

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2018-249 (RDM)

NOTICE DATE:
September 25, 2018

Attn: Postmaster,
Please Post Until  **EXPIRATION DATE:**
October 25, 2018

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 Ensley Bottoms Wetland Mitigation Project to be included in the Tennessee Wildlife Federation's (TWF) Tennessee Mitigation Fund (TMF) In-Lieu Fee (ILF) Program Instrument.

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

LOCATION: The Ensley Bottoms Wetland Mitigation Project site includes approximately 50 acres in the southeastern-most region of Shelby County, Tennessee, approximately 0.5 mile east of the Mississippi River. The project site lies within the Mississippi Alluvial Plain (73) Level III Ecoregions. The project's HUC8 is 08010100 (Lower Mississippi River) and the HUC12 is 080101000100 (Cow Island Bend). Project coordinates are 35.007, -90.209 (Figure 1).

BACKGROUND: The TWF's TMF ILF Instrument was approved on April 2, 2012, by the Memphis and Nashville Districts of the U.S. Army Corps of Engineers. The Ensley Bottoms Wetland Mitigation Project Prospectus has been submitted as a proposed addition to the ILF Instrument pursuant to 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register: April 10, 2008, effective June 9, 2008). Pursuant to 33 CFR 332.8 (d), the district engineer will provide public notice of the proposed addition of an ILF program mitigation site. As such, we are issuing this public notice to solicit comments for the instrument modification for addition of an in-lieu fee mitigation site.

PURPOSE: The purpose of this notice is to inform the public of the proposed modification of the existing TMF ILF instrument to include the Ensley Bottoms mitigation site 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 sponsor's stated objectives are as follows: To re-establish approximately 46.86 acres and enhance approximately 3.14 acres of soy bean fields to an ecologically diverse forested wetland (PFO1). Specifically, mitigation activities include filling in the ditch that flows through the middle of mitigation area, cessation of row cropping, and planting native hydrophytic vegetation. These activities will improve wildlife habitat, increase flood storage capacity, and reduce nutrient loading from nearby land uses (Figure 2 -6).

SERVICE AREA: The service area for the restoration project is the Southwest Tennessee Service Area. The Service Area is comprised of the following 8 digit HUC watersheds: 08010100 (Lower Mississippi-Memphis), 08010207 (Upper Hatchie), 08010208 (Lower Hatchie), 08010209 (Loosahatchie), 08010210 (Wolf), 08010211

(Horn Lake-Nonconnah). This service area is located in the Mississippi River Basin in West Tennessee, and it measures approximately 3,972 square miles. It includes the municipalities of Memphis, Bartlett, Bolivar, Collierville, Covington, Germantown, Ripley, and Somerville (Figure 1).

PROPOSED CREDIT GENERATION: The Sponsor proposes to generate 48.41 credits by reestablishing or rehabilitating 50 acres of forested wetland (Figures 2-6).

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: The property will remain owned by Ensley Bottoms Farm LLC, and funding will be set aside for TMF to complete annual monitoring visits of the conservation easement and complete remedial actions as needed. The exact amount of funding set aside will be provided in the draft instrument amendment for the project. Long-term management activities include, maintenance of signage, conservation easement enforcement, access maintenance, fencing, conservation easement insurance, reporting, and non-native invasive species management to the extent appropriate and practicable.

ENDANGERED SPECIES: There are two federally listed species that are known to have a range that includes the project area. They are the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (*Myotis septentrionalis*). No tree clearing is proposed for this project, based on this our determination is that this project will have no effect on known threatened and endangered species. 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
Fax: (901) 544-0211

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 Branch office for examination.

Gregg Williams
Chief
Regulatory Branch

Attachments



Figure 1

Ensley Bottoms Shelby County, TN Locator Map



Figure 2

Ensley Bottoms Shelby County, TN Existing Aquatic Resources



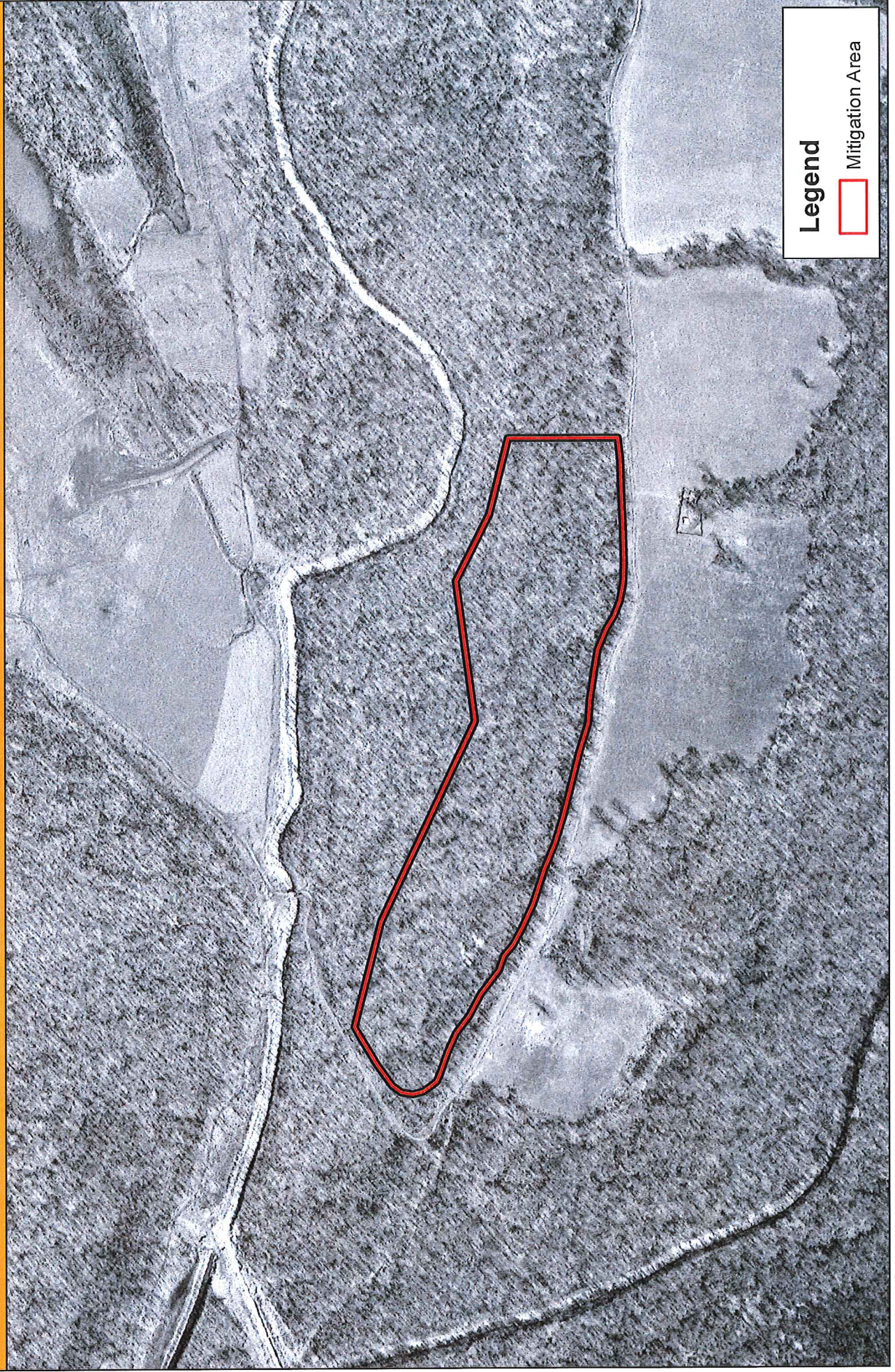
Legend

	Mitigation Area
	Wetland Habitat



**Ensley Bottoms
Shelby County, TN
1964 Aerial Photo**

Figure 3



Legend

 Mitigation Area

Figure 4

Ensley Bottoms Shelby County, TN Soil Mapping Units and Wetland Determination Locations



Figure 5

Ensley Bottoms Shelby County, TN Topographic Map

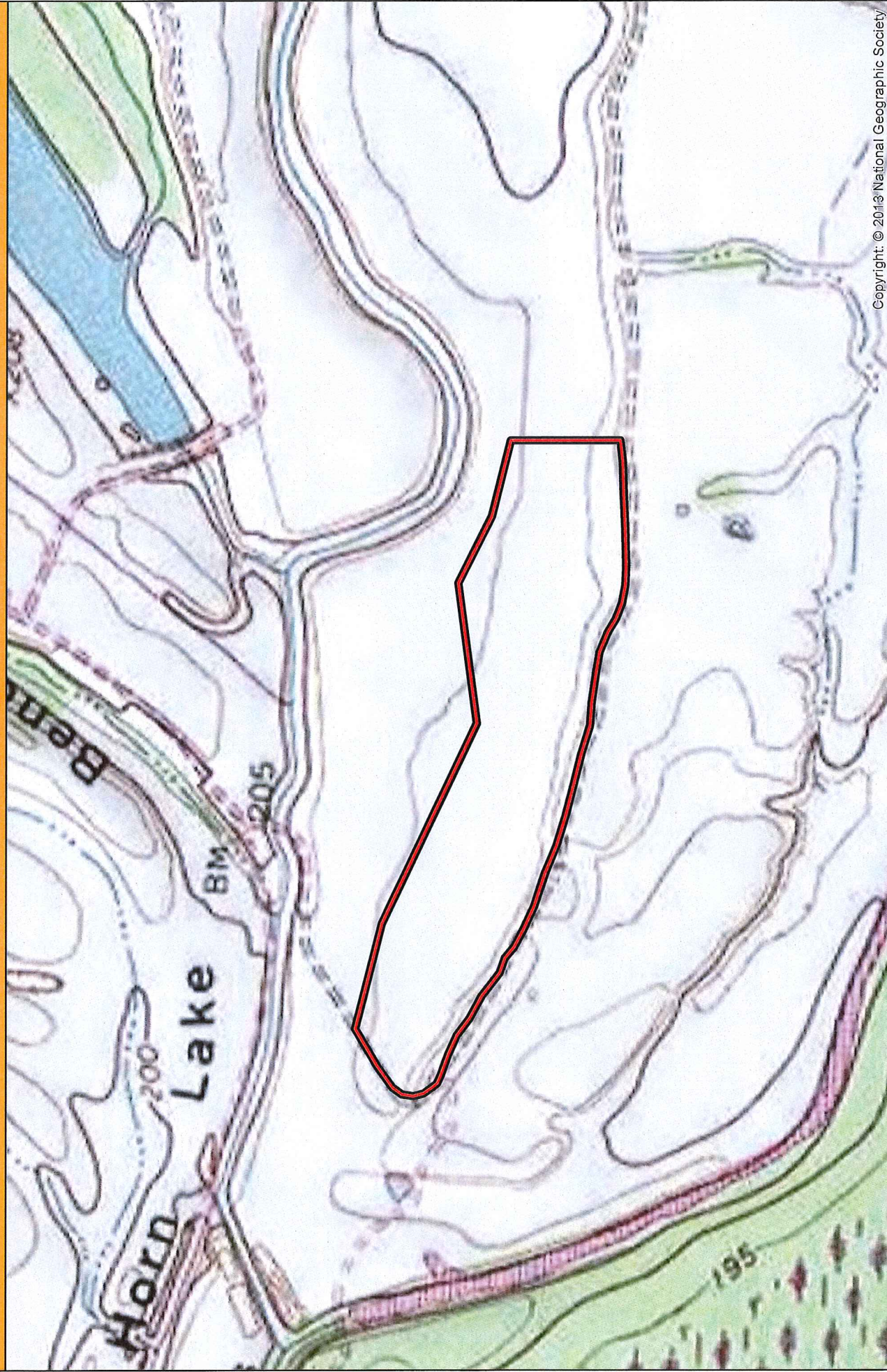


Figure 6

Ensley Bottoms Shelby County, TN Proposed Treatments with 2-foot Contours

