



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

Public Notice

Applicant: Wetlands Management, LP

Project No.: SWF-2022-00582

Date: May 23, 2023

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 by Wetlands Management, L.P., to establish the Ed Young Mitigation Bank (EYMB), located west of the City of Denton, Denton and Wise Counties, Texas.

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

APPLICATION NUMBER: SWF-2022-00582

DATE ISSUED: May 23, 2023

LOCATION: The proposed bank is located approximately 15 miles west of the city of Denton, Texas on the border of Denton and Wise Counties north of Burns Branch Road and east of County Road 2513. The proposed bank can be found on the Slidell and Era SE U.S. Geologic Survey (USGS) 7.5-minute topographic quadrangle maps. Coordinates for the approximate center of the proposed bank are Latitude 33.274° North and Longitude -97.384° West. The proposed bank is located within the Denton Sub-basin (8-digit HUC) 12030104 and within the Cross Timbers U.S. Environmental Protection Agency (EPA) Level III Ecoregion. Maps of the proposed bank are provided as Figures 1-9.

PROJECT DESCRIPTION: The figures depict the bank site and proposed mitigation plan. Figure 1: Vicinity Map; Figure 2: USGS Topography; Figure 3: Aerial Image; Figure 4: USDA Soil Survey; Figure 5: National Wetlands Inventory; Figure 6: FEMA; Figure 7: Existing Conditions; Figure 8: Preliminary Mitigation Plan; Figure 9: Preliminary Service Areas.

The restoration goals of the project are to use natural channel design techniques to improve the hydraulic and geomorphic functions of the project streams through the following objectives:

- Establish riparian buffers with native plantings and control invasive and exotic species,
- Improve buffer density and composition,
- Connect the stream to its floodplain by:
 - reducing bank height ratios, and
 - increasing the entrenchment ratio,
- Improve meander width ratio,
- Reduce bank source sediment inputs,
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- Improve bedform diversity, pool-to-pool spacing, and depth variability, and
- Introduce woody structures and varying habitat features.

Table 1. Quantity and type of waterbody proposed for providing compensatory mitigation.

Waterbody Type	Created	Restored	Enhanced	Protected
Ephemeral Streams		0 LF		
Ephemeral Stream Buffers		2,640 LF		
Intermittent Streams		10,640 LF		
Intermittent Stream Buffers		15,170 LF		

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. As shown in Figure 9 the Bank will service a large portion of the northern Dallas-Fort Worth Metroplex area where, according to the Regulatory In-lieu Fee and Bank Tracking System (RIBITS) there are limited stream mitigation credits available. The Bank proposes the restoration of approximately 10,640 linear feet of intermittent stream and 17,810 linear feet of riparian buffer on intermittent and ephemeral streams as shown in Figure 8.

The Bank is located within the Denton Sub-Basin HUC 12030104 (Figure 9). These aquatic resources within the Bank will be protected in perpetuity by a permanent Conservation Easement. The anticipated jurisdictional and non-jurisdictional features are shown in Figure 4. The preliminary mitigation plan is shown in Figure 8.

The proposed primary service area for the proposed bank would include portions of the Denton Sub-Basin HUC 12030104. The mitigation ratio for the primary service area is 1:1. The primary service area includes portions of the following counties: Montague, Wise, Denton, Tarrant, and Dallas.

The proposed secondary service area would include portions of the Upper West Fort Trinity Sub-Basin (12030101), Lower West Fort Trinity Sub-Basin (12030102), and the Elm Fork Trinity Sub-Basin (12030103). HUCs within the secondary service area are within the parent Level 3 Ecoregion of the proposed bank (Cross Timbers). The mitigation ratio within the proposed secondary service area is 1.5:1. The secondary service area includes portions of the following counties: Archer, Clay, Jack, Wise, Young, Montague, Wise, Parker, Denton, Tarrant, Johnson, Hood, Cooke, and Grayson.

The proposed tertiary service area would include portions of the Upper West Fort Trinity Sub-Basin (12030101), Lower West Fort Trinity Sub-Basin (12030102), and the Elm Fork Trinity Sub-Basin (12030103). HUCs within the tertiary service area are within the adjacent Level 3 Ecoregion of the proposed bank (Texas Blackland Prairies and Central Great Plains). The mitigation ratio within the proposed tertiary service area is 3:1. The tertiary service area includes portions of the following counties: Archer, Clay, Young, Montague, Grayson, Denton, Collin, Dallas, Ellis, and Johnson.

The purpose of the BMMB is to provide potential unknown permittees with mitigation credits needed to compensate for unavoidable impacts to waters of the U.S. 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, and secondary service areas for the proposed bank (see Figure 11 – Proposed Service Area). The proposed primary service area consists of the Upper Trinity Watershed, 8-digit Hydrologic Unit Code (HUC) 12030105, which includes parts of Kaufman, Ellis, Navarro, Anderson, Freestone, Henderson, Collin, and Dallas Counties. The proposed secondary service area consists of the Level III Ecoregion, Blackland Prairie (Level III Ecoregion 4) contained within the adjoining HUCs which includes parts of Grayson, Fannin, Kaufman, Ellis, Johnson, Navarro, Hill, Freestone, Hunt, Denton, Collin, Rockwall, Dallas, Tarrant, and Limestone Counties. The tertiary service area includes parts of Montague, Grayson, Cooke, Johnson, Wise, Denton, Parker, Tarrant, Van Zandt, Kaufman, Navarro, Anderson, Freestone, Henderson, Leon, and Houston Counties.

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 three (3) federally listed threatened or endangered species for the geographic area in the vicinity of the proposed bank. Species include the piping plover (*Charadris melodus*), red knot (*Calidris canutus rufa*), and the whooping crane (*Grus americana*).

There is one (1) proposed endangered species, tricolored bat (*Perimyotis subflavus*); one (1) proposed threatened species, alligator snapping turtle (*Macrochelys temminckii*); and one (1) candidate species, 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, the District Engineer has consulted the latest version of the National Register of Historic Places. A survey of the permit area might be required to identify and assess unknown archaeological sites and cultural resources. 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.

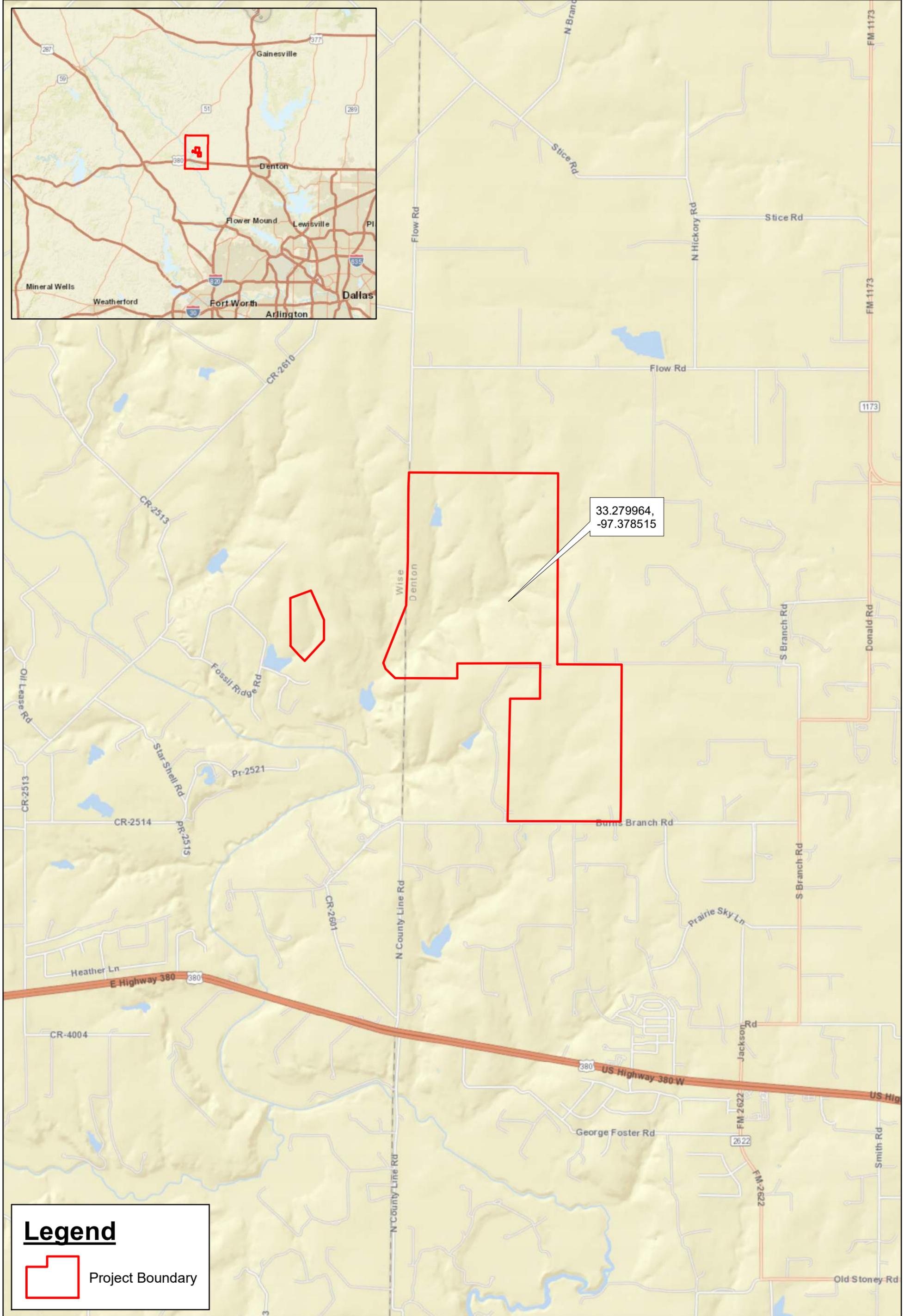
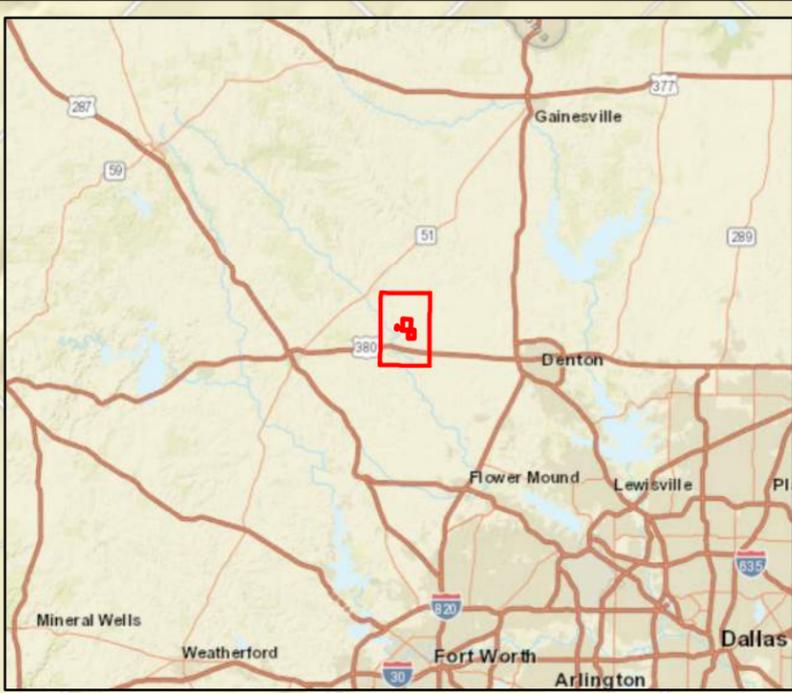
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 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 June 23, 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-2022-00582" in the subject line of the email. 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.

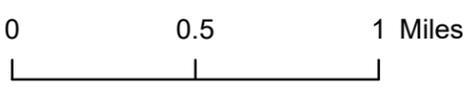
DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS

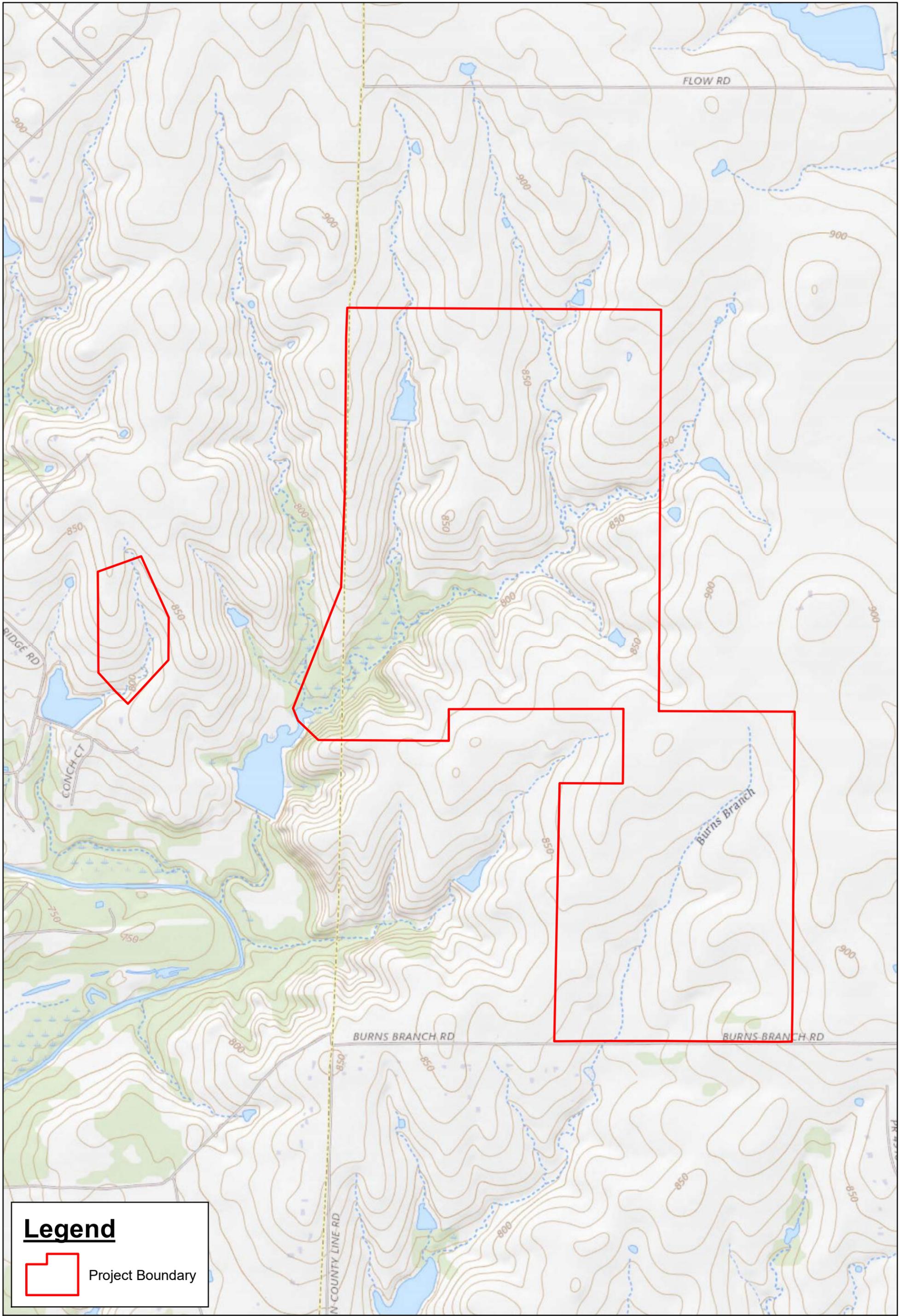


Legend

 Project Boundary

Figure 1. Vicinity Map
Ed Young Mitigation Bank
 Denton and Wise Counties, TX
 11/17/2021

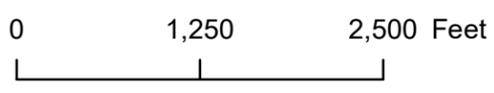


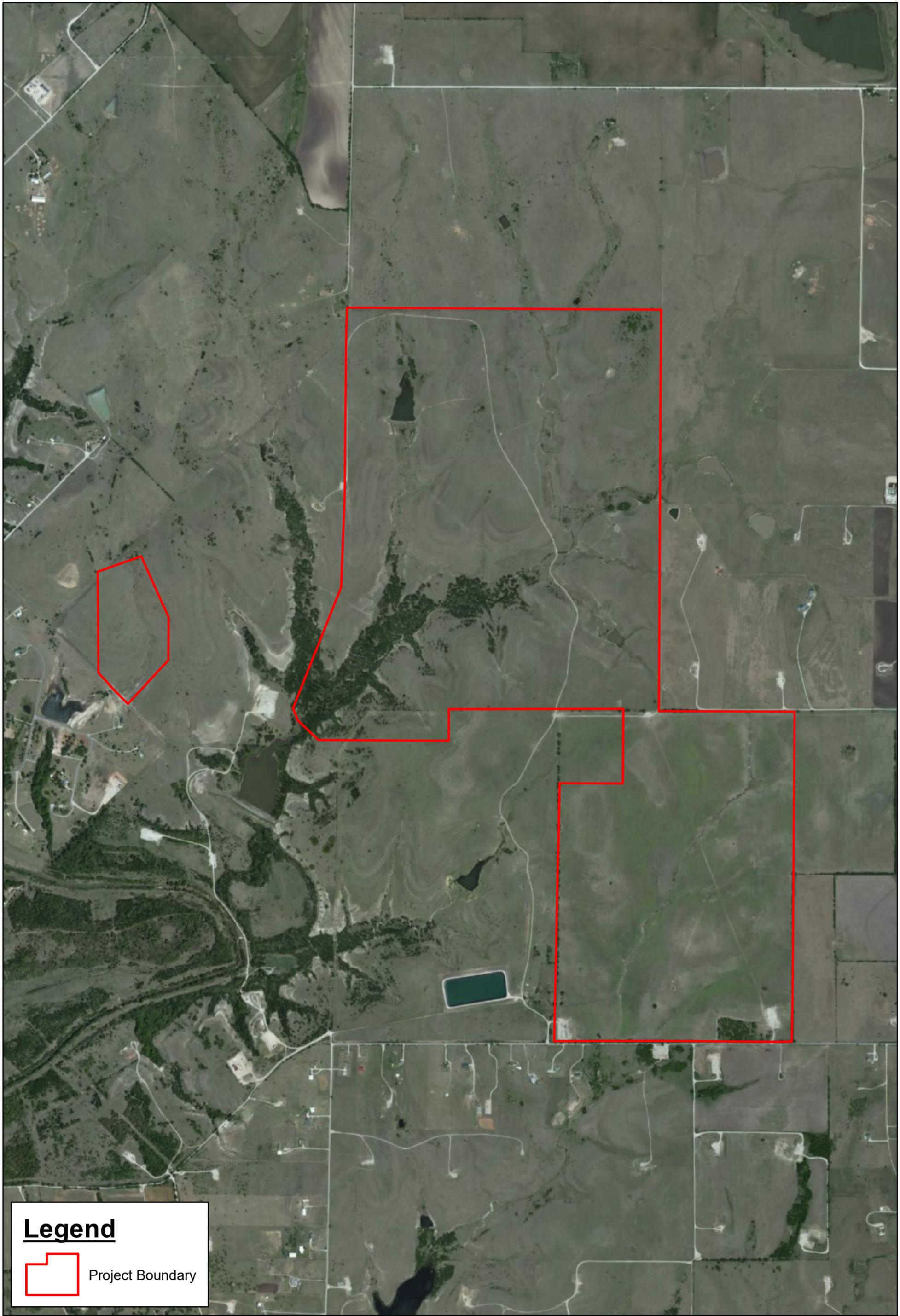


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 Project Boundary

Figure 2. USGS Topography
Ed Young Mitigation Bank
 Denton and Wise Counties, TX
 11/17/2021

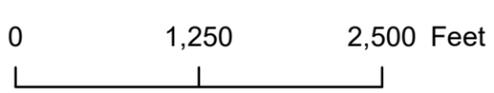


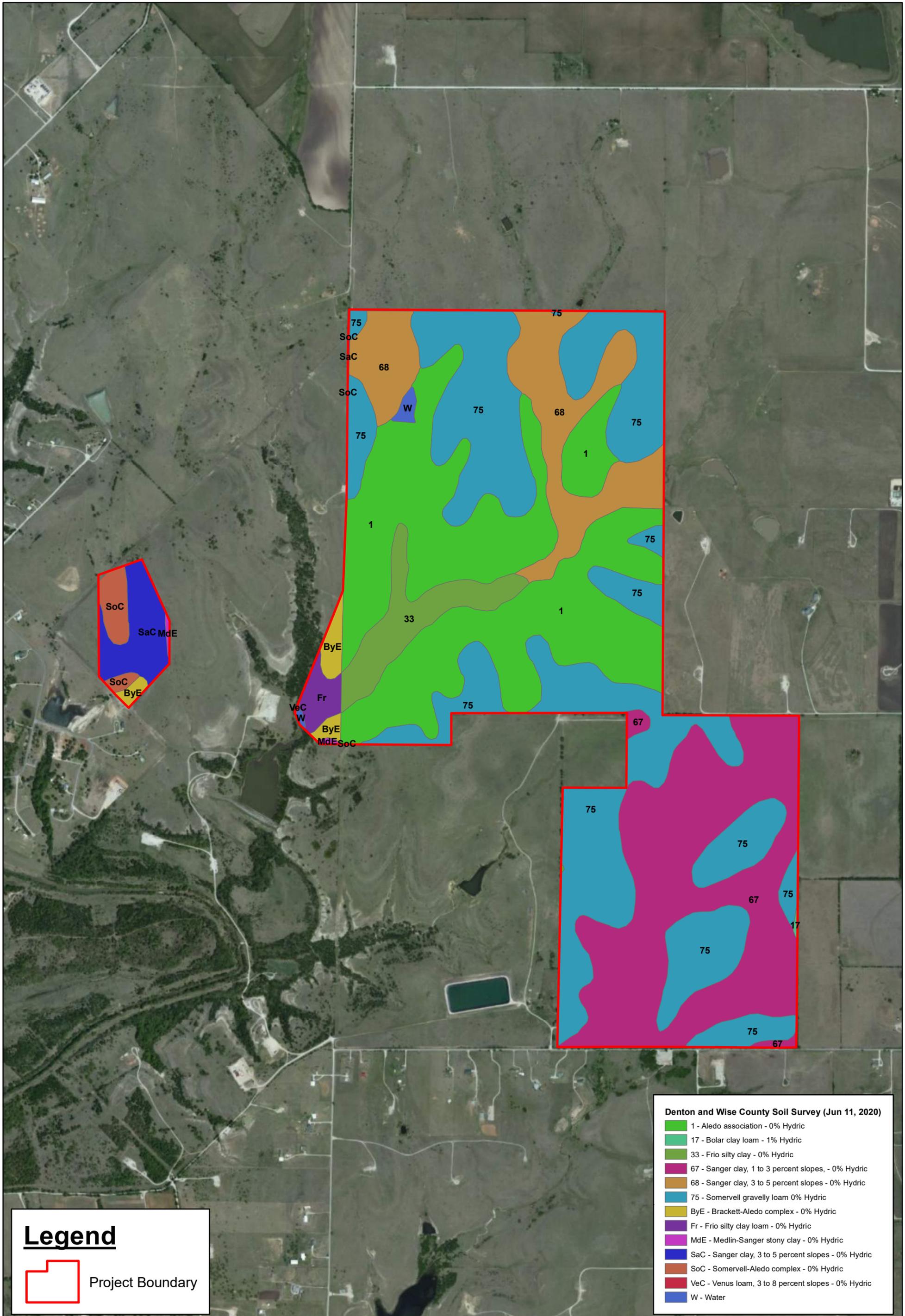


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 Project Boundary

Figure 3. Aerial Imagery
Ed Young Mitigation Bank
Denton and Wise Counties, TX
11/17/2021





Legend

 Project Boundary

Denton and Wise County Soil Survey (Jun 11, 2020)

	1 - Aledo association - 0% Hydric
	17 - Bolar clay loam - 1% Hydric
	33 - Frio silty clay - 0% Hydric
	67 - Sanger clay, 1 to 3 percent slopes, - 0% Hydric
	68 - Sanger clay, 3 to 5 percent slopes - 0% Hydric
	75 - Somervell gravelly loam 0% Hydric
	ByE - Brackett-Aledo complex - 0% Hydric
	Fr - Frio silty clay loam - 0% Hydric
	MdE - Medlin-Sanger stony clay - 0% Hydric
	SaC - Sanger clay, 3 to 5 percent slopes - 0% Hydric
	SoC - Somervell-Aledo complex - 0% Hydric
	VeC - Venus loam, 3 to 8 percent slopes - 0% Hydric
	W - Water

Figure 4. USDA Soil Survey
Ed Young Mitigation Bank
 Denton and Wise Counties, TX
 11/17/2021

0 1,250 2,500 Feet



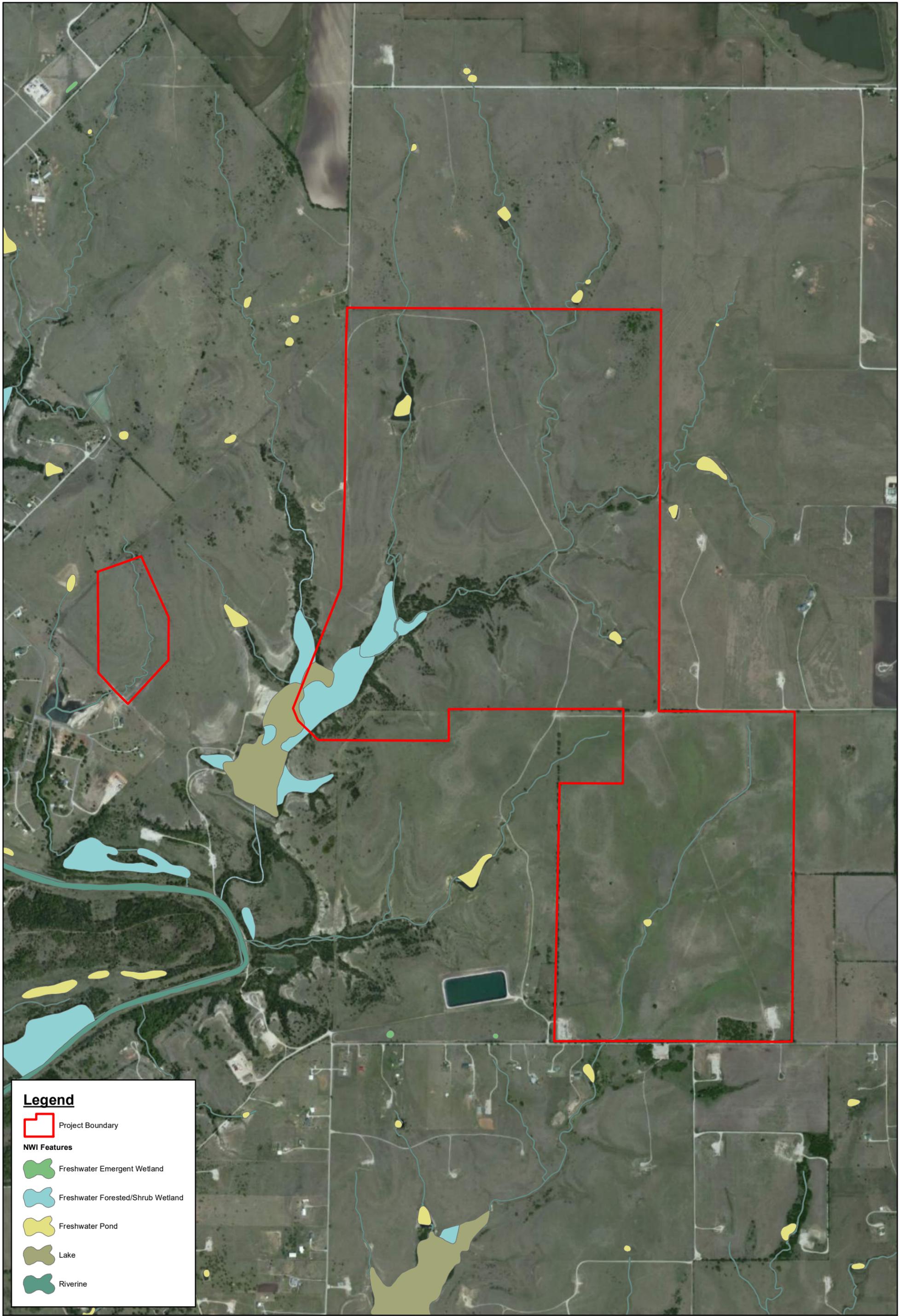
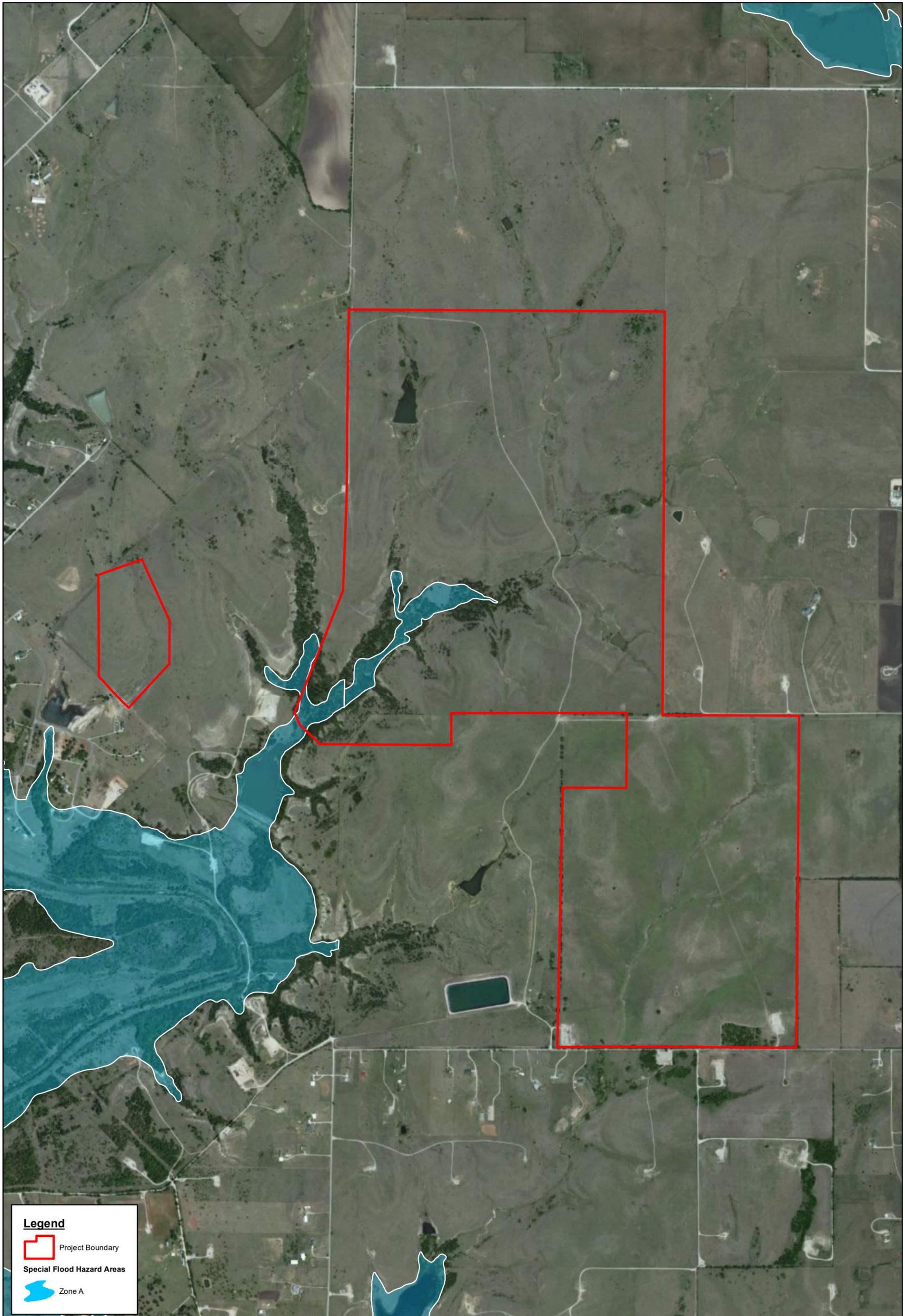


Figure 5. National Wetland Inventory
Ed Young Mitigation Bank
 Denton and Wise Counties, TX
 11/17/2021

0 1,250 2,500 Feet





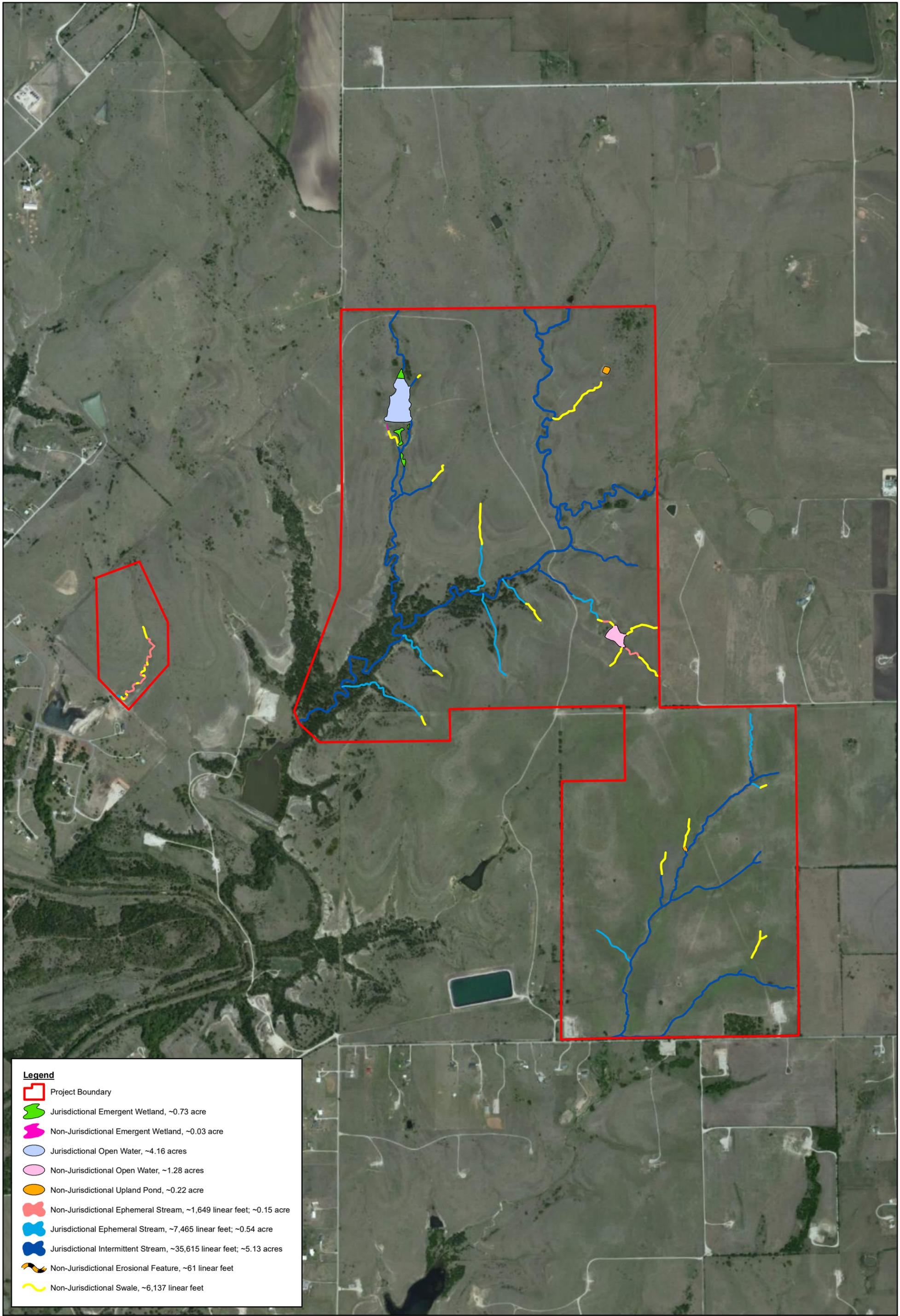
Legend

-  Project Boundary
- Special Flood Hazard Areas**
-  Zone A

Figure 6. FEMA
Ed Young Mitigation Bank
Denton and Wise Counties, TX
11/17/2021

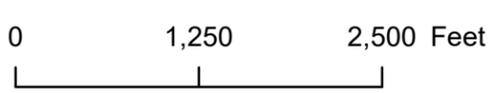
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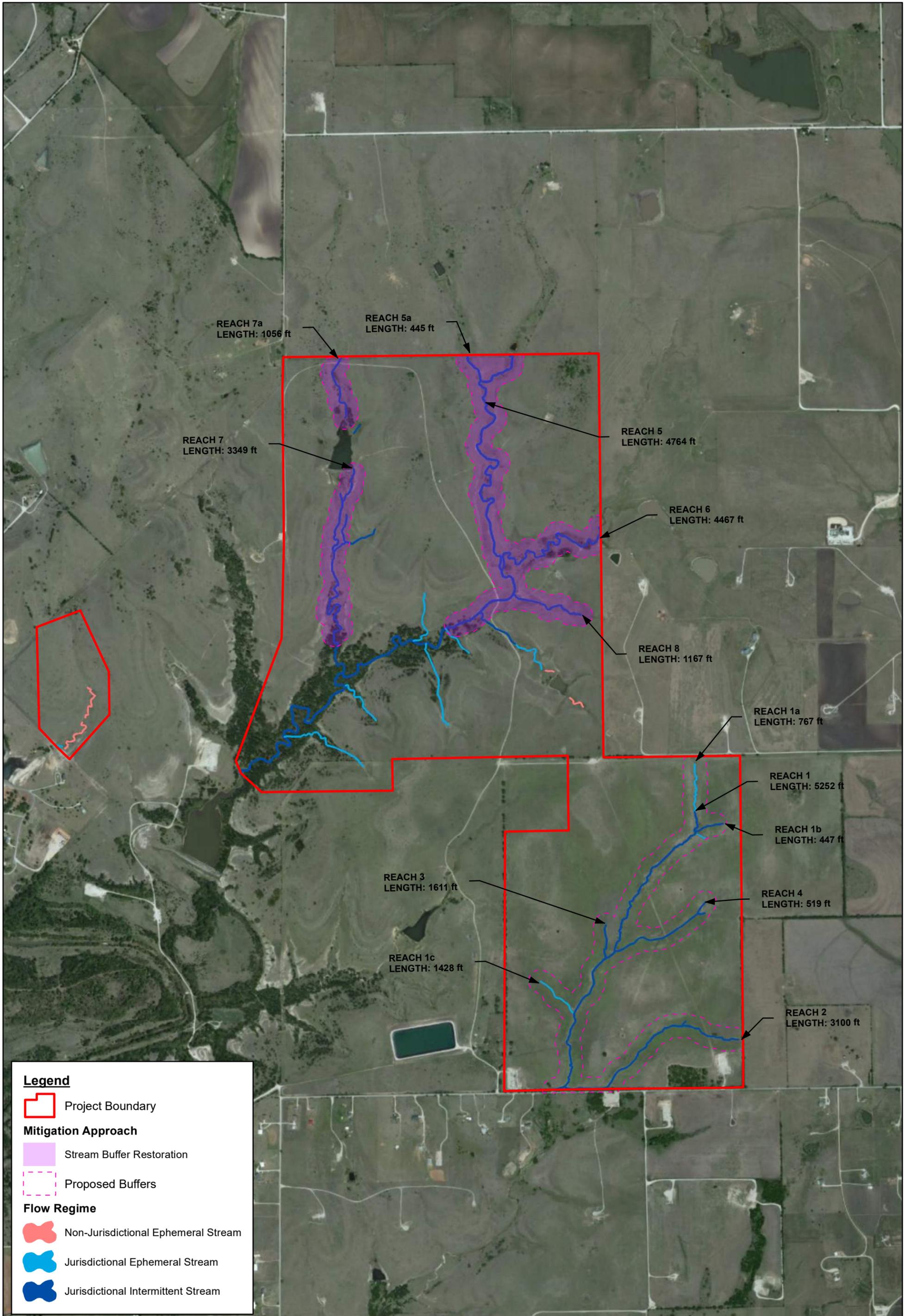




- Legend**
- ▭ Project Boundary
 - Jurisdictional Emergent Wetland, ~0.73 acre
 - Non-Jurisdictional Emergent Wetland, ~0.03 acre
 - Jurisdictional Open Water, ~4.16 acres
 - Non-Jurisdictional Open Water, ~1.28 acres
 - Non-Jurisdictional Upland Pond, ~0.22 acre
 - Non-Jurisdictional Ephemeral Stream, ~1,649 linear feet; ~0.15 acre
 - Jurisdictional Ephemeral Stream, ~7,465 linear feet; ~0.54 acre
 - Jurisdictional Intermittent Stream, ~35,615 linear feet; ~5.13 acres
 - Non-Jurisdictional Erosional Feature, ~61 linear feet
 - Non-Jurisdictional Swale, ~6,137 linear feet

Figure 7. Existing Conditions
Ed Young Mitigation Bank
 Denton and Wise Counties, TX
 11/17/2021

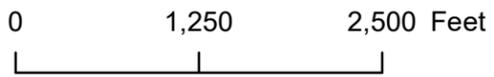




Legend

- Project Boundary
- Mitigation Approach**
 - Stream Buffer Restoration
 - Proposed Buffers
- Flow Regime**
 - Non-Jurisdictional Ephemeral Stream
 - Jurisdictional Ephemeral Stream
 - Jurisdictional Intermittent Stream

Figure 8. Preliminary Mitigation Plan
Ed Young Mitigation Bank
 Denton and Wise Counties, TX
 11/18/2021



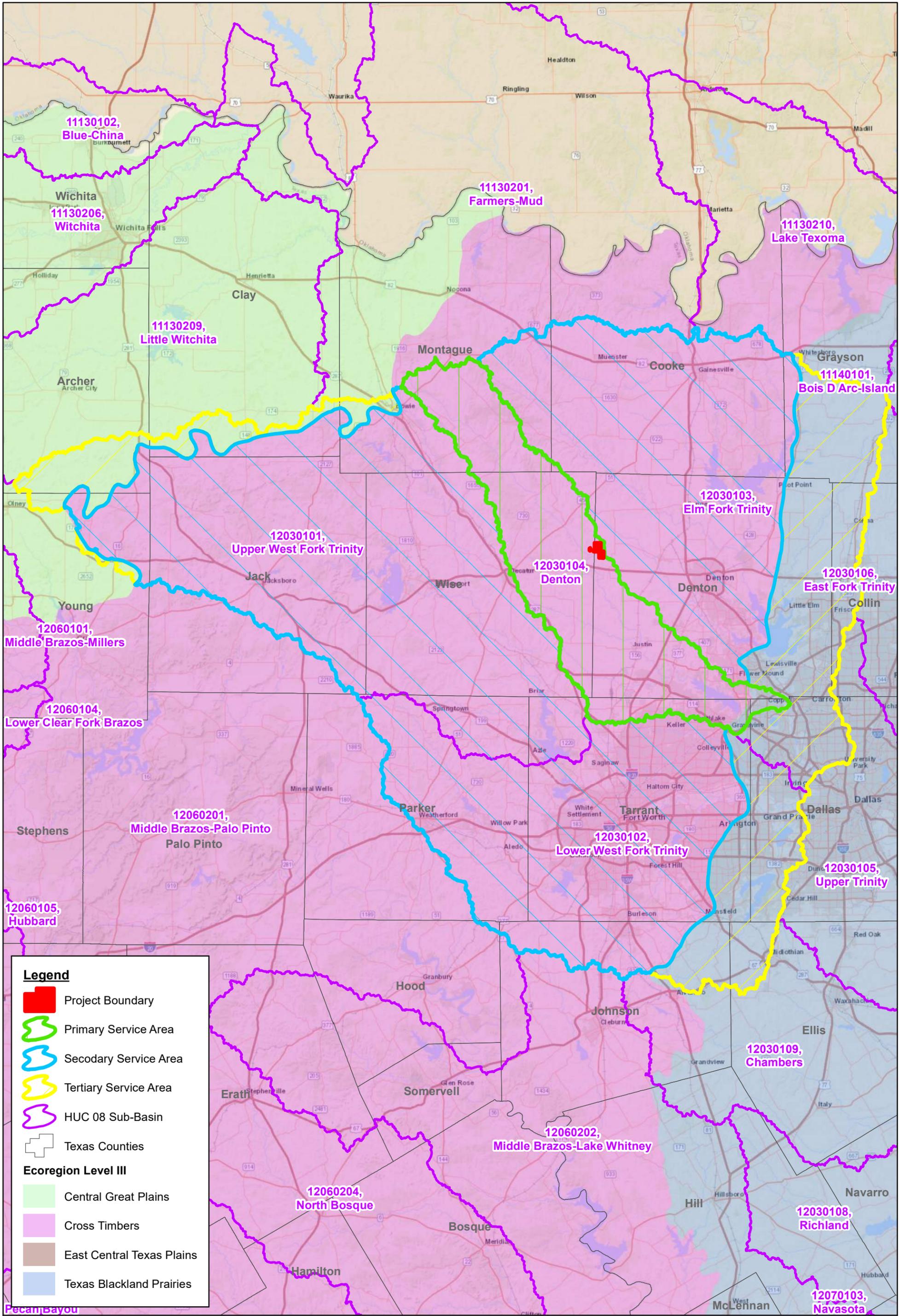


Figure 9. Preliminary Service Areas
Ed Young Mitigation Bank
 Denton and Wise Counties, TX
 11/17/2021

0 16 32 Miles

