



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

# Public Notice

Applicant: Reagan & FM 2243 Ltd.

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Project No.: SWF-2007-00174

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Date: June 15, 2017

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## Purpose

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. Eric Dephouse, Project Manager

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Phone Number: 817-886-1820

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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 construction of a commercial facility in the city of Leander, Williamson County, Texas.

**APPLICANT:** Reagan & FM 2243 Ltd.  
c/o Mr. Barrett Lepore  
100 Congress Avenue, Suite 1450  
Austin, Texas 78701

**APPLICATION NUMBER:** SWF-2007-00174

**DATE ISSUED:** June 15, 2017

**LOCATION:** The proposed commercial facility would be located on an unnamed intermittent tributary to Brushy Creek, south of Farm-to-Market Road 2243 and east of Ronald Reagan Boulevard, in the city of Leander, Williamson County, Texas. The project area is centered at approximately 30.582° latitude and -97.803° longitude on the Leander 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 120702050401.

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

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 264 cubic yards of dredged and fill material into approximately 0.16 acre of waters of the United States in conjunction with the construction of a retail commercial development. Total proposed impacts to waters of the U.S. include permanent impacts to approximately 1430 linear feet (0.16 acre) of ephemeral stream.

**EXISTING CONDITIONS:** The approximate 10-acre tract of land is generally shaped as a long and slender rectangle. The majority of the unnamed tributary divides the project area into 2 equal east and west halves and traverses the project area in a north to south direction. The applicant is proposing to relocate the unnamed ephemeral tributary along the eastern property boundary to maximize developable area. Approximately 1,430 linear feet of ephemeral tributary would be filled as a result of this project and recreated and relocated along the eastern property boundary. The existing site currently includes single family residential development with perennial Brushy Creek meandering through the adjacent Sarita Valley Residential development. This ephemeral tributary to Brushy Creek is located on the commercial tract addressed in this application and located immediately adjacent to Brushy Creek.

**PROJECT HISTORY:** The proposed commercial development was previously authorized for construction under Nationwide Permit 39 for Commercial and Institutional Developments (SWF 2007-00174) issued on 19 January 2011. Also at that time, the residential portion of the site was authorized under Nationwide Permit 29

for Residential Developments. Construction was initiated on the adjacent residential development soon thereafter which included all off-site mitigation requirements pursuant to impacts on both the residential and commercial tracts even though commercial development had not been initiated. The original mitigation plan dated 12 January 2011 required the preservation of 3660 LF (3.36 acres) of perennial stream (Brushy Creek) and 3.64 acres of associated riparian buffer for a total of 7.0 acres, with a total of 10.64 acres to be placed under a conservation easement held by the City of Leander. The conservation easement area is part of their master-planned trail system along Brushy Creek. The Applicant has stated that the parkland dedication to the City was actually in excess of 24 acres. The commercial tract proposed in this application was never developed and the previous authorized permit expired on 18 March 2012.

A second Nationwide permit application was then prepared and submitted for only the commercial development on 2 May 2016. The USACE determined that the commercial development could no longer be authorized by Nationwide Permit 39 and an individual permit application was prepared and submitted on 23 December 2016, the details of which are addressed in this public notice.

**ALTERNATIVE SITES AND ALTERNATIVE LAYOUTS:** The applicant has prepared a preliminary alternatives analysis. The USACE has not evaluated the applicant's alternatives analysis. The applicant's stated project purpose is construction of a commercial development.

#### No-Action Alternative

The No-Action Alternative would be the least environmentally damaging because it would not involve any construction activities that would impact waters of the U.S. The No-Action Alternative would not meet the need and purpose of the proposed project and is therefore not practicable. The No-Action Alternative provides potential insight into consequences if a project is not built and is not used as a baseline to compare other alternatives against.

#### Off-Site Alternatives

The applicant currently owns the property addressed in this application and did not specifically pursue other alternatives. However, being involved with several commercial development projects in the Central Texas area, the applicant believes there are no other suitable commercial tracts, located next to a newly developed residential subdivision, and at a major intersection of two thoroughfares which would be available for development and or purchase. Additionally, the applicant believes most other tracts of land in this general area have significant environmental constraints, including waters of the US, sensitive Edwards Aquifer Recharge Features, significant cultural resource sites located near Brushy Creek, and/or endangered species habitat.

#### On-Site Alternatives

The applicant believes that alternatives to the proposed natural meandering channel that would be recreated on-site include construction a low maintenance concrete ditch referenced as Option 1 on the attached exhibits, or construction of an underground storm sewer to replace the existing ephemeral tributary and handle on-site stormwater flows. The proposed highly sinuous and geographically constrained relocated channel (option 2) was deemed by the applicant to have the least environmental impacts while still accomplishing the desired outcome of having a developable commercial tract located adjacent to the existing residential development which could provide commercial services for the local residents.

**COMPENSATORY MITIGATION:** To offset unavoidable adverse impacts to waters of the U.S., the applicant proposes to recreate and relocate the existing ephemeral tributary along the eastern boundary of the tract as an approximately 1,025 LF reach of highly sinuous geographically confined constructed channel that would flow into Brushy Creek. The Applicant would dedicate in perpetuity to the City of Leander, land adjacent to Brushy Creek that would be incorporated into the City's master planned park and trail system.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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

**ENDANGERED AND THREATENED SPECIES:** The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any endangered species may occur in the project area. The proposed project would be located in Williamson County where the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), bald eagle (*Haliaeetus leucocephalus*), piping plover (*Charadrius melodus*), a the golden-cheeked warbler (*Setophaga chrysoparia*), black-capped vireo (*Vireo atricapillus*), Georgetown salamander (*Eurycea naufragia*), Jollyville Plateau salamander (*Eurycea tonkawae*) and Bone Cave harvestman (*Texella reyesi*), Coffin Cave mold beetle (*Batrissodes texanus*), and Tooth Cave ground beetle (*Rhadine persephone*) are known to occur or may occur as migrants. 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.

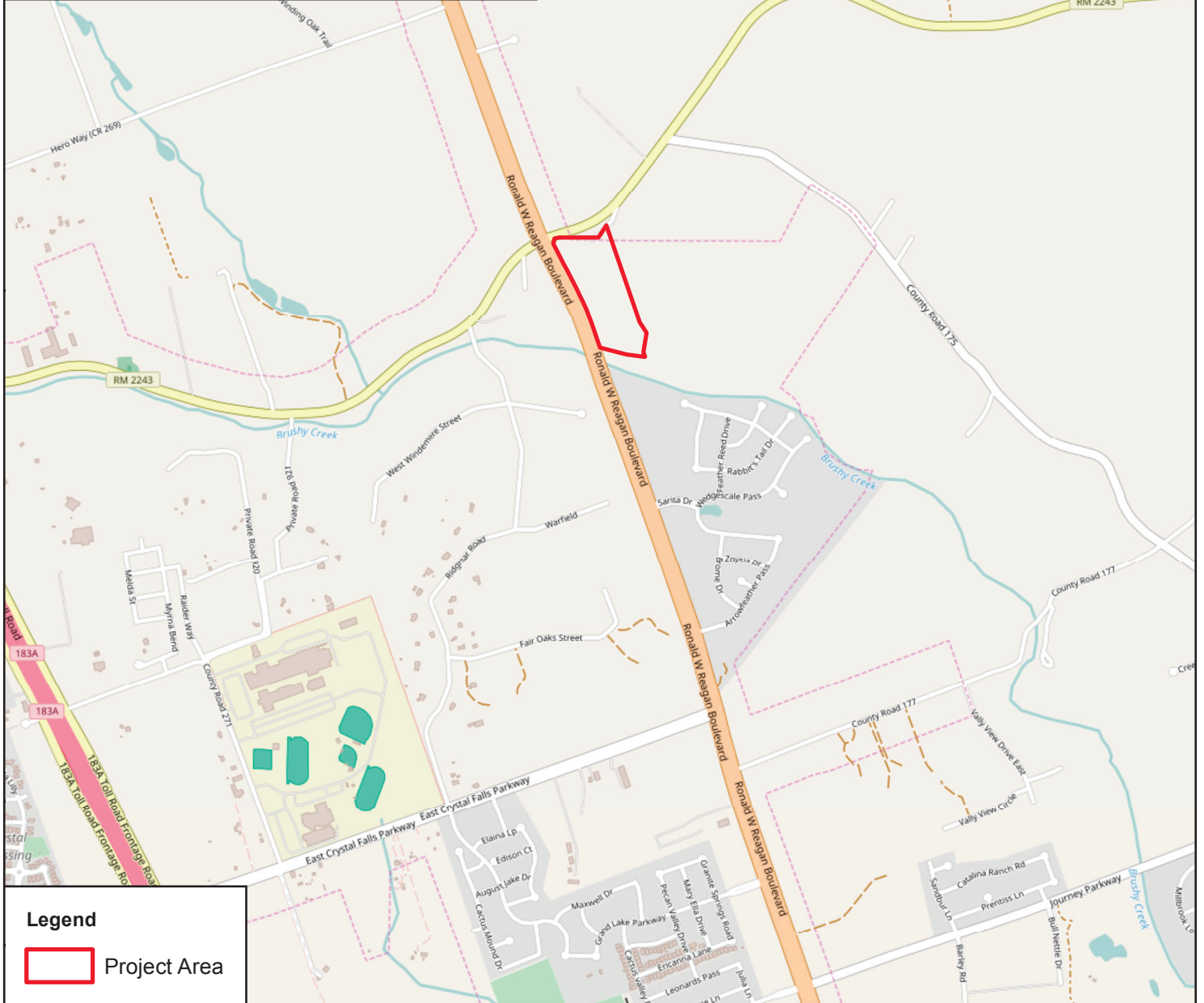
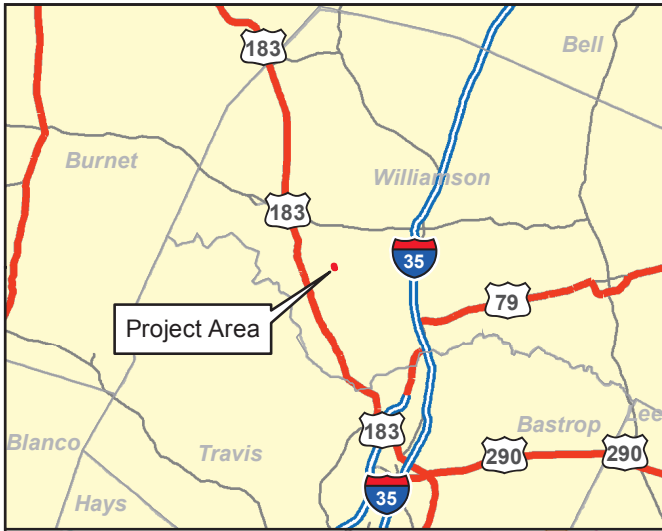
**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 July 15, 2017, 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: Mr. Eric Dephouse; 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) 886-1820. 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



**Legend**

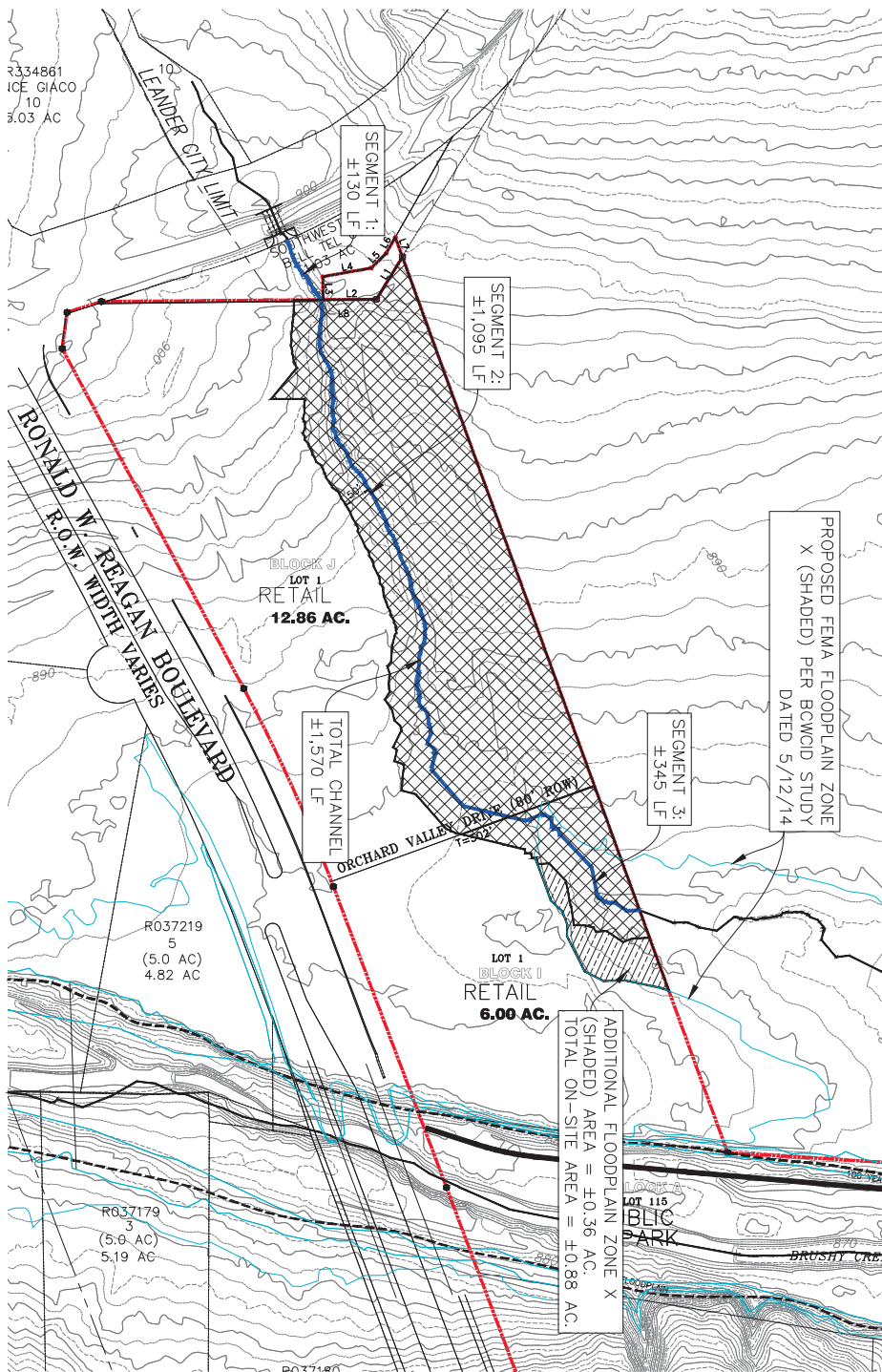
Project Area

**Horizon**  
Environmental Services, Inc.

Date:	11/29/2016
Drawn:	SBF
HJN NO:	080096 2 PA
Source:	OSM, 2016

**Figure 1**  
Vicinity Map  
Sarita Valley Ranch Commercial Tract  
Ronald Reagan Blvd and RM 2243  
Leander, Williamson County, Texas



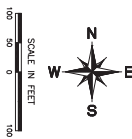


PROPOSED FEMA FLOODPLAIN ZONE X (SHADED) PER BCWCD STUDY DATED 5/12/14

ADDITIONAL FLOODPLAIN ZONE X (SHADED) AREA = 10.36 AC. TOTAL ON-SITE AREA = 10.88 AC.

PROPOSED CONDITIONS OPTION 2 SUMMARY

LOT	NET (AC)	FEMA LOSS NET (AC)	PROP. AREA (AC)	NET (AC)	FEMA LOSS NET (AC)
RETAIL 1	12.86	2.23	10.63	10.63	0.00
RETAIL 2	6.00	0.62	5.38	0.64	4.74



- NOTES:
1. TOPOGRAPHY AND FLOODPLAIN BASED UPON CARROLL AND CITY OF LEANDER GIS DATA. NO WARRANTY IS EXPRESSED OR IMPLIED AS TO THEIR ACCURACY.
  2. MODERATE FLOOD HAZARD USUALLY BETWEEN THE UNITS OF THE 100-YEAR AND 500-YEAR FLOODS.

1 SHEET

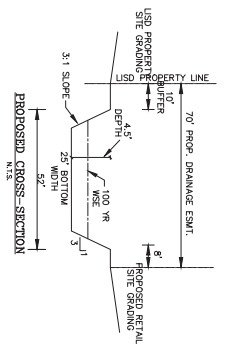
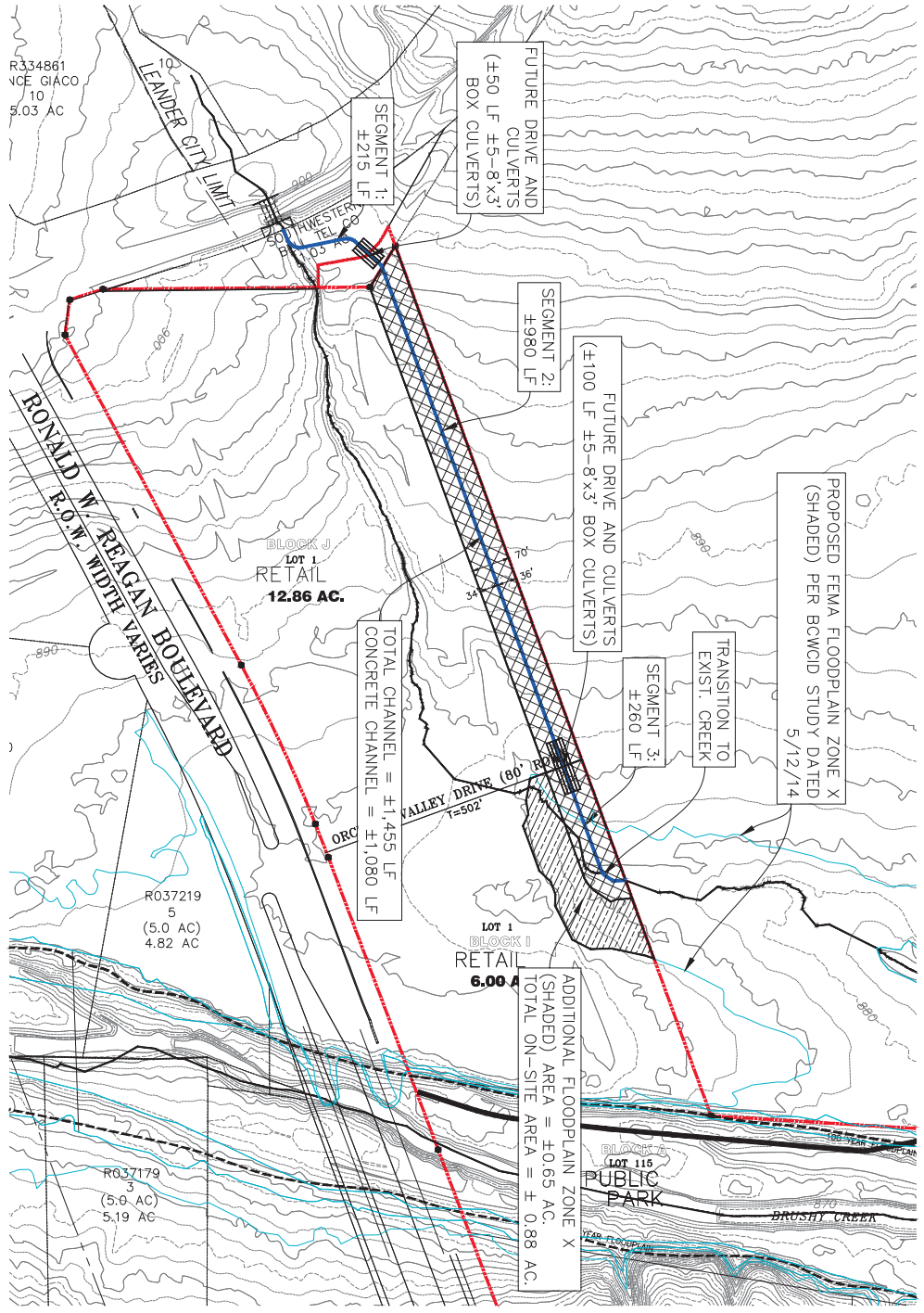
Scale: AS SHOWN  
 Designed by:  
 Drawn by:  
 Checked by:  
 Date: AUGUST 2016  
 Project No.

EXISTING CONDITIONS

SARITA VALLEY RETAIL  
 LEANDER, TEXAS

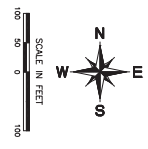


360 PROFESSIONAL SERVICES, INC.  
 TEXAS REGISTRATION F4832  
 P.O. BOX 3630  
 CLEAR PARK, TEXAS 78630  
 PHONE: (512) 354-4662  
 FAX: (512) 900-7962



PROPOSED CONDITIONS OPTION 1 SUMMARY

LOT	AREA (AC)	PERCENT FLOODPLAIN	PERCENT FLOODPLAIN	PERCENT FLOODPLAIN
LOT 1	12.86	1.57	11.28	0.65
LOT 115	6.00	0.41	5.99	0.05
TOTAL	18.86	2.00	17.27	0.70



- NOTES:
1. Topography and Floodplain based upon current maps and City of Leander GIS data. No warranty is made as to the accuracy of this information.
  2. Moderate Flood Hazard. Usually between the 100-year and 500-year return periods.

Scale: AS SHOWN  
 Designed by:  
 Drawn by:  
 Checked by:  
 Date: AUGUST 2016  
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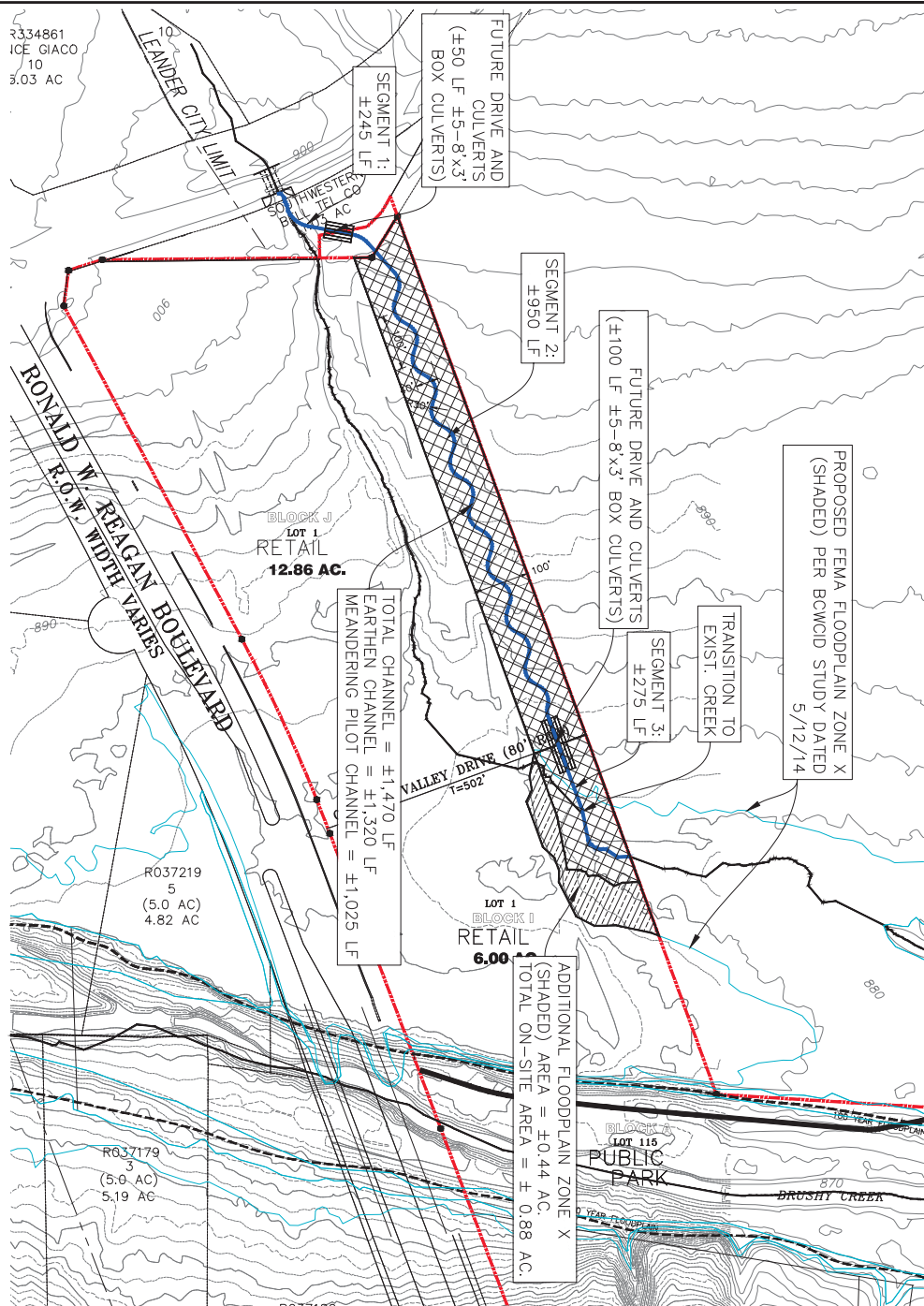
PROPOSED CONDITIONS  
 OPTION 1  
 CONCRETE CHANNEL

SARITA VALLEY RETAIL  
 LEANDER, TEXAS



TEXAS REGISTRATION F4832  
 P.O. BOX 3630  
 CLEAR PARK, TEXAS 78630  
 PHONE: (512) 354-4662  
 FAX: (512) 900-7962





PROPOSED FEMA FLOODPLAIN ZONE X  
(SHADED) PER BCOWD STUDY DATED  
5/12/14

TOTAL CHANNEL = ±1,470 LF  
EARTHEN CHANNEL = ±1,320 LF  
MEANDERING PILOT CHANNEL = ±1,025 LF

ADDITIONAL FLOODPLAIN ZONE X  
(SHADED) AREA = ±0.44 AC.  
TOTAL ON-SITE AREA = ±0.88 AC.

R334861  
ICE GIACO  
10  
3.03 AC

RONALD W. REAGAN BOULEVARD  
LEADER CITY LIMIT

SEGMENT 1:  
±245 LF  
FUTURE DRIVE AND  
CULVERTS  
(±50 LF ±5-8'x3'  
BOX CULVERTS)

SEGMENT 2:  
±950 LF  
FUTURE DRIVE AND CULVERTS  
(±100 LF ±5-8'x3'  
BOX CULVERTS)

SEGMENT 3:  
±275 LF  
TRANSITION TO  
EXIST. CREEK

R037219  
5  
(5.0 AC)  
4.82 AC

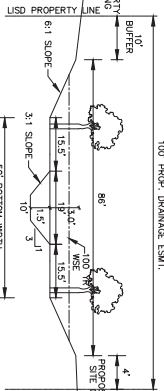
R037179  
3  
(5.0 AC)  
5.19 AC

LOT 1  
BLOCK I  
RETAIL  
6.00

LOT 115  
PUBLIC  
PARK

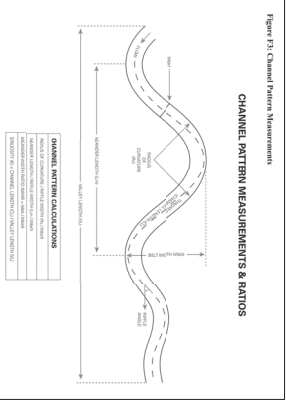
PROPOSED CONDITIONS OPTION 2 SUMMARY

LOT	GROSS SITE AREA (AC)	NET (AC)	FEMA LOSS NET (AC)	PROP. NET (AC)	FEMA LOSS NET (AC)	NET (AC)
RETAIL 1	12.86	2.23	10.63	10.63	10.63	10.63
RETAIL 2	6.00	0.62	5.38	0.64	4.94	4.94



PROPOSED CROSS-SECTION  
N/A

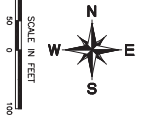
HYDRAULIC CALCULATIONS:  
 Channel Length = 1320 LF  
 Channel Width = 50 FT  
 Channel Slope = 0.0015  
 Manning's n = 0.045  
 Peak Flow = 10,000 cfs @ 100-year return period  
 Peak Stage = 15.5 FT  
 Peak Velocity = 1.5 FT/SEC  
 Peak Time of Arrival = 1.5 HRS  
 Peak Time of Descent = 1.5 HRS  
 Peak Time of Base = 1.5 HRS  
 Peak Time of Recession = 1.5 HRS  
 Peak Time of End = 1.5 HRS  
 Peak Time of Start = 1.5 HRS  
 Peak Time of Total = 1.5 HRS  
 Peak Time of Duration = 1.5 HRS  
 Peak Time of Frequency = 1.5 HRS  
 Peak Time of Interval = 1.5 HRS  
 Peak Time of Period = 1.5 HRS  
 Peak Time of Return = 1.5 HRS  
 Peak Time of Risk = 1.5 HRS  
 Peak Time of Safety = 1.5 HRS  
 Peak Time of Security = 1.5 HRS  
 Peak Time of Soundness = 1.5 HRS  
 Peak Time of Stability = 1.5 HRS  
 Peak Time of Surety = 1.5 HRS  
 Peak Time of Success = 1.5 HRS  
 Peak Time of Sustainment = 1.5 HRS  
 Peak Time of Support = 1.5 HRS  
 Peak Time of Supply = 1.5 HRS  
 Peak Time of Survival = 1.5 HRS  
 Peak Time of Sustainability = 1.5 HRS  
 Peak Time of Survival = 1.5 HRS  
 Peak Time of Sustainability = 1.5 HRS  
 Peak Time of Survival = 1.5 HRS  
 Peak Time of Sustainability = 1.5 HRS



PILOT CHANNEL PATTERNS CALCULATION

Parameter	Proposed	Minimum	Maximum
Radius of Curvature	30	30	30
Bank Width	40	40	40
Mander Length	100	100	100
Channel Length	1025	1025	1025
Channel Slope	0.0015	0.0015	0.0015
Channel Width	50	50	50
Channel Depth	15.5	15.5	15.5
Channel Velocity	1.5	1.5	1.5
Channel Time	1.5	1.5	1.5

NOTES:  
 1. PROPOSED CHANNEL PATTERNS ARE BASED UPON CROSS-SECTION AND CITY OF LEANDER SPECIFICATIONS. NO WARRANTY IS EXPRESSED OR IMPLIED AS TO THEIR ACCURACY.  
 2. MODERATE FLOOD HAZARD, USUALLY BETWEEN THE UNITS OF THE 100-YEAR AND 500-YEAR RETURN PERIODS.



Scale: AS SHOWN  
 Designed by:  
 Drawn by:  
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 Date: AUGUST 2016  
 Project No.

PROPOSED CONDITIONS  
 OPTION 2  
 EARTHEN CHANNEL

SARITA VALLEY RETAIL  
 LEANDER, TEXAS



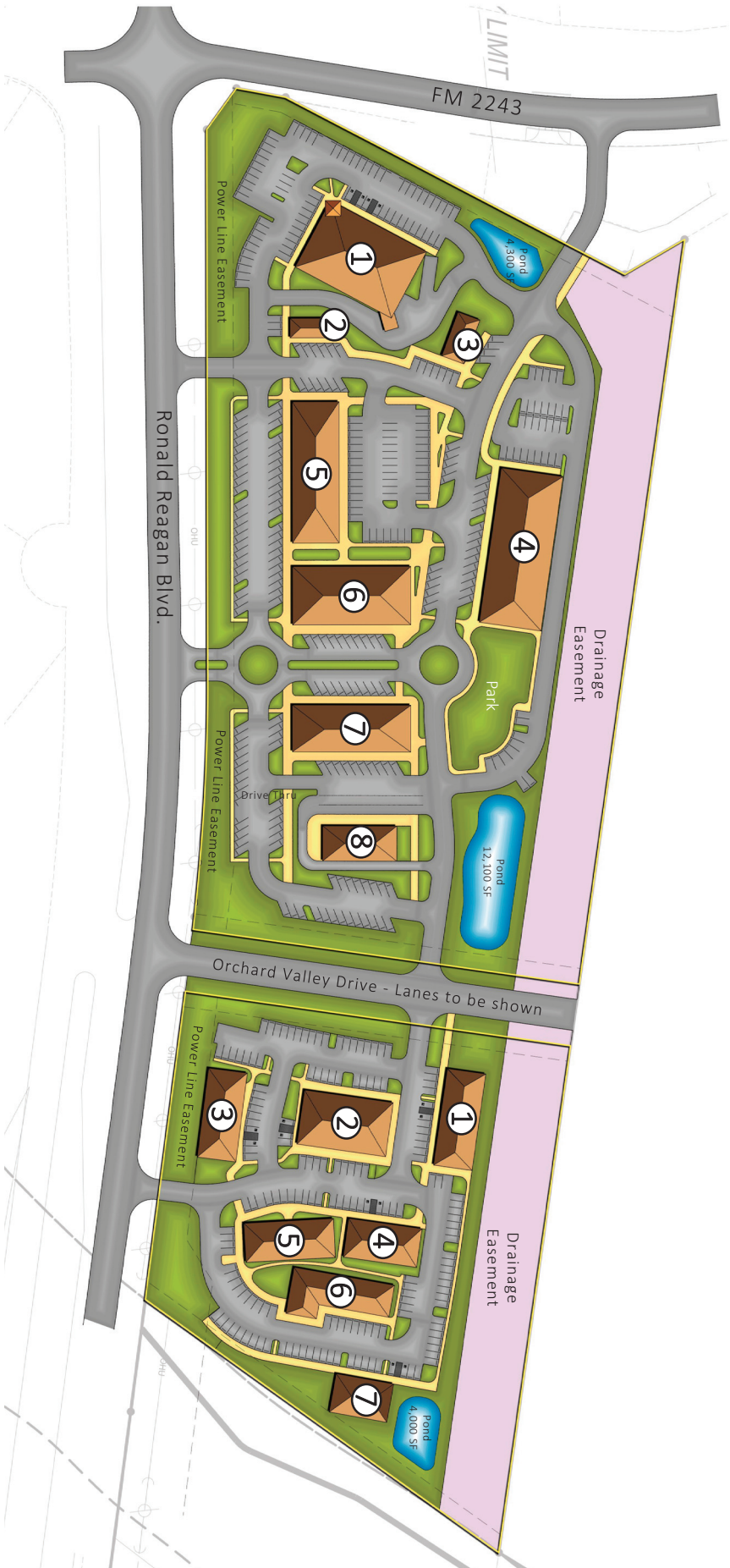
TEXAS REGISTRATION F4832  
 P.O. BOX 3630  
 CLEAR PARK, TEXAS 78630  
 PHONE (512) 354-4682  
 FAX (512) 900-7962

# SARITA VALLEY



COMMERCIAL TRACT - PLAN 1B

June 3, 2015



**COMMERCIAL TRACT**

Building 1 - 13,500 Sq.ft. - Required Parking - 50	Building 5 - 10,900 Sq.ft. - Required Parking - 40
Building 2 - 1,250 Sq.ft. - Required Parking - 5	Building 6 - 11,400 Sq.ft. - Required Parking - 42
Building 3 - 1,800 Sq.ft. - Required Parking - 7	Building 7 - 9,125 Sq.ft. - Required Parking - 34
Building 4 - 16,000 Sq.ft. - Required Parking - 59	Building 8 - 4,275 Sq.ft. - Required Parking - 57

**Total - 68,250 Sq.ft. • Required Parking - 294 • Provided Parking - 329 (+11%)**

**OFFICE TRACT**

Building 1 - 6,250 Sq.ft. Required Parking - 23	Building 5 - 5,750 Sq.ft. Required Parking - 21
Building 2 - 8,050 Sq.ft. Required Parking - 30	Building 6 - 6,200 Sq.ft. Required Parking - 23
Building 3 - 5,750 Sq.ft. Required Parking - 21	Building 7 - 3,750 Sq.ft. Required Parking - 14
Building 4 - 4,750 Sq.ft. Required Parking - 18	

**Total - 40,500 Sq.ft. • Required Parking - 150 • Provided Parking - 169 (+12%)**