



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

# Public Notice

Applicant: Trinity Oaks Mitigation Holdings, LLC

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Project No.: SWF-2020-00263

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Date: May 11, 2022

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## **Purpose**

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

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Phone Number: (817) 886-1733

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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 by Trinity Oaks Mitigation Holdings, LLC, to establish the Trinity Oaks Mitigation Bank (TOMB or Bank), a proposed stream mitigation bank that would be located in Freestone County, Texas.

**APPLICANT:** Trinity Oaks Mitigation Holdings, LLC  
Attn: Mrs. Tamara Wood  
P.O. Box 5121  
San Angelo, TX 76902

**APPLICATION NUMBER:** SWF-2020-00263

**DATE ISSUED:** May 11, 2022

**LOCATION:** The proposed Bank is located along Highway US 84 in Freestone County, Texas, approximately 13 miles southwest of Palestine. The approximate center of the proposed TOMB is located at latitude 31.656083 north and -95.821850 west and is set to encompass approximately 75 to 100 acres. This area falls within the Lower Trinity-Tehuacana (8-digit HUC 12030201) and is mapped within the East Central Texas Plains U.S. Environmental Protection Agency (EPA) Level III Ecoregion (Griffin, et al. 2003). Maps of the proposed TOMB are provided as figures 1-6.

**PROJECT DESCRIPTION:** The Sponsor is proposing the restoration, creation, enhancement, and permanent protection of approximately 9,800 to 10,800 linear feet of intermittent streams and 75 to 100 acres of associated riparian habitats within the TOMB. The bank site is located within the Lower West Fork Trinity watershed of the Trinity River basin. The goal of the Sponsor in developing the TOMB is to provide high quality restoration/creation/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 TOMB 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 proposed Primary Service Area includes like-kind habitat and out-of-kind habitat types located within the U.S. Army Corps of Engineers (USACE) Fort Worth District and the Trinity River Basin in the Lower Trinity-Tehuacana HUC 12030201. The Sponsor is proposing primary, secondary, and tertiary service areas, all within the Lower Trinity River Basin. The proposed Primary Service Area also constitutes the transition zone between the East Central Texas Plains Ecoregion and the South-Central Plains Ecoregion. This includes portions of Freestone, Anderson, Leon, Houston, Henderson, Navarro, and Limestone Counties. The proposed Secondary Service Area includes like-kind habitat and out-of-kind habitat types wholly encompassed within the USACE Fort Worth District and the Lower Trinity and Upper Trinity River Basin within the intersection of the East Central Texas Plains Ecoregion and the Cedar HUC (12030107), Upper Trinity HUC (12030105) and the Lower Trinity-Kickapoo HUC (12030202). This includes portions of Van Zandt, Kaufman, Ellis, Navarro, Henderson, Freestone, Anderson, Leon, Houston, Madison, and Grimes Counties. The proposed Tertiary Service Area includes like-kind habitat and out-of-kind habitat types wholly encompassed within the USACE Fort Worth District and the Upper Trinity River Basin within the Texas Blackland Prairies and the Upper Trinity HUC (12030105), the Cedar HUC (12030107), and the Richland HUC (12030108); the Lower Trinity River Basin within the South-Central Plains Ecoregion and the Lower Trinity-Kickapoo HUC (12030202). This includes portions of Houston, Grimes, Navarro, Limestone, Hill, Freestone, Ellis, Dallas, Collin, Rockwall, and Kaufman Counties.

The TOMB property is currently managed as pasture and devoid of woody vegetation as well as managed to benefit wildlife and human recreation. The Bank is mapped as overlapping freshwater forested/shrub wetlands, and freshwater emergent wetlands, by the United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) map. This site is in the Trinity River floodplain immediately downgradient of the Blackland Prairie region of Texas (MLRA 86A and 86B). These soils have a high pH, high cation exchange capacity, high organic matter content, and often receive new deposits that inhibit the development of redoximorphic features. The Natural Resource Conservation Service (NRCS) soil survey of Freestone County delineates six mapping units across the proposed Bank, the most prominent soils include, Kaufman clay (0 to 1% Slopes, Frequently flooded) Nahatche-Hatliff association (Frequently Flooded).

Bank streams and associated riparian buffers would be protected in perpetuity through a conservation easement administered by a 501(c)(3) land trust.

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 the endangered and threatened species to determine if any may occur in the project area. The proposed project area is in a county where the species of birds, Whooping Crane (*Grus americana*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris cantus rufa*), a species of clam, Texas Fawnsfoot (*Truncilla macrodon*), and the following species of flowering plants, Large-fruited Sand-verbena (*Abronia macrocarpa*), and the Navasota Ladies-tresses (*Spiranthes parksii*) are known to occur. These species are either endangered, threatened or otherwise protected. 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, the District Engineer has consulted the latest version of the National Register of Historic Places. The proposed Project area has never been surveyed for the presence of historic or prehistoric cultural resources. There are two prehistoric archeological sites and no archeological projects have been identified within one mile. There is a potential for archeological sites within the proposed Project proximity of the creek and just above the floodplain 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 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 June 10, 2022, 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 should be submitted to: U.S. Army Corps of Engineers, Fort Worth District, Regulatory Division, Permits Branch by emailing [CESWF-Permits@usace.army.mil](mailto:CESWF-Permits@usace.army.mil), and must include "Project Number SWF-2020-00263" in the email subject line. Requests for additional information should be submitted to: Mr. Brent Jasper by emailing [brent.j.jasper@usace.army.mil](mailto:brent.j.jasper@usace.army.mil), and must include "Project Number SWF-2020-00263" in the email subject line. 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

Figure 1 - Location  
Trinity Oaks Mitigation Bank

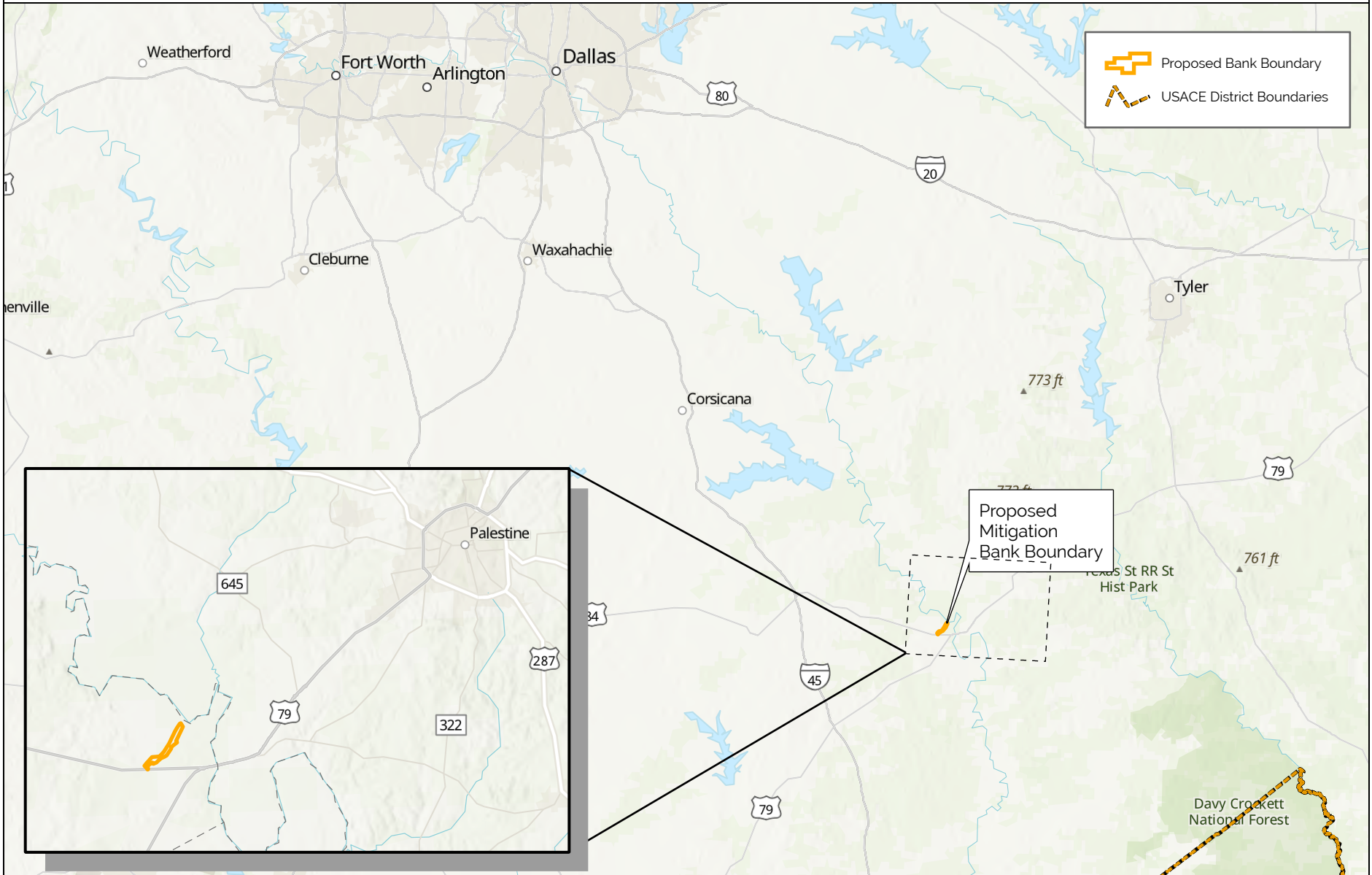
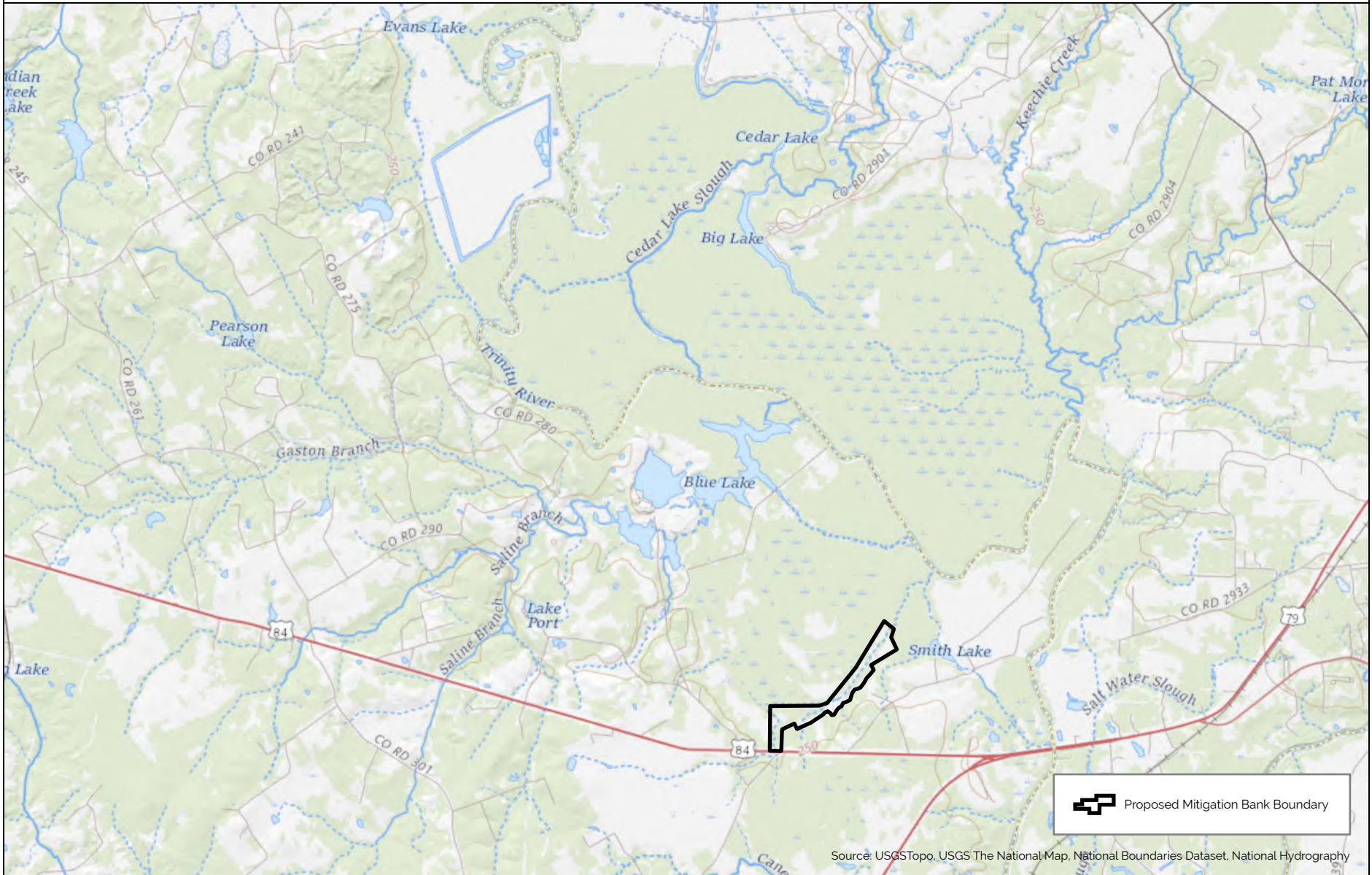




Figure 2- USGS Topographic Map  
Trinity Oaks Mitigation Bank



 Proposed Mitigation Bank Boundary

Source: USGSTopo, USGS The National Map, National Boundaries Dataset, National Hydrography

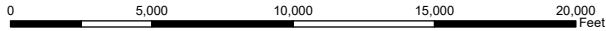
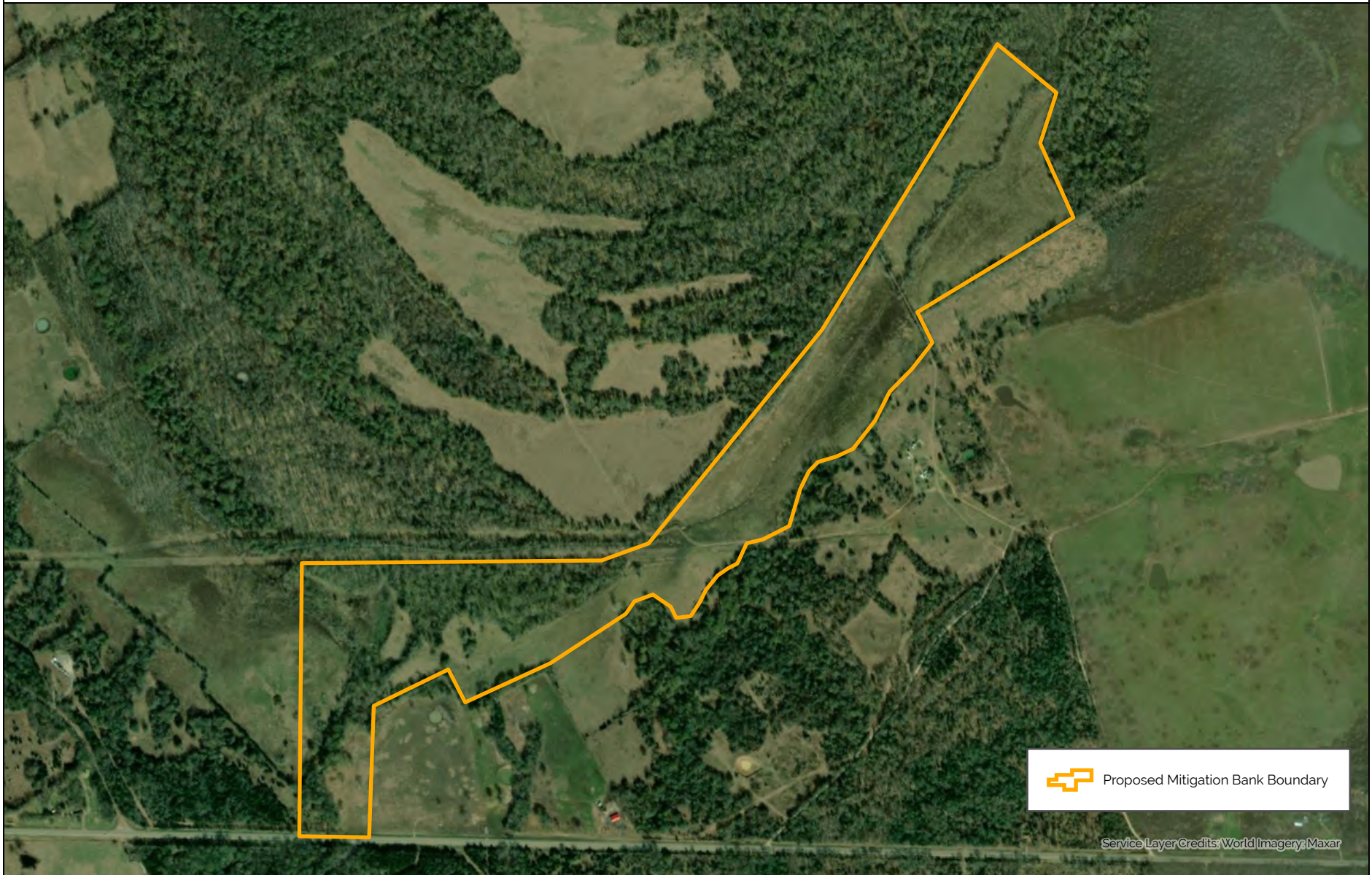





Figure 3 - 2020 Aerial Imagery  
Trinity Oaks Mitigation Bank



 Proposed Mitigation Bank Boundary

Service Layer Credits: World Imagery: Maxar

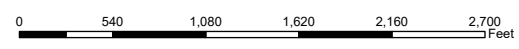
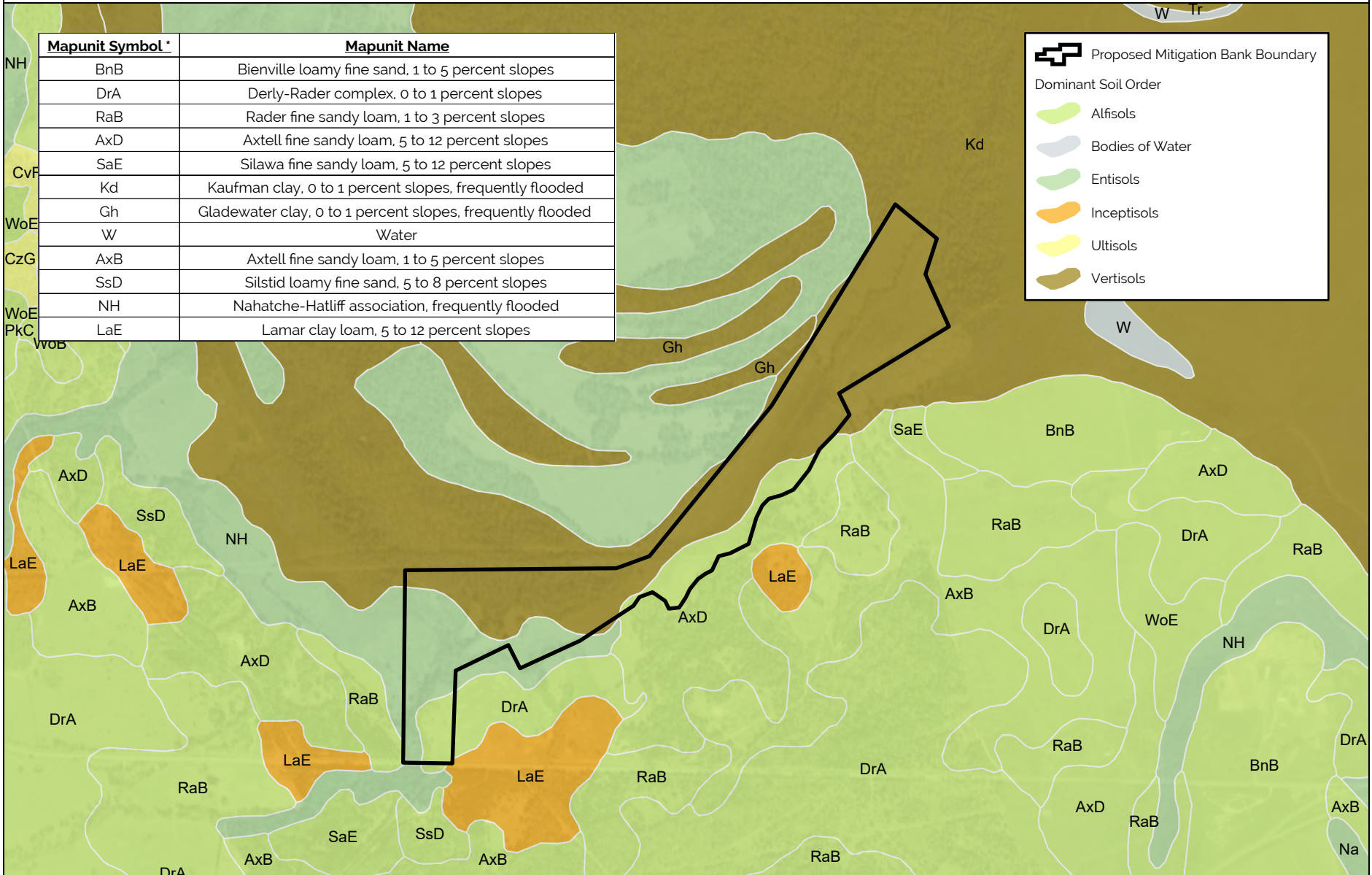




Figure 4 - Soils  
Trinity Oaks Mitigation Bank



Mapunit Symbol *	Mapunit Name
BnB	Bienville loamy fine sand, 1 to 5 percent slopes
DrA	Derly-Rader complex, 0 to 1 percent slopes
RaB	Rader fine sandy loam, 1 to 3 percent slopes
AxD	Axtell fine sandy loam, 5 to 12 percent slopes
SaE	Silawa fine sandy loam, 5 to 12 percent slopes
Kd	Kaufman clay, 0 to 1 percent slopes, frequently flooded
Gh	Gladewater clay, 0 to 1 percent slopes, frequently flooded
W	Water
AxB	Axtell fine sandy loam, 1 to 5 percent slopes
SsD	Silstid loamy fine sand, 5 to 8 percent slopes
NH	Nahatche-Hatliff association, frequently flooded
LaE	Lamar clay loam, 5 to 12 percent slopes

Proposed Mitigation Bank Boundary

Dominant Soil Order

- Alfisols
- Bodies of Water
- Entisols
- Inceptisols
- Ultisols
- Vertisols

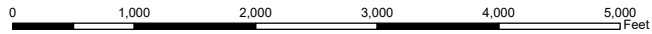


Figure 5 - USFWS National Wetlands Inventory  
Trinity Oaks Mitigation Bank

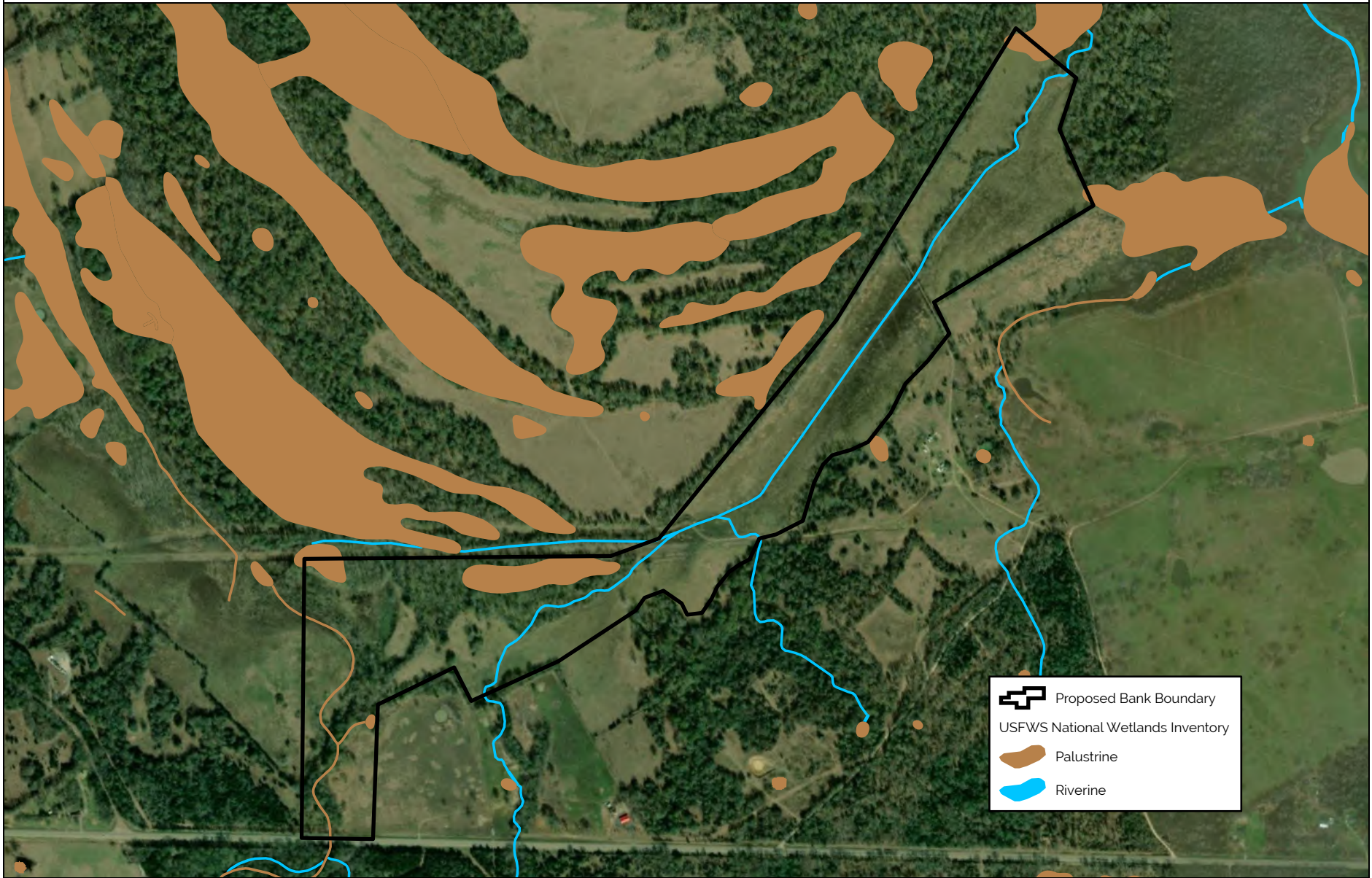




Figure 6 - Service Area  
Trinity Oaks Mitigation Bank

