



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

# Public Notice

Applicant: Qualico CR, LP

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Project No.: SWF-2008-00373

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Date: December 31, 2015

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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**

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Phone Number: 817-886-1744

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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 proposed Sunchase South Residential Development project, located in the city of Austin, Travis County, Texas.

**APPLICANT:** Qualico CR, LP  
7940 Shoal Creek Boulevard, Suite 201  
Austin, Texas 78757

**APPLICATION NUMBER:** SWF-2008-00373

**DATE ISSUED:** December 31, 2015

**LOCATION:** The proposed project site is an approximately 188-acre tract of undeveloped rangeland drained by unnamed ephemeral tributaries to Dry Creek. The site is bordered by Pearce Lane to the north and rural residential development to the east, south, and west. The proposed project is located at Latitude 30.147820 N and Longitude -97.592343 W in southeast Austin, Travis County, Texas (Figure 1).

**OTHER AGENCY AUTHORIZATIONS:** State Water Quality Certification

**PROJECT DESCRIPTION:** The applicant proposes to discharge 140 cubic yards of fill material consisting of clean native soils into 2,032 linear feet (0.09 acres) of WOUS consisting of 2 unnamed ephemeral branches of Dry Creek. The total permanent impacts to WOUS associated with the construction of the proposed development would be 2,032 linear feet (0.09 acres) of ephemeral streams. No indirect or temporary impacts are proposed. The proposed project would include residential lots, associated roadway and utility crossings, and a stormwater retention pond (Figures 1 - 4). The applicant's stated purpose is to provide housing in the City of Austin to meet the demands of the growing population of Travis County and Central Texas.

**EXISTING CONDITIONS:** The proposed project site is an approximately 188-acre tract of undeveloped rangeland that is currently being grazed by cattle and consists of grasslands, shrublands, and woodlands. Woody species dominant on the project area included Ashe juniper (*Juniperus ashei*), mesquite (*Prosopis glandulosa*), hackberry (*Celtis laevigata*), and honey locust (*Gleditsia triacanthos*). Understory and herbaceous species dominant on the project area

consisted of common sunflower (*Helianthus annuus*), giant ragweed (*Ambrosia trifida*), Texas croton (*Croton texensis*), greenbriar (*Smilax bona-nox*), Indian sea-oats (*Chasmanthium latifolium*), and johnsongrass (*Sorghum halepense*).

Topography on the proposed project site is flat to slightly sloping in a general south-to-north direction toward off-site Dry Creek and its associated unnamed tributaries that traverse the majority of the site (Figure 2). Surface elevation ranges from approximately 540 feet above mean sea level (MSL) in the southeasternmost corner of the site to 460 feet above MSL along an on-site ephemeral tributary. The topography map indicated 4 unnamed ephemeral branches and 1 upland stock pond within the proposed project area.

The majority of the proposed project area is located outside the 100-year floodplain with the exception of a portion of the central tributary and portions of the 2 northern branches of the project area (Figure 3). The upland stock pond is located outside the 100-year floodplain.

**ALTERNATIVES CONSIDERED:** The applicant has provided an alternatives analysis of multiple development scenarios in an effort to further avoid and minimize adverse impacts to WOUS to the greatest extent practicable.

**On-site Alternative 1 (No-Action Alternative):** This alternative would have no adverse impacts to WOUS and would involve no temporal loss of function, but would not meet the applicant's stated need and purpose for the proposed project. Therefore, the no-action alternative was rejected.

**On-site Alternative 2 (Concrete Ditches):** The second alternative analyzed involved the construction of a stormwater pond and several trapezoidal concrete-lined ditches throughout the proposed residential development to handle the flows during storm events. The concrete-lined alternative would serve the purpose of conveying storm water away from the site while resulting in much lower maintenance efforts and costs. However, this alternative would cause the most impact to the WOUS and loss of function and natural aesthetics would occur due to the removal of all vegetation and an increase in flow volume and erosion downstream would be expected. Alternative 2 would cause a permanent impact to 7,596 linear feet (0.3 acre) of ephemeral streams. Alternative 2 was rejected due to the increased adverse impacts to aquatic resources.

**On-site Alternative 3 (Regrading):** The third alternative analyzed involved the construction of the stormwater pond and regrading portions of the 2 tributaries upgradient of the pond. To maximize developable area and residential lots, the applicant proposed to grade the waterways to allow for residential lots to be constructed abutting the regraded channels. The regraded channels would be an earthen trapezoidal ditch with a concrete pilot channel. Alternative 3 would cause a permanent impact of 5,464 linear feet (0.22 acres) of ephemeral streams. The applicant has rejected Alternative 3, because of the increased impacts to WOUS.

**On-site Alternative 4 (Tributary Setback):** The fourth and applicant's preferred alternative was to plan the residential development with the least amount of impact to the aquatic resources within the project area. The applicant revised the layout of the residential lots along the

unnamed tributaries to avoid large portions of the streams. The stormwater pond and 3 road crossings will be the only developmental features that impact WOUS. The stormwater pond is necessary for treatment of runoff for improved water quality and for flood control and the road crossings are necessary to provide access to residential lots. This alternative would impact 2,032 linear feet (0.09 acre) of 2 unnamed ephemeral streams. Additionally, this alternative minimized the impacts by 73% (from Alternative 2) and 62% (from Alternative 3) and avoided the northwestern branch.

<b>On-Site Alternatives</b>	<b>WOUS Impact (acres)</b>	<b>WOUS Impact (linear feet)</b>	<b>WOUS Avoided (acres)</b>	<b>WOUS Avoided (linear feet)</b>
On-Site Alternative 2	0.3	7,596	0	0
On-Site Alternative 3	0.22	5,464	0.08	2,132
On-Site Alternative 4 (Applicant's Proposed Alternative)	0.09	2,032	0.21	5,564

**COMPENSATORY MITIGATION:** The applicant's proposed mitigation plan consists of the purchase of an appropriate amount of in-kind credits determined by the Fort Worth District's Stream Mitigation Method from Cottonwood Creek Mitigation Bank in compliance with their approved mitigation banking instrument.

**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 would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. **Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.** The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the US Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any species may occur in the project area. The proposed project is located in Travis County, where the following listed species are known to occur: Austin blind salamander (*Eurycea waterlooensis*), Barton Springs salamander (*Eurycea sosorum*), Bee Creek Cave harvestman (*Texella reddelli*), black-capped vireo (*Vireo atricapilla*), Bone Cave harvestman (*Texella reyesi*), golden-cheeked warbler (*Dendroica chrysoparia*), Jollyville Plateau salamander (*Eurycea tonkawae*), Kretschmarr Cave mold beetle (*Texamaurops reddelli*), piping plover (*Charadrius melodus*), Tooth Cave ground beetle (*Rhadine persephone*), Tooth Cave pseudoscorpion (*Tartarocreagris texana*), Tooth Cave spider (*Neoleptoneta myopica*), and whooping crane (*Grus americana*). 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 1, 2016, 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 Division, CESWF-DE-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Division 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




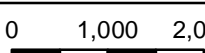
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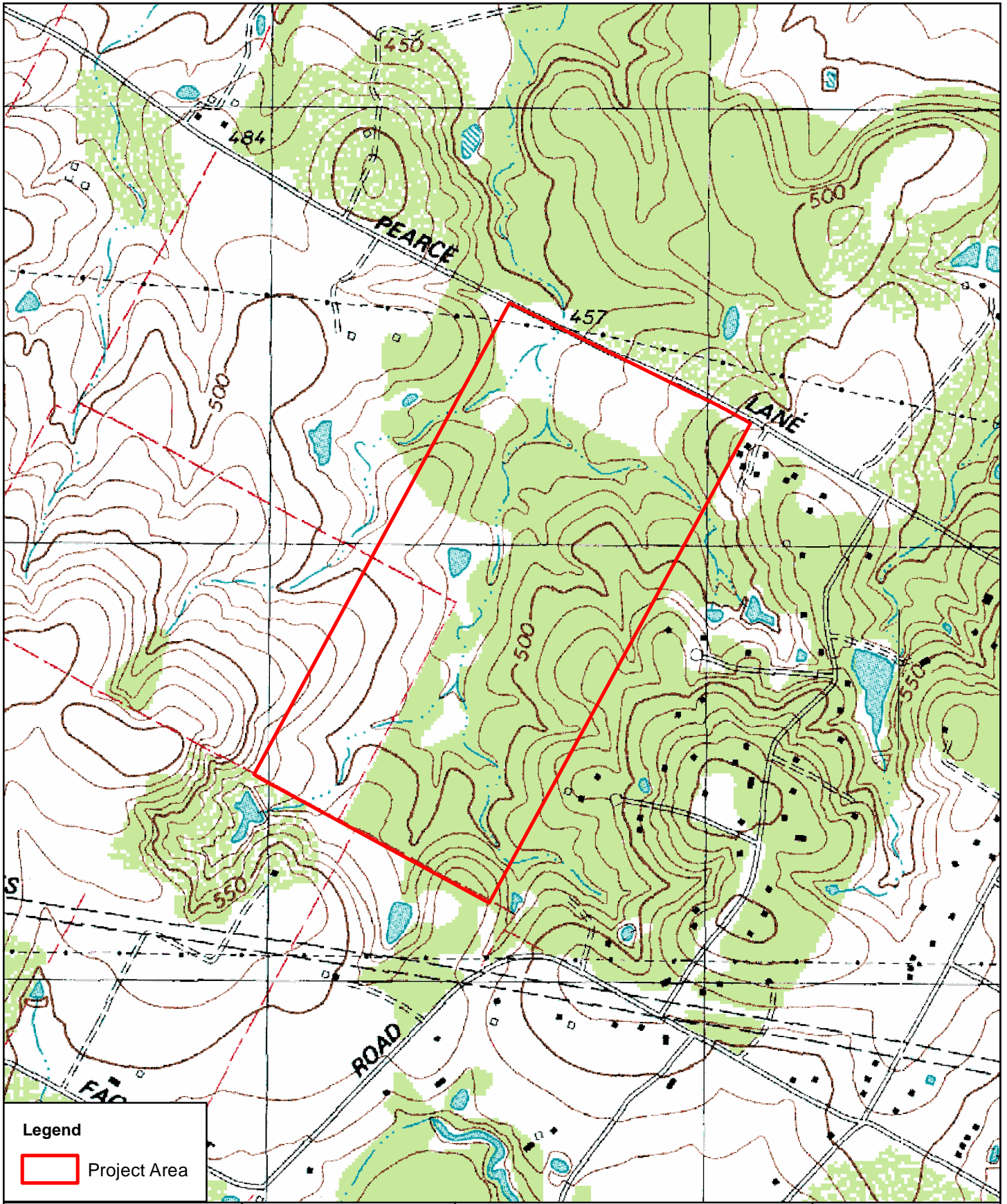
Project Area

**Horizon**  
Environmental Services, Inc.

Date:	10/28/2015
Drawn:	SBF
HJN NO:	140109 PA
Source:	ESRI, 2012

**Figure 1**  
Vicinity Map  
Sun Chase South Residential Development  
Austin, Travis County, Texas  
USACE Project: SWF-2008-00373

  
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 Feet




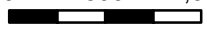
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Project Area

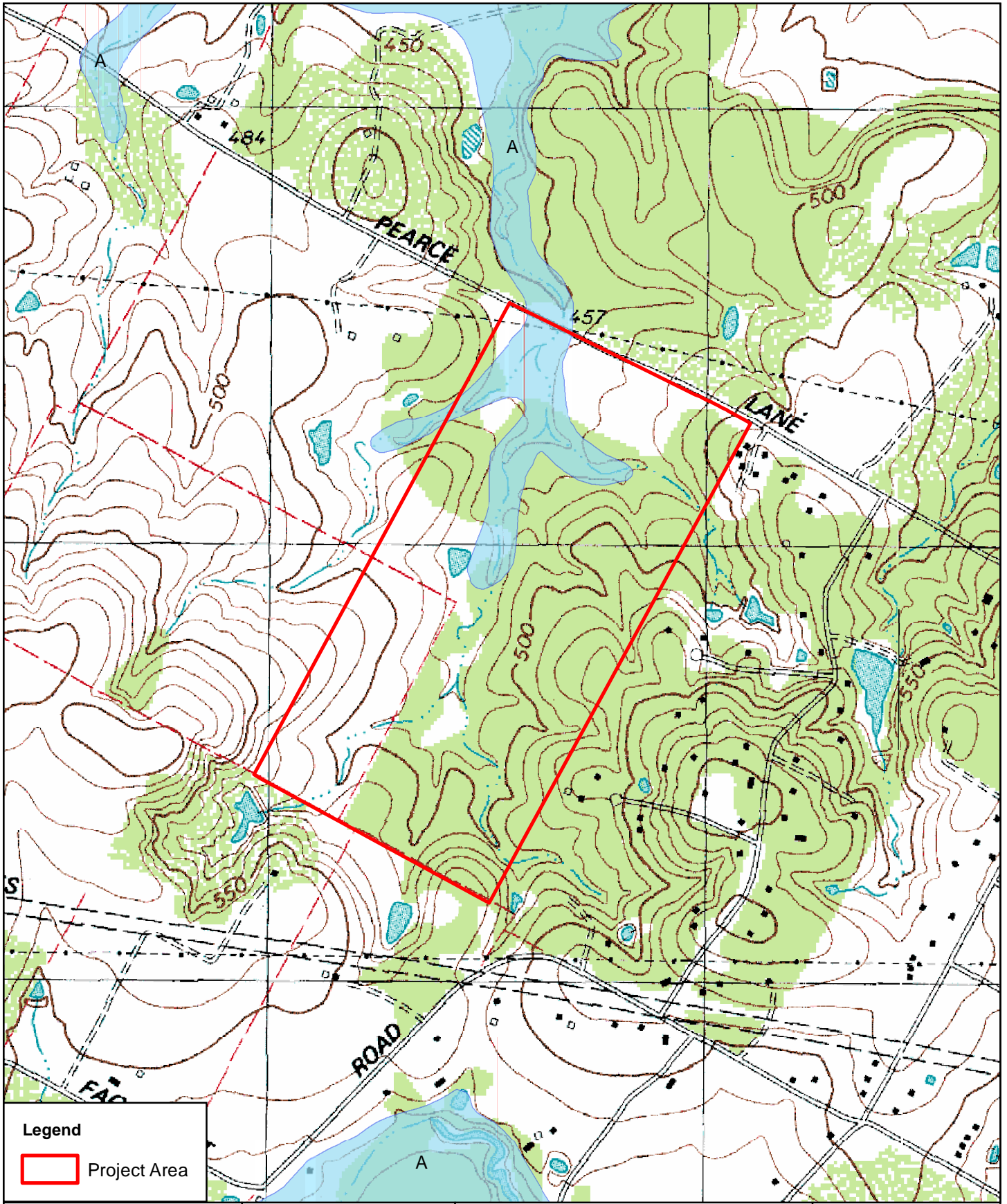
**Horizon**  
Environmental Services, Inc.

Date:	10/28/2015
Drawn:	SBF
HJN NO:	140109 PA
Source:	USGS, 1987

**Figure 2**  
USGS Topography Map  
Sun Chase South Residential Development  
Austin, Travis County, Texas  
USACE Project: SWF-2008-00373

  
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**Legend**

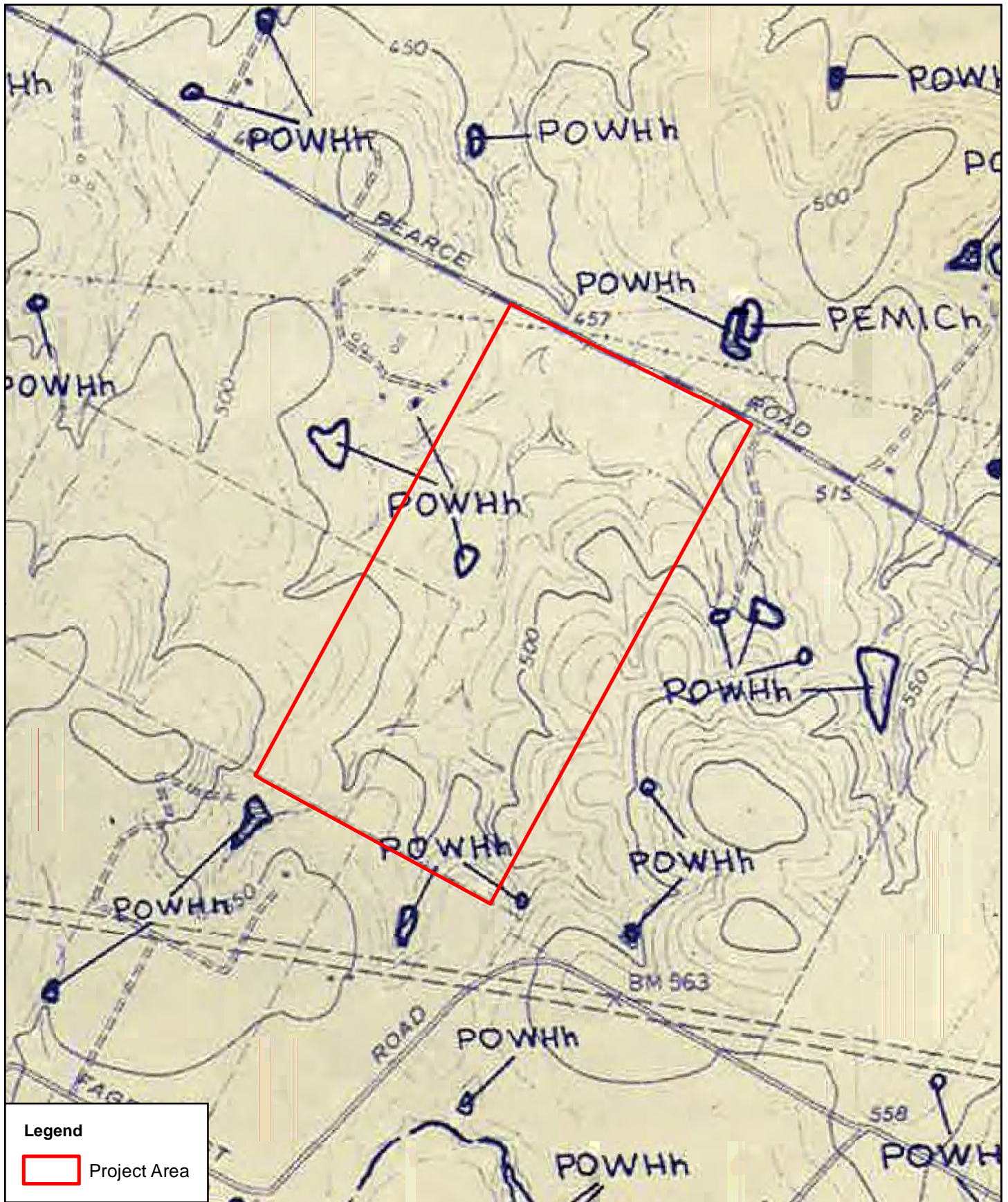
Project Area

**Horizon**  
Environmental Services, Inc.


Date:	10/28/2015
Drawn:	SBF
HJN NO:	140109 PA
Source:	USGS, 1987 FEMA, 2008

**Figure 3**  
Flood Hazard Map  
Sun Chase South Residential Development  
Austin, Travis County, Texas  
USACE Project: SWF-2008-00373

  
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**Legend**

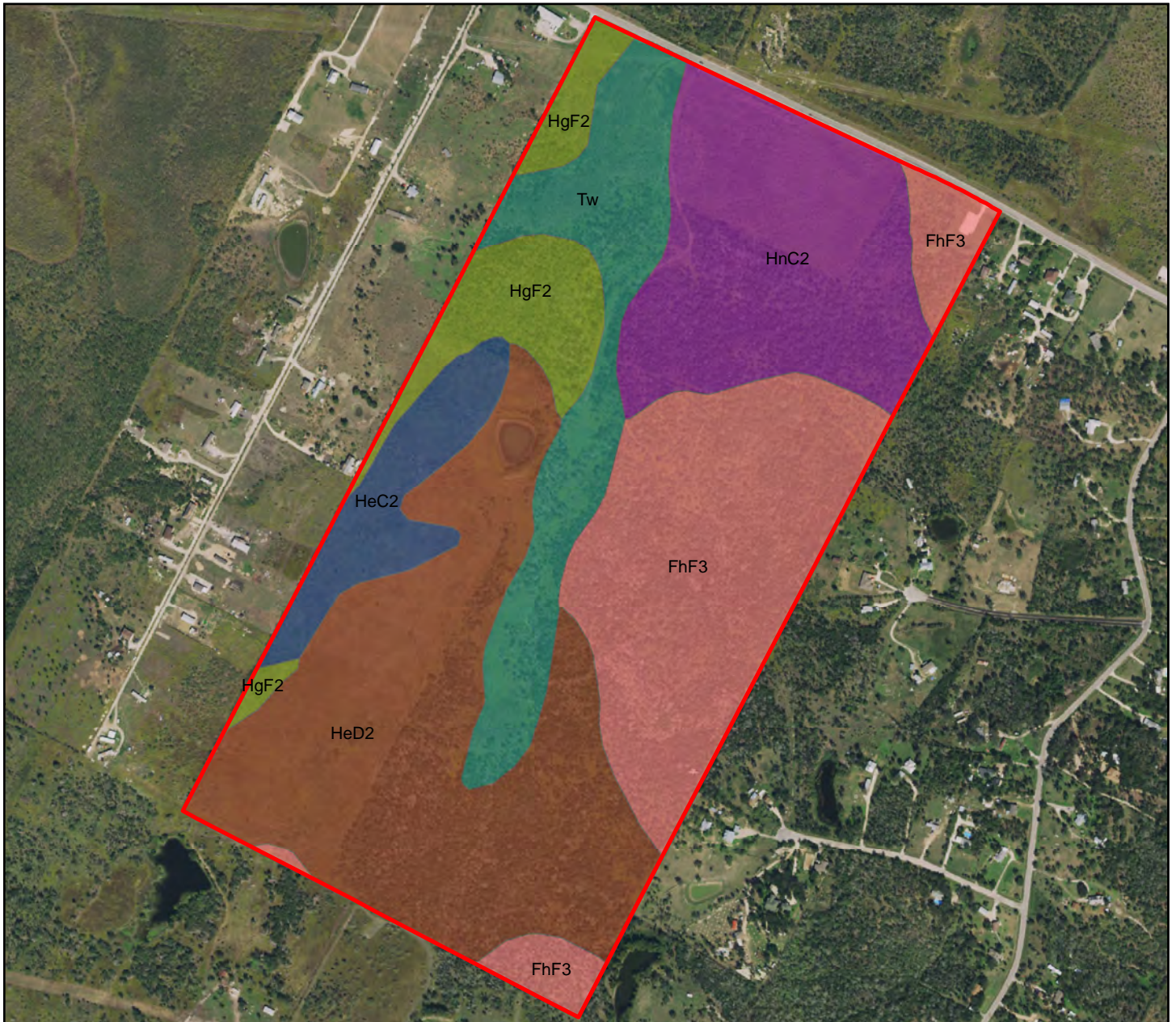
 Project Area

**Horizon**  
Environmental Services, Inc.

Date:	10/28/2015
Drawn:	SBF
HJN NO:	140109 PA
Source:	USFWS, 1993

**Figure 4**  
USFWS NWI Map  
Sun Chase South Residential Development  
Austin, Travis County, Texas  
USACE Project: SWF-2008-00373

  
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Feet





**Legend**

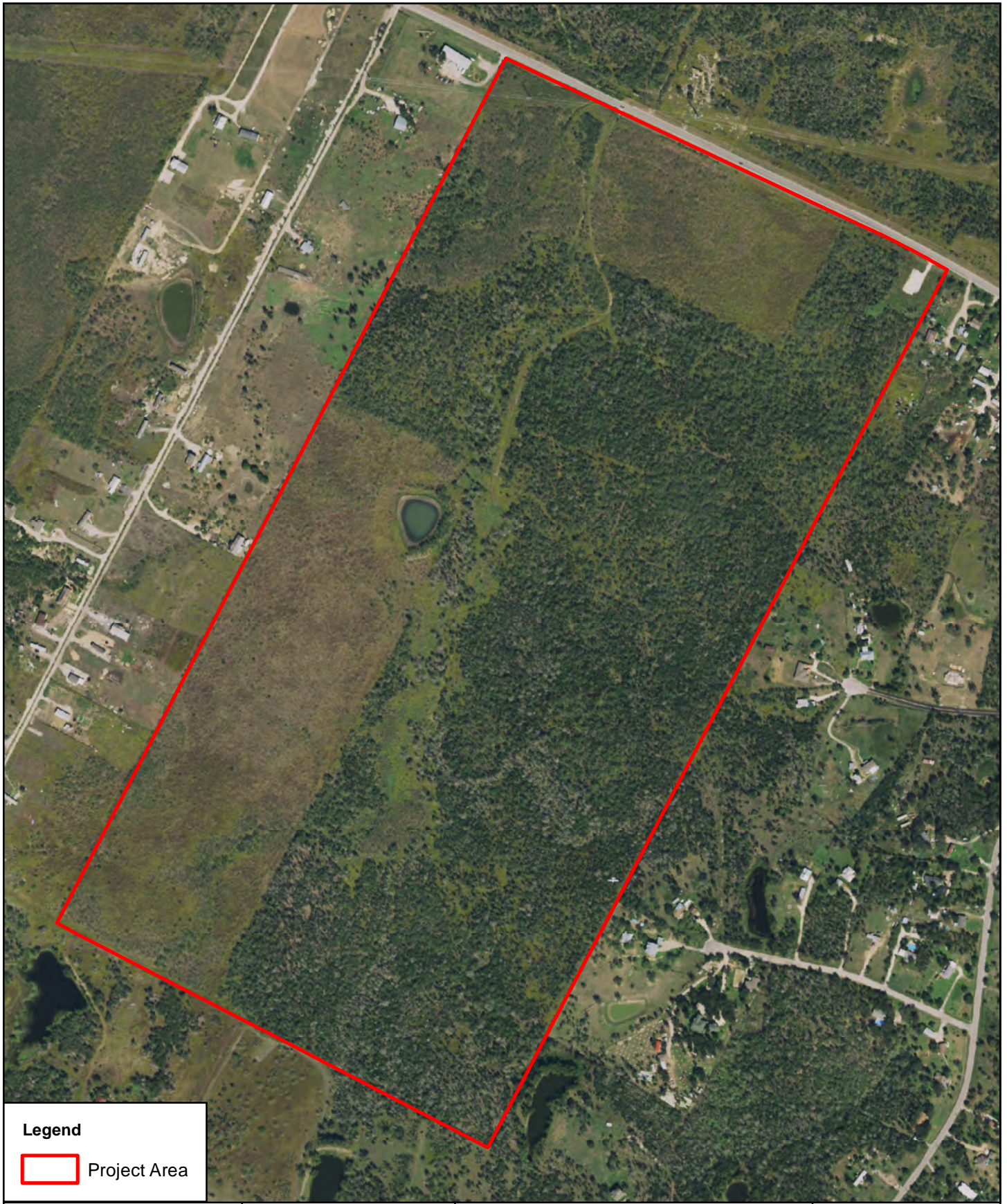
- Project Area
- Ferris Heiden complex, 8 to 20% slopes, severely eroded (FhF3)
- Heiden clay, 3 to 5% slopes eroded (HeC2)
- Heiden clay, 3 to 5% slopes, moderately eroded (HeD2)
- Heiden gravelly clay, 8 to 20% slopes, moderately eroded (HgF2)
- Houston Black clay, 3 to 5% slopes, moderately eroded (HnC2)
- Trinity clay, frequently flooded (Tw)

**Horizon**  
Environmental Services, Inc.

Date:	10/28/2015
Drawn:	SBF
HJN NO:	140109 PA
Source:	NRCS, 2015

**Figure 5**  
NRCS Soil Survey Map  
Sun Chase South Residential Development  
Austin, Travis County, Texas  
USACE Project: SWF-2008-00373

  
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**Legend**

 Project Area

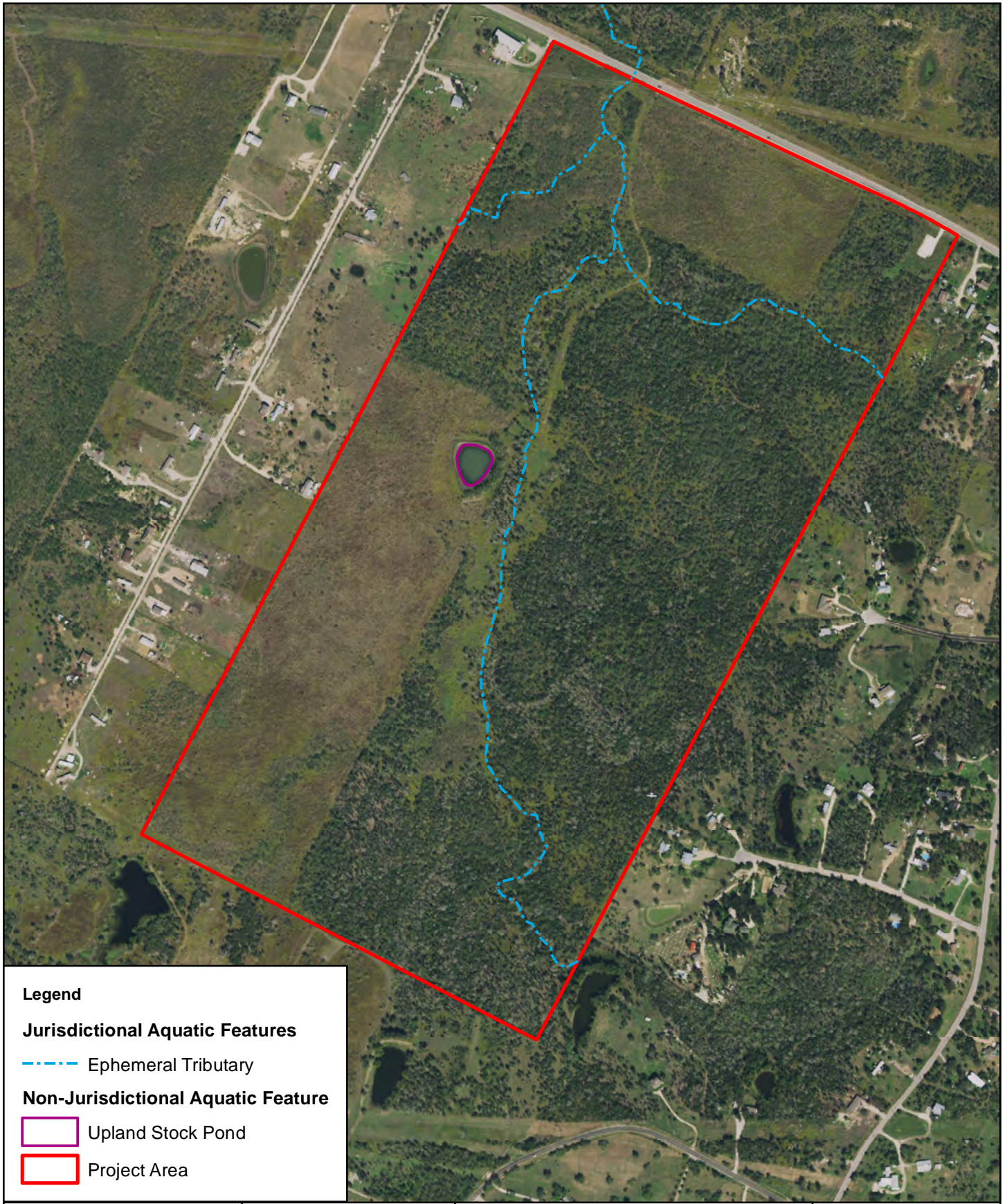
**Horizon**  
Environmental Services, Inc.

Date:	10/28/2015
Drawn:	SBF
HJN NO:	140109 PA
Source:	USDA, 2014

**Figure 6**  
2014 Aerial Photography Map  
Sun Chase South Residential Development  
Austin, Travis County, Texas  
USACE Project: SWF-2008-00373



0 275 550  
Feet



**Legend**

**Jurisdictional Aquatic Features**

--- Ephemeral Tributary

**Non-Jurisdictional Aquatic Feature**

□ Upland Stock Pond

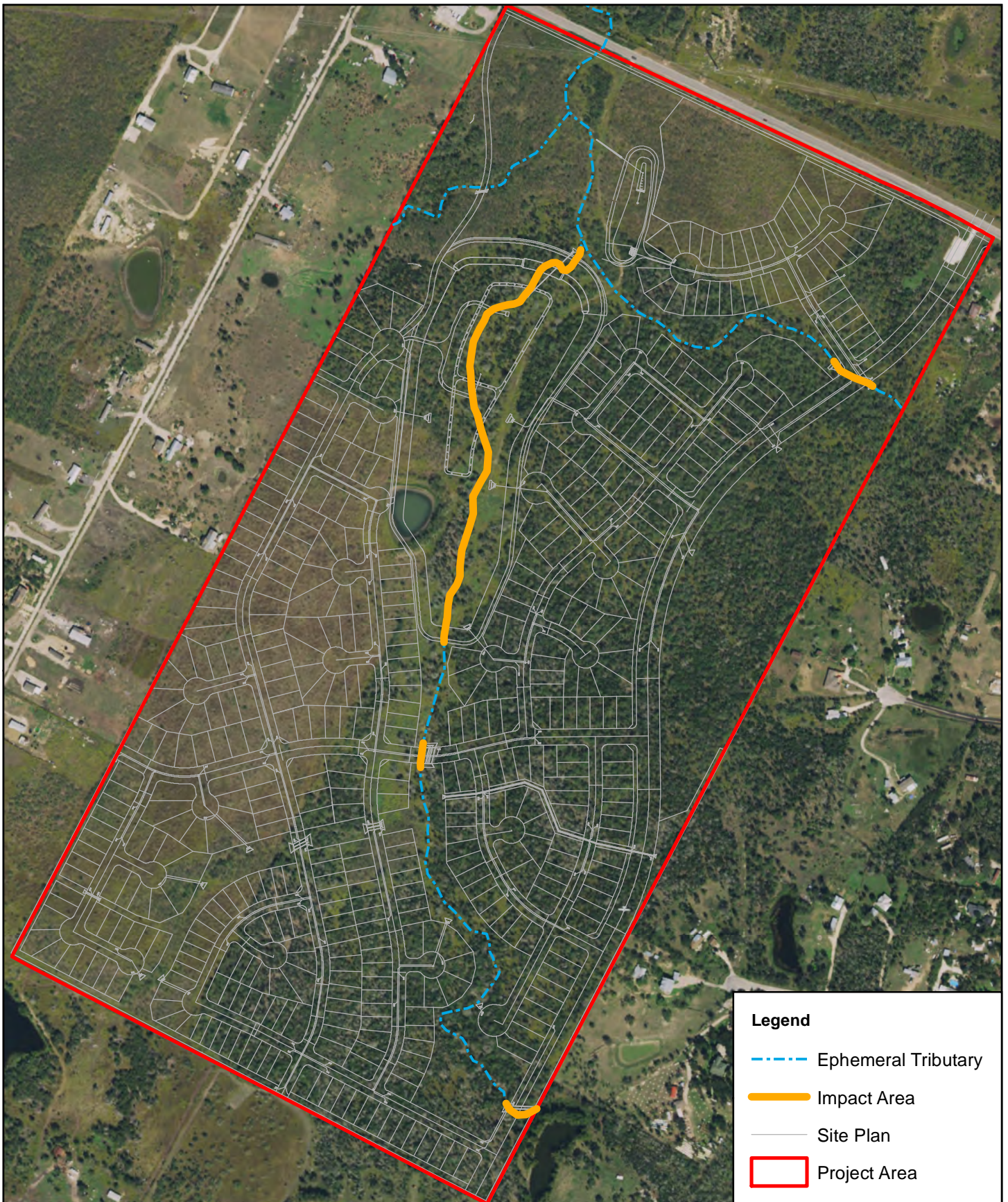
□ Project Area

**Horizon**  
Environmental Services, Inc.

Date:	10/28/2015
Drawn:	SBF
HJN NO:	140109 PA
Source:	USDA, 2014

**Figure 7**  
Jurisdictional Determination Map  
Sun Chase South Residential Development  
Austin, Travis County, Texas  
USACE Project: SWF-2008-00373

0 300 600  
Feet




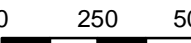
**Legend**

- - - - Ephemeral Tributary
- Impact Area
- Site Plan
- Project Area

**Horizon**  
Environmental Services, Inc.

Date:	12/11/2015
Drawn:	SBF
HJN NO:	140109 PA
Source:	USDA, 2014

**Figure 8**  
Site Plan Map  
Sun Chase South Residential Development  
Austin, Travis County, Texas  
USACE Project: SWF-2008-00373

  
 0      250      500  
  
 Feet