



**US Army Corps  
of Engineers** ®  
Fort Worth District

# Public Notice

Applicant: Pickett Springs Recreational Properties, LLC

Project No.: SWF-2012-00220

Date: March 7, 2013

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The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

## **Regulatory Program**

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

## **Section 10**

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

## **Section 404**

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands*. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

## **Contact**

Name: Mr. Eric Dephouse, Project Manager

Phone Number: 817-886-1820

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## **PUBLIC NOTICE**

### **U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT**

**SUBJECT:** This public notice is being issued to provide interested parties an opportunity to comment on a proposal to create the Hart Creek Mitigation Bank (HCMB), located south of the city of Mount Pleasant, Texas adjacent to Hart Creek.

**APPLICANT:** Picket Spring Recreational Properties, LLC  
121 N. MacArthur Blvd.  
Irving, Texas 75061-7413

**AGENT:** BioMap, LLC  
P.O. Box 225  
Waskom, Texas 75692

**APPLICATION NUMBER:** SWF-2012-00220

**DATE ISSUED:** March 7, 2013

**LOCATION:** The proposed 337.4-acre HCMB is part of a larger tract of land (approximately 1,640 acres) located approximately 2.8 miles southeast of Mount Pleasant, Texas (see Figure 1 - Location Map). The approximate North American Datum 1983 (NAD83) coordinates for the proposed project are Latitude 33° 6' 9.63" N and Longitude 94° 56' 9.35"W on the Harvard 7.5 minute U.S. Geological Survey quadrangle maps. The proposed bank is located near the border of the East Central Texas Plains and the South Central Plains Level III Ecoregion (Omernik 2004) and the 11140305, Lake O' the Pines watershed (11140305) of the Big Cypress-Sulphur basin (HUC 111403).

**PROJECT DESCRIPTION:** Picket Spring Recreational Properties, LLC (the Sponsor) is proposing the restoration and enhancement of approximately 22,984 linear feet of intermittent, ephemeral, and perennial streams and approximately 209-acres of bottomland hardwood forest. Restoration and enhancement activities would involve cattle exclusion, the removal of three dams, channel reconstruction, and the planting and revegetation of riparian areas and bottomland hardwood forest. Credits produced at the proposed bank would be used to offset permitted impacts to ephemeral, intermittent, and perennial channels within the proposed service area.

The Sponsor is proposing primary, and secondary service areas for the proposed bank (see Figure 4 – Service Area Map). The proposed primary service consists of the 8-digit Hydrologic Unit Code (HUC; 11140305), which includes parts of Camp, Cass, Franklin, Harrison, Hopkins, Marion, Titus, Upshur and Wood Counties. The proposed secondary service area consists of the Level III Ecoregion, East Central Texas Plains and the South Central Plains Level III Ecoregion,

contained within the adjoining HUCs (11140306 and 11140307). All of the proposed service areas are contained within the Big Cypress-Sulphur basin (6-digit HUC 111403).

The site is currently utilized for intensive livestock grazing with direct, unlimited access to the channels and streams on the site. The project's stream channels are degraded, incised, ditched, and dammed. Large portions of the bottomland hardwood forest which buffers Hart Creek was removed for grazing purposes. The site is therefore considered to be significantly disturbed and degraded. Further, the entire ranch site has been cleared and used for ranching and agricultural production for many decades (see Figure 2 –Aerial Map).

The Sponsor has identified approximately 209-acres +/- of low and moderate quality wetland habitats which could potentially be enhanced, restored, and preserved. The Sponsor has identified approximately 27,100 linear feet of moderate to heavily impacted streams, approximately 2,500 linear feet of ditches, 2,700 linear feet of restorable stream segments and 2,700 linear feet of inundated streams under reservoirs.

Restoration activities would include exclusion of livestock, floodplain restoration, enhancement and preservation, stream bank protection, wildlife habitat enhancement and planting and revegetating the wetland pastures and monotypic wetland hardwood forests to naturalized bottomland hardwood forests. Dam and ditch removal in addition to regrading would serve to rehydrate disconnected wetland and stream systems, and would reconnect disconnected stream reaches. Culvert removal within streams and adding or replacing culverts in existing roadways will allow free hydrological passage of streams and facilitate the natural sheet flow. These activities would increase the functional capacity of onsite and downstream habitat.

The proposed restoration and mitigation activities would achieve an ecological functional lift by increasing floodwater storage and detention times, thereby promoting nutrient and sediment removal, provide shading, and improve downstream water quality. The Bank would restore and enhance wetland habitat and streams by eliminating impoundments and restoring hydrology. The combination of these activities would likely provide a net increase to dissolved oxygen to downstream aquatic habitats. The Bank would provide increased nesting, spawning, foraging, and migration habitat allowing fish and wildlife to utilize re-established corridors to upstream and downstream habitats. The Bank would also protect habitat for various federal and state listed wetland dependent species including but not limited to the state listed threatened paddlefish (*Polyodon spathula*).

A mitigation banking instrument (MBI) would be developed in accordance with the Compensatory Mitigation for Losses of Aquatic Resources (CMLR), (Federal Register, Thursday, April 10, 2008, Vol. 73, No. 70, pp. 19594-19705). The MBI would detail the legal and physical characteristics of the bank and how the bank would be established and operated. Subjects addressed in detail in the MBI would include development of the site, service area, credit determination, short and long-term financial assurances, scope of agreement, purpose and goals of the bank, baseline conditions, performance standards for enhancement activities, accounting procedures, monitoring and reporting, long-term maintenance and protection, and transfer of bank ownership or sponsorship. The USACE, U.S. Environmental Protection

Agency, U.S. Fish and Wildlife Service (USFWS), Texas Commission on Environmental Quality, Railroad Commission of Texas, and Texas Parks and Wildlife Department comprise the Interagency Review Team (IRT), and would be involved in developing the MBI and may be signatories to the final document.

Implementation of the proposed mitigation bank would require Department of the Army Authorization under Section 404 of the Clean Water Act. Based on preliminary evaluation by the USACE, it appears that the proposed bank may be authorized by nationwide permit 27 for Aquatic Habitat Restoration, Establishment, and Enhancement Activities.

**ENDANGERED AND THREATENED SPECIES:** The USACE has reviewed the USFWS's latest published version of endangered and threatened species to determine if any may occur in the project area. The Interior Least Tern (*Sterna antillarum athalassos*), Piping Plover (*Charadrius melodus*), Black bear (*Ursus americanus*), Red Wolf (*Canis rufus*) are listed as threatened or endangered in Titus Counties. The bald eagle (*Haliaeetus leucocephalus*) is also known to occur in these areas. Although the bald eagle has been delisted; its status remains in a period of monitoring until five years after delisting. Our initial review indicates that the proposed work would have no adverse effects on any federally-listed endangered or threatened species.

**NATIONAL REGISTER OF HISTORIC PLACES:** The area of the proposed mitigation bank has never been formally surveyed for the presence of prehistoric or historic sites. The proposed mitigation bank has not had any formal determination of eligibility to the National Register of Historic Places (NRHP) and remain potentially eligible for inclusion in the NRHP if discovered. No known prehistoric or historic sites have been identified as occurring on the proposed mitigation bank.

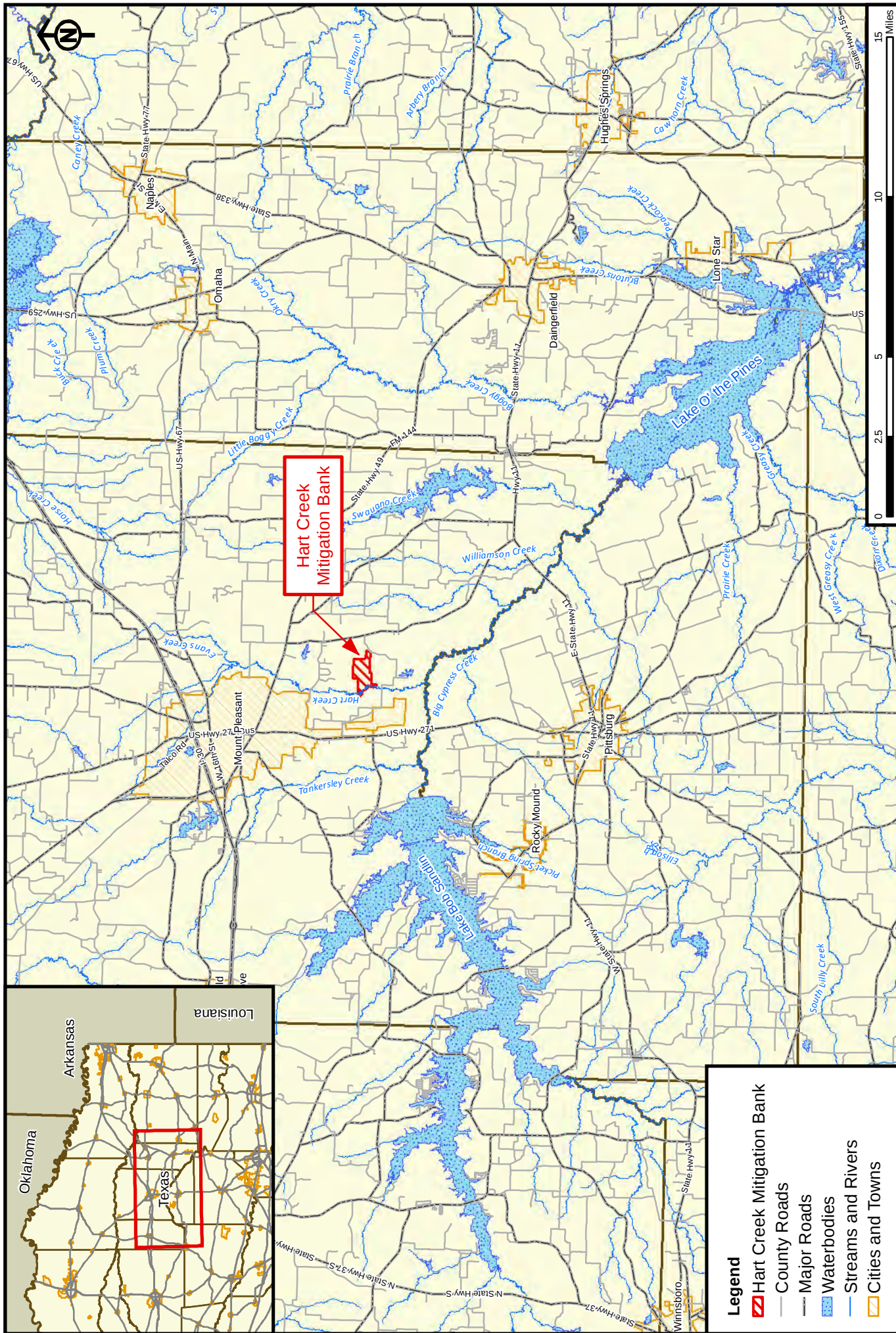
**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

**SOLICITATION OF COMMENTS:** The public notice is being distributed to all known interested persons in order to allow the public an opportunity to comment on this bank proposal and to assist the USACE and other members of the IRT in developing the final MBI. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

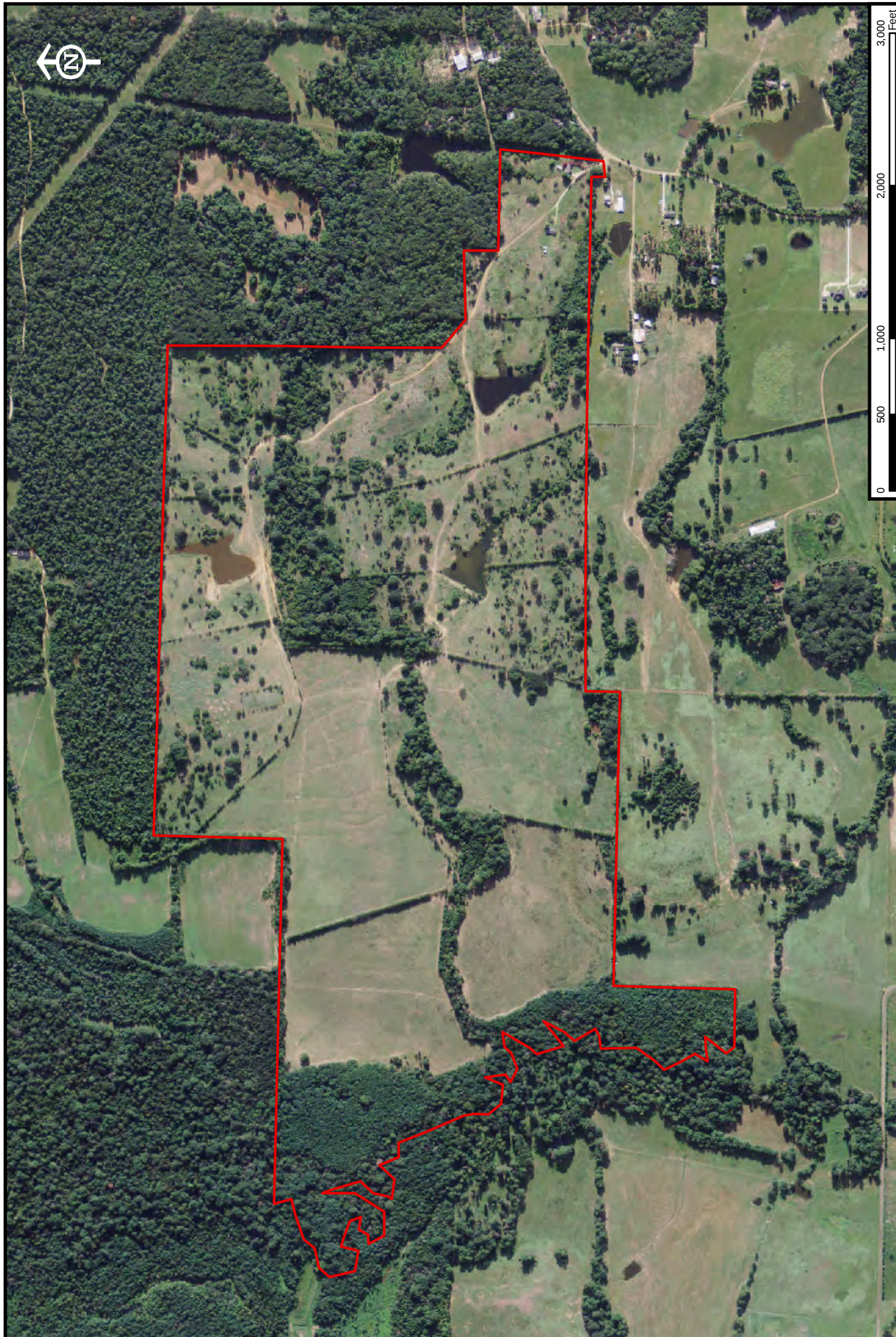
**PUBLIC HEARING:** Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before April 8, 2013, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Mr. Eric Dephouse; Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1733. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER  
FORT WORTH DISTRICT  
CORPS OF ENGINEERS



|                                                                                                                                      |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <p><b>Location Map</b></p> <p><b>Figure 1</b></p>                                                                                    |                                      |
| <p><b>Hart Creek Mitigation Bank</b><br/>SWF-2012-00220<br/>Pickett Springs Recreational Properties, LLC<br/>Titus County, Texas</p> |                                      |
| <p><b>Project</b></p> <p>003-0003</p>                                                                                                | <p><b>Scale</b></p> <p>1:250,000</p> |
| <p><b>Drawn by</b></p> <p>LCS</p>                                                                                                    | <p><b>Date</b></p> <p>11-23-12</p>   |
| <p><b>BioMap, LLC</b></p>                                                                                                            |                                      |

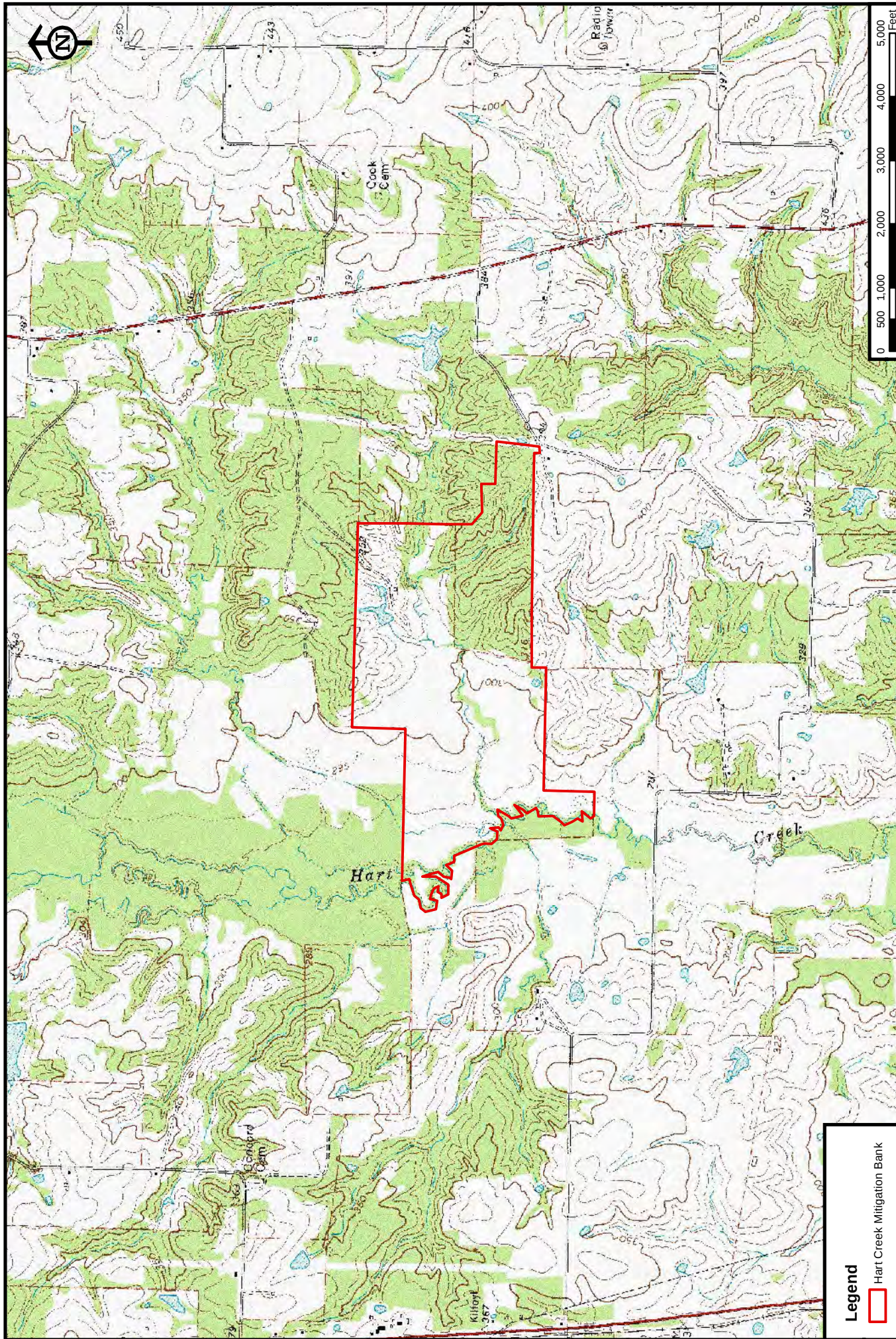


Aerial Photograph Map  
2012 Aerial Photograph  
Figure 2

Hart Creek Mitigation Bank  
SWF-2012-00220  
Pickett Springs Recreational  
Properties, LLC  
Titus County, Texas

| Project  | Scale    |
|----------|----------|
| 003-0003 | 1:10,000 |
| Drawn by | Date     |
| LCS      | 11-23-12 |





**Legend**

Hart Creek Mitigation Bank



**BioMap, LLC**

**Project**

003-0003

**Scale**

1:24,000

**Date**

11-23-12

**Drawn by**

LCS

**Hart Creek Mitigation Bank**

SWF-2012-00220

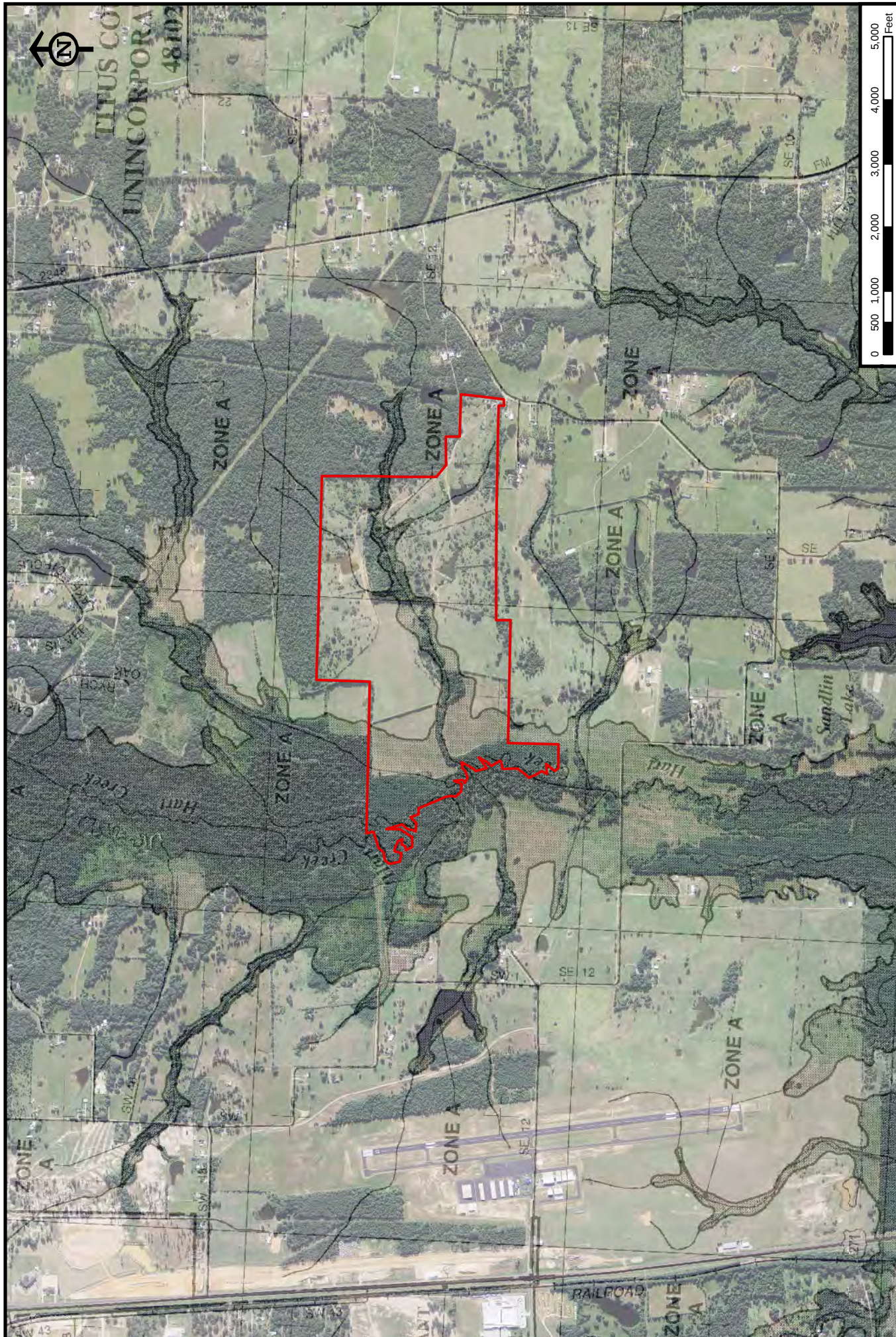
**Pickett Springs Recreational**

Properties, LLC

Titus County, Texas

**USGS Topographic Map**  
7.5 minute series, Harvard Quad  
Figure 3





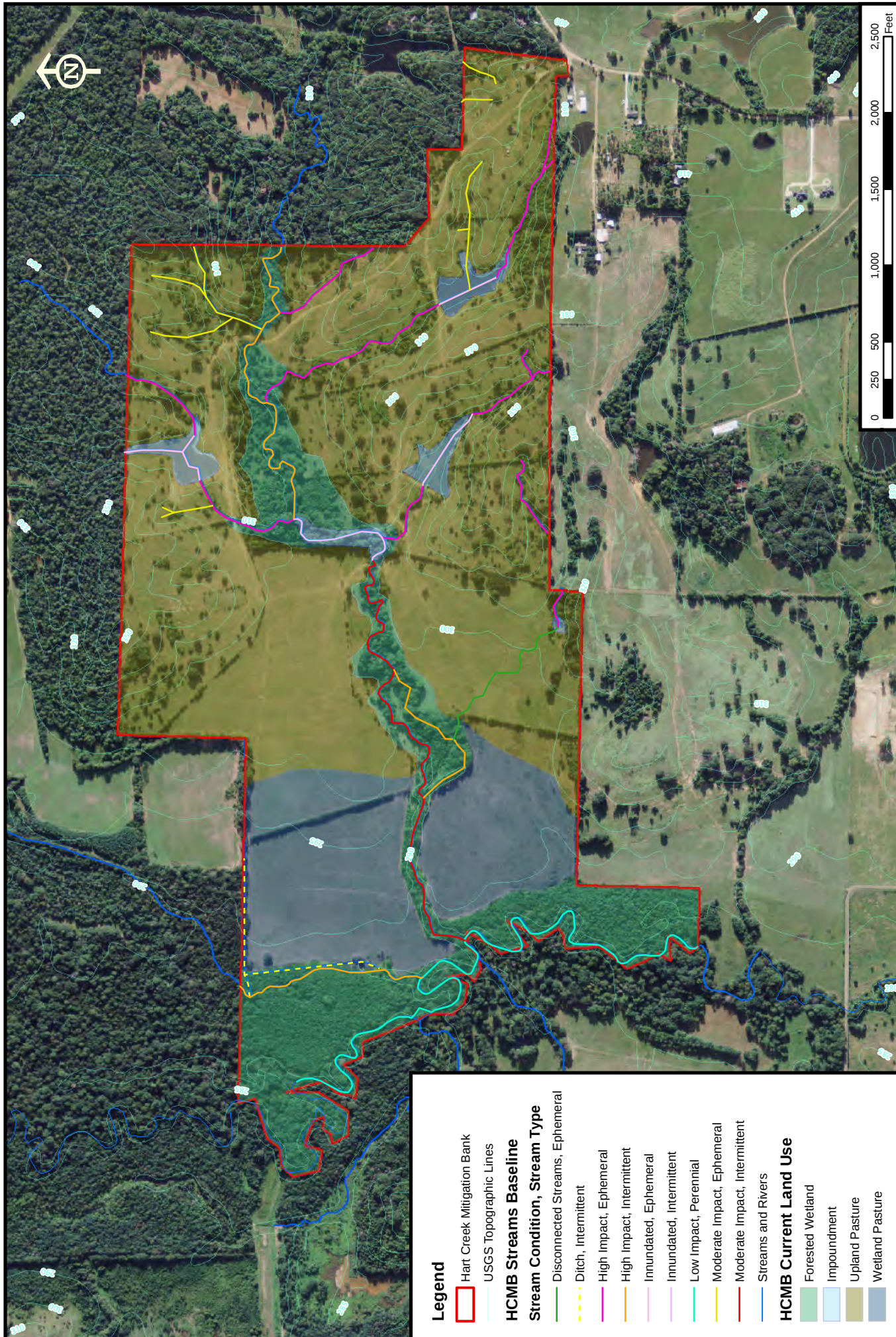
| Project  | Scale    |
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| 003-0003 | 1:24,000 |
| Drawn by | Date     |
| LCS      | 11-23-12 |

Hart Creek Mitigation Bank  
SWF-2012-00220  
Pickett Springs Recreational  
Properties, LLC  
Titus County, Texas

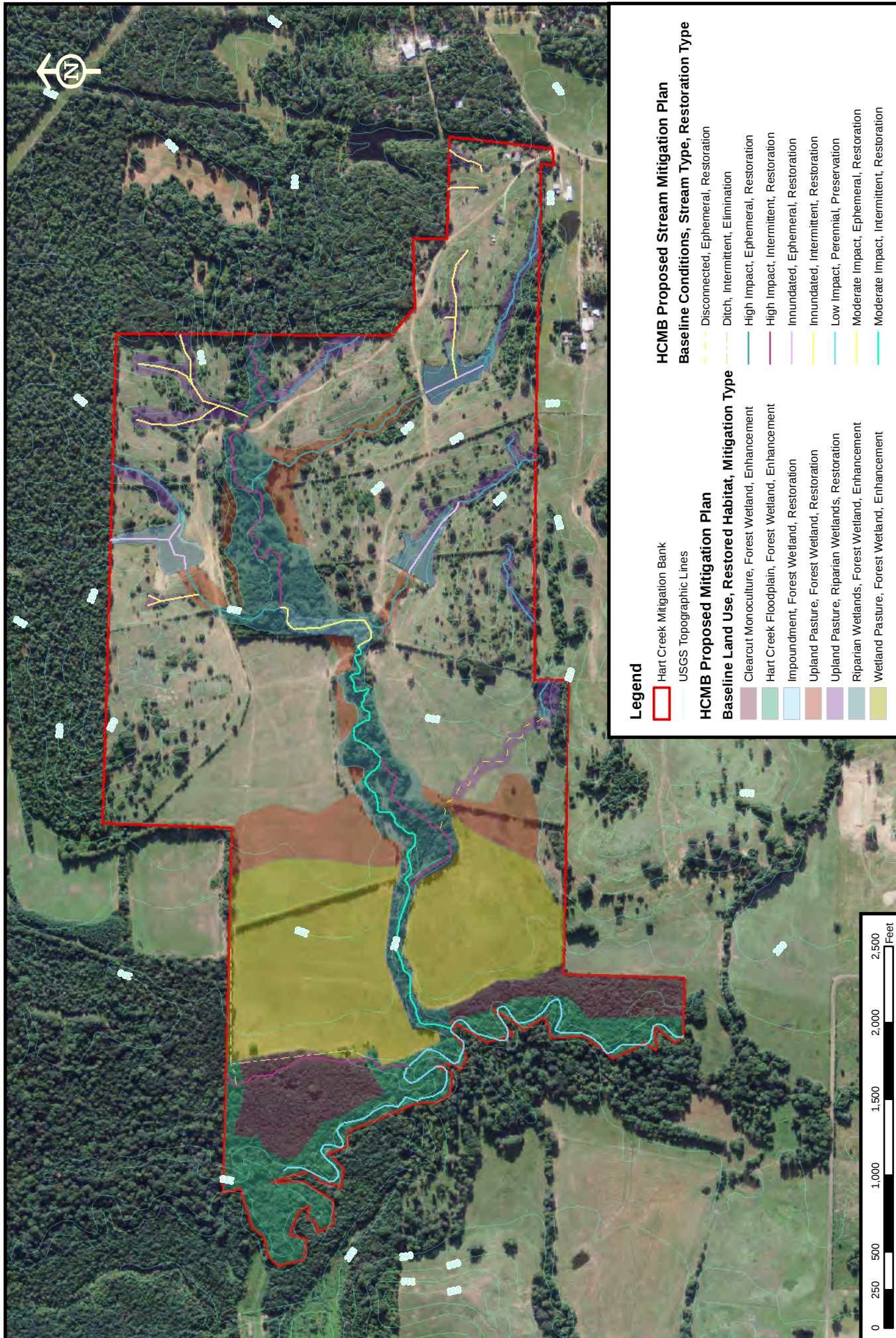
FEMA FIRM Map  
FIRM Panel No. 48449C0375D  
2012 Aerial Photograph  
Figure 5



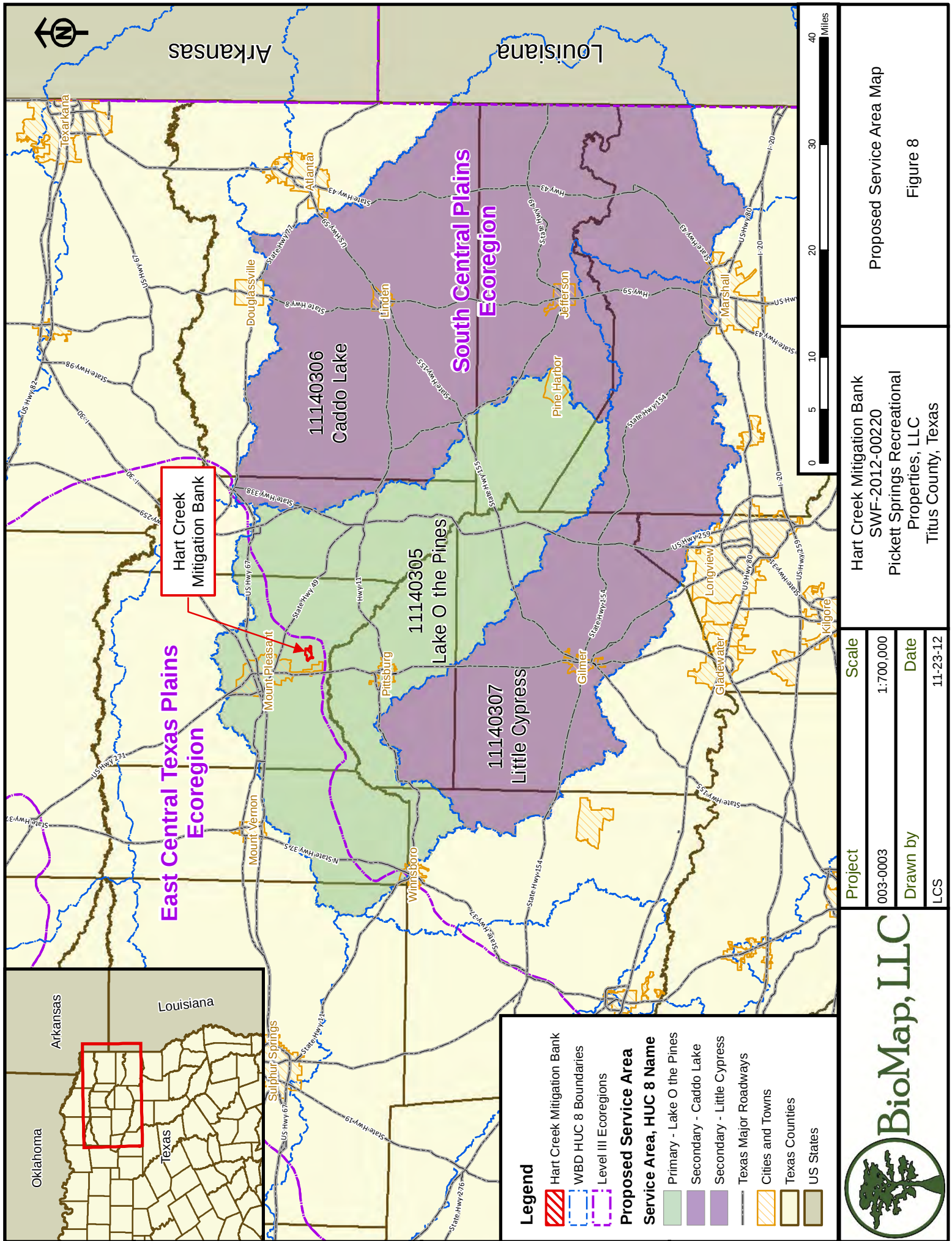
**BioMap, LLC**

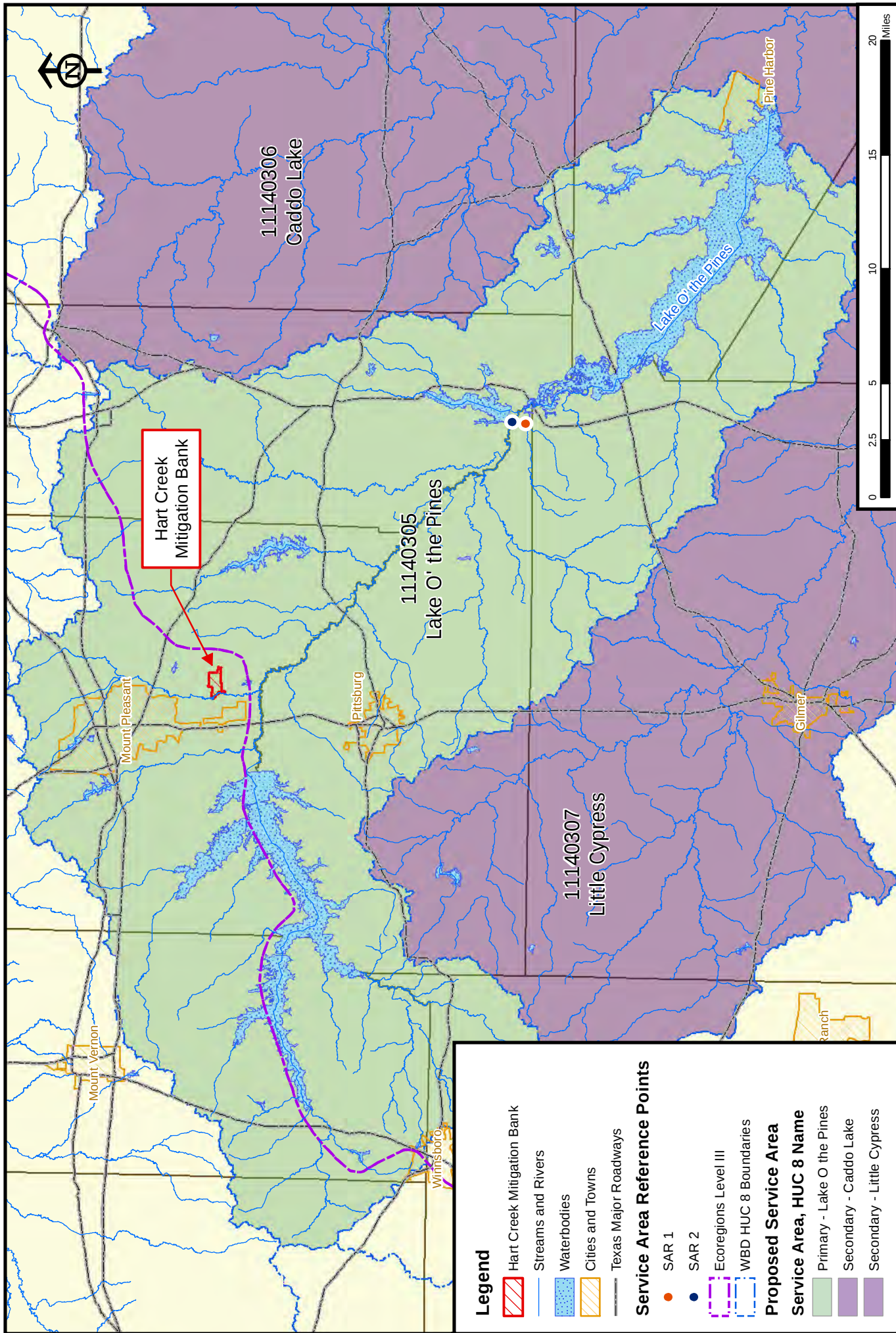


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|---------------------------------------------------------------------------------------|----------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
|  | <b>Project</b><br>003-0003 | <b>Scale</b><br>1:10,000 | Hart Creek Mitigation Bank<br>SWF-2012-00220<br>Pickett Springs Recreational<br>Properties, LLC<br>Titus County, Texas | Baseline Conditions Map<br>2012 Aerial Photograph<br>Figure 6 |
|                                                                                       | <b>Drawn by</b><br>LCS     | <b>Date</b><br>11-23-12  |                                                                                                                        |                                                               |

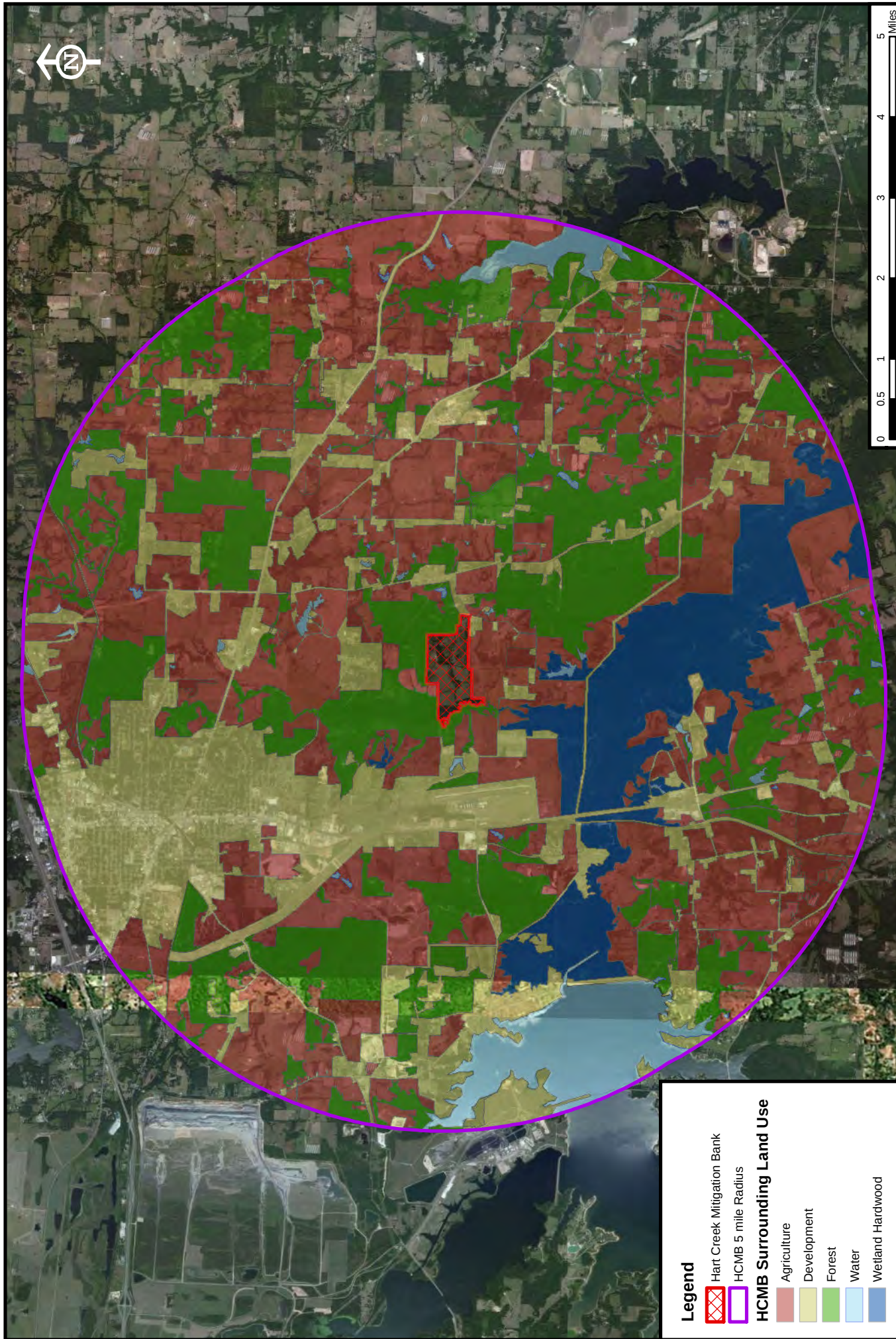


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|--|--|------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
|  |  | <b>Project</b><br>003-0003<br><b>Drawn by</b><br>LCS | <b>Scale</b><br>1:10,000<br><b>Date</b><br>11-23-12 | Hart Creek Mitigation Bank<br>SWF-2012-00220<br>Pickett Springs Recreational<br>Properties, LLC<br>Titus County, Texas | Proposed Mitigation Map<br>2012 Aerial Photograph<br>Figure 7 |
|--|--|------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|





|                                                                                                                        |  |                            |  |                                                    |  |
|------------------------------------------------------------------------------------------------------------------------|--|----------------------------|--|----------------------------------------------------|--|
|                                   |  | <b>Project</b><br>003-0003 |  | <b>Scale</b><br>1:350,000                          |  |
| <b>Drawn by</b><br>LCS                                                                                                 |  | <b>Date</b><br>11-23-12    |  | <b>Service Area Reference Site Map</b><br>Figure 9 |  |
| Hart Creek Mitigation Bank<br>SWF-2012-00220<br>Pickett Springs Recreational<br>Properties, LLC<br>Titus County, Texas |  |                            |  |                                                    |  |



# Legend

-  Hart Creek Mitigation Bank
-  HCMB 5 mile Radius

# HCMB Surrounding Land Use

-  Agriculture
-  Development
-  Forest
-  Water
-  Wetland Hardwood



BioMap, LLC

Project

003-0003

Scale

1:100,000

Drawn by

LCS

Date

11-23-12

Hart Creek Mitigation Bank

SWF-2012-00220

Pickett Springs Recreational

Properties, LLC

Titus County, Texas

Surrounding Land Use Map  
Land Use 5 mile Radius  
Figure 10



1949 Historical Map  
Historical Aerial Photograph  
USGS EROS Archive  
Figure 11

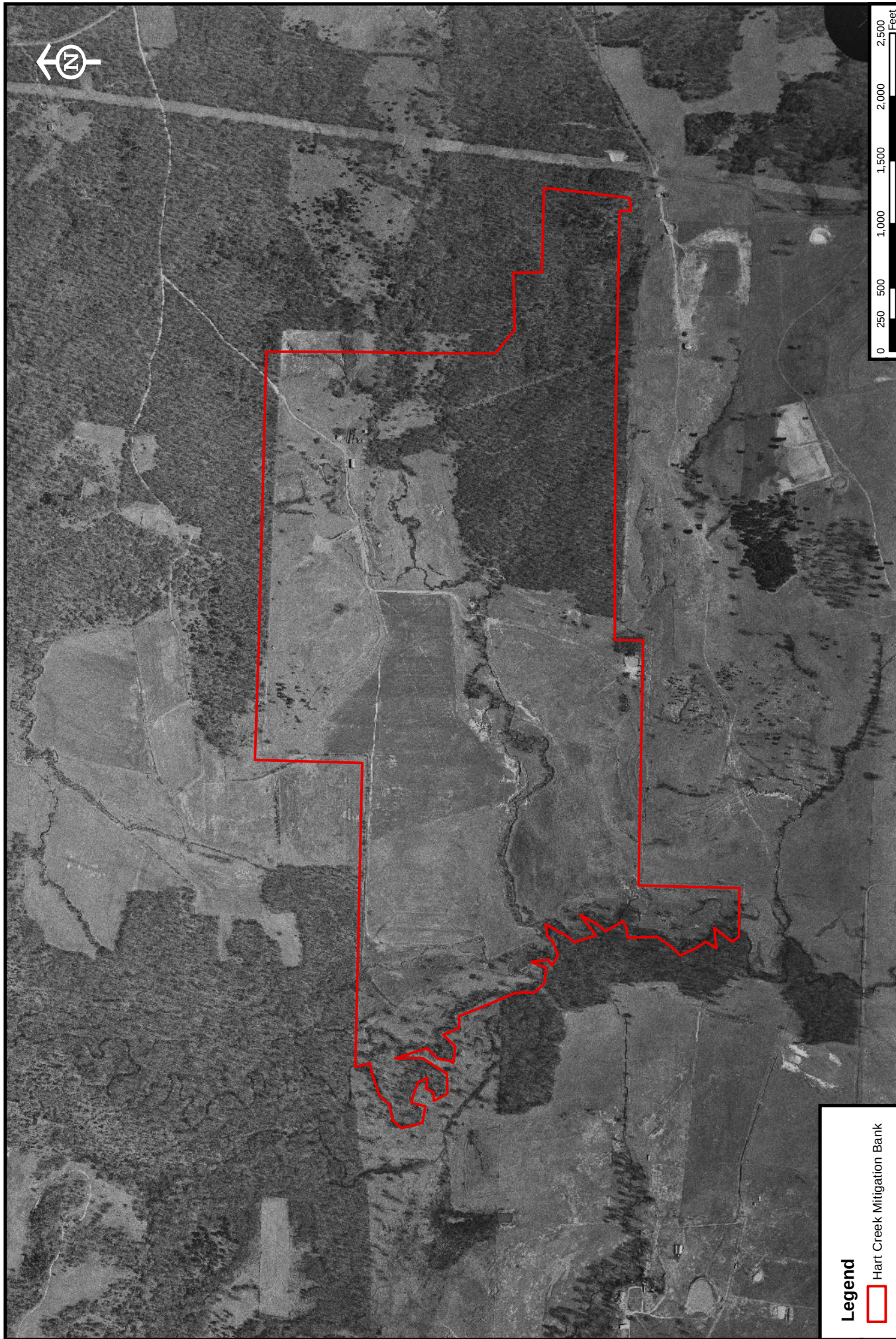
Hart Creek Mitigation Bank  
SWF-2012-00220  
Pickett Springs Recreational  
Properties, LLC  
Titus County, Texas

| Project  | Scale    |
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| 003-0003 | 1:24,000 |
| Drawn by | Date     |
| LCS      | 11-23-12 |

Legend

 Hart Creek Mitigation Bank





# Legend

Hart Creek Mitigation Bank



## Project

003-0003

Drawn by

LCS

## Scale

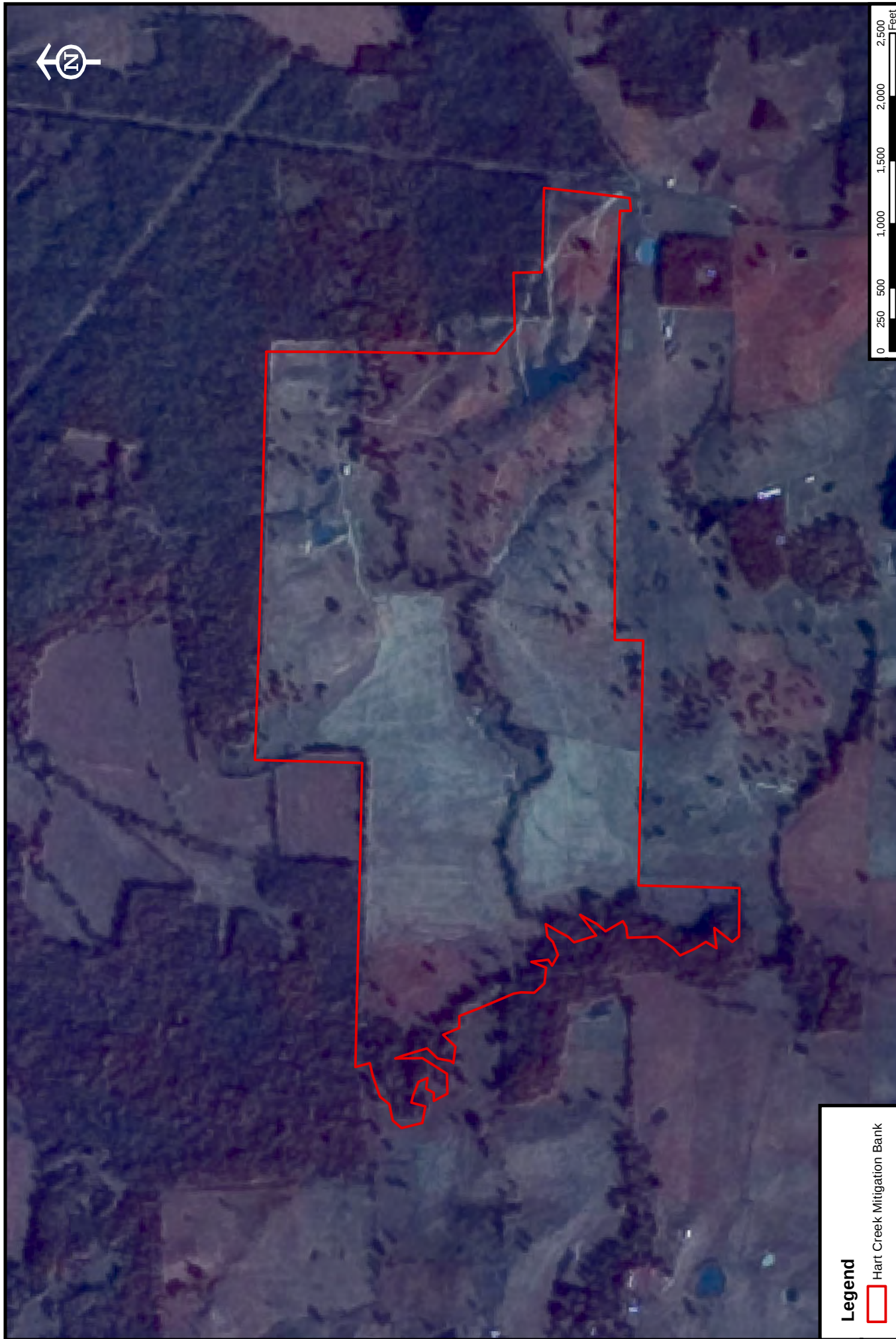
1:12,000

## Date

11-23-12

Hart Creek Mitigation Bank  
SWF-2012-00220  
Pickett Springs Recreational  
Properties, LLC  
Titus County, Texas

1963 Historical Map  
Historical Aerial Photograph  
USGS EROS Archive  
Figure 12



**Legend**

Hart Creek Mitigation Bank



| Project  | Scale    |
|----------|----------|
| 003-0003 | 1:12,000 |
| Drawn by | Date     |
| LCS      | 11-23-12 |

Hart Creek Mitigation Bank  
SWF-2012-00220  
Pickett Springs Recreational  
Properties, LLC  
Titus County, Texas

1979 Historical Map  
Historical Aerial Photograph  
USGS EROS Archive  
Figure 13



**Legend**

 Hart Creek Mitigation Bank



**Project**

003-0003

**Drawn by**

LCS

**Scale**

1:12,000

**Date**

11-23-12

Hart Creek Mitigation Bank

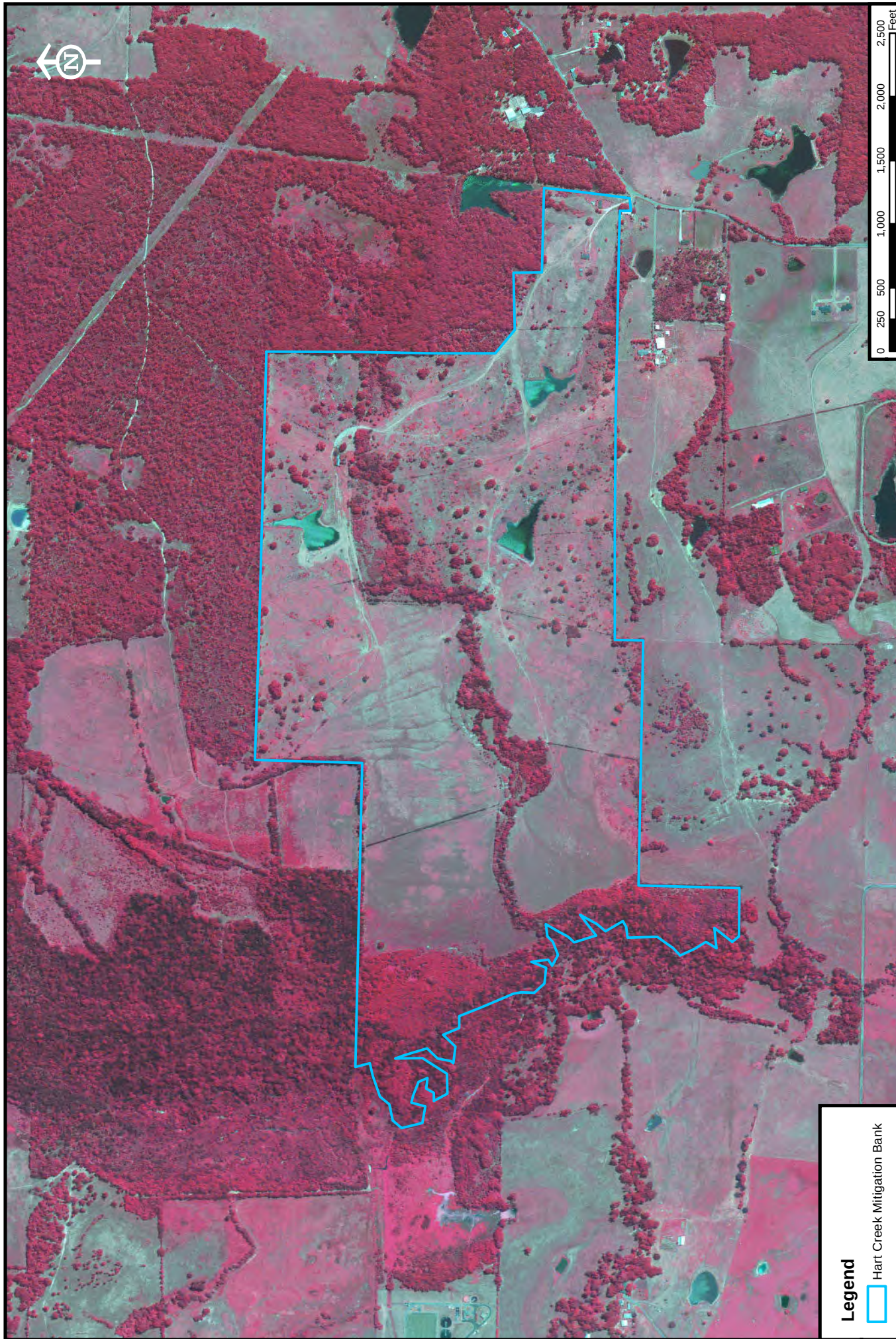
SWF-2012-00220

Pickett Springs Recreational

Properties, LLC

Titus County, Texas

1996 Historical Map  
Historical Aerial Photograph  
TNRIS Orthophoto Gallery  
Figure 14



# Legend

Hart Creek Mitigation Bank



## Project

003-0003

Drawn by

LCS

## Scale

1:12,000

Date

11-23-12

Hart Creek Mitigation Bank

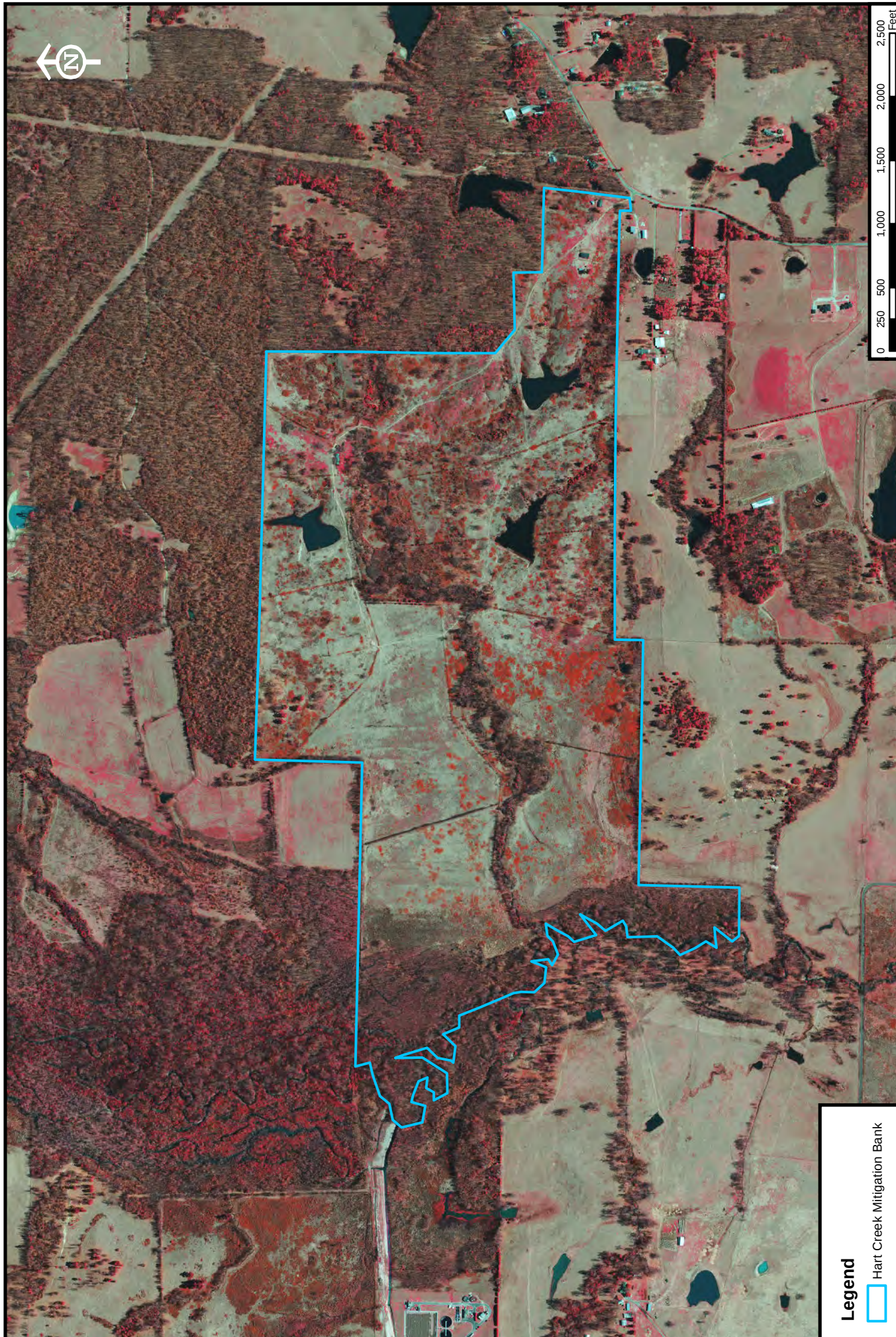
SWF-2012-00220

Pickett Springs Recreational

Properties, LLC

Titus County, Texas

2004 Historical Map  
Historical Aerial Photograph  
TNRIS Orthophoto Gallery  
Figure 15



2008 Historical Map  
Historical Aerial Photograph  
TNRIS Orthophoto Gallery  
Figure 16

Hart Creek Mitigation Bank  
SWF-2012-00220  
Pickett Springs Recreational  
Properties, LLC  
Titus County, Texas

| Project  | Scale    |
|----------|----------|
| 003-0003 | 1:12,000 |
| Drawn by | Date     |
| LCS      | 11-23-12 |

**Legend**  
 Hart Creek Mitigation Bank

