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# Public Notice

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**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-3127  
Public Notice Date  
June 28, 2019  
Expiration Date  
July 27, 2019**

**Postmaster Please Post Conspicuously Until:**

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File Number: MVS-2018-535

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

**SPONSOR:** E.T. Simonds Construction Company, Attn: Mr. Bill Simonds, PO Box 2107, Carbondale, IL 62902. (618) 457-8191.

**LOCATION:** The proposed bank will include two sites. Site One is comprised of 148.7 acres and is located along the Big Muddy River approximately 1.5 miles south of DeSoto, Illinois, Sections 28, 29, and 32, Township 08 South, Range 01 West of the 3<sup>rd</sup> Principal Meridian. Site Two is comprised of 88.3 acres and is located northwest of Carbondale, Illinois, Section 8, Township 09 South, Range 01 West of the 3<sup>rd</sup> Principal Meridian.

**PROJECT DESCRIPTION:** Sponsor seeks approval from the Mitigation Bank Review Team (MBRT) that 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 mitigation bank within the Big Muddy Watershed. The primary objective of the proposed mitigation bank is to restore, create, enhance and permanently protect forested and emergent wetlands, open water aquatic habitats, and to create upland buffer habitat. The mitigation bank would be constructed within two sites. Site One (North Phase) as proposed is 148.7 acres in size and will be developed along the Big Muddy River. Based on the preliminary plans 23.7 acres will consist of emergent and forested wetland creation, 35.4 acres of forested wetland enhancement, 52.6 acres of preserved forested riparian habitat/wetlands and open water habitat, and 34.4 acres of

upland buffer creation. 2.7 acres of power line easement would be excluded from the Site One project area. Site Two (South Phase) as proposed is 88.3 acres in size and will be developed along Little Crab Orchard Creek, a secondary tributary of the Big Muddy River. Site Two would consist of 10.9 acres of emergent and forested wetland creation, 27.0 acres of forested wetland enhancement, 48.6 acres of preserved forested riparian habitat/wetlands and open water habitat, and 1.3 acres of upland buffer creation. 0.5 acres of access road easement would be excluded from the Site Two project area. If approved, the creation, restoration, enhancement and preservation 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. 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 has potential to provide 84.8 wetland credits within both sites, for the created, restored, enhanced, and site protected wetland and upland resources. 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](mailto: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 will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area. The Corps will continue to coordinate with SHPO and Native American Tribes as appropriate.

**EVALUATION OF PROBABLE IMPACTS:** The decision whether to authorize E.T. Simonds Construction Company 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.

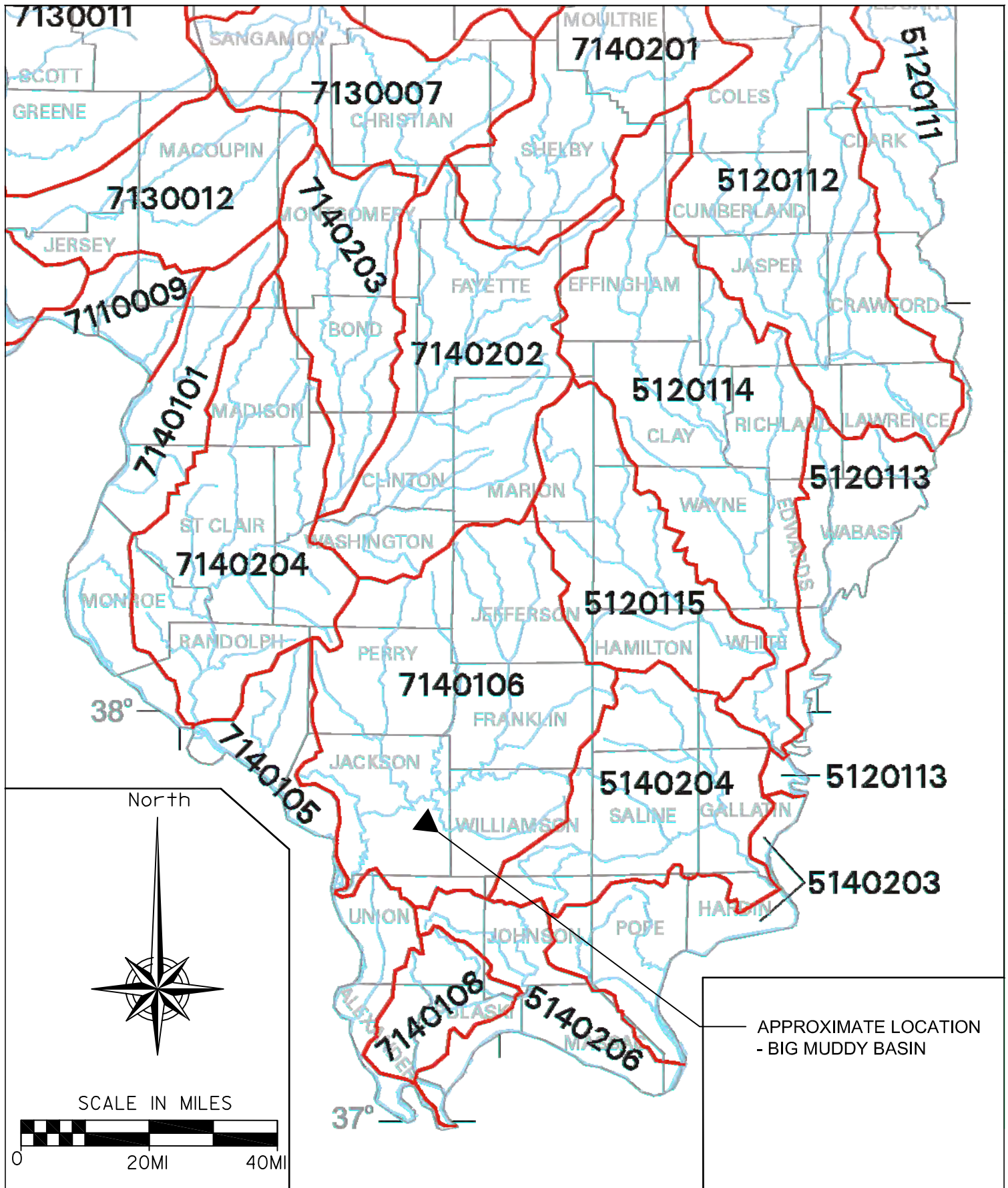
*Robert S. Gramke*

ROBERT S. GRAMKE  
Chief, Regulatory Branch

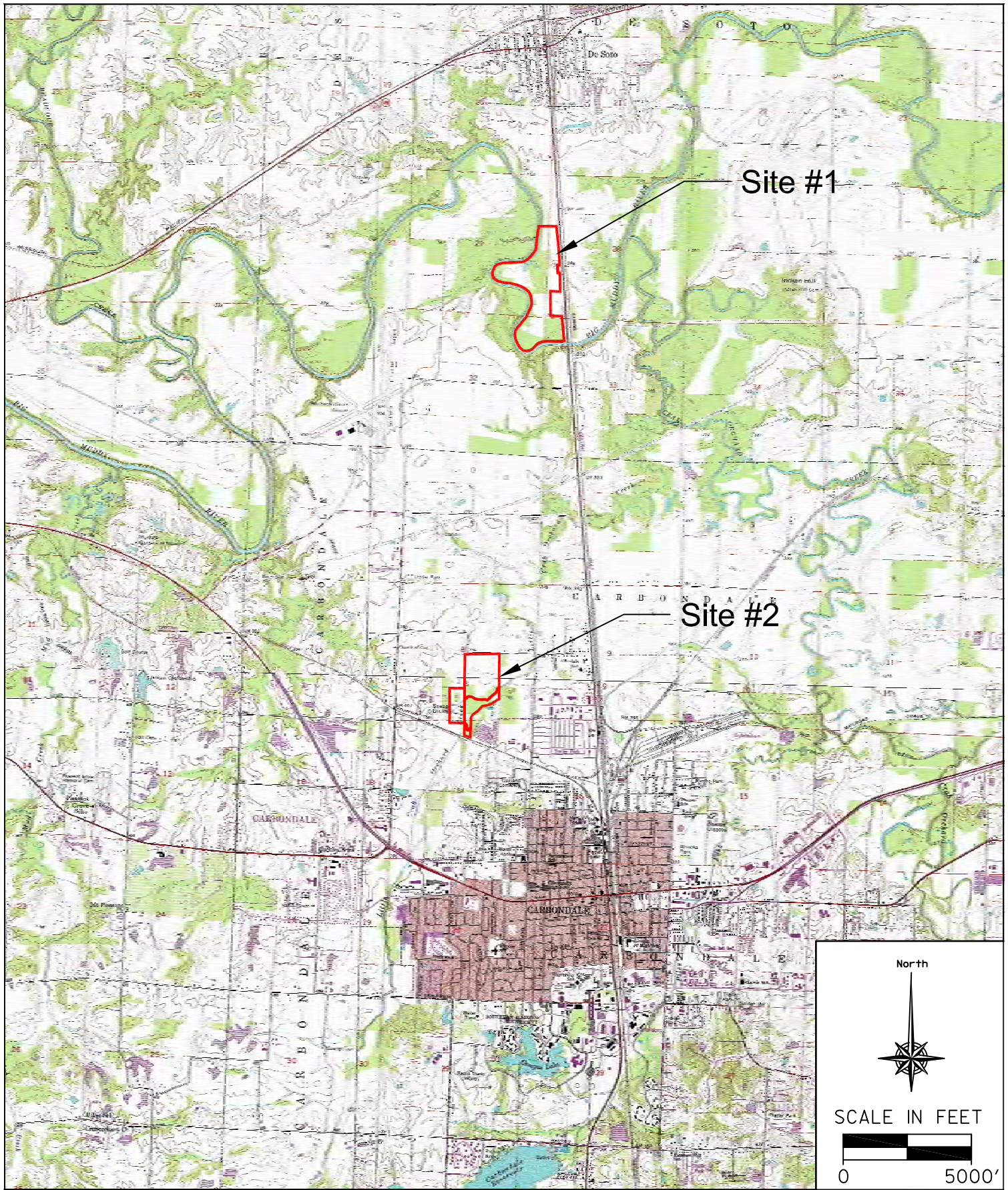
Attachments

**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.

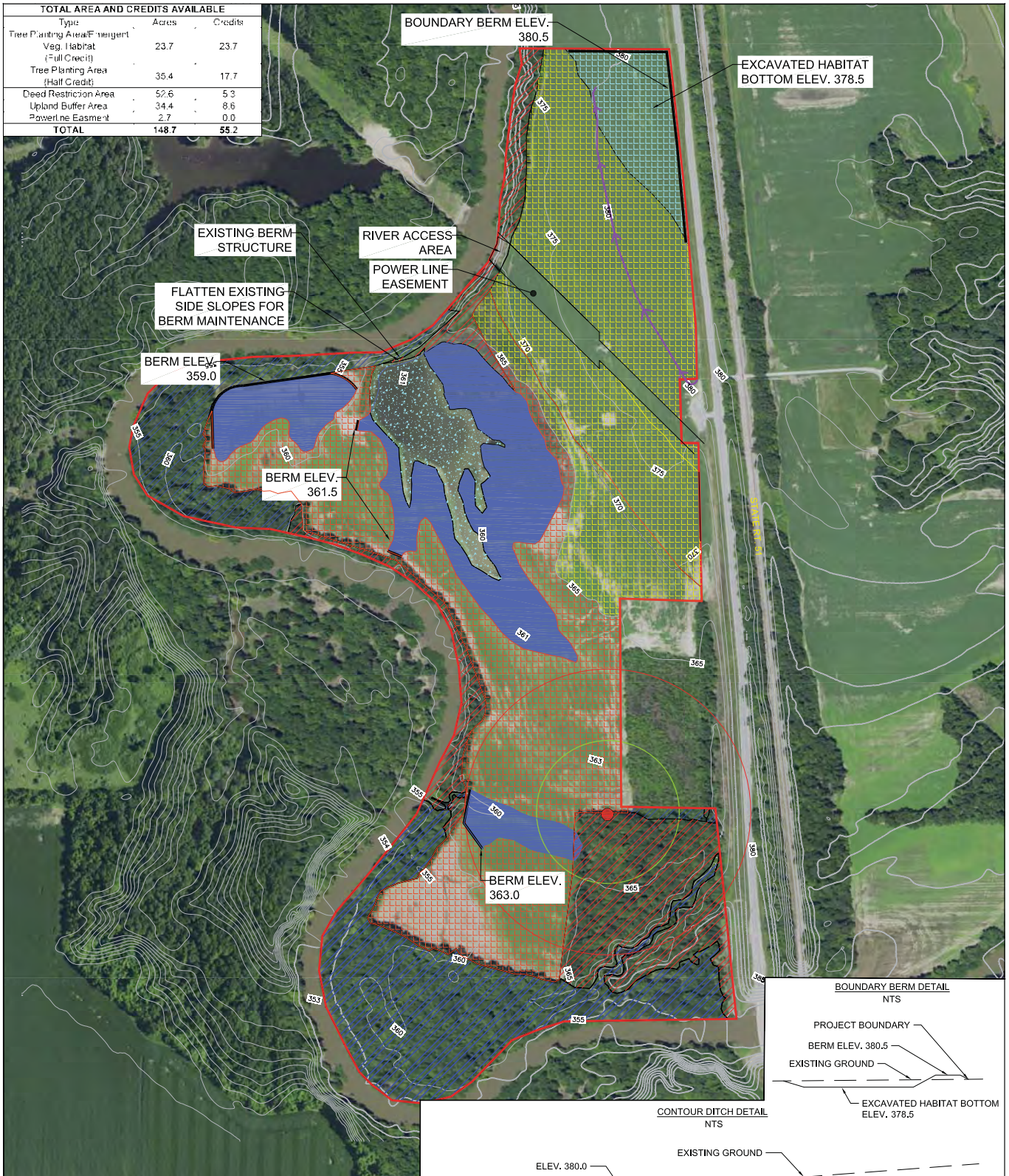








TOTAL AREA AND CREDITS AVAILABLE		
Type	Acres	Credits
Tree Planting Area/Emergent Veg. Habitat (Full Credit)	23.7	23.7
Tree Planting Area (Half Credit)	35.4	17.7
Deed Restriction Area	52.6	5.3
Upland Buffer Area	34.4	8.6
Powerline Easement	2.7	0.0
<b>TOTAL</b>	<b>148.7</b>	<b>55.2</b>



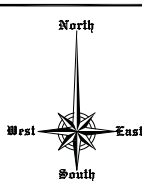
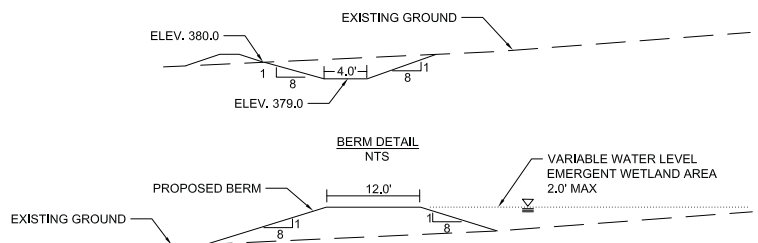
#### LEGEND

- PROJECT BOUNDARIES
- EAGLE NEST
- 330 FT NEST BUFFER
- 660 FT NEST BUFFER
- TREE PLANTING AREA (0.5 CREDITS/ACRE)
- TREE PLANTING AREA (1.0 CREDITS/ACRE)
- UPLAND BUFFER AREAS (0.25 CREDITS/ACRE)
- DEED RESTRICTION (OPEN WATER 5.7 ACRES)
- DEED RESTRICTION (WETLAND 29.3 ACRES)
- DEED RESTRICTION (UPLAND 17.0 ACRES)
- EMERGENT VEGETATION HABITATS (18.0 ACRES)
- CONTOUR DITCH
- PROPOSED BERM

#### BOUNDARY BERM DETAIL NTS

- PROJECT BOUNDARY
- BERM ELEV. 380.5
- EXISTING GROUND
- EXCAVATED HABITAT BOTTOM ELEV. 378.5

#### CONTOUR DITCH DETAIL NTS



0 200' 400'

**HMG**  
Engineers • Surveyors

SURVEY D.A.J./W.G.O.  
DESIGN G.W.R./W.G.O.  
DRAWN T.J.K.  
CHECKED G.W.R.  
DATE 5/29/2019

**PROSPECTUS  
WETLAND MITIGATION BANK (North Site)  
JACKSON COUNTY, IL**

**HMG ENGINEERS, INC.**  
1032 N. 6TH ST.  
MURPHYSBORO, IL 62966  
618-684-9355 WWW.HMGENGINEERS.COM

**EXHIBIT**  
3  
JOB NO. —



TOTAL AREA AND CREDITS AVAILABLE		
Type	Acres	Credits
Tree Planting Area (Half Credit)	27.0	13.5
Tree Planting Area Emergent Veg. Habitat (Full Credit)	10.9	10.9
Deed Restriction Area	43.6	4.3
Buffer Area	1.3	0.3
Access Roadway	0.5	0.0
<b>TOTAL</b>	<b>88.3</b>	<b>29.6</b>

