



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

Public Notice

Applicant:	AP DuPont LP
Project No.:	SWF-2017-00393
Date:	August 16, 2018

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. Joseph L. Shelnett, Project Manager
Phone Number:	817-886-1738

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 Las Lomas Mitigation Bank (LLMB), a mitigation bank located west of Terrell, Texas in Kaufman County.

APPLICANT: AP DuPont LP
c/o Jay Anthony, Ross Anthony, Principals
12770 Coit Road, Suite 970
Dallas, Texas 75251

APPLICATION NUMBER: SWF-2017-003983

DATE ISSUED: August 16, 2018

LOCATION: The Las Lomas Mitigation Bank (LLMB) would be located in Kaufman County, mostly within the city of Terrell's extraterritorial jurisdiction. The center of the bank is located at UTM coordinates Zone 14, 747102 meters East and 3623443 meters North, as mapped on the Forney South and Terrell South 7.5-minute USGS quadrangle maps. The bank is within the USGS Hydrologic Unit 12030107. The bank is located within the Upper Trinity watershed.

PROJECT DESCRIPTION: The Bank Sponsor would restore and permanently protect approximately 83,000 linear feet of ephemeral stream and 55,900 linear feet of intermittent stream with their associated restored riparian buffers. The following figures depict the LLMB site: Figure 1 - Topographic Map (Forney South and Terrell South Quadrangles); Figure 2 - Aerial Imagery; Figure 3 - Existing and Proposed Waters of the U.S.; Figure 4 - Service Area Map; Figure 5 - Soil Map; and Figure 6 - Flood Hazard Map.

The purpose of the LLMB is to provide potential permittees with mitigation credits needed to compensate for unavoidable impacts to waters of the U.S. within the proposed service areas in accordance with the Mitigation Banking Guidelines (CES-10-MIT, dated June 16, 2011 and CESWF-12-MITB, dated July 5, 2016) and the Stream Mitigation Method (SWF-2011-00078, dated October 2, 2013). The Sponsor is proposing primary, secondary, and tertiary service areas, all within the Upper Trinity River basin, for the proposed bank as depicted on Figure 3. The proposed primary service area consists of the Cedar sub-basin which has the 8-digit Hydrologic Unit Code (HUC) 12030107. The Cedar sub-basin includes parts of Kaufman, Van Zandt, Rockwall, and Henderson Counties. The proposed secondary service area consists of the Level III Ecoregion Texas Blackland Prairie contained within the adjoining HUCs, which includes portions of Freestone, Navarro, Limestone, Ellis, Dallas, Kaufman, Rockwall, Collin, Grayson, Fannin, and Hunt Counties. The tertiary service area consists of areas within adjacent 8-digit HUCs and within the East Texas Central Plains Level III Ecoregion. The tertiary service area includes portions of Kaufman, Ellis, Navarro, Henderson, Anderson, Freestone, Leon, and Houston Counties.

The LLMB property is 4,507 acres in size, is presently operated as a cattle ranch, and has been historically managed for agriculture (row crops) and cattle. Currently, the property includes 2 acres of emergent wetland, 2 acres of forested wetland, 1 acre of scrub/shrub wetland, 55,900 linear feet (lf) of intermittent stream, 80,000 lf of ephemeral stream, 63 acres of impoundments, and a limited amount of disconnected (isolated) stream features and/or non-jurisdictional vegetated swales which were likely historically connected jurisdictional stream features. The proposed LLMB project would provide 83,000 lf of ephemeral stream enhancement or restoration and 55,900 lf of intermittent stream enhancement or restoration. Total restored/enhanced stream length proposed for mitigation credit would be 138,900 lf. “Restored” reaches are those that would increase in length (i.e. include new areas of aquatic resources) primarily due to rerouting of straightened channels with appropriate patterns of meanders. “Enhanced” stream reaches refers to those reaches where the length of the existing stream channel would not change, but other in-channel work may occur to increase stream function. Bank streams and associated riparian buffers would be protected in perpetuity through a conservation easement administered by a 501(c)(3) land trust. The goal of LLMB is to restore degraded streams to an improved condition similar to an appropriate reference stream. The proposed restoration would be designed to increase aquatic function of the subject streams, wetlands, and riparian areas. The project’s success would be determined by measurable outcomes (performance standards) as specified in the project’s Mitigation Banking Instrument (MBI). The performance standards would be quantifiable, objective, and verifiable attributes that can be measured or assessed in a practicable manner at the end of the proposal’s project period. Achievable improvements in stream condition would be based on a reference streams and riparian areas. Reference areas would be selected for their high quality and sustainable stream geomorphology and diverse, mature native tree population. Specifically, the hydraulic and geomorphic functions of the project site's streams would be evaluated on a reach basis but will specifically include the following:

- Connect the stream to its floodplain by reducing bank height ratios and increasing the entrenchment ratio.
- Improve stream stability and reduce erosion by restoring streams to their appropriate pattern and dimension.
- Improve in-stream habitat by restoring riffle-pool morphology and installing woody structures and varying habitat features.
- Improve buffer canopy cover, diversity, and wildlife value by planting trees, including hard-mast producing species.
- Establish 300-foot stream buffers and improve vegetative composition by controlling the invasive exotics by pretreatment, removal during construction, and implementing an invasive species control plan.

Stream and buffer restoration and enhancement will be guided by conditions within appropriate reference reaches. Increased function will be measured using the Texas Rapid Assessment Method 2.0 conditional assessments of the restored and reference streams. A mitigation banking instrument (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). 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, short and long-term financial assurances, scope of agreement, purpose and goals of the bank, baseline conditions, performance standards for restoration and 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, U.S. Fish and Wildlife Service, Texas Commission on Environmental Quality, Railroad Commission of Texas, and Texas Parks and Wildlife Department 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 Department of the Army Authorization under Section 404 of the Clean Water Act.

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 a county where the Whooping Crane (*Grus americana*), Piping Plover (*Charadrius melodus*), Interior Least Tern (*Sternum antillarum*), and the Red Knot (*Calidris canutus rufa*) are known to occur or may potentially occur. The Whooping Crane and Interior Least Tern are endangered species and the Piping Plover and Red Knot are threatened 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. However, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit. The identification of any potential archaeological, cultural or architectural objects during bank construction will prompt an immediate cessation of construction. USACE is requiring a thorough literature review of the entire project area with a survey recommendation.

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.

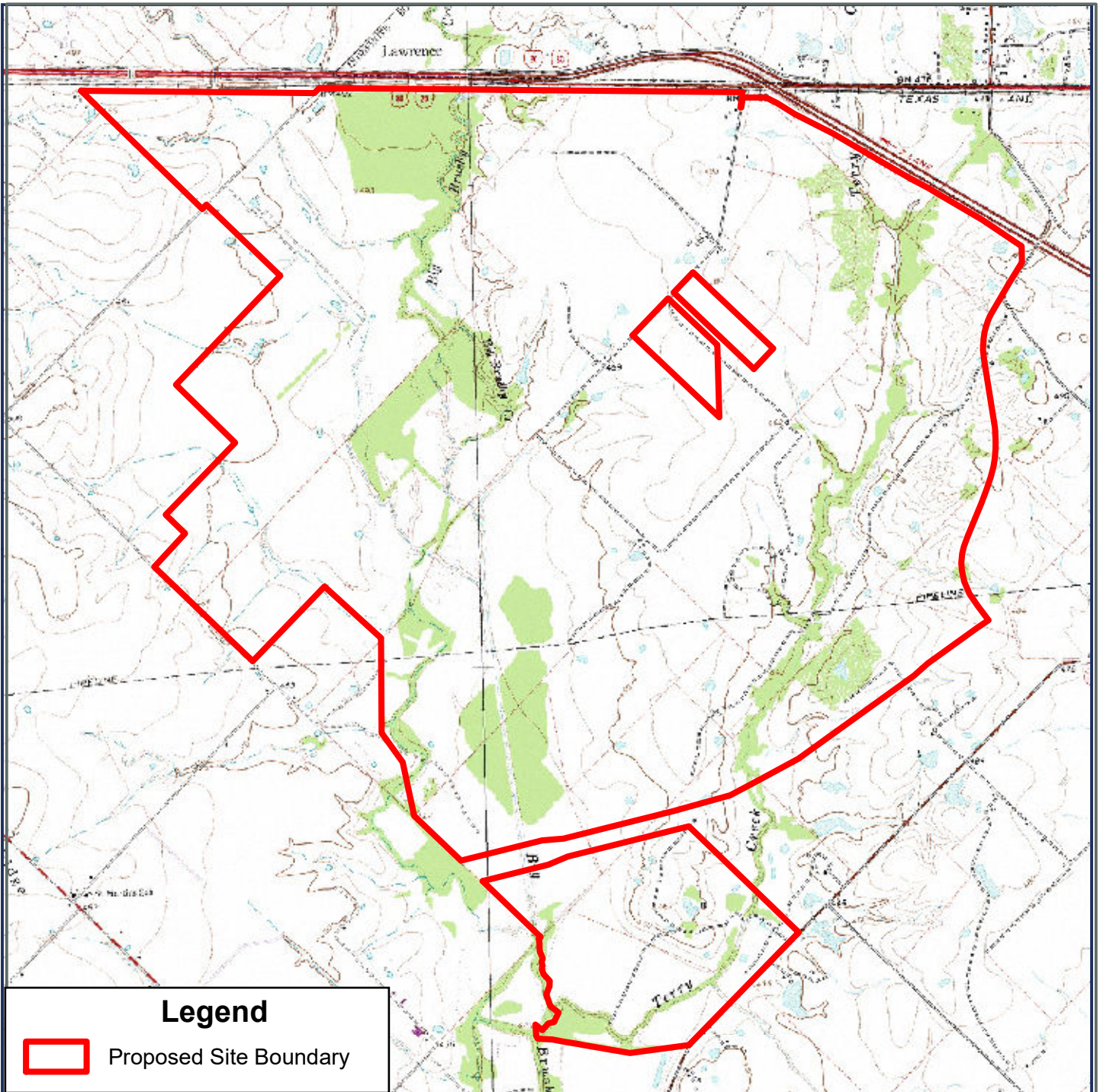
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to allow the public an opportunity to comment on this bank proposal and to assist the USACE and other members of the IRT in developing the final MBI. For accuracy and completeness of the record, 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.

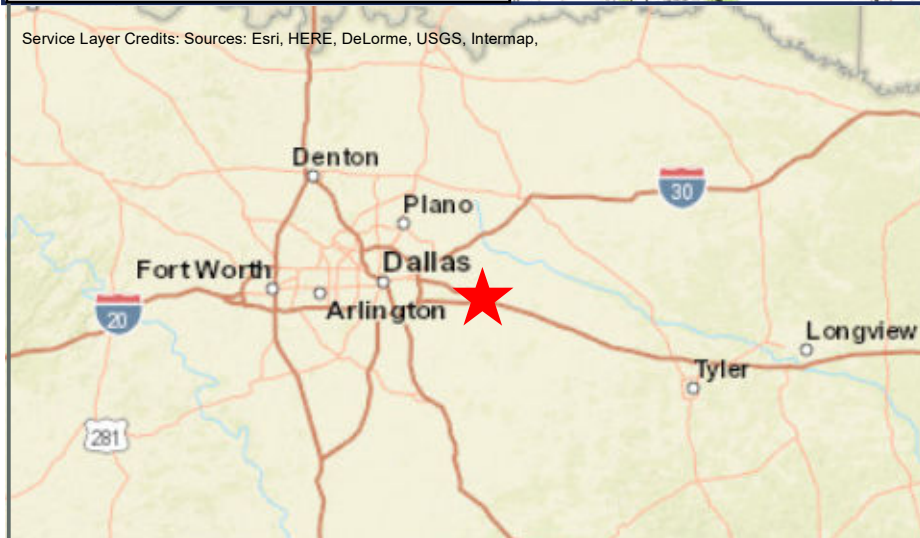
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before Monday, September 17, 2018, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. 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. Joseph L. Shelnett; Regulatory Division, CESWF-DE-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) 886-1738. 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

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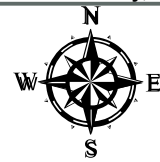
Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap,



Topographic Map

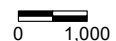
Las Lomas Mitigation Bank
SWF-2017-00393
AP DuPont LP
Kaufman County, Texas

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Approved
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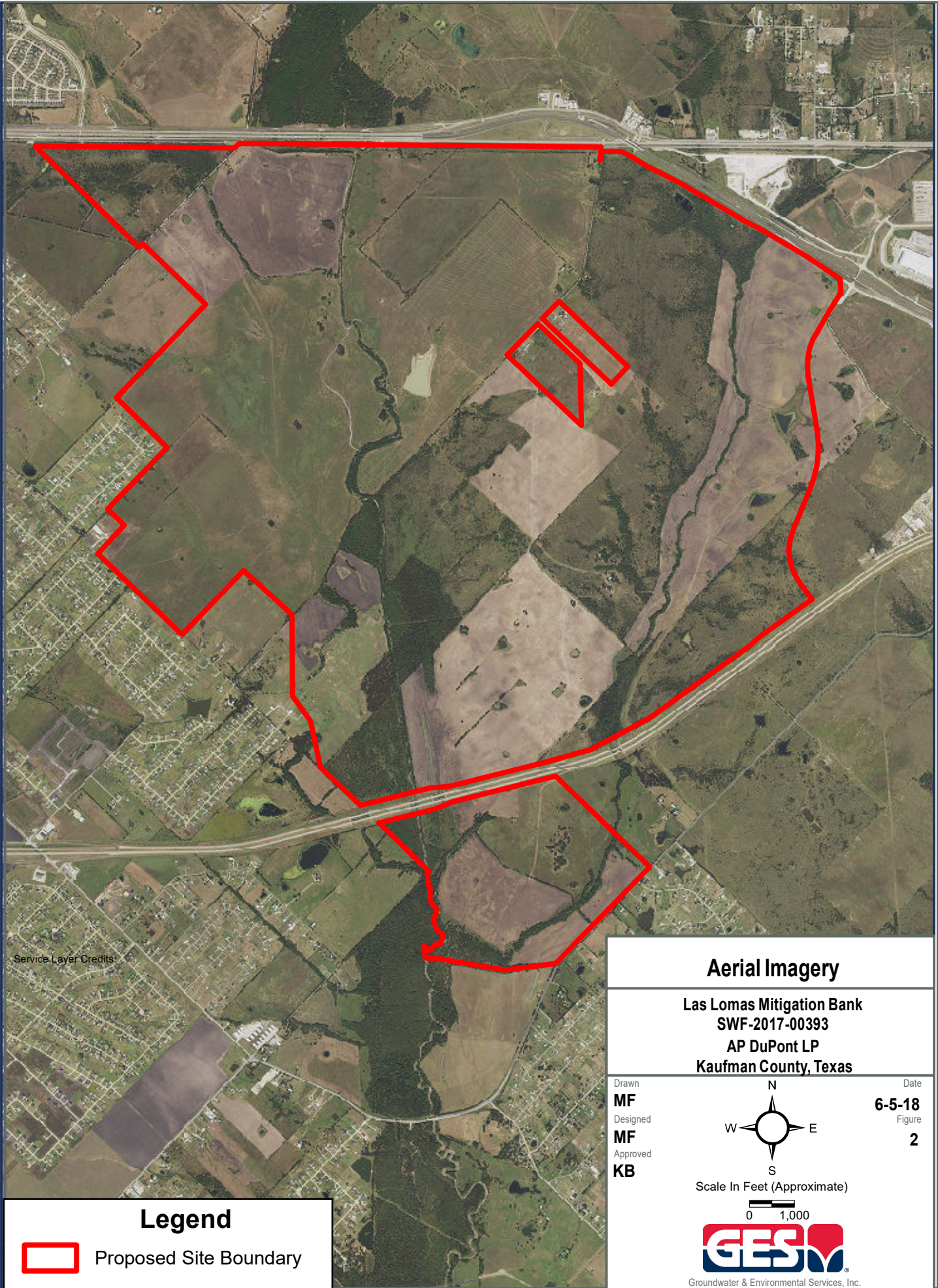
Date
6-5-18
Figure
1

Scale In Feet (Approximate)




Groundwater & Environmental Services, Inc.

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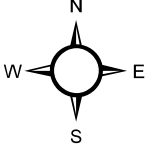


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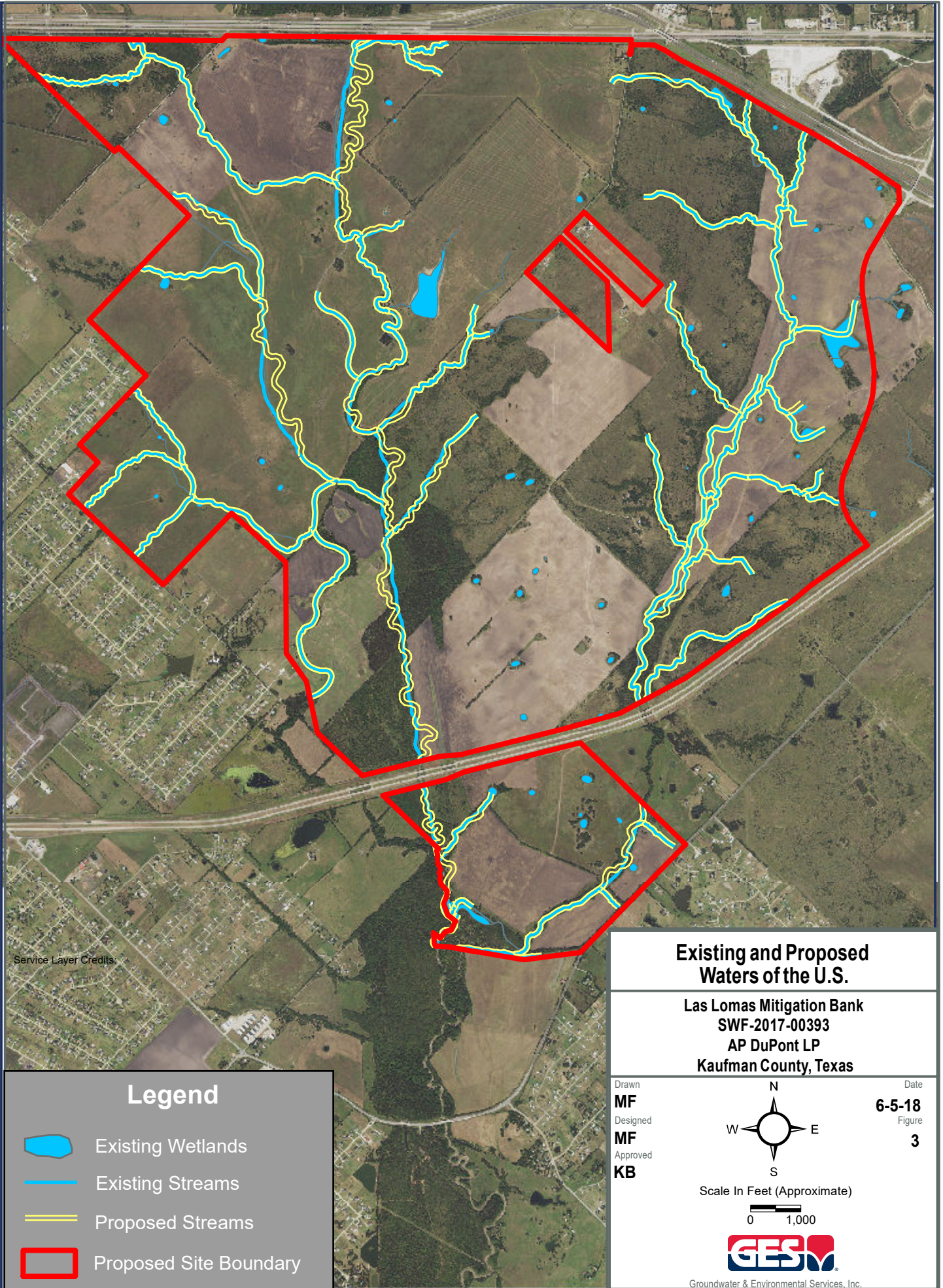
 Proposed Site Boundary

Aerial Imagery

Las Lomas Mitigation Bank
SWF-2017-00393
AP DuPont LP
Kaufman County, Texas





Drawn MF	 Scale In Feet (Approximate)   Groundwater & Environmental Services, Inc.	Date 6-5-18
Designed MF		Figure 2
Approved KB		

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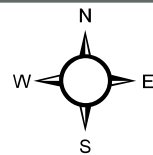
Legend

-  Existing Wetlands
-  Existing Streams
-  Proposed Streams
-  Proposed Site Boundary

Existing and Proposed Waters of the U.S.

Las Lomas Mitigation Bank
 SWF-2017-00393
 AP DuPont LP
 Kaufman County, Texas

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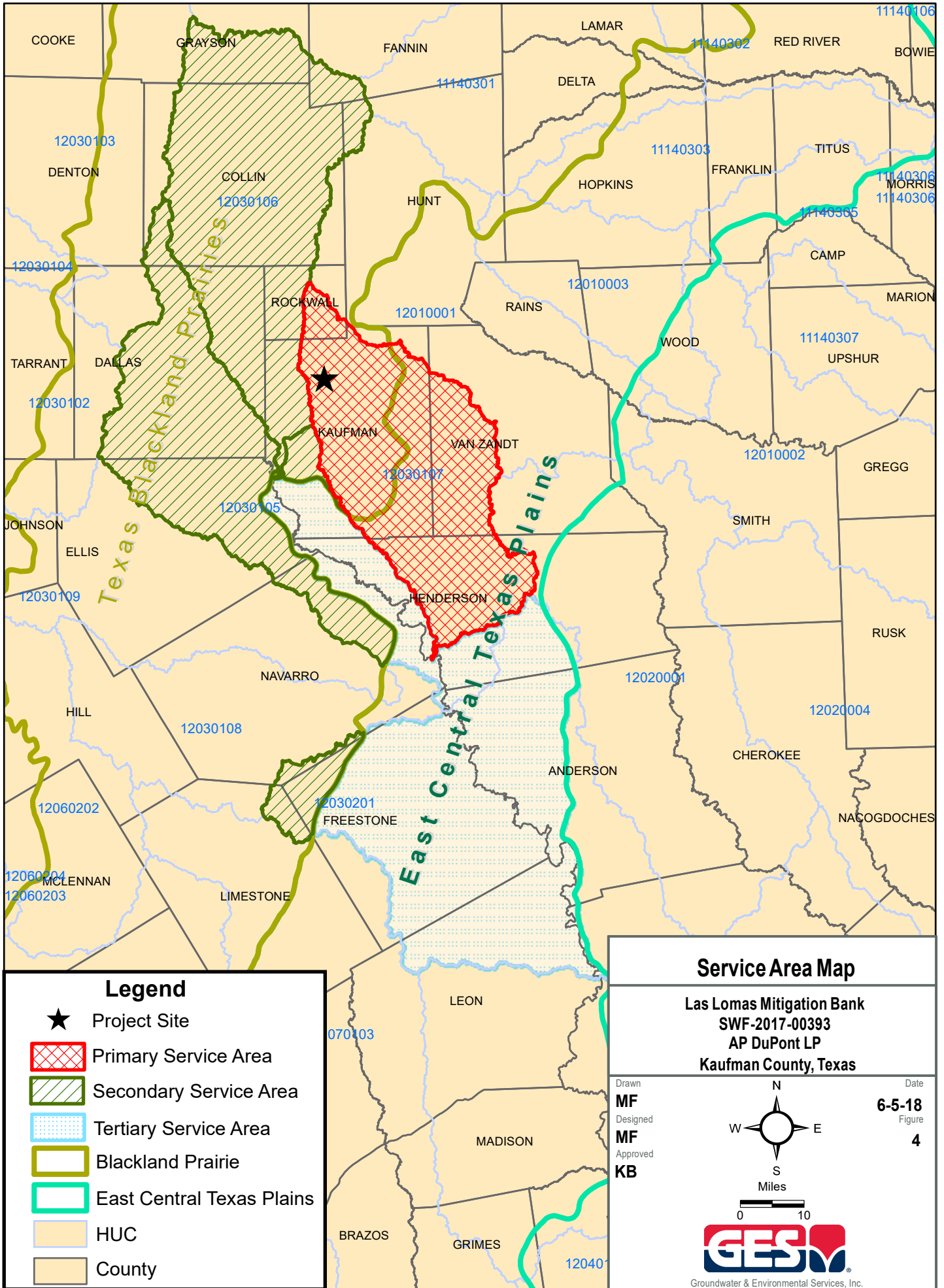
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


Groundwater & Environmental Services, Inc.

D:\Anthony Properties\GIS\Fig 4 Service Area Map.mxd - Scale 1:1,250,000 - 6/5/2018 6:18:42 PM - MForbes - NAD 1983 StatePlane Texas North Central FIPS 4202 Feet



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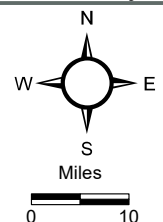
- ★ Project Site
-  Primary Service Area
-  Secondary Service Area
-  Tertiary Service Area
-  Blackland Prairie
-  East Central Texas Plains
-  HUC
-  County

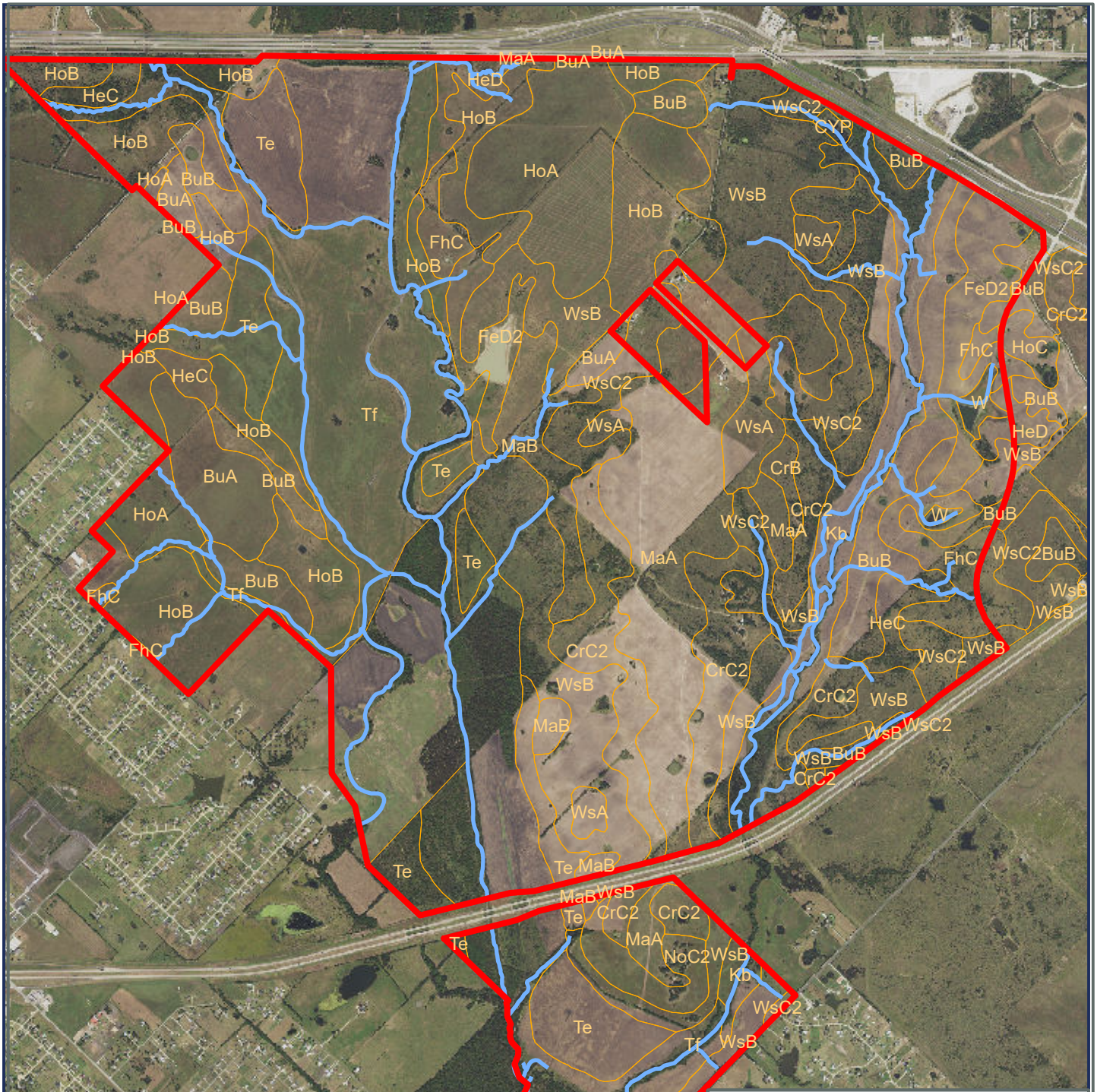
Service Area Map

Las Lomas Mitigation Bank
 SWF-2017-00393
 AP DuPont LP
 Kaufman County, Texas

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 Figure
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Legend

- Te Soil Classification
- Existing Streams
- Proposed Site Boundary

Soil Map

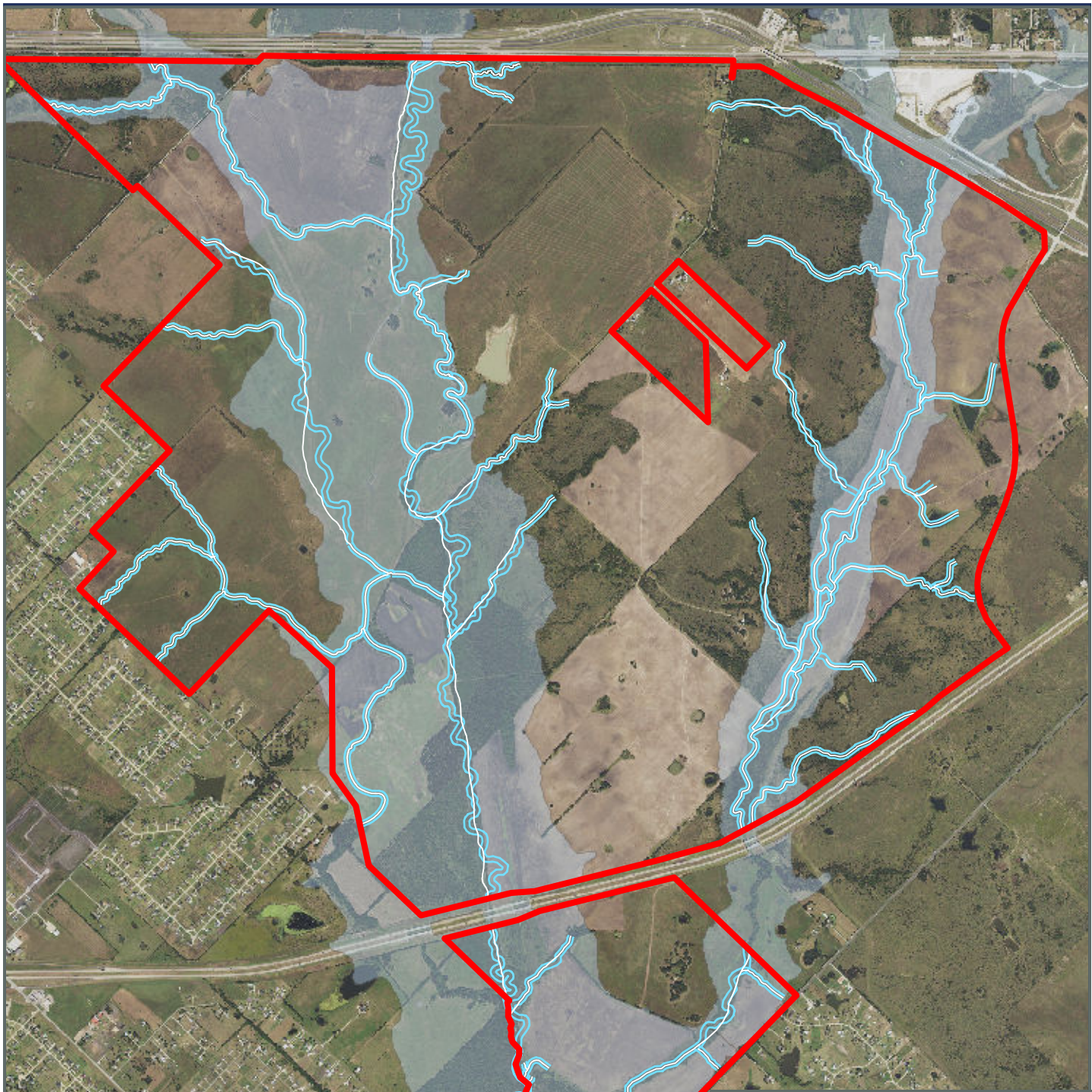
Las Lomas Mitigation Bank
 SWF-2017-00393
 AP DuPont LP
 Kaufman County, Texas

Drawn MF Designed MF Approved KB	Date 6-5-18 Figure 5
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Scale In Feet (Approximate)





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Groundwater & Environmental Services, Inc.



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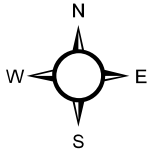
Legend

-  100-Year Flood Hazard
-  Existing Streams
-  Proposed Streams
-  Proposed Site Boundary

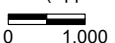
Flood Hazard Map


**Las Lomas Mitigation Bank
SWF-2017-00393
AP DuPont LP
Kaufman County, Texas**

<p>Drawn MF</p> <p>Designed MF</p> <p>Approved KB</p>	<p>Date 6-5-18</p> <p>Figure 6</p>
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Scale In Feet (Approximate)





Groundwater & Environmental Services, Inc.