US Army Corps of Engineers ®
St. Louis District

PUBLIC NOTICE

FILE NUMBER: MVS-2024-184
PUBLIC NOTICE DATE: Aug. 23,2024
EXPIRATION DATE: Sept. 22, 2024

Interested parties are hereby notified that the WFI Holdings-B LLC (Sponsor) has requested under their approved WFI-B Umbrella Mitigation Banking Program Instrument (File Number: MVS-2022-728); approval for an Umbrella Mitigation Bank site pursuant to 33 CFR 332 and 40 CFR 230 Compensatory Mitigation for Losses of Aquatic Resource; Final Rule (Federal Register / Vol. 73, No. 70 Pages 19594-19705, April 10, 2008).

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must be received or be post marked no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be submitted electronically to David.p.meyer@usace.army.mil or mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: David P. Meyer

BANK SPONSOR: WFI Holdings-B LLC (WFI-B)
POC: Mr. Linden Graber
248 Southwoods Center
Columbia, Illinois 65261

LOCATION: Pursuant to its WFI-B Umbrella Mitigation Banking Instrument (UMBI), WFI Holdings-B LLC (Sponsor) aims to establish mitigation bank sites in multiple watersheds throughout the USACE St. Louis District in Missouri. The proposed Hickory Jack Stream Mitigation Bank is in southeast Missouri on Apple Creek (Ozark-Apple/Joachim Ecological Drainage Unit Service Area), which serves as the boundary between Cape Girardeau and Perry County. The Bank Site is a total of 72.21 acres situated on a parcel of land that consists of cropland and pasture adjacent to Apple Creek. This land is in part of Section 34,Township 33 North, Range 11 East of the Fifth Principal Meridian, Cape Girardeau and Perry Counties, Missouri. The approximate center of the bank site is Latitude 37.5944°, Longitude -89.7974 °.

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC 1344) and in compliance with requirements outlined in the April 10, 2008, Final Compensatory Mitigation Rule.

SECTION 408: Section 408 authorization is not required because there are no federal projects in or near the vicinity of the proposal.

PROJECT DESCRIPTION: The Sponsor seeks approval from the U.S. Army Corps of Engineers, St. Louis District (the District) and the Interagency Review Team (IRT); which is comprised of representatives from the Missouri Department of Natural Resources, U.S. Environmental Protection Agency, Missouri Department of Conservation and U.S. Fish and Wildlife Service; to establish the Hickory Jack mitigation bank site project, which is proposed in accordance with the approved UMBI. If approved, the Sponsor would make the stream mitigation credit available to Department of the Army permittees seeking to fulfill permit requirements to purchase compensatory mitigation credit to offset losses of aquatic functions and services. The Hickory Jack site proposes to generate 48,637 stream credits. The mitigation bank site includes the restoration, enhancement and preservation of stream habitat within the unprotected Apple Creek floodplain.

The Sponsor has deemed that the Bank Site is ecologically suitable for stream restoration due to the historical channelization and active erosion identified on several reaches of Apple Creek. The Bank Site's construction area will total 34.47 acres of riparian buffer restoration, 26.05 acres of riparian buffer enhancement, and 9,688.5 linear feet of stream restoration and in-stream improvements.

Active erosion control measures and aquatic habitat additions will be the two major stream restoration practices that will occur within Apple Creek. Stream barbs, stone toe protection, and addition of in-stream structures such as root wads and boulder clusters are the specific improvements that will be made throughout the five reaches identified through the stream assessment. The placement of in-stream structures in each reach was selected based on the following observations:

➢ **Reach 2:** Stone-toe protection (STP) has been proposed adjacent to the left descending bank of Reach 2, extending from the inception of the bank erosion below the upstream crossover to a stable point downstream ahead of the downstream crossover point. The STP is intended to stabilize the toe of the eroding bank and prevent future lateral migration.

➢ **Reach 4:** The upper portion of Reach 4 is proposed to have STP installed adjacent to the left descending bank from the point where stone outcropping ends, and to the stable point downstream where the flow crosses over to the right bank. The STP is intended to stabilize the toe of the eroding bank and prevent future lateral migration.

The center section of Reach 4 has a series of stream barbs placed to redirect flow from the right descending bank and induce accretion of bedload between the stream barbs and the eroding bankline. Barbs are strategically located to slow near bank velocity throughout the reach and prevent future lateral migration.

There is a short reach of STP below the last stream barb to protect the last few feet (100 ft. + or -) of the center section from eroding to protect the remaining bankline. STP is being used at this point in order to safely allow the stream thalweg to return to its current position to prevent any increase in erosional forces on the stable left downstream bank.

The lower portion of Reach 4 is proposed to have a section of STP placed along the left descending bank below a bedrock outcrop reach. The STP will be placed adjacent to the existing bank and begin at the end of the rock outcrop and extent to the downstream cross over point to prevent future lateral migration and loss of existing riparian buffer.

➢ **Reach 5:** This reach is stable both vertically and laterally with stone outcrop nearly continuous on the right descending bank. The treatment recommended is to enhance the aquatic habitat by adding rootwads to provide cover and boulder clusters to improve habitat diversity. Each structure in this reach will be strategically located where the stream can be accessed with minimal effect to the existing streambanks or riparian area by selecting entry points in the narrow openings in the riparian corridor and then placing boulder clusters and/or rootwads from within the stream.

The riparian buffer will generally follow recommendations outlined in section 4.6.3 of the UMBI. The restoration area will be planted and seeded. Forested planting equates to twenty-five foot by twenty-five foot (25 ft x 25 ft) spacing equaling 70-acres. The herbaceous understory will be seeded to a custom mix of native sedges and rushes that will include a minimum of six species. The buffer enhancement areas will follow a timber stand improvement plan to reduce undesirable species and invasives.

Upon request, a copy of the Hickory Jack Stream Mitigation Plan can be provided by our office.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR

UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The mitigation proposal is considered a restoration activity with no anticipated adverse impacts to aquatic resources. This mitigation banking proposal does not preclude the requirement for any Section 404 permit applicant, who intends or is required to use wetland or stream credits generated by this mitigation project, to comply with Clean Water Act Section 404(b)(1) Guidelines; the National Environmental Policy Act; and the District's evaluation of probable impacts on public interest. Likewise, the U.S. Army Corps of Engineers is committed to determining compensatory mitigation through the implementation of current Regulatory Guidance and best professional judgment to consider on-site or within the immediate sub-watershed mitigation opportunities first, when impacts to waters of the United States cannot be practicably avoided or further minimized.

HISTORY: The Bank Site is currently made up of riparian corridor, active agricultural land, degraded floodplain forests and unmanaged grassland. The site is bordered by a combination of agriculture, non-native grassland, and woodland. This predominately agricultural and pastural landscape has altered the natural drainage and erosion patterns throughout the region. Apple Creek is a primary waterway within the Upper Mississippi-Cape Girardeau HUC 8 watershed. The Mississippi River Basin Healthy Watershed Initiative Watershed Assessment for the Middle Apple Creek Watershed completed through the Ozarks Environmental and Water Resources Institute summarizes the priority issues and the conservation practices most likely to address the poor water quality and high pollutant loads throughout the watershed. Below is a map from the referenced watershed assessment. This map classifies the channel bank stability of waterways across the watershed. Hickory Jack Stream Mitigation Bank, called out on the map, has a large stretch of stream identified as actively eroding. Current conditions of the site reflect the classification presented in the 2019 watershed assessment.

Hickory Jack Stream Mitigation Bank would directly contribute to the conservation practice implementation within the watershed. The goals for watershed restoration that are directly addressed by the Hickory Jack Stream Mitigation Bank are as follows:

- Removing land from crop production and protecting it from heavy use via conservation easement.
- Reducing pollutant load using riparian buffers/field borders adjacent to active agriculture and pastureland.
- Reducing sediment inputs into waterways from bank erosion and row crop production through perennial vegetated buffer establishment and livestock exclusion.

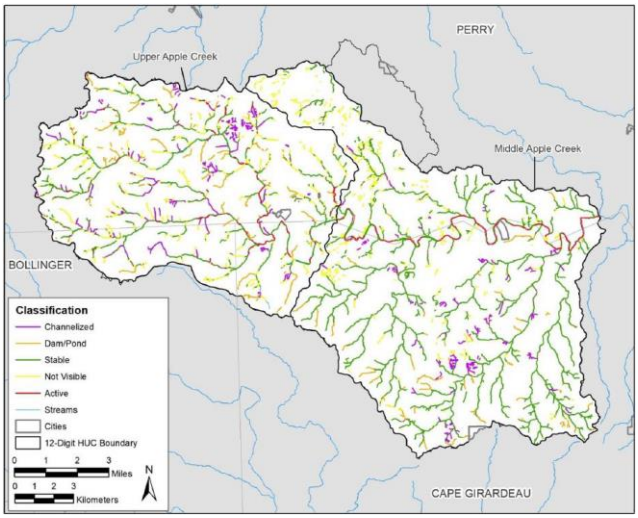


Figure 4: Map of Channel Stability Classifications throughout the Upper and Middle Apple Creek Watersheds (The Mississippi River Basin Healthy Watershed Initiative (MRBI) Watershed Assessment for the Middle Apple Creek Watershed, 2019)

Sections of the Apple Creek floodplain within the Bank Site lie within special flood hazard areas mapped by the Federal Emergency Management Agency (FEMA). The Bank Site is seasonally flooded and directly adjacent to Apple Creek, making restoration of the property highly beneficial to the watershed.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in color and in more detail by visiting the Public Notice section of our website at:
https://www.mvs.usace.army.mil/Missions/Regulatory/Public-Notices/

STATE SECTION 401 WATER QUALITY CERTIFICATION: If the Banking IRT approves the proposed Hickory Jack Stream Mitigation Bank Site, the proposed stream restoration, enhancement and preservation activities associated with the bank site comply with and will be authorized through the issuance Nationwide Permit 27 (Aquatic Habitat Restoration, Enhancement, and Establishment Activities). Therefore, Section 401 Water Quality Certification (WQC) is granted, subject to compliance with General Conditions and WQC Special Conditions established specifically for Nationwide Permit 27.

ENDANGERED SPECIES: A review of the U.S. Fish and Wildlife Service's Information for Planning and Consultation website has been completed and the following species were identified to potentially be present in the project vicinity: The endangered Gray Bat **(*Myotis grisescens*)**, Indiana Bat **(*Myotis sodalis*)**, proposed endangered Tricolored Bat ***(Perimyotis subflavus)***, and candidate species Monarch Butterfly (***Danaus plexippus***). In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect all the four (4) listed species, or adversely affect critical habitat. The Corps is coordinating with the U.S. Fish and Wildlife Service and the applicant is taking measures to minimize any potential effects of the project during construction. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES & TRIBAL TRUST: The District requested that the applicant provide a reconnaissance survey of the project area to investigate the permit area and inform analysis of potential affects. A Phase I Cultural Resource Survey was completed by an SCI Engineering, Inc. (SCI) archaeologist on behalf of the Sponsor. SCI surveyed a 91-acre area (that the applicant later reduced to 72.21-acres). SCI recorded two archaeological sites, and one isolated find. The Applicant reduced the size of the project area to avoid these two archaeological sites. The isolated find does not represent an archaeological site and is not eligible for listing in the National Register of Historic Places. SCI recommended project clearance in the location of the isolated find. The District concurs with SCI's recommendation for the isolated find. The two archaeological sites have been avoided by the project and the isolated finding is not eligible for listing in the NRHP. The District has found "No Historic Properties Affected" for the Hickory Jack Stream Mitigation Bank project.

EVALUATION: The decision whether to approve the Sponsor to proceed with the mitigation site project will be based on an evaluation of all comments received, and all relevant factors to the proposal, including the cumulative effects thereof. These factors include, but not limited to conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, the general needs and welfare of the people and compliance with the Mitigation Rule.

PUBLIC HEARING REQUESTS: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review. A request may be denied in writing by the Corps if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army

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 other public interest factors listed above. Comments are used in the preparation of a Memorandum for Record associated with Nationwide Permit 27. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Additional information may be obtained by contacting David P. Meyer, Project Manager, U.S. Army Corps of Engineers, at 314-331-8810 or by e-mail to David.P.Meyer@usace.army.mil.

To join our public notice mailing list and receive all of our Public Notices electronically, please email your request to: MVS-Regulatory@usace.army.mil and include your name, email, and phone number with your statement of request to be added to the Public Notice mailing list.

Jaynie G. Doerr
Acting Chief, Regulatory Division

Attachments

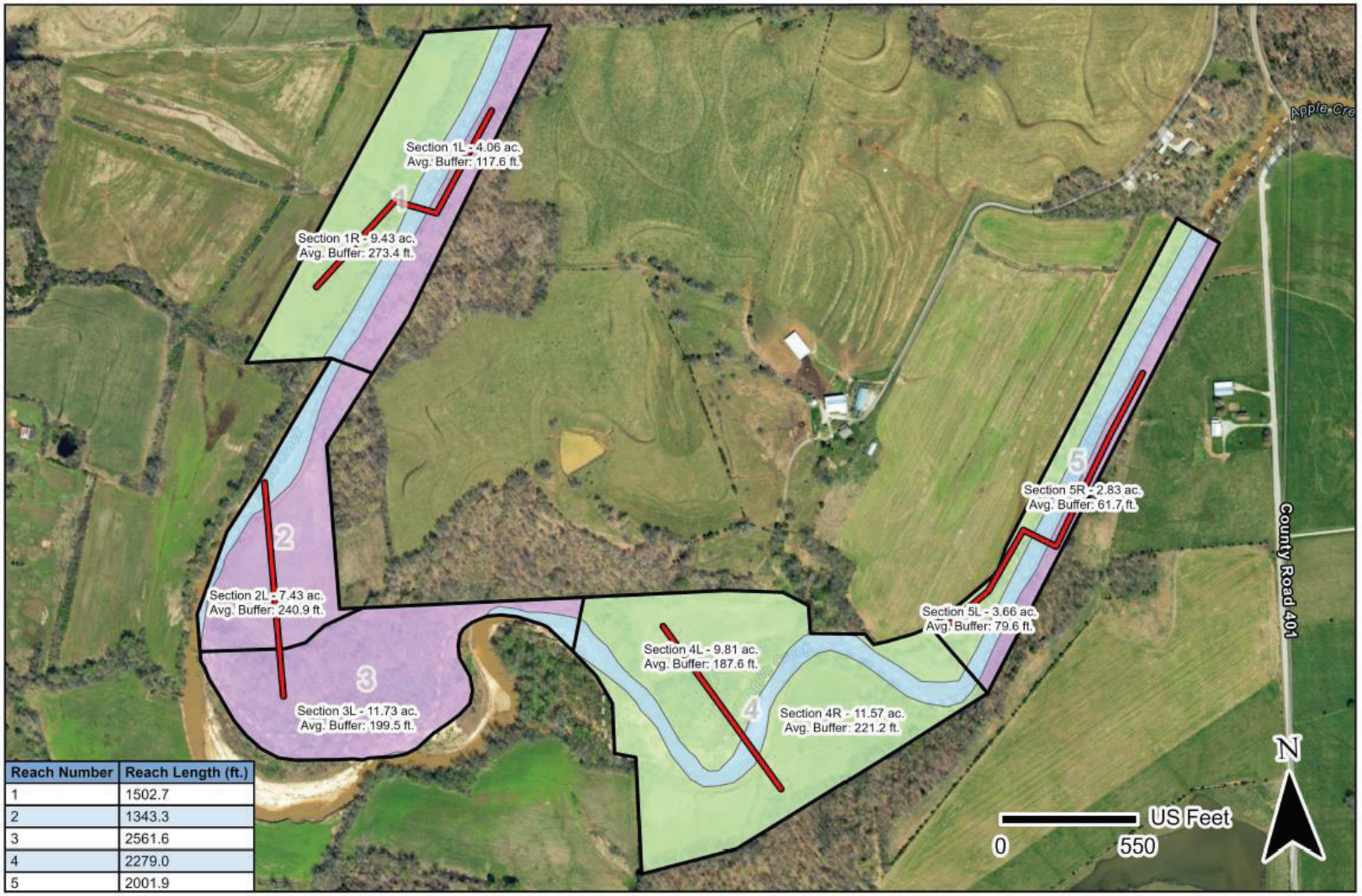
NOTICE TO POSTMASTERS:
It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.

WFI HOLDINGS-B

Hickory Jack Mitigation Bank

In-Stream Structures

- Reaches/Easement Area
- Stream Barbs
- Boulder Cluster
- Rootwad
- Stone Toe Protection



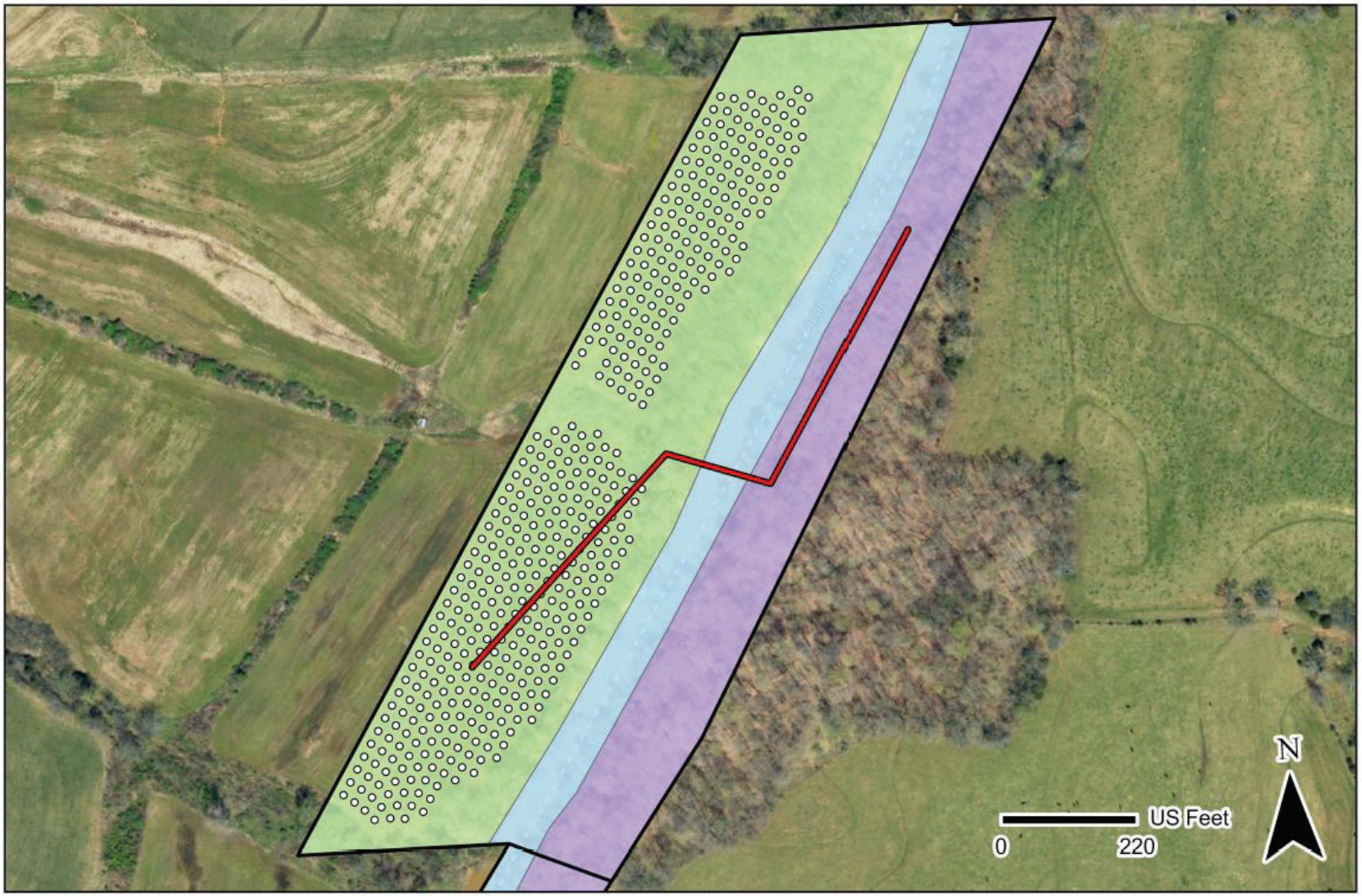
Reach Number	Reach Length (ft.)
1	1502.7
2	1343.3
3	2561.6
4	2279.0
5	2001.9

WFI HOLDINGS-B

Hickory Jack Mitigation Bank

Mitigation Plan Overview

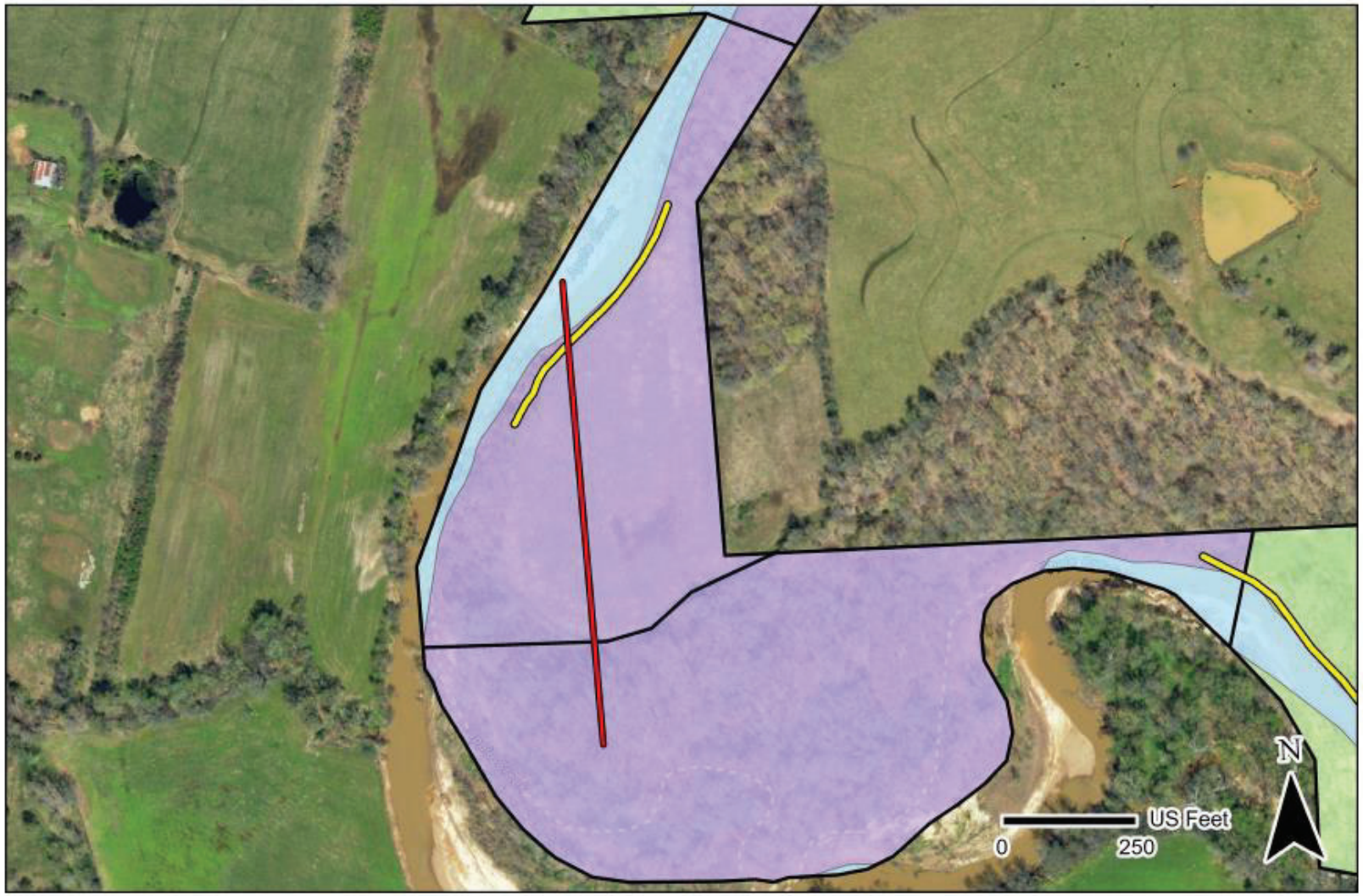
- Reaches/Easement Area
- Enhanced Riparian Buffer
- Restored Riparian Buffer
- Stream (11.7 ac.)
- Monitoring Transects



WFI HOLDINGS-B

Hickory Jack Mitigation Bank

Mitigation Plan - Reach 1



WFI HOLDINGS-B

Hickory Jack Mitigation Bank

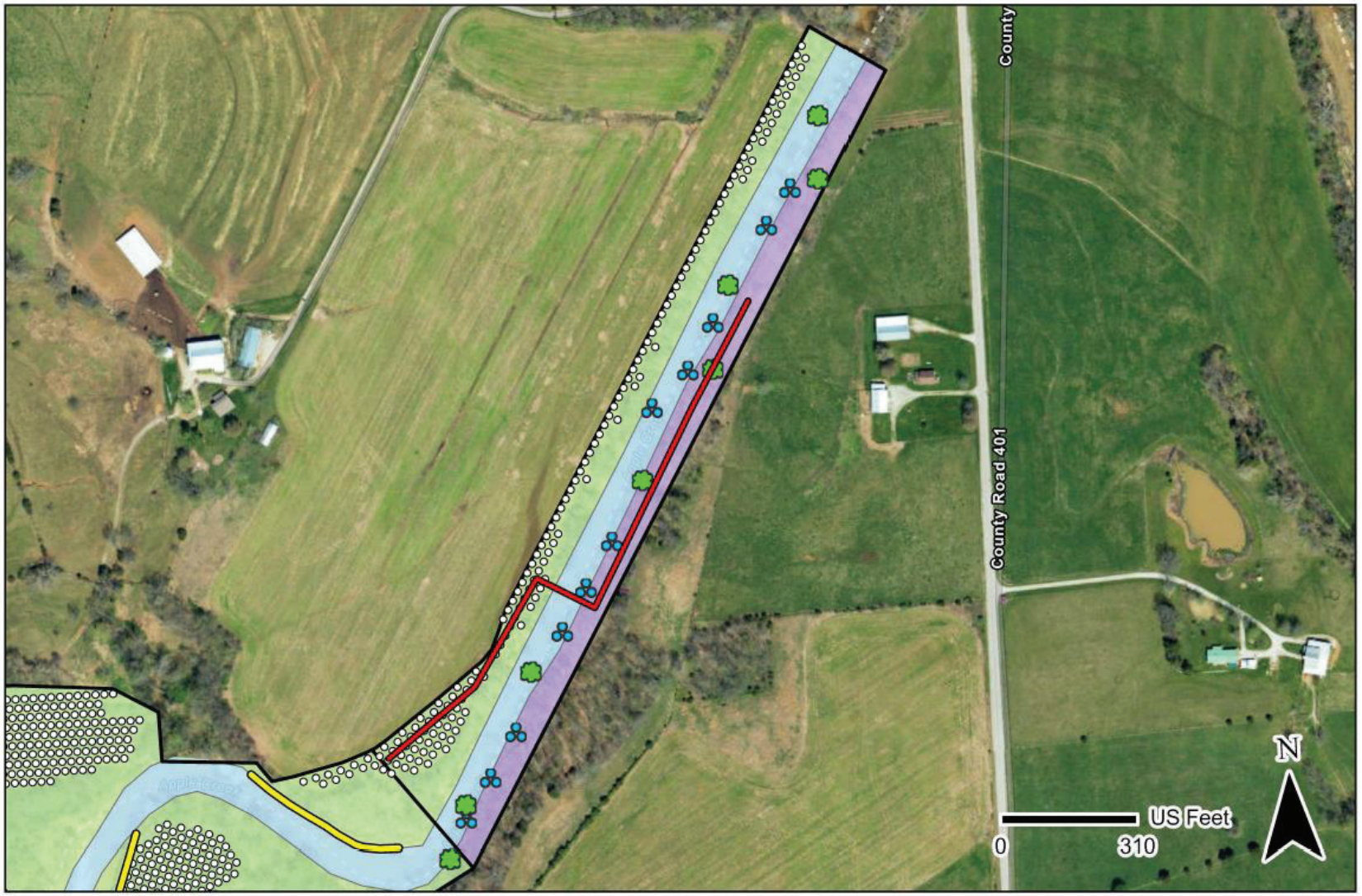
Mitigation Plan - Reaches 2 & 3

WFI HOLDINGS-B

Hickory Jack Mitigation Bank

Mitigation Plan - Reach 4

- Reaches/Easement Area
- Enhanced Riparian Buffer
- Restored Riparian Buffer
- Stream
- Stream Barbs
- Boulder Cluster
- Rootwad
- Planted Trees (Approximate)
- Stone Toe Protection
- Monitoring Transects



WFI HOLDINGS-B

Hickory Jack Mitigation Bank

Mitigation Plan - Reach 5

Reaches/Easement Area
Enhanced Riparian Buffer
Restored Riparian Buffer
Stream
Boulder Cluster
Rootwad
Planted Trees (Approximate)
Stone Toe Protection
Monitoring Transects