



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

Public Notice

Applicant: Delta Land Services, Inc.

Project No.: SWF-2012-00417

Date: October 26, 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. Eric Dephouse, Project Manager

Phone Number: 817-886-1820

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 establish the Phillips Creek Mitigation Bank (PCMB), a mitigation bank located west of Many, Louisiana in Sabine Parish.

APPLICANT: Delta Land Services, LLC
1090 Cinclare Drive
Port Allen, Louisiana 70767

APPLICATION NUMBER: SWF-2012-00417

DATE ISSUED: October 26, 2012

LOCATION: The proposed bank consists of approximately 242.1 acres and would be located in Sabine Parish, Louisiana. The approximate Universal Transverse Mercator (UTM) coordinates for the proposed bank are: Easting 452401 and Northing 3492834, NAD 83 Zone 15 North (Figure 2 and 3). The proposed bank is located in the South Central Plains Level III Ecoregion. The property containing the proposed bank is in the 8-digit Hydrologic Unit Code (HUC) labeled Toledo Bend Reservoir (HUC: 12010004) (Figure 15).

PROJECT DESCRIPTION: The PCMB site encompasses 18.4 acres of Waters of the U.S., including 11,192 linear feet of perennial stream (Phillips Creek and Harpoon Bayou); 6,559 linear feet of intermittent stream; and 7,354 feet of artificial, agricultural ditches. Delta Land Services (DLS), the PCMB Sponsor, has conducted a wetland delineation study per the Atlantic and Gulf Coastal Plain Regional Supplement and the 1987 Corps Wetland Delineation Manual on the proposed PCMB.

The PCMB site is currently used for cattle grazing and hay production. A review of the historical aerial record indicates this site was converted from forest land after 1940 (Figures 5-11). The site consists of 183.4 acres of grazing\pasture land; 42.7 acres of forest lands; and 10.1 acres of streams. The remaining land uses are 2.2 acres of agricultural improvements (i.e. barn\storage area and access road) and 3.7 acres of electrical utility line right-of-way (ROW) which is also utilized for grazing and hay production (Figure 4).

The soils within the site are listed as Guyton-Iuka association, frequently flooded and Latonia fine sandy loam, 1-5% slopes. The Guyton-Iuka association is listed as a partially hydric soil by the Natural Resources Conservation Service (NRCS) while the Latonia series is listed as non-hydric. Guyton-Iuka soils are level, poorly drained soils that are frequently flooded from December through April. The Guyton soil is located on low flats, and the Iuka soil is on slightly convex natural levees adjacent to stream channels. Water and air move through these soils at a slow rate, and the surface remains wet for long periods after heavy rains. Approximately 94% of

the site is mapped as Guyton-Iuka (hydric soils), and the remaining 6% is mapped as Latonia (non-hydric soils). The Latonia soils are located on the highest elevation of the PCMB site, which is also the location of the barn and work area (Figures 14 and 13).

Based on a watershed and ecological region approach, DLS would restore self-sustaining wetland hydrology for the perpetual maintenance of restored and preserved palustrine forested wetland (PFO) and perennial and intermittent stream. Specifically, DLS seeks to re-establish 158.7 acres of PFO; rehabilitate 5.4 acres of PFO; preserve and protect 41.6 acre of PFO; restore 7.2 acres of upland forest; create and restore 18,992 linear feet of perennial stream; restore, enhance and protect 12,755 linear feet of intermittent stream; and protect 4,521 linear feet of perennial stream (Figures 1 and 1A).

All livestock would be removed prior to preparation for PFO and stream restoration. The restoration of PFO includes the filling of all drainage laterals and planting seedlings of native tree species at a minimum rate of 302 stems per acre. Planting species would include native hardwood and softwood hydrophytic species (e.g., Nuttall oak (*Quercus texana*, FACW), cherrybark oak (*Quercus pagoda*, FACW), swamp chestnut oak (*Quercus michauxii*, FACW), overcup oak (*Quercus lyrata*, OBL), Shumard oak (*Quercus shumardii*, FAC), water oak (*Quercus nigra*, FAC), willow oak (*Quercus phellos*, FACW), water hickory (*Carya aquatica*, OBL), sweetgum (*Liquidambar styraciflua*, FAC), persimmon (*Diospyros virginiana*, FAC), and green ash (*Fraxinus pennsylvanica*, FACW). The species selected for planting would be based on experience, literature, and from observed species growing on the bank and in reference areas. The planting regime for upland buffers (buffer areas) would include hydrophytic species as well as native upland species (i.e., sweet pecan (*Carya illinoensis*, FACU), white oak (*Quercus alba*, FACU) and yellow-poplar (*Liriodendron tulipifera*, FACU). The exact species and quantities to be planted would be determined by the availability of such species from commercial nurseries providing localized ecotype seedlings. At least five to 10 species shall be represented in the planting mosaic to insure adequate species richness. Hard mast species should account for 40% to 70% of the bottomland hardwood plantings, and baldcypress should account for 50% to 80% of the baldcypress swamp plantings. To maintain spatial species richness, hard and soft mast seedlings would be mixed before planting so that planted areas are not comprised of a single species.

The stream restoration involves the use of natural channel design techniques intended to restore a natural, stable stream system that is more physically connected to its historic floodplain. These techniques would require a combination of new channel grading, utilization of in stream structures made from natural\ native materials; and the re-establishment of vegetated riparian buffers. The forested wetland and stream mitigation work plans (forested wetland and stream) would utilize a watershed approach and would improve physical, biological, and chemical functions of restored forested wetlands and stream reaches within the PCMB site and any receiving waters downstream. A mitigation work plan (MWP) would be drafted for each mitigation type (i.e., forested wetlands and stream). In addition, stream channel creation and restoration of Phillips Creek would increase opportunity for the introduction of floodwaters to the restored wetlands, sediment deposition, plant nutrient uptake, and overall biotic productivity of the flood plain and stream community. Restored bottomland hardwood and swamp wetlands would reduce stream flow velocities in existing channels and sheet flow velocity of the

redistributed floodwaters across the site, thus re-establishing the historic, forested, alluvial floodplain. Forest and stream restoration would increase the diversity of species (flora and fauna) that would naturally repatriate the restored flood plain and stream ecosystem. Additional benefits include an increase in aquatic stream habitat conditions, reduced erosion and sedimentation in existing channels, and increased biotic production and chemical pathways fueled by detritus production, which would improve downstream water quality. The stream and wetland restoration is being designed to provide for greater ecological functioning of the forested floodplain while not adversely affecting neighboring or upstream/downstream properties.

DLS would develop and establish the planning documents (mitigation banking instrument [MBI], forested wetland and stream mitigation work plans, and conservation easement), financial resources (construction, establishment, and long-term funding), adaptive management plans (invasive species control, etc.), and long-term management plans (financial and bank closure procedures) that would be required to successfully restore and perpetually protect the PCMB. DLS would perform all restoration activities, provide for financial assurances, administer the sale and accounting of credits, and complete all record keeping and reporting requirements for the PCMB. An appropriate assessment method to determine the quality and quantity of credits would be determined in the review process and would be defined in the subsequent MBI.

The service area of a mitigation bank is the geographical area (e.g., watersheds or HUCs, counties, ecoregions, etc.) within which mitigation bank credits may be used, if approved, for compensatory mitigation for adverse impacts to the aquatic ecosystem anticipated by USACE permit applicants. DLS proposes that PCMB service area include the geographic area wholly encompassed within the USACE Fort Worth District and USACE Galveston District boundaries, the South Central Plains Level III Ecoregion, and the State of Louisiana. This includes portions of Beauregard, Caddo, Calcasieu, De Soto, Sabine, and Vernon Parishes within HUCs 12010004, 12010005, and 12010002 (Figure 15).

The 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, 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 (EPA), U.S. Fish and Wildlife Service (USFWS), and Louisiana Department of Wildlife and Fisheries (LDWF) 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 a 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 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 Sabine Parish where the Red-cockaded woodpecker (*Picoides borealis*) is a federally listed endangered species and the Louisiana pine snake (*Pituophis ruthveni*) is listed as a candidate species. Our initial review indicates that the proposed work would have no effect on 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 artifacts. DLS has submitted a request to the Louisiana State Historical Preservation Office to review their database for the purposes of identifying any potential cultural resources which may be present on the project site.

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.

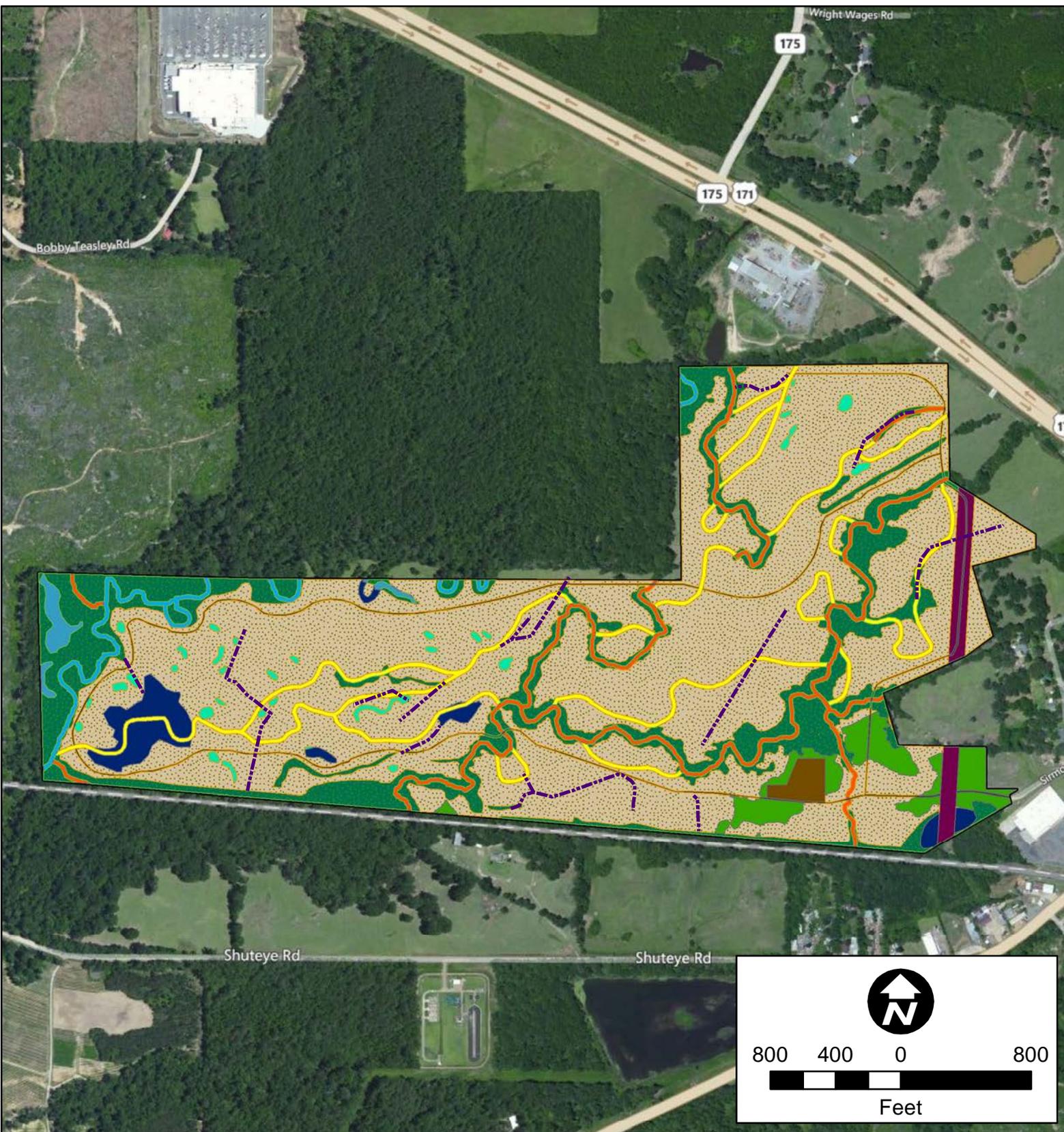
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to allow the public an opportunity to comment on this bank proposal and to assist the USACE and other members of the IRT in developing the final MBI. For accuracy and completeness of the record, 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 25, 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. Eric Dephouse; 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) 886-1820. 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 Area (242.1 Acres)
	Re-established BLH Wetlands (156.2 Ac.)
	Preserved BLH Wetland Forest (1.5 Ac.)
	Protected BLH Forest (40.1 Ac.)
	Re-established Baldcypress Wetlands (2.5 Ac.)
	Rehabilitated Baldcypress Wetlands (5.4 Ac.)
	Re-established Upland Forest (7.2 Ac.)
	Created and Re-established Stream Channels (10.5 Ac.)
	Stream Rehabilitation, Enhancement and Preservation (7.7 Ac.)
	Harpoon Bayou Preservation (2.4 Ac.)
	Access Road (3.7 Ac.)
	Emergent Powerline Utility ROW (3.4 Ac.)
	Barn and Work Area (1.5 Ac.)
	Artificial Drain Ditches to closed (7354.6 Ln. Ft.)

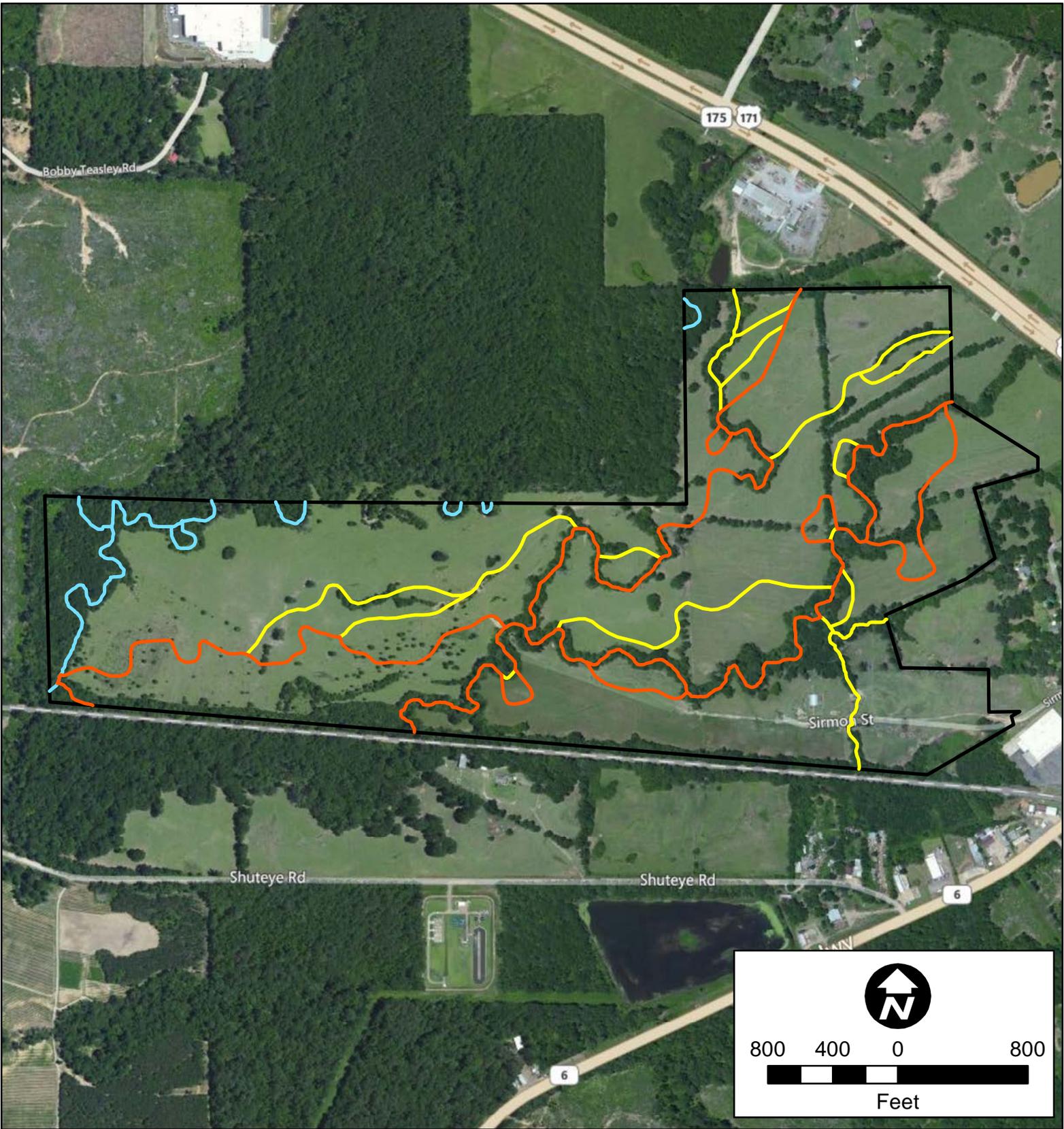
Proposed Phillips Creek Mitigation Bank

MITIGATION FEATURES

Sabine Parish, LA

Created : TSC/ARCVIEW	
Approved : BWD	
Date : 10/1/2012	
Map No. : F01_MitigationFeatures	

FIGURE 1



Legend

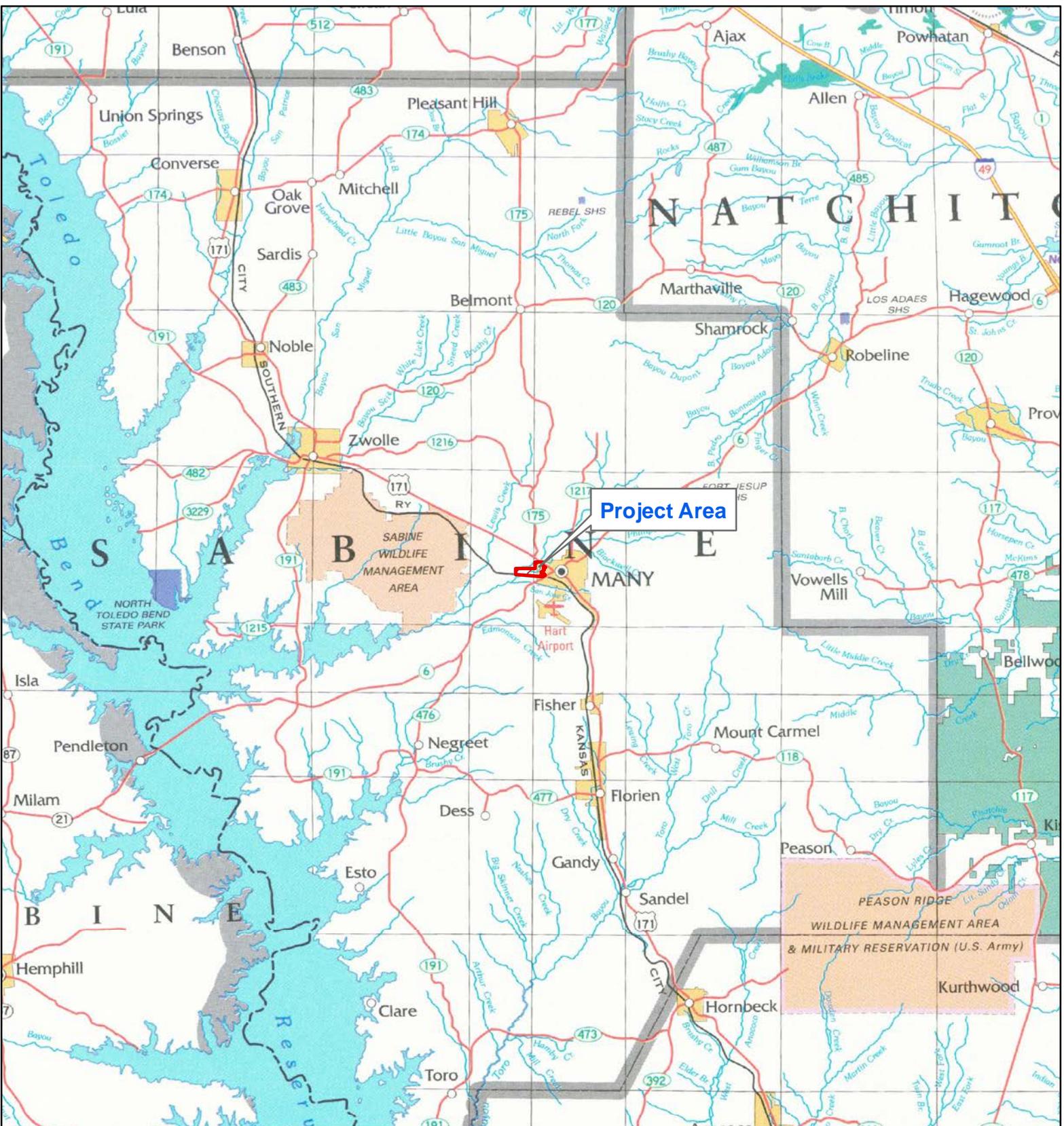
- Phillips Creek Perennial (19,418 Ln. ft.)
- Harpoon Bayou Perennial Preservation (4,521 Ln. ft.)
- Phillips Creek Intermittent (12,380 Ln. ft.)
- Project Area (242.1 Acres)

**Proposed Phillips Creek Mitigation Bank
CONCEPTUAL MITIGATION FEATURES
STREAM LINEAR FEET**

Sabine Parish, LA

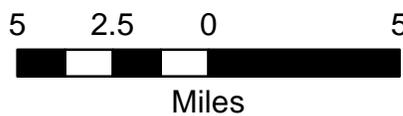
Created : TSC/ARCVIEW	
Approved : BWD	
Date : 10/1/2012	
Map No. : F01-A_StreamFeatures	

FIGURE 1-A



Legend

 Project Area (242.1 Acres)



Proposed Phillips Creek Mitigation Bank

VICINITY MAP

Sabine Parish, LA

Created : TSC/ARCVIEW

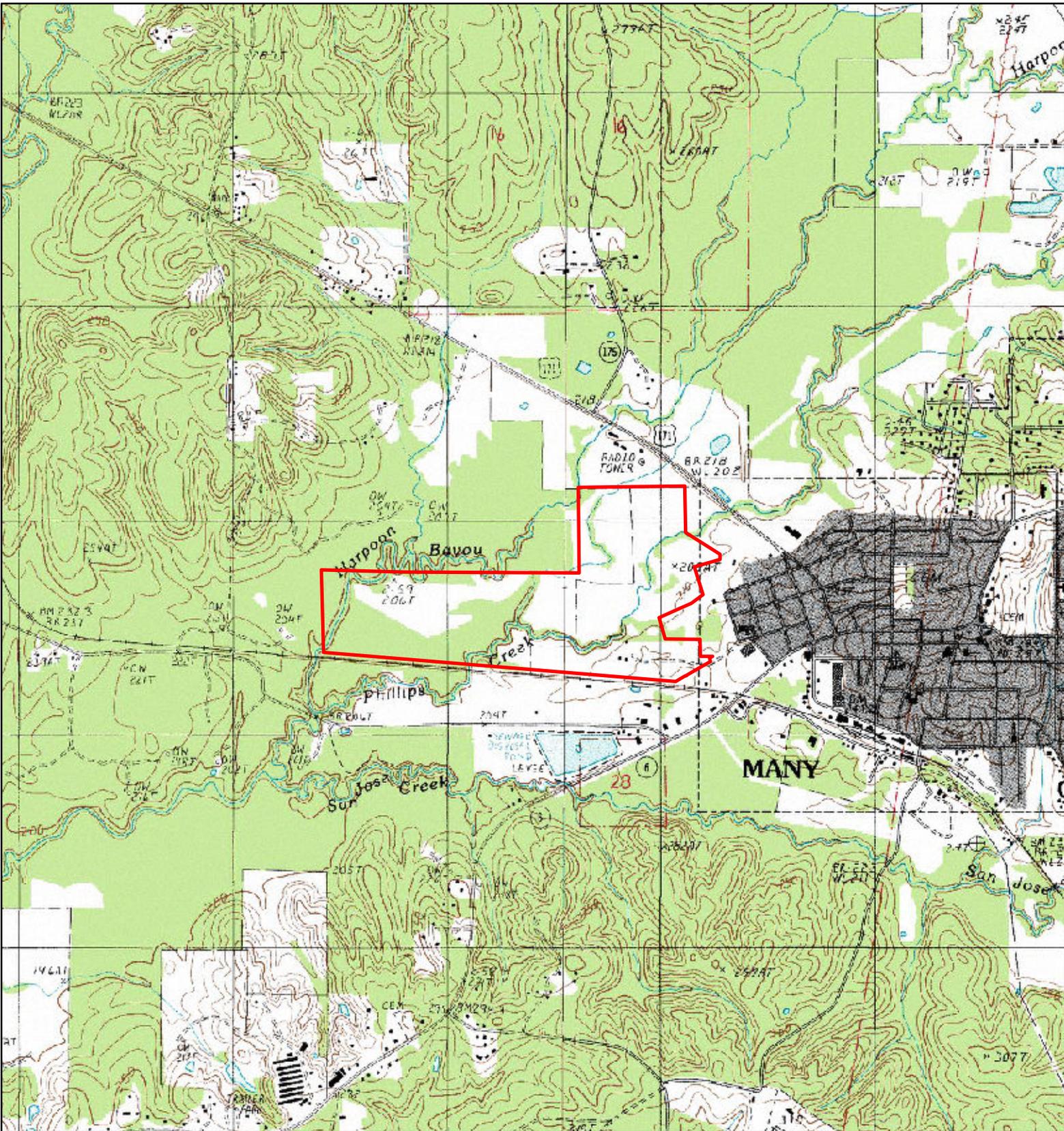
Approved : BWD

Date : 9/27/2012

Map No. : F2_VicinityMap

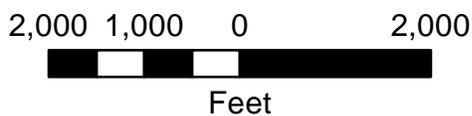


FIGURE 2



Legend

 Project Area (242.1 Acres)



Proposed Phillips Creek Mitigation Bank

USGS 7.5' QUADRANGLE MAP

Sabine Parish, LA

Created : TSC/ARCVIEW

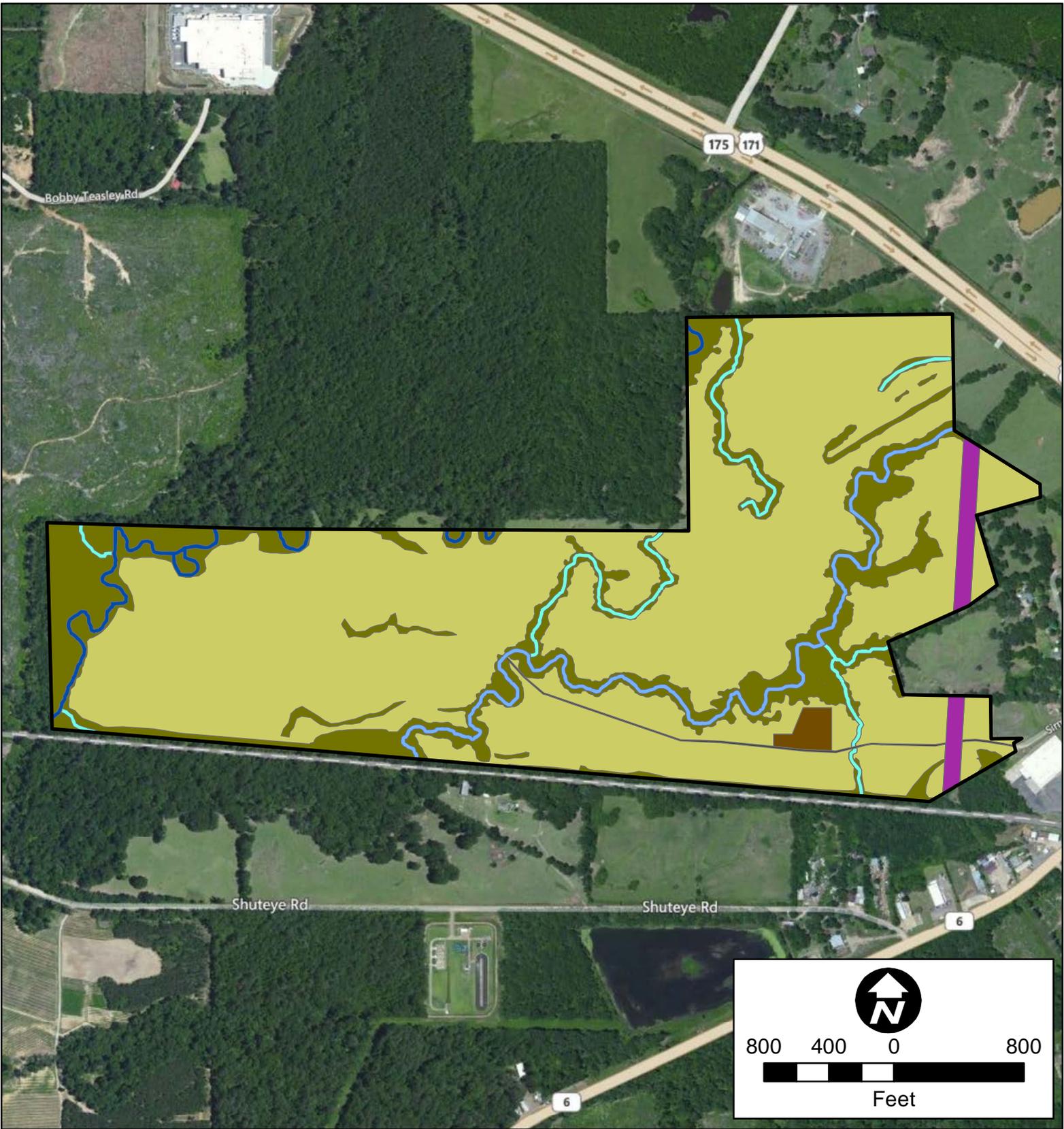
Approved : BWD

Date : 9/27/2012

Map No. : F3_QuadMap



FIGURE 3



Legend

- | | |
|--|--|
| Project Area (242.1 Acres) | Pasture\ Powerline Utility ROW (3.7 Ac.) |
| Pasture\ Grazing (183.4 Ac.) | Harpoon Bayou (2.4 Ac.) (4178.2 Ln. Ft.) |
| Forest (42.7 Ac.) | Barn and Work Area (1.5 Ac.) |
| Phillips Creek (4 Ac.) (7014.2 Ln. Ft.) | Access Road (0.7 Ac.) |
| Unnamed Streams (3.7 Ac.) (6559.5 Ln. Ft.) | |

Proposed Phillips Creek Mitigation Bank

EXISTING CONDITIONS MAP

Sabine Parish, LA

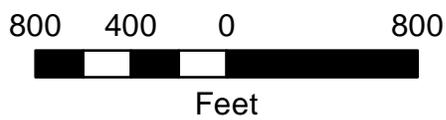
Created : TSC/ARCVIEW	
Approved : BWD	
Date : 9/27/2012	
Map No. : F4_ExistingConditions	

FIGURE 4



Legend

 Project Area (242.1 Acres)



Proposed Phillips Creek Mitigation Bank

1940 AERIAL PHOTOGRAPH

Sabine Parish, LA

Created : TSC/ARCVIEW

Approved : BWD

Date : 9/27/2012

Map No. : F5_1940

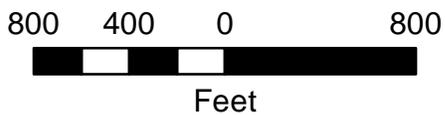


FIGURE 5



Legend

 Project Area (242.1 Acres)



Proposed Phillips Creek Mitigation Bank

1950 AERIAL PHOTOGRAPH

Sabine Parish, LA

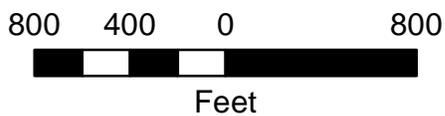
Created : TSC/ARCVIEW	
Approved : BWD	
Date : 9/27/2012	
Map No. : F6_1950	

FIGURE 6



Legend

 Project Area (242.1 Acres)



Proposed Phillips Creek Mitigation Bank

1959 AERIAL PHOTOGRAPH

Sabine Parish, LA

Created : TSC/ARCVIEW

Approved : BWD

Date : 9/27/2012

Map No. : F7_1959

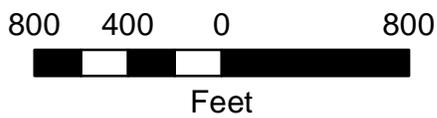


FIGURE 7



Legend

 Project Area (242.1 Acres)



Proposed Phillips Creek Mitigation Bank

1966 AERIAL PHOTOGRAPH

Sabine Parish, LA

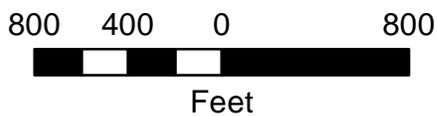
Created : TSC/ARCVIEW	
Approved : BWD	
Date : 9/27/2012	
Map No. : F8_1966	

FIGURE 8



Legend

 Project Area (242.1 Acres)



Proposed Phillips Creek Mitigation Bank

1998 AERIAL PHOTOGRAPH

Sabine Parish, LA

Created : TSC/ARCVIEW	
Approved : BWD	
Date : 9/27/2012	
Map No. : F9_1998	

FIGURE 9



Legend

 Project Area (242.1 Acres)



800 400 0 800



Feet

Proposed Phillips Creek Mitigation Bank

2004 AERIAL PHOTOGRAPH

Sabine Parish, LA

Created : TSC/ARCVIEW

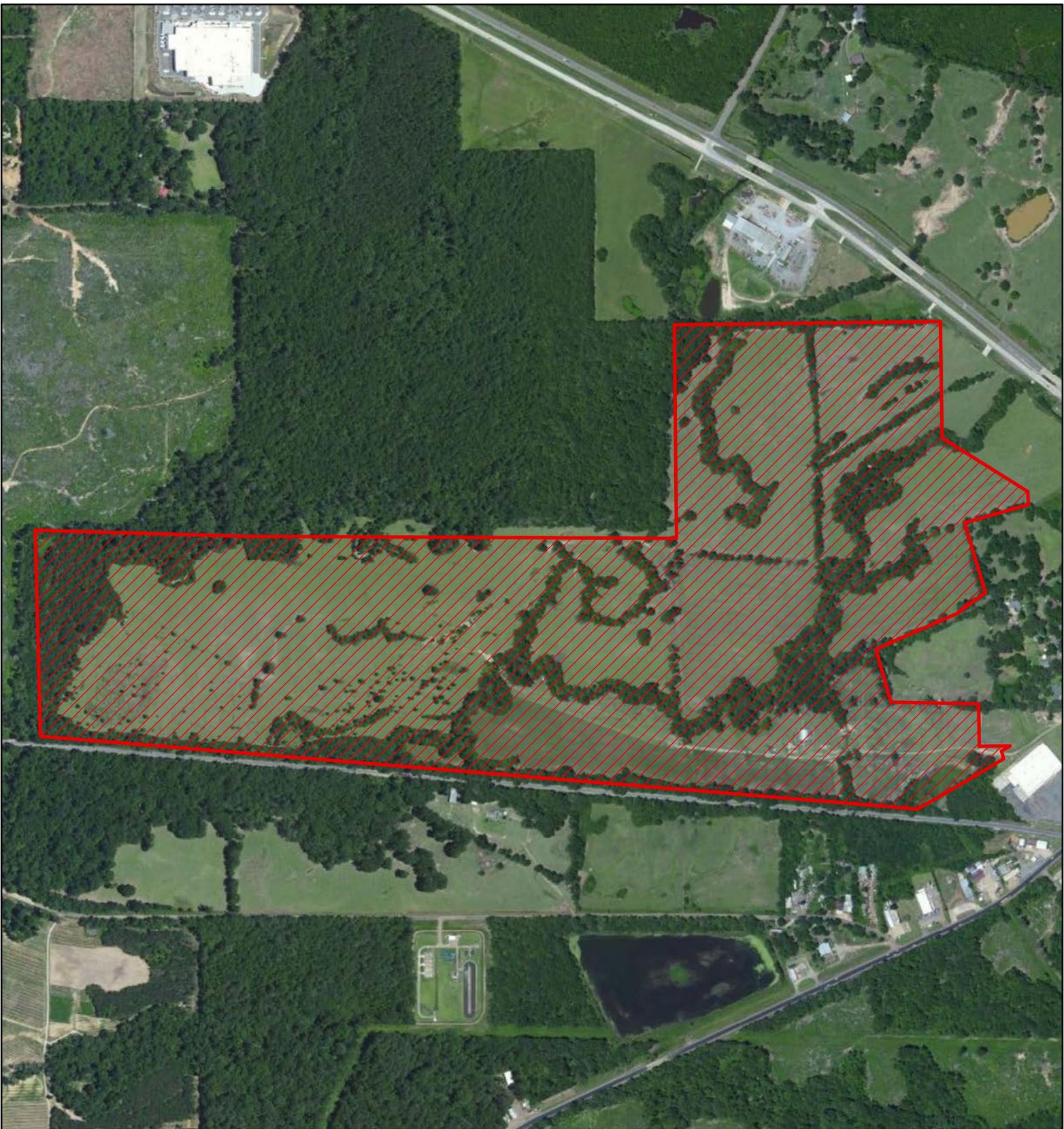
Approved : BWD

Date : 9/27/2012

Map No. : F10_2004



FIGURE 10



Legend

 Project Area (242.1 Acres)



800 400 0 800



Feet

Proposed Phillips Creek Mitigation Bank

2011 AERIAL PHOTOGRAPH

Sabine Parish, LA

Created : TSC/ARCVIEW

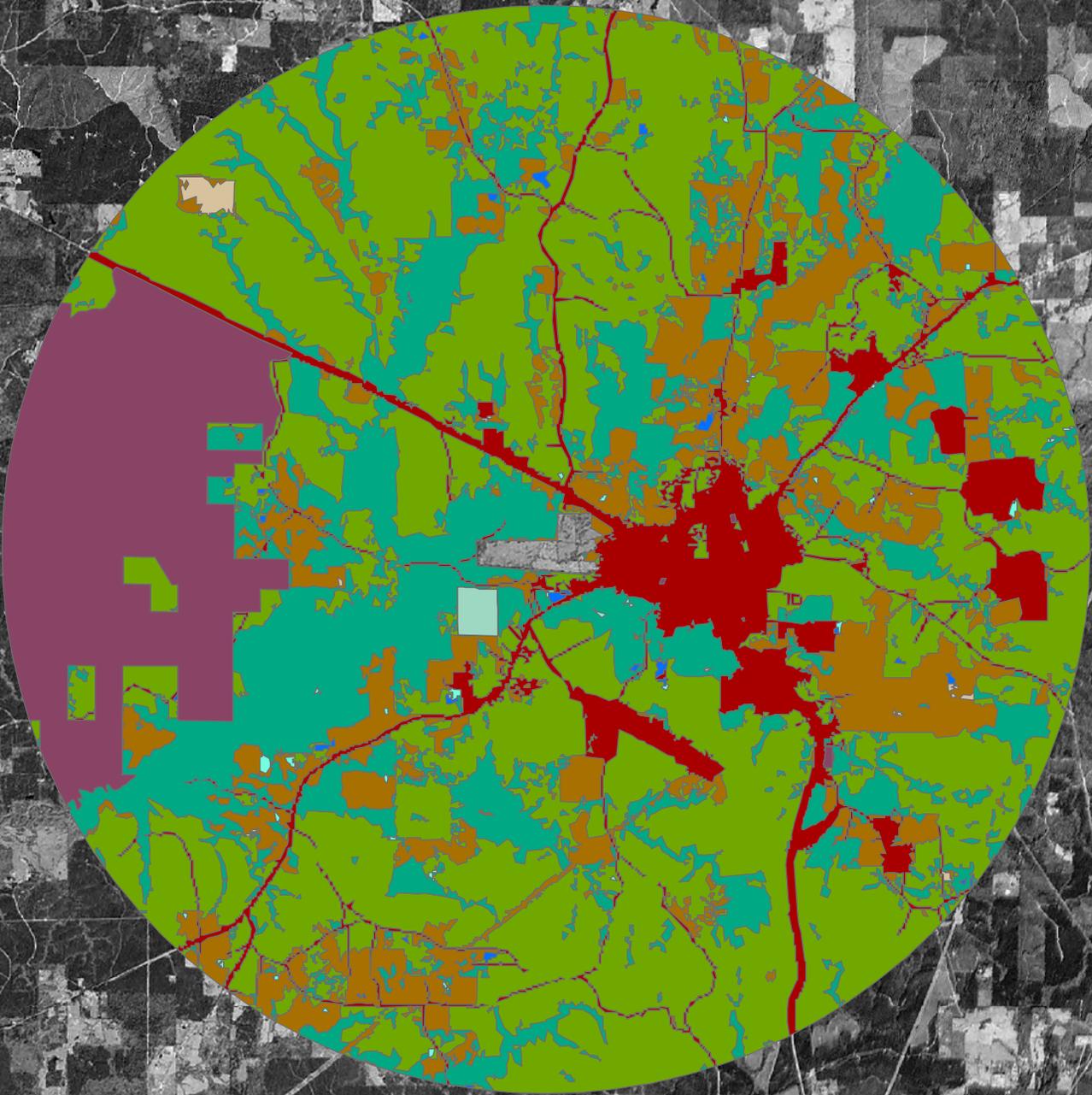
Approved : BWD

Date : 9/27/2012

Map No. : F11_2011



FIGURE 11



Legend

- Forested (46.6%)
- Woody Wetlands (20.9%)
- Agricultural (13.1%)
- Sabine Wildlife Management Area (10.3%)
- Developed (8.4%)
- Herbaceous Wetlands (0.1%)
- Wetland Reserve Program (0.2%)
- Barren Land (Rock/Sand/Clay) (0.2%)
- Open Water (0.2%)

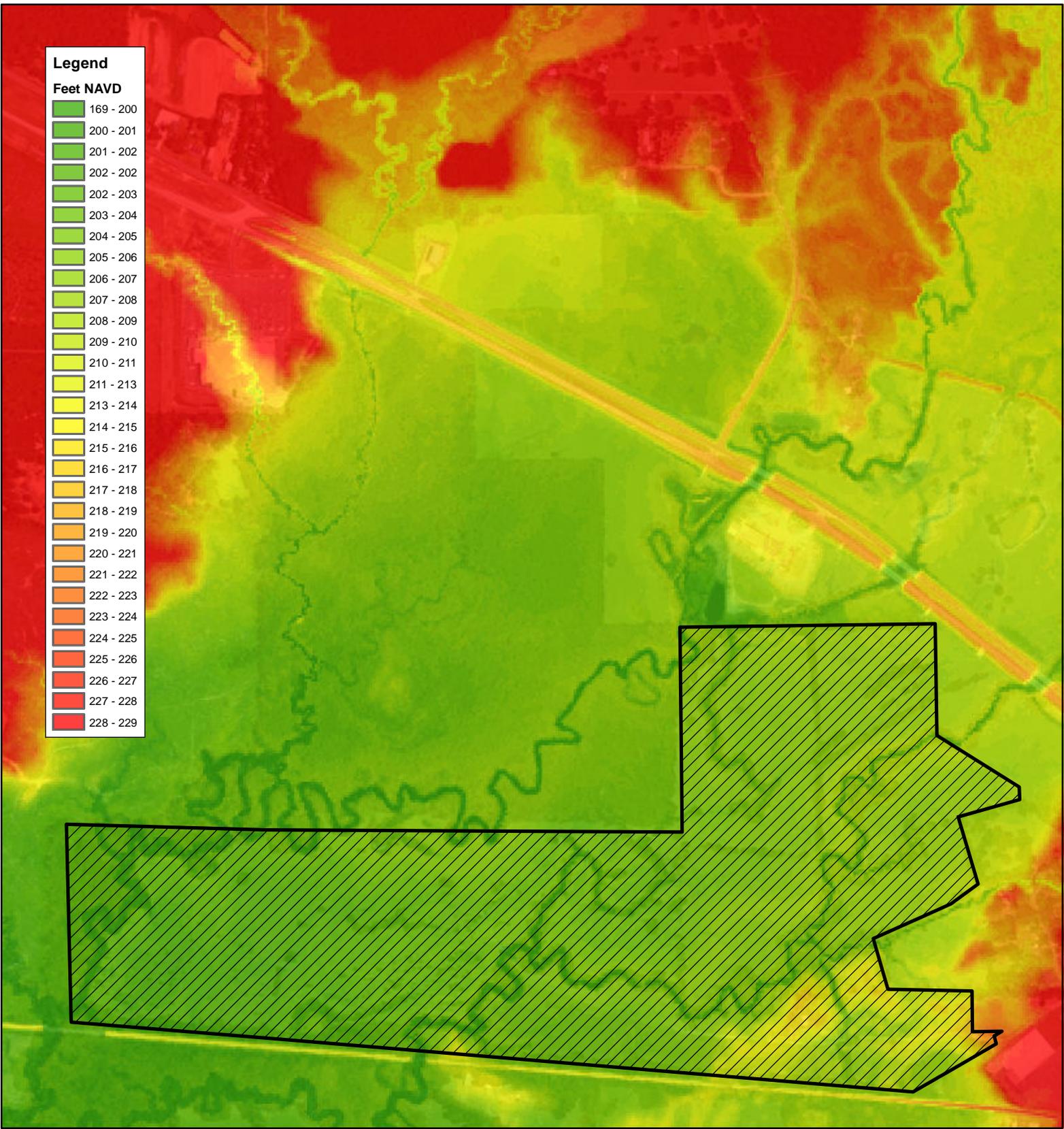


Proposed Phillips Creek Mitigation Bank
SURROUNDING LAND USE
WITHIN A 5-MILE RADIUS
Sabine Parish, LA

Created : TSC/ARCVIEW
Approved : BWD
Date : 9/27/2012
Map No. : F12_Landuse



FIGURE 12



Legend

Feet NAVD

169 - 200
200 - 201
201 - 202
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227 - 228
228 - 229

Legend

 Project Area (242.1 Acres)



800 400 0 800



Feet

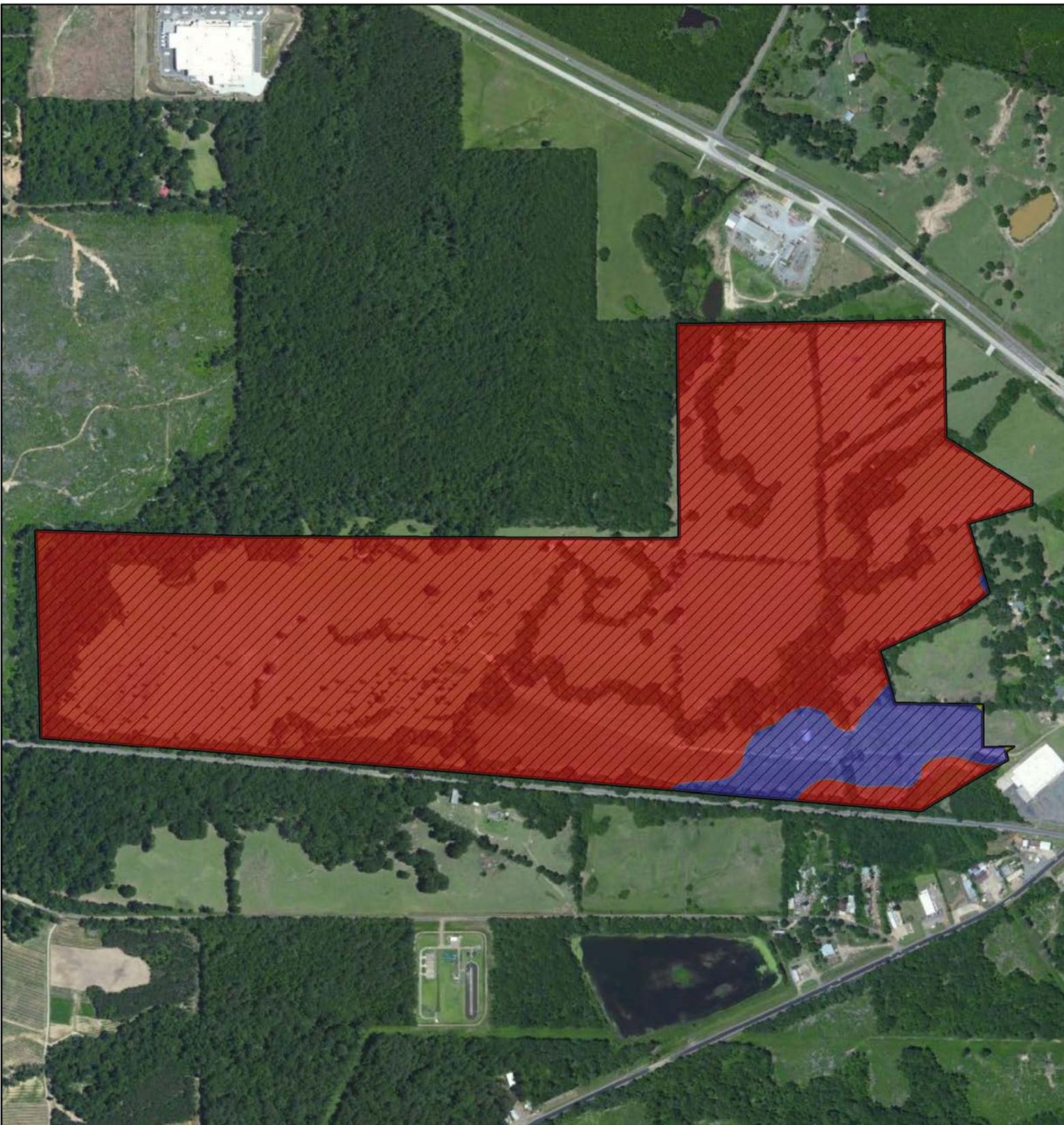
Proposed Phillips Creek Mitigation Bank

LIDAR MAP

Sabine Parish, LA

Created : TSC/ARCVIEW	
Approved : BWD	
Date : 9/27/2012	
Map No. : F13_LIDAR	

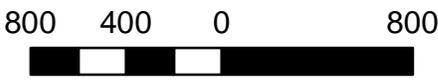
FIGURE 13



Legend

-  Project Area (242.1 Acres)
-  Guyton-luka association, frequently flooded (93.53%)
-  Latonia fine sandy loam, 1-5% slopes (6.45%)
-  Keyport silt loam, 5-10% percent slopes (0.02%)

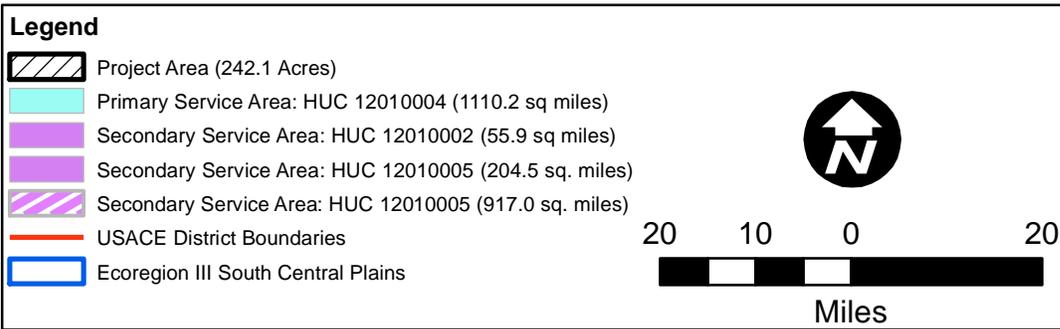
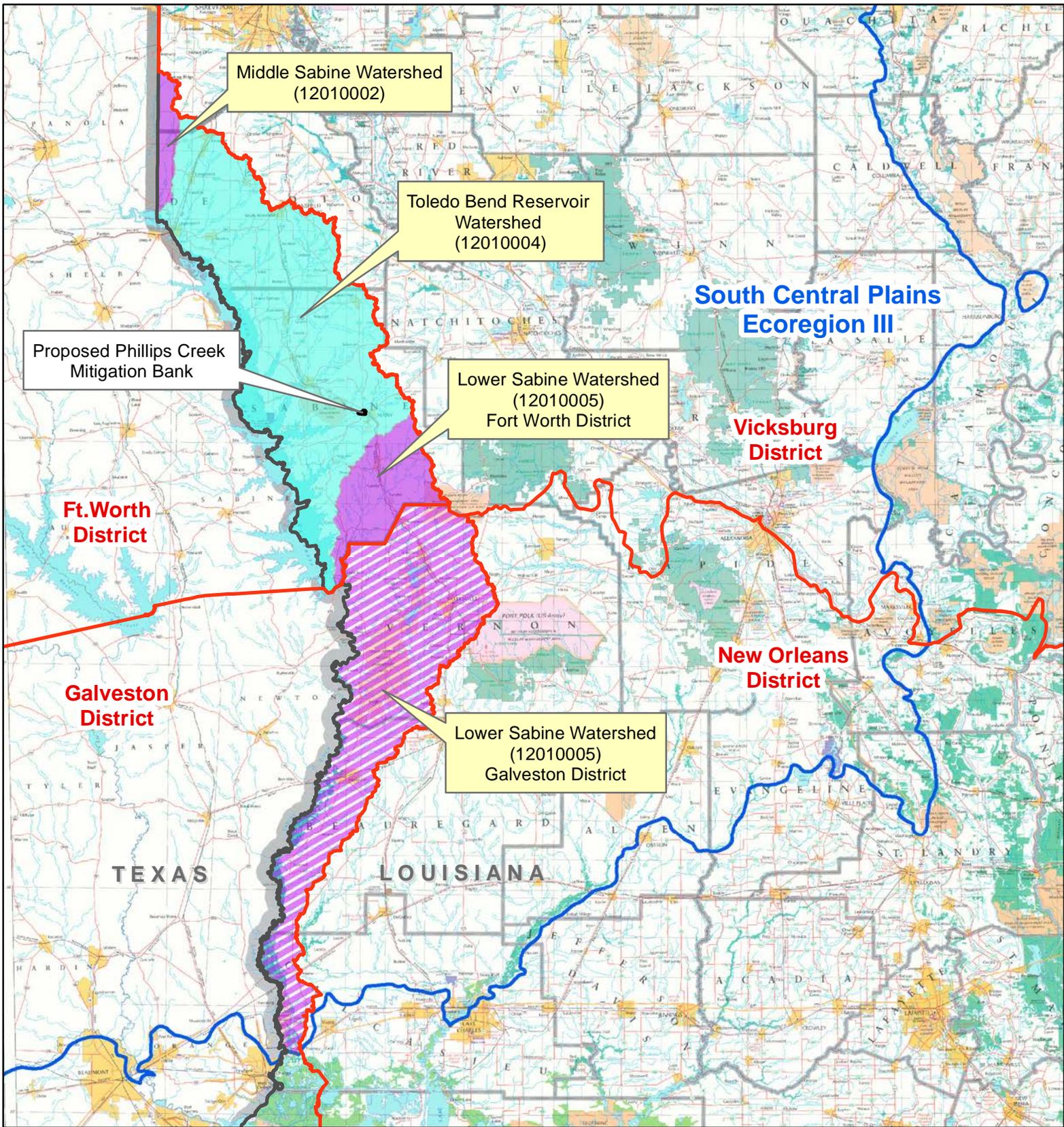




Proposed Phillips Creek Mitigation Bank

SSURGO MAP
Sabine Parish, LA

Created : TSC/ARCVIEW	
Approved : BWD	
Date : 9/27/2012	
Map No. : F14_SSURGO	
FIGURE 14	



Proposed Phillips Creek Mitigation Bank

SERVICE AREA MAP
FORT WORTH & GALVESTON DISTRICTS

Sabine Parish, LA

Created : TSC/ARCVIEW	
Approved : BWD	
Date : 9/27/2012	
Map No. : F15_ServiceAreaMap	

FIGURE 15