



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2019-087 (RDM)

**NOTICE DATE:
August 21, 2019**

Attn: Postmaster,
Please Post Until  **EXPIRATION DATE:
September 20, 2019**

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 Smokestack Mitigation Bank.

BANK SPONSOR: Resource Environmental Solutions, HGS, LLC
106 South Street, Suite 204
Charlottesville, Virginia 22902

BANK AGENT: EnviroScience, Inc.
1722 General George Patton Drive, Suite B100
Brentwood, Tennessee 37027

LOCATION: The proposed Smokestack Mitigation Bank is in southwest Tennessee, approximately 20 miles from the City of Memphis in Shelby County. The Bank is jointly located within the City of Lakeland and Arlington Township at the convergence of the Loosahatchie River and the Clear Creek Canal. The site is located within the Loosahatchie Watershed HUC (08010209) at latitude 35.282838°N and longitude -89.712981°W on the USGS 15 minute series Mason Quadrangle topographic map. (Figure 1)

BACKGROUND: Resource Environmental Solutions (RES), by and through its wholly owned subsidiary, HGS, LLC, (the “Bank Sponsor” or “Sponsor”) is proposing to establish the Smokestack Mitigation Bank (the “Bank”). The Bank will encompass approximately 360 acres. The stated stream mitigation activities focused on an unnamed tributary of the Loosahatchie River (Stream 1), which is within an existing 3,848 linear feet (LF) corridor, but which is proposed to be lengthened as part of its pattern restoration. The Bank is located within the Level III Ecoregion 74 – Mississippi Valley Loess Plains, which is typified by low-gradient, fine-grained sediment dominated streams. As proposed the Bank site will encompass approximately 5,200 LF of proposed restored stream, 25.6 acres of riparian buffers and 50 acres of wetlands restoration. (Figure 2)

PURPOSE: The purpose of this notice is to inform the public of the proposed Smokestack Mitigation Bank that would generate credits that could 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 could 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 stated objectives of the stream and wetland mitigation are to return a more natural hydrologic regime to the Bank site by restoring the stream geomorphology, sediment transport capabilities, floodplain connectivity, large woody debris, biology and water chemistry of Stream Reach 1; restoring and enhancing wetlands throughout the site, but particularly within the western agricultural fields; and protecting, expanding, and enhancing the Clear Creek Canal and Stream Reach 3 riparian corridor. Combined, this will improve the ecological function of the Bank’s aquatic resources and it will improve water quality entering the Loosahatchie River from the site.

SERVICE AREA: The proposed primary service area for the Bank will be the Loosahatchie River Watershed (08010209). The proposed secondary service area is comprised of the surrounding HUC-8 watersheds that lie within the same Level III Ecoregion as the subject site. The proposed secondary service area consists of the Wolf River in Tennessee (08010210) and Lower Hatchie River (08010208). The service areas served by the Smokestack Mitigation Bank will include all or portions of the following counties: Fayette, Hardeman, Haywood, Shelby, and Tipton. (Figure 3)

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: The property is owned by Pea Point, LLC. The sponsor proposes to place a Conservation Easement on the bank site. An endowment fund is proposed to be established in an interest-bearing account by the Bank Sponsor through mitigation credit sales to provide funding for the long-term stewardship of the land. A two percent endowment fund will be set aside, funded by mitigation credit sales over the lifetime of the Bank, to cover costs associated with the long-term care of the site.

PROSPECTUS: The complete prospectus for the proposed Smokestack 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.usace.army.mil/ribits_apex/f?p=107:278:16447504577607::NO:RP,278:P278_BANK_ID:5453.

ENDANGERED SPECIES: There are two federally listed species that are known to have ranges that include the project area. They are the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (*Myotis septentrionalis*). 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: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties.

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:

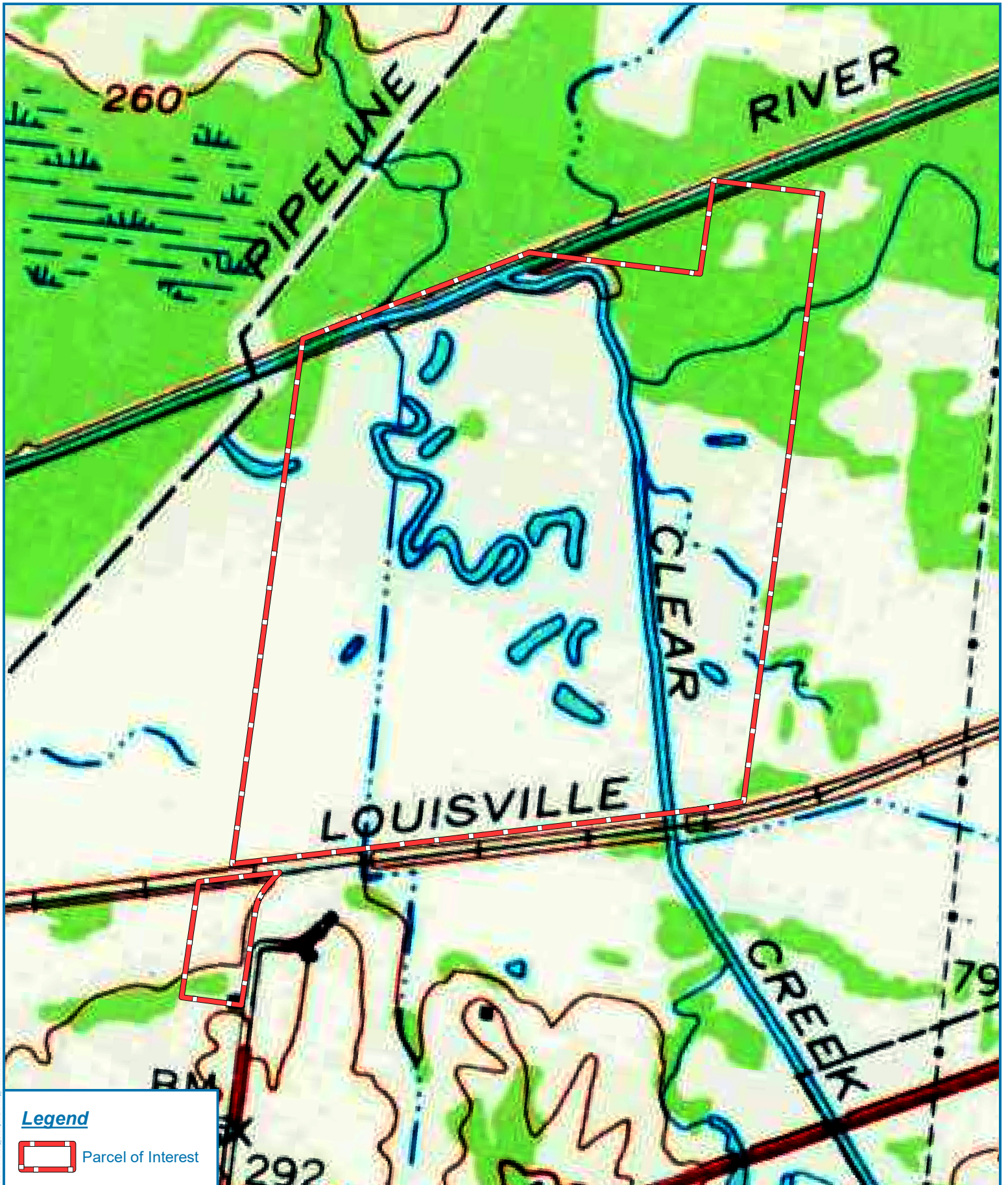
Damon McDermott
Corps of Engineers – Memphis District
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
Email: robert.d.mcdermott@usace.army.mil
Phone: (901) 544-0732
Fax: (901) 544-0211

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



Legend

 Parcel of Interest

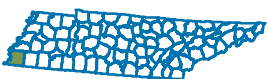
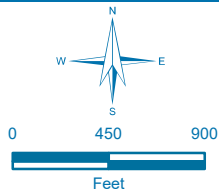


Figure 1



1969 USGS Quadrangle: Mason
Landowner: Pea Point LLC
 Shelby County, Tennessee

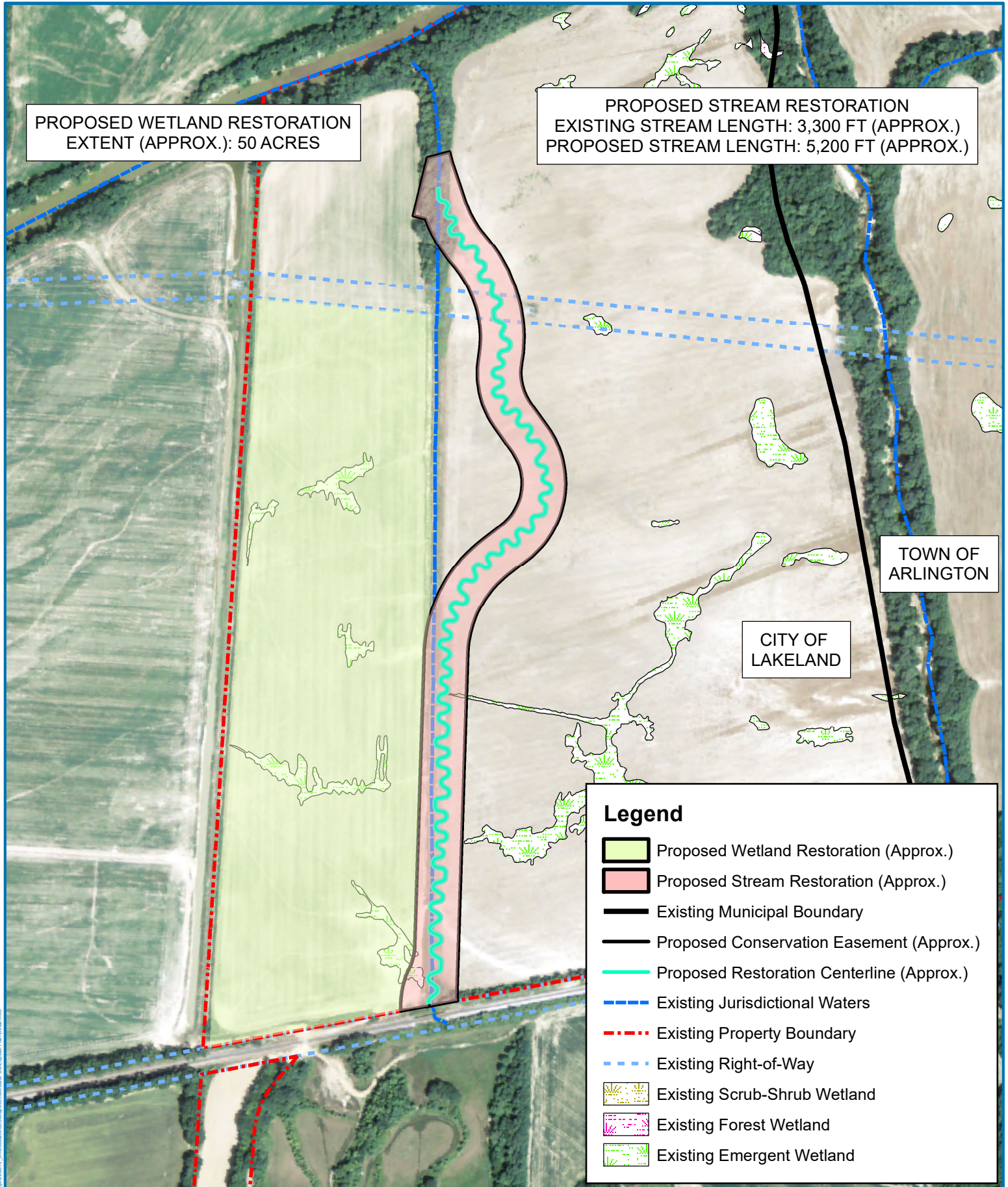
Date: 6/13/2018

Drawn by: MDE

Checked by: xxx

1 inch = 900 feet

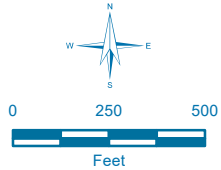




Document Path: C:\Users\sharad\Documents\RES\TN\Projects\0070_Smokestack\GIS\Map\05\Smokestack_Conceptual_Plan_02a1.mxd



Figure 2

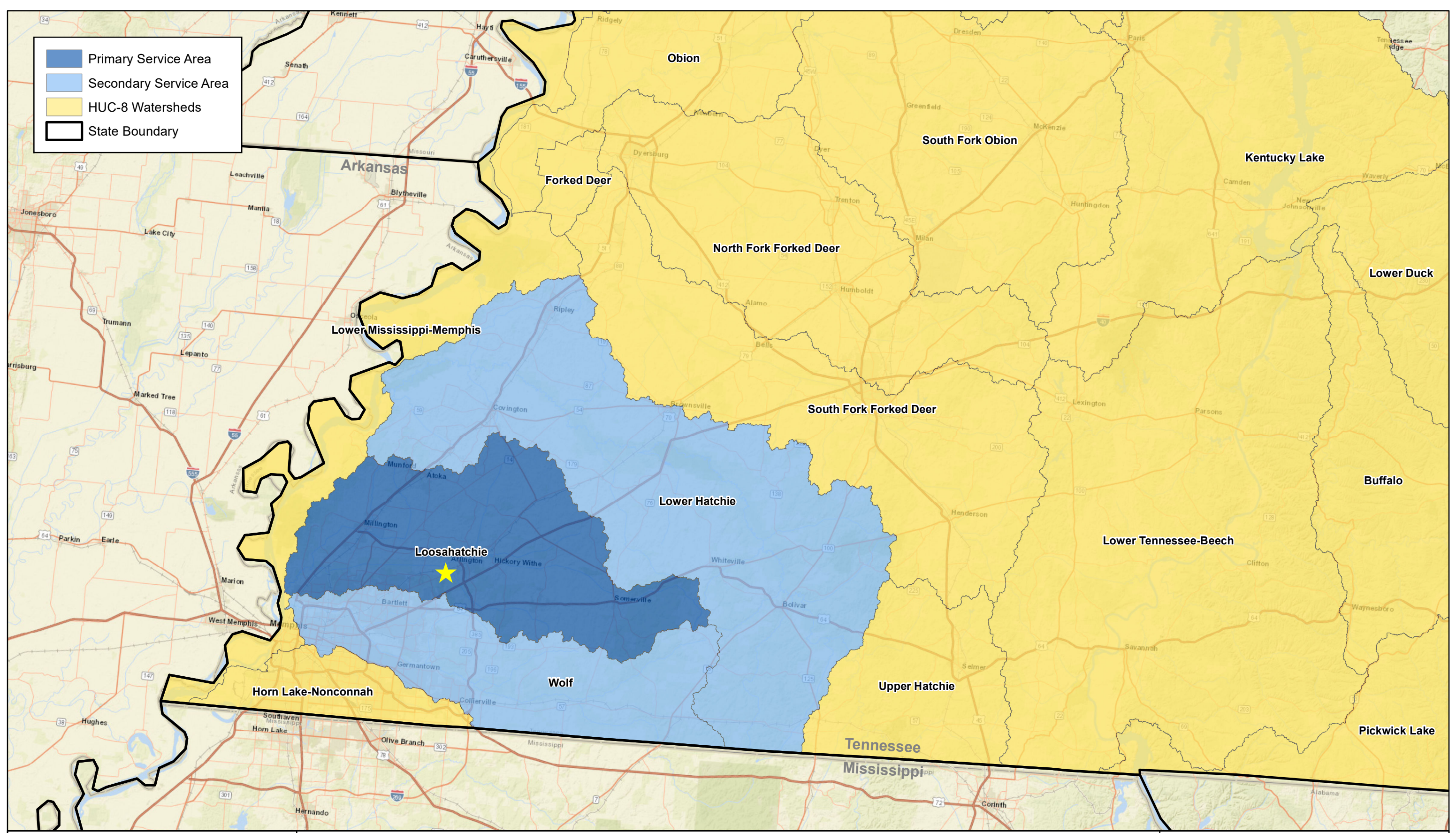


Stream/Wetland Conceptual Plan
Smokestack Mitigation Bank
Shelby County, Tennessee

Date: 7/9/2019
 Drawn by: AB
 Checked by: BW
 1 inch = 500 feet



Date: 7/18/2018 Path: P:\10_P\Projects\RES430R\Memphis\GIS\Map1_Watershed_PeaPoint.mxd



- Primary Service Area
- Secondary Service Area
- HUC-8 Watersheds
- State Boundary

Resource Environmental Solutions, LLC
 Smokestack Mitigation Bank
 Service Area Map.

★ Smokestack Mitigation Bank Site
 Figure 3

