

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2018-065 (RDM)

**NOTICE DATE:
March 30, 2021**

Attn: Postmaster,
Please Post Until  **EXPIRATION DATE:
April 28, 2021**

Public Notice

U.S. Army Corps of Engineers (USACE)

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 Wattensaw Bayou Mitigation Bank.

BANK SPONSOR: Mitigation Management, LLC.
c/o Mike D. Bird
2557 State Hwy 7 East
Center, Texas 75935

LOCATION: The proposed Bank is located approximately twenty-three (23) miles northeast of Little Rock, in Lonoke County, Arkansas. The proposed Bank falls within the Lower White-Bayou Des Arc 8-digit HUC, the Locust Creek-Wattensaw Bayou 12-digit HUC and coincides primarily with the Mississippi Alluvial Plain Omernick Level III ecoregion. The latitude/longitude coordinates for the Project Site are: 34.891820° N, -91.912500° W (UTM NAD83 Zone 15N). The entire property encompasses approximately 186 acres, of which an estimated 181 acres would be included in the Bank. (Figure 1)

BACKGROUND: Historically, aerial imagery proves the Bank supported an extensive bottomland hardwood forest within the floodplain of Wattensaw Bayou and Locust Creek and upland forests and riparian zones outside the primary floodplain. Woody vegetation within these areas has been substantially reduced due to impacts associated with agricultural activities.

PURPOSE: The purpose of this notice is to inform the public of the proposed mitigation bank that would restore, enhance, and preserve wetland ecosystems to 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. (Figure 2)

OBJECTIVES: The sponsor's stated objective is as follows:

"The purpose of the proposed Bank is to provide a source of off-site compensatory mitigation for impacts to wetlands and other waters of the United States associated with projects undertaken by both the public and private sectors within the appropriate regions of Arkansas. The "re-establishment", "restoration", "enhancement" and "preservation" of wetlands and riparian zones within the proposed Bank will allow these resources to once again perform valuable functions and services within the Mississippi Alluvial Plain and adjacent Wetland Planning Regions as defined by the Arkansas Wetland Strategy (AWS 1996). These activities will contribute positively to the overall health of the region and associated water sheds by reducing the amount of sediment and organic nutrients passed downstream by providing critical habitat components necessary to aquatic wetland flora and fauna."

“The goal of the proposed bank is to generate wetland credits required by compensatory mitigation regulations administered under the Department of the Army, where permitted actions occur in agreement with Section 404 of the Clean Water Act (Federal Water Pollution Control Act) and/or Section 10 of the Rivers and Harbors Act (Rivers and Harbors Appropriation Act of 1899). This goal specifically pertains to providing compensation for losses of aquatic resource functions and services within the geographic extent of the Banks designated service area or where approved by the USACE district office. The successful establishment of this Bank project will provide USACE permit applicants 1) immediate access to compensating mitigation credits for adverse impacts to aquatic ecosystems and 2) statistically more successful, higher quality, cost-effective methods for the protection of waters of the United States (WOTUS), as well as other aquatic resources that otherwise may be impeded by less favorable, less productive forms of compensatory mitigation.”

“Specific bank objectives are to “re-establish” prior-converted agricultural fields, “restore” palustrine forested wetland habitat, “enhance” forested wetland habitat adjacent to Wattensaw Bayou, and “preserve” forested wetlands previously established within the project parcel.” (Figure 2)

SERVICE AREA: The service area of a mitigation bank is the geographical area (e.g., watersheds or hydrologic unit codes (HUCs), counties, ecoregions, etc.) within which mitigation bank credits may be utilized, if approved by USACE, for compensatory mitigation for adverse impacts to aquatic ecosystem.

The proposed service area consists of the 8-digit HUC in which the Bank is located (primary), neighboring 8-digit HUCs and portions of neighboring 8 digit HUCs within the contiguous ecoregion of the primary HUC (secondary); wholly encompassed within the larger Lower Mississippi-St Francis 6-digit (080203) HUC river basin, the USACE Memphis District, the state of Arkansas, and excluding Crowley’s Ridge. (Figures 3 & 4)

- Primary Service Area – Portions of the Lower White Bayou Des Arc 8-digit HUC (08020301)
- Secondary Service Area – Portions of the Cache (08020302), Big (08020303), Lower White (08020304), Bayou Meto (8020402), Languille (8020205), Upper White village (11010013) and Upper Black (11010007) 8-digit HUCs.

The sponsor states: “Although portions of the proposed secondary service area HUC’s are not directly abutting the primary service area HUC, they are included due to hydrologic and biotic similarities to the other service area HUC’s. Specifically, those proposed secondary service area HUCs fall within the Mississippi Alluvial Plain ecoregion and have hydrologic connectivity with the White and Mississippi river.”

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: Advanced Ecology Ltd. Is a unique family of companies with a diverse pool of talented ecologists and business professionals. The firm has been in the natural resource management business since 1979 and has established and managed more than 20 successful mitigation banks and approximately 35 permittee-responsible mitigation projects involving wetland, stream, and endangered species in multiple states, multiple USACE districts, and across a wide range of habitat types. Mitigation Management, LLC, is the mitigation asset holding entity created by Advanced Ecology, Ltd.

PROSPECTUS: The complete prospectus for the proposed Wattensaw Bayou 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=107:278:16414010810764::NO::P278_BANK_ID:5072.

ENDANGERED SPECIES: There are three federally listed species that are known to have a range that includes the project area. They are the federally threatened Eastern Black Rail (*Laterallus jamaicensis*), Piping Plover (*Charadrius melodus*), and Red Knot (*Calidris canutus rufa*). 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 USACE 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: Send comments to the USACE, Memphis. Comments may be sent via mail or email to the following:

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

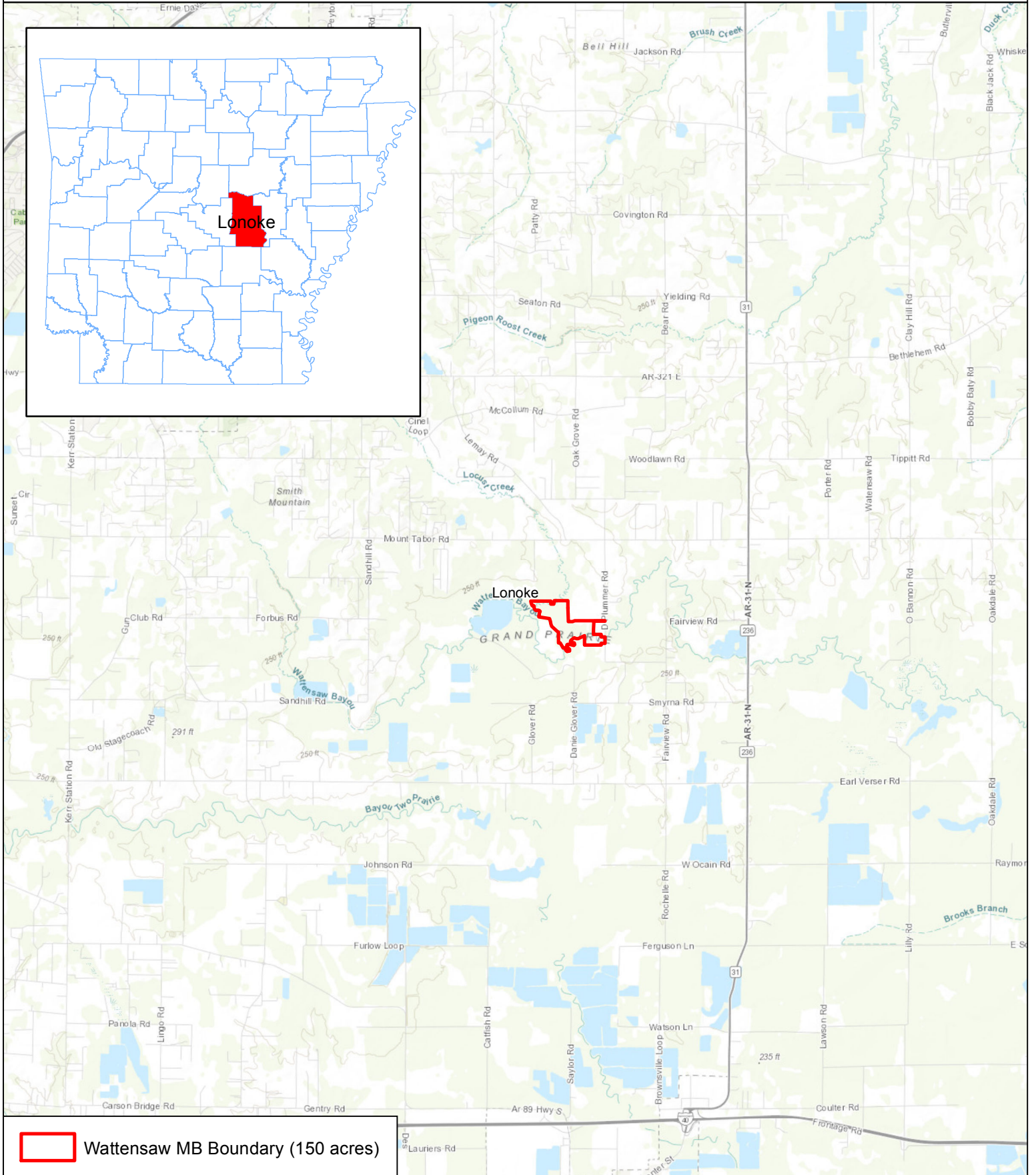
Comments may be sent via mail or email. The USACE may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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

Attachments

Figure 1
Location Map of the Proposed Wattensaw Bayou Mitigation Bank
Lonoke County, Arkansas



2/22/2018

Basemap: ESRI World Topographic Map

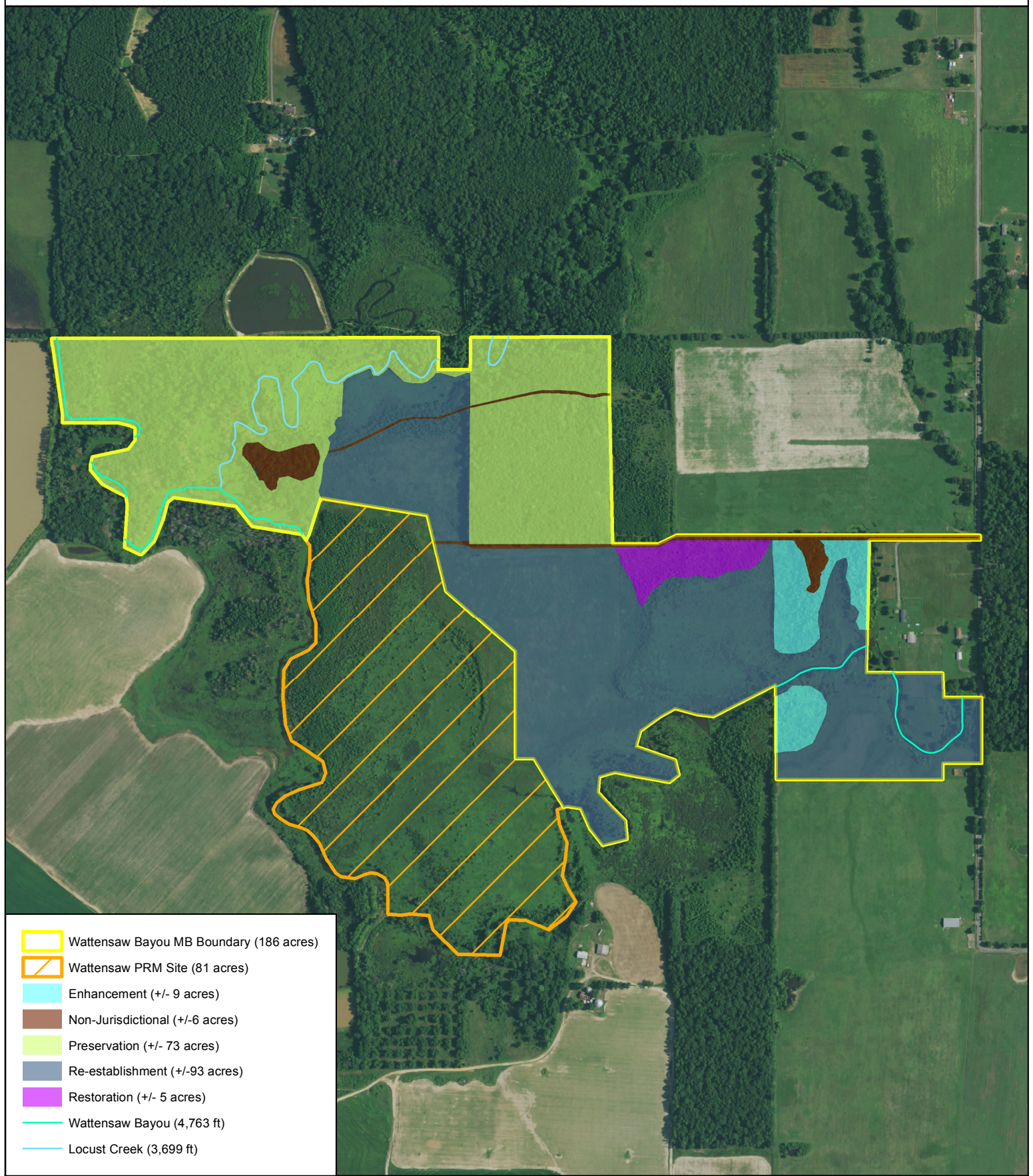


1 Inch = 2 Miles

This map was generated by Advanced Ecology, LTD. No claims are made to the accuracy or completeness of the data depicted in this map or to the map's suitability for a particular use. The information depicted may contain inaccuracies and is provided "as is".



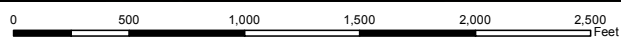
Figure 2
 Wattensaw Bayou Mitigation Work Plan
 Lonoke County, Arkansas



- Wattensaw Bayou MB Boundary (186 acres)
- Wattensaw PRM Site (81 acres)
- Enhancement (+/- 9 acres)
- Non-Jurisdictional (+/- 6 acres)
- Preservation (+/- 73 acres)
- Re-establishment (+/- 93 acres)
- Restoration (+/- 5 acres)
- Wattensaw Bayou (4,763 ft)
- Locust Creek (3,699 ft)



7/19/2018
 Imagery: 2015 NAIP



1 Inch = 832 Feet

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Figure 3
Proposed Service Areas for Wattensaw Bayou Mitigation Bank
Lonoke County, Arkansas

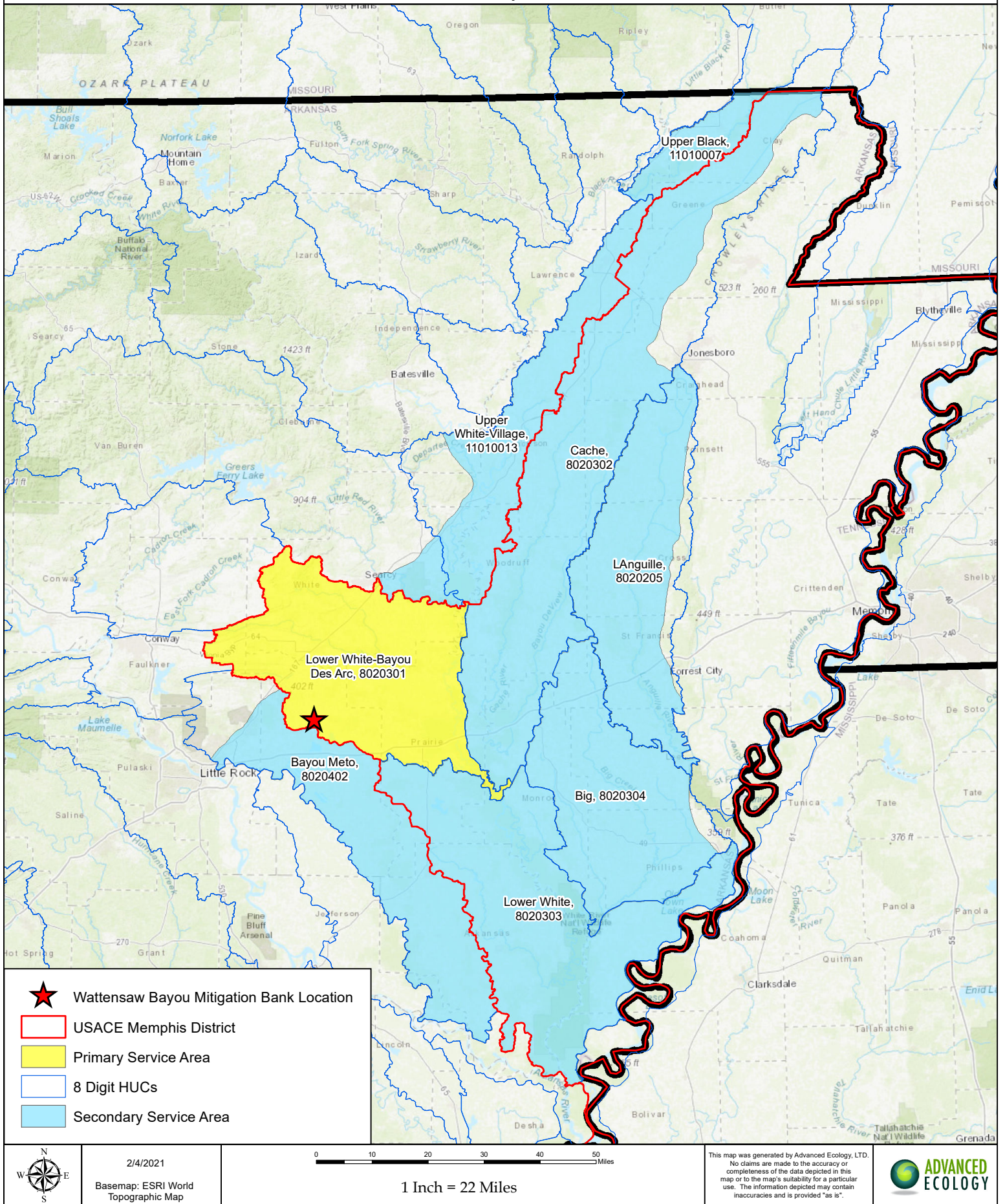
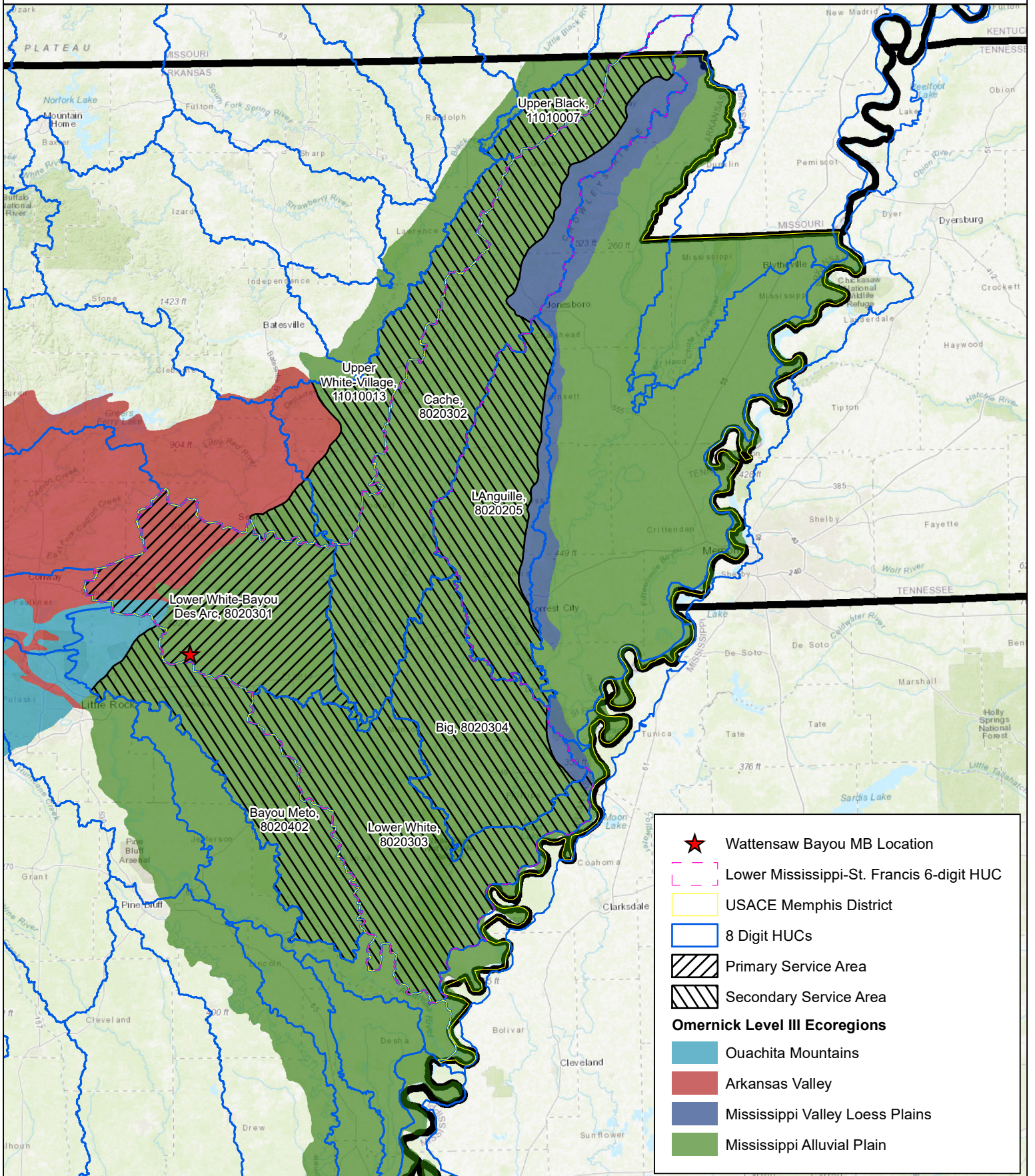


Figure 4
 HUC & Ecoregion Map
 Lonoke County, Arkansas



2/4/2021
 Basemap: ESRI World Topographic Map



1 Inch = 24 Miles

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