



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

Public Notice

Applicant: SLC McKinney Partners, LP

Project No.: SWF-2013-00420

Date: October 11, 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: Mr. Darvin Messer

Phone Number: 817-886-1744

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 Phase III of the Tucker Hill Residential Development, McKinney, Collin County, Texas.

APPLICANT: SLC McKinney Partners, LP
c/o Trevor Cross
7216 Percy Drive
McKinney, TX 75071

APPLICATION NUMBER: SWF-2013-00420

DATE ISSUED: October 11, 2013

LOCATION: The proposed residential development expansion and associated attendant features would be located on unnamed tributaries to and on Wilson Creek in the Tucker Hill residential development, north of Tremont Road, McKinney, Collin County, Texas (See attached Sheets 1 through 5 of 7). The project area is centered at approximately 33.227° latitude and -96.715° longitude on the McKinney West 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12030106.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge 1,557 cubic yards of earthen fill into approximately 1.92 acres of WOUS, in conjunction with the construction of the final phase of the residential development and associated attendant features (See attached Sheets 6 and 7 of 7). The need for the project is to provide additional single family residential units in McKinney and north Collin County.

WOUS located within the proposed project limits total approximately 2.19 acre of forested wetland, 0.38 acre of impoundment, 6,252 linear feet (1.07 acre) of ephemeral tributaries, and 4,976 linear feet (0.81 acre) of intermittent tributary. Tucker Hill Master Planned Community Phase III is the final phase associated with this residential development. Current site layout indicates a maximum of 317 lots available within this phase and all necessary infrastructure and attendant features in addition to conveyance swales to compensate for a loss of valley storage due to floodplain changes along Wilson Creek. Phases I and II were completed under USACE

Project No. SWF-2006-00199. Under Phase III, impacts to waters of the United States include grading for lots and road crossings, road crossings, conveyance of site drainage, and valley storage for floodplain changes. Direct and permanent impacts to WOUS include 1.33 acres of forested wetland, 903 linear feet (0.11 acre) of ephemeral tributary, 295 linear feet (0.10 acre) of intermittent tributary, and a 0.38-acre impoundment. Direct and temporary impacts (e.g., minimization) to waters of the United States includes 1,119 linear feet (0.22 acre) of ephemeral tributary. WOUS fully avoided include 4,264 linear feet of ephemeral tributaries, 6,168 linear feet of intermittent tributary, and 0.86 acre of forested wetland. Additionally, the vast riparian corridor associated with Wilson Creek would remain intact, except for the 295 linear feet where rip-rap is proposed to be placed to minimize erosive forces from the realigned conveyance swales for valley storage.

The applicant evaluated alternative sites as part of their site selection process and chose the proposed project area (1) due to the limited supply of undeveloped parcels of the size necessary to make this type of development economically feasible; (2) the existence of a major thoroughfare fronting the project area (i.e., U.S. Highway [US] 380); (3) the adjacency of a master planned community creating a larger cohesive residential/recreational area (i.e., Stonebridge Ranch Community); (4) the presence of existing zoning for single family residential with larger lot sizes, and (5) the projected housing growth demands over the next 25 years. No other sites within the City of McKinney or north Collin County meet all or most of these selection criteria.

The applicant explored multiple design scenarios to create an economically viable residential development in concert with the surrounding environmental components of the site. The limiting factor associated with the site is providing a minimum of two entry points off major arterial streets (i.e., US 380) into the development. There were additional subdivision layouts; however, due to the location of the floodplain, out-parcels and WOUS, none of the alternatives avoided the impacts to WOUS. Additionally, these alternative layouts were not approved by either the Planning and Zoning Commission or the McKinney City Council.

These layouts are briefly described in the following and also include a no build option. Site layout options explored included (1) no build alternative, (2) constructing without impact to WOUS, (3) the current preferred build alternative, and (4) the previous preferred build alternative. The no build alternative, while it would not impact WOUS, was eliminated since the tract was purchased for its development purposes. If the applicant did not build on this property, other similar developers would likely develop the site, as the location is favorable due to easy access to US 380, complimentary land uses, and appropriate roadway access and configuration for residential and mixed-use traffic. The no build alternative would not meet the purpose and need for this project.

Alternative 2 was considered as it would not impact WOUS and therefore not require Section 404 permitting. However, this alternative would severely limit the overall development size and not meet the needs of the project, which drove the selection criteria. As such, this alternative would also not meet the purpose and need for the project.

Although the applicant considered these alternate configurations to avoid and minimize impacts to WOUS, the proposed project would result in the permanent loss of 1.33 acre of forested

wetland, 0.38 acre of impoundment, 903 linear feet (0.11 acre) of ephemeral tributaries, and 295 linear feet (0.10 acre) if intermittent tributary. The applicant has proposed a conceptual compensatory mitigation plan consisting of the acquisition of credits from a currently approved mitigation bank(s) with a service area that includes the proposed project area.

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 II project criteria. Tier II projects are large projects that affect more than three (3) acres of waters of the United States and/or 1,500 linear feet or more of streams. They also include projects that impact rare and ecologically significant wetlands and would not qualify for a Tier I review or for which the applicant elects not to incorporate Tier I Best Management Practices (BMPs) including the applicant choosing to use alternative BMPs. Accordingly, a request for 401 certification is necessary, and there will be 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 Collin County,

Texas, where one species, the whooping crane, is listed. 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 area of the proposed developed was surveyed for the presence of historic and prehistoric cultural resources. One site was identified during the survey, the remains of an early-to-mid-Twentieth Century historic complex. An informally constructed tin-roofed shed and two brick-lined wells were present, as well as modern trash. It is possible other structures and evidence of previous historic use (or occupation) had been removed prior to this work. The site lacks integrity and is not considered eligible for the National Register of Historic Places.

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 November 22, 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

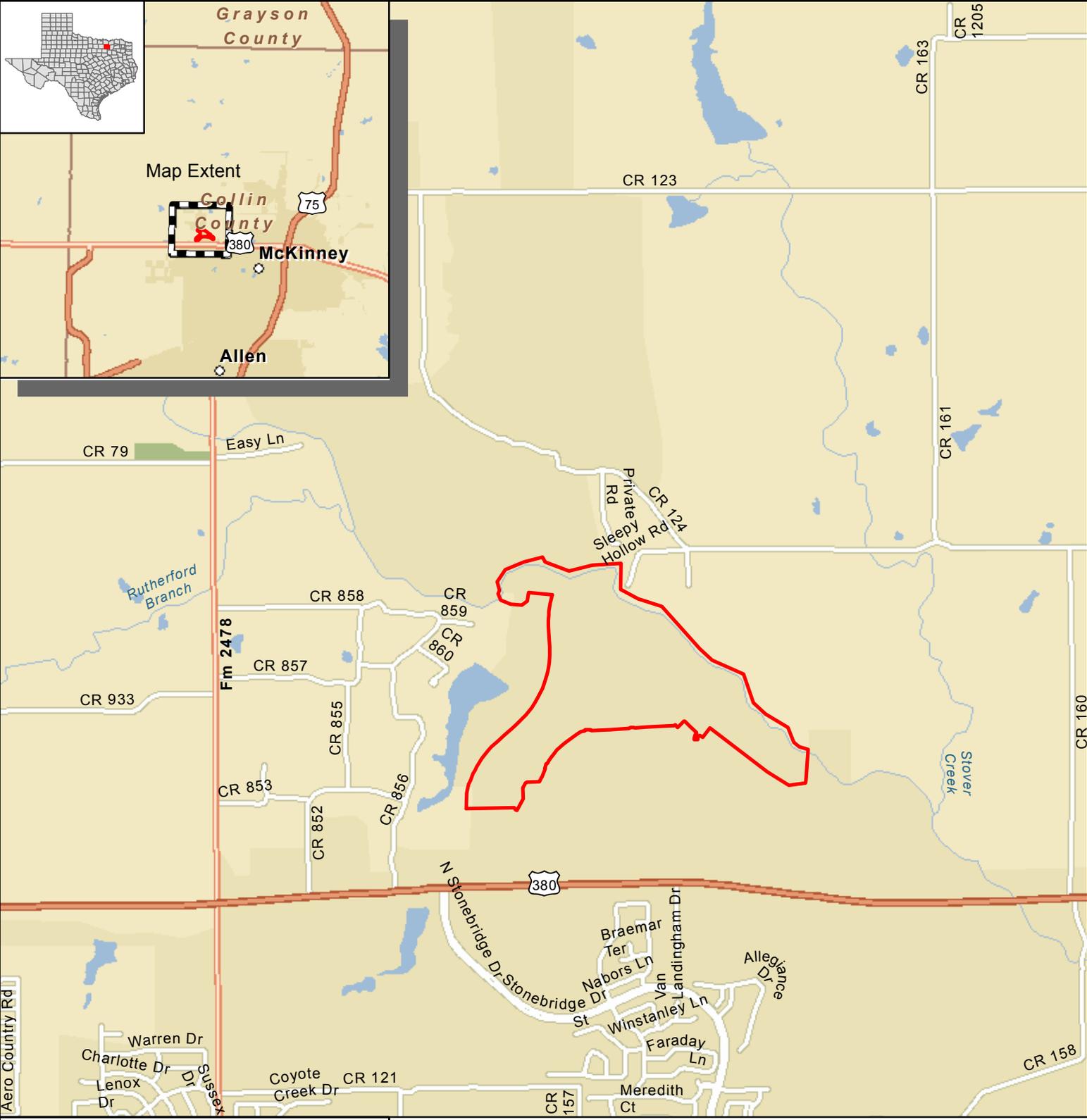
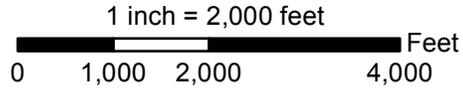


Figure 1
General Location Map
USACE SWF-2013-00420

 Proposed Project Area



County: Collin
State: Texas
Date map created: 08/26/2013
Source: ESRI 10 Streetmap
North America



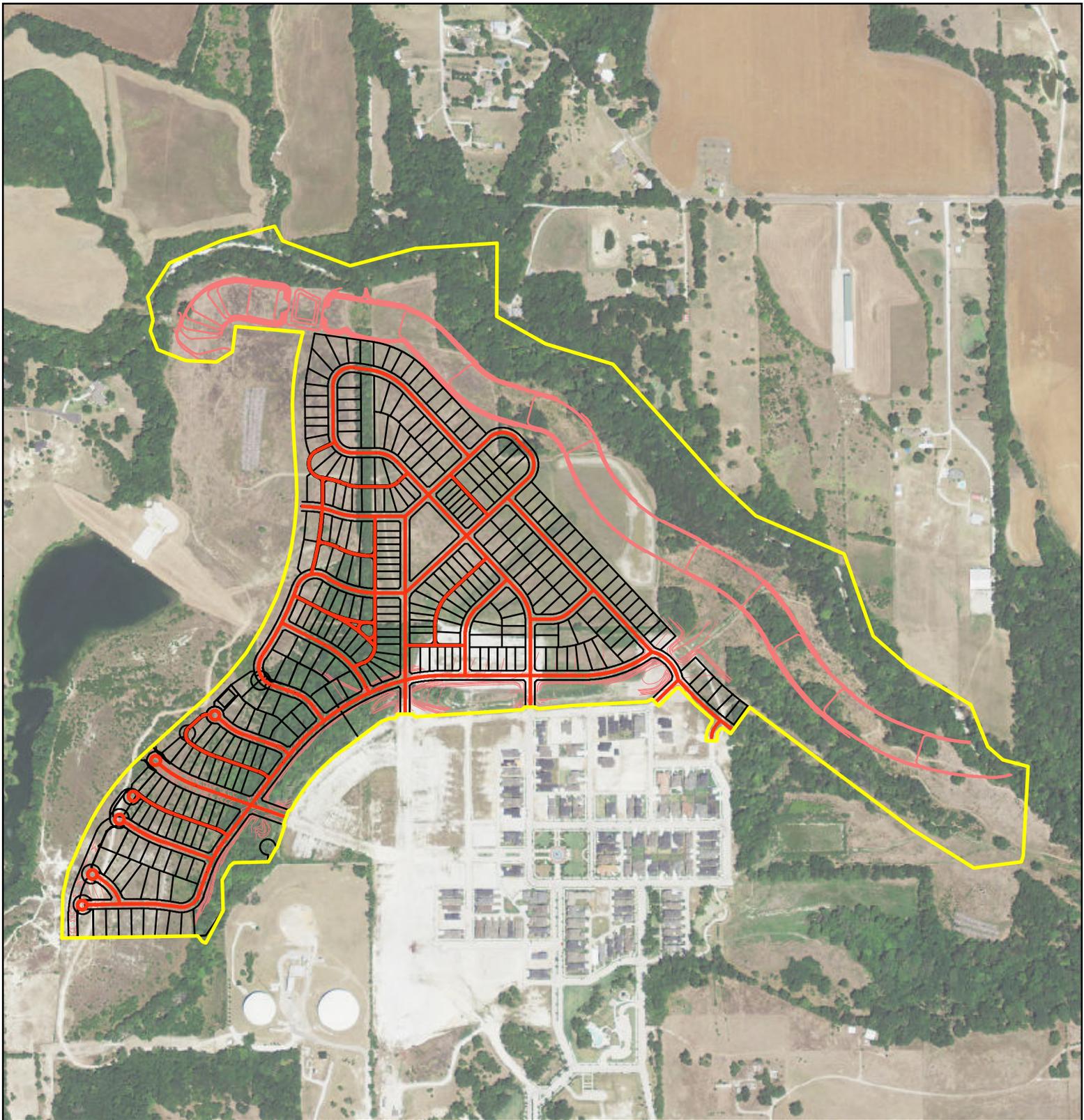
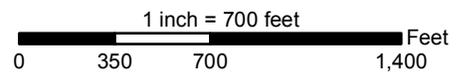


Figure 2
Site Plan Overview
 USACE SWF-2013-00420

-  Approximate Project Area
-  Proposed Site Grading
-  Proposed Roads
-  Proposed Lot Lines



County: Collin
 State: Texas
 Date map created: 08/26/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography



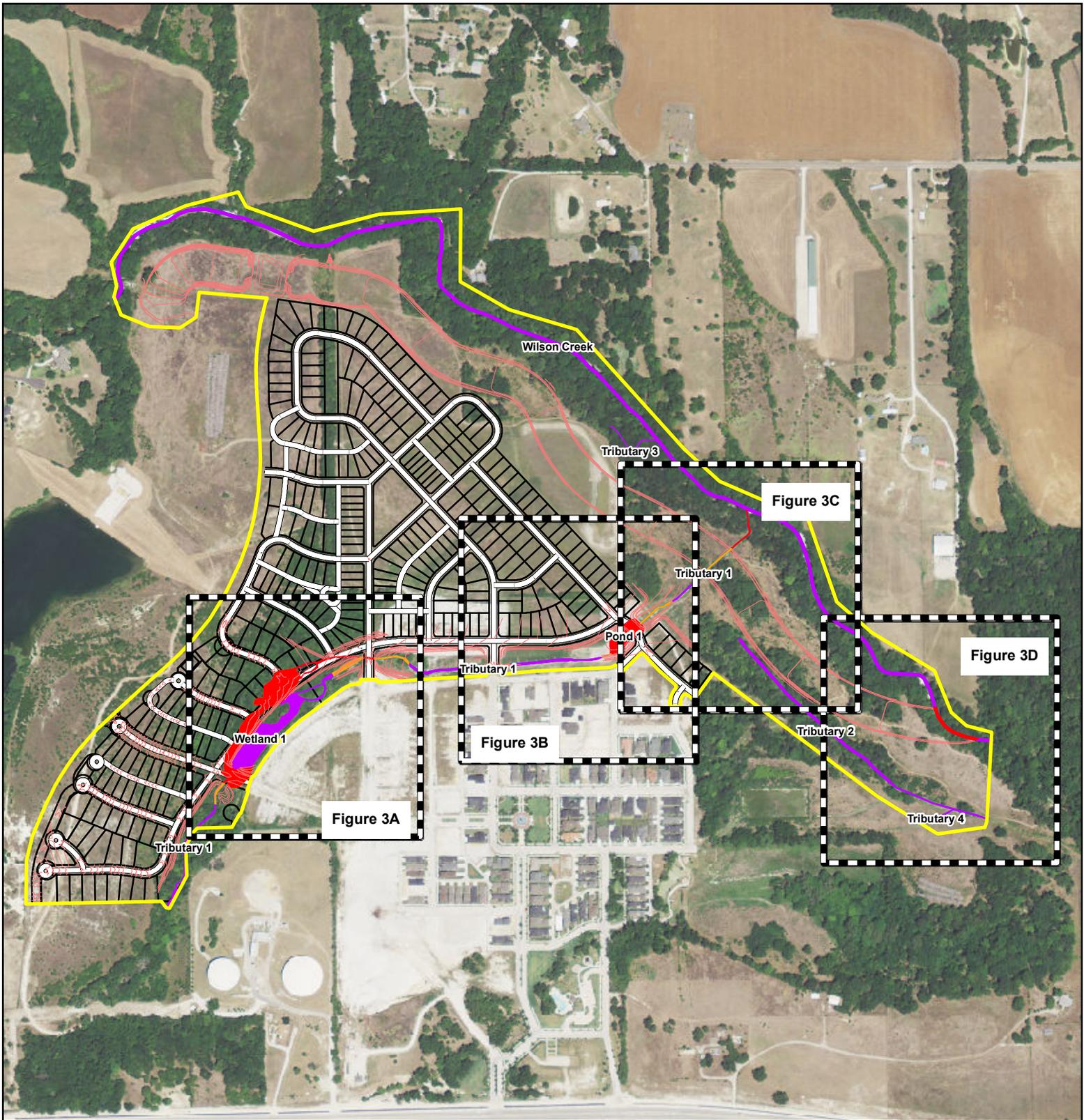


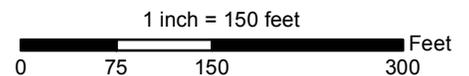
Figure 3
Impacts to Waters of
the United States
USACE SWF-2013-00420

County: Collin
 State: Texas
 Date map created: 08/26/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography

-  Approximate Project Area
-  Proposed Site Grading
-  Proposed Roads
-  Proposed Lot Lines

Impacts to features that meet a definition of a water of the United States

-  Avoided
-  Direct Permanent
-  Direct Temporary



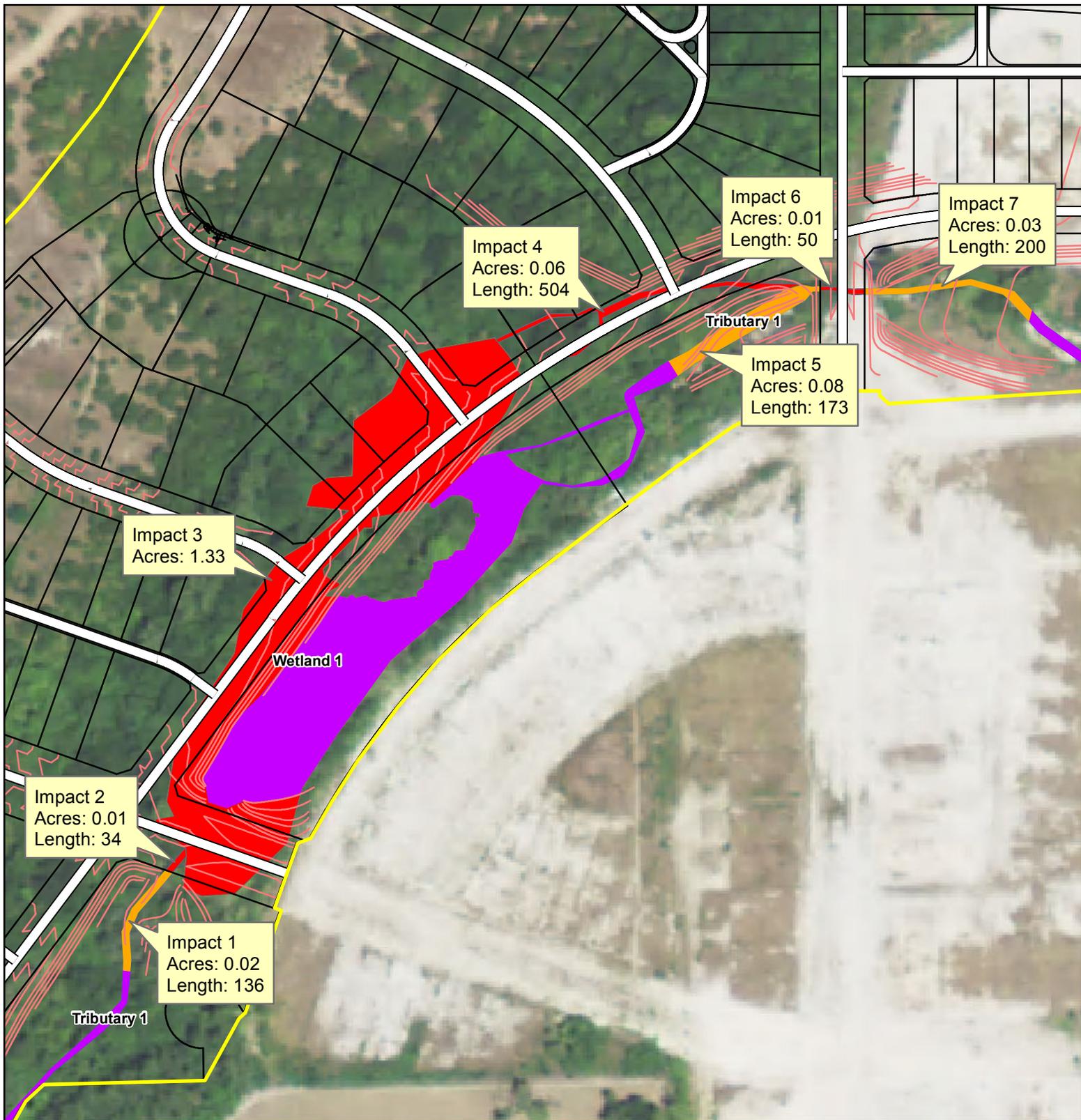


Figure 3A
Impacts to Waters of
the United States
USACE SWF-2013-00420

County: Collin
 State: Texas
 Date map created: 08/26/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography

-  Approximate Project Area
-  Proposed Site Grading
-  Proposed Roads
-  Proposed Lot Lines

Impacts to features that meet a definition of a water of the United States

-  Avoided
-  Direct Permanent
-  Direct Temporary

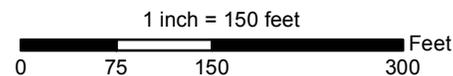




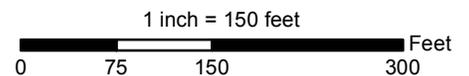
Figure 3B
Impacts to Waters of
the United States
USACE SWF-2013-00420

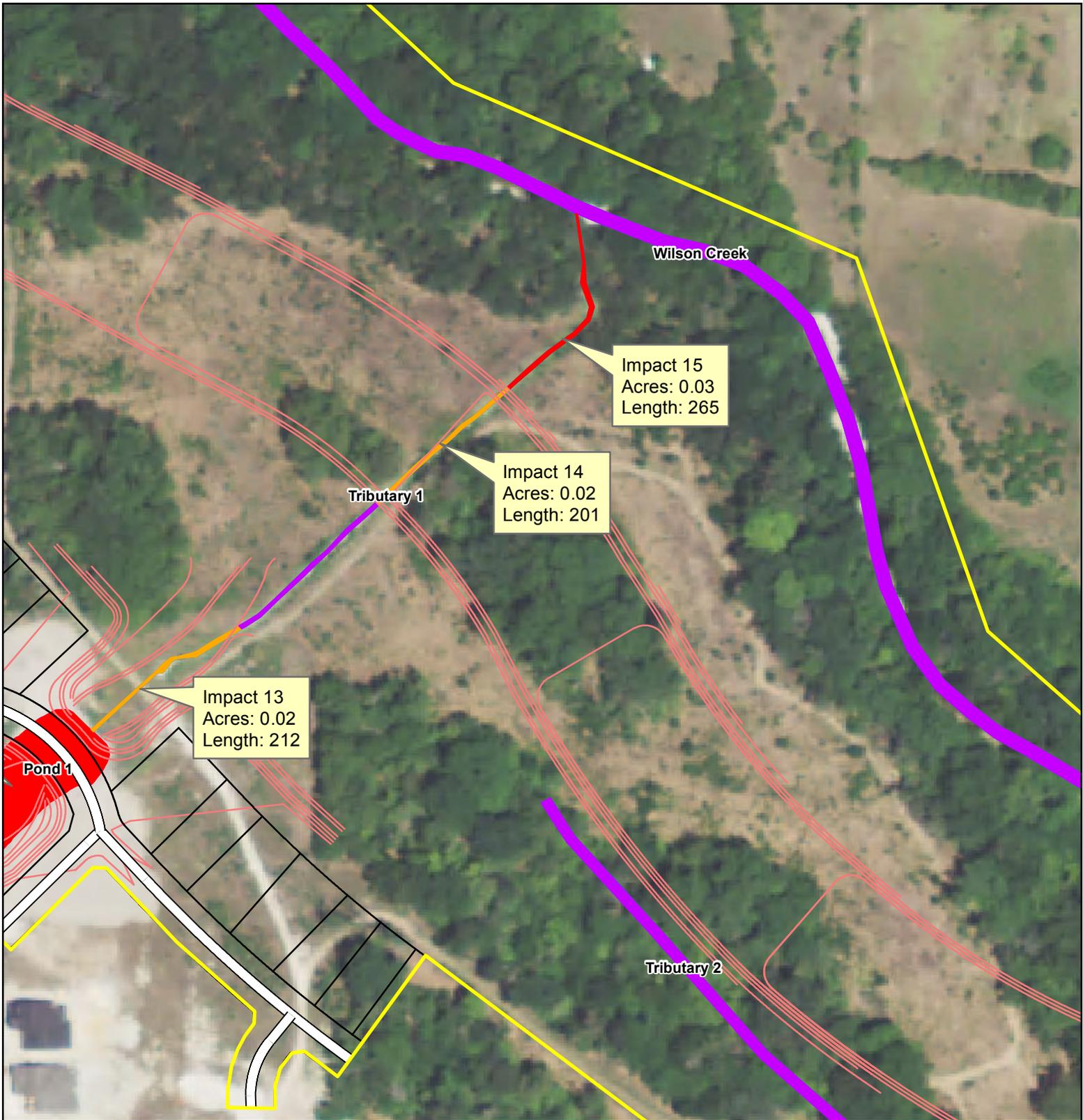
County: Collin
 State: Texas
 Date map created: 08/26/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography

-  Approximate Project Area
-  Proposed Site Grading
-  Proposed Roads
-  Proposed Lot Lines

Impacts to features that meet a definition of a water of the United States

-  Avoided
-  Direct Permanent
-  Direct Temporary





Impact 15
Acres: 0.03
Length: 265

Impact 14
Acres: 0.02
Length: 201

Impact 13
Acres: 0.02
Length: 212

Tributary 1

Wilson Creek

Tributary 2

Pond 1

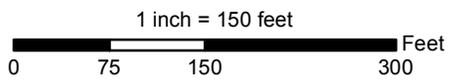
Figure 3C
Impacts to Waters of
the United States
USACE SWF-2013-00420

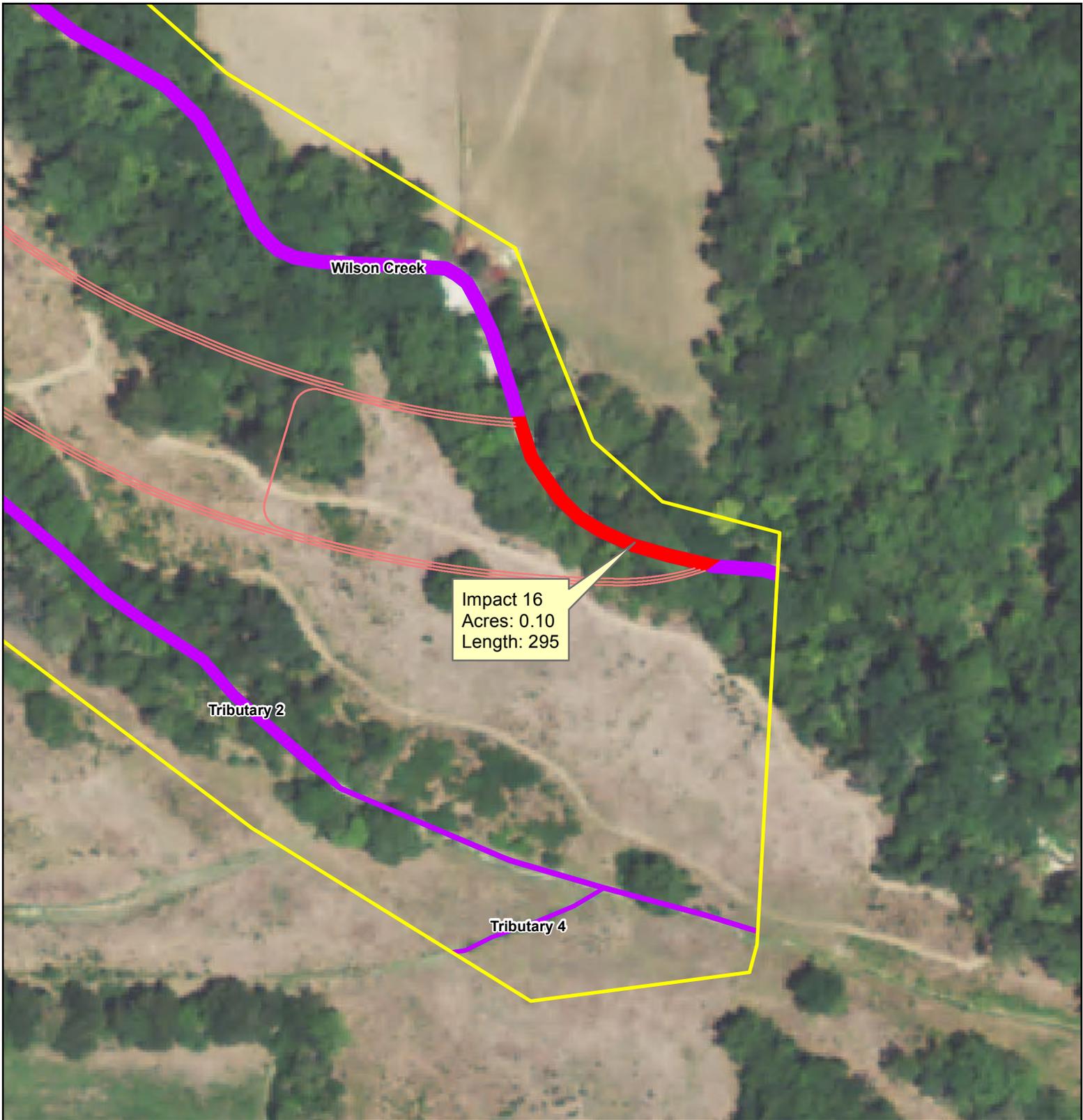
County: Collin
State: Texas
Date map created: 08/26/2013
Source: 2012 USDA FSA TOP
Aerial Photography

-  Approximate Project Area
-  Proposed Site Grading
-  Proposed Roads
-  Proposed Lot Lines

Impacts to features that meet a definition of a water of the United States

-  Avoided
-  Direct Permanent
-  Direct Temporary





Impact 16
 Acres: 0.10
 Length: 295

Figure 3D
Impacts to Waters of
the United States
USACE SWF-2013-00420

County: Collin
 State: Texas
 Date map created: 08/26/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography

-  Approximate Project Area
-  Proposed Site Grading
-  Proposed Roads
-  Proposed Lot Lines

Impacts to features that meet a definition of a water of the United States

-  Avoided
-  Direct Permanent
-  Direct Temporary

