



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

Public Notice

Applicant: EnviroMit, LP

Project No.: SWF-2021-00181

Date: December 20, 2022

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. Brian Bartels

Phone Number: 316-617-9434

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 EnviroMit, L.P., to establish the Cypress Creek Mitigation Bank (CCMB), located nearby the community of Domino, Cass County, Texas.

APPLICANT: EnviroMit, L.P.
Jeremy Buechter
567 Bar M Ranch Road,
Kilgore, TX 75662

APPLICATION NUMBER: SWF-2021-00181

DATE ISSUED: December 20, 2022

LOCATION: The proposed bank is located approximately 1 mile south and 3 miles east of the community of Domino, Cass County, Texas. The proposed bank can be found on the Bloomberg U.S. Geologic Survey (USGS) 7.5-minute topographic map east of Farm to Market (FM) Road 3129. Coordinates for the approximate center of the proposed bank are Latitude 33.235278° North and Longitude 94.059498° West. The proposed bank is located within the Lower Sulphur Sub-Basin (8-digit HUC) 11140302 and within the South Central Plains U.S. Environmental Protection Agency (EPA) Level III Ecoregion. Maps of the proposed bank are provided as Exhibits 1-14.

PROJECT DESCRIPTION:

The exhibits depict the bank site and proposed mitigation plan. Exhibit 1: Site Location; Exhibit 2: Tract Overview; Exhibit 3: Mitigation Plan; Exhibit 4: 1948 Aerial Photography; Exhibit 5: 1968 Aerial Photography; Exhibit 6: 1975 Aerial Photography; Exhibit 7: 1996 Aerial Photography; Exhibit 8: 2012 Aerial Photography; Exhibit 9: 2018 Aerial Photography; Exhibit 10: Potential waters of the U.S. Delineation Map; Exhibit 11: TxRAM Assessment Map; Exhibit 12: USGS Topographic Map; Exhibit 13: NRCS Soils Map and Exhibit 14: Proposed Service Area Map.

The objectives of the proposed bank are outlined below and depicted on Exhibit 3:

- Protect the site in perpetuity by placing the property under a conservation easement, held by an accredited land trust.
- Enhance 1,108 ft. of ephemeral streams, 2,891 ft. of intermittent streams, and 2,040 ft. of perennial streams by enhancing 33.33 acres of stream buffer that have been impacted by previous timber harvesting activities (occurred in 2011).

- Enhance 27.94 acres of wetland habitat that have been impacted by previous timber harvesting activities.
- Enhance 12.97 acres of upland buffer habitat that have been impacted by previous timber harvesting activities.
- Enhancement activities include replating a diverse mix of native, predominately hard mast producing species and / or bald cypress / water tupelo swamps in areas that were clear-cut harvested in 2011.

TABLE 1. MITIGATION OBJECTIVES BY WATERBODY TYPE

Waterbody Type	Created	Restored	Enhanced	Protected
Ephemeral Streams			1,108 linear feet	
Intermittent Streams			2,891 linear feet	
Perennial Streams			2,040 linear feet	
Riparian Buffer			33.33 acres	
Forested Wetland			27.94 acres	
Upland Buffer			12.97 acres	
TOTALS	6,039 linear feet of stream, and 78.69 acres enhanced.			

Historically, the property was undeveloped with little active management apparent on historical aerials (Exhibits 4 - 7). The entire property was clear-cut harvested in September 2011, prior to acquisition (Exhibits 8 and 9). Clearcutting included the bald cypress communities directly associated with Cypress Creek (Perennial Stream) and Little Cypress Creek (intermittent stream), as well as previous forested wetland and upland communities located adjacently. Few remaining individual bald cypress trees are located directly within the stream channels. The property contained five (5) stream channels: Cypress Creek, Camp Creek, Little Cypress Creek, a secondary tributary to Camp Creek, and a tributary to Cypress Creek. Three wetland assessment areas (WAAs) are proposed within the property: WAA 1 – previously clear-cut wetland, WAA 2 – previously clear-cut wetland with scattered trees, and WAA 3 – selectively harvested wetlands dominated by overcup oak. All wetlands and streams within the property have been negatively impacted by the timber-harvesting activities conducted by a previous landowner.

The purpose of the proposed bank is to provide potential permittees with mitigation credits needed to compensate for unavoidable impacts to waters of the U.S. within the proposed service areas. The Sponsor is proposing primary, secondary, and tertiary service areas for the proposed bank (Exhibit 14). All service-area designations are limited to the Fort Worth District of the USACE and exclude all Texas Parks and Wildlife Department (TPWD) properties and facilities. The proposed primary service area for the proposed bank would be the Lower Sulphur Sub-Basin (8-digit HUC) 11140302. The mitigation ratio for the primary service area is 1:1. The primary service area includes portions of the following counties: Bowie, Cass, Franklin, Lamar, Morris, Red River, and Titus. The proposed secondary service area would include the Caddo Lake Sub-Basin (8-digit HUC) 11140306 and the Cross Bayou Sub-Basin (8-digit HUC) 11140304. HUCs within the secondary service area are within the parent Level 3 Ecoregion of the proposed bank (South Central Plains). The mitigation ratio within the proposed secondary service area is 1.5:1. Counties

within the proposed secondary service area include: Cass, Harrison, Marion, and Morris. The tertiary service area would include the portions of the White Oak Bayou Sub-Basin (8-digit HUC) 11140303 that are within the East Central Texas Plains (adjacent Level 3 Ecoregion). The mitigation ratio for the tertiary service area is 3:1. Counties within the tertiary service area include Franklin, Hopkins, Morris, and Titus.

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. (EPA), U.S. Fish and Wildlife Service (USFWS), Texas Commission on Environmental Quality (TCEQ), Railroad Commission of Texas, and TPWD 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 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 latest published version of endangered and threatened species to determine if any might occur in the project area. There are four (4) federally listed threatened, endangered, or candidate species for the geographic area in the vicinity of the proposed bank. Species include the piping plover (*Charadris melodus*), red knot (*Calidris canutus rufa*), alligator snapping turtle (*Macrochelys temminckii*), and the monarch butterfly (*Danaus plexippus*). Our initial review indicates that the proposed work would have no effect on federally listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: In accordance with 36 CFR 800 and 33 CFR 325 (Appendix C), 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. A survey of the permit area might 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.

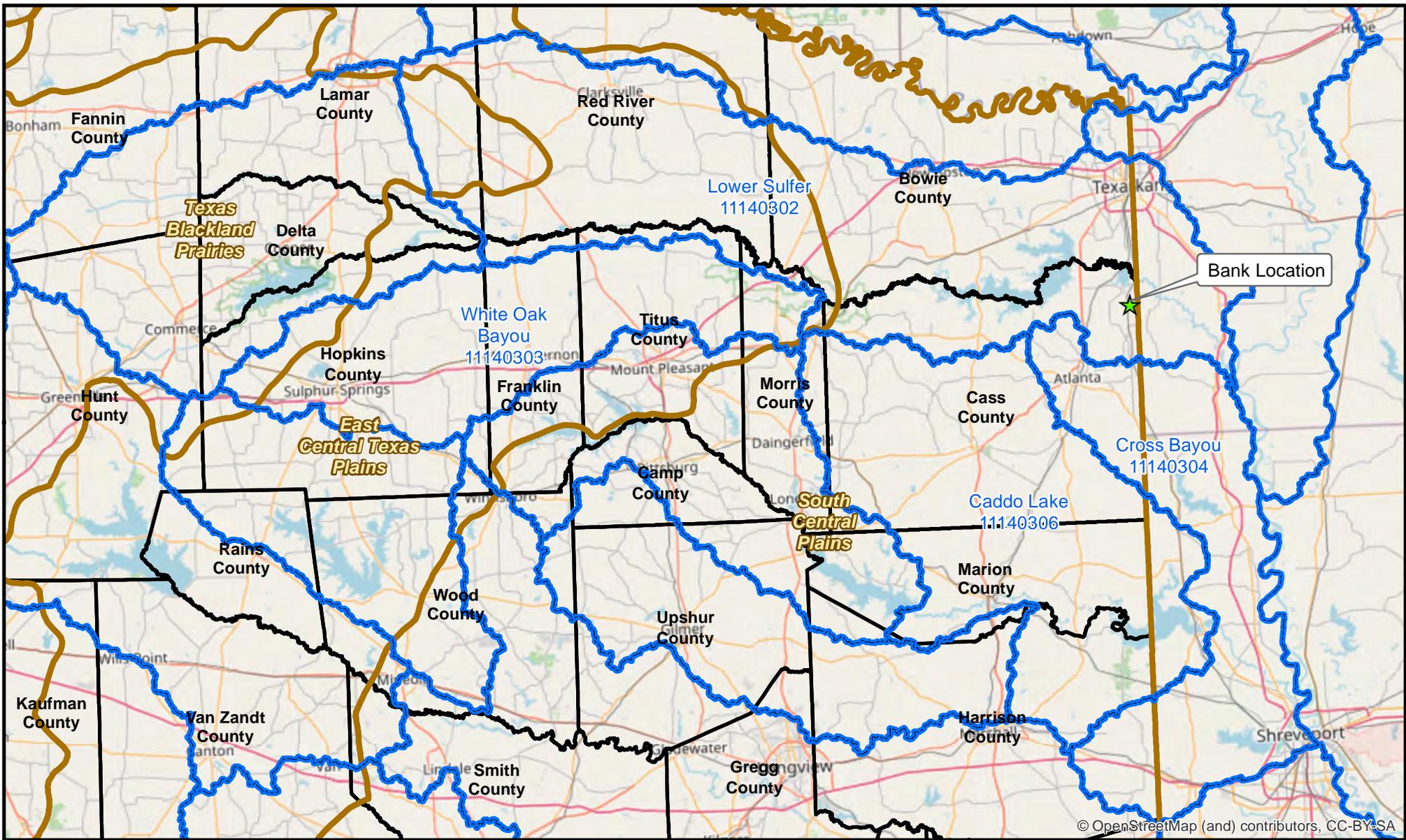
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 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 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 January 20, 2023, 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 U.S. Army Corps of Engineers, Fort Worth District, Regulatory Division, Permits Branch by email CESWF-Permits@usace.army.mil and must include "Project Number SWF-2021-00181" in the subject line of the email. Telephone inquiries should be directed to 316-617-9434. 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



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0 7.5 15 30 45 60 Miles

- Sub-Basins (8-Digit HUCs)
- Level III Ecoregions
- County Boundaries

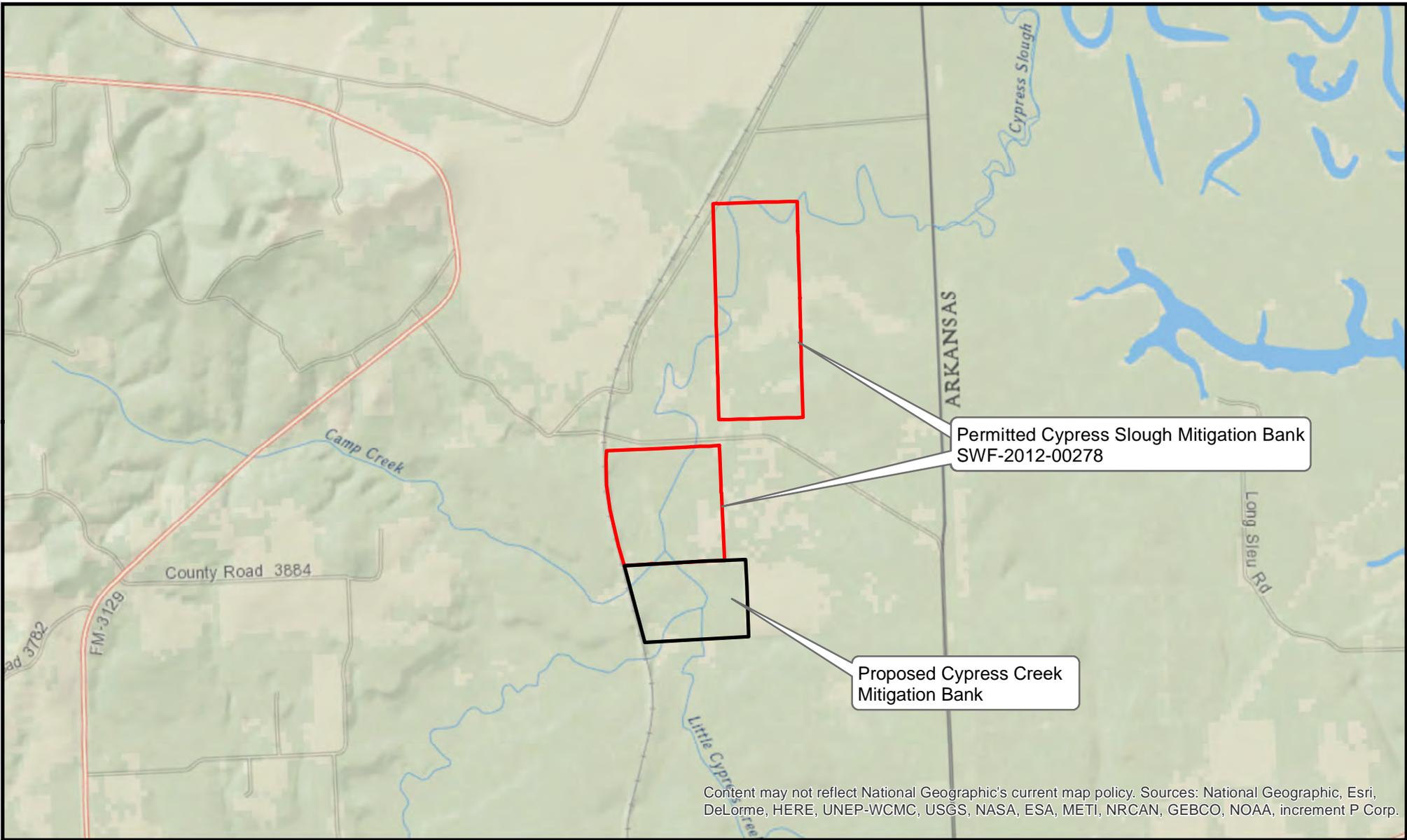


Date: 8/2/2022

**EXHIBIT 1
LOCATION MAP**

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





Permitted Cypress Slough Mitigation Bank
SWF-2012-00278

Proposed Cypress Creek
Mitigation Bank

Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, DeLorme, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

0 0.25 0.5 1 1.5 2 2.5 3 Miles

-  CCMB Boundary - 78.69 Ac.
-  Permitted Cypress Slough MB

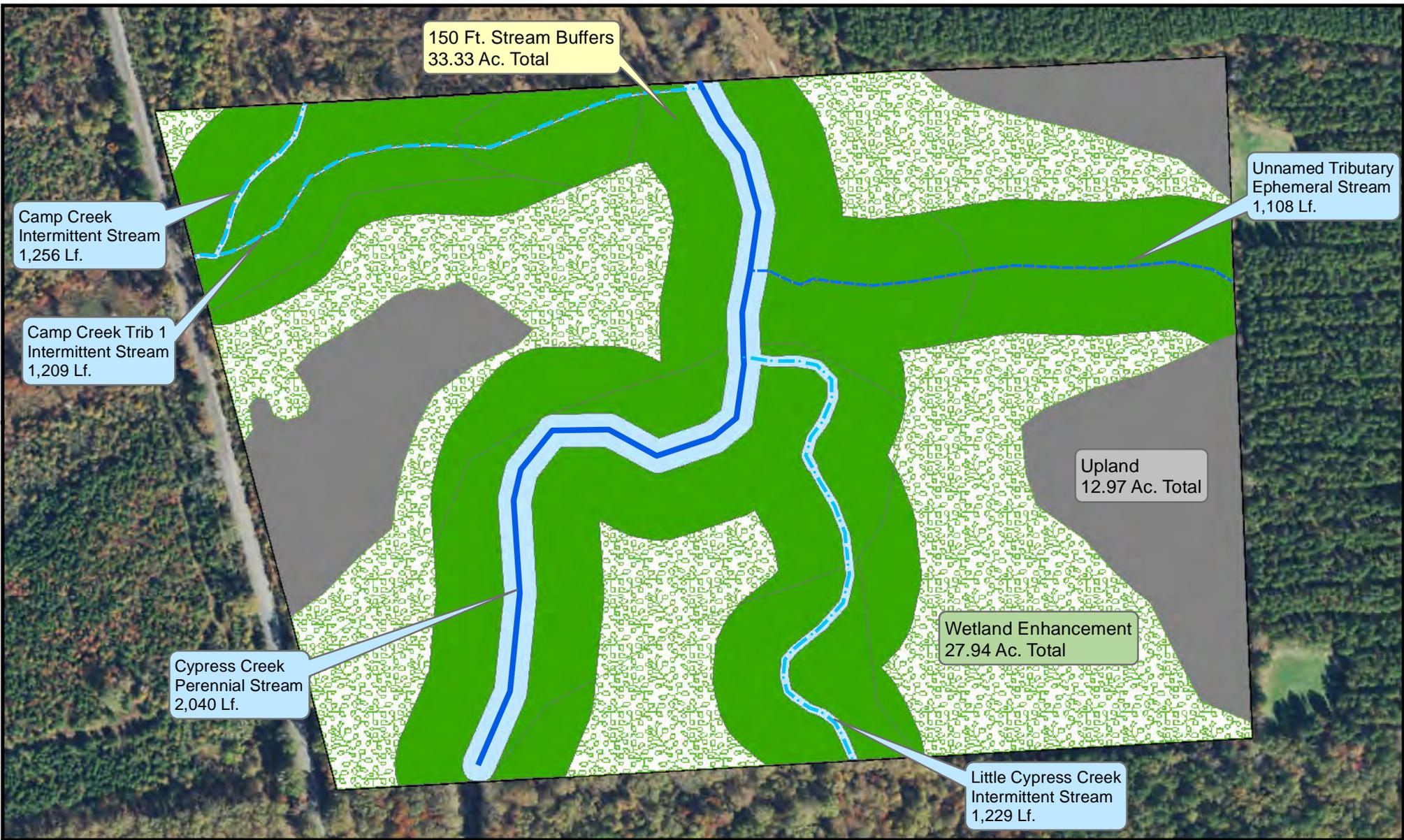


Date: 8/2/2022

**EXHIBIT 2
TRACT OVERVIEW**

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 150 300 600 900 1,200 1,500 1,800 Feet



Streams (Buffer Enhancement) Habitats

- Ephemeral - 1,108 Lf.
- - - Intermittent - 2,891 Lf.
- Perennial - 2,040 Lf.

- Wetland Enhancement - 27.94 Ac.
- Stream Buffer Enhancement - 33.33 Ac.
- Upland Enhancement - 12.97 Ac.
- OHWM - 4.45 Ac.
- CCMB Boundary - 78.69 Ac.

Date: 8/2/2022

**EXHIBIT 3
CONCEPTUAL
MITIGATION PLAN**

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet

▭ CCMB Boundary - 78.69 Ac.



Date: 8/2/2022

EXHIBIT 4
1948 AERIAL

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet

□ CCMB Boundary - 78.69 Ac.



Date: 8/2/2022

EXHIBIT 5
1968 AERIAL

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet

▭ CCMB Boundary - 78.69 Ac.



Date: 8/2/2022

EXHIBIT 6
1975 AERIAL

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet

□ CCMB Boundary - 78.69 Ac.



Date: 8/2/2022

EXHIBIT 7
1996 AERIAL

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet

▭ CCMB Boundary - 78.69 Ac.

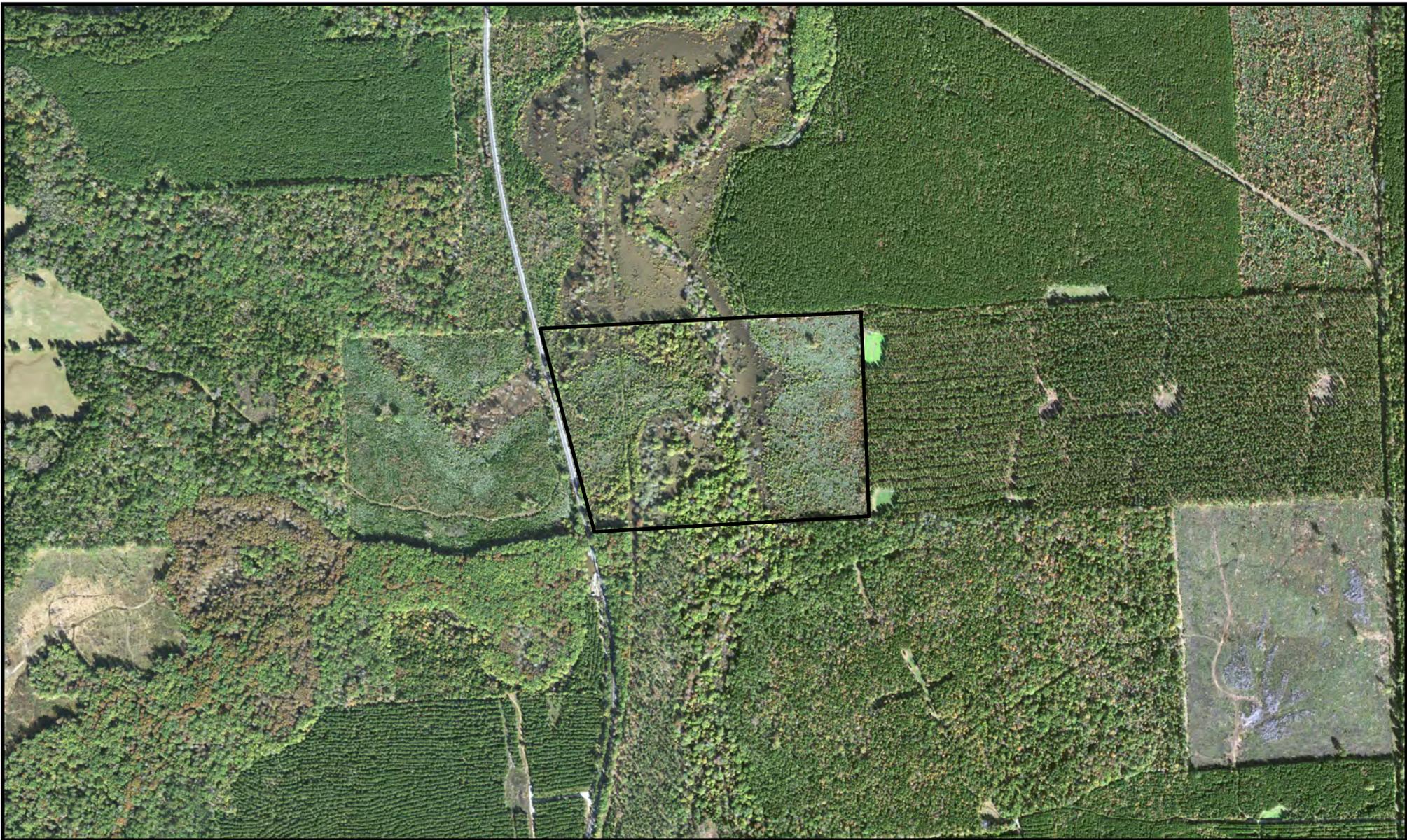


Date: 8/2/2022

EXHIBIT 8
2012 AERIAL

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet

▭ CCMB Boundary - 78.69 Ac.

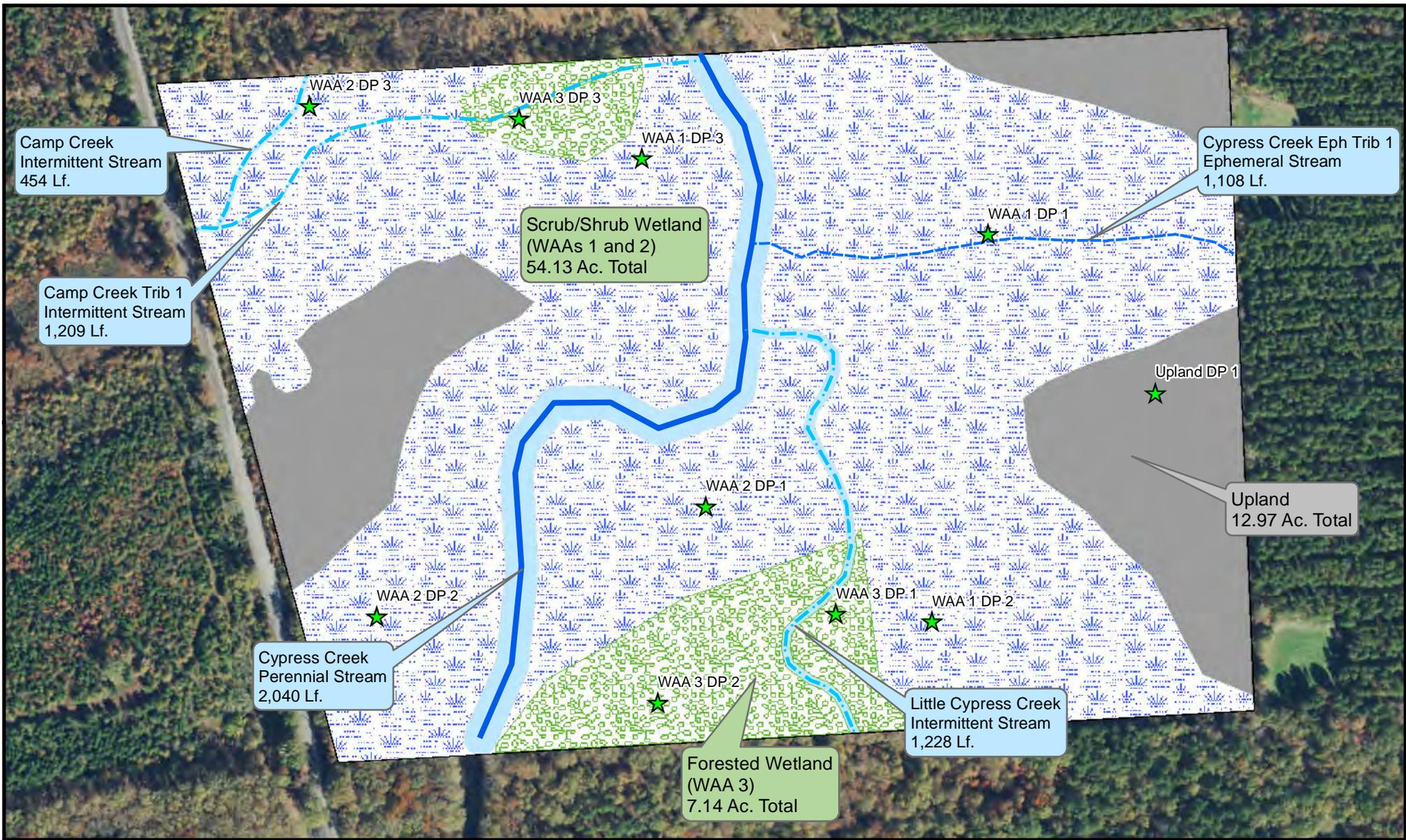


Date: 8/2/2022

EXHIBIT 9
2018 AERIAL

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





Camp Creek
Intermittent Stream
454 Lf.

Camp Creek Trib 1
Intermittent Stream
1,209 Lf.

Cypress Creek
Perennial Stream
2,040 Lf.

Little Cypress Creek
Intermittent Stream
1,228 Lf.

Cypress Creek Eph Trib 1
Ephemeral Stream
1,108 Lf.

Scrub/Shrub Wetland
(WAAs 1 and 2)
54.13 Ac. Total

Forested Wetland
(WAA 3)
7.14 Ac. Total

Upland
12.97 Ac. Total

0 150 300 600 900 1,200 1,500 1,800 2,100 2,400 Feet

★ Delineation Data Points

▭ CCMB Boundary - 78.69 Ac.

Streams

— Ephemeral - 1,108 Lf.

— Intermittent - 2,891 Lf.

— Perennial - 2,040 Lf.

Habitats

▨ Scrub-Shrub Wetland - 54.13 Ac.

▨ Forested Wetland - 7.14 Ac.

▨ OHWM - 4.45 Ac.

▨ Upland - 12.97 Ac.

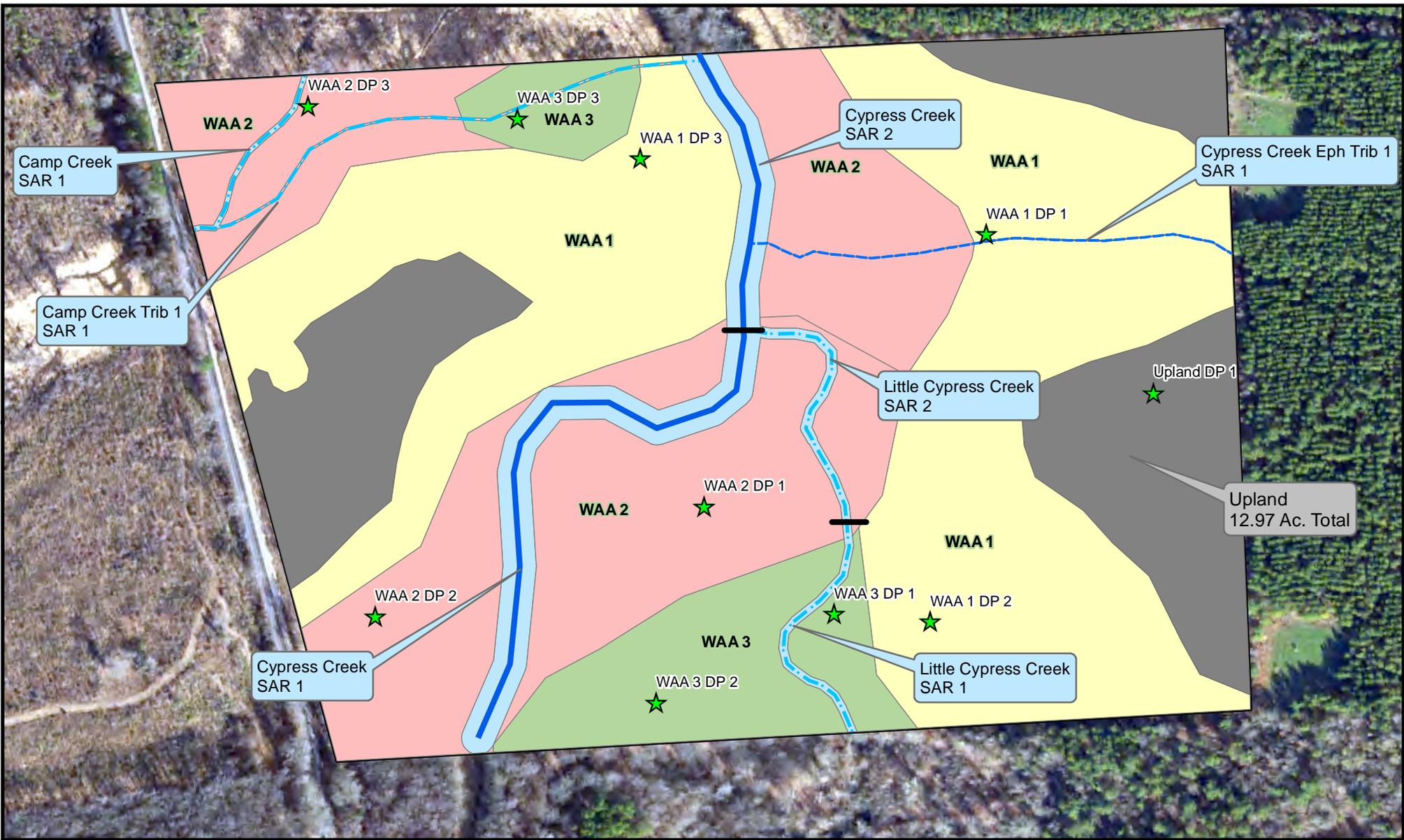


Date: 7/3/2022

**EXHIBIT 10
WATERS OF THE US
DELINEATION MAP**

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 150 300 600 900 1,200 1,500 1,800 2,100 2,400 Feet

- ★ Delineation Data Points
- ▭ CCMB Boundary - 78.69 Ac.
- SARs**
- Ephemeral - 1,108 Lf.
- Intermittent - 2,891 Lf.
- Perennial - 2,040 Lf.
- WAAs**
- WAA 1 (Clearcut Wetland) - 31.06 Ac.
- WAA 2 (Clearcut with Scattered Trees) - 23.07 Ac.
- WAA 3 (Partially Harvested Overcup Oak) - 7.14 Ac.
- OHWM - 4.45 Ac.
- Upland - 12.97 Ac.

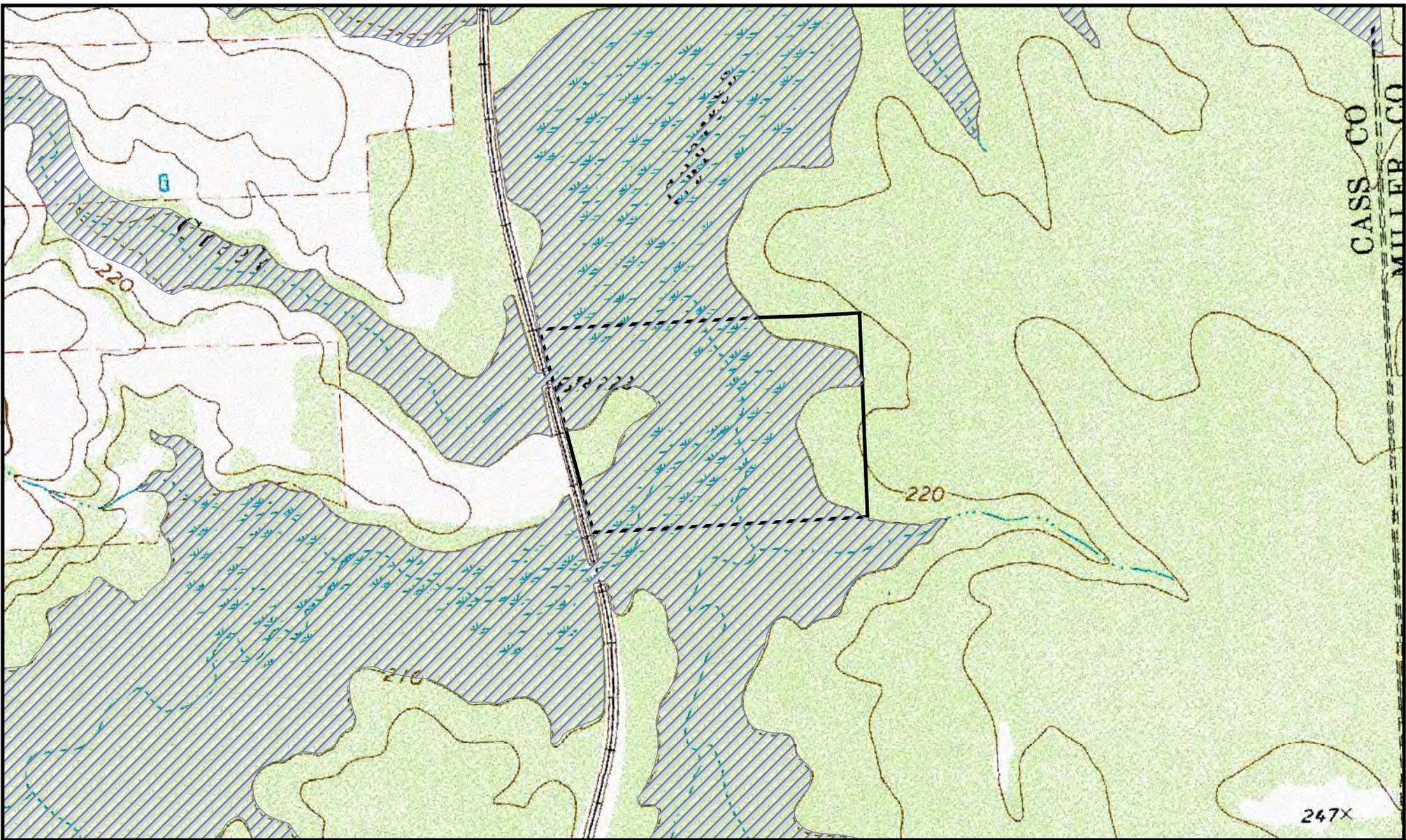
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Date: 7/3/2022

EXHIBIT 11
TXRAM
WAA AND SAR MAP

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet

-  100-Year Floodplain
-  CCMB Boundary - 78.69 Ac.

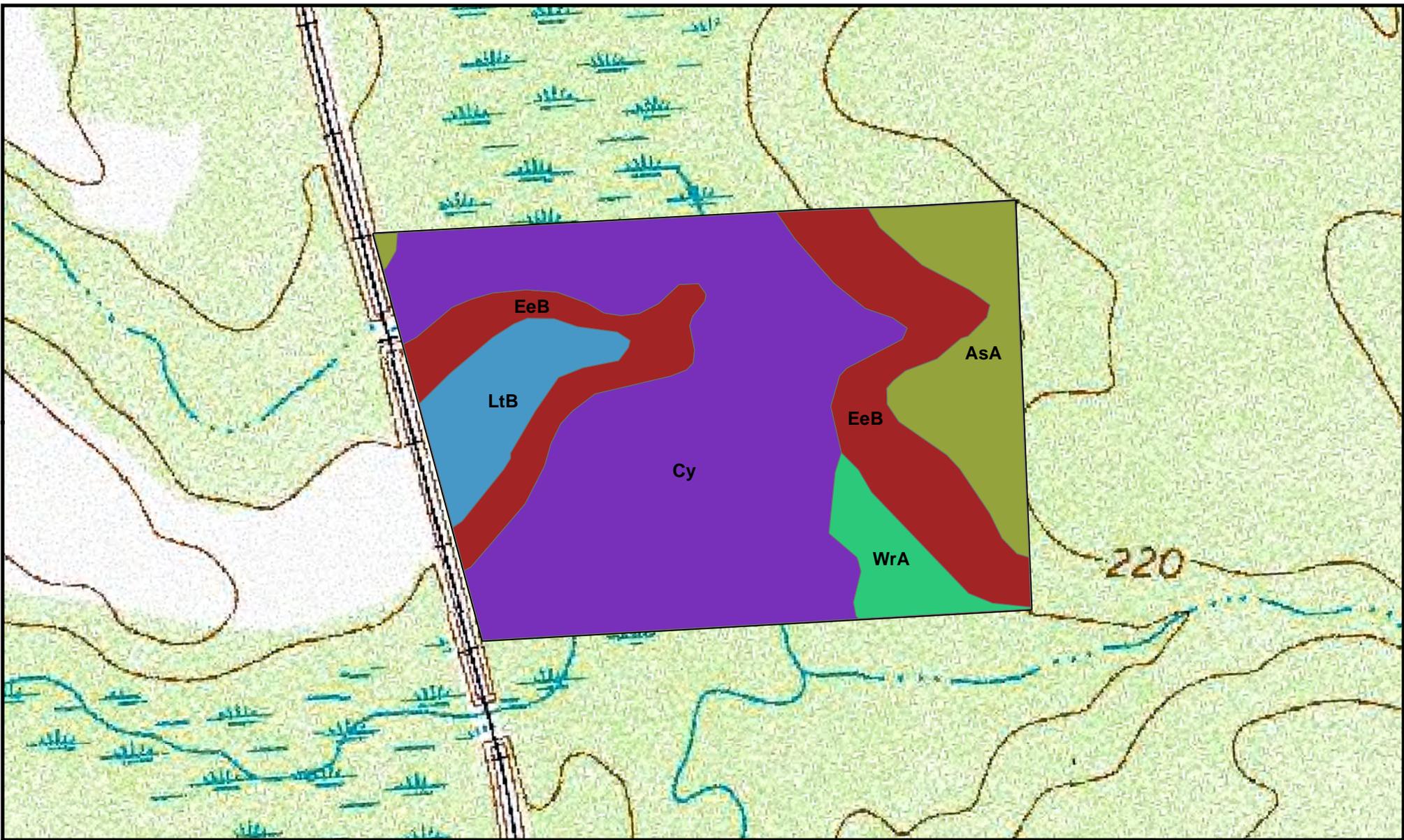


Date: 8/2/2022

EXHIBIT 12
TOPOGRAPHIC MAP

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





0 250 500 1,000 1,500 2,000 2,500 3,000 Feet

- Soils**
- EeB - Eastwood very fine sandy loam, 1 to 5 percent slopes
 - Cy - Cypress clay loam, submerged
 - WrA - Wrightsville silt loam, 0 to 1 percent slopes, ponded
 - LtB - Latex fine sandy loam, 1 to 3 percent slopes
 - AsA - Ashford clay, 0 to 1 percent slopes, ponded
 - CCMB Boundary - 78.69 Ac.

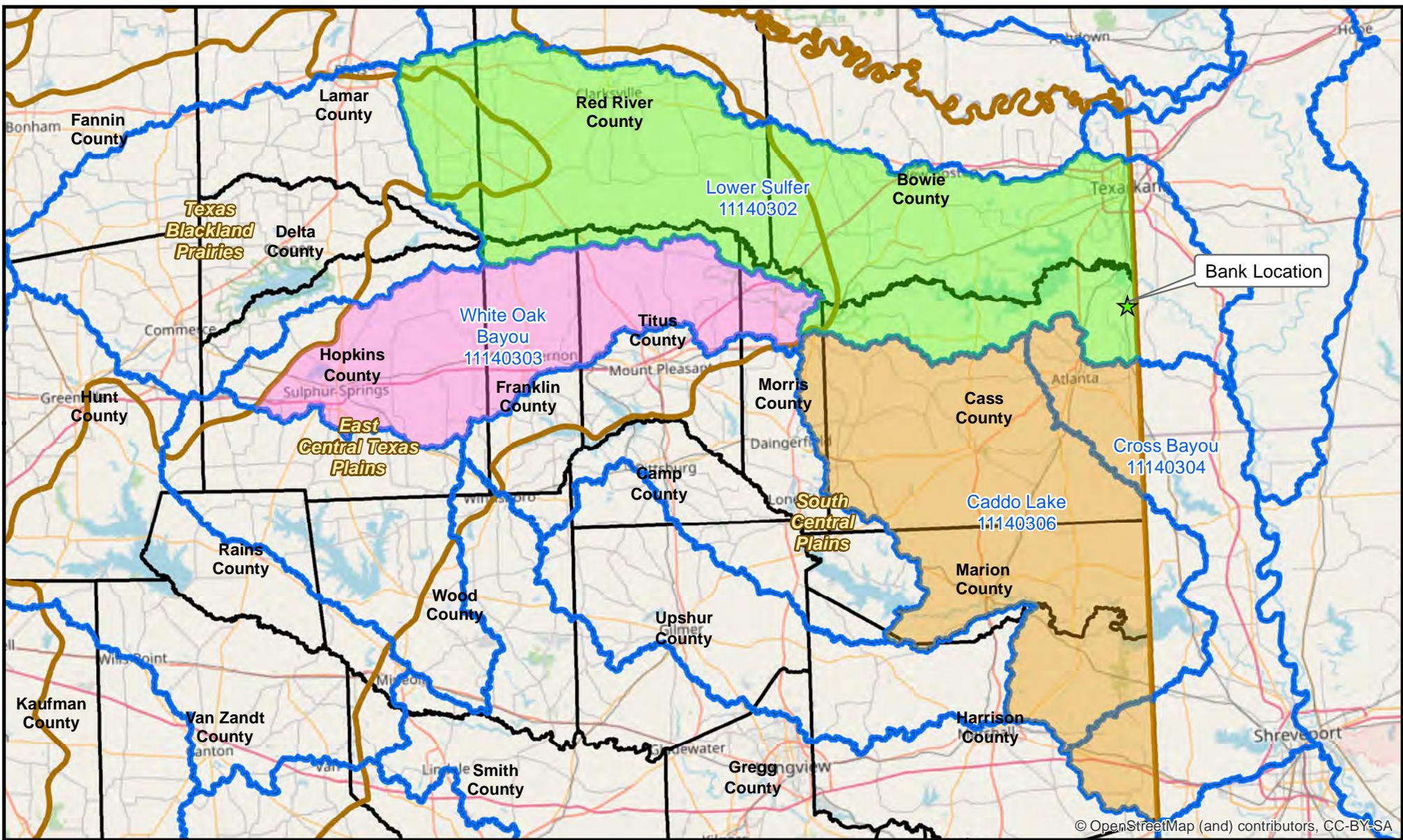


Date: 8/2/2022

EXHIBIT 13
SOILS MAP

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181





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0 7.5 15 30 45 60 75 90 Miles



Date: 8/2/2022

- Primary Service Area
- Secondary Service Area
- Tertiary Service Area
- Sub-Basins (8-Digit HUCs)
- Level III Ecoregions
- County Boundaries

EXHIBIT 14
SERVICE AREA MAP

Cypress Creek Mitigation Bank
Cass County, Texas
Sponsor: EnviroMit, LP
SWF-2021-00181

