



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
2488 East 81ST Street
Tulsa, Oklahoma 74137-4290

SWT-2019-218
Public Notice No.

May 6, 2019
Public Notice Date

June 6, 2019
Expiration Date

PURPOSE

The purpose of this public notice is to inform you of a proposal for work in which you might be interested and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

SECTION 10

The U.S. Army Corps of Engineers is directed by Congress through Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 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 through Section 404 of the Clean Water Act (33 U.S.C. 1344) to regulate the discharges of dredged and fill material into all waters of the United States. These waters include lakes, rivers, streams, mudflats, sandflats, sloughs, wet meadows, natural ponds, and wetlands adjacent to other waters. The intent of the law is to protect these waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity.

NOTICE TO PUBLISHERS

This public notice has been provided as a public service and may be reprinted at your discretion. However, any cost incurred as a result of reprinting or further distribution shall not be a basis for claim against the Government.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81 ST. STREET
TULSA, OKLAHOMA 74137-4609

**THIS NOTICE ANNOUNCES A PROPOSED PROSPECTUS FOR THE
ESTABLISHMENT OF A MITIGATION BANK IN OKLAHOMA**

AUTHORITY: Pursuant to the Final Rule for the Compensatory Mitigation for Losses of Aquatic Resources, referred to as the Mitigation Rule (33 CFR Parts 325 and 332, and 40 CFR Part 230), dated April 10, 2008; this notice announces a prospectus submitted for the establishment of a Mitigation Bank (MB) within the State of Oklahoma.

MITIGATION BANK (SPONSOR): Mr. Jack Dunnavant
Green Country Wetland Mitigation, L.L.C.
Post Office Box 132
Carthage, Texas 75633

CO-SPONSER: Mr. Jason Huffman
Hoffman Environmental, Inc.
Post Office Box 452
Sulphur Springs, Texas 75483

PROJECT LOCATION: The proposed "Honey Springs Mitigation Bank" (HSMB) is comprised of two locations. Site 1 (Elk Creek Tract) is located at Latitude: 35.526100 and Longitude: -95.508244, approximately 0.5 miles west of Rentiesville, in McIntosh County, Oklahoma. Site 2 (Old Field Tract) is located at Latitude: 35.354485 and Longitude: -95.569892, approximately 4.5 miles northwest of Rentiesville, in McIntosh County, Oklahoma.

PURPOSE AND PROPOSED DESCRIPTION: The prospectus outlines the proposal for developing and operating the MB, which is known as the banking instrument. After public comments are received and any issues are resolved on the prospectus, Green Country Wetland Mitigation, L.L.C. will submit a draft banking instrument to the District Engineer of the Tulsa District. The District Engineer will then distribute the draft banking instrument to the Interagency Review Team (IRT), which is made up of the U.S. Army Corps of Engineers and the pertinent state and Federal resource agencies. The IRT will review the banking instrument and coordinate with Green Country Wetland Mitigation, L.L.C. on any issues until a final banking instrument is completed. Finally, the District Engineer will review the final instrument and make a decision to approve or not approve.

The primary purpose of this MB is to mitigate for unavoidable impacts to streams and wetlands authorized under Section 404 of the Clean Water Act. The HSMB goal is to restore stream and wetland functions and values within the mitigation bank areas. The proposed MB consists of two sites totaling approximately 168.4 acres in size and is primarily undeveloped rural land located in the Central Irregular Plains Ecoregion of Oklahoma. McIntosh County has a humid, subtropical climate characterized by relatively high rainfall (average 45 inches per year). The growing season in McIntosh County spans from March to November, approximately 216 days.

In Site 1 the applicant proposes to enhance approximately 4,472 linear feet (lf) of ephemeral streams, approximately 9,017 lf of intermittent, restore approximately 14.6 acres of riparian corridors, enhance 19.0 acres of emergent wetlands, enhance 4.6 acres of scrub shrub wetlands, and enhance and/or restore 40.7 acres of upland prairie buffer habitat, including creating stable meandering channels, and replacing low quality and undesirable species with a diversity of native plants with improved wildlife value.

In Site 2 the applicant proposes to enhance approximately 3,711 lf of ephemeral streams, approximately 1,637 lf of intermittent, approximately 3,117 lf of perennial streams, restore 6.1 acres of riparian corridors, restore and/or enhance 60.8 acres of forested wetlands, and enhance and/or restore 17.8 acres of upland prairie and forest buffer habitat, including creating stable meandering channels, and replacing low quality and undesirable species with a diversity of native plants with improved wildlife value.

In the restoration and enhancement areas on both sites, Green Country Mitigation, L.L.C. proposes to plant the appropriate species mixture of bottomland hardwoods during the standard planting season (December to March). Seedlings, within restoration areas, will be planted on 12- by 12-foot spacings, for a standard density of at least 302 seedlings per acre. Seedlings, within enhancement areas, will be planted on 14- by 14-foot spacing, for a standard density of at least 225 seedlings per acre.

The proposed MB site lies within the Dirty-Greenleaf Watershed 8-digit (11110102) hydrologic unit code as designated by the U.S. Geological Survey. Green Country Wetland Mitigation, L.L.C. proposes that the primary geographic service area for the MB include eastern Oklahoma for both wetlands and streams. The location and general plan for the proposed work are shown on the enclosed sheets, 1 through 3.

INTERAGENCY REVIEW TEAM: Pursuant to 33 CFR 332.8(b)(1)-(3), an interagency group of Federal, State, and/or local regulatory and resource agency representatives will review the prospectus, instrument, and other appropriate documents and provide comments to the District Engineer. The IRT consists of representatives of the Corps (chair), U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), Natural Resources Conservation Service (NRCS), Oklahoma Department of Environmental Quality (ODEQ), Oklahoma Department of Wildlife Conservation (ODWC), and the Oklahoma Conservation Commission (OCC).

The sponsor is responsible for preparing all documentation associated with establishment of the MB, including the prospectus, instrument, and other appropriate documents, such as mitigation plans for a MB. The prospectus provides an overview of the proposed MB and serves as the basis for public and initial IRT comment. For a MB, the mitigation plan, as described in 33 CFR 332.4(c), provides detailed plans and specifications for the MB site. The instrument provides the authorization for the MB to provide credits to be used as compensatory mitigation for future Corps permits.

The proposed prospectus is complete in accordance with the Mitigation Rule and includes geographic service areas, accounting procedures, and legal responsibilities (proposed ownership and long-term management).

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the ODEQ in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period and a public hearing, if held, a determination relative to water quality certification will be made. Evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps permit.

CULTURAL RESOURCES: The DE is responsible to ensure compliance with the National Historic Preservation Act of 1966 (NHPA) (Public Law 89-665), as amended, and other cultural resources laws and Executive Orders. A preliminary review has been completed of the state's records for the presence of sites included in, or eligible for, inclusion in the National Register of Historic Places, as well as the Oklahoma Landmark Inventory Database. Based on the preliminary information, there may be historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area. The Corps will comply with the NHPA to resolve any potential effects.

ENDANGERED SPECIES: The following federally listed species are known to occur in the vicinity or are listed for the county in which the proposed action is located: Northern long-eared bat (*Myotis septentrionalis*), Least tern (*Sterna antillarum*), Piping plover (*Charadrius melodus*), Red knot (*Calidris canutus rufa*), and American burying beetle (*Nicrophorus americanus*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies. The IPAC consultation numbers are 02EKOK00-2019-SLI-1873 and 02EKOK00-2019-SLI-1872. We are currently assessing the potential effects of the proposed action on these species and will comply with the Endangered Species Act with regard to any effect of our decision on this permit application.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work would adversely impact the floodplain.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit 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, including the cumulative effects thereof: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownerships, and, in general, the needs and welfare of the people. A permit will be denied if the discharge does not comply with the Environmental Protection Agency's 404(b)(1) Guidelines. Subject to the 404(b)(1) Guidelines and any other applicable guidelines or criteria, a permit will be granted unless the DE determines that it would be contrary to the public interest.

PLANS AND DATA: Plans showing the location of the proposed activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from Ms. Eva Zaki-Dellitt, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

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 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. Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with specificity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. Copies of all comments, including names and addresses of commenter's will be provided to the sponsor. All comments should be mailed to Ms. Eva Zaki-Dellitt at U.S. Army Corps of Engineers, 2488 East 81 St. Street, Tulsa, OK 74137; telephone 918-669-7009; or email to Eva.A.Zaki-Dellitt@usace.army.mil. This public notice and MB prospectus is posted for review on the Tulsa District's Regulatory web page: <http://www.swt.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>.

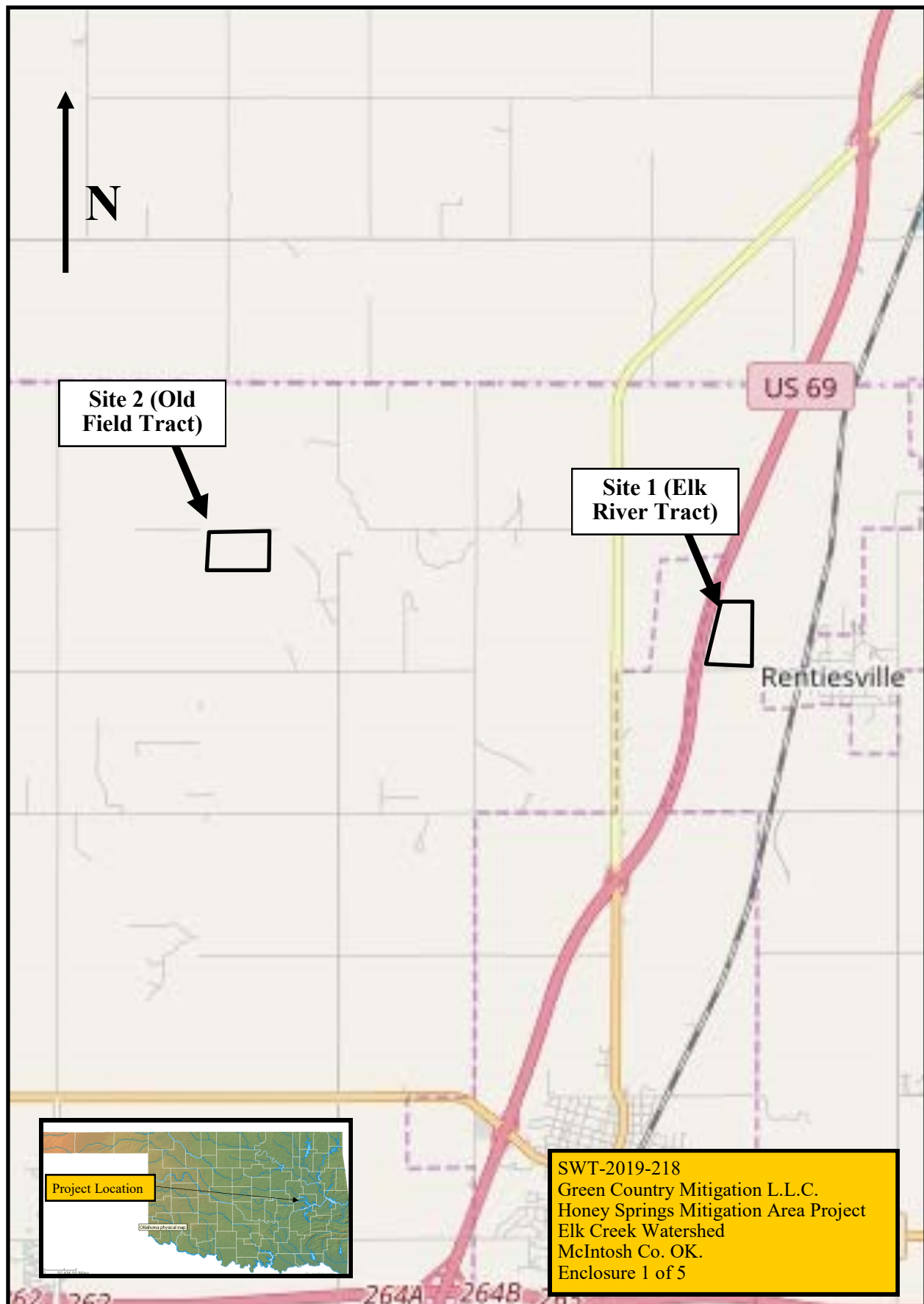
Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed HSMB. Work may **not** commence until decisions have been made on both Sections 401 and 404.

NOTE: The Corps has not endorsed this MB proposal. This MB is not authorized until the MB Instrument has been established and approved. The MB Instrument is a legal document for the establishment, operation, and use of an MB.

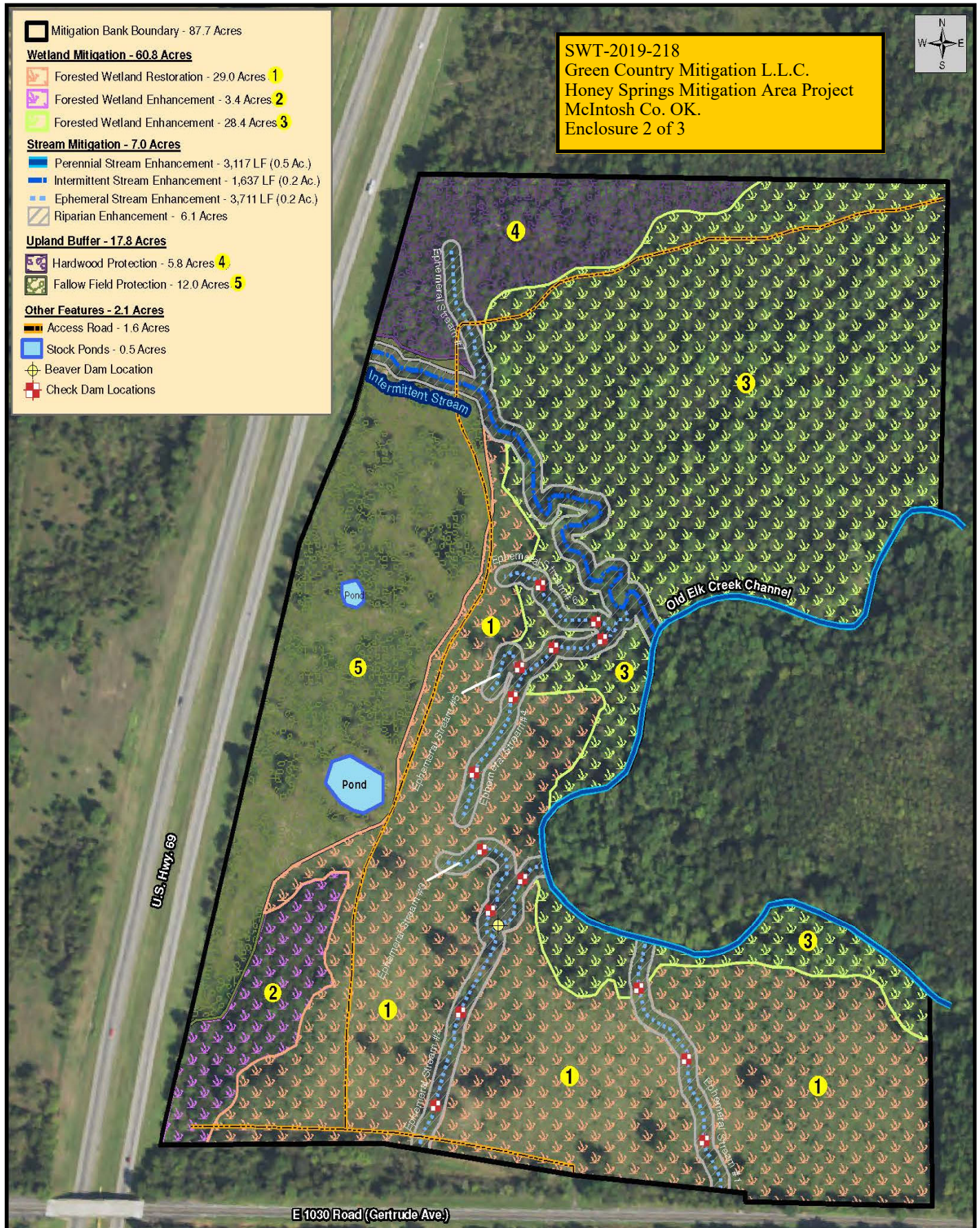
Andrew R. Commer
Chief, Regulatory Office

Enclosures

Vicinity map:



Site 1 (Elk River Tract)



Site 2 (Old Field Tract)

