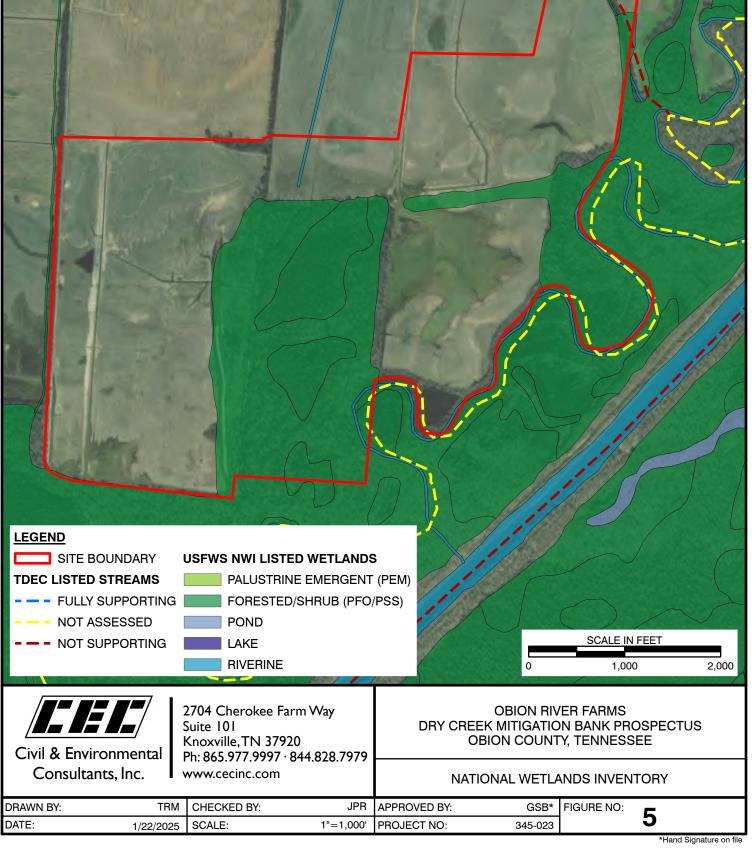
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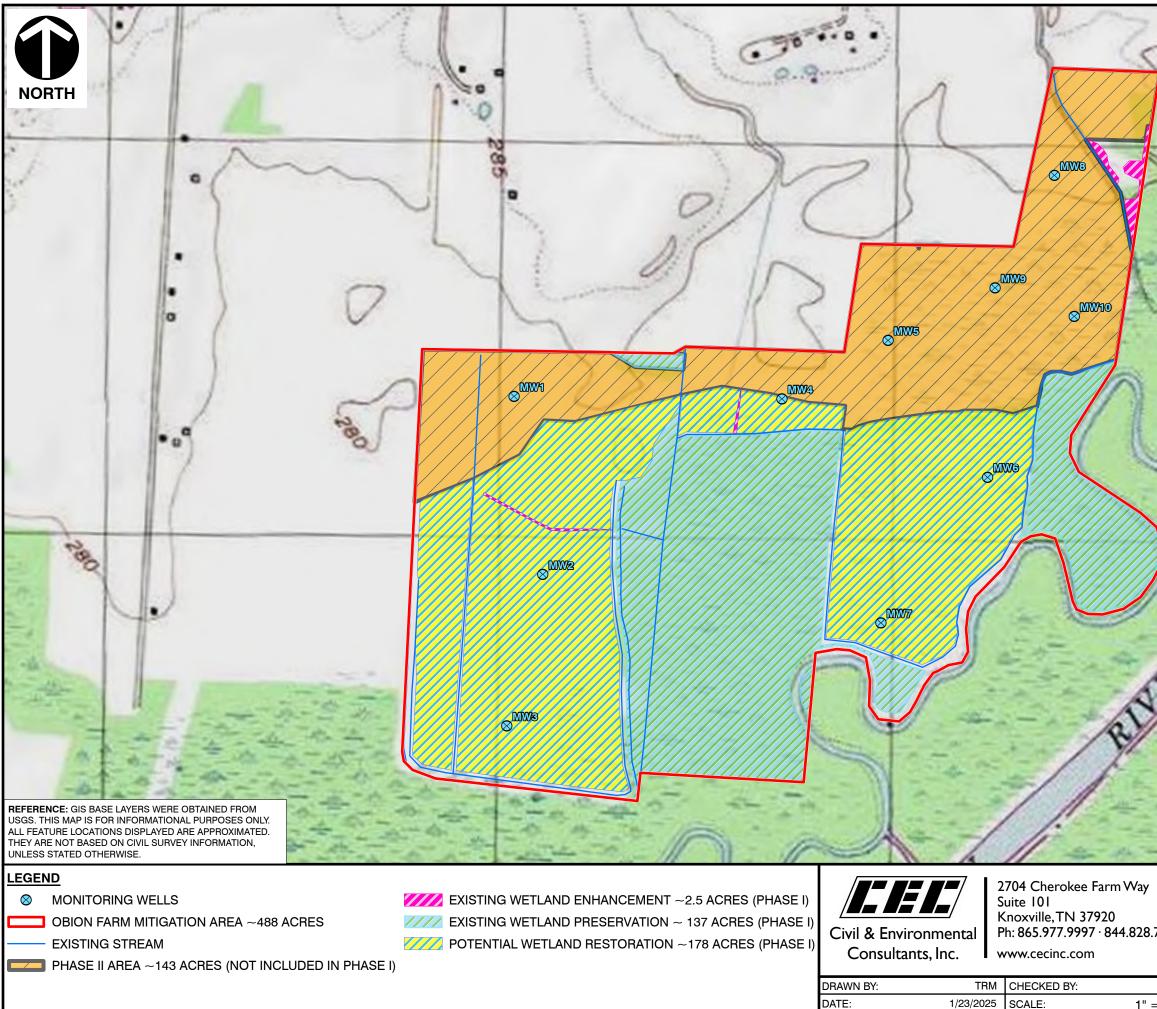
REFERENCE(S):

- 1. USFWS NATIONAL WETLANDS INVENTORY (NWI) DATA BY STATE, ACCESSED 1/22/2025
- 2. TDEC DIVISION OF WATER RESOURCES DATA VIEWER HTTPS://TDECONLINE.TN.GOV/DWR, ACCESSED 1/22/2025

REFERENCE: GIS BASE LAYERS WERE OBTAINED FROM USFWS/ESRI. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.



NORTH



REFERENCE(S):

1. USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE: HTTP://GOTO.ARCGISONLINE.COM/MAPS/USA_TOPO_MAPS, ACCESSED 1/23/2025.

NOTES:

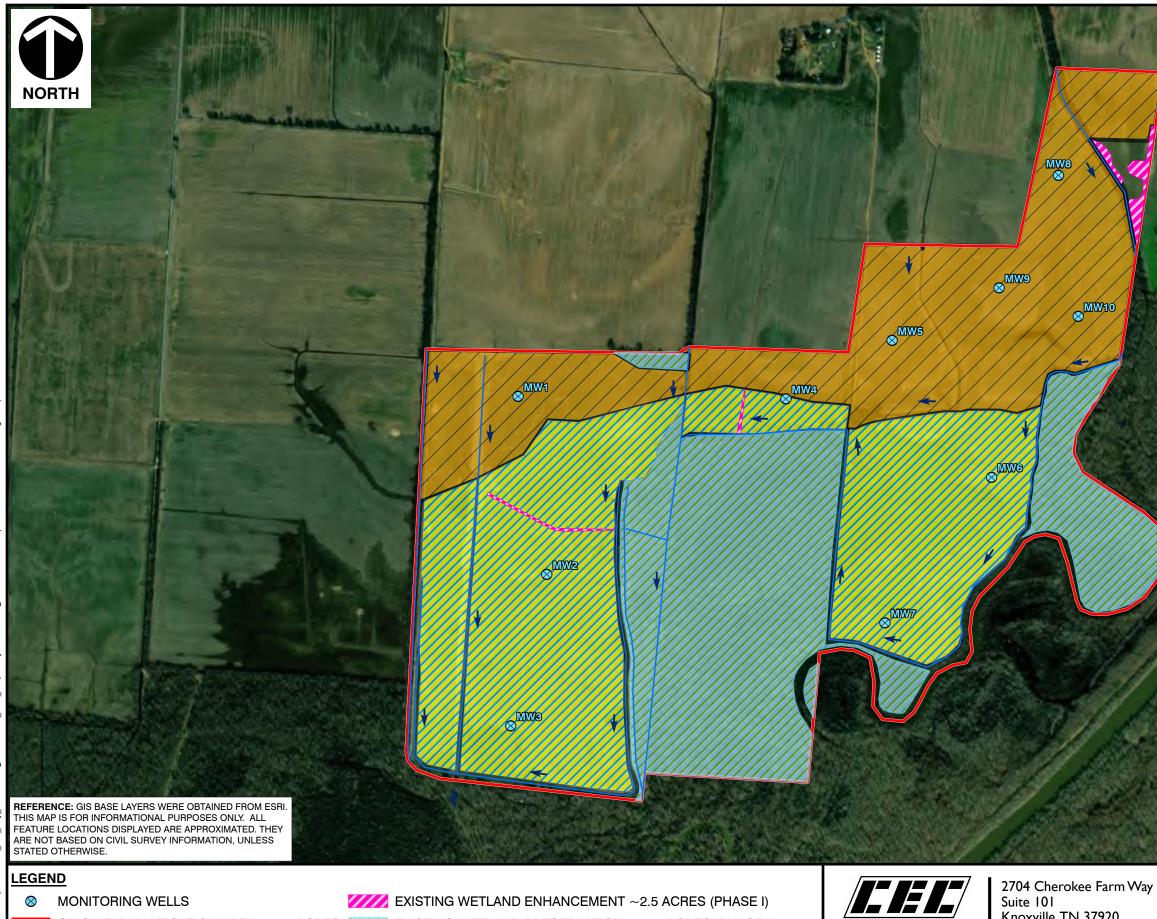
ALL STREAMS AND STREAM BUFFERS ARE EXCLUDED FROM PHASE I OF PROSPECTUS. STREAMS AND BUFFERS WILL POTENTIALLY BE ADDED IN PHASE II.

ALL PRESERVATION WETLANDS ARE INCLUDED IN PHASE I

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OBION FARM MITIGATION AREA ~488 ACRES ///// EXISTING WETLAND PRESERVATION ~ 137 ACRES (PHASE I)

PHASE II AREA (NOT INCLUDED IN PHASE I) ///// POTENTIAL WETLAND RESTORATION ~178 ACRES (PHASE I)

EXISTING STREAM

TRM CHECKED BY:

1/23/2025 SCALE:

Civil & Environmental

Consultants, Inc.

DRAWN BY:

DATE:

REFERENCE(S):

1. ESRI WORLD IMAGERY / ARCGIS MAP SERVICE: HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD IMAGERY, ACCESSED 1/23/2025

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Suite 101 DRY CREEK MITIGATION BANK PROSPECT Knoxville, TN 37920 OBION COUNTY, TENNESSEE Ph: 865.977.9997 · 844.828.7979	OBION RIVER FARMS DRY CREEK MITIGATION BANK PROSPECTUS OBION COUNTY, TENNESSEE				
www.cecinc.com PHASE I MITIGATION SITE AERIAL MAP	PHASE I MITIGATION SITE AERIAL MAP				
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*Hand Signature on file

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