

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2022-176 (RDM)

NOTICE DATE:
July 27, 2022

Attn: Postmaster, EXPIRATION DATE:
Please Post Until  **August 25, 2022**

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 Jacks Creek Mitigation Bank.

BANK SPONSOR: SCP Jacks Creek, LLC
A Sandy Creek Partners, LLC affiliate
2570 Commerce Parkway
North Port, Florida 34289

BANK AGENT: Civil & Environmental Consultants, INC.
117 Seaboard Lane, E-100
Franklin, Tennessee 37067

LOCATION: The proposed Jacks Creek Mitigation Bank site is located in west Tennessee, approximately 8.0 miles northeast of Henderson, TN and 18 miles southeast of Jackson, TN in the northeast corner of Chester County on two parcels under single ownership. Parcel 017 039.00 is 89.5 acres and Parcel 024 007.00 is 27.06 acres, comprising a total of 116.56 acres ("Property"). Within the Property, the Bank will be established on 82 acres (Bank Site) to be placed under a long-term site protective instrument. The Bank Site is located in the HUC-12 Jacks Creek headwaters (080102050230) within the HUC-8 South Fork Forked Deer River watershed (08010205), which are within Level III ecoregion 65e – Southeastern Plains and Hills. (Figures 2-8)

QUALIFICATIONS: As stated by the Sponsor: "The proposed Jacks Creek Mitigation Bank (Bank or Bank Project) will be located on land under contract to purchase in fee simple by SCP Jacks Creek, LLC which will be the Bank Sponsor (Sponsor) and owner. The Sponsor's affiliate, Sandy Creek Partners, LLC (SCP) (www.sandycreekpartners.com), operates an environmental mitigation investment fund in conjunction with its partner EarthBalance Corporation, a leading conservation land restoration company (www.earthbalance.com). Together, SCP and EarthBalance have developed and operated mitigation projects across the U.S. and have decades of experience developing well planned and well executed mitigation banks under the auspices of relevant regulatory agencies. Consultants for the Sponsor are Caleb Duke and Cole Liggett, Project Managers at Civil & Environmental Consultants, Inc. (CEC) in Franklin, TN. Mr. Duke and Mr. Liggett have -2- Jacks Creek Mitigation Bank Prospectus CEC Project 314-930 April 2022 more than 16 years of combined experience in wetland and stream restoration and mitigation, and will lead the stream and wetland design and implementation of the Bank. CEC's ecological restoration team has designed and implemented multiple stream and wetland mitigation sites across the Southeast. CEC's ecological restoration team has designed and permitted more than 50 stream and wetland permittee-responsible mitigation sites in Tennessee and throughout the Southeast. CEC has also developed or is currently developing 12 stream mitigation banks and 9 wetland mitigation banks in Tennessee, Alabama, and Mississippi."

PURPOSE: The purpose of this notice is to inform the public of the proposed Jacks Creek 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.

GOALS AND OBJECTIVES: The sponsor's stated goals and objectives of the stream and wetland mitigation are "to improve ecological functions and values within the local South Fork Forked Deer River watershed with benefits to adjacent hydrologic units (HUCs) within the proposed service area by restoring and re-establishing a healthy and self-sustaining aquatic environment that provides water quality benefits within the local watershed and downstream waters. The Bank will also restore natural channel hydrology, hydraulic, geomorphic, physiochemical, and biological characteristics of Jacks Creek Mitigation Bank Prospectus CEC Project 314-930 April 2022 stream resources and restore approximately 82 acres of agricultural land back to a high-quality functioning stream and wetland complex. The Bank Project will consist of the restoration, creation, and enhancement of approximately 35.6 acres of wetlands (17.28 acres of Creation, 4.66 of Enhancement, and 13.66 acres Restoration), and the restoration and re-establishment of approximately 9,215 linear feet of an unnamed tributaries to Jacks Creek using natural channel design techniques. All the approximate 9,215 linear feet of stream will be restored and re-established implementing Priority I and Priority III restoration approaches." (Figures 5 & 6)

SERVICE AREA: The Sponsor proposes that the Bank will focus on the restoration and re-establishment of stream and wetland resources within the Hydrological Unit Code 08010205 (South Fork Forked Deer River). The South Fork Forked Deer River watershed will be the primary service area of the Bank. Secondary service areas include adjacent Hydrological Unit Codes 08010204 (North Fork Forked Deer River) and 08010208 (Lower Hatchie River). The primary and secondary service areas served by the Bank (Figure 9) will include all or portions of the following counties: Chester, Madison, Crockett, Haywood, Henderson, Carroll, Gibson, Dyer, McNairy, Lauderdale, Hardeman, Fayette, and Tipton. (Figure 9)

PROPOSED OWNERSHIP AND LONG-TERM MANAGEMENT: As proposed a long-term site protection instrument for the Bank will restrict conflicting activities within riparian buffers, protect the improved aquatic habitats, and restrict future activities that may compromise the functions and services of the aquatic resources. SCP Jacks Creek, LLC will maintain financial responsibility of the mitigation site throughout the monitoring and adaptive management phase until final approval and closure of the site by the IRT is granted. Once final closure is granted, an endowment fund will be available for protection and maintenance of the mitigation site, consistent with the SPI. An approved land trust or other conservation organization will be assigned as the long-term steward and provided the perpetual endowment fund to oversee and enforce the SPI and conduct long-term management.

PROSPECTUS: The complete prospectus for the proposed Jacks Creek 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=107:278:16736847652709:::P278 BANK ID:6379il](https://ribits.ops.usace.army.mil/ords/f?p=107:278:16736847652709:::P278_BANK_ID:6379il)

ENDANGERED SPECIES: There are two federally listed mammal 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*). There is one federally endangered flowering plant, the Whorled Sunflower (*Helianthus verticillatus*) and one candidate species the Monarch Butterfly (*Danaus plexippus*). 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

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.

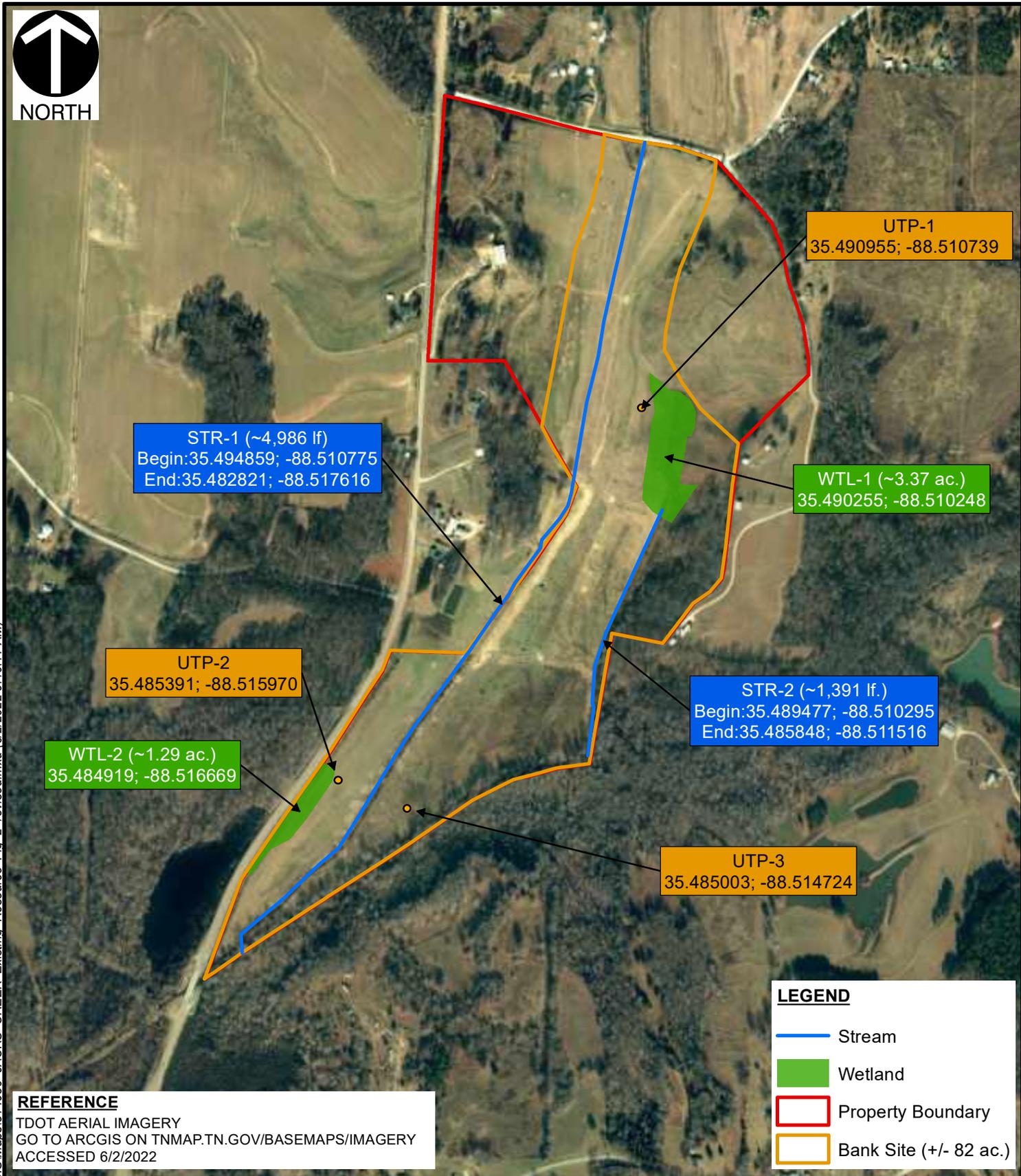
For Final Individual Permits actions in the Memphis District, go to the following link: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by district drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending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

Gregg W. Williams
Chief
Regulatory Division

Attachments



I:\SVR-NASHI\PI\310-000\314-930-GIS\Maps\314930 JACKS CREEK Existing Resource Fig 2 revised.mxd (6/2/2022 9:49:17 AM)



REFERENCE
 TDOT AERIAL IMAGERY
 GO TO ARCGIS ON TNMAP.TN.GOV/BASEMAPS/IMAGERY
 ACCESSED 6/2/2022

LEGEND

- Stream
- Wetland
- Property Boundary
- Bank Site (+/- 82 ac.)

CEC

Civil & Environmental Consultants, Inc.
 117 Seaboard Lane, Ste. E100 Franklin, Tennessee
 615-333-7797 • 800-763-2326
 www.cecinc.com

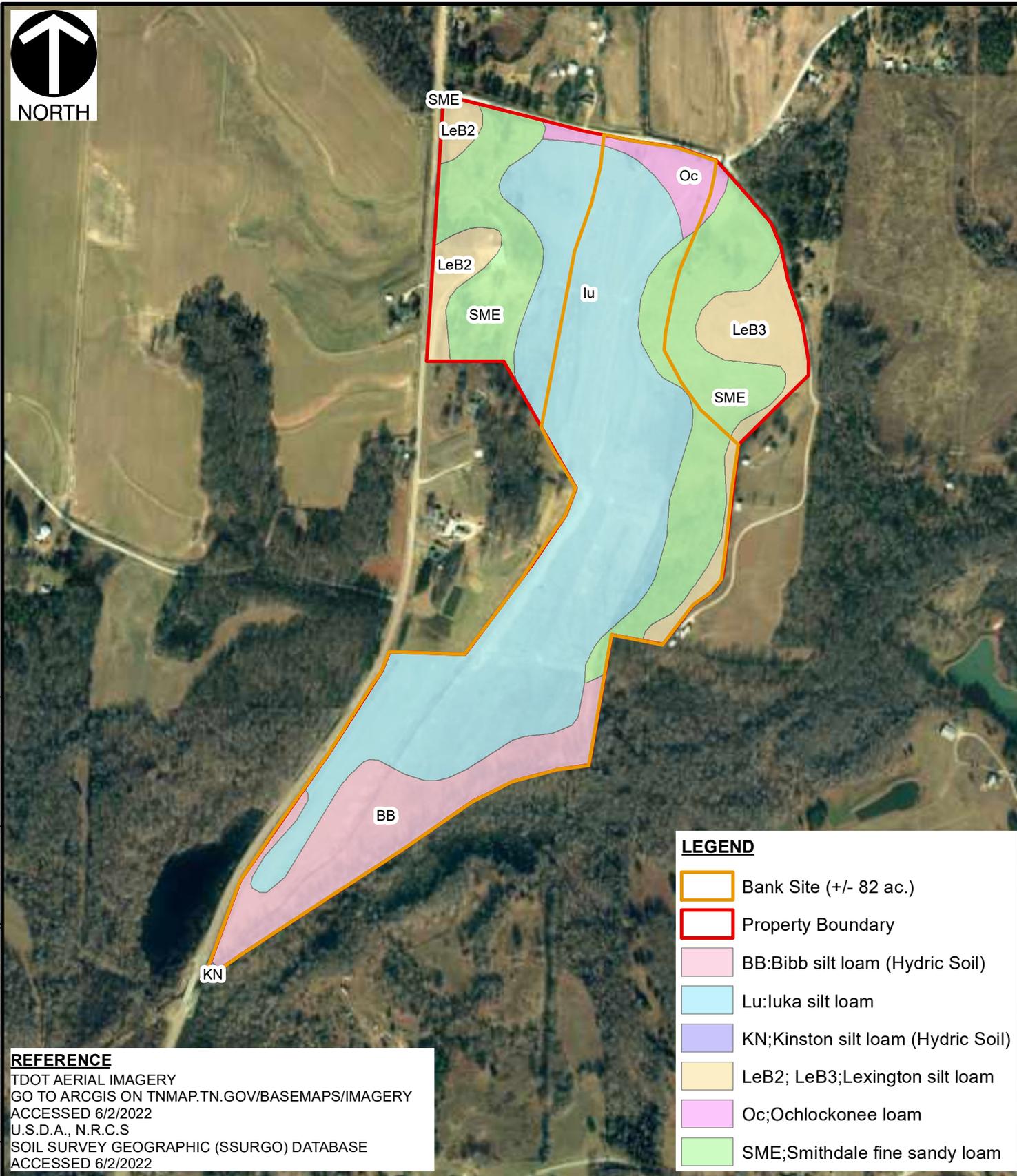
**JACKS CREEK MITIGATION BANK
 DRAFT PROSPECTUS
 JACKS CREEK, CHESTER COUNTY, TN**

EXISTING AQUATIC RESOURCE MAP

DRAWN BY:	CAD	CHECKED BY:	CAD	APPROVED BY: <small>*Hand signature on file</small>	BCL	FIGURE NO:	2
DATE:	6/2/2022	SCALE:	1" = 700'	PROJECT NO:	314-930		



I:\SVR-NASHI\PI\310-000\314-930\GIS\Maps\314930 JACKS CREEK SOIL Fig 3 revised.mxd (6/2/2022 10:12:53 AM)



REFERENCE

TDOT AERIAL IMAGERY
 GO TO ARCGIS ON TNMAP.TN.GOV/BASEMAPS/IMAGERY
 ACCESSED 6/2/2022
 U.S.D.A., N.R.C.S
 SOIL SURVEY GEOGRAPHIC (SSURGO) DATABASE
 ACCESSED 6/2/2022

LEGEND

- Bank Site (+/- 82 ac.)
- Property Boundary
- BB: Bibb silt loam (Hydric Soil)
- Lu: luka silt loam
- KN: Kinston silt loam (Hydric Soil)
- LeB2; LeB3; Lexington silt loam
- Oc; Ochlockonee loam
- SME; Smithdale fine sandy loam



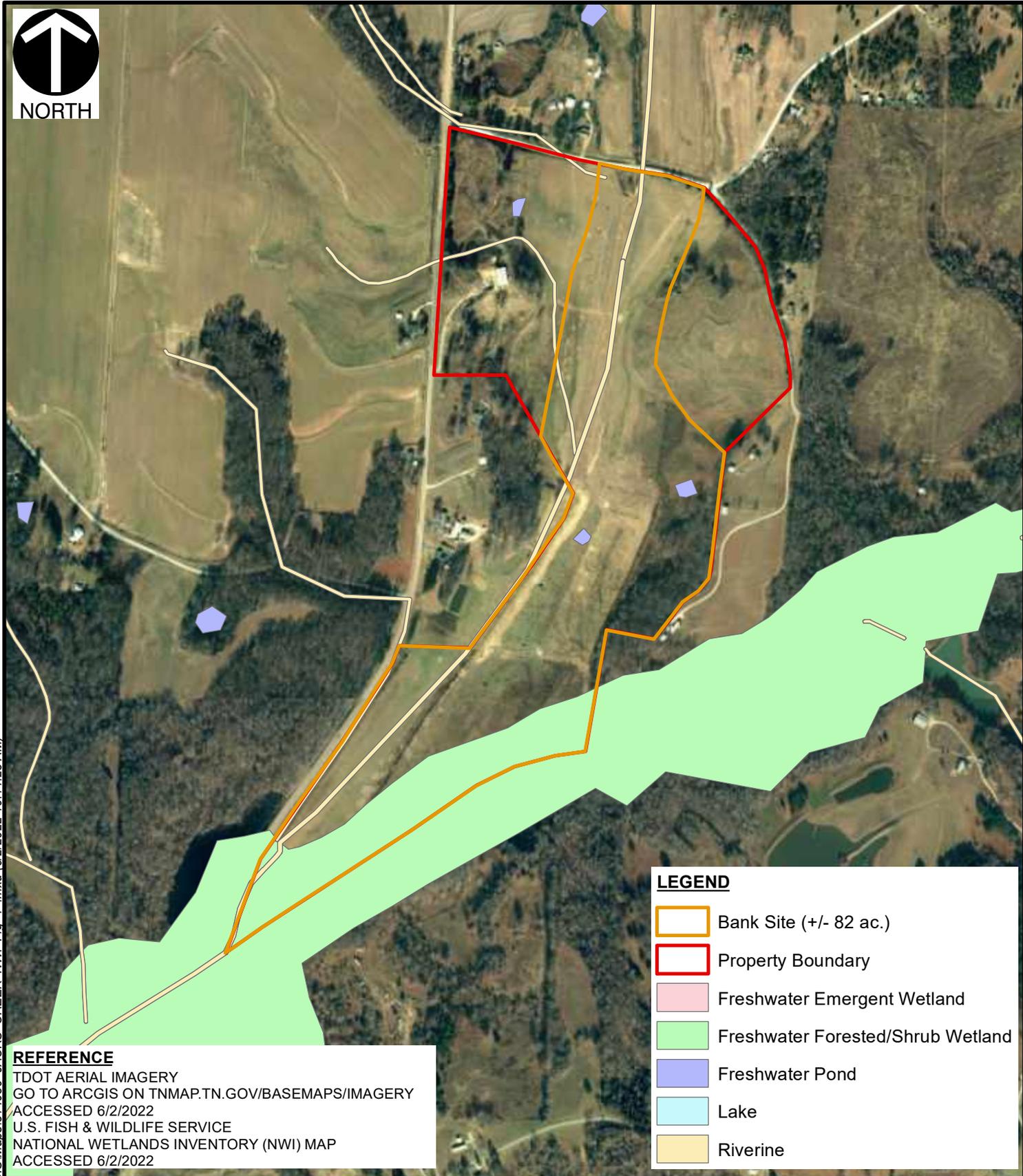
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JACKS CREEK MITIGATION BANK
 DRAFT PROSPECTUS
 JACKS CREEK, CHESTER COUNTY, TN

NRCS SOIL MAP

DRAWN BY:	CAD	CHECKED BY:	CAD	APPROVED BY: <small>* Hand signature on file</small>	BCL	FIGURE NO:	3
DATE:	6/2/2022	SCALE:	1" = 700'	PROJECT NO:	314-930		



LEGEND

-  Bank Site (+/- 82 ac.)
-  Property Boundary
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Riverine

REFERENCE

TDOT AERIAL IMAGERY
 GO TO ARCGIS ON TNMAP.TN.GOV/BASEMAPS/IMAGERY
 ACCESSED 6/2/2022
 U.S. FISH & WILDLIFE SERVICE
 NATIONAL WETLANDS INVENTORY (NWI) MAP
 ACCESSED 6/2/2022



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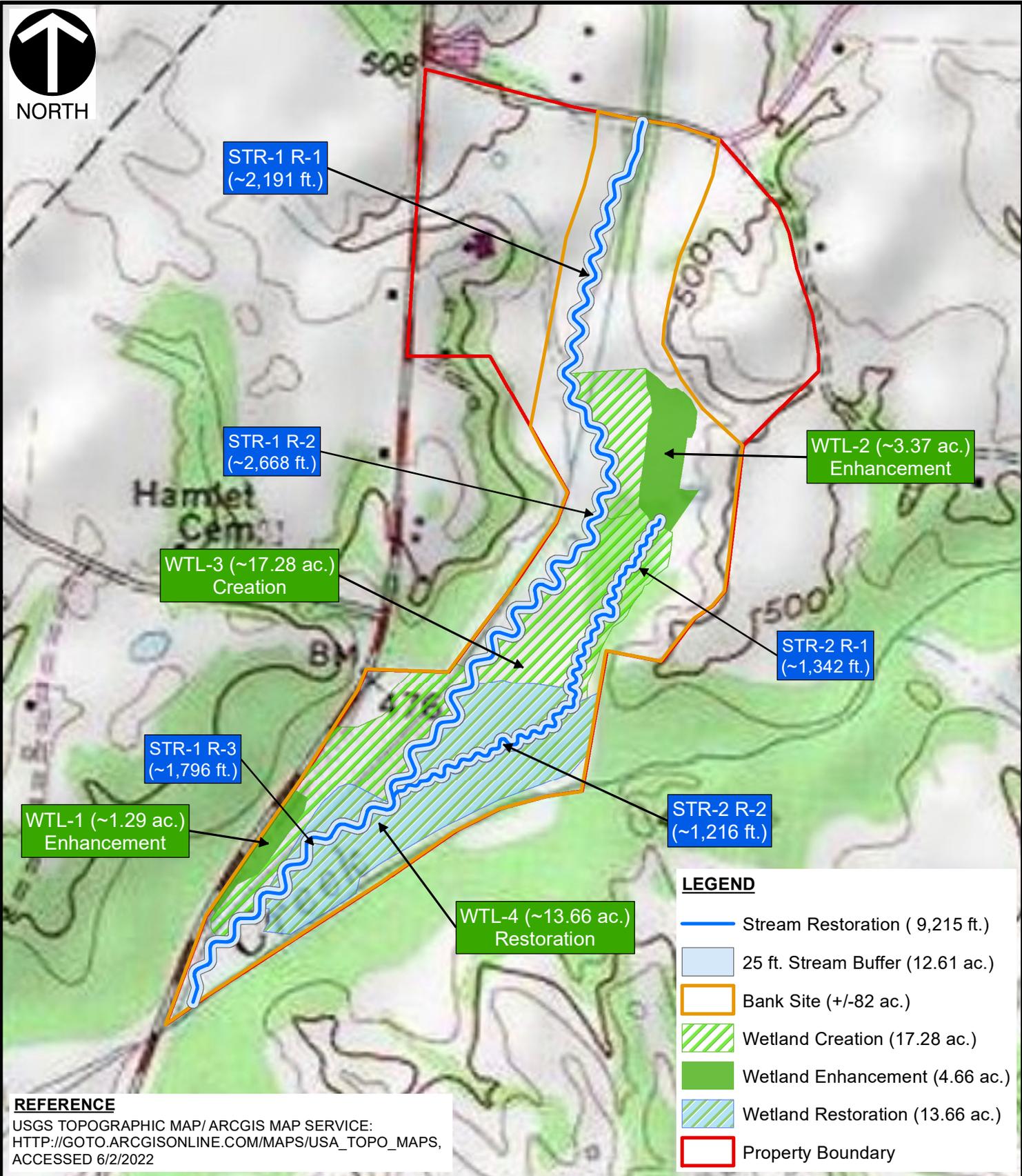
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JACKS CREEK MITIGATION SITE
 DRAFT PROSPECTUS
 JACKS CREEK, CHESTER COUNTY, TN

NATIONAL WETLANDS INVENTORY MAP

DRAWN BY:	CAD	CHECKED BY:	CAD	APPROVED BY:	 BCL	FIGURE NO:	4
DATE:	6/2/2022	SCALE:	1" = 750'	PROJECT NO:	314-930		

I:\SVR-NASHI.P:\310-000\314-930\GIS\Maps\314930_JACKS_CREEK_NWI_Fig 4 .mxd (6/2/2022 10:14:23 AM)



LEGEND

-  Stream Restoration (9,215 ft.)
-  25 ft. Stream Buffer (12.61 ac.)
-  Bank Site (+/-82 ac.)
-  Wetland Creation (17.28 ac.)
-  Wetland Enhancement (4.66 ac.)
-  Wetland Restoration (13.66 ac.)
-  Property Boundary

REFERENCE

USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE:
[HTTP://GOTO.ARCGISONLINE.COM/MAPS/USA_TOPO_MAPS](http://gto.arcgis.com/maps/usa_topo_maps),
 ACCESSED 6/2/2022



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JACKS CREEK MITIGATION BANK
 DRAFT PROSPECTUS
 JACKS CREEK, CHESTER COUNTY, TN

PROPOSED MITIGATION TOPO MAP

DRAWN BY:	CAD	CHECKED BY:	CAD	APPROVED BY: ^{*Hand signature} _{on file}	BCL	FIGURE NO:	5
DATE:	6/2/2022	SCALE:	1" = 650'	PROJECT NO:	314-930		

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STR-1 R-1
(~2,191 ft.)

STR-1 R-2
(~2,668 ft.)

STR-1 R-3
(~1,796 ft.)

WTL-1 (~1.29 ac.)
Enhancement

WTL-4 (~13.66 ac.)
Restoration

WTL-2 (~3.37 ac.)
Enhancement

WTL-3 (~17.28 ac.)
Creation

STR-2 R-2
(~1,216 ft.)

STR-2 R-1
(~1,342 ft.)

LEGEND

- Reach Break (Adjacent Wetland Credit)
- Stream Restoration (9,215 ft.)
- 25 ft. Stream Buffer (12.61 ac.)
- Bank Site (+/-82 ac.)
- Wetland Creation (17.28 ac.)
- Wetland Enhancement (4.66 ac.)
- Wetland Restoration (13.66 ac.)
- Property Boundary

REFERENCE

TDOT AERIAL IMAGERY
GO TO ARCGIS ON TNMAP.TN.GOV/ASEMAPS/IMAGERY
ACCESSED 6/2/2022



Civil & Environmental Consultants, Inc.

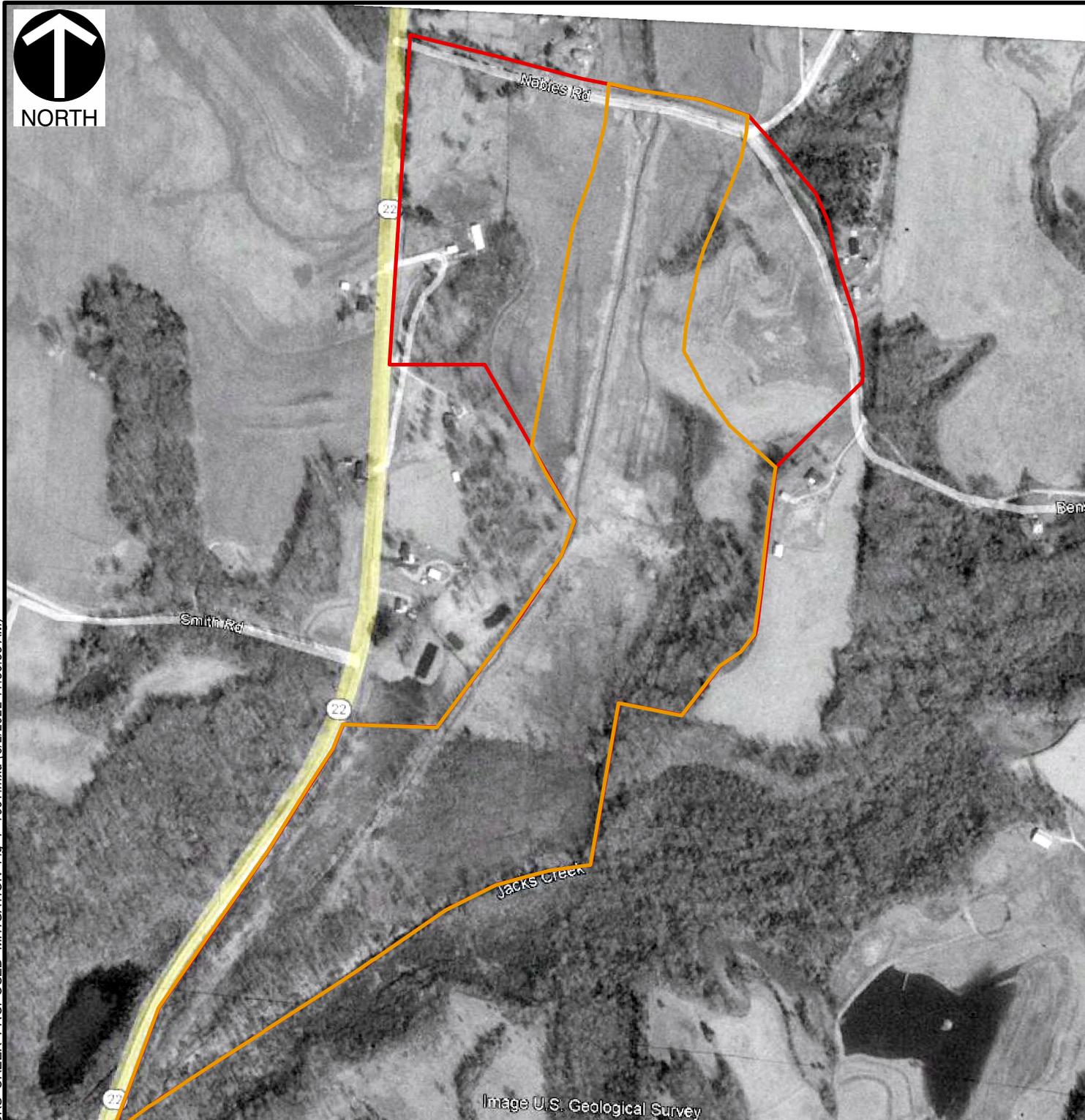
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JACKS CREEK MITIGATION BANK
DRAFT PROSPECTUS
JACKS CREEK, CHESTER COUNTY, TN

PROPOSED MITIGATION MAP

DRAWN BY: CAD	CHECKED BY: CAD	APPROVED BY: ^{*Hand signature} BCL	FIGURE NO: 6
DATE: 6/2/2022	SCALE: 1" = 650'	PROJECT NO: 314-930	

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REFERENCE

1997 GOOGLE IMAGERY
GEOREFERENCED AND ACCESSED 6/2/2022

LEGEND

-  Bank Site (+/- 82 ac.)
-  Property Boundary



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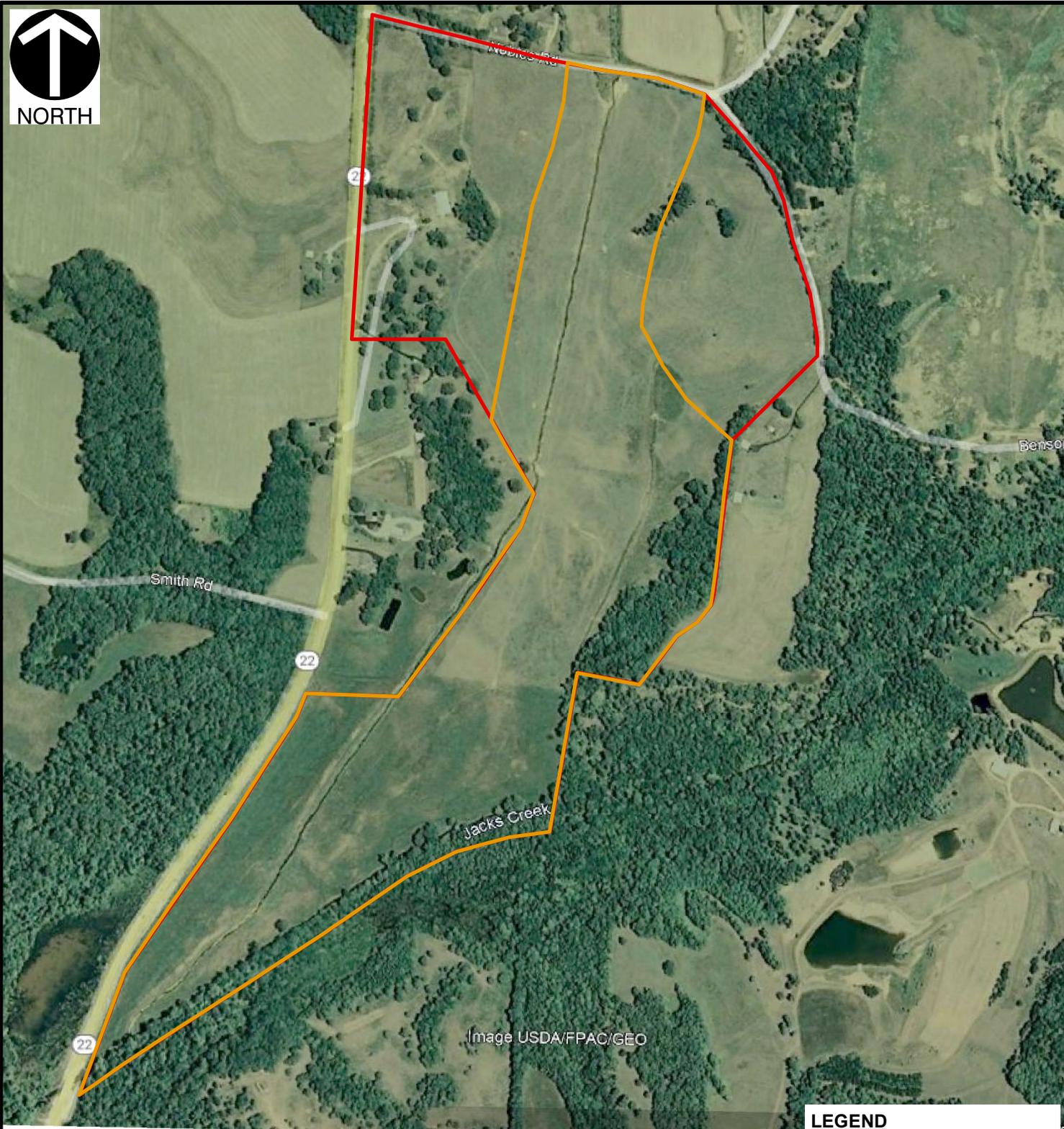
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JACKS CREEK MITIGATION BANK
DRAFT PROSPECTUS
JACKS CREEK, CHESTER COUNTY, TN

1997 HISTORIC AERIAL MAP

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DATE:	6/2/2022	SCALE:	1" = 600'	PROJECT NO:	314-930		

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REFERENCE

2007 GOOGLE IMAGERY
GEOREFERENCED AND ACCESSED 6/2/2022

LEGEND

-  Bank Site (+/- 82 ac.)
-  Property Boundary



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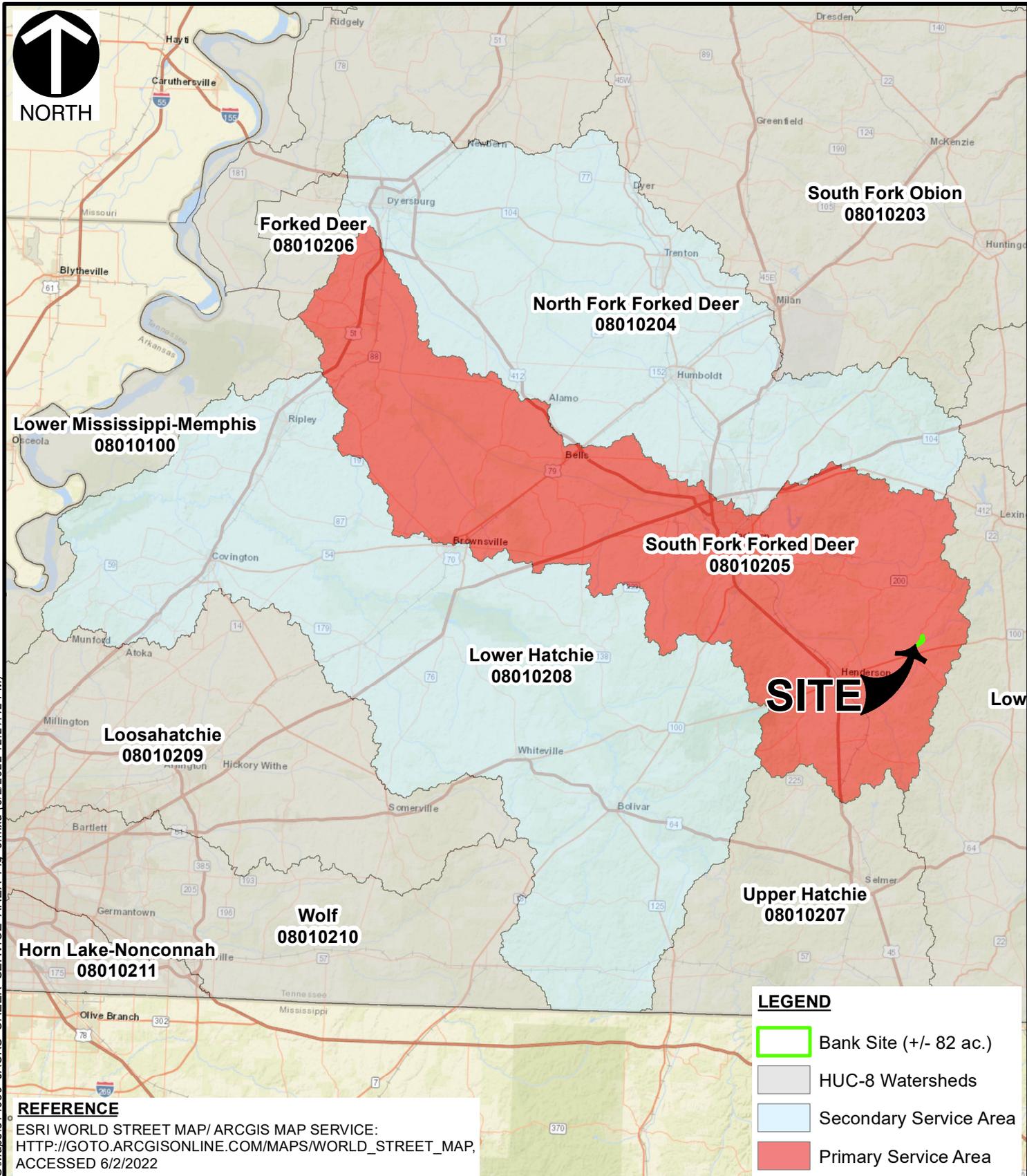
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JACKS CREEK MITIGATION BANK
DRAFT PROSPECTUS
JACKS CREEK, CHESTER COUNTY, TN

2007 HISTORIC AERIAL MAP

DRAWN BY:	CAD	CHECKED BY:	CAD	APPROVED BY:	<small>* Hand signature on file</small> BCL	FIGURE NO:	8
DATE:	6/2/2022	SCALE:	1" = 600'	PROJECT NO:	314-930		

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LEGEND

- Bank Site (+/- 82 ac.)
- HUC-8 Watersheds
- Secondary Service Area
- Primary Service Area

REFERENCE
 ESRI WORLD STREET MAP/ ARCGIS MAP SERVICE:
[HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD_STREET_MAP/](http://gto.arcgis.com/maps/world_street_map/)
 ACCESSED 6/2/2022

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JACKS CREEK MITIGATION BANK
 DRAFT PROSPECTUS
 JACKS CREEK, CHESTER COUNTY, TN

SERVICE AREA MAP

DRAWN BY:	CAD	CHECKED BY:	CAD	APPROVED BY:	* Hand signature on file BCL	FIGURE NO:	9
DATE:	6/2/2022	SCALE:	1" = 62,500'	PROJECT NO:	314-930		