

5.2 Compensatory Mitigation Requirement

TxDOT proposes to purchase compensatory mitigation credits from a third-party bank to offset the environmental losses that would result from the proposed Project.

5.3 Type and Location of Compensatory Mitigation

To offset the environmental losses that would result from the Project, TxDOT proposes to purchase compensatory mitigation credits from the proposed Rockhands Mitigation Bank (SWG-2025-00405), in accordance with the 2008 Compensatory Mitigation Rule. The proposed Rockhands Mitigation Bank is in the Draft Mitigation Banking Instrument Phase of mitigation bank development and is anticipated to have a sufficient number of credits available by early 2026. The proposed Rockhands Mitigation Bank is located immediately north of SH 4 within the South Laguna Madre Tidal Service area and will include a combination of wind-tidal flat credits, mangrove forest credits, and emergent wetland credits. TxDOT proposes to purchase wind-tidal flat credits, mangrove forest credits, and emergent wetland credits from the Rockhands Mitigation Bank to offset the 3.216 acres of wind-tidal flat impacts, 0.789 acres of scrub-shrub wetland impacts, and 24.090 acres of emergent wetland impacts. No mitigation is proposed for the 0.004 acres of impacts to the open water canal that would result from the Project.

5.4 Amount of Compensatory Mitigation

As part of the Mitigation Banking Instrument Phase for the Rockhands Mitigation Bank, the USACE requested that the Uniform Mitigation Assessment Method (UMAM) is performed to determine the amount of mitigation credits available from the bank. TxDOT is in the process of completing UMAM forms for the aquatic resources that would be impacted by the Project and will provide these to the Corps upon completion to determine the amount of mitigation credits needed to offset the proposed Project impacts.

Proposed Out-of-Kind Credit Multiplier

Should sufficient in-kind mitigation credits not be available for purchase, TxDOT proposes to apply an out-of-kind multiplier to increase the amount of compensatory mitigation credits provided for the aquatic resource losses resulting from the Project. The appropriate out-of-kind multiplier will be determined on a case-by-case basis by the USACE.