



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

Public Notice

Applicant: Teasley Trails, LLC

Project No.: SWF-2013-00545

Date: February 13, 2014

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. Frederick Land

Phone Number: (817) 886-1729

PUBLIC NOTICE

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

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) to discharge dredged or fill material into waters of the United States associated with the construction of the proposed approximately 160 single-family residential lots on a 53-acre parcel in the City of Denton, Denton County, Texas.

APPLICANT: Teasley Trails, LLC
c/o Mr. Bob Shelton
2308 Ranch House Road Drive
Denton, Texas 76210

APPLICATION NUMBER: SWF-2013-00545

DATE ISSUED: February 13, 2014

LOCATION: The proposed subdivision would be located north of East Ryan Road and west of Teasley Lane in the City of Denton, Denton County, Texas (Figure 1 of 7) at Latitude 33.1687, Longitude -97.1150. The project would be located in the Denton East, Texas, 7.5-minute USGS quadrangle maps (Figure 2 of 7) and would be within the USGS Hydrologic Unit 1203010309.

OTHER AGENCY AUTHORIZATIONS: None

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 750 cubic yards of dredged and fill material into 0.58 acre of waters of the United States, including 0.03 acre (145 linear feet) of ephemeral stream, 0.44 acre of emergent wetland, and 0.11 acre of impounded stream in conjunction with the construction of the Teasley Trails Subdivision. The discharge of dredged and fill material into waters of the U.S. would be for roadway fill, culverts, drainage grading, and temporary impacts (Figure 6 and 7 of 7). The applicant's project purpose is to provide single-family residential housing in the Denton area.

INTRODUCTION: The applicant, Teasley Trails, LLC, proposes a single-family residential development on a 53-acre parcel in the City of Denton. The project would consist of approximately 160 single-family residential lots, open space and associated roadway infrastructure.

EXISTING CONDITIONS: The project area is characterized by three major plant communities: 60% Eastern Cross Timbers comprised of post oak (*Quercus stellata*), cedar elm (*Ulmus crassifolia*), yaupon (*Ilex vomitoria*), greenbriar (*Smilax hispida*), and three awn (*Aristida longespica*); 30% mesquite (*Prosopis glandulosa*) dominated pasture; and 10%

wetlands. The site is located in the Fletcher Branch watershed, a tributary to Hickory Creek which flows into Lewisville Lake. The tailrace of Lewisville Lake is the Elm Fork of the Trinity River. Jurisdictional waters of the U.S. on site include an ephemeral channel, open water, and emergent wetlands. The emergent wetlands are dominated by common spikerush (*Eleocharis palustris*) with some black willow (*Salix nigra*), cedar elm, post oak, curly dock (*Rumex crispus*), dewberry (*Rubus oklahomus*), and giant ragweed (*Ambrosia trifida*). The project area occurs in the Fletch Branch Tributary 5, Zone A floodplain on the Flood Insurance Rate Map (FIRM) 48121C0390G (Figure 5 of 7).

ALTERNATIVES: The applicant considered three alternatives in an effort to avoid and minimize adverse impacts to waters of the U.S.

Alternative 1: This alternative is the Applicant's Preferred Alternative and it meets the applicant's project purpose. This alternative uses a revised lot layout relative to the original plans and proposes the use of retaining walls, where practicable, to minimize impacts as well as meeting the need and purpose of the project. This alternative would result in the fill of 0.44-acres of emergent wetlands, 0.11-acres of open water and 145-linear feet of ephemeral stream channel. Therefore, the applicant believes the design represents the least environmentally damaging practicable alternative.

Alternative 2: Removing the northern access. This alternative attempts to avoid additional impacts to waters of the U.S. by removing the northern access drive and servicing the proposed development from the south only. This alternative would avoid additional emergent wetlands and open water but is not feasible due to the City of Denton Ordinance requirements for fire and safety access that require multiple entrances and exits from the development in case of an emergency. This alternative is not practicable and would result in the fill of approximately 0.04-acres of emergent wetlands and 145-linear feet of ephemeral channel.

Alternative 3: Original lot layout and sloped grading. This alternative was based on the original lot layout and utilized extended grading from the lot boundaries and access roads instead of using retaining walls. This alternative is viable in that it would accomplish the need and purpose of the project but would result in greater impacts to waters of the U.S. than the preferred alternative. This alternative is not practicable and would result in the fill of 0.60-acres of emergent wetlands, 0.11-acres of open water and 316-linear feet of ephemeral stream channel.

MITIGATION: The applicant's proposed compensatory mitigation consists of the purchase of credits from the 1) Bunker Sands Mitigation Bank (low quality emergent wetland credits and low quality open water credits); 2) Trinity River Mitigation Bank (legacy ephemeral stream credits); and 3) Mill Branch Mitigation Bank (TXRAM ephemeral stream credits). These credits would be purchased in compliance with the terms of approved mitigation banking instruments. In total 1.0-low quality wetland/open water credits would be purchased from the Bunker Sands Mitigation Bank, 0.4-ephemeral stream credits would be purchased from the Trinity River Mitigation Bank, and 36-TXRAM stream credits would be

purchased from the Mill Creek Mitigation Bank, in accordance with the USACE – Fort Worth District Stream Mitigation Method.

FIGURES

1. Vicinity Map
2. USGS Topo Map
3. Waters of the U.S Map
4. Historic Aerial Map (1996 Color Infrared Aerial)
5. FIRM Map
6. Impacts to Water of the U.S. Map
7. Plan and Profile Drawings

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the 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 will receive 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 such species occur in the project area. The proposed project would be located in Denton County where the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), and piping plover (*Charadrius melodus*) are known to occur or may occur as migrants. The whooping crane and least tern are endangered species and the piping plover is a 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.

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.

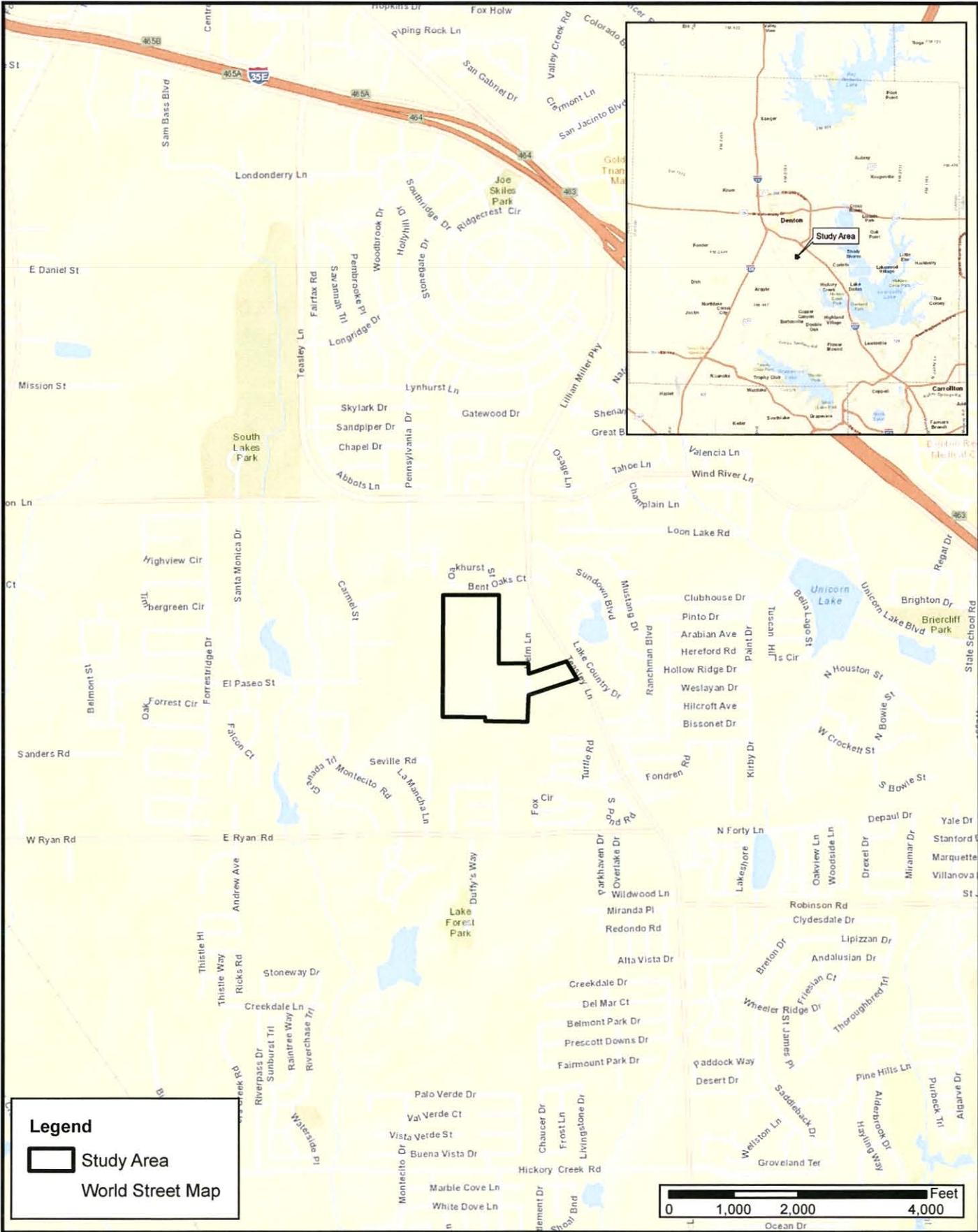
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted 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 March 17, 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



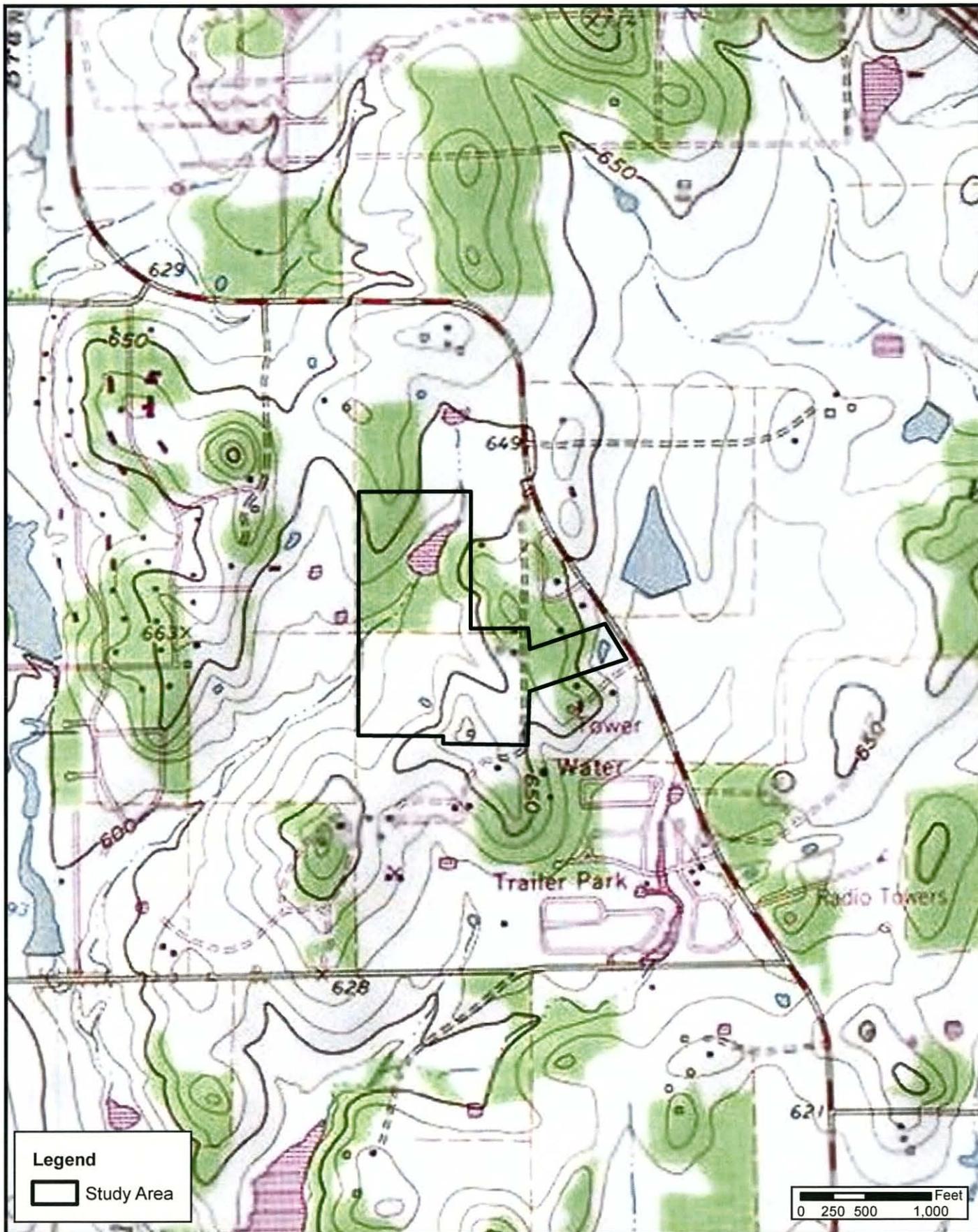
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DRAWN:	RKB
CHECKED:	LDC
KHA NO.:	068517059

Vicinity Map

Teasley Trails Development
Denton, Denton County, Texas

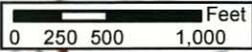
**Kimley-Horn
and Associates, Inc.**

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend

 Study Area



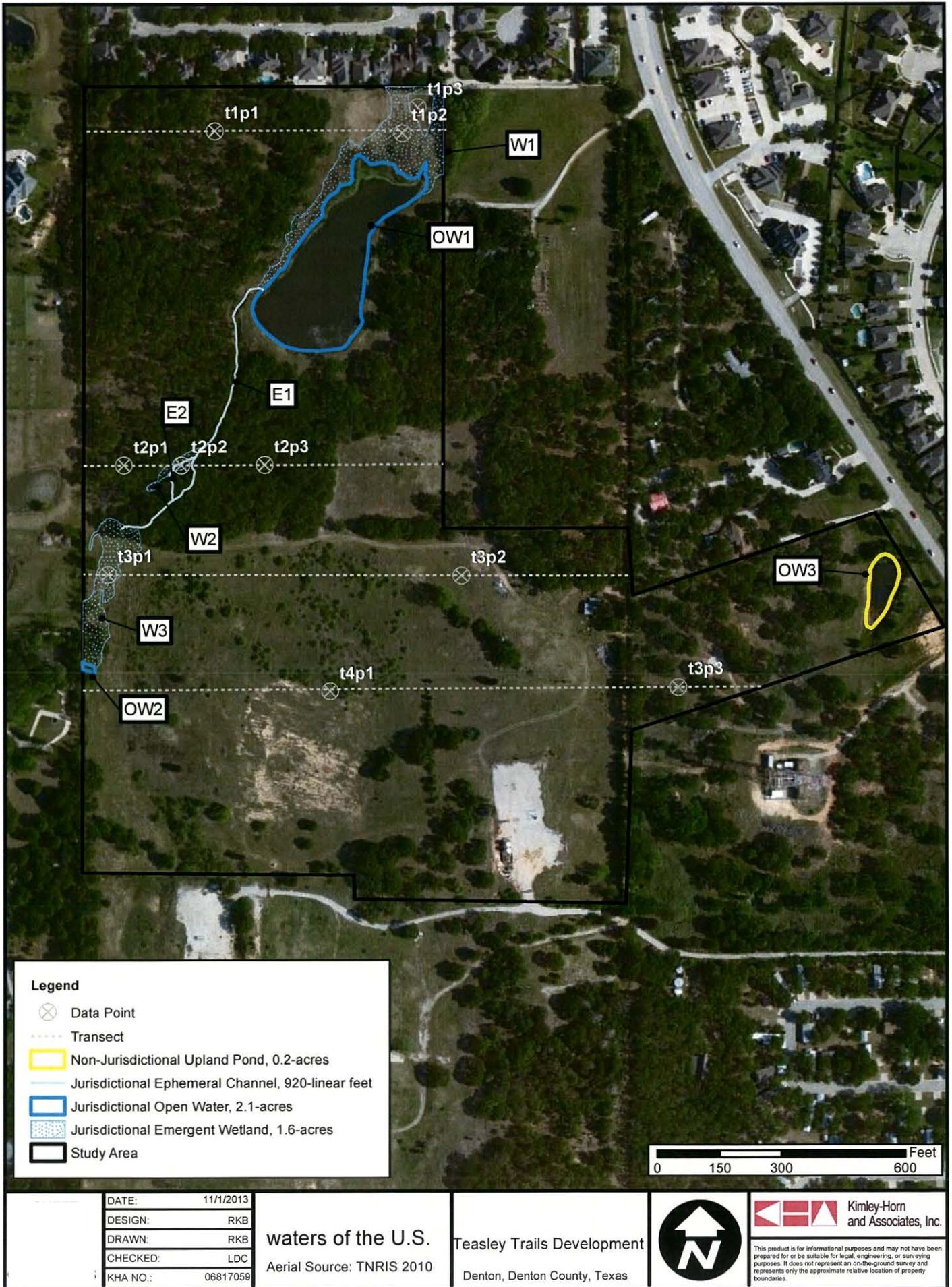
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DESIGN:	RKB
DRAWN:	RKB
CHECKED:	LDC
KHA NO.:	068517059

USGS Topo Map
 Quad Name: Denton East

Teasley Trails Development
 Denton, Denton County, Texas

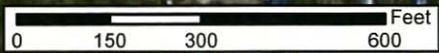


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Legend

- ⊗ Data Point
- Transect
- ▭ Non-Jurisdictional Upland Pond, 0.2-acres
- ▭ Jurisdictional Ephemeral Channel, 920-linear feet
- ▭ Jurisdictional Open Water, 2.1-acres
- ▭ Jurisdictional Emergent Wetland, 1.6-acres
- ▭ Study Area



DATE:	11/1/2013
DESIGN:	RKB
DRAWN:	RKB
CHECKED:	LDC
KHA NO.:	06817059

waters of the U.S.
Aerial Source: TNRIS 2010

Teasley Trails Development
Denton, Denton County, Texas



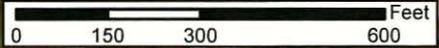
Kimley-Horn and Associates, Inc.

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Legend

 Study Area



DATE:	11/1/2013
DESIGN:	RKB
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KHA NO.:	06817059

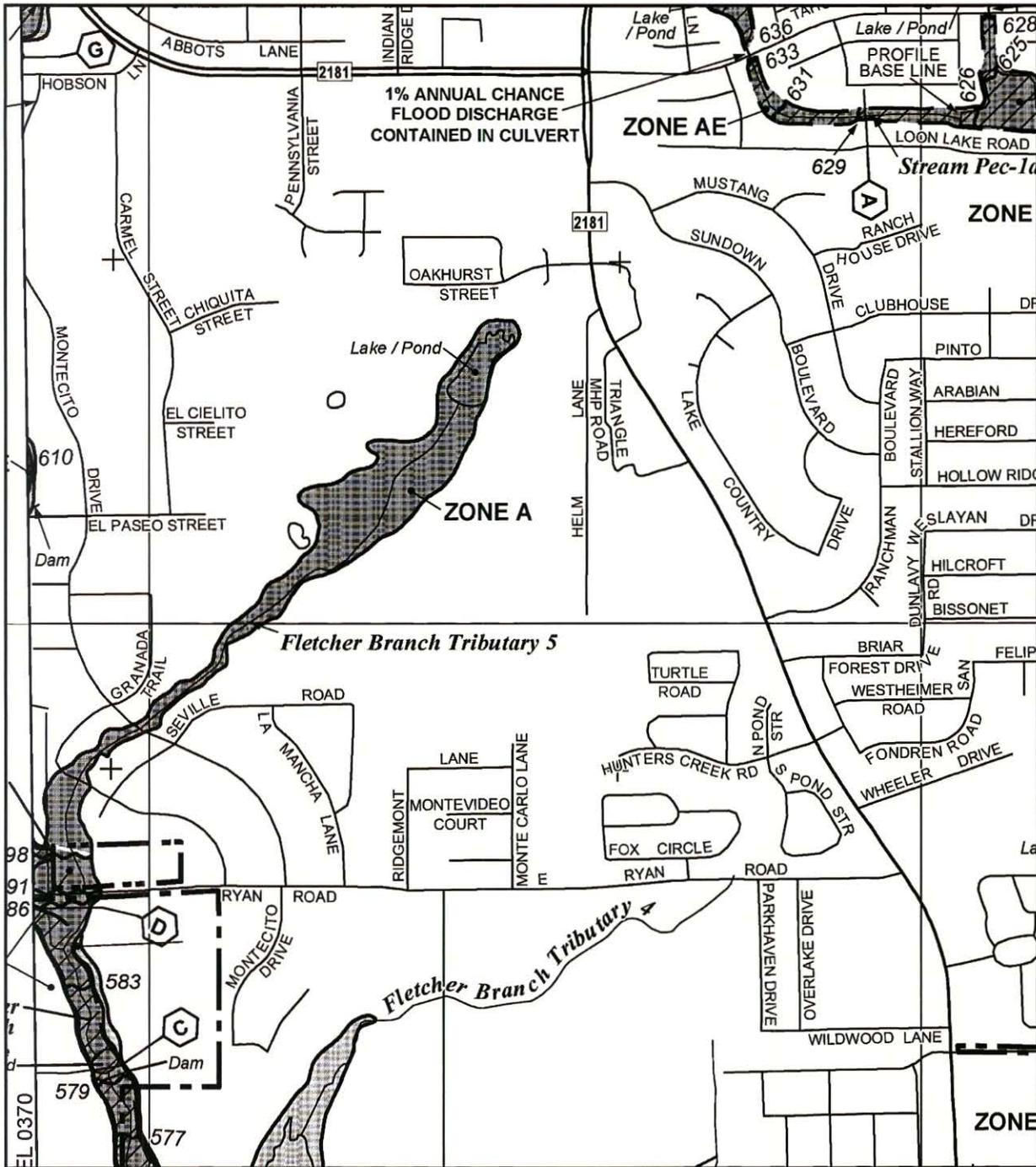
Historic Aerial
Aerial Source: TNRIS 1996

Teasley Trails Development
Denton, Denton County, Texas

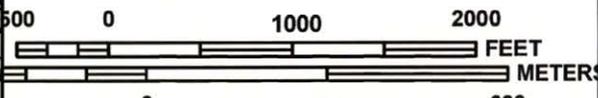


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MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0390G

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

PANEL 390 OF 750
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
CORINTH, CITY OF	481143	0390	G
DENTON COUNTY	480774	0390	G
DENTON, CITY OF	480194	0390	G
SHADY SHORES, TOWN OF	481135	0390	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
48121C0390G
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.mec.fema.gov

