



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil/

CESWL-RD

March 20, 2012

APPLICATION NO. SWL 2011-00428

PUBLIC NOTICE
CORPS OF ENGINEERS
(30-Day Comment Period)
(Comment Expiration Date – April 18, 2012)

TO WHOM IT MAY CONCERN: Comments are invited on the work described below.
Please see the Public Involvement section for details on submitting comments.

Point of Contact. If additional information is desired, please contact the project manager, Mr. Mickey Matthews, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, e-mail address: Mickey.w.matthews@usace.army.mil. An electronic copy of the Rattlesnake Creek Mitigation Bank prospectus can be viewed on the Little Rock District's homepage at <http://www.swl.usace.army.mil/regulatory/notices.html> or a hard copy can be obtained from the Corps of Engineers through the contact information listed above.

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that the Grotto Springs Ranch LLC (Grotto) has submitted their completed Rattlesnake Creek Mitigation Bank prospectus. The prospectus outlines the proposal for developing and operating the bank which is known as the banking instrument. After public comments are received and any issues resolved on the prospectus, Grotto will submit a draft banking instrument to the District Engineer of the Little Rock District. The District Engineer will distribute the draft banking instrument to the Interagency Review Team (IRT), which is made up of the Corps and the pertinent state and Federal resource agencies. The IRT will review the banking instrument and coordinate with Grotto on any issues until a final banking instrument is completed. Finally, the District Engineer will review the final instrument and make a decision to approve or not approve.

The primary purpose of this bank is to mitigate for unavoidable impacts to streams authorized under Section 404 of the Clean Water Act.

The proposed project site is located on Rattlesnake Hollow in sections 16 and 21, T. 14 N., R. 12 W., Timbo, Stone County, Arkansas. The site is approximately 165 acres in size and is currently a homestead with approximately 70 percent of the acreage in pasture. The site has been cleared and managed for cattle. The remainder of the property is primarily oak-hickory forest on steep valley walls characterized by rugged karst topography.

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Streamflow on the site is primarily groundwater driven. Rattlesnake Creek is a typical Ozark Highland spring-fed stream that runs through the middle of the site. The stream is fed by numerous perennial and seasonal springs on the property. In addition to the main creek, there is a combination of unnamed perennial, intermittent and ephemeral tributaries located on the site. Once leaving the property, Rattlesnake Creek flows northward into South Sylamore Creek.

The current condition of the streams on the site would be characterized as incised and degraded due to deforestation and cattle management. The streams are in various stages of degradation. Hydrology on the site has been modified through dams, channelization, pipe diversions, etc., to support farming operations. Water is currently diverted through a series of pipes and man-made channels from a perennial on-site spring into a cattle pond. Converting the land into a mitigation bank will entail excluding cattle from the site, replanting riparian areas, stabilizing the streambanks, removing or lowering dams, and performing in-channel work where appropriate to abate and reverse channel incision and restore the stream access to the flood plain.

The proposed bank site lies within the Middle White River 8-digit (11010004) hydrologic unit code (HUC) as designated by the U.S. Geologic Survey (USGS). Grotto proposes that the primary geographic service area for the bank include the Middle White River 8-digit HUC and the portions of the Little Red River 8-digit HUC that do not support threatened or endangered species (see attached map). The proposed secondary service area includes all of the Buffalo River (11010005) HUC.

United States Fish and Wildlife Service (USF&WS) conducted ANABAT surveys, indicating the presence of federally listed endangered gray bats (*Myotis grisescens*) and endangered Indiana bats (*Myotis sodalis*) on the property. There are three known caves on the property.

The IRT reviewed the draft prospectus and inspected the site in January 2012. They agreed that the site was an acceptable area for development of a bank and offered preliminary comments.

The location, figures and photos for the proposed work are shown on the enclosed Sheets 1 through 4 of 4.

Cultural Resources. The National Register of Historic Places has been consulted; and it has been determined that there are no properties currently listed in the Register, or eligible for inclusion therein, which would be affected by the proposed work. A Corps staff archeologist also will review topographic maps and data on reported sites in the area. If it is determined that further review is not warranted, these reviews will constitute the full extent of cultural resources

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investigation by this office unless we are made aware, as a result of comments received in response to this notice or by other means, of the existence of specific structures or sites which might be affected by the proposed work.

Endangered Species. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the USF&WS and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain Management.

Section 404(b)(1) Guidelines. Designation of the proposed disposal site for material associated with this Federal project shall be made through the application of guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), in conjunction with the Secretary of the Army. These guidelines are contained in 40 Code of Federal Regulations (CFR) 230. If these guidelines alone prohibit the designation of the proposed disposal site, any potential impairment to the maintenance of navigation, including any economic impact on navigation and anchorage which would result from the failure to use this disposal site, will also be considered.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before April 18, 2012. Substantive comments, both favorable and unfavorable, will be accepted and made part of the record and will receive full consideration in the review of this work. The review will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That review will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those 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, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies

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and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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.

Any person may request in writing within the comment period specified in this notice that a public hearing be held in regard to this project. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

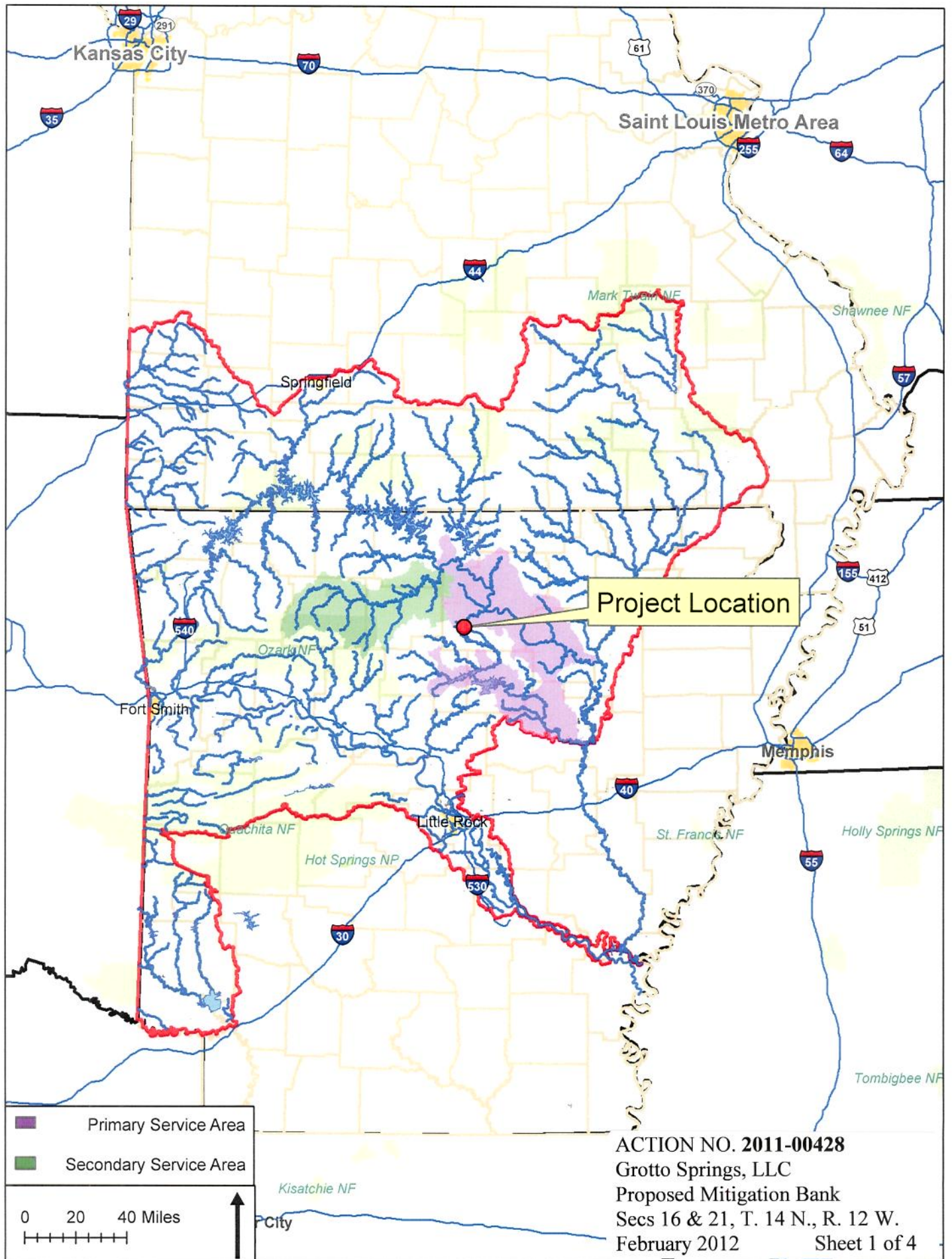
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

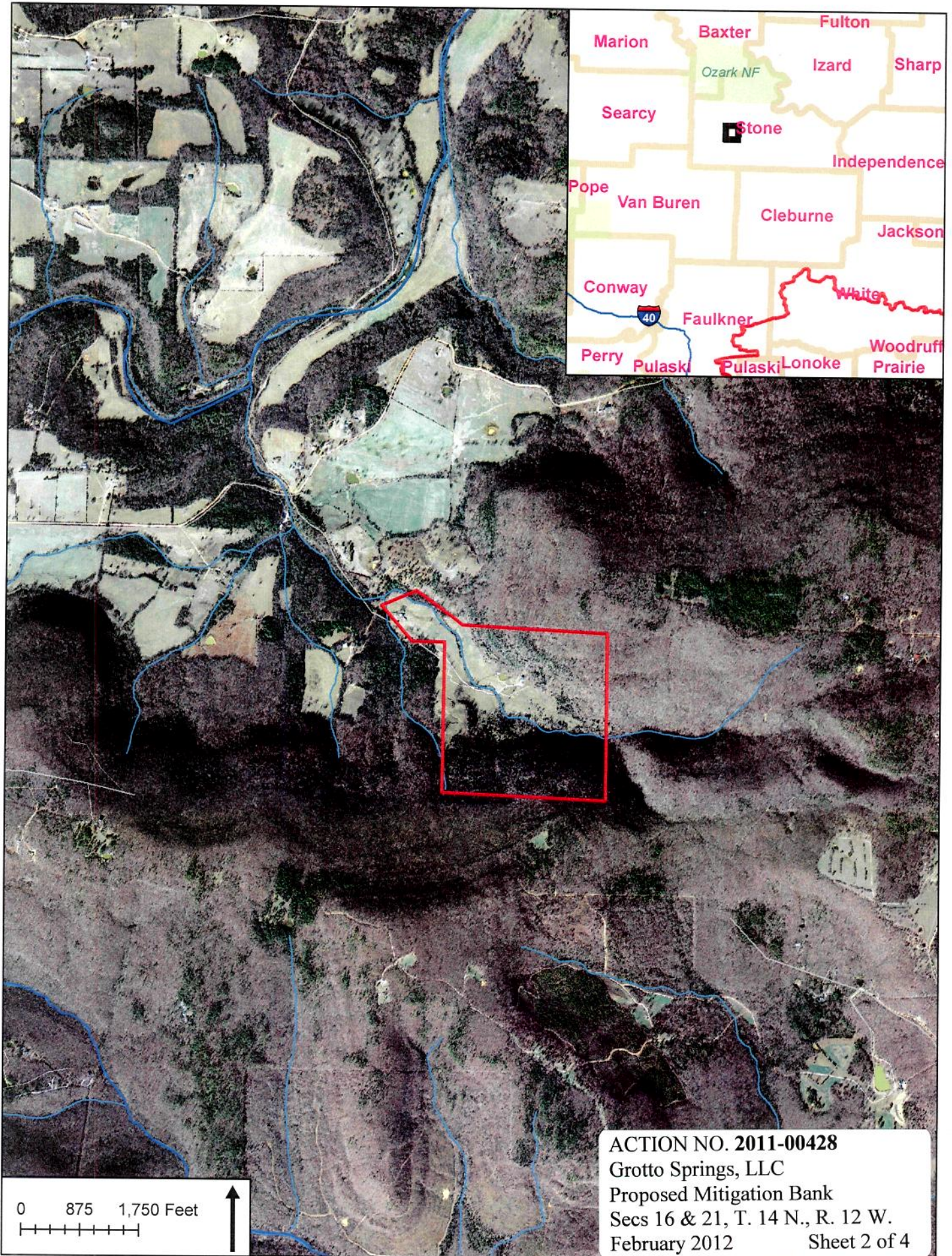
Enclosures

Approximate Coordinates of Project Center

Latitude: **35.839724** Longitude: **-92.261065**

UTM Zone: **15** Northing: **3966423** Easting: **566733**





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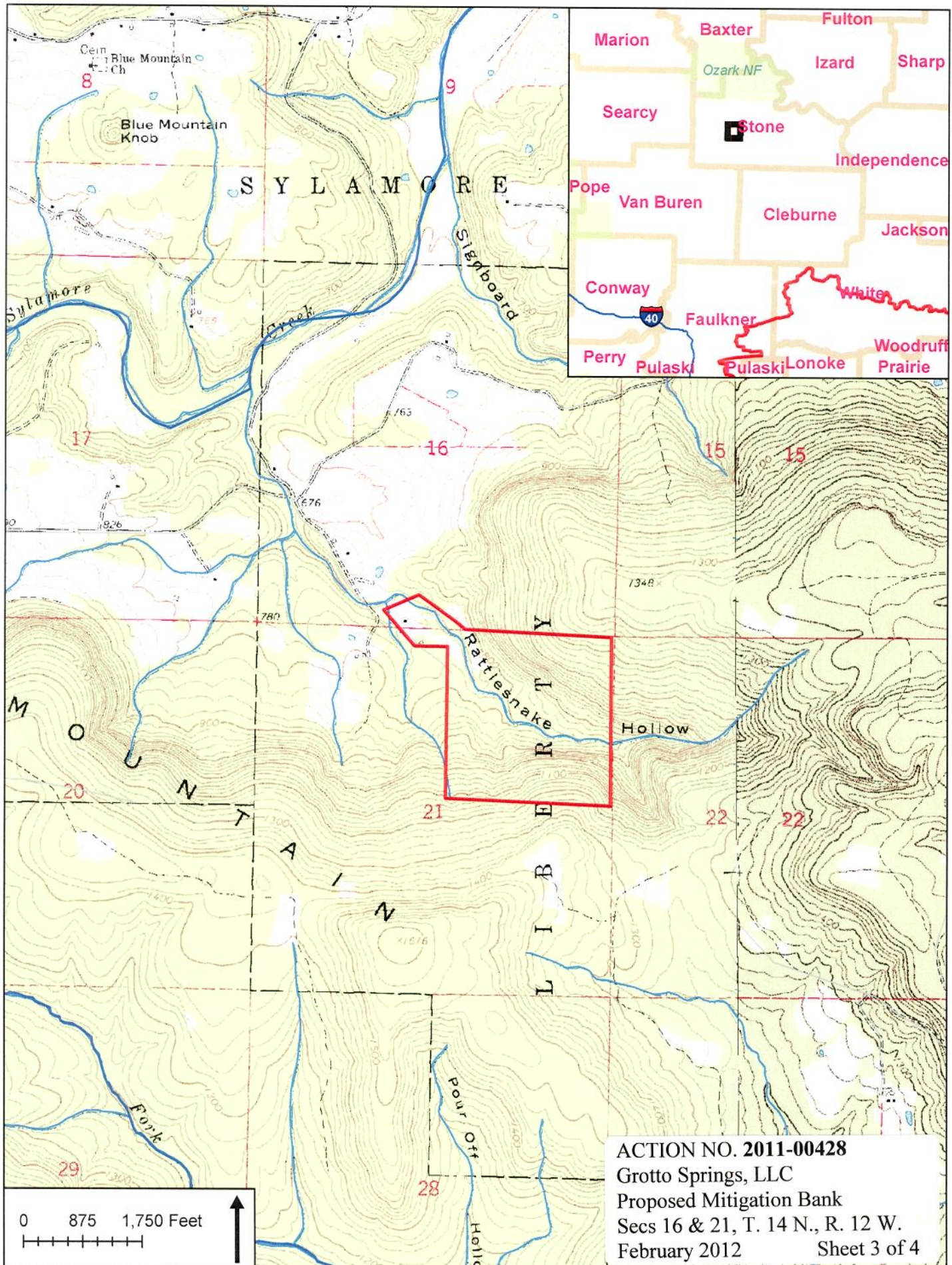
Grotto Springs, LLC

Proposed Mitigation Bank

Secs 16 & 21, T. 14 N., R. 12 W.

February 2012

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Appendix 4: Stream Restoration, Enhancement and Preservation Activities
Proposed Rattlesnake Creek Mitigation Bank, Stone County, Arkansas

