



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

Public Notice

Public Notice No.	Date:	Closing Date:
LRL-2018-00831-GJD	5 Nov 2018	5 Dec 2018

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. George DeLancey, CELRL-RD-MCE
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: Wetland Services
3880 Trigg Turner Road
Corydon, KY 42406

LOCATION: Abutting wetlands to headwaters of Flat Creek, near State Road 56
and County Road 475 East, Pike County, Indiana

Latitude: 38.42992
Longitude: -87.19621

PURPOSE: To develop a mitigation banking instrument that would operate
within the State of Indiana, providing wetland mitigation credits

DESCRIPTION OF WORK: The sponsor is proposing to establish a wetland mitigation bank, Flat Creek Mitigation Bank, on a 72 acre site located at the headwaters of Flat Creek. The sponsor proposes to restore 36.6 acres of palustrine forested (PFO) wetlands on ground currently in agricultural production. The 36.6 acres would be taken out of agricultural production and planted primarily with hard mast tree species. Soils on the site are predominately Peoga silt loam and Bonnie silt loam, both poorly drained soils. These soils show characteristics that would be conducive to wetland restoration once agricultural operations are terminated.

The sponsor is also proposing 19.6 acres of PFO wetland and 13.4 acres of forested upland preservation by placing a perpetual conservation easement/deed restriction on these areas.

Finally, the sponsor is proposing to enhance 500 linear feet of Flat Creek. The enhancement would include the use of in stream structures, channel reshaping, and bank/bed stability measures to enhance instream habitat, stability, and floodplain access.

The sponsor proposes that credits for the wetland restoration work be completed at a 1:1 ratio. The wetland preservation is requested to generate credits at a 0.2:1 ratio and upland buffer is requested to generate credits at a 0.1:1 ratio. In all, once the bank has been deemed successful, the sponsor proposes that 41.86 wetland mitigation credits would be generated for sale. For the stream credits, the sponsor request that credit be approved based on linear footage and flow regime of the proposed impacts. That is, a ratio of 1:1 for perennial impacts, 1.5:1 for intermittent impacts, and 2:1 for ephemeral stream impacts. 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 Flat Creek Mitigation Bank provides available compensatory mitigation for projects located in the following 8-digit Hydolic Unit Codes;

- Lower White River (05120202)
- Lower East Fork White River (05120208)
- Patoka River (05120209)

Wetland Services, would provide long term managment 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 on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

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.

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. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. 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 applicant 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/Public-Notices/>. All comments regarding this proposal should be addressed to George DeLancey, CELRL-RDE at the address noted above and should refer to the Public Notice Number No. LRL-2018-831-GJD.

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

Regulatory Division
Mitigation, Compliance, & Enforcement Branch
Public Notice No. LRL-2018-00831-GJD

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2018-00831-GJD.

Example:

Subject: LRL-2018-00831-GJD

b) Provide your physical mailing address and telephone number.

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

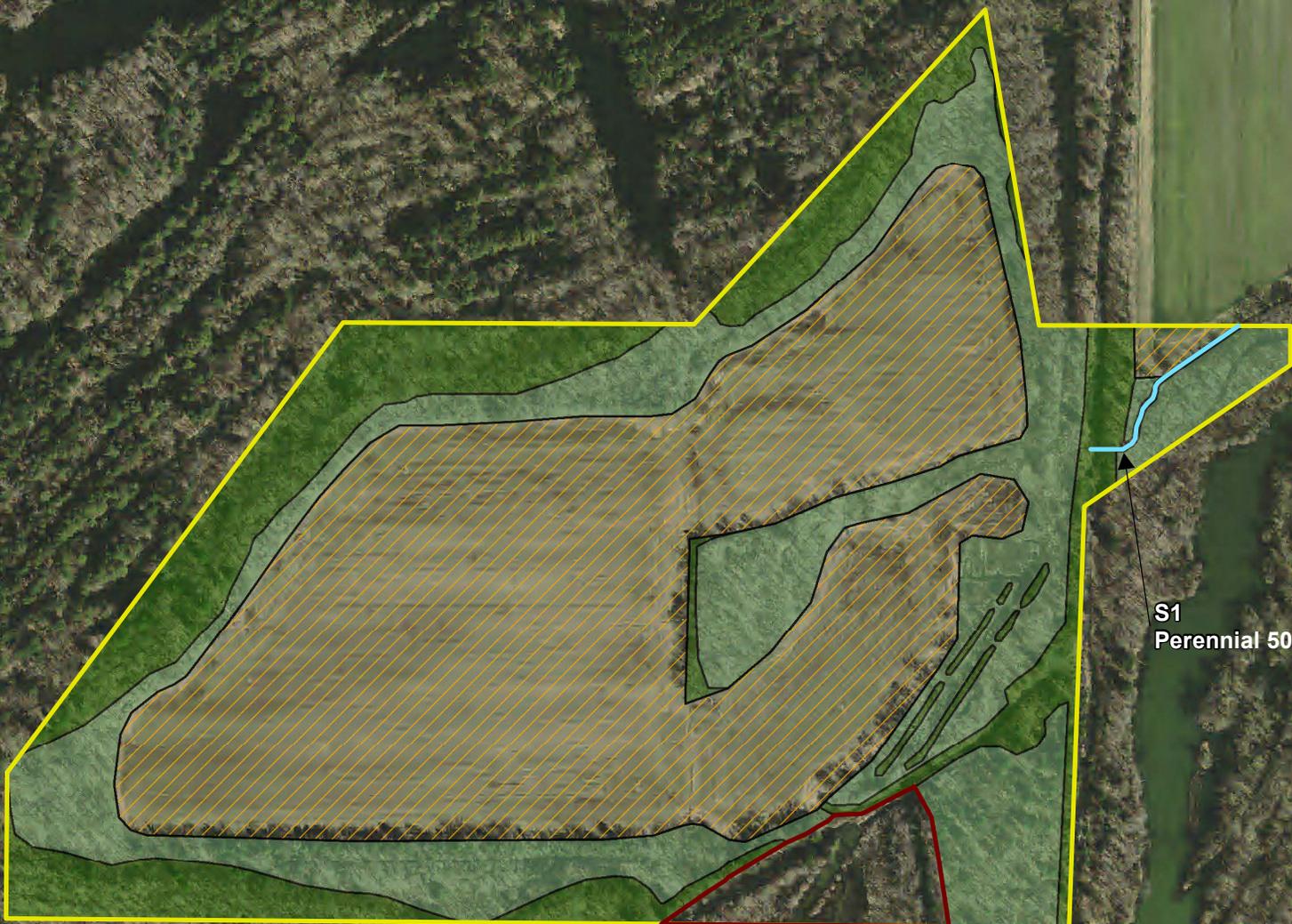
d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

Flat Creek Location Map	
Wetland Services	
N 	1 inch = 4,000 feet
	0 1,600 3,200 6,400 Feet
Imagery: USGS Quad	Map Prepared By: RL Wetland Services, Inc 1015 Amiet Rd. Henderson, KY 42420
Date: 28JUN18	
<small>Z:\ArchMap\Projects\Gray_Farms\Flat Creek\FlatCreek_Location_Map_13AUG18_KM</small>	

Corps ID# LRL-2018-831-GJD
Map 1 of 3

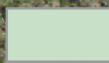
Legend

 **Boundary**



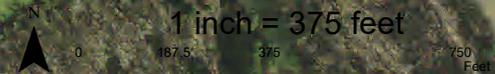
S1
Perennial 500-ft

Legend

-  Stream - 500-ft
-  RC Only - 2.5-ac
-  Boundary - 72.1-ac
-  Wetland Preservation - 19.6-ac
-  PFO Restoration - 36.6-ac
-  Buffer - 13.4-ac

at
Mitigation Bank Map
Wetland Services

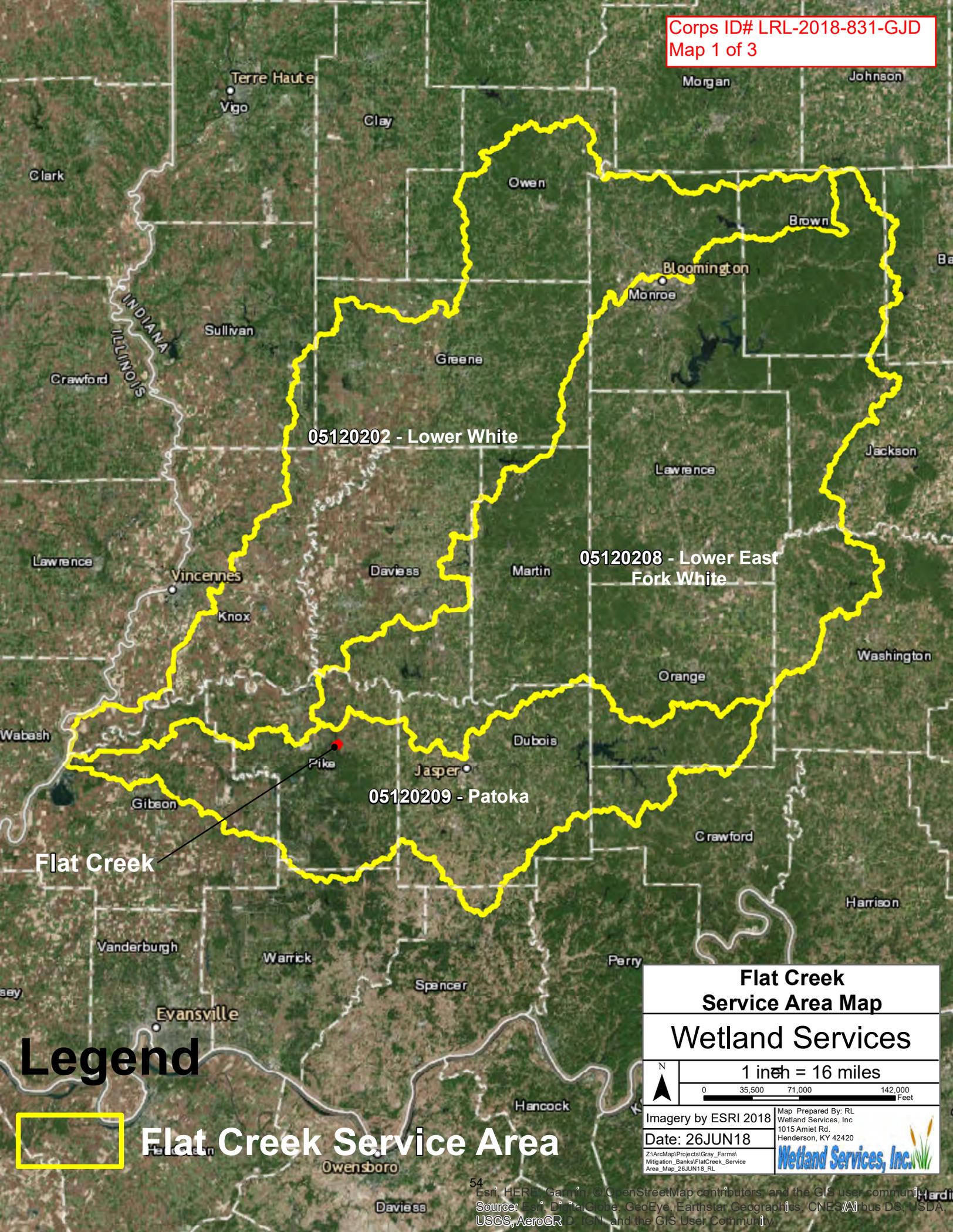
1 inch = 375 feet



Imagery: Ortho 2013
Date: 19OCT18

Map Prepared By: RL
Wetland Services, Inc.
1015 Arriet Rd.
Henderson, KY 42420

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731_Canals\Task_Mitigation
Map_27 JUN18_RL



05120202 - Lower White

05120208 - Lower East Fork White

05120209 - Patoka

Flat Creek

Legend



Flat Creek Service Area

Flat Creek Service Area Map

Wetland Services

N

1 inch = 16 miles

0 35,500 71,000 142,000 Feet

Imagery by ESRI 2018

Date: 26JUN18

Map Prepared By: RL
Wetland Services, Inc
1015 Amiet Rd.
Henderson, KY 42420

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