



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833**

Public Notice No.
P-3115
Public Notice Date
November 20, 2018
Expiration Date
December 19, 2018

Postmaster Please Post Conspicuously Until:

File Number: MVS-2018-536

Interested parties are hereby notified that a Mitigation Bank Prospectus has been received pursuant to the guidelines contained in the Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks (60 Fed. Reg. Pages 58605-58614, 1995).

COMMENTS AND ADDITIONAL INFORMATION: All comments and/or requests for public hearing must reach this office no later than the expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Mr. Tyson Zobrist

APPLICANT: Wetlands Forever, Inc., Attn: Mr. Michael Thompson, 112 N. Sunset, Bartelso, IL 62218. (618) 204-0199.

LOCATION: The proposed wetland mitigation bank is located in 5-miles east of Du Quoin, Illinois, along the north and south sides of Park Street Road. More specifically, the proposed mitigation bank is located within Sections 6 and 7, Township 06 South, Range 01 East of the 3rd Principle Meridian, Perry and Franklin Counties, Illinois.

PROJECT DESCRIPTION: Applicant seeks approval from the Mitigation Bank Review Team (MBRT) which is composed of representatives from the U.S. Army Corps of Engineers, Illinois Department of Natural Resources, the U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service to establish a wetland and stream mitigation bank within the Big Muddy Watershed. The primary objective of the proposed mitigation bank is to restore, enhance and permanently protect forested and emergent wetlands, as well as protect and enhance a 7,445-foot reach of the Little Muddy River and its riparian corridor. The mitigation bank will be constructed in two phases. Phase 1 (South Phase) as proposed is 108.00 acres in size and will be developed along the Little Muddy River, comprising 45.98 acres of forested wetlands, 2.0 acres of emergent wetlands, 13.0 acres of preserved forested wetlands, and 51.0 acres of stream riparian corridor. Phase 2 (North Phase) as proposed is 51.00 acres in size and will be developed along the Little Muddy River comprising of 22.0 acres of forested

wetlands, 7.0 acres of forested preservation and 22.0 acres of streambank riparian corridor. Both phases will also provide stream stabilization measures and aquatic habitat enhancement. If approved, the restoration and enhancement activities will be performed generating credits from the environmental improvements and will be available for sale on an incremental basis as long as the mitigation bank meets its anticipated goals set forth in the banking document. Credits from the project are not available for sale until documentation is provided by the bank sponsor that environmental restoration will proceed and written approval is granted by the Corps in consultation with the MBRT. The mitigation bank sponsor is developing the mitigation bank with the intent to sell the mitigation credits to recipients of Section 404 Permits who are required to compensate for unavoidable and adverse environmental impacts to waters of the United States. Specifically, the waters of the United States that will be compensated at the proposed bank include wetlands with emergent, scrub shrub and forested classifications, as well as stream impacts. Upon request, a copy of the Mitigation Banking Prospectus is available for review in our office.

If approved by the MBRT, the mitigation bank would assist in improving the chemical, physical, and biological integrity of the Big Muddy Watershed. The mitigation bank when fully completed will contain 140.5 wetland credits for the restored, enhanced, and site protected wetland resources, and 64,989 stream credits for the stream and riparian buffer enhancement work. The credits will be available for compensating impacts that occur within the geographic service area of the bank. The proposed geographic service area consists of the Big Muddy Watershed. On a case-by-case basis and with justification, the U.S. Army Corps of Engineers may allow debits from impact areas outside the geographic service area to be appropriately mitigated at the proposed bank. This mitigation bank proposal does not preclude any Section 404 permit applicant who intends or is required to use the mitigation bank from complying with Clean Water Act Section 404(b)(1) Guidelines, the National Environmental Policy Act, and our 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.

LOCATION MAPS AND DRAWINGS: See attached maps.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Mr. Tyson Zobrist, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8578. Your inquiries may also be sent by e-mail to Tyson.J.Zobrist@usace.army.mil.

AUTHORITY: Section 404 of the Clean Water Act (33 U.S.C. 1344).

PUBLIC HEARING: 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.

ENDANGERED SPECIES: In compliance with section 7 of the Endangered Species Act [16 U.S.C. 1531 et seq.], we will work cooperatively with the applicant and the U.S. Fish and Wildlife Service (Service) in analyzing effects posed by proposed actions on listed species or designated critical habitats. We will obtain or review an applicant provided official species list from the Service's IPaC website at <https://ecos.fws.gov/ipac/>. Following the comment period, we will make an effect determination and consult with the Service on actions that may affect listed species or designated critical habitat to insure those actions will not jeopardize the continued existence of a listed species or

result in the destruction or adverse modification of designated critical habitat. In order to complete our evaluation, comments are solicited from other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District's archaeologists have reviewed the proposed plans and have determined that there is no potential to cause effects to Historic Properties. However, the District will evaluate information provided by the State Historic Preservation Officer, Native American Tribes and the public in response to this public notice.

EVALUATION OF PROBABLE IMPACTS: The decision whether to authorize Wetlands Forever, Inc. to enter into an agreement with the Corps and MBRT will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS FROM THE PUBLIC: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian 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 approve, modify, or deny authorization 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 also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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.