



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

# Public Notice

Applicant: Delta Land Services, LLC

Project No.: SWF-2019-00109

Date: July 17, 2019

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: Joseph L. Shelnutt, Project Manager

Phone Number: 817-886-1738

## 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 Buenaventura Mitigation Bank (BMB), located east of the Town of Groesbeck, including Plummer Creek and the Navasota River in Limestone County, Texas.

**APPLICANT:** Delta Land Services, LLC  
c/o Winship Songy  
1090 Cinclare Drive  
Port Allen, Louisiana 70767

**APPLICATION NUMBER:** SWF-2019-00109

**DATE ISSUED:** July 17, 2019

**LOCATION:** BMB would be located within the Ironwood Holdings, LLC Ranch (Property) approximately three miles northeast of Groesbeck, Texas. The approximate geographic coordinates for the proposed Bank are: N 31.548039 and W -96.485206. The BMB is mapped within the East Central Plains and Texas Blackland Prairies Environmental Protection Agency (EPA) Level III Ecoregions (Griffith et al. 2007) and the Navasota 8-digit Hydrologic Unit Code (HUC) (12070103).

**PROJECT DESCRIPTION:** The Property is approximately 651.2 acres of which 581 acres are preliminarily proposed for inclusion in the BMB. The BMB would restore, enhance and place in permanent conservation approximately 581 acres, represented by an estimated 271.7 acres of palustrine emergent wetland habitat, 272.4 acres of palustrine forested wetland habitat, 12.3 acres of stream restoration habitat (2182 LF of intermittent stream), 9.2 acres of pipeline ROWs (non-creditable), and 15.4 acres of upland habitat (an additional 70.1-acres of upland habitat is located in non-bank acreage). However, the final acreages will be determined during the draft Mitigation Bank Instrument (dMBI) phase of the project. The following figures depict the Property: Figure 1 – Vicinity Map, Figure 2 – USGS 7.5' Quadrangle Map, Figure 3 – Level III Ecoregion Map, Figure 4 – Elevation Contours Map, Figure 5 – National Wetland Inventory Map, Figure 6 – Mitigation Features Map, Figure 7 – SSURGO Soils Map, Figure 8 – Land Use Map, Figure 9 – Service Area Map, and Figure 10 – FEMA Floodplain Map.

The Property has historically been utilized as agricultural pastureland with scattered pockets of woodlands located adjacent to streams. Pasture areas on the site were converted from timberland to agricultural uses prior to 1939 and have largely remained in an open/herbaceous condition for at least a century. Two natural gas pipelines bisect the northern portion of the Property and one abandoned crude oil pipeline was found to transect the central portion of the Property. The Property is composed largely of wet pasture consisting of annual herbaceous vegetation. Riparian

areas on the Property contain native, woody vegetation comprised of native species consistent for the region.

The purpose of the BMB is to provide potential permittees with mitigation credits needed to compensate for unavoidable impacts to waters of the United States within the proposed service areas in accordance with the Mitigation Banking Guidelines (CES-10-MIT, dated June 16, 2011) and the Stream Mitigation Method (SWF-2011-00078, dated October 2, 2013). The Sponsor is proposing primary, secondary, and tertiary service areas for the proposed bank (see Figure 9 – Proposed Service Area). The proposed Primary service area includes the entirety of HUC 12070103. The Secondary service area includes the portions of HUC 12070101 that overlap with the East Central Texas Plains Ecoregion. The Tertiary service area includes the portions of HUCs 12060202 and 12070101 that overlap with the Texas Blackland Prairies Ecoregion.

Wetland and stream mitigation would be accomplished by restoration, enhancement, and perpetual protection of previously degraded wetland and stream habitat. Restoration and enhancement activities may include, but not limited to, the re-establishment of a stable stream channel pattern, profile, and dimension that connects to an active floodplain, reforestation of existing non-forested wetland habitat, and reforestation of stream buffer.

An MBI would be developed in accordance with the 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, 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, Texas Commission on Environmental Quality, Railroad Commission of Texas, and Texas Parks and Wildlife Department comprise the Interagency Review Team 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 U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in a county where the whooping crane (*Grus americana*), Piping Plover (*Charadrius melanotos*), Interior Least Tern (*Sternula antillarum*), and Red Knot (*Calidris canutus rufa*), and Navasota Ladies-tresses (*Spiranthes parksii*) are known to occur or may potentially occur. The Whooping Crane, Interior Least Tern, and Navasota Ladies-tresses are endangered species and the Piping Plover and Red Knot are threatened species. 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 area of the proposed Bank has never been surveyed for the presence of historic or prehistoric cultural resources. There are no properties eligible for, or listed on, the National Register of Historic Places within the proposed Bank. Based on similar areas in Limestone County, the area has a high likelihood of containing prehistoric or historic sites. A survey of the permit area will be required to identify and assess any cultural resources identified.

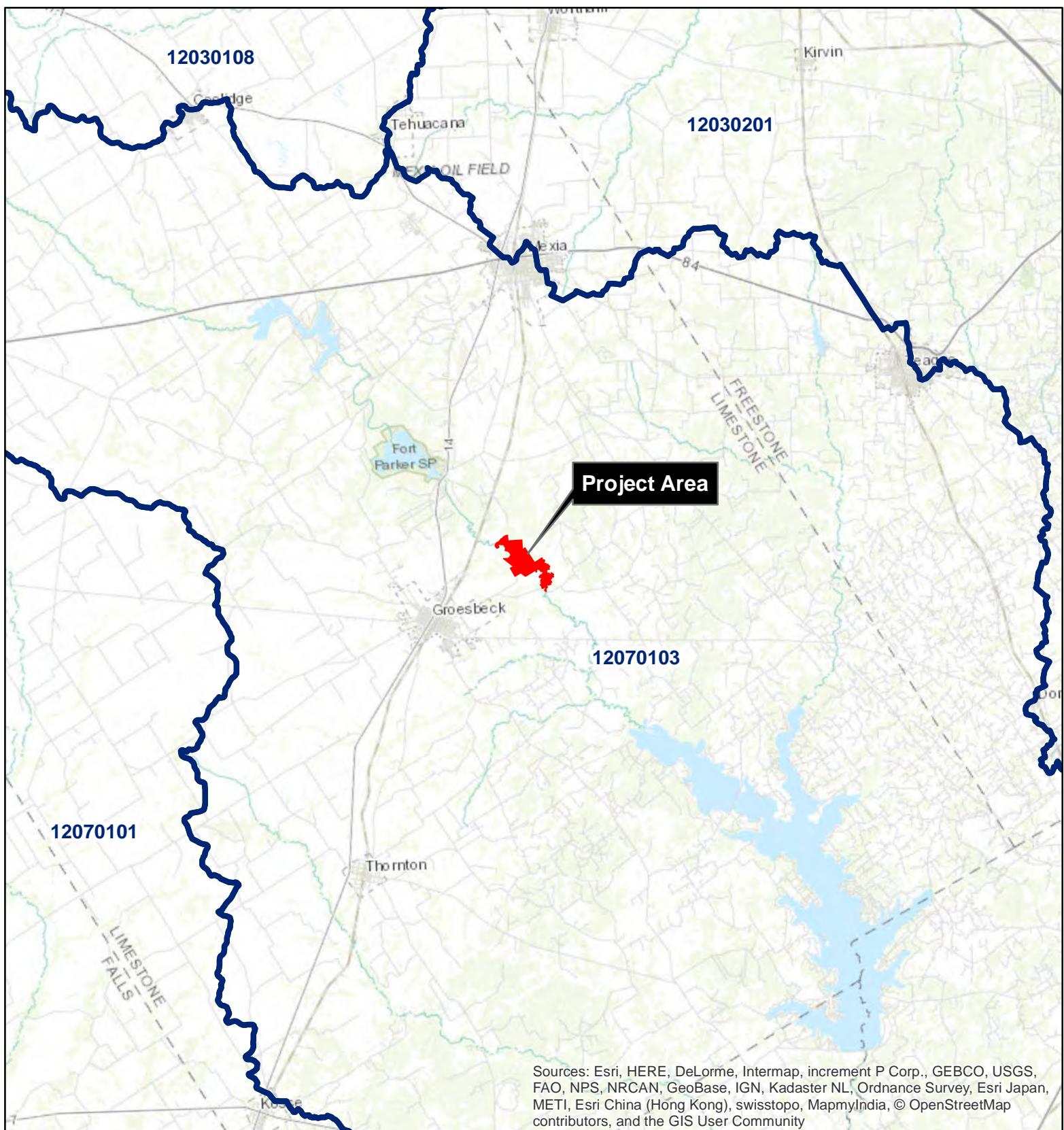
**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 assist in developing fact upon which a decision by the USACE may be based. 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.

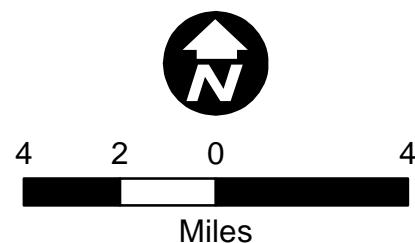
**PUBLIC HEARING:** Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. 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 Thursday, August 16, 2019, 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. Joseph L. Shelnutt; Regulatory Division, 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) 886-1738. 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



■ Project Area (651.2 ac)  
■ USGS 8-Digit HUC

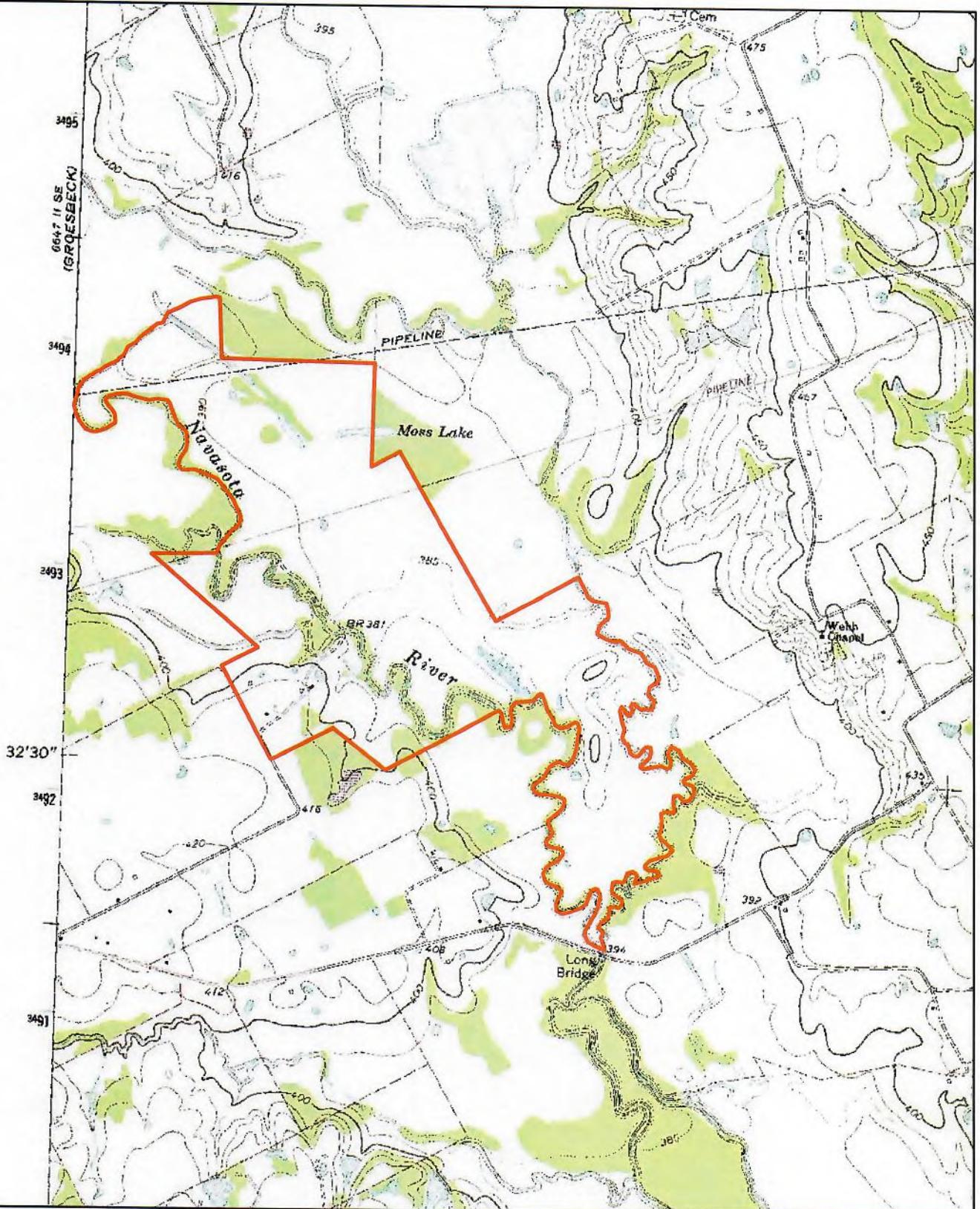


### Proposed Buenaventura Mitigation Bank VICINITY MAP

#### Limestone County, TX

Created : TSC/ArcView10	
Approved : SR	
Date : 01/28/2019	
Map # : F01_VicinityMap.mxd	

FIGURE 1



### Project Area (651.2 ac)



2,000 1,000 0 2,000

## **Proposed Buenaventura Mitigation Bank**

USGS 7.5' QUADRANGLE MAP

Limestone County, TX

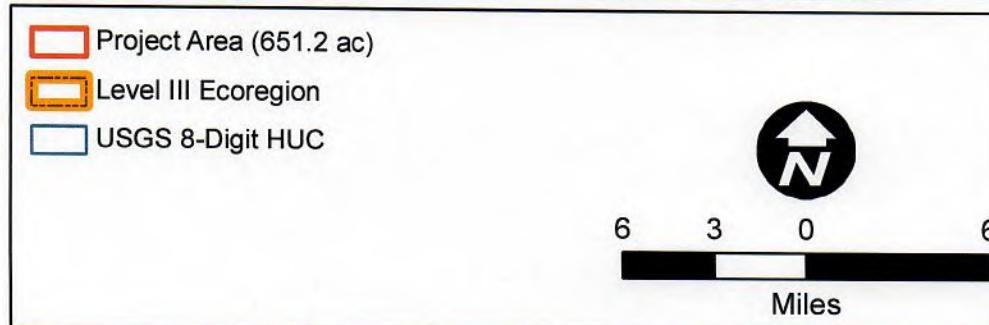
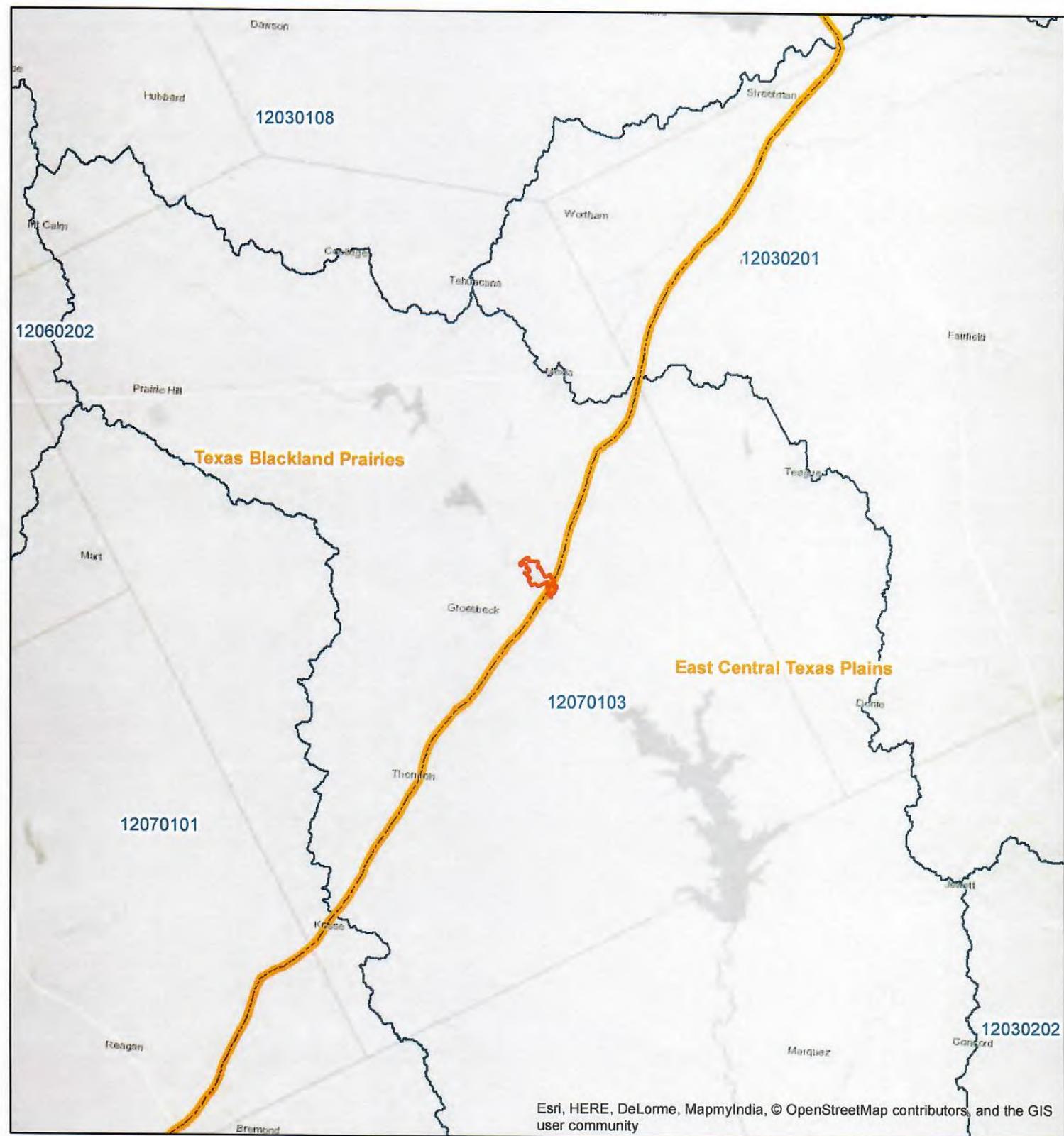
Created : TSC/ArcView10

Approved : S

Date : 01/28/2019

Map # : F02\_QuadMap.mxd

## FIGURE 2



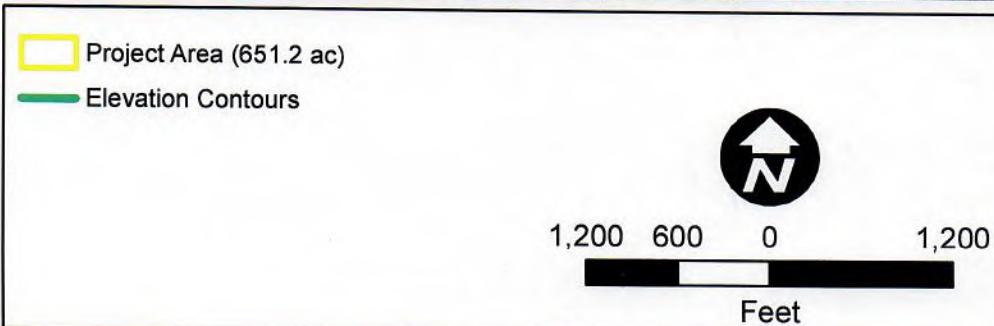
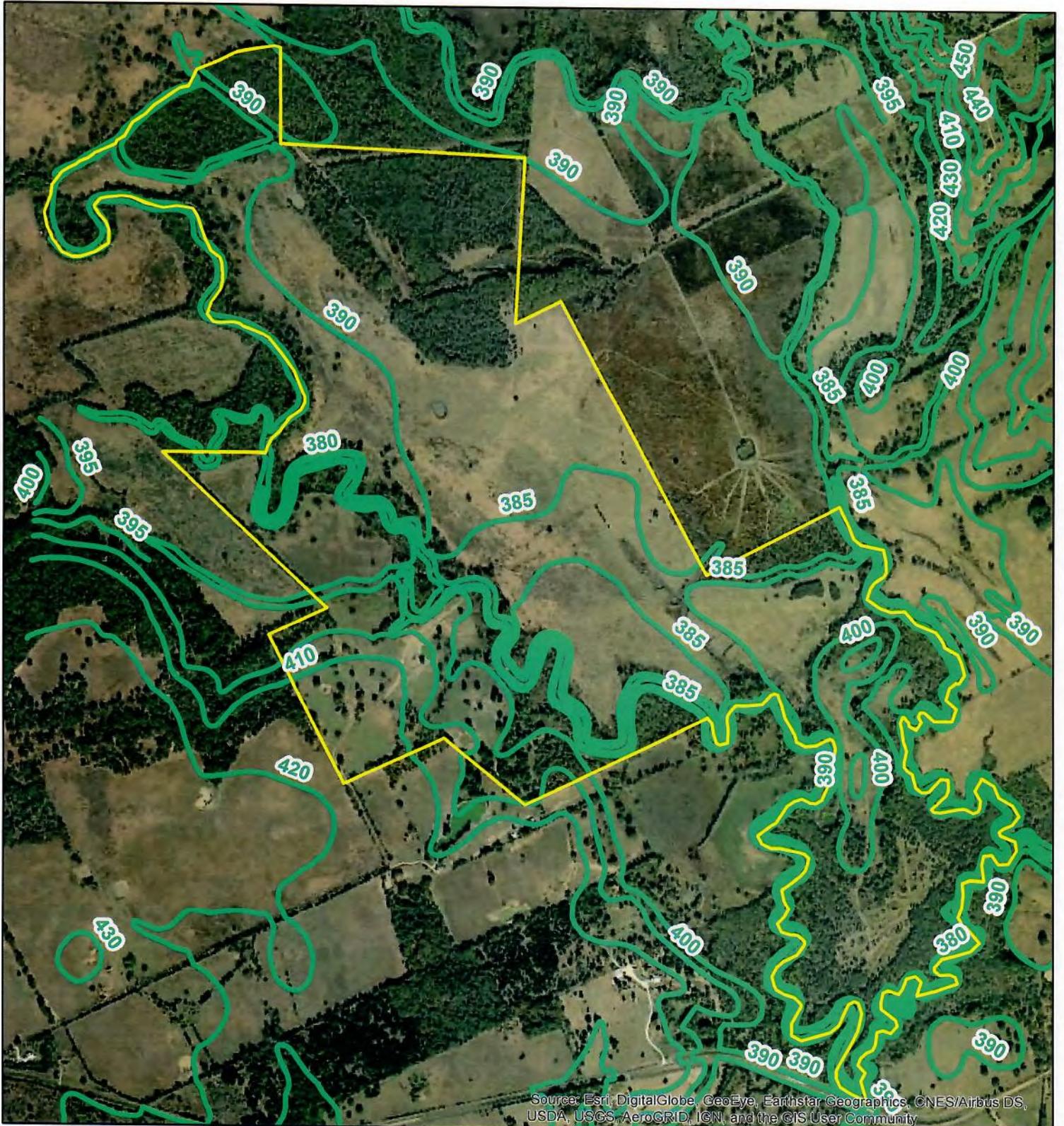
**Proposed Buenaventura Mitigation Bank**

**LEVEL III ECOREGION MAP**

**Limestone County, TX**

Created : TSC/ArcView10	
Approved : SR	
Date : 01/28/2019	
Map # : F03_Ecoregion.mxd	

**FIGURE 3**

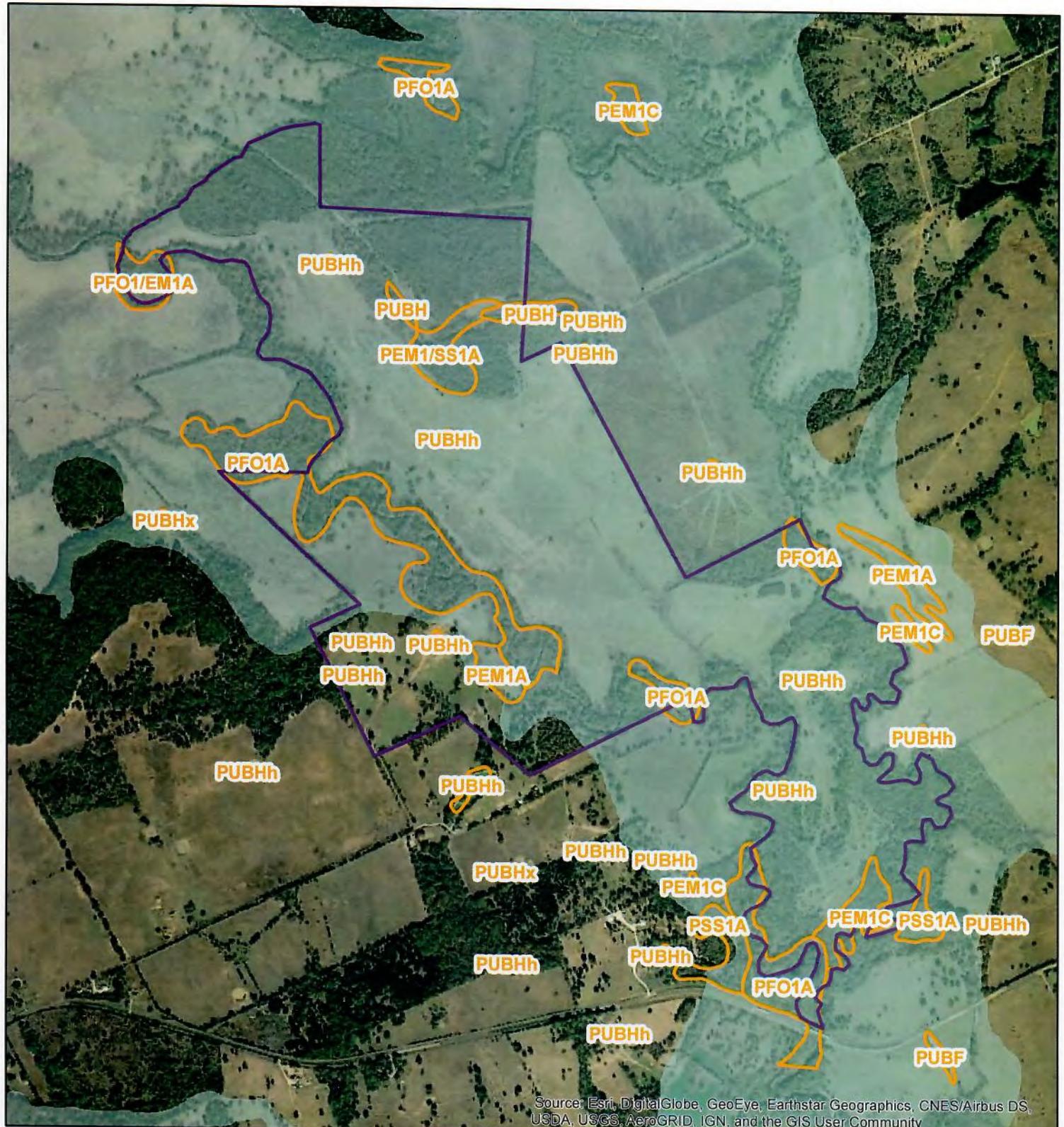


**Proposed Buenaventura  
Mitigation Bank  
STRAT MAP  
ELEVATION CONTOURS  
Limestone County, TX**

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Created : TSC/ArcView10	
Approved : SR	
Date : 01/28/2019	
Map # : F04_Lidar.mxd	

FIGURE 4



  Project Area (651.2)  
  National Wetland Inventory  
  FEMA Flood Zone

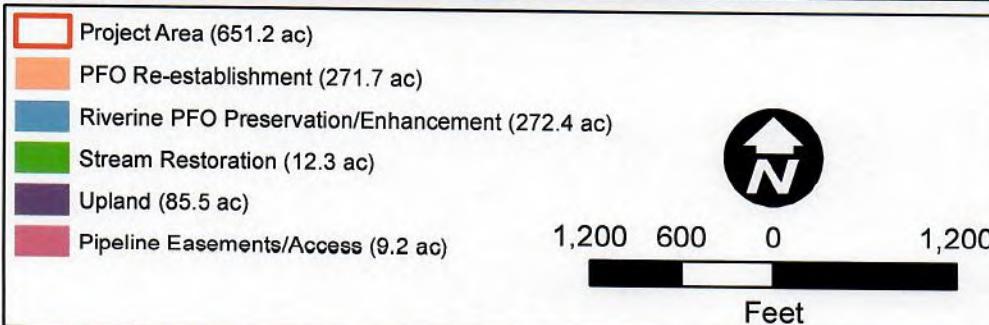
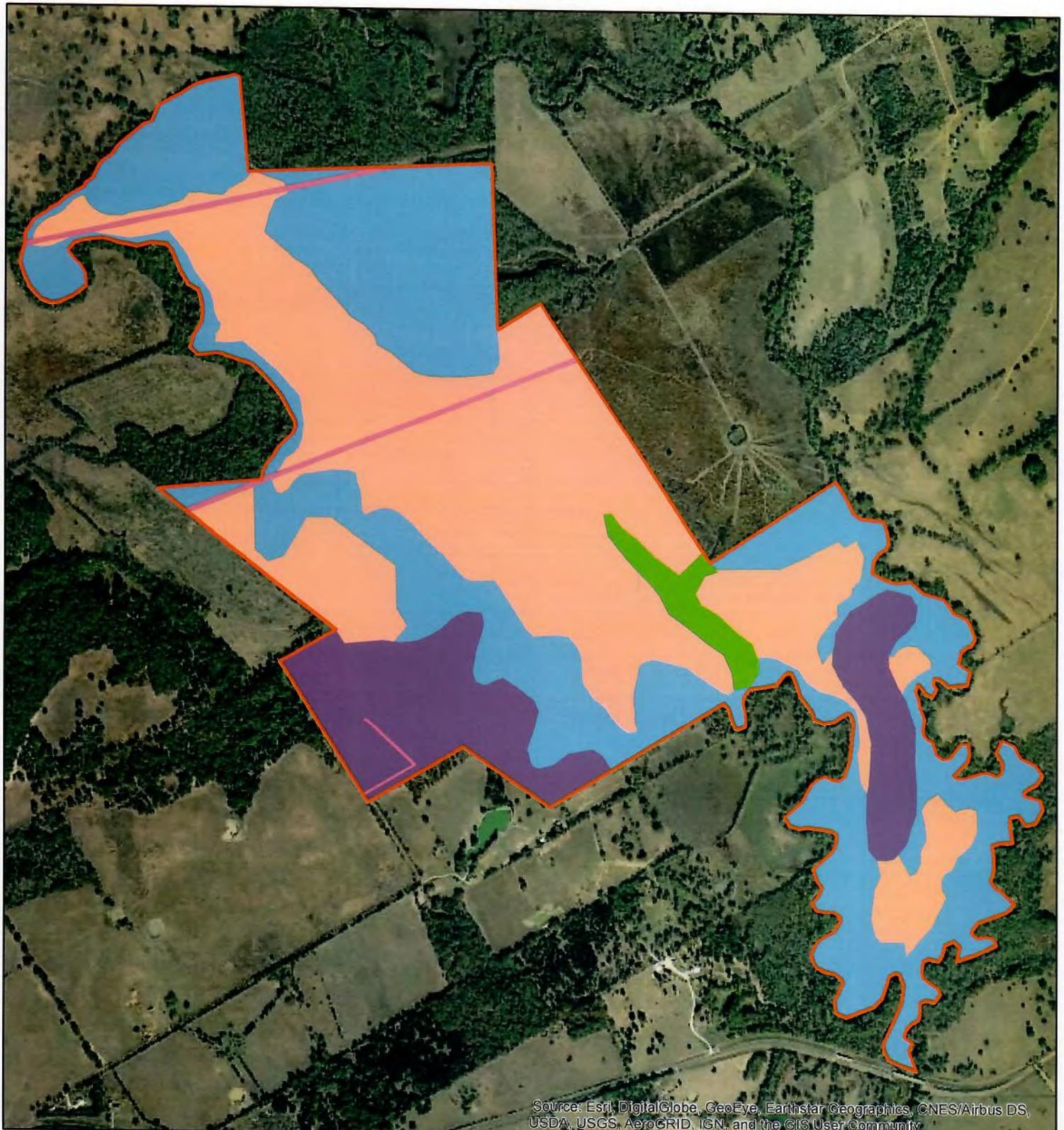


1,200 600 0 1,200  
Feet

**Proposed Buenaventura  
Mitigation Bank  
NATIONAL WETLAND INVENTORY  
AND FLOOD ZONE MAP  
Limestone County, TX**

Created : TSC/ArcView10	
Approved : SR	
Date : 01/28/2019	
Map # : F05_NWI+Flood.mxd	

FIGURE 5



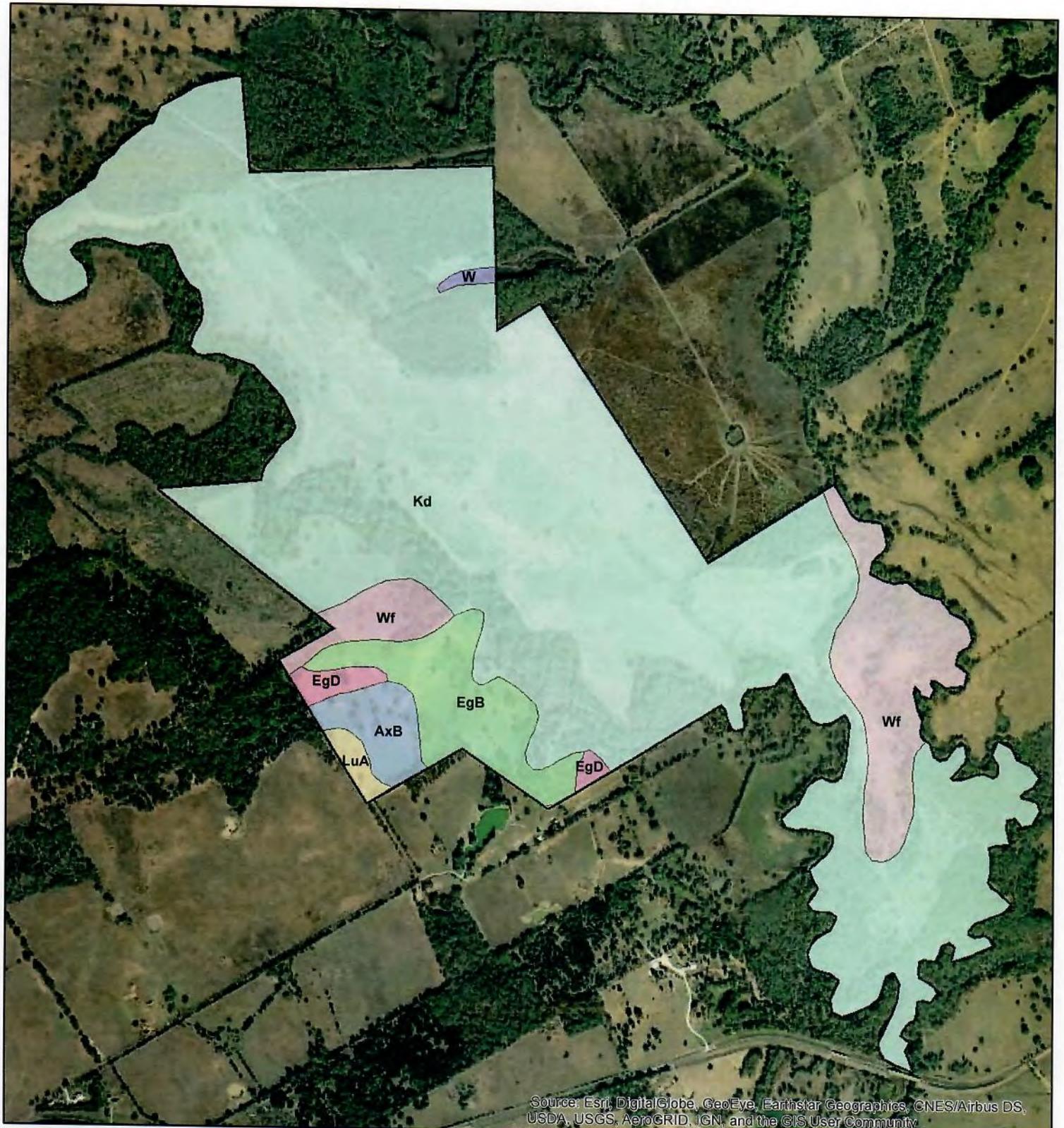
### Proposed Buenaventura Mitigation Bank

#### MITIGATION FEATURES MAP

Limestone County, TX

Created : TSC/ArcView10	
Approved : SR	
Date : 01/31/2019	
Map # : F06_MitigationFeatures.r	

FIGURE 6



- Project Area (651.2 ac)
- AxB: Axell fine sandy loam, 0 to 1 percent slopes
- EgB: Edge fine sandy loam, 1 to 5 percent slopes
- EgC2: Edge fine sandy loam, 2 to 5 percent slopes, moderately eroded
- EgD: Edge fine sandy loam, 5 to 12 percent slopes
- Kd: Kaufman clay, 0 to 1 percent slopes, frequently flooded
- LuA: Lufkin fine sandy loam, 0 to 1 percent slopes
- W: Water
- Wf: Whitesboro loam, frequently flooded

1,200    600    0    1,200  
Feet



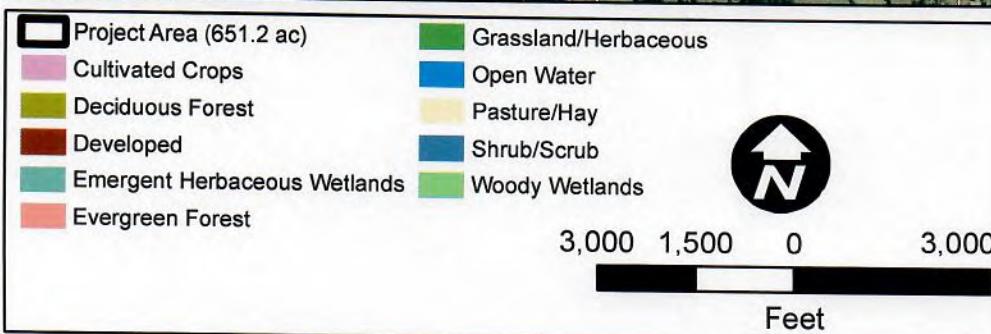
**Proposed Buenaventura  
Mitigation Bank**  
**SSURGO SOILS MAP**  
**Limestone County, TX**

Created : TSC/ArcView10	
Approved : SR	
Date : 01/28/2019	
Map # : F15_Soils.mxd	

FIGURE 7



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

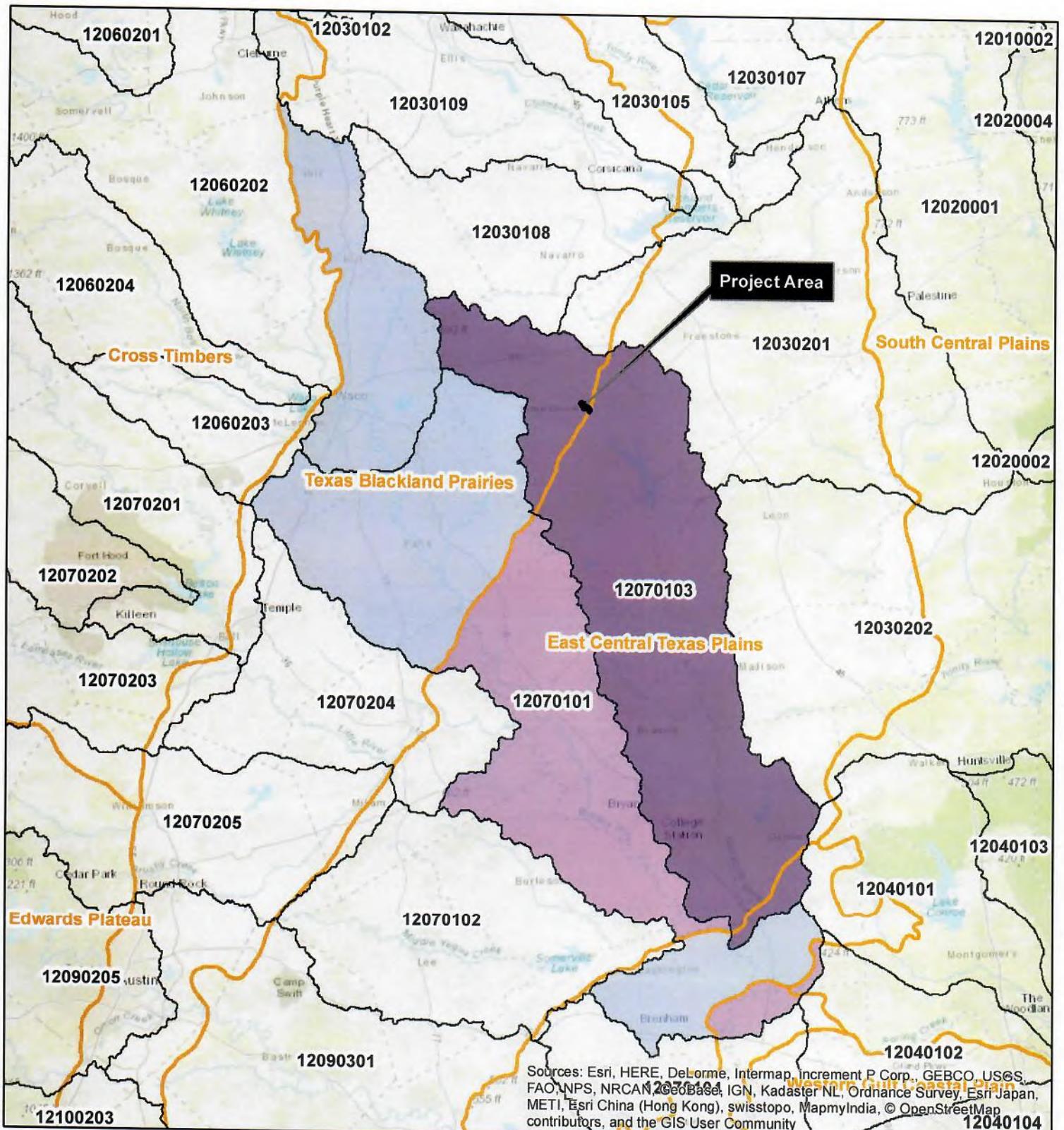


### Proposed Buenaventura Mitigation Bank

#### LAND USE WITHIN 1 MILE Limestone County, TX

Created :	TSC/ArcView10
Approved :	SR
Date :	01/08/2019
Map # :	F16_landuse1mile.mxd

FIGURE 8



Project Area (651.2 ac)

Primary

Secondary

Tertiary



20 10 0 20

Miles

### Proposed Buenaventura Mitigation Bank

#### SERVICE AREA MAP

#### Limestone County, TX

Created : TSC/ArcView10

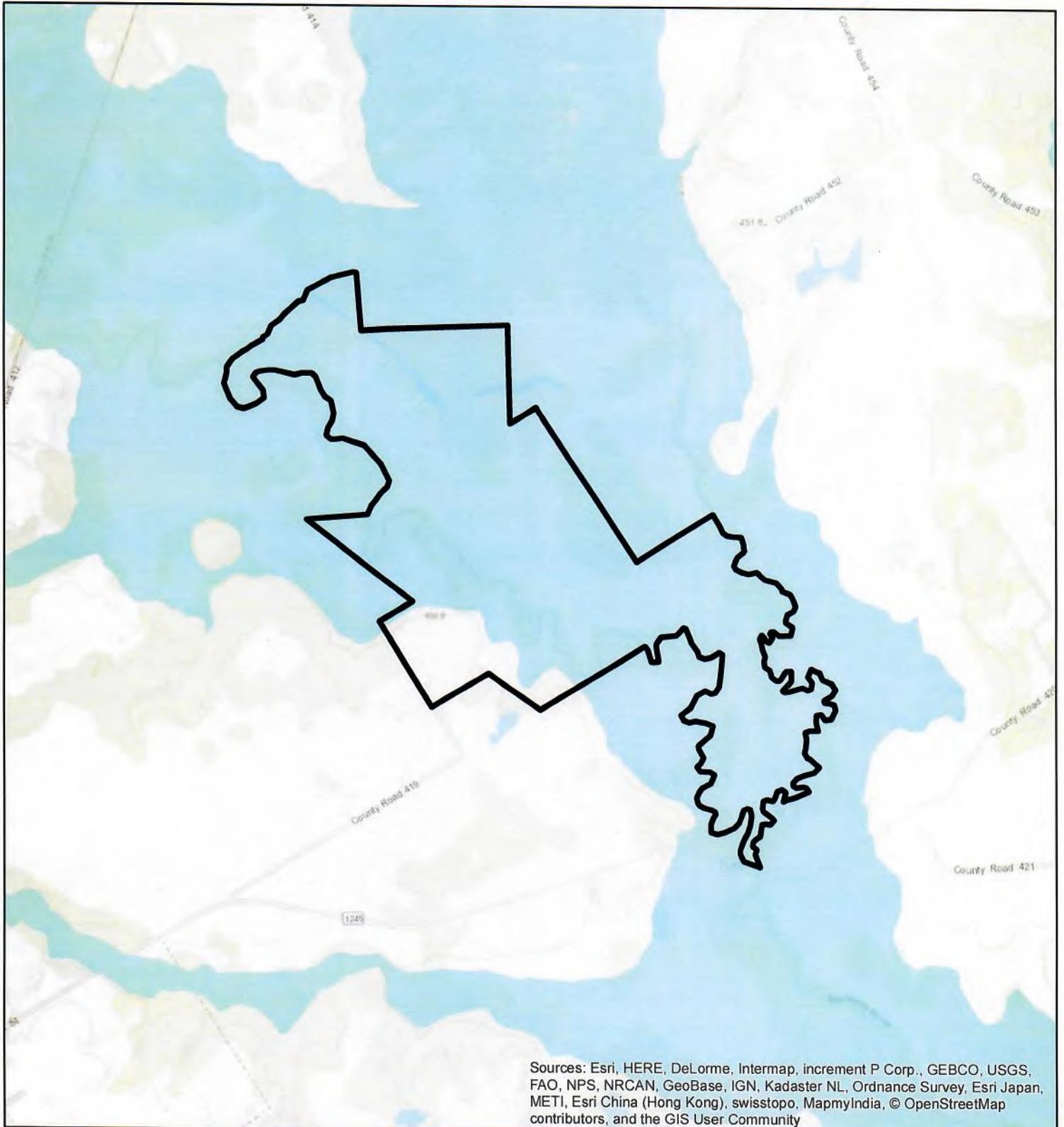
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Date : 6/4/2019

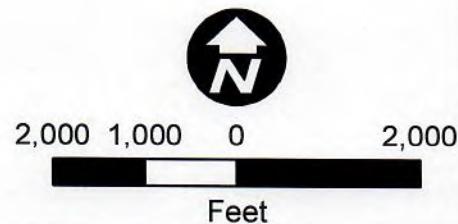
Map # : F17\_ServiceArea.mxd



FIGURE 9



Project Area (647.7 ac)  
 FEMA Flood Zone A



### Proposed Buenaventura Mitigation Bank

#### FLOODPLAIN MAP

Limestone County, TX

Created : TSC/ArcView10	
Approved : SR	
Date : 01/08/2019	
Map # : F18_Floodplain.mxd	

FIGURE 10