



Public Notice

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

Permit Application No: SWG-2020-00693
Date Issued: 9 February 2023
Comments Due: 13 March 2023

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a **MITIGATION BANK** proposal for work (PROSPECTUS) 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.

APPLICANT: CALL JUNCTION MITIGATION HOLDINGS, LLC
C/O Eco-Capital Advisors, LLC
3414 Peachtree Rd NE, Suite 990
Atlanta, Georgia 30326
POC: Brian Normanly
Telephone: 770-820-8270
Email: Normanly@Ecocapitaladvisors.com

AGENT: CONSERVATION EQUITY PARTNERS, LLC
P.O. Box 5121
San Angelo, Texas 76902
POC: Tamara Wood
Telephone: 936-404-3819
Email: tamara@conservationep.com

LOCATION: The 65-acre site is located along an unnamed tributary of Trout Creek, approximately 1 mile east of the intersection of HWY 96 and FM 82, and 1 mile east of the City of Kirbyville in Jasper County, Texas. It can be located on the USGS 7.5-minute quadrangle map entitled: KIRBYVILLE, TEXAS.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.646086° North; Longitude: -93.885575° West

PROJECT DESCRIPTION: The sponsor proposes the establishment and operation of a 65-acre mitigation bank named the Call Junction Mitigation Bank. The sponsor's plan is to restore and enhance 7,665 linear feet of intermittent streams and 48.6 acres of riparian buffer habitat. The proposed work is within the Sabine River watershed, within the USGS Hydrologic

Unit Code (HUC) 12010005 (Lower Sabine) and is proposed to serve as compensatory mitigation for unavoidable, permitted impacts to waters of the United States within the watershed.

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 project site is currently best described as agricultural land (in grazing & hay production) with impaired streams and wetland riparian buffer communities. Three (3) unnamed tributaries to Trout Creek converge within the project site, before flowing northeast and eventually merging with Big Cow Creek, a major tributary to the Sabine River. Historic ranch management practices have resulted in the removal of virtually all woody vegetation buffering the unnamed tributaries and a corresponding exposure of stream channels to direct sunlight. Unrestricted, continual grazing and mowing practices have resulted in increased erosion, deeply incised channels, increased sedimentation loads, and reduced water quality. Current habitat onsite is described as farmed wetlands with improved pasture dominated by Bermuda grass (*Cynodon dactylon*), Bahia grass (*Paspalum notatum*), smut grass (*Sporobolus indicus*), and Vasey's grass (*Paspalum urvillei*). Woody vegetation occurring only along the primary tributary consists of isolated Chinese tallow tree (*Triadica sebifera*) and black willow (*Salix nigra*), with an occasional water oak (*Quercus nigra*).

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 received but not yet finalized the verified the wetland delineation or the functional assessment. The applicant's prospectus and associated documents are enclosed.

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 Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS:

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

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant has not yet reached out to the Texas Commission on Environmental Quality to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

Project is within the area of interest for the following Tribes: the Alabama Coushatta Tribe of TX, the Alabama-Quassarte Tribal Town, the Apache Tribe of OK, the Caddo Nation of OK, the Choctaw Nation of OK, the Coushatta Tribe of LA, the Delaware Nation, the Kiowa Indian Tribe of OK, the Northern Arapaho Tribe, the Tonkawa Tribe of OK, the Wichita and Affiliated Tribes and the Jena Band of the Choctaw Indians. Based upon the review of the staff tribal liaison, the activities being permitted by the Corps are either of such limited nature and scope that they have no potential to affect resources of concern to the Native American Tribes or are in areas that have been so extensively impacted by farming and other agricultural activities that there is no potential for resources of concern to the Native American Tribes to exist within the permit area.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information relative to this proposed project. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: The activities being permitted by the Corps are either of such limited nature and scope that they have no potential to affect historic properties or are in areas that have been so extensively impacted by farming and other agricultural activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat that 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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 March 2023**. 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 file number **SWG-2020-00693**, and should be submitted to:

Mitigation Banking Program
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U.S. Army Corps of Engineers-SWG
2000 Fort Point Road
Galveston, Texas 77550
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS