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Nashville District

Memphis District

Public Notice

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Date: January 11, 2016

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Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214-2660

AUTHORITY: Pursuant to 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register: April 10, 2008 {Volume 73, Number 70}, Pages 58605-58614), this public notice (PN) announces a request to modify the Tennessee Wildlife Federation Statewide Wetland In-Lieu Fee Program Instrument.

SPONSOR: Tennessee Wildlife Federation (TWF)
300 Orlando Avenue, Suite 200
Nashville, Tennessee 37209

BACKGROUND: The TWF Statewide Wetland In-Lieu Fee Program Instrument was approved on April 2, 2012, by the Nashville and Memphis Districts of the U.S. Army Corps of Engineers (USACE). The program is authorized to provide wetland mitigation associated with Department of Army (DA) Permits pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) throughout the state of Tennessee.

DESCRIPTION OF REQUEST: The TWF has requested to modify their In-Lieu Fee Program Instrument. Their request is to expand the service areas and adjust the corresponding advance credit allowances. The proposed service areas are shown on the attachment identified as Figure 1. The current services areas are shown on the attachment identified as Figure 2. The adjusted allocation of advance credit allowances are shown in Table 1. The current allocation of advance credits allowances are shown in Table 2.

Table 1.

Proposed Service Area	Proposed Advance Credits Allowed
Lower Cumberland River	30
Lower Tennessee River	30
Middle Cumberland River	30
Middle Tennessee River	20
Northeast Tennessee	20
Northwest Tennessee	50
Southeast Tennessee	35
Southwest Tennessee	50
Upper Cumberland River	35
Upper Tennessee River	35
Total	335

Table 2.

Current Service Area	Current Advance Credits Allowed	Advance Credits Sold
Barren River	10	
Buffalo - Duck Rivers	10	
Cheatham Lake	10	2
Chickamauga	10	4.5
Conasauga River	10	
Elk River - Border Lakes	10	
Emory River - Watts Barr	10	7.56
Forked Deer - Obion Rivers	25	
French Broad - Holston Rivers	10	
Harpeth River	10	
Hatchie River	20	
Hiwassee - Ocoee Rivers	20	3.34
Loosahatchie River	12	0.5
Lower Clinch River	10	2
Lower Cumberland	10	5.5
Lower Tennessee River	18	7.61
Mill Creek	10	0.5
Mississippi River	25	
Nonconnah Creek	15	3
Sequatchie Valley	10	
Stones River	20	
Upper Cumberland	17.5	12.69
Upper Tennessee	10	
Wolf River	25	1
Total	337.5	50.2

PURPOSE: The purpose of the modification would be to allow the Tennessee Mitigation Fund (TMF) to accumulate sufficient funds within a timeframe that would allow them to develop projects in a timely manner while remaining in close proximity to the impacts. The proposed service area realignments are based on similarities in service area size, wetland type and/or major drainage basins. The combining of service areas would include a corresponding adjustment in advance credit allowances for newly established service areas. Advance credits allowances for the realigned service areas have been proposed to reflect the current cumulative total of advance credits for the existing service areas. However, rounding of advance credits would result in the reduction in the advance credits from 337.5 to 335.

IN-LIEU FEE PROGRAM DEFINITION: An in-lieu fee program is a program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for DA permits. Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is

then transferred to the in-lieu program sponsor. The operation and use of an in-lieu fee program is governed by an in-lieu fee program instrument.

LOCATION: The sponsor's proposal would modify their service areas throughout the state of Tennessee. This PN applies to the entire state of Tennessee including areas in the Memphis and Nashville Districts of the U.S. Army Corps of Engineers.

PUBLIC INTEREST REVIEW: The purpose of this PN is to advise all interested parties of the proposed modification and to solicit comments and information necessary to evaluate the probable impact on the public interest.

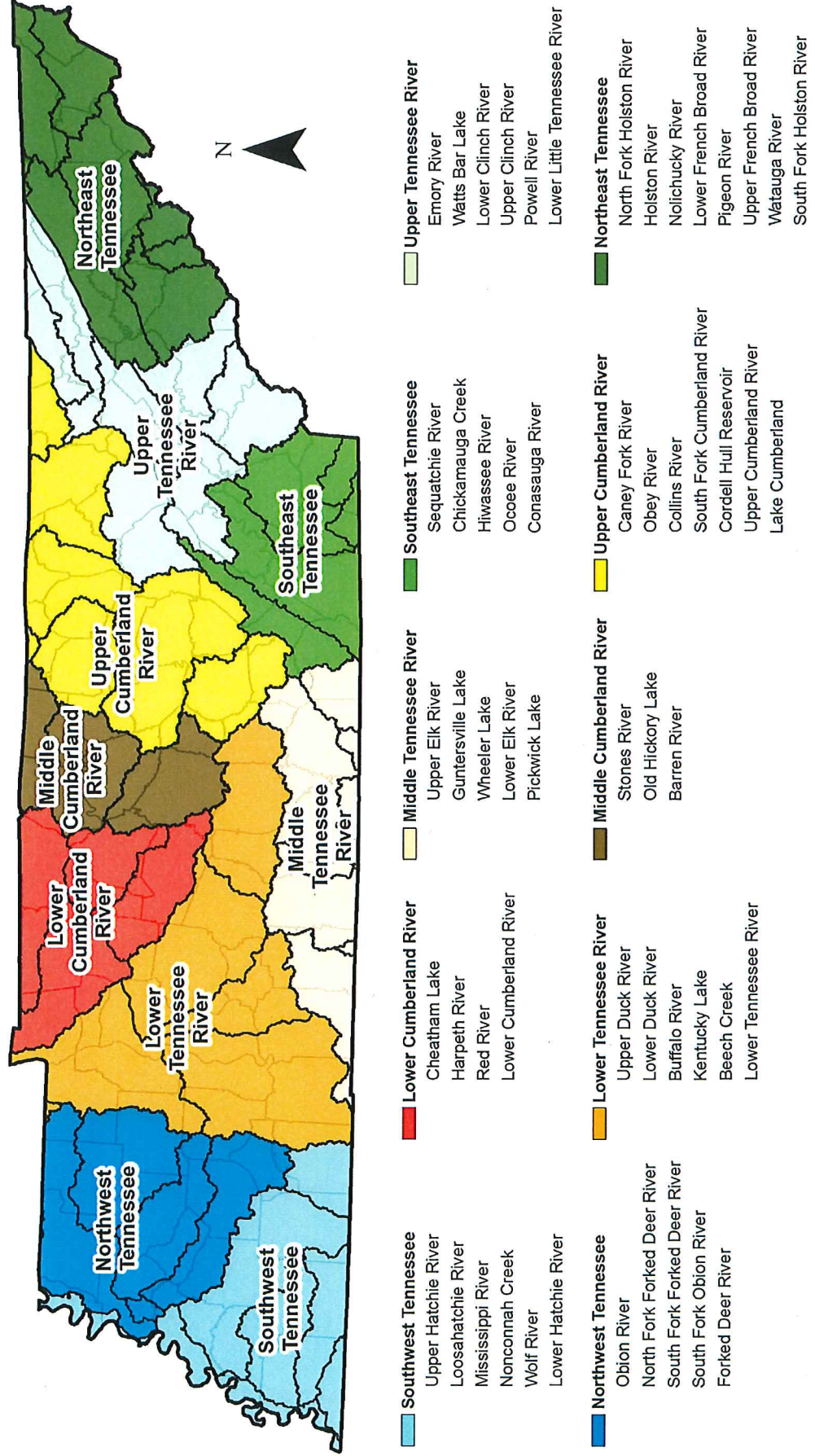
The decision whether to authorize this modification will be based on an evaluation of the probable impact, including cumulative impacts, of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors that 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 PN 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.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: The PN is available for review in the Memphis and Nashville District Regulatory Branch offices and on their respective web sites. Comments should be provided by January 20, 2016. Comments and request for additional information can be directed to Marty Tyree (615) 369-7514, USACE, Nashville District, 3701 Bell Road, Nashville, Tennessee 37214 or Randy Clark, (901) 544-0735, USACE, Memphis District, 167 North Main Street, Room B-202, Memphis, Tennessee 38103. Comments, including names and address of commenters, may be provided to the TWF for consideration and response prior to a decision by the USACE.

Figure 1. Proposed Tennessee Mitigation Fund Service Area Modification



**Figure 2: Existing Service Areas
TWF In Lieu Fee Program for Tennessee Wetlands**

