



**US Army Corps
of Engineers®**

St. Louis District

PUBLIC NOTICE

FILE NUMBER: [MVS-2022-365](#)

PUBLIC NOTICE DATE: [July 19, 2022](#)

EXPIRATION DATE: [August 17, 2022](#)

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-2020-652) and corresponding amendment; 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 Tyson.J.Zobrist@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: Tyson Zobrist

BANK SPONSOR: WFI Holdings-B LLC (WFI-B)

POC: Mr. Linden Graber
248 Southwoods Center
Columbia, Illinois 65261

LOCATION: The Sponsor proposes a mitigation bank (Shepgarten) within the Shoal Creek Watershed, specifically in the Umbrella Mitigation Banking Program's Service Area C- The Shoal & Lower Kaskaskia Service Area (LKS). The subject site includes 79.97 acres and is located in Sections 9 & 10, Township 1 North, Range 4 West in Clinton County, Illinois. The approximate center of the bank site is Latitude 38.541915°, Longitude -89.537597°.

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 Illinois Department of Natural Resources, U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service; to establish the Shepgarten Wetland Mitigation Bank which is proposed in accordance with the approved WFI-B Umbrella Mitigation Banking Program Instrument (UMBPI). The Shepgarten site is the fourth bank site proposed under the UMBPI. If approved, the Sponsor would make the wetland mitigation credit available to Department of the Army permittees seeking to fulfill requirements to purchase compensatory mitigation credit to offset

losses of aquatic functions and services. The mitigation bank site includes the restoration of multiple wetland habitats within the unprotected Shoal Creek floodplain.

The Bank Site consists of hydric soils and lies within the floodplain of Shoal Creek. The Bank Site will be developed with multiple types of habitat features: rehabilitation of bottomland hardwood mast producing oak/hickory forest habitat (49.98 acres), re-establishment of emergent wetland habitat (17.98 acres), preservation of existing bottomland palustrine forest and slough habitat, and the enhancement of existing forested wetland through activities established in a forestry management plan (5.42 acres). The vegetation types will follow elevational gradients that both exist and are to be created. Forrest Keeling Nursery RPM trees will be used to promote the Bank Site's forested component, which will support a variety of herbaceous vegetation throughout the year and may support migratory and endemic wetland species along Shoal Creek.

The bank site contains approximately 12.1-acres of existing forest. The Sponsor proposes to complete a forest stand improvement (FSI) on 5.42-acres of existing forest. The FSI will reduce the Basal Area by removing competition via thinning and releasing techniques associated with Forest Stand Improvement (FSI) or selective Timber Harvest guidelines which may greatly benefit the overall health and vigor of the forest. The work would create openings in the canopy, allowing sunlight to hit the forest floor, enhancing future generations of nut producing tree species. In addition to removing competition for future oak/hickory species, existing dead snags and den trees will provide additional habitat for nesting and brooding species. The planting of oak/hickory trees will take place within these specific openings in the canopy. This project will create approximately 7 cavity trees per acre, targeting declining trees that are already present in the stand. This planting increases the Floristic Quality Index (FQI) of the acres and reduces forest fragmentation along Shoal Creek. When complete, this activity would result in a net gain in aquatic function.

The hydrology of the Bank Site will be improved through minor agricultural ditch manipulation/removal to extend duration and create micro-habitats utilizing the existing hydrologic regime. The hydrograph in this area is dictated by natural hydrologic events associated with Shoal Creek and its tributaries boarding the property. Flood entry followed by seasonal drying through the summer and fall will sustain productivity by recycling vegetation and nutrients. Hydric soils across the entire site, observations of flooding, drainage patterns, soil saturation and hydrophytic plant species all indicate that the project area has the required hydrology to support a wetland community. The hydrology of the Bank Site is intended to mirror the existing hydrologic regime, and through mounds creation and drainage modification, microhabitats across the Bank Site will improve hydrology and duration of saturation. The current plan will result in the re-establishment of a diverse bottomland hardwood forest and emergent wetland habitat within the Shoal Creek floodplain to enhance ecological functions and values for the Shoal Creek and Lower Kaskaskia watersheds. Upon request, a copy of the Shepgarten Mitigation Banking Plan can be provided by our office.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:

The mitigation bank 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 a total of 79.97 (+/-) acres situated on a parcel of land that consists of predominantly cropland, ditch/stream channel and degraded to higher quality wooded riparian corridor adjacent to Shoal Creek. Historically, the property was and is hydrologically connected over a wide range of storm events within Shoal Creek and its watershed. All site soils have been classified as being hydric. Approximately 68 acres of the site has been in agricultural production since the mid-1980's. The remaining forested acres have been historically utilized for recreational purposes.

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: <http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

STATE SECTION 401 WATER QUALITY CERTIFICATION: If the Banking IRT approves the proposed Shepgarten Wetland Mitigation Bank Site, the proposed wetland restoration and enhancement 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 1 through 12 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: Indiana Bat (*Myotis sodalis*), Eastern Massasauga (*Sistrurus catenatus*), Piping Plover (*Charadrius melodus*) and candidate species Monarch Butterfly (*Danaus plexippus*). The Northern Long-eared Bat (*Myotis septentrionalis*) is also identified and is currently a threatened species. In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect the Eastern Massasauga, Piping Plover and Monarch Butterfly, who are designated as endangered or candidate species, or adversely affect critical habitat. The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that the forestry enhancement activity may affect these listed species. The Corps is coordinating with the U.S. Fish and Wildlife Service and the applicant is taking measures to minimize 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.

The IDNR EcoCAT database was consulted for information concerning the presence of state-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves within the vicinity of the project location. The EcoCAT identified the Shoal Creek Bartelso INAI Site within the vicinity of the proposed project (IDNR Project #2300483). IDNR has reviewed the project and on July 14, 2022, provided a letter stating that the "EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated."

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. The survey identified five sites that have been determined to be not significant. Project clearance was recommended by

the archaeologist representing the Bank Sponsor. A District archaeologist has reviewed the reconnaissance survey and concurs with the findings. It is the District's current opinion that no historic properties or structures will be affected by the proposed wetland mitigation bank. The District's determination of effect has been coordinated with the State Historic Preservation Officer (SHPO) independent of this public notice. In a letter dated June 27, 2022, SHPO concurred with the District's determination and stated that they have no objection to the undertaking proceeding as planned. The District has also initiated consultation with the Tribes (or Tribe designated representative) concerning the results of the reconnaissance survey and the Corps' determination of no historic properties or structures affected. To date, five (5) Tribes have responded through the consultation process, with all stating that they had no issue with the project proceeding as planned, however each Tribe stated that they would like to be notified if any archaeological or human remains are discovered during construction.

EVALUATION: The decision whether to approve the Sponsor to proceed with the mitigation bank 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 Tyson Zobrist, Project Manager, U.S. Army Corps of Engineers, at 314-331-8578 or by e-mail to Tyson.J.Zobrist@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.

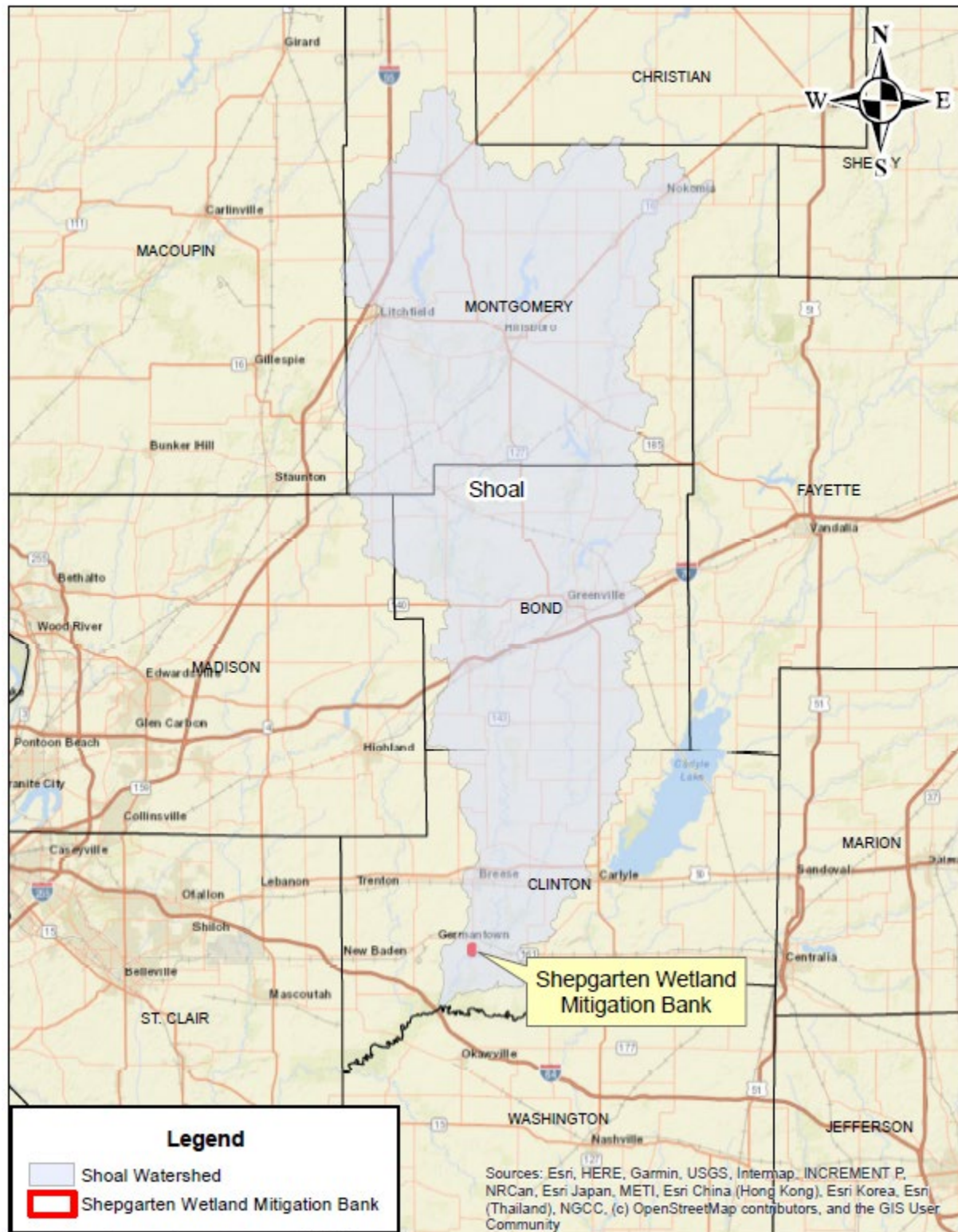
Robert S. Gramke
Chief, Regulatory Branch

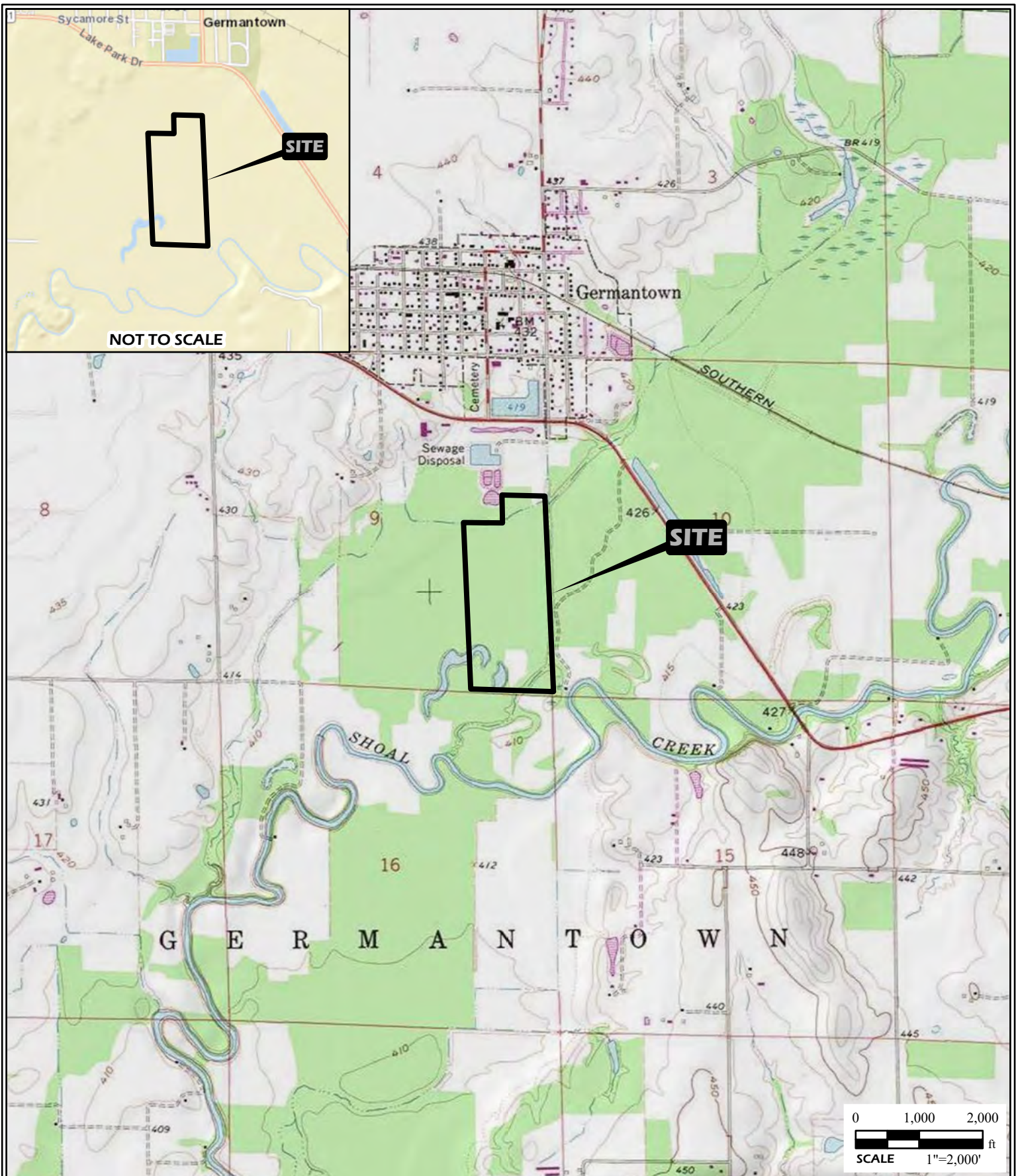
Attachments

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.

Figure 1 – Location in Shoal Watershed






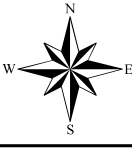
	PROJECT NAME BECKER MITIGATION BANK SITE GERMANTOWN, ILLINOIS			GENERAL NOTES/LEGEND USGS TOPOGRAPHIC MAP BREESE, ILLINOIS QUADRANGLE DATED 1962 PHOTO REVISED 1981 10' CONTOURS STREET MAP HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD_STREET_MAP	 FIGURE 2
	VICINITY AND TOPOGRAPHIC MAP				
	DRAWN BY KMC	DATE 02/2022	JOB NUMBER 2022-0108.30		
	CHECKED BY MSH				

Figure 3 – Mitigation Plan Map

Lat: 38.541915° Long: -89.537597°

