



US Army Corps
of Engineers
Memphis District

Public Notice

REPLY TO ATTN: Randy Clark
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
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POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
MVM-2013-095-RC

PUBLIC NOTICE DATE:
January 31, 2014

EXPIRATION DATE:
March 3, 2014

Public Notice Corps of Engineers

AUTHORITY: This notice describes an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act. The project is being considered for authorization in accordance with 33 CFR 325.2(b)(2) and the procedures outlined in the "Letter of Permission for New Mitigation Projects Associated with Approved Compensatory Mitigation Banking and In-Lieu Fee Instruments".

Kentucky Department of Fish and Wildlife Resources
#1 Sportsman's Lane
Frankfort, Kentucky 40601

LOCATION: The project site is located within Obion Creek and Cypress Creek Floodplains in Hickman County, Kentucky (as shown on the attached map)

PURPOSE: This is a proposed modification to the Kentucky Department of Fish and Wildlife Resources In-lieu Fee (ILF) instrument in order continue aquatic habitat rehabilitation and re-establishment activities.

DESCRIPTION OF WORK: The applicant proposes to continue previously permitted activities to re-activate approximately 6,000 feet of remnant Obion channel through new channel construction which crosses the Obion Creek and Cypress Creek floodplains. The new constructed channel would span the existing, debris-filled, Obion Creek dredge channel. Construction would also include installation of grade control features and habitat structures in both previously restored 6,000-foot reach of the remnant Obion Creek and the 6,000-foot reach of the newly constructed channel located in Hickman County, Kentucky.

MITIGATION: This project would provide compensatory mitigation for permitted stream impacts within the Jackson Purchase service area. The project will be constructed in accordance within the Obion Creek (Phase II) Mitigation Plan Addendum, which is available upon request. The previously permitted 947-acre mitigation area will be extended to include an additional 134 acres of the Kentucky State Nature Preserve Commission property west of the channelized Obion segment.

WATER QUALITY CERTIFICATION: The Commonwealth of Kentucky has certified that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations title 401, Chapter 10 have been met.

CULTURAL RESOURCES: The project has been coordinated with the Kentucky State Historic Preservation Officer (KYSHPO). In a letter dated October 3, 2013, the KYSHPO indicated that this undertaking, should have No Effect on Historic Properties.

ENDANGERED SPECIES: This notice is being coordinated with the USFWS. Any comments USFWS may have regarding other endangered or threatened wildlife or plants or their habitat, will be considered in our evaluation of the described work.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and notify this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit 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 impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. 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 application. 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; 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 or are we an

opponent of the project. We are merely the permitting authority of Section 404 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 Randy Clark at the U. S. Corps of Engineers, 167 North Main Street, Room B-B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0735. 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.

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



Roger S. Allan
Acting Chief
Regulatory Branch

Attachments

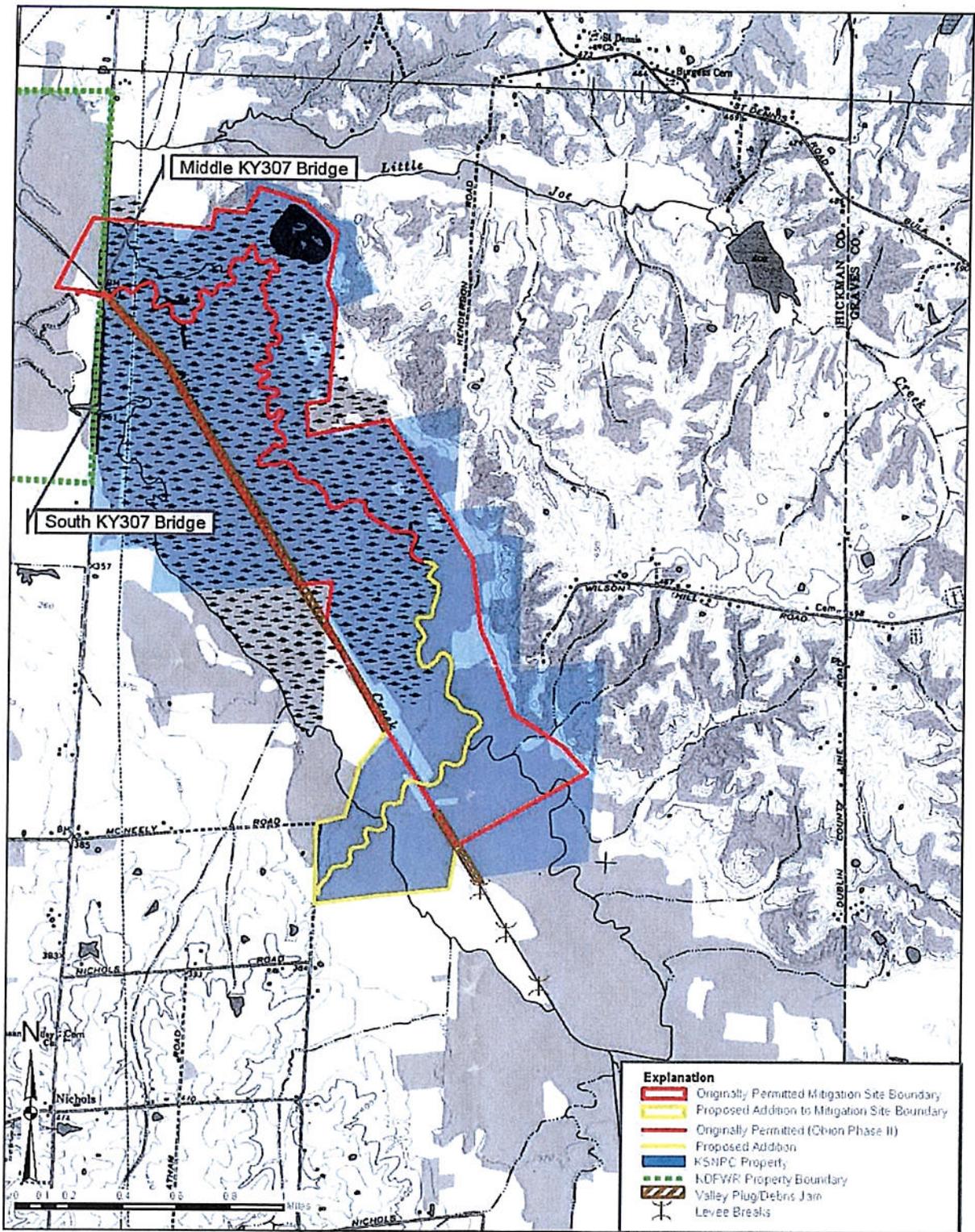


Figure Ad1.1 Plan for restoration of additional stream length for Obion Creek.