

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2018-311 (RDM)

**NOTICE DATE:
August 14, 2020**

Attn: Postmaster, EXPIRATION DATE:
Please Post Until  **September 14, 2020**

Joint Public Notice

**U.S. Army Corps of Engineers
and
State of Arkansas**

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 Cache River Mitigation Bank.

BANK SPONSOR: Denton Island Mitigation, LLC.

BANK AGENT: EnSafe, Inc.
5724 Summer Trees Drive
Memphis, TN 38134

LOCATION: The Cache River Mitigation Bank (CRMB) site encompasses a total of 80.2 acres and is located southwest of the town of Cash in Craighead County, Arkansas (Figures 1 and 2). The proposed mitigation bank is located within the Cache River Watershed (HUC 08020302) (Figure 3). The site abuts approximately 154.66 acres of Wetland Reserve Easement held by the Natural Resources Conservation Service (NRCS) and are not proposed to be included within the bank; however, new culverts are proposed that would connect the NRCS easement in order to improve hydrological connections to the restored wetlands within the bank (Figures 2 and 4).

BACKGROUND: Historically the site was dominated by bottomland hardwood forest and linear stream systems (Figures 4 and 5). Due to land clearing and manipulation for agricultural practices and levee construction, the bottomland hardwood forests were either removed or separated from the Cache River. In addition, many of the streams in the region were completely filled, further degrading the associated bottomland hardwood ecosystem.

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.

OBJECTIVES: The sponsor's stated objective is as follows: The overall goal of the CRMB is to re-establish and restore wetland functions and values associated with historic ecological functions that existed on the site prior to agricultural disturbances and levee construction. Specific Bank objectives are:

- Restoration of 71.2 acres of prior converted farm field
- Enhancement of 6.44 acres of degraded wetlands

The proposed bank will primarily be comprised of a 71.2-acre portion of the property that is currently managed for rice production, 0.26-acre of degraded emergent wetland, and a 4.56-acre wetland that consists of an existing bottomland hardwood forest (Deep Slough). The most ecologically sound approach to wetland restoration is to systematically restore degraded, formerly drained wetlands by undoing the activities that were done to alter them (Figures 6-10).

The CRMB will serve as a wetland mitigation bank offering mitigation credits for sale as compensation for unavoidable impacts to waters of the United States associated with Department of the Army Section 404 and Section 10 permits and/or Corps of Engineers Civil Works Projects. The mitigation implemented at CRMB will be protected by a conservation easement in perpetuity. Denton Island Mitigation, LLC will also fund financial assurances to ensure that the mitigation will be constructed and monitored in accordance with the 2008 Mitigation Rule and the bank's Mitigation Banking Instrument.

SERVICE AREA: The proposed CRMB is located within HUC 08020302 (Cache River watershed) which includes portions of Clay, Green, Randolph, Lawrence, Craighead, Jackson, Poinsett, Cross, Woodruff, St. Francis, Prairie, and Monroe counties in Arkansas (Figure 3). The Cache River watershed is located entirely within the Corps of Engineers Memphis District and will serve as the CRMB's primary service area. However, the primary service area will exclude Crowley's Ridge since it is located within a different ecoregion and will also exclude a very small portion of the watershed that is located within the State of Missouri.

The following HUC 8 watersheds are included in the CRMB's proposed secondary service area (Figure 3). These watersheds immediately abut the Cache River watershed within the Mississippi alluvial plain ecoregion.

Memphis District (only within State of Arkansas):

- L'anguille (08020205)
- Lower White-Bayou Des Arc (08020301)
- Lower White (08020303)
- Big (08020304)

Little Rock District (only within State of Arkansas):

- Upper White — Village (11010013)
- Upper Black (11010007)

PROPOSED CREDIT GENERATION: Credits are proposed to be calculated using two different methods. The Corps of Engineers Memphis District typically calculates credits based on a ratio method, while the Corps of Engineers Little Rock District uses the Charleston Method for wetlands. The proposed ratio method is calculated for mitigation acreage compared to impacts at a 1:1 ratio for restoration and 3:1 ratio for enhancement. The Charleston method calculates credits based on a variety of site-specific characteristics and project details which are described below. The method that will be used to determine the sold-credit methodology will be dependent upon the Corps of Engineers permitting district.

The bank sponsor proposes to develop a ledger that allows the different crediting methodologies to be cross-walked to one another. This would allow applicants and the Corps of Engineers to decide which methodology to utilize when completing the project's mitigation plan and associated credit purchase at CRMB.

The total number of wetland credits are calculated using the ratio method and the Charleston method as described above. The ratio method yields approximately 73.35 credits; 71.2 credits from wetland restoration (1:1 ratio), and 2.15 credits from enhancement (3:1 ratio).

The Charleston wetland method yields approximately 353.3 wetland credits: 334.6 credits from wetland restoration and 18.7 credits from enhancement.

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: Denton Island Hunting Club, LLC is the owner of the property and proposes to record a conservation easement over the bank. The easement will require that any activity within the bank complies with the terms of the mitigation plan and MBI. In addition, the easement will be held by a third-party non-profit. The long-term ownership arrangements for this property

will include retention of the property by Denton Island Hunting Club, LLC and utilization of the property by Denton Island Hunting Club, LLC as an outdoor recreational property, not to be further developed. To ensure long-term protection of all lands included in the mitigation bank, the property owner (Denton Island Hunting Club, LLC), its heirs or successors, will be responsible for maintaining and protecting lands contained within the restored portions of the CRMB in perpetuity.

ENDANGERED SPECIES: There are four 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 Pondberry (*Lindera melissifolia*) and the federally threatened northern long-eared bat (*Myotis septentrionalis*) and Rabbitsfoot (*Quadrula cylindrica cylindrica*). 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: Send comments to the Corps of Engineers, Memphis District and Arkansas Department of Environmental Quality. 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

State Permits Branch, Water Division
Arkansas Department of Environmental Quality ATTN:
Millie Remer
5301 North Shore Drive
Little Rock, Arkansas 72118-5317 E-mail:
remer@adeq.sta
Phone: (501) 682-6263

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.

for: Gregg Williams
Chief
Regulatory Division

Attachments

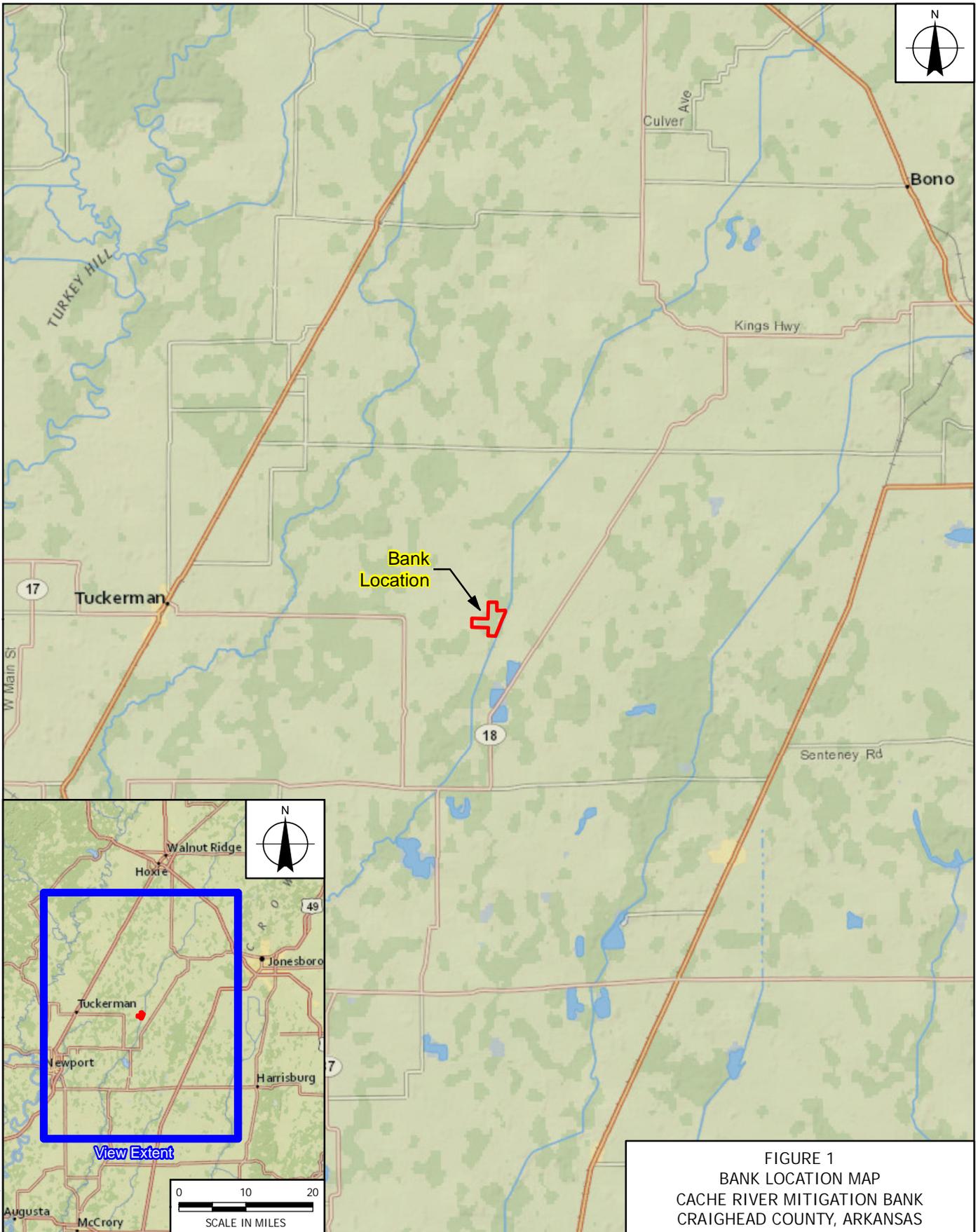


FIGURE 1
 BANK LOCATION MAP
 CACHE RIVER MITIGATION BANK
 CRAIGHEAD COUNTY, ARKANSAS

LEGEND
 APPROXIMATE PROPERTY BOUNDARY

NAD 1983 STATE PLANE
 ARKANSAS NORTH FEET

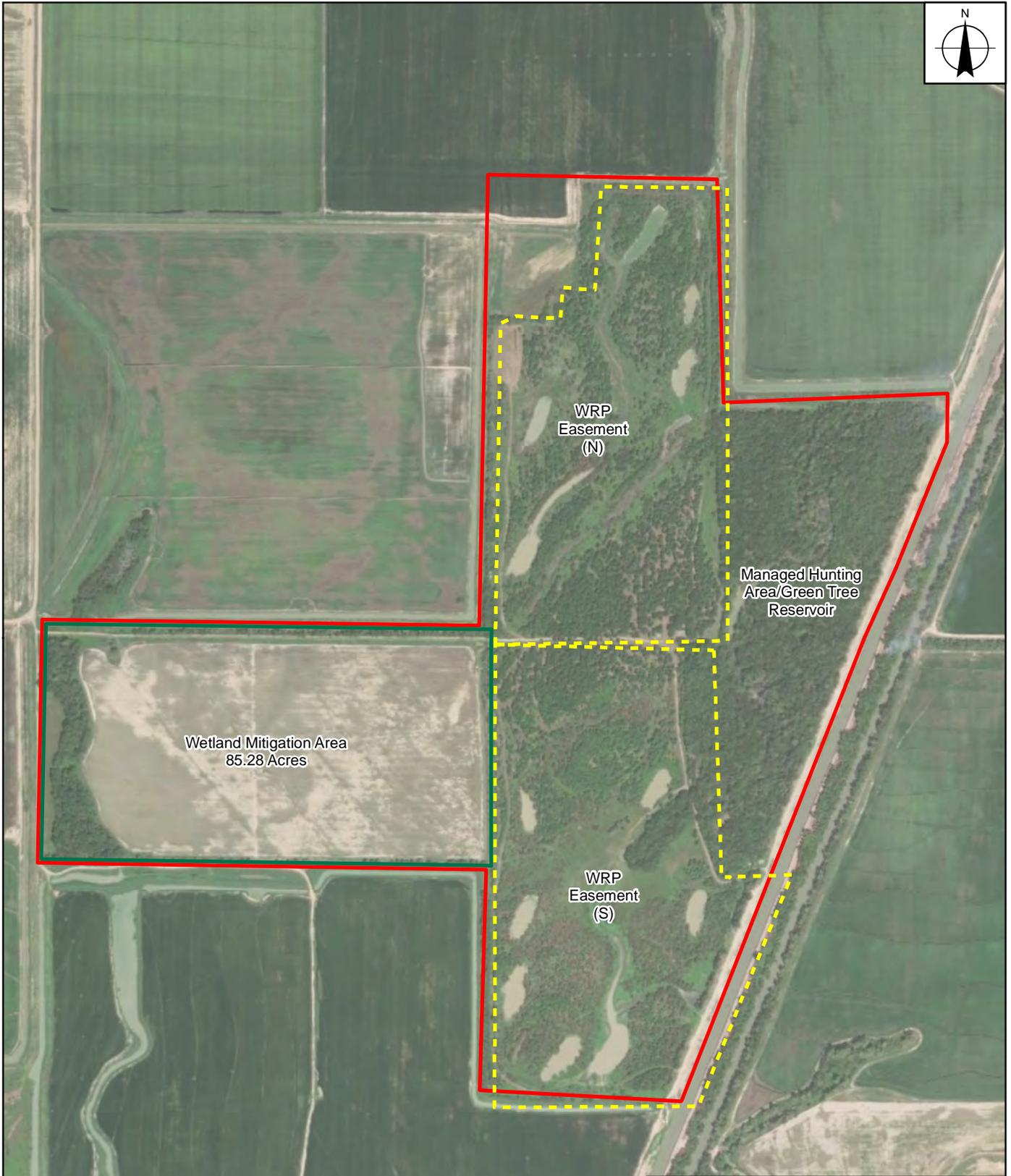
 SCALE IN MILES

REQUESTED BY: JG
 DRAWN BY: NR
 DATE: 4/22/2020
 PROJECT: 0888819679

ENSAFE
 Creative thinking. Custom solutions.
 800.588.7962 | www.ensafe.com

X:\Dentoni\Island\BankLocationMap.mxd

Source: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.



X:\Denton\Island\Bank\Aerial\NRCSE\asmt.mxd

FIGURE 2
BANK AERIAL AND NRCS EASEMENT
CACHE RIVER MITIGATION BANK
CRAIGHEAD COUNTY, ARKANSAS

LEGEND

-  APPROXIMATE PROPERTY BOUNDARY
-  APPROXIMATE EASEMENT BOUNDARY
-  PROPOSED WATER MITIGATION AREA

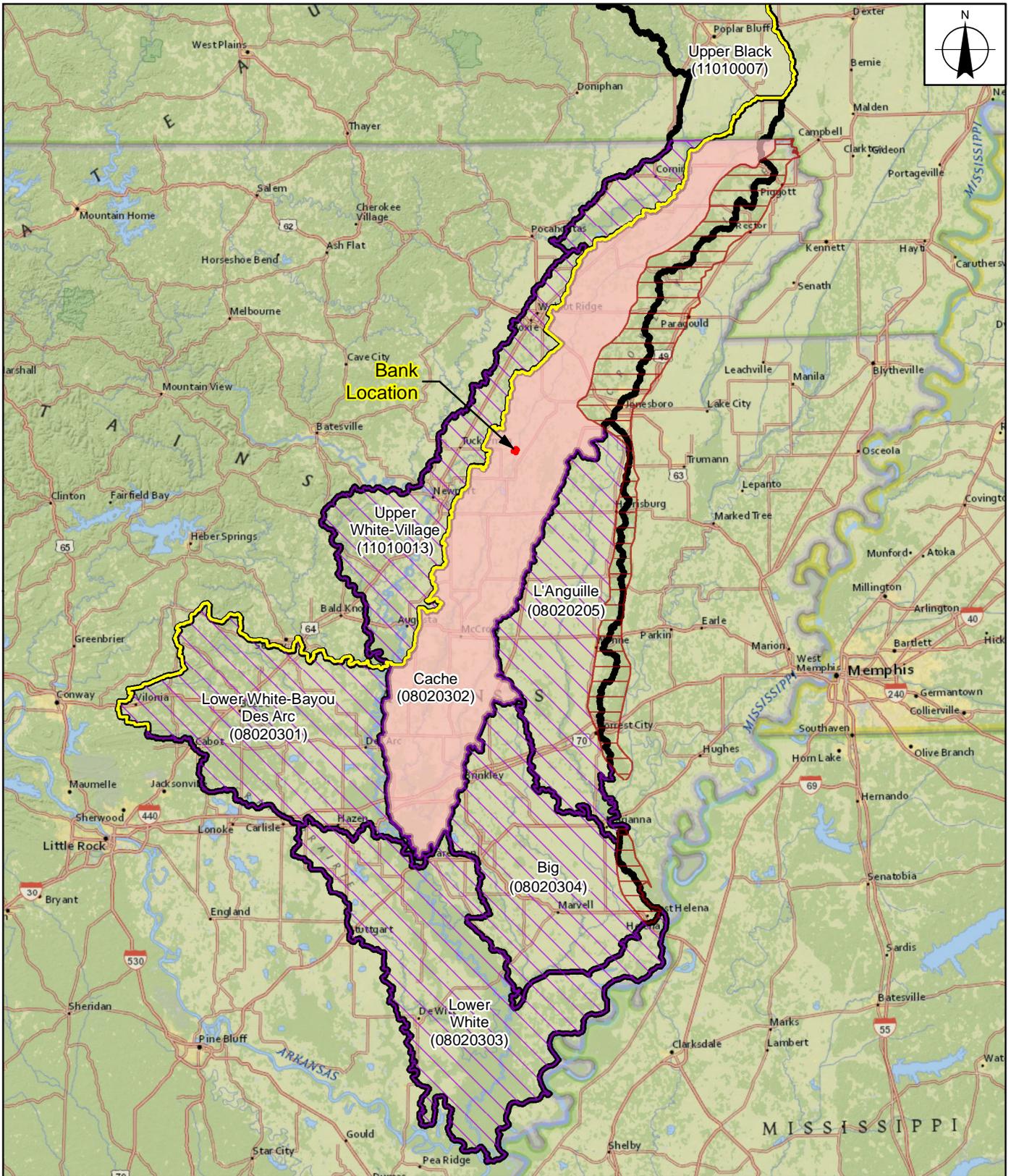
NAD 1983 STATE PLANE
ARKANSAS NORTH FEET



SCALE IN FEET

REQUESTED BY:	JG
DRAWN BY:	NR
DATE:	4/22/2020
PROJECT:	0888819679

ENSAFE
Creative thinking. Custom solutions.
800.588.7962 | www.ensafe.com

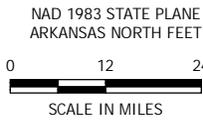


X:\Denton\Island\Proposed\ServiceArea.mxd

LEGEND

- LITTLE ROCK AND MEMPHIS USADCE DISTRICT BOUNDARY
- PRIMARY SERVICE AREA
- SECONDARY SERVICE AREA
- EXCLUDED FROM SERVICE AREA (CROWLEY'S RIDGE)
- APPROXIMATE PROPERTY BOUNDARY
- HUC 8 BOUNDARY

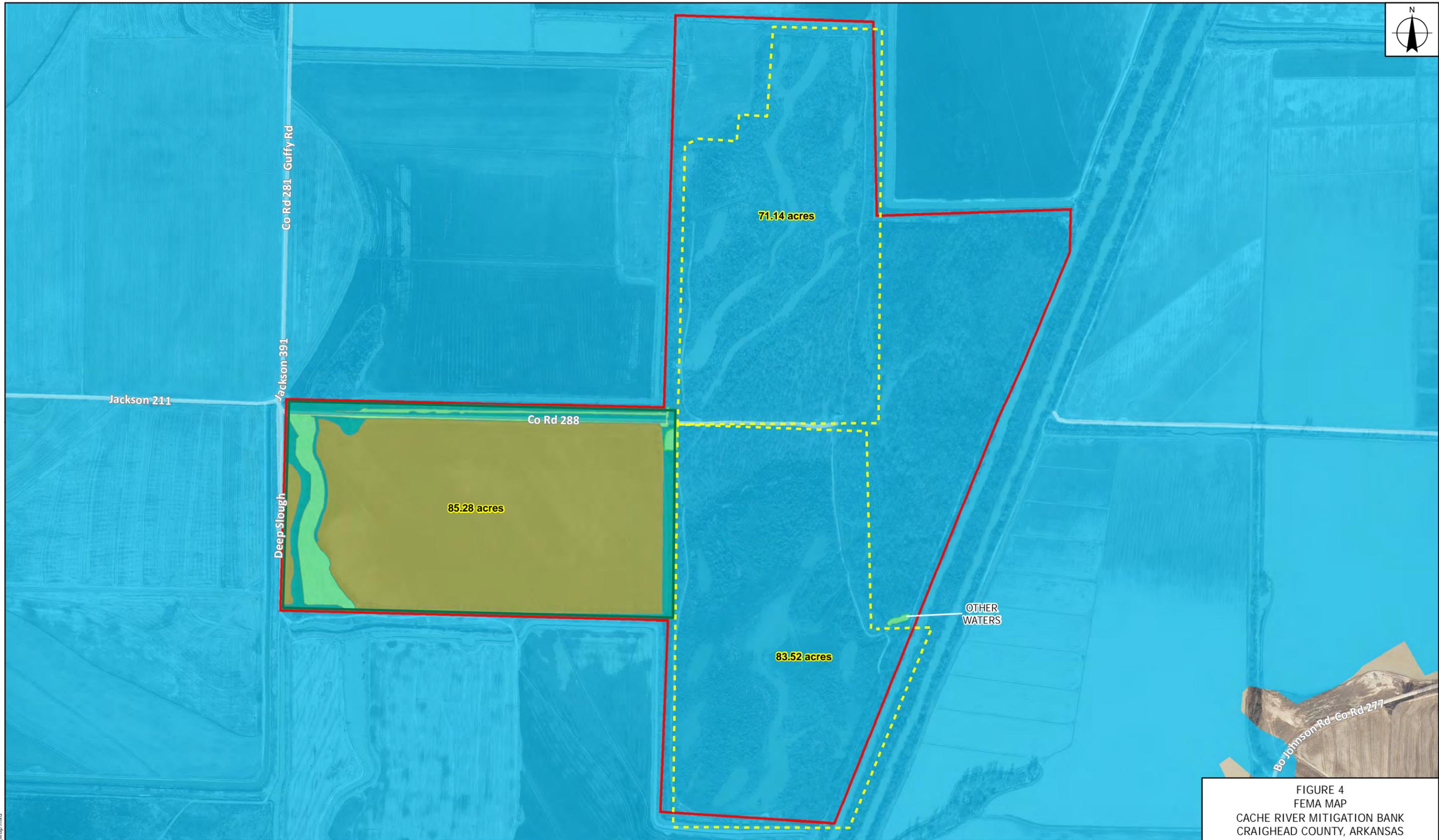
FIGURE 3
PROPOSED SERVICE AREA
CACHE RIVER MITIGATION BANK
CRAIGHEAD COUNTY, ARKANSAS



REQUESTED BY:	JG
DRAWN BY:	NR
DATE:	4/22/2020
PROJECT:	0888819679

ENSAFE
 Creative thinking. Custom solutions.
 800.588.7962 | www.ensafe.com

Source: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.



X:\Denton\Island\FEMA_Map.mxd

LEGEND			
	EXISTING WRP EASEMENT		ENHANCE
	APPROXIMATE PROPERTY BOUNDARY		PRESERVE
	PROPOSED WATER MITIGATION AREA		RESTORE
	100-YEAR FLOOD PLAIN		

NOTES:
 - EASEMENT DATA WAS OBTAINED FROM THE NATURAL RESOURCES CONSERVATION SERVICES
 - PROPERTY DATA WAS OBTAINED FROM THE JONESBORO PROPERTY ASSESSOR'S RECORDS
 AND EDITED TO ACCOMMODATE WORK STUDY AREA

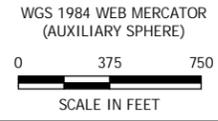


FIGURE 4
 FEMA MAP
 CACHE RIVER MITIGATION BANK
 CRAIGHEAD COUNTY, ARKANSAS

REQUESTED BY:	JG	
DRAWN BY:	NR	
DATE:	4/22/2020	
PROJECT:	0888819679	

Creative thinking. Custom solutions.
 800.588.7962 | www.ensafe.com

Source: 2017 Aerial - <http://www.geostor.arkansas.gov/>; FEMA

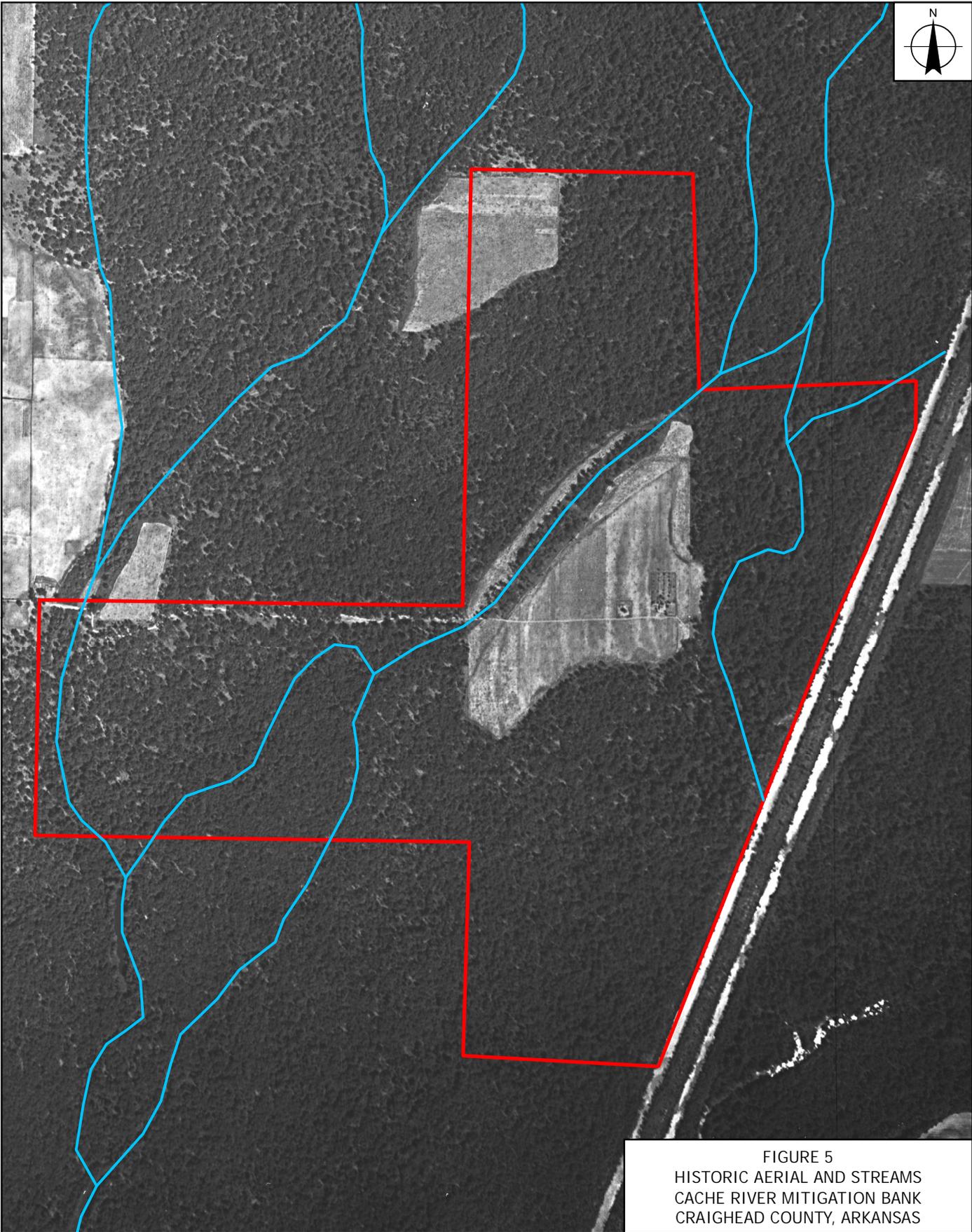


FIGURE 5
 HISTORIC AERIAL AND STREAMS
 CACHE RIVER MITIGATION BANK
 CRAIGHEAD COUNTY, ARKANSAS

LEGEND

- APPROXIMATE HISTORICAL STREAM LOCATIONS
- APPROXIMATE PROPERTY BOUNDARY

NAD 1983 STATE PLANE
 ARKANSAS NORTH FEET



REQUESTED BY:	JG
DRAWN BY:	NR
DATE:	5/8/2020
PROJECT:	0888819679

ENSAFE
 Creative thinking.Custom solutions.
 800.588.7962 | www.ensafe.com

X:\Denton\Island\Historical\Aerial_Streams.mxd



LEGEND

- EXISTING WEIR
- NONWET
- STREAM
- OTHER WATERS
- WETLAND
- EXISTING CULVERT
- EASEMENT
- PROPOSED WATER MITIGATION AREA
- PRIOR CONVERTED CROPLAND
- APPROXIMATE PROPERTY BOUNDARY
- WETLAND

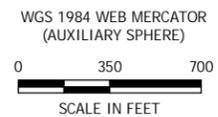


FIGURE 6	
APPROVED JURISDICTIONAL DETERMINATION	
CACHE RIVER MITIGATION BANK	
CRAIGHEAD COUNTY, ARKANSAS	
REQUESTED BY:	JG
DRAWN BY:	NR
DATE:	4/22/2020
PROJECT:	0888819679



800.588.7962 | www.ensafe.com

Source: 2017 AERIAL - <http://www.geostor.arkansas.gov/>

X:\Dentons\Island\ApprovedJurisdictionalDetermination.mxd

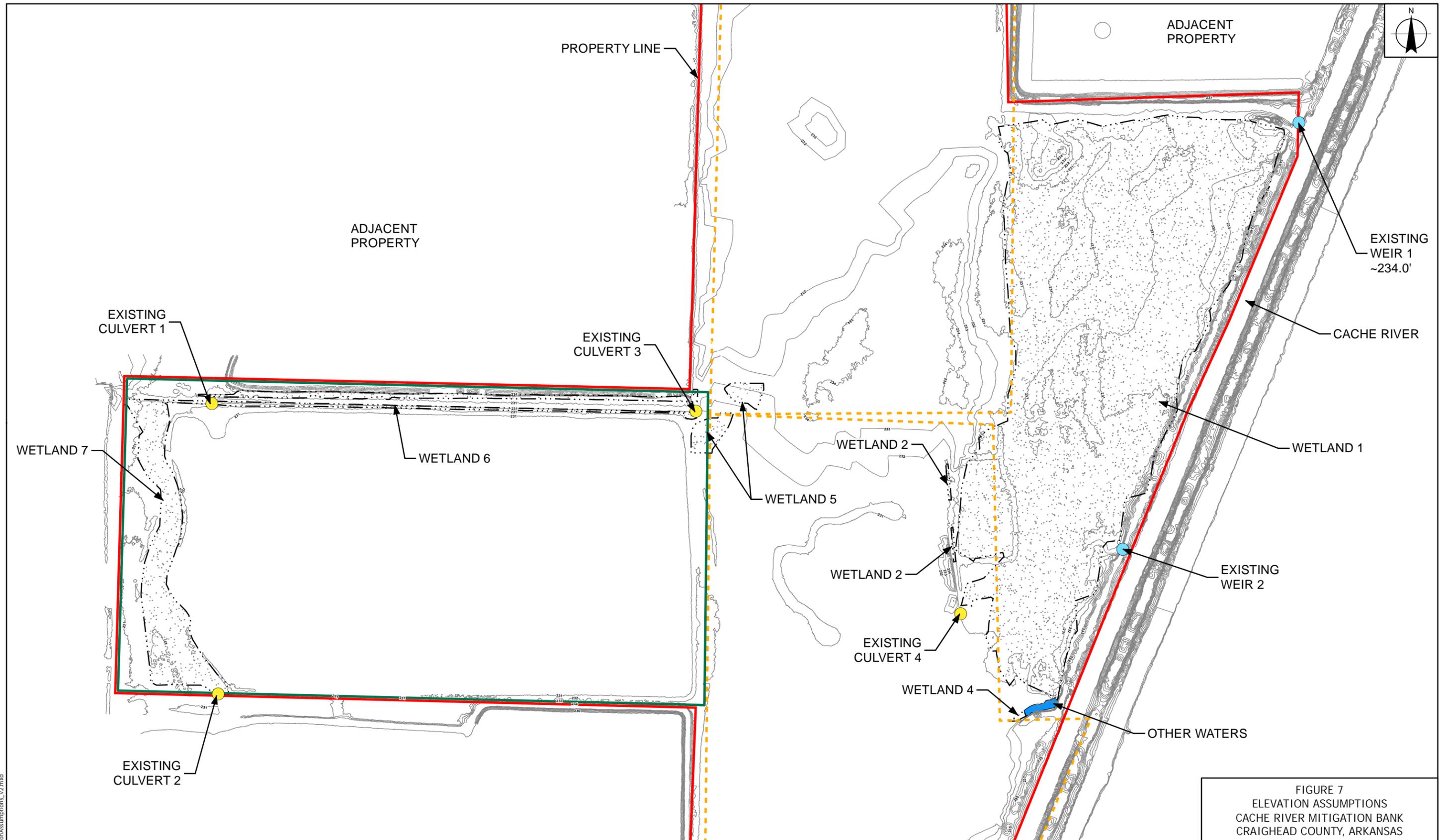
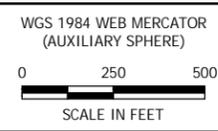


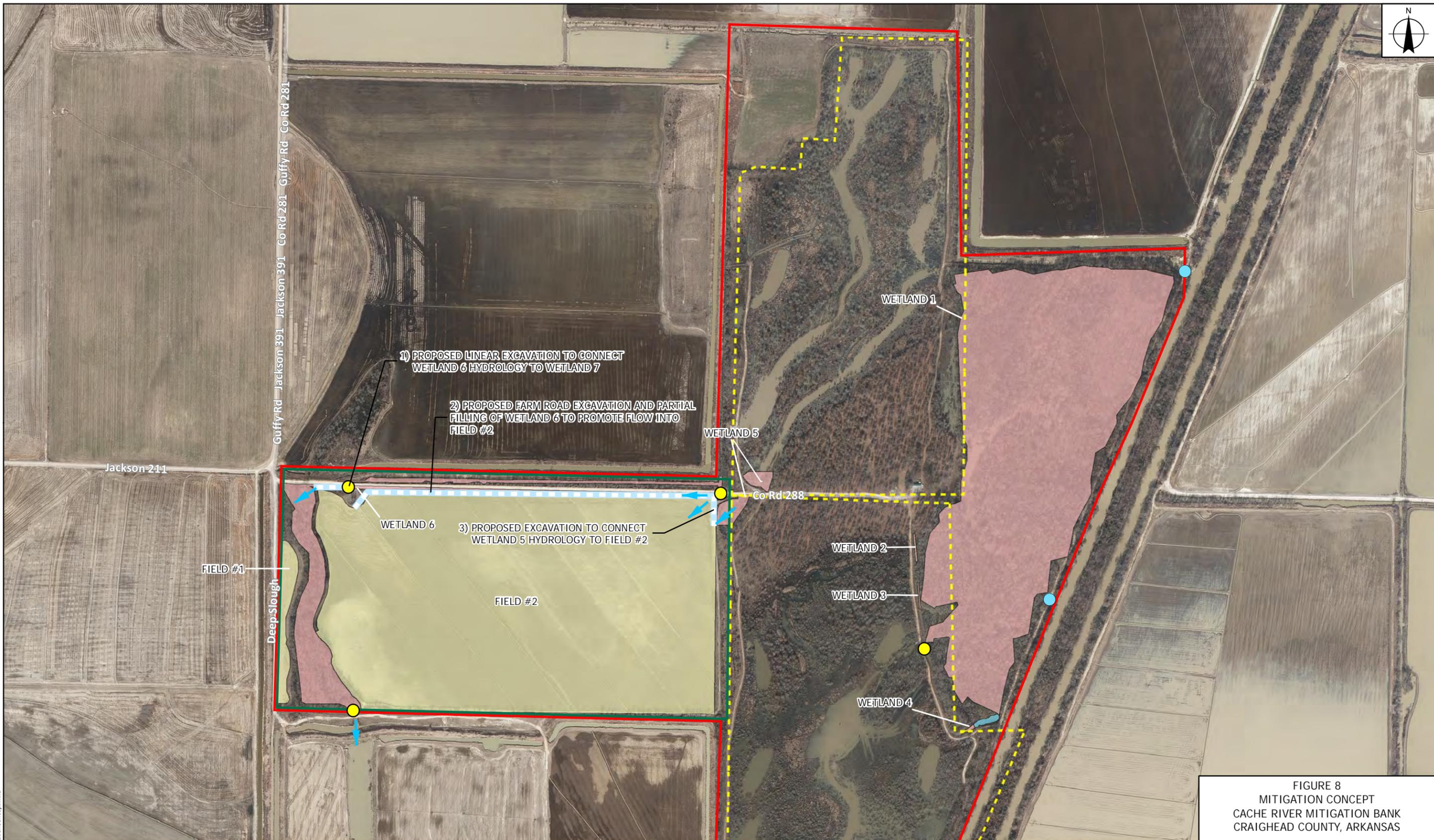
FIGURE 7
ELEVATION ASSUMPTIONS
CACHE RIVER MITIGATION BANK
CRAIGHEAD COUNTY, ARKANSAS

LEGEND			
	EXISTING WEIR		APPROXIMATE PROPERTY BOUNDARY
	EXISTING CULVERT		PROPOSED WATER MITIGATION AREA
	TOPOGRAPHIC CONTOUR (1 FOOT INTERVAL)		WRP EASEMENT
			WETLAND
			OTHER WATERS



REQUESTED BY:	JG	
DRAWN BY:	NR	
DATE:	4/22/2020	
PROJECT:	0888819679	

X:\Denton\Island\ElevationAssumptions_v2.mxd



1) PROPOSED LINEAR EXCAVATION TO CONNECT WETLAND 6 HYDROLOGY TO WETLAND 7

2) PROPOSED FARM ROAD EXCAVATION AND PARTIAL FILLING OF WETLAND 6 TO PROMOTE FLOW INTO FIELD #2

3) PROPOSED EXCAVATION TO CONNECT WETLAND 5 HYDROLOGY TO FIELD #2

FIGURE 8
MITIGATION CONCEPT
CACHE RIVER MITIGATION BANK
CRAIGHEAD COUNTY, ARKANSAS

LEGEND	
	EXISTING WEIR
	EXISTING CULVERT
	PROPOSED FLOW LINES
	EXCAVATION (ALL ALTERNATIVES)
	WETLAND
	OTHER WATERS
	APPROXIMATE SITE BOUNDARY
	PROPOSED WATER MITIGATION AREA
	WRP EASEMENT
	PRIOR CONVERTED CROPLAND

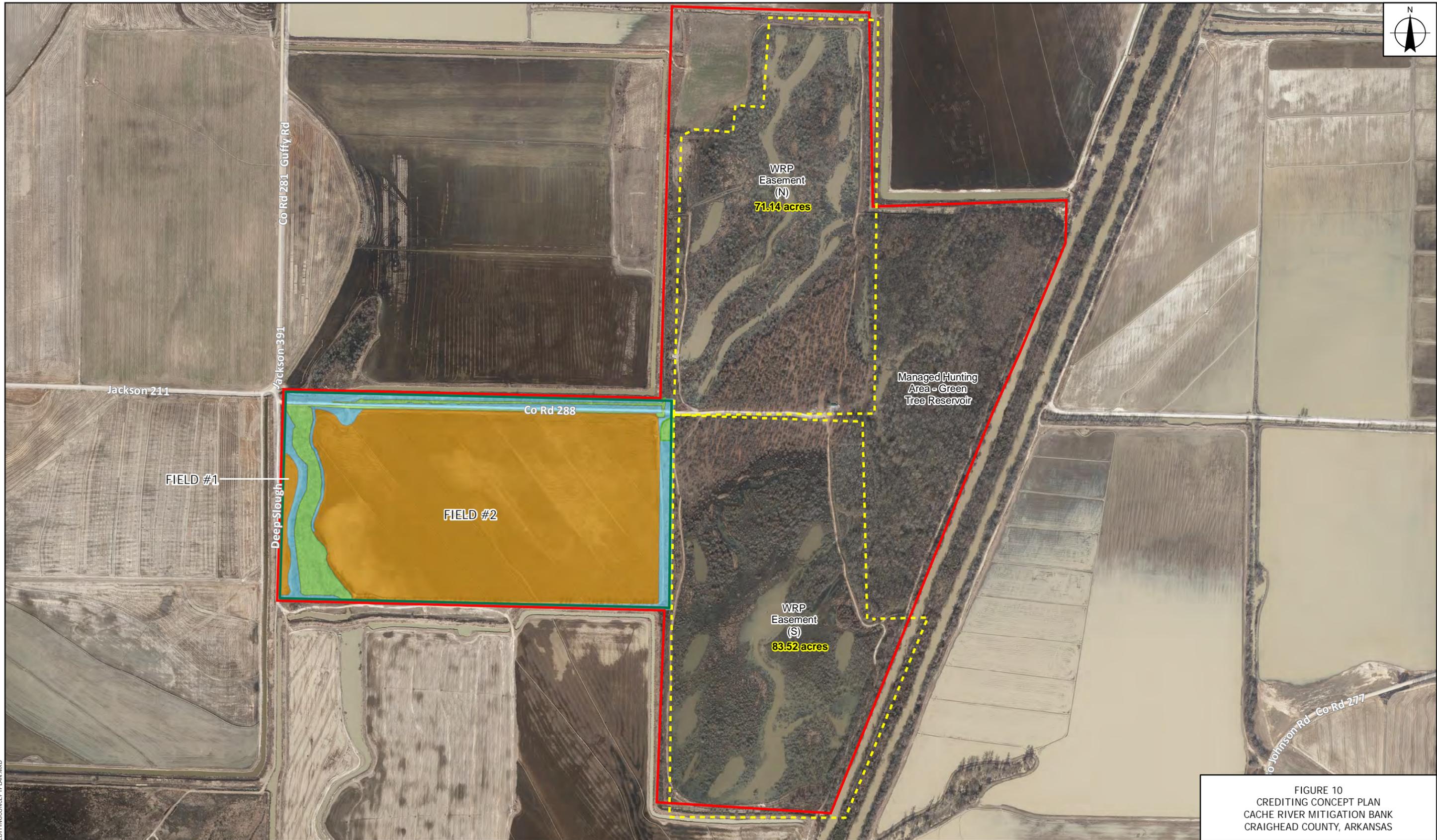
WGS 1984 WEB MERCATOR
(AUXILIARY SPHERE)
0 325 650
SCALE IN FEET

REQUESTED BY:	JG
DRAWN BY:	NR
DATE:	4/22/2020
PROJECT:	0888819679

ENSAFE
Creative thinking. Custom solutions.
800.588.7962 | www.ensafe.com

Source: 2017 AERIAL - <http://www.geostor.arkansas.gov/>

X:\Denton\Island\Restoration\Concept.mxd



X:\DENTON\LAND\CREDITING\CONCEPT\PLAN.MXD

LEGEND	
	APPROXIMATE PROPERTY BOUNDARY
	WRP EASEMENT
	ENHANCE
	UNCREDITED BUFFER
	RESTORE
	PROPOSED WATER MITIGATION AREA

NOTES:
 - EASEMENT DATA WAS OBTAINED FROM THE NATURAL RESOURCES CONSERVATION SERVICES
 - PROPERTY DATA WAS OBTAINED FROM THE JONESBORO PROPERTY ASSESSOR'S RECORDS AND EDITED TO ACCOMODATE WORK STUDY AREA

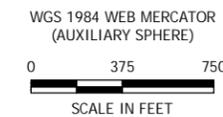


FIGURE 10 CREDITING CONCEPT PLAN CACHE RIVER MITIGATION BANK CRAIGHEAD COUNTY, ARKANSAS	
REQUESTED BY:	DH
DRAWN BY:	MS
DATE:	4/22/2020
PROJECT:	0888819679



DATA SOURCES: 2017 AERIAL - HTTP://WWW.GEOSTOR.ARKANSAS.GOV/