



US Army Corps
of Engineers
Memphis District

Public Notice

REPLY TO ATTN: Mitch Elcan
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
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POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
MVM-2016-325-JME

PUBLIC NOTICE DATE:
October 04, 2016

EXPIRATION DATE:
November 02, 2016

Public Notice 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 West Tennessee Wetlands Mitigation Bank.

BANK SPONSOR: West Tennessee Wetlands Mitigation Bank, LLC
Attn: Paul Stoddard
5724 Summer Trees Drive
Memphis, Tennessee 38134

LOCATION: The proposed West Tennessee Wetlands Mitigation Bank (hereafter referred to as "Bank") would be established on 282 acres of undeveloped land in the floodplain of the Loosahatchie River approximately 2.8 miles southwest from the intersection of State Route 14 (SR-14) and State Route 385 near Bartlett, Shelby County, Tennessee. The approximate latitude and longitude of the proposed bank site are 35.273°N and -89.863°W, respectively. A location map based on the Brunswick, Tennessee, USGS topographic quadrangle is shown on Attachment 1.

PURPOSE: The purpose of this notice is to inform the public of the proposed development of a wetland mitigation bank that would generate credits that could be used to meet compensatory mitigation requirements for future permits issued under Section 404 of the Clean Water Act (CWA) for the deposition of dredged or fill material into waters of the United States. The following is a summary of the prospectus for this project; please see the complete prospectus (available online at <http://www.mvm.usace.army.mil/About/Offices/Regulatory/PublicNotices.aspx>) for additional details.

OBJECTIVES: The sponsor's objective is to restore and preserve impaired and current wetland ecological functions of the subject property. To achieve this objective, the sponsor proposes to restore 110.7 acres of bottomland hardwoods located on the property to the west side of SR-14, enhance 9.7 acres of existing emergent wetlands on the property to the west of SR-14, and preserve 130.9 acres of wetlands located on the property to the east side of SR-14.

ESTABLISHMENT AND OPERATION OF THE PROPOSED BANK: As proposed by the sponsor, the establishment of the Bank would entail the following tasks: (1) Construct earthen berms to divert and retain surface waters which are currently escaping the site rapidly due to past farming practices and other historic modifications to the site; (2) Construct ditch plugs consisting of compacted backfill and covered with a layer of geotextile and machined riprap at strategic locations within existing drainages to decrease surface velocities and further retain surface water; (3) plant native, hydrophytic vegetation such as bottomland oaks (*Quercus lyrata*, *palustris*, *michauxii*, *nigra*, *phellos*, etc.), bald cypress (*Taxodium distichum*), Drummond's red maple (*Acer rubrum* var. *drummondii*), persimmon (*Diospyros virginiana*), shellbark hickory (*Carya laciniosa*), water hickory (*Carya aquatica*), water tupelo (*Nyssa aquatica*); (4) placing a perpetual declaration of restrictive covenants on the mitigation site by filing a *Notice of Land Use Restrictions* Form with the deed to the property; and (5) provide a financial assurance instrument for the establishment and post establishment activities of the Bank.

As proposed, the Bank would generate a total of approximately 127 credits; approximately 110.7 credits for wetland restoration (1:1 ratio), 3.2 credits for enhancement (3:1 ratio), and 13.1 credits for preservation of existing wetlands (10:1 ratio) as shown on Attachment 2.

The proposed Credit Release Schedule is defined with performance standards thresholds during the establishment period and is as follows:

- (a) 20% release of the total credits expected upon signature of the mitigation bank instrument (MBI) and filing of restrictive covenants;
- (b) 30% release after completion of site preparation, re-establishment of target vegetation, and completion of hydrological modifications as reflected in the MBI;
- (c) 10% release at the end of Years 2, 3, 5, and 7 upon successful completion of Performance Standards during the establishment period of the Bank;

- (d) 10% release of the remaining credits upon completion of the monitoring and successful documentation that Performance Standards have been met.

PROPOSED GEOGRAPHIC SERVICE AREA: The proposed geographic service area (GSA) for the Bank consists of the Loosahatchie River 8-digit Hydrologic Unit Code (HUC), Mississippi River 8-digit HUC, Indian Creek 10-digit HUC, and the Cane Creek 10-digit HUC. GSAs were established by the Sponsor based on hydrologic connectivity and watershed ecological characteristics. Any and all wetland types occurring in the GSA may be compensated for via Bank credits.

NEED FOR AND TECHNICAL FEASIBILITY OF THE PROPOSED BANK: The sponsor notes that based on a preliminary market analysis of potential end users, there appears to be a significant demand for mitigation credits. The Bank would accommodate the anticipated need for credits that is expected within the Bank's GSA. It is expected that demand will be driven by infrastructure growth by both the private and public sectors.

PROPOSED OWNERSHIP ARRANGEMENTS: The site is presently comprised of two Shelby County, Tennessee parcels by number B01380 00169 and B0138 00142. Southern Investors owns the property fee simple, including all mineral rights.

Upon closure of the Bank, the long-term stewardship will be passed to a third party and will likely be a not-for-profit organization, land trust, or municipality.

QUALIFICATIONS OF SPONSORS: EnSafe, as part of the Mitigation Bank Sponsor Team, will have primary responsibility for Bank establishment and their prospectus states they are a nationally-recognized environmental consulting firm with wetland ecologists experienced in wetland delineation, permitting and design/installation of compensatory mitigation to offset unavoidable impacts. Their Memphis ecology team has worked in the Memphis and surrounding areas as consultants and in the industry for more than 25 years with access to a network of support ecologists with wetland mitigation banking experience throughout the United States.

ECOLOGICAL SUITABILITY OF THE SITE: The proposed bank site lies immediately adjacent to the south bank of the Loosahatchie River and is currently comprised of two distinctive habitat types. The portion of the property on the west side of SR-14 (restoration/enhancement area) is in active agricultural production and is currently being farmed for soybeans. This agricultural area is interspersed with several small, vegetated riparian areas and is bound by the Loosahatchie River immediately to the north. Existing water resources, including emergent wetlands and drainage features have recently been documented on this portion of the property. The portion of the site on the east side of SR-14 (preservation area) was historically in row crops and has since reverted to a scrub-shrub swamp that borders and receives flood waters from the Loosahatchie River. Several small creeks and tributaries are present within the preservation area.

Soils: The soils on the proposed restoration/enhancement area are predominately mapped as Waverly silt loam. Waverly silt loam occurs in floodplain areas with slopes that are generally 0 to 2 percent. The soil is poorly drained and described as having a depth to saturation of between 6-12 inches. Waverly silt loam is also described as having occasional flooding with a very high water capacity. This soil series is classified as "hydric" by the Natural Resources Conservation Service in Shelby County, Tennessee. The preservation area also consists predominately of Waverly silt loam with Falaya silt loam located along the eastern perimeter. The soils map for the property is shown as Attachment 3.

Hydrology: The topography of the restoration/enhancement area is relatively flat with a slight slope towards the Loosahatchie River. A review of Loosahatchie River gauge data has shown that the restoration/enhancement area is subject to frequent flooding events from the Loosahatchie River. Currently, several, small field drainage ditches are present and ultimately converge into a larger drainage channel which runs in a northerly direction before discharging to the Loosahatchie River near the northwest corner of the site. The drainage features remove surface water inputs relatively quickly from the site to the Loosahatchie River. The topography of the preservation area is also relatively flat and is frequently inundated by flooding from the Loosahatchie River. Inundation of the surface appears frequent and is likely being prolonged for extended periods due to beaver activity.

Vegetation: The restoration/enhancement area is currently used for agricultural (soybean) production with limited riparian areas alongside existing drainages. Emergent wetlands are present and scattered in nature within the restoration/enhancement area. Existing wooded areas (including wetlands) are present to the west of the restoration/enhancement area. The preservation area consists mostly of scrub-shrub swamp and open water habitat types interspersed with stands of black willow (*Salix nigra*).

ASSURANCE OF WATER RIGHTS: Water rights in Tennessee are governed by common law.

PROSPECTUS: The complete prospectus for the proposed wetland mitigation bank is available online (as noted on page 1, under "Purpose") and in the Memphis District office. For those who do not have access to the internet, please contact Mitch Elcan at (901) 544-0737 if you wish to schedule an appointment to review this prospectus at the Memphis District office.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This project is being coordinated with the U.S. 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 flood plain 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 bank 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 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 OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on this project, please contact Mitch Elcan at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0737. Copies of all comments, including the names and address of commenters, may be provided to the bank sponsor for consideration and response prior to a decision by the Corps.

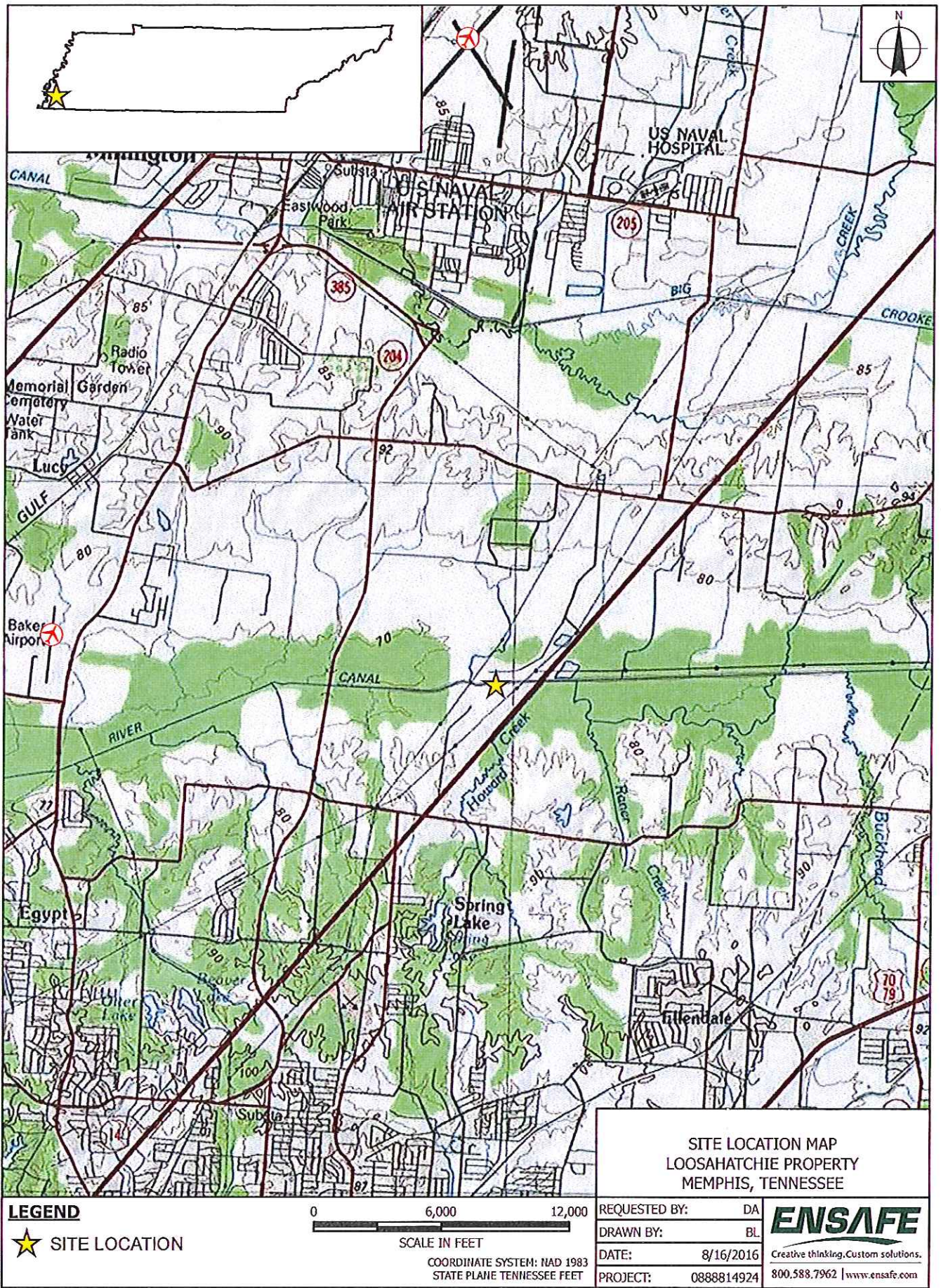
Comments should be received by November 02, 2016.



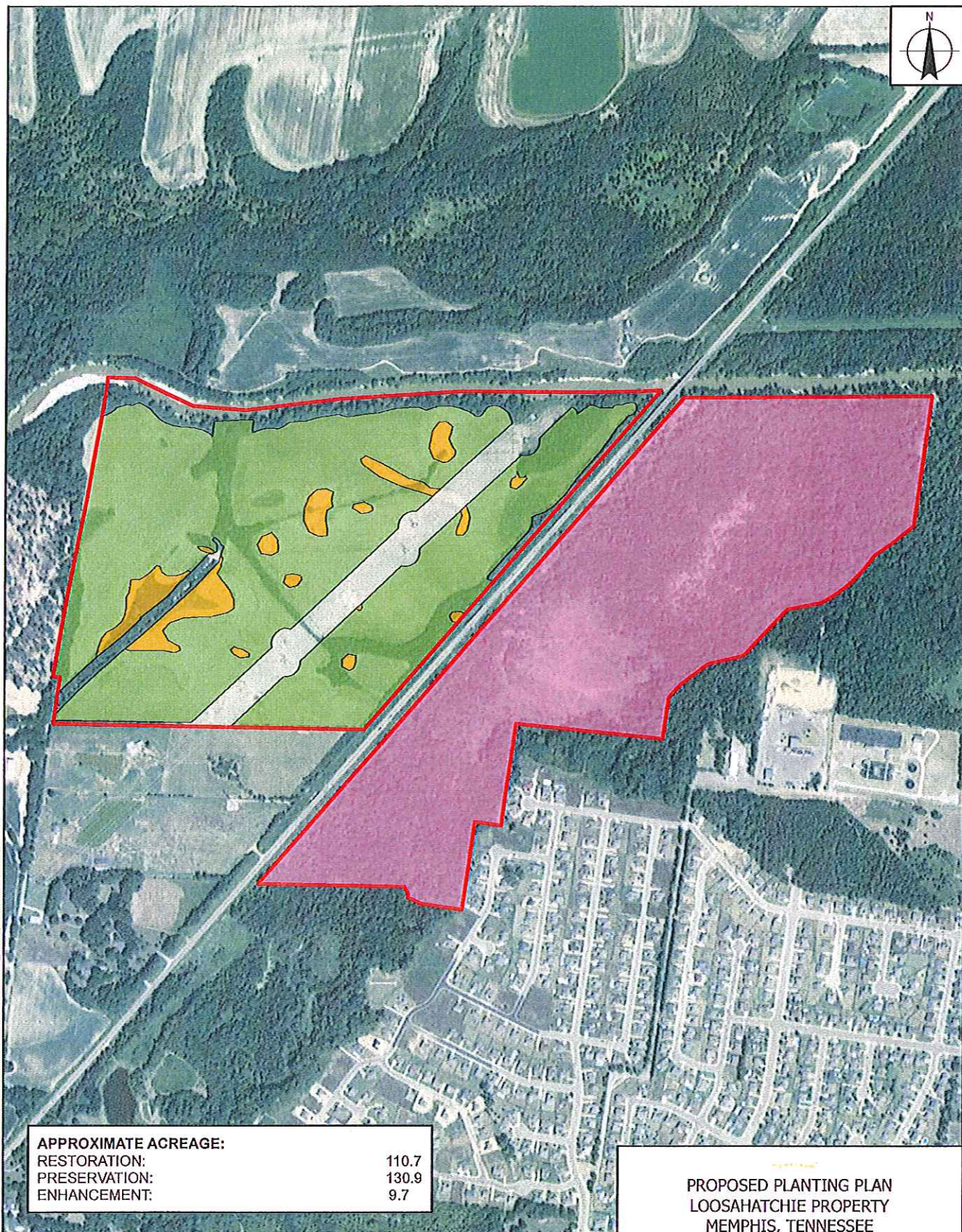
Gregg Williams
Chief
Regulatory Branch

Attachments

X:\LOOAHATCHIE_PROPERTY\PROJECTS\AUGUST 2013 REVISION\SITE_LOCATION_MAP_REVISION.MXD



Attachment 1.



APPROXIMATE ACREAGE:	
RESTORATION:	110.7
PRESERVATION:	130.9
ENHANCEMENT:	9.7

**PROPOSED PLANTING PLAN
LOOSAHATCHIE PROPERTY
MEMPHIS, TENNESSEE**

Legend

- | | | | |
|---|-----------------|---|--------------|
|  | PARCEL BOUNDARY |  | ENHANCEMENT |
|  | RESTORATION |  | PRESERVATION |

0 900 1,800
SCALE IN FEET

COORDINATE SYSTEM: NAD 1983
STATE PLANE TENNESSEE FEET

REQUESTED BY:	CG
DRAWN BY:	CG
DATE:	8/26/2016
PROJECT:	0888814924

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DATA SOURCES: SOURCE: ESRI, DIGITALGLOBE, GEOEYE, EARTHSTAR GEOGRAPHICS, CHES/AIRBUS DS, USDA, USGS, AEX, GETMAPPING, AEROGRID, IGH, IGP, SWISSTOPO, AND THE GIS USER COMMUNITY

X:\LOOSAHATCHIE_PROPERTY\PROJECTS\AUGUST 2016 REVISION\PROPOSED_PLANTING_PLAN_EXISTINGWETLANDS.MXD



LEGEND
 PARCEL BOUNDARY
 SOIL BOUNDARY

0 1,000 2,000
 SCALE IN FEET

COORDINATE SYSTEM: NAD 1983
 STATE PLANE TENNESSEE FEET

**SITE SOILS
 LOOSAATCHIE PROPERTY
 MEMPHIS, TENNESSEE**

REQUESTED BY: BY
 DRAWN BY: BL
 DATE: 8/26/2016
 PROJECT: 0888814924

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DATA SOURCES: SOURCE: ESRI, DIGITALGLOBE, GEOEYE, EARTHSTAR GEOGRAPHICS, CNES/AIRBUS DS, USDA, USGS, AEX, GETMAPPING, AEROGRIID, IGH, IGR, SWISSTOPO, AND THE GIS USER COMMUNITY;
 SOIL SURVEY GEOGRAPHIC DATABASE (SSURGO 2.2) IS FROM THE U.S. DEPARTMENT OF AGRICULTURE, NATURAL
 RESOURCES CONSERVATION SERVICE DOWNLOADED THROUGH THE USDA/NRCS - NATIONAL GEOSPATIAL CENTER
 OF EXCELLENCE. PARCEL BOUNDARIES ARE FROM THE SHELBY COUNTY GOVERNMENT.

Attachment 3.