

Public Notice

Applicant: Republic Property Group

Permit Application No.: SWF-2015-00200

Date: June 24, 2016

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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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 associated with the proposed Quail Valley Residential Development Project, located in the city of Fort Worth, Parker and Tarrant Counties, Texas.

APPLICANT: Republic Property Group

8401 N Central Expressway, Suite 350

Dallas, Texas 75225

APPLICATION NUMBER: SWF-2015-00200

DATE ISSUED: June 24, 2016

LOCATION: The full extent of the proposed Quail Valley Residential Development project is located within the City of Fort Worth in Parker and Tarrant Counties, Texas, 76008/76087 (Figures 1&2). The project site is situated east of FM 3325, just south of Old Weatherford Road, and north of Interstate Highway 20. The proposed project would be located approximately at N 32.734526° latitude; W -97.560622° longitude within the Aledo 7.5-minute USGS quadrangle map in the Lower West Fork Trinity River USGS Hydrologic Unit 12030102 (Figure 3, Sheets 1-3).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 9,095 total cubic yards of dredged and fill material into approximately 6.32 acres of waters of the United States (WOUS) in conjunction with the Quail Valley Development. Total proposed impacts to WOUS associated with the project include the direct and permanent impacts to 1.47 acres of emergent wetlands, 4.64 acres of open water (ponds), 2,362 linear feet (0.18 acres) of ephemeral stream, and 1,279 linear feet (0.18 acres) of intermittent stream.

I. INTRODUCTION: The applicant is proposing to construct an approximately 1,700-acre master planned development. The applicant has stated that the large scale of this development will allow for the implementation of a large volume of residential lots (~3,000), schools, parks,

and other public entities. The applicant's stated purpose for the project is to provide a mediumsize residential development with associated mixed-use support development located within the City of Fort Worth and a top rated school district with easy access to major roadways/interstate for easy access to Fort Worth.

II. EXISTING CONDITIONS: The project site extends east/west along the north side of Interstate Highway 20 (I20) between W. Linkcrest Drive and FM 3325, city of Fort Worth, Parker and Tarrant Counties, Texas and is primarily surrounded by undeveloped land on all sides.

The general topography within the project site is sloping with rolling terrain and ranges from approximately 700 to 1,000 feet above mean sea level. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map shows that several portions of the proposed project area is mapped within the 100-year floodplain. The National Wetland Inventory (NWI) Map shows the historical presence and route of Patterson Branch as well as other wetland features within the proposed project area.

According to the Soil Survey of Tarrant County nine soil series are located within the project site: Aledos (frequently flooded), Aledo-Bolar complex (loamy), Bolar clay loam, (3 to 5 percent slopes), Brackett clay loam (3 to 8 percent slopes), Maloterre. Aledo, and Brackett (3 to 20 percent slopes), Purves clay (0 to 3 percent slopes, Sanger clay (3 to 5 percent slopes), Slidell clay (1 to 3 percent slopes), Sunev clay loam (3 to 8 percent slopes), and Venus clay loam (3 to 8 percent slopes).

The project site contains two intermittent streams (Little Mary's Creek and Patterson Branch), thirty-one (31) ephemeral streams, thirty-seven (37) emergent wetlands, and nine (9) ponds. There are approximately 18,690 lf of intermittent stream, 28,613 lf of ephemeral stream, 3.58-acres of emergent wetlands, and 12.94-acres of ponds. Little Mary's Creek and Patterson Branch flow predominantly from the west to the east through the project site. The un-named ephemeral tributaries of both intermittent streams travel from north and south to the confluence with the larger streams. The 37 wetlands and 9 ponds are situated along both ephemeral and intermittent streams throughout the project site. The wetlands and ponds receive their hydrology during heavy rain events or the rising of Little Mary's Creek and Patterson Branch during flooding situations. These wetlands consisted primarily of cocklebur (*Xanthium strumarium*), cattail (*Typha latifolia*), spikerush (*Eleocharis palustris*), switchgrass (*Panicum virgatum*), and sumpweed (*Iva annua*) (Figure 8, Sheets 1-3).

III. ADVERSE IMPACTS TO WOUS: Total proposed impacts to WOUS associated with the project include the direct and permanent impacts to 1.47 acres of emergent wetlands, 4.64 acres of open water (ponds), 2,362 linear feet (0.18 acres) of ephemeral stream, and 1,279 linear feet (0.18 acres) of intermittent stream.

Streams 9, 17, and 18 (24 linear feet) would be impacted by the placement of three separate detention structure. The detention structures would directly impact 8 linear feet of stream at each location. No grading would take place upstream or downstream of the structures. The structures

would be designed to capture water during heavy rain events using the natural topography onsite. The structures would allow low flows through but during heavy rain events it would capture water to prevent any increase in velocities or amount of storm water downstream. The applicant states that the detention structure will not cause a loss of stream function in the area capturing water since the water would only be held for a short period of time and no grading would take place. The applicant believes these proposed structures would not result in any indirect impacts to WOUS. The USACE has not yet analyzed the potential indirect effects associated with the detention structures, but will be requesting additional information to address this potential impact.

Pond 8 (1.28 acres) will be impacted by the creation of a detention basin. The pond would be drained, the dam would be re-worked with a water control structure, and the pond would stop holding water for an extended period of time. The new structure would allow low flows to exit the pond, but during heavy rain events, storm water would be captured in the pond and slowly flow out of the structure to prevent any increase in velocities or amount of storm water downstream. The pond would lose its current function of holding water for an extended period of time.

Wetlands 13, 17, 43, and 44 (0.52 acres); and Streams 12, 31, 32, and 33 (1,515 linear feet) would be impacted by grading for residential lots and a future school site. Fill material would be placed in the wetlands and streams in order to prepare a level site for construction.

Stream 10 (1,007 linear feet) and Wetland 18 (0.05 acres) would be impacted by a larger detention basin. Grading would take place at this detention basin to create a larger dam. The grading and footprint of the dam would impact stream 10 downstream of the dam. Pond 12 would be enlarged and act as a wet pool in the detention basin. Stream 10 and wetland 18 would be graded on the upstream side of the detention basin to create the detention area. The USACE has not yet analyzed the potential indirect effects associated with this detention basin, but will be requesting additional information to address this potential impact.

Wetland 30, 31, and 32 (0.75 acres); Stream 19 (272 linear feet); and Pond 15 (3.36 acres) would be impacted by altering the stream channel that supply those features with hydrology. Patterson Branch would be re-routed around the existing pond to re-create the natural conditions that existed on-site before the pond was built. This would remove the natural hydrology from the water features, thus creating an impact. A water well would supply the re-created pond with a constant water supply. The created pond would function as part of a neighborhood amenity center, but would not be incorporated into the stormwater management system.

Stream 14, 17, 26, 29, 43, and 44 (823 linear feet) would be impacted by roadway crossings. These crossings would include the placement of a culvert to allow flows under the roadway. The exact locations of each culvert crossing can be located on the impacts map (Figure 5). All other roadway crossings over WOUS would be 3-sided culverts and would not impact the ordinary high water mark of stream channels or wetlands.

Stream 10, 14, 16, 17, 18, 25, and 35 (150 linear feet) would all be temporarily impacted by sanitary sewer crossings. Construction equipment will trench in a 15-foot right-of-way, place the line, and backfill the trench. The disturbed right-of-way would be returned to pre-construction contours. Work done within the stream channels would be conducted within the 15-foot right-of-way. Where possible, less than 15-feet of stream would be impacted during trenching operations. See attached impacts map (Figure 4) for exact location of the utility crossings.

IV. APPLICANTS ALTERNATIVES: The applicant has provided a preliminary alternatives analysis that includes four proposed on-site alternatives as well as four additional off-site alternatives. The first alternative (no build) would have no impact to WOUS. This alternative does not meet the applicant's purpose or goals of this proposed residential development and therefore was eliminated by the applicant. The USACE has not yet evaluated this alternatives analysis.

Alternative 1 (Concept Plan A) would include approximately 3,023 residential lots. In order to develop this alternative, the property would have to be mass graded to remove the rolling topography. As a result of the grading and maximization of the developable areas, many of the natural drainage features containing WOUS would be impacted. This concept plan is designed to meet all of the project needs, however it also would create the greatest impacts to WOUS including 1.8 acres of wetlands, 6.0 acres of open water (ponds), and 20,000 linear feet of streams. This alternative was eliminated by the applicant due to the substantial impacts to WOUS.

Alternative 2 (Concept Plan B) would include approximately 2,879 residential lots. Although this design allows the development to avoid mass grading of the site, grading would still be required, to the extent that work would impact approximately 1.38 acres of wetlands, 4.82 acres of open water (ponds), and 9,745 linear feet of streams.

Alternative 3 (Applicant's Preferred Alternative) utilizes the existing topography on-site to limit grading and impacts to streams, while still establishing an ample amount of residential lots (2,787) for a property this size. This alternative also uses 3-sided culverts or bridges at some roadway crossings to minimize impacts caused by typical roadway crossings. Approximately 1.47 acres of wetlands, 4.64 acres of open water (ponds), and 3,641 linear feet of streams would be impacted by this alternative. Additionally, this alternative would re-create approximately 1,700 linear feet of stream. An existing on-channel pond would be re-worked to seal a leaking dam. The pond was built on-channel in 2005 to capture water for cattle operations. Over time, the pond dam has begun leaking and does not hold water for a significant amount of time. The proposed channel re-creation would route water south of the re-worked pond and connect back into Patterson Branch. The re-worked pond would have a drop structure that would allow for overflow to exit the pond and enter into Patterson Branch just like it exists currently. The addition of the re-created stream channel would act similar to the stream that was impacted by the pond in 2005, and the re-worked pond will continue to overflow into Patterson Branch.

Off-site Alternative 1 (Alpha Ranch) consists of approximately 1,122 acres in the ETJ of Fort Worth located in Wise and Denton Counties (See attached Alpha Ranch Map). The property is

located directly off State Highway 114. Multiple gas wells are spread out throughout the property, 28 separate pad sites all together. The amount and locations of the pad sites limit the developable acreage due to the 300-foot setback for single well pads and 225-foot setback for multi well pads as directed by the City of Fort Worth Development regulations. Based on aerial photography, there are 266-acres (20% of the property) that would be considered not developable. Additionally, aerial and topographic maps suggest that WOUS (mainly streams) flow across a majority of the site. It is assumed that approximately 17,000 linear feet of stream exists in the main developable area of the property. In order to achieve a medium sized residential development on this property, approximately 5,000 linear feet of stream would be impacted by construction. Due to the site constraints caused by the acreage of the property, amount of property within well site setbacks, and the proposed stream impacts being higher than the preferred alternative, this alternative was eliminated by the applicant.

Off-site Alternative 2 (Mosites Tract) consists of approximately 485 acres located along Kelly Road in Parker County, Texas. The property does not have immediate access to a major highway or interstate and is approximately 4.8 miles from Interstate Highway 20. This location is also substantially influenced by the floodway of the Clear Fork Trinity River (~30% of the property), leaving only about 70% of the site developable (328 acres). Based on a desktop delineation using aerial and topographic maps, approximately 4,000 linear feet of stream channel would be impacted in order to maximize the number of residential lots on this property. As a result of the floodway transecting the property, access to areas of the site would require substantial construction and engineering costs. Due to the floodway on the property and the property size unable to support a medium size residential development, this alternative was eliminated by the applicant.

Off-site Alternative 3 (TCU Property) contained approximately 920 acres located in City of Fort Worth ETJ in Denton County. The property does not have immediate access to a major highway or interstate and is approximately 1.3 miles from State Highway 114. Water and sewer are provided by Fort Worth for this property, but the City would need to extend their sewer line to service the property. Currently there are no plans to extend any sewer and the expense would be on the property owner. The current access to the site is from John Day Road, a two lane road that is not properly sized to handle a residential development of this size. Additionally, this property contains 29 separate well pads. Assuming every pad site on the property is a single well, approximately 188 acres of the 920 acres falls within the mandatory 300 foot gas well setback as dictated by the City of Fort Worth development regulations (Fire Code). This 300 foot set back is from the center of the gas well. Based on aerial photography, some of the pad sites appear to be multi well pad sites. Nine of the pad sites appear to be multi well pad sites. Set back from a multi well pad site is 225 feet from the edge of the permitted pad site. This would increase the amount of acreage within the setback area to 224. This is approximately 25% of the land. Per city fire code: "there shall be no avenue for an appeal or variance..." Due to the site constraints caused by the acreage of the property, amount of property within well site setbacks, and the proposed stream impacts being higher than the applicant's preferred alternative, this alternative was eliminated by the applicant.

Off-site Alternative 4 (Traditions Tract) is approximately 1,100 acres located in the City of Fort Worth ETJ. The property has immediate access to Highway 114. Due to the acreage being below the applicant's preferred alternative, a majority of the site would need to be graded in order to develop a medium size residential development. Based on aerial and topographic maps, the property appears to contain several ephemeral streams. Approximately 5,865 linear feet of stream would be impacted in order to achieve the desired number of residential lots. And, approximately 3.3 acres of open water/wetland would be impacted. Additionally, upon further investigation of this property, a developer has this tract under contract and is in the process of planning/designing a smaller sized residential development. Due to the amount of Waters of the U.S. impacted and the tract being under contract with a developer, this alternative was eliminated by the applicant.

Table 1: Summary of alternatives' impacts to waters of the U.S.

Quail Valley Proposed Permanent Impacts						
Concept Plan	Stream		Ponds	Wetlands		
	Length	Acres	Acres	Acres	Total Length	Total Acres
Alternative 1						
(Plan A)	19681		6.00	1.79	19681	7.79
Alternative 2						
(Plan B)	9747		4.82	1.38	9747	6.20
Alternative 3						
(Plan C)	3,641		4.64	1.47	3,641	6.32
Off-Site						
Alternative 1	~5,000*		0	Unknown*	~5,000	Unknown*
(Alpha Ranch)						
Off-Site						
Alternative 2	~4,000*		0.6	Unknown*	~4,000	Unknown*
(Mosites Tract)						
Off-Site						
Alternative 3	~3,100*		0.72	Unknown*	~3,100	Unknown*
(TCU Tract)						
Off-Site						
Alternative 4	~5,800*		0.40	2.90*	~5,800	3.3*
(Traditions Tract)						

^{*}A desktop delineation was done based on aerial and topographic maps. Stream features were measured using GIS, wetland areas are unknown or assumed since no field work was done.

V. COMPENSATORY MITIGATION: The applicant proposes to compensate for the unavoidable loss of WOUS by purchasing the appropriate type and number of credits from an approved mitigation bank. Currently the applicant is investigating available in-kind credits and costs at multiple mitigation banks that serve the project area.

VI. FIGURES:

- A. Figure 1: Large-Scale Vicinity Map
- B. Figure 2: Local Vicinity Map
- C. Figure 3 (Sheets 1-3): Topographic Project Map
- D. Figure 3 (a-c): Overall Impacts Map
- E. Figure 4: Sewer line Crossings Map
- F. Figure 5: Roadway Crossings Map
- G. Figure 6 (a-g): Detailed Impacts Map
- H. Figure 8 (Sheets 1-3): Waters of the U.S. Map
- I. Figure 9 (Sheets 1-4): Alternative Locations Map

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 U.S. 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 would be located in Parker and Tarrant Counties where the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), black-capped vireo (*Vireo atricapilla*), red knot (*Calidris cantus rufa*), and piping plover (*Charadrius melodus*) are known to occur or may occur as migrants. The whooping crane, least tern, and black-capped vireo are endangered species and the piping plover and red knot are 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 area of the proposed Quail Valley Development has never been surveyed for the presence of historic or prehistoric cultural resources. There are no properties eligible for, or listed on, the National Register of Historic Places within the proposed development. Based on similar areas in Parker and Tarrant Counties, the area has a high likelihood of containing prehistoric or historic sites. A survey of the permit area will be required to identify and assess any cultural resources identified.

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.

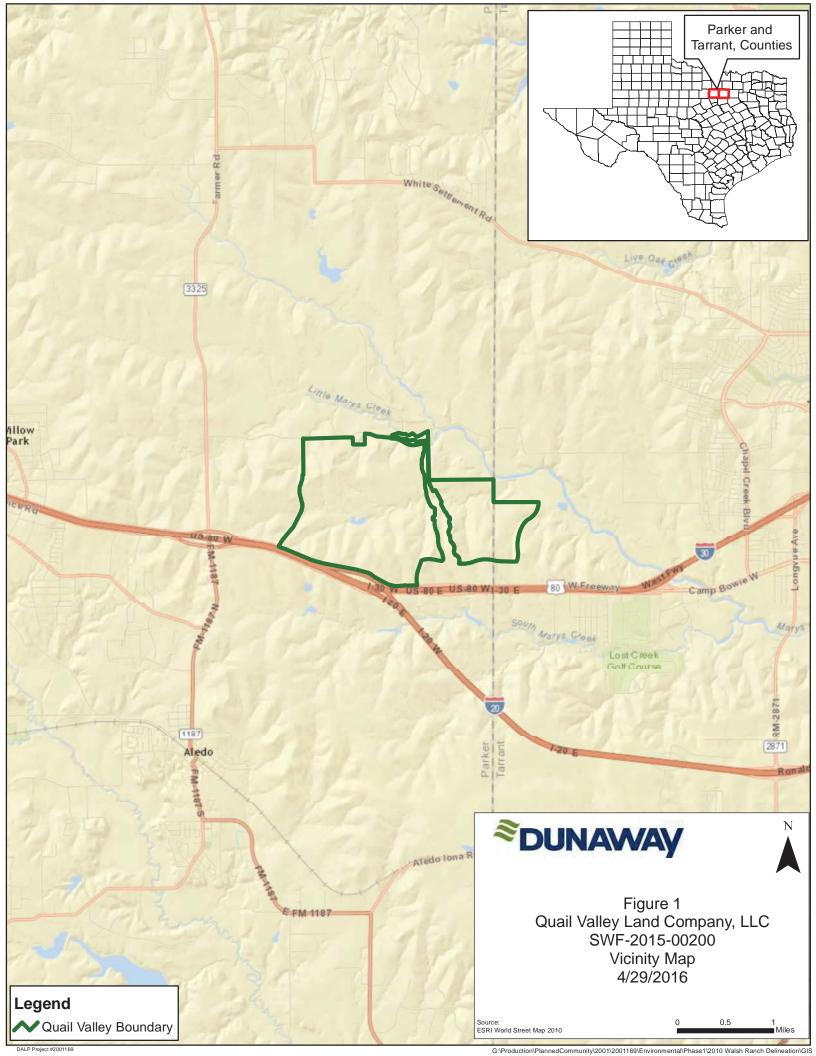
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to

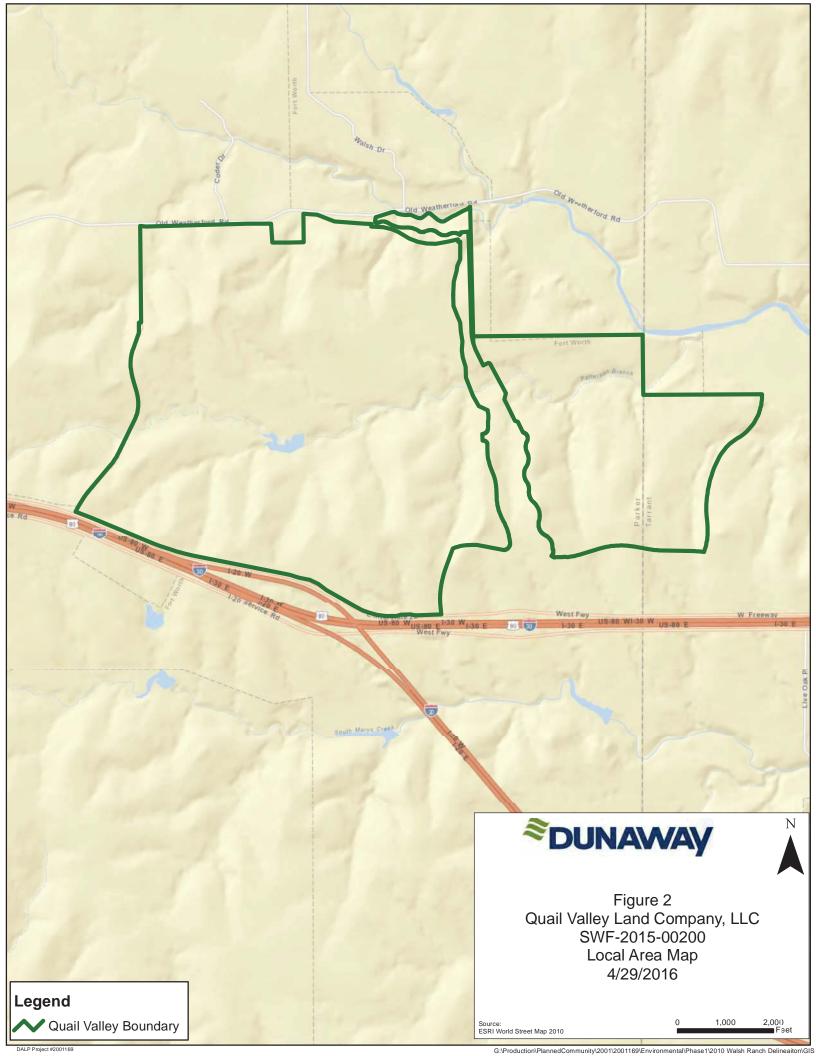
the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

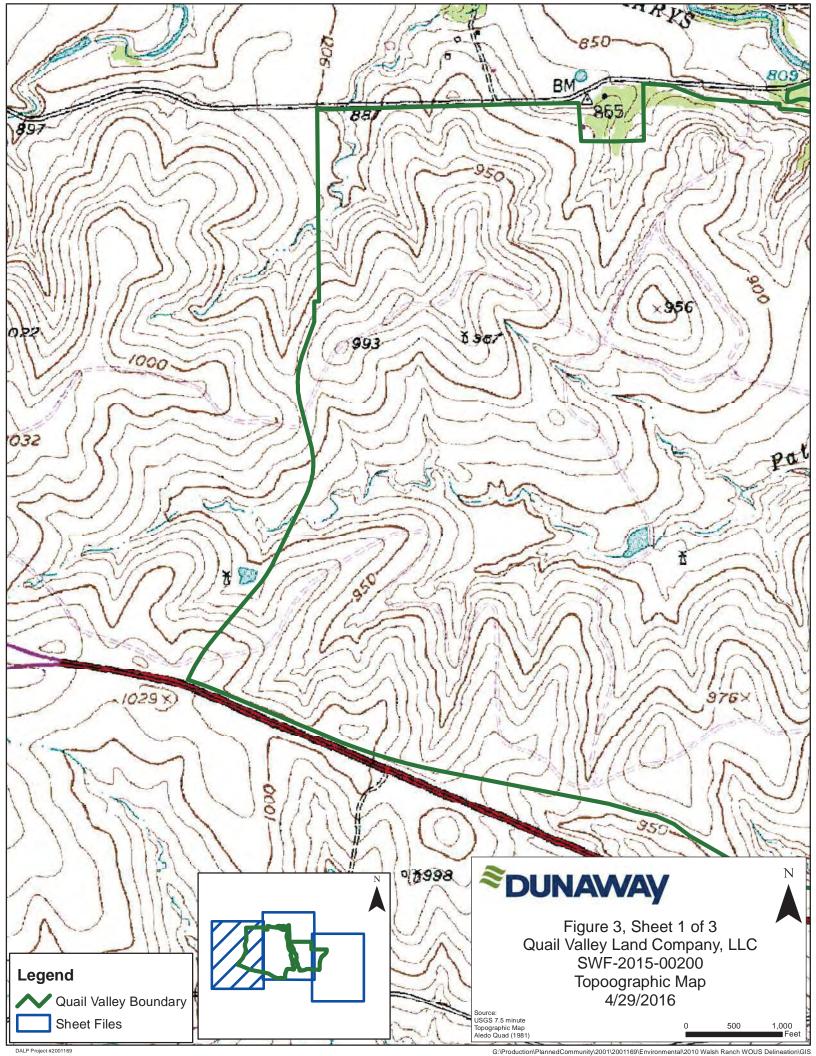
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

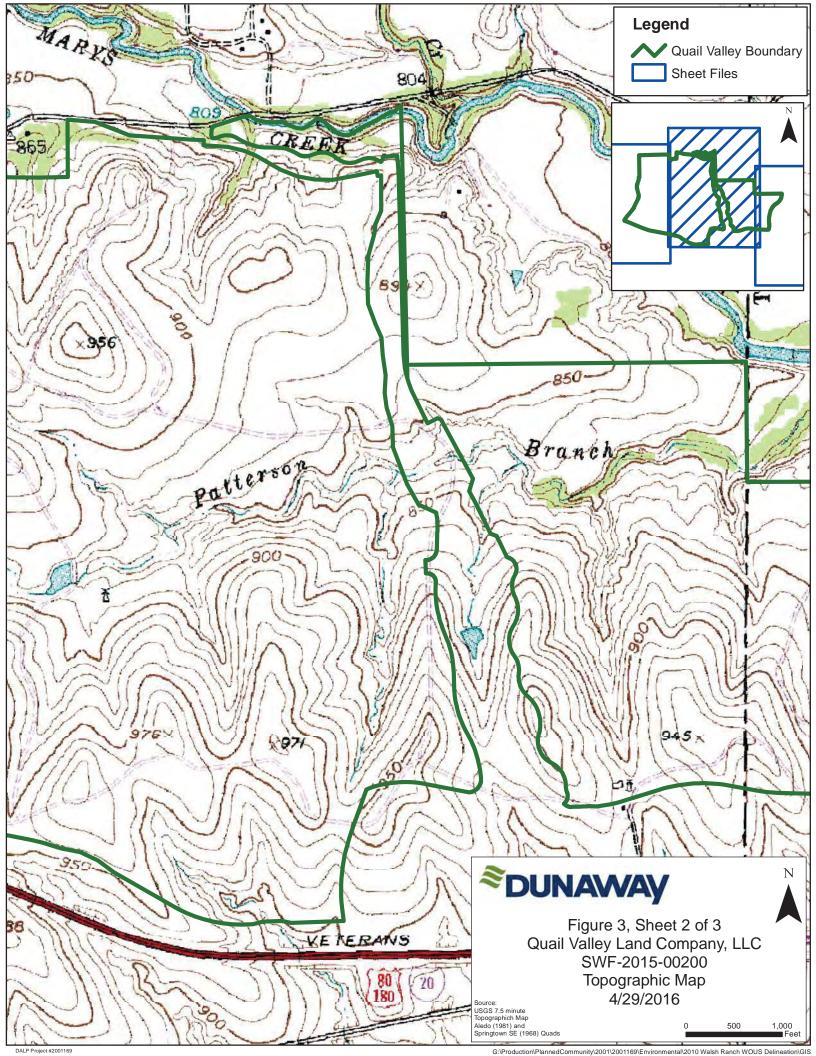
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before July 25, 2016, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments 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 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 Mr. Billy Standridge at (817) 886-1662. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

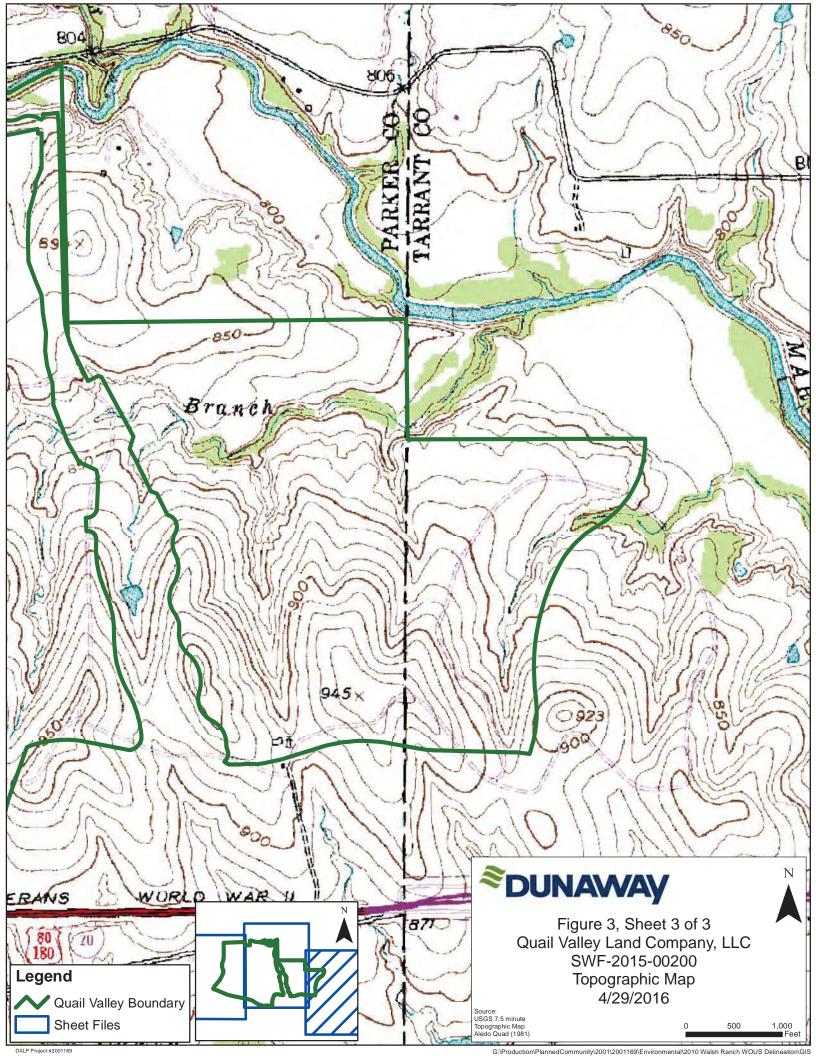
DISTRICT ENGINEER FORT WORTH DISTRICT CORPS OF ENGINEERS

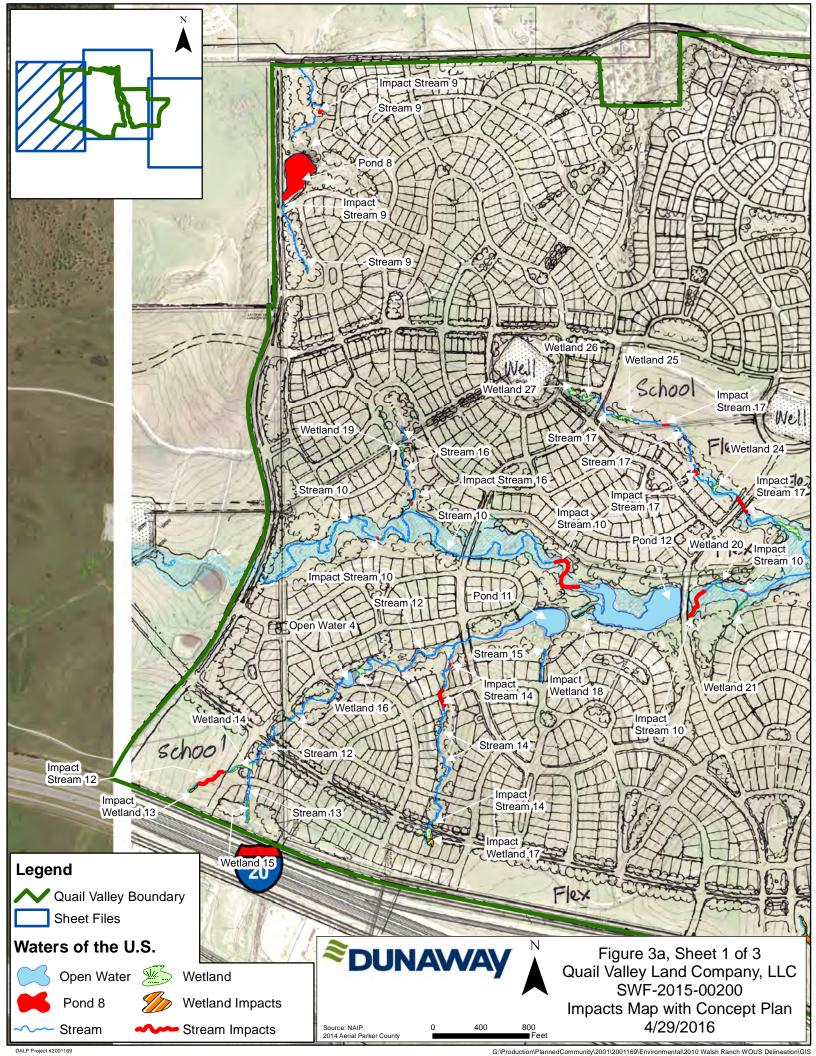


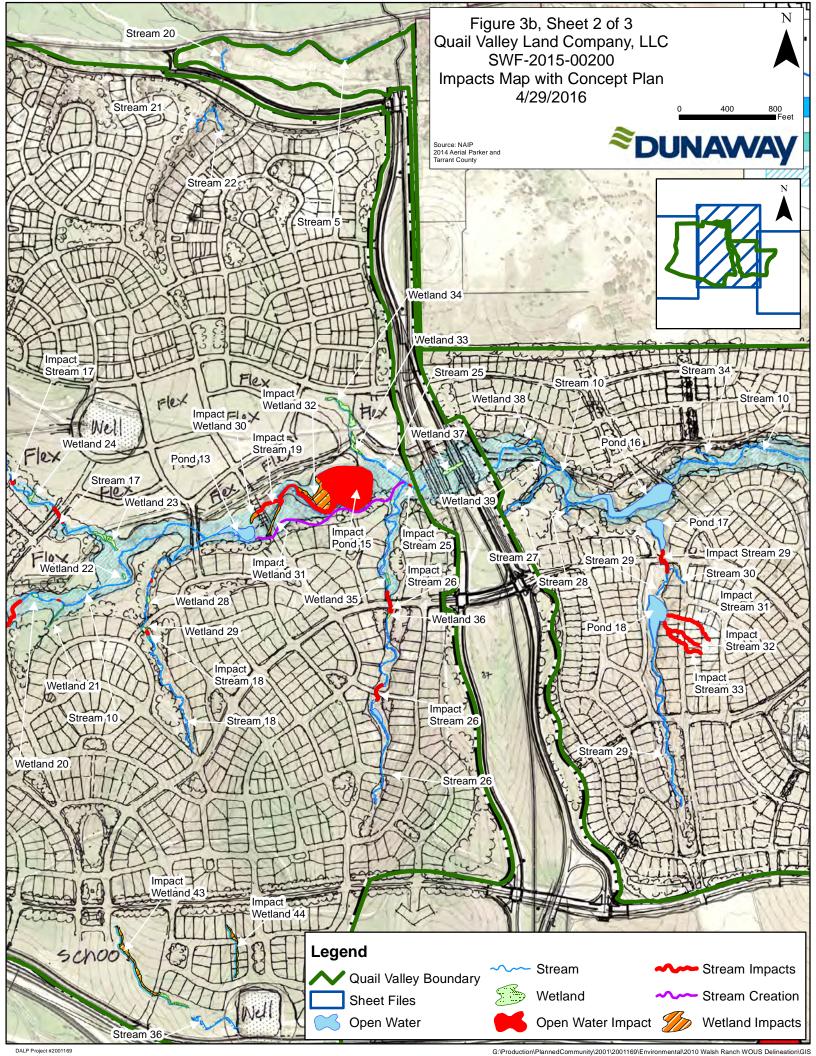


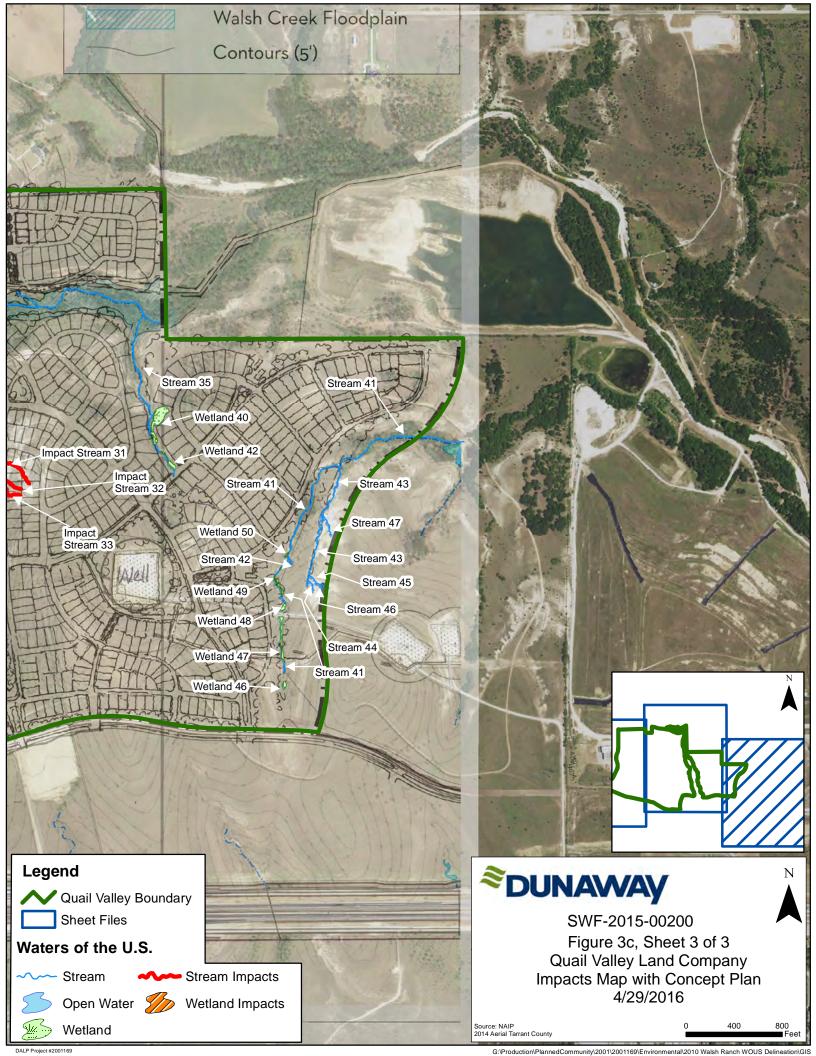


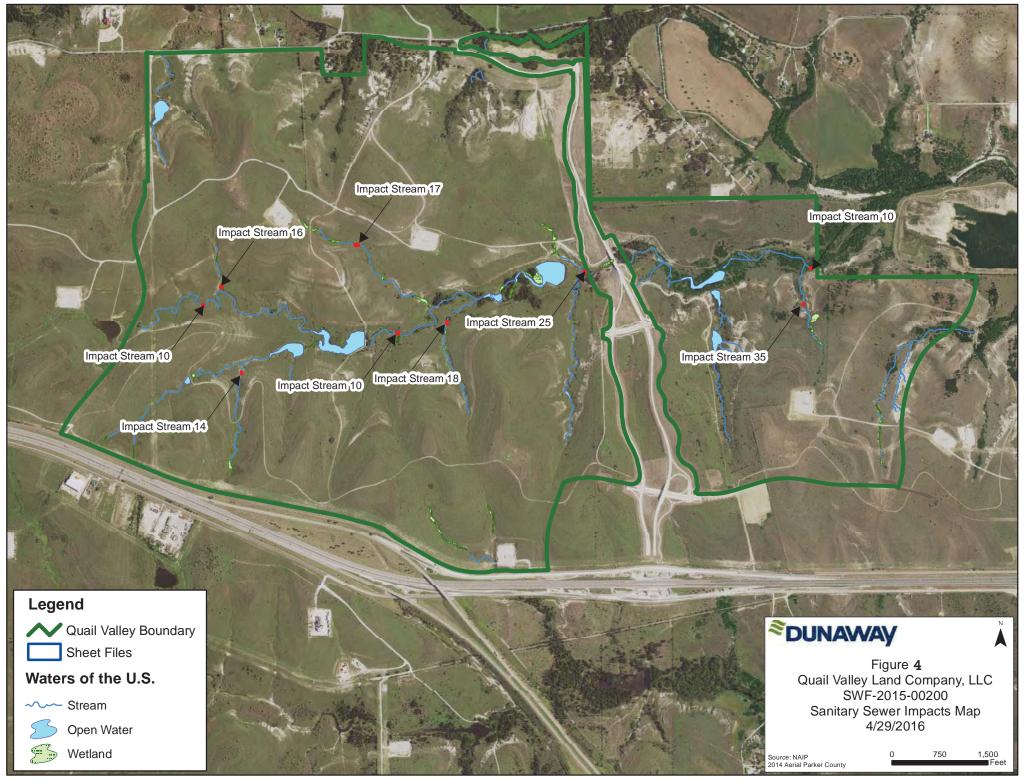


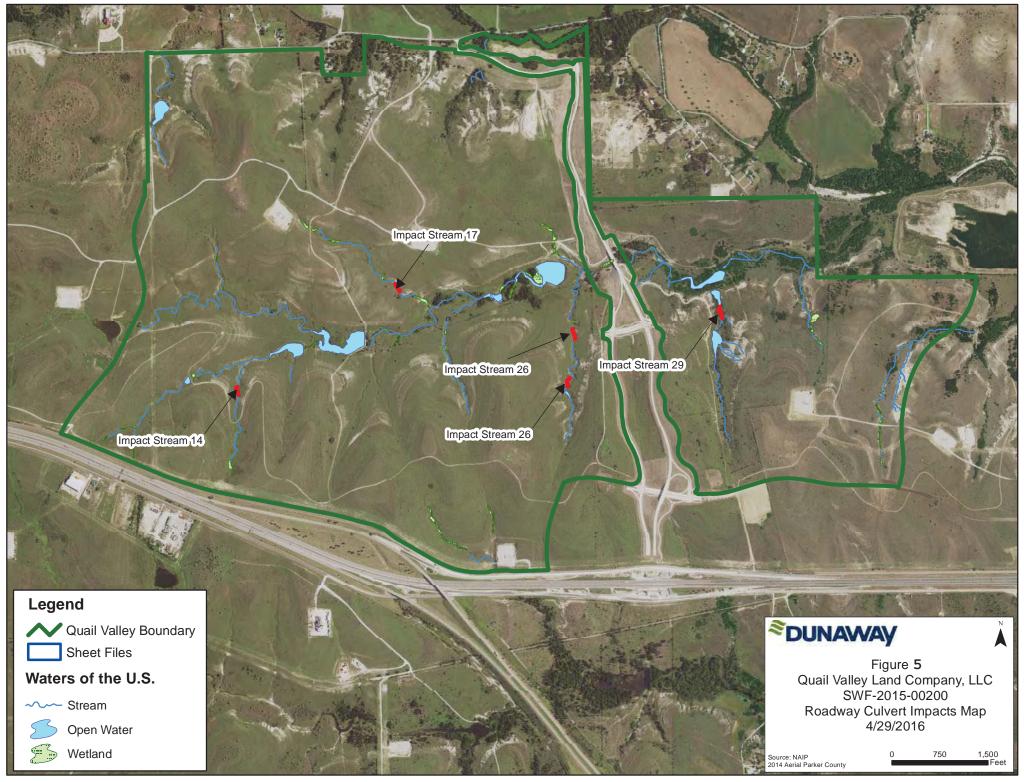


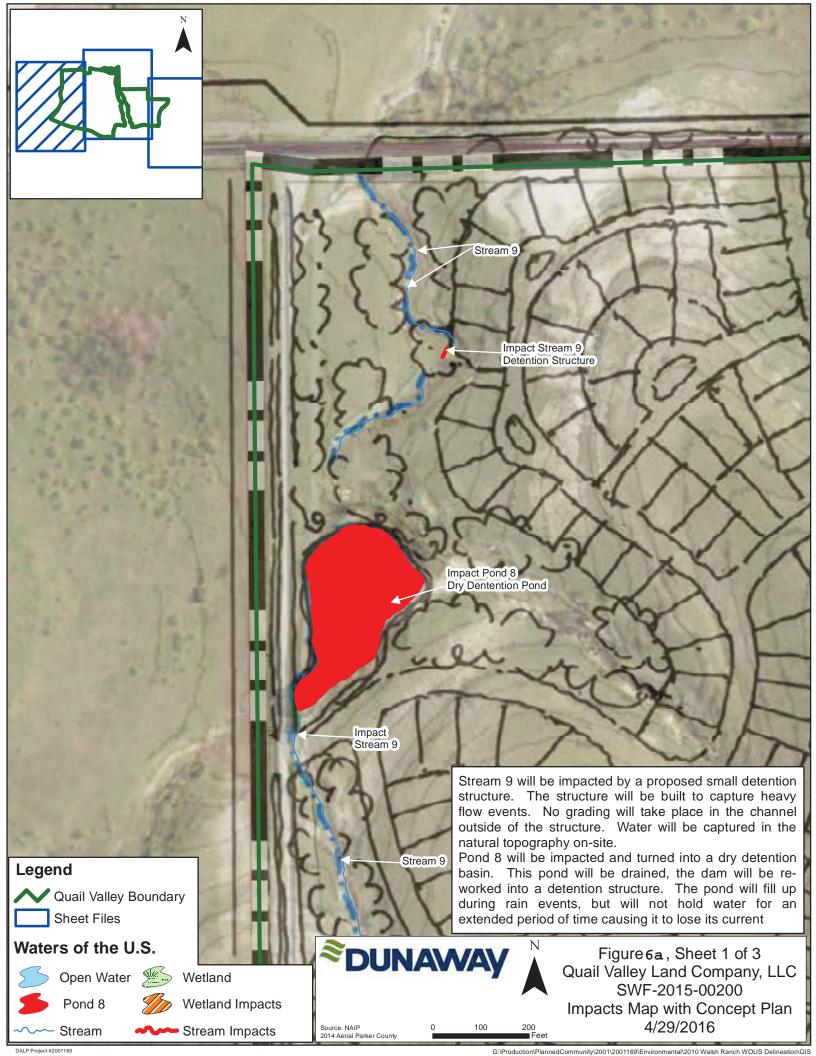


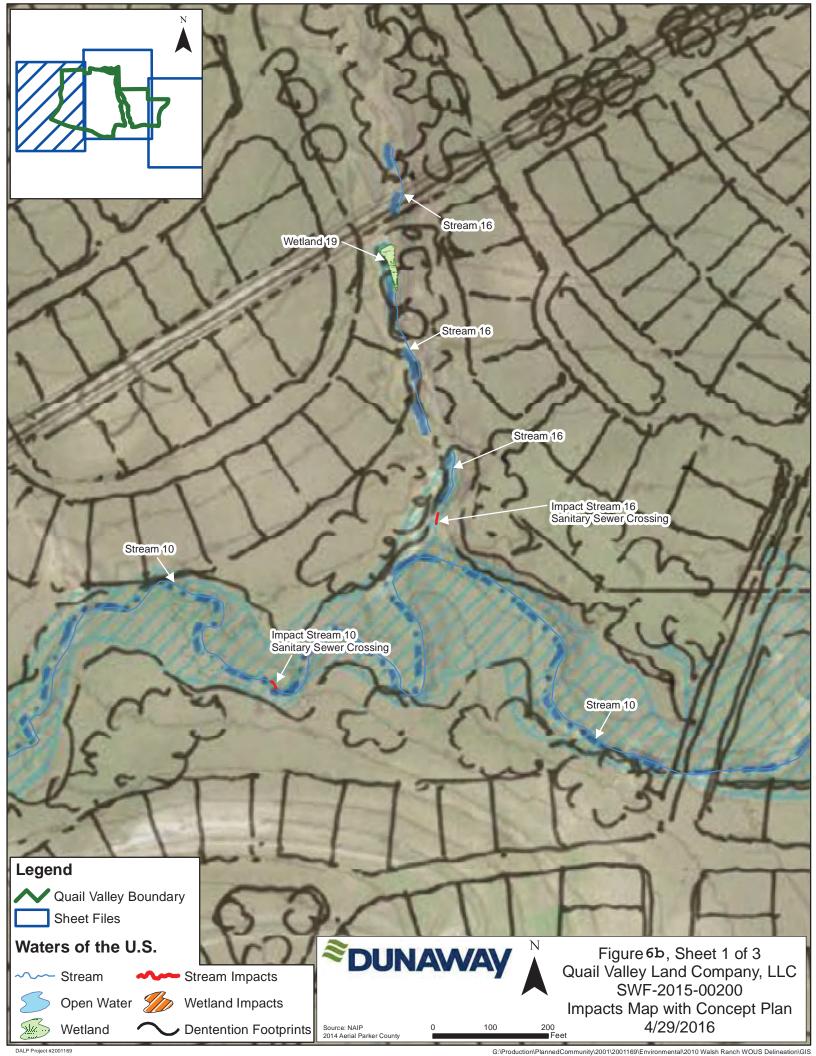


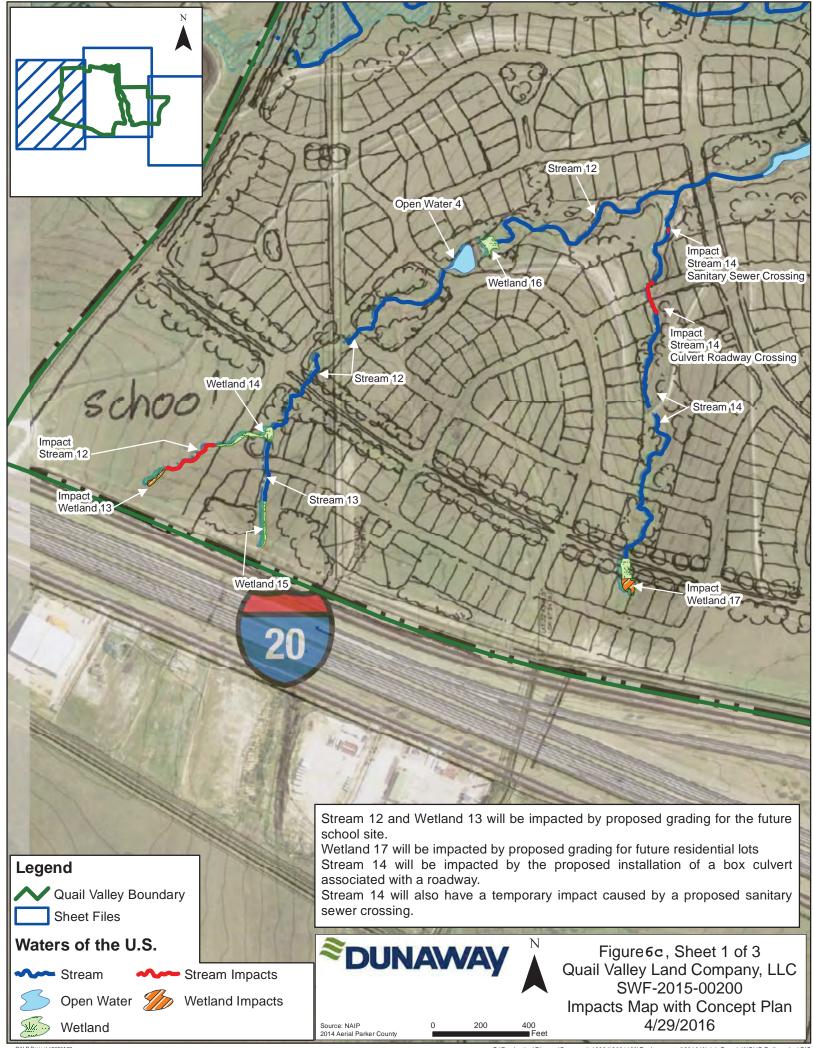


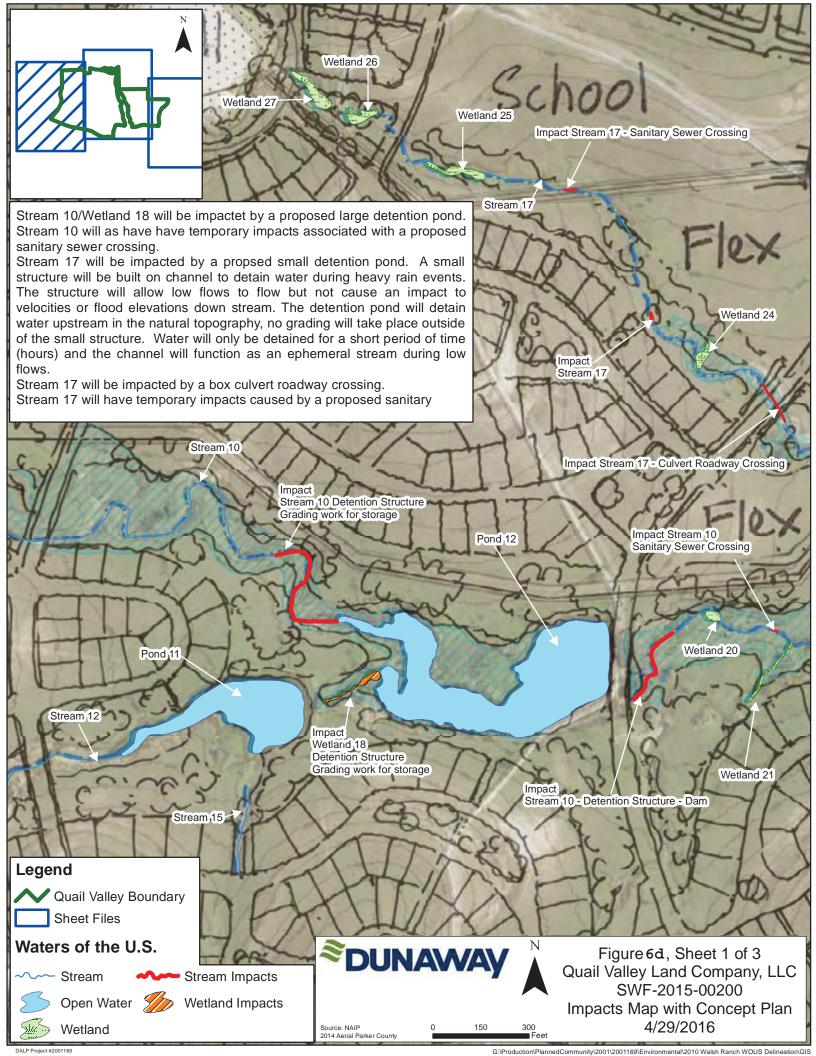


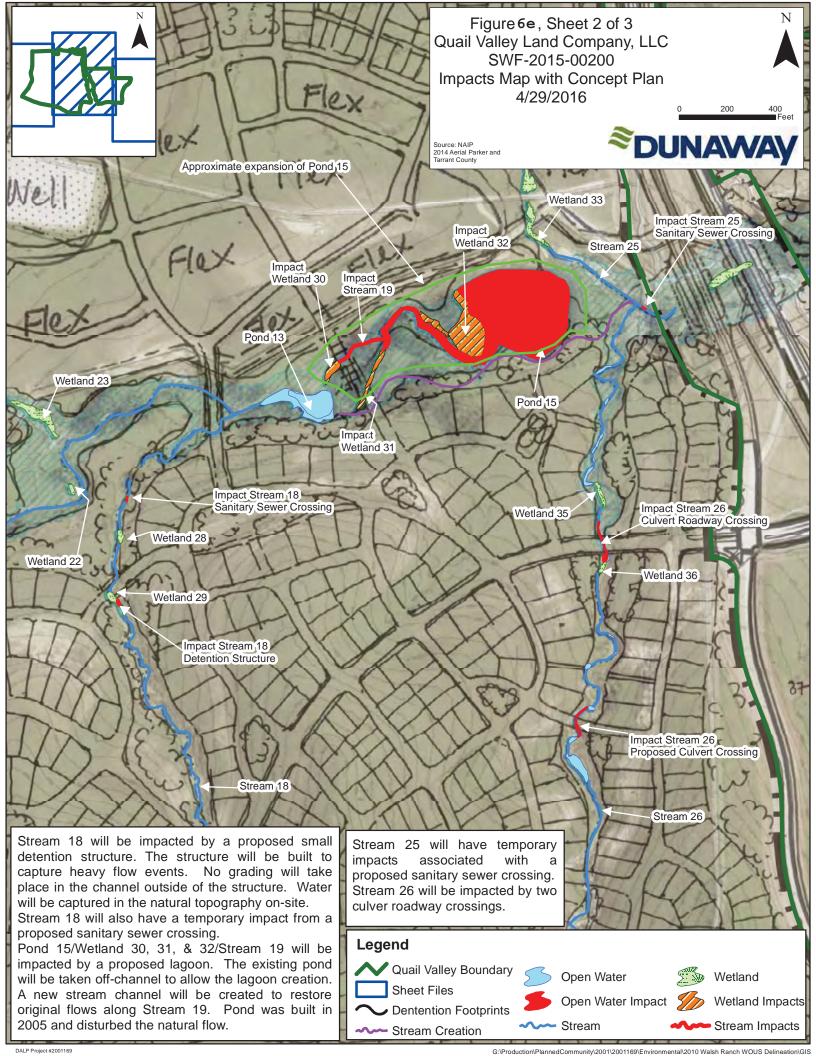


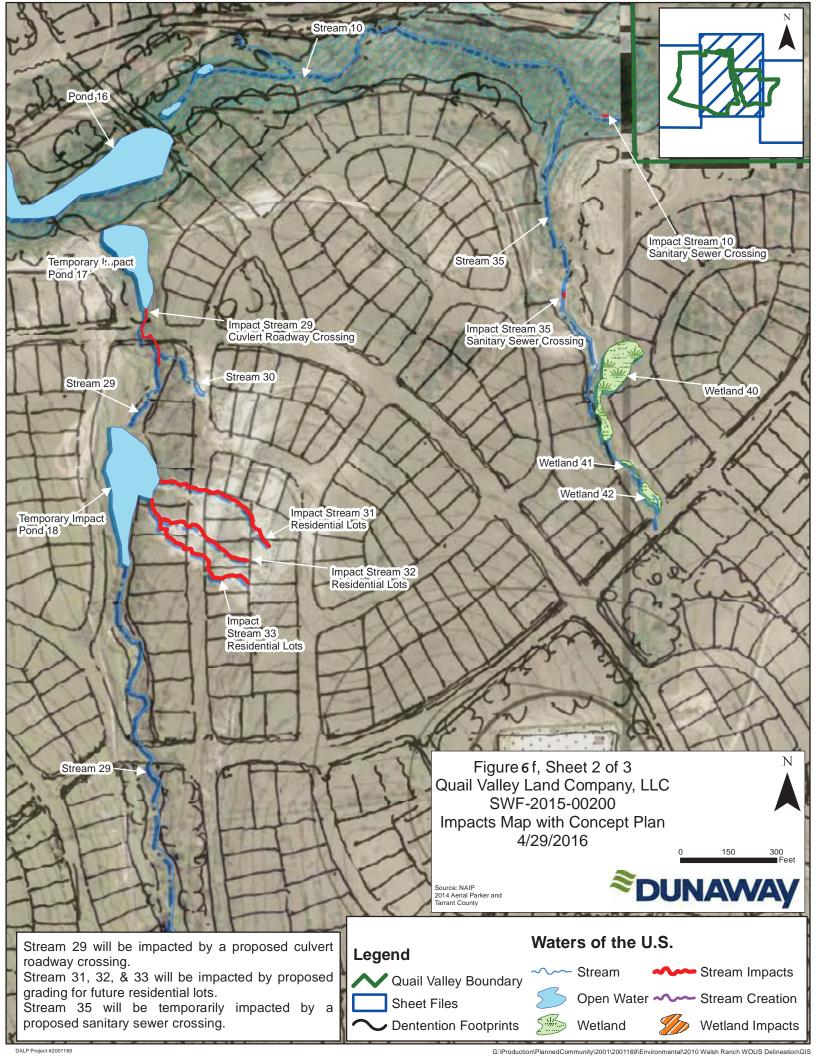


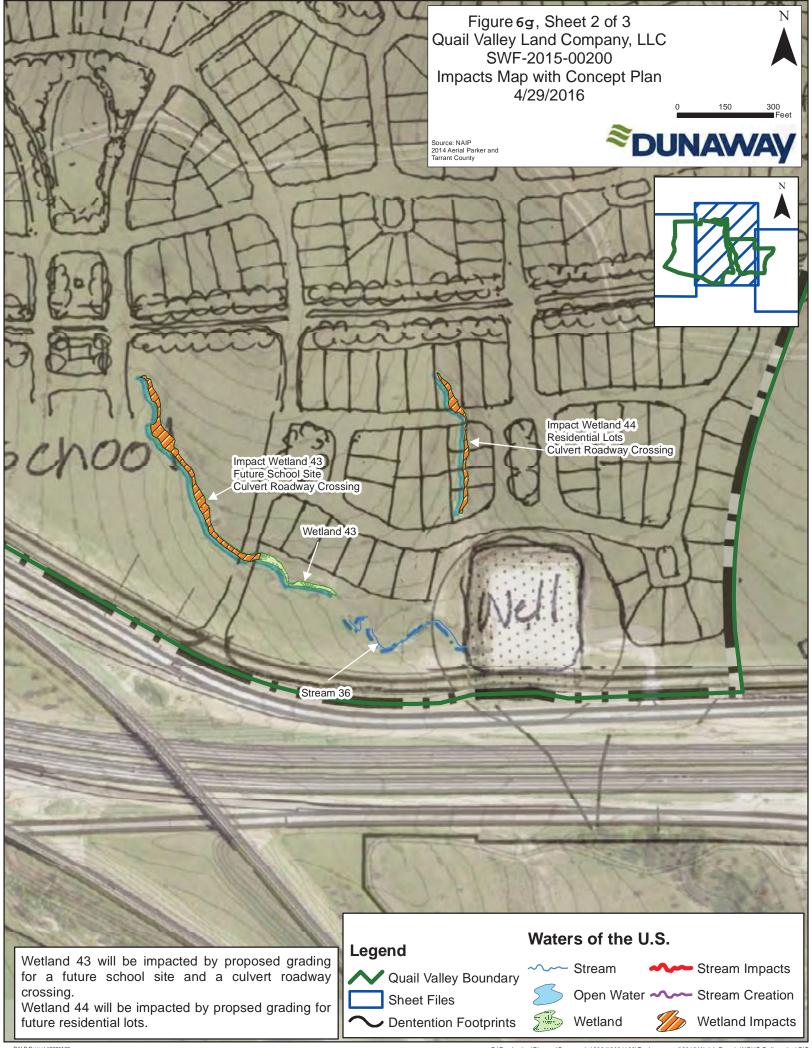


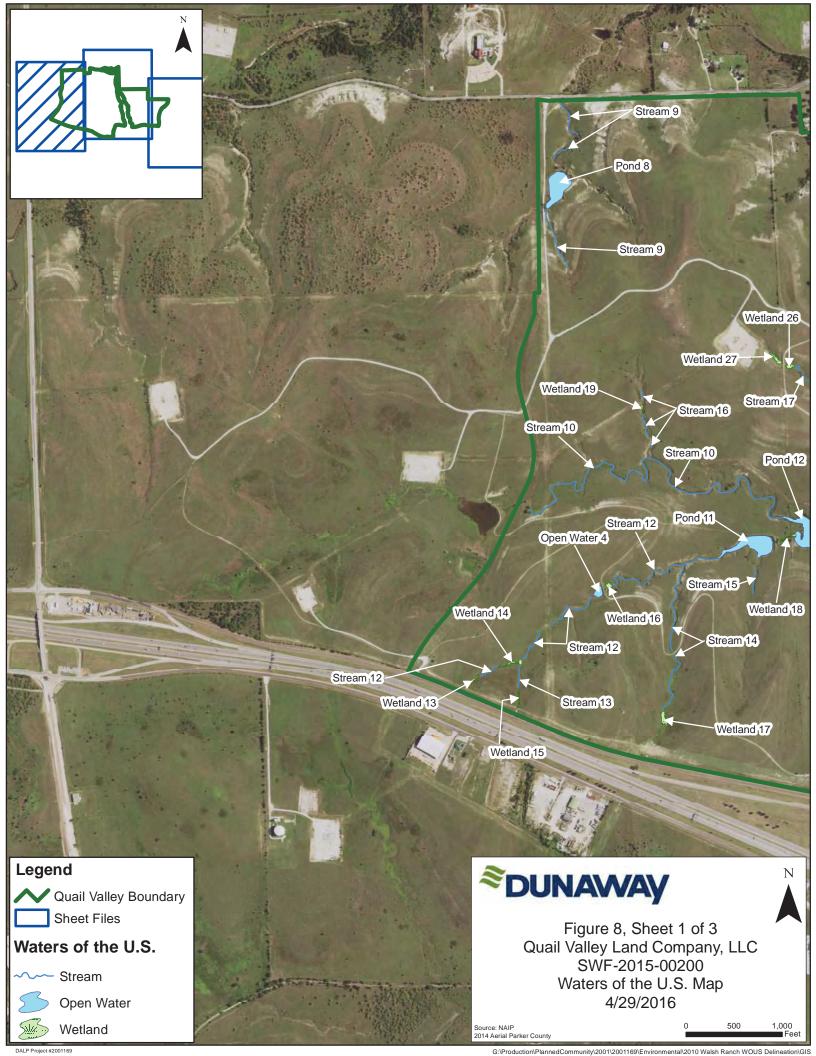


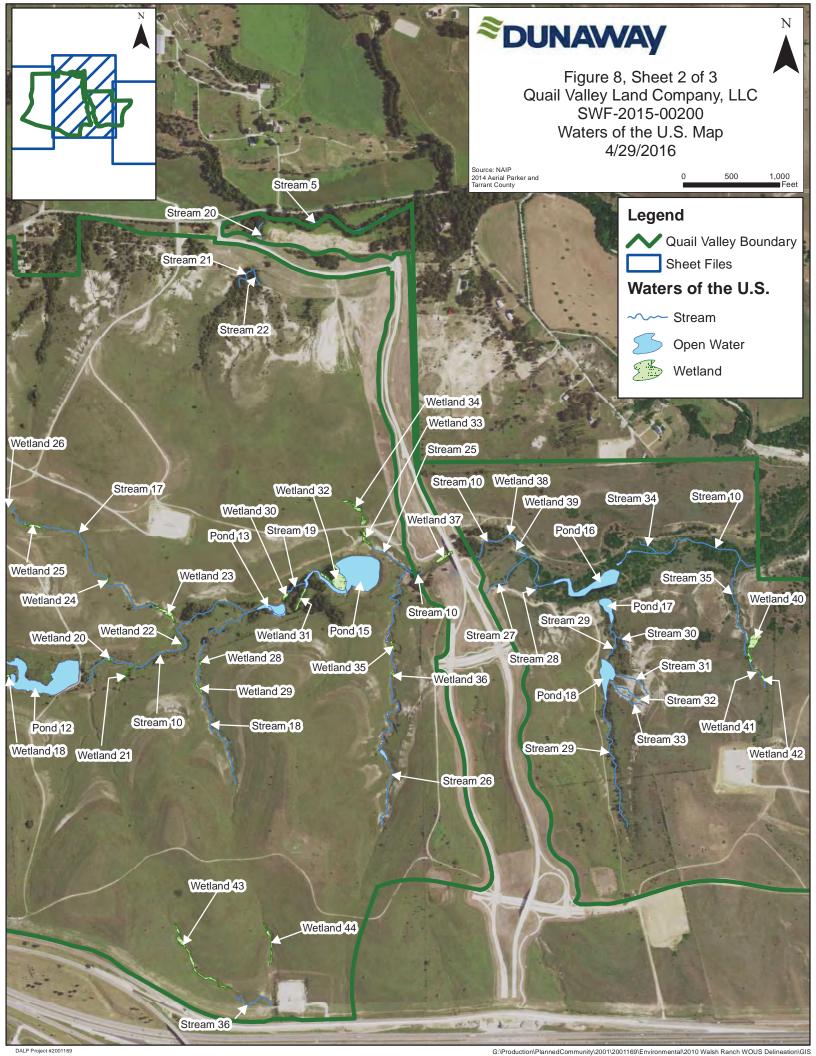


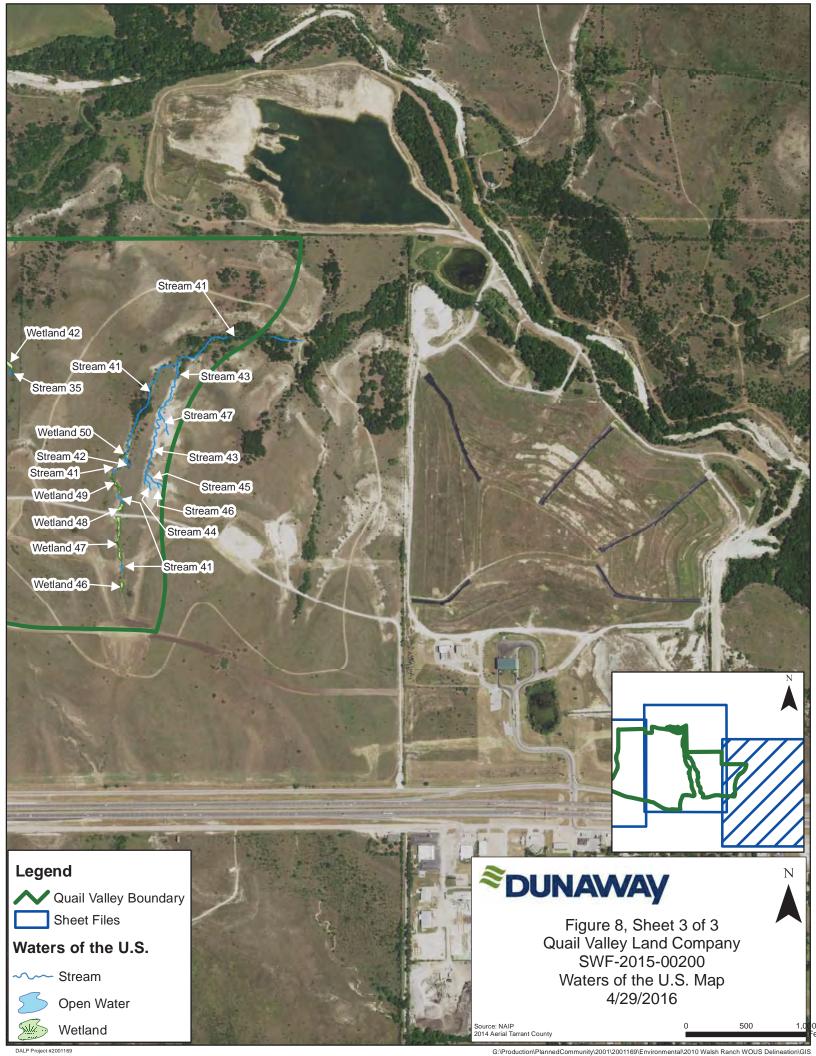




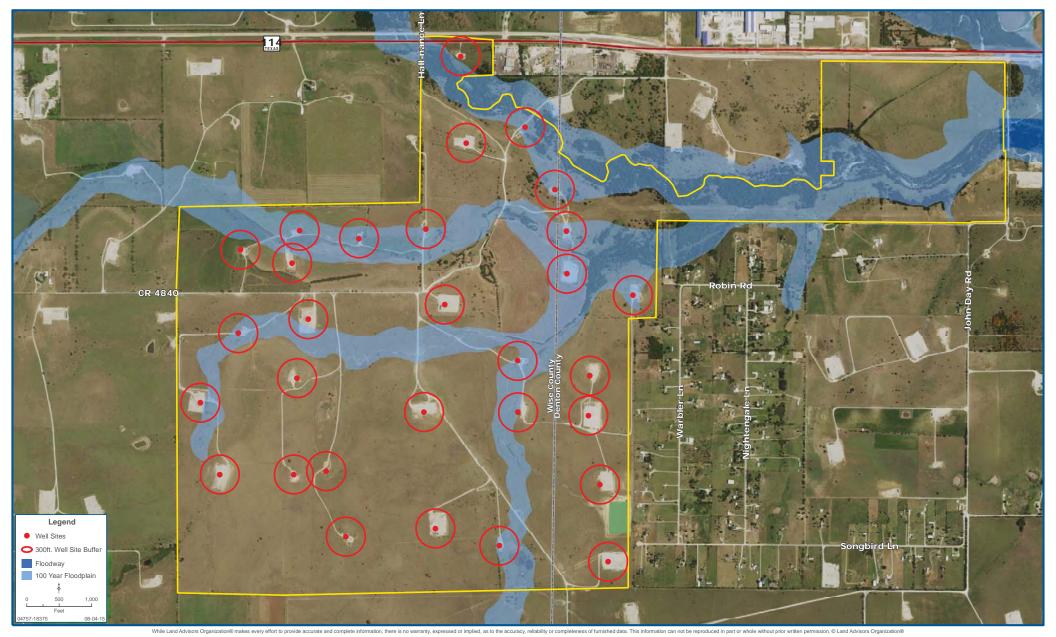




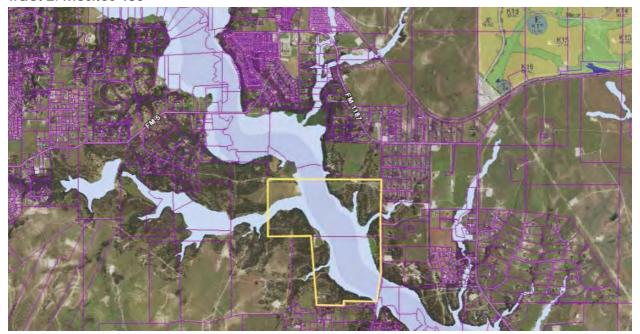








Off-Site Alternative 2 Tract 2: Mosites 485



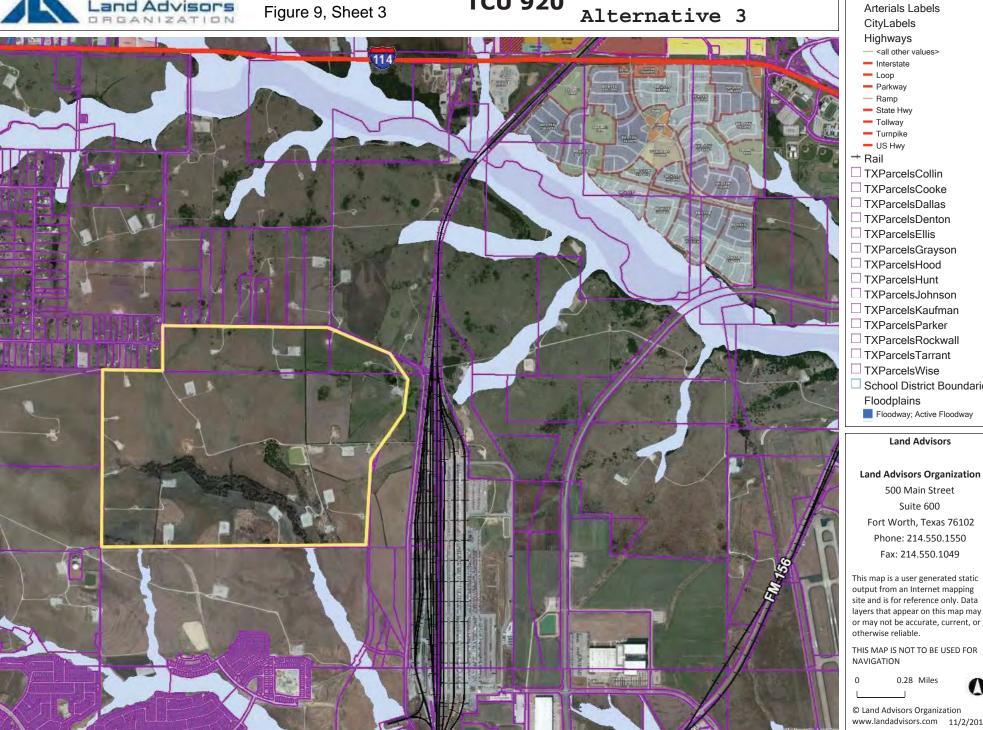
The above-referenced property is an approximately 485-acre tract situated along a rural Kelly Road location in Parker County, Texas. The site is greatly impacted by flood, leaving approximately 50% of the site available for development. Potentially less. Currently, the site does not benefit from water/sewer connection. Water could theoretically be extended to the site from existing City of Aledo lines that terminate at the Brookhollow development several miles to the north along FM 1187 (perhaps insert a proposed cost here). Access to areas of the site west of the flood could require a substantial bridge at a substantial cost.



SWF-2015-00200

TCU 920





Legend

- School District Boundaries

Fort Worth, Texas 76102

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or



www.landadvisors.com 11/2/2015

Traditions - Off-Site Alternative 4

