



Public Notice

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

Galveston District

Permit Application No: SWG-2022-00418

Date Issued: 12 December 2024

Comments

Due: 13 January 2025

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: Old Salem Development, LLC
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LOCATION: The proposed 1,188.4-acre project is located in Newton County, Texas within the Lower Sabine Subbasin and located in the South-Central Plains Level III Ecoregion. The proposed mitigation bank is bound to the east by the Sabine River, and the entire bank is within the floodplain of the Sabine River. The project is located in the U.S.G.S. 7.5' quadrangle map entitled: Bancroft, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.544064 North; **Longitude:** -93.742801 West

PROJECT DESCRIPTION: The applicant proposes to enhance and preserve 1,188.4-acre riverine forested wetlands within the proposed mitigation bank named the Golden Triangle Mitigation Bank (GTMB). The Sponsor is proposing the enhancement and preservation of riverine forested wetlands within the Lower Sabine Watershed USGS Hydrologic Unit Code 12040204 and South-Central Plains Level III Ecoregion 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 GTMB 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. The proposed bank site is located on a nearly flat floodplain adjacent to the Sabine River. Meandering closed contours symbolized as swamp suggest the Sabine River has historically formed sloughs across the site. The most prominent of these sloughs is symbolized as open water habitat and labeled Pecan Lake. On-site aquatic features appear to drain towards the Sabine River, located along the eastern boundary of the proposed mitigation bank. However, frequent backwater flooding by the Sabine is also evident and appears to create a dynamic direction of flow.

Approximately half of the mitigation bank has been impacted by past silvicultural activities. This includes clear-cut harvesting, as well as timber thinning. These silvicultural activities were conducted by the previous landowner over five years ago.

Intact cypress/tupelo riverine forested wetland habitat on-site is typically located on prominent slough landforms and is dominated by mature baldcypress (*Taxodium distichum*) and water tupelo (*Nyssa aquatica*). Carolina ash (*Fraxinus caroliniana*) also dominates the tree stratum in some areas, while the midstory typically includes sparse amounts of deciduous holly (*Ilex decidua*). Cypress/Tupelo riverine forested wetland habitat impacted by past silvicultural activities have very few woody species which have regenerated to sapling size, and the habitat is now predominately vegetated by a relatively high percentage of herbaceous wetland species. Typical emergent woody species include bald-cypress (*Taxodium distichum*) and buttonbush (*Cephalanthus occidentalis*), with black willow (*Salix nigra*) and water elm (*Planera aquatic*) in lesser amounts. Typical herbaceous species include tall flat sedge (*Cyperus eragrostis*), ovate false fiddle-leaf (*Hydrolea ovata*), fall panic grass (*Panicum dichotomiflorum*), swamp smartweed (*Persicaria hydropiperoides*), and short-bristle horned beak sedge (*Rhynchospora corniculata*).

Bottomland Hardwood Forest riverine forested wetland habitat is typically located on undulating floodplain landforms and is dominated by a diverse mixture of mature hardwood species including Carolina ash (*Fraxinus caroliniana*), sweetgum (*Liquidambar styraciflua*), laurel oak (*Quercus laurifolia*), overcup oak (*Quercus lyrata*), willow oak (*Quercus phellos*) and baldcypress (*Taxodium distichum*). Bottomland Hardwood Forest riverine forested wetland habitat impacted by past silvicultural activities is most often dominated by sweetgum (*Liquidambar styraciflua*) and Chinese tallow (*Triadica sebifera*), with river birch (*Betula nigra*) co-dominating in some areas.

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 and iHGM. The applicant's plans are enclosed in 142 sheet Prospectus.

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: Stone Point Services, LLC conducted a Desktop Archeological and Historic Resources Review of the proposed mitigation bank site. Based on a review of the Texas Archeological Sites Atlas and the NRHP database, one NRHP-listed property (West Log House), no archaeological sites, and four archaeological surveys have been recorded within one mile of the Subject Property. However, there are no NRHP-listed properties, archaeological sites, or previous archaeological surveys recorded within the proposed GTMB.

A copy of the desktop assessment is provided in Appendix E 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 **13 January 2025**. 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-2022-00418**, and should be submitted to:

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