



**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2015-698-gjd

Open Date:
3 Feb 2016

Close Date:
4 Mar 20196

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. George DeLancey, CELRL-OPF-W
6855 State Road 66
Newburgh, Indiana 47630
lrl.regulatorypubliccomment@usace.army.mil

Phone: 812-842-2807

This Notice describes an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act. This notice announces a proposal to develop a mitigation bank, submitted in accordance with the "Compensatory Mitigation for Losses of Aquatic Resources" (Mitigation Rule) (CFR Vol. 73 No. 70, p 19670-19705 (33 U.S.C. 401 et seq.; 33 U.S.C. 1344; and Pub. L. 108-136), as published in the federal register on April 10, 2008:

SPONSOR: CreekBankers, Inc.
P.O. Box 685
Hazard, Kentucky 41702

AGENT: EcoSource, Inc.
426 North Broadway
Georgetown, Kentucky 40324

LOCATION: Abutting wetlands of Flynn Fork and East Flynn Fork,
adjacent to Kentucky 2612, west of Dawson Springs,
Caldwell County, Kentucky.
Latitude: 37.165783°N
Longitude: - 87.760064°W

PURPOSE: To develop a mitigation banking instrument that would
operate within the Commonwealth of Kentucky,
providing wetland mitigation credits.

DESCRIPTION OF WORK: The sponsor is proposing to establish a wetland mitigation bank, Flynn Fork Mitigation Bank, on a 57.7-acre site located abutting Flynn Fork and East Flynn Fork. The sponsor proposes to restore 29.3 acres of ground currently in agricultural production to palustrine forested wetlands. The 29.3 acres would be taken out of agricultural production and planted primarily with hard mast species. Artificial drainages, primarily shallow agricultural field ditches would be filled and/or plugged to promote a restoration of hydrology on site. Soils on the site are predominantly Belknap soils and currently show characteristics that would be conducive to wetland re-establishment once agricultural operations are ceased, hydrology restored to normal patterns, and hydrophytic plantings completed.

Operations Division
Regulatory Branch (West)
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The remaining 28.4 acres are currently forested and predominately meet wetland classification as defined by the Corps of Engineers Regional Supplement: Eastern Mountains and Piedmont Region. The sponsor is proposing to preserve these wetland in perpetuity.

The sponsor proposes that credits for the restoration work be completed at a 1:1 ratio. The preservation is requested to generate credits at a 0.1:1 ratio. In all, once the bank has been deemed successful, the sponsor proposes that 32.14 wetland mitigation would be generated for sale. These credits are proposed to be available to the general public to provide compensatory mitigation for impacts authorized by other Department of the Army permits.

The sponsor proposes that the Flynn Creek Mitigation Bank provides available compensatory mitigation for projects located in the following 8-digit Hydrologic Unit Codes;

- Tradewater River
- Ohio River - Deer Creek
- Ohio River - Highland Creek
- Lower Green River
- Rough Green River
- Mud River - Green River
- Pond River
- Barkley Lake - Cumberland River
- Lower Cumberland River - Red River.

CreekBankers, Inc., currently owns the site and would provide long term management for the site consistent with the proposed re-establishment and preservation proposal. The site would be protected in perpetuity by Restrictive Covenants being recorded with the property deed.

The project would be monitored for a period of 10 years to assure that the project meets the proposed objective, success criteria, and performance standards agreed on to determine the long term sustainability of the proposed project.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a Commonwealth of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the sponsor, by this notice, hereby applies for State certification from the KDMP.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in

accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest, which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The 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 this proposed activity. Any comments received will be considered by the 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 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.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the sponsor for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. George DeLancey, CELRL-OPF-W at the address noted above and should refer to the Public Notice Number LRL-2015-698-gjd.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2015-698-gjd.

Example:

Subject: LRL-2015-698-gjd

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



EcoSource, Inc.

426 North Broadway, Georgetown, Kentucky 40324
(502) 868-5200

FIGURE:

General Location Map

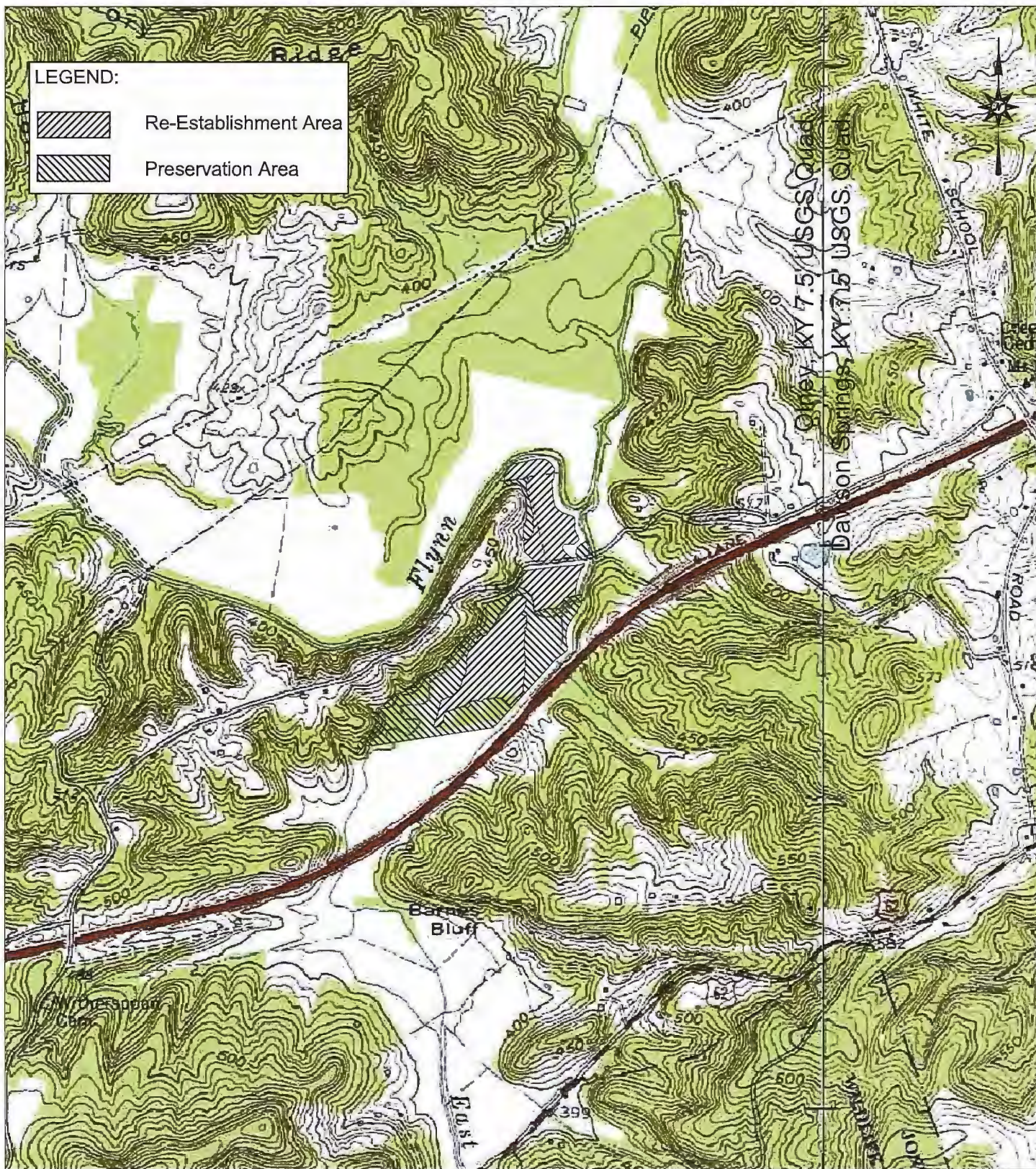
(Excerpted from the Official Kentucky Highway Map at www.transportation.ky.gov)

PROJECT NAME:
Flynn Fork
Mitigation Bank

APPLICANT:
CreekBankers Inc.

CORPS ID# LRL-2015-00698-GJD
MAP 1 of 7

SCALE:
not to scale



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FIGURE:

Specific Location Map

PROJECT NAME:
Flynn Fork
Mitigation Bank

APPLICANT:
CreekBankers LLC

CORPS ID# LRL-2015-00698-GJD
MAP 2 of 7

SCALE:
1"=1000'

LEGEND:

DwF	Dekalb-Westmoreland-Gilpin Complex, 20-60%
Sk	Skidmore gravelly loam
uBeIA	Belknap silt loam, 0-2%
uShaA	Sharon silt loam, 0-2%
ZaC2	Zanesville silt loam, 6-12%

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FIGURE:

Soils Map

PROJECT NAME:
Flynn Fork
Mitigation Bank



APPLICANT:
CreekBankers LLC

CORPS ID# LRL-2015-00698-GJD
MAP 3 of 7

SCALE:

1"=500'

LEGEND:

- PFO1A** Palustrine Forested - Broad Leaved
Deciduous - Temporarily Flooded
- PSS1C** Palustrine Scrub Shrub - Broad Leaved
Deciduous - Seasonally Flooded
-  Re-Establishment Area
-  Preservation Area

CREEKBANKERS, INC.



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FIGURE:

National Wetlands Inventory Map

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APPLICANT:
CreekBankers LLC

CORPS ID# LRL-2015-00698-GJD
MAP 4 of 7

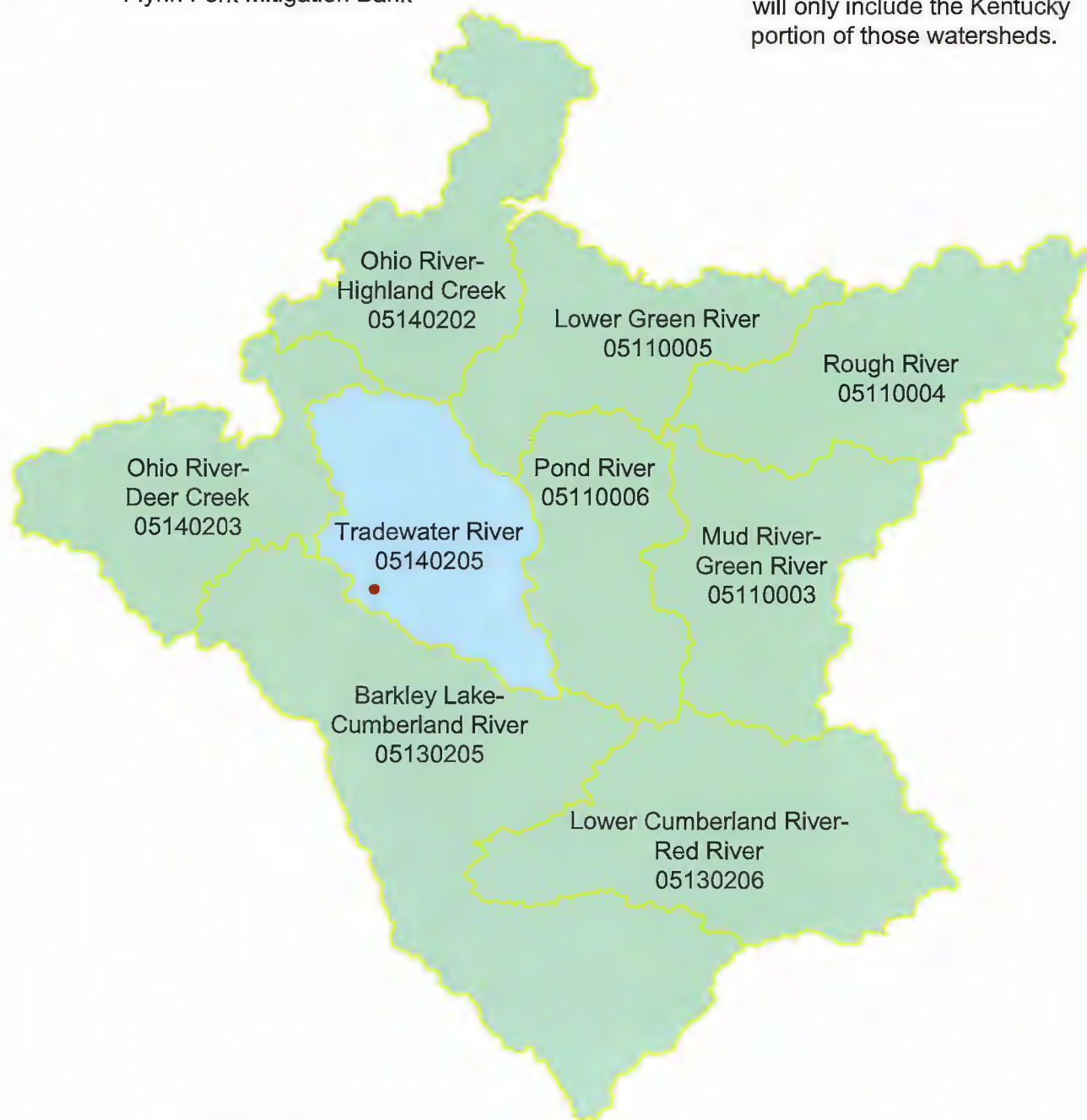
SCALE:
1"=500'



LEGEND:

-  Bank Site 8-digit HUC Watershed
-  Adjacent 8-digit HUC Watersheds
-  Flynn Fork Mitigation Bank

NOTE: The 05140202 and 05140203 8-digit HUCs share watershed boundaries with the neighboring states of Indiana and Illinois. The bank site's service area will only include the Kentucky portion of those watersheds.



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FIGURE:

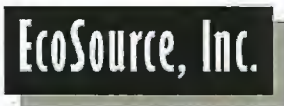
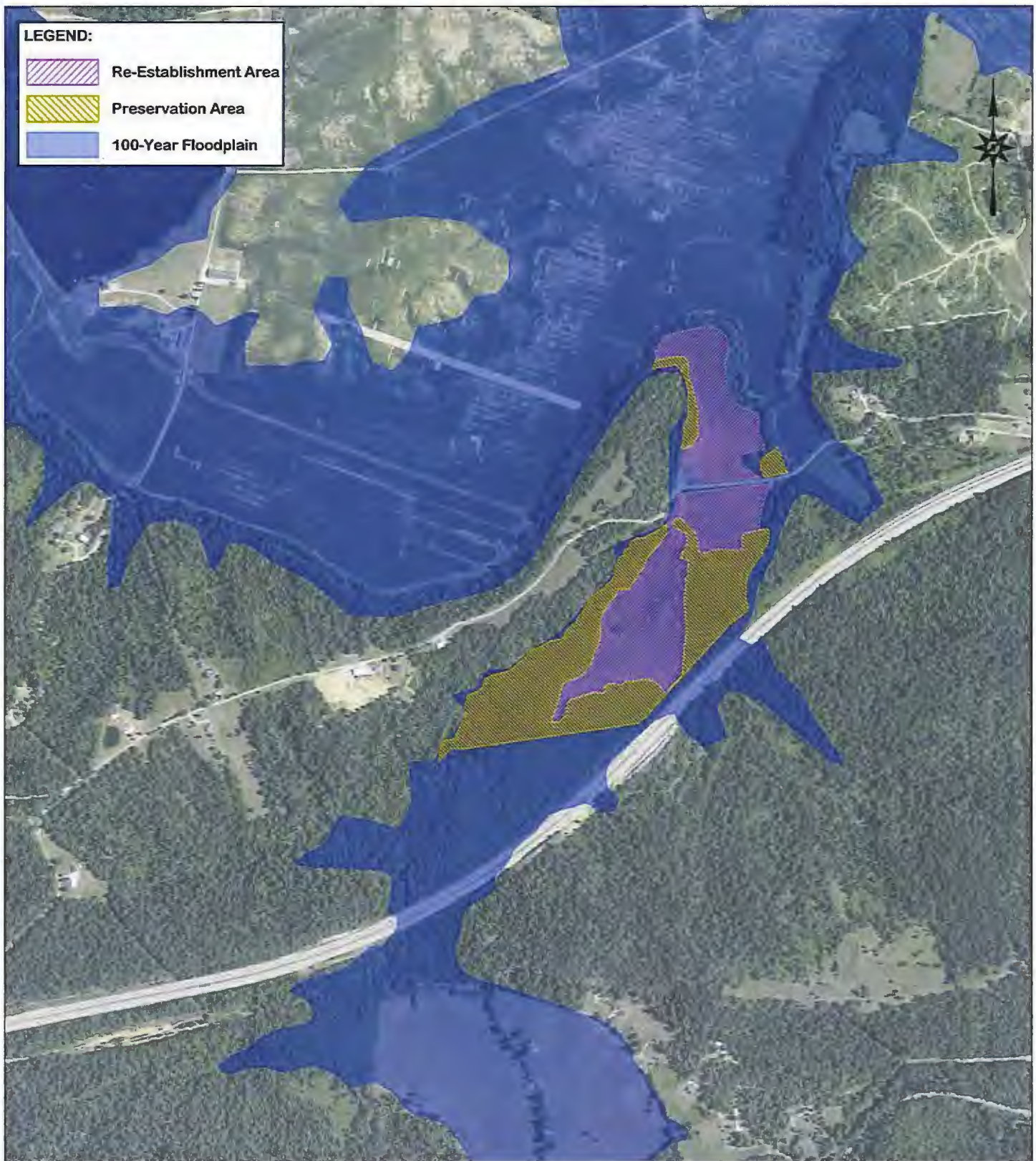
Service Area Map

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APPLICANT:
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MAP 6 of 7

SCALE:
1"=7 miles



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100-Year Floodplain Map

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MAP 7 of 7

SCALE:
1"=1000'