



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

# Public Notice

Applicant: Edmore Creek Mitigation Strategies, LLC

Permit Application No.: SWF-2008-00241

Date: October 15, 2009

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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 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 an approximately 490-acre wetland mitigation bank to be known as the Edmore Creek Mitigation Bank (ECMB) in Wood County, Texas.

**APPLICANT:** Edmore Creek Mitigation Strategies, LLC  
PO Box 2862  
Longview, TX 75606

**APPLICATION NUMBER:** SWF-2008-00241

**DATE ISSUED:** October 15, 2009

**LOCATION:** The proposed ECMB site consists of four tracts of land: Tract 1 (116-acres), Tract 2 (7-acres), Tract 3 (82 acres) and Tract 4 (285-acres) (Figure 2) located approximately eleven miles northeast of Mineola in Wood County, Texas (Figure 1). The proposed 490-acre mitigation bank is located approximately at Universal Transverse Mercator coordinates 273227 E, 3623766 N, Zone 15 (Tracts 1 and 4), and 274091 E, 3622076 N, Zone 15 (Tracts 2 and 3), in the United States Geological Survey Cataloging Unit Subregion 1202 (Sabine River Basin), Cataloging unit 12010003 (Lake Fork Watershed) (Figure 3).

**PROJECT DESCRIPTION:** The proposed ECMB site consists of a total of 490.75 acres of land located adjacent to, and east of, Lake Fork Creek. Tracts 1, 2, and 3 are a combination of backwater swamps that regularly receive floodwaters from Edmore and Lake Fork Creeks and a Pleistocene terrace (flat). Hydrology is mostly precipitation driven via flooding of Lake Fork Creek, and Edmore Creek but has a component of groundwater recharge from springs and seeps that drain to the west into the backwater swamp area. The backwater swamp area supports a mixed, bottomland hardwood, shrub swamp, and open meadow complex. Tract 4 consists of mostly cleared, level agricultural fields that would be restored to a combination of vegetation cover types listed above.

Soils within the project site are dominated by the Estes silty clay, a hydric soil which covers 387 acres (79%) of the total area. Mollville loam, also a hydric soil, covers 74 acres (15%) of the total area. Cuthbert fine sandy loam is found on a 21-acre parcel with the Tract 3 buffer. Areas of other soils that occur in less than one acre amounts include Pickton loamy fine sand, Wolfpen loamy fine sand, Briley loamy fine sand and Manco loam. Estes silty clay, found in the lowest bottomlands, occupies just over 64 acres of Tract 1, 3.5 acres of Tract 2, 74 acres of Tract 3, and 246 acres of Tract 4. The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) characterizes this soil as 0 to 1 percent sloped, acidic and frequently flooded. It is poorly drained and typically found on bottomland flats along the Sabine

River and Lake Fork Creek. Permeability is very slow, and available water capacity is high. This soil is flooded an average of once or twice a year. The duration of flooding averages from 7 days to 1 month and is most likely to occur during the winter. The seasonal high water table is present near the surface to a depth of 1.5 feet during winter and spring. Mollville loam is present in considerable extent only on Tracts 1 and 4. On Tract 1 it is dominated by overcup oak, (*Quercus lyrata*) and willow oak (*Quercus phellos*). On Tract 4 it is cleared for agricultural purposes. The NRCS characterizes it as 0 to 1 percent sloped. Permeability is very slow and available water capacity is high. The seasonal high water table is within 1 foot of the surface, primarily during winter and spring. Ponding can occur for 2 to 6 weeks during this period. It is listed as a hydric soil by the NRCS. Cuthbert fine sandy loam is found along the wetland fringe in Tracts 1, 2 and 3. On 8 acres of Tract 1, it occurs with a small area of Briley soils that are to be excluded from the conservation easement and MBI. On Tracts 2 and 3, 21 acres are included in a proposed 150' wide upland buffer.

Vegetation types for the proposed bank include an immature overcup oak / water elm (*Planera aquatica*) forest and a small area of mature overcup oak forest on Tract 1. The mature overcup oak forest on the northern end of Tract 1 is characterized by 2-3' diameter trees, a reduced understory, and herbaceous groundcover layer dominated by lizard's tail (*Saururus cernuus*) and sedges (*Carex spp.*). The overcup oak forest transitions to willow oak forest on slightly higher areas of Tracts 1 and 3. Wet herbaceous areas that are dominated by various species of smartweed (*Polygonum spp.*) cover approximately 21 acres of Tract 1, approximately 5 acres of Tract 3, and an undetermined area of Tract 4. A small area of sandy slopes that are dominated by northern red oak (*Quercus rubra*) and water oak (*Quercus nigra*) are included within the 150' wide upland buffer. Approximately 70 acres of forest on Tract 3 is dominated by willow oak and bottomland post oak (*Quercus stellata*) near Lake Fork Creek, and overcup oak within the lower areas along Edmore Creek. The only areas potentially considered old growth or extremely mature are located on 3-5 acres of Tract 2 that have been included in the bank. This small area has extremely high tree diversity including black gum (*Nyssa sylvatica*) and Hercules' club (*Zanthoxylum clava-herculis*). The majority of the proposed bank (267 acres) on Tract 4 has been cleared and mowed thus maintaining an artificial agricultural area since the 1970's. This area is proposed for restoration of bottomland hardwoods and wet soil management units.

The bank sponsor proposes a primary service area and a secondary service area (Figure 4). The primary area is limited to areas of like habitat (bottomland hardwoods, streamside and wet soil herbaceous areas) in portions of the Sulphur River Basin located south of U.S. 37, the entire Cypress River Basin, the Sabine River Basin between Toledo Bend Reservoir and Tawakoni Reservoir, and the Neches/Angelina River Basin upstream of the Sam Rayburn Reservoir. The primary service area is bounded roughly by Highway 7 on the south, Louisiana on the east between Center and Texarkana, Highway 67 on the north and Highway 19 on the west. The secondary service area would not exceed the regulatory boundaries of the U.S. Army Corps of Engineers (USACE) Fort Worth District and would include areas of like habitat (bottomland hardwoods, streamside and wet soil herbaceous areas) in the entire watersheds of the Cypress and Sulphur Rivers. It would include the watersheds of the Sabine, Angelina and Neches Rivers south to the

dams of Lakes Toledo Bend Reservoir and Sam Rayburn Reservoir.

A mitigation banking instrument (MBI) would be developed in accordance with Compensatory Mitigation for Losses of Aquatic Resources (Federal Register, April 10, 2008, Vol.73, No. 70, pp 19670-19705). The MBI would detail the legal and physical characteristics of the bank, proposed bank establishment and operational requirements. 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, performance standards, 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, Texas Commission on Environmental Quality, Railroad Commission of Texas, and Texas Parks and Wildlife Department, who comprise the Interagency Review Team (IRT), would be involved in developing the MBI and may be signatories to the final document.

Implementation of the proposed mitigation work would require Department of the Army Authorization under Section 404 of the Clean Water Act. Based on preliminary evaluation by the USACE, it appears 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 U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in Wood County where the Least Tern (*Sterna antillarum*) is federally listed as an endangered species. Our initial review indicates that the proposed work would have no adverse effects on any federally-listed endangered or threatened species.

**NATIONAL REGISTER OF HISTORIC PLACES:** The USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. The area of the proposed mitigation bank has not been formally surveyed for the presence of historic and prehistoric. However, areas of high probability for the presence of historic and prehistoric sites are present within the permit area. Additional work to identify these sites may be necessary.

**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.

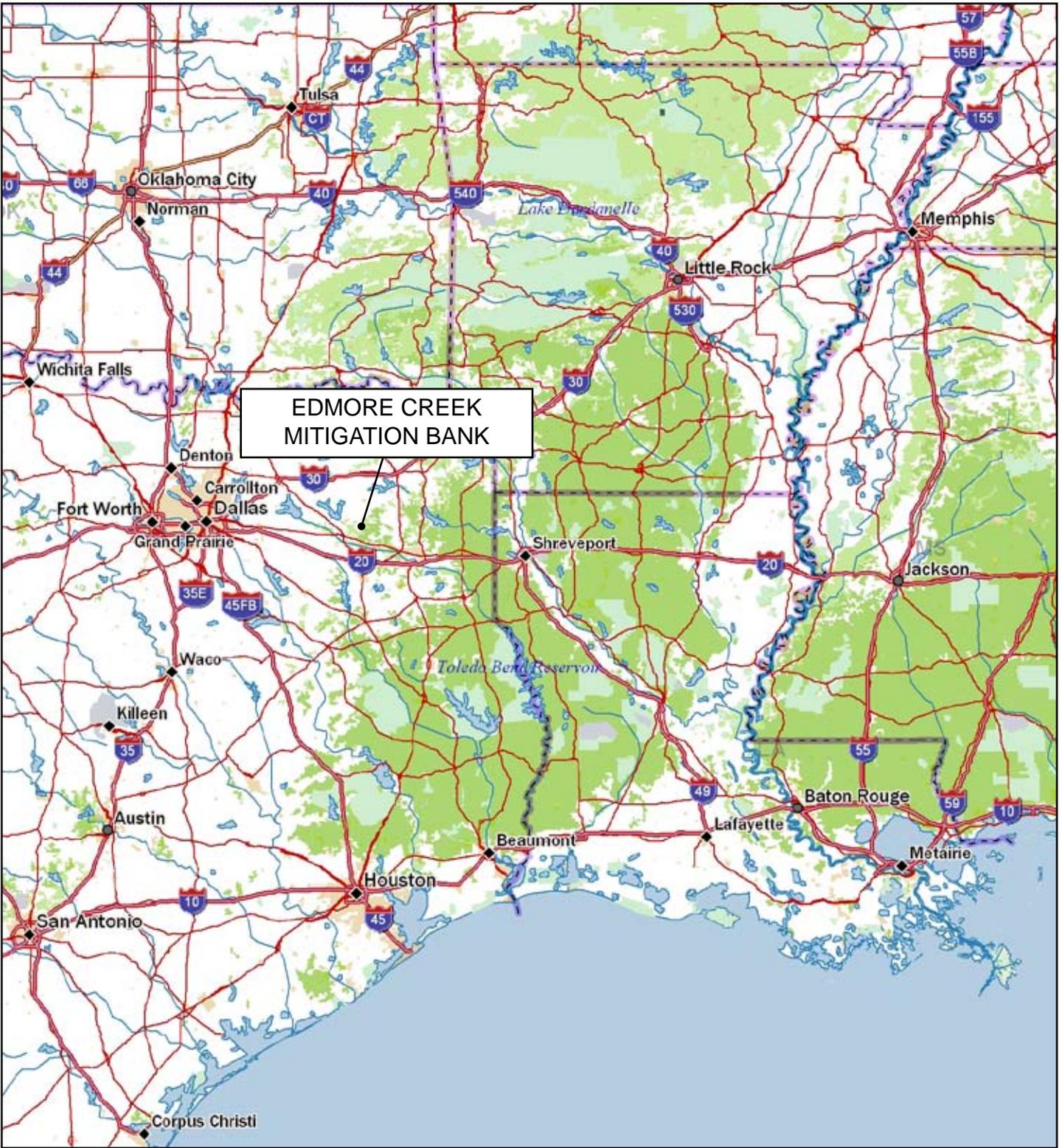
**SOLICITATION OF COMMENTS:** The public notice is being distributed to all known interested persons in order to allow the public an opportunity to comment on this bank proposal and to assist the USACE and other members of the IRT in developing the final MBI. For accuracy and completeness of the record, 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.

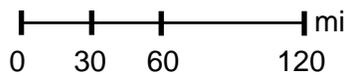
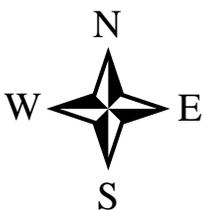
**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before November 16, 2009, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If 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



EDMORE CREEK  
MITIGATION BANK

**FIGURE 1**  
**VICINITY MAP OF THE EDMORE CREEK MITIGATION BANK**  
**MINEOLA, WOOD COUNTY, TEXAS**

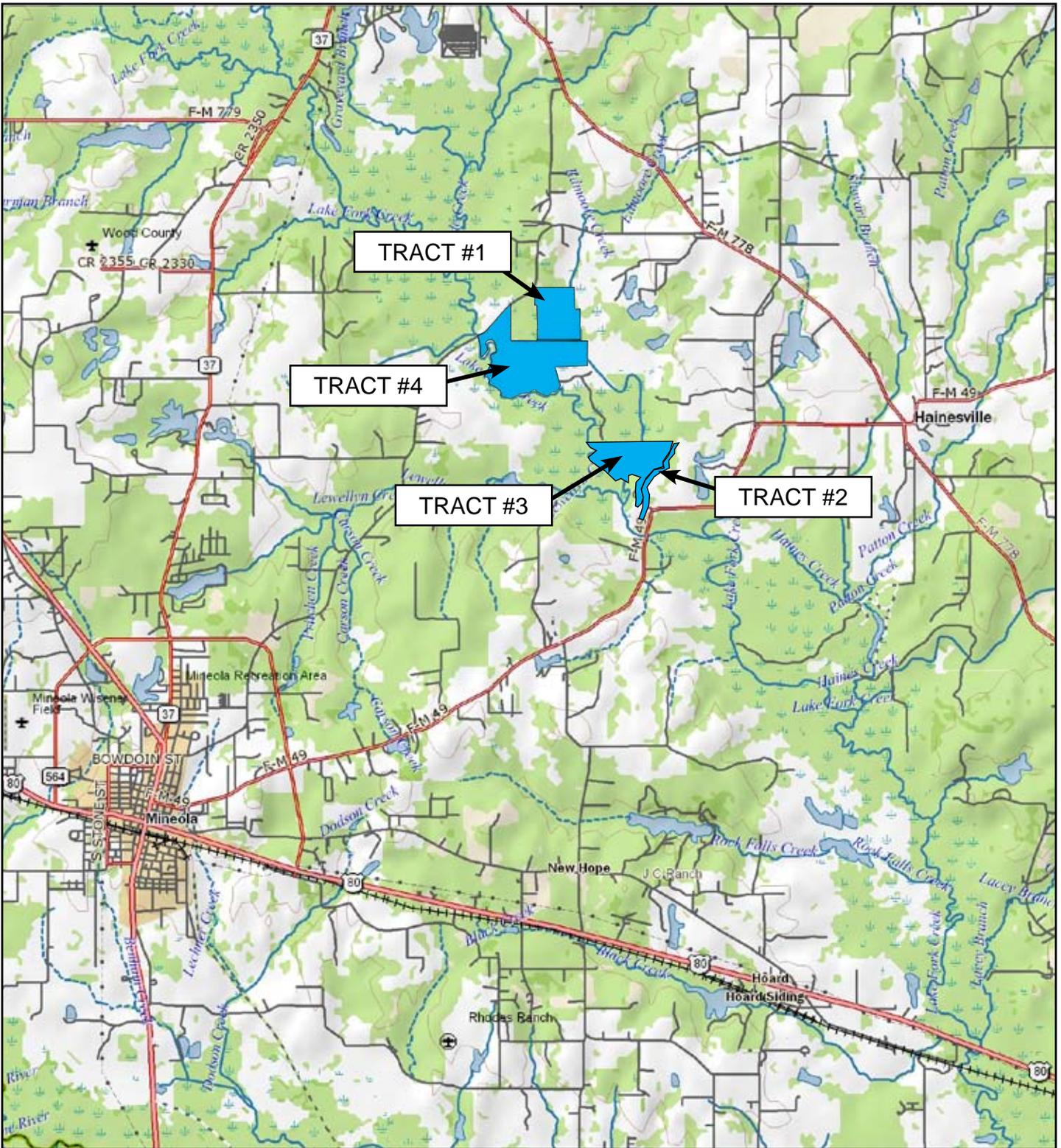


**MITIGATION STRATEGIES LLC**  
P.O. BOX 2862  
LONGVIEW, TX 75606

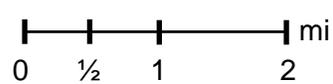
APPLICANT:  
EDMORE CREEK MITIGATION STRATEGIES, LLC

USACE PROJECT NUMBER: SWF-2008-00241

DATE:  
10/01/2009



**FIGURE 2**  
**LOCATION MAP OF THE EDMORE CREEK MITIGATION BANK**  
**MINEOLA, WOOD COUNTY, TEXAS**

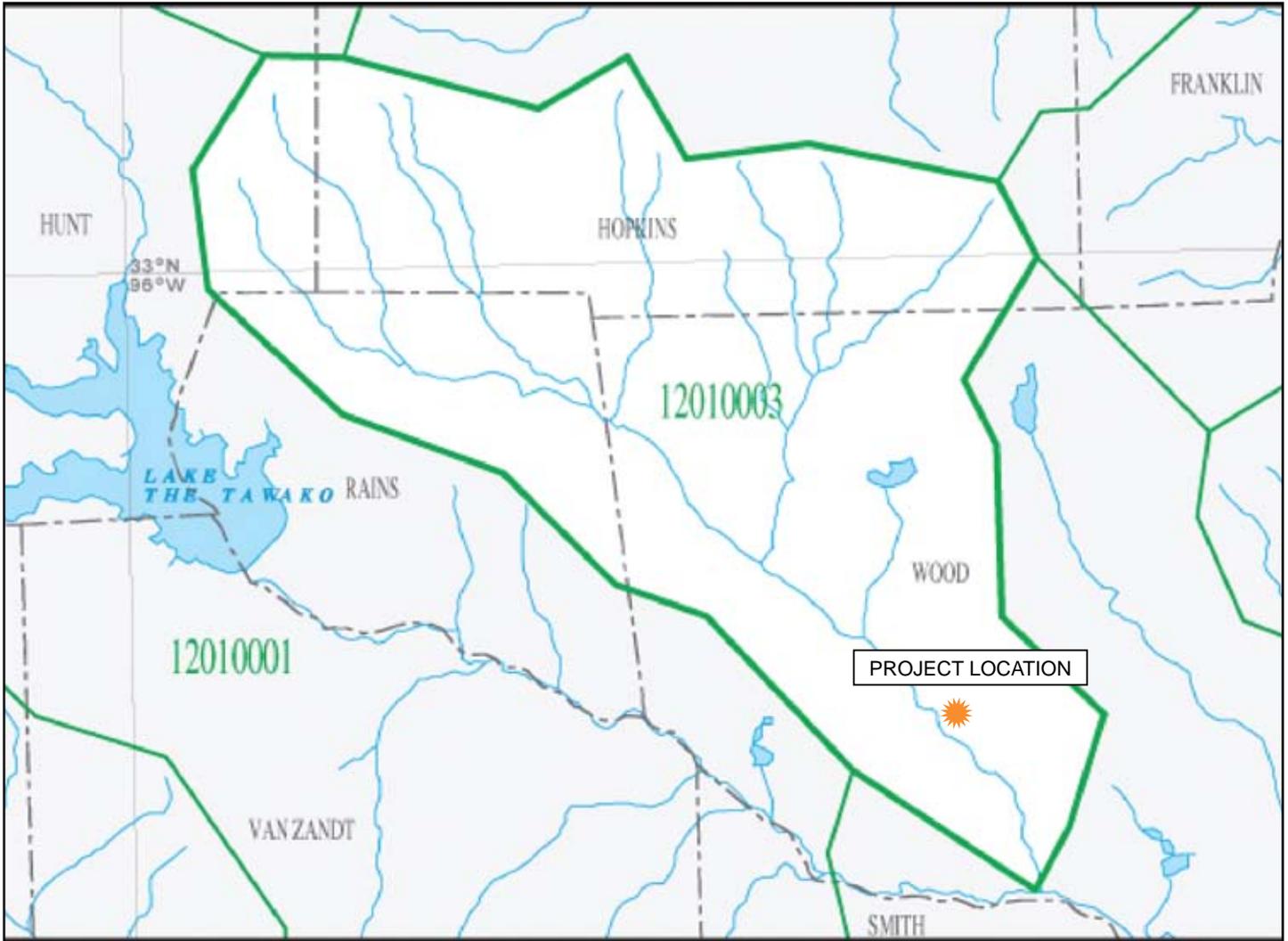


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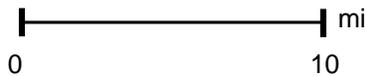
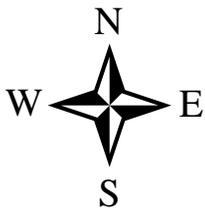
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**FIGURE 3**  
**WATERSHED MAP OF THE EDMORE CREEK MITIGATION BANK**  
**MINEOLA, WOOD COUNTY, TEXAS**

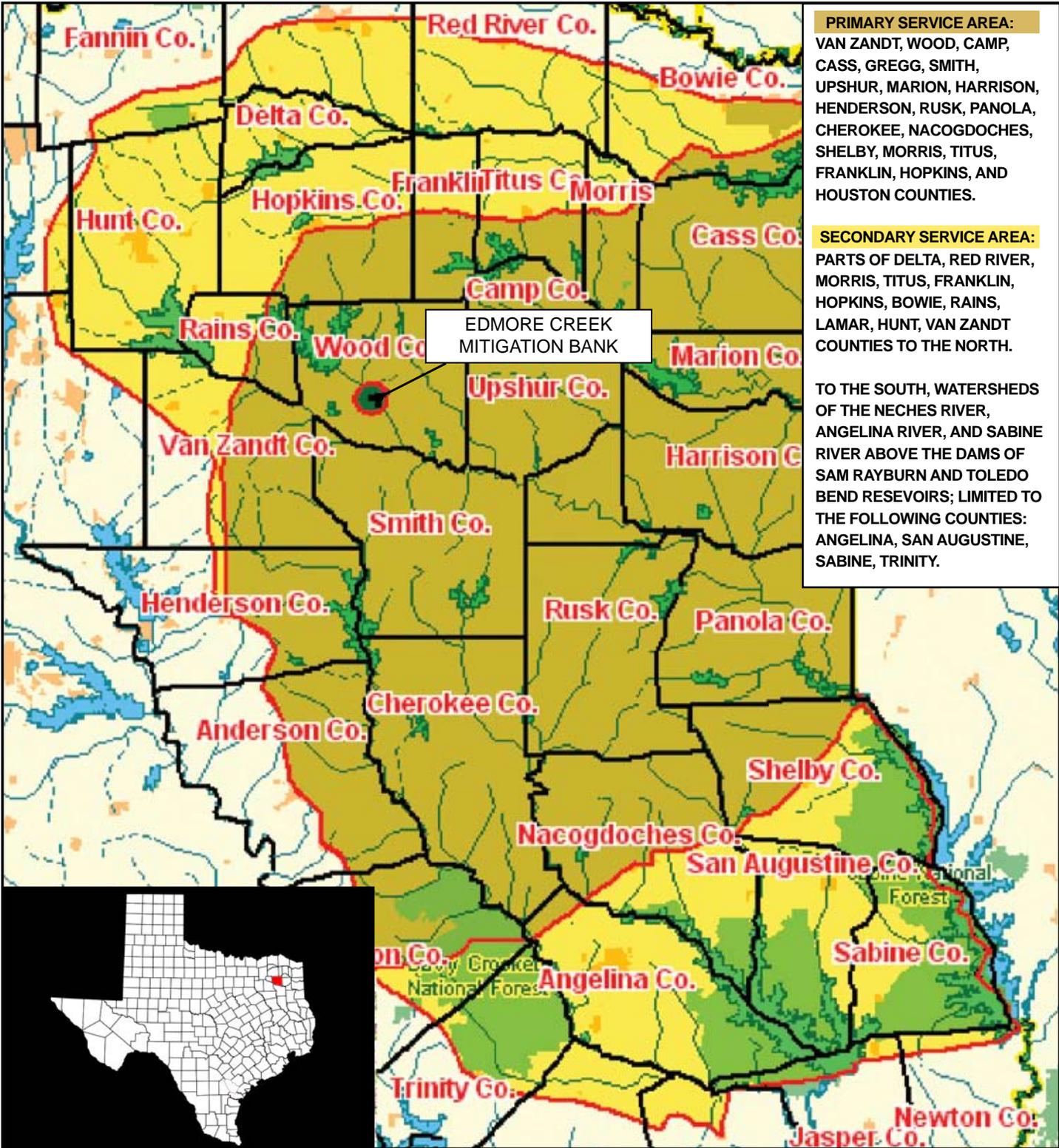


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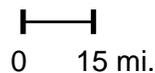
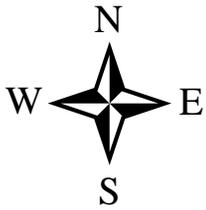
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**FIGURE 4**  
**SERVICE AREA MAP OF EDMORE CREEK MITIGATION BANK**  
**MINEOLA, WOOD COUNTY, TEXAS**

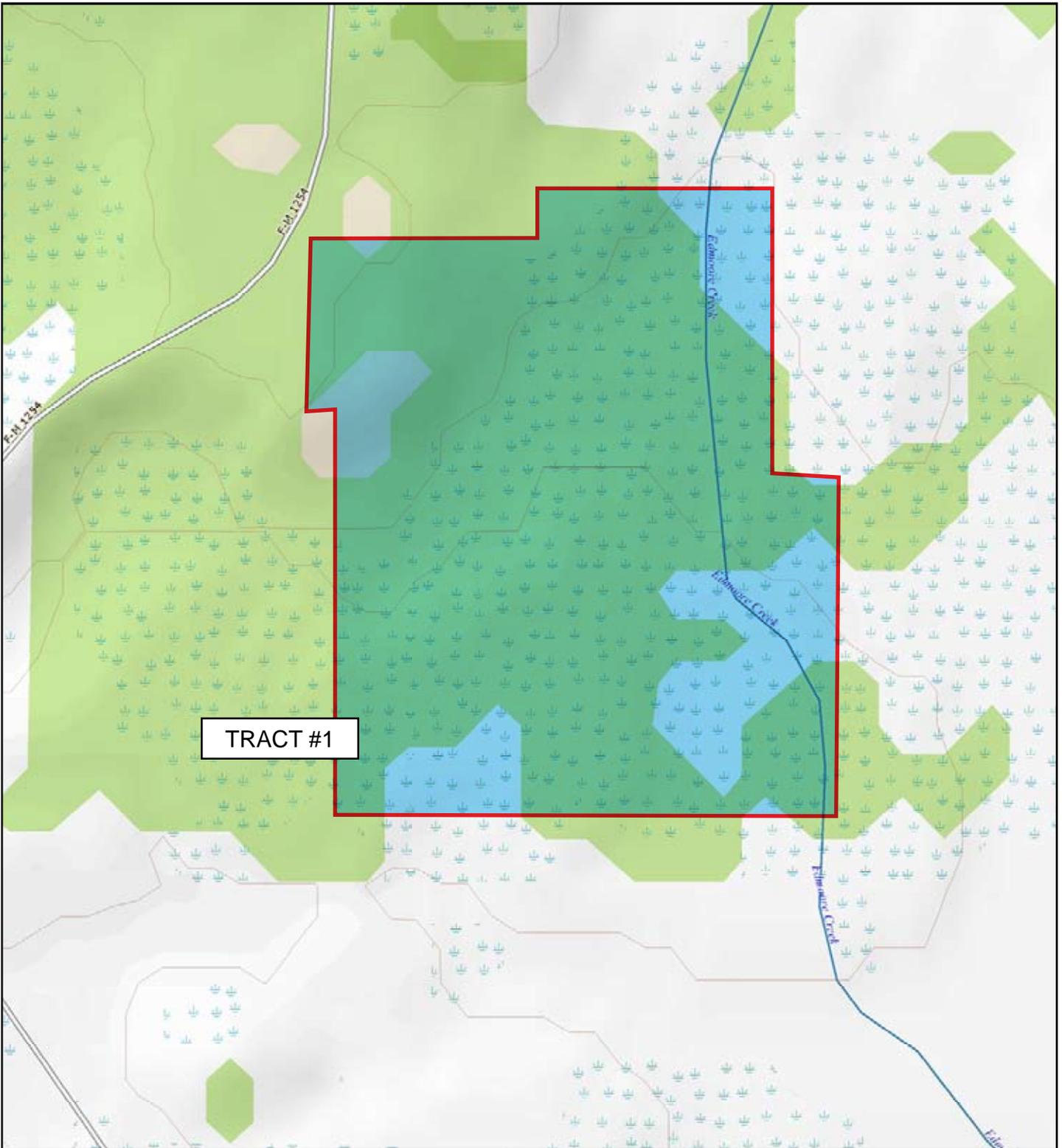


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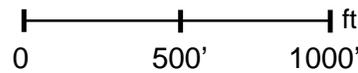
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TRACT #1

**FIGURE 5**  
**TOPO MAP OF TRACT 1, EDMORE CREEK MITIGATION BANK**  
**MINEOLA, WOOD COUNTY, TEXAS**

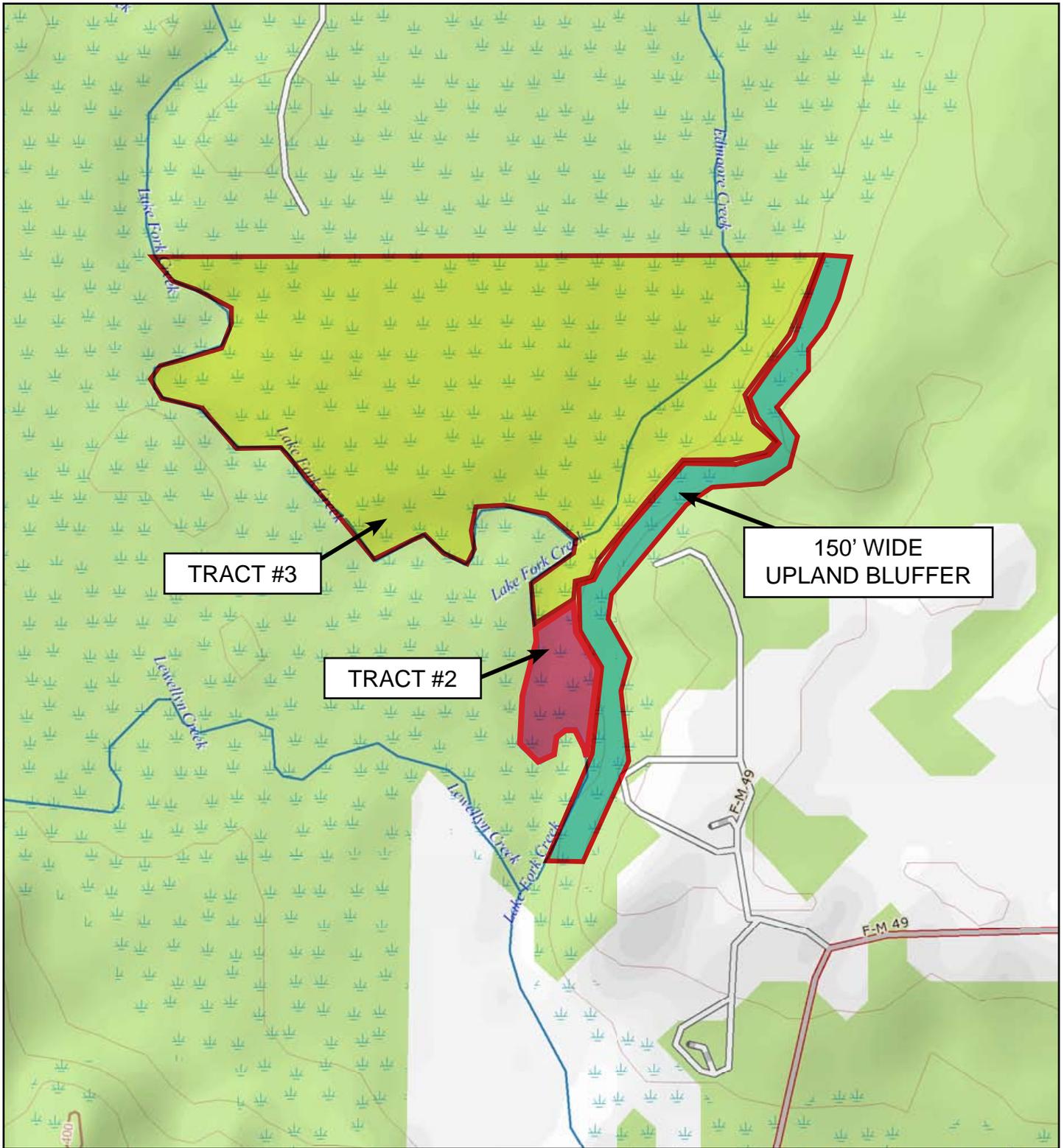


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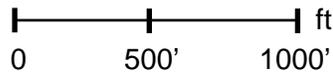
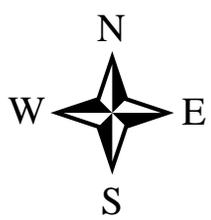
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**FIGURE 6**  
**TOPO MAP OF TRACTS 2 AND 3, EDMORE CREEK MITIGATION BANK**  
**MINEOLA, WOOD COUNTY, TEXAS**

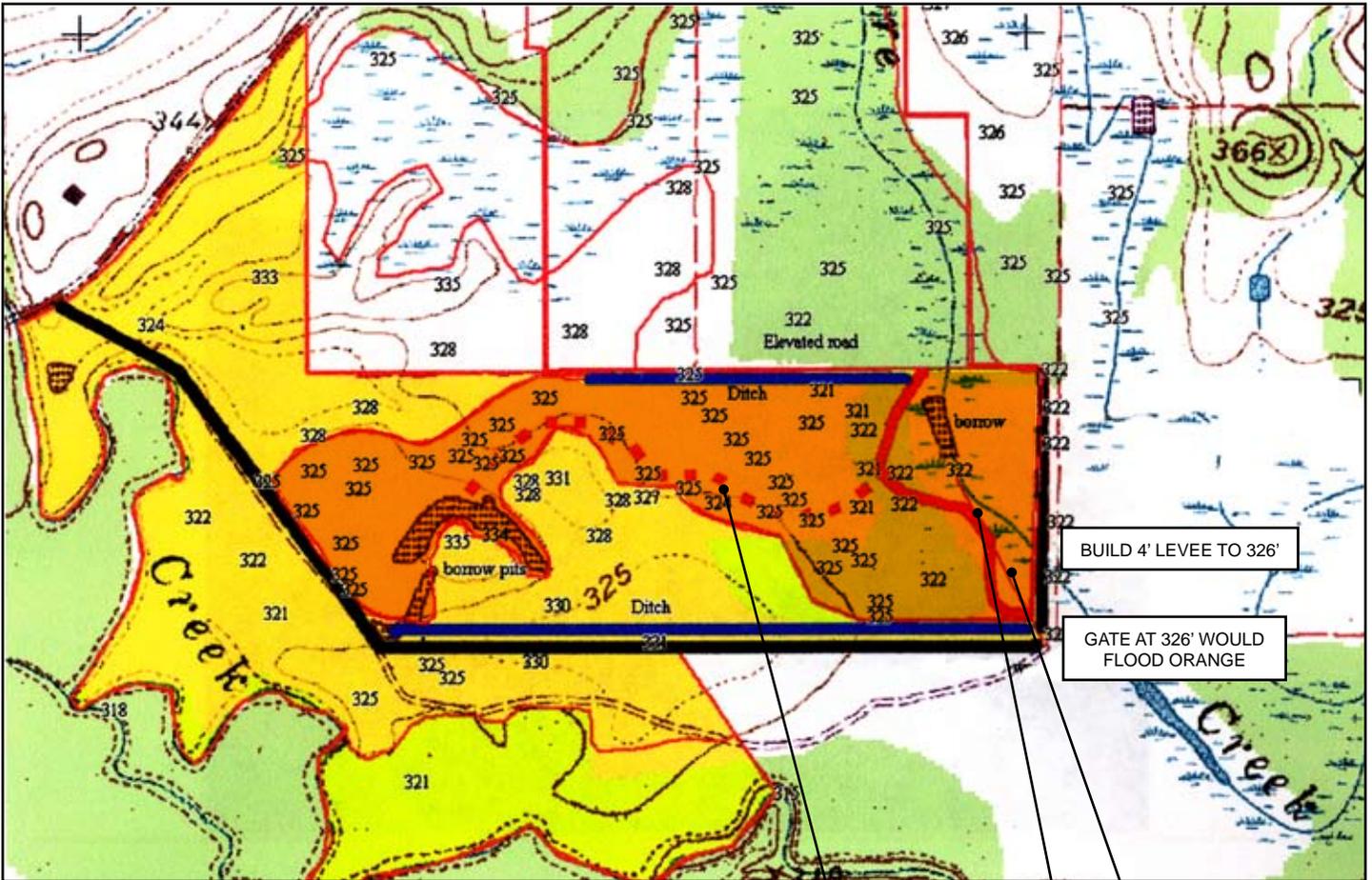


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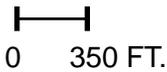
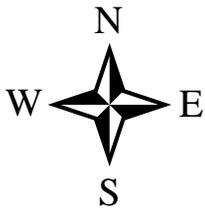
**ADD 3368' OF STREAMSIDE**

POSSIBLE SECONDARY SLOUGH 2600'

RECONFIGURED CREEK 1829'

CURRENT CHANNEL 1061'

**FIGURE 7  
PROPOSED STREAM RESTORATION OF EDMORE CREEK MITIGATION BANK  
MINEOLA, WOOD COUNTY, TEXAS**

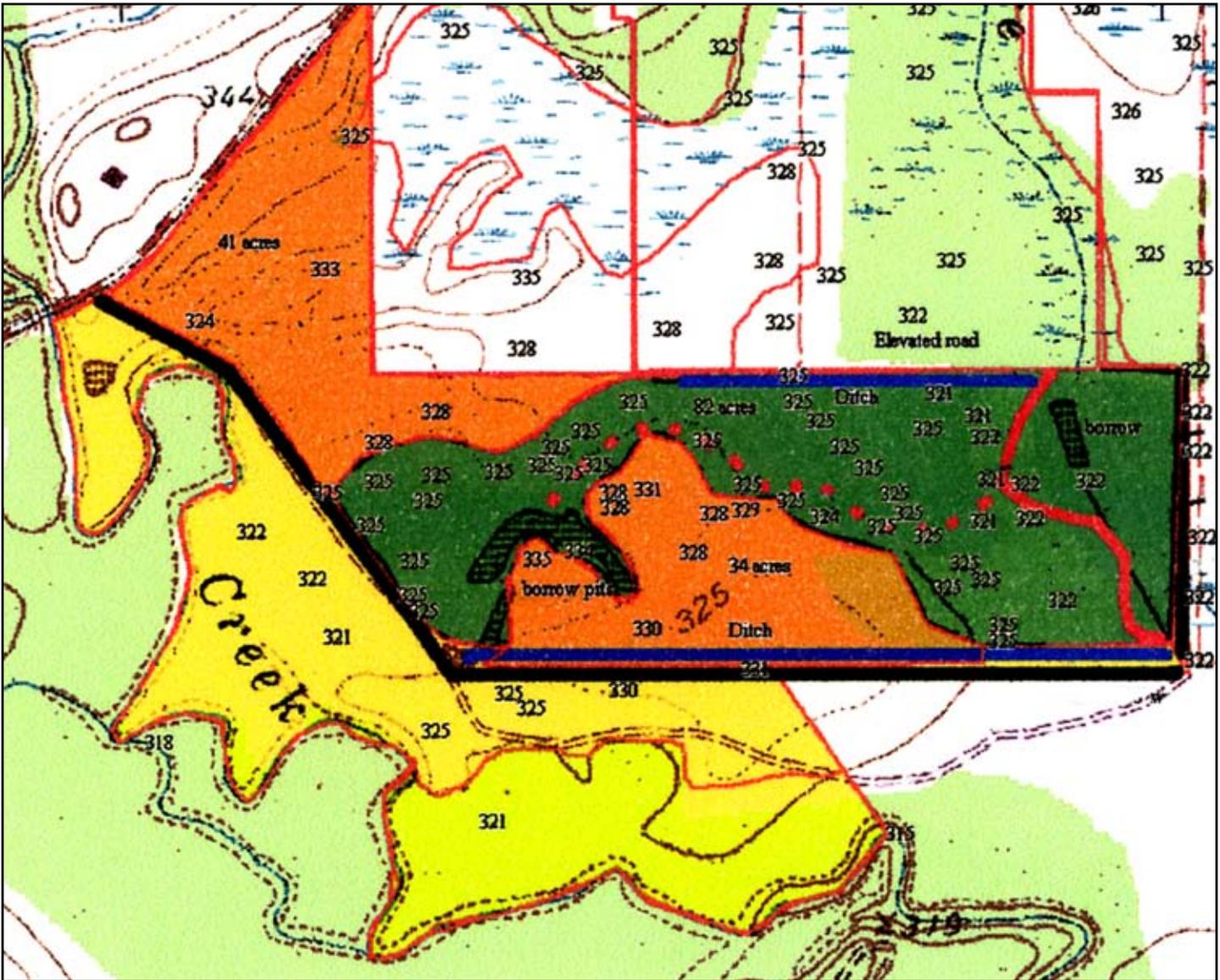


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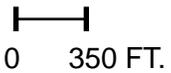
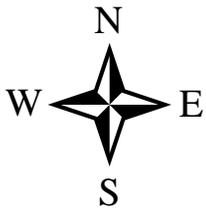
DATE:  
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**FOREST COMMUNITIES**

- WATER ELM SLOUGHS  
ALONG BORROW PITS, NEW CREEK, SLOUGHS
- OVERCUP FLATS (GREEN) (82 AC.)
- WILLOW OAK ON HIGHER GROUND (ORANGE) (75 AC.)

**FIGURE 8**  
**FOREST COMMUNITIES MAP OF EDMORE CREEK MITIGATION BANK**  
**MINEOLA, WOOD COUNTY, TEXAS**



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