



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2020-206 (RDM)

NOTICE DATE:
July 24, 2020

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
August 22, 2020

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 Horse Creek Stream and Wetland Mitigation Bank.

BANK SPONSOR: Wetland and Stream Restoration Services, LLC (WSRS)
713 Melpark Drive
Nashville, TN 37204
Attn: Tom Rice

BANK AGENT: Kimley-Horn
115 N. Liberty Street
Jackson, TN 38301
Contact: Dusty Mays

LOCATION: The Horse Creek Stream and Wetland Mitigation Bank Site (hereinafter referred to as the “Bank” or the “Site”) is in western Tennessee, approximately 4.5 miles south of the City of Henderson in Chester County Tennessee within the South Fork Forked Deer River watershed (HUC 08010205). The Site lies adjacent to US Highway 45/TN Highway 5 (35.375724°N/-88.641293°W). (Figures 1 & 2)

BACKGROUND: WSRS proposes to develop and sponsor the Bank. The proposed stream mitigation activities on-site will consist of the restoration of approximately 5,034 linear feet of stream that has been impacted by long term agricultural practices. Wetlands currently present within the Site have been historically impacted through vegetation removal, grading and hydraulic manipulation for agricultural purposes. Areas that are historically wetlands but are not currently functioning, identified by hydric soil conditions and topography, are proposed for restoration (10.1 acres) that will re-establish the natural hydrologic and vegetative characteristics commonly found in bottomland hardwood forests through a combination of grading, ditch removal along the outer edges of the Site, and planting. The existing wetlands on Site will be enhanced (1.2 acres) to reestablish bottomland hardwood vegetative communities to improve the biodiversity and stability of the riparian wetland system and provide continuity of habitat and hydrologic function that has been disturbed by regular agricultural use and clearing. The wetlands on the northeastern portion of the site are proposed as preservation (1.5 acres) in accordance with the federal Mitigation Rule (33 CFR 332.3 (h)) which allows for preservation credit where the preservation criteria are met. (Figures 3 & 4)

PURPOSE: The purpose of this notice is to inform the public of the proposed Horse Creek Stream and Wetland Mitigation Bank that would 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. If approved, this mitigation site would also be used to satisfy permitting requirements of the Tennessee Department of Environment and Conservation under the Tennessee Water Quality Control Act. The full prospectus can be found by following the links provided in the PROSPECTUS section of this notice. Please contact the Memphis District (see contact information on page 3) if further information is required.

OBJECTIVES: The stated objectives are to improve overall ecological function and stability of Horse Creek and three unnamed tributaries and provide ecological and water quality benefits within the Clark Creeks-South Fork Forked Deer River (080102050105) watershed within the South Fork Forked Deer River basin (08010205). The Bank will consist of the restoration of Horse Creek and the unnamed tributaries using natural channel design techniques to provide functional lift capable of restoring natural channel hydrology, hydraulic, geomorphic, physicochemical, and biological characteristics as well as the restoration, enhancement, and preservation of bottomland hardwood forests.

SERVICE AREA: The proposed primary service area for the bank includes the South Fork Forked Deer watershed (HUC 08010205). The proposed secondary service areas includes the following watersheds: Upper Hatchie (HUC 08010207), Lower Hatchie (HUC 08010208), Lower Mississippi-Memphis (HUC 08010100), Forked Deer (HUC 08010206) and North Fork Forked Deer (HUC 08010204). (Figure 5)

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: The property is owned by the sponsor. A Conservation Easement will be placed on the Site that will restrict conflicting activities within the mitigation area that may compromise the functions and services of the aquatic resources. WSRS will maintain financial responsibility of the mitigation Site throughout the monitoring phase until final approval and closure of the Site by the Interagency Review Team. Once final approval is granted, and the Site is closed, an endowment fund will be available for protection and maintenance of the mitigation Site, consistent with the Conservation Easement. After the required monitoring period is complete, performance standards are met, and the project is formally closed out, the long-term stewardship of this project will be the responsibility of WSRS. The long-term steward will focus on ensuring easement integrity is maintained and that the landowner is observing the established restrictions for the easement. Long-term management consists of annual inspection of projects to assure that conservation easements or other site protection management agreements are not being violated. Sufficient funds will be retained to cover the costs of the annual site inspections, and for enforcing land use restrictions through litigation if necessary.

PROSPECTUS: The complete prospectus for the proposed Horse Creek Stream and Wetland 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=107:278:22210549412035::NO:RP,278:P278_BANK_ID:5762.

ENDANGERED SPECIES: There are three federally listed species that are known to have ranges that include the project area. They are the federally endangered Whorled Sunflower (*Helianthus verticillatus*), 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: 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: To request additional information or provide comments on this notice, please contact Damon McDermott using the information below:

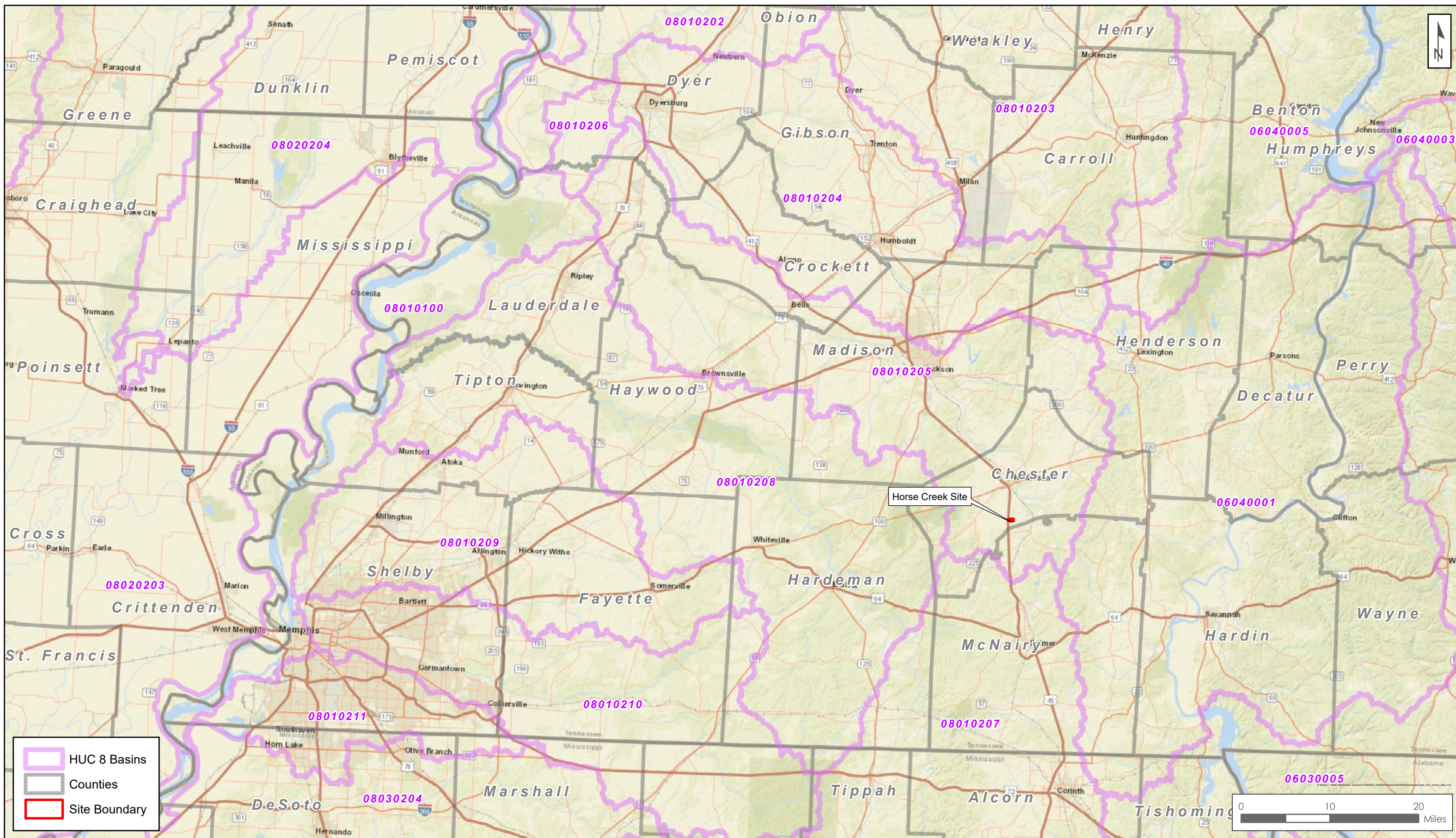
Damon McDermott
Corps of Engineers – Memphis District
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
Email: robert.d.mcdermott@usace.army.mil
Phone: (901) 544-0732
Fax: (901) 544-0211

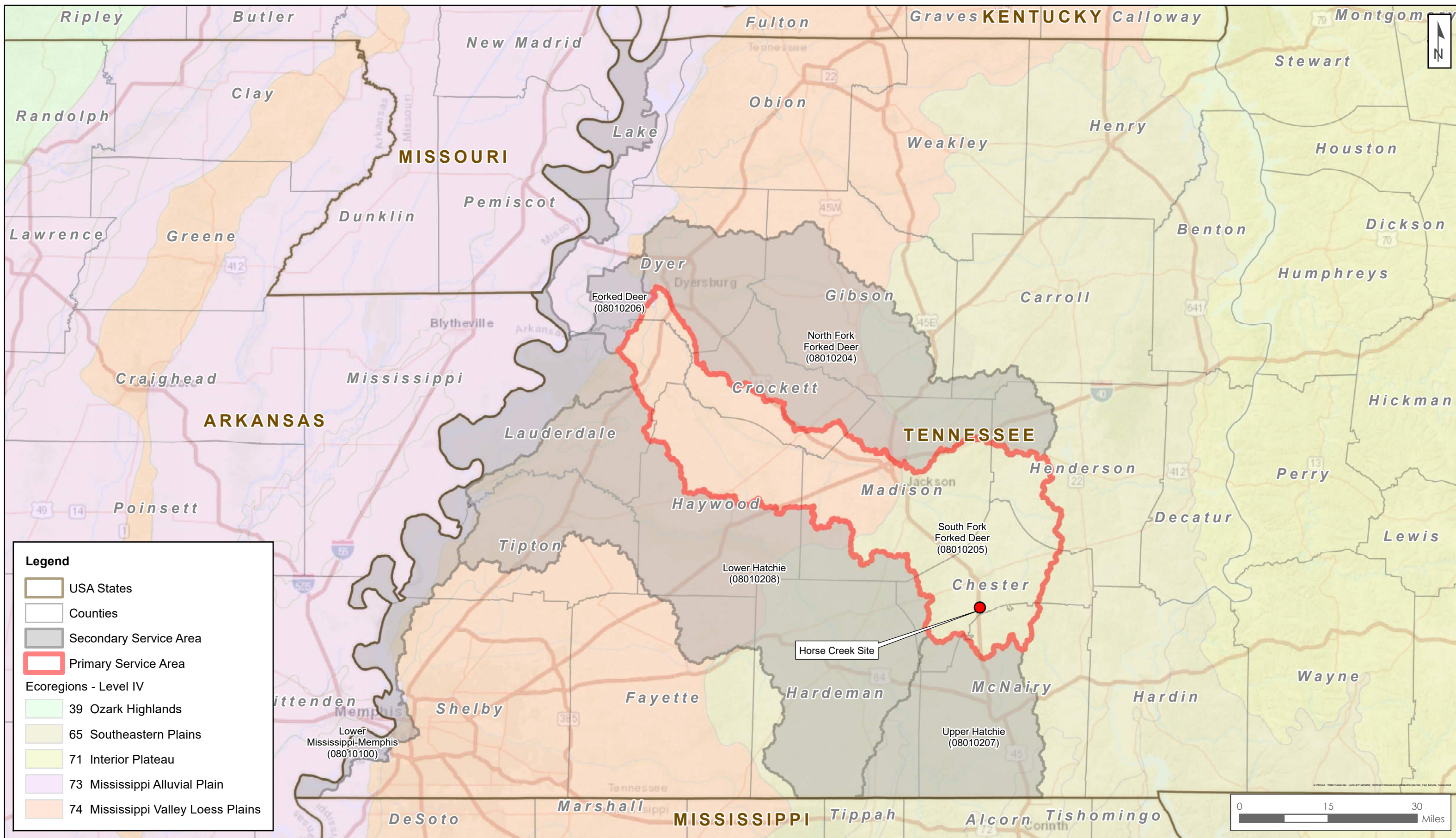
Comments may be sent via mail or email. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

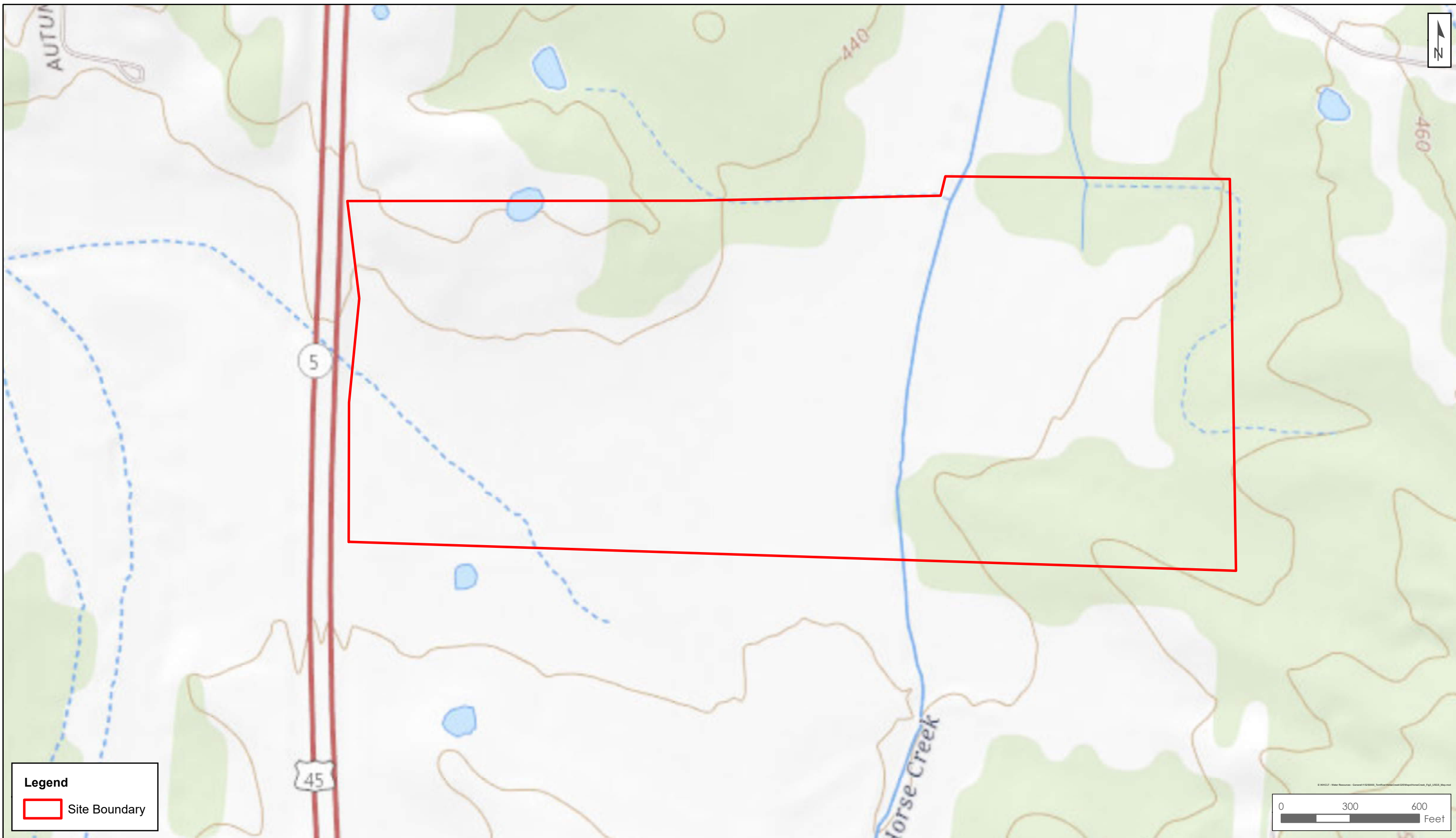
For Final Individual Permits actions in the Memphis District, go to the following link: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by district drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending 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 W. Williams
Chief
Regulatory Division

Attachments







Legend
[Red outline] Site Boundary

Prepared By:
Kimley»Horn

Prepared For:

Wetland & Stream
RESTORATION SERVICES

Horse Creek Stream and Wetland Mitigation Bank

Service Area Map

Figure 2
Chester County, TN

6/24/2020

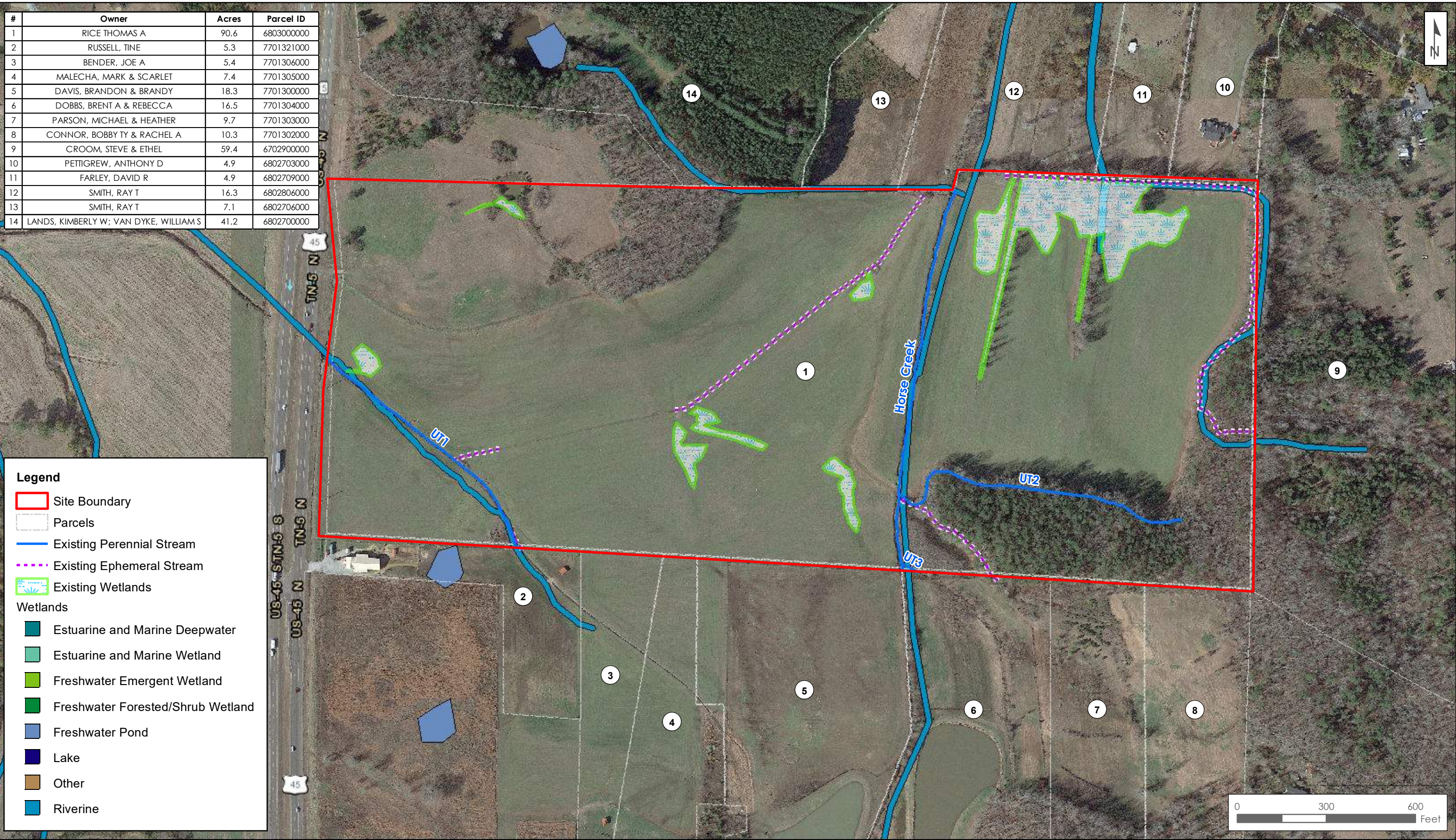
#	Owner	Acres	Parcel ID
1	RICE THOMAS A	90.6	6803000000
2	RUSSELL, TINE	5.3	7701321000
3	BENDER, JOE A	5.4	7701306000
4	MALECHA, MARK & SCARLET	7.4	7701305000
5	DAVIS, BRANDON & BRANDY	18.3	7701300000
6	DOBBS, BRENT A & REBECCA	16.5	7701304000
7	PARSON, MICHAEL & HEATHER	9.7	7701303000
8	CONNOR, BOBBY TY & RACHEL A	10.3	7701302000
9	CROOM, STEVE & ETHEL	59.4	6702900000
10	PETIGREW, ANTHONY D	4.9	6802703000
11	FARLEY, DAVID R	4.9	6802709000
12	SMITH, RAY T	16.3	6802806000
13	SMITH, RAY T	7.1	6802706000
14	LANDS, KIMBERLY W; VAN DYKE, WILLIAM S	41.2	6802700000

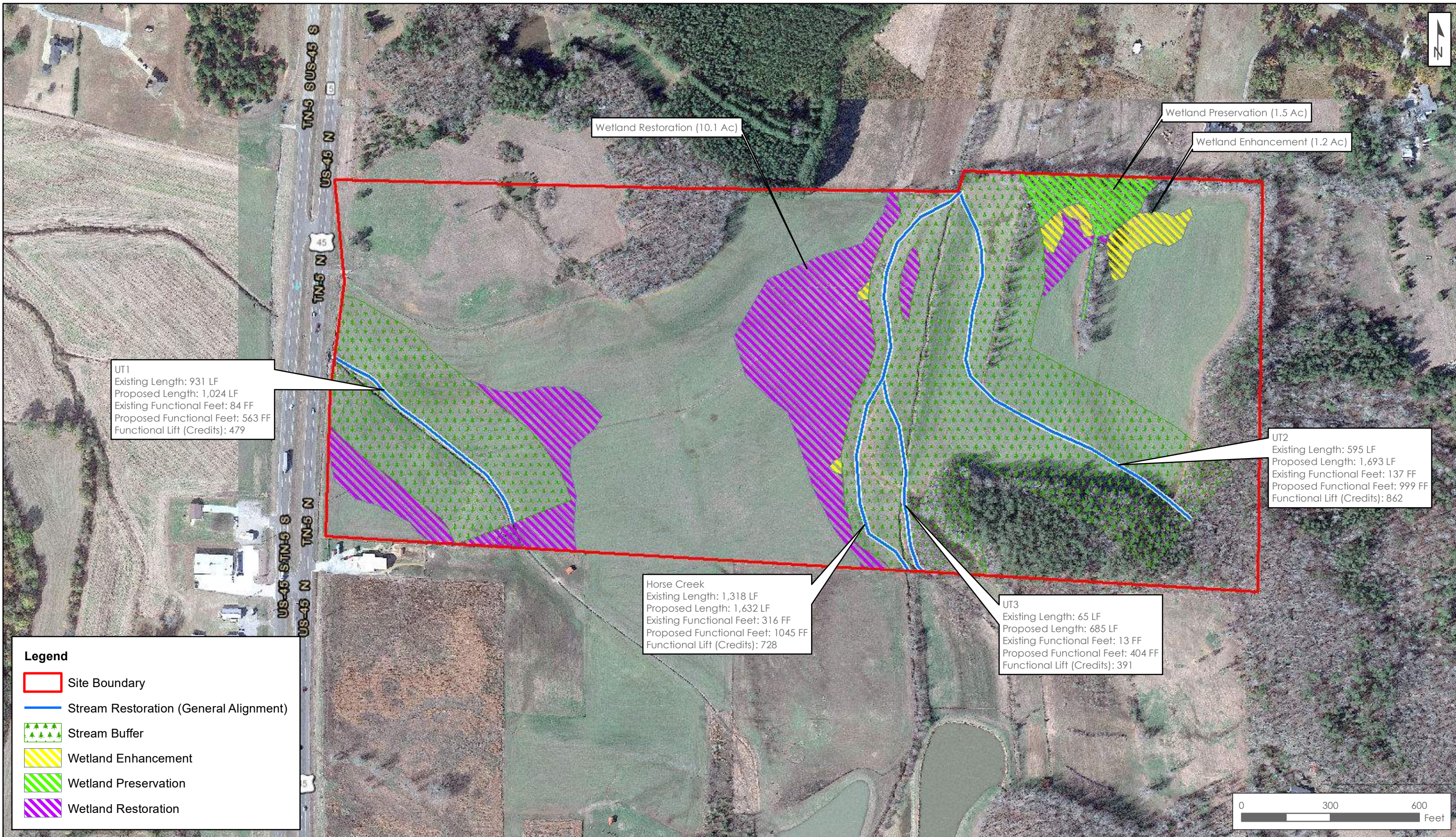
Legend

- Site Boundary
- Parcels
- Existing Perennial Stream
- Existing Ephemeral Stream
- Existing Wetlands

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine





UT1
 Existing Length: 931 LF
 Proposed Length: 1,024 LF
 Existing Functional Feet: 84 FF
 Proposed Functional Feet: 563 FF
 Functional Lift (Credits): 479

UT2
 Existing Length: 595 LF
 Proposed Length: 1,693 LF
 Existing Functional Feet: 137 FF
 Proposed Functional Feet: 999 FF
 Functional Lift (Credits): 862

Horse Creek
 Existing Length: 1,318 LF
 Proposed Length: 1,632 LF
 Existing Functional Feet: 316 FF
 Proposed Functional Feet: 1045 FF
 Functional Lift (Credits): 728

UT3
 Existing Length: 65 LF
 Proposed Length: 685 LF
 Existing Functional Feet: 13 FF
 Proposed Functional Feet: 404 FF
 Functional Lift (Credits): 391

Legend

- Site Boundary
- Stream Restoration (General Alignment)
- Stream Buffer
- Wetland Enhancement
- Wetland Preservation
- Wetland Restoration

