



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

Public Notice

Applicant: Frisco Independent School District

Permit Application No.: SWF-2012-00412

Date: January 24, 2013

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: Elisha Bradshaw, Project Manager

Phone Number: (817) 886-1738

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the United States (WOUS) associated with the construction of the proposed Frisco Elementary School in the city of Frisco, Denton County, Texas.

APPLICANT: Frisco Independent School District
Richard Wilkinson
Deputy Superintendent for Business and Operations
5515 Ohio Drive
Frisco, Texas 75035

APPLICATION NUMBER: SWF-2012-00412

DATE ISSUED: January 24, 2012

LOCATION: The proposed Frisco Elementary School would be located on a parcel of land that drains to an emergent wetland that connects to an unnamed tributary of Stewart Creek that flows into Lake Lewisville, an impoundment of the Elm Fork of the Trinity River. The proposed project would be located approximately at Latitude 33.120599 and Longitude -96.883926 on the Lewisville East, 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12030103 (Sheet 1-11 of 13).

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 800 cubic yards of dredged and fill material into approximately 0.7 acres of WOUS in conjunction with the construction of the proposed Frisco Elementary School. Total proposed impacts to WOUS include 0.7 acres of direct permanent impacts to an emergent herbaceous wetland (Sheet 12-13 of 13). The purpose of the proposed project is to create an additional school to accommodate the increasing population growth within the city of Frisco.

EXISTING CONDITIONS: The 0.7 acres of emergent wetland are the only WOUS on the approximate 11-acre project site. The northern most section of the emergent wetland previously functioned as an on-channel pond. Due to the dam being breached and the construction of a small channel connecting the wetland and the previous on-channel pond, the WOUS on site are now all functioning as one continuous emergent wetland. The wetland receives surface water

through the storm drain located on the north end of the property, which flows through the wetland and exits the property through a storm culvert located under Lone Star Ranch Parkway, which flows into Stewart Creek and then into Lake Lewisville (Sheet 12 of 13). The wetland is characterized by cattails (*Typha spp.*), willow smartweed (*Polygonum lapathifolium*), creeping spike-rush (*Eleocharis palustris*), sump week (*Iva annua*), and fragrant flat sedge (*Cyperus odoratus*).

ALTERNATIVES: During project planning, the applicant considered three alternatives in an effort to avoid and minimize adverse impacts to WOUS. The first alternative would consist of adversely impacting all wetlands on site and construction wetlands at a more convenient location on site. However, the majority of the remainder of the site would be covered with an impervious surface for the proposed elementary school, parking areas, access drives, and playgrounds. An on-site mitigation area would be located in close proximity to the on-site structures and maintained areas, and would not allow for a functioning buffer area adjacent to the mitigation area. Alternative 2, the no action alternative, would allow for no impacts to the wetland. However, this would mean that the entrance to the school would have to be relocated, which would not allow for adequate access or parking for the proposed elementary school. Alternative 3 is the applicant's preferred alternative of utilizing a mitigation bank. This alternative would allow for all wetlands on-site to be filled and utilized for the access, parking, structures, and easement areas. Under this alternative unavoidable loss of WOUS would be compensated through the purchase of the appropriate number and type of wetland credits at a mitigation bank.

MITIGATION: The applicant's preferred alternative would adequately compensate for the proposed loss of WOUS by utilizing a currently serviceable mitigation bank for the appropriate number of wetland credits to compensate for the loss of WOUS.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns 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, including its cumulative effects. Among the factors addressed 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, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE 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 USACE in determining whether to issue, issue with modifications, or conditions, 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.

STATE WATER QUALITY CERTIFICATION: This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those that result in a direct impact of three acres or less of waters of the State or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices (BMPs) and other provisions designed to safeguard water quality. The USACE has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 Denton County where the whooping crane (*Grus americana*), and red wolf (*Canis rufus*) are known to occur or may occur as migrants. The whooping crane and red wolf are endangered 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.

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 assist in developing fact upon which a decision by the USACE 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: 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 February 24, 2013, 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 ; Regulatory Branch, CESWF-PER-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) 886-1731. 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



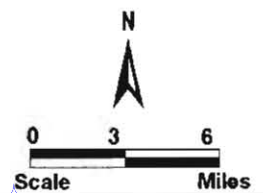
Source: Dallas Mapsco, 2011

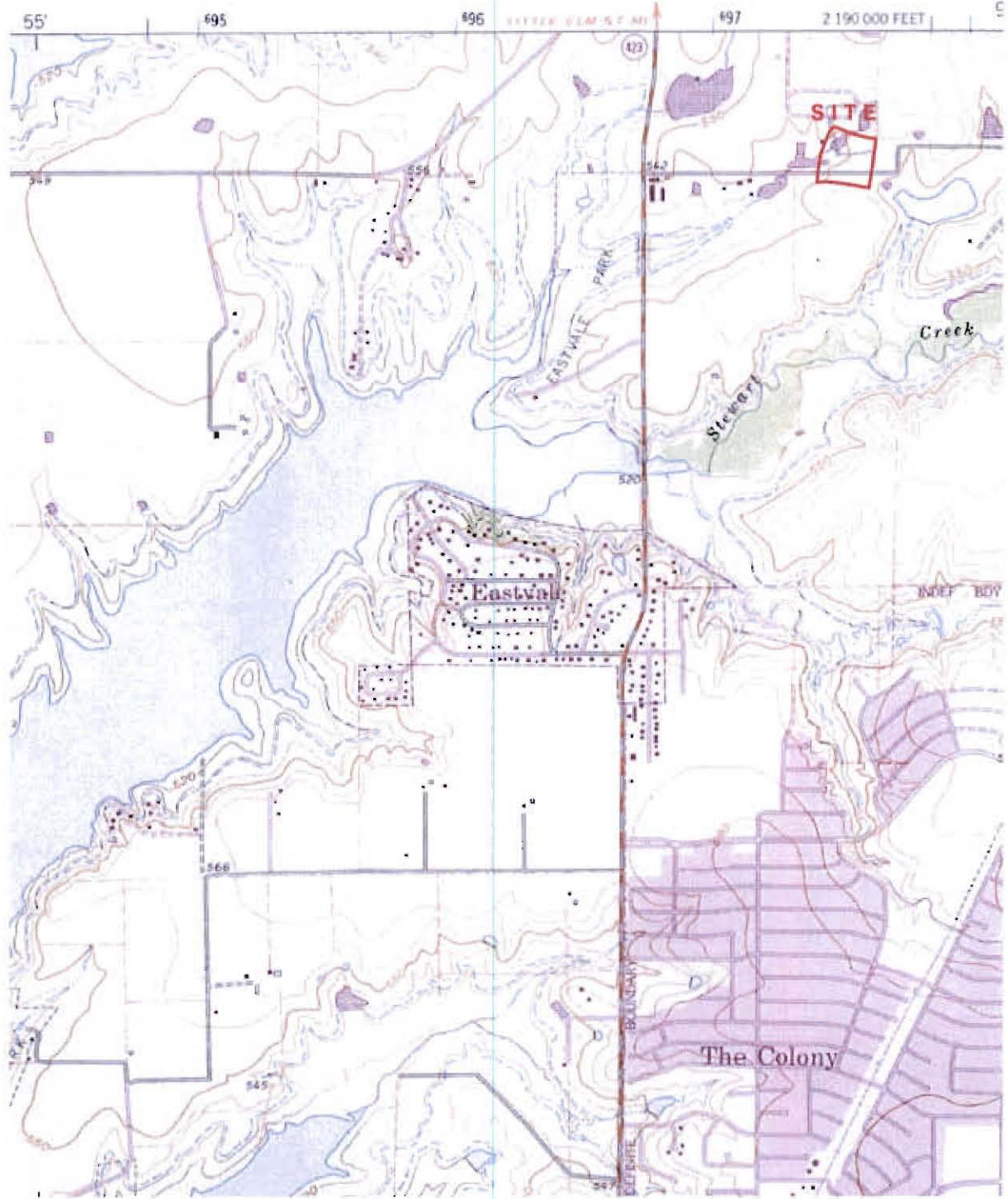
SITE LOCATION MAP

FIGURE 1

Routine Wetland Delineation

Proposed Elementary School Site
 SEC of Lebanon Rd. &
 Lone Star Ranch Pkwy.
 Frisco, Texas





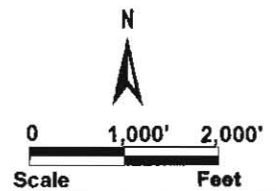
Source: USGS Topographic Map, Lewisville East, Texas Quadrangle, 1960, Photorevised 1981

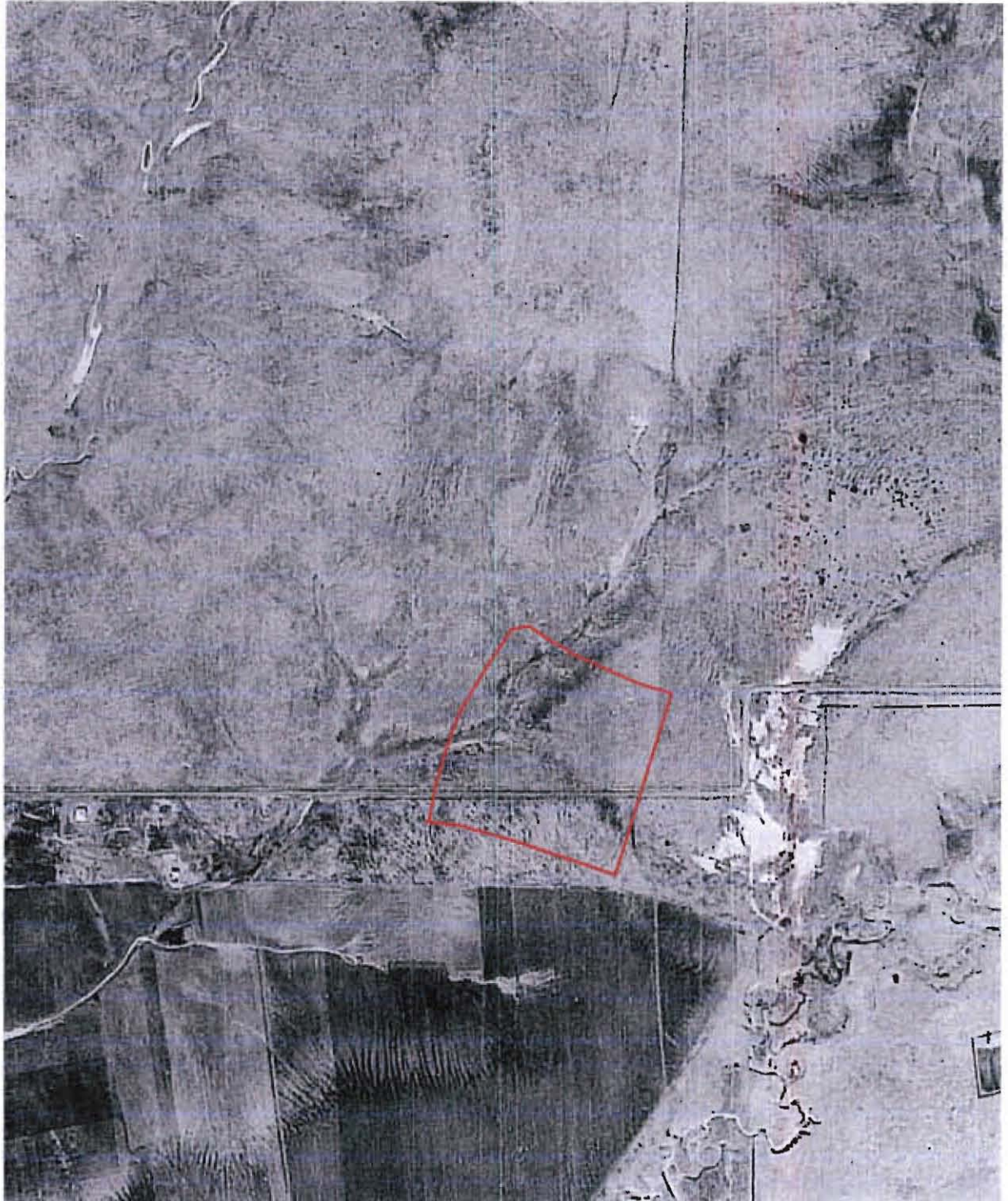
TOPOGRAPHIC MAP

FIGURE 3


Routine Wetland Delineation

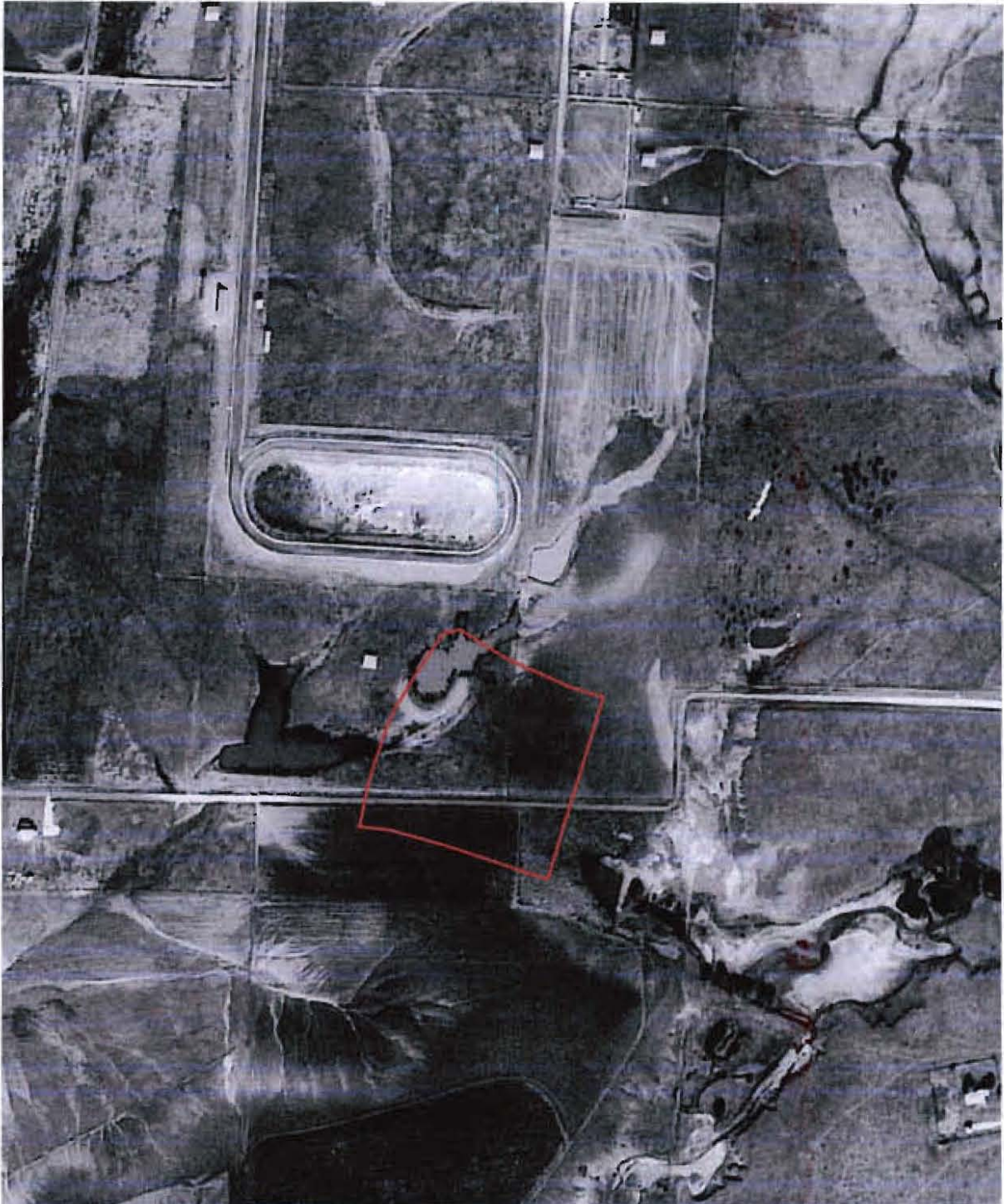
Proposed Elementary School Site
 SEC of Lebanon Rd. &
 Lone Star Ranch Pkwy.
 Frisco, Texas





Source: Agricultural Stabilization & Conservation Service

AERIAL PHOTOGRAPH: 1942	<p><u>Routine Wetland Delineation</u></p> <p>Proposed Elementary School Site SEC of Lebanon Rd. & Lone Star Ranch Pkwy. Frisco, Texas</p>	<p>N</p>  <p>0 250' 500'</p> <p>Scale Feet</p>
FIGURE 4		



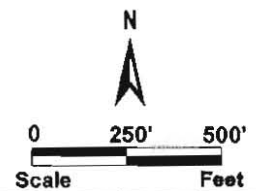
Source: Agricultural Stabilization & Conservation Service

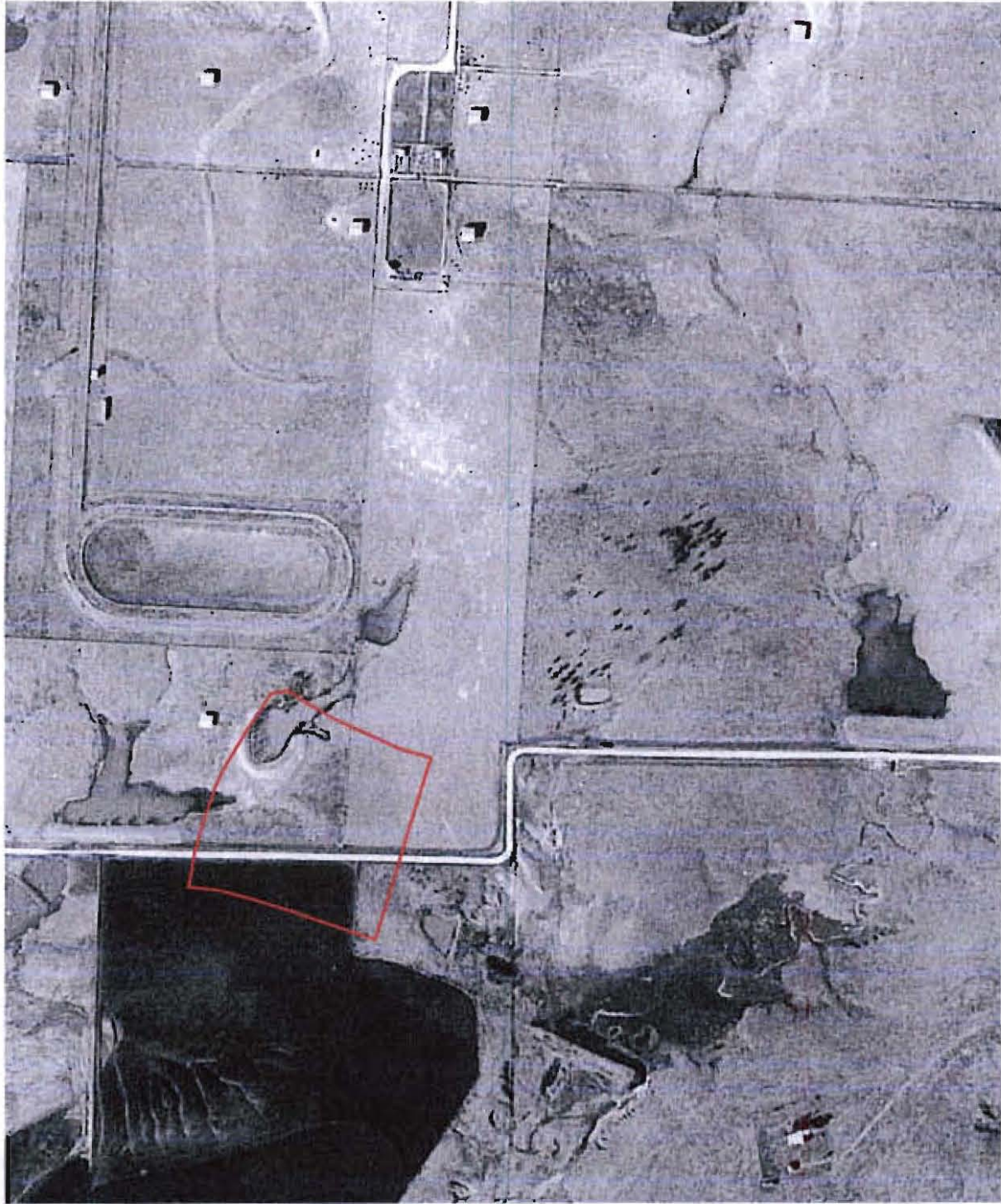
AERIAL PHOTOGRAPH: 1964

FIGURE 5

Routine Wetland Delineation

Proposed Elementary School Site
SEC of Lebanon Rd. &
Lone Star Ranch Pkwy.
Frisco, Texas





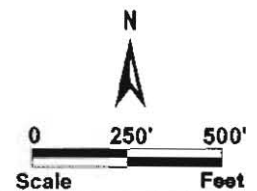
Source: Agricultural Stabilization & Conservation Service

AERIAL PHOTOGRAPH: 1972

FIGURE 6

Routine Wetland Delineation

Proposed Elementary School Site
SEC of Lebanon Rd. &
Lone Star Ranch Pkwy.
Frisco, Texas





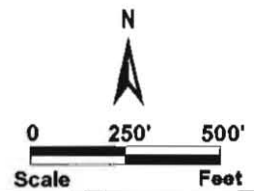
Source: Texas Department of Transportation

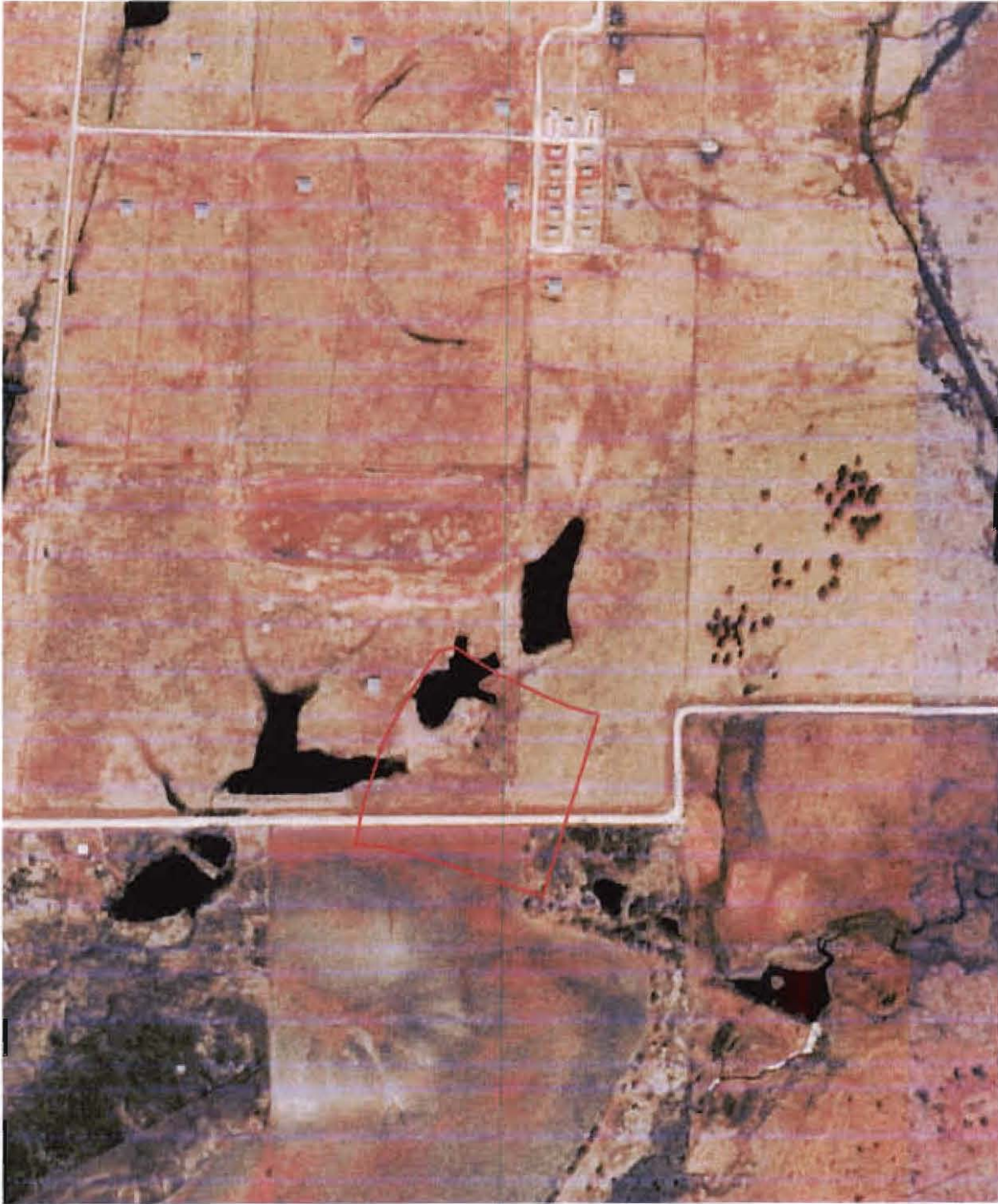
AERIAL PHOTOGRAPH: 1984

FIGURE 7

Routine Wetland Delineation

Proposed Elementary School Site
SEC of Lebanon Rd. &
Lone Star Ranch Pkwy.
Frisco, Texas





Source: United States Geological Survey

AERIAL PHOTOGRAPH: 1995

Routine Wetland Delineation

Proposed Elementary School Site
SEC of Lebanon Rd. &
Lone Star Ranch Pkwy.
Frisco, Texas

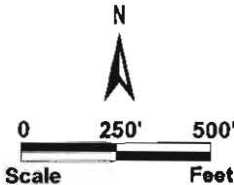


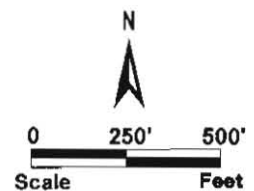
FIGURE 8



Source: United States Department of Agriculture

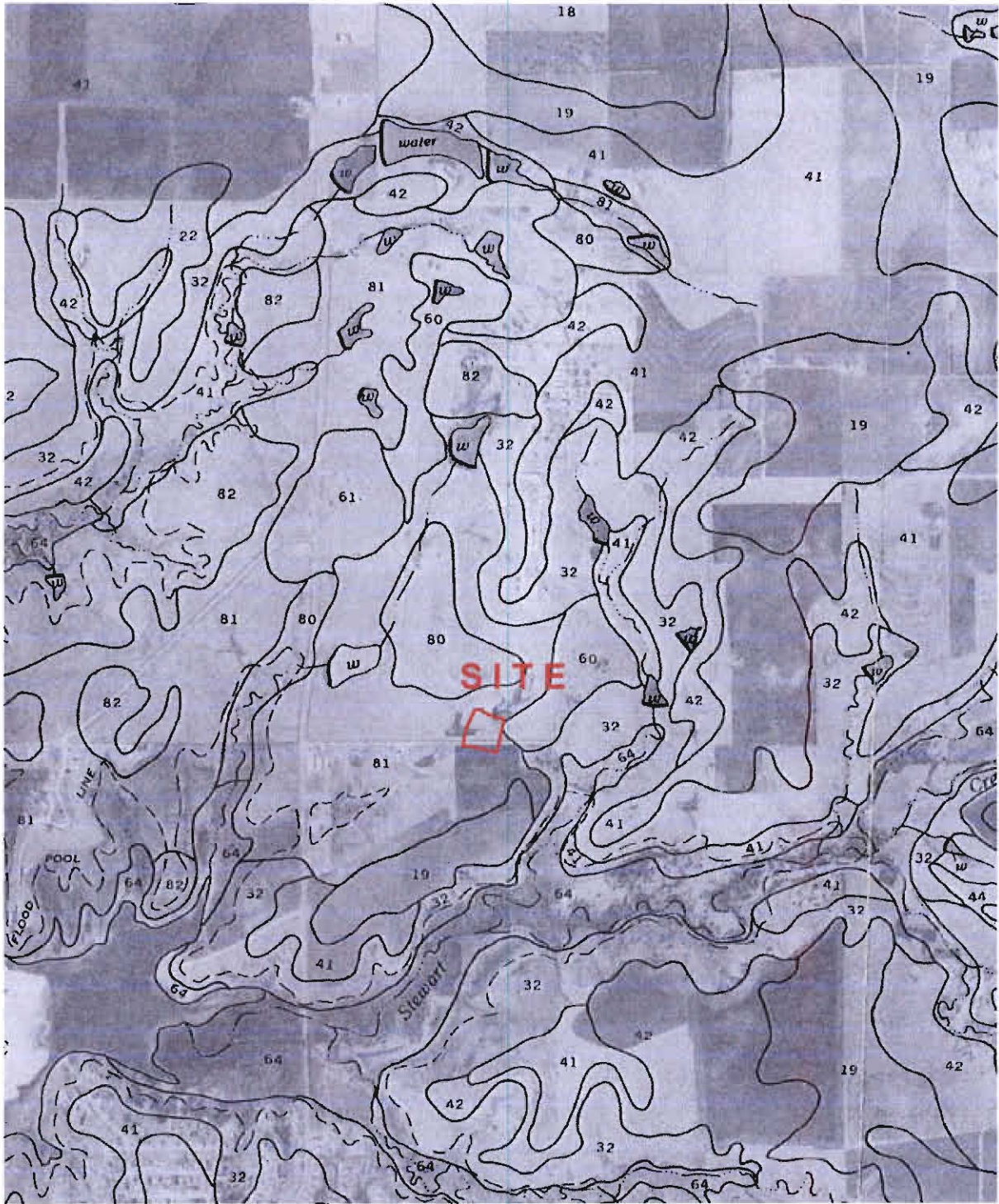
Routine Wetland Delineation

Proposed Elementary School Site
SEC of Lebanon Rd. &
Lone Star Ranch Pkwy.
Frisco, Texas



AERIAL PHOTOGRAPH: 2008

FIGURE 9



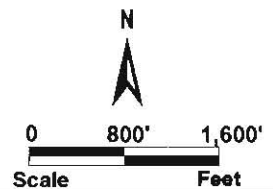
Source: Soil Survey of Denton County

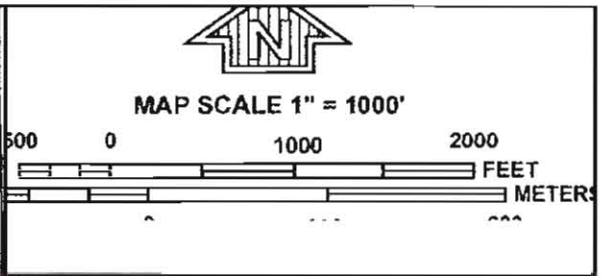
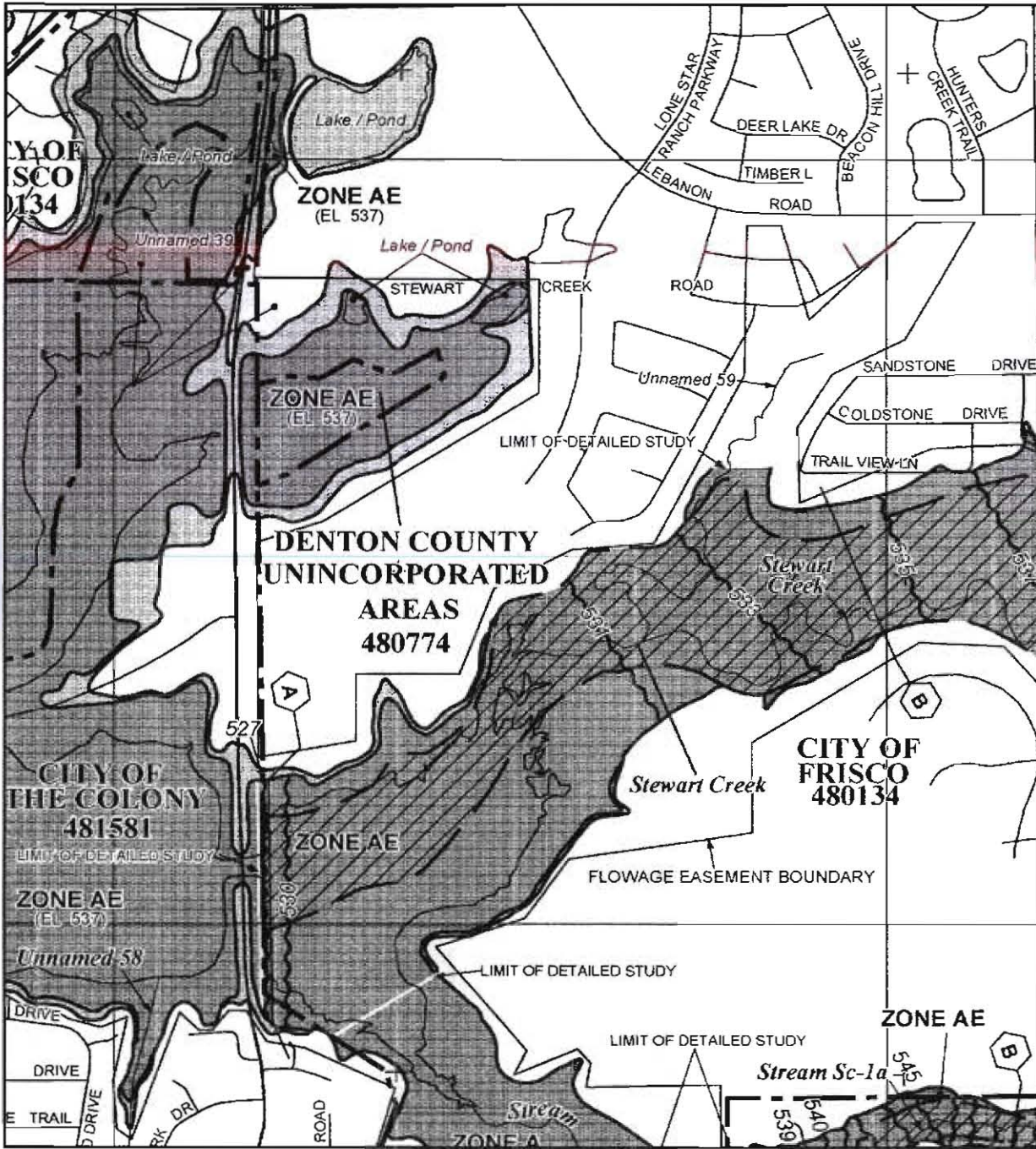
Routine Wetland Delineation

Proposed Elementary School Site
SEC of Lebanon Rd. &
Lone Star Ranch Pkwy.
Frisco, Texas

SOIL SURVEY

FIGURE 10





NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0560G

FIRM
FLOOD INSURANCE RATE MAP
DENTON COUNTY,
TEXAS
AND INCORPORATED AREAS

PANEL 560 OF 750
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DENTON COUNTY	480774	0560	G
FRISCO, CITY OF	480134	0600	G
LEWISVILLE, CITY OF	480195	0590	G
THE COLONY, CITY OF	481581	0580	G

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

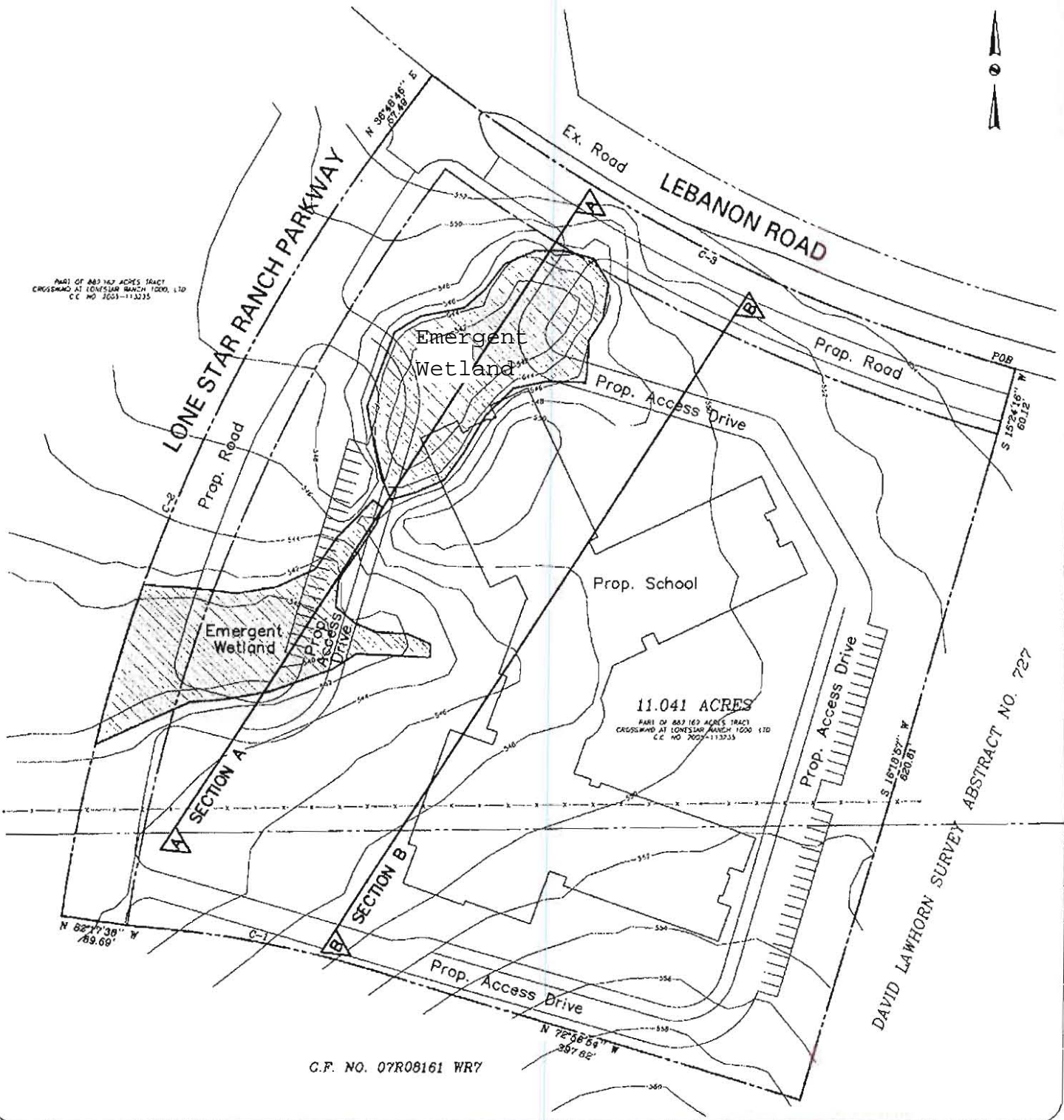


MAP NUMBER
48121C0560G
MAP REVISED
APRIL 18, 2011

Federal Emergency Management Agency

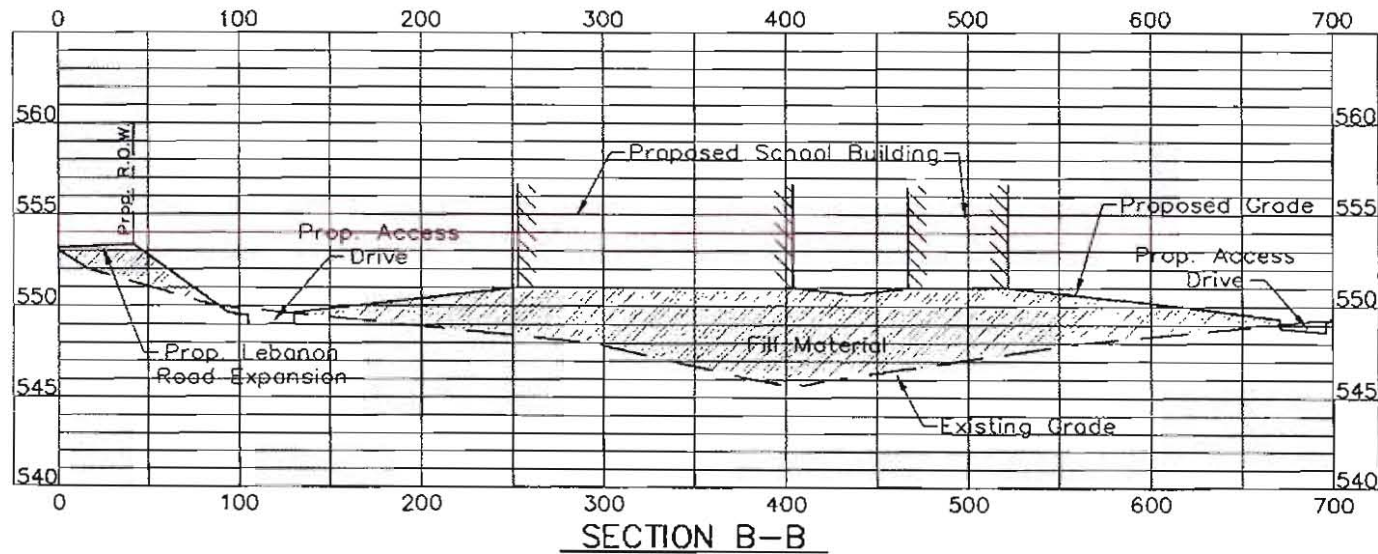
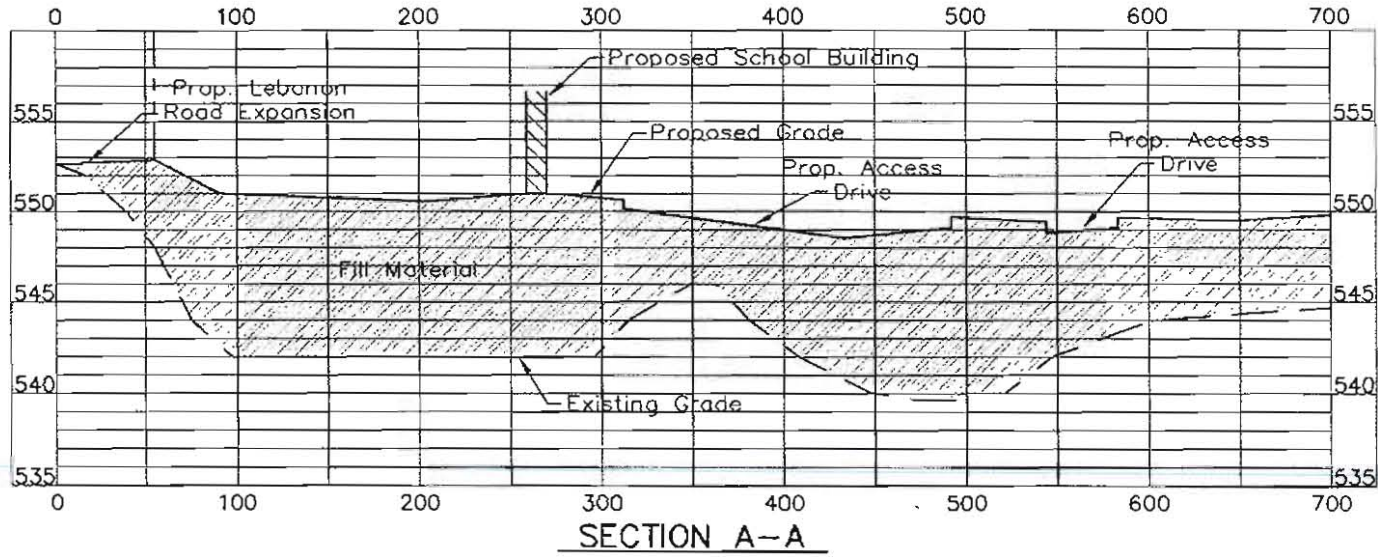
This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

EXHIBIT A
PROPOSED ELEMENTARY SCHOOL SITE
SOUTHEAST OF LEBANON RD. &
LONE STAR RANCH PKWY. INTERSECTION



C.F. NO. 07R08161 WR7

EXHIBIT B PROPOSED CROSS SECTIONS



Scale:
H: 1"=100'
V: 1"=10'