



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
1645 South 101st East Avenue
Tulsa, OK 74128-4609

SWT-2015-94
Public Notice No.

June 1, 2015
Public Notice Date

July 1, 2015
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 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 through Section 404 of the Clean Water Act (33 USC 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
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

**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
Excel Mitigation Center, 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 project is located in Section 31, Township 14 North, Range 4 East., approximately 4.5 miles southwest of Chandler, along the Deep Fork of the Canadian River, in Lincoln 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, Excel Mitigation Center 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 Excel Mitigation Center 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 project goal is to restore stream and wetland functions and values within the mitigation bank area. The site is approximately 114 acres in size and is primarily undeveloped rural land located in the Cross Timbers ecoregion of Oklahoma, and is in a transitional zone from the Central Great Plains. Lincoln County has a humid, subtropical climate characterized by relatively high rainfall (average 40 inches per year). The growing season in Lincoln County spans from March to November, approximately 211 days. The applicant proposes to restore and enhance approximately 7,457 linear feet (lf) of ephemeral

streams, approximately 4,695 lf of intermittent and perennial streams, enhance 22.7 acres of riparian corridors, restore and enhance 68.3 acres of forested wetlands, and enhance and restore 5.7 acres of upland forest buffer habitat, including re-establishing and improving hydraulic connection of the river and its tributaries to the floodplain and watershed, creating stable meandering channels, and replacing low quality and undesirable species with a diversity of native plants with improved wildlife value. Excel Mitigation Center proposes to restore riparian areas of streams and wetlands with 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. A mixture of at least 85 percent hard-mast and a maximum of 15 percent soft-mast producing, or light seeded species, will be planted in both the restoration and enhancement areas. The site would be monitored for a minimum of 5 years or until success criteria is met, whichever is later, to ensure hydrologic and revegetation success, and would be perpetually preserved.

The proposed MB site lies within the Deep Fork Oklahoma Watershed 8-digit (11100303) hydrologic unit code as designated by the U.S. Geological Survey. Excel Mitigation Center proposes that the primary geographic service area for the MB include central Oklahoma for both wetlands and streams. The location and general plan for the proposed work are shown on the enclosed sheets, 1 through 2.

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, and the Oklahoma Conservation Commission.

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)(I) 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: A Corps staff archeologist will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area.

ENDANGERED SPECIES: Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the USFWS and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

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.

ENVIRONMENTAL CONSIDERATIONS: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 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; among those are 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 ownership and, in general, the needs and welfare of the people.

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

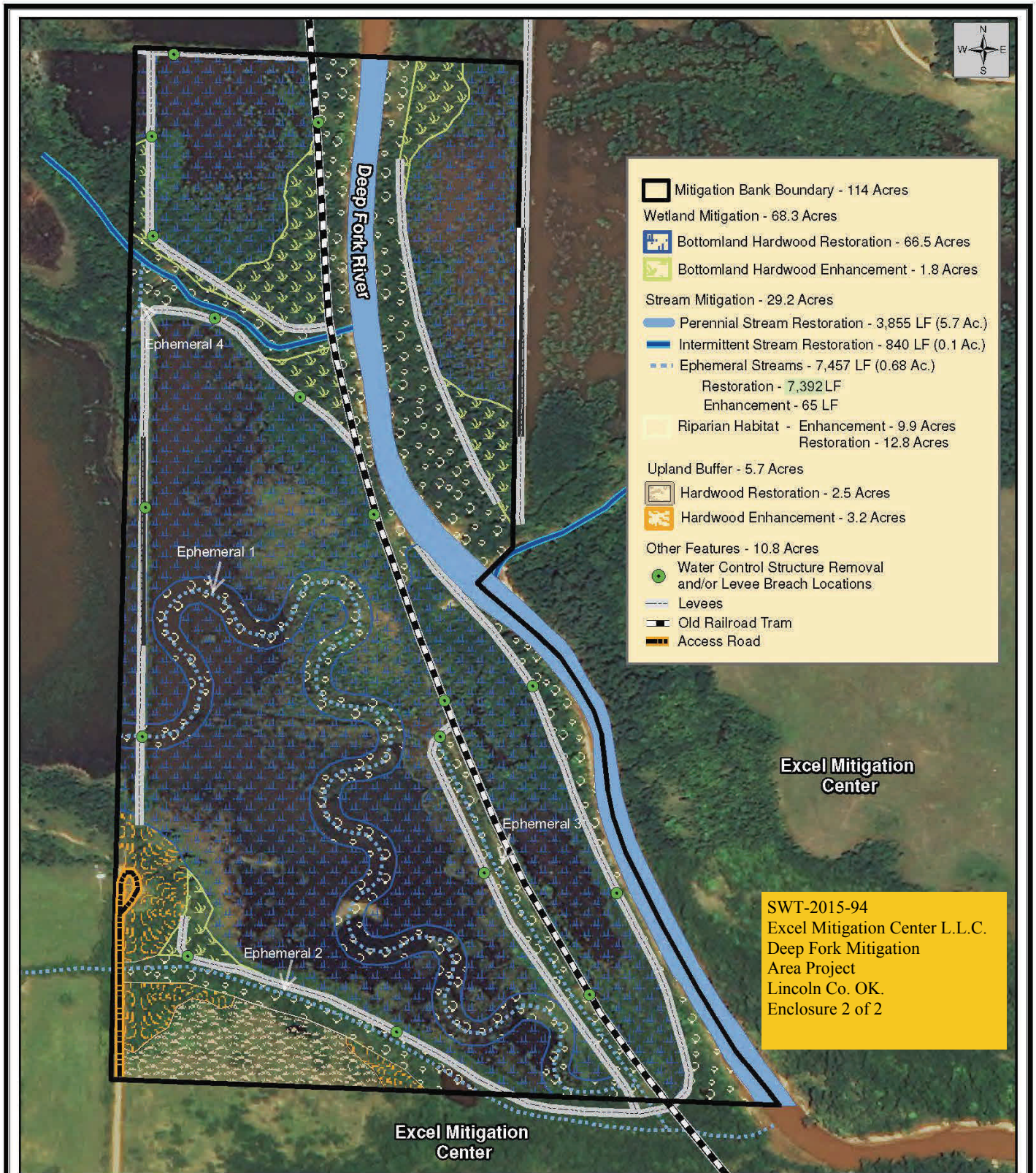
interest of the proposed activity. Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with specificity, the reasons for holding a public hearing. The District Engineer 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, 1645 S. 101st East Ave, Tulsa, OK 74128; 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>.

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

Aerial imagery map:



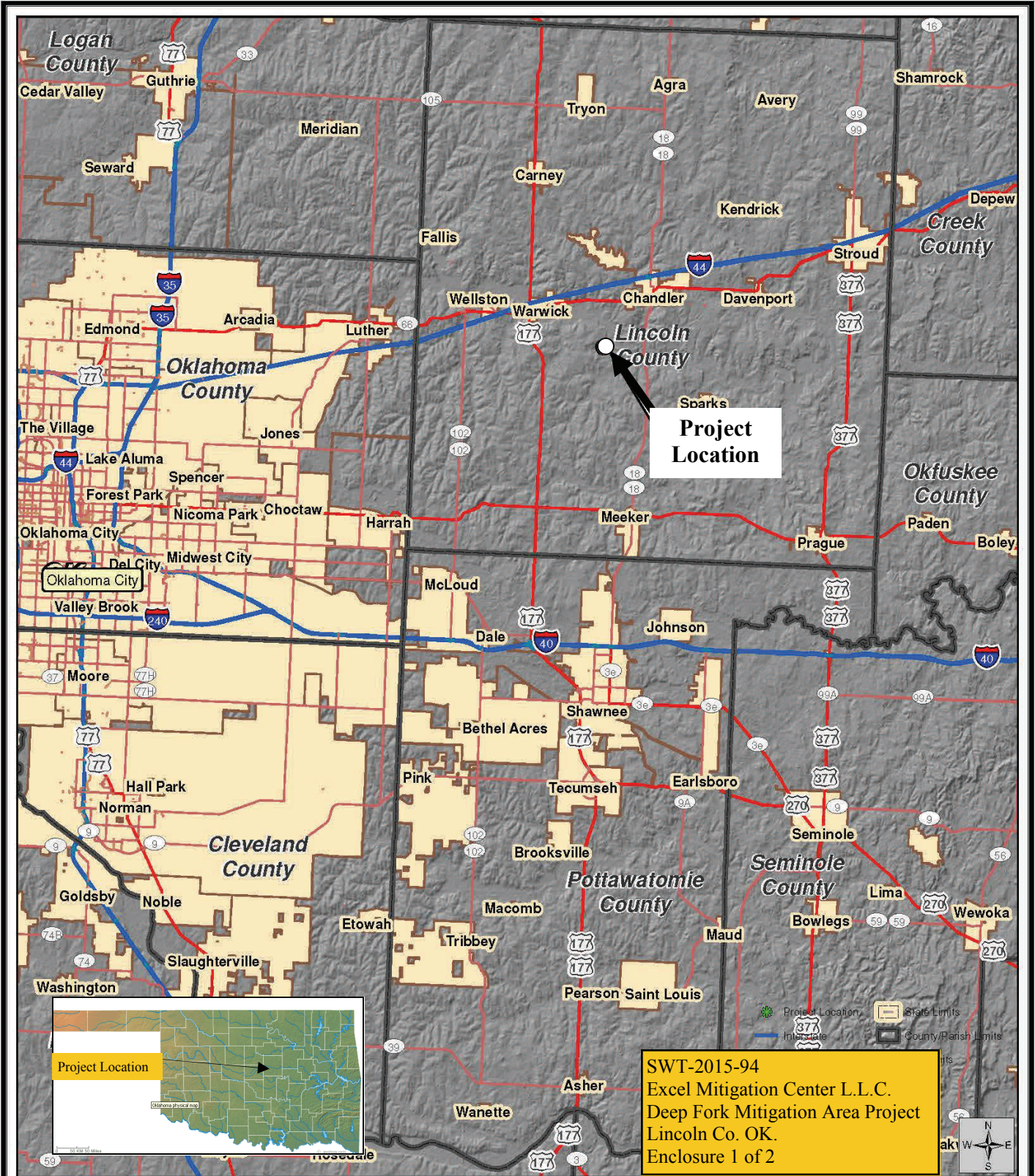
- Mitigation Bank Boundary - 114 Acres
- Wetland Mitigation - 68.3 Acres
 - Bottomland Hardwood Restoration - 66.5 Acres
 - Bottomland Hardwood Enhancement - 1.8 Acres
- Stream Mitigation - 29.2 Acres
 - Perennial Stream Restoration - 3,855 LF (5.7 Ac.)
 - Intermittent Stream Restoration - 840 LF (0.1 Ac.)
 - Ephemeral Streams - 7,457 LF (0.68 Ac.)
 - Restoration - 7,392 LF
 - Enhancement - 65 LF
- Riparian Habitat - Enhancement - 9.9 Acres
- Restoration - 12.8 Acres
- Upland Buffer - 5.7 Acres
 - Hardwood Restoration - 2.5 Acres
 - Hardwood Enhancement - 3.2 Acres
- Other Features - 10.8 Acres
 - Water Control Structure Removal and/or Levee Breach Locations
 - Levees
 - Old Railroad Tram
 - Access Road

Excel Mitigation Center

SWT-2015-94
 Excel Mitigation Center L.L.C.
 Deep Fork Mitigation Area Project
 Lincoln Co. OK.
 Enclosure 2 of 2

	Proposed Deep Fork Mitigation Bank	
<p>HOFFMAN ENVIRONMENTAL, INC. Sulphur Springs, TX 903.885.0304</p>	<p>Created By: Jason Hoffman HEI Project No. HEI-15-11</p> <p>Excel Mitigation Center Lincoln County, Oklahoma</p> <p>Datum: NAD83 Imagery Source: NAIP Vector Source: HEI</p>	

Vicinity map:



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 Deep Fork Mitigation Area Project
 Lincoln Co. OK.
 Enclosure 1 of 2

Proposed Deep Fork Mitigation Bank

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