



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: SWG-2018-00425

Date Issued: 4 April 2024

Comments

Due: 6 May 2024

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: 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. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act (CWA).

APPLICANT: Delta Land Services, LLC
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AGENT: Delta Land Services, LLC
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LOCATION: The proposed 282.4-acre project is located in Newton County, Texas within the Lower Sabine Subbasin and located in the South-Central Plains Level III Ecoregion. The Bank is traversed by Hollis Marsh (an intermittent stream) and an unnamed tributary/swale to Hollis Marsh. The project is located in the U.S.G.S. 7.5' quadrangle map entitled: Buna, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.401870 North; **Longitude:** -93.878589 West

PROJECT DESCRIPTION: The applicant proposes the establishment and operation of a 282.4-acre mitigation bank named the Hollis Marsh Mitigation Bank (HMMB). The Sponsor is proposing the restoration and enhancement of riverine forested wetlands within the Lower Sabine Watershed USGS Hydrologic Unit Code 12040204 to serve as compensatory mitigation for unavoidable, permitted impacts to waters of the United States.

AVOIDANCE AND MINIMIZATION: The specific objectives of the project are to restore the physical, chemical, and biological characteristics of the site.

MITIGATION: The applicant proposes to construct a compensatory mitigation bank.

CURRENT SITE CONDITIONS: The proposed HMMB is in Newton County, which is rural with timber and agriculture (cattle) being the dominant land uses. Newton County has a humid subtropical climate with hot, humid summers and mild to cool winters. The average annual precipitation is 57.5 inches, and the average annual temperature is 65.8° Fahrenheit. Within one-mile of the Bank boundary, approximately 5.4% of the land use is developed, the remaining land uses consist of forests, woody wetlands, scrub-shrub herbaceous habitats, or agriculture.

The Bank is in the South-Central Plains (35) Level 3 Ecoregion and the Flatwoods (35f) Level 4 Ecoregion. Approximately 63% of the Bank area is within the FEMA designated Flood Zone A or 100-year floodplain of Hollis Marsh.

The natural topography slopes (< 1%) from north to south and eventually drains into the Hollis marsh stream channel. Natural elevation ranges from about 41 feet to above 58 feet North American Vertical Datum above sea level.

The Bank consists primarily of habitat dominated by pioneer and invasive woody species which are comprised of Chinese tallow and loblolly pine that has encroached from adjacent pine plantations. Tree density varies throughout the Bank, depending on hydrology, soil type, landscape position, and prior timber removal.

The portions of the Bank with woody vegetation communities generally occur on elevations with temporarily to seasonally flooded/saturated hydrologic conditions. These woody areas are dominated by loblolly pine and Chinese tallow. Common shrubs in this vegetation community include wax myrtle (*Morella cerifera*) along with small seedlings of the dominant tree species. Common ground cover species include Indian wood-oats (*Chasmanthium latifolium*), narrow-leaf carpet grass (*Axonopus fissifolius*), wooly rosette grass (*Dichanthelium scabriusculum*), Florida crown grass (*Paspalum floridanum*) and greater bladder sedge (*Carex intumescens*).

The more herbaceous to slightly shrubby wetland portions of the Bank are dominated by the following species: narrow-leaf carpet grass, wooly rosette grass, pineland beak sedge (*Rhynchospora perplexa*), slender fimbry (*Fimbristylis autumnalis*), and bushy bluestem (*Andropogon glomeratus*). Within the wettest portions of this habitat type, the following species were commonly observed: marsh mermaidweed (*Proserpinaca palustris*), coastal-plain yellow-eyed-grass (*Xyris ambigua*), and swamp smartweed (*Polygonum hydropiperoides*). Throughout the Bank, the shrub layer is dominated by Chinese tallow, loblolly pine, and wax myrtle.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has verified the wetland delineation. The applicant's plans are enclosed in 243 sheets.

PRELIMINARY REVIEW OF SELECTED FACTORS:

EIS DETERMINATION - A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

COASTAL ZONE MANAGEMENT – The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

WATER QUALITY – N/A, a WQC is not required for MBI approval.

Essential Fish Habitat – The Project is not located in Essential Fish Habitat (EFH). Therefore, Corps preliminary determination indicates the proposed activity would not adversely affect EFH. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

NATIONAL REGISTER OF HISTORIC PLACES – The staff archaeologist has not reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: A desktop and literature assessment were conducted for the Project in November 2023 that included a review of the Texas Historical Commission (THC)'s Texas Archeological Sites Atlas (Atlas) online database and the National Register of Historic Places (NRHP) database to identify previously recorded cultural resource sites, historic structures, properties listed in the NRHP, designated historic districts, or State Antiquities Landmarks (SAL). Previously recorded cultural resource site forms, reports of archaeological investigations, general historical documents, and secondary sources concerning the background of the area were

reviewed. The records search included a review of all previously recorded site forms, cemetery data, and surveys on file within a 1.0-mi (1.6-km) review radius of the Project. In addition to a records and literature search, soil data, USGS 7.5-minute topographic quadrangles, aerial photographs, and contemporary geologic and physiographic features were also examined.

The background review revealed that no previously recorded archeological sites, cemeteries, or National Register Districts are mapped within the Project area. The background review further revealed that no previously recorded archeological sites, cemeteries, or historic districts or structures are mapped within the broader 1.0-mi (1.6-km) review radius. One linear survey is mapped within the review radius. A copy of the desktop assessment is provided in Appendix C in the enclosed Prospectus.

THREATENED AND ENDANGERED SPECIES – Preliminary indications are that no known threatened and/or endangered species, or their critical habitat will be affected by the proposed work.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps 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: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. 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 if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. 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 **6 May 2024**. 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 reference our file number, **SWG-2018-00425**, and should be submitted to:

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