



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

Public Notice

Applicant: OXBOW Investments, Inc.

Project No.: SWF-2011-00561

Date: September 4, 2014

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. David Carraway

Phone Number: (817) 886-1838

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 establish the Beacon Place Mitigation Bank (BPMB), a mitigation bank located northeast of the city of Tatum, Rusk County, Texas.

APPLICANT: OXBOW Investments, Inc.
903 Westminster Lane
Southlake, Texas 76092
Attn: Mr. Mark Byrd

APPLICATION NUMBER: SWF-2011-00561

DATE ISSUED: September 4, 2014

LOCATION: The proposed bank site is located in the northeastern part of Rusk County, approximately 4.0 miles north of the town of Tatum, Texas, approximately 3.5 miles east of Easton, Texas, at the Harrison and Panola County lines. The approximate site center is located at latitude 32.381116° north and longitude 94.52° east. The bank site is bordered along the northern boundary by the Sabine River and falls within the Middle Sabine Basin (8-digit HUC 12010012) and the South Central Plains EPA Level III Ecoregion (Griffith et al., 2003). The overall property encompasses approximately 597 acres, of which, approximately 516.87 acres will be included in the bank site. A vicinity map of the proposed bank site is depicted via Figure 1.0.

PROJECT DESCRIPTION: The purpose of the BPMB is to restore wetland and stream habitat. The goal of the approximately 597-acre Beacon Place Mitigation Bank (BPMB) is to provide suitable habitat that may compensate for losses to waters of the United States, including wetlands and streams, within the geographic service area of the proposed bank site based on a watershed and ecological region approach. Aquatic habitat in the bank site will be designed in an ecologically sound and economically feasible manner, and will be divided and sold in units referred to as credits.

The overall objective of the bank site is the restoration (both rehabilitation and re-establishment) of a historic bottomland hardwood forested wetland ecosystem and historic streams through natural stream design/construction and associated riparian buffer establishment and upland buffer restoration/reforestation. Achieving this objective may provide mitigation for unavoidable impacts to aquatic resources such as palustrine forested (PFO) wetlands, palustrine emergent (PEM) wetlands, and streams.

The bank site is composed of palustrine emergent (PEM) wetlands, scattered remnant forested uplands, herbaceous uplands, and degraded and filled stream systems. PEM wetlands are primarily located along waterbodies, drainages and seepages that run in a general north-south orientation through the bank site. Originally a bottomland hardwood forest (cleared some time after 2006), the site is hydrologically supported by precipitation, shallow groundwater tables, and flooding from the Sabine River. The bank site currently contains 455.2 acres of PEM

(formerly forested) wetlands, 11,000 feet of perennial stream (Cherokee Bayou and Tributaries), 20,907 feet of intermittent stream, and 9,621 feet of ephemeral streams. The main stream channels of Cherokee Bayou and tributaries traverse the bank site. Figures 2.0 and 3.0 provide a current USGS 7.5' topographic map and aerial photograph of the bank site. Please refer to Figure 4.0 for the locations of current wetland areas on the bank site.

Forested stream banks remain along Cherokee Bayou. Higher (elevation) areas of upland occur in the southern portion of the bank site and a small upland ridge occurs on the west side of the property. This ridge contains a man-made feature associated with an abandoned well pad. Pasture areas are almost entirely dominated by Bahia grass (*Paspalum notatum*). The lower and less maintained areas contain species such as smutgrass (*Sporobolus indicus*) and common rush (*Juncus effusus*) as well as scattered individuals of other prairie and pasture grasses. The forested creek banks were dominated by water oak (*Quercus nigra*), southern magnolia (*Magnolia grandiflora*), American hornbeam (*Carpinus caroliniana*), and sweetgum (*Liquidambar styraciflua*). The herbaceous layer was dominated by switchcane (*Arundinaria gigantea*).

The association of soils found in the bank site is typical to their relative location in the landscape; silty clay loams in the flat, poorly drained floodplain area and sandier loams on the hills and ridges. Soils within the bank site include Diboll (DbA) very fine sandy loam 0-1%, Diboll (DbB) very fine sandy loam 1-4% slopes, Keltys (KcB) fine sandy loam 1-5% slopes, Pophers (Po) silty clay loam, frequently flooded, Rayburn (RaD) fine sandy loam 5-15% slopes, and Stringtown (StD) fine sandy loam 5-15% slopes. Of these soils, the Diboll and Pophers series are listed as partially hydric according to the *National List of Hydric Soils*. Approximately 98% of the site is mapped as having these soil types (NRCS 2011). Figure 5.0 shows the locations of these mapped soils within the bank site.

The bank site is located within the Middle Sabine River Sub-basin (Hydrologic Unit Code [HUC] 12010002). The site contains significant floodplain areas along the perennial streams that drain to the Sabine River on the northern boundary and Cherokee Bayou (Figure 6.0). Most of site was forested, in 1939, with a small percentage having been cleared. After 1939, a majority of the bank site was cleared of tree and shrub vegetation for cattle production and grazing. During this time, the hydrology of the site was manipulated to encourage drainage of wetlands. Upland areas developed as a result of modification to hydrologic features, leveling of topography, initial cutting of bottomland hardwood forest, and planting of desired pasture grass species. Though the site has been manipulated to level-out topographic variation and drainage ditches have been installed, natural drainage patterns are still evident on aerial photography. With the majority of the site being located on frequently flooded Pophers soils (saturated below a depth of 1 to 2 feet during December through May in normal years) and significant portions in the floodplain, conversion to the original bottomland hardwood system is likely to occur.

Native bottomland hardwood forested wetland restoration would be achieved primarily through the planting of native tree species composition suitable to the edaphic and climatic nature of the restoration site. This will be determined through literature review and evaluation of the species composition of adjacent, undisturbed forested sites. Other measures include the control of noxious vegetation and the removal of livestock. Field investigations will focus on these areas for information relative to species composition, richness, and diversity. Restoration activities (Figure 7.0) will be monitored over a period of years to determine success and functional lift. This will be further described in the subsequent mitigation banking instrument (MBI). The bank site consists

of two main stream reaches, Cherokee Bayou and an unnamed tributary. Both streams exhibit severe vertical and lateral stability problems and are currently incised and over-widened. There are several tributaries located on the property which have been altered to varying degrees by silviculture, agriculture, and cattle farming. USGS drainage data shows the locations and patterns of the filled tributaries and they are discernible from historic aerial photography.

OXBOW Investments, Inc. (the bank sponsor) is proposing to restore the dimension, pattern and profile of Cherokee Bayou and the unnamed tributary. This restoration would include full natural channel design with the aid of reference reach data collected. The major filled tributaries would be field located day-lighted (i.e. unfilled) and restored back to a stable dimension, pattern, and profile based on reference information. An all natural channel design would utilize natural material for structure construction including log vanes, log j hooks, and root wads. Hydrologic restoration of the bank site would occur based on the site's soil properties, high average annual regional precipitation (in excess of 60 inches), potential for over-bank flooding from restored streams and floodplains, and the native seasonal high-water table.

The proposed service areas for the Beacon Place Mitigation Bank (BPMB) are restricted to the boundaries of the Fort Worth District of the U.S. Army Corps of Engineers (USACE) within the state of Texas. Primary and secondary service areas were determined using the USGS six-digit Hydrologic Unit Codes (HUCs) and USEPA Level III Ecoregions (Omernik 2004, revised 2007). The primary service area for the BPMB is the Middle Sabine River Basin (HUC #12010002) within the South Central Plains Ecoregion. Counties within the primary service area include: all of Panola County and portions of Shelby, Rusk, Harrison, Gregg, Smith, Upshur, and Wood counties. The proposed secondary service area is within portions of Upper Sabine River Basin (HUC #12010001), the Lake Fork River Basin (HUC #12010003), and the Toledo Bend Reservoir River Basin (HUC #12010004), within the Sabine River Basin, the South Central Plains Ecoregion, and within the Fort Worth District regulatory boundary. Counties within the secondary service area include: portions of Smith, Wood, Shelby, San Augustine, and Sabine counties. The proposed primary and secondary Service Areas are shown on Figure 8.0.

A mitigation banking instrument (MBI) would be developed in accordance with *Compensatory Mitigation for Losses of Aquatic Resources* (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, 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 U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Texas Commission on Environmental Quality, Railroad Commission of Texas, and Texas Parks and Wildlife Department, who comprise the Interagency Review Team (IRT), would be involved in developing the MBI and may be signatories to the final document.

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. Our initial review indicates that the proposed work would have no effect on federally listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. The area of the proposed mitigation bank has not been formally surveyed for the presence of historic and prehistoric artifacts.

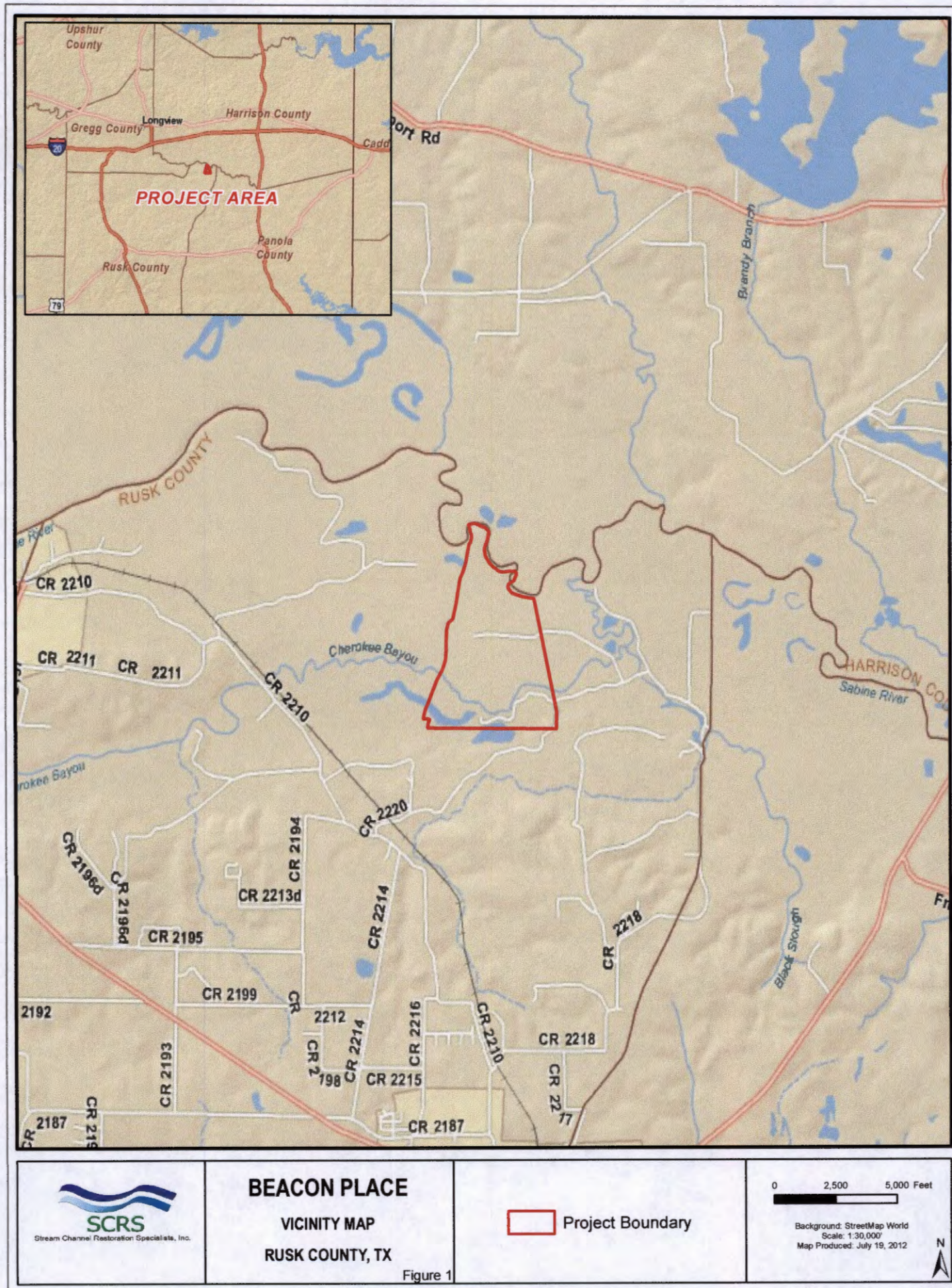
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (*Flood Plain Management Regulations Criteria for Land Management and Use*), the floodplain administrators of participating communities are required to review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

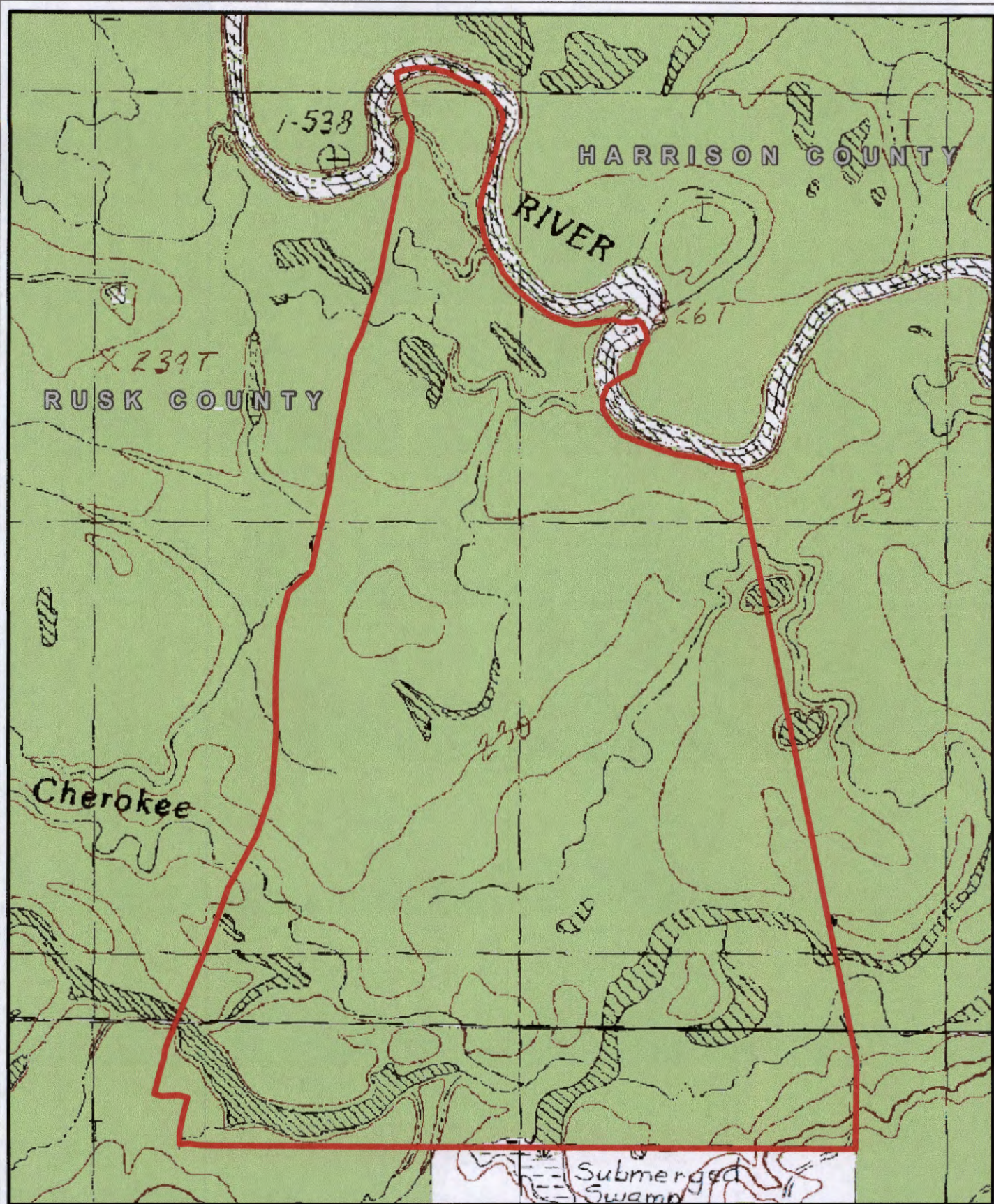
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to allow the public an opportunity to comment on this bank proposal and to assist the USACE and other members of the IRT in developing the final MBI. For accuracy and completeness of the record, 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 October 4, 2014, 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. David Carraway; Regulatory Branch, CESWF-DE-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) 886-1838. 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





BEACON PLACE TOPOGRAPHIC MAP

 Project Boundary

0 500 1,000 Feet

Background: USGS Topographic Map (Tatum, TX)
Scale: 1:12,000'
Map Produced: July 19, 2012




Figure 2



Stream Channel Restoration Specialists, Inc.

BEACON PLACE SITE LAYOUT MAP

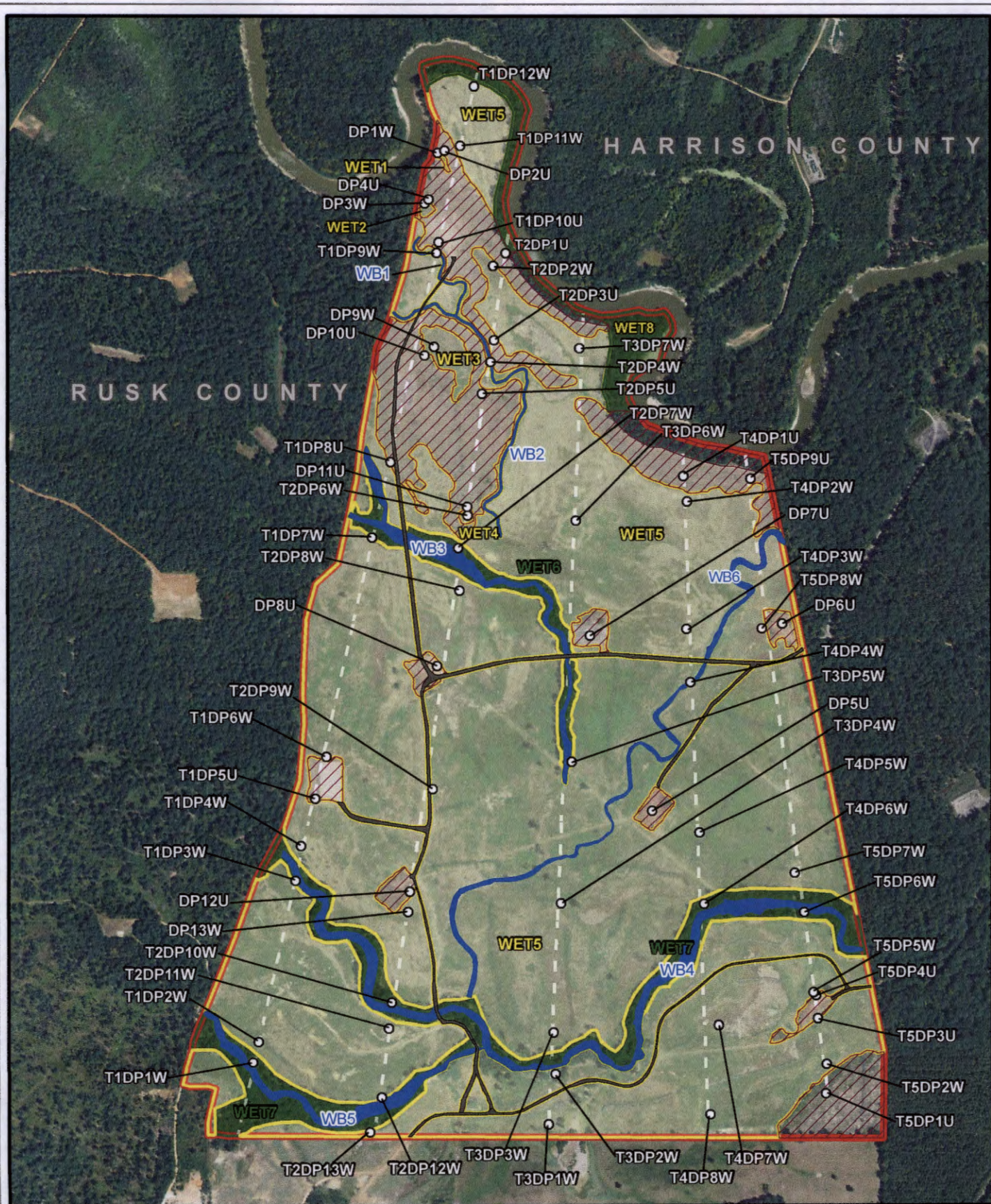
 Project Boundary

0 500 1,000 Feet

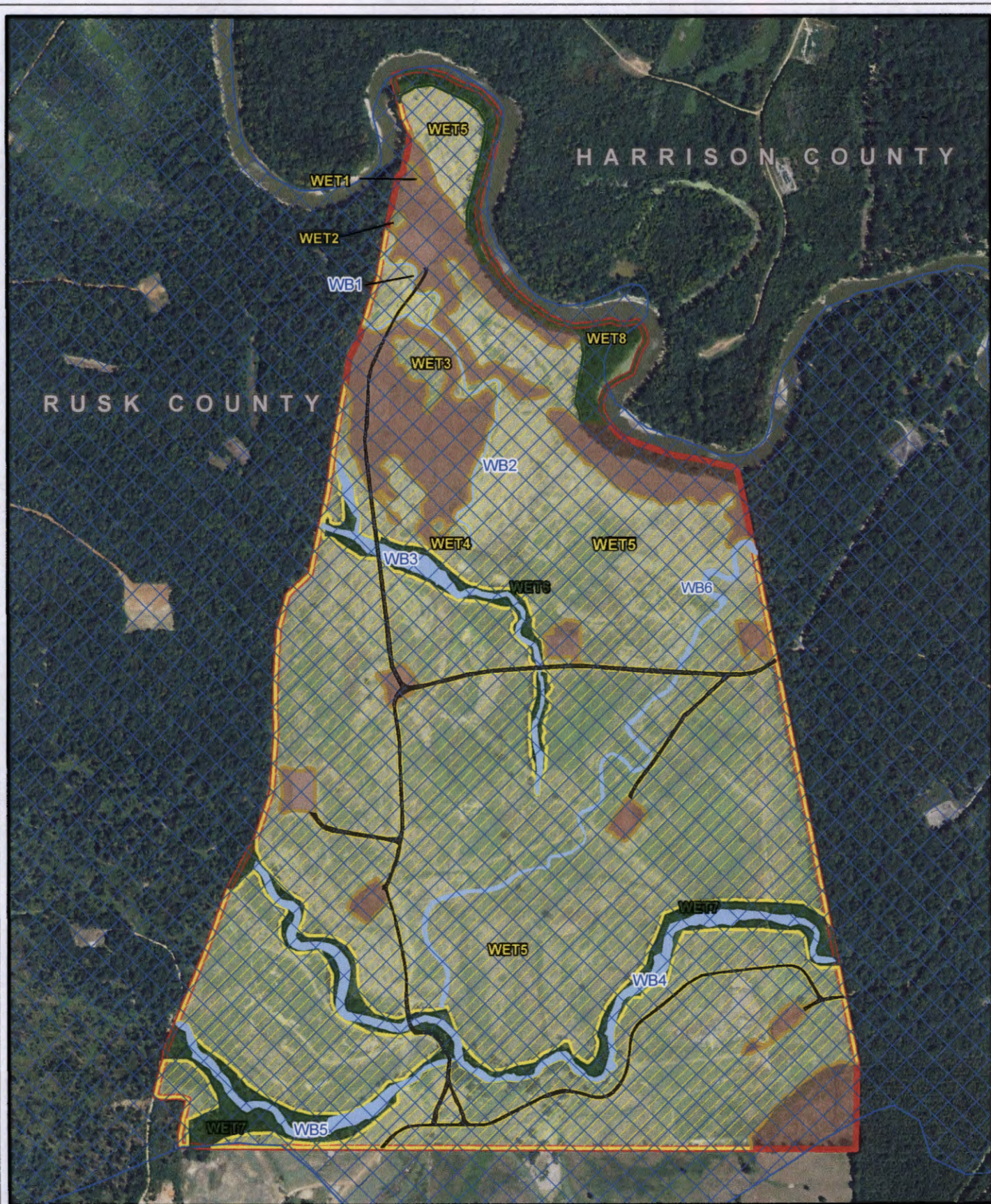
Background: USGS Topographic Map (Tatum, TX)
Scale: 1"=12,000'
Map Produced: July 19, 2012



Figure 3







BEACON PLACE FLOODPLAIN MAP

- 100-year Floodplain
- Waterbody
- Emergent Wetland
- Forested Wetland

- Upland
- Project Boundary
- Road

0 500 1,000 Feet
Background: NAIP 2010 Aerial Imagery 1m NC
Scale: 1:12,000
Map Produced: July 19, 2012



Figure 6



BEACON PLACE RESTORATION PLAN MAP

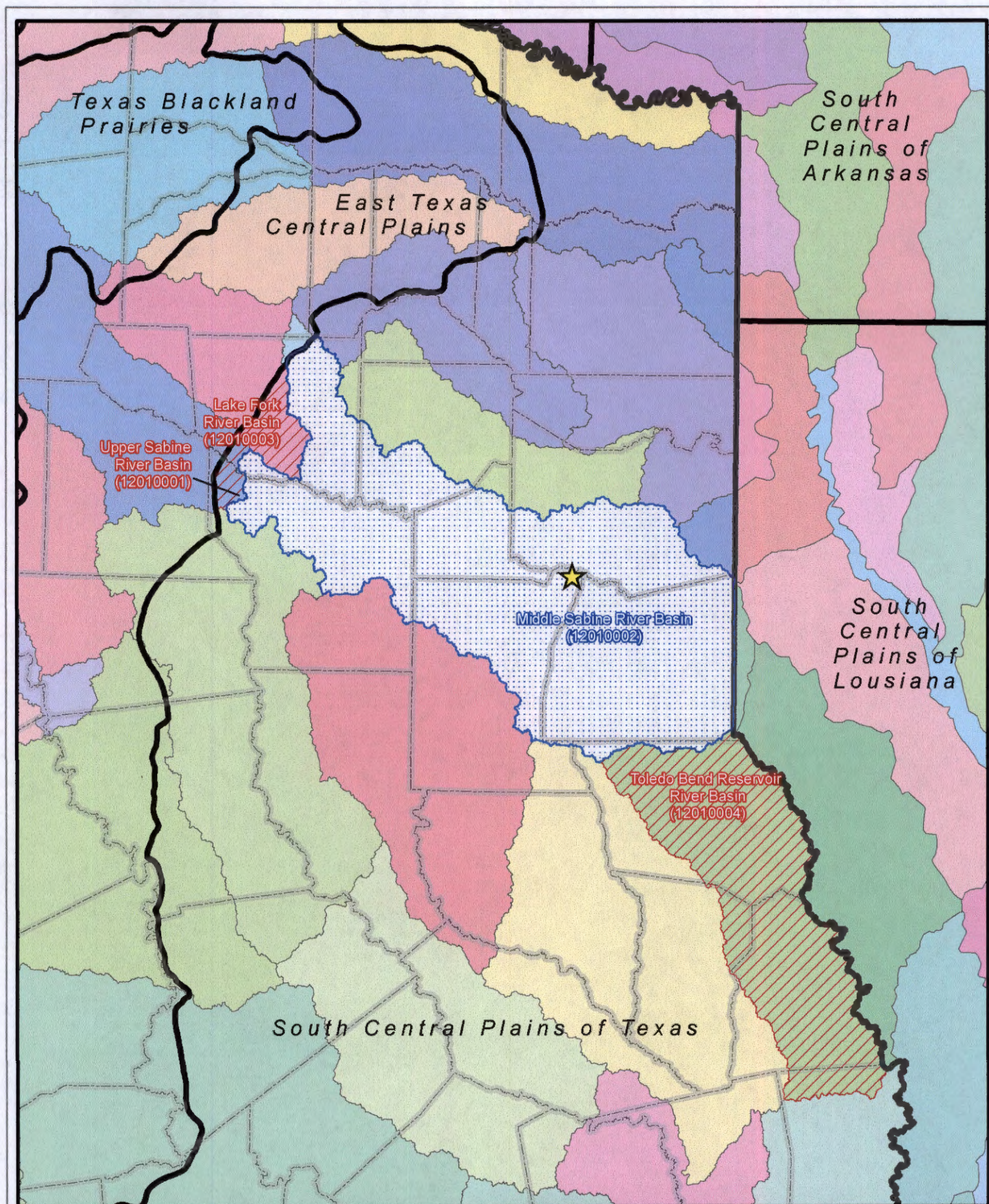
Figure 7

- Stream Segment
- Stream Restoration Area
- PFO Wetland Re-Establishment Area
- PFO Preservation Area
- Upland Buffer
- Project Boundary
- Out Parcels

0 500 1,000 Feet

Background: NAIP 2010 Aerial Imagery 1m NC
Scale: 1:12,000
Map Produced: July 19, 2012





BEACON PLACE SERVICE AREA MAP

Figure 8

- Project Location
- Level III Ecoregions
- Primary Service Area
- Secondary Service Area
- County Boundary

0 10 20 Miles
Background: 8-digit HUC basins
Scale: 1:1,400,000
Map Produced: July 19, 2012

