



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

Public Notice

Applicant: Hickory Mitigation Bank

Permit Application No.: SWF-2009-00174

Date: June 27, 2012

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 create the Hickory Mitigation Bank (HMB), a wetland mitigation bank located in Panola County, Texas.

APPLICANT: Anadarko E&P Company, LP
P.O. Box 1330
Houston, TX 77251

APPLICATION NUMBER: SWF-2009-00174

DATE ISSUED: June 27, 2012

LOCATION: The proposed HMB is located south of Highway 79, approximately seven miles east of Carthage, Panola County, Texas (Sheets 1, 2, and 4 of 7). The proposed project would be located approximately at Latitude 32.2080 North and Longitude -94.2260 West on the River Hill, Texas (Provisional Ed. 1983) United States Geological Survey 7.5 minute quadrangle map. The tract is located in the South Central Plains Level III Ecoregion as mapped by Griffith et al. (2004), the Sabine River Basin (HUC 120100), and within the Middle Sabine Watershed (HUC 12010002) (Sheet 6 of 7).

PROJECT DESCRIPTION: The 968.7-acre tract is owned by Anadarko E&P Company, LP. The proposed HMB site consists of 886.2 acres of wetlands and other waters of the United States located within the floodplain of the Sabine River in Panola County (Sheet 5 of 7). There are 82.5 acres of existing well sites, access roads, and pipeline right-of-ways. These 82.5 acres are not included in the 886.2 acres of wetlands and other waters of the United States. The existing well sites, access roads, and pipeline right-of-ways are not owned or operated by Anadarko E&P Company, LP.

According to the Natural Resource Conservation Service (NRCS), the entire tract is mapped as Estes-Mantachie association (Sheet 3 of 7). Estes and Mantachie soils are mapped as hydric for Panola County (NRCS 2008). The NRCS characterizes the Estes series as 0 to 1 percent sloped and being nearly level floodplain soils formed in acid clayey and loamy alluvium in the Central Plains. The Estes series consists of very deep, somewhat poorly drained soils with a high runoff rate. These soils are commonly flooded for 2 to 60 days per year. The NRCS characterizes the Mantachie series having a slope that is dominantly less than 1 percent but ranges to 3 percent. This soil is formed in loamy alluvium in floodplains. The Mantachie series consists of somewhat poorly drained, moderately permeable soils. Runoff is slow and this soil is subject to rare, occasional, or frequently flooding for brief to long durations unless protected.

The Sabine River forms the eastern boundary of the project site and numerous streams, drainages, and sloughs associated with the Sabine River and its floodplain are found throughout the proposed bank. The acreage of the proposed HMB is comprised of existing wetland habitats. Through preservation, restoration, and enhancement, the goal would be to develop bottomland hardwood forested wetland communities typical of the Sabine River Basin. The majority of the tract has been cleared prior to being purchased by Anadarko E&P Company LP. The proposed 886.2-acre HMB has been divided into three community types: emergent wetland enhancement area, immature forested wetland enhancement area, and mature forested wetland preservation area (Sheet 5 of 7).

The emergent wetlands that would be enhanced total 449.4 acres on the proposed HMB. These areas are dominated by eastern baccharis (*Baccharis halimifolia*), sweetgum (*Liquidambar styraciflua*) seedlings, black willow (*Salix nigra*) seedlings, water oak (*Quercus nigra*) seedlings, willow oak (*Quercus phellos*) seedlings, honey locust (*Gleditsia triacanthos*) seedlings, green ash (*Fraxinus pennsylvanica*) seedlings, common persimmon (*Diospyros virginiana*) seedlings, American elm (*Ulmus americana*) seedlings, sedges (*Carex* spp.), rushes (*Juncus* spp.), bog smartweed (*Polygonum setaceum*), annual marshelder (*Iva annua*), flatsedges (*Cyperus* spp.), lateflowering thoroughwort (*Eupatorium serotinum*), Canada goldenrod (*Solidago altissima*), giant cane (*Arundinaria gigantea*), southern dewberry (*Rubus trivialis*), American buckwheat vine (*Brunnichia ovata*), muscadine grape (*Vitis rotundifolia*), peppervine (*Ampelopsis arborea*), common greenbrier (*Smilax rotundifolia*), and saw greenbrier (*Smilax bona-nox*).

The immature forested wetlands that would be enhanced total 99.3 acres on the proposed HMB. These areas are dominated by water oak, willow oak, sugarberry (*Celtis laevigata*), sweetgum, American hornbeam (*Carpinus caroliniana*), American elm, deciduous holly (*Ilex decidua*), cypress swamp sedge (*Carex jorii*), Cherokee sedge (*Carex cherokeensis*), Alabama supplejack (*Berchemia scandens*), peppervine, saw greenbrier, crossvine (*Bignonia capreolata*), and poison ivy (*Toxicodendron radicans*).

The proposed HMB comprises of 337.5 acres of forested wetland preservation. Bald cypress (*Taxodium distichum*), American hornbeam, planertree (*Planera aquatica*), green ash, sweetgum, American elm, cedar elm (*Ulmus crassifolia*), sugarberry, willow oak, water oak, overcup oak (*Quercus lyrata*), deciduous holly, dwarf palmetto (*Sabal minor*), sedges, bog smartweed, sessile-flowered chasmanthium (*Chasmanthium sessiliflorum*), lateflowering thoroughwort, crossvine, saw greenbrier, common greenbrier, Alabama supplejack, peppervine, American buckwheat vine, and poison ivy dominate the these forested wetlands.

Historically, the proposed HMB has been used for timber operations and harvesting. The 968.7-acre tract was owned and operated by a commercial timber company before being purchased by Anadarko E&P Company, LP. There are also 82.5 acres of existing well sites, access roads, and pipeline rights-of-way within the property. These 82.5 acres are not included in the 886.2 acres of wetlands and other waters of the United States. The existing well sites, access roads, and pipeline rights-of-ways are not owned or operated by Anadarko E&P Company, LP.

The sponsor proposes a conceptual mitigation work plan (MWP) for the proposed HMB. This MWP would include 1) vegetative enhancement of approximately 449.4 acres of emergent wetlands, 2) vegetative enhancement of approximately 99.3 acres of immature forested wetlands, 3) vegetative preservation of approximately 337.5 acres of mature forested wetlands (Sheet 5 of 7). Restoration and/or enhancement activities would be conducted in the form of monitoring, selective removal of undesirable species, and planting of desirable species.

The primary, secondary, and tertiary service areas were defined using the U.S. Geological Survey 8-digit hydrologic unit code (HUC) and the U.S. Environmental Protection Agency's Level III Ecoregions. The primary service area was defined as the entire 8-digit HUC (regardless of ecoregion) that the proposed HMB is located in. The secondary service area was defined as any 8-digit HUC (or portion of an 8-digit HUC) adjacent to the primary service area, and located within the same Level III Ecoregion as the proposed HMB. The tertiary service area is defined as any 8-digit HUC (or portion of an 8-digit HUC) adjacent to the primary service area, but located outside of the same Level III Ecoregion as the proposed mitigation bank. The secondary and tertiary service areas are also located within the Sabine River basin.

The proposed HMB is HUC 12010002 and the South Central Plains ecoregion within the boundaries of the Fort Worth District of the USACE in Texas. The primary service area would include portions of Panola, Franklin, Gregg, Harrison, Hopkins, Rusk, Smith, Upshur, and Wood Counties within the South Central Plains and East Central Texas Plains ecoregions (Sheet 7 of 7).

The secondary service area is located in the South Central Plains ecoregion and would include portions of Sabine, San Augustine, Shelby, Smith and Wood Counties. The portions of Sabine, San Augustine, and Shelby Counties included in the secondary service area are located in HUC 12010004. The portion of Smith County located within the secondary service area is within HUC 1201001. The portion of Wood County that is included in the secondary service area is located in HUCs 12010001 and 12010003 (Sheet 7 of 7).

All of the tertiary service area for HMB is located within the East Central Texas Plains ecoregion. The tertiary service area would include portions of Hopkins, Hunt, Rains, and Wood Counties within HUC 12010003 and portions of Hunt, Kaufman, Rains, Smith, Van Zandt, and Wood Counties within HUC 12010001 (Sheet 7 of 7).

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, financial assurances, scope of agreement, purpose and goals of the bank, baseline conditions, projected ecological lift, performance standards for enhancement activities, accounting procedures, monitoring and reporting, long-term maintenance and protection, and transfer of bank ownership or sponsorship. The USACE, United States Environmental

Protection Agency, United States Fish and Wildlife Service (USFWS), Texas Commission on Environmental Quality (TCEQ), Railroad Commission of Texas, and Texas Parks and Wildlife Department (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 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 No. 27 for Aquatic Habitat Restoration, Establishment, and Enhancement Activities.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the latest USFWS and TPWD published versions of listed endangered and threatened species to determine if any may occur in the project area. The proposed bank site would be in Panola County where the interior least tern (*Sterna antillarum athalassos*), the piping plover (*Charadrius melodus*), the red-cockaded woodpecker (*Picoides borealis*), the Louisiana black bear (*Ursus americanus luteolus*), the red wolf (*Canis rufus*), and the Earth fruit (*Geocarpon minimum*) are federally listed as threatened or endangered species. The bald eagle (*Haliaeetus leucocephalus*) is documented to occur in Panola County as well. Although it has been delisted; the eagle will maintain a listed status for a period of five years after delisting for monitoring purposes. Our initial review indicates that the proposed work would have no effects on any federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The proposed mitigation bank has never been formally surveyed for the presence of historic or prehistoric cultural resources. No sites are currently recorded within the area of the proposed mitigation bank. Similar areas along the Sabine River are known to have deeply buried prehistoric sites with no surface expression, as well as historic properties associated with the Caddo Tribe of Oklahoma. Saturated soils in the mitigation bank could reduce the chances for prior historic or prehistoric occupations. Previous impacts to this area which might have damaged sites include extensive forest clearing, road construction, and oil and gas drilling.

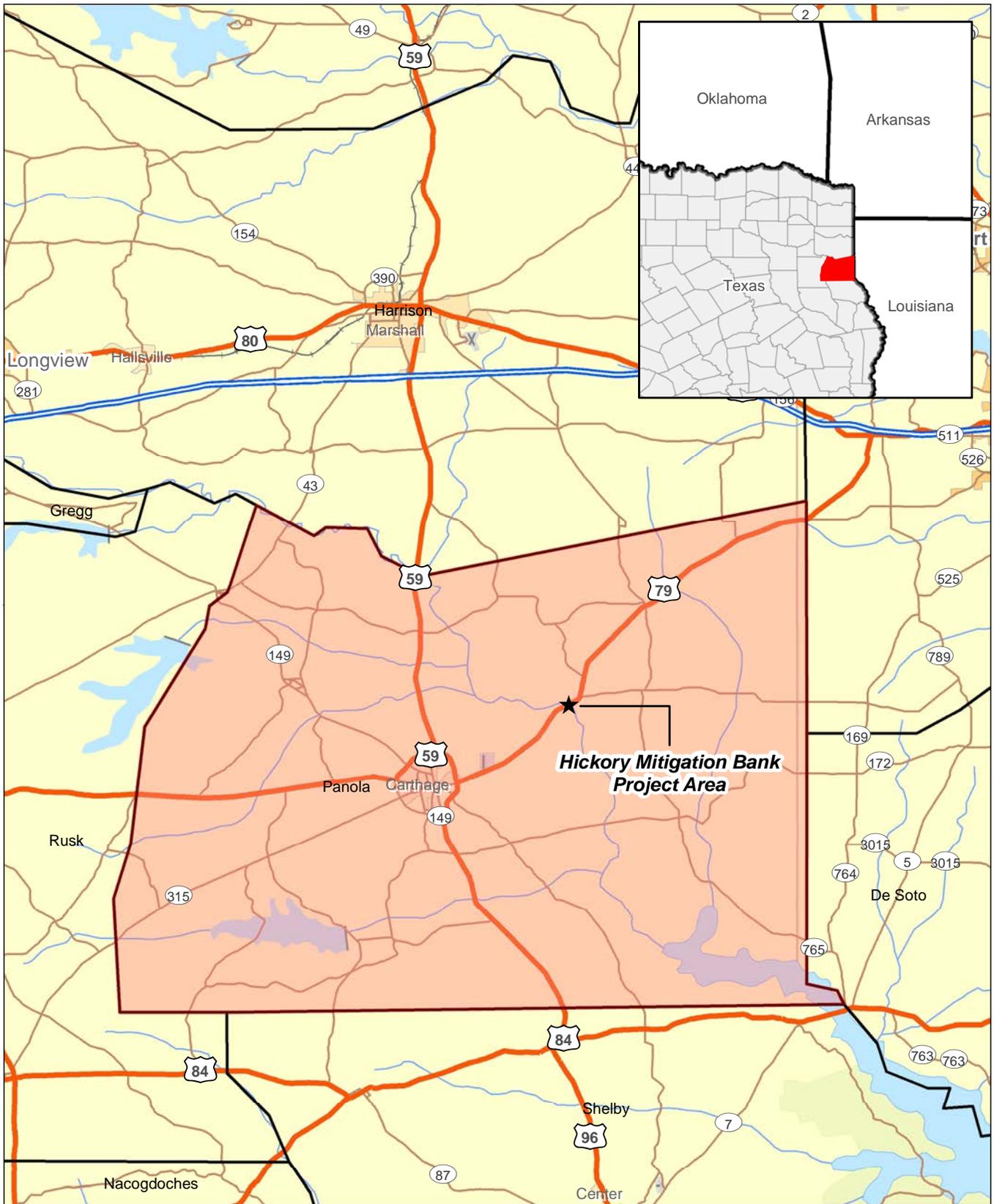
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review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

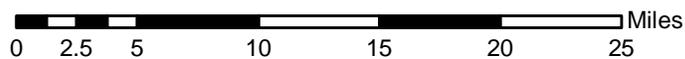
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before July 27, 2012, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments 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. Brent Jasper; Regulatory Branch, CESWF-PER-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) 886.1733. 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



Sheet 1 of 7

Vicinity Map for the Proposed Hickory Mitigation
Bank in Panola County, TX
USACE Project No.: SWF-2009-00174



1501 Bill Owens Parkway
Longview, TX 75604
Phone: (903) 297-4673
Fax: (903) 297-4675

Anadarko E&P Company, LP
Project Number: 046056.00

Date: 03/01/2012

Coordinate Sys: Lat/Long NAD 27
Units: Deg, Min, Sec

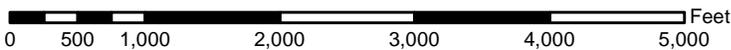


Legend

Property Boundary - 968.7 ac



Sheet 2 of 7
 Aerial Photograph of the Proposed Hickory Mitigation
 Bank in Panola County, TX
 USACE Project No.: SWF-2009-00174

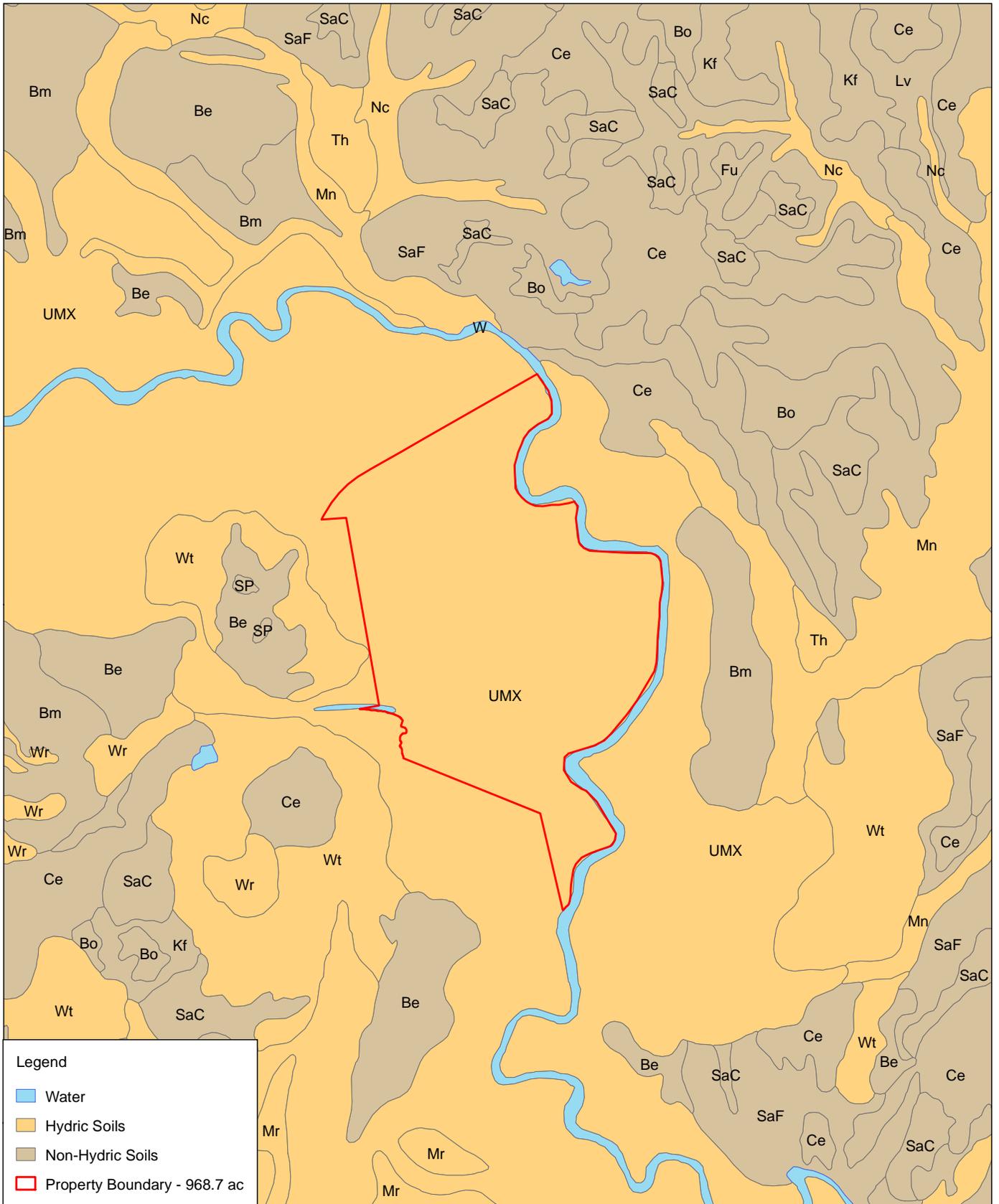


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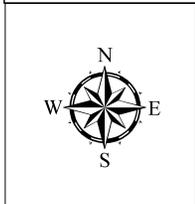
Date: 03/01/2012

Base Map: TNIRIS Website; NAIP 2010
 Panola County-Wide Mosaic



Legend

- Water
- Hydric Soils
- Non-Hydric Soils
- Property Boundary - 968.7 ac



Sheet 3 of 7
 Mapped Soil Units within the Proposed Hickory Mitigation
 Bank in Panola County, TX
 USACE Project No.: SWF-2009-00174

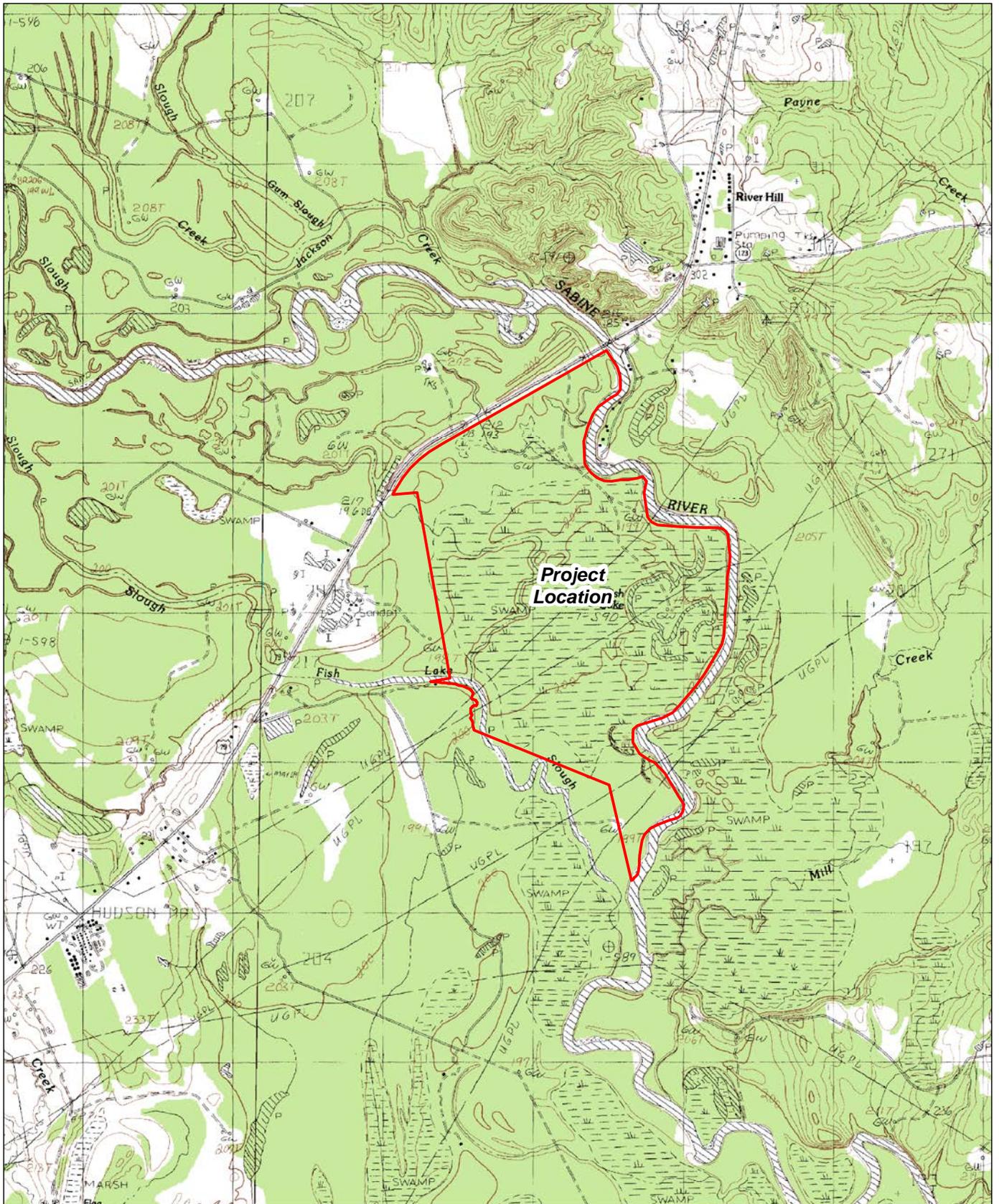


Anadarko E&P Company, LP
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Base Map: NRCS Datagateway Website:
 Soils Map for Panola County, TX

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Sheet 4 of 7
 Topographic Features of the Proposed Hickory Mitigation
 Bank in Panola County, TX
 USACE Project No.: SWF-2009-00174

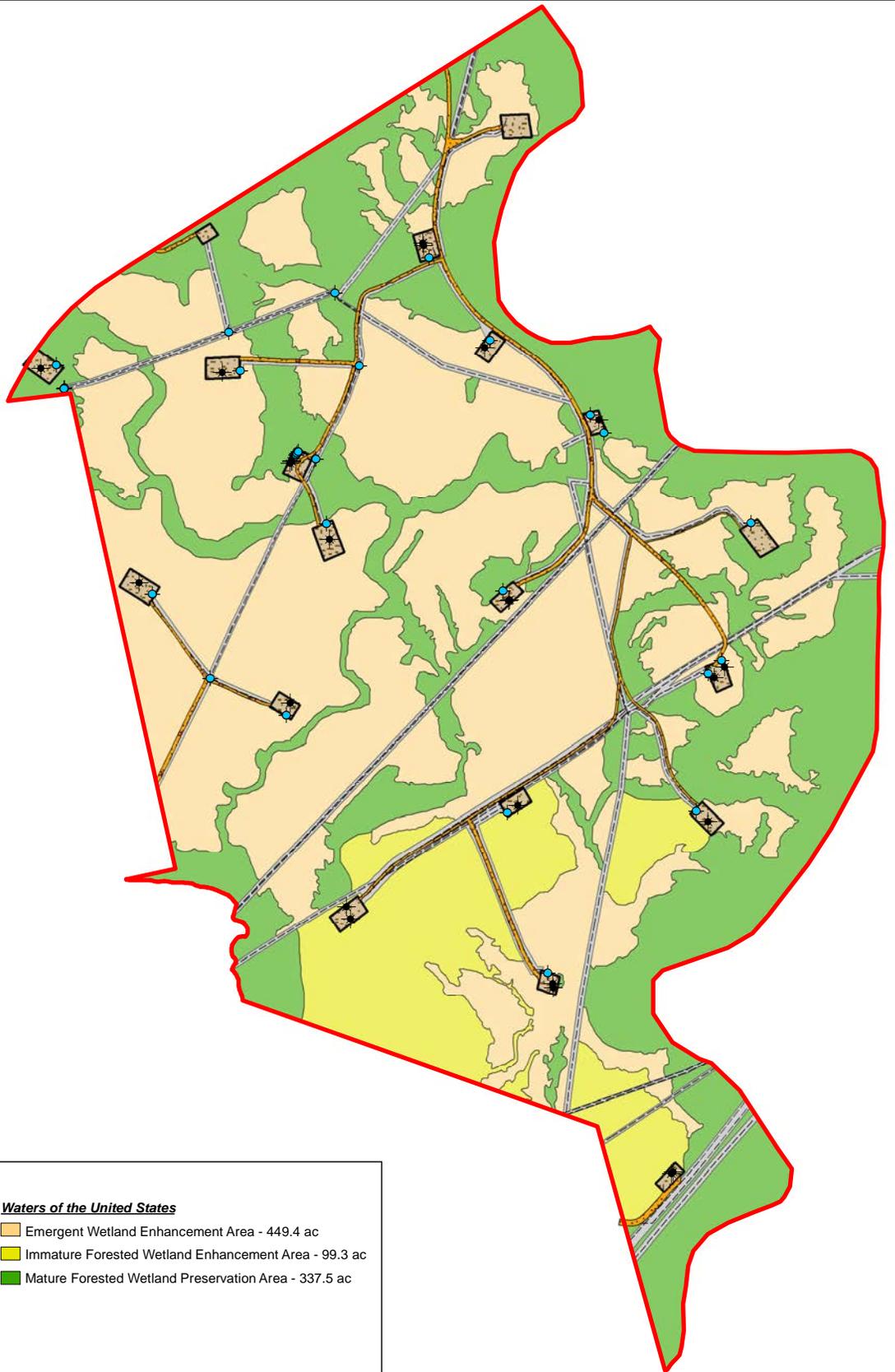


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Base Map: USGS 7.5 Minute Topographic
 Quadrangle: River Hill, TX (Provisional Ed. 1983)



Legend	
	Existing Riser
	Existing Wellhead
	Existing Pipeline
	Property Boundary - 968.7 ac
	Existing Lease Road
	Existing Well Site
	Existing Pipeline ROW
Waters of the United States	
	Emergent Wetland Enhancement Area - 449.4 ac
	Immature Forested Wetland Enhancement Area - 99.3 ac
	Mature Forested Wetland Preservation Area - 337.5 ac



Sheet 5 of 7
 Wetland Delineation and Conceptual Mitigation Work Plan
 Map for the Proposed Hickory Mitigation
 Bank in Panola County, TX
 USACE Project No.: SWF-2009-00174

Feet

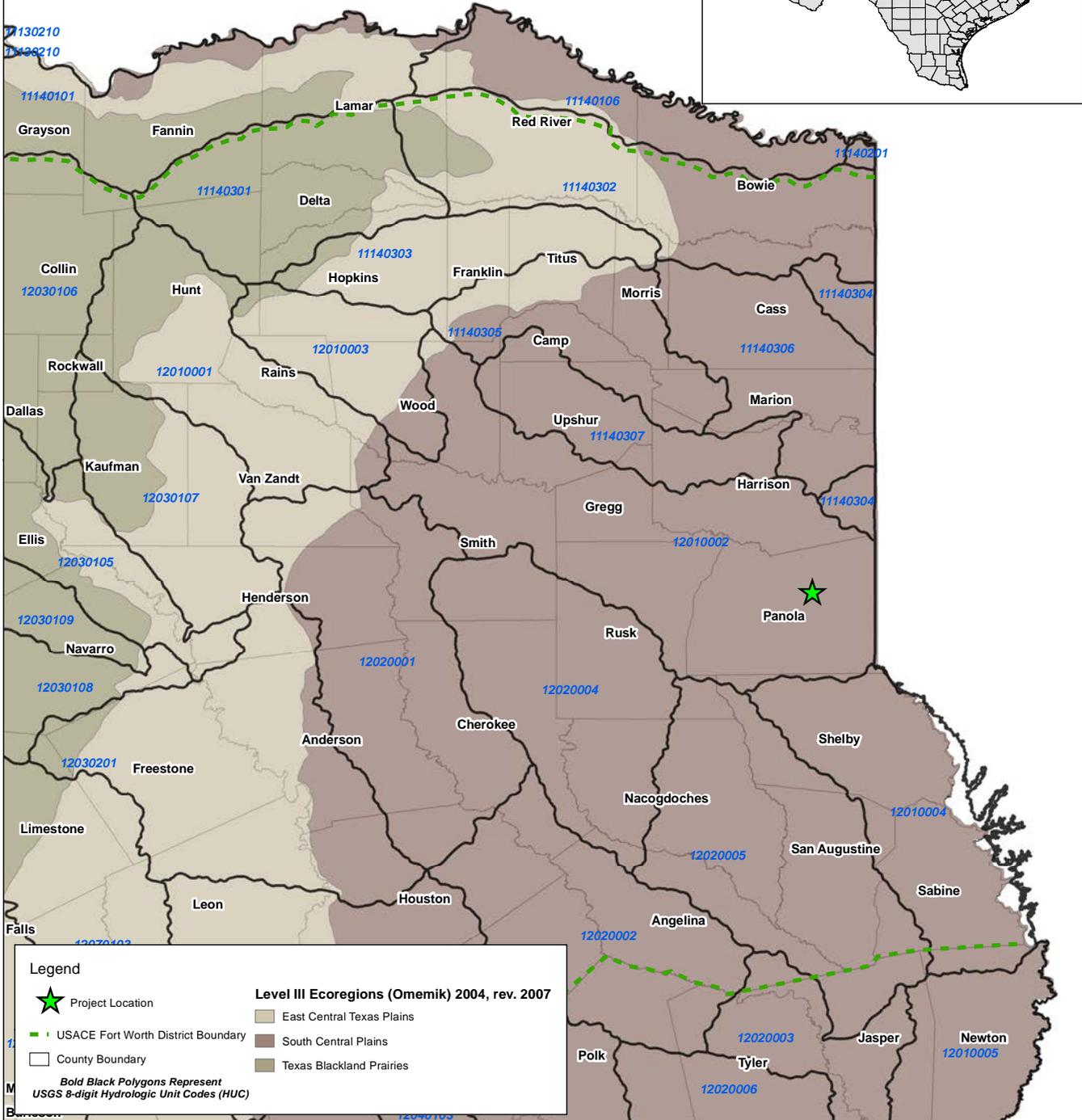
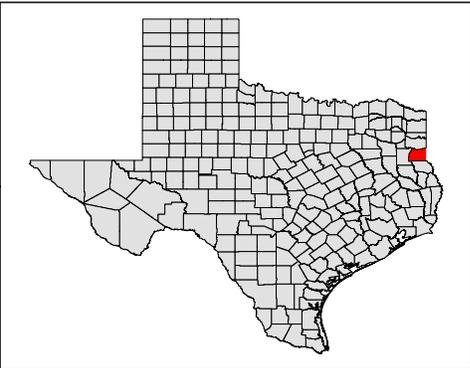


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Coordinate Sys: Lat/Long NAD 27
 Units: Deg, Min, Sec

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Legend

- Project Location
- USACE Fort Worth District Boundary
- County Boundary
- Bold Black Polygons Represent USGS 8-digit Hydrologic Unit Codes (HUC)**

Level III Ecoregions (Omernik) 2004, rev. 2007

- East Central Texas Plains
- South Central Plains
- Texas Blackland Prairies



Sheet 6 of 7
 HUC / Ecoregion Map for the Proposed Hickory Mitigation
 Bank in Panola County, TX
 USACE Project No.: SWF-2009-00174

0 10 20 40 60 80 100 Miles

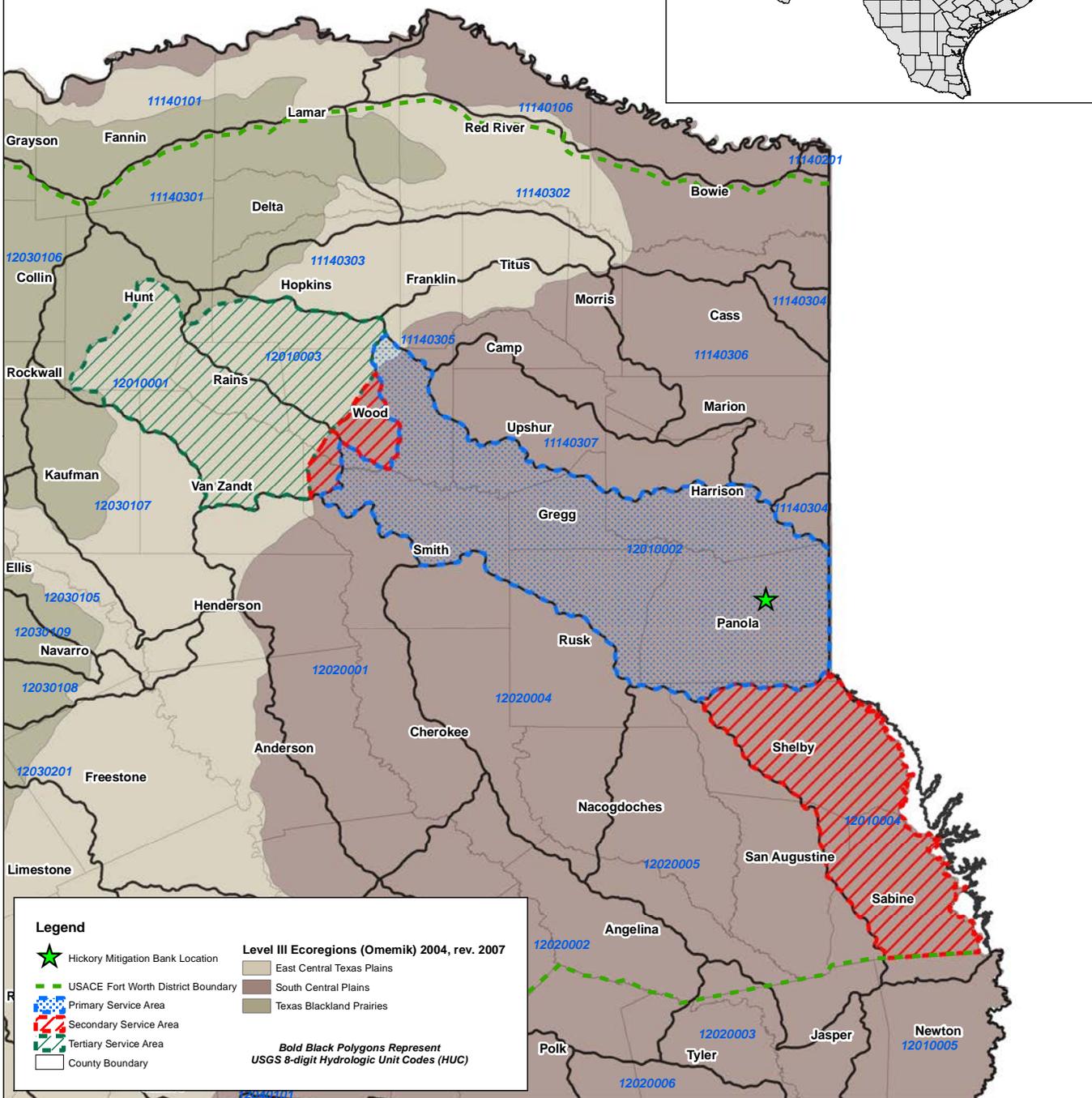
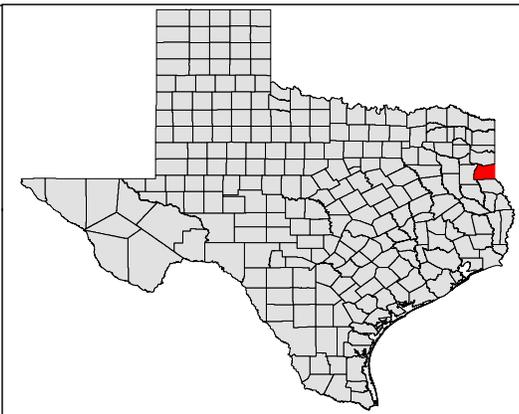


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Legend

- Hickory Mitigation Bank Location
- USACE Fort Worth District Boundary
- Primary Service Area
- Secondary Service Area
- Tertiary Service Area
- County Boundary

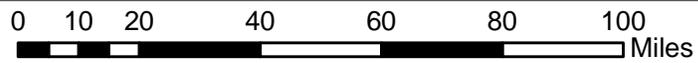
Level III Ecoregions (Omernik) 2004, rev. 2007

- East Central Texas Plains
- South Central Plains
- Texas Blackland Prairies

Bold Black Polygons Represent USGS 8-digit Hydrologic Unit Codes (HUC)



Sheet 7 of 7
 Service Area Map for the Proposed Hickory Mitigation Bank in Panola County, TX
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