



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

Public Notice

Applicant: Wetlands Management, LP

Project No.: SWF-2019-00104

Date: April 28, 2020

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. Brent Jasper

Phone Number: (817) 886-1733

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 David Sands Mitigation Bank (DSMB or Bank), a proposed stream mitigation bank that would be located southwest of Crandall in Kaufman County, Texas.

APPLICANT: Wetlands Management, LP
Attn: Mr. Wilson Sands
2101 Cedar Springs Road
Suite 1600
Dallas, TX 75201

APPLICATION NUMBER: SWF-2019-00104

DATE ISSUED: April 28, 2020

LOCATION: The proposed bank is located along the East Fork Trinity River, in west Kaufman County, Texas, approximately one mile southwest of Crandall along Farm-to-Market 3039. The approximate center of the proposed DSMB is located at latitude 32.613542° north and longitude - 96.473184° west on the *Scurry, Texas* 7.5-minute U.S. Geological Survey quadrangle map. The site is located on the east side of the East Fork Trinity River within the East Fork Trinity watershed (8-digit HUC 12030106) and the Blackland Prairie U.S. Environmental Protection Agency (EPA) Level III Ecoregion (Griffin, et al. 2003). The Bank is proposed to encompass approximately 177 acres. Maps of the proposed DSMB are provided as Figure 1-4.

PROJECT DESCRIPTION: The Sponsor is proposing the restoration, enhancement, and permanent protection of approximately 19,628 linear feet of intermittent streams, 5,870 linear feet of ephemeral streams, and associated riparian habitats within the DSMB. The bank site is located within the East Fork Trinity watershed of the Trinity River basin. The goal of the Sponsor in developing DSMB is to provide high quality restoration/enhancement of stream ecosystems as compensation for adverse impacts to waters of the United States (WOTUS) occurring within the Bank's proposed Service Area. It is anticipated that ecological lift associated would generate In-Channel and Riparian Buffer Credits.

The purpose of the DSMB is to provide potential permittees with mitigation credits needed to compensate for unavoidable impacts to WOTUS within the proposed service areas in accordance with the Mitigation Banking Guidelines (CESWF-10-MIT, dated June 16, 2011, CESWF-12-MITB, dated July 5 2016, CESWF-18-MITB, dated January 24, 2019) and the Stream Mitigation Method (SWF-2011-00078, dated October 2, 2013). The Sponsor is proposing primary, secondary, and tertiary service areas, all within the Upper Trinity River basin (Figure 9). The proposed primary service area consists of the East Fort Trinity subbasin which has the 8-digit Hydrologic Unit Code (HUC) 12030106. The East Fork Trinity Subbasin includes parts of Collin, Grayson, Fannin, Hunt, Rockwall, Kaufman, and Dallas Counties. The proposed secondary service area consists of the Level III Ecoregion Texas Blackland Prairies contained within the adjoining HUCs, which includes portions of Kaufman, Rockwall, Ellis, Navarro, Dallas, Collin, Denton, and Grayson Counties. The tertiary service area consists of areas within adjacent 8-digit HUCs and within the East Texas Central Plains and Cross Timbers Level III Ecoregions. The tertiary service area includes portions of Montague, Cooke, Wise, Denton, Ellis, Kaufman, Van Zandt, Henderson, Navarro, Freestone, and Anderson Counties.

The majority of the DSMB property is currently part of the previously established Bunker Sands Mitigation Bank, a wetland mitigation bank. Areas of the proposed DSMB outside the boundaries of Bunker Sands Mitigation Bank are currently used as grazing pasture for cattle. Currently the proposed DSMB site includes approximately 35 acres of forested wetland, 105 acres of emergent wetland, 1.5 acres of scrub/shrub wetland, 540 linear feet of perennial stream, 4,102 linear feet of ephemeral stream, and 4 acres of impoundments. The proposed DSMB project would provide approximately 5,870 linear feet of ephemeral stream restoration or enhancement and approximately 19,628 linear feet of intermittent stream restoration, as well as associated riparian buffers (Figures 6-8). Total created stream length proposed for mitigation credit would be approximately 25,498 linear feet. Bank streams and associated riparian buffers would be protected in perpetuity through a conservation easement administered by a 501(c)(3) land trust. The goal of DSMB is to create streams similar to an appropriate reference stream.

The soils found within the proposed Bank site are comprised of five types (Figure 5)—Altoga Silty Clay (3 to 12% slopes, eroded), Ferris-Heiden Complex (2 to 5% slopes), Houston Black clay (1 to 3% slopes), Trinity Clay (frequently flooded), and Trinity Clay (occasionally flooded). Both Trinity Clay types are listed as hydric soils.

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 U.S. Army Corps of Engineers (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 the endangered and threatened species to determine if any may occur in the project area. The proposed project is located in a county where the Whooping Crane (*Grus americana*), Piping Plover (*Charadrius melodus*), Least Tern (*Sterna antillarum*), Red Knot (*Calidris cantus rufa*) are known to occur or may occur. These species are either endangered, threatened or otherwise protected. Our initial review indicated that the proposed work would have no effects on any federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: In accordance with 36CFR800 and 33CFR325 (Appendix C), the District Engineer has consulted the latest version of the National Register of Historic Places. The area of the proposed Project has never been surveyed for the presence of historic or prehistoric cultural resources. There are known archeological sites within the proposed Project that may be eligible for listing on the National Register of Historic Places. A survey of the permit area will be required to identify and assess known archeological sites and any cultural resources identified. The USACE will be coordinating with the Applicant and the Texas Historic Commission to ensure compliance with Section 106 of the National Historic Preservation Act.

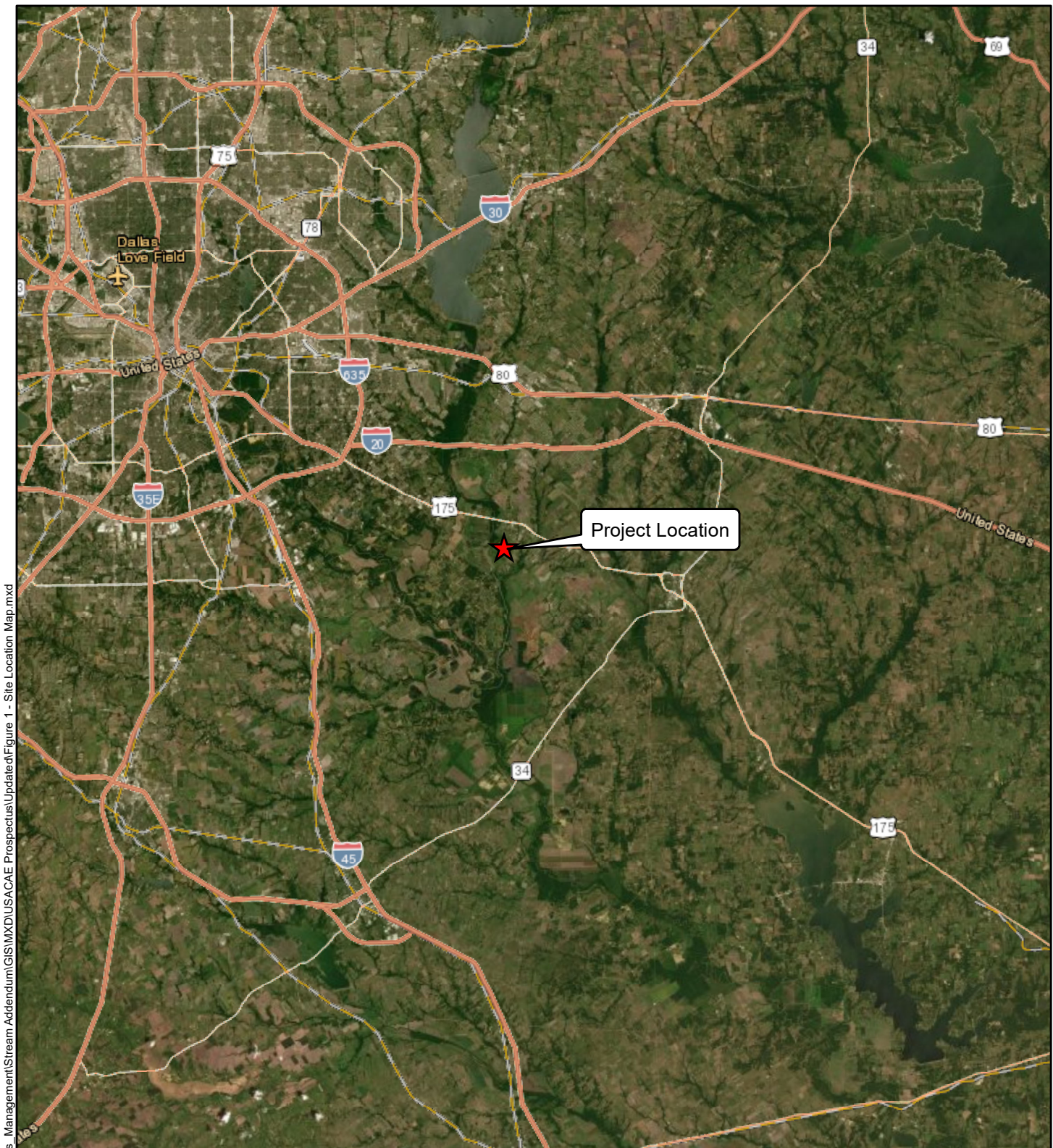
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 to allow the public an opportunity to comment on the 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 details to furnish a clear understanding of the reasons for support or opposition.

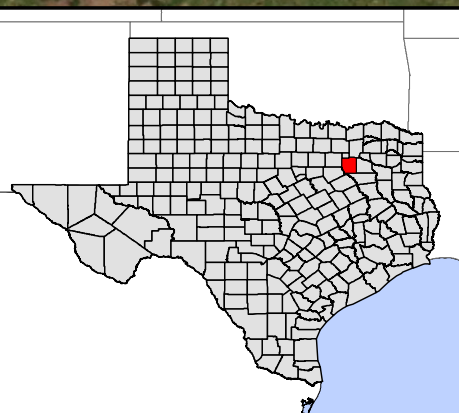
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If 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 May 29, 2020, 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 brent.j.jasper@usace.army.mil OR Regulatory Division, CESWF-RD; U.S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. At this time due to COVID-19, the USACE is doing our best to follow federal, state, and city orders. As part of that effort, we are making every reasonable effort for coordinating projects with the public remotely if at all possible. As such, telephone inquiries should be directed to (817) 886-1731. 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



\\browngay.net\gfs\Qdrive\Projects\Environmental\Wetlands_Management\Stream_Addendum\GIS\MXD\USACAE_Prospectus\Updated\Figure_1 - Site Location Map.mxd



 Project Location

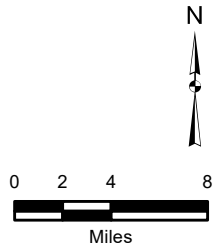


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Tel: 972-464-4800 Fax: 972-464-4899
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Figure 1: Site Location Map

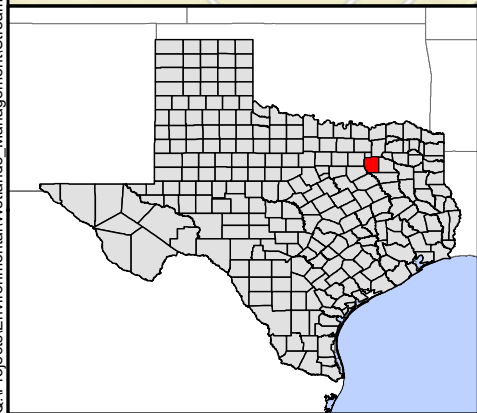
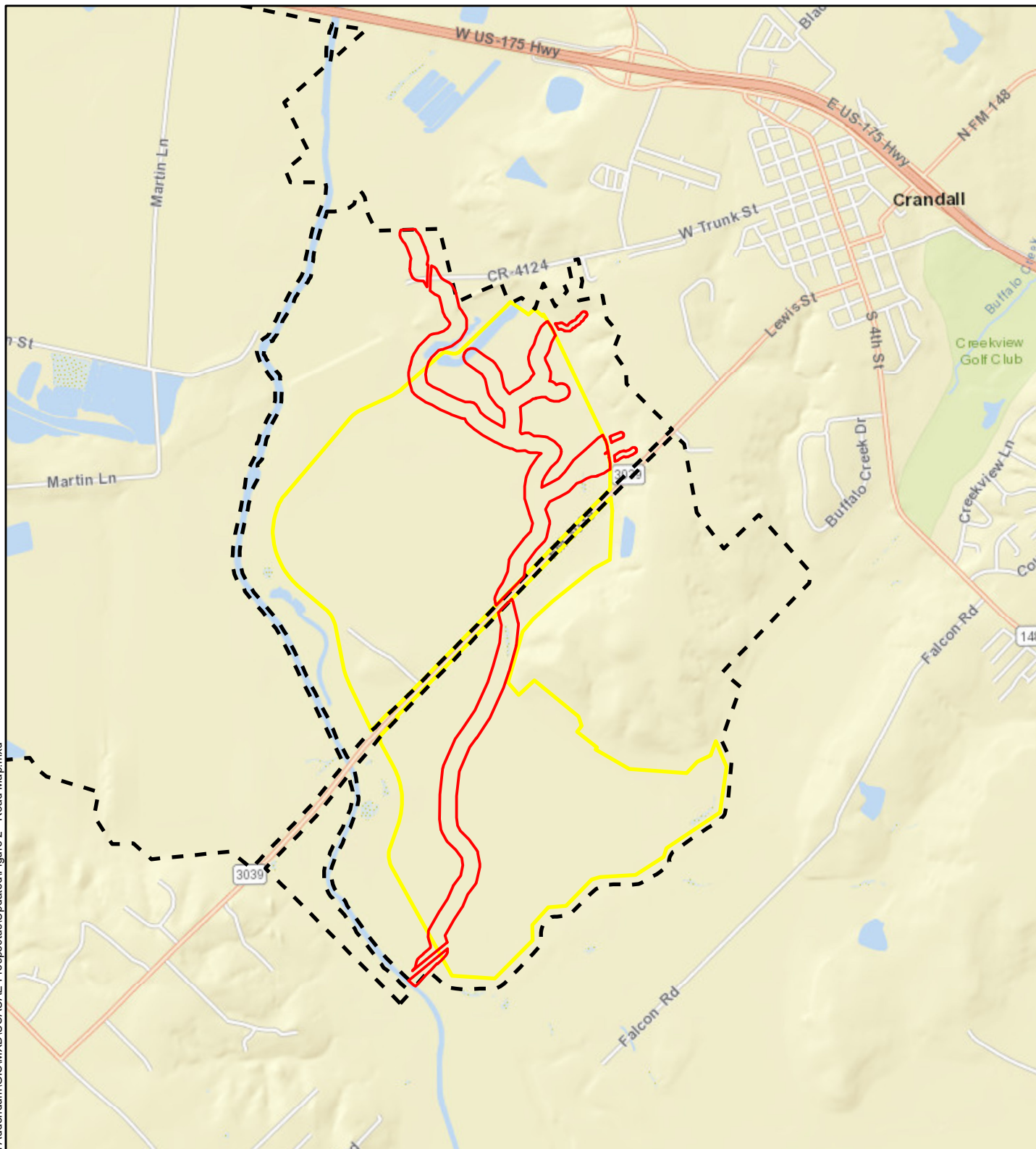
David Sands Mitigation Bank
Wetlands Management, LP

Kaufman County, Texas

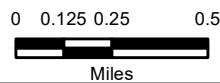


Prepared By: BGE	Scale: 1" = 8 miles
Job No.: 4019	Date: Oct 15, 2019

Q:\Projects\Environmental\Wetlands Management\Stream Addendum\GISMXDUUSACAE Prospectus\Updated\Figure 2 - Road Map.mxd



- ▬ David Sands Mitigation Bank
- ▬ Bunker Sands Mitigation Bank
- - - Seagoville Ranch Boundary



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Figure 2: Road Map

David Sands Mitigation Bank
Wetlands Management, LP

Kaufman County, Texas

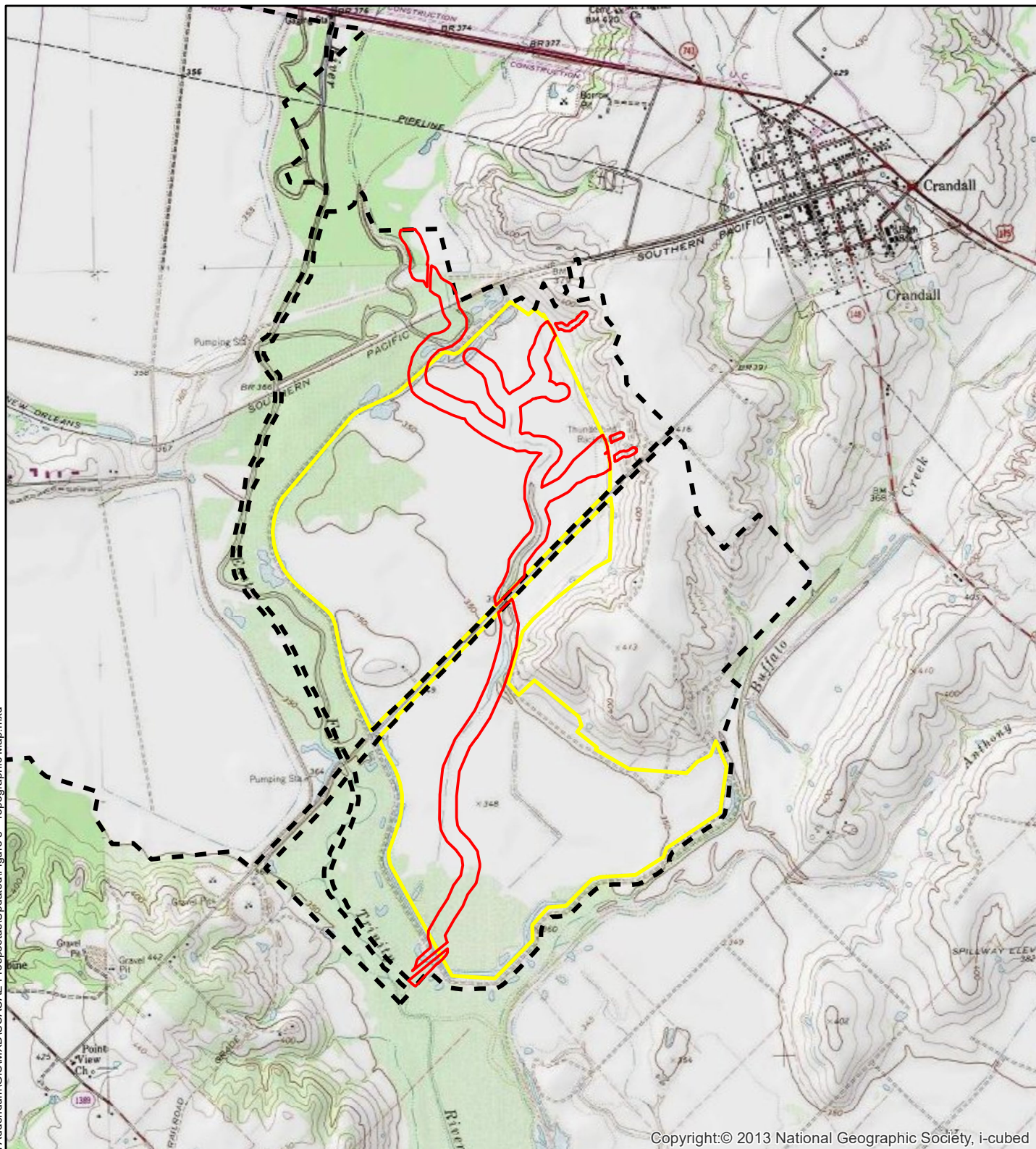
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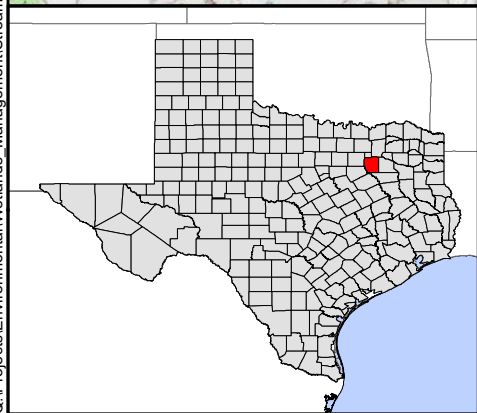
Job No.: 4019

Date: Dec 10, 2019

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- David Sands Mitigation Bank
- Bunker Sands Mitigation Bank
- Seagoville Ranch Boundary



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Figure 3: Topographic Map

David Sands Mitigation Bank
Wetlands Management, LP

Kaufman County, Texas



0 0.125 0.25 0.5
Miles

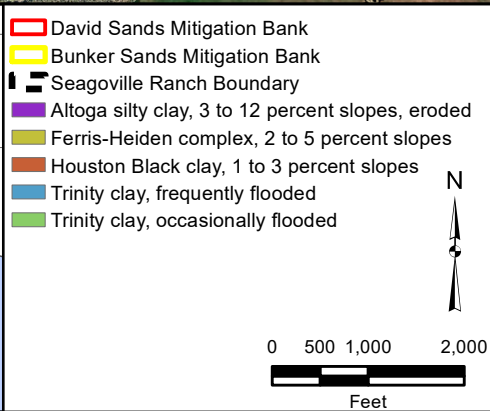
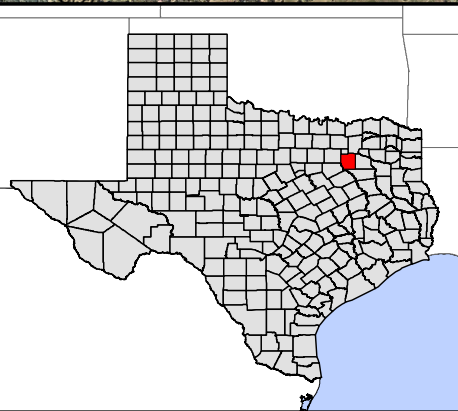
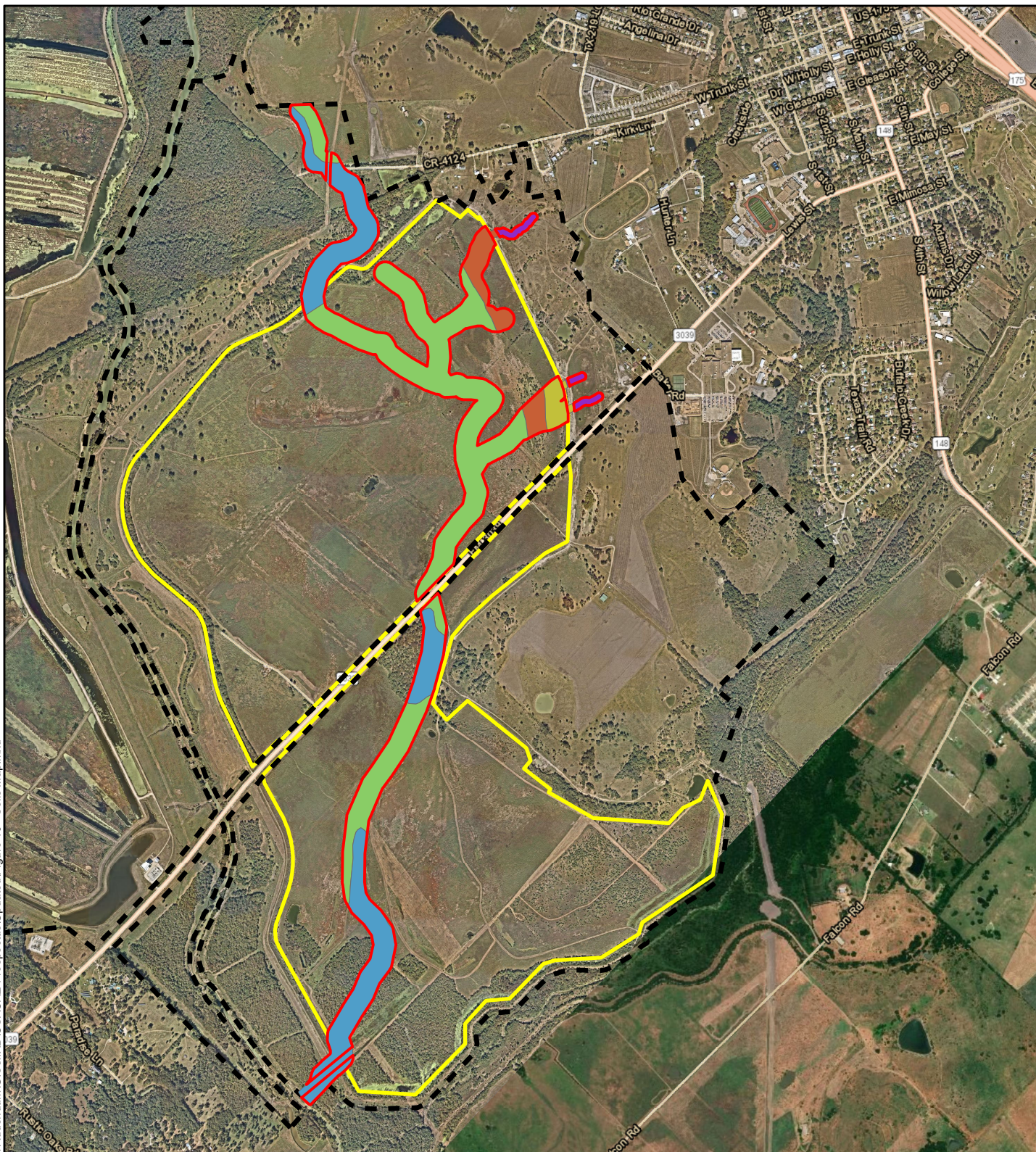
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Job No.: 4019

Date: Dec 10, 2019

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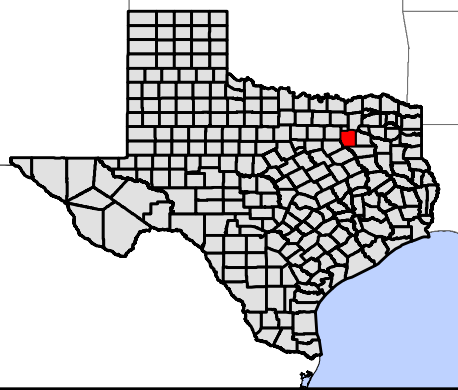
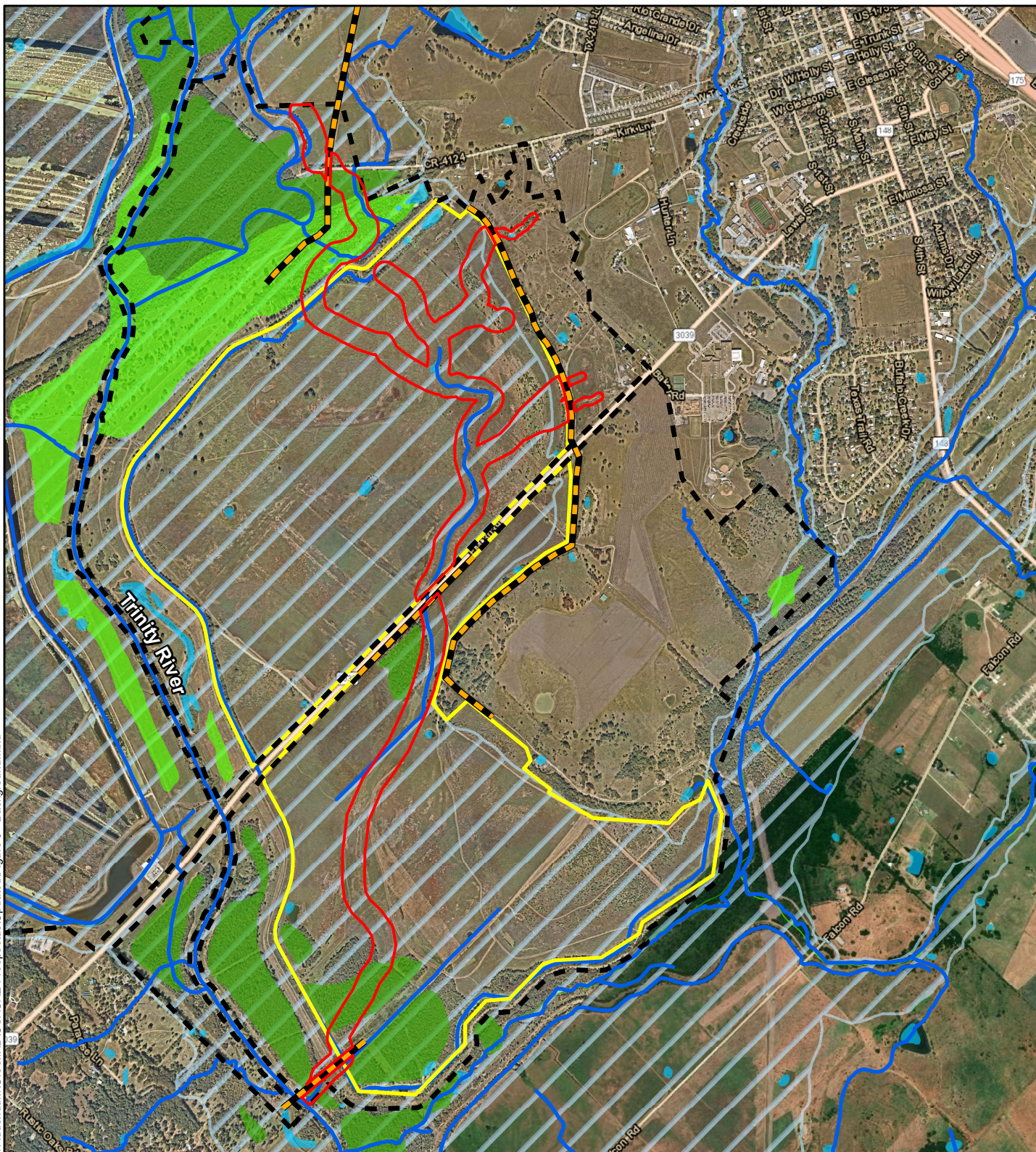


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Figure 5: Soils Map
 David Sands Mitigation Bank
 Wetlands Management, LP
 Kaufman County, Texas

Prepared By: BGE	Scale: 1" = 2,000 feet
Job No.: 4019	Date: Jan 07, 2020

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- David Sands Mitigation Bank
- Bunker Sands Mitigation Bank
- Seagoville Ranch Boundary
- Utility Easements
- Streams (NHD)
- FEMA 100-yr Floodplain
- NWI Wetlands**
- Emergent Wetland
- Forested/Shrub Wetland
- Freshwater Pond

0 500 1,000 2,000
Feet



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Figure 6: NWI, NHD, and
FEMA 100-yr Floodplain Map

David Sands Mitigation Bank
Wetlands Management, LP

Kaufman County, Texas

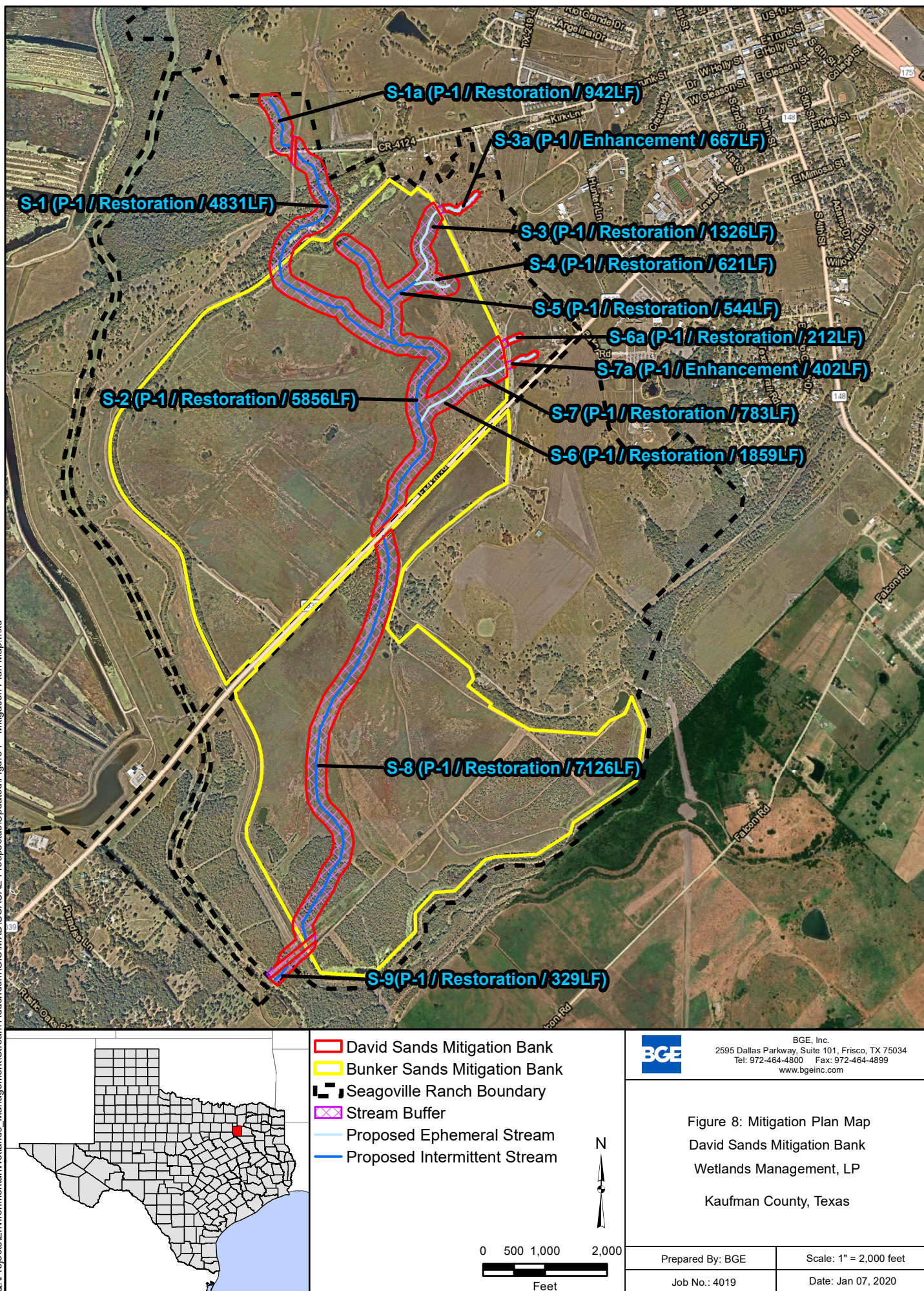
Prepared By: BGE

Scale: 1" = 2,000 feet

Job No.: 4019

Date: Jan 07, 2020

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\\brownjay.net\gfs\Qdrive\Projects\Environmental\Wetlands Management\Stream Addendum\GIS\MXD\USACAE Prospectus\Updated\Figure 13 - Service Areas Map.mxd

